

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA,  
Plaintiff,**

**VS.**

**Civil Action No. 13-1832 (JDB)**

**ALL ASSETS HELD IN ACCOUNT NUMBER  
80020796, IN THE NAME OF  
DORAVILLE PROPERTIES CORPORATION,  
AT DEUTSCHE BANK INTERNATIONAL,  
LIMITED IN JERSEY, CHANNEL ISLANDS,  
AND ALL INTEREST, BENEFITS, OR ASSETS  
TRACEABLE THERETO, et al.,  
Defendants.**

**SUPPLEMENTARY SUBMISSION TO AMICUS BRIEF**

Now comes Amicus with a supplementary submission in respect of the afore-filed Amicus. Since the matters addressed herein, relate specifically to emergent events, findings and developments specifically referenced in the main Amicus Brief, Amicus respectfully seeks to submit same as an addendum and amplification without requiring leave of court, other than that originally prayed the court.

Now therefore, Movant Amicus adds and amplifies as follows:

**1. IMPACT AND IMPLICATIONS OF NIGERIA'S FEBRUARY  
PRESIDENTIAL ELECTIONS ON THIS LITIGATION**

In Amicus' final of several recommendations to the court in the primary Amicus Brief, he posited that the court consider adjourning this matter sine die pending regime change in Nigeria in impending elections. This was to enable non-conflicted officials at the highest levels of a new government, unlike the status quo, who would owe unflinching and unimpeachable fealty to the nation and citizenry and cooperate with the United States to forfeit and recover this latest iteration of the notorious Abacha loot.

This secondary submission updates the court on last February's elections. Gen. Buhari's ruling party, the APC, secured a "win" in the presidential elections that

numerous international observers, including the US, UK, and European delegations, concluded fell below minimal acceptable standards and whose credibility was massively undermined.

Nigeria's 2023 election violence was deadlier than Gen. Buhari's military coup 40 years ago; than the 2019 elections and even than the Jan 6 insurrection - making a mockery of it being "democratic," "free" or "fair." The United states government even announced sanctions on unnamed officials for "undermining democracy" in Nigeria's elections.

Like the US constitution on which it was modeled, the Nigerian elections have mandatory thresholds similar to the popular and electoral college requirements. In this case, candidates must have 25% of votes in 24 states and the Capital. Nigeria's ruling party did not obtain 25% in the Capital as required by the constitution to be lawfully declared winner.

More worrisome, however, was the declaration of Gov. Bola Tinubu as president-elect notwithstanding clear non-compliance with the electoral law and constitutional thresholds despite the brazen rigging, violence and vote buying.

## 1.2 Gov Tinubu's US money laundering forfeiture

Already, lawsuits have been filed challenging the purported election of Mr. Bola Tinubu. One of these lawsuits alleges Mr. Bola Tinubu is ineligible to be president having been *the subject of a drug money laundering asset forfeiture trial* in the United States District Court 30 years ago.

Per an analysis of the claim, "**In support of this ground, the petitioners alleged that BAT (Tinubu) was not qualified to contest the said election because, firstly, he was purportedly convicted and sentenced in October 1993 to a penalty of a fine of \$460,000.00k (Four Hundred and Sixty Thousand Dollars) for an offence involving dishonesty, namely narcotics trafficking by a Court in the United States. In support of this leg of this ground, the petitioners pleaded the following documents:**

**(1) Verified Complaint for Forfeiture submitted to the Court the Attorneys and Court Officials at the material time.**

**(2) Stipulations and Compromise Settlements of Claims to the Funds held by Heritage Bank and CitiBank.**

**(3) Decree of forfeiture as to funds held by First Heritage Bank signed by the issuing Judge at that material time.” (Washington Osifo, Vanguard Newspaper March 29, 2023)**

The similitude between the former case and these presents, bears further inspection and introspection below:

- A. Mr. Tinubu forfeited \$460,000 out of over \$1,000,000 in amounts traced to the narcotics trafficking to the United States government in 1993. This amount was just shy of the \$500,000 fine specified for the offense. Mr Tinubu retained some of the money in a settlement with the DOJ just as the Bagudus now aim to do.
- B. Mr. Tinubu rose to become a state governor in Nigeria and now president-elect in the same party as Gov Bagudu. It is anticipated that, likewise, Gov Bagudu will seek the Nigerian presidency.
- C. Gov. Bagudu is such a powerful governor of the ruling APC that he presented Gov. Tinubu to the public during the presidential primary party convention.
- D. Both Govs Tinubu and Bagudu have managed to hold elective offices despite laws disqualifying them for their past nefarious conduct by hiding same.

### 1.3 The Tinubus serial money laundering impunity spree

In addition to his drug-money laundering case in the US 30 years ago, recent revelations show a pattern of continuing money laundering via Senator Tinubu's children with two multimillion dollar properties in New York and an \$11 million property in UK.

<https://westafricaweekly.substack.com/p/bola-ahmed-tinubu-from-drug-lord>

Ironically, the London mansion was a property being forfeited by the Nigerian APC administration as corruptly acquired by a former official of the previous PDP administration - only for it to be reacquired by another. In other words, illicit assets simply changed hands from an opposition party member to a ruling party member during a forfeiture process by the same Attorney General in this case.

<https://www.bloomberg.com/news/articles/2023-05-02/a-1-8-billion-oil-probe-a-london-mansion-and-nigeria-s-next-president>

While it is unseemly for the US to embrace the dubious election of someone with a globally visible footprint of such obscene venality including profiting from crimes

that generationally destroyed lives of Americans, the very fact that the Tinubus continue to launder funds into the US & UK despite a \$460,000 drug money asset forfeiture, means he's a serial offender who hasn't repented of his dubious ways. Like ISIS, Tinubu merely relocated his lethal operations to Nigeria.

Indeed, it is very possible that the Tinubus might try to invoke diplomatic status over his daughter's multimillion dollar New York homes to shield these illicit assets from US law. (In Nigeria already, the court house hearing a tax-fraud lawsuit against Tinubu by an estranged proxy mysteriously burnt to the ground.)

The US has the receipts of Senator Bola Tinubu's reported narcotics involvement, suspected ID theft, multimillion dollar money laundering New York property acquisitions, alleged forgery etc in over a quarter century serial crime spree in the US.

The plan to return tens of millions of dollars looted by the Nigerian dictator Gen. Abacha, who abducted, tortured, imprisoned and ultimately exiled me to America - as a young human rights lawyer 27 years ago today - back to his bagman and not use millions leftover for victims is unconscionable and sends a wrong message to congenital lootocrats.

The US has an urgent duty to protect itself from corruption and impunity of politically exposed persons.

In view of the above, it is reasonably fair to infer that:

- i. Gov. Tinubu will even more so than Gen. Buhari be conflicted in resolving the issue of the Abacha loot. While the latter has claimed that Gen. Abacha never stole, despite irrefutable evidence, the former has claimed he wasn't into drugs and merely "donated" (not "forfeited) money to USA. While Tinubu did in fact oppose Gen. Abacha's murderous rule alongside Amicus and many others exilees, the commonality of criminality between his case and these presents is such that his commitment to cooperation in this matter is not unimpeachable.
- ii. Gov. Tinubu's political affiliation and personal affinity to Gov. Bagudu is such that his loyalties will be questionable.

- iii. The rulership of a nation of 200 million people for the next four years, rests in part on the legal impact of a forfeiture order made by a United States District Judge 30 years ago just as this court's decision may likely be the focus of a similar conundrum very soon.
- iv. It is noteworthy that both Govs Tinubu and Bagudu's US money laundering sprees were in the 1990s but their misdeeds live on decades later.
- v. It is self-evident that Govs Tinubu and Bagudu have faced scant consequence for infamy but have waxed stronger in impunity and politics. A slap on the wrist settlement in 1993 has been proven an unfortunate precedent for any settlement in 2023.

The court may be well served to consider the historic and futuristic complications and implications of the tale of two bagmen to drug dealers and a dreaded dictator.

## 2. CONTEMPT OF CITIZENS AND COURT: THE TRIBUNALS AND THE CASE OF DOUBLE VICTIMS OF STATE ABUSE AND IMPUNITY

Amicus reassures no interest or intent in the elongation of this matter nor to frustrate all the hard work towards a resolution of a decidedly knotty issue. On the contrary, suggestions are made to expedite and elicit a fairer and more just outcome.

Amicus does in fact bring a wealth of experience and expertise in human rights and US-Nigeria affairs that adds a much-needed long-view and insight that will enable just outcomes.

In that light, Amicus commends this practical proposal for #EndSARs Police Brutality Victim compensation from the aforementioned Abacha loot researched at great personal cost and effort during a recent visit to Nigeria.

This proposal is morally right and appropriate for two additional reasons:

A. It atones for the UK's reported links to training some of the police units involved in these heinous human rights atrocities and the US banking systems' complicity in the laundering of illicit inflows

B. It addresses a key unresolved question concerning Nigeria's federal structure. In years of debate on the Abacha loot, one concern was that the funds belong to Nigeria but also to the 36 states who constitutionally draw funds from the center. The 36 states are therefore unfairly prejudiced by the failure of the Nigerian feds to recover mutual monies, a portion of which they are entitled too. In other words, the states are beneficial owners or have equitable and legal interest in the looted funds. They are, for the purposes of this case, "impacted non-parties" whose interests or claim are also not represented in this matter.

The proposal below addresses this concern by providing compensation to victims across Nigeria's states as well thus mitigating an injustice to the subnational governments' lawful claim and entitlement to the defendant funds.

It should also be a palatable proposal because Gov. Bagudu is a leader in the Nigerian Governors Forum and should reasonably not object to compensation that benefits victims across the states they govern.

C. It makes up for Gov Bagudu's Kebbi state being one of only a handful of states nationwide who refused to investigate and address police brutality claims after the global #EndSARs campaign of 2020.

After a near nationwide anti-police brutality protest engulfed the nation, and inflamed the world, the federal government asked all of Nigeria's 36 states to institute judicial investigations into atrocities to calm the nation down. Gov Bagudu's state is prominent among the half dozen or so recalcitrant states who did not investigate and redress police brutality cases as requested.

Amicus was not aware of this pertinent fact at the time of the submission of the primary Amicus brief. However it is so revelatory regarding the level of citizen service delivery, or lack thereof, of Gov. Bagudu's governance that it warrants mention.

It is quite instructive that rather than invest state resources in domestic legal processes to assuage victims of state abuse in his domain, he chose to expend considerably resources on legal processes outside his domain solely for the benefit of his family and proxy.

In addition to atoning for this egregious failure, addressing police brutality through victim compensation is simply a no-brainer regardless the context or interest.

The rationale is clear - citizens shouldn't benefit from crimes against the state and citizens shouldn't suffer crimes against them by the state. The Devil's Alternative - if we must have the former evil - is to mitigate it by redressing the latter evil.

As ministers in the temple of justice or officers of the court, this is one of those rare moments where, concertedly, pure eternal good can come out of infernal bad, without compromising disparate interests. Everyone wins here including hundreds of Nigerian victims of police brutality who won judgments against their abuses only for the court awards to be unpaid and ignored. Even most of the states that investigated atrocities have yet to pay compensation still as stated in the following proposal concept note.

**A PROPOSAL TO PROVIDE COMPENSATION TO VICTIMS OF POLICE BRUTALITY IN NIGERIA FROM THE**  
**ABACHA LOOT ASSETS CURRENTLY IN US FORFEITURE LITIGATION IN RE CV 13-1832**  
**TO PARTIES AND INTERESTED PARTIES**  
**FROM IMPACTED NON-PARTIES**

**A. EXECUTIVE SUMMARY**

This proposal does not seek to further complicate or elongate the extensive and expensive negotiations and litigation in this matter. Rather it seeks simply to include compensatory consideration for victims of the Nigerian state especially since the Nigeria government is not a beneficiary of these funds post-settlement and in fact was the perpetrator of the victims' abuses. This will be one of the most historic and far-reaching international human rights victim reparations of its kind. No party will be prejudiced by assenting to it.

**B. FUNDING: SETTLEMENT TO SETASIDE \$1MILLION FOR VICTIMS IN EACH OF NIGERIA'S 36 STATES AND FEDERAL CAPITAL**

It is proposed that the parties agree to insert a clause in their settlement providing \$37million (nominally allotted to each subnational area i.e states and capital city but ultimately disbursable on the basis of the number of victims per state) to compensate victims.

**C. VICTIM IDENTIFICATION**

The victims will primarily be those identified by the various judicial panels of inquiry set up by the states to investigate police brutality petitions. Utilizing this existing pool of previously identified and verified victims, mitigates false claims and expedites implementation having undergone judicial validation.

#### D. DISBURSEMENT MECHANISM

The various Judicial Panels of Inquiry (JPI) are NOT government entities. They are ad hoc quasi-judicial administrative panels comprised of lawyers, ex-police, doctors and civil society members i.e. a composite of stakeholders.

The JPIs will be reconstituted solely for the exclusive purpose of re-validating the victim claims and disbursing the compensation appropriately.

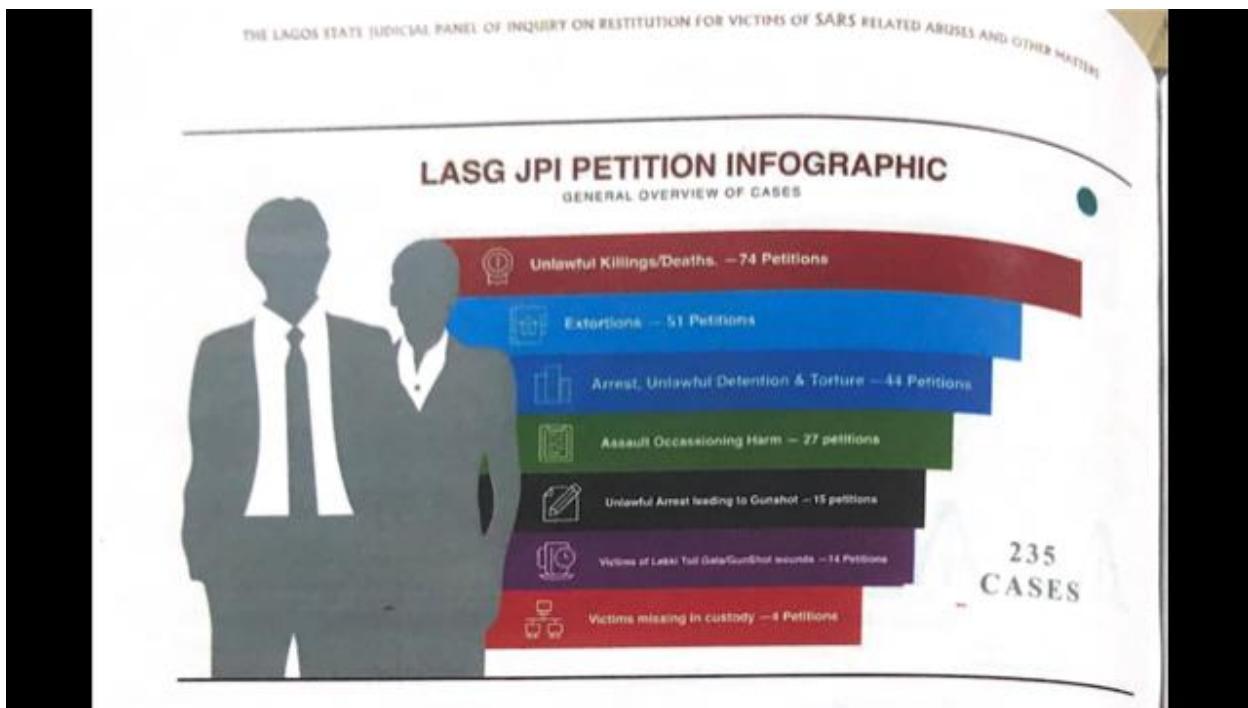
Amnesty International, the Nigerian Bar Association and the Nigerian Human Rights Commission will provide a support role in coordination with the various states. Payments shall be made directly to validated victims.

#### E. A CASE STUDY: THE LAGOS #ENDSARS JPI

In Lagos state, about 235 petitions were filed before a special #EndSARs Tribunal concerning 74 people murdered by police, 44 tortured and jailed, 51 extorted, 15 shot, 27 injured and 4 missing in police custody. 14 petitions emanated from the brutal onslaught on #endSARs protesters at Lekki on October 20, 2020.

42 (or 45 per updated reports) of these victims had previously obtained court judgments against Nigeria's government but not a single one had been paid the compensation awarded!

Yet USA continues to repatriate hundreds of millions of dollars stolen by an ex-military dictator to the Nigerian regime that doesn't obey court orders to compensate citizens it brutalized. I recommend that some of the Abacha loot be used to compensate victims across the country. This is more urgent now after the dismal elections.



The Lagos JPI established a compensation protocol for victims and estimated that about N700million would be paid out to victims based on that formula after it exhausted its initial N200million endowment. The panel also assessed that the 42 victims' prior judgment awards would be paid off with N1.4billion.

While Lagos state paid most of the compensation awarded by the JPI, the panel noted that the Federal Government was responsible for the abuses and should reimburse the state for compensating victims.

The Lagos JPI is a good model to emulate and replicate in the other states. A \$1million allotment to Lagos could either go towards replenishing the exhausted half million endowment for JPI outstanding victim comp awards or towards satisfying the unpaid N1.4billion in court judgments against the federal government.

While a \$1 million compensation award to Lagos seems inadequate given the expressed estimates, it should be noted that these funds will merely augment or complement state government resources.

With regard to sufficiency for other states, it is submitted that whereas Lagos is the only sample which we reviewed, given its population, it most likely has a higher number of victims than most if not all the states. Therefore a \$1million allotment per state will be sufficient to compensate other states' victims if using the compensation protocol of the Lagos JPI.

Thus, if Lagos estimated N700million for about 200+ victims (out of which it paid 70 victims N420million), \$1million could potentially compensate 70 victims in each state. Ogun State's JPI recommended N218million for 42 victims for instance and Benue state about N304.5million for about 70 victims. Abuja FCT's JPI paid N429million, out of about 295 cases received, to 95 victims who filed petitions from 29 states (which explains why Abuja had more cases than Lagos).

To be clear, not all states established JPIs but most did. Of all of these estimated 28 states, no more than a handful are believed to have paid compensation to victims (per interviews with human rights officers, at least 22 states have not paid.) Gov. Bagudu's Kebbi state neither investigated nor compensated police brutality abuses.

F. BENEFICIAL EFFECT OF POLICE BRUTALITY VICTIM COMPENSATION

1. Compensation will assuage victims and rekindle faith in justice and the rule of law
2. Compensation will hold the government accountable for citizen abuse and impunity towards the rule of law
3. Compensation helps subnational governments who were not responsible for the federal police's brutality with an unexpected and unfair financial burden
4. Compensation also is fair to the states who are equally entitled (non-party impacted entities) to the looted assets and are losing access to recovery through no fault of theirs
5. Compensation incentivizes states that did not set up JPIs on the need to take seriously police brutality
6. Compensation will be an object lesson for Africa and other global entities on the primacy of human rights for their citizens
7. Compensation will ultimately be good for all because doing the right thing is its own reward. In this particular case, it makes the settlement less odious and more palatable.

## CONCLUSION

The findings and recommendations foregoing make for a "shovel-ready" or low-hanging fruit intervention. The roadmap has been comprehensively laid out to make the desired victim compensation project easy to roll-out and achievable. Parties are encouraged to insert enabling language setting aside the stated amounts for compensation of Nigerian victims of police brutality.

Respectfully submitted,

Emmanuel Ogebe

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### **3. JUSTICE FOR JUSTICES AND OTHER VICTIMS OF RIGGED ELECTIONS**

Amicus has an observer of the elections and is an expert on the Nigerian judiciary. His research and observations resulted in the identification of two additional potential beneficiary victim classes in Nigeria of the aforesaid loot in this action.

#### **3.2 Support to Overburdened Judiciary in post-election trials**

Due to constitutional amendments by the political class, essentially, Nigeria's Supreme Court has to resolve potentially 32 (31 gubernatorial and one presidential) post-election litigations multiplied by the respective number of parties challenging the results. In the Presidential election, there are five parties. This number will vary from state to state but with an average of two parties per state, the Supreme Court will have to rule on possibly 67 substantive appeals within three months ie by year's end.

This is in sharp contrast with the US Supreme Court whose entire judgments for the 2021-2022 term was 66 and 2022-2023 term was just nine judgments.

Nigeria's Supreme Court's 67 appeals in 60 days also does not include interlocutory appeals (potentially from the same same 67 cases) and sundry lawsuits from parliamentary elections plus it's normal caseload of civil and criminal appeals (431 lawsuits from 27 states were filed before the latest April supplementary elections - potentially 1/3 of the 1250 lawsuits filed in the 2007 elections.)

The Supreme Court simply has no institutional and technical capacity to do a decent job of it given all the variables compared with the US Supreme Court which did less than 15% this year of the number of cases its Nigerian counterpart will do over three months.

The court of appeal has at minimum quintuple the number of Supreme Court justices. Yet, it is expected that the Supreme Court of a dozen justices is supposed to do the same work as them in a lesser time frame. A full constitutional court of seven for the presidential panel only leaves five justices to form a second panel for gubernatorial appeals. This means potentially the Supreme panel could have only two panels if there are simultaneous sittings of the presidential appeal on the same day as any of the 31 gubernatorial election appeals.

However the court of appeal had at least 20 panels - over 10 times more panels than the Supreme Court to hear the very same cases.

Yet the US Supreme Court which has a lesser caseload, fewer justices and only one panel has better technical capacity, staffing and resourcing for greater output.

The Nigerian Supreme court should have a full complement of 21 justices minimum at election year. At least three justices of the Supreme Court retired last year and have not been replaced so their Lordships are virtually running on empty tank in case just a single one of them is ill or has any other emergency during this critical period.

The Apex Court should never be on the verge of human capital exhaustion as currently occurring. The Gen. Buhari regime will forever go down as the worst for the judiciary in history.

Under him, a constitutional crisis was narrowly averted with his failure to appoint a Chief Justice before traveling abroad for treatment, then a constitutional coup was inflicted with the illegal deposition of Chief Justice Onnoghen. Thereafter there was the historic judicial mutiny against Buhari's imposed quisling CJ by other justices.

Not since the near collapse of the Supreme Court by Gen. Abacha's refusal to appoint new justices to stall a political rival's case, has the court been this close to asphyxia. <https://www.vanguardngr.com/2020/03/abacha-wanted-us-to-punish-abiola-denied-him-bail-says-ex-supreme-court-justice/>

Urgent action needs to be taken to replenish, reinvigorate and boost the morale of the court.

The technical capacity of the legal system and judiciary to improve expeditious dispensation of Justice needs to be built up as Amicus has advocated since the 1999 elections.

In a Nigeria where INEC has been able to establish the infrastructure to upload results from 176,000 polling units in real time, the judiciary which also adjudicates the same data should also have commensurate or more IT infrastructure for managing daily legal issues of the citizenry.

If one can, from a computer in Washington see the massive malfeasance and fraud on display before the world thereon, why shouldn't courts have technical capacity for equal access to the same as the average Nigerian "online youth"?

As a very senior US federal judge who hears cases from the comfort of his farm ranch most of the year once said, when he lectures overseas, he's impressed with the regalia of office of foreign judges - cars and security etc. However they always lack the paraphernalia of office that he has. We can and must revolutionize an archaic, anachronistic and overstretched legal system if indeed it should serve as the last hope of the common man by utilizing forfeited funds to upgrade and modernize Nigeria's judiciary to improve access to justice.

### 3.3 Victims of election violence

Dozens of people were killed, injured, kidnapped and assaulted during the elections and would be a fifth category or victim class beneficiary.

## CONCLUSION

It is to be noted that the above illustrations are just a couple of simulations of how victim compensation for one victim class can be effectively rolled. Amicus is able to similarly research additional roadmaps for other victim classes including Abacha victims and terror victims.

Again, a settlement and or cy pres award judgment could conceivably help resolve this case and do the most good to the most people.

Upon further research, in addition to a court-appointed Special Master, the DOJ itself has had a successful history of administering large compensation distribution - whether directly as in the Western Union international case compensating victims across multiple nations or via litigation support contractors as in the Pigford and 911 victims domestic cases.

In this case, humanitarian organizations, adhoc tribunals, the bar and other entities are capable of also assisting this implementation.

Finally, the court should be mindful of the net effect of the precedent set in this case – that future serial foreign kleptocrats would be inspired to deluge the US court system with litigation for the dual purpose of harvesting ill-gotten wealth abroad and fostering inordinate political ambitions at home.

Whereof, the honorable court is respectfully urged to take said addendum and amplification under advisement and consider a cy pres order in the present case.

Dated 6/8/2023 (the 27<sup>th</sup> anniversary of the abduction, imprisonment & torture of the undersigned and in memory of all victims)

Emmanuel Ogebe  
*Amicus Curiae*

I certify that this document will be filed with the clerk of court who shall serve same by electronically filing and further that I have received no assistance from any party or one to this submission.