

General Information	
Ministerial Decision Type	Delegation: Officers/Minister
Report Title	Authorisation to sign an Asset Sharing Agreement on behalf of the Government of Jersey with the Government of the Federal Republic of Nigeria.
Minister	External Relations
Signatory	Minister
Lead Department	External Relations (ER)
Lead Directorate	External Relations (ER)
Ministerial Decision Summary: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Date decision made if different to date 'Ministerial Decision Summary' signed.	12/12/2023
Report and Supplemental Report Details	
Report Author	Principal External Relations Officer
Date of Report	12/12/2023
Supplementary Report Title <i>(If applicable)</i>	Authorisation to sign an Asset Sharing Agreement on behalf of the Government of Jersey with the Government of the Federal Republic of Nigeria.
Supplementary Report Author <i>(If applicable)</i>	Legal Advisor
Date of Supplementary Report <i>(If applicable)</i>	07/12/2023
Ministerial Decision Report: Public or Absolutely/Qualified Exempt	Public Select if more than one Absolutely/Qualified Exemption.
Relevant Case/Application/URN <i>(Only complete if making a decision related to an appeal/case/application)</i>	Insert Relevant Case/Application.
Relevant Proposition Number <i>(Only complete if presenting Comments or if lodging an Amendment)</i>	Insert P. number.
Relevant Scrutiny Report <i>(Only complete if presenting a ministerial response)</i>	Insert S.R. number.

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Associated Law(s) and/or Subordinate Legislation	Article 24 of the Proceeds of Crime (Jersey) Law 1999.
Action required if recommendation agreed	Department to take necessary action.
Resource Implications	There are no new financial and/or manpower implications.

Introduction

The Minister for Treasury and Resources has approved the execution of the Asset Share Agreement and the subsequent release of £2,062,546 from the Criminal Offences Confiscation Fund, noting that the Attorney General has been consulted has been authorised to enter into that Agreement. The Minister has approved that £105,000 from the forfeited funds held in the COCF are transferred to the Law Officers' Department in lieu of costs associated with the proceedings.

Recommendation

Select recommendation.

Only insert text if 'Other' selected above.

Detail

Proceedings were brought by the Attorney General under the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018 Law ("the 2018 Law") in respect of assets held in four accounts held by Mr Jeremiah Useni at Standard Chartered Bank in Jersey. The Royal Court of Jersey granted the application for a Forfeiture Order on 19 May 2022 and the Court of Appeal dismissed the appeal of Mr Useni on 23 September 2022. In their judgment, the Royal Court concluded that there were reasonable grounds to believe that the accounts were created to hold, hide and conceal bribes or other proceeds of corruption received by Mr Useni during the period he held public office in Nigeria.

Proceedings were also brought under the 2018 Law in respect of an account held in the names of Selcan Miner and Selbyen Caroline Miner held at Standard Chartered Bank in Jersey. Selbyen Caroline Miner was later found to be deceased. Mr Miner chose not to attend a hearing in respect of the Notice issued to him, and on 16 September 2022, the Royal Court of Jersey made the Forfeiture Order in respect of his account. The application for forfeiture was made on the basis that there were grounds to reasonably believe that Mr Miner and Mr Useni entered into a criminal agreement in which Mr Miner facilitated the receipt of bribes or instrumentalities of corruption for Mr Useni's benefit through the Mr Miner's account.

The monies in respect of Mr Miner and Mr Useni's accounts are currently held in the Criminal Offences Confiscation Fund, totalling £2,125,944 and £41,602 respectively.

The Government of the Federal Republic of Nigeria assisted by obtaining affidavit evidence to support the proceedings under the 2018 Law, and the funds represent the proceeds of corruption. It is therefore appropriate to repatriate those assets for the benefit of the people of Nigeria, save the Attorney General's costs (£105,000) which shall be remitted to the Law Officers' Department.

It has been agreed that the assets shall be shared subject to the framework that was established in the 2020 Tripartite asset recovery agreement between Jersey, the United States of America and the Federal Republic of Nigeria. This set out a framework which provided that funds would be directed to the National Sovereign Investment Authority (NSIA) and utilised for three infrastructure projects: the Abuja-Kano Road; the Second Niger Bridge; and the Lagos Ibadan Expressway. Robust monitoring processes in respect of the use of funds were incorporated into the Agreement. The Asset Share Agreement in relation to the Useni and Miner funds provides that the funds will be utilised for one of those projects (the Abuja-Kano Road Projects) and utilises the same monitoring mechanisms.

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The Ministry of Justice has provided a Letter of Entrustment dated 25 July 2023, and provided its approval of the final text on 5 December 2023.