

AJD = 16 = 11-2017

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

ON TUESDAY THE 17TH DAY OF OCTOBER, 2017
BEFORE HIS LORDSHIP, HON. JUSTICE DR. NNAMDI O. DIMGBA
JUDGE

SUIT NO: FHC/ABJ/CS/911/2017

IN THE MATTER OF AN APPLICATION BY THE FEDERAL REPUBLIC OF NIGERIA AND THE HON. ATTORNEY GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE.

IN THE MATTER OF AN APPLICATION SEEKING FOR AN INTERIM ORDER DIRECTING ALL THE MONEY DEPOSIT BANKS (COMMERCIAL BANKS) TO DISCLOSE/DECLARE ALL INDIVIDUAL AND CORPORATE ACCOUNTS IN THEIR CUSTODY NOT COVERED BY BANK VERIFICATION NUMBERS (BVN) AND FOR AN INTERIM ORDER OF FORFEITURE OF THE MONIES THEREIN BEING ACCOUNTS WITH INSUFFICIENT KNOW YOUR CUSTOMER (KYC) GUIDELINES CONTRARY TO THE DIRECTIVE OF THE CBN AND SECTION 3 OF THE MONEY LAUNDERING (PROHIBITION) ACT, 2011 (AS AMENDED).

BETWEEN:

- 1. FEDERAL REPUBLIC OF NIGERIA
- 2. THE ATTORNEY-GENERAL OF THE FEDERATION & MINISTER OF JUSTICE

PLAINTIFFS/APPLICANTS

AND

- 1. ACCESS BANK PLC
- 2. CITI BANK NIGERIA LIMITED
- 3. DIAMOND BANK PLC
- 4. ECOBANK NIGERIA LIMITED
- 5. FIDELITY BANK OF NIGERIA PLC
- 6. FIRST BANK OF NIGERIA PLC
- 7. FIRST CITY MONUMENT BANK PLC

DEFENDANTS/
RESPONDENTS

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18/10/17
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- 8. GUARANTEED TRUST BANK PLC
- 9. HERITAGE BANK PLC
- 10. KEYSTONE BANK
- 11. SKYE BANK PLC
- 12. STANBIC IBTC BANK PLC
- 13. STANDARD CHARTERED BANK NIGERIA
- 14. STERLING BANK PLC
- 15. UNION BANK OF NIGERIA PLC
- 16. UNITED BANK FOR AFRICA PLC
- 17. UNITY BANK PLC
- 18. WEMA BANK PLC
- 19. ZENITH BANK PLC
- 20. CENTRAL BANK OF NIGERIA

DEFENDANTS/
RESPONDENTS

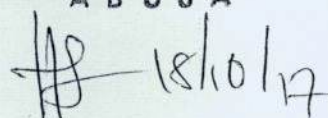
ORDER

UPON this Originating Ex-parte Motion dated and filed on the 28th day of September, 2017 praying for the following:

1. AN INTERIM ORDER of the Honourable Court directing the 1st – 19th Defendant banks to file an affidavit of disclosure before this Court deposed to by the Chief Compliance Officer of all accounts of:
 - a. Individuals;
 - b. Corporate bodies and
 - c. Government agencies in their custody without Bank Verification Number (BVN) and equally serve same on the Central Bank of Nigeria.
2. AN INTERIM ORDER of this Honourable Court directing the 1st – 19th Defendant Banks to disclose:
 - (a) the names of the accounts as operated;
 - (b) Account Number(s);
 - (c) outstanding balances
 - (d)

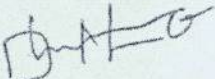

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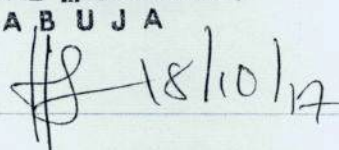

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Domiciliary Accounts and (e) the branch/location where the accounts are domiciled of all accounts without BVN.

3. **AN INTERIM ORDER** of the Honourable Court directing the 1st – 19th Defendant banks to disclose any investments made with funds from these accounts without BVN in any products including fixed/term deposits and their liquidation and interest incurred, Bank Acceptances, Commercial Papers and any other relevant information related to the transaction made on the accounts.
4. **AN INTERIM ORDER** of the Honourable Court freezing the said accounts by stopping all outward payments, operations or transactions (including any bill of exchange) in respect of the accounts pending the hearing and determination of the substantive application.
5. **AN INTERIM ORDER** of forfeiture to the monies in the said accounts without BVN to the Claimants/Applicants being accounts with insufficient Know Your Customer (KYC) guidelines contrary to Section 3 of the Money Laundering Act, 2011 and CBN guidelines pending the determination of the Originating Motion on Notice.
6. **AN INTERIM ORDER** of the Honourable Court directing the Central Bank of Nigeria and the Nigeria Interbank Settlement Systems (NIBSS) to validate the information contained in the Affidavit of Compliance/Disclosure filed by the respective 19


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banks within 7 days from the date of service on the Central Bank and NIBSS.


7. AN INTERIM ORDER of the Honourable Court appointing a Bank Examiner from the Central Bank of Nigeria to examine the books of any bank that fail to comply with the Order of the Honourable Court to file Affidavit of Disclosure.

8. AN INTERIM ORDER of the Honourable Court granting leave to the Applicants or any officer authorized by them to advertise the accounts without BVN disclosed by the banks in a widely circulated national newspaper as notice to any person or body corporate or financial institution who may have any interest in any of the said accounts to claim ownership of same within 14 days of the publication of the Order and show cause why the proceeds in the account should not be permanently forfeited to the Federal Government of Nigeria.

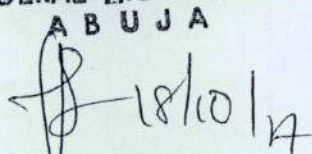
9. AND FOR SUCH FURTHER OR OTHER ORDER as this Honourable Court may deem fit to make in the circumstances of this case.

Upon Reading the Affidavit in support of the Motion Ex-parte deposed to by **USMAN DAKAS**, Male, adult, Christian, Nigerian citizen of Suit No. C42/33 Efab MAall Annex/Extension, Behind Area 11, Shopping Mall, Ahmadu bello Way Garki, Abuja and filed at the Court Registry.

AND AFTER hearing **A.D. Tyoden**, for the Applicants move in terms of the Motion Paper.



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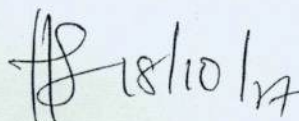


IT IS HEREBY ORDERED AS FOLLOWS:


1. **THAT** the 1st – 19th Defendants banks shall file an affidavit of disclosure before this Court deposed to by the Chief Compliance Officer of all accounts of:
 - a. Individuals;
 - b. Corporate bodies and
 - c. Government agencies in their custody without Bank Verification Number (BVN) and equally serve same on the Central Bank of Nigeria.
2. **THAT** the 1st – 19th Defendant Banks shall disclose:
 - (a) the names of the accounts as operated;
 - (b) Account Number(s);
 - (c) outstanding balances
 - (d) Domiciliary Accounts and
 - (e) the branch/location where the accounts are domiciled of all accounts without BVN.
3. **THAT** the 1st – 19th Defendant banks to disclose any investments made with funds from these accounts without BVN in any products including fixed/term deposits and their liquidation and interest incurred, Bank Acceptances, Commercial Papers and any other relevant information related to the transaction made on the accounts.
4. **THAT AN ORDER** is hereby made freezing the said accounts by stopping all outward payments, operations or transactions (including any bill of exchange) in respect of the accounts pending the hearing and determination of the substantive application.


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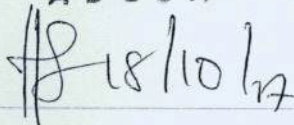
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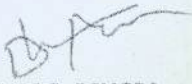
5. **THAT AN ORDER** is hereby made directing the 1st – 19th Defendant banks to disclose any investments made with funds from these accounts without BVN in any products including fixed/term deposits and their liquidation and interest incurred, Bank Acceptances, Commercial Papers and any other relevant information related to the transaction made on the accounts
6. **THAT AN INTERIM ORDER** is hereby made directing the Central Bank of Nigeria and the Nigeria Interbank Settlement Systems (NIBSS) to validate the information contained in the Affidavit of Compliance/Disclosure filed by the respective 19 banks within 7 days from the date of service on the Central Bank and NIBSS.
7. **THAT AN INTERIM ORDER** is hereby made appointing a Bank Examiner from the Central Bank of Nigeria to examine the books of any bank that fails to comply with the Order of the Honourable Court to file Affidavit of Disclosure.
8. **THAT AN INTERIM ORDER** is hereby made granting leave to the Applicants or any officer authorized by them to advertise the accounts without BVN disclosed by the banks in a widely circulated national newspaper as notice to any person or body corporate or financial institution who may have any interest in any of the said accounts to claim ownership of same within 14 days of the publication of the Order and show cause why the proceeds in the account should not be


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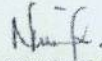


permanently forfeited to the Federal Government of
Nigeria.



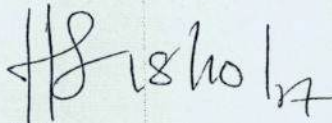
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ISSUED AT ABUJA under the seal of the court and
the hand of the presiding Judge this 17th day of
October, 2017.



**CHIBUZOR-UGWU BLESSING
REGISTRAR**

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