

# GROMYKO AMEDU

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## Solicitors

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148 Acre Lane Brixton London SW2 5UT  
Tel: +44(0)208 678 8996 / Fax: +44(0)208 678 0664

Our Ref: FO/MBADOKE  
Proc. No. 54772/13 R.G.N.R.)

Date: 01 July 2021

Minister of Justice  
Ministry of Justice  
La sede centrale è in  
via Arenula 70 - 00186  
Roma  
Italy

By Post and by email: [redazione@giustizia.it](mailto:redazione@giustizia.it)

Ministry of Justice  
via Arenula 70 - 00186  
Rome

Dear Sir,

**Re: Mohammed Bello Adoke, SAN**

**Complaint of Acts of Forgery and Professional Misconduct Against Fabio De Pasquale and Sergio Spadaro, Public Prosecutors Before the Court of Milan**

1. We are instructed by Mr Mohammed Bello Adoke, SAN, the former Attorney General of the Federation and Minister of Justice, Federal Republic of Nigeria (our client) to present this complaint against **Fabio De Pasquale and Sergio Spadaro** jointly and severally, as public prosecutors in the criminal prosecution of ENI/Shell and others on allegations of corruption and money laundering for unlawful acts of Intimidation/threat to life, forgery of documents/evidence intended for unlawful interference with the administration and perversion of the course of Justice. The particulars of these unlawful acts and professional misconduct are provided below to demonstrate the extent to which the Public Prosecutors acted maliciously and unprofessionally to the detriment of our client despite the fact that he was not a direct party to the criminal prosecution and was not on trial before the Milanese Court.

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Gromyko Amedu (Principal Solicitor)  
Authorised and Regulated by the Solicitors Regulation Authority of England & Wales

*SRA No: 465793*

### **Public Prosecutors Issuing Unlawful Threat During Interview**

2. Sometimes in May 2016, our client met the Italian and Dutch Investigators at The Hague, Netherlands, in respect of OPL 245 Settlement Agreement of 2011. On the scheduled date, our client was interviewed by Dutch/Italian Investigators in the absence of **Fabio De Pasquale. However, on the second day, the nature and character of the interview changed with the presence of Fabio De Pasquale who informed our client that he was being interviewed as a suspect.** This was contrary to the intent and purpose of the interview as agreed between our client and the Dutch/Italian investigators. Since it emerged that **Fabio De Pasquale** was engaged in an unlawful deceptive conduct, to wit: commit our client to be interviewed without a prior knowledge that he was a suspect, and that his statement was intended for his criminal prosecution by the Italian Prosecutor. This deception on the part of **Fabio De Pasquale** compelled our client to immediately terminate the interview on the advice of his Dutch Attorney in attendance.
3. The termination of the interview infuriated the Italian Public Prosecutor who responded in the following offending comments and threats to our client's life: ***"It is all about your life."*** This was unlawfully intended to put undue pressure on our client for fear of harm to his life or person; to compromise his position on the allegations of money laundering connected with the OPL 245 settlement agreement of 2011 being investigated by the Italian prosecutors.

### **Engaging in Unlawful Acts of Procuring Forged Documents/ Evidence**

4. On 22<sup>nd</sup> December 2016, the Office of the Public Prosecutor at the Court of Milan filed notice of the conclusion of investigation and commenced criminal proceedings against parties connected with the OPL 245 Resolution Agreement (reference Proc. No. 54772/13 R.G.N.R.). The injured party in the criminal trial was stated to be the Federal Republic of Nigeria. During the criminal trial before the Court of Milan, the Public Prosecutor unlawfully engaged in acts of forgery of documents or evidence in aid of the prosecution's case with several allegations of fact made against our client which were unsubstantiated at the trial.
5. In furtherance of their personal interest and against public interest or the interest of justice, the Italian prosecutors mentioned above, engaged in the following unlawful acts, to wit:

## 5.1 Forgery of Telephone Interview

- 5.1.1 Engaging in unlawful acts of forgery by procuring and stage-managing a phony telephone interview which purportedly took place between a certain Ms Carlamaria Rumor, said to be a staff of RAI Television in Italy and Mohammed Bello Adoke SAN, in November 2015, where Mr Adoke was alleged to have uttered the following words:

***“I am also aware of the illegal fund diversion. I was aware of the illegal fund diversion that was made, ... it is not only Etete, the divert also included some Italian oilworkers, I told you that ... The money went to Etete, not only Etete, not only Etete, the money went to both Etete, some Italian oil companies, also involving the agreement and in the betrayal, uhm ... some ... also some other officials here in Nigeria, not only to Etete. Are you there? ... told you Etete, in collaboration with Italian oil workers, betrayed the agreement.”***

- 5.1.2 It was alleged that our client granted the interview in November 2015 whilst in Nigeria, and further that the interview was conducted through his Nigerian mobile telephone number. Our client has since reacted to the purported telephone interview in the following words:

***“I was informed by sources familiar with the Italian proceedings that the contents of the recording ‘appear (on the face of it) wrong and out of question to such a point that many top officials believe the tape was manipulated.’ I was later informed that they were seeking technical expertise from phonic court experts to authenticate the voice. I also learnt that the number of the telephone that was alleged to have been used for the purported telephone interview was a Nigerian line. As of 5<sup>th</sup> November 2015, when the conversation reportedly took place, I was at the Netherlands. Furthermore, I had stopped using a Nigerian telephone line as far back as August 2015.”***

- 5.1.3 In furtherance to his response, our client on 5<sup>th</sup> February 2021, petitioned the Nigeria Police through his lawyers to investigate this phony telephone conversation and to make their findings public.

## 5.2 Email Forgery

- 5.2.1 In December 2020, the Public Prosecutor at Milan announced to the public, the discovery of an email sufficiently connecting our client with allegations of money laundering made against one Alhaji Aliyu Abubaker which in the prosecutor's view was a material evidence in support of the prosecution's case before the Milan Court, as it was proof of the entire allegation of corruption made against public officials in the OPL 245 Settlement Agreement of 2011. The Public Prosecutors had a significant role in the emergence of the email of 25<sup>th</sup> June 2011 which was subsequently made public after it was admitted by the Milanese Court.
- 5.2.2 When our client became aware of the email of 25<sup>th</sup> June 2011, he emphatically declared it to be a forgery for the reasons set out in his petition to the Nigerian Police. Furthermore, our client had in his press release of 22/01/2021 denied knowledge of the email. See the link "[Lawyers: E-mail evidence tendered against Adoke in Italy was forged | TheCable](#)"
- 5.2.3 Both the phony telephone interview recording and the email of 21/06/2011 were forged with the unlawful intent to interfere with the course of justice/law or subverting the wheel of justice at the ongoing criminal trial at the Court of Milan in connection with the OPL 245 settlement agreement Of 2011, and by extension, the criminal proceedings pending in Nigeria.

## **Engaging in Unlawful Deception and Manipulation of Facts During the Milan Criminal Trial**

6. At the resumption of the hearing on 02/07/2020, Dr Sergio Spadaro commenced the exposition of the case for the prosecution by engaging in misleading interpretation and deliberate reconstruction of the role played by our client in his official position as the Attorney General of the Federation in the implementation of the Settlement Agreement of 30<sup>th</sup> November 2006 between the Federal Government of Nigeria (FGN) and Malabu Oil and Gas Limited which was the substratum of the OPL 245 Resolution Agreements of 2011. Furthermore, it is obvious from the testimony that Dr. Sergio Spadaro was mischievously guiding the court to arrive at a predetermined conclusion by mischievously withholding critical information, facts and evidence that exonerate our client of the allegations of corrupt practices in respect of the OPL 245 Settlement Agreement.

### Mortgage Payment

7. The Public Prosecutors at the Milan trial sought to conceal relevant facts with the aim of misleading the Milan court on the ownership of the property described as No. 271, Cadastral Zone A06 Maitama, Abuja, for which our client had collected a mortgage of N300 million from Unity Bank Plc in 2011. According to our client, the property had been sold to the Central Bank of Nigeria by the developer because of our client's inability to complete payment of the balance of the purchase price of N200 Million and that the developer had since refunded the sum of N300 Million secured as mortgage to the lender, Unity Bank Plc. Contrary to the above information available to the EFCC and the Public Prosecutors, Dr Sergio Spadaro sought to mislead the Milanese court with the suggestions made in his exposition of the prosecution's case and the defence before the Milanese courts to the effect that our client was the owner of the property and downplayed the legal effect of the mortgage.

### Prosecutor's concealment of material Facts

8. The legality of the actions of our client in respect of the OPL 245 Settlement Agreement of 2011 has been confirmed by a valid and subsisting judgment of Honourable Justice B.F.M Nyako of the Federal High Court Abuja dated 07 April 2018 in Suit No. FHC/ABJ/CS/446/2017 between **Mohammed Bello Adoke vs Attorney General of the Federation** to the effect that, our client was only carrying out the lawful directives/approvals of the President and cannot be held personally liable. The court affirmed that our client's role in the implementation of OPL 245 Settlement Agreement of 2011 were based on the lawful directives/approvals of the President of the Federal Republic of Nigeria in the exercise of his powers under Sections 5 and 148 of the Constitution of the Federal Republic Nigeria 1999. The Public Prosecutors (Dr Sergio Spadaro) sought to mislead the Milanese court with his closing remarks by deliberately concealing the existence and effect of the judgment of the Federal High Court referred to above from the Milanese Court.

### Conclusion

9. We have made considerable and painstaking efforts to draw attention to these acts of deliberate falsehood as well as concerted efforts by the Public Prosecutors to withhold materials/exculpating evidence from the Court and guiding the court to

arrive at a predetermined outcome. It should be noted that the unethical conduct of the prosecutors were not isolated acts, but a carefully orchestrated plan by the Public Prosecutors acting in concert with other interested Parties to negatively influence the Court to make adverse findings against our client with a view to influencing the on-going criminal trial in Nigeria.

10. Our client has therefore instructed us to lodge a formal complaint against the Public Prosecutors (Fabio De Pasquale and Sergio Spadaro) for their unethical conduct. It should be noted that although our client was not on trial before the Milanese Court, the Italian Prosecutors went to unimaginable length to illegally procure forged evidence, engaged in deliberate suppression of exculpatory evidence and continuously misled the Court with a view to painting him with the tar of corruption. This has caused our client his reputation globally, destroyed his source of livelihood and damaged his family life.
11. Our client will rely on the entire records of the proceeding before the Milanese Court which x-rays the totality of the Public Prosecutors unethical and professional misconducts called into question in paragraphs 6 – 8 above.
12. It is therefore our client's prayer that the **conduct of these Prosecutors be investigated and that they be held accountable for their professional misconduct.**

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**Femi Oboro**  
**Gromyko Amedu Solicitors**

Copy:

1. The General Prosecution Office  
at the Italian Supreme Court
2. Public Prosecutor at the Court of Milan  
Email: [procura.milano@giustizia.it](mailto:procura.milano@giustizia.it)