

Dr. Charles A. Adeogun-Phillips (Member) Guernica 37

Called: 2021
(Transferring Solicitor admitted 1996)

Introduction

Charles is an accomplished international lawyer and former lead international prosecutor and head of special investigations at the UN. What he had initially thought would be a short-term sabbatical from the rigours of regular practice as a criminal defence solicitor in the City of London, eventually lasted well over a decade. Between 1998 and 2010, he had a pioneering and distinguished legal career at the United Nations, where he successfully led teams of international prosecutors in 12 precedent-setting genocide trials before the United Nations International Criminal Tribunal for Rwanda (ICTR), making him arguably one of the most experienced and successful genocide prosecutors in history. His elevation to the rank of senior trial attorney before an international court at the age of 34, by the then Chief Prosecutor of the ICTY/ICTR, Ms. Carla Del-Ponte (former Attorney-General of Switzerland), was equally unrivalled. He also, between 2007 and 2008, served as head of special investigations in the Office of the Prosecutor, under the leadership of Justice Hassan Jallow. (The current Chief Justice of The Gambia). With the 1945 trials of major war criminals before the International Military Tribunal at Nuremberg serving as his only precedent, Charles' work as a lead prosecutor, fighting for justice, on behalf of over 800,000 victims of the worst crimes ever known to mankind, placed him in the forefront of several pioneering developments in the field of international humanitarian



and criminal law, cumulating in his citation in the maiden edition of Creswell's "Who's Who in Public International Law" in 2007 and in the International Year Book and Statesmen's Who's Who in 2011.

Since returning to private practice in 2010, Charles specialises in the areas of international human rights law, international criminal law, international civil service law, complex cross border 'white-collar' and business crimes, international investigations, and cross border asset recovery. As part of his practice in the area of international human rights, between 2013 and 2014, he successfully represented Christopher Mtikila, the outspoken Tanzanian politician, in his watershed and precedent-setting case against the Tanzanian Government, before the African Court on Human and People's Rights, resulting in amendments to Tanzania's electoral laws to allow for independent candidacy for election to public office, as a violation the African Charter on Human and People's Rights, the International Convention of Civil and Political Rights, and the Universal Declaration on Human Rights. The Mtikila vs. Tanzania case was the first case to be heard by the said Court on its merits since its inception in 2004. It was also the first case to be decided by the Court in favour of the Applicant and the first case before the Court on the issue of reparations.



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Charles' practice in the area of 'white-collar' and business crimes has focused mainly on representing sovereign States, major oil and gas corporations, and ultra-high-net-worth individuals in complex corruption and fraud cases, often with cross-border elements. In 2016, Charles was appointed by the Federal Republic of Nigeria to lead the unprecedented corruption investigations and trials of several senior judicial officers in Nigeria, including that of Sylvester Ngwuta, JSC a Justice of the Supreme Court of Nigeria.

Current Work

Charles' advisory practice in the area of international criminal and humanitarian law has included providing specialist advice to the Nigerian Government in connection with the preliminary examinations launched by the ICC into alleged crimes against humanity and/or war crimes committed in the context of armed conflict between "Boko Haram" and the Nigerian security forces; and to the Military Defence Headquarters in Nigeria, following Amnesty International's allegations of extra judicial killings of "Boko Haram" members by the Nigerian Armed Forces. He also advises various Governments and international NGOs on ICC related transitional justice issues, including but not limited to; in connection with the 1988 mass extrajudicial executions and enforced disappearances of political prisoners in Iran and the allegation of genocide on members of the Orthodox Tewahedo Church in Ethiopia.

Since 2017, Charles has been retained by the Asset Management Corporation of Nigeria, to investigate, trace and recover over 5 trillion Naira (14 billion US Dollars), currently owed to the Nigerian Government, following its acquisition in 2011, of non-performing loans from some

of the country's ailing commercial banks. Charles is currently engaged as local counsel in a \$9.6 billion procurement fraud claim, the largest of its kind, brought before a UK court by a sovereign State against a foreign investor, following a repudiated infrastructure contract allegedly procured by fraud and corruption with the complicity of several public office holders. He also practices in the area of international civil service law, wherein he represents UN staff members in challenging administrative decisions of the UN Secretary-General before the United Nations Dispute and Appeals Tribunals.

Previous Experience

Former Lead UN Genocide and War Crimes Prosecutor (1998-2010);

Former UN Head of Special Investigations (2007-2008);

Former Special Prosecutor, Federal Republic of Nigeria (2016-2017).

Founding Partner, Charles Anthony LLP (From 2010)

Education

LL.M(London) 1994;

LL. B (Warwick) 1989;

Repton School;

Memberships

Chartered Institute of Arbitrators of England & Wales;

Law Society of England and Wales; Elected Member, Membership Committee,

International Criminal Court Bar Association; Council Member, Section on Legal Practice,

Nigerian Bar Association.

Appointments and Awards

Doctor of Laws (Honoris Causa) University of Warwick (2022);

Creswell's Who's Who in Public International Law (2007);

International Yearbook and Statesmen's Who's Who (2011)

Publications

International Investigations and Prosecutions: Perspectives of a Prosecutor" (2018) (Eleven International Publishing, The Hague).

Contribution to Contemporary International Criminal Law Issues: Contributions in pursuit of accountability for Africa and the World – "The Evolution and Practice of Guilty Pleas in International Criminal Law" (1st Edition) (2022) T.M.C Asser Press, The Hague).

Jurisdictions

Barrister & Solicitor of the Supreme Court of Nigeria (1992)

Expertise

International Criminal Law;

International Human Rights Law;

International Civil Service Law;

Public International Law;

International Investigations;

International Asset Tracing and Recovery;

Cross-Border White Collar Crime;

Cross-Border Death-Penalty Cases (Pro Bono)

Languages

English;

French (Working knowledge);

Yoruba;

Pidgin English

Recent Cases

Notable International Criminal Law Cases

Lead Prosecution Counsel: Prosecutor vs. Dominique Ntawukulilyayo Case No: ICTR-05-82 before Trial Chamber I of the United Nations International Criminal Tribunal for Rwanda (2009-2010). The defendant was charged with genocide; direct and public incitement to commit genocide; rape, and other inhumane acts as crimes against humanity.

Lead Prosecution Counsel: Prosecutor vs. Lt. Col Tharcisse Muvunyi (Re-Trial) Case No: ICTR-00-55A before Trial Chamber II of the United Nations International Criminal Tribunal for Rwanda (2009-2010). This was a re-trial on one count of direct and public incitement to commit genocide. This was the first re-trial ordered by an international criminal trial. The issues raised in this case developed and strengthened the jurisprudence of international criminal tribunals as to the scope of evidence that can be adduced during a re-trial.

Lead Prosecution Counsel: Prosecutor vs. Juvenal Rugambarara Case No: ICTR-00-59 before Trial Chamber II of the United Nations International Criminal Tribunal for Rwanda (2006-2007). The defendant was charged with genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, extermination, murder, and torture as crimes against humanity, and war crimes.



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Lead Prosecution Counsel, Prosecutor vs. Francois Karera Case No: ICTR-01-74 before Trial Chamber I of the United Nations International Criminal Tribunal for Rwanda (2006). The defendant was charged with genocide, extermination, and murder as crimes against humanity and war crimes.

Lead Prosecution Counsel, Prosecutor vs. Lt. Col Tharcisse Muvunyi Case No: ICTR-00-54 before Trial Chamber II of the United Nations International Criminal Tribunal for Rwanda (2005-2006). The defendant was charged with genocide; direct and public incitement to commit genocide, rape, and other inhumane acts as crimes against humanity.

Lead Prosecution Counsel, Prosecutor vs. Paul Bisengimana Case No: ICTR-00-60 before Trial Chamber II of the United Nations International Criminal Tribunal for Rwanda (2005-2006). The defendant was charged with genocide, murder, extermination, and rape as crimes against humanity.

Lead Prosecution Counsel, Prosecutor vs. Vincent Rutagana Case No: ICTR-96-IC before Trial Chamber III of the United Nations International Criminal Tribunal for Rwanda (2004-2005). The defendant was charged with genocide, murder, and extermination as crimes against humanity, and war crimes.

Lead Prosecution Counsel, Prosecutor vs. Mika Muhimana Case No: ICTR-95-IB before Trial Chamber III of the United Nations International Criminal Tribunal for Rwanda. (2004-2005). The defendant was charged with genocide, murder, and rape as crimes against humanity.

Lead Prosecuting Counsel, Prosecutor vs. Emmanuel Ndinabahizi Case No: ICTR-01-71 before Trial Chamber I of the United Nations International Criminal Tribunal for Rwanda (2003-2004) The defendant was charged with genocide; extermination, and murder as crimes against humanity.

Lead Prosecution Counsel, Prosecutor vs. Pastor Elizaphan and Dr. Gerard Ntakirutimana Case No: ICTR-96-10 before Trial Chamber I of the United Nations International Criminal Tribunal for Rwanda. The defendant was charged with genocide; extermination, and murder as crimes against humanity (2001-2002).

Prosecution Counsel, Prosecutor vs. Mr. Ignace Bagilishema Case No: ICTR-96-1A before Trial Chamber I of the United Nations International Criminal Tribunal for Rwanda. The defendant was charged with genocide; conspiracy to commit genocide, extermination, and murder as crimes against humanity (1999-2000)

Prosecution Counsel, Prosecutor vs. Alfred Musema Case No: ICTR-96-13 before Trial Chamber I of the United Nations International Criminal Tribunal for Rwanda. The defendant was charged with genocide; conspiracy to commit genocide; extermination, and murder as crimes against humanity (1999)

Notable International Human Rights Cases

Counsel, Mtikila vs. United Republic of Tanzania Application No: 011/2011 before the African Court on Human and People's Rights. (2014)

Notable International Civil Service Law Cases

Charles represents former and present UN Staff Members in challenging administrative decisions of the UN Secretary-General before the United Nations Dispute and Appeals Tribunals.

Lead Counsel, *The Applicant vs. Secretary-General of the United Nations* Case No; UNAT/2022/1695 before the United Nations Appeals Tribunal, New York. Representing the Applicant - a high-level UN official in his appeal against the majority decision of the United Nations Dispute Tribunal, upholding his summary dismissal on account of his alleged gross misconduct (2022/2023).

Lead Counsel, *The Applicant vs. Secretary-General of the United Nations* Case No; UNDT/NBI/2020/033 before the United Nations Dispute Tribunal, Nairobi. The Applicant was a high-level official of the UN who sought to challenge his summary dismissal on account of his alleged gross misconduct (2020)

Counsel, *Millan vs. Secretary-General of the United Nations* case No: UNDT/NBI/2020/052 before the United Nations Dispute Tribunal, Nairobi. The Applicant was one of two UN officials alleged to have been engaged in acts of a sexual nature inside a moving UN vehicle in Tel Aviv, Israel in June 2020, having been caught on video by a member of the public (2020)

Counsel, *Antoine vs. Secretary-General of the United Nations* case No: UNDT/NBI/2020/053 before the United Nations Dispute Tribunal, Nairobi. The Applicant was one of two UN officials alleged to have been engaged in acts of a sexual nature inside a moving UN vehicle in Tel Aviv, Israel in June 2020, having been caught on video by a member of the public (2020)

Notable Cross-Border White-Collar Crime Cases

Charles' 'white-collar' and business crimes practice has focused mainly on representing sovereign States, major oil and gas corporations, and ultra-high-net-worth individuals in complex corruption and fraud cases, often with cross-border elements.

Local Counsel: *The Federal Republic of Nigeria Vs. Process and Industrial Developments Limited*; Claim No: CI-2019-000752 before the High Court of Justice Business and Property Courts of England and Wales Commercial Court, London (QBD) (2020/2023). Currently engaged as local counsel in a \$9.6 billion procurement fraud claim, the largest of its kind, brought before a UK court by a sovereign State against a foreign investor, following a repudiated infrastructure contract allegedly procured by fraud and corruption with the complicity of several public office holders.

Counsel to the Economic and Financial Crimes Commission of the Federal Republic of Nigeria, *M/T "San Padre Pio"* Case No. 27, with respect to the "white-collar" criminal aspects of the proceedings instituted against it by the Swiss Confederation before the United Nations International Tribunal for Law of the Sea (ITLOS), (Case under Annex VII to the UNCLOS Convention, following a dispute which resulted from the interception, arrest and detention of the vessel, *M/T "San Padre Pio"*, its crew and cargo by officials of the Nigerian Navy and/or the prosecution of the vessel's crew in Nigeria, which were alleged by Switzerland to have constituted internationally wrongful acts entailing Nigeria's international responsibility.(2020)



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Notable Pro Bono Death-Penalty Appeals Cases

As part of his commitment to the defence of fundamental human rights, and partnership with TrustLaw, Thomson Reuters Foundation's global pro bono legal programme, Charles' pro bono work includes representing on appeal, convicted prisoners on death row in Northern Nigeria.

Supreme Court

Lead Counsel, Jeremiah Joseph vs. The State of Kaduna, Appeal No.SC/198/2013. Representing the Respondent before the Supreme Court of Nigeria against a conviction for armed robbery and sentence of death by hanging which were upheld by the Court of Appeal (Kaduna Division). (2022)

Lead Counsel, Sikiru Ismaila vs. The State of Ogun, Appeal No.SC/64/2017. Representing the Respondent in an appeal before the Supreme Court of Nigeria against convictions for conspiracy to commit armed robbery, armed robbery, and sentence of death by hanging, which were upheld by the Court of Appeal (Ibadan Division) (2022)

Lead Counsel, Tukur Halilu vs. The State of Katsina, Appeal No: SC 905/2016. Representing the Respondent before the Supreme Court of Nigeria, following a conviction for culpable homicide and the sentence of death by hanging which were upheld by the Court of Appeal, (Kaduna Division) (2022)

Lead Counsel, Yahaya Musa vs. The State of Adamawa, Appeal No: SC/CR508/2022. Representing the Appellant before the Supreme Court of Nigeria against a conviction

for culpable homicide and sentence of death by hanging which were upheld by the Court of Appeal (Yola Division) (2022)

Lead Counsel, Abubakar Jika vs. The State of Adamawa, Appeal No: SC/CR/509/2022. Representing the Appellant before the Supreme Court of Nigeria against a conviction for culpable homicide and sentence of death by hanging, which were upheld by the Court of Appeal (Yola Division) (2022)

Lead Counsel, Idrisa Mallam Yahaya vs. The State of Adamawa, Appeal No: SC/CR/510/2022. Representing the Appellant before the Supreme Court of Nigeria against a conviction for conspiracy to commit robbery armed with a weapon and the sentence of death by hanging, which were, upheld by the Court of Appeal (Yola Division) (2022).

Lead Counsel, Basilia Ekanem & 3 other vs. The Corporate Affairs Commission and 2 others Case No: SC349/2011. Representing the 3rd Respondent before the Supreme Court of Nigeria, in an appeal against the Judgment of the Court of Appeal (Calabar Division) of 3rd June 2011, allowing the appeal, but remitting the matter to the trial court. (2022)

Lead Counsel, Akinwunmi Akinwunmi vs. The State of Ogun, Appeal No: SC/CR/1568/2019. Represented the Respondent in an appeal before the Supreme Court of Nigeria against convictions for conspiracy to commit armed robbery, armed robbery and attempted armed robbery and a sentence of death by hanging, which were upheld by the Court of Appeal (Ibadan Division). (2019)

Court of Appeal

Lead Counsel, Umar Goshi vs. The State of Adamawa, Appeal No: CA/YL/122c/2021. Representing the Appellant before the Court of Appeal (Yola Division) against a conviction for conspiracy to commit armed robbery, armed robbery and house breaking and sentence of death by hanging. (2022).

Lead Counsel, Domba Hyellablani vs. The State of Adamawa, Appeal No: CA/YL/82c/2022. Representing the Appellant before the Court of Appeal (Yola Division) against a conviction of armed robbery and sentence of death by hanging. (2022)

Lead Counsel, Dennis Yohanna vs. The State of Taraba, Appeal No: CA/YL/100c/2022. Representing the Appellant before the Court of Appeal (Yola Division) against a conviction for culpable homicide not punishable by death, criminal conspiracy and inciting public disturbance and sentence of life imprisonment, 7- and 1-year imprisonment respectively. (2022)

Lead Counsel, Uwem Jackson vs. Federal Republic of Nigeria, Appeal No.CA/L/1370/2019. Representing the Appellant before the Court of Appeal (Lagos Division) against a conviction for Forgery and the 7-year prison sentence imposed thereof. (2019)

Lead Counsel, Adebayo Razaq vs. Commissioner of Police Lagos State & 2 Ors, Appeal No.CA/LAG/CV/335/2019. Representing the 2nd Respondent before the Court of Appeal (Lagos Division) against a judgment by the High Court of Lagos State refusing a claim for the enforcement of a fundamental human right (2021)

Lead Counsel, Balogun Omololu vs. Federal Republic of Nigeria & 2 Ors, Appeal No.CA/LAG/CR/921/2021. Representing the Appellant before the Court of Appeal (Lagos Division) against a conviction for conspiracy to defraud Aliko Dangote, Africa's richest man and the sentence of 14 years imprisonment imposed thereof (2021)

Lead Counsel, Yahaya Musa vs. The State of Adamawa, Appeal No: CA/YL/124c/2021. Represented the Appellant before the Court of Appeal (Yola Division) against a conviction for culpable homicide and sentence of death by hanging. (2021)

Lead Counsel, Abubakar Jika vs. The State of Adamawa, Appeal No: CA/YL/121c/2021. Represented the Appellant before Court of Appeal (Yola Division) against a conviction for culpable homicide and sentence of death by hanging (2021)

Lead Counsel, Idrisa Mallam Yahaya vs. The State of Adamawa, Appeal No: CA/YL/123c/2021. Represented the Appellant before the Court of Appeal (Yola Division) against a conviction for conspiracy to commit robbery armed with a weapon and the sentence of death by hanging (2021).

Lead Counsel, Momodu Mutairu vs. The State of Lagos, Appeal No: CA/LAG/CR/1174/2019. Represented the Respondent in an appeal before the Court of Appeal (Lagos Division) against a conviction for defilement and sexual assault and 15-year prison sentence imposed thereof (2020)

Notable Corruption Cases

Between 2016 and 2017, was appointed by the Federal Republic of Nigeria to lead the unprecedented corruption investigations and trials of several senior judicial officers in Nigeria.

Lead Prosecution Counsel, Federal Republic of Nigeria vs. Sylvester Nwali Ngwuta, JSC, Case No: FHC/AB-J/C/232/16. The defendant was a sitting Justice of the Supreme Court of Nigeria, charged before the Federal High Court of Nigeria with money laundering and passport fraud. (2016/2017)

Lead Prosecution Counsel, Federal Republic of Nigeria vs. Ahmed Gambo Saleh, Muhammed Abdulrahman Sharif and Rilwanu Lawal Case No: FCT/CR/13/2016 before the High Court of the Federal Capital Territory of Nigeria. The defendants were the registrar and senior administrators at the Supreme Court of Nigeria respectively, charged before the High Court of the Federal Capital Territory of Nigeria with money laundering/corruption (2016/2017)

Notable Civil Asset Forfeiture Case

Lead Counsel, The Federal Republic of Nigeria vs. Dauda Lawal, Case No: FHC/L/CS/13/2017. The defendant was an Executive Director of the largest commercial bank in Nigeria who sought to challenge an interim order of forfeiture of the sum of \$153.3 million to the Federal Government of Nigeria made by the Federal High Court of Nigeria. (2017) The final forfeiture order granted by the Federal High Court was subsequently overturned by both the Court of Appeal (2020) and the Supreme Court of Nigeria in 2021.