



Judiciary of England and Wales

Rex

-and-

**(1) Obinna Obeta
(2) Ike Ekweremadu
(3) Beatrice Ekweremadu**

**Sentencing Remarks of Mr Justice Johnson
Central Criminal Court, 5 May 2023**

1. Introduction

1.1 Obinna Obeta, Ike Ekweremadu and Beatrice Ekweremadu, you have each been convicted of conspiracy to commit an offence of human trafficking. You brought a young man to London to exploit him. The exploitation was the proposed donation of a kidney in return for a reward, the reward being money and a chance to work in the United Kingdom.

1.2 The trafficking of people across international borders to harvest their organs is a form of slavery. It treats human beings, and their body parts, as commodities to be bought and sold. It is a trade that preys on human poverty, misery and desperation. The evidence shows that those who are impoverished, often living in multi-dimensional poverty, desperate for a better life, and ignorant of the true risks, are sometimes willing to sell their organs either for money or the opportunity to work in the UK. Significant risks attach to such donation without proper after-care. Each of you played a part in that despicable trade.

2. The facts

2.1 You, Obinna Obeta underwent a kidney transplant at the Royal Free Hospital in London in 2021. You said that you and your donor were cousins. That was a lie. The clinicians at the Royal Free, and the independent assessors at the Human Tissue Authority were taken in by the lie. They believed that the donor was acting altruistically, as a Good Samaritan. The transplant went ahead. There is no evidence that the donor has been given the necessary aftercare. It is not necessary for me to make a finding as to whether you exploited the donor. What is clear is that you learned from your experience that it was possible to manipulate and corrupt the regulatory system by using a fabricated affidavit, by lying about your relationship with the donor, and by coaching the donor to lie.

2.2 You, Ike Ekweremadu, and you, Beatrice Ekweremadu, have a daughter, Sonia. She is very ill. She is suffering from FSGS nephrotic syndrome. She needs a kidney transplant. Everybody has enormous sympathy for her, and for the impact on you of seeing your daughter's suffering. Sonia's uncle, Diwe Ekweremadu, knew Obinna Obeta from medical school. He got in touch. Obinna Obeta offered to help find a donor. A possible donor was identified. By law his name may not be published. I will call him C. He had grown up in a village where he had no electricity or running water. He left school at the age of 15. He went to Lagos where he sold phone accessories from a wheelbarrow in a market. He was earning approximately 3,500 Naira a day, equivalent to about £7. Tests in Nigeria showed that his blood group was the same as Sonia. He agreed to come to the UK. He did not at any point agree to donate a kidney to Sonia altruistically. There was no reason why he should do so. He was not related to your family. He did not know Sonia, or any other member of your family. Nothing was put in place to secure his future health-care needs if he donated a kidney. The wealth and power inequality and disparity between you and C could not be more marked. You, Ike Ekweremadu, are a senator in Nigeria's National Assembly. You have held high political office. You had many staff, including domestic staff, chefs, maids, and drivers. You own multiple properties across the globe – there is evidence of as many as 40. More than £400,000 went into your bank account over a 6-month period. By contrast, C was unable to afford the £25 fare to travel from Lagos to Abuja.

2.3 You each conspired together to bring C to the UK in order to exploit him. You all knew that was unlawful. You, Ike Ekweremadu had been part of the legislature that had introduced the law that made that conduct a criminal offence in Nigeria.

2.4 You, Obinna Obeta secured the visa. You did so by telling a lie that C and Sonia were cousins, the same lie you had told in respect of yourself and your donor. You also secured a fabricated affidavit testifying to their relationship as cousins, just as you had done for your transplant.

2.5 You asked the Ekweremadu family to pay C a fee of N3.5M. The jury rejected your account that the fee was for his loss of earnings. The fee was paid by you, Ike Ekweremadu. The jury rejected your account that you knew the fee was a scam and that no reward would ever be paid to C.

2.6 The evidence suggests that a corrupt relationship was established with a member of Royal Free staff, an interpreter who agreed to help with "coaching the boy" and to provide the "relevant interpretation." You, Ike Ekweremadu were instrumental in establishing and controlling that corrupt relationship.

2.7 The clinicians at the Royal Free Hospital once again believed the untruthful account that the donor and recipient were cousins. There was, however, a concern about the risk to C given his age and ethnicity. After interviewing him, they were concerned that he was not sufficiently mature and motivated to be an organ donor. This time, the transplant was not approved. There was no report to the safeguarding team and no report to the police, despite the indicators that the donor was a victim of trafficking. Those indicators included the tenuous nature of the relationship between C and Sonia, the limited evidence to support that relationship, and C's clear lack of understanding about the process, and his reaction to being told that he was at the hospital to discuss a kidney donation. In the course of the trial, Hugh Davies KC suggested that a lesson to be

learned from this case is that clinicians must be alive to the risk of trafficking and to report cases when concerns like this arise. I entirely agree.

2.8 After the decision had been made that the transplant would not go ahead, there was a sinister development. A consultant nephrologist, and another man, examined C at the place where he was being kept. It is not necessary to make a finding as to the true purpose of the examination. But it is easy to understand why C believed that he was going to be taken back to Nigeria for the transplant to be conducted there.

2.9 On 3 May 2022, when C was due to return to Nigeria, he ran away. He spent 2 nights sleeping rough. On 5 May 2022 he attended Staines Police Station. There, he saw Sonya Nicholas, a police enquiry officer, and DC Hannah Paisley. As a result of them carefully listening to him, it was recognised that he might be a victim of trafficking. Arrangements were made to secure his protection and well-being. Subsequently, each of you was arrested, charged, prosecuted and convicted.

3. Compensation order

3.1 C suffered a loss of his personal autonomy because you kept his passport, and exercised control over his movements and his basic human needs. He was put in fear that he would be subject to the forced removal of his kidney without any appropriate aftercare. Now, he is scared to return home to Nigeria. As he puts it, he is having to start his life again.

3.2 I considered that a substantial compensation order might well be appropriate for the loss and damage he has been caused by your conduct. I asked the Crown to enquire as to C's attitude towards such an order. That is because in some cases victims of crime do not want compensation from the offender, and an award of compensation might even risk causing further distress. A police officer carefully explained the meaning, reason and purpose of a compensation order to C. He immediately responded that he did not wish to entertain compensation. The officer says:

“[C] spoke with moral conviction. Despite understanding the material benefit receiving compensation may have for him, he adamantly said he did not need or want anything from the ‘bad’ people. ...he no longer wants them to have any involvement with him – in any capacity; irrespective of the financial benefit he stood to make. ... [C] said that he wanted to put this entire ordeal behind him and move on with his life. He believes this to be the right and fair thing to do.”

3.3 Two days later, the officer spoke to [C] again. He remained “resolute with his decision regarding compensation and insisted he had not and did not wish to change his mind on the subject.”

3.4 I, of course, respect C's views. In the circumstances, it is not appropriate to make a compensation order.

4. Costs

4.1 The Crown seek an order for costs under section 18 of the Prosecution of Offences Act 1985. I adjourn that application and will make directions for its determination.

5. Statutory surcharge

5.1 In the case of each of you, I impose the statutory surcharge order in the sum of £190.

6. Custodial sentence

6.1 In each case, the offence is so serious that neither a fine alone nor a community sentence can be justified. A life sentence is not appropriate, and I do not consider that you are dangerous so as to merit the imposition of an extended sentence. Accordingly, in each case, I pass a determinate custodial sentence with the shortest term that is commensurate with the seriousness of the offence, taking account of the aggravating and mitigating features.

Practical effect of sentence: early release

6.2 You will each serve part of the sentence in custody before being released on licence. When you are released, you will be on licence until the end of your sentence. You must comply with the terms of the licence and commit no further offences. Otherwise, you will be liable to serve a further period in custody.

Practical effect of sentence: barring provisions

6.3 The Disclosure and Barring Service will include each of you in the lists of those who are barred from working with vulnerable adults or children. You may ask the Service to be removed from the lists.

7. Length of custodial term

7.1 The Sentencing Council has published guidelines for offences of human trafficking contrary to section 2 of the Modern Slavery Act 2015. You have each been convicted of conspiracy to commit that offence. The guidelines do not directly apply, but the offence that you committed is closely related to the guideline offence. I reject the defence submission that the guidelines are not apt to cover this particular form of trafficking. I therefore have close regard to the guidelines.

7.2 Harm: The transplant did not go ahead. But you each intended that it should go ahead, and you each intended the harm to the donor that would result and which was eminently foreseeable. The donor would have faced invasive surgery with a small but still possible risk of death. He would have faced spending the rest of his life with only one kidney, and without any funding for the required aftercare. He would have faced an increased risk of early onset raised blood pressure, an increased risk of developing chronic kidney disease later in life, and a lifetime risk of dialysis or a need for a kidney transplant himself. He was at increased risk because of his young age, and his ethnicity. The removal of a kidney amounts to serious physical harm which has a substantial and long-term effect. Even if he had known that he was going to donate a kidney, I am sure that the risks had not been properly explained to him before he was brought to the UK. He was deceived and pressurised into donating a kidney. I reject the defence assertions that he consented in any meaningful sense. I am sure that he did not. There has been a substantial and long-term adverse impact on his daily life. He is scared to return to Nigeria because of the risk of retribution from those that are sympathetic to you. He

lives a solitary existence and is separated from his life, friends and family as a direct result of this offence.

7.3 This amounts to category 2 harm within the meaning of the Sentencing Council's Guidelines. I do not accept the Crown's submission that the nature and extent of the harm factors justify a movement to category 1. They warrant an upwards adjustment within the category range. The fact that the transplant was not carried out merits a downwards adjustment. The level of that adjustment is limited because:

- (1) The gravamen of the offence is the agreement that you reached to exploit the donor. The offence was complete at that point. The offence focusses on the conduct of the offender rather than the harm caused to the victim.
- (2) You did not withdraw from the conspiracy. The only reason that the transplant did not take place was because the hospital refused to carry it out. In each case your reaction was to seek to exploit others.
- (3) Quite apart from the harm that would have resulted from a transplant, C has suffered substantial actual harm of the nature that I have identified.

7.4 Culpability: You, Obinna Obeta, fall within the high culpability bracket. You played a leading role in the offending. You identified the donor and controlled him throughout the process. You did so in the expectation of substantial financial advantage. I reject your assertion that there is no evidence of substantial financial advantage. Your bank statements show otherwise, and demonstrate that you were reliant on the funds you secured from the Ekweremadu family to keep your head above water. You applied a high degree of planning and premeditation. For example, you arranged the visa, you secured a fabricated affidavit, and you organised a scheme to seek to deceive the clinicians and, ultimately, the Human Tissue Authority. You were thoroughly dishonest throughout. You kept a substantial sum of money that was paid by Ike Ekweremadu and was intended for the donor.

7.5 You, Ike Ekwerewadu, also fall within the high culpability bracket. You also played a leading role in the offending and to a greater extent than Obinna Obeta who was acting, through Diwe Ekweremady, at your direction. You did so in order to secure a material advantage, namely a human kidney for your daughter. You were involved in a high degree of planning and premeditation. For example, you orchestrated the arrangements through your brother, Diwe. You sought to conceal your link to the payment of a donor reward, by instructing a member of your staff to make the payment via a currency trader. You were involved in the corruption of a member of hospital staff. I reject the defence suggestion that you were naïve as to offers or payments of a reward, or that you only joined the conspiracy at a late stage. You were the driving force throughout. Reliance is placed on the fact that you had no contact with C or Obinna Obeta. That is true, but it is an indicator of the leading role you played, directing the overall operation, but keeping your distance by getting others to do your bidding. I accept that you were not directly involved in the fabrication of an affidavit and that you told Sonia not to sign it. Again, in context, that is consistent with the type of leading role you played. You well knew the sorts of steps that were being taken to try and pull the wool over the eyes of the doctors and regulators.

7.6 I am satisfied that you, Beatrice Ekweremadu, performed limited functions under the direction of your husband. I accept the submission of Mr Mohindru KC that your family was patriarchal and you were deferential to your husband. Your role was primarily to adopt the cousin lie. There was, so far as you are concerned, some limited planning and pre-meditation. You committed the offence in the expectation of a material advantage, namely securing a human kidney for your daughter. Your case falls at the cusp of lower and medium culpability.

7.7 Before allowing for aggravating and mitigating factors, the applicable starting points are 10 years in the case of Obinna Obeta, 10 years and 6 months in the case of Ike Ekweremadu and 6 years in the case of Beatrice Ekweremadu.

8. Obinna Obeta

8.1 There are aggravating features in your case. You deliberately targeted a victim who was particularly vulnerable due to his young age, his isolation from his immediate family and his poverty. After the conspiracy to exploit C was thwarted you continued to seek to find another person to be exploited in the same way.

8.2 As against that, you have no previous convictions and were a person of good character. I accept that you have done much good work as a medical doctor. You also have your own serious medical condition, as someone who has himself undergone a kidney transplant. I have taken account of the medical evidence. That does not suggest that your condition cannot be adequately managed in custody. I consider that the mitigating and aggravating factors are in balance. I sentence you to 10 years' imprisonment. Subject to allowing for the time for which you have been remanded in custody, you will serve two thirds of the sentence in custody and will then be on licence until the end of your sentence.

9. Ike Ekweremadu

9.1 There are substantial aggravating features. You knew that the donor was vulnerable because of his young age and poverty. You had a profound understanding of the impact of his vulnerability, because of the work you have done for the Ikehoa Foundation. You gave direct instructions to ensure that tight control was exercised over C. Once the transplant with C did not go ahead, you immediately sought to find another person to be exploited in the same way, rapidly managing to identify several potential candidates.

9.2 As against that, you have your own ongoing health problems. You have no previous convictions and are a person of good character. I accept your counsel's description of you having exceptionally positive good character, and that your conviction represents a substantial fall from grace. You set up the Ikehoa Foundation, and have funded that organisation which undertakes a great deal of valuable charitable work, to help those living in poverty in Nigeria. At trial there was a great deal of character witness testimony, including from Archbishop Emmanuel Chukwuma, the Archbishop for the Diocese of Enugu. I have been provided with a bundle of 51 pages of character statements for the purpose of sentencing. I have read all of them. They include statements from a former President of Nigeria, the current President of the Senate of Nigeria, the Bishop of Enugu, the Attorney General and Chief Law Officer of Nigeria, and the Speaker of the House of Representatives. They also include moving

pleas advanced by some of those who have benefited by your generosity and good works, and also a moving statement from your daughter, Sonia. I take all of that into account. You were motivated by the despair of your daughter's very serious illness. The weight to be attached to that factor is limited by reason of the fact that, as you recognised in your evidence, you could have sought a genuinely altruistic donation, including from a family member albeit not Sonia's parents or siblings.

9.3 After taking account of the aggravating and mitigating factors, I impose a sentence of 9 years and 8 months imprisonment. Subject to allowing for the time for which you have been remanded in custody, you will serve two thirds of the sentence in custody and will be on licence thereafter for the rest of the sentence.

10. Beatrice Ekweremadu

10.1 In your case I adopt a starting point of 6 years' custody. I do not consider that the aggravating features that are present in the case of your co-defendants apply to you. You were not directly involved in the identification of the donor, and the evidence does not show that you were directly involved in the attempts to identify a further donor after the transplant did not go ahead.

10.2 I take account of all the mitigating features that Mr Mohindru KC has identified, and the content of the thorough and helpful pre-sentence report prepared by the Probation Service. You are a person of good character. You set up the Ikehoa Foundation with your husband and you have been closely involved with its important charitable work. Much of the character evidence I have read applies also to you. You were also motivated by the desperate plight of your daughter, and by maternal love. Further, in your case, I accept that although Sonia is an adult, you have substantial caring responsibilities towards her. Your incarceration will have a significant impact on her, in that she will no longer be able to rely on your presence as a source of care and support. Having regard to those factors I impose a sentence of 4 years' and 6 months' imprisonment. You have spent 234 days on an electronically monitored curfew between 9pm and 7am. I specify that the credit period for the purposes of section 240A of the Criminal Justice Act 2003 is 117 days. So that period shall count towards your sentence. Subject to that, and subject to allowing for the time you have spent remanded in custody, you will serve one half of the sentence in custody. You will be on licence thereafter for the rest of the sentence.