



JUDICIARY OF
ENGLAND AND WALES

REX

-v-

OGHENOCHUKO OJIRI

Sentencing Remarks

1. Between 24 October 2020 and 18 December 2021, on eight separate occasions, you sold works of art to a man called Nazem Ahmad. Ahmad is a Lebanese diamond dealer and businessman well known in the international art market as a collector of fine art. He has access to considerable finances and the authorities in the United States of America and the United Kingdom believe that he uses his wealth including art to launder money and finance terrorism. In particular he supports Hizballah, an Iran backed terrorist organisation committed to armed resistance against the state of Israel.
2. Hizballah has been a proscribed organisation in the United Kingdom since 25 February 2019. Ahmad himself has been subject to counter-terrorism designation under the sanctions regime in America since 13 December 2019. He is also, since 18 April 2023, sanctioned by the United Kingdom. The current sanctions include freezing of his assets, and he is banned from travelling into this country.
3. You knew about Ahmad's suspected involvement in financing terrorism and the way the art market can be exploited by someone like him, after you read an article about it in the New York Times on 15 December 2019. This was ten months before your business, the Ramp Gallery in London, sold its first piece to him. As the article summed up crisply, "*The value of art is subjective and easy to inflate and deflate, which can create a path to move large amounts of money. Buy a painting for \$100,000 today and sell it for \$1 million tomorrow, and you've just moved \$900,000.*"
4. A forensic download of your phone shows you discussed Ahmad's sanctioned status with contacts in the art world. Of particular note, in September 2020 you exchanged messages with your American business partner Guy Rusha, and he told you that if someone had received money from Ahmad you and he, Rusha, could not deal with them. This may be why on your mobile phone you kept Ahmad's details under a pseudonym after he contacted you via Instagram the following month.

5. The exchange with Guy Rusha was not surprising because you knew that from 10 January 2020 money laundering regulations were brought into force for the United Kingdom art market, turning it into a regulated sector. A guide for those participating in the art market was issued by Her Majesty's Revenue and Customs in February that year. As a regulated business your gallery was required to conduct due diligence checks on clients and had to be registered for money laundering supervision.
6. Three untoward elements in your compliance with the regulations are particularly significant. First, in November 2020, after your initial business with Ahmad, your gallery contacted him by email referring to the new regulations and seeking a form of photographic identification. However, a woman's identification was provided and a Mrs Rima Yaacoub Baker was said to be acquiring the artworks. You knew that wasn't true and it must have been intended to undermine the regulatory regime.
7. Second, in March 2021 you again sent an email asking for photo identification and stating that if it was proposed that Ahmad would buy through a company, you needed the certificate of incorporation. This time the response included documents in the name of Mohamed Hijazi who was purported to be the sole shareholder and owner of a company White Star DMCC. You didn't challenge this information and made out some of the invoices you kept for your own accounting records to Hijazi and White Star DMCC. However, to your knowledge all eight sales were actually to Ahmad, whom you congratulated by email for his purchases, and the invoices you sent him for his records, did bear his name. You also agreed to his request that the transactions be completed in sterling rather than US dollars as would have been standard. Plainly, he was prohibited from dealing in dollars.
8. Third, Ramp Gallery used the services of a specialist platform that assists businesses such as yours to comply with regulation, Arcata. Ramp Gallery had a number of interactions in with Arcata in 2021 and your own emails to them indicate you were aware of how suspicious activity reports should be made and how risk assessments were to be completed, but you never completed one for Nazem Ahmad. Nor for Mohammed Hijazi who Arcata checks flagged as an amber risk. In September that year you enquired with Arcata whether, if you were selling to a company you needed to risk assess and approve both the company and the individual. You were told it was both. The total paid for the work sold to Nazem Ahmad was just under £140,000. The art was transferred to Dubai or Lebanon.
9. The investigation into Nazem Ahmad's activities in America uncovered your business relationship and information was provided to the British authorities. When you were first arrested and interviewed on 18 April 2023 you gave a false account. You pretended you had done business with a man called Nazem but didn't know his surname and only understood it was Nazem Ahmad after you had ceased dealing with him. In a subsequent interview in July you corrected that and

expressed regret for what you had done in seeking the kudos of dealing with an eminent name in the collecting world and the reputational boost it gave your gallery. Less convincingly you claimed that you thought you only had to check the status of Ahmad's company rather than the individual behind it and Ahmad's White Star DMCC company was greenlighted by Arcata.

10. By your guilty pleas to offences contrary to s.21A Terrorism Act 2000 you have accepted the elements of the offence. They are that on eight occasions while engaged in business in the regulated sector, you knew or suspected that you were dealing with a customer, Ahmad who had committed terrorism financing offences and you did not disclose the information you had to the authorities as soon as practicable. This part of the Terrorism Act 2000 is designed to help prevent those engaged in funding terrorism from using professional services available in this country, with impunity. It is to aid detection and law enforcement to prevent money laundering by terrorist funders through British agents or businesses. It is also to discourage such people from their activities by making the environment here uncomfortable so they cannot engage in aspects of the civilised life they would like to have or project. In essence, it is to ensure that no spoon is long enough to sup with those who fund terrorism. I am satisfied that in your case your state of mind was actual suspicion or belief, close to knowledge given the information you had about Ahmad being sanctioned in America for suspected terrorism funding.
11. The maximum sentence for a single offence is five years imprisonment. There is no Sentencing Council Guideline specific to these offences. I have considered the overarching principles, totality, guilty plea and imposition guidelines. I have regard to s.57 Sentencing Act and the five purposes of sentencing, which have to be balanced. As a matter of principle, I must impose an ultimate sentence no more severe than necessary to achieve the aims of sentencing in this case. The key aims in this case are punishment, reduction of crime (including by deterrence) and protection of the public.
12. Although there is no evidence, nor suggestion, that you personally support any form of extremism, by s.278 Sentencing Act 2020 the court must impose a special custodial sentence because conviction for these offences places you amongst the category of offenders of particular concern. This is a clear indication from Parliament of the gravity of the indirect support that such offending provides to terrorism.
13. It has been helpful to assess the analogous crime of failure to disclose money laundering suspicions in the regulated sector which carries the same maximum sentence, although in my judgment these offences are more serious than those committed by the offender in *R. v Swan* [2011] EWCA Crim 2275. Rather than general criminal conduct I have to deal with you for failures in a regulated sector

and involvement in a commercial relationship, for prestige and profit, with a man who you knew was suspected of supporting a proscribed terrorist group.

14. I have to deal with you for offences which, in my judgment demonstrate a high degree of culpability and a moderate to high degree of harm. The former because you were a gallery owner, not an employee carrying out instructions; you were aware of the sanctions in America before you began to sell to Ahmad and knew that the grounds for that action was the suspicion that Ahmad was a significant terrorism financier. I reject the submission that you were reckless rather than deliberately withholding information from the authorities and that you were manipulated by Ahmad. You had been alerted specifically to the danger by someone described as your American business partner. In my judgment you fall to be sentenced on the basis that you firmly believed (which is more than simple suspicion and comes close to knowledge) the nature of what he was engaged in and your deliberate conduct with that state of mind involved a degree of sophistication. Furthermore, you made no reports at all about Ahmad, as required, rather than late or inadequate ones.
15. It has also been submitted that this is an offence which carries no harm and at the highest only a risk of harm arose. Harm must be assessed in relation to the purpose of the legislation and the extent to which failure to report interferes with monitoring. While the value of the sales would indicate moderate harm, overall a moderate to high degree of harm is involved because of the nature and activities of the prominent terrorist organisation Ahmad was connected to and the fact that conduct such as yours undermines public confidence in the ability of the authorities to detect and contain terrorist financing and prevent the international art market being used to shelter ill-gotten gains or manipulated for money laundering.
16. No pre-sentence report has been requested or ordered in your case, and I do not consider that one is necessary given the nature of the case and all I know about you.
17. You are now 53 years old. After A levels you pursued a variety of occupations and in due course you set up an antique furniture business in August 2010. A few years later you were approached to work in television. In 2016 you became interested in collecting art and by 2019 you presented your first gallery show alongside your broadcast career. During the Covid19 pandemic you used online platforms to display your collection. From October 2021 you decided to focus all your attention on art rather than vintage items. After the period in which these offences were committed you presented virtual art shows with commercial success.
18. You are married with a child and your family will inevitably suffer as a result of your unlawful activities. Your business will close as a result of these proceedings. This is your responsibility, as you recognise.

19. In my judgment, these offences are so serious that only a custodial sentence can be justified. For a single offence contrary to s.21A in which a gallery owner sold art to an international customer he believed was involved in funding a terrorist organisation of the disrepute of Hizballah, and failed to report it, the starting point for sentence after trial would be at least 2 years custody.
20. I have to consider aggravating and mitigating features. Aggravating features are that you knew your client was actually subject to sanctions in the USA, and as well as failing to notify your business with him, you repeatedly took measures to disguise his identity. This was for no other reason than to defeat the regulations and hide your business relationship to secure financial and reputational gain. Furthermore, I must deal with you for eight separate transactions over more than a year although I take care that the ultimate sentence is fair and proportionate, while reflecting the totality of the offending.
21. By way of mitigation, you have no previous convictions and have now lost your good name. This will be your first experience of custody, and you have written to me to express remorse which I am sure is genuine. The outcome of this hearing will be devastating for you and your close family. Until these events you were someone to be admired; despite not having any relevant training, you worked hard and carved out a successful career in the highly competitive arenas of art dealing and television presenting. A number of character witnesses have written to me describing your fine and honourable character and I bear in mind that before you entered the art market in 2019 you had no history of working in a regulated market or professional qualifications. There is no evidence that any of the pieces you sold Ahmad were sold on again swiftly at inflated values and indeed, your sales contracts sought to prevent an onward sale within three years. There are some indications that you did not take up every opportunity to profit from Ahmad. Inevitably, the two years that the investigation took between your arrest and charge have had a detrimental impact on your mental health, simply from waiting to find out what will happen to you.
22. I have read a psychiatric report which informs the court that you have developed a clinical depressive disorder of a severe intensity. You perceive these convictions as a shameful fall from grace of a public personality and role model for those from an ethnic minority, in the arts and antique sector. This is the nadir. There is one direction your life can go and I am as confident as I can be that you will not be before the courts again.
23. The aggravating features necessitate an uplift, and the mitigation justifies a reduction. Balancing these, the least sentence I could impose after trial is 3 years 9 months imprisonment. Your early guilty pleas lead to a deduction of one third.
24. Mr Ojiri, your hard work, talent and charisma has brought you a great deal of success. But working in a regulated sector carries significant responsibility. You knew you should not be dealing with this man. I do not accept that you were naïve.

Rather, it benefitted you to close your eyes to what you believed he was. You knew it was your duty to alert the authorities. Instead you elected to balance the financial profit and commercial success of your business against Nazem Ahmad's dark side.

25. There is no alternative to the immediate sentence I must impose. The result must be a special custodial sentence of 3 years 6 months comprising; 2 years 6 months custody and one year's further licence. That sentence is imposed on each count concurrently. It means the Secretary of State will refer your case to the Parole Board not before the expiry of two-thirds of the custodial term.
26. I do not impose the statutory surcharge, pursuant to s.15(2) Proceeds of Crime Act 2002 because I postpone confiscation proceedings and set the timetable as agreed between the parties. I make a s.8 POCA 2002 and order this case to be listed for hearing before the end of the Michaelmas term.
27. I direct that the psychiatric report from Dr Alcock must go with Mr Ojiri today.

Mrs Justice Cheema-Grubb DBE

6 June 2025