

## Sani Abacha (Bahamas)

**Case ID:**

ARW-163

**Jurisdiction of Origin of Public Official or Entity Allegedly Involved:**

Nigeria

**Position of Public Official(s) (yrs in office):**

President (1993-1998)

**Jurisdiction of Asset Recovery:**

Bahamas

**Jurisdiction of Asset Recovery ? Description:**

Asset Location / Alleged Asset Location

**Asset Recovery Start:**

1999

**Asset Recovery End:**

Ongoing

**UNCAC Offenses Implicated:**

Art.16

Art.17

Art.19

Art.20

Art.23

**Money laundering Implicated:**

Yes

**Legal Basis for Asset Recovery:**

Actions Initiated by Foreign Jurisdiction

**Intl.Cooperation: MLAT/Letter of Request?:**

Letter of Request

**Basis for Intl Cooperation:**

Criminal Justice (International Co-operation) Act

**Contributing Factors in Asset Recovery:**

Ongoing Case

**Status of Asset Recovery :**

Ongoing

**Stage in Asset Recovery Chain:**

Judgment by Court of First Instance

**Agreement for Returned Assets:**

Ongoing

**Agreement for Returned Assets - Description:**

N/A

**Case Summary:**

In March 2012, the Supreme Court of the Bahamas rejected an application by Ibrahim Ali Amin to remove the restraint on funds held in a numbered account of March Finance SA at the Private Investment Bank in Nassau, Bahamas. The Court referenced an affidavit by the Swiss Attorney General's Office which stated that the Swiss Investigating Judge's Conviction

Order of the Republic and Canton of Geneva, dated November 19, 2009, in criminal case P/12983/199 versus Mr. Abba Abacha determined that the name Ibrahim Ali Amin was a fake name used to open the account. The Bahamas Supreme Court stated that this is not refuted, and held that the account should remain frozen until the proceedings against Abacha have been concluded and application for confiscation is made. (Source: The Attorney General vs. General Sani Abacha and others, Bahamas Supreme Court, March 19, 2012.)

According to the UK's Anti-Corruption Forum, "Yves Aeschlimann, a magistrate in Geneva, found Abba Abacha, son of General Sani Abacha, the late Nigerian dictator, guilty of corruption, sentenced him to a suspended prison term and ordered confiscation of \$350m (EUR 235m, GBP 210m) in funds held in Luxembourg and the Bahamas. The funds had already been frozen by the investigation." (Source: UK Anti-Corruption Forum, November 2009 Newsletter).

#### **Disposition of Criminal Case(s):**

According to a 2008 article by Attorney Enrico Monfrini, an appeal was pending before the Nigerian Supreme Court in the criminal cases arising from charges filed in 2000 and 2001 against Mr. Abacha's sons and associate. (Source: Enrico Monfrini, "The Abacha Case," in Mark Pieth, ed., *Recovering Stolen Assets* (Peter Lang, 2008), accessed at [http://www.mcswisslaw.com/pages\\_e/2008%20Monfrini%20-%20The%20Abacha%20C...](http://www.mcswisslaw.com/pages_e/2008%20Monfrini%20-%20The%20Abacha%20C...) According to BBC News, in September 2011, the Swiss supreme court ordered the retrial of Mr. Abba Abacha, son of former President Abacha, on the basis that he had been unable to obtain a visa to attend his trial. (Source: BBC News, "Swiss court orders retrial of Nigeria's Abba Abacha," September 20, 2011.)

#### **Jurisdiction of Origin: Investigative Agency:**

Special Panel established to investigate Abacha looting

#### **Jurisdiction of Asset Recovery: Courts Involved:**


Supreme Court, Common Law & Equity Division

#### **Documents:**

Abacha\_Bahamas\_Anti-Corruption\_Newsletter\_Nov\_2009.pdf

Abacha\_Switzerland\_Retrial\_Son\_BBC\_News\_Sep\_20\_2011

#### **Documents:**

<b>Attachment</b>	<b>Size</b>
 Abacha_Switzerland_Retrial_Son_BBC_News_Sep_20_2011.pdf	107.71 KB
 Abacha_Bahamas_Acct_Freeze_SCt_Judgment_2012.pdf	319.63 KB

#### **Other Sources:**

The Attorney General vs. General Sani Abacha and others, Bahamas Supreme Court Judgment, March 19, 2012, at <http://www.supremecourt.org.bs/download/073533800.pdf>;

UK Anti-corruption Forum, November 2009 newsletter, at [http://www.anticorruptionforum.org.uk/acf/forum\\_newsletters/nov09/nov09...](http://www.anticorruptionforum.org.uk/acf/forum_newsletters/nov09/nov09...) BBC News, "Swiss court orders retrial of Nigeria's Abba Abacha," September 20, 2011, accessed at <http://www.bbc.co.uk/news/world-africa-14992084>