

## Sani Abacha (Luxembourg)

**Case ID:**

ARW-164

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

Nigeria

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

President

**Jurisdiction of Asset Recovery:**

Luxembourg

**Jurisdiction of Asset Recovery ? Description:**

Asset Location / Alleged Asset Location

**Asset Recovery Start:**

2000

**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:**

Criminal Prosecution and Forfeiture; Actions Initiated by Foreign Jurisdiction

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

Letter of Request

**Basis for Intl Cooperation:**

Letter of Request

**Contributing Factors in Asset Recovery:**

Ongoing Case

**Status of Asset Recovery :**

Ongoing

**Stage in Asset Recovery Chain:**

On Appeal

**Agreement for Returned Assets:**

Ongoing

**Agreement for Returned Assets - Description:**

N/A

**Case Summary:**

According to Attorney Enrico Monfrini, on February 20, 2000, a Letter Rogatory was sent to Luxembourg and within one month, Luxembourg froze \$630 million in eight accounts at the M.M. Warburg & Co Luxembourg S.A. (Source: Enrico Monfrini, "The Abacha Case," in Mark Pieth, ed., Recovering Stolen Assets [Peter Lang, 2008]). According to the Swiss Ministry of Foreign Affairs, as of September 30, 2009, \$400 million was frozen in Luxembourg and asset

recovery effort was ongoing. According to the UK Anti-Corruption Forum November 2009 newsletter. Yves Aeschlimann, the Investigating Magistrate overseeing the Swiss criminal case, found Abba Abacha (son of late President Sani Abacha) 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. As of October 2013, the case is ongoing.

#### **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: Prosecuting Authority/Civil Attorney(s):**

Monfrini Crettol & Partners (Attorneys Enrico Monfrini and Yves Klein)

#### **Documents:**

Abacha\_Luxembourg\_UK\_Anticorruption\_Newsletter\_Nov\_2009.pdf

Abacha\_Monfrini\_Article\_2008.pdf

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

#### **Documents:**

##### **Attachment**

##### **Size**



Abacha\_Switzerland\_Retrial\_Son\_BBC\_News\_Sep\_20\_2011.pdf 107.71 KB

#### **Documents Links:**

#### **Other Sources:**

Swiss Ministry of Foreign Affairs, September 30, 2009;

Enrico Monfrini, "The Abacha Case," in Mark Pieth, ed., *Recovering Stolen Assets* (Peter Lang, 2008), and also available 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...)

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>