

Sani Abacha / Abubakar Bagudu

Case ID:

ARW-165

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Nigeria

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

President (Abacha,1993-1998) / Associate (Bagudu)

Jurisdiction of Asset Recovery:

Jersey

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort, Asset Location / Alleged Asset Location

Asset Recovery Start:

1999

Asset Recovery End:

2003

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; Private Civil Action

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Basis for Intl Cooperation:

Unspecified

Contributing Factors in Asset Recovery:

"The Abacha case is a clear example of the benefit of international cooperation to which the Island is committed. Given the nature of business in Jersey, the investigation of serious financial crime inevitably involves liaison with other jurisdictions, both to provide assistance to other countries, and to obtain assistance from them. The Serious Crime Group continues to assist other countries in fighting crime and uses its close links with other nations to obtain evidence to combat crime in the Island." (Source: Attorney General's Annual Review 2003).

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Agreement for Returned Assets:

Yes

Agreement for Returned Assets - Description:

Part of worldwide settlement, with recovered funds to be used to fund projects in the health,

education, water, electricity and road sectors; monitoring responsibility held by the World Bank. (Source: "Utilization of Repatriated Abacha Loot, Results of the Field Monitoring Exercise," Report Prepared by the World Bank with Cooperation from the Federal Ministry of Finance (December 2006)).

Case Summary:

Jersey Attorney General's Annual Review for 2003, the report noted that "2003 saw Jersey's long running investigation into Nigerian corruption approach its climax. Working closely with the present Nigerian authorities, the U.S. authorities and countries across Western Europe, Serious Crime Group lawyers played a direct and crucial role in the repatriation of some U.S.\$160 million of money embezzled from the people of Nigeria and channelled through Jersey by the late Nigerian dictator Sani Abacha, and his henchmen. Further repatriations of stolen funds are expected to follow in the months ahead." (Source: Attorney General's Annual Review 2003, at 6-7, accessed at <http://www.gov.je/SiteCollectionDocuments/Government%20and%20administrat...>) According to Attorney Enrico Monfrini, the Jersey authorities had informally frozen the \$160 million. In 2003, Abubakar Bagudu, an associate of Mr. Abacha, was arrested and extradited from Houston, Texas at the request of Jersey. Mr. Bagudu settled with the Nigerian government, agreeing to return the \$160 million in exchange for deportation to Nigeria. (Source: Enrico Monfrini, "The Abacha Case," in Mark Pieth, ed., *Recovering Stolen Assets* (Peter Lang, 2008)).

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....)

Jurisdiction of Origin: Investigative Agency:

Special Panel established to investigate Abacha looting

Jurisdiction of Asset Recovery: Investigative Agency:

Attorney General's Office

Jurisdiction of Asset Recovery: Prosecuting Authority/Civil Attorney(s):

Jersey: Attorney General's Office, Serious Crime Group; United States: United States Attorney for the Southern District of Texas; Civil: Edwards Angell Palmer & Dodge (Attorneys James Maton and Tim Daniel); Monfrini Crettol & Partners (Attorneys Enrico Monfrini and Yves Klein)

Jurisdiction of Asset Recovery: Courts Involved:

Jersey Royal Court; United States: U.S. District Court for the Southern District of Texas

Documents:

Abacha_Daniel_Case_Study_ADB_2007.pdf

Abacha_Jersey_Asset_Return_Financial_Services_Commission_PRRMar_1_2004.pdf

Abacha_Jersey_Atty_General_Review_2003.pdf

Abacha_Jersey_Bagudu_Extradition_Houston_Chronicle_Nov_21_2003.pdf

Abacha_Monfrini_Article_2008.pdf

Documents Links:

Other Sources:

Government of Jersey, Attorney General's Annual Review 2003, accessed at <http://www.gov.je/SiteCollectionDocuments/Government%20and%20administrat...> and at ICC FraudNet, notable cases: <http://www.icc-ccs.org/home/resources/118-leading-cases/697-abacha-case;>

Jersey Financial Services Commission Press Release, "Abacha Investigation," March 1, 2004 posted at http://www.jerseyfsc.org/the_commission/general_information/press_releas... (notes investigation and return of assets, although not the amount returned); 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... Tim Daniel, "General Abacha - A Nation's Thief," Case Study published in *Asset Recovery and Mutual Legal Assistance in Asia and the Pacific, Proceedings of the 6th Regional Seminar on Making International Anti-Corruption Standards Operational* (Bali, Indonesia, September 2007), published by the ADB/OECD Anti-Corruption Initiative for Asia and the Pacific (2008); Harvey Rice, "Businessman will return to Nigeria to face charges / Accused of bilking nation's treasury," *The Houston Chronicle*, November 21, 2003, accessed at http://www.chron.com/CDA/archives/archive.mpl?id=2003_3709885.