

Sani Abacha / Raj Arjandas Bhojwani Case

Case ID:

ARW-166

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Nigeria

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

President (Abacha,1993-1998) / Businessman and contractor for Nigerian government (Bhojwani)

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:

2002

Asset Recovery End:

2013

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

Intl.Cooperation: MLAT/Letter of Request?:

Letter of Request

Basis for Intl Cooperation:

Criminal Justice (International Co-operation) Jersey Law 2001 [Letter of Request sent by Nigeria's civil attorney, Mr. Monfrini to Nigeria to seek evidence]

Contributing Factors in Asset Recovery:

Ongoing cooperation and existing sharing agreement (Source: Federal Ministry of Justice, "FG assures speedy prosecution of criminal and civil cases; reveals more Abacha loots are being recovered," undated statement posted June 30, 2013.)

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Assets Returned (USD) - Description:

\$36,016,200

Agreement for Returned Assets:

No

Case Summary:

According to a statement posted on the website of Nigeria's Federal Ministry of Justice, the Minister of Justice stated that GBP 22.5 million confiscated in Jersey were repatriated to Nigeria. (Source: Federal Ministry of Justice, "FG assures speedy prosecution of criminal and civil cases; reveals more Abacha loots are being recovered," undated statement posted June 30, 2013.)

In 2010, Mr. Bhojwani was convicted in Jersey and concealing \$40 million of his illicit proceeds in bank account in the jurisdiction. According to the February 23, 2010 Judgment by the Jersey Royal Court (Samedi Division), the Prosecution alleged that in 1996 and 1997, Mr. Bhojwani "negotiated with officials serving as part of the military dictatorship of General Abacha, who was at the time the de facto President of Nigeria. The contracts were for the supply of vehicles to the military, and it is alleged that the contracts were at a significantly inflated price such that an illegal surplus of about US \$130 million came into the applicant's bank accounts in Jersey. It is alleged that the surplus was transferred by the applicant to bank accounts in other countries linked to the Abacha regime." According to the judgment, the Attorney General of Jersey indicated that "In the event that Mr. Bhojwani is convicted in Jersey and the assets that represent the proceeds of his crime are lawfully confiscated then I will of course consider the possibility of a legal agreement to share assets." The investigation was initiated by a letter of request, sent in 2002, by Nigeria's private attorney, Mr. Enrico Monfrini to Jersey authorities. (Source: AG v. Bhojwani, 2010 JRC 042, Judgment dated February 23, 2010.) His conviction was affirmed by the Jersey Appeals Court in February 2011; the Appeals Court also upheld the assessment of GBP 65,000 in prosecution costs against Mr. Bhojwani, calling the sum modest for a complex case. (Sources: Raj Arjandas Bhojwani v. The Attorney General, Jersey Court of Appeals, 2011 JCA 034 and 2011 JCA 035, both dated February 10, 2011.) In June 2011, the Government of Jersey stated that, "It is now anticipated that discussions will take place with the government of Nigeria regarding the repatriation of some of the confiscated funds which are held in Jersey. Approximately US\$170 million connected with the Abacha investigations has already been returned by Jersey to the Nigerian authorities as part of previous asset sharing agreements." (Source: States of Jersey, "Funds confiscated from money launderer," June 7, 2011.)

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... According to the Royal Court of the Isle of Jersey, Mr. Bhojwani was convicted of two counts of converting the proceeds of criminal conduct and one count of removing the proceeds of criminal conduct, contrary to art. 34(1)(b) of the Proceeds of Crime (Jersey) Law 1999. (Source: Attorney General v. Bhojwani, 2010 JLR Note 34 (June 25, 2010), accessed at <http://www.jerseylaw.je/Judgments/JerseyLawReports/Display.aspx?url=cases\JLR2010\JLR10N034.htm>.)

Jurisdiction of Asset Recovery: Investigative Agency:

Attorney General's Office

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

Attorney General; N.M. Santos Costa (for the Attorney General of Nigeria)

Jurisdiction of Asset Recovery: Courts Involved:

Royal Court (Samedi Division)

Documents:

Abacha_Jersey_Bhojwani_2010_JLR_Note_34 .pdf

Abacha_Jersey_Bhojwani_2010_JRC_042_Feb_2010.pdf
Abacha_Bhojwani_v_Atty_Genl_2011_JCA_034
Abacha_Bhojwani_v_Atty_Genl_2011_JCA_035
Abacha_Bhojwani_Jersey_Confiscation_BBC_Jun_8_2011

Documents:

Attachment	Size
 Abacha_Bhojwani_Jersey_Confiscation_PR_Jun_7_2011.pdf	70.53 KB
 Abacha_Bhojwani_Repatriation_Nigeria_Min_Justice_Jun_2013.pdf	272.99 KB
 Abacha_Bhojwani_v_Atty_Genl_2011_JCA_034.pdf	1.45 MB

Other Sources:

Federal Ministry of Justice, "FG assures speedy prosecution of criminal and civil cases; reveals more Abacha loots are being recovered," undated statement posted June 30, 2013, at <http://www.nigeria.gov.ng/2012-10-29-11-09-25/news/429-fg-assures-speedy...>

Attorney General v. Raj Arjandas Bhojwani, 2010 JRC 042, Judgment dated February 23, 2010, and Attorney General v. Bhojwani, 2010 JLR Note 34 (June 25, 2010),; Raj Arjandas Bhojwani v. The Attorney General, Jersey Court of Appeals, 2011 JCA 034 and 2011 JCA 035, both dated February 10, 2011. All judgements can be accessed at: <http://www.jerseylaw.je/judgments/jerseylawreports/JLRHomePage.aspx>; States of Jersey, "Funds confiscated from money launderer," June 7, 2011, at <http://www.gov.je/News/2011/Pages/BhowaniConfiscation.aspx>. See also, BBC News, "Man in money launder scam with dictator to pay [GBP] 26.5m," June 8, 2011, accessed at <http://www.bbc.co.uk/news/world-europe-jersey-13699045>