

Sani Abacha / United Kingdom Mutual Legal Assistance Treaty Case

Case ID:

ARW-168

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:

United Kingdom

Jurisdiction of Asset Recovery ? Description:

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

Asset Recovery Start:

2000

Asset Recovery End:

2004

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?:

MLAT

Basis for Intl Cooperation:

MLAT

Contributing Factors in Asset Recovery:

A 2001 judgment by the UK Courts backed the decision of The Home Secretary, thereby enabling various governmental bodies concerned, such as the Serious Fraud Office and the National Criminal Investigation Service (NCIS), to proceed officially with their work. (Source: Tim Daniel and James Maton, "General Sani Abacha - a nation's thief," in Mark Pieth, ed., Recovering Stolen Assets [Peter Lang, 2008].)

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Final Judgment (No Appeal)

Agreement for Returned Assets:

No

Agreement for Returned Assets - Description:

N/A

Case Summary:

According to Attorney Enrico Monfrini, in June 2000, a request for mutual assistance was lodged with the United Kingdom's Home Office, providing evidence of suspect transfers to London banks in excess of \$1 billion. In May 2001, the Home Office decided to execute the Nigerian request, and the Abacha family sought judicial review. The family's application was rejected by the High Court on October 18, 2001. (Source: Enrico Monfrini, "The Abacha Case," in Mark Pieth, ed., *Recovering Stolen Assets* [Peter Lang, 2008] and Abacha & Ors & Secretary of State for the Home Department [2001] EWHC Admin 787 (18th October 2001)). As noted by Attorneys Tim Daniel and James Maton, in March 2001, United Kingdom's Financial Services Authority issued a press release which stated that a total of \$1.3 billion was found to have passed through accounts in British banks controlled by the Abacha family." In 2004, the Home Office indicated that it was ready to submit evidence to Nigeria, the family again challenged the decision; "The challenge was rejected by the English High Court towards the end of 2004." (Source: Tim Daniel and James Maton, "General Sani Abacha - a nation's thief," in Mark Pieth, ed., *Recovering Stolen Assets* [Peter Lang, 2008] and United Kingdom Financial Services Authority Press Release, "FSA publishes results of money laundering investigation," FSA/PN/029/2001, March 8 2001).

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:

Home Department, Financial Services Authority; Serious Fraud Office

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

Edwards Angell Palmer & Dodge (Attorneys James Maton and Tim Daniel)

Jurisdiction of Asset Recovery: Courts Involved:

High Court

Documents:

Abacha_Daniel_Case_Study_ADB_2007.pdf

Abacha_UK_Ajaokuta_2003_EWCA_CIV_1100.rtf

Documents Links:

http://www1.worldbank.org/finance/star_site/documents/arw/Abacha_Daniel_...

http://www1.worldbank.org/finance/star_site/documents/arw/Abacha_UK_Ajao...

Other Sources:

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

Abacha & Ors & Secretary of State for the Home Department [2001] EWHC Admin 787 (18th October 2001), accessed at <http://www.bailii.org/cgi-bin/markup.cgi?doc=/ew/cases/EWHC/Admin/2001/7...> and ICC FraudNet at

<http://www.icc-ccs.org/home/resources/118-leading-cases/697-abacha-case;>

United Kingdom Financial Services Authority press release, "FSA publishes results of money

laundering investigation," FSA/PN/029/2001, March 8 2001, accessed at <http://www.fsa.gov.uk/Pages/Library/Communication/PR/2001/029.shtml>; and

Tim Daniel and James Maton, "General Sani Abacha - a nation's thief," in Mark Pieth, ed., *Recovering Stolen Assets* (Peter Lang, 2008).