

Sani Abacha (Liechtenstein)

Case ID:

ARW-211

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:

Liechtenstein

Jurisdiction of Asset Recovery ? Description:

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

Asset Recovery Start:

1999

Asset Recovery End:

2014

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; Criminal Prosecution

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Contributing Factors in Asset Recovery:

"Liechtenstein and Nigeria are States Parties to the United Nations Convention against Corruption (UNCAC). Liechtenstein fully recognizes its obligation to prosecute all forms of corruption together with the other States Parties and to repatriate confiscated assets associated with corruption to the injured States." (Source: Principality of Liechtenstein Press Release, "Return of 'Abacha Assets,'" June 18, 2014.); Investigatory assistance and cooperation by a number of countries, involvement of Stolen Asset Recovery Initiative and World Bank agreement to monitor use of funds (Sources: Ibid., and Emile van der Does de Willebois, "No Statute of Limitations for Corruption: Liechtenstein returns \$225 million in stolen assets to Nigeria," Stolen Asset Recovery Initiative Blog, June 19, 2014.)

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Assets Returned (USD) - Description:

Eur 7.5 million returned end 2013 and EUR 167 million returned June 2014

Agreement for Returned Assets:

Yes

Agreement for Returned Assets - Description:

World Bank monitoring of use of returned assets

Case Summary:

In June 2014, the Principality of Liechtenstein announced that it was returning approximately \$225 million in Abacha-related assets to Nigeria: "In its meeting on 17 June 2014, the Government approved repatriation to the Federal Republic of Nigeria of the last tranche of the assets associated with the family of the former president of Nigeria, General Abacha, in the amount of EUR 167 million. These assets had been declared forfeited to the Principality of Liechtenstein in a final judgment. At the same time, at the request of Nigeria and in accordance with Liechtenstein the World Bank declared its willingness to monitor the use of the repatriated assets.

On the basis of suspicious activity reports submitted to the Financial Intelligence Unit of Liechtenstein, the Liechtenstein Office of the Public Prosecutor launched corruption investigations in 2000. In 2008, the Criminal Court sentenced several companies attributed to the Abacha family to the payment of a sum of money proven to have been taken from the national budget of Nigeria. With the judgment of the Constitutional Court in 2012, the recovery of the assets became final. Since several companies did not surrender the assets subject to the recovery order, enforcement proceedings had to be carried out.

Upon conclusion of these proceedings, the assets held by one of the companies in the amount of EUR 7.5 million were repatriated to Nigeria at the end of 2013.

However, four of the companies affected by the Abacha case filed a complaint against the Principality of Liechtenstein at the European Court of Human Rights (ECtHR) in Strasbourg in August 2012, leading to a further delay in the repatriation of the remaining assets on liability grounds. In January 2014, talks were held at the governmental level in this regard between Nigeria and Liechtenstein. In May 2014, the complaint pending in Strasbourg was withdrawn by the four Abacha companies, clearing the path for repatriation of the assets once and for all." (Source: Principality of Liechtenstein Press Release, "Return of 'Abacha Assets,'" June 18, 2014.)

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:

Financial Intelligence Unit; Office of the Public Prosecutor

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

Office of the Public Prosecutor

Jurisdiction of Asset Recovery: Courts Involved:

Criminal Court; Constitutional Court

Documents:

Attachment	Size
 StGH2012187_3753_140110033700_Liechtenstein_Abacha_Mar_2013.pdf	59.95 KB
 Abacha_Liechtenstein_StGH2010_125.pdf	57.51 KB
 Abacha_Liechtenstein_StGH2011_078.pdf	76.62 KB
 Abacha_Liechtenstein_StGH2011_098.pdf	54.18 KB
 Abacha_Liechtenstein_Nigeria fights to recover Abacha funds_FT_Oct_10_2013.pdf	239.29 KB
 Abacha_Liechtenstein_Okonjo-Iweala_€185m Abacha loot_Vanguard News_Oct_14_2013.pdf	326.92 KB
 Abacha_Liechtenstein_Repatriation_Assets_PR_Jun_18_2014.pdf	662.43 KB
 Abacha_Liechtenstein_AR_Return_Vanderdoes_StAR_blog_Jun_19_2014.pdf	561.64 KB

Other Sources:

Principality of Liechtenstein Press Release, "Return of 'Abacha Assets,'" June 18, 2014, at <http://www.regierung.li/en/press-releases/press-releases/english-press-r...>

Emile van der Does de Willebois, "No Statute of Limitations for Corruption: Liechtenstein returns \$225 million in stolen assets to Nigeria," Stolen Asset Recovery Initiative Blog, June 19, 2014, at <https://star.worldbank.org/star/content/no-statute-limitations-corruption;>

Financial Times, "Nigeria fights to recover Abacha funds from Liechtenstein", October 10, 2013, accessed at: <http://www.ft.com/intl/cms/s/0/2dac07c8-31bd-11e3-a16d-00144feab7de.html...> Reuters, "Nigeria says Liechtenstein making excuses to keep Abacha loot", October 14, 2013, accessed at: <http://www.reuters.com/article/2013/10/14/us-nigeria-liechtenstein-abach...> "Okonjo-Iweala laments Liechtenstein?s attitude on €185m Abacha loot", accessed at: <http://www.vanguardngr.com/2013/10/okonjo-iweala-laments-liechtensteins-...>

Liechtenstein constitutional court decisions accessed at:

<http://www.gerichtsentscheidungen.li/default.aspx?mode=suche&txt=maryam&...>

<http://www.gerichtsentscheidungen.li/default.aspx?mode=suche&txt=maryam&...>

<http://www.gerichtsentscheidungen.li/default.aspx?mode=suche&txt=maryam&...>