

Sani Abacha / United States civil asset forfeiture

Case ID:

ARW-217

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 States

Jurisdiction of Asset Recovery ? Description:

Undertaking Recovery Effort, Location of Recovery Effort

Asset Recovery Start:

2013

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.16

Art.17

Art.19

Art.20

Art.23

Legal Basis for Asset Recovery:

Non-Conviction Based Asset Forfeiture

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Basis for Intl Cooperation:

MLAT (France, UK); International Cooperation Act (Jersey); United Nations Convention against Corruption (Articles 54 and 55, Request by Nigeria to US)

Contributing Factors in Asset Recovery:

Ongoing case but the Department of Justice press release on March 4, 2014 noted, "The department appreciates the extensive assistance provided by the Governments of Jersey, France and the United Kingdom in this investigation."

Status of Asset Recovery :

Ongoing

Stage in Asset Recovery Chain:

Before Court of First Instance (in part)

Investigation/Asset Tracing/Asset Restraint (in part)

Case Summary:

In August 2014, the US Department of Justice announced that more than US\$480 million in Abacha corruption proceeds had been forfeited to the US: approximately US\$303 million in two bank accounts in Bailiwick of Jersey, \$144 million in 2 bank accounts in France [note: arrest in rem notes amount as US\$159,374,531.89], and at least US\$27 million in accounts in the UK and Ireland. The Department of Justice also noted that claims against US\$148 million in four investment portfolios in the UK are pending. (Sources: US Department of Justice,

"U.S. Forfeits Over \$480 Million Stolen by Former Nigerian Dictator in Largest Forfeiture Ever Obtained Through a Kleptocracy Action," August 7, 2014; warrants for arrest in rem filed July 11, 2014 in US v. All Assets Held in Account Number 80020796, in name of Doraville Properties Corporation, at Deutsche Bank International, et al, Case No. I:13-cv-01832-JDB (D.D.C.) According to the Department of Justice, the restraint of funds includes approximately \$313 million in the name of Mohammed Sani and Doraville Properties Corporation in two bank accounts in the Bailiwick of Jersey and \$145 million in the name of Rayville International SA and Standard Alliance Financial Services Limited in two bank accounts in France. In addition, four investment portfolios (all assets held in name of Blue Holding traceable to Ridley Group limited) and three bank accounts in the name of Mecosta Securities and Mohammed Sani in the United Kingdom with an expected value of at least \$100 million have also been restrained [] [and] also seeks to forfeit five corporate entities registered in the British Virgin Islands (Doraville Properties Corporation, Mecosta Securities Inc., Rayville International SA, Ridley group Limited, Standard Alliance Financial Services Limited). (Source: US v. All Assets Held in Account Number 80020796, in name of Doraville Properties Corporation, at Deutsche Bank International, Limited in Jersey, Channel Islands, et al, Case No. I:13-cv-01832-JDB (D.D.C.), Verified Complaint for Civil Asset Forfeiture). The complaint alleged that General Abacha, his son Mohammed Sani Abacha, their associate Abubakar Atiku Bagudu and others embezzled, misappropriated and extorted billions from the government of Nigeria and the Central Bank of Nigeria on the false pretense that the funds were necessary for national security, then laundered their criminal proceeds through the purchase of bonds backed by the United States using U.S. financial institutions. (Source: Department of Justice, Press release, "U.S. Freezes More Than \$458 Million Stolen by Former Nigerian Dictator in Largest Kleptocracy Forfeiture Action Ever Brought in the U.S.." March 5, 2014.) Associates and family members of Mr. Abacha have filed Verified Claim and Statement of Interest in the property and filed a motion to dismiss the Government's Verified Claim and Government of Nigeria is also represented by counsel. As of June 2016, the case was ongoing (Source: US v. US v. All Assets Held in Account Number 80020796, in name of Doraville Properties Corporation, at Deutsche Bank International, Limited in Jersey, Channel Islands, et al, Case No. I:13-cv-01832-JDB (D.D.C.), Court Docket Report as of June 27, 2016; Appearance of Counsel filed May 12, 2016)

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 Asset Recovery: Investigative Agency:

Federal Bureau of Investigation

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

Department of Justice, Criminal Division, Anti-Kleptocracy Initiative, Asset Forfeiture and Money Laundering Section

Jurisdiction of Asset Recovery: Courts Involved:

United States District Court for the District of Columbia

Documents:

Attachment	Size
 Abacha_US_DDC_Forfeiture_Complaint_Unsealed_Mar_2014.pdf	2.25 MB
 Abacha_US_DOJ_Asset_Forfeiture_PR_Mar_5_2014.pdf	374.51 KB
 Abacha_US_DDC_Order_Default_Aug_6_2014.pdf	59.72 KB
 Abacha_US_Forfeit_480_mil_DOJ_PR_Aug_7_2014.pdf	358.45 KB
 Abacha_US_Warrant_Main_Jul_11_2014.pdf	169.94 KB
 Abacha_France_Seizure_Order_Apr_2014.pdf	92.42 KB
 Abacha_Jersey_Affidavit_Arrest_in_Rem_Mar_2014.pdf	689.88 KB
 Abacha_UK_Prohibition_Order_Jul_2014.pdf	117.93 KB

Other Sources:

US v. All Assets Held in Account Number 80020796, in name of Doraville Properties Corporation, at Deutsche Bank International, Limited in Jersey, Channel Islands, Case No. I:13-cv-01832-JDB (D.D.C.), Verified Complaint for Civil Asset Forfeiture, unsealed on March 5, 2014 and available at:

<http://www.justice.gov/iso/opa/resources/765201435135920471922.pdf>; Warrants of arrest in rem filed July 11, 2014), and Court Docket Report as of June 27, 2016.

US Department of Justice, Press releases, "U.S. Freezes More Than \$458 Million Stolen by Former Nigerian Dictator in Largest Kleptocracy Forfeiture Action Ever Brought in the U.S.," March 5, 2014, available at: <http://www.justice.gov/opa/pr/2014/March/14-crm-230.html> and "U.S. Forfeits Over \$480 Million Stolen by Former Nigerian Dictator in Largest Forfeiture Ever Obtained Through a Kleptocracy Action," August 7, 2014, at <http://www.justice.gov/opa/pr/2014/August/14-crm-835.html>.