

Sani Abacha / France (Seizing on US Claim)

Case ID:

ARW-219

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:

France

Jurisdiction of Asset Recovery ? Description:

Asset Location / Alleged Asset Location

Asset Recovery Start:

2014

Asset Recovery End:

Ongoing

UNCAC Offenses Implicated:

Art.16

Art.17

Art.19

Art.20

Art.23

Legal Basis for Asset Recovery:

Action Initiated by Foreign Jurisdiction

Intl.Cooperation: MLAT/Letter of Request?:

MLAT

Basis for Intl Cooperation:

Treaty on Mutual Legal Assistance in Criminal Matters Between United States of America and France signed December 10, 1998, U.S.-Fr., Sept. 30, 2004, S. TREATY DOC. NO. 109-13 (2006)

Contributing Factors in Asset Recovery:

Ongoing case but the Department of Justice press release on March 5, 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:

Investigation/Asset Tracing/Asset Restraint

Case Summary:

See related entry, Sani Abacha / United States Civil Asset Forfeiture case. According to the US Department of Justice, the civil asset forfeiture complaint filed in November 2013 and unsealed in March 2014, "seeks to forfeit bank accounts and investment portfolios with funds located in Bailiwick of Jersey, France and the United Kingdom. On Feb. 25 and 26, 2014, U.S. arrest warrants for the assets were enforced in Jersey and France through mutual legal assistance requests and in the United Kingdom through litigation brought pursuant to the U.K. Civil Jurisdiction and Judgments Act." (Sources: US 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; see also Order on request of Banque SBA issued by High Court of Paris on April 24, 2014, authorizing the bank to transfer more than \$159 million, per criminal seizure order dated February 25, 2014, filed as exhibit 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.), Warrants of arrest in rem filed July 11, 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 Asset Recovery: Courts Involved:

High Court (Paris)

Documents:

Attachment	Size
 Abacha_US_DOJ_Asset_Forfeiture_PR_Mar_5_2014.pdf	374.51 KB
 Abacha_US_DDC_Forfeiture_Complaint_Unsealed_Mar_2014.pdf	2.25 MB
 Abacha_France_Seizure_Order_Apr_2014.pdf	92.42 KB
 Abacha_US_Forfeit_480_mil_DOJ_PR_Aug_7_2014.pdf	358.45 KB

Other Sources:

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.), Verified Complaint for Civil Asset Forfeiture, unsealed on March 5, 2014 and available at: <http://www.justice.gov/iso/opa/resources/765201435135920471922.pdf> and Warrants in rem filed July 11, 2014, Order of High Court of Paris of April 24, 2014; US 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, available at: <http://www.justice.gov/opa/pr/2014/March/14-crm-230.html>