

Family of former President Sani Abacha

Case ID:

ARW-250

Jurisdiction of Origin of Public Official or Entity Allegedly Involved:

Nigeria

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

Sani Abacha: President (1993-1998)

Jurisdiction of Asset Recovery:

Switzerland

Jurisdiction of Asset Recovery ? Description:

(1) Jurisdiction that initiated legal action to recover assets; (2) Jurisdiction of asset location

Asset Recovery Start:

2014

Asset Recovery End:

2017

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 Jurisdictions

Intl.Cooperation: MLAT/Letter of Request?:

Other

Basis for Intl Cooperation:

The MOU references: the letter of intent signed by Nigeria and Switzerland in March 2016; Article 25 of the Addis Ababa Action Agenda which encourage the international community to develop good practices on asset return; goal 16 of the 2030 UN agenda for sustainable development that highlights corruption as one of the main factors preventing a supportive and sustainable socioeconomic development; and chapter V of UNCAC, the international legal framework for asset recovery.

Status of Asset Recovery :

Completed

Stage in Asset Recovery Chain:

Assets Returned to Victim or Requesting Jurisdiction

Assets Returned (USD) - Description:

Assets were returned by Switzerland with \$1.5 million interest. Precise amount confirmed by a special advisor to the minister of finance was \$322,515,931.83 (N116,105,735,458.80).

Agreement for Returned Assets:

Yes

Agreement for Returned Assets - Description:

The Nigerian authorities requested the funds be used to support a program of targeted cash

transfers to poor and vulnerable Nigerians under the National Social Safety Net Project financed by a credit extended by the World Bank. The responsibility for the use of the funds is with the Federal Government of Nigeria. The World Bank's role is to provide institutional support and monitoring of the use of these funds. The parties have agreed to establish monitoring framework for the use of the repatriated funds that will enhance transparency and accountability. To that end, the Federal Government of Nigeria will engage civil society organizations to help monitor the use of the funds. See MOU attached to this entry for details.

Case Summary:

The Federal Government of Nigeria, the Swiss Federal Council and the World Bank signed a Memorandum of Understanding (MOU) on the repatriation and monitoring of \$321 million of funds illicitly acquired by the family of the late former President of Nigeria, General Sani Abacha on 04 December 2017. The MOU was signed during the Global Forum on Asset Recovery, a three-day forum hosted by the United Kingdom and the United States with support from the Stolen Asset Recovery (StAR) Initiative. It was signed by Nigeria's Attorney-General and Minister of Justice, Mr. Abubakar Malami; Switzerland's Secretary of State and Head of the Directorate of International Law at the Federal Department of Foreign Affairs, Ambassador Roberto Balzaretto; and the World Bank's country director for Nigeria, Rachid Benmessaoud.

The MOU captures the tripartite agreement on the World Bank's monitoring role and the proposed modalities of the funds repatriation and disbursement. The signing of the MOU followed a December 2014 Swiss court order that the funds be repatriated, on the condition that the World Bank would monitor their use.

This MOU followed through on a Letter of Intent that was signed by Nigeria and Switzerland in March 2016 in Abuja, aimed at regulating the return to Nigeria of assets totaling USD 321 million stolen by Nigeria's former dictator Sani Abacha. The letter of intent was signed by the Swiss Foreign Minister Didier Burkhalter and Nigeria's Attorney-General and Minister of Justice, Mr. Abubakar Malami.

This return of stolen assets was made possible after the Attorney General of the Canton of Geneva confiscated these assets, which had originally been deposited in bank accounts in Luxembourg, pursuant to a forfeiture order dated 11 December 2014.

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According to media reports, Nigeria's minister of finance Kemi Adeosun through her special advisor Oluyinka Akintunde confirmed the receipt of money from Switzerland in December 2017, with \$1.5 million in interest. Akintunde said: "We state that \$322,515,931.83 (N116,105,735,458.80) was received into a Special Account in the Central Bank of Nigeria (CBN) on Dec. 18, 2017, from the Swiss government".

In 2006, the World Bank was involved in a similar framework, providing institutional support

for the return and use of approx. \$723 million in public funds that had been corruptly diverted by General Abacha. See case entry ARW-167 and the attached World Bank Fact Sheet.

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

Attorney General of the Canton of Geneva

Documents:

Attachment	Size
 MOU between Nigeria, Switzerland, World Bank, 04 December 2017	416.71 KB
 Swiss Federal Council Press Release, 04 December 2017	92 KB
 Swiss Federal Council Press Release, 08 March 2016	88 KB
 World Bank press release, 04 December 2017	92 KB
 World Bank Fact Sheet on monitoring repatriated Abacha funds, 04 December 2017	96 KB

Other Sources:

Information about the National Social Safety Net Project for Nigeria:

<http://projects.worldbank.org/P151488?lang=en>

World Bank press release about the National Social Safety Net Project for Nigeria:

<http://www.worldbank.org/en/news/press-release/2016/06/07/world-bank-com...>

BBC News. 'Abacha loot': Switzerland to return \$320m to Nigeria:

<https://www.bbc.com/news/world-africa-42237752>

Daily Trust. We returned \$322.5m Abacha loot with \$1.5m interest in 2017:

<https://www.dailytrust.com.ng/we-returned-322-5m-abacha-loot-with--1-5m-...>