

The Abacha case

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

Sani Abacha, Nigerian head of state from 1993 to 1998, embezzled, according to Public Eye, more than USD 2.2 billion in public funds. On his death, part of this money was traced to Switzerland, where close to USD 700 million was frozen in some 140 bank accounts identified with Swiss financial intermediaries.¹ The freeze took place in 1999, at Nigeria's request, in the course of mutual legal assistance proceedings.²

Restitution took years. It was not until a judgment of the Federal Supreme Court in February 2005 that the assets could be handed over to Nigeria.³ Between 2005 and 2009, Nigeria recovered USD 808 million returned by Switzerland. The final tranche, of USD 7 million, was paid in March 2010, with the head of Swiss diplomacy stressing at the time that Switzerland was the only country to have repaid the entirety of the funds found on its territory.⁴

A second phase concerned assets frozen in third countries, in particular Luxembourg, as a result of proceedings opened in Geneva against a son of the former dictator. An agreement concluded in July 2014 between Nigeria and the Abacha family provided for the allocation of the confiscated assets to Nigeria and the dropping of the charges against that son. The funds were repatriated and confiscated by Switzerland in 2014 in the criminal proceedings conducted by the Geneva Public Prosecutor's Office.⁵ In 2015 the Geneva courts decided to return USD 380 million in that context. On 1 December 2017 the Federal Council approved an agreement with Nigeria and the World Bank on the restitution of close to USD 321 million, the second-largest sum ever returned by Switzerland in a corruption case. In total, Switzerland has returned more than USD 1 billion to Nigeria.⁶

The Abacha case marked, according to Public Eye, a decisive turning point in Switzerland's active policy on the recovery of illicit assets, thanks to the work of Swiss and Nigerian non-governmental organisations.⁷ It also revealed the difficulties of using returned funds. Reports published in 2006

The Abacha case

by the World Bank and by non-governmental organisations showed that part of the assets returned in 2005 had been allocated to projects that were already completed, non-existent, abandoned or planned without regard to the needs of the population.⁸ The 2017 agreement consequently involved the World Bank in monitoring the use of the funds.

Nigeria's lawyer, Enrico Monfrini, pointed out that it was his Geneva firm that had located the funds, had them frozen and secured their restitution and confiscation, the Confederation acting only as a last resort.⁹ That remark underlines the role of Geneva practitioners — lawyers and magistrates — in asset recovery, alongside the federal authorities.

Date	Stage of the Abacha case
1999	freezing of more than USD 700 million in some 140 accounts
February 2005	Federal Supreme Court judgment allowing the handover of the assets
2005–2009	restitution of USD 808 million
March 2010	final tranche of USD 7 million; all funds returned
July 2014	agreement between Nigeria and the Abacha family; confiscation in Geneva
2015	Geneva decision to return USD 380 million
1 December 2017	agreement with Nigeria and the World Bank on close to USD 321 million

1 Notes

1. Public Eye, “Les fonds Abacha (Nigeria)” [The Abacha funds (Nigeria)], publiceye.ch (accessed September 2026). ↩
2. RTS, “La Suisse restitue les fonds Abacha au Nigeria” [Switzerland returns the Abacha funds to Nigeria], 28 June 2010, which states that Bern had frozen more than USD 700 million since 1999. ↩
3. Public Eye, “Les fonds Abacha”, cited above. ↩
4. “Affaire Abacha : la Suisse va restituer 380 millions de dollars au Nigeria” [Abacha case: Switzerland to return USD 380 million to Nigeria], *Jeune Afrique*, 17 March 2015; RTS, 28 June 2010, cited above. ↩
5. *Jeune Afrique*, 17 March 2015, cited above; “Affaire Abacha : la Suisse rend 321 millions de dollars au Nigeria” [Abacha case: Switzerland returns USD 321 million to Nigeria], *Le Temps*, 5 December 2017. ↩

6. Le Temps, 5 December 2017, cited above; swissinfo.ch, “Accord conclu sur la restitution des fonds Abacha”, cited above. ↩
7. Public Eye, “Les fonds Abacha”, cited above. ↩
8. Public Eye, “Les fonds Abacha”, cited above. ↩
9. Le Temps, 5 December 2017, cited above. ↩

For general information only. This article does not constitute legal or tax advice, does not replace advice on an individual case and creates no lawyer-client relationship. It reflects the legal position as of September 2026.

Online version: helveticaregister.com/geneva-the-abacha-case