



Open Letter

To Mrs. Kemi Adeosun
Federal Ministry of Finance,
Ahmadu Bello Way, Central Business District,
PMB 14, Abuja, Nigeria

To the Nigerian Ministry of Foreign Affairs
Tafawa Balewa House,
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To Mr. Abubakar Malami, SAN,
Attorney-General and Honourable Minister of Justice,
Federal Ministry of Justice,
Federal Secretariat Towers, Shehu Shagari Way,
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Federal Department for Foreign Affairs Office
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Taubenstrasse 16
CH – 3003 Berne, Switzerland

The World Bank
Makhtar Diop, Vice President for Africa
1818 H Street, NW Washington, DC 20433 USA

March 7th, 2016

Repatriation of Abacha loot

Madam, Sir,

In the coming months, your authorities will agree on the terms for restitution from Switzerland of a sum of 321 million US dollars that was confiscated from Sani Abacha, the former Nigerian dictator, and his entourage. These funds are due to be returned following the abandonment of criminal proceedings, which had been ongoing until 2014 in Switzerland, against his son, who was suspected of having laundered funds misappropriated by his father. Through the application of a confidential agreement

between the Nigerian authorities and the Abacha clan in 2014, Geneva's judicial authorities agreed to halt these proceedings. In exchange, the Abacha clan accepted that the funds, which had been frozen in Luxembourg, should be returned to the Nigerian government. The agreement establishes that their usage should be monitored by the World Bank.

In 2005, Switzerland already returned hundreds of millions of francs to authorities in Abuja that had been seized from accounts belonging to the former Nigerian president and his clan. However, this restitution - the first of this scale for Swiss authorities - encountered complications. The sums returned were paid to the Nigerian Republic from the Bank for International Settlements so they could be allocated to projects of public interest. Under pressure from Swiss and Nigerian civil society, the World Bank established a monitoring scheme, a posteriori, and recognized that it was impossible to know exactly how these funds had been used. In 2006, Swiss and Nigerian NGOs had criticized the fact that some of the funds returned to Nigeria had been allocated to development projects that had already been completed or didn't exist.

Then, in 2014, Liechtenstein returned 203 million dollars, which had been misappropriated by Sani Abacha and his clan, to Nigeria. The press also revealed in February 2016 that these funds had been returned with a lack of suitable precautions. Intended to be used by Goodluck Jonathan's government to purchase weapons to fight the terrorist group Boko Haram, they have apparently vanished without trace.

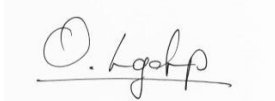
In these circumstances, and in order to avoid history from repeating itself again, the signatory organizations wish to share their concerns relating to the terms established for the restitution of the 321 million francs held in Switzerland, such that:

- In line with the principles recommended by the Swiss authorities, the funds returned must be allocated to improving the living conditions of the Nigerian population.
- These funds must be allocated to projects of public interest, and use a transparent process involving Swiss and Nigerian NGOs to do so,
- The transfers must be performed in instalments spread over time with an attached condition that the funds returned be used as initially intended. The World Bank must then confirm the use of these funds by, for example, using independent auditors.
- Civil society organizations from Nigeria and Switzerland must be informed of these monitoring methods, of their results, and of progress with the procedure for the restitution of the funds.

In Nigeria, where civil society has organized, the Federal High Court in Lagos passed a judgement in February binding the new president, Muhammadu Buhari, to report on the use of all returned assets.

The signatory organizations call for the authorities and institutions involved to ensure these minimum guarantees are respected, so that the money stolen from the Nigerian people be returned in a way that benefits those people that were unfairly cheated out of their money.

For the Berne Declaration (Switzerland)



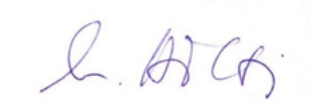
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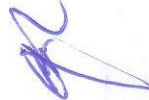
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Director

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For Coalition Against Corrupt Leaders
(CACOL) (Nigeria)



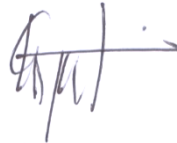
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