



Zero Tolerance

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EFCC Made Me Cry -Gani



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Left to right: Mr Lious Mbanefo (SAN), Prof Bolaji Akinyemi, Grp Capt. Usman Jubril and Alhaji Yahaya Gusau

EFCC Institutes Governance Award

As part of its determined efforts to promote high ethical values among Nigerians, the Economic and Financial Crimes Commission, EFCC, has instituted an annual governance award. The award, called EFCC Governance Award, will honour and reward Nigerian citizens who have done the most in helping the nation evolve an ethical governance model.

And to successfully midwife the process of the award, a Seven-man Honours Committee was empanelled on March 1, 2007 in an impressive inaugural ceremony held at the Corporate Headquarters of the Commission, Abuja. Members of the Committee that would provide the governing principles and oversight responsibilities for the Award include:

1. Alhaji Yahaya Gusau
2. Group Capt. Usman Jibril
3. Prof. Augusta Ommamor
4. Prof. Bolaji Akinyemi
5. Mr. Gamaliel Onosode
6. Ms. Ime Enang and
7. Mr. Louis Mbanefo(SAN)

EFCC Signs MOU With Indonesia

The Economic and Financial Crimes Commission EFCC, on Thursday, 29 March, 2007 hosted the Indonesian Corruption Eradication Commission, the Komisi Pemberantasan Korupsi, (KPK). Led by its Commissioner, Taufiequrachman Ruki, the team was in Abuja to share experiences with the top brass of EFCC as well as sign a memorandum of understanding, MOU for mutual cooperation; having been satisfied with the tremendous achievements recorded by the EFCC over the last four years of its existence, especially in the war against corruption in Nigeria.

In his opening speech at the event, Ruki acknowledged Nigeria's progress in the fight against corruption. "Corruption Perception Index of Nigeria has kept improving over the past five years. EFCC surely played a very significant role in that direction. Our delegation had traveled one full day from Jakarta to Abuja just to learn all EFCC's best practices and I hope that KPK and EFCC can establish a

strategic cooperation and formalize it in a Memorandum of Understanding. Indonesia is eager to share experience and knowledge in fighting our common enemy: corruption," he said.

He added that corruption has become a transnational crime; which requires transnational cooper-

ation by anti-corruption authorities such as EFCC and KPK.

Indonesia once ranked by the Financial Action Task Force, FATF as one of the most corrupt countries in the world has since been de-listed from the FATF list of Non Cooperative Countries and Territories due to the vigorous war waged against the malaise by the Indonesian authorities. The determination to completely wipe off the scourge, influenced the Indonesian Corruption Commission's decision to compare notes with EFCC

Responding, EFCC Chairman, Nuhu Ribadu expressed delight that the delegation finally made the trip to Nigeria, revealing that the visit had been on the cards since last year. He assured the delegation that all necessary support and opportunity will be given to them to make their mission worthwhile. "EFCC is just four and your team will be able to see the facilities and interact with our staff, we will also take you round our facilities both at the Nigerian Financial Intelligence Unit, NFIU and the Training and Research Institute," he declared.

He recalled the Commission's humble beginnings and how it is making a difference to the war against corruption in Nigeria. The achievements he said, speak for themselves: The anti-money laundering crusade, establishment of the Nigerian Financial Intelligence Unit (NFIU), the fight against advance fee fraudsters, the cleansing of the Nigerian public service system and bringing to justice the so-called untouchables in the society, among others.

The team spent three days in Nigeria visiting among others, the EFCC's Training and Research Institute, Karu, Abuja and the Nigerian Financial Intelligence Unit, NFIU. These world class facilities are expected to provide expert and technical support to the Indonesian anti-graft body. The two anti-corruption agencies signed a memorandum of understanding (MOU) to that effect.



Nuhu Ribadu (middle), flanked by (Left) Sujanarko-Director, Network Fostering, KPK, Sjahrudin Rasul, Vice Chairman, KPK (Right) Taufiequrachman Ruki-Chairman, KPK, Nandi Pinta Ilham, Exect. Secretary, KPK, Indonesian.



"No matter whether EFCC is doing well or not, nobody can give 100 percent commendation; they will be accused one way or the other. But, at least, if such things are happening, it will reduce corruption. No matter what anybody will say about EFCC, by what is happening now, corruption will reduce."
-Attahiru Bafarawa, Governor of Sokoto State

"Whether the EFCC is selective or not, at least for once, we have an institution which is attacking the monster called corruption. One day, the EFCC would beam its searchlights on those who are seen as favoured today. Even if the President is selective, one day he will leave the Presidency but then the institution and the philosophy of EFCC would have been established"

-Sule Lamido, former foreign Affairs Minister



"The Economic and Financial Crimes Commission, EFCC is a timely statutory intervention to stem corrupt practices and tendencies. Like all new things, they have some defects, but these can be addressed from time to time. I believe in another ten years this country will be respected worldwide for minimizing the malaise"

-Justice Alfa Belgore, former Chief justice of Nigeria



"The truth is that except for the criminals and looters among us, there is hardly anybody who does not appreciate what the EFCC has been doing or stands for"

-Dele Agekameh, Media Consultant



"EFCC has been doing a great job. I have always been an advocate of the strengthening of the EFCC"

-Chief Ken Nnamani, Senate President



bicycle. Everything we need in this country is being imported. Most of the food we eat - rice, oil, so many other foodstuff, we import. It shames me, because we have absolutely no reason to do so -we have got the land, which is very fertile, we have got the people, most of who are doing nothing because there is no proper plan to harness our resources, both human and material to grow the things we need.

When I was in school, we were producing a lot of groundnuts in this country, a lot of cotton, and we were exporting them. We thought the textile industry would improve, we thought we would have more textile industries. But, it is not so. The industries we have are not working, either because we can't afford the cost of the cotton or because what we produce here is less than what is brought from outside, it is a great pity, it is a shame, instead of going up the ladder, we have steadily climbed down and there is no reason for that.

In the area of education, we have many school buildings, many university buildings, and many polytechnic buildings. I chose to describe them as buildings, because that is exactly what they are. No quality products are coming out of them because the level of education has gone down.

And of course in the area of administration, we are not much better. Some of the people who govern us now are like wild animals. Instead of using the money we have for the purpose of improving the lot of the citizens, they steal it, take it outside the country and deposit it in foreign banks. It is so unfortunate because, when things get bad, they are ready to run away from the country, they are ready to evacuate their families and settle in a foreign land. It is a pity; it is a very great pity.

I am one of the people most concerned with this state of affairs. I come from Zamfara State, I am one of the people who spent many years fighting and doing everything possible to get a State of our own. I was the chairman of the committee. Finally, we got a state, but believe me, had I known that the Zamfara we have today will be the result of our labour, I will not have worried myself to get into that committee and make all the sacrifices we made to get the State, because we are worse off now than when we did not have the state. That boy (Governor Sani Yerima) has wasted all the money. All Nigerians will agree with me that Zamfara is the worst State in Nigeria. In fact people outside Zamfara benefited more than even people inside Zamfara state. You can see him pasting his pictures and billboards all over the country (he says he wants to "serve" us again). But, Zamfara is a good example of what is happening in many other parts of the country and it is a pity, it is a shame.

I am very proud of what the EFCC is doing. The Commission is doing an excellent job. All Nigerians must support EFCC. This is the only way things can improve, we must all join hands to work together, we must educate everyone; we must tell our brothers and sisters what a modern government looks like, what a modern government should do. And that is what EFCC is doing. I hope that almighty God will assist us.

-Ninety-two Year-Old Gusau is on the EFCC Governance Award Committee

No Reason For This

BY ALHAJI YAHAYA GUSAU

The EFCC is concerned, but then, all Nigerians are indeed concerned over the situation we find ourselves in this country. Everywhere you go, you find people talking about the same thing. Many years ago, we didn't have much money, but we were happy. And we were thinking that in years to come we were going to have an exciting nation. We thought Nigeria would grow, the population would increase, our prosperity would increase, our agriculture would improve; some of us would have the opportunity of going outside and seeing what was going on in other countries, and that when we compare with ours we would see how much we had improved.

We were thinking that in years to come, we shall surpass the people we started out with. We thought that we will be a great nation in terms of number; we thought that we will be rich; we thought that we shall exceed many other nations because we have the people, we have the resources. But unfortunately, we were wrong. In terms of achievements, we have declined. It is a great pity. Many other countries that were behind us or were equal to us thirty years ago are now far above, far ahead of us. There are many examples to show. Those we were of the same ranking, we thought

together we would improve and become great nations, now those other nations have become great nations. They are now producing things they require, while we have not improved in anyway, if anything, we have gone down. We thought by now we would be producing all the cars we need in this country and we would be able to sell the extra production to other nations, but it is not so.

Of course, we have plenty of cars, everywhere you go you find the latest brand of cars imported by individuals but as a nation, we have not been able to manufacture even a

I am very proud of what the EFCC is doing. The Commission is doing an excellent job. All Nigerians must support EFCC. This is the only way things can improve, we must all join hands to work together, we must educate everyone; we must tell our brothers and sisters what a modern government looks like, what a modern government should do. And that is what EFCC is doing.

Looking the sun in the face



In just four years, the Economic and Financial Crimes Commission, EFCC, has made its mark in its determined efforts to rid the nation of fraudsters and ingrained corrupt practices. The commission is also helping to institute a culture of accountability in public office and improve the image of the country abroad.

■ By the ZT Team ■

Its mandate appears cast in steel. And so is the resolve driving the mandate. Now, four years on, the Economic and Financial Crimes Commission, EFCC, has a character, a personality and an aura. To local and international publics, the EFCC is a source of wonder and behind it all is Nuhu Ribadu.

Depending on who is doing the assessing, the EFCC Executive Chairman is today the most dreaded, the most loathed or the most respected Nigerian alive. His image as a fearless enforcer easily conjures up mixed passions among Nigerians.

There are those who are rabidly antagonistic to the EFCC. Lanke Odogiyon former President, Nigerian Bar Association, NBA, is one of such people. As far as Odogiyon is concerned, the Commission is no more than an extra-judicial body causing fractures on the constitution in the name of law enforcement. Those who think like him insist that the Commission may have come to stay but it is only at the expense of the constitutional rights of many of its "victims". Olisa Agbakoba, (SAN) current President, NBA, is also on this side of the divide. His resentment of the work of the Commission carries with it a large dose of bitterness: Some of his biggest clients have been target of the commission's investigation and prosecution.

On another divide are those who continually applaud EFCC. Corruption, they say, has become a malignant tumor in the nation and so, the Commission's mandate is a timely response to a national need. Luke Onyekakeyah, a public affairs commentator says that "corruption has more or less become "cultural" in Nigeria, so, the EFCC is a generational imperative.

Gani Fawehinmi, Senior Advocate of Nigeria, (SAN) and "conscience of the nation" also subscribes to this notion and belongs to the divide that offers a moral backbone to the fight against corruption. But whichever way Nigerians choose to

view the work of the Commission, Ribadu says that he is satisfied that, in four years; EFCC has lived up to its billing. "We set out to enthrone a culture of accountability and transparency; to make a point that fraudsters should no longer be celebrated; that the banking sector can be sanitized to a level where bank failures will be things of the past. We

believed that we can ask big people in government and in the private sector some questions about their activities and subject them to the same law. All these we have achieved".

Emmanuel Akomaye, the Commission Secretary thinks so too. He says that the height which the Commission has attained in a short while is towering. →

Nothing Personal

Nuhu Ribadu, Self effacing Executive Chairman, EFCC is the inspiration and driving force behind the Commission's revolutionary exploits in law enforcement in Nigeria.

■ By the ZT Team ■

In four years, the EFCC brand has become a household name. But how did it all begin?

When we started we didn't even have anything but the most important thing was that we had a group of serious people, dedicated, hard working people, who believed in what we had to do.

Nigeria was in desperate need of the type of work which we are doing. And right from the beginning we were determined to make sacrifices. It is a tough job but we resolved that we will do it. We wanted to be different and thought about setting up what we considered a modern law enforcement agency.

I think we are lucky to have assembled some of the best Nigerians and that is the reason we are making a difference. There is no substitute for that, no magic, no short cut.

How much of your vision for the EFCC has been achieved?

We thought that we could use the commission as a vehicle for the enthronement of the rule of law, accountability and transparency. We thought it could also be used as a vehicle through which we can prove that the justice system can work in our country; that the rule of law is possible. We also wanted to achieve the objective that a law enforcement agency or a government agency can perform and produce results. We wanted to be sure that those people who hitherto thought that they could do whatever they liked and get away with it, would be challenged and then be brought to justice. We wanted to show that people like



419ers, bank fraudsters and corrupt public officers are not celebrities but criminals who should be in jail. We have cleared them from the society, many of them are either behind bars, or have run out of the country. We also seized their properties.

We also wanted to show that the banking sector can improve and be sanitized and that what we used to hear about failed bank syndrome can be stopped; and we played critical roles in achieving that.

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EFCC head office
Complex, Abuja

The journey, however, has not been smooth-sailing. Aside from its lowly beginning in a tiny office room at the Bureau for Public Enterprises and subsequently, a one-room apartment at Aso Rock Villa, Abuja, in 2003, with nothing in the form of facilities and logistics, the EFCC mandate could have intimidated the faint hearted.

Before the establishment of the commission, Nigeria was at the centre of serious image and diplomatic crisis. Varying forms of economic and financial crimes and acts of corruption were pervasive. Integrity quotient in public and private lives was low.

The enforcement regime against acts of corruption was weak. International rating agencies like Transparency International were harsh in their assessment of Nigeria. In fact, the country was rated as the second most corrupt nation in the world, coming after Bangladesh. In addition, Nigeria was also on the list of Non-Cooperative Countries and Territories, NCCT, by the Financial

Action Task Force, FATF. Fawehinmi points out that the EFCC came at a time when Nigeria had practically lost international respect as a nation. Ibim Semenitari, a journalist agrees. She describes Nigeria's pre-EFCC image as

"messy" and states that the coming of the EFCC has proved redemptive. The situation the respondents allude to was well captured in the media. Both local and foreign media reporting of Nigeria and its people was negative.

Echoes from the Past

In the last four years, EFCC has recorded dramatic successes in law enforcement. A sprinkling of some of the notable cases that passed through the mill of the agency.

The Vaswani Brothers

It was one of the first major crime busts that announced the emergence of the EFCC on the Nigerian law enforcement firmament as the nemesis of fraudsters and peddlers of corruption in both the public and private sectors of the Nigerian economy. In one swift operation in the morning of Tuesday May 27, 2003, the Vaswani Brothers; Sunil, Maresh and Haresh were bundled into an aircraft and shipped to Britain. The surprise deportation climaxed

the inglorious reign of the Indian brothers who for over a decade straddled the nation's automotive and commodities trading sector with the ruthlessness of a Mafioso.

The brothers who owned a surfeit of businesses scattered in Victoria Island and other parts of Lagos were notorious for willful subversion of the system and exploiting the weakness of the Judiciary to escape punishment for economic sabotage. Before being deported, they were linked to

Nigerians were held in suspicion all over the world and prospective investors turned their attention elsewhere.

In the local financial industry, cases of bank failures were legion. Public confidence in the banking sector had taken a severe bashing. Practices like money laundering, round-tripping and bank fraud were rampant. For some smart Alecs who were bent on making money by all means, Advance Fee Fraud practices became a stock in trade. Victims of the trade were rising by the day with international businessmen and investors topping the list. On the basis of all these, President Olusegun Obasanjo made a move in line with his avowed anti-corruption crusade which manifested in the establishment of the EFCC in April 2006.

At the outset, many did not give the EFCC a chance. And this was in spite of the Commission's loud expressions and communication of its mission statements to Nigerians. "We were used to the kind of tough talks that the EFCC chairman was making when the commission took off though we never took him seriously. We thought it would be business as usual", confesses a top banker who craves anonymity. In no time, the commission's promise that **"EFCC will get you anywhere, anytime"** began to register in the minds of Nigerians: 419 kingpins and fraud barons were arrested, prosecuted, their assets confiscated and their empires of fraud demolished. Today, many of the notable 419 chieftains are either in jail or in exile. In just four years of operation, EFCC has recorded close to 200 convictions for advance fee fraud and other economic and financial crimes. Before the establishment of the commission, there was not a single conviction for such heinous crimes in regular Nigeria court. This feat is not lost on Nigerians. Daily, hundreds of petitions from the serious to the trivial are received by the Commission. EFCC seems to have inculcated in the people a culture of little or no tolerance for fraudulent practices.

In specific terms, the commission in four years has become a household name, says, Professor Itse Sagay, constitutional lawyer and Senior Advocate of Nigeria, SAN. As far as he is concerned, EFCC has foisted on Nigerians the consciousness of the damaging impact of corruption on the nation. But, this had not always been so. International financial institutions like the World Bank estimate that as much as \$220



Balogun



Alamieyeseigha



Fayose



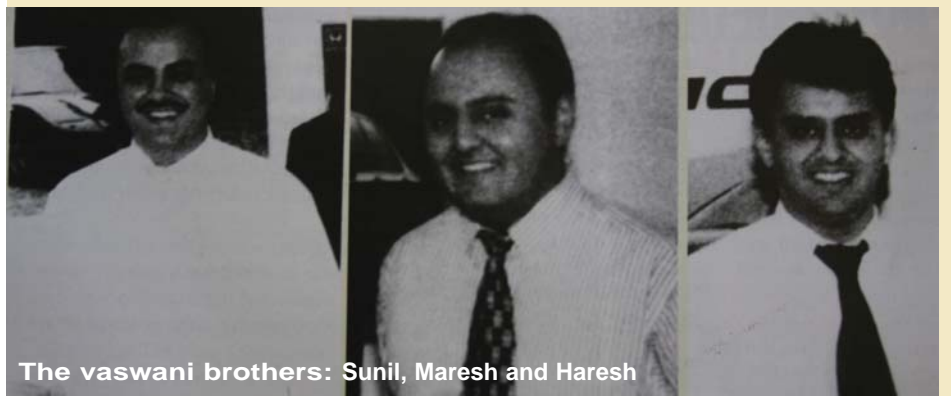
Dariye

billion has been lost to corruption and mismanagement in Nigeria, since independence in 1960. However, now, the trend is chang-

ing. In just four years, EFCC is stemming the drift, nabbing in the process many high-ranking government officials indicted for pilfering and looting.

← a N40billion customs duty fraud. Besides, the name of the Vaswanis also popped up in the investigation of the \$242 million Brazilian bank scam. The Vaswanis are

believed to have provided assistance to Emmanuel Nwude, the prime mastermind of the Brazilian bank scam, in laundering the loot from the 419 heist. \$6.2million of the money found its way into the Vaswani account. →



The vaswani brothers: Sunil, Maresh and Haresh

Some of these include state governors, ministers, legislators, chairman of local councils, heads of parastatals, a former Inspector General of Police, powerful businessmen and politicians. The intense pressure put by the EFCC on corrupt Nigerians, resonates even well beyond the shores of the country. Olusegun Adeniyi, Editor of *THISDAY* Newspapers in a February 22, 2007 piece reports "I must point out that EFCC has done a lot for Nigeria and this is better appreciated outside the country. Just four days ago, I was on a panel of discussants that included the Transparency International (TI) Chairman, Prof. Peter Eigen who is also Chairman of the International Extractive Industry Transparency Initiative (EITI) Advisory Board. Eigen was full of praise for the efforts of Ribadu in the bid to rid our country of the stigma of corruption by exposing deviants, while pointing out that positive global perception of EFCC played a significant part in getting Nigeria the debt relief".

Recently, the Commission sent an Advisory List of indicted politicians to political parties to guide them in fielding candidates for elections. By this action, the commission aimed at helping to improve the quality of leadership across all tiers of government. The list raised much dust and generated intense commentaries on the integrity and fairness of the EFCC in respect of names on the list and some others not on it. Newspapers columnists, political groups and individuals alleged highhandedness and executive interference in the selection of names on the advisory. Fusillades were fired at the Commission. The undying allegations of selectivity and political manipulation of the EFCC by the government came to the fore again. Even the Senate also alleged that the list was tampered with. For the principal officers of the Commission and other staff, strident criticisms of the sincerity of purpose of the EFCC became a daily menu served on the pages of newspapers and magazines. The barometer of the corrupt or misinformed elite anger against the Commission notched upwards considerably but Ribadu and his team weathered the entire storm, their defence, unassailable: the Commission acted properly within its power and the dictates of the Nigeria constitution and the fact that some vocal Nigerians for one

'Nothing Personal'

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We said that we will show that our justice system can produce results and for the first time, we have started getting convictions for 419, for corruption and fraudulent activities. We never had it like this before.

We also wanted to improve the image of our country, we believed that by working hard, the world will take notice of what we were doing and this has translated into a better image and respect for our country.

More importantly, we believe that this is the foundation of a new Nigeria. If you sanitize and enthrone the rule of law, politics would work, you will get good people, democracy would last and people will no longer be denied the opportunity to do what they want and through that we be able to start and get government working, and government would produce result and the resources we have -both human and

natural resources, we would be able to make good use of them.

These are some of the things that we dreamt of and I think we are getting somewhere. It has been very tough but we have something to show for it; we've succeeded in making an impact. We have achieved the goal we set for ourselves at the onset. We wanted from the beginning to show that if we are serious, we can solve our problems in this country. We wanted to go after those who are responsible for the bad image of this country, those who are responsible for the corruption, mis-management, embezzlement and fraud, both in public and private sectors in our country; we wanted to show that justice can take its course in our country and I think we have done that.

We also wanted to ensure that nobody is above the law in our country and I think we have shown that as well.

So we are happy with what we have done. I think it is something that all of us should be proud of.

reason or the other like or dislike certain persons was not enough to blackmail or intimidate the commission into putting or removing anyone from the advisory.

For many bankers, the sanitization of the banking industry is a miracle of sorts. But, it was a tedious and gruelling work which EFCC started with its banking surveillance activities and curtailment of money laundering practices. Asishana

Okauru, Director, Nigerian Financial Intelligence Unit, NFIU, says that owing to the effectiveness of the anti-money laundering operations of the EFCC, banks are now complying with all regulations and instruments being put in place to check the menace of money laundering. Before the NFIU came on stream, no local bank had the requisite anti-money laundering software. "But now, about 15 banks have installed the device in their



What would you consider as your greatest challenge both as an individual and as the chairman of the Commission?

The challenge is to continue with what we have started, and then to continue to make people understand that this is good for all of us; to see if it is possible to get our country out of this unfortunate position we found ourselves- not being able to move forward and move fast; to keep up with the challenges of fighting corruption among prominent people and those who have been benefiting from the cheating. They are always fighting back and they are very powerful, rich, and they have the resources, influence, and the means to control public opinion.

How to salvage our country from the grips of these people is a problem and a very big challenge. These are people if you take them, the impression that is created is that you are the bad one, you are the one who is fighting against democracy or rule of law and if you are not care-

ful you can easily get derailed and lose focus. The work we are doing has been tried in our country before. Those who attempted to do it somehow did not succeed. General Murtala Mohammed was killed six months after he started this kind of work we are doing. General Mohammadu Buhari when he came lasted eighteen months. They removed him, put him in jail.

Today we are four years, and I think a challenge that confronts us daily is to ensure that all the bad people giving us bad image are defeated for good, because if you don't defeat them, there is no hope for this country.

Some of those being investigated by the EFCC are known to issue threats and other uncomplimentary remarks directed at you. Do such threats affect you?

Definitely no! We are not too concerned,

but to say the truth, the insinuations are going on daily. They are saying all sorts of things but we've been able to also answer and counter them. At different times, they have accused the Commission of different things. For example, at one point, the main thing was that we were not obeying court orders. We have continued to ask people: "come and show us one single court order that we disobeyed". Not a single person stepped forward, either publicly or privately to say that "you had disobeyed this court order".

Then, we asked them, prove this "selective" thing you are talking about, nobody could come up with one single thing. Those who are receiving the heat of what we are doing are even government people, direct appointees of Mr. President, people belonging to the ruling party. All those who have borne the brunt of the actions of the EFCC are PDP governors, PDP ministers, PDP senators and businessmen who are influential. Not a single person from the opposition so far has been subjected to the treatment that the Commission is being accused of.

One thing I can assure you is that no amount of blackmail will ever faze us. We know it is a trick and it will not work. We will not surrender ourselves to either threat or blackmail. Nothing can ever happen to any human being except it is destined; nobody can harm you unless it is the will of God. We know we are doing what is right; we know that there is nothing partial in all we are doing. We do not confront anybody or take on any person because we have scores to settle with the person. Those who know what we are doing, even if they are the victims, know genuinely that we are right. They may not have the courage to come out, but they know that we are truthful, we are honest and that there is nothing personal.

Advance Fee Fraud; illegal bunkering; public service corruption ...the commission appears to be saddled with too much responsibilities. Is the EFCC overwhelmed?

Well, the expectations of the people are extremely high, which is proper, which is legitimate, which is right. We do not pretend that we can solve all the problems of our country at the same time, we do not have the capacity, and we do not have the means. We should make that clear, but we can tell you that we can do what we can

systems", he revealed. The implications of these are many. Criminal networks for money laundering practices can no longer be sustained. It was the anti-money laundering reform championed by the EFCC that led to the establishment of the NFIU. The unit is autonomous and it is vested with the onerous responsibilities of collecting, analyzing and reporting movement of funds beyond specified threshold. Owing

to the integrity of its operations, professional handling of its mandate, the NFIU succeeded along with other stakeholder agencies in getting Nigeria out of the disgraceful list of Non-Cooperating Countries and Territories of the Financial Action Task Force. The mileage which this feat gained for the nation's image and the integrity of the nation's finance industry is phenomenal. Okauru says that this singular feat has opened wide

opportunities for the in-flow of foreign direct investment into the country.

Major law enforcement agencies around the world like the American Federal Bureau of Investigation, FBI, London Metropolitan Police, the Scorpions of South Africa, the German Police and Interpol now regard Nigeria with some measure of seriousness and accord due respect to EFCC.

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within our own limit.

When we started, we looked at this 419 thing as one of the most critical things that if we addressed, it will be clear to the world that we were here and we were serious. So, that was the first thing we attacked. At any given time we see what is right, what is appropriate for us to do at the time, we address it.

Today we have put so much emphasis and concentration on issues of public servants, political office holders and those who are, for example, indicating interest in contesting elections in Nigeria being accountable. Is a time-related issue, if we do not do it now, we may not be able to do it again, so we have put so much energy and efforts in that direction.

Tomorrow, it may be a different challenge; it may be a different problem. We will continue to assess on a daily basis what is important, what is our priority.

How would address the charge that the Commission is not independent of undue executive influence?

I don't know what you mean by being independent, even now, EFCC is independent, because operationally we do our work on our own without any difficulty. Nobody stops or disturbs what we are doing. Forget about what people say. There is no way you can take the Commission out of the executive arm. In a country like ours where we have separation of powers, the Legislature will make the law, the Executive will enforce it and then the judiciary will interpret it and adjudicate.

So, if you take the EFCC away, where are you going to put it? And you know if an executive is elected, he will come with his own programmes and that is what is going on all over the world. In his programme, he would say "I want to fight corruption" and he will rely on the government agency that is on ground to implement and enforce his programmes.

President Obasanjo, came with an agenda to address issues of corruption. You can only fight corruption through the law enforcement agencies and government institutions that are specifically established to do so. You cannot fight corruption with the army or a political party

If you go for example to the UK, the Metropolitan police is part of the executive and they are the ones who are fighting corruption. If you go to the US, the FBI is part of the executive. The head of FBI is appointed by the President. What we should be asking for is, let's have a good team, let's have an establishment that can work, let's improve our standards so that everybody will do what is right, and that is the only solution.

People completely get it wrong about this independence thing, it is total trash, there is no where it works, what we need is a system that works, even if you are the President, we should be certain of what you cannot do, and if you do, you will be checked.

You are instrumental to the progress that this commission has made, but you are not likely to be here forever...

It is not about me as a person; it is about the institution, it is about the struc-



ture that has been built; it is about doing things properly and correctly and laying the foundation for the work to continue. I think we have done that very well. I am very small compared to what is going on in EFCC. There are so many good people within the Commission and even outside, who could probably do better than what I have been doing as leader of this place.

Well, I think I am just doing what I consider as the right thing; set up a Commission that will be able to stand the test of time, continue to produce results and justify the reason it was established in the first instance.

If I have to be remembered, I would rather say that I belonged to a team which somehow made it possible to set up what I can say today is a modern institution, par-

ticularly in the law enforcement sector, and I think that is good enough.

Looking back, are there things you wish that you had done differently?

Well, I wouldn't say that there are things that I regret or that we should have done differently. We are doing fairly well to the best of our ability. Though it is not a perfect system, we shall continue to build on what we have. We are working hard, we have some of the structures within the EFCC that are new and are growing. It will only continue to improve. We will continue to build on them to make them work better.

We have been able to understand thoroughly how to address issues of intelligence and assembling of evidence. We have been able to have total control of the finance sectors, we are establishing a data centre where we can store and retrieve information, we have strong relationship with the international community, and then we have been able to raise the standard of law enforcement in our country today. We are getting close to world standards.

We set up a Training and Research Institute. We have the largest training institute in Nigeria, training other law enforcement agencies, regulatory officers, and all those who we think need improved skills for the work they do. Today, we have offices in six different zones in this country and we believe we are carrying out this responsibility assigned to us. All these things are there and they are only going to be improved upon. If we continue in that direction, we would get to a point where we can serve as an example for others to copy. Already the world is watching, so many countries in Africa today are definitely trying to copy us in respect of what we are doing here. We are bringing the best hands we can get, we are bringing the best technologies that are available in the world and insist on best practices and all these efforts have to continue. We believe we will continue to be an example of a government agency that can preform.

Fred Ajudua

Arguably one of the most successful scam artists to come out of Nigeria, in his hey days, Fred Ajudua ruled the social circles of Lagos and his Ibusa homestead in Delta state where he is the recipient of a bouquet of titles from both the church and the traditional institution. Blessed with a hulking frame and a fearsome visage, Ajudua moved about town in a long convoy of exotic cars while members of the police mobile force served as his escort and bodyguards. He carried himself with the swagger of the untouchable. But that was before EFCC came on the scene. The godfather of the profession



of trickery was among the first set of fraudsters to be arrested by the Commission.

Not only that, some of his assets including exotic cars was confiscated. He was subsequently arraigned before the Lagos High court, Ikeja on charges of obtaining \$1,698,133 from a German national, Remmy Hendrick Luigi Cima under false pretence. The trial suffered undue delays as his counsel exploited all the tricks of his trade to stall the process. Eventually he was granted bail on the ground of ill health after he was diagnosed of having kidney problem that necessitate urgent medical treatment abroad. But, since, he left the country for India close to a year ago there has been no trace of the big time fraudster.

We Got Nigeria Out Of The FATF List

Asishana Okauru, Director, Nigeria Financial Intelligence Unit, reveals the herculean challenges involved in setting up the NFIU and getting Nigeria out of the ignoble Financial Action Task Force, FATF's list of Non-Cooperating Countries and Territories. Excerpts:

The NFIU is one of the most formidable units in EFCC. How did the journey start?

The unit is a creation of a number of interests. It was a substance driven by the Chairman of the EFCC, Nuhu Ribadu. The NFIU is his brain child. When the EFCC was created, the mindset of the drafters of the law was that they were putting together a Financial Intelligence Unit for Nigeria. The country had just been put on the Financial Action Task Force's black list as one of the Non-Cooperating Countries and Territories.

It was necessary to get the country out of it. And getting a country out of the NCCT list is always difficult. It is process-driven. So, it became a policy issue for the leadership of the country.

But added to this, were other issues. There was the 419 problem; there was the image problem and a number of other issues. So, if you look at the EFCC Establishment Act, it was designed to address a number of things. The law is a one-stop piece of legislation. It created an asset-recovery agency, it created a law enforcement agency, it created a regulatory and supervisory body and is equally the parent body for the Nigerian Financial Intelligence Unit, NFIU.

So, in addition to putting a number of other things together, especially the regulatory framework, we needed to establish a Financial Intelligence Unit. So, the Chairman quickly put together that unit. It was an inter-agency thing. We had to work



Okauru

with the Central Bank of Nigeria, CBN, the Nigerian Deposit Insurance Corporation, NDIC, we had people from the Police, I represented EFCC.

As at take-off, it was clear to us that that there was no other FIU in the West-African sub-region. So, what we established is the first FIU in the sub-region. Besides, there are only three FIUs in the whole of Africa- one in South Africa, the second one in Mauritius and the third one in Egypt. Again, we got exposed to the Egmont Group. This is a loose network of all FIUs in the world. And of course, it is the most influential connection of FIUs in the world.

Strategically, whilst the FIU was established, it became clear that while the EFCC was supposed to focus on the enforcement side of the anti-money laundering programme in the country, FIU is supposed to manage the suspicious transactions regime in the country. And that is what we have been doing so far.

In what specific areas have your unit impacted positively on the activities of the EFCC?

Typically, FIU receives what is called Financial Disclosures from Reporting Entities. We equally have access to law enforcement information and lots of information from the regulatory sectors. So, if you look at the FIU, it serves as an anchor between the regulatory sectors and law enforcement agencies. By law, we receive a number of reports, what we called the Currency Transaction Reports, CTRs.

Now, in terms of what we have contributed, I can tell you a number of things. Number one, it became possible to delete Nigeria from the FATF's blacklist because we now have what we can describe as FIU Nigeria; and I think that is a major achievement.

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They are now more than ever before, ready to partner with Nigerian law enforcement agencies, because of the groundbreaking achievements of the commission.

Back home, most Nigerians appreciate the considerable efforts of the EFCC towards improving the nation's battered image.

Jackson Adejumo, a businessman told *ZeroTolerance* that Nigerians are now being treated with considerable respect abroad. This, he attributed to the successes recorded by the EFCC "in fighting internet crime and corruption". Raliat Ajanah, Special Adviser to the Kogi State Governor on Women Empowerment supports Adejumo: "Our national image has improved considerably. We were nobody before. Outsiders were always suspicious of us. With the coming of the EFCC, we thank God that the agency has been trying to get those that have been spoiling the image of the country."

Aside from declaring a total war on fraudsters of all forms, assets and money recovered from suspects are being returned to their rightful owners all over the world. Several billions of naira in cash and properties has been recovered from suspects. One of the most notable of cash restitution was the \$17million returned to Nelson Sakaguchi, a director of a Brazillian Bank

that was conned by Emmanuel Nwude, leader of a Nigerian 419 syndicate. The syndicate duped Sakaguchi \$242million. Members of the syndicate are already in jail in Nigeria for their roles in the scam. Their fraudulently acquired properties and other assets are being auctioned and proceeds repatriated to the victims of the crime.

Ajanah says that such efforts are responsible for the improved image of the nation abroad. Ribadu assures that his Commission will not relent in its efforts until the whole world is convinced that Nigeria is no longer a rogue nation.

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Maurice Ibekwe

The late member of the House of Representatives made headline news when he was arraigned before the Ikeja High Court on charges of obtaining under false pretence. The lawmaker who was chairman, House sub-committee on Police Affairs as well as chairman, Committee on Internal Security had allegedly duped a



German, Munch Klaus of \$330,000 and 75,000 DM over a phony contract to supply computers, monitors, radar systems accessories and landing lights for the Nnamdi Azikiwe International Airport. He was remanded in prison custody by the trial judge. Unfortunately, the alleged fraudster died in prison custody before trial could be completed.

The \$242m Brazilian Bank Fraud

It is dubbed the biggest advance fee scam heist in the world. A powerful syndicate of 419 goons successfully fleeced Nelson Sakaguchi, director



of what was once one of latin America's biggest banks, Banco Noereste of \$242 million over a non existing contract to construct an international airport in Nigeria's new capital city, Abuja. After several years of walking the streets free and using the proceed of the crime to ward off

arrest, members of the syndicate led by Emmanuel Nwude and Amaka Anajemba were sniffed out by EFCC and put on trial. They were convicted by the Lagos High Court, Ikeja while all their properties and assets were confiscated. Part of the stolen money has been returned to the victim of the scam, Sakaguchi who was a prosecution witness during the trial.

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Number two, it is possible to establish a connection between suspicious transaction from reporting entities and the investigation and prosecution of money laundering matters in the country. This has never happened before. I must confess that before the EFCC came on board, we had a suspicious transaction reporting regime in Nigeria. There was no relationship between how money laundering cases and terrorist-financing cases were investigated and prosecuted.

Now, there is a clear relationship between how those cases are now investigated. We now have a dedicated Suspicious Transaction Database within the NFIU. It is possible for us to interface with the reporting entities and other FIUs in respect of money laundering matters. We have a relationship with other members of the Egmont group. The relationship, of course, is two way. For example, as the Director of NFIU, when they say that our FIU is autonomous, I have to be in a position to exchange intelligence with other FIUs unencumbered, undisturbed by anybody and that is what we have been doing.

So, every time they need any information, they will just contact us. And every time we also need any information, we contact the other FIUs and there will be an exchange.

Number two, some will want to do such exchanges on a case to case basis, if you don't have an FIU, you can't do that.

Number three, it has been possible for us to enhance the quality of report by the reporting entities. The banks used to send in Suspicious Transaction Report, STR, to NDLEA and the CBN. They were just doing reports. Many times, the contents of the reports are empty. But since we came into the picture, it has been possible for us to sensitize them and educate them locally and internationally. We have involved a lot of other bodies outside to offer them training. The World Bank is involved. We also have people here that go from one organization to the other, holding seminars and letting these bodies to know and the results can be seen in the quality of the STR coming from the bodies.

When we came in, it was nil reports they were offering but I can confidently tell you today that the quality of STR on the ground now has substantially improved.

Number Four, when we came in there were 89 local banks, and there was not even a single one of them running a proprietary anti-money laundering solution. Even the CBN did not have an anti-money laundering solution. And that was strange to me given where I was coming from. I can't imagine you running any serious finance outfit in the US or anywhere in the world without an anti-money laundering solution! I never understood how our banks were doing business outside the country.

So, we made it mandatory with the help of the CBN for banks to have the solution. There are now 25 consolidated banks in Nigeria and about 15 of the banks now have anti-money laundering solutions on their systems. This is a feat. It has never happened before in Nigeria. Even the Reporting Format has changed. Formerly, STRs were submitted in Excel. But now, we made it clear to them that STRs could be submitted in any format. Another major achievement is that if you talk to any capital market player around, especially stockbrokers, they will tell you that they have access to a lot of funds from outside and this is because a lot of countries now believe in our economy. This is because they know we now have a regulatory environment for anti-money laundering and other issues, which is crucial for investment.

I Don't Know What Would Have Happened Without EFCC

Dr. Joe Okei-Odumakin, civil rights activist and leading figure in the Campaign for Democracy takes a hard look at the activities of the EFCC in the last four years. Her verdict is an admixture of deep admiration and concern for even handed prosecution of the war on corruption. Excerpts:



Dieprieje Alamiyeseigha

He is still standing trial before the Federal High Court in Lagos on charges of corruption and money laundering. The former governor of Bayelsa state was arrested at the Heathrow Airport in London by the Metropolitan Police with about one million pounds sterling in his possession. That was in September

2005. The ex-governor was charged before the Southward Crown Court which granted him bail. But he chooses to violate his bail condition by escaping to Nigeria where he enjoys immunity from prosecution. But the immunity cover failed



The Economic and Financial Crimes Commission, EFCC is four. How would assess its activities so far?

To start with, EFCC is a welcome idea in a society that is riled by corruption. Corruption almost became a national culture in this country that one needed an EFCC to sanitize the whole system.

Before EFCC came, in the 80s and 90s, we saw the way the 419 people flaunted their ill-gotten wealth; but now EFCC has sent shivers down the spines of so many of them that you can hardly see anybody with questionable wealth, flaunt such wealth.

When I was in school, I used to listen to budget presentations and we knew that a lot of Ministers used to inflate their budgets. But with the coming of EFCC, a lot has changed. Before anybody inflates his or her budget, that person will have to think twice.

But then, what has always been our worry, which the Chairman of EFCC has tried to address on one or two occasions, is that while fighting corruption we should try to ensure that people's fundamental human rights are respected.

I have heard Ribadu, once or twice, on television saying that there are people that are invited by the Commission and have refused to honour such invitation; and that

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as members of the Bayelsa state House of Assembly moved against him. On December 9, 2005 he was impeached as governor paving the way for his arrest and trial.

Dieprieje Alamiyeseigha is believed to have looted over N50billion from the Bayelsa treasury and has properties and investment scattered across the globe.

Ade Bendel

Alleged serial fraudster and socialite, Alumile Adedeji, alias Ade Bendel was among the first set of 419 kingpins to be taken out of circulation by EFCC. He was arraigned before an Ikeja High Court, Lagos on May 30, 2003 for swindling an Egyptian army general, Ali Abdel- Azim Atti of \$500,000 over a non-existent contract.

Four years after, what difference has EFCC made to the lives of Nigerians?

Time there was when the 419ners were going out in sirens, the Ajuduas and others; time there was when the Nwudes and circle of 419ners was widening at an alarming proportion. They could not deal with them but the day I saw Nuhu Ribadu giving out a cheque to the Brazilian banker, Nelson Sakaguchi who came to this country, to receive the money that had been taking away by some 419ners; I saw tears running down my cheeks.

The singular act of the EFCC dealing with the 419ners restored the dignity and international respect for this country.

Again, when you look at the membership of the EFCC Board, the Inspector General of Police is a notable member. But a former IG was investigated, tried and made to return the ill-gotten money by the Commission. The action gave hope to Nigerians that we can deal with ourselves in this country.

When you want to know how efficient, thorough, sincere, focused, passionate, determined an organization is, go and ask for the leader. In all the criticisms of EFCC activities all over the country, no one has ever accused Ribadu of corruption. No one has ever published an account that "this man has so much in his account." So one of the reasons for the success of EFCC is the leadership offered by that young man called Nuhu Ribadu.

Part of the reactions to the list of indicted politicians released recently by EFCC was the claim that the commission has derailed. Do you share this feeling?

No! Millions of Nigerians support what EFCC is doing but they have no access to the press. Look at some of the press we have, they are owned by some of these people. It is the proprietorship of the

Joshua Dariye

Former Governor Joshua Dariye of Plateau State is a fugitive from justice. The ex-governor who also jumped bail in London having been arrested for money laundering by the Metropolitan Police is on the wanted list of the EFCC. Dariye was impeached by the members of the state House of Assembly following the release of the detailed report of EFCC investigations into the state

finances where it was discovered that Dariye allegedly stole N1.16 billion Plateau state Ecological Fund.

The former governor is linked to ownership of several choice properties in Nigeria and UK, all proceeds of crime.



The PTFD/ Atiku

By far the most controversial case investigated by the Commission is the one involving the misuse of funds of Petroleum Technology Development Fund, PTFD by Vice President Atiku Abubakar. The VP, investigation revealed, abused his supervisory mandate on PTFD by illegally diverting \$125million of a public trust fund into his personal businesses. Funds of the agency were on the instruction of the VP placed in two near-distressed banks,

Trans International Bank and Equitorial Trust Bank, from where pay outs dressed in the garbs of loans were allegedly made to cronies and associates of Atiku.

Investigations reveal that just as the funds were hitting the two preferred banks, TIB packaged "loans", even without collateral, for the VP's long time friend and business associate, Otunba Oyewole Fasawe.

Similarly as the funds were hitting his bank ETB, Otunba Mike Adenuga made a \$20million deposit for Globacom license, the second national carrier.

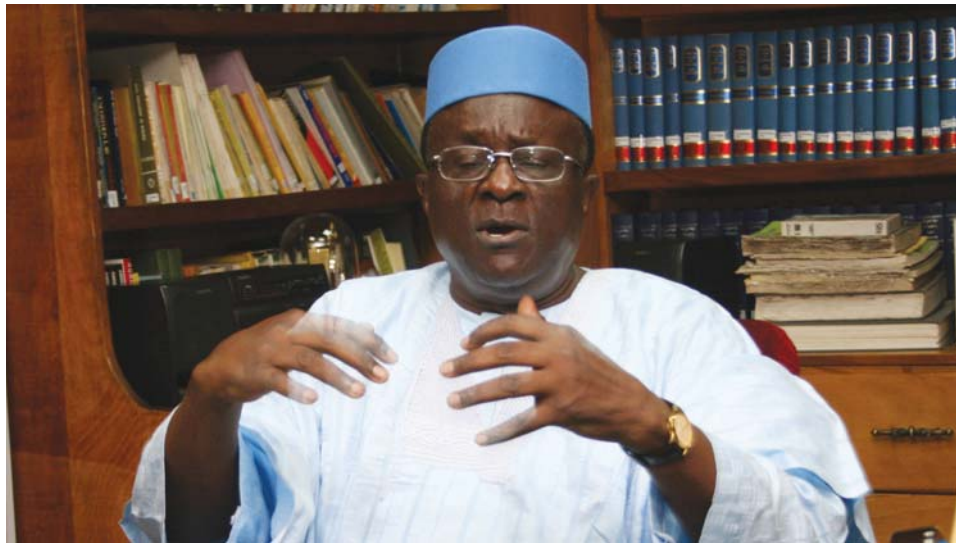
Also when the transfer of the \$50million by PTFD from its account in UBA plc New York was made to ETB, Mike Adenuga gave the VP the sum of N322million through his Marine Float account with Bank PHB.

The immunity which the VP enjoys prevented his immediate prosecution for corruption and abuse of office. However, an Administrative Panel raised by the Federal Government to consider the EFCC Report indicted him. He is in court challenging the EFCC investigation, the government panel indictment and the white paper issued on the panel's report



'EFCC Made Me Cry'

Irrepressible human rights Advocate and anti-corruption activist, Chief Gani Fawehinmi (SAN) says EFCC has been a breath of fresh air in a corruption-infested society like Nigeria and warns against revisionist threats from critics. Excerpts:



media that has derailed its constitutional mandate; and it is a misfortune for this country.

That list has the support of Nigerians. To weed corrupt people out of the political arena is right and millions of Nigerians are in support. What you are simply saying is that this is the list of those who cannot contest this election. It is left to them to go and defend themselves.

Is EFCC really selective?

I think it is a criticism that does not hold water at all because if you look at the people who are being investigated by EFCC, they are obviously government people. Who could be closer to the President than Balogun, his Inspector General of Police? EFCC got him, pulled him down legally. All the governors who are being investigated are government people. They belong to the ruling party, PDP. From Alamiyeseigha to Dariye, Fayose ... etc. All these people are not in opposition.

Honestly people that are being dealt with are members of the powerful party in government. So, if EFCC had started with those in opposition, the cries would have been, EFCC is all out against opposition but now that it started with those in power, then how selective is the commission?

Will you say that EFCC has met your requirement of an ideal law enforcement agency and to consolidate on its achievement, what advice do you have for the Commission?

It is a pity EFCC does not have enough time to weed out all the corrupt politicians before the elections. I only pray that none of them gets away and

taste power so that we don't reverse the gains that we had made. I think there should be a commitment from those who are contesting elections to ensure the sustenance of EFCC. It is very important. The National Assembly before leaving in May should have amended the constitution to incorporate the EFCC so that nobody will fiddle with the EFCC after May 29. Right now, we can only pray and hope that the right leader emerges from the wreck of our polity.

Ayo Fayose



The former governor of Ekiti state was impeached by the state House of Assembly in the wake of the EFCC investigations into the controversial N1.5billion Ekiti state Poultry project. The project awarded to Gbenga James' Biological Concepts Limited was advertised as Ekiti answer to the

country's poultry needs. However it turned out to be a phony conduit to siphon money from the Ekiti treasury. Fayose cleaned out N1.25billion from the Ekiti treasury through the project. A substantial part of the funds were looted as pay out to friends, cronies and family members of the former governor.

Fayose is on the wanted persons list of EFCC, while his personal assistant Goke Olatunji and his friend, James are facing a 15 count charge of corruption and money laundering before the Federal High Court, Lagos.



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is why EFCC has gone to the homes of people to try to effect arrest. When EFCC wants to go after suspects, people's homes should not be broken into like it happened to Mike Adenuga, according to reports in the media.

Let me say that some of us especially at the level of Campaign for Democracy know that, EFCC has done a lot in trying to sanitize the system. But it could be better. That was why, when the Okigbo report was released and Ibrahim Babangida's name featured on how the oil windfall was squandered, we expected the EFCC to go

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To achieve this, the EFCC is widening and consolidating its operations. From the one-room office at the BPE, Abuja, the Commission took charge of the run-down office of the former Presidential Committee on Financial and Economic crimes in Lagos in 2003. The office has been turned around and it is now the Lagos operational base of the Commission. In addition to this, EFCC has established zonal offices in Port Harcourt; Enugu; Kano and the corporate headquarters in Abuja. Plans are underway to open another Zonal office in Gombe to take care of the Northeast zone.

Outside these expansion projects, Akomaye says that the greatest challenge of the commission is to continue to do what will rid the nation of all undesirable acts in order to enroll Nigeria in the global hall of fame. "We will continue to do what is in the overall interest of Nigeria. No stone will be left unturned," he vows. . Many Nigerians who are alive to this are also giving the EFCC the much-needed support. But there are also those who continue to fault the principles and method of operations of the Commission. Regularly, salvos are fired at Ribadu and his team over what some

after him. That has not happened. If EFCC had gone after him he wouldn't have come to insult the collective intelligence of Nigerians saying that he was coming out to contest for the presidency until he decided to eat the humble pie.

Another worrisome dimension is our politicians. You know most people don't really want to go into politics, because they see politics as a very dirty game, but that's not how it should be. Politics should be for those who have good track record, people that have lived exemplary life worthy of emulation. But what do we have? Most of our politicians are jobbers, hangers on and treasury looters.

It was heart warming when one saw the courage that EFCC demonstrated by wanting to ensure that people of questionable character do not seek elective offices. But we became worried at the Campaign for Democracy when *The Sun* newspaper published what they alleged was a doctored version of the EFCC Advisory to the political parties. Even in the so call authentic list some names were missing, names of people like Alao Akala, deputy governor of Oyo state who Ribadu had publicly proclaimed as corrupt.

What do you think the Commission needs to do to consolidate on its achievement?

The Commission has recorded very huge successes. But it needs to correct some anomalies in its operations. If those things are corrected, people will have hundred percent confidence in the Commission and people will see the Commission as an agency set up to prosecute anti-corruption war, and not an agency meant for persecution.

We want a situation whereby the confidence that people have in the Commission

Nigerians perceive as the penchant of the EFCC for breaching due processes and hounding those who are opposed to the government of President Olusegun Obasanjo. There are also those who say that the

Tafa Balogun

He will go down in history as the first chief law officer of the federation to go to jail for corruption. This inglorious epitaph hallmarks Tafa Balogun's tenure as Inspector General of Police. He was arrested shortly after he was dropped as IGP and the investigations that followed revealed a can of worms, the magnitude of which is unprecedented in the country's history. Tafa Balogun was discovered to have stolen over N17 billion of Police funds. The money was siphoned through seven companies owned by the former IGP.

The EFCC went ahead to slam a 70 count charge of corruption and stealing against Balogun. The trial witnessed some dramatic moments but eventually Balogun pleaded guilty to eight counts



should continue to grow; it would be robust in such a way that even when anybody is saying that "this is the person that EFCC is indicting" we should be able to come to the Commission's defense.

Is the country better off in the last four years of EFCC?

After four years, one will want anybody that wants to take over from President Obasanjo to still retain the Commission. We will want the Commission in the next dispensation to be more independent. Honestly, 419ers have done a lot of damage to our economy. Not only that, we also know that most of the times one traveled in the past, the way the green passports were scrutinized was a source of serious embarrassment. I was in India in 2001 and I wanted to check into my hotel when somebody screamed, "Nigerian"! Then, there was an evening newspaper there, which published that we were the most corrupt nation in the world. Such ridicule is no longer a common feature.

But, honestly I want the question of fundamental human rights to be taken seriously by the Commission. We don't agree with a situation whereby somebody is being brought to trial and he is been treated as if he has already been convicted of the offence. The Tafa Balogun case for instance, some of us were not comfortable with the way the former police chief was brought to court in handcuffs. We want EFCC to be civil and treat even criminals with dignity.

Honestly, Nigeria is better off with EFCC and that's why it's a welcome idea. Without EFCC I don't really know what would have been happening in the political arena; and even worldwide, maybe our green passport would have been something that people would be hiding.

Commission is selective about those it is investigating for economic and financial crimes. Odogyian pointedly alleged that: "The EFCC has been sectional and selective in fighting corruption.

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of refusal to cooperate with investigators and was sentenced to six months in jail.

Mohammed Bulama

His was the first conscious attempt by the Commission to beam its searchlights on fraudulent practices in the banking and finance sectors. Mohammed Bulama, former managing director, Bank of the North was seized by the agency following a flood of petitions alleging large scale thievery that had compromised the integrity of the bank.

It was alleged that at the height of the thievery, the bank had problems meeting depositors' withdrawal demands and its inter-bank obligations.

The investigation into the allegations against Bulama prompted his arraignment before a Federal High Court in Lagos on September 3, 2003; charged with stealing N685 million from the bank. The money was allegedly siphoned by the accused who granted overdrafts to himself above the approved limit prescribed by the bank.

The accused has been released on bail even as trial continues.

Emmanuel Akomaye, the Commission's chief administrative officer, reminisces on the challenges of setting up the administrative machinery of EFCC. Excerpts:

■ By the ZT Team ■

What was the experience like setting up the administrative machinery of the Commission?

Well, of course we had to grapple with problems associated with building institutions from the scratch. We started operating from one room given to us by the Bureau of Public Enterprises. We were there up to early September 2003 when we moved to a three-room apartment in the Aso Villa. As for manpower, we were lucky that the Commission was started by Nuhu Ribadu who is himself a Police Officer. We leveraged on that advantage and got personnel deployed to us from the Police Force. These are the people that constitute the bulk of our personnel that are in charge of the critical work of law enforcement.

On the administrative side, we got a few people from the public service and gradually we began to recruit personnel to complement what we got from the public service. As I said earlier, the Nigeria Police was quite supportive and I should also commend the BPE under Mallam Nasiru el- Rufai by providing us an office and doing much more by granting us a loan with which we were able to start off our operations and that helped a lot.

The first three months of our operations were very critical. We started with the arrest of the 419 kingpins during the first few weeks of our operations and we got the nation to know that it was not going to be business as usual and that our approach was slightly different from the norm.

So, having laid that foundation, we continued to build on it till date. We must commend ourselves that though we are just four years old, we have offices that we can call our own.

What are the most important factors that

Our Greatest Asset Is The Political Will

have assisted the Commission so far in building its structures?

I would say strong leadership of the Commission in the person of the Chairman. Secondly, he is assisted by people who are determined because from the very first day of the establishment of the Commission, we were very clear about our vision and focus and our matter was even better enhanced when the President gave total support and commitment.

In anti-corruption work, the greatest asset is political will. If you don't have it, you can't do much. And we are very lucky that beside the strong leadership of the Commission and the sup-

port staff, we had Mr. President's belief in the work that we do. His will in this work is cast in steel and when you have such kind of determination and will behind you, you can only forge ahead.

In forging ahead with the onerous task of fighting corruption, what are some of the challenges that you are grappling with?

The most critical challenge is changing our attitude. The work we are doing is about people and so, we are like pioneers in the sense that it would appear that what we are doing has not been done before or if it had been done before, not with the depth in which we are doing it. When you take on very wealthy, important people in the society and you get the type of attacks we are getting from the public; you may be discouraged.

But we are not. And so, the greatest challenge is to let people key into the fight. To let them see the fight as genuine and not political as some people are misinforming the public.

Concerning the expansion programme of the Commission, are there plans to have offices in all the states of the federation in the future?

The plan for now is to have offices in the six geo-political zones. For now, we are operating from Lagos, Abuja, Port Harcourt, Kano and Enugu. In the next quarter, the Gombe office will also take off. We want to see how functional the offices in the zones will be in addressing our mandate before we contemplate going beyond that. The idea is not to have offices in every local government. We want to build a compact, efficient and effective commission, not an unwieldy and inefficient hundred-thousand people Commission.



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While it turns blind eyes on the brazen graft and looting of public funds by some people in government and those in the good books of the government, it has been hounding known political and business opponents of the government in power" Even, there are those opposed to the methodology of fighting corruption being employed by the Commission. Onyekakeyah described the present modality being employed by the EFCC as "catch the thief approach". "The drive to apprehend the thieves and bring them to book is in this category. So far, the EFCC has adopted this strategy", he observed. In his views, the approach may succeed in yielding quick results; it is nonetheless merely interventionist and reactionary. The Commission has however thrown a public challenge to those who accuse it of not following due process and for not obeying court orders to substantiate the claim or mention the particulars of any court order that EFCC has yet disobeyed. No one has yet come forward with any such evidence or particulars.

All these notwithstanding, Ribadu holds that: "We are not taking dictations and directions from anybody. There is no interference from any quarter. Our actions are based on the results of our investigations," he clarified.

Innocent Chukwuma, executive director, CLEEN Foundation, views claims of selectivity being bandied against the EFCC as diversionary and self-serving. Many Nigerians, he says, are oblivious of the fact that as a law enforcement agency, the EFCC has powers of discretion and that all its actions are dictated by the imperatives of national security. Sagay, legal practitioner counsels that the EFCC should always make its positions about any sensitive issues known on time to all segments of the population so as to counter the campaigns of calumny being waged against it by those who feel embittered by its actions. In all, the EFCC, in four years appears to have carved a niche for itself. Its dominance in media reporting locally and internationally seems to be an affirmation of the crucial roles the commission is playing in shaping a new Nigeria. John Momoh (OON), frontline Nigerian journalist and Chairman, Channels Television, wants the Commission to play more decisive roles in retaining Nigeria on the path of honour. For Ribadu and his team, this is not only attainable; it is also in line with the grand vision of making the EFCC Nigeria's most credible law enforcement agency.



■ By the ZT Team ■

The media is still having a feast. Great stories throbbing with life, raising people's temperature to fever pitch are still coming out of the Economic and Financial Crimes Commission, EFCC. They are stories of greed and graft. Some involving highly-placed government officials that were once considered sacred cows. There are also stories of sleaze. Well-heeled businessmen who have carved larger-than-life images for themselves are being demystified by the Commission and this, for the media, is a green field of reporting, a refreshing window of journalistic opportunity. Results of investigations by the Commission are now offering the media potent opportunities of informing the public about the misadventure of power holders and others caught by the corruption bug. Indeed, the reporting of EFCC and its activities have

EFCC And The Politics Of Media Reporting

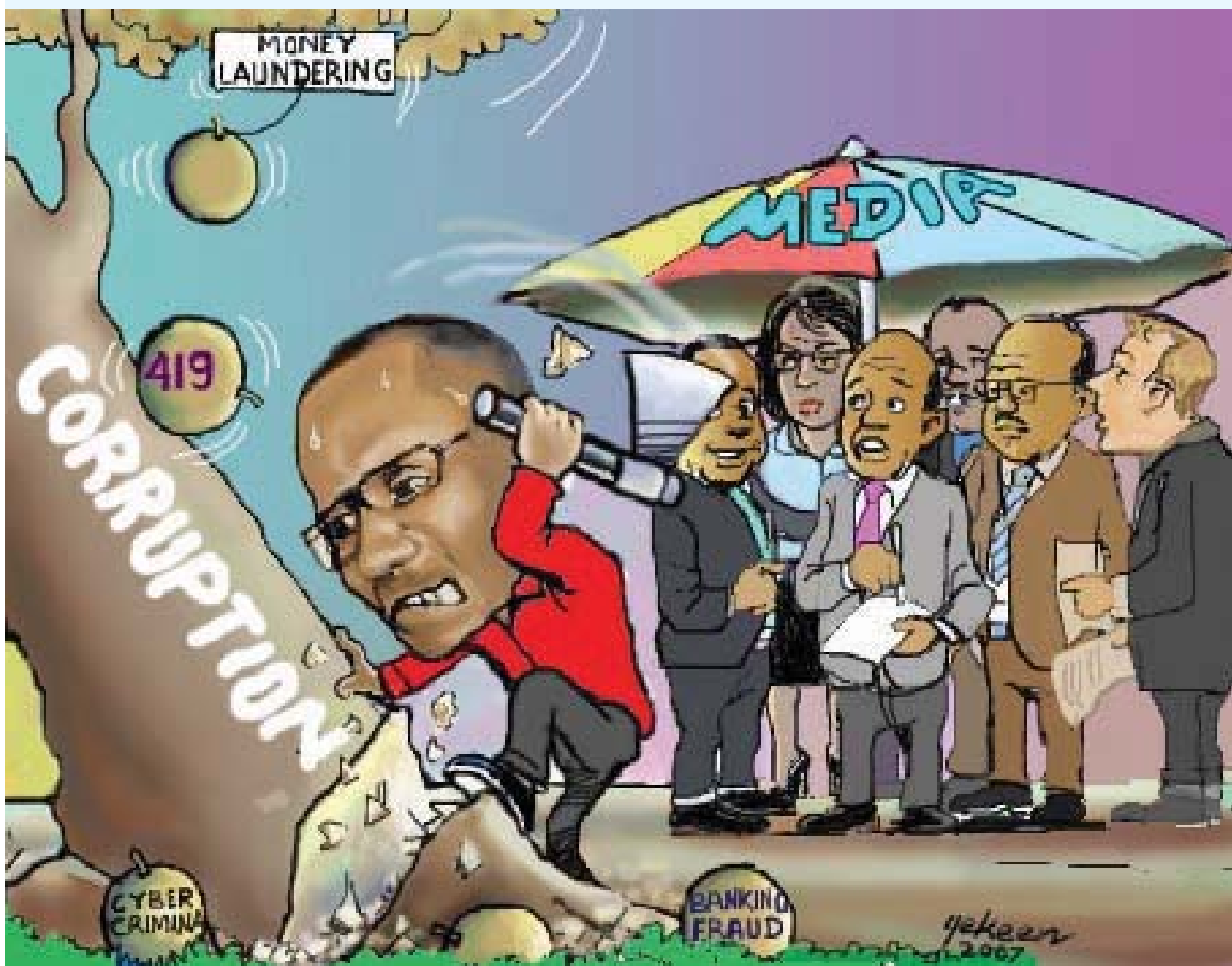
In four years, the Economic and Financial Crimes Commission, EFCC, gives ample reporting challenges to the local and international media and their response is a mixed grill of objective and subjective reporting and analyses.

become a dominant business for both the local and international media.

It was not like this before 2003. Before the Commission came on stream, the reporting of the battered image of the nation owing to the invidious operations of some duplicitous Nigerians was the pre-occupation of all sections of the media. The nation was in a

quandary. It seemed Nigeria could never have a redemptive opportunity. Investors were giving the nation the black eye. Tourists were afraid of pursuing pleasure in a land of insecurities. And all these were serving as material for all manners of reporting.

Continued on Page 30



■ By the ZT Team ■

It is not a coincidence that advance fee fraudsters are now known globally as 419ers. The appellation is a reference to the section of the Nigeria Criminal code that deals with fraud and related matters. The coinage is an attestation, suggesting a distinct Nigerian root for 419.

Expectedly so; for many decades scammers of various hues and temperament operated out of Nigeria, earning for the country the scorn and indignation of the rest of the world. They operated with impunity and even flaunted the gains from their ignoble trade to the face of decent and honest citizens. They were considered untouchables and lived it up with their penchant for driving through the streets of the country's major cities in long convoys of some of the world's wonder- on- wheels, with police escort to butt.

But the Coming of the Economic and Financial Crimes Commission, EFCC in 2003 turned the tables against the swarm of fraudsters that had been riding rough shod over every hard working Nigerian. In quick succession most of the notable faces in the Nigerian Advance Fee fraud ring were arrested and brought to trial. To add to their woes, the Commission also confiscated most of their properties, all proceeds of crimes.

With the likes of Fred Ajudua, Alumile Adedeji, alias Ade Bendel, Late Maurice Ibekwe, Augunus Okoro, Emmanuel Nwude and Amaka Anajemba shackled, others playing in the lesser leagues of the fiercely competitive organized crime needed no further prompting to come to the realization that there were no oxygen tents in Nigeria.

The heat on the scammers became too hot to bear especially with the supersonic pace at which the Commission was securing conviction of the criminals and seizing their properties. At the last count, the Advance Fee Fraud Unit of the EFCC had secured close to a hundred convictions for 419. And with raids on cybercafes, the operating theatres of the fraudsters now a regular exercise, the scammers began to flee from Nigeria to set up shop in neighbouring countries, a fact corroborated by Olaolu Adegbite, who heads the Advance Fee Fraud Unit of EFCC.

But it would seem that the migration to neighbouring countries was a temporary relief, to escape the heat in Nigeria and seek for greener pastures which they have now found in South Asia and the oil rich states of the Persian Gulf. If a report by the Dutch firm, Ultrascan Advance Global Investigations is anything to go by, India, Thailand, China

The Nigerian soil has become too hot for 419ers and, while some have relocated to countries on the West Coast of Africa, the big masquerades in the game of trickery may have found fertile grounds to ply their trade in Asia and the oil rich countries of the Persian Gulf

Shifting Base



Enyinnaya Nwokefor

and the Persian Gulf port city of Dubai are the new frontiers in the \$28billion a year scam industry.

In Dubai, fraudsters are cashing on the city's booming construction industry to fleece victims, mostly from South Asia.

EFCC is mindful of the vulnerability of other countries to 419 which is why the agency engages the law enforcement agencies of other countries in mutual cooperation to curb the menace of the scammer... It is always prepared to share intelligence and follow up on investigation requests from abroad on Nigerian scammers.

The common bait, according to Ultrascan, is a fake multi-million dollar cement contract.

India is also amassing victims of 419. Almost every cell phone and e-mail user in the country are said to have been solicited by conmen. But unlike Dubai, the baits commonly used to disarm and dispossess victims are promises of employment, luck or schemes tailored to self improvement. Reports estimate Indian losses to Advance Fee Fraud at \$32million in 2006.

Until the exodus to South Asia, the only region from where supposedly Nigerian 419 rings operated successfully, was Europe, particularly The Netherlands. From, Amsterdam some 419 syndicates with links to Nigeria successfully scammed several United State citizens. One of the scammer, Enyinnaya Nwokefor was on the wanted list of the United States postal service. He fled Holland for Nigeria where he was arrested by EFCC. The commission is processing a request for his extradition to the United States for trial.

EFCC is mindful of the vulnerability of other countries to 419 which is why the agency engages the law enforcement agencies of other countries in mutual cooperation to curb the menace of the scammer. The agency has enjoyed cooperation from some of the world's best known law enforcement agencies like the American Federal Bureau of Investigation, FBI and the London Metropolitan Police. It is always prepared to share intelligence and follow up on investigation requests from abroad on alleged Nigerian scammers.

To underscore the EFCC's desire to take the fight to the 419ers anywhere in the world, the Commission organized a two day conference in Abuja between March 26 and 27 to which law enforcement agencies of neighbouring countries and other international law enforcement agencies were invited. The conference offered the participants the opportunity to review the changing trends of 419 and map out response strategies.

With the enthusiasm exhibited at the conference, there may be no safe haven anywhere for 419 in the very near future.



Ribadu making a point



Left to Right: Ann M. Roman, U.S. Secret Service, Haziya Fatou, Gambian Police and Greg Crabb, U.S. Postal Inspection Service

EFCC Mobilizes West

At the prompting of EFCC and Interpol, stakeholders in the fight against advance fee fraud in the West African sub region converge in Abuja for a strategic meeting aimed at enhancing the assault against the scourge

■ By the ZT Team ■

As part of its crime prevention mandate, the EFCC in conjunction with the International Police (INTERPOL) on Monday the 26th March, 2007 organized a two-day interactive meeting to deliberate on the scourge of Advance Fee Fraud popularly known as 419 in the West African sub region.

The meeting was attended by EFCC operatives, delegates from the ECOWAS member states and some international security organizations like the Interpol, United States Secret Service, US Department of Justice, GIABA and the US Postal Inspection Service.

Declaring the meeting open, Executive chairman of the EFCC, Nuhu Ribadu noted that West Africa with its teeming population, robust economy and cultural diversity lends a critical challenge to law enforcement especially as it relates to advance fee fraud scams.

Ribadu observed that despite the efforts of government through the EFCC and other law enforcement agencies, advance fee fraud has gradually taken root in neighbouring countries as most of the fraudsters fleeing from Nigeria have found safe havens in these territories.

According to the EFCC boss, "Two main factors aided this emigration pattern: the free travel protocol which was granted by the ECOWA treaty; as well as the increasingly developed IT infrastructure in the sub region. There was also the added protection initially offered by the fact that this fraudulent scheme preyed on foreign victims".

He then called for an urgent response of ECOWAS states to stem the ugly tide. "Let me use this opportunity to call on Nations of the ECOWAS Community to expeditiously pass relevant legislations to specifically address the problem of Advance Fee Fraud and more broadly, Money laundering in their various jurisdictions". Ribadu further charged the member states to establish specialized agencies to address economic and financial crimes for a more reliable and

sustainable enforcement regime

In his own submission, the Crime Intelligence Officer of Interpol, Mr. Ralph Zimmerman said his organization had designed a new project known as the West African Scam project which will deal with the problem of advance fee fraud from a global perspective. He called for better cooperation among law enforcement officers worldwide saying that there was no difference in policing anywhere. He stated that Interpol was trying to create a platform where police all over the world could share their experience to get a clearer picture of the scams and find solution to it.

Also speaking, the representative of the ECOWAS Secretary General, Mr. Guoeye Mamadoo affirmed that the sub-regional body had between 1992 and 1994 adopted several conventions and went a step further to set up a body known as GIABA to fight against Advance Fee Fraud. He praised EFCC for its efforts so far.

Later, while delivering the first lecture of the day entitled, *Advance Fee Fraud Enforcement: EFCC Experience*, the EFCC chairman traced the origin of what is now known worldwide as the "Nigerian Letter", the public adulation of those who benefited from the scam, and the challenges which law enforcement agencies faced in tackling the scam; which included dearth of skilled investigators, absence of relevant tools and the connivance of law enforcement officers themselves.

The EFCC, he pointed out was determined from inception to make the difference. According to him, when the Commission started, "We had no money, offices and vehicles, but our determination was total. Within the very first week of operation, we



Exhibits on display



Ibrahim Lamorde, Director of Operations with the U.S officials



Left to Right: Kareem Okonla, representative of GIABA, Ralph Zimmerman, Interpol, Lyon and Ibrahim Lamorde



Left to Right: Greg Campbell, U.S., Postal Inspection Service with David Tukura, Director, Training and Research Institute, EFCC

Africa Against 419

arrested the most notable and notorious 419 kingpins. This sent the first serious message to the whole world that EFCC was in town and that things would never be the same in Nigeria again."

This initial crackdown, he said was accompanied by sustained raiding of cyber cafés, prosecution of offenders, and payment of restitutions to victims, including foreigners.

Calling for stronger International law enforcement collaboration in the fight against 419, Ribadu stressed that, "this problem cannot be solved by one country alone. Criminals cooperate strongly with each other and we cannot afford to do less".

As practical demonstration for his vision for law enforcement in the region, the EFCC Chairman offered, on behalf of his organization, to train field investigators from selected West African Countries in Advance Fee Fraud investigation later in the year.

In another lecture entitled *International Law Enforcement Cooperation*, Mr. Jonathan J. Rusch of the Fraud Prevention Section of U.S Department of Justice gave illuminating details of the types and workings of International Mass- Marketing Fraud schemes like Credit-Card Protection Plan, Credit Card Offer Scheme, Foreign Lottery Schemes, etc.

Mr. Rusch observed that due to the global trend of the crime, coordination of investigation was becoming more complex and that the seeming non violent garb of the crime is now taking a violent dimension. He therefore called for concerted efforts especially in the area of cooperation by the international community, to contain the activities of the syndicates.

He affirmed that the EFCC has done much in terms of its cooperation with the United States and its fight against corrup-

tion. "I understand how substantial the problem of corruption is in Nigeria but I also see how EFCC is making very serious efforts to deal with it and change the climate that has made corruption very tolerable. Again we have been very satisfied with the workings of EFCC, we have on going contacts on corruption as well as fraud issues with them", he said. In their separate papers, Ann M.Roman, of the U.S Secret Service, Messrs.Gregory Campbell and Gregory Grabb both of the U.S Postal Service and Supt. Aji Fatou Njie of the Gambia Police force enlightened the participants on the Advance Free Fraud situations in their organizations, the different ways they tackle the situation and the way forward. The speakers advocated the need for international cooperation in the fight against what all have come to see as not only a Nigerian or West African problem, but a global menace.

They commended EFCC for organizing the meeting and for its unprecedented fight against corruption. Mr. Gregory Campbell, the Inspector in Charge of the Global Investigation of the U.S. Postal Inspection Service, (USPIS Counterfeit Strategy) Michigan, said "I commend the EFCC for the job they have done. I just love sitting there with the chairman hearing him speak with such passion. And to be successful its going to take some passion. But if you look up the word passion in Latin language, it also means suffering. So you don't exhibit passion without first going through challenges and obstacles as a law enforcement

agency".

He implored other countries in attendance to emulate EFCC. "I am proud of the EFCC in what they have done to lead the rest of the world in changing the negative perception about Nigeria and West Africa.

Tuesday, 27th March, 2007 the second day of the conference was equally exciting and educative. Four papers were delivered by participants from Cammeroon, Cote D'Ivoire, and EFCC.

In his paper, the Director of Operations, EFCC Ibrahim Lamorde, described Advance Fee Fraud as crime of greed, in which the perpetrators depend on the vulnerability of target victims, law enforcement, IT and existing legal system. He further explained the different types and methods employed by the scammers, calling on other countries to cooperate with EFCC to rid the sub continent of scammers.

The delegates later came out with a seven point communiqué and recommendations. They noted the alarming spread of 419 in the sub region and the threat it poses to economic, democratic and political stability of the region and the deficiencies in the law enforcement, banking and telecommunication sectors in tackling the problem.

The conference recommended vigorous international law enforcement collaboration throughout West Africa and beyond. It also called on all ECOWAS states to specifically make anti-money laundering laws to address the menace. They equally recommended the establishment of criminal intelligence data base regime on Advance Fee Fraud in the region, among others.



Cross section of participants



Array of exhibits



'There Is A Synergy Betw

**Mike Awoyinfa,
Managing Director,
Editor-in-Chief, The
Sun newspapers**

Do you think the establishment of the Economic and Financial Crimes Commission (EFCC), is justified and has it lived up to its billing?

From moral and journalistic point of view, I think the idea sounds right, justified. It is a good one to see a just society, a society free of corruption, a society where people in government are doing what is right and there is that spirit of accountability. I think the idea of EFCC and what journalism stands for seems to be in tune. There is a kind of synergy between the two institutions.

In fairness, the EFCC has done well. For the people in private and public sectors, certainly there is a kind of moral awakening on the part of everybody. Suddenly, the EFCC has assumed the role of a societal policeman, a watchdog, consciously or unconsciously monitoring you, a moral

big brother hanging on there looking at you.

The fear of EFCC has suddenly become the beginning of wisdom. Everybody fears EFCC.

It has done well but some people want to hijack the EFCC and use it as an instrument of blackmail. You now have to battle with who is the genuine or fake EFCC.

As journalists we are here to see a just and a fair society, EFCC is our partner in that direction.

So, overall, the idea of EFCC is right. I pray the Commission will be retained after this government.

**Dimgba Igwe,
Deputy Editor-in-
Chief, The Sun
newspaper.**

Is the EFCC, yet another law enforcement agency in the midst of so many others necessary?

More than necessary and very vital. We need it. For the first in the history of the country suddenly there is a conscious attention to due process, accountability. EFCC is an institution; it is not just something for a specific political dispensation. After this

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But the EFCC came and in no time the pattern of media reporting took a dramatic turnaround.

Indeed, media reportage of EFCC activities can easily be captured in phases. There are four phases and they fall into the following categories: Reporting of the EFCC's mandate and promises; reporting of the EFCC's initial radical moves and activities, reporting of the EFCC's established manner of work and reporting of the commission perceived shortcomings.

Reporting of the EFCC's Mandate and Promises:

The establishment of the Economic and Financial Crimes Commission, EFCC was greeted with cautious optimism by the media. Initial reporting of the commission was based largely on the reportage of its mandate and promises. The media found the mandate very timely, socially relevant and politically imperative. Headlines suggesting tougher times for fraudsters dominated both the print and electronic press. Editorials and opinions were written on the mandate of the commission but a subtle "let's wait and see" perspective was prevalent in

the media. Some commentators actually expressed skepticism about the potentials of the EFCC based on the pervasive problems of economic and financial crimes in the country. Kabiru Yusuf, Editor-in-Chief, *Daily Trust* Newspapers says that the initial skeptical attitude of the foreign media is understandable. What was needed was a proof of seriousness with the mandate, and the EFCC has made assurance doubly sure about this.

As far as Bashir Bello Akko, Editor, *Leadership* Newspaper, is concerned; the media set the mood of the nation for what the EFCC later became. "We saw the profile and antecedents of the Executive Chairman and warned the nation that EFCC would change the face of Nigeria", he said. And in a way, the warning has proven to be prophetic. Bayo Onanuga, Editor-in-Chief of *TheNews* Magazine says that the mandate of the commission was what was needed by the nation at the time of its establishment and that accounted for the total support the media gave the EFCC at inception. "Nigeria was a pariah nation then. We saw the establishment of EFCC as a right initiative".

For the international media, the mandate

and promises of the EFCC seemed initially incredible and strange. Both the Cable News Network, *CNN* and the British Broadcasting Corporation, *BBC* and other offshore media took the promises with a pinch of salt. This was caused by the image problem already created for Nigeria by all manner of fraudsters

Reporting of the EFCC's Initial Radical Moves and Activities.

No sooner had the EFCC announced its mandate than it began to bare its fangs. Operatives of the Commission went after notable 419 kingpins and put them behind bars. Court proceedings were instituted against them. Then, characters involved in bank failures were un-masked and their roles investigated. All these served as good materials for media reporting. They began to pay serious attention to the Commission. Headlines, news stories and editorials appraising the work of the Commission became a daily feature and journalists were laying ambush at the Lagos office of the EFCC to sniff for "new arrests and arraignments". This phase of reporting was more critical for the foreign press. Skepticism now became pleasant surprises for them. But then some strands of doubts still persisted. Watchers of the pattern of reporting of the

een EFCC And The Media'

government, we need an EFCC that is very strong and going about its business. It must go after everybody that is corrupt no matter who you are.

Has the media been fair in its coverage of EFCC activities?

EFCC is every media's darling in a way. The media coverage has been fair and objective to the best of my knowledge because the leadership of the Commission is very accessible to the media. It is one organization that you could reach their Media Department and get a confirmation or denial of whatever you needed to find out. So, the media is very friendly with EFCC.

It is believed that some media houses, including The Sun newspapers are sometime unduly critical of EFCC. Why is this so?

No, *The Sun* is not critical of EFCC merely for being critical. It is a function of the society's perception of EFCC. But we try to reflect the negative and the positive perceptions.

The Chairman of EFCC for instance was **The Sun Man -of -the -Year** for 2005. Why was he picked? We felt for good or for bad, he demonstrated an uncommon courage to the extent that he is able to take on big institutions, big issues, and pursued them to a logical conclusion. He is a man that is very passionate about

what he believes, passionate about his conviction.

We believe we need such a person. Even at that time, we were also conscious of the fact that there were other negative sides in terms of the criticisms of the activities of the Commission.

Nevertheless, we felt the positive dimensions of EFCC outweigh the negatives believing again that every institution is a creation of its environment, a creation of a country.

I am so optimistic about EFCC but it should go with the principle of focus. Focus, that is the rule of the game

In fairness, the EFCC has done well. For the people in private and public sectors, certainly there is a kind of moral awakening on the part of everybody.



activities of the EFCC by the international media say that it took a long while before the initial operations of the Commission received positive reception by them.

Reporting of the EFCC's Established Manner of Work.

In two years, the EFCC has successfully become a reference name in fighting corrupt practices. Mike Awoyinfa, Editor-in-Chief and Managing Director, *The Sun* Newspapers, says that "for the people in private and public sectors, certainly there is a kind of moral awakening on the part of everybody. Suddenly, the EFCC has assumed the role of a societal policeman, a watchdog, consciously or unconsciously monitoring you, a moral big brother hanging on there looking at you." This invariably is serving the media well. Reporters on the business and crime desks now depend almost entirely on stories from the Commission for their reporting. It has now become a norm for journalists reporting business and crime to continually liaise with the Media and Publicity

unit of the EFCC for latest stories about economic and financial crimes. Awoyinfa explains that this is imperative because there is but a thin line separating the work of the EFCC from that of the media. "I think the idea of EFCC and what journalism stands for seems to be in tune. There is a kind of synergy between the two organizations and I seem to like the philosophy", he stated.

In recent times, stories of arrests, prosecution, and conviction of economic and financial criminals are commonplace in the media and the EFCC is the source of many of the stories. Ibim Semenitari, Pioneer Editor, *Broad Street Journal*, says that investigative reporting which has almost become a vanishing culture in the local media is being revived through the efficiency of EFCC's investigations. Now, journalists can go extra miles in their reporting through the clues and facts coming from the EFCC on private and public sector acts of corruption.

Reporting of the EFCC's Perceived Shortcomings.

As far as Dimgba Igwe, Deputy Editor-in-Chief and Deputy Managing Director,

The Sun newspapers is concerned, the EFCC is a creation of the Nigerian environment and so has some imperfections. To this end, Igwe says that though the media is aware of the limitations of the Commission, it has nonetheless tried to reflect more of its positive sides than its negative sides. Both Awoyinfa and Onanuga agree with him. To them, the media have tried not to emphasize those areas the Commission has not done very well. Bashir Bello says that the shortcomings of the EFCC are not unexpected owing to its young age and the huge expectations of many Nigerians from it.

But what are these shortcomings? Igwe says that those who are opposed to the EFCC are worried about its "selective manner of doing its work and its lack of respect for due process and rule of law!" Eniola Bello, managing director, *This Day* newspapers alleged that EFCC has become a machinery of terrorizing those who are opposed to the ruling People's Democratic Party, PDP and President Olusegun Obasanjo. However, Onanuga

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EFCC Is A Deterrant Against Corruption

Bayo Onanuga, Editor-in Chief, The News Magazine gives the thumbs up to EFCC but cautions against violation of rights in fighting corruption Excerpts:

The Economic and Financial Crimes Commission will be four years in April. Will you say the EFCC has justified its establishment?

Well, I very much believe so and I think it is something Nigeria ought to have had twenty years back. If you look at the issues and crimes that the Commission covers, you would see that it ought to have been in place a long time ago. I think its emergence is as a result of the failure of the police to do the job that Nigerians expected them to do. I remember in the 90s what happened was a kind of a catalogue of failure of financial institutions.

We also know that the issue of 419 was becoming a problem to Nigerians such that any where you went, people looked at you and said "oh you are a Nigerian then you must be fraudulent." It became a problem to really say 'I am proud to be a Nigerian'.

So to me the emergence of EFCC is more than welcome, it is something to at least sanitize the country. Now everybody knows that if you steal public money you may not be caught now, but you will be caught later and you will be punished. Everyone knows that, so people who are in



office are weighing all the consequences of what they are doing; fully aware that they can be punished one day and that is one development that EFCC has brought about.

Looking at the activities the Commission in the last four years, in what specific areas can you say that it has acquitted itself very well?

In the area of checking the activities of 419ers, it has done very well. It was heartwarming seeing the EFCC return some millions of dollars to one woman in Hong Kong that was scammed by some Nigerians. It has also curtailed the activities of the little 419ers who collect funds by asking foreigners to send things by post.

Internet 419 activities are being curtailed, although I learnt that some of

the fraudsters are moving to Ghana or Dubai to perpetrate the act, but at least they are not doing it from our shores. If they are leaving the country to go are commit the offences outside of Nigeria, it shows that EFCC is working.

Also the agency has instilled fear in politicians which I believe is a plus for the part of EFCC. As I said earlier, the fear of EFCC is the beginning of wisdom. There is a Governor who was told not to give money to people because if he gives money now they can go and report to EFCC that this man has just given us money and they will get a proof that he has just given out money to somebody, which shows that EFCC is there acting as a deterrent.

What do you say about media coverage of EFCC activities?

The media people are excited by what the EFCC is doing. I see a new dimension to the way certain crimes, whether political or fraud are being investigated and prosecuted. So if there is anything the EFCC is doing, the media of course should be interested in covering it and we have been doing so, giving EFCC a lot of coverage and some of them of course have been very critical.

However, Some media practitioners have seen that EFCC has not been even handed with the way certain things are done, with the way some targets are kicked and a lot of them, including me, criticize them.

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'EFCC's mandate is perfect'

Ibim Semenitari, Editor, BBC / World Service Trust, wants the EFCC to continue what is doing beyond 2007. Excerpts:

Has the EFCC done enough in your estimation?

To a large extent, I will say the EFCC has done what I consider fairly good work. Fairly good work because no one is perfect.

When you look at it broadly speaking, as a Nigerian and a journalist, I must say that I am glad the EFCC is there, because there's something that ordinarily no one would be able to explain. And then they give us as journalists a platform to do deeper stories. Because if we didn't have the EFCC for instance taking someone to court over corruption, and you wanted to do that story in a country where there is absolutely no freedom of information, you really cannot get certain documents. But when the EFCC takes such a person to court, then those documents are in the public domain, then as a journalist you can cash in on that and do good stories.

When you look at it from that perspective, yes, the EFCC has done well and then Nigerians are beginning to see people for what they really are. Some of the things you read about and hear that such people were able to do they make the late Head of State, Gen Abacha looked like a saint.

So EFCC has acquitted itself very well in the last four years?

I wish you would ask me where it has not acquitted itself, but I will try to say where it has acquitted itself very well since that's what you asked. I will say the issue of being able to investigate and make people account, I will say the EFCC has done well. Time is not there really but I would say that the Commission has tried a bit. At least the good thing about this kind of thing is that while you may not have succeeded in catching all the thieves, being able to catch one or two sends the message that there's somebody watching. And that really is something the EFCC has done very well in the last couple of years. And I do hope that it's able to continue doing this beyond 2007.

Do you think the media locally and internationally have given EFCC and its activities fair and adequate coverage?

I think the media has done a lot. In that wise, I will give the media a pat on the back. Where the media has not been able to give adequate coverage is because the EFCC has not made that information available. And I know that often times you have heard people complain that well, we couldn't get this one and it has to do with the EFCC making an investigation.

We regularly hear this excuse that the EFCC cannot release everything, and as a journalist, you cannot compel the EFCC to provide certain



information. So when you look at it from that perspective, there are times we haven't given coverage, but that is because the EFCC hasn't made information available.

Some Nigerians keep accusing the EFCC of being selective, don't you think the Commission is being unfairly criticized?

Unfortunately I don't agree with that. I think that justice must be seen to be done and that's perhaps where I have problem sometimes with EFCC operations. It doesn't pay to compare cases, but you look at some cases that the Commission has not concluded and you say to yourself "but this person is the same when you compare him to someone who has gotten away with a slap on the wrist." Why is that?

So defending the allegation of selective justice for me is a failed one and I do think, yes, sometimes the Commission is selective in its work.

Looking at the scope of the mandate of the EFCC now, are you satisfied with it or you want an enlargement of the scope of the mandate?

Frankly I think the EFCC mandate is perfect as it is; I think that picking any extension, will be putting too much, as EFCC has more than enough on its plate. I would say that perhaps, some strengthening by legislation of the powers of the EFCC is good. And, if we have the freedom of information Act, it then makes it easier for the Commission to disclose certain information to the media.

Is there any meeting point between the media and the EFCC?

Oh, absolutely all the time. I think we have many more meeting points than we have points of divergence. I think we are both doing the same thing which is being watch dogs for society. We are doing the same thing which is holding people accountable for their actions or inaction. We need not follow parallel lines, we need more convergence.

counters that those accusations are more of perception than reality. John Momoh, (OON) Chief Executive Officer, Channels Television agrees. Momoh says that those carpeting the EFCC over being selective in its punishment of economic and financial criminals are those who may not be too objective about its purpose and its targets. He sees the whole thing as a matter of strategy rather than a deliberate skewing of its work. In recent times, the EFCC has come under intense media attack as a result of its Advisory List to political parties. The list contains names of individuals answering charges on economic and financial crimes. The motive of the Commission was to advise all political parties about the character of individuals seeking public offices on their platforms. No sooner was the list released than politicians started making different claims of victimization by the ruling party and the EFCC was accused of offering itself as a willing tool in the hands of the government.

The missiles being fired at the EFCC are coming from a predictable section of the media. Dapo Olorunyomi, Chief of Staff to the Executive Chairman, EFCC, was moved to take the media to task over the reporting of the Advisory to the political parties. His grouse pertains to the opportunistic and subjective manner of handling the issue in some media establishments. The heat was much more from the print media. The electronic press being more restrained and careful in its reporting of the EFCC. Even the international press is equally restrained. Analysts say that the massive goodwill which the Commission has built over time is the reason why the foreign media is less keen to jump on the unjustifiable criticism bandwagon. They equally pointed to the readiness of the foreign press to investigate and report substance rather than what is turning out to be precipitate approach to reporting by the local media.

Even at this, the perception of the Commission as a thorough anti-graft agency by both local and international observers of its activities still stays. The recent online opinion poll hosted by *financialnigeria.com* puts the EFCC on a high perception index.

Turn to Page 34



“...Corruption destroys,
 makes a nation poor,
 kills hard work and
 hinders progress!
 ...give us a brighter future



...put an **END** to
CORRUPTION”

- God's favour Ekawu
 11 years old

FIX NIGERIA INITIATIVE
 ...be responsible



Continued from Page 33

This is hardly surprising. Kolawole Adeniyi, a chartered engineer, told *ZeroTolerance* that the perception index is bound to remain high, in spite of loud criticisms of the methods of the EFCC in some quarters. "The positive public perception of the EFCC will remain so because it is earned. Have you noticed that there is no Presidential candidate that ever said he will not retain the EFCC if elected President? This bothers on the recognition of what the Commission is doing," he explained. Kabiru Yusuf clarifies further. "Nigerians may disapprove of some developments in the way EFCC does its work but they are not saying that it is not a good agency. We think highly of the EFCC".

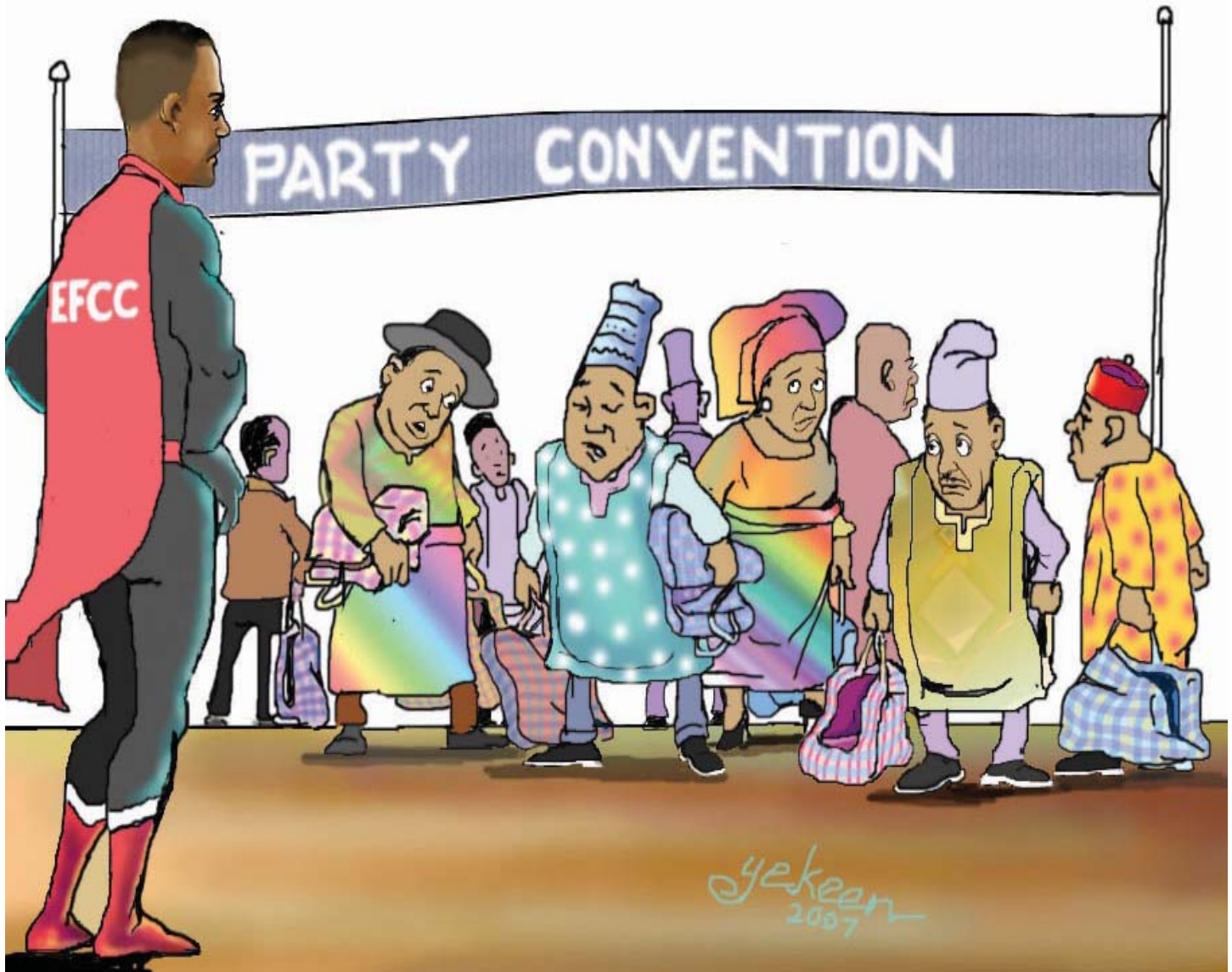
In some sections of the media where criticism of the EFCC is more vociferous, ownership and control of such media is playing critical roles. For example, *The Sun* Newspapers has been trenchantly opposed to the Commission in its editorials and some reporting. This is not unconnected to the ownership of the paper. Governor Orji Kalu of Abia State is the owner of the paper. The EFCC has been fighting a running battle with the governor over his handling of the finances of Abia State.

Vice President Atiku Abubakar is the financier of *The Week* Magazine. In fact, his one time aide, Boni Haruna, who later became editor of the magazine was installed Executive Governor of Adamawa State, immediately Abubakar was tapped to be VP by President Obasanjo. Several other politicians, including some serving governors who EFCC has problems with own and have thinly disguised proprietorial interest in such newspapers as *The Nation* and *Daily Independent* and fraudsters like Fred Ajudua (with substantial interests in *Insider* Magazine) who have had run-ins with the EFCC, control a number of other

influential medium or have and are ready to deploy enormous inducement powers to influence editorial directions. Where they don't own the medium, these politicians and fraudsters directly influence individual reporters and editors.

However, Awoyinfa, Editor-in-Chief of *The Sun* says that his paper is not against the EFCC because of Kalu, "we report issues as they come", he said.

This may not be altogether true. The trend of reporting of the Commission in other local media does not carry as much vitriol as what is being served the public by *The Sun*. Although, in many of the newspapers and broadcast stations, a trend of contradiction between news reporting and editorials is becoming noticeable. It is not uncommon to read scathing editorials about the EFCC in newspapers reporting major breakthroughs in the war against corruption by the Commission. Bashir Bello explains that such a trend should not surprise anyone because the media also has its own principals and interests. This is the crux of the matter. How objective has been the media reporting of the EFCC? Onanuga believes that the media has been largely objective. Other media owners also subscribe to this. Igwe says that media coverage of the activities of the Commission has been fair and objective, "because the leadership of the Commission is very accessible to the media. It is one organization that you could reach its Media Department and get a confirmation or denial of whatever you needed to find out. So, the media is very friendly with EFCC." This is largely the claims of leading lights in the media. But then, the interests and principals identified by Bashir Bello remain. Can these ones ensure that the media remain perpetually objective in the reporting of the EFCC? The answer seems to be blowing in the wind.



Business Unusual

Close monitoring of politicians' campaign funds by the Economic and Financial Crimes Commission, EFCC, is helping to check the role of money in Nigerian politics

■ By the ZT Team ■

It is a path they never expected to tread. Having to walk on tight ropes to contest election continues to be a hellish experience for many a Nigerian politician. No more the daily fund-

raising dinners in high-brow hotels and clubs. No more the infamous *Ghana-must-Go* bags in hotel rooms and party convention grounds to woo delegates. All those have significantly reduced in the electoral processes thanks to the watchful eyes of the

Economic and Financial Crimes Commission, EFCC.

Even banks no longer serve as safe havens for politicians' suspicious funds and the credit goes to both the EFCC and the Nigerian Financial Intelligence Unit, one of its affiliates.

Ibrahim Lamorde, EFCC's Director of Operations says that the successes recorded in this respect are not by accident. Rather, it is due to the painstaking efforts of the EFCC to save the nation the risks and uncertainties of electing leaders on cash-and-carry platforms. "We deliberately went after politicians during the various conventions of the political parties. We were able to seize quite a sum", he revealed.

Until now, political fund raising in Nigeria had over the years assumed the

complexion of a bazaar. The unstated competition among politicians seeking elective offices was who raises the highest amount. In 2003 the sensibilities of citizens were assaulted by the billions harvested at the fund raising events of some of the state governors who were seeking re-election. It got to the horrendous stage that whispers started echoing that many state governors were using the platform of fund raising to siphon state funds into the campaign to boost their political war chest.

But the story is now different. As the political parties rounded off their conventions early this year, very few, if any tales of exchanges of the now famous Ghana- must- go bags were heard. The realization that the EFCC was keeping close tab on their activities was enough to keep the politicians in check. The result was that candidates for various offices emerged from the conventions through a process that was largely free of financial inducements. For many of the party delegates at the convention

For many of the party delegates at the convention grounds, it was tales of disappointments and shock as their hopes of making heavy money were dashed. Indeed, EFCC may have set the tone for electoral integrity.

grounds, it was tales of disappointments and shock as their hopes of making heavy money were dashed. Indeed, EFCC may have set the tone for electoral integrity.

And for those politicians who had been laundering their ill-gotten wealth through fun-raising dinners, Lamorde says that such a practice can no longer be sustained because the NFIU is keenly watching the movement of cash from bank vaults all over the country and abroad. A.B. Okauru, Director, NFIU

told *ZeroTolerance* that it is very difficult for any bank to give backing to any of its depositor whose source of money is suspect. So, donating heavy money at fund-raising dinner is no longer feasible for many Nigerians.

The Electoral Act 2006 makes this even more difficult as there is a strict limit to the amount a donor can give to any candidate. Professor Itse Sagay, Constitutional lawyer, explains that: " If you look at the Electoral Act 2006, there

'This Country Needs EFCC'



Prof Itse Sagay (SAN), renowned law teacher and constitutional lawyer is noted for his obsession for the rule of law and uncompromising commitment to the protection of human rights. He spoke with the ZT Team on the position of the law as it relates to election campaign funding by political parties and their candidates. Excerpts:

There has been so much hue and cry about whether the Economic and Financial Crimes Commission, EFCC has the constitutional mandate to scrutinize candidates for the purpose of elections on the basis of integrity. What does the constitution say about the role of EFCC?

As far as EFCC is concerned, it was not mentioned in the constitution, it is the political parties and Independent National Electoral Commission, INEC that are mentioned. EFCC does not come in directly but it has an input particular-

ly with its high capacity to gather information which can then be made available. The way I see it, EFCC's role is in cleansing the electoral processes and the quality and character of persons who make themselves available for elections and offices. The EFCC is in a position to provide information on the bases of which two things can happen; the political party could decide that a particular person is unworthy to be a flag bearer for a particular position because they may even have some information which does not render a person ineligible but simply makes him unworthy. Those things that makes somebody ineligible in the constitution are fairly narrow such as conviction for an offence involving fraud, death sentence and so on.

are provisions there for individuals to fund candidates and parties. The only thing is that such funding must not be in excess of N1million per donor. The candidates themselves can not spend more than a certain maximum for an election, starting from the presidential candidate who must not spend more than N500 million to a governorship aspirant who cannot spend above N100million and senatorial aspirant whose ceiling is N20 million. This is graduated downward so that by the time it gets to the ward level with the councilors, it has been scaled down to about N500,000. So there are limits somehow". These limits are being kept in focus by the EFCC and politicians know the dangers of crossing their respective thresholds.

But does the EFCC really have any business monitoring campaign funds? Sagay says that the Commission is not getting out of its mandate. Investigations made on the source of a candidate's campaign funds, he says, would assist political parties and the Independent National

Electoral Commission, INEC, in ascertaining the integrity of each of the candidates and assist in getting credible people to contest elections.

What the EFCC has no constitutional powers to do, he emphasized, is to disqualify any candidate from contesting election on the basis of its investigations. It is the political parties and INEC that have such powers, he clarified.

Civil society organizations have been relentless in canvassing support for issue-based political campaigns rather than money politics. The *Zero Corruption Coalition*, an umbrella body for more than 100 civil society groups committed to the fight against corruption recently conducted nationwide seminars urging political parties to stick to issues rather than whipping up sentiments and employing money in wooing voters. The intention of the Coalition, says Ms Lilian Ekeanyanwu, national coordinator, is to discourage the use of money in political

campaigns.

For the EFCC, such supportive efforts are coming at the right time when the nation is putting its acts together to ensure a hitch-free general election in April. The commission insists that the next generation of leaders must be credible and responsible Nigerians whose past dealings are not shady or dishonourable. Many Nigerians who spoke with *ZT* on the issue of campaign funds said that the EFCC's efforts in that regard are timely and relevant. The experiences of the nation since independence, in the area of electoral campaigns and campaign funding, they say, have been appalling. So, checking the excesses of politicians, in their views, is a great service to the nation.

For now, Lamorde says that the EFCC is satisfied that it has set the tone for responsible campaigning. "We have done our bit. EFCC will continue to do whatever is in the overall interest of the nation," he vowed.

Those are the fairly limited criteria; of course there are others like qualifications and so on. You may also find that someone has been found to be involved in crimes such as money laundering though the person may not have been convicted which means technically such a person is not qualified to stand for election. Such information would then allow those who have a say in the process of nomination to decide to drop that person.

Does that suggest that the only role of EFCC in all this is to generate information on each aspiring candidates to be forwarded to the relevant authorities?

Yes and also you can never trust parties. At times they have capacity to tolerate all sorts of characters because those who are the officers may not be better because if information about candidates is made public, then public opinion too can compel such a party to drop such a person. As far as the role EFCC is concerned, I think publicity is important.

Critics frequently accuse the EFCC of being selective in its operations. How do you respond to this?

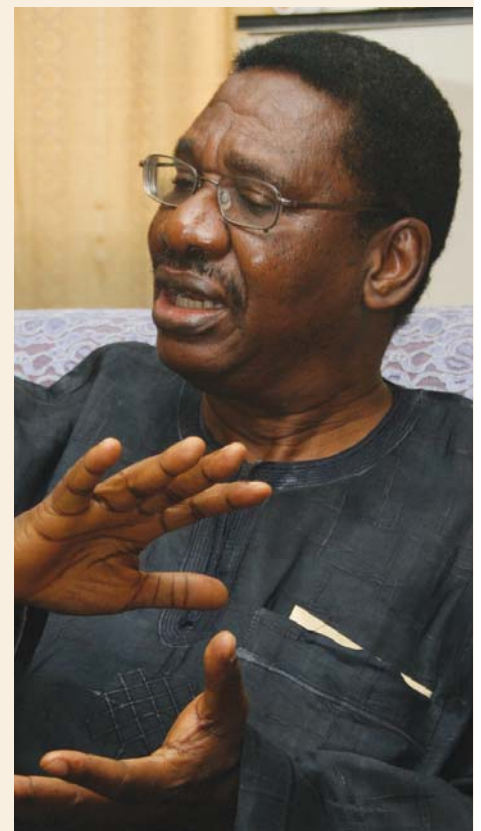
There is no doubt about that but the pro and cons must be weighed. If national security is so overriding then EFCC has no choice. But it is important that at every stage of what the Commission does, the public must be well informed. I must confess to you, I have had cause to think EFCC was being selective which makes me a bit reserved about the encomiums that I would want to shower on EFCC which I must confess, has done a lot of good in sanitizing this country.

It is very important that the public is adequately informed about the activities of EFCC otherwise, false impressions will be created. People will interpret things as they like because they don't

have enough information. This country needs the EFCC. No doubt it has lifted us from a position of certain hopelessness. We were wallowing in corruption and it was being done without any fear, with certain recklessness and disregard. All that is gone now. There is the fear now that EFCC is watching and will catch up with them.

So, the commission has acted as a deterrent, it has reduced the level of corruption while the diehards who are still determined to do it are taking a risk. The way and manner the EFCC gets information on all of these things has been very amazing to the country. A lot of money has been saved and more importantly the image of the country is being cleaned up and new image is being made about the country. So, the EFCC has done well.

My view is that the commission should continue with what is doing now. For example, what it has done very well in the last four years is that it has looked at the manner public funds are being stolen and looted. It has followed up on such looting and arrested those suspected and prosecuted them. So, I will say the alertness and vigilance should continue. It must be maintained because if EFCC relaxes, Nigerians are terrible. If not maintained, within a year, you will be shocked we will be back to square one. So there is no looking back



No doubt EFCC has lifted us from a position of certain hopelessness. We were wallowing in corruption and it was being done without any fear, with certain recklessness and disregard.



The Young Strike Force

Senior and intermediate cadets of the EFCC Course 2 recently passed-out at an impressive ceremony in Lagos.

■ By the ZT Team ■

The setting was serene. Soft harmattan breeze mingled with warm, melodious music. Beautifully-attired young men and women, dressed in suits and *adire*, swayed gently to soothing songs blaring from the Police Band. They were in high spirits. For them, the eight months training offered them by the Economic and Financial Crimes Commission, EFCC, as cadets could not have ended on a better note.

The End of Course Dinner, for which they were gaily dressed and for which sonorous songs were being sung, seemed a somewhat tender manner of ending months of hard training. Seated under a three-layered canopy, decorated with white and red ribbons and balloons fluttering like confetti, the cadets were all smiles. For them, January 11 and 12, 2007 will continue to be memorable days. Ajani Omolara Aminat, one of the senior cadets could not conceal her excitement. "I am really happy not only to be among the graduands of today but also to be privileged to contribute my quota towards fighting economic and financial crimes", she enthused. For Aminat, whatever her graduate and post-graduate studies could achieve for her may not compare adequately with the challenge which her cadet training now poses to her.

Many of her colleagues felt the same way. And their reasons for this are obvious. While on training, they were exposed to series of instructions on legal, operational, financial and general studies. They were also exposed to doctrinal orientation covering areas like professional competence, strategic thoughts, investigation details,

personal integrity, discipline and application of forensic science to law enforcement. Besides being trained by experienced, practical and resourceful lecturers drawn from the Commission and other agencies, they were also aided by sufficient instructional materials made available to them.

Mallam Nuhu Ribadu, Chairman, EFCC, says that 25 percent of time spent in EFCC is expended on training and re-training this may have been responsible for the thorough training the cadets received while on course. Dallah Yakubu Aliyu, another senior cadet reinforces Ribadu's claims. "I was taken to new heights of knowledge. The training has really broadened my horizon", he says.

For Ribadu and other distinguished guests at the dinner, the cadet's training is one of the highest points of the EFCC. His Royal Highness, Rilwan Akiolu, Oba of Lagos, who was guest of honour, told the cadets to consider themselves privileged to have been considered worthy of training and enlistment in the EFCC. He admonished them on the virtues of hardwork, integrity, discipline, fearlessness and thoroughness.

Drawing from his experience as a former Police boss, Akiolu cautioned the cadets against excesses and personal aggrandizement. "Those who refuse to tow the path of honour while in office cannot raise their heads in public again",

Tenacious people do not rely on luck, fate, godfather, or destiny for their success. They know that trying times are no time to quit trying, for you only stop trying when the job is done, not when you are tired

he noted.

To underscore Akiolu's admonition, Ribadu urged the newly graduated cadets to gird up their loins and embrace the Commission's frontal assault on economic and financial crimes. In doing this, he charged them to set much store on "self-investigation and self-prosecution". Cautioning them against recklessness and moral compromise, Ribadu says that the commission is more ruthless in its treatment of its officers found wanting in the discharge of their duties. "So, cadets should regard themselves as EFCC officers on probation," he affirmed.

Ribadu however assures the cadets that they have not made any mistakes in choosing to work for the EFCC because "I can see clearly the direction we are moving. We are on the right track."

The 193 senior and intermediate cadets, now EFCC officers, not only had sumptuous dinner as an end of course booty, they also treated themselves and the general public to a colourful display at the passing-out parade. At an impressive ceremony presided over by General Martin Luther Agwai, Chief of Defence Staff, various skills of law enforcement ingenuity were showcased. Agwai applauded Ribadu for being "a focused, tenacious and highly-motivated chief executive" while at the same time urging the cadets to be loyal to the creed of the EFCC, be ready to make sacrifices, avoid temptations and have a never-say-die spirit. "Tenacious people do not rely on luck, fate, godfather, or destiny for their success. They know that trying times are no time to quit trying, for you only stop trying when the job is done, not when you are tired," admonished the Chief of Defence Staff.

Four cadets received prizes for their outstanding performance while on training. They are: Olanubi Tolulola, Overall Best Cadet Senior; Alexander Nwalozie, Overall Best Cadet Intermediate; Okoye Jideofor, Overall Best Cadet Senior in Drill and Janet Arua, Overall Best Cadet Intermediate in Drill.

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...At the End-of-Course dinner of the course II and intermedi



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1. Oba Rilwan Babatunde Akiolu, the Oba of Lagos, the Chief Guest of Honour in consultation with Mallam Nuhu Ribadu and Ibrahim Lamorde at the event

2. Members of the EFCC Board: Innocent Ude (left) and Abdullahi Attah.

3. Lawyer Friends of EFCC: Femi Falana (left) with Rotimi Jacob.

4. EFCC officials: Saidu Atteh (left) and Ayo Ajala.

5. A cross-section of female graduands.

6. All set for dinner: Male graduands at table



8

and passing out parade ate cadets at the Police College



9



10



11



12

7. Putting heads together: Abiodun Odude, Director of Organizational Support (right), Dapo Olorunyomi, Chief of Staff to the Commission and Ayo Oyewole of the media unit.

8. Emmanuel Akomaye, Commission Secretary gives a vote of thanks

9. Gen Martin Luther Agwai marches on after inspecting the parade

10&11. The cadets on parade

12.. Gen Martin Luther Agwai congratulating the Chairman after the parade. With them is the Oba of Lagos .

13. From left; Ibrahim Lamode, Director of Operations , Nuhu Ribadu, Chairman, EFCC and Chief Aleogho Raymond Dokpesi, Chairman/CEO, Daar Communications

14. Chief Judge of the Federal High Court, Rosemary Ukeje and a guest.

15. The Commission secretary, Emmanuel Akomaye and Abdullahi Attah, EFCC Board member



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15

For their brazen acts of greed, deceit and abuse of privilege, two female staff of a first generation bank in Nigeria are nabbed by EFCC operatives over Money Transfer fraud.

■ By the ZT Team ■

They looked harmless, even angelic. But beyond the comely facade lay grave capacities for deceit and fraud. Akinmoyade Jokotola and Onyinyechi Ehme, two female employees of the Oshodi/ Mile Two Branch of a first generation bank, failed to charm EFCC's operatives with their arresting appearances on 17 January, 2007 when they were nabbed for their alleged roles in defrauding legitimate owners of money transferred from abroad.

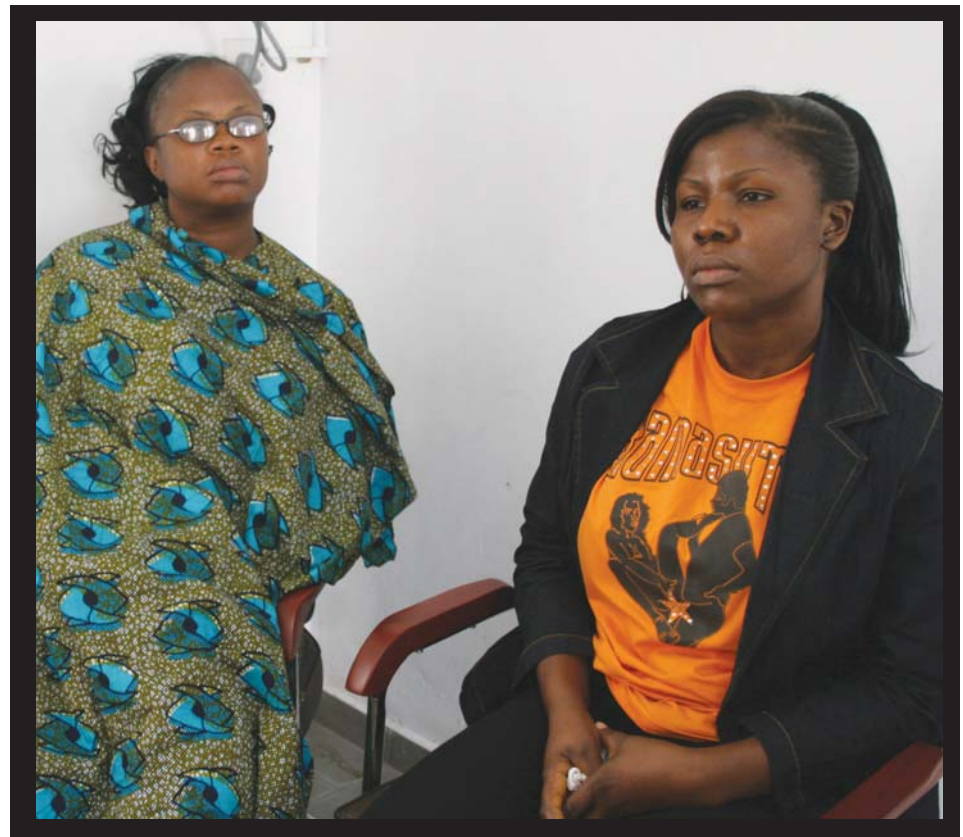
As the Western Union Money Transfer Officer with the bank, Jokotola had the responsibility of remitting money sent through the Western Union to their legitimate owners. However, by a combination of fraudulent networking and ingenuous alliances with more than 86 dupes outside the bank, Jokotola was allegedly scooping heavy illegal gains from her job.

Twenty eight International Passports, 5 National Identity Cards and 43 Drivers Licenses were found in her possession. What was she doing with the items? EFCC found that fictitious owners of those documents will come along to pick any money transferred to her bank by posing as the real owners of the money.

When the operatives visited her bank in January, they made straight for her desk. Before they got to her, words had reached Jokotola that EFCC men were around and that "she should tidy up."

So, pronto, she grabbed the polythene bag containing her "tools" and threw it to Ehme. Ehme is the cashier of the bank and she really made efforts to put away the bag but luck ran out of her when the EFCC's operatives who top management of the bank had alerted to the scam and planted at strategic positions in the bank intercepted the bag and arrested the duo.

Their arrest threw the bank into pandemonium. Jokotola was flustered. Having worked for the bank for 21 years, she must have con-



Light Fingered Amazons

sidered herself sufficiently experienced to stave off such humiliation which arrest brought to her. Ehme says that she got married just two weeks before her invidious acts were uncovered. She too, is flustered.

Both of them however told *ZeroTolerance* that they were innocent of the charges.

Jokotola particularly says that all the documents found in her possession are forgotten items by claimants of transferred money and that they will be returned to the owners whenever they come for them.

Her defense, however was punctured when upon being interviewed, she called one of the supposed owners of the documents who responded to her call so familiarly as if the two of them have been in business for long. "Don't worry. I will come for the document by 1p.m today", Jokotola's respondent, identified as Emeka, assured her. Perhaps sensing trouble, he never did.

In her own defense, Ehme says that she merely assisted Jokotola in putting away the documents and that she is innocent of the charges imputed to her.

Operatives of the commission are not impressed by all these. They have begun the prosecution of the two.

The commission has over time received several complaints from the public over undelivered money sent through the Western Union Money transfer. The arrest of Jokotola and Ehme marks a turning point in the effort of EFCC aimed at reducing money transfer fraud to the barest minimum level.



While much attention is paid to the activities of international fraudsters who dupe their victims in exotic hotel rooms and other fancy locations utilizing intricate schemes involving a maze of paperwork, local fraudsters masquerading as traditional medicine practitioners and spiritualists are messing up the lives of otherwise enlightened members of the society.

■ By the ZT Team ■

The long hand of the law, has caught up with a fake herbalist in Ogun State who fleeces his victims of foreign currencies.

Adetunji Tanimowo, 28, has an inordinate liking for US dollars. His latest victim, a banker, is licking his wound over the loss of \$232,000.

Operatives of the Economic and Financial Crimes Commission, (EFCC) smoked out the fake herbalist from his hideout after a painstaking investigation and surveillance.

According to the victim, the desperate search for a cure for body odour led him to the den of the fake herbalist. "My 14-year old niece, who lives with me, has this terrible body odour that has defied all orthodox cures ranging from expensive toiletries to fragrances and perfumes. I met one Wale, an itinerant herb seller, who claimed his father produces the concoctions he hawks and can readily procure a cure for my niece's problem, I did not know that Wale was out to lure people into a scam.

Wale took me, my wife and niece to Ijebu-Igbo to meet his supposed father and we were given an appointment for another day." Before the appointed day, Wale and his gang had perfected a fast game to be played on the banker. After a deposit of N10, 00 00, he got a soup and some ointment for his niece.

The banker was himself offered "free" fortune telling. He was told he had been under some sort of witchcraft spell, which had hindered his progress in the bank. He was told how lucky he was to have come to the shrine at the time he did, for "deliverance" was on hand. But, he had to be ready for general cleansing rituals that would include his children.

With series of manipulated prayer sessions laced with several occult practices, he drank a concoction which allegedly robbed him of his senses. It was at this stage that "I started acceding to their monetary demands unquestioned," he said. "I started borrowing from my customers telling them I needed the money to acquire some parcel of land."

Each time the herbalist and his cohorts ask me to bring dollars; I believe they follow me around with some kind of force that makes people I approach for money give me without question

"When it was obvious that I could no longer source more dollars, someone called my phone telling me to promise him a building and that he would deliver me from the herbalist who had been fleecing me. It was at that point the scales

When The Wind Blows

fell off my eyes. I realized I had been duped all along. Perhaps the scale would have fallen off earlier if I had told my wife. But I was seriously warned not tell anyone unless I was ready to die."

"I wish it was all a nightmare but it was real. I had since last October piled up a huge debt of \$232,000 which I borrowed from friends and customers as demanded by the fraudsters. I also sold all my equities in the stock market to satisfy their demands."

Back to his senses, he recounted his ordeal to a lawyer who encouraged him to report the matter to the EFCC debunking the fear of death

placed on his head.

After a painstaking surveillance, the operatives of EFCC got the alleged fraudster arrested. On interrogation, he confirmed taking money from the victim but denied the sum of \$232. He said all he took were just N 775,000 and \$7000 which were his charges for the services rendered. He said, the banker actually contacted him for cure for the body odour and soap for promotion, blessings and good fortune in the office. The suspected fraudster has been charged to court.



Adetunji Tanimowo, the suspect

At the 4th lecture series organized by the Justice Chamber, Faculty of Law, Obafemi Awolowo University, Ile-Ife in honour of Justice Gabriel Olawoyin



Ribadu addressing the students at the Oduduwa hall, O.A.U



Mallam Nuhu Ribadu shows his award to the audience



Professor Olawoyin and wife.



Cross section of students at the lecture



Ribadu acknowledging greetings from the students



Paparazzi: Students besiege Ribadu with their camera phones

At the University of Ibadan



At a lecture organised by the local wing of ASUU of the University of Ibadan, the Registrar, Mrs Omotayo Ikotun, welcomes Mallam Ribadu



Ribadu signs the visitors register.



...In a warm handshake with Prof Adeyinka Omigbodun, Provost, College of Medicine, University of Ibadan

The EFCC launches its wing of the Service Compact With All Nigerians, SERVICOM at an impressive ceremony in Abuja

■ By the ZT Team ■

The Economic and Financial Crimes Commission, EFCC took a major step towards improving on its service delivery when on January 18, 2007 it formally inaugurated its SERVICOM Committee. The ceremony which took place at the Commission's Training and Research Institute, (TRI) Karu, Abuja was in compliance with the Federal Government directive to all its Ministries, Extra Ministerial Departments and Parastatals.

The event attracted several dignitaries including senior management staff of the Commission led by the Executive Chairman, Nuhu Ribadu.

Welcoming the guests, Commission Secretary, Emmanuel Akomaye observed that the official launch of SERVICOM was a mere ritual as service delivery had already taken firm root as a core value of the Commission.

In his address entitled "**Meeting the Burden of Expectation**", Ribadu toed the same line, telling the audience in what appeared like a self-appraisal of the commission, that "Service is seen by many public servants as a favour, people forget that they are paid for the job and that they are serving the people."

SERVICOM as a concept had long existed in the minds and hearts of his staff even before it became an official programme of government, Ribadu said. "In the commission, every single petition received is treated and where there are reasons to reject a petition, the petitioner is told in writing. All offices of the Commission are accessible to Nigerians and you don't need to wade through any protocol to see anybody", he assured.

Moreover the chairman said EFCC places premium on the integrity of its officials, and appealed to Nigerians to help the Commission to offer them better services. This he said could be done by responding to summons by the Commission as well as refraining from offering inducements to EFCC's operatives.

The EFCC helmsman conceded that the Commission was not perfect, but had always acknowledged its mistakes, whenever it made any and immediately undertook steps to make amends.

The Presidential Adviser and National Coordinator of SERVICOM, Mr. Ad'Obe Obe told the gathering that SERVICOM message was simple: you have the right to be served right. He decried the misconception about service, its nature and beneficiaries in the country, saying that many

SERVICOM Takes Root In EFCC



Ribadu and Ad'Obe Obe

people do not realize that those they serve in their capacity as civil or public servants are actually their customers and that when they stepped out of their offices, they themselves also became "customers" who expect and are entitled to be served too. The SERVICOM coordinator enjoined heads of organizations and units to develop SERVICOM Charters which must include among other things, what people should expect in terms of service

The high point of the ceremony was the inauguration of members of the EFCC SERVICOM Committee by Ribadu.

In his vote of thanks, Col. Idris Sule (rtd) who is head of Integrity and SERVI-

COM Unit of EFCC remarked that if every one were to abide by the SERVICOM rule which is; serve others as you would like them to serve you, there would not be need for all the negative practices that exist in the public service.

The second aspect of the inauguration ceremony featured mostly lectures. The session was coordinated by the Acting Director of TRI, Dr. David Tukura. In the first lecture entitled: *Service Delivery Initiative in Nigeria: an Overview*, Mr. J. Oche traced the origin of service delivery initiative, its structure, objectives, goals and other related matters.

Mrs. Bola Aderede, who spoke on *Charter Formulation, Implementation and Review* provided insights on how to develop, evaluate, monitor, implement and review the SERVICOM Charter.

The final lecture of the day on *SERVICOM INDEX and Compliance Evaluation*, was delivered by Miss Nwandu. She demonstrated how SERVICOM INDEX is calculated and evaluated.

Tukura while contributing, observed that the idea of SERVICOM was not new but rather was intricately woven into the moral fabric of Nigerian culture. "Our Emirs, Obas, Igwes and other traditional rulers all had a service compact with their subjects. Whenever they failed in their service delivery their titles are withdrawn and punishment meted out to them".

He asked for a blend of ancient cultural mores with the ethos of modern public service to improve service delivery in the country.



Akomaye

WANTED PERSONS

The persons whose pictures are shown below are wanted by the Economic and Financial Crimes Commission (EFCC)



Mr. Clinton Ezebuilo alias Socket is wanted by EFCC in a case of obtaining N350million under false pretences. His last known address was No 20, West 9 Road, Trans Ekulu, Port Harcourt, Rivers State.



Mrs. Chinero Nwigwe, a director of Rainbownet Limited, Enugu is wanted by EFCC in a case of conspiracy and money laundering. Her last known address was plot $\frac{3}{4}$ Pocket Estate Industrial Layout (Ebeano) Enugu.



Mr. David Nwigwe, a director of Rainbownet Limited, Enugu is wanted by EFCC in a case of conspiracy and money laundering. His last known address was plot $\frac{3}{4}$ Pocket Estate Industrial Layout (Ebeano) Enugu.

The Commission implores the general public and other security agencies to assist in locating him. Anyone with information on their whereabouts may reach EFCC on 09-6441102; 09-3142354; 09-6441500; 084-230529; 01-2692631 or the nearest police station.

Osita Nwajah
Head, Media & Publicity



The Economic and Financial Crimes Commission takes exception to the reported comments of Dr. Olusola Saraki, to a gathering of Northern youths, to the effect that the Commission has been acting unconstitutionally.

EFCC wishes to draw attention to the real reason for the reported vitriol of the one-time Senate leader, which is that Saraki is trying to see how far the worn tactic of 'attack as the best form of defense' would carry him.

Dr. Saraki apparently has the correct information that, after its very painstaking investigation, the EFCC is tying up the sordid affairs of his collapsed concern, Societe Generale Bank of Nigeria (SGBN), and that he and his family members who have pertinent questions to answer, would be called to tell the courts exactly how and why billions of Naira of depositors' funds, disappeared into private pockets in the locust years at the SGBN.

It is very clear also, judging by one of the advertised planks of Saraki's grouse with EFCC -the investigation and arrest of principal State legislators over corruption allegation- that the former Senator lacks sufficient clarity regarding the statutory schedule of law enforcement institutions in our constitution when he argues that until EFCC is established in every State, Local Government council and ward, it cannot and should not investigate, arrest and prosecute anybody. Saraki's claim therefore, which is as laughable as it is ridiculous, merely attempts to reinforce the current brigandage and abuse of



The Real Reason for Saraki's Anger

EFCC Still Wants Mike Adenuga

EFCC's attention has been drawn to a press statement put out by the Dr. Mike Adenuga public relations machinery to the effect that he has been exonerated of all charges of economic and financial crimes by the Senate ad-hoc committee that probed the Petroleum Technology Development Fund (PTDF).

While it is true that the Senate committee might have reached certain conclu-



sions in its probe, it does obviate the fact that there are lingering issues of economic and financial crimes that were not within the purview of the Senate Committee. Adenuga's friendship with certain Nigerians which he holds as the reason for his investigation is absolutely false, as EFCC does not care what relationships he has outside the crimes he is alleged to have committed. The Commission's only concern is that alleged criminals may escape being brought to book for the grave crimes they are alleged to have been committed against the nation.

As it stands, EFCC still wants Adenuga (who is today a fugitive from justice) to come and provide answers to certain unanswered questions.

It must be recalled that the suspect's conduct has never helped the process of law enforcement. Among other evasive tactics, he refuses to answer invitations for months on end and when law enforcement officers go for him with a warrant of arrest issued by a competent court of law, Adenuga ensconces himself in his mansion. When he is finally taken into custody, Adenuga's answers to questions are craftily designed to further cast shadows rather than throw light on issues.

At the moment, the suspect has jumped bail and is a fugitive from justice. EFCC is still looking for him to answer pertinent questions. The investigation is still on.

popular mandate by corrupt officials who have no respect for accountability or even decency as a factor in governance.

Even while the Commission knows the motive for Saraki's mother-hen umbrage, EFCC will not sit by and watch the savagery of our patrimony by plunderers whose only sense of democracy is the selfish comfort of their family come back to do so again. The Commission will also not allow them rewrite history to befuddle the very people they stole from and pauperized.

It is curious that anytime the Commission tries to get people to answer for their past misdeeds, they run under the covers of 'constitutionalism', Rule of Law, and Human Rights. Under their soiled banner of privatized rule of law and human rights, they try to fool Nigerians into the co-opted notion that EFCC which is standing up to their reckless plunder does not respect the rights of citizens. But times have changed and their tunes are out of sync with reality.

It must be emphasized that time does not run out on criminal investigation neither does the physical location of the suspected criminal prevent the EFCC from exercising its legal mandate to enforce the law in all parts of Nigeria, no matter what the Sarakis of this world think. The world has changed and so has this great nation of ours. It is not for the rhyme of it that the Commission reminds both criminals and aspiring criminals that, *EFCC Will Get You... Anywhere, Anytime.*

DISCLAIMER



This is to notify the general public, law enforcement agencies and other stake holders that Mr. Sakiru Mustapha, a Police Sergeant whose photograph appears above is no longer in the service of the Economic and Financial Crimes Commission, EFCC.

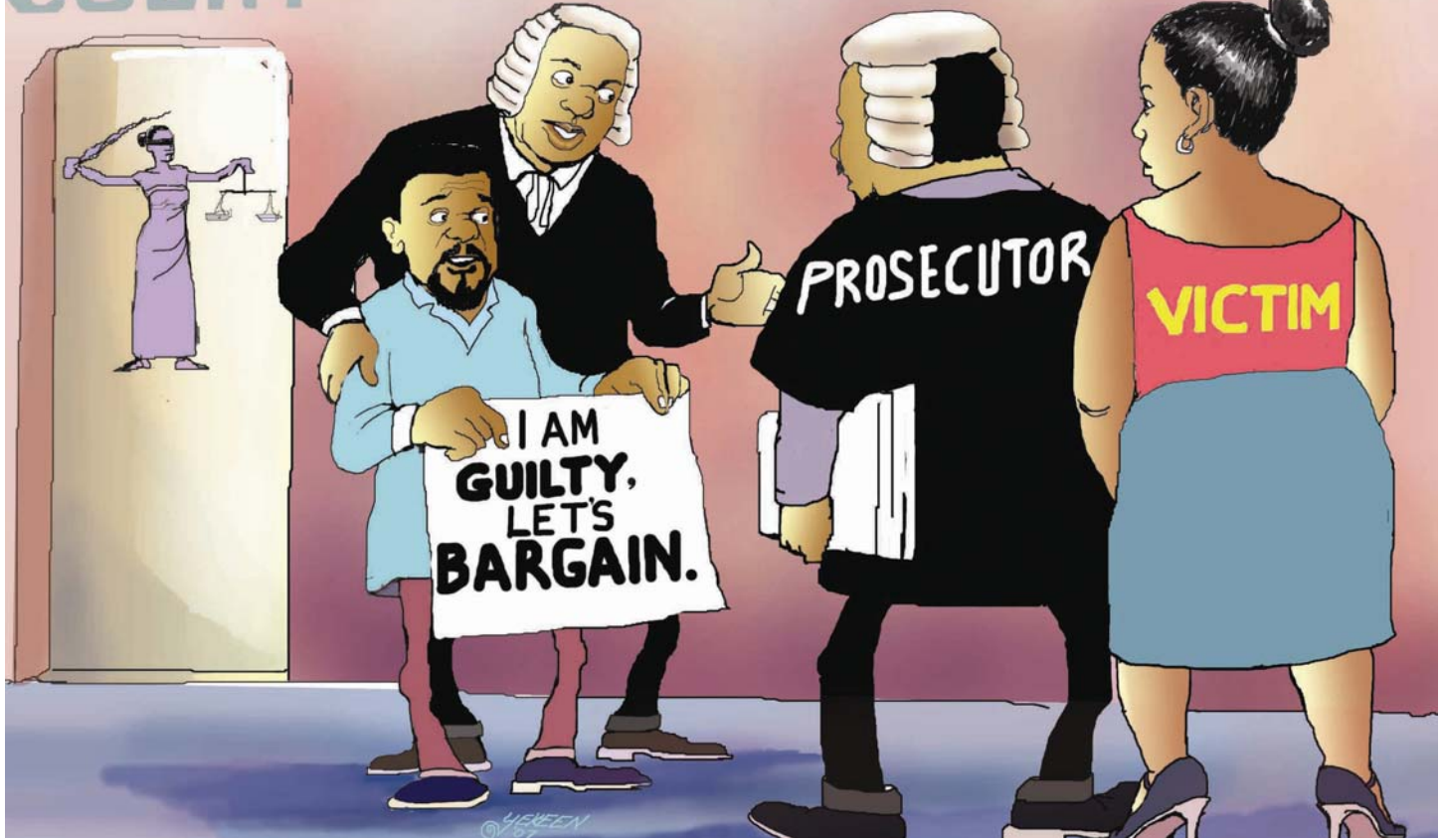
The officer absconded from duty and has been declared a deserter in accordance with Police regulations.

Consequently, members of the public are warned to desist from dealing with the said officer as he has no power to transact any business or investigation on behalf of the Commission.

Anyone who deals or purports to deal with him on behalf of the Commission does so at his or her own risk.

Osita Nwajah
Head, Media & Publicity

COURT



Plea Bargaining And The Administration of Criminal Justice In Nigeria

BY M.S. HASSAN

INTRODUCTION

The term 'plea bargaining' can be defined as the process whereby the accused, his counsel and the prosecutor in a criminal case work out a mutually acceptable way to dispose of the case. That disposition is subject to court approval. However, the court is not involved in any negotiations leading to the agreement.

In Nigeria, plea bargaining is not recognized in our criminal justice system. Presently what is practised is change of plea i.e. the accused changes his original plea of 'not guilty' at arraignment, after which the prosecution will offer some concession to the accused by way of amending the charges.

Plea bargaining is a necessary element of the United States criminal justice system. Properly negotiated and structured plea agreements in general, benefit the accused persons, the government and the judiciary. Additionally, the public benefits from the process because plea agreements result in the conservation of public resources as well as the quick disposition of

criminal cases. Plea bargaining is also particularly useful to prosecutors of organized crime cases, as it may lead to invaluable cooperation of other members of a criminal organization.

HISTORY OF PLEA BARGAIN

For many years, there was no uniform or official system of plea bargaining in the United States. The system of plea bargaining in the federal system was officially recognized with the passage of the 1974, Amendments to Federal Rules of Criminals Procedure Rules 11. Many states later followed similar rules.

The United States Supreme Court has characterized plea bargaining as "an essential component of the administration of justice" that should be encouraged if properly administered. Courts generally have concluded that plea bargaining is vital to the United States Criminal Justice System, and, without plea bargaining, the system would deteriorate, especially considering the enormous number of criminal cases filed each year.

HOW A PLEA BARGAIN IS INITIATED

A plea bargain is negotiated between the government, represented by the prosecutor and the accused represented by his or her counsel. As with the negotiation of contracts in the civil context, there is no set structure for negotiation of

plea bargains. The negotiations which can occur in person or via telephone conversation is typically between counsels. However, the defence counsel must inform the accused of the progress of negotiations, and convey to the accused every formal offer made by the government. This is because the decision to plead guilty belongs to the accused and not the counsel.

The stronger the prosecution's case, the greater the likelihood the process will end with a plea bargain. To assess the strength of a case, the defence counsel must review all the evidence. To this end, the defence will be served a copy of the charge, the proof of evidence which include witness statements, forensic tests and other evidence that will be used against the accused in court. The defence counsel will conduct its own investigations and weigh the evidence against his client before advising his client to plead guilty.

JUSTIFICATION FOR PLEA BARGAIN

In addition to practical necessity and the conservation of judicial, prosecutorial and law enforcement resources, plea bargaining has been justified for a number of reasons. Some of those articulated includes:

(a) Plea bargaining permits resolutions of criminal proceedings with all the benefits that result from final disposition and avoid delays and the uncertainties of trials and appeals.

(b) Plea bargaining avoids most of the corrosive impact of enforced idleness during confinement for those who are denied bail during trial.

(c) It complements the provisions on compounding offences, and encourages amicable settlement of cases between the offenders and the victim (victim - offender mediation). Usually a

Hara-kiri Most Heinous

There has been some disquiet in the polity, since January 2007, when the Economic and Financial Crimes Commission, EFCC sent an advisory of indicted politicians to political parties. The mostly angry responses spawned by corrupt politicians and given theatrical and emotive life by hurt interests and many a lazy journalist, coalesce around the following: (a) EFCC has overreached itself by 'straying' into the political arena; (b) EFCC cannot indict; (c) the Act setting up the Commission only prescribes prosecution after investigation.

These have been the kernel of mostly uninformed public discourse on the advisory list.

However, until the outrageous, shockingly uninformed diatribe against the EFCC in a front page comment by *The Mace* edition of Monday 5 March 2007, it would have been difficult to imagine that any publication could so ritualistically disembowel itself. And, the hara-kiri is made even more pathetic and gruesome by the fact that *The Mace* advertises itself as the "Official newspaper of the National Assembly, Abuja."

Like many other lazy or compromised publications, *The Mace* argues that EFCC has taken on a "self-appointed" crusade to cleanse the political Augean stable (or as we would ask in classic, catchphrase Nigerian pidgenese, "Na who send you?")

Everyone -and surprisingly, *The Mace* too! - agrees that corruption is the single biggest problem with Nigeria- the reason for the failure of institutions; the reason we have been left behind by the rest of the world in human development terms; the reason there is such stomach churning poverty in the midst of the plenty comered year after year by greedy public servants including politicians; the reason for the collapse of the Rule of Law.

But for this pretender to official mouthpiece, nothing must be done about it! Nothing must be done to give meaning to Section 15 (5) of the Nigerian Constitution, which emphatically states that one of the cardinal reasons for statehood is the abolition of "all corrupt practices and abuse of power" and, all relevant agencies of State are supposed to give effect to provisions of the Constitution.

So, while *The Mace* agrees with EFCC that "corrupt politicians should not be allowed to aspire to lead this country", it curiously questions the rationale for the Commission's "self-appointed role of



umpire in a terrain that is ordinarily far removed from its statutory brief -the political turf". Could a more inane position ever have been canvassed?

But then, let us look at the statutory brief of the EFCC. The Commission was set up by an Act of the National Assembly to combat all manifestations of economic and financial crimes, including but not limited to advance fee fraud, banking fraud (which obviously meets the approval of *The Mace*) and corruption (which combatation the paper disapproves of because politicians are a special breed who must be protected by all means including the blind manipulation of the official newspaper of the National Assembly!). What, for crying out loud, makes going after 419ers and other fraudsters okay, and lacerating the putrid underbelly of grand corruption wrong?

The Mace argues and we agree, that "Whatever action that is taken by the Commission outside the prescriptions of its enabling law remains an act of blatant lawlessness and therefore crass irresponsibility." It is however, obviously clear -and inexcusable - that the editors of *The Mace* HAVE NEVER read the EFCC Act. And neither did they bother to consult the relevant portions of the Nigerian constitution, in relation to the vexing indictment of corrupt politicians, before sputtering the uninformed editorial of 5 March 2007. This unforgivable professional lapse may be what informs the paper's tenaciously held but tenuous position that "the stand of the Commission with respect to the list would have enjoyed commendable

merit if it had followed the path of legal due process which includes prosecution and possible conviction of affected politicians."

Following the so-called public outcry that trailed the advisory, the Senate set up a seven man committee to review the EFCC list and make recommendations on possible amendments to the EFCC Act to further strengthen the Commission for the grueling fight against corruption. The findings and recommendations of the committee are instructive. EFCC commends them to *The Mace* and others in their league.

At pages 6 and 7 of its report, the Committee found that EFCC acted entirely within the law with regards to the indictment list:

vi. *The EFCC, apart from investigating and prosecuting of offences under its Act, also has responsibility of advising Government on appropriate intervention measures to prevent and check economic and financial crimes as provided in the EFCC Act, 2004 Section 6 (j) (vi)."*

vii. *By the nature of its powers and responsibilities, the EFCC can indict persons or institutions involved in embezzlement or fraud after due investigations. The report of such indictment can be utilized by government through an administrative process as provided for in Sections 137 (1) (i) of the 1999 Constitution..." (Senate Committee Report on EFCC)*

And, just in case *The Mace* editors do not know yet, Section 137 (1) (i) of the Constitution deals with those who are barred from standing for election because they have been indicted for embezzlement or fraud. This section does not countenance *The Mace's* "prosecution and possible conviction of affected politicians" as basis for barring ineligible candidates from standing elections.

The Mace front page comment of 5 March 2007 is one of the most professionally incompetent pieces ever written. It is our firm belief that the team that made the effort at editorial writing such a poor (and dangerous!) mix of scandalous ignorance and crass partisanship, should for a thousand years, be locked away to self-flagellate in an intellectual and professional penitentiary vowing with each stroke, "We will never again write such an uninformed and unprofessional editorial!"

Osita Nwajah

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plea bargain is entered where the victim and the offender request it, having settled the violation through other reconciliatory processes.

(d) Studies in high crime jurisdictions have shown that an important case management tool that would enable prosecutors speed up to close deserving minor cases so as to render the criminal justice system viable and functional is to give the prosecution the option of plea bargain.

(e) It is based on admission of guilt, with element of remorse or contrition. At such point, it would discourage re-offending, and encourage reformation of the offender if he is given another opportunity to be a better person in the society.

(f) It is a discretionary process which the prosecution (Attorney General) will use sparingly in deserving cases.

CRITICISMS AGAINST PLEA BARGAIN

The practice of plea bargaining is not without its critics. Opponents of plea bargaining argue that the system invites prosecutorial overreaching and abuse. For instance, the hope of leveraging guilty pleas may encourage prosecutors to file several counts of charges initially. Critics have also stated the following negative points of plea bargaining.

a) The high level of corruption, compounded by the high rate of poverty, will undermine the plea bargain process. Officials responsible may use the provision to extort money from the accused so he would get lesser punishment than he would have received had he been tried.

b) It may encourage re-offending, as the deterrent effect of plenary trial and punishment for the exact offence committed will be removed. Offenders will know that if they are caught, they can bargain themselves out for a less offence, or may just pay the fine and easily walk away free.

c) In the context of cooperation agreements, it is morally wrong to pressurize an accused to testify against others in exchange for leniency.

d) The defence counsel may have incentives to plea bargain even when it is not in the best interest of their clients.

Finally, since so much of the plea bargaining process occurs behind the scenes, critics further argue that, the risk of convicting innocent accused persons may increase.

THE DEFENCE ROLE

The constitution guarantees the accused the right to be represented by counsel. This right to counsel subsumes a right to effective assistance of counsel and these rights, taken with legal practitioner-client privilege, act to ensure that an accused receives professional advice exclusively from his counsel. The Nigerian criminal justice system charges defence counsel with the responsibility of providing his client with effective assistance of counsel. As a result, defence counsel is the only party with access to all the information necessary to assess the case, and to recommend the best course to his client. It is the defence counsel who ensures that the client is adequately informed about the consequences of critical pleading and trial decisions. An accused places so much faith in his counsel and has little expectation that anyone else in the system will look after their interests⁵.

The role of the defence counsel in the Administration of Criminal Justice in Nigeria is clearly stated in rule 9 of the Rules of

Professional Conduct in the Legal Profession. It provides in paragraph (a) that it is the right of the lawyer to undertake the defence of a person accused of a crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defence. The lawyer is bound, by all fair and honourable means to present every defence that the law of the land permits, to the end that no person may be deprived of life or liberty, but by the due process of law.

Rules 9(b) further provides that a confidential disclosure of guilt alone does not require a withdrawal from the case. However, after a confidential disclosure of facts clearly and credibly showing guilt, the lawyer should not prevent any evidence inconsistent with those facts. He should never offer testimony which he knows to be false.

FINANCIAL INCENTIVES

Defence counsel can be described as falling into two main categories: private and public. While private legal practitioners receive their fees from their clients, Government or Public Counsel is paid by the state Ministry of Justice, the Legal Aid Council etc. Both of these counsels, nevertheless, have financial incentives to plead their clients guilty.

Robert Alschuler in his work, *"The Defence Counsel's Role in Plea Bargaining"*, described the two routes to financial success for a private criminal defence counsel: one (route) is to develop, over an extended period of time a reputation as an outstanding trial lawyer. In that way, one can attract as clients the occasional wealthy people who become enmeshed in the criminal law. If, however, one lacks the ability or the energy to succeed in this way or if one is in a greater hurry, there is a second path to personal wealth handling a large volume of cases for less-than-spectacular fees. The way to handle a large volume of cases is of course, not to try them but to plead them.



For private legal practitioners, then, plea bargaining may be an attractive option because it allows them to quickly dispose of cases and keep their practices moving and profitable.

Conversely, state Counsels are motivated to plead their clients guilty primarily because of their enormous caseloads. Being salaried employees of the state, their income does not depend on the number of cases they quickly dispose of; rather, their job depends upon managing overwhelming number of cases every year. The workload imposes time constraints per case and state counsel feel compelled to rapidly dispose of cases just like their private counterparts.

DEFENCE COUNSEL'S EVALUATION OF THE AVAILABLE OPTIONS

In determining whether to plea bargain or take case to trial, defence counsel ideally assesses the risk of conviction at trial. The determination of success or failure at a trial depends on consideration of a variety of factors including, but not limited to, the accused's record, the facts of the case, the prosecutor's personality, the prosecutor's willingness to go to trial, the judges reaction to certain types of crimes, and the precedents in terms of prior dispositions for this type of offence⁹. Although commentators have described this weighing process in almost algebraic terms, most defence counsels agree that the question of whether or not an acquittal will be won at trial is a question answered by reference to instinct¹⁰. Defence counsel develop overtime an intuition for discerning the strength of a case and rely on a "gut feeling" to determine an accused's guilt or innocence. Whether to suggest a plea or go to trial, therefore, often depends largely on the defence counsel's "feel" for the case¹¹.

The decision to plead guilty rests with the accused after consultation with his lawyer. This necessitates that the lawyer spend time with the accused, communicating his assessment of the strength of the prosecution's case, the applicable issues of law, and the possible legal alternatives. However, it should be emphasized that ineffectiveness of defence counsel in some cases often leads them to advise their clients to plea bargain. When counsel, without familiarizing himself with the facts of the case or investigating possible defences, allows his client to plead guilty¹⁴; when counsel fails to investigate and utilize exculpatory governmental records prior to entry of a guilty plea¹⁵; and, when a guilty plea is entered on the same day that the lawyer first consulted with his client, leading to a presumption that a defence has not been adequately prepared¹⁶.

All these forms of ineffective counsel are common in the plea bargaining context where the accused are represented by counsel, who for lack of adequate time, advise them to plead guilty¹⁷.

To summarize, the temptation to plead puts a burden on the ability of defence counsel to advise the accused fully and impartially about the wisdom of a guilty plea. As professor Alschuler noted, "This system subjects defence counsels to serious temptations to disregard their clients' interests..."¹⁸ As a result, defence counsels may encourage the accused to plead guilty pursuant to offence that do not accurately reflect the strength of the government case.

THE PROSECUTION'S ROLE

In Nigeria the role of the prosecutor is provided for in Rule 9(d) of the Rules of Professional Conduct in the Legal Profession. It provides that the primary duty of a lawyer engaged in public prosecution is not to convict, but to see that just-

tice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is unethical and savours of unprofessional conduct.

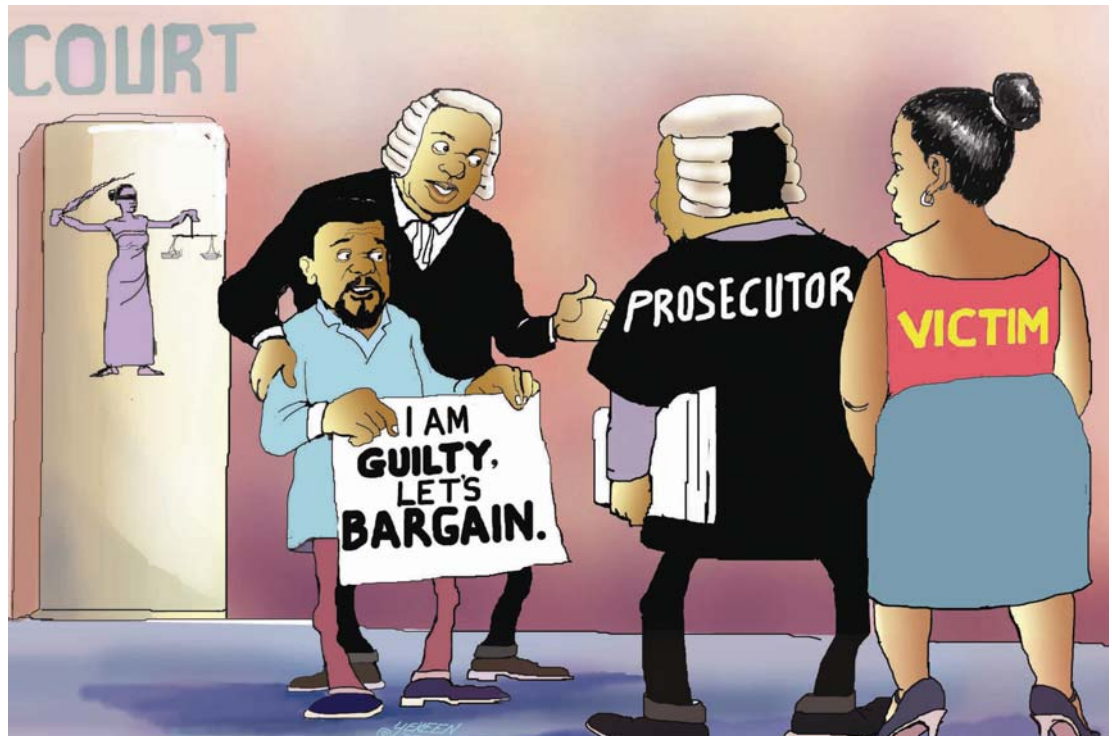
The prosecutor has many incentives to enter into plea bargains¹⁹. When a prosecutor enters into plea bargains, he is able to handle more cases, conviction rates soar²⁰; and most importantly, more criminals-if they are out on bail or otherwise would not be on jail - are more quickly removed from the streets²¹. The public confidence in the government rises accordingly²². And less altruistically, the prosecutor advances his own career through higher convictions rate²³. These incentives, coupled with the near absence of disincentives, lead to the logical result that prosecutors enter plea bargain agreements.

I shall discuss at this stage factors that encourage the prosecutor to enter into plea bargain.

a) **Efficiency:** Plea bargaining's prime incentive to the prosecutor is an increase in the total efficiency of criminal justice system²⁴. Efficiency is achieved through maximum conviction of the guilty and dismissal of charges against the innocent. Hundred of thousands of criminal cases are processed each year in United States. In 1998, in the federal district courts alone, 69,769 cases were filed, and 60,958 entered into plea agreements²⁵. It is generally accepted that without the plea bargaining option the legal system would crumble under the weight of cases requiring juries and judges²⁶. Plea bargaining reduce the time a prosecutor spends on a case. Less time spent on each case means that more cases can be handled. For lightening the prosecutor's burden and contributing to overall efficiency, accused receive reduce sentences when they enter pleas. The law has recognized these reduced sentences as being in accordance with justice²⁷.

b) **Convictions:** Convictions are guaranteed by a plea bargain. Although trials are essential and protected by the constitution²⁸, the chances for an acquittal, jury nullification, a witness's refusal to testify, and loss of evidence, all contribute to the prosecutor's willingness to plea bargain.

c) **Assistance:** The prosecutor will enter into negotiations with an accused with the hope of gaining information necessary to indict and convict other criminals. The prosecutor must then balance whether it is prudent to



offer a deal to the cooperator in exchange for evidence to convict the accused guilty of a graver crime.

d) **Finances:** While the prosecutor is supported by government financing, his financial resources are limited. Limited financing encourages the prosecutor to enter plea bargain agreements.

CONSIDERATION IN PLEA BARGAINING

The prosecutor bases his decision on whether to proceed to trial or enter into a plea arrangement upon many factors: the gravity of the crime, the accused's criminal record and characteristics, the victim, and the evidence²⁹.

a) **The Gravity of the Crime:** The severity of the crime provides the obvious starting point for the prosecutor and the accused in plea negotiations. The exact nature of the crime contributes to the bargaining power of the prosecutor in negotiations. The more horrible the crime, the longer the sentence and the greater likelihood of a lesser included offence. All of these elements provide leverage for the prosecutor to use against the accused.

b) **The accused's criminal record and characteristic:**

The unique characteristics of each accused are also important in the prosecutor's plea bargain decision. If the accused is uneducated or socially disadvantaged, the prosecutor may wish to show leniency to the accused. Likewise, if the accused is particularly young or old, the prosecutor may determine that a plea bargain is more appropriate. Also the criminal record of the accused is of paramount importance to the prosecutor whether the accused is a first offender or has a criminal record.

c) **The victim:** Although the prosecutor represents the state, he should not discount the wishes of the

victim in contemplating the prudence of entering plea bargain agreement. Particularly in financial crimes it causes emotional distress to the victim. In sexual crimes, plea bargain allows for expedited closure without the victim having to face the accused.

d) **Evidence:** The evidence the prosecutor has against the accused is instrumental in his decision whether or not to pursue a prosecution or to enter a plea bargain. If the weight of the evidence is overwhelming against an accused the prosecutor can use it as leverage over the accused in plea bargaining. The accused will most likely recognize the damning implications of evidence, and decide that his best recourse is to plea bargain, minimizing the nearly inevitable punishment.

THE ROLE OF THE COURT

The judge's role in plea bargaining process is simply the residual effect of the inevitability of bargaining within the system. Without bargaining the criminal justice system in United States would come to a halt³⁰. A 1995 study by the US Department of Justice reported over 92% (Ninety two percent) of all federal criminal defendants entered a plea of guilty³¹. In plea bargain systems, the judge neither participates in the negotiation process nor vests his sentencing authority in the prosecutor. The judge is neutral and detached in plea bargain, his function is to mediate and resolve the opposing parties' inevitable conflicts.

The judge's role is not to ascertain whether the accused in fact

committed the crime. His role is simply to ascertain whether the accused's plea is voluntary and to find a factual basis for the accused's commission of crime.

In Nigeria our criminal procedure laws permits a person standing criminal trial to enter a plea of guilty admitting the commission of the offence. In such a case, the trial judge+ is required to verify the facts admitted by the accused person and ensure that it amounts to an admission of all the essentials elements of the offence before proceeding to conviction and sentence.

There is no statutory authority in Nigeria that such a convicted person(s) would receive a lenient punishment from the court. However, a plea of guilty by an accused person may be an indication of remorse for the crime justifying a lenient sentence.

It should be noted that section 218 of the Criminal Procedure Act gives the court a discretionary power to reject the plea of guilty of an accused by refusing to accept the guilty plea³².

In summary plea bargaining agreement or change of plea arrangement is merely a recommendation for the trial court to consider and the trial judge as both the symbolic and institutional guarantor of the accused fundamental/institutional rights must guard against any action that facilitate violations.

Hassan, a prosecutor with the Legal Unit of EFCC, presented this paper at a seminar on Contemporary Issues in Prosecution of Economic and Financial Crimes in Nigeria, in Lagos on Thursday 17 September, 2006.

Arrangee Marriage

Ghanaians face deportation from United States over contract wedding

■ By the ZT Team ■



Ghanaians celebrating 50 years of Independence recently

AFP PHOTO

Tough prospects of deportation now face some Ghanaians immigrants to the United States. In the next couple of months, about 1,000 immigrants of Ghanaian extraction in the U.S. may be repatriated to their home country as a result of immigration scams traced to fraudulent marriage deals with United States citizens. By the American immigration laws, immigrants that marry U.S. citizens can get a visa to stay in the country immediately, rather than wait for years to secure the permit. Besides, by marrying a citizen, an immigrant's American citizenship's prospects get better within a short time. This realization had been an inducement to some well-established Ghanaians who undertook to arrange "marriages" for newly-arrived immigrants from Ghana with unscrupulous Americans.

Two of such alleged wheeler dealers, Samuel Acquah and Eric Amoah are now facing prosecution over their roles in contracting marriages between desperate Ghanaians and some Americans in ways that compromise U.S. immigration laws. Acquah resides in Alexandria, a suburb of Washington. Northern Virginia and

The clerk, David Bell, not only got disturbed by the rising traffic of would-be couples to his office, he also noticed a disturbing trend in the way such marriages hit the rocks so soon after he signed them on.

Maryland suburbs, also in Washington, are homes to Ghanaians and the practice is most prevalent in the areas.

Using two employees who he called "contacts," Acquah scouted for U.S. citizens willing to marry for money. An immigrant is charged between \$3,000 and \$3,500. The obliging citizen is paid \$500

while the rest is split between Acquah and his contacts. For his ingenuity, Acquah had made well over \$200,000 and was living like a potentate.

This soon made a competitor for him. Eric Amoah, a one-time client of Acquah soon set up 'shop'. In no time, Amoah began to enjoy patronage from an army of Ghanaian immigrants needing citizenship rights. Some were drawn to him as a result of health reasons in order to benefit from health insurance which is only applicable to citizens.

Abena Nkrumah, a Ghanaian, exploited this marriage deal owing to a health challenge. She heard about Amoah when she was in need of an operation for abdominal problems. "He told me he can help me get married", Nkrumah said of Amoah before a U.S. district Judge, T.S. Ellis.

Nkrumah, like Acquah and Amoah and many others are facing prosecution and may serve jail terms if convicted. Several immigrants who have been offered such arrangee marriage deals are also being investigated by the Washington Police over what is said to be Washington region's biggest and most brazen scam.

For the police, breakthrough in the investigation of the fraud did not come easy. For close to four years, painstaking investigations were conducted to get to the root of the crime. Police found that many couples who were involved in the scam did so at the Arlington county courthouse in Washington. This was where many of them filed matrimonial papers and exchanged dubious vows. The police also found out that a man named Sam often escorted them to the court clerk's office at the sixth floor.

The clerk, David Bell, not only got disturbed by the rising traffic of would-be couples to his office, he also noticed a disturbing trend in the way such marriages hit the rocks so soon after he signed them on. "Before long, some of the same people would be back, filing for divorce. Their court papers littered with mistakes-always the same mistakes", Bell noticed. "They misspelled circuit. It was obvious something was going on" he further observed.

Spurred by these observations, Bell tipped off the police, triggering a four year investigation.

For the scammers, the police's involvement is one bust too many. The risks, if convicted, are many, especially for some of them who had been around for a long while. Acquah, for instance, is advanced in age and had been living in U.S. for decades. Aside from losing his \$112,000-a-year job in the chemical engineering section of the U.S. patent and trademark office in Alexandria, he may have to face the painful eventuality of either leaving his children who can claim American citizenship having been born in the U.S., or taking them with him to Ghana. The same fate awaits his comrades-in-crime. One of the fallouts of the American marriage scam is that immigrants from Ghana may now face stricter immigration checks before being allowed entry into the U.S.

'EFCC Has Fared Very Well'

Iam thoroughly convinced that the EFCC should be sacrosanct in the sense that it is a necessary organization, necessary because of the peculiar situation that Nigeria has found itself.

We all know corruption has become endemic in this country and the efforts of past governments to address the issue have met brick walls. So, I think it is a great idea for the present administration to come up with what is called the EFCC.

The fear of the EFCC is now known to be the

beginning of wisdom for those public officers who are corrupt and even private individuals. I mean anybody who hears that the EFCC is coming for a visit usually shudders and that itself is an achievement.

So far so good with the EFCC. I believe there's a lot to be done; I believe that the problem of corruption has become so endemic; it is so very large, very tough. It is something you cannot solve within four years. This country has been known to be the worst country in the corruption industry and we've

improved ever since EFCC came on the scene. I believe it's been four years of steady progress.

Today, Nigeria's anti-corruption image is improving in the sense that, people are beginning to know that there's a lot to it. On a scale of about one to ten, if I want to place the EFCC, considering the fact that they still have a lot to do, I will score them 70% (seventy percent).

I think there's still a lot to be done, but 70% by all means is an 'A' when you go to the school curriculum and take a look at that, but that is not to say that there aren't some grey areas that need to be properly sorted out. It has done very well and I am not by any means being patronizing.

I think some sections of the media have not really been too fair to the EFCC. They are too critical without really going deep in trying to get the fact right. I also believe that there's need for more information flow from the EFCC to the media because the media thrives on information. When there's no information, it gives room to speculations and rumours.

I think there's a set line by sections of the media and the talks about the EFCC being selective sometimes may not hold water, depending on the way you are looking at it.

You may cry immediately they present one part of the issue to you, but if you take everything in totality, you will then find that the government is going after even its very own people. I don't subscribe to the fact that because we've not caught all the thieves in Nigeria, we have not tried enough. We've got to start somewhere. I always tell my colleagues that you cannot say go and catch all the thieves before I know that you have made an impact, the very fact that we have started, and we are taking the first step and we are making an impact with EFCC is something to be happy with.

The truth of the problem is, corruption, because of its endemic nature, people are sort of distrustful, that they become so cynical. Once any programme is introduced, it seems to the people that the government is coming up with something to while away their time.

So it takes a lot of getting used to. The EFCC has to drag on the fight, assuring the people that it is here for business and not to witch hunt anybody. We were all in a programme where the EFCC Chairman said: "We have not touched anybody in the opposition", as at that time when he was speaking; which meant that they were actually starting from home, which I thought was very instructive.

But the perception of being selective is itself selective perception: there is nothing you can do about it; it's what some people want to see and report. The media cannot all speak in the same voice; some section of the media will continue to hit at EFCC irrespective of the progress being made by the Commission. There are some people who have just tuned their minds to that. Some of those who are able to select properly and perceive properly and look at all the issues will know how well we are doing with EFCC. Channels for instance, believes very well in EFCC and not making any pretensions about it, we believe it is a necessary organization, we believe it is doing very well; we believe that the issue of selectivity is just a matter that depends on whose side you are.

So if you think that you are going to make every member of the media happy, forget it, you cannot win them all the time.

How we are going to sustain the political will, is very important. How we are going to make sure that we have a Ribadu, because if he's not there it is something that is of great concern to a lot of us. We need many Ribadus in the EFCC to carry through the work of the Commission.

When the government changes, you never know what's going to happen. I am just praying that the next government sustains the EFCC.



**John Momoh (OON),
Chairman, Chief Executive
Officer, Channels Television**



Norwegian Government Officials Visits EFCC

The Executive Chairman of the Economic and Financial Crimes Commission, EFCC Nuhu Ribadu on Monday, 29th January 2007 played host to the Norwegian Minister of International Cooperation, Mr. Erik Solheim and members of his delegation which included the Norwegian Ambassador to Nigeria, Tore Nedrebo, Anita Utseth, the Deputy Minister, Oil and Energy, Eva Joly, the Special Adviser MFA, Norway, Ian Borgen of Transparency International among others.



Ribadu and members of the Norwegian delegation

Welcoming the minister and his entourage, Ribadu said he and other staff of the commission were encouraged by their visit. Thereafter, he went on to explain the reason for the establishment of EFCC, saying that government in the second term of its existence noted the decay in the system and felt there was a need to lay a solid foundation for good governance, rule of law, transparency and accountability. He also explained to the visitors, the structures and workings of the Commission.

Ribadu, thanked the Norwegian government and the European Union, of which Norway is a member, for helping in the institutional development of EFCC as seen in structures like the Financial Intelligence Unit (FIU) and the Training and Research Institute (TRI). He observed that one of the delegates, Eva Joly, had been inspirational to EFCC and had given the Commission courage to forge ahead.

Furthermore, the chairman stressed that the biggest challenges facing Nigeria and indeed all developing countries are corruption and mismanagement. He bemoaned the stigma of a fraudulent and corrupt country that Nigeria is carrying but said that government through EFCC and other agencies is changing the situation. The banking sector he told his visitors had been sanitized. He also disclosed that the reform had been taken to the oil sector which hitherto had been plagued by corruption.

Ribadu also revealed that the Commission had taken its fight to corrupt government officials some of whom had been convicted, like the former Inspector General of Police, Mr. Tafa Balogun. He acknowledged that the work was tough and that the Commission had been vilified by those whose evil deeds are being exposed. "We are building a structure that we hope will outlive individuals. We are building EFCC as a model law enforcement agency in Nigeria and Africa. The way we are going, because of EFCC, the next government is going to be better than what we have now" he stated.

Responding, Mr. Solheim expressed satisfaction with EFCC's achievements within the short period of its existence. The Minister advised the Commission to be transparent and work more closely with the civil society. He lauded Ribadu for his effort in charting an enviable course for the Commission. "You have shown courage. You have brought corrupt officials to book and we will

continue to support you," he promised.

After the speeches, Ribadu fielded questions from the Norwegian delegation.

The delegation was later taken to the Nigerian Financial Intelligence Unit (NFIU) by the Executive Chairman. They were received by the head of the Unit, Mr. A. B. Okauru who took them on a tour of the Analysts Hall where he explained the workings of the section. He told the visitors that the Unit had 25 analysts and works in collaboration with the police, banks and other stakeholders. He disclosed that a total of 324 Suspicious Transaction Reports (STRs) were recorded in 2006. The NFIU he stated collaborates and had signed MOUs with Financial Intelligence Units of other countries. Nigeria, Okauru pointed out was already a member of the Egmont Group, an umbrella body of the world's FIUs.

The delegation also visited the Lagos office of the Commission on Tuesday January 30, 2006. In Lagos, the delegation led by Eva Joly was received by the Director of Operations, Ibrahim Lamorde. Thereafter, Joly delivered a lecture on the fight against corruption in which she stressed the need for the intensification of the current campaign until the scourge of corruption is eliminated or reduced to the barest minimum.



Okauru addressing journalist at the workshop



Olorunyomi takes his turn



Putting heads together: Wakili and Adegbite

The Economic and Financial Crimes Commission, EFCC, in January held a capacity-building workshop on integrity rating system for a broad section of Nigerian print and electronic media journalists. The workshop, jointly sponsored by the EFCC and The Convention on Business Integrity, CBI, was a day-long training and interactive meeting between top brass of the two organizations and media professionals.

Mr. Dapo Olorunyomi, Chief of Staff to the Executive Chairman of the EFCC, Mr. Nuhu Ribadu, while declaring open the workshop, said that integri-

EFCC Trains Journalists on Integrity

ty had become a highly-prized but elusive quality in private and public lives and that in sensitizing the public to the imperatives of high integrity rating in businesses, public and private sectors, journalists must be adequately trained to disseminate the requisite information.

Five papers were presented to the participants at the conference. Mr. Mohammed Wakili, Head, Banking Fraud Unit, EFCC, spoke on: "Ensuring Transparency in the Financial Sector; The Work So Far". In his submission, Wakili stressed that good laws were important in fighting corruption. He however, decried the rising cases of mis-application of laws in a manner that is frustrating the work of the Commission. "Laws are being exploited. So many cases are frustrated owing to mis-application of the law," he disclosed.

Wakili also pressed for better welfare conditions for those involved in fighting crimes. "Adequate remuneration must go with responsibilities to ensure transparency", he charged.

Mr. A.B. Okauru, Director, Nigerian Financial Intelligence Unit, NFIU spoke on "Ensuring Transparency: The NFIU Experience". Okauru warned money launderers that the nation now has effective and potent mechanisms for tracking suspicious transactions not only in local banks but also globally. His unit, he explained, was both a Research Centre and the Designated FIU for Nigeria. Local banks he told the participants, are statutorily required to regularly send Suspicious Transactions Reports, STRs to the NFIU. Through the STRs, Okauru said that his unit could get useful information necessary to get the profile of any bank customer involved in money laundering. Even without the STR, he explained that the Financial Intelligence Unit of any country can request information on any bank customer suspected to be moving money in excess of what local and international regulations allow. "One

FIU is allowed to send information to other FIUs all over the world and there are 101 countries having these units", Okauru revealed. On the strength of these, he assured participants at the workshop that "there is no more safe haven for money launderers all over the world."

The strides being made by the Cyber crime Unit of the EFCC were disclosed by Mr. Olaolu Adegbite, Head, Advance Fee Fraud Unit. He spoke on "Information Technology and Crime Detection." He said the Commission had 174 Advance Fee Fraud cases in court. 70 of which had been concluded. He also said that his unit had made considerable breakthroughs in bringing many fraudulent Nigerians to book.

Mr. Wilson Uwujaren spoke on *Maximizing Access to Information*. He addressed some challenges posed to information managers in an agency like EFCC. According to him, journalists should always appreciate the professional need of balancing information and seasoning it with facts because in all journalistic enterprise, "facts are sacred". Uwujaren educated the journalists on the peculiarities of information dissemination in a law enforcement agency like EFCC that relies on extensive investigations to achieve results. "Information may not be released at the speed the media may want it owing to so many considerations that border on ensuring that the work of the Commission are not impaired in any way", he explained.

In maximizing access to Information, Uwujaren charged journalists to be more thorough, discreet and high on integrity. "Financial journalists need to be more careful so as to avoid being compromised", he admonished.

Issues central to integrity rating among individuals and groups dominated discussions at the workshop. Mr. Olusoji Apampa, Co-Founder, The Convention on Business Integrity, presented a revealing Integrity Rating Model. He identified five crucial issues central to any integrity framework. The issues are: Bona fides essentials; Value system; Accountability; Commitment and Track Record. All these, he explained, would determine the integrity rating of individuals and organizations.

Ribadu Makes Case For Democratic Reforms

Chairman of the Economic and Financial Crimes Commission, EFCC, Nuhu Ribadu has said that broad-based democratic reforms were imperative to launch Nigeria on the path of sustainable development. To achieve this, he proposed a total war against corruption by all Nigerians. Ribadu who spoke on the topic : "The EFCC and The Challenges of Democratic Reforms in Nigeria," at the University of Ibadan on the invitation of the local Academic Staff Union of Universities, (ASUU), also said that grand corruption has denied Nigerians good governance, egalitarianism and the rule of law. The EFCC chairman lamented the poor quality of leadership at all levels in the country, including the universities and stressed that moral and political compromises would not do the nation any good.

Past and present leaders of the nation, Ribadu



Ribadu acknowledging cheers from the students

said, have only worsened the quality of life of the citizenry while the elite looked on without resistance. "The missing link in all these for me, however, is the lack of commensurate outrage. Where is the outrage among our compatriots who are so easily pricked to revolt in instances of ethnic and religious challenge? Where is the revolt from the elite, the academics and the professionals who are agents of social growth in any community? If our elite become so numbed to this serious threat against our collective community life, then we better throw our hands in the air and forget it," he admonished.

Ribadu therefore called for a change of heart and promised that the EFCC will not relent in its war against corrupt practices and against all those that are making life difficult for generality of Nigerians.



From left: Ribadu, Justice Uwais, Gani, Justice Ayoola and Mrs Fawehinmi

Thumbs up for Fawehinmi on Integrity

For his relentless legal struggles to create access to justice for the underdog in Nigeria, Executive Chairman of the Economic and Financial Crimes Commission, EFCC, Mallam Nuhu Ribadu has placed Chief Gani Fawehinmi, (SAN) among Nigeria's most distinguished and corruption-free citizens.

Ribadu made this classification at the 3rd Chief Gani Fawehinmi Annual Lecture and Symposium held on January 15th, 2007. According to him, Fawehinmi has shown through his legal activism and determined struggles against mis-rule and governmental irresponsibility that he is opposed to both "petty and

grand corruption". "Very early in Gani's career, he had come to understand that corruption and inept leadership would make nation-building a difficult experience in Nigeria. He saw corruption as an experience that, if not frontally addressed, would ultimately kill any political regime", he said.

Ribadu noted that Fawehinmi was able to sustain his crusade through his incredible zest for hard work and study; a passionate spirit; a sense of conviction and faith, a rugged sense of humanism and above all, "a promethean belief in the renewal of a decadent age". On the issue of "Corruption and The Survival of the Nigerian Nation" which was the theme of Ribadu's lecture, the EFCC boss decried the retardation and

discomfort which corruption has wrought on the Nigerian nation and Africa in general. Corruption, he regretted, was costing the continent at least \$148 billion annually, an amount which represents 25% of the continent's gross domestic product, GDP and which also increases the continent's costs of goods by 20%. All these are in addition to the anarchy, carnage and internecine war which corruption has been foisting on Africa. By challenging corrupt and compromised leaders in government, Ribadu said that Fawehinmi has played crucial roles in "the development of a modern national sensibility"

In his own speech, Niyi Idowu, Chairman, Nigerian Bar Association, Ikeja Branch, said that Chief Gani Fawehinmi was an anti-corruption crusader per excellence who was committed to fighting a cause he believes in, no matter what anybody may feel about it.



ECOWAS Committee Members Visit, Pledge Support for EFCC

Worried by corrupt politicians' doomsday prediction for the country if they were prevented from standing as candidates in the April 2007 General Elections, a team of ECOWAS committee members led by Sir Dr. Dawda Jawara the first President of the Republic of Gambia visited the Economic and Financial Crimes Commission (EFCC) on Wednesday February 21, 2007.

The six-man team which had been in the country for two weeks prior to the visit, declared that ECOWAS recognizes and applauds EFCC's, fight against corruption. They however expressed concern over reactions to the list of indicted politicians released by the Commission.

Responding, Ribadu thanked the group for their visit, which he said demonstrates that the whole of the African region is one and that what affects one country affects the other. He told the group that the EFCC was set up to fight corruption among other



Jawara and Ribadu

malaise and that the investigation and indictment of corrupt politicians was a proper expression of the mandate of the Commission.

While noting that "Nothing compromises democracy like corruption", Ribadu decried the spirited attempts of corrupt political office seekers to misrepresent the war on corruption as a war against democracy. "They are the real threat to democracy. What is going on is a silent but sure revolution. EFCC is standing up for the people and for our country" he said.

The EFCC chairman also seized the opportunity to educate the fact-finding team on the various aspects of EFCC operations and achievements of the Commission. Some of the achievements include over 150 convictions in four years, establishment of six zonal offices, a world class Training and Research Institute and a Financial Intelligence Unit. (NFIU) The latter played a key role in the delisting of Nigeria from the ignoble list of Non Cooperative Countries and Territories (NCCTs) of the Financial Action Task Force (FATF).

Ribadu also told the team that in the period, the Commission recovered assets and cash worth over \$5billion from fraudsters and corrupt public officers, even as it engaged in active restitution of victims of fraud both within Nigeria and around the world.

The visiting ECOWAS members thanked the EFCC chairman for clearing the air on the indictment of corrupt politicians saying that the visit opened their eyes to the fact that the misgivings they had about the Commission's activities resulting from their previous interaction with certain interest groups, were misplaced.

They pointed out that bad governance affects the socio-economic development of the sub-region and the whole of the African continent and that a fight against bad leadership and corruption is a fight that should be upheld. They therefore pledged their full support to the anti-corruption work of EFCC.

Other members of the delegation included former Ghana Chief of Defence Staff, General Seth Obeng; Dr. Kodjo Afari-Gyan, chairman, Ghana National Electoral Commission; Abdel Fatau Musah, ECOWAS Commissioner; Dr. Remi Ajibewa, ECOWAS Principal Programme Officer and Alex Da Costa, Assistant to Dr. Jawara.

We'll Support EFCC to Stop Corrupt Politicians -Swiss Ambassador

Efforts by EFCC to rid Nigeria of financial and economic crimes and stop corrupt leaders from governance received the firm support of the Swiss government recently.

Speaking at an event organized by the Swiss Embassy in Abuja, the Swiss Ambassador to Nigeria, Dr. Pierre Helg explained that his country was concerned about persons who would emerge in Nigeria's future leadership. He said his country believes it was criminal for money launderers and tax evaders to seek public offices and vowed that never again will corrupt politicians or government officials be allowed to launder money in Switzerland's secret banking system.

Ambassador Helg asked EFCC to make available to Swiss Embassy in Nigeria the list of politicians and government officials suspected to be keeping money in Swiss banks promising that such monies will be repatriated.

The Ambassador lamented the degree of poverty, deprivation and under-development in Nigeria in spite of billions of Naira received from the Federation Account by the various states.

In his contribution, the Deputy Head of the mission and Head of Economic and Commercial Affairs of the Embassy, Fabio Balardi, said Swiss banks are adopting special precautionary measures in their dealings with Politically Exposed Persons [PEP] in the framework of money laundering. He cautioned Nigerians to be alert and help Switzerland in blowing the whistle on such PEP to make the tracking of such persons easier by the Swiss government. He however noted that some public officers have adopted the strategy of using their relations and business partners to try go around the rule.

He stressed his country's determination to assist Nigeria's war on corruption as Swiss banks are now encouraged to implement the 'Know Your Customer'[KYC] principle, which requires clarification of sources of funds before receiving them, regular monitoring of such deposits and stringent penalties for banks who flout the rules.

existence of two big companies involved in piracy in the country and called for a closer collaboration between the EFCC, Customs and the Copyright Commission, to combat the menace.

Speaking in the same vein, the IFPI Head of Enforcement, Iain Grant regretted the situation where people benefit illegally from others' intellectual properties. He disclosed that most of the piracy was being done by Asians especially the Chinese. He recalled how not quite long ago his organization while working with South African Customs, got a report that some 1.7 million fake optical disks were being shipped to Nigeria from Singapore. "The business plan of some of these Asians is not a legitimate business model and it is designed to make money for them and not for the Nigerian government." Grant promised that IFPI would help EFCC and other stakeholders to improve expertise in the fight against piracy. "Part of our organization's strategy is to leverage law enforcement to focus on the problem because we know that by helping law enforcement we help ourselves," he stated.

EFCC Partners IFPI to Fight Piracy

Representatives of the International Federation of the Phonographic Industry (IFPI), an organization representing the interests of over 1,400 hundred record companies worldwide paid a courtesy visit to the Economic and Financial Crimes Commission (EFCC) on Wednesday 14th March, 2007.

Receiving the group at the Commission's headquarters in Abuja on behalf of the Executive Chairman, Nuhu Ribadu, the Director of Operations, Ibrahim Lamorde decried the high rate of piracy in the country but promised that EFCC would do all it could to support the IFPI. "We are not doing it for you, we are doing it for ourselves, and this is the most important thing. Piracy is hurting people badly here and everyday we receive several complaints from people whose works are being pirated."

Lamorde also informed that what was being lost

to the theft of intellectual property was colossal and that some supposedly big companies were involved in the nefarious activity. The Director of Operations further deplored the development and opined that some of the major reasons for the proliferation of fake optical disc plants in Nigeria include cheap labour and the fear of the products being intercepted in parts of Asia.

Also speaking during the occasion, Mr Akeem Aponmade, National Coordinator-Nigeria, gave a brief on the organization's activities in the country especially efforts in identifying errant companies involved in intellectual and identity theft.

The Regional Coordinator for Africa, India and South West Asia, Willem Van Andrichem, said they came on a solidarity visit to the Commission "EFCC is focused on the problem and I see hope in the horizon," he affirmed. He acknowledged the