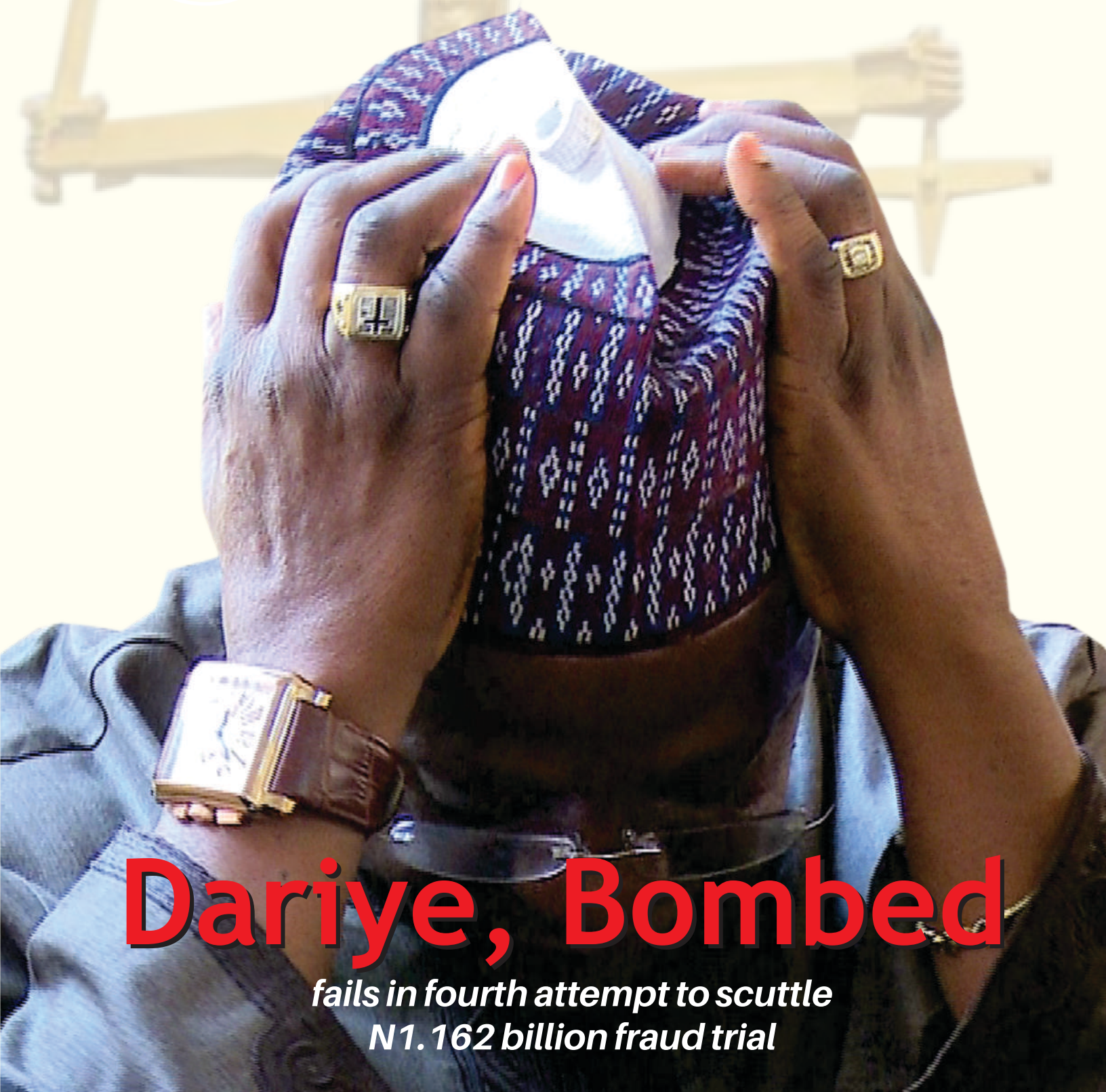




Vol 6 No 2 February 2017

EFCCALERT!



Dariye, Bombed

*fails in fourth attempt to scuttle
N1.162 billion fraud trial*

Anti-Graft War: Victory is Certain - Magu



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Pithy Comments



There are still those who think a politician who steals, is some kind of Robin Hood, instead of being vilified; some people believe that if 'my kinsman steals it is ok', [so] it is important to completely delegitimise corruption especially through the way it is communicated.

- **Prof. Yemi Osinbajo**,
Vice President, Nigeria.



If an individual who is corrupt is arrested in a multi-ethnic nation like Nigeria, or Kenya, he or she would recruit people from his ethnic group to say 'yes, he is a thief, but he is our thief'; so, the political leadership in Africa must demonstrate that impunity would not be tolerated.

- **Prof. Patrice Lumumba**,
A former Director, Kenya Anti-Corruption Commission.



There's no part of the world, where you openly celebrate criminality; you don't roll out drums when a man is released from jail for offences that are heinous; you don't turn such a person into a Mandela.

- **Femi Falana**, SAN, on celebrations that heralded the release of James Ibori from a UK prison.



Dariye, Bombed

A former governor of Plateau State is ordered to go and continue with his trial before a Federal Capital Territory High Court, as his allegation of bias against the judge is deemed baseless

BY SEGUN ADEOYE

For Joshua Dariye, a serving Senator, it not only rains, it pours with riveting lightning and thunderstorms. The recent attempt by the former Plateau State governor, to halt his trial for a N1.162 billion fraud before a Federal Capital Territory, FCT High Court, Gudu has hit brick walls. The Chief Judge of the FCT High Court, Justice U.I. Bello, has ordered him to go and continue his trial before Justice Adebukola Banjoko.

Dariye had sent a letter to the C.J., titled, *Application for Transfer on Ground of Manifest and Undisguised Bias*, requesting for the transfer of his case to another judge. In the letter dated December 13, 2016, with the Seal of the Nigeria Senate, where he serves as Chairman, Senate Committee on Public Procurement, Dariye alleged that he had become "a lamb waiting to be slaughtered" by Justice Banjoko.

In the nine-page letter, Dariye admitted that he had failed at the Court of Appeal

and the Supreme Court to quash the 23-count charge preferred against him, and "had to face the trial on the merit". "Since trial on the merit resumed in January this year [2016], the learned Judge, Hon. Justice Banjoko has not found it easy to conceal her anger that I dared to pursue an appeal against her ruling up to the Supreme Court," he alleged.

Dariye admitted that he had failed at the Court of Appeal and the Supreme Court to quash the charges

Itemizing nine case points, he accused the judge of indulging the prosecution led by Rotimi Jacobs, SAN, because "when the prosecution was presenting its witnesses, the learned and Honourable Judge allowed it ample time without any rebuke or attempt to stampede it."

Making reference to the proceeding where Peter Clark, a retired detective constable with the United Kingdom, UK Metropolitan Police, testified against him, Dariye accused the judge of allowing the prosecution time to bring "a witness from the United Kingdom".

Indeed, the testimony of Clark dealt a huge chink in Dariye's armour. In fact, the last time they saw eyeball-to-eyeball was in September 2004, and he was visibly shaken that the prosecution would succeed in bringing the retired officer who arrested and investigated him in the UK, to Nigeria to testify against him. He looked on helplessly on May 9, 2016 as Clark gave damning revelations of his money laundering offence.

He wrote: "At the end of the testimony of Peter Clark (PW9), who came from London, the judge in very clear terms expressed her disappointment and expressly told the prosecution counsel

that she was not impressed that 12 boxes of documents were brought by the witness, but the prosecution counsel tendered a few."

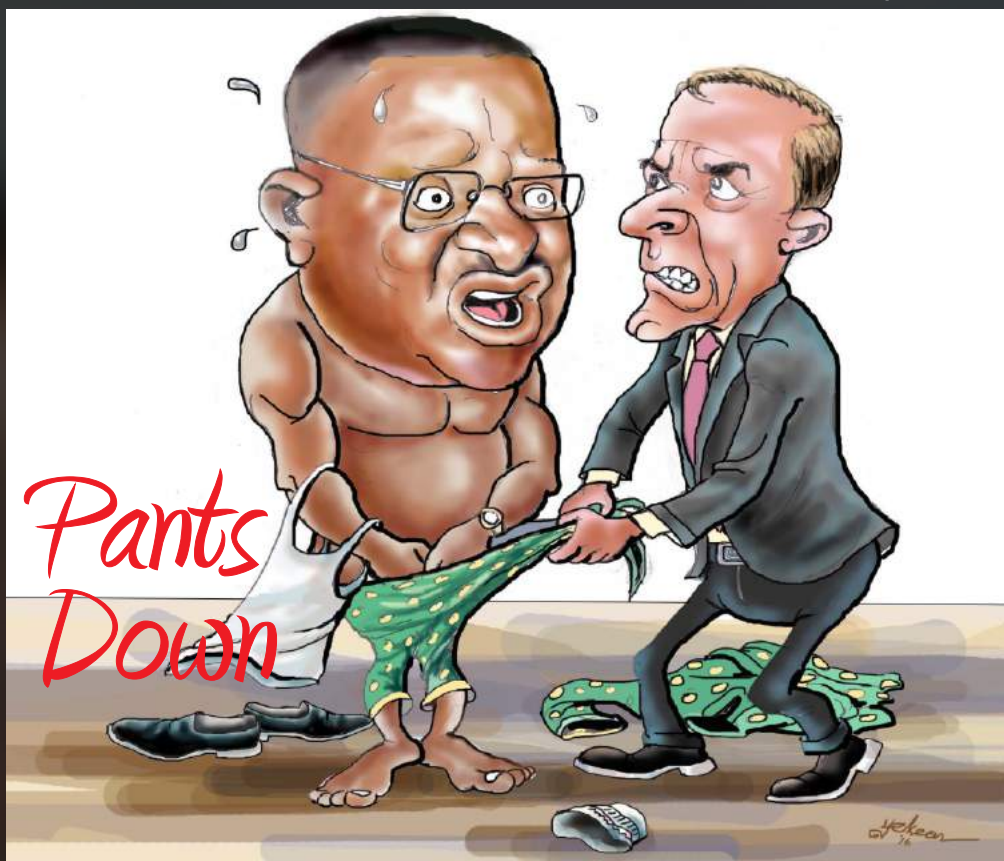
Dariye alleged that such an expression indicated that "she was not happy the prosecution was not doing what was necessary to secure a conviction by every means", adding that "the judge did not mince words in expressing her displeasure over how the prosecution counsel is handling so many high profile cases, thereby not concentrating all his energy in prosecuting me; showing clearly her unhidden desire to convict me with just a little help from the prosecution counsel".

But for the prosecution, the allegations of Dariye were not only flimsy, but akin to a drowning man clutching on any plank just to stay afloat. In its response to Dariye's petition, signed by Jacobs, the prosecution noted that the judge, at many instances had to adjourn because of the absence of defence witnesses.

For instance, the December 13, 2016 sitting could not proceed, because his counsel, G.S. Pwul, SAN, told the court he was yet to get in touch with the witnesses he intended to present, thus prompting an adjournment. Jacobs had visibly expressed discontent at the decision to adjourn, accusing Pwul of deliberately acting to delay the trial, causing tempers to flair in open court as both counsels exchanged words. The judge, however, stepped in to calm frayed nerves, and cautioned the prosecution that the defence deserves to be given ample time to make its case, and "a speedy trial is not having a speedy acquittal or conviction, but is based on the merit of what you put before the court."

"The learned trial judge on several occasions and at the behest of the defendant adjourned the case despite the opposition by the prosecution," Jacobs wrote. "It is totally unfair and ungodly for the defendant to allege that the learned trial judge descended on him and shouted on his witnesses."

The prosecution also noted that Justice Banjoko "was accommodating and created a level playing field for all the parties", noting that the prosecution opened its case on January 25, 2016 and finished it in less than six months, "while



Justice Bello held that the allegations raised in Dariye's letter do not hold water

the defendant has spent close to eight months without any sign as to when his case would be concluded". The prosecution also presented 10 witnesses, while at the last sitting of January 18, 2017 the defence had presented 16 witnesses.

Jacobs added that "the allegation that the judge showed favouritism to Peter Clark and the prosecution, and that the judge invited the prosecution to tender the 12 boxes of documents brought by the said witness from London is unfounded".

Explaining further, the prosecution reminded Dariye that "the witness merely mentioned 12 boxes of documents and the judge stated that 'evidence that is relevant to both the prosecution and the defence must be made available to both parties, particularly the defence in accordance with international best practice'", adding that the defence team

had enough time to cross-examine the witness, but never asked for additional documents from him.

Dariye's letter, according to the prosecution, as well as a motion forwarded to the court by Pwul, requesting that Clark be recalled, were "graceless tactics to delay the hearing of this case".

Meanwhile, the judge has also responded to the letter. And so, on January 23, 2017 after considering the responses, Justice Bello held that the allegations raised in Dariye's letter do not hold water. The CJ therefore, ruled that he should go and continue with his trial.

No one knows what next Dariye has up his sleeves, as he once again, ruefully sits in the dock on February 15, 2017, pondering on his failed attempts to stop his trial, and the likely outcome of it. ■

Hiding Behind a Finger

A chronicle of the trial of Joshua Dariye, former Plateau State governor, portrays a drowning man clutching at straws

Perhaps, it would not be his “last card” in what apparently seems like “a game of cards”, but for Sen. Joshua Dariye, accused by the EFCC to have as governor diverted about N1.162 billion Plateau State funds, it was a huge blow to his bid to truncate his trial.

The decision of Justice U.I. Bello, Chief Judge of the Federal Capital Territory, FCT High Court, Gudu, on January 23, 2017 to throw out his application seeking for the withdrawal of his case from Justice Adebukola Banjoko, must have jolted his defence team.

Indeed, it was not the first time that Dariye would explore legal shenanigans aimed at halting his trial. It may also not be the last in a trial that began in 2007.



Joshua Dariye

Below is a timeline of Dariye's trial:

2004

September 2004

Dariye, then a serving governor, was arrested in a London hotel, in possession of huge sums of foreign currencies in various denominations. He was arrested and quizzed by officers of the United Kingdom, UK Metropolitan Police, and granted bail. He however, jumped bail and fled to Nigeria.

The EFCC received a petition from the Office of the Attorney General of the Federation, AGF, to wit the UK Met Police asked for assistance to probe some companies linked to him, for alleged money laundering activities.

Operatives of the agency subsequently

began investigating the companies – Ebenezer Retnan Ventures and Pinnacle Communications Limited, as well as then All States Trust Bank, ASTB, and Lion Bank, involved in suspicious transactions, traced to Barclays Bank in the UK.

Flat 28, Regents Plaza Apartment, located at 8 Greville Road, London NW8, belonging to Dariye and purchased at the cost of £395,000 was also a subject of inquiry.

In course of investigations, Dariye and some of his security details mercilessly beat an EFCC operative to a state of stupor in Jos, at the compound of his younger brother. He was left for dead, until a “good Samaritan” came to his aid, and took him to the hospital, where he was revived.

2007

July 13, 2007

The EFCC through its counsel, Rotimi Jacobs, SAN, sought and obtained leave to prefer criminal charges against him. He had lost immunity against prosecution, having left office on May 29, 2007.

Prior to the time, the EFCC had been investigating him as part of collaboration with the UK Met Police.

He was subsequently arraigned before Justice Banjoko. He pleaded “not guilty” to the 23-count charge, preferred against him, and was granted bail in spite of arguments by the prosecution, that he jumped bail in the UK, and so was a “flight risk” in the instance.

November 13, 2007

The prosecution was to open its case against Dariye, but rather than allow his trial to commence, he instead, filed and served a motion asking the court to quash the charges against him.

December 10, 2007

Justice Banjoko dismissed his application on the grounds that “it lacks merit”. Pained by the decision of the judge, he proceeded to the Court of Appeal.

2010

June 17, 2010

The Court of Appeal upheld the ruling of the lower court, expectedly paving the way for his trial to begin.



Boxes of evidence from the UK Met Police

July 13, 2010

Not satisfied, Dariye proceeded to the Supreme Court, seeking to overturn the decision of the Court of Appeal, and by extension to nullify that of the FCT High Court.

2015**February 27, 2015**

The Supreme Court dismissed his appeal in strong terms and condemned his application as “a disservice to the criminal process”, describing his intentions as a tactic, “which the rich and powerful employ to cripple the criminal process”. The apex court also concluded that “the sole aim of the appellant is to stall the hearing in the charge laid against him”. It frowned at him for wasting eight years on interlocutory application, and ordered the lower court to begin “accelerated hearing” of the fraud case against him.

2016**January 25, 2016**

With Dariye losing at the Supreme Court – “the last bus stop in his journey to

scuttle his trial”, the prosecution opened its case against him at the FCT High Court, Gudu, calling its first witness.

January 26, 2016

Prosecution presented documents detailing several shady transactions involving ASTB, Lion Bank and Ebenezer Retnan Ventures, as well as movement of cash to “a bank in the UK”, which subsequently became the basis of the request for assistance by the UK Met Police to investigate him. The voluntary statements he gave on June 12, 2007, June 13, 2007 and June 15, 2007 during interrogation, were also presented in court. The documents were accepted as exhibits against him.

February 4, 2016

A prosecution witness, who was involved in the investigation, revealed that there were irregularities in the opening of the Ebenezer Retnan Ventures account with ASTB, noting that the account documents were supposed to be for an individual, but as the name suggested, it was a company account.

March 3, 2016

The prosecution presented three more witnesses, one of whom was an assistant director with the Nigeria Deposit Insurance Corporation, NDIC, who confirmed the authenticity of the statement of accounts from ASTB, linked to the fraud.

April 5, 2016

A forensic expert and prosecution witness, told the court that analysis of signatures on the bank mandate card of Ebenezer Retnan Ventures, and other opening account packages with ASTB, belonged to Joshua Dariye. The mandate card and account opening packages, though had a signature, had no passport photo and had the name on it as, Haruna Dariye – apparently to conceal the real identity of the bank account's owner.

May 9, 2016

A retired detective constable with the UK Metropolitan Police, who investigated him in the UK, testified against him in court, giving damning details of how £43,000 cash was found on him, and seized.

HIDING BEHIND A FINGER

June 6, 2016

The EFCC closed its case against him after presenting 10 witnesses, and amending the 23-count charge, which he again pleaded "not guilty" to. His defence team notified the court of its intention to make a no-case submission.

June 10, 2016

Dariye's counsel, G.S. Pwul, SAN, asked for an adjournment on the grounds that he could not get the record of proceedings of some witnesses called by the prosecution.

He also told court that the defence team had decided to put aside its "no-case" submission and wanted to open its defence. He then applied for an adjournment "to enable us file application for summons of some of our witnesses".

June 17, 2016

The defence calls its first witness, a former staff of ASTB, who was cross-examined by both defence and prosecution. Under examination by the prosecution, the witness admitted that it was wrong for Dariye to illegally operate a "private banking" account.

October 13, 2016

Another defence witness, under cross-examination told the court that Dariye donated N66 million to the Peoples Democratic Party, PDP in the state.

November 29, 2016

The defence presents its 12th witness who testified as to contract awarded to Pinnacle Communications Limited by the Plateau State government under Dariye.

December 9, 2016

His trial was stalled due to the absence of a defence witness. Sixteen witnesses had already been called by the defence team, which claimed that the court bailiff was unable to serve the other witnesses with summons. It however, made known to the court its intention to re-examine the prosecution's first witness who had testified on January 25, 2016.

December 13, 2016

The day's proceeding could not go on as



Peter Clark

the defence again, could not produce its witnesses. Meanwhile, the prosecution witness was in court. The day's proceeding, which lasted about 30 minutes ended with the judge urging the defence to present its witnesses at the next adjourned date while acceding to the request of the defence for Dariye to undergo "a minor eye surgery".

2017

January 18, 2017

Dariye brings in a new twist to his trial accusing the judge of "manifest and undisguised bias" in a letter, in which he urged the Chief Judge, CJ of the FCT High Court, Gudu to transfer the case to a new judge, an indication that

he wanted his trial to start afresh. His letter was dated December 13, 2016.

January 23, 2017

In response to Dariye's letter, CJ of the FCT High Court, Gudu instructs him to go and continue with his trial before Justice Banjoko, as his allegation of bias was baseless.

February 15, 2017

The trial of Dariye is expected to continue on the orders of the CJ. ■

"If her expression is anything to go by, then I might as well voluntarily walk to jail to be locked for life than face trial before this judge."

- Dariye in his letter.



Photostory

*Graduation ceremony for 331 cadets of the EFCC's Detective Assistant cadre held at the Ground Training School, Nigerian Air Force Base, Kaduna, January 13, 2017.
Below are images from the event:*

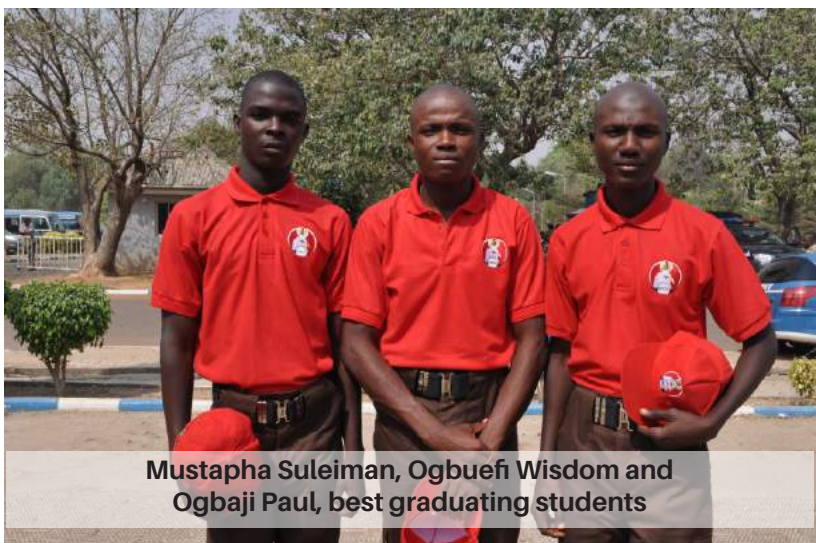


Photos by Nanpan Kutse

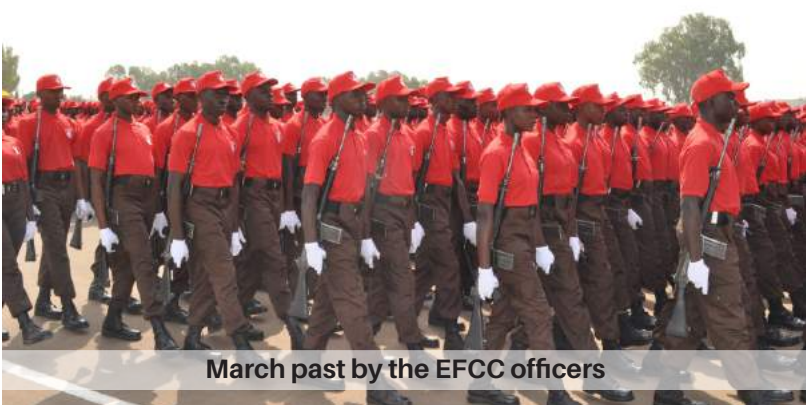
Group photo of the officers with officials of the EFCC and NAF



Ibrahim Magu, acting EFCC Chairman, with a Senior Air Force officer



Mustapha Suleiman, Ogbuefi Wisdom and Ogbaji Paul, best graduating students

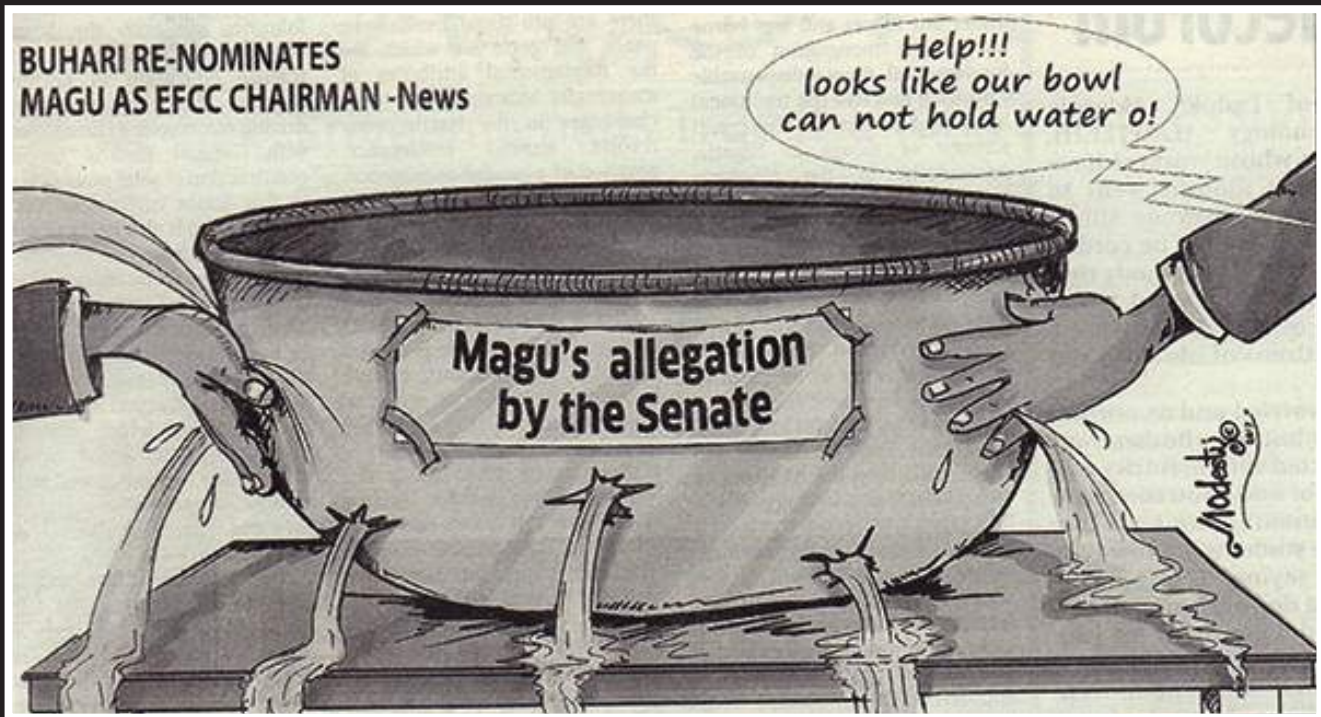


March past by the EFCC officers



Air Marshal S.B. Abubakar in a handshake with one of the new officers

Pick of the Month's Cartoon



Published in *Daily Trust* newspaper, January 25, 2017

Throwback Video



Circa Feb 16, 2016 during the solidarity rally held by a coalition of Civil Society Groups, at EFCC Headquarters, Abuja.

We have no other country than Nigeria. This is a war, the war of the people. Apart from the fear of God, we have no other fear. Apart from the interest of Nigerians, we have no other interest. And apart from the rule of law, we have no other rule guiding what we're doing today. The days of impunity are over. Victory is certain for the common man."

- Ibrahim Magu,
Acting EFCC Chairman.

Photogallery



(L-R) Ibrahim Magu, acting EFCC Chairman; Kayode Oladele, Chairman, House Committee on Drugs, Narcotics and Financial Crimes; Yakubu Dogara, Speaker, House of Representatives, and Bala Dawaki, Chairman, House Committee on Appropriation, at EFCC Head Office site, Jan 31, 2017



Mournir Gwarzo, Director General, Securities and Exchange Commission, with Magu, during a visit, January 19, 2017



Magu with Isowo Smart, Coordinator, Centre for Prisons Reforms and Inmates Rights, CPRIR, with its Public Relations Officer, Iyamba Angela, and Finance Officer, Okereke Ukwa, January 26, 2017



Ishaq Salihu, EFCC's South-South zonal head, during a visit by A.B. Yarima, Rivers State Comptroller of Immigration, January 18, 2017



Hamisu Danmusa (R) taking over as new Kano Zonal Head, January 24, 2017



Aminu Aliyu (2nd Left), EFCC's Gombe Zonal Head during visit to Justice Rabi Umar, Bauchi State Chief Judge, January 30, 2017



(L-R) Ike Okere, Zonal Director, Federal Radio Corporation of Nigeria; Johnson Babalola, EFCC's South-East zonal head, and Chris Oluka, Head, Media, during visit to FRCN, February 2, 2017



Salihu signs condolence register in honour of late Rivers State Commissioner of Police, Mobolaji Odegbesan, February 1, 2017

Pinboard

<p>Haruna Baba Jauro Ex-Acting NIMASA DG Diversion of public funds Federal High Court, Lagos Justice Mojisola Olatoregun February 21, 2017</p> 	<p>Ibrahim Shema, Ex-Katsina State governor Criminal breach of trust Katsina State High Court Justice Maikaita Bako February 21, 2017</p> 	<p>Alex Badeh, Ex-Chief of Defence Staff Money laundering and criminal breach of trust Federal High Court, Abuja Justice Okon Abang February 20-24, 2016</p> 
<p>Rickey Tarfa, SAN Obstructing course of justice and hiding suspects Lagos State High Court, Ikeja Justice Aishat Opesanwo February 13, 2017</p> 	<p>Arifamo-Owei Dudafa, Ex-aide to former president, Goodluck Jonathan Concealment of proceeds of crime Federal High Court, Lagos Justice M.B. Idris February 13, 2017</p> 	<p>Mohammed Dikko Umar, ex-Chief of Air Staff Money laundering, criminal breach of trust Federal High Court, Abuja Justice Nnamdi Dimgba February 13 and 16, 2017</p> 
<p>Jolly Nyame, Ex-Taraba State governor Criminal breach of trust, and misappropriation of state funds FCT High Court, Gudu Justice Adebukola Banjoko February 14, 2017</p> 	<p>Rasheed Ladoja, Ex-Oyo State governor Money laundering Federal High Court, Lagos Justice Mohammed Idris February 14, 15 and 16, 2017</p> 	<p>Stephen Oronsaye, Ex-Head of Service N190 million fraud FCT High Court, Maitama Justice Olasumbo Goodluck March 1, 2017</p> 
<p>Murtala Nyako, Ex-Adamawa State governor Money laundering and abuse of office Federal High Court, Abuja Justice Okon Abang February 20 - 24, 2017</p> 	<p>Olisa Metuh, Ex-PDP Spokesperson Money laundering Federal High Court, Abuja Justice Okon Abang February 20, 2017</p> 	<p>Gabriel Suswam, Ex-Benue State governor Conspiracy and abuse of office and Federal High Court, Abuja Justice A.R. Mohammed February 20, 2017</p> 
<p>Calistus Obi, Ex-NIMASA DG Advance fee fraud Federal High Court, Lagos Justice Mojisola Olatoregun February 21, 2017</p> 	<p>Ebun-Olu Adegboruwa Federal High Court, Lagos Defiance of court order Justice Oluremi Oguntoyinbo February 24, 2017</p> 	<p>Aneka Mba, ex-NBC DG Money laundering and procurement fraud Federal High Court, Abuja Justice Gabriel Kolawole February 28, 2017</p> 
<p>Patrick Akpobolokemi, Ex-NIMASA DG Fraudulent conversion of public funds Federal High Court, Lagos Justice Ibrahim Buba February 28, 2017</p> 	<p>Jide Omokore, Oil magnate Money laundering and procurement fraud Federal High Court, Abuja Justice Nnamdi Dimgba March 1 and 3, 2017</p> 	<p>Ahmadu Fintiri, Ex-Adamawa State governor Money laundering Federal High Court, Abuja Justice A.R. Mohammed March 2, 2017</p> 
<p>Justice Rita Ofili-Ajagbogobia & Godwin Obla, SAN Lagos State High Court, Ikeja Bribery and conspiracy to pervert course of justice Justice Hakeem Oshodi March 6, 2017</p> 	<p>Orji Uzor Kalu, Ex-Abia State governor Money laundering and diversion of state funds Federal High Court, Lagos Justice Mohammed Idris March 6 - 10, 2017</p> 	<p>Bello Haliru, Ex-PDP Chairman Money Laundering Federal High Court, Abuja Justice A.R. Mohammed March 7 and 8, 2017</p> 
<p>Ibrahim Abdulsalam, Ex-NAMA MD Fraudulent conversion of public funds Federal High Court, Lagos Justice Babs Kuewumi March 13, 2017</p> 	<p>Femi Fani-Kayode, Ex-Culture & Tourism Minister N26 million fraud Federal High Court, Abuja Justice J.T. Tsoho March 14, 2017</p> 	<p>Sai Dangabar, Ex-Director, Police Pension Board Complicity in N24bn scam in Police Pension Office FCT High Court, Maitama Justice Hussein Baba-Yusuf March 15, 2017</p> 
<p>Sambo Dasuki, Ex-National Security Adviser Criminal breach of trust FCT High Court, Maitama Justice Hussein Baba-Yusuf March 16 and 17, 2017</p> 	<p>Olugbenga Obadina Money Laundering Federal High Court, Abuja Justice Nnamdi Dimgba March 22, 2017</p> 	<p>Raymond Dokpesi, Ex-Chairman, DAAR Communications Plc Money laundering and procurement-related fraud Federal High Court Abuja Justice J.T. Tsoho March 29, 2017</p> 
<p>Abiodun Agbele Money laundering Federal High Court, Abuja Justice Nnamdi Dimgba March 27 and 28, 2017</p> 	<p>Shamsudeen Bala Money laundering Federal High Court, Abuja Justice Nnamdi Dimgba March 27, 2017</p> 	<p>Robert Azibola and wife, Stella Criminal breach of trust Federal High Court, Abuja Justice Nnamdi Dimgba March 13 and 14, 2017</p> 



Life don't have Reset button. Drive safe

Federal Road Safety Corps, FRSC, begins enforcement of mandatory installation of Speed Limiting Devices in commercial vehicles with effect from February 1, 2017.

Failure to install device attracts N3,000 fine.



**Are You into Yahoo-Yahoo?
EFCC Will Get You
Anywhere, Anytime**

See something? Say something and EFCC Will Do Something

