

EFCCALERT!

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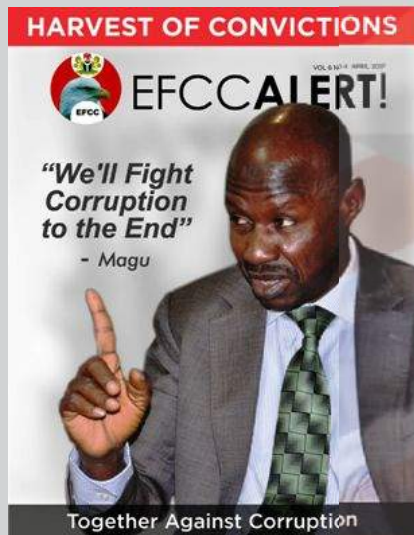
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Re: Harvest of Convictions



This is a warning to all, that if you steal in millions, your judgment is faster than those stealing in billions; but nevertheless, may God bless [Ibrahim] Magu for this feat to curb crime in Nigeria.

– **Bright Asuquo Akpan**

There is need to understand what it takes to be able to repatriate stolen funds; what are the necessary proofs acceptable to the international community; what is holding them back from returning stolen funds, beyond the

obvious reason of using the funds to finance their own economies and making *Robinhood* of the transnational thieves?

– **Conscience**

Congratulations, EFCC. However, petty convictions should be left to the regular police to handle, while you concentrate efforts fully on the 'big political thieves' like the [Bala] Ngilaris, and [oil] subsidy thieves. Let us see more big politician-looters and bank directors, MDA chairmen/directors in prison. Recovery of loots is not enough, but punishment by imprisonment will be a deterrent! – **Otunba**

LEXICON

Budget Padding

These two words have no doubt come to stay in Nigeria's lexicon – no thanks to drama that heralded presentation and passage of the 2016 budget. The revelation that the budget presented in December 2015 by President Muhammadu Buhari was "padded" by members of the legislative arm of government, struck like a thunderbolt.

“[have] never heard [of] the word 'padding' until this year [2016]. I never heard about it,” exclaimed Buhari, a former military head of state. “And what does it mean?”

USAGE: A budget is a document in written form, documenting estimate of income and expenditure for a set period of time; padding being the act of inserting superfluous material(s) into something, to make it reach a desired proportion. By implication budget padding, literally implies infusing new things into the financial document.



Tact as the argument sounds, Nigeria's budget padding has become a focus of EFCC's investigations; What with providing allocations for suspicious projects – motorized boreholes, health care centers, and supply of grinding machines, reportedly inserted into budget of the Ministry of Power, Works and Housing by legislators (to name just one), and constituency

contracts awarded specifically to companies linked to members of the National Assembly.

Advocates argue that constitutional power of appropriation is with the Legislature – to move money from one heading to another heading, and to insert constituency projects it deems fit.

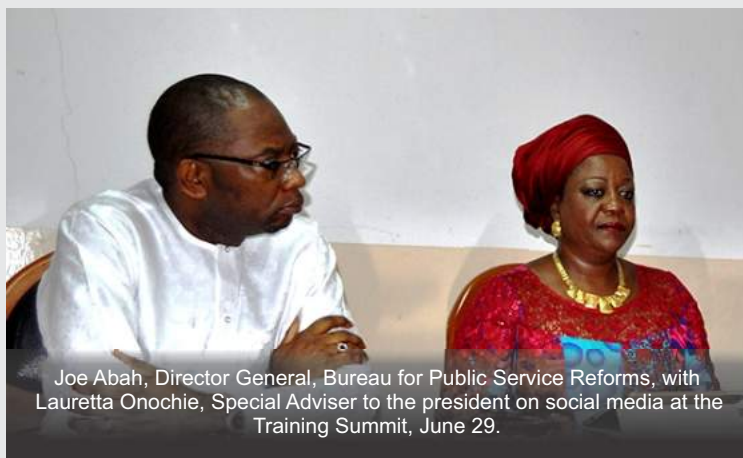
Photogallery



Ibrahim Magu, acting EFCC Chairman, and Dr. Joe Okei-Odumakin, at an interactive meeting with anti-corruption stakeholders in Lagos, June 30.



Magu with Osita Nwajah, Director, EFCC's Public Affairs, at flag-off of a two-day Electronic and Social Media Review and Training Summit, at the EFCC Academy, June 29.



Joe Abah, Director General, Bureau for Public Service Reforms, with Laurretta Onochie, Special Adviser to the president on social media at the Training Summit, June 29.



Magu flanked by Olusegun Runsewe, DG, National Council for Arts and Culture, NCAC, and Emmanuel Aremo, Secretary, EFCC, June 20.



Dr. Isa Pantami, DG, National Information Technology Development Agency, with Magu at EFCC headquarters, June 19.



Lara Owwoeye-Wise of African Independent Television, with veteran broadcaster, Sola Atere of the Nigerian Television Authority, at the Training Summit, held at the EFCC Academy, June 30.



Nwajah presenting prize to one of the winners of the Creative Youth Initiative Against Corruption in Lagos, June 22.



Group of students from the University of Nigeria Nsukka, Enugu, on a visit to the EFCC Academy, Karu, Abuja, June 16.

Asuni Axed

A fraudster bags four years for attempting to defraud a bank customer of N7 million



BY PROGRESS BENNETH//ENUGU

bank customer's account". Justice I.B. Gafai of the Federal High Court Awka, Anambra State found him guilty of a four-count charge bordering on "attempted stealing".

Asuni had on March 4, 2016 "attempted to induce Access Bank Plc to deliver/transfer the sum of N7 million from account No. 0046119649 in the name of Abdullahi Adamu to account No. 0020220860 belonging to Salisu Abubakar claiming that you are Abdullahi Adamu".

Suspecting foul play, the branch manager asked him to re-sign the transfer form, which he declined. Instead, he claimed he had a personal assistant in charge of such a task.

However, when he was asked to state the date he last withdrew money from the account, he went blank. He was subsequently arrested and handed over to the EFCC.

"There was overwhelming evidence that refutes his claim of innocence," said Justice Gafai and sentenced him to three years on the first count, four on the second, and three on the third all to run concurrently. He was discharged of count four, bordering on altering of transfer form. ■

Cotonou Rat

An acclaimed car dealer bags two years in jail for a N1.01 million fraud

BY IDRIS ISYAKU//KANO

It was an inevitable end for Marcellinus Ezeoke whose two-year trial before Justice Lawal Wada of the Kano State High Court, Kano, came to a climax on June 1.

Ezeoke, who was first arraigned on November 25, 2015, had fraudulently obtained N1.01 million as payment for a Peugeot 406 car from a "customer". He



had claimed to be a car dealer based in Cotonou, Republic of Benin.

Alas, he was just another fraudster. After collecting the money, he went underground, until the EFCC smoked him out of hiding, acting on his victim's petition.

"The prosecution has established the case against the convict beyond reasonable doubt," said Justice Wada, and sentenced him to two years in prison, with an option of N50,000 as fine, and ordered to make restitution to his victim by refunding the money. ■

Delirious Duru

A land scam perpetrator stands trial for a N86 million fraud

BY YAHAYA KASIMU

Perhaps, his is a case of when the blood of fraud flows in the veins, committing crime becomes like drinking water. For Ikechukwu Duru, it seems it just comes natural for him to engage in land scam.

He has engaged in it for a while now and gotten away with it, until the EFCC, acting on a petition by Aliyu Shuaibu, one of his victims, caught him in his

own act.

Duru, who was arraigned before Justice A.O. Otaluka of the FCT High Court, Lugbe, on May 18, is facing a one-count charge bordering on obtaining by false pretence.

He is alleged to have between 2012 and 2013 defrauded Shuaibu of N86 million "under the pretext of re-instatement of plot No 4 Cadastral Zone C10 located at Wumba District and allocation of a new plot of land".

He pleaded "not guilty" to the offence, which is punishable under Section 1(1)



(a) of the Advance Fee Fraud and Other Fraud Related Offences Act 2006. ■

Failed Gamble

BY TITILOLA OLEJIYA//LAGOS

The Court of Appeal throws out application seeking to overturn the guilty plea of four companies charged for a \$15m fraud linked to a former First Lady

Thursday, June 15, is perhaps one of those days that Mike Ozekhome, SAN, would want to forget in a hurry. That day, the Edo State-born lawyer suffered defeat in one of his legal battles against the Economic and Financial Crimes Commission, EFCC.

The Court of Appeal in Lagos threw out his application seeking to overturn the guilty verdict Justice Babs Kuewumi of the Federal High Court, Lagos, passed on four companies – Pluto Property and Investment Company Limited, Seagate Property Development and Investment Company Ltd, Trans Ocean Property and Investment Company Ltd and Avalon Global Property Development Company Ltd.

The companies through their

representatives on September 15, 2016 pleaded “guilty” to conspiring with Waripamo-Owei Dudafa, one-time special adviser to former president, Goodluck Jonathan; Amajuoyi Briggs, a lawyer, and Adedamola Bolodeoku, a banker, to launder \$15,591,700. Jonathan's wife, Patience, laid claim to the money.

Ozekhome had appeared before the High Court on April 3, to defend the companies. He sought for the guilty verdict to be overturned, arguing that the four persons who pleaded guilty for the companies, “illegally” represented the firms. His application was however, dismissed by Justice Kuewumi, who has fixed September 13 for continuation of trial. Ozekhome has now lost at the Court of Appeal to overturn the verdict. ■



Uncanny Handshake

Ex-director, Niger Delta Development Commission, who gave an EFCC operative N150,000 for “recharge cards” faces charges for offering bribe

BY DEBORAH MEZEH//PORT HARCOURT



Perhaps, Robert Obuoha, a former director with the Niger Delta Development Commission, NDDC, thought the EFCC was just like any other law enforcement agency where you can easily buy your way out by giving out “recharge cards”.

If he had thought so, he sure will be regretting his action of offering Ishaq Salihu, head of the EFCC's South-South zone N150,000 shortly after he was invited to the Port Harcourt office for interrogation, as part of investigations into “a case of contract splitting and over-inflation of contracts” at the NDDC.

On June 2, the EFCC arraigned him before Justice S.C. Amadi of

the Rivers State High Court, Port Harcourt, “for offering N150,000 as bribe” to Salihu on February 12, 2016 “with a view to influence his decision in a case wherein you are being investigated”. Obuoha had claimed that the money was for “recharge cards”.

“He dipped his hand into his pocket and brought out a sum of N150,000 made up of three bundles of N50,000 in N500 denominations each and offered them to me asking me to use it to buy recharge cards,” Salihu said.

Obuoha will be back in court on July 13 for the continuation of his trial. ■

Crooked Threesome

Three members of a syndicate involved in a N120 million online fraud face the music

BY AUGUSTINE OMONKHEGBELE//IBADAN



Joseph

fleece unsuspecting members of the public. Fifty bank accounts used for the nefarious activities, were also traced to them.

Their nefarious activity was exposed by Wasiu Haba (real name withheld) who after being defrauded by them of N120,000 petitioned the EFCC. He had in October 2016 attempted to make payment on what looked like the website of one of the airlines in the country. He



Idede

The saying that every day is for the thief, but one day is for the owners, aptly applies to Osemwingie Joseph, 59, Stanley Idede, 20 and Oseyomwanbor Marvelous, 19.

The three were arraigned before Justice Ayo Emmanuel of the Federal High Court, Ibadan, Oyo State, for a N120 million online fraud. The deadly trio, who operate a syndicate in partnership with Francis Otagogo Ojemiri and Uhunmwangho Aisosa Charles (both at large), clone websites of airlines and online service providing organizations to



Marvelous

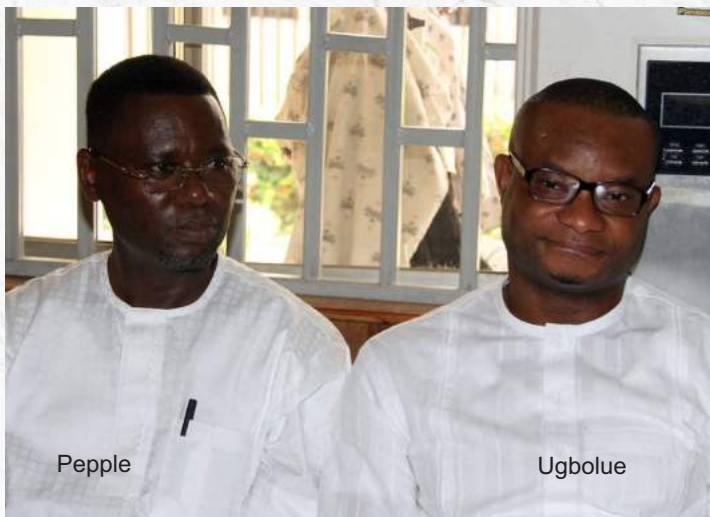
experienced hiccups while attempting to complete payment for the Lagos to Port Harcourt route, and so thought it "wise" to call the contact number on the website. It turned out to be a deadly mistake.

After payment, the flight was neither ticketed, nor the transaction reversed. It was at this point that he realized that he had been duped, and took his cry to the EFCC. ■

Kuku and the Gang

Prosecution of two former Amnesty Office personnel, for a N90 million fraud continues, even in the absence of Kingsley Kuku, a runaway accomplice

BY AYANJIDE ILUPEJU



Pepple

Ugbolue

Kingsley Kuku! Remember him? The former Special Adviser on Niger Delta Affairs to former president, Goodluck Jonathan, shunned the EFCC's invitation to come and answer for his role in the

embezzlement of amnesty funds.

Investigations into the Amnesty Office had indicated that Kuku had a case to answer. Rather than honour a July 28, 2015

date with the EFCC, Kuku "fled" to the United States, "to keep an appointment with his doctors", with a promise to appear before the agency's investigators on September 30, 2015. He never did.

The EFCC however, continues with prosecution of his alleged accomplices – Lawrence Pepple and Henry Ugbolue. Both were arraigned before a FCT High Court, Wuse, on April 20, 2016 on two different charges bordering on criminal conspiracy, false declaration of assets and fraudulent acquisition of property to the tune of N55 million.

On June 15, a prosecution

witness, Ayogu Nnamdi, told Justice M.M. Kolo that the accounts of Great & Gamaliel Alliance Limited (a company where Ugbolue is the sole signatory), which got the contract for providing "integrated management" of communications and stakeholders' engagement chain for the office of the Special Adviser to the President on Niger Delta received about N35.2 million in two months.

KER Global Wave Limited, a company in which Pepple was a sole signatory, also got a contract to provide Reintegration Support Services by the Office of the Special Adviser to the President on Niger Delta under the Presidential Amnesty Programme. ■

EDO



Royal Blessings

The Oba of Benin, His Royal Majesty, Omo N'Oba N'Edo Uku Akpolokpolo, Ewuare II gave his royal blessings to the EFCC, urging the anti-graft agency to be fair to all.

"You should not be intimidated, be transparent in your work. Always ensure

that petitions are investigated thoroughly before arrest so that EFCC is not seen as a witch-hunt agency," he said.

Mailafia Yakubu, head of the EFCC's Benin office led staff of the newly established office, to pay homage to the Oba at his palace, June 8.

ENUGU



No Witch-Hunting

Johnson Babalola, EFCC's South-East Zonal Head, has stressed that the anti-graft agency does not engage in persecution, but only prosecutes corrupt individuals based on findings from investigations.

"If you say EFCC is witch-

hunting you, why have you made yourself a witch for EFCC to hunt; the question is, have you committed the offence(s) for which you're being prosecuted?" he said, in an interview at the Enugu State Broadcasting Corporation, programme "Point of View", June 9.

ABUJA

Sharpening Skills

The United States, US government in partnership with the CLEEN Foundation, is set to train 16 staff of the EFCC in the art of effective communication.

The revelation was made at the formal launch in Abuja of the project tagged, "Effective Communication and Public Relations for Nigeria Law Enforcement Agencies", June 6.

"The project is designed to help enhance cooperation



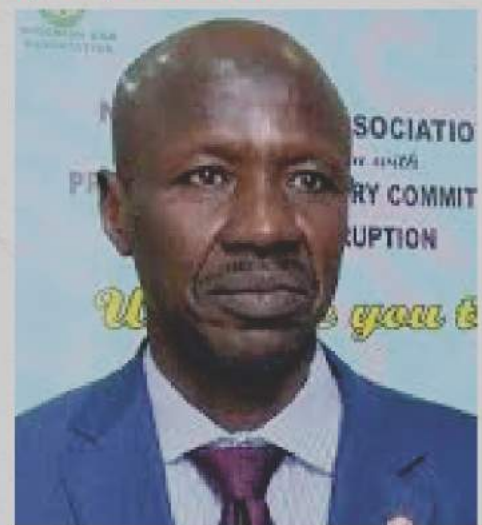
and build trust among citizens, in order to make Nigeria a better place," said Aruna Amirthanayagam, Counsellor, Public Affairs of the US Mission to Nigeria.

Worthy Representative

Ibrahim Magu, acting EFCC Chairman has been appointed as the Vice Chairman of the Executive Committee of Anti-Corruption Agencies in Commonwealth Africa.

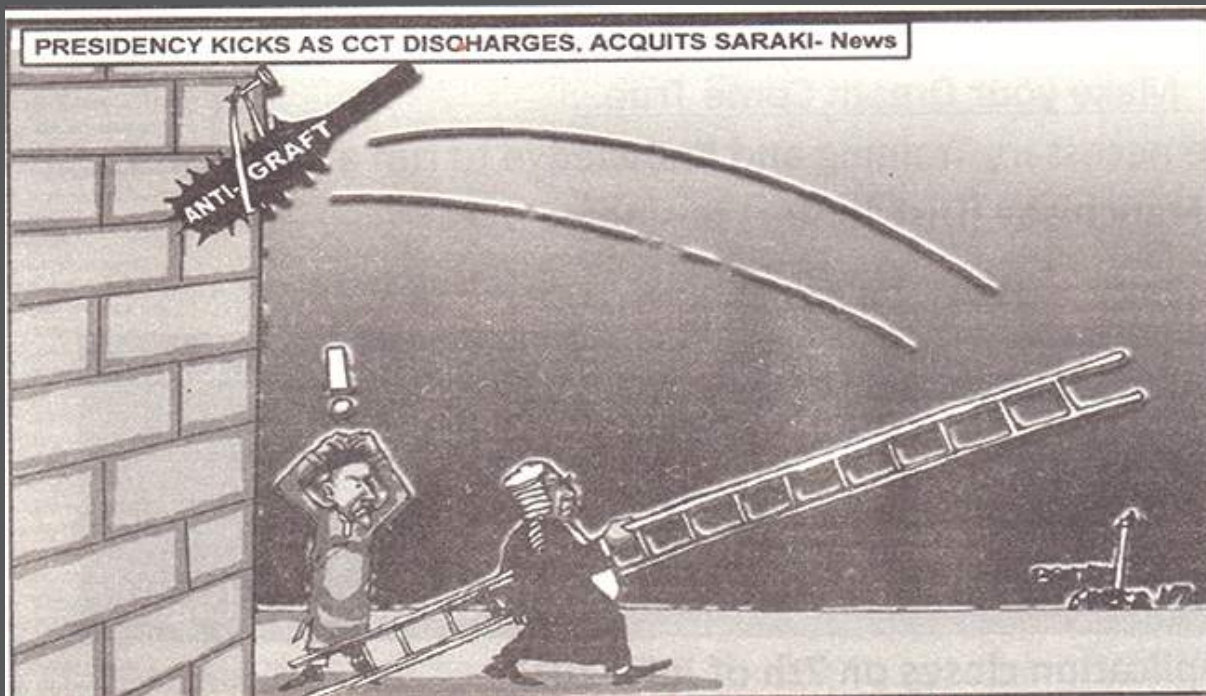
The EFCC representing Nigeria in the association has also been slated to host the 8th regional conference in 2018.

This was one of the outcomes of the five-day conference, which held between May 29 and June 2, hosted by Malawi's Anti-



Corruption Bureau at the Lakeshore Resort, Mangochi.

Justice Suspended!



Published in *The PUNCH* newspaper, June 19, 2017

FROM THE SHELVES



The July 2016 edition of **EFCCALERT!**

The edition highlighted the ignoble role of lawyers, bankers, real estate agents, bureaux de change operators, and other professionals who collude to cover up the tracks of money launderers.

The startling revelation of a human rights lawyer, Femi Falana, SAN, that a governor promised to pay him a million pounds “to assist him in transferring money abroad”, and that “I should claim it to be proceeds from sale of his property in Nigeria”, exposed how politically exposed persons, PEPs lure lawyers, and other professionals in facilitating their commission of money laundering offence.

The edition also shed light on the Money Laundering (Prohibition) Act 2011 (as amended in 2012), with the emphasis that the Act is no respecter of persons – race, religion or nationality.

Et tu, Judiciary?



The gratification scandal searing the curtain of the Temple of Justice, leaves a bitter taste in the mouth, and a lot to be desired

BY SEGUN ADEOYE

The revelation was shocking. It was perhaps the least expected from a lawyer of the status of Rickey Tarfa, who holds record as first lawyer from Adamawa State to be conferred with the revered title of Senior Advocate of Nigeria, SAN. He also parades a track record of victories in the courtroom and has become a much-sought-after lawyer by the well-heeled in the society.

Results of the forensic analysis of his bank accounts and his call logs have, however, now become part of evidence used against him in court by the EFCC. Details of several calls and text

messages traced to him and two Federal High Court judges –Justices Mohammed Yunusa and Hyeladzira Nganjiwa – indicated that there was more to the communications than meets the eye. Indeed, with exchange of bank account details over the phone, it was a case of “you scratch my back and I’ll scratch yours”.

Ungodly tango

This much were the jaw-opening revelations made by Danladi Daniel, an EFCC operative, who testified against Tarfa before Justice Aishat Opesanwo of a Lagos State High Court, on May 13, in a two-count

charge brought against him, bordering on “obstruction of justice and attempting to pervert the course of justice”.

Reading out voice communications including late night calls between Tarfa and Justice Yunusa, Daniel told the court that Esther Agu, an employee of Tarfa, made a payment of N2.5 million into the judge's bank account.

“Based on the account records, the payments were made on May 15, 2015, and they were made at a time when there were three EFCC cases before Justice Yunusa, in which Tarfa was the counsel for the opposing parties,” he said.

The communications, according to him, started in February 2015 and ended in September 2015 after judgments were delivered in the cases.

He added: “On October 16, 2014, Justice Ngajiwa sent his GTBank account details to Tarfa, and afterwards he sent someone to deposit \$5,000 into the bank account of the judge.”

Facing the music

The Tarfa investigation sparked the probe of the two justices linked to him. On June 8, the EFCC at the Lagos State High Court, filed a four-count charge against Justice Yunusa, accusing him of the attempt “to pervert the course of justice by engaging in constant private and confidential telephone communications” with Tarfa. He is also alleged to have agreed “to receive financial benefit from Joseph Nwobike, SAN” in 2015. Nwobike is himself being prosecuted by the EFCC before Justice Raliatu Adebisi of the Lagos State High Court, Ikeja, for “attempt to pervert course of justice”, by offering “gratification” to Yunusa.

Justice Nganjiwa is facing a 14-count charge before Justice A.A. Akintoye of the Lagos State High Court, Igbosere. He is alleged to have unlawfully enriched himself to the tune of \$260,000 and N8,650,000 by way of receiving gratifications.

A judge of the National Industrial Court, Justice James Agbadu-Fishim, is also believed to have inappropriately obtained as much as N4.8 million from as many as seven SANs, between June 2013 and August 2015. A 19-count charge has been filed against him at a Lagos State High Court, Igbosere.

“The Nigerian legal profession has for long hardly done enough to address the perception that it facilitates corruption and clothes those who perpetrate it, with impunity.”

**– Prof. Chidi Odinkalu,
lawyer and chairman,
National Human Rights Commission
(2011 – 2015)**

More judges, court registrars and lawyers, are currently on the radar of the EFCC.

Questionable wealth

He who comes into equity must come with clean hands. Prof. Innocent Umezulike, a former Chief Judge of Enugu, is alleged to have “knowingly failed to make disclosure” of some of his assets, to the EFCC. He is facing a four-count charge of non-disclosure of assets and false declaration of



assets before Justice J.K. Omotosho of the Federal High Court, Port Harcourt, Rivers, over his apparently questionable wealth.

Justice Rita Ofili-Ajumogobia, whose name was placed on the watch-list of the National Judicial Council, NJC, in 2016, is also being called to question as regards several monies traced to her, including wiring of about \$900,000 to foreign banks between 2014 and 2016. Among other allegations, she was unable to explain the source of \$68,800 found in her Access Bank account. She is being prosecuted along with Godwin Obla, SAN, from whom she allegedly received N5 million “in order to pervert the course of justice”.

No case syndrome

Nothing can be more frustrating for the prosecution than to call several witnesses, tender bundles of documents against an accused, only for a trial judge to wave the

“magic wand” of “no-case” submission verdict.

Indeed, gratification – monetary and non-monetary – aids in perverting the course of justice, with increasing instances of criminal cases being dismissed on technical grounds, and upholding a no-case submission of the defence, in the face of a wide range of incriminating evidence.

What the law says

The “Rules of Professional Conduct for Legal Practitioners 2007”, indeed, stipulates the level and extent of relationships that is allowed between a lawyer and a judge.

Rule 31 (5) states: “Except as provided by a rule or order of court, a lawyer shall not deliver to the judge any: letter, memorandum, brief or written communication without concurrently delivering a copy to the opposing lawyer.”

Rule 34 states: “A lawyer shall not do anything or conduct himself in such a way, as to give the impression, or allow the impression to be created, that his act or conduct is calculated to gain, or has the appearance of gaining special personal consideration of favour from a Judge.”

Worrisome trend

It is a sad and unfortunate development, says Prof. Itse Sagay, Chairman, Presidential Advisory Committee Against Corruption, that some judges actually engage in communications tending towards seeking for gratification from senior members of the bar.

“Some of these judges don't even wait, to be offered money before they ask, to the extent that the school fees of their children are being paid by the lawyers,” he says.

He notes that some of the lawyers are compelled to comply out of a sense of obligation, while some naturally align in order to gain future benefits from the judge. Some judges also send emissaries to persons having cases before them, asking for gratification in order to grant them “a soft landing”.

“It really shows how low some of our judges have sunk,” he says. “There is a long list of lawyers who now have to go to the EFCC at least once a month to explain why they sent so much money to the account of one judge or the other.”

