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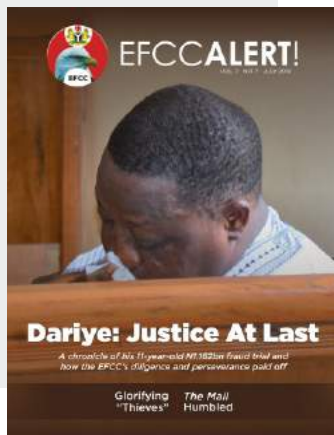


Dariye: Justice At Last

A chronicle of his 11-year-old N1.162bn fraud trial and how the EFCC's diligence and perseverance paid off

**Glorifying
"Thieves"**

**The Mail
Humbled**



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FROM THE SHELVES

Journey to Justice

For the EFCC it was a long journey to ensuring justice is served in the 11-year-old N1.162 billion fraud case brought against Joshua Dariye, a Senator and former Plateau governor.

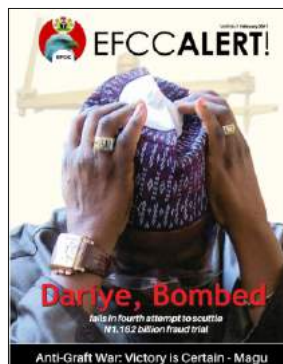
Coverage of the case, too, was also a focus of a couple editions of **EFCCALERT!**.



The November 2006 edition chronicled antecedent to his impeachment by a seven-man panel set up by the state's Chief of Judge, to probe allegations of money laundering and abuse of office levelled against him.



The May 2016 edition chronicled events of May 9, 2016 when Peter Clark, a retired detective constable with the UK Metropolitan Police, met with Dariye in court, eyeball-to-eyeball 12 years after he granted him bail in the UK. Clark's testimony depicted Dariye as a man caught pants down.



The February 2017 edition chronicled Dariye's failure to thwart his trial, after accusing Justice Adebukola Banjoko of the FCT High Court, Gudu, of "manifest and undisguised bias".



The April 2018 edition depicted Dariye and Jolly Nyame, a former Taraba governor, as two peas in a pod, who had judgements hovering over them.

Dariye: Justice At Last

Joshua Dariye, a former Plateau State governor finds himself spending 14 years in jail as the curtain is drawn on his 11-year-old fraud trial; but it was a long drawn battle for the EFCC in quest for justice

BY SEGUN ADEOYE

Joshua Dariye, the ebullient Senator, and a former Plateau State governor was in a shadow of himself after Justice Adebukola Banjoko of the Federal Capital Territory, FCT High Court, Gudu, finished reading the judgement, which lasted about eight hours.

It was Tuesday, June 12 - a day that the curtain was finally drawn on the N1.16bn fraud trial prosecuted by the EFCC. Indeed, the trial, which began in 2007 witnessed several twists and turns, but in the end, it was justice served.

In giving her sentence, the trial judge held that: "We are all doing our jobs. The judge is blind and is not part of the case, but is blinded by the truth, guided by the truth.

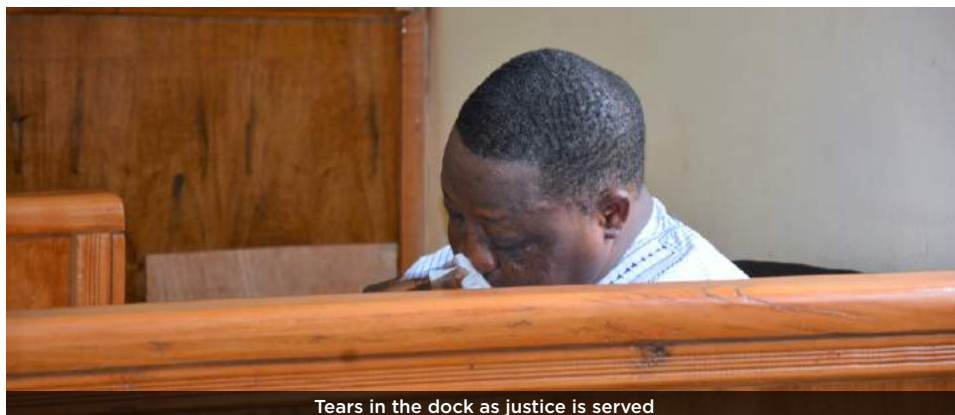
"I can't imagine the brazen act, the systematic looting and stealing that occurred in this case with half a billion transferred from the Ecological Fund into his personal Ventures account.

"The defendant was in fact richer than his state. There should be no compromise to corruption, by whatever shade or colour, or region, high or rich, corruption will forever be corruption..."

"There's a devastating trail of victims. They were adults capable of making their own choices. There's a litany or trail of woe that

also affected the people of the beautiful Tin City of Jos, where everybody wanted to be. And to find out that its Ecological Fund was misappropriated is the shocking aspect.

"There's a deep sense of responsibility. The defendant was in fact richer than his state. There should be no compromise to corruption, by whatever shade or colour, or region, high or rich, corruption will forever be corruption and is akin to the law of gravity. It will come down, but sometimes it comes down very hard."



Tears in the dock as justice is served

Below is a timeline of Dariye's trial:

2004

January 20, 2004

While conducting a search at 127 Chiltern House, Portland St, London SE17, in connection with a suspected case of theft of computer equipment via internet purchase, officers of the UK Metropolitan Police arrested Christopher Mekwunye, who was in possession of a briefcase containing £11,560. Under interrogation, he confessed that the money belonged to Dariye and that he was to help him deposit it into his Barclays Bank account in London.

September 2, 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 quizzed by officers of the Metropolitan Police, and granted bail. He however, jumped bail and fled to Nigeria.

The EFCC received a petition through the Office of the Attorney General of the Federation, AGF, in which the UK Met Police asked for assistance to probe some companies linked to Dariye 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 NW 8, belonging to Dariye and purchased at the cost of £395,000 was also a subject of interest.

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



Dariye when he was first arraigned in 2007

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.

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.

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 in the manner in which he did.

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.



Dariye in courtroom when his trial resumed in January 2016

December 13, 2016

The day's proceeding could not go on as the defence again, could not produce its witnesses. Meanwhile, the prosecution's first 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 Dariye's request for time to go for "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 resumes. Pwul who was sighted at the court premises was absent in courtroom, but sent in a representative, Dashuwar Nantok, who informed the court that "we need time to reply to prosecution's response" regarding application of the defence seeking for the "recall of some prosecution witnesses", and another asking the judge be disqualified from presiding over the matter.

March 6, 2017

Justice Banjoko throws out Dariye's motion seeking for his lordship to be disqualified from the trial, and held that: "I have no interest whatsoever in this case and I have so far presided over the case without fear or favour, and in line with my oath of office and so the motion lacks merit and is accordingly dismissed."



March 16, 2017

Pwul brings in another twist to the trial as he applies to withdraw from defending Dariye. "We shouldn't force a horse to the stream when we cannot force the horse to drink water," he argued.

March 20, 2017

Justice Banjoko granted Pwul's application to withdraw from the case, noting that, "for overriding interest of justice, the court will accede as per notice of withdrawal, and without further ado 'this horse' is hereby set free". The trial judge then gave Dariye till April 27 and 28, 2017 to get a new counsel.

June 19, 2017

Dariye appears in court but without a new counsel. Instead, he brought a letter dated June 14, 2017 notifying the court that he underwent two different surgeries on his right eye, April 11, 2017 and May 30, 2017. He informed the court that even with the surgery, he still battled with a blurred vision. "Reading is completely difficult, each time I try, I end up with dizziness and severe headaches," he said. He also complained of the instability of his blood pressure, and pleaded "for your understanding to allow me up to the end of July 2017" to get a new counsel.

September 18, 2017

Dariye finally appears with a new counsel, Kanu Agabi, SAN, a former Attorney General of the Federation, who told the Court he needed time to go through the case file. "I beg you on my knees, please, my lord, grant us one adjournment to know about the case," he pleaded. Granting the request, the trial judge stressed that: "There has to be a sense of responsibility which I believe you will bring to bear".

October 10, 2017

Agabi literally surprises the Court, as he gave notification of his intention to close the case of the defence after calling 16 witnesses. The trial judge thereafter fixed December 7, 2017 for both parties to adopt their written addresses.

2018

June 12, 2018

Justice Banjoko finds Dariye guilty of 15 out of the 23-count amended charge bordering on criminal breach of trust and misappropriation of public funds, and sentences him to 14 years in prison for criminal breach of trust and two years for misappropriation of public funds, to run concurrently. ■

Glorifying “Thieves”

A staff of the EFCC Media Unit remembers with dismay rather shocking experience while covering arraignment of a former Plateau governor for allegedly diverting N6.3 billion state fund

BY KASIMU YAHAYA

“This ownership of thieves, because they come from our social class is one of the things that undermine the fight against corruption in Africa.”

- Patrick Lumumba, ex-Director, Kenya Anti-Corruption Commission

It looked like a scene from one of those Nollywood films you watch on Satellite TV. Indeed, it was a bizarre carnival of supporters, as youths in the Tin City of Jos, the Plateau State capital, trooped out to the streets, displaying placards with different inscriptions like, “Jang Is Our Hero”, “Leave Our Governor” and “We Love Our Governor”.



Jang Support Group

“The fear is that the accused may influence, interfere or intimidate witnesses in the matter, due to his influence and connection,” Jacobs argued.

The words of Jacobs caused a stir in the courtroom, as the teeming supporters of Jang that filled it, expressed their discontent at his opposition. Even Jacobs could feel the eyes of anger pinching through his skin.

Day was Wednesday, May 16. We had arrived a day before at about 3pm, our video cameraman and I with a team of officers, drained with the anticipation of the arraignment of a former governor of the state, and serving Senator, Jonah Jang.

Our mission was simple – or so we thought. It was to ensure that Jang, a two-term governor of the state, who had been under investigation for more than three years, took his plea to the 12-count charge preferred against him for allegedly misappropriating about N6.3 billion state fund.

Jang was accused of siphoning the special fund released to the state by the Central Bank of Nigeria, CBN, barely two months to the end of his second term in office. About N2 billion released by the CBN for disbursement to small and medium enterprises, under the Micro, Small and Medium Enterprises Development Funds, MSMEDF, is suspected to have found its way into the deep pockets of Jang.

They were apparently funds that would have helped reduce the rate of youth unemployment in the state. Such was the magnitude of fraud hanging around his neck, that in our minds, we believed that we were

advancing the course of achieving an egalitarian society in Plateau.

By 7am of Wednesday, the whole community was enveloped in an air of rowdiness, as the carnival of unruly supporters stormed the High Court, under the aegis of the **Jang Support Group**. It was a group made up of youths in the state, the very set of people whose cause in our minds, we thought we were defending.

They blocked every entrance to the court protesting what they termed, “jungle justice” meted on Jang. They portrayed him as a saviour with a larger than life persona. It was the beginning of a rather shocking spectacle that beat the imagination.

To maintain law and order, more than 200 security operatives, had to be dispatched to secure the court premises.

Not surprisingly, Jang along with his co-defendant, Yusuf Pam, cashier of the Office of the Secretary to the State Government, pleaded “not guilty” to the charges. Robert Clarke, SAN, then moved the motion for his bail application.

Prosecuting counsel, Rotimi Jacobs, SAN, prayed the court not to grant him bail.

Invariably, the question was: where will Jang stay pending the Court giving its decision on the application? In fact, the trial judge put this question to Jang, himself, offering him the chance of staying in the comfort of the EFCC custody, instead of the Jos Prison.

But, immediately, Jacobs opposed the EFCC custody alternative, and notified the court that it will be risky to take him back to Abuja, as “we cannot guarantee what will happen in terms of his safety”.

It caused another stir, as the Judge, with his hands tied, more or less, ordered Jang be taken to prison, and fixed May 24 to hear the application. At the end of that proceeding, Jacobs had to be sneaked out of the premises by security personnel.

At the adjourned date, Justice Longji who had earlier stated that “nobody can influence me in any case before me”, overruled the objection of the prosecution, and granted Jang bail, ordering him to present two sureties in the sum of N100 million each. Pam was to produce two sureties with N50million each. ■

Rallying Nigerians Against Corruption

As part of activities marking the 2018 African Union Anti-Corruption Day, the EFCC on July 11 rallied Nigerians by staging a walk against corruption across its offices in the South-West, South-East, South-South, North-West, North-East and Abuja.



Ibrahim Magu, acting EFCC Chairman, leads the walk against corruption to the Eagle Square, Abuja



EFCC staff walking against corruption



Combating corruption, a must for all Nigerians



Spreading the anti-corruption message



Magu addresses the gathering at the Eagle Square



EFCC rallies the young and old in Ibadan



Abdulsheed Bawa, Head of Operations in Ibadan addresses the Press



EFCC staff engage the public in Uyo



EFCC staff say "NO" to corruption in Port Harcourt



Nnaghe Itam, Head of Operations in Port Harcourt leads the walk



Cross-section of staff with corps members in Gombe



EFCC staff champions anti-corruption crusade in Kaduna



Joe Okei-Odumakin, President, Women Arise with Akaninyene Ezima, Head of Operations in Lagos address the Press



Staff and youths take to the streets of Lagos to 'kill corruption'



Cross-section of corps members at the event in Lagos



Garba Dugum, Head of Operations in Kano addresses participants



Preaching anti-corruption message in Kano



Cross-section of staff at the event in Benin



Corps members join in the walk

The Mail Humbled

UK Court orders **The Mail on Sunday** and **MailOnline** to pay libel damages and apologise to a prosecuting counsel, over erroneous report relating to James Ibori's conviction

About a year after the Independent Press Standards Organisation, IPSO, ruled that a story titled, "Revealed: How top QC 'buried evidence of Met bribes to put innocent man in jail'" published in Sunday, October 9, 2016 edition of the United Kingdom, UK's **The Mail** and **MailOnline** violated Clause 1 [Accuracy] of the organisation's Editor's Code of Practice, a High Court of Justice, Queen's Bench Division, on June 12 ordered it to "publish a full and prominent apology" and pay libel damages as well as legal costs to the affected prosecutor, Sasha Wass.

The report, which made headline news in a number of Nigerian media platforms, had given supporters of James Ibori, a former Delta State governor, convicted for money laundering in the UK, a glimmer of hope that his appeal against his conviction may very well survive. Allegations raised in the report, erroneously suggested that Wass "lied to judges in order to hide damning evidence of police corruption" during the appeal ruling of Bhadrish Gohil, a lawyer to Ibori, who was convicted along with him for money laundering charges. Indeed, Ibori's own appeal was premised on the allegations.

The two-page report by David Rose, no doubt, had all the colouring and trappings of "cheap" blackmail. It alleged that, in order to thwart Gohil's appeal, Wass deliberately hid evidence that police officers investigating him, took bribes. It further alleged that Wass feigned knowledge that evidence that had been tampered with, were being placed before the Court, and that she backed the bringing of baseless criminal charges against Gohil for perverting the course of justice, when in fact she knew he was an "innocent whistleblower". It took the propaganda agenda a step further by maliciously suggesting that Wass was "facing professional ruin".



Sasha Wass

"I was left with no option but to pursue the matter through the courts in order to obtain proper vindication..."

In spite of the fact that the Court of Appeal dismissed the allegations as contained in the report, describing it as "fanciful", and the IPSO finding the newspaper guilty of violating its Code of Practice, **The Mail** did not publish an apology, nor did it take the report down from its online platform.

The inaction prompted Wass to approach the High Court to seek redress. Narrating the rather appalling attitude of **The Mail**, she explained that Rose had contacted her two days prior to the publication of the article, seeking for her own side of the story, after Gohil made the allegations against her in his desperate bid to resist the forfeiture of the proceeds of crime worth £100 million.

"I assisted Mr Rose with his factual enquiries, which I hoped would

enable him to write an accurate and balanced piece," she said.

But to her utter dismay, **The Mail** on Sunday according to her "distorted the information I had provided and falsely suggested in its article that I had made an admission to Mr Rose of wrongdoing".

"Prosecuting counsel are not rogue agents and act only on CPS [Crown Prosecution Service] instructions based on the evidence provided to them," she said.

Explaining further, she said: "On 17 March 2017, with the IPSO complaint ongoing, Mr Rose made an extraordinary personal appeal to the court, seeking the release of material which he presumably hoped might support the allegations against me. There was, of course, no such material.

"It was not until 3 August 2017, ten months after the publication of the article, that the IPSO complaint was finally resolved in my favour."

But, even with the victory, and fact that **The Mail** on Sunday was forced to print the outcome of the adjudication, the IPSO informed her that it had no power to require the newspaper to pay damages, reimburse her legal costs, apologise or prevent the continued publication of the report online.

"By taking the deliberate decision to leave the article online, Associated Newspapers made a mockery of the entire IPSO remedy," she said. "I was left with no option but to pursue the matter through the courts in order to obtain proper vindication for this devastating attack on my professional standing and reputation, to ensure the removal of the article from **MailOnline** and to seek suitable damages and reimbursement of my legal costs." ■



**Say NO to corruption today
for a better tomorrow**

**Remember, the fight against corruption
is the duty of every citizen.
If you see something, say something and
EFCC will do something.
Your "NO" counts!**

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