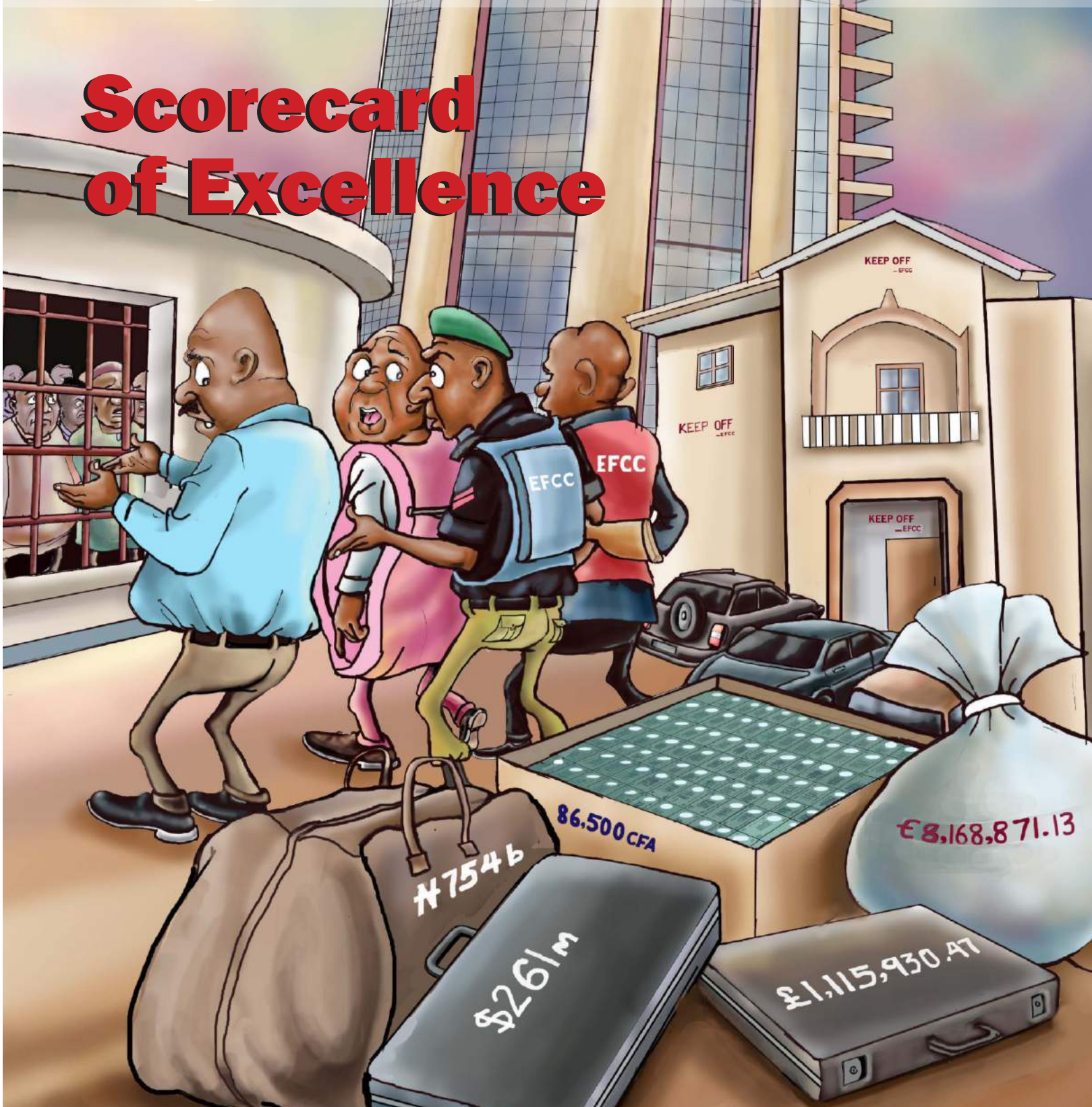




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EFCC ALERT!

Scorecard of Excellence



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Scorecard of Excellence



For the Economic and Financial Crimes Commission, the past three years have been eventful with significant achievements, says Ibrahim Magu, acting EFCC Chairman, in a speech delivered on November 12 at the EFCC Head Office, Abuja

It seems like yesterday, when President Muhammadu Buhari, graciously appointed me to Chair the EFCC and preside over the affairs of this very professional institution. You will all remember that I assumed office as the acting Chairman of the EFCC, on November 11, 2015.

For me, it was an auspicious opportunity to contribute my quota to Mr. President's vision of a corruption-free nation.

The opportunity to fully subscribe to

President Buhari's mantra to "kill corruption before it kills us", was for me, the highest call to duty – one that required absolute commitment and passion.

Indeed, the task of fighting corruption in Nigeria has never been, is not and can never be an easy one. The battle to make our dear country a place where foreign investors will be confident to invest in is, without doubt, one that must be fought by all Nigerians who love this country, if we are to make any appreciable progress.

Perhaps, it is fair to describe the task of championing the anti-corruption crusade as one of the most difficult jobs in the world, because corruption always fights back viciously on many fronts. I have experienced this first-hand.

Recall the many battles we have fought over the past three years: recall the monumental challenges that the corrupt people and those who aid and abet them have placed on our path; recall that during this period, armed men attacked and strangled a police man on guard duty



Foreign currencies recovered at Balogun Market, Lagos, totally about N250 Million



Monies recovered at Osborne Towers, Ikoyi, Lagos



Monies recovered from Andrew Yakubu, Ex-NNPC GMD, totalling \$9.8 Million

In the three years that I have been in charge of EFCC, we have secured 703 convictions. The breakdown is as follows: 103 convictions in 2015, 194 convictions in 2016; 189 in 2017 and 217 from January 2018 till date.

2018 till date.

ASSETS RECOVERIES FROM 2015-2018

In the past three years, we have set recovery records to the envy of virtually all law enforcement agencies in Africa.

It is on record that about 90 per cent of all recoveries in Nigeria is through the EFCC.

Following court orders which granted our prayers for interim and final forfeiture of looted funds, the recoveries under my watch since November 2015, as follows:

Over N794 billion (Seven Hundred and Ninety Four Billion) recovered. Also, over \$261 million (Two Hundred and Sixty One Million) have been recovered. The Pounds Sterling recovered stands

at my farmhouse.

Recall also that across the country, EFCC offices and officers including operatives, lawyers and media personnel have been physically attacked in the course of the discharge of our duties. Then also, recall the unprecedented vilification we have endured, for the simple reason that we answered the national call to service.

Notwithstanding all that, we can still say that overall, for us as an anti-graft agency, it has been, so far, so good. The past three years have been very eventful, and in spite of the obstacles, we have consistently made progress in the areas of convictions, and particularly the recovery of assets stolen from our commonwealth.

In May and June this year, our resolute anti-corruption stance and determination saw us secure the convictions of two former governors, who both bagged 14 years jail terms each. It is on record that such an achievement is unprecedented in the fight against corruption over the last three years.

The EFCC under my leadership also secured the conviction of a Senior Advocate of Nigeria (SAN), for perverting the course of justice.

CONVICTIONS FROM 2015 – 2018

In the three years that I have been in charge of EFCC, we have secured 703 convictions. The breakdown is as follows: 103 convictions in 2015, 194 convictions in 2016; 189 in 2017 and 217 from January

I was the happiest person in the world, when President Muhammadu Buhari commissioned this edifice on 15th May, 2018, a world-class and functional architectural masterpiece, the new head office of the EFCC.

at 1,115,930.47 Pounds (One Million, One Hundred and Fifteen Thousand, Nine Hundred and Thirty Pounds Forty Seven Pence).

The Euros recovered in the period is: 8,168,871.13 Euros (Eight Million, One Hundred and Sixty Eight Thousand, Eight Hundred and Seventy One Euros, Thirteen Euro Cents).

There is also the sum of 86,500 CFA (Eighty Six Thousand Five Hundred CFA Franc).



Buhari cutting the tape at the commissioning



L-R: Godwin Emefiele, CBN Governor; Scotland, Mbeki, Buhari and Magu



A view of EFCC's new head office complex

Hundreds of properties such as filling stations, petroleum products, land, jewellery, automobiles, real estate, vessels, hospitals, company shares and heavy machinery and broadcast equipment have been seized from corrupt elements between 2015 and 2018.

From 2015 to 2018, 407 mansions were seized, 126 have been forfeited finally and 281 are under interim forfeiture.

Nine filling stations were seized and placed under interim forfeiture.

Lands seized sums up to 98 of which 56 are under interim forfeiture, while 42 have been forfeited finally to the Federal Government.

Two hundred and fifty nine (259) automobiles have been seized, 35 are under interim forfeiture while 224 have been forfeited finally.

A hospital, St. Solomon Health Care Centre located at No. 24, Adeniyi Jones Street, Ikeja, Lagos, has also been forfeited finally. In 2016, 1500 metric tonnes of AGO and 3,035 Metric tonnes of LPFO were forfeited finally.

Also, Base Transceiver Station (BTS) equipments in 36 sites across five Eastern States were forfeited finally on orders of court.

A host of other machinery/equipments have been seized on interim basis, while we have obtained final forfeiture orders in respect of others. Jewellery worth millions of naira have been seized and are under interim forfeiture.

COMPLETION OF THE NEW EFCC HEAD OFFICE BUILDING

Ladies and gentlemen, some of you who



Captivating array of the cadets on parade



Cadets taking part in the march- past

have covered the Commission since 2003 would know that one of the most daunting challenges we have been facing in the EFCC is that of office accommodation.

In Abuja, we had our staff scattered over several offices, with the attendant problems of huge rental costs and security of men and sensitive documents and equipment.

On my appointment, I set as one of my goals, ensuring the completion of the new Head Office Complex of the Commission, which had been under construction since 2011. I made sure that I focused local and international attention on the project and sought help from the Executive and the National Assembly.

I was therefore the happiest person in the world, when President Muhammadu Buhari commissioned this edifice on 15th May, 2018, a world-class and functional architectural masterpiece, the new head office of the EFCC. It was not only Nigeria or Africa that took notice. In faraway Sri Lanka, during the meeting of Heads of Anti-Corruption Agencies, the new EFCC head office was described as the world's best building housing an anti-graft agency.

8TH REGIONAL CONFERENCE OF

HEADS OF ANTI-CORRUPTION AGENCIES IN COMMONWEALTH AFRICA

Also in May 2018, the EFCC successfully hosted the 8th Commonwealth Regional Conference of Heads of Anti-Corruption Agencies in Africa.

The Conference, which provided a platform for re-jigging the continent's corruption fight, had in attendance international figures including Thabo Mbeki, former South African president; The Rt. Hon. Patricia Scotland, Secretary General of the Commonwealth.

Also in attendance were former Heads of State, Gen. Yakubu Gowon (retd) and Gen. Abdulsalami Abubakar (retd.) Walter Onnoghen Chief Justice of Nigeria and Nigeria's literary icon and social justice crusader, Professor Wole Soyinka, among several others dignitaries.

Following the success of the conference, and in view of the Commission's landmark achievements, I was appointed Chairman of the Conference.

CONVOCATION OF NEW EAGLES

Gentlemen of the press, in order to close the gap in the dearth of middle-cadre officers in the Commission, I sought and obtained the approval of Mr. President to engage in massive recruitment exercise across all cadres of the Commission.

The new officers of the Commission, who

are in the Detective Superintendent, Detective Inspector and Detective Assistant cadres, were trained with the best of facilities at the Nigerian Defence Academy, Kaduna.

EXPANSION OF OPERATIONAL BASE

In the last three years, we have vigorously pursued the expansion of our operational offices. In the period, we created four offices to bring our operations closer to the people. The new zonal offices are located in Ibadan, Oyo State; Kaduna, Kaduna State; Benin, Edo State and Uyo in Akwa Ibom State.

In order to intensify the fight against corruption, efforts are being made to secure land for permanent Zonal offices, with varying degrees of positive results. So far, the Executive Governors of Edo, Gombe and Kaduna States have released large expanses of land for the EFCC Offices in these states. We are at the verge of commissioning two additional offices in Sokoto and Makurdi. Only recently, the Nasarawa State government magnanimously gave us 50 hectares of land for the construction of the Commission's Training Institute/Academy.

CREATION OF NEW SECTIONS/UNIT

Fully conscious of the growing sophistication of economic crimes, the existing Operational architecture was



Group photo of Cadets and dignitaries at the event



Attorney General of the federation, Abubakar Malami, SAN with Sen. Abiola Ajimobi, Oyo State governor at the commissioning of EFCC Ibadan Office, May 25th, 2018



Nasir El-Rufai, Kaduna State governor commissioning the EFCC office in the state, July 6, 2017

reviewed and new units were created to address emerging challenges. The new units created are:

- i) The Procurement Fraud Section,
- ii) Foreign Exchange Malpractices Investigation Section,
- iii) Capital Market and Insurance Fraud Section,
- iv) Cyber Crime Section
- v) Forensic/Financial Investigation Section
- vi) Tax Fraud Section, and
- vii) Creative Communications Unit.

FORENSIC DIRECTORATE

The EFCC's Forensic Directorate has in the period under review, witnessed a dramatic turnaround, placing the unit at par with those of international law

enforcement agencies. Indeed, there was a conscientious effort on my part to make the Forensic Directorate a reference point for other sister agencies not only in Nigeria, but across the world.

These efforts have yielded amazing results. I make bold to say that on the African continent, no other law enforcement agency can boast of the facilities that we have at the EFCC.

INTERNATIONAL PARTNERSHIPS AND COLLABORATION

During my tenure, based on the rigorous efforts of the EFCC to curb corruption, international law enforcement agencies now have renewed confidence and trust in us. This is evident in a number of partnerships, understanding and agreements that have

aided Nigeria's anti-corruption fight beyond the shores of this country.

Notwithstanding our many achievements and successes in the past three years, there is still a lot to be done at the national and international theatres of the war against corruption. Therefore, we will not rest on our oars.

As I have always said, we do not have the monopoly of knowledge, and the fight against corruption should not be left to the EFCC alone. I am therefore, using this opportunity to again call on all Nigerians – both at home and in the Diaspora, to join hands with the EFCC in this task of fighting corruption.

Once again, let me crave your indulgence to seize this opportunity to thank President Muhammadu Buhari for the opportunity to serve in this capacity, and to reaffirm my commitment to his vision to fight corruption to a standstill. I also wish to thank Mr. President for providing us with the enabling environment and the political will to see us through the discharge of this onerous assignment.

We would also like to extend our gratitude to the Vice President, Professor Yemi Osinbajo, members of the executive council, the judiciary, members of the National Assembly, other sister law enforcement agencies, the civil society, all other stakeholders and Nigerians in general for their continued support and for believing in us.

I wish to also pay deserved tributes to the patriotic and hardworking officers and men of the EFCC, who are daily making the required sacrifices to ensure that we kill corruption before it kills us.

The war has only just begun against the corrupt and in this war for our lives, there will be no retreat, no surrender!

We are at the verge of commissioning two additional offices in Sokoto and Makurdi. Only recently, the Nasarawa State government magnanimously gave us 50 hectares of land for the construction of the Commission's Training Institute/Academy.



Dariye, Nyame Lose Appeal Against Conviction

Jolly Nyame and Joshua Dariye, both former governors of Taraba and Plateau, currently serving jail terms for fraud, lose appeal against their conviction

The look on the faces of their family members, well-wishers, and sympathizers that gathered at the Court of Appeal, Abuja Division, November 16, said it all. They had come hoping that the convictions of Joshua Dariye and Jolly Nyame, both sentenced to 14 years in prison by a Federal Capital Territory, FCT High Court, Gudu, would be upturned by the Appellate Court. How wrong they were, as their wishes, sadly were not granted.

Justice Adebukola Banjoko of the FCT High Court had on June 12, found Dariye, a former Plateau State governor, guilty of 15 out of the 23-count amended charge brought against him by the EFCC, and sentenced him to 14 years in prison for criminal breach of trust, and two years for misappropriation of public funds, to run concurrently.

Nyame, who was also prosecuted before Justice Banjoko on a 41-count charge was on May 30, found guilty of counts

one, two, six, eight, 10, 12, 14, 16, 18, 20, 27, 29, 30, 31, 33 and 36 – charges bordering on criminal breach of trust; counts three, seven, nine, 11, 13, 15, 17, 19, 21, 23 and 25 – charges bordering on criminal misappropriation; counts four and five – charges bordering on gratification and accepting a valuable thing without consideration. He was discharged of counts 22, 24, 26, 28, 32, 34, 35, 37, 38, 39, 40 and 41.

Sentencing Nyame to 14 years for criminal breach of trust, two for criminal misappropriation, seven for gratification, and five for obtaining by dishonesty, the trial judge held that, despite claim of being a “first-time offender, a family man, and his service, I am morally outraged with the facts of this case. There is no moral justification for the level of outright theft, and the Court must therefore, impose a sentence that would, hopefully serve as a deterrent to such other public officers, who may be similarly inclined to deep their hands into public till.”

Dissatisfied with the ruling of the lower court, the two former governors in separate appeals filed at the Court of Appeal challenged their conviction and sentencing.

Nyame misadventure

Nyame had also on June 27, through his lawyer, Olalekan Ojo, approached the FCT High Court seeking to be released from prison on the grounds that he was hypertensive and diabetic, needing to have access to his “traditional herbal medicine” and “pending the determination of the appeal against his conviction”.

Justice Banjoko, however, dismissed the application, noting that “the medical reports presented to the court were conflicting and the dates on them were not corresponding with others”, adding that “if indeed, he needs any medical attention he should apply to the Ministry of Interior, because the Prison authorities are under the ministry”.



Jolly Nyame

His fate was therefore, hanging on the appeal against his conviction filed at the Court of Appeal by his counsel, Ahmed Raji, SAN. The appeal by Nyame, which commenced on July 3, saw him raise 34 grounds against his conviction, with an additional one filed on July 4 appealing against sentence.

The two-man panel of justices that sat on Nyame's appeal, comprising of Justices Abdul Aboki and Emmanuel Agim, had a number of issues to determine, bordering on whether Nyame was indeed a public officer and so could be charged to court based on Penal Code; whether the FCT High Court had territorial jurisdiction, and whether in whole, the evidence presented by the prosecution led by Rotimi Jacobs, SAN, was "defective" such that "the conviction is not justified by the evidence".

All the issues were, however, resolved in favour of the EFCC. Justice Agim, who read the lead decision of the Appellate Court, held that the FCT High Court had territorial jurisdiction to preside over the case.

He said: "The Trial Judge has territorial

jurisdiction and so issue one is hereby resolved in favour of the respondent.

Dismissing the appeal that the charges were defective, the panel held that;

"What is essential is enough particulars of the offence, he (Nyame) was not misled even if there was error, and so this issue is resolved in favour of the respondent."

On the argument that Nyame was not a public officer, their lordships held that: "the argument of the applicant is not convincing; it is clear that the appellant was governor of Taraba State and he himself said he was governor and received payments; and he also said that no money can be paid without his approval."

"Clearly, he (Nyame) was a public servant, it is beyond doubt and this issue is resolved in favour of the respondent," their lordships ruled.

Raji had also appealed that his conviction was not justified by the evidence presented by the prosecution, arguing that, "the prosecution did not produce documents to show that Nyame collected money as

alleged".

Justice Agim, noted that the appellant came up with "a brilliant argument, highly ingenious and if you're not careful, you will go down, but I was very careful", adding that it put their lordships in a tight corner of "who do I believe – the defendant or the prosecution".

Having weighed all the arguments, their lordships held that Nyame's volte face, amidst the flurry of testimonies of prosecution witnesses, testifying in the contrary to his, gave the trial court enough reasons to disbelieve his testimony and believe the evidence brought before the court by the prosecution.

Justice Agim held that: "Every public officer given a public fund – security vote, or whatever name it is called, you have a legal duty to account for how the money was used; if you fail to account for it, you have a legal duty to return it back to coffers of the state, and failure to do so is a clear case of stealing and criminal breach of trust."

While ruling that the FCT High Court was right to have convicted Nyame, it however said the lower court ought to have taken into consideration the fact that Nyame was a first-time offender.

"The sentencing is therefore reviewed in conformity with Section 315 of the Penal Code and Section 416 of the ACJA 2015, from 14 years to 12years, in addition to N100million fine each on counts one, two and six, N50million on count eight, N20 million each on counts 10, 12 and 14, N10 million each counts 16, 18, 20, 27, 29, 30,

"Every public officer given a public fund – security vote, or whatever name it is called, you have a legal duty to account for how the money was used; you have a legal duty to return it back to coffers of the state, and failure to do so is a clear case of stealing and criminal breach of trust."



Joshua Dariye

31 and 32, and N5 million on count 36; from two years to one year nine months; from five years to four years," Justice Agim ruled.

Dariye Respite?

For the Senator representing Plateau Central and his teeming supporters that came in anticipation of a favourable ruling, their hopes that Dariye's 14-year jail term would be upturned was effectively dashed by the three-man panel of justices – Justices Abdul Aboki, Stephen Adah and Atinuke Komolafe-Wilson, which sat on the Dariye appeal.

Kanu Agabi, SAN, had in an appeal filed on June 27, put up a spirited effort to

secure the release of his client from jail, arguing that Justice Banjoko "refused to follow standard process", and that the charges were defective, "rendering them incompetent".

In spite of the prosecution calling 14 witnesses, Agabi, further argued that "vital witnesses were not called" and that the Court "wrongly assumed jurisdiction". The appeal further argued that "the charges didn't capture element of dishonesty".

After weighing all the arguments, Justice Adah, who read out the lead judgment, said the conviction based on count 12 was set aside, thus nullifying the two-year sentence imposed on him by the lower court, based on the count.

The conviction based on count 23 was also "quashed" as their lordships held that "on what ground was this proved beyond reasonable doubt to convict him, applicant ought to have been discharged on count 23, he was convicted for it but not sentenced for it".

In their well-considered ruling, their lordships further upheld the lower court's conviction of Dariye for other counts, but commuted the number of years from 14 to 10 on counts one, two, four, five, six, seven, eight, 10, 17 and 21, and from two years to one for counts three, nine, 11, 12, and 22.

"The lower court ought to have given consideration to the fact that Dariye was a first-time offender," he held, adding that, "the forfeiture order of the lower court is also upheld."

Partnering Against Corruption

Synergy between the National Judicial Institute, NJI, and the Economic and Financial Crimes Commission, EFCC, is taken a notch higher with the organization of the second edition of a three-day capacity building workshop for justices and judges, held at the NJI, Jabi, Abuja, October 29 – 31, 2018.

the workshop had as theme: Administration of Criminal Justice Act: emerging issues in the Investigation and prosecution of Economic and Financial Crimes” In attendance was Walter Onnoghen, Chief Justice of the Nigeria; Kayode Oladele, Chairman, House Committee on financial crimes; Ibrahim Magu, acting EFCC Chairman among other dignitaries

Below are photos from the event:



Nasir El-Rufai, Kaduna State governor commissioning the EFCC office in the state, July 6, 2017



Nasir El-Rufai, Kaduna State governor commissioning the EFCC office in the state, July 6, 2017



“The judiciary has been and will continue to live up to its Constitutional mandate .” - Onnoghen



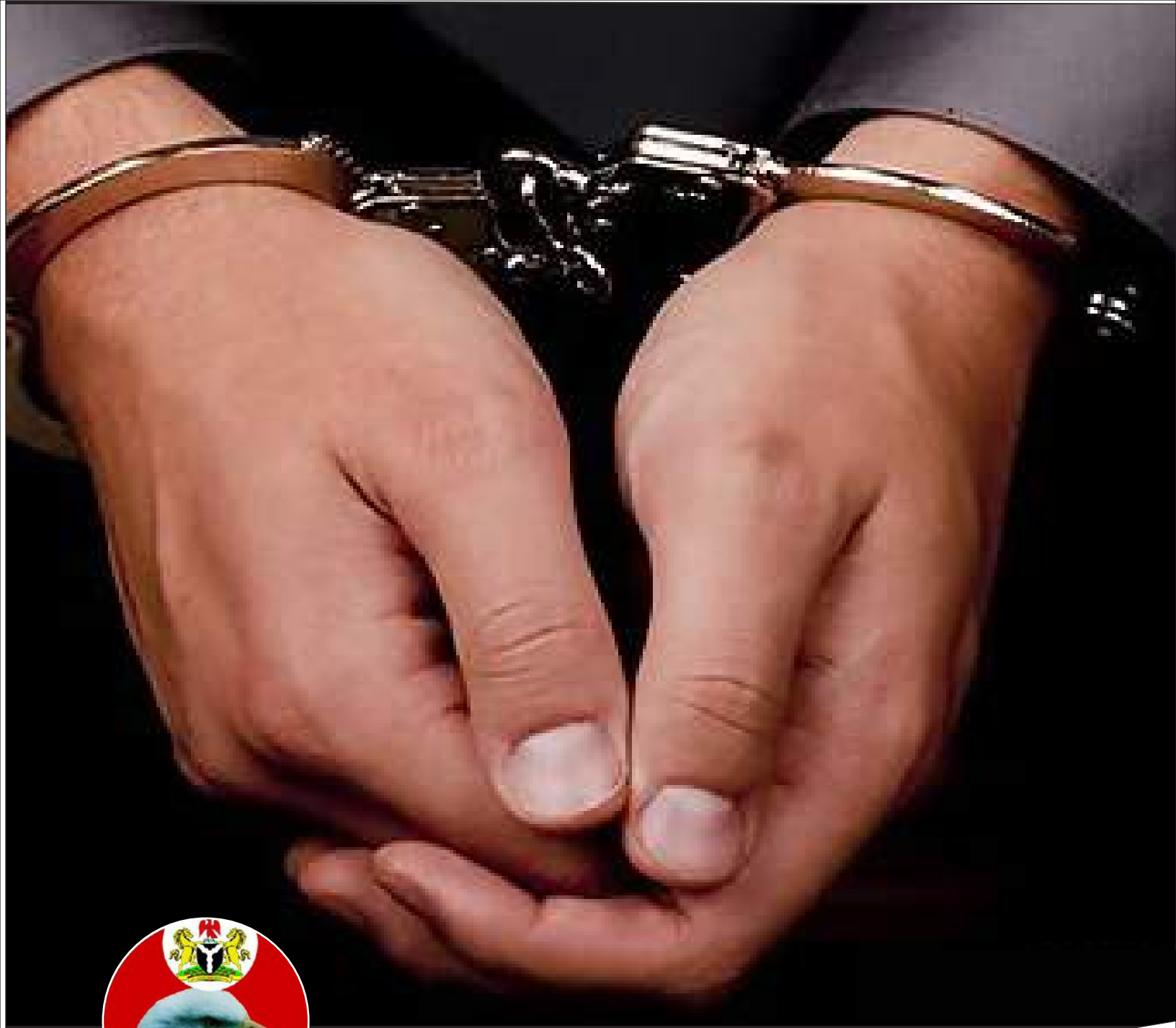
“Fighting against Corruption can not be won without the support of the judiciary -Oladele



“Corruption fight is my business.” - Magu



Group photograph of the participants



Yes! Stealing is Corruption
Shun It