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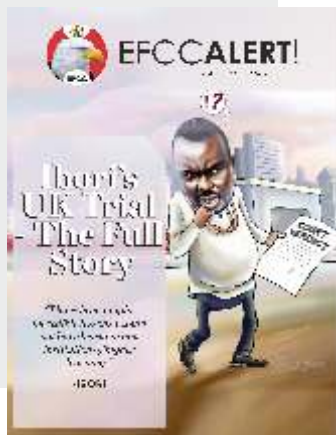
VOL. 7 NO. 10 OCTOBER 2018

## Ibori's UK Trial - The Full Story

*"I have been taught  
incredible lessons I could  
not have learnt in any  
institution of higher  
learning."*

**-IBORI**





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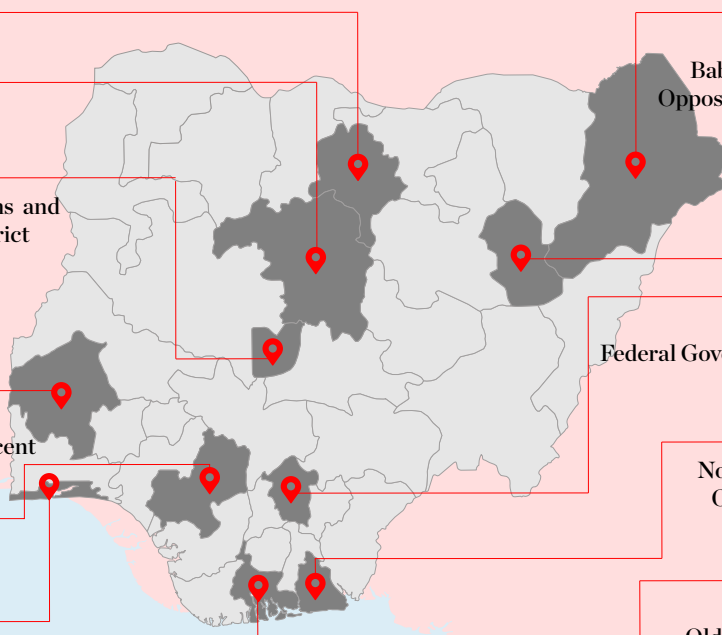
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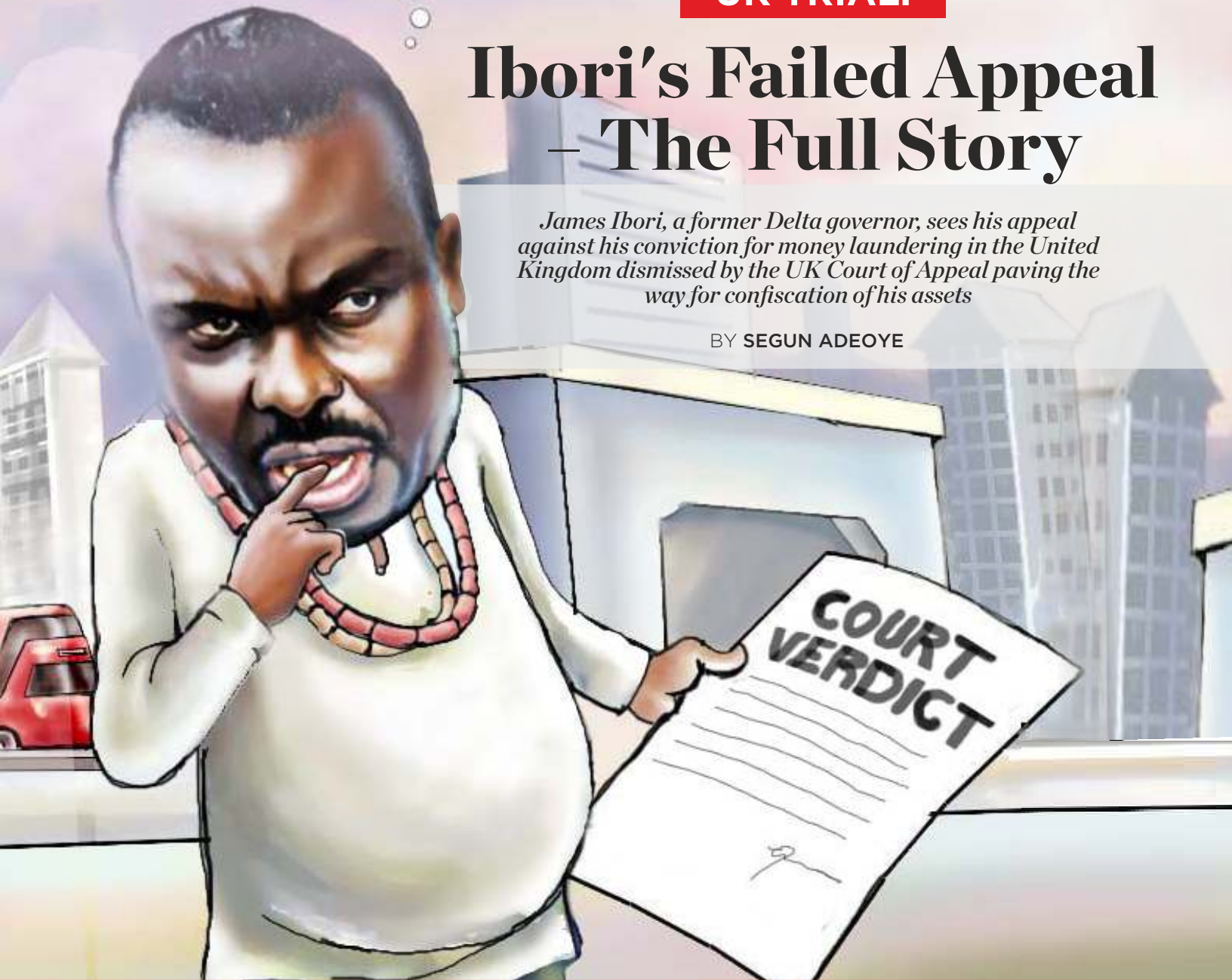


UK TRIAL:

# Ibori's Failed Appeal – The Full Story

*James Ibori, a former Delta governor, sees his appeal against his conviction for money laundering in the United Kingdom dismissed by the UK Court of Appeal paving the way for confiscation of his assets*

BY SEGUN ADEOYE



So far, so sad and utterly heart-breaking for James Ibori, a former Delta State governor who on April 17, 2012 was sentenced by a UK Southwark Crown Court to 13 years in prison after he was found guilty of counts of money laundering and related offences of fraud to the tune of £50 million. He has now had the appeal against his conviction dismissed by the UK Court of Appeal Criminal Division, CACD.

*The ‘godfather’ had put in place well-oiled machinery, aimed at halting the confiscation of his assets in the UK, and upturning his conviction*

Indeed, on February 27, 2012 the “invincible don” and self-acclaimed *Odidigborigbo* of Africa had pleaded

“guilty” to the charges at a Southwark Crown Court, when he was confronted with the mountains of evidence gathered against him by officers of the Metropolitan Police Service, MPS that investigated him in the UK. But, since his release from the HM Prison Wandsworth in December 2017 – spending about half of the 13-year jail sentence – the ‘godfather’ had put in place well-oiled machinery, aimed at halting the confiscation of his assets in

the UK, and upturning his conviction. A campaign of calumny targeted against officers that investigated him, as well as Sasha Wass, a prosecuting counsel, aimed at portraying them as corrupt, was complemented by the appeal against his conviction.

The EFCC had partnered with the MPS to make Ibori answer for money laundering charges in the UK, after a Federal High Court (hurriedly constituted) in Asaba, Delta State, presided over by Justice Marcel Awokulehin (ret'd), on December 17, 2009 dismissed the 170 counts of money laundering brought against him in Nigeria.

Bhadresh Gohil, a lawyer to Ibori, who on November 22, 2010 was also convicted of counts of money laundering and a count of prejudicing money laundering investigation by a Southwark Crown Court was central to the Ibori Image Laundering Agenda. The Court had convicted Ibori relying “on documents, alleged to be fraudulent and/or fictitious, found secreted” in Gohil’s office. He pleaded “guilty” on December 6, 2010 and was sentenced to 10 years in jail, with confiscation proceedings instituted.

The then Solicitors Regulatory Authority approved solicitor to Ibori, was convicted by a jury overseen by HHJ Hardy. He was a solicitor and a partner in the firm of Arlingtons



Gohil

*The Court had convicted Ibori relying “on documents, alleged to be fraudulent and/or fictitious, found secreted” in Gohil’s office*

Sharma. He pleaded “guilty” to eight more counts for conspiring with Ibori “to defraud two states [Delta and Akwa Ibom] in Nigeria regarding sale of shares in V-Mobile” of funds running to \$37 million. He was on April 8, 2011 sentenced to 10 years in prison for the offences.

However, a report published in *The Mail on Sunday*, October 9, 2016 titled, “Revealed: How top QC ‘buried evidence of Met bribes to put innocent man in jail’”, had sought to portray Gohil and by extension Ibori as victims. The report, which targeted Wass, however, got the fingers of the newspaper’s editors burnt, as the Independent Press Society Organization, IPSO, indicted *The Mail* for violating 1 (Accuracy) of the organization’s Editor’s Code of Practice.

Wass had petitioned IPSO on February 2017, complaining that the newspaper falsely accused her that she “lied to judges in order to hide damning evidence of police corruption” during the appeal hearing of Gohil, in which he challenged his conviction.

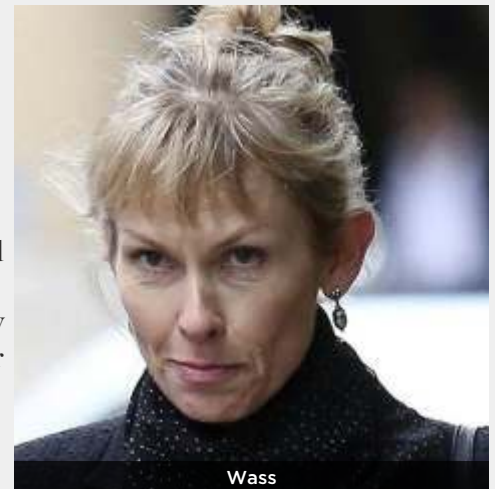
On July 20, 2017 IPSO issued its decision to uphold the complaints, noting that “the court had subsequently dismissed the appeal” of Gohil’s defence on the allegation of police corruption, which the court held “were unfounded”. The IPSO further held that: “The article had inaccurately reported that despite his conviction for fraud, Mr Gohil had been cleared of wrongdoing by the SRA.”

The IPSO’s decision reads in part: “The newspaper had published significantly inaccurate information and it had failed to comply with the obligations of Clause 1(ii)... As such, the Committee required the publication of an adjudication.”

Wass afterwards, on June 12, 2018 secured a court order at a High Court of Justice, Queen’s Bench Division, ordering the newspaper to “publish a full and prominent apology” and pay libel damages as well as legal costs to her.

Indeed, allegation of corruption on the part of the police officers that secured the conviction of Ibori and Gohil, formed the thrust of their different appeals. Three years after his conviction, Gohil on July 9, 2014 had his June 17, 2014 applications for leave to appeal his conviction dismissed by Justice L.J. Davis, based on the fact that his allegation of corruption among investigators “was not advanced at the trial” and “the allegation had already in substance been investigated and rejected”.

Perhaps, like his client, Gohil seems not to be one that gives in easily, and on April 25, 2016 he applied to re-open his applications for leave to appeal the conviction, and tacitly embarked on the media campaign against the officers of the MPS. In the spirit of fair hearing, the Court on June 23, 2017 ruled that his application be heard.

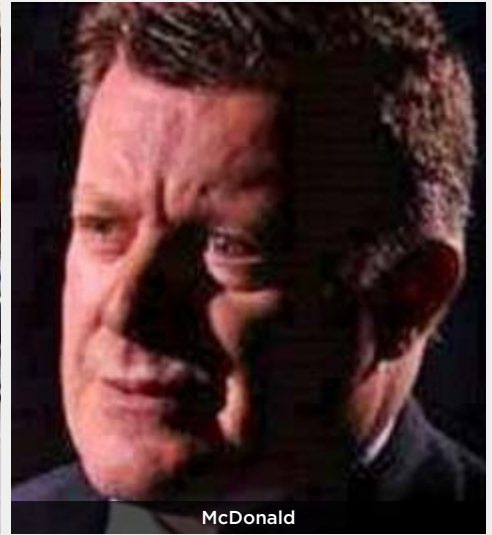


Wass





Ibori



McDonald

The appeal, which also formed the basis of Ibori's own appeal, argued that officers of the MPS received corrupt payments from Rise Management Limited, RML, and also passed confidential information to them. Officers of the Proceeds of Corruption Unit, POCU, a part of the MPS that formed the SCD6 [Specialist and Economic Crime Directorate of New Scotland Yard] investigated the Ibori fraud. Gohil had advanced the argument that the conduct of the operatives "amounted to a bad faith abuse of the process of the Court, such that the convictions offend against the integrity of the criminal justice system".

However, on February 15, 2018 in a landmark judgement delivered by Lord Justice Gross, Justice William Davis and Justice Garnham of the Court of Appeal, Gohil's appeal was dismissed as lacking in merit. The Court noted that the purported relationship between RML and one of the investigating officers, put in tandem with his "tactical decision" not to introduce the relevant materials at his trial amounted to an afterthought and "of itself dooms the present application to failure". For Ibori, the dismissed Gohil Appeal was no doubt, a bitter pill to swallow, as the grounds also formed those of his, and an apparent game plan that backfired. Indeed, if it had sailed through, it would have seen Lamertus

***"He (Ibori) had in fact, back in 2012 appealed against his sentence (which was dismissed) but not against his conviction."***

De Boer, Christine Ibori-Ibe, Daniel McCann and Udoamaka Onuigho, all of whom were convicted for their varied roles in the Ibori fraud, joined in.

His faintest hope for a victory must have faded away. But the don, who after his release from prison, had boasted of his return to Nigeria's political space with a big bang, remained unrelenting, as he pushed for his own appeal, which was heard at the Court of Appeal, March 21 and 23 and June 21, 2018.

Central to Ibori's appeal were the grave allegations of police corruption and deliberate non-disclosure, which he alludes would have helped his case, and which in the instance he argued put to bad taste the integrity of the judicial system. He had in fact, back in 2012 appealed against his sentence (which was dismissed) but not against his conviction.

He now, however, was appealing against his conviction. He argued that prior to his pleas of guilty, "unknown to him at all material times, the

investigating and prosecuting authorities were guilty of such misconduct that the proceedings were irremediably tainted and were an affront to justice".

His counsel, Kennedy Talbot and Ivan Krolick hinged their arguments on corruption among the officers, just as were highlighted in the Gohil appeal. Specifically, John McDonald one of the MPS officers engaged on the Ibori investigation was accused of accepting bribes, and that the MPS through the Directorate of Professional Standards, DPS deliberately covered up McDonald's "corruption" by prematurely closing investigations into the allegation tagged – "Limonium" investigation. They also alleged that from 2011 till February 27, 2012 when Ibori made his "guilty" plea, the DPS "deliberately failed to give disclosure of material available from the Limonium investigation, contrived to say that no officer was under investigation and failed to make proper and relevant inquiries as to the allegations of bribes paid in 2007".

Krolick had further argued that the prosecution induced Ibori to consent to an amendment to count three of the V-Mobile Indictment by misleading the trial judge, Ibori and his (then) legal representatives, into believing that: "there was no substantial change in the charge, whereas in fact the charge had been changed from an

*“If McDonald was corrupt as argued by Ibori’s legal team, Ibori was instrumental in that corruption.”*

allegation of laundering \$37m of criminal property of another to that of the Applicant”.

Jonathan Kinnear, prosecuting counsel for the Crown Prosecution Service, CPS, however countered the argument of Krolick, stressing that: “There had been no deliberate non-disclosure and hence no bad faith on part of the Crown”.

Kinnear noted that “in any event, if there had been corruption on the part of McDonald” as canvassed by the Ibori legal team, “Ibori was responsible for it, or, at all events, he was intimately implicated in it and had full knowledge of it.”

“Further and in any event, Ibori’s guilty pleas had been entered unequivocally and there was no good reason for permitting him to vacate them,” he added.

The prosecuting counsel also argued that: “Ibori’s (then) legal representatives had been provided

with a copy of the amended V-Mobile Indictment in advance and were present in Court when the Indictment was put and the guilty plea entered”.

“Moreover, if Ibori and his legal team had been misled, it was remarkable that nothing had been said throughout the sentencing hearing or the appeal against sentence to this Court,” he added.

Ibori himself was to give oral evidence in Court on the first day of hearing via video-link from Nigeria, and was to have been cross-examined by the prosecuting counsel. He however, appeared briefly, but the link failed. The Court intended to hear from Ibori, and decided to set aside time the following day, but Ibori did not appear. The Court then decided to read and take into account Ibori’s witness statement.

The Court, presided over by Lord Justice Gross, Justice William Davis and Justice Garnham, held that: “We agreed to read and take into account the Ibori witness statement. That said, the weight to be placed on it can only be very limited, given his non-appearance (and even making every allowance for technical failure/s on the first day of the hearing). While we do

*“As Ibori was instrumental in McDonald’s corruption, if corruption there was, he cannot, even arguably, rely upon it to escape his convictions.”*

not rest our decision in any way on his non-appearance, the inescapable impression was that Ibori was reluctant to have his account tested in cross-examination.”

After all the arguments and counter-arguments, in a landmark judgement dated October 17, 2018 their Justices, held that “the whole edifice of the Ibori applications under Ground 1 crumbles”, stressing that if McDonald was corrupt as argued by Ibori’s legal team, “Ibori was instrumental in that corruption”.

It further ruled thus: “The need to preserve the integrity of the criminal justice is plainly of the first importance. However, public confidence in the justice system would be undermined – not enhanced – if those responsible for the (alleged) corruption escaped justice because the prosecution failed to disclose that which they already knew and for which





*“The presiding justices held that all Ibori’s applications must be dismissed.”*

they were responsible. That would indeed be an affront to justice. In short, as Ibori was instrumental in McDonald’s corruption, if corruption there was, he cannot, even arguably, rely upon it to escape his convictions. This conclusion is of itself fatal to Ibori’s applications under Ground 1 and requires their dismissal.”

The justices “unhesitatingly” rejected the argument canvassed by Krolick that the prosecution acted in bad faith as regards the amendment of count three relating to the V-Mobile Indictment.

The presiding justices further held that: “We think there is nothing in Ground 2 and entertain no doubt, even arguably, as to the safety of Ibori’s convictions... It follows that all Ibori’s applications must be dismissed.”

His loss at the Court of Appeal, effectively paves the way for the necessary actions to perfect the confiscation of his assets in the UK.

Perhaps, Ibori was humble enough to see the handwriting on the wall. A day to the delivery of the Court of Appeal’s ruling, he through his Media Assistant, Tony Eluemunor, put out a statement claiming that he was “a victim of political persecution instead of judicial and legal prosecution as untold quantum of lies were heaped against me, even in the United Kingdom and by her officials too”.

His words: “Owing to this, I have since lost faith in the British judicial system, having been through it and observed first-hand the politics, desperation and wicked machinations inherent in the process that rigged the trial against me and against all judicial wholesome processes, which differentiate the modern era from the dark ages.”

Ibori, who however, tacitly ignored the fact that he pleaded “guilty” to the charges brought against him, went a step further accusing the UK Home Secretary of attempting “to detain me in prison beyond the stipulated sentence, even after I had served my legally prescribed term”. Again, what Ibori decidedly failed to disclose was that his media team had in May 2017 claimed “legal victory” against the UK government, after “Ibori’s human rights had been violated” by Amber Rudd, the UK Home Secretary.

In actual fact, Rudd had tried to keep Ibori in the UK so that his confiscation hearing could be dealt with. A trial judge had rejected Ibori’s claim for £4,000 in damages, and instead awarded “nominal damages” of £1 for his being kept in custody for an extra 42 hours. The decision to keep Ibori in immigration detention, the judge opined, was probably because of millions of pounds authorities were yet to recover from him, as against a violation of Ibori’s rights as alluded to by the victory so claimed by his media team.

*“His loss at the Court of Appeal, effectively paves the way for the necessary actions to perfect the confiscation of his assets in the UK.”*



Former UK Home Secretary, Amber Rudd

*“In all of this, what I have been through has taught me incredible lessons; lessons I could not have learnt in any institution of higher learning.” - Ibori*



Ibori

So, what next for Ibori? Perhaps, only he can answer that question. Yet an inference can be made from his Eluemunor statement: “I will continue to protest the political nature of my predicament.”

“In all of this, I will say that what I have been through since the persecution against me began has taught me incredible lessons; lessons I could not have learnt in any institution of higher learning,” he added.

Indeed, there are indications that he may be instructing his lawyers to appeal to the European Court of Human Rights. What he may not understand is that to do so, he will have to demonstrate that he exhausted all the options in challenging his conviction in all UK courts. He will need to make an application to the Supreme Court first. What is evident, is that with the ruling of the Court of Appeal, the threshold to achieve this is not only extremely high, it is in the instance insurmountable. ■

# Seer Goes to Jail

*An acclaimed spiritualist defrauds his victim of N46 million lands in jail*

BY JAMILU SALE // MAIDUGURI

Perhaps, he did not see it coming. Ba'a I. Kaumi, who also goes by the name, Goni Ibrahim, with his self-acclaimed spiritual prowess, could not foresee that he was one day going to be a convict.

His stock in trade was to make money off people, in the guise that he had spiritual powers to make them wealthy. He had in the past got away with this trick of his, until he met his Waterloo when he played same pranks on Abdulrahman Abdulkadir. Kaumi deceptively obtained N46 million from Abdulkadir in the guise that he could invoke the spirit of wealth on him, and to make his business boom.



According to Abdulkadir, Kaumi got him to fall for his antics, after making a request from him for financial benefits and a “hidden voice” instructed him to bring perfumes and seven cows for spiritual cleansing and sacrifices. Kaumi first collected

N3 million for some sacrificial items and then, later another N1 million and other sums.

Not done extorting the unfortunately gullible Abdulkadir, Kaumi again requested for N1.5 million to be used in buying elephant tusk sometime in May 2013. At this point it was a “no-no”, but unfortunately he had already wasted N46 million.

Kaumi was subsequently arrested and prosecuted before Justice Aisha Ndume of the Federal High Court, Borno. He did not waste the time of the court, as he pleaded “guilty” to the charge.

He was on September 24 sentenced to three years in prison with an option of fine in the sum of N100,000. ■

# Unholy Alliance

*Two friends connive to defraud a businessman of N11.8 million in a fraudulent business deal*

BY OGHE ORUGONYA // IBADAN

Abdulkadir Ibrahim will forever rue his alliance with Bakare Dauda. The two con friends had sometime in January 2017 approached Ezekiel Babatunde, with a business proposal, which they claimed will generate millions of naira in returns.

The business was to involve the buying and reselling of maize and soybeans. It looked so lucrative that, pronto, Babatunde got on board and provided N11,870,000 as initial investment.

However, the two friends made away with the money. Neither maize nor soybeans were purchased. All efforts to get the foodstuffs or the money back, proved abortive.



Abdulkadir

Ibrahim was arrested by EFCC operatives and arraigned on October 9, before Justice A.S. Oyinloye of the Kwara State High Court, Ilorin, on an eight-count charge of conspiracy, criminal breach of trust, stealing and obtaining money by false pretence.

One of the counts reads: “That you, Mallam Abdulkadir Ibrahim, on or about the 24th of January 2017 at Ilorin within the Judicial Division of this honourable court with intent to defraud, obtained the sum of Four Million, Four Hundred and Eighty Thousand Naira (N4,480,000.00) only from Mr. Ezekiel Ola Babatunde through Mallam Bakare Dauda by falsely pretending that it was further part payment of the cost price of 386 bags of one hundred kilograms of maize and 420 bags of one hundred kilograms of soybeans which you purported to have the capacity to supply him and which representations you knew to be false and thereby committed an offence”.

His accomplice remains on the run. ■



# Flying High

*The Port Harcourt office of the EFCC showcases its conviction record for the first three quarters of the year*

BY DELE OYEWALE // PORT HARCOURT

It was a record of achievements as Nnaghe Itam, Head of Operations, EFCC Port Harcourt office, on October 3, literally reeled out the drums to celebrate the 16 cases successfully prosecuted to the end between January and September this year.

Itam, who took over the helms of affairs at the Office this year, noted that in the past nine months, the zone charged 44 cases to court, and has within the period under review, secured 16 convictions, which cut across various financial crimes.

“Sixteen convictions were secured from different courts in the Zone,” he said. “The convicts were jailed for offences ranging from forgery,



Itam

conspiracy, obtaining under false pretences, illegal oil bunkering among others.”

He further added that 221 cases were referred to the Legal Department, out

of which 44 cases were charged to court.

“The Zone recovered N1.6 billion, \$ 678,354. 80 and €5,225 within the timeframe,” he added, stressing that, “A total of 283 trucks were arrested for illegal oil bunkering. Seventeen oil vessels, nine barges and two wooden boats were arrested for the same offence.”

The cumulative amount of petroleum products in the arrested vessels, barges and boats was put at 1,002,254.7 metric tonnes. The products are suspected to be Automotive Gas Oil, AGO. Itam said that thorough investigations are ongoing in all reported of the cases of illegal oil bunkering reported to the Zone. ■

# Bitter Lesson

*A Lebanese learns the hard way that failure to appropriately declare cash in your possession at the airport is a grievous offence*

BY FATIMA ABUBAKAR // KADUNA

Haytham Aldahrah, a Lebanese must be learning the hard way that indeed, the law is no respecter of persons, and ignorance is no defence in the law court.

Operatives of the EFCC had on October 16, charged the Lebanese to court for concealing \$105,000 and €65,000 respectively in his possession from officers of the Nigeria Customs Service, when he was boarding an Egypt Air flight to Cairo.

Aldahrah had declared \$95,000 at the point of departure, but a search conducted on him,



Aldahrah

revealed that he was carrying another \$105,000 which he deliberately failed to disclose. When he was arraigned on October 16, he pleaded “not guilty” to the two-count charge. Two days later, he changed his plea to “guilty”, when he realized the weight of evidence gathered against him by the EFCC.

Justice Allagoa thereafter found him guilty of the money laundering offence, and ordered the forfeiture of 50 per cent each of the undeclared cash he was found with – \$52,550 and €32,250 to Treasury Single Account of the Federal Government. ■

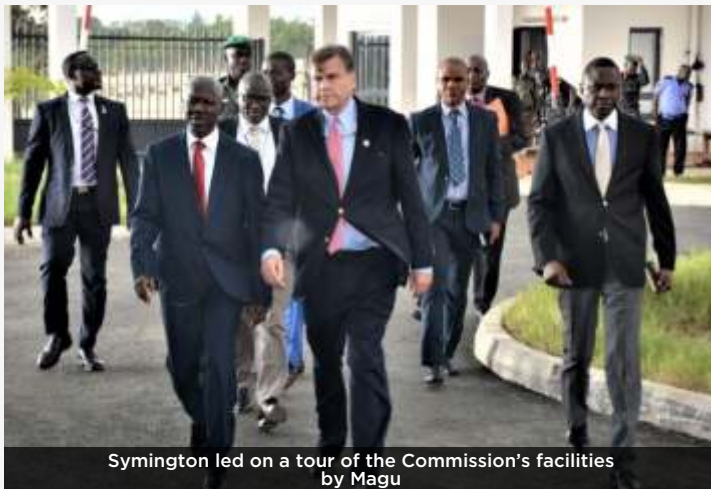
## CRIME

# Ambassadorial Support

*The US government again gives assurances of its support to the EFCC-led anti-corruption crusade*



Symington and Magu



Symington led on a tour of the Commission's facilities by Magu

**S**tuart Symington, the US Ambassador to Nigeria, on October 17 reiterated support of the United States for the fight against corruption and good governance in Nigeria.

“It is important for every country to build the confidence of its people, through anti-graft agencies like the EFCC,” he said.

Symington made the remarks during a visit to the EFCC Head Office, Jabi,

Abuja, where he was received by Ibrahim Magu, the acting EFCC Chairman.

He stressed the commitment of the US government to providing the needed support for the EFCC, in its efforts towards eradicating all manners of corruption that have bedevilled the country. While encouraging the EFCC to continue the “good works”, he stressed that Nigeria remained strategic to the future of the US.

Symington admonished the agency not to despair, but to continue its good work to make the agency a world class and respected institution like the Federal Bureau of Investigation, FBI.

In appreciation of the varied support of the US government, Magu noted that when the EFCC started in 2003, “people never thought that we will go far, until we started raiding places and arresting the ‘untouchables’.” ■

## Wind of Change

*The EFCC Gombe office gets a new Head of Operations*

**I**t is the only constant thing in life – change. And on October 16, the wind of change again blew across the Gombe office of the EFCC, as Friday Ebelo, assumed office as the Head of Operations.

Ebelo, who until his new appointment was the Head, Advance Fee Fraud Unit at the EFCC Headquarters, Abuja, took over from Johnson Babalola who was deployed to Abuja Head Office.



Ebelo

“I am here to ensure that we continue to take the activities of the Commission to greater heights,” he said, as he solicited for the support of the staff.

Ebelo, later on October 19, received an award of excellence from Flash Click Foundation, an Information Consultation Services and Web development company. The award was presented to him by Umar Zubair, founder of the Foundation. ■



# The Legal Charge

*Legal practitioners urged to strictly abide by their professional ethics*

BY CHRIS OLUKA // ENUGU

**L**egal practitioners have been charged to always perform their duties with fear of God and be guided by the ethical tenets of their profession.

Adamu Hamisu Danmusa, Head of Operations, EFCC Enugu office, gave the charge to a delegation of the Nigerian Bar Association, NBA, Enugu State branch, who paid him a courtesy visit at the Independence Layout, Enugu office.

“Professionalism cannot be sacrificed on the altar of self aggrandizement nor to the highest bidder. It is good to be good and for you to be conscious of the integrity of your profession,” he said.



While thanking the delegation, Anene Orjinta, Chairman, who led the delegation, said “the roles lawyers play as custodians of the law and hope of the common man has bestowed on them the imperative of placing justice and love for country above self.”

He said: “How can there be justice, equity and fair hearing on any matter when, for example, you rush to court to charge EFCC for breaching the fundamental rights of your clients?” ■

## Commendation

*The youths in the Niger Delta commends the EFCC for its efforts in curbing corruption in the region, and promises to assist the Commission with relevant information*

**A** group representing Niger Delta youths has commended the Economic and Financial Crimes Commission, EFCC, saying that it has performed “excellently in the discharge of its duties”.

The group, Niger Delta Youth for Practical Development, NDYPD, gave the commendation on September 27 in Port Harcourt, Rivers State while presenting an Award of Excellence to the Commission.

Amb. Prince Jeminimiena, Chairman of the group, who made the presentation said, “The EFCC has



helped in bringing corruption to the barest minimum and shown that excellence is possible in public service”.

He further called for collaboration with the EFCC in order to “find lasting answers to the problem of corruption in the Niger Delta”.

“We will provide the Commission with relevant information that will enhance the fight against corruption at the grassroots level of the state,” he said.

Nnaghe Obono Itam, Head of Operations, EFCC Port Harcourt Office said that the EFCC was willing to work with the group to ensure that corruption in the region is minimized.

“You have a willing partner who is ready to collaborate, and it will be beneficial to the Niger Delta and Nigeria as a whole,” he said. ■



# Public Notice

This is to notify the general public that the Economic and Financial Crimes Commission, EFCC, has moved its operations to its new Head Office Complex located at Plot 301/302, Institutions and Research Cadastral District, Jabi, Abuja.

Anyone who wants to transact business with the Commission is hereby notified that such will be attended to at its new office which has become fully operational.

Meanwhile, the former head office located at 5 Fomella Street, Wuse II, Abuja is now designated as a Zonal Office of the Commission.

**Signed  
Management**