

FREQUENTLY ASKED QUESTIONS ABOUT THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC)

1. What is EFCC?

EFCC is an acronym for Economic and Financial Crimes Commission. The Commission is charged with the responsibility of enforcing all economic and financial crimes laws in Nigeria.

2. What are the core values of an EFCC officer?

- Professionalism
- Courage
- Integrity
- Partnership
- Leadership

3. What is an Economic Crime?

An economic crime is an act of sabotage that affects the economy of a state or nation. For example, pipeline vandalism, illegal oil bunkering, tax evasion, etc.

4. What is a Financial Crime?

A financial crime is an act that involves the illegal use of cash or financial instruments such as cheques, drafts, money orders, etc. For example, bank fraud, issuance of dud cheques, etc.

5. When was the EFCC established?

April 10, 2003

6. When was the EFCC Act Enacted?

The EFCC Establishment Act was first enacted in December, 2002 and amended on June 4, 2004.

7. Why was the EFCC Established?

The EFCC was established to combat the menace of economic and financial crimes in Nigeria

8. How is the Commission managed on a day-to-day basis?

The structure of the Commission consists of:

- Board
- Management
- Directorates and Units

The Board provides policy direction for the operations of the Commission and it is composed of the Executive Chairman, Secretary to the Commission and members representing various interests and institutions.

The Management of the Commission has the Executive Chairman as the Chief Executive, assisted by the Secretary to the Commission. Others are Heads of Departments and Units. The Departments and Units are

established to ensure the smooth running of the Commission.

9. What is the Composition of the EFCC Board?

The EFCC board consists of twenty-two (22) members, including the Secretary to the Commission, who is also the head of administration.

10. What laws do EFCC enforce?

By Section 7(2) of the Establishment Act 2004; EFCC is charged with the responsibility of enforcing the provisions of laws relating to economic and financial crimes, including:

- The Money Laundering (Amendment) Act 2004 and 2011 as amended
- The Advance Fee Fraud and Other Fraud Related Offences Act, 2006
- The Corrupt Practices and Other Related Offences Act, 2000 (ICPC Act, 2000)
- The Failed Banks (Recovery of Debts) and Financial Malpractices Banks Act, 1994
- The Banks and other Financial Institutions Act 1991; and
- Miscellaneous Offences Act, 1985;
- Terrorism (Prevention) Act, 2011 and 2013, as amended

- Any other law relating to economic and financial crimes including the criminal code and the penal code

11. What is Advance Fee Fraud?

Advance Fee Fraud (popularly known as “419”) refers to offences relating to obtaining cash or property by false pretence, forgery and misrepresentation with intent to defraud using financial instruments.

12. What is 419?

The term ‘419’ is commonly used to describe the crime of obtaining by false pretence (OBT). It is derived from Section 419 of the Criminal Code Act which states, ‘Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a felony ...’.

13. What is Money Laundering?

Money Laundering is a process whereby ill-gotten wealth is transformed so that it appears legitimate.

14. What is Terrorism?

Terrorism is an act of violence and/or threats to intimidate another, to attain goals that are political and/or ideological in nature.

15. What is Terrorism Financing?

This is the act of an individual or organization, directly or indirectly providing funding or material support with the intention or knowledge that it will be used for the perpetration of act(s) of terrorism.

(Ref: Terrorism (Prevention) (Amendment) Act, 2013)

16. What is Cyber Crime?

Cyber Crime is the use of a computer or other electronic device to perpetrate criminal acts for instance, cyber terrorism, phishing etc.

17. Why do Cyber Cafes have to register with the EFCC?

Cyber Cafe have to register with the EFCC so that the Commission can monitor their operations and enforce operating standards that eliminate internet crimes.

18. How can Cyber Cafés register with the EFCC?

Cyber Cafes Operators can register online at www.operators.efccnigeria.org.

19. What are KYC, STRs, CTRs?

KYC = Know Your Customer

STR= Suspicious Transaction Reports

CTR= Currency Transaction Reports

20. What is Nigerian Financial Intelligence Unit (NFIU)?

The NFIU is Nigeria's national center for receiving financial information including Currency Transaction Reports (CTRs) and Suspicious Transaction Reports (STRs); analyzing the information and disseminating intelligence derived therefrom to competent law enforcement agencies.

21. What is FATF?

Financial Action Task Force (FATF) is the inter-governmental body that sets standards for countries to adopt in the fight against money laundering, terrorist financing and proliferation of weapons of mass destruction. It was established in 1989 and has its headquarters in Paris, France.

22. What is the Special Control Unit against Money Laundering (SCUML)?

The Special Control Unit against Money Laundering (SCUML) was established in 2005 as a specialized Unit to monitor, supervise and regulate the activities of Designated Non-Financial Institutions in Nigeria.

23. What are Designated Non-Financial Institutions (DNFIs)?

DNFIs in Nigeria include: dealers in jewelry, cars and luxury goods, hotels, chartered/professional accountants, audit firms, tax consultants, legal practitioners, supermarkets, casinos (betting pools) and hotels. Others include estate surveyors and valuers, precious stones and metals dealers and non-governmental organizations (NGOs) or such businesses as the Federal Ministry of Industry, Trade and Investment or appropriate regulatory authorities may from time to time designate.

24. What are the operations of SCUML?

Operations of SCUML include:

- Registration of DNFIs
- On-site and off-site inspection of all DNFIs
- Collection, evaluation, and escalation of CTRs and STRs
- Filing CTRs and STRs resulting from their operations.
- Establishment of database on DNFIs and their financial transactions for use in combating money laundering and terrorism financing

25. How can DNFIs register with SCUML?

DNFIs can register by taking required documents to SCUML's offices across the country. Registration may also be done online via SCUML's website, www.scuml.org.

26. What are the requirements for the registration of DNFIIs with SCUML?

- Certificate of Incorporation
- Article and Memorandum of Association
- Tax Clearance Certificate (Not applicable to NGOs)
- Audited Financial Report
- Authorized Operational License (Not applicable to NGOs)
- Company/Organization Profile
- Constitution (for NGOs only)
- Agreement signed between the NGO and the National Planning Commission (for international NGOs only).

27. Does SCUML have a website?

Yes. SCUML's website is www.scuml.org.

Furthermore, SCUML Registration may be done online.

28. How is the EFCC Financed?

The EFCC receives its funding from the Annual Federal Budget of Nigeria. The Commission occasionally receives technical support from international partners and donor agencies.

29. What are the Commission's main achievements since inception?

Since its Inauguration on April 10th 2003, the Commission has recorded tremendous achievements.

- Several convictions on Money Laundering, Advance Fee Fraud, Bank Fraud and other economic and financial crimes
- Recovery of stolen money and illegally acquired properties worth hundreds of billions of naira and other foreign currencies.
- Through EFCC's rigorous awareness and sensitization, Nigerians are have become more informed about economic and financial crimes.

For more information on the achievements of the Commission, please visit www.efccnigeria.org, facebook, follow on twitter, Youtube, Instagram etc.

30. What does the EFCC logo represent?

The eagle represents strength, vigilance and tenacity; the coat of arm represents the sovereignty of the nation while the red colour represents vigour and zero tolerance for corrupt practices

31. How can one distinguish an EFCC staff from an impersonator?

An EFCC staff is governed by a strict code of conduct. An EFCC staff will not demand for any form of gratification or invite you to a location outside the Commission's office.

32. Are there measures put in place to guard against internal corruption in the EFCC?

Yes. There is the Directorate of Internal Affairs that investigates all suspicions of internal corruption and those found wanting are punished. Punishment for internal corruption in EFCC include: dismissal and prosecution

33. How do I report an EFCC Officer who is corrupt?

A complainant can write to the Director, Internal Affairs; call the following number, +234-9-460-4628 or send an email to dia@efccnigeria.org

34. Does the appointment of the EFCC chairman by the presidency erode his independence?

No. The EFCC Chairman is insulated from interference from the presidency through the constitutional requirement of confirmation by the National Assembly. The relevant committees of the national assembly also discharge their oversight responsibilities on the Commission. Furthermore, the EFCC is compelled by law to annually report on its activities to the National Assembly on or before 30th September.

35. What does the EFCC Academy do?

The Academy is the arm of the EFCC saddled with the responsibility of training and research that borders on the

mandate of the Commission. It organizes trainings for staff of the Commission, other law enforcement agencies and stakeholders in the fight against economic and financial crimes.

36. Must the Executive Chairman of EFCC be a serving or retired police officer?

No. Section 2 (a) (ii) of the EFCC Act 2004 clearly states that the Commission's Chairman must be a serving or retired member of any government security or law enforcement agency not below the rank of Assistant Commissioner of Police or its equivalent; and (iii) possess not less than 15 years cognate experience.

37. Why are there seconded staff in the EFCC?

Staff are seconded to the EFCC on a need basis.

38. How can one become a staff of EFCC?

The EFCC is an equal opportunity employer. Vacancies in the Commission are normally advertised in the media and the Commission's website and social media platforms.

39. What are the challenges faced by the EFCC in the execution of its mandate?

- Intimidation, Harassments, Death threats to officers
- Public misconceptions, cynicism

- Delay in conclusion of cases.
- Paucity of funds to carry out corruption prevention programmes

40. How much money must be involved in a fraud case before EFCC can investigate?

The EFCC does not stipulate any threshold to investigate a case when elements of economic and financial crimes are established.

41. Does the EFCC transfer or refer cases to other law enforcement agencies?

Yes. When a case is not within the mandate of the EFCC, such is referred to other law enforcement agencies.

42. What is the length of the EFCC Chairman's tenure in office?

The Executive Chairman holds office for a period of four years. He may be re-appointed for a second term of four years and no more.

(Ref: EFCC Establishment Act 2004, Section 3(1)).

43. What is the tenure of the Secretary to the Commission?

The Secretary to the Commission holds office for a period of five (5) years. He may be re-appointed for a second term of five years and no more.

44. What are the functions of the EFCC?

The functions of the EFCC include:

- The investigation of all financial crimes including advance fee fraud, money laundering, counterfeiting, illegal fund transfers, futures market fraud, contract scam etc.;
- The coordination and enforcement of all economic and financial crimes laws.
- Adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from terrorist activities
- The adoption of methods to eradicate the commission of economic and financial crimes
- Collaborating with government bodies both within and outside Nigeria to ensure the eradication of economic and financial crimes
- Engaging in education and enlightenment campaign against the evil of economic and financial crimes within and outside Nigeria.

45. What are the special powers of the EFCC?

- The EFCC may cause investigations to be conducted as to whether any person, corporate body or organization has committed any offence under the EFCC Act or other laws relating to economic and financial crimes

- The EFCC may cause investigations to be conducted into the properties of any person if it appears to the Commission that the person's lifestyle and extent of the properties are not justified by his source of income;

46. Does the EFCC have powers to prosecute people living above their known means of livelihood?

Yes. See Q 47.

47. What are the major fraud prevention methods employed by EFCC?

The EFCC engages in public enlightenment and sensitization programmes with an emphasis on transparency, probity and accountability.

48. Why are offenders from other agencies referred to the EFCC for prosecution?

Regulatory agencies like Central Bank of Nigeria, Securities and Exchange Commission and National Lottery Regulatory Commission do not have prosecutorial powers, hence they transfer offenders to the EFCC for prosecution. Besides, EFCC is the coordinating agency for the enforcement of all economic and financial crimes.

49. At what point does EFCC make an arrest?

The Commission may invite suspects for questioning on cases being investigated. Where a suspect refuses to appear before the Commission and there exists incontrovertible evidence of a crime committed, the arrest of such a suspect is ordered.

50. Can a public official or private individual stop EFCC operatives from arresting an accused person?

No. This is based on the powers and immunities conferred on an officer of the EFCC in Section 41 of the EFCC Establishment Act, 2004.

51. Why does the EFCC declare a person wanted?

A person is declared wanted after failure to honour repeated invitations.

52. What does EFCC do with monies and properties it recovers from convicted persons and organization?

Monies recovered are returned to the rightful owners. It could be individuals, organisations or the state. In the case of the state, the money is paid into the Consolidated Revenue Fund of the Federation.

53. Does the EFCC monitor the disbursement of recovered funds?

The mandate of the Commission does not include the monitoring or disbursement of recovered funds.

54. What is Interim Forfeiture Order?

Interim Forfeiture Order is an order of a court to confiscate the assets or properties of a suspect pending the determination of the case by the court.

55. What is Final Forfeiture Order?

Where a person is convicted of an offence by the court, assets or properties that have been under interim forfeiture which have been proven to be proceeds of crime may on the order of a court be forfeited. This is referred to as final forfeiture of such assets or properties.

56. When can one report a case to the EFCC?

You can report a case to the EFCC;

- When you suspect that an economic or financial crime has been committed, with facts to support your claims.
- When you discover intent to commit an economic or financial crime.

57. What crimes can be reported to the EFCC?

Complaints bordering on economic sabotage and financial crimes such as;

- Financial malpractices of all types- bank fraud, advance fee fraud, money laundering, and other financial crimes.
- Miscellaneous offences such as identity fraud and forgery
- All suspicious economic activities, illegal bunkering, pipeline vandalism, fraud in the oil, and gas and & power sectors, land fraud, tax evasion, pension fraud, etc.

58. What are the elements of a petition?

A petition should:

- Be addressed to the Executive Chairman, EFCC.
- Have the following:
 - Name, Telephone Number & Address (for contact)
 - Title of petition
 - An introduction
 - A body of the complaint, having facts, documents and sources of information
 - A conclusion.
- End with Name & Signature.

59. What happens after a petition is submitted?

Petition submitted is evaluated, and if the case falls within the Commission's mandate, it is assigned, investigated, and where necessary, prosecuted.

Petitions that do not fall within the purview of the Commission are sent to the appropriate law enforcement agency.

60. Can petitions be submitted to the EFCC via Social Media?

Enquiries can be made via social media platforms but petitions should be made in person OR via email, to info@efccnigeria.org or via the newly launched App, Eagle Eye.

61. Who is a whistle blower?

A whistle blower is a person who exposes dishonest or illegal activities occurring in a company, a government or a private organization with the hope of stopping it.

62. What are the guidelines for a potential whistle blower?

Whistle blowers:

- Do not report frivolous or malicious complaint
- Allegations must be based on facts; avoid slander
- Report in confidence

63. How can an individual contribute to the fight against economic and financial crimes?

An individual can contribute to the fight against economic and financial crimes and all forms of corruption by:

- Refusal to take or give bribe
- Reporting requests for bribe from public officials;
- Reporting all fraudulent practices
- Avoidance of all forms and invitations to illicit gains
- Development of virtues of honesty and integrity
- Being a role model
- Educating others against economic and financial crimes.
- Forming community or neighborhood watchdogs against economic and financial crimes.
- Sending articles and other information on economic and financial crimes including corruption to the media.
- Forming anti-corruption clubs in schools/colleges and stimulating group discussions on corruption matters.
- Holding government officials accountable to citizens' entitlements

64. How long does it take the Commission to act on a petition?

The EFCC acts upon petitions as soon as they are received.

65. Can a complainant remain anonymous?

A petitioner may choose to remain anonymous. This should be indicated within the petition. However, full details of the petitioner must be made available to the Commission as this will be required to during investigations.

66. Does the Commission work with informants?

Yes

67. Is there any legal protection for informants?

Yes. By the provision of Section 39(1) of the EFCC Act, officers of the Commission cannot be compelled to disclose the identity of their informants, except by a competent court.

68. In what ways is the EFCC offering orientation to the general public on anti-graft requirements?

By means of public lectures; media sensitization campaigns among others.

69. Can the EFCC prosecute the President, Governors and their deputies?

The President, Governors and their deputies are covered by the immunity clause enshrined in Section 308 of the Constitution of the Federal Republic of Nigeria, FRN, 1999. They are not precluded from investigation.

However, they can be prosecuted after their tenure in office.

70. What is happening to the cases against former Governors?

The cases are on-going in various courts across the country.

71. Does EFCC prosecute cases other than the 'big cases' or grand corruption?

The EFCC investigates and prosecutes all forms of economic and financial crimes cases.

72. Who is a PEP?

A PEP is a politically exposed person. This refers to an individual who is or has been entrusted with a prominent public function, or who has considerable connections with such highly placed individuals.

73. Does EFCC keep a percentage of recovered funds?

No. The EFCC Establishment Act 2004 does not empower the Commission to retain recovered funds or any percentage thereof.

74. Is the EFCC engaged in media trial?

No. Such a claim is often made by accused persons and their sympathizers to win public sympathy. The Commission is under statutory obligation to keep the public informed of its activities.

75. Does the EFCC ignore corruption at local Government levels?

No. The EFCC does not ignore corruption at any level of government. The Commission's mandate empowers it to investigate and prosecute cases of economic and financial crimes at all levels of governance, including the local government. Several cases of graft have been investigated and prosecuted at the Local Government level.

76. Do you pay EFCC to investigate a case?

No. The EFCC does not charge fees to investigate and prosecute cases.

77. Does the Commission cooperate with other agencies in carrying out its mandate?

The EFCC collaborates with diverse agencies in its operations depending on the nature of interest at hand. The EFCC is also a member of the Inter Agency Task Team (IATT), a coalition of government agencies with anticorruption mandate.

78. What is the difference between EFCC and ICPC?

- The EFCC can investigate offences committed before its establishment, while the ICPC cannot.
- The EFCC has the power to investigate and prosecute all economic and financial crimes, while ICPC's mandate focuses on government/public service related corruption.

79. What is extradition?

Extradition is the procedure by which one jurisdiction, upon receipt of a formal request turns over an individual charged with or convicted of a crime to another jurisdiction.

80. At what point does EFCC apply for extradition?

The EFCC applies for extradition when there is sufficient evidence that a crime has been committed by a run-away suspect or when there is a demand for an accused person to be extradited to face trial.

81. How is the EFCC working with the Code of Conduct Bureau to authenticate asset declarations claims by political office holders?

The EFCC writes to the CCB to authenticate the claims made by political office holders.

82. Has EFCC proposed bills to the National Assembly to make relevant laws to empower its anti-graft war?

The EFCC makes contributions to draft bills and suggestions that have been utilized in the enactment of some acts.

83. Does the EFCC have intelligence officers attached to Nigerian Embassies overseas?

The EFCC does not have officers stationed across embassies abroad, but it collaborates with other intelligence agencies stationed in those embassies.

84. Are EFCC operatives stationed in all the Ministries, Departments and Agencies, MDAs?

The Commission does not station its operatives in all MDAs, but there is an inter-agency relationship between it and the MDAs.

85. Does the EFCC work with Law Enforcement Agencies, LEAs, in other parts of the world?

Yes, the EFCC works with the Metropolitan Police, Interpol, FBI, Australian Police, and German Police etc.

86. Why do we sometimes have many counts in charges filed by the EFCC?

There are no limits to the number of counts in charges that may be filed by the EFCC. It depends on the

complexity of the transactions, number of persons involved, the period covered by the criminal activities, etc.

87. Why do some defendants insist that it is the Attorney General of the Federation that has the power of prosecution over their cases and not the EFCC?

Such claims are borne out of ignorance. The EFCC exercises its power of prosecution by delegation and by the instrumentality of its Act

88. Why are some cases discontinued before final judgement?

Section 174 of the Constitution of the Federal Republic of Nigeria, FRN, 1999 empowers the Attorney General of the Federation to discontinue (*Nolle-Prosequi*) or take over any matter filed by any agency before final judgement.

89. What is a Presidential Pardon?

Section 175 of the Constitution of the Federal Republic of Nigeria, FRN, 1999 empowers the President to grant any person concerned with or convicted of any offence created by an Act of the National Assembly a pardon.

90. What is a Plea Bargain?

Plea bargain is a process of mutually working out the acceptable disposition of a case between the

defendant and the prosecution subject to the Court's approval.

91. Why did the Commission embrace the strategy of Plea Bargain instead of allowing all its cases to go through full trial?

The Nigerian criminal jurisdiction provides for the application of plea bargain. It helps to reduce the time and resources spent in protracted litigation.

92. Can the EFCC investigate or prosecute somebody already convicted?

Section 36(9) of the Constitution of the Federal Republic of Nigeria, FRN, 1999 guarantees that a person cannot be tried twice for the same offence. However, the EFCC may prosecute a convict for another offence.

93. Which court has jurisdiction over EFCC cases?

Federal High Court, State High Court and High Court of the Federal Capital Territory.

94. How do you determine a fraudulent EFCC invitation?

The EFCC will not invite you to a location other than a known EFCC office. Do not honour any EFCC invitation outside the EFCC office.

95. How can the Commission be contacted?

- The Head Office is located at:

EFCC HQ: Plot 301/302,

Institution and Research,

Cadastral District, Jabi Abuja.

- The Commission also has a website:

www.efcc.gov.ng

- Get connected to the EFCC through the EFCC social media platforms:

Facebook: <https://www.facebook.com/officialefcc>.

Instagram; <https://www.instagram.com/officialefcc>.

Twitter: <https://www.twitter.com/officialefcc>.

YouTube: <https://www.youtube.com/officialefcc>.

- For complaints or enquiries, please call the hotline:

+234-8093322644