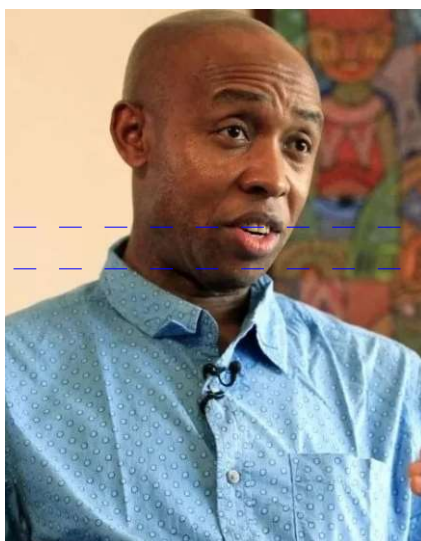


# The disappearance of Abdulrasheed Bawa

BY CHIDI ANSELM ODINKALU

Around 6 February 2005, John Githongo, Permanent Secretary in Kenya's Presidency responsible for Governance and Ethics, resigned after only two years in the role. As Michaela Wrong narrates in her vicarious memoir of Githongo's tenure, his resignation letter was transmitted from an anonymous grocer's shop in London at the beginning of what turned out to be a three-year-long exile. He had fled the job "fearing he could be murdered." When he took up the position in 2003, Githongo had arrived with energy and ideas from a senior role in global corruption watchdog, Transparency International. Corruption, he told Ms Wrong, "could only be fought from the top." The main lesson from his two years on the job, instead, appeared to be that fighting corruption was also most usually frustrated from the top. Ngozi Okonjo-Iweala, who had her own run-ins with trying to keep the country on the tarmac as Finance Minister, titled her memoirs on public finance reforms: *Fighting corruption is Dangerous*. The New York Times described Githongo's experience as "a cautionary tale about the dangers of challenging a thoroughly corrupted system." Such tales have become the staple of a succession of bedraggled tenures of chief executives of Nigeria's leading anti-corruption institution, the Economic and Financial Crimes Commission, EFCC. By some coincidence, the EFCC's first Chairman, Nuhu Ribadu, took his job in the same year that President Mwai Kibaki appointed John Githongo to his position as the presumptive Czar of anti-corruption in the country. The year after his appointment, Ribadu reached an agreement with the Nigeria Police College, Ikeja, to train cadets for the EFCC. Among the graduates from the Course 1 Cadet cohort in 2004 was one Abdulrasheed Bawa.

The brief of the EFCC, meanwhile, ran up against constitutional design and cynical politics. Although the Commission is empowered primarily to ensure accountability through criminal prosecutions, ultimate control of that function under Nigeria's constitution lies not with the Chairman of the EFCC but with the Attorney-General of the Federation and Minister of Justice, who sits in Cabinet, where the EFCC Chair does not. What the president gives to the EFCC Chair, he can take away by sleight of hand,



a nod, or a wink in the direction of his Attorney-General.

Within two years at the beginning of the Millennium, Nigeria had created two anti-corruption institutions where one would easily have served. In 2000, President Olusegun Obasanjo first established the Independent Corrupt Practices and Other Related Offences Commission, better known as the ICPC, to fight routine bureaucratic malefaction. But Nigeria was on the receiving end of sovereign stress from the Financial Action Task Force (FATF) for allegations of high profile international financial crimes involving a joint enterprise of private citizens and public institutions, which made the

rehabilitation of the country's international credit rather frustrating. Somewhat under international duress, therefore, President Obasanjo established the EFCC to help him create the impression that the country was serious about this problem. The motive for the EFCC, it seemed clear from inception, was both instrumental and performative. That was clear enough to the politicians who created it. Most of the leaders of the institution since, however, liked to pretend to the contrary.

The EFCC volubly advertises its relative success against the most notorious advance fee fraud syndicates but has proved entirely inept in bringing to account senior politicians, who have turned Nigeria into an object of abject pillage and plunder, often with the collusion of a succession of occupants of the office of the Attorney-General of the Federation.

Successive Chairs of the Commission have all ended up tarnished and hounded. Nuhu Ribadu was a dashing 40-year old police officer and lawyer who came to national prominence at the turn of the millennium representing his employers before the Human Rights Violations Investigation Commission headed by Justice Chukwudifu Oputa. He brought that gusto to his role as the pioneer chair of the EFCC where he seemed to command considerable bandwidth with then president, Olusegun Obasanjo to the point of holding sway in decisions over who was eliminated from the line of succession as Obasanjo's tenure wound to a close.

A 2006 US Embassy Cable disclosed by Wikileaks feared that the work of fighting corruption under him was "widely perceived to be nothing more than a political witch hunt by

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President Obasanjo". Human Rights Watch famously criticised him as preoccupied with the pursuit of "more headlines than convictions." As Githongo made his way back to Nairobi from three years in exile in 2008, Ribadu was headed out to his own exile of about the same duration after suffering multiple humiliations and exposure to worse at the hands of Obasanjo's successors. The tenure of Farida Waziri, the retired Assistant Inspector-General of Police, who succeeded Ribadu at the EFCC, seemed ill-fated from the beginning. According to another cable also disclosed by Wikileaks, Mrs Waziri was a client of the same politicians whom she was supposed to investigate, and her every step seemed to be dogged by suspicion and controversy. A few months into his elected tenure in November 2011, President Goodluck Jonathan mercifully relieved Mrs Waziri of her position citing "national interest."

Ibrahim Lamorde, who replaced Mrs Waziri in 2011, was sacked in November 2015, barraged by allegations by the National Assembly very much redolent of the kind that he should have been investigating against those who were hounding him. His successor, Ibrahim Magu, had the distinction of serving his tenure without Senate confirmation. On 6 July 2020, operatives of the State Security Service (SSS) arrested Mr. Magu and detained him for interrogation in connection with allegations of corruption.

Abdulrasheed Bawa was the first Chairman of the EFCC who a Police Officer was not. A lifelong staff of the Commission, Bawa was barely 40 when he was appointed to the role in February 2021 in somewhat controversial circumstances. On 14 June, the presidency announced his suspension from office for opaque reasons given as "weighty allegations of abuse of office". More than 120 days later, Bawa remains disappeared, reportedly an unacknowledged hostage of the SSS, his location unknown and undisclosed. At least three aspects of Bawa's fate merit attention. First, a government that claims democratic legitimacy should not be in the business of disappearing citizens, irrespective of what they are accused of. Whatever the allegations against Mr Bawa are, they cannot justify putting him beneath the constitution. Second, Nigeria's constitution prohibits administrative



detention, which is exactly what has become Mr Bawa's fate. Nigerians did not suffer that silently from military dictators. An administration led by those who claim to have resisted the abuses of military rule should not be caught now replaying the playbook that they reviled. If there are serious allegations against Mr Bawa, he deserves to be brought to account administratively in line with the service regulations of his employers or before a court of law. Neither option warrants his indefinite disappearance.

Third, established under the National Security Agencies Act, the powers of the SSS are limited to investigation and enforcement of crimes "against the internal security of Nigeria." Allegations of "abuse of power", which the presidency claims to be the reason for Bawa's suspension, would appear to be outside the scope of the SSS. The standard response to this is that Mr Bawa is receiving a taste of the medicine of institutional caprice that his EFCC meted out to suspects. The shortcomings of the EFCC under successive leaderships since its inception, including its investigation and detainee management protocols, are well documented. However, the habit of terminating successive leaders of the institution into political persecution is independent of that pattern.

Ironically restored under the current regime to public service as National Security Adviser, Nuhu Ribadu, who bears indelible scars from being hounded into exile as pioneer chair of the EFCC, today supervises the disappearance of Abdulrasheed Bawa in complicit silence. Nigeria's politicians may be interested only in co-opting the language of fighting corruption, but citizens have a duty to care that corruption is not enabled with official impunity. The disappearance of Abdulrasheed Bawa is not merely a violation of the standards of Nigeria's laws and constitution; it also ensures that the job of fighting impunity for grand corruption in Nigeria does not stand any chance of success.

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