

Abandoned cases of alleged corruption by former Nigerian state governors

The Economic and Financial Crimes Commission (EFCC) has investigated 31 state governors for corruption and taken 11 of them to court, but the agency has recorded only two convictions, both of whom were pardoned without completing their sentences

By Kunle Sanni

On 16 March, barely hours after handing over power to his successor, Charles Soludo, former Anambra State governor, Willie Obiano, was arrested by the *Economic and Financial Crimes Commission (EFCC)*. Mr Obiano, who had been under the radar of the anti-graft agency, was on his way to Houston, Texas in the United States when he was nabbed by EFCC operatives at the Murtala Muhammed International Airport, Lagos. Hours after his arrest, the former governor was flown to the EFCC's Abuja headquarters but was released a few days later. Although the reason for his detention was never announced, reports said Mr Obiano was invited by the commission to explain his alleged involvement in a suspected N42 billion fraud case and misuse of public funds.

The incident made newspaper headlines and elicited a variety of reactions, with many Nigerians and anti-corruption advocates applauding the EFCC for acting swiftly and proactively in the case. Mr Obiano's arrest was the most recent case of former state governors being detained for alleged graft immediately after leaving office. He was the 31st former governor to be detained by the anti-graft agency soon after leaving office. However, according to data sourced by Dataphyte, a research and data news platform, only seven of the governors have so far been convicted by the courts from charges bordering on money laundering, fraud, embezzlement, corruption; while one was acquitted.

Despite the low chance of conviction

for politically exposed persons (PEP), the Council of State on the recommendation of President Muhammadu Buhari recently pardoned and release two of the convicted former governors from prison – Jolly Nyame of Taraba and Joshua Dariye of Plateau, whose prison terms were upheld by the Supreme Court. The development enraged anti-corruption activists who had been accusing the Buhari administration of lacking sincerity in its fight against corruption.

One of Nigeria's leading pro-democracy groups, the Centre for Democracy and Development (CDD), said in a report last year that what can be considered a 'major win' is when more high-ranking officials accused of graft are prosecuted. Wilson Uwujaren, the spokesperson for the EFCC, declined to comment when asked about investigations involving previous governors the commission had been investigating over the years without charges and trial. Mr Uwujaren said he was not in a position to predict or determine when a matter would be heard in court. "These are matters that are still under investigation and I cannot tell you when a case would be taken to court," he told our reporter in a phone interview. Since its establishment, the EFCC has had run-ins with state governors over cases of alleged misappropriation of state funds. But because the Nigerian constitution confers immunity from any form of trial and conviction on state governors while in office, the anti-graft agency will have to wait until such a state executive leaves office before they can

swing into action.

Mr Obiano's arrest came months after a former Imo state governor, Rochas Okorochoa, was arrested by the EFCC in a similar fashion. However, despite the constant media attention given to these arrests, trials frequently go poorly, and convictions have been rare even in egregious cases. Meanwhile, the graft cases of the others are either ongoing or stalled with many of the accused still holding or seeking election to public offices. Last year, the EFCC boss, Abdulrasheed Bawa, said 978 corrupt Nigerians were convicted between January and September 2021, insisting that the agency was winning the war on corruption. While anti-corruption advocates and activists commended this, they urged the agency to do more against top corrupt politicians and other high-ranking officials. Only two high-profiled public office holders were in the list of nearly the 978 convictions that Mr Bawa cited. They are Abdulrasheed Maina, the former head of the Pension Task Force, and Farouq Lawan, a former federal senator, who were sentenced to prison over varying degrees of money laundering and bribery, respectively.

PREMIUM TIMES examines some of the stalled cases involving former governors.

1. Former Zamfara Governor Abdulaziz Yari the Former Chairman of the Nigerian Governors' Forum, Abdulaziz Yari, was on several occasions grilled by the EFCC for alleged illegal financial dealings and misappropriation of funds. But he has never been taken to court. PREMIUM

TIMES reported in February last year that Mr Yari faced a long interrogation session with detectives at the Lagos office of the EFCC over an alleged attempt to illegally move N300 billion from a corporate account in a new generation bank. Although details of the transaction were sketchy, sources told this newspaper that Mr Yari gave a lengthy statement to the commission's operatives before he was released late in the evening of 3 February.

PREMIUM TIMES also exclusively reported how the commission again invited Mr Yari to appear for interrogation at its Sokoto office on 8 April.

Similarly, this newspaper reported how Mr Yari allegedly conspired with the embattled Accountant General of the Federation, Ahmed Idris, in an alleged N84 billion fraud currently being investigated by the EFCC. Those familiar with the matter at the EFCC told this medium that Mr Yari spent at least \$700,000 on a trip to Saudi Arabia for lesser hajj. It was said the money came from a N20 billion he received from the suspended AGF as a portion of the 13 per cent derivation funds designated for payments to eight oil-producing states. Earlier on January 26, 2021, a judge of the Federal High Court, Abuja, Ijeoma Ojukwu, ordered the final forfeiture of some funds suspected to be proceeds of corruption found in bank accounts linked to Mr Yari.

2. Theodore Orji of Abia

Theodore Orji, a serving senator and former governor of Abia State who has been under the radar of the anti-corruption agency, was arrested in August 2021 at the Nnamdi



International Airport, Abuja alongside his son. He was granted an administrative bail after hours of interrogation at the EFCC headquarters in Abuja, sources familiar with the case told this newspaper. He was, however, released and asked to return to the EFCC office for further interrogation. Mr Orji and his sons, Chinedu and Ogbonna, are under EFCC investigation for alleged misappropriation of public funds and money laundering.

The ex-governor was alleged to have received N500 million monthly as security vote for eight years as governor of Abia between 2007 and 2015. Other allegations against him include alleged mismanagement of a N2 billion Ecological Fund and mismanagement of Sure-P Funds.

The investigation followed a petition dated March 17, 2017, filed by the Fight Corruption: Save Nigeria Group. The petitioners had accused Mr Orji of diverting "N383 billion revenue from the Federation Account, N55 billion Excess Crude revenue, N2.3 billion Sure-P revenue, N1.8 billion ecological funds, N10.5 billion loan, N12 billion Paris Club refund, N2 billion agricultural loan, and N55 billion ASOPADEC money while in office."

According to the petition, the N500 million the former governor allegedly withdrew monthly was "not part of the security funds expended on the Nigerian Police, the Nigerian Army, DSS, Navy anti-Kidnapping Squad, anti-robbery Squad, purchase of security equipment and vehicles for the security agencies." The petitioners also accused Mr Orji's son, Chinedu, of owning about 100 accounts in different banks.

3. Tanko Al-Makura Nasarawa

The EFCC had arrested the former governor of Nasarawa State and serving senator and his wife in July. The couple was grilled by operatives at the anti-graft agency's headquarters in Abuja. Mr Al-Makura served as governor between 2011 and 2019 before he was elected into the Senate for Nasarawa South district. He was also a top contender in the APC national chairmanship race earlier this year, which he lost to his predecessor in Nasarawa, Adamu Abdullahi.



Sources who confided in PREMIUM TIMES said a worrying pattern of suspicious structured transactions that suggest money laundering may have caused troubles for Mr Al-Makura.

The EFCC arrested he and his wife on suspicion of involvement in dirty money flow.

PREMIUM TIMES learned that about 55 accounts controlled by the couple and their companies were involved in the suspicious transactions, amounting to billions of naira, when Mr Al-Makura was governor. Sources said less than \$250 was lodged in one of the accounts in the two years preceding his assumption of office, but soon after he became governor, huge deposits started flowing in an apparently structured pattern. Many deposits into this domiciliary account and others were made by businesses alleged to have carried out contracts for the state government.

4. Godswill Akpabio, Akwa Ibom

The first hint of graft allegations against the former Governor of Akwa Ibom State, Godswill Akpabio was in 2015. After served as governor from May 29, 2007, to May 29, 2015, Mr Akpabio was accused of abusing his position and later entered the anti-corruption authority's records of corrupt persons. In less than six months after completing his second term, the EFCC arrested the former Governor in October 2015 following a petition by an Abuja-based lawyer and activist, Leo Ekpenyong, accusing Mr Akpabio of looting the Akwa Ibom state treasury. Mr Akpabio, who served as governor at a time the nation

enjoyed robust oil revenue, was accused of diverting over N100 billion from the oil-rich state, an allegation which he has denied.

The allegations include that Mr Akpabio awarded bogus contracts to cronies who used the proceeds to buy several properties for him in Lagos and Abuja. The allegations include that he acquired some multi-billion assets through surrogates and withdrew about N18 billion from the state's Federal Accounts Allocation Committee in tranches of N10 million and above, and spent over N50 billion state funds during the 2015 general elections.

Mr Akpabio later defected from the opposition Peoples Democratic party to the ruling All Progressive Party (APC) in August 2018. But in April 2021, he was taken into custody again and held at the EFCC headquarters for nearly two hours with five of his aides. According to Sahara Reporters, Mr Akpabio was alleged to have offered \$350,000 as a bribe to Abdulrasheed Bawa, the head of the anti-graft agency. The former minister later denied the allegations. The corruption allegations that he faced did not discourage Mr Akpabio from contesting the last presidential primaries of the APC in June this year. But he stepped aside for Bola Tinubu, a former Lagos governor who had also been investigated by the EFCC for alleged financial crimes.

5. Abdulfatah Ahmed – Kwara

EFCC arrested the immediate past Governor of Kwara State, Abdulfatah Ahmed, for alleged diversion of N9 billion from the coffers of the Kwara State government while in office between 2011 and 2019.

He was grilled by operatives at the Abuja headquarters of the EFCC in May but released on administrative bail after spending two nights in the custody of the financial crimes agency. But the EFCC has not put up the case for prosecution.

6. Aliyu Wamakko – Sokoto

After years of back-and-forth allegations of a N15 billion fund between two political allies and former governors of Sokoto State, Attahiru



Bafarawa and his successor, Aliyu Wamakko, the former dragged Mr Wamakko, who was his deputy for eight years, to the anti-corruption agency for alleged mismanagement and abuse of office. Mr Bafarawa's allegations against Mr Wamakko, the sitting senator for Sokoto-North, in a petition of 2019 was over misappropriation during their time in office. In the petition to the then EFCC zonal head, Ahmed Lateef, at the agency's Zonal Office in Sokoto, Mr Bafarawa asked the EFCC to investigate Mr Wamakko over the N15 billion Mr Bafarawa allegedly left behind in the government's coffers. In his reaction, Mr Wamakko described the petition as “non-existent” and said it came from “faceless persons”.

He said that the allegation was targeted at tarnishing his image, challenging those involved to publish his bank accounts and other details to back their claims. Mr Wamakko also noted that “the fake and debilitating report was circulated by the same deluded agents of doom and merchants of falsehood in April 2018, but their



heinous efforts failed woefully.”

Messrs Wamakko and Bafarawa who had both spent eight years together—quarrelled after the state assembly initiated a process to impeach Mr Wamakko for alleged theft. In 2007, Mr Wamakko ran for governorship position and won after parting ways with Mr Bafarawa and joining the PDP from their All People's Party (APP). He moved to the Senate after serving two-term of eight years as governor.

7. Ali Modu Sheriff – Borno

PREMIUM TIMES had exclusively reported in 2015 how the EFCC invited the former governor of Borno State, Ali Modu Sheriff. He was later granted an administrative bail

Although the anti-graft agency did not disclose why he was arrested, sources had informed this medium that it was related to an allegation that he misappropriated N300 billion his administration received from the Federation Account between 2003 and 2011.

The former governor was again invited in 2018 to the EFCC's head office in Abuja to answer to an allegation of abuse of public office to the tune of \$200 million under the guise of enforcing a dubious Boko Haram ceasefire in a neighbouring country in 2014, according to Vanguard newspaper No charges have been pressed against the former governor in court.

8. Rabi'u Kwankwaso - Kano

After shunning multiple invitations, Rabi'u Kwankwaso, the immediate past Governor of Kano State, appeared at the EFCC office last October to respond to allegations of fraud against him.

Vanguard reported that Mr Kwankwaso's invitation was connected to a petition by some retired employees of the Kano State Government to the EFCC that the former governor mismanaged pension remittances to the tune of N10 billion between 2011 and 2015, which he diverted to fund a housing project for his cronies. Sources in the EFCC also told PREMIUM TIMES that the investigation is still on and the



quizzed by EFCC detectives while in custody in March over alleged misappropriation of public funds, including N5 billion Sure-P and N37 billion security vote which was withdrawn in cash. Part of the money is also said to have been diverted to fund political activities in the state.

A 12-second video clip that has gone viral across social media platforms, had shown Mr Obiano, who was dressed in shorts and a white shirt, drinking water from a bottle in a closed room presumed to be in EFCC custody.

The video has since elicited a wide range of opinions with many Nigerians denouncing it, and demanding an investigation into how it was leaked. A spokesperson for Mr Obiano described the video footage, showing his principal in his “underpants” in detention, as a witch hunt.’ Since the release of the former governor, there has not been much information on his case.

10. Bukola Saraki – Kwara

A former Acting Chairman of the EFCC, Ibrahim Magu, had said the Commission was investigating Bukola Saraki, a former Senate President, for alleged financial crimes. The two-term former governor of Kwara State had questioned the motive of the former EFCC boss for opening an investigation into his stint as governor, saying it was a ‘witch-hunt’ against him. Like for his successor, Mr Ahmed, the EFCC investigated Mr Saraki for an alleged conspiracy, abuse of office, misappropriation of public funds, theft, and money-laundering. The EFCC also marked some properties at 15a, 15b and 17 MacDonald Road, Ikoyi, Lagos

allegedly belonging to Mr Saraki.

Reacting through his media aide, Yusuph Olaniyonu, Mr Saraki said the agency was only investigating what it had once probed and tagged the agency as ‘mischievous.’ The probe started when the agency wrote a letter to the Kwara State Government for a breakdown of Mr Saraki’s income and entitlements as governor of the state. The anti-graft agency advised Mr Saraki not to be shaken “so long as he has no skeletons in his cupboard”.

11. Bola Tinubu - Lagos

The EFCC Chairman, Abdulrasheed Bawa, in an interview with This Day newspaper last June said the presidential candidate of the APC, Bola Tinubu, is under investigation over assets declaration.

Mr Tinubu’s source of wealth has been the subject of controversies with many Nigerians calling for his investigation. Although the Attorney-General of the Federation and Minister of Justice, Abubakar Malami, denied any plan to investigate Mr Tinubu, a copy of a letter from the EFCC to the Code of Conduct Bureau demanding copies of Mr Tinubu’s asset disclosure form had circulated on social media. According to The Peoples Gazette, an online news medium that broke the news, the letter dated 6 November, 2020, was signed by the then Lagos zonal head, Mr Bawa, who is now the Chairman of the EFCC. Mr Tinubu has been accused of having interest in Alpha Beta Consulting and diverting Lagos State cash through the company.

In a 40-page document submitted to a Lagos high court in 2020, Dapo Aparu, a former managing director of the company, accused Mr Tinubu and Akin Doherty, a former commissioner in Lagos, of money laundering, fraud, tax evasion, and several other corrupt practices.

Deji Adeyanju, the convener of Concerned Nigerians, on 25 October, 2019, had also petitioned the EFCC to probe Mr Tinubu about the source of money delivered in bullion vans to his Ikoyi home on the eve of the 2019 presidential election. The EFCC had over the years dismissed media questioning regarding Mr Adeyanju’s petition against Mr Tinubu’s

Lawyer, CSO react

One of the difficulties in the fight against corruption, according to the Country Director CDD, Idayat Hassan, is the amount of effort done by the defence to undermine the anti-corruption body’s investigation. “I think most times, we seem not to talk about it. It is like there has been a perception of the strategy of the defence in most instances to delay cases to choose different routes. And it has often been perfected,” Ms Hassan said.

She stated that while the country must maintain its commitment to the battle against corruption, prevention should also be a top priority. Ms Hassan also demanded that the immunity clause for public officials be repealed, and also, ensure increased financing for anti-corruption authorities.

“I think there is a need to look at challenges and what can actually be done, particularly from the side of the defence. And also the kind of evidence; what kind of evidence is needed to prosecute people, and who are the people? “Also, for political office holders, because of the immunity clause, it makes it very difficult to get them to the court during their time in office. The removal of the immunity clause is important and it is also a way of addressing this. And the readily available resources allocated to the anti-corruption agencies.

“And moving into the future, our emphasis should be more on prevention. How don’t prevent corruption from happening in the first place, and how we can block all those loopholes that have allowed for corruption is important,” Mrs Hassan said.

