



8<sup>th</sup> July, 2019

The Attorney General of the Federation and Minister of Justice  
Federal Ministry of Justice  
Maitama  
Abuja

Dear Sir,

**DEMAND FOR THE IMMEDIATE RESUMPTION AND CONTINUATION OF THE PROSECUTION OF SENATOR DANJUMA GOJE**

We write in relation to the above subject matter.

Our locus on the above subject matter is based on our mandate as a non-governmental organization and a non-partisan human rights and development league with the mandate to protect and promote universally recognized human rights, accountability and environmental justice in Nigeria and Africa, in accordance with international standards and for this course, we seek to foster the cause of transparency and accountability.

In the light of the above, our demand is triggered and awakened by the news of the withdrawal of the corruption charges against Senator Danjuma Goje by the Office of the Attorney General of the Federation before Justice Babatunde Quadri of the Federal High Court, Jos published by Premium Times on the 6<sup>th</sup> July, 2019<sup>1</sup>.

Laws are made for preservation of law and order and the ultimate serenity of the nation; hence, the reason laws are enacted in the first place. The power of the office of the Attorney General of Federation is vested in Section 174 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended).

Section 174 (1) (a-c) states as follows that the Attorney General of the Federation shall have power;

".....

- (a) to institute and undertake criminal proceedings against any person before any court of law in Nigeria, other than a court-martial, in respect of any offence created by or under any Act of the National Assembly;
- (b) to take over and continue any such criminal proceedings that may have been instituted by any other authority or person; and
- (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by him or any other authority or person...."

The content of the above provision expressly states that the power of the Attorney General of the Federation is to institute, undertake, take over, continue and discontinue at any stage, any criminal proceedings from any person before any court of law. However, the Constitution states in Section 174(3) as follows that;

"... In exercising his powers under this section, the Attorney-General of the Federation shall have regard to the public interest, the interest of justice and the need to prevent abuse of legal process".

It was reported by Premium Times on the 7<sup>th</sup> June, 2019<sup>2</sup> that the Economic and Financial Crimes Commission withdrew from handling the case during an emergency hearing before Justice Babatunde Quadri of the Federal

<sup>1</sup> <https://www.premiumtimesng.com/news/top-news/339183-nigerian-govt-withdraws-corruption-charges-against-danjuma-goje.html>

<sup>2</sup> <https://www.premiumtimesng.com/news/headlines/333905-efcc-withdraws-from-goies-corruption-trial.html>

There are questions left unanswered in the minds of Nigerians as to what informed the basis of taking over the matter from EFCC in the first place, as the prosecution of the corruption charges against Senator Danjuma Goje is well within the powers vested in the EFCC. Although, the constitution makes provision for taking over as stated above, nevertheless, the provisions of Section 174(3) is unambiguous on basis for which the power to take over must be exercised. We, as an organisation has no doubt that the exercise of this constitutional power, under the current circumstance, fails to meet the condition set out in Section 174(3) of same Constitution. Rather, this action purports to pervert justice, its against public interest and promotes abuse of legal process.

We strongly hold that these charges were withdrawn as a result of political expediency, at the expense of over N250 million invested in the investigation and prosecution of the matter in the last 10 years. Our organisation had, on the June 12, 2019, written to alert your office to our interest in and monitoring of developments in the matter, immediately it was reported by the media that your office has applied to take over the matter from the Economic and Financial Crimes Commission.

Do note that the public was aware of your office's intention, the moment your office took its decision only a day after Senator Danjuma Goje stepped down from the race for Senate President in the 9th National Assembly. The EFCC withdrew from the matter and handed over to the office of the Attorney-General for continuation<sup>3</sup>. Only 28 days after taking over the prosecution of the case, your office suddenly withdrew the charges without any official explanation to the tax-payers who's sweat the EFCC deployed in investigating and prosecuting the matter so far. This action, beyond the dent on the anti-corruption mantra of the government, amounts to waste of resources that could have been expended in meaningful projects to benefit the lives of the populace.

Our organisation believes that the act of withdrawing the charges against Senator Danjuma Goje is not in the public interest, unconstitutional and should be reinstated without further delay. It is not in the public's best interest that the tax payers monies used in carrying out investigation go unaccounted for and without meaningful result. It is in public interest that allegations of corruption of the mismanagement of 25 billion go through the due process of trial which will lead to eventual vindication or otherwise. This withdrawal is pre-empting justice and is clearly not in the interest of justice. The rule of law is threatened and at the verge of collapse by this singular action of your office.

In the circumstance of the above relayed, we **HEREBY DEMAND** for the immediate reinstatement and diligent prosecution of case of Senator Danjuma Goje within 14 days of the receipt of this letter in the interest of justice. Failure to accede to this demand within the specified period, shall not hesitate to institute an action before a court of competent jurisdiction demanding your office to act accordingly. We shall also deploy all legal and constitutional means to press for this demand

Do accept our warm regards.

Thank you.

  
**Olanrewaju Suraju**  
Chairman

<sup>3</sup> <https://www.premiumtimesng.com/news/headlines/333905-efcc-withdraws-from-gojes-corruption-trial.html>