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RE:COMMON

THE
CORNER
HOUSE

Mr. Muhamadu Buhari
President, Federal Republic of Nigeria
Presidential Villa,
Aso Rock,
Abuja

11th November, 2020

Dear Mr President;

We write further to our letters of 9 July 2020, 7th August 2020 and 16 September 2020, in which we expressed profound concerns over the conduct of the judicial inquiry into allegations made by the Attorney General, Abubakar Malami, that Ibrahim Magu had abused his office when Acting Chair of the Economic and Financial Crimes Commission.

As we have repeatedly stated, our concerns are not over the investigation per se: all allegations of corruption must be thoroughly probed. Rather, it is that the investigation has, from the start, been so deeply flawed and biased that impartial observers have long since given up hope of Mr Magu receiving a fair hearing. Indeed, you should be aware that international anti-corruption campaigners, including ourselves, now regard the Investigation Panel as nothing less than a Kangaroo Court.

At almost every stage, Mr Magu has been denied due process. Magu was not provided with the allegations against him until 35 days after the Panel had convened. His lawyers have repeatedly been excluded from many of the hearings. Most of the witnesses were examined without Mr Magu being present. Witnesses have been allowed to testify without swearing to an oath of truth. And the main accuser, Attorney General Malami, has refused to comply with a subpoena ordering him to give testimony, on the dubious (and cowardly) grounds that he was merely passing on complaints that had been made to him by others.

We have no reason to doubt the integrity of the Panel's chair, Mr Justice Ayo Isa Salami before his appointment; but he is just one member of a Panel that has been packed with Ministry of Justice and security agency officials who are among Magu's accusers. Moreover, it is reported that Magu's chief accuser, Attorney General Malami, has set up an in-house committee to write the Panel's report. If true, this would be an insult to justice.

We implore you to act. When the Panel was established on 3 July 2020, you gave it 45 days to report. That deadline has long since passed. The report was that another 60 days was granted after the expiration of the original 45 days. It is now more than 120 days. How much longer must this travesty continue? The Panel has had its time, disobeyed the clear instructions to report by a specific deadline and should now be disbanded. If the Panel has not found credible evidence against Mr Magu, then it should say so. If it is too incompetent

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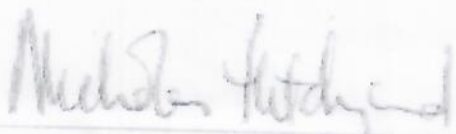
to write a report within the mandated time, then it should be wound up, and the public purse protected from further unwarranted calls on the stipend that Panel members draw.

Mr President, every day that passes with this matter unresolved is a day that gives succour to those who oppose your Presidency's fight against corruption. Indeed, we cannot overstate the damage that Attorney General Malami's vendetta against Mr Magu has inflicted on the reputation of Nigeria and, indeed, your Presidency. It encourages the view that those who fight corruption can, with the connivance of senior government officials, be brought down or incapacitated through flimsy and totally unsubstantiated accusations of wrongdoing. Now that the era of Donald Trump is drawing to a close, we fully expect the incoming Biden Presidency to strongly resume the international fight against corruption – as such we cannot emphasise enough how damaging this situation is likely to be for US-Nigeria relationship, in particular around law enforcement and cooperation.

Nigeria deserves better than this. It needs those of the calibre of Mr Magu to be at the forefront of the fight against corruption, not side-lined because he insists that no-one should be beyond the reach of the law. Without Magu's leadership, as the High Court in London recognised, the P&ID case would likely have been decided in P&ID's favour. With Eni now taking Nigeria to the International Centre for Settlement of Investor Disputes for declining (rightly) to convert OPL 245 to an Oil Mining License, the restoration of Magu to his office is of paramount importance. Without him, Nigeria can only be handicapped in resisting Eni's bullying.

We wish you the best in taking the right and firm decision on this matter.

Yours Sincerely,



Nicholas Hildyard, The Corner House



Luca Manes, Re:Common



Olanrewaju Suraju, HEDA



Simon Taylor, Global Witness