Professor Bolaji Owasanoye SAN
Chairman, Independent Corrupt Practices and Other Related Offences Commission (ICPC)
Plot 802, Constitution Avenue
Zone A9, Central Business District
Federal Capital Territory
Abuja

5th May 2022

Dear Sir,

CALL TO ACTION – COMPILATION OF CORRUPTION ALLEGATIONS AND ABUSE OF OFFICE AGAINST THE ATTORNEY GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE – MR. AUBABAKAR MALAMI (SAN)

The above subject matter refers.

Human and Environmental Development Agenda (HEDA Resource Centre) is a leading Anti-Corruption Organization in Nigeria and Non-partisan Human Rights and Development League with the mandate to protect and promote universally recognized human rights, public accountability, transparency and environmental justice in Nigeria and Africa, in accordance with International best standards.

We write this petition to bring to your attention, allegations of corruption and abuse of office against the current Attorney General of the Federation and Minister of Justice, Mr. Abubakar Malami (SAN). We are perturbed by these reports considering the revered position occupied by Mr. Malami, being the number one law officer of the country. Some of the allegations as conveyed in the media reports go to the root of breakdown of law and order, total disregard for the rule of law and breach of the code of conduct for public officers. These allegations serve as a slap in the face to the Government and Nigerians as a whole. These allegations are total opposite of the core objectives of this administration and international perception of the country.

On the 2nd day of May 2022, it was widely reported in various news outlet that the Honourable Attorney-General of the Federation and Minister of Justice, Abubakar Malami SAN distributed 30 car gifts worth over N1,000,000,000,000 (One Billion Naira) to his supporters in Kebbi State. The car gifts include 14 Mercedes Benz, 8 Prado SUVs, 4 Toyota Hilux and 4 Lexus LX. Beneficiaries of the car gifts as reported by Premium Times are social media influencers, Executive members of Malami’s foundation and Women support groups. This act of the Attorney-General of the Federation of buying political support and flavour can be deduced to be motivated by the 2023 general election and the AGF’s ambition to be the next governor of Kebbi State come May 2023. However, in so doing, the AGF has violated the Code of Conduct for Public Officers and also Section 121 of the Electoral Act 2022.

Below are but a few of several other allegations against Mr Abubakar Malami SAN;

1. Illegal auctioning of sea vessels holding crude oil seized by the Federal Government, violating Section 31(2) and (4) of the EFCC Act 2004 and assuming the role conferred on the Economic and Financial

Crimes Commission as reported by The Cable Newspaper on the 13th July, 2020. The AGF also authorized the sale of these vessels by companies under EFCC prosecution for similar offence of illegal bunkering and this action was admitted by the AGF through his Media Assistance pleading presumption of innocence on the part of the accused, in the case being prosecuted by the Federal Government through the EFCC.

2. Ordering the stoppage of investigation of a multi-billion Naira fraud in Nigeria Incentive-Based Risk Sharing System for Agricultural Lending (NISRAL). By a letter ordering the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices and other related offences Commission (ICPC), the State Security Service (SSS) and the Nigeria Financial Intelligence Unit (NFIU) to all stop investigating the financial misappropriation in NISRAL; allegedly describing the investigations as an "unhealthy competition" and "sheer waste of government resources". As reported by Sahara Reporters on the 21st June, 2020.

3. Alleged duplicity of payment of $16.9 million fees to two friends as new lawyers for the recovery of the loot traced to a former Nigerian Head of State, Sani Abacha, after a Swiss lawyer hired and fully paid by the previous government, Enrico Monfrini, to help in the recovery had completed his brief as reported by Premium Times on the 10th April, 2018.

4. Withdrawal of the case against the current Chairman of Code of Conduct Tribunal (CCT) Mr Danladi Yakubu Umar for criminal charges of fraud in the course of discharging his duties and struck out by Justice Yusuf Halilu of the Federal Capital Territory High Court, Abuja after it was withdrawn by the EFCC. As reported by Barrister NG on the 7th February, 2019.

5. Allegedly seeking the withdrawal of the cases against Bello Adoke, Diezani Alison-Madueke and others involved in the Malabu scandal through his letter to your Excellency on the ground of lack of significant evidence to prove allegations of sharp practices against prominent players in OPL 245 oil deal. As reported by Premium Times on the 18th February, 2018. Nigeria has recovered the sum of $78 million from this recovery and some of the individuals were convicted in Italy while others and the companies are being prosecuted in Milan, Nigeria and already indicted in the Netherlands.

6. Barring the prosecution of the former Comptroller General of Customs, Mohammed Inde Dikko, as a result of the non-prosecution agreement reached between the Attorney General of the Federation and the Director-General of the Department of State Services (DSS) on one side and the Comptroller General of Customs to refund $8 million to the Federal Government. Justice Dingba refused to allow further prosecution of this matter under the guise that Mr Dikko had kept his promise under the agreement by refunding N1,576,000,000 and more to the federal government through the EFCC funds recovery account in the Central Bank of Nigeria (CBN). Meanwhile, the federal government through the Minister of Information in 2018 released a statement accusing Mr. Dikko of stealing over N40 billion.

7. Alleged reinstatement of Abdulrasheed Maina, former chairman of the Pension Reform Task Team (PRTT) into the Federal Civil Service Commission without due process, after being dismissed in 2013.

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2 https://www.thecable.ng/malami-risks-5-years-in-jail-lawyer-speaks-on-sale-of-seized-oil-assets  
8. Mr. Abubakar Malami filed for the discontinuation of a 25 billion Naira criminal charge against Senator Danjuma Goje without any justification, after over 7 years of diligent investigation and diligent prosecution by the EFCC.

9. In June 2020, Mr. Malami allegedly withdrew criminal charges against killer soldiers who allegedly killed civilians and police officers in a bid to aid the escape of Wadume, a notoriously dreaded kidnapper and an armed robber, from the arrest of those police officers.

10. Ownership of the underlisted properties which are considered to be beyond his legitimate earnings:

I. A multimillion Naira sprawling building Rayhaan Hotels estimated to worth about N500 million Naira, located at opposite Aminu Kano Teaching Hospital, Zaria Road, Kano State.

II. Another property worth about N600 million Naira locate at Ahmadu Bello Way, Nasarawa GRA, Kano.

III. A newly constructed school at the back of Nitel at Gesse Phase 1, Birni Kebbi worth about N700 million.

IV. A multi million Naira property built by Mr Malami for his son locate at Gesse Phase II in Birni Kebbi worth over N400 million.

V. A mansion known as Azbir Arena allegedly built by Mr. Malami for his second son. Azbir Arena an entertainment centre is said to worth over N3 Billion, with a big plaza and kids playing centre and hotel all combined in one expansive property.

VI. Mr. Malami used the official letterhead of the office of Attorney General and Minister of Justice to communicate his son's wedding arrangement to guests like a state sponsored event.

VII. He aided his son at his wedding party reception to deface the Naira and other currencies to the embarrassment of the country and in violation of section 21(1) and (3) of the Central Bank Act, 2007, which provides:

"(1) A person who tempered with a coins or notes issued by the Bank is guilty of an offence and shall on conviction be liable to imprisonment for a term not less than six months or to a fine not less than N50,000 or both such fine and imprisonment

(3) For the avoidance of the doubt, spraying of, dancing or matching on the Naira or any note issued by the Bank during social occasions or otherwise howsoever shall constitute an abuse and defacing of the Naira or such note and shall be punishable under Sub-section (1) of this section."

11. On 18th November, 2018, Mr Malami, through a lawyer from his office, Mr Pius Akuta, came to Lagos State High Court to withdraw a case of fraud filed by EFCC against one Dr. John Abebe, a businessman and younger brother to late Stella Obasanjo but the EFCC resisted the illegal move before justice Dada of the Lagos State High Court on the

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ground that the AGF has no constitutional power to take over a case filed in the Lagos State High Court.

12. Mr Malami allowed the breach of Covid-19 protocol and regulations at his son’s wedding thereby putting the lives of Nigerians at risk. Please note that in Ghana recently, a minister resigned from his position because he breached the country’s Covid-19 protocols.10

13. At ICPC, Mr Malami also displayed his unpretentious hatred for the fight against corruption by writing a letter dated 16th December, 2016 withdrawing the case of fraud filed against Mr Godsdial Orubebe, the former Minister of Niger Delta, in a case involving over N1.97 billion, on the ground that in his opinion, there was no basis for filing the charge against him.11

14. The AGF was also reported to have advised the president to approve the nomination and appointments of over 30 Judges of the FCT High Court, when only about 10 were qualified for such appointments, thanks to the Civil Society groups and other stakeholders who pointed out the anomaly, and to the NJC especially, for saving the situation.

We strongly believe that the above allegations are deserving of thorough, immediate and urgent investigation considering the personality of the individual and the exalted office he occupies. The veracity or otherwise of these allegations is essential for the sanity of the public service.

As an organization, relentless in seeing transparency and accountability actualized and that due process is deployed in investigating corruption, abuse of power and office, we strongly believe that the above allegations levelled against the Attorney General of Federation and Minister of Justice, Mr Abubakar Malami SAN is deserving of your urgent action.

It is on the basis of the above and also going by our mandate as a leading Anti-corruption organization in Nigeria and also by your duty and responsibility to prevent and prosecute abuse of public office and the breakdown of law and order in Nigeria, we humbly request that you diligently investigate this very serious allegations against the Attorney-General of the Federation & Minister of Justice; Mr Abubakar Malami SAN and prosecute accordingly if found culpable.

We thank you and look forward to a diligent investigation and action on this petition as you are always assured of our usual cooperation.

Thank you.

Yours sincerely,

Mr Olanrewaju Suraju
Chairman

11 https://www.thecable.ng/court-dismisses-n1-97bn-fraud-case-against-orubebe