



Federal Ministry of Justice

20 Major Achievements of AGF Malami in 2020

By Dr. Umar Jibrilu Gwandu

Despite the 2020 COVID-19 lockdown, the Office of the Attorney General of the Federation (AGF) and Minister of Justice, Abubakar Malami, SAN remained actively engaged to deliver on its public-oriented national mandate. Far from any ranking, preference or chronological chronicling of events, below are some of what might be considered as major achievements recorded by the Federal Ministry of Justice, Office of the Attorney General of the Federation and Minister of Justice, Abubakar Malami, SAN in the year 2020 despite the lockdown.

1. Repatriation of Over \$300m Looted Funds

In January, 2020 Nigeria's Federal Executive Council approved the memo for the repatriation of looted funds of over \$300m from the United States and Island of Jersey. The task was assigned to the AGF and Minister of Justice, Abubakar Malami, SAN.

The Office of the AGF assiduously worked and ensured the repatriation of three hundred and eleven million, seven hundred and ninety-seven thousand, eight hundred and sixty-six point one-one dollars (\$311,797,866.11) of the Abacha loot from the United States and the Bailiwick of Jersey.

Already, the government of Nigeria has committed that the assets will support and assist in expediting the construction of three major infrastructure projects across Nigeria, namely: The Lagos - Ibadan Expressway, Abuja - Kano Road, and the Second Niger Bridge.

The Federal Government has already approved the engagement of Civil Society Organisation for to monitor the implementation of the application of the recovered assets. This is in line with the Open Government Partnership, UNCAC and 2020 Trilateral Agreement with Nigeria, United State of America and Bailiwick of Jersey.

2. Securing Victory for Nigeria against P&ID

The Office of the Attorney-General of the Federation and Minister of Justice recorded the following successes, relating to lingering imbroglio between the Federal Government and Process and Industrial Development Limited:

- a) Securing an order for stay of execution of the arbitral award.
- b) Challenging and changing the order for cash deposit of \$200m to bank guarantee.
- c) Success was equally recorded for having an order for the extension of time to challenge award and agreement.
- d) Nigeria was successful as the court award payment of legal cost of €1.5m in favour of the country against P&ID.
- e) Award of payment of €70,000 to Nigeria as further legal cost relating to the issue.
- f) Nigeria obtains multiple positive rulings to obtain information from banks abroad which helped in establishing fraud.

3. Securing Victory for Nigeria against Inter Ocean Oil

Through the dogged determination of Nigerian legal team lead by the Attorney General of the Federation and Minister of Justice, Nigeria got relieved of \$1.5b liability and gains \$660,000 arbitration cost in the dispute with Interocean Oil Company.

The US-Based International Centre for Settlement of Investment Dispute headed by Professor William Park ordered InterOcean to pay the Federal Government of Nigeria Six-hundred and sixty thousand one hundred and twenty nine United State Dollars and eighty seven cents (USD 660,129.87) as reimbursement of its share of the arbitration costs incurred in the proceedings.

The Tribunal also absolves the Federal Government of Nigeria from any liability maintaining that Nigeria did not breach any of its obligations in the contract agreement with Interocean Development Company and Interocean Oil Exploration Company.

4. Proposing Post COVID-19 Justice System Plans

The Nigerian Justice Sector is obviously not immune from the effects of the pandemic. The necessity to prevent the spread of COVID-19 virus has led to, among other things, a nationwide closure of court rooms (save for certain exceptions).

Hence, the office of the AGF saw the urgent need for paradigm-shift to adjust the judicial process to make for recovery of lost grounds occasioned by the lockdown.

One major lesson from COVID-19 is that the Nigerian Justice Sector must seriously leverage technology in the improvement of its capacity and for facilitating fair and speedy administration of justice.

5. Assets Recovery and Management Committee

Acting in compliance with the extant laws including the provisions Economic and Financial Crimes Commission (EFCC) Establishment Act 2004, the Attorney General of the Federation and Minister of Justice, Abubakar Malami, SAN set up and inaugurated Inter-Ministerial Asset Disposal Committee. The Committee was given six months to discharge its mandates.

6. Moves Towards having National Arbitration Policy Committee

Malami, inaugurated members of the National Arbitration Policy Committee charging to come out with a comprehensive policy that will, among other things, ensure that domestic transactions originating and terminating in Nigeria are arbitrated in the country.

7. Establishment of National Depository of Treaties

The Office of the AGF also established an electronic National Depository of Treaties that will serve as the depository of all treaties entered into between the Government of the Federation and any other country of any Ministry, Agency or Department. This is in line with Section 4 of the Treaties (Making Procedure, Etc.) Act Cap. T20 Laws of the Federation (LFN) 2004, which domiciled the National Depository of Treaties in the Federal Ministry of Justice.

8. Executive Orders

Attorney-General of the Federation and Minister of Justice, Abubakar Malami, SAN saw to the signing of Presidential Executive Orders which he said aimed at complimenting the existing legislations and ensure inter-agency coordination in the process of implementation.

Signed into law in 2020 was Executive order No.10 for the implementation of Financial Autonomy of State Legislature and State Judiciary Order, 2020.

Also signed into law by the President was the Executive Order number 8 of 2018, amendment 2019 on the Voluntary Offshore Assets Regularization Scheme (VOARS).

Speaking on Executive Order 10 on the Autonomy of State Legislature and Judiciary, Malami pointed out that Executive Orders were for ensuring constitutional compliance, complementing existing legislations, ensuring and enhancing operation, enforcement and application of the provisions as well as providing necessary supervision required for the enforcement.

9. Prosecutions of Criminals/Fraudsters

The Office of the Attorney General of the Federation and Minister of Justice recorded tremendous breakthrough in securing conviction, under the new anti-piracy legislation at the Federal High Court sitting in Port Harcourt.

Within the year, the Office has successfully prosecuted and secured 3 high profiled convictions under the Terrorism Prevention Act before the Federal High Court sitting in Maiduguri.

It is on the record that through the instrumentality of the Mutual Legal Assistance Treaty, the Attorney General of the Federation and Minister of Justice personally led the prosecution of suspected international fraudsters at the Federal High Court, Abuja.

The suspects were allegedly involved in frauds running into millions of Euros on the pretext of providing Covid 19 Personal Protection Equipment to Germany and Netherlands.

10. Move for Eradication of Sex and Gender Based Violence

The Office of the Attorney-General of the Federation and Minister of Justice saw to the inauguration of an Inter-Ministerial Gender Based Violence Management Committee. The Office is supervising the review of all the existing laws, providing a comprehensive and appropriate support services to ensure that victims and survivors of sexual offences are not subjected to further stigmatization and trauma among others.

11. Chairing the 78th Session of UNIDROIT

As the Chairman of the 78th Session of the International Institute for the Unification of Private Laws UNIDROIT General Assembly, Rome; Attorney General of the Federation and Minister of Justice Abubakar Malami said during his tenure significant progress was made in respect of substantive projects and institutional improvements despite COVID-19 pandemic situation.

He said remarkable progress has been recorded in the implementation of the 2019 adopted Protocol to the Cape Town Convention on matters specific to Mining, Agricultural and Construction (MAC) Equipment.

12. Championing the Anti-Corruption Crusade

No fewer than twenty-five civil society organizations have expressed appreciation over the Attorney General of the Federation and Minister of Justice, Abubakar Malami's efforts that culminated into the successes recorded in the anti-corruption crusade of the President Muhamadu Buhari's administration.

13. Initiating Reforms of the Nigerian Legal System

Attorney-General of the Federation and Minister of Justice, Abubakar Malami, SAN said the Federal Government is working round the clock to ensure that Nigerian legal system reflects nation's existence in view of dynamism and contemporary realities.

"Generally speaking, we are not only changing/amending the obsolete laws, but coming up with new ones that are dynamic, that can stand the taste of time and that factor in dynamics associated with developments in technology and otherwise. We will ensure that all laws that deserve to be reviewed are reviewed".

It may be recalled on September 10th, 2020 the Minister inaugurated members of the 9th Commission of the Nigerian Law Reform urging them to be guided by the rules and regulations as provided by the Section 2 & 8 (1) of the Act.

The Minister asked them to ensure that all the rules and regulations relating to management of the human, material and financial resources of the Commission are adhered to in accordance to the objectives of the Federal Government, as contained in Section 8(1) (c) of the Act.

14. Contributing towards Decongestion of Correctional Centres

As part of measures to decongest the Custodial Centres nationwide in the wake of the COVID-19 pandemic and the dangers posed to the centres, the Committee in collaboration with the Presidential Advisory Committee on Prerogative of Mercy, Federal Ministry of Justice, Ministry of Interior, State Executives and other relevant stakeholders, have been able to release over 7000 inmates. It is however, noteworthy that the releases were carried out in line with specific guidelines approved by Mr. President in view of national security and public interest.

15. Treating 13,772 mails

The Attorney General of the Federation and Minister of Justice, Abubakar Malami, SAN received and treated thirteen thousand seven hundred and seventy two mails received from Thursday 2nd January, to Friday 18th December, 2020.

The break down shows that the Minister received and treated a total of four thousand six hundred and seventy nine mails from Government agencies, while five thousand two hundred and eighty one mails were received from law firms as seven hundred and fifty six civil society organization sent in their letters while the remaining three thousand and fifty six were received from individuals.

16. Facilitating the Drafting and Signing of Sentencing Guidelines

The Attorney-General of the Federation and Minister of Justice, Abubakar Malami, SAN said the Consolidated Federal Capital Territory Courts Sentencing Guidelines and Practice which was signed by the Chief Judge of the FCT, as a product of collaboration efforts in Correctional Centres reform programs, will accelerate decongestion of Correctional Centres nationwide.

17. Malami Serves as Member Presidential Power Initiative

President Muhammadu Buhari of the Federal Republic of Nigeria has again appointed the Attorney-General of the Federation and Minister of Justice, Abubakar Malami, SAN as a member Special Purpose Vehicle (SPV) for Presidential Power Initiative.

18. Establishment of Central Database for Recovered Assets

In compliance with Section 3 of the Assets Tracing, Recovery and Management Regulations (2019), the Attorney General of the Federation and Minister of Justice, Abubakar Malami, SAN formally launched the Central Database on Recovered Assets. Also introduced was the Central Criminal Justice Information System under Pillar 1 of the provisions of the National Anti-Corruption Strategy (2017-2021).

19. Receive International Organization Eulogizing Verdicts

There have been several positive reports about Nigeria's justice system. The Prosecutor of the International Criminal Court, Hague, Fatou Bensouda says "I have repeatedly stressed my aspiration for the ability of the Nigerian judicial system to address these alleged crimes.... We have seen some efforts made by the prosecuting authorities in Nigeria to hold members of Boko Haram to account in recent years, primarily against low-level captured fighters for membership in a terrorist organization".

The 2020 Report of the Committee to Protect Journalists says Nigeria no longer among countries where crimes against journalists go with impunity. Nigeria is the only that gets out of the list of the country where crimes against journalists go with impunity.

The report of a survey conducted by the Socio-Economic Right and Accountability Project (SERAP) tagged “Nigeria: Anti-Corruption Social Norms Report 2019” “Breaking-down the statistic, the report shows that 56.7 per cent of Nigerians surveyed responded positively that they are optimistic the Federal Government of Nigeria is capable of reducing or ending corruption in the country which is a clear indicator of the confidence Nigerians have in the Federal Government’s anti-corruption fight.

20. Proposed Laws Driving Digital Economy

Attorney General of the Federation and Minister of Justice actively participated in the Digital Eco-System Steering Committee to bring about a new Data Management Act for Nigeria. The draft bill is at advanced stages of finalization. Proposed Laws under this category included the Electronic Evidence Act, Digital Data Management Act, Electronic Banking Act, among others.

Efforts have reached advanced stage for Electronic Transactions Act which is the resuscitation of the Electronic Transactions Bill currently in the National Assembly.

With the increasing need to ensure prompt and effective management of legislative agenda of government, the Attorney General of the Federation worked with the leadership of the National Assembly to set up a joint coordinating committee for review of bills. The committee aimed to proactively avoid delay in responses to bills and to ensure prompt assent to bills that improve the economy and address security and infrastructure challenges in the country.

The year 2020 has come and gone. The Office of the Attorney General of the Federation and Minister of Justice recorded tremendous successes and indelible imprint in the development of the country which many individuals, organizations and institutions appreciated.

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