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Malami's **Impact** On Nigeria's Justice System



**20 Major
Achievements**

In 2020

■ **Abubakar Malami SAN**
Attorney-General of the Federation and Minister of Justice



Malami's Impact

On Nigeria's Justice System

By Dr. Umar Jibrilu Gwandu

In its speculative report on “How Buhari will Assign Ministerial Portfolios,” the Daily Trust on Sunday 28th July 2019 alludes that “Abubakar Malami (Kebbi) is most likely to be retained as Attorney-General and Minister of Justice”.

Although the paper says he could be appointed the Minister of Information, but was quick to say that it was very “unlikely” to get him moved out of the Ministry of Justice claiming that “impeccable Presidency sources” said there was no contemplation on replacing him because “he has a lot of unfinished assignments in the Ministry of Justice”.

The media is making this position on Malami not because he was the Chairman of the Presidential High Powered Committee on Extension of Continental Shelf neither because of his experience as the Chairman, Presidential Committee on the Verification of Debts owed to Asset Management Corporation of Nigeria nor of the fact that he chairs Presidential Implementation Committee on the Financial Autonomy of State Legislature and Judiciary.

Abubakar Malami, SAN, the then youngest Minister of Buhari's first term proved to be an instrument for the amplification and the actualization of presidential ambition of taking Nigeria out of the nasty epithet of a “corrupt nation”.

During Malami's tenure as the Minister of Justice and Attorney General of the Federation, the Asset Recovery and Management Unit of the office revealed that fifty-nine billion, one hundred and sixty-three million, twenty-nine thousand, nine hundred and forty-nine naira, forty-Six Kobo (N 59,163,029,949.46) as well as three hundred and eighty-five million, four hundred and ninety-five thousand, nine hundred dollars (\$385,495,900.00) were locally recovered to the Nigeria government.

President Buhari's fight against corruption received a boost as when Malami succeeded in the recovery of over \$73 million

being part of the proceeds from the sale of OPL 245 by Malabu Oil and Gas Company to ENI/SHELL.

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It is not surprising that while responding to the Senate, on Friday 26th July 2019, Malami unequivocally put, that among other things, he wants to be remembered as one who ensured the aggressive “fight against corruption, recovery the looted funds; locally and internationally”.

“So my major task and intention are to ensure that our laws relating to treason and treasonable felony are indeed effectively brought to bear to ensure that this nation of ours remains one and the same,” Malami said.

Chronicling the achievements recorded during his first tenure as the Minister of Justice and Attorney General of the Federation, Malami showed commitment to the recovery of stolen assets stashed abroad through negotiations with different countries.

His efforts culminated into the eventual signing of MOU's which yielded positive results that saw the return of \$322.5 Million and \$500 Million located in the United States, Island of Jersey and France.



As a Minister of Justice Malami was instrumental to the revolutionary movement in the war against corruption which included the drafting of Presidential Executive Order Nos. 6 and 8 on the Preservation of Assets Connected with Corruption and Voluntary Offshore Assets Regularisation Scheme (VOARS) respectively.

As the Attorney General of the Federation, Malami saw to the establishment of a Virtual Automated Case Management System to integrate Prosecution Data with the existing Prison Information Management System by incorporating an Integrated Biometrics Prisoners Information Technology to fast track Prison Decongestion in Nigeria.

As a member of the Presidential Committee on Prisons Reform and Decongestion, Malami contributed to the effective decongestion of Nigeria Prisons as the Committee visited and appraised thirty-two (32) prisons in fourteen (14) States of the Federation that saw to the release of three thousand, seven hundred and forty (3,740) prisoners.

Malami's tenure as the Minister of Justice and Attorney-General of the Federation saw to the inauguration of Law Review Team which lead to the establishment of Money Laundering Prevention and Prohibition Bill 2017; Anti-Terrorism Prevention and Prohibition Bill 2017; Nigerian Financial Intelligence Unit Bill 2017; Proceeds of Crime Bill 2017; Public Interest Disclosure and Witness Protection Bill, 2017 and The Mutual Legal Assistance in Criminal Matters Bill, 2017.

These initiatives, included the whistleblowing protection policies, prevented the expulsion of Nigeria from EGMONT Group – a Canada-based network of 159 financial intelligence units.

Malami successfully saw to the designing of Broad Policy Framework on improving the Judicial Process and Access to Justice that included assessment of criminal cases that were being prosecuted by police Prosecutors before the enactment of the Administration of Criminal Justice Act, 2015.

As the Minister of Justice, Malami also established the Justice Sector Reform Committees in the Federation, provided Sentencing Guidelines for Judicial Officers; Open Government Partnership Initiatives, Electoral and Anti-Corruption Law/Policy Reforms among others.

By way of fighting corruption, the Minister of Justice also ensured the effective implementation of preventive anti-corruption policies such as the Treasury Single Account (TSA), the Bank Verification Number (BVN), implementation of the

Code of Conduct Legislations and the Integrated Payroll and Personnel Information System (IPPIS).

No wonder the fearless and bold Malami told the Senate Ministerial Screening session that “in terms of the fight against terrorism we have succeeded within the time I was made Attorney General to conclude 63 terrorism cases and secured 59 convictions”.

“I am happy to report that we have succeeded in helping the government to save N145 billion through the dispensation of cases relating to the Federal Government and in dollar \$5 billion within a period of 3 years....”

The office of Attorney-General of the Federation and Ministry of Justice has prosecuted 1,141 civil and 12,412 criminal cases. “We increased the recovery account from N19 billion to N279 billion as at November 2018 (i.e 1329 % increase in the recovery”, Malami said.

“ Malami's tenure as the Minister of Justice and Attorney-General of the Federation saw to the inauguration of Law Review Team which lead to the establishment of Money Laundering Prevention and Prohibition Bill 2017; Anti-Terrorism Prevention and Prohibition Bill 2017; Nigerian Financial Intelligence Unit Bill 2017; Proceeds of Crime Bill 2017; Public Interest Disclosure and Witness Protection Bill, 2017 and The Mutual Legal Assistance in Criminal Matters Bill, 2017. ”

On these achievements recorded by Malami, Senator Ovie Omo Agege said “for some of us, it didn't come as a surprise because we expected it. You are a good man. You are a brilliant attorney. You are a fearless anti-corruption warrior which is one of the major plans made by President”

While Senator Bassey Akpan said “this Attorney-general is a capacity nominee.... He is the most misunderstood Nigerian”, according to Senator Bala Ibn Na'allah (Kebbi South) they planned and allowed that Malami be grilled by the Senate during the screening “because of the product we brought. I am happy with the fact that all the questions asked have been satisfactorily answered by him”.

Similar words of appreciation were made by Senator Muhammadu Adamu Aliero while extolling the virtues and capacity of Malami, Attorney-General of the Federation and Minister of Justice.

20 Major Achievements of Malami in 2020



Characterized by COVID-19 pandemic and subsequent lockdown, the year 2020 recorded low-key operations of many governmental, commercial and social activities.

Nevertheless, throughout the year, the Office of the Attorney General of the Federation (AGF) and Minister of Justice, Abubakar Malami, SAN had been actively engaged and pre-occupied with a lot of public-oriented national engagements.

Far from any ranking, preference or chronological chronicling of antecedents, 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 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 (P&ID) 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.

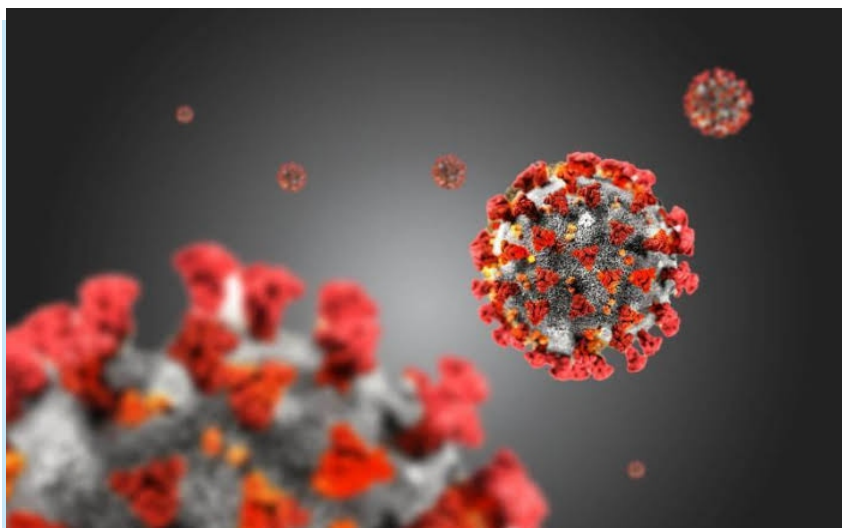


3. Securing Victory for Nigeria against Inter Ocean Oil

Through the dogged determination of Nigerian legal team led 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 (ICSID), 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.

Hence the office of the AGF marshalled out post-covid 19 justice sector plans emphasising the use of ICT for Justice System.



5. Setting Up of Assets Recovery and Management Committee

Acting in compliance with the extant laws including the provisions of 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 the Inter-Ministerial Asset Disposal Committee. membership of the committee cut across various ministries, departments and agencies aimed at achieving an-all-inclusive comprehensive, consolidated and robust implementation of mandate of the committee.



Malami inspecting the facilities at the National Depository of Treaties Complex , Federal Ministry of Justice, Abuja

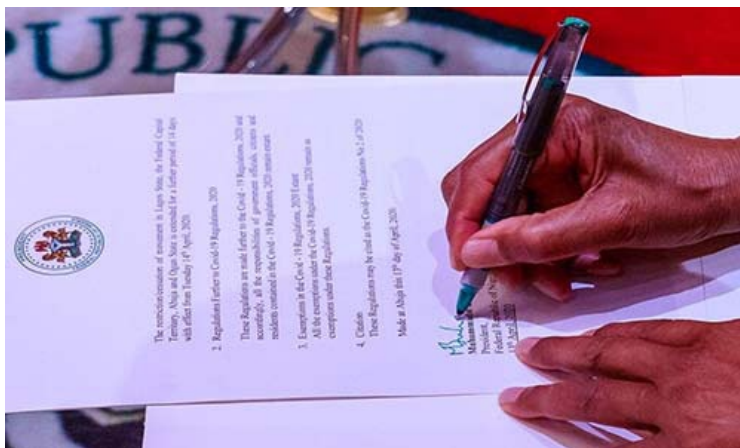
6. Establishment of National Depository of Treaties

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.



7. National Arbitration Policy Committee

Malami, inaugurated members of the National Arbitration Policy Committee charging them 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. This is to ease the complexities and complications related to doing same elsewhere.



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, No. 10 of 2020.

Also signed into law by the President was the Executive Order number 8 of 2008, 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 existing legal provisions as well as providing necessary supervision required for the enforcement.



9. 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.

10. 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.



11. 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 to the successes recorded in the anti-corruption crusade of the President Muhamadu Buhari's administration.

13. Initiating Reformations of the Nigerian Legal System



Senate Chambers, Nigerian National Assembly

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.

12. 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.

14. Treating 13,772 mails



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 of numbers of mails received and treated by the Minister

SOURCES:

No:

Government Agencies

■ 4,679

Law Firms

■ 5,281

Civil Society Organizations

■ 756

Individuals

■ 3,056

15. 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, 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.

16. Facilitating the Drafting and Signing of Sentencing Guidelines

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. Malami's contribution to the committee saw to the enhancement of strategies for achieving the objectives of the Presidential Power Initiative.



20. 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 is no longer among countries where crimes against journalists go with impunity. Nigeria is the only country that gets out of the list of countries 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.

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. 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

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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Justice Sector Welcomes

Ag. SGF/PS Mohammed Umar Etsu, Esq.

With Jubilations

The headquarters of the Nigeria's Federal Ministry of Justice in Abuja was on Friday 23rd day of July 2021 thrown into jubilations following the appointment of Mr. Umar Mohammed Etsu, Esq as the Acting Solicitor General of the Federation and Permanent Secretary of the Ministry effective from Monday, July 26, 2021.

An internal circular dated July 19th, 2021 disclosed that the Attorney General of the Federation and Minister of Justice, Abubakar Malami, SAN approved the appointment of Umar Mohammed Etsu, Esq as the acting Solicitor-General of the Federation/Permanent Secretary.

Staff of the Ministry were seen in palpable ecstasy and joy. There was resounding applaud at the Olusegun Obasanjo Hall of the Federal Ministry of Justice, the venue of the handing over when the name of Mohammed Umar Etsu, Esq was mentioned. He was greeted with resounding applaud. Staff held different sporting activities. They were in festive mood throughout the day which was marked by exchanging pleasantries and feasting.

Prior to this elating appointment, the new Solicitor General of the Federation served, for a consecutive five years, as the Director in charge of the Directorate of the Public Prosecutions of the Federation (DPPF). He was at one time the Legal Adviser of the Nigerian Custom Services.

Malami also approved the posting of the Special Assistant to the President on Prosecution Office of the Attorney General of the Federation and Minister of Justice Abubakar Babadoko Mohammed, Esq to take over as the Director of Public Prosecution of the Federation.

Analysts said that the activities the Federal Ministry of Justice and the entire Justice Sector will receive boost following the emergence of Mr. Umar Mohammed Etsu,



Ag. SGF/PS Mohammed Umar Etsu, Esq.

Esq as the new Acting Solicitor General of the Federation and Permanent Secretary of the Ministry.

According to them, the opinions expressed were in recognition of the contributions of the new Acting Solicitor General of the Federation to the landmark and remarkably resounding achievements recorded by the Attorney General of the Federation and Minister of Justice, Mr. Abubakar Malami, SAN.

Observers in the nation's justice welcomed the appointment of Mohammed Umar Etsu, Esq as the Solicitor General of the Federation and Permanent Secretary of the Federal Ministry of Justice maintaining that Malami's decision to recommend him for elevation was commendably justifiable.

Mohammed Umar graduated from Ahmadu Bello University, Zaria in 1984. He was thereafter called to the Nigerian Bar. He joined the Federal Ministry of Justice in January 1987. He also holds an LLM (HON).