



SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT

2 August, 2019

Professor Bolaji Owasanoye
Chairman
Independent Corrupt Practices and Other Related Offences Commission (ICPC)
Plot 802 Constitution Avenue

Central District,
Abuja

Ibrahim Mustafa Magu
Acting Chairman
Economic and Financial Crimes Commission (EFCC)
Plot 1017 & 1018 Coree Bay Crescent,
Off Adetokunbo Ademola Crescent
Wuse II, Abuja

Dear Sirs,

Re: Request to jointly invite senators Godswill Akpabio and Isa Misau for interrogation and further questioning over alleged diversion of constituency projects and if there is relevant and sufficient admissible evidence, for them to face prosecution

The Socio-Economic Rights and Accountability Project, (SERAP) is writing to request you to jointly and urgently invite senators Godswill Akpabio and Isa Misau for interrogation and further questioning over alleged diversion of constituency projects.

If the ICPC and EFCC consider the recovered hospital equipment and six tractors allegedly diverted for the personal use of the senators as relevant and sufficient admissible evidence, we urge you to promptly begin prosecution of the former senators.

SERAP is a non-profit, nonpartisan, legal and advocacy organization devoted to promoting transparency, accountability and respect for socio-economic rights in Nigeria. SERAP received the Wole Soyinka Anti-Corruption Defender Award in 2014. It has also been nominated for the UN Civil Society Award and Ford Foundation's

Jubilee Transparency Award. SERAP serves as one of two Sub-Saharan African civil society representatives on the governing Committee of the UNCAC Coalition, a global anti-corruption network of over 380 civil society organizations (CSOs) in over 100 countries.

The Independent Corrupt Practices and Other Related Offences Commission (ICPC) reported that it recovered hospital equipment meant for constituency project on the premises of Mma Obot Foundation, which is allegedly owned by Godswill Akpabio, former governor of Akwa Ibom. Among the recoveries are dialysis machine, ECG monitor, oxygen regulator, anaesthetic machines, generators and other hospital equipment meant for a cottage hospital in Ukana, Essien Udim Local Government Area of Akwa Ibom State.

The ICPC also recovered six tractors from a farm belonging to Isa Hamman Misau, a former senator who represented Bauchi central. Tractors were meant for the use of farmers in six local government areas of Bauchi Central Senatorial District. The items were recovered during the ICPC's ongoing tracking of constituency projects around the country.

The tractors formed part of the N430m contract for the supply of pumping machines and other agricultural machinery to farmers in the senatorial district, which was awarded in 2015 by the Federal Government as part of the senators' constituency projects across the nation. The sum of N76.6m was said to be paid for the tractors in December 2015, which were supplied in March 2016.

SERAP is concerned that these cases illustrate the growing allegations of massive corruption in constituency projects and the importance of not only monitoring the projects but thoroughly and effectively investigating reported cases of corruption and promptly bringing suspected perpetrators to justice

When members of the National Assembly divert constituency projects for personal use, the essence of such projects is defeated, and the integrity of the mechanism compromised.

Corruption in the provision of public services such as healthcare affects and distorts the delivery of services and the right to the highest attainable standard of health. As the recoveries by the ICPC have shown, cases of corruption in constituency projects cause under-provision, divert public resources, generate fictitious expenditure and projects, or simply limit access to public services or make them unavailable.

The allegations of diversion of constituency projects by public officers have weakened public confidence in the effectiveness of the mechanism of constituency projects as currently implemented to deliver essential public services to those most in need. Unresolved allegations of corruption in constituency projects would significantly contribute to impunity for grand corruption in Nigeria and pose a serious threat to probity in public life, the rule of law and respect for human rights.

Allegations of corruption in constituency projects meant to be implemented for the common good and not the personal gains of lawmakers, would ultimately

undermine the principles of representative and accountable government that acts in the public interest, and equality and fairness.

SERAP notes Section 15(5) of the Constitution of Nigeria 1999 (as amended) to the effect that 'The State shall abolish all corrupt practices and abuse of power.' Similarly, the UN Convention against Corruption to which Nigeria is a state party requires the authorities to ensure effective, proportionate and dissuasive sanctions and penalties for corruption.

Inviting those suspected to be involved for interrogation and further questioning, and prosecuting them if the recoveries by the ICPC indicate relevant and sufficient admissible evidence, would show your agencies' willingness to exert your authorities and act as a deterrent against breaches of Nigeria's anti-corruption legislation and international standards.

SERAP urges both the ICPC and EFCC to jointly act to continue to ensure greater level of transparency and accountability in the implementation of constituency projects and to name and shame those suspected to be involved, if Nigeria is not to continue to witness damaging allegations of diversion and other forms of corruption in the implementation of constituency projects.

Thanking you in advance of your urgent attention to the matter.

Yours sincerely,

Kolawole Oluwadare
Deputy Director

CC
Professor Itse Sagay, Chairman,
Presidential Advisory Committee Against Corruption (PACAC)
Abuja