



SOCIO-ECONOMIC RIGHTS & ACCOUNTABILITY PROJECT

13 September, 2019

Mr Abukabar Malami, SAN
Honourable Attorney General of the Federation and Minister of Justice
Federal Ministry of Justice
Shehu Shagari Way,
Central Area
Abuja

Dear Honourable Minister of Justice:

Re: Request to advise President Muhammadu Buhari to enforce the judgment by Honourable Justice Chuka Austine Obiozor, a Professor of Law, in suit number FHC/L/CS/105/19 ordering immediate release of details of payments to all defaulting and allegedly corrupt electricity contractors and companies

Socio-Economic Rights and Accountability Project (SERAP) is writing to request you to use your special role as the Chief Law Officer of Nigeria to advise and persuade President Muhammadu Buhari to fully and effectively enforce and implement the judgment by Honourable Justice Chuka Austine Obiozor, a Professor of Law, in suit number FHC/L/CS/105/19 ordering immediate release of details of payments to all defaulting and allegedly corrupt electricity contractors and companies.

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.

A certified true copy of the judgment is enclosed with this letter for your attention and urgent action. In summary, Justice Obiozor in his judgment granted the following reliefs:

1. A *DECLARATION* is hereby made that the failure and/or refusal of the Respondent [Federal Government/Ministry of Power] to provide SERAP with documents and information containing the specific names and details of contractors and companies that have been engaged in the power sector by successive governments since 1999, details, of specific projects and the amounts that have been paid to the contractors and companies, details on the level of implementation of electricity projects and their specific locations across the country, and failure to widely publish it on a dedicated website, any of such information, amounts to a breach of the obligations under the Freedom of Information Act 2011
2. A *DECLARATION* is hereby made that the failure and/or refusal of the Respondent [Federal Government/Ministry of Power] to provide SERAP with specific documents and information containing the specific names and details of contractors and companies that allegedly collected money for electricity projects from successive governments since 1999 but failed to execute any of such projects, and failure to widely publish it on a dedicated website, any of such information, amounts to a breach of the Respondent's responsibility/obligation under the Freedom of Information Act 2011
3. *AN ORDER OF MANDAMUS* is made directing and compelling the Respondent [Federal Government/Ministry of Power] to urgently compile and make available to SERAP documents and information containing the specific names and details of contractors and companies that have been engaged in the power sector by successive governments since the return of democracy in 1999 to date, details of specific projects and the amounts that have been paid to the contractors and companies, details on the level of implementation of electricity projects and their specific locations across the country and to publish widely including on a dedicated website, any of such information
4. *AN ORDER OF MANDAMUS* is made directing and compelling the Respondent [Federal Government/Ministry of Power] to urgently compile and make available to SERAP documents and information containing the specific names and details of contractors and companies that allegedly collected money for electricity projects from successive governments since 1999 but failed to execute any projects
5. A *DECLARATION* is hereby made that the failure and/or refusal of the Respondent [Federal Government/Ministry of Power] to urgently disclose if there is an ongoing investigation or prosecution of allegedly corrupt contractors and companies in the electricity sector, amounts to a breach of the Respondent's responsibility/obligation under the Freedom of Information Act 2011
6. *AN ORDER OF MANDAMUS* is made directing and compelling the Respondent [Federal Government/Ministry of Power] to urgently disclose if there is an ongoing investigation or prosecution of allegedly corrupt contractors and companies in the electricity sector.

The enforcement of this judgment will be a special moment for the government's anti-corruption agenda and the sovereignty of the rule of law in Nigeria, as it would go a long way in protecting the integrity of our legal system. We urge you to make best efforts to advise and persuade President Buhari and Mr Sale Mamman, the Minister of Power to begin to take steps that will ensure the full and effective enforcement of the judgment.

Advising and persuading President Buhari and Mr Mamman to enforce the judgment against corrupt contractors since the return of democracy in 1999 would show your commitment to the rule of law, and contribute to addressing the culture and legacy of corruption in the power sector. It will also show that you are not just President Buhari's lawyer but also a defender of the Nigerian Constitution of 1999 (as amended), the rule of law, and public interest within government, something which Justice Obiozor's judgment seeks to serve.

Doing this would be in keeping with Nigerians' expectations, and entirely consistent with Buhari's oft-expressed commitment to 'kill' corruption--whether by public officials or private contractors—and help to build citizens' trust and confidence in the ability of this government to take head-on the systemic corruption in the power sector.

It is emphatically the province and constitutional duty of the Attorney General to advise on the enforcement of judicial decisions. It is important to do so here if power sector contractors and companies are not to continue to evade justice for their alleged corruption.

Our democracy needs courts so that public officials and private actors including contractors can be held accountable for any infraction of Nigerian anti-corruption laws and international commitments. Constitutionalism and the rule of law are not in conflict with democracy; rather, they are essential to it.

We hope that the aspects highlighted will help guide your actions in advising President Buhari and to enforce and implement Justice Obiozor's judgment. We would be happy to provide further information or to discuss any of these issues in more detail with you.

Please accept the expression of our highest consideration.

Your sincerely,

Kolawole Oluwadare
Deputy Director