

Obasanjo-Atiku Quarrel: Atiku Writes Nnamani

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Vice President Atiku Abubakar has written a letter to Nigeria's Senate President, Ken Nnamani. The ten page letter seeks to rebut allegations made against him by President Olusegun Obasanjo. The ten page letter is reproduced in its entirety without editing or comments.

Publisher.

18th September 2006. His Excellency, Senator Ken Nnamani President of the Senate Federal Republic of Nigeria Three Arms Zone Abuja Dear President of the Senate RE: PTFD FUNDS AND ALLEGATIONS OF IMPROPRIETY - MY STORY Firstly, I must crave your indulgence to write this most unusual letter to you at this time. I am sure, however, that, in the circumstances, you will agree with me that I have been left with very little choice in this matter. I am constrained to write to you at this time because Mr. President, His Excellency, Chief Olusegun Obasanjo, has taken the unprecedented step of first writing to you and forwarding to this august body a report compiled by the Economic and Financial Crimes Commission (“EFCC”) which is, supposedly, based on investigations allegedly carried out by the said EFCC at the behest of the government of the United States of America involving a US Congressman, Mr. William Jefferson. Even though the EFCC purported to be investigating matters involving Congressman Jefferson, as they relate to Nigeria, the report that it has prepared in pursuance of this alleged investigation (and which Mr. President has placed before you) contains almost no reference whatsoever to the said Congressman. Instead, the EFCC has craftily assembled several unrelated matters to arrive at a predetermined, sinister conclusion. This pre-determined conclusion is to pronounce my humble self, Atiku Abubakar, Vice-President of the Federal Republic of Nigeria, guilty of fraud and embezzlement, in order to satisfy the callous and mischievous aims of those who seek to rely on the provisions of Section 137 (1) (i) of the Constitution of the Federal Republic of Nigeria 1999 (“the Constitution”) to prevent me from contesting the presidency of our great nation. Accordingly, the EFCC has gone beyond what it has itself declared to be its stated brief and has conjured up a report that meets this pre-determined objective. A report containing conclusions that are totally unsupportable by the facts contained therein. A report that cruelly stands truth on its head. This report is already before you and I do not need to bore you by repeating much of what is contained therein. I will only implore you to peruse this report again and determine for yourself if the facts support the conclusions reached therein. As if on cue, upon receipt of the EFCC report, Mr. President caused the setting up of what he termed an “Administrative Panel of Inquiry” to look into the EFCC report and make recommendations to the Federal Executive Council, a procedure totally at variance with the laws of our land. This, again, is to bring all these desperate efforts to prevent me from contesting the presidency, purportedly, in line with the provisions of Section 137 (1) (i) of the Constitution. This, in spite of the fact that there are clearly laid down procedures for the EFCC to follow at the end of any investigation it may undertake none of which involves the steps that have so far been taken in this matter. Not surprisingly, the report of the “Administrative Panel” is substantially the same as the EFCC report, and I will treat them as one and the same. Ordinarily, and as guaranteed under Section 36 of the very same Constitution whose Section 137 (1) (i) my traducers are now very eager to implement, I ought to have been provided with a copy of the EFCC report (particularly as it appears that I am its primary target), and be given an opportunity to go through this with or without my legal representatives, before being asked to make comments on the said report. Instead, and despite my written request to Mr. President for a copy of this report, I have still not been furnished with one officially, as Mr. President informed me that, “the EFCC has forwarded it as requested by the US Authorities”, only for me to come across it in the newspapers, like every other Nigerian. Having now gone through this report, I find its conclusions alarming, spurious and untenable. For posterity's sake, therefore, and despite the fact that I have instituted proceedings in court with regards to this report, and with a view to availing you with a more balanced view of the facts as they relate to my person and my office, I have elected to write to you at this time to tell you my side of the story. Petroleum Technology Development Fund (”PTDF”). Much has been said and written in the days past about the PTDF, its activities and its finances. Much of this has been prompted by a stark ignorance of how the PTDF operates and is funded. A much smaller, sinister group are, however, prompted by evil machinations and propelled by the dark aims they seek to achieve. Accordingly, they have deliberately sought to obfuscate issues and confuse the public with half-truths and misinformation. For clarity's sake, it is pertinent to set out the true position as follows: The PTDF was established in 1973 with the sole aim of building capacity in the oil and gas sector of the Nigerian economy through various interventionist activities. The PTDF is a “Fund” strictly speaking, i.e.. it comprises of money that has been set aside for a special purpose. The PTDF does not operate like a Federal Ministry or a government parastatal that has funds allocated to it for its activities. The PTDF is its own financier in that its funds already exist and reside with it. The PTDF funds its activities primarily from income earned from investing the money comprised in its fund. Until July 2004 when Mr. President directed that all government ministries, agencies and departments should return their accounts to the Central Bank of Nigeria (“CBN”), most of the PTDF's funds were in the custody of several Nigerian commercial banks (including, for example, First Bank, Union Bank, City Express bank, Hallmark Bank, Trade Bank, Platinum Bank, Bank of the North, among others), earning varying sums as interest on these investments. It is the

interest income derived from these investments that the PTDF utilises in funding its various day-to-day activities. The EFCC, in its report, has sought to portray the investment of funds with Equatorial Trust Bank (“ETB”) and Trans International Bank (“TIB”) as matters arising out of the ordinary, whereas, the opposite is the case. The PTDF has always engaged in the investment of funds in the normal course of its activities. In April 2003, acting upon a memo presented by his Special Adviser on Petroleum & Energy, Dr. Rilwanu Lukman, the President-In-Council authorised the PTDF to execute certain special projects designed to enhance its capacity building activities throughout the country. These projects were, initially, estimated to cost a total of US\$125 million, and this sum was approved to be set aside by the PTDF to execute these projects. As you are aware, one of the extant rules of this administration is that all government contracts and procurements of this magnitude must be backed by Due Process certification. Invariably, this process takes a long time. It was in the light of this that the Executive Secretary of the PTDF wrote to me to seek my approval to invest the approved funds with ETB and TIB to maximize the yield accruing from the funds. It is pertinent to note that both ETB and TIB were, at all material times, on the list of the Accountant-General of the Federation of banks authorised to receive government funds and deposits. It is also pertinent to note, that these funds were invested at the rates prevailing in the money market at that time. Finally, it is important to note that the funds invested with ETB have been returned on the due date while those still in the possession of TIB (now part of Spring Bank) have been duly acknowledged and efforts at repayment are underway. In other words, contrary to the baseless, specious and insulting claims of the EFCC in its report, no funds have been “embezzled” since the entire funds invested with the two banks have either been repaid or acknowledged as liabilities of the respective bank. It is curious that, in order to lend credence to the mischief it seeks to create, the EFCC has focused its report on the PTDF on ETB and TIB alone as if these are the only two banks in which PTDF funds were invested, or as if TIB is the only bank still holding PTDF funds. The records are there for all to see, including those relating to the other banks that are still indebted to the PTDF. Equatorial Trust Bank/Globacomm/Dr. Mike Adenuga Jnr. The EFCC has alleged that I approved the investment of PTDF funds in ETB (and TIB) in order to promote business interests in which I am purported to own interests. This irresponsible, untrue and unsubstantiated allegation has been made simply to lend credence to the other spurious claims made in the EFCC report. Without any shred of evidence whatsoever and without asking any questions of anyone in that regard, the EFCC states in its report that a certain Prince Akinyera, a director and shareholder of Globacom, is “believed to be fronting” for me for the shares held by him in Globacom. Apart from being grossly untrue, this is another example of the crass irresponsibility and arrogant arbitrariness that the EFCC has now become noted for, of late. For the avoidance of doubt, I wish to put it on record here that I do not own any shares in Globacom Limited and certainly do not own the shares purported to belong to Prince Akinyera. I do not know the stated Prince Akinyera nor do I recall having met anyone of that name. I do know Dr. Mike Adenuga Jnr., the Chairman of Globacomm and I count him as one of my friends. I do not, however, have any business dealings whatsoever with Dr. Adenuga, nor am I involved in any way in or with any of his companies or businesses. I have also noted the mischievous allusion by the EFCC to the so-called “coincidence” of Globacom being able to pay for its Second National Operator (“SNO”) license soon after the investment of funds in ETB by the PTDF. Firstly, I wish to state that I have no control over ETB, its operations or whom it lends money to. If the EFCC is of the view that ETB has advanced an illegal or unauthorised loan to any of its customers (including Globacom), then, it is incumbent on the EFCC, as a law enforcement agency, to inform the CBN of this fact and seek CBN sanctions on ETB. Thankfully, however, Globacom and its bankers have caused a newspaper advertisement to be published setting out the circumstances surrounding the payment for the SNO license and none of this involves the PTDF, or my humble self. I need not say more about the illogicality of the EFCC under this heading other than to point out that, in my simple understanding, banks are in the business of receiving deposits and advancing loans to their customers. Trans International Bank/NDTV/Mofas Shipping/Otunba Johnson Fasawe. The same principles that apply to ETB will apply with equal force to TIB. I will add, however, that the EFCC has attempted to make much hay from this matter by asserting that “as soon as” funds were invested by the PTDF with TIB, the bank immediately granted loans to NDTV and Mofas. This, the EFCC did in its mischievous attempt to draw a causal link between my approval to the PTDF to invest funds in TIB (which, in any event, was not my initiative) and the advancing of loans by TIB to some of its customers, namely, Mofas and NDTV. In characteristic fashion, however, the facts of the matter do not support this false claim. The facts are that I first granted approval to the PTDF to invest some funds in TIB (as well as ETB) as far back as 29th April 2003. Yet, according to the EFCC's very own report, TIB did not advance its first facility to NDTV until 20th October 2003 and Mofas until 22nd October 2003. This is a period of approximately 6 (six) months. Surely, that cannot be said to be “as soon as” the funds were invested with the bank! Surely, the bank would have utilised these funds in some other financial activity in that 6 (six) month period! Surely, there is no nexus between the approval of the investment in TIB and the advancement of loans by TIB to its customers other than that to be expected in the normal course of banking operations! More importantly, officials of TIB interviewed by the EFCC have stated categorically (as contained in the EFCC report) that the only basis upon which TIB granted the loan to NDTV was that NDTV had secured the commitment of the US Exim Bank to finance the rest of the cost of the project, which was put at US \$38 million. It begs the question, therefore, that if NDTV was relying on PTDF funds to finance its business activities, as alleged by the EFCC, why was it also negotiating with the US Exim Bank for export guarantees/credit facilities and the Sofitel Corporation for credit facilities. As regards NDTV and Mofas, I wish to state categorically that I have no interests, investments or shareholding whatsoever, directly or indirectly, in any of these two companies. I do know Otunba J. O. Fasawe, the Chairman of NDTV and Mofas, respectively, and I count him as one of my friends. He is a long time friend and a prominent member of my political party, the People's Democratic Party (“PDP”). I do not, however, have any business dealings whatsoever with him, nor am I involved in any way in or with any of his companies or businesses. The EFCC has sought to draw a connection between NDTV and myself by alleging that I contributed the sum of =N=30 million towards the purchase of the head office building of NDTV. Again, in characteristic

fashion, the EFCC has arrived at a conclusion not only unsupported by the facts but also in direct conflict with information it has been provided with. The facts as regards this are simply that I facilitated a loan for a friend, Otunba J. O. Fasawe, in his time of need. Otunba Fasawe had indicated to me his desire to secure the purchase of an office complex for a new business venture he was involved in. At the time he told me of this, he indicated that he was significantly out of pocket and requested my assistance in advancing a short term loan to finance the down payment of this purchase. The EFCC's report indicates that this payment was made on the 7th January 2003. At the time Otunba Fasawe made this request, I had several other financial commitments relating to politics and the 2003 general elections. But still intending to help a friend, I helped make available the sum of ₦=30 million from an account (Marine Float) which we were then utilising to fund our party and our presidential re-election bid. I did this not only because Otunba Fasawe was (and remains) a friend to both members of the presidential ticket, but also because he had been instrumental to raising a significant proportion of the funds comprised in the said campaign account as well as other funds for the PDP. I did not advance the said money for any other reason whatsoever, least of all the reason the EFCC has alluded to in its report. Finally, the EFCC has sought to prove a relationship between myself and Otunba Fasawe a relationship I have always freely admitted by stating, mischievously, that Otunba Fasawe paid to me the sum of ₦=61 million from his Mofas account on 29th January 2001. Yet, the recipient of these funds, Alhaji Musa Garba, a building contractor that my family and I have used extensively over the years to construct buildings in our ABTI Schools complex, has stated categorically that this money was paid to him for the construction of one of the buildings in the ABTI complex. I have never hidden my desire to promote and make available opportunities for the acquisition of quality education by the greatest number of our children as is humanly possible. As a result, my family and I have devoted a huge amount of our resources towards providing the facilities that will make these opportunities available especially in places where they didn't exist previously. This is what gave rise to the ABTI Schools complex comprising first class facilities for a primary school, secondary school and, now, in partnership with the American University, Washington DC, a world class university. Yet, we have always been aware that our resources alone will not be sufficient to achieve the dreams we have for the ABTI Schools complex. As such, it has been our practice to reach out to friends, associates and other people who share our dreams to also contribute towards this laudable concept. Otunba Fasawe is one of those we have reached out to and who has, graciously, agreed to donate one school block to the ABTI Academy. Marine Float/Umar Pariya. Marine Float is one of three companies that were placed at the disposal of the PDP and the Obasanjo/Atiku Campaign Organisation to receive campaign contributions and donations towards achieving our aim of securing re-election in the presidential elections of 2003. Otunba Fasawe was one of the principal fundraisers engaged by the PDP and the Obasanjo/Atiku Campaign Organisation to seek donations and contributions towards the prosecution of this campaign. Despite the relative success at raising funds, the actual amount expended through this account far exceeded the amounts raised such that, well after the elections in 2003, there was still a large debit balance remaining due to be repaid to the bank even after the elections had been concluded. As a result, even though the elections had been prosecuted and won, fund raising efforts did not end there, as there was a debit balance to be retired. The records of all the payments to and from Marine Float are with the EFCC and I need not bore you here with a rehash. Suffice to say that, to the best of my knowledge, not one Naira of PTFD funds were paid into Marine Float's account at any time whatsoever, either directly or indirectly. If the EFCC is of the opinion that this account has been operated in an improper manner, it is well aware of its responsibilities under the law and I would enjoin it to be alive to those responsibilities. I will only add that any payments to Marine Float account by Otunba Fasawe are all in line with his responsibilities as a principal fundraiser for the PDP and the Obasanjo/Atiku Campaign Organisation. This will include payments made even after the elections of 2003, since the account was significantly in debit long after the elections were over. Similarly, any payments by Otunba Fasawe to Mr. Umar Pariya, one of my personal aides, which was not a payment that relates to the personal affairs of Otunba Fasawe and Mr. Pariya (both gentlemen having been closely associated for well over 20 years), were payments made for the account of the PDP or the Obasanjo/Atiku Campaign Organisation, as the case may be. Congressman William Jefferson/I-Gate Corp-NDTV/I-Gate Corp-Rosecom.NetI understand that Mr. President has informed you that he ordered the investigation into this matter based on a letter he received from Congressman William Jefferson alleging that PTFD funds were used to pay I-Gate for the business venture between I-Gate and NDTV. Firstly, I will repeat what I have said time and time again regarding Congressman William Jefferson - I do not have any relationship with Congressman Jefferson other than the usual courtesies, which someone in my position will be expected to extend to someone in Congressman Jefferson's position. For the avoidance of doubt, it is pertinent to point out that Congressman Jefferson is a prominent member of the US Congress; he is also a prominent member of the Congressional Black Caucus of the US Congress as well as being the Chairman of the US Congress Sub-Committee on Nigeria. It is in these various capacities that I have met and interacted with Congressman Jefferson. To the best of my knowledge, Congressman Jefferson was involved in a business relationship/transaction with NDTV and I-Gate under which NDTV paid Congressman Jefferson/I-Gate the sum of US\$6.5 million. According to Otunba Fasawe, the Chairman of NDTV, this business relationship/transaction could not proceed further because of a dispute arising between the parties. Otunba Fasawe informed me that he was taking all steps possible to recover the US\$6.5 million that NDTV had paid to Congressman Jefferson/I-Gate Corporation and had written a petition to Mr. President to seek his assistance in getting a restitution of the monies his company had paid to Congressman Jefferson/I-Gate. Contrary to the information that has been placed at your disposal, it was, in fact, Otunba Fasawe that first petitioned Mr. President to seek his intervention in obtaining a refund of his company's money. It was in response to this petition that Congressman Jefferson wrote a letter to Mr. President in July 2004, where he sought to obfuscate issues by alluding to the monies having been obtained from or through the PTFD, a letter that Mr. President now claims is the basis upon which he ordered an investigation into this matter. One would have thought that, at the minimum, Mr. President would have taken prescient steps to help ascertain whether, in fact, an investment made by a Nigerian company with a foreign company had, indeed, been embezzled with no services or goods provided in return.

Instead, Mr. President chose to ignore the earlier complaints of his citizens and, rather, decided to side with the foreign national without just cause and embarked on a wild goose chase to tie PTFD funds, and my humble self, in with this transaction. History will judge whether Mr. President was misadvised in this matter, or chose the role for some hidden reasons. In July 2005, Congressman Jefferson met with me in Washington DC in the company of a Ms. Lori Modi, who he introduced to me as "an investor" in his business. At this meeting, Congressman Jefferson informed me that he had teamed up with another Nigerian company called Rosecom and sought my assistance to intervene to help preserve the sanctity of a contract which, he said, I-Gate/Rosecom had entered into with NITEL PLC. He gave me a letter he had written to me to that effect which I forwarded through the normal official channels to the Ministry of Communications. Since that last meeting with Congressman Jefferson, I have learnt that Ms. Modi is cooperating with the US Federal Bureau of Investigations ("FBI") into allegations of bribery and fraud, which she had leveled against Congressman Jefferson relating to a sum of US\$3.5 million which she, allegedly, paid to I-Gate Corporation to repay NDTV. I have sought to provide you with all this background material because it is pertinent that you are availed of all the facts before arriving at your conclusions. Finally, the EFCC sought to draw linkages between NDTV and me by alleging that I am, somehow, involved with the company without providing any cogent evidence in that regard. It begs the question: Is it possible that I would be involved with NDTV and still not only agree to meet with Congressman Jefferson to discuss his new partnership with Rosecom, but also help forward his letter to the Ministry of Communications for necessary action? Is it possible that, I would be involved with NDTV which is being owed US\$6.5 million - and still not only meet with Congressman Jefferson but also seek to help him advance the cause of I-Gate/Rosecom to the detriment of NDTV? EFCC/Administrative Panel of Inquiry. I have said much about the antics of the EFCC in the handling of this case but a little more specificity is required. The EFCC has again found itself in the unenviable position of being a willing tool in the hands of those whose sole agenda in life has become the quest to prevent Atiku Abubakar by all means possible (legal and illegal) from contesting the presidential elections in 2007. The EFCC claims in its report that its investigations are pursuant to a Request For Assistance that it received from the United States Government. Yet, this Request For Assistance is only dated 22nd June 2006. All the investigations the EFCC has been carrying out (and all the arbitrary arrests and detention of my known friends and associates) predate the receipt of this Request For Assistance. It would appear, therefore, that the Request For Assistance is a convenient excuse for the EFCC. The agency had already been given the answer; it only needed to find a way to work itself to this answer. Or, how else can one explain a situation where, as the EFCC claims in its report, the EFCC's "investigation was initiated at the instance of a request from the United States Department of Justice" in relation to I-Gate/Congressman Jefferson, yet in its findings contained in pages 30-36 (seven pages) of its "detailed" report, the EFCC made references to I-Gate just 6 (six) times whereas Congressman Jefferson is not even mentioned at all! Conversely, in the same findings of this "detailed" report, Atiku Abubakar/Vice President is mentioned 19 (nineteen) times. It begs the question, therefore, was the EFCC really investigating the I-Gate/Congressman Jefferson matter or did it have a more sinister pre-determined conclusion in mind? I urge you to judge for yourself. As if these travesties were not enough, the EFCC report is based on an investigation which the agency itself states on page 37 is "still on going", yet this report has formed the basis by which Mr. President purported to convoke an "Administrative Panel of Inquiry" to review the said report and make recommendations to the Federal Executive Council, a flawed process, not in conformity with our laws, practice and procedure. Nonetheless, this matter is now in court and I will refrain from saying too much about it here. I will say, however, that it is extremely curious to me that it is this time that Mr. President would deem it necessary to set up an "Administrative Panel of Inquiry" to look into a report compiled by the EFCC, especially where no public funds have been lost. When the same EFCC compiled a damning report alleging widespread fraud and embezzlement of over N=53 billion of public funds from the Nigerian Ports Authority, Mr. President did not deem it necessary to set up any Administrative Panel of Inquiry. It is also very curious to me that the very same Mr. President who has publicly accused his Vice-President of disloyalty now sees nothing wrong in appointing his own (loyal?) employees to sit in judgment over the supposedly disloyal Vice-President and expect that a fair hearing will be conducted therefrom. I need only point out to you the contents of the "report" of this so-called Administrative Panel of Inquiry which, evidently, has been written to satisfy the requirements set out in Section 137 (1) (i) of the Constitution. Finally, much has been said and made of my decisions, firstly, to respond to the EFCC's written enquiries to me on this matter and, secondly, my decision to meet with the cabinet ministers and government officers that asked to meet with me to discuss "grey areas" pertaining to the EFCC report on the "Jefferson investigation", a body that now styles itself an "Administrative Panel of Inquiry". You are already in possession of the memo that I wrote to Mr. President expressing serious objections to the procedures in these matters. For the avoidance of doubt, I would like to place it on record that whilst I am fully mindful of the immunities conferred on my person by Section 308 of our Constitution by virtue of the office which I hold, it was my personal decision to set aside these immunities, at this time, to enable the investigation proceed unhindered. I did this with the knowledge and confidence that I have carried out my official responsibilities and duties to the best of my abilities and have done no wrong in this matter. In addition, as the second most senior elected official in our country, and one who has been actively involved in the cause of the eradication of corruption from our public life, I felt it was my responsibility to give the EFCC every assistance I could render to enable the agency carry out its responsibilities, in the firm belief that the EFCC would do a thorough job and would uphold the truth at all times, rather than throw up my immunity as a shield. Even now that it has become clear to me that the EFCC has become a willing tool in the hands of my traducers, I still stand by my decision, ever confident that truth, like the burning flames of a raging fire, can never be suppressed forever. Conclusion In concluding, I would like to state here categorically that the findings of the EFCC as contained in its report dated 24th August 2006 and the contents of the report of the so called "Administrative Panel of Inquiry" based on the EFCC report, as they purport to relate or refer to me, are totally false, baseless and

unsupportable by the facts in this matter. I would urge you to address your minds accordingly and consign these reports into the dustbin of history where they belong. It is also pertinent to state my astonishment that all those who are now benefiting immensely from the success of the Obasanjo/Atiku Campaign Organisation at the polls are now hastily retreating from the very machinery that brought them to power. Perhaps this is human nature but it does not make it less astonishing that the very officers and ministers who now occupy their offices/positions as a result of the victory at the polls of the Obasanjo/Atiku presidential ticket are the very ones now so quick to renounce the very people who worked tirelessly to help get them there. Finally, I cannot but end this letter without adding a note of caution. It would appear that in the quest by certain elements in our body polity to have their way by any means necessary, decorum, truth, due process, individual rights, and the sanctity and inviolability of our constitution, have all become casualties, sacrificed on the altar of convenience, all in the name of achieving the dastardly goals these agents of calumny have set for themselves. This is wrong. This is dangerous. This cannot be allowed to continue. We must remember that power is bestowed by God and conferred by the dear citizens of this country. Atiku Abubakar is only one man. That he occupies the position of Vice-President today is by the grace of God. That he will occupy any position other than that which he holds today can only be, if it is bestowed by God and conferred by the citizens of this country. In the unrelenting quest to destroy Atiku Abubakar, we should be careful not to destroy the office he holds - that of the office of Vice-President, and all our other structures and our constitution, because the office does not belong to Atiku Abubakar and, one day, he surely will relinquish it. If we destroy all of these just because of Atiku Abubakar, what is the future for our democracy? What is the future for our country? What is the future for our children and generations yet unborn? I thank you for the opportunity to write to you in this manner and I wish you happy deliberations. Yours faithfully, Atiku Abubakar, G.C.O.N., Vice-President, Federal Republic of Nigeria