

BRIEF REMARKS BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA, HON. JUSTICE MAHMUD MOHAMMED, *GCON*, ON THE OCCASION OF THE FIRST ANNUAL CONFERENCE ON COMBATING FINANCIAL FRAUD, CYBERCRIME AND OTHER CROSS-BORDER CRIMES, HELD AT CHELSEA HOTEL ON 2 FEBRUARY 2016.

PROTOCOL LIST

- **My Lords, Justices of the Supreme Court here present,**
- **My Lords, The President and Justices of the Court of Appeal,**
- **My Lords Chief Judges of the Federal and State High Courts here present,**
- **My Lords, Heads of other Superior Courts of Record,**
- **Hon. Judges of various Jurisdictions here present,**
- **The Attorney General of the Federation and Minister of Justice**
- **The Solicitor-General of the Federation and Permanent Secretary, Federal Ministry of Justice,**
- **Learned Members of the Bar,**
- **Other Key Stakeholders here present,**
- **Members of the Press,**
- **Distinguished Ladies and Gentlemen**

It is indeed an honour and privilege to be invited by the organizers to deliver these opening remarks at this first ANNUAL CONFERENCE ON COMBATING FINANCIAL FRAUD, CYBERCRIME AND OTHER CROSS-BORDER CRIMES. I would specifically like to thank the Attorney General and Minister of Justice, Abubakar Malami, SAN, for extending this invitation to the Judiciary and providing an invaluable opportunity to contribute to this very topical discussion, as we seek to find innovative ways to collaborate in the fight against financial fraud, cybercrime and other trans-national crimes.

A report published in 2010 by the Internet Crime Complaint Centre, which is a partnership between the United States of America's Federal Bureau of Investigation (FBI) and National White Collar Crime Centre, revealed that Nigeria was ranked third among the list of top ten sources of cybercrime in the world, which at 8% ranked behind the US (65%) and the UK (9.9%). Unfortunately, our country is perceived as having carved a niche as the source of what is now popularly called "*419-mails*", named after Section 419 of the Nigerian Criminal Code (Cap. 77, Laws of the Federation of Nigeria 1990). This publication also ranks Nigeria as first in the African region as the target and origin of malicious cyber activities.

The correlation between cyber crime, fraud and money laundering and other emerging crimes such as terrorism, human trafficking and drug smuggling cannot be over-

emphasized. The Kofi Annan International Peace Keeping Training Centre, Paper No. 12 of May 2006, recognized the challenge of cross border crime in West Africa as including *“trafficking in small arms and light ammunitions, mercenarism, human trafficking and the use of child soldiers in armed conflict. Others are trans-national syndicates involved in crimes such as peddling of hard or narcotic drugs, armed robbery and “419” activities, money laundering and the smuggling of goods”*.

Given the frightening statistics on the devastating financial effect of these crimes, it is clear that any inaction on our part is a danger to future growth, stability and harmony with our neighbouring countries. We must therefore devise initiatives that will check the rise of rogue technologies and internet sites, which create an atmosphere that encourages these crimes. These crimes are not only a breach of human rights, but also a crime against the Nation as a whole, more so when such crimes have contributed immensely to the poverty and misery suffered by a large part of the Nigerian population.

My Lords, Hon. Minister, Ladies and Gentlemen, there is an urgent need for us to consider and prioritize the reform of our laws. This need is heightened by the imperative for conformance with the primary concerns of law and order, national security and public interest. This Conference therefore provides an invaluable platform to demonstrate the sort of foresight that will result in the development of responsive statutory provisions and enforcement regulations that will

strengthen our institutions thereby enhancing successful investigation, prosecution and adjudication of these offences.

There is also a clear need to improve the skill set of our investigative and prosecutorial agencies, while providing the requisite resources to our agencies in order to mount more comprehensive, intelligence-led, technology driven crime detection and prevention initiatives. In the 21st Century world, a failure to adapt to these new technologies will inevitably lead to an incalculable loss to the Nation.

No doubt, I am committed to a Judiciary that is efficient, speedy, and just. That is why I have continued to stress the importance of timeliness in the conduct of court proceedings because I believe in the time honoured truism that *Justice delayed is Justice denied*. The Judiciary, under my watch, is being re-positioned to meet the challenges of modern day crimes such as these. The introduction of automated court processes and the fast tracking of criminal cases using the Administration of Criminal Justice Act 2015 and the Practice Directions on "Serious Crimes", 2013, are examples of tools, which the Judiciary is deploying to ensure fast, efficient justice delivery. However, I hasten to add that functioning as the third Arm of the Government is not without challenges and must be strengthened through the provision of adequate resources that will enhance functionality as a viable, independent and proactive partner in the fight against corruption, cybercrime,

fraud, money laundering and other transnational organized crimes.

However, the desire of every Nigerian for the quick and fair dispensation of justice can only be achieved where stakeholders in the justice sector work in tandem towards a common objective as a chain is only as strong as its weakest link. The justice sector must be better coordinated and develop synergistic avenues for the exchange of information and best practices. To this end I consider the establishment of the Administration of Justice Commission as provided for by the Administration of Justice Commission Act, 1991, a priority in our efforts towards reform. It is time to leave the rhetoric behind and take visible steps forward in this fight against transnational crimes.

I believe that if we work in harmony and with a sincerity of purpose, towards concrete outcomes, then the efforts that we make will doubtless create a butterfly effect of positive change that is so sorely required in the justice sector. Achieving success in fighting fraud, cybercrime and other cross-border crimes depends on all stakeholders working together towards developing intelligent initiatives, which will result in tangible and pragmatic solutions to ending and ridding ourselves of these emerging crimes.

I am aware that we have an assemblage of international personages, eminent legal minds, members of the Government and Security Services, prominent private citizens, press and

members of the public. I am also delighted that experts and seasoned persons have been selected to chair sessions and lead discussions during this Conference. I therefore urge us to pay rapt attention during the presentations and actively make interventions where necessary, so as to foster a sense of ownership of the outcomes that will arise from this Conference.

It is therefore my expectation that when we look back at this event, we will indeed acknowledge its importance in giving rise to those solutions that led the way towards an end to the scourge of fraud, cybercrime and cross-border crimes in our beloved Nation.

My Lords, Distinguished Ladies and Gentlemen, having shared a few words of counsel, it is now my singular honour to declare the **first *ANNUAL CONFERENCE ON COMBATING FINANCIAL FRAUD, CYBERCRIME AND OTHER CROSS-BORDER CRIMES***, Open. I wish us all beneficial deliberations and a favourable, lasting outcome.

Thank you all.

Hon. Justice Mahmud Mohammed, *GCON*
Chief Justice of Nigeria