

# “Rule Of Law” For The Lucky

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*By Okey Ndibe*

Nigerians who are plain tired of the Yar’Adua regime’s claims to living out the rule of law found reason last Thursday to be nauseated. A Federal High Court in Enugu convicted former Governor Lucky Igbinedion of Edo State on a one-count charge of corruption. His punishment? To pay a fine of N3.6 million. That’s not even a slap on the wrist; it’s a pat on the back – or even a lover’s hum in the ear!

Go to any Nigerian prison and you’ll find inmates who have spent several years for picking somebody’s pocket. In Zamfara, a man had his hand amputated for stealing cattle! And yet, Igbinedion, who was charged with stealing billions of naira, doesn’t have to spend a second in jail!

This isn’t rule of law; it’s ruse of law. It broadcasts that there are two Nigerias and two sets of rules, one set for commoners, the other for the lucky few who call themselves “stake holders.”

The whole shocking episode, make no mistake, was orchestrated by the Economic and Financial Crimes Commission (EFCC). The shenanigan began when the anti-corruption substituted its initial 191-count charge of corruption, money laundering and embezzlement against Igbinedion and his colluding companies with a 24-count charge.

As if the bonanza of the shrunken charges wasn’t enough, the EFCC then threw a Christmas party for this lucky Igbinedion. It decided to arraign him on just one count. The lone charge read: “That you, Lucky Igbinedion (former governor of Edo State) on or about January 21, 2008, within the jurisdiction of this honorable court, neglected to make a declaration of your interest in the account No. 41240113983110 with GTBank in the declaration of Assets Form of the Economic and Financial Crimes Commission and you thereby committed an offence punishable under section 27(3) of the EFCC Act, 2004.”

Igbinedion may be a thief, but he’s no fool. He quickly pleaded guilty to the single charge. The presiding judge blew him a kiss from the bench in the form of the N3.6 million fine. The second accused entity, Kiva Corporation, was convicted on two of the 23 charges preferred against it. The judge asked that the company, one of several Igbinedion used to steal public funds, should pay a N500 million fine. It’s also to forfeit its landed properties, including a parcel of land in Asokoro, a district of Abuja, two plots of land in Benin City with a four-bedroom house and two outer houses, and a storey building also in Benin.

Everything considered, Igbinedion’s day in court was so easy it must have seemed to him like one of his stealing days! One newspaper reported that the former

governor, who had arrived in court with a few of his aides, "paid the fine within minutes after the verdict and was driven away in a white Peugeot 307 marked Nasarawa AG 16 NSW." I won't be surprised if he and his retinue drove straight to the venue of a giddy victory party. A party for the lucky few permitted to steal as much as their twisted minds wish and yet face no serious penalty! Why won't Igbinedion and his pals celebrate this early Christmas windfall? Who would begrudge them a huge, heady party, champagne and spirits flowing, the music blaring, local and imported women flaunting their lithe torsos and surgically enhanced breasts at lucky men, smiles and laughter and wild dancing all around!

Why not, indeed? Let's put things in perspective. The original rap against Igbinedion was that he stole N4.4 billion naira - or more than twenty million dollars - from Edo State. Remark that this figure was, in all likelihood, a small fraction of the funds that went missing during the eight years that Igbinedion ruined Edo State. Executive thieves often have the tools to outwit even the best forensic tools of anti-corruption agents. Yet, in a perplexing plea bargain, Igbinedion was allowed to waltz out of the courtroom after quickly paying a fine of less than thirty-five thousand dollars!

How much is thirty-five thousand dollars worth to the Igbinedions of Nigeria? It's less than the allowance they hand to their girlfriends for one shopping junket to London, Paris or New York. It's less than their bill for a weekend jamboree in one of Dubai's glitzy hotels.

Where a crime as grave as the betrayal of public trust is committed, a prosecutor who knows what he's doing usually persuades a judge to hand down a serious sentence. Quite apart from making the offender feel the pinch of his crime, a stiff sentence is also meant to deter others from contemplating a life of crime.

Justice Abdullahi Kafarati's sentence does not have any deterrent sting whatever. Can anybody think of a single politician in Abuja or any of the thirty-six state capitals who would be chastened by Igbinedion's "punishment"? Is there a chance that any quick-fingered politician would look at the sentence and learn the lesson that corruption is a risky gamble? I seriously doubt it.

Nigerians were scandalized when former Inspector-General of Police Tafa Balogun got away with a six-month sentence for stealing N17 billion. Then they were shocked when former Governor D.S.P. Alamieyeseigha got away with another soft jail sentence. Now, with Igbinedion's feathery sentence, Balogun and Alamieyeseigha must be stewing with envy. Compared to Igbinedion, those two must feel as if they faced a firing squad!

Justice Kafarati's sentence is the kind of sanction likely to fertilize corruption, not stem it. Here's what it proposes to the collection of crooks who misrule Nigeria: steal, as much as you want, you'll live to enjoy the fruits of your treachery! Steal millions of dollars; pay a few thousand in fine - and absolutely no jail time.

What bizarre considerations informed the judge's decision to hand candies to Igbinedion in the name of sentencing him? Why did the EFCC seem to snooze

as Justice Abdullahi Kafarati weighed Igbinedion's sentence? From newspaper accounts, Igbinedion's lawyer was the more aggressive, determined in pleading his client's case and pressing the case for leniency. Why didn't the agency's lawyer speak forcefully about the egregious nature of Igbinedion's crimes, and their grave consequences for his state? Why did the EFCC decide to arraign Lucky on a single, relatively innocuous charge?

After the verdict, the EFCC affected outrage. It threatened to appeal. I am not impressed. The agency's current chair, Farida Waziri, had earlier said she was opposed to plea bargains with accused officials. How then did the agency find itself in this sordid plea bargain with Igbinedion? Here's my prediction: the agency will wait a few weeks for the shock of Igbinedion's feather-brush to wear off. Then it will let sleeping dogs lie - or lying dogs sleep.

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Okey Ndibe is a novelist, poet, political activist from Yola, Nigeria. He is the author of *Arrows of Rain*, a critically reviewed novel published in 2000. Ndibe relocated to the United States in 1988, where he founded *African Commentary*, a magazine described as "award-winning and widely acclaimed." Ndibe is also a published poet, and a former associate professor of English at Bard College at Simon's Rock. He currently teaches fiction and African literature at Trinity College in Hartford, CT. Okey Ndibe is finishing his second novel titled *Foreign gods, incorporated*.

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