

# Socio-Economic Rights and Accountability Project

(CAC/IT/No. 17206)

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**SERAP**

8 January 2016

His Excellency  
Former President Goodluck Jonathan  
Otuoke  
Bayelsa state

Your Excellency:

**Re: Nigerians seek explanations on what you knew or had reason to know on the apparent diversion and sharing of over \$2 billion meant for purchase of arms to fight Boko Haram**

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Socio-Economic Rights and Accountability Project (SERAP) is sending you this open letter to seek explanations from you, as former President and Commander-in-Chief of the Nigerian Armed Forces, on what you knew, or had reason to know on the apparent diversion and sharing of the over \$2 billion meant to purchase arms to empower Nigerian soldiers to fight Boko Haram.

SERAP is a human rights non-governmental organization whose mandate include to promote and seek respect for socio-economic rights of Nigerians, and to promote transparency and accountability in the public and private sectors through human rights. On the recommendation of the DFID, SERAP was nominated for the UN civil society award in 2008. SERAP was also nominated for the Ford Foundation *Jubilee* Transparency Award for 2011. SERAP received the Wole Soyinka Anti-Corruption Defender Award for 2014. SERAP is also a key member of the UNCAC Coalition, which is a global anti-corruption network of over 310 civil society organisations (CSOs) in over 100 countries.

SERAP considers that there is enough material in the public domain to suggest that over \$2 billion meant for purchase of arms to equip Nigerian soldiers fighting Boko Haram in the North East of the country was diverted and shared among high-ranging government and party officials under your watch as President and Commander-in-Chief of Nigerian Armed Forces.

Is it correct to suggest that the budget of over \$2 billion to purchase arms for Nigerian soldiers fighting Boko Haram in the North-East of the country was authorised by you or your office? In other words, did your former National Security Adviser (NSA), Col. Sambo Dasuki



(rtd) seek your approval to collect from the Central Bank of Nigeria the over \$2 billion meant for purchase of arms for Nigerian soldiers?

If so, Nigerians would like to hear from you whether the apparent diversion and sharing of our commonwealth by your former NSA was expressly or implicitly authorised by you.

Is it then correct to suggest that the former NSA implements presidential decisions and not make them? If so, is it also correct to suggest that the apparent diversion and sharing of the over \$2 billion meant for purchase of arms was a presidential-level decision and that you signed off on it?

Is it not correct to suggest that your Administration acted on the basis that it was essentially unrestrained by international or Nigerian law in engaging in or encouraging the apparent diversion and sharing of the over \$2 billion meant to purchase arms for Nigerian soldiers in order to protect them against attacks from Boko Haram and to enhance their ability to defend the territorial integrity of the country and provide security for its citizens?

Assuming you did not directly order or authorise the apparent diversion and sharing of the over \$2 billion meant to purchase arms for Nigerian soldiers, is it fair to suggest that you at least knew, or had reason to know, that your own former NSA was apparently involved in the heinous crime of corruption to wit: the diversion and sharing of over \$2 billion meant to purchase arms for Nigerian soldiers; and did not take all necessary and reasonable measures in your power as Commander-in-Chief and President to prevent the alleged diversion and sharing of our commonwealth, as explained above?

After the apparent diversion and sharing of the over \$2 billion was brought to your attention, did you take any step to refer your former NSA and all those involved in the diversion and sharing to appropriate anticorruption agencies to ensure that all those who were alleged to be responsible for this heinous crime of corruption are brought to justice?

Would you agree that the apparent diversion and sharing of the over \$2 billion meant for purchase of arms for Nigerian soldiers has seriously undermined the ability of the soldiers to defend themselves and fight Boko Haram; resulted in some soldiers being unfairly tried for refusing to fight without being provided with necessary arms; inflicted severe pain or suffering; and caused unnecessary loss of lives and displacement of law-abiding citizens?

Would you accept that the apparent diversion and sharing of the over \$2 billion was largely due to your failure to ensure: (1) that system was in place to ensure a transparent and accountable spending of budget for military operations in strict accordance with the standards of international law including the UN Convention against Corruption; (2) that any such system was operating in a continuous and effective manner; and (3) that violations of the standards were punished when detected by that system?

Would SERAP be correct to suggest that you, as President and Commander-in-Chief, knew about the authorization, apparent diversion and sharing of the over \$2 billion meant to purchase arms for Nigerian soldiers, in the chain of command involving your former NSA and others?

Would it therefore be correct to further suggest that your acts and/or omissions concerning the apparent diversion and sharing of the over \$ 2 billion were such as to give rise to personal


liability through command responsibility for the actions of your former NSA and others who worked under you?

Would you now, on the basis of the above, apologise to Nigerians for the apparent diversion and sharing of the over \$2 billion and the catastrophic consequences for Nigerian soldiers and their families, including those who have lost their lives; those unfairly tried and convicted; and millions of displaced Nigerians?

Nigerians are eagerly awaiting your clarifications on the issues raised above, and your apology.

In the meantime, SERAP and indeed Nigerians reserve the right to pursue justice through appropriate national and international accountability mechanisms to ensure that everyone involved in this heinous crime is brought to justice in accordance with international standards of fairness.

Yours sincerely,

  
**Adetokunbo Mumuni**  
**Executive Director**

8/1/2015