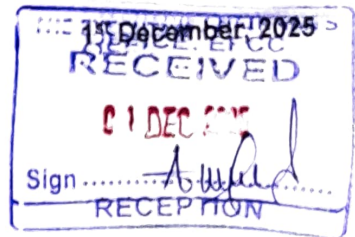


(DR.) Abubakar Malami, SAN, CON
(Kuliyar Gwandu, Dokajin Yauri)

**The Executive Chairman
Economic and Financial Crimes Commission
Plot 301/302 Institution and Research District
Abuja.**



**Attention: Sunday Aliba Ofen-lmu
Ag. Director, Executive Chairman's Office
& Coordinator, Special Duty Committee HQ**

Sir,

RE:

- 1. EFCC INVITATION LETTER DATED 24TH NOVEMBER, 2025**
- 2. FURTHER CLARIFICATIONS FOR RECORD PURPOSE**

INTRODUCTION

I refer to the Commission's invitation letter dated 24th November, 2025, summoning me for interrogation. As a law-abiding citizen, and upon receiving the said invitation on 25th November, 2025, I immediately acknowledged receipt and confirmed my availability by my letter of the same date, well within the two-day period given to appear. Copies of the Commission's invitation letter and my acknowledgment are attached as **Annexures A and B**, respectively

Notably, the invitation did not disclose any predicate offence for which I was allegedly under investigation. It merely invoked the general powers of the Commission under Section 38 (1) & (2) of the EFCC Act without specifying the suspected offence.

During my appearance before the Commission on 28th November, 2025, however, the line of questioning suggested an allegation relating to the purported engagement of multiple legal instructions in connection with the recovery of the Abacha Loot during my tenure as Attorney-General of the Federation. This position became clearer at the conclusion of the over 15-hour engagement, when the terms of the bail bond presented to me expressly alleged **Money Laundering and Abuse of Office**.

It is important to make it clear from the outset that these allegations and incidental insinuations relating thereto do not arise from any verifiable facts, documentary

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evidence, or legitimate investigative findings presented to me during the engagement. The process so far appears driven by assumptions inconsistent with the documented history of the USD 322.5 Million (Including interest) Abacha Loot eventually repatriated in 2021.

FACTS AND MATTERS DEMONSTRATING THE BASELESSNESS OF THE ALLEGATIONS.

- 1) As at 2015, when I assumed office as Attorney-General of the Federation, the sum of USD 322.5 million (Including interest) belonging to the Federal Republic of Nigeria was still held in Switzerland/United States of America and had not been repatriated. In fact, the funds were originally USD310M and the additional USD12.5M was interest generated up to the time of recovery when the funds were eventually repatriated. The funds generated interest while in custody of authorities.
- 2) As the Attorney-General of the Federation, I was constitutionally and statutorily responsible for ensuring the repatriation of those funds and their remittance into the Federal Government's account, including taking necessary steps to engage appropriate legal representation to achieve this, and the engagement of a competent indigenous firm was a product of that statutory function.
- 3) During the interview of 28th November, 2025, the Commission appeared to rely heavily on the erroneous premise that a foreign lawyer, Mr. Monfrini, had allegedly concluded the repatriation process as far back as 2014, even when there was no evidence on the ground that the money in contention was repatriated to any Federal Government account which could have established the conclusion of the recovery process. In fact, the money continues to generate interest while in custodial management of Swiss authorities and became USD322.5M at the time of recovery as against USD310M that it was in 2014.
- 4) This conclusion is wholly misconceived and illogical in light of the following facts:
 - a) As at 2015, almost two years after the Commission's alleged date of "concluded recovery", the same Mr. Monfrini formally applied to the Federal Government seeking to be appointed as a recovery agent for these same funds (among other assets).
 - b) In that 2015 request, not once did Mr. Monfrini assert or even suggested that he had already recovered or was holding any Nigerian funds pending repatriation.
 - c) It is inherently illogical that a lawyer who had allegedly completed recovery of the funds would subsequently apply for authorization to "recover" the same funds, while requesting a **USD 5,000,000 upfront payment** and a **20% success fee**. A copy of the letter from Monfrini Crettol & Associates dated 17th December, 2015 is attached as **Annexure C**.

- d) Ultimately, the engagement was awarded instead to a Nigerian law firm, which successfully had the funds repatriated at their own cost, charging only **5% success fee**, without any request for advance payment.
- e) Arising from the above engagement, the discretion exercised by the Attorney General of the Federation eventually **saved Nigeria USD 5,000,000 upfront, which translated to about ₦1,830,000,000 (One Billion, eight Hundred and Thirty Million Naira) and 15% of the volume of the recovered asset, which by the prevailing exchange rate is about ₦43,306,050,000 (Forty-three Billion, Three Hundred and Six Million, and Fifty Thousand Naira).**
- 5) These facts are matters of record and conclusively negate any suspicion of wrongdoing. It is concerning that despite the availability of these documents, the Commission continues to rely on a premise inconsistent with the documented actions of Mr. Monfrini himself.

MY POSITION

- 1) In view of the above, no reasonable basis exists for insinuating or alleging Money Laundering or Abuse of Office on my part.
- 2) Every action taken in relation to the repatriation of the funds was carried out strictly within the constitutional and statutory powers of the Attorney-General of the Federation, exercised in the public interest and in the interest of justice, and sanctioned and ratified by the Federal Executive Council (FEC) which eventually interrogated the engagement at the FEC meeting and eventually approved payment of the professional fees for services rendered.
- 3) It is therefore pertinent to ask whether the Commission is suggesting that it constitutes abuse of office or money laundering to:
 - a) Successfully prosecute, coordinate, and conclude the repatriation of funds that were duly paid into the Federal Government's account, on account of a decision constitutionally exercised by the Attorney General of the Federation in public interest and in the interest of justice and sanctioned by the FEC.
 - b) Decline to engage a foreign lawyer who demanded USD 5,000,000 upfront and 20% success fee deducted at source; and
 - c) Prioritize national interest and local capacity by engaging a competent Nigerian law firm that successfully repatriated the funds at a significantly lower cost to Nigeria.
- 4) These questions illustrate the complete lack of logic or factual foundation underlying the allegations presently suggested.



Any investigative line premised on assumptions already disproven by documented evidence raises concerns about the objectivity and direction of the inquiry. It is neither in the interest of justice nor in accordance with best investigative practice for a public institution to pursue a predetermined conclusion and seek justification thereafter.

It is instructive to note that the instructions were not only sanctioned and approved by the President and the FEC but the payment of the professional fees was interrogated, sanctioned and approved by the President and FEC. Copies of the Presidential and FEC approval are attached as **Annexures D and E** respectively.

CONCLUSION:

I remain committed to cooperating fully with the Commission. However, I must place on record my reservations regarding the factual consistency and legal basis of the allegations being pursued. I urge the Commission to realign the investigation with verifiable evidence and the documented history of the repatriation process. I reject the allegation of abuse of office and money laundering and shall rely on the factual foundation established above in defense, in case of possible prosecution.

I remain available to provide any further clarification.
Thank you

Yours faithfully,


ABUBAKAR MALAMI SAN, CON

Cc:
THE HONOURABLE ATTORNEY GENERAL OF THE FEDERATION
FEDERAL MINISTRY OF JUSTICE
PLOT 71B, SHEHU SHAGARI WAY
MAITAMA ABUJA.