



الجامعة الإسلامية العالمية ماليزيا
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA
بِوَيْبَرِضِيَّتِي إِسْلَامًا وَأَنْبَارًا يَجْنِبًا مِلَّةِئِنَّا

ECONOMIC AND FINANCIAL CRIMES AND ICT:
AN APPRAISAL OF THE RESPONSE OF THE
NIGERIAN CRIMINAL LAW

BY

YUSUF IBRAHIM AROWOSAIYE

INTERNATIONAL ISLAMIC UNIVERSITY
MALAYSIA

2009

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

ECONOMIC AND FINANCIAL CRIMES AND ICT:
AN APPRAISAL OF THE RESPONSE OF THE
NIGERIAN CRIMINAL LAW

BY

YUSUF IBRAHIM AROWOSAIYE

A thesis submitted in fulfilment of the requirement for
the degree of Doctor of Philosophy in Law

Ahmad Ibrahim Kulliyyah of Laws
International Islamic University
Malaysia

JULY 2009

ABSTRACT

This study focuses on the response of the Nigerian criminal legislations to the contemporary phenomenon of economic and financial crimes and ICT as enabler. The study critically examines the adequacies or otherwise of the existing Nigerian criminal legislations, *Shariah* Penal Code inclusive, to meet the facets of challenges posed by the prevalence of economic and financial crimes and ICT infrastructures as facilitating tools. The continuous legislative and non-legislative measures undertaken by the past and present Nigerian government in response to the growing trend of this menace are highlighted in the study. Since technology has made national borders more permeable, economic and financial crimes are no longer a local phenomenon but a global problem. Thus, the study employed a methodological evaluation of the common themes and varying national and international perspectives that come into play in response to the phenomenon. This study reveals that the existing Nigerian criminal legislations are grossly inadequate to address the prevailing problem of ICT related economic crimes. The study also reveals that criminalizing economic and financial crimes through legislative means alone would not produce the expected effective response to the menace. This study therefore recommends for vigorous pursuit of both legislative and non-legislative measures to bring the phenomenon to a barest minimum. The study further recommends for necessary amendments to the affected Nigerian legislations which provisions are inadequate to effectively address the subject of economic and financial crimes. It also advocates for immediate passage of the pending Nigerian Cyber Crime Bill 2005 titled “Computer Security and Critical Information Infrastructure Protection Bill 2005”. The Bill if eventually passed into law will serve as Nigerian specific cyber crime law to address electronically perpetrated economic and financial crimes.

ملخص البحث

يهتم هذا البحث بدراسة مدى استجابة التشريع الجنائيّ النيجيري لظاهرة المخالفات والجنايات الاقتصادية والماليّة الحديثة التي تتم عبر وسائل تقنية المعلومات الفضائية، كما يهتم هذا البحث بإجراء الدراسة النقدية المعمّقة لمدى ملاءمة أو عدم ملاءمة التشريعات الجنائية النيجيرية الموجودة حاليًا لمواجهة الجرائم الاقتصادية والمالية والجرائم التي تتم عبر الأجهزة التقنية الفضائية، هذا بالإضافة إلى دراسة ما وفره التشريع الجنائي الإسلامي المستعمل في شمال نيجيريا بخصوص هذه القضية. وقد تم كذلك إلقاء الضوء على الإجراءات التشريعية وما دونها من الخطوات التي اتخذتها الحكومات النيجيرية الفيدرالية سابقا ولاحقا لردع هذه الجريمة الشنيعة. ومن المعلوم أن التكنولوجيا قد وحدت جميع الحدود الدولية عبر الفضاء مما يسهّل عبور الحدود الدولية من خلال الفضاء بسرعة أمكن، ولذلك لا يعتبر أهل القانون الجرائم الاقتصادية والمالية من الجرائم التي تقتصر فقط على الحدود الداخلية وإنما يعتبرونها حاليا من الجرائم التي تتعدى الحدود الدولية، ولأجل ذلك اتخذ هذا البحث أسلوب التقييم والتقدير لجميع الظواهر التشريعية المتعددة والمستعملة على الساحة الوطنية والدولية . ويكشف لنا هذا البحث من خلال دراستنا لهذه القضية أن جميع اللوائح والتشريعات الجنائية النيجيرية الموجودة حاليا غير كافية لحل المشاكل الإجرامية التي تتعلق بالجنايات والمخالفات الاقتصادية والمالية عبر الأجهزة التكنولوجية الفضائية كما اكتشفنا أيضا أن الاهتمام بإجرامية المخالفات الاقتصادية والمالية لا تكفي وحدها لإزالة الخطورات التي تنتج عبر هذه المخالفات إلا ببذل المزيد من الجهود لتوفير الأجهزة اللازمة للكشف عن الجرائم وإعداد الطاقة البشرية المتكافئة من الخبراء المتخصصين الذين يمكن لهم أن يبتّوا في القضية على الوجه المطلوب كلما دعا الأمر إلى ذلك. وعليه تم الاقتراح باتخاذ الإجراءات القانونية وغيرها لمواجهة هذه الظاهرة الخطيرة التي تهدد الكيانات البشرية. وأوصى هذا البحث في آخر المطاف بضرورة إجراء التعديلات اللازمة لجميع التشريعات الجنائية النيجيرية الخاصة بهذه القضية، كما أوصى بموافقة المجلس التشريعي الوطني بإجازة الوثيقة القانونية النيجيرية للجنايات الفضائية الصادرة عام ٢٠٠٥م والتي تعرف بـ " وثيقة حماية الحاسوب الآلي وضمان بنية المعلومات القيّمة عام ٢٠٠٥م" حيث رأينا أنه إذا تمت الموافقة على هذه الوثيقة وأجازها المجلس ستصبح قانونا مثاليا لحرب الجرائم الاقتصادية والمالية التي ترتكب عبر الأجهزة التكنولوجية.

APPROVAL PAGE

The thesis of Yusuf Ibrahim Arowosaiye has been approved by the following:

Juriah Abd Jalil
Supervisor

Norhashimah Mohd Yasin
Co-Supervisor

Mohamad Ismail Bin Mohamad Yunus
Internal Examiner

Kamal Halili Hassan
External Examiner

Nasr Eldin Ibrahim Ahmed
Chairman

DECLARATION PAGE

I here declare that this dissertation is the results of own investigation, except where otherwise stated. I also declare that is has not been previously or concurrently submitted as a whole for my other degree at IIUM or other institutions.

Yusuf Ibrahim Arowosaiye

Signature.....

Date.....

INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA

**DECLARATION OF COPYRIGHT AND AFFIRMATION
OF FAIR USE OF UNPUBLISHED RESEARCH**

Copyright © 2009 by Yusuf Ibrahim Arowosaiye. All rights reserved.

**ECONOMIC AND FINANCIAL CRIMES AND ICT: AN APPRAISAL OF
THE RESPONSE OF THE NIGERIAN CRIMINAL LAW**

No part of this unpublished research may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without prior written permission of the copyright holder except as provided below.

1. Any material contained in or derived from this unpublished research may only be used by others in their writing with due acknowledgement.
2. IIUM or its library will have the right to make and transmit copies (print or electronic) for institutional and academic purposes.
3. The IIUM library will have the right to make, store in a retrieval system and supply copies of this unpublished research if requested by other universities and research libraries.

Affirmed by Yusuf Ibrahim Arowosaiye

.....
Signature

.....
Date

To

My Parents, Ahaji Sulaiman Arowosaiye and Alhaja Habibat Folorunsho Arowosaiye

My Wife, Dr. Raji Hadijat Olaide

And in Everlasting memory of

Late Assoc Prof. Dr. Mohd Akram (Late Supervisor)

ACKNOWLEDGEMENTS

In the name of Allah, Most Gracious, Most Merciful. May the peace and blessings of Almighty Allah be upon our beloved Prophet Muhammad, his household and companions.

The accomplishment of this PhD program and my other humble academic achievements are made possible by Allah's mercy and *Rahamah*. The unflinching support and encouragement of my parents especially my beloved mother, my wife (Dr. Raji Hadijat Olaide), children (Aishat Omobolanle Ibrahim, Muhammad Mukhtar Ibrahim and Nusaibah Ibrahim), siblings and generous and caring in-laws (AhLaji Muritala Raji and Hajia Adama Raji) are highly appreciated. I wish to express my eternal appreciation to three relations of mine; Alhaji Yusuf Amuda Arowosaiye (my late uncle), beloved big sister, Raliat Iyabo Abdullateef Bako Alaaya and Brother Ibrahim Duro Gold, for taking extra interest in nurturing my academic growth at its formative stage.

The completion of this PhD research is also made possible by the tremendous support and assistance I received from my able supervisors (Late Assoc Prof. Dr. Mohd Akram, Assoc Prof. Dr. Juriah Abdul Jalil, and Assoc Prof. Dr. Norhaishimah Mohd Yasin). They provided me with generous comments and suggestions at every stage of this research. I therefore most sincerely express my gratitude posthumously, to late Assoc. Prof. Dr. Mohamad Akram for taking up the onerous task of supervising this study but never live to witness its completion. May Almighty Allah grant him His forgiveness and with His mercy admit him to *Jannatul Fridaus*. Assoc Prof. Dr. Juriah Abdul Jalil has been divinely supportive of this study as a co-supervisor from the very stage I presented the study proposal. The learned associate professor, with Allah's leave, naturally filled in the vacuum created by the sudden demise of late Assoc Prof. Dr. Mohd Akram and provided me with every support, commitment and encouragement required to continue with the research. Assoc Prof. Dr. Juriah Abdul Jalil's inimitable brand of supervision and constructive criticism advance my learning of the law especially legal research methodology. I am indeed grateful for this immense contributions and assistance. I owe debt of gratitude to my co-supervisor Assoc Prof. Dr. Norhaishimah Mohd Yasin. I had the rare honour of learning from her wealth of experience in the field of money laundering legislations, techniques and strategies. The learned associate professor's suggestions and provisions of textual materials on the subject of money laundering really enrich the quality of this research and are self-evident in chapters three, four and five of this research. I am also grateful to Prof. Ida Medieha Abdul Ghani Azmi for granting me the privilege to attend her Advance Intellectual Property Law Class all in quest to broaden my understanding of intellectual property and information technology law. I thank Sisters Juhani Mohmud and Zuraila Alwi (both of Postgraduate Unit, Ahmad Ibrahim Kulliyyah of Laws, IIUM, Malaysia), and the entire staff of IIUM Library for their administrative support and cooperation throughout the period of my study at IIUM, Malaysia. I also express my deep appreciation to the Centre for Postgraduate Studies, IIUM Malaysia for considering me worthy of being awarded the prestigious IIUM Rector's

Scholarship. I appreciate the support of the management of the University of Ilorin, Nigeria for granting me the Staff Development Fund. I thank the entire Postgraduate Students' Society Executive Members (PGSS EXCO, 2008/2009) under which I served as Vice-President for their support and for the good moments we shared together during our tenure of office.

Further more, I must stress that my debt of gratitude are too extensive to be fully acknowledged let alone repaid. Nevertheless, I express my gratitude to Prof. Shahu Abdulsalam and his family for the moral support and hospitality accorded to me throughout my period of study at IIUM, Malaysia. I also acknowledge the support of Prof. Mohmoh Salami and Prof. Muyibi Sulaiman and their respective families for their supports. There are also many others numerous to mention who provided me with support and encouragement among whom are; Dr. Abdulkadir Ibrahim Abikan, Alhaji Mustapha Muritala Abioye, Brother Ahmad Muhammad Mahdi, Brother Mutalib Sekoni, Brother Abdul Lateef (Baba Abdul Azeem), Brother Muhammad Ghali, Brother Tijani (a.k.a. Alhaji Dubiai), Brother Abdullah Otun, Brother Abdul Jalil Shittu, Dr. Abdul Kabir, Dr. Mikail Ibrahim, Alhaji Yahaya Muritala, Dr. Abdulkadir Abdullateef (Oko-Eleha), Brother Yussuf Adam Al-Badani, Brother Mohammad Burhandeen Musah, Brother Yusuf Abduljalil Amuda, Utaz Imam Ahmad, Ustaz Buliaminu, Brother Daud Balogun, Brother Amoo Abdulwasiu, Barrister Kayode Adam Ibrahim, Alhaji Abdulazeez Yusuf, Brother Ahmad Muritada, Imam Abdulkadir Tunde Alaaye. My special thanks go to the entire members of NISCOM and NIDOMY and its leadership, past and present. Am grateful to my colleagues in the faculty of law for given me the opportunity to serve as the president of PGSS (AIKOL Chapter 2006/2007). I also appreciate the support received from Big Sister Fida, Siti Sara Abdulmalik, Azmawati Abudlazeez, Hassan Alhaji Sekou, and Ibrahim Fofana.

Finally, I am forever grateful to my beloved mother, who remains the pillar of my life and with Allah's leave the architect of my success. I'm especially indebted to my lovely wife who proofread the entire manuscript of this PhD dissertation and also acted as the sole head of my family throughout the period of my absence. My children have been very wonderful for enduring my absence and deprivation of my attention for so long a time. I promise to make up very soon. On a final note, Oh Allah I seek Your favour and mercy to bless this humble accomplishment with abundant *Rahanmah*, increase me in knowledge and *Taqwa* and make this the accomplishment the beginning of greater achievements in this world and the hereafter (Amin).

TABLE OF CONTENTS

Abstract	ii
Arabic Abstract	iii
Approval Page.....	iv
Declaration Page	v
Copyright Page.....	vi
Dedication	vii
Acknowledgements	viii
Table of Contents	x
List of Statutes	xv
List of Cases.....	xvii
List of Abbreviations	xix
List of Abbreviations	xix
CHAPTER 1: GENERAL BACKGROUND OF STUDY	1
1.1 General Introduction	1
1.2 Statement of Problem.....	5
1.3 Aims and Objectives of Study.....	7
1.4 Hypothesis.....	9
1.5 Scope and Limitation of Study.....	9
1.6 Structure of the Study.....	11
1.7 Literature Review	15
1.8 Research Methodology.....	28
1.9 Summary of the Proposed Dissertation.....	31
CHAPTER 2: HISTORICAL DEVELOPMENT OF NIGERIAN CRIMINAL LAW	33
2.1 Introduction.....	33
2.2 Concept of Crime and Administration of Criminal Justice in the Pre- Colonial Nigerian Society	34
2.3 Alleged Weaknesses in the Traditional Customary Criminal Justice in the Pre -Colonial Nigerian Society	38
2.4 Effectiveness of the Traditional Customary Criminal Justice System in the Pre Colonial Nigerian Society.....	42
2.5 The Colonial Era: the Introduction of English Criminal Law in Nigeria .	49
2.6 Areas of Conflict between English Modelled Criminal Law and the Nigerian Customary Criminal Law	55
2.7 The Emergence of the Penal Code for Northern Nigeria.....	62
2.8 Promulgation of the Penal Code and the Final Abolishment of the Customary Criminal Law	66
2.9 Jurisdictional Relationship between the Penal Code and the Criminal Code	67
2.10 Other Sources of the Nigerian Criminal Law	73
2.11 Concluding Remarks	74

CHAPTER 3: NATURE, SCOPE AND EFFECTS OF ECONOMIC AND FINANCIAL CRIMES UNDER THE NIGERIAN CRIMINAL LAW 76

3.1	Introduction.....	76
3.2	Conceptual Legal Framework of Economic and Financial Crimes in Nigeria.....	78
3.3	Nature and Scope of Economic and Financial Crimes.....	83
3.4	Economic and Financial Crimes under Military Regimes in Nigeria.....	85
3.5	Specific Military Decrees on Economic and Financial Crimes in Nigeria.....	86
3.6	Recovery of Public Property (Special Military Tribunal) Decree, 1984 ..	91
3.7	Special Tribunal (Miscellaneous Offences) Decree No. 2, 1984.....	94
3.8	Forms of Economic and Financial Crimes under the Nigerian Law.....	95
3.8.1	Tax Evasion and Avoidance	95
3.8.2	Smuggling.....	98
3.8.3	Illegal Capital Transfer	100
3.8.4	Counterfeiting and Forgery.....	102
3.8.5	Banking and Insurance Fraud	105
3.8.6	Advance Fee Fraud	107
3.8.6.1	Provisions on Advance Fee Fraud	109
3.8.7	Credit Card Frauds/ Identity Fraud.....	113
3.8.8	Corruption as Economic and Financial Crime.....	114
3.8.9	Money Laundering.....	117
3.8.9.1	Stages of Money Laundering Process: An Overview.....	120
3.9	Consequences of Economic and Financial Crimes in Nigeria.....	124
3.9.1	Economic Effects of Economic and Financial Crimes in Nigeria.....	126
3.9.2	Socio-Political Consequences of Economic and Financial Crimes in Nigeria	143
3.10	Concluding Remarks.....	146

CHAPTER 4: COMPUTER AND ICT RELATED ECONOMIC CRIMES AND ITS EFFECTS IN NIGERIA 148

4.1	Introduction.....	148
4.2	Computer and ICT Related Crimes: Development and Definition.....	149
4.3	Criminological Links between White-Collar Crime, Economic And Financial Crimes, and Cyber Crime.....	154
4.3.1	New Development of Definition	156
4.3.2	Development of ICT Policy and Law in Nigeria.....	160
4.4	Classification of Computer and ICT Related Crimes	162
4.5	Selected Forms of Computer and ICT Related Crimes.....	164
4.5.1	Hacking (Unauthorised Access to Computer Material).....	165
4.5.2	Fraud and Phishing (Web and Email Spoofing).....	167
4.5.3	Credit Card Fraud	171
4.5.4	Identity Theft Fraud.....	175
4.5.5	Cyber Piracy of Intellectual Property, Forgery and Counterfeiting.....	178
4.5.6	Cyber Laundering	183
4.6	The Cost of Computer Related Economic Crimes in Nigeria.....	184
4.7	Investigation and Prosecution of Computer Related Offences	187
4.7.1	Inter Jurisdictional Aspect	190

4.7.2	Inconsistency and Contradictory Substantive and Procedural Laws	191
4.7.3	Technical and Logistic Problems.....	192
4.7.4	Computer Evidence	194
4.8	Concluding Remarks	196

CHAPTER 5: THE NIGERIAN CRIMINAL LAW RESPONSE TO ECONOMIC AND FINANCIAL CRIMES AND THE ICT INFRASTRUCTURES 198

5.1	Introduction.....	198
5.2	Nigerian Statutory Enactments against Economic and Financial Crimes and the Phenomenon of ICT as Enabler.....	199
5.2.1	Nigerian Criminal Code and Penal Code Provisions on Economic and Financial Crimes	199
5.2.2	Advance Fee Fraud and other Fraud Related Offences Act 2006 (AFF ACT 2006)	204
5.2.3	Laundering of Fund Obtained Through Unlawful Activities	213
5.2.4	Electronic Telecommunication Offences	214
5.3	The New Phenomenon of Phishing, Credit Card Fraud, Identity Theft, Internet Piracy and Nigerian Criminal Law	220
5.3.1	Phishing, Credit Card Fraud and Identity Theft under Nigerian Criminal Law	220
5.4	Nigerian Intellectual Property Law and Internet Piracy	226
5.5	Nigerian Anti-Money Laundering Initiative and the Phenomenon of Cyber Laundering	231
5.5.1	Nigerian Anti-Money Laundering Law and Regulations: Roles and Techniques	233
5.5.2	Money Laundering Offences under the Nigerian Law	235
5.5.3	Limitation to Make or Accept Cash Payments	236
5.5.4	Duty to Report Transfer of Funds and Securities (Cash Transaction Report)	237
5.5.5	Customer Identification; Know Your Customer (KYC) Policy ...	241
5.5.6	Special Surveillance on Certain Transactions (Suspicious Transaction Report)	245
5.5.7	Mandatory Disclosure by Financial Institutions.....	246
5.5.8	Surveillance of Bank Accounts by the NDLEA	248
5.6	The Phenomenon of Cyber Laundering: Trends and Responses	251
5.6.1	Major Trends in Cyber Laundering	252
5.6.2	Cyber Laundering: E-Commerce, New Payment Technology and Right of Privacy.....	257
5.6.3	New Responses and Initiatives to Combat Cyber Laundering	261
5.7	Non-Legislative Policy Response to Economic and Financial Crimes and ICT.....	268
5.7.1	Nigerian Crime Initiative (NCI)	268
5.7.2	Central Bank of Nigeria (CBN) Anti-Money Laundering Initiatives.	270
5.7.3	Creation of Due Process Office	272
5.8	The Nigerian Stock Exchange Efforts in Combating Money Laundering and Other Related Economic Crimes.....	274

5.9	Economic and Financial Crimes Commission	276
5.9.1	Establishment of EFCC	278
5.9.2	Special Powers of the Commission	279
5.9.3	EFCC Strategy in Fighting Economic and Financial Crimes in Nigeria	280
5.9.4	EFCC's Information Technology (IT) Strategy on Economic and Financial Crimes	282
5.10	Militating Factors Against Effective Investigation, Prosecution of Economic and Financial Crimes in Nigeria	287
5.10.1	Likelihood of Success in Investigating and Prosecuting Economic and Financial Crimes Aided by ICT	287
5.10.2	Procedural Law Issues	290
5.11	New Development: The Nigerian Computer Security and Critical Information Infrastructure Protection Bill 2005	293
5.11.1	General Review of the Draft Nigerian Computer Security and Critical Information Infrastructure Protection Bill 2005	294
5.11.2	Legislative Goals and Scope of the Draft Bill 2005	295
5.11.3	Criminalising Unlawful Access to Computer with Intent to Commit or Facilitate the Commission of Further Crimes	296
5.11.4	Criminalising Data Forgery, Computer Fraud and Identity Theft	304
5.11.5	Criminalising Cyber Piracy	306
5.11.6	Nigerian Computer Security and Infrastructure Protection Bill 2005 and Right of Privacy	307
5.12	Concluding Remarks	309

CHAPTER 6: ECONOMIC AND FINANCIAL CRIMES AND ICT INFRASTRUCTURE: THE ISLAMIC CRIMINAL LAW PERSPECTIVE ... 311

6.1	Introduction	311
6.2	Concept of Economic and Financial Crimes under Islamic Law	312
6.3	Definitions and Typologies of Economic and Financial Crimes under Islamic Law	314
6.3.1	Theft as Economic Crime	317
6.3.2	Bribery (<i>Al-Rishwah</i>) and Corruption	319
6.3.3	<i>Soht</i> (Gaining Money from Illegal Sources)	321
6.3.4	Gambling (<i>Qimar or Mysar</i>)	323
6.3.5	Usury (Excessive Interest) – <i>Riba</i>	324
6.4	Some Contemporary Economic and Financial Crimes in Islam	326
6.4.1	Money laundering as an Economic Crime under Islamic Law	327
6.4.2	Official Corruption as an Economic Crime under Islamic Law	331
6.4.3	Advance Fee Fraud (AFF) as an Economic Crime in Islam	334
6.4.4	Other ICT Related Economic and Financial Crimes and the Islamic Point of View	336
6.4.5	Cyber Fraud and Identity Theft	337
6.4.6	Cyber Piracy and Intellectual Property Theft under Islamic Criminal Law	338
6.4.7	Credit Card Fraud	340
6.4.8	Terrorists Financing as Economic Crime	340
6.5	Control and Prevention of Money Laundering and Other Illicit Financial Crimes under Islamic Law	343

6.5.1 Application of the <i>Sharia</i> Criminal Code to Economic and Financial Crimes and ICT Related Offences in Nigeria.....	347
6.6 Concluding Remarks.....	352

CHAPTER 7: SUMMARY, RESEARCH FINDINGS AND RECOMMENDATIONS..... 354

7.1 Introduction.....	354
7.2 The Historical Development of the Nigerian Criminal Law.....	356
7.3 Nature, Scope and Effects of Economic and Financial Crimes under the Nigerian Criminal Law	358
7.4 Effects of Computer Related Economic Crimes in Nigeria.....	362
7.5 Response of the Nigerian Criminal Law to Economic and Financial Crimes and ICT	366
7.5.1 The Adequacies or otherwise of the Provisions of the Nigerian Penal and Criminal Codes in Response to Economic Crimes and ICT	367
7.5.2 Advance Fee Fraud and other Fraud Related Offences Act 2006	370
7.5.3 Absence of Specific Legislation on Electronic Frauds, Phishing, Credit Card Fraud and Identity Theft	375
7.5.4 Nigerian Intellectual Property Law and Cyber Piracy.....	377
7.5.5 Nigerian Money Laundering Prohibition Act 2004.....	379
7.5.6 The Nigerian Computer Security and Critical Information Infrastructure Protection Bill 2005	384
7.6 The Islamic Law Perspective of Economic Crime and ICT	387
7.7 Non-Legislative Policy Response to Economic and Financial Crimes and ICT	388
7.8 General Observations, Comments and Recommendations.....	390
7.8.1 Lack of Technical Tools and Poor Intelligence.....	390
7.8.2 Lack of Co-operation between Law Enforcement Agencies and Non- Governmental Institutions	390
7.8.3 Inadequate Personnel to Handle Economic Crimes Cases	391
7.8.4 Undue Delay in Passing into Law the Nigerian Cyber Crime Bill 2005	393
7.9 GENERAL RECOMMENDATIONS	395
7.9.1 Effective Public Education and Protection against Economic Crimes	395
7.9.2 Collaboration	397
7.9.3 Regular Training for Law Enforcement Agents	398
7.10 Direction for Future Research.....	399

BIBLIOGRAPHY 401

APPENDIX I: Sample Letters Sent by Fraudsters	424
APPENDIX II: Internet Crime Prevention Tips	429
APPENDIX III: The 2006 Transparency International Corruption Perceptions Index	434
APPENDIX IV: Financial Action Task Force on Money Laundering	442

LIST OF STATUTES

Advance Fee Fraud and Other Fraud Related Decree No.13 1995,
Advanced Fee Fraud and other Related Offences Act 2006,
Banks and other Financial Institution Decree(BOFID)1991
Banks and other Financial Institutions Act, as amended (BOFIA) 1991,
Constitution of the Federal Republic of Nigeria, 1999.
Corrupt Practices and other Related Offences Act 2004,
Council of Europe, the Convention on Cyber Crime (ETS No.185), available at <http://convention.coe.int/treaty/N/cadreprojrcs.htm>.
Counterfeit and Currency (Special Provisions) Decree No. 22 of 1984.
Counterfeit and Fake Currency (Special Provision Amended) Decree No. 62 of 1999.
Counterfeit Currency (Special Provisions Amended) Decree of 1986.
Counterfeit Currency (Special Provisions) Decree No. 22 of 1984
Criminal Code (Amendment) Ordinance No.56 of 1933.
Criminal Code Cap. 77, Laws of Federation Republic of Nigeria 1990
Criminal Code Ordinance No. 15 of 1916
Criminal Code, Cap. 77 Laws of Federation of Nigeria 1990.
Cyber Crime Laws of Malaysia as at 20th Sept, 1996
Decree No. 22 of 1984 repealed and re-enacted Counterfeit Currency (Special Provisions) Act of 1974
Economic and Financial Crimes (Establishment)Act, 2004
English Animal Act 1971
Failed Bank Act 1996,
Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Acts 1996,
Financial Crimes Enforcement Network (FinCEN) of the US Department of Treasury
Foreign Exchange (Miscellaneous) Offences Act 1995,
Foreign Exchange Decree 1995,
International Covenant on Civil and Political Rights 1976,
Malaysian Computer Crimes Act 1997, Act 563.
Miscellaneous Offences Act 1985,
Money Laundering (Prohibition) Act, 2004,
National Drug Law Enforcement Agency Act (NDLEA) 1996
National Information Technology Development Agency Act,2007
Nigerian Copyright Act, Cap. 68 Laws of Federation of Nigeria 1990
Nigerian Criminal Code Cap 42, Laws of Federation of Nigeria 1990.
Nigerian Evidence Act Cap. 112. Laws of Federation of Nigeria 1990.
Penal Code Cap. 89 Laws of Federation of Nigeria, 1990
Penal Code Law (Cap. 89 Laws of Northern Nigeria 1963),
Sheriff and Civil Process Act, Chapter 407, Laws of Federation of Nigeria 1990.
Special Tribunal (Miscellaneous Offences) Amendment Decree No. 20, 1986.
The Universal Declaration of Human Right 1948,
Theft Penalty Enhancement Act (ITPEA), 2004
Tribunal (Certain Consequential Amended, etc) Decree No. 62,1999

UN Manual on the Prevention and Control of Computer-related Crime, available at <http://www.ifs.unvie.ac.at/pr2gq1/rev344.html/crime>

LIST OF CASES

Abasi v. C.O.P. (1965) NMLR 461.
Adili v.State (1989) NWLR, Part 103
Aigbadion v. State (2000) 4 SC (Pt.1), .
Anyaebosei v. R.T. Briscoe Nigeria Ltd (1987)3 N.W.L.R.84 (Pt.59)
Aoko v. Fagbemi (1961)1 All NLR
Boardman v. Sokoto State Native Authority (1965) NMLR
Chief Superintend of Police V. Cassidy (1956)2 w. .Af. L.R
D.P.P V. Rey (1994) A.C 370
Eshugbayi Eleko v. Officer Administering the Government of Nigeria (1944) A.C
ESSO West Africa Inc v. T.Oyegbola (1969) NMLR 194 at 198
Gnanasegaran a/l Pararajasingam v. PP (1997) 3MLJ 1.
Gubba v. Gwandu Native Authority (1947) 12 WACA
I.G.P. v. Orija (1957) N.N.L.R. 189, ,
Inspector General of Police v. Fowowe (1957) W.R.N.L.R.188
Kano N.A. v. Fagoji (1957) N.R.N.L.R
Lewis v. Bankole(1908) 1 N.L.R.
Maizako v. Sokoto N.A. (1957)N.R.N.L.R
McDowell Co. Ltd v. C.T.O (1985) 154 I.T.R. 148 (SC)
Mike Amadi v. Federal Republic of Nigeria, Unreported judgement of the Nigerian Federal Court of Appeal (Lagos Judicial Division), Appeal Case No: CA/L/389/2005 delivered on Monday the 11th day of June 2007.
Miller v. California 413 U.S. 15(1973)
N.Y. v. Ferber 4568 U.S. 747 (1982)
Njovens v. State, (1973)5 SC also reported in (1973) N.M.L.R
Nunkun v. Police, 15 W.A.C.A,
Ogolo v. I.M.B (1995) 9 N.W.L.R. Part 419, Page 314
Onafowokan v. State (1987) NWLR (Pt.16),
Orepekan v. Amadi (1993) 2 SCNJ
Oshin v. Inspector General of Police (1961) 1 All NLR, 27.
R v. Cochrane (1993)Crim LR 48.
R v. Dent (1955) 2 All E.R. 306
R v. Duart (1990) 1 S.C.R. 30
R v. Dyment (1998) S.C. C 30
R v. Fellows & Arnold (1997) 2, All ER
R v. Gold (1988)2, WRL
R v. Oakes (1985) 1 SCR 103
R v. Osoba (1961)All N.L.R
R. v. Offiong (1936) 3 W.A.C.A. 83,
R. v. Offiong (1936) 3 W.A.C.A. 83,
Re: Alhaji Malami Yaro(1998)6 SCNJ 127
Standard Chartered Bank v. Mukah Singh (1996)3 MLJ 240
State v. Ajie (2000) 7 SC (Pt. 1),
State v. Falade & Ors (1971) 2 All NLR

State v. Osuafor (1972) 2 E.C.S.C. L.R, 412
State of Tamil Nadu v. Suhas Katti Case File No. C.C. NO.4682/2004. In a judgment delivered by on 5th November 2004
State v. Osuafor (1972) 2 E.C.S.C. L.R, 412 ,
Sunday Okoro v. Attorney General of Western Nigeria, (1966) N.M.L.R
Superintendent of Police v. Ceesay (1956) 2 W.Af L.R.87.
The King v. Robison (1915)2 K.B.342.
Tourner v. National Provincial and Union Bank of England (1924) 1 K.B 461
Trade Bank Plc v. Chami (2003) 13 NWLR Pt 836.P.158,
Tsamia v. Bauch N.A (1957) N.R.N.L.R
Ugwuh v. AG of East Central States(1975) 6 SC
United States v. Robert A. Thomas and Carlean Thomas 74 F. 3d 701 (1996).
Yesufu v. A .B .C. (1976) 4 S.C.1

LIST OF ABBREVIATIONS

A.C	Appeal Cases
AFFA	Advance Fee Fraud and other Fraud Related Offences Act
AHTCC	Transaction Reports and Analysis Centre
ALJ	Australian Law Journal
ALJ	Aligarh Law Journal
ALJ	African Law Journal
All ER	All England Report
All N.L.R.	All Nigerian Law Report
AM/CFT	Anti-money laundering/ combating financing of terrorism
AMERG	Africa and Middle East Review Group
AMLATFA 2001	Malaysian Anti-Money Laundering and Anti-Terrorism Financing Act 2001
ANEEJ	African Network for Environment and Economic Justice
ANSA	Nigerian Network on Stolen Assets
ASLI	Asian Strategy & Leadership Institute
ATM	Automated Teller Machine
AUSTRAC	Australian High Tech Crime Centre
BNM	Bank Negara Malaysia
BOFID	Banks and other Financial Institution Decree
CBM	Central Bank of Malaysia
CBN	Central Bank of Nigeria
CCA 1997	Malaysian Computer Crimes Act 1997
CIFP	Certified Islamic Finance Professional
CIN	Customer identification number

CLJ	Current Law Journal
CSCS	Central Securities Clearing System
CTR	Cash Transaction Report
EBT Cards	Electronic Benefits Transfer Cards
E-commerce	Electronic commerce
EDI	Electronic data interchange
EFCC	Economic and Financial Crimes Commission
EU	European Union
FATF	Financial Action Task Force
FBI	Bureau of Intelligence
FinCEN	Financial Crimes Enforcement Network
FIPA	Freedom of Information and Privacy Association
FIU	Financial Intelligence Unit
GDP	Gross Domestic Product
I.I.U.M	International Islamic University Malaysia
ICCPR	International Covenant on Civil and Political Rights
ICPC	Independent Corrupt Practices and Other Related Offences Commission
ICPC	Independent Corrupt Practices Commission
ICPC ACT	Independent Corrupt Practices and Other Related Offences Act
ICT	Information Communication Technology
IMF	International Monetary Fund
INCEIF	International Centre for Education in Islamic Finance
INOCTF	The Inter-agency Nigerian Organised Crime Task Forces
IOSCO	International Organisation of Securities Commissions
IPC	Indian Penal Code

ISPAN	Internet Service Providers Association of Nigeria
ISPs	Internet Service Providers
ITPEA, 2004	Identity Theft Penalty Enhancement Act 2004
J.A.L	Journal of African Law
JIBL	Journal of International Banking and Financial Law
JIBL	Journal of International Banking and Financial law
JLIS	Journal of Law and Information Science
JLSS	Journal of Law and Social Sciences
JMLC	Journal of Money Laundering Control
KYC	Know Your Customer
M.I.T	Massachusetts Institute of Technology
M.O.U	Memorandum of Understanding
Malaysian CCA 1997	Malaysian Computer Crimes Act 1997
MAMSA	Mass Mobilisation for Economic Recovery and Social Justice
MCCLR	The Malaysian Corporate & Commercial Law Review
MDGS	Millennium Development Goals
MLJ	Malaysian Law Journal
MPAA	Motion Picture Association of America
MPJFIL	Modern Journal of Finance and Investment Law
MSC	Multi Media Super Corridor
N.L.R.	Nigerian Law Report
N.M.L.R	Nigerian Monthly Law Report
N.R.N.L.R	Northern Region of Nigeria Law Report
N.W.L.R	Nigerian Weekly Law Report
NAFDAC	National Agency for Food, Drug Administration and Control

NAFDAC	National Agency for Food, Drug Administration and Control
NCC	Nigerian Copyrights Commission
NCCTs	Non- Cooperative Countries and Territories
NCCWG	Nigerian Cyber Crime Working Group
NCI	Nigerian Crime Initiative
NDLEA	National Drug Law Enforcement Agency Act
NGO	Non- Governmental organizational
NIA	National Intelligence Agency
Nigeria SAT 1	Nigerian Satellite 1
Nigerian Bill 2005	Nigerian Cyber Crime Draft Bill 2005
NIIF	National Information Infrastructures Forum
NISER	National ICT Security Emergency Response Centre
NITDA	National Information Technology Development Agency
NML Act	Nigerian Money Laundering Act
NNPC	Nigerian National Petroleum Corporation
NSE	Nigerian Stock Exchange
NSEC	Nigeria Stock Exchange Commission
OECD	Economic Co-operation and Development
OFT, UK	Office of Fair Trading, UK
PDD-42	Presidential Decision Direction 42
PEMFAR	Public Expenditure Management and Financial Accountability Review
PIN	Personal Identification Number
RA	Rodiah llah Hanihun
RIAA	Recording Industry Association of America
RTGS	Real Time Gross Settlement