

OOPS! BRIBING NIGERIA FOR CHENEY'S FREEDOM NOT LEGAL

A lawyer in Nigeria has reminded the country's anti-corruption watchdog that the recent deal buying Cheney's freedom for \$35 million is not legal.

In a letter to Nigeria's anti-corruption watchdog, Osuagwu Ugochukwu, a prominent lawyer in Abuja, said the withdrawal of charges against Cheney was a breach of the law.

"We know as a point of law that once a criminal charge has been filed in a competent court, issue of penalty of fine is for the courts to impose and not parties," he wrote. "Hence, we are shocked to hear that EFCC imposed a fine on an accused person. We also know as a point of law that criminal matters cannot be settled out of court as in civil matters in Nigeria."

And a newspaper editorial makes the fairly obvious point that if corporations can keep buying the freedom of its executives, then those executives will never have an incentive to follow the law.

The risk of solving one criminal act through the plea bargain option amounts to a mere slap on the wrist and subtly telling the guilty firm and its personnel to "go and sin no more". It does not paint a good image for Nigeria, especially in the world's corrupt nations index where we are currently featuring notoriously.

We therefore condemn in strong terms this kind of under the table settlement. The same thing happened in the Siemens

bribery scam, and this is making Nigeria look like a country where money can buy justice. More importantly, the Halliburton case questions the seriousness of government in holding corrupt foreign firms and their officials accountable for their action, while on the other hand encouraging and patronizing companies that have not only confessed corrupt practices, but are not known to respect wholesome business ethics.

Only a painstaking trial and possible conviction, if found guilty, would have forced Halliburton to change its corrupt ways of doing business in Nigeria.

But Nigeria's anti-corruption watchdog, in response to Ugochukwu, pointed out that such plea bargains are standard in countries like the UK and US.

And, without addressing the move's legality, the head of the anti-corruption watchdog agency defended the move, saying that it is a "best world practice" used in more developed countries.

"The US and the UK governments are practicing it. Where you cannot successfully sustain a charge in court and you want to recover, then instead of losing the case, losing the money, then you opt for plea bargaining," Farida Waziri, head of the watchdog agency, said,

Of course, the US got an even bigger bribe from KBR – \$402 million – to dismiss these charges, without even having to threaten Cheney with jail time. So I guess Nigeria is left only to aspire to the "best world practice" of getting bigger bribes from corporations guarding the freedom of their executives.