



AGA-AFRICA

AFRICA PARTNERSHIP FOR JUSTICE

FEBRUARY 2022 NEWSLETTER



**In this Issue, we highlight
Financial Crimes - A Growing Problem in Africa?**

Foreword

Dear Readers,

It is my pleasure to introduce the February 2022 issue of the AGA-Africa Newsletter.

This month, AGA-Africa in partnership with the Financial Intelligence Centre of South Africa (FIC) held a 1-day webinar on “**Public Private and Public Public Partnerships**” on 15th February 2022.

In the same week, AGA-Africa in collaboration with the Kenya Judiciary Academy and the Judiciary Commission on Elections held a 3-day “**Election Dispute Resolution Training for High Court Judges**” from 16th-18th February, 2022 at Sarova Whitesands Hotel Mombasa, Kenya.

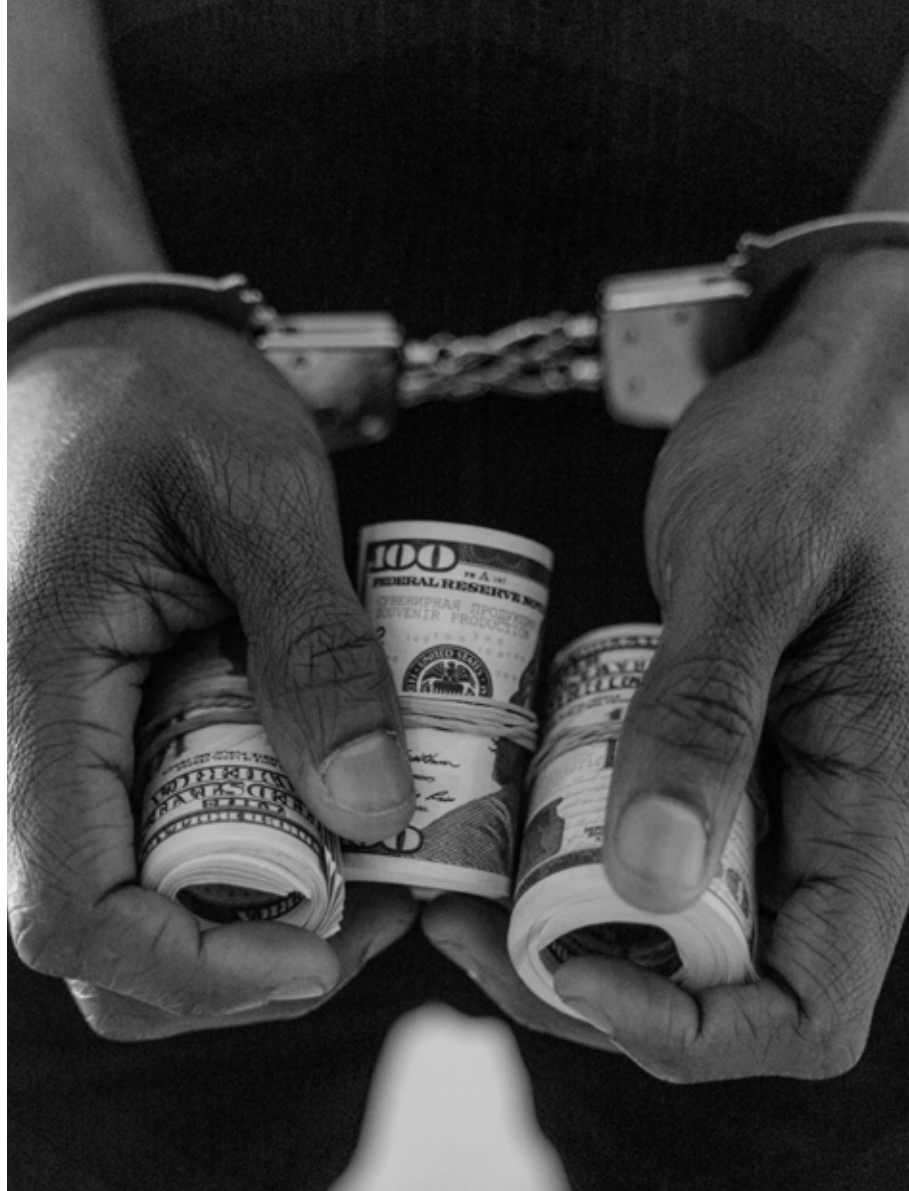
AGA-Africa also held a 2-day workshop on “**Achieving Effectiveness in the Quest for Equal Access to Justice**” in collaboration with the Office of the Public Defender and Citizens’ Rights Commission, Kogi State on 17th -18th February, 2022 at the Sheraton Hotel in Abuja, Nigeria.

AGA-Africa representatives also held a meeting with the Judicial Action Group (JAG) to discuss the Judicial Action Group Conference on 16th February 2022 at the Hilton Hotel, Nigeria.

I wish to thank **Adv Xolisile Khanyile**, Director, Financial Intelligence Centre of South Africa, **Hon. Lady Justice Martha Koome**, Chief Justice and President of the Supreme Court of Kenya, **Dr Smokin Wanjala**, Director, Kenya Judiciary Academy, **Hon. Ibrahim Sanni Muhammed**, SAN- Attorney General and Commissioner for Justice, Kogi State and **Abdullahi Zakari Esq**, Director General, Office of the Public Defender and Citizens’ Rights Commission, Todani Moyo, Chairman, Protimos Trust Africa (JAG) and Hon. Reginald Sydney Fynn, Justice of the Court of Appeal, Judiciary of Sierra Leone, for their continued support for AGA-Africa programs.

Regards,

Markus Green ESQ.
AGA-Africa Board Member



“Achieving
Effectiveness in
the Quest for
Equal Access to
Justice”

Financial Crimes – A Growing Problem in Africa?

The African financial sector has been growing in leaps and bounds, especially due to the growth and adoption of mobile telephony. According to the The Mobile Economy Sub-Saharan Africa 2021 by the GSMA association, in sub-Saharan Africa, by the end of 2020, 495 million people subscribed to mobile services representing 46% of the region’s population – an increase of almost 20 million since 2019.

During the Covid-19 pandemic, mobile networks became a lifeline for society keeping people and businesses interconnected. A lot of financial services are now accessible online causing an increase in financial crimes as the number of transactions has grown.

Financial Crimes, have become ever so prominent in the different African countries especially in Kenya and Nigeria. Financial crimes, however, usually span more than one jurisdiction and thus need to be looked into or legally prosecuted by an inter-agency multi-country team. Greater collaboration between countries in Africa is needed so as to curb financial crimes especially when they use digital information systems.



“In sub-Saharan Africa, by the end of 2020, 495 million people subscribed to mobile services representing 46% of the region’s population”

Expert Interview



Scott Blake,

Deputy County Attorney, Yavapai
County Attorney's Office

Scott Blake is a Deputy County with the Yavapai County Attorney's Office in Prescott, Arizona. Scott has been a prosecutor for over fourteen years. In his current position Scott is primarily responsible for prosecuting drug offenses. Scott has successfully prosecuted several individuals connected to international drug trafficking organizations. As a Deputy County Attorney, Scott works closely with federal, state, and local law enforcement agencies

From your perspective, how would you define a financial crime?

I would define a financial crime as any crime in which the objective of the commission of the offense is to financially benefit from the committing of the offense at the detriment of another individual or entity. These crimes will typically be based upon fraudulent representations.

What are the different types of financial crimes?

Given the broad nature of financial crimes there are numerous types of financial crimes. Some of the most common financial crimes are: Ponzi schemes; investment fraud; mass marketing/telemarketing schemes; fraudulent business opportunities; affinity fraud; government benefits fraud; insurance fraud; government corruption; embezzlement; and money laundering.

Where are financial crimes most prevalent?

An ever-increasing number of financial crimes are being perpetrated over the internet. Often the victims of these crimes will have not personally met the individual committing the crime. The crimes are commonly transnational in nature in which the victim and the perpetrator live in different countries.

The use of crypto-currencies to conduct these transactions has also increased over the past few years.

In your opinion as a subject matter expert in Financial Crime, how is AGA-Africa working with law enforcement agencies to curb and bring to justice these crimes?

From my experience in prosecuting complex financial crimes, a lot of law enforcement agencies do not have the resources or expertise necessary to effectively investigate large scale financial crimes. AGA-Africa by conducting multi-faceted trainings while bringing together financial analysts, law enforcement agencies, administrators, financial institutions, and prosecutors all in one setting is helping to foster the expertise and knowledge needed to combat financial crimes.

AGA-Africa is also helping to develop a network of multinational resources available to law enforcement agencies participating with AGA-Africa. From the AGA-Africa trainings I have had the opportunity to participate in, I have met various subject matter experts that have shared their insights and knowledge that has allowed me to better address and understand emerging financial crime trends.



What role does technology play in managing financial crime risk?

Technology plays an essential role in managing financial crime risk. As financial crimes evolve through the use of various electronic means it is necessary for law enforcement to be aware of and know how to access the technology being used to commit these crimes. Additionally, because of technological advancements it is easier for the individuals committing these crimes to hide their true identities. It has become vital for law enforcement agencies to use all available technological resources to identify the individuals committing these offenses.

What actions, in your opinion, are governments across the globe taking to identify, detect and prosecute Financial Crimes?

The creation of financial intelligence centers with financial analysts is essential in helping to detect

these types of crimes. Additionally, the establishment of dedicated agencies within each jurisdiction that specialize in investigating and prosecuting financial crimes are key to ensuring that individuals committing these crimes are being held accountable.

The codification and implementation of robust civil forfeiture laws are necessary to deter future conduct. The participation in multi-jurisdictional partnerships through entities such as AGA-Africa, the Financial Action Task Force (FATF), and the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) allows for the cooperation between jurisdictions to address crimes being committed across multiple countries. Finally, multi-jurisdictional partnerships facilitate the sharing of information so that each jurisdiction is aware of the current trends pertaining to the ever-evolving nature of financial crimes.

NEWSBYTES

› Public Private and Public Public Partnerships Webinar, South Africa

AGA-Africa in partnership with the Financial Intelligence Centre of South Africa (FIC) held a 1-day webinar on **Public Private and Public Public Partnerships** on 15th February 2022. The participants included managers/decision makers, analysts and investigators from Financial Investigation Units in both government and the private sector.

The webinar was attended by **Markus Green Esq.**, AGA-Africa Board Member, **Advocate Xolisile Khanyile**, Director of Financial Intelligence Centre of South Africa and **Christopher Malan**, Executive Manager, Compliance and Prevention Division, Financial Intelligence Centre of South Africa.

Markus Green emphasized the importance of cooperation between entities in the public and private sectors to facilitate sharing of intelligence to identify suspicious financial flows and possible criminal activity.



› Election Dispute Resolution Training for High Court Judges, Kenya

AGA-Africa in collaboration with the Kenya Judiciary Academy (KJA) and the Judiciary Commission on Elections (JCE) held a 3-day **“Election Dispute Resolution Training for High Court Judges”** from 16th-18th February, 2022 at the Sarova Whitesands Hotel Mombasa, Kenya.

The event was attended by **Hon. Lady Justice Lydia Achode**, Principal Judge of the High Court of Kenya, on behalf of Chairperson, JCE, **Hon. Justice Mohammed Ibrahim**, **Moses Owour**, Senior Legal Advisor from the International Foundation for Electoral Systems on behalf of IFES Country Director, Isaac Okero (IFES), **Markus Green Esq.**, AGA-Africa Board Member and **Dr. Freda Mugambi-Githiru**, Director, Judicial Education and Curriculum Development, Kenya Judiciary Academy on behalf of **Hon. Justice (Dr.) Smokin Wanjala**, Director KJA.

Mr. Green noted that elections are an essential element of a civilized society. He underscored the need to develop a system that people can rely on when there is a dispute.



*Markus Green,
AGA-Africa Board
Member*



A group photo of the delegates during the training



A cross-section of the participants during the Election Dispute Resolution Training for High Court Judges

› Achieving Effectiveness in the Quest for Equal Access to Justice, Nigeria

AGA-Africa in collaboration with the Office of the Public Defender and Citizens’ Rights Commission, Kogi State held a 2-day workshop on “**Achieving Effectiveness in the Quest for Equal Access to Justice**” on 17th -18th February, 2022 at the Sheraton Hotel in Abuja, Nigeria.

The event was attended by **Hon. Ibrahim Sanni Muhammed**, SAN- Attorney General and Commissioner for Justice, Kogi State; **Hon. Justice Abdul Awulu**, Judge, High Court of Justice, Kogi State; **Hon. Justice Reginald Sydney Fynn JA**, Senior Justice, Court of Appeal of Sierra Leone; **Abdullahi Zakari Esq**, Director General, Office of the Public Defender and Citizens’ Rights Commission, Kogi State; **Aliyu Bagudu Abubakar**, Director General of Legal Aid Council ; **Markus Green Esq**, Board Member, AGA-Africa; **Jason Downs**, Shareholder at Brownstein Hyatt Farber Schreck and former Chief Deputy Attorney General for District of Columbia and **Prof. David Blake**, General Counsel, Attorney General Alliance.

AGA-Africa’s Board Member Markus Green Esq - highlighted the urgent need for governments, legal aid providers and other stakeholders to partner and understand the challenges to access to justice for the vulnerable in society and find solutions on how justice can be accessed by the masses.



*Markus Green,
AGA-Africa Board Member*



Abdullahi Zakari Esq, Director General, Office of the Public Defender and Citizens’ Rights Commission, Kogi State



L-R: Jason Downs, Shareholder at Brownstein Hyatt Farber Schreck and former Chief Deputy Attorney General for District of Columbia, Abdullahi Zakari Esq, Director General, Office of the Public Defender and Citizens’ Rights Commission, Kogi State, David Blake, General Counsel, Attorney General Alliance, Chukukere Unamba-Oparah, AGA-Africa Programme Director and Country Coordinator for Kenya, Ebelechukwu Enedah, Partner, AGA-Africa Country Coordinator for Nigeria, and Ibrahim O. Alhassan Esq., Lokoja branch Chairman, Nigeria Bar Association(NBA).



A group photo of AGA-Africa representatives, facilitators, workshop participants and other delegates

› **AGA-Africa Meeting with the Judicial Action Group at the Hilton, Hotel, Nigeria**

AGA-Africa representatives held a meeting with the Judicial Action Group (JAG) to discuss the Judicial Action Group Conference on 16th February 2022 at the Hilton Hotel, Nigeria.

AGA-Africa was represented by John Edozie, AGA-Africa International Advisor, Chukukere Unamba-Oparah, AGA-Africa Programme Director and Country Coordinator for Kenya and Ebelechukwu Eneda, AGA-Africa Country Coordinator for Nigeria while the Judicial Action Group was represented by Justice Amina Augie, Vice Chairman, Judicial Action Group, Justice Regiland Fynn, 2nd Vice Chairman, Judicial Action Group, Moyo Todani, Chairman, Protimos Trust Africa (JAG).

RELATED NEWS:

Ghana:

Ghana's Minister of Finance who doubles as the Chairman of GIABA Ministerial Committee (GMC), Hon. Ken Ofori Atta, at the opening of the 24th GMC Meeting on Saturday held at the Movenpick Ambassador Hotel, challenged member states within the ECOWAS region to take drastic measures against organised financial crimes and terrorism financing...[Read More](#)

Nigeria:

The Economic and Financial Crimes Commission (EFCC) and the Attorney-General of the Federation (AGF) and Minister of Justice, Abubakar Malami yesterday disagreed on the need to create a new agency to be solely responsible for forfeiture of proceeds of crimes assets...[Read More](#)

Kenya:

Luno, one of the largest exchanges in Africa, says that financial crime involving crypto increased in 2021. This is in contrast to the global trend in crypto crime that has been on the decline. According to a UN report on trade, in 2019, 2.1% of all global crypto transactions globally were categorized as illicit. In 2020 this number dropped to 0.34% of all global cryptocurrency transactions...[Read More](#)

South Africa:

The South African Police Service (SAPS) has presented the country's latest crime statistics, covering the third quarter of the 2021/22 financial year, October to December 2021. Total reported crimes over the period declined by 3.3%, both as a result of reported crimes, as well as a reduction in the number of crimes detected through police activity...[Read More](#)

Upcoming Events – March 2022



South Africa 3rd Mar. 2022

Food Law and Food Security Law Webinar – University of Pretoria



Senegal 3rd – 15th Mar. 2022

Basketball Africa League – The National Basketball Association (NBA)



Zambia 15th – 18th Mar. 2022

Cybercrime Laws & Treaties, Security and Investigations Training – Anti Corruption Commission, Drug Enforcement Commission, National Prosecution Authority & Zambia Police



South Africa 28th Mar. 2022

Asset Recovery Webinar – Pius Langa School of Advocacy (PLSA)

Thank You

A big thank you to facilitators of the month:

Public Private & Public Public Partnerships Webinar, South Africa

- Christopher Malan, Executive Manager, Compliance and Prevention Division, Financial Intelligence Centre of South Africa
- Austin Bernstein, Director of the Attorney General Alliance's Cannabis Project and Assistant Attorney General, Colorado Department of Law
- Anil Gopaul, Head of Intelligence and Surveillance, Absa
- Ronnie Belmont, Manager for the Operational & Tactical Analysis Unit, (OPTAC), FIU, Seychelles
- Elza Robert, Manager of the Information and International Co-operations, Division (IIC), FIU, Seychelles

Election Dispute Resolution Training for High Court Judges, Kenya

- Stephen Kiptinness, Senior Partner Technology and Intellectual Property (TIP) Practice

Achieving Effectiveness in the Quest for Equal Access to Justice, Nigeria

- Jason Downs, Shareholder at Brownstein Hyatt Farber Schreck and former Chief Deputy Attorney General for District of Columbia
- David Blake, General Counsel, Attorney General Alliance



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