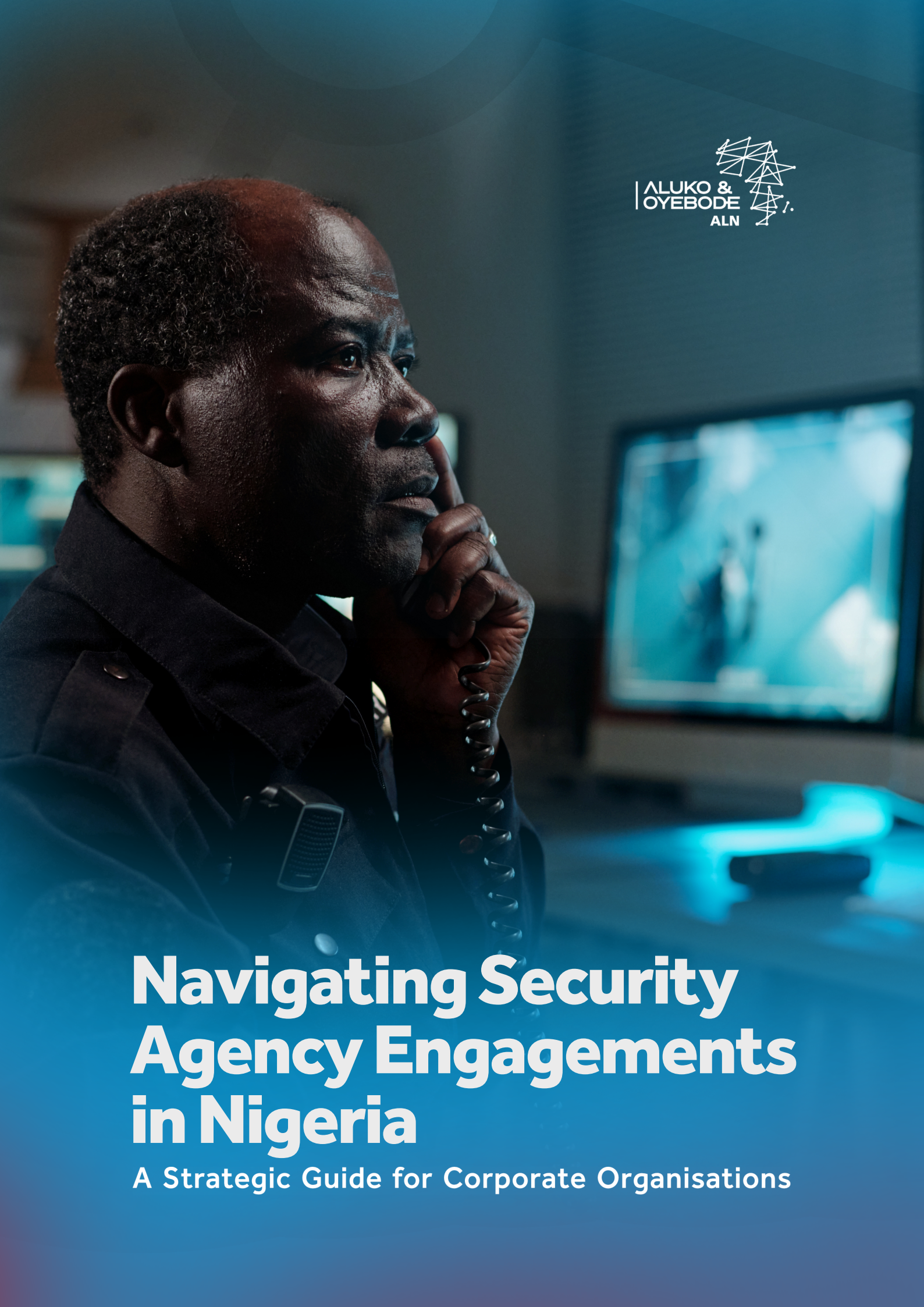

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Navigating Security Agency Engagements in Nigeria

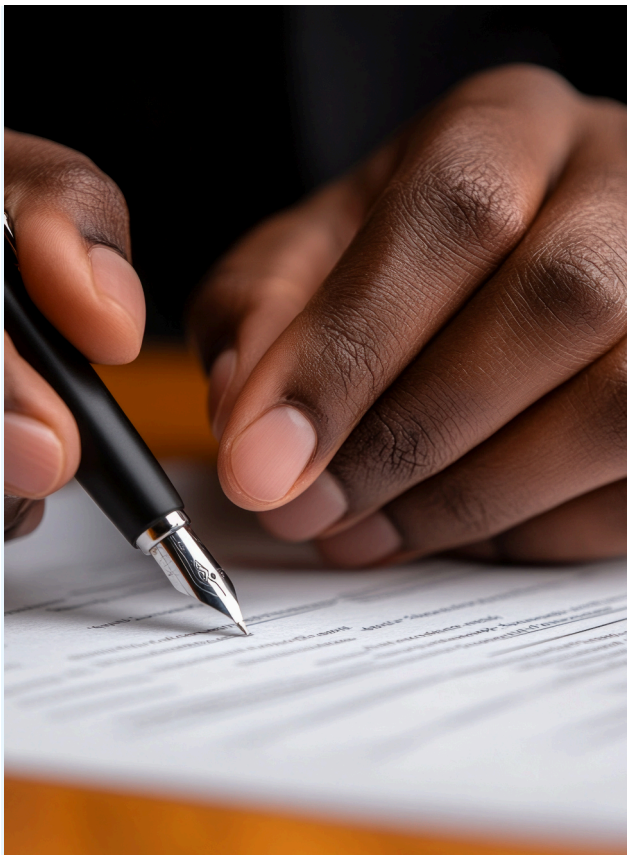
A Strategic Guide for Corporate Organisations

Introduction

Corporate organisations operating in Nigeria increasingly find themselves interfacing with law enforcement agencies such as the Economic and Financial Crimes Commission ("EFCC"), the Nigerian Police Force ("NPF"), the Independent Corrupt Practices and other related Offences Commission ("ICPC") and in some cases the Department of State Services ("DSS"). These engagements may arise from petitions, regulatory scrutiny, compliance reviews, or reasonable suspicion of commission of crime by any of the security agencies.

While such interactions/investigations are in some cases, a legitimate exercise of the powers of law enforcement agencies, they also present legal, operational, and reputational risks to corporate bodies. Therefore, corporate organisations must approach them with a clear strategy grounded in law and procedural awareness. This article sets out a structured framework for navigating such engagements, with particular focus on responding to invitations, managing investigative visits, and safeguarding corporate interests within the bounds of Nigerian law.

Responding to Invitations and Requests for Information



Engagements with security agencies often begin with a formal invitation or request for information. These invitations are frequently issued in connection with investigations into alleged offences, such as money laundering, tax evasion, or other regulatory breaches, and carry significant legal implications. It is therefore imperative that organisations treat them with the seriousness they deserve.

Upon receiving an invitation, the organisation must first ascertain its authenticity and legal basis. This involves confirming the issuing authority, the statutory mandate under which the request is made, and the subject matter of the inquiry. For instance, the EFCC derives its investigative powers from the Economic and Financial Crimes Commission (Establishment) Act, 2004, while the ICPC operates under the Corrupt Practices and Other Related Offences Act, 2000. Understanding the statutory framework is essential in determining the scope and limits of the agency's powers.

The next step is internal escalation. Invitations from security agencies should immediately be referred to the organisation's legal advisers to advise properly. The organisation must avoid fragmented or informal engagement, as inconsistent

communication can expose it to unnecessary risk.

In responding, it is prudent to acknowledge the invitation formally and indicate willingness to cooperate, while also seeking clarification where the scope of the request is unclear. Where attendance is required, the organisation is entitled to be represented by an appointed official of the organization with sufficient knowledge of the matter under investigation as well as legal counsel.[1]

During such engagements, representatives of the organisation must exercise caution in answering questions. While there is a duty to cooperate with lawful investigations, this does not extend to volunteering speculative or unverified information. Responses should be limited to facts within the knowledge of the representative, and where necessary, the organisation may request time to review records before providing definitive answers. This approach ensures accuracy while minimising exposure to criminal prosecution or volunteering more than is necessary for the purpose of the investigation.

Balancing Cooperation with Legal Protection

A recurring challenge in dealing with security agencies is balancing cooperation with the need to safeguard legal rights and commercial interests. While organisations are generally expected to provide information relevant to a legitimate inquiry, cooperation must be measured and strategic. Unnecessary disclosures may expose the organisation to avoidable legal, regulatory, or commercial risks that fall outside the scope of the investigation.

To ensure meaningful cooperation and avoid speculation or the inadvertent disclosure of information beyond the scope of an inquiry, organisations should seek clarity regarding the nature and subject matter of any investigation. This approach is consistent with the constitutional requirement of fair hearing, which embodies broader principles of procedural fairness and due process.[2]

At the same time, organisations should be careful not to confuse legitimate protection of their legal interests with conduct that may be viewed as obstructing an investigation. For instance, it is generally permissible to insist on legal representation during interviews, seek clarification of the legal basis for a request, or challenge the scope of an agency's powers where appropriate. However, conduct designed to frustrate, impede, or improperly influence an investigation crosses a very different line. This may include the destruction, alteration, or concealment of relevant records; providing false statements to investigators; or the withholding of documents and information that properly fall within the scope of a lawful request. Such actions may expose both the organisation and responsible individuals to criminal prosecution.

[1] Section 6(2)(b) of the Administration of Criminal Justice Act, 2015, provides for the right to consult a legal practitioner of one's choice before making, endorsing or writing any statement or answering any question during investigations or arrest.

[2] Please see section 36(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

Consistency in the information/statement(s) provided is also very critical. The organisation must ensure that all communications, whether written submissions or oral statements, are aligned and accurate. Contradictions, even if inadvertent, can undermine credibility and complicate the organisation's position.



Reputational and Governance Considerations

Beyond legal exposure, engagements with security agencies often carry reputational implications. Additionally, negative publicity may affect shareholder confidence and customer trust.

Therefore, any external communication (where necessary) should be measured, factual, and aligned with legal strategy. It is advisable to designate a single spokesperson to avoid conflicting narratives. Internally, key stakeholders, including directors and senior management should be kept informed to ensure coordinated decision-making.

More fundamentally, these engagements underscore the importance of strong internal governance systems. Organisations with robust compliance frameworks, clear documentation practices, and well-defined reporting structures are better positioned to respond effectively to regulatory scrutiny.

Conclusion

Enforcement investigations are an inevitable aspect of corporate operations in Nigeria's evolving regulatory landscape. However, they need not be disruptive or adverse if approached with legal discipline.

The key lies in understanding the legal framework governing such interactions, responding in a structured and coordinated manner, and maintaining a careful balance between cooperation and protection of rights. Organisations that approach these engagements strategically, rather than reactively are better equipped to safeguard their legal position, preserve their reputation, and maintain operational stability.

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