

**Juritrust Administration of Criminal Justice Academy Moot Competition, 2025/26**

**ACJAMC 105**

**IN THE FEDERAL HIGH COURT OF MAGARIA**

**IN THE MAGARIA JUDICIAL DIVISION**

**HOLDEN AT MAGARIA**

**CHARGE NO:**

**BETWEEN**

**FEDERAL REPUBLIC OF MAGARIA..... COMPLAINANT**

**AND**

**MUSA EMEKA AYO..... DEFENDANT**

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**DEFENDANT'S FINAL WRITTEN ADDRESS**

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**INTRODUCTION**

1.1. This is the Defendant's final written legal submission in defence of the charge of money laundering and terrorism financing brought against the Defendant. The Court is invited to

determine that the charge of money laundering and terrorism financing have not been established beyond reasonable doubt by the Prosecution as the Prosecution failed to prove the necessary elements of each offence and for lack of cogent and credible evidence.

## **BRIEF STATEMENT OF FACT**

My Lord(s), the facts of this case are thus:

**2.1.** The Defendant is a billionaire resident in Magaria, and he is the founder of the WAZOBIA Foundation for Magaria Relief.

**2.2.** The Foundation received an award in 2024 for building 50 solar-powered health clinics in remote areas of Magaria.

**2.3.** In 2025, a joint operation between the Magarian Financial Intelligence Unit (MFIU) and the Magarian Military Intelligence Bureau (MMIB) flagged series of suspicious movements.

**2.3.1.** Two and a half billion Magarian Pounds was over a span of 18 months deposited into the Foundation's account via 500 different Point-of-Sale (hereinafter referred to as POS) agents, with no single deposit exceeding 4.9 million Magarian Pounds.

**2.3.2.** 2,000,000 United States Dollars transfer arrived from a "Global Peace Charity" based in a jurisdiction recently blacklisted by the Financial Action Task Force.

**2.3.3.** Intelligence suggests that 30% of the medical supplies purchased by the Foundation were found in the hands of several insurgent groups, including the proscribed "Ax Liberation Movement (ALM)".

**2.4.** Dr. Musa Emeka Ayo was subsequently arrested by the State during a Board Meeting, and he was charged with money laundering and terrorism financing.

**2.5.** However, the money alleged to have been laundered was legitimate "Zakat (charitable)" (charitable) donations from thousands of anonymous rural donors who do not have traditional bank accounts and, as such, resorted to POS deposits.

**2.6.** In the same vein, the alleged medical supplies found in the hands of insurgent groups were as a result of the hijack at various points by bandits and insurgents of the vehicles conveying the medical supplies to legitimate sources.

**2.7.** The State during trial failed to rebut the explanations given by the defence that the transfers were Zakat (charitable) and that the mode of transfer was for logistical convenience.

## **ISSUES FOR DETERMINATION**

The Defendant respectfully submit that the following distilled issues arise for determination by this Honourable Court: -

- I. Whether having regards to the totality of evidence adduced, the Prosecution has proved beyond reasonable doubt the offence of money laundering under Section 18 of the Money Laundering (Prevention and Prohibition) Act, 2022 against the Defendant.
- II. Whether having regards to the totality of evidence adduced, the Prosecution has proved beyond reasonable doubt the offence of terrorism financing under section 13 of the Terrorism Prevention and Prohibition Act, 2022 against the Defendant.

## **LEGAL ARGUMENT**

### **ISSUE 1**

Whether having regards to the totality of evidence adduced, the Prosecution has proved beyond reasonable doubt the offence of money laundering under Section 18 of the Money Laundering (Prevention and Prohibition) Act, 2022 against the Defendant.

**4.1.1.** My Noble Lord (s), we vehemently submit in the negative and contend that the charge of money laundering brought against the Defendant under Section 18 of the Money Laundering (Prevention and Prohibition) Act, 2022, is entirely unsustainable both in law and facts.

**4.1.2.** We further submit that the Prosecution has failed to establish two indispensable elements without which no conviction can lawfully follow for the offence of money laundering:

- I. The Prosecution failed to establish that the funds in question are proceeds of an unlawful activity;
- II. That the Defendant possessed the knowledge and intent that the offence requires.

**4.1.3.** These are not mere technicalities of form; they are the very substance of the charge, and their absence is fatal to the Prosecution's case.

**4.1.4.** The Court in **Nwaoboshi v. FRN**<sup>1</sup> held that for the offence of money laundering to exist, the primary fund or property from which the money in question or other transaction must have been obtained by committing a crime. If it is lawfully obtained, money laundering cannot exist based on such lawfully acquired funds. Any action or transaction emanating from legally obtained money cannot ground a charge of money laundering or result in a conviction for the offence.

**4.1.5.** Particularly, the Court in **Ude Jones Udeogu v. FRN**<sup>2</sup> laid down the ingredients of money laundering as follows:

- I. That the accused converted or transferred resources or property;
- II. That the resources or property must have been derived directly or indirectly from drug related offences or any other crimes or illegal acts;
- III. That the conversion or transfer of the resources must be with the aim of:
  - a) concealing or disguising the illicit origin of the resources or property; or

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<sup>1</sup> (2023) 16 NWLR (Pt. 1911) 539

<sup>2</sup> [2016] LPELR-40102(SC)

- b) aiding any person involved in any of the acts of drug-related offences or any other crime or illegal act so as to evade the legal consequences of his action.

**4.1.6.** In the foregoing case, the Supreme Court held unequivocally that the Prosecution must establish each constitutive ingredient of the money laundering offence, and that where it fails to do so, the charge is liable to be dismissed.

**4.1.7.** My Noble Lord(s), in this instant case, none of the above ingredients were established by the Prosecution. The ground upon which the Defendant is charged for money laundering rests mainly on the two and a half billion Magarian Pounds that were deposited into the Foundation's account via 500 different POS agents, with no single deposit exceeding 4.9 million Magarian Pounds over the span of 18 months.

**4.1.8.** Notwithstanding the mere assertions of the Prosecution, the Prosecution has not drawn a direct link that these funds transferred into the Foundation's account are proceeds gotten illegally as provided for in **Section 18 (2) (a), (b), (c), & (d) of the Money Laundering (Prevention and Prohibition) Act, 2022.**

**4.1.9.** My Lord(s), the failure of the Prosecution to prove all the ingredients of money laundering is not a gap that suspicion can fill, especially given the fact that the transfers made through the POS agents are all below M4.9 million, thus not violating **Section 2 of the Money Laundering Act.** We respectfully refer my Noble Lord(s) to the cases of *Yakubu v. F.R.N (2025) 3 NWLR (Pt. 1980) 501* and *Ikuforiji v. F.R.N (2018) 6NWLR (Pt. 1614) 142*

**4.1.10.** Furthermore, My Lord(s), the Prosecution also failed to rebut the explanation made by the Defendant. Dr. Musa Emeka Ayo provided a specific, credible, and completely uncontradicted explanation for the source of those funds. He explained unequivocally that the deposits represent Zakat (charitable), the Islamic obligation of almsgiving that falls upon every Muslim, contributed by thousands of anonymous rural Magarians who, having no access to conventional banking infrastructure, remitted their charitable contributions through POS agents, which serve as the only available financial channel for millions of unbanked citizens across rural

Magaria. This is not a bare denial; rather, it is an explanation firmly rooted in the social and financial realities of the country in which this Foundation operates. The Prosecution has not led evidence to contradict this account and produced no forensic financial analysis to disprove it.

**4.1.11.** Thus, it stands on the record as unrebutted evidence. The law is clear that where relevant, admissible and credible evidence stands unchallenged, uncontroverted, the Court has no alternative but to accept and act on it to establish or controvert a fact or matter in issue. We respectfully refer My Noble Lord(s) to the cases of **Adesoye v. State**<sup>3</sup>, **Kayili v. Yilbuk & Ors.**<sup>4</sup>, and **Haruna v.**

**State.**<sup>5</sup>

**4.1.12.** Furthermore, **Section 18(9) of the Money Laundering (Prevention and Prohibition) Act, 2022**, allows for knowledge, intent, purpose, belief, or suspicion required as an element of money laundering under the Act to be inferred from objective factual circumstances.

**4.1.13.** In the light of the foregoing, for the Prosecution to secure a conviction of the Defendant, they have to prove the mental element or intention of the Defendant to commit the alleged offence of money laundering. A wholesome reading of **Section 18 (2) of the Money Laundering (Prevention and Prohibition) Act, 2022**, highlights that for a person or body corporate to commit the offence of money laundering such person or body corporate must knowingly, intentionally, or reasonably ought to have known that such fund or property is or forms part of the proceed of an unlawful act.

**4.1.14.** The Prosecution in this case has not established that the funds or any part of it were obtained through illicit or unlawful means, nor have they demonstrated that the defendant knew or reasonably ought to have known that the funds or any part of it originated from such unlawful sources. The mere allegation that the sum of 2,000,000 United States Dollars originated from a

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<sup>3</sup> (2024) LPELR – 62506(SC)

<sup>4</sup> (2015) LPELR – 24323(SC)

<sup>5</sup> (2022) LPELR – 58063(SC)

“Global Peace Charity” based in a jurisdiction recently blacklisted by the Financial Action Task Force does not constitute conclusive proof that the funds were proceeds of unlawful activities.

**4.1.15.** Based on the foregoing, the charity organization was never blacklisted. While the jurisdiction in which the organization operates may be blacklisted, this does not imply that the organization itself is involved in any criminal or unlawful activities, or that the funds it transferred to the defendant are proceeds of unlawful activities. On this basis, and without conceding, even if it is assumed that the funds were derived from unlawful activities, the defendant could not reasonably have been aware of this, as there is no evidence indicating that the charity organization was engaged in any criminal or unlawful conduct.

**4.1.16.** In the absence of any evidence showing that the funds from the charity organization were derived, whether directly or indirectly, from illicit or unlawful sources, reasonable doubt is created in the prosecution’s case. Such doubt ought to be resolved in favour of the defendant, as held in **Eseu v. People of Lagos State (2024) 11 NWLR (Pt. 1948) 95** and we respectfully urge this Honourable Court to so hold.

**4.1.17.** The Prosecution may seek to rely on **Section 18(8) of the Money Laundering (Prevention and Prohibition) Act, 2022**, and contend that they are not required to establish the unlawful acts listed in Section 18(8) of the Act. For ease of reference Section 18(8) of the Act provided thus:

**“Notwithstanding the provisions of Subsection (6), it shall not be necessary to establish a specific unlawful act, or that a person was charged or convicted for an unlawful act, for the purpose of proving a money laundering offence under this Act”**

to argue that they are not required to establish the unlawful act listed in Section 18(6).

**4.1.18.** However, we strongly contend that the provision of **Section 18(8)**<sup>6</sup> is only to the effect that the Prosecution does not have to prove exactly which specific crime produced the funds. What that section implies is that the Prosecution need not prove an offence (which the funds were derived from) for such a Prosecution to prove that money emanating from the offence was laundered. To identify the predicate offence does not necessarily mean you have to prove it. We respectfully refer My Noble Lord(s) to the decision in **Shekarau v. F.R.N**<sup>7</sup>, where it was held that; “It is settled law that money laundering must be accompanied by a predicate offence, which is an illegal act that yielded the funds sought to be laundered as clean money. It is difficult or near impossible to prove money laundering without a predicate offence.” - They only need to show that the funds are proceeds of unlawful activities; they do not need to prove the offences listed in 18(6).

**4.1.19.** Conclusively, it remains our humble but firm stance that the charge of money laundering brought against the Defendant under **Section 18 of the Money Laundering (Prevention and Prohibition) Act, 2022**, on both law and fact, is entirely unsustainable, the Prosecution having failed to establish the requisite elements of the offence. The Prosecution has also failed to contradict the explanation and evidence of the Defendant. We, therefore, respectfully pray the Court to resolve this issue in favour of the Defendant, and discharge and acquit the Defendant of this charge.

**ISSUE 2: Whether having regards to the totality of evidence adduced, the Prosecution has proved beyond reasonable doubt the offence of terrorism financing under section 13 of the Terrorism Prevention and Prohibition Act, 2022 against the Defendant.**

**4.2.1.** To this issue we vehemently submit in the negative and contend that that the Prosecution has failed to establish the requisite elements required to prove the offence of terrorism financing. We further

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<sup>6</sup> Money Laundering (Prevention and Prohibition) Act, 2022.

<sup>7</sup> (2020) LPELR-52029(CA)

contend that they have also failed to rebut the factual explanation given by the Defendant thereby creating reasonable doubt, which ought to be resolved in favour of the Defendant.

**That the Prosecution failed to establish the requisite elements required to prove the offence of terrorism financing.**

**4.2.2. Section 13 (1) of the Terrorism Prevention and Prohibition Act, 2022** provides that:

(1) A person who knowingly and directly or indirectly, solicits or renders support—

- a. for the commission of an act of terrorism, or
- b. to a terrorist group,

commits an offence, and is liable on conviction to imprisonment for a term of at least 20 years and up to a maximum of life imprisonment.

**4.2.3. Subsection 2 (b)**<sup>8</sup> went further to define support to include; receiving or providing material assistance, training, transportation, false documentation or identification to a terrorist or terrorist group, which is where the facts of this current case fall into.

**4.2.4.** Stemming from the above provision, it is unequivocal that for the offence under Section 13 to be established the following elements must be established by the Prosecution.

- I. That the Defendant knowingly and directly/knownlly and indirectly solicits or renders support (intention);
- II. That the support was to a terrorist group or for the commission of an act of terrorism.

**4.2.5.** In this instance, we respectfully submit that the above elements have not been established by the Prosecution.

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<sup>8</sup> Terrorism Prevention and Prohibition Act, 2022

That the Defendant knowingly and directly/knowningly and indirectly solicits or renders support (intention).

**4.2.6.** We submit that intention otherwise known as *mens rea* constitutes an essential element in our criminal jurisprudence. It is the criminal intent or guilty mind of the accused. Where guilty mind is not concurrently established with the act an offence cannot be said to have been committed. We respectfully refer the Honourable Court to the decision in **Yelli v. State**.<sup>9</sup>

**4.2.7.** In this case, the Defendant never transferred nor did he have knowledge of any purported transfer of the suggested 30% of the medical supplies purchased by the Foundation. As clearly stated by the Defendant, the vehicle conveying the medical supplies to legitimate sources was hijacked at various points by bandits and insurgents.

That the support was to a terrorist group or for the commission of an act of terrorism.

**4.2.8.** Furthermore, it is our humble submission that the medical supplies do not constitute support as they were hijacked by the insurgent groups including the Ax Liberation Movement.

**4.2.9. In the circumstances,** we respectfully submit that the elements required by the Prosecution to sustain a charge of terrorism financing against the Defendant have not been established.

**That the Prosecution failed to rebut the factual explanation given by the Defendant thereby creating a reasonable doubt.**

**4.2.10.** It is a trite principle of law that the onus of proving the guilt of the accused person in criminal cases lies on the Prosecution and any doubt in the Prosecution's case must be resolved in

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<sup>9</sup> (2023) 2 NWLR (Pt. 1867) 39 SC.

favour of the accused person. *Vide*, **Kamila v. State**<sup>10</sup>, **Ayinde v. State**<sup>11</sup>, and **People of Lagos v. Ayeni**.<sup>12</sup>

**4.2.11.** The Court in **Dibia v. State**<sup>13</sup> held that reasonable doubt which may justify acquittal is doubt based on reason and arising from evidence or lack of evidence.

**4.2.12.** In this case, no credible evidence was established to sustain the Prosecution's allegation as there is no evidence linking the Defendant to the offence. Additionally, the Prosecution failed to rebut the explanation given by the Defendant as to how the medical supplies got to the insurgent groups.

**4.2.13.** Accordingly, this creates a reasonable doubt in the case of the Prosecution and should therefore be resolved in favour of the Defendant as required by law as the Court is bound to act based on evidence presented before it.

**4.2.14.** The Court in the case of **Victor Isonguyo v. State**<sup>14</sup> held that it is not the duty of the Court to bridge yawning gaps in the Prosecution's case. Suspicion, no matter how strong can never ground a conviction in the absence of cogent and compelling evidence. The evidence must be so strong as to leave no room for reasonable doubt. In other words, the Court must not base its decision on speculation and extraneous matter not supported by the evidence before the Courts, as this will occasion miscarriage of justice.

**4.2.15.** Conclusively, we urge this Honourable Court to resolve this issue in favour of the Defence as the Prosecution has failed to prove beyond reasonable doubt that the Defendant did support a

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<sup>10</sup> (2018) 8 NWLR (pt. 162) 252

<sup>11</sup> (2018) 17 NWLR (Pt. 1747) 140

<sup>12</sup> (2024) 18 NWLR (Pt. 1970) 321

<sup>13</sup> (2007) 9 NWLR (Pt. 1038) 30

<sup>14</sup> (2023) 3 NWLR (Pt. 1872) 579

terrorist group by providing material supplies to the group relying strongly on the case of **Berende v. Federal Republic of Nigeria**<sup>15</sup>, where the Court held by virtue of **Section 135 (3) of the Evidence Act, 2011 (as amended in 2023)** that the burden is on the Prosecution to establish the guilt of an accused person beyond reasonable doubt and does not shift throughout the trial. See also Section 35(5) of the Constitution.

## **SUMMARY OF POINTS RAISED AND ARGUED**

**5.1.** On the first issue, we respectfully submit that the charge of money laundering brought against the Defendant under Section 18 of the Money Laundering (Prevention and Prohibition) Act, 2022, on both law and fact, is entirely unsustainable as the Prosecution failed to establish two indispensable elements without which no conviction can lawfully be grounded.

**5.2.** On the second issue, we respectfully submit that the Prosecution failed to establish the requisite elements required to prove the offence of terrorism financing and that the Prosecution failed to rebut the factual explanation given by the Defendant thereby creating reasonable doubt, which this Honourable Court ought to resolve in favour of the Defendant.

## **CONCLUSION**

**6.1.** Relying on the legal arguments above as well as the judicial and statutory authorities, we respectfully pray my noble Lord(s) to resolve all issues in favour of the Defendant and acquit and discharge the Defendant.

May My Noble Lord(s) be pleased.

Dated this 24<sup>th</sup> Day of March 2026.

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<sup>15</sup> (2023) 4 NWLR (Pt. 1875) 424



Team 105

Counsel for the Defendant

**For Service on:**

**Team 104**

**Counsel for the Prosecution**

## **LIST OF AUTHORITIES RELIED ON**

### **Statutory Authorities**

1. Money Laundering (Prevention and Prohibition) Act, 2022.
2. Terrorism Prevention and Prohibition Act, 2022.
3. Constitution of the Federal Republic of Nigeria 1999 as amended.
4. Evidence Act, 2011, as amended in 2023.

### **Judicial Authorities**

1. Nwaoboshi v. FRN (2023) 16 NWLR (Pt. 1911) 539
2. Ude Jones Udeogu v. FRN [2016] LPELR-40102(SC)
3. Adesoye v. State (2024) LPELR – 62506(SC)

4. Kayili v. Yilbuk & Ors. (2015) LPELR – 24323(SC)
5. Haruna v. State. (2022) LPELR – 58063(SC)
6. Yelli v. State (2023) 2 NWLR (Pt. 1867) 39 SC.
7. Kamila v. State (2018) 8 NWLR (pt. 162) 252
8. Ayinde v. State (2018) 17 NWLR (Pt. 1747) 140
9. People of Lagos v. Ayeni (2024) 18 NWLR (Pt. 1970) 321
10. Dibia v. State (2007) 9 NWLR (Pt. 1038) 30
11. Victor Isonguyo v. State (2023) 3 NWLR (Pt. 1872) 579
12. Berende v. Federal Republic of Nigeria (2023) 4 NWLR (Pt. 1875) 424