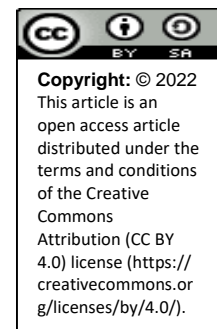


Identity theft and impersonation under Section 22 of the Nigerian Cybercrime (Prevention, Protection, etc) Act 2015

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Abstract

The growing of cybercrime in Nigeria is at a multifaceted point. As identity theft and impersonation offences are rampant in Nigeria and has become a daily activity. The fact that the Federal government officials are prosecuting the cases, it still continues. The growing phenomenon of identity theft and impersonation is endemic to the Nigerian society. The operation of the crimes committed on the internet defines the coordinated organized networks of criminals in the society whose focus is economic gain. The aim of the paper is to examine the offences of identity theft and impersonation under section 22 of the Nigerian Cybercrime Act 2015 and the prosecution of cases under the particular section. The purpose of the analysis of the section of the Act is to assess the increase of the crimes committed under the section or otherwise. The methodology adopted by the paper is a doctrinal approach method wherein both primary and secondary sources of data are analyzed. The findings of the paper reveal that the offences of identity theft and impersonation in the Cybercrime (Prevention, Protection, etc) Act 2015 are prosecuted every second by the authority yet the cases of such offence keep proliferating as if prosecutions are not taking place. The paper recommends that approaches into cybercrimes related to identity theft and impersonation has to be redefined and strategized.. The financial institutions must be capable of blocking such acts by regularly updating the system as well as the client's data. The user's data must be uniform and centralized across the respective institutions for the purpose of monitoring. The regulation also has to be reviewed considering the scope of identity theft and impersonation.

Keywords: Cybercrime, identity theft and impersonation, Section 22 of the Nigeria Cybercrime (Prevention, Protection, etc.) Act 2015, Nigeria 2015.

1. Introduction

Identity theft and impersonation are crimes that have become common in this era information digitization. These are crimes that are easiest and quickest committed within a few seconds or minutes. With the modern technology today, an easy access to a data of a person or objects that are connected to a person will provide access to information that will lead to theft or impersonation. The technologies allow access in a wide horizon for easy infiltration of personal data which is always available on the internet. Even though security awareness has awakened the minds of the internet users to ensure the protection of their private data and not to allow easy access that will make users to provide personal information. More often, the purposes of such crimes are for economic gain and other motives, but the major crimes involving identity theft and impersonation is economic gain. The essence of the provision of section 22 of the Cybercrime (Prevention, Protection, etc.) Act 2015 is to identify crimes or act of crimes that are connected to theft, identity theft and impersonation using the information and technology committed by any person. The commission of such crimes in the Nigerian context has become proliferated within and outside the community. A number of arrests were conducted by the prosecutors of Economic and Financial Crimes Commission (EFCC) in Nigeria and currently the numbers are increasing.¹

Outside Nigeria, a number of criminals were arrested and prosecuted by the court of law. Currently, the notorious case against the Nigerian citizen handled and prosecuted by the United States of America, under the Department of Justice is the case of *United States of America v. Ramon Olorunwa Abbas, 37, a.k.a. "Ray Hushpuppi" and "Hush,"*² the defendant was arrested on June, 2020 by UAE law enforcement officials and taken to the United States to face trial on a charge of conspiracy to engage in money laundering that was alleged in a criminal complaint filed on June 25 by federal prosecutors in Los Angeles.³ Essentially, the complaint against the defendant described "BEC schemes as often involving a computer hacker gaining unauthorized access to a business' email account, blocking or redirecting communications to and/or from that email account, and then using the compromised email account or a separate fraudulent email account to communicate with personnel from a victim company and to attempt to trick them into making an unauthorized wire transfer. The United States Attorney Nick Hanna stated that these are "BEC schemes which are one of the most difficult cybercrimes we encounter as they typically involve a coordinated group of con artists scattered around the world who have experience with computer hacking

¹ For further information on the activities of Economic and Financial Crimes Commission (EFCC) in relation to the internet fraud related offences see EFCC homepage at <https://www.efccnigeria.org/efcc/>.

² Department of Justice, U.S. Attorney's Office, Central District of California, "Nigerian National Brought to U.S. to Face Charges of Conspiring to Launder Hundreds of Millions of Dollars from Cybercrime Schemes, dated on Friday, July 3, 2020, available at <https://www.justice.gov/usao-cdca/pr/nigerian-national-brought-us-face-charges-conspiring-launder-hundreds-millions-dollars>, accessed on 20/10/2021.

³ Ibid.

and exploiting the international financial system”.⁴ Therefore, considering the activities of the offence under section 22 of the Cybercrime (Prevention, Protection, etc) Act 2015, this paper intends to examine some few number of cases prosecuted by EFCC in relation to identity theft and impersonation in Nigeria.

In cybercrime offences, there are no single and universal definitions that are acceptable, the obvious fact is that it is a transnational crime and an evolving field in the context of cyberspace. Therefore, cybercrime is of a complex nature considering its transnational reach.⁵ Cybercrime is “criminal activity (such as fraud, theft, or distribution of child pornography) committed using a computer especially to illegally access, transmit, or manipulate data”.⁶ Furthermore, In general, cybercrime is defined “as either a crime involving computing against a digital target or a crime in which a computing system is used to commit criminal offenses. As a broad category of crime, cybercrime includes such disparate sorts of activities as illegal access of data, use of computer communications to commit fraud, or the ransoming of systems via digital means and it is also referred to as computer crime”.⁷

Cybercrime’ is defined as “any type of intentional criminal scheme that is computer or/and internet-mediated”.⁸ It was further defined to mean that ‘cybercrime’ implies “offences committed through the use of the computer in contrast to ‘computer crime’ which refers to offences against the computer and data or program therein”. However, the computer and its content are the primary targets in computer crimes. Generally, the meaning of cybercrime is “covered around the use of a computer or/and the Internet to commit crimes”.⁹ From the definitions, in deed, cybercrime is connected to fraud and theft activities which are central part of this paper discussion. From the categorization of cybercrime offence, the structure of this paper falls under the “crimes related to computer” which focuses on identity theft and impersonation as provided under the section 22 of the Cybercrime (Prevention and Protection, etc.) Act 2015.¹⁰

2. Identity Theft and Impersonation

Identity theft means a thief who uses the target information for a number of times to buy and sell the property, open bank accounts, establish phone service, and so

⁴ Ibid.

⁵ United Nations Office on Drugs and Crime, Model United Nations, “Cybercrime”, available at <https://www.unodc.org/e4j/en/mun/crime-prevention/cybercrime.html>, accessed on 12/12/2021.

⁶ Merriam-Webster Dictionary, Online, “Definition of Cybercrime”, available at <https://www.merriam-webster.com/dictionary/cybercrime>, accessed on 12/12/2021.

⁷ Techopedia online, “what does cybercrime mean? Available at <https://www.techopedia.com/definition/2387/cybercrime>, accessed on 12/12/2021.

⁸ Ogwezzy, M.C., “Cybercrime and the proliferation of yahoo addicts in Nigeria”. AGORA Int. J. Jurid. Sci. 1, 2012, at p. 91.

⁹ Ibid.; McGuire, and M., Dowling, S., 2013. Cybercrime: A review of the evidence. available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/246749/horr75-summary.pdf, accessed on 12/12/2021.

¹⁰ Mu’azu Abdullahi Saulawa, *An Introduction to International Law on Cybercrime: A Reflection to the Nigerian Law on Cybercrimes*, published and Printed by Umaru Musa Yar’adua Press Limited, February, 2020, at p. 48-49.

on.¹¹ Identity theft refers to “identity fraud. It generally involves ‘stealing’ another person’s personal information . . . and then using that information to fraudulently establish credit, run up debt, or take over existing financial accounts.”¹² However, Identity theft differs from the common credit card fraud, which is, the offender uses the victim’s credit card. In the identity theft, the offenders acquire personal information and make use of it in a range of fraudulent acts to pretend to be the victim. Sometimes the identity thief acquires personal information from companies’ database and public records, or by stealing wallets, pilfering mail to find data of disposed documents.¹³ However, identify theft in this context involves the use of the internet to steal someone identity. The internet provides a medium of communication in the form of information and communication technology. It is as a result of the internet that the social media operates which comprises of software applications meant to interact in the form of social media and it is referred to as social networking.¹⁴

Identity theft involves the use of personal information (PI) to create accounts with enterprises, internet service providers (ISPs), cable companies, phone companies, and so on. Personal information can be engaged to access numerous accounts, record systems with financial institutions, health organizations, schools, government agencies, and other bodies. The identity thief not only steals or targets’ personal information, but also contaminates their databases through the creation of incorrect information, such as “creating debt, unpaid debts, traffic violations, parking tickets, and arrests”. The damage of identity theft is not solely financial but extended to infiltrate into an individual’s daily life. . The target must continuously protect against the identity thief’s next move.

Some people involve in identity theft for the purpose of creating access.¹⁵ An instance of such involvement is where “identity thieves used victims’ identities to create a fake green card, Canadian passport, and Canadian citizenship card”.¹⁶ Furthermore, the illegal activity is not only affecting loss to specified persons but, it has resulted in damages to “creditors, financial institutions, and companies” and these damages are channeled down to customers as a burden by increasing a higher interest rates in prices and fees.¹⁷

¹¹ U.S. General Accounting Office, Identity Theft: Greater Awareness and Use Of Existing Data Are Needed. H.R. Rep. No. Gao-02-766, [Hereinafter U.S. Gao], 2002, at p. 23.

¹² Ibid, At P. 1. See Also Jennifer S. Lee, *Fighting Back When Someone Steals Your Name*, N.Y. TIMES, Apr. 8, 2001, AtC8. For More Background, See Generally Beth Givens, *The Privacy Rights Handbook* 227[^]18 (1997)

¹³ Givens, Beth. *Identity Theft: How It Happens, Its Impact On Victims, And Legislative Solutions*. Privacy Rights Clearinghouse, 2000 at P 3-4, available at <http://Www.Privacyrights.Org/Ar/Id Theft.Htm>. Accessed On 20/6/2021; Vacca, John R. *Identity Theft*. Prentice Hall Professional, 2003, at p. 8-9.

¹⁴ Danah M. Boyd & Nicole B. Ellison, *Social Network Sites: Definition, History, And Scholarship*, available at <http://Jcmc.Indiana.Edu/Voll3/Issuel/Boyd.Ellison.Html>. Social Networking Sites Are “Web-Based Services that Allow Individuals To . . . Construct A Public Or Semi-Public Profile Within A Bounded System.” Ibid, then “Articulate A List Of Other Users With Whom They Share Connection, And Of Connections ... Made By Others Within The System, Ibid.

¹⁵ Shelley Murphy & Douglas Belkin, Terror Link Seen In Identity Thefts, BOSTON GLOBE, Jan. 31, 2002, at p. A1.

¹⁶ Ibid.

¹⁷ Daniel J. Solov, Op. cit, at p. 23.

Identity theft is a consequence of designs that builds a sequence of weaknesses. This design is not created by identity thieves rather it is a process of abuse by the thieves. “We are increasingly living with what I call “digital dossiers” about our lives, and these dossiers are not controlled by us but by various entities, such as private-sector companies and the government.¹⁸ These dossiers play a profound role in our lives in modern society. The identity thief taps into these dossiers and uses them, manipulates them, and pollutes them”.¹⁹ The easy access of personal data originates from the designs structure that does not provide sufficient security to the protection of personal data Therefore, the extent of participation in communication of an information and its utilization is negligible. .²⁰ The international Convention on Cybercrime ²¹ was established by the Council of Europe ²² for the purpose of criminalizing offences related to computer.²³ The Articles of the Convention stands as a guide to nations and some part of the provisions of the Articles rightly captures the position of the Nigerian Cybercrime (Prevention and Protection) Act 2015.

However, impersonation is defined as the representation of oneself as a public officer or employee or a person licensed to practice or engage in any profession or vocation for which a license is required by state law with knowledge that such representation is false. The act of pretending or representing oneself to be another, commonly a crime if the other is a public official or police officer”.²⁴ It is obvious impersonation takes place in social media networking and it provides an excellent cover for any person to commit or engage in crimes. Nothing can be further from the truth that social media networking will continue to grow as rapid as possible delivering services to millions of individual and companies.²⁵ As a result of the revolution of the information and communication technology, thus, the idea of interaction through social media has been the revolution in the history of interaction. The development of social interaction by reason of ICT is what brings about the social media. The percentage of social media users in the world are increasing. Therefore, the global acceptance of social media usage is evident as a statistics show that “In 2020, over 3.6 billion people were using social media worldwide, a number projected to increase to almost 4.41 billion in 2025”.²⁶ The number of social media users are growing in Nigeria. “In January 2021, Nigeria

¹⁸ Ibid, at p. 23-24.

¹⁹ Ibid, at p. 23-24.

²⁰ Ibid.

²¹ It is also known as Budapest Convention on Cybercrime.

²² Council of Europe, home page on Convention on Cybercrime, available at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680081561>, accessed on 20/12/2021

²³ See the Preamble of the Convention, at p. 2-3, Ibid. For further emphasis see the Explanatory Report of the Convention.

²⁴ Black’s Law Dictionary, Sixth Edition, 1990, at p. 754.

²⁵ Reznik Maksim, “identity theft on social networking sites: developing issues of internet impersonation”, *Touro Law Review*, 2013, Vol. 29, No. 2, article 12, at p. 456, available at <https://digitalcommons.Tourolaw.Edu/Lawreview/Vol29/Iss2/2>, accessed on 12/12/2021.

²⁶ See Statista Research Department, “Number of global social network users 2017-2025”, September 10, 2021, available at <https://www.statista.com/statistics/278414/number-of-worldwide-social-network-users/> accessed on 12/12/2021.

had approximately 33 million active social media users. WhatsApp is the most popular platform used in the country, with over 90 million users. Facebook, YouTube, and Instagram followed as the most used social media platforms in Nigeria”.²⁷ That high number of users allow criminals to exploit the internet with the available personal data of the users online it becomes the easiest and starting point of information theft.²⁸ The level of online impersonation is increasing rather quickly and the process of prosecution is limited considering the fact that it is only one single agency that prosecutes such offence in Nigeria, which is the Economic and Financial Crimes Commission (EFCC).²⁹

3. The provision of Section 22 of the Nigerian Cybercrime (Prevention, Protection, etc.) Act 2015

The Nigeria Cybercrime (Prohibition, Prevention etc.) Act 2015 was established to regulate cybercrime offences in Nigeria.³⁰ The Act provides “an effective, unified and comprehensive legal, regulatory and institutional framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes in Nigeria. This act also ensures the protection of critical national information infrastructure, and promotes cybersecurity and the protection of computer systems and networks electronic communications, data and computer programs, intellectual property and privacy rights”.³¹ The Act provides for identity theft and impersonation under Section 22. ³² However, the Act defined “identity theft as, the stealing of personal information to obtain goods and services through electronic based transactions.”³³ Furthermore, the Act provides that “any person who is engaged in the services of any financial institution, and as a result of his special knowledge commits identity theft of its employer, staff, service providers and consultants with the intent to defraud is guilty of an offence and upon conviction shall be sentenced to 7 years imprisonment or N5, 000,000.00 fine or both.”³⁴

The identity theft has been defined by the United States General Accounting Office as, “identity theft or identity fraud generally involves ‘stealing’ another person’s personal identifying information . . . and then using that information to fraudulently establish credit, run up debt, or take over existing financial

²⁷ See Statista Research Department, “Number of active social media users in Nigeria 2017-2021”, published 23/3/2021, available at <https://www.statista.com/statistics/1176096/number-of-social-media-users-nigeria/>, accessed on 12/12/2021

²⁸ See report and available documents that speaks of available information on personal data of users online which information were used by the criminals. See EFCC home page, Fraud activities and other scam inter personal relationship.

²⁹ The subsequent discussion of the paper will analyses the cases prosecuted in respect of identity Theft and Impersonation under Cybercrime Act 2015 in Nigeria by the Economic and Financial Crimes Commission (EFCC).

³⁰ The Short Title Is Nigerian Cybercrime Act 2015, The Full Text Of The Law Is Available At https://www.cert.gov.ng/ngcert/resources/Cybercrime_Prohibition_Prevention_Etc_Act_2015.pdf, accessed on 12/12/2021.

³¹ See The Explanatory Memorandum of the Act, *Ibid*.

³² *Ibid*.

³³ Section 58, Cybercrime Act 2015, *Op. Cit*.

³⁴ Section 22(1), *Ibid*.

accounts.”³⁵ Moreover, Merriam Webster online dictionary, “theft is defined as (a) the act of stealing; specifically the felonious taking and removing of personal property with intent to deprive the rightful owner of it; (b) an unlawful taking (as by embezzlement or burglary) of property”.³⁶ There are three element of identity indicated by the UK Home Office Report on Identity Fraud.³⁷ Firstly, it is virtues to identity which comprise of associates apportioned to a person ordinarily at the point of birth, such as names, date, and place of birth.³⁸ Secondly, it is the biometric identity, the virtues are peculiar to an individual, such as fingerprint, iris, and DNA profile.³⁹ Thirdly, is the historical identity, which covers to those virtues that a person has acquired during his life span, including all his career, success and marital life, and so on.⁴⁰ Currently, the internet is used as a potential tool in obtaining information about a person, and it is very easy to steal a person’s identity.⁴¹ Usually, the criminal will impersonate the person by using the same identification.

The provision of the Act identifies this offence which is a significant factor as it is very rampant and this had led to a series of a commission of crimes. Section 22 of the Act is similar to the Budapest Convention and particularly Article 6(l) (a) (i) on the misuse of devices. Nevertheless, the Convention does not explicitly provide for identity theft. The discussed provision of the Act is adequate in the related offence. The act of identity theft and impersonation is a process where the identity of a personality is exploit and use by some other persons to represent a person in all activities. It is an act of crime which is prominent in the present day and those criminals usually operated internationally with the support of criminal organisations. The above case identifies the relevance of the provisions of the Cybercrime Act and the crimes perpetrated in Nigeria. This can be seen where criminals were apprehended in a Nigerian airport when they were about to board a flight, one to Dubai and the other to China, all of them with a huge number of credit cards belonging to other people.⁴² Such a case of this offence triggers the question of jurisdiction. For instance, the criminals arrested at the Nigerian airport travelling to Dubai and China involves the issue of jurisdiction. Generally, it depends on the bilateral agreements between the countries in matters involving

³⁵ U.S. General Accounting Office, Op. Cit, at p. 1.

³⁶ Weiner, Oxford English Dictionary, (1991).

³⁷ M.T. Britz, *Computer Forensics and Cybercrime*, 2nd Edn, Paris, OECD Publication, 2007, at p. 119.

³⁸ B. Koops et al, “A Typology Of Identity Related Crime: Conceptual, Technical, And Legal Issues”, 12(1)

Information, Communication & Society, 2009, at p. 3.

³⁹ Ibid.

⁴⁰ Britz, *Op. Cit*, at p.3; For Further Information See Nazura Abdul Manap, Anita Abdul Rahim, Hossein Taji, “Cyberspace Identity Theft: The Conceptual Framework” *Mediterranean Journal Of Social Sciences MCSEER Publishing, Rome-Italy, Vol 6 No 4 S3, August 2015*, Doi:10.5901/Mjss.2015.V6n4s3p595; Daniel J. Solove, Identity Theft, Privacy, and the Architecture of Vulnerability, 54 *Hastings L.J.* 1227 (2003).

⁴¹ Eugene Clark, E Tal., *Cyber Law In Australia*, Kluwer Law International, Wolters Kluwer, Netherlands, 2010, at p.385.

⁴² Ben Ezeamalu, Premium Times, “NDLEA Arrests Man with 108 ATM Cards”, October 17, 2015, available at <http://www.Premiumtimesng.Com/News/Headlines/191672-%E2%80%8Endlea-An'ests-Man-With-108-Atm- Cards.Html>, accessed on 17/10/2015.

deportation of criminals where a citizen of a respective country is involved as well as the mutual legal assistance among the nations.⁴³

3.1 Section 22(2) of the Cybercrime (Prohibition, Prevention etc) Act, 2015

In examining this provision, the Act provides that “Any person who fraudulently or dishonestly makes use of the electronic signature, password or any other unique identification feature of any other person”.⁴⁴ In the case of *Federal Republic of Nigeria v Arewa Adekunle (aka Barrister Tania Rivera) and 1 other*⁴⁵ that two defendants were found guilty and sentenced to jail terms in offences filed against them by the Economic and Financial Crimes Commission, EFCC, Ibadan zonal office. The defendants convicted for six months and four months imprisonment before the Justices Joyce Abdulmalik and P. I. Ajoku of the Federal High Court of the Ibadan Judicial Division. Therefore, the convicts had pleaded guilty to the separate one-count amended charges preferred against them by the EFCC which were products of the plea bargain proposed by their lawyers and agreed to by the commission. The charges are on fraud and fraudulent impersonation. That the first defendant “Arewa” was charged with fraudulent impersonation by representing himself to be Barrister Tania Rivera with email address barristertanviarivera@gmail.com and thereby committing an offense contrary to Section 22(2) and punishable under Section 22(2)(b)(iv) of the Cybercrimes Prohibition, Prevention etc) Act, 2015. Apart from conviction for the jail term, Arewa was ordered to have already refunded the sum of \$200 USD (Two Hundred United States American Dollars) as restitution to the victim of his fraud. He will also forfeit his HP Laptop and iPhone 6s to the federal government. While the second defendant “Kadiri” was a graduate of Banking and Finance from the University of Ado Ekiti, the offence was that he ‘sometimes in 2018, at Elebu, within the jurisdiction of the Honorable Court, fraudulently impersonated one Justin's Lizzy’. The second convict used his email: justinalizzy@gmail.com to send messages to one Shahzad Iqbal ‘in order to confer financial gains’ to himself, thereby committing an offence contrary to Section 22 (3) (b) and punishable under Section 22(4) of the Cybercrimes (Prohibition, Prevention etc.) Act 2015.

In another case of *Federal Republic of Nigeria v Olalekan Oladapo Ogunremi*⁴⁶ was found guilty of criminal impersonation and sentenced to six months in prison. The defendant was a student and pursuing a Higher National Diploma (HND) Mechanical Engineering at Moshood Abiola Polytechnic (MAPOLY), Ojere in Ogun

⁴³ Issues Involving Jurisdiction And International Co-Operation Has Been Provided From Sections 50 To 56 Of The Cybercrime Act 2015.

⁴⁴ Section 22 (2) Cybercrime Act 2015, *Op. Cit.*

⁴⁵ Unreported Case, At Economic And Financial Crime Commission, Homepage, “Two Jailed For Cybercrime, Impersonation”, reported by media and publicity on April 17, 2019, available at <https://www.efccnigeria.org/efcc/news/4133-Two-Jailed-For-Cybercrime-Impersonation>, accessed on 12/12/2021.

⁴⁶ Unreported Case, At Economic And Financial Crime Commission, Homepage, “Cybercrime: MAPOLY Student Jailed, Two Others Arraigned In Ibadan”, reported by media and publicity on 16 October, 2019, available at <https://www.efccnigeria.org/efcc/news/4974-cybercrime-mapoly-student-jailed-two-others-arraigned-in-ibadan>, 12/12/2021.

State. The defendant had pleaded guilty to the one-count amended charge with which he was arraigned on Wednesday consequent upon a plea bargain arrangement between him and the Commission. The offence committed contravenes Section 22(2) (b) of the Cybercrime (Prohibition, Prevention etc) Act, 2015, and punishable under Section 22 (2) (iv) of the same Act. The judge approved the request of the defendant lawyer's passionate plea that his client had missed two examination sessions owing to the criminal charge filed against him by the Ibadan zonal office of the Economic and Financial Crimes Commission, EFCC. Subsequently, the prosecution counsel Babatunde Sonoiki had prayed the court to sentenced Ogunremi according to the terms contained in the plea bargain agreement he and the defence lawyer, Tunde Lawal, jointly signed. However, the judge reduced the jail term and upheld other proposed punishments contained in the agreement, including forfeiture of items recovered during his arrest and investigation, and restitution of sums in foreign currency to his victims.

In the case of *Federal Republic of Nigeria v Rapheal Onwugbolu*⁴⁷ was convicted to two years imprisonment term for internet fraud. The charges against the defendant read "That you, Raphael Ifedora Onwugbolu (a.k.a Jeffrey Hanks) sometime in 2006 at Abuja, the Federal Capital Territory, FCT, within the jurisdiction of this honourable court, fraudulently impersonated one Jeffrey Flanks, an American medical doctor based in South Africa with intent to obtain property to wit: the sum of \$5,000 (Five Thousand United States Dollars) from one Maria Sandas, an American resident, and you thereby committed an offence contrary to Section 22(2)(b)(ii) of the Cyber Crimes (Prohibition Prevention, etc) Act, 2015 and punishable under the same Act." The defendant pleaded guilty to all the charges. Following his 'guilty plea', prosecuting counsel, Olanrewaju Adeola, informed the court of a plea bargain agreement entered with the defence team, and urged the court to adopt same and sentence the defendant based on the terms of the agreement. Furthermore, defence counsel pleaded with the court to temper justice with mercy, saying the defendant has become a changed person since 2006 when the offence was committed. Finally, the judge deliver the judgment considering the plea bargain agreement, the defendant is hereby sentenced to two years in prison, but with an option of fine of N1 million to be paid to the account of the Federal Republic of Nigeria through the office of the EFCC.

In a recent case where the Ibadan Zonal Office of the Economic and Financial Crimes Commission, EFCC, has secured the conviction and sentencing of four internet fraudsters in Ibadan, Oyo State is the case of *Federal Republic of Nigeria v Adeyemi Opeyemi Joshua (a.k.a Godeaux Ellis Spencer) and 3 others*.⁴⁸ The

⁴⁷ Unreported Case, At Economic and Financial Crime Commission, Homepage, "Man Jailed 2 Years For Cybercrime", reported by media and publicity On 4 October, 2019, available at <https://www.efccnigeria.org/efcc/news/4914-man-jailed-2-years-for-cybercrime>, accessed on 12/12/2021.

⁴⁸ Unreported Case, At Economic and Financial Crime Commission, Homepage, "Court convicts four for fraudulent impersonation in Ibadan", reported by media and publicity on 25 June, 2021, available at <https://www.efccnigeria.org/efcc/news/6894-court-convicts-four-for-fraudulent-impersonation-in-ibadan>., accessed on 12/12/2021.

defendants were arraigned on Friday June 25, 2021 before Justice Uche Agomoh of the Federal High Court sitting in Ibadan, on separate one count charge for offences bordering on fraudulent impersonation contrary to Section 22 (2) (a) and 22 (2) (b) of the Cybercrimes (Prohibition, Prevention, etc.) Act, 2015, and punishable under Section 22 (2) (iv) of the same Act. The defendants pleaded "guilty" to the charges and therefore, the prosecuting counsel, Mabas Mabur, reviewed the facts of the case, and tendered in evidence the statements of the defendants and documents implicating them, which were admitted in evidence. The convicts are Adeyemi Opeyemi Joshua (a.k.a Godeaux Ellis Spencer), Ugwu Ekenedilichukwu David (a.k.a Christian Doria), Oluwatosin Samuel Olatunji (a.k.a Catherine Lana and Bashiru Toheeb Ayodeji (a.k.a Marie August). Therefore, the Judge convicted the first defendant as charged and sentenced him to six months imprisonment while the three defendants Ugwu, Olatunji and Ayodeji were convicted and sentenced to four months imprisonment each. The judge also ordered the first defendant (Adeyemi) is to retribute his victim of the sum of \$500 (Five Hundred United States Dollars) and forfeit one iPhone 6. The second defendant (Ugwu) was ordered to retribute the sum of \$1,000 (One Thousand United States Dollars) to his victim, one Theresa Morales through the EFCC and forfeit one iPhone 7 Plus mobile phone and one grey-coloured iPhone 6 mobile phone to the Federal Government while The third defendant (Olatunji) forfeits an infinix Hot 5 mobile phone and the fourth defendant (Bashiru) to retribute \$650 (Six Hundred and Fifty United States Dollars to victim of his fraud, and forfeit one Samsung S8 Duos Mobile phone and an iPhone X to the Federal Government.

The case of *Federal Republic of Nigeria v Oluwole Gbenga Caleb and Ayoola Oluwafemi*⁴⁹ where the Judge of the Federal High Court sitting in Abeokuta, Ogun State, on Monday June 21, 2021, convicted the defendants for fraudulent impersonation. The offence runs contrary to Section 22(2) (b) (i) and is punishable under Section 22(2) (b) (iv) of the Cybercrimes (Prohibition, Prevention, Etc.) Act, 2015. The defendants were convicted separately on one count charge of fraudulent impersonation preferred against them by the Ibadan Zonal Office of the Economic and Financial Crimes Commission. The first defendant (Oluwole), 26 aged and who to be an Architect, was arrested on February 9, 2021. In the course of investigation, a number of incriminating documents were recovered from his email and on arraignment, he pleaded 'guilty' to the one count charge. Therefore, he was convicted and sentenced him to one-month imprisonment. The court also ordered the convict to retribute the sum of Two Hundred United States Dollars (\$ 200) to the victim. The Court equally ordered the forfeiture of his Infinix mobile phone. The second defendant (Ayoola) was also convicted and sentenced to three months' imprisonment and was also ordered to retribute the victim in the sum of Two Hundred United States Dollars (\$200) and also forfeit one Iphone 6 mobile phone and a Lexus RX 350 SUV car to the Federal Government of Nigeria.

⁴⁹ Unreported Case, at Economic and Financial Crime Commission, Homepage, "Court Convicts Architect. One Other for Impersonation in Abeokuta", reported by media and publicity on 21 June, 2021, available at <https://www.efccnigeria.org/efcc/news/6868-court-convicts-architect-one-other-for-impersonation-in-abeokuta>. Accessed on 12/12/2021.

In the case of *Federal Republic of Nigeria v Rapheal Onwugbolu v Kareem Babatunde Olamide and 5 others*⁵⁰, that Justice Mohammed Abubokar of a Federal High Court, sitting in Abeokuta, Ogun State delivered a judgment convicting 6 defendants. The convicts are Kareem Babatunde Olamide, Idowu Timothy Tobi, Anifowose Ahmed Adedeji, Alimi Quazeem Folarin, Gabriel Obiseasan Ayobami and Abesin Ayobami Sodeeq. The defendants were convicted for fraudulent impersonation, contrary to section 22(2)(b)(i) and (ii) of the Cybercrime (Prohibition, Prevention, etc Act, 2015 and sentenced to various jail terms. The first defendant (Kareem) and the six defendants (Abesin) were to serve three months imprisonment while the second defendant (Idowu) was convicted to six months imprisonment, the third defendant (Anifowose) and the fifth defendant (Gabriel) convicted to four months jail term each. Finally, the fourth defendant (Alimi) was convicted of two months' imprisonment.

However, the judge, however, gave Anifowose and Gabriel an option of N200, 000 (Two Hundred Thousand Naira) each as fine while, Kareem was given an option of N100, 000 (One Hundred Thousand Naira) fine. The court also ordered the convicts to retribute their victims. Therefore "Alimi is to retribute the total sum of Eleven Million Twenty-six Thousand, Eight Hundred and Sixty-four Naira, Twenty-nine kobo (Nil, 026,864:29) to his victims (John Castro, Romone Rockitt and Robert Reaman), through the Federal Government of Nigeria. He is to forfeit one iPhone 12 mobile phone and one black Lexus iS250 to Federal Government of Nigeria, being proceeds of his crime. Abesin was ordered to retribute his victim the sum of \$2,300 (Two Thousand Three Hundred United States Dollars) and forfeit one iPhone XS Max and one small Nokia Torchlight phone to the Federal Government of Nigeria. Similarly, Gabriel is to retribute his victim the sums of \$750 (Seven Hundred and Fifty United States Dollars) and N726, 000 (Seven Hundred and Twenty Six Thousand Naira). He was equally ordered to forfeit to the Federal Government of Nigeria, one Apple MacBook, Hp Laptop, one iPhone X and one Samsung S9. While Idowu was ordered to pay the sums of \$100 (One Hundred Dollars- United States) and 25 Euro (Twenty Five Euro) to his victims. He will also forfeit a black iPhone XR mobile phone to the Federal Government, while Kareem will forfeit. iPhone 7. Finally Anifowose is to return the sum of \$400 (Four Hundred United States Dollars) to his victims and forfeit one Apple laptop, a Samsung S9 and iPhone 11 Pro Max to the Federal Government.⁵¹

In the case of *Federal Republic of Nigeria v Chibueze Okenwa (a.k.a Rodriguz)*⁵². The charge against the defendant was "that you Chibueze okenwa (a.k.a Weirt Rodriguz), in 2020, within the jurisdiction of this Honourable Court, fraudulently

⁵⁰ Unreported Case, At Economic and Financial Crime Commission, Homepage, "Six Convicted Fraudsters in Abeokuta to return \$3,550 To Victims", reported by media and publicity on 22 March, 2021, available at <https://www.efccnigeria.org/efcc/news/6649-six-convicted-fraudsters-in-abeokuta-to-return-3-550-to-victims>, accessed on 12/12/2021.

⁵¹ Ibid.

⁵² Unreported Case, at Economic and Financial Crime Commission, Homepage, "Court Jails Fake American Officer Two Years for Internet Fraud in Port Harcourt", reported by media and publicity on 20 March, 2021, available at <https://www.efccnigeria.org/efcc/news/6644-court-iaills-fake-american-offlcer-two-veais-for-internet- fraud-in-Port-Harcourt>, accessed on 12/12/2021.

impersonated yourself as Weirt Rodriguz, a United State Military Officer to one Katia Massoni from Brazil with intent to gain monetary advantage for yourself and thereby committed an offence punishable under Section 22 (2) (b) (i & ii) of the Cybercrime (Prohibition, Prevention, Etc.) Act, 2015”. The defendant firstly arraigned on March 4, 2021 by the Port Harcourt Zonal Office of the Economic and Financial Crimes Commission, EFCC, and pleaded “not guilty” to one-count charge bordering on impersonation with intent to gain monetary advantage for self. While resuming the hearing of the case on March 18, 2021, the defendant decided to change his plea and was re-arraigned and pleaded “guilty” to the one-count charge. In view of his plea of “guilty”, prosecution counsel urged the court to convict him accordingly and the defense counsel prayed the court to temper justice with mercy. Therefore, Justice E. A Obile of the Federal High Court sitting in Port Harcourt, Rivers State convicted and sentenced the defendant Chibueze Okenwa (a.k.a Rodriguez), a fake United States of American military officer, to two years imprisonment with an option of fine of Three Hundred and Fifty Thousand Naira (N350, 000.00). Furthermore, the judge also ordered that the phone which was used to commit the crime, (a gold and white-coloured Blu dual sim smart phone) be forfeited to the Federal Government through disposal by public auction and the proceeds paid into the Treasury Single Account, TSA of the Federal Government.

In the case of *Federal Republic of Nigeria v Omosehin Sina and 5 others*⁵³. The defendants pleaded guilty to their respective charges in line with the conditions of the plea bargain agreement with the Commission. *The court* on Wednesday, March 17, 2021, convicted five internet fraudsters of the charge of criminal impersonation, contrary to Section 22(2) (b) (ii) of the Cybercrime (Prohibition, Prevention, etc.) Act, 2015 and punishable under Section 22 (2) (b) of the same Act. The convicts are Omosehin Sina, Yusuf Olajide Bello, Olowosogba Olamilekan Samson, Bakare Omolayo Toheed and Sodiq Oluwasegun Adefila. However, the court consequently convicted them as charged and sentenced the first defendant (Omosehin) and third defendant (Olowosogba) to four years’ jail term each, while the second defendant (Yusuf) earned eighteen months jail term. The fourth defendant (Bakare) was sentenced to four months while the fourth defendant (Adefila) convicted to three months imprisonment. Their sentences commence from the date dates of their arrest. Finally, the court orders the convicts to retribute the sums to their victims and also forfeit the items recovered from them to the Federal Government of Nigeria.

In the case of *Federal Republic of Nigeria v Ajibola Hammed*.⁵⁴ The defendant, in a classic love scam, represented himself as Jessica Mercy, a white woman, to one

⁵³ Unreported Case, At Economic And Financial Crime Commission, Homepage, “Court Jails Five For Internet Fraud In Ibadan”, reported by media and publicity on 14 March, 2021, available at <https://www.efccnigeria.org/efcc/news/6621-court-iails-five-for-internet-ffaud-in-ibadan>, accessed on 12/12/2021

⁵⁴ Unreported Case, At Economic and Financial Crime Commission, Homepage, “Court Convicts One For Love Scam ...EFCC Arraigns Sexagenarian Over Land Scam In Ibadan” reported by media and publicity on 16 March, 2021, available at <https://www.efccnigeria.org/efcc/news/6614-couit-convicts-one-for-love-scam-efcc-arraigns-sexagenarian-over-land-scam-in-ibadan>. Accessed on 12/12/2021.

Juan Angle, an American man with whom he claimed to be deeply in love. During his arraignment he pleaded guilty to the charge. Therefore, the Judge on Monday, March 15, 2021, convicted one Ajibola Hammed on one court amended charge bordering on impersonation, contrary to Section 22(2)(b)(i) of the Cybercrime (Prohibition Prevention, etc.) Act 2015 and punishable under the same Act. The defendant already entered a plea agreement with the EFCC, culminating in the amendment of his charge. Furthermore, the judge convicted and sentenced him to three months in prison. The court also ordered him to forfeit one Vivo 1906 phone to the Federal Republic of Nigeria.

In the case of *Federal Republic of Nigeria v Olawale Ibrahim Damilare and 3 others*.⁵⁵ The defendants were Olawale Ibrahim Damilare, Goodluck Sambo Olatayo, Mathew Anuoluwapo Awoniyi and Samson Olawale Ayomide. During the arraignment before Justice Mohammed Abubakar of a Federal High Court sitting in Abeokuta, Ogun State, they pleaded guilty to one- count amended charge of fraudulent Impersonation. The offence was contrary to Section 22 (2) (b) 1 and punishable under Section 22 (2) (b) of Cybercrimes (Prohibition, Prevention,) Act 2015. Considering their ‘guilty’ plea, the prosecution counsel, urged the Court to convict the defendants accordingly. Therefore, the court convicted and sentenced first defendant (Olawale) and second defendant (Goodluck) to three months and four months imprisonment respectively, while the third defendant (Matthew) and fourth defendant (Samson) were also convicted and sentenced to seven and eight months respectively. Furthermore, the court ordered the convicts to refund various sums to their victims: first defendant, \$1,500 (One Thousand Five Hundred United States Dollars); second defendant, \$500 (Five Hundred United States Dollars); third defendant, \$100 USD and Two Hundred and Thirty-Two Thousand Naira (N232, 000) and fourth, \$4,000 (Four Thousand United States Dollars).

3.2 Section 22(3) of the Cybercrime (Prohibition, Prevention etc) Act, 2015

However, the Act also provides that fraudulently impersonates another entity or person, living or dead, with intent to ⁵⁶ gain advantage for himself or another person,⁵⁷ obtain any property or an interest in any property, ⁵⁸ cause disadvantage to the identity or person being impersonated or another person ⁵⁹ or avoid arrest or prosecution or to obstruct, pervert or defeat the course of justice.⁶⁰

⁵⁵ Unreported case, at Economic and Financial Crime Commission, Homepage, “Convicted Abeokuta yahoo boys to refund \$ 6,100 to victims” ” reported by media and publicity on 2 March, 2021, available at <https://www.efccnigeria.org/efcc/news/6557-convicted-abeokuta-yahoo-boys-to-refund-6-100-to-victims>, accessed on 12/12/2021.

⁵⁶ Section 22(3) Cybercrime Act 2015, *Op. Cit.*

⁵⁷ Section 22(3)(A), *Ibid.*

⁵⁸ Section 22(3)(B), *Ibid.*

⁵⁹ Section 22(3)(C), *Ibid.*

⁶⁰ Section 22(3)(D), *Ibid.*

In the case of *Federal Republic of Nigeria v Busayo Oniya*.⁶¹ The defendant who is 24, who claimed to be a photographer was arrested in Ilaro Ogun State on the strength of verified intelligence by the EFCC. That on Tuesday, June 29, 2021, the defendant "guilty" to one- count charge bordering on impersonation and obtaining money by false pretense, contrary to Section 22(3) (a) of the Cybercrimes (Prohibition Prevention, Etc.) Act, 2015 and punishable under Section 22(4) of the same Act. The charge reads "That you Busayo Oniya sometimes between 18th May, 2017 and 20th November, 2019 within the jurisdiction of this Honourable Court did fraudulently present yourself as a female by name Linda Alex to one Dennis Thompson from the United States, with intent to gaining momentary advantage for yourself and thereby committed an offence contrary to section 22(2) (b) (i) of the Cybercrimes (Prohibition Prevention, Etc.) Act, 2015 and punishable under section 22(2) (b) (IV) of the same Act". Therefore, the prosecuting counsel prayed the court to convict and sentence him accordingly. The Judge convicted and sentenced him to six months imprisonment and was ordered to restate his victim Dennis Thompson, the sum of Eight Hundred and Sixty Three Thousand Naira (N863, 000) through the EFCC and also forfeit a Nokia mobile phone and one black-coloured Samsung S8 linked with the crime, to the Federal Government.

In the case of *Federal Republic of Nigeria v Osondu Kevin Nnamere*.⁶² The defendant was arrested in a sting operation at the Independence Layout area of Enugu on Saturday June 4, 2021 following credible intelligence received on his alleged involvement in computer-related fraud. The charge read, "that you Osondu Kevin Nnamere on or about the 9th day June 2021 in Enugu within the jurisdiction of this Honourable Court, fraudulently impersonated one Mr. Gopa, a foreign national by means of your Samsung A20S, through a fake WhatsApp account with intent to obtain money from unsuspecting foreign nationals and thereby committed an offence contrary to Section 22(3)(a) (b) of the Cybercrimes (Prohibition prevention, etc.) Act, 2015 and punishable under Section 22(4) of the same Act." The defendant pleaded guilty on the charge which was read to him and the prosecution counsel asked the court to convict him. While the defendant's counsel pleaded with the judge to temper justice with mercy on the grounds that his client is a 21 year-old student who has become remorseful. The court convicted and sentenced defendant to 2 years imprisonment with an option of N250, 000 (Two Hundred and Fifty Thousand Naira) fine.

⁶¹ Unreported case, at Economic and Financial Crime Commission, Homepage, "Court jails photographer for internet fraud", reported by media and publicity on 30 June, 2021 available at <https://Www.Efccnigeria.Org/Efcc/News/6917-Court-Jails-Photographer-For-Intemet-Fraud>, Accessed On 12/12/2021.

⁶² Unreported Case, At Economic And Financial Crime Commission, Homepage, "Enugu Student Bags 2 Years For Fraud", reported by media and publicity On 24 June, 2021 Available At <https://Www.Efccnigeria.Org/Efcc/News/6884-Enugu-Student-Bags-2-Years-For-Fraud>, Accessed On 12/12/2021.

In the case of *Federal Republic of Nigeria v Onyia David Ugochukwu*.⁶³ The defendant and his friends were arrested in a sting operation at the Independence Layout Area of Enugu on Saturday June 4, 2021 following credible intelligence received about their alleged involvement in computer-related fraud. The charge was read “that you Onyia David Ugochukwu on or about the 9th day June 2021 in Enugu within the jurisdiction of this Honourable Court, fraudulently impersonated Mark Louise and Jason Mollie, through a fake Facebook account and Hangout accounts, with intent to obtain money from unsuspecting foreign nationals and thereby committed an offence contrary to Section 22(3) (a) (b) of the Cybercrimes (Prohibition, Prevention, etc.) Act, 2015 and punishable under Section 22(4) of the same Act.” Thereafter, the defendant pleaded guilty and the prosecution counsel asks the court to convict the defendant. The defendant’s counsel pleaded with the court for mercy on the grounds that his client is a 28 years old orphan and student who did not waste the time of the court and had become remorseful. The Judge in his judgment grieved the increasing incidence of cybercrimes stating, “This court has observed that the offence of cybercrimes is on the increase in this jurisdiction. If this continues, Nigeria will be in jeopardy as many youths are embracing cybercrimes. This court states that “poverty and orphanage are not enough reasons to engage in cybercrimes” and Justice Buba added that other countries with large population like India have low records of cybercrimes and drug related offences. He advised the accused person to use his intellect for good and sentenced him 2 years imprisonment with an option of N150, 000(One hundred and Fifty Thousand Naira) fine.

In the case of *Federal Republic of Nigeria v Emmanuel Umahi (a.k.a Eddy Morem)*.⁶⁴ The defendant was arraigned before Justice I.M Buba of the Federal High Court sitting in Enugu, Enugu State on one count charge bordering on Criminal impersonation with the intend to defraud. The charge read “That you Emmanuel Umahi sometime in June 2021 in Enugu within the jurisdiction of this Honourable Court, fraudulently impersonated @eddy_morem, a citizen of Croatia, using an Instagram Account, with intent to obtain money from unsuspecting foreign nationals and thereby committed an offence contrary to Section 22(3) (a) (b) of the Cybercrimes (Prohibition, Prevention, etc.) Act, 2015 and punishable under Section 22(4) of the same Act.” Therefore, the defendant pleaded guilty to the charge and the prosecuting counsel asked the court to convict him. The Judge in his judgment decried the incidence of cybercrimes, saying, “This court takes cognizance that cybercrimes are on the increase. No nation will develop if its youths continue in crime. This court warns the defendant to desist from cybercrime or face the maximum consequence when next he appears before this

⁶³ Unreported case, at Economic and Financial Crime Commission, Homepage, “Student Baas 2 Years for Internet Fraud in Enugu”. reported by media and publicity on 22 June, 2021 available at <https://www.efccnigeria.org/efcc/news/6874-student-bags-2-vears-for-internet-fraud-in-enugu>, accessed on 12/12/2021

⁶⁴ Unreported Case, At Economic And Financial Crime Commission, Homepage, “Enugu Student Bags 2 Years Imprisonment For Internet Fraud ”, reported by media and publicity on 18 June, 2021 available at <https://www.efccnigeria.org/efcc/news/6862-enugu-student-bags-2-years-imprisonment-for-internet-fraud>, accessed on 12/12/2021.

court.” The judge sentenced Emmanuel Umahi to 2 years imprisonment with an option of N150, 000(One Hundred and Fifty Thousand Naira) fine.

In the case of *Federal Republic of Nigeria v Uzoma Franklyn Izuchukwu*.⁶⁵ The defendant was arraigned before Justice E. A. Obile of the Federal High Court sitting in Port Harcourt, Rivers State on a charge "That you Uzoma Franklyn Izuchukwu (a.k.a Jefferson Stewart) sometimes between 2019, within the jurisdiction of this Honourable Court did fraudulently impersonate one Jefferson Stewart with intent to gain advantage for yourself and thereby committed an offence contrary to section 22(3) (a) of the Cybercrimes (Prohibition Prevention) Act, 2015 and punishable under section 22(4) of the same Act". The defendant plea " guilty" to one- count charge bordering on impersonation and obtaining money by false pretence, contrary to Section 22(3) (a) of the Cybercrimes (Prohibition Prevention, Etc.) Act, 2015 and punishable under Section 22(4) of the same Act. The court convicted and sentenced the defendant to two years imprisonment for impersonating an American, Jefferson Stewart, to dupe his unsuspecting victims with an option of fine of Five Hundred Thousand Naira only (N500, 000). The court ordered that the phone and laptop linked with the crime be forfeited to the Federal Government.

However, the Act provides that “any person who makes or causes to be made, either directly or indirectly, any false statement as to a material fact in writing, knowing it to be false and with intent that it be relied upon respecting his identity or that of any other person or his financial condition or that of any other person for the purpose of procuring the issuance of a card or other instrument to himself or another person commits an offence and shall be liable on conviction to imprisonment for a term of not more than 5 years or a fine of not more than N7,000,000.00 or to both such fine and imprisonment”.⁶⁶

For emphasis on the provisions of section 22 of the Cybercrime Act as well as the designation of the cases, the paper provides a table that identify specifics of above cases.

Table 1: indicating the briefs identification of offences

S/No	Name of the case	offences	Year	Prosecuting country	status
1.	<i>United States of America v. Ramon Olorunwa Abbas, 37, a.k.a. "Ray</i>	Computer hacking, unauthorized access, fraud contrary to US Computer	2020	United State of America	On trial

⁶⁵ Unreported Case, At Economic and Financial Crime Commission, Homepage, “Court Jails Internet Fraudster Two Years In Port Harcourt”, reported by media and publicity on 25 March, 2021 available at <https://www.efccnigeria.org/efcc/news/6661-court-jails-intemet-fraudster-two-years-in-port-harcourt>, accessed on 12/12/2021.

⁶⁶ Section 22(4) of Cybercrime Act 2015, *Op. Cit.*

	<i>Hushpuppi” and “Hush,”</i> ⁶⁷	Fraud and Abuse Act 1986			
2	<i>Federal Republic of Nigeria v Arewa Adekunle (aka Barrister Tania Rivera) and 1 other</i> ⁶⁸	Section 22 (2) of the Nigerian Cybercrime Act 2015	2019	Nigeria	Conviction: six months and four months imprisonment
3	<i>Federal Republic of Nigeria v Olalekan Oladapo Ogunremi</i> ⁶⁹	√	√	√	Conviction: six months in prison
4	<i>Federal Republic of Nigeria v Rapheal Onwugbolu</i> ⁷⁰	√	√	√	Conviction: two years
5	<i>Federal Republic of Nigeria v Adeyemi Opeyemi Joshua (a.k.a Godeaux Ellis Spencer) and 3 others.</i> ⁷¹	√	2021	√	Conviction: six months imprisonment while the three defendants sentenced to four months imprisonment each and restitution/forfeiture

⁶⁷ Op. cit.

⁶⁸ Op. cit.

⁶⁹ Op. cit.

⁷⁰ Op. cit.

⁷¹ Op. cit.

6	<i>Federal Republic of Nigeria v Oluwole Gbenga Caleb and Ayoola Oluwafemi</i> ⁷²	√	√	√	Conviction: one month imprisonment and restitution
7	<i>Federal Republic of Nigeria v Rapheal Onwugbolu v Kareem Babatunde Olamide and 5 others</i> ⁷³ ,	√	√	√	Conviction: three months, six months, four months jail term each and two months' imprisonment. Option and restitution.
8	<i>Federal Republic of Nigeria v Chibueze Okenwa (a.k.a Rodriguz)</i> ⁷⁴ .	√	√	√	Conviction: two years imprisonment with an option of fine
9	<i>Federal Republic of Nigeria v Omosehin Sina and 5 others</i> ⁷⁵ .	√	√	√	four years each, eighteen months, four months three months imprisonment and order of restitution
10	<i>Federal Republic of Nigeria v Ajibola Hammed.</i> ⁷⁶	√	√	√	three months in prison and order of forfeiture
11	<i>Federal Republic of Nigeria v Olawale</i>	√	√	√	three months and four months imprisonment respectively, seven and

⁷² Op. cit.

⁷³ Op. cit.

⁷⁴ Op. cit.

⁷⁵ Op. cit.

⁷⁶ Op. cit.

	<i>Ibrahim Damilare and 3 others.</i> ⁷⁷				eight months and order of refund
12	<i>Federal Republic of Nigeria v Busayo Oniya.</i> ⁷⁸	Section 22 (2) of the Nigerian Cybercrime Act 2015	√	√	six months imprisonment and ordered restitution
13	<i>Federal Republic of Nigeria v Osondu Kevin Nnamere.</i> ⁷⁹	√	√	√	two years imprisonment with an option of fine
14	<i>Federal Republic of Nigeria v Onyia David Ugochukwu.</i> ⁸⁰	√	√	√	two years imprisonment with an option of fine
15	<i>Federal Republic of Nigeria v Emmanuel Umahi (a.k.a Eddy Morem).</i> ⁸¹	√	√	√	two years imprisonment with an option of fine
16	<i>Federal Republic of Nigeria v Uzoma Franklyn Izuchukwu.</i> ⁸²	√	√	√	two years imprisonment with an option of fine

Source: an extraction from the content of this paper by the author.

The table above provides the convictions of the defendants based on the provision of the Act, yet the sentenced of the convicts differs from each case the fact that it is the same offences committed as provided by the Act as well as same ingredient.

⁷⁷ Op. cit.

⁷⁸ Op. cit.

⁷⁹ Op. cit.

⁸⁰ Op. cit.

⁸¹ Op. cit.

⁸² Op. cit.

This can be understood from the conduct of the trial and the extent of the damages committed. The majority of the offences were committed in 2021 and this shows that the increase in the commission of the offence. The fact that, within the year of 2021 a reasonable number of the same offences of identity theft and impersonation has been committed, arrest and trial means only the negligible number and if such number of 17 cases can be recorded within a limited period of time, then examining the offences within the range of 1 or 2 years will be a hundreds. This table indicates the growing nature of cybercrime offence. Furthermore, the imprisonment period is such that is not enough for the convicts to be remorseful considering the numbers of the commission of the offence, the extent of the damage and the trauma cause to the victims. Nothing can be further from the truth, if proper consideration will be adhered the number of resources put by the federal government in prosecuting the cases are not enough. So the extreme part of sentence must be a considering factor rather than the most merciful one. If the minimum sentenced as stated by the provisions of the Act can be ordered by the court, then the remorsefulness from the part of the defendants can be measured.

This can be further understood on the psychology of the social cyber criminals that defines the cybercrimes committed in Nigeria are focused generally on monetary value than any other context, considering the identity theft and impersonation in context. The social aspect is one area that has to do addressed. Nothing can be further from the truth that social factors are the highest numbers in measuring the commission of cybercrimes in Nigeria.⁸³ This further speaks of the societal problems facing in the Nigerian communities. Therefore, what is term as cybercrimes in the United States or any other country may not be the said to be the same in the context of cybercrimes in Nigeria.⁸⁴ The identified cases above cases are centrally on monetary gains and values and nothing more.⁸⁵ That clearly becomes evident that the cybercrimes in this area are socioeconomically driven.⁸⁶ The socioeconomic perspective of cybercrime in Nigeria can be examined from the responsibility and obligation of the parents in relation to their children and this can be fully understood where the cyber criminals in Nigeria are youths.

4. Conclusion

The practices of cybercrimes are a threat to e national image and security, of a country. The foundation for the perpetration of the crimes in the technology aspect are based on the development of technologies today and these have not been encouraging. The transformation of technology in the current affairs are tremendous and a reality changes for the world, but that has also cost the technological industry, the public as well as the private citizens in the global sphere. Such development has put the nation into introduction of laws and other

⁸³ Suleman Ibrahim, "Social and contextual taxonomy of cybercrime: Socioeconomic theory of Nigerian cybercriminals", *International Journal of Law, Crime and Justice*, vol. 47, 2016, at pp. 44-57. DOI:

<http://dx.doi.org/10.1016/j.ijlcj.2016.07.002>, accessed on 26/12/2021.

⁸⁴ *Ibid*, at p. 55.

⁸⁵ Table 1, *op. cit.*

⁸⁶ Suleman Ibrahim, *op. cit.*

necessaries measures that will protect both sides. The international convention on cybercrime is a remarkable convention meant to guide nations in the establishment of their local laws for the purposes of penalizing cybercrimes. The regulation on cybercrime in Nigeria is laudable and it was established in 2015, which provides provisions with a focus on the issues of identity theft and impersonation. The provisions are effective but require consistent review considering the rise of the crimes in identity theft. The Cybercrime Act 2015 requires some reviews on some specific areas considering the rapid development of technology though effective.

The area of identity theft and impersonation are flooded with perpetration of crimes and the continuance of the commission of the crimes are an indication of the need to step up to the security threat that it portends. This can be further understood from the level of perpetration of the crimes through the decided cases by the courts in the Federal Republic of Nigeria. Considering the perpetration of the crimes across the federation of Nigeria, it is clear that the perpetrators are generally youths and that signifies represents the danger of socioeconomic crisis in the country. The central focus to the crimes perpetrated by the youths are economic gain and other social factors and this can be further viewed that the socioeconomic factor is the major concern. This also tasked the paper on recommending that the amendment of law is necessary considering the high risen numbers of the crimes. There is also the need to conduct an in-depth research or survey on the consistency of the crimes of identity theft and impersonation in Nigeria looking at the fact that the said technologies are for a purpose such as innovations, small medium enterprises and other engagements usage rather than the youths in Nigeria to engage the innovations or usage of technological devices for crime activities.