



# THE STATUS REPORT ON HIGH PROFILE CORRUPTION CASES

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## **STATUS REPORT ON 10 HIGH PROFILE CASES BEFORE THE FEDERAL HIGH COURT, ABUJA**

### **\*1) FRN v. Andrew Yakubu**

He was the Group Managing Director, Nigerian National Petroleum Corporation (NNPC) between 2012 and 2014.

#### **Nature of offence**

Failure to make full disclosure of assets; receiving cash without going through a financial institution, which borders on money laundering; and intent to avoid a lawful transaction under law by transporting, at various times to Kaduna the aggregate sum of \$9,772,800 and £74,000.

The Economic and Financial Crimes Commission (EFCC) said its operatives recovered the money in cash on February 3, 2017 when they raided a house said to be owned by him, located on Chikun Road, Sabon Tasha area of Kaduna State.

#### **Prosecuting agency**

The EFCC.

#### **Date of arraignment**

He was arraigned on March 16, 2017 on a six-count charge, marked: FHC/ABJ/CR/43/2017

#### **Trial judge/Court**

He is being tried before Justice Ahmed Ramat Mohammed at the Federal High Court, Abuja

#### **Current state of the matter**

The prosecution closed its case on October 17, 2018 after calling the seven witnesses. The defence made a no-case submission, on which the court ruled on May 16, 2019.

In the ruling, Justice Mohammed struck out two counts (counts 5 and 6) from the charge on the grounds that the prosecution did not prove ingredients of the offence charged.

The two counts related to his alleged transportation of the cash to Kaduna from Abuja to avoid lawful transaction.

The judge ordered him to enter his defence in relation to the remaining four counts.

#### **Next adjourned date**

Further hearing in the case has been scheduled for July 3, 2019.

### **\*2) FRN v. Haliru Bello, Abba Bello and Bam Projects and Properties Limited**

Haliru Bello was the Chairman of the Peoples Democratic Party (PDP). He was also Defence Minister. Abba Bello is his son. Bam Properties is said to be their company.

#### **Nature of the offence**

Criminal breach of trust and money laundering They were accused of receiving N300m from the office of the National Security Adviser (NSA), Sambo Mohammed Dasuki on March 17, 2015 for political campaign under pretext that it was meant for a housing project named "Safe Houses."

#### **Prosecuting agency**

The EFCC

#### **Date of arraignment**

They were arraigned on January 5, 2016 on a four-count charge, marked: FHC/ABJ/CR/389/2015.

**Trial judge/court**

He is being tried before Justice Ahmed Ramat Mohammed at the Federal High Court, Abuja

**Current state of the case**

Trial is still ongoing. The prosecution has not closed its case. It has called seven witnesses so far. Delay is mostly as a result of the ex-Minister's ill-health. The court has had to grant long adjournments to enable him attend to his health abroad.

**Next adjourned date**

Proceedings to resume on July 12, 2019.

**\*3) FRN v. Jide Omokore and 5 others**

Jide Omokore is a businessman. He was charged with two of his companies - Atlantic Energy Brass Development Limited and Atlantic Energy Drilling Concepts Limited and three others - Victor Briggs (ex-Managing Director of NNPC); Abiye Membere (Group Executive, Exploration and Production, NNPC), and David Mbanefo (Manager, Planning and Commercial, NNPC).

**Nature of offence**

Criminal diversion of about \$1,6billion alleged to be proceeds of petroleum products belonging to the Federal Government, advance fee fraud and receiving under false pretence

**Prosecuting agency**

The EFCC

**Date of arraignment**

They were initially arraigned on July 4, 2016 before Justice Binta Nyanko of the Federal High Court, Abuja on a nine-count charge.

The case was later transferred to Justice Nnamdi Dimgba, also of the Federal High Court, Abuja, before whom they were re-arraigned on November 21, 2016 on the same nine-count charge.

One of the counts reads: "That you Olajide Jones Omokore, Atlantic Energy Brass Development Ltd., Atlantic Energy Drilling Concept Ltd and Kolawole Akanni Aluko (now at large) between May and October 2013 within the jurisdiction of this Honourable Court, by false pretence and with intent to defraud, induced the Nigerian Petroleum Corporation and the Federal Government of Nigeria to deliver to you 5,652,227 barrels of crude oil (Brass blend) amounting to \$616,013,615.27 (Six hundred and sixteen million, thirteen thousand, six hundred and fifteen US dollars, twenty seven cents) through the medium of contract, which delivery was induced by the false pretence to wit: that you had technical competence, professional skills and funds (both local and foreign) necessary to support the NPDC in petroleum operations for the contract area and you thereby committed an offence contrary to section 1 (1) (b) of the Advance Fee Fraud and Other Fraud Related Offences Act Cap. A6, 2010, Laws of the Federation of Nigeria and punishment under section 1(3) of the same Act."

**Trial judge/court**

They are being tried before Justice Nnamdi Dimgba at the Federal High Court, Abuja

**Current state of the case**

Proceedings are still at the stage of trial. The prosecution is still conducting its case and has called eight witnesses. Delay is as a result of the trial-within-trial being conducted by the court in respect of the statements made by two of the defendants, which they claimed to have been made under duress.

**Next adjourned date**

The case has been adjourned till June 27, 2019 for the adoption of written addresses on the trial -within - trial.

**\*4) FRN v. Maimuna Aliyu**

Maimuna Aliyu was an Executive Director in Aso Savings and Loan Limited. She was, at a point, nominated by the Federal Government into the Board of the Independent Corrupt Practices and other related offences Commission (ICPC). The nomination was withdrawn in view of this case.

**Nature of the offence**

Accused of diverting the \$360, 000 she received on behalf of the bank for the sale of some plots of lands and refused to remit same to the bank.

She was alleged to have committed the offence in December 2012, while acting as Executive Director of the bank. The offence is said to be contrary to Section 22 (1) (a) and punishable under Section 30 (2) (1) (a) of the Foreign Exchange Monitoring and Miscellaneous Provisions Act Cap, F34, Laws of the Federation 2004.

**Prosecuting agency**

The ICPC.

**Date of arraignment**

She was arraigned on January 16, 2019 on a one-count charge.

**Trial judge/court**

She is being tried before Justice Nnamdi Dimgba, at the Federal High Court, Abuja.

**Current state of the case**

The prosecution closed its case in May after calling three witnesses. The defendant has indicated her intention to make a no-case submission.

**Next adjourned date**

The case has been adjourned till June 28, 2019 for the adoption of written addresses in relation to the no-case submission.

**\*5) FRN v.Murtala Nyako and 8 others**

Murtala Nyako is a former Governor of Zamfara. He is arraigned with his son, Abdulaziz Nyako, a Senator in the 8th National Assembly. They are being tried with two of the ex-governor's aides - Zulkifik Abba and Abubakar Aliyu.

Also arraigned with them are five companies - Blue Opal Limited, Sebore Farms & Extension Limited, Pagoda Fortunes Limited, Tower Assets Management Limited and Crust Energy Limited.

**Nature of the offences**

Diversion of public funds. They were accused of diverting funds, totaling N40billion from the Adamawa State treasury between January 2011 and December 2014. The prosecution accused the defendants of diverting the funds to the development of private properties in Abuja, in their bid to conceal the illicit origin of the allegedly stolen funds.

They were said to have paid the money into Zenith Bank, which they later withdrew through the bank manager and channelled same for private use, contrary to section 15 (2) (a) & (6) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under section 15 (3) of the same Act.

**Prosecuting agency**

The EFCC.

**Date of arraignment.**

They were initially arraigned on August 7, 2016 before the late Justice Evoh Chukwu of the Federal High Court, Abuja. The case was transferred to Justice Okon Abang after Justice Chukwu's death. They were re-arraigned on October 17, 2016.

**Trial judge/court**

They are being tried before Justice Okon Abang at the Federal High Court, Abuja.

**Current state of the case**

The case is still at the trial state. The prosecution is yet to close after calling 20 witnesses.

**Next adjourned date**

The trial is expected to resume on June 17 for the cross-examination of the prosecution's 20<sup>th</sup> witness.

**\*6) FRN v. Gabriel Suswan and 1 other**

Suswan, a former Governor of Benue State and now, a serving Senator is facing three deferent charges before the Federal High Court, Abuja.

**Nature of the offences**

He was first arraigned in 2015 on a nine-count charge of money laundering and diversion of public funds. He is being tried with a former Finance Commissioner in Benue State, Omadachi Oklobia

Suswan, in connivance with Oklobia allegedly diverted N3, 111,008,018.51k (about N3.1billion) which formed part of the N9,411,708,009.51k (about N9.4billion) proceeds of the sale of shares owned by the Benue State government and Benue Investment and Property Company Limited for personal use.

The offence is said to be punishable under Section 15 (3) Of the Money Laundering Act 2011, as amended in 2012.

The ex-Governor, Oklobia and former Accountant, Benue State Government House, Mrs. Janet Aluga are being tried on a separate 32-count charge in which they were accused of diversing a total sum of N9.79bn meant to finance the Subsidy Reinvestment and Empowerment Programme (SURE-P) and police reform in the state. The defendants

allegedly committed the offence between 2012 and 2015 while Suswam was the Governor of Benue State.

In the third case, Suwam is being tried alone on a three-count charge of money laundering and illegal possession of fire arms.

He is accused of illegally concealing weapons in his Mercedes Benz 550 4Matic car with Registration No: BWR 135 AH at parked at Dunes Investment and Properties Ltd, No. 44 Aguiyi Ironsi Way, Maitama, Abuja,

Susam is also accused of “converting 25 designer wrist watches worth several millions of naira being properties you derived directly from corruption and concealed in your Mercedes Benz 550 4Matic with Registration No BWR 135 AH.”

The ex-Governor was further accused of being in possession of “one(1) Glock Pistol with Serial Number KML 275, one (1) Mini rifle with Serial Number 54976 and One(1) AK 47 with Serial Number 5622620063, which weapons were concealed in your Mercedes Benz 550 4Matic car with Registration No: BWR 135 AH.”

### **Prosecuting agencies**

The first case is being prosecuted by the EFCC.

The second and third cases are being prosecuted by the office of the Attorney General of the Federation.

### **Date of arraignment**

Suswam and Oklobia were arraigned on the first charge on November 10, 2015 before Justice Ahmed Mohammed of the Federal High Court, Abuja

Suswam, Oklobia and Mrs. Aluga were arraigned on June 19, 2017 before Justice Gabriel Kolawole (then of the Federal High Court, Abuja).

Suswam was arraigned on the third charge in July 2018 before Justice Babatunde Quadri (then of the Federal High Court, Abuja).

### **Trial judge/court**

The first case, involving Suswam and Oklobia is still before Justice Mohammed at the Federal High Court, Abuja.

The second case involving Suswam, Okolobia and Aluga and the third one, involving only Suwsam, are now before Justice Inyang Ekwo at the Federal High Court, Abuja.

### **Current state of the cases**

In respect of the first case, the prosecution has called four witnesses. The fourth is yet to conclude his testimony as he is currently being cross-examined by the defence lawyer. The case has witnessed significant delay, having been held up since 2018 owing to the ill-health of the lead defence lawyer, Joseph Daudu (SAN).

Before the issue of Daudu’s ill-health came in, proceedings were delayed for many weeks owing to allegation by the prosecution that its fourth witness had been tampered with by agents of the defendants.

The second case was initially before Justice Kolawole, but was later transferred to Justice Inyang Ekwo after Justice Kolawole’s elevation to the Court of Appeal. Trial has commenced and the prosecution has called two witnesses.

The third case, involving only Suswam, is also now before Justice Ekwo. It was transferred to his court when the former judge, Justice Babatunde Quadri was transferred out of the Abuja division of the Federal High Court.

Trial is yet to commence in the third case. At the last adjourned date, the new prosecuting lawyer sought time to enable it put its house in order.

#### **Next adjourned date**

The first case before Justice Mohammed has been fixed for July 9 and 10, 2019.

The two before Justice Ekwo are adjourned till June 20, 2019.

#### **\*7) FRN v. Raymond Dokpesi and 1 other**

Dokpesi is a businessman and a politician. He once aspired to the post of the National Chairman of the PDP.

#### **Nature of the offence**

He is charged, with his company, Daar Investment and Holdings Limited, with money laundering and violation of Public Procurement Act.

They were charged with receiving N2.1 billion from the Office of the National Security Adviser (NSA) under Col. Sambo Dasuki.

In the amended charge dated May 9, 2018, the defendants were alleged to have, between January 22, 2015 and March 18, 2015 directly took control of an aggregate sum of N2,120,000,000, paid into the account of DAAR Investment and Holding Company Limited with First Bank of Nigeria Plc, from the account of the Office of the National Security Adviser (ONSA) with the Central Bank of Nigeria (CBN).

They were equally alleged to have, between October 2014 and March 2015 conducted procurement fraud by fraudulently receiving N2.1bn into the account of DAAR Investment and Holding Company for the funding of media activities for the 2015 presidential election campaign of the Peoples Democratic Party (PDP).

The alleged offences are said is contrary to section 58 (4) (b) of the Public Procurement Act 2007 and punishable under section 58 (6) and 7 of the same Act.

#### **Prosecuting agency**

The EFCC.

#### **Date of arraignment**

They were initially arraigned in December 2015 on a six-count charge, which was later amended in 2018 and raised to seven.

#### **Trial judge/court**

The case was initially before Justice Gabriel Kolawole at the Federal High Court, Abuja. It was later transferred to Justice John Tsoho following Justice Kolawole's elevation to the Court of Appeal.

#### **Current state of the case.**

The prosecution closed its case after calling 14 witnesses, following which the defence made a no-case submission, which the court dismissed and ordered the defendants to enter their defence. Justice Tsoho, while ruling on the defendants' no-case submission on November 21, 2018, held that, by the evidence led, the prosecution has through its witnesses, established a prima facie case, requiring the defendants to say their own side of the story.

Sine the ruling, the case has been adjourned for about three times, with the defendants failing to open their defence.

#### **Next adjourned date**

The court has again adjourned till July 2 and 3 for the defence to open its case.

### **\*8) FRN v. Femi Fani-Kayode**

Fani-Kayode is a former Minister of Aviation and was the spokesman for the Goodluck Jonathan presidential campaign organization in 2015.

#### **Nature of offence**

Fani-Kayode is accused, in a five-count charge, marked: FHC/ABJ/CR/140/2016 of collecting N26 million from the office of the former National Security Adviser, Sambo Dasuki and using the money for media campaign.

A count in the charge reads: "That you, Femi Fani-Kayode, converted N26 million cash paid from the office of the National Security Adviser for the purpose of media campaign, when you ought to have reasonably known that the said funds formed part of an unlawful act contrary to section 15 (2) (b) of the Money Laundering Act."

#### **Prosecuting agency**

The EFCC.

#### **Date of arraignment**

He was arraigned on November 10, 2016 and granted bail same day.

#### **Trial judge/court**

The case is before Justice John Tsoho at the federal High Court, Abuja.

#### **Current state of the case**

Trial is still ongoing. The prosecution has called a number of witnesses. It is yet to close its case.

#### **Next adjourned date**

It is fixed for July 1 for continuation of trial.

### **\*9) Tunde Ayeni and others**

Tunde Ayeni is a former Chairman of Skye Bank PLC.

#### **Nature of the offence**

Ayeni, along with the bank's former Managing Director, Timothy Oguntayo and two companies - Control Dredging Company Ltd and Royaltex paramount Ventures Ltd – are charged with money laundering.

They were arraigned on a 10-count charge for allegedly conspiring at different times to "fraudulently divert depositors' funds" domiciled at Skye Bank Plc between 2014 and 2015, The alleged diverted funds are estimated at N4,75b and \$5million.

One of the counts reads, "That you, Tunde Ayeni, whilst being Chairman, Board of Directors of the defunct Skye Bank Plc and Timothy Ajani Oguntayo while being the Managing Director, MD, of the defunct Skye Bank Plc, on or about 24th December, 2014 at Abuja within the Abuja Judicial Division of this Honourable Court did conspire to commit an offence to wit, money laundering by transferring the sum of N3,000,000,000 (Three Billion Naira) from the defunct Skye Bank Plc Suspense account to the First City Monument Bank Plc of Control Dredging Company Limited, which money you reasonably ought to have known forms part of the proceeds of an unlawful act, to wit: fraud and thereby committed an offence contrary to Section 18(a) and punishable under Section 15(2)(b) and (3) of the Money Laundering (Prohibition) Act, 2011 (as amended)

#### **Prosecuting agency**

The EFCC

**Date of arraignment**

They were initially arraigned on December 17, 2018 before Justice Nnamdi Dimgba. The case was transferred to Justice Ijioma Ojukwu when Justice Dimgba was transferred to another division of the court.

They were re-arraigned on March 7, 2019.

**Trial judge/court**

The case is before Justice Ijeoma Ojukwu at the Federal High Court, Abuja.

**Current state of the case**

The defendants have since been on bail since they were re-arraigned. Trial has not commenced. When the case was last mentioned on May 27, 2019 parties sought time to enable them explore settlement options. They told the court that they were talking on ways to have the case settled.

**Next date of adjournment**

The case has been adjourned till July 2, 2019 for report of settlement or commencement of trial.

**\*10) FRN v. Air Commodore Umar Mohammed and 1 other**

Air Commodore Umar Mohammed (retd) was a member of the committee set up by President Muhammadu Buhari to investigate the procurement of arms and equipment in the Armed Forces.

**Nature of offences**

Umar and his company, Easy Jet Integrated Services Limited, are being tried on a four-count amended charge of money laundering and unlawful possession of firearms and official documents.

They are accused of conspiracy and accepting \$1,030,000 in cash from a firm, Worldwide Consortium PTY Ltd, as payment for flight services without going through a financial institution as required by law.

The prosecution accused the defendants of committing money laundering offences, contrary to sections 18 (a) and 16(1)(d) of the Money Laundering Act 2011 and punishable under Section 16(2)(b) of the Act.

Umar was accused of being in possession of two pump action guns (marked: SBSG Magnum 397 and SBGS Interpress 09-1573) between June 1, 2011 and June 19, 2016 without valid licences and thereby committed an offence contrary to Section 4 of the Firearms Act 2004 and punishable under Section 27(1)(b)(i) of the act.

He was also accused of having at his 4, Lungi Close, Mississipp i, Maitama, Abuja home “classified/official documents without lawful authority and thereby committed an offence contrary to Section 1(1)(b) of the Official Secret Act and punishable under Section 7(1)(a) of the same Act.”

**Prosecuting agency**

The office of the Attorney General of the Federation.

**Date of arraignment**

First arraigned on July 21, 2016 before Justice Nnamdi Dimgba, later re-arraigned before Justice John Tsoho on October 3, 2016.

**Trial judge/court**

Now before Justice John Tsoho at the Federal High Court, Abuja.

**Current state of the case**

After the arraignment, the defendants were allowed on bail. On December 22, 2016 the prosecution lead by Labaran Magaji, from the federal Ministry of Justice, made his opening statement, during which he gave a case summary.

Since December 22, 2016 when the prosecution made its opening statement, it has failed to take further steps.

**Next adjourned date**

The case came up last on June 4, 2019. It has been further adjourned till October 9, 2019 for the prosecution to open its case.

**Update on Status Report on 10 High Profile criminal cases before the Federal High Court, Abuja (As at the end of July 2019)**

**\*1) FRN v. Andrew Yakubu (FHC/ABJ/CR/43/2017)**

The trial of Andrew Yakubu (Group Managing Director, Nigerian National Petroleum Corporation, NNPC, between 2012 and 2014) resumed on July 3, 2019 during which the trial judge, Justice Ahmed Ramat Mohammed heard and granted the defendant's application for leave to travel abroad on medical grounds.

The judge adjourned until September 17 for continuation of trial, during which the defendants is expected to open his defence.

Meanwhile both the prosecution and the defence have appealed the court's ruling of May 16, 2019, in which it struck out two counts (counts 5 and 6) from the six-count charge on the grounds that the prosecution did not prove ingredients of the offences charged.

In its appeal, the prosecution wants the two counts restored, while the defence wants, in its appeal, that the entire charge be struck out.

Both appeals are still pending before the Court of Appeal, Abuja.

**\*2) FRN v. Mohammed Abba Bello and two others (FHC/ABJ/CR/389/2015)**

The case involving Haliru Bello (former Chairman, Peoples Democratic Party, PDP; his son, Mohammed Abba Bello and a company linked to them -Bam Properties – was lasted heard before Justice Ahmed Ramat Mohammed on June 5, 2019.

The trial is expected to resume on September 25, 2019.

**\*3) FRN v. Jide Omokore and five others**

Businessman, Jide Omokore is charged with two of his companies - Atlantic Energy Brass Development Limited and Atlantic Energy Drilling Concepts Limited and three others - Victor Briggs (ex-Managing Director of NNPC); Abiye Membere (Group Executive,

Exploration and Production, NNPC), and David Mbanefo (Manager, Planning and Commercial, NNPC).

The case last came up before Justice Nnamdi Dimgba on June 27, 2019 for the adoption of written addresses on the trial -within – trial being conducted in relation to statements made by two of the defendants, who claimed to have made the statements under duress.

Ruling has been scheduled for September 30, 2019.

**\*4) FRN v. Maimuna Aliyu**

Maimuna Aliyu was an Executive Director in Aso Savings and Loan Limited. She was, at a point, nominated by the Federal Government into the Board of the Independent Corrupt Practices and other related offences Commission (ICPC). The nomination was withdrawn in view of this case.

The case came up on June 28, 2019 for the adoption of written addresses in relation to the no-case submission by the defendant. The adoption however, did not take place, following which Justice Nnamdi Dimgba adjourned until October 2, 2019 for adoption.

**\*5) FRN v. Murtala Nyako and 8 others**

Murtala Nyako is a former Governor of Zamfara. He is arraigned with his son, Abdulaziz Nyako, a Senator in the 8th National Assembly. They are being tried with two of the ex-governor's aides - Zulkifik Abba and Abubakar Aliyu.

Also arraigned with them are five companies - Blue Opal Limited, Sebore Farms & Extension Limited, Pagoda Fortunes Limited, Tower Assets Management Limited and Crust Energy Limited.

The trial resumed on June 17, 2019 during which lawyers to the defendants cross-examination the prosecution's 20<sup>th</sup> witness.

It has now been adjourned until September 23 and 24, 2019 for continuation of trial before Justice Okon Abang.

**\*6) FRN v. Gabriel Suswam and 1 other**

Suswam, a former Governor of Benue State and now, a serving Senator is facing three deferent charges before the Federal High Court.

In the first charge, he is being tried with a former Finance Commissioner in Benue State, Omadachi Oklobia.

In the second case (FHC/ABJ/CR/255/ 2016) he is charged with Oklobia and former Accountant, Benue State Government House Administration, Mrs. Janet Aluga. He is charged alone in the third one (FHC/ABJ/CR/256/2016).

The first case was before Justice Ahmed Ramat Mohammed until mid-July when the judge withdrew from the case following a publication in an online medium, in which the judge was accused of receiving bribe from Suswam.

The case has since been re-assigned to Justice Okon Abang, who has now fixed September 20 for the re-arraignment.

The other two cases, which were before Justice Inyang Ekwo, have now been transferred to the Makurdi (Benue State) division of the Federal High Court upon a request by parties.

**\*7) FRN v. Raymond Dokpesi and 1 other**

Dokpesi is a businessman and a politician. He once aspired to the post of the National Chairman of the PDP. He is charged, with his company, Daar Investment and Holdings Limited, with money laundering.

Since the November 21, 2018 ruling by Justice John Tsoho, rejecting the defendants' no-case submission, and ordering them to enter a defence, the defendants have been unable to do so.

Although the judge, on May 30, 2019 adjourned till July 2 and 3, 2019 for the defence to open its case, it could not when the case was called on July 2, 2019.

A young lawyer, who appeared for the defendants sought an adjournment on the grounds that the lead lawyer, Kanu Agabi (SAN) was engaged in election a matter.

The judge acceded to the request by the lawyer to the defendants and further adjourned until November 12, 2019 for the defence to open its case.

**\*8) FRN v. Femi Fani-Kayode (FHC/ABJ/CR/140/2016)**

Fani-Kayode is a former Minister of Aviation and was the spokesman for the Goodluck Jonathan presidential campaign organization in 2015.

The case came up on July 1, 2019 during which the prosecution called a witness.

The trial judge, Justice John Tsoho adjourned until November 5, 2019 for continuation of trial.

**\*9) Tunde Ayeni and three others**

Tunde Ayeni is a former Chairman of Skye Bank PLC.

Ayeni, along with the bank's former Managing Director, Timothy Oguntayo and two companies - Control Dredging Company Ltd and Royaltex paramount Ventures Ltd – are charged with money laundering.

On May 27, 2019 lawyers to the parties told the court that they were exploring settlement options, following which Justice Ijeoma Ojukwu adjourned until July 2, 2019 for report of settlement or commencement of trial.

On July 2, they sought time to enable them finalize settlement discussions. The judge then adjourned until September 30, 2019.

**\*10) FRN v. Air Commodore Umar Mohammed and 1 other**

Air Commodore Umar Mohammed (ret'd) was a member of the committee set up by President Muhammadu Buhari to investigate the procurement of arms and equipment in the Armed Forces. Umar and his company, Easy Jet Integrated Services Limited, are being tried on a four-count amended charge of money laundering and unlawful possession of firearms and official documents.

The prosecution made its opening statement on December 22, 2016, but has failed to take further steps.

The case was last mentioned on June 4, 2019 and was adjourned until October 9, 2019 by Justice John Tsoho.

**Current status of 10 High Profile Criminal Cases before Federal High Court Abuja (as at December 31, 2019)**

**\*1) FRN v. Andrew Yakubu (FHC/ABJ/CR/43/2017)**

**Prosecuting agency**

The EFCC.

**Date of arraignment**

He was arraigned on March 16, 2017 on a six-count charge, marked: FHC/ABJ/CR/43/2017

**Trial judge/Court**

Justice Ahmed Ramat Mohammed.

**Current state of the matter**

Since May 16, 2019 when the court partially upheld his no-case submission and struck out two out of the six counts in the charge against him, the defendant has been unable to open his defence.

When the case came up on July 3, 2019, the court did not sit, following which the case was adjourned till November 7, 2019 in view of the court's long vacation.

On November 7, 2019 the court heard and granted the defendant's application for leave to travel abroad for medical treatment.

**Next adjourned date**

It has been further adjourned till January 14, 2020 for the defence to open its case.

**\*2) FRN v. Haliru Bello, Abba Bello and Bam Projects and Properties Limited (FHC/ABJ/CR/389/2015)**

**Prosecuting agency**

The EFCC

**Date of arraignment**

They were arraigned on January 5, 2016 on a four-count charge, marked: FHC/ABJ/CR/389/2015.

**Trial judge/court**

Justice Ahmed Ramat Mohammed.

**Current state of the case**

The defendants concluded its cross-examination of prosecution's eighth (8<sup>th</sup>) witness on November 20, 2019. The prosecution has indicated its intention to call more witnesses.

**Next adjourned date**

Proceedings to resume on February 25 for the prosecution to call fresh witness.

**\*3) FRN v. Jide Omokore and 5 others**

The other include Omokore's two of his companies - Atlantic Energy Brass Development Limited and Atlantic Energy Drilling Concepts Limited; Victor Briggs (ex-Managing Director of NNPC); Abiye Membere (Group Executive, Exploration and Production, NNPC), and David Mbanefo (Manager, Planning and Commercial, NNPC).

**Prosecuting agency**

The EFCC

**Date of arraignment**

They were initially arraigned on July 4, 2016 before Justice Binta Nyanko of the Federal High Court, Abuja on a nine-count charge.

**Trial judge/court**

Justice Nnamdi Dimgba

**Current state of the case**

On November 25, 2019, the court ruled on the trial-within-trial, rejected the objection of two of the defendants to the admissibility of their confessional statement. Justice Dimgba held, in the ruling, that the defence failed to prove that the statements were not voluntarily made.

The judge admitted them in evidence and ordered the prosecution to proceed with its case.

**Next adjourned date**

The case has been adjourned till January 27, 2020 for the prosecution to call its 9<sup>th</sup> witness.

**\*4 FRN v. Maimuna Aliyu**

**Prosecuting agency**

The Independent Corrupt Practices and other related offences Commission (ICPC).

**Date of arraignment**

She was arraigned on January 16, 2019 on a one-count charge.

**Trial judge**

Justice Nnamdi Dimgba

**Current state of the case**

On November 26, 2019 Justice Dimgba rule on the defendant's no-case submission and dismissed it. The judge ordered her to enter a defence.

**Next adjourned date**

The case has been adjourned till January 28, 2020 for the defendant to open her defence as ordered by the court.

**\*5) FRN v. Murtala Nyako and 8 others (FHC/CR/293/2015)**

The others are = his son, Abdulaziz Nyako, a Senator in the 8th National Assembly. They are being tried with two of the ex-governor's aides - Zulkifik Abba and Abubakar Aliyu.

Also arraigned with them are five companies - Blue Opal Limited, Sebore Farms & Extension Limited, Pagoda Fortunes Limited, Tower Assets Management Limited and Crust

Energy **Prosecuting agency**

The EFCC.

**Date of arraignment.**

They were initially arraigned on August 7, 2016 before the late Justice Evoh Chukwu of the Federal High Court, Abuja. The case was transferred to Justice Okon Abang after Justice Chukwu's death. They were re-arraigned on October 17, 2016.

**Trial judge/court**

Justice Okon Abang

**Current state of the case**

On November 13, 2019 the prosecution applied to close its case after calling 21 witnesses, but one of the defence lawyers, Yakubu Maikyau (SAN) objected, insisting that the

prosecution must call two particular witnesses for his client to cross-examine them before it (the prosecution) could close its case.

The court took arguments from parties on whether or not the prosecution could close its case without calling the witnesses one of the defendants wants.

**Next adjourned date**

The judge has adjourned till January 16 for ruling on the issue.

**\*6) FRN v. Gabriel Suswam and 1 other**

The other is a former Finance Commissioner in Benue State, Omadachi Oklobia.

**Prosecuting agency**

The EFCC

**Date of arraignment**

Suswam and Oklobia were first arraigned on the first charge on November 10, 2015 before Justice Ahmed Mohammed. The case got transferred to Justice Inyanng Ekwo when the former judge withdrew in June 2019 on account of some publications in Sahara Reporters, accusing him of accepting bribe from the defendants.

Before the case could begin afresh before the new judge, it was re-assigned to Justice Okon Abang, before whom the defendants were re-arraigned on September 20, 2019.

**Trial judge**

Justice Okon Abang

**Current state of the cases**

Since trial began afresh before the new judge, the prosecution has called three witnesses, with the defence yet to conclude the cross-examination of PW3.

**Next adjourned date**

It has been adjourned till January 30, 31 and February 3, 2020 for continuation of trial.

**\*7) FRN v. Raymond Dokpesi and 1 other**

The other defendant is: of DAAR Investment and Holding Company Limited (a company said to be owned by him).

**Prosecuting agency**

The EFCC.

**Date of arraignment**

They were initially arraigned in December 2015 on a six-count charge, which was later amended in 2018 and raised to seven.

**Trial judge**

They were first arraigned before Justice Gabriel Kolawole. When the judge was promoted to the Court of Appeal, the case was reassigned to Justice John Tsoho

**Current state of the case.**

The prosecution closed its case in May 2018 after calling 14 witnesses. On November 21, 2018, the court dismissed the defendants' no-case submission and ordered them to enter defence.

The defence has not been able to open its defence since they were ordered to do so. Every subsequent adjournment has been at the instance of the defence, who have always claimed that their lead lawyer, Chief Kanu Agabi (SAN) was busy handling election related cases.

When the case last came up, the court ruled and granted an application by Dokpesi for permission to engage on foreign medical trip.

**Next adjourned date**

It has been adjourned till January 21, 2020 for the defence to open its case.

**\*8) FRN v. Femi Fani-Kayode (FHC/ABJ/CR/140/2016:**

**Prosecuting agency**

The EFCC.

**Date of arraignment**

He was arraigned on November 10, 2016 and granted bail same day.

**Trial judge**

Justice John Tsoho.

**Current state of the case**

Trial commenced on April 25, 2018 when PW1 took the stand. The second prosecution witnesses concluded on March 12, 2019. Since then, no major progress has been made.

**Next adjourned date**

It is fixed for January 21, 2020 for the prosecution to call its third witness.

**\*9) Tunde Ayeni and others**

Ayeni is charged with former Managing Director of Skye Bank Plc, Timothy Oguntayo and two companies - Control Dredging Company Ltd and Royaltex paramount Ventures Ltd, with money laundering related offences.

**Prosecuting agency**

The EFCC

**Date of arraignment**

Their initial arraignment was on December 17, 2018 before Justice Nnamdi Dimgba. When the judge was transferred outside Abuja, the case was reassigned to Justice Ijeoma Ojukwu, before whom the defendants were re-arraigned on March 7, 2019.

**Trial judge**

Justice Ijeoma Ojukwu

**Current state of the case**

Trial has not commenced. When parties returned to court on July 21, 2019, they informed the court about an ongoing process aimed at an out-of-court settlement. They prayed for a fairly long adjourned date to enable them report settlement.

**Next date of adjournment**

The case has been adjourned till January 28, 2020 for report of settlement or commencement of trial.

**\*10) FRN v. Air Commodore Umar Mohammed and 1 other**

Air Commodore Umar Mohammed (ret'd) was a member of the committee set up by President Muhammadu Buhari to investigate the procurement of arms and equipment in the Armed Forces. He is charged with a firm, Easy Jet Services Limited.

**Prosecuting agency**

The office of the Attorney General of the Federation.

**Date of arraignment**

First arraignment was on July 21, 2016 before Justice Nnamdi Dimgba. The case was re-assigned to Justice John Tsoho on October 3, 2016.

**Trial judge**

Justice John Tsoho

**Current state of the case**

Since December 22, 2016 when the then prosecution lawyer Labaran Magaji (a state counsel from the federal Ministry of Justice) gave the case summary in his opening statement to the court, the case witnessed a lull until October 9, 2019 when a new lawyer, Daniel Bwala took over the prosecution.

Bwala has since amended the charge and raised the counts.

**Next adjourned date**

The case has been adjourned till February 10, 2020 for a fresh arraignment based on the amended charge.

# **REPORT OF HIGH PROFILE CORRUPTION CASES PENDING AT THE FEDERAL HIGH COURT LAGOS DIVISION/LAGOS STATE HIGH COURT**

(Prepared for the Centre for Socio-Legal Studies (CSLS) as part of its High Profile Corruption Cases (HPCCs) monitoring project, with support from MacArthur Foundation)

## **1. JUSTICE RITA OFILI-AJUMOGOBIA**

### **Background:**

Justice Rita Ofili-Ajumogobia was a judge of the Federal High Court. She sat in the Lagos Division for several years. She was later transferred to Ilorin Division after the National Judicial Council (NJC) found her guilty of professional misconduct in an election petition case she was handling. The NJC barred her from being elevated to an appellate court. While she was sitting in Ilorin, EFCC filed corruption charges against her and a Senior Advocate of Nigeria (SAN) Mr Godwin Obla at the Lagos State High Court in Ikeja. The SAN was accused of offering N5million gratification to the judge to pervert the cause of justice. On April 16, Justice Hakeem Oshodi struck out the charge on the ground that the EFCC did not first bring her before the NJC in line with the Court of Appeal ruling in the case of Justice Nganjiwa vs FRN. On the same day the case was struck out, EFCC re-arrested Justice Ofili-Ajumogobia and filed fresh charges against at the Federal High Court in Lagos.

### **Facts:**

On April 18, 2019, the EFCC arraigned Ofili-Ajumogobia before Justice Rilwan Aikawa of the Federal High Court, Lagos Division. Obla was absent. EFCC counsel Rotimi Oyedepo informed the judge that the commission could not reach Obla after granting him administrative bail. Justice Ofili-Ajumogobia took her plea alone.

EFCC arraigned Ofili-Ajumogobia on an 18-count charge. It alleged that she and Obla conspired on May 21, 2014, to indirectly conceal and retain N5million in the Diamond Bank account of Nigel & Colive Ltd.

Ofili-Ajumogobia was also accused of indirectly concealing N12million in the same account despite knowing that it is a proceed of “unlawful enrichment”.

The offence is contrary to Section (2) (d) of the Money Laundering Prohibition Act 2011.

The commission said she indirectly retained \$150,000 in her account on May 30, 2013, knowing that it was a proceed of “unlawful enrichment”.

Other sums she allegedly retained are \$20,000, \$30,000, \$50,000, \$150,000, \$70,000, \$55,000, \$50,000, \$50,000 and \$30,000.

The prosecution said all the sums are “proceeds of unlawful enrichment”.

EFCC further alleged that Ofili-Ajumogobia, on or about June 5, 2012, indirectly retained N18million from Arkleen Oil and Gas Ltd in her account domiciled in Access Bank Plc.

The commission said she also reasonably ought to have known that the money “forms part of proceeds of unlawful act to wit: unlawful enrichment...”

In the 18th count, Ofili-Ajumogobia allegedly made a false statement to an officer. She allegedly lied that N33million was paid into her account for the purchase of a landed property on Rita Ajumogobia Street, Asaba, Delta State capital.

The alleged offence of lying to an officer contravenes Section 39 (2) of the EFCC Act.

### **Developments since arraignment:**

On May 15, 2019 when trial was to begin, Obla showed up in court. His appearance resulted in Ofili-Ajumogobia and Obla being re-arraigned. They both pleaded not guilty to the same charge.

Justice Aikawa refused to grant them bail on self-cognisance, but admitted them to bail for N10million each with one surety in like sum.

Following their arraignment, lead defence counsel Chief Robert Clarke (SAN) informed the court that he had a pending motion challenging the court’s jurisdiction.

The case was subsequently adjourned until May 23, 2019 for hearing of the pending applications. When the case came up, Clarke said he needed more time to respond to EFCC’s counter-affidavit. Justice Aikawa subsequently adjourned until May 31, 2019.

When the case came up on May 31 for hearing, Ofili-Ajumogobia was absent. Her lawyer produced a letter from a doctor that she was hospitalised and under observation. The development stalled the hearing of the pending applications.

## **Current status:**

The pending applications are yet to be heard. But from what was filed in court, Ofili-Ajumogobia is claiming that President Muhammadu Buhari has not officially approved her dismissal by the NJC.

According to her, the court lacks the jurisdiction to entertain the charge because she has not been dismissed as a judge of the Federal High Court since there was no gazette to that effect.

She said EFCC's failure to produce such a gazette formalising her dismissal robbed the court of the requisite jurisdiction to entertain the case.

Ofili-Ajumogobia argued that the President's approval of her dismissal was a condition precedent to her being tried.

Although EFCC attached a letter from the Presidency indicating that Ofili-Ajumogobia has been dismissed, Clarke insisted that the letter could not substitute for an official gazette.

Obla also filed an application through his counsel Ferdinand Orbih (SAN) contending that the charge was an abuse of court process because it was filed despite a pending appeal that emanated from the Ikeja High Court trial. Justice Aikawa adjourned until June 24, 2019 for hearing.

## **2. AYO FAYOSE**

### **Background:**

Ayodele Fayose is the immediate-past Ekiti State Governor. He is a leading Peoples Democratic Party (PDP) figure and served as Southwest campaign coordinator for PDP candidate Atiku Abubakar. He had a running battle with the EFCC, with the state's account allegedly frozen at a point until the Court of Appeal intervened.

### **Facts:**

EFCC arraigned Fayose on October 22, 2018 on an 11-count charge of money laundering.

The anti-graft agency alleged that Fayose and his former aide Abiodun Agbele took possession of N1.219 billion from the Office of National Security Adviser (ONSA) to fund governorship campaign knowing the fund is proceed of "stealing".

EFCC said Fayose received \$5million from ONSA without going through financial institution contrary to the Money Laundering Act.

He alleged placed N300million “proceed of stealing” in his fixed deposit account, as well as deposited N317million in the account of Spotless Investment Limited, a company he and his family members controlled.

EFCC said he lodged N305,760,000 in his account when he ought to know it formed part of proceeds of an unlawful act, and procured De-Privateer Limited and Agbele to retain N719,490,000.00 in their accounts.

The prosecution further alleged that Fayose used N270million to acquire a property on Plot 1504, Yedsema Street, Maitama, Abuja from Rabi Kundili.

He allegedly used N1,151,711,573 to acquire chalets 3 and 4, 6 and 9 on Plot 100 Tiamiyu Savage Street, Victoria Island, Lagos in the name of JJ Technical Service According to EFCC, the former governor used N200million to acquire a property on 44, Osun Crescent, Maitama, Abuja in the name of his elder sister, Moji Oladeji.

The commission said he acquired a property worth N270million on Plot 1504 Yedseram Street, Maitama, Abuja in the name of Spotless Investment.

EFCC alleged that he procured Still Earth Limited to retain N132.5million in its account for his benefit.

### **Developments since arraignment:**

Trial was moving as a fast pace before the no-nonsense Justice Mojisola Olatoregun until she had a heated exchange with prosecuting counsel Mr Rotimi Jacobs (SAN) on March 20, 2019.

It occurred after the cross-examination of the 10th prosecution witness, when Jacobs sought to tender part of the witness’ extra-judicial statement. The judge overruled Jacobs and refused to admit the statement in evidence. When Jacobs made a comment on a earlier ruling by the judge, which appeared contrary to the latter ruling, the judge said: “Mr Jacobs, you dare not look into my ruling. You are not competent to evaluate my ruling!” She went on to describe Jacobs as an “incompetent” and “jankara” lawyer who is “extremely rude”.

Jacobs said he “took exception” to being described in such terms.

Afterwards, the case was adjourned until April 15 for continuation of trial.

Meanwhile, EFCC Acting Chairman Ibrahim Magu petitioned the Chief Judge, asking that the case be withdrawn from Justice Olatoregun and reassigned to another judge.

The CJ did not act on the letter immediately and trial continued as normal, with EFCC calling more witnesses.

Trial was billed to resume on May 21, 2019 for EFCC to call its 14th witness, but Justice Olatoregun was absent. She was on another official assignment.

Trial was subsequently fixed for June 10.

**Current status:**

The Chief Judge, in a May 23, 2019 letter to Justice Olatoregun, informed her that the case has been reassigned to Justice Chukwujekwu Aneke for trial. A copy of the letter was sent to Magu.

It reads: “I refer to the petition of EFCC on this case and your Lordship’s comments thereto.

“It is apparent that the prosecution has lost confidence in the judge trying this case and justice must not only be done but must be seen to have been done.

“I hereby transfer this case to Hon. Justice C.J. Aneke for hearing.”

The case will likely start de-novo before Justice Aneke.

### **3. FEMI FANI-KAYODE/NENADI USMAN**

**Background:**

Chief Femi Fani-Kayode, a former minister of aviation under President Olusegun Obasanjo and Mrs Nenadi Usman, former minister of state (finance) under President Goodluck Jonathan, were key members of the Goodluck Jonathan Presidential Campaign Organisation in 2015. While Fani-Kayode was in charge of publicity, Usman was in charge of finance.

**Facts:**

EFCC first arraigned them on June 28, 2016 before Justice Muslim Hassan. They pleaded not guilty to a 17-count charge of laundering.

The commission accused them of laundering about N4.6billion.

The former ministers were charged along with former Chairman of the Association of Local Government of Nigeria (ALGON) and ex-Chairman of Kagarko Local Government Area of Kaduna State Mr. Yusuf Danjuma and a company, Jointrust Dimentions Nigeria Limited.

Count one of the charge reads: “That you, Nenadi Esther Usman, Femi Fani-Kayode, Danjuman Yusuf And Jointrust Dimentions Nigeria Ltd on or about the 8th day of January, 2015, within the jurisdiction of this Honourable Court

conspired amongst yourselves to indirectly retain the sum of N1,500, 000,000.00 which sum you reasonably ought to have known forms part of the proceeds of an unlawful act to wit: stealing.”

The four were also accused of indirectly retaining N300million, N400million and N800million, all proceeds of corruption, according to EFCC.

The prosecution said they allegedly committed the offence between January 8 and March 25, 2015 ahead of the general election.

In another count, the prosecution alleged that Fani-Kayode directly retained N350million which he ought to have "reasonably known formed part of the proceeds of an unlawful act to wit: stealing."

The commission said Fani-Kayode directly used the sum of N170million, among other sums, which he reasonably ought to have known forms part of the proceeds of corruption and stealing.

He was also accused of doing cash transaction of N24million with one Olubode Oke without going through a financial institution.

The offence, EFCC said, violates sections 1(a) and 16(d) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 16(2)(b).

### **Developments since arraignment:**

Midway through the trial, Fani-Kayode accused Justice Hassan of bias. He asked the judge to disqualify himself.

Fani-Kayode, who had previously been acquitted of money laundering charges, said it was Justice Hassan, formerly Head of Legal Department at the EFCC before his appointment as a judge, who signed the money laundering charge for which he (Fani-Kayode) was previously tried and acquitted by Justice Rita Ofili-Ajumobia on July 1, 2015.

Following the allegation of bias, Justice Hassan, on March 16, 2017, recused himself from the case and returned the casefile to the Chief Judge.

Following Justice Hassan's withdrawal, the case was re-assigned to Justice Rilwan Aikawa.

May 15, 2017, Fani-Kayode and his co-accused were re-arraigned before Justice Aikawa.

They pleaded not guilty to the 17-count charge of laundering.

Soon after, Fani-Kayode filed an application challenging the court's jurisdiction.

On September 26, 2017, Justice Aikawa refused Fani-Kayode's prayer to transfer the case to Abuja.

Fani-Kayode had challenged the court's territorial jurisdiction, claiming that the alleged offence was committed in Abuja rather than Lagos.

The case has also suffered delays. For instance, on December 5, 2017, Mrs Usman got an adjournment to enable her travel abroad to treat breast cancer. The case was adjourned until January 31, 2018.

Such long adjournments is a common theme in high profile cases.

It is contrary to Section 396 (3) (4) (5) and (6) of the Administration of Criminal Justice Act (ACJA) 2015.

The section provides that trial shall be from day to day, that no party is entitled to more than five adjournments, that the interval between each adjournment shall not exceed 14 working days, that where parties have exhausted their five days each and trial is still not concluded, adjournment intervals shall not exceed seven days, and that the judge is empowered to award punitive costs to discourage frivolous adjournments.

Again on January 31, 2018, Fani-Kayode was absent. His lawyer Mr Norrison Quakers (SAN) told the court that the defendant complained about "heart-related pain" and could not attend court. The case was again adjourned until February 28, 2018.

On May 2, 2018, the trial was stalled because Fani-kayode's co-accused Danjuma was absent. He was said to have had a domestic accident.

His lawyer K.C Nwofo told the court that Danjuma slumped while having a bath and was hospitalised.

The counsel told the court that he received a call in the early hours from Danjuma's wife that the third defendant collapsed in the bathroom and could not make it to court.

**Current status:**

The prosecution is yet to close its case as it is calling witnesses. On May 31, 2019, the case was stalled due to Fani-Kayode's absence.

His lawyer B. F. Ajudua said he was "indisposed", but he did not state what was ailing the former minister.

"We apologise for the absence of the second defendant. A letter to that effect was filed," he said.

Earlier on May 14, 2019, the EFCC had sought to tender some statements made by Fani-Kayode and Usman through a witness.

But, their counsel opposed the prosecution's bid to tender the extra-judicial statements, contending that they made them under duress.

The defence counsel, Messrs Ferdinand Orbih (SAN), Norrison Quakers (SAN) and Clement Onwuenwuenor, urged the judge to order a trial-within-trial to test the voluntariness of the statements.

The case will come up on June 24 for ruling on the statements' admissibility and possible trial-within-trial.

**4. SENATOR PETER NWAOBOSHI**

**Background:**

Peter Nwaoboshi is the Senator representing Delta North Senatorial District. He won re-election in the 2019 election although his victory is still being challenged on appeal. Nwaoboshi was a former Delta State Peoples Democratic Party (PDP) chairman.

**Facts:**

Senator Nwaoboshi was first arraigned before Justice Mohammed Idris on April 25, 2018.

The prosecution alleged that Nwaoboshi and Golden Touch Construction Projects purchased a 12-storey property known as Guinea House on Marine Road in Apapa, Lagos for N805million between May and June 2014.

The anti-graft agency claimed that N322million out of the N805million was part of proceeds of "an unlawful act, to wit: fraud."

The EFCC alleged that the N322million was transferred to the property's vendor on the order of Suiming Electricals, which was accused of aiding Nwaoboshi and Golden Touch Construction Projects to commit money laundering on or about May 14, 2014.

According to EFCC, Nwaoboshi got a contract through Bilderberg Enterprises Ltd to supply new construction equipment to the state Direct Labour Agency at N1,580,000,000.

The company allegedly imported and supplied used construction equipment rather than brand new ones despite receiving full payment.

EFCC said Nwaoboshi, with the proceeds, bought the 12-floor building from Delta State Government at N805million in the name of Golden Touch Construction Projects.

The commission said the Senator had "no visible legitimate business venture to generate the amount spent to purchase the said property."

The alleged offence contravenes sections 15(2)(d) and 18(a) of the Money Laundering (Prohibition) Act 2011 and punishable under Section 15(3).

### **Developments since arraignment:**

On June 13, 2018, Justice Idris was elevated to the Court of Appeal. The trial was halted until the Senator was re-arraigned before a new judge – Justice Chukwujekwu Aneke on October 5, 2018.

### **Current status:**

The case is yet to fully take off before Justice Aneke. For instance, on May 6, 2019, uncertainty over whether the Senator would be present stalled the trial.

Prosecuting counsel Mr O.D. Ogunsanya (SAN) said the Senator earlier indicated that he would not be available. He said he was surprised to see him in court.

The SAN said due to the earlier notice of absence from the defendant, he had told his witnesses not to bother coming to court.

The development stalled the trial, forcing Justice Aneke to adjourn until May 28, 2019, but the trial could not go on that day.

The case was again adjourned until June 14, 2019 for trial.

## **5. ORJI UZOR KALU**

### **Background:**

Orji Uzor Kalu was former governor of Abia State. He won election to represent Abia North Senatorial District in the Senate under the platform of the ruling All Progressives Congress (APC).

### **Facts:**

Kalu's trial began in 2008. Before the enactment of the ACJA, he obtained a stay of proceedings as an interlocutory appeal he filed went all the way to the Supreme Court.

EFCC said Kalu, whilst being governor between 2001 and September 2006, procured Slok Nigeria Ltd, a company owned by him and members of his family, to retain N7.2billion in its Inland Bank Plc account, on his behalf.

The commission said the money "formed part of the funds illegally derived from the treasury of Abia State government and which was converted into several bank drafts before they were paid into the said company's account".

Kalu was accused of collaborating with Udeh Jones Udeogu Slok Nigeria and Emeka Abone (at large) "in concealing the genuine origin of an aggregate sum of N7,197,871,208.70..."

The alleged offence violates Section 17(c) of the Money Laundering (Prohibition) Act, 2004, and was liable to be punished under Section 16.

Kalu and Udeogu, a former Director of Finance in Abia State Government House, pleaded not guilty to the charge.

They were initially arraigned on a 34-count charge to which five fresh counts were added.

Besides the N7.2billion, the defendants were also accused of receiving N460million allegedly stolen from the Abia State Government treasury between July and December 2002.

EFCC said they breached Section 427 of the Criminal Code Act, Cap 77, Laws of the Federation of Nigeria, 1990.

Udeogu, Slok Nigeria, Abone and Michael Udo, also at large, were accused of collaborating with Kalu to conceal the "genuine origin" of alleged stolen funds.

### **Developments since arraignment:**

After the Supreme Court dismissed the interlocutory, EFCC re-arraigned Kalu before Justice Anwuri Chikere of the Federal High Court in Abuja on September 27, 2016.

EFCC later got the Chief Judge to transfer the case to the Lagos Division.

On learning that the case had been transferred to Lagos, Kalu through his lawyer Prof Awah Kalu (SAN) filed an ex-parte motion seeking the court's leave to apply for an order of mandamus to compel the CJ to reverse the transfer. The case was later dismissed.

On October 31, 2016, Kalu was re-arraigned before Justice Idris of the Lagos Division.

On March 20, 2018 after several witnesses had been called, the prosecution announced that a key witness in Kalu's trial had suddenly relocated to Cameroun.

After calling several witnesses, EFCC later amended the charge and eventually closed its case on May 11, 2018.

On May 28, Kalu filed a no-case application, praying the court to discharge and acquit him. He said EFCC's case against him was "feeble".

On July 31, 2018, Justice Idris dismissed Kalu's no-case submission. He held that in view of evidence led by the prosecution, there was a basis for Kalu to open his defence.

### **Current status:**

On January 23, 2019, Justice Idris, who had been elevated to the Court of Appeal, announced that Court of Appeal President Zainab Bulkachuwa did not give him a fiat to continue to adjudicate on the case.

While Justice Idris was given a fiat to conclude the cases of former Oyo State Governor Rashidi Ladoja and former President Goodluck Jonathan's ex-aide Dr Waripamo-Owei Dudafa, he said he got no such authorisation for Kalu's case.

Justice Idris therefore adjourned Kalu's trial indefinitely.

Addressing parties, Justice Idris said: "This matter was listed today because it was adjourned till today for defence. What has happened is that the last fiat that was issued by the President of the Court of Appeal expired at the end of November 2018.

"On the 10th of January, 2019, I received fresh fiat in respect of some matters that I have started and some new matters but this particular case (Kalu's) was not mentioned.

"For this reason, I have a strong feeling that I shouldn't continue with proceedings in this case unless there is a further directive from the President of the Court of Appeal. I should not proceed further; otherwise I might be acting without authority.

"In the circumstance, I am of the view that further proceedings shouldn't go on until I receive further information by way of fresh fiat from the Court of Appeal President. As soon as I receive further instruction, hearing notice will be sent to counsel."

Nothing has been heard of the case since Justice Idris adjourned it *sine die*.

## **6. DELE BELGORE (SAN)/ PROF ABUBAKAR SULEIMAN**

### **Background:**

Mr Dele Belgore is a Senior Advocate of Nigeria and governorship candidate of the Peoples Democratic Party in the 2011 Kwara State gubernatorial election.

Abubakar Sulaiman is a professor of political science who served as Minister of National Planning under President Goodluck Jonathan.

Both were coordinators of the Jonathan Campaign Organisation in Kwara State in the 2015 general election.

### **Facts:**

EFCC arraigned Belgore and Suleiman on February 8, 2017. The commission later amended the charge on November 26, 2017. Former Petroleum Resources Minister Mrs Diezani Alison-Madueke is also named in the charge. EFCC said she is “at large”.

In the nine-count amended charge, EFCC accused Alison-Madueke, Belgore and Suleiman of making cash payment of N10million to Kwara State Resident Electoral Commissioner (REC) Dr Emmanuel Onucheyo.

The commission said they also paid N10million to a Commissioner of Police Garba Saliu.

According to EFCC, the defendants allegedly made the payments on March 27, 2015 without going through a financial institution.

The sums, the commission said, exceeded the amount authorised by law and violated Sections 1(a) and 16 (d) of the Money Laundering (Prohibition) (Amendment) Act of 2012 and punishable under Section 16 (2) (b).

The defendants were accused of making cash payment of N61,656,000 to Isa Biu on the same day, exceeding what is authorised by law.

EFCC said they also paid N87,962,000 to Sola Adeoti and Hajiya Dankaka on the same day “without going through a financial institution.”

The prosecution accused the defendants of violating the Money Laundering Act by dealing in excess cash without going through a financial institution.

EFCC said they “directly took possession of the sum N450million,” adding that they “reasonably ought to have known [that the money] forms part of the proceeds of unlawful act.”

It also accused them of “indirectly” using the sum of N450million on March 27, 2015, and of making cash payment of N450million, which exceeded the amount authorised by law.

According to the commission, Mrs Alison-Madueke, Belgore and Sulieman, on the same day, made cash payment of N50million to one Sheriff Shagaya, an amount in excess of what the law allowed.

Count one of the charge reads: “That you Mrs Diezani Alison-Madueke (still at large), Muhammad Dele Belgore and Prof Abubakar Sulaiman on or about the 27th day of March in Nigeria within the jurisdiction of this Honourable Court conspired amongst yourselves to directly take possession of the sum of N450,000,000, which sum you reasonably ought to have known forms part of the proceeds of unlawful act and you thereby committed an offence contrary to Section 18 (a) of the Money Laundering (Prohibition) (Amendment) Act 2012 and punishable under Section 15 (3) and (4) of the same Act.”

### **Developments since arraignment:**

After EFCC closed its case, the defendants filed a no-case submission.

On April 12, 2018, Justice Aikawa dismissed it. He held that they had a case to answer and directed them to open their defence.

The case suffered some delays. For instance, the judge was absent on April 30, 2018

On October 2, 2018, the case was stalled because Suleiman was absent. His lawyer Olaniran Obele said the former minister complained of “fatigue” due to stress from political campaigning.

Belgore eventually open his defence. On February 11, 2019, he testified that he did not receive the N450million he was accused of laundering.

### **Current status:**

The case was adjourned until June 17 for a continuation of Belgore’s cross-examination.

## **7. FORMER AIR CHIEF ADESOLA AMOSU**

### **Background:**

Air Marshal Adesola Amosu is a former Chief of Air Staff. He is on trial with former Nigeria Air Force (NAF) Director of Finance and Budget Air Commodore Olugbenga Gbadebo and former NAF Chief of Accounts and Budgeting Air Vice Marshal Jacob Adigun.

### **Facts:**

EFCC charged them with converting N21billion from NAF on June 26, 2016.

Companies arraigned with them are Delfina Oil and Gas Ltd, Mcallan Oil And Gas Ltd, Hebron Housing and Properties Company Ltd, Trapezites BDC, Fonds and Pricey Ltd, Deegee Oil and Gas Ltd, Timsegg Investment Ltd and Solomon Health Care Ltd.

EFCC accused them of converting N21billion from the Nigeria Air Force around March 5, 2014 in Lagos.

They were also accused of concealing “proceeds of crime” and thereby committed an offence contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 17(a).

Amosu and Adigun were said to have, between July 17 and September 16, 2014, allegedly removed huge over N663.4million from the Nigerian Air Force accounts

to purchase properties at 50-52 Tenterden Grove, London (NW4 1TH) and at 93B Shirehall Park, London NW4 2QU, United Kingdom.

They were accused of buying 40A, Bourdillon, Ikoyi, with N900million, and a property at Sinari Daranijo in Victoria Island with N1.5billion.

EFCC said they also bought a property named as Cappadol Mall at Adetokunbo Ademola Street, Wuse II Abuja, for N750million, as well as a property worth over N1.7billion at Agobogba Street, Parkview, Ikoyi Lagos, using the airforce's money.

Other properties they allegedly bought using Air Force's funds include one at Salt Lake Street, Maitama, Abuja; one at Agadez Street off Aminu Kano Crescent, Abuja; 61A, Lake Chad Street, Maitama, Abuja; and one at 1, River Street, Wuse II Abuja using alleged stolen funds.

Between last March 6 and April 30, the accused allegedly used N428,139,539.00 removed from the accounts of the Nigerian Air Force to renovate and purchase medical equipment for Solomon HealthCare Ltd situate at 24th Adeniyi Jones Street, Ikeja Lagos.

Count one read: "That You, Air Marshal Adesola Amosu Nunayon (Rtd), Air Vice Marshal Jacob Bola Adigun, Air Commodore Gbadebo Owodunni Olugbenga, Delfina Oil and Gas Ltd, Mcallan Oil and Gas Ltd, Hebron Housing and Properties Company Ltd, Trapezites Bdc, Fonds and Pricey Ltd, Deegee Oil and Gas Ltd, Timsegg Investment Ltd And Solomon Health Care Ltd on or about the 5th day of March, 2014 in Lagos, within the jurisdiction of this Honourable Court conspired amongst yourselves to commit an offence, to wit: Conversion of the sum of N21,467,634,707.43, property of the Nigerian Air Force, which sum was derived from stealing, and thereby committed an offence contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 15(3) of the same Act."

### **Developments since arraignment:**

Following their arraignment, Amosu's lawyer Chief Bolaji Ayorinde (SAN) told the court on June 29, 2016 that his client returned "colossal" sums to the Federal Government. EFCC later confirmed that Amosu returned N2.6billion.

Amosu held plea bargain talks with EFCC following his arraignment in June 2016, but the talks failed and trial started before Justice Idris.

Defence counsel had on July 8, 2016, sought for time to conclude the out-of-court settlement, but it was learnt that the prosecution's terms were stringent.

Also in February 2018, Chief Ayorinde said they were ready to re-open the plea bargain talks.

Again, an agreement could not be reached, following which trial continued.

On January 16, 2019, EFCC obtained a court order forfeiting N2.2billion recovered from Amosu to the Federal Government.

Also forfeited was N101 million recovered from Solomon Enterprises, a company linked to him.

EFCC had on October 15, 2018 amended the charge, reducing the number of defendants from 11 to three, removing the eight companies previously named in it. The charge was also reduced from 36 counts to 13.

### **Current status:**

On May 22, 2019, defence counsel informed the court that plea bargain talks had resumed and was still ongoing.

Defence counsel Mr Norrison Quakers said: “The last time we were in court (April 16), we informed your Lordship about the move to expedite the resolution of this matter out of court.

“We’re yet to conclude the resolution of the ‘conflict’ as it were. We need more time.

“All parties will soon hold a meeting for the purpose of dotting i's and cross the t's, which might require the appropriate processes being filed.”

Prosecuting counsel Idris Mohammed confirmed that talks were still ongoing.

“We’re still discussing,” he said.

Justice Aneke adjourned until July 4 “for report of effort at plea bargaining”.

## **8. JUMOKE AKINJIDE**

### **Background:**

Mrs Jumoke Akinjide is a former Federal Capital Territory (FCT) Minister under Goodluck Jonathan. She is on trial along with a Peoples Democratic Party (PDP) leader in Oyo State Chief Olarenwaju Otit and a former Senator representing Oyo Central Senatorial District Ayo Adeseun.

Former Minister of Petroleum Resources Mrs Diezani Alison-Madueke, said to be at large, is also named in the charge.

### **Facts:**

EFCC arraigned them on January 16, 2018 before Justice Muslim Hassan on an amended 24-count charge.

EFCC accused the defendants of conspiring to directly take possession of N650million from Mrs Alison-Madueke, which they reasonably ought to have known was part of proceeds of an unlawful act, and without going through a financial institution.

The alleged offence, EFCC said, contravenes the Money Laundering Act.

### **Developments since arraignment:**

Trial had begun before Hassan before the case was transferred to Justice Aneke. Otitu and Adeseun had on February 6, 2019 prayed Justice Hassan to recuse himself from the case.

They accused him of bias, claiming that as a former head of EFCC's legal unit before he was appointed a judge, they did not believe they would get justice in his court.

Although the judge had refused to recuse himself, the Chief Judge eventually re-assigned the case to Justice Aneke.

### **Current status:**

When the case came up before Justice Aneke on May 10, 2019, defence counsel Messrs Bolaji Ayorinde (SAN), O.F.A Adeosun and Akinola Oladeji prayed the court for another date for the re-arraignment.

Ayorinde said he and prosecuting counsel Rotimi Oyedepo were to appear in another trial before another judge.

He told the court that Oyedepo would want to be present during the re-arraignment.

Justice Aneke adjourned until June 11 for re-arraignment.

## **9. PAUL USORO (SAN)**

### **Background:**

Paul Usoro (SAN) is the incumbent president of the Nigerian Bar Association (NBA).

### **Facts:**

EFCC arraigned Usoro on December 18, 2018 before Justice Muslim Hassan.

Also named in the charge are Akwa Ibom Commissioner for Finance Nsikan Nkan, Attorney-General and Commissioner for Justice Uwemedimo Nwoko, Accountant-General Mfon Udomah and an account officer Margaret Thompson Ukpe are also named in the charge.

Governor Udom Emmanuel is also named in the charge, but not as a defendant.

Only Usoro is named as a defendant.

EFCC accused them of laundering N1.4billion state funds through Usoro. It said the others are "at large".

The commission alleged that Usoro conspired with others to commit the offence within the court's jurisdiction on May 14, 2016.

He allegedly conspired with others to convert N1.4 billion, property of Akwa Ibom State Government, which sum they reasonably ought to have known formed part of the proceeds of an unlawful activity.

The prosecution said the unlawful activity included criminal breach of trust, which contravened sections 15 (2), 15(3), and 18 (A) of the Money Laundering (Prohibition) Act, 2011.

Usoro pleaded not guilty.

**Developments since arraignment:**

The case has suffered delays, with a single witness yet to be called. Within its short lifespan, the case is presently before a third judge.

Justice Hassan withdrew from the case after he was accused of bias.

The case was re-assigned to Justice Chuka Obiozor, but he also recused himself “for personal reasons” on February 14, 2019.

“For personal reasons, I hereby disqualify myself from handling the case. I hereby return the casefile to the Chief Judge for re-assignment to another judge,” he ruled.

**Current status:**

The case was eventually reassigned to Justice Aikawa. On May 30, the judge dismissed a notice of preliminary objection by Akwa Ibom State Governor Udom Emmanuel challenging the charge.

The governor, through his lawyer Dr. Charles Mekwunye, said the EFCC was wrong to name him in the charge since he enjoys immunity as enshrined in Section 308 of the 1999 Constitution.

Emmanuel urged the court to decline jurisdiction to entertain the charge because EFCC had no *locus standi* to file it.

He argued that only the state House of Assembly could bring such complaints against him, adding that the charge was outside EFCC’s jurisdictional purview.

According to the governor, the funds said to have been laundered do not belong to the Federal Republic of Nigeria, but to Akwa Ibom State.

“It is unconstitutional for the complainant to supervise Akwa Ibom State’s use of funds,” his lawyer argued.

Justice Aikawa ruled that Emmanuel was not facing a charge despite being named in it.

“In every criminal trial, the necessary parties are the complainant and the named defendant, in this case Mr Paul Usoro. Including the governor’s name in counts 1-4 does not make him a defendant.

“The mere mention of his name is not enough to make the applicant (Emmanuel) a defendant in this trial,” the judge ruled.

According to the judge, the counts in which Emmanuel’s name feature “are mere statements” that “have not graduated to a charge.”

He said the governor’s claim that he was denied fair hearing amounted to “crying wolf where there is none”.

“He has to be in the trial to complain of lack of fair hearing,” Justice Aikawa ruled.

On the issue of whether Emmanuel’s aides can be charged over state funds, the judge ruled that EFCC has the right to try anyone for money laundering even where state funds are involved.

Referring to the case of *Nyame vs FRN*, he held that the EFCC has the *locus standi* to file money laundering charge against any person in the federal or state high court.

“On the whole, it is my view and I so hold, that this application is lacking in merit and it is accordingly dismissed,” Justice Aikawa held.

Justice Aikawa adjourned until July 3 for trial.

## **10. RICKEY TARFA (SAN)**

### **Background:**

Rickey Tarfa is a Senior Advocate of Nigeria and runs one of the largest law firms in Lagos. Tarfa is standing trial on a 26-count charge of offering gratification to two judges of the Federal High Court – Justices Hyeladzira Nganjiwa and Mohammed Yunusa – as well as alleged justice perversion

### **Facts:**

Tarfa was arraigned by the EFCC on March 9, 2016 before Justice Adedayo Akintoye of the Lagos High Court in Igbosere and subsequently re-arraigned on November 16, 2016 on an amended charge.

The anti-graft agency claimed that between June 27, 2012 and January 8, 2016, Tarfa paid a total of N5.3 million in several tranches into Justice Nganjiwa's bank account.

He was also accused of paying N800,000 into Justice Yunusa's account in three tranches between February 9 and November 30, 2015.

The commission alleged that the payments were to compromise the judges.

The SAN was equally accused of age falsification.

Tarfa pleaded not guilty and was granted bail on self-cognisance.

### **Developments since arraignment:**

The case has been stalled due to various applications filed by Tarfa, including a preliminary objection.

On January 21, 2019, the Silk travelled abroad following a medical emergency.

Upon his return, Tarfa did not set foot in the courtroom on March 11, 19 and May 8, 2019 when the matter came up.

He always stayed downstairs in his car.

According to his counsel, Mr Abiodun Owonikoko (SAN), Tarfa was unable to climb the staircase leading to Justice Akintoye's courtroom, even on a wheelchair, because of the severity of his condition.

On March 19, Owonikoko filed a medical recommendation from Tarfa's doctors which stated that the defendant required a minimum of three months medical leave to enable him recuperate.

When the case last came up on May 8, Justice Akintoye reasoned that Tarfa might be able to access a courtroom with minimal entry challenges, such as one on the ground floor.

The judge adjourned to find a convenient courtroom to continue the trial.

### **Current status:**

On May 31, Justice Akintoye ordered Tarfa to present a fresh medical report explaining his health status. The judge made the order following Tarfa's application for more time to recuperate from surgery.

Arrangements were made for the case to continue in another courtroom often used by Justice Iyabo Akinkugube on the ground floor of the nearby old High Court building in the court premises.

But when the case was called, Tarfa still was not in court.

His counsel informed the judge that, yet again, Tarfa was in the car outside, but, this time, with his physiotherapist.

Owonikoko told the court that he had filed an application seeking more time for Tarfa's recuperation.

But EFCC counsel, Mr Usman Buhari opposed it.

Unlike previous proceedings, Justice Akintoye did not require confirmation that Tarfa was actually outside.

Rather the judge ordered that before Tarfa's application was taken she wanted to see a medical report on the defendant's health status from a general hospital or a teaching hospital.

The EFCC has since closed its case, following which Tarfa opened his defence after the court dismissed his no-case submission.

The case has been adjourned until June 21 for Tarfa to produce a medical report.

## **11.JUSTICE MOHAMMED YUNUSA**

### **Background:**

Justice Mohammed Yunusa sat at the Lagos Division of the Federal High Court before he was transferred to Enugu Division, from where the NJC dismissed him for corruption.

### **Facts:**

EFCC arraigned Yunusa along with Esther Agbo, a staff of the law chambers of Mr. Rickey Tarfa (SAN) on January 17, 2018.

Yunusa was arraigned on four counts bordering on an attempted perversion of the course of justice and corruption by a public official.

Agbo was charged with offering gratification to a public official.

They denied the charges.

According to the EFCC, Yunusa had constant and confidential communications with Tarfa, who was handling three lawsuits marked FHC/L/CS/714/2015, FHC/L/CS/715/2015, and FHC/L/CS/716/2015 before him.

It also alleged that Yunusa collected N1.5 million bribe from Tarfa for the purpose of giving favourable rulings and judgments in the cases.

### **Developments since arraignment:**

After a number of witnesses had testified, Yunusa's defence counsel, Chief Robert Clarke (SAN), on March 9, 2019, filed a preliminary objection.

He said the judge had been "absolved of the corruption charges" by the NJC.

Citing the case of Federal Republic of Nigeria Vs Nganjiwa, Clarke said that for Yunusa's dismissal to be valid, President Muhammadu Buhari had to give a recommendation.

On April 22, 2018, Justice Sherifat Solebo of an Ikeja Special Offences Court ordered Justice Yunusa to face trial.

The judge referred to a November 8, 2016 letter from the NJC to the EFCC suspending the judge.

He noted that the NJC had already exercised disciplinary action against the judge. “Going through Nganjiwa’s case, there is no evidence that the NJC investigated Nganjiwa but in the case against the first defendant (Yunusa), the NJC on its 76th meeting investigated him.

“What is left to be done? The NJC has done what it is empowered to do. It is my decision that I am not bound by Nganjiwa Vs Federal Republic of Nigeria.

“It is my conclusion that the first defendant has to defend himself in the information filed by the prosecution.

“It is my decision that this court has jurisdiction on the charges filed against the first defendant in this case and the notice of preliminary objection is dismissed,” Justice Solebo ruled.

### **Current status:**

Justice Solebo adjourned until June 18 for trial.

## **12.AYODELE OKE AND WIFE FOLASADE**

### **Background:**

Ambassador Ayodele Oke is a former Director-General of the National Intelligence Agency (NIA). President Muhammadu Buhari sacked him after EFCC found huge sums of money he hid in an Ikoyi apartment.

### **Facts:**

EFCC was to arraign Oke and wife Folasade on February 1, 2019, but prosecuting counsel said they were yet to be served with the charge because their whereabouts were unknown.

Oke and his wife were charged in connection with the \$43, 449, 947, 000 found in Flat 7B, No. 16 Osborne Road, Osborne Towers in Ikoyi Lagos.

Justice Muslim Hassan had on June 6, 2017, granted a final forfeiture order of the funds.

EFCC said the Okes, on or about April 12, 2017 in Lagos, concealed \$43, 449, 947, 000, property of the Federal Government in the flat.

It said they reasonably ought to have known that the sum formed part of proceeds of an unlawful act to wit: criminal breach of trust.

The commission said the couple, between August 25 and September 2, 2015 in Lagos, indirectly used \$1, 658, 000, property of the Federal Government, to acquire the flat.

They were also accused of directly retaining \$160, 777, 136.85, property of the Federal Government, between August 25 and September 2, 2015 in Lagos. EFCC said they “reasonably ought to have known” that the sum “formed part of proceeds of an unlawful act to wit: criminal breach of trust”.

In the fourth and final count, the prosecution said Oke and his wife, within the same period, “directly converted \$160, 777, 136.85, property of the Federal Government of Nigeria to your own use”.

The alleged offence, EFCC said, is contrary to Section 15 (2) (a) of the Money Laundering (Prohibition) (Amendment) Act 2012 and punishable under Section 15(3) of the same Act.

### **Developments since charge was filed:**

On February 7, 2019, Justice Aneke ordered the couple’s arrest.

Prosecuting counsel Rotimi Oyedepo told the judge that the defendants could not be found so as to be served with the money laundering charge.

He said the couple also refused to answer phone calls from EFCC operatives.

Moving the application, Oyedepo also urged the court to declare the defendants wanted.

“Section 114 of the Administration of Criminal Justice Act (ACJA) empowers your lordship to do so. We’re ready to produce them if we obtain the order.”

Ruling, Justice Aneke held that the application was meritorious in view of the prosecutions explanations.

“Consequent upon the difficulties encountered by the prosecution in having them appear before the honourable court to stand their trial, I am convinced that the application is not without merit.

“In the circumstances, I hereby accordingly issue an order of warrant of arrest against the first defendant in accordance with Section 114 of the Administration of Criminal Justice Act 2015.”

Justice Aneke, however, refused the prayer to declare them wanted.

He said they would only be declared wanted if EFCC does not succeed in executing the bench warrant after trying.

### **Current status:**

EFCC is yet to arrest the couple.

## **SECOND REPORT ON HIGH PROFILE CORRUPTION CASES PENDING AT THE FEDERAL HIGH COURT LAGOS DIVISION AND THE LAGOS STATE HIGH COURT**

(Prepared for the Centre for Socio-Legal Studies (CSLS) as part of its High Profile Corruption Cases (HPCCs) monitoring project, with support from MacArthur Foundation)

### **1. JUSTICE RITA OFILI-AJUMOGOBIA**

#### **Background:**

Justice Rita Ofili-Ajumogobia was a judge of the Federal High Court. She sat in the Lagos Division for several years. She was later transferred to Ilorin Division after the National Judicial Council (NJC) found her guilty of professional misconduct in an election petition case she adjudicated on. The NJC barred her from being elevated to an appellate court. While she was sitting in Ilorin, EFCC filed corruption charges against her and a Senior Advocate of Nigeria (SAN) Mr Godwin Obla at the Lagos State High Court in Ikeja.

The SAN was accused of offering N5million gratification to the judge to pervert the cause of justice. On April 16, 2019, Justice Hakeem Oshodi struck out the charge on the ground that the EFCC did not first bring her before the NJC in line with the Court of Appeal ruling in the case of Justice Nganjiwa vs FRN.

On the same day the case was struck out, EFCC re-arrested Justice Ofili-Ajumogobia and filed fresh charges against her at the Federal High Court in Lagos.

#### **Facts:**

On April 18, 2019, the EFCC arraigned Ofili-Ajumogobia before Justice Rilwan Aikawa of the Federal High Court, Lagos Division. Obla was absent.

EFCC counsel Rotimi Oyedepo informed the judge that the commission could not reach Obla after granting him administrative bail. Justice Ofili-Ajumogobia took her plea alone.

EFCC arraigned Ofili-Ajumogobia on an 18-count charge. It alleged that she and Obla conspired on May 21, 2014, to indirectly conceal and retain N5million in the Diamond Bank account of Nigel & Colive Ltd.

Ofili-Ajumogobia was also accused of indirectly concealing N12million in the same account despite knowing that it is a proceed of “unlawful enrichment”.

The offence is contrary to Section (2) (d) of the Money Laundering Prohibition Act 2011.

The commission said she indirectly retained \$150,000 in her account on May 30, 2013, knowing that it was proceed of “unlawful enrichment”.

Other sums she allegedly retained are \$20,000, \$30,000, \$50,000, \$150,000, \$70,000, \$55,000, \$50,000, \$50,000 and \$30,000.

The prosecution said all the sums are “proceeds of unlawful enrichment”.

EFCC further alleged that Ofili-Ajumogobia, on or about June 5, 2012, indirectly retained N18million from Arkleen Oil and Gas Ltd in her account domiciled in Access Bank Plc.

The commission said she also reasonably ought to have known that the money “forms part of proceeds of unlawful act to wit: unlawful enrichment...”

In the 18th count, Ofili-Ajumogobia allegedly made a false statement to an officer.

She allegedly lied that N33million was paid into her account for the purchase of a landed property on Rita Ajumogobia Street, Asaba, Delta State capital.

The alleged offence of lying to an officer contravenes Section 39 (2) of the EFCC Act.

### **Developments since arraignment:**

On May 15, 2019 when trial was to begin, Obla showed up in court. His appearance resulted in Ofili-Ajumogobia and Obla being re-arraigned. They both pleaded not guilty to the same charge. Justice Aikawa refused to grant them bail on self-cognisance, but admitted them to bail for N10million each with one surety in like sum.

Following their arraignment, lead defence counsel Chief Robert Clarke (SAN) informed the court that he had a pending motion challenging the court’s jurisdiction.

The case was subsequently adjourned until May 23, 2019 for hearing of the pending applications. When the case came up, Clarke said he needed more time to respond to EFCC’s counter-affidavit. Justice Aikawa subsequently adjourned until May 31, 2019.

When the case came up on May 31 for hearing, Ofili-Ajumogobia was absent. Her lawyer produced a letter from a doctor that she was hospitalised and under observation. The development stalled the hearing of the pending applications.

The case was further adjourned until **June 24, 2019.**

### **Developments since first report:**

On June 24, the court heard Ofili-Ajumogobia’s application challenging its jurisdiction.

Despite being dismissed by the NJC, she argued through her counsel Chief Robert Clarke (SAN) that said she remained a judge until President Muhammadu Buhari’s approval of her dismissal is gazetted.

She prayed the court to decline jurisdiction because a serving judge cannot undergo trial until the process of dismissal is completed.

Chief Clarke faulted a letter from the Presidency confirming that Justice Ofili-Ajumogobia had been dismissed.

He contended that the letter was addressed to the Chief Justice of Nigeria (CJN) rather than to the Chairman of the Federal Judicial Service Commission (FJSC).

Besides, he said the letter was marked “Restricted”, both of which made it a private document. “Having been marked by the maker as ‘Restricted’, it means the letter cannot be used by third parties for any purpose,” Clarke said.

The octogenarian SAN argued that the recommendation to dismiss Ofili-Ajumogobia was sent to the President by the FJSC.

According to him, there was no evidence that the FJSC received the President’s response approving or rejecting the recommendation.

“The prosecution has failed to show that Justice Ofili-Ajumogobia is not a judge of the Federal High Court,” he argued.

Ajumogobia's co-accused Obla, on his part, prayed the court to quash the charge or order that he be tried separately.

Arguing the application, his lawyer Chief Ifedayo Adedipe (SAN) accused EFCC of persecuting his client and abusing the judicial process.

Adedipe said EFCC filed the fresh charge at the Federal High Court while an appeal on the Ikeja's court's decision not to rule on his no-case submission was pending.

"It is improper for the prosecution to file two charges against the same person. No citizen should be the subject of prosecution on the same set of facts," Adedipe said.

But, prosecuting counsel Rotimi Oyedepo said the charges against Obla were "different in form and in substance".

According to him, while the Ikeja High Court case was based on the Criminal Law of State 2011, the Federal High Court case is based on the Money Laundering Act.

Oyedepo said even if the Lagos High Court had acquitted and discharged the defendants, the EFCC could still have filed the money laundering charge.

### **Ruling:**

On **June 28, 2019**, Justice Aikawa dismissed Ofili-Ajumogobia's preliminary objection.

He held that she was no longer a serving judicial officer and so, could face the criminal charge.

Justice Aikawa read out a memo dated November 7, 2018, signed by President Buhari, in which he approved Justice Ofili-Ajumogobia's dismissal from the Bench as recommended by the NJC.

"In my view, the first defendant has been dismissed as a judicial officer. In the light of this, she can stand trial as she is no longer a judicial officer. The application lacks merit and is accordingly dismissed," the judge ruled.

The judge also dismissed Obla's application.

### **Current status:**

After the ruling, Oyedepo made an oral application for accelerated hearing of the matter.

Justice Aikawa adjourned until **October 24 and 25 2019** for commencement of trial.

## **2. AYO FAYOSE**

### **Background:**

Ayodele Fayose is the immediate-past Ekiti State Governor. He is a leading Peoples Democratic Party (PDP) figure and served as Southwest campaign coordinator for PDP candidate Atiku Abubakar. He had a running battle with the EFCC, with the state's account allegedly frozen at a point until the Court of Appeal intervened.

### **Facts:**

EFCC arraigned Fayose on October 22, 2018 on an 11-count charge of money laundering.

The anti-graft agency alleged that Fayose and his former aide Abiodun Agbele took possession of N1.219billion from the Office of National Security Adviser (ONSA) to fund governorship campaign knowing the fund is proceed of "stealing".

EFCC said Fayose received \$5million from ONSA without going through financial institution contrary to the Money Laundering Act.

He alleged placed N300million “proceed of stealing” in his fixed deposit account, as well as deposited N317million in the account of Spotless Investment Limited, a company he and his family members controlled.

EFCC said he lodged N305,760,000 in his account when he ought to know it formed part of proceeds of an unlawful act, and procured De-Privateer Limited and Agbele to retain N719,490,000.00 in their accounts.

The prosecution further alleged that Fayose used N270million to acquire a property on Plot 1504, Yedsema Street, Maitama, Abuja from Rabi Kundili.

He allegedly used N1,151,711,573 to acquire chalets 3 and 4, 6 and 9 on Plot 100 Tiamiyu Savage Street, Victoria Island, Lagos in the name of JJ Technical Service

According to EFCC, the former governor used N200million to acquire a property on 44, Osun Crescent, Maitama, Abuja in the name of his elder sister, Moji Oladeji.

The commission said he acquired a property worth N270million on Plot 1504 Yedseram Street, Maitama, Abuja in the name of Spotless Investment.

EFCC alleged that he procured Still Earth Limited to retain N132.5million in its account for his benefit.

### **Developments since arraignment:**

Trial was moving as a fast pace before Justice Mojisola Olatoregun until she had a heated exchange with prosecuting counsel Mr Rotimi Jacobs (SAN) on March 20, 2019.

It occurred after the cross-examination of the 10th prosecution witness, when Jacobs sought to tender part of the witness’ extra-judicial statement.

The judge overruled Jacobs and refused to admit the statement in evidence. When Jacobs made a comment on an earlier ruling by the judge, which appeared contrary to the latter ruling, the judge said: “Mr Jacobs, you dare not look into my ruling. You are not competent to evaluate my ruling!” She went on to describe Jacobs as an “incompetent” and “jankara” lawyer who is “extremely rude”.

Jacobs said he “took exception” to being described in such terms.

Afterwards, the case was adjourned until April 15, 2019 for continuation of trial.

Meanwhile, EFCC Acting Chairman Ibrahim Magu petitioned the Chief Judge, asking that the case be withdrawn from Justice Olatoregun and reassigned to another judge.

Magu said the prosecution no longer had confidence in the judge. He made reference to the March 20 proceedings.

The CJ did not act on the letter immediately and trial continued as normal, with EFCC calling more witnesses.

Trial was billed to resume on May 21, 2019 for EFCC to call its 14th witness, but Justice Olatoregun was absent. She was on another official assignment.

Trial was subsequently fixed for **June 10, 2019**, but it never held.

The Chief Judge, in a May 23, 2019 letter to Justice Olatoregun, informed her that the case had been reassigned to Justice Chukwujekwu Aneke for trial.

It reads: “I refer to the petition of EFCC on this case and your Lordship’s comments thereto.

“It is apparent that the prosecution has lost confidence in the judge trying this case and justice must not only be done but must be seen to have been done. I hereby transfer this case to Hon. Justice C.J. Aneke for hearing.”

### **Developments since first report:**

On June 10, parties appeared before Justice Olatoregun for continuation of trial, but they were informed that the transfer had been effected.

A member of Fayose’s defence team, Mr Olalaken Ojo (SAN), told journalists that he believe the Chief Judge, Justice Adamu Kafarati, acted in error by granting the prosecution's request to transfer the case.

To him, the decision to transfer the case after about 12 witnesses had been called did not accord with the law.

He said: "This matter was adjourned for continuation of hearing but we are here and it has been reassigned to Justice Aneke for fresh hearing. This development is very strange to us, having regards to the fact that the prosecution has called 12 witnesses.

“The current legal regime governing criminal trial in Nigeria and the Federal High Court which is the Administration of Criminal Justice Act (ACJA) 2015 states that any part-heard matter where two or three witnesses have been called cannot be transferred to another judge.”

A hearing notice was issued to parties that Fayose would be re-arraigned before Justice Aneke on June 28, 2019.

When the case came up on June 28, prosecuting counsel Mr S.A Obafemi said EFCC was “still investigating” the defendant. He asked for a further date.

He said: “The matter is coming up for the first time before this court and the information we gathered from our client (EFCC) is that the first defendant is still being investigated for other matters.

"The arraignment will not be possible this morning as we are yet to hear from the complainant on further steps to be taken," he said

According to Obafemi, his principal Mr Jacobs did not attend court as a result of the situation. Although the defence opposed the application for an adjournment, Justice Aneke said he would adjourn in view of Jacob’s absence.

He adjourned until **July 2, 2019** for re-arraignment.

On July 2, EFCC re-arraigned Fayose before Justice Aneke on the same 11-count charge .

The court granted Fayose's application for permission to travel to South Africa for medical treatment.

The former governor was also allowed to remain on the bail granted him by Justice Olatoregun.

### **Current status:**

After the re-arraignment, Justice Aneke adjourned until **September 16, 17, 18 and 19, 2019**, and **October 21, 22, 23, 24 and 25, 2019** for trial de-novo.

## **3. FEMI FANI-KAYODE/NENADI USMAN**

### **Background:**

Chief Femi Fani-Kayode, a former minister of aviation under President Olusegun Obasanjo and Mrs Nenadi Usman, former minister of state (finance) under President Goodluck Jonathan, were key members of the Goodluck Jonathan Presidential Campaign Organisation in 2015. While Fani-Kayode was in charge of publicity, Usman was in charge of finance.

### **Facts:**

EFCC first arraigned them on June 28, 2016 before Justice Muslim Hassan. They pleaded not guilty to a 17-count charge of laundering.

The commission accused them of laundering about N4.6billion.

The former ministers were charged along with former Chairman of the Association of Local Government of Nigeria (ALGON) and ex-Chairman of Kagarko Local Government Area of Kaduna State Mr. Yusuf Danjuma and a company, Jointrust Dimensions Nigeria Limited.

Count one of the charge reads: "That you, Nenadi Esther Usman, Femi Fani-Kayode, Danjuma Yusuf And Jointrust Dimensions Nigeria Ltd on or about the 8th day of January, 2015, within the jurisdiction of this Honourable Court conspired amongst yourselves to indirectly retain the sum of N1,500, 000,000.00 which sum you reasonably ought to have known forms part of the proceeds of an unlawful act to wit: stealing."

The four were also accused of indirectly retaining N300million, N400million and N800million, all proceeds of corruption, according to EFCC.

The prosecution said they allegedly committed the offence between January 8 and March 25, 2015 ahead of the general election.

In another count, the prosecution alleged that Fani-Kayode directly retained N350million which he ought to have "reasonably known formed part of the proceeds of an unlawful act to wit: stealing."

The commission said Fani-Kayode directly used the sum of N170million, among other sums, which he reasonably ought to have known forms part of the proceeds of corruption and stealing. He was also accused of doing cash transaction of N24million with one Olubode Oke without going through a financial institution.

The offence, EFCC said, violates sections 1(a) and 16(d) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 16(2)(b).

### **Developments since arraignment:**

Midway through the trial, Fani-Kayode accused Justice Hassan of bias. He asked the judge to disqualify himself.

Fani-Kayode, who had previously been acquitted of money laundering charges, said it was Justice Hassan, formerly Head of Legal Department at the EFCC before his appointment as a judge, who signed the money laundering charge for which he (Fani-Kayode) was previously tried and acquitted by Justice Ofili-Ajumobia on July 1, 2015.

He said he did not have confidence that Justice Hassan would be fair.

Following the allegation of bias, Justice Hassan, on March 16, 2017, recused himself and returned the casefile to the Chief Judge.

The case was re-assigned to Justice Rilwan Aikawa.

May 15, 2017, Fani-Kayode and his co-accused were re-arraigned before Justice Aikawa.

They pleaded not guilty to the 17-count charge of laundering.

Soon after, Fani-Kayode filed an application challenging the court's territorial jurisdiction, claiming that the alleged offence was committed in Abuja rather than Lagos

On September 26, 2017, Justice Aikawa refused Fani-Kayode's prayer to transfer the case to Abuja.

The case has also suffered delays. For instance, on December 5, 2017, Mrs Usman got an adjournment to enable her travel abroad to treat breast cancer. The case was adjourned until January 31, 2018.

Such long adjournments is a common theme in high profile cases.

It is contrary to Section 396 (3) (4) (5) and (6) of the Administration of Criminal Justice Act (ACJA) 2015.

The section provides that trial shall be from day to day, that no party is entitled to more than five adjournments, that the interval between each adjournment shall not exceed 14 working days, that where parties have exhausted their five days each and trial is still not concluded, adjournment intervals shall not exceed seven days, and that the judge is empowered to award punitive costs to discourage frivolous adjournments.

On January 31, 2018, Fani-Kayode was absent. His lawyer Mr Norrison Quakers (SAN) told the court that the defendant complained about "heart-related pain" and could not attend court.

The case was again adjourned until February 28, 2018.

On February 28, a Zenith Bank Compliance Officer, Teslim Ajuwom, testified. Trial continued the following day, and was adjourned until March 1, 2018.

On March 1, 2018, another Zenith Bank manager, Sheelis Gana, testified, and the case was adjourned until May 2, 2018.

The case was adjourned until June 11 and 12, 2018.

On June 11, Fani-Kayode's co-accused Mrs Usman filed an application seeking to site minister of information Lai Mohammed for contempt for publishing her name as a looter.

Meanwhile, the trial could not proceed that day before a prosecution witness, said to be pregnant, was on bed rest.

Justice Aikawa adjourned until October 2, 2018.

On October 2, Mrs Usman's contempt application was heard, and the case was adjourned until November 16, 2018 for ruling.

On November 16, Justice Aikawa dismissed the contempt application against Lai Mohammed. He held that the publication of Usman's name as a looter had no bearing on the proceedings.

On January 24, 2019 when the case resumed, Mrs Usman's lawyers Chief Orbih and Mr Abiodun Owonikoko (SAN) were absent.

The development forced an adjourned until February 4 and 5, 2019. The case came up on both days, and was adjourned until February 20 and 21.

On February 21, Mrs Usman was granted permission to travel to the United States for medical treatment. The case was adjourned until March 15.

The case came up on March 15 and was adjourned until March 31.

On May 2, the trial was stalled because Fani-kayode's co-accused Danjuma was absent. He was said to have had a domestic accident.

His lawyer K.C Nwofo told the court that Danjuma slumped while having a bath and was hospitalised.

The counsel told the court that he received a call in the early hours from Danjuma's wife that the third defendant collapsed in the bathroom and could not make it to court. The case

When trial resumed on May 14, EFCC sought to tender some statements made by Fani-Kayode and Usman through a witness.

But, defence counsel opposed the prosecution's bid to tender the extra-judicial statements, contending that they made them under duress.

The defence counsel, namely Messrs Ferdinand Orbih (SAN), Norrison Quakers (SAN) and Clement Onwuenwuenor, urged the judge to order a trial-within-trial to test the voluntariness of the statements.

On May 31, 2019, the case was stalled due to Fani-Kayode's absence.

His lawyer B. F. Ajudua said he was "indisposed", but he did not state what was ailing the former minister.

"We apologise for the absence of the second defendant. A letter to that effect was filed," he said. Justice Aikawa adjourned until **June 24, 2019** for ruling on the statements' admissibility and possible trial-within-trial.

### **Developments since first report:**

On June 24, 2019, Justice Aikawa dismissed Fani-Kayode's claim that his statements were not voluntary.

The judge held that a trial-within-trial was only necessary where a statement sought to be admitted "is manifestly confessional".

"In the present case, none of the statements is confessional. A trial-within-trial is therefore unnecessary," he ruled.

The judge adjourned until **July 4, 2019** for continuation of trial.

On July 4, an EFCC investigator Shehu Shuaibu testified that 103 cheques were recovered from Fani-Kayode. The cheques were tendered in exhibit.

### **Current status:**

After the July 4 proceedings, Justice Aikawa adjourned until **October 29, 2019** for continuation of trial.

## **4. SENATOR PETER NWAOBOSHI**

### **Background:**

Peter Nwaoboshi is the Senator representing Delta North Senatorial District. He won re-election in the 2019 election although his victory is still being challenged on appeal. Nwaoboshi was a former Delta State Peoples Democratic Party (PDP) chairman.

### **Facts:**

Senator Nwaoboshi was first arraigned before Justice Mohammed Idris on April 25, 2018.

The prosecution alleged that Nwaoboshi and Golden Touch Construction Projects purchased a 12-storey property known as Guinea House on Marine Road in Apapa, Lagos for N805million between May and June 2014.

The anti-graft agency claimed that N322million out of the N805million was part of proceeds of "an unlawful act, to wit: fraud."

The EFCC alleged that the N322million was transferred to the property's vendor on the order of Suiming Electricals, which was accused of aiding Nwaoboshi and Golden Touch Construction Projects to commit money laundering on or about May 14, 2014.

According to EFCC, Nwaoboshi got a contract through Bilderberg Enterprises Ltd to supply new construction equipment to the state Direct Labour Agency at N1,580,000,000.

The company allegedly imported and supplied used construction equipment rather than brand new ones despite receiving full payment.

EFCC said Nwaoboshi, with the proceeds, bought the 12-floor building from Delta State Government at N805million in the name of Golden Touch Construction Projects.

The commission said the Senator had "no visible legitimate business venture to generate the amount spent to purchase the said property."

The alleged offence contravenes sections 15(2)(d) and 18(a) of the Money Laundering (Prohibition) Act 2011 and punishable under Section 15(3).

### **Developments since arraignment:**

On June 13, 2018, Justice Idris was elevated to the Court of Appeal.

On October 5, 2018, the Senator was re-arraigned before Justice Chukwujekwu Aneke.

Only two witnesses testified between October 5, 2018 and May 6, 2019.

On May 6, 2019, uncertainty over whether the Senator would be attend court stalled the trial.

The prosecuting counsel said the Senator earlier indicated that he would not be available, so he told the prosecution witnesses not to bother coming to court.

Justice Aneke to adjourn until May 28, 2019, but the trial could not go on that day.

The case was again adjourned until June 14, 2019 for trial.

### **Developments since first report**

On June 14, the case was stalled because prosecuting counsel Wemimo Ogunde (SAN) was absent.

A lawyer from his law firm, O. Fadairo, said Ogunde, who is prosecuting as an external counsel for the EFCC, took ill while preparing for the case.

"The Learned Silk fell ill and was placed on bed rest by his personal doctor. We have informed the defendant and filed a letter for an adjournment," he said.

The development forced Justice Aneke to adjourn until June 28, 2019.

On June 28, the prosecution called its third witness, Mr Eyituoyo Mogbeyiterem, a compliance officer with Zenith Bank Plc.

The prosecution sought to tender some exhibits through the witness, which the defence counsel opposed.

### **Current status:**

Justice Aneke adjourned until **October 4, 2019** and **November 1, 2019** for ruling on the documents' admissibility and continuation of trial.

The court granted the defendant's application for release of his passport to enable him travel overseas for medical treatment.

## **5. ORJI UZOR KALU**

### **Background:**

Orji Uzor Kalu was former governor of Abia State. He won election to represent Abia North Senatorial District in the Senate under the platform of the ruling All Progressives Congress (APC).

### **Facts:**

Kalu's trial began in 2008. Before the enactment of the ACJA, he obtained a stay of proceedings as an interlocutory appeal he filed went all the way to the Supreme Court.

EFCC said Kalu, whilst being governor between 2001 and September 2006, procured Slok Nigeria Ltd, a company owned by him and members of his family, to retain N7.2billion in its Inland Bank Plc account, on his behalf.

The commission said the money "formed part of the funds illegally derived from the treasury of Abia State government and which was converted into several bank drafts before they were paid into the said company's account".

Kalu was accused of collaborating with Udeh Jones Udeogu Slok Nigeria and Emeka Abone (at large) "in concealing the genuine origin of an aggregate sum of N7,197,871,208.70..."

The alleged offence violates Section 17(c) of the Money Laundering (Prohibition) Act, 2004, and was liable to be punished under Section 16.

Kalu and Udeogu, a former Director of Finance in Abia State Government House, pleaded not guilty to the charge.

They were initially arraigned on a 34-count charge to which five fresh counts were added.

Besides the N7.2billion, the defendants were also accused of receiving N460million allegedly stolen from the Abia State Government treasury between July and December 2002.

EFCC said they breached Section 427 of the Criminal Code Act, Cap 77, Laws of the Federation of Nigeria, 1990.

Udeogu, Slok Nigeria, Abone and Michael Udo, also at large, were accused of collaborating with Kalu to conceal the "genuine origin" of alleged stolen funds.

### **Developments since arraignment:**

After the Supreme Court dismissed the interlocutory appeal, EFCC re-arraigned Kalu before Justice Anwuri Chikere of the Federal High Court in Abuja on September 27, 2016.

EFCC later got the Chief Judge to transfer the case to the Lagos Division.

Kalu, through his lawyer Prof Awah Kalu (SAN), filed an ex-parte motion seeking the court's leave to apply for an order of mandamus to compel the CJ to reverse the transfer, which was dismissed.

On October 31, 2016, Kalu was re-arraigned before Justice Idris of the Lagos Division.

On March 20, 2018 after several witnesses had been called, the prosecution announced that a key witness in Kalu's trial had suddenly relocated to Cameroun.

EFCC later amended the charge and eventually closed its case on May 11, 2018.

On May 28, 2018, Kalu filed a no-case application, praying the court to discharge and acquit him. He said EFCC's case against him was "feeble".

On July 31, 2018, Justice Idris dismissed Kalu's no-case submission. He held that in view of evidence led by the prosecution, there was a basis for Kalu to open his defence.

On January 23, 2019, Justice Idris, who had been elevated to the Court of Appeal, announced that Court of Appeal President Zainab Bulkachuwa did not give him a fiat to continue to adjudicate on the case.

While Justice Idris was given a fiat to conclude the cases of former Oyo State Governor Rashidi Ladoja and former President Goodluck Jonathan's ex-aide Dr Waripamo-Owei Dudafa, he said he got no such authorisation for Kalu's case.

Addressing parties, Justice Idris said: "This matter was listed today because it was adjourned till today for defence. What has happened is that the last fiat that was issued by the President of the Court of Appeal expired at the end of November 2018.

"On the 10th of January, 2019, I received fresh fiat in respect of some matters that I have started and some new matters but this particular case (Kalu's) was not mentioned.

"For this reason, I have a strong feeling that I shouldn't continue with proceedings in this case unless there is a further directive from the President of the Court of Appeal. I should not proceed further; otherwise I might be acting without authority.

"In the circumstance, I am of the view that further proceedings shouldn't go on until I receive further information by way of fresh fiat from the Court of Appeal President. As soon as I receive further instruction, hearing notice will be sent to counsel."

Justice Idris therefore adjourned Kalu's trial *sine die*.

### **Developments since first report:**

On July 22, 2019, Justice Idris informed parties that he had been given the fiat to conclude the case.

He said: "By a fiat dated July 8, the President of the Court of Appeal has directed that I conclude this part-heard matter. Trial will now run from day to day until we finish."

Prosecuting counsel Rotimi Jacobs (SAN) said he was ready to proceed, but defence counsel Prof Awa Kalu (SAN) said he was not ready.

According to him, after receiving a hearing notice, he informed the court about his involvement in election petition matters, which he said were constitutionally time-barred.

Pleading for an adjournment, he said he had to be in court to explain his constraints, adding that the case file was also not in his possession.

But, Jacobs said the former governor should open his defence so that some progress could be made, a submission the judge agreed with.

Moments after Kalu opened his defence by introducing himself, the defence counsel again pleaded for an adjournment.

### **Current status**

Justice Idris adjourned until **August 26, 2019** from when he said trial will be day-to-day.

## 6. DELE BELGORE (SAN)/ PROF ABUBAKAR SULEIMAN

### **Background:**

Mr Dele Belgore is a Senior Advocate of Nigeria and governorship candidate of the Peoples Democratic Party in the 2011 Kwara State gubernatorial election.

Abubakar Sulaiman is a professor of political science who served as Minister of National Planning under President Goodluck Jonathan.

Both were coordinators of the Jonathan Campaign Organisation in Kwara State in the 2015 general election.

### **Facts:**

EFCC arraigned Belgore and Suleiman on February 8, 2017. The commission later amended the charge on November 26, 2017. Former Petroleum Resources Minister Mrs Diezani Alison-Madueke is also named in the charge. EFCC said she is “at large”.

In the nine-count amended charge, EFCC accused Alison-Madueke, Belgore and Suleiman of making cash payment of N10million to Kwara State Resident Electoral Commissioner (REC) Dr Emmanuel Onucheyo.

The commission said they also paid N10million to a Commissioner of Police Garba Saliu. According to EFCC, the defendants allegedly made the payments on March 27, 2015 without going through a financial institution.

The sums, the commission said, exceeded the amount authorised by law and violated Sections 1(a) and 16 (d) of the Money Laundering (Prohibition) (Amendment) Act of 2012 and punishable under Section 16 (2) (b).

The defendants were accused of making cash payment of N61,656,000 to Isa Biu on the same day, exceeding what is authorised by law.

EFCC said they also paid N87,962,000 to Sola Adeoti and Hajiya Dankaka on the same day “without going through a financial institution.”

The prosecution accused the defendants of violating the Money Laundering Act by dealing in excess cash without going through a financial institution.

EFCC said they “directly took possession of the sum N450million,” adding that they “reasonably ought to have known [that the money] forms part of the proceeds of unlawful act.”

It also accused them of “indirectly” using the sum of N450million on March 27, 2015, and of making cash payment of N450million, which exceeded the amount authorised by law.

According to the commission, Mrs Alison-Madueke, Belgore and Sulieman, on the same day, made cash payment of N50million to one Sheriff Shagaya, an amount in excess of what the law allowed.

Count one of the charge reads: “That you Mrs Diezani Alison-Madueke (still at large), Muhammad Dele Belgore and Prof Abubakar Sulaiman on or about the 27th day of March in Nigeria within the jurisdiction of this Honourable Court conspired amongst yourselves to directly take possession of the sum of N450,000,000, which sum you reasonably ought to have known forms part of the proceeds of unlawful act and you thereby committed an offence contrary to Section 18 (a) of the Money Laundering (Prohibition) (Amendment) Act 2012 and punishable under Section 15 (3) and (4) of the same Act.”

### **Developments since arraignment:**

After EFCC closed its case, the defendants filed a no-case submission.

On April 12, 2018, Justice Aikawa dismissed it. He held that they had a case to answer and directed them to open their defence.

The case suffered some delays. For instance, the judge was absent on April 30, 2018.

On May 23, 2018, the court dismissed Belgore's application for the court to compel the prosecution to produce all the statements he made.

His lawyer Seni Adio (SAN) argue that the additional statements were needed to enable Belgore defend himself. He said: "The defendant knows how many statements he made. We need those statements to be complete and on record."

Justice Aikawa held that the application was an abuse of court process as the issue had been dealt with in the no-case application that was dismissed earlier.

On June 25, 2018, EFCC's counsel opposed Belgore's application for permission to attend his daughter's graduation in the United Kingdom.

Belgore, through his lawyer Mr. Egun Shofunde (SAN), prayed the court to order the release of his passport to enable him to attend his daughter's July 4 graduation as a medical doctor from the University of London, UK.

But, prosecuting counsel for Rotimi argued that since Belgore had a pending application urging the court to quash the charges, he had no right to seek favour from the court until his application was decided. The application was eventually granted.

On October 2, 2018, the case was stalled because Suleiman was absent.

His lawyer Olaniran Obele said the former minister complained of "fatigue" due to stress from political campaigning.

On February 11, 2019, Belgore testified that he did not receive the N450million he was accused of laundering in cash.

He said he realised that the money was too huge for his Toyota Prado jeep.

On February 28, 2019, Belgore testified that he did not personally share the N450million he signed for in 2015.

He said: "I did not take any steps regarding collection of the money from the bank, because as I have said, the money was meant for stakeholders. They were the ones who took steps to collect it.

"My position has always been that I never took possession of the money, either in cash, cheque, bank transfer or any other means. That remains my position till date."

On March 5, 2019, Belgore testified that he never had any dealing with Mrs Alison-Madueke. He said he was not aware that the N450million he signed for in 2015 came from her as he was made to believe that it came from PDP headquarters.

On May 6, 2019, Belgore insisted that he never met or dealt with Mrs Alison-Madueke.

Justice Rilwan Aikawa adjourned until May 15, 2019.

On May 15, 2019, Belgore was cross-examined, after which the case was adjourned until

**June 17, 2019** for a continuation of the cross-examination.

### **Developments since first report:**

On June 17, the case was stalled because Belgore's co-accused Prof Suleiman missed his flight to Lagos.

His lawyer Tayo Oyetibo (SAN) said it was not in Suleiman's character to be away from court as he had always been present for his trial. He apologised for the former minister's absence. The case was adjourned until the following day.

On June 18, Belgore was cross-examined. He confirmed the distribution of money to stakeholders, but that he did not personally do the sharing.

He also said he did not know how N30million allocated to his office as coordinated was disbursed.

The case was subsequently adjourned until **July 2, 2019**.

On July 2, the court reviewed Belgore's bail conditions.

He was granted bail on self-cognisance at his arraignment on February 8, 2017 and was ordered to deposit his passport into the court's custody.

Mr Shofunde told Justice Aikawa that his client would like to have his passport released to him to enable him to travel to attend to his businesses which require that he travels at a short notice. Justice Aikawa ordered that Belgore should provide a surety, and that before embarking on any foreign trip, the SAN must apply for and secure the court's approval.

Prof Sulaiman also applied for the release of his passport to enable him to embark on a medical trip to Saudi Arabia.

In granting the application, Justice Aikawa ordered that Sulaiman must get a surety, who is resident in Lagos and is a civil servant not below Level 14, or be a landed property owner anywhere in Lagos.

### **Current status:**

Justice Aikawa adjourned until **October 2, 2019** for continuation of trial.

## **7. FORMER AIR CHIEF ADESOLA AMOSU**

### **Background:**

Air Marshal Adesola Amosu is a former Chief of Air Staff. He is on trial with former Nigeria Air Force (NAF) Director of Finance and Budget Air Commodore Olugbenga Gbadebo and former NAF Chief of Accounts and Budgeting Air Vice Marshal Jacob Adigun.

### **Facts:**

EFCC charged them with converting N21billion from NAF on June 26, 2016.

Companies arraigned with them are Delfina Oil and Gas Ltd, Mcallan Oil And Gas Ltd, Hebron Housing and Properties Company Ltd, Trapezites BDC, Fonds and Pricey Ltd, Deegee Oil and Gas Ltd, Timsegg Investment Ltd and Solomon Health Care Ltd.

EFCC accused them of converting N21billion from the Nigeria Air Force around March 5, 2014 in Lagos.

They were also accused of concealing "proceeds of crime" and thereby committed an offence contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 17(a).

Amosu and Adigun were said to have, between July 17 and September 16, 2014, allegedly removed huge over N663.4million from the Nigerian Air Force accounts to purchase properties at 50-52 Tenterden Grove, London (NW4 1TH) and at 93B Shirehall Park, LondonNW4 2QU, United Kingdom.

They were accused of buying 40A, Bourdillon, Ikoyi, with N900million, and a property at Sinari Daranijo in Victoria Island with N1.5billion.

EFCC said they also bought a property named as Cappadol Mall at Adetokunbo Ademola Street, Wuse II Abuja, for N750million, as well as a property worth over N1.7billion at Agobogba Street, Parkview, Ikoyi Lagos, using the airforce's money.

Other properties they allegedly bought using Air Force's funds include one at Salt Lake Street, Maitama, Abuja; one at Agadez Street off Aminu Kano Crescent, Abuja; 61A, Lake Chad Street, Maitama, Abuja; and one at 1, River Street, Wuse II Abuja using alleged stolen funds.

Between last March 6 and April 30, the accused allegedly used N428,139,539.00 removed from the accounts of the Nigerian Air Force to renovate and purchase medical equipment for Solomon HealthCare Ltd situate at 24th Adeniyi Jones Street, Ikeja Lagos.

Count one read: "That You, Air Marshal Adesola Amosu Nunayon (Rtd), Air Vice Marshal Jacob Bola Adigun, Air Commodore Gbadebo Owodunni Olugbenga, Delfina Oil and Gas Ltd, Mcallan Oil and Gas Ltd, Hebron Housing and Properties Company Ltd, Trapezites Bdc, Fonds and Pricey Ltd, Deegee Oil and Gas Ltd, Timsegg Investment Ltd And Solomon Health Care Ltd on or about the 5th day of March, 2014 in Lagos, within the jurisdiction of this Honourable Court conspired amongst yourselves to commit an offence, to wit: Conversion of the sum of N21,467,634,707.43, property of the Nigerian Air Force, which sum was derived from stealing, and thereby committed an offence contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 15(3) of the same Act."

### **Developments since arraignment:**

Following their arraignment, Amosu's lawyer Chief Bolaji Ayorinde (SAN) told the court on June 29, 2016 that his client returned "colossal" sums to the Federal Government. EFCC later confirmed that Amosu returned N2.6billion.

Amosu held plea bargain talks with EFCC following his arraignment in June 2016, but the talks failed and trial started before Justice Idris.

Defence counsel had on July 8, 2016, sought for time to conclude the out-of-court settlement, but it was learnt that the prosecution's terms were stringent.

Also in February 2018, Chief Ayorinde said they were ready to re-open the plea bargain talks. Again, an agreement could not be reached, following which trial continued.

On January 16, 2019, EFCC obtained a court order forfeiting N2.2billion recovered from Amosu to the Federal Government.

Also forfeited was N101 million recovered from Solomon Enterprises, a company linked to him. EFCC had on October 15, 2018 amended the charge, reducing the number of defendants from 11 to three, removing the eight companies previously named in it. The charge was also reduced from 36 counts to 13.

On May 22, 2019, defence counsel informed the court that plea bargain talks had resumed and was still ongoing.

Defence counsel Mr Norrison Quakers said: "The last time we were in court (April 16), we informed your Lordship about the move to expedite the resolution of this matter out of court.

“We’re yet to conclude the resolution of the ‘conflict’ as it were. We need more time. “All parties will soon hold a meeting for the purpose of dotting i’s and cross the t’s, which might require the appropriate processes being filed.” Prosecuting counsel Idris Mohammed confirmed that talks were still ongoing. “We’re still discussing,” he said. Justice Aneke adjourned until **July 4, 2019** “for report of effort at plea bargaining”.

### **Developments since first report:**

On July 4, prosecuting counsel Oyedepo and defence counsel traded blames over their inability to hold the plea bargaining talks.

Oyedepo accused the defendants of showing lack of commitment to their proposal.

He said he personally called Chief Bolaji Ayorinde (SAN) and Norrison Quakers (SAN), to schedule a meeting, but that they never honoured his invitations.

Oyedepo said: “This matter was adjourned for report of plea bargaining. On receiving their written proposal, I made several calls to both Chief Ayorinde and Mr Quakers urging them to come for an official meeting to discuss and agree. None of them visited our office.

“It appears to me that they defendants are not committed to the resolution of this matter in line with the Administration of Criminal Justice Act.”

But, Ayorinde said the delay was caused by EFCC. He said the commission failed to respond in writing to the defendants’ proposal.

“It is true that we wrote a couple of letters to the prosecution. There was no reply to either of them. Their style is that they will never write in response to any request.

“We cannot force him to write if it is the style of their office not to write. We expected a formal invitation,” Ayorinde said.

Quakers added that it was not true that the defence was not serious about their plea bargain proposal.

“We sent letters which were duly acknowledged. But there has been no official communication. In fairness to Oyedepo, he has been doing his bit, but it is not right for an institution not to reply to a letter,” the SAN said.

But, Oyedepo insisted that he had already indicated to the defence that their letter had been received.

“I also told them that I was asked to facilitate the meeting. They never told me they were expecting a written invitation until now. I should not be the one pursuing the defence,” the prosecutor added.

### **Current status:**

Justice Aneke further adjourned until **October 9, 2019** to enable parties hold the plea bargain talks.

## **8. JUMOKE AKINJIDE**

### **Background:**

Mrs Jumoke Akinjide is a former Federal Capital Territory (FCT) Minister under Goodluck Jonathan. She is on trial along with a Peoples Democratic Party (PDP) leader in Oyo State Chief

Olarenwaju Oti and a former Senator representing Oyo Central Senatorial District Ayo Adeseun.

Former Minister of Petroleum Resources Mrs Diezani Alison-Madueke, said to be at large, is also named in the charge.

### **Facts:**

EFCC arraigned them on January 16, 2018 before Justice Muslim Hassan on an amended 24-count charge.

EFCC accused the defendants of conspiring to directly take possession of N650million from Mrs Alison-Madueke, which they reasonably ought to have known was part of proceeds of an unlawful act, and without going through a financial institution.

The alleged offence, EFCC said, contravenes the Money Laundering Act.

One of counts reads: “That you Mrs. Diezani Alison-Madueke (still at large), Oloye Jumoke Akinjide, Senator Ayo Ademola Adeseun and Chief Olanrewaju Oti, on or about the 26th day of March, 2015, in Nigeria, within the jurisdiction of this honourable court, conspired amongst yourselves to directly take possession of a N650,000,000, which sum you reasonably ought to have known formed part of proceeds of an unlawful act and you thereby committed an offence contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act 2012 and punishable under Section 15(3) and 4 of the same Act.”

### **Developments since arraignment:**

Oti and Adeseun had on February 6, 2019 prayed Justice Hassan to recuse himself from the case.

They accused him of bias, claiming that as a former head of EFCC’s legal unit before he was appointed a judge, they did not believe they would get justice in his court.

Although the judge had refused to recuse himself, the Chief Judge eventually re-assigned the case to Justice Aneke.

When the case came up before Justice Aneke on May 10, 2019, defence counsel Messrs Bolaji Ayorinde (SAN), O.F.A Adeosun and Akinola Oladeji prayed the court for another date for the re-arraignment.

Ayorinde said he and prosecuting counsel Rotimi Oyedepo were to appear in another trial before another judge.

He told the court that Oyedepo would want to be present during the re-arraignment.

Justice Aneke adjourned until **June 11, 2019** for re-arraignment.

### **Developments since first report:**

On June 11, EFCC rejected the transfer of the case to Justice Aneke.

Oyedepo urged the court to reverse the transfer.

He argued that the trial had already gone far before Justice Hassan, with the case at a trial-within-trial stage to determine the admissibility of a document, before it was transferred.

“Whether rightly or wrongly, this matter is going through turbulence, a case of 2016. Why should we start afresh?” he asked.

But defence counsel Chief Ayorinde objected to the application, describing it as an “ambush”.

According to him, the prosecution ought to have made the application formal (in writing) and served it on the defence for it to reply.

Ruling, Justice Aneke agreed that the prosecution's oral application was an "ambush".

He ordered the EFCC to file a formal application for a reversal of the case transfer.

The judge adjourned until June 26, 2019 for hearing of EFCC's application.

On June 26, Justice Aneke ruled that he could not reverse the transfer and thereby overrule the CJ's directive.

He directed Mrs Akinjide and other to re-take their pleas.

The defendants pleaded not guilty to the same charge.

Justice Aneke allowed the defendants to remain on the bail granted them by Justice Hassan.

### **Current status:**

The defendants informed Justice Aneke about their fresh motion challenging the constitutionality of the charge.

Justice Aneke adjourned until **September 30** and **October 11, 2019** for hearing/trial.

## **9. PAUL USORO (SAN)**

### **Background:**

Paul Usoro (SAN) is the incumbent president of the Nigerian Bar Association (NBA).

### **Facts:**

EFCC arraigned Usoro on December 18, 2018 before Justice Muslim Hassan.

Usoro was accused of conspiring with Governor Emmanuel Udom, Akwa Ibom Commissioner for Finance Nsikan Nkan, Attorney-General and Commissioner for Justice Uwemedimo Nwoko, Accountant-General Mfon Udomah and an account officer Margaret Thompson Ukpe.

EFCC accused them of laundering N1.4billion state funds through Usoro.

The prosecution described the others as being "at large" adding that the governor enjoys immunity.

The commission alleged that Usoro conspired with others to commit the offence within the court's jurisdiction on May 14, 2016.

He allegedly conspired with others to convert N1.4 billion, property of Akwa Ibom State Government, which sum they reasonably ought to have known formed part of the proceeds of an unlawful activity.

The prosecution said the unlawful activity included criminal breach of trust, which contravened sections 15 (2), 15(3), and 18 (A) of the Money Laundering (Prohibition) Act, 2011.

Usoro pleaded not guilty.

### **Developments since arraignment:**

Within its short lifespan, the case is presently before a third judge.

Justice Hassan withdrew from the case after he was accused of bias.

The case was re-assigned to Justice Chuka Obiozor, but he also recused himself “for personal reasons” on February 14, 2019.

“For personal reasons, I hereby disqualify myself from handling the case. I hereby return the casefile to the Chief Judge for re-assignment to another judge,” he ruled.

The case was eventually reassigned to Justice Aikawa.

On May 30, 2019, the judge dismissed a notice of preliminary objection by Governor Emmanuel challenging the charge.

The governor, through his lawyer Dr. Charles Mekwunye, said the EFCC was wrong to name him in the charge since he enjoys immunity as enshrined in Section 308 of the 1999 Constitution. Emmanuel urged the court to decline jurisdiction to entertain the charge because EFCC had no *locus standi* to file it.

He argued that only the Akwa Ibom House of Assembly could bring such complaints against him, adding that the charge was outside EFCC’s jurisdictional purview.

According to the governor, the funds said to have been laundered do not belong to the Federal Republic of Nigeria, but to Akwa Ibom State.

“It is unconstitutional for the complainant to supervise Akwa Ibom State’s use of funds,” his lawyer argued.

Justice Aikawa ruled that Emmanuel was not facing a charge despite being named in it as a co-conspirator with Usoro.

“The mere mention of his name is not enough to make the applicant (Emmanuel) a defendant in this trial,” the judge ruled.

He said the governor’s claim that he was denied fair hearing amounted to “crying wolf where there is none”.

“He has to be in the trial to complain of lack of fair hearing,” Justice Aikawa ruled.

The judge held that EFCC has the right to try anyone for money laundering even where state funds are involved.

Justice Aikawa adjourned until **July 3, 2019** for trial.

### **Developments since first report:**

On July 3, Justice Aikawa refused Governor Emmanuel’s application for an indefinite adjournment of the trial.

Emmanuel’s lawyer had urged the judge to adjourn the trial sine die to allow the Court of Appeal determine his appeal against the court’s May 30 ruling.

But, Oyedepo argued that adjourning the case sine die was tantamount to stay of proceedings, which is prohibited by Section 306 of the Administration of Criminal Justice Act (ACJA), Section 40 of the EFCC Act and the Supreme Court verdict in Metuh case.

Ruling, Justice Aikawa agreed that since Emmanuel was not a party to the charge, he could not ask for an adjournment.

After the ruling, EFCC called its first witness, Udom Idongesit, a Zenith Bank Relationship Manager at the Aka Road, Uyo, Akwa Ibom State, branch.

Led in evidence by Oyedepo, the witness told the court that sometime in March 2016, she went to the Akwa Ibom State Government House in Uyo for marketing, during which she overheard a conversation between Emmanuel and the Accountant-General on the need to pay Usoro some money.

“This payment, I got to understand, should have gone to Access Bank. I took that as information for myself because the business I do basically thrives on information.

“I got back to my office and checked through the system to see if the defendant (Usoro) had an account with Zenith Bank and I found no such account existed,” Idongesit said.

According to her, through her efforts, her branch was given a withdrawal instrument of N700million on Akwa Ibom State Accountant-General’s imprest account on March 10, 2016.

The witness said she subsequently got Usoro’s contact from Emmanuel on March 14, 2016.

“I put a call through to him, that I had the payment and he needed to open an account. He instructed me to work with two of his colleagues.

“When I confirmed the exact names registered on the form, I sought the approval of my zonal head to open the account and made the deposit while waiting for documentation.

“I filled the deposit slip and the depositor’s name that I filled was Paul Usoro,” Idongesit said.

The court admitted as exhibits the instructions given to the bank for the withdrawal of N700million, as well as the documentation for the Zenith Bank account opened for Usoro.

### **Current status:**

Justice Aikawa adjourned until **October 2, 2019** for continuation of trial.

## **10. RICKEY TARFA (SAN)**

### **Background:**

Rickey Tarfa is a Senior Advocate of Nigeria and runs one of the largest law firms in Lagos. Tarfa is standing trial on a 26-count charge of offering gratification to two judges of the Federal High Court – Justices Hyeladzira Nganjiwa and Mohammed Yunusa – as well as alleged justice perversion

### **Facts:**

Tarfa was arraigned by the EFCC on March 9, 2016 before Justice Adedayo Akintoye of the Lagos High Court in Igbosere and subsequently re-arraigned on November 16, 2016 on an amended charge.

The anti-graft agency claimed that between June 27, 2012 and January 8, 2016, Tarfa paid a total of N5.3 million in several tranches into Justice Nganjiwa’s bank account.

He was also accused of paying N800,000 into Justice Yunusa’s account in three tranches between February 9 and November 30, 2015.

The commission alleged that the payments were to compromise the judges.

The SAN was equally accused of age falsification.

Tarfa pleaded not guilty and was granted bail on self-cognisance.

### **Developments since arraignment:**

The case has been stalled due to various applications filed by Tarfa, including a preliminary objection.

On January 21, 2019, the Silk travelled abroad following a medical emergency. Upon his return, Tarfa did not set foot in the courtroom on March 11, 19 and May 8, 2019 when the matter came up.

He always stayed downstairs in his car.

According to his counsel, Mr Abiodun Owonikoko (SAN), Tarfa was unable to climb the staircase leading to Justice Akintoye's courtroom, even on a wheelchair, because of the severity of his condition.

On March 19, Owonikoko filed a medical recommendation from Tarfa's doctors which stated that the defendant required a minimum of three months medical leave to enable him recuperate. When the case last came up on May 8, Justice Akintoye reasoned that Tarfa might be able to access a courtroom with minimal entry challenges, such as one on the ground floor.

The judge adjourned to find a convenient courtroom to continue the trial.

On May 31, Justice Akintoye ordered Tarfa to present a fresh medical report explaining his health status. The judge made the order following Tarfa's application for more time to recuperate from surgery.

Arrangements were made for the case to continue in another courtroom often used by Justice Iyabo Akinkugube on the ground floor of the nearby old High Court building in the court premises.

But when the case was called, Tarfa still was not in court.

His counsel informed the judge that, yet again, Tarfa was in the car outside, but, this time, with his physiotherapist.

Owonikoko told the court that he had filed an application seeking more time for Tarfa's recuperation.

But EFCC counsel, Mr Usman Buhari opposed it.

Unlike previous proceedings, Justice Akintoye did not require confirmation that Tarfa was actually outside.

Rather the judge ordered that before Tarfa's application was taken she wanted to see a medical report on the defendant's health status from a general hospital or a teaching hospital.

The EFCC has since closed its case, following which Tarfa opened his defence after the court dismissed his no-case submission.

The case was adjourned until **June 21, 2019** for Tarfa to produce a medical report.

### **Developments since first report:**

On June 21, Justice Akintoye gave Tarfa 90 more days to recuperate from surgery.

She made the order following Tarfa's application for more time after suffering unexpected complications.

Tarfa, who was represented by Mr John Odubela (SAN), said the defendant had carried out the judge's instructions.

"We have provided sufficient evidence surrounding the defendant's health circumstances," Odubela said.

He explained that Tarfa had succumbed to unexpected complications in his recovery process and that he was going through "so much pain" that the doctor who performed the operation had to be flown in.

The doctor, the SAN added, after attending to Tarfa, recommended that the defendant be visited by a physiotherapist every day.

Ruling, Justice Akintoye held that having taken all the factors into consideration “I am inclined to grant the applicant’s prayer.

“The defendant is entitled to adequate time to prepare his defence, which, of course, must be balanced with the prosecution’s right to reasonable time conclude his case.”

The judge also noted that the lengthy adjournment was “not a stay of proceedings as suggested by the prosecution”.

“The applicant is expected to appear in court on the next date. He is also hereby ordered to submit a complete medical report from the Lagos State University Teaching Hospital.”

### **Current status:**

Justice Akintoye adjourned until **September 19, October 3 and 4, 2019** for trial.

## **11. JUSTICE MOHAMMED YUNUSA**

### **Background:**

Justice Mohammed Yunusa sat at the Lagos Division of the Federal High Court before he was transferred to Enugu Division, from where the NJC dismissed him for corruption.

### **Facts:**

EFCC arraigned Yunusa along with Esther Agbo, a staff of the law chambers of Mr. Rickey Tarfa (SAN) on January 17, 2018.

Yunusa was arraigned on four counts bordering on an attempted perversion of the course of justice and corruption by a public official.

Agbo was charged with offering gratification to a public official.

They denied the charges.

According to the EFCC, Yunusa had constant and confidential communications with Tarfa, who was handling three lawsuits marked FHC/L/CS/714/2015, FHC/L/CS/715/2015, and FHC/L/CS/716/2015 before him.

It also alleged that Yunusa collected N1.5 million bribe from Tarfa for the purpose of giving favourable rulings and judgments in the cases.

### **Developments since arraignment:**

After a number of witnesses had testified, Yunusa’s defence counsel, Chief Robert Clarke (SAN), on March 9, 2019, filed a preliminary objection.

He said the judge had been “absolved of the corruption charges” by the NJC.

Citing the case of Federal Republic of Nigeria Vs Nganjiwa, Clarke said that for Yunusa’s dismissal to be valid, President Muhammadu Buhari had to give a recommendation.

On April 22, 2018, Justice Sherifat Solebo of an Ikeja Special Offences Court ordered Justice Yunusa to face trial.

The judge referred to a November 8, 2016 letter from the NJC to the EFCC suspending the judge.

He noted that the NJC had already exercised disciplinary action against the judge.

“Going through Nganjiwa’s case, there is no evidence that the NJC investigated Nganjiwa but in the case against the first defendant (Yunusa), the NJC on its 76th meeting investigated him.

“What is left to be done? The NJC has done what it is empowered to do. It is my decision that I am not bound by Nganjiwa Vs Federal Republic of Nigeria.

“It is my conclusion that the first defendant has to defend himself in the information filed by the prosecution.

“It is my decision that this court has jurisdiction on the charges filed against the first defendant in this case and the notice of preliminary objection is dismissed,” Justice Solebo ruled.

Justice Solebo had adjourned until **June 18, 2019** for trial.

### **Development since first report:**

On June 18, prosecuting counsel Mr Wahab Shittu pleaded to be allowed to bring a witness from the NJC to testify on an unsigned call logs supplied by MTN, which were initially tendered before the NJC. He indicated that the prosecution would close its case afterwards.

### **Current status:**

Justice Solebo adjourned until **October 14, 2019**.

## **12. AYODELE OKE AND WIFE FOLASADE**

### **Background:**

Ambassador Ayodele Oke is a former Director-General of the National Intelligence Agency (NIA). President Muhammadu Buhari sacked him after EFCC found huge sums of money he hid in an Ikoyi apartment.

### **Facts:**

EFCC was to arraign Oke and wife Folasade on February 1, 2019, but prosecuting counsel said they were yet to be served with the charge because their whereabouts were unknown.

Oke and his wife were charged in connection with the \$43, 449, 947, 000 found in Flat 7B, No. 16 Osborne Road, Osborne Towers in Ikoyi Lagos.

Justice Muslim Hassan had on June 6, 2017, granted a final forfeiture order of the funds.

EFCC said the Okes, on or about April 12, 2017 in Lagos, concealed \$43, 449, 947, 000, property of the Federal Government in the flat.

It said they reasonably ought to have known that the sum formed part of proceeds of an unlawful act to wit: criminal breach of trust.

The commission said the couple, between August 25 and September 2, 2015 in Lagos, indirectly used \$1, 658, 000, property of the Federal Government, to acquire the flat.

They were also accused of directly retaining \$160, 777, 136.85, property of the Federal Government, between August 25 and September 2, 2015 in Lagos.

EFCC said they “reasonably ought to have known” that the sum “formed part of proceeds of an unlawful act to wit: criminal breach of trust”.

In the fourth and final count, the prosecution said Oke and his wife, within the same period, “directly converted \$160, 777, 136.85, property of the Federal Government of Nigeria to your own use”.

The alleged offence, EFCC said, is contrary to Section 15 (2) (a) of the Money Laundering (Prohibition) (Amendment) Act 2012 and punishable under Section 15(3) of the same Act.

### **Developments since charge was filed:**

On February 7, 2019, Justice Aneke ordered the couple’s arrest.

Prosecuting counsel Rotimi Oyedepo told the judge that the defendants could not be found so as to be served with the money laundering charge.

He said the couple also refused to answer phone calls from EFCC operatives.

Moving the application, Oyedepo also urged the court to declare the defendants wanted.

“Section 114 of the Administration of Criminal Justice Act (ACJA) empowers your lordship to do so. We’re ready to produce them if we obtain the order.”

Ruling, Justice Aneke held that the application was meritorious in view of the prosecutions explanations.

“Consequent upon the difficulties encountered by the prosecution in having them appear before the honourable court to stand their trial, I am convinced that the application is not without merit.

“In the circumstances, I hereby accordingly issue an order of warrant of arrest against the first defendant in accordance with Section 114 of the Administration of Criminal Justice Act 2015.”

Justice Aneke, however, refused the prayer to declare them wanted.

He said they would only be declared wanted if EFCC does not succeed in executing the bench warrant after trying.

On March 24, EFCC declared Oke and his wife wanted. EFCC spokesman Tony Orilade disclosed the declaration in a statement.

### **Development since first report:**

The case has not come up in court since February 7 and it is not clear whether EFCC obtained leave from the judge before declaring the couple wanted.

### **Current status:**

EFCC is yet to arrest the couple.

## **13. ERASTUS AKINGBOLA**

### **Background:**

In mid-August 2009, the Central Bank of Nigeria (CBN) “hammer” fell on five bank chief executives, including Managing Director/Chief Executive Officer of defunct Intercontinental Bank Plc Dr Erastus Akingbola.

Like the others, CBN accused Akingbola of granting non-performing loans and non-adherence to best practices in risk management.

Three weeks after their sack, their trial began. However, ten years after their arraignment, their cases are still pending in courts with no end in sight.

Of the five bank chiefs, only the case against Cecelia Ibru was concluded – after she pleaded guilty in a plea bargain. Others are hanging for one reason or other.

### **Facts:**

EFCC charged Akingbola at the Federal High Court in 2009.

The commission said Akingbola, between November 2007 and July 2008, “caused to be created a misleading appearance of active trading in the shares of Intercontinental Bank Plc on the Nigerian Stock Exchange by being connected with the utilisation of an aggregate sum of N179.385 billion of the bank’s fund for the purchase of the bank’s shares.”

EFCC said Akingbola converted N10 billion belonging to the bank by obtaining three manager’s cheques in the names of Tropics Properties Ltd, Tropics securities Ltd and Bankinson Nigeria Ltd, which he “owned and controlled”.

EFCC added in the charge: “The manager cheques were subsequently used to repay loan granted by Access Bank Plc to your companies and which sum you knew represented the proceeds of crime, to wit: stealing.”

The alleged offence violates Section 14 (1) of the Money Laundering Act of 2004.

In the original 26-count charge, the prosecution alleged that Akingbola made an equity investment of N100 million in Flexmore Technologies without a prior approval in writing of the Central Bank of Nigeria (CBN).

It said Akingbola failed to take all reasonable steps to ensure compliance with the requirement to maintain, at all times, the minimum capital adequacy ratio specified by the CBN in compliance with Section 13(1) of the Banks and Other Financial Institutions Act, Cap B3 Laws of the Federation 2004.

Akingbola was accused of granting “unsecured credit facilities” worth billions of naira to different companies.

EFCC said he bought a London property at with 1.3 million pounds taken from the bank's Nostro account.

### **Developments since arraignment:**

There appears to be no end in sight in Akingbola’s case, as its history and recent developments indicate.

Akingbola was first arraigned before Justice Charles Archibong of the Federal High Court in Lagos, who struck out the charge for lack of diligent prosecution. EFCC appealed the ruling.

The Court of Appeal overruled Justice Archibong and directed Akingbola to face trial.

Akingbola further appealed to the Supreme Court.

In May 2018, the Supreme Court affirmed the Court of Appeal judgment.

Meanwhile, while the appeal was pending, EFCC filed fresh charges against Akingbola and at the Lagos State High Court, Ikeja.

On May 31, 2011, Akingbola and an associate Bayo Dada, were arraigned before Justice Habib Abiru on a 22-count charge bordering on conspiracy and alleged stealing of N47.1 billion belonging to the bank.

Before the arraignment, the defence challenged the court's jurisdiction to entertain the charges. Justice Abiru, in a ruling on May 31, 2011, dismissed the application and ordered that Akingbola be arraigned. After he pleaded not guilty, the judge adjourned for trial.

As the EFCC sought to open its case, the defence sought a stay of proceedings pending the determination of their appeal against Justice Abiru's May 31 ruling.

Justice Abiru dismissed it and held that Section 277 of the Administration of Criminal Justice Laws of Lagos State and Section 40 of the EFCC Act did not give room for stopping a trial in criminal proceedings before the delivery of judgment.

On April 15, 2012, EFCC closed its case.

Rather than open their defence, the defendants filed a no-case.

Justice Abiru, on May 30, 2012, dismissed the no-case submission.

Eventually, the defence called four witnesses, including Akingbola and Dada, who denied all the allegations by the EFCC.

On September 11, 2012, the defence counsel accused the judge of bias on the ground that the judge overruled a request for an adjournment to continue leading Dada in evidence on another day.

On October 22, 2012, the defence team sought an adjournment because they were unable to produce a witness they had promised to bring.

Justice Abiru refused the prayer, and ordered defence to close their case.

Justice Abiru then adjourned till November 15, 2012, for adoption of final written addresses by parties.

On November 2, 2012, it was announced that Justice Abiru had been elevated to the Court of Appeal.

On February 26, 2013, Akingbola and Dada were re-arraigned before Justice Adeniyi Onigbanjo. EFCC went through the process of recalling its witnesses. When it closed its case, Akingbola again made a no-case submission.

On July 15, 2013, Justice Onigbanjo dismissed the no-case application.

But there was a further twist in the tale. Justice Onigbanjo was redeployed from the court's criminal division to the commercial division. This development again cancelled previous proceedings in the case.

The case was further re-assigned to Justice Lateef Lawal-Akapo.

Akingbola challenged Justice Lawal-Akapo's jurisdiction to hear the case and sought to quash the charges.

On May 2, 2014, Justice Lawal-Akapo dismissed the objections for lacking in merit and assumed jurisdiction in the case.

On June 23, 2014, Akingbola prayed the court to stay proceedings in the trial until an interlocutory appeal against the May 2 ruling was determined at the Court of Appeal.

On December 31, 2014, the Court of Appeal sitting in Lagos quashed the 22-count charge against Akingbola.

Justice Amina Augie held that Justice Lawal-Akapo lacked the jurisdiction to entertain the case. EFCC appealed to the Supreme Court.

Meanwhile, EFCC reopened the case against Akingbola at the Federal High Court. The case was assigned to Justice Mojisola Olatoregun.

The trial commenced late 2018. On March 13, 2019, prosecuting counsel, Mr. Rotimi Jacobs (SAN), brought before the court a further amended charge and Akingbola was re-arraigned.

The amended charge has 22 counts rather than the original 26.

On March 12, 2019, the court heard that Akingbola repaid a personal debt using Intercontinental Bank's N10 billion.

The case last came up on June 3, 2019 when it was adjourned until June 11.

But the judge was absent on June 11. She was said to have gone on an official assignment.

A new trial date, June 19, 2019 was fixed.

On June 19, 2019, the prosecution counsel Rotimi Jacobs (SAN) and his team were absent.

Justice Olaterogun stood down the case till about 12noon in the hope that the prosecuting team would turn up. They never did.

After upbraiding the prosecution for not informing the court and parties about their absence, the judge adjourned until **September 26, 2019** for continuation of trial as the court had no free date before the start of long vacation, which began on July 5, 2019.

### **Current status:**

The prosecution is yet to close its case, yet it has been confirmed that Justice Olatoregun will retire around November this year.

In effect, Akingbola's case will likely start *de novo* before a new judge.

## **14. IBRAHIM ABDUSALAM**

### **Background:**

Ibrahim Abdulsalam is the immediate-past Managing Director of the Nigeria Airspace Management Agency (NAMA).

### **Facts:**

EFCC arraigned him and others on April 7, 2016 before Justice Babs Kuewumi of the Federal High Court in Lagos.

The commission re-arraigned them on April 12, 2016 on an amended charge, adding two names: former NAMA acting General Manager, ICT, Bola Akinribido and Sesebor Abiodun.

The initial defendants are former NAMA General Manager of Procurement Adegorite Olumuyiwa; former General Manager, Finance, Agbolade Segun; Clara Aliche, Joy Adegorite, and two companies Randville investment Ltd and Multeng Travels and Tours Ltd.

They were charged with stealing and conversion of the NAMA's funds amounting to N2.8 billion.

EFCC said on August 19, 2013, the defendants, with intent to defraud, conspired amongst themselves to induce NAMA to deliver the sum of N2,847,523,975.00 to Delosa Ltd, Air Sea Delivery Ltd and Sea Schedules Systems Ltd under the pretense that the money represented the cost of clearing NAMA's consignments.

The alleged offence is contrary to section 8 (a) of the Advance Fee Fraud and other Fraud Related Offences Act, 2006 and punishable under Section 1 (3).

The prosecution said the defendants conspired to deliver various amounts to Delosa Limited on different dates under the pretence that they were payment for clearing NAMA's consignment.

EFCC said they paid the firm N274,021,452.00 between January 31 and April 15, 2013; and between August 19 and December 31, 2013, they paid it N151,136,320.

The defendants also paid the firm N403,485,057.70 between January 15 and December 17, 2014, as well as N285,906,834.10 between January 14 and September 16, 2015, the prosecution alleged.

EFCC said the defendants induced NAMA to pay Air Sea Delivery Ltd the sum of N409,010,344.70 under the pretense it represented the cost of clearing NAMA's goods. EFCC said they also paid Air Sea N230, 585,636.20 between January 14 and September 16.

According to the agency, another company, Sea Schedules System Ltd, got N227, 634,567.20 between September 11 and December 15, 2014, under the pretence that it cleared NAMA's consignments. Also between January 14 and September 3, the defendants paid Sea Schedules the sum of N314,378,212.80.

The defendants were accused of conspiring among themselves on January 2, 2013 to convert N858,507, 609.56, property of NAMA, which was derived from stealing, contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 15(3) of the same Act.

Between January 2 and December 17, 2013, the defendants allegedly converted N191,616, 651.56 belonging to NAMA to themselves.

EFCC said they allegedly converted N728,870,158 between 2013 and 2015.

### **Developments since arraignment:**

Several witnesses have been called since trial began.

On January 26, 2017, a prosecution witness, Ade Babatunde, a staff of Stanbic IBTC Bank, gave an analysis of entries on an account statement of Segun Agbolade.

On March 10, 2017, EFCC obtained the temporary forfeiture of N3.5billion and \$67,586.27 in the accounts of Abdulsalam and other officers.

Also temporarily forfeited are a residential building at 5, Sobo Arobiodu Street, GRA, Ikeja, a petrol station at Egbeda-Idimu Road, by Faith Bus Stop, a filling station at Mushin, Idi-Oro, and a petrol station at Alakuko, the ownership of which EFCC said was yet to be determined.

The commission sought an order that the bank accounts of the 12 persons and companies "currently being prosecuted for offences of conspiracy and obtaining money by false pretence be temporarily attached and taken over by EFCC" until trial is concluded.

EFCC prayed for an order that all dealings and transactions on the bank accounts be suspended pending the conclusion of prosecution of the alleged offences against them.

The case came up on June 14, 2019 for a trial-within-trial to determine the voluntariness of some extra-judicial statements made by the first defendant.

Testifying in the trial-within-trial, Abdulsalam told the court the extra-judicial statement he wrote at the EFCC was not voluntary.

He said an EFCC operative dictated what to write to him.

Abdulsalam said the commission's armed operatives harassed his family while he was in custody.

He claimed that he was so traumatised by the experience that he wrote the statement on "auto-pilot" "so they can leave my family alone".

But, the prosecution denied the allegations, insisting that he made his statement without any form of coercion.

### **Current status:**

Justice Kuewumi adjourned until **October 3, 2019** for adoption of written addresses in the trial-within-trial.

## **15. TUOYO OMATSULI**

### **Background:**

Tuoyo Omatsuli is a former Niger Delta Development Commission (NDDC) Executive Director of Projects. He was arraigned soon after he left office.

### **Facts:**

On November 8, 2018, EFCC arraigned Omatsuli for allegedly receiving N3.6billion bribe from a contractor.

He was charged along with Don Parker Properties Limited, Francis Momoh and Building Associates Limited.

They were arraigned before Justice Saliu Saidu of the Federal High Court in Lagos on 45 counts. EFCC accused Omatsuli of conspiring with the others “to disguise the illegal origin of a total sum of N3,645,000,000, being proceeds of an unlawful activity, to wit: corruption and gratification.”

They allegedly committed the offence between August 2014 and September 2015 in Lagos contrary to Section 18 of the Money Laundering (Prohibition) Act No. 1 of 2012 and were liable to be punished under Section 15(3) of the same Act.

The defendants pleaded not guilty.

EFCC said Omatsuli allegedly received a bribe of N3,645,000,000 from a consultant to the NDDC, Starline Consultancy Services Limited.

The commission said the firm was engaged to help NDDC recover its statutory three per cent annual budgets of oil and gas producing companies in the Niger Delta.

It was agreed that Starline Consultancy Services would be paid 10 per cent commission on the total funds recovered.

According to the commission, Starline Consultancy Services eventually succeeded in the job and was paid N10,218,019,060.59 as its 10 per cent commission between August 22, 2014 and June 25, 2015.

EFCC said: “Omatsuli agreed and received kickbacks to the tune of N3,645,000,000.000 from Starline Consultancy Services Limited through Building Associates Limited, whose alter ego is Francis Momoh.”

The anti-graft agency presented a table showing that Omatsuli allegedly received kickbacks 11 times from Starline Consultancy Services between August 28, 2014 and September 8, 2015.

Before the arraignment, EFCC on May 17, 2018, obtained temporary forfeiture of four landed property in Lekki allegedly belonging to Omatsuli.

The commission said the land, valued at N846.03million, was reasonably suspected to have been acquired with proceeds of unlawful activities.

### **Developments since arraignment:**

Five witnesses have testified for the prosecution since arraignment.

On June 10, a prosecution witness, Ibinabo Micheal-West of Starline Consultancy Services, testified as to how he transferred N3.6 billion in tranches to Building Associate, which he said is owned by the second defendant (Francis Momoh), on Omatsuli's instructions.

He said he was asked to pay the money in the guise of "settlement of Niger Delta youths". Justice Saliu Saidu adjourned till **June 25 and 26, 2019** for continuation of trial.

### **Developments since first report:**

On June 26, a staff of Heritage Bank Plc Soridei Akene testified that sometime in 2016, 2017 and 2018, he received requests from the commission to produce account opening documents and statements of account of some companies, including the second and fourth defendants, which he obliged them.

The witness chronicled inflows and disbursements of funds in the accounts.

Justice Saidu adjourned until July 3.

On July 3, the witness continued his evidence.

### **Current status:**

At the end of proceedings on July 3, Justice Saidu adjourned until **October 23, 24 and 25** for continuation of trial.

## **13. ERASTUS AKINGBOLA**

### **Background:**

In mid-August 2009, the Central Bank of Nigeria (CBN) "hammer" fell on five bank chief executives, including Managing Director/Chief Executive Officer of defunct Intercontinental Bank Plc Dr Erastus Akingbola.

Like the others, CBN accused Akingbola of granting non-performing loans and non-adherence to best practices in risk management.

Three weeks after their sack, their trial began. However, ten years after their arraignment, their cases are still pending in courts with no end in sight.

Of the five bank chiefs, only the case against Cecelia Ibru was concluded – after she pleaded guilty in a plea bargain. Others are hanging for one reason or other.

### **Facts:**

EFCC charged Akingbola at the Federal High Court in 2009.

The commission said Akingbola, between November 2007 and July 2008, "caused to be created a misleading appearance of active trading in the shares of Intercontinental Bank Plc on the Nigerian Stock Exchange by being connected with the utilisation of an aggregate sum of N179.385billion of the bank's fund for the purchase of the bank's shares."

EFCC said Akingbola converted N10billion belonging to the bank by obtaining three manager's cheques in the names of Tropics Properties Ltd, Tropics securities Ltd and Bankinson Nigeria Ltd, which he "owned and controlled".

EFCC added in the charge: "The manager cheques were subsequently used to repay loan granted by Access Bank Plc to your companies and which sum you knew represented the proceeds of crime, to wit: stealing."

The alleged offence violates Section 14 (1) of the Money Laundering Act of 2004.

In the original 26-count charge, the prosecution alleged that Akingbola made an equity investment of N100 million in Flexmore Technologies without a prior approval in writing of the Central Bank of Nigeria (CBN).

It said Akingbola failed to take all reasonable steps to ensure compliance with the requirement to maintain, at all times, the minimum capital adequacy ratio specified by the CBN in compliance with Section 13(1) of the Banks and Other Financial Institutions Act, Cap B3 Laws of the Federation 2004.

Akingbola was accused of granting "unsecured credit facilities" worth billions of naira to different companies.

EFCC said he bought a London property at with 1.3million pounds taken from the bank's Nostro account.

### **Developments since arraignment:**

There appears to be no end in sight in Akingbola's case, as its history and recent developments indicate.

Akingbola was first arraigned before Justice Charles Archibong of the Federal High Court in Lagos, who struck out the charge for lack of diligent prosecution. EFCC appealed the ruling.

The Court of Appeal overruled Justice Archibong and directed Akingbola to face trial.

Akingbola further appealed to the Supreme Court.

In May 2018, the Supreme Court affirmed the Court of Appeal judgment.

Meanwhile, while the appeal was pending, EFCC filed fresh charges against Akingbola and at the Lagos State High Court, Ikeja.

On May 31, 2011, Akingbola and an associate Bayo Dada, were arraigned before Justice Habib Abiru on a 22-count charge bordering on conspiracy and alleged stealing of N47.1 billion belonging to the bank.

Before the arraignment, the defence challenged the court's jurisdiction to entertain the charges.

Justice Abiru, in a ruling on May 31, 2011, dismissed the application and ordered that Akingbola be arraigned. After he pleaded not guilty, the judge adjourned for trial.

As the EFCC sought to open its case, the defence sought a stay of proceedings pending the determination of their appeal against Justice Abiru's May 31 ruling.

Justice Abiru dismissed it and held that Section 277 of the Administration of Criminal Justice Laws of Lagos State and Section 40 of the EFCC Act did not give room for stopping a trial in criminal proceedings before the delivery of judgment.

On April 15, 2012, EFCC closed its case.

Rather than open their defence, the defendants filed a no-case.

Justice Abiru, on May 30, 2012, dismissed the no-case submission.

Eventually, the defence called four witnesses, including Akingbola and Dada, who denied all the allegations by the EFCC.

On September 11, 2012, the defence counsel accused the judge of bias on the ground that the judge overruled a request for an adjournment to continue leading Dada in evidence on another day.

On October 22, 2012, the defence team sought an adjournment because they were unable to produce a witness they had promised to bring.

Justice Abiru refused the prayer, and ordered defence to close their case.

Justice Abiru then adjourned till November 15, 2012, for adoption of final written addresses by parties.

On November 2, 2012, it was announced that Justice Abiru had been elevated to the Court of Appeal.

On February 26, 2013, Akingbola and Dada were re-arraigned before Justice Adeniyi Onigbanjo. EFCC went through the process of recalling its witnesses. When it closed its case, Akingbola again made a no-case submission.

On July 15, 2013, Justice Onigbanjo dismissed the no-case application.

But there was a further twist in the tale. Justice Onigbanjo was redeployed from the court's criminal division to the commercial division. This development again cancelled previous proceedings in the case.

The case was further re-assigned to Justice Lateef Lawal-Akapo.

Akingbola challenged Justice Lawal-Akapo's jurisdiction to hear the case and sought to quash the charges.

On May 2, 2014, Justice Lawal-Akapo dismissed the objections for lacking in merit and assumed jurisdiction in the case.

On June 23, 2014, Akingbola prayed the court to stay proceedings in the trial until an interlocutory appeal against the May 2 ruling was determined at the Court of Appeal.

On December 31, 2014, the Court of Appeal sitting in Lagos quashed the 22-count charge against Akingbola.

Justice Amina Augie held that Justice Lawal-Akapo lacked the jurisdiction to entertain the case. EFCC appealed to the Supreme Court.

### **Current status:**

Meanwhile, EFCC reopened the case against Akingbola at the Federal High Court. The case as assigned to Justice Mojisola Olatoregun.

The trial commenced late 2018. On March 13, 2019, prosecuting counsel, Mr. Rotimi Jacobs (SAN), brought before the court a further amended charge and Akingbola was re-arraigned.

The amended charge has 22 counts rather than the original 26.

Trial is ongoing on before Justice Olatoregun.

On March 12, 2019, the court heard that Akingbola repaid a personal debt using Intercontinental Bank's N10 billion.

The case last came up on June 3, 2019 when it was adjourned until June 11.

But the judge was absent on June 11. She was said to have gone on an official assignment.

A new trial date, June 13, 2019 was fixed.

On June 19, 2019, the prosecution counsel Rotimi Jacobs (SAN) and his team were absent.

Justice Olatoregun stood down the case till about 12noon in the hope that the prosecuting team would turn up. They never did.

After upbraiding the prosecution for not informing the court and parties about their absence, the judge adjourned until September 26, 2019 for continuation of trial as the court had no free date before the start of long vacation which will begin on July 5, 2019.

Meanwhile, it was learnt that Justice Olatoregun may retire at the end of 2019.

In effect, the case may yet start all over again before a new judge as EFCC is yet to close its case.

#### 14. **IBRAHIM ABDUSALAM**

##### **Background:**

Ibrahim Abdulsalam is the immediate-past Managing Director of the Nigeria Airspace Management Agency (NAMA).

##### **Facts:**

EFCC arraigned him and others on April 7, 2016 before Justice Babs Kuewumi of the Federal High Court in Lagos.

The commission re-arraigned them on April 12, 2016 on an amended charge, adding two names: former NAMA acting General Manager, ICT, Bola Akinribido and Sesebor Abiodun.

The initial defendants are former NAMA General Manager of Procurement Adegorite Olumuyiwa; former General Manager, Finance, Agbolade Segun; Clara Aliche, Joy Adegorite, and two companies Randville investment Ltd and Multeng Travels and Tours Ltd.

They were charged with stealing and conversion of the NAMA's funds amounting to N2.8 billion.

EFCC said on August 19, 2013, the defendants, with intent to defraud, conspired amongst themselves to induce NAMA to deliver the sum of N2,847,523,975.00 to Delosa Ltd, Air Sea Delivery Ltd and Sea Schedules Systems Ltd under the pretense that the money represented the cost of clearing NAMA's consignments.

The alleged offence is contrary to section 8 (a) of the Advance Fee Fraud and other Fraud Related Offences Act, 2006 and punishable under Section 1 (3).

The prosecution said the defendants conspired to deliver various amounts to Delosa Limited on different dates under the pretence that they were payment for clearing NAMA's consignment.

EFCC said they paid the firm N274,021,452.00 between January 31 and April 15, 2013; and between August 19 and December 31, 2013, they paid it N151,136,320.

The defendants also paid the firm N403,485,057.70 between January 15 and December 17, 2014, as well as N285,906,834.10 between January 14 and September 16, 2015, the prosecution alleged.

EFCC said the defendants induced NAMA to pay Air Sea Delivery Ltd the sum of N409,010,344.70 under the pretence it represented the cost of clearing NAMA's goods. EFCC said they also paid Air Sea N230, 585,636.20 between January 14 and September 16.

According to the agency, another company, Sea Schedules System Ltd, got N227, 634,567.20 between September 11 and December 15, 2014, under the pretence that it cleared NAMA's consignments. Also between January 14 and September 3, the defendants paid Sea Schedules the sum of N314,378,212.80.

The defendants were accused of conspiring among themselves on January 2, 2013 to convert N858,507, 609.56, property of NAMA, which was derived from stealing, contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 15(3) of the same Act.

Between January 2 and December 17, 2013, the defendants allegedly converted N191,616, 651.56 belonging to NAMA to themselves.

EFCC said they allegedly converted N728,870,158 between 2013 and 2015.

#### **Developments since arraignment:**

Several witnesses have been called since trial began. On January 26, 2017, a prosecution witness, Ade Babatunde, a staff of Stanbic IBTC Bank, gave an analysis of entries on an account statement of Segun Agbolade.

On March 10, 2017, EFCC obtained the temporary forfeiture of N3.5billion and \$67,586.27 in the accounts of Abdulsalam and other officers.

Also temporarily forfeited are a residential building at 5, Sobo Arobiodu Street, GRA, Ikeja, a petrol station at Egbeda-Idimu Road, by Faith Bus Stop, a filling station at Mushin, Idi-Oro, and a petrol station at Alakuko, the ownership of which EFCC said was yet to be determined.

The commission sought an order that the bank accounts of the 12 persons and companies "currently being prosecuted for offences of conspiracy and obtaining money by false pretence be temporarily attached and taken over by EFCC" until trial is concluded.

EFCC prayed for an order that all dealings and transactions on the bank accounts be suspended pending the conclusion of prosecution of the alleged offences against them.

#### **Current status:**

The case came up on June 14, 2019 for a trial-within-trial to determine the voluntariness of some extra-judicial statements made by the first defendant.

Justice Kuewumi adjourned until October 3, 2019 for adoption of written addresses in the trial-within-trial.

## **15. TUOYO OMATSULI**

#### **Background:**

Tuoyo Omatsuli is a former Niger Delta Development Commission (NDDC) Executive Director of Projects. He was arraigned soon after he left office.

#### **Facts:**

On November 8, 2018, EFCC arraigned Omatsuli for allegedly receiving N3.6billion bribe from a contractor.

He was charged along with Don Parker Properties Limited, Francis Momoh and Building Associates Limited.

They were arraigned before Justice Saliu Saidu of the Federal High Court in Lagos on 45 counts. EFCC accused Omatsuli of conspiring with the others "to disguise the illegal origin of a total sum of N3,645,000,000, being proceeds of an unlawful activity, to wit: corruption and gratification."

They allegedly committed the offence between August 2014 and September 2015 in Lagos contrary to Section 18 of the Money Laundering (Prohibition) Act No. 1 of 2012 and were liable to be punished under Section 15(3) of the same Act.

The defendants pleaded not guilty.

EFCC said Omatsuli allegedly received a bribe of N3,645,000,000 from a consultant to the NDDC, Starline Consultancy Services Limited.

The commission said the firm was engaged to help NDDC recover its statutory three per cent annual budgets of oil and gas producing companies in the Niger Delta.

It was agreed that Starline Consultancy Services would be paid 10 per cent commission on the total funds recovered.

According to the commission, Starline Consultancy Services eventually succeeded in the job and was paid N10,218,019,060.59 as its 10 per cent commission between August 22, 2014 and June 25, 2015.

EFCC said: “Omatsuli agreed and received kickbacks to the tune of N3,645,000,000.000 from Starline Consultancy Services Limited through Building Associates Limited, whose alter ego is Francis Momoh.”

The anti-graft agency presented a table showing that Omatsuli allegedly received kickbacks 11 times from Starline Consultancy Services between August 28, 2014 and September 8, 2015.

Before the arraignment, EFCC on May 17, 2018, obtained temporary forfeiture of four landed property in Lekki allegedly belonging to Omatsuli.

The commission said the land, valued at N846.03million, was reasonably suspected to have been acquired with proceeds of unlawful activities.

### **Developments since arraignment:**

Five witnesses have testified for the prosecution since arraignment.

On June 10, a prosecution witness, Ibinabo Micheal-West of Starline Consultancy Services, testified as to how he transferred N3.6 billion in tranches to Building Associate, which he said is owned by the second defendant (Francis Momoh), on Omatsuli’s instructions.

He said he was asked to pay the money in the guise of “settlement of Niger Delta youths”.

### **Current status:**

Justice Saliu Saidu adjourned till June 25 and 26, 2019 for continuation of trial.

## **THIRD REPORT ON HIGH PROFILE CORRUPTION CASES PENDING AT THE FEDERAL HIGH COURT LAGOS DIVISION AND THE LAGOS STATE HIGH COURT**

(Prepared for the Centre for Socio-Legal Studies (CSLS) as part of its High Profile Corruption Cases (HPCCs) monitoring project, with support from MacArthur Foundation)

### **1. JUSTICE RITA OFILI-AJUMOGOBIA**

## **Background:**

Justice Rita Ofili-Ajumogobia was a judge of the Federal High Court. She sat in the Lagos Division for several years. She was later transferred to Ilorin Division after the National Judicial Council (NJC) found her guilty of professional misconduct in an election petition case she adjudicated on. The NJC barred her from being elevated to an appellate court. While she was sitting in Ilorin, EFCC filed corruption charges against her and a Senior Advocate of Nigeria (SAN) Mr Godwin Obla at the Lagos State High Court in Ikeja.

The SAN was accused of offering N5million gratification to the judge to pervert the cause of justice. On April 16, 2019, Justice Hakeem Oshodi struck out the charge on the ground that the EFCC did not first bring her before the NJC in line with the Court of Appeal ruling in the case of Justice Nganjiwa vs FRN. On the same day, the case was struck out, EFCC re-arrested Justice Ofili-Ajumogobia and filed fresh charges against her at the Federal High Court in Lagos.

## **Facts:**

On April 18, 2019, the EFCC arraigned Ofili-Ajumogobia before Justice Rilwan Aikawa of the Federal High Court, Lagos Division. Obla was absent.

EFCC counsel Rotimi Oyedepo informed the judge that the commission could not reach Obla after granting him administrative bail. Justice Ofili-Ajumogobia took her plea alone.

EFCC arraigned Ofili-Ajumogobia on an 18-count charge. It alleged that she and Obla conspired on May 21, 2014, to indirectly conceal and retain N5million in the Diamond Bank account of Nigel & Colive Ltd.

Ofili-Ajumogobia was also accused of indirectly concealing N12million in the same account despite knowing that it is a proceed of “unlawful enrichment”.

The offence is contrary to Section (2) (d) of the Money Laundering Prohibition Act 2011.

The commission said she indirectly retained \$150,000 in her account on May 30, 2013, knowing that it was proceed of “unlawful enrichment”.

Other sums she allegedly retained are \$20,000, \$30,000, \$50,000, \$150,000, \$70,000, \$55,000, \$50,000, \$50,000 and \$30,000.

The prosecution said all the sums are “proceeds of unlawful enrichment”.

EFCC further alleged that Ofili-Ajumogobia, on or about June 5, 2012, indirectly retained N18million from Arkleen Oil and Gas Ltd in her account domiciled in Access Bank Plc.

The commission said she also reasonably ought to have known that the money “forms part of proceeds of an unlawful act to wit: unlawful enrichment...”

In the 18th count, Ofili-Ajumogobia allegedly made a false statement to an officer.

She allegedly lied that N33million was paid into her account for the purchase of landed property on Rita Ajumogobia Street, Asaba, Delta State capital.

The alleged offence of lying to an officer contravenes Section 39 (2) of the EFCC Act.

### **Developments since arraignment:**

On May 15, 2019, when the trial was to begin, Obla showed up in court. His appearance resulted in Ofili-Ajumogobia and Obla being re-arraigned. They both pleaded not guilty to the same charge.

Justice Aikawa refused to grant them bail on self-cognisance but admitted them to bail for N10million each with one surety in like sum.

Following their arraignment, lead defence counsel Chief Robert Clarke (SAN) informed the court that he had a pending motion challenging the court's jurisdiction.

The case was subsequently adjourned until May 23, 2019, for the hearing of the pending applications. When the case came up, Clarke said he needed more time to respond to EFCC's counter-affidavit. Justice Aikawa subsequently adjourned until May 31, 2019.

When the case came up on May 31 for hearing, Ofili-Ajumogobia was absent. Her lawyer produced a letter from a doctor that she was hospitalised and under observation. The development stalled the hearing of the pending applications. The case was further adjourned until **June 24, 2019**.

### **Developments since the first report:**

On June 24, the court heard Ofili-Ajumogobia's application challenging its jurisdiction.

Despite being dismissed by the NJC, she argued through her counsel Chief Robert Clarke (SAN) that said she remained a judge until President Muhammadu Buhari's approval of her dismissal is gazetted.

She prayed the court to decline jurisdiction because a serving judge cannot undergo trial until the process of dismissal is completed.

Chief Clarke faulted a letter from the Presidency confirming that Justice Ofili-Ajumogobia had been dismissed.

He contended that the letter was addressed to the Chief Justice of Nigeria (CJN) rather than to the Chairman of the Federal Judicial Service Commission (FJSC).

Besides, he said the letter was marked "Restricted", both of which made it is a private document.

"Having been marked by the maker as 'Restricted', it means the letter cannot be used by third parties for any purpose," Clarke said.

The octogenarian SAN argued that the recommendation to dismiss Ofili-Ajumogobia was sent to the President by the FJSC.

According to him, there was no evidence that the FJSC received the President's response approving or rejecting the recommendation.

"The prosecution has failed to show that Justice Ofili-Ajumogobia is not a judge of the Federal High Court," he argued.

Ajumogobia's co-accused Obla, on his part, prayed the court to quash the charge or order that he be tried separately.

Arguing the application, his lawyer Chief Ifedayo Adedipe (SAN) accused EFCC of persecuting his client and abusing the judicial process.

Adedipe said EFCC filed the fresh charge at the Federal High Court while an appeal on the Ikeja's court's decision not to rule on his no-case submission was pending.

"It is improper for the prosecution to file two charges against the same person. No citizen should be the subject of prosecution on the same set of facts,"

Adedipe said.

But, prosecuting counsel Rotimi Oyedepo said the charges against Obla were "different in form and substance".

According to him, while the Ikeja High Court case was based on the Criminal Law of State 2011, the Federal High Court case is based on the Money Laundering Act.

Oyedepo said even if the Lagos High Court had acquitted and discharged the defendants, the EFCC could still have filed the money laundering charge.

On June 28, 2019, Justice Aikawa dismissed Ofili-Ajumogobia's preliminary objection.

He held that she was no longer a serving judicial officer and so, could face the criminal charge.

Justice Aikawa read out a memo dated November 7, 2018, signed by President Buhari, in which he approved Justice Ofili-Ajumogobia's dismissal from the Bench as recommended by the NJC.

"In my view, the first defendant has been dismissed as a judicial officer. In light of this, she can stand trial as she is no longer a judicial officer. The application lacks merit and is accordingly dismissed," the judge ruled.

The judge also dismissed Obla's application.

After the ruling, Oyedepo made an oral application for accelerated hearing of the matter.

Justice Aikawa adjourned until October 24 and 25 2019 for the commencement of trial.

### **Developments since the second report:**

The case did not hold on October 24, 2019 as the court did not sit. The next day was vacated and the case was adjourned until December 2, 2019.

On December 2, Justice Aikawa stayed proceedings in the case to await the outcome of a letter to the Chief Judge by the defendant court seeking a re-assignment of the case.

Defence counsel Ferdinard Orbih (SAN) said his client wrote two different letters to the CJ, dated November 14 and 26, 2019.

He urged Justice Aikawa to suspend proceedings in the case pending the response of the CJ to the letters.

But the prosecuting counsel, Yusuf Buhari, opposed the prayer for an adjournment.

However, Justice Aikawa said he would grant the requested adjournment in the interest of justice.

### **Current status:**

Justice Aikawa adjourned until **February 6, 2020**, to await the CJ's decision.

## **2. AYO FAYOSE**

### **Background:**

Ayodele Fayose is the immediate-past Ekiti State Governor. He is a leading Peoples Democratic Party (PDP) figure and served as Southwest campaign coordinator for PDP candidate Atiku Abubakar. He had a running battle with the EFCC, with the state's account allegedly frozen at a point until the Court of Appeal intervened.

### **Facts:**

EFCC arraigned Fayose on October 22, 2018, on an 11-count charge of money laundering.

The anti-graft agency alleged that Fayose and his former aide Abiodun Agbele took possession of N1.219billion from the Office of National Security Adviser (ONSA) to fund governorship campaign knowing the fund is proceed of "stealing".

EFCC said Fayose received \$5million from ONSA without going through financial institution contrary to the Money Laundering Act.

He alleged placed N300million "proceed of stealing" in his fixed deposit account, as well as deposited N317million in the account of Spotless Investment Limited, a company he and his family members controlled.

EFCC said he lodged N305,760,000 in his account when he ought to know it formed part of proceeds of an unlawful act and procured De-Privateer Limited and Agbele to retain N719,490,000.00 in their accounts.

The prosecution further alleged that Fayose used N270million to acquire a property on Plot 1504, Yedsema Street, Maitama, Abuja from Rabi Kundili. He allegedly used N1,151,711,573 to acquire chalets 3 and 4, 6 and 9 on Plot 100 Tiamiyu Savage Street, Victoria Island, Lagos in the name of JJ Technical Service

According to EFCC, the former governor used N200million to acquire a property on 44, Osun Crescent, Maitama, Abuja in the name of his elder sister, Moji Oladeji.

The commission said he acquired a property worth N270million on Plot 1504 Yedseram Street, Maitama, Abuja in the name of Spotless Investment.

EFCC alleged that he procured Still Earth Limited to retain N132.5million in its account for his benefit.

### **Developments since arraignment:**

The trial was moving at a fast pace before Justice Mojisola Olatoregun until she had a heated exchange with prosecuting counsel Mr Rotimi Jacobs (SAN) on March 20, 2019.

It occurred after the cross-examination of the 10th prosecution witness when Jacobs sought to tender part of the witness' extra-judicial statement.

The judge overruled Jacobs and refused to admit the statement in evidence. When Jacobs commented on an earlier ruling by the judge, which appeared contrary to the latter ruling, the judge said: "Mr Jacobs, you dare not look into my ruling. You are not competent to evaluate my ruling!" She went on to describe Jacobs as an "incompetent" and "jankara" lawyer who is "extremely rude".

Jacobs said he "took exception" to being described in such terms.

Afterwards, the case was adjourned until April 15, 2019, for the continuation of trial.

Meanwhile, EFCC Acting Chairman Ibrahim Magu petitioned the Chief Judge, asking that the case be withdrawn from Justice Olatoregun and reassigned to another judge.

Magu said the prosecution no longer had confidence in the judge. He referred to the March 20 proceedings.

The CJ did not act on the letter immediately and the trial continued as normal, with EFCC calling more witnesses.

The trial was billed to resume on May 21, 2019, for EFCC to call its 14th witness, but Justice Olatoregun was absent. She was on another official assignment.

The trial was subsequently fixed for June 10, 2019, but it never held.

The Chief Judge, in a May 23, 2019 letter to Justice Olatoregun, informed her that the case had been reassigned to Justice Chukwujekwu Aneke for trial.

It reads: "I refer to the petition of EFCC on this case and your Lordship's comments thereto.

"It is apparent that the prosecution has lost confidence in the judge trying this case and justice must not only be done but must be seen to have been done. I hereby transfer this case to Hon. Justice C.J. Aneke for hearing."

### **Developments since the first report:**

On June 10, parties appeared before Justice Olatoregun for the continuation of trial, but they were informed that the transfer had been effected.

A member of Fayose's defence team, Mr Olalaken Ojo (SAN), told journalists that he believed the Chief Judge acted in error by granting the prosecution's request to transfer the case.

To him, the decision to transfer the case after about 12 witnesses had been called did not accord with the law.

A hearing notice was issued to parties that Fayose would be re-arraigned before Justice Aneke on June 28, 2019.

When the case came up on June 28, prosecuting counsel Mr S.A Obafemi said EFCC was “still investigating” the defendant. He asked for a further date.

According to Obafemi, his principal Mr Jacobs did not attend court due to the situation.

Although the defence opposed the application for an adjournment, Justice Aneke said he would adjourn given Jacob’s absence.

He adjourned until July 2, 2019, for re-arraignment.

On July 2, EFCC re-arraigned Fayose before Justice Aneke on the same 11-count charge.

The court granted Fayose's application for permission to travel to South Africa for medical treatment.

The former governor was also allowed to remain on the bail granted him by Justice Olatoregun.

After the re-arraignment, Justice Aneke adjourned until September 16, 17, 18 and 19, 2019, and October 21, 22, 23, 24 and 25, 2019 for trial de-novo.

### **Developments since the second report:**

Fayose’s trial has come up six times since your last report: October 21, 22, 23, 25 and December 12, 2019, as well as on January 16, 2020.

On October 21, a banker, Mr Lawrence Akande, testified that he received money on Fayose’s behalf at the Akure Airport in Ondo State. He said the bank received deposits in tranches from the embattled ex-governor after it solicited patronage from him.

On October 22, a top official of Zenith Bank Plc, Dr Abiodun Oshode, testified that the bank took a bullion van to the Akure Airport in Ondo State to evacuate N1.219billion cash from an aircraft in 2014.

He said the money was deposited in three accounts, including Fayose’s bank account.

On October 23, the court heard that it took Zenith Bank Plc officials 10 days to count the N1.219 billion.

A former executive staff of the bank, Sunday Oluseye Alade, told Justice Aneke that the money was counted at the bank’s Akure branch.

On October 25, the court heard that Fayose allegedly threatened and compromised an EFCC witness in the case.

EFCC counsel Mr Rotimi Jacobs (SAN) told Justice Aneke that Fayose secretly met and threatened a bullion van driver with Zenith Bank, Ado-Ekiti branch, Mr Adewale Aladegbola.

He said the incident left the anti-graft agency with no choice but to replace the witness.

Earlier, Fayose's counsel, Messrs Ola Olanipekun (SAN) and Olalekan Ojo (SAN) opposed the attempt to replace Aladegbola with Johnson Abidakun, who is the Head of Operations, Zenith Bank, Ado-Ekiti branch.

They contended that the prosecution did not have the liberty to change a witness just because such the witness failed to give evidence favourable to them.

Justice Aneke adjourned till November 28, 2019, for the ruling. But the ruling could not hold due to a further application by the defence. The case was adjourned until December 12, 2019.

On December 12, 2019, the court granted Fayose leave to travel abroad for medical treatment following an application by Mr Ojo.

Justice Aneke adjourned till January 16, 2020, for the continuation of trial.

On January 16, Messrs Olanipekun and Mr Ojo opposed the prosecution's move to substitute the witness, describing it as an abuse of court processes. Moving an interlocutory application in opposition, Ojo described the prosecution's move as "unfair, oppressive and unconscionable."

### **Current status:**

Justice Aneke adjourned until **February 17, 2020**, for the ruling.

## **3. FEMI FANI-KAYODE/NENADI USMAN**

### **Background:**

Chief Femi Fani-Kayode, a former minister of aviation under President Olusegun Obasanjo and Mrs Nenadi Usman, former minister of state (finance) under President Goodluck Jonathan, were key members of the Goodluck Jonathan Presidential Campaign Organisation in 2015.

While Fani-Kayode was in charge of publicity, Usman was in charge of finance.

### **Facts:**

EFCC first arraigned them on June 28, 2016, before Justice Muslim Hassan.

They pleaded not guilty to a 17-count charge of laundering.

The commission accused them of laundering about N4.6billion.

The former ministers were charged along with former Chairman of the Association of Local Government of Nigeria (ALGON) and ex-Chairman of Kagarko Local Government Area of Kaduna State Mr Yusuf Danjuma and a company, Jointrust Dimensions Nigeria Limited.

Count one of the charge reads: "That you, Nenadi Esther Usman, Femi Fani-Kayode, Danjuman Yusuf And Jointrust Dimensions Nigeria Ltd on or about the 8th day of January 2015, within the jurisdiction of this Honourable Court conspired amongst yourselves to indirectly retain the sum of N1,500,000,000.00 which sum you reasonably ought to have known forms part of the proceeds of an unlawful act to wit: stealing."

The four were also accused of indirectly retaining N300million, N400million and N800million, all proceeds of corruption, according to EFCC.

The prosecution said they allegedly committed the offence between January 8 and March 25, 2015, ahead of the general election.

In another count, the prosecution alleged that Fani-Kayode directly retained N350million which he ought to have "reasonably known formed part of the proceeds of an unlawful act to wit: stealing."

The commission said Fani-Kayode directly used the sum of N170million, among other sums, which he reasonably ought to have known forms part of the proceeds of corruption and stealing.

He was also accused of doing cash transaction of N24million with one Olubode Oke without going through a financial institution.

The offence, EFCC said, violates sections 1(a) and 16(d) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 16(2)(b).

### **Developments since arraignment:**

Midway through the trial, Fani-Kayode accused Justice Hassan of bias. He asked the judge to disqualify himself.

Fani-Kayode, who had previously been acquitted of money laundering charges, said it was Justice Hassan, formerly Head of Legal Department at the EFCC before his appointment as a judge, who signed the money laundering charge for which he (Fani-Kayode) was previously tried and acquitted by Justice Ofili-Ajumobia on July 1, 2015.

He said he did not have confidence that Justice Hassan would be fair.

Following the allegation of bias, Justice Hassan, on March 16, 2017, recused himself and returned the case file to the Chief Judge.

The case was re-assigned to Justice Rilwan Aikawa.

May 15, 2017, Fani-Kayode and his co-accused were re-arraigned before Justice Aikawa.

They pleaded not guilty to the 17-count charge of laundering.

Soon after, Fani-Kayode filed an application challenging the court's territorial jurisdiction, claiming that the alleged offence was committed in Abuja rather than Lagos

On September 26, 2017, Justice Aikawa refused Fani-Kayode's prayer to transfer the case to Abuja.

The case has also suffered delays. For instance, on December 5, 2017, Mrs Usman got an adjournment to enable her to travel abroad to treat breast cancer. The case was adjourned until January 31, 2018.

Such long adjournments is a common theme in high profile cases.

It is contrary to Section 396 (3) (4) (5) and (6) of the Administration of Criminal Justice Act (ACJA) 2015.

The section provides that trial shall be from day to day, that no party is entitled to more than five adjournments, that the interval between each adjournment shall not exceed 14 working days, that where parties have exhausted their five

days each and trial is still not concluded, adjournment intervals shall not exceed seven days, and that the judge is empowered to award punitive costs to discourage frivolous adjournments.

On January 31, 2018, Fani-Kayode was absent. His lawyer Mr Norrison Quakers (SAN) told the court that the defendant complained about “heart-related pain” and could not attend court.

The case was again adjourned until February 28, 2018.

On February 28, a Zenith Bank Compliance Officer, Teslim Ajuwom, testified.

The trial continued the following day and was adjourned until March 1, 2018.

On March 1, 2018, another Zenith Bank manager, Sheelis Gana, testified, and the case was adjourned until May 2, 2018.

The case was adjourned until June 11 and 12, 2018.

On June 11, Fani-Kayode’s co-accused Mrs Usman filed an application seeking to site minister of information Lai Mohammed for contempt for publishing her name as a looter.

Meanwhile, the trial could not proceed that day before a prosecution witness, said to be pregnant, was on bed rest.

Justice Aikawa adjourned until October 2, 2018.

On October 2, Mrs Usman’s contempt application was heard, and the case was adjourned until November 16, 2018, for the ruling.

On November 16, Justice Aikawa dismissed the contempt application against Lai Mohammed.

He held that the publication of Usman’s name as a looter had no bearing on the proceedings.

On January 24, 2019, when the case resumed, Mrs Usman’s lawyers Chief Orbih and Mr Abiodun Owonikoko (SAN) were absent.

The development forced an adjourned until February 4 and 5, 2019. The case came up on both days and was adjourned until February 20 and 21.

On February 21, Mrs Usman was granted permission to travel to the United States for medical treatment. The case was adjourned until March 15.

The case came up on March 15 and was adjourned until March 31.

On May 2, the trial was stalled because Fani-Kayode's co-accused Danjuma was absent. He was said to have had a domestic accident.

His lawyer K.C Nwofo told the court that Danjuma slumped while having a bath and was hospitalised.

The counsel told the court that he received a call in the early hours from Danjuma’s wife that the third defendant collapsed in the bathroom and could not make it to court. The case

When the trial resumed on May 14, EFCC sought to tender some statements made by Fani-Kayode and Usman through a witness.

But, defence counsel opposed the prosecution’s bid to tender the extra-judicial statements, contending that they made them under duress.

The defence counsel, namely Messrs Ferdinand Orbih (SAN), Norrison Quakers (SAN) and Clement Onwuenwuenor, urged the judge to order a trial-within-trial to test the voluntariness of the statements.

On May 31, 2019, the case was stalled due to Fani-Kayode's absence.

His lawyer B. F. Ajudua said he was "indisposed", but he did not state what was ailing the former minister.

"We apologise for the absence of the second defendant. A letter to that effect was filed," he said.

Justice Aikawa adjourned until June 24, 2019, for ruling on the statements' admissibility and possible trial-within-trial.

### **Developments since the first report:**

On June 24, 2019, Justice Aikawa dismissed Fani-Kayode's claim that his statements were not voluntary.

The judge held that a trial-within-trial was only necessary where a statement sought to be admitted: "is manifestly confessional".

"In the present case, none of the statements is confessional. A trial-within-trial is therefore unnecessary," he ruled.

The judge adjourned until July 4, 2019, for the continuation of trial.

On July 4, an EFCC investigator Shehu Shuaibu testified that 103 cheques were recovered from Fani-Kayode. The cheques were tendered in the exhibit. After the July 4 proceedings, Justice Aikawa adjourned until October 29, 2019, for the continuation of trial.

### **Developments since the second report:**

Trial held on October 29, 2019, during which the court heard that in 2015, the Ministry of External Affairs paid N800 million into the account of a firm, Jointrust Dimension Ltd without a contract.

Third prosecution witness, Mr Shehu Shuaibu, said investigations revealed that the N800 million was paid into Jointrust Dimension Ltd's account on January 16, 2015

The witness said the money came from the Ministry of External Affairs, adding that the signatories to the account were one Darbisu and Benjamin, both former staff of the Ministry, but employees of the National Intelligence Agency (NIA).

He further testified that on January 13, 2015, N400 million was paid by the Ministry into the same Jointrust account.

Shuaibu averred that investigations revealed that there were no contracts between the Ministry and the company to warrant such payment.

The judge adjourned further proceedings till October 31, when Shuaibu continued with evidence.

The case was further adjourned until November 26 but it was stalled as parties sought another date. It was adjourned until December 2.

On December 2, the court granted Mrs Usman's application for her passport to be released to her travel abroad for treatment. Prosecuting Rotimi Oyedepo did not oppose the motion. He said: "I pray that God heals her so that she will not have to travel again."

Justice Aikawa adjourned until January 23 and 24, 2020.

On January 23, counsel for Yusuf and Joint Trust Dimensions Ltd, Mr Clement Onwuenwuenor, was absent.

Onwuenwuenor wrote to the court to seek an adjournment because he was before the Court of Appeal in Lagos in respect of three criminal cases.

Justice Aikawa granted his prayer.

**Current status:**

Justice Aikawa adjourned until **February 24, 2020**, for the continuation of trial.

**4. SENATOR PETER NWAOBOSHI**

**Background:**

Peter Nwaoboshi is the Senator representing Delta North Senatorial District. Nwaoboshi was a former Delta State Peoples Democratic Party (PDP), chairman.

**Facts:**

Senator Nwaoboshi was first arraigned before Justice Mohammed Idris on April 25, 2018.

The prosecution alleged that Nwaoboshi and Golden Touch Construction Projects purchased a 12-storey property known as Guinea House on Marine Road in Apapa, Lagos for N805million between May and June 2014.

The anti-graft agency claimed that N322million out of the N805million was part of proceeds of "an unlawful act, to wit: fraud."

The EFCC alleged that the N322million was transferred to the property's vendor on the order of Suiming Electricals, which was accused of aiding Nwaoboshi and Golden Touch Construction Projects to commit money laundering on or about May 14, 2014.

According to EFCC, Nwaoboshi got a contract through Bilderberg Enterprises Ltd to supply new construction equipment to the state Direct Labour Agency at N1,580,000,000.

The company allegedly imported and supplied used construction equipment rather than brand new ones despite receiving full payment.

EFCC said Nwaoboshi, with the proceeds, bought the 12-floor building from Delta State Government at N805million in the name of Golden Touch Construction Projects.

The commission said the Senator had "no visible legitimate business venture to generate the amount spent to purchase the said property."

The alleged offence contravenes sections 15(2)(d) and 18(a) of the Money Laundering (Prohibition) Act 2011 and punishable under Section 15(3).

**Developments since arraignment:**

On June 13, 2018, Justice Idris was elevated to the Court of Appeal.

On October 5, 2018, the Senator was re-arraigned before Justice Chukwujekwu Aneke.

Only two witnesses testified between October 5, 2018, and May 6, 2019.

On May 6, 2019, uncertainty over whether the Senator would be attending court stalled the trial.

The prosecuting counsel said the Senator earlier indicated that he would not be available, so he told the prosecution witnesses not to bother coming to court.

Justice Aneke to adjourn until May 28, 2019, but the trial could not go on that day.

The case was again adjourned until June 14, 2019, for trial.

### **Developments since the first report**

On June 14, the case was stalled because prosecuting counsel Wemimo Ogunde (SAN) was absent.

A lawyer from his law firm, O. Fadairo, said Ogunde, who is prosecuting as an external counsel for the EFCC, took ill while preparing for the case.

“The Learned Silk fell ill and was placed on bed rest by his doctor. We have informed the defendant and filed a letter for an adjournment,” he said.

The development forced Justice Aneke to adjourn until June 28, 2019.

On June 28, the prosecution called its third witness, Mr Eyituyo

Mogbeyiterem, a compliance officer with Zenith Bank Plc.

The prosecution sought to tender some exhibits through the witness, which the defence counsel opposed.

Justice Aneke adjourned until October 4, 2019, and November 1, 2019, for ruling on the documents’ admissibility and continuation of trial.

The court granted the defendant’s application for release of his passport to enable him to travel overseas for medical treatment.

### **Developments since the second report**

On November 1, 2019, the court admitted the documents as exhibits and adjourned to December 2, 2019 for hearing of the defendant’s application seeking the release of his passport.

On December 2, the court granted the application and permitted the Senator to travel.

### **Current status:**

Justice Aneke adjourned until **February 7, 2020**, for the continuation of trial.

## **5. SENATOR ORJI UZOR KALU**

### **Background:**

Orji Uzor Kalu was a former governor of Abia State. He won election to represent Abia North Senatorial District in the Senate under the platform of the ruling All Progressives Congress (APC).

### **Facts:**

Kalu's trial began in 2008. Before the enactment of the ACJA, he obtained a stay of proceedings as an interlocutory appeal he filed went all the way to the Supreme Court.

EFCC said Kalu, whilst being governor between 2001 and September 2006, procured Slok Nigeria Ltd, a company owned by him and members of his family, to retain N7.2billion in its Inland Bank Plc account, on his behalf.

The commission said the money "formed part of the funds illegally derived from the treasury of Abia State government and which was converted into several bank drafts before they were paid into the said company's account".

Kalu was accused of collaborating with Udeh Jones Udeogu Slok Nigeria and Emeka Abone (at large) "in concealing the genuine origin of an aggregate sum of N7,197,871,208.70..."

The alleged offence violates Section 17(c) of the Money Laundering (Prohibition) Act, 2004, and was liable to be punished under Section 16.

Kalu and Udeogu, a former Director of Finance in Abia State Government House, pleaded not guilty to the charge.

They were initially arraigned on a 34-count charge to which five fresh counts were added.

Besides the N7.2billion, the defendants were also accused of receiving N460million allegedly stolen from the Abia State Government treasury between July and December 2002.

EFCC said they breached Section 427 of the Criminal Code Act, Cap 77, Laws of the Federation of Nigeria, 1990.

Udeogu, Slok Nigeria, Abone and Michael Udo, also at large, were accused of collaborating with Kalu to conceal the "genuine origin" of alleged stolen funds.

### **Developments since arraignment:**

After the Supreme Court dismissed the interlocutory appeal, EFCC re-arraigned Kalu before Justice Anwuri Chikere of the Federal High Court in Abuja on September 27, 2016.

EFCC later got the Chief Judge to transfer the case to the Lagos Division.

Kalu, through his lawyer Prof Awah Kalu (SAN), filed an ex-parte motion seeking the court's leave to apply for an order of mandamus to compel the CJ to reverse the transfer, which was dismissed.

On October 31, 2016, Kalu was re-arraigned before Justice Idris of the Lagos Division.

On March 20, 2018, after several witnesses had been called, the prosecution announced that a key witness in Kalu's trial had suddenly relocated to Cameroun.

EFCC later amended the charge and eventually closed its case on May 11, 2018.

On May 28, 2018, Kalu filed a no-case application, praying the court to discharge and acquit him. He said EFCC's case against him was "feeble".

On July 31, 2018, Justice Idris dismissed Kalu's no-case submission. He held that given evidence led by the prosecution, there was a basis for Kalu to open his defence.

On January 23, 2019, Justice Idris, who had been elevated to the Court of Appeal, announced that Court of Appeal President Zainab Bulkachuwa did not give him a fiat to continue to adjudicate on the case.

While Justice Idris was given a fiat to conclude the cases of former Oyo State Governor Rashidi Ladoja and former President Goodluck Jonathan's ex-aide Dr Waripamo-Owei Dudafa, he said he got no such authorisation for Kalu's case. Addressing parties, Justice Idris said: "This matter was listed today because it was adjourned till today for defence. What has happened is that the last fiat that was issued by the President of the Court of Appeal expired at the end of November 2018.

"On the 10th of January, 2019, I received fresh fiat in respect of some matters that I have started and some new matters but this particular case (Kalu's) was not mentioned.

"For this reason, I have a strong feeling that I shouldn't continue with proceedings in this case unless there is a further directive from the President of the Court of Appeal. I should not proceed further; otherwise, I might be acting without authority.

"In the circumstance, I am of the view that further proceedings shouldn't go on until I receive further information by way of fresh fiat from the Court of Appeal President. As soon as I receive further instruction, hearing notice will be sent to counsel."

Justice Idris, therefore, adjourned Kalu's trial *sine dine*.

### **Developments since the first report:**

On July 22, 2019, Justice Idris informed parties that he had been given a fiat to conclude the case.

He said: "By a fiat dated July 8, the President of the Court of Appeal has directed that I conclude this part-heard matter. The trial will now run from day to day until we finish."

Prosecuting counsel Rotimi Jacobs (SAN) said he was ready to proceed, but defence counsel Prof Awa Kalu (SAN) said he was not ready.

According to him, after receiving a hearing notice, he informed the court about his involvement in election petition matters, which he said were constitutionally time-barred.

Pleading for an adjournment, he said he had to be in court to explain his constraints, adding that the case file was also not in his possession.

But, Jacobs said the former governor should open his defence so that some progress could be made, a submission the judge agreed with.

Moments after Kalu opened his defence by introducing himself, the defence counsel again pleaded for an adjournment.

Justice Idris adjourned until August 26, 2019, from when he said the trial will be day-to-day.

### **Developments since the second report:**

The case was stalled on August 26, 2019, because Kalu's lawyer, Prof Awah Kalu (SAN) took ill.

Trial held on August 27, 28 and 29, 2019. The defence closed their case after the August 29 proceedings. Justice Idris adjourned until October 22, 2019 for the adoption of written addresses.

Prosecuting counsel Rotimi Jacobs (SAN) urged the judge to jail the defendants as the prosecution had proved the allegations against them.

Jacobs said the second defendant admitted to the offence both in his extrajudicial statement and under cross-examination.

"The admission is binding on all the defendants," Jacobs said.

He added that contrary to Kalu's statement that Abia State did not have as much as N7billion during his administration, information from the Office of the Accountant-General of the Federation showed total allocation to Abia State under Kalu was N137billion.

However, the defence urged the court to dismiss the charges, acquit and discharge their clients.

After the adoption, Justice Idris adjourned until December 2 for judgment, but he was absent that day.

Judgment was then fixed for December 5.

### **Current status/conviction:**

On December 5, 2019, Justice Idris found the defendants guilty as charged. The judge said: "The case was conclusively investigated, as the prosecution conducted thorough investigations. No gaps were left unfilled. This is the accepted practice.

"The first defendant (Kalu) failed in his obligations under the law. He acted contrary to the codes of conduct and will be dealt with accordingly.

"No evil deed will go unpunished. The offences are anti-human; it is condemned worldwide because it is a crime against humanity."

Jacobs opposed the defence counsel's plea for leniency during allocutus.

He said: "This case started in 2007 and the convicts filed a series of applications to stall this case. For 12 years, the people of Abia have waited for this day and it is here when they can reclaim all that was taken from them."

He also prayed the court to wind up the company as provided by the Law and to order that all its assets be forfeited to the Federal Government.

Justice Idris sentenced Kalu to five years each on counts one to 11; three years each on counts 23 to 33, and 12 years each on counts 34 to 38.

The judge said the sentences will run concurrently, meaning Kalu will only spend a maximum of 12 years in jail.

Justice Idris also ordered that Slok be wound up and its assets forfeited to the Federal Government.

The judge also sentenced Udeogu to three years each on counts 23, 23, 25, 28, 30, 31, 32; 10 years each on counts 34, 37, and 38; and five years each on count 39.

## **6. DELE BELGORE (SAN)/ PROF ABUBAKAR SULEIMAN**

### **Background:**

Mr Dele Belgore is a Senior Advocate of Nigeria and governorship candidate of the Peoples Democratic Party in the 2011 Kwara State gubernatorial election. Abubakar Sulaiman is a professor of political science who served as Minister of National Planning under President Goodluck Jonathan.

Both were coordinators of the Jonathan Campaign Organisation in Kwara State in the 2015 general election.

### **Facts:**

EFCC arraigned Belgore and Suleiman on February 8, 2017. The commission later amended the charge on November 26, 2017. Former Petroleum Resources Minister Mrs Diezani Alison-Madueke is also named in the charge. EFCC said she is “at large”.

In the nine-count amended charge, EFCC accused Alison-Madueke, Belgore and Suleiman of making a cash payment of N10million to Kwara State Resident Electoral Commissioner (REC) Dr Emmanuel Onucheyo.

The commission said they also paid N10million to a Commissioner of Police Garba Saliu.

According to EFCC, the defendants allegedly made the payments on March 27, 2015, without going through a financial institution.

The sums, the commission said, exceeded the amount authorised by law and violated Sections 1(a) and 16 (d) of the Money Laundering (Prohibition) (Amendment) Act of 2012 and punishable under Section 16 (2) (b).

The defendants were accused of making a cash payment of N61,656,000 to Isa Biu on the same day, exceeding what is authorised by law.

EFCC said they also paid N87,962,000 to Sola Adeoti and Hajiya Dankaka on the same day “without going through a financial institution.”

The prosecution accused the defendants of violating the Money Laundering Act by dealing in excess cash without going through a financial institution.

EFCC said they “directly took possession of the sum N450million,” adding that they “reasonably ought to have known [that the money] forms part of the proceeds of an unlawful act.”

It also accused them of “indirectly” using the sum of N450million on March 27, 2015, and of making a cash payment of N450million, which exceeded the amount authorised by law.

According to the commission, Mrs Alison-Madueke, Belgore and Sulieman, on the same day, made a cash payment of N50million to one Sheriff Shagaya, an amount above what the law allowed.

Count one of the charge reads: “That you Mrs Diezani Alison-Madueke (still at large), Muhammad Dele Belgore and Prof Abubakar Sulaiman on or about the 27th day of March in Nigeria within the jurisdiction of this Honourable Court conspired amongst yourselves to directly take possession of the sum of N450,000,000, which sum you reasonably ought to have known forms part of the proceeds of unlawful act and you thereby committed an offence contrary to Section 18 (a) of the Money Laundering (Prohibition) (Amendment) Act 2012 and punishable under Section 15 (3) and (4) of the same Act.”

### **Developments since arraignment:**

After EFCC closed its case, the defendants filed a no-case submission.

On April 12, 2018, Justice Aikawa dismissed it. He held that they had a case to answer and directed them to open their defence.

The case suffered some delays. For instance, the judge was absent on April 30, 2018.

On May 23, 2018, the court dismissed Belgore’s application for the court to compel the prosecution to produce all the statements he made.

His lawyer Seni Adio (SAN) argue that the additional statements were needed to enable Belgore to defend himself. He said: “The defendant knows how many statements he made. We need those statements to be complete and on record.”

Justice Aikawa held that the application was an abuse of court process as the issue had been dealt with in the no-case application that was dismissed earlier.

On June 25, 2018, EFCC’s counsel opposed Belgore’s application for permission to attend his daughter’s graduation in the United Kingdom.

Belgore, through his lawyer Mr Ebun Shofunde (SAN), prayed the court to order the release of his passport to enable him to attend his daughter’s July 4 graduation as a medical doctor from the University of London, UK.

But, the prosecuting counsel for Rotimi argued that since Belgore had a pending application urging the court to quash the charges, he had no right to seek favour from the court until his application was decided. The application was eventually granted.

On October 2, 2018, the case was stalled because Suleiman was absent.

His lawyer Olaniran Obele said the former minister complained of “fatigue” due to stress from political campaigning.

On February 11, 2019, Belgore testified that he did not receive the N450million he was accused of laundering in cash.

He said he realised that the money was too huge for his Toyota Prado jeep.

On February 28, 2019, Belgore testified that he did not personally share the N450million he signed for in 2015.

He said: “I did not take any steps regarding the collection of the money from the bank, because as I have said, the money was meant for stakeholders. They were the ones who took steps to collect it.

“My position has always been that I never took possession of the money, either in cash, cheque, bank transfer or any other means. That remains my position till date.”

On March 5, 2019, Belgore testified that he never had any dealings with Mrs Alison-Madueke.

He said he was not aware that the N450million he signed for in 2015 came from her as he was made to believe that it came from PDP headquarters.

On May 6, 2019, Belgore insisted that he never met or dealt with Mrs Alison-Madueke.

Justice Rilwan Aikawa adjourned until May 15, 2019.

On May 15, 2019, Belgore was cross-examined, after which the case was adjourned until June 17, 2019, for a continuation of the cross-examination.

### **Developments since the first report:**

On June 17, the case was stalled because Belgore’s co-accused Prof Suleiman missed his flight to Lagos.

His lawyer Tayo Oyetibo (SAN) said it was not in Suleiman’s character to be away from court as he had always been present for his trial. He apologised for the former minister’s absence.

The case was adjourned until the following day.

On June 18, Belgore was cross-examined. He confirmed the distribution of money to stakeholders, but that he did not personally do the sharing.

He also said he did not know how N30million allocated to his office as coordinated was disbursed.

The case was subsequently adjourned until July 2, 2019.

On July 2, the court reviewed Belgore’s bail conditions.

He was granted bail on self-cognisance at his arraignment on February 8, 2017, and was ordered to deposit his passport into the court’s custody.

Mr Shofunde told Justice Aikawa that his client would like to have his passport released to him to enable him to travel to attend to his businesses which require that he travels at a short notice.

Justice Aikawa ordered that Belgore should provide surety and that before embarking on any foreign trip, the SAN must apply for and secure the court’s approval.

Prof Sulaiman also applied for the release of his passport to enable him to embark on a medical trip to Saudi Arabia.

In granting the application, Justice Aikawa ordered that Sulaiman must get a surety, who is resident in Lagos and is a civil servant not below Level 14, or be a landed property owner anywhere in Lagos.

Justice Aikawa adjourned until October 2, 2019, for the continuation of trial.

### **Developments since the second report:**

Belogore continued with his defence on October 2, 2019 and on October 22, 2019. The case also came up for defence on December 3 and 20, 2019.

**Current status:**

Justice Aikawa adjourned until **February 2, 2020** for continuation of defence.

**7. FORMER AIR CHIEF ADESOLA AMOSU**

**Background:**

Air Marshal Adesola Amosu is a former Chief of Air Staff. He is on trial with former Nigeria Air Force (NAF) Director of Finance and Budget Air Commodore Olugbenga Gbadebo and former NAF Chief of Accounts and Budgeting Air Vice Marshal Jacob Adigun.

**Facts:**

EFCC charged them with converting N21billion from NAF on June 26, 2016. Companies arraigned with them are Delfina Oil and Gas Ltd, Mcallan Oil And Gas Ltd, Hebron Housing and Properties Company Ltd, Trapezites BDC, Fonds and Pricely Ltd, Deegee Oil and Gas Ltd, Timsegg Investment Ltd and Solomon Health Care Ltd.

EFCC accused them of converting N21billion from the Nigeria Air Force around March 5, 2014, in Lagos.

They were also accused of concealing “proceeds of crime” and thereby committed an offence contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 17(a).

Amosu and Adigun were said to have, between July 17 and September 16, 2014, allegedly removed huge over N663.4million from the Nigerian Air Force accounts to purchase properties at 50-52 Tenterden Grove, London (NW4 1TH) and 93B Shirehall Park, LondonNW4 2QU, United Kingdom.

They were accused of buying 40A, Bourdillon, Ikoyi, with N900million, and a property at Sinari Daranijo in Victoria Island with N1.5billion.

EFCC said they also bought a property named as Cappadol Mall at Adetokunbo Ademola Street, Wuse II Abuja, for N750million, as well as a property worth over N1.7billion at Agobogba Street, Parkview, Ikoyi Lagos, using the airforce’s money.

Other properties they allegedly bought using Air Force's funds include one at Salt Lake Street, Maitama, Abuja; one at Agadez Street off Aminu Kano Crescent, Abuja; 61A, Lake Chad Street, Maitama, Abuja; and one at 1, River Street, Wuse II Abuja using alleged stolen funds.

Between last March 6 and April 30, the accused allegedly used N428,139,539.00 removed from the accounts of the Nigerian Air Force to

renovate and purchase medical equipment for Solomon HealthCare Ltd situate at 24th Adeniyi Jones Street, Ikeja Lagos.

Count one read: “That You, Air Marshal Adesola Amosu Nunayon (Rtd), Air Vice Marshal Jacob Bola Adigun, Air Commodore Gbadebo Owodunni Olugbenga, Delfina Oil and Gas Ltd, Mcallan Oil and Gas Ltd, Hebron Housing and Properties Company Ltd, Trapezites Bdc, Fonds and Pricey Ltd, Deegee Oil and Gas Ltd, Timsegg Investment Ltd And Solomon Health Care Ltd on or about the 5th day of March 2014 in Lagos, within the jurisdiction of this Honourable Court conspired amongst yourselves to commit an offence, to wit: Conversion of the sum of N21,467,634,707.43, property of the Nigerian Air Force, which sum was derived from stealing, and thereby committed an offence contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 15(3) of the same Act.”

### **Developments since arraignment:**

Following their arraignment, Amosu’s lawyer Chief Bolaji Ayorinde (SAN) told the court on June 29, 2016, that his client returned “colossal” sums to the Federal Government. EFCC later confirmed that Amosu returned N2.6billion. Amosu held plea bargain talks with EFCC following his arraignment in June 2016, but the talks failed and the trial started before Justice Idris. Defence counsel had on July 8, 2016, sought for time to conclude the out-of-court settlement, but it was learnt that the prosecution’s terms were stringent. Also in February 2018, Chief Ayorinde said they were ready to re-open the plea bargain talks.

Again, an agreement could not be reached, following which trial continued. On January 16, 2019, EFCC obtained a court order forfeiting N2.2billion recovered from Amosu to the Federal Government.

Also forfeited was N101 million recovered from Solomon Enterprises, a company linked to him.

EFCC had on October 15, 2018, amended the charge, reducing the number of defendants from 11 to three, removing the eight companies previously named in it. The charge was also reduced from 36 counts to 13.

On May 22, 2019, defence counsel informed the court that plea bargain talks had resumed and were still ongoing.

Defence counsel Mr Norrison Quakers said: “The last time we were in court (April 16), we informed your Lordship about the move to expedite the resolution of this matter out of court.

“We’re yet to conclude the resolution of the ‘conflict’ as it were. We need more time.

“All parties will soon hold a meeting to dot I’s and cross the t’s, which might require the appropriate processes being filed.”

Prosecuting counsel Idris Mohammed confirmed that talks were still ongoing.

“We’re still discussing,” he said.

Justice Aneke adjourned until July 4, 2019 “for a report of effort at plea bargaining”.

### **Developments since the first report:**

On July 4, prosecuting counsel Oyedepo and defence counsel traded blames over their inability to hold the plea bargaining talks.

Oyedepo accused the defendants of showing a lack of commitment to their proposal.

He said he called Chief Bolaji Ayorinde (SAN) and Norrison Quakers (SAN), to schedule a meeting, but that they never honoured his invitations.

Oyedepo said: "This matter was adjourned for a report of plea bargaining. On receiving their written proposal, I made several calls to both Chief Ayorinde and Mr Quakers urging them to come for an official meeting to discuss and agree. None of them visited our office.

"It appears to me that the defendants are not committed to the resolution of this matter in line with the Administration of Criminal Justice Act."

But, Ayorinde said the delay was caused by EFCC. He said the commission failed to respond in writing to the defendants' proposal.

"It is true that we wrote a couple of letters to the prosecution. There was no reply to either of them. Their style is that they will never write in response to any request.

"We cannot force him to write if it is the style of their office not to write. We expected a formal invitation," Ayorinde said.

Quakers added that it was not true that the defence was not serious about their plea bargain proposal.

"We sent letters which were duly acknowledged. But there has been no official communication. In fairness to Oyedepo, he has been doing his bit, but it is not right for an institution not to reply to a letter," the SAN said.

But, Oyedepo insisted that he had already indicated to the defence that their letter had been received.

"I also told them that I was asked to facilitate the meeting. They never told me they were expecting a written invitation until now. I should not be the one pursuing the defence," the prosecutor added.

Justice Aneke further adjourned until October 9, 2019, to enable parties to hold the plea bargain talks.

### **Developments since the second report:**

The plea bargain talks broke down again, so the trial was fixed for November 29, 2019. After the day's proceedings, the case was further adjourned.

### **Current status:**

Justice Aneke adjourned until **February 6 and 7, 2020** for the continuation of trial.

## **8. JUMOKE AKINJIDE**

## **Background:**

Mrs Jumoke Akinjide is a former Federal Capital Territory (FCT) Minister under Goodluck Jonathan. She is on trial along with a Peoples Democratic Party (PDP) leader in Oyo State Chief Olarenwaju Otit and a former Senator representing Oyo Central Senatorial District Ayo Adeseun.

Former Minister of Petroleum Resources Mrs Diezani Alison-Madueke said to be at large, is also named in the charge.

## **Facts:**

EFCC arraigned them on January 16, 2018, before Justice Muslim Hassan on an amended 24-count charge.

EFCC accused the defendants of conspiring to directly take possession of N650million from Mrs Alison-Madueke, which they reasonably ought to have known was part of proceeds of an unlawful act, and without going through a financial institution.

The alleged offence, EFCC said, contravenes the Money Laundering Act. One of counts reads: "That you Mrs Diezani Alison-Madueke (still at large), Oloye Jumoke Akinjide, Senator Ayo Ademola Adeseun and Chief Olanrewaju Otit, on or about the 26th day of March 2015, in Nigeria, within the jurisdiction of this honourable court, conspired amongst yourselves to directly take possession of a N650,000,000, which sum you reasonably ought to have known formed part of proceeds of an unlawful act and you thereby committed an offence contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act 2012 and punishable under Section 15(3) and 4 of the same Act."

## **Developments since arraignment:**

Otit and Adeseun had on February 6, 2019, prayed Justice Hassan to recuse himself from the case.

They accused him of bias, claiming that as a former head of EFCC's legal unit before he was appointed a judge, they did not believe they would get justice in his court.

Although the judge had refused to recuse himself, the Chief Judge eventually re-assigned the case to Justice Aneke.

When the case came up before Justice Aneke on May 10, 2019, defence counsel Messrs Bolaji Ayorinde (SAN), O.F.A Adeosun and Akinola Oladeji prayed the court for another date for the re-arraignment.

Ayorinde said he and prosecuting counsel Rotimi Oyedepo were to appear in another trial before another judge.

He told the court that Oyedepo would want to be present during the re-arraignment.

Justice Aneke adjourned until June 11, 2019, for re-arraignment.

### **Developments since the first report:**

On June 11, EFCC rejected the transfer of the case to Justice Aneke.

Oyedepo urged the court to reverse the transfer.

He argued that the trial had already gone far before Justice Hassan, with the case at a trial-within-trial stage to determine the admissibility of a document, before it was transferred.

“Whether rightly or wrongly, this matter is going through turbulence, a case of 2016. Why should we start afresh?” he asked.

But defence counsel Chief Ayorinde objected to the application, describing it as an “ambush”.

According to him, the prosecution ought to have made the application formal (in writing) and served it on the defence for it to reply.

Ruling, Justice Aneke agreed that the prosecution’s oral application was an “ambush”.

He ordered the EFCC to file a formal application for a reversal of the case transfer.

The judge adjourned until June 26, 2019, for the hearing of EFCC’s application.

On June 26, Justice Aneke ruled that he could not reverse the transfer and thereby overrule the CJ’s directive.

He directed Mrs Akinjide and others to re-take their pleas.

The defendants pleaded not guilty to the same charge.

Justice Aneke allowed the defendants to remain on the bail granted them by Justice Hassan.

The defendants informed Justice Aneke about their fresh motion challenging the constitutionality of the charge.

Justice Aneke adjourned until September 30 and October 11, 2019, for hearing/trial.

### **Developments since the second report:**

On September 9, 2019, the vacation judge, Justice Nicholas Oweibo, heard an application by Akinjide’s co-accused Otiti seeking leave to travel abroad. He adjourned until September 12, 2019.

On September 12, 2019, the judge granted the application and ordered that her passport be released to her.

The case was stalled on September 30 when the case resumed before Justice Aneke.

It came up again on October 24, 2019. Akinjide, in an application, accused the EFCC of coercing her to return the N650million that she is accused of laundering.

She prayed the court to compel the anti-graft agency to return the money to her.

In the application by her lawyer, Chief Bolaji Ayorinde (SAN), Akinjide also prayed the court to quash the charges against her for being an abuse of court processes.

The trial came up on January 16, 2010 when PW1, Kehinde Adeniyi, testified and continued on January 17.

### **Current status:**

Justice Aneke adjourned until **February 18, 19 and 20, 2020** for the continuation of trial.

## **9. PAUL USORO (SAN)**

### **Background:**

Paul Usoro (SAN) is the incumbent president of the Nigerian Bar Association (NBA).

### **Facts:**

EFCC arraigned Usoro on December 18, 2018, before Justice Muslim Hassan. Usoro was accused of conspiring with Governor Emmanuel Udom, Akwa Ibom Commissioner for Finance Nsikan Nkan, Attorney-General and Commissioner for Justice Uwemedimo Nwoko, Accountant-General Mfon Udomah and an account officer Margaret Thompson Ukpe.

EFCC accused them of laundering N1.4 billion state funds through Usoro. The prosecution described the others as being “at large” adding that the governor enjoys immunity.

The commission alleged that Usoro conspired with others to commit the offence within the court's jurisdiction on May 14, 2016.

He allegedly conspired with others to convert N1.4 billion, the property of Akwa Ibom State Government, which sum they reasonably ought to have known formed part of the proceeds of unlawful activity.

The prosecution said the unlawful activity included criminal breach of trust, which contravened sections 15 (2), 15(3), and 18 (A) of the Money Laundering (Prohibition) Act, 2011.

Usoro pleaded not guilty.

### **Developments since arraignment:**

Within its short lifespan, the case is presently before a third judge.

Justice Hassan withdrew from the case after he was accused of bias.

The case was re-assigned to Justice Chuka Obiozor, but he also recused himself “for personal reasons” on February 14, 2019.

“For personal reasons, I hereby disqualify myself from handling the case. I hereby return the case file to the Chief Judge for re-assignment to another judge,” he ruled.

The case was eventually reassigned to Justice Aikawa.

On May 30, 2019, the judge dismissed a notice of preliminary objection by Governor Emmanuel challenging the charge.

The governor, through his lawyer Dr Charles Mekwunye, said the EFCC was wrong to name him in the charge since he enjoys immunity as enshrined in Section 308 of the 1999 Constitution.

Emmanuel urged the court to decline jurisdiction to entertain the charge because EFCC had no *locus standi* to file it.

He argued that only the Akwa Ibom House of Assembly could bring such complaints against him, adding that the charge was outside EFCC’s jurisdictional purview.

According to the governor, the funds said to have been laundered do not belong to the Federal Republic of Nigeria, but Akwa Ibom State.

“It is unconstitutional for the complainant to supervise Akwa Ibom State’s use of funds,” his lawyer argued.

Justice Aikawa ruled that Emmanuel was not facing a charge despite being named in it as a co-conspirator with Usoro.

“The mere mention of his name is not enough to make the applicant (Emmanuel) a defendant in this trial,” the judge ruled.

He said the governor’s claim that he was denied fair hearing amounted to “crying wolf where there is none”.

“He has to be in the trial to complain of lack of fair hearing,” Justice Aikawa ruled.

The judge held that EFCC has the right to try anyone for money laundering even where state funds are involved.

Justice Aikawa adjourned until **July 3, 2019**, for trial.

### **Developments since the first report:**

On July 3, Justice Aikawa refused Governor Emmanuel’s application for an indefinite adjournment of the trial.

Emmanuel’s lawyer had urged the judge to adjourn the trial sine die to allow the Court of Appeal to determine his appeal against the court’s May 30 ruling.

But, Oyedepo argued that adjourning the case sine die was tantamount to stay of proceedings, which is prohibited by Section 306 of the Administration of Criminal Justice Act (ACJA), Section 40 of the EFCC Act and the Supreme Court verdict in Metuh case.

Ruling, Justice Aikawa agreed that since Emmanuel was not a party to the charge, he could not ask for an adjournment.

After the ruling, EFCC called its first witness, Udom Idongesit, a Zenith Bank Relationship Manager at the Aka Road, Uyo, Akwa Ibom State, branch.

Led in evidence by Oyedepo, the witness told the court that sometime in March 2016, she went to the Akwa Ibom State Government House in Uyo for

marketing, during which she overheard a conversation between Emmanuel and the Accountant-General on the need to pay Usoro some money.

“This payment, I got to understand, should have gone to Access Bank. I took that as information for myself because the business I do thrives on information.

“I got back to my office and checked through the system to see if the defendant (Usoro) had an account with Zenith Bank and I found no such account existed,” Idongesit said.

According to her, through her efforts, her branch was given a withdrawal instrument of N700million on Akwa Ibom State Accountant-General’s imprest account on March 10, 2016.

The witness said she subsequently got Usoro’s contact from Emmanuel on March 14, 2016.

“I put a call through to him, that I had the payment and he needed to open an account. He instructed me to work with two of his colleagues.

“When I confirmed the exact names registered on the form, I sought the approval of my zonal head to open the account and made the deposit while waiting for documentation.

“I filled the deposit slip and the depositor’s name that I filled was Paul Usoro,” Idongesit said.

The court admitted as exhibits the instructions given to the bank for the withdrawal of N700million, as well as the documentation for the Zenith Bank account opened for Usoro.

Justice Aikawa adjourned until October 21, 2019, for the continuation of trial.

### **Developments since the second report:**

The case was stalled on October 21 because the court did not sit. It was adjourned until October 31, 2019, but was further adjourned December 4, 2019.

When the case came up on December 4, 2019, Udom Idongesit, a prosecution witness, testified as to how N700 million was paid into Mr Usoro’s account on the instruction of Linus Nkan, a former Accountant-General of Akwa Ibom State.

The witness told the court that she opened the Zenith Bank account for the defendant.

“I filled the deposit slip, and the depositor’s name that I filled was Paul Usoro.” Idongesit said N300 million was first credited to the account on March 14, 2016, in cash and that more funds were subsequently credited to the account to the tune of N400 million.

The transactions, according to her, were carried out on the instructions of the defendant.

Justice Aikawa adjourned until January 13, 2020, for the continuation of trial. On January 13, the court did not sit.

### **Current status:**

The case has been fixed for **February 11 and 20, 2020** for the continuation of trial.

## **10. RICKEY TARFA (SAN)**

### **Background:**

Rickey Tarfa is a Senior Advocate of Nigeria. Tarfa is standing trial on a 26-count charge of offering gratification to two judges of the Federal High Court – Justices Hyeladzira Nganjiwa and Mohammed Yunusa – as well as alleged justice perversion

### **Facts:**

Tarfa was arraigned by the EFCC on March 9, 2016, before Justice Adedayo Akintoye of the Lagos High Court in Igbosere and subsequently re-arraigned on November 16, 2016, on an amended charge.

The anti-graft agency claimed that between June 27, 2012, and January 8, 2016, Tarfa paid a total of N5.3 million in several tranches into Justice Nganjiwa's bank account.

He was also accused of paying N800,000 into Justice Yunusa's account in three tranches between February 9 and November 30, 2015.

The commission alleged that the payments were to compromise the judges. The SAN was equally accused of age falsification.

Tarfa pleaded not guilty and was granted bail on self-cognisance.

### **Developments since arraignment:**

The case has been stalled due to various applications filed by Tarfa, including a preliminary objection.

On January 21, 2019, the Silk travelled abroad following a medical emergency. Upon his return, Tarfa did not set foot in the courtroom on March 11, 19 and May 8, 2019, when the matter came up.

He always stayed downstairs in his car.

According to his counsel, Mr Abiodun Owonikoko (SAN), Tarfa was unable to climb the staircase leading to Justice Akintoye's courtroom, even on a wheelchair, because of the severity of his condition.

On March 19, Owonikoko filed a medical recommendation from Tarfa's doctors which stated that the defendant required a minimum of three months medical leave to enable him to recuperate.

When the case last came up on May 8, Justice Akintoye reasoned that Tarfa might be able to access a courtroom with minimal entry challenges, such as one on the ground floor.

The judge adjourned to find a convenient courtroom to continue the trial.

On May 31, Justice Akintoye ordered Tarfa to present a fresh medical report explaining his health status. The judge made the order following Tarfa's application for more time to recuperate from surgery.

Arrangements were made for the case to continue in another courtroom often used by Justice Iyabo Akinkugube on the ground floor of the nearby old High Court building in the court premises.

But when the case was called, Tarfa still was not in court.

His counsel informed the judge that, yet again, Tarfa was in the car outside, but, this time, with his physiotherapist.

Owonikoko told the court that he had filed an application seeking more time for Tarfa's recuperation.

But EFCC counsel, Mr Usman Buhari opposed it.

Unlike previous proceedings, Justice Akintoye did not require confirmation that Tarfa was outside.

Rather the judge ordered that before Tarfa's application was taken she wanted to see a medical report on the defendant's health status from a general hospital or a teaching hospital.

The EFCC has since closed its case, following which Tarfa opened his defence after the court dismissed his no-case submission.

The case was adjourned until June 21, 2019, for Tarfa to produce a medical report.

### **Developments since the first report:**

On June 21, Justice Akintoye gave Tarfa 90 more days to recuperate from surgery.

She made the order following Tarfa's application for more time after suffering unexpected complications.

Tarfa, who was represented by Mr John Odubela (SAN), said the defendant had carried out the judge's instructions.

"We have provided sufficient evidence surrounding the defendant's health circumstances," Odubela said.

He explained that Tarfa had succumbed to unexpected complications in his recovery process and that he was going through "so much pain" that a doctor had to be flown in.

The doctor, the SAN added, after attending to Tarfa, recommended that the defendant be visited by a physiotherapist every day.

The ruling, Justice Akintoye held that having considered all the factors "I am inclined to grant the applicant's prayer.

"The defendant is entitled to adequate time to prepare his defence, which, of course, must be balanced with the prosecution's right to reasonable time conclude his case."

The judge also noted that the lengthy adjournment was "not a stay of proceedings as suggested by the prosecution".

“The applicant is expected to appear in court on the next date. He is also hereby ordered to submit a complete medical report from the Lagos State University Teaching Hospital.”

Justice Akintoye adjourned until September 19, October 3 and 4, 2019 for trial.

### **Developments since the second report:**

The trial did not come up as scheduled as Tarfa was said to still be recuperating. After the October 4 proceedings, it was adjourned until October 15, 2019.

On October 15, the court ordered Tarfa to produce his other witnesses to continue with his defence.

Justice Akintoye gave the order following Tarfa’s application for a long adjournment to enable him to fully recuperate.

Tarfa’s counsel Owonikoko informed the court that he had filed a further affidavit seeking an adjournment till December to enable the defendant to attend physiotherapy sessions recommended by his doctors.

“The affidavit is further based on the medical advice to enable the defendant to recuperate from his surgery and attend physiotherapy sessions,” Owonikoko said.

He also told the court that apart from the defendant, “there are three other witnesses who would give evidence in the case”.

In his response, the Prosecutor, Mr S. I. Suleman, said: “I confirm the receipt of the further affidavit. We leave it to the discretion of the court.

“However, we want the court to take cognisance of several applications from the defendant.”

Justice Akintoye acknowledged the receipt of the medical report by the court.

The judge, however, asked the defence counsel “to get other witnesses so that this case can proceed because the case has been adjourned severally due to the defendant’s illness.

“I don’t see why the defence can’t continue with the other witnesses until the defendant recovers.

“This case cannot be stalled since three other witnesses are remaining.”

She, however, adjourned the case until November 25 for the continuation of defence but nothing significant happened.

The case came up on again January 29, 2020, during which Owonikoko denied that Justice Yunusa was recommended for dismissal due to his constant communication with Tarfa while the SAN had cases in his court.

The case was adjourned until January 30, 2020, but the absence of lead prosecuting counsel stalled the trial.

Owonikoko said the EFCC counsel called to inform him that he was stuck in the traffic.

### **Case status:**

After standing the matter down for an hour without the prosecuting counsel turning up, Justice Akintoye adjourned until **March 26, 2020** for the continuation of trial.

## **11. JUSTICE MOHAMMED YUNUSA**

### **Background:**

Justice Mohammed Yunusa sat at the Lagos Division of the Federal High Court before he was transferred to Enugu Division, from where the NJC dismissed him for corruption.

### **Facts:**

EFCC arraigned Yunusa along with Esther Agbo, a staff of the law chambers of Mr Rickey Tarfa (SAN) on January 17, 2018.

Yunusa was arraigned on four counts bordering on an attempted perversion of the course of justice and corruption by a public official.

Agbo was charged with offering gratification to a public official.

They denied the charges.

According to the EFCC, Yunusa had constant and confidential communications with Tarfa, who was handling three lawsuits marked FHC/L/CS/714/2015, FHC/L/CS/715/2015, and FHC/L/CS/716/2015 before him.

It also alleged that Yunusa collected N1.5 million bribe from Tarfa to give favourable rulings and judgments in the cases.

### **Developments since arraignment:**

After several witnesses had testified, Yunusa's defence counsel, Chief Robert Clarke (SAN), on March 9, 2019, filed a preliminary objection.

He said the judge had been "absolved of the corruption charges" by the NJC. Citing the case of Federal Republic of Nigeria Vs Nganjiwa, Clarke said that for Yunusa's dismissal to be valid, President Muhammadu Buhari had to give a recommendation.

On April 22, 2018, Justice Sherifat Solebo of an Ikeja Special Offences Court ordered Justice Yunusa to face trial.

The judge referred to a November 8, 2016 letter from the NJC to the EFCC suspending the judge.

He noted that the NJC had already exercised disciplinary action against the judge.

"Going through Nganjiwa's case, there is no evidence that the NJC investigated Nganjiwa but in the case against the first defendant (Yunusa), the NJC on its 76th meeting investigated him.

"What is left to be done? The NJC has done what it is empowered to do. It is my decision that I am not bound by the Nganjiwa Vs Federal Republic of Nigeria.

“It is my conclusion that the first defendant has to defend himself in the information filed by the prosecution.

“It is my decision that this court has jurisdiction on the charges filed against the first defendant in this case and the notice of preliminary objection is dismissed,” Justice Solebo ruled.

The judge had adjourned until June 18, 2019, for trial.

### **Development since the first report:**

On June 18, prosecuting counsel Mr Wahab Shittu pleaded to be allowed to bring a witness from the NJC to testify on unsigned call logs supplied by MTN, which were initially tendered before the NJC. He indicated that the prosecution would close its case afterwards.

Justice Solebo adjourned until October 14, 2019.

### **Development since the second report:**

Much progress was not made in the case due to the judge’s absence and the Christmas holidays until January 24, 2020, when an EFCC detective, who is a polygraph examiner, Mr Umar Mohammed, testified.

He said Esther Agbo, a staff of the chambers of Rickey Tarfa (SAN), declined to take a polygraph (lie detector) test as part of investigations

According to the witness, on May 31, 2017, the head of the polygraph unit received a memo from the headquarters of the EFCC in Abuja to conduct a polygraph test on Agbo. On June 1, 2017, the task was assigned to him.

He said when Agbo was informed about the test, she called on the phone to decline.

"On June 7, 2017, she called me on the phone and informed me that she was not going to take the test; that her husband advised her against it.

"I told her to come over to put it in writing which she did in the form of a statement," he said.

The prosecution sought to tender the statement and a report on the statement as evidence.

### **Current status:**

Justice Solebo adjourned until **February 21, 2020** for the continuation of trial.

## **12. AYODELE OKE AND WIFE FOLASADE**

### **Background:**

Ambassador Ayodele Oke is a former Director-General of the National Intelligence Agency (NIA). President Muhammadu Buhari sacked him after EFCC found huge sums of money he hid in an Ikoyi apartment.

## **Facts:**

EFCC was to arraign Oke and wife Folasade on February 1, 2019, but prosecuting counsel said they were yet to be served with the charge because their whereabouts were unknown.

Oke and his wife were charged in connection with the \$43, 449, 947, 000 found in Flat 7B, No. 16 Osborne Road, Osborne Towers in Ikoyi Lagos.

Justice Muslim Hassan had on June 6, 2017, granted a final forfeiture order of the funds.

EFCC said the Okes, on or about April 12, 2017, in Lagos, concealed \$43, 449, 947, 000, the property of the Federal Government in the flat.

It said they reasonably ought to have known that the sum formed part of proceeds of an unlawful act to wit: criminal breach of trust.

The commission said the couple, between August 25 and September 2, 2015, in Lagos, indirectly used \$1, 658, 000, the property of the Federal Government, to acquire the flat.

They were also accused of directly retaining \$160, 777, 136.85, the property of the Federal Government, between August 25 and September 2, 2015, in Lagos.

EFCC said they “reasonably ought to have known” that the sum “formed part of proceeds of an unlawful act to wit: criminal breach of trust”.

In the fourth and final count, the prosecution said Oke and his wife, within the same period, “directly converted \$160, 777, 136.85, property of the Federal Government of Nigeria to your use”.

The alleged offence, EFCC said, is contrary to Section 15 (2) (a) of the Money Laundering (Prohibition) (Amendment) Act 2012 and punishable under Section 15(3) of the same Act.

## **Developments since the charge were filed:**

On February 7, 2019, Justice Aneke ordered the couple’s arrest.

Prosecuting counsel Rotimi Oyedepo told the judge that the defendants could not be found to be served with the money laundering charge.

He said the couple also refused to answer phone calls from EFCC operatives.

Moving the application, Oyedepo also urged the court to declare the defendants wanted.

“Section 114 of the Administration of Criminal Justice Act (ACJA) empowers your lordship to do so. We’re ready to produce them if we obtain the order.”

Ruling, Justice Aneke held that the application was meritorious given the prosecution's explanations.

“Consequent upon the difficulties encountered by the prosecution in having them appear before the honourable court to stand their trial, I am convinced that the application is not without merit.

“In the circumstances, I hereby accordingly issue an order of warrant of arrest against the first defendant under Section 114 of the Administration of Criminal Justice Act 2015.”

Justice Aneke, however, refused the prayer to declare them wanted. He said they would only be declared wanted if EFCC does not succeed in executing the bench warrant after trying. On March 24, EFCC declared Oke and his wife wanted. EFCC spokesman Tony Orilade disclosed the declaration in a statement.

### **Development since the first and second reports:**

The case has not come up in court since February 7, 2019. EFCC is yet to arrest Oke and wife as their whereabouts appear to remain unknown.

### **Current status:**

Nothing else has been heard of the case.

## **13. ERASTUS AKINGBOLA**

### **Background:**

In mid-August 2009, the Central Bank of Nigeria (CBN) “hammer” fell on five bank chief executives, including Managing Director/Chief Executive Officer of defunct Intercontinental Bank Plc Dr Erastus Akingbola.

Like the others, CBN accused Akingbola of granting non-performing loans and non-adherence to best practices in risk management.

Three weeks after their sack, their trial began. However, ten years after their arraignment, their cases are still pending in courts with no end in sight.

Of the five bank chiefs, only the case against Cecelia Ibru was concluded – after she pleaded guilty in a plea bargain. Others are hanging for one reason or other.

### **Facts:**

EFCC charged Akingbola at the Federal High Court in 2009.

The commission said Akingbola, between November 2007 and July 2008, “caused to be created a misleading appearance of active trading in the shares of Intercontinental Bank Plc on the Nigerian Stock Exchange by being connected with the utilisation of an aggregate sum of N179.385billion of the bank’s fund for the purchase of the bank’s shares.”

EFCC said Akingbola converted N10billion belonging to the bank by obtaining three manager’s cheques in the names of Tropics Properties Ltd, Tropics securities Ltd and Bankinson Nigeria Ltd, which he “owned and controlled”.

EFCC added in the charge: “The manager cheques were subsequently used to repay loan granted by Access Bank Plc to your companies and which sum you knew represented the proceeds of crime, to wit: stealing.”

The alleged offence violates Section 14 (1) of the Money Laundering Act of 2004.

In the original 26-count charge, the prosecution alleged that Akingbola made an equity investment of N100 million in Flexmore Technologies without prior approval in writing of the Central Bank of Nigeria (CBN).

It said Akingbola failed to take all reasonable steps to ensure compliance with the requirement to maintain, at all times, the minimum capital adequacy ratio specified by the CBN in compliance with Section 13(1) of the Banks and Other Financial Institutions Act, Cap B3 Laws of the Federation 2004.

Akingbola was accused of granting “unsecured credit facilities” worth billions of naira to different companies.

EFCC said he bought a London property at with 1.3million pounds taken from the bank's Nostro account.

### **Developments since arraignment:**

There appears to be no end in sight in Akingbola’s case, as its history and recent developments indicate.

Akingbola was first arraigned before Justice Charles Archibong of the Federal High Court in Lagos, who struck out the charge for lack of diligent prosecution. EFCC appealed the ruling.

The Court of Appeal overruled Justice Archibong and directed Akingbola to face trial.

Akingbola further appealed to the Supreme Court.

In May 2018, the Supreme Court affirmed the Court of Appeal judgment.

Meanwhile, while the appeal was pending, EFCC filed fresh charges against Akingbola and at the Lagos State High Court, Ikeja.

On May 31, 2011, Akingbola and an associate Bayo Dada were arraigned before Justice Habib Abiru on a 22-count charge bordering on conspiracy and alleged stealing of N47.1 billion belonging to the bank.

Before the arraignment, the defence challenged the court’s jurisdiction to entertain the charges.

Justice Abiru, in a ruling on May 31, 2011, dismissed the application and ordered that Akingbola be arraigned. After he pleaded not guilty, the judge adjourned for trial.

As the EFCC sought to open its case, the defence sought a stay of proceedings pending the determination of their appeal against Justice Abiru’s May 31 ruling.

Justice Abiru dismissed it and held that Section 277 of the Administration of Criminal Justice Laws of Lagos State and Section 40 of the EFCC Act did not give room for stopping a trial in criminal proceedings before the delivery of judgment.

On April 15, 2012, EFCC closed its case.

Rather than open their defence, the defendants filed a no-case.

Justice Abiru, on May 30, 2012, dismissed the no-case submission.

Eventually, the defence called four witnesses, including Akingbola and Dada, who denied all the allegations by the EFCC.

On September 11, 2012, the defence counsel accused the judge of bias on the ground that the judge overruled a request for an adjournment to continue leading Dada in evidence on another day.

On October 22, 2012, the defence team sought an adjournment because they were unable to produce a witness they had promised to bring.

Justice Abiru refused the prayer and ordered the defence to close their case.

Justice Abiru then adjourned till November 15, 2012, for the adoption of final written addresses by parties.

On November 2, 2012, it was announced that Justice Abiru had been elevated to the Court of Appeal.

On February 26, 2013, Akingbola and Dada were re-arraigned before Justice Adeniyi Onigbanjo.

EFCC went through the process of recalling its witnesses. When it closed its case, Akingbola again made a no-case submission.

On July 15, 2013, Justice Onigbanjo dismissed the no-case application.

But there was a further twist in the tale. Justice Onigbanjo was redeployed from the court's criminal division to the commercial division. This development again cancelled previous proceedings in the case.

The case was further re-assigned to Justice Lateef Lawal-Akapo.

Akingbola challenged Justice Lawal-Akapo's jurisdiction to hear the case and sought to quash the charges.

On May 2, 2014, Justice Lawal-Akapo dismissed the objections for lacking in merit and assumed jurisdiction in the case.

On June 23, 2014, Akingbola prayed the court to stay proceedings in the trial until an interlocutory appeal against the May 2 ruling was determined at the Court of Appeal.

On December 31, 2014, the Court of Appeal sitting in Lagos quashed the 22-count charge against Akingbola.

Justice Amina Augie held that Justice Lawal-Akapo lacked the jurisdiction to entertain the case.

EFCC appealed to the Supreme Court.

Meanwhile, EFCC reopened the case against Akingbola at the Federal High Court. The case was assigned to Justice Mojisola Olatoregun.

The trial commenced in late 2018. On March 13, 2019, the prosecuting counsel, Mr Rotimi Jacobs (SAN), brought before the court a further amended charge and Akingbola was re-arraigned.

The amended charge has 22 counts rather than the original 26.

On March 12, 2019, the court heard that Akingbola repaid a personal debt using Intercontinental Bank's N10 billion.

The case last came up on June 3, 2019, when it was adjourned until June 11. But the judge was absent on June 11. She was said to have gone on an official assignment.

A new trial date, June 19, 2019, was fixed.

On June 19, 2019, the prosecution counsel Rotimi Jacobs (SAN) and his team were absent.

Justice Olateregun stood down the case until about 12noon in the hope that the prosecuting team would turn up. They never did.

After upbraiding the prosecution for not informing the court and parties about their absence, the judge adjourned until September 26, 2019, for the continuation of trial as the court had no free date before the start of the long vacation, which began on July 5, 2019.

### **Developments since the second report:**

The case was stalled on September 26, 2019, because the judge was absent. The prosecution is yet to close its case, but Justice Olateregun has retired since November last year.

Akingbola's case has been re-assigned to Justice Ayokunle Faji, before whom the trial may start *de novo*.

### **Current status:**

It came up for mention on January 20, 2020, after which Justice Faji adjourned until **February 17, 2020**.

## 14. **IBRAHIM ABDUSALAM**

### **Background:**

Ibrahim Abdulsalam is the immediate past Managing Director of the Nigeria Airspace Management Agency (NAMA).

### **Facts:**

EFCC arraigned him and others on April 7, 2016, before Justice Babs Kuewumi of the Federal High Court in Lagos.

The commission re-arraigned them on April 12, 2016, on an amended charge, adding two names: former NAMA acting General Manager, ICT, Bola Akinribido and Sesebor Abiodun.

The initial defendants are former NAMA General Manager of Procurement Adegorite Olumuyiwa; former General Manager, Finance, Agbolade Segun; Clara Aliche, Joy Adegorite, and two companies Randville investment Ltd and Multeng Travels and Tours Ltd.

They were charged with stealing and conversion of the NAMA's funds amounting to N2.8 billion.

EFCC said on August 19, 2013, the defendants, with intent to defraud, conspired amongst themselves to induce NAMA to deliver the sum of N2,847,523,975.00 to Delosa Ltd, Air Sea Delivery Ltd and Sea Schedules Systems Ltd under the pretence that the money represented the cost of clearing NAMA's consignments.

The alleged offence is contrary to section 8 (a) of the Advance Fee Fraud and other Fraud Related Offences Act, 2006 and punishable under Section 1 (3). The prosecution said the defendants conspired to deliver various amounts to Delosa Limited on different dates under the pretence that they were payment for clearing NAMA's consignment.

EFCC said they paid the firm N274,021,452.00 between January 31 and April 15, 2013; and between August 19 and December 31, 2013, they paid it N151,136,320.

The defendants also paid the firm N403,485,057.70 between January 15 and December 17, 2014, as well as N285,906,834.10 between January 14 and September 16, 2015, the prosecution alleged.

EFCC said the defendants induced NAMA to pay Air Sea Delivery Ltd the sum of N409,010,344.70 under the pretence it represented the cost of clearing NAMA's goods. EFCC said they also paid Air-Sea N230, 585,636.20 between January 14 and September 16.

According to the agency, another company, Sea Schedules System Ltd, got N227, 634,567.20 between September 11 and December 15, 2014, under the pretence that it cleared NAMA's consignments. Also between January 14 and September 3, the defendants paid Sea Schedules the sum of N314,378,212.80. The defendants were accused of conspiring among themselves on January 2, 2013, to convert N858,507, 609.56, property of NAMA, which was derived from stealing, contrary to Section 18(a) of the Money Laundering (Prohibition) (Amendment) Act, 2012 and punishable under Section 15(3) of the same Act. Between January 2 and December 17, 2013, the defendants allegedly converted N191,616, 651.56 belonging to NAMA to themselves.

EFCC said they allegedly converted N728,870,158 between 2013 and 2015.

### **Developments since arraignment:**

Several witnesses have been called since the trial began.

On January 26, 2017, a prosecution witness, Ade Babatunde, a staff of Stanbic IBTC Bank, gave an analysis of entries on an account statement of Segun Agbolade.

On March 10, 2017, EFCC obtained the temporary forfeiture of N3.5billion and \$67,586.27 in the accounts of Abdulsalam and other officers.

Also temporarily forfeited are a residential building at 5, Sobo Arobiodu Street, GRA, Ikeja, a petrol station at Egbeda-Idimu Road, by Faith Bus Stop, a filling station at Mushin, Idi-Oro, and a petrol station at Alakuko, the ownership of which EFCC said was yet to be determined.

The commission sought an order that the bank accounts of the 12 persons and companies "currently being prosecuted for offences of conspiracy and obtaining money by false pretence be temporarily attached and taken over by EFCC" until the trial is concluded.

EFCC prayed for an order that all dealings and transactions on the bank accounts be suspended pending the conclusion of prosecution of the alleged offences against them.

The case came up on June 14, 2019, for a trial-within-trial to determine the voluntariness of some extra-judicial statements made by the first defendant. Testifying in the trial-within-trial, Abdulsalam told the court the extra-judicial statement he wrote at the EFCC was not voluntary. He said an EFCC operative dictated what to write to him. Abdulsalam said the commission's armed operatives harassed his family while he was in custody. He claimed that he was so traumatised by the experience that he wrote the statement on "auto-pilot" "so they can leave my family alone". But, the prosecution denied the allegations, insisting that he made his statement without any form of coercion. Justice Kuewumi adjourned until October 3, 2019, for the adoption of written addresses in the trial-within-trial.

### **Developments since the second report:**

Several witnesses had testified in the case before Justice Kuewumi. Soon after he adjourned for adoption of addresses in the trial-within-trial, the case was re-assigned to Justice Maureen Onyetenu, who was on election tribunal duty at the time.

Justice Kuewumi had already been transferred but he returned from his new division for the matter.

The case came up on October 3, 2019, before the new judge, but she did not sit that day.

The case was fixed for December 12, but, again, Justice Onyetenu did not sit.

### **Current status:**

The case has been fixed for trial on **February 6, 2020**, and may start *de novo* before the new judge.

## **15. TUOYO OMATSULI**

### **Background:**

Tuoyo Omatsuli is a former Niger Delta Development Commission (NDDC) Executive Director of Projects. He was arraigned soon after he left office.

### **Facts:**

On November 8, 2018, EFCC arraigned Omatsuli for allegedly receiving N3.6billion bribe from a contractor.

He was charged along with Don Parker Properties Limited, Francis Momoh and Building Associates Limited.

They were arraigned before Justice Saliu Saidu of the Federal High Court in Lagos on 45 counts.

EFCC accused Omatsuli of conspiring with the others “to disguise the illegal origin of a total sum of N3,645,000,000, being proceeds of unlawful activity, to wit: corruption and gratification.”

They allegedly committed the offence between August 2014 and September 2015 in Lagos contrary to Section 18 of the Money Laundering (Prohibition) Act No. 1 of 2012 and were liable to be punished under Section 15(3) of the same Act.

The defendants pleaded not guilty.

EFCC said Omatsuli allegedly received a bribe of N3,645,000,000 from a consultant to the NDDC, Starline Consultancy Services Limited.

The commission said the firm was engaged to help NDDC recover its statutory three per cent annual budgets of oil and gas producing companies in the Niger Delta.

It was agreed that Starline Consultancy Services would be paid 10 per cent commission on the total funds recovered.

According to the commission, Starline Consultancy Services eventually succeeded in the job and was paid N10,218,019,060.59 as its 10 per cent commission between August 22, 2014, and June 25, 2015.

EFCC said: “Omatsuli agreed and received kickbacks to the tune of N3,645,000,000.000 from Starline Consultancy Services Limited through Building Associates Limited, whose alter ego is Francis Momoh.”

The anti-graft agency presented a table showing that Omatsuli allegedly received kickbacks 11 times from Starline Consultancy Services between August 28, 2014, and September 8, 2015.

Before the arraignment, EFCC on May 17, 2018, obtained temporary forfeiture of four landed property in Lekki allegedly belonging to Omatsuli.

The commission said the land, valued at N846.03million, was reasonably suspected to have been acquired with proceeds of unlawful activities.

### **Developments since arraignment:**

Five witnesses have testified for the prosecution since arraignment.

On June 10, a prosecution witness, Ibinabo Micheal-West of Starline Consultancy Services, testified as to how he transferred N3.6 billion in tranches to Building Associate, which he said is owned by the second defendant (Francis Momoh), on Omatsuli’s instructions.

He said he was asked to pay the money in the guise of “settlement of Niger Delta youths”.

Justice Saliu Saidu adjourned till June 25 and 26, 2019 for the continuation of trial.

### **Developments since first report:**

On June 26, a staff of Heritage Bank Plc Soridei Akene testified that sometime in 2016, 2017 and 2018, he received requests from the commission to produce

account opening documents and statements of account of some companies, including the second and fourth defendants, which he obliged them.

The witness chronicled inflows and disbursements of funds in the accounts.

Justice Saidu adjourned until July 3.

On July 3, the witness continued his evidence.

At the end of proceedings on July 3, Justice Saidu adjourned until October 23, 24 and 25 for the continuation of trial.

### **Developments since the second report:**

The prosecution has called about 10 witnesses so far. The trial held on the adjourned dates and was further adjourned until December 17, 2019. After the day's proceedings, it was adjourned until January 17, 2020.

But the case was stalled on January 17, 2020, due to Justice Saidu's absence.

The case was adjourned until January 31, 2020, and trial also held.

### **Current status:**

Justice Saidu adjourned until **March 23 and 24, 2020**, for the continuation of trial.