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# SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS

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## COMPENDIUM OF REPORTS AND RESOLUTIONS

2019-2023



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PRIVILEGES AND PUBLIC  
PETITIONS

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RESOLUTIONS

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## INTRODUCTION

The Senate Committee on Ethics, Privileges and Public Petitions is one of the special committees of the National Assembly of Nigeria empowered to consider petitions referred to it by the Senate. The Committee is principally mandated to investigate petitions from both private and corporate individuals on any matter especially those bordering on the conduct of affairs of government agencies. As a fact-finding body, the committee receives petitions, listens to parties, collates information and makes recommendation to the Senate, which then considers the recommendations and passes a resolution on them. The Committee's work provides redress to hundreds of citizens who would otherwise be left without any recourse or be faced with lengthy litigation and complicated legal process to achieve justice.

Since 2013, PLAC has worked closely with the Committee and currently provides technical assistance to its work in the areas of capacity building, research and writing, recordings of the Committee proceedings, and IT and website management. This work is supported with funding by the European Union under the European Union Support to Democratic Governance in Nigeria Programme (EU-SDGN).

This publication is a compilation of the resolutions passed by the Senate on the Committee's Reports that it considered during the period of the 9th National Assembly. The details of these reports are reproduced in full in this document. The objective is to document and publicise the committee's work for the benefit of the Petitioners, Respondents and members of the public, particularly those who have been affected one way or the other by the resolution/decision of the Senate respecting their matter, and those who wish to explore the committee's dispute resolution mechanism. It is also expected to be a reference material for new Senators in the 10th Senate, as it would enable them to be acquainted with the various public petitions resolved by the 9th Assembly.



## GENERAL OVERVIEW AND SUMMARY OF ACTIVITIES OF THE 9<sup>TH</sup> SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS (2019- 2023)

The Senate Committee on Ethics, Privileges and Public Petitions is designated as a special committee by virtue of order 95 of the Senate Standing Rules (2022 as Amended)

The Special Status accorded the committee reflects the importance attached to the work and mandate of the committee which is derived from the power of the National Assembly to conduct investigations pursuant to section 88 and 89 of the Constitution Federal republic of Nigeria (1999 as amended). The Mandate of the Committee promotes citizens engagement with the legislature as it is a fact finding and dispute resolution body. The provision of Order 95 Rule 4 of the Senate Standing Order 2022 as Amended mandates the committee is to conduct all petitions referred to it by the Senate from citizens, corporate bodies, interest groups and offer recommendations; enforce standard of official conduct of the Senators, oversee and monitor the activities of the Code of Conduct Bureau and Public Complaints Commission.

The Committee in the 9th Assembly comprised Senators reflecting the geo-political zones of Nigeria with Senator Ayo Akinyelure as Chairman and Senator Ahmad Babba Kaita as Vice Chairman. A list of the committee membership is attached as Appendix 1.

The Committee has a secretariat headed by the Clerk and assisted by a Deputy Clerk and other support staff.

The activities of the Committee during the time under review included committee meetings, investigative hearings, locus/ location visits, research, seminars and workshops.

Seven hundred and Five petitions (705) were referred to the committee as shown below.

**Table A: Total Number of petitions received by the committee**

Legislative Year/ Session	First	Second	Third	Fourth	Total
Petitions Received	<b>146</b>	<b>239</b>	<b>232</b>	<b>88</b>	<b>705</b>





One hundred and eighty four (184) petitions were treated and the table below shows the status of the petitions.

**Table B: Status of Petitions received**

Petitions treated <b>184</b>		
Petitions resolved at the Committee <b>57</b>	Petitions treated but report not laid at the Senate <b>64</b>	Petitions treated and report laid at the Senate <b>63</b>
Petitions treated and laid at the senate <b>63</b>		
Petitions, treated, laid and report considered by the Senate <b>56</b>	Petitions treated, laid but report not considered <b>6</b>	Petitions treated, laid but struck out for pendency in court <b>1</b>
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# 2019



## CASE 1:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM ELDER C.D. NDUKWE ON BEHALF OF FORTY-THREE (43) ABA EARLY RETIREES OF THE NIGERIAN BREWERIES PLC AGAINST THE NIGERIAN BREWERIES PLC FOR ALLEGED NON-PAYMENT OF THEIR FULL RETIREMENT BENEFITS

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October, 2019, rising on **Order 41**, Senator Enyinnaya H. Abaribe (Abia South) drew the attention of the Senate to a petition from his constituent member, Elder C.D. Ndukwe on behalf of Forty-three (43) Aba early retirees of the Nigeria Breweries against the Nigerian Breweries Plc for the non-payment of their full retirement benefits by the Nigerian Breweries Plc, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER'S CASE

**Elder C.D. Ndukwe** testifying before the Committee, Elder C.D. Ndukwe made the following statements:

- 2.1 That he was the solicitor for the Forty-three (43) 2004 Aba Early Retirees of the Nigerian Breweries Plc;
- 2.2 That following the acquisition of 60% Share Capital of the Nigerian Breweries Plc by Heineken International Plc in 2003, the 43 staff of the Nigerian Breweries were compulsorily retired (called early retirement by the company) without payment of their full retirement benefits such as goodwill ex-gratia bonus, redundancy and pension benefits for life, etc.;
- 2.3 That the retirees were retired without recourse to the provisions of the various contract service regulations status between the company and the employees/retirees; and
- 2.4 That his clients rendered between 20 – 27 years of meritorious services to the Company but at their early retirement, they were not paid their outstanding entitlements to cushion the effects of the retiree's sudden exit and in appreciation of the long services of the employees/retirees of the Company.



He requested that the Senate should look into the matter and prevail on the Nigerian Breweries Plc to pay the retirees all their outstanding benefits and entitlements and place the retirees on the company's pension scheme list for life.

### **3.0 BRIEF OF THE RESPONDENT**

**NIGERIAN BREWERIES PLC** responding through a letter submitted to the Committee by the Nigerian Breweries Plc, Vivian Ikem, Head, Government Relations of the Company, informed the Committee that the matter was already before the Court of Appeal, Enugu Division in appeal No. CA/E/718M/2018 brought by the petitioners. That in view of the on-going legal proceedings, all issues relating to the matter were currently subjudice and requested that the Committee and the parties concerned should await the decision of the court on the matter.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the submissions and oral presentation of Elder C.D. Ndukwe and the written presentation of the Nigerian Breweries Plc, the Committee observed:

- 4.1 That there was evidence that the 2004 Aba Early Retirees of Nigerian Breweries Plc) were actually in Court of Appeal, Enugu Division in appeal No. CA/E/718M/2018 brought by Mr. J.M.J. Asinobi and Mr. S. Uche (for themselves and as representing the 2004, Aba Early Retirees of Nigerian Breweries Plc); and
- 4.2 That if the Committee entertains this petition, it would be subjudice as it was receiving attention in an Appeal court of competent jurisdiction.

### **5.0 RECOMMENDATIONS**

In view of the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do direct that Elder C.D. Ndukwe be advised to patiently await the decision of the Court of Appeal, Enugu Division as the petition he brought to the Senate was before the Court of Appeal for determination.

### **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report and Recommendation considered and adopted as the resolution of the Senate



## CASE 2:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM L/CPL OMOAKA ITUNOYA AND PTE WORU MUSA AGAINST THE MILITARY PENSIONS BOARD FOR ALLEGED NON-PAYMENT OF MONTHLY PENSIONS BY THE BOARD

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 25th September 2019, rising on **Order 41**, Senator Aliyu S. Abdullahi (Niger North) drew the attention of the Senate to a petition from L/Cpl Omoaka Itunoya and Pte Woru Musa against the Military Pensions Board for alleged non-payment of monthly pensions by the Board, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONERS

**L/Cpl Omoaka Itunoya and Pte Woru Musa** testifying before the Committee, the petitioners, L/Cpl Omoaka Itunoya and Pte Woru Musa, stated as follows:

- 2.1 That they joined the Nigerian Army in 1968 and retired after the civil war;
- 2.2 That they served the Nigerian Army meritoriously even during the civil war but had not been receiving their monthly pension;
- 2.3 That they did their pension verification on 10th June 2016 and 11th July 2016 respectively at the Military Pensions Board Headquarters, Dutse Alhaji, Abuja, but had not heard anything from the Board since then; and
- 2.4 That the non-payment of their pension entitlements had affected them negatively thereby causing emotional trauma for them.

They appealed to the Senate to urge the Military Pensions Board to start paying them their monthly pension.

#### 3.0 BRIEF OF THE RESPONDENT

**Military Pensions Board** responding on behalf of the Military Pensions Board, Brigadier-General J.A. Faransa stated as follows:

- 3.1 That Lance Corporal Omoaka Itunoya was enlisted into the Nigerian Army on 30th September 1968 and was discharged on 21st September 1978 after serving





- the Nigerian Army for eleven (11) years, one hundred and seventeen (117) days;
- 3.2 That Private Woru Musa was enlisted into the Nigerian Army on 10th July 1967 and was discharged on 21st July 1978 after serving for Thirteen (13) years, Two Hundred and One (201) days with war bonus inclusive;
  - 3.3 That the two soldiers left the service on their own volition and that on their discharge, they were paid the sum of One Thousand, Seven Hundred and Thirty-Eight Naira (N1,738.00) and One Thousand, Nine Hundred and Ninety-One Naira, Sixty Kobo (N1,991.60) respectively as gratuity;
  - 3.4 That they left the Service when the pensionable period of service was fifteen (15) years as contained in section 3 (3) of the Armed Forces Act CAP A23 LFN, 1974; and
  - 3.5 That they were not qualified for monthly pension since they did not serve up to fifteen (15) years which was the number of years required by the extant law to qualify for pension as at the time they were discharged.

#### **4.0 OBSERVATIONS/FINDINGS**

After examining the submissions of the petitioners and the respondent, the Committee noted as follows:

- 4.1 That the two petitioners, L/Cpl Omoaka Itunoya and Pte Woru Musa left the Nigerian Army on their volition and on their discharge, they were paid the sum of One Thousand, Seven Hundred and Thirty- Eight Naira (N1,738.00) and One Thousand, Nine Hundred and Ninety-One Naira, Sixty Kobo (N1,991.60) respectively as their gratuity; and
- 4.2 That the two petitioners, L/Cpl Omoaka Itunoya and Pte Woru Musa were not qualified for monthly pension since they did not serve up to fifteen (15) years which was the number years required by the extant law to qualify for pension as at the time they were discharged.

#### **5.0 RECOMMENDATIONS**

Following the findings above, the Committee wishes to recommend:

That the decision of the Military Pensions Board not to pay monthly pension to the two petitioners, L/Cpl Omoaka Itunoya and Pte Woru Musa, be sustained since their service years were not up to fifteen (15) years each being the number of years required by the





extant law to qualify for pension as at the time they left the Service.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation Considered and adopted.



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## CASE 3:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MURTALA A. IBRAHIM AGAINST THE FEDERAL MORTGAGE BANK OF NIGERIA FOR ALLEGED REFUSAL TO PAY ARREARS OF HIS ENTITLEMENTS AND FAILURE TO REMIT HIS PENSION CONTRIBUTIONS

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October 2019, rising on **Order 41**, Senator Ayo Akinyelure (Ondo Central) drew the attention of the Senate to a petition from Murtala A. Ibrahim against the Federal Mortgage Bank of Nigeria for alleged refusal to pay arrears of his entitlements and failure to remit his pension contributions by the Bank, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

The petitioner, Murtala A. Ibrahim, did not testify before the Committee, but wrote to withdraw his case which had the following attestations:

- 1.1 That he joined the Federal Mortgage Bank of Nigeria in 2010 as a Senior Manager;
- 1.2 That in the course of discharging his duties as an auditor, he withheld assent to the disbursements of **N2.23 billion** faulty contracts but that the former management team of the bank went ahead to disburse monies on that contract contrary to the audit report dated 19th August 2016;
- 1.3 That his appointment was terminated by the new Management Team of the bank on 8th May 2017 for “services no longer required” while the Management Team that misled the Minister was relieved;
- 1.4 That after the termination of his appointment, a Central Bank of Nigeria’s Investigative Panel in its report dated 15th May 2017 indicted the relieved Management Team of the bank and recommended that the new Management Team should revisit the case in line with their findings and reinstate him, but that the bank refused to reinstate him;



- 1.5 That he sent an appeal to the Office of the Hon. Minister of Power, Works and Housing on 20th June 2017 and that the Committee constituted to investigate the matter and after its work recommended that he be reinstated back to the service immediately and he was reinstated via a letter dated 24th December 2018 as a Senior Manager with effect from the day his appointment was terminated;
- 1.6 That he earlier deferred a Ph.D. programme due to paucity of funds following the termination of his appointment and that the University in their deferment approval dated 6th September 2019 stated clearly that failure to re-register in January/February 2019 semester would amount to termination of the study;
- 1.7 That after his resumption of duty, he applied for annual leave to enable him travel to University of Utara Malaysia to renew the registration of that Part-Time Ph.D. programme and the annual leave was not approved;
- 1.8 That he requested for leave of absence (without pay) for the months of February/March to enable him attend to his wife who was admitted at Nisa Hospital, Abuja and for the study too and the bank finally approved it for March/April 2019;
- 1.9 That due to reporting late at the University of Utara Malaysia, it was necessary to extend his stay beyond May 2019 and he sought for an extension of three (3) months leave of absence on 15th April 2019 to enable him to meet the requirements of the programme, but that his request was not responded to by the bank; and
- 1.10 That the bank had not paid him his entitlements amounting to the sum of N469,840.00 which was due to him since March 2017 and had not remitted his deducted pension contribution amounting to **N1,526,961.43** to his Pension Administrator (Stanbic IBTC Pension).

He appealed to the Senate to compel the Management of the Federal Mortgage Bank of Nigeria to:

- a. Approve the extension of his Leave of Absence (May to July 2019) in accordance with the section 44 & 48 of the Bank's Condition of Service;
- b. Promote him to the rank of Principal Manager with the promotion arrears to enable him to be at par with his colleagues; and
- c. Pay him all his outstanding benefits to the tune of **N469, 840.00** and also remit his pension contribution to his Pension Fund Administrator.

Mr. Murtala A. Ibrahim, however withdrew his petition via a letter dated 30th October, 2019 on the ground that the matter was currently receiving attention at the House Committee on Public Petitions.



### **3.0 BRIEF OF THE RESPONDENT**

The Management of the Federal Mortgage Bank of Nigeria was invited to appear before the Committee on 23rd October 2019 he did not show up but sent a letter urging the Committee to step down his appearance pending the outcome of the same matter in the House Committee on Public Petitions.

### **4.0 OBSERVATION/FINDINGS**

After reading the submissions of the petitioner, the Committee noted as follows:

- 3.1 That the petitioner, Mr. Murtala A. Ibrahim, in a letter dated 30th October 2019, withdrew his petition on the ground that the matter was currently receiving the attention of the House Committee on Public Petitions.

### **5.0 RECOMMENDATIONS**

Following from the findings above, the Committee wishes to recommend:

That Senate should stand down the petition since it had been withdrawn by the petitioner, Mr. Murtala A. Ibrahim, on proper ground that same was being heard in the House Committee on Public Petitions.

### **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report and Recommendation considered and adopted by the Senate.



## CASE 4:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM NWACHUKWU A. NDUKWE AGAINST THE HON. MINISTER OF WATER RESOURCES FOR DELAYING HIS APPOINTMENT AS EXECUTIVE DIRECTOR IN ANAMBRA/IMO RIVER BASIN DEVELOPMENT AUTHORITY

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October, 2019, rising on **Order 41**, Senator Enyinnaya H. Abaribe (Abia South) drew the attention of the Senate to a petition from Nwachukwu A. Ndukwe Against the Hon. Minister of Water Resources for delaying his appointment as Executive Director in Anambra/Imo River Basin Development Authority, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Nwachukwu Ndukwe stated as follows:

- 2.1 That he was nominated by the Governor of Abia State, Okezie Victor Ikpeazu, Ph.d through a letter dated 10th April, 2018 as a representative of Abia State on the board of the Anambra/Imo River Basin Development Authority as Executive Director;
- 2.2 That after sometime, the Permanent Secretary of the Ministry of Water Resources who responded to the Governor's letter, replied that the Ministry had noted the position of the Governor regarding the appointment of the Executive Management Staff of the Anambra/Imo River Basin Development Authority (AIRBDA), particularly, the seeming neglect of Abia State in the appointment of Executive Directors and reassured the Governor that the matter was receiving necessary attention.
- 2.3 That after waiting till December, 2018 and not seeing the desired result, the Governor wrote another letter on 5th December, 2018, this time, stating that whereas all the South Eastern States had Executive Directors, one each in the Anambra/Imo River Basin Development Authority except Abia State, Enugu State had two; and therefore, demanded that the excess Executive Director from Enugu be removed and replaced by the Abia State nominee, but that nothing happened



till date; and

- 2.4 That despite the letters written, the Ministry did not forward the name of the Abia State nominee to the Secretary to the Government of the Federation for onward movement to Mr. President for approval.
- 2.5 He requested that having waited for one and half years without the desired result, he decided to write the Senate to come to his aid and resolve the matter in his favour.

### **3.0 BRIEF OF THE RESPONDENT**

The Petitioner, the Hon. Minister of the Ministry of Water Resources, Engr. Suleiman H. Adamu, stated:

- 3.1 That the appointment of officers into the River Basins across the country was done based on specialized knowledge of the applicant in the relevant area, not on political patronage;
- 3.2 That he could not be compelled to accept just anyone into the position of an Executive Director;
- 3.3 That in spite of the unpleasant way the petition was written as if the Governor had political power over him, he actually noted that Abia State was not represented in the Anambra/Imo River Basin Development Authority;
- 3.4 That based on that, he informed the former Secretary to the Government of the Federation, Mr. Babachir Lawal, to appoint the Abia State nominee as Chairman; but that before he could act on the recommendation, he was removed as Secretary to the Government of the Government of the Federation;
- 3.5 That, unfortunately, his replacement, Mr. Boss Mustahpa, when he came up, announced the new board of the River Basin without any consultation; that as a result, Abia State was not represented; and
- 3.6 That because Abia State slot had not been filled, he would see what he could do when an opening for Executive Directors come up in the first quarter of 2020.

He expressed dissatisfaction with the way the petition was written as if to suggest that a Governor could order a Minister to place a nominee.



#### **4.0 OBSERVATION/FINDINGS**

After reading the submissions and listening to both parties to the petition, the Committee observed as follows:

- 4.1 That the real problem between the petitioner and the Minister was that the decision of the Minister to recommend the nominee for appointment as Chairman, a position even higher than that of an Executive Director, to the Anambra/Imo River Basin was not communicated to the Governor or the nominee;
- 4.2 That based on the gap created by this obvious lack of communication, the petitioner was compelled to seek other means of getting into public office which the Governor seemed to have opened up for him; and
- 4.3 That the Committee noted that something could still be done in spite of the obvious omission, and pleaded with the Minister who promised to fill the Abia space not later than the end of the first quarter of 2020.

#### **5.0 RECOMMENDATIONS**

In view of the Committee findings and observations above, and the special plea made to the Minister of Water Resources, bearing in mind the Federal Character principles of engagement into the public service, the Committee hereby recommends to the Senate for approval as follows:

- 5.1 That since vacancies would occur between now and the first quarter of 2020, the Minister should honour his word and give Abia State priority over the other constituent states in the appointment of new Executive Directors into the Board of Anambra/Imo River Basin Development Authority;
- 5.2 Appoint the Abia State nominee as an Executive Director in line with Federal Character principle of engagement into public service of the Federation.

#### **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report and recommendation considered and adopted.



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## CASE 5:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. EZEKIEL D. MUSA AGAINST THE FEDERAL GOVERNMENT OF NIGERIA FOR NON-INCLUSION OF AN FCT INDIGENE ON THE MINISTERIAL LIST OF 2019, SCREENED BY THE SENATE

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 30th July, 2019, Senator Philip T. Aduda (FCT) rose on **Order 41**, and drew the attention of the Senate to a petition from his constituency member, Mr. Ezekiel D. Musa, against the Federal Government of Nigeria for the non-inclusion of FCT indigenes on the Ministerial List of 2019, screened by the Senate, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER, MR. EZEKIEL D. MUSA

Testifying before the Committee, Mr. Ezekiel D. Musa stated:

- 2.1 That the matter of the non-inclusion of an FCT native in the Ministerial Appointment since the current democratic dispensation in 1999 has been a thing of national discourse with some citing constitutional lacuna as the factor responsible for the non-appointment of an FCT native as Minister into the Federal Executive Council;
- 2.2 That their advocacy on the inclusion of an FCT native in the Federal Executive Council as Minister had been a loud agitation and that they wrote to inform the National Assembly to wade into their ceaseless calls to Mr. President to appoint any one of them as Minister into the highest decision-making council in Nigeria;
- 2.3 That they were not justly and fairly treated and that this conviction had taken them to court; that a court of appeal, on hearing the matter, granted judgment mandating Mr. President to appoint an FCT native immediately into his cabinet. That this was since 15th January, 2018;
- 2.4 That Mr. President had been served this judgment by the court of appeal since 22nd March, 2018, but that Mr. President had not complied with the judgment;
- 2.5 That they were by this petition, seeking the intervention of the Senate to come to





their aid because they perceived hatred against them from Mr. President; and

- 2.6 That a prompt appointment of an FCT native into the Federal Executive Council as Minister would not tear or underdevelop Nigeria, but would rather enrich and strengthen the country's democratic belief as a nation.

They appealed to the President of the Senate as a representative of the people, to come to their aid and prevail on Mr. President to appoint an FCT native as a Minister of the Federal Republic of Nigeria.

### **3.0 BRIEF OF THE RESPONDENT**

In an attempt to unravel the truth, the Committee invited the Secretary to the Government of the Federation (SGF) twice to appear before the Committee to throw light on the allegation, but twice he refused to show-up or write in response.

His non-appearance left the Committee with no choice, but to rely on constitutional provisions to take a decision on the matter.

### **4.0 OBSERVATION/FINDINGS**

After going through the oral and written submissions of the petitioner, Mr. Ezekiel Dalhatu Musa, and the constitutional provision of section 299 which stipulates that, “The provisions of this Constitution shall apply to the Federal Capital Territory, Abuja as if it were one of the States of the Federation...,” and after due consideration of the decision of the Court of Appeal, Abuja Judicial Division in the celebrated case of Musa-Baba-Panya as Appellant and the President of the Federal Republic of Nigeria, Attorney-General of the Federation and Danladi Jeji as respondents dated 15th Day of January, 2018, wherein it was held and the reliefs below granted:

- a. A declaration that the indigenes of FCT Abuja are entitled to Ministerial Appointment into the Federal Executive Council;
- b. A declaration that the continuous refusal, failure or default by the previous and the current Presidents to appoint an indigene of the FCT, Abuja as a Minister of the Federation is a flagrant violation of the Constitutional right of indigenes of FCT, Abuja;
- c. An order compelling the 1st respondent to the immediate appointment of an indigene of FCT, Abuja as a Minister of the Federation forthwith; and

Finally, in compliance with provisions of section 147(3) of the Constitution of Federal Republic of Nigeria which provides that “Any appointment under subsection (2) of this



section by the President shall be in conformity with the provisions of section 14(3) of this Constitution.

Provided that in giving effect to the provisions aforesaid the President shall appoint at least one Minister from each State, who shall be an indigene of such state”.

The Committee is therefore, in total agreement with the provisions of the Constitution of Federal Republic of Nigeria and decisions of the Court of Appeal and hence, accordingly requests that the right of FCT natives to Ministerial Appointment be granted by Mr. President.

## **5.0 RECOMMENDATIONS**

Based on the decisions of the Court of Appeal, Abuja and the Constitutional provisions of sections 299 and 147(3) above, the Committee strongly recommends to the Senate for approval that:

The request of the indigenes of FCT-Abuja be given consideration by the President of the Federal Republic of Nigeria and a minister should be appointed for the Federal Republic of Nigeria to represent FCT-Abuja in the Federal Executive Council.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation Adopted by the Senate.



## CASE 6:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. EKENFKARI M. YERIMA AGAINST THE NATIONAL EXAMINATIONS COUNCIL (NECO) FOR ALLEGED UNLAWFUL DISMISSAL FROM THE SERVICE

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 25th September 2019, rising on **Order 41**, Senator Emmanuel Bwacha (Taraba South) drew the attention of the Senate to a petition from Mr. Ekenfkari M. Yerima against the National Examinations Council for alleged unlawful dismissal from the Service, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, the petitioner, Mr. Ekenfkari M. Yerima, stated as follows:

- 2.1 That he was dismissed from the Service by the Governing Board of the National Examinations Council (NECO) in a letter dated 31st May 2019;
- 2.2 That the second paragraph of the dismissal letter stated that the Board after a critical review of the recommendations of the Management Committee, was convinced that his action constituted serious misconduct but did not state the action;
- 2.3 That before his dismissal, he was interdicted by the Council via a letter dated 18th October 2018 on the basis of the following allegations:
  - a. That he neither reported the incident of missing SSCE registration cards in Oyo State amounting to Three Hundred and Sixty-Eight Million, Eight Hundred and Seventy-Five Thousand (N368, 875,000.00) Naira to his Director nor the Registrar thereby concealing an important negative information which was regarded as serious misconduct (PSR 030402);
  - b. That he did not at any time during the break travel to his station to get firsthand information and take stock of missing items until 15th January 2018 which was an indication of negligence of duty (PRS 030301); and



- c. That the pictorial evidence of the burglary scene tendered before the Committee did not show any sign of damage to the cabinet where the registration cards were kept;
- 2.4 That the issue of refusal to report the incident of the missing SSCE registration cards to the Registrar or Director, Examinations Administration (DEA) was not true because the incident happened on 18th December, 2017 when he was on his annual leave in Minna, Niger State and that when he got the information, he quickly instructed his staff, Mr. Fatoki Oyekunle, to report same to the Police and also inform the Zonal Coordinator for South West, Dr. Kola Raheem and the Director, Special Duties, Dr. John Z. Tumba. That when he resumed duty in January 2018, he ascertained the items stolen and wrote a comprehensive report to the Registrar through the Director, Examinations Administration and suggested to the Council that the stolen cards which had been identified by their serial numbers should be monitored or put on a red alert to enable them to track the perpetrators and the Council did not do that, but was bent on victimizing him;
- 2.5 That the issue of no sign of damage to the cabinet where the stolen cards were kept raised the suspicion that prompted the Acting Registrar of the National Examinations Council to report the matter to the Economic and Financial Crimes Commission (EFCC) for proper and in-depth investigation;
- 2.6 That he was invited by the EFCC and detained on 28th August 2018, after which he was released on bail. That EFCC did not charge him to court for the offences he was alleged to have committed nor send any report to the National Examinations Council that he was complicit in the case of the stolen cards;
- 2.7 That the National Examinations Council which reported the matter to the Economic and Financial Crimes Commission (EFCC) did not wait for the outcome of the professional investigation but believed the allegation and consequently, dismissed him from the Service while the letter of interdiction given to him on 18th October 2018 stated that he be interdicted “pending the determination of his case by the EFCC and further investigation by the Board”; and
- 2.8 That as a Deputy Director, the Governing Board was supposed to give him an opportunity to state his own side of the story as provided in the Public Service Rules before taking such harsh action because he was dismissed without fair hearing after twenty (29) years of meritorious service to his fatherland.

He appealed to the Senate to urge the National Examinations Council (NECO) to reinstate him back to the Service.



### 3.0 BRIEF OF THE RESPONDENT

Responding, the Acting Registrar/Chief Executive Officer of the National Examinations Council, Abubakar M. Gana, stated as follows:

- 3.1 That the National Examinations Council, as a government agency uses the Public Service Rules and NECO Staff Regulations and Conditions of Service on all issues that concern its staff;
- 3.2 That there was a case of missing/stolen 2018 June/July National Examinations Council SSCE registration cards in Oyo State office amounting to Three Hundred and Sixty-Eight Million, Eight Hundred and Seventy-Five Thousand (**N368, 875,000.00**) Naira and that Mr. Ekenfkari M. Yerima who was the head of the Oyo State office refused to report the incident to NECO Headquarters, thereby concealing a vital information which was regarded as Serious Misconduct (**PSR 030402 & NSRCS 6.03** (ii) whose ultimate punishment was dismissal from Service;
- 3.3 That the knowledge of the missing/stolen registration NECO SSCE cards was not known to NECO Headquarters until after sixty-seven (67) days. That the incident was concealed until when the Registrar was suspended over some issue and a new officer was posted to Ibadan before the missing cards matter was exposed;
- 3.4 That the case of the missing/stolen NECO registration cards was reported to the Economic and Financial Crimes Commission (EFCC) and Mr. Ekenfkari M. Yerima was placed on interdiction via a letter dated 18th October 2018;
- 3.5 That the Appointment, Promotion & Disciplinary Committee of NECO which handled the case, gave Mr. Ekenfkari M. Yerima ample opportunity to defend himself after which the report of the Investigative Panel was forwarded to the Governing Board of NECO for further disciplinary action; and
- 3.6 That the Governing Board after reviewing the report of the Investigative Panel, dismissed Mr. Ekenfkari M. Yerima from Service and that his dismissal followed due diligence as provided in the Public Service Rules and NECO Staff Regulations & Conditions of Service.

### 4.0 OBSERVATIONS/FINDINGS

After examining the submissions of the petitioner and the respondent, the Committee noted as follows:



- 4.1 That there was actually a case of missing/stolen 2018 June/July National Examinations Council (NECO) SSCE registration cards in Oyo State office amounting to Three Hundred and Sixty-Eight Million, Eight Hundred and Seventy-Five Thousand (**N368,875,000.00**) Naira and that the petitioner, Mr. Ekenfkari M. Yerima who was the head of the Oyo State office, did not report the incident to NECO Headquarters until he resumed from his annual leave;
- 4.2 That the case of the missing/stolen NECO registration cards was reported to the Economic and Financial Crimes Commission (EFCC) which led to the detention of the petitioner, Mr. Ekenfkari M. Yerima;
- 4.3 That the dismissal of the petitioner, Mr. Efenfkari M. Yerima from the Service followed due process as provided in the Public Service Rules because he was invited by the EFCC, interdicted and appeared before a Disciplinary Committee and was finally dismissed by the Governing Board of the NECO after reviewing the report of the Investigative Panel; and
- 4.4 That the Committee noted painfully that though the petitioner was guilty of negligence of duty, he was a first offender, and should be reconsidered for a lighter punishment such as demotion to a lower rank or withholding of the next promotion for two years. The Committee seeks that the Board of NECO should temper justice with mercy because the petitioner had served meritoriously for 29 years.

## **5.0 RECOMMENDATIONS**

Following from the findings above, the Committee recommends:

- 5.1 That although the petitioner, Mr. Ekenfkari Yerima, was guilty of negligence of duty, however as first offender the Committee strongly recommend him for demotion from the rank of Deputy Director to Assistant Director on humanitarian ground, having served the Nation for 29years with the National Examination Council (NECO); or
- 5.2 In the alternative, his next promotion be held down for two years to serve as deterrent to future offenders as the Board of NECO may consider desirable in this circumstance.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation rejected; dismissal approved.



## CASE 7:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM REX ONYEKACHI UZOEGBU, ESQ. ON BEHALF OF CHIEF EZEKIEL ARIAYE AND CHIEF JAMES WEGE AGAINST THE NIGERIAN AGIP OIL COMPANY (NAOC) LIMITED FOR ALLEGED INHUMANITY, CRUELTY, SERVITUDE, FLAGRANT DISREGARD TO EQUITY, SOCIAL JUSTICE; BAD CONSCIENCE AND DELIBERATE CONTINUOUS REFUSAL TO ADEQUATELY COMPENSATE CHIEF EZEKIEL ARIAYE AND CHIEF JAMES WEGE FOR THE LIFE-THREATENING GRIEVIOUS BODILY HARM BY NAOC

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October, 2019, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Rex Onyekachi Uzoegbu Esq. on behalf of Chief Ezekiel Ariaye and Chief James Wege against the Nigerian Agip Oil Company (NAOC) for alleged inhumanity, cruelty, servitude, flagrant disobedience to law of equity, social justice, and bad conscience and deliberate continuous refusal to adequately compensate Chief Ezekiel Ariaye and Chief James Wege for their life-threatening, great bodily harm by NAOC, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Chief Ezekiel Ariaye and Chief James Wege stated as follows:

- 2.1 That sometime in 1999, the Nigerian Agip Oil Company (NAOC) Limited employed Chief Ezekiel Ariaye and Chief James Wege with the primary duty of assisting the Joint Task Force (JTF) for the sole purpose of identification of illegal oil thieves for apprehension, confiscation and destruction of their illegal facilities;
- 2.2 That their employment was sequel to a legally documented Memorandum of Understanding (MOU) duly entered into by NAOC and the host communities of their client;



- 2.3 That on 5th February, 2012 and 21st March, 2013, while on assignment with the JTF and the Nigerian Navy respectively, in the course of trying to apprehend illegal oil thieves and their vessels around Obi Fishing Settlement and Imgbikiba Fishing Settlement in Brass Local Government Area of Bayelsa, his clients were involved in a boat accident and heavy gun attack respectively, which both resulted in serious injuries;
- 2.4 That his clients were given medical attention by NAOC who unfortunately reneged on its agreement to award its proposed “life surveillance contract” to his clients which would have nipped their suffering in the bud;
- 2.5 That having failed to legally and morally do the needful, it was, therefore, the humble submission of his clients to peacefully and respectfully demand for adequate compensation of the duo to the tune of **N20,000,000,000.00** (Twenty Billion Naira) only; and
- 2.6 That it should be noted that the loss of wife and children of one of his clients, Chief Ezekiel Ariaye was due to his perpetual incapacitation. The emotional and physical trauma suffered and still being suffered by his clients remained unquantifiable, and that the above demanded sum could only help to give them and their families a new lease of life before they finally closed their eyes in peace; and
- 2.7 That the above sum (**N20,000,000,000** (Twenty Billion Naira)) demanded by both clients was to be equally shared by them to the tune of N10, 000,000,000 (Ten Billion Naira) each.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, representatives of the Nigerian Agip Oil Company (NAOC) Limited, led by Mr. Barry Nwibani, General Manager, Public Affairs of the Company, stated as follows:

- 3.1 That an earlier attempt made to settle the matter proved abortive because of the refusal of both parties to accept N10,000,000 each as full and final settlement offered by NAOC; and
- 3.2 That NAOC was willing to renegotiate settlement terms and end the long-standing petition by using Alternative Dispute Resolution to address the issues raised in the petition.





#### 4.0 OBSERVATIONS/FINDINGS

The Committee in a closed session closely examined the issues at stake and decided to adopt the Alternative Dispute Resolution (ADR) approach, identified the issues, and amicably resolved them as identified below:

- 4.1 That there was a Memorandum of Understanding (MOU) duly entered into, engaging Chief Ezekiel Ariaye and Chief James Wege as appointees to assist the Joint Task Force (JTF) in 1999 to specifically identify, apprehend illegal oil thieves and their vessels, confiscate and destroy their illegal facilities around Obi and Imgbikiba Fishing Settlements;
- 4.2 That on February 5, 2012 and March 21, 2013 respectively, while on assignment with the JTF and the Nigerian Navy respectively, Chief Ezekiel Ariaye and Chief James Wege were both seriously injured and incapacitated in different ways and both demanded joint compensation of N20,000,000,000.00 (Twenty Billion Naira);
- 4.3 That with the intervention of the Committee on the issues raised in the petition before it, both petitioners and respondent mutually agreed as follows:
  - a. That the sum of N20,000,000 (Twenty Million Naira) each be paid to Chief Ezekiel Ariaye and Chief James Wege; totalling N40,000,000 by NAOC management;
  - b. That both petitioners be awarded contracts by NAOC Management as initially agreed to serve as a means of empowerment for the petitioners to sustain their continued existence. It was further agreed that copies of the contract award considered reasonable to meet this request should be forwarded to the Committee Secretariat by NAOC Management when this condition was complied with by its management in the shortest possible time; and
- 4.4 That as a mark of their commitment to the tripartite agreement signed to pay the N40,000,000.00 (Forty Million Naira) to Chief Ezekiel Ariaye and Chief James Wege, NAOC actually issued Twenty Million Naira (N20,000,000) bank cheque each to that effect and delivered them to the Secretariat of the Committee for delivery to the petitioners as soon as the report was approved by the Senate at the plenary.



## **5.0 RECOMMENDATIONS**

Following from the foregoing above, the Committee wishes to recommend as follows:

- 5.1 That the Senate do commend the Nigerian Agip Oil Company (NAOC) Limited for accepting the advice of the Senate through the Committee on Ethics, Privileges and Public Petitions and for issuing certified bank cheques in settlement of the agreed sum of N40,000,000 to both petitioners, Chief Ezekiel Ariaye and Chief James Wege at the rate of N20,000,000 (Twenty Million Naira) each as compensation for all that they suffered, thereby resolving the age-long matter arising from the petition amicably and permanently; and
- 5.2 That the Senate do direct that the Management of NAOC should comply with the mutual agreement reached with the petitioners to award reasonable contracts to the petitioners soonest for empowerment needed to sustain their continued existence and to maintain good relationship with the host community and the petitioners in particular henceforth.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report adopted as recommended.



**2020**



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## CASE 8:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM BARRISTER CHIDI H. ONYIUKE ON BEHALF OF HIS SON, AKACHUKWU M. ONYIUKE AGAINST THE JOINT ADMISSIONS AND MATRICULATIONS BOARD (JAMB) FOR ALLEGEDLY WITHHOLDING HIS 2019 JAMB RESULT

#### 1. INTRODUCTION

The Senate would recall that on Wednesday, 2nd October 2019, rising on **Order 41**, Senator Uche L. Ekwunife (Anambra Central) drew the attention of the Senate to a petition from Barrister Chidi H. Onyiuke on behalf of his son, Akachukwu M. Onyiuke against the Joint Admissions and Matriculations Board (JAMB) for allegedly withholding his 2019 JAMB result, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Barrister Chidi H. Onyiuke stated as follows:

- 2.1 That his son Mr. Akachukwu M. Onyiuke was on a 100% scholarship awarded to him by the Nigerian Tulip (Turkish) International Colleges, Abuja and was the immediate past head boy of the school due to his outstanding academic performance;
- 2.2 That his son has maintained the pedigree of intellectual excellence from his kindergarten to high school and has been awarded a plethora of academic laurels in various competitions such as: American Mathematics Competition; the National Junior Engineers, Technicians and Scientists (JETS) Competition held in Abuja; Nigerian Mathematics and Sciences Olympiads organized by the National Mathematical Centre, Abuja where he got gold medal; and Cowbellpedia National Secondary School Mathematics Competition 2018 FCT where he also took the first position;
- 2.3 That in 2018, while his son was in SS2, he sat for the West African Examinations Council (WASC) & JAMB and scored four (4) “A”s, three (3) “B”s, and 270 respectively;



- 2.4 That in the just concluded West African Examinations Council (WAEC) 2019, Mr. Akachukwu M. Onyiuke scored A1 in all the nine (9) subjects he registered;
- 2.5 That his son registered and sat for the 2019 Unified Tertiary Matriculation Examination (UTME) JAMB via registration number 97517506GE and was expecting a very high result considering his antecedents, but that upon checking same, JAMB entered “Invalid Entrance into Examination Hall” for him. That when he visited JAMB website to unravel the meaning of “invalid entrance”, it was revealed that it was “unauthorized entrance”, meaning that his son was not the person who wrote the examination;
- 2.6 That his son sat for the said JAMB examination at Chamiscity/Sascon CBT2, 3rd floor, Sascon International School, 19A Yedseram Street, Maitama, Abuja which was one of the best JAMB accredited centres in Abuja with CCTV and that the centre was not in any way proscribed or indicted. That his son would not have been allowed into the examination hall without his biometrics or thumbprint because candidates who were recorded to have had thumbprint/biometrics issues were clearly disallowed from entering or sitting for the examination;
- 2.7 That both his son’s School authorities and himself had visited JAMB office at various occasion to sort out the issue, but to no avail. That the JAMB Registrar personally requested that a certain “Ticket” be opened where all complaints should be lodged in, which they did but all the efforts proved abortive;
- 2.8 That his son might probably have scored very high marks and broken a record in the 2019 JAMB examination, which he assumed explained the curiosity of the JAMB authorities and that JAMB has released other results and the students who achieved the cut off marks had been invited for verifications, yet his son’s result was still in a dilemma and yet to be released by JAMB to enable his son secure admission into a university of his choice; and
- 2.9 That he was worried because most universities had commenced their various Post UMTE tests which his son required as pre-requisite for admission, but had not heard anything from JAMB up till date.
- 2.10 He therefore, called on the Senate of Federal Republic of Nigeria for immediate intervention on this matter to mandate the Joint Admissions and Matriculations Board (JAMB) to urgently release his son’s 2019 UTME JAMB result to enable him gain admission into a university of his choice.



### **3.0 BRIEF OF THE RESPONDENT**

Responding on behalf of the Joint Admissions and Matriculations Board, the Director, Legal Services, Dr. Abdul Wahab Oyorokun stated as follows:

- 3.1 That two hundred and fifty (250) candidates including Mr. Akachukwu M. Onyiuke were scheduled to take their examination on 17th April, 2019 at 3:00pm, five were absent while two hundred and forty-five (245) candidates were biometrically verified and took the examination;
- 3.2 That no record of Mr. Akachukwu M. Onyiuke was found on the Biometric Verification Machine thereby making it a case of invalid entry into the examination hall on the said examination day;
- 3.3 That the claim that the centre where Mr. Akachukwu took his examination (Chamscity/Sascon International School, Maitama, Abuja) was the best, was not true because the centre took lead in terms of examination infractions bordering on subversion of the system as Eighty (80) out of the Eighty-Six (86) cases of invalid entry into the examination hall recorded in the FCT occurred at that centre;
- 3.4 That those candidates with cases of invalid entries were further analysed and that the Board in its policy of resolving issues in favour of candidates, invited Sixty-Eight (68) candidates including Mr. Akachukwu Onyiuke for revalidation exercise which took place on Tuesday, 12th November, 2019 at the Board Headquarters; and
- 3.5 That Thirty-Three (33) candidates out of Thirty-Four who presented themselves were verified successfully and the Board on 19th November, 2019 had processed and released the results of these Thirty- Three (33) pardoned candidates including that of Mr. Akachukwu M. Onyiuke.

### **4.0 OBSERVATION/FINDINGS**

The Committee after careful examination of all documents and oral submissions of the petitioner and respondent at a public hearing well attended by members of the public, noted as follows:

- 4.1 That the son of the petitioner, Mr. Akachukwu M. Onyiuke had been an intelligent child and had maintained that pedigree of intellectual excellence from his kindergarten to high school which fetched him a lot of academic awards;
- 4.2 That the son of the petitioner, Mr. Akachukwu M. Onyiuke scored A1 in all the nine (9) subjects he registered in the just concluded 2019 West African



Examinations Council (WAEC) and actually registered and sat for the Unified Tertiary Matriculation Examination (UTME) JAMB via registration number 97517506GE;

- 4.3 That Mr. Akachukwu M. Onyiuke 's JAMB result was actually withheld by JAMB due to a case of invalid entry, which was further analysed and Sixty-Eight (68) candidates including Mr. Akachukwu Onyiuke were invited for revalidation exercise on Tuesday, 12th November, 2019 at the Board Headquarters;
- 4.4 That Thirty-Three (33) candidates out of Thirty-Four who presented themselves for revalidation were verified successfully and the Board on 19th November, 2019 had processed and released the results of these Thirty-Three (33) candidates successfully verified and pardoned including that of Mr. Akachukwu M. Onyiuke, the subject matter of this petition; and
- 4.5 That the Joint Admissions and Matriculations Board (JAMB) accepted the Committee's advice to write to the various universities, that all the candidates whose results were delayed initially by JAMB and later verified successfully should be exempted from the Post UMTE and be admitted to pursue courses of their choice, if they met cut-off marks set by the university of their first choice.

## 5.0 RECOMMENDATIONS

Based on the above findings and observations, the Committee strongly recommends to the Senate for approval as follows:

- 5.1 That the Senate do commend the Management of the Joint Admissions and Matriculations Board (JAMB) for carrying out a successful revalidation exercise which led to the release of 33 candidates' UTME results earlier withheld by the Board including that of Mr. Akachukwu Onyiuke, the son of the petitioner;
- 5.2 That the Joint Admissions and Matriculations Board (JAMB) should write the various universities concerned, that all the candidates whose results were delayed but later verified successfully by JAMB should be exempted from the Post UMTE and be offered admissions, if they met their cut-off points; and
- 5.3 That the Vice-Chancellor and the Registrar of the University of Ibadan where the petitioner has chosen as his first choice of university to pursue Medicine (MBBS) Degree, be mandated to exempt the petitioner, **Akachukwu Onyiuke with Jamb Registration No. 97517506GE** from Post UTME exams and be considered for admission for MBBS programme, provided the JAMB cut-off mark set by the University was met by the petitioner for 2019/2020 Academic Session.



## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report adopted as presented





## CASE 9:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM OMEMIRORO OGEDEGBE, ESQ. ON BEHALF OF THE FAMILY OF LATE CHINEDU OBI AGAINST THE NIGERIA POLICE FORCE (NPF) FOR ALLEGED EXTRA-JUDICIAL KILLING OF THEIR SON, LATE CHINEDU OBI BY THE FORCE AND THE REFUSAL OF THE FORCE TO BRING THE POLICE OFFICER INVOLVED TO JUSTICE

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October, 2019, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Omemiroro Ogedegbe, Esq. on behalf of the family of late Chinedu Obi against the Nigeria Police Force (NPF) for alleged extra-judicial killing of their son, late Chinedu Obi and the refusal of the Force to bring the erring police officer to justice, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Omemiroro Ogedegbe, Esq. stated as follows:

- 2.1 That late Chinedu Obi, until his death, was a final year Physics student of the University of Port Harcourt, Rivers State;
- 2.2 That on 19th July 2019, late Mr. Chinedu Obi, in a bid to advance his musical career, travelled to Otta, Ogun State to visit his friend;
- 2.3 That from the claim of the Nigeria Police Force, Mr. Chinedu Obi had an altercation with a phone seller at Sango, Ogun State who reported him to the Nigeria Police for allegedly assaulting her and consequently, he was arrested by the officers of the Nigeria Police Force and taken to the Police Station;
- 2.4 That at the time of his arrest, late Mr. Chinedu did not resist arrest and was not handcuffed, but the men of the Nigeria Police claimed that he became irrational at the time of his interrogation and had to contain him with a handcuff;



- 2.5 That the men of the Nigeria Police alleged that late Chinedu Obi became very irrational and violent while in handcuff and threatened to kill anyone around;
- 2.6 That his restiveness made the handcuff to be unlocked from his hand; and as a result, he was able to pick a long axe from the interrogation room in the presence of policemen and started destroying vehicles parked within the vicinity of the police station and pursued an armed policeman who eventually shot him;
- 2.7 That the deceased was shot from behind in the right buttock not the leg as claimed by the police which meant that it was not the officer, he was alleged to be pursuing that turned round and shot him from behind;
- 2.8 That all entreaties by the deceased who was in the pool of his own blood to speak to his father were rebuffed by the officers of the Nigeria Police who allowed him to die before taking him to Otta General Hospital; and
- 2.9 That the men of the Nigeria Police Force were economical with the truth as the deceased neither committed a capital offence, resisted arrest, nor was he armed at the point of his arrest.

He requested that the Senate should look into the matter and investigate the circumstances leading to his killing and bring the culprits to book.

### **3.0 BRIEF OF THE RESPONDENT**

In his presentation, Deputy Commissioner of Police Ogbadu Philip Aliyu of Ogun State Command of the Nigeria Police Force (NPF) who represented the Inspector-General of Police on this case, stated as follows:

- 3.1 That on 17th July, 2019, one Christiana Moses reported a case of assault and malicious damage against her by late Chinedu Obi at Sango Otta Police Station, Ogun State Command;
- 3.2 That according to the lady, late Chinedu bought a phone from her without allowing it to be tested and later came back with the phone saying that it was bad and smashed the phone on the ground and assaulted her;
- 3.3 That men of the Nigeria Police arrested and detained him and was bailed later;
- 3.4 That after his release, he went back to the woman and started beating her and even tried to throw her down from a storey building;
- 3.5 That he was then re-arrested and handcuffed, and he became irrational and violent when he was taken to the police station for questioning;



- 3.6 That because of his restiveness, the handcuff fell from his hands and he started attacking the police officers in the station;
- 3.7 That he picked a long axe kept close to the interrogation room and started attacking people including police officers and smashed up to 17 vehicles;
- 3.8 That he was pursuing to attack an officer by name Mr. Komolafe and in an effort to demobilize him, the officer shot him on his buttock instead of on one of his legs where he aimed to shoot him;
- 3.9 That on their way to Ottah General Hospital, he died; and
- 3.10 That the Police Officer who shot him acted in self-defence.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the written and oral presentations of Omemiroro Ogedegbe, Esq. and the Nigeria Police Force (NPF), the Committee observed as follows:

- 4.1. That Mr. Chinedu Obi was actually a final year Physics student of the University of Port Harcourt, Rivers State, and he had travelled to Otta, Ogun State on 19th July, 2019 to advance his musical career;
- 4.2. That he had an altercation with a phone seller in Otta, who reported him to the Sango Otta Police Station, Ogun State Command;
- 4.3. That men of the Nigeria Police Force arrested, handcuffed and detained him, and on the excuse that he was violent while he was in the Police Station (attacking men of the Nigeria Police and destroying cars parked in the premises of the station with an axe), a police officer shot him in the station and he died shortly in the pool of his own blood;
- 4.4 That the offence of assault alleged by the phone seller was not a capital offence and should not have led to the suspect being handcuffed;
- 4.5 That the men of the Nigeria Police Force did not handle the matter professionally and therefore, the Force is culpable over the death of Chinedu Obi; and
- 4.6 That in order to mitigate the pains and psychological turmoil of the family of late Chinedu Obi over the irreparable loss, the Sum of N10,000,000 (Ten Million Naira) be paid to the family of late Chinedu Obi as a moderate compensation for the injustice done to the family.



## **5.0 RECOMMENDATIONS**

In view of the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do condemn the action of the Nigeria Police Force (NPF) for the unprofessional manner it handled the civil matter between the phone seller and late Chinedu Obi that resulted in the death of the latter;
- 5.2 That the police be compelled to fish out the policer officer who shot late Chinedu Obi to death for prosecution according to the laws of the land;
- 5.3 That the Senate do request the Nigeria Police Force (NPF) to liaise with the family of late Chinedu Obi in order to assist the family foot the bills of his burial;
- 5.4 That the Senate do mandate the Nigeria Police Force to pay a sum of N10,000,000 (Ten Million Naira) as compensation to the family of late Chinedu Obi to mitigate the pains of his demise; and
- 5.5 That the Senate do observe a minute silence in honour of late Chinedu Obi.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendations adopted by the Senate.



## CASE 10:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. JOHN Z. TUMBA AGAINST THE NATIONAL EXAMINATIONS COUNCIL (NECO) FOR ALLEGED UNLAWFUL DISMISSAL FROM THE SERVICE OF THE COUNCIL

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 25th September 2019, rising on **Order 41**, Senator Emmanuel Bwacha (Taraba South) drew the attention of the Senate to a petition from Mr. John Z. Tumba against the National Examinations Council (NECO) for alleged unlawful dismissal from the Service of the Council, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, the petitioner, Mr. John Z. Tumba, stated as follows:

- 2.1 That he joined the Federal Civil Service in 1991 as Education Officer VIII with the Federal Ministry of Education, later transferred his Service to the National Examinations Council (NECO) in 2000 and rose to the rank of Director in 2016;
- 2.2 That in the course of his service in the National Examinations Council, he held several sensitive positions such as Head of Typesetting/Item Bank, State Officer, Zonal Coordinator, Head of Division, Acting Chairman, NECO Staff School etc.
- 2.3 That on 8th August 2016, the Registrar/Chief Executive, Professor Charles Uwakwe, made him his Special Assistant, a position he held until his promotion to the rank of Director in charge of Special Duties in the office of the Registrar and that his schedules demanded that he worked closely with the Registrar in order to ensure system synergy;
- 2.4 That his travail started when the Acting Registrar/Chief Executive, Abubakar Gana assumed office after the suspension of Prof. Charles Uwakwe on 10th May 2018. That the Acting Registrar embarked on a clear witch-hunt against him even when it was evident that he discharged his responsibilities with utmost care, due process and transparency but that when he could not find any genuine fault in any of his actions or inactions as Director, Special Duties under Prof Charles Uwakwe, four (4) false allegations were levelled against him;



- 2.5 That he was queried based on the four (4) false allegations, interdicted and was unusually tried, declared guilty even before investigation and eventually dismissed from the Service on 5th July 2019 after Twenty-Seven (27) years of meritorious Service;
- 2.6 That the first query which claimed that he refused to travel for monitoring of 2018 June/July NECO SSSCE was not true because he left Minna for the said monitoring on Friday, 8th June 2018 and started monitoring on Monday, 11th June 2018 up to Monday, 9th July 2018 as evidenced by his monitoring report and forms submitted to Quality Assurance Department;
- 2.7 That the second query which claimed that he instructed the Chief Security Officer to station police personnel at the gate of the Council on 25th September, 2018 without consulting the Acting Registrar/Chief Executive was not true because he received a call from a confidant who told him that some people were holding meetings somewhere outside the Council's Headquarters premises with the intention to stage a protest on Tuesday, 25th September, 2018 and that after careful observation of the staff movement and guarded interrogation of few staff, he felt it was safer for him to inform the Chief Security Officer of the Council in case the rumors turn out to be true and instructed him to take all necessary proactive measures he deemed appropriate for containing such eventualities. That he could not get through to the Acting Registrar/Chief Executive on phone, but sent him a text message (SMS) as well as WhatsApp chat to his GSM number **0806 542 4400** which was delivered and read by the recipient;
- 2.8 That his dismissal from Service was standing on false foundation and illegalities because all the allegations listed in the queries given to him were false and contrived and also that the Management Committee report which formed the foundation of the Board's action was full of infraction of the Public Service Rules & principles of natural justice;
- 2.9 That in addition to the procedural anomalies and infractions, the Board Committee held on 9th April 2019 denied him the opportunity to question Comrade Solomon Adodo who allegedly told NECO Management Committee that he (Tumba) mobilized some Civil Society Groups to sabotage NECO activities which contravened principles of fair hearing and Public Service Rules **030307 (vii)** and also that the Board refused to give a copy of the CSO's petition;
- 2.10 That a search at the Corporate Affairs Commission revealed that all Civil Society Organizations that signed the petition allegedly instigated by him were not registered and that this revelation coupled with the refusal of the Board to give



him a copy of the so-called petition all through his trial, suggested that the actions of the CSO were sponsored towards pulling him down at all cost and he was finally dismissed based on false allegations levelled against him by a non-existent coalition of Civil Society Organizations; and

- 2.11 That his trial lasted for a whole year instead of maximum period of three (3) months as prescribed under Public Service Rules **030307 (xiii)** for non-criminal cases since he was never under criminal investigation by any security agency. That his dismissal was a predetermined outcome of sustained witch-hunt following the suspension of the former Registrar, Prof. Charles Uwakwe because his unofficial offence was his perceived loyalty to the suspended Registrar which was wrongly interpreted and seen as an opposition to some vested interests.

He appealed to the Senate to request the National Examinations Council (NECO) to reinstate him back to the Service with effect from 18th October, 2018 and pay him all his salaries and allowances from 18th October, 2018.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Acting Registrar/Chief Executive Officer of the National Examinations Council, Abubakar M. Gana, stated as follows:

- 3.1 That John Z. Tumba misguided Mr. Ekenfkari M. Yerima by telling him to report the issue of the missing/stolen 2018 registration cards to the police rather than reporting it to ICT and getting the cards blocked before going to the police;
- 3.2 That John Z. Tumba invited Civil Society Organisations to picket both at the NECO Headquarters and the State Offices nationwide during 2018 June/July NECO SSCE over suspension of the Registrar, Prof. Charles Uwakwe;
- 3.3 That John Z. Tumba caused chaos and also sent wrong signals to the Staff that all was not well in the Council by mischievously stationing police at the gate of the Council's Headquarters without the knowledge or permission of the Acting Registrar/Chief Executive;
- 3.4 That he unilaterally decided to invite the police by instructing the Chief Security Officer (CSO) to station policemen at the gate of NECO without the permission of the Acting Registrar, thereby undermining the authority of the Acting Registrar; and
- 3.5 That the Director, Special Duties, Mr. John Z. Tumba's actions in this regard tantamount to divided loyalty between the former Registrar and the present Ag. Registrar of NECO.



#### 4.0 OBSERVATIONS/FINDINGS

After carefully examining the submissions of the petitioner and the respondent, the Committee noted as follows:

- 4.1 That the petitioner, Mr. John Z. Tumba, actually joined the Federal Civil Service in 1991 as Education Officer VIII with the Federal Ministry of Education, transferred his service to the National Examinations Council (NECO) in 2000 and rose to the rank of Director in 2016;
- 4.2 That the petitioner, Mr. John Z. Tumba, had served meritoriously for twenty-seven (27) years and had held several sensitive positions such as Head of Typesetting/Item Bank, State Officer, Zonal Coordinator, Head of Division, Acting Chairman, National Examinations Council Staff School etc., without any query in his file until the present issues which led to dismissal from service;
- 4.3 That the petitioner, John Z. Tumba, who was queried on the ground of refusal to obey lawful instruction by the Acting Registrar to travel for monitoring of the 2018 June/July NECO SSCE, actually delayed his travelling by working for the suspended former Registrar/Chief Executive from the 28th of May 2018 when the lawful instruction was given by the Ag. Registrar/CEO at a well constituted meeting of management till 8th June 2018; a situation that suggested divided loyalty to the former Registrar instead of absolute loyalty to the new Acting Registrar/CEO, since he only travelled on 8th June 2018 after completing an assignment on his table and eventually began NECO Examination monitoring on Monday, 11th June 2018 up to Monday, 9th July 2018 as evident from the submissions available at the disposal of the Committee; and
- 4.4 That it could not be ascertained if Mr. John Z. Tumba was actually the one that invited the Civil Society Organisations to picket (i.e., to protest at) the NECO Headquarters and the State Offices nationwide during 2018 June/July NECO SSCE over suspension of the former Registrar, Prof. Charles Uwakwe as NECO claimed; there was no evidence before the Committee to that effect against Mr. John Z. Tumba;
- 4.5 That it was evident from the documents available to the Committee that there was no way that Mr. Tumba could have reported the incident of the stolen 2018 June/July SSCE registration cards to the Acting Registrar who assumed duty in May 2018 when the incident happened on 18th December 2017; the Committee found that he was wrongly accused here; and





- 4.6 That although the petitioner, Mr. John Z. Tumba, was actually guilty of a two-count charge of unilaterally authorizing the Chief Security Officer (CSO) to invite the police to occupy the gate of NECO at the slightest suspicion of possible trouble without the approval of the Acting Registrar; and secondly for not immediately carrying out the lawful instruction of the Acting Registrar to travel immediately to monitor the 2018 June/July NECO SSCE; with effect from 29th May, 2018 which was eventually delayed by him till 8th June, 2018 before traveling out of his station to commence monitoring on 11th June, 2018.

## **5.0 RECOMMENDATIONS**

Based on the above findings and observations, the Committee in its wisdom, and guided by the principles of equity, fairness and social justice, hereby recommends to the Senate for approval as follows:

- 5.1 That the service of Mr. John Z. Tumba be reinstated with demotion from the Rank of Director to Deputy Director to serve as light punishment for his negligent actions as a Director, Special Duties instead of outright dismissal from service of NECO as a first offender, after 27 years of meritorious service to the nation.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report stood down, NECO Required to establish its due process was followed in arriving at dismissal. Case to be retrieved.



**2021**



## CASE 11:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MARYAM DANNA MOHAMMED AGAINST THE NIGER DELTA POWER HOLDING COMPANY (NDPHC) FOR ALLEGED WRONGFUL TERMINATION OF HER APPOINTMENT

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October, 2019, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41** to present petitions that came from the office of the President of the Senate, and drew the attention of the Senate to a petition from Maryam Danna Mohammed against the Niger Delta Holding Company (NDPHC) for wrongful termination of her appointment, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Maryam Danna Mohammed made the following statements:

- 2.1 That she started her career in the then National Electric Power Authority (NEPA) in 1992 as an Officer II Audit and rose through the ranks to the position of Assistant General Manager (Audit) in 2010 while in the service of the erstwhile Power Holding Company of Nigeria (PHCN);
- 2.3 That she was offered exclusive secondment from the Power Holding Company of Nigeria (PHCN) to the Niger Delta Power Holding Company (NDPHC) in 2011 and thus, transferred her service to the NDPHC and was promoted to the rank of General Manager (Audit and Compliance) same year;
- 2.4 That throughout her twenty-four (24) years in service, she had never been found wanting in the discharge of her duties or involved in any form of misconduct;
- 2.5 That she was shocked to receive a letter dated 10th June, 2016 with Ref. No. SGF.55/S.4/52 signed by Engr. Babachir David Lawal, former Secretary to the Government of the Federation and purportedly approved by Mr. President, C-in-C notifying her of her disengagement from service with effect from 10th June, 2016



and also directing her to handover to the most senior officer in her department even though her position as a General Manager (Audit and Compliance) was not appointive but a position she earned by growing through the ranks and sheer hard work as a staff of the company without any query or offence committed during the years of service to the company;

- 2.6 That prior to her wrongful disengagement, the then SGF had on 10th June 2016 announced the dissolution of the Executive Management of NDPHC with immediate effect and also directed all the Executive Directors of the company to handover immediately to the Most Senior Officers in their respective Departments;
- 2.7 That there were twelve (12) other General Managers of same status with her that were allowed to remain in their positions because they were staff of the company and not members of the dissolved Executive Management;
- 2.8 That her disengagement was discriminatory, unfair and did not follow proper procedure;
- 2.9 That it was either she was erroneously included in the dissolution of the Executive Management of which she had never been a member, or she was being persecuted for some undisclosed reasons;
- 2.10 That in response to her petition to Mr. President, C-in-C, the President directed the Hon. Attorney-General and Minister of Justice to investigate the matter; and after the investigation, Mr. President directed that she be reinstated and the directive was conveyed by the Attorney- General of the Federation to the Chief of Staff (COS) to Mr. President vide a letter dated 25th October 2016, but the directive was not complied with; and
- 2.11 That because her disengagement was wrongful and out of procedure, she did not show up to claim her disengagement entitlements as she expected justice to be done in her ordeal.
- 2.12 That this petition was dealt with in the 8th Senate, and it was resolved that she should be reinstated, but that she was surprised that the Senate resolution was not honoured.

She requested that the Senate should look into the matter and find a way of compelling the NDPHC to reinstate her and pay her entitlements so that she could continue with her job.



### 3.0 BRIEF OF THE RESPONDENT

Responding, the Managing Director/Chief Executive Officer of NDPHC, Mr. Chinedu Ugbo, stated as follows:

- 3.1 That Mrs. Maryam Danna Mohammed was a staff of the defunct Power Holding Company of Nigeria (PHCN) but was offered exclusive secondment to the Niger Delta Power Holding Company (NDPHC) to head the Audit Department as General Manager with effect from 1st July, 2011;
- 3.2 That she was the General Manager (Audit & Compliance) until her disengagement by the Federal Government via a letter referenced SGF.55/S.4/52 and dated 10th June, 2016;
- 3.3 That her disengagement from the service of NDPHC was on the approval of the President, Federal Republic of Nigeria, Muhammadu Buhari, GCFR and conveyed to her by the then Secretary to the Government of the Federation (SGF), Babachir David Lawal, through a letter dated 10th June, 2016 with reference No. 55/S.4/52;
- 3.4 That NDPHC is a private limited liability company and had the right to hire and fire and could take a decision to disengage any staff without stating any reason;
- 3.5 That on assumption of office as the MD/CEO of NDPHC, he did not meet Mrs. Mohammed and therefore, did not know the reason for her disengagement;
- 3.6 That on the approval of the Chairman, NDPHC Board of Directors, His Excellency, Prof. Yemi Osinbajo, the disengagement benefits of Mrs. Mohammed was computed and communicated to her accordingly but she did not show up for payment but instead, informed the company that she had petitioned the President of the Federal Republic of Nigeria on her wrongful disengagement;
- 3.7 That the NDPHC also received a letter dated 9th January, 2018 from the Federal Ministry of Justice advising it to stay further action on the payment of entitlements to Mrs. Mohammed and wait for the outcome of the petition to Mr. President by the officer;
- 3.8 That now, NDPHC had not received correspondence from either the Office of the Chairman, NDPHC Board of Directors, His Excellency, Prof. Yemi Osinbajo; the Secretary to the Federal Government of the Federation or the Honourable Attorney-General of the Federation and Minister of Justice, directing the reinstatement of Maryam Mohammed; and
- 3.9 That the M.D agreed that he would reinstate her as soon as he was communicated.



#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the submissions and oral presentations of Maryam Danna Mohammed and the Niger Delta Power Holding Company (NDPHC), the Committee noted as follows:

- 4.1 That Maryam Danna Mohammed was truly a staff of the defunct Power Holding Company of Nigeria (PHCN) and was offered exclusive secondment to the Niger Delta Power Holding Company (NDPHC) to head the Audit Department as General Manager with effect from 1st July, 2011 and therefore remained a civil servant and not a political appointee;
- 4.2 That prior to her disengagement, there was no meeting presided over by the Chairman of the Board, Vice-President Yemi Osinbajo or any other member of the Board of NDPHC where the decision to disengage her was taken;
- 4.3 That the disengagement of Maryam Danna Mohammed along with the Executive Management team and the Executive Directors of NDPHC who were political appointees of Mr. President were out of order because due process was not followed in accordance with the terms and conditions of employment and disengagement of civil servants in the service of the nation and by extension, the service of NDPHC;
- 4.4 That the officer was not accused of any offence, or queried or suspended prior to her disengagement which was by announcement through Nigeria Television Authority (NTA);
- 4.5 That the Committee noted from the submissions of MD of NDPHC that non-communication of the resolution of the 8th Senate to the management of the Company, has been the reason for non-reinstatement of the petitioner Maryam Danna Mohammed back to the service of the Company up till now.

#### **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee resolved to recommend to the Senate for approval as follows:

- 5.1 That the Senate hereby mandate the Niger Delta Power Holding Company (NDPHC) to reinstate Maryam Danna Mohammed and pay all her entitlements because her disengagement did not follow due process in line with laid down civil service rules and procedures.



- 5.2 That the Senate should immediately communicate its resolution to the Secretary to the Government of the Federation and Managing Director of the Niger Delta Power Holding Company (NDPHC) for compliance and implementation of same.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Adopted as recommended



## CASE 12:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM DSC IBRAHIM MAIGARI AGAINST THE NIGERIA SECURITY AND CIVIL DEFENCE CORPS (NSCDC) FOR ALLEGED THREAT TO HIS LIFE, CONSPIRACY TO ELIMINATE HIM, ASSAULT, INTIMIDATION, TORTURE AND UNWARRANTED LONG DETENTION

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October, 2019, Senator Ayo Akinyelure (Ondo Central) rose on **Order 41**, and on behalf of the Senate President, drew the attention of the Senate to a petition from DSC Ibrahim Maigari Usman against the Nigeria Security and Civil Defence Corps (NSCDC) for alleged threat to his life, conspiracy to eliminate him, assault, intimidation, defamation, torture and unwarranted long detention, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying, Deputy Superintendent of Corps (DSC) Ibrahim Maigari informed the Committee:

- 2.1 That he was posted to Borno State Command in 2016; and was later posted to Operations Department where he served for one year without portfolio even as second in command in the Operations Department of the command;
- 2.2 That this problem began when he fell down in a toilet and developed back pain in October, 2017; that as a result, he applied for his annual leave to travel to Kano to see an orthopedic doctor specifically at Dala Orthopedic Hospital, Kano State;
- 2.3 That on 8th January, 2018, he resumed and applied for transfer from Borno to Gombe to enable him take better care of his health, but the Commandant declined endorsement; however, that with the help of someone at the Bauchi Zonal Office, he re-applied and the request to be posted to Bauchi was granted;
- 2.4 That when he was through with the clearance from the departments concerned, he himself refused to forward the clearance for his release to Bauchi to his Head of Department, but that unfortunately, on 12th February, 2018, he was posted as a supervisor to IDP Camps even though the Commandant knew that he had applied





- for transfer;
- 2.5 That while all this was going on, one day, on 19th April, 2018 precisely, he was informed by an officer at the Borno State Command Headquarters between 9pm-10pm that the Intelligence Department Office was left open at the close of work; that he personally went there to confirm that the information was true and thereafter videoed the office as evidence that the door was left opened at the close of business the previous day. This information and his action were revealed to the Head of Department, Mohammed Bagate by AIC Peter Kwaji, the following day the incident occurred.
  - 2.6 That the Head of Department, Mohammed Bagale, then invited him immediately and snatched his telephone set used for videoing of his office door that was negligently left opened the previous day and claimed that it was a directive from the State Commandant of the Corps;
  - 2.7 That Bagale laid a complaint against him to the Deputy Commandant and the Commandant that he broke into the Intelligence Office and snapped pictures which he was televising and posting official documents and activities of the Corps in the social media;
  - 2.8 That he was queried, and that he responded to the query, but heard nothing afterwards;
  - 2.9 That on 5th May, 2018, 82 officers were posted out including himself; he was posted to Maiduguri Metropolitan Council (MMC) as second in Command;
  - 2.10 That on 11th May, 2018, he was again at the State Headquarters to demand for his seized phone, and that as he entered the gate, a volunteer officer ordered him to stop and show his identity card; and immediately thereafter he turned off his car, came down and demanded an explanation, but was told that it was an order from the Commandant;
  - 2.11 That as a further step, his car tyres were immediately deflated; his legs were chained and he was de-robed while in uniform in the open and was locked up in the cell; and in that process, thereafter, he lost another handset worth N32,000 and N18,000 cash he had on him; and finally
  - 2.12 That he was released that evening and was issued a query which named his offences as: unruly behavior, absconding from duty post, blocking the main gate to the Command Headquarters and for rough handling an officer of the Corps by grabbing the collar of his uniform in the public.



DSC Ibrahim Maigari requested that the Senate should prevail on the Nigeria Security and Civil Defence Corps to return all his property (his car, handsets (2) and N18,000 cash) to him, and investigate the Borno State Commandant, Abdullahi and CIC Mohammed Bagale and others and recommend appropriate punishment.

### **3.0 BRIEF OF THE RESPONDENT**

Responding on behalf of the Nigeria Security and Civil Defence Corps, the Commandant-General, A.G. Muhammadu, stated as follows:

- 3.1 That Deputy Superintendent of Corps (DSC), Ibrahim Usman Maigari was deployed to Borno State Command on disciplinary ground, as a result of a report received from the State Commandant, showing that he had committed several acts of indiscipline including threatening to kill his father in Yola, Adamawa State;
- 3.2 That in Borno State, he unlawfully gained access to the Intelligence Department of the Command Headquarters and videoed various security documents with the camera of his handset on 19th June, 2018;
- 3.3 That on one occasion, he blocked the main entrance to the State Command Headquarters and smoked Indian Hemp openly while in uniform; he was also said to have willfully destroyed part of the furniture in the counter at Operations Department; and these were proved by eyewitnesses and pictures;
- 3.4 That sequel to these findings, Ibrahim Maigari (DSC) was queried on 11th May, 2018, but he did not respond to the query, claiming that he was not allowed access to the Command Headquarters to submit his reply to the query in question;
- 3.5 That when he was invited by a 7-man Committee of Inquiry in the State Command headed by a Deputy Commandant of Corps, he denied all the allegations except the one stating that he broke into and photographed documents in the Intelligence Department; that unknown to him, there were documentary evidences which showed that he actually committed the offences; and
- 3.6 That his case had been dealt with by the Senior Staff Disciplinary Committee and had been recommended for dismissal, and that same recommendation had also been forwarded from the office of the Commandant-General of the Corps for consideration by the Board of Civil Defence, Fire, Immigration and Prisons Services, but that the Board was yet to write the Corps on its decision.



#### **4.0 OBSERVATION/FINDINGS**

After carefully going through the submissions (oral and written) of both parties, the Committee noted as follows:

- 4.1 That DSC Ibrahim Usman Maigari had left Maiduguri, his place of posting, since 2018 without permission, claiming that he left his station for fear of being killed and was still being paid by the Corps;
- 4.2 That there was something substantially wrong with DSC Ibrahim Maigari's attitude to work as a member of a paramilitary body such as the NSCDC, but unfortunately, he had escaped punishment for more than a year and has consistently been receiving salaries up to date; and
- 4.3 That based on his admission before the Committee that he had left work since 2018, and was still collecting salaries, and also that he actually went into the Intelligence Department and snapped photographs and videoed the contents of that office, which in itself tantamount to a breach of the Public Service Rules, he deserves to be dismissed from the NSCDC without further consideration.

#### **5.0 RECOMMENDATIONS**

The Committee, after a careful examination of oral and written submissions of both petitioner and respondent, recommends as follows:

- 5.1 That Deputy Superintendent of Corps (DPC) Ibrahim Usman Maigari be dismissed from service with immediate effect in line with the recommendation of the Senior Staff Disciplinary Committee to the Board of Civil Defence, Fire, Immigration and Prisons Services for approval and official communication to the Corps for implementation, for bringing the name of the Nigeria Security and Civil Defence Corps into disrepute and for absenting himself from duty for over six months while still receiving salaries and yet seriously engaged in the publication of defamatory statements that have brought the name of the Corps into disrepute in the eyes of right thinking members of the society at large; and
- 5.2 That his car and handsets under the custody of the Corps be released to him while his salaries and allowances being paid till now without services rendered, be stopped forthwith.

#### **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report stood down till clarification for board of NSCDC



## CASE 13:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF TWO PETITIONS FROM ISHAKU I. GARBA, ESQ. AND COMRADE GBOYEGA ADEOYE RESPECTIVELY, AGAINST THE PRESIDENCY FOR PREMATURELY REPLACING THE CHAIRMAN, GOVERNING BOARD OF NIGERIAN COMMUNICATIONS COMMISSION (NCC) WHOSE TENURE WAS YET TO EXPIRE

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 29th January, 2020, Senator Oluremi S. Tinubu (Lagos Central) drew the attention of the Senate to two petitions from Ishaku I. Garba Esq. and Comrade Gboyega Adeoye respectively, against the Presidency for prematurely replacing the Chairman, Governing Board of Nigerian Communications Commission (NCC) whose tenure was yet to expire, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2. BRIEF OF THE PETITIONERS

##### 1st Petitioner: Barrister Ishaku I. Garba

Testifying before the Committee, Barrister Ishaku I. Garba lamented:

- 2.1 That the appointment of Prof. Adeolu Akande (South West) as a replacement for Senator Olabiyi Durojaiye as Chairman, Board of Commissioners, Nigerian Communications Commission (NCC), and that of Mr. Uche Onwude (South East) as replacement for Senator Ifeanyi Ararume as Non-Executive Commissioner in December, 2019 were in total breach of the NCC Act, 2003;
- 2.2 That as a patriotic citizen, he felt he owed Nigeria a duty to point out the legal implications and sense of unprecedented impunity the appointments have engendered with a view to correcting same;
- 2.3 That the breaches committed were:
  - a. That the normal tenure of Board Commissioners was five years, and that the sacked Board Chairman was only appointed in 2016 and had not served out his tenure. His removal going by the Act, therefore, did not follow due process;



- b. That the two newly appointed Chairman and the Non-Executive Commissioner, prior to their appointments were both board members of National Information Technology Development Agency (NITDA) whose tenures were still running until they were suddenly transferred to NCC by executive fiat, and that this was in total contravention of legal procedures; and
- 2.4 That these appointments were inappropriate and against everything this administration stood for.

### **2nd Petitioner: Comrade Gboyega Adeoye**

Testifying before the Committee, unaware that Ishaku I. Garba, Esq. had also petitioned, Comrade Gboyega Adeoye, said that:

1. He stepped into the matter in order to protect the rule of law with a view to preserving the dignity of human persons in Nigeria; and
2. It was a fragrant abuse of due process to replace a substantive Chairman of the Governing Board of Nigerian Communications Commission (NCC) whose tenure of office (appointed 2nd August, 2016) had not expired (a tenure at NCC is five years) with somebody else.
3. He requested that the Senate should take a dispassionate look at these facts as presented and resolve accordingly as doing so will in turn give a vivid expression and incontrovertible credence to every subsisting Act of the National Assembly, including the Nigerian Communications Commission Act, 2003.

He further requested that the Senate should appeal to Mr. President and Commander-In-Chief of the Armed Forces to reverse or stand down the replacement of Senator Olabiyi Durojaiye as the substantive Chairman of the Governing Board of NCC until the expiration of his tenure since he was not adjudged to have contravened any legal provision(s) against the office he was holding; and also urged the Attorney-General and Minister of Justice to intervene to preserve the sanctity of laws passed by the National Assembly, and avoid the proliferation of back-door appointments in our federal system.

## **3.0 BRIEF OF THE RESPONDENT**

- 3.1 The President, Federal Republic of Nigeria who happened to be the respondent in this case, is provided immunity by the Constitution from being invited to appear before any “court or otherwise” to answer for any actions or inactions or failure of any kind for civil or criminal infractions (Section 308 (1 (a) (b) (c), (2) & (3) of the Constitution of the Federal Republic of Nigeria (as amended)).



Consequently, he was not invited to appear before the Committee to answer for the allegation.

The Committee therefore, relied on the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the NCC Act, 2003 to reach its conclusions.

#### 4.0 OBSERVATIONS/FINDINGS

After carefully exhausting the examination of the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the NCC Act, 2003, the Committee observed as follows:

- 4.1 That the provisions of the Nigerian Communications Commission (NCC) Act, 2003 in **Section 10(2), (3) & (4)** are inconsistent with the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) in **Section 157(1) & (2)**, and to the extent of the inconsistency observed, the provisions of the Constitution prevail **Section 1(1) & (3)**.
- 4.2 **Section 10(2)** of the NCC Act, 2003 states that “Prior to the suspension or removal of a Commissioner under subsection (1) of this section, the President shall inform the Commissioner by written notice, as soon as practicable, of his intention to suspend or remove the Commissioner from office and the reasons thereof.”
- 4.3 In **Section 10(3)**, the Act states that “The affected Commissioner under subsection (1) of this section shall be given a reasonable opportunity to make written submissions to the President within a time period specified in the notice and such time shall not be less than 14 days from the date of the notice.”
- 4.4 And in **Section 10(4)** of the Act, the provision further states that, “The affected Commissioner may, within the time period specified in the notice, submit a written submission and the President shall consider the submission in making his final decision on the Commissioner’s suspension or removal from office.”
- 4.5 Unfortunately, these provisions are not supported by **Section 157(1) & (2)** of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) which deals with appointment of Chairmen and members of named Federal Executive Bodies for which Mr. President must seek the approval of the Senate for appointment and removal of such appointees.
- 4.6 **Section 157(1)** of the Constitution states that, “Subject to the provisions of subsections of this section, a person holding any of the offices to which this section applies may only be removed from that office by the President acting on



an address supported by two-thirds majority of the Senate praying that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct.”

- 4.7 And **Section 2** states that, “This section applies to the offices of the Chairmen and members of the bodies established by Code of Conduct Bureau, the Federal Civil Service Commission, the Independent National Electoral Commission, the National Judicial Council, the Federal Judicial Service Commission, the Federal Character Commission, the Nigeria Police Council, the National Population Commission, the Revenue Mobilisation, Allocation and Fiscal Commission, and the Police Service Commission.”
- 4.8 The Constitution does not support the provisions of **Section 10(2), (3) & (4)** of the NCC Act, 2003 in any of its provisions, and to that extant is inconsistent with the spirits and letters of the Constitution and is therefore null and void;
- a. That the two petitioners were mere patriots and defenders of the rule of law, but have no locus standi in the matter in reference. They neither represented the NCC Chairman removed, nor are they connected directly with the case while the NCC Chairman removed who has a stake, neither petitioned nor complained.
  - b. The Committee took time to thank the petitioners for inadvertently helping to expose the inherent inconsistencies hidden in the NCC Act, 2003 which now require urgent amendment by the National Assembly to cause it to align with the provisions of the Constitution;
  - c. That the replacement of Senator Olabiyi Durojaiye as Chairman, Board of Commissioners in NCC with Prof. Adeolu Akande (South West), and Senator Ifeanyi Ararume as Non-Executive Commissioner with Mr. Uche Onwude (South East) also in NCC by Mr. President was consistent with the Constitution, and can only be seen as such.

## 5.0 RECOMMENDATIONS

Based on the constitutional and statutory findings above, the Committee hereby recommends as follows:

- 5.1 That appointment of Professor Adeolu Akande (South West) and Mr. Uche Onwude (South East) as Chairman and Member of Nigerian Communications Commission (NCC) respectively by the President of the Federal Republic of



Nigeria be upheld by the Senate since the appointment is in line with provisions of the Constitution of the Federal Republic of Nigeria, 1999 (as amended);

- 5.2 That the provisions of the NCC Act, 2003 in **Section 10(2), (3) &(4)** which are at variance with the Constitution of the Federal Republic of Nigeria, 1999 (as amended) in **Section 157(1) & (2)** be amended to align with the Constitution of the Federal Republic of Nigeria, 1999 (as amended); and
- 5.3 That the Senate do commend the patriotism and nationalistic zeal of the two petitioners, Comrade Gboyega Adeboye and Ishaku I. Garba, Esq. for daring to fight what they considered not in line with provisions of NCC Act by Mr. President, even though the petitions were based on a faulty foundation.

## **6.0 RESOLUTIONS OF THE SENATE**

The report and recommendation adopted as the resolution of the Senate.





## CASE 14:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM AHMED TIJANI YUSUF, ESQ. ON BEHALF OF AKWA-IBOM CO-OPERATIVE FISHERIES ASSOCIATION LIMITED AGAINST THE MOBIL PRODUCING NIGERIA UNLIMITED FOR ALLEGED REFUSAL TO PAY THE SUM OF ₦11,063,916,000 (ELEVEN BILLION, SIXTY-THREE MILLION, NINE HUNDRED & SIXTEEN THOUSAND NAIRA) COMPENSATION FOR OIL SPILLAGE CAUSED BY ITS FACILITIES FROM 1998-2012

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 11th December, 2019, rising on **Order 41**, Senator Ayo Akinyelure (Ondo Central) presented petitions that came from the office of the President of the Senate, and drew the attention of the Senate to a petition from Ahmed Tijani Yusuf, Esq. on behalf of Akwa-Ibom Co-operative Fisheries Association Limited against the Mobil Producing Nigeria Unlimited for alleged refusal to pay the sum of ₦11,063,916,000 (Eleven Billion, Sixty-Three Million, Nine Hundred & Sixteen Thousand Naira) compensation for oil spillage caused by its facilities from 1998-2012, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

The petitioner, Ahmed Tijani Yusuf, Esq. did not testify before the Committee, but wrote to the Senate to introduce his petition, and later wrote to withdraw his case which had the following attestations:

- 2.1 That Akwa-Ibom Co-operative Fisheries Association Limited was a registered Association with over ten thousand members spread in over seventy-six fishing settlements along the shorelines of Akwa-Ibom State and had been affected adversely as a result of various oil spillages from the facilities of Mobil Producing Nigeria Unlimited between 1998 to 2012;
- 2.2 That following these spillages of crude oil, the Association engaged the services of a professional Estate Surveyor & Valuer, Igwe Kalu & Partners to inspect and ascertain the extent of damage caused by Mobil and the amount due to them



as compensation and that the said firm after carrying out its own survey and assessment came up with a total sum of **N4,269,916,000.00** (Four Billion, Two Hundred & Sixty-Nine Million, Nine Hundred and Sixteen Thousand Naira) only as compensation;

- 2.3 That the Group Managing Director, Mobil Producing Nigeria Unlimited appeared before Senate Committee on Environment & Ecology on 10th December 2010 in respect of this case of incessant oil spillages of Mobil and that after examining the case carefully, the Committee directed Mobil to pay the compensation to the Association in conjunction with the Akwa-Ibom State Government;
- 2.4 That there was another devastating crude oil spill along the Akwa-Ibom shores and coastlines caused by Mobil on 9th November 2012, which destroyed the waters and the fishing equipment of the Association. That the Association engaged the services of Igwe Kalu & Partners (Professional Estate Surveyor & Valuer) again to ascertain the extent of the damage and the amount due to them as compensation;
- 2.5 That the said firm at the end of its assessment, came up with a total sum of **N6,794,000,000.00** (Six Billion, Seven Hundred and Ninety-Four Million Naira) only as compensation due to the Association for the 2012 oil spill;
- 2.6 That the Chief Executive Officer of Mobil, Mr. Mark Carl, had a session with the House of Representatives in connection with the crude oil spillage of 9th November, 2012, where he apologized to the House of Representatives, the government and the people of Akwa-Ibom on the ground that he was not properly briefed about the spillage by the Board of Mobil and promised before the House to pay compensation of **N50,000,000,000.00** (Fifty Billion Naira) only to the Association;
- 2.7 That both the directives given to Mobil by the Senate Committee on Environment & Ecology to pay the compensation and the promise made by the Chief Executive Officer of Mobil before the House of Representatives had not been complied with till date and that the crude oil spillage from Mobil had continued unabated in Akwa-Ibom shores and coastlines; and
- 2.8 That the members of the Association had continued to suffer untold hardship because fishing is the only source of their livelihood, and the waters were polluted as a result of the inhuman activities of Mobil.

He appealed to the Senate to compel Mobil Producing Nigeria Unlimited to pay the Akwa-Ibom Co-operative Fisheries Association Limited the sum of **N11,063,916,000** (Eleven Billion, Sixty-Three Million, Nine Hundred & Sixteen Thousand Naira) being



the current valued amount due to them as compensation.

Ahmed Tijani Yusuf, Esq., however, withdrew the petition he wrote on behalf of the Association via a letter dated 3rd February, 2020 due to irreconcilable differences with the Akwa-Ibom Cooperative Fisheries Association Limited.

### **3.0 BRIEF OF THE RESPONDENT**

The Managing Director, Mobil Producing Nigeria Unlimited, was invited to appear before the Committee on 18th December, 2019 and 6th February, 2020 respectively, but did not show up on the two occasions. The Committee had no need to invite him again as the petitioner had withdrawn his petition.

### **4.0 OBSERVATION/FINDINGS**

After reading the submissions of the petitioner, the Committee noted:

- 4.1 That the petitioner, Ahmed Tijani Yusuf, Esq. in a letter dated 3rd February, 2020, withdrew the petition he wrote on behalf of Akwa-Ibom Co-operative Fisheries Association Limited due to irreconcilable differences with the members of the Association.
- 4.2 That it could not continue with the case because the petitioner has written the Committee to withdraw it.

### **5.0 RECOMMENDATIONS**

Based on the finding above, the Committee hereby recommends:

That the Senate should stand down the petition since it has been withdrawn by the petitioner, Ahmed Tijani Yusuf, Esq. due to irreconcilable differences with members of the Association.

### **6.0 RESOLUTIONS OF THE SENATE**

Recommendation adopted as Resolution of the Senate.



## CASE 15:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM CAPTAIN DIAMOND ONOBERHIE AGAINST THE NIGERIAN NAVY FOR ALLEGED UNJUST TREATMENT AND REFUSAL TO PROMOTE HIM

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October, 2019, Senator Ayo Akinyelure (Ondo Central) rose on **Order 41** to present petitions received from the office of the President of the Senate, and drew the attention of the Senate to a petition from Captain Diamond E. Onoberhie (rtd) against the Nigerian Navy for unjust treatment and refusal to promote him, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Navy Captain Diamond Onoberhie (rtd) informed the Committee as follows:

- 2.1 That he was not promoted to the rank of Commodore because of the negative influence of his father and mother –in-laws, Chief and Mrs John Kpokpogri who introduced matrimonial issues into his official military career;
- 2.2 That while at the Nigerian Armed Forces Resettlement Centre, Oshodi in Lagos State, he was unfairly treated by the Commandant of the Resettlement Centre who unilaterally sealed his official accommodation after being nominated to attend a Master's programme at the University of Ibadan, and also for refusing to pay his entitlement as Deputy Director of Training at the Centre; and
- 2.3 Prayed that the Senate should mandate the Resettlement Centre to account for his sealed up property, pay the entitlements due to him as a personnel of the Resettlement Centre and cause the Nigerian Navy to promote him to the rank of Commodore retrospectively and retire him.

#### 3.0 BRIEF OF The Respondent

Responding, the Nigerian Navy, represented by Navy Commodore Jamila Malafa



(Director, Legal for the Nigerian Navy) and Rear Admiral A.N. Ayafa, stated that:

- 3.1 The petitioner, Capt. Diamond Onoberhie (rtd), was appointed to the Nigerian Armed Forces Resettlement Centre (NAFRC) in September, 2016 on completion of the strategic National Defence Course as a member of Course 24;
- 3.2 Shortly afterwards, Capt. Diamond Onoberhie was admitted to study for a Master degree in Strategic Studies at the University of Ibadan, and he was released for the programme on 17th November, 2016;
- 3.3 That while at the University, another officer was temporarily appointed to oversee the office in the absence of the substantive holder, and the stipends for the performance of the activities of the office were paid to the officer who held the appointment at the time of the petitioner's absence; that explained why he did not receive any further allowances from the NAFRC;
- 3.4 On the sealing of Room 37, his official accommodation, the NAFRC stated that there arose a need for renovation of the Hostel which included Room 37 (his accommodation). That Capt. Diamond was adequately informed, but he did not remove his personal effects from the room. That when it was time for the renovation of the hostel, his things were identified, listed & removed to the Quarter Guard for safe-keeping;
- 3.5 The Nigerian Navy could not promote him to the next rank of Commodore because he had Run Out of Date (ROD); that he was already 52 years old when he passed the last promotion examination.

#### **4.0 OBSERVATIONS/FINDINGS**

After wading through the mass of documents submitted and the oral presentations made, the Committee noted:

- 4.1 That the mass of presentations made by Capt. Diamond Onoberhie suggested that his mother and father-in-laws, Chief and Mrs. John Kpokpogiri were responsible for his non-promotion and eventual exit from the Nigerian Navy; but the Committee was unable to see the link between domestic matters and official affairs, as one could not be mistaken for the other;
- 4.2 That the reason why the Nigerian Navy did not promote Capt. Diamond Onoberhie from the rank of Captain to that of Commodore was because he was said to have reached age 52 before the promotion which is not allowed by their statutes; fortunately, the petitioner was able to prove the Nigerian Navy wrong before the Committee as he provided evidence of his birth which showed that he was 51 in



2016 when he should have been promoted;

- 4.3 That with respect to his properties with the Nigerian Armed Forces Resettlement Centre, Capt. Diamond Onoberhie should be advised to collect them from the Commandant of the Centre; and
- 4.4 That if Capt. Diamond Onoberhie had any claims of unpaid allowances, he should present them for consideration of the Nigerian Armed Forces Resettlement Centre.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee recommends that:

- 5.1 The Nigerian Navy be mandated to immediately promote Captain Diamond Onoberhie from the rank of Captain to Commodore and retire him in the new rank with benefits because he proved his case beyond reasonable doubt to the Committee that he was 51 years and not 52 years old as claimed by the Nigerian Navy in 2016 when he should have been promoted; and
- 5.2 The Senate do mandate the Commandant of Nigerian Armed Forces Resettlement Centre to release the properties of Captain Diamond Onoberhie in their custody on demand by the petitioner.

## **6.0 RESOLUTIONS OF THE SENATE**

Report considered and adopted as the resolution of the Senate



## CASE 16:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM JACKSON BAKO, ESQ. ON BEHALF OF AKPMAJENYA COMMUNITY, APO VILLAGE, ABUJA AGAINST THE FEDERAL CAPITAL TERRITORY ADMINISTRATION FOR ALLEGED WRONGFUL OBSTRUCTION OF THEIR FARMLANDS AND FARMING ACTIVITIES

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8th October, 2019, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to present petitions that came from the office of the President of the Senate, and drew the attention of the Senate to a petition from Jackson Bako, Esq. on behalf of Akpmajenya Community, Apo Village, Abuja for wrongful obstruction of their farmland and farming activities, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Barr. Jackson Bako stated:

- 2.1 That in 2018, some people from the Ministry of Lands came to the ancestral farmlands of his clients to map it out without seeking the consent of the Community who were essentially indigenous Gbagyi people of FCT;
- 2.2 That the community whose basic means and source of living was farming, has been obstructed by their layout work, leaving them with nothing to live on;
- 2.3 That with the layout and continuous obstruction which amounted to displacement of long-term residents, their wealth, health, housing, livelihood, food, security and children education have been really threatened; arguing that the entire Community could not afford to lose access to their fertile land for cultivating crops, hunting or foraging ground;
- 2.4 That such layout at Guzape (Extensions 3) was unlawful/wrong because it was done without the consent of the local people or due process, and was, therefore, a flagrant disregard for residents' right as there was no resettlement or compensation; and



2.5 That it was in the interest of justice that Government should respect and protect the rights of indigenes of the Federal Capital Territory and citizens of Nigeria.

He requested that the Government should consult with affected Communities and obtain their consent to convert lands under their authority; and provide alternative farmlands for the people of Akpmajenya so that they could continue with their farming activities.

He further requested that all the families in the Community who own land and farming at Guzape (Extension 3) should be given allocations and reasonable compensation to enable them continue with their farm work and for the inconveniences and inability to continue with their usual farming activities as a result of the disruption and the loss of economic trees and development on their farmlands.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Minister of FCT, Musa Moh'd Bello, represented by the Director, Urban and Regional Planning, Zalihau Ahmed and Director of Resettlement and Compensation, Perpetua Ohammah, stated:

- 3.1 That the assessment of crops and economic trees to the Akpmajenya Community in Phase II of Apo Resettlement Scheme was successfully carried out and the process of payment of compensation claims to the beneficiaries was expected to commence in January, 2020;
- 3.2 That the assessment for compensation on the four (No. 4) Extension Layouts to Apo Resettlement & Scheme was initiated by the Department of Resettlement & Compensation, but was resisted by the Community on grounds that the earlier assessment done by the Department of Resettlement & Compensation was yet to be concluded by the payment of compensation claims to the affected person of the Community;
- 3.3 That Guzape Community in the FCT was designed to be resettled in Gude District, Cadastral Zone E 13 of Wasa Resettlement Scheme, adding that the demographic survey of the entire Community was yet to be conducted;
- 3.4 That the assessment on the four (No. 4) Layouts mapped out for Guzape III Community and the assessment of farmlands for the layout was yet to be conducted, pointing out that the farmlands belong to Kobi Community;
- 3.5 That the affected persons on Road S. 30 were to be moved to Gude District, Cadastral Zone E 13, Abuja, but the design of the Layout was yet to be completed;





- 3.6 That while allocation documents were domiciled at the Department of Land Administration, FCTA, payment of compensation was the duty of the Department of Resettlement and Compensation; and
- 3.7 That although funds for payment of compensation was available, they were unable to pay because it was agreed that the disbursement should be done together with the allocation of plots to affected persons on the new site.

FCTA hoped that the information provided would help the Committee to resolve the problem.

#### **4.0 OBSERVATION/FINDINGS**

After going through the submissions and oral presentations of both petitioner and respondent, it was clear to the Committee that:

- 4.1 Adequate consultations were not made by the Federal Capital Territory Administration before going straight to map out the farm lands of the Akpmajenya Community which eventually led to the resistance of the farming Community;
- 4.2 The resistance by the Akpmajenya people halted further progress of the map out process of other layouts;
- 4.3 Although funds for payment of compensation for the lands taken over by FCDA was ready, the Akpmajenya refused to accept that position because the agreement they had with authorities of FCDA was that payment for compensation would be done simultaneously with allocation of plots to the affected families on the new site allocated;
- 4.4 If the people of Akpmajenya Community would be consulted, and adequate compensation arranged for them together with fresh allocation of plots to the affected families at new sites, it would adequately settle the rift between the petitioner and the respondent.

#### **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee strongly recommends as follows:

- 5.1 That the Federal Capital Development Administration (FCDA) should immediately engage in wider consultations with Akpmajenya Community in the Federal Capital Territory and agree on modalities for execution of payment of adequate compensation and allocation of plots simultaneously to the affected families at the new sites to permanently settle the issues raised in the petition;



- 5.2 That the Akpmajenya Community should embrace peace with FCDA and accept the compensation package for lands taken over by FCDA as soon as modalities for execution are agreed by the parties; and
- 5.3 That FCDA should ensure that adequate land area for farming are re-allocated to the Akpmajenya community in full for their farming activities to continue unhindered.

## **6.0 RESOLUTIONS OF THE SENATE**

Report adopted as presented this day, 21st September 2021.



## CASE 17:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM BAMBO ADESANYA, SAN ON BEHALF OF RITE FOODS LTD AGAINST SEVEN-UP BOTTLING COMPANY PLC. AND ZIAD MAALOUF FOR ALLEGEDLY THREATENING THE INTERNAL SECURITY OF THE NATION AND EXISTENCE OF RITE FOODS LIMITED, OSOSA, OGUN STATE

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 29th January, 2020, rising on **Order 41**, Senator Olalekan R. Mustapha (Ogun East) drew the attention of the Senate to a petition from Bambo Adesanya, SAN on behalf of Rite Foods Limited against Seven-Up Bottling Company Plc. and Ziad Maalouf for allegedly threatening the internal security of the nation and existence of Rite Foods Limited, Ososa, Ogun State, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Bambo Adesanya, SAN, on behalf of Rite Foods Limited, a soft drink manufacturer with its factory at Ososa, Ogun State, stated:

- 2.1 That the source of the matter was a publication on Thursday, 28th November, 2019 by Business Day with the heading: “Seven-Up MD fires warning shot at Bigi drinks; vows to put disruption to bed”;
- 2.2 That in that publication and another one dated Tuesday, 3rd December, 2019, 7-Up Bottling Company Plc. and its Managing Director, Ziad Maalouf suggested that there was a war between it and other soft drink manufacturers, particularly between it and Rite Foods Limited, producers of the brand “Bigi” he intended to prosecute using unconventional methods;
- 2.3 That the end of that war, the result would be such that the “dream of B-brand (presumably Bigi) to take over Nigeria’s CSD (Carbonated Soft Drink) market from A-players must be put to bed once and for all;”
- 2.4 That Rite Foods Limited came to the Senate to enable it hear from 7-Up Bottling Company Plc how it intended to prosecute that war;



- 2.5 That the most disturbing threat against Rite Foods was where 7-Up vowed that at the end of that war, “it would become a curse for anyone, to start its own brand in Nigeria,” just as Rite Foods had; and
- 2.6 That it was not unaware that in the business world, various criminal and dangerous acts were engaged in such as sabotaging of rival products with a view to compromising their integrity, thereby calling into question the quality of its drinks.

He requested that Mr. Ziad Maalouf be seriously interrogated in respect of his intention to disrupt Rite Foods operations and pollute the soft drinks sector of the Nigerian economy; and that Mr. Maalouf and 7-Up must give undertakings that nothing untoward would befall Rite Foods and its staff, especially the lives of Rites Foods staff, and the integrity of its plant and machinery must be guaranteed by 7-Up and Mr. Maalouf.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Managing Director, 7-Up Bottling Company Plc, Mr. Ziad Maalouf stated:

- 3.1 That in the few years he had worked as Managing Director at 7-Up, he had never had any problem with anyone, and that he would not prospect for one;
- 3.2 That the source of the trouble was an innocent private e-mail dated 13th November, 2019 that was leaked by someone who meant something they were yet to understand;
- 3.3 That he actually attended a course online entitled “Driving Value through Business Acumen” at INSEAD University in France” whose content he was sharing with his staff for the purpose of showing them the new direction in the market;
- 3.4 That unfortunately, the e-mail was illegally leaked, and only a very small part of the e-mail was published on social media for purposes which were yet unknown, leaving out the rest of the details in the e-mail, thereby creating misunderstanding and taking the quoted part out of context;
- 3.5 That immediately he noticed the unfavourable publication, he got in touch with the Managing Director and the Chairman of Rites Foods by text message, inviting them to a coffee discussion with the aim of explaining himself, but that the duo did not respond;
- 3.6 That he was sorry about the whole matter as that was not his intention, nor that of 7-Up, and tried to explain the context of all that the petitioner complained about in the petition; and



3.7 That he thought he should inform the Committee that Rite Foods had actually reported him to the Federal Ministry of Investment, Trade and Industry, the Federal Ministry of Justice, and the Department of State Services (DSS).

He pleaded with the Committee and Rite Foods Limited to overlook the apparent offence the publication ignited, and accept his simple explanation on the matter and let go.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully listening to the petitioner and the respondent, and after studying their written submissions, the Committee noted as follows:

- 4.1 That in the business world, competition was inevitable and could easily spark up deep sentiments at the slightest insinuation by a rival; that there was no gainsaying that both parties were rivals;
- 4.2 That these sentiments could actually be true or imagined; that whatever they stood for, they must not be ignored;
- 4.3 That this factor was what informed the decision of the Committee to listen to the petitioner and respondent in a closed-door session so that their business secrets and whatever misgivings they had would not be exposed as this could end up ruining the business of both parties;
- 4.4 That the actual cause of the rift between Rite Foods and 7-Up was the strong words contained in the e-mail where 7-Up vowed that “at the end of that war, it would become a curse for anyone to start its own brand in Nigeria”, just as Rite Foods had; and
- 4.5 That the Committee was glad after mediating between the two in a closed-door session that they amicably resolved to pursue their businesses adopting strategies that would give them a fair share of the market to do their business, and all fears were allayed.
- 4.6 That after the two weeks set by the Senate Committee for amicable resolution of the issues raised in the petition between the two major players in the soft drink industry, both managements came up with common position of being satisfied with advice of the Senate to go all out henceforth and improve their marketing strategies to significantly compete favourably and increase their market share, in the interest of growing the economy of the nation.

#### **5.0 RECOMMENDATIONS**

Based on the above observations, the Committee hereby recommends as follows:



- 5.1 That the Senate do appreciate and commend the managements of 7-Up Bottling Company Plc and Rite Foods Limited for accepting an amicable resolution of the matter, through Alternative Dispute Resolution (ADR) adopted by the Senate, thereby saving the Soft Drink Sector from a major hiccup and devastation that would have rocked the industry, nation and its people.
- 5.2 That the Senate do strongly advise the Management of both Companies- 7-Up Bottling Company and Rites Foods Limited- to intensify efforts and improve their marketing strategies and techniques in order to achieve increase in their market share in the industry, thus leading to engagement of more Nigerians in their employment to boost the economy of the nation.

## **6.0 RESOLUTIONS OF THE SENATE**

Recommendations adopted as the Resolution of the Senate.



## CASE 18:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM HONOURABLE CHIEF DONATUS NWANKPA AND 21 OTHERS ON BEHALF OF ALL PROGRESSIVES CONGRESS (APC), ABIA STATE CHAPTER, AGAINST THE APPOINTMENT OF MR. HENRY OGBULOGO AS A MEMBER OF THE FEDERAL CHARACTER COMMISSION (FCC) REPRESENTING ABIA STATE

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 5th May, 2020, Senator Enyinnaya Abaribe (Abia South), rose on **Order 41** and drew the attention of the Senate to a petition from Honourable Chief Donatus Nwankpa and 21 Others on behalf of All Progressives Congress (APC), Abia State Chapter against the appointment of Mr. Henry Ogbulogo as a member, Federal Character Commission (FCC) representing Abia State because the appointment negated the principle of fair play, social justice and equity, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONERS

On the day of the hearing, the petitioners, Hon. Chief Donatus Nwankpa and 21 Others who were to speak on behalf of All Progressives Congress (APC) on the matter, did not show up.

Consequently, the Committee took it that the petitioners had nothing more to present. However, in their written petition to the Senate, the petitioners complained that:

- 2.1 The appointment of Mr. Henry Ogbulogo as a Member, Federal Character Commission, representing Abia State was in breach of Section 14(3) and (4) of the Constitution of the Federal Republic of Nigeria, 1999;
- 2.2 Mr. Henry Ogbulogo was from the same Abia North Senatorial District with the immediate past occupant of the same office, Engr. Iboko Imo Iboko;
- 2.3 Mr. Henry Ogbulogo was from the same Local Government Area, the same village and the same ward as the present Honourable Minister, representing Abia State in the current Federal Executive Council (FEC);



- 2.4 The two past members of FCC that represented the State had either come from Abia South or North Senatorial District thereby denying Abia Central Senatorial District its right of being so appointed;
- 2.5 The nominee, being a product of injustice, would not be able to represent them justly and equitably;
- 2.6 The objective leaders and citizens in the state see the appointment as improper, and this was capable of questioning the representation of the nominee; and
- 2.7 The nominee does not possess the capacity, exposure and political maturity required of the said office as a member.

They, therefore, appealed for justice and fair play on the matter.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, Mr. Henry Ogbulogo, the nominee, stated as follows:

- 3.1 That Section 14(3) of the Constitution of the Federal Republic of Nigeria, 1999 applies to the Federal level in terms of political appointments, and that Section 14(3) of the constitution referred to in their petition, was not breached by his appointment;
- 3.2 That given that the 36 States of the Federation and the FCT were represented in the recent appointment to the FCC by Mr. President, there was no basis for the petitioners to allege non-compliance with Section 14 (3) or (4); that Mr. President did not only comply with relevant sections of the Constitution, he also complied with Section 2 of the Federal Character Commission Act which provides that, “The Commission shall consist of – (a) a Chairman who shall be the chief executive of the Commission; (b) a representative each of the States of the Federation and (c) a representative of the Federal Capital Territory, Abuja.”
- 3.3 That since he was not an elected office holder which Section 6 of the FCC Act prohibits, but a citizen of Nigeria from Abia State, a member of the ruling party, a degree holder and above 30 years who was not previously appointed as a Commissioner, but a man of integrity, he was qualified to be appointed member of FCC;
- 3.4 That most of the Federal appointments since 2015 had been shared between Abia South and Central which included most of the petitioners which he graphically and geographically presented before the Committee; and





- 3.5 That given that his integrity, educational qualification, membership of APC, his professional and 14 years working experience were not in doubt, and having previously aspired to the 2011 Abia State House of Assembly membership election, he considered himself adequately qualified to hold that office, and urged the Committee to dismiss the petitioners' claims.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the submissions and oral presentations made by both parties, the Committee noted as follows:

- 4.1 That the appointment of Mr. Henry Ogbulogo by Mr. President as member, Federal Character Commission (FCC) was not in any way a breach of Section 14 (3) and (4) of the Constitution of the Federal Republic of Nigeria, 1999 as claimed by the petitioners; which state as follows:

**Section 4(3):**

“The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to reflect the Federal Character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or in any of its agencies.”

**Section 14(4)**

“The composition of the Government of a State, Local Government Council (LGC) or council, and the conduct of the affairs of the Government or council or such agencies shall be carried out in such manner as to recognize the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation.”

- 4.2 That the petition was spurious and provided no evidence to substantiate all the claims made; that consequently, the Committee was unhappy that such unsubstantiated claims could be made by such highly placed political party leaders of the ruling party from Abia State;



- 4.3 That from evidence available to the Committee, the nominee, Mr. Henry Ogbulogo, was eminently qualified to represent Abia State as a Member of the Federal Character Commission (FCC) as there was no question of integrity, qualification or any impediment whatsoever against him, having met all conditions surrounding his appointment; and
- 4.4 That the Committee is confident that Mr. Henry Ogbulogo is a fit and proper person to occupy office as Member, Federal Character Commission (FCC), and should be allowed to serve in that capacity in the interest of justice and fair play.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee recommends as follows:

- 5.1 That the Senate do commend Mr. President, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria for nominating Mr. Henry Ogbulogo for appointment as a member of the Federal Character Commission (FCC) as a fit and proper person to serve in that capacity; and
- 5.2 That the request of the petitioners urging the Senate not to approve the appointment of Mr. Henry Ogbulogo should be set aside and dismissed.

## **6.0 RESOLUTIONS BY THE SENATE**

Approved as recommended



## CASE 19:

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### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF TWO (2) PETITIONS FROM OKUZO LEADERS OF THOUGHT AND OBA PATRIOTIC UNION RESPECTIVELY, AGAINST REV. UCHE U. IBEABUCHI WHO WAS SEEN AS UNQUALIFIED TO BE NOMINATED FOR APPOINTMENT AS A REPRESENTATIVE OF ANAMBRA STATE IN THE FEDERAL CHARACTER COMMISSION (FCC)**

#### **1.0 INTRODUCTION**

The Senate would recall that on Tuesday, 12th May, 2020, Senator Uche Ekwunife (Anambra Central) rose on **Order 41**, and drew the attention of the Senate to two (2) petitions from Okuzo Leaders of Thought and Oba Patriotic Union respectively, against Rev. Uche U. Ibeabuchi who was seen as unqualified to be nominated for appointment as a representative of Anambra State in the Federal Character Commission (FCC), and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### **2.0 The Petitioners:**

1. Chief Edwin Obiabumuo, Chairman, Okuzu Leaders of Thought; and
2. The President-General, Oba Patriotic Union.

#### **3.0 The Respondent, Rev. Uche U. Ibeabuchi.**

#### **4.0 OBSERVATIONS/FINDINGS**

As the Committee was preparing to fix a date for the hearing, distinguished Senator Uche L. Ekwunife (Anambra Central) informed the Committee and sent in a document to the effect that the petitioners have withdrawn their petitions against the respondent Rev. Uche U Ibeabuchi on the strength of the written communication from Distinguished Senator Uche L. Ekwunife, the Committee stepped down the petition from further action.



## **5.0 RECOMMENDATIONS**

In view of the peaceful withdrawal of the matter from further action, the Committee hereby recommends as follows:

1. That the Senate do accept the withdrawal of the petitions from Okuzu Leaders of Thought and Oba Patriotic Union against Rev. Uche U. Ibeabuchi who was earlier seen as unqualified for nomination for appointment as a representative of Anambra State in the Federal Character Commission (FCC) as they have resolved the matter amicably; and
2. That the Senate do appreciate the efforts of the petitioners and the respondent in resolving the matter among themselves.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report adopted by the Senate as presented.



## CASE 20:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM CSP EBEREUCHE MIKE (RTD.) AGAINST THE NATIONAL PENSION COMMISSION (PENCOM) FOR ALLEGED POOR RETIREMENT BENEFITS/PENSION OF RETIRED NIGERIA POLICE OFFICERS

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 6th November, 2019, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from CSP Ebereuche Mike (rtd.) against the National Pension Commission (PENCOM) for the poor retirement benefits/pension of Retired Nigeria Police Officers, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, CSP Ebereuche Mike (rtd.) made the following statements:

- 2.1 That the Association of Retired Police Officers of Nigeria (ARPON) comprises all retired Police pensioners under the Defined Benefit Scheme (DBS) and Contributory Pension Scheme (CPS);
- 2.2 That while DBS was for the officers that retired before the commencement of the Pension Reform Act, 2004, those under the CPS were retirees thereafter;
- 2.3 That as a result of compelling issues arising from discrepancies in the administration of retirement benefits/pension between retired Police Officers under the CPS and their counterparts under DBS that seemed to have been favourable to the retirees under the latter, there were agitations from Officers under the CPS group to enjoy enhanced retirement benefits like their counterparts in the DBS, and this led to the setting up of a Committee to harmonize the issues of retirement benefits/pension between the two groups;
- 2.4 That the Committee sat and made among others things, these far reaching recommendations:



- a. That the government's contributions into the Retirement Savings Account (RSA) of a Retiree, Police Officer, should be increased from the present 7.5% to 20% while that of the serving Police Officer remain 8% as contained in the Pension Reform Act, 2014;
  - b. That the Government should pay a Special Gratuity, at the rate of 300% of a Police Officer's gross salary at the point of retirement. That this lump sum payment outside the gross salary of a retired Police Officer will by far increase the money available for the payment of his monthly pension than when paid from his Retirement Savings Account;
  - c. That an officer of the rank of Assistant Inspector-General of Police and above should retire with his full salary as applicable to Permanent Secretaries; and
  - d. That the Pension Fund Administrators (PFAs) should be made to give monthly report on earnings on investment; and
- 2.5 That initially, the retirees of Nigeria Police Force under the CPS were agitating to exit from the Scheme and join the DBS because of low retirement benefits/pension paid to them, but because of the intervention of the Committee that proffered solutions to their complaints, the retirees decided to remain under the CPS as a letter has been addressed to the President, Commander-in-Chief to approve the recommendations of the Committee.

He requests that the Senate should look into the matter and lend their support to the requests of the Retired Police Officers which would enhance the retirement benefits of the retirees.

### **3.0 BRIEF OF THE RESPONDENT**

In her submission, Aisha Dahir Umar, Acting Director-General of the National Pension Commission (PENCOM) stated as follows:

- 3.1 That the National Pension Commission (PENCOM) was established by the Pension Reform Act (PRA) 2014 principally to regulate, supervise and ensure the effective administration of pension matters and retirement benefits to Nigerians;
- 3.2 That the services provided by the Police and other paramilitary agencies were like that of the Military, hence, there was really nothing discriminatory about their retirement;
- 3.3 That there were provisions in the PRA 2014 to adequately compensate for work in hazardous environments including other benefits to cater for the hazards of the job performed by personnel of the Nigeria Police and other paramilitary agencies that



could be provided administratively by the employer, in line with the provisions of Section 4(4) of the PRA 2014, without recourse to amending the law;

- 3.4 That in respect of payment of 300% Gratuity to Retiring Officers, Section 4(4)(a) of the PRA 2014 provides that notwithstanding the pension contributions made by employer and employee into the employee's RSA, the "employer may agree on the payment of additional benefits to the employee upon retirement". That accordingly, the Federal Government may wish to provide additional benefits to personnel of the Nigeria Police Force and other paramilitary agencies upon their retirement;
- 3.5 That benefits already in place before June 2004 could, in the case of the Police and other paramilitary agencies, still be provided by their employer (FGN) under the CPS as enshrined in Section 117(3) (a) of the PRA 2014, which allows for continuation of any additional fringe benefits enjoyable upon retirement before the commencement of the Pension Reform in 2004;
- 3.6 That the National Assembly had severally rejected previous proposals for the exemption of the Nigeria Police Force and other paramilitary agencies from the CPS on the ground that the issues suggested by the proponents of the exemption could be sufficiently addressed within the framework of the CPS; and
- 3.7 That the Federal Government had in 2012, constituted a Joint Committee comprising the National Salaries, Income and Wages Commission, the Nigeria Police and the Commission to consider the submission by the Nigeria Police High Command for the exemption of their personnel from the CPS, and based on the recommendation of the Committee, the Federal Government took a decision that the personnel of the Nigeria Police Force should continue to be covered under the Contributory Pension Scheme. That the Force was further advised by the Government to liaise with PENCOM to draw-up modalities for addressing all areas of concern which culminated into the establishment of NPF Pensions Limited that manages and administers pensions exclusively for the personnel of the Nigeria Police.

That in the light of the above, the National Pension Commission (PENCOM) urged the distinguished Senate to disregard the petition filed by CSP Ebereuche Mike (rtd.).

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the written and oral presentations of the petitioner, CSP Ebereuche Mike (rtd.) and the respondent, the National Pension Commission (PENCOM), the Committee observed as follows:



- 4.1 That the Association of Retired Police Officers of Nigeria (ARPON) comprises retired Police pensioners under the Defined Benefit Scheme (DBS) and Contributory Pension Scheme (CPS);
- 4.2 That while DBS was for the officers that retired before the commencement of the Pension Reform Act, (PRA) 2014, those under the CPS were retirees thereafter;
- 4.3 That the agitation of the retired Police Officers and other paramilitary services to exit from the CPS and join the DBS was because of low retirement benefits/pension paid to them unlike their sister forces viz the Armed Forces, the DSS and the Intelligence services who enjoy 300% gratuity of their last gross salary in lump sum as well as pension for life;
- 4.4 That as the expression of grievances and complaints over the discrepancies on the payment of retirement benefits/pension raged on, ARPON in 2019 set up a committee to critically look into, analyse and proffer solutions to the myriad of problems besetting the Scheme;
- 4.5 That the recommendations of the Committee which were acceptable to ARPON members necessitated their jettisoning of their earlier clamour to exit from the Contributory Pension Scheme (CPS) to Defined Pension Scheme (DPS);
- 4.6 That the recommendations of the Committee among others, include:
  - a. Retired Police officer's Retirement Savings Account (RSA) should be increased from 7.5% to 20% by the government;
  - b. Payment of Special Gratuity of 300% of Police Officer's gross salary at the point of retirement by the government;
  - c. Review of the Pension Reform Act 2014 for every five years or whenever there is an increase in salary;
  - d. Officer of the rank of Assistant Inspector-General of Police and above should retire with his full salary as applicable to Permanent Secretaries;
  - e. Pension Fund Administrators (PFA) were to give monthly report on earning on investment; etc;
- 4.7 That in respect of payment of 300% Gratuity to a Retiring Officer, Section 4(4)(a) of the PRA 2014 provides that notwithstanding the pension contributions made by employer and employee into the employee's RSA, the "employer may agree on the payment of additional benefits to the employee upon retirement". That accordingly, the Federal Government might wish to provide additional benefits to





personnel of the Police and other paramilitary agencies upon their retirement;

- 4.8 That benefits already in place before June 2004 could, in the case of the Police and other paramilitary agencies, still be provided by their employer (FGN) under the CPS as enshrined in Section 117(3)(a) of the PRA 2014, which allows for continuation of any additional fringe benefits enjoyable upon retirement before the commencement of the Pension Reform in 2004; and
- 4.9 That what ARPON wanted was the support of the Senate in their demand for enhanced retirement benefits/pension thereby adding impetus to the request letter for the approval of the Committee recommendations that was receiving the attention of the Commander-In-Chief of the Armed Forces of the Federal Republic of Nigeria.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do commend the petitioner, Ebereuche Mike (rtd) and other members of the Association of Retired Police Officers of Nigeria (ARPON) for dropping their initial proposal for the exemption of the Retirees of the Nigeria Police Force from the Contributory Pension Scheme (CPS) on the ground that the issues suggested by the proponents of the exemption could be sufficiently addressed within the framework of the Contributory Pension Scheme (CPS);
- 5.2 That the Senate do urge Mr. President, Commander-In-Chief of the Armed Forces of the Federal Republic of Nigeria to graciously approve the demands of ARPON for enhanced retirement benefits/pension that have been sent to him by the Association; and
- 5.3 That the National Pension Commission (PENCOM) should synergize with the Association of Retired Police Officers of Nigeria (ARPON) to implement the outcome of the Presidential approval when released since benefits already in place before June 2004 could, in the case of the Police and other paramilitary agencies, still be provided by their employer (FGN) under the CPS as enshrined in Section 117(3)(a) of the PRA 2014, which allows for continuation of any additional fringe benefits enjoyable upon retirement before the commencement of the Pension Reform in 2004.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report and recommendations adopted as resolution by the Senate.





## CASE 21:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM OSOTOYE SEGUN KAYODE AGAINST THE NIGERIA CORRECTIONAL SERVICE FOR ALLEGED ERRONEOUS INCLUSION OF HIS NAME ON THE RETIREMENT LIST OF SENIOR OFFICERS OF THE SERVICE

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 2<sup>nd</sup> June, 2020, Senator Kola A. Balogun (Oyo South) rose on **Order 41**, and drew the attention of the Senate to a petition from Osotoye Segun Kayode against the Nigeria Correctional Service (NCS) for erroneously including his name on the retirement list of senior officers of the Service in 2016, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Osotoye Segun Kayode who had met with the Chairman of the Committee in a closed session, alleged as follows:

- 2.1 That he was a junior officer in the Nigeria Correctional Service (NCS) on Compass 06;
- 2.3 That his name was erroneously included in the list of Senior Officers on Compass 08 of the Service that had written resignation letters because they presented forged certificates to the Service;
- 2.3 That he did not write such letter, neither did he instruct anybody to write on his behalf;
- 2.4 That he was bewildered how his named entered the list when he had not forged any certificate or faced any disciplinary panel for any offence whatsoever; and
- 2.5 That the said resignation letter purported to have been written by him that prompted the inclusion of his name in the resignation list was not written by him nor with his consent and therefore should be of no effect against him.

He requested that the Senate should look into the matter and urge the Nigeria Correctional Service (NCS) to reinstate him.



### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Controller-General of the Nigeria Correctional Service (NCS) stated as follows:

- 3.1 That actually, the petitioner's name Osotoye Segu Kayode was erroneously listed amongst those who submitted fake certificates upon which they were retired;
- 3.2 That the error was being handled by the Controller-General (CG) of the Nigeria Correctional Service and a letter to that effect had been written to the Board to effect the correction; and
- 3.3 That the petitioner being a junior officer should not have been affected by the retirement and the CG of Corrections was working to correct the anomaly in order to reinstate the officer.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations and submissions of the petitioner and the respondent, the Nigeria Correctional Service (NCS), the Committee observed as follows:

- 4.1 That the petitioner's name Osotoye Segun Kayode was actually erroneously included in the list of Senior Officers on Compass 08 of the Nigeria Correctional Service that had written resignation letters because they presented forged certificates to the Service;
- 4.2 That the retirement of Osotoye Segun Kayode, a junior officer of Compass 06 was based on the error as stated above; and
- 4.3 That the Nigeria Correctional Service later identified the error and agreed to correct it and reinstate the officer.

### **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do commend the Controller-General of the Nigeria Correctional Service (NCS) for accepting responsibility for the error and for agreeing to reinstate Osotoye Segun Kayode with effect from the date he was mistakenly retired and to promote and pay him all his entitlements so as to be at par with his colleagues; and
- 5.2 That the Senate do urge the Board of Customs, Immigrations, Civil Defence and Correctional Service to approve the recommendation of the Controller-General for the reinstatement of Osotoye Segun Kayode together with the payment of all



his outstanding entitlements and promotions accordingly.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report and recommendation adopted by the Senate.



## CASE 22:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM FINIAN TOBIAS OKORO ON BEHALF OF 26 OTHER LECTURERS OF THE NIGERIA MARITIME UNIVERSITY, OKERENKOKO WHOSE APPOINTMENTS WERE ALLEGEDLY TERMINATED BY THE UNIVERSITY WITHOUT JUSTIFIABLE CAUSE

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 6<sup>th</sup> November, 2019, Senator Ayo Akinyelure (Ondo Central) rose on **Order 41** to lay petitions referred to his committee from the office of the President of the Senate, and drew the attention of the Senate to a petition from Finian Tobias Okoro on behalf of 26 other lecturers of the Nigeria Maritime University whose appointments were allegedly terminated by the University without justifiable cause, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Finian Okoro stated as follows:

- 2.1 That they were legitimately and properly recruited into the Nigeria Maritime University after a thorough competitive exercise ranging from applying for the jobs based on the vacancies advertised in the National Dailies in November, 2017, written examinations, oral interviews and verification of their credentials which was conducted by professionals, made up of professors in their various fields;
- 2.2 That after these exercises, only One Hundred and Twenty (120) academic staff were successful out of over Six Thousand (6000) persons that applied for the jobs and that they were given their appointment letters on 10th April 2018 after all the necessary documentation and assumed duty on 12th April 2018;
- 2.3 That they believed that a reputable institution like the Maritime University, a citadel of knowledge, training and channel of producing professionals, did all within her powers to screen, scrutinize and employ the best brains suitable for the positions advertised for and that they were diligent, dedicated and committed to their job;



- 2.4 That no form of query or warning whether written or verbal was given to any of the affected staff who devoted their entire time and life in the Island of Kurutie, where the take-off campus was situated; that they even slept on the bare floor in the classrooms for months because no accommodation was available;
- 2.5 That their appointments into the Nigeria Maritime University were offered to them after rigorous and competitive recruitment procedures by the Governing Council of the Nigeria Maritime University which was a body recognized by law, with professors drawn from various universities in the country and Mr. Owojaiye Samson, a representative of Federal Character Commission and Prof. Chiedu Mafiana, a Deputy Executive Secretary of the National Universities Commission who were withdrawn from the service after one year and four months by the Council Committee which lacks the legal power to sack lecturers;
- 2.6 That it was the Council Committee comprising two external Council members (Mr. Saliyu Aliyu and Hon. Mustapha Farouk) and School Management that terminated their appointments and that the sudden termination of their appointment constitutes a breach of fundamental principles of fair hearing because they were not invited or heard by any investigative committee;
- 2.7 That when they inquired to know why their appointments were terminated, they were told that their qualifications were not needed in the Institution citing item No. 4 of the conditions of appointment in their employment letters which stated that while on probation, their appointment might be terminated if they failed to meet the conditions of service while they were interviewed by professors in various fields set up by the School Management and were found fit and proper to assume such positions in the University;
- 2.8 That the Council Committee members which declared them not qualified to be in the Institution were not more knowledgeable than those experts who certified them employable and that there were no Deputy Vice – Chancellors, no Deans of Faculties, and no School Senate when the Council disengaged them;
- 2.9 That their junior colleagues were appointed as Acting Registrar and Bursar after the refusal of the School Registrar and the Bursar to do the School Management’s bidding and that the first Senate meeting was held on 27th September 2019 after termination of their appointments while it was supposed to pass through the School Senate;
- 2.10 That the School’s Governing Council was not properly constituted because it only comprised five external members by names: Chief Timipre Sylva (Chairman of



the Governing Council & Pro-Chancellor), Hon. Gadi Umar Mohammed, Hon. Ijeoma Igboanusi, Mr. Saliyu Aliyu and Hon. Mustapha Farouk with the Vice-Chancellor without any internal member who was supposed to represent the interest of the staff;

- 2.11 That the normal conventional practice was that all disciplinary matters must be investigated by a joint committee of the Council and the Senate before the Council could take a final decision but that this was not followed and that after the termination of their appointments, the School Management employed over four hundred (400) staff without advertisement for the positions or conducting any form of interview or test;
- 2.12 That the University has more than one thousand (1000) staff today against the one hundred and twenty staff that started the school on 10th April 2018 and the appointment letters of those new staff employed in November and December 2019 were backdated to April 2019 to cover up financial irregularities; and
- 2.13 That they had written severally to the Vice – Chancellor but all to no avail and that was why they resorted to the Senate.

He appealed to the Senate to urge the School Management to:

- a. Reinstatement them to their positions based on their qualifications and pay them the arrears of salaries & allowances accrued to them; and
- b. Ensure that their lives were safe while they did their jobs when reinstated.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Vice – Chancellor, Nigeria Maritime University, Okerenkoko, Delta State, Engr. Prof. (Mrs.) Maureen O.O. Etebu, stated as follows:

- 3.1 That the termination of the petitioners' appointment was recommended by a seventeen (17) man Committee constituted by the University and approved by the University Governing Board;
- 3.2 That the National Universities Commission (NUC) came up with the decision that special Universities should run special programmes which made the University to carry out regularization and that when the files of the petitioners who were still on probation then were brought, they found out that some of them did not fit into the system; and
- 3.3 That some of the petitioners got their certificates from a consultancy outfit that was not even recognized while some were over-placed for instance, one Mrs.





Elizabeth Anho, a sister to the then Registrar, was placed as a principal lecturer instead of Accountant I.

#### **4.0 OBSERVATION/FINDINGS**

After carefully scrutinizing the submissions of the petitioner and the respondent, the Committee noted as follows:

- 4.1 That the petitioners were actually recruited into the Nigeria Maritime University after a thorough, competitive exercise ranging from applying for the jobs based on the vacancies advertised in the National Dailies in November, 2017, written examinations, oral interviews and verification of their credentials;
- 4.2 That the appointment of the petitioners into the Nigeria Maritime University was conducted by a Governing Council of the University, with professors drawn from various universities in the country, with Mr. Owojaiye Samson, a representative of the Federal Character Commission and Prof. Chiedu Mafiana, a Deputy Executive Secretary of the National Universities Commission who were both disengaged from the service after one year and four months by the Council Committee without any form of written query, warning or appearing before any Disciplinary Committee;
- 4.3 That the School Governing Council was not properly constituted because it only comprised five external members with no internal member to represent the interest of the staff; and
- 4.4 That the termination of the petitioners' appointment did not follow due process and over four hundred (400) staff were employed by the School Management without advertising for the positions or conducting any form of interview or test, after the petitioners' disengagement.

#### **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends:

- 5.1 That Finian Tobias Okoro and 26 other lecturers be reinstated as appropriate back to service in line with their qualifications because the termination of their appointments did not follow due process; and
- 5.2 That all their salaries and allowances due them be paid to them.

#### **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation adopted by the Senate.



## CASE 23:

### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION BY SENATORS BY AKWA-IBOM STATE AGAINST THE NOMINATION OF MR. LAMIDO YUGUDA AS DIRECTOR-GENERAL OF SECURITIES AND EXCHANGE COMMISSION (SEC) INSTEAD OF NOMINATING MARY UDUK WHO WAS ALREADY SERVING AS AG. DIRECTOR-GENERAL AT THE COMMISSION**

#### **1.0 INTRODUCTION**

The Senate would recall that on Tuesday, 2<sup>nd</sup> June 2020, Senator Albert B. Akpan (Akwa-Ibom North-East) drew the attention of the Senate to a petition by Senators from Akwa-Ibom State against the nomination of Mr. Lamido A. Yuguda as Director-General of Securities and Exchange Commission (SEC) instead of nominating Mary Uduk who was already serving as Ag. Director-General at the Commission at that time and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### **2.0 BRIEF OF THE PETITIONER**

In their petition before the Committee, the three Senators represented by Senator Albert Akpan, stated as follows:

- 2.1 That they were seeking the urgent intervention of the Senate to ensure the good people of Akwa-Ibom State were not further marginalized in matters of federal appointments, arguing that the appointments so far made by the Federal Government appear lopsided as only two of such appointments have benefited persons from Akwa-Ibom State;
- 2.2 That Akwa-Ibom people were thinking that a third appointment was nearby as Mary Uduk who had already worked over thirty years with SEC and had recently been appointed Ag. Director-General, would be appointed DG;
- 2.3 That this was all the more reason that they were disappointment when they noted that Mary Uduk's name was not among the list of board members appointed for SEC recently submitted to the Senate for confirmation;
- 2.4 That it was disheartening that Mary Uduk who was eminently qualified to be appointed DG, SEC, having represented Nigeria at regional and international



bodies such as the West African Capital Market Integration Council (WACMIC) and currently on the board of the International Organisation of Securities Commission (IOSCO), the international standards setter for securities regulation, was neither listed as DG nor as a full-time Commissioner; and therefore;

- 2.5 Appeal to the leadership of the Senate to look into the systematic disenfranchisement of Akwa-Ibom people in federal appointments.

### **3.0 BRIEF OF THE RESPONDENTS:**

1. The Newly Appointed Director General, Mr. Lamido A. Yuguda
2. The Acting Director General, Mary Uduk

The Committee is pleased to report that as soon as they both received letters inviting them to the Committee for investigation of the matter, they immediately met and resolved the matter as follows:

1. That Ag.D.G, Mary Uduk should retire as D.G with immediate effect, while
2. That the newly appointed D.G. Mr. Lamido A. Yuguda should continue from where she stopped as D.G., Securities and Exchange Commission (SEC) as appointed by Mr. President, Commander-in-Chief.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully listening to the two Securities and Exchange Commission appointees and their mature discussions and resolution of the matter, the Committee noted as follows:

1. That the Ag. D.G. and the newly appointed D.G. both deserve the commendation of the Committee, and the Committee, therefore, went ahead to commend them orally; and
2. That consequently, the appointment of Mr. Lamido A. Yuguda by Mr. President as D.G. of Securities & Exchange Commission (SEC) be sustained.

### **5.0 RECOMMENDATION**

That based on the observations above, the appointment of Mr. Lamido A. Yuguda as D.G., Securities & Exchange Commission (SEC) be sustained while the Ag. D.G., Mary Uduk, be allowed to retire as substantive D.G. with immediate effect.

### **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report adopted by the Senate.



## CASE 24:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM SENATOR BODE OLA ON BEHALF OF CORNERSTONE MONTESSORI SCHOOLS AGAINST THE FEDERAL CAPITAL DEVELOPMENT AUTHORITY (FCDA) FOR THE SECRET AND ILLEGAL REDESIGN/GRABBING OF HIS PLOT NO. E27/3277 IN APO RESETTLEMENT BY THE FEDERAL CAPITAL DEVELOPMENT AUTHORITY (FCDA)

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 10th June, 2020, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, and petitions referred to his Committee from the office of the President of the Senate. He drew the attention of the Senate to a petition from Senator Bode Ola on behalf of Cornerstone Montessori Schools against the Federal Capital Development Authority (FCDA) for alleged secret and illegal redesign/grabbing of a green area Plot No. E27/3277 belonging to the School in Apo Resettlement, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

In his submission Senator Bode Ola stated as follows:

- 2.1 That Cornerstone Montessori Schools was originally allotted plot No. E27/3277, as a Green Area in Apo Resettlement in 2013;
- 2.2 That the land was designated green area in the original design and was allocated to the school by the Minister of the Federal Capital Territory for the purpose of developing the much needed playground, recreational and innovation centre for children and adults alike in the Federal Capital Territory (FCT);
- 2.3 That to complement the efforts of the government in curbing insurgency and promoting creativity in children, youths and adults in the society, they moved in, transforming a jungle of gullies into a beautiful park/garden, a recreational facility of repute for the benefit of the community and society;
- 2.4 That their quick transformation and beautification of the area was applauded by all well-meaning and progressive people and the community leaders including,



His Royal Majesties, Chief of Garki and Chief of Apo Resettlement;

- 2.5 That despite the speedy development and beautification of the green area, to their surprise, the Urban and Regional Planning Department of FCDA decided to disrupt the good plan made by abetting encroachment on the plot by the Abuja Municipal Area Council (AMAC);
- 2.6 That Cornerstone Montessori Schools had committed huge resources: human, financial, physical, intellectual, emotional, social and relational to attain the level of development the park has reached so far;
- 2.7 That they had relevant approvals for the allotment and development of the park from the FCDA; and
- 2.8 That it was surprising that the FCT Minister or a Director would approve a redesign of the plot against his earlier approval given to Cornerstone Montessori Schools.

He requested that the Senate should look into the matter and with a view to bringing justice to the school.

### **3.0 BRIEF OF THE RESPONDENT**

The Executive Secretary, Federal Capital Development Authority, Engr. U.G. Jibrin, represented the Hon. Minister of the Federal Capital Territory (FCT) while Arc. Gaza Z.A. represented the Chairman, Abuja Municipal Area Council (AMAC) at the hearing. The Executive Secretary, Federal Capital Development Authority, Engr. U.G. Jibrin stated as follows:

- 3.1 That actually, plot No. E27/3277, a Green Area in Apo Resettlement, was allocated to Cornerstone Montessori Schools for the development of playground, recreational and innovation centers for children and adults alike in the Federal Capital Territory (FCT);
- 3.2 That there was no encroachment to the aforementioned plot of land;
- 3.3 That Abuja Municipal Area Council (AMAC) applied for a space to establish a motor park in the Green Area of the Resettlement Area and was given a plot of land very close to No. E27/3277; and
- 3.4 That the Federal Capital Development Authority (FCDA) would delineate the plots if AMAC applied to the FCDA for delineation to define the boundaries of the motor park and No. E27/3277 belonging to Cornerstone Montessori Schools.



#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations of Senator Bode Ola and the representative of the Hon. Minister of the Federal Capital Territory (FCT) Engr. U.G. Jibrin on the issue at stake, the Committee observed as follows:

- 4.1 That Plot No. E27/3277 designated as a Green Area in Apo Resettlement was actually allocated to Cornerstone Montessori Schools by the Hon. Minister of the Federal Capital Territory (FCT) in 2013 for the development of playground, recreational and innovation centers for children and adults alike in the FCT;
- 4.2 That Abuja Municipal Area Council (AMAC) was also allotted a space within the same Green Area in the resettlement Centre to establish a motor park and the park shares boundary with the Cornerstone Montessori Schools;
- 4.3 That from the presentation of the FCDA supported with the map of the Green Area made available to the Committee, there was no encroachment on the plot allocated to Cornerstone Montessori Schools;
- 4.4 That to allay the fears of the petitioner of the possible encroachment of his plot by the Abuja Municipal Area Council (AMAC), the Executive Secretary of the Federal Capital Development Authority (FCDA) directed the Chairman of AMAC to apply to FCDA for the delineation of the boundaries between Plot No. E27/3277 belonging to Cornerstone Montessori Schools and the plot allocated to AMAC in the Green Area; and that when that was done, FCDA would send a surveyor for the delineation.

#### **5.0 RECOMMENDATIONS**

That based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the Federal Capital Development Authority (FCDA) to as matter of urgency, delineate the boundary between Plot No. E27/3277 designated as a Green Area in Apo Resettlement Area allocated to Cornerstone Montessori Schools and the plot allocated to Abuja Municipal Area Council (AMAC) as motor park in the same Green Area to allay the fears of Corner Stone Montessori Schools that the plot E27/5277 allocated to it had not been redesigned by FCDA.

#### **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report adopted as presented by the Senate



## CASE 25:

### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM OTUMA ERIC SUSANE AND FIVE OTHERS ON BEHALF OF OKPOKUNOU URBAN COMMUNITY (OUC) AGAINST SHELL PETROLEUM DEVELOPMENT COMPANY AND CHIEF CHARLES AYEMI-BOTU FOR ALLEGED DENIAL OF OKPOKUNOU COMMUNITY OF OIL CONTRACTS AND ACCRUABLE BENEFITS FROM SHELL PETROLEUM DEVELOPMENT COMPANY OPERATIONS AT OKPOKUNOU**

#### **1.0 INTRODUCTION**

The Senate would recall that on Tuesday, 8<sup>th</sup> October, 2019, Senator Ayo Akinyelure (Ondo Central) rose on **Order 41** to present petitions received from the office of the President of the Senate, and drew the attention of the Senate to a petition from Otuma Eric Susane and Five Others on behalf of Okpokunou Urban Community (OUC) against Shell Petroleum Development Company and Chief Charles Ayemi-Botu for denying Okpokunou Community of oil contracts and accruable benefits from Shell Petroleum Development Company operations at Okpokunou, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

However, because the same petition was sent to the Committee on Petroleum Resources (Upstream) for treatment from the office of the President of the Senate, the two Committees worked together on the matter.

#### **2.0 BRIEF OF THE PETITIONERS**

Narrating its ordeal before the Committee, Okpokunou Community, represented by Otuma Eric Susane and Five Others, stated:

- 2.1 That they were making this passionate appeal at the behest of the entire Okpokunou Community upon a congress meeting held on 6<sup>th</sup> June, 2019 to address the balkanization antics by Shell Petroleum Development Company (SPDC) of Nigeria in collusion with the Clan head of Seimbiri Kingdom for the past 25 years;



- 2.2 That the appeal was as a result of the 25 years that SPDC and its Community Relations Officer in collusion with the Seimbiri Clan head had been milking the Community so much so that the only presentable building in the entire Community was the Clan head's own; that in the 25 years he had been representing them, there was nothing to show for it;
- 2.3 That for that period, he had been fomenting trouble, one after another for the Community; hence the decision to appoint Ebitimi Member Preye as Okpokunou Community's representative henceforth on behalf of the people of Okpokunou;
- 2.4 That a Power of Attorney to that effect had been donated to the said Ebitimi Member Preye who was also an indigene of Okpokunou communities to represent them;
- 2.5 That the Clan head was for all the Clan comprising Oboro, Okpokunou, Edegbene, Enekorogha, Duno-Ogosu and other satellite Community;
- 2.6 That whereas each of the other four Communities namely Oboro, Edegbene, Enekorogha and Duno-Ogosu collected their benefits whether as contract or cash from SPDC directly, that of Okpokunou was collected by the Clan head, HRM, Pere Ayemi-Botu as if he was the 5<sup>th</sup> Community and the Community wanted this anomaly corrected, hence the appointment of Ebitimi Member Preye as their own approved person to collect whatever benefits accruable on their behalf;
- 2.7 That hitherto, the Clan head, HRM, the Paramount Ruler of Seimbiri Kingdom had been known to force Okpokunou Urban Community incumbent Chairman to produce a blank Community letter-headed paper with the Community seal to transact business with SPDC as if on behalf of the people; that this became evident in 2014 when SPDC drilled live wells as well as six appraisal wells which HRM Pere Charles Ayemi-Botu (JP) asked the then incumbent Chairman, Mr. Yinkore Ekeyou to allocate all the contracts in operation then to his personal companies;
- 2.8 That this had been his style of running the Community as if it were his personal enterprise till this point that they decided that enough was enough, that the practice must stop.

They therefore, appealed for a revocation of all licences to SPDC as touching Okpokunou if the anomaly would not be corrected. That an allocation should then be made to any suitable conglomerates that were willing to improve their lot as a Community and people.





### 3.0 BRIEF OF THE RESPONDENT

A. First Respondent; Responding, HRM, King Pere Charles Ayemi-Botu stated:

- 3.1 That Seimbiri Kingdom was not a clan, that it is a Kingdom;
- 3.2 That the petition was written by a tiny group of disgruntled elements in Okpokunou Community; that Okpokunou people were not aware of this petition;
- 3.3 That the Power of Attorney given to Mr. Ebitimi Member Preye on behalf of the Community to represent them was not approved by the Community;
- 3.4 That since Ebitimi Member Pere was not the choice of the people to represent them in their relationship with SPDC, the Power of Attorney procured for him was null and void;
- 3.5 That in 1978, Shell paid N10m as compensation for cash crops, and Shell had done that twice after the first instance; and
- 3.6 That all the payments were administered according to the 1976 constitution that came into effect in 1982.

He appealed to the Committee to discountenance the substance of the petition by Otuma Eric Susane and set it aside.

B. Second Respondent; Shell Petroleum Development Company of Nigeria also responding on the matter, the Managing Director, represented by the Director SPDC/ General Manager Business and Government Affairs, Mr. Bashir Bello stated:

- 3.7 That indeed, the same matter had been presented to them by the Senate Committee on Petroleum Resources (Upstream) to which they responded;
- 3.8 That Shell Petroleum Development Company (SPDC) of Nigeria was committed to working with all stakeholders in its area of operations; that they entered into Okpokunou over 25years ago, SPDC JV had not produced oil and gas in the area; that despite this, it had furthered their commitment of contributing to the development of communities within their area of operations, and had delivered several community projects in the Community;
- 3.9 That over the past two years, they had been making attempts to re-enter the area to recommence activities; that in line with their commitment, they had engaged and consulted all stakeholders which included the Paramount Ruler of Okpokunou Community as they had not heard whether or not the Paramount



Ruler had been deposed or removed by the Delta State Government; and

3.10 That SPDC would remain neutral in internal issues of communities, and would recognize all constituted authorities.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully going through the oral and written submissions of the petitioner and the two respondents, the Committees noted as follows:

- 4.1 That out of the five communities that make up the Clan, four were getting all their proceeds: monetary entitlements/contracts/royalties directly from Shell, but that of Okpokunou was being collected by HRM Pere Charles Ayemi-Botu alone as if he were Okpokunou Community himself;
- 4.2 That this was the real bone of contention and the reason for the petition; the Okpokunou people want to receive their contracts/royalties and whatever entitlements as the four others were receiving;
- 4.3 That although HRM, Pere Charles Ayemi-Botu was the head of the five communities, his kingship does not entitle him to what naturally belonged to Okpokunou Community as proceeds from the oil wells they had;
- 4.4 That this position of things was confirmed by the Committees, and to correct this anomaly, the Committee proposed that whatever royalties, contracts arising from the relationship between Shell and the five Communities be shared as follows:
  - a. That HRM, 5% of whatever came in;
  - b. That the remaining 95% be shared by the five Communities (Okpokunou, Oboro, Edegbene, Enekorogha and Duno-Ogosu) equally; and
- 4.5 That there was nothing in the constitution guiding the affairs of Okpokunou that suggested that proceeds from oil well and drilling activities should be given to HRM as his right.

#### **5.0 RECOMMENDATIONS**

Based on the findings above and the urgent need to broker peace, especially for the Okpokunou people, the Committees hereby recommend as follows:

- 5.1 That the sharing formula of 5% of proceeds arising from the ownership of the oil wells and activities by Shell around Okpokunou oil wells be given to HRM, Pere Charles Ayemi-Botu while the five other Communities (Okpokunou, Oboro,



Edegbene, Enekorogha and Duno-Ogosu) share the remaining 95%;

- 5.2 That the Department of Petroleum Resource (DPR) is urged to ensure compliance in the interest of peace among the Communities; and
- 5.3 The Committee on Petroleum (Upstream) be mandated to monitor compliance.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report adopted by the Senate.



## CASE 26:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM ARTHUR C. NWOSU, ESQ. ON BEHALF OF DEPUTY COMPTROLLER OF CUSTOMS (DC) IDRIS ALOMA ZAMDAI AGAINST THE NIGERIA CUSTOMS SERVICE FOR ALLEGED UNLAWFUL DISMISSAL FROM SERVICE

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 8<sup>th</sup> July 2020, rising on Order 41, Senator Mohammed Ali Ndume (Borno South) drew the attention of the Senate to a petition from Arthur C. Nwosu, Esq. on behalf of DC Idris Aloma Zamdai, against the Nigeria Customs Service for unlawful dismissal from service, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

In his submission to the Committee, the petitioner, Arthur C. Nwosu, Esq., stated as follows:

- 2.1 That his client, DC Idris Aloma Zamdai who was in charge of releasing trucks, trailers and equipment upon presentation of Certificate of Examination by Examination Officers at the Tin Can Island Port, Lagos, released trucks based on the Certificates of Examination presented to him by two Examination Officers in February 2016;
- 2.2 That on 29th August 2016, DC Idris A. Zamdai received a query on the one hand and a suspension letter on the other at the same time for purportedly releasing trucks, trailers and equipment before berthing of Vessel MV Silver Sun;
- 2.3 That consequently his salary was stopped with immediate effect, and was relieved of his duties; that Zamdai however, replied to the query on 30th August 2016;
- 2.4 That as a result of that accusation, an investigative Committee was set up which recommended that the matter be referred to the investigation unit (E, I & I) for investigation; that another Committee headed by Compt. Dahiru A. M. in a report of 15th August, 2016, recommended that DC Idris A. Zamdai, having committed



misconduct should be referred to a Disciplinary Committee, for appropriate investigation; that DC Zamdai did not face any of the two Committees set up, but instead, got a dismissal letter on 13th October, 2016 stating that he had been dismissed from service upon approval of the dismissal by the President of the Federal Republic of Nigeria;

- 2.5 That only the Nigeria Customs Service Board has the powers to dismiss any officer from the Nigeria Customs Service as specified under Section 4(1) of the Nigeria Customs Service Board Act Cap N100LFN, 2004, and not the President of the Federal Republic of Nigeria; and
- 2.6 That the entire concept of query, suspension and dismissal was not only premeditated, but done without fair hearing to his client thereby rendering the purported dismissal unlawful, wrongful, null and void and of no legal effect; and
- 2.7 That his client was the oldest serving officer in the Nigeria Customs Service who had rendered 32 years of selfless service and should not be punished unjustly and unfairly for releasing trucks based on Certificates of Examination presented to him by the Examination Officers.

He requested that the Senate should compel the Nigeria Customs Service to reinstate him to his position and rank and pay all outstanding salaries and any other entitlements.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, Ag. Deputy-Comptroller-General, A. T. Babani, speaking on behalf of the Nigeria Customs Service, stated:

- 3.1 That sometimes in February 2016 the Nigeria Customs Service received information of improper release of some vehicles by officers of the Nigeria Customs Service in advance of the arrival of the conveying vessel at Five Star Logistics Terminal, Tin Can Island Port, Lagos which made it to set up investigations both at the Area Command and the Headquarters to look into the matter;
- 3.2 That the reports of the investigations revealed that:
  - a. The conveying Vessel MV Silver Sun Voyage No. 16SU01 and ROT No. 2016/78, carrying vehicles, trucks, plants, trailers and equipment sailed from Hamburg, Germany and was expected to berth at Tin Can Island Port, Lagos on 19th February 2016;
  - b. The officers who included DC Zamdai connived to release and did release a total of 530 vehicles, trucks, plants, trailers and equipment in the months of January and February 2016 ahead of the expected date of arrival of the vessel



- on 19<sup>th</sup> February 2016;
- c. The Inspection Act of various Single Goods Declarations (SGDs) indicated that the vehicles were examined and released in January and the vessel was expected to arrive on 19<sup>th</sup> February 2016;
  - d. The DC Zamdai was the officer in charge of trucks, plants, trailers and equipment section of the Customs terminal and he was the releasing officer;
  - e. The DC Zamdai improperly released 178 used trucks, plants, trailers and equipment out of the total number of vehicles released, and that there was no examination carried out by any officer;
  - f. The speed with which the SDGs were captured and released strongly showed a high level of connivance of officers with the importers and agents;
  - g. The examination reports were supposed to have been made for each of the 178 used trucks, plants, trailers and equipment improperly released by DC Zamdai, and the two examination reports purportedly written by SVC No: SC Ita M. and SVC No; 39200 CSC Egu L. which DC Zamdai relied upon for the release of the 178 used trucks, plants, trailers and equipment were neither written nor signed by them;
- 3.3 That after thorough and painstakingly investigations, the investigation team recommended that DC Zamdai and the other officers be made to face the Senior Disciplinary Committee at the Headquarters of Customs;
- 3.4 That investigation reports established a prima facie case of serious misconduct against the officers including DC Zamdai for releasing vehicles without conducting any physical examination as the used trucks, plants, trailers and equipment were released while they were on the high sea, and that the action of the officers including DC Zamdai was clearly in breach of import clearing procedure of Customs and posed a great risk to national security of the Federal Republic of Nigeria;
- 3.5 That DC Zamdai and other officers were issued with query which they answered, placed on suspension and invited to face the Senior Staff Disciplinary Committee in accordance with the Public Service Rules; and
- 3.6 That the Disciplinary Committee, not satisfied with the defense of DC Zamdai, recommended his dismissal, and that the recommendation was upheld by the Management of Nigeria Customs Service, and DC Zamdai was dismissed upon approval of the President with effect from 10th October 2016.



The respondent therefore, requested that the petition be dismissed as it was frivolous, vexatious and lacked merit.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the written and oral presentations of the petitioner, Arthur C. Nwosu, Esq. and the respondent, the Nigeria Customs Service, the Committee observed as follows:

- 4.1 That DC Idris Aloma Zamdai was actually queried and suspended on the 29th of August 2016 by the Nigeria Customs Service, a development that is at variance with the Public Service Rules; a normal process would have been that a suspension should come after a query has been answered;
- 4.2 That there were indications that DC Idris Aloma Zamdai was negligent in his duty in not confirming whether or not vehicles under his section of coverage were actually physically examined before Certificates of Examination were presented to him; moreover, the examination and issuance of Certificates of Examination were conducted by officers under him;
- 4.3 That though the Nigeria Customs Service did conduct investigations into the matter, there was no proof that DC Idris Aloma Zamdai who was recommended for further investigation by the Senior Staff Disciplinary Committee, actually faced that Committee;
- 4.4 That as a result, the Committee was unable to confirm that due process was fully followed by the Nigeria Customs Service in dismissing DC Idris Aloma Zamdai; and
- 4.5 That because there was no evidence that DC Idris Aloma Zamdai was tried by the Senior Staff Disciplinary Committee (Headquarters) of the Nigeria Customs Service, the Committee is of the opinion that due process was not fully followed in the dismissal of DC Idris Aloma Zamdai.

#### **5.0 RECOMMENDATION**

Based on the observations and findings stated above, the Committee recommends as follows:

- 5.1 That since due process was not fully followed by the Nigeria Customs Service in dismissing DC Idris Aloma Zamdai from the service, he be reinstated and paid his salaries and other entitlements from the date he was dismissed (having served for 32 years) till the date he should have retired, and be retired.



## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report adopted as presented by the Senate





## CASE 27:

### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. OLANIYAN SHEHU MUHIB AND OTHER AFFECTED STAFF OF DIGITAL BRIDGE INSTITUTE (DBI) AGAINST THE INSTITUTE FOR ALLEGED NON-IMPLEMENTATION OF THE DIRECTIVE OF THE SECRETARY TO THE GOVERNMENT OF THE FEDERATION (SGF) AS REGARDS THE STAFF OF THE INSTITUTE WHOSE APPOINTMENTS WERE TERMINATED IN MARCH, 2019**

#### **1.0 INTRODUCTION**

The Senate would recall that on Tuesday, 4th February, 2020, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Mr. Olaniyan Shehu Muhib and Other Affected Staff of Digital Bridge Institute (DBI) against the Institute (DBI) for the non-implementation of the directives of the Secretary to the Government of the Federation (SGF) as regards the staff of the Institute whose appointments were terminated in March, 2019; and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed legislative investigation.

#### **2.0 BRIEF OF THE PETITIONER**

In his submission on behalf of others, Mr. Olaniyan Shehu Muhib stated as follows:

- 2.1 That 15 staff of Digital Bridge Institute (DBI) and he were requesting for the Senate's intervention to prevail on the Board of the Digital Bridge Institute to comply with the directives given to it by the Secretary to the Government of the Federation to reinstate them to office after their appointments were terminated by DBI in 2019;
- 2.3 That the Nigerian Communications Commission (NCC) and DBI should both regularise issues pertaining to proper placement, upgrading and promotion of the affected staff of DBI in accordance with the terms of engagement with NCC;
- 2.4 That NCC established DBI in 2004, as a Unit of the Commission, employed new staff and deployed them to the Institute;
- 2.5 That the staff deployed to this Unit (DBI) were subsequently cut off as the Commission's regular staff with its attendant effects including loss of benefits



and emoluments;

- 2.6 That the staff of the Institute and those of the Commission used to have the same salary structure, but later, the Commission increased the salary of its staff, and the same increment was not extended to DBI staff;
- 2.7 That staff of both organisations were enjoying same salary structure and other benefits as spelt out in the NCC Staff Conditions of Service 2003 that was in operation at the time of their engagement; and
- 2.8 That the Institute should implement the judgment of the National Industrial Court of Nigeria which directed the Institute to compute and pay the differentials of all salaries, allowances and other benefits of office based on the NCC Conditions of Service 2003 and salary scale as warranted at the time of engagement of the affected staff; and that no staff should lose his/her job or be victimized as a result of this case.

He requested that the Senate should look into the matter and urge the Digital Bridge Institute (DBI) and Nigerian Communications Commission (NCC) to reinstate the disengaged staff and pay their entitlements in accordance with the NCC Staff Conditions of Service 2003.

### **3.0 BRIEF OF THE RESPONDENTS**

- A. The Nigerian Communications Commission (NCC), represented by Mr. Jerry Ugwu, Deputy Director, stated as follows:
  - 3.1 That following the persistent requests by 21 (twenty one) staff of the Digital Bridge Institute (DBI) for the regularisation of their employment status, the Commission set up a review and fact- finding Committee to undertake a holistic consideration of the issues raised in their various petitions;
  - 3.2 That the grievances of the petitioning staff stemmed from the mistaken belief that their contract of employment, supposedly with the Commission, has been altered, resulting in disaffection, anger and low morale;
  - 3.3 That the affected staff assumed that they were recruited by the Commission and subsequently deployed to DBI, and based on that erroneous assumption, should be entitled to conditions of Service applicable to staff of the Commission;
  - 3.4 That the Commission promoted the establishment of DBI in 2004 to deepen learning in the telecoms industry, and that does not make the DBI its subsidiary under any known legal construct;



- 3.5 That the incorporation of DBI under the Companies and Allied Matters Act, 2004 confers on the institute the status of a legal personality distinct and independent from its members;
- 3.6 That the Commission simply undertook a recruitment exercise on behalf of DBI and the employment contracts, which were in the nature of pre-incorporation contracts, were subsequently ratified by DBI through confirmation of appointment letters issued to the staff; and
- 3.7 That the Board and Management of DBI should as matter of urgency inform the staff of DBI that the Institute is not a unit of the Commission as claimed by the petitioning staff, to justify their agitation for reinstatement as staff of the Commission.

**B. Digital Bridge Institute (DBI)**

In his response, the President/Chief Executive Officer of Digital Bridge Institute, Prof. Mohammed Ajiya stated as follows:

- 3.8 That Digital Bridge Institute (DBI) was established in 2004 by the Nigerian Communications Commission (NCC) as a company limited by guarantee and is a separate legal entity independent of its members and the NCC;
- 3.9 That at that formative stage, the NCC was guiding the start off operations of the new Institute and recruited the first set of staff of the Institute with letters of employment and NCC Conditions of Service in 2003 and up to 2010, both for the NCC staff and that of DBI;
- 3.10 That the crux of the matter was in 2005 when the NCC reviewed its salaries and allowances of its staff upward, but it was not effected on the staff in DBI based on the fact that DBI is a separate entity and an independent organization;
- 3.11 That in furtherance of the Institute's autonomy and independence, the NCC advised the Board of the Institute to see to the welfare, promotion and other staff benefits as very necessary that would make the Institute deliver adequately on its mandate;
- 3.12 That some staff took DBI and NCC to the National Industrial Court because they were dissatisfied with the position of NCC;
- 3.13 That to broker peace in the Institute, the Governing Board of DBI made an upward review of its staff salaries and allowances to 50% and revised the institute's Conditions of Service in 2016, and directed that all the staff should benefit from



- the new increment but those in court with DBI should withdraw the case as a condition for their being beneficiaries of the 50% increment;
- 3.14 That thirty-four (34) members of staff accepted the offer from the Board and subsequently discontinued the court case while seventeen (17) insisted on pursuing the matter in order to get justice;
  - 3.15 That several attempts and entreaties made by the management of DBI to settle the matter with the staff met stiff refusal;
  - 3.16 That the judgment made by the Court on 11th July, 2018 was that the affected staff were that of DBI and not NCC and therefore, the Institute was not found culpable;
  - 3.17 That based on the Court judgment, and in order to maintain industrial harmony, the Board encouraged the staff to accept the 50% increase in salaries and allowances with payment of arrears from 2016 in order to placate them, and also directed the staff to sign the Institute's Conditions of Service since the court had declared them staff of the Institute;
  - 3.18 That the staff were given fourteen (14) days within which to accept the offer or face termination of their employment; and
  - 3.19 That at the expiration of the 14 days on 6th March, 2019, they collectively refused to accept the Institute's Conditions of Service and in line with the Board resolution, the staff were subsequently relieved of their appointments on 6th March, 2019.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the oral and written submissions of Mr. Olaniyan Shehu Muhib (the petitioner), and the respondents, Nigerian Communications Commission (NCC) and the Digital Bridge Institute (DBI), the Committee observed as follows:

- 4.1 That Digital Bridge Institute (DBI) was incorporated under the Companies and Allied Matters Act, 2004 as a private company limited by guarantee which confers on it the status of a legal personality distinct and independent from its members and can sue and be sued;
- 4.2 That the incorporation of the Institute was promoted by the Nigerian Communications Commission (NCC), who, thereafter recruited and deployed the first set of staff from 2003 to 2010 to the institute with letters of employment and the NCC Conditions of Service 2003;



- 4.3 That those appointments were subsequently ratified by DBI through letters of confirmation issued to the staff by the Institute;
- 4.4 That up to 2005, the staff of the NCC and the Institute enjoyed the same salaries and allowances but the Institute's decision to stop the salary structure of the NCC and introduce its Staff Conditions of Service was resisted by the staff and some of the staff took both NCC and DBI to the National Industrial Court for adjudication and the Court's decision was that the staff were the staff of the Institute;
- 4.5 That based on the Court judgment, and in order to maintain industrial harmony, the Board of the Institute encouraged the staff to accept a 50% increase in salaries and allowances with payment of arrears from 2016 in order to placate them, and also directed them to sign the Institute's Conditions of Service since the Court had declared them staff of the Institute;
- 4.6 That the staff were given fourteen (14) days within which to accept the offer or face termination of their employment;
- 4.7 That consequent upon point No. 6 above, the staff who refused to sign/accept the Institute's Conditions of Service at the expiration of the 14th days were subsequently relieved of their appointments.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the Digital Bridge Institute (DBI) to reinstate Mr. Olaniyan Shehu Muhib and the other affected staff of Digital Bridge Institute (DBI) and pay all their outstanding salaries and allowances up to 2019 in accordance with the NCC Staff Conditions of Service 2003 which was the contractual document they signed at the point of their engagement in the service of NCC and later DBI;
- 5.2 That the Senate do urge Mr. Olaniyan Shehu Muhib and the other affected staff of Digital Bridge Institute (DBI) to accept and sign the Staff Conditions of Service of the Digital Bridge Institute (DBI) if they desire to continue their service with DBI because the DBI is a corporate legal entity that can sue and be sued in its own name; and
- 5.3 That the Senate do urge the Digital Bridge Institute (DBI) that after the payment of the outstanding salaries and allowances to Mr. Olaniyan Shehu Muhib and the other affected staff, further payment of salaries and allowances to its staff should be based on the Staff Conditions of Service of the Institute.



## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report adopted by the Senate as presented.



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## CASE 28:

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### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. KINGSLEY TORRU ON BEHALF OF RIVERMAN TECHNOLOGIES LIMITED AGAINST THE DEPARTMENT OF PETROLEUM RESOURCES (DPR) FOR ALLEGED NON-PAYMENT OF THE SUM OF ₦9,375,616,700 FOR CONTRACT EXECUTED**

#### **1.0 INTRODUCTION**

The Senate would recall that on **Wednesday, 29<sup>th</sup> September, 2020**, Senator Ayo Akinyelure rose on **Order 41** and presented petitions referred to his Committee from the office of the President of the Senate and drew the attention of the Senate to a petition from Mr. Kingsley Torru on behalf of Riverman Technologies Limited, against the Department of Petroleum Resources (DPR) for non-payment of the sum of **₦9,375,616,700** for contract executed, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action, and to report back.

#### **2.0 BRIEF OF THE PETITIONER**

Testifying before the Committee, the petitioner, Mr. Kingsley Torru, stated as follows:

- 2.1 That the President of the Senate would recall that the 8th Senate had resolved, when the matter first came up, that Riverman Technologies Limited (RTL) be mobilized back to site to complete its work and be paid for job done by the Department of Petroleum Resources (DPR), but that despite the Senate resolution, DPR did not only refuse to effect the payment of the outstanding sums, it had also refused to call them back to site with the consequence that their default debts acquired because of the contract, continued to rise just as the Federal Government of Nigeria continued to lose enormous revenues to foreign Oil Companies as they continued to produce without measurement;
- 2.2 That the Federal Government of Nigeria through the (Ministry of Petroleum Resources) awarded the Real-Time Gas Monitoring and Measuring Project (contract) to their company, Riverman Technologies Limited in 2009;
- 2.3 That the project was to design, procure, install and commission a system that will facilitate the 'Remote Monitoring of Natural Gas Volumes in Real Time' from facilities operated by Oil and Gas (mostly foreign) companies in Nigeria;



that the DPR had the duty of supervising the project and providing access to the various Oil and Gas companies whose gas production volumes were unaccounted for; hence their company was charged to provide a means of digitally measuring, monitoring (in a transparent manner) and more importantly for accountability purpose;

- 2.4 That the project was to enable the Federal Government of Nigeria (FGN) remotely verify the volume of gas production in Real-Time at remote point locations specified by DPR in order to ensure accuracy and accountability of gas production in Nigeria; and for the purposes of royalties, taxes and other related payments and statutory impositions due to the FGN;
- 2.5 That the project had two (2) phases; and the two phases of the project had 166 points to install the monitoring and measurement devices as identified by DPR;
- 2.6 That Riverman Technologies (RTL) had since completed the project in 2014 after which the visit and verification exercise carried out by the DPR and the Senate Committee on Gas followed on 12th April 2016;
- 2.7 That RTL at the invitation of the Project Supervisor for a handing over meeting, officially made a Real-Time Stream in data presentation and officially handed over the equipment and the server codes to the DPR which they duly acknowledged;
- 2.8 That the Senate Committee on Gas headed by Distinguished Senator Nkechi Nwogu at their request following Shell Development Company's refusal to allow access to their sites, also visited two-point locations where they had fixed and installed monitoring (metering) devices and confirmed their completed jobs accordingly; that Senator Nkechi's Committee (Gas) commended the efforts of the FGN in taking the initiative;
- 2.9 That although, they later gained access to some of the sites, there were still substantial fields and metering points to which due access was yet to be granted;
- 2.10 That such areas were identified and apportioned for their remedy, but their effort to do so was purposely thwarted by interested parties, inadvertently causing FGN huge losses and creating significant revenue gaps;
- 2.11 That apart from short-changing the government in royalties and other levies that should ordinarily have accrued to the Federation Account, the absence of monitoring (in Real-Time) production of gas by these companies is in itself a sabotage of the highest magnitude because it allows these oil companies to arbitrarily declare fictitious figures to the government; thus resulting in several





billions of revenue loss to the Federal Government unchecked;

- 2.12 That they believe that they were denied payment so that the status quo of remaining in the dark in terms of oil and gas produced in real-time might remain unknown;
- 2.13 That the 8th Senate had approved and passed a resolution that their outstanding bill of N9,375,616,700 (Nine Billion, Three Hundred and Seventy-five Million, Six Hundred and Sixteen Thousand, Seven Hundred Naira) only or (\$29.3Million) be paid and also that DPR be mandated to mobilize their return to site to enable them complete the remaining job for transparency and accountability;
- 2.14 That based on the indisputable resolution of the Senate as stated above, they had made countless efforts and exhausted various resolution options within the Ministry of Petroleum Resources and DPR including the office of the Permanent Secretary, Federal Ministry of Petroleum Resources in order to get DPR to carry out the Senate resolution, but that all efforts had been futile till date; and
- 2.15 That the passage of time since the 8th Senate's approval and the steady rise in Foreign Exchange recently, has caused their outstanding invoice to stand at \$31.3Million, which now translates to N14,084,106,558 in today's Naira rate taking account of the FX open market rate.
- 2.16 That it was for this reason that RTL now respectfully seeks the swift intervention of the Senate to cause DPR and the FGN to urgently pay their outstanding N14,084,106,558 (Fourteen Billion, Eight-four Million, One Hundred and Six Thousand, Five Hundred and Fifty-eight Naira) only or (\$31.3Million) to enable them settle their liabilities that had accrued from operational costs for the implementation of the project as interests continued to accrue with every passing day that the said outstanding sum was left unpaid.

That having waited in vain for more than 12months for DPR and the FGN to implement the resolution of the 8th Senate, RTL decided to return the matter to the Senate for further legislative action and resolution.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Director of DPR, represented by Assistant Director Goddy C. Ineh, said:

- 3.1 That the project was conceived and awarded to Riverman Technologies Limited by the Federal Government of Nigeria through the Federal Ministry of Petroleum Resources (MPR) in 2009; that DPR was directed by MPR to monitor the execution of the project;



- 3.2 That the scope of the project and objective entailed Engineering Studies, Equipment Procurement, Construction and Installation of RTGM (Real-Time Gas Production Monitoring Systems);
- 3.3 That the project was to deploy a VSAT Supervisory Control and Data Acquisition (SCADA) system for the purpose of monitoring gas “inflows”, “outflows” and specific “custody transfer” data across designated gas facilities in Nigeria;
- 3.4 That the contract was to be executed in three (3) phases with a total of 136 sites; that phase 1 and 2 of the contracts had expired without the contractor satisfactorily performing the contract deliverables despite receiving full payments for phases 1 and 2;
- 3.5 That every effort made by DPR to get the contractor to perform the contracts in full had not yielded any positive results as the contractor had since abandoned project sites;
- 3.6 That the initial complaint of access against Shell and others by RTL to installation sites was long addressed by DPR before the expiration of the contract; stressing also that the time expansion clause of the contract could not be activated since there was no barrier to the company meeting its obligation under the terms of the said contract; and
- 3.7 That the contractor has no basis for claiming any liability due to poor execution of the project and should be requested to deliver on its obligations on Phases II and III of the project for which financial commitments had been made by DPR.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the submissions and oral presentations of the petitioner and respondent and having been provided full answers to all questions raised by the Committee, the Committee noted as follows:

- 4.1 That Riverman Technologies Limited was actually awarded the contract to design, procure, install, and commission a system that will facilitate the remote monitoring of natural gas production volumes in real-time from facilities operated by Oil and Gas Companies (mostly foreign) in Nigeria;
- 4.2 That Riverman Technologies Ltd actually completed 116 sites out of the 136 sites they were engaged to cover;
- 4.3 That though the Department of Petroleum Resources (DPR) claimed that the contractor (RTL) was incompetent for not executing the contract to the fullest, the



Committee found that it was DPR that was actually incompetent, not Riverman Technologies Ltd (RTL); the Committee discovered that DPR not only approved the job done by RTL, but issued Performance Certificate to RTL, and on the basis of the certificate, paid them and gave them approval to commence the next phase of the contract from Phase I to II until all three phases were almost completed, mostly awaiting finishing touches;

- 4.4 That the Committee was amazed that a contractor DPR found incompetent was allowed to finish Phase I, commended and paid and allowed to complete Phase II and certified it okay and gave part payment and allowed it to commence Phase III;
- 4.5 That when asked to explain why it did not implement the resolution of the 8th Senate, DPR kept insisting that it was only phase 1 that was completed, and that the contractor should refund money for Phases 2&3 for which it gave approval and paid for in parts; and
- 4.6 That when pressed further by the Committee to explain why it paid for Phases II and III in parts when it was sure that work had not been done, DPR said it was the Ministry of Petroleum Resources that gave the approval for payment while DPR which was charged with the duty of monitoring and reporting on whether work done was satisfactory or not, did not raise any formal objection to approvals made by the Ministry and yet paid.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Department of Petroleum Resources (DPR), having failed to implement the resolution of the 8th Senate, be urged to pay Riverman Technologies Limited the sum of N9,375,616,700 only for work done;
- 5.2 That in view of the dwindling revenue of the Federal Government to finance its annual budget leading to deficit budgeting, the Senate further urges the DPR to recall Riverman Technologies Limited (RTL) back to site to complete the phases II & III of the project to enhance the real-time capturing of Gas Production Volume by local and foreign oil firms which would significantly improve the revenue of the Federal Government of Nigeria; and
- 5.3 However, in addition, the Senate further urges the DPR to pay 10% interest of the outstanding principal (N9,357,616,700) which translates to N937,561,670 for delaying payment of the principal sum since Thursday, 30th May, 2019 when the Senate resolved that Riverman Technologies Limited (RTL) be paid, if the



contract of RTL would not be renewed for it to complete Phases II & III of the project in line with terms of the contract executed by RTL.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation one and two adopted as resolution of the Senate and recommendation three stepped down.



## CASE 29:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM ALHAJI BASHIR ABDULLAHI AND FIVE (5) OTHERS AGAINST MTN GROUP LIMITED AND AIRTEL NIGERIA FOR ALLEGED UNBEARABLE NOISE AND DISCOMFORT CAUSED BY A TELECOMMUNICATION MAST MOUNTED AT NO. 20 OKE-AGBE STREET, GARKI, ABUJA

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 26<sup>th</sup> February 2020, rising on **Order 41**, Senator Abdullahi K. Barkiya (Kastina Central) drew the attention of the Senate to a petition from Alhaji Bashir Abdullahi and Five (5) Others against MTN Group Limited and Airtel Nigeria for alleged unbearable noise and discomfort caused by telecommunication mast mounted at No. 20 Oke-Agbe Street, Garki, Abuja, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the petition to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER(S)

Testifying before the Committee, Alhaji Bashir Abdullahi on behalf of Five Others, stated as follows:

- 2.1 That they were compelled by the flagrant disregard for the safety and well-being of the residents of Oke-Agbe Street, Garki, Abuja by MTN Group Limited/ Airtel Nigeria to write to the Senate for intervention in the wrongful mounting of a telecommunication mast by MTN and Airtel;
- 2.2 That in one of the houses at No. 20, Oke-Agbe Street, Garki, Abuja which was purely a residential area, an MTN/Airtel mast powered by a noisy generator had become a nuisance as its noise deprived them of a peaceful rest;
- 2.3 That they became disturbed knowing fully the cumulative effect of the Electromagnetic Radiation (EMR) emitted by the mast to their well-being and that of their family; that this was in addition to the risk associated with siting a telecommunication mast in purely residential areas such as mast collapse, fumes, vibration, noise and visual intrusiveness to mention, but a few;



- 2.4 That they wrote a complaint to the National Environmental Standards and Regulations Enforcement Agency (NESREA) who reacted by placing a “stop work” notice in the premises;
- 2.5 That surprisingly, MTN Nigeria Limited/Airtel Nigeria continued with the installation of the mast despite the “stop-work” notice; that this development was prohibited by the National Environmental (Standards for Telecommunications/Broadcasting Facilities) Regulations, S.I. No. 11, 2011, wherein Regulation 5(4) (1a) stated that all new facilities shall be located in industrial, commercial and business areas thereby prohibiting the construction of any new facility within a residential area such as Oke-Agbe Street, Garki, Abuja; and
- 2.6 That Regulation 3(1) of the National Environmental (Standard for Telecommunications/Broadcasting Facilities) Regulations, S.I. No. 11, 2011 states that the guideline was to protect the environmental and human health and also to minimize public and private losses due to activities of the telecommunications and broadcasting industry.

He appealed to the Senate to compel MTN Nigeria Limited/Airtel Nigeria to eliminate the noise and discomfort caused by the Telecommunication mast mounted at No. 20 Oke-Agbe Street, Garki, Abuja.

### **3.0 BRIEF OF THE RESPONDENT(S)**

Responding, on behalf of MTN Group Limited/Airtel Nigeria, the Senior Manager, Government Relations, IHS Nigeria Limited, Fatima Ibrahim Haruna stated as follows:

- 3.1 That IHS was the installer of the mast located at No. 20 Oke-Agbe Street, Garki, Abuja, on behalf of MTN, but not by MTN Group Limited nor Airtel Nigeria and that only 10-15 Kilovolt Ampere (KVA) was the maximum permitted at such masts and because of that, the generator does not work 24 hours;
- 3.2 That they followed the National Environmental Standards and Regulations Enforcement Agency (NESREA) guidelines, and the “stop-work” order was only placed to enable NESREA ascertain the mast’s suitability;
- 3.3 That at the time of the installation, the noise was within its normal level but that they would go back to measure the noise level;
- 3.4 That based on the Committee’s advice, IHS and MTN Group Limited visited the site but that the generator was not working when they got there; that they would programme it to work only in the daytime and be silent all night; and
- 3.5 That Airtel Nigeria does not have any link with the mast that was mounted there;



and

- 3.6 That it would take about 120 days to import a replacement generator, but that as a long-term measure to completely stop the noise, it would import a replacement generator.

#### **4.0 OBSERVATIONS/FINDINGS**

After careful scrutinizing the submissions of the petitioner and the respondent, the Committee noted as follows:

- 4.1 That although the houses located at No. 20, Oke-Agbe Street, Garki, Abuja where the telecommunication mast was mounted was purely a residential area; yet commercial presence already existed in that environment since the mast was placed in the middle of a hotel in the area;
- 4.2 Notwithstanding the above scenario, upon advice by the Committee, IHS revisited the mast area and provided two solutions:
  - a. A short-term solution was put in place, that is, to run the noisy generator only in the day while the plant was silent all night; and
  - b. A long-term solution to replace the existing generator with a silent one. This, IHS said, would take a minimum of about 120 days to import.
- 4.3 The Committee reasoned that the measures IHS was putting in place were sufficient and could remedy the noise pollution; and when put in place, should be accepted.

#### **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends:

- 5.1 That the generator that powers that telecommunication mast installed by IHS Nigeria Limited be made silent all night in the short run to minimize its noise as agreed so the residents of No. 20 Oke-Agbe Street, Garki, Abuja would no longer be deprived of their peaceful rest; and
- 5.2 That in the long run, a new silent generator be imported to replace the noisy one as a permanent solution.

#### **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation considered and adopted by the Senate.



## CASE 30:

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### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. ISA USMAN KUNINI ON BEHALF OF 126 RETIRED OFFICERS OF NIGERIAN PORTS AUTHORITY (NPA) AGAINST THE NIGERIAN PORTS AUTHORITY (NPA) FOR ALLEGED NON-PAYMENT OF THE BALANCE OF 100% OF 280% OF THEIR GRATUITY BENEFIT BY THE AUTHORITY SINCE 2018**

#### **1.0 INTRODUCTION**

The Senate would recall that on Tuesday, 4th February, 2020, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Mr. Isa Usman Kunini and Three (3) Others on behalf of 126 retired officers of the Nigerian Ports Authority (NPA) against the Nigerian Ports Authority for alleged non-payment of the balance of 100% of 280% of their gratuity benefit by the Nigerian Ports Authority since 2018, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### **2.0 BRIEF OF THE PETITIONER**

In his submission on behalf of others, Mr. Usman Kunini stated as follows:

- 2.1 That they were 126 employees of the Nigerian Ports Authority (NPA) who retired from the service of NPA at the retirement age of 60 years and 35 years respectively in 2018 between 1<sup>st</sup> January and 11<sup>th</sup> July, 2018;
- 2.2 That the retired officers were denied a significant portion of their gratuity benefits despite several attempts aimed at resolving the matter between the management and them;
- 2.3 That prior to the year 2018, gratuity was pegged at a maximum rate of 180% of total emolument of retirees by the management which falls short of 300% as provided for by the Pension Reform Act 2014 and NPA Conditions of Service 2018 edition; that this had been generating agitations between the two House Unions and the management until 2018;
- 2.4 That as a result of negotiations between the two House Unions in NPA, the Management and Board of the NPA, the Board in 2018 at its 2<sup>nd</sup> NPA Board





meeting granted approval to adjust the gratuity benefits of retirees from 180% to 280% which still falls short of 20% of the 300% provided in the Pension Reform Act, 2014; and did not state the effective date of implementation of the 280%;

- 2.5 That it was surprising that in a circular for the implementation of the 280%, the NPA Management chose the effective date as 12<sup>th</sup> July, 2018 thereby cutting off all those who retired between 1<sup>st</sup> January, to 11<sup>th</sup> July, 2018, which negates the understanding among the staff that the effective date would be 1<sup>st</sup> January, 2018;
- 2.6 That the 2018 Appropriation Act of the National Assembly captured 300%, **(i.e., N3,440,380,917.48)** as gratuity for serving and retiring officers of NPA; and
- 2.7 That since the effective date of the implementation of the 2018 Appropriation Act was 1<sup>st</sup> January, 2018, they could not understand why the management excluded them from benefiting from the 280% approved by the Board and equally refused to implement the 300% provided in the 2018 Appropriation Act.

They requested that the Senate should look into the matter and urge the Nigerian Ports Authority (NPA) to present to the National Assembly, the balances of the 100% of 280% and 20% of 300% being outstanding balance for inclusion in the 2021 Supplementary Appropriation Bill for payment.

### **3.0 BRIEF OF THE RESPONDENT**

The representative of the Nigerian Ports Authority (NPA) Mr. Edward Dauda Kabir, General Manager Operations, stated as follows:

- 3.1 That the 280% New Gratuity Policy was approved for implementation at the 7<sup>th</sup> Board meeting of NPA held on 12<sup>th</sup> July, 2018 and with effect from that date;
- 3.2 That employees who retired from the service of the Authority with effect from 1<sup>st</sup> January to 11<sup>th</sup> July, 2018 were not eligible for the payment of the newly approved gratuity of 280% which came into effect on 12<sup>th</sup> July, 2018;
- 3.3 That in view of No. “2” above, this category of employees whose retirement dates preceded 12<sup>th</sup> July, 2018 were not entitled to benefit from the 280% under the approved Authority’s gratuity scheme;
- 3.4 That the adoption of the New Gratuity Policy of 280% by the Board was based on the recommendation of the Staff of Establishment Committee which was option C in its proposal with financial implication amounting to the tune of Three Billion, Two Hundred and Sixteen Million, Two Hundred and Eighty Two Thousand, Four Hundred and Eighty-one Naira and Seventy-five Kobo only (~~N~~3,216,282,481.75); and



- 3.5 That the retirement dates of the employees from the service of the Authority, did not fall within the approval date by the Board which was used as effective date, too for the implementation of the payment of the new gratuity policy.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the oral and written submissions of Mr. Isa Usman Kunini and the Managing Director of the Nigerian Ports Authority (NPA), Hadiza Bala Usman, the Committee observed as follows:

- 4.1 That the 280% New Gratuity Policy in the Nigerian Ports Authority approved for implementation by the Board on 12<sup>th</sup> July, 2018 negated the 300% gratuity payment as provided for by the Pension Reform Act 2014 and NPA Conditions of Service 2018 edition;
- 4.2 That what was actually negotiated for between the two staff Unions of the Authority's employees, the management and the Board was 300% gratuity adjustment which they presented and defended in the National Assembly and got approval for payment in 2018;
- 4.3 That the amount provided in the 2018 Budget for Gratuity was a projection and the Authority was only able to achieve 75% of its revenue target for that year because, 2018 was a recovery period from the 2017 National Economic Recession, thus making it impossible to pay 300% full gratuity to retired staff in accordance with Section 5(2) of the Pension Reform Act, 2014;
- 4.4 That the Nigerian Ports Authority Management has agreed to work with the relevant oversight Committees in the National Assembly and the Budget Office of the Federation to capture the outstanding balance of **₦1,137,681,908.11** as demanded by the petitioners as balance of gratuity from 1<sup>st</sup> January to 11<sup>th</sup> July, 2018 in the 2021 Supplementary Budget to be presented to the National Assembly for approval and payment to all affected staff who retired from the service of NPA; and
- 4.5 That in addition, NPA has agreed to pay the difference between the 280% paid and the full 300% which was presented, defended and approved by the National Assembly in 2018 Budget to all its workers who retired from its service from 1<sup>st</sup> January, 2018 till date.



## 5.0 RECOMMENDATIONS

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the Nigerian Ports Authority (NPA) to pay the balance of **₦1,137,681,908.11** which is the difference between the old 180% that was paid and the new 280% that was not fully paid to officers who retired from 1<sup>st</sup> January – 11<sup>th</sup> July, 2018;
- 5.2 That all retired staff from 1<sup>st</sup> January, 2018 be paid 20% outstanding gratuity as demanded by the petitioners and consented to be paid by NPA Management amounting to N224,098,435.73 in line with provision of 2018 Appropriation Act, the Pension Reform Act and in accordance with the 2018 NPA Condition of Service; and
- 5.3 That NPA should capture the above payments amounting to **₦1,361,780,343.84** in the 2021 Supplementary Budget to be presented to the relevant Committees of the National Assembly for consideration and approval to effect the payments as agreed with the Senate Committee on Ethics for implementation.

## 6.0 RESOLUTIONS ADOPTED BY THE SENATE

Report adopted as presented.



## CASE 31:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM PASTOR NIYI ADEBANJO ON BEHALF OF THE REDEEMED CHRISTIAN CHURCH OF GOD (RCCG) AGAINST CARTIL COSTRUZIONI NIGERIA LIMITED FOR ALLEGED UNJUST CLAIM OF THE SUM OF N151,508,901.22 AS REINBURSEMENT FOR THE REHABILITATION OF IFE-IFEWARA ROAD, OSUN STATE WHICH WAS ACTUALLY REHABILITATED BY THE REDEEMED CHRISTIAN CHURCH OF GOD (RCCG)

#### 1.0 INTRODUCTION

The Senate would recall that on **Tuesday, 9<sup>th</sup> February, 2021**, Senator Ayo Akinyelure (Ondo Central) rose on Order 41 to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Pastor Niyi Adebajo on behalf of the Redeemed Christian Church of God (RCCG) against Cartil Construzioni Nigeria Limited for unjustly claiming the sum of N151,508,901.22 as reimbursement for the rehabilitation of Ife-Ifewara Road, Osun State which was actually rehabilitated by the Redeemed Christian Church of God (RCCG), and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

In his submission, Pastor Niyi Adebajo stated as follows:

- 2.1 That Pastor E.A. Adeboye of the Redeemed Christian Church of God (RCCG) was contacted to help rehabilitate the Ife-Ifewara Road, Osun State as his contribution to the development of his state of origin and Nigeria;
- 2.2 That the RCCG Camp Project Department was the contractor who carried out the rehabilitation of the road in the sum of **N188,440,342.00**;
- 2.3 That the rehabilitation of the road was carried out at various stages and periods between 2016 and 2019;
- 2.4 That the rehabilitation works began from Erunwa Junction, Ife and terminated at the Garage opposite the Palace of Ifewara, a distance of 8.2km;
- 2.5 That while rehabilitating the road, the Nigerian Correctional Service at Ifewara



requested RCCG to extend the rehabilitation work to the portion of the road leading to its premises, which the church graciously did;

- 2.6 That anyone, who laid claim to having rehabilitated the said road, other than Pastor E.A. Adeboye has done so fraudulently; and
- 2.7 That Cartil Construzioni Nigeria Ltd who made a claim for the rehabilitation of the Ife-Ifewara Road, as part of a constituency project, and who has subsequently received the sum of N151,508,901.22 as a refund, did so fraudulently because it did not carry out the rehabilitation of the aforementioned road.

He requested that the Senate should look into the matter and compel Cartil Construzioni Nigeria Ltd to refund the sum of N151,508,901.22 it unjustly received from the Federal Government of Nigeria as the rehabilitation of the Ife-Ifewara Road was not executed by the Company; and that if any refund were to be made, the sum of N188,440,342.00 being the total contract sum expended on the rehabilitation of the road should be paid to Pastor E.A. Adeboye.

### 3.0 BRIEF OF THE RESPONDENT

**First Respondent:** Max Ogar, Esq. who represented Cartil Construzioni Nigeria Ltd, stated as follows:

- 3.1 That Ife-Ifewara Road in Osun State, South West Nigeria was a 15km road awarded to Cartil Construzioni Nigeria Ltd in 2010 by the Federal Ministry of Works for rehabilitation with Contract No. 6105;
- 3.2 That the contract was awarded for a total sum of N662,760,771.75;
- 3.3 That out of the total contract sum, only about N145,000,000.00 has been released to the contractor by the Federal Government;
- 3.4 That the rehabilitation work was on-going;
- 3.5 That the contract was directly being supervised by the Federal Ministry of Works and Housing, Abuja through its Regional/Zonal office in Osogbo, Osun State;
- 3.6 That the Ministry has issued three Interim Certificates to the Company for agreed milestones covered by the contractor;
- 3.7 That the first Interim Certificate was issued in March 2011 wherein the sum of N94,680,110.25 was recommended for payment to the Company; the second certificate was issued in August 2011 and N52,792,492.94 was recommended for payment whilst the third certificate for N90,990,073.61 was issued in October, 2018;



- 3.8 That progress reports on the project were made by the Ministry in August, 2011 and June, 2012; and
- 3.9 That the last communication the Company had with the Federal Ministry of Works in respect of the project was in March, 2020.

#### 4.0 BRIEF OF THE RESPONDENT

**Second Respondent:** Speaking on behalf of the Ministry of Works and Housing, the Hon. Minister of Works and Housing, Mr. Babatunde Raji Fashola, SAN, stated as follows:

- 4.1 That the 15km Ife-Ifewara Road was not a Federal Road but a State road within Osun State in South-West Nigeria;
- 4.2 That the contract for the rehabilitation of the road was awarded to Cartil Construzioni Nigeria Ltd on 21st December, 2010 in the sum N662,760,771.75 as a constituency project of a former member of the National Assembly with a completion date of 7th November, 2011;
- 4.3 That being a state road within Osun State, the Federal Ministry of Works ordinarily would not have ventured into its rehabilitation if the Constituency Project had not been domiciled in the budget of the Ministry;
- 4.4 That in accordance with the provision of Section 36 of the Public Procurement Act, the contractor submitted Advance Payment Guarantee (APG) from the then Bank PHB in the sum of N99,414,155.76 representing 15% of the contract value;
- 4.5 That consequent upon the APG, the then Minister of Works and Housing approved the first Interim Statement in the sum of N99,414,115.76 and the second Interim Statement of N52,094,785.46 which were paid on 31st March, 2011 and 29th December, 2011 respectively;
- 4.6 That unfortunately, the contractor only achieved 26.21% project completion since 2011 and stopped work on the site;
- 4.7 That following the stoppage of work by the contractor, the contract was recommended for termination for breach of contract after several warnings; that the ministry issued the last warning to the contractor on 15th June, 2015;
- 4.8 That because the contract was yet to be formally terminated, there has always been a budgetary provision for the road project every year since 2010 up to 2012, and following the dismal performance by the contractor, the budgeted sum has



never been processed since 2011 and further budgetary provision was stopped from 2013 till date;

- 4.9 That the Federal Ministry of Works and Housing neither made any payment to Cartil Construzioni Nigeria Ltd for the rehabilitation of the road between 2016 and 2019 as claimed by the RCCG nor did the Company make any unjust claim from the Ministry within the aforementioned dates;
- 4.10 That though the road being a state road, RCCG did not seek or obtain the approval of the Federal Ministry of Works and Housing prior to or during the rehabilitation of the road; and
- 4.11 That the Federal Government or the Federal Ministry of Works and Housing was not liable to make any refund to anyone in respect of the Road which was the statutory responsibility of the Osun State Government.

## **5.0 OBSERVATIONS/FINDINGS**

After carefully studying the oral and written submissions of the Hon. Minister of Works and Housing; Pastor Niyi Adebajo of the Redeemed Christian Church of God (RCCG) and Max Ogar, Esq. of Cartil Construzioni Nigeria Limited, the Committee observed as follows:

- 5.1 That the 15km long Ife-Ifewara Road was not a Federal Road but a state road within Osun State in South-West Nigeria;
- 5.2 That the rehabilitation of the road was awarded by the Federal Ministry of Works and Housing to Cartil Construzioni Nigeria Ltd in 2010 because the project was a Zonal Intervention Project of a former member of the National Assembly domiciled in the Ministry's Budget;
- 5.3 That the commencement date of the contract was 7th March, 2011 with a completion date of 7th November, 2011;
- 5.4 That consequent upon the Advance Payment Guarantee (APG) provided by the contractor, Cartil Construzioni Nigeria Limited was paid for the first Interim Statement in the sum of N99,414,115.76 and the second Interim Statement of N52,094,785.46 which were paid on 31st March, 2011 and 29th December, 2011 respectively, but the contractor only achieved 26.21% project completion and stopped further work on the project;
- 5.5 That after several warnings to the contractor on his dismal performance up to June, 2015 when it was given final warning, there was no further payment made



to the contractor after the last payment in 2011 and the contract has not been formally terminated;

- 5.6 That the Ife-Ifewara Committee beckoned on RCCG to intervene in the rehabilitation of the road and the Church graciously rehabilitated the road between 2016 and 2019 as part of its contribution to the development of Osun State and Nigeria and expended the sum of N188,440,342.00 for the rehabilitation of Ife-Ifewara Road, though without seeking permission/approval from the Osun State government or the Federal Government; and
- 5.7 That Cartil Construzioni Nigeria Limited was not paid any further claim by the Federal Ministry of Works between 2016 and 2019 as claimed by RCCG after it was paid N99,414,115.76 for the first and N52,094,785.4 for second Interim Statements in March and December, 2011.

## **6.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 6.1 That the Senate do commend the Redeemed Christian Church of God (RCCG) for alleviating the suffering of Ife-Ifewara Community by rehabilitating the Ife-Ifewara Road in Osun State of Nigeria;
- 6.2 That the Senate do urge the Federal Ministry of Works and Housing to formally terminate the contract for the rehabilitation of the Ife-Ifewara Road in Osun State, awarded to Cartil Construzioni Nigeria Limited in 2010 and abandoned by the contractor since 2011; and also recover the sum N145,000,000,00 being total amount released to the contractor for the rehabilitation of the road before it abandoned the project; and
- 6.3 That the Senate do urge the Federal Ministry of Works and Housing not to make any refund to the Redeemed Christian Church of God (RCCG) for rehabilitating the Ife-Ifewara Road in Osun State because the Church rehabilitated the road as a corporate social responsibility support to Osun State.

## **7.0 RESOLUTIONS ADOPTED BY THE SENATE**

Report presented and adopted as resolution of the Senate.





**2022**



## CASE 32:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM USMAN HAMZAH AGAINST TRUSTFUND PENSIONS PLC FOR ALLEGED PERSISTENT REFUSAL TO PAY AGREED AGENCY FEES IN THE SUM OF ₦35,894,799.95 ON THE ROLL-OVER OF PENSION ACCOUNTS FROM FIVE ORGANISATIONS

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8<sup>th</sup> December, 2020, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Usman Hamzah against Trustfund Pensions Plc for alleged persistent refusal to pay agreed agency fee in the sum of ₦35,894,799.95 on the roll-over of Pension Accounts from five organisations, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Usman Hamzah stated as follows:

- 2.1 That sometime in 2016, Trustfund Pensions Plc, represented by Mr. Musa Nasir and Eno Adetayo-Olugbemi, appointed him to secure the Management of pension account from NNPC; that it was verbally agreed that upon securing the pension account, he would be entitled to one-off payment of an agency fee of 45% of the management fee that Trustfund was entitled to;
- 2.2 That after much plea by Trustfund through Mr. Musa Nasir and Eno Adetayo-Olugbemi, it was agreed that he should be entitled to 15% agency fee of the management fee yearly on the roll-over of the pension accounts secured in addition to the one-off payment of the agency fee of 15%;
- 2.3 That he secured the sum of **₦6,600,000,000** (Six Billion, Six Hundred Million Naira) only from NNPC for which Trustfund paid him a one-off of 15% of their management fee which he said was contrary to their agreement;
- 2.4 That despite repeated demands for the subsequent payment of his agency fees on the roll-over of the pension accounts, Trustfund placed reliance of their refusal on the Memorandum of Understanding (MOU) entered into between them, saying that the 15% of agency fee was for one year of the period of the MOU;



- 2.5 That a careful study of the MOU would reveal that clause 5.1.2 only contemplated payment of the agency fee for one year; that it did not specifically state as it did under clause 5.1.1 regarding the case of Retirement Savings Account (RSA) that it was a one-off payment;
- 2.6 That in addition to the NNPC account, he also got for Trustfund the sum of **₦5,000,000,000** from CBN, **₦680,000,000** from NDIC, **₦260,000,000** from NEXIM and **₦6,300,000,000** from NPA; that after the initial payment of the agreed agency fee of the management fee, Trustfund failed to pay the subsequent payment of agency fee on the roll-over of their management fee while relying on the MOU earlier referred;
- 2.7 That he wished to state categorically that the MOU Trustfund was copiously and repeatedly referring to was for a year beginning from 1<sup>st</sup> August, 2016 to 1<sup>st</sup> August, 2017; that the said MOU mentioned, did not clearly provide that his agency fee was a one-off payment;
- 2.8 That the pension accounts of the CBN, NDIC, NEXIM and NPA were secured after the period of the MOU; therefore, Trustfund could not rely on the MOU; moreover, given that the agency fees paid to him on those subsequent accounts was 20% as against 15% contained in the MOU, it was clear that there was a separate oral agreement with Trustfund on the review of the agency fee to 20% of the management fee and commitment of subsequent payments of same on roll-over;
- 2.9 That by his own calculation, Trustfund was owing him agency fees in the sum of **₦35,894,799.95** which he had demanded, and threatened to proceed to court if Trustfund failed to pay; and
- 2.10 That the persistent refusal of Trustfund to pay his hard-earned agency fees on the roll-over, especially on the pension accounts of CBN, NDIC, NEXIM and NPA secured outside the period of MOU, clearly showed that there was a plan right from the beginning by Mr. Musa Nasir and Eno Adetayo-Odegbemi to deceive him into securing the pension accounts, knowing that they were never going to honour the agreement on payment of his agency fees on subsequent roll-over.

He implored the Senate to use its good office to inquire into his claim and grant him the payments he sought.



### **3.0 BRIEF OF THE RESPONDENT**

Responding on behalf of Trustfund Pensions Plc, the Executive Director, Trustfund Pensions Plc, Mr. Nasir Musa, stated as follows:

- 3.1 That Trustfund Pensions Plc actually agreed through an MOU in 2016 to appoint and indeed appointed Mr. Hamzah Usman as a marketing consultant to secure pension accounts from high-profile businesses, government agencies, parastatals and MDAs generally in favour of Trustfund Pensions Plc;
- 3.2 That although what was intended in the MOU was a one-off payment of agency fees to Mr. Hamzah Usman for each pension account he brought to Trustfund Pensions, somehow along the line, clause 5.1.2 of the MOU was not so explicit to spell out that Mr. Hamzah Usman would be entitled to 15% agency management fee yearly on a roll-over of the pension accounts secured by him or to prohibit same, leaving the petitioner with a lacuna to call for 15% of yearly management fee on a roll-over of pension accounts secured by him;
- 3.3 That given the ambiguity surrounding clause 5.1.2 of the MOU, Trustfund Pensions Plc agreed to compensate the petitioner, after due negotiation with him in the sum of **₦20,000,000** as full and final payment to officially end all matters relating to the life of the MOU and all payments connected therewith; and with that, it was deemed that Mr. Hamzah Usman's consultancy relationship with Trustfund ended with the settlement which was in writing; and
- 3.4 That Trustfund had learned some lessons from that experience and thanked the Committee for its intervention.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the written and oral presentations of both petitioner and respondent, the Committee came to the following findings:

- 4.1 That the real bone of contention between Hamzah Usman and Trustfund Pensions Plc was Clause 5.1.2 of the expired MOU they signed in 2016; in that clause, the MOU did not say whether or not in clear terms that there would be a yearly 15% roll-over management fee in favour of Hamzah Usman for every pension account secured by him on behalf of Trustfund Pensions;
- 4.2 That over this ambiguity in that clause, Hamzah Usman claimed that they did discuss and agree that in addition to paying him 15% one-off agency fee due for every pension account he secured in favour of Trustfund Pensions, there was to be a yearly 15% roll-over management fee for all the accounts he secured: a claim that Trustfund vehemently denied;



- 4.3 That to avoid the unending arguments between the petitioner and the respondent, the Committee suggested that Hamzah Usman be paid a compensation of **₦20,000,000** instead of the **₦35,894,799.95** which he claimed he earned from the yearly roll-over of the management fees for all five agencies from whom he secured pension accounts on behalf of Trustfund Pensions Plc; and
- 4.4 That the matter was eventually resolved by the Committee in that way and both parties agreed to the terms suggested by the Committee in a memorandum of understanding executed to that effect, and based on that, Hamzah Usman was paid ₦20m as compensation in order to end the issues raised permanently.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That Trustfund Pension Plc (the respondent) and Hamzah Usman (the petitioner) be commended for their maturity in agreeing to the terms of settlement proposed by the Committee for amicable resolution of the issues permanently; and
- 5.2 That Senate do specially commend the management of Trustfund Pensions Plc for display of professional maturity and integrity to make the ₦20,000,000 final settlement available to the petitioner within one week agreed between the parties in a memorandum of understanding executed to end the dispute. That both petitioner and respondent should go ahead and do their own business the way that suits them best in the open market.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Both recommendations adopted as the resolutions of the Senate.



## CASE 33:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM E. C. IGWE, ESQ. ON BEHALF OF EMPLOYEES OF TRANSPORT AND PORT MANAGEMENT SYSTEM OF NIGERIA LIMITED AGAINST THE NIGERIAN SHIPPERS' COUNCIL AND TRANSPORT AND PORT MANAGEMENT SYSTEM OF NIGERIA LIMITED FOR ALLEGED NON-PAYMENT OF SALARIES

#### 1.0 INTRODUCTION

The Senate would recall that on **Wednesday, 6<sup>th</sup> November, 2019**, Senator Ayo Akinyelure (Ondo Central) laid 10 petitions from the office of the President of the Senate, and drew the attention of the Senate to a petition from E.C. Igwe, Esq. on behalf of Employees of Transport and Port Management System of Nigeria Limited against the Nigerian Shippers' Council and Transport & Port Management System of Nigeria Limited for alleged non-payment of salaries, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying on behalf of the employees of Transport and Port Management System Nigeria (TPMS) Limited, E.C. Igwe, Esq. informed the Committee as follows:

- 2.1 That employees of TPMS Ltd cried to their office to complain that they were employed by TPMS Ltd to work for the Company and for the past one year, they had not been paid salaries by the Company with the excuse that the Treasury Single Account (TSA) introduced by the Federal Government of Nigeria made the company unable to access its funds in the bank to pay their salaries.
- 2.2 That in accordance with Nigeria's Federal Executive Council decision of 9<sup>th</sup> December, 2009 for every shipper to Nigeria to declare all cargo under the advanced cargo declaration scheme, the Nigerian Ports Authority (NPA) appointed the Transport and Port Management System Nigeria (TPMS) Ltd as the sole representative to administer and handle the International Cargo Tracking Note (CTN) in Nigeria;
- 2.3 That in 2015, the Jonathan Administration retained the services of TPMS Ltd; but this time, under the supervision of the Nigerian Shippers' Council who appointed



the Company as the sole representative to handle cargo tracking at Nigerian Ports and from the services rendered by TPMS employees over \$3.5 Million US was realized by the Company and yet the Company employees' salaries were not paid; and

- 2.4 That the hardship unleashed on these Nigerians who had families to cater for, was disgusting and heart-breaking; that the TPMS workers were calling on all Nigerians to compel the Management of the Nigerian Shippers' Council to pay them.

He urged the Federal Government of Nigeria, the National Assembly and well-meaning Nigerians to come to the aid of these enslaved and oppressed Nigerians.

### **3.0 BRIEF OF THE RESPONDENTS: (1)**

Responding, the Group General Manager of Transport and Port Management System Nigeria Limited, Mr. Anthony Falana who spoke on behalf of his late Managing Director, Mr. Jam Jedo and TPMS, stated:

- 3.1 That TPMS Limited actually had 60/40 contract agreement with the Nigerian Shippers' Council; 60% for the Nigerian Shippers' Council and 40% for TPMS for service rendered;
- 3.2 That unfortunately, when the contract executed between Nigerian Shippers' Council and TPMS commenced, Federal Government Treasury Single Account (TSA) was introduced forcing the Nigerian Shippers' Council to remit all revenue generated by TPMS directly to TSA of the Federation without deduction of 40% due to TPMS over the years, thus hindering the management of TPMS from paying salaries of its workforce since then to date;
- 3.3 That efforts made so far to get their 40% of \$3.5 Million revenue generated by TPMS since December, 2016 have proven abortive and;
- 3.4 That it was true that the workers of TPMS had not been paid since then.

He appealed to the Committee to assist TPMS Ltd to recover their money.

### **4.0 BRIEF OF THE RESPONDENT (2)**

Also responding, Mr. Tahir H. Idris (Director, Legal Services), Nigerian Shippers' Council who represented the Executive Secretary/CEO, Hassan Bello, stated:

- 4.1 That whatever the Nigerian Shippers' Council does must be with government approval;



- 4.2 That TPMS Ltd was owing Shippers' Council 3,627,000 Euros, an amount, he claimed was three times higher than whatever Shippers Council was owing TPMS;
- 4.3 That Shippers' Council would compute whatever it was owing TPMS (if any) as it related to the two contracts signed in 2010 and 2015 and pay them; and
- 4.4 That Shippers' Council was not owing the workers of TPMS; that after calculation, whatever it owed TPMS would be paid and promised to inform the Committee.

## **5.0 OBSERVATIONS/FINDINGS**

After studying the presentations and submissions of the petitioner, respondents and the body language of the head of Nigerian Shippers' Council, the Committee noted as follows:

- 5.1 That the Executive Secretary/CEO, Nigerian Shippers' Council was reluctant to get directly involved as the Nigerian Shippers' Council felt the employees involved in the matter were those of TPMS Limited, not those of the Shippers' Council; and this made decision making very difficult for the Committee;
- 5.2 That after waiting unsuccessfully for the Executive Secretary/CEO to appear after three invitations and also because the Committee could not see any reason why the workers of TPMS should not be paid, decided that TPMS employees be paid their salaries without further delay;
- 5.3 That though the general claim of Nigerian Shippers' Council was that 100% of the revenue collected by TPMS was transferred to the Treasury Single Account of the Federal Government, hence its inability to pay TPMS to enable it honour its financial obligations of salary payment to its employees over the years. The Committee believes that the onus of payment for services rendered was on Shippers' Council based on the agreement reached before commencement of activities of revenue generation for Shippers Council; and
- 5.4 That because Nigerian Shippers' Council was unable to provide evidence that TPMS was owing it any sum which they could not state, the Committee could not accept that argument.





## **6.0 RECOMMENDATION**

Based on the findings above, the Committee hereby recommends as follows:

- 6.1 That the Senate do urge the Nigerian Shippers' Council to find a way through the Accountant-General of the Federation to access the TSA of its Agencies and honour the payment of outstanding 40% of total Revenue generated by TPMS to enable it pay all outstanding salaries due to its workforce since December, 2016 till the expiration of the contract.

## **7.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation approved as resolution of the Senate.



## CASE 34:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM OLUBUKOLA ENAOHWO AGAINST FEDERAL MORTGAGE BANK OF NIGERIA (FMBN) FOR AN ALLEGED UNJUSTIFIED TERMINATION OF HER APPOINTMENT

#### 1.0 INTRODUCTION

The Senate would recall that on **Wednesday, 15<sup>th</sup> September, 2021**, Senator Patrick A. Akinyelure (Ondo Central) rose on Order 41, and presented petitions referred to his Committee from the office of the President of the Senate, and drew the attention of the Senate to a petition from Olubukola Enaohwo against Federal Mortgage Bank of Nigeria (FMBN) for alleged unjustified termination of her appointment, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Olubukola Ehaohwo (the petitioner), stated as follows:

- 2.1 That she was appointed a temporary staff of the Federal Mortgage Bank of Nigeria (FMBN) in 2011, and assigned to its Marina Branch in Lagos with a promise to make the appointment permanent after a year of satisfactory service;
- 2.2 That in 2013, due to her hard work and diligence, she was transferred to the Ikeja District office of the Bank;
- 2.3 That the Bank kept shifting ground on its promise to her and others due to what she perceived as nepotism; that she continued working for the Bank nonetheless, as a temporary staff from 2011 to 2019 when the Bank conducted interviews for temporary staff with a view to making successful candidates permanent staff;
- 2.4 That she was successful, but was denied permanent appointment; that instead of a letter of permanent appointment, she was presented a letter terminating her appointment on 2<sup>nd</sup> May, 2019;
- 2.5 That had the Bank not terminated her appointment, she would have been 20 years old working for the Bank in 2021, and in that time, if she were a permanent staff, she would have risen to the level of a Senior Manager; and



- 2.6 That in the light of the above, she requested the intervention of the Committee on the matter by ensuring she is reinstated and converted to a permanent staff.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Managing Director/Chief Executive of Federal Mortgage Bank of Nigeria, Arc. Ahmed M. Dangiwa, stated:

- 3.1 That Olubukola Enaohwo was engaged as a temporary staff for a special duty on 27<sup>th</sup> October, 2011 in line with the Federal Mortgage Bank's Conditions of Service; that her letter of temporary employment stated clearly that the appointment was for one year, and that the Bank was not obliged to employ her on a permanent basis;
- 3.2 That the Bank obtained the requisite approval from the Federal Character Commission and a Certificate of Compliance was issued before the recruitment exercise was carried out, and it was also done in line with the Board's directive that an external body be engaged to recruit the requisite staff;
- 3.3 That the Centre for Management Development (CMD) was engaged to conduct a Computer-Based Test (CBT) for temporary staff of the Bank; that only successful candidates at the CBT were interviewed, and the Olubukola Enaohwo did not pass the CBT, and so, was not allowed to do the interview; and
- 3.4 That Olubukola Enaohwo was paid the sum of ₦120,000.00 representing three months' allowance as palliative on termination of her appointment; that the Bank followed due process in disengaging her, and that the Bank stands by its decision to terminate her temporary appointment like others.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the facts of the presentations, the Committee found as follows:

- 4.1 That Olubukola Enaohwo was indeed employed as a temporary staff of the Federal Mortgage Bank of Nigeria on 27<sup>th</sup> October, 2011, and served in that capacity for eight years;
- 4.2 That if a Nigerian in her country has spent eight years of her life in an employment, though temporary, would it be a justifiable action to terminate her appointment and send her back to the streets, especially knowing that eight years of her life could have earned her something better if she had tried her hands somewhere else?



- 4.3 That the Committee saw that her appointment was temporary which meant that she could be fired anytime and eight years of diligent effort towards improving the Bank services could not be overlooked, and accordingly appealed to the Managing Director (M.D.) and the Bank to reconsider her plight, absorb her and make her appointment permanent; and
- 4.4 That the Managing Director on hearing the appeal of the Committee and the way the matter was being viewed, consented to doing the needful.

## **5.0 RECOMMENDATION**

That based on the observations above, the Committee hereby recommends that:

- 5.1 The Managing Director/Chief Executive of Federal Mortgage Bank of Nigeria and his team be commended for tampering justice with mercy and for reabsorbing Olubukola Enaohwo into its team of diligent workers without further encumbrances.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Recommendation adopted as the resolution of the Senate



## CASE 35:

### REPORT OF THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM ALHAJI HARUNA YAHAYA AND TWO (2) OTHERS AGAINST THE DIRECTOR-GENERAL/ CHIEF EXECUTIVE, NATIONAL INSTITUTE FOR EDUCATIONAL PLANNING AND ADMINISTRATION (NIEPA), PROF. OLIVET JAKUSAH FOR ALLEGEDLY ABANDONING HIS DUTY POST AND OPERATING FROM ABUJA AND FOR ORCHESTRATED ATTEMPTS TO FRUSTRATE AND HUMILIATE FORMER PRINCIPAL OFFICERS OF NIEPA AND OTHER GROSS MISCONDUCTS

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 22nd June, 2021, Senator Ayo Patrick Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the office of the President of the Senate, and drew the attention of the Senate to a petition from Alhaji Haruna Yahaya and Two (2) Others against the Director-General/ Chief Executive, National Institute for Educational Planning and Administration (NIEPA), Prof. Olivet Jakusah for abandoning his duty post and operating from Abuja and for orchestrated attempts to frustrate and humiliate former Principal Officers of NIEPA and other gross misconducts, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Mr. Ibrahim Arishokola, Esq., who represented Alhaji Haruna Yahaya and Two (2) Others stated as follows:

- 2.1 That the Director-General/Chief Executive of the National Institute for Educational Planning and Administration (NIEPA), Prof. Olivet Jakusah, abandoned his duty post in Ondo State and operated from Abuja since his appointment as the DG of the Institute on 1<sup>st</sup> June, 2020;
- 2.2 That the DG was involved in gross misconducts and deliberate attempts to frustrate and humiliate the former Principal Officers of the Institute by scrapping their offices; that the officers include, among others: (1) Prof. (Mrs.) Olatoun A. Akinsolu, who was the most senior academic staff and former Ag. DG of the Institute that handed over to the present DG; (2) Dr. (Mrs.) Adebola Agbaje,



former Librarian of the Institute; (3) Dr. Olaolu Festus, former Ag. Registrar and Secretary to the Council between 2006 and 2009;

- 2.3 That the DG and the Governing Council violated the rule on seniority in public service by supplanting Mrs. Abimbola Fayanju as the acting Registrar of the Institute over her senior colleague Dr. Olaolu Festus; and her tenure has elapsed for the past three years without advertisement to replace her;
- 2.4 That the Ag. Registrar, Mrs. Abimbola Fayanju brought by the DG/CE was overbearing too, especially in dealing with her senior colleagues;
- 2.5 That the DG/CE was making clandestine arrangement for the relocation of the Institute from Ondo State to Abuja, an action that was a disservice to the State; and
- 2.6 That the DG/CE also committed other offences by rendering some senior officers of NIEPA redundant by abolishing their offices; a framed-up Restructuring Exercise; refusal to host and hold Council Meeting since December 2020.

They requested that the Senate should look into the matter and among other things, urge the DG to reinstate the staff whose positions were abolished, to their positions.

### **3.0 BRIEF OF THE RESPONDENT**

In his submission, Prof. Olivet I.W. Jagusah, Director-General/Chief Executive of the National Institute for Educational Planning and Administration (NIEPA) stated as follows:

- 3.1 That he was appointed the Director-General of the National Institute for Educational Planning and Administration (NIEPA) by the Honourable Minister, Federal Ministry of Education with the approval of the President, Commander-In-Chief, on 1<sup>st</sup> June 2020;
- 3.2 That the Institute was established in 1992 by the Federal Government in collaboration with UNESCO-IIEP, Paris with a mandate to develop a critical mass of Education Sector Planners, Managers and Administrators with its take off in the defunct Federal School of Arts and Science, Ondo State;
- 3.3 That his appointment as the DG/CE of the Institution witnessed stiff resistance and protest by some individuals from the Institute and the principal characters organized a blockade against him and the actions affected his assumption of duty;



- 3.4 That for three (3) months on assumption of duty, he stayed in a hotel because there was no apartment for him to live in around the school vicinity;
- 3.5 That the idea of relocating the Institute to Abuja was mooted by his predecessor, Prof. Lilian Imuetinyan Salami, who through her letter with reference No. NIEPA/LANDREQ/001 dated 20<sup>th</sup> March, 2017, addressed to the Honourable Minister, Federal Ministry of Education, applied for the relocation of the Institute from Ondo State to Abuja because of the continued poor accessibility of the area to both National and International stakeholders, a situation that hindered the effective and efficient discharge of its mandates for service delivery;
- 3.6 That based on the idea of the relocation, correspondences were exchanged between the Federal Ministry of Education, Federal Capital Administration and the Inter-Ministerial Committee on the Disposal of Assets Forfeited to the Federal Government of Nigeria for possible allocation of any of the seized/forfeited properties to NIEPA in Abuja;
- 3.7 That as at date, the Institute has no enabling law establishing it which has been a clog in the wheel of its progress;
- 3.8 That before he assumed duty, the Institute had no administrative structure and organogram but in order to streamline issues, he requested for restructuring of the Institute and the Head of Civil Service of the Federal approved the restructuring of the Institute into six (6) Departments, seven (7) Units and nine (9) Liaison Offices;
- 3.9 That as at June, 2020, the Institute was operating four organograms which were confusing but finally, organogram No. 4 was approved and adopted and any position that was not captured in the organogram as approved by the Head of Service of the Federation was abolished;
- 3.10 That at a virtual meeting of the Governing Council of the Institute held on 18<sup>th</sup> December, 2020, the restructuring of the Institute was approved in line with the organogram;
- 3.11 That also at the Virtual Meeting on 18<sup>th</sup> December, 2020, Council approved that the Institute should advertise the positions of substantive Registrar and Librarian;
- 3.12 That he met all the officers in the positions they were before his assumption of office as DG/CE of the Institute including Mrs. Abimbola Fayanju, the Ag. Registrar and Dr. Olaolu Festus, former Registrar;
- 3.13 That he replied to memos sent to his office expeditiously.



#### 4.0 Senior Staff of the Institute (2)

The Committee invited the following senior staff of the Institute to appear before it for further investigation. They were: Prof. (Mrs.) Akinsolu A. Olatoun; Dr. Olaolu Festus and Mrs. Abimbola Fayanju.

##### 4.1 Prof. (Mrs.) Akinsolu A. Olatoun stated as follows:

- a. That she was appointed the Ag. Director-General/Chief Executive of NIEPA with effect from November, 2019 till 30<sup>th</sup> May, 2020;
- b. That Prof. Olivet Jagusah's appointment as the substantive DG/CE of the Institute was effective 1<sup>st</sup> June, 2020; and that she made sure that his assumption of office on 1<sup>st</sup> June, 2020 was without rancor by arranging some security officers to be on ground to ensure that the environment was well secured and safe in case of any eventuality;
- c. That one month of his assumption of duty, the DG/CE removed her from the management team;
- d. That it was a false claim that the Office of the Head Service of the Federation approved the foremost (old) organogram of 30 years ago instead of the other organograms which were more current; and
- e. That her office as the Coordinator of Programmes (CoP) was abolished and that she was equally removed from Council by the Ag. Registrar and replaced by a junior colleague while Council did not take any decision to abolish her office as the Coordinator of Programmes.

She requested that the Senate should look into the matter and urge the DG/CE and the Ag. Registrar to among other things, follow the ethical rules and operations in the public service and jettison the appointment of junior officers to act and oversee the affairs of NIEPA without observing the tenets of hierarchy in the public service.

##### 4.2 Dr. Akinsolu Festus stated as follows:

- a. That he was the former Ag. Registrar and Secretary to the Council between 2006 – 2009 and 2013 – 2017; and the most senior Deputy Registrar in NIEPA Registry;
- b. That he had written to the Council on the need to adhere to the rule on seniority in public service severally, but Council ignored it and made Mrs. Abimbola Fayanju the Ag. Registrar over her senior colleagues;





- c. That the abolishment of some of the Offices and Departments created by the DG/CE's predecessors with the purported approval from the Head of Service between the year 2017/2018 was seen as a retrospective action which impairs organizational efficiency and effectiveness;
- d. That it was what was prepared by the DG/CE and presented as the organogram of the Institute to the Office of the Head of Service of the Federation that the OHSOF approved in 2017; and
- e. That he was the Deputy Registrar (Academic) that had been abolished while his junior was the Ag. Registrar/Secretary to the Council.

He requested that the Senate should look into the matter and urge the DG/CE to reverse the Offices and Departments unjustly abolished by the Ag. Registrar and also, urge the DG/CE to follow hierarchy or seniority in the appointment of staff to head Departments, Sections and Units in NIEPA.

#### **4.3 Mrs. Abimbola Fayanju stated as follows:**

1. That the Governing Council at its meeting held on 15<sup>th</sup> December, 2020, approved Management's request to restructure the Institutes's Departments and Offices in line with the vision and the mandate of the Institute; and
2. That in line with the restructuring, the following offices were abolished:
  - the Office of the Coordinator of Programmes;
  - the Office of the Special Adviser to the DG/CE on Publication and Documentation; and
  - the Office of the Deputy Registrar, Academics.

## **5.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by Mr. Ibrahim Arishokola on behalf of Alhaji Haruna Yahaya and Two (2) others; the Director-General and Chief Executive of the Institute, Prof. Olivet Jakusah and the three (3) Principal Officers of the Institute, the Committee observed as follows:

- 5.1 That the National Institute for Educational Planning and Administration (NIEPA) was put in place in 1992 by the Federal Government in collaboration with UNESCO-IIEP, Paris with a mandate to develop a critical mass of Education Sector Planners, Managers and Administrators with its take off in the defunct Federal School of Arts and Science, Ondo State;



- 5.2 That from inception till date, the Institute had been operating for Thirty-one (31) years without an enabling law or Act of National Assembly establishing it;
- 5.3 That the current substantive Director-General and Chief Executive of the Institute, Prof. Olivet Jaqusah took steps to restructure and fashion out an organogram for the Institute but the after effect of the restructuring led to the abolishment of the offices of some principal officers and supplanting of their juniors over and above their seniors in negation of the rule on seniority in the appointment of headship of Departments, Sections and Units in the public service;
- 5.4 That the idea of relocating the Institute to Abuja was the initiative of the former DG/CE of the Institute which according to the then DG/CE, was because of the poor accessibility of the area by both National and International stakeholders and that has hindered the effective and efficient discharge of the mandates of the Institute; and
- 5.5 That because there was no law or Act of National Assembly creating the Institute, the effective and efficient administration of the Institute had been impacted negatively thereby creating rancour within the authorities of the Institute.

## **6.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 6.1 That the Senate do urge the Director-General/Chief Executive of the National Institute for Educational Planning and Administration (NIEPA), to forthwith, cancel the idea of relocating the Institute to any other state or Abuja, but to as a matter of urgency, liaise with the Federal Ministry of Education and prepare an establishment bill for the Institute and submit same to the National Assembly for passage;
- 6.2 That the Senate do urge the Director-General/Chief Executive of the National Institute for Educational Planning and Administration (NIEPA) to re-introduce those Offices he abolished and reinstate the officer(s) who were dismissed or had their appointments terminated due to the fall out of the scrapping of some offices in the Institute; and ensure total adherence to the rule on seniority in appointment into positions in accordance with the Public Service Rules (PSR); and
- 6.3 That the Senate do urge the management and staff of the National Institute for Educational Planning and Administration (NIEPA) to work as a team in realization of its mandate to develop a critical mass of Education Sector Planners, Managers and Administrators.



## **7.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendations adopted as resolutions of the Senate.



## CASE 36:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM SUNDAY M. AKINWALE AGAINST THE HONOURABLE MINISTER OF EDUCATION AND THE DIRECTOR-GENERAL, NATIONAL YOUTH SERVICE CORPS (NYSC) FOR ALLEGED NON-RELEASE OF HIS NYSC EXEMPTION LETTER

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday 22<sup>nd</sup> September, 2021 Senator Patrick Ayo Akinyelure (Ondo Central) rose on **Order 41** to lay petitions referred to his Committee from the office of the President of the Senate, and drew the attention of the Senate to a petition from Sunday M. Akinwale against the Honourable Minister of Education and the Director- General, National Youth Service Corps (NYSC) for alleged non-release of his NYSC exemption letter, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action, and feedback.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Sunday Akinwale (the petitioner), stated as follows:

- 2.1 That he attended Birmingham City University (BUC) in the United Kingdom between 2014 and 2017 where he graduated with an LLB (Hons.) in Law at age 41;
- 2.2 That he proceeded to the Nigerian Bar 1 and 2 and was called to the Nigerian Bar;
- 2.3 That he currently practices as a partner at Lawville Chambers in Akure, Ondo State;
- 2.4 That when he was admitted to study Law in the UK, what was used to screen him for admission were his O level results with credit passes in English Language, Literature in English, Government and three other subjects as well as a pass in Mathematics at two sittings;
- 2.5 That in June 2021, he went to the Federal Ministry Education for evaluation of his credentials for onward processing of an exemption letter;
- 2.6 That the officials he met at the Federal Ministry of Education insisted that he



needed to have a credit pass in Mathematics as a compulsory subject before his results could be evaluated;

- 2.7 That one of the officials said that he rushed to the UK to study because he had deficiency in Mathematics. That now that he was back to Nigeria, he should go back and rewrite another O Level examination because it was a Federal Government policy that English Language and Mathematics were compulsory subjects. That all efforts to convince them that he studied abroad and that he was not admitted into a Nigerian University, hence the brochures and syllabuses were not binding on him, failed. That he strictly was subjected to the United Kingdom Education Board Authority (UKEAS) and not the Joint Admissions and Matriculations Board (JAMB) or Unified Tertiary Matriculation Examination (UTME), and the need not to subject him to such harsh condition proved abortive; and
- 2.8 That the NYSC Scheme does not require any special qualification other than a university or other Tertiary institution degree.

He requested that the Senate should look into the matter and urge the Federal Ministry of Education to evaluate his credentials and direct the NYSC to issue him his NYSC exemption certificate.

### **3.0 BRIEF OF THE RESPONDENT**

The Federal Ministry of Education, represented by Mr. Koli Salihu Mongoba, Assistant Director and Mr. Godwin Egbunefu, Assistant Director stated as follows:

- 3.1 That Education was globally moderated by the United Nations and every curriculum or decision taken was designed to suit the needs and aspirations of member states to which Nigeria was a signatory to that declaration;
- 3.2 That the Federal Ministry of Education, as a matter of policy, adopted five credits including English Language and Mathematics as requirements for Law and other courses. That the policy expected that learners at Ordinary Level should exhibit an appreciable level of literacy, and made it mandatory for all Tertiary Institutions including JAMB to implement that decision;
- 3.3 That Nigerians over the years travelled to many countries to study and return home with varieties of educational qualifications which made it necessary to evaluate these qualifications in order to establish their Nigerian equivalent for the purpose of employment or higher education;
- 3.4 That to ensure a high level of objectivity and consistency in the assessment of foreign qualifications, the Federal Ministry of Education set up an organ at the



National Level to handle all issues relating to foreign qualifications, namely the National Standing Committee (NSC) on Evaluation and Accreditation of Foreign Qualifications in 1974;

- 3.5 That at its 32nd and 33rd meetings, NSC reached a consensus that candidates who had already obtained their bachelor's degree with deficiency in entry qualifications should be given up to three (3) years to remedy the deficiency before being cleared for NYSC;
- 3.6 That at the 33rd meeting, NSC reiterated that candidates like Sunday Akinwale with deficiency in entry qualification (Mathematics) and who had already obtained a foreign degree be given up to three years to remedy the deficiency before being cleared for National Youth Service or exemption certificate; and
- 3.7 That Birmingham City University was an accredited institution in the United Kingdom, but the certificate presented by Mr. Sunday Akinwale did not carry the name of the acclaimed University.

#### **4.0 The Director-General, National Youth Service Corps (NYSC)**

The Director-General of NYSC, Brigadier Gen. Shuaibu Ibrahim reached the Committee through his staff and stated that the matter was exclusively in the hands of the Ministry of Education and could not make any further meaningful contribution to the matter.

#### **5.0 OBSERVATIONS/FINDINGS**

After carefully studying the oral and written submissions of Sunday Akinwale (the petitioner) and the respondents, Federal Ministry of Education and the NYSC, the Committee observed as follows:

- 5.1 That Sunday Akinwale gained admission into Birmingham City University to study Law with O' Level results. That he had credit passes in English Language, Literature in English, Government and three other subjects at two sittings and a pass in Mathematics which were used to screen him for admission;
- 5.2 That Sunday Akinwale graduated with LLB (Hons.) in Law at the age of 41 and has proceeded to Bar 1 and 2 and has been called to the Nigerian Bar and he currently practices as partner at Lawville Chambers in Akure, Ondo State;
- 5.3 That Birmingham City University was an accredited institution in the United Kingdom and wondered why the Federal Ministry of Education should not evaluate his credential and process the release of his exemption certificate after he had proceeded to Law School, and having been called to the Nigerian Bar and



currently, a practicing Lawyer;

- 5.4 That the Federal Ministry of Education subjected Sunday Akinwale to harsh conditions by compelling him to go and re-sit for Mathematics;
- 5.5 That the policy of the National Standing Committee of the Federal Ministry of Education on foreign qualifications negates section 11 of the National Youth Service Corps Act CapN84, Laws of the Federation of 2004. The Act empowers the NYSC among other duties to issue a discharge certificate to every member that has successfully completed the one year mandatory service. However, in place of the discharge certificate an exemption certificate may be issued to those that graduated at age 31 years and above. That the policy stood in the way of the release of the exemption certificate to Sunday Akinwale; and
- 5.6 That the policy of the National Standing Committee on candidates who had already obtained their first degrees with deficient entry qualifications should re-sit for the affected papers before being cleared for NYSC, was not backed by law and so, could not stand.

## **6.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 6.1 That the Senate do urge the Federal Ministry of Education to forthwith issue the petitioner an Exemption Certificate since the reason for denying him the Exemption Certificate was unlawful and illegal; and
- 6.2 That the policy of the National Standing Committee of the Federal Ministry of Education on foreign students qualifications be scrapped as it is unlawful and without any form of backing by any known legislation.

## **7.0 RESOLUTIONS ADOPTED BY THE SENATE**

The senate adopted the first recommendation as its resolution and stepped down the second recommendation.



## CASE 37:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM CHIEF ENYINNA ONUEGBU KSC, ON BEHALF OF SEVENTY-THREE (73) COMMUNITIES OF OBIAFU, SOKU TO BONNY, IN RIVERS STATE AGAINST THE NIGERIA LIQUEFIED NATURAL GAS LIMITED (NLNG) FOR ALLEGEDLY REFUSING TO PAY COMPENSATION FOR ACQUIRING THEIR LAND AND LOSS OF USE OF THE AFFECTED LAND TO PIPELINES RIGHT OF WAY (ROW) THROUGH THE COMMUNITIES

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 18th December, 2019, rising on **Order 41**, Senator Enyinnaya H. Abaribe (Abia South), drew the attention of the Senate to a petition from his constituent, Chief Enyinna Onuegbu KSC, on behalf of the Seventy-Three (73) communities of Obiafu, Soku to Bonny, in Rivers State against the Nigeria Liquefied Natural Gas Limited (NLNG) for refusing to pay compensation for acquiring their land and loss of use of the affected land to pipelines Right of Way (ROW) through the communities, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Chief Enyinna Onuegbu, Ksc on behalf of members of the seventy-three (73) Communities of eight (8) Local Government Areas spanning through Obiafu, Soku to Bonny Rivers State, stated as follows:

- 2.1 That the Seventy-Three (73) Communities are all members of the United Pipeline Families Host & Communities Association of Rivers State;
- 2.2 That following the incorporation of the Nigeria Liquefied Natural Gas Limited (NLNG), it acquired landed properties in Rivers State in 1996 spanning over 210km for use as its pipelines Right of Way (ROW) which ended at the export terminal of the NLNG in Finima Bonny Local Government Area of Rivers State;
- 2.3 That there are over 73 communities and over 200 families whose hitherto agrarian source of livelihood were negatively impacted upon by the said acquisition;





- 2.4 That NLNG made selective payment of pittance as compensation in cash for building and structures; economic crops and farmland, shrines and graves destroyed to the chagrin of the owners of the acquired stretch of land as pipelines ROW without either entering into any Memorandum of Understanding (MoU) or making any commitment on future obligations in the nature of Corporate Social Responsibility with the impacted communities;
- 2.5 That the Communities had written several correspondences to NLNG to resolve these lingering issues of compensation and MoU, but the Company treated them with levity while the communities continued to suffer irreparable damage on account of the exploitative operations of NLNG to their environment;
- 2.6 That his clients, the host communities complained to the Government of Rivers State about the despicable neglect of NLNG to their suffering as a result of the exploitative activities in their environments without compensation and MoU, but all efforts by the government to amicably resolve the matter were roundly frustrated by the Management of NLNG;
- 2.7 That under the Mineral Oils and Pipelines Act, the following items and headings of claims in the acquisition of pipelines Right of Way include: (a) Crops; (b) Economic trees; (c) Shrines; (d) Fish Ponds; (e) Buildings and structures; (f) Land (permanent loss of use); etc., and that NLNG did not pay compensation for item (f) i.e., Land Permanent Loss of Use;
- 2.8 That other Oil Companies such as Shell Petroleum Development Company, Totalfina Elf Petroleum Nigeria Ltd, Agip Oil Corporation paid compensation for loss of use of land in their acquisitions;
- 2.9 That based on professional valuation and assessment carried out up to 2020 for the Loss of Use of the acquired land, the sum of ₦18,448,842,500.00 was the current claim due to the host communities as adequate compensation by NLNG based on the current market value; and
- 2.10 That the younger ones in the communities have been spoiling for breakdown of law and order because of the uncaring, exploitative and unwarranted disregard of the communities by NLNG in the performance of their illegal activities.

He requested that the Senate should look into the matter and urge the Nigeria Liquefied Natural Gas Limited (NLNG) to pay his clients, through their Principal Agent, the total sum of ₦18,448,842,500.00 being claim by the Host Communities against NLNG up to May, 2020 as compensation, and also urge the NLNG to among others things, enter into a written MoU with the communities.



### **3.0 BRIEF OF THE RESPONDENT**

In their submission, NLNG represented by Oyono Fatayi-Williams (General Manager, External Relations), stated as follows:

- 3.1 That Nigeria Liquefied Natural Gas Limited (NLNG) acquisition of pipelines Right of Way (ROW) started in 1996 with due process being followed in the acquisition;
- 3.2 That NLNG till date was maintaining good relationship with their Host Communities;
- 3.3 That NLNG had carried out some Corporate Social Responsibility with the communities hosting their pipeline, among which are: 1. Award of scholarship to undergraduate students in tertiary institutions under the NLNG Undergraduate Scholarship Scheme (UGSS); 2. Award of scholarship to students in post primary schools under the NLNG Post Primary School Scholarship Scheme; 3. Training of some indigenes in vocational work, and 4. Engagement of some of the indigenes as pipelines Right of Way contractors;
- 3.4 That the petitioners are not known to them; and that there was no requirement in law to sign Memorandum of Understanding with Host Communities for the pipelines ROW;
- 3.5 That NLNG had paid for everything needed to be paid to the communities involved; and that the Rivers State Government who was aware of the issue had not approached NLNG to say they were owing any community.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by Chief Enyinna Onuegbu, KSC (the petitioner) and Oyono Fatayi-Williams (General Manager, External Relations) NLNG (the respondent), the Committee observed as follows:

- 4.1 That following the incorporation of the Nigeria LNG (NLNG) Limited, it acquired landed properties in Rivers State in 1996 spanning over 210km for use as its pipelines Right of Way (ROW) which ended at the export terminal of the NLNG in Finima Bonny Local Government Area of Rivers State;
- 4.2 That there were over 73 communities and over 200 families whose hitherto agrarian source of livelihood were negatively impacted upon by the said acquisition;
- 4.3 That NLNG neither proved nor showed evidence to the Committee that it paid compensation to the 73 communities for loss of use of their land to pipelines



Right of Way (ROW); and that there was no Memorandum of Understanding (MoU) signed between the Communities and NLNG on future obligations in the name of Corporate Social Responsibility with the impacted communities;

- 4.4 That there was evidence that other Oil Companies such as Shell Petroleum Development Company, Totalfina Elf Petroleum Nigeria Ltd, Agip Oil Corporation paid compensation for loss of use of land to their Host Communities; and
- 4.5 That the Communities were claiming the sum of N18,448,842,500,00 being compensation for the loss of use of their land as at May, 2020.

## **5.0 RECOMMENDATIONS**

In view of the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the Nigeria Liquefied Natural Gas Limited (NLNG) to pay the sum of ₦18,448,842,500.00 as adequate compensation due to the 73 Communities of United Pipeline Host Families & Communities Association of Rivers State for loss of use of their land to pipelines Right of Way (ROW); and
- 5.2 That the Senate do urge NLNG to, as a matter of urgency, enter into a Memorandum of Understanding (MoU) with the Host Communities on future obligations by NLNG in the form of Corporate Social Responsibility.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation adopted as resolutions of the Senate.



## CASE 38:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM A.S.U. GARBA OF WAHAB TOYE & CO. ON BEHALF OF CRIME FREE AND PEACE INITIATIVE AGAINST OKPARA MICHAEL NNACHI, DAUDA IBRAHIM EL-LADAN AND ADEBANJO ADEMOLA ANTHONY FOR ALLEGED FALSIFICATION OF RECORDS, ABUSE OF POWERS AND FORGERY

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 24<sup>th</sup> November, 2021, Senator Ayo Patrick Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the office of the President of the Senate, and drew the attention of the Senate to a petition from A.S.U. Garba of Wahab Toyé & Co. on behalf of Crime Free and Peace Initiative against Okpara Michael Nnachi, Dauda Ibrahim El-Ladan and Adebajo Ademola Anthony for alleged falsification of records, abuse of powers and forgery, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action and to report back.

#### 2.0 BRIEF OF THE PETITIONER

In the petition, A.S.U. Garba stated:

- 2.1 That he was writing on behalf of Crime Free and Peace Initiative to formally notify the Senate about an impending and gradual breakdown of order amongst the staff of the National Assembly, particularly over acts of dishonesty involving conspiracy, forgery and criminal falsification of service records;
- 2.2 That he was writing to solicit the hand of the Senate to invoke the relevant provisions in the extant Public Service Rules and Conditions of Service in the National Assembly to quell further fire of disobedience to rule of law, corrupt practices among public officers and to establish professionalism and justice;
- 2.3 That on 23<sup>rd</sup> November 2020, a petition was written to the office of the Clerk to the National Assembly against acts of falsifying of records carried out by Okpara Michael Nnachi, Dauda Ibrahim El-Ladan and Adebajo Ademola Anthony, and the National Assembly wrote a report as demanded by the Nigeria Police,



affirming the allegations raised against the three officers;

- 2.4 That copies of the Personal Data pages of the above three officers evidencing the actual falsification were provided to the Clerk to the National Assembly, upon which they expected him to act promptly, by releasing the said officers concerned for interrogation and prosecution but to no avail; and
- 2.5 That because they were both bewildered and surprised at this lack of action by the National Assembly after reporting that magnitude of wrongdoing, the petitioner through his legal team led by Wahab Olutoye, Esq. decided to redress this anomaly before the Federal High Court in Suit No. FHC/ABJ/CS/1269/21 between Crime Free and Peace Initiative Vs Okpara Michael Nnachi and six (6) Others currently pending hearing before FHC Court 4.

The petitioner requested that a directive restraining the above-named persons (Staff) from continuous occupation of their offices be issued, especially as the police report indicted them of falsification of records, and also that the respondents be prosecuted by the court.

- 3.0 The Respondent:**
- (1) Okpara Michael Nnachi;
  - (2) Dauda Ibrahim El-Ladan; and
  - (3) Adebajo Ademola Anthony.

The above-named respondents were not invited to the Committee to respond officially to the issues raised in the petition because the matter was already in court of competent jurisdiction before it was brought before the Senate.

#### **4.0 OBSERVATIONS/FINDINGS**

The petition was not officially brought to the Committee for consideration because the content of the petition after careful observation confirmed that the matter was already before a Federal High Court for consideration and eventual judgement.

#### **5.0 RECOMMENDATION**

Based on the findings above from within the petition before the Committee, it hereby recommends as follows:

That the petition be struck off the list of petitions before the Senate because the subject of the petition was currently before a court of competent jurisdiction.



## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation adopted as resolution of the Senate



## CASE 39:

### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM DR. MUIZ BANIRE, SAN ON BEHALF OF KAZUMA SHIPPING COMPANY LIMITED AGAINST THE NIGERIAN ARMY FOR ALLEGED TRESPASS, HIJACKING AND STEALING OF OVER 19 ACRES OF LAND BESIDE THE ARMY SIGNAL BARRACKS, MILE 2, APAPA, LAGOS BELONGING TO KAZUMA SHIPPING COMPANY LIMITED**

#### **1.0 INTRODUCTION**

The Senate would recall that on Wednesday, 18th December, 2021, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Dr. Muiz Banire, SAN on behalf of Kazuma Shipping Company Limited against the Nigerian Army for alleged trespass, hijacking and stealing of over 19 acres of land beside the Army Signal Barracks, Mile 2, Apapa, Lagos belonging to Kazuma Shipping Company Limited, and urged the Senate to look into the matter.

In line with Order 40(3) of the 2022 Senate Standing Orders (as amended), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### **2.0 BRIEF OF THE PETITIONER**

Dr. Muiz Banire, SAN, on behalf of Kazuma Shipping Company Limited, stated as follows:

- 2.1 That his client, Kazuma Shipping Company Ltd, purchased a portion of land measuring about 19 (Nineteen Acres) out of a whole parcel of land measuring 20.652 hectares or 51.0323 acres from the family of late John Saint-Matthew Daniel (his client's predecessor-in-title) in 2002;
- 2.2 That the whole parcel of land is located beside the Army Signal Barracks, Mile 2, Apapa, Lagos;
- 2.3 That the ownership of the whole parcel of land has been a subject of litigation up to the Supreme Court; and the Supreme Court in its judgment declared that the large expanse of land measuring about 20.652 hectares or 51.0323 acres and bordering the Nigerian Army Signal Baracks, Apapa, Lagos belongs to the family



- of late John Saint-Matthew Daniel, (his client's predecessor-in-title);
- 2.4 That after the judgment of the Supreme Court, the Nigerian Army encroached upon the said land by depriving the original owner access to it, and claimed that the land belonged to them;
  - 2.5 That this incursion and claim of ownership of the land by the Army culminated in the filing of Suit in the High Court of Lagos State by St. Matthew Daniel's family against the Nigerian Army, the Minister of Defence, the Chief of Army Staff, the Minister of Works and Housing and the Attorney General of the Federation; and judgment was delivered in favour of St. Matthew Daniel's family (his client's predecessor-in-title) and the Court directed the Nigerian Army and its privies to vacate the land and grant peaceful and peaceable possession of the land to his client's predecessor-in-title;
  - 2.6 That the Nigerian Army appealed the judgment to the Court of Appeal but later withdrew the appeal from the Court;
  - 2.7 That in compliance with the directive of the High Court of Lagos, the then Chief of Army Staff instructed the then Commandant of the Nigerian Army Signal, Arakan Barracks, Major-General S.E. Asemota, to formally hand over the parcel of land back to his client's possessor-in-title i.e. St. Matthew Daniel's Family and the handing over of the land was formally done on August, 30<sup>th</sup> 2002;
  - 2.8 That it was after the handing over of the parcel of land that St. Daniel's family sold 19 (Nineteen) acres of the land to his client, Kazuma Shipping Company Limited who, after taking possession of the portion he purchased spent over ₦400,000,000 in clearing and sand-filling of the marshy land between 2002 and 2009;
  - 2.9 That while the reclamation of the land through sand-filling was on-going, men of the Nigerian Army invaded the whole land the second time, chasing away his client's staff working on the land allegedly claiming that the large expanse of land belonged to the Nigerian Army;
  - 2.10 This second invasion was resolved by the then Chief of Army Staff who directed the second hand over of the entire expanse of land to his client's predecessor-in-title and the Nigerian Army was represented at the Second Handover by Brigadier-General S. I. Davies, then Commander 45 Division Engineer; and
  - 2.11 That despite the Court judgment, first and second hand over by the Nigerian Army, officers of the Nigerian Army invaded the land again, erecting signposts and a perimeter fence around the entire land with commercial activities like parks





and garden, car wash, park and pay and dumping of refuse and at the same time making use of his client's construction materials in the process.

He requested that the Senate should look into the matter and urge the Nigerian Army to fully and permanently vacate his client's 19 (Nineteen) acres of land and totally comply with the judgment of the Courts and the several hand-overs made to his client's predecessor-in-title's land measuring about 20.652 hectares or 51.0323 acres.

### **3.0 BRIEF OF THE RESPONDENTS**

The Nigerian Army, represented by Lt. Col. D. Biambo of the Directorate of Legal Services, Army Headquarters, stated as follows:

- 3.1 That the Nigerian Army did not know Kazuma Shipping Company Limited in relation to the land being claimed that he bought from the family of late John Saint-Matthew Daniel;
- 3.2 That the Nigerian Army acquired the land from late John Saint-Matthew Daniel's family; and
- 3.3 That the Nigerian Army had appealed the judgment of the High Court of Lagos State and entertaining the matter now before the Senate was subjudice.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by Dr. Muiz Banire, SAN and the representative of the Nigerian Army, Lt. Col. D. Biambo, the Committee observed as follows:

- 4.1 That Kazuma Shipping Company Ltd purchased a portion of land measuring about 19 (Nineteen) acres out of a whole parcel of land measuring 20.652 hectares or 51.0323 acres from the children of late John Saint-Matthew Daniel (his client's predecessor-in-title) in 2002;
- 4.2 That the whole parcel of land was located beside the Army Signal Barracks, Mile 2, Apapa, Lagos;
- 4.3 That the ownership of the whole parcel of land had been a subject of litigation up to the Supreme Court; and the Supreme Court in its judgment in suit No. SC/68/71 declared that the large expanse of land measuring about 20.652 hectares or 51.0323 acres and bordering the Nigerian Army Signal Baracks, Apapa, Lagos belonged to the family of late John Saint-Matthew Daniel, (his client's predecessor-in-title);
- 4.4 That there was a documented evidence that the High Court of Lagos State in its



judgment in suit No. LD/2659/91 between the family of late John Saint-Matthew Daniel and the Nigerian Army ruled that the entire parcel of land disputed over belonged to the family of late John Saint-Matthew Daniel and that the Nigerian Army should hand over the land to the family;

- 4.5 That there was documented evidence that the Nigerian Army appealed the judgment of the High Court in Appeal No. CA/L/798M10 in 2015, and the appeal was withdrawn by the Nigerian Army;
- 4.6 That the Nigerian Army did not make any document available to the Committee on Ethics buttressing its title to the parcel of land or any court document proving that the Army was in Court with anybody to contest the ownership of the said parcel of land;
- 4.7 That in compliance with the High Court of Lagos State judgment, the Nigerian Army handed over the land measuring about 20.652 hectares or 51.0323 acres and bordering the Nigerian Army Signal Baracks, Apapa, Lagos to the family of late John Saint-Matthew Daniel, in a hand over note referenced NA/412/A and dated 3 April, 2002 which the representatives of the Nigerian Army, Major General SE Asemota and the family of late John Saint-Matthew Daniel duly signed;
- 4.8 That the Nigerian Army did a second handover to the family after withdrawing its suit from the Appeal Court against the family in 2011 and the handover note referenced NA/COAS/G4/67/1 dated 15 August, 2011 and Brigadier General SJ Davies and Mr. Agboola Anjou representing the Nigerian Army and the family of late John Saint-Matthew Daniel respectively signed the handover note; and
- 4.9 That for the Nigerian Army to further encroach into the land and be claiming its ownership after a Supreme Court judgment and official hand over on two occasions by itself to the family of late John Saint-Matthew Daniel, is tantamount to high level of greed, impunity and recklessness, especially, for using guns to threaten ordinary citizens of the Federal Republic of Nigeria to vacate a land they legitimately own.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the Chief of Army Staff to use his good office to direct his men to unconditionally and permanently vacate the entire parcel of land measuring about 20.652 hectares or 51.0323 acres and bordering the Nigerian Army Signal Barracks, Apapa, Lagos and officially hand over finally for the 3<sup>rd</sup>



time to the family of late John Saint-Matthew Daniel in line with Supreme Court judgement without further delay; and

- 5.2 That the Senate do urge the Nigerian Army to also unconditionally and permanently vacate the entire land and allow Kazuma Shipping Company Ltd to enjoy henceforth the 19 (nineteen) acres of land being a portion of the entire parcel of land measuring 20.652 hectares Or 51.0323 acres purchased from the family of late John Saint-Matthew Daniel in 2002 (his predecessor-in-title).

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendations adopted as presented by the Senate as its resolutions.



## CASE 40:

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### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM GYANG ZI, ESQ. ON BEHALF OF D.D. CHOJI AGAINST THE NIGERIA CUSTOMS SERVICE (NSC) FOR ALLEGED WRONGFUL DISMISSAL FROM SERVICE**

#### **1.0 INTRODUCTION**

The Senate would recall that on Tuesday, 18<sup>th</sup> June 2021, Senator Istifanus D. Gyang (Plateau North) rose on Order 41 and drew the attention of the Senate to a petition from his constituent Gyang Zi, Esq. on behalf of D.D. Choji against the Nigeria Customs Service for alleged wrongful dismissal of D.D. Choji from Service.

In line with Order 40(3) of the Senate Standing Orders 2022 (as amended), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### **2.0 BRIEF OF THE PETITIONER**

Testifying before the Committee, the petitioner, Gyang Zi Esq. on behalf of D.D. Choji, stated as follows:

- 2.1 That Mr. D.D. Choji was a Nigerian Customs Service employee who last served the Nigeria Customs Service at Ogun 1 Area Command, Idiroko, Ogun State before he was dismissed from the Service in 1999 during the staff rationalization exercise;
- 2.2 That in 1997, Mr. D.D. Choji travelled for a pay parade in Jos and took ill and was diagnosed of having typhoid fever while in Jos and as a result, he was hospitalized for treatment from 15<sup>th</sup> February to 3<sup>rd</sup> March 1997;
- 2.3 That to his dismay, upon recovery from his ill health and upon his return to his duty post, the CAC 1 Area Comptroller, Idiroko Ogun State in the person of Alhaji Umar Daura had reported Mr. D.D. Choji to a higher authority;
- 2.4 That Mr. D.D. Choji was issued a query and his salary was stopped immediately;
- 2.5 That Mr. D.D. Choji immediately answered the query issued to him wherein he clearly explained that the reason for his absence from duty during the period above referred to was not deliberate but as a result of ill health and attached the medical report to same;



- 2.6 That despite answering the query and providing a medical report attached thereto, Mr. Choji was dismissed from the Nigeria Customs Service during the 1999 staff rationalization exercise without being given the opportunity to be heard in order to defend himself; and
- 2.7 That immediately Mr. Choji was dismissed in 1999, he appealed to the Comptroller General of Customs for the review of his case by a letter dated 12<sup>th</sup> July, 1999 but nothing was done about his appeal.

He requested that the Senate should look into the matter and urge the Nigerian Customs Service to re-instate him and pay all his benefits.

### **3.0 BRIEF OF THE RESPONDENT**

Deputy Comptroller-General of the Nigeria Customs Service, Mr. E. I. Edothe, who spoke on behalf of the Nigeria Customs Service, stated:

- 3.1 That the actual petitioner, Mr. D.D. Choji, was an employee of the Nigerian Customs Service until his dismissal in 1999;
- 3.2 That the crux of the petitioner's case was that he deserted his place of work without permission. This is an offence under the relevant Public Service Rules (PSR) and the Preventive Service Regulations;
- 3.3 That the offence of absence from duty for 3 days attracts dismissal under the PSR and 21 days under the Preventive Service Regulations (**CEMA) CAP C45 LFN 2004** if the defendant is found guilty;
- 3.4 That the petitioner was issued a query which he replied to.
- 3.5 That the petitioner's reply was considered inadequate and unsatisfactory by the Management of the Nigeria Customs Service (see PSR, Nigeria Customs Service Board Act **CAP N 100 LFN 2004** and **CEMA CAP C45 LFN 2004**);
- 3.6 That the petitioner was dismissed by the Presidential Implementation Committee (PIC) which was inaugurated in 1999 by the former President Olusegun Obasanjo's administration on rationalization;
- 3.7 That all erring officers with pending disciplinary cases appeared before the Presidential Implementation Committee (PIC) and their individual cases which the petitioner's case was inclusive and the PIC recommended for the petitioner's dismissal and the petitioner was rationalized /dismissed from the service of the Nigeria Customs;



- 3.8 That the claim by the petitioner that he was not given fair hearing was not true and misleading (see paragraph 6 and 8 of the petition);
- 3.9 That the claim by the petitioner in ( paragraph 11 of the petition) that he was asked to go home from service without being given fair hearing nor served with any letter of withdrawal or dismissal till date, was also false;
- 3.10 That the petitioner’s exhibits, (i.e.) letters of Appeal dated 13/12/2000, 02/8/2005, 03/10/2007, 15/9/2009, 26/7/2010 and 04/2/2011 contradicted the claim of the petitioner. That even his letter of Appeal dated 3//5/2014 has further admitted before he cancelled the word “dismissal” with a pen;
- 3.11 That the petitioner was fully aware that he was dismissed from the Service of the Nigeria Customs by his own admission as contained in his exhibits;
- 3.12 That to ensure discipline and order within ranks and file of the service, all staff of the Nigeria Customs Service are expected to secure permit/pass before they can embark on any form of travel. That without a pass/permit by the appropriate authority in the command, any act of travelling by an Officer is illegal and attracts disciplinary procedure against the erring Officer;
- 3.13 That there was no evidence that the petitioner obtained such a pass or has communicated his illness to the right authority and as such cannot hold the Nigeria Customs Service liable for his inaction;
- 3.14 That the petitioner was dishonest with the fact of this case and could not hold the Nigeria Customs Service liable for his dismissal in 1999 by the Presidential Implementation Committee on Rationalization of staff of the Nigeria Customs Service; and
- 3.15 That no two cases were the same and each case was decided on its merit. That the allegation of the petitioner that some of the defendants with the same offence were exculpated was an attempt to whip up sentiment unjustifiably against the Nigerian Customs Service.

#### **4.0 OBSERVATION/FINDINGS**

After carefully studying the oral and written submissions of Gyang Zi, Esq. (the petitioner) and the respondent, the Nigeria Customs Service, the committee observed as follows:

- 4.1 That Mr. D.D. Choji with Service No. 39348 was an Employee of the Nigeria Customs Service who last served the Nigeria Customs Service at Ogun 1 Area



Command, Idiroko, Ogun State before he was dismissed in 1999 during the staff rationalization exercise of the President Obasanjo Administration;

- 4.2 That the Officer was absent from duty without permission from the appropriate authority;
- 4.3 That the officer was issued a query, and he immediately replied same;
- 4.4 That the reply by the petitioner was inadequate and unsatisfactory, (refer PSR & PSR, (CEMA CAP C45 LFN 2004);
- 4.5 That all erring officers with pending disciplinary cases appeared before the Presidential Implementation Committee and their individual cases were considered which included the petitioner's case and the PIC recommended the petitioner's dismissal and he was consequently rationalized and dismissed from the service of the Nigeria Customs;
- 4.6 That consequent upon bullet point 2 and 4 above, the petitioner was recommended for dismissal by PIC for unsatisfactory reply and to ensure discipline and orderliness in the service; and
- 4.7 That the officer's case came too late to the Committee, 25 years after the offence. That it was now statute barred.

## **5.0 RECOMMENDATION**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do uphold the rationalization/dismissal of the petitioner, ASC D.D. Choji, for deserting the Nigeria Customs Service for three (3) months only to resurface to continue service with unproved claims that he was sick.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation approved as the resolution of the Senate.



## CASE 41:

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### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM ALHAJI AMINU JA'AFAR AND THREE (3) OTHERS AGAINST THE NIGERIAN DEFENCE ACADEMY (NDA), KADUNA, FOR ALLEGED UNJUST WITHDRAWAL OF FOUR (4) CADETS FROM THE ACADEMY ON ACADEMIC GROUNDS**

#### **1.0 INTRODUCTION**

The Senate would recall that on Wednesday, 3<sup>rd</sup> July, 2019, rising on **Order 41**, Senator Jibrin Barau (Kano North) drew the attention of the Senate to a petition from his constituents, Alhaji Aminu Ja'afar and Three (3) Others against the Nigerian Defence Academy (NDA) for their unjust withdrawal from the Academy on academic grounds, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### **2.0 BRIEF OF THE PETITIONER**

Testifying before the Committee and speaking for himself, Alhaji Aminu Ja'afar, made the following statements:

- 2.1 That he wrote the petition on behalf of his son, Cadet Najib Aminu Ja'afar who was a member of 67 Regular Course (RC);
- 2.2 That Najib Aminu Ja'afar was admitted into the NDA to pursue a degree course in Mechanical Engineering during the 2015/2016 academic session;
- 2.3 That based on his unimpressive academic performance at the department in 2015/2016 session, he was relegated and had to repeat the class with 68RC cadets in 2016/2017 academic session;
- 2.4 That because of fear of another repeat, he advised him to change to Geography Department which he did with required approvals from his old department (Mechanical Engineering) and his new department (Geography), and thereafter, he became a bonafide undergraduate student of Geography during the 2017/2018 Academic Session where he performed well with CGPA of 3.45;
- 2.5 That in the 2017/2018 session, he started afresh together with other Cadets of 69RC and as a result of his brilliant performance, he was qualified to move to Level 2 with his other successful mates in 2018/2019 academic session;





- 2.6 That on 19<sup>th</sup> June, 2019 when he had written his last paper in Level 2 Geography Department, he was given a letter of withdrawal from the Institution, which according to the explanation offered by the Institution was as a result of his two relegations while he was in Mechanical Engineering Department; that by their standard rules, he ought to have been withdrawn in 2017;
- 2.7 That the oversight of the Defence Academy's Management caused his son to spend another two years in the Academy disregarding the fact that approvals were duly granted to him to pursue Geography course instead of Mechanical Engineering which was his former department and that by the doctrine of estoppel in Law, the management board of the Nigerian Defence Academy should be estopped from denying the validity of the approvals granted his son to study Geography two years ago; and
- 2.8 That he had written appeal letters to the NDA to reconsider their position and recall him or at worst issue him his academic transcript for the two years he spent in the Department of Geography, but the Academy did not oblige.

He therefore, requested that the Senate should look into the matter and prevail on the Nigerian Defence Academy (NDA) to recall Najib Aminu Ja'afar to continue his studies or at worst, issue him the transcript from the Department of Geography where he performed brilliantly to enable him start another academic life in another institution.

### **3.0 BRIEF OF THE RESPONDENT**

Speaking on behalf of the Nigerian Defence Academy, Major General A. Oyebade, stated as follows:

- 3.1 That the general principles guiding the training of cadets in NDA are contained in the Cadets' Handbook on Academic Programme (Revised) 2016 and the Cadets' Handbook on Discipline and General Administration, 2018 (Revised);
- 3.2 That in accordance with Cadets' Handbook on Academic Programme (Revised) 2016 Section 5, Paragraph 22 (e), "A Cadet shall be relegated if: (1) at the end of the second semester, he/she fails more than 5 courses for which he/she registered during the session; (2) He/she fails more than 9 credit units in all, after the re-sit examination; (3) In his/her first year, fails to earn a CGPA of 1.00 at the end of the academic session. Such a cadet, when relegated, shall be put on probation for one semester; (4) He/she fails to pass a course(s) carried over twice";



- 3.3 That paragraph 22 (g) of the above Section also states as follows:  
“A Cadet shall be withdrawn from the Academy if (1) He/she is to be relegated for the second time on academic/military training second semester of any year other than his first;”
- 3.4 That as part of efforts to sanitize cadets’ administration and records, a general review of the dossiers of all cadets’ in NDA was undertaken in May, 2019;
- 3.5 That as a result of the dossier review, the following Ex-Cadets were found to have been relegated on academic grounds and this led to their withdrawal; Najib Aminu Ja’afar; UG Tijani; ML Ahmed; and AG Kefas;
- 3.6 That Ex-Cadet Najib Aminu Ja’afar in particular, though allowed to change course from Mechanical Engineering to Geography, was caught up by the general dossier review exercise which was conducted in May, 2019;
- 3.7 That Ex-Cadet Najib Aminu Ja’afar had at the end of the first year in Mechanical Engineering a CGPA of 2.04 but failed more than 9 credit units which earned him relegation from 67 to 68 Regular Course (RC) and also as member of 68 RC he earned a CGPA of 1.54 at the end of that session and failed more than 9 credit units which qualified him for a second relegation and withdrawal in accordance with Section 5 Paragraph 22 (e) and (g) of the Cadets’ Handbook on Academic Programme (Revised) 2016;
- 3.8 That the withdrawal of Ex-Cadet Najib Aminu Ja’afar was in line with the provisions of Section 6 paragraph 21(a) of the Cadets’ Handbook on Discipline and General Administration 2018 (Revised);
- 3.9 That though he was allowed to change department from Mechanical Engineering to Geography, it was discovered during the general dossier review conducted in May, 2019 that he had been relegated twice, thus his subsequent withdrawal was in line with the extant regulations as contained in the quoted sections of the Cadets’ Handbooks;
- 3.10 That though the Ex-Cadet Aminu Ja’afar was supposed to have been withdrawn before he changed to Geography Department, the lapses do not nullify the fact that the Cadet failed twice when he was in Mechanical Engineering Department; and
- 3.11 That it would be difficult for the Academy to allow him continue his studies as the Academy would not set a bad precedent but would oblige him with his academic transcript to enable him continue his education in any university.



#### 4.0 OBSERVATIONS/FINDINGS

After carefully studying the written and oral presentations of Alhaji Aminu Ja'afar and Major General A. Oyebade of the NDA, the Committee observed:

- 4.1 That Ex-Cadet Najib Aminu Ja'afar was actually admitted into NDA to pursue a degree course in Mechanical Engineering during the 2015/2016 academic session;
- 4.2 That his poor academic performance earned him relegation from 67 to 68 Regular Course and again from 68 to 69 Regular Course that prompted his change of department from Mechanical Engineering to Geography where his performance improved greatly;
- 4.3 That notwithstanding receiving the necessary approvals from the Mechanical Engineering and Geography Departments that enabled him to become a student of Geography in the NDA, coupled with his brilliant performance in his new Department, the Academy in a general review of the dossiers of all cadets in the NDA in 2019, found that Ex-Cadet Najib Aminu Ja'afar and three others have been relegated twice on academic grounds and this led to their withdrawal from the Academy in accordance with Cadets' Handbook on Academic Programme (Revised) 2016 Section 5, Paragraph 22 (e), and Cadets' Handbook on Discipline and General Administration, 2018 (Revised);
- 4.4 That NDA admitted that it was an oversight for not relegating and withdrawing Ex-Cadet Najib Aminu Ja'afar during his first and second academic sessions when he was in the Engineering Department, but instead approved his change of course from the department to Geography;
- 4.5 That Ex-Cadet Najib Aminu Ja'afar was withdrawn on 19<sup>th</sup> June, 2019 as a result of the negligence of NDA when he had spent 2 academic sessions in Geography where his performance was brilliant; and
- 4.6 That the negligence on the part of NDA Management to grant him approval to study Geography where his talent had now been discovered, should not be used to punish the innocent boy and make his two years programme in Geography a waste.



## **5.0 RECOMMENDATION**

In view of the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate finds the inability of the Nigerian Defence Academy (NDA) to relegate and withdraw Cadet Aminu Ja'afar after two academic sessions according to its own rules, unacceptable and unjust; and accordingly demands that justice be restored and Cadet Aminu Ja'afar be reinstated to complete his degree programme in the Geography Department.

## **6.0 RESOLUTION BY THE SENATE**

Recommendation considered and adopted as resolution of the Senate



## CASE 42:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM SUNNY OGHAE OFEHE ON BEHALF OF HOPE FOR NIGER DELTA CAMPAIGN, NETHERLANDS AGAINST THE DIRECTOR-GENERAL, NATIONAL INTELLIGENCE AGENCY AND THE DEPARTMENT OF STATE SERVICES (DSS) FOR ALLEGED INCESSANT HARASSMENT AND HUMILIATION BY THE AGENCIES

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 8<sup>th</sup> March, 2022, Senator Patrick Ayo Akinyelure (Ondo Central) rose on **Order 40**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Sunny Oghale Ofehe on behalf of Hope for Niger Delta Campaign, Netherlands against the Director-General, National Intelligence Agency and the Department of State Services (DSS) for alleged incessant harassment and humiliation by the Agencies, and urged the Senate to look into the matter.

In line with **Order 40(3)** of the 2022 Senate Standing Orders (as amended), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Sunny Oghale Ofehe stated as follows:

- 2.1 That he petitioned the Office and Director-General of the National Intelligence Agency (NIA) and the Department of State Services (DSS) over his incessant harassment and humiliation at all Nigerian borders, resulting from the inclusion of his name on their watch-list;
- 2.2 That his problem started in 2009 when he visited Nigeria from the Netherlands, and that he had made frantic efforts to ensure that his name was delisted to allow him exercise his fundamental right to freedom of movement but to no avail;
- 2.3 That as a responsible and patriotic citizen of the Federal Republic of Nigeria, he should not be subjected to sustained and illegal ordeals, intimidation, harassment and violation of his fundamental human rights; and



2.4 That apart from being a citizen of Nigeria, he was a human and environmental rights activist championing the cause for the restoration of peace, harmony and improved life for the people of the Niger Delta region of Nigeria; and that his activities bring him back home often including visits with European investors and civil society players; and that it was embarrassing to keep suffering from this ordeal without being charged to court for any known offence.

He appealed to the Senate to avail him the opportunity to defend his innocence as a Nigerian citizen before the world to provide him the constitutional pathway to end this dark history

### **3.0 The Respondents:**

#### **A. The National Intelligence Agency (NIA)**

Responding, the Director-General of the National Intelligence Agency (NIA), represented by the Deputy Director, Special Duties, Mr. Stanley Abana stated:

1. That the NIA did not have the mandate to watch-list or recommend such; and
2. That the NIA was not responsible for placing the petitioner's name on the watch-list; that the DSS did.

#### **B. The Department of State Services (DSS)**

In its response, the Department represented by Mr. S. Usman, stated:

1. That the Director-General was absent because of exigencies of duty and that he regretted his inability to appear himself;
2. That Mr. Sunny Oghale Ofehe was placed on watch-list on 3<sup>rd</sup> June, 2009 following a request from the Office of the National Security Adviser (ONSA) via a letter with reference number NSA/INT/366/S dated **28<sup>th</sup> May 2009**;
3. That the petitioner was accused of being a self-acclaimed activist and President/Founder of Hope for the Niger Delta Campaign (HNDC) who went to the Netherlands and sought political asylum on the basis of a false claim that the Federal Government of Nigeria assassinated his mother in the course of the Niger Delta crisis. That he was also accused of using his organization to swindle money from the Dutch Government and other environmental organisations under the guise of facilitating peace process in the Niger Delta; and that this was what informed his watch-listing by the Service; and
4. That the petitioner be advised to seek vacation of the watch-list action from ONSA or any court of law.



### C. The National Security Adviser

Represented in writing by Mr. Anthony A. Oluborode, the National Security Adviser stated:

1. That neither the National Security Adviser (NSA) nor his office (ONSA) places persons on watch-list, that NSA/ONSA had no involvement in placing or removing names or persons from any watch-list;
2. That in this particular case, Office of the National Security Adviser (ONSA) had no knowledge of any listing or any alleged cause of listing Mr. Sunny Oghale Ofehe on any watch-list; and
3. That they had written to the Department of State Services (DSS) and the National Intelligence Agency to shed more light on the allegations.

## 4.0 OBSERVATIONS/FINDINGS

After carefully studying the oral and written submissions of the petitioner and respondents on the matter, the Committee noted as follows:

- 4.1 That the allegations made against the petitioner, Mr. Sunny Oghale Ofehe, were mere allegations that could not be proved beyond reasonable doubts by the security agencies for over 13years now, the petitioner having made himself available on many occasions before the Senate Committee on Ethics and the security agencies to show cause why his name should remain on the watch-list;
- 4.2 That neither the Nigerian Government nor the Government of Netherlands would have kept silent without taking any action for 13years since the allegations were made if they were true;
- 4.3 That since none of the Nigerian Security Agencies, including the Office of the National Security Adviser (NSA) who were required by the Committee to provide evidence against the petitioner, Sunny Oghale Ofehe and show cause why his name should remain on the watch-list, could not bring forward any evidence up till now, the Committee now holds the opinion that the petitioner has been witch-hunted for 13 years for no just cause and therefore, urge that his name be removed from the watch-list immediately in the interest of justice and fair play.

## 5.0 RECOMMENDATIONS

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the National Security Adviser (NSA) who was said to



have requested the DSS to watch-list Mr. Sunny Oghale Ofehe, to immediately vacate the watch-listing action and delist his name from the watch-list without further delay; and

- 5.2 That it was unfair of any Nigerian Security Institution to watch-list any Nigerian citizen for 13 years without making any attempt to arrest and prosecute him for definite offences; and security agencies are therefore advised to desist from such reprehensible actions in the future.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendations adopted by the Senate as its Resolution





## CASE 43:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM OMOBOLANLE ADEJUMOKE ADENOYE AGAINST ZENITH BANK PLC FOR ALLEGED UNLAWFUL DISMISSAL AND BLACKLISTING BY THE BANK

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 9<sup>th</sup> November, 2021, Senator Patrick Ayo Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Omobolanle Adejumoike Adenoye against Zenith Bank Plc for alleged unlawful dismissal and blacklisting by the Bank, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

In her presentation, Omobolanle Adejumoike Adenoye stated as follows:

- 2.1 That she was employed by Zenith Bank Plc in 2005 as an Account Officer and her duty post was at Aromire Branch of the Bank;
- 2.2 That her schedule of duty covered debt portfolio and loan management of her branch;
- 2.3 That in the course of performing her duties, one of the Bank's corporate customers, Dol Praises Oil and Gas through her branch requested for a loan of N500 million after about eight months of being a customer of the Bank with an initial opening deposit of N1.8 Billion;
- 2.4 That after series of meetings and legal engagements between the Bank's top management and the Company, approval was given by the Bank for the loan request, and being an Account Officer in charge of Debt Management Portfolio and Loan facility, she was assigned to manage the loan facility credited to the Company's corporate account;
- 2.5 That the Company had serviced the loan for 9 months and was only able to pay a total of N80 million out of the principal sum and accruing interest, but owing to an unforeseen crisis that erupted in the Oil and Gas sector in Nigeria around that



period, the Company was unable to fully offset the debt;

- 2.6 That at a time, some of the guarantors privy to the loan transaction were arrested, but were released after a meeting between the Managing Director of the Company and the Bank's top Management whereby assurance was given by the Company's MD that the loan repayment would be completed in due time;
- 2.7 That she was confused when she received a correspondence from the Human Resource Officer of the Bank on 24<sup>th</sup> July, 2009, of her immediate and indefinite suspension for her role as an Account Officer of the Bank; a suspension that lasted for 4 years after which she was finally dismissed from the service of the Bank;
- 2.8 That she was not given any query for wrongdoing or invited to appear before any Disciplinary Committee for fair hearing for any offence whatsoever;
- 2.9 That decisions for giving out loan facility by the bank was not within her power but that of the management who also takes responsibilities for any loan given;
- 2.10 That while still under the indefinite suspension, she got a job with First City Monument Bank Plc (FCMB), but because the Central Bank of Nigeria (CBN) who was advised by Zenith Bank Plc, blacklisted her and made it impossible for her to be engaged by all financial institutions in Nigeria, and that prompted her immediate disengagement from the services of FCMB; and
- 2.11 That since the suspension, outright dismissal and blacklisting, life has been unbearable for her as she remained out of job and became totally broke as she was not paid any salary or any entitlement from the date of her suspension till date.

She requested that the Senate should look into the matter and urge Zenith Bank Plc to among other things, pay all her salaries and entitlements from the date of her suspension from Zenith Bank Plc till date, and also withdraw the blacklisting placed on her by Zenith Bank Plc and the CBN.

### **3.0 BRIEF OF THE RESPONDENT**

Mr. Kennedy Okwudili, Deputy General Manager, Abuja Zonal Office represented Zenith Bank Plc during the public hearing. He stated as follows:

- 3.1 That Omobolanle Adejumo Adenoye worked with Zenith Bank Plc from 2005 to 2009 as an Account Officer;
- 3.2 That as an Account Officer in charge of debt portfolio and loan management, she violated the bank's credit policy and procedure by not managing properly a loan facility of N500 million granted to a corporate customer, Dol Praises Oil and Gas,



- by the Bank;
- 3.3 That her inability to see that the loan was fully serviced resulted in a loss of over N500 million to Zenith Bank Plc;
  - 3.4 That consequent upon that, she was suspended indefinitely by the bank for a proper investigation of the matter to be carried out;
  - 3.5 That she was given a fair hearing by being invited to appear before a Disciplinary Committee before her final disengagement from the Bank in 2010;
  - 3.6 That Zenith Bank reported Omobolanle Adejumoike Adenoye to the Central Bank of Nigeria (CBN) for violating the bank's (Zenith Bank Plc) credit policy and procedure and she was consequently blacklisted by the CBN; and
  - 3.7 That Zenith Bank Plc had written to the Central Bank of Nigeria (CBN) to withdraw the blacklisting instituted against her and that she has been delisted from CBN's black book.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully examining the presentations made by Omobolanle Adejumoike Adenoye and Zenith Bank Plc, the Committee observed as follows:

- 4.1 That Omobolanle Adejumoike Adenoye was actually employed by Zenith Bank Plc in 2005 as an Account Officer and her duty post was at Aromire Branch of the Bank;
- 4.2 That through her branch in Aromire, a corporate customer, Dol Praises Oil and Gas, a dealer on petroleum products, opened an account with Zenith Bank Plc with over N1.8 Billion and after 8 months of banking relationship, the Company requested for a loan facility to the tune of N500 million only;
- 4.3 That the management of Zenith bank Plc approved the loan after series of top level management meetings and legal engagements between the Bank and the Company which at that level, Omobolanle Adejumoike Adenoye being an Assistant Manager of the branch, could not have known how the Bank's management reached the decision of the loan approval but she was directed by the management to manage the loan facility credited to the Company's corporate account;
- 4.4 That the loan beneficiary, Dol Praises Oil and Gas, serviced the loan for 8 months and reneged due to unfavourable situation in the Oil and Gas sector at that time;



- 4.5 That Zenith Bank Plc as a result of the failure of the loan beneficiary to service the loan as agreed, suspended Omobolanle Adejumoike Adenoye indefinitely in 2009 and finally dismissed her in 2010 without any query or fair hearing for any wrong doing, and as if that were not bad enough, the dismissal was not communicated to her;
- 4.6 That on the advice of Zenith Bank Plc, the Central Bank of Nigeria (CBN) blacklisted Omobolanle Adejumoike Adenoye thereby making it impossible for her to gain further employment with any financial institutions in Nigeria;
- 4.7 That not being aware of the blacklisting, Omobolanle Adejumoike got a job with First City Monument Bank (FCMB), but as FCMB got a hint of the blacklisting, it queried her and she was disengaged immediately by FCMB as a result of the blacklisting; and
- 4.8 That from the said date she was suspended till date, life had been unbearable for Omobolanle Adejumoike as the stigma of blacklisting did not allow her to get any job to eke out a living.

## 5.0 RECOMMENDATIONS

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge Zenith Bank Plc to commute Omobolanle Adejumoike Adenoye's dismissal to retrenchment, compute her salaries and entitlements from the date she was placed on suspension till the date of her dismissal and pay her unconditionally; and
- 5.2 That the Senate do urge Zenith Bank Plc to withdraw in writing the blacklisting order against Omobolanle Adejumoike Adenoye to enable her live a normal life and engage in any paid employment with any financial institutions in Nigeria;
- 5.3 That the Senate do urge the management of Zenith Bank Plc to communicate in writing to First City Monument Bank (FCMB) Plc that the blacklisting of Omobolanle Adejumoike Adenoye was in error and she should be reconsidered for re-employment which was withdrawn by FCMB based on the blacklisting ordered by the CBN; and
- 5.4 That the Senate do urge the Central Bank of Nigeria (CBN) to investigate the circumstances surrounding the blacklisting of Omobolanle Adejumoike Adenoye so that such unwarranted treatment could be avoided in the future.



## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation adopted as resolution of the Senate



## CASE 44:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM SIR DANIEL N. CHUKWUDOZIE ON BEHALF OF HARDY OIL NIGERIA LIMITED, BAYELSA OIL COMPANY LIMITED (BOCL), AND CENTURY EXPLORATION AND PRODUCTION LIMITED (CEPL) AGAINST THE NIGERIAN UPSTREAM PETROLEUM REGULATORY COMMISSION (NUPRC) (FORMERLY KNOWN AS DEPARTMENT OF PETROLEUM RESOURCES) FOR ALLEGED ILLEGAL AND FRAUDULENT REVOCATION OF ATALA MARGINAL FIELD (OML46) AND ITS RE-AWARD TO HALKIN EXPLORATION AND PRODUCTION LIMITED BY NUPRC IN BREACH OF DUE PROCESS AND PRESIDENTIAL DIRECTIVE

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 5<sup>th</sup> October, 2021, Senator Patrick Ayo Akinyelure (Ondo Central) rose on **Order 40(1)**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Sir Daniel N. Chukwudozie on behalf of Hardy Oil Nigeria Limited, Bayelsa Oil Company Limited (BOCL), and Century Exploration and Production Limited (CEPL) against the Nigeria Upstream Petroleum Regulatory Commission (NUPRC) (formerly known as Department of Petroleum Resources (DPR) for alleged illegal and fraudulent revocation of Atala Marginal Field (OML46) and its re-award to Halkin Exploration and Production Limited by NUPRC in breach of due process and Presidential Directive, and urged the Senate to look into the matter.

In line with **Order 40(3)** of the 2022 Senate Standing Orders, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, the petitioner, Sir Daniel N. Chukwudozie, stated:

- 2.1 That he was writing on behalf of Hardy Oil Nigeria Limited who was a 20% (Twenty Percent) equity stakeholder in the Atala Marginal Field (OM 46) that was improperly revoked by the Department of Petroleum Resources (DPR), now known as Nigerian Upstream Petroleum Resources; that he was also writing on behalf of Bayelsa Oil Company Limited (BOCL), and Century Exploration and Production Limited (CEPL);



- 2.2 That he was drawing the attention of the Senate to this case of fraudulent misrepresentation, forgery, corruption and obtaining by false pretense in the way and manner of the unjust revocation of Atala Marginal Field (OML46) and re-award of same to a company known and referred to as Halkin Exploration and Production Limited (HEPL) by the Department of Petroleum Resources (DPR) in breach of due process and the express instructions of Mr. President, the supervising Minister of Petroleum Resources;
- 2.3 That the Joint Venture (JV) Partners of the Atala Marginal Field (OML46) which consisted of Bayelsa Oil Company Limited (51% of total stake), Hardy Oil Nigeria Limited (HONL) (20%), and Century Exploration and Production Limited (CEPL) (29%), were all indigenous companies owned by Nigerian entrepreneurs in the said Marginal Field;
- 2.4 That the Atala Marginal Oil Field (OML46) had been developed to the extent that crude oil was produced and sold from the field at different stages of test crude production, and royalties on the proceeds paid to the Federal Government severally before the field was revoked;
- 2.5 That before this level of production, the Joint Venture Partners had invested heavily over (\$60M USD) in bringing the field into production of Test Crude preparatory to commencement of commercial production prior to the unjust revocation of the field;
- 2.6 That the revocation of the asset had put into jeopardy the entire efforts and resources pumped into the development of the field by the Joint Venture Partners, and that most of the funds secured through loans from banks in pursuit of the Atala Field (OML46) by the Joint Venture Partners were still being repaid with huge interest;
- 2.7 That as a result, the Atala Joint Venture Partners executed Crude Handling Agreement (CHA) with Excel Exploration and Production Limited to handle Atala crude as well as use their pipeline for transporting Atala crude to Shell Petroleum Trans Forcados Pipeline; that on the other hand, Bayelsa Oil Company Limited had also executed a Sales and Purchase Agreement with Shell Trading Company in respect of the remaining crude oil at the Atala location;
- 2.8 That he reasoned that it was on the account of the Joint Venture's efforts in developing the field, among other considerations, that Mr. President had through the office of the Chief of Staff conveyed his kind approval, through a letter dated 24<sup>th</sup> November, 2020 with the reference number PRES/88/MPR/72, instructing



DPR to return the ten marginal fields that were improperly revoked by DPR back to their original operators (including the Atala Joint Venture Partners) as captured below:

“The ten (10) revoked marginal fields be re-awarded on discretionary basis to qualified companies with consideration given to the previous operators of the respective fields subject to the demonstration technical/financial capacity and payment of applicable good and valuable consideration (GVC)”.

- 2.9 That he believed that Halkin Exploration and Production Limited misinterpreted the facts to DPR and the Honourable Minister of State for Petroleum Resources when it claimed to have invested Sixty Million US Dollars (\$60,000,000) in developing the Field pursuant to a fictitious Farm – in Agreement executed with Bayelsa Oil Company Limited. That he believed that this was the basis for the re-award; but that there was no evidence of this investment, which should have been substantiated by making public the audited accounts of the Atala Joint Venture Partners and the Financial records of Halkin to ascertain the veracity of such investment in the interest of fair hearing by the Department of Petroleum Resources;
- 2.10 That it was important to point out that Halkin had no relationship with any of the Joint Venture Partners of the Atala Marginal Field as was falsely alleged;
- 2.11 That searches carried out on the incorporation status of Halkin at the Corporate Affairs Commission office showed that the company was incorporated on 9<sup>th</sup> September, 2019, and this fact alone puts a question mark on the claims of Halkin to have developed / revived the Field and expended a fictitious Sixty Million US Dollars (\$60,000,000) on the Field when juxtaposed with the years when the milestones attained by the Joint Venture Partners were achieved (2014-2018);
- 2.12 That it was curious that the Managing Director of Halkin, Mr. Ebikabowei Charles Diogu, was until recently, also the Managing Director of Bayelsa Oil Company Limited between 2017 and 2020; and that he was in a position to prepare documents to enable Halkin be re-awarded the Field;
- 2.13 That it also adds up when one notes that the Company Secretary of Bayelsa Oil Company Limited, Barr. Mark Onuah, had written the Chairman of Bayelsa Oil Company Limited on 5<sup>th</sup> September, 2019, complaining about the efforts made by Mr. Charles Ebikabowe Dorgu to coerce, intimidate and blackmail him into signing orchestrated Board Resolutions which sought to cede forty-one percent (41%) of Bayelsa Oil Company Limited’s interest in the Atala Field to Halkin.





That the letter also complained of attempts to coerce him into executing fictitious Farm-in Agreements and assignment of the operatorship of the Atala Marginal Field to Halkin through sack threats, should he refuse to sign the documents; and that in response, the Company Secretary filed a restraining suit against the brazen illegality;

- 2.14 That upon being notified of the intention to award the field to Halkin, the Bayelsa Government protested the award by writing the DPR on 20<sup>th</sup> May, 2021, and expressing displeasure at the attempt by Halkin to secure the award of the Atala Field through its new Managing Director who was until recently the managing Director of Bayelsa Oil Company Limited (BOCL); and
- 2.15 That the Atala JV Partners left behind about 20,700 barrels of unevaluated crude oil at the Atala Field that Halkin might have added to itself on being wrongly awarded lease to operate Atala Marginal Field.

The petitioner prayed that the matter be investigated; and that an order be made for the immediate reinstatement of the Atala Field (OML46) to the Atala Joint Venture Partners who had expended enormous resources in developing and bringing the field to production.

He also requested the direct prosecution of all those involved that led to the re-award of the field to the wrong entity.

### **3.0 BRIEF OF THE RESPONDENTS (1)**

#### **Nigerian Upstream Petroleum Regulatory Commission (NUPRC) Formerly Known as Department of Petroleum Resources (DPR)**

Responding, the Commission Chief Executive (CCE), Nigerian Upstream Petroleum Regulatory Commission (NUPRC), Engr. Gbenga Komolafe, represented by Executive Commissioner, Economic Regulation & Strategic Planning, Dr. Kelechi Ofoegbu, stated:

- 3.1 That on receipt of the letter from the Senate Committee on Ethics, Privileges and Public Petitions in respect of the petition from Sir Daniel N. Chukwudozie on behalf of Hardy Oil Nigeria Limited alleging that the Atala Marginal Field (OML46) was wrongly revoked by fraudulent misrepresentation, forgery, corruption and obtaining by false pretense, and that the subsequent re-award of the field to Halkin Exploration and Production Limited (Halkin Ltd) by the defunct Department of Petroleum Resources (DPR) was in breach of due process and the express instructions of Mr. President and Hon. Minister of Petroleum Resources, he set up a Committee in line with section 7(g) of the Petroleum Industry Act 2021 with the following terms of reference:



- a. To investigate the alleged claims of re-award of the Atala Marginal Field to Halkin Limited based on fraudulent and sharp malpractices; and
  - b. That the outcome of the investigation was to be communicated to Hardy Oil Limited, Bayelsa Oil Company Limited (BOCL), Century Exploration and Production Limited (CEPL), Halkin Limited and the Committee on Ethics.
- 3.2 That after the full investigation of the issues raised in the petition, the following findings were made:
- a. That the applicable law at the time of the revocation of Atala Marginal Field was the Petroleum Act 1969 as well as all ensuing Regulations and Guidelines made pursuant to the Act;
  - b. That according to paragraph 25(1) (a) (i) of the First Schedule to the Act, “The minister may revoke any OPL or OML if in his opinion the licensee or lessee is not conducting operations
    - (i) Continuously,
    - (ii) In a vigorous and businesslike manner in accordance with the basic work programme approved for the licensee or lessee; and
    - (iii) In accordance with good oil field practice, among others.”
  - c. That Section 2 of the Act states also as follows:

“(1.) Subject to the Act, the Minister may grant;

    - (i) A licence to be known as an oil exploration licence, to explore for petroleum;
    - (ii) A licence to be known as an oil mining lease, to search for, win, work, carry away and dispose of petroleum...”
  - d. That section 17(1) of the First Schedule to the 2021 Act (as amended) provides that the holder of an Oil Mining Lease may farm-out any marginal field which lies within the leases area, subject to the consent and on such terms and conditions as may be approved by the President;
  - e. That the above provisions show that the power to award licences and leases lies with the Hon. Minister of Petroleum Resources (HMPR) alone;
  - f. Therefore, it is only the Hon. Minister of Petroleum Resources that could



- cause a revocation when any of the grounds for revocation arises in the operations of any licence or lease;
- g. That after a performance review on the conduct of operations on Atala Marginal Field by the defunct Department of Petroleum Resources (DPR), the Hon. Minister of Petroleum Resources (HMSPR) had graciously approved the extension of Atala Marginal Field to Hardy Limited and its partners for a period of 24 months, effective from 1<sup>st</sup> May, 2016, to enable parties bring the field to full production, and the extension of the award was its final chance to bring the field to full operation, failing which the field will be withdrawn from Hardy Limited and its partners;
  - h. That at the conclusion of the extended period, another performance review was conducted in February, 2020 on the Atala Marginal Field, and it was noted that despite the extension given to Hardy Limited and its partners they were still unable to bring the field to full production as required. Consequently, the defunct Department of Petroleum Resources (DPR) recommended to the Hon. Minister of Petroleum Resources (HMSPR) that the Atala Marginal Field be revoked, and it was revoked on the ground that the operators could not bring the field to full production in line with paragraph 25 (1) (a) (ii) of the First Schedule to the Act;
- 3.3 That Halkin Limited did not make any representation that it has invested \$60,000,000 in the development of the Atala Marginal Field; that the only reference to any investment by Halkin Limited amounting to \$60,000,000 was in its proposal for the acquisition of the Atala Marginal Field wherein it stated that it had made investments and commitments amounting to the sum of \$ 60,000,000 US Dollars for the acquisition of specialized equipment in anticipation of developing the assets;
- 3.4 That Halkin Exploration and Production Limited was registered by Halkin Global Investment Limited (HGIL) as a Special Purpose Vehicle (SPV) for oil exploration while HGIL had been in existence since February 3, 2011. That HGIL had also been used to engage external solicitors (Templars) as well as potential investors (PetroVision Energy Services UK Limited) until the revocation; pointing out that it was not strange for one company to negotiate a transition and use a new SPV to consummate it, and could not be an indication of fraud or misdeed;
- 3.5 That the claim of 20,700 barrels of crude stored within the Atala location before the revocation that had been kept by Halkin Limited for itself or added up to its present Volume of Crude was untrue as Bayelsa Oil Company Limited (BOCL)



wrote to the defunct Department of Petroleum Resources (DPR) that militants and oil thieves activities had led to the loss of 20,700 barrels of crude oil via a letter dated 26<sup>th</sup> July, 2021;

- 3.6 That the claim that the former Managing Director of Bayelsa Oil Company Limited, Mr. Charles E. Dorgu had submitted forged documents to the Department of Petroleum Resources on behalf of BOCL after he assumed duty as M.D. of Halkin Limited could not be substantiated by the Committee set up; and
- 3.7 That the revocation of the Atala Marginal Field was valid and in line with extant laws; that Halkin Limited never stated that it had made \$60,000,000 US Dollars investment in developing the field as claimed by Bayelsa Oil Company Limited, rather, that it had made investment in equipment totaling \$60,000,000 US Dollars; and as such Halkin Limited did not make any fraudulent claim which led to it being awarded the Atala Marginal Field; and
- 3.8 That the allegation made by Hardy Oil Limited of theft of 20,700 barrels of crude by the Halkin Limited was punctured by a formal letter by BOCL informing the defunct Department of Petroleum Resources of theft by oil thieves of the 20,700 barrels of crude oil stored in their barge at the field; and that with this, Nigerian Upstream Petroleum Regulatory Commission (NUPRC) now considered the matter closed.

#### **4.0 OBSERVATION AND FINDINGS**

After carefully studying the presentations and submissions made by the petitioner and respondents, the Committee noted as follows:

- 4.1 That the Department of Petroleum Resources (DPR) now known as the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), was misinformed by Halkin Exploration and Production Limited, that it had invested over \$60,000,000 (Sixty Million Dollars) on the Atala Field to bring it to production, and the revocation of the Marginal Field was based on this false information supplied by Halkin Exploration and Production Limited and therefore, the recommendation for the revocation of the Atala Marginal Field by the Department of Petroleum Resources (DPR) to Mr. President and Honourable Minister of Petroleum Resources through the Minister of State for Petroleum Resources was deemed not to have followed due process because of falsehood;
- 4.2 That, in the same way, the re-award process did not follow due process and was contrary to the presidential directive that in re-awarding the ten (10) revoked



marginal fields, consideration be given to their original operators; this not being the case, the Committee, noted with concern:

- a. That the Nigerian Upstream Petroleum Regulatory Commission (NUPRC) or Department of Petroleum Resources (DPR) as the case may be, did not invite Hardy Oil Limited, Bayelsa Oil Company Limited and Century Exploration and Production Limited to bid for a re-award as directed by the President of the Federal Republic of Nigeria and Minister of Petroleum Resources; therefore the action of DPR contravened Mr. President's directive and negates the principle of fairness, equity and justice;
- b. That the NUPRC representative at the Committee's Public Hearing, Dr. Kelechi Ofoegbu, was unable to provide the Committee with details of how the bidding process was done, showing how Halkin Exploration and Production Limited became the choice company to be awarded the Atala Marginal Field (OML46); similarly, he was unable to prove that Halkin Exploration and Production Limited had invested \$60 million on the Atala Marginal Field as claimed in a written document before the Committee;
- c. That up till the time of writing this report, documentary evidence requested by the Committee to prove that Mr. President and Commander in-Chief and Minister of Petroleum Resources reversed his initial presidential directive on the need to consider the previous operators of the revoked oil field, especially that which belonged to a federating unit and its Joint Venture Partners – the Bayelsa Oil Company Limited, could not be provided by the Nigerian Upstream Petroleum Regulatory Commission (NUPRC);
- d. That the Committee was convinced that the action of the Department of Petroleum Resources to have returned nine (9) out of the ten (10) oil fields to their original operators, but left out Atala Marginal Field that belonged to Bayelsa State Government through Bayelsa Oil Company Limited (BOCL) and its Joint Venture Partners and for failing to invite the Joint Venture Partners to take part in the bidding process as directed by Mr. President but went ahead to re-award it to Halkin Exploration and Production Limited, is considered unfair to BOCL and its JV Partners;
- e. That moreover, the situation that arose that time where Mr. Charles E. Dorgu acted in dual capacity as the Managing Director of Bayelsa Oil Company Limited and that of Halkin Exploration and Production Limited, contrary to the Code of Ethics of public officers at the time the re-award process was concluded in favour of Halkin Exploration and Production Limited, breached



the Code of Ethics and therefore insider trading is suspected to have taken place in the documentation for award process;

- f. That the claim of Halkin Exploration and Production Limited that a Memorandum of Understanding on Farm-in Agreement and service agreement said to be executed with BOCL and its J.V. Partners assigning 41% out of BOCL 51% participating interest in Atala Marginal Oilfield with operatorship to Halkin-HGIL with consideration of \$4,000,000 payable instalmentally as follows: \$500,000, \$1,500,000 and \$2,000,000 respectively, to BOCL and J.V. Partners, owners of Atala Marginal Oilfield was false, and no evidence of such consideration was provided the Committee by Halkin (HEPL) up till now. Therefore, the Oilfield was erroneously revoked based on wrong information supplied to NUPRC which formed the basis of the wrong revocation of Atala Marginal Field by NUPRC without regards to the Presidential directive;
- 4.3 That the Committee on Ethics is convinced beyond all reasonable doubt that the re-award of the Atala Marginal Field (OML 46) did not follow due process; and therefore requests that the Marginal Field be returned to Bayelsa Oil Company Limited and its partners.

## **5.0 RECOMMENDATION**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That since the revocation of the Atala Marginal Field (OML 46) was based on misleading information supplied by Halkin Exploration and Production Limited, and secondly, since NUPRC was unable to produce written evidence that the President Muhammadu Buhari, GCFR, who is also the Minister of Petroleum Resources, actually reversed his initial directive on the consideration of owners/operators of Atala Marginal Field for re-award, as claimed by the representative of NUPRC, Dr. Kelechi Ofoegbu, at a public hearing, the Committee therefore, strongly recommends that the Atala Marginal Field (OML 46) be returned to its original Owners/Operators in line with Presidential Directive which was applied in returning the other 9 Marginal Fields to their original owners/operators.

## **6.0 RESOLUTIONS ADOPTED BY THE SENATE**

Recommendation adopted as resolution of the Senate



## CASE 45:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. PEWE PHILIP KINDEL AGAINST THE NIGERIAN SECURITY PRINTING AND MINTING PLC FOR ALLEGED WRONGFUL TERMINATION OF HIS APPOINTMENT

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 25<sup>th</sup> April, 2021, rising on **Order 41**, Senator Istifanus D. Gyang (Plateau North), drew the attention of the Senate to a petition from Mr. Pewe Philip Kindel against the Nigerian Security Printing and Minting Plc for the wrongful termination of his appointment, and urged the Senate to look into the matter.

In line with **Order 40 (3) of the 2022 Senate Standing Orders (as amended)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Narrating his ordeal to the Committee, the petitioner, Mr. Pewe Philip Kindel, stated:

- 2.1 That his trouble started on 5<sup>th</sup> December, 2007 when he was on night duty; that he suddenly developed stomach upset which took him to his section's toilet; that he had to wait until there was some relief before leaving the toilet, an event he thought lasted for about 30 minutes;
- 2.2 That by 6:30am when he left the toilet his boss and duty manager, Mr. Humphrey Nwokolo, had closed and clocked out;
- 2.3 That his boss ought to close between 7:00am and 7:30am, but that he closed a little earlier, leaving him with no choice but to also clock out, but he could not find his card;
- 2.4 That upon enquiry, he discovered that his card was with the Inspectorate Section; and on 6<sup>th</sup> December, 2007 after explaining to the Inspectorate Section officer that he did not sleep on duty, but came out late on 5<sup>th</sup> December, 2007 because of his stomach upset, he was given his clocking card and nothing further was heard about that matter;
- 2.5 That surprisingly, on 24<sup>th</sup> April, 2008 while working at Examination Print Area (EPA), he was asked to report at the Human Resource Department to collect



a memo which turned out to be an invitation to appear before a disciplinary committee on the 28<sup>th</sup> of April, 2008; that he appeared at the committee where he was asked to explain why he slept on duty; that he successfully defended himself on the allegation, especially as there was no evidence to prove that he slept on duty; that if Mr. Humphrey Nwokolo of the Inspectorate Section had not closed by 6:30am instead of the normal 7:00am – 7:30 am, he would not have been left behind after using the toilet;

- 2.6 That this petition was presented on the 2<sup>nd</sup> of June, 2016 to the House Committee on Petitions which insisted that evidence of his sleeping on duty and any query to that effect be produced which the Nigerian Security Printing and Minting Plc could not produce and the matter died there; and;
- 2.7 That he was never queried whether on this allegation or on any other; that due process was not followed in terminating his appointment; that there was no evidence of sleeping on duty established against him.
- 2.8 That consequent upon the above, he requested the Senate to compel the Nigerian Security Printing and Minting Plc to reinstate him, pay his salaries and entitlements from December, 2007 to date and promote him accordingly.

### **3.0 BRIEF OF THE RESPONDENT**

Responding on behalf of the Nigerian Security Printing and Minting Plc, the Company Secretary/Legal Advisor, Ibrahim S. Garba, Esq. and Manager Legal, Mr. Mutairu Haruna, stated as follows:

- 3.1 That Mr. Pewe Philip Kindel was indeed, a staff of the Nigerian Security Printing and Minting Plc. (NSPM) from 9<sup>th</sup> June, 1997 to 30<sup>th</sup> June, 2008 when his appointment was terminated by the Management of NSPM Plc;
- 3.2 That the termination of the petitioner's appointment was not motivated by hatred nor was it an act of victimization, that the termination of his appointment was in accordance with Section D11(F)(i) of the NSPM Plc's Employee Handbook and other extant Company's policies on termination of staff appointment;
- 3.3 That by a memo dated 24<sup>th</sup> April, 2008, Mr. Kindel was informed of an allegation of sleeping on duty and was by the same letter invited to appear before a disciplinary committee on 28<sup>th</sup> April, 2008 to defend himself;
- 3.4 That on the day of the incident (5<sup>th</sup> December, 2007) which resulted in the petitioner's termination, his place of duty was Government and Other Sections;





that at the close of work on that day, the petitioner did not present himself to be searched out of the Section, that it was his tally disc noticed on the Tally Board that indicated that he was still in the factory. That consequently, a search was conducted and he was found at Model Print Section, a section different from his place of duty, that the presence of the petitioner at Model Print Section without authorization or permission was a breach of Section D11(F)(i) of NSPM Plc Employee's Hand Book;

- 3.5 That the punishment for being found in a department/location other than the employee's normal place of work without permission was termination of appointment;
- 3.6 That the NSPM Plc extant procedure for termination of staff appointment was strictly observed before the petitioner's appointment was terminated;
- 3.7 That the decision of the disciplinary committee which found the petitioner guilty was approved by the Management of NSPM Plc which was eventually upheld at the 23<sup>rd</sup> Executive Committee meeting of NSPM on 25<sup>th</sup> June, 2008; and
- 3.8 That the petitioner was notified of his final entitlement through his termination letter and another letter dated 3<sup>rd</sup> December, 2009 authorizing his Pension Fund Administrators, IBTC Pension Managers, to allow him access to his contribution; that Mr. Kindel was not entitled to reinstatement, payment of salaries, allowances and promotion as he claimed on the ground that his appointment was not properly terminated.

Therefore, Nigerian Security Printing and Minting requested the Committee to dismiss the petition and direct the petitioner not to further distract the NSPM with endless petitions to other organisations or the National Assembly.

#### **4.0 OBSERVATIONS/FINDINGS**

After a careful scrutiny of the oral and written submissions of the petitioner and the respondent, the Committee noted as follows:

- 4.1 That the petitioner, Mr. Pewe Philip Kindel, was actually a staff of the Nigerian Security Printing and Minting (NSPM) Plc from 9<sup>th</sup> June, 1997 till 30<sup>th</sup> June, 2008 when his appointment was terminated;
- 4.2 That whereas the letter inviting Mr. Pewe Philip Kindel to appear before a disciplinary committee on 28<sup>th</sup> April, 2008 asked him to explain why he slept on duty, the extract from the Executive Council Minutes which approved the termination of his appointment, stated that his termination was because he was



found in another section of the factory without permission; and as if that were not bad enough, his termination letter did not indicate why his appointment was terminated;

- 4.3 That the Committee was very worried that NSPM was unable to establish the connection or transition from accusation of sleeping on duty (which they could not establish, anyway) in one memo of the Company to the allegation of being found in another section of the Company other than the petitioner's normal area of operation in another memo;
- 4.4 That the Committee was further worried about why the petitioner who was admittedly first offender, should be thrown out of job for being found in another section of the factory having put in 11(eleven) years of meritorious service for the success of the Company;
- 4.5 That the petitioner's appointment was terminated without paying him his entitlements and when NSPM Plc was asked why he was not paid, they alleged that he did not present himself for payment; and
- 4.6 That based on what happened to the petitioner as seen in the oral defence of the petition, the Committee noted sadly that the petitioner has not been fairly treated, and should be reinstated, paid his salary arrears and entitlements, and be promoted accordingly to be at par with his colleagues.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee recommends that:

- 5.1 The petitioner, Mr. Pewe Philip Kindel, be reinstated, paid his salaries and entitlements from the date of the termination of his appointment till date; and
- 5.2 Mr. Pewe Philip Kindel be allowed to take necessary exams and be promoted accordingly in line with standards set for promotion in the establishment.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Recommendations adopted by the Senate



## CASE 46:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MRS. SINMIAT OYEWUMI OGUNTOLA AGAINST THE FEDERAL CIVIL SERVICE COMMISSION (FCSC) FOR ALLEGED ILLEGAL AND WRONGFUL TERMINATION OF HER APPOINTMENT BY THE COMMISSION IN 2012

#### 1.0 INTRODUCTION

The Senate would recall that on Thursday, 6<sup>th</sup> May, 2021, Senator Aderele A. Oriolowo (Osun West) rose on **Order 41**, and drew the attention of the Senate to a petition from Mrs. Sinmiat Oyewumi Oguntola against the Federal Civil Service Commission (FCSC) for alleged illegal and wrongful termination of her appointment by the Commission in 2012, and urged the Senate to look into the matter.

In line with Order 41(3) of the old Senate Rules, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

In her presentation, Mrs. Sinmiat Oyewumi Oguntola, stated as follows:

- 2.1 That she was employed by the Department of National Civic Registration (DNCR) (now National Identity Management Commission (NIMC) under the Federal Ministry of Internal Affairs (now Federal Ministry of Interior) as a Clerical Officer on GL 04 with her Senior Secondary School Certificate (SSCE) in 2002 and her appointment was confirmed which made her promotion to GL 05 possible;
- 2.2 That before her appointment in 2002, she registered with the National Teacher's Institute, Kaduna in the year 2000 for her National Certificate in Education (NCE) on Part-time basis (weekends only), and on assumption of duty with DNCR she duly notified the Ministry of Internal Affairs through DNCR in writing in 2003 of her on-going NCE programme and requested the Ministry to give her formal approval/permission to complete the programme, but the Ministry was yet to acknowledge, accept or reject her letter of request till date;
- 2.3 That in compliance with the Ministry's directive that any staff with additional qualification should submit such certificate, she submitted her NCE result which she obtained in 2003 for her conversion/upgrading but instead of conversion, the



Ministry issued her upgrading letter to the post of Assistant Executive Officer (AEO) GL 6 in 2006;

- 2.4 That she was also promoted in 2009 by the Office of the Head of the Civil Service of the Federation to an Executive Officer (EO) GL 7 for being successful in the promotion examination she sat for in that respect;
- 2.5 That she has been receiving her salaries and every entitlements even when she was transferred to the National Poverty Eradication Programme (NAPEP) in 2011 and all the necessary documents required for the transfer were released to NAPEP; only for her to receive a dismissal letter on 30<sup>th</sup> April, 2012 and the stoppage of her salary in January, 2013;
- 2.6 That her dismissal letter came from the Federal Civil Service Commission (FCSC) as recommended by the National Identity Management Commission (NIMC) to NAPEP 10 months after she had been transferred out of NIMC to NAPEP;
- 2.7 That she had not received any query or warning from the Ministry of Interior or NIMC throughout the period she worked with them, but could recall that she was invited to appear before a Disciplinary Committee in 2011 which bordered on how she obtained NCE a year after her assumption of duty;
- 2.8 That she appeared before the Disciplinary Committee and told them that she started the NCE Programme in 2000 before her employment with the Federal Ministry of Interior in 2002 and that on assumption of duty, she wrote to the management of the Ministry notifying them about the programme, and requested for their approval but the management of the Ministry did not reply her till date; and
- 2.9 That she had approached the Public Complaints Commission (PCC) in 2014 to look into her unlawful and wrongful dismissal and compel the Federal Civil Service Commission (FCSC) to reinstate her, but the matter had dragged on for so long because FCSC had not come up with a concrete evidence of her wrong doing that warranted her dismissal.

She requested that the Senate should look into the matter and direct the Federal Civil Service Commission (FCSC) to reinstate her and pay all her entitlements and promote her accordingly.

### **3.0 BRIEF OF THE RESPONDENT**

In its oral and written submissions, the representative of the Federal Civil Service Commission (FCSC), Mrs. Umo Patricia U. stated as follows:



- 3.1 That Mrs. Oguntola Sinmiat Oyewumi was employed on 24<sup>th</sup> July, 2002 as a Clerical Officer, on salary grade level 04 in the Department of National Civic Registration (DNRC) under the then Federal Ministry of Internal Affairs and rose to the rank of Higher Executive Officer, salary grade level 08 with effect from, 1<sup>st</sup> January, 2012;
- 3.2 That following the transition of the DNCR to National Identity Management Commission (NIMC), NIMC constituted a Committee to verify personnel records of eighty-six (86) members of staff alleged to have forged or falsified letters of Advancement, Promotion, Upgrading, Proper placement and Conversion to the post of Assistant Executive Officer, salary grade level 06 and beyond;
- 3.3 That the Ministry of Interior furnished the Committee with the master-list and minutes of meeting of the Junior Staff Committee (JSC) and the master list of successful candidates who sat for and were granted Advancement, Promotion, Upgrading, Proper placement and or Conversion from 2004 to 2006 and the list of staff who got promoted in the promotion exercise conducted by the Office of the Head of the Civil Service of the Federation (OHCSF) for year 2007 and 2008 to guide the Committee in its assignment;
- 3.4 That at the end of the exercise, it was discovered that the career progression of some officers were irregular and that some junior officer were claiming to be senior officers and those indicted were queried to explain the irregularities in their career progression and were given fair-hearing to exculpate themselves in accordance with the Service Extant Rules;
- 3.5 That on Monday, 12<sup>th</sup> December, 2011 the Senior Staff Committee of NIMC met on the matter and recommended that the eighty-six (86) officers that were not able to exonerate themselves be dismissed from the Service with effect from 12<sup>th</sup> December, 2011 for falsification of records, possession of fake letters of advancement, promotion, upgrading and conversion and Mrs. Oguntola Sinmiat Oyewumi was on No. 73 on the list;
- 3.6 That the FCSC at its meeting on Wednesday, 4<sup>th</sup> April, 2012 approved the dismissal of the officers based on the recommendation of the Senior Staff Committee of NIMC and Mrs. Oguntola Sinmiat Oyewumi was among them; and
- 3.7 That following the dismissal of the officers, the Commission received an avalanche of petitions/appeals from most of the officers (including Mrs. Oguntola Sinmiat Oyewumi); and based on these reactions, the Commission had written several correspondences from 2015-2021 to the Federal Ministry of Interior to



re-examine the referred dismissal cases on their merit and transmit the outcome to the Commission and till date, the FCSC was still waiting for the response of the Ministry of Interior on the matter.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by Mrs. Oguntola Sinmiat Oyewumi (the petitioner) and Mrs. Umo Patricia U., the representative of Federal Civil Service Commission (FCSC) (the respondent), the Committee observed as follows:

- 4.1 That Mrs. Oguntola Sinmiat Oyewumi was employed by the Department of National Civic Registration Center (DNCR), an agency under the then Federal Ministry of Internal Affairs (now Ministry of Interior) as a Clerical Officer on GL 04 with her Senior Secondary School Certificate (SSCE) in 2002;
- 4.2 That the Federal Ministry of Interior was notified by Mrs. Oguntola Sinmiat Oyewumi on assumption of duty that she was undergoing a part-time (weekends only) NCE Programme with the National Teacher's Institute, Kaduna since 2000 before she was employed by DNCR; and requested the Ministry's approval to complete the programme;
- 4.3 That the Ministry till date was yet to reply her letter of request for approval of her study programme and but on completion of the programme, she submitted her NCE result which she obtained in 2003 in compliance with the directive of the Ministry which it used in upgrading her to the post of Assistant Executive Officer (AEO) (GL 6) in 2006 that corresponded with her new qualification;
- 4.4 That the dismissal of Mrs. Oguntola Sinmiat Oyewumi in 2012 by the Federal Civil Service Commission (FCSC) was hinged on the recommendation of the National Identity Management Commission (NIMC) of the Federal Ministry of Interior, but there was no proof or evidence from the FCSC or the Ministry that the officer falsified her record of career progression that warranted her dismissal from service; and;
- 4.5 That there was no evidence of query issued to Mrs. Oguntola Sinmiat Oyewumi by either the Ministry of Interior or National Identity Management Commission (NIMC) alleging that she falsified any record whatsoever and by the time she was brought before a Disciplinary Committee in 2011, she was only asked to explain how she got an NCE certificate one year after assumption of duty which she explained that she had begun the NCE programme before assuming duty at



DNCR. She further explained that she officially wrote the Ministry of Internal Affairs through DNCR to notify them, but was ignored by both institutions.

This should not lead to dismissal if the case was properly investigated and due process followed.

## **5.0 RECOMMENDATION**

Based on the above findings, the Committee hereby recommends as follows:

- 5.1 That the Senate do direct the Federal Civil Service Commission (FCSC) to reinstate Mrs. Oguntola Sinmiat Oyewumi with immediate effect and pay all her salaries, entitlements till date and promote her accordingly, since there was no evidence that due process was followed in dismissing her.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

The recommendation adopted as resolution by the Senate.



**2023**





## CASE 47:

### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM ARIERHIE PATRICK OKUNE, ESQ. ON BEHALF OF MR. AARON BLUFF OVIKPOKPO AND FAMILY AGAINST THE NIGERIA POLICE FORCE AND THE POLICE SERVICE COMMISSION FOR ALLEGED NON-PAYMENT OF JUDGMENT DEBT OF ₦20,000,000 (TWENTY MILLION NAIRA) ONLY GRANTED IN SUIT NO. OUHC/33/2009**

#### **1.0 INTRODUCTION**

The Senate would recall that on Wednesday, 15<sup>th</sup> June, 2022, Senator Ovie A. Omo-Agege (Delta Central) drew the attention of the Senate to a petition from his constituent, Arierhie Patrick Okuneh, Esq. on behalf of Mr. Aaron Bluff Ovikpokpo and Family against the Nigeria Police Force and the Police Service Commission for non-payment of judgment debt of ₦20,000,000 (Twenty Million Naira) only granted in Suit No. OUHC/33/2009, and urged the Senate to look into the matter.

In line with **Order 40 (1) of the Senate Standing Orders 2022 (as amended)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### **2.0 BRIEF OF THE PETITIONER**

Testifying before the Committee, the petitioner, Arierhie Patrick Okune, Esq., on behalf of Mr. Aaron Bluff Ovikpokpo, stated:

2.1 That his client, Mr. Aaron Bluff Ovikpokpo, got judgment of the Otor-Udu High Court before Hon. Justice Flora Ngozi Azinge (Mrs.) on 7<sup>th</sup> June, 2012 for the payment of the sum of ₦20,000,000 (Twenty Million Naira) only against the following defendants:

- a. Mr. Kingsley Ukim (SP) Commander, Quick Response Squad, Ogonu;
- b. Mr. Muazu Mohammed (CSP, Divisional Police Officer, Divisional Police Headquarters, Enerhen;
- c. Commissioner of Police, Delta State;
- d. Inspector-General of Police; and
- e. The Police Service Commission.



- 2.2 That the judgment was for the wrongful, unlawful and gruesome murder of late Engr. Gideon Afoke Bluff Ovikpokpo by the defendants and the mobile policemen under their control, supervision and employment on Monday, 8<sup>th</sup> September 2008 at about 7.00pm at a police checkpoint by Sedco Junction Kolokolo Area of Delta State;
- 2.3 That since 2012 till date the judgment debtors have refused to pay the judgment debt and every attempt to make them pay has proven abortive;
- 2.4 That late Engr. Gideon Afoke Bluff Ovikpokpo was the bread winner of his aged mother and three siblings, and his untimely death was a blow to their livelihood; that the victim was a graduate of the University of Nigeria, Nsukka who held a Second-Class Upper Division in Mechanical Engineering, and worked as a site manager with Poliod Engineering Services Limited till his death; and
- 2.5 That he was murdered on his way from his workplace by men of the Nigeria Police in pretext that he was an armed robber.

The petitioner requested that the Inspector-General of Police, the Chairman, Police Service Commission and other defendants be invited and asked why they disregarded the judgment of the court for about 10 years now; and that the Inspector-General of Police and the Police Service Commission be directed to pay the judgment debt without further delay.

### **3.0 BRIEF OF THE RESPONDENTS:**

#### **A. The Inspector-General of Police (IGP):**

Responding, the Inspector-General of Police, Mr. Usman Alkali Baba, represented by Commissioner of Police, Mr. A. A. Ilori, on 6<sup>th</sup> December, 2022, stated:

- 3.1 That the Police had not received a copy of the petition, and requested for a copy to enable them study it to make a good presentation at the next hearing fixed for 14<sup>th</sup> December, 2022;
- 3.2 That on 14<sup>th</sup> December, 2022, the Inspector-General, represented in writing by his Principal Staff Officer, wrote that the Police only got the Committee invitation letter on 13<sup>th</sup> December, 2022 for a hearing scheduled for 14<sup>th</sup> December, 2022; and therefore, requested for another date to enable it prepare.



#### **4.0 BRIEF OF THE RESPONDENTS:**

##### **B. Police Service Commission (PSC):**

Represented by the Chief Legal Officer of the Police Service Commission, Mrs. Jessica Akabuike at all three sittings, the Commission stated:

- 4.1 That the judgment debt could not be paid because the judgment was stale and could not be enforced except with the leave of the court; and
- 4.2 That, moreover, Hon. Justice Clara Baba Ogunbiyi who was the Ag. Chairman at that time, also wrote to corroborate the position of the commission in
  - a. “1” Above that until the leave of court was received, the judgment debt could not be enforced; and tried to support her position by copiously citing similar judgments in the past.

#### **5.0 OBSERVATIONS/FINDINGS**

After carefully studying the attitude of the respondents and the presentations (both oral and written) made by the petitioner and respondents, the Committee noted as follows:

- 5.1 That the Inspector-General of Police, like the head of other security agencies in the country, has also learnt to avoid appearing before Committees of the Senate under the excuse that they were very busy with weightier security matters in the land; thus he never personally showed up once, making it very difficult for the Committee to resolve issues;
- 5.2 That the Police made many excuses such as not having a copy of the petition (which was not possible while receiving a copy of the Committee’s invitation letter), and that it just received the invitation a day before and could not make adequate arrangements to respond to the petition; and these were just excuses to buy time;
- 5.3 That the Committee, seeing all these ploys, could not just keep sitting in perpetuity, waiting for heads of security agencies to appear and address issues raised in petitions, passionately wrote the Inspector-General of Police to implement the Court Judgment and pay the petitioner within three months in obedience to the Court Judgment and in honour of the Senate; and the three months had since elapsed without a word from the Inspector-General of Police;
- 5.4 That the situation was already bad enough in that the court asked for compensation of ₦20,000,000 (Twenty Million Naira) since life of the victim could not be restored; but refusing to pay could not be a better alternative;



- 5.5 That the argument that payment of compensation for a loved one which was just a peaceful way of resolving a case of murder, could not be statute barred as the Police Service Commission claimed; and
- 5.6 That the Committee is of the opinion that the compensation of ₦20,000,000 (Twenty Million Naira) be paid.

## **6.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 6.1 That the Senate do direct the Inspector-General of Police to pay the judgment debt as compensation to the family of the deceased with immediate effect to assuage the pains associated with such loss; and

## **7.0 RESOLUTION ADOPTED BY THE SENATE**

Report and recommendation of the Senate adopted as its resolution.



## CASE 48:

### **REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. ERINKITOLA M. AJANI AGAINST YABA COLLEGE OF TECHNOLOGY, (YABATECH) YABA, LAGOS FOR ALLEGED WRONGFUL TERMINATION OF HIS APPOINTMENT/ PREMATURE RETIREMENT BY THE MANAGEMENT OF YABATECH IN 2009**

#### **1.0 INTRODUCTION**

The Senate would recall that on Thursday, 6th May, 2021, Senator Solomon O. Adeola (Lagos West) rose on Order 41, and drew the attention of the Senate to a petition from Mr. Erinkinola M. Ajani Against Yaba College of Technology, (YABATECH) Yaba, Lagos for alleged wrongful termination of his appointment/premature retirement by the Management of Yabatech in 2009, and urged the Senate to look into the matter.

In line with Order 41(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### **2.0 BRIEF OF THE PETITIONER**

In his presentation, Mr. Erinkitola M. Ajani, stated as follows:

- 2.1 That his appointment as a teacher with the Yaba College of Technology Yaba, Lagos was unjustly terminated by Yabatech subsidiary, Yaba College of Technology (YCT) Staff Schools' Management Committee in 2019 based on flimsy and false allegations of award of contracts against him which he did not do.
- 2.2 That during his service with the school, he had neither been queried nor indicted by the management for any malpractice or found guilty of any offence, rather he had received many awards, promotions, and commendations from the school Principal, Parents' Teachers Association (PTA), Staff Schools' Management Committee and the Yaba College of Technology (YCT) Management;
- 2.3 That the termination of his appointment by the YCT School Management Committee which was later commuted to retirement by the same Committee did not follow due process;
- 2.4 That he had petitioned the Public Complaints Commission (PCC), Abeokuta, Ogun State in 2010 on the matter and prayed for his reinstatement, but the outcome was inconclusive;



- 2.5 That on this matter, the Public Complaints Commission has written to the Honourable Minister of Education, Abuja, and the Presidential Visitation Panel to the Yaba College of Technology, Chief Ebenezer Babatope, (CFR) led Governing Council of the College, but the outcome of their investigations remain undisclosed to him;
- 2.6 That he was employed by the Yaba College of Technology (YCT), Yaba, Lagos and deployed to YCT Secondary School of the College, and later, he transferred his service from the Federal Ministry of Education, Abuja, to the Yaba College of Technology in 1999 where he had been absorbed as a staff.

He requested that the Senate should look into the matter and among other things, urge the Yaba College of Technology (YCT) to reinstate him, uphold his status as a Yaba College of Technology Staff, promote him and pay all his entitlements accordingly.

### **3.0 BRIEF OF THE RESPONDENT**

Engr. Femi Omokungbe, Rector, Yaba College of Technology (YCT), made oral and written presentations and stated as follows:

- 3.1 That Mr. Erinkinola M. Ajani was offered appointment as a Teacher in Introductory Technology at the Yaba College of Technology Secondary School in 1999; that Mr. Erinkitola M. Ajani was not an employee of Yaba College of Technology, (YCT), rather a staff of the YCT Secondary School of the College; a private school established by the Management of YCT in 1999 for the welfare of the College Staff and as a Corporate Social Responsibility project for the Community and its environs;
- 3.2 That the College does not employ its staff and later redeploy them to YCT Secondary School neither could staff of YCT Secondary School be redeployed to the College;
- 3.3 That Mr. Erinkinola M. Ajani's appointment letter unequivocally stated that all employees in the Secondary School are governed by the YCT Secondary School Regulations and Scheme of Service;
- 3.4 That his appointment as a staff of Yaba College of Technology (YCT) Secondary School was confirmed by the YCT Secondary School Management Committee in 2004 and was terminated by the same Committee in 2009, and based on his appeals, the termination was commuted to retirement by the same Committee in 2010;



- 3.5 That his application for transfer of service was clearly done in error as the extant regulations do not permit transfer of service from a scheduled service to an unscheduled service; that YCT Secondary School was a private Secondary School, and therefore an unscheduled service;
- 3.6 That the Federal Civil Service Commission was promptly informed that the letter conveying Transfer of Service forwarded to the College on behalf of Mr. Erinkitola M. Ajani could not be accepted as he was never a staff of the College;
- 3.7 That the issue of wrongful termination of appointment/premature retirement from Yaba College of Technology does not exist as his appointment was terminated by the Yabatch Secondary School Management Committee based on the condition of service of the school;
- 3.8 That ordinarily, on magnanimous ground, the YCT Secondary School Management Committee would have reinstated him, but Mr. Erinkinola M. Ajani had attained the retirement age but will get all his retirement packages in accordance with the extant laws.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by Mr. Erinkinola M. Ajani, the petitioner, and respondent Engr. Femi Omokungbe, Rector, Yaba College of Technology (YCT), the Committee observed as follows:

- 4.1 That Mr. Erinkinola M. Ajani was appointed as a teacher in the YCT Secondary School, a private school established by the Yaba College of Technology in 1999;
- 4.2 That the Secondary School is a separate entity from the Yaba College of Technology as it was not funded from the Federal Government allocations, and also was governed by the YCT Secondary School Regulations and Scheme of Service;
- 4.3 That the termination of appointment of Mr. Erinkinola M. Ajani was done by the YCT Secondary School Management Committee in 2009, the Committee that also employed Mr. Erinkinola M. Ajani in 1999;
- 4.4 That the claim by Mr. Erinkinola M. Ajani that he was a staff of Yaba College of Technology was not true because his appointment letter was at the instance of the YCT Secondary School Management Committee and it was stated therein;
- 4.5 That the termination of the appointment of Mr. Erinkinola M. Ajani was later commuted to retirement by the YCT Secondary School Management Committee



to enable him access all his retirement benefits; and

- 4.6 That the Committee would have reinstated Mr. Erinkinola M. Ajani but he had attained the retirement age.

## **5.0 RECOMMENDATION**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do direct the Yaba Secondary School Management Committee to reinstate, promote (where appropriate) and retire Mr. Erinkinola M. Ajani, since he was now due for retirement, and pay all his entitlements.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report and recommendation adopted by the Senate as its resolution





## CASE 49:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM DUNOBENE R. PEREKEME, ESQ. ON BEHALF OF OGBOINBIRI COMMUNITY, SOUTHERN IJAW LOCAL GOVERNMENT AREA OF BAYELSA STATE, AGAINST THE NIGERIAN AGIP OIL COMPANY (NAOC) FOR ALLEGED FAILURE TO PAY COMPENSATION AND PROVIDE PALLIATIVES TO THE COMMUNITIES AFFECTED BY THE CRUDE OIL SPILLAGE

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 1st December, 2020, Senator Gershom Bassey (Cross River South) rose on **Order 41** and drew the attention of the Senate to a petition from his constituent, Dunobene Perekeme, Esq. on behalf of Ogboinbiri Community, Southern Ijaw Local Government Area of Bayelsa State, against the Nigerian Agip Oil Company (NAOC) for alleged failure to pay compensation and provide palliatives to the Communities affected by the crude oil spillage, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action, and to report back.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Dunobene R. Perekeme, Esq. (the petitioner), stated as follows:

- 2.1 That on or about the 1<sup>st</sup> of June, 2020, crude oil spill from Ogboinbiri-Tebidaba pipeline owned by the Nigerian Agip Oil Company (NAOC) was reported in Ogboinbiri Community, Southern Ijaw Local Government Area, Bayelsa State;
- 2.2 The polluter (NAOC) should engage in a proper clean-up and remediation exercise on the environment and should be carried out without further delay as there was still crude oil in the swamp;
- 2.3 That relief materials be provided to the victims of the crude oil spill to cushion the effect of loss of livelihood and business transactions by the polluter (NAOC);
- 2.4 The polluter (NAOC) should promptly pay the sum of Five Hundred Million Naira only (₦500,000,000) as compensation to all claimants herein as damages to



their properties;

- 2.5 That the polluter should pay compensation to the claimants in the sum of Twenty Million Naira only (₦20,000,000) each as damages for their health and related matters. The claimants have suffered severely from venerable diseases and sicknesses since the occurrence of the spill in June and many of whom were still undergoing treatment in various traditional and medical institutions; that the total sum of Two Billion and Twenty Million Naira only (₦2, 020,000,000) be paid as damages for the health of the claimants for the crude oil spill in the community;
- 2.6 That the polluter should pay the sum of One Billion Naira only (₦1,000,000,000) as general damages to the claimants for loss of their means of livelihood from the date of the crude oil spill to ameliorate their suffering; and
- 2.7 That a total of Three Billion, Five Hundred and Twenty Million (₦3,520,000,000) was hereby demanded as specific and general damages for the claimants whose properties, means of livelihood and health have been seriously impacted by the spill that occurred in June, 2020.

He requested that the Senate should look into the matter and urge the Nigerian Agip Oil Company (NAOC) to pay the compensations to the affected communities as they rely on all the findings and recommendations, especially in Chapter 4 in page 33, Chapter 5 in page 45-48 of the “Report on Crude Oil Spillage & its Environmental Impact on Ogboinbiri Community, Southern Ijaw Local Government Area of Bayelsa State” annexed to the petition.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Managing Director of Agip, represented by Uchechukwu Amaechi, said:

- 3.1 That the incident occurred and was duly reported to the Government Regulatory Agencies (DPR, National Oil Spill Detection and Response Agency (NOSDRA) and Bayelsa State Ministry of Environment (BYSMENV) respectively;
- 3.2 That arrangements made for a Joint Investigation Visit (JIV) to the area, which was carried out the next day, 6th June 2020 indicated that the cause of the spill was established to be third party interference on the pipeline resulting in the spill of 50 barrels of crude oil;
- 3.3 That the facility was shut down upon report of the spill and measures were deployed to limit the spread of the oil and recover and clean-up the spilled oil;



- 3.4 That following complaints by Ogboinbiri Community of non-participation in the initial inspection, an arrangement was made despite the Covid-19 emergency lockdown for a second site inspection on 19th June 2020 involving the Community which reconfirmed the cause of the spillage as sabotage and all the parties-NOSDRA, BYSMENV, Community representatives and NAOC signed the JIV report; and
- 3.5 That the claim by the petitioner for compensation lacked merit as the spill was due to sabotage.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the submissions and oral presentations of the petitioner (Dunobene R. Perekeme, Esq.) and respondent (Nigerian Agip Oil Company ((NAOC)) Limited) and having been provided full answers to all questions raised by the Committee, the Committee observed as follows:

- 4.1 That the incident of oil spill in Ogboinbiri Community actually occurred on 5th June 2020 during the nationwide lockdown, and the incident was reported to the relevant Government Regulatory Agencies;
- 4.2 That the impact of the oil spill had grossly affected the means of livelihood of the Ogboinbiri Community who were predominantly fishermen, lumbers and farmers and were counting their losses;
- 4.3 That the clean-up of the affected area was done without the participation of the host community for them to ascertain whether or not the claim by the Nigerian Agip Oil Company (NAOC) Limited that the cause of the spill was a third-party interference;
- 4.4 That it was the second J.I.V. that witnessed an inclusive participation; and
- 4.5 That the Committee on Ethics, Privileges and Public Petitions having appealed to NAOC to temper justice with mercy by proving a reasonable sum in money to ameliorate the Communities' predicament as a result of the spill, further appealed that remediation of the environment be fully carried out, having fully cleaned-up same.



## **5.0 RECOMMENDATIONS**

That based on the observations above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the Nigerian Agip Oil Company (NAOC) Limited to accelerate action and do a comprehensive remediation of the environment within the next 90 days, having earlier cleaned-up same, and allow peace to reign in the Community henceforth; and
- 5.2 That the Senate do commend the Nigerian Agip Oil Company (NAOC) Limited for providing some monetary compensation to the Ogboinbiri Communities as consolation for the hardship the spill had caused to the Communities.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report and recommendations adopted as the resolution of the Senate



## CASE 50:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM M.A. OGBODOGBO, ESQ. ON BEHALF OF MR. OTOBHA PHILIP BRIAN AGAINST ENGR. WILLIAMS AKIONBARE, ENGR. C.N. ONONUJU AND THE FEDERAL UNIVERSITY OF TECHNOLOGY (FUTO) OWERRI, IMO STATE

#### 1.0 INTRODUCTION

The Senate would recall that on Wednesday, 6th November, 2019, Senator Patrick Ayo Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from M.A. Ogbodogbo, Esq. on behalf of Mr. Otobha Philip Brian against Engr. Williams Akionbare, Engr. C.N. Ononuju and the Federal University of Technology (FUTO) Owerri, Imo State, for alleged victimization, extortion and criminal breach of duty, and urged the Senate to look into the matter.

In line with Order 41(3) of the Senate Standing Orders 2015, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

In his presentation, M.A. Ogbodogbo, Esq. on behalf of his Client, Mr. Philip Brian Otobha, stated as follows:

- 2.1 That sometimes in 2014, his client, Mr. Philip Brian Otobha, a student of Project Management at the Federal University of Technology, Owerri (FUTO) was threatened by Engr. Williams Akionbare, a lecturer with the Federal University of Technology, Owerri who doubles as a course adviser and project supervisor to Mr. Philip Brian Otobha;
- 2.2 That the threat was that his client, Mr. Philip Brain Otobha, would never graduate from FUTO if he did not fulfil his (Engr. Williams Akionbare's) selfish and inordinate demands of One Hundred Thousand Naira) only N100,000.00 and sourcing of E-materials for the lecturer's Ph.D programme;
- 2.3 That the Lecturer, Engr. Williams Akionbare deliberately failed his client in his course (PET 504) (Project Risk Management) and also connived with his co-lecturer, one Engr. C.N. Ononuju, who also failed the petitioner in his course, "Law of Contract" (PRT 413) in other to give credence to his well calculated and



premeditated plan to frustrate his client as he alone could not disqualify him from graduating;

- 2.4 That his client made several pleas to Engr. Williams Akionbare to rescind his decision but rather, he was mandated to buy a textbook published by the wife of the lecturer and after buying the textbook to achieve a truce, Engr. Williams told Mr. Philip Brian Otobha, his client, to retake the two courses;
- 2.5 That Mr. Philip Brian Otobha, being fully convinced that he passed both courses but was intentionally marked down by the two lecturers applied for moderation of the two (2) answer booklets in 2016 but the passage of the moderation letter to the Dean of the School of Management Technology was truncated by Engr. Williams and Engr. C.N. Ononuju. Instead, the duo promised that his name would be added to the list of overstayed students who will be considered for amnesty, but his client's name was omitted in the amnesty list;
- 2.6 That when all entreaties failed, his client wrote a petition to the school Senate through the Vice-Chancellor and to the Coordinator, ServiCom, FUTO Chapter in 2018; and paid for the remarking of the answer scripts of the two courses;
- 2.7 That his client was reliably informed by a staff of the University that he did well in the two courses but the scores were altered by the two lecturers and his client was not allowed to see the answer scripts to verify his handwriting before the remarking;
- 2.8 That in his petition to the Vice-Chancellor in 2018, he requested for a thorough investigation into the matter and the Registrar promised to do so in his reply but his client was not invited to prove his allegations against the two lecturers in the matter till date; and
- 2.9 That assuming but not conceding that the Mr. Philip Brian Otobha failed the two courses as alleged by Engr. Akionbare, et al, how was it so difficult to grant him waiver and graduate him since some students who had outstanding of a course or two were given waivers?

He requested among other things, that the Federal University of Technology, Owerri should graduate his client, Mr. Philip Brian Otobha without delay.

### **3.0 BRIEF OF THE RESPONDENT**

Prof. F.C. Eze, Deputy Vice-Chancellor (Academics), representing the Vice-Chancellor, FUTO stated both in his oral and written submission as follows:

- 3.1 That Otobha, Philip Brian was admitted as a student of the Federal University of



Technology, Owerri in 2009 to study Project Management; a programme that was of a five-year duration;

- 3.2 That the last time Mr. Otobha, Philip Brian was in the University was in the year 2013/2014 Session. This was also the last time the student wrote examination in the University;
- 3.3 That he left the University with three outstanding courses, SWIES 200 (Industrial Attachment), PRT 513 (Contract Law and Administration) and PRT 504 (Project Risk Management);
- 3.4 That Mr. Otobha, Philip Brian truncated his period of residency for a Bachelor's Degree Programme by absconding from the University which made him to fall behind the University's regulation which stipulated that the period of residency for a Bachelors' Degree Programme is a minimum of ten semesters and maximum of fourteen semesters and therefore, his studentship has fully lapsed;
- 3.5 That he complained of victimization and marking him down on the aforementioned two courses and applied for re-mark;
- 3.6 That the University Senate in 2018, bent backwards and reviewed his answers scripts in the two courses which he complained of being victimized and the External Professor returned an 'F' grade to the student in both courses; and that the Senate at its 447th meeting held on Wednesday, April 10, 2019, upheld its earlier decision on the results; and
- 3.7 That the Lecturers (Engr. Williams Akionbare and Engr. C.N. Ononuju) he accused of having victimized him were not responsible for his poor performance but instead, he absconded from the University with two outstanding courses he failed and when the two answer scripts of the courses were re-marked by an External Examiner, he equally failed them.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by M. A. Ogbodogbo, Esq. on behalf of Mr. Otobha, Philip Brian and Prof. F.C. Eze, Deputy Vice-Chancellor (Academics), Federal University of Technology, Owerri, the Committee observed as follows:

- 4.1 That Mr. Otobha, Philip Brian was enrolled as a student of the Federal University of Technology, Owerri in 2009 to study Project Management; a programme that was of a five-year duration;



- 4.2 That Mr. Otobha, Philip Brian would have graduated in 2013/2014 Academic Session, but after seating for his exams in that Session, he left the University with failure in two of his courses, i.e. PRT 513 (Contract Law and Administration) and PRT 504 (Project Risk Management) and did not come for reseating of the courses for four years;
- 4.3 That there was evidence of re-marking of the answer scripts of the two courses he was said to have failed, which Mr. Otobha, Philip Brian had requested for re-marking in 2018, and the results showed that he got 'F' grade in two of them;
- 4.4 That the University corroborated the statements made by the lecturers, Engr. Williams Akionbare and Engr. C.N. Ononuju before the Committee that there was nothing like victimization of Mr. Otobha, Philip Brian as he alleged, rather, the erstwhile student absconded from the University and failed to re-write the courses he failed.
- 4.5 The Committee, however, considered the number of years lost since Mr. Otobha Philip Brian left the University (8 years) and the subsequent suffering he had brought upon himself, and suggests that the University authority should reconsider his situation and allow him to resit the two courses he failed and be allowed to graduate.

## **5.0 RECOMMENDATION**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do direct the Federal University of Technology, Owerri to compassionately reconsider the situation of Mr. Otobha, Philip Brian and allow him to resit the two courses he failed and be allowed to graduate.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report / Recommendation stood down today 16/05/ 2023 as the Senate was not willing to interfere with the University Administration.





## CASE 51:

### REPORT OF THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MAJOR TAIWO K.K. OMOTADE AGAINST THE NIGERIAN ARMY OVER HIS ALLEGED ARBITRARY COMPULSORY RETIREMENT FROM SERVICE BY THE NIGERIAN ARMY IN 2022

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 1st March, 2022, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 40**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Major Taiwo K.K. Omotade against the Nigerian Army over his alleged arbitrary compulsory retirement from Service by the Nigerian Army in 2022, and urged the Senate to look into the matter.

In line with **Order 40(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

In his presentation, Major Taiwo K.K. Omotade, stated as follows:

- 2.1 That he had served gallantly up to 15 years in the Nigerian Army but was arbitrarily and compulsorily retired from the service of the Nigerian Army in 2022.
- 2.2 That he attended the Senior Course 40 at the Armed Forces Command and Staff College, Jaji in 2017/2018 Session;
- 2.3 That at the Staff College, he performed brilliantly in his course that marked him out as one of the best students, but at the completion of the Course, he was given unfair result that prompted his writing of a letter of redress against this victimization that was evidenced by the low marks being given to him, while the Army Officer he was better than was declared as the best in the Army Department during the course;
- 2.4 That his ordeal started as soon as he submitted this letter of redress; that he was insulted, and declared insane, sedated, stripped of his rank, chained hands and legs for several days; and moved to a psychiatric hospital in chains;
- 2.5 That on return from the hospital after being certified by the Doctor that he had no mental issues, he was further tortured, chained hands and legs and sent to



- guardroom for several days that resulted to his embarking in a hunger strike;
- 2.6 That he was strangely posted for Court Martial where the Officer that marked him down in the course was not able to deny doing so;
  - 2.7 That his request for documents and items to enable him defend himself at the Court Martial attracted new charges against him and was again detained in the guardroom which prompted the withdrawal of his lawyers at the Court Martial in order not be part of the injustice and irregularities against him;
  - 2.8 That he was detained cumulatively for 415 days by the Nigerian Army;
  - 2.9 That all his entreaties to the Army Authorities to give him fair hearing at the Court Martial was not granted but was directed to submit to the Court Martial despite being a continuation of injustice against him;
  - 2.10 That as he was denied fair hearing and his lawyers also denied facilities to defend him, they (the lawyers) took the matter to the Federal High Court, Abuja, and the Nigerian Army refused to obey the status quo ante order of the court, and the threat to his life continued unabated;
  - 2.11 That instead of maintaining the status quo pending the determination of the Court or the conclusion of the Court Martial, he was served with a letter of compulsory retirement on alleged incompetence and indolence without known warning, query or documented evidence of such incompetence and indolence; and
  - 2.12 That he had performed creditably well in operations, courses, etc. and have received many awards and commendations from the Nigerian Army for his gallantry for the 15 years already spent in the service of the Nigerian Army.

He requested that the Senate should look into the matter and urge the Nigerian Army to reinstate him into the Nigerian Army and also, consider his letter of redress for the review of the result of Senior Course 40 that started his plight in 2018.

### **3.0 BRIEF OF THE RESPONDENT, NIGERIAN ARMY:**

In its written and oral presentations, Major General M.U. Wambai and Major A.A. Goni, the representatives of the Nigerian Army respectively, stated as follows:

- 3.1 That the officer, Major Taiwo K.K. Omotade was charged for resisting arrest, gross misconduct and assault to a provost officer while in a Course 40 at the Armed Forces Command and Staff College, Jaji;



- 3.2 That he was served with a letter of displeasure for insubordination to an Invigilator at the College and thereby Court martialled by the Nigerian Army at 1 Division in Kaduna;
- 3.3 That the Officer instituted a case in the Federal High Court (FHC), Abuja and the order of the FHC for parties to maintain status quo pending the determination of the suit is of no legal effect because both the FHC and the Court Marshal are courts of records with coordinate jurisdiction;
- 3.4 That additionally, the FHC lacks the jurisdiction to order stay of service of a letter of compulsory retirement on Major Taiwo K.K. Omotade because issues of Employer and Employee relations are within the primary jurisdiction of the National Industrial Court of Nigeria;
- 3.5 That the claim of the petitioner of being victimized, assaulted and tortured due to his letter of redress was not only fictitious but a blatant lie as he did not adduce any evidence of how he was either assaulted or tortured for writing a redress letter;
- 3.6 That the statement of offence or particulars of charges against him in the Court Martial have nothing related to his letter of redress;
- 3.7 That the retirement of Major Taiwo K.K. Omotade was not arbitrary, as it has a statutory backing of the Harmonized Terms and Conditions of Service (Officer) 2017 (HTACOS) and Section 43 of the Armed Forces Act Cap A20 LFN 2004;
- 3.8 That in Accordance with Harmonized Terms and Conditions of Service (Officer) 2017 (HTACOS), paragraph 11.02 (c) particularly 7 and 8 which stipulates that “An officer may be compulsorily retired from the Service by the Service Council/ Board for any of the following specific reasons: Incompetence, indolence, etc. disloyalty to constituted authority on written order both in peace time and in operations”. And that there is no provision which requires the Service to serve a retiring officer on the grounds of incompetence, or indolence with a warning, query or any documentary evidence of such incompetence or indolence;
- 3.9 That on the day of his arraignment before a General Court Martial at Headquarters, 1 Division, Nigerian Army, the petitioner exhibited several acts of insubordination such as refusing to be brought before the Court, assaulting officers and soldiers who guarded him, thereby trying to scuttle his court martial trial; and
- 3.10 That based on his behaviour, the officer could not be entrusted with the duties of the Service and was unfit to command troops in defence of the Country and



therefore, the Army Council approved the compulsory retirement of the petitioner in line with extant laws and due process; and urged the Senate to discountenance the petition.

#### **4.0 OBSERVATIONS AND FINDINGS**

After carefully studying the presentations made by Major Taiwo K.K. Omotade and the Nigerian Army, the Committee observed as follows:

- 4.1 That Major Taiwo K.K. Omotade was a Major in the Nigerian Army and had served gallantly for 15 years with commendations and awards from the Nigerian Army before he was abruptly retired in 2022;
- 4.2 That while in the Nigerian Army, he attended Senior Course 40 at the Armed Forces Command and Staff College Jaji in 2017/2018 where he complained of being victimized in his result despite his brilliant performances at the College and therefore, he wrote a letter of redress in this respect;
- 4.3 That as a result of (2) above, he was arraigned before a Court Martial in the Army Headquarters, 1 Division, Nigerian Army, Kaduna for insubordination to his superiors, outright disrespect to constituted authority, gross misconduct and open resistance to arrest by assaulting provost officers; and subsequently retired in 2022 while investigation on him and trial at the Court martial has not been concluded; and
- 4.4 That there was pictorial evidence of handcuffing, chaining and torture of Major Taiwo K.K. Omotade by personnel of the Nigerian Army without any justification.
- 4.5 That his ordeal started as soon as he submitted this letter of redress; that he was insulted, and declared insane, sedated, stripped of his rank, chained hands and legs for several days; and moved to a psychiatric hospital in chains;
- 4.6 That upon return from the hospital after being certified by the Doctor that he had no mental issues, he was further tortured, chained hands and legs and sent to the guardroom for several days that resulted to his embarking in a hunger strike;
- 4.7 That his request for documents and items to enable him to defend himself at the Court Martial attracted new charges against him and he was again detained in the guardroom which prompted the withdrawal of his lawyers at the Court Martial in order not be part of the injustice and irregularities against him;
- 4.8 That all his entreaties to the Army Authorities to give him fair hearing at the Court Martial was not granted but he was directed to submit to the Court Martial despite



it being a continuation of injustice against him;

- 4.9 That instead of maintaining the status quo pending the determination of the Court or the conclusion of the Court Martial, he was served with a letter of compulsory retirement on alleged incompetence and indolence without known warning, query or documented evidence of such incompetence and indolence; and
- 4.10 That he had performed creditably well in operations, courses, etc. and have received many awards and commendations from the Nigerian Army for his gallantry for the 15 years already spent in the service of the Nigerian Army.

## **5.0 RECOMMENDATION**

In view of the findings above, the Committee hereby recommends as follows;

- 5.1 That the Senate do urge the Chief of Army Staff to revisit the matter and reinstate Major Taiwo K. K. Omotade because the petition has not been given fair hearing by the Army Authorities before the he was horridly compulsorily redress letter objectively.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report adopted with recommendation as the resolution of the Senate.



## CASE 52:

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### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM PRINCE BAYO OMOTUBORA, ESQ. ON BEHALF OF THE ADENIJI FAMILY AGAINST THE MANAGEMENT OF TREASURE GOLDEN HOTEL & RESORTS AND THE NIGERIA POLICE FORCE FOR THE ALLEGED MURDER OF OLAWALE ADENIJI IN THE HOTEL

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 28<sup>th</sup> September, 2021, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Prince Bayo Omotubora, Esq. on behalf of the Adeniji Family against the Management of Treasure Golden Hotel & Resorts and the Nigeria Police Force for alleged murder of Olawale Adeniji in the Hotel, and urged the Senate to look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

In his presentation, Prince Bayo Omotubora, Esq. stated as follows:

- 2.1 That late Mr. Olawale Adeniji who was murdered by the staff of Treasure Golden Hotel & Resorts (ADRON HOMES HOTEL) on 29<sup>th</sup> April, 2021 was the son of his client, the Adeniji Family;
- 2.2 That the deceased rented an amplifier from the Management staff of the Hotel located at Shimawa, Ogun State and in the course of usage, the amplifier developed fault and was taken for repairs by the deceased;
- 2.3 That whilst the amplifier was still under repairs, the Management staff of the Hotel, on 29<sup>th</sup> April, 2021, led by one Alao Al-Mumeen (a staff of the Hotel), went to the deceased's wife's shop at Shimawa, Ogun State with armed thugs to vandalize the shop and threatened the wife too while the husband, late Olawale Adeniji was not around;
- 2.4 That the deceased with his wife later that same day went to the hotel to plead for time for the amplifier to be fixed by the technician whom he had given it to for



repairs, but none of the Management staff was available to receive them and they left;

- 2.5 That on their way home, they were called by the manager of the Hotel that the Hotel Management wanted them back and the deceased and his wife returned to the hotel only for Mr. Olawale Adeniji (the deceased) to be stabbed severally by the hotel workers and dragged around the Hotel compound in the pool of his own blood without harkening to the pleas of his wife until he died and his corpse was taken away by the Hotel's security men;
- 2.6 That the Management of the Hotel reported the murder to Sotubo Police Station, Sagamu, Ogun State and the matter was transferred to Ogun State Police Command Headquarters, Abeobuta where Alao Al-Mumeen, a security guard of the Hotel was charged to Sagamu Magistrate Court without investigation or knowledge of the family of the deceased;
- 2.7 That whilst the matter was on-going, the Hotel Management approached the deceased family with the sum of ₦2,000,000 (Two Million Naira) only for the family to close and forget the matter, but the family still wrote to the Deputy Inspector-General of Police for a thorough investigation of the case; and in the course of the investigation by the Homicide Section of the FCID Annex, Alagbon, it was revealed that the Hotel had sacked the security guards who witnessed the murder of Mr. Olawale Adeniji and there was no autopsy conducted on the deceased;
- 2.8 That on 7<sup>th</sup> July, 2021, the Investigating Team directed the deceased family to produce the ₦2,000,000 (Two Million Naira) it collected from the Hotel Management and directed the withdrawal of the case from Magistrate Court Abeokuta and ordered an autopsy to be conducted on the corpse, while all parties were to return to FCID Alagbon after the withdrawal of the case and the production of the suspect and the deceased's handset;
- 2.9 That on 28<sup>th</sup> September, 2021, when the Autopsy Report had not been released, the case had not been withdrawn from the Court, the suspect had not been produced, and the deceased's handset had not been produced as well, the Investigating Team told the deceased family that the Police had concluded their investigation, and that the hotel and its Management were innocent of the murder of Mr. Olawale Adeniji; and
- 2.10 That the premature conclusion of the case by the Police Investigating Team was to cover up the unfavourable Autopsy Report as the investigation was aborted



mid-way and the family denied a copy of the Autopsy Report by the Police who collected it at the family's cost.

He requested that the Senate should look into the matter and carry out a conclusive investigation of the matter with a view to getting justice for the family of late Olawale Adeniji, and also, urge the Nigeria Police Force to release the remains of late Olawale Adeniji to the family for a befitting burial.

### **3.0 BRIEF OF THE RESPONDENTS**

#### **3.1 RESPONDENT 1: The Nigeria Police Force (NPF)**

In its presentation on behalf of the Nigeria Police Force, DCP Ihebom Chukwuma, Criminal Investigation Department, Abeokuta stated as follows:

- 3.1.1 That on 29<sup>th</sup> April 2021, a case of murder was reported at Sotubo Police Division, Sagamu, Ogun State by one Augustine Ujiatalor, a Chief Security Officer of Treasure Golden Hotel & Resorts, Simawa, Ogun State;
- 3.1.2 That available fact on the case was that the duo of Alao Al-Mumeen, a DJ staff of the Hotel and one Olawale Adeniji, also a street DJ (now deceased) engaged in fierce argument which resulted in physical scuffle between them;
- 3.1.3 That in the process of the scuffle, both inflicted severe bodily injuries on the other with dangerous weapons, such as iron rods, broken bottles, knife, etc.;
- 3.1.4 That the Mobile Policemen attached to the hotel intervened and rushed both victims to a hospital for medical treatment, where Olawale Adeniji was certified dead by medical personnel on duty;
- 3.1.5 That the investigation by the Nigeria Police revealed that the altercation between Alao Al-Mumeen and the deceased, Olawale Adeniji emanated from a musical engine, owned by the Hotel which was borrowed by the deceased from Alao Al-Mumeen, a hotel staff without the consent and knowledge of the Hotel Management;
- 3.1.6 That the Autopsy Report on the deceased attributed cause of death to hemorrhagic shock from soft tissue injuries; and
- 3.1.7 That the suspect Alao Al-Mumeen was subsequently arraigned at the Magistrate Court 6, Sagamu, Ogun State for the offence of murder on 18<sup>th</sup> June 2021.





### **3.2 RESPONDENT (2): Treasure Golden Hotel & Resorts**

In her submission, the Management of Treasure Golden Hotel & Resorts, represented by Ademola Koko, Esq. stated as follows:

- 3.2.1 That the suspect, Alao Al-Mumeen was an employee of Treasure Golden Hotel & Resorts and he was employed for lawful purpose;
- 3.2.2 That the suspect, Alao Al-Mumeen criminally colluded with the deceased (Olawale Adeniji), a street DJ to fraudulently engage in the rental to the deceased, a music equipment (Amplifier), the property of the Hotel without the consent and knowledge of the Hotel Management for personal monetary gains;
- 3.2.3 That it was this illegal transaction between the suspect, Alao Al-Mumeen and the deceased that resulted in the altercation between them which led to a fierce scuffle and use of dangerous weapons against each other as the fight raged on;
- 3.2.4 That the Hotel staff and the guests were thrown into confusion and every one scampered for safety while the duo were inflicting serious bodily injuries with broken bottles, knife, iron rods, and any weapon they could lay their hands on which led to the death of Olawale Adeniji and severe injuries on the suspect, Alao Al-Mumeen;
- 3.2.5 That the Hotel Management reported the incident to the Police swiftly and because of the severity of the case, went further to lodge its petition by reporting to the Sagamu Area Command Abeokuta, Ogun State;
- 3.2.6 That no staff of the hotel was involved in the fracas between the duo who fought in the hotel premises;
- 3.2.7 That the Hotel Management paid condolence visit to the deceased family and gave them ₦2,000,000 at the family's request to assist the dependants of the deceased, and had initially given the family N250,000 (Two Hundred and Fifty Thousand Naira) only to pay for the autopsy on the deceased; and
- 3.2.8 That the defendant/suspect Alao Al-Mumeen was charged to court upon police investigation of the matter with charge No. MSH42M/2021.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by Prince Bayo Omotubora, Esq. on behalf of the Adeniji Family; DCP Ihebom Chukwuma, and Ademola Koko, Esq.,



respectively on behalf of the Nigeria Police Force, and Treasure Golden Hotel & Resorts, the Committee observed as follows:

- 4.1 That Alao Al-Mumeen, a DJ staff employee of Treasure Golden Hotel & Resorts, had an altercation with Olawale Adeniji (now deceased), a street DJ on 29<sup>th</sup> April, 2021 resulting in fierce physical scuffle between the duo in the premises of Treasure Golden Hotel & Resorts;
- 4.2 That the altercation between Alao Al-Mumeen and the deceased, Olawale Adeniji emanated from an amplifier owned by Treasure Golden Hotel & Resorts which was borrowed by the deceased from Alao Al-Mumeen, a hotel staff without the consent and knowledge of the Hotel management and was not returned on time by Olawale Adeniji because the amplifier was undergoing repairs;
- 4.3 That while the duo were fighting, they resorted to the use of dangerous objects such as knife, broken bottles, iron rods, etc., and inflicted deadly bodily injuries on each other, and when they were rushed to hospital by the men of the Nigeria Police Force, and the Management of the Hotel, Olawale Adeniji was certified dead by the Doctor on duty while Alao Al-Mumeen was admitted with serious bodily injuries;
- 4.4 That the Autopsy Report on the deceased attributed cause of death to hemorrhagic shock from soft tissue injuries;
- 4.5 That the suspect Alao Al-Mumeen was subsequently arraigned at the Magistrate Court 6, Sagamu, Ogun State for the offence of murder on 18<sup>th</sup> June, 2021;
- 4.6 That the staff and Management of the Hotel were not involved in the scuffle between Alao Al-Mumeen and the deceased but on compassionate ground, had paid a condolence visit to the deceased family with the sum of ₦2, 000,000 to assist in taking care of the dependents of the deceased but the money was retrieved by the Nigeria Police as exhibit;
- 4.7 That with the intervention and pleas of the Committee on Ethics, the Management of Treasure Golden Hotel & Resorts agreed to compassionately give the immediate family of Olawale Adeniji the sum of ₦2,500,000 (Two Million, Five Hundred Thousand Naira) to cushion the suffering of his family following his death; and the Hotel has accordingly submitted a cheque of ₦2,500,000 to the Committee in favour of the deceased family which the Committee has since given to the brother of the deceased Mr. Olamojuba Adeniji;



- 4.8 That after hearing out all the parties involved in the petition, the Committee noted that pursuing a case of murder or manslaughter against the accused would not help the family of the deceased, especially as they were willing to allow sleeping dogs lie; and advised the Adeniji Family to accept the offer of ₦2, 500,000 (Two Million, Five Hundred Thousand Naira) assistance for the education of the children of the deceased left behind; and
- 4.9 That it was appropriate and necessary for the Nigeria Police to release the body of late Olawale Adeniji to the Adeniji Family immediately for a befitting burial.

## **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the Nigeria Police Force to release the corpse of late Olawale Adeniji to the Adeniji Family for a befitting burial; and
- 5.2 That the Senate do thank the Adeniji Family for accepting the sum of ₦2,500,000 (Two Million, Five Hundred Thousand Naira) only from the Management of Treasure Golden Hotel & Resorts for the education of the children of the deceased left behind instead of pursuing a case of murder or manslaughter whose end they were not in a position to determine.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

The Report and recommendations adopted as resolutions of the Senate



## CASE 53:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM MR. BALLANTYNE I. AGIRI AGAINST THE NIGER DELTA DEVELOPMENT COMMISSION (NDDC) FOR HIS INDEFINITE SUSPENSION FROM SERVICES OF THE COMMISSION

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 4<sup>th</sup> May, 2021, Senator Biobarakuma W. Degi Eremienyo (Bayelsa East) rose on **Order 41** and drew the attention of the Senate to a petition from Ballantyne I. Agiri against the Niger Delta Development Commission (NDDC) for his indefinite suspension from the services of the Commission without being investigated since then, and urged the Senate to look into the matter.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Mr. Ballantyne Agiri, stated as follows:

- 2.1 That he was employed as a staff in the Niger Delta Development Commission (NDDC) on 17th April, 2003. Ref. No. NDDC/HQ/620/7 as Deputy Director in the Directorate of Youth and Women of Niger Delta Development Commission;
- 2.2 That a suspension letter was issued to him, written by the Director, Administration of Human Resources of the NDDC for alleged act of gross misconduct, dated 3rd February, 2004. Ref. No. NDDC/HQ/P/620/27.
- 2.3 That he wrote a letter dated 6th February, 2004 and sent it to the Director, Administration of Human Resources of NDDC and asked for fair hearing of the allegation and further requested for the particulars or exhibits of the various acts of gross misconduct he was alleged to have committed;
- 2.4 That up till now, he was not in any way informed that any Committee had been set up to investigate any alleged act of gross misconduct against him;
- 2.5 That no Committee was set up by the authority of NDDC and no letter of invitation was sent to him to appear before any Committee in connection with the allegation;
- 2.6 That no investigation was carried out by NDDC in order to establish the fact and the authenticity of the alleged act of gross misconduct;
- 2.7 That several efforts were made and series of letters written to various offices, Secretary to the Presidential Committee on NDDC, Secretary to the Government



of the Federation, and a letter to His Excellency, the President and Commander in Chief of the Federal Republic of Nigeria. That he had been appealing for reinstatement, all to no avail; and

- 2.8 That when it appeared that there was no response to the said letters, he decided to approach Distinguished Senate of the Federal Republic of Nigeria for its kind intervention on the matter rather than resort to litigation.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the then Sole Administrator, Niger Delta Development Commission (NDDC), Dr. Samuel Ogbuku and the Chairman of the Senate Committee on Ethics, Privileges and Public Petitions held a meeting with the petitioner where the Sole Administrator agreed to reinstate the petitioner, Mr. Ballantyne I. Agiri, when he got back to the office.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the oral and written submissions of Mr. Ballantyne I. Agiri and the NDDC Sole Administrator, the Committee noted as follows:

- 4.1 That the petitioner was suspended from the services of the NDDC on 3<sup>rd</sup> February, 2004 for alleged act of Gross Misconduct without being queried and with no evidence of investigation of any kind by the NDDC;
- 4.2 That the petitioner had made several efforts, written letters of appeal to notify some of the notable officers for reinstatement; and
- 4.3 That NDDC failed to contact or invite the petitioner, Mr. Ballantyne I. Agiri since 2004 when he was suspended till now, which suggested that due process had not been followed.

### **5.0 RECOMMENDATIONS**

Based on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge the NDDC to forthwith reinstate Mr. Ballantyne I. Agiri back to work without further delay and pay all his salaries and entitlements, with effect from 3<sup>rd</sup> February, 2004 when he was suspended; and
- 5.2 That the Senate do commend the then Sole Administrator of the Niger Delta Development Commission for displaying maturity and integrity and for mutually accepting to reinstate the petitioner back to work.



## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report adopted as presented



## CASE 54:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM SOPANA S. OGIDI OF MENIGOI & COMPANY ON BEHALF OF MADAM ABINAMI SUNDAY AND MADAM SISTER FRIDAY OBI AND THE ENTIRE ODAU COMMUNITY AGAINST SHELL PETROLEUM DEVELOPMENT COMPANY LIMITED (SPDC); NIGERIAN AGIP OIL COMPANY (NAOC); AND NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (NOSDRA) FOR ALLEGED DESTRUCTION OF CASH CROPS, ECONOMIC TREES, DESECRATION OF SHRINES, ETC., DUE TO THE CONSTRUCTION OF GAS PIPELINE RIGHT OF WAY UNDERTAKEN BY DAEWOO DN47 AND NAOC AT MBIAMA BASE WITHOUT COMPENSATION

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 24th November, 2020, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 41**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Sopana S. Ogidi of Menigoi & Company on behalf of Madam Abinami Sunday and Madam Sister Friday Obi and the entire Odau Community against Shell Petroleum Development Company Limited (SPDC); Nigerian Agip Oil Company (NAOC); and National Oil Spill Detection and Response Agency (NOSDRA) for alleged destruction of cash crops, economic trees, desecration of shrines, etc., due to the construction of gas pipeline right of way undertaken by Daewoo DN47 and NAOC at Mbiama base without compensation, and urged the Senate to look into the matter.

In line with **Order 40 (3) of the 2022 Senate Standing Orders (as amended)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

B.M. Akoti, Esq. a representative of Sopana S. Ogidi, stated as follows:

2.1 That the petition was premised on the destruction of cash crops, economic trees, non-timber forest products, desecration of shrines and age-long cultural and traditional heritage of Madam Abinami Sunday and Madam Sister Friday Obi of Odau Community, Odau Clan in Bayelsa State by Daewoo DN47 while constructing gas pipeline across the community on behalf of Nigerian Agip Oil Company (NAOC);



- 2.2 That efforts so far made by the impacted community to press for payment of compensation from Daewoo DN 47 for damage done to their farm lands and environment were treated with disdain and levity till date;
- 2.3 That the Federal Ministry of Environment gave a directive to the National Oil Spill Detection and Response Agency (NOSDRA) to carry out the inspection of the area, and on 9<sup>th</sup> January, 2009, the inspection was jointly carried out by NOSDRA; NAOC; and Messrs Menigoi, but nothing came out of it and compensation was not paid till date;
- 2.4 That in one of the meetings held on 24<sup>th</sup> February, 2011, in Port Harcourt with NOSDRA; NAOC; and Messrs Menigoi & Co., it was resolved that the payment of compensation for the damage and destructions was the responsibility of Daewoo DN47, but since Daewoo DN47 had a deceitful office address, they are appealing to the Senate to kindly contact NAOC to produce Daewoo DN47 before the Senate Committee; and
- 2.5 That life had been very tough with them because of the damage and destructions done to their client's farmland which had also escalated to some extent threatening health challenges to the people.

He requested that the Senate should look into the matter and urge NAOC; SPDC and NOSDRA to pay compensation to Madam Abinami Sunday and Madam Sister Friday Obi of Odau Community, Odau Clan in Bayelsa State for the damage done to their farmland and their ancestral heritage.

### **3.0 THE RESPONDENTS:**

#### **3.1 SHELL PETROLEUM DEVELOPMENT COMPANY (SPDC) LIMITED**

In their submission, the representative of SPDC, Mr. Abubakar Ahmed, stated as follows:

- 3.1.1 That in a meeting with the petitioner, they were not able to provide any document substantiating their claim for payment of compensation; and
- 3.1.2 That SPDC was trying to find out what they wanted since it was not able to understand their claim.

#### **3.2 NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (NOSDRA)**

A representative of National Oil Spill Detection and Response Agency (NOSDRA), Mr. Idris Musa, stated as follows:





- 3.2.1 That in 2008, the Honourable Minister of Environment directed the Agency to mediate between some complaining communities in Ogbia Local Government Area of Bayelsa State and the operators, Nigerian Agip Oil Company (NAOC) and Shell Petroleum Development Company of Nigeria (SPDC) with a view to resolving issues between the parties accordingly;
- 3.2.2 That accordingly, NOSDRA convened series of meetings between itself and the concerned parties in Abuja, and sometimes in Port Harcourt to arrive at an amicable solution for all;
- 3.2.2 That besides the meeting, the Agency undertook inspection visits to Madam Sunday Abinami's allegedly impacted farmlands and compensation was paid to her for the destruction of her farmland
- 3.2.4 That NOSDRA also visited Ayakoro Community's alleged flood prone site; but the issue of flooding was not within the purview of NOSDRA and would not delve into it; and
- 3.2.5 That NOSDRA would make further investigation on the current situation of the issues since there had been quietness among the concerned parties in the matter for over 10 years.

### **3.3 NIGERIAN AGIP OIL COMPANY LIMITED (NAOC)**

The Committee invited Nigerian Agip Oil Company Limited (NAOC) to respond to the petition against it but NAOC failed to appear.

### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by Sopana S. Ogidi; Shell Petroleum Development Company (SPDC); and National Oil Spill Detection and Regulatory Agency (NOSDRA), the Committee observed as follows:

- 4.1 That the petitioner, Sopana S. Ogidi of Menigoi & Company could not substantiate his claims with documents for damage of farmland and other ancestral heritages against Shell Petroleum Development Company Limited (SPDC); Nigerian Agip Oil Company (NAOC); and National Oil Spill Detection and Response Agency (NOSDRA) to warrant payment of compensation he was claiming before the Committee;
- 4.2 That the inability of the petitioner to situate his claims against SPDC; NAOC; Daewoo DN47 and NOSDRA coupled with lack of evidence of damage done to



their environment compounded the matter, and that was the reason the SPDC, NAOC and others had not paid any compensation to the Community; and

- 4.3 That the issue of flooding complained about by the petitioner was not within the purview of Oil Companies but that of a Department in the Federal Ministry of Environment.

## **5.0 RECOMMENDATIONS**

Bases on the findings above, the Committee hereby recommends as follows:

- 5.1 That the Senate do urge Sopana S. Ogidi to gather all his documents of claims with evidence of destructions done to his client's cash crops, economic trees, non-timber forest products, desecration of shrines and age-long cultural and traditional heritage and submit them to Shell Petroleum Development Company (SPDC); Nigerian Agip Oil Company (NAOC); and National Oil Spill Detection and Response Agency (NOSDRA) for payment of compensation; and
- 5.2 That the Senate do also urge SPDC, NAOC and NOSDRA to pay reasonable compensation for all proven cases of damage done to their environment and crops.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Report and recommendations adopted as resolution of the Senate



## CASE 55:

### REPORT OF THE SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM CHIEF ORODO DANIELSON, ON BEHALF OF MAKARABA COMMUNITY AGAINST CHEVRON LIMITED (CNL) FOR ALLEGEDLY RENEGING ON PAYMENT OF ARREARS OF LAND (MAKARABA OIL FIELD, OML 49) LEASED BY CHEVRON NIGERIA LIMITED IN 1978 FROM THE COMMUNITY AND NON PROVISION OF CORPORATE SOCIAL RESPONSIBILITY BY THE COMPANY

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 15th March, 2022, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 40**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Chief Orodo Danielson, on behalf of Makaraba Community against Chevron Limited (CNL) for renegeing in payment of Arrears of land (Makaraba Oil Field, OML 49) leased by Chevron Nigeria Limited in 1978 from the Community and non-provision of Corporate Social Responsibility by the Company to the Community, and urged the Senate to look into the matter.

In line with Order 40(3), the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Chief Orodo Danielson; Chiefs and Elders of Makaraba Community, and Chief of Omadina and Okoitoro Communities, stated as follows:

- 2.1 That Chevron Nigeria Limited (formerly, Gulf Oil Company Limited) leased the expanse areas of land, (Makaraba Oil Field, OML 49) measuring approximately, 8 (eight) hectares of land from Makaraba Community in 1978 for its oil production activities;
- 2.2 That upon the said acquisition, a formal Lease Agreement was consummated between Late Pa Makarabe Buba on behalf of Makaraba Community and Chevron Nigeria Limited in 1978, whereas 10 (ten) Pounds being land fees with the covenant to pay annual rents amongst other things;
- 2.3 That upon the death of his father, the said Leasehold Agreement between Makaraba



Community and Chevron Nigeria Limited was handed over to the deceased sister, but it got burnt in a fire incident that razed the whole building down, when she was smoking fish in the house;

- 2.4 That available records revealed that Chevron Nigeria Limited for the past 43 (Forty-Three) years of its operation in the Community has maliciously and persistently reneged/refused payment of the mandatory land annual rent of 10 (ten) Pounds on the Makaraba land it acquired from 1978 till date;
- 2.5 That Chevron Nigeria Limited also neglected carrying out its Corporate Social Responsibility (CSR) in the Community since then, as there is no project (social amenities) that is beneficial to the Community undertaken by the Company, an act by Chevron Nigeria Limited against the covenants contained in the Lease Agreement of 1979;
- 2.6 That the total area of land covered by the Lease Agreement is 1,000 hectares and value rent payable for 43 (forty-Three) years for 1,000 hectares is N900,000,000,000 (Nine Hundred Billion Naira) only;
- 2.7 That the Community has made efforts for Chevron Nigeria Limited to pay its debt (Land Rent) to her but the Company refused to do so; and
- 2.8 That several efforts of the Makaraba people to sit and discuss with Chevron Nigeria Limited for amicable settlement of this matter in order to ensure peaceful co-existence with the Community were roundly rebuffed by the company;

They requested that the Senate should look into the matter and direct Chevron Nigeria Limited to pay the sum of N900,000,000,000 (Nine Hundred Billion Naira) only to Makaraba Community being 43 years arrears of Land Rent it leased from the Community since 1978 for its oil production (Makaraba Oil Field OML 49) and also to provide Corporate Social Responsibility to the Community.

### **3.0 BRIEF OF THE RESPONDENT**

In its presentation before the Committee, the representative of Chevron Nigeria Limited, Mr. Sam Daibo, stated as follows:

- 3.1 That Chevron Nigeria Limited (CNL) acquired the Community land (Makaraba Oil Field, OML 49), for its oil operations but not by lease as claimed by the Makaraba Community but by outright acquisition in 1978;
- 3.2 That if the Community has any evidence of the Lease it is claiming, she should make it available to CNL as it will go a long way in resolving this matter;



- 3.3 That CNL do not have the history of leasing for its operations anywhere in Nigeria but follows due process in acquiring its land for its oil production activities in Nigeria, and will not enter into any discussion with the Community for its leasing claim;
- 3.4 That what Makaraba Community is canvassing for towards the resolution of the matter is not acceptable to CNL, and that the company is still interfacing with the Community leaders for possible resolution of the matter;
- 3.5 That should CNL succumb to the unfounded claim of Makaraba Community by paying to her the sum of N900,000,000,000 (Nine Hundred Billion Naira) only, being payment for the purported 43 years arrears of Land Rents she is claiming, it will open a floodgate of petitions against CNL from various communities with frivolous claims, and thereby will make CNL to lose focus; and
- 3.7 That the Community should continue to maintain peaceful co-existence with the CNL.

#### **4.0 OBSERVATIONS/FINDINGS**

After carefully studying the presentations made by Chief Orodo Danielson; the Chiefs of Makaraba, Omadina and Okoitoro Communities; and the representative of Chevron Nigeria Limited, Mr. Sam Daibo, the Committee observed as follows:

- 4.1 That Chevron Nigeria Limited (CNL) started its oil operations in Makaraba Community (Makaraba Oil Field, OML 49) in 1978;
- 4.2 That since CNL started its operations in the Community, there was no known payment made by the company to the Community for over 43 (Forty Three) years for the land of the Community it occupied for its oil production activities;
- 4.3 That Makaraba Community position is that Makaraba Oil Field, OML 49 was on lease to CNL since 1978 while CNL insist that it made out right acquisition of the Oil Field from the Community;
- 4.4 That CNL as a corporate entity, cannot provide any documented evidence showing that the Oil Field was acquired by them out rightly, but insist that it has no history of leasing anywhere it operates;
- 4.5 That the Makaraba Community provided to the Committee an affidavit sworn to at the High Court in Warri, Delta State in 2020, stating that the Lease Agreement between the Makaraba Community and CNL in 1978 was lost through fire incident;



- 4.6 That the continued refusal of CNL to engage its host (Makaraba Community) in a meaningful and rewarding settlement of the claim of the Community where it has been doing business for over 43 years without making efforts towards ameliorating their sufferings, may threaten the peaceful co-existence of both parties, which may result to a huge revenue deficit of Nigeria from the oil industry;
- 4.7 That despite the demand made by the Committee for Chevron Nigeria Limited to provide evidence of acquisition of the said land, CNL refused to provide evidence but insisted that the land was acquired from Makaraba Community many years ago. The Committee therefore, found no truth in the claim of CNL. Since, CNL as a Corporate Legal entity cannot provide evidence of payment as low as one pound or one Naira as evidence of acquisition of land where they have operated for over 43 years to date. The Committee therefore ruled that in the interest of justice and fair play, Chevron Nigeria Limited should sit with the Makaraba Community to agree on modalities of working together and forward the basis of settlement amicably with the Host Community. The Committee adjourned more than four (4) times for this issue to be resolved, but CNL refused bluntly to agree to any settlement proposal with the Makaraba Community;
- 4.8 That several directives of the Committee of the Senate to both CNL representatives to seat with Makaraba Community representatives for amicable settlement of the issues and claims raised in the petition in order to ensure peaceful co-existence with the Community were neglected by CNL more than four times without meaningful settlement proposal from CNL to Makaraba Community;
- 4.9 That CNL has adopted delay tactics for the expiration of the 9<sup>th</sup> Senate to come without making any meaningful proposal to the Makaraba Community for onward transmission to the Committee to resolve the issues before the Senate amicably, hence, the Committee based its recommendation of the fact before it; and
- 4.10 That should CNL make a reasonable financial settlement and provide some social amenities (Corporate Social Responsibility) in the area for the past 43 years of its operations in the environment, subsequent years of its activities in the area will now be taken care of by the Petroleum Industry Act, 2020.

## 5.0 RECOMMENDATIONS

In view of the findings above, the Committee hereby recommends as follows:

1. That the Senate do direct Chevron Nigeria Limited (CNL) to pay land rent as computed and demanded on OML 49 for the past 43 years of its operation



in the Makaraba Community for 1000 hectares of land occupied by Chevron Nigeria Limited since the CNL could not provide any evidence of acquisition of the said land as claimed before the Committee of the Senate, in the interest of justice, fair play and peaceful co-existence between CNL and Makaraba Community in Delta State of Nigeria; and

2. That the Senate do urge the Makaraba Community and Chevron Nigeria Limited (CNL) to maintain peaceful co-existence henceforth now that the provisions of Petroleum Industrial Act (PIA) will now guide their operations with the Host Community.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Recommendation adopted as presented.



## CASE 56:

### REPORT OF THE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS IN RESPECT OF A PETITION FROM BARRISTER K. K. PETERS ON BEHALF OF OMIRE AND ASSOCIATES AGAINST SHELL PETROLEUM DEVELOPMENT COMPANY (SPDC) FOR ALLEGED INJUSTICE METED OUT ON THEIR CLIENT AND REFUSAL TO PAY TO OMIRE AND ASSOCIATES ITS CONTRACTUAL DUES REGARDING THE CONTRACTS REFERENCED NGO1001316 AND NGO1003128 WITH SPDC

#### 1.0 INTRODUCTION

The Senate would recall that on Tuesday, 20th September, 2022, Senator Ayo P. Akinyelure (Ondo Central) rose on **Order 40**, to lay petitions referred to his Committee from the Office of the President of the Senate, and drew the attention of the Senate to a petition from Barrister K. K. Peters on behalf of Omire and Associates against Shell Petroleum Development Company (SPDC) for alleged injustice meted out on their client and refusal to pay to Omire and Associates its contractual dues regarding the contracts referenced NGO1001316 and NGO1003128 with SPDC, and urged the Senate to look into the matter.

In line with **Order 40(3)**, the Senate referred the matter to the Committee on Ethics, Privileges and Public Petitions for detailed investigation and further legislative action.

#### 2.0 BRIEF OF THE PETITIONER

Testifying before the Committee, Barrister K.K. Peter stated as follows:

- 2.1 That he was a solicitor to Mr. Finidi K. Jahbless, the business owner of Omire and Associates;
- 2.2 That he was briefed that the above subject matter was not a new case but one that had suffered setbacks long ago from the previous National Assembly legislative sessions in both chambers;
- 2.3 That Mr. Finidi K. Jahbless informed him that his firm, Omire and Associates, a registered Contractor with Shell Petroleum Development Company (SPDC), was sometime in the month of June, 2008, awarded a contract with tender Ref. No. NGO1001316 (A28) to supply Tugboat to repair their damaged facilities with purchase order (PO) No. 4510134527;





- 2.4 That for the purpose and process of executing the contract, he secured the sum of N5.5million to pay for a Tugboat to execute the project in June, 2008, for two months upfront interest;
- 2.5 That in the process of mobilizing the Tugboat for the services required, he was requested to stop further execution by the contract holder, SPDC and thus his team was put on hold and told to wait until they would be called upon;
- 2.6 That till date, there had been no such call, only to discover later that he was trickily displaced of the said contract;
- 2.7 That his client further informed him that about the same time he was awarded another contract with tender Ref: No. NGO1003128 (A28) which was to supply a water-barge to repair SPDC damaged facilities with P.O No. 4510149777. The water-barge was contracted to SPDC on 5<sup>th</sup> February, 2009;
- 2.8 That his client was short-paid with the conversion of N33,507,000.00 and \$394,000 as service entries payment by the management of SPDC from 2009-2011 for three years operations;
- 2.9 That all entreaties to be paid fully fell on deaf ears. That this was a contract that his client had taken a loan from First Bank to facilitate its execution;
- 2.10 That his client informed him that in his bid to redress this injustice meted out on him, he had engaged the services of several law firms and had also written to different Ministers of relevant Ministries, soliciting their assistance. These include Minister of Petroleum Resources, Minister of Niger-Delta, Minister of Justice and Attorney-General of the Federation, Public Complaints Commission among others, to prevail on SPDC to pay him his contractual dues;
- 2.11 That all these attempts at ensuring payment of the amount expended in the contract awarded to him by SPDC were all frustrated;
- 2.12 That pursuant to the resolution of the House, the Committee on Legislative Compliance invited SPDC and his client for a meeting. And none of the SPDC management staff was present at the meeting but only a solicitor that represented SPDC;
- 2.13 That the Committee Chairman requested the solicitor to make SPDC management staff available at the next meeting so that the Committee could hear from them. Surprisingly, at the adjourned date of the proceedings of the Committee meeting, neither the solicitor who had appeared for SPDC nor any management staff of SPDC were present; and



2.14 That furthermore, SPDC came up with a falsified document with his client's signature being presented by the SPDC lawyer, Barrister Ama Etuwewe, SAN, at the next investigative hearing on 4<sup>th</sup> March, 2021, which a member of the Committee verified as a forged document.

They requested that the Senate should look into the matter and compel SPDC to pay the sums of N355,070,000 and \$5,942,000 which were the direct and indirect costs since 2019.

### **3.0 BRIEF OF THE RESPONDENT**

Responding, the Zonal Manager of SPDC, Abubakar Ahmed stated as follows:

- 3.1 That the matter was tabled before the House Committee on Public Petitions in 2020;
- 3.2 That the Committee decided to discontinue the matter pending the determination of a suit before the Court of Appeal;
- 3.3 That they had attached the House Order Paper, No. 32 of 30<sup>th</sup> July, 2021 and the Suit No. Ca/A//711/2017, which was scheduled to come up on the 3<sup>rd</sup> November, 2022;
- 3.4 That SPDC submitted the judgment report of the Court of Appeal, that was delivered on 5<sup>th</sup> January, 2023 in favour of SPDC; and
- 3.5 That the Court of Appeal held that National Assembly lacked Constitutional Powers to investigate a private contract.

### **4.0 OBSERVATIONS AND FINDINGS**

After carefully studying the oral and written submissions of the petitioner, Barrister K.K. Peter and the respondent, Shell Petroleum Development Company (SPDC), the Committee observed as follows:

- 4.1 That the petitioner, in his bid to redress this gross impropriety and injustice done to him by the Management of SPDC, had engaged the services of his Law Firm and relevant other stakeholders/agencies;
- 4.2 That when SPDC saw that the resolution of the House Committee on Public Petition would not favour them, they quickly ran to a Federal High Court in an attempt to stop the Committee from going ahead with the case, claiming that the House Committee had no powers to look into a contract case between two private individuals;



- 4.3 That unfortunately, the High Court's final verdict was against SPDC, the appellant;
- 4.4 That the Committee is of the opinion that it was totally out of place for a respondent to run to a law court to attempt to stop the National Assembly from doing its work, knowing that on the other hand, the National Assembly would naturally not accept any petition on a subject matter pending before a law court;
- 4.5 That the Committee is of the opinion that since the matter before it was not a subject of disputation before a law court, no law court could stop her from investigating a matter before it; and
- 4.6 That, moreover, SPDC lied that it had paid the petitioner by forging his signature to indicate that it had received a fictitious payment from SPDC.

## **5.0 RECOMMENDATION**

Based on the findings above, the Committee hereby recommends as follows: That the Senate do urge the SPDC to pay the sum of N335,070,000 and \$5,942,000 for work done to Omire and Associate as there was no evidence of payment made in the name of Omire and Associate Company;

- 5.1 That the Senate further urges SPDC to release without further delay the water barge vessel leased to it since 2009 by Omire & Associate; and
- 5.2 That the Senate do urge SPDC to pay for the TUGBOAT contract in the Sum of N9,914,000 and \$116,640 as per the standard rate stipulated in the contract.

## **6.0 RESOLUTION ADOPTED BY THE SENATE**

Recommendations adopted as Resolution of the Senate.



## APPENDIX 1 MEMBERS OF THE COMMITTEE

S/N	NAME OF SENATOR	STATE	GEOPOLITICAL	DESIGNATION
1	Senator Ayo Akinyelure	Ondo	South West	Chairman
2	Senator Ahmad Babba Kaita	Katsina	North West	Vice Chairman
3	Senator Mathew Urhogide	Edo	South South	Member
4	Senator Samuel Egwu	Ebonyi	South East	Member
5	Senator Chukwuka Utazi	Enugu	South East	Member
6	Senator Opeyemi Bamidele	Ekiti	South West	Member
7	Senator James Manager	Delta	South South	Member
8	Senator Ibrahim Gobir	Sokoto	North West	Member
9	Senator Dimka Hezekiah	Plateau	North Central	Member
10	Senator Gabriel Suswam	Benue	North Central	Member
11	Senator Aishatu D. Ahmad	Adamawa	North East	Member
12	Senator Bassey Albert Akpan	Akwa Ibom	South South	Member
13	Senator Haliru D. Jika	Bauchi	North East	Member
14	Senator Obinna Ogba	Ebonyi	South East	Member
15	Senator Smart Adeyemi	Kogi	North Central	Member
16	Senator Degi Eremienyo Biobarakuma	Bayelsa	South South	Member
17	Senator Uche Ekwunife	Anambra	South East	Member
18	Senator Ifeanyi Ubah	Anambra	South East	Member









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Policy and Legal Advocacy Centre (PLAC) is a non-governmental organization committed to strengthening democratic governance and citizens' participation in Nigeria. PLAC works to enhance citizens' engagement with state institutions, and to promote transparency and accountability in policy and decision-making process.

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