



Federal Ministry of Justice

FG SACKED JUSTICE NGWUTA'S LEAD PROSECUTOR FOR UNPROFESSIONAL CONDUCT

...Of conflict of interest and sundry reasons

Contrary to impressions given by Charles Adeogun-Philips, the lead prosecutor in the suit against Supreme Court judge, Justice Sylvester Nwali Ngwuta in various reports suggesting that he withdrew from the case on his own volition, the National Prosecution Coordination Committee (NPCC) that engaged his services actually withdrew the *fiat* issued to him to prosecute the case over non-disclosure of conflict of interest and for other sundry reasons.

The reports in a section of the media last Friday that he left in protest due to last week Tuesday's dropping of charges earlier instituted against the Chief Registrar of the Supreme Court, Ahmed Gambo Saleh and two other officials of the apex court, Muhammad Abdulrahman Sharif and Rilwanu Lawal which he is also handling for the Federal Government and withdrawn against his consent; cannot be relied upon.

The insinuation that the HAGF withdrew the case against the three Supreme Court officials because they are Northerners is also unwarranted due to the fact that the dropping of the suit was done in good faith and in the context of plea bargaining to achieve greater goals in the prosecution of the other bigger cases that are ongoing against Justice Sylvester Ngwuta among others.

So, it is wicked and childish for anyone to allude undue colouration to an action taken in national interest and reduce it to a North/South thing with a view to confuse the discerning public. This is not the first time such process will be entered into in law, especially so as the Administration of Criminal Justice Act 2015 allows plea bargaining in line with national interest.

And as a way of precedence, there was a time in the history of this nation that the allegations against Sergeant Rogers who was accused of killing Kudirat Abiola were stepped down for him to be used to testify against Major Hamza Al-Mustapha in the case between him and the Lagos state government over the killing of the wife of the acclaimed winner of the 1992 presidential election, late Chief M.K.O Abiola.

It has now clearly shown now that, either corruption is fighting back or simply that some people want to be mischievous and to hoodwink and divert the estimation of Nigerians from the core issues at stake. None of them is talking of the unprofessional conduct of Charles Adeosun-Philips who is handling a brief in an ongoing suit at the Federal High Court in Lagos against the Economic and Financial Crimes Commission (EFCC) which amounts to conflict of interest which he failed to disclose when being engaged.

The suit in question involves First Bank Executive Director, Public Sector Accounts, Dauda Lawal who is alleged to have laundered the sum of \$40m into Sterling Bank on behalf of former Minister of Petroleum, Mrs. Diezani Allison-Madueke as part of the \$153, 310, 000.00 she is alleged to have siphoned from the Nigerian National Petroleum Corporation (NNPC). The EFCC is currently prosecuting the case before the Honourable Justice Muslim Hassan of the Federal High Court, Lagos pursuant to Section 17 of the Advanced Fees Fraud and Other Related Offences Act No. 14 of 2006 as well as Section 44(2) of the 1999 Constitution of the Federation of Nigeria.

It would be recalled that the National Prosecution Coordination Committee (NPCC) chaired by the Honourable Attorney General of the Federation and Minister of Justice, Abubakar Malami, SAN was inaugurated by Vice President, Prof. Yemi Osinbajo on May 27, 2016 at the Presidential Villa. It is charged with assisting the Attorney General of the Federation in the exercise of his prosecutorial powers under Section 150 and 174(1) of the 1999 Constitution of the Federal Republic of Nigeria; especially as it involves high profile criminal cases.

Putting the records straight through a press statement issued on Sunday in Abuja is Comrade Salihu Othman Isah, Special Adviser, Media and Publicity to the Honourable Attorney General of the Federation and Minister of Justice, Abubakar Malami, SAN. Isah, who is also Head of Communication and Public Affairs, National Prosecution Coordination Committee (NPCC) revealed in the statement that Adeogun-Philips' sack was conveyed to him vide a letter titled, 'Withdrawal of your name as a member of Team 16 of the National Prosecution Team handling charges No. FHC/ABJ/C/232/16-FRN vs Sylvester N. Ngwuta' dated 6th February, 2017 and signed by Sylvester O. Imhanobe, Esq, Special Assistant to the President on Research and Special Projects who also doubles as Secretary of the Committee.

Adeogun-Philips had acknowledged receipt of the letter through an email message dated 8th February 2017 he sent to the Committee secretary and copied to Mr. Muhammed Umar Etsu, the Director of Public Prosecution of the

Federation (DPPF). To quote his response in the email, he said: ‘Your letter of 6 February 2017, is received with great relief. I wish you and/or your colleagues at the NPCC, success in the continued prosecution of your “high profile” cases. With my very best wishes”

The full letter to him by the NPCC read, ‘I regret to inform you that Abubakar Malami, SAN, the Honourable Attorney General of the Federation and Minister of Justice (HAGF) has withdrawn your membership of the National Prosecution Team. “Consequently, you can no longer lead Team 16 engaged to prosecute the Charge No. FHC/ABJ/C/232/16-FRN vs S.N. Ngwuta. Furthermore, the *fiat* issued to you in respect of the case you presently handle is withdrawn. “The Chief Accountant confirmed to me that you have been paid first instalment fees which cover services till the close of the prosecution’s case. Please return to me all properties of the Ministry/NPCC in your possession, if any.

The HAGF also directed that I wish you well in all your future endeavour”, the Committee’s letter concluded. Isah, the spokesman of the HAGF and the NPCC therefore insisted that, “Adeogun-Philips was indeed fired because he wanted to be greedy by thinking that he could handle briefs from conflicting interests and when the NPCC uncovered this unprofessional conduct, he was asked to leave. That’s all. ”

According to Isah, quoting the words of the reporters in Sahara Reporters and other similar publications that attributed their story to a source close to the embattled Team 16 lead prosecutor that, “The Chief Registrar case is the biggest among these cases concerning judges but if you notice they were never arraigned. “The claim that they dropped the charges so that he could be used as a witness in Ngwuta’s trial is just a facade. “The truth is that his evidence is not going to do much in Ngwuta’s case. For the so-called source to say, “Adeogun-Phillips noticed that the government was not ready to prosecute the Chief Registrar and others because all the three are northerners” is not only balderdash and a figment of the imagination of some few corrupt elements, but pure mischief.

The AGF spokesman affirmed that, besides the issues of non-disclosure of conflict of interest, information at the disposal of the Committee indicated that Charles Adeogun-Philips has been exhibiting traits that are inimical and counter-productive to the interest of the National Prosecution Coordination Committee (NPCC) that engaged him. The report detailed how he visited a top security official at the Presidency to discuss his welfare issues using his engagement by the Committee as instrument.

As it presently stands, the Committee plan to carry out a critical surgery on the present composition of the entire prosecution team to weed out those with question marks around them, because they had been informed before hands that anyone found wanting would be eased out since it is a continuous process.

Meanwhile, the other members of Team 16 of the NPCC comprising Hajara Yusuf, Dr. M. Lawal Yusufari and Ibrahim Waru remains intact as only its leader is affected in the current debriefing. They will carry on with the case pending when a replacement is engaged to lead the team. In the meantime, Hajara Yusuf, a Principal State Counsel in the DPPF's office leads the team.