

10th June, 2019

**His Excellency, Muhammadu Buhari
The President, Federal Republic of Nigeria
Aso Villa
Federal Capital Territory
Abuja**

Dear Sir,

**DEMAND FOR THE INTERDICTION OF THE NATIONAL BROADCASTING COMMISSION, DIRECTOR
GENERAL, ISHAQ MODDIBBO KAWU**

We write in relation to the above subject matter.

Premium TimesNG¹ reported in November 15, 2018 that the Independent Corrupt Practices and Other Related Offences Commission (ICPC) investigated the Nigerian Broadcasting Corporation (NBC) over the misapplication of N2.5 billion seed grants released to the agency by the Federal Government for its digital switch-over programme.

It was reported that the presidency in 2016, released N10 billion to the Ministry of Information and Culture for the digital switch-over programme which entailed the migration of telephone lines from analogue to digital platforms and a White Paper was issued directing that the process be specifically handled by government-affiliated companies and based on the guidelines provided by the White Paper, two companies were nominated to handle the process, one of which was ITS, an affiliate of the Nigerian Television Authority (NTA) and N1.7 billion was released to it as seed grant for the commencement of the switch-over.

However, ICPC through an investigation discovered that the process was fraught with alleged corrupt practices. It was alleged that Mr. Kawu fraudulently recommended a private company called Pinnacle Communications Limited, to the Minister of Information and Culture, for the release of N2.5 billion against the guidelines contained in the White Paper. And it was reported that N2.5 billion was paid into the Zenith Bank account of Pinnacle Communications Limited in May/June, 2017 for the programme. It was equally relayed that the Director General of the National Broadcasting Commission (NBC) could not justify why the government White Paper was flouted leading to the release of money to an unqualified company.

The ICPC also discovered during investigation, several suspicious transfers of large sums of funds from the account of the company into the bank accounts of several organisations and individuals. It was also discovered that N100 million of the fund was paid into the personal bank account of Mr Onifade in Zenith Bank which he claimed was for legal services that he had rendered to the same Pinnacle Communications where he is employed as a staff. Also, the investigation revealed that another N450 million was

¹ <https://www.premiumtimesng.com/news/headlines/295910-n2-5bn-fraud-uncovered-in-nigerian-broadcasting-corporation.html>

transferred into the account of Sabdat Investment Limited, a Bureau de Change, which then converted the money into dollars and handed it over to the Chairman of Pinnacle Communications Limited, Lucky Omoluwa, in his Kaduna residence.

It was reported that Mr. Lucky Omoluwa had repeatedly ignored the invites of the Commission and also sought the leave of the Federal High Court, Abuja, to stop the investigation as well as unfreeze the Zenith Bank account of the company that was frozen by ICPC, but was however ordered by the same court to appear before ICPC for interrogation before the next adjourned date of 3rd December, 2018 before his case would be heard.

In addition to the above, it was reported by Punch News² on the 3rd May, 2019 that the trio, Director General of the National Broadcasting Commission (NBC), Ishaq Moddibbo Kawu, alongside the Chairman of Pinnacle Communications Limited, Mr. Lucky Omoluwa and the Chief Operating Officer of the same company, Mr. Dipo Onifade were finally arraigned on the May 2, 2019 before Justice Folashade Ogunbanjo-Giwa of the Federal High Court, Abuja in a 12-count charge bordering on the abuse of office, money laundering and misleading of a public officer with the intent to defraud the federal government, in contravention of Section 26 (1) (c) of the Corrupt Practices and Other Related Offences Act, 2000 and punishable under Section 19 of the same law. This was reported to be successful after several failed attempts as a result of reason ranging from the health of one of the defendants, lack of service of processes and so on.

According to Section 5 (2) of the National Broadcasting Commission Act, 1992, the Director General shall be appointed by the President, Commander in Chief of the Armed forces on the recommendation of the Minister. The position occupied by the Director being the Chief Executive of the commission and same is on appointment, it is usually common place that since it is a political appointment, he ought not be bound by the Civil Service Rules, we answer in the negative because the Federal Civil Service Rules invariably applies to the Director General of the NBC, regardless of being a political appointee, he or she becomes bound by the Federal Government Civil Service Rules for the duration of his or her appointment and we believe that since this position is one which the DG falls, same should apply to him as well in the case of interdiction.

The allegations to be tried by the court is such that carry some weight and, in the circumstance, to aid the speedy and smooth adjudication of the prosecution, we are of the strong believe that in the best interest of justice, the Director General be suspended. The allegations levelled against the Director General of NBC, is such within the definition of Serious Misconduct as defined in the Federal Government Civil Service Rules in Rule 030401 which defines *Serious misconduct as a specific act of very serious wrongdoing and improper behaviour which is inimical to the image of the service and which can be investigated and if proven, may lead to dismissal.* Also, Chapter 3, Section 4, 030402 (a-w) also enumerates acts that constitute serious misconduct and out of the lot, we consider the Director General in breach of the following, according to the allegations levelled in the charge against him by the ICPC; *as in Rule 030402 (j) Bribery; (k) Corruption; (1) Embezzlement; (m) Misappropriation.*

The fact that the ICPC has commenced prosecution does not affect the disciplinary action to be taken against the Director General as stated in Rule 030411 which states that *nothing shall prevent disciplinary action being taken or continued against an officer whether or not- (i) Criminal proceedings have been instituted with respect to such a person in any court of law in Nigeria or elsewhere or are about to be instituted or are contemplated.* Summarily, we write this letter to demand your office to take immediate

² <https://punchng.com/icpc-finally-arraigns-nbc-dg-on-n2-5bn-fraud/>

and urgent disciplinary action against the Director General, through his interdiction, despite the trial in court as the Civil Service rules is clear on this position.

We hereby demand that Rule 030406 which states that *suspension shall apply where a prima facie case, the nature of which is serious, has been established against an officer and it is considered necessary in the public interest that he/she should forthwith be prohibited from carrying out his/her duties and pending investigation into the misconduct, the Federal Civil Service Commission or the Permanent Secretary/Head of Extra-Ministerial Office (if within his/her delegated powers) shall forthwith suspend him/her from the exercise of the powers and functions of his/her office and from the enjoyment of his/her emolument.* We demand that this rule be visited on the Director-General of the National Broadcasting Commission.

We write this petition to your Excellency because the Director-General of the National Broadcasting Commission is a political appointee of the President. In essence, the interdiction of the Director-General, Dr. Mobibbo Kawu, is well within your power to implement. We make bold to reiterate that the investigation carried out by the Independent Corrupt Practices and other Related Offences Commission which led to the eventual prosecution of the Director-General was properly investigated and established a prima facie case before prosecuting same. It is important to note that our organisation believes in presumption of innocence and basis for our request is premised on the allegations and the investigation of the ICPC as ground for the serious misconduct to warrant immediate suspension.

In this circumstance, we hereby request that the Director-General of the National Broadcasting Commission be suspended **within 14 days** from the receipt of this letter and that his reinstatement be predicated on the determination of the case before Justice Folashade Ogunbanjo-Giwa of the Federal High Court, Abuja.

In line with the above relayed, our request is found on our mandate to promote transparency, accountability and good governance to keep the nation sanity and to foster the course of ridding the nation of every form of corruption across all levels of government.

We thank you for your prompt response.

Yours faithfully,


Olanrewaju Suraju
Chairman



Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

A block of faint, illegible text in the middle section of the page.

Another block of faint, illegible text, appearing as a separate paragraph.

A final block of faint, illegible text near the bottom of the main content area.

A large, very faint area of text occupying the bottom half of the page, which is mostly illegible due to fading.