



global witness



THE
CORNER
HOUSE



Please respond to:
15A, Yinusa Adeniji Street,
Off Toyin Street,
Ikeja
Lagos

24th November, 2020

Distinguished Senator Bulkachuwa,
Chairman, Senate Committee on Foreign Affairs
Senate Wing
National Assembly Complex
Three Arms Zone,
Abuja

Distinguished Senator;

**URGENT ACTION REQUEST: SUPPORT FOR NIGERIAN WHISTLEBLOWER WHO EXPOSED
LEAK OF CONFIDENTIAL INFORMATION BY FORMER DUTCH AMBASSADOR ABOUT SHELL
CORRUPTION INVESTIGATION AND PROTEST TO DUTCH MINISTRY OF FOREIGN AFFAIRS**

We write as Nigerian and international non-governmental organisations to urge Nigeria's urgent intervention to protest the Dutch Ministry of Foreign Affairs' apparently vindictive and wholly unwarranted treatment of Fidelia Onoghaife, a Nigerian national who was employed by the Dutch Foreign Affairs to work at the Embassy of The Netherlands in Abuja, until she was dismissed following her blowing the whistle on Robert Petri, the then Dutch Ambassador to Nigeria, for allegedly leaking confidential information to Shell senior officials.

On 9 September, 2020, a Dutch judge in The Hague ruled in favour of Ms. Onoghaife, after raising concerns about the Dutch Ambassador and sanctioned compensation for the whistleblower.

- Who we are

We are anti-corruption organisations active in investigating corruption by Nigerian politicians and officials and the complicity of European and US banks, companies and others in facilitating such corruption. A particular focus of our work has been the corrupt acquisition by Shell and Eni of the OPL 245 oil field, which has also exposed alleged corruption by two former Attorney Generals of Nigeria together with former oil ministers. The companies and individuals that are being prosecuted have all denied wrongdoing

-Petri leaks to Shell

In 2017, Petri allegedly warned a local director of Shell about an impending visit by officers of the Dutch Fiscal Information and Investigation Service, a government agency that investigates financial crimes. The investigators were to meet with investigators at the Economic and Financial Crimes Commission as part of a criminal investigation into allegations of widespread bribery by Shell in Nigeria: the Ambassador's actions potentially put the integrity of that investigation at risk, not least because of the risk that Shell might destroy documents or influence the process of investigation not open to Shell at the time.

The Dutch Parliament is on record to have questioned the Dutch Ministry of Foreign Affairs on the roles of Ambassador Petri on this reflecting the concerns of MPs about the ramifications of his actions for the investigations into corruption by Shell and the potential international diplomatic repercussions of his breach of confidence.

To the best of our knowledge and findings, the Dutch Ministry of Foreign Affairs and its Ambassador in Abuja have so far failed to notify the Nigerian government of this breach or offer reassurances of The Netherlands' continued respect for diplomatic principles.

-Sacking of Ms Onoghaife and the need for redress

It takes courage to blow the whistle on wrongdoing by the powerful: but Ms Onoghaife did not flinch from her clear duty to do so. However, instead of being protected - as all whistleblowers should be - Ms Onoghaife was dismissed from her post, despite a previous assurance that her job would not be at risk from her whistleblower action. The Ambassador, by contrast, remains a Dutch government civil servant. Mr Petri has not publicly commented on the allegations.

At the time of her dismissal, Ms Onoghaife was allegedly not informed why she was fired. Subsequently, it was alleged that she was high-handed in her behaviour and unpopular with staff. However, if that was the case, according to Ms Onoghaife and evidence she has presented in Dutch court proceedings, she never received any warnings nor any opportunity to make representations of her own. Indeed, her record of employment was unblemished: her evaluations were always very good and, immediately before she was sacked, her contract had been extended for 7 years.

As a whistleblower, Ms Onoghaife should have been furnished with every protection. Instead she has been put through the mill by her former employer, the Dutch Ministry of Foreign Affairs, not only losing her livelihood but also undergoing the stress of court proceedings to obtain justice and redress.

Distinguished Senator, the rule of law and the fight against corruption depends critically on whistleblowers. Nigeria cannot and should not pass by on the other side of the street when one of its citizens is being so shamefully abused.

Nigeria has also been treated with disdain. A relationship between two governments is always based on element of trust and this element has been violated. Information sharing between Nigeria and The Netherlands is critical to fighting corruption and to promoting common interests. This is recognised by the Memorandum of Understanding on Bilateral Consultations between Nigeria and the Netherlands that you negotiated and signed in 2018 and by subsequent Agreements signed during the Dutch Prime Minister's visit to Nigeria in 2019. The actions of Ambassador Petri directly undermine trust that information passed

confidentially to The Netherlands by Nigeria will not be unlawfully shared with Dutch companies to the detriment of Nigeria's interests.

We as NGOs are concerned by the reported lack of action by the Dutch Government over Ambassador Petri's actions and have engaged the Dutch Parliament since its return from recess in September. We urge the National Assembly to stand by Ms Onoghaife and protest at the highest political and diplomatic levels against the unlawful actions of the ambassador and the sacking of Ms Onoghaife.

- Our demands

Specifically, we request that you:

- 1) Invite the Nigerian Minister of Foreign Affairs to explain what has been his ministry's response to Ms Onoghaife's sack despite having been promised that her job was safe after reporting Petri's breach of confidentiality the actions it will take to ensure that such a breach does not reoccur.
- 2) Invite the current Dutch ambassador to explain the actions and implications of the actions his predecessor Petri and the Dutch Government's silence on the matter.
- 3) Strongly recommend the suspension of the Memorandum of Understanding on Bilateral Consultations between Nigeria and the Netherlands signed in 2018 and the 2019 Agreements signed during the Dutch Prime Minister's visit to Abuja in 2019 pending the resolution of this case.
- 4) Mobilise Parliamentary Committees on Treaties and Foreign Affairs for official involvement on this development and ensure the debate and resolution on the international dimensions and implications of the issues raised for Nigeria.

Respectfully Yours;



Olanrewaju Suraju, HEDA

Mr. Luca Manes, Re:Common

Mr. Nicholas Hildyard, The Corner House

Dr. Godwin Uyi-Ojo, ERA

Mr. Simon Taylor, Global Witness