



Human & Environmental DEVELOPMENT AGENDA

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Thursday, July 25, 2013

The Chairman,
Code of Conduct Bureau,
Federal Secretariat Complex,
ShehuShagari Way,
Maitama District, Abuja.

Handwritten signature: EMMANUEL O-S for Chairman, dated 2-7-2-13, with a time stamp of 1:30pm.

PETITION PURSUANT TO ITEM 12, PART 1, FIFTH SCHEDULE OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, WHICH PRESCRIBED AS FOLLOWS:

"Any allegation that a public Officer has committed a breach of or has not complied with the provisions of this Code shall be made to the Code of Conduct Bureau"

IN THE MATTER OF PETITION

BETWEEN

HEDA RESOURCE CENTRE

PETITIONER

AND

CHIEF OLUSEGUN OBASANJO.....

RESPONDENT

PART A

INTRODUCTION OF THE PETITION AND PARTIES

- 1. The Petitioner is Human and Environmental Development Agenda (HEDA Resource Centre) is a non-governmental and non-partisan human rights and development league. It has mandate to defend, protect and promote universally recognized human rights and environmental justice in Nigeria and

Africa, in accordance with international standards. These objectives are pursued through research and publications, campaigns, human rights education and empowerment projects and programme.

2. This is a Petition against Chief OlusegunObasanjo for the violation of the Code of Conduct for Public Officers contained in the Constitution of the Federal Republic of Nigeria, 1999 as Amended.
3. The Respondent, Chief OlusegunObasanjo was the former president of Nigeria (from 1999-2007) who swore to uphold and observe the provisions of the 1999 Constitution of the Federal Republic of Nigeria as Amended including the code of conduct for public officers.

PART B

4. CONTRAVENTION COMPLAINED OF:

- (i) Chief OlusegunObasanjo used his position as a sitting President to curry and solicit for monetary gift, benefits and donations from government contractors, federal parastatals, oil companies, politicians, government functionaries that cut across all tiers of government, privates individuals/sectors etc.
- (ii) Chief OlusegunObasanjo did not publicly declare his assets till date.
- (iii) Abuse of power contrary to Items 6, 9 and 13 of the Code of Conduct for public officers contained in Part 1, Fifth Schedule of the Constitution of the Federal Republic of Nigeria, 1999 as Amended.

PART C

5. FACTS OF CONTRAVENTION OF THE CODE OF CONDUCT FOR PUBLIC OFFICERS BY CHIEF OLUSEGUN OBASANJO

The Petitioner states as follows:

- (i) Bells Educational Services is a multi-million dollar institution, wholly owned by Obasanjo Holdings Ltd, group of Companies owned by Chief OlusegunObasanjo.
- (ii) While as a sitting President of Federal Republic of Nigeria, he launched a library tagged Presidential Library for the above stated institution on May 14, 2005 at Abeokuta where the sum of N8.5 billion was garnered.
- (iii) Listed thereon are some of the donors: [Femi] Otedola gave N250 million; [Otunba Mike] Adenuga N350 million; [Aliko] Dangote, N220 million; consortium of banks N1.9 billion; consortium of oil companies N2.4 billion and so on.

- (iv) Chief Olusegun Obasanjo used his position as a sitting president to curry and solicit for monetary gift and donations from the above listed donors for his library project.
- (v) For the avoidance of doubt, he was for eight years the Minister of Petroleum Resources apart from being President of Federal Republic of Nigeria.
- (vi) Managing Directors of banks in Nigeria which had direct dealings with the Nigeria National Petroleum Corporation (NNPC) and those handling NNPC accounts were invited through a letter signed by the Finance Director of the corporation to *donate* to the Library project.
- (vii) It may also interest you to know that banks were not the only private sector institutions that were compelled (though) subtly to donate to the project. The NNPC had also written to oil companies to donate toward the project for which the seven major oil companies responded by donating \$20 million (about N2.7 billion), the highest from the business community.
- (viii) N10 million "donation" (read: levy) by each state governor said to have been pledged on their behalf by Chief Victor Attah, the then Executive Governor of Akwa Ibom State and also the then Chair of the Governors' Forum.
- (ix) There was also a vexatious donation of \$1 million from the Nigerian Ports Authority, a very sick and dying government parastatal indebted to hapless contractors to the tune of billions of naira.

PART D

6. HOW THE FACTS STATED ABOVE CONSTITUTE VIOLATIONS OF THE CODE OF CONDUCT FOR PUBLIC OFFICER.

The Petitioner further states as follows:

- (a) Chief Olusegun Obasanjo used his position as a sitting president to curry and solicit for monetary gift, benefits and donations to deceitfully build a library for his educational institution in the guise of building a Presidential library for research and use by public institutions.
- (b) Items 6 of the Code of Conduct for public officers Part 1, Fifth Schedule of the Constitution of the Federal Republic of Nigeria, 1999 as Amended which provides that:

"A public officer shall not ask for or accept property or benefits of any kind for himself or any other person on

account of anything done or omitted to be done by him in the discharge of his duties."

"for the purposes of sub-paragraph(1) of this paragraph, the receipt by a public officer of any gifts or benefits from commercial firms, business enterprises or persons who have contracts with the government shall be presumed to have been received in contravention of the said sub-paragraph unless the contrary is proved"

"A public shall only accept personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognized by custom:

Provided that any gift or donation to a public officer on any public or ceremonial occasion shall be treated as a gift to the appropriate institution represented by the public officer, and accordingly, the mere acceptance or receipt of any such gift shall not be treated as a contravention of this provision"

- (c) The said acts of Chief Olusegun Obasanjo and failure to publicly declare his assets as required by law is unlawful and unconstitutional as it violates Items 9 and 13 of the Code of Conduct which provide as follows:

ITEM 9

" A public officer shall not do or direct to be done, in abuse of his office, any arbitrary act prejudicial to the rights of any other person knowing that such act is unlawful or contrary to any government policy.

ITEM 13

A public officer who does any act prohibited by this Code through a nominee, trustee, or other agent shall be deemed ipso facto to have committed a breach of this Code."

PART E

RELIEFS

The Petitioner prays as follows:

1. That the complaint of the Petitioner should be investigated by the Code of Conduct Bureau.

2. That the Respondent be recommended for prosecution by the Code of Conduct Tribunal pursuant to Item 15(1) of the Fifth Schedule, Part 1 of the Constitution of the Federal Republic of Nigeria, 1999.

PART F

JURISDICTION OF THE BUREAU

1. Ensure compliance with and, where appropriate, enforce the provisions of the Code of Conduct or any law relating thereto.
2. Receive complaints about non-compliance with or breach of the Code of Conduct or any law in relation thereto, investigate the complaint and, where appropriate, refer such matters to the Code of Conduct Tribunal.

CONCLUSION

We shall be most grateful if our complaint can be investigated and referred to the Code of Conduct Tribunal without any delay.

Yours Sincerely,



OLANREWAJU SURAJU (CHAIRMAN)
HEDA RESOURCE CENTRE.

CC. **The Chairman,**
Economic and Financial Crimes Commission,
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