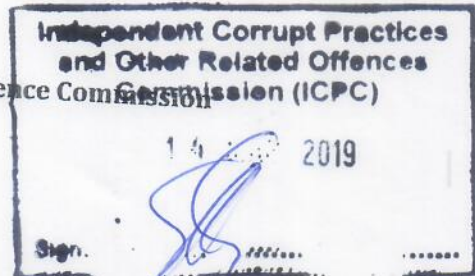


24<sup>th</sup> April, 2019

The Chairman  
Independent Corrupt Practices and Other Related Offences Commission  
ICPC Headquarters  
CBD  
Abuja



Dear Sir,

**URGENT AND IMMEDIATE INVESTIGATION OF THE ALLEGATIONS OF PERJURY  
RESULTING IN THE USE OF FALSE INFORMATION IN BECOMING GOVERNOR: MR. IBORI  
JAMES**

The above subject matter refers.

There was a press statement released by the London Metropolitan Police<sup>1</sup> on April 25, 2012 that sometime in 1990, before James Ibori became Governor in May 29, 1999, while the past Governor and his wife worked at Ruislip Hardware Store and that they were arrested and charged by the London Metropolitan Police and eventually convicted for theft and fined the sum of €300. And it is also alleged that sometime in 1991, he was equally convicted and fined €100 in relation to the offence of handling a stolen credit card.<sup>2</sup>

According to the 1999 Constitution of the Federal Republic of Nigeria (As Amended), it is imperative for some conditions to be met before the electorates can vote a candidate into power. According to Section 182 (1) particularly Section 182 (1)(e) it is stated expressly that "no person shall be qualified for election to the office of Governor of a State if "within a period of less than ten years before the date of election to the office of Governor of a State, he has been convicted and sentenced for an offence involving dishonesty or he has been found guilty of the Contravention of the Code of Conduct"

Based on the press release by the London Metropolitan Police, it can be seen that Mr. Ibori was actually convicted in 1990 and 1991 before he became Governor in 1999 and by not stating in the Governorship Nomination form that he had been convicted amounts to perjury which is an offence criminal in nature and punishable under the law. According to Section 117 and 118 of the Criminal Code, 1990, states that "Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding, or intended to be raised in that proceeding, is guilty of an offence, which is called perjury. It is immaterial whether the testimony is given on oath or under any other sanction authorised by law. The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony

<sup>1</sup> <https://web.archive.org/web/20120425022709/http://www.met.police.uk/pressbureau/Bur17/page01.htm>

<sup>2</sup> <https://www.bbc.com/news/uk-38395396>

*to speak the truth" are immaterial, if he assents to the forms and ceremonies actually used. It is immaterial whether the false testimony is given orally or in writing. It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given. It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not."*

And Section 118 prescribes the punishment for the offence described in Section 117 and states that *"Any person who commits perjury is liable to imprisonment for Punishment of fourteen years"*

Also, Section 25 of the Corrupt Practices and Other Related Offences Act, 2000 relates to the making of statement by a public officer which is false or intended to mislead and it states as follows:

*"(25 (1) Any person who makes or cause any other person to make to an officer of the commission or to any other public officer, in the course of the exercise by such Public officer of the duties of his office, any statement which to the knowledge of the person making the statement, or causing the statement to be made-*

*(a) is false, or intended to mislead or is in true in any material particular; or*

*(b) is not consistent with any other statement previously made by such person to any other person having authority or power under any law to receive, or require to be made such other statement notwithstanding that the person making the statement is not under any legal or other obligation to tell the truth, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one hundred thousand naira or to imprisonment for a term not exceeding two (2) years or to both such fine and imprisonment.*

*(2) Where any person who has made a statement to an officer of the commission or to the Attorney-general in the course of such officer or Attorney- General exercising any power conferred by this Act, subsequently thereto makes any other statement to any person having authority or power under any law to receive or require to be made such other statement, regardless of whether or not the person making the statement is under a legal or other obligations to tell the truth, he shall, if such other statement previously made to an officer of the Commission or such other Public Officer, be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand naira or to imprisonment for a term not exceeding two years or to both.*

As it can be deduced from the statement released by the London Metropolitan Police, we believe Mr. Ibori had been dishonest about his convict status, because had he stated his true conviction status he would not have been elected as the Governor in the 1999 General Elections which implies that he supplied false information on the Governorship Nomination Form CF002B which implies perjury. He supplied the Independent Electoral Commission with false and misleading information and this is in line with provisions of the law stated above, the law is clear and must be adhered to.

Based on the foregoing the information provided in the press release is one worthy of investigation as we believe he committed the act of perjury which amounts to lying on oath because the form is an affidavit and this information misguided the electorates to vote him into power which led to him occupying the position of Governor with false information.

In line with the above, Human and Environmental Development Agenda (HEDA Resource Centre) is a non-governmental organization and non-partisan human rights and development league. It has the mandate to protect and promote universally recognized human rights, accountability and environmental justice in Nigeria and Africa, in accordance with international standards.

Our organization believes in the presumption of innocence and the upholding of due process; hence the need for this petition in order to invoke the powers vested on the Commission. We strongly believe that these allegations against the past Governor is one which demands urgent scrutiny and investigation in order to serve as a deterrent to any upcoming gubernatorial election in future elections. Nigeria deserves to have honest and open-minded persons in places of authority as it concerns the nation.

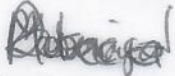
We as an organization relentless on seeing transparency and accountability actualized, owing to this backdrop, we hereby appeal that you use your good office to ensure that this matter is properly, effectively and painstakingly investigated with a view to ensuring that the past Governor pays for his sins of perjury in order to serve as a deterrent to stall similar acts in the future. The London Metropolitan Police is a public office that is easily assessable to support the assertions made in the press release and are capable of assisting your commission in the thorough investigation of the allegations.

Our demand is strongly anchored and founded on our patriotic mandate to promote and foster accountability while ensuring transparency and participatory governance in the country.

We look forward to your usual prompt response and action.

While thanking you, accept our best regards.

Yours faithfully,

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Olanrewaju Suraju  
Chairman