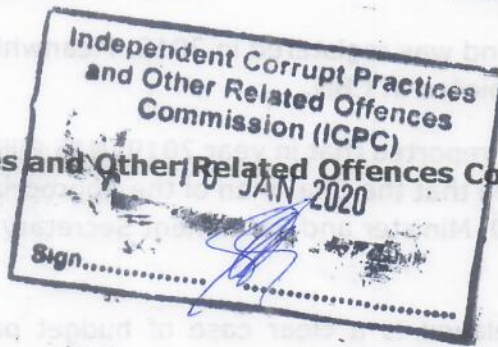


6<sup>th</sup> January, 2020

The Chairman

Independent Corrupt Practices and Other Related Offences Commission  
Plot 802 Constitution Avenue  
Central Business District  
Abuja



Dear Sir,

**URGENT AND IMMEDIATE INVESTIGATION OF THE MINISTER OF TRADE AND INVESTMENT, OTUNBA NIYI ADEBAYO AND THE ACTING, MANAGING DIRECTOR OF NIGERIA EXPORT PROCESSING ZONES AUTHORITY, TERHEMBE NONGO OVER ALLEGED ALLOCATION OF OVER N15 BILLION NAIRA TO A NON-EXISTENT PRIVATE COMPANY**

We write in relation to the above subject matter which was reported by Punch Newspaper on the 31<sup>st</sup> October 2019 in a report titled, "Senate summons Adebayo over N15bn in private firm accounts"<sup>1</sup>

It was reported that the Senate summoned the Minister of Trade and Investment, Otunba Niyi Adebayo and the Acting Managing Director of Nigeria Export Processing Zones Authority, Terhembe Nongo, over N15 billion allocated to a private company in the ministry's 2020 budget. It was reported that the senate summoned the duo following the presentation of the report of the Senate Committee on Trade and Investment by Senator Rose Oko. It was also reported that Senator Rose Oko informed the Committee that during the budget defence of the Ministry, the Minister and Permanent Secretary of the Ministry were unable to confidently and reasonably substantiate the purpose of the N15 Billion in the budget.

It was reported that the Minister and the Permanent Secretary denied involvement but stated that the nexus was between the Nigeria Export Processing Zones Authority and the company. Senator Rose Oko informed the Senate Committee on Appropriation that the shareholding of the structure was not identified but that her Committee had requested that the Nigeria Export Processing Zones Authority provide details of the allocated funds. According to the report, the Nigeria Export Processing Zones Authority when requested by Senator Rose Oko to give the details of the money stated that the money was allocated to the Nigeria Export Processing Zones Authority in 2017 and as of then the company was not in existence.

According to the Report, Senator Rose Oko discovered that the said money was released in 2017 to the company when it had not been registered at the Corporate Affairs

<sup>1</sup> <https://punchng.com/senate-summons-adebayo-over-n15bn-in-private-firm-accounts/>



Commission and was registered in 2018. Meanwhile, the money was already allocated in 2017 and domiciled in CBN.

It was equally reported that in year 2019, N15 Billion was released to the same company. It was reported that the Chairman of the Appropriation Committee, Jibrin Barau, directed the NEPZA MD, Minister and Permanent Secretary of the Ministry to appear to correct the anomaly.

The above relayed is a clear case of budget padding and goes to the root of fiscal responsibility, accountability and transparency in the public service. Monies painfully acquired by the Nigerians go into non-existent projects under the guise of its utilization for Nigerians. This leaves the masses clueless on the destination, utilization and confines of the alleged 15 billion Naira which will amount to 45 billion over the addition of the spread of three years, 2017, 2018 and 2019.

A sum of the above reports forms a gamut of allegations that need immediate and urgent attention by the Commission, hence, our petition is strongly founded on the provisions of the law and **Section 6(a) of the Corrupt Practices and Other Related Offences Act, 2000** states:

*"it shall be the duty of the Commission- (a) Where reasonable grounds exist for suspecting that any person has conspire to commit or has attempted to commit or has committed an offence under this Act or any other law prohibiting Corruption, to receive and investigate any report of the conspiracy to commit, attempt to commit or the Commission of such offence and, in appropriate cases, to prosecute the offenders..."*

And also in furtherance of the above, it is important to also note that this Act also spells out in **Sections 27(2) and (3)** that every report, whether in writing or reduced into writing, shall be entered in the book kept at the office of the commission and there shall be appended to such entry the date and hour at which such report was made and **Section 27(3)** states that where an officer of the commission has reasons to suspect the commission of an offence under this Act, following a report made under sub-section (1) or information otherwise received by him, he shall cause investigator to be made for such purpose may exercise all the powers of investigation provided for under this Act or any other law.

We strongly believe that the allegations are worthy of immediate and urgent scrutiny as **Section 19 of the Corrupt Practices and Other Related Offences Act, 2000** states that any public officer who uses his office or position to gratify or confer any corrupt or unfair advantage upon himself or any relation or associate of the public officer or any other public officer shall be guilty of an offence and shall on conviction be liable to imprisonment for five (5) years without option of fine.

Furthermore in the same Act, **Section (20)** provides for the punishment of the offence in **Section 19** and the section states that *without prejudice to any sentence of imprisonment imposed under this Act, a public officer or other person found guilty of soliciting, offering or receiving gratification shall forfeit the gratification and pay a fine of not less than five times the sum of the value of the gratification which is the subject-*



*matter of the offence where such gratification is capable of being valued or is of a pecuniary nature, or ten thousand naira, whichever is higher.*

The provisions of the law are absolutely clear on the powers conferred on the Independent Corrupt Practices and other Related Offences Commission to investigate and if found culpable, proceed to onward prosecution. 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.

HEDA Resource Centre is a non-governmental organization and non-partisan human rights and development league with the mandate to protect and promote universally recognized human rights, accountability and environmental justice in Nigeria and Africa, in accordance with international standards.


We as an organization is relentless on seeing transparency and accountability actualized in governance and management of resources. We hereby appeal that you use your good office. Names were mentioned and the National Assembly is public institution accessible and capable of assisting your Commission in the thorough investigation of the allegations.

We look forward to your usual prompt response and action.

While thanking you, accept our best regards.

Yours faithfully,

  
Olanrewaju Suraju  
**Chairman**

  
**CC: The President of the Federal Republic of Nigeria  
Muhammadu Buhari, GCFR  
Aso Villa  
Abuja**

11

matter of the extent to which such activities are carried out is of a  
technical nature, or the financial cost, whichever is higher.

The provisions of the law are absolutely clear on the points covered on the  
Independent Council Practice and other related Offices Commission to investigate and  
if found suitable proceed to award protection. Our organization believes as the  
protection of investors and the approval of the process, hence the need for this  
petition in order to invoke the powers vested on the Commission.

NECA Finance Centre is a non-government organization and non-partisan human  
rights and development league with the mandate to protect and promote universal  
recognized human rights, accountability and environmental factors in Nigeria and Africa  
in accordance with international standards.

We as an organization in addition to others are being harassed and financially abused  
in government and management of resources. We hereby appeal that you use your good  
office. Names were mentioned and the National Assembly is public institution accessible  
and capable of assisting your Commission in the through investigation of the allegations.

We look forward to your early prompt response and action.  
With kindest regards, we remain yours faithfully.

Yours faithfully,

Signature  
Name

CC: The President of the Federal Republic of Nigeria  
Abuja, FCT  
Abuja, FCT  
Abuja