



Human & Environmental DEVELOPMENT AGENDA

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26th July, 2013
THE CHAIRMAN
NATIONAL JUDICIAL COUNCIL,
THREE ARMS ZONE.
ABUJA.

Your Ladyship,

collected by
Comptroller John
5-8-2013

DEMAND FOR THE INVESTIGATION OF JUSTICE MARCEL AWOKULEHIN'S JUDICIAL ANTECEDENTS

HUMAN AND ENVIRONMENTAL DEVELOPMENT AGENDA (HEDA) is a registered non-governmental organization (NGO) set up for the purpose of educating the public on human rights, the rule of law, transparency, accountability and good governance amongst others. Under our recently launched Judicial Integrity and Access to Justice (JIJA) programme, we are undertaking review of judgments and judicial pronouncements of Judges across the country, with a view to assisting the new Chief Justice of Nigeria in her historical fight against corruption in the Judiciary.

On April 17, 2012, Ex- governor of Delta state James Ibori was sentenced to 13 years in prison for corruption and money laundering charges at the Southwark Crown Court in London. This conviction was consequent upon a guilty plea of Mr. Ibori to the offences of Corruption and Money Laundering. A 171 - count charge of corruption, fraud and money laundering filed against Mr. Ibori by the Economic and Financial Crimes Commission (EFCC) in Nigeria, preceding his arraignment and subsequent sentence in the United Kingdom, was dismissed by Justice Marcel Awokulehin of the Federal High Court. However, the British court convicted and sentenced him on the strength of the same evidence.

This judgment was compromised *ab initio*. With the ruling of a Court of Appeal in Kaduna, granting the prayers of Mr. Ibori to be tried within the jurisdiction under which his alleged crimes were committed, the Delta State Governor and Cousin to Mr. James Ibori procured and donated 2 properties to the Federal High Court for the purpose of housing the Court and accommodation of Justice Awokulehin. This offer and acceptance between the Delta State Government and Federal High Court contradicts the known tradition of procuring properties for Federal Judiciary. To a discerning mind, the impartiality of the trial was compromised *ab initio* with the Greek gift of Delta State Government to Justice Awokulehin and the Federal High Court.

The shoddy prosecution and administration of criminal cases in Nigerian courts has called to question the commitment of the National Judicial Council to ensure the fight against corruption in the Nation which undermines the rule of law, the independence of the judiciary and attacks the foundation of democratic institutions. In the words of Justice Kayode Eso JSC of blessed memory, "reputation for corruption is ordinarily enough to discredit a Judge". The same can be said of a Judiciary.

The dispensation of Justice Awokulehin of the Ibori case smacks of impropriety. As Your Lordship is undoubtedly aware, the appearance of impropriety is not allowed by virtue of Rule 1 of the Code of Conduct of Judicial officers which provides:

"A judicial officer should avoid impropriety and the appearance of impropriety in all his activities".

On a review of sentences pronounced in some drug related cases, in 2005, by Justice Awokulehin, we observed questionable sentences as follows:

No	Name of convict	Drug type	Sentence	Date of conviction
1	Giwa Abiodun Waliu	Cocaine	1 1/2 years	24/2/05
2	Ndukwe kalu Ijekpa	Heroin	1 1/2 years	25/2/05
3	Tawakalitu Agbaje Adebisi	Cocaine	12 months	6/6/05
4	Luta James Kalu	Cocaine	2 years	26/7/05
5	Adesoji Oke	Cannabis	18 months	27/7/05
6	Sule Lasisi	Cocaine	2 years	2/11/05
7	Collins Njoku	Cocaine	2 years	2/11/05
8	Oliver Adewale	Cannabis	9 months	11/2/05

Your Ladyship will observe the maximum sentence in the 8 sentences above is with a term of 2 years and minimum of 9 months. These imprisonment terms pronounced by Justice Awokulehin clearly violates the minimum of 15 years prescribed as

punishments for the offences in NDLEA Act 2007 section 20, subsection 2(b), under which the convicts were charged.

The second paragraph of the preamble of the code of conduct for Judicial officers states that:

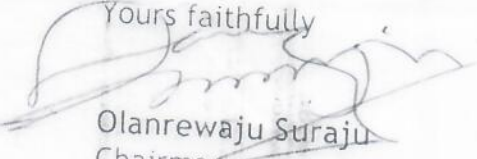
"a judicial officer should actively participate in establishing, maintaining, enforcing, and himself observing a high standard of conduct so that the integrity and respect of the judiciary may be preserved".

It is imperative public confidence in the integrity of judicial system and impartiality of the judiciary is upheld.

We therefore humbly request in the face of this overwhelming evidence, that Your Ladyship, as the exalted Chairperson of the Council, ensure that the Council discharges its constitutional duty, with a view to speedily investigate Justice Awokulehin; suspend him pending completion of investigation, to avoid further travesty of justice; and apply appropriate sanction on the conclusion of your independent investigation.

Your urgent and thorough action on this matter will go a long way in restoring the integrity and respect for the Nigerian Judiciary.

Yours faithfully


Olanrewaju Suraju
Chairman