

IN THE PANEL OF THE NATIONAL JUDICIAL COUNCIL
HOLDEN AT ABUJA

IN THE PETITIONS OF ALLEGED FINANCIAL IMPROPRIETY, INFIDELITY TO THE
CONSTITUTION AND OTHER ECONOMIC AND FINANCIAL CRIMES RELATED LAWS
BY THE ECONOMIC AND FINANCIAL CRIMES COMMISSION AGAINST HON.
JUSTICE WALTER SAMUEL NKANU ONNOGHEN, GCON

WRITTEN ADDRESS SUBMITTED BY THE COUNSEL TO THE RESPONDENT

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COMMISSION AGAINST HON. JUSTICE WALTER SAMUEL NKANU
ONNOGHEN, GCON

1.0 Introduction

- 1.1 The Economic and Financial Crimes Commission sent two (2) petitions to the Chairman, National Judicial Council through the office of the Chief Justice of Nigeria against The Hon. Justice Walter Samuel Nkanu Onnoghen, GCON, Chief Justice of Nigeria.
- 1.2 The first petition is dated 4th February, 2019 vide reference EFCC/EC/GC/31/2253 while the second petition is dated 5th March 2019 vide reference EFCC/EC/CJN/05/59.
- 1.3 The petition was forwarded to the Hon. Chief Justice of Nigeria by the National Judicial Council vide a memo dated 11th February 2019 reference NJC/F1/SC.3/1/570 following the 17th Emergency meeting of the Council held the same 11th February 2019.
- 1.4 By a response dated 19th February 2019, vide reference CJN/WSN0/28/Vol.1/54, the Hon. Justice Walter S.N. Onnoghen, GCON, the Chief Justice of Nigeria reacted to the first petition.
- 1.5 Similarly, by a response dated 11th March 2019 vide reference CJN/WSN0/28/Vol.1/83, His Lordship reacted to the further petition. This written address covers the petitions and is in support of the Respondent's position that the petitions dated 4th February 2019 and 5th March 2019 are without merit and ought to be dismissed.

2.0 Statement of Facts

- 2.1 Having commenced hearing on 14th March 2019, the prosecution called 7 (seven) prosecution witnesses while the defence called three (3) witnesses including His Lordship, the Honourable Chief Justice of Nigeria. Hearing ended on Tuesday 26th March 2019. The Honourable

Committee directed the learned Counsel for both the Prosecution and the Defence to file written addresses and serve each other as well as the Committee. This is the written address on behalf of the Respondent.

3.0 **THE SECOND PETITION DATED 5TH MARCH, 2019**

4.0 **ISSUES FOR DETERMINATION**

The defence submits, that the sole issue for determination is, **WHETHER BASED ON FACTS BEFORE THE COMMITTEE THE PETITIONER HAS ESTABLISHED ANY MISCONDUCT IN THE PERFORMANCE OF HIS JUDICIAL FUNCTION?**

5.0 **FRESH ALLEGATIONS CONTAINING VERY MALICIOUS AND SPECULATIVE SUBMISSIONS TO THE NATIONAL JUDICIAL COUNCIL BY THE PETITIONER**

5.1 This Honourable Committee will, very graciously observe that the second petition dated 5th March 2019, vide reference EFCC/EC/CJN/05/95 was submitted to the office of the Chief Justice of Nigeria on 5th March 2019 at 12.30 p.m during the hearing of the first petition by this Honourable Committee. The Honourable Committee is urged to confirm whether this petition went through preliminary assessments as provided by Rules 17 and 18 of the Judicial Discipline Regulations 2017. If it did not, then the petition is incompetent. Be that as it may, the Respondent effectively responded to all the issues raised by this second petition and cleared all the malicious and speculative issues raised by the prosecution as evident from the following:

5.2 **APPEARANCE OF JOE AGI IN SUIT NO. SC/3/2010 AND ALLEGED RECEIPT OF MERCEDES BENZ GL 450 VALUED N7,000,000.00 FROM JOE AGI, SAN**

5.2.1 As this Honourable Committee graciously observed during the hearing of the petition, the Suit No. SC/3/2010 is the consolidated suit Nos SC.3/2010, SC.51/2010 and SC.54/2010. It is reported in [2010] 19 NWLR (Part 1226) 172.

5.2.2 The law report contains the entire history of the case. As evident at pages 208 and 209 of the law report, Joe Agi, SAN was neither Counsel nor did he appear for any of the parties at the High Court

and Court of Appeal. In the Supreme Court, Joe Agi, SAN was one out of 12 Counsel who appeared for the Appellants in the Supreme Court (please see, p.207 and 208 of the law report) or the appearances page of the electronic law report submitted by the petitioner themselves. In order of seniority, Joe Agi SAN was the fifth (5th) Senior Advocate for the Appellants. In other words, he appeared as a junior to 4 other Senior Advocates in the matter.

5.2.3 Mahmud Mohammed, JSC (as he then was), later CJN presided over the Panel. Other members of the Panel were: Walter Samuel Nkanu Onnoghen, JSC (as he then was, now CJN), Francis Fedode Tabai, JSC, Ibrahim Tanko Muhammad, JSC and Christopher Michell Chukwumah-Eneh, JSC. Accordingly, the Hon. Justice W.S.N. Onnoghen was only one out of the 5 member Panel of the Supreme Court.

4.2.4 It is thus, malicious to link the appearance of Joe Agi, SAN before the Supreme Court in the above matter to any purported gift to one of the Justices who sat on the Panel.

4.2.5 In his evidence in Chief on 20th March 2019, Joe Agi, SAN informed this Honourable Committee that the car issue happened in 2008 and that His Lordship ordered for the car and paid for it by installments. The referenced case was in December 2010. Joe Agi, SAN also stated that the car was neither a bribe nor a gift but was purchased by His Lordship. He stated that he was the one that informed the EFCC voluntarily about the car His Lordship bought through his U.S Company which has a car dealership licence in the United States so to illustrate his long standing relationship with His Lordship. Surprisingly, the EFCC then turned around to label it as a bribe.

4.2.6 This Honourable Committee will observe that there is nothing before the Panel to show that the car was a bribe to His Lordship and was in any way connected to the case.

4.2.7 Under cross examination, Harry Erin, an operative of the EFCC who testified on behalf of the prosecution as PW7 admitted:

'I see Exhibit P10. There is nowhere in Exhibit 10 where it was stated the Respondent compromised himself with

any matter or case before him. There is no where it is stated in the petition that the Respondent received bribe. I never said any of the Senior Advocates of Nigeria offered the Respondent bribe.

4.2.8 Regarding the car, PW7 stated in his examination-In-Chief:

'According to the bank, N700,000 was paid by the Respondent to Joe Agi after 4 years. Joe Agi said some of the payments were made in cash.'

4.2.9 Thus, PW7 agreed he found some consideration from the Respondent to Joe Agi, SAN as part payment thereby confirming the position of both Joe Agi, SAN and the Respondent that the car was paid for instalmentally by the Respondent.

4.2.10 It is respectfully submitted, that the allegations in paragraphs 1 and 11 of the second petition dated 5th March 2019 by the petitioner be dismissed, having been fully heard and found baseless.

4.2.11 On a separate score, it should be noted that the complaint on the car is coming to the National judicial Council in 2019, after 10 (ten) years contrary to Rule 11(1) & (2) of the National Judicial Council's Judicial Discipline Regulations of 29th June 2017. It should also be dismissed on this separate score. However, as earlier stated, the Respondent proffered detailed explanations while the allegations from the evidence before the Panel, are baseless and malicious.

6.0 Alleged Receipt of Pecuniary Gifts

6.1 In paragraph (iii) at page 2 of its second petition dated 5th March 2019, the petitioner alleged that His Lordship received pecuniary gifts from the following and on the following dates.

S/N	NAME	AMOUNT	DATE
1	OGUNSANYA ADEWUNMI	N250,000	22/5/15
2	PAUL USORO (SAN)	N350,000	22/4/15
3	EMEKA ETIABA (SAN)	N250,000	19/5/15

4	ONYECHI IKPEAZU (SAN)	N300,00	19/5/15
5	EZE DURU IHEOMA SAN	N100,000	6/03/15

6.2 In his evidence-In-Chief, the Respondent explained that the gifts were made at a time of the marriage ceremony of his first daughter, Oremini Nkanu Onnoghen who got married sometime in 2015. It was not solicited and remains a part and parcel of the customs and traditions of the people. His Lordship tendered a copy of the wedding invitation which was admitted in evidence without objection by the petitioner as Exhibit R9.

6.3 The Panel will observe that all the gifts of N250,000, N350,000, N250,000, N300,000 and N100,000 respectively were made within the period of the wedding shown in exhibit R9. From the evidence of the petitioner/prosecution itself, there were no other payments made by those persons or by any other lawyer into the account of the Respondent prior to or after the said period of the wedding of the daughter.

6.4 Accordingly, no misconduct can be seen or inferred from the unsolicited customary gifts said to be given to His Lordship. It had nothing to do with the discharge of his duties as a judicial offer. **By Rule 13.5(2) of the Revised Code of Conduct For Judicial officers (Published February, 2016) a judicial office is permitted to accept -**

(i) Personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognized by custom

6.5 The statements of three of the persons alleged to have given the gifts which they made to the EFCC are before this Committee. Nothing in them show that the gifts were meant to bribe or induce His Lordship in the performance of his duties as a judicial officer. Nothing before this Committee contradicted the statements. It ought to be accepted as the true facts.

7.0 Alleged Linkage of the Gifts to Cases Before the Supreme Court

7.1 Research and common sense show that the allegations made by the petitioner linking the gifts to cases before the Supreme Court are baseless.

- 7.2 During his cross examination of His Lordship on 26th March 2019 at about 2.45 p.m, learned counsel for the petitioner claimed that in SC 457/2016, Dr. Onyechi Ikpeazu, SAN appeared before the Supreme Court in a Panel where the Hon. Justice W.S.N. Onnoghen was a member of the Panel and therefore the gift of N300,000 by Onyechi Ikpeazu, SAN must have been to influence His Lordship in that case.
- 7.3 SC/457/2016 is reported in [2017] 11 NWLR (part 1575) 157. This is the case of *Metuh V FGN & Anor*.
- 7.4 The list of Honourable Justices who sat on the Panel regarding SC.457/2016 is reproduced at p.157 of the law report. The Honourable Justices were: Musa Dattijo Muhammad, JSC (Presided), Clara Bata Ogunbiyi, JSC, Kudirat Motonmori O. Kekere-Ekun, JSC, Ejembi Eko, JSC and Sidi Dauda Bage, JSC.
- 7.5 Contrary to the allegation by the EFCC/petitioner, the Hon. Mr. Justice W.S.N. Onnoghen was not in the Panel. For this reason, the defence specifically submits that the linkage of the Hon. Justice W.S.N. Onnoghen to this manner is a desperate attempt by the petitioner to destroy His Lordship's hard earned years of selfless service to the nation and to mankind.
- 7.6 As evident from pages 168 and 179-186 of the law report, although Dr. Onyechi Ikpeazu, SAN and Emeka Etiaba, SAN appeared for the Appellant/Applicant in the case, they lost the appeal/application before the Supreme Court.
- 7.7 Could Dr. Onyechi Ikpeazu, SAN and Emeka Etiaba, SAN have given a gift of N300,000 and N250,000 respectively in 2015 to 5 (five) Supreme Court Justices though one of the Justices (Hon. Justice W.S.N. Onnoghen) who was not in the Panel to enable them loose a case before the Supreme Court in 2017 (two years thereafter)? The answer is an obvious No!
- 7.8 As evident from facts before the Committee, the Supreme Court delivered its ruling on 9th June 2017 while the customary wedding gifts arose in 2015. Clearly, there is no nexus between the two. For ease of reference, the defence has forwarded to the Committee a copy of the law report.

- 7.9 Another case which the learned counsel for the Petitioner linked to the gifts by Paul Usoro, SAN was SC.27/2010. Research shows that the case is reported as [2011] 8 N.W.L.R. (pt 1248) 321. It is the case of ***Attorney-General, Rivers State V AG, Akwa Ibom & Anor.***
- 7.10 The members of the Panel were: Aloysius I. Katsina- Alu, CJN who presided and read the leading Judgment, Walter Samuel Nkanu Onnoghen, JSC, Ibrahim Tanko Muhammad JSC, John Afolabi Fabiyi, JSC, Olufunlola O. Adekeye, JSC, Suleiman Galadima, JSC and Bode Rhodes Vivour, JSC.
- 7.11 The Supreme Court is not a one man court. In this case, a full Panel of 7 Honourable Justices sat on the matter. The plaintiff invoked the original jurisdiction of the Supreme Court.
- 7.12 The judgment of the Supreme Court was delivered on Friday 18th March 2011 while the issue of the customary gifts by Paul Usoro, SAN came up in 2015, 4 years thereafter.
- 7.13 As evident in pages 78, 114-218, Paul Usoro, SAN appeared along with 7 other counsel for the first Defendant. The first defendant who Paul Usoro, SAN appeared for lost the case. Judgment was given in favour of the plaintiff.
- 7.14 Thus, the claim of the petitioner linking the customary gift of Paul Usoro, SAN to a member of the Panel of 7 Justices is in conflict with common sense. Could Paul Usoro, SAN have given a gift of N300,000 to 7 Supreme Court Justices through one of the Justices in 2015 due to a case he lost before the Supreme Court 4 years earlier.
- 7.15 The answer is an obvious No!! Those allegations ought to be dismissed. For ease of reference, the defence has forwarded to the Panel a copy of the law report.

8.0 **ALLEGATION OF RECEIVING ESTACODES IN US DOLLARS –**

- 8.1 Paragraphs vi, vii and viii of the second petition dated 5th March 2019 alleged that His Lordship received the cash payments in U.S Dollars from the Supreme Court in excess of the threshold authorized by law. The figures were given at pages 4 and 5 of the petition to as follows:

S/N	DATE	AMOUNT \$
1	17/03/2017	27,000.00
2	30/03/2017	21,000.00
3	21/04/2017	24,000.00
4	9/06/2017	27,000.00
5	24/07/2017	36,000.00
6	29/09/2017	26,000.00
7	9/09/2017	30,000.00
8	31/10/2017	33,000.00

S/N	DATE	AMOUNT \$
1	26/03/2018	23,000.00
2	5/06/2018	20,000.00
3	4/07/2018	26,000.00
4	9/07/2018	36,000.00
5	4/08/2018	32,000.00
6	2/02/2018	35,000.00
7	18/09/2018	23,000.00
8	07/12/2018	26,000.00
9	07/12/2018	32,000.00

- 8.2 At the hearing of the petition R1, the Director of Finance of the Supreme Court in his examination-In-Chief gave the following evidence which was not neither contradicted nor controverted in any way by the petitioner:

'I am familiar with the practice of the CJN and Hon. Justices going on any official engagement outside the country or even a local travel. The CJN will give the nomination to the C.R. The C.R will be given the travel documents to process and the C.R will then approve the processing. The C.R. sends the approval to the Accounts to pay. Account will calculate the DTA. If it is outside the country, accounts will calculate the Estacodes. Vouchers will be prepared and sent to the cash office. Cash office will issue mandates. Then the forex will be sourced. When the process is completed, the Head of Estacodes together with the cashier will go to the Justice concerned and pay him the cash. The Justice will sign for the cash. We will take the cash in the currency to the Justice to sign. It is paid in foreign currency. It

includes the CJN. He signs also. There is a register kept in the Supreme Court for that purpose where all Justices, including the CJN sign. Account does not determine the amount of the estacode. There is a circular we follow. The CJN does not determine how much he takes. There is a circular stating the amount payable to Justices by the Supreme Court. It was signed by the Hon. Justice Lejbo Kutigi... that is the practice I met at the Supreme Court. The practice of signing to collect cash did not start with the Hon. Justice Onnoghen.

8.3 The above uncontradicted evidence of the Director of Finance of the Supreme Court answers the allegation in paragraph vi and viii (pages 4 and 5) of the petition dated 5th March 2018. Receiving estacodes by cash is a practice, a convention of the Supreme Court which did not start with the Hon. Justice W.S.N. Onnoghen, CJN and applies to all Honourable Justices and other staff of the Supreme Court. Accordingly, those allegations are devoid of any misconduct in the performance of His Lordship's judicial functions. The same applies to all Honourable Justices and all retired Justices and Chief Justices. Those allegations ought to be dismissed.

9.0 **ALLEGATION OF CONVERTING PUBLIC FUNDS UNDER GUISE OF ESTACODES FOR THE WIFE OF THE CJN - ABSENCE OF MERIT**

9.1 Again, in paragraph viii at page 5 of the petition dated 5th March 2019, the petitioner alleged,

'viii That his Lordship used his position as the Chief Justice of Nigeria to convert public funds under the guise of estacodes for his wife who was not in the employment of the Supreme Court of Nigeria. See Annexure j, Supreme Court letter dated 19th February, 2019 to the EFCC with attached receipt of payment.'

9.2 With respect to the authors of the petition, the above allegation is derived from the ignorance on the practice and convention at the Supreme Court which did not start with the Hon. Justice W.S.N. Onnoghen where a Justice of the Supreme Court is entitled to attend

events and seminars outside the country with his or her spouse. The practice and convention allows payment of half of the estacode received by the Justice to the spouse. This was an uncontradicted evidence before this Panel. Accordingly, the allegation at paragraph viii of page 5 of the petitioner dated 5th March 2019 to the effect that His Lordship converted public funds under the guise of paying estacodes to his wife ought to be dismissed.

9.3 In his reply dated 11th March 2019, the respondent sated clearly:

'With regard to the allowances payable for both domestic and international trips, please see annexure "E" dated 28th May 2007 referenced as CJN/NJC/55C/VOL111/731 covering all judicial officers of the Federal Republic of Nigeria and signed by the then CJN, now late Hon. Mr. Justice Idris Legbo Kutigi, the practice is to pay half the sum due to the judicial officer to the spouse and multiply it by the number of days/weeks required for the trip.

***(viii)** With regards to item **(viii)**, I had earlier stated that the practice in the Court as I met it in 2005 and which still continues to date is for every Justice and the Chief Justice of Nigeria to travel for international conferences with his/her spouse, both of whom are entitled to estacode irrespective of the place of employment of the spouse as the payment is not as a result of being employed in the Supreme Court of Nigeria but as a spouse of a Justice of the Supreme Court of Nigeria.*

I remember my first international conference when I joined the Supreme Court. It-was held in the Czech Republic and I attended it with the then Chief Justice of Nigeria, Hon. Mr. Justice Mohammed Uwais, one of his wives and my dear wife. We flew British Airways. At that time, the Chief Justice of Nigeria and all Justices of the Supreme Court, traveled first class together with their spouses:. At least, they' were paid the amount for first class tickets though some may decide to save money by traveling Business or even Economy Class. No

one ever questioned them nor required a refund of the difference. ,, ' . .

9.4 The above was never contradicted by the prosecution. In any event, it remains the practice and convention in the Supreme Court. This Honourable Committee is urged to hold that no misconduct whatsoever can be ascribed to the Honourable Chief Justice of Nigeria based on the convention which he did not start regarding spouses of all Justices and the CJN, attending conferences with the Justices and receiving half of the estacode approved by the management of the Supreme Court.

10.0 RECEIPT OF CERTAIN AMOUNT OF MONEY FROM THE CHIEF PROTOCOL OFFICER

10.1 Paragraphs vi and vii (p.3) of the petition dated 5th March 2019 alleged that His Lordship received the following from Ngozi Laura Nwankwo. It claimed that the payments are public funds that ought to have been returned to the treasury of the Federal Government. It alleged that His Lordship converted the funds to his personal use.

S/N	AMOUNT	DATE
1	N678,000.00	27/07/2017
2	N1,070,000.00	02/08/2017
3	N692,000.00	15/09/2017
4	N1,600,000.00	15/11/2018
5	N1,916,000.00	20/03/2018
6	N532,000.00	06/07/2018
7	N2,198,760.00	27/06/2018
8	N3,384,090.00	03/07/2018
9	N1,287,000.00	09/08/2018
10	N2,608,000.00	24/09/2018
11	N9,203,602.00	05/11/2018
TOTAL	N24,169,452.00	

10.2 On the face of the petition, the impression was given that Nogzi Laura Nwankwo was used as a tool for transferring funds from the Supreme Court to the Hon. CJN. This allegation is malicious. Evidence revealed that Ngozi Laura Nwankwo is the Head of the Protocol Unit at the Supreme Court. Funds for the tickets of the Hon. Justices are paid to the public officer who procures the tickets or pay the funds to the Justice.

Nothing shows that the Honourable justices return funds given to them for the tickets except in respect of trips they did not eventually undertake.

10.3 The Honourable Committee is urged to take cognizance of Pw 5 under cross examination, PW5 admitted,

'The fund to be involved in the trips are worked out by the Protocol unit, not by the CJN or individual Justices. All the money passed through my account to the CJN and other Justices were legitimate monies, approved for their travels'.

10.4 In his response dated 11th March 2019, His Lordship stated as follows;

'I have to state that Mrs Ngozi Laura Nwankwo is the present head of the Protocol Department of the Supreme Court of Nigeria and whatever payments she made into my account are done in that capacity as they relate to her duties and my entitlements.

The practice I met in the Supreme Court, which is still in vogue, is that money meant for our tickets, both domestic and international, are paid over to the Justices who sourced for their tickets. It is the duty of the Protocol Department to get the estimate of the tickets for the Accounts' Department.

When I became the Chief Justice of Nigeria, I was told that the Protocol Department is usually the one to shoulder the responsibility but usually monies meant for our tickets are not released on -time making it difficult for the department to purchase the tickets. In the circumstance, I have to make the fares available for the Protocol Officer to secure our tickets, myself and wife, pending when payment is made by the Accounts Department to her. By the above arrangement, we are able to buy at the current prices to avoid any last minute rush as the prices keep on fluctuating. The

payments listed under this head are therefore refunds to me except item 11 which was paid by the court direct into my account in anticipation of my trip to Egypt and Spain early this' year which was aborted due to the present contrived crisis. I have to point out that in some cases where the price of air tickets became higher than estimated, I had to make up the difference and that by the practices of the court, every Justice of the Supreme Court is entitled to attend international conferences with his / her spouse and while the Justice and his/her spouse is entitled to a Business Class ticket, the Chief Justice of Nigeria and his spouse are entitled to first class tickets.....

In respect of items (i) & (vii) I am accused of receiving If the petitioners are after the truth, they should ask for and make available to the panel, a comprehensive record of payments and for air tickets and estacodes to all Justices of the Supreme Court and Chief Justices of Nigeria for you to see whether I Have done anything outside the practice I cane to meet in the Court.

10.5 The above remain the truth and uncontradicted.

11.0 **Conclusion**

11.1 It is noteworthy that this petition is not based on any direct complaint from anybody against the Respondent in the discharge of His official functions as a judicial officer but rather intelligence reports gathered by the EFCC.

11.2 The Power of NJC is limited to the investigation of misconduct arising from or occurring in the discharge of judicial functions and not crime at large.

11.3 The question to be asked is, has any of the allegations in this petition raised any issue bothering on judicial misconduct?

- 11.4 The answer is obviously No.
- 11.5 All the bank accounts listed by the EFCC were legitimately opened and operated. It has not been shown that having bank accounts amount to a misconduct or a crime.
- 11.6 The Respondent has led credible evidence to show that all the lodgments into the accounts were legitimate earnings, allowances, estacodes and profits from His investment which the EFCC have not been able to disprove.
- 11.7 The various statements of account tendered showed no money lodgment came from any suspicious source.
- 11.8 The USD30, 000 lodgment by Mr. Joe Agi SAN was sufficiently explained by Joe Agi himself to be money given to him by the Respondent to deposit upon the opening of the Domiciliary Account which evidence was corroborated by the Respondent.
- 11.9 There is also no direct evidence beyond the mere suspicion that the sums were paid to influence decisions of the court. In ***Okereke v. The State (No. 1) (2016) 5 NWLR (Part 1504) 69 at Page 101 D***, the Supreme Court per Peter-Odili, JSC held as follows:
- “Again brought out is the fact that all that may have been available to the Court did not go beyond suspicion which no matter how high or grave cannot ground a conviction in a court of law.”*
- 11.10 It is submitted that the Respondent not being the CJN at the material time when the cash gifts were given was not in a position to constitute panel that will hear and determine appeal at the Supreme Court in cases involving the SAN’s.
- 11.11 There is also no evidence of any breach of the rules of Code of Conduct for judicial officers and or any member of the public alleging compromise or misconduct in the performance of his judicial function arising from the traditional cash gift. We refer this Honourable Committee to Rule 13.4(b), 13.5 (2)(i) and Rule 13.5 (2)(iii) of the Revised Code of Conduct for Judicial Officers of the Federal Republic of

Nigeria 7th February 2016. These above provisions allows a Judicial Officer to invest in business, take loans and to accept customary gifts.

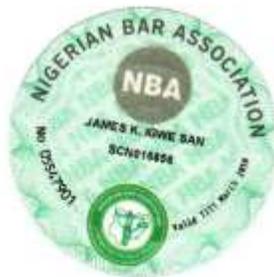
11.12 It has also not been shown that the cases in which the SAN's appeared were won by them in return for the cash gift. A close look at the cases will show some were consolidated, some won and lost before the panel in which the Respondent participated.

11.13 The allegation that the Respondent signed and collected in cash his estacodes has not been shown to amount to a misconduct for the following reasons:

- i. The estacodes were legitimate travel allowance approved and workout for payment based on existing practice at the Supreme Court before the Respondent became the CJN.
- ii. The Respondent and DW1 also explained the practice of how and why the CJN and Supreme Court Justice were paid estacode in cash, a practice which was in place before the Respondent became the CJN. This practice involving all the justices of the court have not been shown to amount to any judicial misconduct.

11.14 The Respondent also led credible evidence on the allegation on excess money which should not be refunded to the treasury on tickets.

12.0 Respectfully submitted.



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