

November 23, 2009

PRESIDENT UMARU MUSA YAR'ADUA

President and Commander in Chief of the Armed Forces of Nigeria

Aso Rock Villa

Abuja.

Your Excellency,

RE: PETITION AGAINST, MICHAEL AONDOAKAA Esq. (SAN), THE ATTORNEY GENERAL OF THE FEDERATION FOR GROSS ABUSE OF OFFICE, INCOMPETENCE AND CORRUPTION.

The Committee for the Defence of Human Rights (CDHR) was formed in 1989 and has been existing in Nigeria as a foremost Human Rights organization whose activities contributed in no small measure and at great sacrifice by its members to the termination of military rule in Nigeria and achievement of the hard-earned democratic space being enjoyed currently in Nigeria. It is therefore our avowed responsibility to watch over the polity and monitor especially the acts and omissions of persons in governmental positions to ensure that the country does not regress to the abyss from which it was salvaged at very high human and material cost. We are interested in furthering the course of the Rule of Law in Nigeria which the government has vowed to uphold and it is pursuant to this that we present this petition against Chief Michael Kaase Aondoakaa SAN, the current Attorney General of the Federation to complain against some of his official acts and conduct that amount to abuse of office, corruption and violates hallowed principles of the rule of law.

Having actively observed the way and manner the Attorney General of the Federation, Mr. Michael Kaase Aondoakaa SAN, have been conducting himself in the course of exercising the powers vested in him by the Constitution of the Federal Republic of Nigeria, we are convinced that he has subjected the hallowed office of the Attorney General of the

Federation to thorough and unfathomable abuse and mis-conducted himself as a legal practitioner contrary to the **Rules of Professional Conduct for Legal Practitioners** to which he is subject. In the face of widespread perception of the AGF as corrupt, we have waited for the President to remove the AGF till now but it seems the hands of the President are tied. This is why our organization decided to file the enclosed petition against Chief Michael Kaase Aondoakaa SAN, the Attorney General of the Federation for **GROSS ABUSE OF OFFICE, INCOMPETENCE AND CORRUPTION.**

The aim of sending this copy to you is to enable you order investigation into the content of our petition the outcome such investigation shall free you from any obligation you may have to keep the AGF in his position and we hope you appreciate the implication of allowing him to continue to occupy the post of the Chief law Officer of your government. If you continue to allow him remain in office any further, the conclusion will be that the duo of you share the same characteristics.

Consequently we hereby urge that you rate your integrity and that of your government higher than the continuation of Chief Michael Kaase Aondoakaa SAN as the Attorney General of the Federation. This will be in the national interest.

Thank you.

Yours faithfully,

A handwritten signature in blue ink, consisting of a stylized 'O' followed by a long horizontal stroke that tapers to a point.

OLASUPO OJO (0803-304-6175)
President

November 23, 2009

The Secretary,
Legal Practitioners Disciplinary Committee.
Nigeria Bar Association,
National Secretariat
96b Medical Guild Close,
Off Ajose Adeogun Street,
Victoria Island,
Lagos State,
Nigeria.

PETITION AGAINST, MICHAEL AONDOAKAA Esq. (SAN), THE ATTORNEY GENERAL OF THE FEDERATION FOR GROSS ABUSE OF OFFICE, INCOMPETENCE AND CORRUPTION.

The Committee for the Defence of Human Rights was formed in 1989 and has been existing in Nigeria as a foremost Human Rights organization whose activities contributed in no small measure and at great sacrifice by its members to the termination of military rule in Nigeria and achievement of the hard-earned democratic space being enjoyed currently in Nigeria. It is therefore our avowed responsibility to watch over the polity and monitor especially the acts and omissions of persons in governmental positions to ensure that the country does not regress to the abyss from which it was salvaged at very high human and material cost. We are interested in furthering the course of the Rule of Law in Nigeria which the government has vowed to uphold and it is pursuant to this that we present this petition against Mr. Michael Kaase Aondoakaa SAN, the current Attorney General of the Federation to complain against some of his official acts and conduct that amount to abuse of office, corruption and violates hallowed principles of the rule of law.

Background:

It is very notorious that corruption has been the chief cause of the backwardness and or frustration of the development of Nigeria. The appreciation of this fact made the Federal government to set up the ICPC and the EFCC which organizations have pushed the fight against corruption to hitherto unattained levels in the history of Nigeria. The effort of these Commissions has yielded immense positive results for the benefit of Nigeria and this has been applauded by Nigerians and the international community. However, since the appointment of Mr. Michael Kaase Aondoakaa SAN, as the Attorney General of the Federation, the anti-corruption battle has suffered serious setback, the cause of

which is traceable to the deliberate acts of the AGF. The reason for this is not far fetched.

Prior to his appointment as the Attorney General of the Federation (AGF), Mr. Michael Kaase Aondoakaa SAN was a counsel to Governor Akume of Benue State against whom a petition was written to the Economic and Financial Crimes Commission (EFCC) on the strength of which the EFCC commenced investigation into the finances of the Benue State government which made it to request for access to relevant data. In response, the Government of Benue State briefed Mr. Michael Kaase Aondoakaa SAN who got other counsel to co-sign the brief of argument in the suit they filed against the Attorney General of the Federation at the Supreme Court in which they claimed *inter alia* for the nullification of the EFCC Act and dissolution of the EFCC.

After the appointment of Mr. Michael Kaase Aondoakaa SAN as the AGF and contrary to the ethics of the legal profession, he failed to withdraw the case or his representation in the case from the Supreme Court hence the case stood as being prosecuted by the AGF against himself as the respondent. The AGF allowed this incongruous situation to continue for his selfish reasons until the Supreme Court, in its wisdom, struck out the case.

However, as shall be shown *anon*, the AGF then proceeded to use his position as AGF to emasculate the anti-corruption institutions and pursue the same goals he could not pursue at the Supreme Court in the course of doing which he engaged in acts that abused the powers of his office and dragged the nobility of, not only the office of the AGF, but of the Legal Profession in the mud of infamy thereby violating the code of Ethics of the Legal Profession.

In presenting this petition, we are not oblivious of the provisions of Decree 24 of 1999 otherwise known as the Constitution of the Federal Republic of Nigeria, 1999 as it relates to the office of the AGF in sections 150 and 174 as follows:

150. (1) There shall be an Attorney-General of the Federation who shall be the Chief Law Officer of the Federation and a Minister of the Government of the Federation.

*174. (1) The Attorney-General of the Federation shall have power -
(a) to institute and undertake criminal proceedings against any person before any court of law in Nigeria, other than a court-martial, in respect of any offence created by or under any Act of the National Assembly;*

(b) to take over and continue any such criminal proceedings that may have been instituted by any other authority or person; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by him or any other authority or person.

(2) The powers conferred upon the Attorney-General of the Federation under subsection (1) of this section may be exercised by him in person or through officers of his department.

(3) In exercising his powers under this section, the Attorney-General of the Federation shall have regard to the public interest, the interest of justice and the need to prevent abuse of legal process. (underlining ours)

In the same vein, it is necessary to also bear in mind the **Rules of Professional Conduct for Legal Practitioners** to which the AGF is subject most especially Rule 1 which provides as follows:

“A lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct and not engage in any conduct which is unbecoming of a legal practitioner.”

It is against this background that we shall now proceed to itemize such acts of misconduct and abuse of official powers by the AGF, Mr. Michael Kaase Aondoakaa SAN, which in our view have brought disrepute to the office of the AGF and Minister of Justice in Nigeria.

1. **THE AGF TARGETED ANTI-CORRUPTION AGENCIES AND TOOK OVER THE STATUTORY PROSECUTORY POWERS OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC), INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES COMMISSION (ICPC), AND CODE OF CONDUCT BUREAU (CCB) CONTRARY TO LAW, PUBLIC INTEREST AND THE INTEREST OF JUSTICE.**

(a) Soon after assuming office, Mr. Michael Kaase Aondoakaa SAN presented a formal memo to the President of the Federal Republic of Nigeria requesting for power to approve and or permit/direct all prosecutions by all the country’s anti-corruption agencies: Economic and Financial Crimes Commission (EFCC), Independent Corrupt Practices and other Related Offences Commission(ICPC), and Code of Conduct Bureau(CCB). This request was initially approved by the President. However, when the position of the law was made available to the President that the request by the AGF was contrary to the decision of the Supreme Court in FEDERAL GOVERNMENT OF NIGERIA V. OSAHON

(2006) 24 WRN 1 which acknowledged that the EFCC and other agencies have statutory powers to initiate criminal proceedings apart from and without permission from the office of the Attorney General of the Federation, the President was embarrassed and had to withdraw his approval to the utter embarrassment of the entire nation and to the chagrin of the un-amused international community. The AGF's blunder exposed him as unfit for the office to which he has been appointed politically.

Notwithstanding the withdrawal of the approval however, the AGF, by himself and through officers of his department have taken over and stalled the prosecution of many corruption cases instituted before he became the AGF among which are the following:

(1) FEDERAL REPUBLIC OF NIGERIA V. ORJI UZOR KALU
107 count charges filed by the EFCC against Orji Uzor Kalu, former governor of Abia state at the Federal High Court Abuja was taken over from counsel to the EFCC (which initiated same) by the AGF through the Federal Director of Public Prosecution (DPP) on the basis of a petition written to his office by counsel to the accused on the FALSE ground that a court order restraining the EFCC from arresting the accused person has been breached.

Whereas:

- (i) It is on record that the accused was arrested on the basis of a Warrant of Arrest issued by the Federal High Court;
- (ii) No restraining court order was ever made or produced by the accused or his counsel;
- (iii) The due process of challenging any such infraction of a pending court order was not followed as Counsel to the accused did not file any contempt proceeding against the EFCC if indeed there was such breach of a court order.
- (iv) The action of the AGF is tantamount to constituting himself to a supervisory court over the Federal High Court, delivering and enforcing his own judgment.

(2) FEDERAL REPUBLIC OF NIGERIA V. MOSES ODIRRI:
FHC/L/375C/200

In this case, the accused person was charged at the Federal High Court with obtaining the sum of N60 Million by false pretences from General Ishaya Bamaïyi who was in prison custody at the time.

This same accused person was a lawyer disrobed by the Legal Practitioners Disciplinary Committee for falsely accusing the Supreme Court Justices of collecting Five Billion Naira bribe.

This charge was withdrawn against the accused person on the instruction of the AGF through one Mr. M. S. Hassan, Head of the Legal Department in the EFCC. No reason was adduced at all for the withdrawal by virtue of which the charge was struck out.

Copy of the order issued by Justice T. Abubakar of the Federal High Court at Lagos on 15th day of May, 2009 is herewith attached and marked "AGF 1".

(i) Similarly, the charge of stealing the said sum of N60 million filed against the said Mr. Moses Odirri at the Lagos State High Court, Ikeja was also discontinued by the AGF who usurped the powers of the Lagos State Attorney-General. Constitutionally, only the AG Lagos has power over the case.

(3) FEDERAL REPUBLIC OF NIGERIA V. FRED AJUDUA: ID/41C/2003.

This is a charge against the accused who is very notorious in his criminal activities and fraudulent scams which have brought ridicule and shame to and earned Nigeria the pariah status of a country of swindlers. The AGF, through one of his officers has ordered that the case be adjourned **sine die** to allow for restitution by the accused via monthly installment payments to the complainant.

Copy of the AGF's letter of instruction to the EFCC Ref No DPPA/REO/505/2008/41 dated 19th May, 2009 is herewith attached and marked "AGF 2".

Whereas:

- (i) The charge was instituted against the accused in the public interest and in the interest of justice based on his criminal act against the state and not at the behest of the complainant.
- (ii) The accused person has pleaded not guilty to the charges preferred against him.
- (iii) The commencement of payment by installments by the accused negates his “not guilty” plea and constitutes admission of the criminal charges for which he deserve to be sentenced by the court.
- (iv) Neither the accused nor his counsel has informed the court of the facts contained in the letter from the office of the AGF hence the court is kept in the dark.
- (v) The AGF has no power whatsoever to cause a case to be adjourned **sine die** on the ground of restitution.
- (vi) The order that the charge be adjourned **sine die** is tantamount to shielding the accused from the arms of the law.
- (vii) Since the case was instituted by the office of the Attorney-General of Lagos State, the AGF has no power in law to take over the case or cause it to be adjourned as he has done. All his actions in the case is **ultra vires**. Constitutionally, only the AG Lagos has power over the case.
- (viii) The action of the AGF violates public interest and the interest of justice.
- (ix) The action of the AGF defeats the rule of law, the cause of justice and is unbecoming of a lawyer.

(4) FEDERAL REPUBLIC OF NIGERIA V. JIMOH IBRAHIM: ID/51C/2008.

This charge for forgery was filed by the office of the Attorney General of Lagos State before the Ikeja Division of the High Court of Lagos State. However, the AGF instructed the EFCC to discontinue the case via a letter dated 6th September, 2008 with Ref no HAGF/EFCC/2008/VOL.1/7 *copy of which is herewith attached and marked “AGF 3”*

Copy of the consequential ruling of the court is also herewith attached and marked “AGF 4”

Whereas:

- (ii) The offence charged was committed in Lagos.
- (iii) The offence was investigated by the police in Lagos State and all the witnesses are resident in Lagos.
- (iv) Since the case was instituted by the office of the Attorney General of Lagos State, the AGF has no power in law to take over the case or cause it to be adjourned as he has done. All his actions in the case is ultra vires. Constitutionally, only the AG Lagos has power over the case.
- (v) The AGF has no lawful justification for his sudden interest in the case.

(5) F.R.N. V. MOHAMMED JAMIU AUDU & 2 ORS. – ID/16C/2007

This charge was filed by the office of the Attorney General of Lagos State before the Ikeja Division of the High Court of Lagos State. The 2nd and 3rd accused persons in this charge were engaged by the 1st accused to commit economic crime with him. Both the 2nd and 3rd pleaded guilty and were sentenced by the court while the prosecution was prepared to prove its case against the 1st accused person who pleaded not guilty. However, and contrary to all known legal norms and criminal law practice and procedure, the office of the AGF caused another charge No FCT/HC/G/13/CR/2009 to be filed against the remaining principal accused person at the High Court of the Federal Capital Territory, Abuja while charge No ID/16C/2007 was still pending before the Ikeja Division of the High Court of Lagos State. Thereafter, the AGF directed that the charge pending before the Lagos High Court be withdrawn to give effect to the fresh charge in Abuja *via a letter dated 30th July, 2008 with Ref no DPP/ADV:100/09 copy of which is herewith attached and marked "AGF 4A"*

Whereas:

- (i) The offence charged was committed in Lagos and the current position of the law is that criminal trials must be conducted within the state where the offence was committed as decided in the case of FGN V. Ibori whose pending charge before the Federal High Court in

Kaduna was ordered to be remitted to the Federal High Court in Delta State. Hence, the new charge filed in Abuja is a gross abuse of court process.

(ii) The AGF has no power to institute two charges against the same person in two different courts for the same offence.

(iii) The offence was committed and investigated by the EFCC in Lagos and all the witnesses are resident in Lagos.

(iv) The AGF has no power to transfer a case from one court to another.

(v) Two persons are already serving their sentences for committing the same offence as done by the principal accused person hence the AGF is assisting the accused person to escape from the weight of the law.

(vi) Since the case was instituted by the office of the Attorney General of Lagos State, the AGF has no power in law to take over the case or cause it to be adjourned as he has done. All his actions in the case is *ultra vires* because constitutionally, only the AG Lagos has power over the case.

(vi) The motive of the AGF in this instance is very suspect and apparently not in the interest of justice or the public interest.

(vii) The action of the AGF defeats the rule of law, violates the cause of justice and constitutes abuse of judicial process which is unbecoming of a lawyer.

It is obvious that his reason for doing this is to frustrate the on-going prosecutions in court instead of allowing due process to be followed to enable the accused persons prove their innocence. This meddling with due process has enabled accused persons to get away with the crime of corruption against the law and people of Nigeria. This is a clear case of abuse of office by the AGF, a breach of his oath of office and the ethics of the legal profession.

Ironically, since he assumed the position of AGF, Mr. Aondoakaa has not initiated any criminal proceeding against any corrupt public officer. Rather, he has been blocking investigations and shielding those who have cases to answer from prosecution.

2. LYING AND REFUSAL TO SIGN A REQUEST UNDER THE "MUTUAL LEGAL ASSISTANCE TREATY" SINCE AUGUST 2007 AS

REQUESTED BY THE CROWN PROSECUTION SERVICE IN ORDER TO FRUSTRATE CORRUPT CHARGES PENDING AGAINST FORMER GOVERNOR JAMES ONANEFE IBORI AND 3 OTHERS.

On the 29th day of the month of May in year 2007, the tenure of Mr. James Ibori as governor of Delta State expired. Before the expiration of his tenure, the EFCC had been investigating allegations of corruption and money laundering against him and his sister, Christine Ibori-Ibie, his personal assistant, Adebimpe Pogoson and his mistress, Udoamaka Okoronkwo but due to the constitutional immunity enjoyed by him, criminal charges could not be filed against James Ibori during his tenure.

It is worthy of note that the Metropolitan Police of the UK was also investigating the same allegations of corruption and money laundering against the four persons and in fact, Christine Ibori-Ibie, Adebimpe Pogoson and Udoamaka Okoronkwo were arrested in London in April 2006 and released on bail. In July 2007, a proceeding for restraint order was instituted against James Onanefe Ibori at the Crown Court at Southwark pursuant to the Proceeds of Crimes Act 2002 of the UK. The statement filed in the proceeding established a *prima facie* case of money laundering against the accused person, James Onanefe Ibori.

Soon after the expiration of his tenure on 29/5/07, the EFCC filed corruption charges against former governor James Onanefe Ibori and the 3 others before the Federal High Court sitting in Kaduna.

In response to a letter written by one Speechly Bircham LLP, the defence counsel to James Ibori and the 3 others in London and dated 4th August, 2007, which is aimed at eliciting a response that will assist in defeating the prosecution of the accused persons in the London court, the AGF admitted that James Onanefe Ibori was investigated in connection with his acts while in office but he wrote further that there was no record that he has been charged to any court in Nigeria or tried in respect of any offence.

Copy of the AGF's letter Ref No HAGF/MLA/2007/VOL II dated 7th August is attached herewith and marked "AGF 5)

When the letter became public discourse, the AGF lied by vehemently denying writing such a letter but he swallowed his words and was compelled to admit when the letter was published in the media.

In order to aid their investigation and prosecution and pursuant to the Mutual Legal Assistance Treaty between the governments of Nigeria and United Kingdom of Great Britain and Northern Ireland, a request dated 30th August, 2007 was made to the office of the AGF. However, the AGF refused to grant the request on the flimsy ground that it emanated from the Crown Prosecution Service instead of Secretary of State for the Home Department and on the additional false ground that no criminal proceeding has been instituted against the subject persons in Nigeria. Invariably the Attorney General was telling the British Court that it was trying Ibori if not illegally at least without his acquiescence.

Copy of the AGF letter ref HAGF/JOI/J21/VOL.II dated 12th November, 2007 is herewith attached and marked "AGF 6".

In another letter dated 15th September, 2008, the AGF wanted the UK authorities to return documents already obtained by them from the EFCC to enable him authenticate them if he is satisfied that they disclose any offence triable under Nigerian laws even though the same documents have already grounded a charge in the Federal High Court here in Nigeria.

The AGF is also hinging his refusal on the ground that the EFCC have no power to give information under the Mutual Legal Assistance Treaty as they have done. This is also false because the law expressly clothed the EFCC with authority to do so without recourse to the AGF under section 6(k) of the Economic and Financial Crimes Commission Act which provides that the Commission shall be responsible for:

(k) dealing with matters connected with the extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving Economic and Financial Crimes;

Copy of the AGF letter ref HAGF/HOM.SEC/2008/VOL.I / I dated 15th September, 2008 is herewith attached and marked "AGF 7".

This false conclusion in both letters was deliberately reached by the AGF without bothering to obtain clarification from any of the anti-corruption agencies especially the EFCC which would have informed him that charges have already been preferred against the subject persons in Nigeria.

All efforts by the government of UK and their special delegation to Nigeria to enable them successfully prosecute the accused persons for money laundering

were frustrated by the AGF contrary to the directive of the Nigerian President that he should co-operate fully with the government of the Great Britain.

The obvious rationale for his reluctance or refusal to approve the request by the UK authorities is to shield James Ibori and other accused persons from prosecution and possible punishment for the economic and financial offences they have committed.

3. REFUSAL BY THE AGF TO APPROVE THE REQUEST MADE BY THE METROPOLITAN POLICE TO ALLOW SOME EFCC OFFICERS SERVE AS PROSECUTION WITNESSES IN THE PROSECUTION OF CHRISTINE IBORI-EBIE, THE SISTER TO EX-GOVERNOR JAMES IBORI.

Upon receipt of a request made by the London Metropolitan Police that some of its officers serve as prosecution witnesses in the criminal trial of Christine Ibori-Ebie, the sister to ex-governor James Ibori, the EFCC formally wrote the Attorney General seeking permission to allow its officers do that but the Attorney General bluntly refused to give permission without any justification.

The action of the AGF defeats the essence of the rule of law, violates the cause of justice and constitutes misuse of judicial process which is unbecoming of a lawyer.

4. THE AGF DEPLOYED THE POWER OF HIS OFFICE TO SHIELD AND EXONERATE INDICTED FORMER GOVERNORS AND INTERNATIONAL ECONOMIC CRIME FUGITIVES.

(1) The AGF wrote a letter dated September 18, 2007 to a Magistrate, one Bensimon Jacque, of Justice Palace of Paris, France in which he questioned the propriety of the prosecution of Mr. Dan Etete, erstwhile Minister of Petroleum Resources under the Late General Sani Abacha's regime, for money laundering charges by the French government under their own laws when Nigeria has not complained or brought any charge against the accused person in any Nigerian court. In the words of the AGF, he wrote: *"permit me to state for the avoidance of any doubt that this office is unaware of any complaint or allegation of money laundering against the petitioner (Etete) to warrant any instruction to emanate from this office to any person howsoever called or described*

to proceed against the petitioner in relation to the ongoing prosecution in Paris”.

The clear intention of the AGF was to halt the prosecution instead of allowing the former minister to account for the sources of the money traced into his account which was over and above his income as a minister in Nigeria. We verily believe the accused person corruptly procured the AGF to issue the letter in order to escape punishment for the criminal charges brought against him in France. However, the Magistrate discountenanced the AGF's letter and Mr. Dan Etete was subsequently found guilty and sentenced to three years imprisonment in absentia as well as to a fine of 300,000 Euros by the French court thereby rendering the advice of the AGF useless and of no significance. This is abuse of office by the AGF, a breach of his oath of office and the ethics of the legal profession.

(2) Mr. Aondoakaa on Thursday 10th September exonerated David Edevbie, the Principal Private Secretary to President Umaru Yar'Adua from the alleged involvement in money laundering in the Vmobile scandal. Whereas a charge is still pending against the said David Edevbie for money laundering in the UK.

(3) The AGF as the chief law officer of Nigeria ordered that the allegations of forgery and obtaining money by false pretences running into billions of Naira levied against the Vaswani Brothers by Globe Motors should not be investigated further. Whereas the same Vaswani brothers were later apprehended, indicted and deported out of Nigeria for acts of gross corruption against the government and people of Nigeria. This questions the integrity and competence of the AGF who ought to know that the AGF has no power under our laws to stop criminal investigation against any person.

(4) The case filed at the Federal High Court, Lagos challenging the deportation of the Vaswani brothers was not defended by the Attorney-General of the Federation thereby paving way for their victory in court over the Federal Republic of Nigeria.

(5) The AGF also single handedly cleared three former Governors-Bola Tinubu (Lagos), James Ibori (Delta) and Victor Attah (Akwa Ibom) while investigation by the EFCC was still in progress. Meanwhile in less

than 24 hours from the Attorney General's pronouncement on the former governors, the EFCC in a statement made on 11th September categorically said it has not cleared any of the accused thereby exposing the AGF as a liar.

(6) Furthermore, the AGF accused the former Chairman of the EFCC, Mr Nuhu Ribadu, of deposing to an affidavit against the 3 governors in court concerning the sale of V- Mobile shares and when challenged, he failed to substantiate his statement which turns out to be a lie. This is highly unbecoming of a lawyer.

5. **DELIBERATE MIS-INTERPRETATION, MIS-APPLICATION AND/OR EXHIBITION OF INCOMPETENCE AND INADEQUATE KNOWLEDGE OF THE LAW BY THE ATTORNEY GENERAL OF THE FEDERATION.**

The AGF has consistently condemned the British Government's indictment of Mr. James Ibori and some of his associates. As far as the AGF is concerned the conduct of the British Government is a usurpation of Nigeria's jurisdiction based on the fact that the ingredients of the alleged offences occurred in Nigeria.

Whereas modern international law allows countries to assume jurisdiction for offences committed outside their national borders especially where such offences have international flavour. For example the Criminal Code of Canada.

The AGF wrongly described himself as the only "central authority" to whom any request under the Mutual Legal Assistance treaty must be sent and from whom such requested assistance can be received and insisted in his letter dated 15th September, 2008 that the documentary evidence already sent to the British Authorities by the EFCC must first be returned to enable him authenticate them if he is satisfied.

Whereas under section 6 (j) and (k) of the Economic and Financial Crimes Commission Act, it is clearly provided that the Commission shall be responsible for:

(j) collaborating with government bodies both within and outside Nigeria carrying on functions wholly or in part analogous with those of the Commission ...

(k) dealing with matters connected with the extradition, deportation and mutual legal or other assistance between Nigeria and any other country involving Economic and Financial Crimes;

From these provisions, **it is clear to any lay person that where a request under mutual legal assistance treaty between *Nigeria and any other country involves Economic and Financial Crimes, the EFCC has power to deal with such matter without reverting to the office of the AGF who in any case is represented on the Commission.***

6. ACT OF EXTORTION AND OPPRESSION BY THE ATTORNEY GENERAL OF THE FEDERATION (AGF), MR. MICHAEL KAASE AONDOAKAA SAN

The AGF ordered and or masterminded the detention of one Alexander Gaadi over Gaadi's refusal to give the minister a cut of the Forty-One Billion Naira (N41B) awarded to the Zaki Biam for genocidal assault ordered by former president Chief Olusegun Obasanjo.

7. VARIOUS ACTS OF CORRUPTION BY THE ATTORNEY GENERAL OF THE FEDERATION (AGF), MR. MICHAEL KAASE AONDOAKAA SAN

(1) The AGF bought a house worth =N=110 million in Abuja from Mr. Amusan, a member of the National Assembly from Ogun State and denied ownership claiming the house belongs to his brother Mr. Orya who is a banker working with Afribank International Limited (Merchant Bankers). Mr. Amusan gave away the Attorney General when he told The Nation reporters that he could not remember who bought the house from him even though the deal was concluded within the last three weeks of the interview.

We verily believe that the lifestyle of the AGF and extent of the property or properties acquired by him since his appointment are not justified by his source of income hence the need to investigate him.

(2) Involvements in the scam of forceful take over of NICON insurance. Contrary to the rule of law policy of the Federal Government.

(3) He compelled various departments of his ministry to contribute =N=1.1 million each for a press conference to be addressed by the minister. He claimed that he needed the money to bribe journalists attending the press conference. Mr. Aondoakaa never accounted for the disbursement of the funds.

(4) After the National Executive of the Nigerian Bar Association visited and accused him of shady deals in the manner the prison decongestion cases were distributed and given to lawyers at N150,000 per case instead of N300,000 per case, the AGF gave some officials of the Nigeria Bar Association six (6) cases to handle for N1.8 million. We verily believe he did this to shut the mouth of the NBA National Secretariat.

8. **FRUSTRATION OF GOVERNMENT'S ANTI-CORRUPTION CRUSADE**

Notwithstanding the plethora of available evidence and readiness of the international Community to assist Nigeria in exposing and bringing to book all corrupt public officials accused in the **Halliburton and Siemens Bribery Scandal**, the AGF has frustrated the work of the panel set up by the Federal Government for the purpose.

Mr. Aondoakaa has not initiated criminal proceeding against any corrupt public officer since assumption of office. This gives impression that there is no corrupt public officer in Nigeria since he became AGF!

All the aforementioned cases constitute acts of gross professional misconduct, ethical shamelessness, corruption, incompetence and abuse of office by which **MR. MICHAEL KAASE AONDOAKAA SAN** has desecrated the office of the Attorney General and Minister for Justice and brought the Legal profession in Nigeria to disrepute and ridicule. Most if not all his actions in office are not in the interest of justice. Neither are they in the public interest.

We verily suspect that all the acts listed above were not done by the AGF without gratification. This is why most of his activities are targeted at the anti-corruption institutions in Nigeria and the general perception in the public arena is that the AGF is corrupt. This view is also shared by the generality of Nigerian lawyers including Senior Advocates of Nigeria.

Based on the totality of the foregoing, the Committee for the Defence of Human Rights (CDHR) finds it imperative in the public interest and in the interest of justice to request the Legal Practitioners Disciplinary Committee to investigate or cause this petition to be investigated so as to bring the Attorney General to book

and keep the high esteem that is accorded the office he occupies and the ethics of the legal profession in Nigeria.

While awaiting your prompt action on our petition, we remain committed to the cause of human rights, good governance and rule of law in Nigeria.

Thanks.

Yours faithfully,

BARRISTER OLASUPO OJO

President.

CC: President Umaru Musa Yar'adua
President and Commander in Chief of the Armed Forces of Nigeria
Aso Rock Villa
Abuja.

The Chief Justice of Nigeria
Supreme Court Building,
Abuja, FCT.

Mr. Michael Kaase Aondoakaa SAN
Office of the Attorney General
Federal Ministry of Justice
Abuja, FCT.

THE NATIONAL SECRETARIAT
COMMITTEE FOR THE DEFENCE OF HUMAN RIGHTS (CDHR)
RIGHTS HOUSE
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cdhr: My right is my right, is my right!