

FG to arraign Lawan over \$620,000 bribe this week - Naija Pundit

Written by Alaba Johnson
Monday, 28 January 2013 07:45 -

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...closes case against Ogbulafor Feb 5



The Federal Government will this week begin the prosecution of the suspended Chairman of the House of Representatives Committee on Education, Hon. Farouk Lawan, over the \$620,000 bribe-for-clearance deal involving him and business mogul, Mr. Femi Otedola.

Lawan's arraignment and subsequent trial will be effected under Section 19 of the Corrupt Practices and other Related Offences Act 2000.

Indications to this effect was given at the weekend by the Attorney-General of the Federation and Minister of Justice, Mr. Mohammed Bello Adoke (SAN).

Responding, however, to enquiries from journalists on the implication of a letter, written by a lawyer, Mr. Festus Keyamo, threatening to commence private prosecution of the embattled lawmaker, the AGF through his lawyer, Chief Adegboyega Awomolo (SAN), said: "I will not react to the matter."

Awomolo added that Adoke would not be intimidated or stampeded into charging Lawan or any other accused person to court, based on what appeared on the pages of newspapers or on television.

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He noted that the AGF “is not a persecutor, but a prosecutor, who discharges his constitutional duties as the chief law officer with integrity, honour and in a manner that portrays him as a man of learning.” Awomolo, however, assured that Lawan would be arraigned this week, stressing that the police had carried out their investigations and submitted their report.

Pressed further on a definite date for Lawan’s arraignment, he told our correspondent on the phone that the lawmaker would be charged this week, “but it would not be fair to tell you the day.” Keyamo had insisted on a response to his letter before close of work on Tuesday.

Awomolo also explained that “criminal prosecution is a very serious issue; whether to the accused person, his family, associates, the society and integrity of administration of criminal justice. There is no room for frivolity or playing to the gallery.

“There appears to be a grand design to secure cheap judgement of acquittal for the accused person and turn round to accuse the AGF. Nigerians must question the sudden interest. “People cannot be talking baselessly on the pages of newspapers.

A prosecutor is a man of integrity; he who prosecutes on the basis of verified facts and verified facts can only come from the police, who investigated the matter. “You don’t investigate a matter on the basis of what you read on the pages of newspaper or heard on television or radio that somebody concocted and put in the press. No, that is not investigation.

“Police are responsible investigators and they have investigated the matter and I can assure you that the AGF would not react suddenly.

“The matter will be in court, don’t bother. We are not persecutors but we are prosecutors and we are men of integrity and honour; we are men of learning.

“So, nobody should think that we can use the market language or whatever open debate, we are not a civil society organisation. “The AGF is the chief law officer and under the constitution is to exercise his powers and responsibly too; not to satisfy the whims and caprices of the civil society.

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“He does so soberly, professionally and with most diligence. So, let nobody think Adoke is not doing his job; he is doing his job very well.”

Keyamo had in a letter to the AGF dated January 22, had given a one week ultimatum for the commencement of the prosecution of Lawan and another member of the House, Boniface Emenalo, “for agreeing to and actually accepting gratification from one Femi Otedola in order to doctor the report of the House Ad hoc Committee on Fuel Subsidy.”

Keyamo’s letter reads in part: “From reports I read in the media after issuing my ultimatum, the police have passed the buck over to your (AGF) office for the inaction so far, claiming they have finished the investigation and that your office has just refused to file charges for reasons unknown to the public.

“It is for the above reasons I have prepared a charge (attached herewith) for the purpose of private prosecution. “Therefore, consequent upon Section 342 of the Criminal Procedure Act, Cap. C41, Laws of the Federation of Nigeria, 2004, I forward herewith the following proof of evidence and documents to you:

“(1) The criminal charge against Farouk Lawan and Boniface Emenalo.

“(2) The proof of evidence:

“(a) A recording of a telephone conversation between Farouk Lawan and Femi Otedola contained in a memory card wherein Farouk Lawan was soliciting or asking for gratification to doctor his report, and appealing to Otedola to keep it secret.

“(b) The transcript of the recording.

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“(c) Court processes (including a sworn testimony on oath) in Suit No. FCT/3839/2012: BETWEEN ZENON PET. & GAS LTD. & ANOR. V. LAWAN & ORS, where the graphic details of how the accused persons solicited for and received gratification from Femi Otedola are stated. “Needless to say that these are just proofs of evidence and the originals shall only be presented during trial.

“The position of the law is that before I commence private prosecution, you should be given the opportunity to prosecute or to decline to prosecute.

This is what I have done by this letter. “I will expect your reply by the close of official business on Tuesday, January 29, 2013, to enable me determine my next line of action.” Meanwhile, the Independent Corrupt Practices and other Related Offences Commission, ICPC, will close its case against a former National Chairman of the ruling Peoples Democratic Party, PDP, Prince Vincent Ogbulafor, on February 5.

Prosecuting counsel, Chief Gboyega Awomolo, disclosed that ICPC would call its last witness on that date. The anti-corruption agency is prosecuting Ogbulafor along with Emeka Ebilah and Jude Nwokoro “for fraudulently receiving payment for non-existent contract”, when was the Minister for Special Duties. The offence is contrary to and punishable under Section 19 of the Corrupt Practices and other Related Offences Act 2000. While Ogbulafor is represented by Chief Joe-Kyari Gadzama, SAN, Ebilah has Dr. Awa Kalu, SAN as defence counsel.

The third accused person, Nwokoro, has since asked for stay of proceedings, while he continues with his appeal before the Court of Appeal.

Part of the 17-count (amended) charge dated June 17, 2010 reads: “That you Vincent Ogbulafor (M) and Emeka Ebilah (M) in the Month of March 2001, at Abuja, within the jurisdiction of the FCT High Court, being public officers, to wit; Minister In Charge of Special Duties and Secretary/Member of the National Economic Intelligence Council (NEIC) respectively, did use your positions to confer corrupt advantage upon yourselves the sum of N82, 631, 003. 41 from the Federal Government of Nigeria in the name of a company HENCHRIKO NIG. LTD as payment for non-existent contract purportedly executed for the Federal Government and you thereby committed an offence contrary to and punishable under Section 19 of the Corrupt Practices and other Related Offences Act 2000.”