



CORRUPTION WATCH

Name, Nail, Shame and Shun Corrupt Leaders Anywhere, Everywhere

MONTHLY LEAFLET OF COALITION AGAINST CORRUPT LEADERS (CACOL) AUGUST 2008

Osun: A Democratic or Police State?

How 24 CACOL members were arrested, arraigned and imprisoned

On July 2nd this year CACOL addressed a Press Conference based on some emerging corruption issues in Osun State involving the state's house of assembly. In that address we went down memory lane to acquaint the press of the past shameful corrupt antecedents of some prominent Osun indigenes. We went to the extent of calling for a serious consideration of an interdenominational spiritual deliverance session to exorcise the spirit of corruption from the state.

To our great consternation, shortly afterwards a bigger corruption scandal in the same Osun State was exploded on our collective psyche. This is related to the Osun State First Election Petition Tribunal where it was established via *TheNEWS*, a news magazine publication, July 14th edition that a lawyer to one of the parties in the legal tussle was having an unholy alliance with the head judge of that tribunal. This is an action we all know is not only illegal but outrightly unethical in the practice of law. It is not only unfair, but also unjust, criminal and despicable. As an organization of organisations run by experienced and fair-minded individuals, CACOL did not jump into conclusions, neither did we react immediately. We took steps to engage in preliminary investigations for fact-finding which included contacting Editors of *TheNEWS* to ensure it was not another media goof. They stood by their story and challenged anybody to prove the contrary.

Having been certain that there was some tangible substance to the whole episode we, as a coalition that is opposed to corrupt practices of any sort, decided to do something about this ugly incident. Our antecedents spanning over one year speak for themselves. Our modus operandi has always been peaceful processions to deliver petitions or register a complaint, press releases, press statements, interviews or press conferences as we are doing today. We have done those in several states including Abuja where we hand-delivered petitions against former president Olusegun Obasanjo to the EFCC, ICPC and the National Assembly. We had never been violent and we never will be. In connection with the subject matter, we held a peaceful procession comprising of more than three hundred students, professionals and artisans to hand-deliver a petition at the Federal Appeal Court Ibadan just a day before our arrest in Osun State, on the 10th of July, 2008 calling *inter alia* for the probe of the Osun Judicial scandal. We were well-received at the court and the petition was delivered to the Registrar who promised to deliver it to the chief judge of the appellate court. The event, as all the former ones we had done, went without any incidents.

Being the state the situation directly affected, we decided to deliver a copy of the said petition to the chief judge of Osun State in Osogbo the following day, July 11th. This decision was informed by the fact that the issue in question was such

that the credibility of the entire judiciary was at stake and that every judicial officer in the country must be concerned and partake in the effort to get to the roots of this scandal.

We scaled down the number going to Osogbo considerably so as not to arouse negative suspicions that we might have been hired to disturb the peace of the state. Little did we know that we were going to the lion's den. On the 11th of July at about 9:30am we had assembled at Oke Fia, Osogbo. Shortly afterwards we embarked on our peaceful procession to the High court of Osun State. Without any fracas or obstruction to traffic, we made our way to the High court. As soon we approached the court's gate we stopped all songs and remained totally silent as a mark of respect due to a Temple Of Justice. The armed mobile policemen inside the court's premises saw no reason to stop or attack us after we explained our mission, neither did the civilian gatemen.

We were attended to and addressed by the Chief Registrar of the court. She collected the petition on behalf of the Chief Judge and invited me and the National Secretary into her office to sign the acknowledgment copy. It was at that point that all hell was let loose as a contingent of armed policemen led by no less a senior officer than the Osun State Commissioner of Police himself, Mr. John O. Moronike, swooped on us right inside the court's premises. Actually the first set of policemen that entered the court's premises was reluctant to effect any arrests because they saw we were harmless. But immediately CP Moronike drove in shouting "Arrest them, arrest all of them" and personally slapped 56-year old Comrade Amos Popoola, his men took a cue from him and descended on us with the fury of crazed tigers.

Even when we didn't resist arrest, we were severely physically assaulted by these policemen. The Chief Registrar vehemently stood her ground that they had no right to arrest people within the court's premises especially when there was no pandemonium or attack on the court. She was verbally assaulted, ridiculed by the policemen and ignored. In fact she was also threatened with arrest but she courageously stood her grounds and dared them. We were thereafter bundled into police pick-ups and driven to Osun State police headquarters where we were roughly searched and dispossessed of all our belongings. The 26 of us, including the two gatemen at the court were later taken to the state CID where we were psychologically traumatized, interrogated and crammed into a 12x10 cell, for over 96 hours.

On Monday 14th July we were taken before an Osogbo Magistrate court 2 where we were arraigned for such frivolous charges as "carrying placards" "unlawful assembly" etc (see box). In spite of the fact that they were all bailable offences, the police prosecutor vehemently opposed our application for bail and the court obliged him and remanded us in prison custody at Ilesha till 23rd July to rule on the bail application. On that date we were all granted bail after 13 days of detention *for delivering a letter*.

Our understanding of the role of the police in a democracy is protecting the rights of individuals as enshrined in the constitution rather than abuse those rights. They are supposed to enforce laws, not break them. They are supposed to protect law-abiding citizens, not oppress them. Civilized police officers and men the world over respect the rights of their citizens, protect them, behave decently and generally are responsible, level-headed and professional. The same cannot be said of the Osun State police command as presently led by CP John Moronike. May be he needs to be reminded or educated that the Public Order Act, under which the police used to hide to undermine the democratic rights of Nigerians to peaceful assembly, is dead and buried.

We fear that Osun State is progressively becoming a police state where the rule of law and rights of citizens are trampled upon with impunity. This is unacceptable, despicable and a material threat to our hard-won, nascent democracy.

We hereby demand the following:

1. *Immediate removal of John Moronike as Osun State Police Commissioner and his retirement.*
2. *A public apology to CACOL by the IGP for unlawful detention and illegal arraignment.*
3. *An immediate comprehensive probe by both the NJC and NBA of the Osun judicial scandal*
4. *An immediate restoration of all democratic and constitutional rights of all residents of Osun State.*

CHARGES AGAINST CACOL

Charge no MOS/197C/2008

COMMISSIONER OF POLICE

VS

(1) COMD.	WAHEED	LAWAL	'M'	AGED	43	YRS
(2)	DEBO	ADENIRAN	"	"	48	"
(3)	LEKE	ADEBANJO	"	"	43	"
(4)	ADEOYE SAIBU		"	"	50	"
(5)	OWOLABI	FATAI	"	"	42	"
(6)	ABDUL FATAI	OGUNDELE	"	"	35	"
(7)	OYAGBILE	ADEMOLA	"	"	47	"
(8)	DECLAN	IHEKAIRE	"	"	40	"
(9)	ADEWOLE	ADEWALE	"	"	28	"
(10)	JIMOH	MUYIDEEN	"	"	28	"
(11)	SUARA	SAHEED	"	"	25	"
(12)	LAYADE	OLUSEDE	"	"	22	"
(13)	ADENLE	MUSEFIU	"	"	28	"
(14)	ADERANTI	BIMBO	"	"	21	"
(15)	OKEWOYE	EMMANUEL	"	"	27	"
(16)	AMOS	POPOOLA	"	"	54	"
(17)	OYEWOLE	PETERS	"	"	27	"
(18)	ADEBAYO	ADESINA	"	"	39	"
(19)	CALEB	OLUKOYA	"	"	50	"
(20)	SAKA	ADEEYO	"	"	44	"
(21)	OLUSOLA	GREEN	"	"	56	"
(22)	AJIBADE	ABDULRASHEED	"	"	41	"
(23)	ABDUL FATAI	SALAWUDEEN	"	"	27	"
(24)	AKINBAMI	FELIX	"	"	40	"

That you Waheed Lawal, Debo Adeniran, Leke Adebajo, Adeoye Saibu, Owolabi Fatai, Abdul Fatai Ogundele, Oyagbile Ademola, Declan Ihekaire, Adewole Adewale, Jimoh Muyideen, Suara Saheed, Layade Olusede, Adenle Musefiu, Aderanti Bimbo, Okewoye Emmanuel, Amos Popoola, Oyewole Peters, Adebayo Adesina, Caleb Olukoya, Saka Adeeyo, Olusola Green, Ajibade Abdulrasheed, Abdul Fatai Salawudeen and Akinbami Felix on 11/07/2008 at about 1230hrs at the Osun State High Court Oke-Fia, Osogbo, in Osogbo Magisterial District did conspire together to commit an offence to wit conduct likely to cause the breach of the peace and thereby committed an offence contrary to and punishable under section 517A of the criminal code Cap. 34 Vol. II Laws of Osun State of Nigeria, 2003.

COUNT II: That you Comd. Waheed Lawal, Debo Adeniran, Leke Adebajo, Adeoye Saibu, Owolabi Fatai, Abdul Fatai Ogundele, Oyagbile Ademola, Declan Ihekaire, Adewole Adewale, Jimoh Muyideen, Suara Saheed, Layade Olusede, Adenle Musefiu, Aderanti Bimbo, Okewoye Emmanuel, Amos Popoola, Oyewole Peters, Adebayo Adesina, Caleb Olukoya, Saka Adeeyo, Olusola Green, Ajibade Abdulrasheed, Abdul Fatai Salawudeen and Akinbami Felix, on the same date, time, place and in the same magisterial district did conduct yourselves in a manner likely to cause the breach of the peace by carry (sic) placards with the inscription "corrupt judges

COUNT III: That you the aforementioned persons on the same date, time and place in the aforementioned magisterial district did unlawfully assemble yourselves tumultuously to disturb the peace at the High Court premises, Osogbo and thereby committed an offence contrary to section 69 and punishable under section 70 of the criminal code cap.34 vol. II laws of Osun State 2003.

COUNT IV: That you the aforementioned persons on the same date, time and place in the aforementioned magisterial district did unlawfully publish and distributed seditious materials such as "corrupt judges are a disgrace to this Nation, sack them now" Nigeria condemn judicial proffering (sic)" (*profiteering*) e.t.c. and thereby committed an offence contrary to and punishable under section 51 (1) of the criminal code cap 34 Vol. II Laws of Osun State of Nigeria, 2003.

Date Arraigned: 14 - 07 - 08; Plea: Not Guilty; Court: Mgt Ct 2, Osogbo; Magistrate: E. O. Akinlayo; Prosecutor: Adekunle Ayuba.

CORRUPTION CHARGES AGAINST THE JUDGES OF THE OSUN STATE FIRST ELECTION PETITIONS TRIBUNAL ...CACOL's Petition to the President Federal Court of Appeal, Abuja

Our attention has been drawn to the July 14 edition of TheNEWS newsmagazine in which the judges of the Osun State First Election Tribunal Judges were alleged to have compromised their otherwise exalted positions by commingling with the lawyer of Governor Olagunsoye Oyinlola who is the defendant in the petition filed at the Tribunal by the governorship candidate of the Action Congress, Engr Rauf Aregbesola. Although we wished the magazine's allegations were wrong, the records of telephone conversations between some of the judges, especially the Tribunal Chairman, Mr Justice Thomas Naron and Mr Justice J. E Ekanem and the Governor's lawyer prove otherwise. Our concern is borne out of the fact that the judiciary, being generally regarded as the last hope of the common man should not be allowed to disintegrate to the state of anomie where justice would be perverted at will. If that happens then the mass of the people will lose the hope of securing justice from official quarters, they will then begin to engage in self-help effort which manifests in jungle justice that can only result in anarchy.

CACOL believes that judicial corruption places a moral burden on the country as citizens are prone to losing faith in their political leaders. They will no longer believe that honest business will earn them their livelihood and therefore find solace in the principle of 'if you cannot beat them, then join them'. Citizens will be ready to exchange patriotism for pecuniary patronage and therefore compromise national integrity and by extension, national security. Once this happens the nation is as good as being at the precipice of caving in as a failed state. Nigeria is daily inching its way towards becoming a failed state as corruption is fast becoming the norm rather than exception within the government circles. We have witnessed seeming intractable corruption in the executive and the legislative arms of government. That corruption pervasiveness is fast penetrating the judicial arm calls for worry for every right thinking person in Nigeria. They must therefore take significant action to nip it in the bud before it consumes all of us. As we have said over and over again, corruption is borne out of the *kleptomaniac* mentality - the attitude of using public funds as a means of personal enrichment or for political patronage. It is the mentality of an average Nigerian politician who sees political power as avenue for self enrichment in material and influence. This is at the expense of the tax-paying citizens on whose behalf the politicians are expected to hold the instruments of governing in trust. Private discussion between a judge with a lawyer to a side of the case upon which such judge is sitting is glaringly a corrupt practice as it violates Rule 34 of Professional Conduct for Legal Practitioners (2007). And that is a negation of democratic ethos that presumes that governance is a function of separation of powers where different arms of government engage in checks and balances over one another.

It is an indisputable fact that once functions of different arms of government are deliberately compromised for pecuniary reasons the control mechanism embedded in governance would have been equally compromised. What would result is lack of consideration for common good of the governed which literally translates to tyranny. It is clear, if what has been exposed in the Osun state Election Petition Tribunal by TheNEWS magazine is anything to go by, that the principle of separation of powers have been deliberately misappropriated and commandeered for private use of the incumbent government and this has rubbished the logic of checks and balances in governance hence a culture of impunity follows. This is a culture that 'sees no evil and talks no evil' among arms of government leaving the citizens on their own as they have no governmental structure to cry to when their socio-political rights are violated. The implication of this is that the state can easily be turned into a police state where only the might is right while the people matter not.

It is against this backdrop that CACOL urges the National Judicial Council to act with dispatch and apprehend everyone that has participated in the breach of trust in the Tribunal and discipline them appropriately. We not only calls for the prosecution of those involved in the latest corruption episode but also a full recovery of all similarly looted public funds in Osun state. Equally if it is true that the state governor is in the know, and aided or abetted this unconstitutional act, then he has committed an impeachable offence and nothing must be spared to make him answer for his gross indiscretion in this respect. The law should not be a respecter of anyone no matter how powerful, influential or crafty.

Furthermore, CACOL strongly recommends that a deliberate effort must be made by concerned citizens of Osun State to deliver the state from the spirit of corruption that has seemingly taken the state hostage. Osun state is becoming stigmatized with corrupt practices due to the unholy activities of some of its prominent citizens. From the scandals of a late Minister of Internal Affairs on the national ID card issue, to an erstwhile police Inspector General of Police, an impeached former Speaker of the House of Representatives, and some of the state legislators to whom the state's scarce resources were misappropriated and accepted the illegality as gratification, the corruption dent is becoming an embarrassing spectacle for that state.

The **Coalition Against Corrupt Leaders (CACOL)** was established in August 2007 to exert pressures on anti-graft agencies to investigate and prosecute known corrupt leaders in Nigeria. CACOL also undertakes to sensitize Nigerians to *Name, Nail, Shame and Shun Corrupt Leaders Anywhere, Everywhere* to serve as deterrent that corruption does not pay. CACOL is primarily funded by member organisations but also seeks support from public-spirited individuals, corporate bodies and donor agencies. This leaflet is supported by **ActionAid Nigeria** through **CHILDREN Project**. For further information contact: Chairman, 610 Lagos-Abeokuta Expressway, Ijaye-Ojokoro, Lagos, Nigeria. E-mail: cacol@yahoo.com Phone: 01-4736534, 08037194969, 08023226276. 31st August, 2008