



Coalition Against Corrupt Leaders (CACOL)

c/o 610, Lagos-Abeokuta Expressway, Ijaye Bus stop, Ijaye-Ojokoro. Lagos State.

P.O. Box 1592, Agege, Lagos.

E-mail: cacolc@yahoo.com, dadnig@yahoo.com

Phone: 01-4736534, 08023226276, 08037194969

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

OPEN LETTER TO THE CHIEF JUSTICE OF FEDERATION ON CORRUPTION CHARGES AGAINST JUDGES AT THE OSUN STATE ELECTION PETITION TRIBUNAL

9 July, 2008

Justice Idris Kutigi,
Chief Justice of the Federation
The Supreme Court of Nigeria
Three Arms Zone
Abuja, FCT

Your Lordship,

ALLEGATION OF CORRUPT CONDUCT AGAINST JUDGES AT THE OSUN STATE ELECTION PETITION TRIBUNAL

Introduction:

The **Coalition Against Corrupt Leaders (CACOL)** is an aggregate of human rights, community based, and civil society organisations with anti-corruption agenda across Nigeria. CACOL sets for itself the task of using any available means to cause relevant authorities to probe and bring to book all corrupt leaders both in public and private institutions. The decision to embark on the journey was taken in view of the need to confront headlong, once and for all, the monster that is ravaging all facets of our national life in Nigeria - Corruption. We decided to do this on behalf of millions of hapless Nigerians who have by a choice that is not theirs, fallen or are potential victims of corrupt leaders. This monster torments ordinary people of Nigeria in all areas of their endeavour. We believe we have to confront it with a view to defeating it because it has to be done, not by ghosts or citizens of other nations but by Nigerians who have pride in themselves to be full-blooded Nigerians.

Rationale: Causes of all socio-economic and political problems plaguing Nigeria today have been traced to endemic corruption by and among leadership of various socio-political institutions in Nigeria and their collaborators elsewhere. Corruption as evidenced in all dishonest behaviours like stealing, oppression, favouritism, nepotism, lying, embezzlement, misappropriation, bribery, cheating, fraud etc has made an average Nigerian poorer while an average leader unjustifiably wealthier than the capacity of their legitimate earnings.

Access to all basic necessities - food, water, health care, road, education etc not to talk of good things of life - housing, power, energy, transportation etc are elusive to an average Nigerian. Living in Nigeria has become a nightmare owing to lack of security to

lives and property occasioned by the large army of unemployed youths that turn to crimes for want of what to eat. While our leaders appropriate billions of naira to themselves as salaries, wages and all sorts of allowance, including renovating a three-year old building with N628 million while the only building standing in the culprit's former primary school has no roof; they sell our common heritage to themselves and cronies at ridiculously low rates; destroy public institutions to create market advantage for their private and privatized ones and accentuate fraud with fraudulent judicial process, people of Nigeria die in droves of preventable ailments like road accidents, malaria and childbirth! Hence we hold the belief that rather than engaging authorities on the effect of a vice we should tackle the vice itself from its roots

The fight against corruption is a *hydra headed* one that cannot be confronted from all fronts at the same time. It can only, like learning proceed from known to unknown. The great is what is known while the little is relatively unknown owing to their level of spread and impact. Hence our fight shall take the principle of *'one step at a time'* starting from the presidency to the councillorship; from Chief Executive Officers to cleaners, in both public and private settings.

Engagement: Our task is simple - to use all legal and civilized means to campaign against known corrupt leaders and pressure relevant authorities to prosecute them. Our activities will include but not limited to:

- **petitions** - petitions against suspected and proven corrupt leaders would be sent to relevant state agency to take all appropriate actions under the laws of the land to prosecute them;
- **mass letter writing** - would be encouraged among Nigerians to pressure public and private institutions, as well as relevant individuals to take specific actions against known corrupt leaders;
- **processions** - would be held at regular intervals, especially when submitting petitions and their follow-up activities;
- **research** - would be carried out on unanswered questions bothering on corruption to establish theoretical bases for activities and advice relevant authorities appropriately on ways and means of tackling the monster;
- **study** - would be carried out on best practices, workability of intended actions and effectiveness of action taken on the subject matter;
- **investigations** - of reported cases of corruption with a view to assisting anti graft agencies with facts and figures to prosecute suspected culprits;
- **litigations** - court and other judicial actions would be taken against any anti graft agency that is reluctant or refuses to perform its lawful duties or overzealous in performing its functions;
- **public rallies** - spiced with graffiti, leafleteering, bill posting etc would be held at intervals to raise the consciousness of the Nigerian populace on the need and how to make their communities uncomfortable for corrupt leaders to return to. They will be encouraged not

CACOL ACTIVITIES SO FAR

CACOL started its activities since August 2007 when it held its inaugural meeting with about thirty different civil societies who had earlier indicated their intention to be part of the initiative. Since then CACOL has carried out the following major campaign activities asking for the probe and, if found culpable, prosecution of the immediate past president,

General Olusegun Obasanjo and his regime for corruption:

- Inaugural Press Conference - September 3, 2007
- Procession to submit a petition to EFCC - November 14, 2007
- Procession to submit a petition to ICPC - December 12, 2007
- Press Briefing on Our Journey so Far - January 3, 2008
- Press Conference on EFCC & ICPC - February 14, 2008
- Picketing of EFCC offices in Lagos - March 12, 2008
- Procession to ICPC offices & National Assembly in Abuja - April 16, 2008
- Procession to Lagos State House of Assembly - May 8, 2008
- Solidarity Visit to Chief Gani Fawehinmi - May 29, 2008
- Remembrance of Alhaja Kudirat Abiola - June 4, 2008
- Anniversary of June 12 - June 12, 2008
- Press Conference on State of Corruption - July 2, 2008

All these activities contributed to the understanding of the issues involved in the need for and popular agitation for the probe of every sector of the economy under that regime by a cross section of the Nigerian populace. Most of these activities are carried out with funds from membership contributions and donations from friends of the Coalition.

CORRUPTION CHARGES AGAINST THE JUDGES OF THE OSUN STATE FIRST ELECTION PETITIONS TRIBUNAL

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 communing 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.

Debo Adeniran
dadnig@yahoo.com
Chairman, for Coalition Against Corrupt Leaders, CACOL
Wednesday, July 9, 2008