

MALCOLM OMIRHOB & CO.

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3rd December 2022

The Secretary
Legal Practitioners Disciplinary Committee,
Plot 688 Institution and Research District,
FFC Phase III,
(Behind Federal Medical Center),
Jabi, Airport Road,
Abuja.

Dear Sir,

**RE: DEFENCE ON THE MERIT TO BB/LPDC/896/2022 MUSLIM
RIGHTS CONCERN (MURIC) V. MALCOLM EMOKINIOVO
OMIRHOB, ESQ**

The above caption refers.

In line with Rule 10 of the Legal Practitioners Disciplinary Committee Rules, 2020, kindly find enclosed herewith 10 copies of my Defence on the merit to BB/LPDC/896/2022 Muslim Rights Concern (Muric) V. Malcolm Emokiniovo Omirhobo, Esq .

Thank you.

Yours faithfully

For: MALCOLM OMIRHOB & CO

CHIEF MALCOLM EMOVINIOVO OMIRHOB

.....Legal practitioners.....
Chief Malcolm Omirhobo B.Sc,Econs,Admin,LLB, BL, Tejumade Sijuade LLB,BL, A.J.Beredugo
LLB,BL,LLM Sergius Emeto LLB,BL,I.C Amina LLB,BL, Jacinta Ogbedeleteo LLB,BL
Peter N. Okoroani LLB, BL, Franca O. Abubokhale, LLB, BL

IN THE FEDERAL HIGH COURT OF NIGERIA

**IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT IKOYI**

CASE NO: BB/LPDC/896/2022

**IN THE MATTER OF THE LEGAL PRACTITIONERS ACT 2004
AND THE LEGAL PRACTITIONERS DISCIPLINARY
COMMITTEE RULES 2020**

BETWEEN:

**MUSLIM RIGHTS CONCERN
(MURIC).....APPLICANT**

AND

**MALCOLM EMOKINIOVO OMIRHOBO
ESQ.....RESPONDENT**

**AFFIDAVIT DISCLOSING DEFENCE TO THE ORIGINATING
APPLICATION ON MERITS.**

Introduction

I, Chief Malcolm Emokiniovo Omirhobo, Male, Nigerian Citizen, Traditionalist and Legal Practitioner of No.121, Okota Road, Okota, Isolo, Lagos State do hereby make on oath and state as follows:

1. That I am the Respondent herein by virtue of which I am familiar with and well abreast of the facts giving rise to this application.
2. That the facts I depose to herein are within my personal knowledge except wherein otherwise expressly stated.

3. That I am a Legal Practitioner, trading under the name and style Malcolm Omirhobo & Co with enrolment Number SCN026858 with address- No. 121, Okota Road, Isolo, P.O. Box 7215, Ikeja, Lagos, Tel: 0803-307-2453, and my E-mail: omirhobo@yahoo.com
4. That I hail from Otor-Iwhreko, Ughelli, Ughelli North Local Government Area of Delta State.
5. That I am a Chief and I hold the chieftaincy title of Ominimini 1 'R' Ovie of Ughelli Kingdom and my great grandfather, grandfather and late father are all titled Chief holders of Urhobo land.
6. That I am from the Esegba family who are the custodians of the Omalokun shrine, the deity/gods of the ocean. I also believe in the worship of my ancestral spirits.
7. That it is the dictates of my religion that mandatorily I have to walk on my bare feet so as to be in touch with mother earth to which my ancestors are buried at all times for fertility and protection.
8. That my forbearers pass our tradition and religion to my great-grand father, Chief Omirhobo Usitaka, who passed it to my grandfather Chief Orodeko Okposiokpo Omirhobo, who passed it to my late father Chief Anthony Council Omirhobo who passed it over to me with the instruction that I pass it over to my children so that they can pass it over to their own children.
9. That I am in receipt of the Applicant's Originating Application dated 12/7/2022 in respect of the allegation against me as a Legal Practitioner supported by a Notice of Statement of Evidence and a 16 paragraphs Affidavit which I have painstakingly studied and perfectly understand.
10. That I admit Paragraph 5 and denies Paragraphs 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 (a),(b),(c) and (d), 14, 15 and 16 of the affidavit in support of the Applicant's Originating Application.
Applicant lacks the capacity and Unknown to Law.
11. That this Petition was filed by a body called Muslim Rights Concern (MURIC).

12. That the Applicant, Muslim Rights Concern (MURIC) is not registered with the Corporate Affairs Commission nor any other Body/Commission. Same is unknown to law.
13. That Professor Ishaq Akintola very well know that MURIC is not a legal entity in law but has continued to mislead the public and the Court that such legal personality exists.
14. That in **SUIT NO. FHC/L/CS/3/2020 BETWEEN CHIEF MALCOLM EMOKINIOVO OMIRHOBBO V. THE CENTRAL BANK OF NIGERIA & 6 ORS., SUIT NO. FHC/L/CS/2/2020 BETWEEN CHIEF MALCOLM EMOKINIOVO OMIRHOBBO V. NIGERIAN ARMY & 6 ORS.** and in **SUIT NO. FHC/L/CS/453/2022 BETWEEN CHIEF MALCOLM EMOKINIOVO OMIRHOBBO V. THE NIGERIAN POLICE & 6 ORS.** Professor Ishaq Akintola committed perjury by lying to the Court that MURIC is a legal entity. Attached hereto and marked as “**EXHIBIT A**” is copy of one of the Sworn Affidavit of Professor Ishaq Akintola where he exhibited the Certificate of Incorporation of MURICA while misleading the Court to believe that it is the Certificate of Incorporation of MURIC.
15. That by the said Certificate of Incorporation of MURICA attached to **Exhibit A** above, the Applicant herein is not a legal personality or entity, juristic or registered entity.
16. That the registered name on the CAC data bank is Muslim Rights Concern Association (MURICA) registration number IT 43397 which is not the same with the Applicant. The CAC online searches showing Muslim Rights Concern Association as the only name registered at the Corporate Affairs Commission is attached and marked as “**EXHIBIT B**”.

Petition Outside The Scope Of The Objects.

17. With respect to paragraph 6, the said MURIC(A) is an Islamic Organization whose major objective is advocating for female Muslims right to wear hijab in public institutions as it has been the practice in Western countries like United Kingdom.
18. That the aims and objectives of MURICA are:

- (i) To promote educational moral, social, spiritual and cultural advancement of the ummah (Muslim Community) in particular and humanity in general.
 - (ii) To initiate scheme and programmes independent of or in conjunction with other corporate bodies, either Islamic or non-Islamic of similar aims and objectives towards achieving the goals of the Association.
 - (iii) To engage in any other ancillary or business, with prioritized bias towards achieving the goals of the Association.
 - (iv) To encourage its members individually and collectively towards the improvement of their Taqwah (i.e. Fear of God).
 - (v) To promote both Islamic and Western Education of members and other deserving members in the society.
 - (vi) To carry the great message of Islam, disseminate true knowledge of the Holy Quran and the Hadiths of the Holy Prophet Mohammed to all people.
 - (vii) To promote the religious, moral and social advancement of members and all Muslims in general.
19. That either MURIC or MURICA, the Applicant's Petition is clearly outside the scope of the registered objects. The MURICA'S constitution and the CAC Status Report showing the Aims and Objectives of MURICA hereby attached and marked "**EXHIBIT C**."
20. That in view of **Exhibits B and C** above, the Applicant in its complaint of 12/7/2022 against me misinformed and lied to this Honourable Committee that it is an Islamic Human Rights douse tension in Nigeria and reduce the incidence of violence, fight against corruption as well as ensuring upliftment of the rule of law and protection of national institution.
21. That the advocating for female Muslims right to wear hijab in public institutions as it has been the practice in Western countries like the United Kingdom is not part of the objectives of MURIC(A).

22. That protection of the integrity and maintenance of the high standard of legal profession is not part of the aims and objective of MURIC(A).
23. That MURIC(A) is a mere Associations “where one or more trustees are appointed by a community of persons bound together by customs, religion, kinship or nationality or by anybody or association of persons established for any religious, educational, literary, scientific, social, development, cultural, sporting or charitable purpose, he or they may if so authorized by the community, body or association....apply to the Commission in the manner hereafter provided for registration... as a corporate body.”
24. That the Applicant is not Non- Governmental Organizations (NGOs). MURIC(A) cannot expand the scope of its aims and objectives beyond what is conferred on it by law.

Lack Of Locus Standi

25. That the Applicant lacks the requisite locus standi to bring this application against my person.
26. That the Applicant is not a member of the legal community, neither is it my client as I have never rendered any legal service to her and therefore lacks the capacity to institute this action against me as there is no lawyer/client relationship between us.

Application/Petition Not In The Name Of The Trustees

27. The Application is also not presented through Board of Incorporated Trustees or the Incorporated or Registered Trustees.
28. That all legal actions of incorporated trustees are brought by a member or members of her Board of the Incorporated Trustees and that Muhammad Mansur Aliyu, is not a member of the Board of Trustees of the Applicant but the Chairman of the Applicant’s Sokoto State Chapter and therefore lacks the capacity to bring this action.

Alleged Violation Of The Rules

29. That I deny paragraph 7 of the Applicant's affidavit and state that the Applicant is a meddling interloper as the averment is a mere presumptions and/or figment of its imagination.
30. That neither the Supreme Court Justices or its Officials, nor the Nigerian Bar Association complained of my conduct.
31. That I did not appear at the Supreme Court on 23/6/2022 as a legal practitioner conducting a case for his client or conducting my personal case.
32. That I was at the Supreme Court on 23/6/2022 as a Nigerian citizen in a public place just to observe proceedings and not to conduct a case.
33. That while at the Supreme Court, I comported myself, I did not speak to anybody inside the Court, I was not violent to anybody or did anything that affected the justices of the Supreme Court, the Community of the Legal Practitioners or the public. The Applicant did not furnish anything to the contrary depicting violence or disruption.
34. That the Applicant has no cause of action to lay complaint against me before this Honourable Committee.
35. That I deny paragraph 8 of the Applicant's Affidavit in support and state that I never in any way or manner make fun of the legal profession and that I attended the Federal High Court, Lagos Judicial Division, Ikoyi on 27/6/2022, dressed as prescribed by my religion in line with the Constitution of Nigeria as confirmed by the Supreme Court of Nigeria in **SUIT NO.SC. 910/2016 BETWEEN LAGOS STATE GOVERNMENT & 4 ORS. V. MISS ASİYAT ABDUL KAREEM (MINOR) & 2 ORS.** Copy of the Judgment is attached hereto and marked as **"EXHIBIT D"**.
36. That I deny paragraph 9 of the Applicant's Affidavit in support and state that I was not at the Federal High Court on 28/6/2022, but on 27/6/2022 and even on the said day, I was only appearing for myself in two of my cases namely:

SUIT NO. FHC/L/CS/929/2022: CHIEF MALCOLM OMIRHOBO V. THE FEDERAL GOVT. OF NIGERIA & 27 ORS. AND SUIT NO. FHC/L/CS/1392/2021: CHIEF MALCOLM OMIRHOBO V. THE NIGERIAN ARMY & 2 ORS. The Applicant did not furnish anything to the contrary.

37. That those matter were my personal cases as I was the Plaintiff-in-Person and in line with the Rules of Professional Conduct, I need not be fully robbed.
38. That as I stood to address the Court, two lawyers who were interloping in my matter interjected in my case, whereas, they were not parties to the suit neither were they representing any party.
39. That I was not rude to the Court and that the Court only asked me to address the Court on the mode of my dressing. Attached hereto and marked as “**EXHIBIT E**” is a copy of the court proceedings in **SUIT NO. FHC/L/CS/1392/2021: CHIEF MALCOLM OMIRHOBO V. THE NIGERIAN ARMY & 2 ORS.**
40. That I deny paragraph 10 of the Applicant’s Affidavit in support and state that I did not cause serious commotion nor ridicule the legal profession, the Applicant or anybody by my conduct.
41. That I deny paragraph 11 of the Applicant’s Affidavit in support and state that I did not make comments on social media or any forum directly or indirectly insulting or making innuendos to the personality of Supreme Court justices that took part in the judgment.
42. That I deny paragraph 12 of the Applicant’s Affidavit in support and deny that my conduct made the legal profession suffered insult from mostly non-lawyers on the social media platform.
43. That I deny paragraph 13 of the Applicant’s Affidavit in support and state as follows:
 - a. That my conduct is not in violation of Rule 1 of the Rules of Professional Conduct for Legal Practitioners

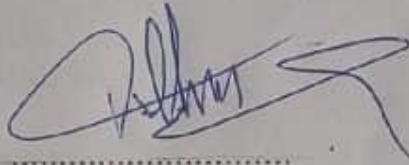
2007 (RPC) as I have always maintained a high standard of professional conduct and have never in all my years of practice and particularly the days mentioned by the Applicant engage in any conduct which is unbecoming of a legal practitioner.

- b. That my conduct did not violate Rule 30 of RPC, whereas, in my years of practice and the days mentioned by the Applicant as a legal practitioner, I have never conducted myself in any manner that obstructed and adversely affected proceeding before the Supreme Court nor violated Rule 31 (1) for failure to treat Supreme Court with respect, dignity and honour.
 - c. That my conduct did not violate Rule 36 (a)(b) of the RPC for dressing in the mode prescribed by my religion in exercise of my fundamental rights to freedom of conscience, thought and religion and not for the mere fun of attracting public attention to myself at the Court. Also in those days, I did not appear for a client.
 - d. That I have not violated any professional rules of conduct as a lawyer and accordingly Rule 55 (2) of RPC that mandates every lawyer to report any lawyer found to be violating its provisions does not apply here because the Applicant is not a lawyer and at best a non-entity in law. Again the lawyer Muhammad Mansur Aliyu Esq., Chairman, Muslim Rights Concern (MURIC) Sokoto State Chapter is not a member of the Board of Trustees of any known incorporated trustees in Nigeria that has brought a complaint against me and that he cannot act for a non-entity in law and so there is no mandate for him to discharge.
44. That I deny paragraph 14 of the Applicant's Affidavit in support and state that I have not violated any rules of professional conduct as a legal practitioner and there is no matter to be investigated against me and sanction levied on me as deterrent to others.

45. That I admit paragraph 15 of the Applicant's Affidavit in support but state that my conduct did not in any way bring about the call by the Applicant to protect the calibre of and respect the justices of the Supreme Court of Nigeria.
46. That there is no Constitutional provision nor any in the RPC that provides that a lawyer going to observe proceedings or conducting his matter in a personal capacity must be fully robed nor that bars him from wearing trado-religious attires.
47. That clearly, my dressing on those two occasions was misinterpreted by the Applicant-hence this Petition.
48. That in 2017, the Body of Benchers refused to call to Bar one Firdaus Amasa, for wearing her hijab under her wig. Attached hereto and marked as **"EXHIBIT F1-2"** are copies of online Newspaper publications on the Body of Benchers refusal to call Firdaus Amasa to bar for wearing her hijab under her wig. Nigerian law graduate denied call to bar over hijab <https://www.aljazeera.com/news/2017/12/16/nigerian-law-graduate-denied-call-to-bar-over-hijab>. The Cable TRENDING: Hijab-wearing law graduate denied call to bar for breaking dress code <https://www.thecable.ng/hijab-wearing-law-graduate-denied-call->
49. That in 2018, the Body of Benchers reconsidered its stands and called Firdaus Amasa to Bar, wearing her hijab under her wig and was called to bar with a heavy fanfare. Attached hereto and marked as **"EXHIBITS G AND H"** respectively are copies of online Newspaper publications and video on the Body of Benchers calling Firdaus Amasa to bar with her hijab on. Amasa Firdaus called to bar in hijab <https://guardian.ng/news/amasa-firdaus-called-to-bar-in-hijab/>
Nigerian Law School Calls Amasa Firdaus To Bar <http://www.channelstv.com>
50. That today, with the approval of the Council of Legal Education, the Body of Benchers, the General Bar Council and the Registered Trustees of the Nigerian Bar Association female students at the Nigerian Law School and practicing female lawyers now wear their hijab under their wig to attend classes and court proceedings.
51. That the Application complaining of my dress code as it relates to the dictates of my religion and my being

summoned before the Legal Practitioner Disciplinary Committee by the Body of Benchers is discriminatory and a violation of my fundamental right to freedom from discrimination as provided for in Section 42(1)(a)(b) of the Nigerian Constitution.

52. That the Application complaining of my dress code as it relates to the dictates of my religion questioning my religion describing it as fetish is a violation of my fundamental right to dignity of my person and in violation of my freedom of conscience, thought and religion since I was not in court to represent clients but there in my personal capacity.
53. That the Applicant's Affidavit in support was done mala-fide.
54. That the Applicant's application lacks merits and should be dismissed with an apology to my good self to be published in five National Newspapers.
55. That I swear to this affidavit in good faith believing same to be true and correct in accordance with the Oath Act 2004.



DEPONENT



SWORN TO at the Federal High Court

Registry, Lagos, this 7th day of Dec, 2022.

BEFORE ME

Original Signed
W. J. BUSARI (MRS)

FEDERAL HIGH COURT
LAGOS

DATE

COMMISSIONER FOR OATH



