

ORIGINATING APPLICATION

NUMBER: FE/LPDC/1571/2024

IN THE MATTER OF THE LEGAL PRACTITIONERS ACT 2004

OLA FARO _____ APPLICANT

AND

TOMILOLA TIFUS FAROTIMI ESQ
(Also known as DELE FAROTIMI ESQ.) _____ RESPONDENT

I, OLA FARO OF 24 MADEIRA STREET, IMANI ESTATE, MAITAMA ABUJA APLY THAT DELE FAROTIMI OF NO. 15A OGBUNIKE STREET, LEKKI PHASE 1, LAGOS STATE be required to answer the allegations contained in the Statement/Affidavit which accompanies this Application and such Order be made as the Committee shall think right.

Dated this 6th day of December 2024.

SIGNED by the Applicant



OLA FARO

Whose address of service is
24 Madeira Street,
Imani Estate Maitama,
Abuja-F.C.T.
Olafaros@yahoo.com

ADDRESS FOR SERVICE ON THE RESPONDENT
DELE FAROTIMI ESQ.
No. 15a Ogbunike Street,
Lekki phase 1,
Lagos State.



FORM OF NOTICE TO ACCOMPANY STATEMENT OF EVIDENCE

Number PE/UPDC/157/2024

IN THE MATTER OF THE LEGAL PRACTITIONERS ACT 2004

AND

THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE RULES
2020

IN THE MATTER OF OLA FARO AND DELE FAROTIMI ESQ.

OLA FARO

APPLICANT

AND

TOMILOLA TITUS FAROTIMI ESQ

(Also known as DELE FAROTIMI ESQ.)

RESPONDENT

TAKE NOTICE that the Applicant proposes to rely upon the Statement(s)/Affidavit of Facts and accompanying documents on oath listed below, copies of which are served herewith.

If you wish any person who has made one of these statements to be required to attend the hearing as a witness you must, not less than 9 days before the date set down for the hearing of the application, notify me and the Secretary to the Committee to that effect. In the event of your failure to do so the Committee may accept the Statement/ Affidavit in question in evidence without more.

List

Date of Statement

Name of person who made
the statement/affidavit

6th December, 2024

Ola Faro

Dated this 6th day of December 2024



OLA FARO

Whose address of service is
24 Madeira Street,
Imani Estate Maitama,
Abuja-F.C. T.
Olafaros@yahoo.com



Ola Faro Esq
Afe Babalola & Co
24, Mairnera Street
Imani Estate
Maitama
Abuja

6th December, 2024

The Chairman,
Legal Practitioners' Disciplinary Committee,
Plot 1101, Cadastral Zone,
Central Business District,
Abuja.

Dear Sir,

PETITION AGAINST TOMILOLA TITUS FAROTIMI (ALSO KNOWN AS DELE FAROTIMI, ESQ), A NIGERIAN LAWYER CALLED TO NIGERIAN BAR WITH HIS NAME ON THE ROLL OF LEGAL PRACTITIONERS KEPT BY THE SUPREME COURT FOR VIOLATION OF THE EXTANT RULES OF PROFESSIONAL CONDUCT FOR LEGAL PRACTITIONERS RULES 1, 15 (1), 15 (2B), 15 (3A), 15 (3G), 15 (3I), 15 (3J), 26 (1), 27 (1), 30, 31 (1), (2) & (4) OF THE RULES OF PROFESSIONAL CONDUCT 2023 BY BRINGING THE ENTIRE JUDICIARY IN NIGERIA INTO DISREPUTE WITH HIS UNFOUNDED ALLEGATIONS OF CORRUPTION AGAINST EMINENT JUSTICES OF THE SUPREME COURT OF NIGERIA, JUDGES OF HIGH COURT OF LAGOS STATE, AARE AFE BABALOLA SAN, OLU DARAMOLA SAN, OLA FARO ESQ & THE ENTIRE CHAMBERS OF AFE BABALOLA & CO IN HIS BOOK TITLED "NIGERIA AND ITS CRIMINAL JUSTICE SYSTEM".

My name is **Ola Faro**, a Partner in the law firm of Afe Babalola & Co. (Emmanuel Chambers) and I write this in personal capacity and for and on behalf of the law firm of Afe Babalola & Co.

STATEMENT OF FACTS

1. Dele Farotimi Esq, against whom this Petition is written, is a legal practitioner called to the Nigerian Bar with his name on the Roll of legal practitioners kept at the Supreme Court of Nigeria. His is a private legal practitioner with his address at No. 15A Ogbunike Street, Lekki Phase 1, Lagos State. He is hereafter referred to as the "Respondent".
2. The Respondent practices under the name and style of Dele Farotimi & Co and maintains his law firm at No. 15a Ogbunike Street, Lekki phase 1, Lagos State.
3. The Respondent was a legal practitioner as at the time of writing and publishing his book titled "*Nigeria and Its Criminal Justice System*" and remains a legal practitioner.
4. In his book, the Respondent referenced Suit No: SC/146/2005 - Major Muritala Gbadamosi Eletu v. H.R.H. Oba Tijani Akinloye & Ors., reported in the Nigerian Weekly Law Report as Gbadamosi v. Akinloye (2013) 15 NWLR (Pt. 1378) 455.
5. The Respondent in his book:
 - a. Indicated that he did not study law to observe the rule of law in order to promote and foster the cause of justice. He engaged in conduct which is unbecoming of a legal practitioner by making false accusations against the Supreme Court and the legal profession.
 - b. Participated in conduct that he believes to be unlawful by bribing judicial officers and having unlawful access to a judicial officer.
 - c. Joined his clients in committing misconduct and breach of law with reference to judicial officers by having unlawful access to a judicial officer.
 - d. Gave service to his client which he knows is capable of causing breach of law and disrespect and corrupting a judicial officer.
 - e. Knowingly made false statement of law and facts in respect to a case already decided by the Supreme Court.

- f. Assisted his clients in a conduct that he knows to be illegal and fraudulent.
 - g. Knowingly engaged in illegal conduct in the course of his practice as a legal practitioner.
 - h. Treated his fellow lawyers without respect, fairness, consideration and dignity, allowing ill feeling between opposing clients to influence his conduct and demeanor by distorting the facts of a case in the course of his practice as a legal practitioner.
 - i. Failed to observe good faith and fairness in dealing with other lawyers in respect to a case already decided by the Supreme Court.
 - j. Conducted himself in a manner that obstructed, delayed and adversely affected the administration of justice by taking steps to frustrate a decision of the Supreme Court for his personal benefit and benefit of his client who lost at the Supreme Court.
 - k. Treated the court, particularly the Supreme Court without respect, dignity and honour by using uncouth, unprofessional, undignified and offensive language against the Supreme Court and the justices of the Supreme Court.
 - l. Made defamatory statements against judicial officers rather than making a complaint to appropriate authorities.
 - m. Indicated that he discussed a pending case with a judge trying the case in the absence of an opposing lawyer.
6. The contravention of these rules by the Respondent prompted this petition to protect the dignity of the legal profession, the dignity of the court as the temple of justice and to uphold the standards of the legal profession.

BACKGROUND OF FACTS

7. The subject matter of this suit was a 254-hectare parcel of land situated at Osapa, Eti-Osa Local Government Area, Lagos which was sold in 1977 by the Ojomu family to the late Gbadamosi Barridele Eletu.

8. The Lagos State Government subsequently acquired this land following its sale to the late Gbadamosi Barnidele Eletu.
 - a. The Ojomu family contested the acquisition in Suit No: ID/1883/89, where the court ultimately set aside the acquisition by the Lagos State Government.
 - b. Following the judgment in Suit No: ID/1883/89, the Ojomu family initiated proceedings in the Lagos State High Court claiming that title to the land had reverted to them despite its prior sale to the late Gbadamosi Barnidele Eletu.
 - c. The Appellants in Suit No: SC/146/2005 - Major Muritala Gbadamosi Eletu v. H.R.H. Oba Tijani Akinloye & Ors were the Defendants at the High Court. They lost the case at the High Court and appealed to the Court of Appeal and lost again. After losing at the Court of Appeal, they engaged our law firm to represent them at the Supreme Court.
 - d. Our law firm (Afe Babalola & Co) represented the Eletu family. On 13th July 2013, the Supreme Court gave judgment in favour of the Eletus. A certified true copy (CTC) of the Supreme Court's judgment of 13th July 2013 is attached as Exhibit 1.
9. In the Supreme Court's judgment, Honourable Justice Kema Bayang Aka'ahs (JSC), who read the lead judgment, mistakenly limited the Appellants' land to 10 hectares (24.17 acres) in relation to Suit No: M/779/93, which was part of the 254 hectares owned by the Eletu family.
10. Following the Supreme Court's judgment, the Gbadamosi Eletu family secretly engaged the services of S. B. Joseph & Co. to enforce the judgment before we could apply for variation of the Supreme Court judgment with intention of not paying us our professional fees.
11. Being unaware of the engagement of S.B. Joseph & Co., our law firm promptly filed a motion to vary the Supreme Court's judgment pursuant to Order 8 Rule 16 of the Supreme Court Rules.

12. The motion was heard and a ruling was delivered on 18th March 2014, granting the Appellants a statutory right of occupancy over the entire 254 hectares sold to the late Gbadamosi Bamidele Eletu. A Certified True Copy (CTC) of this ruling is attached as Exhibit 2.
13. The law firm of F. R. A. Williams & Co. represented the Ojomus till the end of the Appeal at the Supreme Court. The Respondent never appeared in the Appeal. He admitted this in pages 64 and 66 of his Book.
14. The Supreme Court judgment affected several residential estates including Pinnock Estate, Beach Resort, NICON Estate, Friends' Colony Estate and Victory Park Estate.
 - a. The Respondent, Dele Farotiru, was the legal representative for Friend's colony on whose behalf he attended a meeting in our Lagos office on 10/10/2013.
 - b. The affected estates and individuals promptly initiated new suits against the Eletu family to undermine the Supreme Court's judgment.
15. Despite our law firm being the counsel on record for the Eletus in the new suits, the Eletu family was lured by the affected estates to settle the suits and file terms of settlement behind us in order to deprive us of our professional fees. The Respondent acknowledged this on page 73 of his book, *"Nigeria and Its Criminal Justice System."*
16. Whilst the new suits were pending in court, the Lagos State Government publicly recognized the Supreme Court judgment and emphasized the need for State intervention to maintain public peace and order.
17. The Lagos State Government subsequently convened several meetings involving the relevant parties to explore potential compromise of the Supreme Court's judgment.

18. Ultimately, a compromise was reached with the Lagos State Government compensating the Eletu family to prevent the widespread displacement of individuals and communities directly affected by the judgment.

CONTRAVENTION OF THE RULES OF PROFESSIONAL CONDUCT BY THE RESPONDENT

19. On 2nd November 2024, one of our lawyers, while travelling through Murtala Muhammed Airport purchased a book authored by the Respondent titled '**NIGERIA AND ITS CRIMINAL JUSTICE SYSTEM**', published by Dele Farotimi Publishers.
 - a. He immediately brought it to my attention after reading the book. Several of our other lawyers in different jurisdictions also purchased and read the book.
 - b. Subsequently, I received numerous calls from professional colleagues, friends and family members who had watched a Channels TV program where the Respondent was interviewed about the book. During the interview, the Respondent contravened the Rules of Professional Conduct by making false and unsubstantiated attacks against the legal profession, The Supreme Court of Nigeria, the Chief Justice of Nigeria, Justices of the Supreme Court, Judges of the High Court of Lagos State, Judicial Officers, Aare Afe Babalola SAN, Olu Darumola SAN, lawyers of Afe Babalola & Co and myself referred to as 'Olu Faro'.
20. The book was widely read and distributed physically and online throughout Nigeria and abroad. The respondent is making personal commercial gains from the sale of the book.
21. The contravention of the Rules of Professional Conduct by the Respondent are as follows:
 - i. *"There is nothing of the bastard in the men and women peopling our criminal justice system but it is the system itself that is criminal and it is the practitioners, from*

the registrars to too the lawyers and the judges that are generally criminal... ..completely hopeless and unfit for purpose". page XVII

- ii. *"I could see that the judiciary is just as corrupt as any other sector of the Nigerian state and I wanted nothing to do with the Court systems... .." page 44*
- iii. *" The Supreme Court cannot hide behind the incompetence of counsel as it has a duty to examine its own appalling intellectual indolence, corruption or incompetence." page 70*
- iv. *"That the Nigerian justice system is criminal and complacent and can therefore not uphold the tenets of true justice nor dispense thereof to which is it sworn" page XI*
- v. *"The case is Gbadamosi Eletu v. Akinloye. It is one of the most unusual cases I have ever seen in my life where the Supreme Court turned itself into a mathematician-subtracting and dividing land and deciding on a property that was not before it. So, when it comes to expecting any justice from that court, I don't expect any." page XII*
- vi. *"When Amina Augie JSC railed against Chief Afe Babalola's professional conduct, or misconduct in the Bayelsa case, she did so either as an ostrich or out of ignorance. Afe has been corrupting the Supreme Court from ages past and had led it to commit the most egregious acts of evil and wanting injustice. Afe knows what her ladyship does not know or pretend not to know: that justice does not live in the Nigerian court or you can get the court to do whatever you want, as long as you know who to speak with and who to pay". page 83.*
- vii. *"The Supreme Court, in a most shameless manner, sat a second time on the matter and established the facts of*

the incompetence or corruption of each and every member of those who were involved with the Gbadamosi Eletu case, save and except Aka'ahs (now retired), who read the original lead judgement and correctly awarded the Eletus the 10 hectares they had already been granted in M779/93. This was the point where I realized that the Nigerian judiciary was hopelessly lost from top to bottom." page 67

- viii. *"The Nigerian Supreme Court, on the 18th of March 2014 in a most shameless and profane judgement, pronounced itself functus officio and had in shutting out the several parties that would be affected by the sickening miscarriage of justice to which it had yoked itself given Afe Babalola and the Eletus, judgement on a res, over which it should have declined jurisdiction. In view of the plethora of reasons already before the court that would show that the Lagos State Government was a necessary party if the court was to ever assume jurisdiction over the 254 hectares. The miscarriage of justice may only ever be explained by corruption of the most nauseating fashion or intellectual indolence of the most criminal type given the sacred finality of their pronouncement, and the weight of the office that they occupy."* page 68 and 69
- ix. *"But apparently, we had underestimated the extent of the putrefaction of the Supreme Court and the extent of Chief Afe Babalola's corrupt reaches into the innards of the Supreme Court".* page 64.
- x. *The Nigerian judiciary is the foundation of the impunity that has overtaken our country....." Page XVI*
- xi. *"I have always been familiar with the fact of our perversion as a People, and I have few illusions about equity and justice reigning in Nigeria, but I had always*

assumed that there were lines that should never be crossed. I have, however, been slapped awake by the brazenness of the judicial brigandage unleashed on hapless citizens, corporations, and individuals by the Nigerian Supreme Court, acting under the direction of Aare Afe Babalola. At least five Justices of the Apex Court have been identified as guilty of odious corruption and or gross incompetence. Either is sufficient to have them removed from their office and this is my petition to the Nigerian people and most definitely to the NJC". pages 10 to 11.

- xii. *"But the court as though enthralled by whatever Afe the Circus Master had Promised the Justices, acted with utmost carelessness about the integrity of the court, the interest of the citizens and the State that they had been sworn to protect. The conspiracy was always a step ahead of us because some of the clients mistook key members of the confederacy of friends and helpers". pages 70 to 71*
- xiii. *"But Justice Rhodes-Vivour laid a foundation for the fraud that was to come. He spoke of an unextinguished equitable interest in 254 hectares". page 52 to 53.*
- xiv. *"That Aare Afe Babalola corrupted the Supreme Court to procure a fraudulent judgment in the service of his client" page IX.*
- xv. *"I had seen enough by the end of September 2013 to be convinced that there was a high-level conspiracy involving elements in the Supreme Court, the Lagos Judiciary, Afe Babalola and his crew and with the Eletus as co-beneficiaries" page 23*
- xvi. *"I explained to him that I did not read law to follow the rules." page 41*

- xvii. *When the heat it was drawing became a little too much for the head judge Atilade J, she reached out through one of the clients and the Ojomu chieftaincy family, seeking to explain that she was misled and had made a mistake. I was informed of her regret... she was interested in doing everything she could do to douse the fire that had been kindled by her participation in the issuance of fraudulent writ of possession. She pleaded with them to appeal to me to bring a motion to quash the warrant that she had originally issued for the possession of 254 hectares” page 54.*
- xviii. *The original Motion prepared by my office was a Motion on Notice. We prepared this and readied our processes to be filed, and then word came to us vide the Ojomu’s palace. Atilade had asked that we filed the motion ex parte; this was to avoid a lengthy delay she assured her messengers to me, as having the motion papers served on Afe Babalola & Co will only serve to prolong the resolution of the problems created either by her corruption and or incompetence. My reasoned arguments against the ex parte motion were not countenanced by the clients. They all just wanted the mess over and done with. Multi-billionaire investments were being undermined by the situation. And several lives were being disrupted they argued”. page 58*
- xix. *“But even as Atilade J. played the contrition game, she was already part of the game plan being staged together by the grandmaster of judicial corruption in Nigeria, Afe Babalola. I have come to the conclusion that he required form of the application and her ruling were all part of the insidious plans of Afe Babalola, his band of crooked lawyers and coterie of crooked/incompetent justices of the Supreme Court”. page 59.*

- xx. *"The battle to quash the warrant opened my eyes to the extent of the rot in the court system and I came to the knowledge of the sickening realities of the systemic putrefaction. The Supreme Court's Judgment was doctored by the confederation of lawyers in Afe Babalola chambers and the law offices of S.B Joseph & Co and the end desired by the confederacy was sought with the active connivance of the head judge of the Lagos Division, Atilade J.", page 60.*
- xxi. *"Remember how I had been integrated into the Ojumu family by my early associations with the young princes.....one of the stories that the more elderly ones never appeared tired of sharing was the story of how they were defrauded, cheated and exploited by Major Bamidele Gbadamosi Eletu.....they are bug bear was that the survey which he was to subsequently attach to the Deed of Conveyance which they signed as illiterates exaggerated the extent of the land sold" page 62*
- xxii. *"As the mountain of evidence in prove of the Eletus' fraud began to pile up and in view of the order that Atilade had granted quashing the fraudulent warrant that she had issued and as Afe came to realize how useless the original judgment had become, Afe went back to the accomplices at the Supreme Court and this is the only logical explanation for the shameless and brazen review of the fraudulent judgment by the second seating of the court where the justices destroyed whatever doubt one might have harbored of either corruption and/or incompetence". page 64.*
- xxiii. *"It was around this time we began to hear rumors of a return to the Supreme Court by Afe Babalola and his magical elves and the rumors became real when I got a call from Tokunbo Williams SAN, who informed me of the receipt of a motion on notice before the Supreme*

Court, seeking to correct an error in the judgment reproduced below". page 64.

- xxiv. *"However, the ruling of 18th March 2014 was not done to correct any clerical mistake or some error arising from any accidental slip or omission, nor did it vary the judgement or order to give effect to its meaning or intention. What the Supreme Court did was simply to sit in appeal over its judgement and give a new judgement." page 65*
- xxv. *"I immediately contacted our representations in Abuja to make the necessary applications to the Registry of the Supreme Court for the CTC of the judgement and the enrolled orders of the court and same were procured within a couple of days. It is amazing how efficient the inefficient registries could become once the process is sufficiently greased." page 51*
- xxvi. *"In spite of the spirited attempts of T.E Williams SAN and Boma Alabi SAN who appeared on behalf of updc before the Supreme Court, the Supreme Court, headed by the current CJN Kayode Aritwoola shamelessly proceeded to turn themselves into surveyors and mathematicians, ruling on a claim that was never placed before any of the lower courts and one that was certainly never in the contemplation of a court that was not seized of jurisdiction." page 67*
- xxvii. *"Despite this, there was official complicity on the part of several officers of Lagos state government and the judiciary, beginning with the Head Judge Atilade to the deputy sheriff of the high court and most likely to the Chief Judge herself. Hence, the situation was that the totality of the supreme court judgement was in itself very contradictory as to become useless before the Lagos state judiciary and Lagos state government itself." page 68*

- xxviii. *"That Aare Afe Babalola, Olu Daramola, Olu Faro and the law offices of Afe Babalola & Co, (Emmanuel Chambers) compromised the Supreme Court and the remaining semblance of integrity it might have had when they went back to the Supreme Court and got the Court to swim in the sewer of corruption and shameful self-Abnegation". page X.*
- xxix. *"In the midst of these, Oyekan Abdullai, who had been connected to the Ojomu family long before I was called to the bar and who still enjoyed a chummy relationship with the kabiyesi and the Balogun and who was equally friendly with some of my clients, was busy undermining the client's confidence in my capacity to do my job as a lawyer, erroneously advising them that the Supreme Court judgement remained valid and that they should consider negotiating settlement with the Eletus." page 72*
- xix. *"Justice Abdullai was the chairperson at my wedding reception. She was the one that had employed me to work with my very first employers, BASA & Partners." page 74*
- xxvi. *"Oyekan- Abdullai was the lawyer to the Ojomu Chieftaincy family in her days as a lawyer. Legend has it that she was the one that brought Rotimi- Williams into the Ojomu case but what is beyond argument is her linkage to the Ojomu family. She was their lawyer and has remained a trusted member of the Ojomu- in council. She knows more about the cases that culminated in the Supreme Court judgement and she knew everything that I had known about the Eletus fraud and Afe Babalola's shenanigans." page 76*

- xxxii. *"Afe's letter to Tunde Phillips, then C.J of Lagos State showed how frustrated he had become about the inability to execute the fraudulent judgment. In spite of the fact that he asked the Supreme Court to do what it had never done before... .. The Eletus had formed a new confederacy and had neither room or use for Afe Babalola, who had overestimated his own importance to the plot and failed to discern that he had defectively become unnecessary to the new plotters". page 84*
- xxxiii. *"In going through the processes filed by Afe Babalola, I came across a letter he had written to the then Chief Judge of Lagos State, Ayo Phillips, where he had violently libeled me and described me in extremely disparaging terms. Afe is so enthused in his corruption that he lost all sense of propriety and or fairness. I will let you decide the fairness of the doyen of Nigerian injustice and lawlessness in describing the younger counsel, who had only sought the course of justice, from the well of justice into which the old man had always pissed". page 84*
- xxxiv. *"Afe Babalola was imperiled by the suit I filed in court. It was designed to blow open the tinodry details of his dirty deals with the Supreme Court but the suit also represented a threat to the Lagos part of the conspiracy. It was one thing to be having a quarrel amongst thieves, each knew how far they might push their claim but it is quite another thing to get into a "rofororo" fight with a man seemingly incapable of walking away from a fight." page 85*
- xxxv. *"I must close with a caveat; I am not privy to what happened in the conclaves of crooks but I do remember that I have heard it said, "if it wuddles like a duck, quacks like a duck, it is most likely a duck" or similar words to that effect." page 85 to 86*

- xxvii. *"That I sued Afe Babalola SAN for libel and he leveraged his influence in the Judiciary to deny me justice". page X.*
- xxviii. *"That Oyekan Abdullahi J. was the instrument of injustice employed to deny me my day in court" page XI*
- xxviii. *"We quickly realized that the law office of Afe Babalola & Co, Emmanuel Chambers had outsourced the judgment execution to another law office, the firm of S.B Joseph & Co the firm had fraudulently and deliberately concealed the Judgment of AKA'AHs and had underlined the words of Justice Rhodes Vivour to deceive and perhaps mislead Atilade or as is more likely, Atilade was always a part of the original fraud". page 56.*
- xxviii. *"I have absolutely no interest in taking Afe Babalola's corrupt money but I was not going to allow a corrupt, amoral man, devoid of any integrity, to defame me for posterity when none of us will be around to dispute the hagiographic account of the event". page 84*
- xi. *"I have set out to show you the extent of the decadence, corruption and impunity that have overtaken our country and in doing this I have ensured that I am fastidious about telling the truth. I have absolutely no problem with meeting every single writ that anyone might care to issue for libel... ..". See page XV*
- xii. *"The perils that were been faced by all key members of the twin camps of conspirators... ..I must close with a caveat; I am not privy to what happened in the conclaves of crooks... .." page 85*

22. The book, 'NIGERIA AND ITS CRIMINAL JUSTICE SYSTEM', is hereby attached as Exhibit 3.
23. All the above-quoted statements are false and incorrect and direct contravention of the Rules of Professional Conduct.
24. Exhibit 3 has been circulated all over the country particularly in Ekiti State and has also been massively distributed online and has reached many persons globally.
25. These statements will likely set the legal profession and society ablaze.
26. These statements were made to discredit the entire Nigerian judiciary, Justices of the Supreme Court, judges of the High Court of Lagos State, our law firm and ridicule us within the legal profession and injure our hard-earned reputation and financial credit.
27. These statements indeed discredited the entire Nigerian Judiciary and brought it great disrepute as encapsulated in a statement written at the back page of the book by Rufal Oseni (Arise TV Journalist) as follows:

"The words of Lord Denning ring true. To every subject of this land however powerful, I use Thomas Fuller's words of over three hundred thousand years ago: "Be ye never so high that the law is above you".

The sad reality is that this is not the case in Nigeria where powerful individuals and interests pride themselves above the law and subvert its sanctity for selfish gain. The abiding credo is how the rich, powerful and influential can wilfully manipulate the system in their favour, using the instrument of justice to escape the consequences of errant behaviour while setting a precedence that has wilfully corrupted the entire judicial system, disrobed it and destroyed its essence.

Dele Farotimi's book is a constant reminder that the country is oscillating between the rock and the hard place while playing Russian Roulette with live rounds in an unending macabre dalliance with criminal injustice. A careful review of this book

sounds the needed alarm bells to all that it is time to wake up and rescue what is left of the tattered and beleaguered judicial system from total ruin. This is a timely piece."

28. Another commentator named Folashade Oshun also wrote as follows:

"Dele's latest work exposes the rotten, seedy underbelly of Nigeria's justice system; unmasking persons and authorities complicit in the crimes of corruption, unfettered greed and gross violation of the basic principles of equity that have conspired to ruin it. Brilliant, racy and poignant. A compelling read."

THE RESPONDENT'S ADMISSION OF CRIME

29. In his recklessness, the Respondent admitted to having gained unlawful access to and corrupted the judiciary, as evidenced by his statement in pages 58 and 51 of his book, which reads as follows:

"The original Motion prepared by my office was a Motion on Notice. We prepared this and readied our processes to be filed, and then word came to us vide the Ojumu's palace. Atilade had asked that we file the motion ex parte; this was to avoid a lengthy delay she assured her messengers to me, as having the motion papers served on Afe Babalola & Co will only serve to prolong the resolution of the problems created either by her corruption and or incompetence. My reasoned arguments against the ex parte motion were not countenanced by the clients. They all just wanted the mess over and done with. Multi-billionaire investments were being undermined by the situation. And several lives were being disrupted they argued". page 58

"I immediately contacted our representations in Abuja to make the necessary applications to the Registry of the Supreme Court for the CTC of the judgement and the enrolled orders of the court and same were procured within a couple of days. It is amazing how efficient the inefficient registries

could become once the process is sufficiently greased.” page 51.

DISREGARD FOR THE RULE OF LAW & BREACH OF THE PROVISIONS OF THE RULES OF PROFESSIONAL CONDUCT FOR LEGAL PRACTITIONERS, 2023

30. The Respondent further threw caution into the winds when he stated in page 41 of the book his uttermost disregard for the rule of law as follows:

“It was during one of our heated sessions that I declared my philosophy of law and I believe it was also the day that we began to understand the strength of our synergy and the value and efficiency of our then emergent partnership. I explained to him that I did not read law to follow the rules.”

31. The Respondent is a legal practitioner called to the Nigerian Bar and is bound by the Rules of Professional Conduct (RPC) for Legal Practitioners, 2023.
- a. The Respondent’s actions as described in this affidavit constitute a breach of the ethical and professional standards required of a legal practitioner in Nigeria.
 - b. The Respondent’s action is reprehensible, falling below the acceptable standards of conduct for a legal practitioner in Nigeria.
 - c. The Respondent has a fundamental obligation to uphold the integrity and independence of the legal profession. Any action that diminishes public confidence in the legal profession violates the provisions of the RPC. The Respondent’s actions have significantly eroded public trust in the profession.
 - d. The Respondent’s conduct is unbecoming of a legal practitioner and undermines the profession’s integrity.
 - e. The Respondent’s conduct demonstrates an apparent disregard for the principles enshrined in the RPC and undermines the foundational values of integrity, honesty and public duty. Such

behavior must be addressed to restore public confidence in the legal profession and ensure adherence to professional ethical standards.

PRAYER

We respectfully urge the Committee to strike out the name of Tomilola Titus Farotimi (also known as Dele Farotimi Esq), from the Roll of Legal Practitioners in Nigeria for violation of the sacred provisions of **RULES 1, 15 (1), 15 (2B), 15 (3A), 15 (3C), 15 (3I), 15 (3J), 26 (1), 27 (1), 30, 31 (1), (2) & (4) OF THE RULES OF PROFESSIONAL CONDUCT 2023.**

We humbly look forward to Lordship's consideration of this Petition.

Yours faithfully,



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Lekki Phase 1,
Lagos State.

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ADO-EKITI JUDICIAL DIVISION
HOLDEN AT ADO-EKITI

APPLICANT'S STATEMENT/AFFIDAVIT OF FACT IN
OF THE APPLICATION DATED 6TH DECEMBER, 2024



I, **OLA FARO**, Adult, Male, Muslim, Nigerian of 24 Madeira Street, Imani Estate, Maitama, Federal Capital Territory, Abuja, do hereby make oath and depose as follows that:

1. I am the Applicant in this Application.
2. That I am a Legal practitioner and Partner in the law firm of Afe Babalola & Co. (Ernst & Young Chambers).
3. By my aforesaid position, I am conversant with the facts and circumstances of this application.
4. This application concerns acts of professional misconduct by the Respondent contrary to the Rules of Professional Conduct, 2023 in his book titled "*Nigeria and Its Criminal Justice System*."
5. The Respondent who is a legal practitioner contravened rules 1, 15(1), 15(2b), 15 (3A), 15 (3C), 15(3I), 15 (3J), 26 (1), 27(1), 30, 31 (1) (2) & (4) of the Rules of Professional Conduct 2023.
6. The Respondent practices under the name and style of Dele Farotimi & Co and maintains his law firm at No. 15a Ogbunike Street, Lekki phase 1, Lagos State.
7. The Respondent was a legal practitioner as at the time of writing and publishing his book titled "*Nigeria and Its Criminal Justice System*" and remains a legal practitioner.
8. In his book, the Respondent referenced Suit No: SC/146/2005 - Major Muritala Gbadamosi Elefu v. H.R.H. Oba Tijani Akinloye & Ors., reported in the Nigerian Weekly Law Report as Gbadamosi v. Akinloye (2013) 15 NWLR (Pt. 1378) 455.
9. The Respondent in his book;



- a. Indicated that he did not study law to observe the rule of law in order to promote and foster the cause of justice. He engaged in conduct which is unbecoming of a legal practitioner by making false accusations against the Supreme Court and the legal profession.
- b. Participated in conduct that he believes to be unlawful by bribing judicial officers and having unlawful access to a judicial officer.
- c. Joined his clients in committing misconduct and breach of law with reference to judicial officers by having unlawful access to a judicial officer.
- d. Gave service to his client which he knows is capable of causing breach of law and disrespect and corrupting a judicial officer.
- e. Knowingly made false statement of law and facts in respect to a case already decided by the Supreme Court.
- f. Assisted his clients in a conduct that he knows to be illegal and fraudulent.
- g. Knowingly engaged in illegal conduct in the cause of his practice as a legal practitioner.
- h. Treated his fellow lawyers without respect, fairness, consideration and dignity, allowing ill feeling between opposing clients to influence his conduct and demeanor by distorting the facts of a case in the cause of his practice as a legal practitioner.
- i. Failed to observe good faith and fairness in dealing with other lawyers in respect to a case already decided by the Supreme Court.
- j. Conducted himself in a manner that obstructed, delayed and adversely affected the administration of justice by taking steps to frustrate a decision of the Supreme Court for his personal benefit and benefit of his client who lost at the Supreme Court.
- k. Treated the court, particularly the Supreme Court without respect, dignity and honour by using uncouth, unprofessional, undignified and offensive language against the Supreme Court and the justices of the Supreme Court.

- l. Made defamatory statements against judicial officers rather than making a complaint to appropriate authorities.
 - m. Indicated that he discussed a pending case with a judge trying the case in the absence of an opposing lawyer.
- 10. The contravention of these rules by the Respondent prompted this petition to protect the dignity of the legal profession, the dignity of the court as the temple of justice and to uphold the standards of the legal profession.

BACKGROUND OF FACTS

- 11. The subject matter of this suit was a 254-hectare parcel of land situated at Osapa, Eti-Osa Local Government Area, Lagos which was sold in 1977 by the Ojumu family to the late Gbadamosi Bamidele Eletu.
- 12. The Lagos State Government subsequently acquired this land following its sale to the late Gbadamosi Bamidele Eletu.
 - a. The Ojumu family contested the acquisition in Suit No: ID/1883/89, where the court ultimately set aside the acquisition by the Lagos State Government.
 - b. Following the judgment in Suit No: ID/1883/89, the Ojumu family initiated proceedings in the Lagos State High Court claiming that title to the land had reverted to them despite its prior sale to the late Gbadamosi Bamidele Eletu.
 - c. The Appellants in Suit No: SC/146/2005 - Major Muritala Gbadamosi Eletu v. H.R.H. Oba Tijani Akinloye & Ors were the Defendants at the High Court. They lost the case at the High Court and appealed to the Court of Appeal and lost again. After losing at the Court of Appeal, they engaged our law firm to represent them at the Supreme Court.
 - d. Our law firm (Afe Babalola & Co) represented the Eletu family. On 13th July 2013, the Supreme Court gave judgment in favour of the Eletus. A certified true copy (CTC) of the Supreme Court's judgment of 13th July 2013 is attached as Exhibit 1.

13. In the Supreme Court's judgment, Honourable Justice Kema Bayang Aka'ahs (JSC), who read the lead judgment, mistakenly limited the Appellants' land to 10 hectares (24.17 acres) in relation to Suit No: M/779/93, which was part of the 254 hectares owned by the Eletu family.
14. Following the Supreme Court's judgment, the Gbadamosi Eletu family secretly engaged the services of S. B. Joseph & Co. to enforce the judgment before we could apply for variation of the Supreme Court Judgment with intention of not paying us our professional fees.
15. Being unaware of the engagement of S.B. Joseph & Co., our law firm promptly filed a motion to vary the Supreme Court's judgment pursuant to Order 8 Rule 16 of the Supreme Court Rules.
16. The motion was heard and a ruling was delivered on 18th March 2014, granting the Appellants a statutory right of occupancy over the entire 254 hectares sold to the late Gbadamosi Bamidele Eletu. A Certified True Copy (CTC) of this ruling is attached as Exhibit 2.
17. The law firm of F. R. A. Williams & Co. represented the Ojomus till the end of the Appeal at the Supreme Court. The Respondent never appeared in the Appeal. He admitted this in pages 64 and 66 of his Book.
18. The Supreme Court judgment affected several residential estates including Pinnock Estate, Beach Resort, NICON Estate, Friends' Colony Estate and Victory Park Estate.
 - a. The Respondent, Dele Farotimi, was the legal representative for Friend's colony on whose behalf he attended a meeting in our Lagos office on 10/10/2013.
 - b. The affected estates and individuals promptly initiated new suits against the Eletu family to undermine the Supreme Court's judgment.

19. Despite our law firm being the counsel on record for the Eletu in the new suits, the Eletu family was hired by the affected estates to settle the suits and file terms of settlement behind us in order to deprive us of our professional fees. The Respondent acknowledged this on page 73 of his book, *"Nigeria and Its Criminal Justice System."*
20. Whilst the new suits were pending in court, the Lagos State Government publicly recognized the Supreme Court judgment and emphasized the need for State intervention to maintain public peace and order.
21. The Lagos State Government subsequently convened several meetings involving the relevant parties to explore potential compromise of the Supreme Court's judgment.
22. Ultimately, a compromise was reached with the Lagos State Government compensating the Eletu family to prevent the widespread displacement of individuals and communities directly affected by the judgment.

CONTRAVENTION OF THE RULES OF PROFESSIONAL CONDUCT BY THE RESPONDENT

23. On 2nd November 2024, one of our lawyers, while travelling through Murtala Muhammed Airport purchased a book authored by the Respondent titled *'NIGERIA AND ITS CRIMINAL JUSTICE SYSTEM'*, published by Dele Farotimi Publishers.
 - a. He immediately brought it to my attention after reading the book. Several of our other lawyers in different jurisdictions also purchased and read the book.
 - b. Subsequently, I received numerous calls from professional colleagues, friends and family members who had watched a Channels TV program where the Respondent was interviewed about the book. During the interview, the Respondent contravened the Rules of Professional Conduct by making false

and unsubstantiated attacks against the legal profession, the Supreme Court of Nigeria, the Chief Justice of Nigeria, Justices of the Supreme Court, Judges of the High Court of Lagos State, Judicial Officers, Aare Afe Babalola SAN, Olu Daramola SAN, lawyers of Afe Babalola & Co and myself referred to as 'Olu Faro'. A copy of the said interview will be submitted at the hearing of this application and Channels TV will be subpoenaed to play the interview.

24. The book was widely read and distributed physically and online throughout Nigeria and abroad. The respondent is making personal commercial gains from the sales of the book. Attached and marked Exhibit 3 is an amazon sales display of the book.
25. The contravention of the Rules of Professional Conduct by the Respondent are as follows:
 - i. *"There is nothing of the bastard in the men and women peopling our criminal justice system but it is the system itself that is criminal and it is the practitioners, from the registrars to we the lawyers and the judges that are generally criminal.....completely hopeless and unfit for purpose". page XVII*
 - ii. *"I could see that the judiciary is just as corrupt as any other sector of the Nigerian state and I wanted nothing to do with the Court systems... .." page 44*
 - iii. *" The Supreme Court cannot hide behind the incompetence of counsel as it has a duty to examine its own appalling intellectual indolence, corruption or incompetence." page 70*
 - iv. *"That the Nigerian justice system is criminal and complacent and can therefore not uphold the tenets of true justice nor dispense thereof to which is it sworn" page XI*

- v. *"The case is Gbadamosi Eletu v. Akinloye. It is one of the most unusual cases I have ever seen in my life where the Supreme Court turned itself into a mathematician-subtracting and dividing land and deciding on a property that was not before it. So, when it comes to expecting any justice from that court, I don't expect any."* page XII
- vi. *"When Amina Augie JSC railed against Chief Afe Babalola's professional conduct, or misconduct in the Bayelsa case, she did so either as an ostrich or out of ignorance. Afe has been corrupting the Supreme Court from ages past and had led it to commit the most egregious acts of evil and wanting injustice. Afe knows what her ladyship does not know or pretend not to know: that justice does not live in the Nigerian court or you can get the court to do whatever you want, as long as you know who to speak with and who to pay".* page 83.
- vii. *"The Supreme Court, in a most shameless manner, sat a second time on the matter and established the facts of the incompetence or corruption of each and every member of those who were involved with the Gbadamosi Eletu case, save and except Aka'ahs (now retired), who read the original lead judgement and correctly awarded the Eletus the 10 hectares they had already been granted in M779/93. This was the point where I realized that the Nigerian judiciary was hopelessly lost from top to bottom."* page 67
- viii. *"The Nigerian Supreme Court, on the 18th of March 2014 in a most shameless and profane judgement, pronounced itself functus officio and had in shutting out the several parties that would be affected by the sickening miscarriage of justice to which it had yoked itself given Afe Babalola and the Eletus, judgement on a res, over which it should have declined jurisdiction. In*

vixx of the plethora of reasons already before the court that would show that the Lagos State Government was a necessary party if the court was to ever assume jurisdiction over the 254 hectares. The miscarriage of justice may only ever be explained by corruption of the most nauseating fashion or intellectual indolence of the most criminal type given the sacred finality of their pronouncement, and the weight of the office that they occupy." page 68 and 69

- ix. *"But apparently, we had underestimated the extent of the putrefaction of the Supreme Court and the extent of Chief Afe Babalola's corrupt reaches into the innards of the Supreme Court". page 64.*
- x. *The Nigerian judiciary is the foundation of the impunity that has overtaken our country... .." Page XVI*
- xi. *"I have always been familiar with the fact of our perversion as a People, and I have few illusions about equity and justice reigning in Nigeria, but I had always assumed that there were lines that should never be crossed. I have, however, been slapped awake by the brazenness of the judicial brigandage unleashed on hapless citizens, corporations, and individuals by the Nigerian Supreme Court, acting under the direction of Aare Afe Babalola. At least five Justices of the Apex Court have been identified as guilty of odious corruption and or gross incompetence. Either is sufficient to have them removed from their office and this is my petition to the Nigerian people and most definitely to the NJC". pages 10 to 11.*
- xii. *"But the court as though enthralled by whatever Afe the Circus Master had Promised the Justices, acted with utmost carelessness about the integrity of the court, the interest of the citizens and the State that they had been*

sworn to protect. The conspiracy was always a step ahead of us because some of the clients mistook key members of the confederacy of friends and helpers". pages 70 to 71.

- xiii. *"But Justice Rhodes-Vivour laid a foundation for the fraud that was to come. He spoke of an unextinguished equitable interest in 254 hectares", page 52 to 53.*
- xiv. *"That Aare Afe Babalola corrupted the Supreme Court to procure a fraudulent judgment in the service of his client" page IX.*
- xv. *"I had seen enough by the end of September 2013 to be convinced that there was a high-level conspiracy involving elements in the Supreme Court, the Lagos Judiciary, Afe Babalola and his crew and with the Eletus as co- beneficiaries" page 23*
- xvi. *"I explained to him that I did not read law to follow the rules." page 41*
- xvii. *When the heat it was drawing became a little too much for the head judge Atilade], she reached out through one of the clients and the Ojomi chieftaincy family, seeking to explain that she was misled and had made a mistake. I was informed of her regret... ..she was interested in doing everything she could do to douse the fire that had been kindled by her participation in the issuance of fraudulent writ of possession. She pleaded with them to appeal to me to bring a motion to quash the warrant that she had originally issued for the possession of 254 hectares" page 54.*
- xviii. *The original Motion prepared by my office was a Motion on Notice. We prepared this and readied our processes to be filed, and then word came to us vide the Ojomi's palace. Atilade had asked that we filed the*

motion exparte; this was to avoid a lengthy delay she assured her messengers to me, as having the motion papers served on Afe Babalola & Co will only serve to prolong the resolution of the problems created either by her corruption and or incompetence. My reasoned arguments against the exparte motion were not countenanced by the clients. They all just wanted the mess over and done with. Multi-billionaire investments were being undermined by the situation. And several lives were being disrupted they argued". page 58

- xix. *"But even as Atilade J. played the contrition game, she was already part of the game plan being staged together by the grandmaster of judicial corruption in Nigeria, Afe Babalola. I have come to the conclusion that he required form of the application and her ruling were all part of the insidious plans of Afe Babalola, his band of crooked lawyers and coterie of crooked/incompetent justices of the Supreme Court". page 59.*
- xx. *"The battle to quash the warrant opened my eyes to the extent of the rot in the court system and I came to the knowledge of the sickening realities of the systemic putrefaction. The Supreme Court's Judgment was doctored by the confederation of lawyers in Afe Babalola chambers and the law offices of S.B Joseph & Co and the end desired by the confederacy was sought with the active connivance of the head judge of the Lagos Division, Atilade J.". page 60.*
- xxi. *"Remember how I had been integrated into the Ojumu family by my early associations with the young princes.....one of the stories that the more elderly ones never appeared tired of sharing was the story of how they were defrauded, cheated and exploited by Major Bamidele Ghadamosi Eietu.....they are bug bear was that the survey which he was to subsequently attach to*

the Deed of Conveyance which they signed as illiterates exaggerated the extent of the land sold” page 62

- xxii. *“As the mountain of evidence in prove of the Eletus’ fraud began to pile up and in view of the order that Atilade had granted quashing the fraudulent warrant that she had issued and as Afe came to realize how useless the original judgment had become, Afe went back to the accomplices at the Supreme Court and this is the only logical explanation for the shameless and brazen review of the fraudulent judgment by the second seating of the court where the justices destroyed whatever doubt one might have harbored of either corruption and/or incompetence”, page 64.*
- xxiii. *“It was around this time we began to hear rumors of a return to the Supreme Court by Afe Babalola and his magical elves and the rumors became real when I got a call from Tokunbo Williams SAN, who informed me of the receipt of a motion on notice before the Supreme Court, seeking to correct an error in the judgment reproduced below”. page 64.*
- xxiv. *“However, the ruling of 18th March 2014 was not done to correct any clerical mistake or some error arising from any accidental slip or omission, nor did it vary the judgement or order to give effect to its meaning or intention. What the Supreme Court did was simply to sit in appeal over its judgement and give a new judgement.” page 65*
- xxv. *“I immediately contacted our representations in Abuja to make the necessary applications to the Registry of the Supreme Court for the CTC of the judgement and the enrolled orders of the court and same were procured within a couple of days. It is amazing how efficient the inefficient registries could become once the process is sufficiently greased.” page 51*

- xxvi. *"In spite of the spirited attempts of T.E Williams SAN and Boma Alabi SAN who appeared on behalf of updc before the Supreme Court, the Supreme Court, headed by the current CJN Kayode Aritwoola shamelessly proceeded to turn themselves into surveyors and mathematicians, ruling on a claim that was never placed before any of the lower courts and one that was certainly never in the contemplation of a court that was not seized of jurisdiction."* page 67
- xxvii. *"Despite this, there was official complicity on the part of several officers of Lagos state government and the judiciary, beginning with the Head Judge Atilade to the deputy sheriff of the high court and most likely to the Chief Judge herself. Hence, the situation was that the totality of the supreme court judgement was in itself very contradictory as to become useless before the Lagos state judiciary and Lagos state government itself."* page 68
- xxviii. *"That Aare Afe Babalola, Olu Daramola, Olu Faro and the law offices of Afe Babalola & Co, (Emmanuel Chambers) compromised the Supreme Court and the remaining semblance of integrity it might have had when they went back to the Supreme Court and got the Court to swim in the sewer of corruption and shameful self-Abnegation".* page X.
- xxix. *"In the midst of these, Oyekan Abdullai, who had been connected to the Ojontu family long before I was called to the bar and who still enjoyed a chummy relationship with the kabiyesi and the Balogun and who was equally friendly with some of my clients, was busy undermining the client's confidence in my capacity to do my job as a lawyer, erroneously advising them that the Supreme*

Court judgement remained valid and that they should consider negotiating settlement with the Eletus.” page 72

- xxx. *“Justice Abdullai was the chairperson at my wedding reception. She was the one that had employed me to work with my very first employers, BASA & Partners.” page 74.*
- xxxi. *“Oyekan- Abdullai was the lawyer to the Ojumu Chieftaincy family in her days as a lawyer. Legend has it that she was the one that brought Rotimi- Williams into the Ojumu case but what is beyond argument is her linkage to the Ojumu family. She was their lawyer and has remained a trusted member of the Ojumu- in council. She knows more about the cases that culminated in the Supreme Court judgement and she knew everything that I had known about the Eletus fraud and Afe Babalola’s shenanigans.” page 76*
- xxxii. *“Afe’s letter to Tunde Phillips, then C.J of Lagos State showed how frustrated he had become about the inability to execute the fraudulent judgment. In spite of the fact that he asked the Supreme Court to do what it had never done before... .. The Eletus had formed a new confederacy and had neither room or use for Afe Babalola, who had overestimated his own importance to the plot and failed to discern that he had defectively become unnecessary to the new plotters”. page 84*
- xxxiii. *“In going through the processes filed by Afe Babalola, I came across a letter he had written to the then Chief Judge of Lagos State, Ayo Phillips, where he had violently libeled me and described me in extremely disparaging terms. Afe is so enmeshed in his corruption that he lost all sense of propriety and or fairness. I will let you decide the fairness of the doyen of Nigerian injustice and lawlessness in describing the younger*

counsel, who had only sought the course of justice, from the well of justice into which the old man had always pissed". page 84

- xxxiv. *"Afe Babalola was imperiled by the suit I filed in court. It was designed to blow open the towdry details of his dirty deals with the Supreme Court but the suit also represented a threat to the Lagos part of the conspiracy. It was one thing to be having a quarrel amongst thieves, each knew how far they might push their claim but it is quite another thing to get into a "roforofa" fight with a man seemingly incapable of walking away from a fight." page 85*
- xxxv. *"I must close with a caveat; I am not privy to what happened in the conclaves of crooks but I do remember that I have heard it said, "if it waddles like a duck, quacks like a duck, it is most likely a duck" or similar words to that effect." page 85 to 86*
- xxxvi. *"That I sued Afe Babalola SAN for libel and he leveraged his influence in the Judiciary to deny me justice". page X.*
- xxxvii. *"That Oyekan Abdullahi J. was the instrument of injustice employed to deny me my day in court" page XI*
- xxxviii. *"We quickly realized that the law office of Afe Babalolu & Co, Emmanuel Chambers had outsourced the judgment execution to another law office, the firm of S.B Joseph & Co the firm had fraudulently and deliberately concealed the Judgment of AKA'AHS and had underlined the words of Justice Rhodes Vivour to deceive and perhaps mislead Atilade or as is more likely, Atilade was always a part of the original fraud". page 56.*

xxix. *"I have absolutely no interest in taking Afe Babulola's corrupt money but I was not going to allow a corrupt, amoral man, devoid of any integrity, to define me for posterity when none of us will be around to dispute the hagiographic account of the event". page 84*

xi. *"I have set out to show you the extent of the decadence, corruption and impunity that have overtaken our country and in doing this I have ensured that I am fastidious about telling the truth. I have absolutely no problem with meeting every single writ that anyone might care to issue for libel... .." See page XV*

xli. *"The perils that were been faced by all key members of the twin camps of conspirators... .. I must close with a caveat; I am not privy to what happened in the conclaves of crooks..." page 85*

26. The book, 'NIGERIA AND ITS CRIMINAL JUSTICE SYSTEM', is hereby attached as Exhibit 4.
27. All the above-quoted statements are false and incorrect and direct contravention of the Rules of Professional Conduct.
28. Exhibit 4 has been circulated all over the country particularly in Ekiti State and has also been massively distributed online and has reached many persons globally.
29. These statements will likely set the legal profession and society ablaze.
30. These statements were made to discredit the entire Nigerian judiciary, Justices of the Supreme Court, judges of the High Court of Lagos State, our law firm and ridicule us within the legal profession and injure our hard-earned reputation and financial credit.

31. These statements indeed discredited the entire Nigerian Judiciary and brought it great disrepute as encapsulated in a statement written at the back page of the book by Rufai Oseni (Arise TV Journalist) as follows:

"The words of Lord Denning ring true. To every subject of this land however powerful, I use Thomas Fuller's words of over three hundred thousand years ago: "Be ye never so high that the law is above you".

The sad reality is that this is not the case in Nigeria where powerful individuals and interests pride themselves above the law and subvert its sanctity for selfish gain. The abiding credo is how the rich, powerful and influential can wilfully manipulate the system in their favour, using the instrument of justice to escape the consequences of errant behaviour while setting a precedence that has wilfully corrupted the entire judicial system, disrobed it and destroyed its essence.

Dele Farotimi's book is a constant reminder that the country is oscillating between the rock and the hard place while playing Russian Roulette with live rounds in an unending macabre dalliance with criminal injustice. A careful review of this book sounds the needed alarm bells to all that it is time to wake up and rescue what is left of the tattered and beleaguered judicial system from total ruin. This is a timely piece."

32. Another commentator named Folashade Oshun also wrote as follows:

"Dele's latest work exposes the rotten, seedy underbelly of Nigeria's justice system; unmasking persons and authorities complicit in the crimes of corruption, unfettered greed and gross violation of the basic principles of equity that have conspired to ruin it. Brilliant, racy and poignant. A compelling read."

THE RESPONDENT'S ADMISSION OF CRIME

33. In his recklessness, the Respondent admitted to having gained unlawful access to and corrupted the judiciary, as evidenced by his statement in pages 58 and 51 of his book, which reads as follows:

"The original Motion prepared by my office was a Motion on Notice. We prepared this and readied our processes to be filed,

and then word came to us vide the Ojomu's palace. Atilade had asked that we filed the motion exparte; this was to avoid a lengthy delay she assured her messengers to me, as having the motion papers served on Afe Babalola & Co will only serve to prolong the resolution of the problems created either by her corruption and or incompetence. My reasoned arguments against the exparte motion were not countenanced by the clients. They all just wanted the mess over and done with. Multi-billionaire investments were being undermined by the situation. And several lives were being disrupted they argued". page 58

"I immediately contacted our representations in Abuja to make the necessary applications to the Registry of the Supreme Court for the CTC of the judgement and the enrolled orders of the court and same were procured within a couple of days. It is amazing how efficient the inefficient registrars could become once the process is sufficiently greased." page 51

DISREGARD FOR THE RULE OF LAW & BREACH OF THE PROVISIONS OF THE RULES OF PROFESSIONAL CONDUCT FOR LEGAL PRACTITIONERS, 2023

34. The Respondent further threw caution into the winds when he stated in page 41 of the book his uttermost disregard for the rule of law as follows:

"It was during one of our heated sessions that I declared my philosophy of law and I believe it was also the day that we began to understand the strength of our synergy and the value and efficiency of our then emergent partnership. I explained to him that I did not read law to follow the rules."

35. The Respondent is a legal practitioner called to the Nigerian Bar and is bound by the Rules of Professional Conduct (RPC) for Legal Practitioners, 2023.

- a. The Respondent's actions as described in this affidavit constitute a breach of the ethical and professional standards required of a legal practitioner in Nigeria.
 - b. The Respondent's action is reprehensible, falling below the acceptable standards of conduct for a legal practitioner in Nigeria.
 - c. The Respondent has a fundamental obligation to uphold the integrity and independence of the legal profession. Any action that diminishes public confidence in the legal profession violates the provisions of the RPC. The Respondent's actions have significantly eroded public trust in the profession.
 - d. The Respondent's conduct is unbecoming of a legal practitioner and undermines the profession's integrity.
 - e. The Respondent's conduct demonstrates an apparent disregard for the principles enshrined in the RPC and undermines the foundational values of integrity, honesty and public duty. Such behavior must be addressed to restore public confidence in the legal profession and ensure adherence to professional ethical standards.
36. I depose to this affidavit of fact in good faith believing its content to be true, correct, and in accordance with the Oaths Act.


 DEPONENT

Sworn to at the registry of the Federal High Court, Ado-Ekiti

this 9TH day of December, 2024.



pd. by
 R. R. R.
 WWS 3311-6617-5138

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 12TH DAY OF JULY, 2013
BEFORE THEIR LORDSHIPS

WALTER SAMUEL NKANU ONNOGHEN
BODE RHODES – VIVOUR
OLUKAYODE ARIWOOLA
CLARA BATA OGUNBIYI
KUMAI BAYANG AKA'AH

JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT

SC.146/2005

BETWEEN:

1. MAJOR MURITALA GBADAMOSI (RTI)
2. RASAKI GBADAMOSI
3. MUFTAU GBADAMOSI
(For themselves and on behalf of
GBADAMOSI BANDELE SLETU FAMILY)

APPELLANTS

AND

1. H. R. H. OBA TIJANI ADETUNJI AKINLOYE
2. CHIEF MURITALA SAKA ODOFIN
3. ALHAJI CHIEF YEKIMI OLA BAKARE
(For themselves and on behalf of
GIONU CHIEFTANCY FAMILY)

RESPONDENTS

JUDGMENT

(Delivered by *KUMAI BAYANG AKA'AH*, JSC)

The issue in this appeal is whether the respondents who had earlier sold a portion of land with a registered conveyance to the appellants can subsequently claim ownership of the same portion simply because the appellants had stood by and allowed the respondents to challenge the legal title.

Government who had revoked all rights of occupancy in and over a vast area of land in Lekki Peninsula in the Eti - Osa Local Government Area of Lagos State.

The background facts leading to this appeal are as follows:

In 1977 the respondents' family sold a portion of the Ojoma Chieftaincy family land measuring 254,558 hectares to the appellants' father, late Obadimosi Bandele Elera. The land is situated and known as Ompo Village in Eti - Osa Local Government Area of Lagos State. The transaction done through a Deed of Conveyance dated 23rd August, 1977 was duly registered as No. 36 page 36 Volume 1648 at the Lands Registry, Lagos. By the Lagos State Government Notices Nos. 10 and 14 published in the Lagos State Official Gazette of February 19th and 26th, 1987 respectively, the Lagos State Government compulsorily acquired a vast area of land spanning several kilometres consisting of many villages and settlements. The acquired land included the appellants' Ompo Village. The respondents brought an action in Suit No. ID/1883/89 (*Alhaji Fatai Akinwale & Ors vs The Attorney - General of Lagos State*) to challenge the compulsory acquisition. Judgement in the suit was delivered on the 18th day of October, 1991 in which the court granted the following reliefs in favour of the Ojoma Chieftaincy Family:

- (a) A declaration that the Plaintiffs are the persons entitled to a customary right of occupancy to all that piece or parcel of land shown in the plan attached to the statement of claim herein.

(b) A declaration that the customary right of occupancy vested in the Plaintiffs in and over the land mentioned in the *deed* has not been validly or effectively revoked by the Military Governor of Lagos State.

(c) An injunction restraining all officers and servants of the Lagos State Government from committing acts of trespass on the said land or unlawfully making use of the same except with the consent of the Plaintiffs.

After the said judgement the respondents entered an agreement with the Lagos State Government whereby portions of Ojumu Chieftaincy family land were granted to the Government of Lagos State whilst the Governor revoked the respondents' right of occupancy over other portions of the *aforementioned* family land and thereafter excised areas from such portions vesting the same in the respondents. Following this agreement, the Ojumu Chieftaincy Family became the holders of a right of occupancy in and over the entire portion of land excised from the Government acquisition. The respondents then claimed that the present appellants who were neither a party to Suit No. ID/1853/89 nor a party to the agreement entered into between them (respondents) and the Lagos State Government claimed proprietary rights over portions of Ojumu Family Land and committed several acts of trespass on the said land and this led the respondents to institute action against the appellants in Suit No. LD/2642/95. The appellants counter – claimed and averred that the land which was sold to their father was exempted from the Notice of Revocation and by virtue of the excision as contained in Lagos State Official Gazette No. 24 Volume 27 dated

23rd June 1994, the title over the affected portion of land in Damp Village if any reverted to them (defendants). The respondents as plaintiffs filed a reply to the counter – claim alleging that all interests in the land granted to the defendants by the Deed of Conveyance dated 21st August, 1977 abated when the Governor of Lagos State revoked all rights of occupancy in and over the vast area of land in Lekki Peninsula in 1981 and that since the revocation was not challenged by the defendants, it remained void against them.

The learned trial Judge entered judgement against the defendants on issues settled where documents were admitted by consent of the parties without giving oral evidence. The judgement was affirmed by the Court of Appeal Lagos Division (herein referred to as the court below). It is against this judgement that the appellants have further appealed to this Court in their Notice of Appeal dated 14th June, 2004 containing eight grounds of appeal. In the unaided appellants' brief filed on 18/12/2012 which was deemed filed by order of court made in chambers on 20th March 2013 the appellants formulated the following six issues for determination:-

1. Whether the Court of Appeal was right when it held that because the appellants did not institute a separate action to challenge the revocation of their title the appellants' title is extinct (Ground 4)
2. Whether the learned Justice of the Court of Appeal were right when they resolved appellants' issue 1 against the appellants without considering the appellants' arguments on the issue (Grounds 1, 2 and 8).

1. Whether the learned Justices of the Court of Appeal were right when they held that the judgment in Suit No. ID/1883/89 and the settlement agreement between the respondents and the Lagos State Government had extinguished the appellants' title in favour of the respondents (Ground 2)
4. Whether the Justices of the Court of Appeal were not in error when they held that the appellants cannot benefit from Suit No. ID/1883/89 (Ground 3)
5. Whether the Court of Appeal was right when it held that the High Court rightly granted to the respondents a relief not claimed (Ground 6)
6. Whether the Court of Appeal was right in affirming the award of ₦500,000.00 damages for trespass when there is (sic) no evidence of trespass before the High Court (Ground 7).

The respondents also filed an amended brief on 28th March, 2013. They replied *seriatim* to the issues posited and argued by the appellants without formulating their own issues.

On issue 1 which is pivotal to this appeal, learned counsel for the appellants submitted that the Court of Appeal was in error to hold that the appellants' title became extinct since the appellants did not institute an action to challenge the revocation of their title by the Government. He referred to Suit No. M/779/93 – Major Maurilio Gonçalves Eieto (Retd) vs A. G. Lagos State & Ors to challenge the Government's revocation of the title to the land which ended in a term of settlement and was made the judgment of the Court as

required to the owners once the compulsory acquisition was rendered null and void by the Court.

The respondents have not been consistent in their claim to the land. In one breath they claim it was the acquisition by the Lagos State Government which was not challenged that extinguished the appellants' right to the land while in another breath they are asserting that it was the declaration made by the Court in Suit No. ID/1883/89 in their favour that extinguished the appellants' interest in the land.

It is not true as learned counsel for the respondents has submitted that the appellants sat by and failed to challenge the acquisition of the land by the Lagos State Government. It is of no consequence whatsoever that the appellants did not institute their action to challenge the acquisition the same time that the respondents took out their Writ in Suit No. ID/1883/89 or that the appellants did not join in that suit even if they were aware of it; neither does it lie in the respondents' mouth to say that the appellants belatedly filed their action after judgement in Suit No. ID/1883/89 was delivered. It was for the Lagos State Government that had carried out the acquisition to challenge the late commencement of Suit No. M/775/93 by the appellants. The argument of learned counsel for the respondents that Suit No. M/775/93 (Exhibit C3) instituted by the appellants was a review of Suit No. ID/1883/89 and the reliance placed on *Dada* vs *Egonye* and *Zdzeski* - *Boro* vs *Chinofesho* (supra) holds no water whatsoever. The appellants were never a party to Suit No

ID/1883/89 and notwithstanding the fact that suit No. ID/1883/89 was in respect of the whole of Ojomi Chieftaincy Family Land, the appellants had a right to institute Suit No. M/775/93 to challenge the Lagos State Government over its acquisition of Osapa Village covering an area of 254.558 hectares the title to which the appellants acquired by purchase from the respondents. The renunciation by the respondents of some portions of the acquired land in favour of the Lagos State Government would not affect the interest of the appellants since the respondents could not compromise the Osapa Village land in their settlement agreement with the Lagos State Government because they could not surrender what did not belong to them. Any negotiation embarked upon between the respondents and the Lagos State Government which led to the excision of some portions of the acquired land would be vested in the party whose interest was subsisting. And following the terms of agreement reached between the appellants and the Lagos State Government on 20th May, 1990 which became the judgment of the Court in Suit No. M/775/93 (Exhibit C3), the Excision Notice of June 23, 1994 should vest the 10 hectares (approximately 24.17 acres) reclaimed land in Osapa Village to the appellants. See: *Danzoho vs Mohammed* (2003) 6 NWLR (Part 817) 457. It is quite ironic that the respondents who divested themselves of their title to the Osapa Village land since 1977 would be submitting that the Lagos State Government had no power, right or interest to transfer or alienate any portion of the land already declared by the Court in Suit No. ID/1883/89 as belonging to the respondents.

The respondents cannot eat their cake and have it. See: *Onye v. Semanah* (1983) 14 NSCC 119 at 129 - 130, *Okon v. Okon* (1987) 1 NWJL (Part 479) 48 at 52. The judgement in Suit No. LD1883/89 could not vest title on a party that had alienated this title. The reversion of the title must rest with the appellants.

It is necessary to take a critical look at the judgement of the trial court which was affirmed by the Court of Appeal. As stated earlier, the judgement in Suit No. LD-2642/95 was entered against the defendants (the present appellants) on issues settled where documents were admitted by consent and no evidence was given by any of the parties. Despite the pleadings in paragraphs 2A, 7 and 11 of the Amended Statement of Defence and Counter-Claim which were not denied in the reply filed by the Plaintiffs (now Respondents), the learned trial Judge still went ahead to hold as follows:

".....there is no material evidence to link the purchasers in exhibit C1 with the Defendants in this suit. In like manner there is no material evidence to link the present plaintiffs with the vendors in Exhibit C1 that is the conveyance between Chief Amusa Adesbantho Ojama and Eight others and Ghodamosi Bandele Etesu. By not giving any material evidence or link between the purchaser in Exhibit C1 and the Defendants in this suit, the Defendants have no right or interest in any portion of land within the piece or parcel of land under and by virtue of the Deed of Conveyance dated 23rd of August, 1977 and registered as No. 36 at page 36 in Volume 1648 of the Land Registry at Lagos."

The learned trial Judge proceeded to hold that -

".....the Plaintiffs by reason of excision are entitled to the statutory right of occupancy in respect of the whole land contained in Exhibit A5 and are entitled to hold the said land to the exclusion of the Defendants".

The defendants who were dissatisfied with the decision appealed against it to the Court of Appeal complaining in Grounds 1 and 4 of the Notice of Appeal that -

"1. The learned trial Judge erred in law by repeatedly using in the judgement the phrase "there is no evidence" without first deciding whether the issues or questions for determination settled by parties' counsel are issues or questions of law on admitted facts or issues or questions partly of the one kind and partly of another.

PARTICULARS OF ERROR

- (a) Neither party gave evidence but relied on the issues/questions for determination settled by their counsel.
- (b) It is the law that it is the plaintiffs who have the burden to prove their case.
- (c) It was not open to the learned trial Judge and indeed of any court to speculate upon matters which there was no evidence led or evident in this case.
- (d) Parties agreed on the issues on points of law alone.

4. The learned trial Judge misdirected himself on the facts when he found that there is no evidence that the plaintiffs in Suit No. LD/2842/95 were the same people who conveyed land to GBADAMOSI BANDELE ELETU as evident by conveyance dated 23rd day of August, 1977 and Registered as No. 36 at page 36 in volume 1648 of the Lands Registry, Lagos.

PARTICULARS OF MISDIRECTION

- (a) The land conveyed in 1977 to Ghulamasi Baudete Eletu, the father of the Defendants/Appellants hereto was conveyed by the vendors as the Chiefs and principal representatives of the Ojumu Chieftaincy Family of Ajikan.*
- (b) Suit No. LD/2642/95 was instituted by the Plaintiffs/Respondents for themselves and as Representatives of the same Ojumu Chieftaincy Family of Ajikan.*
- (c) The 2nd Plaintiff/Respondent (Chief Muritata Saba Odofin) was the 3rd Vendor as shown in Exhibit C1.*
- (d) It was not an issue before the Honourable Court as to whether the Respondents are the same people who sold the said land to Ghulamasi Baudete Eletu in 1977.*
- (e) The parties had agreed on the issues settled and particularly by paragraph 1 of the Reply to Statement of Defence and Counter - Claim that the Plaintiffs/Respondents' family admitted paragraph 3(a) of the Defendants/Appellants' Amended Statement of Defence. Rather the Plaintiffs/Respondents pleaded that the interest of the Appellants in the land had dated (sic)."*

The issues which were distilled from these grounds were -

- 1. Whether issues having been settled by counsel, the learned trial Judge adopted the right legal approach in dealing with these issues before reaching his conclusion.*
- 2. Whether the learned trial Judge was right in holding that the Defendants have no right or interest in the land in dispute for the various reasons given in the judgement."*

The lower court glossed over issue 1 and dismissed the appeal on the ground that the appellants did not challenge the Notice of Revocation published by the Lagos State Government in 1981.

The established legal procedure where issues have been settled by the parties were set out by Bello JSC (as he then was) in *Ogijiri vs Oguni* (1985) 16 NSCC (Part 1) 430 at 436 – 437 where he said:-

"It is commenced on the application of one of the parties or by the Judge suo motu who thereupon will proceed to ascertain and determine the material questions in controversy between the parties or may direct the parties to prepare such issues. Thereafter the questions will be reduced into writing and the Judge will settle them in the form of issues stating questions of law on admitted facts or questions of disputed facts or questions of one kind or partly another"

Since there was no dispute as to the facts the parties agreed not to call oral evidence but tender documents. One of the facts admitted was the sale of Osope Village to Gbolamusi Bamidele Elemu. The High Court instead of identifying admitted and disputed facts as required where parties have settled issues, ignored the conventional practice and went ahead to hold that there was no evidence to show that the appellants were the heirs of the late Gbolamusi Bamidele Elemu the purchaser in Exhibit C1. In doing this the court ignored the admission by the Respondents in their Reply to the Statement of Defence and Defence to Counter – Claim and arrived at a wrong decision. Also the High Court totally overlooked and ignored Exhibit C3 which clearly showed that the appellants challenged the revocation of their title by filing two suits which

enjoined in the settlement contained in Exhibit C3 dated 20th May, 1996. If the Court below had adverted its mind to these grave errors, the judgment would have been otherwise. All the above errors in the judgment of the High Court were brought to the attention of the Court below but it still went ahead to affirm the decision of the learned trial judge.

The Respondents' claim before the High Court was that the appellants were not competent to derive benefits from either the court order made in Suit No. ID/1883/89 or the settlement agreement entered in that suit because the appellants were not parties to both the suit and the settlement agreement made therein. Since the revocation had been set aside after the respondents had parted with their ownership of Osapa Village which was listed in the exclusion Notice of 23rd June, 1994, the respondents could not claim any legal right to Osapa Village merely because the High Court had declared in Suit No. ID/1883/89 that the Plaintiffs/Respondents were entitled to the statutory right of occupancy in respect of the whole land contained in Exhibit A5. The High Court erroneously held that exclusion of land contained in the official gazette No. 24 of Volume 27 of the 23rd June 1994 did not include "Land at Osapa Village". Osapa is mentioned in paragraph 3(b)(ii) in the Lagos State of Nigeria Official Gazette No. 24 Vol. 27 of 23rd June, 1994 wherein it is stated that:

"The Lagos State Government hereby confirms and undertakes that the proposed revocation of the Plaintiffs' Right of Occupancy in and over the afore-mentioned land will not include:

(a).....

(b) the areas specifically excised by the Lagos State Government from the operation of previous Notices of Resurrection affecting the land which is the subject of these Terms of Settlement, viz (Customary Right of Occupancy)

(ii) *Osapa 18.05 Ha²*

The settlement agreement reached between the appellants and the Lagos State Government reduced the entitlement of the appellants from 18.05 Hectares to 10 Hectares.

As no evidence was taken in the High Court, the alleged trespass leading to the award of ₦500,000.00 (Five Hundred Thousand Naira) damages against the appellants was not proved and the Court of Appeal was in error to affirm the award.

I find that there is merit in the appeal and it is hereby allowed. The judgement of the Lagos High Court in Suit No. LD/2642/95 delivered on 11th October, 2000 which was affirmed by the Court of Appeal in CA/L/64/2001 on 12th May, 2004 are hereby set aside. The appellants are entitled to the statutory right of occupancy over 10 Hectares (which is approximately 24.17 acres) of the reclaimed land in Osapa Village which has been excised and assigned to them, a sketch plan of which was attached and marked *SCHEDULE 1* to the terms of settlement dated 20th May, 1996 and make the judgement of the Court in Suit No. NU779/93. I award the following costs to the appellants against the respondents:

- (i) N100,000.00 in the Court
- (ii) N50,000.00 in the Court of Appeal
- (iii) N50,000.00 in the High Court. This brings the total costs awarded against the Respondents to N200,000.00.

Adm. Officer
13/10/13
 Court of Appeal

KUMEMI BAYANG
 KUMEMI BAYANG AKA'ABS,
 JUSTICE: SUPREME COURT OF NIGERIA

19 folios at N10 per folio = N190.00
 Olu Daraigbola SAN, and Ahmed Raji SAN with Ademola Koluyi, Olu Fayo Ademola Adedipe, Ademola Abimbola, Samiyo Ounbi, and Abolajin Adenuga for Appellants.

Dr. Adenuga Oluwayin for the Respondents.



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It is for the above reasons and the more detailed reasons contained in the lead judgment of my learned brother, JUSTICE JIA that I too find merit in the appeal and allow same.

I abide by the consequential orders made in the lead judgment including the order as to costs.

Appeal allowed.

 15/9/13


Walter Samuel Njoku Onnoghen,
Justice of the Supreme Court

9 folios at ₦10 per folio = ₦90,000
OLU DARAMOLA SAN for appellants with him are Messrs ABIMED
RAJI SAN, ADEMOLA KOKO, CLA FARO, ADEOLA ADEDIPE
ADEMOLA ABIMBOLA, SUNDAY ONUBI and ABOLANLE ALAWOYA
DR. ADEWALE OLAWOYIN for the respondents.


15/9/2013

00254087

land to the vendor, he immediately acquires an equitable interest in the land and this, is as good as a legal estate. The equitable interest so acquired can only be destroyed by a purchaser for value who had no notice of the existing equity.

My lords, there is no doubt that the appellants purchased the land in question from the respondents. A fact nowhere denied by the respondents. The equitable interest acquired by the appellants on the 254.558 hectares of land at Osapa Village in Eti-Osa Local Government Area of Lagos State remains intact.

The appellants are the true owners of the land in question, and there is nothing known to law to disturb their title to the land.

For this and the more detailed reasoning in the leading judgment, there is indeed merit in this appeal. The decisions of the two courts below are wrong.

The appeal is allowed.

18/9/13

B. Rhodes-Vivour
BODE RHODES-VIVOUR
JUSTICE, SUPREME COURT

APPEARANCES *S. to list of proper filio = n. 20*
Olu Daraniola, SAN for the Appellants with him are
Ahmed Raji, SAN Ademola Koko, Ola Faro, Adenla
Adedipe, Ademola Abimbola, Sunday Onubi and
Abolanle Alawoya.

Dr. Adewale Olawoyin for the Respondents.



654057

The appellants are entitled to judgment. The appeal is allowed and should be allowed. Appeal is allowed.

I abide by the consequential orders including that no cost be awarded to the appellants but against the respondents.

Sept 12/13

OLUIGBOYE ARIWOOLA
JUSTICE, SUPREME COURT

Dr. Adewale Olowoyin for the appellants
Olu Darannola SAN, and Ahmed Raji SAN with Ademola Koko, Olu Fero, Ariesola Adedipe, Ademola Abimbola, Sunday Oshun and Abolaji Alawoye for the appellants.

Dr. Adewale Olowoyin for the respondents.



180759087

my learned brother Aka'dhs, JSC in his lead judgment, I also find merit in his appeal and allow same in terms of the lead judgment inclusive of costs.



[Handwritten signature]

CLARA BATA OGUNBIYI
JUSTICE, SUPREME COURT

3 folios at N10 per folio = N30.00 per
Appearances:

Olu Dara'mola SAN with Ahmed Raji SAN for the Appellants.

Ademola Koko, Olu Fara, Adeola Adedipe Ademola Abimbolu, Sunday Onubi, Abolanle Alawoya and Dr. Adewale Olawoyin for the Respondent.



002624087

IN THE SUPREME COURT OF NIGERIA
HOLDING AT ABUJA
ON TUESDAY, THE 18TH DAY OF MARCH, 2014
BEFORE THEIR LORDSHIPS

WALTER SAMUEL NKANU ONNOGHEN
BODE RHODES-VIVOUR
OLUKAYODE ARIWOOLA
CLARA BATA OGUNSIYI
KUMAI BAYANG AKA'ABS

JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
SC. 146/2005

BETWEEN:

MAJOR MURITALA GBADAMOSI (RTD) & ORS -- APPELLANTS

AND

H.R.H. OBA TIJANI A. AKINLOYE & ORS -- -- RESPONDENTS

RULING

(Delivered by Walter Samuel Nkanu Onnoghen, JSC)

By a motion filed on 23/12/13 the applicants/judgment creditors prayed the court for an order reviewing the judgment of this court in appeal NO. S.C 146/2005 delivered on the 12th day of July, 2013 by varying the consequential order of 10 hectares given in favour of appellants to 254,558 hectares of the land claimed by the appellants in their counter claim less the smaller portion of 37.8 hectares conceded to the Lagos State

Government in the Terms of Settlement in suit NO. M/779/93 i.e 217 hectares.

The application is supported by an affidavit of 20 paragraphs in which applicants relied in moving the court.

Learned Senior Counsel for applicants cited and relied on Order 8 Rule 16 of the Rules of this court in moving the court and urged that the application be granted to give effect to the intention of the court in the judgment in issue.

On his part, WILLIAMS, SAN of counsel for the respondents relied on the provisions of Order 8 Rule 16 of the rules of the court in submitting that the court, having given its judgment has become functus officio and that by the provisions of the said order and Rule the court has no vires to review its judgment once given and urged the court to dismiss the application.

I have listened to the submission of both counsel and gone through the processes filed herein. It is not in doubt that the counter claim which was allowed by this court involved a claim for 254,558 hectares of land which the respondents concede to have sold to the applicants. The judgment of this court sustained that claim but in the consequential orders

made therein, only 10 hectares of the land was mentioned which is by far less than the claim.

By the provisions of order 8 Rule 16 of the Rules of this court, though the court cannot review any judgment once given and delivered, it can vary the judgment or order so as to give effect to its meaning or intention.

In the instant case, the intention of the court is to grant the applicants their counter claim to the 254,658 hectares of land less the 37.8 hectares conceded to the Lagos State Government in the Terms of Settlement in suit NO. M/779/93 bringing the total entitlement of the applicants to 216,758 hectares.

The above being the case the consequential order in the judgment aforesaid shall now read:

"The appellants are entitled to the Statutory Right of Occupancy over 216,758 hectare."

Every other consequential order(s) in the said judgment stand(s).

Parties to bear their costs.



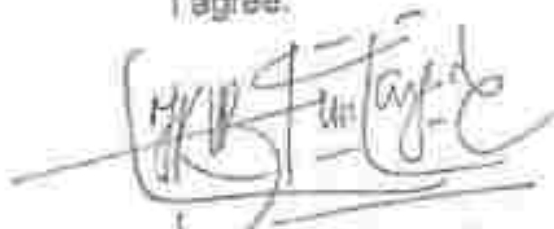
Walter Samuel Nwanu Onnoghen,
Justice, Supreme Court

I agree.



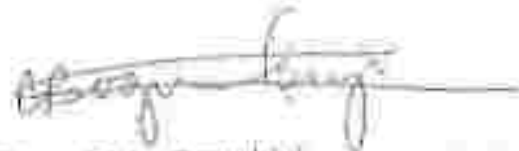
Bode Rhodes-Vivour,
Justice, Supreme Court

I agree.



Olukayode Ariwoola,
Justice, Supreme Court

I agree.



Clara Beta Ogunbiyi,
Justice, Supreme Court

I agree.



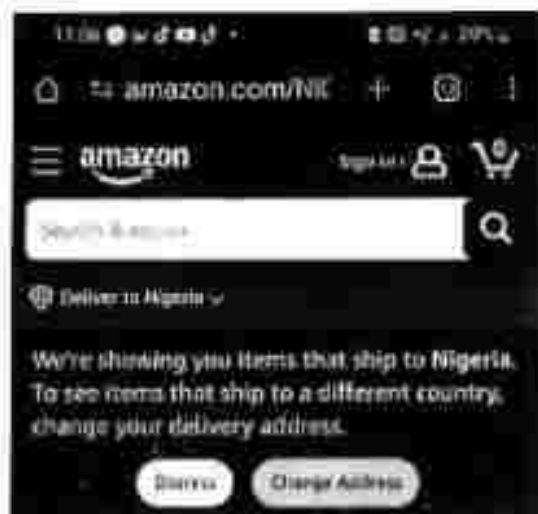
Kumal Bayang Aka'ans,
Justice, Supreme Court



official

OLU DARAMOLA, SAN for applicants with Messrs TUNDE BABALOLA; ADEMOLA KOKO; PETER OLOMOLA; OLA FARO; A. ABIMOLA; UJU OBOMA (MRS); A.A. USMAN; P. WHYTE; ESTHER AJOGE; JULIET ADEYELE (MISS) and TAOFIQ OLATEJU.

T.E. WILLIAMS, SAN for respondents with O.E. OJUNBADE.



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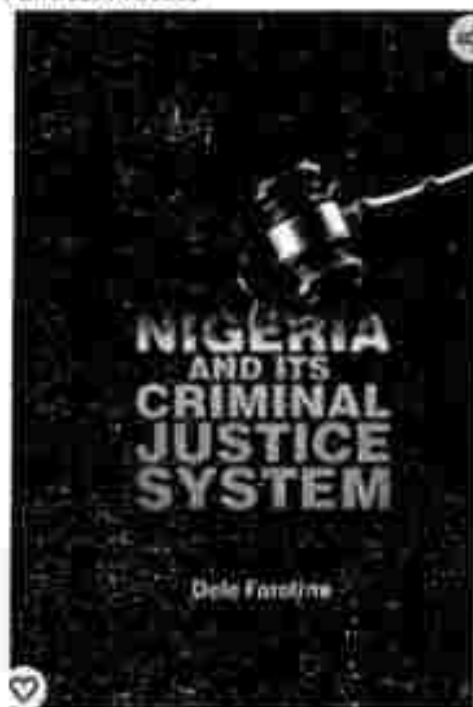
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of the works of Ernest Cassell, and also, for many volumes of other best European writers. For some time he has been engaged in the study of criminology, and has written a number of papers on this subject. He has also written a number of papers on the history and development of the law, and has been a member of the Royal Society of Arts, the Royal Society of Medicine, and the Royal Society of Criminal Justice. He has also written a number of papers on the history and development of the law, and has been a member of the Royal Society of Arts, the Royal Society of Medicine, and the Royal Society of Criminal Justice.

Dele Farotimi is a Nigerian author and member of the Nigerian Bar Association. He has written a number of papers on the history and development of the law, and has been a member of the Royal Society of Arts, the Royal Society of Medicine, and the Royal Society of Criminal Justice.



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Dele Farotimi is a Nigerian author and member of the Nigerian Bar Association. He has written a number of papers on the history and development of the law, and has been a member of the Royal Society of Arts, the Royal Society of Medicine, and the Royal Society of Criminal Justice.

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NEGERIA AND ITS CRIMINAL JUSTICE SYSTEM

Dele Farotimi

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"The Law has and the powers of the state have become perverted with it. The Law has been perverted and not only been turned from its proper function but made to follow an entirely contrary purpose. The Law has become a tool for every kind of greed. Instead of preventing crime, the law itself is guilty of the abuses it is supposed to punish. If this is true, it is a serious matter and moral duty requires me to call the attention of my fellow citizens to it"

Frederic Bastiat, The Law

Acknowledgements

For Oluwatunmbayo

The One who constantly gives me peace,
love and happiness

Thank you for Everything

Foreword

This is not a biography for I have painstakingly provided glimpses of my early life in an earlier sequel to my first book. My purpose here is to tell you the story of my sojourn within the Nigerian legal system and to show you how our justice system, the Nigerian justice system is in itself criminal, lending credence to how the criminality of the judiciary is completely reflective of the Nigerian state in its full ramifications and with full evidence of how this rot, having become systemic is insidious and reaches to the very top of the judicial system.

I will tell you the story of the complete and total loss of the capacity to deliver justice against the backdrop of a case that was decided by the Supreme Court and which records are in the public domain. I speak specifically of the case of Major Murtala Gbhadamosi & Ors v. H.R.H Oba Tijani Alimiyegbe & Ors otherwise known as the Gbhadamosi-Eleonu case.

It is my contention regarding this case:

1. That Awe Afe Babalola corrupted the Supreme Court to procure a fraudulent judgment in the service of his clients.
2. That the law firm of S. B. Joseph & Co. procured a warrant to execute the said judgment by doctoring the original judgment of the Supreme Court.

3. That Atiade O, Justice at the time and the Administrative Judge of the Lagos Judicial Division, unlawfully issued a warrant of execution based on the doctored judgment and without the enrolled order of the Supreme Court.

4. That Atiade, J quashed the fraudulently obtained warrant following an application of counsel in protest against same.

5. That Aare Afe Babalola, Olu Durumola, Olu Fayo and the law offices of Afe Babalola & Co, (Emmanuel Chambers) compromised the Supreme Court and the remaining semblance of integrity it might have had, when they went back to the Supreme Court and got that court to swim in the sewer of corruption and financial self abnegation.

6. That Lawal Pedro SAN, at the material time the Solicitor-General of Lagos State, corrupted himself, abandoned the interests of the State, its citizens and any pretence to decency and became the undisclosed attorney to the Eleru family thus betraying the public trust.

7. That Afe Babalola libelled me and the fact of the libel became known to me in the suit against Lawal Pedro SAN.

8. That I sued Afe Babalola SAN for libel and that he leveraged his influence in the judiciary to deny me justice.

9. That Oyekan-Abdullah, J was the instrument of injustice employed to deny me my day in court.

10. That the Nigerian Justice System is criminal and corrupt and can therefore not uphold the tenets of true justice nor the dispensc thereof to which it is sworn.

The story I intend to tell is wrapped around the above facts and have been carefully espoused to highlight only the facets of the matter. Afterall, of what use is a lawyer without his facts?

Preface

I do not know Justice Arwoola as a person but I am familiar with his work, having been connected with a case he was involved with, and I can say this as a fact - that I don't expect anything substantial to change in relation to justice delivery because one of the most violent injustices I've ever seen coming out of that Supreme Court came from a panel on which this particular justice sat twice.

The case is Gibshumoni Hleu vs Alindoge. It is one of the most unusual cases I've ever seen in my life where the Supreme Court turned itself into a mathematician - subdividing and dividing land and deciding on a property that was not before it.

So, when it comes to expecting any justice from that court, I don't expect any. Not because of his person, and already, regarding his person, as far as I'm concerned, it is either he is incompetent or he is corrupt, it is one or the other. These are grievous allegations and I am making them carefully for when it comes to the issue of justice delivery, I do not believe that anything will change.

When you begin to deal with the technicalities of the rules of court, administration of court, well, maybe he might perform some magic in that regard but in so far as it relates to delivery of justice, I expect nothing.

I was a guest on the Arise TV Morning Show. I was out of the country, in the United States. My friend and brother, Coaru had just picked me up from the airport in Washington DC, on my arrival on holiday from Nigeria, when I received the call from the TV station, and I had to wake in the middle of the American night, still largely suffering from my jet lag to take the interview by Zoom.

We had covered a range of issues and were nearing the end of the interview session, when Dr. Reuben Abari asked what he must have believed to be an innocuous question, but he was asking my opinion on the recent appointment of the then Acting CJN: KAYODE Arwoola. The above, was my response. The interview was conducted on the 28th day of June 2022.

The preceding is necessary in order to save my would-be interlocutors, persecutors and beneficiaries of this decadent system and its defenders, the time and energy that they might waste on any attempts at ad hominem attacks, my position precedes my involvement with the Peter Obi presidential campaign and my exertions are completely nonpartisan.

Furthermore, this manuscript has been ready for publication since May 2023 but I have deliberately waited until after the supreme court's decision on the presidential election matters had been announced,

truth that I have told are largely in the courts' records. The last hope of the common man in Nigeria is lost and the CJN might as well prescribe the removal of the colonial wig and decree that every judge should adorn the Tsimba cap in its stead. The Nigerian judiciary is the foundation of the impunity that has overtaken our country and it must be reformed before we might be able to regain our liberties first as human beings and then as citizens.

By some miracle that is uniquely Nigerian, we have managed to evolve a Criminal Justice system. The tragedy however is that it is the system itself that is criminal and the ones who should be citizens have become victims in the vice grips of a three-pronged system. The Executive is helmed by a man who is everything that should be nowhere near the office but then, he is the sum of the parts of each and every one of his predecessors. The Legislative branch is largely peopled by the most myopic collection of humanity, persons unyoked to vision, sybaritic cretins, focused on consumption and they are completely uninterested in the plight of the people. The triary is completed by the judiciary and it is of the judiciary that I write in this book.

The truth has become transactional in our country and in its transactional form, has equally assumed the togs of subjectivity where every single truth has to pass through the test of subjectivity before it might be accepted as truth. BUT I am comforted by the knowledge that the truth is the only weapon that is capable of slaying the Nigerian monster. In weaving

this narrative, I have maintained a strict fidelity to the truth. I challenge each and every one of the men and women who have been named, to point out any lies that I might have told, once they are done with the ad hominem attacks.

If Nigeria must be saved, it will be because we found the grace to face the truth of the many lies that we have told ourselves and that we have collectively promoted. What we have managed to build with our lies is a judiciary that is very much us. It is built in the image of the Nigerian state, it mirrors our police, customs and other institutions of our failing state. Our judiciary is completely Nigerian. There is nothing of the bastards in the men and women peopling our Criminal Justice System but it is the system itself that is criminal and it is the practitioners, from the registrars to the lawyers and the judges that are generally criminal.

The Nigerian judiciary is not the hope of the common man but is in truth, completely hopeless and with for purpose. Every much a mirror of everything Nigeria.

fatherly Dean, Professor Yerokun, There was my 'mentor'; Professor Mlike Ilhahiale, my brother and friend; the craftive Professor Festus Fayol, SAN and many more caring, loving, and dedicated teachers, including the immediate past Vice Chancellor, Professor Lamre Fagbohun, SAN. There were of course the codices- Professor, Yemi Osinbajo, SAN for one and then there was I. O. Smith (J.A. 1,0 Smith) - a testament to the commonality of the lowest pass grade, as the motto, in his course. I was blessed to have been taught by a motley crew of geniuses.

I am before anything else, a Nigerian. I am not a stinking violet and nobody's saint. I have done whatever I have needed to do in order to advance my clients' interests in the past but I have always been careful to play within the rules. I have always had a lot of admiration for professionals of all hues who have the dexterity to practice their trade profitably within the constraints of the Nigerian space.

The same government that wouldn't be seen investing in social housing or public infrastructure, would presume to regulate the contractual relationship that exists between a landlord and his tenant. I look in the laws and my knowledge of the reality of how long it takes to evict the debtor tenant guides the decision.

I have a novel clause inserted in every Tenancy Agreement I have drafted in my practice, it grants the landlord the right of re-entry in cases of default of rent, and after issuance of a 7 Days' Notice. This is legal, whilst being unlawful, but it has worked like

magine over the years. Professor Smith had taught me and nausain, that possession is ownership, and that in every claim related to real estate, my priority must always be narrowed in scope, and must always be to take possession. Everything else must flow from that.

The only time we invoked the clause to evict a tenant from a client's property in Ifejufe, I happily received the writ for damages, and promptly counterclaimed, for the outstanding rent and the demerit profits. 'Na who no fit pay rent, go pay lawyer?' We were happy enough to meet him in court and have him out of the property. He abandoned his claim. I am not a saint.

I am a Nigerian and will gladly 'shake body' for the policeman demanding my expired license, to the government official to do the work for which I am taxed and to the one installed at one of the several unlisted toll gates. I am a Nigerian and I know what to do to get what I need. I also happen to be generally chided in enough to be able to successfully navigate our shark-infested waters. This was the illusory cocoon in which I existed.

I have always been familiar with the face of our perversion as a people and I have few illusions about equity and justice reigning in Nigeria but I had always assumed that there were lines that should never be crossed. I was however slapped awake by the brazenness of the judicial henchmen unleashed on hapless citizens, corporate, and individuals by the Nigerian Supreme Court, acting under the direction of Aare Afe Babalola. At least 5 Justices of the apex court

have been identified as guilty of odious corruption and of gross incompetence. Either is sufficient to have them removed from their office and this is my petition to the Nigerian people and most definitely to the NJC.

A true lawyer never loses a case for he is, if the truth be discerned, a minister in the temple of justice and that is the cause that he or she must serve. As long as he has done his best professional duty, he is absolved of the obligation to take any side. He, in fact, has a duty to the court that is not discharged by any prostration of professional duty to the client. The lawyer is a servant of the court, a waiter in the temple of justice, an attendant to the blind goddess and priestess that serves the blind goddess of justice at least. Justice either wins or lose, the lawyer is at all times a servant of the court.

Chapter 3

The Practice of Law

Prince Adenuga Adeniji-Adede, otherwise known as the Prince of Hope or Paper, was my friend and an older brother. I was President of the LASU Students' Union (LASUSU) when he was released from Abacha's gulag in 1995. His brother-in-law, Saheed Salawe was a fellow student in the Faculty of Law and I came to know his wife, 'Auntie Tawa', who was also a LASU student through Saheed Salawe, otherwise known as SS. I was literally adopted into the Adeniji-Adede and Salawe families. He was one of my God appointed gatekeepers.

By the time I was done with my law degree programme at LASU, there were two sets of LASU Law graduates waiting to be admitted into the Nigerian Law School. The Abacha dictatorship had decreed that the Law School be relocated to Abuja. The dictator's daughter was ready to attend the school and since the father had no interest in sending the daughter to the Law School in Lagos, the school had to be moved to Abuja in order to accommodate the first daughter.

The unplanned and forced movement to the new site, the former Centre For Democratic Studies under Prof Omo Onoruya, (The centre was one of Babangida's several social incubatory laboratories; the unpretentious killer of democracy, having no pretence of democratic intentions) put the moribund facilities to use. The new facility couldn't take as many students

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ingenious solution to a client's legal challenges and having doubts as to the lawfulness of the idea I had settled on, I would use Ralph as the scolding board laying him into the many passionate disputes that I enjoyed with him over the years. Thing is, poor Ralph assumed for several years that he was always just a step away from being fired for his constant audacity to argue with his boss. What he came to realize is that I was only ever grateful for his courage and I looked forward to our sessions.

It was during one of our heated sessions that I declared my philosophy of law and I believe it was also the day that we began to understand the strength of our energy and the value and efficiency of our then emergent partnership. I explained to him that I did not read law in order to follow the rules. I read the law in order to guide myself and the purveyors of my services through the labyrinthine minefields of the Nigerian legal system.

I always knew that Nigeria is built on a foundation of lies. That the country of my birth is iniquitous, unjust, and intricately evil. I had known this from my mother's womb and I had never harbored any illusions about the existential nature of the evil empire in which we live. I explained how it was the duty of the lawyer to work in the knowledge of this truth in everything that he does for the client. I explained how I relied on his own knowledge of the mechanics of law to retain my own worst instincts, which constantly seeks to discountenance the many innate laws and regulations that would restrain the client. Between our two

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extremes, the clients are usually left with the best of the two worlds.

A client came to brief us about a property that the company owned in Ikoru. Client is a property investment company that has a lot of real estate interests in the Ikoru axis. The uniqueness of our legal architecture and tenancy laws had created an equally unique problem for them- occupant remains that had learnt how to exploit the institutional weaknesses of the legal system and the Tenancy Laws to game the company out of its legitimate business income and expectation. They would owe rent for several years and would happily pay a lawyer to delay the cases for recovery of the premises and the back rents. We put a stop to it.

We crafted a clause that has become part and parcel of every tenancy agreement that we have drafted for that particular client and anyone that has been happy to have the clause incorporated into their own leases that we have drafted designed as it were for this particular Client. I am happy to report it as one of the unique devices that we have employed in the services of our clients over the years. We introduced a re-entry clause into the Tenancy/Lease agreements.

The tenancy laws have been drafted by men without any understanding of the need to protect the pecuniary interests of the landlords and most certainly without any thoughts as to businesses that would be investing their capital in the real estate sector. The cumbersome laws and processes have served to

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I reassured all that any claims by the Eletu, to anything more than the 10 hectares granted the Eletu in Suit No. M/779/93, can only be made in fraud and I was sanguine in concluding that even a Supreme Court bench, wholly staffed by their successors was incapable of giving them the relief that they claimed to have won. I knew this because I had been following the case since the beginning of my law practice and during my time at BAS&C Partners.

I immediately contacted our representatives in Abuja to make the necessary applications to the Registry of the Supreme Court for the CTC of the judgment and the enrolled orders of the court and same were procured within a couple of days. It is amazing how efficient the inefficient regimes could become once the process is sufficiently greased. A cursory reading of Justice Akola's lead judgment was enough to show that the Eletus were up to some shenanigans and the root of their mischief became apparent soon enough.

Upon studying the judgment itself, in the face of the intransigence of the Eletu family and their continuing refusal to respect the boundaries of the judgment that had been given in their favour, it became incumbent upon us to seek to speak with the Afe Babalola Firm and the Eletu family themselves. We wrote series of letters, both to Olu Damola SAN as the head of the Afe Babalola Chambers in Lagos and also to the Chidambou Eletu family, specifically, Chief Waleed Eletu, and sought to hold meetings with them, in order to better understand the parameters of any disagreements or disputes that we might have with

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them whilst we continued to monitor what was going on.

We had by this time become aware that the head judge in Lagos state - Afolade J had signed a writ of possession. Being made aware of this, we continued to write letters to the Sheriff section and to the Chief Justice including concerned authorities to make them aware that this will be acting beyond the judgment of the court, as this will be at variance with the claims that the parties themselves had placed before the court at all material times, including before the Supreme Court.

Whilst all these was going on, we had a meeting in the law office of Afe Babalola in Lagos, where Chidambou SAN made himself unavailable, and had to meet with Olu Faro, a younger counsel. I have always treated counsel diffidently, and I have been particularly respectful of senior counsel. Every counsel that has worked with me would attest to my demand that respect for colleagues be primary but Olu Faro Esq. was remarkably insolent and assured that we were made aware of just how powerful the law officer he worked for believed itself to be and how much above the law and the practice of law they believed themselves to be. The meeting achieved nothing.

The judgment of the court was unanimous in giving judgment to the Eletus and the pronouncement of Afolade were clear and unambiguous. The Eletus were entitled to the compensation that they had been awarded for their land in M/779/93. But Justice Rhodes-Vivour laid the foundation for the fraud that

was to come. He spoke of an "unextinguished equitable interest in 254 Hectares". It is my contention that he was not serving the course of justice when he made that pronouncement and he was aware of the mischief intended with his deliberate choice of words.

With the Elekus aggressive assertion of the claims that they were awarded 254 Hectares gaining traction in the press and their seizure of several plots of land from small landholders in the Aguiyi/Osuja axis, my office became inundated with calls from dispossessed owners, land buyers from the Ojoma family and developers of all hues, big and small. The panic engendered by the actions of the Elekus hued mass hysteria and through it all, we kept advising our clients to stay firm, and to refuse to succumb to the blackmail of the Elekus.

I had seen enough by the end of September 2013 to be convinced that there was a high level conspiracy involving elements in the Supreme Court, the Lagos Judiciary, Afe Babalola and his crew and with the Elekus as co-beneficiaries.

On the 7th of October 2013, I got news early in the day of an impending invasion of the Osapa-Aguiyi axis by the Elekus and their lawyers, accompanied by thugs and police, supposedly on a mission to enforce the Supreme Court judgment. I immediately placed a call to Olu Darimola SAN and asked what judgment he was planning to execute on my clients and reiterated the readiness of my clients to engage with his firm to determine how the judgment might affect our clients.

He denied any knowledge of any planned enforcement actions, assured me that nothing of the sort was afoot and agreed to have a meeting with me on his return to the country from a trip he disclosed that he was poised to embark on.

That same afternoon, as I was poised to commence the usual Friday afternoon hunch in the office, the call I had decided for weeks came through. The Elekus were on their way to the neighborhood with the full compliments of the Nigerian state, its power and trawlers, to violently violate the human and property rights of the inhabitants of the vast swathe of land that runs from NICON Town to Victory Park, Friends Colony to Pinrock Beach Estate. Several small landowners and built-up properties were being directly threatened. My heart broke.

As I have let on, I am no shrinking violet. I am a Nigerian in the true sense of the word. I am no saint. I have never had any illusions about the country of my birth. I have known and loved the country of my birth and residence all of my life but it has frustrated me unrelentingly, and I have hated it for the many times that it had left me bruised and broken. I had always had a rather romantic view of the law. I imagined that the Nigerian Supreme Court was somehow immune to the madness. I lost my illusion that day.

The Elekus were accompanied by bailiffs and sheriffs of the Lagos High Court. The Nigerian police was represented and the Nigerian state was assisted in the rape of its citizens rights by a band of thugs, led by the

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younger of the Eleru clan. I called Olu Daranbola as they approached the place where I had stood with some clients to resist the illegal enforcement and the shameless man was still busy denying any knowledge of the enforcement actions. We were partially successful in resisting the enforcement. The bailiffs could not produce the enrollment of the order that they sought to enforce and departed the scene after writing some nonsense on the walls.

We immediately applied for the Certified True Copies of the processes filed with the sheriffs and it quickly became evident what mischief was afoot and just how deep the fraud and conspiracy were. The Writum of Execution was signed by Atlade, J; the Administrative Head of the Lagos Division of the High Court without her having seen an enrolled order of the Supreme Court.

The more we scrutinized the writ of possession, the more apparent the fraudulence of its procurers, issuers and beneficiaries became. It became patently clear that the head judge in Lagos, Atlade, had either wilfully or unwittingly lent herself as an instrument of fraudulence in the issuance of the writ of possession that they presumed to execute on the 7th of October 2013.

One of the first things that we found most incongruous was the complete absence of the enrolled order of the supreme court in the processes. At no point did the judge - Atlade or the Sheriff sight an enrolled order of the supreme court. What was done

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was that a portion of the concerning judgment of Rhodes-Vivour JSC (as he then was), was underlined and this was the portion that spoke of an unextinguished equitable interest in 254 hectares. I am persuaded to conclude that this obiter was inserted specifically for the purpose to which it was pressed. Nevertheless, this was all that was before Atlade, the head judge of the Lagos division, where she issued a writ of possession, covering 254 hectares.

Another curious thing we found, on perusing the execution file, was the presence of a most fraudulent person, by the name of S. B Joseph, SAN, who was the procurer in Chief of the writ of possession issued by Atlade J and was in actual fact the one who worked exclusively at all times on the procurement of the fraudulent writ of possession.

We quickly realized that the law officers of Afe Babalola & CO, Emmanuel Chambers had outsourced the judgment execution to another law office, the firm of S. B Joseph & Co. The firm had fraudulently and deliberately concealed the judgment of Afe Babalola and had underlined the words of Justice Rhodes-Vivour to deceive and perhaps misled Atlade or as is more likely, Atlade was always a part of the original fraud. The Elerus somehow managed to corrupt the judiciary to procure a fraudulent warrant that had no bearing on the judgment of the court.

On being convinced of the emerging fraud, I made strenuous efforts to protect my clients from the extortionist exercises of the Elerus and their lawyers. I wrote several petitions to the fraud unit at Panel CID,

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another to the Chief Judge in Lagos state - Ayomide Phillips, the National Judicial Commission and yet another was addressed to the Attorney General of Lagos state at the time - Mr. Ade Ipaye. I also ensured that one went to the governor of the state BRF, who being a lawyer, I imagined would be better briefed to do the right thing related to the issue, given the likelihood of a breakdown of law and order and in view of the fact that the Elum in seeking to enforce the fraudulent warrant, had invaded multiple estates within the Lekki - Ajimu - Oshoshois, pursuant to the fraudulent writ of possession.

I imagined that the case would be of interest to the governor given his legal background and he was equally copied in the petitions. I detailed the duties of the state to protect the integrity of its own title and generally made all aware that I was not only aware of the fraud, I was prepared to blow the whistle on all that were involved. BRF was not interested enough to do anything decisive about the obvious fraud and bring it to the attention of the state. He passed the buck to the AG Ipaye, Ibakem Okunola, then the Permanent Secretary, Lands, and Agriculture the Surveyor-General.

When the heat I was drawing became a little too much for the Head Judge Afolabi J, she reached out through one of the clients and the Ojoju Chieftaincy family, seeking to explain that she was misled and had made a mistake. I was informed of her regrets at what was termed her "inadvertent error" in signing the warrant. Afolabi J was at the time in the pivotal place of waiting in the wings to succeed her sister as the Chief Judge of

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Lagos State. She was interested in doing everything she could to close the file that had been kindled by her participation in the issuance of the fraudulent writ of possession. She pleaded with them to appeal to me to bring a motion to quash the warrant that she had originally issued for the possession of 256 hectares.

We prepared the motion to quash the warrant after sending same to our client for execution. The client returned to us, obviously having coordinated with the judge who begged, saying that instead of the ground stated in our motion, which was for fraudulent misrepresentation, we should have it changed and request that it is quashed for "documentary irregularity".

The original motion prepared by my office was a Motion on Notice. We prepared this and readied our processes to be filed, and then word came to us side the Ojoju's palace. Afolabi had asked that we file the motion ex-parte; this was to avoid a lengthy delay she assumed her messengers to me, as having the motion papers served on Afe Babalola & Co will only serve to prolong the resolution of the problems created either by her corruption and/or incompetence. My reasoned arguments against the ex-parte motion were not countenanced by the clients. They all just wanted the mess over and done with. Multi billion Naira investments were being undermined by the situation, and several lives were being disrupted they argued.

In deference to the client's instructions and urging and in clear refusal of our legal advice to the client that the

matter should not be withdrawn but argued on its merit as being sought for fraudulent misrepresentation, we were prevailed upon to present a motion ex-parte, asking for the warrant to be quashed on the ground of "documentary irregularity", a euphemism for fraudulence. We followed the client's wishes in protest but we were convinced that something wasn't quite right. Events were to prove us right.

The motion was filed ex-parte as had been advised and Ailade, J heard the motion in chamber on the 11th of October 2013, quashing the fraudulently procured warrant as promised and euphemistically referring to the ground as being one of documentary irregularity.

But even as Ailade, J played the contrition game, she was already part of the game plan being stitched together by the grandmaster of judicial corruption in Nigeria, Afe Babalola. I have come to the conclusion that the required form of the application and her ruling were all part of the insidious plans of Afe Babalola, his band of crooked lawyers and the coterie of crooked/incompetent justices of the Supreme Court.

The Purchased Judgment...

THE AGRINLIA ALAUSA CONSPIRACY AND CHIEFTAINCY/FAMILY.

The battle to quash the warrant opened my eyes to the extent of the toxin the court systems and I came to the knowledge of the sickening realities of the systemic perniciation. The Supreme Court's judgment was doctored by the confederation of lawyers in Afe Babalola's Chambers and the law offices of S. B. Joseph & Co and the end desired by the confederacy was wrought with the active connivance of the Head Judge of the Lagos Division, Ailade, J. I submitted a petition to the police and I soon found that the Flicus and their crooked lawyers had coopted the police into the scheme.

The Flicus managed to move the sheriffs and bailiffs to execute the doctored judgment and they did this in spite of the fact that I had placed all of the relevant authorities on notice and had drawn the attention of the Chief Judge of Lagos State and the Attorney-General to the fraud; drawing pointed inferences to the legal incongruity of having the judgment applied to people whose title to their properties are rooted in the Government's own grant to the Ojumu, vide the Gazette of Excision and in the case of NICON Town to peoples outside the customary jurisdiction of the Ojumu Family.

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In the immediate aftermath of the court order quashing the fraudulent warrant, the Elerus continued to strong-arm the small plot holders outside of the bigger holdings that had mostly lawyered up and joined in the battle against the Elerus' onslaughts.

Seeing as the Elerus were undaunted by the earlier quashing the fraudulently procured warrant, we were left with little or no choice but to fight back in protection of our clients. We applied to the then Surveyor-General of Lagos State, Ayebekun to produce a Composite Survey of the land in dispute,

Ayebekun was the Surveyor-General of Lagos State at the time of the delivery of the Supreme Court judgment and given the tip I had been offered by Mr. Oshon Idemudia about the survey fraud in the Elerus deed of conveyance, I deemed the commission of a composite survey to be of extreme importance.

But I had another reason for wanting the SG's composite, one that is rooted in the oral traditions of the Ojumu people and of that of their neighbor to the EAST. The Elegushi. From the dawn of ages and from the oral accounts of the two traditional landowning families, the Ojumu and the Elegushi have for generations considered the Mayegun Creek, now known as the Mayegun Canal as their traditional boundary. The village of Osapa, one of the Ojumu villages, is to one side of the canal and Igbokusu, one of the Elegushi's villages is on the other side of the canal.

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The Ojumu is the consenting authority for the Beale stool of Osapa and the Elegushi is the consenting authority for the stool of Igbokusu. NICON TOWN is located inside Elegushi's Igbokusu village. I know this because I had worked for BASA & Partners and Oyekan-Abdullahi. She was the lawyer to the Igbokusu community when they sued the Elegushi to challenge his right to sell the land that has neatly become known as NICON TOWN. How did the Ojumu come to sell land to Gbadamosi Elerus beyond the clear boundaries of their own land?

Remember how I had been integrated into the Ojumu family by my early associations with the young prince? Well, they might have introduced me but I had become part of the fabric of the Ayiran community. I'ved amongst the natives and befriended them with integrity and honesty. They told me their war stories as we shared life's experiences. One of the stories that the more elderly ones never appeared tire of sharing was the story of how they were defrauded, cheated and exploited by Major Bamitale Gbadamosi Eleru.

The older generation would tell of how the affluent member of the Eleru-Odibo Chieftaincy family of Lagos Island, a family to which several prominent Ayiran families are equally related was granted land on which to reside at Osapa and how they subsequently sold him a vast parcel of land. Their neighbour was that the survey which he was to subsequently attach to the Deed of Conveyance which they signed as illiterates exaggerated the extent of the land sold. They were universally bitter and I never forgot their stories.

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The judgment brought back the memories and the attempt to extend the judgment to NICON TOWN, was sufficient enough to warrant the need for the composite survey even if I did not have the benefit of Osobon's tip.

I had made the original application for the composite very early in the day. It was made within weeks of the judgment and as part of the immediate response in the wake of the aggressive claims of the Elletus, once the Supreme Court's judgment was delivered. Now you have to understand that in the course of my legal practice, I had built up a vast network of contacts within the Lagos State civil service. Twelve years of my life spent in Oshodi/Alimosho had assured that I have never entered a civil service establishment in Lagos State and failed to find a LASU brother or sister. The survey department was no an exception.

I have handled thousands of Governor's Consent applications in the course of my law practice and the survey department is fundamental and critical in anything that one might seek to do in Lagos State that is related to land, or any real estate. I have informal channels to plug into in any quest requiring governmental involvement, however ungenial, and the survey department was not an exception. Even as I awaited Agbenba's execution of the composite survey report, and whilst it took months before same was received from his office, I had received unofficial confirmation and Agbenba's survey proved to be quite interesting. The land described by the survey in the

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of laborers away from the Lekki peninsula. It is in Badagry.

Now to be sure, that report merely confirmed what I had been told by Osabur Idemudia, who had taken a case against the Elletus a couple of years before, and had discovered the survey discrepancies when he sought to ascertain their claims on his clients by having a composite plan drawn. The Elletus and their lawyers abandoned their suit when the composite was filed in court.

As the mountain of evidence in proof of the Elletus' fraud began to pile up and in view of the order that Adede had granted quashing the fraudulent warrant that she had issued and as Afe came to realize how useless the original judgment had become, Afe went back to the accomplices in the Supreme Court and this is the only logical explanation for the shambling and brazen review of the fraudulent judgment by the second seating of the court where the justices destroyed whatever doubt one might have harbored of either their corruption and/or incompetence.

It was around this time that we began to hear rumours of a return to the Supreme Court by Afe Babalola and his magical elves and the rumours became real when I got a call from Tokembo Williams SAN, who informed me of the receipt of a motion on notice before the Supreme Court, seeking to correct an error in the judgment reproduced below.

This application to correct errors was brought under Order 8, Rule 16 of the Supreme Court of Nigeria

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rules which provides as follows:

"The Court shall not review any judgment once given and delivered by it save to correct any clerical mistake or some error arising from any accidental slip or omission or to vary the judgment or order to give effect to its meaning or intention. A judgment or order shall not be varied when it correctly represents what the Court decided, nor shall the operative and substantive part of it be varied, and a different form substituted."

However, the ruling of 18 March 2014 was not done to correct any clerical mistake or some error arising from any accidental slip or omission, nor did it vary the judgment or order to give effect to its meaning or intention. What the Supreme Court did was to simply sit in appeal over its judgment and give a new judgment.

It is pertinent to note that the judgment of the Supreme Court on 12 July 2013 was fully supported by the reasoning of the Supreme Court, as fully adumbrated by Ake's, JSC, who read the lead judgment of the Supreme Court. A portion of the judgment cited as follows:

"The appellants are entitled to the statutory right of occupancy over 10 hectares (which is approximately 24.17 acres) of reclaimed land in Chapa Village, which has been exsiccated and assigned to them."

Therefore, the court intended to make an order

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awarding 10 hectares to Eleus and not 216,758, which the Supreme Court curiously awarded in its second judgment on 12 March 2014. Even if the reasoning of the Supreme Court was wrong, the court does not enjoy the pleasure of revisiting its reasoning; parties are doomed to live with its consequences.

I found this second visit to the Supreme Court altering and strange. In our review of the case and considered professional opinion, the supreme court had become functus officio and could not revisit the matter given that we had conclusively dealt with the conspiracy. But apparently, we had underestimated the extent of the participation of the Supreme Court and the extent of Chief Ake Babalola's corrupt reaches into the innards of the Supreme Court.

It was at this time that we had occasion to begin to liaise with the law firm of ERA Williams and Co and more particularly with Toluloso Williams SAN, who had charge of the matter on behalf of the Ojumu chieftaincy family. In the course of our interface with the chamber, we became seized of the full file of the case in M779/93, where Rotimi Williams SAN had a watching brief and the extent of compromise that had taken place within the Lagos state judicial civil service, particularly the Ministry of Justice, where persons who had been involved in the defence of M779, had become principal officers today. We have good reason to believe that Rhodes-Vivour JSC, was one of the counsels involved, either directly or tangentially in the case between ISDPC and Harris Dredging; Major Murrali Chaudamosi Eleus (RTD) & Ors vs. Attorney

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General of Lagos State & Ors M/779/93.

The qualified warrant of execution became the basis for Afe Babalola's latest excursion to the Supreme Court and the error of my acceptance of the corrupt offer of an ex parte application to quash the warrant for "Documentary Irregularity" became obvious to me. I knew before the motion was heard, that the court was working to the conclusion desired by Afe Babalola.

In spite of the spirited attempts of THE WILLIAMS SAN and Bona Alabi SAN who appeared on behalf of UFDG before the Supreme Court, the Supreme Court headed by the current CJN Kayode Arewola, shamelessly proceeded to turn themselves into surveyors and mathematicians, ruling on a claim that was never placed before any of the lower courts and one that was certainly never in the contemplation of a court that was not seized of jurisdiction.

The Supreme Court, in a most shameless manner, set a record time on the same matter and established the facts of the incompetence or corruption of each and every member of those who were involved with the Gbadamosi Eletu case, save and except Alabi's (now retired), who read the original lead judgment and correctly awarded the Eletus the 10 hectares they had already been granted in M779/93. This was the point where I realized that the Nigerian judiciary was hopelessly lost from top to bottom.

The Eletus' claim had been so thoroughly derailed

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by the work we had done in Lagos that by the time the second judgment of the supreme court was given, the Supreme Court had practically lost all credibility or legitimacy as it relates to any judgment given outside of the one originally read by Justice Alabi's. At this point, there was a stalemate - the judgment of the Supreme Court which known to all legal practitioners who had bothered to read the judgment, saw that the files and records made no sense. Despite this, there was official complicity on the part of several officers of Lagos state government and the judiciary, beginning with the Head Judge Afolabi to the deputy sheriff of the high court and most likely to the Chief Judge herself. Hence, the situation was that the totality of the supreme court judgment was in itself very conspiratory as to become useless before the Lagos state judiciary and Lagos state government itself.

We had established that the land claimed by the Eletus was different from the one described in their deed. We had also worked to show very clearly that the judgment in question was a declaratory judgment that was not in any way capable of enforcement in the manner that the Eletu and their lawyers had sought.

The Nigerian Supreme Court, on the 18th of March 2014 in a most shameless and profane judgment, pronounced itself functus officio and had in shutting out the several parties that would be affected by the selecting miscarriage of justice to which it had yoked itself given Afe Babalola and the Eletus, judgment on a lies, over which it should have declined jurisdiction. In view of the plethora of reasons already before the

court that would show that the Lagos State government was a necessary party if the court was to over assume jurisdiction over the 254 lectures. The miscarriage of justice may only ever be explained by corruption of the most nauseating fashion or intellectual indolence of the most criminal type given the sacred finality of their pronouncements, and the weight of the office that they occupy.

The problem for Afe Babalola and the Filenus' confederary was the unyielding force that my firm became in the several petitions that we had written to place the Lagos State government on notice of its obligations to defend the title of the several clients who had relied on the Lagos State Gazette of existence to the Ojoimu Chieftaincy Family via the existence of Suit No. MT90/93 (Major Mirza Ghulamuzi Filenu (RTD) & Ors vs. Attorney General of Lagos State & Ors M/779/93)

The incontrovertible and clear fact that there was no cover for the issuance of a warrant for the 214 lectures, rendered the judgment useless and changed the power dynamics in the conspiracy and amongst the co-conspirators.

With the comprehensive destruction of the legal basis of the procured judgment, the Lagos end of the conspiracy that had the law firm of S. B Joseph & Co. at its head, hitherto the junior partner in the conspiracy fulfilled its role, began to deliver the execution content of the conspiracy once Afe Babalola had perfected the Supreme Court end of the job. These plans were made without factoring in the "X Variable" a law firm that

saw through the fraud and schematigms and counsel who just would not let go of the injustice.

With S. B Joseph rendered incapable of delivering on his brief and Afe Babalola unable to move the Chief Judge of Lagos State and by extension the Lagos Judiciary to issue a warrant of execution of the fraudulent judgment, as evidenced by the letter dated the 28th day of May 2014 which formed part of the exhibits annexed to Afe's claims against Pedro and is the basis of the suit that I filed against Chief Afe Babalola in Suit No: LD/2787GCMW/2016 - *Delle Inwotim v. Afe Babalola*

The Lagos crowd had been socked into a corner by the exertions of my chambers and we had demolished the original fraud that was hatched before Afe secured the first of the two judgments. I have known of the Filenu family since the beginning of my legal practice. I know as a fact that the currency of their claim is founded on easily established and incurable fraudulence.

The Supreme Court cannot hide behind the incompetence of counsel as it has a duty to examine its own appalling intellectual indolence, corruption or incompetence.

The facts of the Gazette of Acquisition were before the court. The existence of the clear and inescapable judicial entrapment that would operate to stop the court from assuming jurisdiction on anything beyond 10 lectures was also before it. But the court as though enthralled by whatever Afe the Circus Master had promised the justice, acted with utmost carelessness

about the integrity of the court, the interest of the citizens and the state that they had been sworn to protect. The conspiracy was always a step ahead of us because some of the clients mistook key members of the confederacy for friends and helpers.

In the immediate aftermath of the second Supreme Court judgment, a statement arose about the enforcement and perhaps enforceability of the judgment. We had provided copious reasons to the judicial authorities in Lagos. The Attorney General had been dragged into the matter. The brutal attempt at enforcement of the original judgment against organized estates and corporate establishments had served to galvanize extremely critical and sensitive minds of the affected peoples and this was when Afe Babalola lost his influence on the Elerus and the Lagos Mafia whose original brief to procure enforcement of the judgment became the dominant force in the conspiracy muscling out the Afe gang. With Afe Babalola rendered impotent, Lawal Pedro muscled in on the bill.

Pedro The Jackal.

Lawal Pedro lent himself as a negotiator and became a broker between those the Elerus were seeking to assert their judgment against and the judgment "delistors". He began to play a double game. In one breath, he would assure the affected persons that he was seeking to find peace, and in another breath, he was assuring the Elerus that he would be able to find them some sort of settlement. He held himself out as the solution to the problems of both the litigants and those affected by the judgment. He inserted himself into the situation and became a factor for the Elerus and their victims.

In the midst of these, Oyekan Abdullai, who had been connected to the Oyumu family long before I was called to the bar and who still enjoyed a chimney relationship with the Kabiyesi and the Balogun and who was equally friendly with some of my clients, was busy undermining the client's confidence in my capacity to do my job as a lawyer, erroneously advising them that the Supreme Court judgment remained valid and that they should consider negotiating a settlement with the Elerus. I had a situation where the solicitor general of Lagos state was advising my client to discount my legal advice because he was interested in brokering deals between my clients and the Elerus, who he knew or should have known had a fraudulent claim at best.

Oyekan Abdullai on the other hand was largely motivated, perhaps not only by money, but also by

personal relationships that had gone sour. She did everything under the sun to make sure that my clients did not have confidence in the legal advice I was offering them. Eventually, under pressure from the Elerus and Lawal Pedro, quite a number of clients sensed the Elerus' claim in suits running into billions of Naira.

The Elerus and their lawyers continued to assert their claims per the fraudulently procured warrant and the rapacious nature of their audacious land grabs, meant that every unbuilt plot of land in the Oshapa-Agunji area became fair game to them. This refusal to discriminate in the manner of their land grabs brought my office into contact with a rather interesting man, Alhaji Tunide Balogun, the immediate past commissioner for local government and chieftaincy affairs in the state at the time who later became the Chairman of APC in Lagos State.

Alhaji Balogun scolded me out. He came to my office of his own accord. I had never met him before he came to my office and I had equally never heard of him. A particularly parsimonious man, he let on a skillfully shrewd and detailed negotiation process during the course of his negotiation of our professional fee.

Alhaji Balogun had a story to tell. He owned two plots at Agunji he said. Bought from the Ojumu Family long ago as the story went. The Elerus had sold one of his plots to a developer of Igbo origin, who had gone ptery far in the construction of an estate to which one of his plots had become a tiny part. The second

remained empty even though he was convinced that it had also been sold to a third party.

One of my favorite characters in the TV series Game of Thrones, Lord Baelish said "Sometimes, when I try to understand a person's motives, I play a little game. I assume the worst. What's the worst reason they could possibly have for saying what they say, or doing what they do? Then I ask myself, 'how well does that reason explain what they say and what they do?'" I have milled over these words, as I have sought to understand exactly how the different threads are connected in the Eleru conspiracy.

Justice Abdulhali was the chairperson at my wedding reception. She was the one that had employed me to work with my very first employers, BASSA & Partners. And we had not had any word to say to each other since May 2003 when she had visited my home, and rudely sent me to fetch my wife for her, whilst she sat in her car, at my gate waiting for my wife to bring her the chequebook to the office account to which my wife was signatory, even as nobody was the controller of the purse.

The very same Justice Abdulhali, who was busy undermining my credibility and legal knowledge with key clients was the very same person that was surreptitiously referring Alhaji Balogun to me. I became quite suspicious and began to sniff and dig around. I called up my wife and then I called Mr. Mike Bayawa, my former boss and the nominal Head of Chamber in my time at BASSA & Partners. Both confirmed that Alhaji was indeed a client and Mr. Mike

further revealed that he was aware of the problems, having been earlier briefed by both Alhaji and Justice Oyekun-Abdullahi. I became even more intrigued.

Now, Alhaji's case was interesting to me for several reasons but the most important thing about the case was the timing of the brief and its provenance.

Buyer clients were being urged to settle with the Elerus by forces within the Lagos State government and judiciary but here we were, playing counsel to a prince of the political establishment, a two time commissioner of the state and one that was still very much in the good books of the powers that be in the state. I became as intrigued as I was suspicious and I took on the case after pretending to haggle over the fees in which I had little or no interest. I said 'The Elerus and their buyer on Alhaji's instructions in suit NoLED/3121/14

With Alhaji's case, I was able to make the case I had always made against the Eleru judgment. I pled particulars of their fraud. I filed evidence of the survey fraud. I sought to draw them out and into a defence of their shaky ground. We sued the Igbo developer, sued the Elerus but I was rather unhappy when instead of fighting the claims before the court, the Elerus opted to settle the case on clear terms, conceded the validity of my client's claims and procured the Igbo Developer to pay N30,000,000.00 (thirty million Naira) to our Client for one of the plots. They went further to pay the commercial going rates, whilst accepting our client's claim to the second plot and vacating same

immediately thereafter. The Elerus agreed to pay thirty million Naira in compensation for the encroached plot and gave up all claims in relation to the second plot. This is in spite of the fact that they were busy extorting billions from other people with the same judgment. These terms of settlement eventually became the judgment of the court.

Now, you must understand how Lagos State works in order to understand the real significance of Alhaji Balogun's case. Lagos is in truth, a village. Everybody knows everybody. There is something inherently incestuous about the Lagos power society; you will find very quickly, if you know who to ask, that everyone is somehow related. If they are not 'broda' or 'sigha' from Olowogboso or Ibe Eleru, it is that they went to some school, church, or mosque together. The elites of Lagos are all somehow related.

Oyekun Abdullahi was the lawyer to the Ojumu Chieftaincy Family in her days as a lawyer. Legend has it that she was the one that brought Rotimi Williams into the Ojumu case but what is beyond argument is her linkage to the Ojumu family. She was their lawyer and has remained a trusted member of the Ojumu in-council. She knows more about the cases that culminated in the Supreme Court judgement and she also knew everything that I had known about the Elerus Israel and Afe Babalola's shenanigans.

Oyekun-Abdullahi was aware of the effect of M/779/93. She had the Ojumu's brief as did Rotimi Williams Chambers. She knew that I was correct in my

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commissioned the Unilag survey department to prepare, we demolished the spurious argument he was raising. But I needed not to have worried. My clients were not the intended consumers of the fraud being concocted. That part of the scheme is the embezzling fraud on the state and the expected solution to the many problems birthed for the conspirators.

✓ When Afe found that he had been schemed out of the game and that Pedro was reaping from his exertions, he was enraged and sought to understand what had happened and why the fact that he had gotten the Supreme Court to do the impossible was not enough to make the Lagos crew deliver the execution of the revamped judgment?

✓ When Aminta Ayigie JSC ruled against Chief Afe Babalola's professional conduct, or misconduct in the Bayelsa case, she did so either as an ostrich or out of ignorance. Afe has been corrupting the Supreme Court from ages past and he has led it to commit the most egregious acts of evil and woman injustice. Afe knows what her Ladyship does not know or pretends not to know: that justice does not live in the Nigerian court and you can get the court to do whatever you want, as long as you know who to speak with and who to pay.

Afe's letter to Ayotunde Phillips, then CJ of Lagos State showed how frustrated he had become about the inability to execute the fraudulent judgment. In spite of the fact that he had the Supreme Court do what it had never done before and exactly what Aminta Ayigie

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JSC presumed to rail against, Pedro, S. B. Joseph and the Elkus formed a new confederacy and had neither room nor use for Afe Babalola, who had overestimated his own importance to the plot and failed to discern that he had effectively become unnecessary to the new plotline. I am convinced that Pedro muscled in on the plot and was not a part of the original plot. His de facto headship of the state's committee charged with finding a resolution was the critical factor in his emergence.

✓ In going through the processes filed by Afe Babalola, I came across a letter he had written to the then Chief Judge of Lagos State, Ayo Phillips, where he had violently labeled me and described me in extremely disparaging terms. Afe is so enmeshed in his corruption that he has lost all sense of propriety and of fairness. I will let you decide the fairness of the dozen of Nigerian injustice and lawlessness in describing the younger counsel, who had only sought the course of justice, from the well of justice into which the old man had always pissed.

✓ I immediately counsel in my office to write a letter to the old man and made clear that I was not going to be satisfied with anything short of an apology and a retraction. I have absolutely no interest in taking Afe Babalola's corrupt money but I was not going to allow a corrupt, amoral man, devoid of any integrity, to define me for posterity when none of us would be around to dispute the hagiographic accounts of the events. The dozen of Nigerian illegatus ignored to offer any acknowledgement of the letter and arrogantly refused to retract nor apologize. I caused

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writs to be issued against Afe Babalola SAN for libel.

I told everyone that cared to listen, including my trusted partner and friend, Ralph Nwoko, that the case would never be allowed to proceed to trial and that it would be killed within the system. Afe simply had no leg to stand on and would not dare to join issues with me in court. I spoke with the finality of divinity but I did so only because I know my country, and the extent of the rot that my suit against Afe was threatening to expose. I was bang on the money!

Afe Babalola was impetified by the suit I filed in court. It was designed to blow open the tawdry details of his dirty deals with the Supreme Court but the suit also represented a threat to the Lagos part of the conspiracy. It was one thing to be having a quarrel amongst thieves, each knew how far they might push their claim but it is quite another thing to get into a 'sofofofo' fight with a man seemingly incapable of walking away from a fight. The Eletsu conspirators found a semblance of peace when I filed the suit against Afe.

The perils that were being faced by all key members of the twin camps of conspirators preoccupied their minds and thanks to the verbiage that had been relayed by the camps for public consumption before I entered the picture with my libel suit against Afe, it is possible to piece together key fragments of what took place. I must close with a caveat, I am not privy to what happened in the conclaves of crooks but I do remember that I have heard it said, "If it washes like a

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duck, quacks like a duck, it is most likely a duck" or similar words to that effect.

In the early days of the Eletsu saga, I was often heard making an unequivocal declaration that I would burn my wig and goen in protest and on the steps of the Supreme Court if the Eletsu judgment was ever enforced. I am happy to have been spared the nuisance of making a spectacle of myself, in order to draw attention to the madness of the court. I knew exactly what message I was passing when I repeated that statement in front of the likes of Fawaj Pedro, who I knew had repackaged himself as the Eletsu lawyer. He had to my knowledge had the brief of detendants through his Kenemah Chambers, whilst involved in their prosecution by the state, and he had acted as counsel to parties suing the state when it was his duty to defend the state.

I was making it clear to all, that I was happy to die in defense of what I knew to be true. Pedro exploited that resolve to further neutralize Afe's influence over the Eletsu and thereby strengthened his own importance to the conspiracy. If they were to get anything of substance from the puerile judgment, and their pyrrhic judicial victory.

This resolve became a key factor in the negotiations that have ensured the cessation of hostilities amongst the competing interests in the conspiracy too.

When the conspiracy was reconstituted, Pedro was exactly where he wanted to be. He became the deal maker. The Eletsu took whatever they could get off the