

IN THE FEDERAL HIGH COURT OF NIGERIA

Jud. CI

HEARING NOTICE

08064361986

CT3

SUIT No. FHC/ABJ/CS/218/16

Between { Achilike Anderson, Esq. & 9 ors Plaintiff
 and Mr Godwin ENEFILE & 3 ors Defendant
 To Ezenwa Ibegbunam Esq. Oladimeji EKE-NGBA Esq, Nig. Reinsurance Corp. 3rd floor plot 784 Herbert Macaulay way CBT
 the above-named. The Plaintiff Counsel

This cause will be transferred from the General Cause List to the Hearing Paper for Tuesday the 3rd day of May 2016 at 9:00 o'clock in the forenoon, and will come on to be heard on that day if the business of the Court permits or otherwise on some adjournment day of which you will receive no further notice.

If either party desires to postpone the hearing he must apply to the Court as soon as possible for that purpose; and if the application is based on any matter of fact, he must be prepared to give proof of those facts.

The parties are warned that at the hearing they are required to bring forward all the evidence by witnesses or by documents which each of them desires to rely on in support of his own case and in contradiction of that of his opponent. The proof will be required at the hearing, and not on a subsequent day, and parties failing to bring their evidence forward at the proper time may find themselves absolutely precluded from adducing it at all, or at best only allowed to do so on payment of substantial costs to the other side, and on such other terms as the Court thinks fit to impose.

Parties desirous to enforce the attendance of witnesses should apply at once to the Court to issue one or more summonses for the attendance of the witnesses required. It is indispensable that the application should be made so as to allow time for reasonable notice to the witnesses required.

If the witness is required to bring books or papers, they must be particularised in the summons sufficiently to enable him to understand what is meant.

Any party summoning a witness through the Court, thereby becomes liable to pay such witness reasonable sum of money to be fixed by the Court for his expense and loss of time.

The Court may refuse to enforce the attendance of a witness unless such sum has been fixed and deposited in the Court.

If either party desires to use in evidence at the hearing any book or document in the possession or power of the other party, he must give the other party reasonable notice in writing to produce it at the hearing, failing which he will not be allowed to give any secondary evidence of its contents.

DATED at Abuja this 6th day of April 2016.

By Order of the Court.

for [Signature] Registrar

O.K.

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT NO: FHC/ABJ/CS/218/2016

BETWEEN:

1. ACHILIKE ANDERSON, ESQ
 2. BARR. UCHENNA NNADI, ESQ
 3. OHAZURUIKE TOCHUKWU, ESQ
 4. FATIMA MUSA (MRS)
 5. OLAMIDE BUBA, ESQ
 6. HASSAN HARUNA, ESQ
 7. ELOCHUKWU NWEKE, ESQ
 8. AMINA ABUBAKAR (MRS)
 9. ERONINI ADA (MISS)
 10. JOY MOSES (MRS)
- ... PLAINTIFFS



AND

1. MR. GODWIN EMEFIELE
2. THE PRESIDENT FEDERAL REPUBLIC OF NIGERIA
3. ECONOMIC AND FINANCIAL CRIMES COMMISSION ..DEFENDANTS
4. SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

ORIGINATING SUMMONS

LET:

1. MR. GODWIN EMEFIELE
C/O CENTRAL BANK OF NIGERIA
CBN HEADQUATRES,
PLOT 33, ABUBAKAR TAFAWA WAY,
CENTRAL BUSINESS DISTRICT,
ABUJA.
2. THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA
ASO ROCK VILLA,
ABUJA.
3. ECONOMIC AND FINANCIAL CRIMES COMMISSION
EFCC HEADQUATERS
NO. 5 FOMELLA STREET,
OFF ADETOKUNBO ADEMOLA CRESCENT,
FCT, ABUJA.

FEDERAL HIGH COURT
ABUJA
CASHIER'S OFFICE
Signature.....
Date..... 24/03/17
0101419213

4. **SENATE OF THE FEDERAL REPUBLIC OF NIGERIA
NATIONAL ASSEMBLY COMPLEX,
THREE ARMS ZONE,
ASO DRIVE,
ABUJA**

Within 30 days after service of this Summons on them, inclusive of the days of such service cause an appearance to be entered for them to this Summons which is issued upon the application of Achilike Anderson, Esq, Uchenna Nnadi, Esq, Ohazuruike Tochukwu, Esq, Fatima Musa (Mrs), Olamide Buba, Esq, Hassan Haruna, Esq, Elochukwu Nweke, Esq, Amina Abubakar (Mrs), Eronini Ada (Miss) and Joy Moses (Mrs) (Plaintiffs) of Suite 8, Block A6 Commerce Plaza, Area 1, Garki Abuja, and who have applied for the determination of the following questions:

1. **WHETHER HAVING REGARD TO THE COMBINED EFFECT OF THE MANDATORY PROVISIONS OF SECTION 1 OF THE MONEY LAUNDERING (PROHIBITION) ACT, 2004, THE CASH PAYMENT OF VARIOUS SUM OF MONEY MADE BY THE 1ST DEFENDANT TO THE OFFICE OF THE NATIONAL SECURITY ADVISER IN EXCESS OF THE AUTHORISED LIMIT FOCE CASH PAYMENT IS NOT ILLEGAL AND UNLAWFUL, AND THEREFORE CONSTITUTES GROSS MISCONDUCT AND AN ABUSE OF OFFICE.**
2. **WHETHER HAVING REGARD TO THE COMBINED EFFECT OF SECTIONS 1 AND 10(1) OF THE MONEY LAUDERING (PROHIBITION) ACT, 2004, THE MAKING OF CASH PAYMENT TO THE OFFICE OF THE NATIONAL SECURITY ADVISER IN EXCESS OF THE AUTHORISED LIMIT BY THE 1ST DEFENDANT WITHOUT DISCLOSING AND/OR REPORTING TO THE 3RD DEFENDANT WITHIN 7 (SEVEN) THEREOF IS NOT ILLEGAL, UNLWAFUL, AN ACT OF MISCONDUCT, AND GROSS ABUSE OF OFFICE.**
3. **WHETHER HAVING REGARD TO THE COMBINED EFFECT OF SECTIONS 1 AND 10(1) OF THE MONEY LAUDERING (PROHIBITION) ACT, 2004 THE 1ST DEFENDANT CAN MAKE CASH PAYMENTS TO ANY PERSON IN FURTHERANCE OF MONEY LAUNDERING SCHEME UNDER THE COVER OF "SPECIAL SERVICE" WITHOUT FOLLOWING FINANCIAL REGULATIONS AND DUE PROCESS.**
4. **WHETHER HAVING REGARD TO THE COMBINED EFFECT OF SECTIONS 1 AND 10(1) OF THE MONEY LAUDERING (PROHIBITION) ACT, 2004, THE ACT OF THE 1ST DEFENDANT IN FRUADULENTLY MAKING DIRECT CASH PAYMENTS TO THE OFFICE OF THE NATIONAL SECURITY ADVISER VIDE THE**

LETTER OF 26TH NOVEMBER, 2014 REFERENCED NSA/366/S UNDER THE COVER OF "SPECIAL SERVICE" AND WITHOUT FOLLOWING FINANCIAL REGULATIONS AND DUE PROCESS DOES NOT AMOUNT TO ILLEGALITY, MISCONDUCT AND GROSS ABUSE OF OFFICE.

5. WHETHER BY THE COMBINED EFFECT OF SECTIONS 5 (1) (B), (D), (E), (H), (I), (L) AND 6 OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION ACT, 2002, THE 3RD DEFENDANT CAN CAUSE AN INVESTIGATION TO BE CONDUCTED IN RESPECT OF THE ACT OF THE 1ST DEFENDANT IN MAKING CASH PAYMENTS TO THE OFFICE OF THE NATIONAL SECURITY ADVISER VIDE LETTER OF 26TH NOVEMBER, 2014 REFERENCED NSA/366/S IN EXCESS OF THE STATUTORILY AUTHORISED LIMIT FOR CASH PAYMENT UNDER THE COVER OF "SPECIAL SERVICE" AND WITHOUT MAKING THE REQUISITE REPORT TO THE 3RD DEFENDANT.
6. WHETHER BY THE COMBINED EFFECT OF SECTIONS 5 (1) (B), (D), (E), (H), (I), (L) AND 6 OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION ACT, 2002, THE 3RD DEFENDANT HAS THE POWERS TO ARREST AND PROSECUTE THE 1ST DEFENDANT FOR MAKING CASH PAYMENTS TO THE OFFICE OF THE NATIONAL SECURITY ADVISER VIDE LETTER OF 26TH NOVEMBER, 2014 REFERENCED NSA/366/S IN EXCESS OF THE STATUTORILY AUTHORISED LIMIT FOR CASH PAYMENT UNDER THE COVER OF "SPECIAL SERVICE" AND WITHOUT MAKING THE REQUISITE REPORT TO THE 3RD DEFENDANT.
7. WHETHER UPON THE CONSTRUCTION OF THE COMBINED EFFECT OF SECTIONS 1 AND 10(1) OF THE MONEY LAUNDERING (PROHIBITION) ACT, 2004; SECTIONS 130 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) AND SECTION 11 (2) (C) AND (F) OF THE CENTRAL BANK OF NIGERIA (ESTABLISHMENT) ACT, 2004 , THE 1ST DEFENDANT HAS NOT MISCONDUCTED HIMSELF IN RELATION TO THE DISCHARGE OF HIS DUTIES SUCH THAT THE 2ND DEFENDANT IS UNDER OBLIGATION TO WRITE TO THE 4TH DEFENDANT PRAYING FOR HIS REMOVAL AS THE GOVERNOR OF THE CENTRAL BANK OF NIGERIA.
8. WHETHER BY THE CONSTRUCTION OF THE COMBINED EFFECT OF SECTIONS 47 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED) AND SECTIONS 11 (2) (C) AND (F) OF THE CENTRAL BANK OF NIGERIA (ESTABLISHMENT) ACT, 2004, THE 4TH DEFENDANT SHALL NOT

REMOVE THE 1ST DEFENDANT AS THE GOVERNOR OF THE CENTRAL BANK OF NIGERIA ON GROUNDS MISCONDUCT RELATING TO MAKING CASH PAYMENTS TO THE OFFICE OF THE NATIONAL SECURITY ADVISER VIDE LETTER OF 26TH NOVEMBER, 2014 REFERENCED NSA/366/S IN EXCESS OF THE STATUTORILY AUTHORISED LIMIT FOR CASH PAYMENT UNDER THE COVER OF "SPECIAL SERVICE" AND WITHOUT MAKING THE REQUISITE REPORT TO THE 3RD DEFENDANT OR FOLLOWING REGULATIONS AND DUE PROCESS.

9. WHETHER HAVING REGARD TO CENTRAL BANK OF NIGERIA (ESTABLISHMENT) ACT, 2004 AND OTHER RELEVANT LAWS, THE 1ST DEFENDANT CAN ILLEGALLY AND UNILATERALLY EMPLOY, OFFER EMPLOYMENT OR HIRE THE 91 PERSONS OR ANY OTHER PERSON AS STAFF OF THE CENTRAL BANK OF NIGERIA WITHOUT RECOURSE TO DUE PROCESS.
10. IF THE ANSWER TO 9 ABOVE IS IN THE NEGATIVE, WHETHER THE ACT OF THE 1ST DEFENDANT IN ILLEGALLY AND UNILATERALLY EMPLOYING, OFFERING EMPLOYMENT AND/OR HIRING 91 STAFF OR ANY OTHER PERSONS AS STAFF OF THE CENTRAL BANK OF NIGERIA IS NOT ILLEGAL AND CONSTITUTES A GROSS ACT OF MISCONDUCT, ABUSE OF OFFICE AND BREACH OF DUE PROCESS.

WHEREOF the Plaintiffs seeks the following Reliefs:

- (a) A DECLARATION that by virtue of the combined effect of Sections 1 And 10(1) of the Money Laundering (Prohibition) Act, 2004, the act of the 1st Defendant in making direct cash payments in the various sums of money to the Office of the National Security Adviser under the cover of "special services" in excess of the authorized limit for cash payment and without giving the requisite report in writing within 7 days to the 3rd Defendant constitutes a gross abuse of office and misconduct in relation to the discharge of his duties.
- (b) A DECLARATION that by the combined effect of Sections 1 And 10(1) of the Money Laundering (Prohibition) Act, 2004, the act of the 1st Defendant in making direct cash payments in the various sums of money to the Office of the National Security Adviser under the cover of "special services" in excess of the authorized limit for cash payment and without giving the requisite report in writing within 7 days to the 3rd Defendant constitutes a flagrant abuse of financial regulations, lacking in due process and therefore illegal and unlawful.

- (c) **A DECLARATION** that by the combined effect of **Section 2 of the Central Bank of Nigeria Act Cap C4, LFN, 2004**, the 1st Defendant is in breach of his bounden statutory duties to promote sound financial system in Nigeria; ensure monetary stability in Nigeria as well as provide financial advice to the Federal Government of Nigeria at all material times which includes advising against the unlawful direct cash payments in favour of the Office of the National Security Adviser under the cover of “**special services**” in excess of the authorized limit for cash payment and without giving the requisite report to the 3rd Defendant.
- (d) **A DECLARATION** that the 1st Defendant has misconducted himself in the discharge of his duties such that pursuant to **Sections 5 (1) (B), (D), (E), (H), (I), (L) and 6 of the Economic and Financial Crimes Commission Act, 2002**, the 3rd Defendant has the statutory powers to cause an investigation to be conducted into the direct cash payments made by him to the Office of the National Security Adviser under the cover of “**special services**” vide letter of **26th November, 2014** referenced **NSA/366/S**.
- (e) **A DECLARATION** that the 1st Defendant has misconducted himself in relation to the discharge of his duties by making direct cash payment to the Office of the National Security Adviser under the cover of “**special services**” and in excess of the authorized limit for payment of cash such that pursuant to **Section 11 (2) (c) and (f) of the Central Bank of Nigeria (Establishment) Act, 2004**, the 2nd Defendant is under obligation to write to the 4th Defendant praying for his removal as the Governor of the Central Bank of Nigeria.
- (f) **A DECLARATION** that the act of the 1st Defendant in employing, offering employment and/or hiring 91 persons as staff of the Central Bank of Nigeria amounted to gross act of misconduct, abuse of office and breach of due process and therefore illegal, void and of no effect.
- (g) **AN ORDER** directing the 2nd Defendant pursuant to **Section 11 (2) (c) and (f) of the Central Bank of Nigeria (Establishment) Act, Cap C4, LFN 2004**, to write to the 4th Defendant praying for the removal of the 1st Defendant as the Governor of the Central Bank of Nigeria.
- (h) **AN ORDER** directing the 3rd Defendant to cause an investigation into the unlawful, illegal and fraudulent act of the 1st Defendant in making direct cash payment to the Office of the National Security Adviser vide letter of **26th November, 2014** referenced: **NSA/336/S**.
- (i) **AN ORDER** directing the 3rd Defendant to arrest and prosecute the 1st Defendant for offences of money laundering; unlawful, illegal and fraudulent direct cash payment to the Office of the National Security Adviser vide letter of **26th November, 2014** referenced: **NSA/366/S**.

- (j) **AN ORDER** setting aside and/or nullifying the employment, offer of employment or hiring of the 91 persons by the 1st Defendant for being illegal and lacking in due process.


Dated this day of March, 2016.

This Summons was taken by Ezenwa Ibegbunam, Esq, of Ezenwa Ibegbunam & Co of Plot 784 Herbert Macaulay Way, Central Business District, Abuja.

The Defendants may appear hereunto by entering appearance personally or by a Legal Practitioner either by filing the appropriate processes (as in Order 7) in response at the Registry of the Court where the Summons was issued or by sending them to that Office by way of the methods allowed by the rules.

Note: If the Defendants do not respond within the time at the place above mentioned, such orders will be made and proceeding may be taken as Judge may think fit.

Dated this *18th* day of March, 2016.


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Central Business District,
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Tel: 08064361986

FOR SERVICE ON:

1. **MR. GODWIN EMEFIELE**
C/O CENTRAL BANK OF NIGERIA
CBN HEADQUATRES,
PLOT 33, ABUBAKAR TAFAWA WAY,
CENTRAL BUSINESS DISTRICT,
ABUJA.

2. **THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA**
ASO ROCK VILLA,
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