

**IN THE FEDERAL HIGH COURT OF NIGERIA
HOLDEN AT LAGOS**

FHC/L/CS/172/16

**IN THE MATTER OF APPLICATION BY MR. RICKEY TARFA SAN (TRADING UNDER
THE NAME AND STYLE OF MESSRS RICKEY TARFA & CO.) FOR THE
ENFORCEMENT OF HIS FUNDAMENTAL RIGHTS.**

AND

**IN THE MATTER OF FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURE)
RULES, 2009, MADE BY THE CHIEF JUSTICE OF NIGERIA PURSUANT TO SECTION
46(3) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS
AMENDED).**

BETWEEN:

MR. RICKEY TARFA SAN

**(TRADING UNDER THE NAME AND
STYLE OF MESSRS RICKEY TARFA & CO)**

APPLICANT

AND:

- **ECONOMIC AND FINANCIAL CRIMES COMMISSION (EFCC)**
- **IBRAHIM MUSTAFA MAGU** **RESPONDENTS**
- **MOSES AWOLUSI**
- **ILIYASU KWARBAI**

**COUNTER AFFIDAVIT OF SULEIMON SALAUDEEN IN OPPOSITION TO THE
APPLICANT'S ORIGINATING MOTION ON NOTICE DATED 8TH DAY
OF FEBRUARY, 2016**

I, Suleimon Salaudeen, Male, Nigerian, Muslim, Legal Practitioner of No. 23 Alhaji Kofoworola Crescent, Off Awolowo Way, Ikeja, Lagos do hereby make oath and depose as follows:

- That I am a legal practitioner and associate in the Law Firm of Salawu, Akingbolu & Co. of No. 23 Alhaji Kofoworola Crescent, Off Awolowo Way, Ikeja, Lagos by virtue of which position I am conversant with the facts and circumstances of this case.
- That my attention was drawn by the Respondents to Applicant's Originating Motion on Notice and the accompanying affidavit dated 8th day of February, 2016 in these proceedings, particularly aspects relating to the facts of the case and the averments

relating to the role of Mr. Femi Falana SAN in respect of the matters giving rise to these proceedings.

- That our firm was originally retained by Mrs. Rachidatou Abdou before our firm later referred the matter to Mr. Femi Falana SAN chambers to lead us in the matter.
- That at no time during the execution of this brief did Mr. Femi Falana SAN pressurized the Applicant's clients to pay the sum of N250M to our client for settlement of the matter rather the initiative for amicable settlement was made by J. K. Gadzama SAN to resolve the matter between the parties.
- That I know as a fact that at the instance of Mr. Gadzama SAN, the parties informed the EFCC that they wanted to explore the possibility of settling the matter amicably.
- That I know as a fact that a Firm of Accountants and Estate Consultants were engaged by the company to audit its accounts and cost the assets of the company towards the resolution of the dispute.
- That I know as a fact that based on the profits made since the company was formed and the decision of the Applicant's clients to buy out the complainant she was offered the sum of N250 million to accept in full settlement of the matter, an offer which Mr. Falana persuaded our client to accept given her initial refusal.
- That I know as a fact that it was at this stage that Messrs Gnanhoue Sourou Nazaire and Zenou Modeste briefed the Applicant's firm to sue EFCC and the complainant.
- That I know as a fact that whilst the criminal proceedings before Honourable Justice Raliat Adebisi is pending against the Applicant's clients before the Lagos High Court, our client Mrs. Rachidatou Abdou informed me that the Applicant's clients Messrs Gnanhoue Sourou Nazaire and Zenou Modeste had committed another offence by carting away all the machines and materials belonging to Rana Prestige Industrial Limited, a company jointly owned by our client and Mr. Gnanhoue Sourou Nazaire.
- That Messrs. Gnanhoue Sourou Nazaire and Zenou Modeste committed the unlawful criminal acts by removing all the machines belonging to Rana Prestige Industrial limited and transferring same to a company called Hair Prestige Limited thereby diverting the goods and materials of Rana Prestige Limited a company partly owned by our client.
- That I know as a fact that this unlawful transfer of assets was preparatory to attempts by Messrs. Gnanhoue Sourou Nazaire and Zenou Modeste to escape from the country.
- This prompted the Law Firm of Messrs Falana & Falana Chambers (the Law Firm representing the Complainant) to forward another petition to EFCC.
- That based on this new petition and further intelligence report available to EFCC, the 1st Respondent resolved to invite Messrs. Gnanhoue Sourou Nazaire and Zenou Modeste for further interrogation.
- That on the 5th of February, 2016 at the end of the criminal proceedings before Justice Adebisi of Lagos State High Court EFCC operatives arrived outside the court premises to invite the Applicant's clients for a fresh round of interrogation based on the new petition received against them by the Respondents.
- That after the proceedings Mr. Moses Awolusi and an operative of the EFCC accosted the duo (Nazaire and Modeste) at the car park of the Lagos State High Court, Igbo-ere

Division and informed them of the need to follow them to their office for interrogation.

- That the Applicant immediately interrupted the operatives and inquired the reasons for his client's further invitation.
- That the operatives politely informed the Applicant that it was in respect of a new petition being investigated against the Applicant's clients.
- That the Applicant then asked his clients to enter his car while he himself disembarked from the car and asked the driver of the car to lock up the car and put on the air conditioners and leave the engine running while his clients were inside the car.
- That the applicant thereafter made series of phone calls to several people to prevent the 3rd Respondent and the EFCC operatives from effecting the arrest of his clients.
- That this lasted for several hours from sometimes around 11.00 am to sometime around 5.00 pm.
- That the EFCC operatives were helpless after endless waiting frustrated by the Applicant and had to call for reinforcement before they could effect the arrest of the suspects and the Applicant.
- That I make this oath in good faith conscientiously believing same to be true, correct and in accordance with the Oaths Act.

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DEPONENT

Sworn to at the Federal High Court Registry, Lagos

ThisDay of2016.

BEFORE ME

COMMISSIONER FOR OATHS