

CHARGES NO: CCT/AB./J/10/14 E 100

BETWEEN

FEDERAL REPUBLIC OF NIGERIA

COMPLAINANT/

AND

DR. OLUBUKOLA ABUBAKAR SARAKI

DEFENDANT/

CODE 1

COUNTER AFFIDAVIT IN OPPOSITION TO THE DEFENDANT'S MOTION
ON NOTICE DATED 4TH MARCH, 2016

PETER DANLADI, Male, Adult, Nigerian Citizen of Code of Conduct Bureau, Abuja, do hereby make oath and state as follows:

That I am an Operative of the Code of Conduct Bureau, Abuja (The Bureau) and am familiar with the fact of this case.

That I have the consent of the Chairman of the Code of Conduct Bureau to depose to this affidavit.

That I have read the affidavit in support of the Defendant's Motion Dated 4th March, 2016 but filed on 7th of March, 2016 and sworn to by the defendant/applicant himself and I know as a fact that the depositions contained in the said affidavit are mostly untrue and I state further that paragraphs 5,6,7,9,10,11,12,13,14,15,16,17,18,19,20,21, 2,23,24,25, 27,28,29,30,31,32,33 & 34 are not true but are intended mislead this Honourable Tribunal.

at Dr. Olubukola Abubakar Saraki was elected as the Executive Governor of Kwara State in 2003 and he took his oath of office on 29th May, 2003 and concluded his first tenure on 29th May, 2007. He was elected for the second term and took another oath of office on the 29th May, 2007 and concluded the second term on 29th May, 2011.

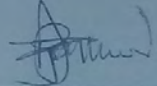
Dr. Olubukola Abubakar Saraki was also elected as a Senator of Federal Republic of Nigeria and he took his oath of office on the assembly on or about 6th June, 2011 and ended the term on 5th

REGISTRAR

CODE OF CONDUCT TRIBUNAL

NAME: *[Signature]*


- c. The defendant/applicant also in **Suit No: FHC/ABJ/CS/905/15** filed before the Federal High Court, Abuja Division sought to nullify the charge filed before this tribunal on similar grounds as in the instant application. Annexed here to and marked as **"EXHIBIT C"** is a copy of the Amended Originating Motion.
 - d. The defendant/applicant out of desperation filed **Suit No: FHC/L/CS/1507/15** before the Federal High Court, Lagos Division wherein the defendant sought to nullify the charge filed before this Honourable Tribunal but the case was dismissed.
21. That I deposed to this affidavit in good faith conscientiously believing same to be true and in accordance with the Oaths Act.

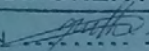


DEPONENT

Sworn to at the Registry of the Code of Conduct Tribunal, Abuja.

This 15th day of March 2016

Official fee
15/3/16


BEFORE ME
CODE OF CONDUCT
 TRIBUNAL
 COMMISSIONER FOR OATHS
 SIGN 
 COMMISSIONER FOR OATHS

16. Contrary to the deposition contained in paragraph 18 of the Affidavit in Support, the false information supplied by the defendant/applicant in the various asset declaration forms, he made under oath between 2003 and 2011 and which form the basis of this charge are not mere discrepancies, irregularities or inconsistencies they are rather made with the intention to conceal corruption and theft of public funds.
17. That am aware that the Code of Conduct Bureau has never cleared the Defendant/Applicant or given him a clean bill of health in respect of any of the asset declaration forms that he filled and sworn to before Judges of the High Court.
18. That this charge was filed before this Tribunal because our investigation revealed a strong prima facie case against the defendant/applicant and the charge is not politically motivated neither was the charge filed in bad faith.
19. That contrary to paragraph 30 of the Affidavit in Support, the Code of Conduct Bureau, upon the receipt of the complaint from the Attorney General of the Federation's office and the preliminary investigation made by the EFCC, the bureau investigated the Asset Declaration Forms submitted by the defendant/applicant between 2003 and 2011 and the facts contained in those declarations are quite fresh in the mind of the investigators and the defendant.
20. That I was informed by Rotimi Jacobs (SAN) in our office on the 14th March, 2016 at about 11:30am and I verily believe him that this application constitutes a gross abuse of process in that;
 - a. The defendant/applicant had in his motion dated 17th September, 2015 prayed for the same reliefs as contained in his present motion dated 4th March, 2016 and filed on the 7th March, 2016. The issues raised in the motion of 17th September, 2015 led to the defendant's appeal to the Court of Appeal and the Supreme Court. Annexed here to and marked as "EXHIBIT A" is a copy of the said motion.
 - b. The defendant/applicant also by his Originating Summons dated 17th September, 2015 in Suit No: FHC/ABJ/CS/775/15 filed before the Federal High Court, Abuja sought to nullify the charge pending before this Tribunal on similar grounds as in the present application. Annexed here to and marked as "EXHIBIT B" is a copy of the said Originating Summons.

the Defendant stated to be the full and final payment of mortgage redemption for the property he purchased in London

- n. That the Defendant did make a false declaration in the Assets Declaration Form for Public Officers upon assumption of office in the year 2003 as Governor of Kwara State by his refusal to declare his leasehold interest in **No. 42, Remi Fanikayode Street, Ikeja, Lagos** which he acquired through his company Skyview Properties Limited from First Finance Trust Limited on 12th December, 1996.
 - o. The Defendant/Applicant borrowed huge sums of money running into billions from commercial banks particularly Guarantee Trust Bank and used the proceeds of the loan to acquire several landed properties in Lagos, Abuja and London while he was Governor of Kwara State.
 - p. As against the defendant using his own legitimate income to defray the loan, he took public funds running into billions from Kwara Government and lodged same in several tranches and in cash into his GTB account in GRA, Ilorin Kwara State.
 - q. The Defendant/Applicant's account officer in GTB, confirmed that the defendant/applicant gave him several cash in government house to lodge into the account and in some occasions, the defendant sent his aids from government house to give him the cash for lodgment into his account.
12. That paragraph 9 of the affidavit of the defendant/applicant is not true in that several persons, institutions and bodies have requested for the asset declaration forms of the defendant/applicant including but not limited to the EFCC and ICPC.
 13. That I know that all the anti-corruption agencies including the EFCC, ICPC, NFIU, Code of Conduct Bureau and the Police have been collaborating with one another in investigating and prosecuting corruption cases in Nigeria.
 14. That the Asset Declaration Forms submitted by the defendant were statements and information supplied by him under oath which were sworn to at the Kwara State High Court of Justice, Ilorin.
 15. That I am aware that such statement which were made under oath would attract criminal liability once they are discovered to be false which our investigation has clearly revealed.

- g. That while the Federal Government was selling its properties, the Central Bank of Nigeria being an agency of the Federal Government of Nigeria sold Plot 2A, Glover Road, Ikoyi, Lagos for the sum of N325, 000, 000 between 2007 and 2008 to the Defendant which the Defendant purchased through his company called Carlisle Properties when he was the Executive Governor of Kwara State.
- h. That the Defendant failed to declare the said Plot 2A, Glover Road, Ikoyi, Lagos in the Assets Declaration Forms for Public Officers dated 3rd June, 2011 which he submitted to the Bureau.
- i. That the Defendant bought Plot 37A, Glover Road, Ikoyi, Lagos through his company known as Carlisle Properties Limited when he was the Executive Governor of Kwara State and has since been receiving rents from tenants occupying the property.
- j. That that the Defendant failed to declare No. 1, Targus Street, Maitama, Abuja otherwise known as 2482 Cadastral Zone A06, Abuja which he claimed to have acquired in November, 1996 from one David Baba Akawu, in his Assets Declaration Form for Public Officers on assumption of office which he declared on 16th September, 2003.
- k. That the Defendant failed to declare No. 3, Targus Street, Maitama, Abuja otherwise known as 2481 Cadastral Zone A06, Abuja which he acquired from one Alhaji Attahiru Adamu in his Assets Declaration Form for Public Officers on the end his tenure of office which he declared on 3rd June, 2011.
- l. That the Defendant has a domiciliary account with Guaranty Trust Bank Plc. in Nigeria with account No: 441441953210 from where he made various cash transfers totaling 3.4 Million USD between 2009 and 2012 to American Express Service Europe Limited with account no: 730580 maintained with the American Express Bank, New York and the various sums were transferred into the Defendant's card account no: 374588216836009 maintained by the Defendant outside Nigeria.
- m. That sometime in February, 2010 the Defendant obtained a loan of N375,000,000 from Guaranty Trust Bank Plc. in Nigeria which he converted into 1,516, 194.53 pounds sterling and gave instructions to the bank to transfer the entire sum to the United Kingdom in favour of Fortis Bank S/NV the purpose of which

11. That our investigation on the Code of Conduct Bureau Assets Declaration Forms for Public Officers filed with the Bureau revealed the following:

- a. The landed property listed as No. 42, Gerald Road, Ikoyi was visited by Mr. Ikechi Iwuagwu, Deputy Director, Code of Conduct Bureau, Miss. Geraldine Longsten (DSS) and Adamu Garba an officer of the EFCC sometime in 2006 and discovered that the property was under construction.
- b. Contrary to the declaration by the Defendant that he was earning an annual income of N110, 000, 000.00 from No. 42, Gerald Road, Ikoyi, Lagos there were no tenants in the property as same was an empty land as at the time of the declaration.
- c. Contrary to the declaration by the Defendant that he owned 15A and 15B, McDonald, Ikoyi, Lagos as at the time of the declaration in 2003 our investigation revealed that the said properties were acquired in 2006 from the Implementation Committee on Federal Government Landed Properties through his companies called Tiny Tee Limited and Vitti Oil Limited wherein he paid the sum of N396, 150, 000 to the Federal Government of Nigeria.
- d. That the Defendant made an anticipatory declaration for the said 15A and 15B McDonald, Ikoyi, Lagos. The Defendant acquired the properties in the name of the aforesaid two companies because he could not buy two Federal Government properties in his personal name.
- e. That the Defendant bided for and acquired 17, 17A and 17B, McDonald, Ikoyi, Lagos from the Implementation Committee on Federal Government Landed Properties and paid an aggregate sum of N497, 200, 000 to the Federal Government between October, 2006 and May, 2007.
- f. That a scrutiny of the Defendant's salary account with Intercontinental Bank (now access bank) of account No: 0100857813 reveals that his monthly take home salary as at the time he acquired the properties was not more than N500, 000 and the Defendant acquired properties far in excess of his income. I also know that a public officer is not permitted to engage in trading such as selling of sugar and rice.

June, 2015. He was however re-elected as a Senator of the Federal Republic of Nigeria into the 8th Assembly and took his oath of office as Senator/Senate President.

6. That the Defendant/Applicant, Dr. Olubukola Abubakar Saraki has been a public officer within the meaning of the Code of Conduct for public officers since 2003 till date.
7. That I am aware that Dr. Olubukola Abubakar Saraki filed the following assets declaration forms for public officers with the Code of Conduct Bureau whilst serving as a public officer:
 - a. Code of Conduct Bureau Assets Declaration Forms for Public Officers, Form CCB1 (Assumption of Office as Governor) dated 16th September, 2003 with ID Number: 001440.
 - b. Code of Conduct Bureau Assets Declaration Forms for Public Officers, Form CCB1 (End of Tenure as Governor) dated 11th July, 2007 with ID Number 000041.
 - c. Code of Conduct Bureau Assets Declaration Forms for Public Officers, Form CCB1 (Assumption of Office as Governor) dated 11th July, 2007 with ID 000040.
 - d. Code of Conduct Bureau Assets Declaration Forms for Public Officers, Form CCB1 (End of Tenure as Governor) dated 3rd June, 2011 with ID Number: 000218.
8. That I was informed by Mr. Yahaya Bello, an operative of Economic and Financial Crimes Commission (EFCC) in our office on 14th March, 2016 at about 11am and I verily believe him that;
 - i. The EFCC received various petitions against the Defendant/Applicant between 2010 and 2012 alleging acts of corruption, theft, money laundering e.t.c.
 - ii. The EFCC conducted its investigation on the various petitions and made findings which showed that the Defendant/Applicant abused his office while he was governor of Kwara State and was involved in various acts of corruption as the governor of the state.
 - iii. The Defendant/Applicant borrowed huge sums of money running into billions from commercial banks, particularly Guarantee Trust Bank and used the proceeds of the loan to

acquire several landed properties in Lagos, Abuja and London while he was Governor of Kwara State.

- iv. As against the defendant using his own legitimate income to defray the loan, he took public funds running into billions from Kwara Government and lodged same in several tranches and in cash into his GTB account in GRA, Ilorin Kwara State.
 - v. The Defendant/applicant's account officer in GTB, confirmed that the defendant/applicant gave him several cash in government house to lodge into the account and in some occasions, the defendant sent his aids from government house to give him the cash for lodgment into his account.
 - vi. When the EFCC submitted its report to its legal department and the Federal Ministry of Justice, the federal ministry of justice formed the opinion that the offences revealed from the investigation, particularly as they relate to the properties acquired by the Defendant/Applicant while he was governor of Kwara State and various moneys sent into his various accounts outside Nigeria can be better investigated and prosecuted through the Code of Conduct Bureau and Code of Conduct Tribunal.
 - vii. The office of the Attorney General of the Federation then sent the findings and the evidence gathered during investigation by the EFCC as a complaint to the Code of Conduct Bureau for investigation and that the operatives of EFCC would collaborate with the officers of the Bureau for effective investigations.
9. That I know as a fact that there is a long standing collaboration between the EFCC, ICPC and the Code of Conduct Bureau and that as at 2006 the presidential committee headed by the EFCC and comprising of other anti-corruption bodies in Nigeria, including the Code of Conduct Bureau was set up and charged with the responsibility to investigate cases of corruption involving public officers.
 10. That the various assets declaration forms submitted by the said Dr. Olubukola Abubakar Saraki were assigned to officers of the Bureau to verify the veracity of those declarations.