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THE SENATE

*FEDERAL REPUBLIC OF NIGERIA
COMMITTEE ON ETHICS, PRIVILEGES &
PUBLIC PETITIONS*

Report of the Senate Committee on Ethics, Privileges and Public Petitions in Respect of a Petition from Mr. Livingstone Wechie Against the Presentation of Rt. Hon. Chibuike Rotimi Amaechi As a Ministerial Nominee for Rivers State on Grounds of Corruption, Criminal Breach of Trust, Unlawful Enrichment and Conversion of Over 70 Billion Naira of River Peoples' Monies by Former Governor

Presented by Senator Samuel Anyanwu

October, 2015



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Committee on Ethics, Privileges & Public Petitions

Report of the Senate Committee on Ethics, Privileges and Public Petitions in Respect of a Petition From Mr. Livingstone Wechie Against the Presentation of Chibuike Rotimi Amaechi As a Ministerial Nominee for Rivers State on Grounds of Corruption, Criminal Breach of Trust, Unlawful Enrichment and Conversion of Over 70 Billion Naira of Rivers Peoples' Monies by the Former Governor

1.0 Preamble

The Senate would recall that on **Wednesday, 7th October, 2015**, rising on **Order 41**, Senator George Sekibo (Rivers East) on behalf of two other Senators from Rivers State, drew the attention of the Senate to a petition from Mr. Livingstone Wechie, on behalf of one Integrity Group, alleging cases of fraud against the former Governor of Rivers State, Rt. Hon. Chibuike Rotimi Amaechi, and urged the Senate to urgently look into the matter.

In line with **Order 41(3)**, the Senate referred the matter to the Senate Committee on Ethics, Privileges and Public Petitions for detailed investigation, to report back on Tuesday, 13th October, 2015.

2.0 Membership of the Committee

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| 1. | Senator Samuel Anyanwu | Chairman |
| 2. | Senator Bala Ibn Na'Allah | Vice-Chairman |

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| 3. | Senator Muhammed Shitu | Member |
| 4. | Senator Omogunwa Yele | Member |
| 5. | Senator Peter Nwaoboshi | Member |
| 6. | Senator Olaka Nwogu | Member |
| 7. | Senator Jeremiah Useni | Member |
| 8. | Senator Obinna Ogba | Member |
| 9. | Senator Dino Melaye | Member |
| 10. | Senator Omotayo Alasoadura | Member |
| 11. | Senator Binta Garba | Member |

2.1 Secretariat

Freedom Osolo Clerk to the Committee

3.0 Committee Action

Following the Senate resolution and referral, the Committee met and agreed that the following benchmarks should guide it in addressing the matter:

- a) **The Constitution of the Federal Republic of Nigeria, 1999 (as Amended);**
- b) **The Senate Standing Orders 2015 (as Amended);**
- c) **The principle of equity, fairness and justice; and**
- d) **The Public Service Rules;**

The Committee also resolved that the following parties be invited:

- 1. The petitioner, Livingstone Wechie; and
- 2. The Ministerial Nominee, Rt. Hon. Chibuike Rotimi Amaechi.

4.0 Testimonies/Submissions

The Committee listened to oral testimonies and received written submissions from the following:

4.1 The Petitioner, Livingstone Wechie

Mr. Livingstone Wechie said that from details of various wrong doings available to him, which he stated in his petition, Chibuike Rotimi Amaechi should not be accepted for screening by the Senate as Ministerial Nominee from Rivers State, and urged the Senate to drop his nomination and request Mr. President to provide another Nominee from Rivers State. He also insisted that the Senate should ensure that Chibuike Rotimi Amaechi is prosecuted.

4.2 The Ministerial Nominee, Rt. Hon. Chibuike Rotimi Amaechi

Rt. Hon. Chibuike Rotimi Amaechi testified that the matter before the Committee was actually in an Appeal Court and that the court was yet to sit and pass judgment on the case. He further testified that he went to a High Court in Rivers State earlier challenging the impartiality and competence of the Rivers State Judicial Commission of Inquiry to exercise the powers to summon, investigate, prosecute and punish him, and sought for an injunction from the High Court to restrain the Judicial Commission of Inquiry from further investigation of the matter, insisting that it lacked such powers.

However, the High Court dismissed the relief sought, and stated that the Judicial Commission of Inquiry had power under the Constitution to summon, investigate and declare findings, but lacked power to pass judgment and punish, and so, refused to grant relief that further hearing of the case be suspended. Thereafter, Rt. Hon. Chibuike Amaechi took the case to the Court of Appeal seeking to quash the decision of the State High Court.

5.0 Observations/Findings

- a) As investigation of the matter progressed, additional important documents which viewed the case from various positions were also tendered before

the Committee, and these were also taken into consideration in drawing the recommendations of the Committee. The documents include:

- i) A letter from the Office of the Attorney-General & Commissioner of Justice of Rivers State forwarding the Report (white Paper) of the Judicial Commission of Inquiry for the investigation of the Administration of Governor Chibuike Rotimi Amaechi on the sale of valued Assets of Rivers State and Other Related Matters under the Chairmanship of Honourable Justice George Otakpo Omereji dated October 8, 2015.
- ii) The Ruling/Judgment (dated 20th August, 2015) of the River State High Court by Honourable Justice S.C. Amadi (Judge) which rejected the relief sought (to declare that the Judicial Commission of Inquiry lacks the powers to investigate and make findings known), and therefore dismissed suit.
- iii) Three different letters from Edward & William (a firm of legal practitioners) on behalf of the Ministerial Nominee as follows:
 - 1) A letter that the Ministerial Nominee Rt. Hon. Chibuike Rotimi Amaechi could not appear at the Committee Hearing because of the constraint that the matter was in court, since whatever he might say at the Committee hearing would be seen as prejudicial to court judgment. The letter was dated 8th October, 2015.
 - 2) A letter to counter the contents of the Judicial Commission of (Inquiry White) Paper dated 12th October, 2015.
 - 3) A letter to discountenance the contents of the petition by Mr. Livingstone Wechie, dated 9th October, 2015.
- iv) Notice of Summons from the High Court of the Federal Capital Territory submitted to the Committee on 20th October, 2015.

summoning the Senate President and the Senate of the National Assembly to appear before it. The suit seeks to clarify the position of the law as to whether the Senate can screen, consider, ratify, accept, approve or confirm an indicted Ministerial Nominee.

- b) The Committee also observed that:
- i) Neither the Senate nor the presenter knew that the matter being presented on the floor of the Senate was already a subject of litigation in an Appeal Court in Port-Harcourt.
 - ii) Since the matter is already a subject of litigation in a competent court of law, and since the Senate could not work contrary to its own rules (Order 41 (7)), it is constrained in taking any further action.

6.0 Recommendations

Following from the discovery that the matter before the Senate is actually before a competent court of law, the Committee accordingly recommends as follows:


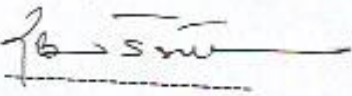

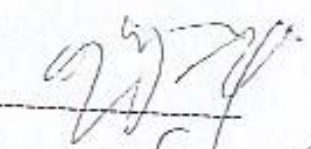
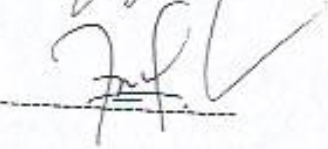

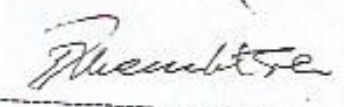
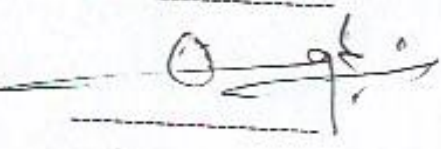

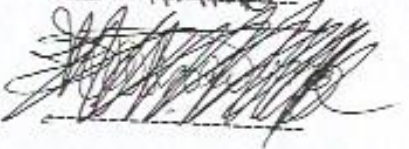

- a) That since the Ministerial Nominee had gone to the Court of Appeal, to challenge the content of the petition and the white paper of the Judicial Commission of Inquiry, the Senate is unable to recommend the consideration of his confirmation.
- b) That Senate do consider and adopt the recommendation as proposed by the Committee.

7.0 Conclusion

Mr. President, Distinguished Colleagues, the Committee wishes to thank Mr. Senate President and my Distinguished Senators for your support and the opportunity to serve our dear nation in this capacity.

Thank you and God bless!

Endorsement

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| 1. Senator Samuel Anyanwu | Chairman |  |
| 2. Senator Bala Ibn Na' Allah | Vice Chairman |  |
| 3. Senator Muhammed Shitu | Member |  |
| 4. Senator Omogunwa Yele | Member |  |
| 5. Senator Peter Nwaoboshi | Member |  |
| 6. Senator Olaka Nwogu | Member |  |
| 7. Senator Jeremiah Useni | Member |  |
| 8. Senator Obinna Ogba | Member |  |
| 9. Senator Dino Melaye | Member |  |
| 10. Senator Omotayo Alasoadura | Member |  |
| 11. Senator Bintu Garba | Member |  |