



Hon. Justice Nwali Sylvester Ngwuta, JSC

JUSTICE OF THE SUPREME COURT
JUSTICE'S CHAMBERS
SUPREME COURT OF NIGERIA
P.M.B. 308, ABUJA, NIGERIA.

18th October, 2016

My Lord, The Hon. the Chief Justice of Nigeria
& Chairman,
National Judicial Council
Supreme Court Complex
ABUJA

My Lord

INVASION OF MY HOUSE IN THE NIGHT, PLANTING OF HUGE SUMS OF MONEY
IN DIFFERENT CURRENCIES, PURPORTED RECOVERY OF THE MONEY, CARTING
AWAY OF MY DOCUMENTS AND OTHER VALUABLE ITEMS AND MY
SUBSEQUENT ABDUCTION BY MASKED OPERATIVES OF THE DSS BETWEEN
FRIDAY, OCTOBER 7TH AND SATURDAY, OCTOBER 8TH, 2016

1. Some days before Friday, 7th October, 2016 I started feeling symptoms of malaria attack. Any malaria drug keeps me drowsy and sleeping for days and since I had to go to work I decided to hang on until Friday to take the drug after work.

2. I returned from work late Friday afternoon, had a meal and took the medication I got from Dr. Ukah of the Supreme Court Medical Centre. By 7.30 pm I was already in bed having switched off my hand sets. After a little while my house maid knocked on the door to my bedroom. I reluctantly dragged myself to the door. She told me that a group of people wanted to see me. I told her to inform whoever wanted to see me that night that I do not see visitors in the night, that they could come to see me in day time. I went back to sleep. I could not tell how long later that I heard knocks on the door. I ignored the knocks but when my house girl continued knocking on the door I managed to get up and opened the door. She told me that some people said that the President sent them to me. I got out of the room to find that a large number of people some of whom wore face masks and hand gloves were everywhere in the ground floor. I told my house maid to ask the people to meet me in my study next door to the bedroom.

3. They rushed into my study, one of them said his name was John. He flashed a card to me and showed me what he said was a search warrant. My vision was blurred as a result of the malaria and the drug I took. They had drawn guns. I was terrified and I thought they had a more sinister mission than a mere search. I made to know whether the Chief Justice of Nigeria knew of their mission. One of them contemptuously spat "Who is Chief Judge of Nigeria". I brought out my handset to call the Chief Registrar of the Supreme Court, they would not let me do so. Rather they collected my three phones and another phone that I had discarded. I lay down on the seat in the parlour downstairs while they turned everything upside down on the ground floor. When they finished downstairs they demanded that I should show them the rooms on the next floor. Again I had to lie down on the seat in the room while they turned everything upside down. I had to go to another seat when they want to upturn the seat I occupied. One of them saw the sum of forty thousand naira (N40,000.00) and one thousand naira notes in one of the drawers. He was excited and called their lead who saw the money and said "This is not the kind of money we came to pick". They left the N40,000.000.

4. In the next bedroom I lay on the bed out of sight of the wardrobe from which they brought some boxes and brief cases and travelling bags. All the bags and briefcases and travelling bags except one contained only magazines, papers and some old clothing. Some were empty. Only one small bag was locked with a padlock and this was the only bag that contained money. They directed me to come over and remove the padlock. I retrieved the key from the side pocket of the bag and removed the padlock and returned to my bed. They put the bags together by the toilet door. They called me again and asked me whether the bags were my property and I answered they were my property. **None of the bags were neither opened in my presence nor in the presence of my housemaid who was the only person in the house with me at all material times.**

5. Some of them stayed in the room while I took them to my study. At this time I became very dizzy and I had to return to lie down on a seat in the parlour and a man with a gun and a face mask stood over me while I dozed. He followed each time I went to the toilet. Another one followed my housemaid each time I asked her for water. There was no way out of the house. They were at all doors. Those searching and those outside the house went into the house through the main door, kitchen door and back doors. They went in and out of every room including the room in which the bags were kept. I dozed

intermittently but my house girl was kept sitting on the steps and was able to observe them coming through the kitchen door but she could not see those who came from back doors, took the second steps and went in and out of the rooms on the upper floor.

6. After many hours they came down to the sitting room downstairs and told me they were going to bring down the bags.

I was speechless when I saw them bringing out huge bundles of different currencies from the bags that had contained only magazine papers and old clothes and some were empty. Some were contained in multi-coloured plastic bags which they tore and discarded. They put the money in different bags and brief cases and then proceeded to count a large amount of N5, N10, N20 and N50 notes which was the change I returned each time I went to shop over the years. They kept waking me up to ask how I came about the small denomination of naira notes. **No one asked me any question about the huge sums of money they put in the bags.**

7. One of them came to where I was lying down and ordered me to sit up. One of the gun men who stood a few feet from me came and stood next to me with his gun drawn. I was ordered to sign a paper which they said contained a list of what they were taking away. Confronted with the life-threatening situation I made an instant mental decision that it was better for me to comply with their orders and stay alive to tell my story rather than get shot and killed on the pretext that I attacked them or that I tried to escape. I signed the paper and wrote my name as ordered. No one told me what offence I was alleged to have committed. **No one told me of any petition or allegation against me.**

8. The only bag that contained money was the small bag i locked with a padlock which I unlocked when ordered to do so. The bag contained the sum of \$25,000, £10 = = and a brown envelope containing the sum of N710,000 which was a monthly allowance paid to me for September 2016. In the brief case, which I carry to my office daily, I had the sum of N300,000 and some loose change. The above are the only sums of money taken from me along with my phones, papers and other household items. **I do not know how they came about the huge sums of money I saw for the first time in my parlour on the early hours of Saturday, 8th October, 2016.** The various sums of money alleged to have been recovered from me were said to be in the social media in the early hours of Saturday, 8th October, 2016 when the invaders were yet to complete their search.

9. They took me away in their vehicle but before they drove away they ordered my housemaid to get in and lock the house and not to ever come out

or let anyone into the house. It was when I saw DSS in the premises into which they drove me that I realized my invaders were agents of a Federal Government Department. Prior to getting into the premises I thought that the invaders were even armed robbers or kidnappers, more so when I was not questioned by anyone about anything.

10. Then I became much more disturbed not only for myself but for the future of this great Nation, Nigeria. I could not convince myself that any agency of the Federal Government, in a democratic setting, could for any undisclosed reason violate the rights of a Nigerian citizen, a Judicial Officer and Justice of the Supreme Court of Nigeria, for that matter with such impunity. I thought that the democratic government had been overthrown and the Constitution of the Federal Republic of Nigeria 1999 (as amended) abolished or suspended.

11. Then the next phase of the ordeal started. I was taken to a room where I met my learned brother, Hon. Justice John Inyang Okoro, JSC. He looked spent and so were other Judicial Officers both serving, sacked and retired. No one told me anything or asked me any question till late in the night when they drove from over one hour to a place they called villa. They took Justice Okoro and myself into a room that contained only a bed with a discarded, stained old mattress and both of us had to share it for the night. There was no towel, no soap and worst of all there was no toilet paper. We slept in our clothes, went under the tap and used our handkerchiefs in place of towels.

12. The next day, Sunday, we were driven back to the office. I was taken to a room where two operatives fired questions at me in quick succession. I answered as much as I could in the circumstances. **I pleaded with them to tell me why I was abducted and detained and subjected to endless questioning. I also asked why everyone kept mute over the huge sums of money allegedly recovered in my house but none of the two men would answer my question.** We were allowed to go home Sunday night only as a result of the intervention of the Hon. Chief Justice of Nigeria, the Hon. Justice Mahmud Mohammed, GCON. We were ordered to return on Monday and since then we have been reporting daily to them.

13. On Friday last week, I was ordered to report by 10 am. Justice Okoro and I were required to appear before the Judiciary Committee of the Senate. We told our stories to the Senators and rushed from them to meet our interrogators. On one particular occasion, I was taken to, and locked up, in

their different rooms. Each room had only a table and a set of chairs and I was kept for about one and half hours in each room. No one was with me in any of the rooms.

14. My Noble Lord, I am a victim of my own resolve never to violate my sacred oath of office as a Judicial Officer. Politicians and their collaborators have been hunting me on that account. It started in Ebonyi State where I was falsely accused before a panel set up by NJC in August 2000. It was replicated in 2009 when I was pulled from my Division, Calabar, to preside over a motion filed by Senator Andy Uba seeking to be a Governor without going through the process of election. In each case I was exonerated.

15. My present plight started sometime between 2013 and 2014. I represented the then Chief Justice of Nigeria in an event organised in the International Conference Centre. Hon. Rotimi Amaechi came in late and sat next to me at the high table. He introduced himself to me and we exchanged contacts. A few weeks after, Fayose's case was determined in the Court of Appeal. Amaechi called me by 6.45 am. He said he had come to see me but was told I had left for my office. When he said he would return in the evening, I demanded to know what he wanted but he would not tell me. He did not come that evening but came the following morning when I was already prepared to go to work. He begged me to ensure that Fayose's election was set aside and another election ordered for his friend Fayemi to contest. I told him I would not help him and that even if I am on the panel I have only my one vote.

16. After the Rivers State Governorship election was determined by the Court of Appeal, he called to tell me his ears were full and he would like to tell me what he heard. I told him I was out of Abuja at the time. On my return he came in the evening and even before he sat down he barked "You have seen Wike". I asked him whether that was a question or a statement. Then he made a call and asked me to speak with someone. The man he called said he was a DSS man. We exchanged greetings and I handed the phone to him. Next, he said "Oga is not happy". I asked him who is the unhappy "Oga" and he answered "Buhari". I retorted "go and talk to his wife". He got very angry, and left, remarking "we shall see" several times.

17. Your Lordship may recall one morning when I pleaded not be on the Panel for Rivers Appeal. Your Lordship said I was already on the Panel and asked me to explain why I made the request to be excluded. When I explained

what transpired the previous night, Your Lordship told me Amaechi had also attempted to influence other Justices. My Lord, on the day we heard the appeal with your Lordship presiding, we were allowed lunch break at 4.20 pm. The moment I got into my Chambers he, Amaechi, called. When he told who was calling, I said to him, "Your Excellency, you want to issue more threats"? He replied "Have you been threatened before?" I replied "I know a threat when I hear one even if veiled. In any case I will not talk to you" and I switched off my phone.

18. The people who failed in their attempt to destroy me in Ebonyi in 2000 and in Enugu in Andy Uba's case in the Court of Appeal, Enugu in 2009 are now supplying Amaechi with information to fight me for my negative response to his demands, especially my answer to his statement that "Oga was not happy". This infuriated him and as he stormed out he said he would deal with the situation.

19. The incident I will narrate below may or may not bear on this case. When the Governorship Election appeal from my State, Ebonyi, came to the Court of Appeal, one Mr. Igwenyi, a Senior staff of Federal Judicial Service Commission came to my Chambers and told me that the former Governor of Abia State, Dr. Ogbonnaya Onu had pleaded with him to convince me to see him, Dr. Onu. I asked him to call Dr. Onu; he did and I wanted to know why he wanted to see me. He said it was confidential. I asked when he wanted to see me and he said he would like me to come in the evening. I told Igwenyi that he would have to take me to Dr. Onu in his car and bring me back. I had wanted him to listen to what Dr. Onu had to say but when we arrived, Dr Onu put him in a different room. He asked me whether I know the Hon. President of the Court of Appeal and I told him that His Lordship was my Presiding Justice in the Court of Appeal, Benin Division. He asked of my relationship with the PJA and I said it was cordial. He nodded his head several times in apparent satisfaction.

20. He told me that the candidate for the Labour Party was ready to switch over to APC if he could help him win the appeal in the Court of Appeal and that in appreciation of the undertaking to come over to his party, he had obtained the services of three Justices of the Court of Appeal to ensure victory for Labour Party. He said he needed one to convince the PJA to include his three Justices of the Court of Appeal in the five-man panel to hear the appeal. I told him I would not help him and that I could not in good conscience convey such request even to a Customary Court Judge. He was disappointed and asked me whether I knew the husband of the PJA. I told him I did not know the man. I

bid him good night and left. Igwenyi joined me in the passage and when he drove me back to my home I told him what Dr. Onu wanted. Igwenyi apologised to me and assured me that he would not have bothered me if he had known what Dr. Onu wanted me to do.

21. In addition to the above I have been subjected to visits to the DSS offices. I was made to stay idle for the whole day, without food or even water. On 17th October, 2016 I went to the DSS office to collect my passports as directed. I was to be there by 10 am but I arrived by 9.30 am and I was assured that I would return to my office in no time. I was kept there till 3.45 pm before I was questioned on the passports till 5.00 pm. After that, one of them took the passports to his boss. He returned an hour later, handed me my passports and told me he had finished with me but that only the man in whose office I was could let me go. I was only allowed to go about 10 pm with a warning to report at 10 am on 18th October 2016. From 9.30 am to 10 pm I was not given water or food.

22. I am on my way to the DSS office and who knows if and when I will be allowed to leave the place.

23. My Lord, the facts stated here in can be verified.

24. Attached is an Affidavit deposed by me in the Supreme Court Registry to this effect.

Yours faithfully



NWALI SYLVESTER UNGWUTA
JUSTICE, SUPREME COURT

IN THE SUPREME COURT OF NIGERIA

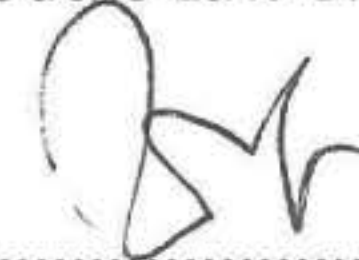
HOLDEN AT ABUJA

VERIFYING AFFIDAVIT OF FACTS STATED IN ATTACHED PETITION

I, **NWALI SYLVESTER NGWUTA**, Male, Christian, Nigerian citizen, Justice of the Supreme Court of Nigeria, residing at Yellow House, Abuja, FCT, do hereby declare on oath and say as follows:

1. That I am the above-named person.
2. That the facts stated in this Petition are facts of which I have personal knowledge.
3. That the facts occurred as I stated them.


4. That I make this solemn declaration conscientiously believing same to be true and correct by virtue of the provisions of the Oaths Law of 1990.



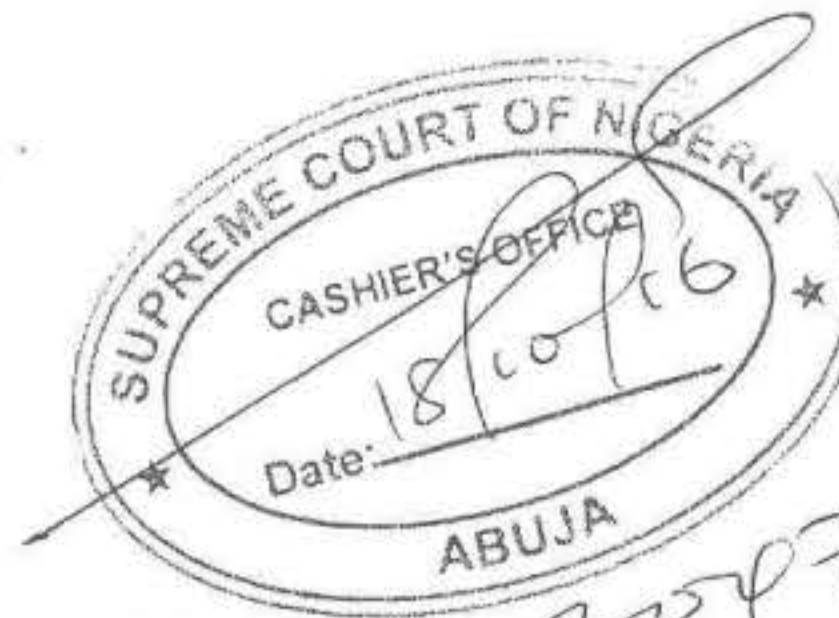
.....
DECLARANT

SWORN to at the Supreme Court Registry,
Abuja, this 18th October, 2016.

BEFORE ME



COMMISSIONER FOR OATHS



20604703