

"The words of Lord Denning ring true. To every subject of this land however powerful, I would use Thomas Fuller's words of over three hundred years ago: "Bye never so high that the law is above you". The sad reality is that this is not the case in Nigeria where powerful individuals and interests pride themselves above the law and subvert its sanctity for selfish gain. The abiding credo is how the rich, powerful and influential can willfully manipulate the system in their favour, using the instrument of justice to escape the consequences of errant behavior while setting a precedence that has willfully corrupted the entire judicial system, disrobed it and destroyed its essence. Dele Farotimi's book is a constant reminder that the country is oscillating between the rock and the hard place while playing Russian Roulette with live rounds in an unending macabre dalliance with criminal injustice. A careful review of this book sounds the needed alarm bells to all that it is time to wake up and rescue what is left of the tattered and beleaguered judicial system from total ruin. This is a timely piece. - Rufai Oseni

Dele's latest work exposes the rotten, seedy underbelly of Nigeria's justice system; unmasking persons and authorities complicit in the crimes of corruption, unfettered greed and gross violation of the basic principles of equity that have conspired to ruin it. Brilliant, racy and poignant. A compelling read!" - Folashade Oshun.



ABOUT THE AUTHOR

Dele Farotimi is a lawyer, author and member of Citizens' Rally Against Oppression (RAMINBA). He served as President of the Student's Union at the Lagos State University (LASU) in 1994/1995 and was called to the Nigerian Bar in 1999.

He commenced his legal career as litigation counsel in the law firms of BASA & Partners, Adesina Ogunlana & Co and K O Tinubu & Co amongst others.

In 2002, he established Dele Farotimi & Co (Now DF Legal), a full-service law firm providing legal services to the real estate sector, financial institutions, infrastructure, investment and development companies in Nigeria.

Dele is a thoroughbred professional, known for his tenacious approach in achieving results and ability to broker complicated negotiations. He remained in active legal practice until his retirement in 2018 at the age of 50. Dele is an activist, a political commentator and author of the book *Do Not Die in Their War*, a treatise on Nigeria's contemporary political trajectory and Imperatives of the Nigerian Revolution, a book that summarizes the historical antecedents of the First Republic politics that shaped the tragic metamorphosis of Nigeria into a failed state, the dilemma of leadership incompetence and the ethnic dimensions and dynamics of its tragic misrule for over sixty-three years.

Dele is passionate about the birth of a new and better Nigeria, championing a new brand of advocacy on the backs of a youth-centric social awareness perspective burnished by the events that culminated in the EndSars Movement of 2020. He is married to Fummi Farotimi and they are blessed with three children.



NIGERIA AND ITS CRIMINAL JUSTICE SYSTEM

Dele Farotimi

**NIGERIA
AND ITS
CRIMINAL
JUSTICE
SYSTEM**

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"The Law has and the powers of the state have become perverted with it. The Law has been perverted and not only been turned from its proper function but made to follow an entirely contrary purpose. The Law has become a tool for every kind of greed. Instead of preventing crime, the law itself is guilty of the abuses it is supposed to punish. If this is true, it is a serious matter and moral duty requires me to call the attention of my fellow citizens to it"

Frederic Bastiat, The Law

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Foreword

This is not a biography for I have painstakingly provided glimpses of my early life in an earlier sequel to my first book. My purpose here is to tell you the story of my sojourn within the Nigerian legal system and to show you how our justice system- the Nigerian justice system is in itself criminal, lending credence to how the criminality of the judiciary is completely reflective of the Nigerian state in its full ramifications and with full evidence of how this rot; having become systemic is insidious and reaches to the very top of the judicial system.

I will tell you the story of the complete and total loss of the capacity to deliver justice against the backdrop of a case that was decided by the Supreme Court and which records are in the public domain. I speak specifically of the case of Major Muritala Gbadamosi & Ors v. H.R.H Oba Tijani Akinloye & Ors otherwise known as the Gbadamosi-Eletu case.

It is my contention regarding this case:

1. That Aare Afe Babalola corrupted the Supreme Court to procure a fraudulent judgment in the service of his clients.
2. That the law firm of S. B. Joseph & Co. procured a warrant to execute the said judgment by doctoring the original judgment of the Supreme Court.

Acknowledgements

For Oluwafunmilayo.

The One who constantly gives me peace,
love and happiness.

Thank you for Everything.

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3. That Atlade O, Justice at the time and the Administrative Judge of the Lagos Judicial Division, unlawfully issued a warrant of execution based on the doctored judgment and without the enrolled order of the Supreme Court.

4. That Atlade, J quashed the fraudulently obtained warrant following an application of counsel in protest against same.

5. That Aare Afe Babalola, Olu Daramola, Olu Faro and the law offices of Afe Babalola & Co, (Emmanuel Chambers) compromised the Supreme Court and the remaining semblance of integrity it might have had, when they went back to the Supreme Court and got that court to swim in the sewer of corruption and shameful self-abnegation.

6. That Lawal Pedro SAN, at the material time the Solicitor-General of Lagos State, corrupted himself, abandoned the interests of the State, its citizens and any pretense to decency and became the undisclosed attorney to the Eletu family thus betraying the public trust.

7. That Afe Babalola libelled me and the fact of the libel became known to me in his suit against Lawal Pedro SAN.

8. That I sued Afe Babalola SAN for libel and that he leveraged his influence in the judiciary to deny me justice.

9. That Oyekan-Abdullahi, J was the instrument of injustice employed to deny me my day in court.

10. That the Nigerian Justice System is criminal and complicit and can therefore not uphold the tenets of true justice nor the dispense thereof to which it is sworn.

The story I intend to tell is wrapped around the above facts and have been carefully espoused to highlight only the facts of the matter. Afferall, of what use is a lawyer without his facts?

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Preface

I do not know Justice Aritwoola as a person but I am familiar with his work, having been connected with a case he was involved with, and I can say this as a fact - that I don't expect anything substantial to change in relation to justice delivery because one of the most violent injustices I've ever seen coming out of that Supreme Court came from a panel on which this particular justice sat twice.

~~The case is Gbadamosi Eletu vs Akinloye. It is one of the most unusual cases I've ever seen in my life where the Supreme Court turned itself into a mathematician - subtracting and dividing land and deciding on a property that was not before it.~~

So, when it comes to expecting any justice from that court, I don't expect any. Not because of his person, and already, regarding his person, as far as I'm concerned, it is either he is incompetent or he is corrupt, it is one or the other. These are grievous allegations and I am making them carefully for when it comes to the issue of justice delivery, I do not believe that anything will change.

When you begin to deal with the technicalities of the rules of court, administration of court, well, maybe he might perform some magic in that regard but in so far as it relates to delivery of justice, I expect nothing.

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I was a guest on the Arise TV Morning Show. I was out of the country, in the United States. My friend and brother, Guru had just picked me up from the airport in Washington DC on my arrival on holiday from Nigeria, when I received the call from the TV station, and I had to wake in the middle of the American night, still largely suffering from my jet lag to take the interview by Zoom.

We had covered a range of issues and were nearing the end of the interview session, when Dr. Reuben Abati asked what he must have believed to be an innocuous question, but he was asking my opinion on the recent appointment of the then Acting CJN: KAYODE Aritwoola. The above, was my response. The interview was conducted on the 28th day of June 2022

The preceding is necessary in order to save my would-be interlocutors, persecutors and beneficiaries of this decadent system and its defenders, the time and energy that they might waste on any attempts at ad hominem attacks, my position precedes my involvement with the Peter Obi presidential campaign and my exertions are completely nonpartisan.

Furthermore, this manuscript has been ready for publication since May 2023 but I have deliberately waited until after the supreme court's decision on the presidential election matters had been announced,

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before deciding to publish. This I have done in order to ensure that the question of partisanship is not allowed to become a distraction for those interested in the pursuit of truth and justice in Nigeria. I wanted to ensure that this effort is not tainted with accusations of partisanship. I need us to be focused on the issue; the utter uselessness and unfitness-for-purpose of the Nigerian judiciary.

I went to the Law School with a Christian gentleman. He went to university in the UK. He was older than me but we were cordial with each other and I had a lot of respect for him. His wife and children were still in England when he was one of the first set of students admitted into the wilderness that was the Nigerian Law School, Bwari. His story is his to tell if he cares to tell it but I am obliged to share the part that is relevant to my story. We shall name him Titus but that is not his name.

Titus was the model student. He was in all the classes, tutorials, and dinners. He was always black and white. A penguin. The MIB have nothing on Titus, and what's more, he was one of the leaders of his fellowship. Titus aced his exams like practically everyone in that exceptional foundation class at the Bwari Law School, and probably still holding the record for the highest percentage of passes but the Council of Legal Education decided it would not be calling this model lawyer to the Bar. He was measured by these upright men and women and they had determined that he had fallen short of their lofty standards.

In filling the form required of every student applying

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to be admitted into the bar, Titus had disclosed that he was convicted on a misdemeanor, one that had since been expunged from his record by operations of law and effluxion of time. He being a Christian and a born-again leader of fellowship, a man of faith, integrity, and good conscience. He made full disclosure of a past he had no obligation to reveal, and he was shown exactly how unNigerian he had become, and was deemed unfit for the Nigerian bar.

I don't know if he has been admitted to the bar today but the Nigerian legal system is poorer by the hypocrisy of his non admittance and he is owed a debt of apologies by all concerned with his fate.

I am under no illusion about what has befallen our country and its judiciary but it is the duty of those who are blessed to be able to speak the truth to speak. The Nigerian judiciary is the exact same as the Nigerian Police, Customs, the Immigration and every other part of our putrid society.

"Ai'san to n'se Egbefa na lo n'se oodunrun, ai'san to n'se Aboyade, gbogbo Oloya ni n'se"! What afflicts one, is evident of what is common to all, there are no parts of the Nigerian state, that have been spared by the evil that has overtaken our land.

I have set out to show you the extent of the decadence, corruption, and impunity that have overtaken our country and in doing this I have ensured that I am fastidious about telling the truth. I have absolutely no problem with meeting every single writ that anyone might care to issue for libel and the evidence of the

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truth that I have told are largely in the courts' records. The last hope of the common man in Nigeria is lost and the CJN might as well prescribe the removal of the colonial wig and decree that every judge should adorn the Tinubu cap in its stead. The Nigerian judiciary is the foundation of the impunity that has overtaken our country and it must be redeemed before we might be able to regain our liberties first as human beings and then as citizens.

By some miracle that is uniquely Nigerian, we have managed to evolve a Criminal Justice system. The tragedy however is that it is the system itself that is criminal and the ones who should be citizens have become victims in the vice grips of a three-pronged system. The Executive is helmed by a man who is everything that should be nowhere near the office but then, he is the sum of the parts of each and every one of his predecessors. The Legislative branch is largely peopled by the most myopic collection of humanity; persons unyoked to vision, sybaritic cretins, focused on consumption and they are completely uninterested in the plight of the people. The trinity is completed by the judiciary and it is of the judiciary that I write in this book.

The truth has become transactional in our country and in its transactional form, has equally assumed the toga of subjectivity where every single truth has to pass through the test of subjectivity before it might be accepted as truth BUT I am comforted by the knowledge that the truth is the only weapon that is capable of slaying the Nigerian monster. In weaving

this narrative, I have maintained a strict fidelity to the truth. I challenge each and every one of the men and women who have been named, to point out any lies that I might have told, once they are done with the ad hominem attacks.

If Nigeria must be saved, it will be because we found the grace to face the truth of the many lies that we have told ourselves and that we have collectively promoted. What we have managed to build with our lies is a judiciary that is very much us. It is built in the image of the Nigerian state, it mirrors our police, customs and other institutions of our failing state. Our judiciary is completely Nigerian. There is nothing of the bastard in the men and women peopling our Criminal Justice System but it is the system itself that is criminal and it is the practitioners, from the registrars to the lawyers and the judges that are generally criminal.

The Nigerian judiciary is not the hope of the common man but is in truth, completely hopeless and unfit for purpose. Pretty much a mirror of everything Nigeria.

Introduction

Some years back, I wrote an essay titled; I Do Not Write for You. I dealt with the issue of writing for a people who have demonstrated an inability to understand the concept of public accountability, and who have proven themselves incapable of connecting the dots or understanding cause and effect. Nothing has changed since I wrote that piece and I find myself saying to my readers even now, I Do Not Write for You.

The Nigerian Legal System is completely lost. It is not capable of self-regulating itself and it is beyond redemption in the absence of a systemic regeneration that is founded on a moral revolution within the Nigerian state itself. The judiciary is reflective of the society in which it exists and to be fair to the judiciary and its functionaries, they are representative of what values the society holds dear.

The Nigerian state is a feudal state. It has no room for the niceties of citizenship, the rule of law nor democracy. The state requires that some people be above the law whilst others must be kept underfoot. In the complete absence of the rule of law, a most perverse system has emerged that mimics the substance but which is shorn of it. The police have no power to enforce the laws and they in the absence of that enforce the reign of impunity. The courts are obliged to pretend that the law rules but in reality, they

have little choice but to interpret the laws with subjective contempt.

The system of administration of impunity has assured that members of the 'ruining crass' are rarely ever held to account for their serial crimes against the victims of their misrule but the victims are never spared the harshness of the laws devoid of equity. The law enforcement agencies, from the police to the multiple paramilitary forces, are clear about the persons to whom the laws may apply and these are almost always the underclass and victims of the Nigerian state. The affluent and connected are rarely ever apprehended for their crimes but the poor are routinely victimized.

When the rich are taken before the courts, it is almost always because of some internecine warfare within the ranks of the privileged and when this happens, they have demonstrated an uncanny ability to find the capacity to exploit multiple ways of escaping the consequences of their actions. Corruption has become a special class of offenses that is increasingly the exclusive preserve of the rich and powerful and almost all cases in this class ends with some plea bargain and or the filing of nolle prosequis. The poor on the other hand is never able to catch a break. There are persons in our prisons that have absolutely no business with being there and it has become the standard fare that justice is for the rich whilst judgments are often for the poor.

In 2017, I was hauled before Dada, J of the Ikeja Division of the Lagos State High Court by the EFCC.

* My offense? I had stood surety for a member of my then church and the ingrate absconded. The EFCC which had turned itself into a debt collection agency proceeded against me with extreme prejudice. It had no interest whatsoever in the facts and circumstances of the case but was completely focused on ensuring that I paid the debt owed by the woman and her company to the bank. I witnessed a case unfold as I was also being tried.

The EFCC was prosecuting a young woman and a co-accused. The woman had been apprehended at the British High Commission. She had presented forged documents in pursuit of her visa application and her co-accused person; an aspiring travel agent was the procurement officer responsible for the forged documents. By some orchestration, the case would usually be heard on the same day as mine. It was always heard before my case would be heard.

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The young woman had lost hope in Nigeria and was looking to flee from the country of her birth by any means necessary. The travel agent was just looking to earn a living by any means possible. The two were eventually found guilty and sentenced to prison terms by the ever-diligent Dada, the prosecutorial judge who sits atop the Special Offenses Court in Ikeja. Sentence was imposed in their case, the very same day, when Kemi Adeosun, the then Finance Minister, was paying the price for the palace intrigue that saw her leave her office on account of her having forged an NYSC exemption certificate. Same crime, different outcomes.

The Nigerian judiciary has no justice to dispense, and has evolved to become a part of the putrefaction that has overtaken the land.

I do not write this book for you but I write to inform the coming generations that not all of us are complicit in the mess that has been made of our country for which we are all paying a hefty price.

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Chapter 1

Truth Dies in Darkness

Nigeria is a very dark country, and we are in a particularly dark place as a nation. The Nigerian state is maintained by an inequitable system that is scaffolded by injustice and the system is allergic to the supremacy of the law. The long years of military dictatorship had destroyed the appointive system of filling judicial positions refined in the early days of our independence and the judges appointed by the soldiers and promoted by the inheritors, have reached the heights of judicial offices. The Nigerian judiciary has since become completely immersed in the purulent practices of Nigeria and has become everything Nigerian.

The truth teller invents nothing; he does nothing innovative either. He just tells the truth pared down to the bones. When a land is as dark as Nigeria and the very foundations of that land are found on lies, the truth teller becomes the outlier- one that is despised, persecuted, victimized, and sometimes outrightly eliminated or destroyed. The Nigerian state and its governing systems, including its force de frappe is very adroit at all of the above and possess a superabundant arsenal of state mischief which it very often deploys sometimes without provocation and many times without let. I am however happy to say: Bring it on! Men, however powerful are not God.

The truth dies in darkness: a careful deconstruction of the short sentence would suggest that truth is akin to

light. If the truth lives, darkness cannot coexist and it is up to the truth to light up the darkness that is suggestive of evil. There are times in the history of men and nations, when the purpose, personal or corporate, becomes more important than our own lives. The truth of the putrefaction of our country, as typified by the stinking corruption of the judiciary, is urgent and by far more important than my personal convenience and or life.

If I must self-immolate for you to behold the extent of the rot, so be it. But I urge you, my dear audience, not to allow my sacrifice to be made in vain. I am introducing no evidence that isn't already in the public domain and in the full view of everybody that will care to check, however contemptuous they have become of our collective intellect and commitment to the truth.

Chapter 2

Beginnings

I have been known to blithely declare that I was born a lawyer and whilst being the insufferable brat that I could be, when amongst my family and friends, nobody has ever cared to dispute my unargued submission. I will seize the opportunity offered by this narrative to argue the conclusion I have never been asked to prove.

Inalende! Oniyarin! Omitowoju! Ode-Olo! Mokola! These are the streets of my youth, the dusty lanes and backroads that I walked as a child. My maternal grandfather's house is located at Inalende in Ibadan and my first steps were taken in his home, and it was there, that I found my voice, and knew myself. Inalende shaped my life, and my very worldview.

S. F. Olukole: Samuel Faleke Olukole. 'SF' To his friends and cronies, whispered in a mixture of awe and jest by his wives, children and tenants. His most senior wife was my grandmother, the one that was truly my mother: Maami, Mama Agba, the most senior of his four wives, but in truth the second, his first wife having left him before he married my grandmother, who had also left her first husband. He was a strong man, but she was an even stronger woman, a fact that I have had reinforced to me by my own acknowledgment of the superiority of my wife's capacities as compared with mine.

With Baami's collection of wives came the inevitable management issues, which were particularly exacerbated by the fact that the last two wives, Maami Elero, and Iya Yemi were both relatively young, and considered themselves rivals. The "Kootu Ashipa" conducted informally around Maami's open wood stove- the 'aaro', next to Iya Yemi', the favoured wife's, and her immediate neighbour upstairs, the delicate balance she maintained between remaining objective and truthful, without taking sides, and without offending her husband's favourite wife, his very last.

I had mastered the art of being invisible in plain sight from my childhood. The Yoruba culture of my days revered age and the young was to be seen but not heard. I learnt to become invisible living with my grandmother. Maami never required words to speak to me, or with me. Her coughs had meanings, the way she inclined her head, her gaze, a frown, a wink, we were telepathic in our communications and I knew better than to speak except when asked a question that required an answer.

I was the essential Omo-Odo-Agba. If Maami was unbothered by my presence, others knew better than to query her judgment and I earned the right to sit at gatherings where my peers were not allowed once their presence was noticed. I watched disputes settled within the family, I witnessed matrimonial causes involving uncles and aunts. I watched, I learnt and I became convinced, that the pursuit of justice is foundational to the Yoruba culture and civilization.

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My family's compound at Inalende is a complex comprising of a sprawling single-story building, around which is wrapped a warren of rooms that form the perimeter walls. There is a frontage where we would gather at night where cars were parked and the goats would have slept, chickens gone to roost and where mats would be laid when the nights were hot, or the moon was out. There we would gather to listen to tales told by the moonlight.

Inalende was home to 8-10 other families, tenants of my grandfather. Whole families, mothers, fathers, children. Igbo, Yoruba, Ifaw, Isoko, a United Nations of sorts. Add four landladies into the mix and the landlord's children and grandchildren. My grandfather ran a tight ship. He rarely got involved in the details. He trusted my grandmother as the senior and oldest wife to adjudicate the everyday issues that arose from having so many people in the little space whenever the squabbling denizens failed to do so without intervention.

The fact that she was scrupulously honest and unbiased in deciding the disputes brought to her, enhanced her credibility and cloaked her with respect. I grew up watching and learning how the only way to perpetuate justice is to do unto others exactly as we would have them do unto us. I learnt the value of self-respect as the very foundation of all respects and how to tell the truth unafraid of the consequences that men might deem themselves obliged to impose. "A ki i wi si'be, ka ku si'be"! Nobody dies from speaking the truth.

I learnt that at the root of Yoruba culture lies an abiding fidelity to the truth. I also learnt that the first thing to reverence is temperance to ensure that you always stood in step with the truth. However old the adversary, however powerful he might be, whatever authority he might possess, if you had the truth on your side, the Yoruba traditional authorities, religious, and spiritual, are obliged to stand behind you. To do otherwise is to betray the essence of who they are, to be debased, corrupted and perverse. It is not for nothing that white is the symbol of Yoruba spirituality with the undying lamp and the 'seeing-eye', at the peak of all.

And then, there was the picture. Black and white- its white quite startling. A studio shot of a vibrant young man in repose. Baba's oldest child, my uncle, born to the first wife, and half-brother to my mother. Everyone spoke of him with reverence. He was dressed in the full regalia of the barrister- at- law, pinstriped pants, bewigged and all.

He was the one who had read all the books. His portrait had the place of pride and Baba's pride was easy and infectious. Daddy "Pota" was the model to which all must aspire, if they were to be deemed of consequence in the Olukole clan. You might want to blame my childhood resolve to study law on him but I would argue that he isn't to blame.

The earliest thoughts of what I would do with my life were from my days at Abadina Primary School, in UI. I fell in love with books and the serenity of the university campus and I wanted to be a professor of Theatre Arts,

write, and just read. I had pictures of myself forever surrounded by the ethereal beauties of Queen Elizabeth's Hall that I often gawked at. These were not the Maamis of Inalende at all.

I was admitted into Fidiu Grammar School in 1978 and whilst there, my innate flair for language and current affairs were starting to bud and ripen. I had begun to toy with the idea of reading political science and becoming a journalist. Somewhere in my head however, I was decided that I would then pursue a degree in law. I believe that wanting to read law at the then University of Ife had something to do with the confusion experienced at the time. The University of Ife wouldn't admit anyone to read law without a first degree in those days.

But before I was out of my teenage years and after I had "wasted" 3 years before being qualified for admission, and even after being admitted into the university, I had settled my mind on reading Law. Please pay attention to my deliberate choice of the word: I read Law. I studied Law. I qualified as a lawyer. These things are required for me to be deemed a lawyer in law but these were insufficient to make me a lawyer. I was born a lawyer.

As I became more aware and conscious of myself and long before my eventual admission to study Law in LASU, I had settled on law as a calling. Law ticked each and every last one of the boxes of my youthful romantic views of life. I could read, write, act, even lecture as a lawyer and I got to learn what laws to obey

and which should be ignored.

Sitting at Maami's feet, I had heard her repeat ad nauseum, "Ejo la n ko, enikan ki i ko'ja". You must retain the temperance and calm to avoid losing your temper and avoid being blamed in the event of the inevitable disputations that attend daily coexistence. That would be the general interpretation but it would be misleading to interpret in this light. Preceding the admonition would have been the reminder that served as a rebuke, that you should have talked instead of fought, and that any fight should be purely defensive to be justifiable.

Yorubas are culturally disposed to polite, respectful and reasoned disputations and our very civilization is found on reasoning. I was born a lawyer.

I read law in order to know the law but I did not require either the Greek or anyone else to teach me the values of equity, equality before the law, powers and the responsibilities that come with wielding it; judicial and spiritual powers being at the apex of it all.

I am fortunate to have read law in LASU at the time I did. I was blessed to have been taught by a lot of resourceful women and men. Scholars who took pride in their own scholarship and hard work. Men who had to think on their feet and make do with little or nothing. Pioneering spirits, men for whom teaching was as much about learning as it was about teaching.

There was Dr. Susu to teach the Law of Torts, the

fatherly Dean, Professor Yerokun. There was my 'tormentor'; Professor Mike Ikhariale, my brother and friend; the erudite Professor Festus Emiri, SAN and many more caring, loving, and dedicated teachers, including the immediate past Vice Chancellor, Professor Lanre Fagbohun, SAN. There were of course the outliers- Professor. Yemi Osinbajo, SAN for one and then there was I. O. Smith (a.k.a 1.0 Smith) - a testament to the commonality of the lowest pass grade, as the norm, in his course. I was blessed to have been taught by a motley crew of geniuses.

I am before anything else, a Nigerian. I am not a shrinking violet and nobody's saint. I have done whatever I have needed to do in order to advance my clients' interests in the past but I have always been careful to play within the rules. I have always had a lot of admiration for professionals of all hues who have the dexterity to practice their trade profitably within the constraints of the Nigerian space.

The same government that wouldn't be seen investing in social housing or public infrastructure, would presume to regulate the contractual relationship that exists between a landlord and his tenant. I look at the laws and my knowledge of the reality of how long it takes to evict the debtor tenant guides the decision.

I have a novel clause inserted in every Tenancy Agreement I have drafted in my practice, it grants the landlord the right of re-entry in cases of default of rent, and after issuance of a 7 Days' Notice. This is legal, whilst being unlawful, but it has worked like

magic over the years. Professor Smith had taught me ad nauseam, that possession is ownership, and that in every claim related to real estate, my priority must always be narrowed in scope, and must always be to take possession. Everything else must flow from that.

The only time we invoked the clause to evict a tenant from a client's property in Ikoyi, I happily received the writ for damages, and promptly counterclaimed, for the outstanding rent and the demesne profits. 'Na who no fit pay rent, go pay lawyer?' We were happy enough to meet him in court and have him out of the property. He abandoned his claim. I am not a saint.

I am a Nigerian and will gladly 'shake body' for the policeman demanding my expired license, to the government official to do the work for which I am taxed and to the one installed at one of the several unlisted toll gates. I am a Nigerian and I know what to do to get what I need. I also happen to be generally clued in enough to be able to successfully navigate our shark-infested waters. This was the illusory cocoon in which I existed.

~~I~~ I have always been familiar with the fact of our perversion as a people and I have few illusions about equity and justice reigning in Nigeria but I had always assumed that there were lines that should never be crossed. I was however slapped awake by the brazenness of the judicial brigandage unleashed on hapless citizens, corporate, and individuals by the Nigerian Supreme Court, acting under the direction of Aare Afe Babalola. At least 5 Justices of the apex court

have been identified as guilty of odious corruption and or gross incompetence. Either is sufficient to have them removed from their office and this is my petition to the Nigerian people and most definitely to the NJC.

A true lawyer never loses a case for he is, if the truth be discerned, a minister in the temple of justice and that is the cause that he or she must serve. As long as he has done his best professional duty, he is absolved of the obligation to take any side. He, in fact, has a duty to the court that is not discharged by any protestations of professional duty to the client. The lawyer is a servant of the court, a waiter in the temple of justice, an attendant to the blind priests and priestesses that serves the blind goddess of justice at least. Justice either wins or lose, the lawyer is at all times a servant of the court.

Chapter 3

The Practice of Law

Prince Ademola Adeniji-Adele, otherwise known as the Prince of Hope or Papa; was my friend and an older brother. I was President of the LASU Students' Union (LASUSU) when he was released from Abacha's gulag in 1995. His brother-in-law, Saheed Salawe was a fellow student in the Faculty of Law and I came to know his wife, 'Auntie Tawa', who was also a LASU student through Saheed Salawe, otherwise known as SS. I was literally adopted into the Adeniji-Adele and Salawe families. He was one of my God-appointed gatekeepers.

By the time I was done with my law degree programme at LASU, there were two sets of LASU Law graduates waiting to be admitted into the Nigerian Law School. The Abacha dictatorship had decreed that the Law School be relocated to Abuja. The dictator's daughter was ready to attend the school and since the father had no interest in sending the daughter to the Law School in Lagos, the school had to be moved to Abuja in order to accommodate the first daughter.

The unplanned and forced movement to the new site, the former Centre For Democratic Studies under Prof Omo Omoruyi, (The centre was one of Babangida's several social incubatory laboratories; the unpretentious killer of democracy, having no pretense of democratic intentions) put the moribund facilities to use. The new facility couldn't take as many students

as the Lagos campus that Abacha presumed to decree out of existence, and the Council of Legal Education was saddled with a backlog of qualified Law graduates without the space to accommodate them.

Papa followed me to Abuja and went with me to Bwari to see the then Secretary to the Council of Legal Education, Prince Victor Fologbade Olateru-Olagbegi. I also had a letter for him from Justice Musiliu Ope-Agbe, a very upright man and a model jurist. He was at the time a judge of the Lagos High Court. I was friends with his children and he also wrote to 'VF' as Prince Olateru-Olagbegi was popularly called to urge that I be admitted. As with all things Nigerian, the unplanned nature of the Abuja relocation created a toll gate of solicitations and underhand deals. From the universities to the Law School, admission into the Law School became a racket and access depended on who you knew. These are the men that God used to ensure that I went to the Law School without further delay. They were the equalizers of my Nigerian factor.

Upon graduation from the Law School and being called to the Bar, I had a decision to make about my next move. I was already 31 years old. I had spent a total of 12 years to earn a single degree. I was tired of being maintained by my mother, a single parent for over 20 years by this time and I just wanted to stop being a burden to her and perhaps help her by not remaining a charge on her finances.

I wanted to work with Wale Babalakin's firm. It was

probably the best paying Law Practice in Lagos at the time, but my quest to work with him had nothing to do with the salary being paid. Wale Babalakin SAN, had a reputation for being a sharp-witted businessman. He was always impeccably turned out, didn't seem stuffy like the other senior counsels and the junior lawyers in the chambers and he evoked all the stereotypes of the smart up-and-coming, goal-getting attorneys. That was where I wanted to be.

I again asked the help of Justice Ope-Agbe (as he then was) in speaking with Wale Babalakin, and he did. He was told that they had no space in the office. When I heard that Barrister Olawale Babalakin (BOB as he was called) was friends with Papa, I pressed Papa into my lobby group as well and he also spoke with Babalakin on my behalf. I am now not certain about who communicated the job offer to me but I was offered the job of "Company Secretary" at another of Babalakin's businesses, 'Duncan Wood' as it was called which was then the construction arm of his business. The job was paying Thirty Thousand Naira (N30,000) at the time that his Law Office was paying Twenty-Five Thousand Naira (N25,000). I refused the job.

I took the time to explain to everyone involved, Papa, Justice Ope-Agbe, that while I was not ungrateful for what was a great opportunity, I had never envisioned myself as a corporate lawyer and I wouldn't be happy as a company's in-house counsel or secretary and that all I wanted was to work in a litigation firm. I took the time to explain how I had spent so many years reading law but with the clear hope of training as a barrister

above all else.

Justice Musiliu Ope-Agbe found me my first job. As I was exiting the Law School to start my new life as a lawyer, new judges were also being appointed to the Lagos Bench and one of them was T. A. O. Abdullai. Ope-Agbe, J was one of the oldest judges on the Lagos Bench and I believed he must at some point have told her of his need for a job for me. I was therefore directed to see her in her judicial chambers at the Abdullai J law office.

T. A. O. Abdullai & Co were principally counsel to the Ojomu Chieftaincy Family, one of the largest land-owning families in the Eti-Osa, Lagos State axis and they had several lands-related matters in various courts. The practice, which was located at 125, Igbosere Road was then being run by the duo of Mr. Mike Bayowa, the head of practice and Miss Funmi Babarunde as partners. I joined the practice as the new wig, the Grunt and generally began to learn my trade there at. The firm had become known as BASA & Partners by the time I joined on a princely salary of Five Thousand Naira (N5,000) monthly.

The introduction to legal practice couldn't have been gentler. The Head of Chambers and Practice, Mr. Michael Bayowa was the model boss from whom to learn the basics of litigation and is a gentleman to boot. Easy-going, no airs, a family man, Christian, scrupulously honest, friendly and extremely fair minded. He was ferociously loyal to our mutual boss in disguise for T. A. O, only took her name off the wall. She remained the sole signatory to several accounts

and everything of consequence was run by her. She recruited me.

As I already stated at the beginning, I do not intend to tell the story of my life but then the law is my life. Whilst I shall consciously avoid making this book personal, it is inevitably and necessarily personal. I met my future wife, Miss. Funmi Babarunde whilst employed at BASA & Partners and when I deign to tell the story of that season of my life, I will tell the story in full.

I shall however state for the records and on my honour that I never had any romantic thoughts, relationship or engagement with the woman that has today become the love of my life and my true blessing even though I worked with her with our tables side by side for the first 3 months of my professional life. I was at the time strenuously seeking to convince several unattached friends to consider dating the impeccably trained and beautiful senior in my office. I thank God for their collective blindness.

I was already determined to spend a couple of years learning my trade. The fact that my mother continued to subsidize my living freed me of pecuniary considerations in deciding what job to accept and which to reject. Her sacrificial parenting explains why I could thumb up my nose at a Thirty Thousand Naira (N30,000) per month salary to accept the Five Thousand Naira (N5,000) job that I did accept in order to keep my date with destiny. My stay at BASA & Partners wasn't destined to be long and it ended in

what I believe to be 3 months.

I take a lot of pride in being a lawyer and it is for me, the peak and noblest of all the professions. I am extremely chauvinistic about the primacy of counsel in the pecking order of a Law Practice. This was the catalyst for my earlier than planned exit from BASA & Partners.

The practice comprised three lawyers. The Head of Chambers, Mr. Michael Bayowa, my future wife, Miss. Funmi Babatunde and my humble self, the newly minted wig. Then we had a clerk, Mukaila and the Receptionist/Typist, Joy. These were the lawyers and support staff of the Law firm of BASA & Partners. Ms. Joy, the typist it was, that proved the catalyst for my early departure, inevitable as that was always going to be, by my own deliberate design. I had to stop depending on my mother for the monthly subventions at some point and Five Thousand Naira (N5,000) was not enough to live on, even at the time.

I had come to be trusted with most legal drafting work by Mr. Bayowa pretty early. My 'Oga' trusted my capacity with doctrine, law and language to the point where he quickly stopped bothering to edit my work and we all soon found that 'Mliady' TAO rarely had any corrections to make to works drafted by me when sent to her for her scrutiny, as was the norm in my time at BASA & Partners. I handed Joy a draft of whatever it was I needed typed up and that was where the problem began.

As was the culture, she handed me a mock copy of the document printed on scrap paper. Reading through, I found what I believed to be a typing error or omission, and I explained to Madam Joy, in expectation of her prompt action to address her errors. I couldn't have been more wrong than I was to find. "You are the one that's wrong, Lawyer Dele" was her retort. 'Mo ti ku, mo ti faint!' I could have fainted and died in equal measure.

I spent three sessions reading English Language and Linguistics. I had read every James Hardley Chase series before I even entered my teenage years. I read every fictional book that was on the shelves of the children's library at Abadina before I was out of primary school. I was taught the English language in my mother's tongue. My secondary school library had no literary work to occupy me again by the time I was in Form 3 and I had read the Bible out of boredom at least 4 times before coming out of my teen, purely out of boredom, and devoid of any quest for a God that was never outside of me. Madam Joy had dared to correct my use of the English language.

Emi? The Law! Barrister lawyer 'Akoni ni waju adajoi!' It was one thing to have survived stage fright at different times appearing before Magistrates and the Rent Tribunals as a nervous new wig, and then there was the terror of having to tell a judge that my principal was in another court and I needed to have our case stood down as had been agreed with the opposing counsel. Try talking with your tongue cleaved to the roof of your mouth. The impertinence was for me, a

final straw: How dare the support staff query a lawyer's call in the pursuit of his professional duty?

I sent the draft back to be printed with a clear rebuke and instructions to follow the original letters of my draft and was handed the document in short order. As has been the lifelong predilection with me, I read through the final print before I would send the work out. Lo, and behold! The editorial judgment of my self-appointed 'Oga' remained intact and untouched. I was enraged, incensed and just about ready to explode. Why? I demanded, as I struggled to rein in my temper in the face of her sneering insolence. I was wrong she insisted, and she correct; my error arising from my newness at the Bar.

I shall refrain from telling you the response that issued from me but it ended with the impasse being referred to Mr. Bayowa for his adjudication. I was right he ruled and she was wrong but it wasn't enough for me. I expected the Secretary to be rebuked and told her place in the pecking order of the law office and that was not done. The fact that she was unapologetic about the incident and somewhat rude, made it difficult for me to accept that she was not reprimanded. I resigned my employment with BASA & Partners with immediate effect.

My laid back 'Oga' was taken aback and so was my other senior, Miss Babatunde. They appealed and pleaded, all to no avail and meeting a brick wall, Mr. Bayowa went to report back to our ultimate 'Oga', who promptly issued a warrant for my appearance in her

chambers at the Igbosere High Court.

T.A.O. is a woman of considerable bulk and all of her features are exaggerated and easy to caricaturize but she is also charismatic and can be quite charming, all fantastic camouflage for a cunning mind that is completely sybaritic in focus. She is a formidable woman and a very impatient bully. She barely listened to my grouse before declaring me the wrong party and she missed the opportunity to hear out my grievances. She capped it all, by presuming to order me to withdraw my letter of resignation.

I simply ignored her and went through with my intention as already stated in the letter of resignation. I wasn't to see her again until over two years later, on the occasion of my marriage when she was the chairperson at the wedding reception.

At the time of working with BASA & Partners, I was in a long-term relationship. My partner lived with her parents in Ikoyi and I had finally given up my Okomaiko student flat to become a squatter in my late friend, Ibrahim Bakare's flat at Ijeh Housing Estate at Dolphin. I was within striking distances of my workplace and my girlfriend's home. This was before our world shrank with the advent of mobile phones in its current ubiquitous fashion. I was therefore at the time of becoming unemployed, also pretty much homeless and it was at my "squat" that I waited out the season before the next job and the scene of one of the defining moments of my legal practice.

Chapter 4

The Laborer's Wage

In the immediate aftermath of my resignation from my primary employers, BASA, I was left with no choice but to stray home whilst waiting for another job. I was in the flat one late morning when I heard a knock at the door. It was a young woman. She seemed about my age and was asking for me she said. She had been told a lawyer lived there, she said, and something about some other female lawyer was in the mix. I was not the one she was seeking. She was nonetheless happy to brief me or any other lawyer she insisted.

I invited her into the flat and asked what it was she wanted a lawyer to do. She had just bought a property at one of the Jakande Estates she explained and she needed a lawyer to draft the conveyance agreement. I believe that the property in question was located at Lekki, one of the Maroko Resettlement Scheme flats and she wanted to know what she would have to pay me for the job.

I calculated the bill using the Scale and it came to a little above Thirty Thousand Naira (N30,000). Now you must remember that I was paid above Five Thousand Naira (N5,000) at my last and only job as a lawyer. I offered to produce the document at a discounted rate of about Twenty Thousand Naira (N20,000). The lady took one look at me and concluded that she wasn't about to pay my clearly unemployed self that princely sum and proceeded to offer me about Five Thousand

Naira (N5,000). I was very happy to turn her down and, in the process, cemented a principle that I have preached to every counsel that has ever worked with me.

I explained to her my reasoning. I told her how I had reduced my bill without her having to ask on account of two facts that I then proceeded to elucidate after making sure to first apologize, and then ask her indulgences. The established fact that she was at the time a single woman doing what most men had not done, evoked memories of my own mother, a hardworking single mother. The second being the fact that she was a walk-in client and I was a broke unemployed new wig. These were however not sufficient reasons for me to devalue my own professional capital and I walked away happily.
FLORATUBONIMI*****

Chapter 5

The Journey to K. O. T

I left the Five Thousand Naira (N5,000) a month job with BASA & Partners unworried about the lost wages. I wasn't exactly living on it and whilst I was pretty rough around the edges and nowhere near being ready to inflict my ignorance on the society, I did not bother to go around looking for a job. I took the time to give myself some rest from the routine of the new life I'd just begun and had enough time to assure my father that I was totally uninterested in joining the Osun State Judicial Services in spite of his urging and preachments. But that's a tale to be told another day.

Ademola Adesina Ogunlana, an older friend from my days at Adanla Hostel in Okokomaiko had left his employment with Lawal Pedro's private law office and was on his own. He had built himself an advocacy practice that was already known for its imagination and lawyering dexterity. He had just got Orji, the Cannibal off the murder rap, properly declared insane and was at the time engaged in the defence of Guru Maharaji.

His junior, Tomi Akinyemi was a sister and dear friend from our days in Okokomaiko and Baba Kembu was also involved as was Ade Oteju, another sister born of Okokomaiko, who was at the time working with Baba Kembu. I joined Ogunlana on an incredible salary of Three Thousand Naira (N3,000) a month, to work for longer hours and even more work. I am forever grateful for the opportunity provided and the

experience it offered, in beginning to understand the rot ingrained into our criminal justice system.

Ogunlana's law practice is not a business. It was in my days with him, a charitable venture. Its raison d'être was the rescue of the victims of the judicial system and the inequitable state. Ogunlana came from pretty modest stock and our social backgrounds are not dissimilar but whilst the disadvantages of our youth have definitely shaped our views of the world, we are markedly different in our treatment of and approach to wealth and money.

Ogunlana read Law as a second degree. I have never asked for him to tell me his story. It is his to tell. He impacted my views of law; taught me his practice and I owe him the duty of acknowledgement and attribution. Law is my first and only earned degree but we spent comparative number of years in the university system where the economic pressure on him to earn money quickly was higher. He was not practicing his law as a business from whence to turn his undoubted value into money. He merely saw the Law as a weapon in the hands of the just, in a perpetual battle against bad men.

The visits to the prisons for pre-trial conferences with our clients were traumatic for me. I was left feeling guilty with the charade and pretenses carried on by all, that justice would prevail. I couldn't pretend that the Magistrates were better than our hapless clients or that the gaolers themselves are not the ones that should be in prison.

The regular visits to the Kirikiri Maximum Security Prison were particularly painful for me. The trio of Bamaiyi, Al Mustapha, and Danbaba would be found loitering around, receiving visitors, or simply holding court; exactly where we would wait for our clients to be brought. They would strut around like they owned the place, immaculately turned out in well starched and ironed Guinea brocade in the Senegalese fashion of the age. Bamaiyi was the real "elewon to n'fi ago so'wo" the privileged, Rolex-sporting felon- a rebuke to the class-imposed punishment that their imprisonments were.

The eventual conclusions of their trials confirmed the beliefs that I have always held on the Nigerian Criminal Justice System. The men certainly paid for their crimes against the system but they have never been held to account for the crimes with which they were charged and the public reasons for their detentions.

Working with Ogunlana opened my eyes to the rot and putrefaction in the system. In addition to the daily fight for justice he waged in the courts and through the inequitable system, Ogunlana also edited and published the definitive judicial journal known as 'Squib'. Combining his initial training as a linguist, having earned his first undergraduate degree in the English language, with his keen sense of justice, humor and courage, the magazine became a foremost watchdog in the judicial system and it was a privilege to serve a believer like Ogunlana. I was however not going to stay here for long for whilst I was all for human rights and all, I have never been a fan of lack.

Whilst my Oga and friend couldn't care less about money, I have never been immune to its charms.

The trauma of watching the real criminals walking free, sitting in judgment or being chauffeured in stately limousines at the victims' expense soon took away the pleasures that came from being involved with the several exotic clients of my friend and boss. Hearing men remanded in prison for armed robbery describe what they were engaged in as business: matter- of-fact, cold and blithely, the occasional dead mentioned in the charge, collateral damage soon enough dissipated my enjoyment of the practice and I soon again moved to another employer. Law Links it was named.

I was already over a year old at the Bar by the time I was leaving Ogunlana's office to work at Law Links. I cannot now remember how I came to know of the job. There was nothing to recommend the practice to anyone desirous of learning the practice of law from a senior counsel or within a structured environment. The practice was owned by Ladipo Anisulowo Esq. "Anilad" to his friends and admirers. He was more of a businessman than a lawyer and I doubt he ever wore his wig and gown after posing for the customary pictures at the call to the Bar. He was allergic to the practice of law.

He had at some point worked in the Legal Department of the Federal Mortgage Bank and had somehow managed to retain a relationship with the management that assured a steady stream of briefs to the practice. The problem was that he had no time for the law

practice and as I was to find, he lacked both the nous and knowledge but the job suited me just fine. It was exactly what I needed at the point in time.

The senior counsel being completely disinterested; I became the sole lawyer in the firm. I was in theory, managed by Anilad's younger brother, an excellent chap, if ever there was one.

I got the opportunity to test myself. To find out exactly where I was in my journey to my ultimate destination and purpose: the reason for which I had resolved not to take the easy road that was Duncan Wood. I was my own boss. The extent of supervision that a non-lawyer could force on a resourceful counsel is negligible however intelligent the manager might be, he being a carpenter and the lawyer learned, with the rebellious younger me, the younger Anisulowo never stood a chance and I ran rings round him for the fun of it.

I was free to run my cases as I saw fit and argue my trials as I believed right. I got to test how ready I was to strike out on my own and start my practice. I was also allowed the freedom to take my own briefs and the freedom I was afforded enabled my growth. I was however happy to stay until the several egos collided. The non-lawyer managing 'aburo' had a legal opinion, and the non-practicing 'egbon', took his side. The old chauvinist again resigned!

My late friend, older brother and occasional gist partner: Ademola Adeniji-Adele had told me about 'Anilad'. They were contemporaries at the then

University of Ife as young men and undergraduates, and I was deluged with many anecdotes of his Ado-Ekiti pedigree. Favoured son of his Ekiti father, he was on the campus, according to Papa, a wannabe, almost always the butt of the jokes and particularly easy to caricature because whilst considered unsophisticated by the Lagos Prince and his posse, he had the inherited wealth and there might have been some youthful resentment of the social upstart by the Lagos Prince.

It is rarely ever funny, unless it is at somebody else's expense. The constant image of my boss, who was at the time of my employment with him completely bald, was of an 'arokean'* bogey with a full head of jheri-curl hair, flared jeans pants with bell bottoms, with all the affectations, inflections and dictions of the Ekiti man, eager to pass himself off as a worldly man.

It didn't help matters that he spoke English in a thick Ekiti accent and would rarely complete a sentence before breaking off into his heavily accented Yoruba in our infrequent meetings. Of all the men I worked with, he taught me nothing about the practice of law, except perhaps to show me how not to ever run a law practice. I resigned my appointment with him and of everyone that I ever worked for, he is the only one with whom I have never stayed in touch. He later found his calling as Ayo Fayose's Chief of Staff.

Whilst I knew and was conscious of the fact that I was nowhere near being ready to strike out on my own at the time of leaving Law Link, my economic realities had been altered by my mother's return to Nigeria to

nurse Maami who was rendered prostrate by old age and the many geriatric health issues. She was struggling with keeping up with the usual subsidy that was more than my salary and I knew that winter was coming and that the time to pay my own bills had come even closer. I briefly toyed with the idea of striking out on my own. But providence intervened yet again.

Some life defining events happened whilst I was in the process of transiting from Law Link to my next, and final place of salaried employment and whilst the memories have become a tad foggy, I do remember the broad facts. These were innocuous and seemingly unrelated at the time of the occurrences but in the rear-view mirror of time and with the 20/20 vision of the past, it has become easier to see that they were providential orchestrations of the Almighty God.

When I left BASA & Partners, I parted ways with everyone including Joy, the editorial typist, on a cordial note and when I had cases at the Igbosere High Court or any of the other courts, I would be found dropping in on my old office to eat lunch, catch up and sometime to simply catch my breath. I was also asked to help out occasionally with something I had worked on whilst in the firm. I stayed in touch with my old office and was always welcomed back.

The fact that I was allowed the latitude to accept my own briefs at Law Links meant that as with young lawyers, I started hustling to make a quick buck. The aforementioned change in my financial circumstances with my mother's return also had me under pressure to

make my own money. BASA & Partners as I had mentioned earlier were essentially the retained counsel for the Ojomu Family and the office had a healthy real estate section, headed by Miss Babatunde. |

My newfound need to make money, the fact that I was at the time-sharing living quarters with Jide Akinloye and a flat with now deceased Ibrahim Bakare meant that I gravitated towards parlaying my friendship with my old colleagues at BASA into a viable business opportunity. I had been providentially placed in the center of the Ojomu land transactions with my network of relationships.

BASA handled all of the family's land sales and documentation exclusively. No other lawyers were allowed to prepare deeds of assignments for the Ojomu Family and with the exception of Alhaji Bakare's personal lawyer, Macgreola, the family very rarely bent this rule. I had been introduced to Ajiran by Ibrahim whilst we were yet in LASU and Jide, the son of the Kabiyesi was also a friend from our LASU days. I was at the coronation ceremonies of the reigning monarch and was well known amongst the denizens.

The fact that I was friendly with; and for long connected to the natives, helped my cause and I soon had several briefs from amongst the younger elements, giving me instructions to act for them in the sale of their family assigned plots of land. These instructions were wasted on me. I did not know anyone to whom I might market the swamp that Ajiran, Osapa, Agungi and co once were. But I remembered my old friend and

office colleague, Funmi Babatunde did know buyers of land from the Ojomu Family and she was bound to know if someone would be happy to buy.

Hakeem Anjolaifa was the one that had the brief- two plots of land, and behind what is today the Ajiran community mosque. Four Hundred Thousand Naira (N400,000) a piece it was. Olufunmilayo had a buyer through another lawyer. Emmanku Addeh was his name. This was the transaction that got me to know my wife outside of the BASA offices. We were not to become romantically involved until several months thereafter but it marked the beginning of a very deep asexual friendship and it is why I have often been heard to declare that I am blessed to have married my friend. Another story for another day.

In the immediate aftermath of my resignation from Law Links and whilst I was still squatting at Dolphin with my late friend Ibrahim, with whom I had a very competitive relationship, and whose argumentations with me were stuffs of legends amongst all of our friends and neighbors, I was made an offer by a dear friend's mum, one that I was never moved to consider but which with the benefit of hindsight, probably sealed my fate in more ways than one.

My friend and landlord had just been appointed the Secretary to Eti-Osa Local Government and I was at home, having again resigned from yet another job. I had grown tired of the daily drive into Wemabod Estate where Law Link was located and was not in a hurry to pick up another job at minimum wage;

lawyers being the worst paid of all salaried professionals. If I was going to take another job, it had to be one that must contribute to rounding up what I considered my pupillage, having determined that I would learn my trade in different firms offering me the training I knew that I required for the first two years post call to bar. I was loafing around in the flat considering my options.

I received the offer of a Magistracy around this period from first, a dear friend and after I'd turned down the offer, from her mother. I thanked her profusely for the offer, turned it down politely and then proceeded to explain why, as she watched me in stunned silence. I had never desired to be a judge, I explained. I had read law with being a barrister in mind, legal drafting, commercial and criminal, general legal practice. That's what I had dreamt of from my youth and is all I wanted to do.

She took one look at me and must have concluded that I was doomed to die of penury. I had turned down a job paying Thirty Thousand Naira (N30,000). Here I was, saying no to the magistrate job that paid Sixty Thousand naira (N60,000) at the time and with a Corolla salon car and a flat at the LSPDC Estate; a life-tenured job to boot, whilst loafing around unemployed and a squatter in another man's home. Not long after this episode, I was adjudged a waste of time and summarily dumped by my Ikoyi dwelling long term girlfriend. Not that I ever blamed her. Even I would have dumped me and be done with it.

I was not a particularly good suitor I must admit: brash, abrasive and stubborn to boot. I was a pain in the poor girl's derrière for long enough, did not appear to have much by way of prospects, obstinate as a mule and the poor girl deserved a medal for having tolerated my insufferable person for as long as she did. I was her New Year's resolution going into the epochal year 2000AD. I got my Yellow Card over Christmas turkey on the 26th of December and the Red Card on the 3rd of January 2000 or thereabouts.

For the first time in my adult life, I was alone and without a relationship. I had no "helper" or friends with benefits and I was completely uninterested in the shenanigans that went with dating. Five years of an intense and turbulent relationship had robbed me of any interest in the opposite sex. It was also quite fortuitous that I had come out of the several dalliances that I had maintained pari pasu with the long-term relationship that had just ended. I was alone and I was enjoying the freedom from the care that was expected of a man somehow beholden to a woman by virtue of the expectations that goes with being in a relationship.

~~*~~ My re-introduction to my wife was during this period. We did some Ojomu land sales together and became very good friends because she was friends with Jide Akinloye whose flat was opposite my landlord's own. She would sometimes come to the flat at Dolphin and we would all just hang around in one of the flats. We were either in Bakyy's flat, or Jide's. Bakyy was watching TV, sprawled on the sofa, and I started with what had become my daily song to Jide: urging him to come and

date my newfound friend and former colleague, Miss Funmilayo Babarunde.

All three of us were bachelors. Bakyy was already seriously entangled and smitten with his girlfriend, Lolade Solebo, whom he was to marry not long afterward. Jide was single and searching and I had just been dumped. I was uninterested in any relationship that required me to be the least bit considerate of another person's emotions, and or feelings. I was busy telling Jide how much sense it would make for him to consider "chasing" Funmi, selling her sterling qualities to Jide Akinloye, who already knew her from her work with his family and from her increasingly frequent visits to the Dolphin apartment when Ibrahim, who had laid slouched on the sofa watching TV, seemingly disinterested in our conversation butted in, "if she's so good, why aren't you dating her?"

The scales dropped with the entrance of those words into my spirit and I saw my wife for the very first time since I had met her when I walked into BASA & Partner. So you see, the Law is very personal to me. The Law defines my life. The Law introduced my wife to me and the Law is my very life and whilst this book was never intended as an autobiography, it is necessarily thematically autobiographical. But the story of my wife: Olufunmilayo Olufunmiola is not meant for this book. I shall tell you of the true blessing of my life, some other day.

On one of my visits to my former office, colleagues and my newfound lover, I met a most cherubic,

cheerful, and earnest man and we were for a season, friends. He is none other than Rotimi Oyekan. He is younger brother to Oyekan-Abdullahi, J, a financial consultant and analyst. He was operating out of the BASA offices at the point in time. He was an ebullient hopeful man, the eternal optimist, charismatic and straightforward. He was my superior in age and by every measure but he had time for me and for everyone. A good man.

I am now unsure of how Egbon Rotimi got involved. I had either mentioned that I had left my employers or was getting ready to do so. He somehow got to know. He then mentioned me to his friend down the road at 215, on the same Igboere Road. Babarunde Raji Fashola was the friend. BRF was at the time the Managing Partner at K. O. Tinubu & Co. I was asked to send my application to the firm and was in short order invited to an interview with the partners.

The interview was conducted by BRF himself and whilst I cannot now recall with certainty if the then Deputy Head of Chambers, Mr Rasheed Oluwa was at the interview, I believe it safe to assume his presence. The interview was routine; the job required a young lawyer with some trial experience and was tailor-made for someone as me, desirous of learning the practice of law, from professionals who took their jobs seriously. There was to be a brief but memorable moment just before the interview was brought to a close: BRF looked quizzically at my CV for the umpteenth time, and quipped "you don't appear to have stayed long in the places where you have worked

before this job, why? If we employed you, how long would you be staying?"

I would stay not less than 6 months, I warranted and went further to explain how I had viewed my employments as the opportunity to serve the pupillage that had been scrapped before I qualified as a lawyer. I explained how I was of the opinion that a lawyer is unready for the rigours and challenges of law practice until he had learnt the rudiments of actual law practice from senior colleagues as was the case in the past and how my ultimate ambition was to run my own law practice. I was hired on a salary of Twelve Thousand Naira (N12,000) monthly.

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Chapter 6

The Practice

I always knew that I was going to strike out on my own after spending two years learning as much as I could from everyone that I would work with. I don't know how I came to know this truth, but I knew it just as I had known the several other immutable truths of God concerning my life. I always felt His powerful compass directing my course and channeling my aspirations towards the achievement of my intended pursuit. I just knew.

The conception of my first child coincided with the time my mother, who had been subsidizing my pupillage had her own immigration problems and couldn't return to the land of her economic exile. It was also the time when the entire family was at its lowest level economically. I was as I had mentioned, squatting in my friend's house and I did not have any money saved up but I knew that my daughter's conception was the trigger and that it was time.

I made a friend that I have held dear since our days together at the Law School in Bwari, Femi Adekeye. Femi was one of the foreign educated law school students. The lot of them were staying at what used to be either the Guest Chalets or Staff Quarters of the institution that used to house what became the Nigerian Law School. This was sequel to Abacha's diktat that they be removed to Abuja that his daughter Gumsu might safely attend Law School from the

family's compound in Aso Rock. I found Mr. Adekeye to be most unlike his fellow "butterish" fraternity.

Now, we the 'Okoko bombers' as we called the Caucas we had formed during our undergraduate days at LASU and which we had, with the prime agency of our late brother, the effervescent and ebullient Obarinde Adeoba Ogunsanya, made inroads into the school administration's system. We had made friends amongst key persons and greased necessary palms. We were allotted rooms in the chalet and did not have to bear the pains of the guinea pigs that became the first occupants of the new and horribly constructed hostel accommodation. I met Femi at Chester Terrace.

Femi had earned a first degree from the Ondo State University; he was anything but butter. He was at home eating with us from the Cholera Joint located behind our block and was equally at home amongst the coterie of assorted cheeses and dainties he became acquainted with in the years of studying law abroad. Femi is an all-round good man and he was a key player in God's plan for my life.

Femi went to work with the Legal Department of what was at the time, Prudent Bank, immediately after we had been called to the bar and by the time that I was leaving K.O.T, Femi was a key factor in affording me the confidence to walk in faith.

Prudent Bank was paying Two Thousand Naira (N2,000) to lawyers for the CAC searches that they were obliged to conduct as part of the KYC and due

diligence requirement before they might open corporate accounts and Femi had been faithful in giving these briefs to friends that had braved going into practice on their own earlier. The meager amount of Two Thousand Naira (N2,000) per search added up to a tidy sum when it came in a consistent flow and many a Bwari inmate has Femi to thank for sustenance in the early days of our law practices. I am eternally grateful to him.

I had made the acquaintance of another fellow student at the law school in Bwari. I am unsure of how we might have met now but Bola Hassan was a very jovial person and is imbued with a selflessness that is pretty rare in this clime. I had been running into Bola in courtrooms since we had left law school and he appeared to be as much of a courtroom rat as I was. We would gravitate towards each other upon meeting up in courts but then, that is a common issue with the first set in Bwari. We developed a bond forged in the furnace of our common affliction in Bwari.

Bola's parents owned a commercial building on Sanusi Fafunwa and Bola was running his Law Practice, named 'Law Kartel' from a rather generous space at the rear of the building. When Bola became aware of my readiness to leave KOT, he made me an offer to join 'Law Kartel' that I could not afford to turn down. I got the use of an office with an address in Victoria Island, a shared clerk, other facilities and the offer couldn't have come from a nicer person. The arrangement allowed me to trade in my own name or under the 'Law Kartel' banner and all I had to do was to

share the cost of running the office. I was happy with that.


I was to remain with Law Kartel until just after my marriage, and the birth of my daughter. I moved into the Ikota Complex in 2003/2004 and it was the beginning of the practice that I had sought to build.

Ralph Nwoke it is that have serially provoked me to into what I believe to be the closest I have ever come to defining my jurisprudence and outlining my legal viewpoints. Ralph is a legal mechanic. He came to me as an associate in 2006, quickly gained my trust with his legal drafting skills and generally impressive intellectual capacity. He has a prodigious capacity for hard work that remains unmatched by anyone that I have ever employed, and he was for the years that I practised with him the professional ying to my irascible yang.

Ralph knows the law. He is a walking encyclopedia of law and one of the very best commercial law brains that I have ever had the privilege of either meeting or working with. He kept me out of trouble for years. If I have described Ralph as a mechanic for his rigid insistence on fidelity with the letters of the law, I must admit that I was the artistic legal brain in the practice that I built. When strict adherence to the letters of the law would not be in my client's interests and the law allowed the imaginative room within which to legally maneuver, I was always happy to take advantage of the room offered.

I would be mulling over what I believed to be an

ingenious solution to a client's legal challenges and having doubts as to the lawlessness of the idea I had settled on, I would use Ralph as the sounding board luring him into the many passionate disputations that I enjoyed with him over the years. Thing is, poor Ralph assumed for several years that he was always just a step away from being fired for his constant audacity to argue with his boss. What he came to realize is that I was only ever grateful for his courage and I looked forward to our sessions.

 It was during one of our heated sessions that I declared my philosophy of law and I believe it was also the day that we began to understand the strength of our synergy and the value and efficiency of our then emergent partnership. I explained to him that I did not read law in order to follow the rules. I read the law in order to guide myself and the purveyors of my services through the labyrinthine minefields of the Nigerian legal system.

I always knew that Nigeria is built on a foundation of lies. That the country of my birth is iniquitous, unjust, and intricately evil. I had known this from my mother's womb and I had never harbored any illusions about the existential nature of the evil empire in which we live. I explained how it was the duty of the lawyer to work in the knowledge of this truth in everything that he does for the client. I explained how I relied on his own knowledge of the mechanics of law to rein in my own worst instincts, which constantly seeks to discountenance the many inane laws and regulations that would restrain the client. Between our two

extremes, the clients are usually left with the best of the two worlds

A client came to brief us about a property that the company owned in Ikoyi. Client is a property investment company that has a lot of real estate interests in the Ikoyi axis. The uniqueness of our legal architecture and tenancy laws had created an equally unique problem for them-recalcitrant tenants that had learnt how to exploit the institutional weaknesses of the legal system and the Tenancy Laws to game the company out of its legitimate business income and expectations. They would owe rent for several years and would happily pay a lawyer to delay the cases for recovery of the premises and the back rents. We put a stop to it.

We crafted a clause that has become part and parcel of every tenancy agreement that we have drafted for that particular client and anyone that has been happy to have the clause incorporated into their own leases that we have drafted designed as it were for this particular Client. I am happy to report it as one of the unique devices that we have employed in the services of our clients over the years. We introduced a re-entry clause into the Tenancy/Lease agreements.

The tenancy laws have been drafted by men without any understanding of the need to protect the pecuniary interests of the landlords and most certainly without any thoughts as to businesses that would be investing their capital in the real estate sector. The cumbersome laws and processes have served to

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prolong suits taken before the courts seeking the eviction of debtor tenants, the recovery of the premises, and the Mense profits. Some lawyers have turned the delay tactics into an art form and our clients were losing money. The Government that has failed woefully in the business of social housing has drafted laws that are overprotective of the tenants' interests and dismissive of the property owner's rights.

We began to insert a clause that allows the landlord the right to re-enter the demised property upon the crystallization of a failure on the part of the tenant to meet the obligation to pay his rent. Ralph had argued strenuously against the inclusion of what he rightly identified as an unlawful clause but after allowing him to make his point, I conceded the legal soundness of his argument and then explained the legal basis of my decision to adopt the clause, in spite of his reasoned arguments.

A man that couldn't afford to pay his rent but would employ a lawyer to delay the recovery of the premises merely takes advantage of the system that has allowed the conditions favorable for his wicked refusal to meet his obligations. When a man has failed to pay his due rent, the very foundation of his occupation of the premises and a condition precedent to his peaceable enjoyment of the demised property would be hard pressed to explain to the courts as to why he should be deemed entitled to any monetary damages above the rent that he already owed.

I have used the clause a grand total of two times and

none of the evicted debtors have ever managed to successfully sue my clients for damages. The only one that sued, recalibrated his senses on receiving the counterclaims and defense to the suit that he filed. I have used this to illustrate the practical nature of the law practice that I built and the lack of any illusions in my engagement with the Nigerian legal system. I was not blind to the objective realities of my environment and I happily evolved workable solutions to my clients' problems. I built what was to become a lean legal firm that at its peak was the biggest real estate law chamber in the country and remains accountable for the bulk of legal precedents used in the real estate industry in Nigeria till date.

~~After~~ After the initial years spent essentially as a litigation lawyer, I quite deliberately and consciously avoided accepting litigation briefs. I had seen firsthand the extent of the rot in the court's registry. I had seen the impossible caseload of the magistrates and judges. I could see that the judiciary is just as corrupt as any other sector of the Nigerian state and I wanted nothing to do with the court systems for as long as there was the likelihood of a negotiated settlement of the inevitable disputes that our clients ran into.

The years spent watching Maami settling the Inalende squabbles became the bedrock of the firm's reputation for complicated business negotiations and dispute resolutions. We actively worked at all times with the deliberate intention of doing everything to avoid going to court. Litigation has always been a last resort in my practice and from the very foundations, actively

discouraged. As my practice evolved, and my influence with my clients grew, I increasingly became the person that would provide the legal architecture for transactions from the initial beginnings. I found that the bulk of the arguments and disagreements on the draft would usually come not from the counsel representing the other parties but from my own clients.

When briefed to draw up an agreement, we would always draft blind. We are blind to the identity of the parties and it would not matter a jot, who was paying our bill. I had learnt from Maami's feet, that however happily a party might appear to concede an advantage whilst under any form of pressure, they would almost always regret the concession granted and where and whenever possible, they would be looking to break the agreement.

I had learnt that the most important part of any agreement is captured in the Yoruba doctrine of "Ti oju ba ye oju, ki ohun ko ma ye ohun" Consensus ad idem.

I have had countless disputations with my clients in defense of the initial draft of the several commercial agreements that we have drafted over the years and I am happy to have been trusted with a lot of groundbreaking agreements in the real estate sector which I spent the bulk of my legal career serving. Despite being the pre-eminent real estate law firm in the country, no legal document drafted by my law office has ever been invalidated by a court and we have had less than five legal challenges to our clients' rights

or interests arising from some legal error attributable to our work. I built a practice that knew the wisdom of avoiding the Nigerian court. (As Maami was wont to say: 'A ki ti Kootu de, ka s'ore!) No-one comes out of a court case adjudicated in the favour of his opponent with a smiling face!

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Chapter 7

The Beginning of the End

As I had said at the outset, I had always known that I would retire from the practice of law once I turned 50 years old. I never knew just exactly what I would be doing with my life thereafter, but I always knew and I had never failed to communicate this knowledge to everyone that I considered my friend, long before I was called to the Nigerian Bar. I had no concrete plans laid out for the remaining days of my life but I knew I would be done with earning my living from the practice of law even when I was most in love with my profession.

As the years rolled by and I began to get closer to the appointed time for my exit from the practice, I began to think more and more about the future and I sought to imagine and envision what laid ahead for me. Whilst it was easy to settle into the knowledge of my exit without agitating my mind over what would follow when I was in my thirties, the minute I rolled into my forties, I became more and more concerned about what laid ahead and just exactly what I would do with my life. I had been given the grace of value creation by my Creator and I was confident that I would always find buyers for the scarce values that I have been blessed to search out and to create. I needed not have worried. Eledumare had designed my path from the dawn of time.

The day of appointment with my destiny was

completely mundane in its dawning. It was the 26th day of May 2013. A Sunday it was, according to the calendar I consulted before commencing this chapter and the date I had equally confirmed by checking the immigration stamp on my passport. The meeting was at the Heathrow Airport Terminal 5. It was in the morning.

I had travelled out of the country on the 18th of May 2013 to attend to some business in the UK, and as is the notorious case with me, I was in a hurry to return to our asylum. I have missed my flight only once in my life and I missed the flight not because I got to the airport late but because I mixed up the date. I have earned my reputation for always being on time and scheduled flights are not likely to be missed by me.

~~I~~ I had gone through the BA counter, cleared the security check points and was in the lounge with about a couple of hours to spare and having had a leisurely breakfast, elected to begin my journey to the departure gate. At the point before one might enter the lifts to access the shuttle service, there are park benches arranged on either side of a wide aisle leading up to the lifts, and there, sitting on one, was the doyen of the Nigerian legal practice: Aare Afe Babalola. ✨

The old man had bags arranged around his feet. There was the usual carry-on luggage and I believe two other leather bags. But there were a couple of plastic bags in addition. Baba had evidently been busy shopping at the duty-free shops. The 'Omo Odo Agba' that I am, I prostrated like a proper 'Inalende Boy', greeted the old

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man and offered my services in carrying his baggage. He gratefully declined and when I insisted on account of my concern for how he intended to carry so much on his own, he let on that he had help and was only waiting for some other person or persons. I bade him farewell and took my leave. Little did I know of the significance of the moment. I usually know but this time, I did not know.

~~✱~~ The first we knew of the magic being put together by Afe and his elves must have been around the middle of July. Probably a couple of days after the Supreme Court delivered its original judgment on the case. The aborigines of the Ajiran/Osapa axis were whispering about the Ojomu's loss of the case at the Supreme Court and this was followed by very aggressive moves by the Eletus themselves. Signboards began to appear all around Osapa, Agungi, parts of NICON/Igbokusu, Victory Park, Friends' Colony, and the Pinnock Beach Estate. They were asserting claims to 254 Hectares of land and several clients had called me up in panic.

In introducing himself, Chief Afe Babalola described himself as Solicitor to the Gbadamosi Eletu family, and indeed, the family were the appellants in the case. But the question is this: "who and what is the Gbadamosi Eletu family"? Who is Gbadamosi Eletu? This becomes important, given the fact that it is the basis of engagement with Chief Afe Babalola and it is also the point of engagement between the courts and those who claim rights on the land on behalf of a Gbadamosi Eletu family.

~~✱~~ There is no entry known as The Gbadamosi Bamidele-Eletu Chieftaincy Family. It is a creation of fraud and nothing can be found on a claim arising from a fraud. Legends have it and facts have proven so, that a certain man by the name Major Eletu purportedly purchased 254 Hectares of land from the Ojomu Chieftaincy Family, and to whom title was conveyed vide a Deed of Conveyance in 1977, duly registered at the Land Registry at Alausa. Any and all successors to his title, actual, or imagined and contived, as in this case, must claim solely from this root.

The deed of conveyance is one of the many titles determined by the Gazette of acquisition of 1993. This was the acquisition that was challenged by the Eletus in M/779/93. That was the claim that was definitively settled in the case. This is the case that Justice Aka'ahs adopted in the first judgment of the Supreme Court.

~~✱~~ Upon the death of Mr. Gbadamosi Eletu, no probate records have been placed before any court, no will; nothing to indicate what happened to the estate of Mr. Gbadamosi Eletu. However, those who have presumed to claim land in his name, have acted at all times, placing the deed of conveyance of 1977 before the court. These persons might be related to the owner of the land conveyed by the 1977 deed, or they may not be, but as the facts reveal, there is no family in the sense in which the word family is used within the Lagos state land tenure system. There is no Gbadamosi Eletu family. ✱

~~I~~ reassured all that any claims by the Eletu, to anything more than the 10 Hectares granted the Eletu in Suit No. M/779/93, can only be made in fraud and I was categorical in concluding that even a Supreme Court bench, wholly staffed by their ancestors was incapable of giving them the relief that they claimed to have won. I knew this because I had been following the case since the beginning of my law practice and during my time at BASA & Partners.

I immediately contacted our representatives in Abuja to make the necessary applications to the Registry of the Supreme Court for the CTC of the judgment and the enrolled orders of the court and same were procured within a couple of days. It is amazing how efficient the inefficient registries could become once the process is sufficiently greased. A cursory reading of Justice Aka'ahs' lead judgment was enough to show that the Eletus were up to some shenanigans and the root of their mischief became apparent soon enough.

Upon studying the judgment itself, in the face of the intransigence of the Eletu family and their continuing refusal to respect the boundaries of the judgment that had been given in their favour, it became incumbent upon us to seek to speak with the Afe Babalola Firm and the Eletu family themselves. We wrote series of letters, both to Olu Dararamola SAN as the head of the Afe Babalola Chambers in Lagos and also to the Gbadamosi Eletu family; specifically, Chief Wahheed Eletu, and sought to hold meetings with them, in order to better understand the parameters of any disagreements or disputes that we might have with

them whilst we continued to monitor what was going on.

We had by this time become aware that the head judge in Lagos stare - Atlade J had signed a writ of possession. Being made aware of this, we continued to write letters to the Sheriff section and to the Chief Justice including concerned authorities to make them aware that this will be acting beyond the judgment of the court; as this will be at variance with the claims that the parties themselves had placed before the court at all material times, including before the Supreme Court.

~~Whilst~~ all these were going on, we had a meeting in the law office of Afe Babalola in Magodo, where Ojudaramola SAN made himself unavailable, and had us meet with Olu Faro, a younger counsel. I have always treated counsel diffidently, and I have been particularly respectful of senior counsel. Every counsel that has worked with me would attest to my demand that respect for colleagues be primary but Olu Faro Esq. was remarkably insolent and assured that we were made aware of just how powerful the law office he worked for believed itself to be and how much above the law and the practice of law they believed themselves to be.

~~The~~ meeting achieved nothing.

~~The~~ judgment of the court was unanimous in giving judgment to the Eletus and the pronouncements of Aka'ahs were clear and unambiguous. The Eletus were entitled to the compensation that they had been awarded for their land in M/779/93. But Justice Rhodes-Vivour laid the foundation for the fraud that

was to come. He spoke of an "unextinguished equitable interest in 254 Hectares". It is my contention that he was not serving the course of justice when he made that pronouncement and he was aware of the mischief intended with his deliberate choice of words.

With the Eletus aggressive assertion of the claims that they were awarded 254 Hectares gaining traction in the press and their seizure of several plots of land from small landholders in the Agungi/Osapa axis, my office became inundated with calls from dispossessed owners, land buyers from the Ojumu family and developers of all hues, big and small. The panic engendered by the actions of the Eletus bred mass hysteria and through it all, we kept advising our clients to stay firm, and to refuse to succumb to the blackmail of the Eletus.

I had seen enough by the end of September 2013 to be convinced that there was a high-level conspiracy involving elements in the Supreme Court, the Lagos Judiciary, Afe Babalola and his crew and with the Eletus as co-beneficiaries.

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On the 7th of October 2013, I got news early in the day of an impending invasion of the Osapa-Agungi axis by the Eletus and their lawyers, accompanied by thugs and police, supposedly on a mission to enforce the Supreme Court judgment. I immediately placed a call to Olu Daramola SAN and asked what judgment he was planning to execute on my clients and reiterated the readiness of my clients to engage with his firm to determine how the judgment might affect our clients.

He denied any knowledge of any planned enforcement actions, assured me that nothing of the sort was afoot and agreed to have a meeting with me on his return to the country from a trip he disclosed that he was poised to embark on.

That same afternoon, as I was poised to commence the usual Friday afternoon lunch in the office, the call I had dreaded for weeks came through. The Eletus were on their way to the neighborhood with the full compliments of the Nigerian state, its power and majesty, to violently violate the human and property rights of the inhabitants of the vast swathes of land that runs from NICON Town to Victory Park, Friends Colony to Pinnock Beach Estate. Several small landowners and built-up properties were being directly threatened. My heart broke.

As I have let on, I am no shrinking violet. I am a Nigerian in the true sense of the word. I am no saint. I have never had any illusions about the country of my birth. I have known and loved the country of my birth and residence all of my life but it has frustrated me unrelentingly, and I have hated it for the many times that it had left me bruised and broken. I had always had a rather romantic view of the law. I imagined that the Nigerian Supreme Court was somehow immune to the madness. I lost my illusion that day.

The Eletus were accompanied by bailiffs and sheriffs of the Lagos High Court. The Nigerian police was represented and the Nigerian state was assisted in the rape of its citizens rights by a band of thugs, led by the

A younger of the Eletu clan. I called Olu Daramola as they approached the place where I had stood with some clients to resist the illegal enforcement and the shameless man was still busy denying any knowledge of the enforcement actions. We were partially successful in resisting the enforcement. The bailiffs could not produce the enrollment of the order that they sought to enforce and departed the scene after writing some nonsense on the walls.

We immediately applied for the Certified True Copies of the processes filed with the sheriffs and it quickly became evident what mischief was afoot and just how deep the fraud and conspiracy were. The Warrant of Execution was signed by Atlade, J; the Administrative Head of the Lagos Division of the High Court without her having seen an enrolled order of the Supreme Court.

The more we scrutinized the writ of possession, the more apparent the fraudulence of its procurers, issuers and beneficiaries became. It became patently clear that the head judge in Lagos, Atlade, had either wittingly or unwittingly lent herself as an instrument of fraudulence in the issuance of the writ of possession that they presumed to execute on the 7th of October 2013.

One of the first things that we found most incongruous was the complete absence of the enrolled order of the supreme court in the processes. At no point did the judge - Atlade or the Sheriff sight an enrolled order of the supreme court. What was done

was that a portion of the consenting judgment of Rhodes-Vivour JSC (as he then was), was underlined and this was the portion that spoke of an unextinguished equitable interest in 254 hectares. I am persuaded to conclude that this obiter was inserted specifically for the purpose to which it was pressed. Nevertheless, this was all that was before Atlade, the head judge of the Lagos division, where she issued a writ of possession, covering 254 hectares.

Another curious thing we found, on perusing the execution file, was the presence of a most fraudulent person, by the name of S. B Joseph, SAN, who was the procurer in Chief of the writ of possession issued by Atlade J and was in actual fact the one who worked exclusively at all times on the procurement of the fraudulent writ of possession.

~~✗~~ We quickly realized that the law offices of Afe Babalola & CO, Emmanuel Chambers had outsourced the judgment execution to another law office, the firm of S. B. Joseph & Co. The firm had fraudulently and deliberately concealed the judgment of Aka'ahs and had underlined the words of Justice Rhodes-Vivour to deceive and perhaps mislead Atlade or as is more likely, Atlade was always a part of the original fraud. The Eletus somehow managed to corrupt the judiciary to procure a fraudulent warrant that had no bearing on the judgment of the court.

On being convinced of the emerging fraud, I made strenuous efforts to protect my clients from the extortionist exercises of the Eletus and their lawyers. I wrote several petitions to the fraud unit at Pantit CID,

another to the Chief Judge in Lagos state - Ayotunde Philips, the National Judicial Commission and yet another was addressed to the Attorney General of Lagos state at the time - Mr. Ade Ipaye. I also ensured that one went to the governor of the state BRF, who being a lawyer, I imagined would be better briefed to do the right thing related to the issue, given the likelihood of a breakdown of law and order and in view of the fact that the Elenu in seeking to enforce the fraudulent warrant, had invaded multiple estates within the Lekki - Ajiran - Osapa axis, pursuant to the fraudulent writ of possession.

I imagined that the case would be of interest to the governor given his legal background and he was equally copied in the petitions. I detailed the duties of the state to protect the integrity of its own title and generally made all aware that I was not only aware of the fraud, I was prepared to blow the whistle on all that were involved. BRF was not interested enough to do anything decisive about the obvious fraud and brigandage. He passed the buck to the AG Ipaye, Hakeem Okunola, then the Permanent Secretary, Lands, and Agbenla the Surveyor-General.

When the heat I was drawing became a little too much for the Head Judge Atlade J, she reached out through one of the clients and the Ojomu Chieftaincy family, seeking to explain that she was misled and had made a mistake. I was informed of her regrets at what was termed her "inadvertent error" in signing the warrant. Atlade, J was at the time in the pivotal place of waiting in the wings to succeed her sister as the Chief Judge of

Lagos State. She was interested in doing everything she could to douse the fire that had been kindled by her participation in the issuance of the fraudulent writ of possession. She pleaded with them to appeal to me to bring a motion to quash the warrant that she had originally issued for the possession of 254 hectares.

We prepared the motion to quash the warrant after sending same to our client for execution. The client returned to us, obviously having coordinated with the judge who begged, saying that instead of the ground stated in our motion, which was for fraudulent misrepresentation, we should have it changed and request that it is quashed for "documentary irregularity".

~~The~~ The original motion prepared by my office was a Motion on Notice. We prepared this and readied our processes to be filed, and then word came to us vide the Ojomu's palace. Atlade had asked that we filed the motion ex-parte; this was to avoid a lengthy delay she assured her messengers to me, as having the motion papers served on Afe Babalola & Co. will only serve to prolong the resolution of the problems created either by her corruption and or incompetence. My reasoned arguments against the ex-parte motion were not countenanced by the clients. They all just wanted the mess over and done with. Multi billion Naira investments were being undermined by the situation, and several lives were being disrupted they argued.

In deference to the client's instructions and urging and in clear refusal of our legal advice to the client that the

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Chapter 8

The Purchased Judgment...

THE AGBENIA ALAUSA CONSPIRACY AND CHIEFTAINCY FAMILY.

matter should not be withdrawn but argued on its merit as being sought for fraudulent misrepresentation, we were prevailed upon to present a motion ex-parte, asking for the warrant to be quashed on the ground of "documentary irregularity", a euphemism for fraudulence. We followed the client's wishes in protest but we were convinced that something wasn't quite right. Events were to prove us right.

The motion was filed ex-parte as had been advised and Atlade, J heard the motion in chamber on the 11th of October 2013, quashing the fraudulently procured warrant as promised and euphemistically referring to the ground as being one of documentary irregularity.

~~✱~~ But even as Atlade, J played the contrition game, she was already part of the game plan being stitched together by the grandmaster of judicial corruption in Nigeria, Afe Babalola. I have come to the conclusion that the required form of the application and her ruling were all part of the insidious plans of Afe Babalola, his band of crooked lawyers and the coterie of crooked/incompetent justices of the Supreme Court.

~~✱~~ The battle to quash the warrant opened my eyes to the extent of the rot in the court systems and I came to the knowledge of the sickening realities of the systemic putrefaction. The Supreme Court's judgment was doctored by the confederation of lawyers in Afe Babalola's Chambers and the law offices of S. B. Joseph & Co and the end desired by the confederacy was sought with the active connivance of the Head Judge of the Lagos Division, Atlade, J. I submitted a petition to the police, and I soon found that the Eletus and their crooked lawyers had coopted the police into the scheme.

The Eletus managed to move the sheriffs and bailiffs to execute the doctored judgment and they did this in spite of the fact that I had placed all of the relevant authorities on notice and had drawn the attention of the Chief Judge of Lagos State and the Attorney-General to the fraud; drawing pointed inferences to the legal incongruity of having the judgment applied to people whose title to their properties are rooted in the Government's own grant to the Ojomu, vide the Gazette of Excision and in the case of NICON Town to peoples outside the customary jurisdiction of the Ojomu Family.

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In the immediate aftermath of the court order quashing the fraudulent warrant, the Eletus continued to strong-arm the small plot holders outside of the bigger holdings that had mostly lawyered up and joined in the battle against the Eletus' onslaughts.

Seeing as the Eletus were undaunted by the order quashing the fraudulently procured warrant, we were left with little or no choice but to fight back in protection of our clients. We applied to the then Surveyor-General of Lagos State, Agbenla to produce a Composite Survey of the land in dispute,

Agbenla was the Surveyor-General of Lagos State at the time of the delivery of the Supreme Court judgment and given the tip I had been offered by Mr. Osahon Idemudia about the survey fraud in the Eletus deed of conveyance, I deemed the commission of a composite survey to be of extreme importance.

But I had another reason for wanting the SG's composite, one that is rooted in the oral traditions of the Ojomu people and of that of their neighbor to the EAST. The Elegushi. From the dawn of ages and from the oral accounts of the two traditional landowning families, the Ojomu and the Elegushi have for generations considered the Mayegun Creek, now known as the Mayegun Canal as their traditional boundary. The village of Osapa, one of the Ojomus villages, is to one side of the canal and Igbokusu, one of the Elegushi's villages is on the other side of the canal.

X The Ojomu is the consenting authority for the Baale stool of Osapa and the Elegushi is the consenting authority for the stool of Igbokusu. NICON TOWN is located inside Elegushi's Igbokusu village. I know this because I had worked for BASA & Partners and Oyekan-Abdullahi. She was the lawyer to the Igbokusu community when they sued the Elegushi to challenge his right to sell the land that has today become known as NICON TOWN. How did the Ojomu come to sell land to Gbadamosi Eletu beyond the clear boundaries of their own land?

Remember how I had been integrated into the Ojomu family by my early associations with the young princes? Well, they might have introduced me but I had become part of the fabric of the Ajiran community, lived amongst the natives and befriended them with integrity and honesty. They told me their war stories as we shared life's experiences. One of the stories that the more elderly ones never appeared tire of sharing was the story of how they were defrauded, cheated and exploited by Major Bamidele Gbadamosi Eletu.

The older generation would tell of how the affluent member of the Eletu-Odibo Chieftaincy family of Lagos island; a family to which several prominent Ajiran families are equally related was granted land on which to settle at Osapa and how they subsequently sold him a vast parcel of land. Their bugbear was that the survey which he was to subsequently attach to the Deed of Conveyance which they signed as illiterates exaggerated the extent of the land sold. They were universally bitter and I never forgot their stories.

The judgment brought back the memories and the attempt to extend the judgment to NICON TOWN, was sufficient enough to warrant the need for the composite survey even if I did not have the benefit of Osahon's tip.

I had made the original application for the composite very early in the day. It was made within weeks of the judgment and as part of the immediate response in the wake of the aggressive claims of the Eletu, once the Supreme Court's judgment was delivered. Now you have to understand that in the course of my legal practice, I had built up a vast network of contacts within the Lagos State civil service. Twelve years of my life spent in Okokomaiko had assured that I have never entered a civil service establishment in Lagos State and failed to find a LASU brother or sister. The survey department was not an exception.

I have handled thousands of Governor's Consent applications in the course of my law practice and the survey department is fundamental and critical in anything that one might seek to do in Lagos State that is related to land, or any real estate. I have informal channels to plug into in any quest requiring governmental involvement, however tangential, and the survey department was not an exception. Even as I awaited Agbenla's execution of the composite survey report, and whilst it took months before same was received from his office, I had received unofficial confirmation and Agbenla's survey proved to be quite interesting. The land described by the survey in the registered conveyance, root of the Eletus fraud, is tens

of kilometers away from the Lekki peninsula. It is in Badagry.

Now to be sure, that report merely confirmed what I had been told by Osahon Idemudia, who had taken a case against the Eletus a couple of years before, and had discovered the survey discrepancies when he sought to ascertain their claims on his clients by having a composite plan drawn. The Eletus and their lawyers abandoned their suit when the composite was filed in court.

~~As~~ As the mountain of evidence in proof of the Eletus' fraud began to pile up and in view of the order that Atlade had granted quashing the fraudulent warrant that she had issued and as Afe came to realize how useless the original judgment had become, Afe went back to the accomplices at the Supreme Court and this is the only logical explanation for the shameless and brazen review of the fraudulent judgment by the second seating of the court where the justices destroyed whatever doubt one might have harbored of either their corruption and/or incompetence.

~~It~~ It was around this time that we began to hear rumours of a return to the Supreme Court by Afe Babalola and his magical elves and the rumours became real when I got a call from Tokunbo Williams SAN, who informed me of the receipt of a motion on notice before the Supreme Court, seeking to correct an error in the judgment reproduced below

This application to correct errors was brought under Order 8, Rule 16 of the Supreme Court of Nigeria

rules, which provides as follows:

"The Court shall not review any judgment once given and delivered by it save to correct any clerical mistake or some error arising from any accidental slip or omission or to vary the judgment or order to give effect to its meaning or intention. A judgment or order shall not be varied when it correctly represents what the Court decided, nor shall the operative and substantive part of it be varied, and a different form substituted."

However, the ruling of 18 March 2014 was not done to correct any clerical mistake or some error arising from any accidental slip or omission, nor did it vary the judgment or order to give effect to its meaning or intention. What the Supreme Court did was to simply sit in appeal over its judgment and give a new judgment.

It is pertinent to note that the judgment of the Supreme Court on 12 July 2013 was fully supported by the reasoning of the Supreme Court, as fully adumbrated by Akalahs, JSC, who read the lead judgment of the Supreme Court. A portion of the judgment stated as follows:

"The appellants are entitled to the statutory right of occupancy over 10 hectares (which is approximately 24.17 acres) of reclaimed land in Osapa Village, which has been excised and assigned to them."

Therefore, the court intended to make an order

awarding 10 hectares to Eletus and not 216.758, which the Supreme Court curiously awarded in its second judgment on 12 March 2014. Even if the reasoning of the Supreme Court was wrong, the court does not enjoy the pleasure of revisiting its reasoning; parties are doomed to live with its consequences.

I found this second visit to the Supreme Court alarming and strange. In our review of the case and considered professional opinion, the supreme court had become functus officio and could not revisit the matter given that we had conclusively dealt with the conspiracy. But apparently, we had underestimated the extent of the putrefaction of the Supreme Court and the extent of Chief Afe Babalola's corrupt reaches into the innards of the Supreme Court. |

It was at this time that we had occasion to begin to liaise with the law firm of FRA Williams and Co and more particularly with Tokunbo Williams SAN, who had charge of the matter on behalf of the Ojomu chieftaincy family. In the course of our interface with the chamber, we became seized of the full file of the case in M779/93, where Rotimi Williams SAN had a watching brief and the extent of compromise that had taken place within the Lagos state judicial civil service, particularly the Ministry of Justice, where persons who had been involved in the defence of M779, had become principal officers today. We have good reason to believe that Rhodes-Vivour JSC, was one of the counsels involved, either directly, or tangentially in the case between LSDPC and Harris Dredging: Major Murtagh Gbadamosi Eletu (RTD) & Ors vs. Attorney

General of Lagos State & Ors M/779/93.

~~X~~ The quashed warrant of execution became the basis for Afe Babalola's latest excursion to the Supreme Court and the error of my acceptance of the corrupt offer of an ex-parte application to quash the warrant for "Documentary Irregularity" became obvious to me. I knew before the motion was heard, that the court was working to the conclusion desired by Aare Afe Babalola.

~~X~~ In spite of the spirited attempts of T.E Williams SAN and Boma Alabi SAN who appeared on behalf of UPDC before the Supreme Court, the Supreme Court, headed by the current CJN Kayode Ariwoola, shamelessly proceeded to turn themselves into surveyors and mathematicians, ruling on a claim that was never placed before any of the lower courts and one that was certainly never in the contemplation of a court that was not seized of jurisdiction.

~~X~~ The Supreme Court, in a most shameless manner, sat a second time on the same matter and established the facts of the incompetence or corruption of each and every member of those who were involved with the Gbadamosi Eletu case, save and except Akalah's (now retired), who read the original lead judgment and correctly awarded the Eletus the 10 hectares they had already been granted in M779/93. This was the point where I realized that the Nigerian judiciary was hopelessly lost from top to bottom.

The Eletus' claim had been so thoroughly discredited

by the work we had done in Lagos that by the time the second judgment of the supreme court was given, the Supreme Court had practically lost all credibility or legitimacy as it relates to any judgment given outside of the one originally read by Justice Akalah's. At this point, there was a stalemate - the judgment of the Supreme Court which known to all legal practitioners who had bothered to read the judgment, saw that the files and records made no sense. Despite this, there was official complicity on the part of several officers of Lagos state government and the judiciary, beginning with the Head Judge Atilade to the deputy sheriff of the high court and most likely to the Chief Judge herself. Hence, the situation was that the totality of the supreme court judgment was in itself very contradictory as to become useless before the Lagos state judiciary and Lagos state government itself.

~~X~~ We had established that the land claimed by the Eletus was different from the one described in their deed. We had also worked to show very clearly that the judgment in question was a declaratory judgment that was not in any way capable of enforcement in the manner that the Eletu and their lawyers had sought.

~~X~~ The Nigerian Supreme Court, on the 18th of March 2014 in a most shameless and profane judgment, pronounced itself functus officio and had in shutting out the several parties that would be affected by the sickening miscarriage of justice to which it had yoked itself given Afe Babalola and the Eletus, judgment on a res, over which it should have declined jurisdiction. In view of the plethora of reasons already before the

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court that would show that the Lagos State government was a necessary party if the court was to ever assume jurisdiction over the 254 hectares. The miscarriage of justice may only ever be explained by corruption of the most nauseating fashion or intellectual indolence of the most criminal type given the sacred finality of their pronouncements, and the weight of the office that they occupy.

The problem for Afe Babalola and the Eletus' confederacy was the unyielding force that my firm became in the several petitions that we had written to place the Lagos State government on notice of its obligations to defend the title of the several clients who had relied on the Lagos State Gazette of excision to the Ojomu Chieftaincy Family via the existence of Suit No. M799/93 (Major Muritala Gbadamosi Eletu (RTD) & Ors vs. Attorney General of Lagos State & Ors M/779/93)

The incontrovertible and clear fact that there was no cover for the issuance of a warrant for the 214 Hectares, rendered the judgment useless and changed the power dynamics in the conspiracy and amongst the co-conspirators.

With the comprehensive destruction of the legal basis of the procured judgment, the Lagos end of the conspiracy that had the law firm of S. B. Joseph & Co. at its head, hitherto the junior partner in the conspiracy fulfilled its role, began to deliver the execution content of the conspiracy once Afe Babalola had perfected the Supreme Court end of the job. These plans were made without factoring in the "X Variable" a law firm that

saw through the fraud and shenanigans and counsel who just would not let go of the injustice.

With S. B. Joseph rendered incapable of delivering on his brief and Afe Babalola unable to move the Chief Judge of Lagos State and by extension the Lagos judiciary to issue a warrant of execution of the fraudulent judgment, as evidenced by the letter dated the 28th day of May 2014 which formed part of the exhibits annexed to Afe's claims against Pedro and is the basis of the suit that I filed against Chief Afe Babalola in Suit No: LD/2787GCMW/2016 - Dele Farotimi v. Aare Afe Babalola

The Lagos crowd had been snookered into a corner by the exertions of my chambers and we had demolished the original fraud that was hatched before Afe secured the first of the two judgments. I have known of the Eletu family since the beginning of my legal practice. I know as a fact that the entirety of their claim is founded on easily established and incurable fraudulence. ✕

The Supreme Court cannot hide behind the incompetence of counsel as it has a duty to examine its own appalling intellectual indolence, corruption or incompetence.

The facts of the Gazette of Acquisition were before the court. The existence of the clear and inescapable judicial estoppel that would operate to stop the court from assuming jurisdiction on anything beyond 10 Hectares was also before it. But the court as though enthralled by whatever Afe the Circus Master had promised the justices, acted with utmost carelessness

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about the integrity of the court, the interest of the citizens and the state that they had been sworn to protect. The conspiracy was always a step ahead of us because some of the clients mistook key members of the confederacy for friends and helpers.

~~In~~ In the immediate aftermath of the second Supreme Court judgment, a stalemate arose about the enforcement and perhaps enforceability of the judgment. We had provided copious reasons to the judicial authorities in Lagos. The Attorney General had been dragged into the matter. The brutal attempt at enforcement of the original judgment against organized estates and corporate establishments had served to galvanize extremely critical and sensitive mass of the affected peoples and this was when Afe Babalola lost his influence on the Eletus and the Lagos Mafia whose original brief to procure enforcement of the judgment became the dominant force in the conspiracy muscling out the Afe gang. With Afe Babalola rendered impotent, Lawal Pedro muscled in on the kill.

Chapter 9

Pedro The Jackal.

Lawal Pedro lent himself as a negotiator and became a broker between those the Eletu were seeking to assert their judgment against and the judgment "debtors". He began to play a double game. In one breath, he would assure the affected persons that he was seeking to find peace, and in another breath, he was assuring the Eletus that he would be able to find them some sort of settlement. He held himself out as the solution to the problems of both the litigants and those affected by the judgment. He inserted himself into the situation and became a factor for the Eletus and their victims.

~~In~~ In the midst of these, Oyekan Abdullai, who had been connected to the Ojomu family long before I was called to the bar and who still enjoyed a chummy relationship with the Kabiyesi and the Balogun and who was equally friendly with some of my clients, was busy undermining the client's confidence in my capacity to do my job as a lawyer, erroneously advising them that the Supreme Court judgment remained valid and that they should consider negotiating a settlement with the Eletus. I had a situation where the solicitor general of Lagos state was advising my client to discount my legal advice because he was interested in brokering deals between my clients and the Eletus, who he knew or should have known had a fraudulent claim at best.

Oyekan Abdullai on the other hand was largely motivated; perhaps not only by money, but also by

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personal relationships that had gone sour. She did everything under the sun to make sure that my clients did not have confidence in the legal advice I was offering them. Eventually, under pressure from the Eletus and Lawal Pedro, quite a number of clients settled the Eletus' claim in sums running into billions of Naira.

The Eletus and their lawyers continued to assert their claims per the fraudulently procured warrant and the rapacious nature of their audacious land grabs, meant that every unbuilt plot of land in the Osapa-Agungi axis became fair game to them. This refusal to discriminate in the manner of their land grabs brought my office into contact with a rather interesting man, Alhaji Tunde Balogun, the immediate past commissioner for local government and chieftaincy affairs in the state at the time who later became the Chairman of APC in Lagos State.

Alhaji Balogun searched me out. He came to my office of his own accord. I had never met him before he came to my office and I had equally never heard of him. A particularly parsimonious man, he let on a skillfully shrewd and detailed negotiation process during the course of his negotiation of our professional fee.

Alhaji Balogun had a story to tell. He owned two plots at Agungi he said. Bought from the Ojomu Family long ago as the story went. The Eletu had sold one of his plots to a developer of Igbo origin, who had gone pretty far in the construction of an estate to which one of his plots had become a tiny part. The second

remained empty even though he was convinced that it had also been sold to a third party.

One of my favorite characters in the TV series: Game of Thrones, Lord Baelish said "Sometimes, when I try to understand a person's motives, I play a little game. I assume the worst. What's the worst reason they could possibly have for saying what they say, or doing what they do? Then I ask myself, "how well does that reason explain what they say and what they do?" I have mulled over these words, as I have sought to understand exactly how the different threads are connected in the Eletu conspiracy.

~~Justice~~ Justice Abdullahi was the chairperson at my wedding reception. She was the one that had employed me to work with my very first employers; BASA & Partners. And we had not had any word to say to each other since May 2003 when she had visited my home, and rudely sent me to fetch my wife for her, whilst she sat in her car, at my gate waiting for my wife to bring her the chequebook to the office account to which my wife was signatory, even as mlady was the controller of the purse.

The very same Justice Abdullahi, who was busy undermining my credibility and legal knowledge with key clients was the very same person that was surreptitiously referring Alhaji Balogun to me. I became quite suspicious and began to sniff and dig around. I called up my wife and then I called Mr. Mike Bayowa, my former boss and the nominal Head of Chamber in my time at BASA & Partners. Both confirmed that Alhaji was madam's client and Mr. Mike

further revealed that he was aware of the problems, having been earlier briefed by both Alhaji and Justice Oyekan-Abdullahi. I became even more intrigued.

Now, Alhaji's case was interesting to me for several reasons but the most important thing about the case was the timing of the brief and its provenance.

Bigger clients were being urged to settle with the Eletus by forces within the Lagos State government and judiciary but here we were, playing counsel to a prince of the political establishment, a two time commissioner of the state and one that was still very much in the good books of the powers that be in the state. I became as intrigued as I was suspicious and I took on the case after pretending to haggle over the fees in which I had little or no interest. I sued The Eletus and their buyer on Alhaji's instructions in suit No LD/3121/14

With Alhaji's case, I was able to make the case I had always made against the Eletu judgment. I pled particulars of their fraud. I filed evidence of the survey fraud. I sought to draw them out and into a defense of their shaky ground. We sued the Igbo developer, sued the Eletus but I was rather unhappy when instead of fighting the claims before the court, the Eletus opted to settle the case on clear terms, conceded the validity of my client's claims and procured the Igbo Developer to pay N30,000,000.00 (thirty million Naira) to our Client for one of the plots. They went further to pay the commercial going rates, whilst accepting our client's claim to the second plot and vacating same

immediately thereafter. The Eletus agreed to pay thirty million Naira in compensation for the encroached plot and gave up all claims in relation to the second plot. This is in spite of the fact that they were busy extorting billions from other people with the same judgment. These terms of settlement eventually became the judgment of the court.

Now, you must understand how Lagos State works in order to understand the real significance of Alhaji Balogun's case. Lagos is in truth, a village. Everybody knows everybody. There is something inherently incestuous about the Lagos power society: you will find very quickly, if you know who to ask, that everyone is somehow related. If they are not 'broda' or 'sistah' from Olowogbowo or Ita Elewa, it is that they went to some school, church, or mosque together. The elites of Lagos are all somehow related.

Oyekan-Abdullahi was the lawyer to the Ojomu Chieftaincy Family in her days as a lawyer. Legend has it that she was the one that brought Rotimi-Williams into the Ojomu case but what is beyond argument is her linkage to the Ojomu family. She was their lawyer and has remained a trusted member of the Ojomu-in-council. She knows more about the cases that culminated in the Supreme Court judgement and she also knew everything that I had known about the Eletus fraud and Afe Babalola's shenanigans.

Oyekan-Abdullahi was aware of the effect of M/779/93. She had the Ojomu's brief as did Rotimi Williams Chambers. She knew that I was correct in my

position that the Supreme Court could not have granted the Eletus more than the 10 Hectares given to them in the case relied upon by the Supreme Court in its original ruling. She understood the incongruity of an Eletu claim for 254 Hectares in the face of the clear judicial estoppel raised by their pleadings and the judgment in M/779/93. She knew and she sent Alhaji Balogun to me, knowing that I was correct in calling out the fraud.

* I know as a fact, that Oyeekan-Abdullai advised several clients to discount my legal advice on the Eletu case, and did go to great lengths to disparage my knowledge of law but the same person asked Alhaji Balogun to come to me for help. I did not fully understand why until the libel suit I had filed against Aare Afe Babalola was assigned to her court.

The last time I saw Lawal Pedro SAN, he was at a table away from mine at a Lagos party. A friend's mum was having her 80th birthday party somewhere in Ikeja. King Sunny Ade was on the bandstand, Mama was a 'Sisi' in her youth, Sunny had waxed an LP serenading her beauty and men had fallen on mama's mountains. It was a high-octane party. As is the practice in Lagos, the celebrant had given a list of her invited guests to the musician and the first I became aware of the presence of the man was when Sunny Ade began to sing his praises.

Lawal Pedro was the Solicitor-General of Lagos State at the time that the Eletus got their judgments from the Supreme Court. I had become aware of the man very

early in my practice life. My friend and second employer, Ademola Adesina Ogunlana had worked for him before establishing his own law practice and as I worked with Ogunlana, he would speak occasionally of his time with "Peddy" as he called Pedro in those days; perhaps with some affection.

I later came to hear enough from multiple sources to conclude from my own personal knowledge of 'Sherabawon', that he must have coined the nickname Peddy, having characterized the man as a lovable rogue. That Pedro is a rogue is not in doubt. I will let you decide whether he be lovable or evil.

At a meeting called by Lagos State which was chaired by Lawal Pedro in his capacity as the solicitor general of the state, Pedro was given the task of finding a peaceful solution to the impasse by Ade Ipaye, the mild-mannered Attorney General of the state who had been tasked with the duty by BRF and to avoid the likelihood of a breakdown of law and order, Lawal Pedro began to speak as if he was the retained counsel for the Eletus. In response to our objections to having the Eletus described as a Chieftaincy family, whose claims are rooted in traditional land ownership, Pedro began to propound rather strange doctrines for the emergence of such families. That was when it began to get interesting and the point where the extent of Lawal Pedro's shameless capitulation to the pursuit of filthy lucre became glaring and undeniable.

The plot thickened when Agbenla, who was also a member of the multi sectoral government team became ambivalent about his own composite survey

report. Surveying is essentially an actuarial science. There are no variances to be had in the interpretation of a survey and once a surveyor has the information on the survey, he should not require further information before locating the land on the globe. For a drawing describing a property to be worthy of the name survey, it must describe the land with particularity. Agbenla had been compromised, I surmised.

I have come to the knowledge of how by a rather fortuitous twist of fate, I became the catalyst required for the squabbling thieves to sheath their swords. The facts are all in the public domain. You just need to know where to look and what to look for. I will help you out. A little patience.

Afe knew at the time he was accepting the Eletus' brief after their loss at the Court of Appeal, that they were not only poor, they were indigent. These people were impecunious. The most basic of honest legal research would also have led to the inescapable conclusion that they had become entitled to only the 10 hectares that they had accepted in settlement of their claims in M/779/93. The Eletus had also sold these 10 hectares almost immediately after it was originally released to them. Afe knew all of this but he had clearly impecunious people execute an agreement with him for legal services and had same notarized by a magistrate.

Afe knew that the gazette of acquisition had rendered the rights in the conveyance inchoate. He knew that

with Lagos State not being a party in the suit at any point, that the acquisition was not invalidated by the farcical gyrations of the Supreme Court. He was fully aware that M/779/93 estopped his clients from ever fighting the acquisition in perpetuity and rendered his claims fraudulent including any Supreme Court pronouncement discountenancing these facts, invalid and nonsensical. But Afe knew that he could get the Supreme Court to do whatever he wanted and to rule however he asked. Pedro knew this too and he being the original Lagos Boy, showed Afe a bit of Lagos magic.

Afe Babalola and the Eletus might have killed the buffalo but they had no way of feeding from the carcass. We had turned the corrupt triumph at the Supreme Court into a pyrrhic victory and it was at this point that Pedro craftily inserted himself into the plot. He presented himself to the Eletus as the one that could get the corporate developers affected by the fraudulent judgment to pay up and as the one that was best positioned to get them any form of recompense for their judgment.

I have always enjoyed watching wildlife films and documentaries. I am particularly keen to draw parallels between the country of my birth and the animal world and I warrant that you would be surprised to find how alike we are, when it comes down to it. If Afe Babalola might be likened to the lion, Lawal Pedro and the Lagos gang are the original African wild hyenas. They literally chased Afe Babalola off his kill. They repackaged the conspiracy, cut the losses and went for

the low hanging fruit.

As the trauma of the Eletu case left me increasingly disillusioned with the law and the pursuit of the corruptors of the court of justice became very personal to me, I took solace in comforting myself by using the Balogun case as proof that the clients that lost faith in my capacity to deliver justice to them were wrong and even as I chafed at having been disabled by my bigger clients, I savored the pleasures of sticking it to the Eletus and the gloating "told you so" to the corporate players who were panicked into settling with them. This was enough until 'eedi' (karma) caught up with Afe Babalola; he dragged Lawal Pedro before the Lagos High Court and the Eletus before the ICPC.

Sometime in 2016, I started hearing rumblings of some serious fight brewing between Chief Afe Babalola and Lawal Pedro. I was told that Chief Afe Babalola had written a petition to the LPDC, alleging that Lawal Pedro had railroaded his client Gbadamosi Eletu, into an agreement that circumvents his own legal agreement with the Eletus. About same time, I also heard that the ICPC had been pressed into action against the Eletus, Lawal Pedro and S.B. Joseph, which seemed quite incongruous, given the fact that the Eletus were not public officials. This event stirred an interest in me. I got my popcorn at the ready and waited to be entertained by the squabbling thieves. I had no idea that I was going to be forced into the fray.

What transpired with the case is another story entirely, because it proved yet again to be another occasion

where the Nigerian judiciary denuded itself, as well as Justice Oyekan Abdullahi. The Judiciary at large confirmed above all else, the Lagos conspiracy of the Afe Babalola - Supreme Court larger conspiracy.

It is Afe's claim that he had a notarized "contract for legal services" with the Eletus. It is his claim that he discounted the original bill of \$20m to \$10m and that whilst he had delivered on his obligation to prosecute the case at the Supreme Court, the Eletus had defaulted and had done so under the influence of Lawal Pedro SAN and S. B. Joseph SAN. Ashimi was tangentially implicated because of the fraud he coordinated with the then Surveyor-General of the state-Surveyor Agbenla.

When I saw Surveyor Ashimi's name amongst the parties sued by Afe Babalola, I laughed with unrestrained mirth. I had met him in Agbenla's office at the peak of the Eletus' problem. He attended a meeting in Agbenla's office and we were also there. After I had obtained the composite survey report and apparently in coordination with Pedro, who had by then become the undisclosed attorney for the Eletus and was fully aware of everything, Agbenla was seeking to give official cover to the Eletus attempt to doctor the survey and to provide additional information to explain away the inconsistencies and fraud.

Ashimi came with an explanation that was not only fraudulent, it was also disingenuous. He had some cock and bull story about a shifting local originating point for the survey and using a survey report I had

commissioned the Unilag survey department to prepare, we demolished the spurious argument he was raising. But I needed not to have worried. My clients were not the intended consumers of the fraud being concocted. That part of the scheme is the emerging fraud on the state and the expected solution to the many problems birthed for the conspirators.

~~A~~ When Afe found that he had been schemed out of the game and that Pedro was reaping from his exertions, he was enraged and sought to understand what had happened and why the fact that he had gotten the Supreme Court to do the impossible was not enough to make the Lagos crew deliver the execution of the revamped judgment?

~~A~~ When Amina Augie JSC railed against Chief Afe Babalola's professional conduct, or misconduct in the Bayelsa case, she did so either as an ostrich or out of ignorance. Afe has been corrupting the Supreme Court from ages past and he has led it to commit the most egregious acts of evil and wanton injustice. Afe knows what her Ladyship does not know or pretends not to know: that justice does not live in the Nigerian court and you can get the court to do whatever you want, as long as you know who to speak with and who to pay.

~~A~~ Afe's letter to Aytunde Phillips, then CJ of Lagos State showed how frustrated he had become about the inability to execute the fraudulent judgment. In spite of the fact that he had the Supreme Court do what it had never done before and exactly what Amina Augie

JSC presumed to rail against, Pedro, S. B. Joseph and the Eletus formed a new confederacy and had neither room nor use for Afe Babalola, who had overestimated his own importance to the plot and failed to discern that he had effectively become unnecessary to the new plotters. I am convinced that Pedro muscled in on the plot and was not a part of the original plot. His de facto headship of the state's committee charged with finding a resolution was the critical factor in his emergence.

~~A~~ In going through the processes filed by Afe Babalola, I came across a letter he had written to the then Chief Judge of Lagos State, Ayo Phillips, where he had violently libeled me and described me in extremely disparaging terms. Afe is so enmeshed in his corruption that he has lost all sense of propriety and or fairness. I will let you decide the fairness of the doyen of Nigerian injustice and lawlessness in describing the younger counsel, who had only sought the course of justice, from the well of justice into which the old man had always pissed.

~~A~~ I immediately caused counsel in my office to write a letter to the old man and made clear that I was not going to be satisfied with anything short of an apology and a retraction. I have absolutely no interest in taking Afe Babalola's corrupt money but I was not going to allow a corrupt, amoral man, devoid of any integrity, to define me for posterity when none of us would be around to dispute the hagiographic accounts of the events. The doyen of Nigerian illegalities ignored to offer any acknowledgement of the letter and arrogantly refused to retract nor apologize. I caused

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writes to be issued against Afe Babalola SAN for libel

I told everyone that cared to listen, including my trusted partner and friend, Ralph Nwoko, that the case would never be allowed to proceed to trial and that it would be killed within the system. Afe simply had no leg to stand on and would not dare to join issues with me in court. I spoke with the finality of divinity but I did so only because I know my country, and the extent of the rot that my suit against Afe was threatening to expose. I was bang on the money!

~~Afe~~ Afe Babalola was imperilled by the suit I filed in court. It was designed to blow open the tawdry details of his dirty deals with the Supreme Court but the suit also represented a threat to the Lagos part of the conspiracy. It was one thing to be having a quarrel amongst thieves, each knew how far they might push their claim but it is quite another thing to get into a 'roforofu' fight with a man seemingly incapable of walking away from a fight. The Eletu conspirators found a semblance of peace when I filed the suit against Afe.

~~A~~ The perils that were being faced by all key members of the twin camps of conspirators preoccupied their minds and thanks to the verbiage that had been released by the camps for public consumption before I entered the picture with my libel suit against Afe, it is possible to piece together key fragments of what took place. I must close with a caveat; I am not privy to what happened in the conclaves of crooks but I do remember that I have heard it said, "If it waddles like a

duck, quacks like a duck, it is most likely a duck" or similar words to that effect.

In the early days of the Eletu saga, I was often heard making an unequivocal declaration that I would burn my wig and gown in protest and on the steps of the Supreme Court if the Eletu judgment was ever enforced. I am happy to have been spared the nuisance of making a spectacle of myself, in order to draw attention to the madness of the court. I knew exactly what message I was passing when I repeated that statement in front of the likes of Lawal Pedro, who I knew had repackaged himself as the Eletus lawyer. He had to my knowledge had the brief of defendants through his Remedium Chambers, whilst involved in their prosecution by the state, and he had acted as counsel to parties suing the state when it was his duty to defend the state.

I was making it clear to all, that I was happy to die in defense of what I knew to be true. Pedro exploited that resolve to further neutralize Afe's influence over the Eletus and thereby strengthened his own importance to the conspiracy if they were to get anything of substance from the puerile judgment, and their pyrrhic judicial victory.

This resolve became a key factor in the negotiations that have ensured the cessation of hostilities amongst the competing interests in the conspiracy too.

When the conspiracy was reconstituted, Pedro was exactly where he wanted to be. He became the deal maker. The Eletus took whatever they could get off the

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victims with Lawal Pedro the constant broker and Pedro began to help them to package a deal reminiscent of the one that the government had done with the Oluwa Chieftaincy family after they had won a court judgment in the Ifora axis of the state.

The deal structured by Lawal Pedro extracted money from the corporate players in the neighborhood but considerably less than the Eletus had been originally offered by the panicked parties. The sweetener in Pedro's deal was the peace and calm he brought to the traumatized business entities. The Eletus having been stymied after the initial bombast of the early days, became more reasonable under Lawal's influence and he made them see further reason for accepting the settlement by influencing the state to offer the Eletus land to be reclaimed from the lagoon bed.

The land to be reclaimed from the lagoon bed is important in the resolution of the squabble within the confederacy.

The expected reward for the sickening injustice, laid in the Eletus paying up on the agreement that they had signed with Afe Babalola to pay \$10M. The Eletus had no money for anyone at the time Afe was signing them on and the assumption was always that the corporate players expected to be caught up in the trap would be the ones to be squeezed into coughing up the monies.

I am not privy to what was paid by anyone but the Eletus began to flash the cash. Rolls Royce cars began to compete for parking space in the hovel that was home and the younger ones began to live the highlife.

Afe's findings revealed Lawal's roles and Afe dragged Lawal into the fight. These fights ended with my suit.

In one of the interviews granted by Pedro at the peak of his dog-fight with Afe, he let it be known that he had gone to Ado-Ekiti to see the old codger, that he had explained himself to the old man and that the man had come to see that he had not done anything to steal or influence the Eletus. Nothing could be farther from the truth. Afe was offered two incentives for the settlement of his problems with Pedro and I am aware of both; even as I must concede that I do not know the details.

~~A~~Afe was offered part of the land that had been packaged for the Eletus by the Lagos conspirators. Pedro said as much in one of his press comments where he made the announcement of ongoing reconciliation efforts between the parties. I am not aware of the details of what Afe was offered but I am convinced that the Afe part of the confederacy was settled with the promise of a portion of the land.

But there was a second incentive. This was the promise to get rid of the nuisance that my libel suit against Afe represented. I knew when I was filing the suit, that Afe was not in a position to ever defend the suit. He has no defense and he never anticipated that I would ever become aware of his libel and if he did, he wasn't concerned about what a mere mortal like me could do to a god like him. Afe was offered assurances that he needn't worry about the case. The Lagos conspirators had it in hand and would extinguish the fire.

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Recall what I had told you of Lagos society? Everybody knows everybody. The Lagos power elite is highly incestuous. It is a closed group. There are circles within the several circles and it takes the initiate to discern that there are neither religious nor political divides amongst the Lagos ruling class. Pedro had spent a lifetime in the Lagos judiciary. He rose to head the justice ministry as the SG. He was a good son of the system and would probably have made AG if he had been considered useful when Ambode emerged. He knew he would deliver on his word to Afe, assuming that he hadn't concluded before going to Ado-Ekiti for the peace meeting with Afe.

By the time I was filing my suit on the 19th of September 2016, Pedro had been removed from office as the SG. He had made strenuous efforts to be promoted upward and made the AG at the dawn of the Ambode era but Pedro had no immediate value to the powers that be in Lagos State at the point in time. He was turfing to pasture to the raucous joy amongst lawyers and staff of the Lagos State Ministry of Justice, where he was almost universally derided for his avarice and legendary parsimony. I first became aware of his problems with Afe, from tales borne to me by staff of the state judiciary.

~~The~~ The assignment of the case took forever at the court registry and when it was eventually assigned, it was to the court of Oyekan-Abdullahi; my former Oga, chairwoman at my wedding reception, sworn enemy of over a decade and newly transferred to the Lagos Division of the court from the Ikeja Division. I saw

her transfer from Ikeja to Lagos at the material point in time as a tad too much of a coincidence and my knowledge of her legendary tactlessness affirmed my belief that she had volunteered herself to do the hatchet job required to kill my case.

~~Immediately~~ Immediately the case was assigned to her court, I called my former boss, Mr. Mike Bayowa and I complained strenuously about the audacity of Justice. Oyekan-Abdullahi assuming jurisdiction in a case that has me as a named party. I mulled the idea of writing a letter to demand that she withdrew from the case but decided against this, as I felt that it would be seen as an attempt by me, to scandalize her for no reason. I even had it pointed out that she was merely the pre-trial judge. I knew I was right to be paranoid about her and I was proven prescient in my deductions by subsequent events.

~~The~~ The case suffered several unnecessary delays at the instances of the court and the defendant. The climax was when Afe brought a Preliminary Objection to the suit. It was founded upon some nebulous claim to "Judicial Privilege" by the unschooled senior citizen. The legal incongruity of this defense was lost on the unlearned silk and his crop of corrupt wigs but they always knew that they were working from the question to the answer. After the dilly dallying was done, Oyekan-Abdullahi heard the motion and the counter arguments and thereafter adjourned the case sine die for her ruling on the PO to be delivered.

Several months rolled by and the court's ruling was not

forthcoming. I caused at least two letters to be written to the court's registrar demanding to know when the court would be sitting to deliver its ruling. The letters remain unanswered till this day. We became aware of the court's ruling, only because a counsel sent to the court to make enquiries was told by the Registrar that the ruling had been delivered, 9 months after the close of address and without as much as an SMS notice to the counsel on the courts own record. I was happy and contented with her ruling. ✖

I am happy with her ruling because it helped me to make sense of seemingly disconnected strands of the Eletu story that had hitherto made no sense until she inserted herself into the narrative. I have always hated bullies. T. A. O. Abdullai is defined by her garrulous bellicosity. She is bereft of diplomacy, loves to dominate her environment and is given to indiscretions that a more reflective person would have avoided. She overestimated her powers over me as my first boss, when she ignored my resignation letter and presumed to order me back to work and she has again done so when she offered herself as the solution to the problem that my suit represented to the Eletu confederacy.

✖ Oyekan-Abdullai was brought from the Ikeja Division of the High Court to do the job of the Lagos confederates and she did not even have the refinement to pretend to be anything but biased, prejudiced and incapable of delivering justice. The ruling she delivered in my suit against Afe surprised only her. I will leave it to you to decide how much the course of

justice was served by her attached ruling. I had what I needed to prove the extent of the conspiracy and just how far they were prepared to go in the pursuit of their common purpose and in subjugating law and justice in the pursuit of corrupt private interests.

✖ My former boss is a social butterfly and climber. She has and is given to delusions of grandeur. She enjoys being the center of attraction and she has an abiding need to be accepted as a part of some inner circle. This need to be seen as important to the workings of a power system is what has made her so careless in this regard. The moment that my case against Afe was assigned to her court, I knew exactly what she would do and I was also looking forward to being right. I thank her for being so predictable. ✖

Oyekan-Abdullai wrote herself into this book. I had no business with her until she showed her hands. First with Alhaji Balogun's sneaky referral and then by the inglorious role that she assigned to herself in my suit against Afe Babalola. Do I think she was originally part of the plot? No. I do not believe so. But she muscled in on the conspiracy once I blew up the plot with my works. The Ojomus wouldn't have talked to Atlade in October 2013 without her knowledge. She is a longtime friend of Atlade and her sister and a longtime friend and confidante of the Kabiyesi and Balogun of Ajiran. What and whose interests she has pursued in the Eletus case is for her to explain to her conscience: but she has not served the course of justice.

I have seen injustice everywhere within the Nigerian court system. I am a lawyer with over two decades of law practice behind me. I have interacted with our judicial system as a practitioner, as a victim, and as the aggrieved. There is no justice to be had in our criminal justice system and I have become convinced that the system itself is criminal and completely incapable of delivering justice to anyone because the justice system is part and parcel of a governance system that cannot afford to allow the equality of citizens before the law.

I knew that I would not get justice from the courts when I sued Afe Babalola. Any and all illusions I might have harbored equally evaporated the minute Oyekan-Abdulai was assigned the case and obliterated the minute that she ruled as she did. She gave a judgment that is manifestly unjust and impossible to explain within legal and rational parameters and compounded the injustice by her brutal exclusion of myself or counsel as she presumed to throw my case out of the court. But she and her confederacy have miscalculated terribly.

~~I~~ I sued Afe Babalola because I was always going to blow his dirty, tawdry secrets. I did not know how long any of us had to live and I did not want to be dealing with the idiotic arguments that I could envision, of Afe's protégés, arguing that I was slandering the dead if the book was to be published after his demise. He is already well in his 80s. I have offered him the opportunity to defend himself. He went to extraordinary lengths to deny me my day in court.

Recall that I had explained the casual recklessness of Oyekan-Abdulai and her pathological need to be loved and accepted by those she believes to be her superiors? All these factors brought her into this story. She volunteered for the hatchet job that she did. She had every reason under the sun to have asked to be excused from being involved with the case but she predictably discounted what common sense should have warned her to run away from.

Nobody would have insisted on her being the one that did the dirt on me if she had told them our history. She could have told them of the new wig that she employed as she was also newly sworn to the judiciary. She could have told them of how she was the chairwoman at my wedding reception. She could have told them about how her greed, disrespect, envy, and the resultant hate in her spirit, ensured that despite two attempts by me to make peace over the years, she had been too blinded by hatred to embrace the peace I had offered. She volunteered for the job. I had known from the day she was assigned the case that she would do exactly what she did. I filed the case and allowed it to remain in her court sans protest because I was already aware of exactly what I would do in response which is to write this book.

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Annexure

CRITIQUE OF SUIT NO: SC/146/2005 - MAJOR MURITALA GBADAMOSI (RTD) & 4 ORS V. HRH OBA TJANI ADETUNJI AKINLOYE & 2 ORS
1. INTRODUCTION

This is a review of the judgment of the Supreme Court of Nigeria in Appeal Number SC. 146/2005 delivered on 12 July 2013 and the further ruling of the Supreme Court of Nigeria of 18 March 2014, reviewing the earlier judgment of 12 July 2013.

2. Background

The Respondents being Claimants at the High Court filed a writ of summons (with suit No. LD/2842/1995) on behalf of themselves and the Ojomu Chieftaincy family seeking inter alia for a declaration that the Defendants/Appellants have no interest or title in the Ojomu Chieftaincy Family Land. Their claims were hinged on the fact that the Ojomu Chieftaincy Family was the owner from time immemorial of the land situate and lying and being at Eit-Osa Local Government Area of Lagos State, which is bounded by the land of the Elegushi Chieftaincy Family on the West, the Atlantic Ocean to the South, the land of Olumegbon Chieftaincy Family to the east and the Lagos Lagoon to the North (the "Ojomu Chieftaincy Family Land"). Sometime in 1981, the Lagos State Government revoked all rights of occupancy over a vast area of land within the Lekki peninsula, which included the Ojomu Chieftaincy Family Land.

The Claimant/Respondent filed Suit No. ID/1883/89; Alhaji Fatai Ajetunmobi V. Attorney General Lagos State, challenging the purported revocation. The Court ruled in favour of the Claimant/Respondent. After the Judgment, the Claimant/Respondent entered into an agreement with the Government of Lagos State, pursuant to which, the Government of Lagos State excised 10 hectares of land (the "Excised Land") to the Claimant/Respondent and the remainder of the land was revoked.

The Appellant/Defendant entered a portion of the Excised Land, which necessitated the suit. In the suit, the Claimant/Respondent were seeking Damages for trespass.

In the Appellant's/Defendant's defence, they claim that their father, Gbadamosi Bandele Eletu, purchased 254.558 hectares of Land from the Ojomu Chieftaincy Family in 1977 and registered same as 36/36/1648. They further claimed that as descendants and heirs of Gbadamosi Bandele Eletu, they did not just stand by, but contributed the sum of N200,000.00 to the Ojomu Family as their overlords towards the successful prosecution of Suit No. ID/1883/89 in protection of the Defendants' rights, interest and title to the land. They therefore claim that the victory of the Ojomu Chieftaincy Family as overlords was the victory of Eletu family claiming through the Ojomu Chieftaincy Family.

The Defendants further stated that they were involved in two separate suits at the High Courts to wit: M/779/93 against the Attorney General of Lagos State and LD/3954/93 against the Lagos State Development and Property Corporation (LSDPC),

which were consolidated and settled via terms of settlement between the Appellants/Defendants and the Lagos State Property Development Corporation and tendered as Exhibits before the trial Court.

The Appellants/Defendants then counterclaimed amongst others for a declaration that they "are entitled to a customary proprietary rights, interest and title in and over all that portion of land measuring 254.558 hectares known as Osapa village and described in the Survey Plan No. MD/77/90 dated 25/4/1977 and made by M. O. Diya, Licensed Surveyor, referred in and attached to Deed of Conveyance dated 23rd August, 1977..."

By agreement of the parties, the court did not hear oral evidence and decision was reached by the interpretation of the documents put before the court.

The High Court of Lagos State, per Olugbani J upheld the claims of the Claimant and dismissed the defence and counterclaim of the Defendant/Counter Claimant.

Dissatisfied with the findings of the High Court, the Appellants filed an appeal at the Court of Appeal, Lagos with Appeal No. CA/L/64/2001. The crucial issue for determination at the Court of Appeal was whether the Defendants (Respondents) have any rights or interest in any portion of land covered by deed of conveyance dated 23rd August 1977 and registered as No 36 at page 36 in volume 1648 of the Lands Registry in the office in Lagos.

The Court of Appeal in its decision upheld the decision of Olugbani J of the High Court of Lagos State.

Dissatisfied with the decision of the Court of Appeal,

the Defendants/Appellants appealed to the Supreme Court in Appeal No. SC/146/2005.

The crux of the appeal at the Supreme Court as identified by the learned Justices of the Supreme Court was whether the Respondents who had earlier sold a portion of land vide registered conveyance to the appellants can turn around to claim ownership of the same portion on the basis of a revocation carried out by the Government of Lagos State and a subsequent excision of same.

The Supreme Court in its decision upheld the appeal and set aside the decision of the Court of Appeal.

In the consequential orders of the Supreme Court, the Supreme Court ordered that the Claimant/Appellants were entitled to 10 hectares of land in line with the consent judgment of the High Court of Lagos State in Suit No. M/779/93. ✎

The Defendant/Appellant by way of Motion on Notice before the Supreme Court dated 23/12/13 prayed the Supreme Court "for an order reviewing the judgment of the Supreme Court by varying the consequential orders of 10 hectares given in favour of the appellants in their counterclaim, less the smaller portion of 37.8 hectares conceded to the Lagos State Government in the Terms of Settlement in suit No. M/779/93 i.e. 217 hectares". ✎

The Supreme Court after hearing the application, amended the consequential order in the judgment in Appeal No. SC/145/2005 and awarded the Defendant/Appellant 216.758 hectares of land, after deduction of the 37.8 hectares said to have been conceded to the Government of Lagos State in Suit No. M/779/93.

This paper attempts to review of the judgment of the Supreme Court in Appeal No. SC/145/2005 dated 12 July 2013 and the review of the ruling made on 18 March 2014 varying the consequential order made in the judgment of 12 July 2013.

This review would focus on the propriety or otherwise of the review of the consequential orders of the Supreme Court made on 18 March 2014.

3. Case Review

3.1 Judgment of 12 July 2013

The judgment of the Supreme Court in Appeal No. SC/145/2005, unanimously upheld the counterclaim of the Appellant before the High Court of Lagos State. The lead judgment of the Supreme Court was read by Kumai Bayang Aka'has, JSC.

In upholding the counterclaim of the Appellants, Aka'ahs, JSC ruled as follows:

"I find that there is merit in the appeal, and it is hereby allowed. The judgment of the Lagos State High Court in Suit No. LD/2642/95 delivered on 11th October 2000 which was affirmed by the Court of Appeal in CAL64/2001 on 12th May 2004 are hereby set aside. The Appellant are entitled to statutory right of occupancy over 10 hectares (approximately 24.17 hectares) of reclaimed land in Osapa Village which has been excised and assigned to them via a sketch plan of which was attached and marked SCHEDULE 1 to the terms of settlement dated 20 May 1996 and made the judgment of the court in Suit No. M/779/93."

Before making the above ruling, his Lordship had made the following findings:

"...the settlement agreement reached between the

appellants and the Lagos State Government reduced the entitlement of the appellants from 18.05 Hectares to 10 hectares."

This flows from the earlier findings by his Lordship, quoting from the Gazette of excision No. 24, Vol. 27 of 23rd June 1994, that only 18 Hectares of land of the Osapa village earlier sold to the Appellant's family was excised in favour of the respondents.

The material conclusion that can be drawn from His Lordship's findings is that only 18 hectares out of the original 255.558 hectares said to have been sold to the family of Gbadamosi Bandele Eletu was now under the control of the Respondent. The Respondent had relinquished 8 of these 18 hectares to the Lagos State Government by virtue of the terms of settlement filed as part of Suit Number M/779/93 and were therefore only entitled to the remaining 10 hectares.

A review of the terms of settlement filed in Suit No. M/779/93 would clearly show that not only did the Appellant relinquish their entitlement to any land outside the 10 hectares accepted, they equally accepted the sum of N350,000 from the Government of Lagos State as compensation for the revoked land, which is now largely under the control of the government of Lagos State. They further agreed not to assert any further claim to any land outside the 10 hectares accepted.

The Lagos State Government, which was a party to the settlement in M/779/93, had earlier given some part of the land to which the Appellant had relinquished any claim to the Respondents. Therefore, Aka'ahs's finding that they were now entitled to only 10 hectares

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of land seemed in order. The consequential orders of 10 hectares made in the Appeal, rightly flows from this finding.

Walter Samuel Nkanu Onnoghen, JSC (as he then was), Olukayode Aitwoola, JSC, Clara Bata Ogunbiyi, JSC, and Bode Rhodes-Vivour, JSC who sat with his Lordship Akalahs, JSC did not disagree with his finding on the effect of M/779/93.

3.2 Review of 18 March 2014

In order to vary the consequential orders, the judgment of 12/7/13, must necessarily be varied, because the consequential order made in relation to the judgment of 12/7/13 flowed from the finding made in the judgment, which was unanimously agreed to by the 5 justices of the Supreme Court, who sat on the appeal.

The posture of the Supreme Court as supported by its rules and several judgments is that the Court would not review its judgment except for the grounds set out in Order 8, Rule 16 of the Supreme Court Rules, which states:

"The Court shall not review any judgment once given and delivered by it save to correct any clerical mistake or some error arising from any accidental slip or omission, or to vary the judgment or order so as to give effect to its meaning or intention. A judgment or order shall not be varied when it correctly represents what the Court decided nor shall the operative and substantive part of it be varied and a different form substituted."

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It is my view that the review of 18/3/14, was not in line with Order 8 Rule 16, as it was not a correction of clerical error, or some error arising from an accidental slip, or was it necessary to give effect to the intention of the Supreme Court. Any argument to the contrary would only hold water, if one elects to ignore the findings of Akalahs, JSC, in his lead judgment, an approach that seem to have been adopted by the Supreme Court in its ruling of 18/3/14. In that ruling, Walter Samuel Nkanu Onnoghen, JSC as he then was, stated as follows:

"I have listened to the submission of both counsel and gone through the processes filed therein. It is not in doubt that the counter claim which was allowed by this court involved 254.558 hectares of land which the respondents concede to have been sold to the applicants. The judgment of this court sustains that claim but in the consequential order made therein, only 10 hectares of the land was mentioned which is far less than the claim".

The above portion of the ruling clearly ignore the findings of Akalahs, JSC, to the effect that that the Appellants have given up all claims to land other than 10 hectares by virtue of the judgment in M/779/93 and that only 18 hectares of the original 254.558 was returned to the Respondents.

It is therefore interesting that Onnoghen, JSC, in his ruling found that "the intention of the court is to grant the applicants their counterclaim to 254.558 of land less 37.8 hectares". This intention is not expressed

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anywhere in the judgment, instead the judgment clearly states that they had given up claim to any land other than 10 hectares in line with the judgment in M/779/93. Also, it is pertinent to states that the counterclaim was for 254.558 hectares and not for 216.758 hectares, which the Supreme Court proceeds to grant.

In Eagle Super Pack (Nig) Limited v. A. C. B. PLC (2006) LPELR - 980 (SC) the Supreme in explaining what a consequential order is stated:

A consequential order is an order that follows as a result of an earlier one, which can be called for this purpose as the main order.... A consequential order is appurtenant to the main or principal order. A fresh order cannot be a consequential one".

It therefore can be rightly inferred that the consequential order of 10 hectares, which flows from the finding of Aka'ahs, JSC, unanimously acceded to by 5 justices of the Supreme Court was rightly made and is in order and any other order is a fresh order.

3.3 Conclusion

The ruling of 18/3/14, which purports to vary the consequential order by substituting 10 hectares for 216.758 hectares has no foundation in the judgment of 12/7/13 is therefore a fresh order, which cannot be considered a consequential one.

I therefore must conclude, based on the reasons above adduced, t

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