

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

BETWEEN:

SUIT NO:

FHCLASS/CS/1583/2022

INCORPORATED TRUSTEES OF
TRANSPARENCY ADVOCACY FOR
DEVELOPMENT INITIATIVE (TADI)

----- PLAINTIFF

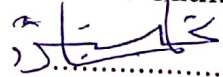
AND

1. THE DIRECTOR-GENERAL,
DEPARTMENT OF STATE SERVICES (DSS)----- 1ST DEFENDANT
2. THE INSPECTOR-GENERAL OF POLICE (IG) ----- 2ND DEFENDANT
3. THE HONOURABLE ATTORNEY-GENERAL OF
THE FEDERATION AND MINISTER OF JUSTICE-----3RD DEFENDANT
4. THE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA ----- 4TH DEFENDANT
5. THE SENATE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA-----5TH DEFENDANT
6. THE SPEAKER,
FEDERAL HOUSE OF REPRESENTATIVES-----6TH DEFENDANT
7. MR. TIMIPRE SYLVA ----- 7TH DEFENDANT

AFFIDAVIT OF NON-MULTIPLICITY OF ACTION PURSUANT TO
ORDER 3 RULE 9 (2) (d) OF THE FEDERAL HIGH COURT (CIVIL
PROCEDURE) RULES, 2019

I, ADAMU KABIR MATAZU, Adult, Male, Muslim, Nigerian Citizen, Public Commentator of Suite C-6, BOYA PLACE, Ameh Ebute Street, Wuye, FCT-Abuja, NIGERIA, do hereby make oath and state as follows:

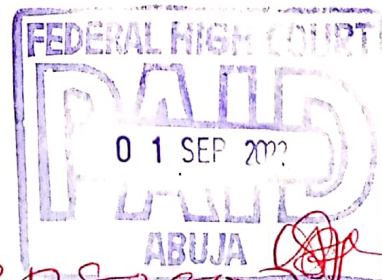
1. That I am the Director of Compliance of the Plaintiff herein and by virtue of my position, I am conversant with the facts of this case.
2. That I have the consent and permission of my employer being the Plaintiff herein to depose to this affidavit.
3. That there is no multiplicity of action on the same subject matter for hearing and determination before the Federal High Court or any other Court in Nigeria.
4. That I depose to this affidavit in good faith solemnly and conscientiously knowing the same to be true, correct and in accordance with the Oaths Act, Cap O1, Laws of the Federation of Nigeria, 2004.



DEPONENT

SWORN TO AT the Federal High Court Registry, Abuja
This ..01... day of September, 2022.

BEFORE ME
COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA
COMMISSIONER FOR OATHS



210703082805

FORM 3 (O.3 r.9)
GENERAL FORM OF ORIGINATING SUMMONS

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

FHC/ABJ/CS/1563/2022
SUIT NO:

BETWEEN:

INCORPORATED TRUSTEES OF
TRANSPARENCY ADVOCACY FOR
DEVELOPMENT INITIATIVE (TADI)



----- PLAINTIFF

AND

210703082800

1. THE DIRECTOR-GENERAL,
DEPARTMENT OF STATE SERVICES (DSS)----- 1ST DEFENDANT
2. THE INSPECTOR-GENERAL OF POLICE (IG) ----- 2ND DEFENDANT
3. THE HONOURABLE ATTORNEY-GENERAL OF
THE FEDERATION AND MINISTER OF JUSTICE-----3RD DEFENDANT
4. THE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA ----- 4TH DEFENDANT
5. THE SENATE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA-----5TH DEFENDANT
6. THE SPEAKER,
FEDERAL HOUSE OF REPRESENTATIVES-----6TH DEFENDANT
7. MR. TIMIPRE SYLVA ----- 7TH DEFENDANT

ORIGINATING SUMMONS PURSUANT TO ORDER 3 RULES 6, 7 AND 9
OF THE FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES, 2019

LET THE DIRECTOR-GENERAL, DEPARTMENT OF STATE SERVICES (DSS); THE INSPECTOR-GENERAL OF POLICE (IGP); THE HONOURABLE ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE; THE PRESIDENT, FEDERAL REPUBLIC OF NIGERIA; THE SENATE PRESIDENT, FEDERAL REPUBLIC OF NIGERIA; THE SPEAKER, FEDERAL HOUSE OF REPRESENTATIVES; and MR. TIMIPRE SYLVA within Thirty (30) days after service of this Originating Summons on them, inclusive of the day of such service, cause an appearance to be entered for them to this Originating Summons which is issued upon the application of INCORPORATED TRUSTEES OF TRANSPARENCY ADVOCACY FOR DEVELOPMENT INITIATIVE (TADI) of Suite C-6, BOYA PLACE, Ameh Ebute Street, Wuye, FCT-Abuja, NIGERIA which claim to be entitled to the reliefs hereafter set out and for the determination of the following questions:

1. *Whether by the interpretation of Sections 366, 364 and 158 (2) of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja 1990 read together with the Seventh Schedule of the 1999 Constitution of the Federal Republic of Nigeria (as amended), Mr. Timipre Sylva sued herein as 7th Defendant is not overdue for arrest and prosecution by the 1st and 2nd Defendants for the offences of identity theft, impersonation and forgery on the ground that he intentionally gave false evidence and presented forged academic documents before the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019 for purposes of screening into the*

positions of Governor of Bayelsa State and Minister of State for Petroleum Resources, respectively?

2. *Whether the 1st and 2nd Defendants have not abdicated their legal duties by failing to diligently profile and give verified information about the 7th Defendant to the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019 during the 7th Defendant's screening as Governorship and Ministerial candidate respectively?*
3. *Whether this Honourable Court is not entitled to compel the 1st and 2nd Defendants to perform their legal duties under Sections 1, 2 (3) and 8 of the National Security Agencies Act, 1986 read together with Instrument No. 1 of 1999 as well as Section 4 of the Police Act, 2020 by forthwith arresting and prosecuting Mr. Timipre Sylva sued herein as 7th Defendant for the offences of identity theft, impersonation and forgery contrary to Sections 366, 364 and 158 (2) of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja 1990 read together with the Seventh Schedule of the 1999 Constitution of the Federal Republic of Nigeria (as amended)?*
4. *Whether this Honourable Court is not entitled to revoke the official travelling passport of Mr. Timipre Sylva sued herein as 7th Defendant herein and restrain him from traveling out of Nigeria to take refuge in either London, Dubai, Canada, United States of America or any other part of the world wheresoever to give room for his speedy arrest and prosecution by the 1st and 2nd Defendants for the offences of identity theft, impersonation and forgery?*

The Plaintiff claims against the Defendants jointly and severally as follows:

1. **A DECLARATION** that by the interpretation of Sections 366, 364 and 158 (2) of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja 1990 read together with the Seventh Schedule of the 1999 Constitution of the Federal Republic of Nigeria (as amended), Mr. Timipre Sylva sued herein as 7th Defendant is overdue for arrest and prosecution by the 1st and 2nd Defendants for the offences of identity theft, impersonation and forgery on the ground that he intentionally gave false evidence and presented forged academic documents before the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019 for purposes of screening into the positions of Governor of Bayelsa State and Minister of State for Petroleum Resources, respectively.
2. **A DECLARATION** that the 1st and 2nd Defendants have abdicated their legal duties by failing to diligently profile and give verified information about the 7th Defendant to the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019 during the 7th Defendant's screening as Governorship and Ministerial candidate, respectively.

- 3. A DECLARATION** that the refusal, failure and or negligence of the 5th and 6th Defendants to profile and verify the true identity of the 7th Defendant from the 1st and 2nd Defendants before screening him into the position of Minister of State for Petroleum Resources in 2019 was a gross legislative irresponsibility, which is tantamount to dereliction of duties imposed on the 5th and 6th Defendants under the relevant laws.
- 4. AN ORDER OF MANDAMUS COMPELLING** the 1st and 2nd Defendants to perform their legal duties under Sections 1, 2 (3) and 8 of the National Security Agencies Act, 1986 read together with Instrument No. 1 of 1999 as well as Section 4 of the Police Act, 2020 by forthwith arresting and prosecuting Mr. Timipre Sylva sued herein as 7th Defendant for the offences of identity theft, impersonation and forgery contrary to Sections 366, 364 and 158 (2) of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja 1990 read together with the Seventh Schedule of the 1999 Constitution of the Federal Republic of Nigeria (as amended).
- 5. AN ORDER REVOKING** the International Passport of Mr. Timipre Sylva sued herein as 7th Defendant and restraining him from traveling out of Nigeria to take refuge in either London, Dubai, Canada, United States of America or any other part of the world wheresoever to give room for his speedy arrest and prosecution by the 1st and 2nd Defendants for the offences of identity theft, impersonation and forgery.
- 6. AN ORDER DIRECTING** the 4th Defendant acting on the advice of the 3rd Defendant to suspend the 7th Defendant from office as the Minister of State for Petroleum Resources so as to enable the 1st and 2nd Defendants seamlessly perform their legal duties under Sections 1, 2 (3) and 8 of the National Security Agencies Act, 1986 read together with Instrument No. 1 of 1999 as well as Section 4 of the Police Act, 2020 by forthwith arresting and prosecuting the 7th Defendant for the offences of identity theft, impersonation and forgery on the ground that the 7th Defendant intentionally gave false evidence and presented forged academic documents before the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019 for purposes of screening into the positions of Governor of Bayelsa State and Minister of State for Petroleum Resources, respectively.
- 7. AWARD OF EXEMPLARY DAMAGES** in the sum of **₦500,000,000** (Five Hundred Million Naira) jointly and or severally against the 1st, 2nd, 5th and 6th Defendants for failure, refusal, or neglect to perform their legal duties by not properly profiling the 7th Defendant and giving verified information about the true identity of the 7th Defendant during his screening as Governorship and Ministerial candidate before the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019, respectively.
- 8. COSTS** of **₦100, 000,000** (One Hundred Million Naira) to cover legal fees and expenses incurred by the Plaintiff prosecuting this suit.

9. **AND** such further or other orders as this Honourable Court may deem fit to make in the circumstances of this case.

DATED THIS 31ST DAY OF AUGUST, 2022.

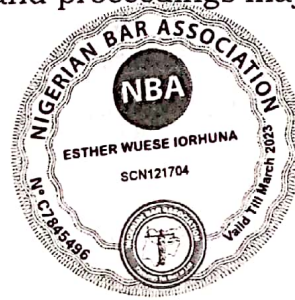
This Originating Summons was taken out by Ibrahim Muhammad AUWAL, Esq. and Esther Wuese IORHUNA, Esq. of **Graylaw Solicitors** whose address for service is Suite B22, 3rd Floor, Saham Plaza, Plot 10, Alexandria Crescent, Wuse 2, FCT-Abuja, NIGERIA, Telephone: 08050758966, Email: graylawsolicitors@gmail.com, Legal Practitioners to the said Plaintiff.

The Defendant (s) may appear hereunto by entering appearance personally or by a Legal Practitioner either by filing the appropriate processes (as in Order 7) in response at the Registry of the Court where the summons was issued or by sending them to that office by any of the methods allowed by these Rules.

NOTE: If the Defendant [s] does not respond within the time and at the place above mentioned, such orders will be made and proceedings may be taken as the Judge may think just and expedient.

FOR SERVICE ON:

1. **THE 1ST DEFENDANT,**
The Director-General,
Department of State Services (DSS),
National Headquarters, Aso Drive,
FCT-Abuja, NIGERIA
2. **THE 2ND DEFENDANT,**
The Inspector-General of Police,
C/o Force Headquarters,
Louis Edet House, Central Area,
FCT-Abuja, NIGERIA
3. **THE 3RD AND 4TH DEFENDANTS,**
C/o The Honourable Attorney-General of the Federation
and Minister of Justice,
Attorney-General's Chambers,
Plot 71B, Shehu Shagari Way,
Maitama, FCT, Abuja, NIGERIA
4. **THE 5TH AND 6TH DEFENDANTS,**
National Assembly Complex,
Three Arms Zone,
FCT-Abuja, NIGERIA
Email: info@nass.gov.ng
5. **THE 7TH DEFENDANT,**
C/o Federal Ministry of Petroleum Resources
Block D, NNPC Towers,
Herbert Macaulay Way,
Central Business District,
FCT-Abuja, NIGERIA
Email: info@petroleumresources.gov.ng



IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
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BETWEEN:

SUIT NO:

INCORPORATED TRUSTEES OF
TRANSPARENCYADVOCACY FOR
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5. THE SENATE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA-----5TH DEFENDANT
6. THE SPEAKER,
FEDERAL HOUSE OF REPRESENTATIVES-----6TH DEFENDANT
7. MR. TIMIPRE SYLVA ----- 7TH DEFENDANT

AFFIDAVIT IN SUPPORT OF ORIGINATING SUMMONS

I, Adamu Kabir Matazu, Adult, Male, Muslim, Nigerian Citizen, Public Commentator of Suite C-6, BOYA PLACE, Ameh Ebute Street, Wuye, FCT-Abuja, NIGERIA, do hereby make oath and state as follows:

1. That I am the Director of Compliance of the Plaintiff herein and by virtue of my position, I am conversant with the facts of this case. Copy of my Means of Identification is attached as **EXHIBIT TADI 1**.
2. That I have the consent and permission of my employer being the Plaintiff herein to depose to this affidavit.
3. That the facts which I hereto depose are facts within my personal knowledge and or facts which I became aware of in the course of my duty as the Director of Compliance of the Plaintiff.
4. That the Plaintiff is an indigenous Civil Society Organization duly registered at the Corporate Affairs Commission (CAC), Abuja with Certificate No. **102496**, and mandated to work with relevant agencies for purposes of fighting corruption, injustice and economic sabotage. Certificate of Registration of the Plaintiff is attached as **EXHIBIT TADI 2**.
5. That the Plaintiff by virtue of its registration since 2nd November, 2017 engages in promoting transparency in public offices, development and good governance in Nigeria.
6. That the Plaintiff has been monitoring the activities of the 1st and 2nd Defendants, particularly their level of performance of the legal duties imposed on them by Sections 1, 2 (3) and 8 of the National Security

Agencies Act, 1986 read together with Instrument No. 1 of 1999 as well as Section 4 of the Police Act, 2020.

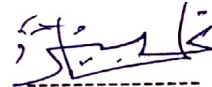
7. That the 1st Defendant is the Head of the Department of State Services (DSS) which is saddled with the duties of intelligence gathering and maintenance of internal peace within Nigeria.
8. That the 2nd Defendant is the Head of the Nigeria Police Force saddled with the core duties of prevention and detection of crimes, the apprehension of offenders, the preservation of law and order, the protection of lives and properties and the due enforcement of all laws and regulations with which the Nigeria Police Force is charged in Nigeria.
9. That the 3rd Defendant is the Chief Law officer of the Federal Government of Nigeria and advises the 4th Defendant on legal matters from time to time.
10. That the 4th Defendant is the President, Chief Executive of the Federation and Commander-in-Chief of the Armed Forces by virtue of Section 130 of the 1999 Constitution of the Federal Republic of Nigeria (as amended), who is responsible for the appointment of persons as Ministers of the Federal Republic of Nigeria subject to confirmation of the National Assembly.
11. That the 5th Defendant is the President of the Senate of Federal Republic of Nigeria while the 6th Defendant is the Speaker of the Federal House of Representatives, who are responsible for the screening and confirmation of persons appointed by the 4th Defendant into offices as Ministers of the Federal Republic of Nigeria.
12. That the 7th Defendant is a Nigerian citizen of South-South extraction who came to political limelight in 1992, first as a Member of the Old Rivers State House of Assembly representing Brass Constituency (now in Bayelsa State), and then appointed the Special Assistant to Minister of Petroleum Resources between 2004-2007.
13. That the 7th Defendant went on to become the Executive Governor of Bayelsa State from 2007 to 2011, and was later appointed Minister of State for Petroleum Resources in 2019 by the 4th Defendant.
14. That the 7th Defendant filed a claim before the United States District Court Eastern District of Pennsylvania No.5:21-cv-04102-JFL between Timipre Sylva (P) and Jackson Ude (D), and in the course of depositions, he signed a Verification of Interrogatories Answers dated April, 2022 and attached proof of his identity as Mr. Timipre Sylva. The Verification of Interrogatories Answers is hereby attached as Exhibit **TADI 3**.
15. That the documents attached by the 7th Defendant in response as stated in **paragraph 14** above include: a First School Leaving Certificate; West African Examination Council (WAEC) General Certificate of Education; Bachelor Degree in Arts and Doctorate Certificate (Honoris Causa).

16. That I know the 7th Defendant presently parades a First School Leaving Certificate from Lagos State, Nigeria with No. 092915 dated 1st July, 1976 issued to ANAGHA TIMIPERE of Ajeromi Central I^A School, Araromi-Apapa, Lagos State, Nigeria. Copy of the First School Leaving Certificate is attached hereto as **EXHIBIT TADI 4**.
17. That I know the 7th Defendant holds a WAEC General Certificate of Education with Certificate No. PO851528 and Candidate No. 21735215 dated December 1981 issued to MARLIN ANAGHA TIMIPRE with the following results: English Language – Grade 6; Literature in English – Grade 6; Religious Knowledge – Grade 3; History – Grade 3; and, Commerce – Grade 6. Copy of the WAEC General Certificate of Education is attached hereto as **EXHIBIT TADI 5**.
18. That I know the 7th Defendant holds a Bachelor of Arts Degree in English with Second Class Honours (Upper Division) from University of Port-Harcourt dated 19th August, 1986 issued to ANAGHA TIMIPRE MARLIN. Copy of the Degree Certificate is attached hereto as **EXHIBIT TADI 6**.
19. That I know the 7th Defendant holds a Doctorate Degree in International Relations (Honoris Causa) from UBIS University in Geneva, Switzerland dated 22nd September, 2011 issued to Chief Timipre Sylva. Copy of the Doctorate Certificate is attached hereto as **EXHIBIT TADI 7**.
20. That the various certificates mentioned in the preceding paragraphs of this affidavit do not bear the name SYLVA, have several inconsistencies and do not depict the surname of the bearer, the 7th Defendant herein.
21. That there is definite uncertainty as to who CHIEF TIMPRE SYLVA is as in **EXHIBIT TADI 7**; who is ANAGHA TIMIPRE MARLIN as in **EXHIBIT TADI 6**; who is MARLIN ANAGHA TIMIPRE as in **EXHIBIT TADI 5**; and who is ANAGHA TIMIPERE as in **EXHIBIT TADI 4**.
22. That there is no evidence anywhere showing that the 7th Defendant changed name from ANAGHA TIMIPRE MARLIN to TIMIPRE SYLVA in 1986 after he purportedly graduated from University of Port-Harcourt.
23. That there is also no record that the 7th Defendant has National Youth Service Corps (NYSC) Discharge or Exemption Certificate, as the case may be, either in the name of ANAGHA TIMIPRE MARLIN or TIMIPRE SYLVA.
24. That the 7th Defendant presented **EXHIBITS TADI 4, 5, 6 and 7** to the Old Rivers State House of Assembly in 1992 and represented the good people of Brass Constituency (now in Bayelsa State) before becoming the Special Assistant to Minister of Petroleum Resources between 2004-2007,
25. That the 7th Defendant equally the same presented **EXHIBITS TADI 4, 5, 6 and 7** to the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019 for purposes of screening into the positions of Governor of Bayelsa State and Minister of State for Petroleum Resources, respectively.

26. That I also know that the 7th Defendant by using the said forged documents and stolen identity and documents to attain the positions of Member of Old Rivers State House of Assembly in 1992 (Brass Constituency, now Bayelsa State); Special Assistant to Minister of Petroleum Resources between 2004-2007; Executive Governor of Bayelsa State from 2007 to 2011 and now Minister of State for Petroleum Resources since 2019, conferred undue advantage on himself (for over thirty 30 years) to the detriment of other citizens who were equally qualified to have occupied the same positions.
27. That the action of the 7th Defendant by fraudulently using a stolen identity and presenting himself to the public in different names constitutes offences under Sections 366, 364 and 158 (2) of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja 1990 which the 1st and 2nd Defendants are duty-bound to investigate and prosecute.
28. That the 7th Defendant swore an oath under Seventh Schedule of the 1999 Constitution (as amended) while assuming offices as Governor of Bayelsa State and Minister of State for Petroleum Resources to bear true allegiance to the Federal Republic of Nigeria even when he knew that **EXHIBITS TADI 4, 5 and 6** being academic documents did not belong to him.
29. That I verily believe that the 1st and 2nd Defendants being law enforcement agents are duty-bound to swiftly arrest and prosecute the 7th Defendant for the offences of identity theft, impersonation, giving false evidence and forgery punishable under Sections 366, 364 and 158 (2) of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja 1990.
30. That I am aware that the action of the 1st and 2nd Defendants by refusing, failing and or neglecting to arrest and prosecute Mr. Timipre Sylva sued herein as 7th Defendant for fraudulently using a stolen identity and presenting himself to the public in different names portrays him as a sacred cow who is above the law.
31. That I am also aware that the 1st and 2nd Defendants have abdicated the duties imposed on them under the extant laws by refusing, failing and or neglecting to arrest and prosecute the 7th Defendant for the offences mentioned in **paragraph 29** above.
32. That unless and until this Honourable Court grants an order directing the 4th Defendant acting on the advice of the 3rd Defendant to suspend the 7th Defendant from office as the Minister of State for Petroleum Resources it will be difficult for the 1st and 2nd Defendants to perform their legal duties by forthwith arresting and prosecuting the 7th Defendant for the offences of identity theft, impersonation, giving false evidence and forgery.
33. That unless and until this Honourable Court also grants an order compelling the 1st and 2nd Defendants to perform their legal duties under Sections 1, 2 (3) and 8 of the National Security Agencies Act, 1986 read together with Instrument No. 1 of 1999 as well as Section 4 of the Police Act, 2020 by forthwith arresting and prosecuting Mr. Timipre Sylva sued

herein as 7th Defendant, he will be allowed to walk the streets freely instead of cooling his feet in the prison.

34. That the interest of justice will be better served if this Honourable Court revokes the International Passport of Mr. Timipre Sylva sued herein as 7th Defendant and restrains him from traveling out of Nigeria to take refuge in either London, Dubai, Canada, United States of America or any other part of the world wheresoever so that the 1st and 2nd Defendants can speedily arrest and prosecute the 7th Defendant for the offences of identity theft, impersonation and forgery.
35. That the Plaintiff believes that the law is no respecter of status or position in society and the 7th Defendant must not be treated like a sacred cow.
36. That the issues articulated in this suit touch on integrity and are extremely germane to the survival and strengthening of democracy and good governance in Nigeria, hence the need for the Honourable Court to grant all the reliefs in favour of the Plaintiff.
37. That it will be quite catastrophic to treat the 7th Defendant with kids' glove after he had forged his way into various government positions, the highest been the incumbent Minister of State for Petroleum Resources.
38. That the grant of all the reliefs sought in this suit will serve as a deterrence to other persons aspiring to become government officials not to impersonate anyone or forge their way into public positions.
39. That I depose to this affidavit in good faith solemnly and conscientiously knowing the same to be true, correct and in accordance with the Oaths Act, Cap O1, Laws of the Federation of Nigeria, 2004.



DEPONENT

SWORN TO AT the Federal High Court Registry, Abuja
This 01 day of September, 2022.

BEFORE ME

**COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA**

COMMISSIONER FOR OATHS

EXHIBIT TAB 2

CAC/11/NO 102496



CORPORATE AFFAIRS COMMISSION
FEDERAL REPUBLIC OF NIGERIA

Certificate of Incorporation

of the Incorporated Trustees of

TRANSPARENCY ADVOCACY FOR DEVELOPMENT INITIATIVE

I hereby certify that

OGUNYALE ADEWALE DAMILARE, ADODO SOLOMON, BALARABE MUSA

the duly appointed trustees of **TRANSPARENCY ADVOCACY FOR DEVELOPMENT INITIATIVE** have this day been registered as a corporate body, subject to the below mentioned conditions and directions.

Given under my hand and the Common Seal of the Corporate Affairs Commission at Abuja this 2nd day of November, 2017

CONDITIONS AND DIRECTIONS

This certificate is liable to cancellation should the objects or the rules of the body be changed without the previous consent in writing of the Registrar General or should the body at any time permit or condone any divergence from or breach of such objects and rules.

Note:

This certificate does not bestow upon the Organization the right to establish any institution, engage in any business and the like without permission from the appropriate authority



COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA

1014094

[Handwritten Signature]
09/10/22



[Handwritten Signature]

AZUKA OBIAGELI AZINGE

Registrar - General

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

TIMIPRE SYLVA,

No. 5:21-cv-04102-JFL

Plaintiff,

v

VERIFICATION OF
INTERROGATORY ANSWERS

JACKSON UDE,

Defendant

I, Timipre Sylva, am the Plaintiff in this action. I believe, based on reasonable inquiry, that the responses given to Defendant's First Request for Interrogatories are true and correct to the best of my knowledge, information, and belief.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: April 2, 2022 in Nigeria

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA


Timipre Sylva

[Handwritten signature]
10/10/22

EXHIBIT TAB 4

Exhibit #CLX
D-6

No 092915 LSED. CI



LAGOS STATE GOVERNMENT

FIRST SCHOOL LEAVING CERTIFICATE

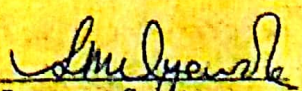
This is to certify that

ANAGHA TIMIPERE of
AJEROMI CENTRAL I A School
ARARDMI-APAPA having completed the full primary
education course and having satisfied all the conditions for the award
of the State Primary School Leaving Certificate is hereby awarded
this Certificate.

He/ obtained a MERIT in the
examination.

Subjects of the Examination are:
ENGLISH, ARITHMETIC AND
GENERAL PAPER.

Dated this 1ST day of JULY, 1976


Permanent Secretary
Ministry of Education and
Community Development.

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA

01/09/22

S 00094

West African Examinations Council
General Certificate of Education
ORDINARY LEVEL

DECEMBER 1981

Division: CLEF
D-7

This is to Certify that: **MARTIN ANAGHA TIMIPRE**
sat the General Certificate of Education Examination at the
following Centre
PORT HARCOURT
and obtained the results shown below:

SUBJECT	GRADE
ENGLISH - LANGUAGE	6
LITERATURE IN ENGLISH	6
RELIGIOUS KNOWLEDGE	3
HISTORY	3
COMMERCE	6
SUBJECTS RECORDED	FIVE



CANDIDATE No. 217352151

CD 74
[Signature]
Chairman of Council

CERTIFICATE No. P0851528

[Signature]
Registrar to the Council

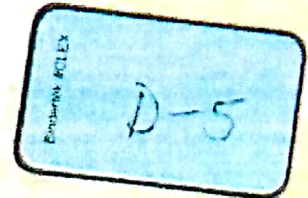
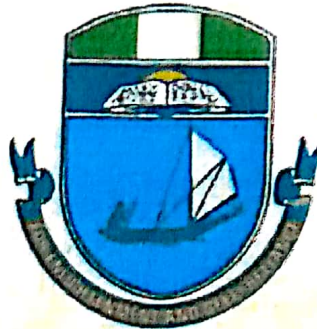
Any alteration or erasure renders this certificate valueless.

S G 093

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA

[Signature]
9/10/22

University of Port Harcourt



Anagha, Timipre Marlin

*Having fulfilled the requirements of the University
and passed the prescribed examinations has this day
been admitted by the Senate of the University to the degree of*

BACHELOR OF ARTS

in

English

with

Second Class Honours (Upper Division)

*in testimony whereof we have hereto affixed the
Common Seal of the University and our signatures.*

*Given at Port Harcourt this nineteenth
day of August nineteen hundred and Eighty Six*

[Signature]
Vice-Chancellor

[Signature]
Registrar

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT

[Signature]
10/09/22

S 00095

EXHIBIT TAB 7

D-4

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT

29/09/22



UBIS

Be it known that

Chief Timipre Sylva

Having satisfied the requirements prescribed by the President and the Faculty of the University is awarded the Degree of

Doctor in International Relations
(Honoris Causa)

In witness whereof,
we have signed our names and placed the University seal in the city of Geneva on this

22th Day of September Two Thousand and Eleven

[Signature]
PRESIDENT

[Signature]
DEAN OF THE FACULTY

UBIS
Private University of Business and International Studies

TS 00092

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

BETWEEN:

SUIT NO:

INCORPORATED TRUSTEES OF
TRANPARENCYADVOCACY FOR
DEVELOPMENT INITIATIVE (TADI) ----- PLAINTIFF

AND

1. THE DIRECTOR-GENERAL,
DEPARTMENT OF STATE SERVICES (DSS)----- 1ST DEFENDANT
2. THE INSPECTOR-GENERAL OF POLICE (IG) ----- 2ND DEFENDANT
3. THE HONOURABLE ATTORNEY-GENERAL OF
THE FEDERATION AND MINISTER OF JUSTICE-----3RD DEFENDANT
4. THE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA ----- 4TH DEFENDANT
5. THE SENATE PRESIDENT,
FEDERAL REPUBLIC OF NIGERIA-----5TH DEFENDANT
6. THE SPEAKER,
FEDERAL HOUSE OF REPRESENTATIVES-----6TH DEFENDANT
7. MR. TIMIPRE SYLVA ----- 7TH DEFENDANT

WRITTEN ADDRESS IN SUPPORT OF ORIGINATING SUMMONS

1.0 INTRODUCTION

- 1.1 My Lord, this is the Written Address in support of Originating Summons filed by the Plaintiff seeking the reliefs contained on the face thereof.
- 1.2 The Plaintiff filed a 39 (Thirty Nine) paragraph affidavit in support of the Originating Summons. The affidavit was deposed to by Adamu Kabir Matazu, a Director of Compliance in the employ of the Plaintiff. We rely on all averments contained in the said affidavit as well as **EXHIBITS TADI 1, 2, 3, 4, 5, 6** and **7** attached thereto in moving this Originating Summons.

2.0 SUMMARY OF FACTS:

- 2.1 My Lord, the facts leading to this Originating Summons are as contained in the supporting affidavit, particularly **paragraphs 6 to 38** thereof. We adopt the said facts and pray Your Lordship to deem same as having been read before the Honourable Court.

3.0 ISSUES FOR DETERMINATION:

- 3.1 We have on behalf of the Plaintiff, formulated one issue for determination by this Honourable Court to wit; "**WHETHER THE PLAINTIFF IS ENTITLED TO GRANT OF THE RELIEFS SOUGHT AGAINST THE DEFENDANTS**"?

4.0 CONSIDERATION OF ISSUES:

"WHETHER THE PLAINTIFF IS ENTITLED TO GRANT OF THE RELIEFS SOUGHT AGAINST THE DEFENDANTS"?

- 4.1 My Lord, in canvassing arguments on this issue, we contend that the facts deposed to in the supporting affidavit are sufficiently cogent to sustain a grant of the reliefs sought. Firstly, we respectfully state that the Plaintiff has **locus standi** to institute this suit before the court. The Plaintiff is a legal entity that has the mandate to address issues related to fighting corruption, injustice and economic sabotage in Nigeria. Section 24 (b) and (d) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) recognizes the right of citizens to take steps towards advancing our community. Section 24 (d) and (e) further states as follows: -

It shall be the duty of every citizen to -

- (d) make positive and useful contribution to the advancement, progress and well-being of the community where he resides;***
- (e) render assistance to appropriate and lawful agencies in the maintenance of law and order; and ...***

- 4.2 The right guaranteed under Section 24 of the 1999 Constitution was recognized and upheld in the case of **DODODO v. E.F.C.C. (2013) I NWLR (Pt. 1336) 46, In Pp. 524, paras. D-H** where Eko J.C.A (as he then was) noted that: -

“The citizen, Alhaji Sani Dododo... has some duty under Section 24 of the Constitution 1999 to abide by the Constitution and respect its ideal. He also has a duty by virtue of Section 24 (e) of this same Constitution to render assistance to appropriate and lawful agencies in the maintenance of law and order. It is in the spirit of Section 24 of the Constitution read together with Section 15 (5) of the same Constitution that enjoins the states agencies ‘to abolish all corrupt practices and abuse of power’ that the appellants made his complaint of corrupt practices against the 4th respondent and the 1st and 2nd respondents who are no doubt lawful agencies of the federal government charged with police powers to investigate allegations of corrupt practices...”

- 4.3 We concede that the Plaintiff may not be personally harmed by the various acts of the 7th Defendant coupled with the inactions of the 1st, 2nd, 5th and 6th Defendants. However, we contend that the Plaintiff has a right, indeed an obligation as well to institute this suit, given its main mandate which is to fight corruption and ensure that good governance is enthroned in Nigeria. If the Plaintiff turns a blind eye to grave and massive violation of extant laws and refuse or neglect to act to enhance the power, prestige and good name of Nigeria in line with Section 24 (b) of the Constitution, then the Plaintiff would not be fulfilling the purpose for which it was incorporated by the Corporate Affairs Commission (CAC), Abuja with Certificate No.102496. See **paragraph 4** of the supporting affidavit.
- 4.4 Over the years, Nigerian Courts as well as courts in Commonwealth countries have taken a more liberal view of, and approach to locus

standi in public interest litigation. In **SHELL PETROLEUM DEVELOPMENT v. NAWKA (2001) 10 NWLR (PT 720) 64 C.A., @ Pp 83 Paras A-D**, Justice Pats-Acholonu J.C.A opined that: "...in our society we are our brother's keeper and we cannot hide under the hydra headed cocoon of locus standi to demolish a case which discloses a justiciable cause of action.... He went on to state at **Page 84 Paras H-A** that:-

"time has come for the appellate court to take a bold view of the law in locus standi and strive not to shut out a litigant from agitating for a special interest or right... we are in an underdeveloped society and we want to catch up with the rest of the international community. I fail to see how we can do this if we leave certain alleged glaring irregularities and illegalities... to be committed. I believe that it is the right of any citizen to see that law is enforced where there is an infraction of that right or a threat of its being violated in matters affecting the public law and in some cases of private law..." See also for emphasis the case of **UKEGBU v. N.B.C (2007) 14 NWLR (Pt. 1055) 551 C.A.**

- 4.5 Sections 1, 2 (3) and 8 of the National Security Agencies Act, 1986 which created the State Security Service (now Department of State Services) headed by the 1st Defendant empowered it to detect and prevent crimes within Nigeria that may threaten national security. The same law also empowers the 1st Defendant to protect and preserve non-military classified matters concerning internal national security of Nigeria. In 1999 before transition to democracy, the Military Government through Instrument No. 1 of 1999 expanded and specifically listed the functions of the 1st Defendant to include vetting and profiling of prospective appointees to public offices like the 7th Defendant who held sway as Governor of Bayelsa State and now Minister of State for Petroleum Resources since 2019.
- 4.6 Similarly, Section 216 (2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) states that, the Inspector-General of Police being the 2nd Defendant herein is charged with the supreme command of the Nigeria Police Force and with the maintenance of public safety and order. Section 4 of the Police Act, 2020 went on to state the general duties of the Police as follows:
- "The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of this or any other Act"***
- 4.7 In this instant case, the 7th Defendant possessed and intentionally used **EXHIBITS TADI 4, 5 and 6** before the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019 for purposes of screening into the positions of Governor of Bayelsa State and Minister of State for Petroleum Resources, respectively.

Meanwhile, the said **EXHIBITS TADI 4, 5 and 6** bear names that are completely different from **EXHIBIT TADI 7** which carries CHIEF TIMIPRE SLYVA. It therefore follows that the 7th Defendant may have stolen the identity of or impersonated either ANAGHA TIMIPRE MARLIN, MARLIN ANAGHA TIMIPRE or ANAGHA TIMIPERE. See **paragraphs 21, 22 and 23** of the affidavit. These actions by the 7th Defendant constitute offences of identity theft, impersonation, giving of false evidence and forgery contrary Sections 366, 364 and 158 (2) of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja 1990 and other relevant statutes.

- 4.8 As can be gleaned from **paragraph 28** of the supporting affidavit, the 7th Defendant swore an oath under Seventh Schedule of the 1999 Constitution (as amended) while assuming offices as Governor of Bayelsa State and Minister of State for Petroleum Resources to bear true allegiance to the Federal Republic of Nigeria even when he knew that **EXHIBITS TADI 4, 5 and 6** being academic documents did not belong to him. In fact, **EXHIBITS TADI 4, 5 and 6** were stolen and used by the 7th Defendant to impersonate the person of another.
- 4.9 Section 366 of the Penal Code Act, Cap 532 Laws of the Federal Capital Territory, Abuja 1990 provides as follows:

“Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document”.

Section 16 of the Penal Code Act (supra) went on to state thus:

“A person is said to do a thing “dishonestly” who does that thing with the intention of causing a wrongful gain to himself or another or of causing loss to any other person”.

- 4.10 On its part, Section 364 provides that: ***“Whoever commits forgery shall be punished with imprisonment for a term which extends to fourteen years or with fine or with both”.*** See the case of **NIGERIA AIRFORCE vs. JAMES (2002) 18 NWLR (Part 798) Page 295** where it was held that forgery occurs when a document tells a lie about itself; it is proved where the lie is exposed and confirmed. In this instant case, the 7th Defendant used a stolen identity and presented academic documents before the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019 for purposes of screening into the positions of Governor of Bayelsa State and Minister of State for Petroleum Resources, respectively. No doubt, the 7th Defendant knew that the said academic documents were forged but yet used them to confer undue advantage upon himself to the detriment of other persons who were eminently qualified to have occupied those positions. We submit that the 1st and 2nd Defendants are duty bound by law to arrest and prosecute the 7th Defendant. We respectfully urge the Honourable Court to so hold.
- 4.11 Furthermore, 158 (2) of the Penal Code Act stipulates what it means to commit the offence of Giving False Evidence in other cases other than judicial proceedings. The said Section 158 (2) prescribes seven years

imprisonment plus fine as punishment for whoever intentionally gave and or fabricated false evidence. It is our contention that the 7th Defendant ran afoul of the extant law and ought to be arrested and prosecuted accordingly in the interest of justice. We further contend that the 7th Defendant should not be spared for any reason, notwithstanding that he is a serving Public Official and has ample connections to high and mighty persons in Nigeria. After all, the law has never been a respecter of status or position and we urge the Honourable Court to so hold.

4.12 In the case of **AYIDA vs. TOWN PLANNING AUTHORITY (2014) All FWLR (Pt. 714) 1 S.C.**, the Court defined “mandamus” as a writ issued from a court of competent jurisdiction commanding an inferior tribunal, board or corporation to perform a purely ministerial duty imposed by law. It is an extraordinary writ which lies to compel the performance of a ministerial act or mandatory duty where there is a clear legal right in the Plaintiff and a corresponding duty on the Defendant. In other words, the prerogative order of mandamus commands any person or body to whom it is directed to perform “public duty” imposed by law. See also the case of **ASSOCIATED DISCOUNT HOUSE LTD vs. MINISTER OF FCT (2014) All FWLR (Pt. 713) 1864 S.C.**

4.13 Also in **ONYEKWULUJE vs. BENUE STATE GOVERNMENT (2015) All FWLR (Pt. 809) 842 at 854, paragraph 5** it was held that:

“Mandamus is used by the court to restrain the abuse or misuse of power or to correct error of law, wrong exercise of discretion by tribunal, public authority or government official”.

We submit that the 1st and 2nd Defendants being Heads of government agencies have abdicated their statutory duties by refusing to arrest and prosecute the 7th Defendant in connection with the offences which the 7th Defendant committed in the course of undergoing screening for the positions of Governor of Bayelsa State and Minister of State for Petroleum Resources. It is therefore proper for Your Lordship to issue an order of mandamus compelling the 1st and 2nd Defendants to do the needful.

4.14 On exemplary damages, we submit that the Honourable Court can make an order of in the sum of ₦500,000,000 (Five Hundred Million Naira) jointly and or severally against the 1st, 2nd, 5th and 6th Defendants for failure, refusal, or neglect to perform their legal duties by not properly profiling the 7th Defendant and giving verified information about the true identity of the 7th Defendant during his screening as Governorship and Ministerial candidate before the Bayelsa State Gubernatorial Screening Committee in 2007 as well as the 5th and 6th Defendants in 2019, respectively. The law is trite that exemplary damages, also known as punitive damages, are intended to punish and deter blameworthy conduct and thereby prevent the occurrence of the same act in future. They operate to make government pay for the oppressive, arbitrary or unconstitutional conduct of its servants, just as much as it punishes and deters similar conduct by private persons.

4.15 In a nutshell, exemplary damages focus not on injury to the Plaintiff but on outrageous, high-handed, insolent, vindictive or malicious conduct of a Defendant, which is so severe that it warrants an additional award of damages by way of punishment to express the public's indignation and need for deterrence and retribution. The idea that all persons ought to be accountable to the law is fundamental and we urge Your Lordship to so hold. See the case of **ZENITH BANK PLC vs. CHIEF DENNIS EKEREUEWEM (2012) 4 NWLR (Pt. 1290) 207**. On when exemplary damages can be awarded against a Defendant, we refer to the case of **ELIOCHIN (NIGERIA) LTD vs. MBADIWE (1986) 1 NWLR Page 47** where the Supreme Court stated thus:

“Exemplary damages are awarded whenever the Defendant’s conduct is sufficiently outrageous to merit punishment such as where it discloses malice, fraud, cruelty, insolence, flagrant disregard to the law and the like”.

Tobi, JCA (as he then was) in the case of **ONAGORUWA vs. IGP (1991) 5 NWLR (Pt. 193) Page 593**, relying on **EZEANI vs. EJIDIKE (1964) All NLR 402** laid out the circumstances in which exemplary damages may be awarded thus:

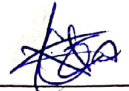
- a) Where there is an express authorization by the statute.
- b) In the case of oppressive, arbitrary or unconstitutional action by the servants of the government.
- c) Where the defendant’s conduct had been calculated by him to make a profit for himself, which might well exceed the compensation payable to the Plaintiff.

In order to succeed in securing the grant of exemplary damages, a Plaintiff must be able to prove any of these three conditions. Once any of these three conditions is proved, a court of law will award exemplary damages. We submit that the Plaintiff in the instant case has adduced facts in their supporting affidavit to prove the first condition stated above. We therefore respectfully urge Your Lordship to grant this arm of the Plaintiff’s claims.

5.0 CONCLUSION:

- 5.1 My Lord, we shall conclude this Written Address by humbly submitting that the Plaintiff being an anti-corruption organization has shown by their affidavit evidence and the exhibits attached thereto that they have sufficient interest to protect in this case. We therefore pray this Honourable Court to exercise its discretionary powers judicially and judiciously by resolving the sole issue raised in favour of the Plaintiff.
- 5.2 We are most grateful for the patience and kind indulgence of Your Lordship.

DATED THIS 31ST DAY OF AUGUST, 2022.


Ibrahim Muhammad AUWAL, Esq.
Esther Wuese IORHUNA, Esq. ✓

PP: GRAYLAW SOLICITORS
(Plaintiff's Counsel)

Suite B22, 3rd Floor, Saham Plaza,
Plot 10, Alexandria Crescent,
Wuse 2, FCT-Abuja, NIGERIA.
Tel: 08050758966

Email: graylawsolicitors@gmail.com

FOR SERVICE ON:

- 1. THE 1ST DEFENDANT,**
The Director-General,
Department of State Services (DSS),
National Headquarters, Aso Drive,
FCT-Abuja, NIGERIA
- 2. THE 2ND DEFENDANT,**
The Inspector-General of Police,
C/o Force Headquarters,
Louis Edet House, Central Area,
FCT-Abuja, NIGERIA
- 3. THE 3RD AND 4TH DEFENDANTS,**
C/o The Honourable Attorney-General of the Federation
and Minister of Justice,
Attorney-General's Chambers,
Plot 71B, Shehu Shagari Way,
Maitama, FCT, Abuja, NIGERIA
- 4. THE 5TH AND 6TH DEFENDANTS,**
National Assembly Complex,
Three Arms Zone,
FCT-Abuja, NIGERIA
Email: info@nass.gov.ng
- 5. THE 7TH DEFENDANT,**
C/o Federal Ministry of Petroleum Resources
Block D, NNPC Towers,
Herbert Macaulay Way,
Central Business District,
FCT-Abuja, NIGERIA
Email: info@petroleumresources.gov.ng