

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE LAGOS JUDICIAL DIVISION**  
**HOLDEN AT LAGOS**

**IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW**

SUIT NO: FCH/CS/523/17

**BETWEEN:**

**SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY  
PROJECT**

**AND**

**THE ACCOUNTANT GENERAL OF THE FEDERATION**

} **APPLICANT**

} **RESPONDENT**

**MOTION EX-PARTE BROUGHT PURSUANT TO:**

1. **ORDER 34 RULES 1(1)(A), 2, 3(1)&(2)(A),(B)&(C) OF THE FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES, 2009.**
2. **SECTION 26(2) OF THE CORRUPT PRACTICES AND OTHER RELATED OFFENCES ACT 2000.**
3. **SECTION 1(1),(2),(3); 2(7) , 4(A), & 20 OF THE FREEDOM OF INFORMATION ACT, 2011.**
4. **AND SECTION 15(5) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED).**
5. **AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT.**

**TAKE NOTICE** that this Honourable Court will be moved on the \_\_\_\_\_day of\_\_\_\_\_2017 at the Hour of 9'O Clock in the forenoon or so soon thereafter as Counsel may be heard on behalf of the Applicant praying this Honourable Court for the following:-

1. ***AN ORDER*** of this Honourable Court granting leave to the Applicant to apply for Judicial Relief and to seek an order of Mandamus directing and/or compelling the Respondent to urgently compile and pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the release and spending of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government, so that the Attorney-General of the Federation can take

steps to initiate legal action against the States that allegedly diverted and mismanaged the funds with a view to compelling the states to widely publish, including on a dedicated website, details of spending of the funds by them.

2. **AND** for such order or other orders as this Honourable Court may deem fit to make in the circumstance.

**AND TAKE NOTICE** that on the hearing of this application, the Applicant will use the affidavit and the exhibits therein referred to.

**DATED THIS ..... DAY OF APRIL, 2017**

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TIMOTHY ADEWALE, ESQ,  
PLAINTIFF/RESPONDENT'S COUNSEL,  
2B OYETOLA STREET, OFF AJANAKU  
STREET, OFF SALVATION STREET,  
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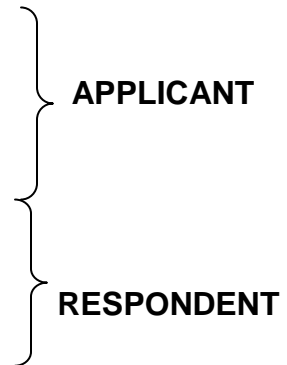
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**BETWEEN:**

**SOCIO-ECONOMIC RIGHTS AND ACCOUNTABILITY  
PROJECT**

**AND**

**THE ACCOUNTANT-GENERAL OF THE FEDERATION**



**AFFIDAVIT IN SUPPORT**

**I, AHMED OSHODI** Male, Nigerian, Christian and Litigation Clerk of Socio-Economic Rights and Accountability Project (SERAP) of **No. 2B Oyetola Street, Off Ajanaku Street, Off Salvation Street, Opebi, Ikeja, Lagos**, do hereby make oath and state as follows:

1. That I am a Litigation Clerk of the Socio-Economic Rights and Accountability Project (SERAP), the Applicant in this suit.
2. That I have the consent and authority of the Applicant herein to depose to this affidavit.
3. That by virtue of my position and the fact stated in paragraph 2 hereof, I am conversant with the facts of this case and with the facts deposed to herein.
4. That the Applicant is a human rights non-governmental organization established in Nigeria
5. That the Applicant seeks to promote transparency and accountability in government through human rights. A copy of the Constitution of the Plaintiff is hereby attached as **Exhibit 2**.
6. That in the pursuit of its mandate, the Applicant, by a letter dated 17th February, 2017, requested the Respondent to urgently compile and pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the

release and spending of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government, so that the Attorney-General of the Federation can take steps to initiate legal action against the States that allegedly diverted and mismanaged the funds with a view to compelling the states to widely publish, including on a dedicated website, details of spending of the funds by them.

7. But since the receipt of the letter, and up till the filing of this suit, the Respondent has so far failed, refused and/ or neglected to pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the release and spending of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government. Shown to me and marked **Exhibits A** and **B** are copies of the letter sent to the Respondent and the evidence of receipt of the letter by the Respondent.
8. That the Motion Ex-parte for mandamus herein was filed..... at the Registry of this Honourable Court.
9. That this matter is to compel the Respondent, the Accountant-General of the Federation to immediately compile and pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the release of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government.
10. That this subject matter is of utmost national concern and has been a great source of hardship to the vulnerable sectors of the economy
11. That this suit will not amount to interference with activities within the States involved.
12. That by the nature of the case, it ought to be heard urgently.
13. That it is in the interest of the continued existence of the country and justice to grant this application.
14. That I make this declaration in good faith.

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**DEPONENT**

**SWORN TO AT THE FEDERAL HIGH COURT REGISTRY, LAGOS  
THIS ..... DAY OF APRIL, 2017.**

**BEFORE ME**

**COMMISSIONER FOR OATHS**

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE LAGOS JUDICIAL DIVISION**  
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**BETWEEN:**

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PROJECT**

**AND**

**THE ACCOUNTANT-GENERAL OF THE FEDERATION**

} **APPLICANT**

} **RESPONDENT**

**STATEMENT PURSUANT TO ORDER 34 (3) OF THE FEDERAL HIGH COURT  
(CIVIL PROCEDURE) RULES, 2009.**

**1. NAME AND DESCRIPTION OF THE APPLICANT**

The Applicant is the **Socio-Economic Rights and Accountability Project (SERAP)**, a human rights non-governmental organization whose mandate include to promote and seek respect for socio-economic rights of Nigerians, and to promote transparency and accountability in the public and private sectors through human rights.

**2. RELIEFS SOUGHT BY THE APPLICANT**

**A. A DECLARATION** that *the failure of the Respondent to urgently compile and pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the release and spending of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government, so that the Attorney-General of the Federation can take steps to initiate legal action against the States that allegedly diverted and mismanaged the funds with a view to compelling the states to widely publish, including on a dedicated*

website, details of spending of the funds by them *is unconstitutional and unlawful as it contradicts and in conflict with the duties and obligations of the Respondent under **the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the Corrupt Practices and Other Related Offences Act 2000 and the Freedom of Information Act 2011.***

**B. AN ORDER OF MANDAMUS** compelling the Respondent to urgently compile and pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the release and spending of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government, so that the Attorney-General of the Federation can take steps to initiate legal action against the States that allegedly diverted and mismanaged the funds with a view to compelling the states to widely publish, including on a dedicated website, details of spending of the funds by them.

### **3. GROUNDS FOR SEEKING RELIEFS**

- i. By virtue of **Section 15(5) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)**; and **Sections 2, 4 & 31 of the Freedom of Information Act, 2011**, the Respondent has a constitutional and statutory obligation to contribute to the eradication of corrupt practices and abuse of power, ensure proper organization and maintenance of all information in its custody in a manner that facilitates public access to such information, and make readily available to applicants, information, whenever it is sought.
- ii. The Respondent has failed, neglected and or refused to urgently compile and pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the release and spending of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government, so that the Attorney-General of the Federation can take steps to initiate legal action against the States that allegedly diverted and mismanaged the funds with a view to compelling the states to widely publish, including on a dedicated website, details of spending of the funds by them.

### **4. FACTS IN SUPPORT**

- i. The Applicant is the **Socio-Economic Rights and Accountability Project (SERAP)**, a human rights non-governmental organisation whose mandate include to promote and seek respect for socio-economic rights of Nigerians, and to promote transparency and accountability in the public and private sectors through human rights.
- ii. The Respondent is the Accountant-General and the Chief Accounting Officer of the Federation constitutionally charged with the responsibility of the overall management of all receipt and payments of the Federal Republic of Nigeria.
- iii. *By a letter dated 17th March, 2017*, the **Socio-Economic Rights and Accountability Project (SERAP)** requested the Respondent to urgently compile and pass on to the Attorney-General of the Federation and Minister of

Justice, information relating to the release and spending of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government, so that the Attorney-General of the Federation can take steps to initiate legal action against the States that allegedly diverted and mismanaged the funds with a view to compelling the states to widely publish, including on a dedicated website, details of spending of the funds by them. In the letter, the Respondent from the information it gathered, further informed the Respondent the following facts:

- (a) The Federal Government released N388.304billion of the N522.74 billion to 35 states as refunds of over-deductions on London-Paris Club loans. The amounts received by the states are as follows: Akwa Ibom N14.5bn; Bayelsa N14.5bn; Delta N14.5bn; Kaduna N14.3bn; Katsina N14.5bn; Lagos N14.5bn; Rivers N14.5bn; Borno N13,654,138,849.49; Imo 13bn; Jigawa 13.2bn; Niger N13.4bn; Bauchi N12.7bn and Benue N12.7bn, Anambra N11.3bn; Cross River N11.3bn; Edo N11.3bn; Kebbi N11bn; Kogi N11.2bn; Osun N11.7bn; Sokoto N11.9bn; Abia N10.6bn; Ogun N10.6bn; Plateau N10.4bn; Yobe N10bn; and Zamfara N10bn. Other states are: Adamawa N4.8bn; Ebonyi N3.3bn; Ekiti N8.8bn; Enugu N9.9bn; Gombe N8.3bn; Kwara N5.4bn; Nasarawa N8.4bn; Ondo N6.5bn; Oyo N7.2bn and Taraba N4.2bn.
- (b) The Applicant also informed the Respondent that it was seriously concerned about allegations of corruption and mismanagement of funds by several states including under-declaration of refunds; diversion of some of the loan funds; curious payment of service charge to some consultants and tracing of some of the cash to personal accounts of some governors. And that rather than spending the funds to pay all outstanding salaries of workers and provide targeted social assistance schemes for pensioners, several states have allegedly diverted and mismanaged the funds.
- (c) The Applicant is also concerned that allegations of corruption and mismanagement of in the spending of N388.304 billion London Paris Club loan refunds have undermined the human dignity of workers and pensioners facing difficult circumstances that deprive them of their capacity to fully realize their internationally recognized economic and social rights.
- (d) The allegations of corruption in the spending of the London Paris Club loan refunds have also exacerbated poverty, social exclusion, and violated the government's obligation to use its maximum available resources to fully realize the right of all persons especially workers and pensioners who are the most vulnerable sectors of the population.
- (e) The Applicant strongly believes that passing on information on the spending by states of N388.304 billion London Paris Club loan refunds to the Attorney General of the Federation who should therefore bring a case against the states that have allegedly diverted and mismanaged funds meant for payment of salaries and pension is rational, and would be a powerful tool to deter corruption in the states of the federation, as well as send a strong message that the government of President Muhammadu Buhari would not tolerate

corruption in the disbursement of funds by the federal government no matter who is involved.

- (f) Allegations of corruption and mismanagement in the spending of N388.304 billion London Paris Club loan refunds by states are of utmost national concerns, as they affect the body polity of the country, and undermine constitutional authority of the federal government to fight corruption and abuse of power under enabling legislation.
- (g) Compilation and Passing on Information to the office of the Attorney General of the Federation by the Respondent wholly consistent with the aim of the Constitution to wipe out corrupt practices, as entrenched in section 15(5) of the 1999 Constitution (as amended) which provides that “the state shall abolish corrupt practices and abuse of power.” And under section 10(2) of the Interpretation Act, the constitution and the Corrupt Practices and Other Related Offences Act, which confer power to do any act, “shall be construed as also conferring all such other powers as are reasonably necessary to enable that act to be done or are incidental to the doing of it.
- (h) The Applicant believes that compiling and passing on information to the Attorney General of the Federation to enable him take steps to pursue appropriate legal action against states that allegedly diverted and mismanaged the London Paris Club loan refunds with a view to seeking from the state publication of the following including on a dedicated website:
- i. detailed information on the total amount of the London Paris Club loan refunds that have been spent by each state; and
  - ii. details on the total amount of the funds spent on outstanding workers’ salaries and pension as well as other projects as appropriate.

will be deemed incidental to the power of the federal government to achieve effective implementation of anticorruption legislation such as the ICPC Act, which is applicable in all states of the federation, and will not amount to interference with activities within the states involved.

- (i) The Applicant also noted in its letter that the Accountant General of the Federation ought to be decisive in this matter and pass on the information on the release and spending of the funds, especially given the fact that the current economic problem and recession is largely attributable to widespread corruption and abuse of power, and that foreign countries generally regard and treat Nigerians as corrupt people. And that to do otherwise is to limit the scope of the anticorruption agenda of the federal government, and encourage impunity for alleged corruption and mismanagement within these states.
- (j) The Applicant further noted that President Muhammadu Buhari has promised that his government will take corruption and abuse of power regardless of who is involved, and underscored the fact that there can be no sustainable development where corruption is the norm. The Applicant thus requested that



the Respondent urgently compile and pass on information regarding the release and spending of the London Paris Club Loan refunds to the Attorney General of the Federation so that he can take steps to pursue appropriate legal action against states that allegedly diverted and mismanaged the loan refunds.

(k) The Applicant requested that the Respondent urgently compile and pass on the information to the Attorney General of the Federation within 7 days of the receipt and/or publication of this letter, failing which the Applicant would institute legal proceedings to compel the discharge of duty.

(l) The Respondent received and stamped the said letter on the 17<sup>th</sup> February, 2017. Attached herewith and marked **Exhibit "A"** and **"B"** respectively are copies of the said letter and the acknowledgment of service.

iv. The Respondent has failed, and or refused to immediately compile and pass on information to the Attorney General of the Federation regarding the release and spending of the London Paris Club Loan refunds within 7 days of the receipt of the letter,

v. Unless the reliefs sought by the Applicant are granted, the Respondent will not immediately compile and pass on information to the Attorney General of the Federation regarding the release and spending of the London Paris Club Loan refunds to enable him take steps to pursue appropriate legal action against states that allegedly diverted and mismanaged the loan refunds.

**DATED THIS.....DAY OF APRIL, 2017.**

-----  
TIMOTHY ADEWALE, ESQ,  
PLAINTIFF/RESPONDENT'S COUNSEL,  
2B OYETOLA STREET, OFF AJANAKU  
STREET, OFF SALVATION STREET,  
OPEBI, IKEJA, LAGOS.  
Tel: 08160537202;  
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**APPLICANT**

**AND**

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**RESPONDENT**

**VERIFYING AFFIDAVIT OF THE APPLICANT**

**I, AHMED OSHODI, Male, Nigerian, Christian and Litigation Clerk of Socio-Economic Rights and Accountability Project (SERAP), of No. 2B Oyetola Street, Off Ajanaku Street, Off Salvation Street, Opebi, Ikeja, Lagos, do hereby make oath and state as follows:**

1. That I am a Litigation Clerk of the Socio-Economic Rights and Accountability Project (SERAP), the Applicant in this suit.
2. That I have the consent and authority of the Applicant herein to depose to this verifying affidavit.
3. That by virtue of my position and the fact stated in paragraph 2 hereof, I am conversant with the facts of this case and with the facts deposed to herein.
4. That all the facts contained in the Statement attached to this application are true to the best of my knowledge.
5. That I hereby verify all the facts contained in the Statement herein.

6. That I make this declaration in good faith.

**SWORN TO AT THE FEDERAL HIGH COURT REGISTRY, LAGOS**

**THIS..... DAY OF APRIL, 2017.**

**BEFORE ME**

**COMMISSIONER FOR OATHS**

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} **RESPONDENT**

**APPLICANT'S WRITTEN ADDRESS**

**INTRODUCTION:-**

- i. The Applicant is the **Socio-Economic Rights and Accountability Project (SERAP)**, a human rights non-governmental organization whose mandate include to promote and seek respect for socio-economic rights of Nigerians, and to promote transparency and accountability in the public and private sectors through human rights.
- ii. The Respondent is the Accountant-General of the Federation and the Chief Accounting Officer of the Federation constitutionally charged with the responsibility of the overall management of all receipt and payments of the Federal Republic of Nigeria.

**ISSUE FOR DETERMINATION:**

My Lord, we submit that the only issue for the determination of the Court is:

***“Whether the reliefs sought ought to be granted by this Honourable Court.”***

## **SUCCINCT LEGAL SUBMISSION IN SUPPORT OF THE APPLICATION.**

1. My Lord, In strict obedience to the provisions of **Order 34 Rule 3(1) of the Federal High Court (Civil Procedure Rules) 2009**, which states that

***“No application for judicial review shall be made unless the leave of Court has been obtained in accordance with this rule”.***

The Applicant has brought this Application seeking leave of this Honourable Court to apply for the judicial relief stated therein. The Applicant has also complied with the provisions of **Order 34 Rule 3(2)(a)(b)(c)** by attaching all other accompanying documents.

2.

The Applicant by a letter dated 17<sup>th</sup> February, 2017, addressed to the Respondent, the Accountant General of the Federation and Chief Accounting Officer of the Federation, and published the same date, requested the Respondent to urgently compile and pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the release and spending of N388.304 billion London Paris Club Loan refunds to 35 States by the Federal Government, so that the Attorney-General of the Federation can take steps to initiate legal action against the States that allegedly diverted and mismanaged the funds with a view to compelling the states to widely publish, including on a dedicated website;

- i. detailed information on the total amount of the London Paris Club loan refunds that have been spent by each state; and
- ii. details on the total amount of the funds spent on outstanding workers' salaries and pension as well as other projects as appropriate.

3. The title of the letter is: ***“Re: Request to seek transparency from states on the spending of N388.304 billion London Paris Club loan refund.”***

4. The said letter and its acknowledgment are annexed to Applicant's Statement and marked **Exhibit “A”** and **“B”** respectively.

5. The Respondent received the said letter on the 17<sup>th</sup> February, 2017. In the letter under reference, the Applicant raised some allegations it gathered of corruption and mismanagement of funds by several states including under-declaration of refunds; diversion of some of the loan funds; curious payment of service charge to some consultants and tracing of some of the cash to personal accounts of some governors. And that rather than spending the funds to pay all outstanding salaries of workers and provide targeted social assistance schemes for pensioners, several states have allegedly diverted and mismanaged the funds.

6. Apart from the objective of the Applicant to promote and seek respect for socio-economic rights of Nigerians, and promote transparency and accountability in the public and private sectors through human rights, the decision of the Applicant to do the letter to the Respondent was borne out of the fact that it is the constitutional and statutory responsibility of the Respondent as the Chief Accounting Officer of the Federation to see to the overall management of all

receipt and payments of the Federal Republic of Nigeria, which supports the fact that the Accountant General is very well aware of and have the information relating to the release of the London Paris Loan refunds to the States.

7. Another reason for the Applicant's decision to request that the Respondent transmit information to the Attorney General is due to the fact that it is trite that the Attorney General of the Federation is saddled with the constitutional and onerous responsibility of instituting and undertaking criminal proceedings against any person in Nigeria in respect of any offence created by or under any Act of the National Assembly. In fact, **the Corrupt Practices and other Related Offences Act 2000, in Section 26(2)** provides that:

**“Prosecution for an offence under this Act shall be initiated by the Attorney General of the Federation, or any person or authority to whom he shall delegate his authority, in any superior court of record so delegated by the Chief Judge of a state or the chief judge of the Federal Capital Territory, Abuja under section 61(3) of this Act; and every prosecution for an offence under this Act or any other law prohibiting bribery, corruption, fraud or any other related offence shall be deemed to be initiated by the Attorney-General of the Federation.”**

8. **Section 15(5) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)** provides as follows:

***“The State shall abolish corrupt practices and abuse of power.”***

The Respondent, being the Chief Accounting Officer, a public office is under an obligation and a compelling legal duty to give effect to this provision of the Constitution.

9. To this extent, we humbly submit that allegations **corruption, diversion and mismanagement** of the N388.304 billion London Paris Club Loans refunds by the Federal Government to the States are offences which fall within the class of corrupt practices envisaged in the Act, they are of utmost national concern, as they affect the body polity of the country and undermine constitutional authority of the Federal Government to fight corruption and abuse of power under enabling legislation.

The Respondent has a constitutional duty to do all acts that is necessary to abolish corrupt practices and abuse of power, which include the compiling and passing of information relating to the subject matter, to enable the Attorney General of the Federation to perform his duty.

10. Furthermore, My Lord to support the fact that the Applicant has the right to request that the Respondent provide the Attorney General with information regarding the release of the London Paris Club Loan refunds to the 35 States in Nigeria, **Section 1(1) of the Freedom of Information Act, (FOI) 2011**

established the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described. Also, **Section 1(2) of the FOI Act 2011** provides that:

***“An applicant under this Act need not demonstrate any specific interest in the information being applied for.”***

This provision was given a judicial nod in **BONIFACE OKEZIE v. ATTORNEY GENERAL OF THE FEDERATION and the EFCC**, unreported suit no FHC/L/CS/514/2012 decided on 22 February, 2013. The court holding in favour of the plaintiff stated that:

***it is not necessary for a plaintiff to demonstrate any specific interest in the information being applied for to have standing to bring the suit. Rather, the requester of information was entitled as a citizen of Nigeria to institute the proceedings to compel the Defendants to comply with the provisions of the FOIA.***

**11. Section 1(3) of the FOI Act, 2011** further states that:

***“any person entitled to the right to information under this Act, shall have the right to institute proceedings in the Court to compel any public institution to comply with the provisions of this Act.”***

**Section 4(a)** of the same Act mandates the public institution to provide such information applied for within 7 days of the receipt of the application.

**Again, Section 20 of FOI Act, 2011** provides that:

***“ any applicant who has been denied access to information, or a part thereof, may apply to the Court for a review of the matter within 30 days after the public institution denies or is deemed to have denied the application, or within such further time as the Court may either before or after the expiration of the 30 days fix or allow.”***

12. The Applicant's letter as stated earlier was dated and received by the Respondent on the 17th of February, 2017. The Applicant gave the Respondent 7 days within which to provide the required information, to which request the Respondent failed to either make available the information to the Attorney General of the Federation, or deny, by a written notice stating reasons for the denial and the section of the Act under which the denial was made, as provided by Section 4(a) & (b) of the FOI Act, 2011, which resulted into the Applicant filing application to compel the disclosure of the information requested herein.

Also, by the provisions of **Section 2(7) and 31 of the FOI Act**, the definition of public institution includes the Respondent. The Respondent being a public institution within the meaning of the FOI Act, is bound to comply with the provisions of Section 4 of the FOI Act.

13. Since the Respondent has failed to provide information requested by the Applicant to the Attorney General; of the Federation, within the time limit stipulated by the FOI Act, it is submitted that a request for information can only be denied or turned down if the information requested is one that is exempted from disclosure under the provisions of the FOI Act.

Section 4(a) is a mandatory and absolute provision which imposes a binding legal obligation on a public official, agency or institution to comply with a request for access to public information or records except where the Act expressly derogates from the duty to disclose.

14. We respectfully submit, that the Applicant is entitled, from the aforementioned provisions of the law, to request that the Respondent provide the Attorney General of the Federation with information relating to the release of the London Paris Club Loan refunds to the 35 States in Nigeria and that the Respondent is under a legal duty to so do.

15. To further support the Applicant's application for mandamus, the Court in **CHIEF GANI FAWEHINMI V INSPECTOR GENERAL OF POLICE AND OTHERS (2001) 1 WRN 90 at 92-93. per Oguntade, JCA**, on the meaning of mandamus held that:

***“Mandamus lies to secure the performance of a public duty in the performance which the applicant has a sufficient legal interest. He must show that he has demanded the performance of the duty and that performance has been refused by the authority obliged to discharge it...”***

16. We submit that it has been shown from the above that the Applicant demanded the performance of the duty of providing information as regards the release of the London Paris Club Loan refunds to the 35 States in Nigeria, and the Respondent has failed, refused, and or neglected to discharge this duty, well over the 7 days provided by Law. In the light of this, we humbly urge your Lordship to hold that the Applicant has rightly commenced this suit by seeking for an order of mandamus.

17. My Lord, the letter dated 17th February, 2017, addressed to the Respondent and published the same day contained mind boggling allegations of corruption, diversion and mismanagement by some States, of funds totalling N388.304 billion released to them by the Federal Government, which funds, ought to have been used to pay outstanding salaries and pension. This has brought untold hardship to the vulnerable workers and pensioners in the States and have undermined their human dignity, thereby depriving them of their capacity to fully realise their internationally recognized economic and social rights.

18. The allegations of corruption in the spending of the refunds have also exacerbated poverty, social exclusion and violated the government's obligation to use its maximum available resources to fully realise the rights of all persons



especially workers and pensioners who are the most vulnerable sectors of the population.

19. **The African Charter on Human and Peoples Right in Article 9**, is to the effect that “ Every individual shall have the right to receive information and express and disseminate his opinions within the law.

**Article 21** also states inter alia that States parties to the Charter shall undertake to eliminate all forms of foreign economic exploitation particularly practice by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

20. These allegations are in our society at the moment regarded as very serious due to the economic downturn the nation is experiencing.

In **GOVERNOR OF EBONYI STATE & ORS v. HON. JUSTICE ISUAMA (2003) FWLR (PT 169) 1210 @ 1227-1228**, the Court of Appeal held that :

***“Obedience to the rule of law by all citizens but more particularly those who publicly took oath of office to protect and preserve the constitution is a desideratum to good governance and respect for the rule of law. In a democratic society, this is meant to be a norm; it is an apostasy for government to ignore the provisions of the law and the necessary rules to regulate matters.***

21. We therefore submit that the Respondent has duties under the law, by virtue of his office, which duty include the providing of the information requested by the Applicant to the Accountant General and that duty must be discharged in the interest of the peaceful co-existence and continued existence of Nigeria.

### **CONCLUSION:-**

My Lord, it is trite that upon assumption of office of President **Muhammadu Buhari**, he made it known that his administration will have a zero tolerance for corruption and other social vices capable of jeopardizing the image of our Country.

We humbly urge your Lordship to in the interest of just and the downtrodden in the Nigerian society, make an order compelling the Respondent to comply with the law and urgently compile and pass on to the Attorney-General of the Federation and Minister of Justice, information relating to the release and spending of N388.304billion London Paris Club Loan refunds to 35 States by the Federal Government, so that the Attorney-General of the Federation can take steps to initiate legal action against the States that allegedly diverted and mismanaged the funds with a view to compelling the states to widely publish, including on a dedicated website;

- iii. detailed information on the total amount of the London Paris Club loan refunds that have been spent by each state; and

- iv. details on the total amount of the funds spent on outstanding workers' salaries and pension as well as other projects as appropriate.

We are most grateful your Lordship.

**DATED THIS..... DAY OF APRIL, 2017.**

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