

17th July, 2016

PRESS RELEASE

The National Judicial Council, under the Chairmanship of the Hon. Chief Justice of Nigeria, Hon. Justice Mahmud Mohammed, GCON, at its 77th Meeting which was held on 15th July, 2016 recommended the compulsory retirement from Office of Hon. Justice Mohammed Nasiru Yunusa of the Federal High Court, of Lagos Division and Hon. Justice Olamide Folahanmi Oloyede of the High Court of Justice, Osun State.

2. Hon. Justice Mohammed Nasiru Yunusa was recommended for compulsory retirement from Office to President Muhammadu Buhari, GCFR, Pursuant to the 'Findings' by the Council following the allegations contained in the Petitions written against him by the Civil Society Network Against Corruption that His Lordship granted

Interim Orders and Perpetual Injunctions, restraining the Attorney-General of the Federation, the Inspector General of Police, Independent Corruption practices and Related Offence Commission (ICPC) and Economic and Financial Crimes Commission (EFCC) from arresting, investigating and prosecuting some persons accused of corruption in the following 7 cases:-

1. FHC\L\CS\1471\2015:- between Simon John Adonimere & 3 Ors Vs. EFCC;
2. FHC\L\CS\477\14:- FRN V Michael Adenuga;
3. FHC\L\CS\1342\15:- Senator Stella Odua Vs. AG Federation, EFCC, ICPC & IGP;
4. FHC\L\CS\1285\15:- Jyde Adelakun & Anor Vs. Chairman EFCC & Anor;
5. FHC\L\CS\1455\:- Dr Martins Oluwafemi Thomas Vs. EFCC;
6. FHC\L\CS\1269\15:- Hon Shamsudeen Abogu Vs. EFCC & Ors; and
7. FHC\L\CS\1012\15:- Hon. Etete Dauzia Loya Vs. EFCC

3. During deliberations Council found as follows:
- That Hon. Justice Yunusa assumed jurisdiction in Federal High Court Lagos in Suit FHC\L\CS\1342\15 wherein the infringement of the applicant's right occurred in Abuja contrary to Section 46 (1) of the 1999 Constitution of Nigeria (as amended)
 - That His Lordship contravened Rule 3. 1 of the Code of Conduct for Judicial Officers in Suit FHC\L\CS\1445\15 by claiming ignorance of the provisions of the Money Laundering Act when he made an Order stopping EFCC from Investigation into a money laundering case involving \$2.2m (Two Million, Two Hundred Thousand Dollars) against the applicant.
 - That Hon. Justice Yunusa's decision restraining the anti-graft agencies from carrying out their statutory functions in the first six cases mentioned earlier is contrary to the Judgement of the Court of Appeal in **A.G Anambra State Vs. UBA** which His Lordship quoted but did not apply in his Rulings.

4. On the allegations levelled against Hon. Justice Olamide Folahanmi Oloyede of High Court of Justice, Osun State , by Osun Civil Societies Coalition, Council also recommended her for compulsory retirement from Office to the Osun State Governor sequel to the ‘Findings’ of its Facts Finding Committee that:

- the Hon. Judge failed to conduct herself in such a manner as to preserve the dignity of her Office and impartiality and independence of the Judiciary when she wrote a Petition against the Osun State Governor and his Deputy to the Members of the State House of Assembly and circulated same to 36 persons/organizations.
- the Petition was said to contain political statements, unsubstantiated allegations and accusations aimed at deriding, demeaning and undermining the Government of Osun State, the person and character of the Governor (as one who is cruel, a liar and a traitor), his Deputy and aides.

- the Petition contained statements calculated to incite the residents of Osun State against the State Government and its elected Officers.
- Hon. Justice Oloyede crossed the fundamental right of freedom of speech and created a negative perception of the Nigerian Judiciary to the Public.
- The allegations against the Hon. Judge constitute a misconduct contrary to Section 292 (1) (b) of the 1999 Constitution of the Federal Republic of Nigeria, as amended and Rules 1 (1) and 5 of the 2016 Revised Code of Conduct for Judicial Officers of the Federal Republic of Nigeria.

5. In the meantime, the National Judicial Council, in the exercise of its disciplinary powers under the 1999 Constitution of the Federal Republic of Nigeria, as amended, has suspended Hon. Justice M. N. Yunusa and Hon Justice Olamide Folahanmi Oloyede from Office pending the approval of the recommendation of the Council for their compulsory retirement by the President of the Federal Republic of

Nigeria Muhammadu Buhari, GCFR, and Governor Rauf Adegbesola of Osun State respectively.

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