



REPUBLIC OF NIGERIA

**GOVERNMENT WHITE PAPER**

*on the*

**Reports of the**

**Hon. Mr Justice A. N. Aniagolu, O.S.A., F.S.A.**

*Justice Commissioner*

*on the*

**Conducts of Dr I. N. O. Asinobi**

**Dr E. N. Chidume and Mr F. Akujobi**

*and on the*

**Conducts of Mr J. C. Ononye**

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MINISTRY OF JUSTICE  
Lagos  
1973

1973



SOF 15/1/74

REPORTS OF THE COMMISSION OF INQUIRY INTO—

- (1) The Conducts of Dr I. N. O. Asinobi, Dr E. N. Chidume (Senior Medical Officer and Consultant Surgeon respectively of the Abakaliki General Hospital) and Mr F. I. Akujobi, Acting Chief Magistrate of the Abakaliki Magisterial Area.
- (2) The Conducts of Mr J. C. Ononye, Chief Magistrate of the Aba Magisterial Area.

**Appointment of the Commission**

In consequence of allegations of improper and unprofessional conduct made against certain officers in the Public Service of the East-Central State, His Excellency the Administrator, on the 12th of May, 1972, by Instrument, appointed Mr Justice A. N. Aniagolu of the High Court, Umuahia, the Sole Commissioner to enquire into:—

- (a) The conducts of Dr Asinobi, Dr Chidume (Senior Medical Officer and Consultant Surgeon respectively of the Abakaliki General Hospital) and Mr Akujobi, Acting Chief Magistrate of the Abakaliki Magisterial Area; and
- (b) The conducts of Mr J. C. Ononye, Chief Magistrate Aba Magisterial Area.

The terms of reference for the two Inquiries are as follows:—

3. (A) *Conducts of Dr Asinobi, Dr Chidume and Mr Akujobi.*—

The Commission shall, with all convenient speed—

“(a) inquire into—

- (i) the alleged conducts of Dr I. N. O. Asinobi and Dr E. N. Chidume (both of whom at all material times were doctors employed in Abakaliki General Hospital) and the alleged conduct of Mr F. I. Akujobi (at all material times the Acting Chief Magistrate in Abakaliki Magisterial District) in respect of the care and assistance required to be rendered to a



pregnant woman, Mrs Anthonia Mba, admitted into the said hospital at about 1 a.m., on or about the 11th of February, 1972, for the purpose of being delivered of a baby or otherwise cured of her ailments;

- (ii) the allegation that Dr E. N. Chidume aforesaid, on some occasions, gave to the Police, to be tendered in court, reports of autopsy which he had not performed;
  - (iii) whether the incident in the Acting Chief Magistrate's Court on or about the 19th April, 1972, during a preliminary investigation was connected with the alleged attempt by the Acting Chief Magistrate to influence Dr Chidume corruptly;
  - (iv) whether the Acting Chief Magistrate acted lawfully in the exercise of his duties during the preliminary investigation, in particular, in the way he called for medical reports from the Police file and the subsequent announcement to the members of the press and the radio that Dr Chidume used to give reports of autopsy which he never performed; and
- (b) render reports on the conducts of Dr Asinobi, Dr Chidume and Mr Akujobi aforesaid in the matters aforesaid alleged against them respectively, and make recommendations.

And in particular the Commission shall inquire into—

- (i) whether the condition of Mrs Anthonia Mba aforesaid was really critical at about 7 a.m. on the 11th of February, 1972;
- (ii) whether Dr Asinobi aforesaid corruptly demanded £30 from Mr Mba as an inducement for assisting the said patient, Mrs Mba;
- (iii) Mrs Mba's state of health at 3 p.m. on the 11th of February, 1972, when Dr Asinobi aforesaid left the Hospital for Nkalagu;
- (iv) if the condition of Mrs Mba could be described as satisfactory at 3 p.m. on 11th of February, 1972, whether her condition could have deteriorated so much between 3 p.m. and 10 p.m. on that day as to have led to the death of the foetus and the rupture of the uterus;

- (v) whether the drugs prescribed for Mrs Mba by Dr Asinobi were prescribed during ordinary ward round or by telephone;
- (vi) whether correct drugs were prescribed by Dr Asinobi having regard to the circumstances of Mrs Mba's case;
- (vii) whether any nurse or midwife reported to Dr Asinobi the deteriorating condition of Mrs Mba before 3 p.m. on or about the 11th February, 1972;
- (viii) whether there was any emergency which suddenly necessitated Dr Asinobi's visit and whether or not he made arrangement for another doctor to cover his cases, or handle matters in case of emergency, during his absence;
- (ix) whether Dr Chidume was right in insisting that he must be satisfied that Dr Asinobi was out of town before he would operate on the said patient, Mrs Mba;
- (x) the normal relationship between doctors working together in a hospital and whether such a relationship existed between Dr Asinobi and Dr Chidume;
- (xi) whether there was a partial rupture of the uterus of Mrs Mba;
- (xii) whether Mr Akujobi paid nightly visits to Dr Chidume and tried to urge him to change his medical report on Mrs Mba;
- (xiii) whether, and if so why, Dr Asinobi removed the hospital records when inquiries relating to the case of Mrs Mba started, and whether the records now available are genuine;
- (xiv) whether Dr Chidume in fact performed autopsy on the body of Nwibo Ozoaja and on the bodies of other persons mentioned by Mr Akujobi".

(B) *Conducts of Mr J. C. Ononye*.—The commission shall, with all convenient speed—

“(1) (a) inquire into—

- (i) the allegation that Mr J. C. Ononye (at all material times the Chief Magistrate in



Owerri and Aba Magisterial Districts) was caught red-handed receiving bribe at Owerri in the course of his duties as a Chief Magistrate;

- (ii) the conduct of the Chief Magistrate in a case which came before him in the course of his duties involving an offence connected with contraband goods and in respect of which it is alleged that he received a bribe of £450 and improperly freed certain persons who were charged with that offence;
  - (iii) the conduct of the Chief Magistrate in a case of stealing £500 property of a woman called "Pleasure" which came before him in the course of his duties and in respect of which it is alleged that he received a bribe of £200 and freed a "prophet" charged with that offence;
  - (iv) the conduct of the Chief Magistrate in a case of stealing a car which came before him in the course of his duties and in respect of which it is alleged that the Chief Magistrate received a bribe of £150 from an army officer in order to free him from the case; and
  - (v) the conduct of the Chief Magistrate in a case of malicious prosecution (arising from dispute between two women over a wig) which came before him as Chief Magistrate and in respect of which it is alleged that he received a bribe of £200 from the defendant, and as a result of this, the plaintiff withdrew the case from his court and sued in the High Court; and
- (b) render its report on the conducts of Mr J. C. Ononye aforesaid in the matters aforesaid alleged against him and make recommendations.



And in particular the Commission shall inquire into—

- (i) whether the records of the court of the said Chief Magistrate show that each of the cases aforesaid came before him;
- (ii) whether any decision of the Chief Magistrate in any of the said cases was unreasonable having regard to the evidence before him;
- (iii) whether accused persons who were charged before his court and the friends and the relations of such accused persons or any one or more of them made contact with him, directly or indirectly, during the trial of the respective cases;
- (iv) whether litigants who had civil cases pending before his court and the friends and the relations of such litigants or any one or more of them made contact with him, directly or indirectly, while the respective cases were pending in his court; and
- (v) whether there were circumstances in the conduct of the cases, or any of them, which point to the fact that his conduct at the trial of such cases or any of them, was influenced by any extraneous element or consideration or was below the standard expected of him as Chief Magistrate”.

4. Mr Justice A. N. Aniagolu, the Sole Commissioner, has submitted two Reports based on the inquiries. These Reports have been considered and accepted by Government and are published as Official Document No. 5 of 1973.

#### **Conducts of Dr Asinobi, Dr Chidume and Mr Akujobi**

5. In the Report on the conducts of Dr I. N. O. Asinobi, Dr E. N. Chidume and Mr F. Akujobi, the Commission made several findings against these officers. On the general issue of the alleged conduct of Dr Asinobi in respect of the treatment of Mrs Anthonia Mba, the



Commission held that although the charge of corruptly demanding ₦60.00 was "not proven", Dr Asinobi had deliberately neglected to attend to his patient who, by reason of this neglect, was delivered by caesarian operation, of a macerated dead child. The Commission is satisfied that Dr Asinobi showed "a most abject, callous and inhuman indifference and lack of care towards a patient who, from her past obstetrical history and her current labour difficulties, required urgent, greatest and immediate doctor's attention possible." Government agrees with the Commission that Dr Asinobi was by his conduct unfaithful to his Hippocratic Oath and guilty of unprofessional conduct. Government has decided that Dr I. N. O. Asinobi should no longer be permitted to serve as a Government Medical Officer and he has in consequence, been dismissed from the Public Service.

6. After enquiring into the allegations made against Dr E. N. Chidume, the Commission found that although he failed to treat Mrs Anthonia Mba the moment her condition was reported to him, there was the extenuating circumstance of his fear that he might be accused by Dr Asinobi whose patient Mrs Mba was at the material time, and with whom Dr Chidume was not on friendly terms, of interfering with his patient. Dr Chidume was, no doubt, unduly over-cautious on this occasion. The Commission however held that since this was a matter of life and death, Dr Chidume should have acted more promptly despite the strained relationship between him and Dr Asinobi. In mitigation of this charge, the Commission also argued that although blame-worthy, Dr Chidume's failure to treat Mrs Mba promptly would never have arisen as an issue had Dr Asinobi done his duty to the woman. Dr Chidume has in any event, been warned to ensure that he places at all times, the safety and welfare of his patients above all other considerations.

7. The Commission was satisfied in its examination of the conduct of Mr F. Akujobi, Acting Chief Magistrate, that he made two visitations to the house of Dr E. N. Chidume, Consultant Surgeon, with a view to persuading him, with financial gratification, to alter his caesarian operation report on Mrs Anthonia Mba in favour of Dr I. N. O. Asinobi. Mr Akujobi was, no doubt, concerned with assisting Dr Asinobi who was at the material time, facing a civil action for ₦20,000.00 instituted against him by Mr Mba. When, however, Dr Chidume refused to oblige Mr Akujobi, the latter proceeded in a Preliminary Inquiry which came before him, to condemn the doctor and order a Police Inquiry against him for allegedly submitting an autopsy report without performing a *post mortem* examination. The Commission was also in no doubt that Mr Akujobi with the aid of Mr Eze caused the incident



in the Preliminary Investigation to be publicized by radio. These actions were taken by Mr Akujobi in complete disregard of the most elementary and fundamental principle of justice, namely: that no man should be condemned unheard or without having had an opportunity of being heard. Government agrees that the conduct of Mr Akujobi in these matters was not only ill-motivated but was also contrary to his oath of office as a Magistrate. Having thus unsuited himself to hold the office of a Magistrate and exercise the judicial powers attaching thereto, Mr Akujobi has been removed from the Bench and dismissed from the Public Service.

### **Conducts of Mr J. C. Ononye**

8. In the Report on the conducts of Mr J. C. Ononye, who was at various times Chief Magistrate at Owerri and Aba, the Commission held that Mr Ononye had acted, in respect of certain matters which came before him, from corrupt considerations and that in this and other respect, his conduct was very much below the standard expected of a Chief Magistrate. It is to be regretted as the Commission observed "that Mr Ononye should renege from his oath of office and make the issue of justice a subject for bargain and sale". In view of these findings, Government upheld the recommendation of the Commission that Mr J. C. Ononye is no longer fit to hold the office of a Chief Magistrate. Mr Ononye has been removed from the Bench and dismissed from the Public Service.

9. Government also took note of the reaction of the Commission to the performances of those public officers who, by reason of their connection or relationship with the officers whose conducts were enquired into, had to give evidence before the Commission. Some of these officers failed to assist the Commission by withholding the truth of all they knew on certain issues; while others perjured themselves. In one instance, an officer on the Bench had to defend himself against a charge of intimidating a witness. It is however most gratifying to observe also that there were other public officers who gave truthful evidence in respect of matters within their knowledge. Government has considered it proper, in the light of the comments of the Commission, not only to recommend appropriate disciplinary action against the offending officers, but also to commend others for their moral courage and truthfulness. The Public Service Commission has already taken action in all cases placed before it.



10. The Commission of Inquiry recommended, on the principle of vicarious responsibility, that Government should consider making a nominal *ex-gratia* payment to Mrs Anthonia Mba, without prejudice to the outcome of the civil action instituted by her against Dr I. N. O. Asinobi. This recommendation is in the view of Government, not unreasonable; but it has decided, however, to vary it by offering Mrs Anthonia Mba free medical attention at the University of Nigeria Teaching Hospital (Specialist Hospital), Enugu, should she decide to undertake further medical examination and treatment as a follow-up of the caesarian operation performed on her by Dr E. N. Chidume.

11. Government believes that the various actions that have been taken in consequence of the findings and recommendations of the Commission of Inquiry should serve as a deterrent to the perpetration by public officers, of such malfeasance as were exposed before the Commission. It should be said that the need for Government functionaries to perform strictly in accordance with their oaths of office and manifest at all times, the highest moral and professional standards has never been in doubt. It is therefore the earnest hope of this Government that public servants no matter their status, will seek to keep to the path of devotion, honesty, honour and rectitude in their everyday dealings.

12. Finally, Government wishes to express its deep appreciation to Mr Justice A. N. Aniagolu, the Sole Commissioner, for the excellent reports. The gratitude of Government also goes to Counsel who appeared for the Commission and the parties, and without whose efforts the facts might never have been known.

Cabinet Office,  
Enugu.  
4th May, 1973.