



FEDERAL REPUBLIC OF NIGERIA

**Federal Military Government's Views on
the Report of the Federal Assets
Investigation Panel 1975**

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**FEDERAL MILITARY GOVERNMENT'S VIEWS ON THE REPORT
OF THE FEDERAL ASSETS INVESTIGATION PANEL 1975**

On the 16th of September, 1975, the Federal Military Government appointed a three-man Panel to investigate and examine all the assets of certain former public officers to ensure that such officers had not misused their office in the acquisition of such assets and to make necessary recommendations in respect of any assets considered to have been improperly acquired through the misuse of office. Although the Panel was originally to submit its report by 15th October 1975, because of the re-scheduling of the submission of the assets declaration forms by the officers concerned, the date of the submission of the Panel's report had to be extended to 29th November, 1975, by which date the report was duly completed and submitted. The Federal Military Government has given careful consideration to the analysis, conclusions and recommendations contained in the report, and its views on these are set out hereunder.

GENERAL REMARKS

2. Before arriving at its recommendation, the Panel analysed the information contained in the declaration forms submitted by the officers concerned, undertook detailed investigation and verification of records, books and documents which have enabled it to discover assets which have not been declared, or have been partly declared ; the Panel also received both written and oral evidence in appropriate cases. The Federal Military Government, however, notes with concern that in spite of the publicity given to the Panel's existence, the public has not co-operated to the extent expected, as no memorandum or material information was received by the Panel from the public.

3. The Panel has undertaken its assignment on the understanding that the purpose of the exercise is not to witch-hunt or create undue hardship for any officer. Where further investigations of a criminal nature are necessary, the Federal Ministry of Justice and the Nigeria Police will carry out such investigations of the officers who have criminally enriched themselves through abuse of office and corrupt practices. Other revelations in the report which will require further investigation, such as the keeping of assets in overseas banks, will similarly be investigated by the Police. Where a public officer has deliberately made false declaration or refused to declare his assets at all, the Ministry of Justice will be required to look into such cases and appropriate remedial or corrective action will be taken.

4. In arriving at its decisions on the recommendations of the Panel, the Government has proceeded upon some basic assumptions. First, the officers who have been investigated, being Nigerians are entitled to all facilities that are available to Nigerians in the ordinary course of business, subject to the ethics of the offices they held. It is only in those circumstances where the facilities were abused or undue influences used in obtaining them that Government has taken critical views.

5. Secondly, most of the officers investigated, particularly, the former Military Governors and the former Administrator of the East-Central State were entitled to free accommodation and living expenses and to this extent, their personal expenditure has not been taken into account by the Panel. Nevertheless, for purposes of calculating their assets, the Government has assumed that the officers would reasonably be expected to have spent about 50 per cent of their salaries on their personal, family and other private commitments. Therefore, in cases where an officer's statement of assets and liability has been found to be irregular and he is called upon to refund the ill-gotten gains, he will be deemed to have saved up to 50 per cent of his total salary received while in office.

6. Thirdly, the Government has also decided that all undeveloped State lands owned by the former Military Governors and the former Administrator of the East-Central State should be taken over by the respective State Governments except where they wish to exercise discretion particularly in respect of officers whose financial statement has been found to be in order and no evidence of irregular dealings has been found against them.

7. (a) The Panel believes (Paragraph 24) that the relationship between some of the officer and their immediate associates or certain individuals who grew rich overnight should be investigated to be able to get at the true assets of the officers in certain cases. While the Government is aware of this possibility, it does not feel able to accept this view as it will amount to witch-hunting or accepting guilt by association, but where there is a genuine case which requires such further investigation, appropriate action will be taken by the Police, especially on the criminal aspects. The Panel has accordingly been invited to supply the details of those persons whom it believes have enriched themselves by questionable or other means, which might constitute abuse of office by their friends and close associates in public office.

(b) The Panel also believes (Paragraph 26) from evidence available to it that "some senior serving or retired officers who have not been included among those whose assets are being investigated must have enriched themselves by questionable or other means which might constitute abuse of office". Government has requested the Panel to carry out further investigations on such retired or serving officers. Appropriate remedial measures will be taken against those found guilty of "enriching themselves by questionable or other means which might constitute abuse of office".

CONCLUSIONS AND RECOMMENDATIONS OF THE PANEL INTERIM COMMON SERVICES AGENCY (ICSA) HOUSES

8. The Panel recommends that all sales of ICSA houses to private individuals be revoked with immediate effect and refund of purchase prices made less all rents collected up to date, but where rents collected are in excess of purchase price, the buyers should refund the excess. (Paragraph 30).

Comment :

Government accepts this recommendation. Action is already being taken by the State Governments affected.

PUBLIC OFFICERS

9. The Panel's detailed findings, conclusions and recommendations in respect of each of the officers investigated are to be found in Chapters 2 to 20 of the Report and summarised in Chapter 21. Government's decisions on these are stated hereunder.

BRIGADIER S. O. OGBEMUDIA (Report, Chapter 2)

10. As the assets of Brigadier Ogbemudia are very vast, the Panel has treated them under the following three headings, i.e. the Farms, the Palm Royal Motel, and his other assets.

(a) The Farms :

The Panel has examined the method of acquisition of Brigadier Ogbemudia's farms at Iguovbiobo, Ekae, Isiohor, Okhoro, Igwosa, Uwelu, Irua, Nsukwa and Iguiye, and is satisfied that proper applications were made for them and that all the conveyances were in the name of Brigadier Ogbemudia. The Panel is also satisfied about the sources of the initial capital expenditure on the farms and is convinced that the subsequent capital investment in the

farms was wholly from the funds generated internally therefrom. The Panel therefore recommends that Brigadier Ogbemudia should retain all the farms except the Nsukwa farmland which the Panel has found that Brigadier Ogbemudia had knowingly acquired in anticipation of the World Bank sponsored project to be located in the area. The Panel is, to this extent, of the opinion that the confiscation of the Nsukwa farm by the Mid-Western State Government is justified. (Paragraphs 42 and 43).

Comment :

Government does not accept the recommendation. The manner of the acquisition and the finances of these farms will be further investigated by the Federal Military Government before a final decision is taken. In the meantime, the Mid-Western State Government has been appointed the Custodian of the farms.

(b) Palm Royal Motel :

After examining the financial arrangements for the construction of this Motel, the Panel has come to the conclusion that a substantial amount of the funds meant for the University of Benin building projects had been intentionally utilised for building the Palm Royal Motel, and that parts of the expenditure for the construction of the Motel were from the other resources of the Mid-Western State Government. The Panel has therefore recommended that the Palm Royal Motel should be confiscated and that Brigadier Ogbemudia should be paid a compensation of ₦149,759 which was traced to his accounts as having been spent on the construction of the Motel, less all the rents he has collected at the rate of ₦10,000 per month, from 1st September, 1974 to the date of seizure. (Paragraph 52).

Comment :

Government accepts the recommendation that the Palm Royal Motel be confiscated, but notes that the compensation due to Brigadier Ogbemudia shall be satisfied by the collection by him of all the rents due on the property from the 1st of September, 1974 to the 30th of November, 1975. Any rents due after this date and collected by Brigadier Ogbemudia shall be refunded by him.

(c) Other Assets :

(i) The Panel is satisfied with the way Brigadier Ogbemudia has acquired some of his other assets, and has recommended that he should retain the following properties :

- (1) 26 Iheya Street, Benin City
- (2) 27B Eguadese Street, Benin City
- (3) Building in Urubi Quarters, Benin City
- (4) Plot 855, Victoria Island, Lagos
- (5) All his undeveloped plots, subject to the land policy of the Mid-Western State Government. (Paragraph 54 (a)).

Comment :

Government accepts this recommendation subject to the following :

(a) 27B Eguadese Street, Benin City shall be forfeited to the State Government to offset the equivalent of 50 per cent of Brigadier Ogbemudia's total salary for the period he had held office.

(b) All Brigadier Ogbemudia's undeveloped plots on State land included in the list in paragraph 54 (a) (vii) of the report shall be taken over by the State Government subject to the proviso in Paragraph 6 above.

(ii) The Panel finds that Brigadier Ogbemudia has improperly acquired the building at Ogbeide Ward 17/H G.R.A., Benin City. It has therefore recommended that the property should be taken over by the Government and all rents collected by Brigadier Ogbemudia on the property should be refunded by him. (Paragraph 54 (a) (iii)).

Comment :

Government accepts this recommendation.

(iii) Finally, the Panel recommends that Brigadier Ogbemudia should retain his investments totalling ₦28,940 listed in paragraph 54 (b) of the Report.

Comment :

Government accepts this recommendation.

ALHAJI AUDU BAKO (Report, Chapter 3)

11. It has been difficult for the Panel to ascertain the cost of most of the assets acquired by Alhaji Bako between 1967 and 1975 and the income derived therefrom, as Alhaji Bako had claimed to have forgotten most of the material facts relating to his assets, thus making it impossible for the Panel to prepare a statement showing his financial position. The Panel has therefore treated each of Alhaji Bako's assets on its merit. Government accepts this approach, but Alhaji Bako's case will be specially examined by the law enforcement agencies in so far as he claimed that he was not in a position to declare all his income and expenditure for the period he was in office.

12. Of the properties declared by Alhaji Bako, the Panel has been satisfied with the arrangements for the acquisition of some of them, and has accordingly recommended that the following properties should be retained by him :

- (1) BZ/32 Sardauna Crescent, Kaduna
- (2) Plot 831 Victoria Island, Lagos
- (3) 2 Ahman Pategi Road, Kaduna
- (4) 14A Ahmadu Bello Way, Kano (KN. 1050)
- (5) 2 houses at Hadeija/Yusufu Road, Kano (KN. 505 and 506)
- (6) Two plots at Kalabaina Road, Sokoto
- (7) Two plots at Gusau
- (8) Dan Marke Farm, Gusau (Paragraph 57)

Comment :

Government accepts this recommendation subject to the following :

(a) Government has decided to seize 14A Ahmadu Bello Way, Kano and hand it over to the Kano State Oil Mills Ltd. which had arranged and paid for the construction of the building as well as the rental for its staff occupying the house.

(b) Government has decided to take over the two houses at Hadeija/Yusufu Road, Kano in satisfaction of the equivalent of 50 per cent of the total salary earned by Alhaji Bako during the period he was in office.

(c) The Proviso in Paragraph 6 above, as regards the undeveloped plots.

13. The Panel has recommended that the sale of the following properties should be revoked for the reasons given :

(a) 17 Aliyu Makana Road, Kaduna

This ICSA house purchased for ₦8,700 in 1968 was in the opinion of the Panel worth not less than ₦25,000 at that time. It has however, subsequently been extended and the Panel has recommended that adequate compensation should be paid for the extensions carried out, provided evidence of expenditure in respect thereof is furnished by Alhaji Bako. (Paragraph 57 (ii)).

(b) 1 Doka Crescent, Kaduna

This is another ICSA house purchased in 1974 at a cost of ₦9,000 whereas in the opinion of the Panel, the property was worth not less than ₦30,000 at the time of purchase. The property has been let at an annual rent of ₦2,600. The Panel has recommended that the sale of the property should be revoked and the amount paid for it by Alhaji Bako less rents collected by him be refunded to him. Where, however, the rents collected have exceeded ₦9,000, the Panel further recommends that Alhaji Bako should refund the excess. (Paragraph 57 (vi)).

(c) 6 Aliyu Makana Road, Kaduna :

Yet another ICSA house purchased in 1973 at a cost of ₦4,500, whereas the sale price should not have been less than ₦20,000 at that time. The house has been subsequently let at ₦3,000 per annum. The Panel has recommended that the sale be revoked and that Alhaji Bako should refund all rents collected in excess of ₦4,500. (Paragraph 58 (i)).

(d) 2 Durbin Katsina Road, Kano :

The Panel agrees that the revocation by the Kano State Government of the sale of this property on the ground that Alhaji Bako had acquired it with a loan obtained in defiance of the laid-down regulation was a flagrant abuse of office. (Paragraph 57 (iv)).

Comment :

Government accepts these recommendations. The State Governments affected are to determine the details of payments and refunds due.

14. The Panel has found it difficult to make specific recommendations on the 1,000-acre mixed farm at Buruku, Kaduna valued at approximately ₦469,000. Although the Panel has found no evidence regarding the means by which Alhaji Bako has been able to finance the capital expenditure incurred on the farm, yet it has been found evident that the farm which was acquired long before 1967 has been substantially developed between 1967 and 1975. (Paragraph 57 (xii)).

Comment :

Government has decided that the acquisition of the farm be further investigated with a view to determining the extent of expenditure incurred by Alhaji Bako prior to his appointment as Military Governor and thereafter. The State Government will in the meantime, take over the management and operation of the farm.

15. The Panel is of the considered opinion that the 1,118-acre mixed farm at Tiga and worth over ₦271,000 was developed in all respects from the Kano State Government sources. It therefore considers that the take-over of the farm by the Kano State Government is justified. (Paragraph 57 (xiii)).

Comment :

Government accepts this view.

16. The Panel has found that Alhaji Bako intentionally failed to declare certain properties which were, however, discovered by the Panel to be his. Most of the properties are registered either in the names of Abasco Projects Limited, a company wholly owned by Alhaji Bako or in the names of his children. Alhaji Bako has admitted the ownership of the properties. The

Panel is of the view that he deliberately failed to declare these properties mainly because of the dubious nature of the transactions leading to the acquisition, construction or development of such properties. The Panel therefore recommends that Alhaji Bako should forfeit the following properties :

- (1) 14B Ahmadu Bello Way, Kano (KN. 1049)
- (2) 11 Bompai Road, Kano (Paragraph 58 (iii))
- (3) 12 Bompai Road, Kano (Paragraph 58 (iv))
- (4) 2 Magajin Rumfa Road, Kano (Paragraph 58 (v))
- (5) Commercial Property along Club Road, Kano (KN. 1463) (Paragraph 58 (vii))
- (6) Commercial Property behind Flour Mills, Kano (KN. 1466 (Paragraph 58 (viii))
- (7) Industrial Plots 2 and 3 Bompai Road, Kano (KN.1685 & 1686) (Paragraph 58 (ix) & (x))
- (8) Mariri Mixed Farm, Kano (KN. 401) (Paragraph 58 (xii))
- (9) Property at Argungu (Paragraph 58 (xiv))
- (10) 17c Hadeija Road (Paragraph 58 (vi)).

Comment :

Government accepts this recommendation and will take any further action necessary in respect of the Commercial Property along Club Road, Kano. With regard to the Panel's recommendation that adequate compensation be paid to Alhaji Maiwada, the original owner of 17c Hadeija Road, Kano for all the expenses incurred by him before Alhaji Bako 'captured' the plot from him, Government has decided that, because of the irregular manner in which Alhaji Maiwada acquiesced in transferring his land to Alhaji Bako, no compensation shall be paid to him.

17. The Panel has also recommended that Alhaji Bako should forfeit the following undeclared investments :

- (1) 2,000 shares of ₦20 each in Baltimore Trading Company
- (2) 20,000 shares of ₦2 each in Northern Steel Works Limited
- (3) 2,000 shares of ₦20 each in Steel Construction Company Limited
- (4) 5,120 shares of ₦1 each in Kano Textile Mills
- (5) 2,000 shares of ₦2 each in Arewa Metal Construction Limited (Paragraph 56 (d)).

Comment :

Government has decided that Alhaji Bako should forfeit all his undeclared investments to the Kano State Government.

18. The Panel has, however, recommended that Alhaji Bako should retain the undeveloped plot at Nupe Road, Onitsha (Registration No. ECS. 44/44/748) allocated to him by the East-Central State Government (Paragraph 58 (xiii)) and the undeveloped Residential Plot at Lokoja claimed by him to be a gift from the Kwara State Government (Paragraph 58 (xi)). The Panel has argued that while both properties were gifts, Alhaji Bako has also acquired the latter for sentimental reasons.

Comment :

Government has decided that Alhaji Bako should retain the plot of land at Nupe Road Onitsha, allocated to him by the East-Central State Government. It is noted that he has already forfeited to the Kwara State Government the undeveloped Residential Plot at Lokoja in accordance with its new policy.

19. The Panel recommends that Alhaji Bako should retain all his declared investments listed in Paragraph 56 (c) of the Report.

Comment :

Government accepts this recommendation as the total value of all the investments is about ₦24,244.

MR UKPABI ASIKA (Report, Chapter 4)

20. The Panel has found that Mr Asika owns a company—Bladi Company Ltd.—with a share capital of ₦2.00. As some of his assets have been bought in the name of this company, all assets owned by the company are deemed to belong to Mr Asika. In its examination of Mr Asika's financial resources and expenditure, the Panel has discovered that while his total income from all ascertainable sources in the period 1967 to 1975 amounted to ₦679,425 his total expenditure during the period was ₦870,610, resulting in a deficiency of ₦191,185 which should have been represented by a massive overdraft in Mr Asika's personal account. But, on the contrary, his bank accounts show a favourable balance of ₦9,504, bringing the total amount spent above his income to ₦200,689. Mr Asika could not satisfy the Panel as to the source of this huge amount. The Panel has therefore recommended that Mr Asika should forfeit assets equivalent to the deficiency of ₦200,689. (Paragraphs 61-64).

Comment :

Government accepts this recommendation.

21. In reviewing the procedures by which bank loans were granted to Mr Asika, the Panel has discovered that in respect of all the loans granted by the United Bank for Africa, Mr Asika never made a single formal application, nor was there any written correspondence between him and the bank. The Panel, however, found that the accounts of the East-Central State Government and of most of the agencies of that Government were, as a matter of deliberate policy, kept with the United Bank for Africa. This enabled Mr Asika to enrich himself by the acquisition of assets through the loans from the Bank. Bladi Company Ltd., formed with a share capital of only ₦2.00 was also able to obtain massive loans from this Bank without any formal application being lodged with the Bank. The Panel has recommended that the Government should look into the lending policies of the United Bank for Africa, in which it owns substantial shares, with a view to rectifying the various anomalies. (Paragraphs 65 and 66).

Comment :

Government accepts this recommendation. The Federal Ministry of Finance will with the assistance of the Central Bank of Nigeria, review the lending policies of the United Bank for Africa and other commercial banks in the country accordingly.

22. With respect to the deficiency of ₦200,689 in Mr Asika's financial dealings during the period 1967 to 1975, the Panel has recommended that he should forfeit the following assets in satisfaction thereof :

- (1) Bladi Court, Warri (₦120,000)
- (2) Plot R., G.R.A., Onitsha (₦76,000). (Paragraph 67 (ii) and (vi)).

Comment :

Government accepts this recommendation, and has also decided that Mr Asika should surrender to it apartment No. 1229, La Torre in Spain (9 Torremeloes Spain) (Paragraph 57 (ix)) in satisfaction of the equivalent of 50 per cent of the total salary received by Mr Asika during the period he was in office.

23. One of the declared properties of Mr Asika is 6 Mhoyaung Road, G.R.A. Kano, an ICOSA house sold to him at a cost of ₦9,000 in 1968, whereas its value at that time should not have been less than ₦30,000. The Panel has recommended that the sale be revoked and the purchase price refunded to Mr Asika. (Paragraph 67 (i)).

Comment :

Government accepts this recommendation.

24. The Panel, satisfied with the way the following undeveloped properties were acquired, has recommended that Mr Asika should retain them, subject to the land allocation policy of the individual States concerned. (Paragraph 67 (iii)) :—

- (1) 27.5 acres in Barakin Ladi, Benue-Plateau State
- (2) Plot 286 Victoria Island, Lagos
- (3) Plot 502 Ogba Estate, Lagos
- (4) Plot 139 Ekulu, G.R.A., Enugu
- (5) 2.5 acres in Barakin Ladi, Benue-Plateau State
- (6) Plot C 3 Independence Lay-out, Onitsha.

Comment :

Government has decided that any of the above undeveloped plots which are on State Land should be taken over by the appropriate State Governments subject to proviso in paragraph 6 above.

25. The Panel has further recommended that Mr Asika should retain the following properties :—

- (1) Plot 11 Aba Industrial Estate
- (2) Plot 8/15, Block 25 New Haven Lay-out, Enugu
- (3) 17 Abakaliki Road, Enugu
- (4) 2 Old Cemetery Road, Onitsha. (Paragraph 67).

Comment :

Government accepts this recommendation.

26. Finally, the Panel recommends that Mr Asika should retain all his declared investments as in paragraph 68 of the Report noting except for the shares in Glaxo Nigeria Limited and Mid-Diversified Nigeria Limited, they were all bank loan financed. (Paragraph 68).

Comment :

Government accepts this recommendation but the shares in Glaxo Nigeria Limited and Mid-Diversified Investments Limited shall be forfeited to the State since Mr Asika could not give a satisfactory account of the financing arrangements.

MR J. D. GOMWALK (Report, Chapter)

27. A statement of income and expenditure of Mr Gomwalk during the period 1967-75 shows a deficiency of ₦22,938 which should have been reflected as an overdraft in his bank account. The Panel found that instead, Mr Gomwalk had a credit balance of ₦5,922, which brings his total deficiency to ₦28,860. However, as Mr Gomwalk had other undeclared income, such as allowances paid to all Governors, etc. the Panel assumes that those allowances could offset the deficiency, and therefore recommends that Mr Gomwalk need not be required to refund the deficiency. (Paragraph 70).

Comment :

Government accepts this recommendation in view of the fact that the former military Governors were entitled to free accommodation and living expenses. He is expected, however, to save only 50 per cent of his total salary earned during the period he was in office.

28. The Panel investigated the various properties developed by Mr Gomwalk and the general conclusion in respect of some of them was that the costs of their development were under-stated. The contractors admitted that the actual costs of construction of the properties would, under normal conditions, be much higher than the costs contracted for in each case. It was evident to the Panel that the contractors succumbed to very low construction prices as consideration for getting contracts from the Benue-Plateau State Government.

29. Having examined the circumstances surrounding the individual properties and satisfied itself about how they had been acquired or developed by Mr Gomwalk, the Panel has recommended as follows :

(i) That properties at Nos. 1 and 1A Naraguta Avenue, Jos, should be confiscated in full satisfaction of ₦99,000 which is the sum by which the contractor had undercharged for these two buildings and the house near G.R.A., Pankshin. (Paragraphs 71 & 72).

Comment :

Government has decided that the two properties shall be confiscated at their actual cost, and that the remaining under-stated sum of ₦9,000 together with the equivalent 50 per cent of the total salary received by Mr Gomwalk during the period 1967-75 he was in office, shall be recovered from him.

(ii) That Mr Gomwalk should retain the following properties :

- (1) Block of flats at Pankshin
- (2) 11 Langtang Road, Jos, subject to investigation to ascertain whether owner was a willing seller
- (3) 12 St. Patrick Avenue, Jos
- (4) Building in Makeri Village
- (5) Plot 287 Victoria Island, Lagos
- (6) 14 Nguru Road, Kaduna. (Paragraph 71).

Comment :

Government accepts this recommendation subject to the following :

(a) The property at 11 Langtang Road, Jos will be seized by the Government as Mr Gomwalk has already recovered the purchase price by way of rent and made handsome profit, and also because of his special association with Voteniski Nigeria Limited.

(b) The property at No. 12 St. Patrick Avenue, Jos will be seized by the Government. The Government will investigate further the circumstances of the sale of the property to Mr Gomwalk.

(c) Plot 287, Victoria Island will be seized by the Benue-Plateau Government because of the circumstances in which the plot was developed for Mr Gomwalk.

(d) The property built by BEPCO at the base of the Hotel Hill will also be seized by the Benue-Plateau State Government because of the circumstances in which it was developed.

(iii) That Mr Gomwalk should retain his declared investments as listed in paragraph 73 of the Report.

Comment :

Government accepts this recommendation.

(iv) That the appropriate authority in Benue-Plateau State should investigate the sale of 11 Langtang Road, Jos by one Mr Obidike to Mr J. D. Gomwalk. (Paragraph 71).

Comment :

Government has decided that no further action is required in view of its decision in (ii) (b) above.

(v) That the sale of 11 Dendo Road, Kaduna, should be revoked with immediate effect and the purchase price refunded to Mr Gomwalk less any rents he might have collected on the property.

Comment :

Government accepts this recommendation.

COMMANDER A. P. DIETE-SPIFF (Report, Chapter 6)

30. The Panel examined the statement of Commander Spiff's known income and expenditure during the period 1967-75 and found it acceptable. The properties declared by Commander Spiff and registered in his name were verified as to the arrangements for their acquisition or development. The Panel has found that the following properties were acquired or developed in an acceptable way, and has therefore recommended that Commander Spiff should retain them :

- (1) Plot 14, Recreation Layout, Port Harcourt
- (2) Property in Tombi, Nembe, Brass
- (3) Plot 859 Victoria Island, Lagos. (Paragraph 75)

Comment :

Government accepts this recommendation except in respect of Plot 14, Recreation Layout, Port Harcourt which will be seized because of the inconsistency between Commander Spiff's declaration and the findings of the Panel regarding the construction of the property. As to the undeveloped State land, Plot 859 Victoria Island, Lagos, this will be taken over by the Lagos State Government subject to the proviso in paragraph 6 above.

31. The Panel is, however, of the opinion that the development of Plot 15, Recreation Layout, Port Harcourt, by Commander Spiff amounted to an abuse of office. The Panel has found that the 2-storey house, costing ₦101,000 was built by Mr A. Michelletti at the request of Commander Spiff before repayment arrangements for the cost were settled. It was observed that at the time the building was being erected between 1974 and 1975 Michelletti Limited had building contracts worth ₦15.48 million from the River State Government. It therefore

seems in all probability that the house was built as a consideration for the contracts awarded to the company by the Rivers State Government. The Panel is convinced that the contractors had no intention to take any payment for the house. It has therefore been recommended that the property should be confiscated without compensation to either Commander Spiff or the contractors. (Paragraph 75).

Comment :

Government accepts this recommendation.

32. The Panel has considered the other assets of Commander Spiff and has recommended that he should retain the following :

- (1) Cessna Plane
- (2) Citroen SM
- (3) 1,000 shares in C.F.A.O. bought for ₦500.00. (Paragraph 76).

Comment :

Government accepts this recommendation.

33. Finally, the Panel examined returns from the Land Registries all over the Federation and found that those of the Rivers State showed that a total of 33 plots of land were allocated to the wives and other relations of Commander Spiff. Moreover, twelve properties were purchased mostly from the Abandoned Properties Authority by Commander Spiff's parents and other immediate relatives at very low prices. The Panel has suggested that the allocation of plots and the purchase of abandoned properties should be referred to the Rivers State Government and the Abandoned Properties Panel for investigation. (Paragraph 77).

Comment :

Government has decided that all the undeclared properties listed in Annexure 'L' Appendix II of Vol. I of the "Report of the Panel on Abandoned Properties in the Eastern States" against Commander Diette-Spiff, with the exception of the property listed as Plot 10 in the name of his grandmother, should be confiscated for abuse of office.

ALHAJI SHEHU SHAGARI (Report, Chapter 7)

34. The Panel is satisfied with the statement of Alhaji Shehu Shagari's income and expenditure and with the information available to it on the properties acquired by him while in public office between 1967 and 1975. The Panel has therefore recommended that Alhaji Shagari should retain all the following assets declared by him :

- (1) Yabo Building
- (2) Plot 18A Alli Akilu Road, Sokoto
- (3) Plot 1006, Victoria Island, Lagos
- (4) Plot 254, Diobu, Port Harcourt.

Comment :

Government accepts this recommendation.

35. The Panel considered the four houses acquired by Alhaji Shagari between 1953 and 1963, i.e. before assuming office and found no evidence of any quantifiable or appreciable expenditure incurred on them between 1967 and 1975. Nor did the Panel's investigations show that Alhaji Shagari had any investments in any company whatsoever.

Comment :

Government notes the Panel's finding.

BRIGADIER C. O. ROTIMI (Report, Chapter 8)

36. The Panel is satisfied with Brigadier Rotimi's statement of income and expenditure and with the financial arrangements for the development or acquisition of the following properties :

- (1) Plot 99, Animashaun Estate, Surulere.
- (2) Plot 035, Aguda Village, Surulere.
- (3) The following undeveloped plots :—
 - (i) Plot 849 Victoria Island, Lagos
 - (ii) Plots 58 and 59 Abayomi Layout, Ibadan ;
 - (iii) Plot at Idi-Araba, Abeokuta.

The Panel therefore recommends that Brigadier Rotimi should retain the properties. (Paragraph 84).

Comment :

Government accepts this recommendation subject to the take-over by the appropriate State Governments of the undeveloped plots which are on State land in line with paragraph 6 above.

37. The Panel has also recommended that Brigadier Rotimi should retain his declared investments totalling ₦1,990 in the three companies listed in paragraph 85 of the Report.

Comment :

Government accepts this recommendation.

38. The Panel considered Brigadier Rotimi's farm at Lanlate, Ibadan and was of the opinion that he had not misused his official position to develop the farm. However, it was the considered view of the Panel that Brigadier Rotimi should pay for keeping his cattle at the State Dairy Farm. To this extent, the Panel agreed with the Western State Government which had declared the animals forfeited. The Panel, however, recommends that Brigadier Rotimi should retain his farm. (Paragraphs 86-88).

Comment :

Government accepts this recommendation.

DR N. B. GRAHAM-DOUGLAS (Report, Chapter 9)

39. The Panel is satisfied with Dr Graham-Douglas's statement of income and expenditure, and has found that proper procedures were followed by him in obtaining all loans taken by him to finance the development or acquisition of the properties he acquired while in public office. (Paragraph 89).

40. Of the properties acquired by Dr Graham-Douglas while in public office, the Panel has found that 21 Mbonu Street, Port Harcourt was bought by Dr Graham-Douglas for ₦18,000 from a person who was said to have been dealing in 'abandoned properties'. In the opinion of the Panel, the open market value at the date of purchase should not have been less than ₦35,000. Similarly, Dr Graham-Douglas had purchased 10 Alabo Opia Street, Port Harcourt at a cost of ₦140,000 in 1975. The Panel was of the view that the property appeared

to be an "abandoned property". A third property which the Panel considered to be another 'abandoned property' is 19 King Jaja Street, Port Harcourt acquired by Dr Graham-Douglas for ₦8,000 in 1975. The Panel recommends that all the three properties should be retained by Dr Graham-Douglas subject to further investigation by the Abandoned Properties Panel. (Paragraph 91 (i), (iii) and (v)).

Comment :

Government accepts this recommendation.

41. The Panel, however, recommends that Dr Graham-Douglas should retain all his other declared assets, which include the following :

- (1) All the properties acquired by him between 1958 and 1965.
- (2) Plot 281, Victoria Island (8 Idowu Martins Street).
- (3) The following undeveloped plots :—
 - (i) Plot 1010 Victoria Island
 - (ii) Plot 88, Diobu, Port Harcourt
 - (iii) Plot 1 Block 3, Orogbun Layout, Port Harcourt
- (4) 3,000 shares in U.A.C. (Paragraphs 90-92).

Comment :

Government accepts this recommendation and notes that the undeveloped plots shall be retained by Dr Graham-Douglas, subject to the land acquisition policy of the respective State Governments.

BRIGADIER ABBA KYARI (Report, Chapter 10)

42. The Panel has found that Brigadier Kyari's statement of income and expenditure was satisfactory. The Panel is satisfied with the costs of the following properties owned by him and recommends that he should retain them accordingly :

- (1) 10 Gwari Avenue, Kaduna.
- (2) 9 Ibrahim Zaki Road, Kaduna.
- (3) 5A and 5B Shehu Lamino Way, Maiduguri.
- (4) Plot 288, Victoria Island, Lagos.
- (5) 13 Shehu Crescent, Kaduna. (Paragraphs 94 and 95).

Comment :

Government accepts this recommendation subject to :—

- (a) the seizure of the property at 5A Shehu Lamino Way, Maiduguri in satisfaction of 50 per cent of the total salary received by Brigadier Abba Kyari during the period he was in office ;
- (b) the take-over by the Lagos State Government of undeveloped Plot 288 Victoria Island, Lagos subject to the proviso in paragraph 6 above.

43. The Panel is, however, not satisfied with the low purchase price of 8 Sarki Crescent, Kaduna, which was an ICSA house bought in 1974 by Brigadier Kyari at a cost of ₦9,000, whereas in the opinion of the Panel the open market value at that time should not have been less than ₦30,000. The house has since been let at a rent of ₦2,500 per annum. The Panel has recommended that the sale of this property should be revoked in view of the gross undervaluation and that the purchase price, less all rents collected by Brigadier Kyari, be refunded to him.

Another property of which its cost of construction has been under-stated is the property at Lamisula, Maiduguri. The buildings were built by Alhaji Alli Kotoko and Sons in 1974 and given to Brigadier Kyari's wife at a token sum of ₦38,000, whereas in the opinion of the Panel, the cost of construction should not have been less than ₦100,000. The Panel finds the transaction questionable, particularly as Alhaji Kotoko is a businessman who was being greatly patronised by the North-Central State Government under Brigadier Kyari. The Panel therefore recommends that the property be seized by the Government and a refund of ₦9,500, which Brigadier Kyari actually paid to the contractor made to him. (Paragraph 94 (iv) and (v)).

Comment :

Government accepts these recommendations, however, no refund shall be made to Brigadier Kyari in respect of the property at Lamisula, Maiduguri. This transaction will further be investigated.

44. The Panel examined Brigadier Kyari's Farmland along Kaduna-Jos Road, Kaduna, and found that the farm was being developed and maintained from the resources of the North-Central State Government. The Panel therefore recommends that the farm should be taken over by the Government. (Paragraph 94 (viii)).

Comment :

Government accepts this recommendation.

45. The Panel recommends that Brigadier Kyari should retain all his declared shares amounting to ₦45,150 in the Companies listed in paragraph 95 of the Report. (Paragraph 95).

Comment :

Government accepts this recommendation.

BRIGADIER MUSA USMAN (Report, Chapter 11)

46. The Panel has found that a comparison of Brigadier Usman's total income and total expenditure during the period 1967-75 shows a deficiency of ₦46,506, and has recommended that the property at 11 Marnona Road, Kaduna, belonging to him be taken over by the Government in part satisfaction of the deficiency. This is one of the ICOSA houses for which a general recommendation on revocation of sale has been made by the Panel. (Paragraphs 96 and 97 (v)).

Comment :

Government accepts this recommendation.

47. Having investigated and been satisfied with the procedure for the acquisition of Brigadier Usman's other properties, the Panel has recommended that he should retain the following properties :

- (1) 24 Isa Kaifa Road, Kaduna
- (2) 7 Kubani Crescent, Kaduna
- (3) Property in Maiduguri, registered in the name of Mrs Usman
- (4) Property at Kinkino Close, Kaduna
- (5) Dadin Kowa Farm
- (6) Building in Zaria
- (7) Building in Jizawa Road, Kano (Paragraph 97).

Comment :

Government accepts this recommendation, subject to the forfeiture of the property at No. 24 Isa Kaita Road, Kaduna to the North-Eastern State Government.

48. The Panel further recommends that Brigadier Usman should retain the following properties :

- (1) Property at Shehu Lamino Way, Maiduguri
- (2) All his undeveloped plots of land listed in paragraph 97 (vii) subject to the land allocation policy in the respective States
- (3) Property at Damboa Road, Maiduguri. (Paragraph 97).

Comment :

Government does not accept this recommendation and has decided to treat the properties as follows :

(a) The property at Shehu Lamino Way, Maiduguri shall be seized by the Government in satisfaction of the 50 per cent of the total salary which Brigadier Usman had received during the period he was in office ;

(b) All Brigadier Usman's undeveloped plots on State lands shall be taken over by the respective State Governments subject to proviso in paragraph 6 above ;

(c) The property at Damboa Road, Maiduguri shall be seized as the Panel has no evidence of the contractor finance agreement under which Brigadier Usman has claimed that the property had been developed.

49. Finally, the Panel recommends that Brigadier Usman should retain all his declared investments totalling ₦124,000 in the companies listed in paragraph 98 of the Report. (Paragraph 98).

Comment :

Government accepts this recommendation in view of the fact that the Panel has verified the procedures adopted in acquiring the loans used for the purchase of the shares, and has found these to be satisfactory.

General :

Government is not fully satisfied that the assets of Brigadier Usman have been fully investigated and has accordingly decided that further investigations into his properties and Shares be conducted.

COLONEL DAVID BAMIGBOYE (Report, Chapter 12)

50. The Panel is satisfied that all the bank loans and the contractor finance loans obtained by Col. Bamigboye were obtained in the ordinary course of business and that no undue influence was used. However, the Panel is of the opinion that the cost of some of the properties built for or acquired by Col. Bamigboye was under-stated. And on the basis of his statement of income and expenditure, the Panel has discovered that his known expenditure exceeded all his known income by ₦22,219. Rather than this deficiency being reflected as an overdraft in his personal account, Col. Bamigboye's bank account stood at ₦37,142 to his credit thus bringing the amount to be accounted for by him to ₦59,361. (Paragraph 99).

But in investigating the various properties owned by Col. Bamigboye, the Panel is of the opinion that the 20.3-acre property in Omu-Aran (paragraph 100 (i)) on which he had claimed to have spent only ₦46,000, could not have actually cost less than ₦110,000 to develop. The contractor who developed most of the project also confirmed this. The Panel however, agrees that he did spend ₦20,000 on furnishing the property, thus leaving an under-stated sum of ₦44,000 unaccounted for. The Panel has recommended that Col. Bamigboye should forfeit the following assets in satisfaction of the deficiency of ₦59,361 and the under-stated cost of ₦44,000 :

- (a) 3 Bungalows at Umaru Audu Road, Ilorin
- (b) 2-storey house and Bungalow along Umaru Audu Road, Ilorin. (Paragraph 100 (ii) and (iii)).

Comment :

Government accepts this recommendation. Although Government accepts that the property in his home Town, Omu Aran was improperly acquired, it has nevertheless decided on compassionate grounds that the property should be retained. Col. Bamigboye is to forfeit in lieu, his property at No. 14 Sultan Road, Kaduna G.R.A. to the Kwara State Government. The Government has also decided that the equivalent of 50 per cent of the total salary received by Col. Bamigboye shall be deemed to have been recovered through the seizure of these properties.

51. The Panel has, however, recommended that Col. Bamigboye should retain the following assets :

- (1) 4 Sultan Road, Kaduna. G.R.A.
- (2) Plot 848 Victoria Island, Lagos.
- (3) Plot 11, W.N.H.C. Estate, Ikeja.
- (4) Plot at New Bussa. (Paragraph 100).

Comment :

Government accepts this recommendation subject to the undeveloped plot at New Bussa being taken over by the Kwara State Government, and the Government view on the recommendation in paragraph 50 above.

52. The Panel has recommended that the sale of the 3-bedroom bungalow at 21 Yakubu Avenue, Kaduna, purchased from ICOSA at a cost of ₦9,300 in 1973, but which actually was worth not less than ₦30,000 at the date of sale, should be revoked and no refund of the purchase price should be made to Col. Bamigboye. The property has been let to the Federal Livestocks Department for a total rent of ₦13,593 for the period 6th June, 1973 to 31st March, 1978. (Paragraph 100 (v)).

Comment :

Government accepts this recommendation.

53. Finally, the Panel recommends that the investments of ₦4,145 purchased with his personal savings and listed in paragraph 101 of the Report should be retained by Col. Bamigboye (Paragraph 101).

Comment :

Government accepts this recommendation.

SHETTIMA ALLI MONGUNO (Report, Chapter 13)

54. The Panel is satisfied with the financial dealings of Shettima Alli Monguno and with the procedure for acquisition of his only two properties developed between 1967 and 1975. They have therefore recommended that he should retain these two properties—i.e. Plot 5 Magaram Road, G.R.A. Maiduguri and Plot 705, Victoria Island, Lagos together with three other properties which he had developed before 1966.

The Panel also confirms that investigations do show that Shettima Alli Monguno owns no shares in any Nigerian registered Company, in conformity with his declared intention in 1967 not to own shares while holding public office.

Comment :

Government accepts this recommendation

MR G. C. AKWAEZE (Report, Chapter 14)

55. The Panel observes that Mr Akwaeze held public office for only seven months and finds that the two undeveloped properties owned by him, that is, Plot 15, Chief Edward Nnaji Layout, Enugu, and Plot R/2 Onitsha Bridge Road, were acquired before he assumed office in January 1975. The Panel has no evidence that Mr Akwaeze acquired any assets during his tenure of office or that he owned more assets than he declared. The Panel therefore recommends that Mr Akwaeze should retain all the declared properties.

Comment :

Government accepts this recommendation.

BRIGADIER MOBOLAJI JOHNSON (Report, Chapter 15)

56. Brigadier Johnson's statement of income and expenditure during the period 1967-75 has been found by the Panel to be satisfactory. The Panel has examined the physical and financial arrangements for the construction or acquisition of the properties owned by Brigadier Johnson and has found them to be fair and acceptable, and has therefore recommended that the following properties be retained by him :—

- (1) 43 Bajulaiye Street, Somolu
- (2) 5 Shagamu Street, Ilupeju
- (3) 1 Obokun Street, registered in the name of Mrs Johnson. (Paragraphs 108 and 109).

Comment :

Government accepts this recommendation.

57. The Panel also recommends that Brigadier Johnson should further retain the following properties :

- (1) Plot 9, W.N.H.C. Estate, Ikeja.
- (2) All the following undeveloped plots, subject to the land allocation policy of each State concerned :
 - (a) A plot in Animashaun Estate, Surulere acquired from LSDPC in 1972 ;
 - (b) A plot in the Ilupeju Estate, acquired from LSDPC in 1971 ;
 - (c) A plot in Victoria Island, acquired from Lagos State Government and registered in the name of Mrs Johnson ;
 - (d) A plot at Mambila Road, Kaduna ;
 - (e) A plot in Jos, held under Certificate of Occupancy No. BP. 1581. (Paragraph 109).

Comments :

Government does not accept this recommendation and has decided as follows :—

(a) While the current development of Plot 9, W.N.H.C. Estate, Ikeja should continue, the property shall be forfeited to the Federal Government which shall take over the assets and liabilities arising from the contractor-finance agreement by which the plot is being developed.

(b) All Brigadier Johnson's undeveloped plots on State lands shall be taken over by the respective State Governments subject to the proviso in paragraph 6 above.

58. The Panel considered Brigadier Johnson's 2.5-acre plot currently undergoing joint development with owners of two adjoining properties on Victoria Island. The Panel is of the opinion that insofar as the plot is the equivalent of 10 standard plots, the seizure of it by the Lagos State Government is justified. (Paragraph 109 (v)).

Comment :

Government accepts this view.

59. The Panel considered the ₦35,940 shares held by Brigadier Johnson in the sixteen companies listed in paragraph 110 of the Report, and recommends that he should retain them.

Comment :

Government accepts this recommendation.

DR OKOI ARIKPO (Report, Chapter 16)

60. The Panel finds that a comparison of Dr Arikpo's income and expenditure for the period 1967-75 shows a total deficiency of ₦1,916. The Panel is of the opinion, however, that this deficiency is insignificant and should be ignored. (Paragraph 111).

61. The Panel has recommended that Dr Arikpo should retain his building at 22 Bonny Street, Calabar, and that at Ugep built or acquired in 1960 and 1963 respectively. Although the property at Ugep was substantially improved in 1972, the Panel does not seem to have found any evidence of impropriety in its improvement ; nor is there evidence of any expenditure incurred on the property at 22 Bonny Street, Calabar between 1966 and 1975. (Paragraph 112 (i) and (ii)).

Comment :

Government accepts this recommendation.

62. With regard to Dr Arikpo's 10 2-storey houses Estate at Marian Barracks Road, Calabar built between 1973 and 1975 at a cost of ₦230,000, the Panel has found to be odd, the arrangement between Dr Arikpo and the Reynolds Construction Co. Ltd., which built a proportion of the Estate ; more so as the company has, in the process, incurred expenditure recoverable over a period of seven years, by occupying the houses at an agreed annual rent, with no certainty that it will operate in the South-Eastern State for that period. Nevertheless, the Panel recommends that Dr Arikpo should retain the Estate. (Paragraph 112 (iii)).

Comment :

Government has decided that the retention of Dr Arikpo's Estate at Marian/Barracks Road, Calabar, will depend on the result of an inquiry which is being made into the activities of Reynolds Constructions Company Limited.

63. The Panel recommends that Dr Arikpo should retain his three undeveloped plots of land at Ishie Road, Calabar, Plot 823 Victoria Island and Plot E/3 Calabar, subject to the land allocation policy of the respective States. (Paragraph 112 (iv)).

Comment :

Government accepts this recommendation.

64. Finally, the Panel recommends that Dr Arikpo should retain his 62-acre Oil Farm at Idundu, Calabar, which in the opinion of the Panel has cost about ₦20,000 to develop. (Paragraph 112 (v)). The Panel has found that Dr Arikpo did not acquire any other investments during 1967-75. (Paragraph 113).

Comment :

Government accepts this recommendation and notes that Dr Arikpo did not acquire any investments in Companies registered in Nigeria during the period 1967-75.

BRIGADIER U. J. ESUENE (Report, Chapter 17)

65. The Panel has found that Brigadier Esuene abused his position as Governor of the South-Eastern State to obtain loans and overdraft facilities. In particular, the Mercantile Bank established by the South-Eastern State Government in 1972, and wholly owned by that Government, was treated by Brigadier Esuene as his personal property as he called for cash from the Bank as and when he desired, and the accepted normal banking practices were ignored. For example, the securities for the loans which will be repaid by him in 1992 were the Guinness Shares Certificate and a simple deposit of land certificate of an undeveloped plot in Eket whose value was not even assessed before the loans were granted. The Panel recommends that the properties built from the Mercantile Bank loans should be properly charged to that Bank by means of a legal mortgage, redeemable within a period of three years. The Panel also recommends that the operation of the Mercantile Bank Limited should be investigated.

The Panel has accordingly further recommended that Brigadier Esuene should retain the following properties subject to a proper legal mortgage being created on them in favour of the Mercantile Bank Limited :

- (1) Property at Afaha, Eket
- (2) Property at Esok, Eket. (Paragraph 115-116).

Comment :

Government accepts these recommendations, and further investigation will be conducted into the loans and overdrafts obtained by Brigadier Esuene from the Mercantile Bank Limited ; the operation of this Bank will be investigated by the South-Eastern State Government.

66. The Panel recommends that the allocation of 4 acres in the Housing Corporation layout at Calabar to Brigadier Esuene for which he paid ₦3,240 instead of ₦13,008 should be revoked and a thorough investigation made into the allocation policy of the South-Eastern State Housing Corporation. (Paragraph 116 (iii) (c)).

Comment :

Government accepts this recommendation.

67. The Panel recommends that Brigadier Esuene should retain the following undeveloped plots of land, subject to the land allocation policy of the state Governments concerned :

- (1) 4.2 acres at Eket, acquired in 1973
- (2) 1 acre, acquired in Eket in 1971
- (3) $\frac{1}{4}$ acre acquired in Eket in 1975
- (4) Plot 888 on Victoria Island, Lagos
- (5) A plot in Eket acquired by Atlantic Estates Limited of which Brigadier Esuene is a shareholder. (Paragraph 116 (iii)).

Comment :

Government accepts this recommendation subject to the take-over by the States concerned of the plots which are on State land and subject to the provision in paragraph 6 above.

68. The Panel finds that Brigadier Esuene has investments worth ₦7,700 in Guinness (Nigeria) Limited and Atlantic Estates Limited, and recommends that he should retain them subject to completing a transfer form in respect of Guinness shares in favour of Mercantile Bank Limited. (Paragraph 117).

Comment :

Government accepts this recommendation.

69. Government has also decided that Brigadier Esuene should refund the sum of ₦25,672 in satisfaction of the 50 per cent of the total salary received in the period 1967-1975.

ALHAJI USMAN FARUK (Report, Chapter 18)

70. The Panel has found that a comparison of Alhaji Faruk's statement of income and of expenditure during the period 1967-75 shows that he had spent ₦266,668 more than he had earned. Alhaji Faruk has been unable to account for this excess expenditure over his legitimate income. The Panel has therefore recommended that he should forfeit the following properties in full satisfaction of the deficiency of ₦266,668. (Paragraphs 118-119) :

(1) Property at 1 Badarawa Village, Kaduna	2,000
(2) Property at 2 Badarawa Village, Kaduna	2,000
(3) 3 Lamido Road, Kaduna	6,000
(4) Plots 532 and 535 Bompai Road, Kano	24,000
(5) Plot 22, Kakuri, Kaduna	3,000
(6) Plot NW/437, Sokoto GRA	20,000
(7) Plot KN/972, Ahmadu Bello Way, Kano	95,000
(8) Plot NE/565, Borno Road, Maiduguri	16,000
(9) Nos. 7 and 9 Gwadabe Road, Kaduna	58,000
(10) Plot 21 Mabere, Sokoto	20,000
(11) 13 Wurino Road, Kaduna	18,000
TOTAL	₦264,000

Comment :

Government accepts this recommendation, subject to the addition of the property of 8 bedrooms at Bolari in Gombe (paragraph 119 (i)) to the list of properties to be forfeited in full satisfaction of the deficiency of ₦266,668 and the retention by Alhaji Faruk of the properties at Plots 532 and 535 Bompai Road, Kaduna.

71. The Panel examined Alhaji Faruk's properties on Plots 532 and 535 Bompai Road, Kano G.R.A. and arrived at the conclusion that both Alhaji Faruk and Mr Rex Racca of Gusau Oil Mills Limited did not tell the truth about the actual transaction between them. It is the considered view of the Panel that Mr Rex Racca committed the resources of Gusau Oil Mills Limited for the construction of these properties to compensate Alhaji Faruk for granting Racca brothers who own over 50 per cent of the equity in the Gusau Oil Mills the right to participate in the Gusau Oil Mills project in preference to the other competitors. The Panel therefore recommends that the properties known as Plots 532 and 535 Bompai Road, Kano, be forfeited to the Government and that all rents collected by Alhaji Faruk on them should be refunded to the Government. The Panel also recommends that Mr Rex Racca of Gusau Oil Mills Limited should be deported from Nigeria, while the finances of Gusau Oil Mills Limited should be investigated. (Paragraph 119 (viii)).

Comment :

Government accepts these recommendations subject to the Government comment on the recommendation in Paragraph 70 above. However, as regards Mr Rex Racca, Government will take appropriate action based on the result of the investigation to be conducted into the finances of the Gusau Oil Mills Limited.

72. The Panel recommends that the property of 6 bedrooms at Bolari Village, Gombe currently occupied by Alhaji Faruk's mother should be referred to the appropriate authority for further investigation. (Paragraph 119 (xiii)).

Comment :

Government accepts this recommendation and has referred this property to the State Government for investigation.

73. The Panel recommends that the farmland registered as Certificate of Occupancy No. NE/669 and situated in Gombe should be investigated with a view to ascertaining the source of the finances for its acquisition and development. (Paragraph 119 (xxvi)).

Comment :

Government has decided to seize this farm in view of Alhaji Faruk's admission that the boreholes there were sunk by a contractor who was at the time sinking boreholes for the North-Western State Government.

74. The Panel recommends that the appropriate Ministry in the North-Western State should ascertain the exact cost of boreholes in Alhaji Faruk's properties and any or all of the following properties should be forfeited in full satisfaction of whatever cost is ascertained :

(1) 4A and 4B Club Road, Sokoto	39,000
(2) Plot 632 Club Road, Sokoto	18,000
	₦57,000

(Paragraph 120).

Comments :

Government accepts this recommendation ; however, it has decided to take over 4A Club Road, Sokoto in satisfaction of 50 per cent of the total salary received by Alhaji Faruk in the period 1967-75.

75. The Panel recommends that Alhaji Faruk should retain the following properties :

- (1) Plot 834 Makera, Kaduna South.
- (2) Plot 1A Block 2 Makera, Kaduna.
- (3) Property in Yerwa Gana, Gombe registered in Alhaji Faruk's mother's name.
- (4) Property in Yerwa Gana, Gombe registered in Alhaji Faruk's wife's name.
- (5) Property at Pindiga Village, Gombe.
- (6) 9A and 9B Rabah Road, Kaduna.
- (7) Plot NE/28 Bolari Village, Gombe.
- (8) Plot NE/667 Bolari Village, Gombe.
- (9) Property at NE/666 Bolari in Gombe. (Paragraph 119).

Comment :

Government accepts this recommendation ; however, it has decided that the properties at 9A and 9B Rabah Road, Kaduna and in Gombe worth ₦139,000 shall be forfeited as it was acquired through abuse of office.

76. The Panel recommends that the 14 undeveloped plots of land listed in paragraph 119 (v) should be referred to the respective State Governments for a review of their allocation to Alhaji Faruk. (Paragraph 119).

Comment :

Government has decided that all the undeveloped plots on State land shall be taken over by the respective State Governments subject to the proviso in paragraph 6 above.

77. Finally, the Panel recommends that Alhaji Faruk should retain all his investments worth ₦73,943 in the companies listed in paragraph 121 of the Report. (Paragraph 121).

Comment :

Government accepts this recommendation.

MR E. K. CLARK (Report, Chapter 19)

78. The Panel has found that the total income of Mr Clark during the period he held office amounted to ₦561,973 and was derived mainly from salaries, rents and bank loans. The Panel is satisfied that the bank loans were properly applied for and used for the purpose for which they were granted. The Panel has also found that a comparison of Mr Clark's income with expenditure during the period shows a surplus of ₦17,704.

79. Having examined the procedure by which Mr Clark had acquired or developed his properties, the Panel has recommended that he should retain the following properties :

- (1) Property in Bomadi, Western Ijaw.
- (2) 1 Baptist Road, Warri, GRA.
- (3) 135 Warri/Sapele Road, Warri.
- (4) Building at Ihama Street, Benin City.
- (5) 20 Hinderer Road, Apapa, Lagos.
- (6) Property in Gana-Gana Island, Western Ijaw. (Paragraph 123).

Comment :

Government accepts this recommendation, but has decided that the property at Ihama Street, Benin City shall be confiscated because of the failure to produce evidence of contractor finance arrangement. It has decided further that the property at 135 Warri/Sapele Road, Warri shall be forfeited to the Government, as it was considered that Mr Clark had by abusing his office, employed the services of an engineer employee of the Mid-Western, State Government in the general supervision of the construction of the building.

80. The Panel has found that Mr Clark, in acquiring most of his various properties, had done so under the name of Ovie & Sons or Maratan Limited ; he had also deliberately used his mother's name to cover up some shady dealings particularly in respect of Olympia Cinema, Sapele. He has therefore left the Panel in no doubt that Maratan Limited is another name for E. K. Clark. The Panel has accordingly recommended that Mr Clark should forfeit the following properties registered in the name either of Ovie & Sons or Maratan Ltd., and the government should take over the liabilities in form of Bank loans only in respect of the companies :

- (1) Olympia Cinema, Sapele
- (2) I Swamp Road, Warri
- (3) Leventis Stores, Supermarket Effunrun
- (4) Plot 206 Victoria Island, Lagos
- (5) Plaza Cinema, Lagos (comprising 3 properties)
- (6) Roxy Cinema, Apapa
- (7) Central Cinema, Ebute Metta
- (8) Odeon Cinema, Ebute Metta
- (9) Idera Cinema, Mushin
- (10) Odeon Cinema, Ibadan
- (11) Scala Cinema, Ibadan
- (12) 3-acre undeveloped plot at Ijora Causeway
- (13) 1-acre plot at Surulere
- (14) 11-acre plot at Idi-oro. (Paragraph 125).

Comment :

Government accepts this recommendation and has decided that the Mid-Western State Government should take over the undeclared properties listed above. However, any State Government interested in any of these properties may approach the Mid-Western State Government for negotiations.

81. The Panel however, recommends that Mr Clark should retain the five undeveloped plots of land listed in paragraph 123 (vii) of the Report, subject to the land allocation policy of the Mid-Western State Government.

Comment :

Government accept this recommendation.

82. Finally, the Panel recommends that Mr Clark should retain his declared investments worth ₦1,700. (Paragraph 124).

Comment :

Government accepts this recommendation.

CHIEF ANTHONY ENAHORO (Report, Chapter 20)

83. The Panel has reported that Chief Enahoro had failed to submit detailed returns of his assets as requested by the Panel and that up to the date of writing the Report, Chief Enahoro had not submitted the information requested. However, the Panel notes from the previous sketchy returns made by Chief Enahoro that he owns four companies which commenced business around 1974. It has also been discovered by the Panel that one of the companies owns substantial properties and this might have been partly responsible for Chief Enahoro's

deliberate refusal to send detailed information to the Panel. In view of Chief Enahoro's deliberate refusal to comply with the requirements of the Panel, the Panel has recommended that the assets of all Chief Enahoro's companies and all properties he acquired between 1967 and 1975 should be forfeited to the Government and that appropriate authorities should probe Chief Enahoro's foreign bank accounts, as there is evidence that he operates a foreign account in which there is likely to be substantial balance.

Comment :

Government accepts this recommendation and will ensure that all the assets of Chief Enahoro acquired between 1967 and 1975 are traced and properly dealt with.

DISMISSAL OF EX-MILITARY GOVERNORS

All the ex-military Governors except Brigadier Mobolaji Johnson and Brigadier Oluwole Rotimi were guilty of abuse of office and other irregular practices. For betraying the trust and confidence reposed on them by the nation they are dismissed with ignominy from the Armed Forces and the Nigeria Police Force with effect from 3rd February, 1976.