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OPEN LETTER TO ACTING PRESIDENT

July 6, 2017  
Ref: 036/2017

Prof. Yemi Osinbajo, SAN  
Acting President  
Federal Republic of Nigeria  
Aso Rock Villa  
Abuja

**RE: ABUSE OF OFFICE BY THE LEADERSHIP OF THE NIGERIAN  
MILITARY IN RESPECT OF THE UNLAWFUL AND  
WRONGFUL COMPULSORY RETIREMENT OF 38 SENIOR  
ARMY OFFICERS ON 9 JUNE 2016**

Your Excellency:

The thirty-eight (38) Senior Army Officers that were wrongfully dismissed by way of compulsory retirement on 9 June 2016 who have been subjected to deliberate pattern of abuse (including denial of access to administrative procedures for seeking redress) have requested me to present a humble petition on their behalf to the Acting President in the following terms:

### **Introduction**

1. It is a matter of public record that at the beginning of this administration, two panels were instituted by the Nigerian Army and/or Office of National Security Adviser respectively, to inquire into (1) allegations of electoral malpractices by Nigerian Army personnel and (2) allegations of corruption associated with arms procurement under the office of National Security Adviser. Furthermore, sometime in June 2016 the Nigeria Army under the leadership of the troika of the Minister of Defense, Mr. Mansur Dan Ali, Chief of Defense Staff, General Abayomi Olonisakin and the Chief of Army

Staff, Lt. General Yusuf Buratai presided over a sitting of the Army Council and they saw to the punishment by compulsory retirement of 38 senior officers of the Nigerian Army.

### **Serious allegations against Army leadership**

2. All the 38 officers were said to have been compulsorily retired based on disciplinary grounds (serious offences) as stated in the letters issued to them by the Nigerian Army and this means that even though it is often said that these officers were 'retired', in fact these officers were dismissed if we are to go by the proper construction of their circumstances. It is essential to point out that the public declaration of compulsory retirement of the 38 officers has undermined the individual reputations of these Senior Army officers and frustrated their respective efforts as securing a livelihood for their families.
3. Your Excellency, 18 of these Senior Army officers that were dismissed did not at any time appear before any one of the two panels that were set up or any other inquiry or investigation for that matter. They were never investigated for any infraction, they were never indicted, they were never tried and they were never convicted of any disciplinary or criminal breaches whatsoever. Additionally, many of these officers have no relationship whatsoever with election duties or procurement office as falsely alleged by Army leadership. They have never served in procurement capacity throughout their careers in the Army or participated in any form of election duties during the 2015 General Elections.
4. Most importantly Your Excellency, none of the 38 senior officers that were compulsorily retired was at any time ever charged, tried, tried by a court martial or found guilty of any offence in line with Armed Forces extant rules and regulations, before they respectively heard of their retirement in the media. Interestingly, none of these officers has ever been informed of the particulars of any alleged offense till date aside the bogus assertion made by Army leadership in the media. Some of the affected officers wrote to the Army Authority to furnish them with facts that constitute any alleged offense, but regrettably the Army has failed to respond to this simple request one year after. This goes to confirm that the Army Authorities acted with impunity in the case of the 38 compulsorily retired officers.
5. After the very public dismissal of the 38 Senior Army officers, the Minister of Defense and the Chief of Army Staff went to the media with the narrative that the 38 Army Officers were professionally corrupt and that these officers were punished after due process. These are untrue statements because the dismissed officers are innocent and there was a complete failure to follow the processes laid down by the Nigeria Army with respect to these wrongful and illegal dismissals.

6. Your Excellency, in fact records of the Army will confirm that some of these 38 retired officers were actually in the frontline of North Eastern operations waging war against terror which earned them official commendations and accolades for their exploits, as against the narrative of participating in election duties. Several others in the list of petitioners were on Army posting outside the shores of Nigeria during the period of the General elections, as well as during the entire periods that the relevant panels were sitting in Kaduna and at Abuja.

### **Gross abuse of office and victimization of innocent officers**

7. Clearly, someone in the leadership of the military was involved in victimization of innocent senior officers of the Nigeria Army and counsel most respectfully contend on behalf of all these officers that the names of innocent officers were substituted in place of the guilty ones in a case of gross corruption and abuse of office. It is specifically alleged against the leadership of the military that:
  - They maliciously and surreptitiously substituted the names of culpable officers with innocent ones in a gross act of corruption and went ahead to deliberately mislead the President and Commander in Chief as well as the entire nation on the matter.
  - The action of the military in the matter of the 38 officers was based on pure vendetta and pursuit of opaque objectives such as attempt to coerce officers to commit crimes in future elections. This was motivated by their desire to further their personal ambitions and interests without any consideration whatsoever for overall national interest and security.
  - Army record shows that in the respective case of all the officers, there were either no factual basis for the punishment and/or there was complete lack of established process leading to their dismissals.
  - The report with respect to Arms Procurement was completed and published in December 2016, which was six months after these 38 Senior Officers had been dismissed based on involvement in Arms Procurement saga. The panel on Arms Procurement never indicted any of these 38 officers and some of those serving officers that were recommended for further investigation are still serving in the Army and have continued to enjoy their promotion and privileges.

### **Inordinate delay in the appeal/administrative review process**

8. In the one-year of persistent abuse and denial of justice to the 38 retired officers, one of them, Lt Col Baba-Ochankpa has died. This gallant officer died literally of a broken heart. Your Excellency Mr. Acting President, the 38 Senior Army Officers are crying for justice as promised to Nigerians by this administration. The widow of Lt. Col Baba-Ochankpa (Mrs. Ruth Baba-Ochankpa) deserves justice. The children of the late Lt Col Baba- Ochankpa, Master Joshua Baba - Ochankpa, Miss Esther Baba-Ochankpa and Miss Abigail Baba-Ochankpa deserve our justice. They deserve better than what the Nigerian Army has allowed them to be subjected to. These beautiful children deserve to remove the stain that the present Army leadership has put on the memory of late Lt Col Baba-Ochankpa and just as important, the Nigerian Military certainly does not deserve a leadership that will not allow our men and women who are serving their fatherland the fullest protection of the Nigerian constitution and our laws.
9. Your Excellency, the Nigerian military being an institution requiring the highest level of integrity, honour and spirit de corps must not be allowed to be manipulated under any guise to attain personal objectives such as witch hunting and victimization without any factual basis as in the case of the 38 retired officers.
10. It is essential to bring to the notice of the Acting President that despite an order of mandamus made by the National Industrial Court, Abuja which is directed specifically to the Chief Of Defense Staff, and requiring Gen. Olonisakin to (as a matter of his duty) transmit the affected officer's administrative appeal for redress to Mr. President and to show proof of doing same to the Court Registrar, the Chief of Defense Staff has continued to defy an order of a court of competent jurisdiction in a flagrant show of impunity and disrespect for rule of law. This clearly shows bad faith and the fact that they have something to hide.

### **Abuse of office and impunity should be checked**

11. The Defence and military leadership acting jointly and severally and with impunity did abuse their offices. What is more, they have done so to sabotage the wishes of the President. Your Excellency, this situation deserves more than the reinstatement of the innocent officers, but requires a deep investigation that will afford the nation to know how something as wanton as what is alleged has happened.
12. The allegations contained if properly investigated and construed, are indicative of gross misconduct, misapplication of delegated powers and

dereliction of duty. The Federal Government is respectfully requested to inquire into the actions of high officials of government and see to it that the persons that have done these illegal things are unmasked and punished to the fullest extent of the law.

**Independent investigation and immediate reinstatement warranted**

13. In the closing, we most respectfully urge the Acting President to authorize an urgent and impartial investigation into all the allegations in this petition, as we believe, on the basis of these allegations, that an independent review could eventually lead to (1) the immediate reinstatement of all the 38 Senior Army Officers that were wrongfully and illegally retired in wanton abuse of office and (2) the institution of further disciplinary procedures against those high officials that were involved in the illegal and or sham retirement exercise.

Yours faithfully:



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