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P R E S S R E L E A S E

RE-MALABU: COURT ORDERS ARREST OF ADOKE, ETETE AND OTHERS

The attention of our client, Mr Mohammed Bello Adoke, SAN has been drawn to the Order of the Federal Capital Territory High Court of Justice Abuja presided over by Honourable Justice D. Z Senchi granting the prayers of the Economic and Financial Crimes Commission (EFCC) for a warrant of arrest against our client and other named individuals.

The order came as a surprise to our client considering the fact that the Federal High Court Abuja presided over by Honourable Justice B.F.M Nyako had in Suit No. FHC/ABJ/CS/446/2017 given a reasoned judgment granting to our client the following declaratory reliefs:

1. The involvement of the plaintiff in the negotiations leading to the implementation of a Settlement Agreement dated 30th November 2006 between Malabu Oil & Gas Limited and the Federal Government of Nigeria and the eventual execution of Bloc 245 Malabu Resolution Agreement dated 29th April 2011 between the Federal Government of Nigeria and Malabu Oil and Gas Limited was in furtherance of the lawful directives/approval of the President in the exercise of his executive powers.
2. The involvement of the plaintiff in the negotiation and eventual execution of the Block 245 SNUD resolution Agreement dated 29th April 2011 between the Federal Government of Nigeria and Shell Nigerian Ultra Deep and Shell Nigeria Exploration and Production Company Limited was in furtherance of the lawful directives/approval of the President in the exercise of his executive powers.
3. The involvement of the plaintiff in the negotiation and eventual execution of the Block 245 Resolution Agreement dated 29th April 2011 between the Federal Government of Nigeria and Shell Nigerian Ultra Deep Limited; and Nigeria Agip Exploration Limited; and Shell Nigeria Exploration and Production Company Limited was in furtherance of the lawful directives/approval of the President in the exercise of his executive powers.
4. Any correspondence/instruction to JP Morgan or any other entity and ancillary actions and processes taken by the Plaintiff in furtherance of the implementation of the Settlement Agreement dated 30th November 2006; Block 245 Malabu Agreement dated 29th April 2011; Block 245 SNUD Resolution Agreement date 29th April 2011 and Block 245 resolution dated 29th April 2011 were in furtherance of the lawful directives/approvals of the President in the exercise of his executive powers.
5. The Plaintiff cannot be held personally liable for carrying out the lawful /approvals of the President while he served as a Minister of the Government of the Federation"

Since the criminal charges filed by the EFCC before the Federal Capital Territory High Court of Justice, Abuja are based on the same facts before the Federal High Court, Abuja, our client expected that in line with the time tested traditions of prosecutorial agencies all over the world, the EFCC and or, the Honourable Attorney General of the Federation who was a party to the suit before the Federal High Court Abuja, would take immediate steps after the judgment of the Federal High Court to withdraw the criminal charges or apply to court to strike out the name of our client from the charges..

It is even more worrisome that the EFCC concealed this vital information of the existence of the Judgement of the Federal High Court Abuja exonerating our client from all the criminal allegations made in respect of the OPL 245 Settlement Agreement of 2011 from the Court in their application for the warrant of arrest especially the declaration that our client "bears no liability for obeying the lawful directives/approvals of the president of the Federal Republic of Nigeria."

In view of this development, and the fact that the EFCC has refused to abide by these time-tested traditions of prosecutorial agencies, our client is left with no other option than to challenge the unlawful order.

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