

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT COURT 14 APO-ABUJA ON THE 10<sup>TH</sup> DAY OF**  
**OCTOBER, 2016**  
**BEFORE HIS LORDSHIP, HON. JUSTICE U. P. KEKEMEKE**  
**SUIT NO:FCT/HC/CR/240/15**

**COURT CLERK: JOSEPH BALAMI ISHAKU**

**BETWEEN:**

**FEDERAL REPUBLIC OF NIGERIA .....COMPLAINANT.**

**AND**

**GEORGE DAWARI EDWARD .....DEFENDANT.**

**JUDGMENT**

The Defendant was charged before this Court on a nine count charge dated the 18<sup>th</sup> day of June, 2015. The charge states as follows:

**COUNT 1:**

That you George Dawari Edward (M) on October 02, 2013 or there about in Abuja forged a United States entry visa for yourself, purporting same to have been issued by the Embassy of United States of America, intending same to be used as genuine and you thereby committed an

offence contrary to Section 363 and punishable under Section 364 of the Penal Code Cap 532 Laws of the Federal Capital Territory Abuja 2006.

**COUNT 2:**

That you George Dawari Edward (M) on October 02, 2013 or thereabout in Abuja had in your possession a document to wit, “*United States entry Visa*” issued in your name, George Dawari Edward, knowing the same to be forged and intending that the same shall be fraudulently used as genuine and you thereby committed an offence contrary to and punishable under Section 368 of the Penal Code Cap 532 Laws of the Federal Capital Territory, 2006.

**COUNT 3:**

That you George Dawari Edward (M) on November 14, 2013 or thereabout in Abuja forged a United States entry visa in the name of one Edward Joy Chinazum purporting same to have been issued by the Embassy of United States of America and intending that same shall be used by the said Edward Joy Chinazum as genuine and you thereby committed an offence contrary to Section 363 and punishable under Section 364 of the Penal Code Cap 532 Laws of the Federal Capital Territory Abuja 2006.

**COUNT 4:**

That you George Dawari Edward (M) on November 14, 2013 or thereabout in Abuja had in your possession a document to wit, “*United States entry visa*” issued in the name of one Edward Joy Chinazum, knowing the same to be forged and intending that the same shall be fraudulently used as genuine and you thereby committed an offence contrary to and punishable under Section 368 of the Penal Code.

**COUNT 5:**

That you George Dawari Edward (M) on April 06, 2015 or thereabout in Abuja forged a United States entry visa in the name of one Moveh Lawrence Pendo, purporting same to have been issued by the Embassy of United States of America and intending that same shall be used by the said Moveh Lawrence Pendo as genuine and you thereby committed an offence contrary to Section 363 and punishable under Section 364 of the Penal Code.

**COUNT 6:**

That you George Dawari Edward (M) on April 06, 2015 or thereabout in Abuja had in your possession a document to wit, “*United States entry visa*” issued in the name of one Moveh Lawrence Pendo, knowing the same to be forged and intending that same shall fraudulently be used as genuine and you thereby committed an offence contrary to and punishable under Section 368 of the Penal Code.

**COUNT 7:**

That you George Dawari Edward (M) on April 06, 2015 or thereabout in Abuja forged a United States entry visa in the name of Moveh Temitope Rofiat, purporting same to have been issued by the Embassy of United States of America and intending that the same shall be used by the said Moveh Temitope Rofiat as genuine and you thereby committed an offence contrary to Section 363 and punishable under Section 364 of the Penal Code.

**COUNT 8:**

That you George Dawari Edward (M) on April 06, 2015 or thereabout in Abuja had in your possession a document to wit, “*United States entry visa*” issued in the name of one Moneh Temitope Rofiat knowing the same to be forged and intending that the same shall be fraudulently used as genuine and you thereby committed an offence contrary to and punishable under Section 368 of the Penal Code.

**COUNT 9:**

That you George Dawari Edward (M) on June 06, 2015 or thereabout in Abuja did impersonate a Medical Doctor and had in your possession a Medical Laboratory coat with the name Dr. E. D. George inscribed on it and also a Stethoscope and in such assumed character attempted to

administer an intravenous drip on Mrs Patti Bassi under the guise of being a Medical Doctor and you thereby committed an offence contrary to and punishable under Section 132 of the Penal Code Cap 532 Laws of the Federal Capital Territory Abuja 2006.

The charge was read over to the Defendant and he pleaded NOT GUILTY to each of the nine count charge. The prosecution opened his case and called three witnesses in proof thereof. The first prosecution witness is one Paul Ahmed Bassi. He works in the prosecution unit of the ICPC. He stated that sometimes about the 5<sup>th</sup> day of June, 2015, he called his mother Mrs Patima Bassi who lives in the Sun City Estate and she told him she was not feeling well and that the previous day on her way home, she told the driver to pack because she fell ill and threw up at the road side around Mabushi. That there was a Doctor around. That the Doctor was with her as he was talking to her. He then told her he would see her after work. That before he got home, his mother called him and asked that he rushed down to her because it was urgent.

He was apprehensive when she said, the Doctor wanted to see him or his younger brother. He drove down and met the Defendant with his mother on the couch and the Defendant was sitting in a chair next to her. He had a bag in front of him and he could see in the said bag a stethoscope and a white lab coat. She said the Doctor has been nice to her and that

he asked her to call him. The Defendant told him that his mother's condition is serious and that he would want to administer a drip on her but that his mother refused. The Defendant further said he wanted to discuss another matter with him. He asked if he had seen the signboard of an American Hospital by the right side when coming from the Airport. Although he was not certain, he answered in the affirmative.

The Defendant said the said American Hospital offered him a Scholarship to read a specialist course. That he was given the scholarship and was allowed to proceed to America with four family members. That he had given out two slots leaving two slots of N450,000 at the first instance and that when visa is issued the remaining Four Hundred and Fifty Thousand Naira shall be paid. That he could also bring along a maximum of two children. That the United States Government will provide housing, schooling during the period he would be with him. He brought out two passports containing two visas belonging to a couple.

That the visas were issued for a five years period. He immediately doubted the authenticity of the visas because American visas are for a maximum period of 2 years. However, he decided to play along. He told him he would consult his younger brother to know who would go out of the two of them. He wanted to know the decision the next day as

it would be the deadline. That they thereafter agreed to meet the next day 6/06/15 by 8 a.m. He told him to enter his vehicle so that they could rush to his office to collect the money and the passport. That he had earlier warned his mother not to take any medication from him. He also placed a call to some of the operatives in the office to help verify the authenticity of the story. He obtained a search and arrest warrant. As they got to the office, he called one Olu because the others have gone to obtain the warrant. He decided to play safe and asked for his identification. He had told his mother that he was working at the National Hospital. He told him he did not have his identity card with him. They asked for the phone number of any Doctor in the National Hospital who could confirm his identity but he could not. He further asked him of his contact at the American Embassy he also failed to provide that. That at that point, he now asked if he was a Medical Doctor. He answered that he was a Doctor but was not employed at all. He said he graduated at Ahmedu Bello University, Zaria. That Ilya Ashom, another prosecutor had entered the office then and was listening. Ilya said he also graduated from ABU and asked the year he graduated and the name of the Dean or that of any lecturer. He suddenly changed and said he never graduated from ABU, Zaria but has started studying BIOCHEMISTRY. He asked on what basis he wanted to administer a drip on his mother. He answered that he had some idea of medicine. He then decided to back out to enable others to further investigate the

matter. That Olu and others took him to their department. That as a prosecutor in ICPC, he has powers to arrest.

Under cross examination, the witness answered that his mother is a retiree. That when he got to the house, the Defendant told him that his mother had acute typhoid. That they later found out after a lab test that she never had typhoid but malaria. That she took drugs based on the test she ran. That his mother met the Defendant when she was throwing up. That she was with the driver. That the Defendant did not take her home. To another question, the witness answered that the Defendant introduced himself to his mother as a medical doctor and she gave him her number. That he came to the house through a phone call to her. He was not invited but gave him direction to the house. That his mother believed the Defendant was a medical doctor who was being helpful. The incident took place about 1-2 pm. That he got to his mother's house about 4 o'clock. That his mother is about 65 years old. That his sister Maria took her to the hospital while he was taking the Defendant to the office. That she threw up on a Wednesday and waited till Friday before visiting the laboratory. Witness answered that he did not administer anything on his mother. That he also did not tell him his area of specialisation in Nigeria but did tell him he is a Doctor of Medicine. To another question, he answered that he believed he felt their family is well off. That was why he wanted money. To another question, he



answered that he took interest in the matter because he has personally convicted six persons for running visa scams. That he knew it was a scam. That he did not invite the Defendant. That he did not file any matter in the Magistrate Court.

The 2<sup>nd</sup> prosecution witness is Osanoto Olugbemi. He stated that he is an investigator with ICPC. That on the 5<sup>th</sup> of June 2015, the Defendant was brought to their office by Mr Paul Bassi Ahmed. That a complaint had earlier been made by Mr Paul Bassi on behalf of his mother. He interviewed the Defendant when the case was assigned to him. The Defendant told him he is a medical Doctor with the National Hospital. He requested for his identity card but he confessed at that point that he does not work with the National Hospital. He gave a confessional statement in writing under caution. The bag he was carrying was searched. It had a white lab coat with his name inscribed on it. He also had a syringe, a stethoscope and some drugs. A search warrant was obtained and his house was searched, four standard Nigerian passports were recovered. In the said passports were American Visas valid for five years.

Further investigation was conducted by writing the American Embassy to verify the authenticity of the Visas. The Embassy responded and stated that the visas are fake. He further wrote to the Nigeria Medical

and Dental Council to verify his membership. They also responded that he is not a member of the Council. He also contacted the National Hospital in writing they replied that he is not a member of their staff. That he also recorded a statement from Mrs Patty Bassi and the Defendant. That they are in the ICPC statement form. Exhibit A, A1 and A2 are the Statements of the Defendant. Exhibit B – B8 are:

1. 4 Nigeria Standard International Passports A01660066, A02447761, A06608577 and A03639769.
2. Bag containing some medical drugs.
3. A lab coat bearing the Defendants name.
4. A stethoscope.
5. A bag containing disposable hand gloves, plaster and rope.

Exhibits C – C3 are:

1. Letter from National Hospital to Chairman ICPC dated 30/06/15.
2. Letter from the Medical and Dental Council of Nigeria dated 8/07/15.
3. Letter from the Embassy of the United States of America dated 9/06/15.

Under cross examination, the witness answered that he met the Defendant in his office premises after his case was assigned to him for investigation. That upon his confession, he arrested him. That he

informed him he came to ICPC to collect money for USA visa slot from Mr Paul Bassi. He never told him he was a travel agent. That he asked him, he said he was a Medical Doctor. That he did not ask him if he was a visa agent. That during interrogation, he told him he was not a Medical Doctor. To another question, he answered that he had earlier told him he was a Medical Doctor. That the items recovered from him corroborate his initial statements that he is a medical doctor. That he came to the office claiming to be a Medical Doctor. That he did not confess in writing that he is a not a Medical Doctor. That he is on investigation. That Defendant was with them till 8<sup>th</sup> of June, 2015.

To another question, he answered that he cannot recollect the logo of National Hospital. That from the physical examination, the passports are genuine. That Exhibit B1 is the passport of the Defendant. That it was recovered from the wardrobe of his house. In respect of Exhibits B, B2 and B3, they questioned the Defendant as to the owners of the said passports but he could not produce them. The witness made efforts but could not get them.

To another question, the witness said he could not recollect if the Defendant told him he buys and sells drugs. He does not know what the drugs recovered from the Defendant are used for. The Defendant took the drugs to Mrs Patti Bassi's house to convince her that he is a Medical

Doctor. To another question, the witness answered that it was when he asked for proof in form of his ID card that he confessed. He also did not give him an employment letter. That they were five that conducted the search. That items 7 – 11 in the search warrant are in the office. That they are not immediately relevant except for item No. 9. That he relies on his confession and Exhibits recovered from him. Under re-examination, the witness answered that one of the passports recovered is that of the Defendant's wife.

The 3<sup>rd</sup> prosecution witness is Patimah Ahmed Bassi. That she is 67 years old. That she is a Lawyer by profession. That she knows the Defendant. She met him on the 3<sup>rd</sup> of June, 2015 as she was coming from Suleja Prison. That she goes to Suleja Prison the ECWA church every Wednesday. That on getting to the bridge from Wuse market to Mabushi, she felt an abdominal upset and she directed the driver to park under the bridge as she was feeling like throwing up. That as soon as he parked near a vehicle which had its bonnet open, she started vomiting. Not quite two minutes, the Defendant approached her and said “*sorry Mummy*”. He then said he was a Medical Doctor from National Hospital (Dr George). That while she was still vomiting, he asked that she should help him with the battery from her car. She could not talk so she signalled her driver to do so and he obliged. They started his car and brought the battery back. The Defendant thanked her and asked for her

telephone number so that he could get in touch with her. The vomiting subsided and she gave him the telephone number. That he called around 9 – 9:30 PM that evening. The following morning on her way to run a test in the Hospital, the Defendant called again and said when she collects the lab result, she should not see any Doctor. That he would come to the house to look at the lab result and treat her. That she collected the result and decided to go to Hospital to consult a Doctor. They said she had a little malaria without typhoid. She was given the drugs. The Defendant called her again to find out if she had collected the result and when she said yes, he asked that she text her house address to him. He showed up later that evening in her house. As soon as he came in, he was disturbed that they just removed his wallet and that they robbed him. He took some drinks and asked for the lab result. He looked at it and said the typhoid was too much and that he wants to give her a drip but she said she does not like drip. He then promised to bring some drugs the following day. She had earlier read the test coupled with what the Doctor told her, she decided not to take the drip. He changed the topic and said he would soon leave the National Hospital to America for a 5 years course in Medicine. That when he finish he would work in a particular hospital along Airport Road. That the American Government has given him five slots or space for sponsorship. That he has only one slot left. He asked that she call one of her children to give the slot to.

That he showed her three or four passports. They have visas and pictures of people. They are five years visa. She told him she would call two of her sons, Daniel and Paul Bassi. Paul was the first to arrive. That she then told him the Doctor said he would give them a slot to travel to America on scholarship for five years. The Defendant opened his bag, she saw a Doctor's lab coat and a stethoscope. She asked the Defendant to show Paul, the 1<sup>st</sup> Prosecution witness, the passports. He brought the passports and the 1<sup>st</sup> Prosecution witness started looking at them. He explained to Paul that all he need was for him to pay N450,000 for the visa and Paul said they would see the following day by 8 a.m in her house. She gave him N3000 as transport fare. As at 8 a.m the following day, he was at her gate. That Paul came few minutes later and they left together.

Two or three days later, Paul came with another Officer from ICPC and asked that she gives them her statement as it relates to what transpired between her and the Doctor. That she had earlier asked Paul about the Doctor George and he told her the result of their investigation. She gave them the statement having been told that he could not identify himself as a Doctor. She identified the statement and it is admitted as Exhibit D. Under cross examination she answered that he said he was a Doctor. That she also saw the coat and the stethoscope. To another question, she

answered that he said his ID card and N20,000 in his wallet were stolen. That all she saw was passports and visas. That he did not tell her of any travel agency. He said he was the one processing the visas. He said he was working with National Hospital. That he was the only one chosen by the American Embassy to go for scholarship. To another question, she answered that the Defendant introduced himself as a Medical Doctor with the National Hospital. That if she believed him she would have allowed him to treat her. That he also told her about the N450,000 for the visa. He also told Paul when he came. That she made the statement in the presence of two officials in her house. That she was still on drugs then. The above is the case of the prosecution.

The Defendant opened his defence and gave evidence for himself. He states that he is George Dawari Edward. That he is into buying and selling of medical equipment. That on 3/06/15 he was returning from where he went to make supplies when his car broke down under the bridge at Mabushi. He saw a car parked in front of him, he therefore approached the car, he saw a woman and her driver and the woman was vomiting. He shared in her pains but further pleaded with her to give him her battery to start the car, she gave instruction to the driver to do so and he was able to start his car. He later returned the battery. That the woman gave him her phone number. She said she was Madam Patti. He also introduced himself as George. That she asked him to see her the

next day at her residence in Sun City. When he got there, she told him she went for medical test and was already on drugs. He told her a very good friend of his gave him four slots of a scholarship. That he had already made payment to him for himself and his wife at the rate of N450,000 each. That remaining a slot. She said she was interested and that her son would go. She called the son in his presence and he came. After discussion he took him to his office where he promised to give him money and his passport. He called two of his colleagues and ordered his detention. He had already gotten search warrant and a warrant of arrest. He asked him what he has done. He had a stethoscope, first aid box, laptop. They took him to the cell and later searched his house. That he also sells injection. That it was one Lateef Adesina who said there was a scholarship opportunity. That he had known him for about 8 years. That his statement was taken. That he said he would not volunteer his statement until he contact his Lawyer but they insisted. That he refused to write my statement. That he was tortured. That he had an injury in the course of torture. For fear of torture, he had to write the statement. That he said he was not a travelling agent or a Doctor. That they kept him. That there was no investigation. That they used wire on his back. That in his neighbourhood all his neighbours call him Doctor. That there was no transaction between him and the Nominal Complainant. That he did not know that the visa on his passport is fake.



Under cross examination, the witness answers as follows. That he is a married man and that he is married to Joy Chinansa Edward. That he has a standard passport with a US visa. That he got it in Abuja in 2013. That he did not go for snapping. That he does not know where Lateef is. To a further question he answered that he went for the capturing of Exhibit B1. That he has not applied for visa before. He answer that Exhibit B1 is his passport. That the visa therein is his. That Exhibits A1 and A2 are his statements. That he wrote them under fear. That he did not show PW3 the passports. To another question, he answered that he showed her his personal passport. That ICPC asked him to call his wife and that they are on their way. That he signed the search warrant. The passports were found in his house. That the items in the search warrant were recovered in his house. That he does not know the person in Exhibit B. That Lateef gave it to him. That it was in his house. That he never knew the passports were fake. That the names in Exhibit C are the names contained in the passport. He denied mentioning National Hospital. He said his friend gave him the slots. That the lab coat is sample. That he is not a tailor. That Exhibit B4 has an inscription of his name. That he is not a Native Doctor. To a further question, he answered that he has not deceived people with Exhibit B4. That Exhibit B5 was also recovered from him. That drug is also part of medical equipment. That he has no licence to sell drugs. That only plasters and gloves are in the first aid box. That he was reading Bio-chemistry and

later read Laboratory Science. He denied telling the Court this. The above is the case of the Defence. Parties were ordered to file Final Written Addresses.

The prosecution Written Address is dated and filed on the 19<sup>th</sup> day of May, 2016. The prosecution adopted same with a reply to Defendant's Notice of Preliminary Objection as his Final Oral Argument. The Defendant also filed his Final Written Address with argument in respect of the Notice of Preliminary Objection. Learned Counsel to the Defence adopted same as his oral argument. I have perused the evidence and considered the Written Addresses of Counsel. I shall deal with the Preliminary Objection. The Defendant's Preliminary Objection is dated the 9<sup>th</sup> day of February, 2016. It prays the Court to strike out or quash the charges contained in the charge for being incurably defective as same was preferred by ICPC which has no power to so do under the Act. The application is predicated on the ground that the ICPC targets only corruption in the public sector, especially bribery, gratification, graft and other abuse or misuse of office.

(2). That section 10(a) – (f) of the Corrupt Practices and Other Related Offences Act 2003 contained general duties of the Commission and the duties of the Commission as contained therein is mainly for Public Office Holders. That the Defendant is an individual and a business man, he is not a Public Office Holder and the Nominal Complainant is not

also a Civil Servant or Public Officer. That ICPC does not have the power to prosecute the Defendant. That the Commission has acted ultra vires which is beyond their scope of duties under the law. The Defendant's Counsel argued in his Final Written Address that Jurisdiction is the body and soul of judicial proceedings. That the functions of the ICPC are stated in Section 6(a) to (f) of the ICPC Act and their offences and punishments are also stipulated in Sections 8, 9, 10, 11, 12 – 26.

Learned Counsel submits that going by the evidence before the Court, the status of the Nominal Complainant and that of the Defendant, the Commission cannot prosecute the Defendant. The ICPC is by law focused on curbing bribery and corruption in public/civil service and is limited in time to those offences committed from the year 2000. That any attempt to go beyond what is stipulated in the Act amounts to overzealousness. Learned Counsel urges the Court to quash the charge preferred against the Defendant.

The prosecution on the other hand submits that the ICPC has been unequivocally vested with the unfettered powers of the Attorney-General of the Federation to prosecute offences created by the Corrupt Practices and Other Related Offences Act 2000. Learned Counsel draws the attention of the Court to Section 6(a) of the Corrupt Practices and

Other Related Offences Act. He also refers the Court to Section 26(2) and 61 (1) of the same Act arguing that it is the explicit statutory vesting of prosecutorial powers to the ICPC. The Defendant is standing trial under Section 132, Section 364, Section 363 and 368 of the Penal Code Act Chapter 532 of the Laws of the Federal Capital Territory. The powers and immunities of the Officers of the Commission is embedded in Section 5 of the Corrupt Practices and Other Related Offences Act, 2000.

Section 5(1) of the Act states:

***“ Subject to the provisions of this Act, an Officer of the Commission when investigating or prosecuting a case of corruption, shall have all the powers and immunities of a Police Officer under the Police Act and any other law conferring power on the Police or empowering and protecting law enforcement agents”.***

It is noted that this power referred above is subject to the provisions of the Act. The offences created by the Corrupt Practices and Other Related Offences Act can be garnered from Section 8 to Section 26. The offences under which the Defendant is charged are not contained therein. By Section 26(2), the prosecution for an offence under this Act shall be initiated by the Attorney-General of the Federation or any person or authority to whom he shall delegate his authority in any Superior Court

of record so designated by the Chief Judge of a State or the Chief Judge of the Federal Capital Territory and under Section 61(3) of this Act and every prosecution for an offence under this Act or any other law prohibiting bribery, corruption, fraud or any other related offence shall be deemed to be initiated by the Attorney-General of the Federation.

The Offences under which the Defendant is charged are Section 364 which is forgery, Section 368 being in possession of forged record and Section 132 impersonating a Public Officer. It is clear from the above that none of the offences for which the Defendant is charged is mentioned in Section 26 (2) of the Corrupt Practices and Other Related Offences Act.

Neither of the offences is bribery, corruption or fraud. They are also not covered by the offences and penalty created by the Act in Section 8 – 26. The Act authorises an Officer under Section 5(2) to transfer a case such as before this Court to the Director of Public Prosecution or any other Officer charged with the responsibility for the prosecution of criminal cases.

For the avoidance of doubt it states:

***“If in the course of any investigations or proceedings in Court in respect of the commission of an offence under the Act by any person,***

*there is discovered an offence under any other written law, not being an offence under this Act, irrespective of whether the offence was committed by the same person or any other person, the officer of the Commission responsible for the investigation or proceedings as the case may be shall notify the Director of Public Prosecution or any other officer charged with the responsibility for the prosecution of criminal cases, who may issue such direction as shall meet the justice of the case”.*

It is my humble view and I so hold that the ICPC does not have the locus standi to prosecute this matter. The case is accordingly struck out and the accused discharged. The Independent, Corrupt Practices and Other Related Offences Commission is hereby ordered to notify the Director of Public Prosecution in respect of this matter for necessary action.

**HON. JUSTICE U.P. KEKEMEKE**  
**(HON. JUDGE)**  
**10/10/16**