

J-K GADZAMA LLP

LEGAL PRACTITIONERS * ARBITRATORS * MEDIATORS * REGULATORY CONSULTANTS

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Hon. Justice Binta Nyako, Honourable Judge, Federal High Court (3rd right), representing the Chief Judge of the Federal High Court, Honourable Justice Abdu Kafarati;
L-R: Mr. Kehinde Ogunwumiju, SAN; Mrs. Joke Aliu; Prof. Paul Idornigie, SAN; Chief Joe-Kyari Gadzama, SAN; Prof. Tahir Mamman, OON, SAN and Dr. Castro Ginigeme during the Hon. Justice Chukwudifu Oputa JSC, (Rtd) Professional Training and Mentoring Programme for Young Lawyers on Saturday, 15th June, 2019 at the Hon. Justice S. M. A Belgore Hall, J-K Gadzama Court, Abuja.

Editorial

We are pleased to present this edition of the J-K Gadzama LLP newsletter.

A great and ever increasing proportion of our everyday life is conducted online. We rely on the internet to deliver professional services, transact business, and enjoy diverse forms of entertainment. It is no surprise that as the digital world has become inseparable from the physical one, there has been a corresponding effort by government to impose on cyberspace the same order that is the norm offline.

This attempt takes the form of a network of laws and regulations, some well-known, others quite obscure, but all of them serving a crucial function in making the internet orderly and safe.

The centrepiece of this edition is an examination of the laws regulating cyberspace in Nigeria. This edition also features sights from the firm's Hon. Justice Chukwudifu Oputa Mentorship Programme, in which young lawyers have the opportunity to learn from and interact with some of the most distinguished names in the legal profession.

Happy reading.

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A GLANCE AT THE NIGERIAN CYBER LAWS; WHAT LAWYERS SHOULD KNOW



Dimas Dimson Diffiwuka, Esq. (Associate, J-K Gadzama LLP)

1. Introduction

The cyberspace in Nigeria has become increasingly toxic. In 2001, Nigeria was reported by the American National Fraud Information Centre as having the fastest growing online scam. In 2013 just 12 years later, Nigeria was the 3rd most active country for cybercrime activity globally. With the remarkable growth in telecommunications, cybercrime is becoming even more sophisticated in the country. Mobile technology is also making the menace very difficult to control. These new ways of communicating and transacting business have largely rendered our criminal laws obsolete. This treatise takes a quick look at the various efforts by the Nigerian government to regulate the cyberspace.

2. The meaning of Cyber Space

The Cyberspace has been described as a global commons where more than 1.7 billion people are linked together to exchange ideas, services and friendship¹. Cyberspace is “the notional environment in which communication over computer networks occurs.”² The word became popular in the 1990s when the uses of the Internet, networking, and digital communication were all growing dramatically

and the term “cyberspace” was able to represent the many new ideas and phenomena that were emerging.³

Although you can find several definitions of cyberspace both in scientific literature and in official governmental sources, there is no fully agreed official definition yet. According to F. D. Kramer there are 28 different definitions of the term cyberspace.”⁴. The most recent draft definition is the following:

Cyberspace is a global and dynamic domain (subject to constant change) characterized by the combined use of electrons and electromagnetic spectrum, whose purpose is to create, store, modify, exchange, share and extract, use, eliminate information and disrupt physical resources. Cyberspace includes: a) physical infrastructures and telecommunications devices that allow for the connection of technological and communication system networks, understood in the broadest sense (SCADA devices, smartphones/tablets, computers, servers, etc.); b) computer systems (see point a) and the related (sometimes embedded) software that guarantee the domain's basic operational functioning and connectivity; c) networks between computer systems; d) networks of networks that connect computer systems (the distinction between networks and networks of networks is mainly organizational); e) the access

nodes of users and intermediaries routing nodes; f) constituent data (or resident data). Often, in common parlance (and sometimes in commercial language), networks of networks are called Internet (with a lowercase i), while networks between computers are called intranet. Internet (with a capital I, in journalistic language sometimes called the Net) can be considered a part of the system a). A distinctive and constitutive feature of cyberspace is that no central entity exercises control over all the networks that make up this new domain.⁵

The Cyberspace has ushered in new opportunities with its security challenges. Owing to the menace posed by the cyberspace, the Nigerian government through the Office of the National Security Adviser (ONSA), has been at the forefront of ensuring all-inclusive legislative, policy and institutional discourse on securing our cyberspace.

The potent question that comes to mind is, how has Nigeria fared in the current cyber world; what has Nigeria done, and is still doing to ensure cyber security and secure the cyberspace? It is therefore helpful to briefly consider the laws that are relevant to the cyberspace in Nigeria.

3. Legislative Frame Work on Cyber Space in Nigeria

(a) The Official Secrets Act, 1986

This enactment is a relic of the colonial administration. It was designed as an Act to make further provision for ensuring public safety; and for purposes connected therewith. Section 4 of the Act provides for the control of

mail forwarding agencies. In the current dispensation, the provisions of the act could be interpreted to cover all critical information infrastructure and the internet and also.

(b) National Security Agencies ACT, 1986

The Act provides for the disbandment of the Nigerian Security Organization and to create three security agencies, charging each with the conduct of the relevant aspect of the national security and other related matters.⁶ The Act provides for the establishment of the following Agencies: the Defence Intelligence Agency; the National Intelligence Agency; and the State Security Service (now DSS)⁷. The responsibilities of these agencies include the security of the cyber space.

(c) The Nigeria Criminal Code Act 1990

The Criminal Code Act cap 77 (LFN, 1990), does not specifically mention cyberspace or cybercrime, it criminalizes any type of stealing of funds in whatever form, including stealing using computers or cyber devices. The most renowned provision of the Act is Chapter 38, which deals with “obtaining Property by false Pretences-Cheating.” The specific provisions relating to cyber crime is section 419, which has been popularised by Nigerians to describe all forms of fraudulent activities. The section provides:

419. Any person who by any false pretence, and with intent to defraud, obtains from any other person anything capable of being stolen, or induces any other person to deliver to any person anything capable of being stolen, is guilty of a felony, and is liable to imprisonment for three years.

The criminal code also provides for online child

pornography, though the Code does not specifically criminalize child pornography, it criminalises obscene publication. Section 233D of Criminal Code prohibits publication of obscene matter. S.233D (1) reads: "Subject to the provision of this chapter, any person who, whether for gain or not, distribute or projects any article deemed to be obscene for the purpose of this chapter, commits an offence punishable..."

(d) Wireless Telegraphy Act, 1990

The Wireless Telegraphy Act (WTA) was initially enacted in 1961. The Act has preceded all other extant laws in the sector. The Act seeks to regulate the licensing, location and operation of wireless telegraphy services in Nigeria. Under the Act, it is an offence for a person to establish or use any station for wireless telegraphy, or install or use apparatus for wireless telegraphy except in accordance with a licence issued by the Commission. In this regard, the "Commission" is defined to mean the Nigerian Communications Commission (with regard to telecommunications matters) and the National Broadcasting Commission (with regard to broadcasting matters).

(e) National Broadcasting Commission Act, 1992.

The Act establishes the National Broadcasting Commission and for matters connected therewith. The Act regulates all forms of broadcast in Nigeria.

(f) The Nigerian Communications Act, 2003

The Act empowers the Nigeria Communications Commission (NCC) to among others things ensure the development and monitoring of performance standards and indices relating to the quality of telephone and other communications services and facilities

supplied to consumers in Nigeria having regard to the best international performance indicators. The Act affirms the Nigerian Communications Commission (NCC) as the independent regulatory authority for the telecommunication sector.⁸

(g) The Economic and Financial Crimes Commission Act, 2004

The Economic and Financial Crimes Commission Act (as amended), provides the legal framework for the establishment of the Commission. Some of the major responsibilities of the Commission under the Act include: the investigation of all financial crimes, including computer credit card fraud; taking charge of, supervising, controlling, coordinating all the responsibilities, functions, and activities relating to the current investigation and prosecution of all offences connected with or relating to economic and financial crimes, in consultation with the Attorney- General of the Federation; the coordination of all investigating units for existing economic and financial crimes, in Nigeria;⁹

(h) Advance Fee Fraud and Related Offences Act, 2006

Part 2 of the Act¹⁰, provides for electronic telecommunications offences by placing duty on all electronic communications service remote computing service providers, to obtain subscriber's name and address, failure to comply by both the subscriber to furnish and the provider to obtain attracts liability regime and penal consequences on conviction under section 12. Section 13 of the Act makes it the duties of telecommunications and internet service providers and internet cafes operators to register with the EFCC, maintain a register of all fixed line customers or non-fixed line or Global System of Mobile Communications

(GSM) and submit on demand to the commission such data and information as are necessary or expedient for giving full effect to the performance and functions of the commission. Failure to do so with intent to disguise or conceal the nature of his activities or the use of services and facilities, constitutes an offence and the liability regime on conviction is 3 years' imprisonment and operational licence may be revoked or cancelled under the section.

(i) The National Information Technology Development Agency Act 2007

The Act among other things empowers the National Information Technology Development Agency to develop guidelines for electronic governance and monitor the use of electronic data interchange and other forms of electronic communication transaction as an alternative to paper-based method in government. The main object of the Act is to provide for the establishment of National Information Technology Development Agency (NITDA) and related matters.¹¹

(j) Terrorism (Prevention) Act, 2011 (as amended)

The Act empowers the Attorney General of the Federation, the National Security Adviser or the Inspector General of Police to, for the purposes of the prevention or detection of offences or the prosecution of offenders under this Act, give such directions as appear to him to be necessary to any communication service provider to retain communications data.^{12,13}

the Act has extra-territorial application and strengthens terrorist financing offences¹⁴ the Act empowers law enforcement agencies, to among other things, establish, maintain and secure communications, both domestic and international, to facilitate the rapid exchange of

information concerning acts that constitute terrorism. The Act also provides that any person arrested under reasonable suspicion of commission of an offence shall be detained by law enforcement or security officer without having access to his phone or communication gadget.¹⁵ Section 29 (1) (2) (3)(4) of the Act, provides that for the purposes of prevention of terrorism, the relevant law enforcement agency, with the approval of the attorney General of the federation may, with the approval of the national security adviser apply *ex parte* to a judge for an interception of communication order, and such a judge may make an order to require a communication service provider to intercept and retain a specified communication or communications of a specified description received or transmitted or about to be received or transmitted by that communications service provider.

(k) Lagos State Criminal Law 2011

The Lagos state criminal law penalizes some aspects of computer related crime. The law prohibits unauthorized access to a program or data. It states that “[a]ny person who intentionally causes a computer program to perform any function with intent to secure unauthorized access to any program or data held in any computer is guilty of a misdemeanor and is liable to imprisonment for (2) years”.¹⁶ The law also prohibits the unauthorized modification of the contents of any computer.¹⁷ Under this law the modification does not have to be harmful to be a crime. Any modification without the consent of the owner or operator of the computer, device or system would suffice for purposes of inculcation under the Act. The law also imposes severe punishment for cases where the modification impairs or otherwise damages the computer or device.¹⁸

(l) Money laundering (prohibition) Act 2011 (as amended)

The money Laundering Act is a statute enacted to check the rising incidence of crimes relating to laundering of money via banks and other financial institutions by individuals and body corporate. This Act makes it compulsory for a transfer to or from a foreign country of funds or securities by a person or body corporate including a Money Service Business of a sum exceeding US\$10,000 or its equivalent shall be reported to the Central Bank of Nigeria, Securities and Exchange Commission or the Commission in writing within 7 days from the date of the transaction.

The Act also provides that a financial institution and designated Non-Financial Institution shall provide for the identification of a customer using identification instruments as may be prescribed in any relevant regulation; and verify the identity of that customer using reliable, independent source documents, data or information; identify the beneficial owner and take reasonable measures to verify the identity of the beneficial owner using relevant information or data obtained from a reliable source. It further provides that financial institutions and designated non-financial institutions shall undertake customer due diligent measures when, among other things; carrying out occasional transaction that are wire transfers.¹⁹

(m) Evidence act, 2011,

The need to regulate the cyber space and enhance the ICT regime has established its impact on the Evidence Act. This has resulted in improved provisions of the new Evidence Act, 2011. The Act recognises electronic communication and admissibility of electronically generated evidence. The most

outstanding contribution of the Evidence Act to the cyber world is the provision of section 84 of the Act which provides for admissibility of statements in documents produced by computers. The section lays the conditions for the admissibility of an electronically generate evidence.

(n) The Cybercrime (Prohibition, Prevention, Etc.) Act, 2015

The Act outlines the legal and institutional frameworks needed to drive/facilitate the nation's preparedness to secure the cyberspace. The Act seeks to provide an effective, unified and comprehensive legal framework for the prohibition, prevention, detection, prosecution and punishment of cybercrimes in Nigeria; ensure the protection of critical national information infrastructure; and Enhance cybersecurity and the protection of computer systems and networks, electronic communications; data and computer programs, intellectual property and privacy rights;²⁰

3. Efforts by the Nigerian Government aimed at Regulating the Nigerian Cyberspace

(a) The Presidential Committee on 419 Activities in the Cyberspace

In a major move to combat advance fee fraud, the financial scam also known as "419", after the section of Nigeria's criminal code dealing with such crimes, President Olusegun Obasanjo inaugurated a committee known as the Presidential Committee on 419 activities on the Cyberspace. The 15-member "Presidential Committee on 419 activities on the Cyberspace (Internet)", is charged with the responsibility of proposing adequate punitive measures for offenders. The committee, headed by the President's National Security Adviser, is also to consider the need for setting up an agency to

deal with the problem. The committee has members from the security agencies, Nigeria Communications Commission, National Information Technology Development Agency and the Internet Service Provider Association of Nigeria, among other government agencies²¹

(d) Office of the National Security Adviser.

Has produced the national cyber security policy and the national cyber security strategy and the national cyber security Roadmap

(f) Office of the Attorney General of the Federation

The Federal Ministry of Justice has commenced training of legal practitioners on forensic evidence in order to strengthen the capacity of legal officers of the ministry in the area of forensic evidence examination and presentation. The training seeks to expose them to the nature and scope of digital and cybercrime in the society. The ministry in collaboration with First Digital & Techno-Law Forensics Company, held a four-day Forensics Evidence Boot Camp for legal officers of the ministry in Abuja recently. The essence of the training is to have a group of Lawyers who will be better informed in the prevention and detection of digital and computer crime and who will support law enforcement agencies and the judiciary in the skilful handling of digital evidence.²²

(g) Ministry of Communications Technology,

The ministry is the parent body to the Nigerian Communications Commission (NCC), National Information Technology Development Agency (NITDA), and the Nigerian Postal Services (NIPOST). Two Limited Liability Companies that are wholly owned by the Government-Nigeria Communications Satellite Limited and Galaxy

Backbone Plc- have also been brought under the Ministry.

(h) Nigerian Communications Commission (NCC)

The Nigeria Communication Commission (NCC) is the statutory regulator of the telecommunication industry. It is saddled the mandate of issuing licenses to telecommunications operators, assigning frequencies, facilitating private sector participation and investment in the telecommunications sector, establishing enforcing technical and investment standards and practices, ensuring that the interest of consumers are protected through enforcing service standard and pricing regulations , arbitrating between operators, carries and consumers, and generally regulating all telecommunication licenses and service provider.

The NCC has also established a Media and Information Security Department to explore ways to protect corporate and individual citizens from the challenges from the cyberspace, providing awareness and information to help those vulnerable to cybercrimes and to curb the menace in the country.

(i) Economic and Financial Crimes Commission (EFCC)

Economic and Financial Crimes Commission was established under section 6 of the Economic and Financial Crimes Commission Act. The Commission is given enormous regulatory powers over the activities highlighted in section 46 of the Act²³ including the investigation of all financial crimes such as computer credit card fraud.²⁴ The Commission is also mandated to adopt “measures to

eradicate the commission of economic and financial crimes.”²⁵ More importantly, the Commission is also to act as the co-ordinating agency for the enforcement of the provisions of the Money Laundering Act, the Advance Fee Fraud and other Related Offences Act, 1995, the Failed Banks (Recovery of Debt and Financial Malpractices in Banks) Act, 1994 the Banks and other Financial Institutions Act, Miscellaneous Offences Act, and any other law or regulation relating to economic and financial crimes, including the Criminal and Penal Codes.²⁶

(j) The National Information Technology Development Agency (NITDA)

National Information Technology Development Agency was created under the NITDA Act of 2007 as the government agency primarily responsible for the planning, development and promotion of the use of information technology in Nigeria, development of guidelines for electronic governance and monitoring the use of electronic data interchange and other forms of electronic communication transactions as an alternative to paper-based methods in government, commerce, education, the private and public sectors, labour, and other fields, where the use of electronic communication may improve the exchange of data and information.

(k) The Nigerian Cybercrime Working Group (NCWG)

The Nigerian Cybercrime Working Group (NCWG) is an Inter-Agency body made up of all key law enforcement, security, intelligence and ICT agencies of government, plus major private organizations in the ICT sector; including Economic and Financial Crimes Commission (EFCC), Nigeria Police Force (NPF); the National Security Adviser (NSA), the Nigerian Communications Commission (NCC); Department of State Services (DSS); National

Intelligence Agency (NIA); Nigeria Computer Society (NCS); Nigeria Internet Group (NIG); Internet Services Providers' Association of Nigeria (ISPAN); National Information Technology Development Agency (NITDA), and individual citizens representing public interest, 2 Chairmen and one Coordinator. The Terms of Reference of the body include public enlightenment – Cybersecurity Forum for the Financial Services Sector, building institutional consensus amongst existing Agencies, providing technical assistance to the National Assembly on Cybercrime and the Draft act; laying the groundwork for establishment of institutional capacity in Nigeria, among others.

(l) Cyber Security Stakeholder's Forum

Established in April 2004, following recommendations by the Presidential Committee on illegal online activities, chaired by the National Security Adviser; it is an inter-agency body made up of all critical law enforcement, security, intelligence and ICT agencies of government, plus major private organizations in the ICT sector. The terms of reference include awareness and enlightenment programs targeting both public and private sector; building institutional consensus amongst existing agencies, providing technical assistance to the National Assembly on cybercrime and the Draft Bill; laying the ground work for the computer crime enforcement and prosecution by relevant agencies; developing technical guidelines for industry on cybersecurity; and commencing relations with international law enforcement organizations for global law enforcement cooperation.

(m) Computer Emergency and Readiness Team

In April 2014, the Nigerian government

launched a Computer Emergency Readiness and Response Team (CERRT.ng) Ecosystem; this is an anti-cybercrime forensic laboratory that seeks to assist public institutions, private bodies and individuals in responding to computer, network and related cyber security challenges or threats. The Forensic laboratory, described by promoters as the first of its kind in the West African region, is expected to analyse and resolve cyber security incidents as needed, in Nigeria, by Nigerians and for Nigerians.

(n) The Nigeria National Computer Emergency Response Team (ngCERT)

The Nigeria National Computer Emergency Response Team (ngCERT) Operations Centre was officially commissioned in May, 2015 by the National Security Adviser. A Computer Emergency Response Team [CERT] is basically an expert group which handles computer security incidents. They are human counterparts to anti-virus software in the sense that when new viruses or computer security threats are discovered, these teams document these problems and work to fix them. Being that these teams are made up of people who can react to new situations, they are much more capable of dealing with new virus threats than anti-virus programs would be by themselves.²⁷

(o) Directorate for Cybersecurity (DfC)

Directorate for Cybersecurity (DfC), was created as a permanent autonomous body within the Office of the National Security Adviser (ONSA) to takeover all assets and liabilities of the NCWG, including all uncompleted projects; Its main mandate is to develop and implement a National Cybersecurity Policy for Nigeria Implementing the National Cybersecurity Initiative (NCI) etc.²⁸

(p) Cybercrime Advisory Council

This council was established by section S.42 Cyber Crimes Act, 2015. It was inaugurated on 18th April, 2016. The Cybercrime Advisory Council is statutorily charged with functions and powers aimed at addressing the issues and challenges relating to standards, coordination and valuable technical cooperation, particularly in the areas of policy, legislation and capacity building, such as training of cyber-security personnel, investigators, digital forensics personnel, prosecutors, judges and lawmakers.²⁹

(q) Stakeholders Consultative Forum on Child Online Protection (COP)

This forum recommended; an all-inclusive multi-stakeholder and multi-sectoral collaboration through partnership and alliances with clearly defined national policy and guidelines. The aftermath of the forum led to the development of Nigerian Child Online Protection Policy Framework and Guidelines covering the following key actors; parents, guardians, teachers, children, policy maker, law enforcement and industry in 2012.³⁰

(r) The Central Bank of Nigeria (CBN)

The Central Bank of Nigeria is the only public agency certified under internationally recognised standards in cyber security.

7. Conclusion

Despite these numerous efforts by the government, the sad truth remains, that these efforts have not been sufficient owing to the evolving nature of cybercrimes and the dynamic nature of activities in the cyberspace. With the growing volume and sophistication of cyber-attacks and cyber-related threats, cyber security is a necessary consideration for individuals and families, businesses, as well as

governments. Cyber-threats are definitely a threat to the economy and peace of the nation. Therefore, there is need for a holistic approach to combating cyberspace related crime and ensure cybersecurity in all ramifications.

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PHOTO SPEAK

Hon. Justice Chukwudifu Oputu JSC, (Rtd) Professional Training and Mentoring Programme for Young Lawyers at the J-K Gadzama Court on Saturday, 15th June 2019



R-L: Hon. Justice Binta Nyako, Prof. Tahir Mamman, OON, SAN and Chief Joe-Kyari Gadzama, SAN



Mrs. Joke Aliu and Hon. Justice Binta Nyako



Prof. Tahir Mamman, OON, SAN and Dr. Castro Ginigeme



A cross section of the participants



Hon. Justice Binta Nyako giving her lecture



L-R: Mr. Kehinde Ogunwumiju, SAN; Mrs. Joke Aliu; Hon. Justice Binta Nyako; Prof. Tahir Mamman, OON, SAN and Dr. Castro Ginigeme



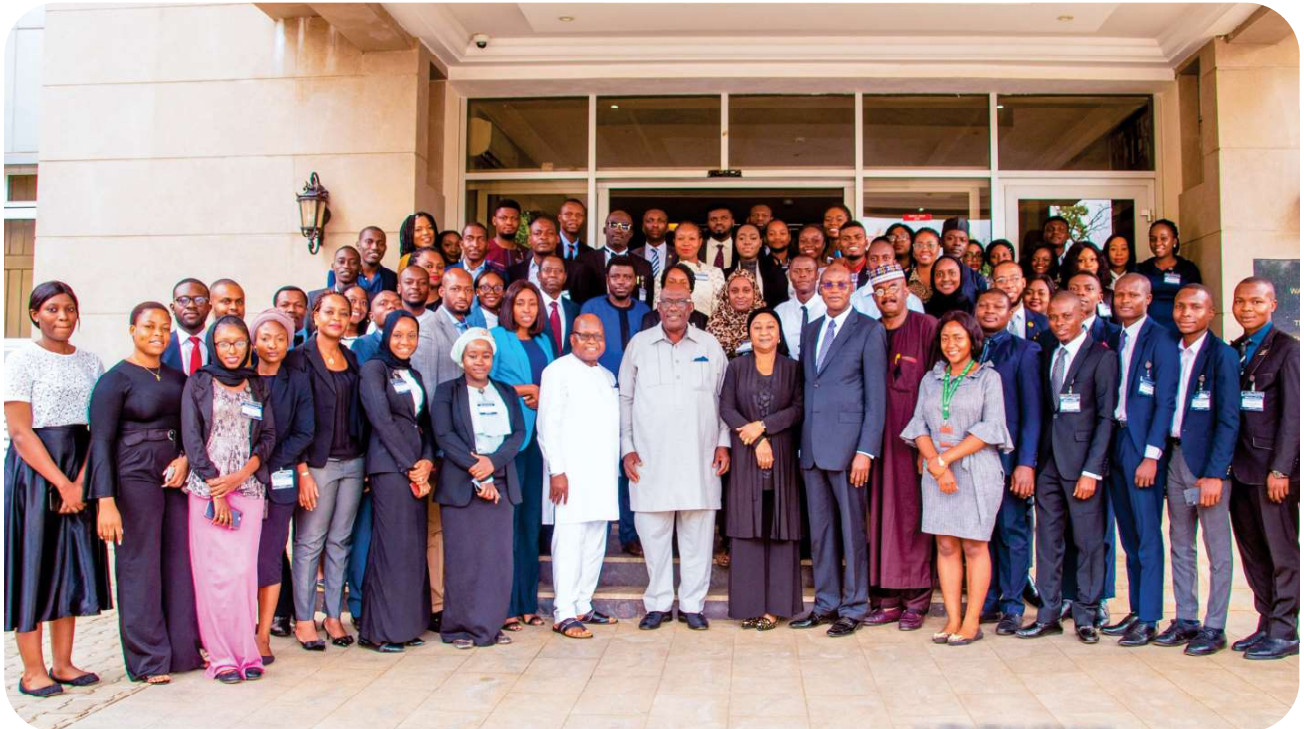
A cross section of the participants



Chief Joe-Kyari Gadzama, SAN

PHOTO SPEAK

Hon. Justice Chukwudifu Oputu JSC, (Rtd) Professional Training and Mentoring Programme for Young Lawyers at the J-K Gadzama Court on Saturday, 15th June 2019



Hon. Justice Binta Nyako; Chief Joe-Kyari Gadzama, SAN; Prof. Tahir Mamman, OON, SAN; Prof. Paul Idornigie, SAN; Mr. Kehinde Ogunwumiju, SAN; Mrs. Joke Aliu; and Dr. Castro Ginigeme with the participants during the event



L-R: Mr. Kehinde Ogunwumiju, SAN; Mrs. Joke Aliu; Prof. Paul, SAN; Chief Joe-Kyari Gadzama, SAN; Hon. Justice Binta Nyako; Prof. Tahir Mamman, OON, SAN and Dr. Castro Ginigeme



Mr. Kehinde Ogunwumiju, SAN receiving a plaque from Prof. Tahir Mamman, OON, SAN



Dr. Castro Ginigeme receiving a plaque from Prof. Paul Idornigie, OON, SAN



Mrs. Joke Aliu receiving a plaque from Prof. Paul Idornigie, OON, SAN



The participants at lunch



L-R: Some of the participants, Oyelayo Olamide, Lucy Chinazor, Mamsa Mohammed and Franklyn Oyeh, receiving their certificate from Chief Joe-Kyari Gadzama, SAN

LAW ON MARBLE

MOJEKWU V MOJEKWU [1997] 7 NWLR [PT 512] 283 AT 305

“Any form of societal discrimination on grounds of sex, apart from being unconstitutional, is antithesis to a society built on tenets of democracy which we have freely chosen as a people”

Hon. Justice Niki Tobi, JCA (As he then was)

OKOYA V SANTILI [1991] 7NWLR [PT 206] 337

“The most cherished 'property' of the Court is its orders and therefore where there is move to deprive the Court of that most cherished 'property', the Court will definitely resist that move with all the judicial powers conferred by section 6(6) of the 1999 Constitution (As Amended) as well as those which inhere in it...”

NOTABLE QUOTES

MOJEKWU V MOJEKWU [1997] 7 NWLR [PT 512] 283 AT 305 PARA C-D

“Accordingly, for a custom or customary Law to discriminate against a particular sex is to say the least an affront on the Almighty God himself. Let nobody do such a thing.”

Hon. Justice Niki Tobi JCA (As he then was)

ADEGOKE MOTORS v. ADESANYA (1983) 3 NWLR (PT 109) 250 at 274-275.

“We are final not because we are infallible; rather we are infallible because we are final. Justices of this Court are human beings capable of erring. It will be short-sighted arrogance not to accept this obvious truth...”

- Hon. Justice Chukwudifu Oputa (JSC) of blessed memory

SENATOR JULIUS ALIUCHA & ANOR V. CHIEF MARTIN NWANSCHO

ELECHI & ORS (2012) LPELR-7823(SC)

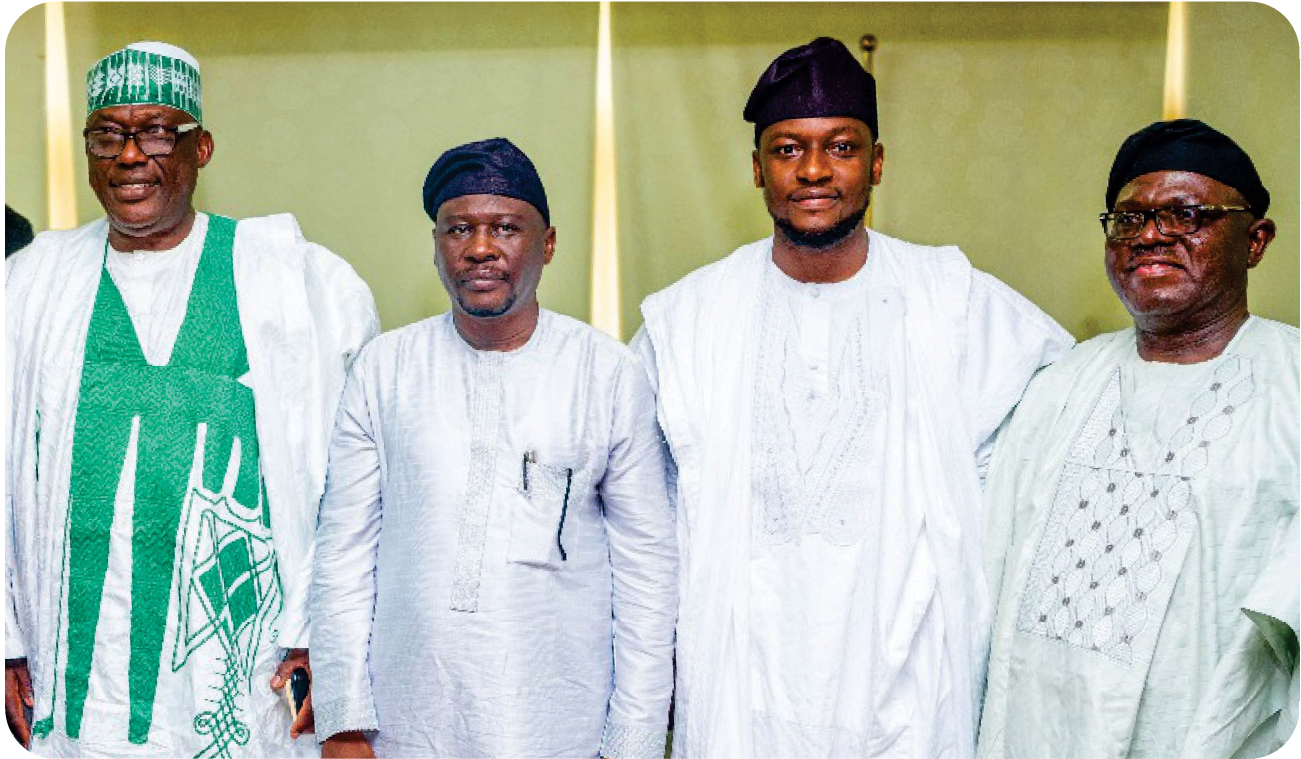
A judge is to descend from his heavenly abode, no lower than the treetops, resolve earthly disputes and return to the Supreme Lord”.

“Decisions based on Sympathy alone are but quicksands in the law, and if indulged in, will soon swallow up every principle laid down...”

- Hon. Justice Chukwudifu Oputa (JSC) of blessed memory

PHOTO SPEAK

The Swearing-in ceremony of His Excellency, the Governor of Adamawa State,
Rt. Hon Ahmadu Umaru Fintiri



His Excellency, Rt. Hon Ahmadu Umaru Fintiri (2nd left); Chief Joe-Kyari Gadzama, SAN (left); Prof. Maxwell Gidado, SAN, Chief of Staff to the Adamawa State Governor and Madu Joe-Kyari Gadzama



Chief Joe-Kyari Gadzama, SAN and the Chief Judge of Adamawa State



L-R: Mahmud Magaji, SAN; Chief Joe-Kyari Gadzama, SAN and Mr. Bala Ngilari former governor, Adamawa State



Madu Joe-Kyari Gadzama (R) receiving an award (Award of Excellence) on behalf of Chief Joe-Kyari Gadzama, SAN at the Police Catholic Men Organisation (PCMO) function held on Sunday, June 23, 2019



Visit to the Headquarters of the 3 Division Nigerian Army to Brief Major General NE Angbazo, General Officer Commanding (GOC) of the 3 Division Nigerian Army Jos, Plateau State



Chief Joe-Kyari Gadzama, SAN and Mr. Mohammed Monguno were presented plaques by Maj Gen NE Angbazo General Officer Commanding (GOC)

NEWS FROM THE FIRM

- The firm held its annual Hon. Justice Chukwudifu Oputa, JSC, (Rtd) Professional Training and Mentoring Programme for Young Lawyers on Saturday, 15th June, 2019, at J-K Gadzama Court, Abuja.
- Adanna Egbuchulam, Agorom Uchechi, Bitrus Usman Gadzama, Esther Linus, Mshelia Stanley Naomi, Nwankwo Chidinma, Okeke Chiamaka Mercy, Arugba Ejiro Shaunamite, Abounu Enenu Grace, Antoinette Orji, Isio Okumagba completed their law office externship. The firm wishes them success in their bar finals exam.
- Mr. Musa Jerry Ombugadu, Mr. Adewumi Pelumi Olusegun and Mr. Ignatius Ozoilo have joined the firm as Associates. The firm welcomes and wishes them a pleasant stay.
- Our Principal Partner will be honoured with a Chieftaincy title as the *Bobajiro* of Akure by His Royal Majesty, the *Deji* of Akure Kingdom, Oba Aladetoyinbo Aladelusi on 21st September, 2019

UPCOMING EVENTS AND CONFERENCES

Annual General Conference of the Nigerian Bar Association
will hold in Lagos from 23rd - 30th August 2019

The Write House in collaboration with J-K Gadzama LLP
Brief-Writing Masterclass on 9th - 13th September, 2019 at the
Hon. Justice S. M. A Belgore Hall, J-K Gadzama Court, Abuja.

International Bar Association (IBA) Annual Conference will be held at
the COEX Convention & Exhibition Center in Seoul, South Korea,
from 22nd - 27th September 2019

Chartered Institute of Arbitrators (CIArb.) Nigeria Branch Annual
Annual Conference Gala Nite 7th – 8th November, 2019

LEGAL HUMOUR

Client: I'll give you \$300 to do my worrying for me.
Lawyer: Fine. Where's the three hundred?
Client: That will be your first worry.

Prisoner: All I want is justice!
Judge: I'd like to help you, but all I can
give you is ten years.

OUR PEOPLE

1. **Chief Joe-kyari Gadzama**, OFR, MFR, SAN, FNIALS, DIPICArb, FCIArb. (UK), C.Arb
Principal/Founding Partner
2. **Prof. Tahir Mamman**, OON, SAN
Senior Partner
3. **Mohammed Monguno**, ACIArb. (UK)
Senior Partner
4. **Akinlabi S. Akingbade**, ACIArb. (UK), ChMc
Partner/Head of Chambers
5. **Geraldine O. Mbah**
Junior Partner
6. **Francis O. Oronsaye**
Junior Partner
7. **Darlington Onyekwere**, ACIArb. (UK)
Junior Partner
8. **Madu Joe-Kyari Gadzama**, LL.M (Warwick), MCIArb.
Junior Partner

SENIOR ASSOCIATE

John Echezona Unachukwu

ASSOCIATES

1. **Chimdindu Onyedim-Etuwewe**, ACIArb. (UK)
2. **Agbo Mark Chidi**, MCIArb. (UK)
3. **Anyanwu Elizabeth Nkechi**
4. **Dimson Diffiwuka Dimas**, ACIArb. (UK)
5. **Christopher Osejie Okougha**, ACIArb. (UK)
6. **Amazing Ikpala**, ACIArb. (UK)
7. **Ibrahim Jalike**
8. **Adegbemisoye A. Olasubomi**
9. **Musa Jerry Ombugadu**
10. **Adewumi Pelumi Olusegun**
11. **Ignatius Ozoilo**

JUNIOR ASSOCIATES

1. **Faith Jonathan**
2. **Fatima Ummi Abba Aji**
3. **Wadzani Karagama**
4. **Ajarat Yinusa**
5. **Ifeoma Akpotue**
6. **Tracy Inegbenosun**
7. **Faith Igbinoghene**
8. **Ememobong Ekanem**
9. **Ewhomazino Otuorimuo**
10. **Samira Ladan Tsemiya**
11. **Okwuefuna Theresa Nneka**

NIGERIAN LAW SCHOOL (NLS) EXTERNS

1. **Adanna Egbuchulam**
2. **Agorom Uchechi**
3. **Bitrus Usman Gadzama**
4. **Esther Linus**
5. **Mshelia Stanley Naomi**
6. **Nwankwo Chidinma**
7. **Okeke Chiamaka Mercy**
8. **Arugba Ejiro Shaunamite**
9. **Abounu Enenu Grace**
10. **Antoinette Orji**
11. **Isio Okumagba**

INTERNS

1. **Rebekah A. Aguariavwodo**
2. **Adesope Ibukunoluwa**
3. **Dele - Yaro Daniel Ademola**
4. **Gatida Tsammani**

JURIS CONSULT

1. **Hon. Justice Alfa Modibbo Belgore**, CJN (RTD), GCON
(FORMER CHIEF JUSTICE OF NIGERIA)
2. **Hon. Justice George A. Oguntade**, J.S.C (RTD), CON.



SPECIAL GOLF KITTY


In honour of



Chief Joe-Kyari **GADZAMA** S.A.N. (BOBAJIRO OF AKURE KINGDOM)

Date
20 Friday
September
2019

Tee-off: 10AM - 12 NOON
Closing: 4:00PM

 Smokin Hills Golf Resort,
Ilara-Mokin

Entry closes on Monday 2nd Sept. 2019 | Time: 2pm

OTHER PROGRAMMES

SATURDAY, 21ST SEPTEMBER, 2019

INSTALLATION CEREMONY
TIME: 10:00AM
VENUE: OJUKOTO'S COURT,
DEJI'S PALACE, AKURE

HOMAGE & PARADE
TIME: 12 NOON
VENUE: DEMOCRACY PARK,
AKURE

FRIDAY 20TH SEPTEMBER, 2019
NIGHT WITH THE DEJI
TIME: 6:00PM
VENUE: AMAZING EVENT CENTRE,
ODA ROAD, AKURE

EVENING WITH BOBAJIRO
TIME: 8:00PM
VENUE: ALAGBAKA G.R.A.,
AKURE

ENQUIRIES: ADERINTO - 08033264929; GONJI - 08023249377



Janada International Centre for Arbitration and Mediation (JICAM) was established in 2015. It is a dispute resolution centre in Abuja designed to promote a suitable forum for the resolution of domestic and international disputes. It is fully equipped with state-of-the-art facilities. The rules and guidelines for JICAM accommodate both ad hoc and institutional arbitration.

VISION

Creating an avenue for independent, confidential and efficient means of resolving disputes using Alternative Disputes Resolution (ADR).

SERVICES

1. Recording Services
(360 Systems' New Instant Replay2, Networked Digital Audio, 1000 Audio Cuts at your fingertips, Instant Sound Effect, Instant Music)
2. Video Conferencing
3. Transcription
4. Case Management
5. Secretarial/Administrative Services
6. Fund Managers
7. Accommodation (Studio & En Suite)

OUR LOCATION

Plot 1805, Damaturu Crescent By Kabo Way, Off Ahmadu Bello Way, P.O. Box 20304, Garki II, Abuja, FCT, Nigeria.
Tel: 09 6233 626

MISSION STATEMENT

To provide a neutral venue for the resolution of both Domestic and International disputes; and encourage the settlement of disputes from Corporate, Domestic, International Trade, Investment and other Transactions.

FACILITIES




1. Hearing Rooms
2. Conference/Seminar Hall
3. Arbitrators' Retiring Room
4. Claimants'/Respondents' Meeting Rooms
5. Waiting Room/Lounge
6. Food Court (The Dome)
7. Library/Resource Room
8. Individual HP pro display desktop for Tribunal Secretary/Registrar
9. Wireless tabletop microphones
10. Projector screen
11. Transcriber
12. Shelving Units
13. Wi-Fi
14. 18-Seater bus
15. 24-Hour CCTV
16. Spacious car park with security


For enquiries and/or Reservation

Contact:

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 @JicamCentre  @JICAM  @JICAM

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Who are we?

The Vox Populi Foundation for Leadership was founded in the year 2010 and was incorporated in the year 2012 by its founder Chief J-K Gadzama OFR, MFR, SAN, FNIALS, FCI Arb. (UK) (of Lincolns Inn, Barrister/Life Bencher/CEDR Accredited Mediator). The Foundation is a Non-Profit making institution formed to deepen the understanding of democracy by carrying out structured programmes that promote positive leadership qualities and ideals in the society. This is because we believe that a society can only evolve when the people have the opportunity to contribute to the process of governance and have a voice in the creation of policies and laws that affect them as a people.

How do we do this?

We sincerely believe the best way to achieve this goal is to pursue initiatives that look at proffering solutions to the issues that interfere with governance. We look at utilizing the immense manpower of youths and able bodied people who are hungry to bring about a change in their society through direct engagement with society in a volunteer signup process, which is one of the mechanisms we intend to employ to secure citizens participation. This process of inclusion we believe will foster and build a common front that will enable people to improve on their understanding of what leadership connotes in their everyday lives and reinforce their commitment towards creating a better society.

Governance

Created with gifts by its founder Chief J-K Gadzama, the foundation is an independent, non-profit, non-governmental organization, with its own Board. The trustees of the foundation set policies and delegate authority to the Director General and senior staff for the foundation's operations. Zonal volunteer Heads in the 6 geo-political zones explore opportunities to pursue the foundation's goals and formulate strategies for action.

Location

The Foundation is headquartered in Abuja. It conducts its activities through an increasing pool of volunteers from across the country.



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Our Vision

to promote, protect and safeguard the tenets and ideals of democracy leadership & good governance in our society.

What is Our Goal?!

to encourage citizens to participate in governance & support a platform that will inspire proactive leadership that will drive the free flow of democratic ideals and social justice.

Sign-up to Join and receive our e-mail Newsletter and Special Notifications
Your information will be kept confidential and used solely for our communications

Required Information

First Name: _____

Last Name: _____

Email Address: _____@

Address: _____

City: _____ State: _____

Phone: _____

Upon completing the information sheet, you can detach and send to our address above or you can email us on

info@voxpathulifoundation.org

for further enquiries, call us on

+234 (0) 8156565619 and +234 (0) 8091320558

follow us on <http://facebook.com/voxpathulifoundation>

&

tweet us @vpfoundcast

JK GADZAMA LLP

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This publication among many other articles and news from the firm are accessible online on the office website.



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J-K Gadzama LLP



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DISCLAIMER: The information contained in this Newsletter is not legal advice. Please consult a lawyer for legal assistance.