

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

BEFORE HIS LORDSHIP: THE HON. JUSTICE PETER O. AFFEN

TUESDAY, FEBRUARY 13, 2018

CHARGE NO. FCT/HC/CR/57/2016

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA PROSECUTION

AND

DR FORTUNE FIBERESIMA DEFENDANT

[a.k.a. FORTUNE DAVID, DAVID THANKGOD FIBERESIMA]

R U L I N G

THIS RULING is in respect of a no-case submission made on behalf of the Defendant herein, *Dr Fortune Fiberesima* who is standing trial on a 6-count charge of corrupt practice and abuse of office contrary to and punishable under ss. 12 and 19 of the *Corrupt Practices and Other Related Offences Act, 2000* [hereinafter "the ICPC Act"]. The specifics of the charge preferred against him are as follows:

"COUNT 1

That you, Dr. Fortune Fiberesima (a.k.a Fortune David and David ThankGod Fiberesima), being the former Chief Executive Officer of the State House Medical Centre, Abuja and Chief Physician to the President and while employed in the public service, sometime in 2012, in Abuja, within the jurisdiction of this Honourable Court, knowingly and directly held a private interest in the contract for land reclamation at the State House Medical Centre, Abuja in the sum of Two Hundred and Fifty-Eight Million, Nine Hundred and Fifty Thousand Naira (₦258,950,000), which contract was awarded to T. E. &

C. Limited, a company in which you were a director, and hereby committed an offence contrary to and punishable under Section 12 of the Corrupt Practices and other Related Offences Act, 2000.

COUNT 2

That you, Dr. Fortune Fiberesima (a.k.a Fortune David and David ThankGod Fiberesima), being the former Chief Executive Officer of the State House Medical Centre, Abuja and Chief Physician to the President and while employed in the public service, sometime in 2014, in Abuja, within the jurisdiction of this Honourable Court, knowingly and directly held a private interest in the contract for supply of medical consumables to the Nursing Unit of the State House Medical Centre, Abuja in the sum of Thirty-Six Million, Nine Hundred and Eighty-Six Thousand, Two Hundred and Fifty Naira (₦36,986,250), which contract was awarded to Ibomaedomi Global Services Limited, a company owned by members of your family and which you were a signatory to its account, and thereby committed an offence contrary to and punishable under Section 12 of the Corrupt Practices and other Related Offences Act, 2000.

COUNT 3

That you, Dr. Fortune Fiberesima (a.k.a Fortune David and David ThankGod Fiberesima), being the former Chief Executive Officer of the State House Medical Centre, Abuja and Chief Physician to the President and while employed in the public service, sometime in 2011, in Abuja, within the jurisdiction of this Honourable Court, knowingly and directly held a private interest in the contract for supply of medical consumables to the Physiotherapy Unit of the State House Medical Centre, Abuja in the sum of Five Million, Three Hundred and Ninety-Seven Thousand, Four Hundred and Eighty-Three Naira (₦5,397,483.00), which contract was awarded to Ibomaedomi Global Services Limited, a company owned by members of your family and which you were a signatory to its account, and thereby committed [an] offence contrary to and punishable under Section 12 of the Corrupt Practices and other Related Offences Act, 2000.

COUNT 4

That you, Dr. Fortune Fiberesima (a.k.a Fortune David and David ThankGod Fiberesima), being the former Chief Executive Officer of the State House Medical Centre, Abuja and Chief Physician to the President and while employed in the public service, sometime in 2012, in Abuja, within the jurisdiction of this Honourable Court, did use your position to confer unfair advantage upon yourself and members of your family in relation to the contract for land reclamation at the State House Medical Centre, Abuja in the sum of Two Hundred and Fifty-Eight Million, Nine Hundred and Fifty Thousand Naira (₦258,950,000), which was awarded to T. E. & C. Limited, a company in which you and your brother were directors, and thereby committed an offence contrary to and punishable under Section 19 of the Corrupt Practices and other Related Offences Act, 2000.

COUNT 5

That you, Dr. Fortune Fiberesima (a.k.a Fortune David and David ThankGod Fiberesima), being the former Chief Executive Officer of the State House Medical Centre, Abuja and Chief Physician to the President and while employed in the public service, sometime in 2014, in Abuja, within the jurisdiction of this Honourable Court, did use your position to confer an unfair advantage on yourself and members of your family in relation to the contract for supply of medical consumables to the Nursing Unit of the State House Medical Centre, Abuja in the sum of Thirty-Six Million, Nine Hundred and Eighty-Six Thousand, Two Hundred and Fifty Naira (₦36,986,250) which contract was awarded to Ibomaedomi Global Services Limited, a company owned by members of your family and which you were a signatory to its account, and thereby committed an offence contrary to and punishable under Section 19 of the Corrupt Practices and other Related Offences Act, 2000.

COUNT 6

That you, Dr. Fortune Fiberesima (a.k.a Fortune David and David ThankGod Fiberesima), being the former Chief Executive Officer of the State House Medical Centre, Abuja and Chief Physician to the President and while employed in the public service, sometime in 2011, in Abuja, within the jurisdiction of this Honourable Court, did use your position to confer an unfair

advantage on yourself and members of your family in relation to the contract for supply of medical consumables to the Physiotherapy Unit of the State House Medical Centre, Abuja in the sum of Five Million, Three Hundred and Ninety-Seven Thousand, Four Hundred and Eighty-Three Naira (₦5,397,483.00), which contract was awarded to Ibomaedomi Global Services Limited, a company owned by members of your family and which you were a signatory to its account, and thereby committed an offence contrary to and punishable under Section 19 of the Corrupt Practices and other Related Offences Act, 2000."

Upon being arraigned on 25/4/17, the Defendant pleaded "Not Guilty" to all six (6) counts of the charge, thereby setting the stage for the Prosecution to discharge the non-shifting burden of establishing his guilt beyond reasonable doubt. The Prosecution called five (5) witnesses in a frantic bid to demonstrate the Defendant's guilt. At the close of the Prosecution's case, the Defendant opted to make a no-case submission as he could not see his way clear that a *prima facie* case has been out against him to warrant entering his defence, whereupon written addresses were filed, exchanged and adopted by the respective counsel for the parties in open court on 16/1/18. The Defendant's written no-case submission is dated 8/12/17; the Prosecution's written address filed in opposition to the no-case submission is dated 12/1/18; whilst the Defendant's reply on points of law is dated 15/1/18. Whereas the sole issue identified by the Prosecution is: "*Whether from the overwhelming oral and documentary evidence presented by the Prosecution, the Prosecution has established a prima facie case against the Defendant to warrant this Honourable Court to call upon him to enter his defence*", two (2) issues are formulated for determination on behalf of the Defendant as follows:

1. *Whether from the evidence before the Honourable Court the Prosecution have made out a prima facie case of corrupt practice and abuse of office against the Defendant as required by law.*

