

IN THE FEDERAL HIGH COURT OF NIGERIA

HOLDEN AT ABUJA

SUIT NO: FHC/ABJ/CS/1123/2019

BETWEEN

ANDERSON ACHILIKE

] PLAINTIFF

AND

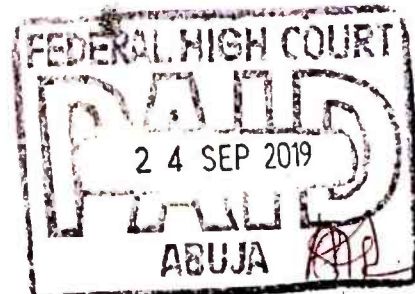
1. SHELL PETROLEUM DEVELOPMENT ]  
COMPANY OF NIGERIA LIMITED ]
2. ATTORNEY-GENERAL OF THE FEDERATION ] DEFENDANTS
3. ECONOMIC AND FINANCIAL CRIMES COMMISSION]

ORIGINATING SUMMONS

[BROUGHT PURSUANT: TO SECTION 251(1)(N),(Q),(R) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999; SECTIONS 1, 6 AND 7 OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION (ESTABLISHMENT, ETC) ACT; ORDER 3 RULE 7, 9(2)(d) OF THE FEDERAL HIGH COURT (CIVIL PROCEDURE) RULES 2019 AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT]

LET:

1. SHELL PETROLEUM DEVELOPMENT COMPANY  
OF NIGERIA LIMITED  
Plot 461 Constitution Avenue,  
Central Business District,  
Abuja.



300335951658

2. **ATTORNEY-GENERAL OF THE FEDERATION**

Federal Ministry of Justice,

Shehu Shegari Way,

Abuja.

3. **ECONOMIC AND FINANCIAL CRIMES COMMISSION**

EFCC Headquarters,

Jabi,

Abuja.

Within thirty (30) days after service of this Summons on them, inclusive of the day of such service, cause an appearance to be entered for them to this Summons which is issued upon the application of the Plaintiff whose address within jurisdiction is c/o **OBED AGU, ESQ** of Obed Agu & Co, No. 4 Lafia Street, Area 8, Garki, Abuja and who have applied for the determination of the following questions:

1. Whether the deliberate non-remittance and under-declaration of crude oil exportation and shipment, instigation of acts of pipeline vandalism, oil theft, third party interference in trunk line operations, incessant cases of fire outbreak, repeated incidents of sabotage or other suspicious activities or occurrences and other acts of economic sabotage as well as covert stealing of Nigeria's crude oil as a result thereof by the 1<sup>st</sup> Defendant from its Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel does not amount to economic crimes and sabotage of the Nigeria economy and therefore illegal, unlawful and constitutes economic crime against the Nigerian State?
2. Whether by the provisions of **Section 1(2)(c) of the Economic and Financial Crimes Commission (Establishment, etc) Act**, the 3<sup>rd</sup> Defendant, being a designated financial intelligence unit in Nigeria, acting with or through the 2<sup>nd</sup> Defendant and/or other security agencies, does not have the bounden statutory

duty to investigate various acts and/or allegations of commission of economic crimes by the 1<sup>st</sup> Defendant against the Federal Government of Nigeria through its various acts of non-remittance and under-declaration of crude oil exportation and shipment, self-induced oil theft, pipeline vandalism, disruption of oil production, destruction of oil installation, economic sabotage etc?

3. Whether in view of the express provisions of **Section 6 of the Economic and Financial Crimes Commission (Establishment, etc) Act**, the 3<sup>rd</sup> Defendant, as a designated financial intelligence unit in Nigeria, acting with or through the 2<sup>nd</sup> Defendant and/or other security agencies, does not have the legal duty to investigate and conduct wholistic audit of the non-remittance and under-declaration of crude oil exportation and shipment, exploration activities, cases of third party interference in trunk line operations, incessant cases of fire outbreak, repeated incidents of sabotage or other suspicious activities or occurrences at the 1<sup>st</sup> Defendant's Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel, resulting in continuous loss of revenue, oil theft, monumental shortfall in crude oil production, poor economic revenue, pipeline vandalism, disruption of oil production, destruction of oil installation, economic sabotage etc for the purposes of determining the extent of such financial and economic loss by the Federal Government of Nigeria.
4. Whether having regard to **Section 6 of the Economic and Financial Crimes Commission (Establishment, etc) Act**, the 3<sup>rd</sup> Defendant, as a designated financial intelligence unit in Nigeria, acting with or through the 2<sup>nd</sup> Defendant and/or other security agencies, cannot lawfully undertake an investigation with a view to unravelling the international syndicated economic crime being perpetrated by the 1<sup>st</sup> Defendant, its staff, agents, privies, nominees or howsoever described, through a conspiratorial machination of non-remittance and under-declaration of crude oil exportation and shipment, inducing deliberate cases of third party interference in trunk line operations, incessant cases of fire outbreak, repeated incidents of sabotage or other suspicious activities or occurrences at its Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel, thereby resulting in loss of revenue, continuous oil theft, monumental shortfall in crude oil production, poor economic revenue, pipeline vandalism, disruption of oil production, destruction of oil installation, economic sabotage etc, so as to conduct or undertake thorough investigation of the magnitude and economic extent of the effect of such economic sabotage and devise appropriate intervention measures to curb further occurrence?
5. Whether by the combined effect of **Sections 6 and 7 of the Economic and Financial Crimes Commission (Establishment, etc) Act**, the 3<sup>rd</sup> Defendant does not have the powers and/or bounden duty, where the investigation shows commission of crime, to eradicate and prevent further non-remittance and under-

declaration of crude oil exportation and shipment, self-induced oil theft and economic sabotage arising from illicit activities at the Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel of the 1<sup>st</sup> Defendant, through the prosecution of the 1<sup>st</sup> Defendant, its staff, agents, privies, nominees or howsoever described?

WHEREOF the Plaintiff prays this Honourable Court as follows:

1. **A DECLARATION** that the act or conduct of the 1<sup>st</sup> Defendant in not remitting and under-declaring of crude oil exportation and shipment, instigating criminal acts of pipeline vandalism, oil theft, third party interference in trunk line operations, incessant cases of fire outbreak, repeated incidents of sabotage or other suspicious activities or occurrences as well as the covert stealing of Nigeria's crude oil as a result thereof by the 1<sup>st</sup> Defendant from its Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel is illegal, unlawful and constitutes economic sabotage and crime against the Nigerian State.
2. **A DECLARATION** that the 3<sup>rd</sup> Defendant, being a designated financial intelligence unit in Nigeria, acting with or through the 2<sup>nd</sup> Defendant and/or other security agencies, has the bounden statutory duty to investigate various acts and/or allegations of commission of economic crimes by the 1<sup>st</sup> Defendant against the Federal Government of Nigeria through its non-remittance and under-declaration of crude oil exportation and shipment, various acts of self-induced oil theft, pipeline vandalism, disruption of oil production, destruction of oil installation, economic sabotage etc.
3. **A DECLARATION** that the 3<sup>rd</sup> Defendant, as a designated financial intelligence unit in Nigeria, acting with or through the 2<sup>nd</sup> Defendant and/or other security agencies, has the legal duty to investigate and conduct wholistic audit of the non-remittance and under-declaration of crude oil exportation and shipment, exploration activities, cases of third party interference in trunk line operations, incessant cases of fire outbreak, repeated incidents of sabotage or other suspicious activities or occurrences at the 1<sup>st</sup> Defendant's Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel, resulting in continuous loss of revenue, oil theft, monumental shortfall in crude oil production, poor economic revenue, pipeline vandalism, disruption of oil production, destruction of oil installation, economic sabotage etc for the purposes of determining the extent of such financial and economic loss by the Federal Government of Nigeria.
4. **A DECLARATION** that the 3<sup>rd</sup> Defendant, as a designated financial intelligence

unit in Nigeria, acting with or through the 2<sup>nd</sup> Defendant and/or other security agencies, can lawfully undertake an investigation with a view to unravelling the international syndicated economic crime being perpetrated by the 1<sup>st</sup> Defendant, its staff, agents, privies, nominees or howsoever described, through a conspiratorial machination of non-remittance and under-declaration of crude oil exportation and shipment, inducing deliberate cases of third party interference in its trunk line operations, incessant cases of fire outbreak, repeated incidents of sabotage or other suspicious activities or occurrences at its Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel, thereby resulting in loss of revenue, continuous oil theft, monumental shortfall in crude oil production, poor economic revenue, pipeline vandalism, disruption of oil production, destruction of oil installation, economic sabotage etc, so as to conduct or undertake thorough investigation of the magnitude and economic extent of the effect of such economic sabotage and devise appropriate intervention measures to curb further occurrence.

5. **A DECLARATION** that the 3<sup>rd</sup> Defendant has the powers and/or bounden duty, where the investigation shows commission of crime, to eradicate and prevent further non-remittance and under-declaration of crude oil exportation and shipment, induced oil theft and economic sabotage arising from illicit activities at the Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel of the 1<sup>st</sup> Defendant, through the prosecution of the 1<sup>st</sup> Defendant, its staff, agents, privies, nominees or howsoever described.
6. **AN ORDER** directing and compelling the 3<sup>rd</sup> Defendant, as a designated financial intelligence unit in Nigeria, acting with or through the 2<sup>nd</sup> Defendant and/or other security agencies, to carry out an investigation of the 1<sup>st</sup> Defendant over cases of non-remittance and under-declaration of crude oil exportation and shipment, third party interference in its trunk line operations, incessant cases of fire outbreak, repeated incidents of sabotage or other suspicious activities or occurrences at its Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel, which has resulted in loss of revenue, continuous oil theft, monumental shortfall in crude oil production, poor economic revenue, pipeline vandalism, disruption of oil production, destruction of oil installation, economic sabotage etc in Nigeria.
7. **AN ORDER** directing and compelling the 3<sup>rd</sup> Defendant to carry out a quantitative investigation of the amount or quantity of crude oil coming into or supplied to and exported from the 1<sup>st</sup> Defendant's Forcados and Bonny Oil Terminals and Bonga FSPO (floating production, storage and offloading) vessel as well as the amount or quantity of crude oil, claimed to have been or supposed to have been, exported from the said terminals from **1<sup>st</sup> January, 2001 to 31<sup>st</sup> August, 2019.**

8. AN ORDER directing and compelling the 3<sup>rd</sup> Defendant to publish and/or make public the Report of its Investigation of the allegation of non-remittance and under-declaration of crude oil exportation and shipment by the 1<sup>st</sup> Defendant as aforementioned within 14 days of the conclusion of such investigation.

9. AN ORDER directing the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants, where the investigation shows commission of crime, to undertake criminal prosecution of the 1<sup>st</sup> Defendant, its staff, agents, privies, nominees or howsoever described over allegation of non-remittance and under-declaration of crude oil exportation and shipment and resultant loss of revenue by the Federal Government of Nigeria.

10. AND FOR SUCH other or further Orders as this Honourable Court shall deem necessary to make in the circumstances.

Dated this 24<sup>th</sup> day of September, 2019.



OBED AGU, ESQ

Obinna Amorha, Esq ✓

Counsel to the Plaintiff

Obed Agu & Co

No. 4 Lafia Street,

Area 8, Garki

Abuja.

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