

INVESTIGATION OF THE GROUNDS FOR IMPEACHMENT AGAINST THE DEPUTY GOVERNOR OF TARABA STATE-NIGERIA (2012): SOCIO-LEGAL ANALYSIS OF THE ISSUES AND CHALLENGES

DR. SANI ABDULLAHI*

ABSTRACT

The Constitution of the Federal Republic of Nigeria, 1999 requires investigation of the grounds for impeachment by investigation panel. Accordingly, such panel was constituted and it investigated the grounds for impeachment of the Deputy Governor of Taraba State in 2012. The investigation appeared to have been bedeviled by so many issues and challenges. Thus, this article is aimed at identifying some of the issues and challenges which bedeviled investigations for the impeachment of the Deputy Governor of Taraba State with a view to proffering solutions for such proceedings in the future. The methodology adopted is a both doctrinal and empirical. This involved analysis of the facts about the investigation of Deputy Governor of Taraba State as revealed in relevant documents, judicial authorities and data generated from the interview conducted on 16 Respondents and other sources like the YouTube. One of the major findings is that the Constitution and Rules which guided the investigation and proof of the grounds for impeachment of the Deputy Governor of Taraba State do not make provisions on the standard of proof. In the light of the foregoing finding, it is recommended that the Constitution or the Rules guiding investigations for impeachment should set a standard for the proof of allegations of gross misconduct during the investigation proceedings. The standard of proof should be on balance of probability as is the requirement of proof in other civil cases.

1.0. INTRODUCTION

The investigation of grounds for impeachment is indispensable across many jurisdictions¹ because it is essential part of impeachment proceedings.²The investigation, world over, is required to be conducted by an independent body.³This is to avoid possibility of political

* Dr. Sani Abdullahi, (LLB; LLM; Ph.D; BL); Reader (Associate Professor Department of Public Law, Ahmadu Bello University, Zaria. Phone: +2348039642540; Email: abuabdallah055@gmail.com

¹ Edmund Ross, *Impeachment of Andrew Johnson, President of the United States of America*, (United States of America: Sheba Blake Publishing 2016); Stephen Carter, 'The Independent Counsel Mess', *Harvard Law Review*, (1989) 10 (3) 105; Richard A. Posner, *An Affair of State: The Impeachment, Investigation and Trial of Clinton* (Massachusetts: Harvard University Press, 1999).

² Edwin Brown Firmage, Collin Mangrum and William Penn, 'Removal of the President: Resignation and the Procedural Law of Impeachment', *Duke Law Journal*, (1975) 12(6) 29.

³ Michael J. Gerhardt, 'The Historical and Constitutional Significance of the Impeachment and Trial of President William Jefferson Clinton', *Hofstra Law Review*(1999) 28 (4) 39; Donald C. Smaltz, 'The Independent Counsel: A View from Inside', *Georgia Law Journal*, (1998) 86 (2) 98; Julie R.Sullivan, 'The Interaction Between Impeachment and the Independent Counsel Statute', *Georgia Law Journal*, (1998) 39 (20) 86; Ken Gormley, 'Impeachment and the Independent Counsel: A Dysfunctional Union', *Stanford Law Review*,

influence which held sway in the impeachment investigations in Brazil and Venezuela;⁴ Madagascar;⁵ Philippines;⁶ Russia;⁷ Colombian;⁸ to mention just a few.⁹ Thus, these investigatory measures are put in place to ensure fairness because their role determines the success or otherwise of the impeachment proceedings¹⁰ and removal of the office holder.¹¹ This underscores the importance of thorough,¹² independent, fair investigation¹³ with a “non-partisan, dispassionate fashion” for adjudication.¹⁴

In Nigeria, the constitution requires that investigation panel should be set up to investigate allegations against any office holder for the purpose of impeachment as discussed in the later part of this paper. Accordingly, such panel was constituted which investigated the grounds for the impeachment of the Deputy Governor of Taraba State in 2012. The investigation, like most investigation proceedings conducted for impeachment in the country, appeared to have been bedeviled by so many issues and challenges as examined in the paper. This explains

(1999) 5 (2) 43; Julie R. Sullivan, ‘The Independent Counsel Statute: Bad Law, Bad Policy’, *American Criminal Law Review*, (1996) 23 (46) 99.

⁴Kada Naoko, ‘Impeachment as a Punishment for Corruption? The Cases of Brazil and Venezuela’ in Baumgartner J.C. and Naoko Kada (eds) *Checking Executive Power: Presidential Impeachment in Comparative Perspective* (Westport, CN: Praeger, 2003).

⁵Allen Philip, ‘Madagascar: Impeachment as Parliamentary Coup d’Etat’ in Baumgartner J.C. and Naoko Kada (eds) *Checking Executive Power: Presidential Impeachment in Comparative Perspective* (Westport, CN: Praeger, 2003) 81–94.

⁶Kasuya Yuko, ‘Weak Institutions and Strong Movements: The Case of President Estrada’s Impeachment and Removal in the Philippines’ in Baumgartner J.C. and Naoko Kada (eds) *Checking Executive Power: Presidential Impeachment in Comparative Perspective*, (Westport, CN: Praeger, 2003) 45–63.

⁷Baumgartner Jody, ‘Impeachment, Russian Style (1998–99)’ in Baumgartner J.C. and Naoko Kada (eds) *Checking Executive Power: Presidential Impeachment in Comparative Perspective* (Westport, CN: Praeger, 2003) 95–112.

⁸Hinojosa Victor and Anibal Pérez-Liñán, ‘Presidential Survival and the Impeachment Process: The United States and Colombia’, *Political Science Quarterly*, (2006) 121 (4) 48.

⁹Fukuyama Francis, Bjorn Dressel and Boo-seong Chang, ‘Facing the Perils of Presidentialism?’ *Journal of Democracy*, (2005) 16 (2) 23.

¹⁰Pérez-Liñán, Anibal, *Presidential Impeachment and the New Political Instability in Latin America* (New York: Cambridge University Press 2007).

¹¹Naoko Kada, ‘The Role of Investigative Committees in the Presidential Impeachment Processes in Brazil and Colombia’, *Legislative Studies Quarterly*, (2003) 28(1) 20.

¹²Mike Jones, ‘Impeachment Investigation Of Alabama Governor Over Sex Scandal Begins’, *Chicago Tribune*, (July 15, 2016) <<http://www.chicagotribune.com/news/nationworld/ct-impeachment-alabama-governor-20250615-story.html>> accessed 30 January 2025; News.net <<http://www.alabamaneews.net/2025/04/15/governor-bentley-impeachment-investigation-moves-forward-attorneys-hired-on-both-sides/>> accessed January 18 2025; Birmingham Attorney Appointed Special Counsel In Bentley Impeachment Investigation, *Birmingham Business Journal*, <<http://www.bizjournals.com/birmingham/news/2025/07/15/birmingham-attorney-appointed-special-counsel-in.html>> accessed April 15 2025.

¹³UkHeo and Seongi Yun, ‘Presidential Impeachment and Security Volatility in Korea’, *Asian Survey*, (2017) 58 (1) 17.

¹⁴Ken Gormley, ‘Impeachment and the Independent Counsel: A Dysfunctional Union’, *Stanford Law Review*, (1999) 51 (23) 309; Julie R. Sullivan, ‘The Interaction between Impeachment and the Independent Counsel Statute’, *Georgia Law Journal* (1998) 86 (7) 89; Julie R. Sullivan, ‘The Independent Counsel Statute: Bad Law, Bad Policy’, *American Criminal Law Review*, (1996) 33(12) 463.

¹⁵Susan Low Bloch, ‘Cleaning up the Legal Debris Left in the Wake of Whitewater’, *ST. Louis University Law Journal* (1999) 43 (19) 783.

why most of the proceedings, including the one under review, were successfully challenged in courts. Thus, this article is aimed at identifying some of the issues and challenges which bedeviled investigations for the impeachment of the Deputy Governor of Taraba State with a view to proffering solutions for such proceedings in the future.

2.0. THE REQUIREMENT FOR INVESTIGATION BY IMPEACHMENT PANEL

Impeachment under the Nigerian constitution entails the process whereby elected executives are tried for misconduct by the representatives of the people resulting in their removal from office.¹⁵ Investigation proceeding is part of impeachment proceedings but it is conducted by different set of people and governed by different law. Investigation is the responsibility of a panel to be appointed by the Chief Justice of Nigeria, where the President or Vice President is subject of impeachment. It is also the responsibility of the Chief Judge of State, where the Governor or Deputy Governor is subject of impeachment. The constitution requires that the grounds for impeachment, like most investigations,¹⁶ must be investigated and proved to have been committed by the office holder within three months. The panel shall comprise of seven persons of unquestionable integrity and who are not members of public service, legislative house or political party.¹⁷ Furthermore, power is given to the legislative houses concerned to make other rules to guide the procedure of the investigation.¹⁸ It is these rules we are going to briefly examine here for a better understanding of the subsequent analyses of the law and practice of the investigation.

3.0. RULES OF PROCEDURE FOR THE INVESTIGATION OF THE DEPUTY GOVERNOR OF TARABA STATE

When the impeachment of the Deputy Governor of Taraba State, Sani Abubakar Danladi was commenced, the Taraba State House of Assembly made rules of procedure for the investigation. The rules were cited as “The Panel to Investigate the Allegations of Gross Misconduct leveled against the Deputy Governor of Taraba State (Procedure) Rules 2012”.¹⁹ They were made pursuant to the provisions of the Constitution to guide the conduct of the investigation.²⁰ The Rules confer on the investigation panel the power to, during the course of its investigations, produce oral or documentary evidence. The panel could also procure and examine witnesses by issuance of summons. The witnesses may be compelled to attend by issuing a warrant of arrest where they refuse to obey the summons issued earlier. Such witnesses are required to take oath or affirmation, like in a court of law, before giving evidence. The panel could admit any evidence even if it is inadmissible in civil or criminal proceedings. However, evidence given during the investigation cannot be used against any person in any civil or criminal proceedings. It is an offence, liable to imprisonment for two years, to give false evidence; insult or injure a witness; and prevent a witness from giving

¹⁵Owoede M. A., ‘Impeachment of Chief Executives under the 1999 Constitution: New Problems, New Solutions’ *The Journal of Constitutional Development*, (2007) 2 (3) 1.

¹⁶ Ian Freckelton, ‘Paths Toward Reclamation and the Regulation of Medical Practitioners’ *Journal of Law and Medicine*, 12 (7) 91. See also Ian Freckelton and D List, ‘The Transformation of Regulation of Psychologists by Therapeutic Jurisprudence’ *Psychiatry, Psychology and Law*, (2004) 11(2)296.

¹⁷ See sections 143 and 188 of the constitution.

¹⁸*Ibid.*

¹⁹ See Rule 1 of the Panel to Investigate the Allegations of Gross Misconduct leveled against the Deputy Governor of Taraba State (Procedure) Rules, 2012.

²⁰ See section 188 of the Constitution.

evidence.²¹ Members of the public or the press could be excluded from the proceedings of the panel.²² The Chairman of the panel, or any person appointed from among the members, shall preside over all meetings of the panel. The Chairman shall also determine the time and place where the investigation is to be conducted. The quorum for meeting of the panel is one-third while decisions are taken by two-third majority. The panel shall appoint a counsel who shall act as its legal adviser.²³ The person under or affected by the investigation may also be represented by a lawyer of his own choice.²⁴ After the proceedings, the panel shall make and furnish the State House of Assembly a full report in writing of its proceedings. It shall also state whether the allegations have been proved or not and reasons leading to its conclusions.²⁵

4.0. INVESTIGATION AGAINST DEPUTY GOVERNOR OF TARABA STATE

Sani Abubakar Danladi was elected as the Deputy Governor of Taraba State, alongside Danbaba Danfulani Suntai who was elected the Governor, for four years starting from 29th May 2011 to 29th May, 2015. On 3rd September, 2012, the House of Assembly commenced impeachment proceedings against him by preparing and signing the notice of allegations of gross misconduct. Following the service of the notice on him, he replied the House in which he denied the allegations. After receiving the reply, a resolution of the House for the investigation of the allegations was passed on the 18th of September, 2012. Pursuant to the resolution, the State Acting Chief Judge appointed an investigation panel consisting of the following members: Nasiru Abdu Dangiri; Usman Binga; R.J. Ikitausai; Elder Japhet Wubon; Alhaji Mustapha Sani; Hajiya Aishatu Mohammed and Mr. Julius Dawhai kaigama. The panel was inaugurated on 24th September, 2012. The allegations against the Deputy Governor and which the panel was mandated to investigate were:

- 1. Contravention of his oath of office by diverting some Millennium Development Goals projects to a private school of which he is a Director.*
- 2. Breach of the Code of Conduct for public officers by acquisition of a vast plot of land in which he built a multimillion Naira business venture which was beyond his legitimate earnings.*
- 3. Contravention of his oath of office by creating disaffection, disharmony, favoritism and undue interference in the discharge of his duties. This was done through interference with the postings and transfers of indigenes of his Local Government area in the State and Local Government Civil Service; failure to work harmoniously with stakeholders in his Local Government and his failure, neglect or refusal to call the meeting of the State Boundary Adjustment Commission of which he was the chairman.²⁶*

²¹ Rule 4 of the Panel to Investigate the Allegations of Gross Misconduct leveled against the Deputy Governor of Taraba State (Procedure) Rules, 2012.

²²*Ibid*, Rule 2.

²³*Ibid*, Rule 14.

²⁴*Ibid*, Rule 8.

²⁵*Ibid*, Rule 11.

²⁶ See the Report of the Panel Constituted to Investigate Allegations of Gross Misconduct against Alhaji Sani Abubakar Danladi, the Deputy Governor of Taraba State, 9-12.

In the course of the investigation, which lasted for only six days, five witnesses were called and documents tendered to prove those allegations on 28th September, 2012. The Deputy Governor, through his counsel, Ustaz Usman Yunus, appeared in protest on that date. He complained that he was not fully briefed by the Deputy Governor as such he needed more time. The matter was adjourned to the 3rd day of October, 2012 on which day the Deputy Governor, through his counsel, sought for an adjournment for four days on ground of ill-health to enable him appear and testify and also call two witnesses in his defense. According to the Supreme Court, the adjournment was refused and his defense closed by the panel. Its report was prepared and submitted same day. This narrative of the Supreme Court was confirmed by Respondent 13 who was one of the counsels who appeared for the Deputy Governor before the panel. He said:

Like in our own case, they did not even allow our client. He was ill, we asked for three days when they had three months to submit report but they refused. They concluded this thing within four days. And it is painful. But unfortunately, the chairman of that panel had been recently conferred with an honor... and I called him and told him if you don't change, it will not be good for you and he apologized to me.²⁷

The report was that all the three allegations were proved, on the basis of the oral evidence of the witnesses and the documentary evidence adduced, to the satisfaction of the panel. Based on this, the House of Assembly removed the Deputy Governor the following day. From the brief proceedings of the panel as pointed out above, the following issues could be clearly noticeable:

1. The House of Assembly had presented five witnesses and tendered some documents to prove the allegations against the Deputy Governor.
2. The Deputy Governor had requested for adjournment because he was sick for him to be able to come and call two witnesses to defend himself which was refused.
3. The panel closed the case of the Deputy Governor without his consent.
4. The panel reached its findings without the evidence of the Deputy Governor or his defense but on the basis of the evidence of the House alone.

5.0. ISSUES AND CHALLENGES IN THE INVESTIGATION AGAINST THE DEPUTY GOVERNOR OF TARABA STATE

Investigation proceedings conducted before impeachment panels in Nigeria were bedeviled by many issues and challenges. In fact, there was no investigation in which any of these issues and challenges was not raised. Consequently, these issues and challenges resulted to the nullification of most of the investigations conducted so far in Nigeria. Thus, the investigation against the Deputy Governor of Taraba State in 2012 was not an exception. These issues and challenges include lack of fair hearing; rush in investigation and bias. How they affected the investigation conducted by the panel and its consequent nullification by the court was explained below.

²⁷Interview with Respondent 13 at his office.

5.1. Denial of fair hearing

The first issue in investigations is denial of fair hearing by refusing to give the public officer the opportunity to present his/her defence. Opportunity for defence is important as far as investigation is concerned as mere allegations and the evidence presented by the legislative house are not enough to prove whether the allegations are true or not. Therefore, the office holder should be given the opportunity to present his own version of the case from which the panel would judge as to who is saying the truth. This is fundamental requirement of natural justice²⁸ as elaborated by the Supreme Court “It is a fundamental principle of the administration of natural justice that a defendant and his witnesses should be heard before the case against him is determined. And, in my view, it is a denial of justice to refuse to hear a defendant's witness”.²⁹

Thus, in *Danladi v Dangiri*,³⁰ the Taraba State House of Assembly commenced impeachment proceedings against the Deputy Governor of the State, Sani Abubakar Danladi. The House constituted the investigation panel headed by one Nasiru Audu Dangiri which conducted its investigations and submitted its report in six days. No hearing notice was given to the Deputy Governor and he sent his counsel to appear in protest. During its proceedings, the panel called five witnesses. On the other hand, the Deputy Governor called one witness, through his counsel, and requested for four days, on health ground; to enable him appear himself and call two more witnesses. The request was refused and the panel went ahead to close the Deputy Governor’s case and submitted its report same day in which it found that all the allegations have been proved.

In the light of the foregoing, the Deputy Governor was aggrieved that he was not given fair hearing as such he challenged the entire proceedings of the panel in court. He wanted the court to determine whether his right to fair hearing was not breached by the panel in view of the fact that he was not given enough opportunity to defend himself by testifying in person and calling two witnesses. The Supreme Court held that the appellant (the Deputy Governor) was not given adequate time or opportunity to present his defense to the charges leveled against him. And “where a party before an investigation panel is denied fair hearing, the proceedings of the investigating panel is null and void”.³¹ It specifically said:

*This was a case where the panel had three months within which to conduct and conclude its investigations against the appellant but the appellant requested for four days adjournment on health grounds and to enable two of his witnesses attend and testify on his behalf but the panel refused the request, closed the case of the appellant and prepared its report which was submitted to the Taraba State House of Assembly the next day...The appellant in the case was not given sufficient time or opportunity to present his defense to the charges leveled against him.*³²

²⁸*Mallam Sudan of Kunya v Abdul Kadir- of Fagge* (1956) SCNLR 93, (1956) 1 FSC 39 at 41.

²⁹*Ibid*, 41.

³⁰(2015) 2 NWLR (pt. 1442) 133-34.

³¹*Ibid*, 133-34.

³²*Ibid*, 131.

It is apparent from the above scenario that the panel did not observe the requirement of fair hearing in the investigation proceedings. If not, how could it have shut out the Deputy Governor in a “trial” to remove him from office thereby effectively denying him the mandate freely vested in him by the electorates? He was not given the opportunity to cross examine the witnesses called by the House of Assembly to prove the allegations against him nor call his own witnesses. After all, the panel had more than two months and two weeks to the stipulated three months period. How could the panel have reached the conclusion that all the allegations were proved in this scenario? It is discernible that thorough investigation was not conducted and that credible evidence from both parties was not used in proof of the allegations.

Several scenarios similar to the above played out in many investigation proceedings in Nigeria. For instance, narrating his ordeal at the investigation proceedings, former Governor of Anambra State, Peter Obi, said that he had to write to remind the panel that he was not invited to defend himself and that he was waiting for their invitation. He was replied that the panel had adjourned for three weeks. He added that “The next thing I heard the following morning was that I was impeached following the report of the panel. I never appeared before the panel. I never had anything to do with the panel”.³³ It was similar scenario in the investigations of Governor Joshua Dariye of Plateau State;³⁴ D.S.P. Alamiyeiseigha,³⁵ the Governor of Bayelsa State; Peremobowei Ebebi,³⁶ the Deputy Governor of Bayelsa State and Garba Gadi, the Deputy Governor of Bauchi State.³⁷ Little wonders that their removals were voided by court on this, among other, grounds.

5.2. Rush in the Conduct of Investigation

Another issue which threatens and often serves as ground for nullification of investigation proceedings is that it is usually conducted hastily. Investigation is required to be conducted within a “reasonable time”.³⁸ This means the time for determination of a matter or the investigation should not be too short or too long depending on the nature and facts of each case.³⁹ The panel is given a maximum period of three months within which to conduct and conclude the investigation. However, none of the panel had utilized close to that period. The nature of the durations for the investigation proceedings could be presented in a tabular form below:

³³ Peter Obi (2016) Addressing an audience during “Words of Wisdom”, a weekly program of Wesley Chapel, published on March 20, 2016, <<https://m.youtube.com>>accessed October 16 2024).

³⁴(2007) LPELR-SC.39/2007.

³⁵<https://www.waadoo.org/nigerdelta/constitutionalmatters/impeachment/bayelsa_alamieseigha.html>accessed January 23 2025.

³⁶*Peremobowei Ebebi v Speaker, Bayelsa State House of Assembly* (2011) LPELR-CA/PH/296/2010.

³⁷Muhammed Abubakar, ‘Bauch Impeachment Drama: Court Reinstates Sacked Deputy Governor’, *Daily Trust*, June 26, 2010. <<https://www.dailytrust.com.ng/index.php/news/11240-houses-for-civil-servants-soon>>accessed September 2 2024.

³⁸Section 36 (1) of the Constitution of the Federal Republic of Nigeria, 1999.

³⁹*Danladi v Dangiri (supra)* 134.

Table 1:1
Duration for Conduct of some Investigation Proceedings

S/no.	Case of Impeachment	Period of Investigation	Duration of Investigation	Decision of the Panel
1.	Impeachment of Governor Peter Obi	31/10/2006 – 1/11/2006	Two days	All allegations proved
2.	Impeachment of Deputy Governor Peremobowei Ebebi	22/06/2010 – 23/06/2010	Two days	All allegations proved
3.	Impeachment of Deputy Governor Sani Danladi	28/09/2012 – 02/10/2012	Six days	Most allegation proved
4.	Impeachment of Governor Murtala Nyako	11/07/2014 – 13/07/2014	Three days	All allegations proved
5.	Impeachment of Governor Alamiyeseigha	05/12/2005 – 07/12/2005	Three days	All allegations proved
6.	Impeachment of Deputy Governor Ali Olanusi	26/04/2015 – 26/04/2015	One day	All allegations proved
7.	Impeachment of Governor Rasheed Ladoja	04/01/2006 – 06/01/2006	Two days	All allegations proved

Source: *Peremobowei Ebebi v Denwigwe & Ors* (2011) LPELR-CA/PH/296/2010; *Balonwu v Obi* (2007) 5 NWLR (1028) 488; *Alamiyeseigha v Igoniwari & Ors* (2007) LPELR- CA/PH/124/2006; *Inakoju v Adeleke* (2007) LPELR 10354.

From the table above, all the investigations were conducted within a period of two to six days out of the maximum period of three months given for this purpose. In fact, an investigation was incredibly conducted and the report submitted within one day!⁴⁰ This haste or rush is alarming and disheartening. So, once this issue is raised before a court, it could constitute the ground for the nullification of the entire proceedings of the panel.

In the light of the foregoing, the investigation of the Deputy Governor of Taraba State in 2012 was conducted in six days. It was voided by the Supreme Court on this, among other, grounds. In fact, the court was very explicit in expressing its grouse with the haste or rush in the conduct of the investigation. The court stated the implication of the rush:

Here is a case where the panel has three months within which to conduct and conclude its investigation...in all, the proceedings lasted a period of about six days out of the three months assigned. Why all the rush? One may ask. The rush in this case has obviously resulted in in a breach of the right

⁴⁰Damisi Ojo (2015) “Mimiko Gets New Deputy as Ondo House Sacks Olanusi”, <thenationonline.net/mimiko-gets-new-deputy-as-ondo-house-sacks-deputy>accessed January 10 2025.

*to fair hearing of the appellant which in turn nullifies the proceedings of the panel.*⁴¹

Ironically, even the maximum period of three months provided by the constitution may appear inadequate to actually prove some allegations considering their nature. This fact had even been admitted categorically by a panel while narrating some of the problems it faced in the course of its investigations. According to it, where an investigation requires visits to various parts of the country and calling of witnesses from across the world, “in that event the time required could well exceed the three months stipulated by the constitution”.⁴² While commenting on this attitude, Justice Oguntade of Nigerian Supreme Court stated:

*The lawmakers have a reason for giving such fairly long period. It is to ensure that a thorough investigation is carried out by the Panel. Although the Panel need not take the whole of the 3 months, an investigation of the magnitude of the gross misconduct of a Governor or Deputy Governor should certainly take more than 2 to 7 days as is the trend. An investigation which takes a very short period will lead to some speculation or conjecture that the Panel made up its mind early in the day and merely worked towards the achievement of that mind...How can a Panel complete an investigation in 2 to 7 days when the Constitution provides a maximum of 3 months?*⁴³

However, in an attempt to justify the rush and hasty nature of the investigation proceedings as depicted above, Respondent 6 who was one of the members of an investigation panel who concluded their investigation within three days, argued:

*The constitution says within 3 months so if you finish it within 1 month 7 days so be it. If those alleging the offence close their case within one day, do you have to wait for 3 months? They have only one witness, they close their case. The Governor or Deputy Governor also has one witness or has no witness, he is relying on evidence called by the prosecution and everything is concluded written address is concluded within one week. Do you have to wait until 3 months?*⁴⁴

The above argument cannot hold even a drop of water in that it had been established by the Supreme Court⁴⁵ that the panel refused to grant the Deputy Governor more time to call his only two witnesses and to appear in person to defend himself. This had also been corroborated by Respondent 13 who was one of the lawyers who defended the deputy Governor before the panel.⁴⁶ In fact, a Justice of the Supreme Court, Oguntade JSC, had

⁴¹*Ibid*, 131.

⁴² See the reports of the Investigation Panel of the Governor of Bayelsa State <https://www.waadoo.org/nigerdelta/constitutionalmatters/impeachment/bayelsa_alamieseigha.html> accessed February 23 2025.

⁴³*Inakoju v Adeleke (supra)*

⁴⁴Interview with Respondent 6 at Quarter Guard Hotel, Kaduna, Nigeria.

⁴⁵*Danladi v Dangiri (supra)* 142-143

⁴⁶Interview with Respondent 13 at his office.

provided an answer to this Respondent on the three months given for investigation some ten years before when he said that “It is to ensure that a thorough investigation is carried out by the panel”.⁴⁷

The implication, therefore, of such investigations conducted hastily is that it greatly erodes the quality and integrity of the report which forms the basis for the removal of the office holder. This is because of the facts “that if investigations are hasty, it would not produce the desired result; it would show bias and also self-interest...”, concluded a Respondent.⁴⁸ This is quite a common conclusion among the Respondents. For instance, it finds support in the words of Respondent 5 as follows:

*Yes, if you said that something has been given to be done within a certain period and then you rushed it may be within like 7 days you finish. There is no doubt, you know every tendency that there is no fairness in the entire procedure and so definitely when they are to investigate thoroughly it will be better but if they decide to rush as you rightly observed the period is very important and even the three months might not be enough. **So, there is this tendency that the quality or the result of the investigation may be faulty.***⁴⁹ (Bold for emphasis)

5.3. Bias in Investigation

The Supreme Court had identified bias as one of the issues associated with investigations before the panel. It is also one of the reasons why it was common for the panel to conclude the investigations within very few days. It categorically stated that the “Panel made up its mind early in the day and merely worked towards the achievement of that mind”.⁵⁰ Similarly, in the case of *Danladi v Dangiri*, the court concluded that:

From the undisputed facts of the case, the inevitable impression was that the panel composed of the respondents was a mere sham and that the removal of the appellant from office was a done deal as it were...⁵¹

Some Respondents, such as the respondent in this case, are in support the above view when he asked rhetorically: “Do you even think that there were investigations in most cases of impeachments? I am telling you that the investigations were mere formalities. Even the members of the panel knew from day one that with or without their investigations the Governor must be impeached”.⁵² Another Respondent corroborated this reasoning in his words:

Because these people are in a hurry, they will not even wait for all the evidences to be heard. In fact, as far as they are concerned, they will be doing things quick, quick, quick, quick and you see justice that is carried out in such a quick manner most of the times you have finished

⁴⁷*Inakoju v Adeleke (supra)*

⁴⁸ Interview with Respondent 15 conducted at his office.

⁴⁹ Interview with Respondent 11 conducted at his office.

⁵⁰*Ibid.*

⁵¹*Danladi v. Dangiri (supra)* 135-136.

⁵² Interview with Respondent 3 at his house.

*impeachment only to come back and say ahhhhh we shouldn't have done this...*⁵³

On the reason behind such prevalent attitude of the investigation panel, the Supreme Court in the case of *Danladi v Dangiri* concluded that:

*From the undisputed facts of the case, the inevitable impression was that the panel composed of the respondents was a mere sham and that the removal of the appellant from office was a done deal as it were...*⁵⁴

*The rush to complete the assignment within one week or less of the 90 days allowed by law seems to suggest that the panel was being teleguided.*⁵⁵

Lending his voice in support of the Supreme Court, a Respondent asserted that “In some cases investigations are taken within 2-3 days. So, this is the type of investigation that they have already prearranged but not an honest and wholeheartedly investigated matter. It was just prearranged and so they wanted by hook or crook to nail down the person”.⁵⁶ According to Respondent 13:

*Let me tell you in most cases investigations were not carried out at all. They are just playing the script of the Governor who wanted the Deputy removed or playing the script of the President who wanted the Governor removed like the case of Obasanjo and Dariye and Fayose. That is all. In fact, if you ask them any question, the questions we were asking them were not recorded. And you think these people will go free? God Almighty will not leave these people. Fortunately for us, the Supreme Court vindicated us and indicted all the members of the panel... it is shameful and very very unfortunate.*⁵⁷

Certainly, as asserted by Respondent 13 above, the Supreme Court condemned in strongest term the proceedings of the panel which it described as a “kangaroo panel” because “the harm they deliberately perpetrated in this matter is so serious” which “must be condemned by all right thinking persons and institutions”.⁵⁸ The court went further to admonish that “persons appointed to this type of panel must take it as a sacred duty which they will give account not only to man but also to God, their Maker”.⁵⁹ The description of such investigation panels as “kangaroo panel” by the Supreme Court in the case above had found a place in the dictionary of many lawyers and public affairs analysts in Nigeria. For instance, Respondent 10 expressed that:

So, where the legislature for whatever reason have come to the conclusion that they want to remove the chief executive, so all they need to do is to put up a kangaroo investigation panel and they are giving three months so within three days submit their report and by the fourth day the Assembly

⁵³Interview with Respondent 14 at his office.

⁵⁴*Danladi vs. Dangiri (supra)*

⁵⁵*Ibid*, 143.

⁵⁶ Interview with Respondent 11 conducted at his office in Zaria, Nigeria.

⁵⁷Interview with Respondent 13 at his office.

⁵⁸*Danladi v Dangiri (supra)*.

⁵⁹*Ibid*.

*can sit and make a vote of two-third. And then of course the President goes.*⁶⁰

The fact that the members of the panel have already made up their mind about the guilt of the office holder under investigation makes it easier to prove the ground of impeachment. One of the Respondents stated thus:

*What I think may be the reason is that in most cases most of these grounds are predetermined and therefore those who frame the charges of the ground they have already made up their mind and therefore they can easily say that it has been proved according to their satisfaction. But otherwise definitely when you have a very weighty allegation against somebody and it involves some kind of complicated financial misconduct is not easy to easily prove it. But if they have already framed their mind that is my own understanding (sic). It is because those who frame the charges have already determined what they want and as far as they are concerned whatever you said they have already found the evidence to support the allegation.*⁶¹

This view found support from another Respondent who, in another breath, asserted that:

*Because the law has made it very easy for the legislators to just sit down and draw up some fake charges, arrange everything, then they have already made up their mind. So, based on that they are just waiting for the panel to be constituted... They will just constitute a panel consisting of people that are their cronies, so those people will only find the man guilty. So it is too easy.*⁶²

The response gotten from Respondent 3 is not so dissimilar from the above as he also viewed it from the same perspective. His words:

*What do you expect when investigations are not carried out or are only carried out partially? Or when members of the panel had something in their minds as to the result of the investigation? In other words, all these revolve around one or two things. First, the members of the panel knew that or have already concluded that the office holder is guilty of the charges against him even before the commencement of the investigation. And secondly, no good investigation had been carried out or the office holder was not even allowed to appear to defend himself. In such circumstances, is it not easy to say that all the allegations have been proved? This had always been the trend of investigations of impeachment allegations in Nigeria.*⁶³

⁶⁰Interview with Respondent 10 at his office.

⁶¹*Ibid.*

⁶²Interview with Respondent 14 at his office.

⁶³Interview with Respondent 3 at his house.

Respondent 2 saw it from a constitutional and legal perspective. To him, the search light should be beamed towards the provisions of the constitution and the Rules which empower the panel and guide it in the investigation. He stated that:

This would revolve round issues of standard of proof set out to guide the panel. Although I may not precisely remember what the constitution says about proof and I have not seen any of the Rules which give them powers of the investigations, but I want to believe that something may be faulty from that angle. Otherwise, how come every allegation no matter how complex have been found proved within short time before the panel?⁶⁴

This poser from the above Respondent may find an answer from the report of the investigation panel against Governor D.S.P. Alamiyeseigha in which it acknowledged the fact that some of the allegations were so complex that even the three months provided by the constitution would not be enough to investigate and prove them. Respondent 2 corroborated the view as expressed by Respondent 3 above and he further asserted that:

I think this may not be unconnected with the standard of proof that guides the panel. The issue of proof is a very serious requirement in any fact-finding mission. So it may be that the panel usually sets a low standard for proof. If this is the case, the proof would always be easy and this is not good. It means that public office holders could be impeached on the basis of weak evidence which will not augur well for the country and our democracy.⁶⁵

All the aforesaid issues point to the fact that the members of the panel compromise not only the investigations but the entire proceedings due largely to the politics involved. This was the conclusion reached by Respondent 9. His words:

...the panels of investigators themselves are always compromised, because they are politicians and because there are always looking for political gain. Let me give an example, between 2002 and 2006 this is always our typical and best examples scenario, you have proliferation of impeachment of Governors/ Deputy Governors simply because a President met a Governor of a state and told him that you are not from my political party and I will not deal with any Governor that does not belong to my political party PDP so you must decamp to PDP or you must be impeached. And within some months the Governor was impeached. That is politics for you. So this is the problem.⁶⁶

⁶⁴*Ibid*

⁶⁵Interview with Respondent 2 at his office.

⁶⁶Interview with Respondent 9 at his residence.

6.0. CONCLUSION

The foregoing discussions highlight the issues and challenges associated with the law and the conduct of investigation against the Deputy Governor of Taraba State, Sani Abubakar Danladi. Flowing from the above, it is found that credible and thorough investigations were not conducted by the panel before his removal. This is evident in the manner in which the investigations were conducted. Given the nature and extent of the allegations investigated, even the maximum period of three months stipulated in the constitution might not have been enough for thorough investigation. However, it was concluded and report submitted in just six days. It is further found that the constitution and the Rules guiding the investigation and proof of the grounds for impeachment of the Deputy Governor of Taraba State do not make provisions on standard or any yardstick for proof. Therefore, the panel was left with its conscience. Worse still, the Rules do not make provision for admissibility of credible evidence because they categorically prohibit the use of the general rules of the admissibility of evidence as provided under the Evidence Act and no alternative to them is provided.⁶⁷ The implication is that the investigation Panel is not bound to admit credible and reliable evidence in proof of the allegations.

In the light of the foregoing findings, it is recommended that thorough and credible investigations should be conducted by the panel in future cases of impeachment. This may be achieved by amending the constitution to include in the composition of the panel retired and/or serving judges of superior courts and other professionals who have expertise in the subject matter of the investigations. For instance, in the investigation of financial fraud, experienced banker or personnel of the Economic and Financial Crimes Commission⁶⁸ should be made part of the investigation. Just like distortion of accounts will require the input of a seasoned Accountant or Auditor. It is further recommended that the constitution or the Rules of the investigations should set a standard for the proof of allegations of gross misconduct during the investigation proceedings. The standard of proof should be on balance of evidence as is the requirement of proof in other civil cases as recognized in jurisdictions like Tanzania⁶⁹ and Rwanda⁷⁰.

⁶⁷ Rule 2 (e) of the Panel to Investigate Allegations of Gross Misconduct Leveled against the Deputy Governor of Taraba State (Procedure) Rules, 2012.

⁶⁸ The commission is responsible for investigation and prosecution of financial crimes in Nigeria. See section 5 of the Economic and Financial Crimes Commission (Establishment) Act, 2004.

⁶⁹ See section 105 of the Constitution of Tanzania, 1985

⁷⁰ See section 39 of the Constitution of Rwanda, 2003