Alleged sexual harassment: UNICAL professor opens defence, says he was earlier exonerated

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UNICAL lecturer Cyril Ndifon, the dean of the faculty of law accused of sexual harassment.  
  
Prof. Cyril Ndifon, the suspended Dean, Faculty of Law, University of Calabar (UNICAL) on Monday, opened his defence in the alleged sexual harassment case.  
  
The Independent Corrupt Practices and Other Related Offences Commission (ICPC) charged the lecturer with four counts bordering on alleged sexual harassment and attempt to perverse the cause of justice.  
  
Ndifon, while being led in evidence as first defence witness (DW-1) by his lawyer, Joe Agi, SAN, told Justice James Omotosho of a Federal High Court, Abuja, that he was earlier exonerated from the allegations by the former Inspector-General of Police (IGP), Solomon Arase, and ex-Attorney-General of the Federation (AGF), Abubakar Malami.  
  
He said the duo reviewed his case and said he had “no case to answer.”  
  
The News Agency of Nigeria (NAN) reports that the ICPC had, on Jan. 25, 2024, re-arraigned Ndifon alongside his lawyer, Sunny Anyanwu.  
  
The commission had alleged that Ndifon, while being the Dean of the Faculty Law, UNICAL, requested a female Diploma student to send him her “pornographic, indecent and obscene photographs of herself” through WhatsApp chats.  
  
Anyanwu, who is one of the lawyers in the defence, was joined in the amended charge filed on Jan. 22, 2024, by the ICPC on the allegation that he called one of the prosecution witnesses on her mobile telephone during the pendency of the charge against Ndifon to threaten her.  
  
They, however, pleaded not guilty to the charge. The duo were denied bail twice to enable the star witness, allegedly threatened by Anyanwu, to give her evidence.  
  
Justice Omotosho had, on Feb. 9, 2024, granted Prof. Ndifon and Anyanwu N250 million and N50 million bail, respectively, with two sureties in like sum.  
  
The judge also dismissed the no-case submission filed by the duo and adjourned to allow the defendants to open their defence.  
  
At Monday’s proceedings, Ndifon informed the court that he used to be the dean until Aug. 14, 2023, when he was accused by the ICPC of sexual harassment and abuse of office, leading to his suspension by the university.  
  
He said officers of the ICPC and the Department of State Services (DSS) arrested him in his residence in Calabar on Oct. 4, 2023, over alleged violation of ICPC Act in respect of an incident in 2015.  
  
“A student alleged I raped her twice, using a condom, and the matter was reported to the police.  
  
“The case was moved from the 8th Division of the police in Calabar to the state headquarters, but at both levels, I was exonerated.  
  
“The Nigerian feminist group appealed to the then, IGP Solomon Arase, to look into the matter and he ordered it be moved to Abuja with me inclusive.  
  
“The matter was transferred to Force Headquarters, Abuja and it restarted.  
  
“When he couldn’t find anything, he advised that the matter should be sent to the AGF to review what had been done.  
  
“The AGF then reviewed and had said I had no case to answer, but since the offence is a state offence, it should be sent to the AGF of Cross River state.  
  
“The Cross River State A-G, after the review, reached a conclusion that I had no case to answer before sending it back to the police who wrote to the UNICAL, on 4th August 2016 and copied me, as it was necessary to inform them,” he said.  
  
He identified the police report when his counsel, Agi, moved to tender it before the court.  
  
ICPC’s lawyer, Osuobeni Akponimisingha, objected to the document but reserved his objection to till his final address.  
  
The court proceeded to admit the report as Exhibit DWA.  
  
Ndifon also informed the court about a suit he filed at the Federal High Court, Calabar, challenging his arrest and prosecution on the same offence.  
  
He said the then ICPC Chairman, Ekpo Nta, had vowed to prosecute him for rape while speaking during a colloquium, reported by a newspaper, prompting him to drag the commission to court.  
  
According to him, the court said they cannot stop a federal agency form investigation, but further informed the court that the case is still pending at the Court of Appeal.  
  
Agi tendered the record of the court proceedings and it was admitted as as Exhibit DWB though ICPC’s counsel objected to its tendering.  
  
Ndifon accused one of the prosecution team, Adekunle Sogunle, who was also part of his initial investigators, of having a personal interest in his case.  
  
“I met him during initial investigation. He is the head of Legal Unit. I am aware he did not attend University of Calabar. He attended UNIJOS, he is not a politician, he has not made any donation to UNICAL,” the professor said.  
  
“He was the one who signed the first charge that brought me to court. However, interestingly, he was given an award by the university,” he said.  
  
He informed the court that he misplaced the original copy of the dinner award programme with the picture of Mr. Sogunle, but identified the photocopy.  
  
He also informed the court that the students of his faculty welcomed him when he returned to the university after his initial accusation, providing picture evidence and a certificate of compliance for the picture.  
  
He said he had contested for the position of Dean twice and won.  
  
Justice Omotosho admitted the photocopy of the dinner award and the pictures as Exhibits DWC and DWD, respectively, while the certificate of compliance was marked as Exhibit DWD6, despite an objection by the prosecution counsel.  
  
He also said the then acting Dean had, in 2018, accused him of robbery and threat to life, alleging that he came to her house to rob her.  
  
The professor said he was invited to the police station on June 12, 2018, and tendered the invitation before the court.  
  
The judge admitted the document as Exhibit DWE while the prosecution counsel did not object to its admission.  
  
When asked if the ICPC was under the AGF, he answered in the affirmative, saying he informed them of the letter exonerating him, but they said it did not matter.  
  
Justice Omotosho adjourned the matter until Jan. 14 for continuation of defence.