Alleged sexual harassment: I was exonerated by IG, AGF, UNICAL lecturer tells court

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The suspended Dean of the Faculty of Law, University of Calabar, Prof. Cyril Ndifon, on Monday, informed the Federal High Court in Abuja, that he had been exonerated from sexual harassment allegations brought against him by the Independent Corrupt Practices and Other Related Offences Commission.  
  
Ndifon disclosed this to the open court when he opened his defence, stating that the former Inspector-General of Police, Solomon Arase and the former Attorney-General of the Federation, Abubakar Malami (SAN), reviewed his case and stated that he had “no case to answer”.  
  
Recall that Ndifon was re-arraigned by the ICPC on January 25, 2024, alongside his lawyer, Sunny Anyanwu, on four counts bordering on alleged sexual harassment and an attempt to perverse the cause of justice.  
  
ICPC alleged that Ndifon, while the Dean of the Faculty of Law, UNICAL, requested a female diploma student to send him pornographic and obscene photographs of herself through WhatsApp chats.  
  
Meanwhile, Anyanwu, one of the lawyers in the defence team was joined in the amended charge filed on January 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 both, however, pleaded not guilty to the charges but were denied bail twice, to enable the star witness who was allegedly threatened by Anyanwu, to give her defence first.  
  
Afterwards, the court on February 9, 2024, proceeded to grant Ndifon and Anyanwu N250m and N50m bail respectively with two sureties in like sum.  
  
Justice Omotosho also dismissed a no-case submission filed on behalf of the Professor, which claimed that the text messages between the professor and the star witness TKJ (name withheld) were that of “emotional feelings between two lovers and did not, in any way put either of the party under fear.”  
  
In his ruling, Justice Omotosho held that the defendants had a case to answer and ordered that the trial should commence.  
  
During the trial, the star witness, a female diploma student identified as TKJ, who was the second prosecution witness (PW2) in the case, testified that Ndifon forced her to perform oral sex on him in exchange for help with admission into UNICAL.  
  
TKJ under cross-examination of counsel representing the defendant, Joe Agi (SAN), said several allegations she made in open court, including being forced to perform oral sex on the professor were not mentioned in her original statement to the ICPC, out of shame and fear.  
  
The first prosecution witness (PW1), An official of the ICPC, Lucy Ogechi Chima, told the court that a forensic analysis carried out on the phone of the Professor revealed nude photos of several persons, including that of TKJ.  
  
The ICPC closed its case on February 14, 2024, after presenting an exhibit keeper and forensic analyst, Fungo Bwaigu, who informed the court that the dean’s phone contained WhatsApp chats, nude videos, phone calls, and text messages involving TKJ.  
  
The forensic analyst however added that the ICPC did not give him TKJ’s phone to analyse.  
  
Justice Omotosho therefore adjourned to allow the defendants to open their defence.  
  
At Monday’s proceedings, the defence counsel presented the professor as his first witness D-W1.  
  
Ndifon told the court how he used to be the dean until August 14, 2023, when he was accused by the ICPC of sexual harassment and abuse of office, which led to his suspension by the University.  
  
He added that officers of the ICPC and the Department of State Services arrested him from his house in Calabar on October 4, 2023, saying it was over an alleged violation of the ICPC act concerning an incident in 2015.  
  
He said “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 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 SAGF, after the review, concluded 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”.  
  
His counsel tendered the police report before the court.  
  
Meanwhile, ICPC’s lawyer, Osuobeni Akponimisingha, objected to the document while the court proceeded to admit the report as exhibit DW-A.  
  
Afterwards, the Professor told the court he filed a suit at the Federal High Court in Calabar, challenging his arrest and prosecution on the same offence.  
  
He alleged that the then ICPC chairman, Ekpo Hart, had vowed to prosecute him for rape, while speaking during a colloquium, reported by PUNCH Online, which he said prompted him to sue the commission.  
  
According to him, the court said they cannot stop a federal agency from conducting an investigation.  
  
He however told the court that the case is still pending before an appellate court.  
  
Again, his lawyer tendered the record of the court proceedings which was admitted as exhibit DW-B which the ICPC counsel objected to its tendering.  
  
The professor accused one of the prosecution, Adekunle Sogunle, who was also part of his initial investigation of having a personal interest in his case.  
  
“I met him during the initial investigation. He is the head of the legal unit. I am aware he did not attend the University of Calabar, he attended UNIJOS, he is not a politician, and he has not made any donation to UNICAL.  
  
“He was the one who signed the first charge that brought me to court. However, interestingly, he was given an award by the University,” Ndifon said.  
  
While he stated that he misplaced the original copy of the dinner award programme with the picture of Mr. Sogunle, he 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 adding that he has contested for Dean twice and won.  
  
Justice Omotosho admitted the photocopy of the dinner award and the pictures as exhibit DW-C and DW-D, respectively while the certificate of compliance was marked as Exhibit DWD-6, despite the defense objection.  
  
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.  
  
Justice Omotosho admitted the document as exhibit DW-E while the defense counsel did not object to its admission.  
  
When asked if the ICPC is under the AGF, he responded affirmatively adding that he informed them of the letter exonerating him, but they dismissed it saying it does not matter.  
  
Agi afterwards asked the court for an adjournment to continue his defence, which Justice Omotosho granted.  
  
The matter was adjourned to Tuesday, January 14 for a continuation of the hearing.