

BBLPDC/2196/2026

IN THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE
HOLDEN AT ABUJA

IN THE MATTER OF THE LEGAL PRACTITIONERS
ACT, CAP L11, LFN 2004 (AS AMENDED)

AND

IN THE MATTER OF ALLEGATIONS OF PROFESSIONAL
MISCONDUCT AND INFAMOUS CONDUCT IN A PROFESSIONAL
RESPECT AGAINST ABUBAKAR MALAMI, SAN

BETWEEN:

INCORPORATED TRUSTEES OF THE SOCIETY
OF PUBLIC INTEREST LAWYERS IN NIGERIA

APPLICANT

AND

ABUBAKAR MALAMI, SAN

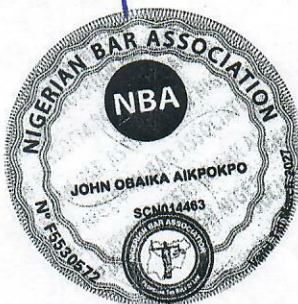
RESPONDENT

(Former Attorney-General of the
Federation and Minister of Justice)

ORIGINATING APPLICATION

The Incorporated Trustees of the Society of Public Interest Lawyers in Nigeria [SPI-LAW] of No. 104, Airport Road, Warri, Delta State do hereby apply that Abubakar Malami, SAN be required to answer to the allegations contained in the Statement/Affidavit which accompanies this Application and that such Order be made as the Honourable Committee shall think right.

Dated this 28th day of Sept 2026





Olukunle O. Edun, SAN,
✓ J. O. Aikpokpo-Martins, Esq.,
Olajide A. Abiodun, Esq.
Applicant's Counsel
No. 104, Airport Road,
Warri, Delta State,
Tel. 08023063841
omisessy@yahoo.com

FOR SERVICE ON THE RESPONDENT:

Abubakar Malami, SAN,
A. A. Malami, SAN & Co.
3rd Floor, Elizade Nigeria Ltd,
Plot 596, Independence Avenue,
Cadastral Zone, Opp Bolingo Hotel,
Central Business District,
Abuja;

OR

Kuje Correctional Centre, Abuja.



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TAKE NOTICE that the Applicant proposes to rely upon the Statement(s)/Affidavit of Facts and accompanying documents on oath listed below, copies of which are served herewith.

If you wish any person who has made one of these statements to be required to attend the hearing as a witness you must, not less than 9 days before the date set down for the hearing of the application, notify me and the Secretary to the Committee to that effect. In the event of your failure to do so, the Committee may accept the Statement/Affidavit in question in evidence without more.

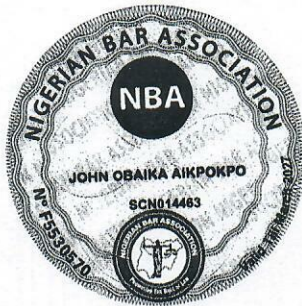
1. LIST OF DOCUMENTS;

- a. Affidavits of facts setting out the allegations and the matters relied upon;
- b. A Flash drive containing a copy of the Final Award in ICC Case No. 26260/SPN/AB/CPB
- c. Extract of relevant and material parts of the Final Award
- d. Such further documents as may be necessary or as the Committee may require.

2. NAMES OF PERSONS WHO MADE STATEMENTS/AFFIDAVIT IN SUPPORT;

- a. John Aikpokpo-Martins, Esq.
- b. Kunle Edun, SAN,
- c. The Attorney-General of the Federation (to be subpoenaed).

Dated this 28th day of Sept 2026



A handwritten signature in blue ink, appearing to be "J. O. Aikpokpo-Martins", is written above the contact information.

Olukunle O. Edun, SAN,
✓ J. O. Aikpokpo-Martins, Esq.,
Olajide A. Abiodun, Esq.
Applicant's Counsel
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ABUBAKAR MALAMI, SAN
(Former Attorney-General of the
Federation and Minister of Justice)

RESPONDENT

The Chairman,
Legal Practitioners' Disciplinary Committee
Body of Benchers Secretariat,
Plot 688, Institute & Research District,
Behind EFCC Headquarters, Jabi,
Abuja, FCT

**PETITION AGAINST ABUBAKAR MALAMI, SAN IN THE PUBLIC INTEREST
PURSUANT TO THE LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE
RULES, 2020 AND SECTION 19 OF THE LEGAL PRACTITIONERS ACT. LAWS
OF THE FEDERAL REPUBLIC OF NIGERIA.**

1.0. INTRODUCTION AND STANDING OF THE APPLICANT

- 1.1. The Applicant, the Incorporated Trustees of the Society of Public Interest Lawyers in Nigeria, (SPI-LAW) is an incorporated body registered within the laws of the Federal Republic of Nigeria committed to the advancement of the rule of law, the protection of the public interest, the integrity of the legal profession, and the accountability of public officers and legal practitioners who hold or have held high public office.
- 1.2. The Applicant brings this Originating Application in the public interest pursuant to Rule 4 of the Legal Practitioners Disciplinary Committee Rules, 2020, and Section 10 of the Legal Practitioners Act, Cap L11, Laws of the Federation of Nigeria, 2004 (as amended), which empowers any person to bring allegations of professional misconduct against a legal practitioner whose name is on the Roll.

1.3. The Respondent, Abubakar Malami, SAN, is a legal practitioner enrolled to practice law in Nigeria, a Senior Advocate of Nigeria, and the former Attorney-General of the Federation and Minister of Justice of the Federal Republic of Nigeria (November 2015 – May 2023). The Respondent was appointed to the high office of Attorney-General of the Federation by virtue of being a legal practitioner called to the Nigerian Bar and, as such, at all material times remained bound by the Rules of Professional Conduct for Legal Practitioners and the fundamental ethical obligations of the legal profession. At all material times relevant to this Application, the Respondent was the Chief Law Officer of the Federation and owed the highest duties of honesty, integrity, loyalty to the Federation, and fidelity to the rule of law.

2.0. NATURE OF THIS APPLICATION

- 2.1. This is an Originating Application seeking that the Respondent be required to answer to grave allegations of professional misconduct and infamous conduct in a professional respect arising from findings made by an International Arbitral Tribunal (the Tribunal) in ICC Case No. 26260/SPN/AB/CPB (Sunrise Power and Transmission Company Limited & Anor. v. Federal Government of Nigeria).
- 2.2. The Final Award dated 16 September 2026 contains detailed, reasoned, and damning findings that the Respondent, while serving as Attorney-General of the Federation, engaged in conduct amounting to corruption, acted deliberately against the best interests of Nigeria, maintained an inappropriate and corrupt relationship with a party adverse to Nigeria, and displayed a shocking disregard for the administration of justice. These findings, made after a full adversarial process, strike at the very heart of the duties owed by every legal practitioner, and especially by the Chief Law Officer of the Federation.

3.0. STATEMENT OF MATERIAL FACTS

A. The ICC Arbitration and the Final Award

- 3.1. In ICC Case No. 26260/SPN/AB/CPB, an arbitral tribunal composed of Ms. Melanie van Leeuwen (President), Mr. Simon Nesbitt KC, and Prof. Stavros Brekoulakis rendered a Final Award on 16 September 2026.
- 3.2. The dispute concerned, inter alia, the validity and enforceability of a Settlement Agreement dated 21 January 2020 and an Addendum dated 25 March 2020 (together, the "Settlement Instruments"), which the Respondent signed on behalf of the Federal Government of Nigeria while serving as Attorney-General of the Federation.

- 3.3. After a comprehensive evidentiary hearing (including the examination of high-ranking Nigerian officials, including former President Muhammadu Buhari), the Tribunal made the following critical findings concerning the Respondent:

B. Findings of Lack of Authority

- 3.4. The Tribunal found that the Respondent (together with the then Minister of Power) "lacked authority to execute the Settlement Agreement and the Addendum on behalf of Nigeria "and "did not possess apparent or ostensible authority to bind Nigeria." Consequently, the Settlement Instruments were held not binding on Nigeria (Award PP 785-786).

C. Findings of Corruption and Corrupt Deal

- 3.5. Most gravely, the Tribunal found that the Settlement Agreement and the Addendum "are a product of corruption" (Award PP 1405). Specifically:

3. The Tribunal accepted the testimony that the Respondent "directly solicited a bribe" and claimed a portion of the settlement sum that would be paid to Sunrise (Award PP 1352, 1354).
4. The Tribunal drew an adverse inference that "a corrupt deal was in fact reached between Mr. Adesanya, on the one hand, and Attorney-General Malami on the other," consisting of a promise to pay the Respondent a share of the settlement sum in exchange for his cooperation in committing Nigeria to the Settlement Instruments (Award PP 1403-1404, 1407).
5. The Tribunal held that the Settlement Instruments are unenforceable because they are "a product of corruption and violate Nigerian public policy" (Award P 1408).

D. Acting Against the Best Interests of Nigeria

- 3.6. The Tribunal expressly found that the Respondent, as Chief Law Officer of the Federation, "has not been negotiating on behalf of Nigeria when he insisted on a change of the terms and conditions of the settlement but for Sunrise." It further held that "it was his responsibility to act in the best interest of Nigeria alone. That Attorney-General Malami deliberately acted against the best interests of Nigeria leads the Tribunal to conclude that he was motivated by other incentive(s)" (Award P 1374).

E. Inappropriate and Corrupt Relation

- 3.7. The Tribunal found that "there was an inappropriate relation between Mr. Adesanya and Attorney-General Malami." In the context of that relation, "the gentlemen shared a high degree of trust and, it would appear, a lack of moral

compass. Not only did Attorney-General Malami act against the best interest of Nigeria, he was actively applying his efforts to the benefit of Sunrise so 'that we get paid'" (Award P 1394).

- 3.8. The Tribunal further found that the red flags in the evidence were "indicative of a corrupt relation between Mr. Adesanya and Attorney-General Malami" (Award P 1402).

F. Disregard for the Administration of Justice

- 3.9. Despite being called as a witness by Nigeria and being present in Paris during the hearing (where he met with his father-in-law, former President Buhari), the Respondent refused to appear for cross-examination. The Tribunal recorded its "disappointment" and "serious dissatisfaction with the disregard that both Mr. Malami and Mr. Aondoakaa have displayed for the administration of justice in this arbitration and for the Tribunal." It attributed "limited weight – if any" to the Respondent's witness statement (Award PP 1000–1001).

- 3.10. The Tribunal emphasised that, given the office the Respondent had held as the highest-ranking legal officer of the country, he was fully aware of the importance of witness examination for due process purposes. His refusal to submit to cross-examination, while in the same city as the hearing, constitutes a profound contempt for the administration of justice.

4.0. ALLEGATIONS OF PROFESSIONAL MISCONDUCT

- 4.1. By reason of the foregoing facts and the Tribunal's findings, the Applicant alleges that the Respondent is guilty of professional misconduct and infamous conduct in a professional respect, contrary to:

6. Rule 1 of the Rules of Professional Conduct for Legal Practitioners, 2023 – which requires every lawyer to uphold and observe the rule of law, promote and foster the course of justice, maintain a high standard of professional conduct, and not engage in any conduct which is unbecoming of a legal practitioner;
7. The fundamental duties of honesty, integrity, and fidelity to the client (in this case, the Federal Republic of Nigeria) that lie at the heart of the legal profession;
8. The prohibition against engaging in corrupt practices or conduct that brings the legal profession into disrepute; and
9. Section 11 of the Legal Practitioners Act, which empowers the Committee to deal with infamous conduct in any professional respect and conduct incompatible with the status of a legal practitioner.

4.2. Particulars of the misconduct include, without limitation:

1. While serving as Attorney-General of the Federation and Chief Law Officer of Nigeria, engaging in or facilitating a corrupt deal in connection with the negotiation and execution of the Settlement Agreement and Addendum, including the solicitation of a bribe or undue advantage;
2. Deliberately acting against the best interests of the Federal Republic of Nigeria, his client, by prioritising the interests of a private party (Sunrise) over those of the Federation;
3. Maintaining an inappropriate and corrupt relationship with a party adverse to Nigeria while holding the office of Attorney-General;
4. Signing instruments that purported to bind Nigeria without the requisite presidential or executive authority;
5. Displaying a serious disregard for the administration of justice by refusing to submit to cross-examination in an international arbitration in which he was a key witness, despite being present in the city of the hearing.

5.0. **WHY THIS MATTER DEMANDS THE COMMITTEE'S INTERVENTION**

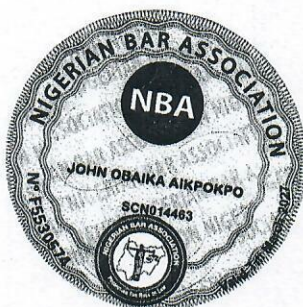
- 5.1 The Respondent was not an ordinary practitioner. He was the Attorney-General of the Federation — the Chief Law Officer charged with protecting the legal interests of the Nigerian State and upholding the Constitution and the rule of law.
- 5.2 When the highest legal officer of the land is found by an independent international tribunal to have engaged in corruption, to have acted against the nation's interests, and to have treated the administration of justice with contempt, the integrity of the entire legal profession in Nigeria in the estimation of other countries is placed in jeopardy. International and public confidence in the profession and in the administration of justice in Nigeria is eroded.
- 5.3 The Applicant respectfully submits that if the Committee fails to act decisively on findings of this gravity, the message to the public and to the profession will be that high office confers immunity from professional accountability. That message would be catastrophic.
- 5.4 The findings of the ICC Tribunal are detailed, reasoned, and based on a full evidentiary record. They provide a more than sufficient foundation for this Committee to call upon the Respondent to answer.

6.0. RELIEFS SOUGHT

WHEREFORE the Applicant respectfully prays the Legal Practitioners Disciplinary Committee as follows:

1. A FINDING that the Respondent is guilty of professional misconduct and/or infamous conduct in a professional respect;
2. SUCH DIRECTION as the Committee may deem fit under Section 11 of the Legal Practitioners Act, including (without limitation) an order that the name of the Respondent be struck off the Roll of Legal Practitioners, or such lesser sanction as the Committee considers appropriate in the circumstances;
3. AND for such further or other orders as this Honourable Committee may deem fit to make in the circumstances of this case.

Dated this 28th day of Sept 2026




Olukunle O. Edun, SAN,
J. O. Aikpokpo-Martins, Esq.,
Olajide A. Abiodun, Esq.
Applicant's Counsel
No. 104, Airport Road,
Warri, Delta State,
Tel. 08023063841
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FOR SERVICE ON THE RESPONDENT:

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RESPONDENT

STATEMENT/AFFIDAVIT OF FACTS

(In Support of the Originating Application)

I, JOHN AIKPOKPO-MARTINS, Legal Practitioner, male, Christian, Nigerian citizen, President of the Applicant of No. 104, Airport Road, Warri, Delta State, do hereby make oath and state as follows:

1. I am a legal practitioner called to the Nigerian Bar and the President of the Society of Public Interest Lawyers in Nigeria (SPI-LAW) (hereinafter referred to as "the Applicant"). I am conversant with the facts deposed to herein and have the authority of the Applicant to depose to this Affidavit.
2. Except where otherwise stated, the facts deposed to herein are within my personal knowledge, information and belief. Where the facts are derived from documents, I verily believe the same to be true.
3. The Respondent, Abubakar Malami, SAN, is a legal practitioner whose name is on the Roll of Legal Practitioners in Nigeria kept at the Supreme Court of Nigeria. He is a Senior Advocate of Nigeria. He served as the Attorney-General of the Federation and Minister of Justice of the Federal Republic of Nigeria from November 2015 to May 2023.
4. The Respondent was appointed to the high and exalted office of Attorney-General of the Federation by virtue of being a legal practitioner called to the Nigerian Bar. At all material times, both before, during and after his tenure as Attorney-General, the Respondent remained bound by the Rules of Professional Conduct for Legal Practitioners and the fundamental ethical obligations of

honesty, integrity, fidelity to the client, and loyalty to the administration of justice that bind every legal practitioner in Nigeria.

5. On 16 September 2026, an Arbitral Tribunal of the International Chamber of Commerce (ICC), in Case No. 26260/SPN/AB/CPB between Sunrise Power and Transmission Company Limited & Mr. Leno Adesanya as Claimants/Counterclaim-Respondents and the Federal Government of Nigeria as Respondent/Counterclaimant, rendered a Final Award. I shall at the trial rely on the said final award which is copied into a flash drive device (because of its voluminous nature) and which said flash drive is attached herewith and marked as Exhibit SPI-LAW 1.
6. The Tribunal was composed of Ms. Melanie van Leeuwen (President), Mr. Simon Nesbitt KC, and Professor Stavros Brekoulakis. The seat of the arbitration was Paris, France. The Award followed a full evidentiary hearing at which high-ranking Nigerian officials, including former President Muhammadu Buhari, gave evidence.
7. I have carefully read and studied the Final Award. The findings of the Tribunal concerning the Respondent are grave, detailed, and damning. They form the basis of this Originating Application.
8. The Tribunal found that the Respondent, while serving as Attorney-General of the Federation, signed a Settlement Agreement dated 21 January 2020 and an Addendum dated 25 March 2020 (the "Settlement Instruments") on behalf of the Federal Government of Nigeria.
9. The Tribunal held that the Respondent lacked both actual and apparent/ostensible authority to bind Nigeria to the Settlement Instruments (Award paragraphs 785-786).
10. Far more seriously, the Tribunal found that the Settlement Instruments "are a product of corruption" (Award paragraph 1405). The Tribunal accepted evidence that the Respondent directly solicited a bribe and claimed a portion of the settlement sum (Award paragraphs 1352 and 1354).
11. The Tribunal drew an adverse inference that "a corrupt deal was in fact reached between Mr. Adesanya, on the one hand, and Attorney-General Malami on the other," involving a promise to pay the Respondent a share of the settlement sum in exchange for his cooperation in committing Nigeria to the Settlement Instruments (Award paragraphs 1403-1404 and 1407).
12. The Tribunal expressly found that the Respondent, as Chief Law Officer of the Federation, "deliberately acted against the best interests of Nigeria" and was "motivated by other incentive(s)" (Award paragraph 1374). The Tribunal stated that the Respondent "has not been negotiating on behalf of Nigeria... but for Sunrise."

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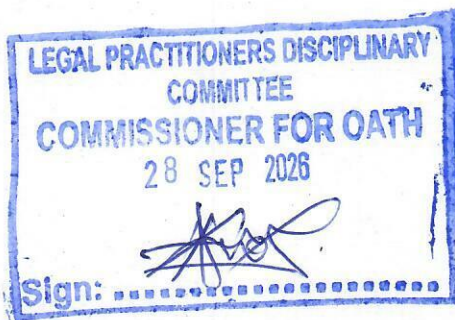
13. The Tribunal further found that there existed "an inappropriate relation" between the Respondent and Mr. Adesanya characterized by "a high degree of trust and, it would appear, a lack of moral compass," and that the red flags in the evidence were "indicative of a corrupt relation" (Award paragraphs 1394 and 1402).
14. Despite being a key witness for Nigeria and being present in Paris during the hearing (where he met with former President Buhari, his father-in-law), the Respondent refused to appear for cross-examination. The Tribunal recorded its "serious dissatisfaction with the disregard that both Mr. Malami and Mr. Aondoakaa have displayed for the administration of justice in this arbitration and for the Tribunal" and attributed limited weight (if any) to the Respondent's witness statement (Award paragraphs 1000-1001).
15. I verily believe that the conduct found by the Tribunal constitutes professional misconduct and infamous conduct in a professional respect under the Legal Practitioners Act and the Rules of Professional Conduct for Legal Practitioners, 2023, particularly Rule 1 thereof (which incidentally was signed into operation by the Respondent), which obliges every lawyer to uphold and observe the rule of law, promote and foster the course of justice, maintain a high standard of professional conduct, and refrain from any conduct which is unbecoming of a legal practitioner.
16. The office of Attorney-General of the Federation is the highest legal office in the land. The holder of that office is the Chief Law Officer of the Federation and is expected to embody the highest standards of integrity, honesty, and fidelity to the public interest. When the holder of that office is found by an Independent International Tribunal to have engaged in corruption, to have acted against the nation's interests, and to have treated the administration of justice with contempt, the integrity of the entire legal profession in Nigeria is placed under severe threat.
17. I depose to this Affidavit in the public interest. The Applicant believes that the Legal Practitioners Disciplinary Committee, as the statutory guardian of the honour and integrity of the legal profession in Nigeria, must call the Respondent to answer these grave allegations. Failure to do so would send a dangerous message to the International community and the Nigerian general public that high public office in Nigeria confers immunity from professional accountability.
18. The findings of the ICC Tribunal are not mere allegations. They are reasoned conclusions reached after a full adversarial process, the examination of witnesses (including the former President of Nigeria), and a careful evaluation of contemporaneous documents and oral evidence. They provide a solid and compelling foundation for disciplinary proceedings.

19. I therefore urge this Honourable Committee to certify that there is a case to answer, to direct the Respondent to answer the allegations contained in the Originating Application, and, upon due hearing, to make such directions under Section 11 of the Legal Practitioners Act as the justice of the case demands.

20. I make this Affidavit in good faith, conscientiously believing the same to be true and in accordance with the Oaths Act.


DEPONENT

Sworn to at the Legal Practitioners' Disciplinary Committee,
Registry, Abuja this 28th day of Sept 2026.



Before me

Commissioner for Oaths

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RESPONDENT

STATEMENT/AFFIDAVIT OF FACTS
(In Support of the Originating Application)

I, OLUKUNLE KUNLE EDUN, SAN, Senior Advocate of Nigeria, male, Christian, Nigerian citizen, Vice President of the Applicant of No. 104, Airport Road, Warri, Delta State, do hereby make oath and state as follows:

1. I am a legal practitioner called to the Nigerian Bar and the Vice President of the Society of Public Interest Lawyers in Nigeria (SPI-LAW) (hereinafter referred to as "the Applicant"). I am conversant with the facts deposed to herein and have the authority of the Applicant to depose to this Affidavit.
2. Except where otherwise stated, the facts deposed to herein are within my personal knowledge, information and belief. Where the facts are derived from documents, I verily believe the same to be true.
3. The Respondent, Abubakar Malami, SAN, is a legal practitioner whose name is on the Roll of Legal Practitioners in Nigeria kept at the Supreme Court of Nigeria. He is a Senior Advocate of Nigeria. He served as the Attorney-General of the Federation and Minister of Justice of the Federal Republic of Nigeria from November 2015 to May 2023.
4. The Respondent was appointed to the high and exalted office of Attorney-General of the Federation by virtue of being a legal practitioner called to the Nigerian Bar. At all material times, both before, during and after his tenure as Attorney-General, the Respondent remained bound by the Rules of Professional Conduct for Legal Practitioners and the fundamental ethical obligations of honesty, integrity, fidelity to the client, and loyalty to the administration of justice that bind every legal practitioner in Nigeria.

5. On 16 September 2026, an Arbitral Tribunal of the International Chamber of Commerce (ICC), in Case No. 26260/SPN/AB/CPB between Sunrise Power and Transmission Company Limited & Mr. Leno Adesanya as Claimants/Counterclaim-Respondents and the Federal Government of Nigeria as Respondent/Counterclaimant, rendered a Final Award. I shall at the trial rely on the extract of the relevant and material parts of the said award which have particular bearing on this petition, which said extracts is attached herewith and marked as Exhibit SPI-LAW 2.
6. The Tribunal was composed of Ms. Melanie van Leeuwen (President), Mr. Simon Nesbitt KC, and Professor Stavros Brekoulakis. The seat of the arbitration was Paris, France. The Award followed a full evidentiary hearing at which high-ranking Nigerian officials, including former President Muhammadu Buhari, gave evidence.
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it would appear, a lack of moral compass," and that the red flags in the evidence were "indicative of a corrupt relation" (Award paragraphs 1394 and 1402).

14. Despite being a key witness for Nigeria and being present in Paris during the hearing (where he met with former President Buhari, his father-in-law), the Respondent refused to appear for cross-examination. The Tribunal recorded its "serious dissatisfaction with the disregard that both Mr. Malami and Mr. Aondoakaa have displayed for the administration of justice in this arbitration and for the Tribunal" and attributed limited weight (if any) to the Respondent's witness statement (Award paragraphs 1000-1001).
15. I verily believe that the conduct found by the Tribunal constitutes professional misconduct and infamous conduct in a professional respect under the Legal Practitioners Act and the Rules of Professional Conduct for Legal Practitioners, 2023, particularly Rule 1 thereof, which obliges every lawyer to uphold and observe the rule of law, promote and foster the course of justice, maintain a high standard of professional conduct, and refrain from any conduct which is unbecoming of a legal practitioner.
16. The office of Attorney-General of the Federation is the highest legal office in the land. The holder of that office is the Chief Law Officer of the Federation and is expected to embody the highest standards of integrity, honesty, and fidelity to the public interest. When the holder of that office is found by an Independent International Tribunal to have engaged in corruption, to have acted against the nation's interests, and to have treated the administration of justice with contempt, the integrity of the entire legal profession in Nigeria is placed under severe threat.
17. I depose to this Affidavit in the public interest. The Applicant believes that the Legal Practitioners Disciplinary Committee, as the statutory guardian of the honour and integrity of the legal profession in Nigeria, must call the Respondent to answer these grave allegations. Failure to do so would send a dangerous message to the International community and the Nigerian general public that high public office in Nigeria confers immunity from professional accountability.
18. The findings of the ICC Tribunal are not mere allegations. They are reasoned conclusions reached after a full adversarial process, the examination of witnesses (including the former President of Nigeria), and a careful evaluation of contemporaneous documents and oral evidence. They provide a solid and compelling foundation for disciplinary proceedings.
19. I therefore urge this Honourable Committee to certify that there is a case to answer, to direct the Respondent to answer the allegations contained in the Originating Application, and, upon due hearing, to make such directions under Section 11 of the Legal Practitioners Act as the justice of the case demands.

20. I make this Affidavit in good faith, conscientiously believing the same to be true and in accordance with the Oaths Act.


DEPONENT

Sworn to at the Legal Practitioners' Disciplinary Committee,
Registry, Abuja this 28th day of Sept 2026.



Before me

Commissioner for Oaths

**EXTRACT OF REFERENCES TO ABUBAKAR MALAMI
FROM THE FINAL AWARD**

ICC International Court of Arbitration

Case No. 26260/SPN/AB/CPB

Sunrise Power and Transmission Company Limited & Mr. Leno Adesanya
v.

Federal Government of Nigeria

Final Award dated 16 September 2026

1. Purpose of this Extract

This document extracts the principal references to, and findings concerning, Mr. Abubakar Malami (former Attorney-General of the Federation and Minister of Justice of Nigeria) from the Final Award. The extracts are organised thematically and include the relevant paragraph numbers and PDF page references from the two-part Award (Part 1: document 26260_ICA4_FA_Part1.pdf; Part 2: document 26260 FA PART 2.pdf). These extracts are intended to assist in assessing whether the Tribunal's findings provide a sufficient basis for a petition alleging conduct unbecoming of a legal practitioner.

2. Identification of Mr. Malami in the Award

2.1 Key Dramatis Personae (Part 1, PDF p. 13)

Quote:

Malami, Abubakar – Attorney-General and Minister of Justice of Nigeria from 11 November 2015 to May 2023. Private practice at A. A. Malami, SAN & Co from May 2023 to present. Signatory of the Settlement Agreement dated 21 January 2020 and the Addendum dated 25 March 2020. Witness for Nigeria in this arbitration (one witness statement). Did not appear to give oral evidence.

3. Non-Appearance as Witness and Tribunal's Criticism

3.1 Procedural History – Non-Appearance (Part 1, PDF pp. 69–70)

The Tribunal recorded that Nigeria informed it that former Attorney-General Malami was unwilling to testify and was under investigation by the EFCC. The Tribunal rejected a late request to exclude his witness statement but noted it would take the non-appearance into account when assessing weight.

Relevant extract (¶ 305):

"... the Tribunal noted that it would 'take into account Mr. Malami's non-appearance at the hearing when determining whether weight – if any – is to be given to his witness statement'."

3.2 Tribunal's Assessment of Evidence – Strong Criticism (Part 2, PDF pp. 26–27 / Award ¶¶ 1000–1001)

Quote (¶ 1000):

"Second, the Tribunal notes with disappointment that two former Attorneys General of Nigeria, Mr. Malami and Mr. Aondoakaa, refused to appear at the hearing to give oral evidence in this arbitration. In light of the office they have held and their responsibility as the highest-ranking legal officer of the country, the Tribunal has no doubt that both Mr. Malami and Mr. Aondoakaa are aware of the importance of witness examination for due process purposes. Given their professional expertise and their awareness as to how witness evidence is taken in arbitration, it is particularly unsatisfactory that despite their having been called for examination at the First Hearing, both Mr. Malami and Mr. Aondoakaa chose not to appear to give oral evidence in this arbitration: ... With respect to former Attorney-General Malami, the Tribunal takes at face value Nigeria's representation that Mr. Malami no longer wanted to be a witness in this arbitration and was no longer willing to be examined because he is under investigation by the EFCC. At the same time, the Tribunal notes that President Buhari attested that Mr. Malami is his son-in-law and that President Buhari confirmed that Mr. Malami accompanied him on his trip to Paris, where President Buhari did give evidence during the First Hearing ..."

Quote (¶ 1001):

"In view of the fact that neither Mr. Malami's nor Mr. Aondoakaa's witness statements have been tested through cross-examination, limited weight – if any – shall be attributed to those statements. The Tribunal records its serious dissatisfaction with the disregard that both Mr. Malami and Mr. Aondoakaa have displayed for the administration of justice in this arbitration and for the Tribunal."

4. Findings on Lack of Authority

4.1 Conclusion on Authority (Part 1, PDF p. 236 / Award ¶¶ 785–786)

Quote (¶ 785):

"On the basis of the foregoing, the Tribunal dismisses for lack of evidence the case of Sunrise and Mr. Adesanya that Attorney-General Malami and Minister Mamman had the authority and capacity to contract on behalf of the Federal Government of Nigeria by means of the Settlement Agreement of 21 January 2020 and the Addendum of 25 March 2020."

Quote (¶ 786):

"For all of the reasons set out above, the Tribunal finds that Attorney-General Malami and Minister Mamman lacked authority to execute the Settlement Agreement and the Addendum on behalf of Nigeria. The

Tribunal further finds that Attorney-General Malami and Minister Mamman did not possess apparent or ostensible authority to bind Nigeria. Accordingly, the Tribunal concludes that the Settlement Agreement and the Addendum thereto are not binding on Nigeria."

5. Findings on Corruption Involving Mr. Malami

These are the most significant findings for the purpose of assessing professional misconduct.

5.1. Suspicion of Bribe Solicitation and Consistency with Evidence (Part 2, PDF p. 180 / Award ¶¶ 1352-1354)

Quote (¶ 1352):

"In the absence of any relevant development or change in circumstances that could reasonably justify a decision to renegotiate the Settlement Agreement on which the ink was barely dry, the actions of Attorney-General Malami are suspicious and appear consistent with the testimony of Mr. Adesanya that Attorney-General Malami directly solicited a bribe and claimed a portion of the amount that Mr. Adesanya stood to receive from Nigeria under the Settlement Agreement, as amended by means of the Addendum."

Quote (¶ 1354):

"Against this background, the Tribunal has no reason to doubt the veracity of Mr. Adesanya's testimony to the effect that Attorney-General Malami solicited a bribe from Mr. Adesanya during the conversation he recorded."

5.2. Acting Against the Best Interests of Nigeria (Part 2, PDF p. 195 / Award ¶ 1374)

Quote (¶ 1374):

"Tribunal concludes that Attorney-General Malami has not been negotiating on behalf of Nigeria when he insisted on a change of the terms and conditions of the settlement but for Sunrise. In light of the fact that Attorney-General Malami was the Chief Law Officer of the Federation and the Minister of Justice of the Nigerian Government, it was his responsibility to act in the best interest of Nigeria alone. That Attorney-General Malami deliberately acted against the best interests of Nigeria leads the Tribunal to conclude that he was motivated by other incentive(s)."

5.3 Inappropriate Relation and Lack of Moral Compass (Part 2, PDF p. 211 / Award ¶ 1394)

Quote (¶ 1394):

"On the basis of the evidence analyzed above, the Tribunal finds that there was an inappropriate relation between Mr. Adesanya and Attorney-

General Malami. In the context of that inappropriate relation, the gentlemen shared a high degree of trust and, it would appear, a lack of moral compass. Not only did Attorney-General Malami act against the best interest of Nigeria, he was actively applying his efforts to the benefit of Sunrise so 'that we get paid.' The Tribunal has no difficulty finding that the 'we' employed in the WhatsApp exchanges between the two gentlemen refers to Mr. Adesanya and Attorney-General Malami. Had Mr. Malami appeared at the hearing to give evidence, the Tribunal would have confirmed that point with him."

5.4 Red Flags Indicative of Corrupt Relation (Part 2, PDF pp. 215–216 / Award ¶¶ 1401–1402)

Quote (¶ 1402):

"The Tribunal is persuaded that these red flags are indicative of a corrupt relation between Mr. Adesanya and Attorney-General Malami."

5.5 Adverse Inference of Corrupt Deal (Part 2, PDF pp. 216–217 / Award ¶¶ 1403–1404)

Quote (¶ 1403):

"... the Tribunal accepts that it is appropriate in this case to draw an adverse inference to the effect that 'a corrupt deal was in fact reached between Mr. Adesanya, on the one hand, and Messrs. Malami and Mamman, on the other' ..."

Quote (¶ 1404) – Description of the corrupt deal:

"Therefore, and specifically also considering the red flags listed in paragraph 1401, the Tribunal finds that it is appropriate to draw the adverse inference that the Bribe Solicitation Recordings reflect that a corrupt deal was in fact reached between Mr. Adesanya, on the one hand, and Attorney-General Malami on the other, that consists of the following:

- the quid (the promise to pay to Attorney-General Malami a share of the settlement sum that would be paid to Sunrise under the Addendum);
- the pro (the causal link between the promise to pay to Attorney-General Malami a share of the settlement sum and his cooperation in committing Nigeria to the settlement obligations under the Addendum and/or coordination of procedural steps in the GPEA Arbitration and/or this arbitration); and
- the desired quo (Attorney-General Malami's signing of the Addendum to the Settlement Agreement of 25 March 2020 that would entitle Sunrise to a settlement payment of at least USD 200 million, or, in the event of a financial default, USD 400 million, and/or the coordination of procedural steps in the GPEA Arbitration and/or this arbitration)."

5.6 Final Conclusion on Corruption (Part 2, PDF p. 218 / Award ¶¶ 1405, 1407-1408)

Quote (¶ 1405):

"In conclusion, the Tribunal finds that the Settlement Agreement and the Addendum thereto are a product of corruption."

Quote (¶ 1407):

"In conclusion, with respect to the corruption allegations in relation to the Settlement Agreement and the Addendum thereto, the Tribunal therefore considers that a corrupt deal was reached between Mr. Adesanya on the one hand, and Mr. Malami on the other, which render the Settlement Agreement and the Addendum thereto a product of corruption."

Quote (¶ 1408):

"Accordingly, in addition to its finding that the Settlement Agreement and the Addendum thereto are not binding on Nigeria for lack of presidential approval, the Tribunal finds that the Settlement Agreement as revised by the Addendum thereto is also unenforceable because it is a product of corruption and violates Nigerian public policy."

6. Summary of Key Findings Relevant to Professional Conduct

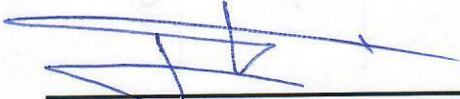
The Tribunal made the following core findings concerning Mr. Abubakar Malami:

1. **Non-appearance and disregard for justice:** As a former highest-ranking legal officer, he refused to appear for cross-examination despite being in Paris. The Tribunal recorded "serious dissatisfaction with the disregard that both Mr. Malami and Mr. Aondoakaa have displayed for the administration of justice in this arbitration and for the Tribunal" and attributed limited (if any) weight to his witness statement.
2. **Lack of authority:** He lacked actual or apparent authority to bind Nigeria to the Settlement Agreement and Addendum.
3. **Acting against Nigeria's interests:** As Chief Law Officer, he deliberately acted against the best interests of Nigeria and was motivated by other incentives.
4. **Inappropriate and corrupt relation:** There existed an "inappropriate relation" with Mr. Adesanya characterised by a "high degree of trust and ... a lack of moral compass."
5. **Bribe solicitation and corrupt deal:** The Tribunal accepted the testimony that Mr. Malami solicited a bribe, drew an adverse inference of a corrupt deal involving a promise of a share of the settlement sum in exchange for his cooperation in committing Nigeria, and held that the Settlement Agreement and Addendum are a product of corruption and unenforceable as contrary to Nigerian public policy.

7. Note on Use

The above extracts are taken directly from the Final Award. Page numbers refer to the PDF pagination of the two parts of the Award as provided. Paragraph numbers are those of the Award itself. Users should cross-check against the original Award text for complete context, footnotes, and surrounding analysis when preparing any formal petition or submission.

— End of Extract —



OLUKUNLE O. EDUN, SAN.

Date: