

**IN THE FEDERAL HIGH COURT OF NIGERIA
HOLDER AT ABUJA**

SUIT NO. FHC/ABJ/CS/606/2010

BETWEEN:

ANDRE JOHN-SALAKOV, Leader PLC Party (UK)] Plaintiffs /
WENDY WONG, Treasurer, PLC Party, (UK)] Respondents

And

1. IMMIGRATIE-en NATURALISATIEDIENST (IND)] Defendant /
c/o Consular Section, Royal Netherlands Embassy, Abuja] Objector
2. MS MARGARET I. IGBINABARO] Defendant
c/o Ministry of Foreign Affairs] Respondent
3. FLANDERIJN VAN ECK (BAILIFFS)] Defendant /
c/o Consular Section, Royal Netherlands Embassy, Abuja] Objector
4. MR. ANTHONY F. DALTON] Defendant /
C/o British High Commission, Abuja] Respondent
5. NIGERIA IMMIGRATION SERVICE, Abuja] Defendant /
6. MR. OLIVER CRAVEN, (Vice Consul)] Respondent
C/o British High Commission, Abuja

**REPLY TO MOTION ON NOTICE
UNDER PROTEST OBJECTING TO.....**

1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 15 (5) &
CORRUPT PRACTICES AND OTHER RELATED OFFENCES ACT 2000

1. Mr. Charles Adeyemi Candide-Johnson, SAN, Mr. Rahman Oshodi, Barrister-at-Law, Mr. Godwin Tyoka, Litigation Officer, all of Strachan Partners, Akuro House, (5th Floor), 24 Campbell Street, Lagos **between** the 23rd day of August 2010 and date hereof together conspired with one person in Court 6, Federal High Court, Abuja, and with one Mr. John Otu, {Court No. 2} Federal High Court, Abuja, and with one other person in Court No. 2, Federal High Court, Abuja, **to obtain by deception** the sum of **€36,500,000** [Thirty-six million five hundred thousand Euros] from:
 - i. Queen Beatrix of the Netherlands;
 - ii. The Royal Netherlands Embassy, Abuja;
 - iii. The Immigratie-en Naturalisatiedienst {IND} [Dutch Immigration and Naturalisation Directorate, The Hague, Netherlands;
 - iv. Dienst Terugkeer & Vertrek [Repatriation and Departure Service (DT &V) of the Dutch Ministry of Justice, The Hague, Netherlands;

- v. Messrs Flanderijn Van Eck, a private debt collection company, of Rotterdam, Netherlands

By **falsely representing** that:

1. Mr. Charles Adeyemi Candide-Johnson SAN is the Counsel to the Kingdom of the Netherlands, by implication, that he is Counsel to Queen Beatrix;
2. Mr. Charles Adeyemi Candide-Johnson SAN is retained and authorised by the Kingdom of the Netherlands to represent her in the lawsuit No. FHC/ABJ/CS/606/2010
3. Mr. Charles Adeyemi Candide-Johnson, SAN is retained and authorised by the Immigratie-en Naturalisatiedienst (IND) as its Counsel in the lawsuit No.FHC/ABJ/CS/606/2010
4. Mr. Charles Adeyemi Candide-Johnson SAN is retained and authorised by Messrs Flanderijn Van Eck of Rotterdam, in the lawsuit No. FHC/ABJ/CS/606/2010

CONTRARY to the provisions of Corrupt practices and Other Related Offences Act 2000 and in total breach of the Fundamental Objectives and Directive Principles of State Policy of the Federation of Nigeria

2. Concerning the relief sought by Mr. Charles Adeyemi Johnson SAN at paragraph 1 (i) and (ii) of his Motion on Notice under Protest, the time for making such an Application expired on or about 17 October 2010. In any event, any Application to set aside should be made before Kolawole J, pursuant to his Order dated 23rd September 2010, at paragraph 4. Judge Ibrahim Auta is not empowered under the 1999 Constitution or under any Constitution of the Federation of Nigeria to act as an Appellate Authority over decisions made by Kolawole J or by any other judge within the same division.
3. Concerning the relief sought by Mr. Candide-Johnson SAN **at paragraph 1 (a)** of his Motion on Notice under Protest, Mr. Candide-Johnson is now required to produce evidence of **"the alleged facts" and "apparent acts of the sovereign government of the Kingdom of Netherlands"** to which he referred
4. Concerning the relief sought by Mr. Candide-Johnson at paragraph 1 [b] of his Motion on Notice under Protest, whether or not the **"Kingdom of the Netherlands is a friendly nation whose sovereignty is recognised absolutely by the Federal Government of Nigeria"**, is superfluous averment and a verbiage. In any event, the "sovereignty" of a nation state resides in the people, but not in the Government. See THE RIGHT OF HABITATION, COMPLEMENTARY TO THE UNIVERSAL DECLARATION OF HUMAN RIGHTS By Andre John-Salakov
5. Concerning the relief sought by Mr. Candide-Johnson at paragraph 1 (c) of his Motion on Notice under Protest, there is no such thing as "customary international law". The State Immunity Act 1978 [UK] section 1 immunises a state from the jurisdiction of the courts in the UK. But we are not here talking

about the United Kingdom. We are talking about Nigeria. Nigeria has no State Immunity Act. Notwithstanding, there are exceptions, as follow –

- (a) Where a state submits to jurisdiction - In the instant case, the Royal Netherlands Embassy, undertakes to transmit court documents to the First and Third Defendants – see the Originating Summons, Exhibits XX and XX1 – Under the Seal of the Embassy of the Kingdom of the Netherlands, it undertook – **“Documents will be forwarded to IND in Holland”**
 - (b) Commercial transactions, as in the case of FLANDERIJN VAN ECK – See the Originating Summons
 - (c) Contracts of employment
 - (d) Actions for personal injury or damage to property, etc. (See originating summons)
 - (e) Ownership, possession and use of property (see originating summons)
 - (f) Patents and trade marks
 - (g) Membership of bodies corporate (see originating summons and setting up of the Public Law Centre incorporating Public Defender Service & Lawyers Without Frontiers)
 - (h) Arbitrations, where the state has agreed, etc
6. Concerning the relief sought by Mr. Candide-Johnson SAN at paragraph 1(d) of his Motion on Notice under Protest, please furnish full details of the “Common law applicable in Nigeria” referred to therein.
7. Concerning the relief sought by Mr. Candide-Johnson at paragraph 1(e) of his Motion on Notice under Protest, it is quite clear that University of Reading-educated Mr. Candide-Johnson is not sufficiently learned in law and does not appear to know the differences between State Immunity and Diplomatic Immunity or Privileges. Unless there is incontrovertible evidence of which we are not aware, this lawsuit does not affect Dutch diplomats in Nigeria. Mr. Candide-Johnson is a desperate 419 practitioner who would stop at nothing, in search of other peoples’ money.
8. Concerning the relief sought by Mr. Candide-Johnson at paragraph 1 (f) of his Motion on Notice under Protest, we repeat our reply at Para 5(a) above, The service of the originating summons, including the order of Kolawole J, dated 23rd September 2010 is not void, and we say that it is effective. See the 1999 Constitution of the Federal Republic of Nigeria, at Chapter VII Part I C 251-(1) (h), (i), (p), (r), (s) and 3. The term “ineffective and of no effect” clearly shows that Mr. Candide-Johnson did not compose his Motion on Notice under Protest. “Ineffective and of no effect” has the same meaning.
9. Concerning the relief sought by Mr. Candide-Johnson at paragraph 1 (g), of his Motion on Notice under Protest, we repeat our reply at Para 5(a) above.
10. Concerning the relief sought by Mr. Candide-Johnson at Para 1 (h) of his Motion on Notice under Protest, our Reply at paragraph 5 (a) nullifies or negatives his averment

11. Concerning the relief sought by Mr. Candide-Johnson at Para 2 of his Motion on Notice Under Protest, service of this Reply will be effected also on the Corrupt Practices and Other Related Offences Commission, upon the Attorney General for the Federation of Nigeria, and upon the National Judicial Council.

ANDRE JOHN-SALAKOV

Date this day of December 2010

FOR SERVICE ON

1. Corrupt Practices and Other Related Offences Commission, Abuja
2. Attorney General of the Federation, Abuja
3. Immigratie-en Naturalisatiedienst (IND), c/o Royal Netherlands Embassy, Abuja
4. Ms Margaret I. Igbinaro, c/o Ministry of Foreign Affairs, Abuja
5. Flanderijn Van Eck (Bailiffs) c/o Royal Netherlands Embassy, Abuja
6. Mr. Anthony F. Dalton, Chief Caseworker, UK Border Agency, c/o British High Commission. Abuja and Lagos
7. Nigeria Immigration Service, Abuja
8. Mr. Oliver Craven, Vice-Consul, British High Commission, Abuja and Lagos
9. National Judicial Council

**IN THE FEDERAL HIGH COURT OF NIGERIA
HOLDER AT ABUJA**

SUIT NO. FHC/ABJ/CS/606/2010

BETWEEN:

ANDRE JOHN-SALAKOV, Leader PLC Party (UK)] Plaintiffs /
WENDY WONG, Treasurer, PLC Party, (UK)] Respondents

And

1. IMMIGRATIE-en NATURALISATIEDIENST (IND) C/o Consular Section, Royal Netherlands Embassy, Abuja] Defendant /] Objector
2. MS MARGARET I. IGBINABARO C/o Ministry of Foreign Affairs] Defendant] Respondent
3. FLANDERIJN VAN ECK (BAILIFFS) C/o Consular Section, Royal Netherlands Embassy, Abuja] Defendant /] Objector
4. MR. ANTHONY F. DALTON C/o British High Commission, Abuja] Defendant /] Respondent
5. NIGERIA IMMIGRATION SERVICE, Abuja] Defendant /
6. MR. OLIVER CRAVEN, (Vice Consul) c/o British High Commission, Abuja] Respondent

**REPLY TO AFFIDAVIT IN SUPPORT OF
MOTION ON NOTICE UNDER PROTEST**

I, ANDRE JOHN-SALAKOV, Plaintiff in this action MAKE Oath and say as follows:

1. That to the best of my knowledge and belief, Mr. C.A. candide-Johnson is an opportunist; a desperate 419 merchant. who would stop at nothing to lay his hands on other peoples' money and that the Affidavit of Mr. Godwin Tyoka sworn in support of Mr. Candide-Johnson's Motion on Notice under Protest is not worth the paper it is written on
2. That the facts to which Mr. Godwin Tyoka deposed could not, by any stretch of the imagination be within his personal knowledge, since neither he nor Mr. C.A. Candide-Johnson, was present in the Netherlands at the material times
3. That on the 2nd day of November 2010, in Court No. 2, a man who described himself as Rahman Oshodi claimed a right of audience before Judge Ibrahim Auta, adding that he was appearing as an "Observer" on behalf of the Kingdom of the Netherlands or in the alternative, as an amicus curie, but Judge Ibrahim Auta rejected his request. Judge Ibrahim Auta asked Mr. Rahman Oshodi, "WHERE DID YOU STUDY YOUR LAW"?

4. That the Deponent, Mr. Godwin Tyoka is an accessory before the fact. He is a party to the conspiracy to defraud the Queen Beatrix of the Kingdom of the Netherlands, and also to defraud the 1st and 3rd Defendants, Royal Netherlands Embassy, DT & V Division of the Dutch Ministry of Justice and Dienst Terugkeer & Vertrek, to the tune of some €36,500,000.
5. That neither Mr. Candide-Johnson nor Mr. Rahman Oshodi has filed any document purporting to show that the Kingdom of the Netherlands authorised them to act on behalf of the Kingdom in this lawsuit.
6. That neither the Dutch Monarch nor her Government is a Defendant in this lawsuit.

DEPONENT

SWORN to at the Federal High Court Registry, Abuja

This day of December 2010

Before me,

Commissioner for Oaths

**IN THE FEDERAL HIGH COURT OF NIGERIA
HOLDER AT ABUJA**

SUIT NO. FHC/ABJ/CS/606/2010

BETWEEN:

ANDRE JOHN-SALAKOV, Leader PLC Party (UK)] Plaintiffs /
WENDY WONG, Treasurer, PLC Party, (UK)] Respondents

And

1. IMMIGRATIE-en NATURALISATIEDIENST (IND)] Defendant /
C/o Consular Section, Royal Netherlands Embassy, Abuja] Objector

2. MS MARGARET I. IGBINABARO] Defendant
C/o Ministry of Foreign Affairs] Respondent

3. FLANDERIJN VAN ECK (BAILIFFS)] Defendant /
C/o Consular Section, Royal Netherlands Embassy, Abuja] Objector

4. MR. ANTHONY F. DALTON] Defendant /
C/o British High Commission, Abuja] Respondent

5. NIGERIA IMMIGRATION SERVICE, Abuja] Defendant /

6. MR. OLIVER CRAVEN, (Vice Consul)] Respondent
c/o British High Commission, Abuja

REPLY TO THE WRITTEN ADDRESS OF MR. CANDIDE JOHNSON

1. That the Written Address in its entirety, starting from Para 1. Introduction to 1.7 is surplus to requirement and of no effect whatsoever.

1.1 It is disputed that a tutorial on Common Law, Practice and Procedure, advances Mr. Candide-Johnson's argument in defence of his desire to lay his hands on €36,500,000. Quite Candidly, his tutorial leaves a great deal to be desired

1.2- 1.7 Having been practising law since around 1968, I can only assume that Mr. Candide-Johnson lives on his wits. All matters continued in his paras 1.2 to 1.7 are irrelevant.

Additional Address

A. The Motion on Notice under Protest issued in this lawsuit by Mr. C.A. Candide-Johnson casts very serious aspersions as to the integrity of Judge Ibrahim Auta and the processes involved in the administration of justice in the Federal High Court in Abuja.

B. Judge Ibrahim Auta knew or ought to have known that the Motion on Notice under Protest issued in this lawsuit is intended to deceive Queen Beatrix of the Netherlands and her Ambassador in Nigeria into parting with €36,500,000 for legal representation, advice and advocacy service that were not commissioned

by or on behalf of Her Majesty the Queen of the Netherlands nor required by the Embassy of the Netherlands in Nigeria.

- C. Judge Ibrahim Auta knew of the dishonesty on the part of Mr. C.A. Candide-Johnson, as far back as the first week of October 2010, when the Chief Judge transferred this lawsuit from Judge Kolawole, Court No. 6, to Judge Ibrahim Auta, Court No. 2.
- D. Judge Ibrahim Auta's handling of this lawsuit from the moment that the case was re-assigned to him, raises issues as to his fitness for a high office. **The National Judicial Council** would need to review any prior decision made as to Judge Ibrahim Auta's fitness for a high office.
- E. From the moment in the first week of October 2010 when this lawsuit was transferred from Court No. 6 to Judge Ibrahim Auta, Judge Auta has devalued the administration of justice in the Federal High Court.
- F. Firstly, I made two separate Motion ex-parte applications and one application for a Prohibitory Injunction. Those three applications were meant to be heard on 25th day of October 2010. But on that day Judge Ibrahim Auta did not sit. No reasons were given.
- G. On the 29th October 2010, I issued a Motion on Notice in which I was seeking a Declaratory Judgment "that on the true construction of the oppressive, arbitrary and unconstitutional conduct of the Defendants / Respondents, acting as they did under purported actual or apparent authority or colour of law of the Netherlands, Nigeria, and United Kingdom, the Plaintiffs are entitled to be paid Exemplary, Aggravated, and Special Pecuniary Damages in the sum of €117,500,000 (One hundred and seventeen million five hundred thousand Euros) apportioned as follows: €35,000,000 in Exemplary Pecuniary Damages against the First Defendants, and €1,500,000 in Special Pecuniary Damages against the Third Defendants."
- H. Shortly after the issuance of the above mentioned Motion on Notice at Para G above, someone close to Judge Ibrahim Auta mentioned our Claim in the sum of €117,500,000 to Mr. Candide-Johnson. He and his informers put two and two together and decided to go for the jugular. By false pretences that they were representing the Kingdom of the Netherlands, the conspirators, including those who are named and those who are not named, proceeded to set up a scam. They knew that they would only succeed if they could persuade Judge Ibrahim Auta to set aside the Order of Judge Kolawole and the originating summons itself. They would then present themselves to the Dutch Ambassador, as Counsels who fought tooth and nail, for the "Kingdom of the Netherlands" in a lawsuit brought by me!! That was the scam. But the scam backfired. It is interesting to note that Mr. Candide-Johnson did not pretend to represent the United Kingdom. One wonders why they go after the Dutch, leaving the British out of their equation.
- I. This matter came before Judge Ibrahim Auta on the 2nd day of November 2010. He displayed bias and perversity. But he did not hear the application. He said that he would hear me on the 30th November 2010. But it was on this 2nd day of November 2010 that Mr. Rahman Oshodi made a caricature of himself before Judge Ibrahim Auta. Judge Ibrahim Auta asked Mr. Rahman Oshodi - "WHERE DID YOU STUDY YOUR LAW" because he prevaricated over the issue of locus standi in the lawsuit

- J. Judge Ibrahim Auta did not sit on the 30th November 2010. No reasons were given. There was pandemonium in Court No. 2 on that day. A man who described himself as "Mr. Abubakar, Counsel to the Nigeria Immigration Service", suddenly appeared from nowhere. He made a complete nuisance of himself but in the event he abused me and even cursed me. But I left matters in the hands of the Deity. I asked for permission to see Judge Ibrahim Auta in his room. He instructed his Registrar to fix the Hearing date for the 16th day of December 2010.
- K. Yet, on the 16th day of December 2010, Judge Ibrahim Auta, did a 360 degree turn around and treated Mr. Rahman Oshodi, as if he were a "Senior Advocate of Nigeria" in body and soul. Judge Ibrahim Auta completely ignored the fact that he Auta had instructed his Registrar to send out a Hearing Notice to all the six Defendants to attend Court No 2 for the hearing of the Plaintiffs' claim.
- L. On that 16th day of December 2010, Judge Ibrahim Auta entered the court room at around 10 am. Our case was No. 4 on the List. To my surprise the Judge ordered his Security Guard to hand me a microphone. I was surprised. How, on earth did Judge Ibrahim Auta know that, overnight I lost my voice? It never occurred to me that there was something strange about a judge offering a litigant, who was not in the witness box to use a microphone, to community. Well, God knows Best. A politician met his death in Nigeria, some years ago, when, during a public gathering, he (the politician was handed a microphone). Judge Ibrahim Auta did not give me the opportunity to prove my claim. Instead, his undivided attention was given to Mr. Rahman Oshodi.
- M. In light of the foregoing paragraphs, the processes involved in the administration of justice, as those processes are understood by Judge Ibrahim Auta leave a lot to be desired. I verily believe that he does not read up on cases. I also believe that he has shown bias and perversity in his handling of this lawsuit, in favour of Mr. Candide-Johnson's scam.
- N. In *Afro-Continental (Nigeria) Limited and Noga Commodities (Overseas) INC – versus – Co-Operative Association of Professionals (INC)*, the Supreme Court on the Duty of court to hear and make a decision on all applications before it Held - The refusal of a judge to fix a date for the hearing of the application duly filed in the Registry amounts to a deliberate refusal to hear the application. It is therefore a breach of fundamental right to fair hearing as enshrined in the Constitution. All proceedings which followed such a breach will be a nullity. Mr. Candide-Johnson's Motion falls into this category.**
- O. And on the Duty of court to make a decision and to pronounce on every application before it, the supreme Court Held - It is settled law and mandatory that a court must make a decision and pronounce on every application which is before it and failure to do so is a breach of fair hearing**

SUMMARY

All-in-all, Judge Ibrahim Auta not only displayed bias and perversity in his handling of Suit No. FHC/ABJ/CS/606/2010 in favour of Mr. Candide-Johnson's 419 scam, that Judge shot himself in the foot and mouth. Whether one is a local person or foreigner or half-local or half-foreigner, a proper administration of justice is indispensable in

profiling the peculiarities of a nation state. No one is too learned to learn. Judge Ibrahim Auta is not above the law but he carries himself at all material times as though, he is above the law of the Federation.

The name "Nigeria" stinks in different parts of the world, because the rest of the world outside Nigeria associates the country with corruption, embezzlement, dishonesty, 419, juju or witchcraft, extrajudicial killings, murders and mayhem, and a vast array of diabolical things.

I left this country some 51 years ago, just before Independence. Under British colonial rule, everything was peaceful. Today, the likes of Mr. Candide-Johnson are what remain of Nigeria, devious and dishonest, worshippers of ill-gotten gains, masquerading as legal practitioners and senior advocates of Nigeria. How can the rest of the world have faith or confidence in a country without a system, a country where highly educated people drain and rip-off those who are barely living on handouts?

I have been actively involved in humanitarian law and human rights since around 1968. I expect something better or at least, comparable from Nigerian lawyers. I also expect the judiciary to demonstrate integrity. How can someone who faces 174 counts be found NOT GUILTY of all those counts? There is something wrong, somewhere along the line.

I invite the Attorney General of the Federation, Corrupt Practices and Other Related Offences Commission, and the National Judicial Council to look into this messy Motion on Notice under Protest by Mr. Candide-Johnson SAN

REPLY TO MR. CANDIDE-JOHNSON'S STATEMENT OF FACTS

2. Mr. Candide-Johnson's "Statement of facts" as he set them out under paragraphs 2.1 to 2.5, clearly undermines his status in the mainstream Nigerian society as a Senior Advocate of Nigeria. He is not as "learned" as he would want Queen Beatrix of the Netherlands and her Government to believe.

ADDITIONAL STATEMENT OF THE CASE

This is a Foreign Tort and Forum lawsuit. It is the first of its kind to be brought to the notice of the courts in any part of the African Continent.

The Plaintiffs opened a Branch of the Public Law Centre incorporating Public Defender Service and Lawyers Without Frontiers in Rotterdam in 2007. In 2008, they transferred the EU Office of the PLC Party (UK registered political party of British at home and abroad) from their premises in Avenue Louise, Brussels to their premises in Rotterdam, Netherlands. The Dutch Government was fully aware of the presence of the Plaintiffs in the country. Indeed, on February 24, 25, 26 2010, the Plaintiffs were guests of the United Nations and Mayor of Rotterdam at W.A.C.A.P Conference. On 22nd March 2010, Mr. Leo Verschoor and 6 other members of the Immigration and Naturalisation Directorate (IND) gained unlawful entry into the premises of the Plaintiffs and proceeded to arrest them. Mr. Leo Verschoor made it clear to the Plaintiffs that they were being arrested at the request of the then British Prime Minister, Mr. Gordon Brown. Under the Dutch Aliens Act 2000 (**Vreedingenwet – VW2000**) the Plaintiffs could not be held for more than a statutory maximum period of 48 hours. But they were not released after 48 hours. Plaintiff Mr. John-Salakov was imprisoned in a Guantanamo-style prison ship, known as "DE Kalmer" in Dordrecht. On the 1st April 2010, Plaintiff Mr. John-Salakov appeared in the Rechtbank (District Court, in Rotterdam), to challenge his

and his wife's arrest. The Dutch "lawyer" who was assigned to represent the Plaintiffs, a Mr. Immersell, turned out to be an insurance agent. Plaintiff Mr. John-Salakov represented himself. In court on that day, he learned that his wife, Plaintiff Wendy Wong had been removed against her will to Malaysia. There was a suggestion that the 1st Defendants injected her with some hallucinatory drugs in the process of removal. The hearing in the Rechtbank lasted 90 minutes. At the end of that hearing, the two female judges promised to send their Ruling to reach Plaintiff Mr. John-Salakov within 7 days. In fact, Plaintiff Mr. John-Salakov received the Ruling on the 9th day. The judges gave him leave to lodge an appeal by the 12th April 2010 (meaning that the Rechtbank gave him only 3 days within which to challenge the Ruling of the Rechtbank). Plaintiff Mr. John-Salakov lodged an appeal with **Het Gerechtshof – Afdeling Bestuursrechtspraak van de Raad van State**. "This was an appeal in the interests of the law – **Cassatie in het belang de wet – Cassatie in gaan**". It was also a challenge by way of objection (bezwaarschrift to the vonis of the Rechtbank. At paragraph D of his Appeal, Plaintiff Mr. John-Salakov stated, "The principle of proper administration of justice provides that an administrative authority, including the judiciary must weigh all interests when taking decision. At para. F, he stated – "Since the coming into effect of the **Vreemdelingenwet 2000 (VW 2000)(Dutch Aliens Act 2000)**, der Rechter after der Rechter and advocaten who are totally incompetent, jointly and severally defeat the principle of law that both parties have the right to an equal say in court – **Hoor en wederhoor, beginsel van**. At para. G he stated that "Since the coming into effect of the Vreemdelingenwet 2000 (VW 2000) the judiciary via the Rechtbank has been complicit in the defeat of **vertrouwensbeginsel**. " He added, "**The principle of vertrouwensbeginsel is all about legitimate expectation. Those who come into contact with this bad law (Dutch Aliens Act 2000), have a legitimate expectation that the judiciary will interpret the law correctly and in the best interests of justice.** The Administrative Court was well aware of the excesses of the Immigratie – en Naturalisatiedienst (IND), but judges are powerless to vindicate the rights of courts users in the Netherlands. Some lawyers working in the Council of State (Raad van State) advised the IND to get rid of the Plaintiffs as soon as possible. Hence, I was taken from the "De Kalmer" Guantanamo-style prison ship and driven to Amsterdam Schiphol Airport on 22nd June 2010 and offloaded at Ikeja Airport, as if I was some kind of ogre. IT IS VERY IMPORTANT TO NOTE THAT AT THE MATERIAL TIMES, THE NETHERLANDS HAD NO GOVERNMENT. ALTHOUGH THERE WAS AN ELECTION ON JUNE 9 2010, THERE WAS NO GOVERNMENT UNTIL OCTOBER 14 2010. THIS MEANS THAT EVERYTHING DONE BY THE FIRST AND THIRD DEFENDANTS WERE NOT AUTHORISED AND NO LAWFUL AUTHORITY WAS GIVEN TO THEM. ON THE 21ST DAY OF JUNE 2010, MRS WENDY JOHN-SALAKOV PETITIONED QUEEN BEATRIX OF THE NETHERLANDS AND REQUESTED HER MAJESTY TO STOP THE UNLAWFUL REMOVAL OF MR. JOHN-SALAKOV FROM THE CONTINENT OF EUROPE. THE PETITION WAS SENT TO THE QUEEN AS THERE WAS NO PRESIDENT-MINISTER IN OFFICE. ON THE 5TH DAY OF JULY 2010 THE REPATRIATION AND DEPARTURE SERVICE (DT & V) (also known as IMMIGRATIE-en NATURALISATIEDIENST (IND) SENT A REPLY TO MRS WENDY JOHN-SALAKOV ON BEHALF OF THE QUEEN. SEE EXHIBIT NO.10 IN THE ORIGINATING SUMMONS.

3. REPLY TO MR. CANDIDE JOHNSON'S ISSUE FOR DETERMINATION

3.1 In reply to Mr. Candide-Johnson's issue for determination – "Whether a friendly foreign sovereign can be impleaded in Nigerian Court for purely sovereign acts"? I would simply call upon Mr. Candide-Johnson, to produce incontrovertible evidence which links "any friendly foreign sovereign" to law suit No. FHC/ABJ/606/2010

4. REPLY TO MR. CANDIDE JOHNSON'S ARGUMENTS

- 4.1 In reply to Mr. Candide Johnson's "Arguments" at paragraphs 4.1 to 4.2.8, I would categorically state that his textbook plagiarism has done him no favours, because his arguments do not have any bearing whatsoever on the substantive issues raised in the originating process.

ADDITIONAL ARGUMENTS

I would draw the attention of both Judge Ibrahim Auta and Mr. Candide-Johnson to **Torture Victim Protection Act of 1991 (USA)** – an Act to carry out obligations of the United States under the United Nations Charter and other international agreements pertaining to the protection of human rights by establishing a civil action for recovery of damages from an individual who engages in torture or extrajudicial killing

Sec.2 – Establishment of Civil Action

- (a) Liability – An individual who, under actual or apparent authority or color of law, **of any foreign nation** –
- (1) Subjects an individual to torture shall in a civil action, be liable for damages to that individual, or
 - (2) Subjects an individual to extrajudicial killing shall, in a civil action, be liable for damages to the individual's legal representative, or to any person who may be a claimant in an action for wrongful death
 - (3) Exhaustion of Remedies – A court shall decline to hear a claim under this section if the claimant has not exhausted adequate and available remedies in the place in which the conduct giving rise to the claim occurred.

We exhausted local remedies in the Netherlands.

Definitions

"extrajudicial killing" means a deliberated killing not authorised by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees, etc. Etc.

Ken Saro-Wiwa and others who were sentenced to death by Judge Ibrahim Auta, were not afforded judicial guarantees. In private, Ibrahim Auta said that his wife and children were held hostage and that he had no choice but to pass a sentence of death on some 8 people. God is Alpha. God is Omega. God knows the Beginning. God knows the End. God knows the End of all things. As is often the case in Foreign Tort and Forum lawsuits, or in Victim Protection suits, the aggrieved can never get justice in the country where the violations occurred. Consequently, the Dutch Shell Company and Nigeria, were sued in the United Nations, under the Torture Victim Protection Act 1991. They got result.

In so far as the present lawsuit is concerned, we want Judge Ibrahim Auta to redeem his name and the name of the judiciary in Nigeria.

"Torture" means any act directed against an individual in the offender's custody or physical control by which severe pain or suffering, whether physical or mental, is intentionally inflicted on that individual for such purposes as obtaining from that individual or a third person information or confession, punishing that individual for an act that individual or a third person has committed or is suspected of having committed, intimidating or coercing that individual or a third person, or for any reason based on discrimination of any kind; and mental pain or suffering refers to prolonged mental harm caused by or resulting from , etc. etc

The First Defendants targeted Black people. For example, I have lived in Europe for 51 years. I was registered as a British citizen in 1959, at a time when Nigeria was a

British colony. I have lived lawfully in Europe since 1959. **In "De Kalmer" prison ship, the First Defendants fed me on bread and tea for breakfast, bread and tea for lunch and snacks for evening meal, for 3 months.** There is no law which empowers First and Third Defendants to throw me to a country of which I do not hold her passport. I have never held a Nigerian passport. The Universal Declaration of Human Rights makes it clear that everyone is entitled to a nationality. Because of the conduct of the Dutch, I am stateless and without any financial means. The Nigeria Immigration Service and the Nigerian Ministry of Foreign Affairs, are complicit in my stateless status. The Nigeria Immigration Service confirms that I have never held its passport and that I am not entitled to a Nigerian passport in any event.

5. REPLY TO MR. CANDIDE-JOHNSON'S CONCLUSION

5.1. My Reply to paras 5.1 to 5.5 of Mr. Candide-Johnson's Motion on Notice under Protest is this - By simple syllogism, Mr. Candide-Johnson is a disgrace to the Nigerian Bar and he is an affront to the proper administration of justice throughout the courts in Nigeria. The earlier the Corrupt Practices and Other Related Offences Commission, in association with the Attorney General of the Federation take him by the scruffs of his neck to his local magistrates' court, the better for everyone concerned.

ANDRE JOHN-SALAKOV

Dated this day of December 2010