

**FIRST-TIER TRIBUNAL  
PROPERTY CHAMBER  
LAND REGISTRATION**

**[2025] UKFTT 01090 (PC)**

**Case Number: REF/2023/0155**

**BETWEEN:**

**TALI SHANI**

**Applicants**

**-and-**

**CHIEF MIKE AGBEDOR ABU OZEKHOMÉ**

**Respondent**

**Title number: MX 117803**

**Property: 79 Randall Avenue, London NW2 7SX**

Before Judge Ewan Paton, sitting:

- on 11<sup>th</sup> and 12<sup>th</sup> June 2024, at 10 Alfred Place, London
- on 29<sup>th</sup> and 30<sup>th</sup> July 2025, and 2<sup>nd</sup> September 2025, by Cloud Video Platform

For the Applicants: (on 11<sup>th</sup> and 12<sup>th</sup> June 2024, and 29<sup>th</sup> and 30<sup>th</sup> July 2025) Mr. Adimbola Badejo (counsel, instructed by Westfields Solicitors, Bromley); and (on 3<sup>rd</sup> September 2025 for closing submissions) Mr. Kingsley Efemuai (solicitor, of Westfields Solicitors)

For the Respondent: (on 11<sup>th</sup> and 12<sup>th</sup> June 2024) Mr. Tom Walsh (counsel, instructed by Rockstones Law LLP, solicitors); then (on 29<sup>th</sup> and 30<sup>th</sup> July 2025, and 3<sup>rd</sup> September 2025) the Respondent representing himself.

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**DECISION**

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*Key words –registration of transfer – identity of registered proprietor – competing claims to be the genuine registered proprietor – evidence of identity – fraud by impersonation - abuse of process - evidence of third party ownership -- direction to Chief Land Registrar*

## **Introduction**

1. The matter referred to this Tribunal by the Land Registry, on 27<sup>th</sup> February 2023, was an application by the Respondent to register a transfer dated 17<sup>th</sup> August 2021 of the above property – a house in Neasden, north London – executed in his favour by one “Tali Shani”. Box 8 of the TR1 transfer form stated that “the transfer is not for money or anything that has a monetary value”.
2. That apparently routine application has, however, generated proceedings of a quite extraordinary nature. At their heart are mutual allegations of identity fraud by impersonation. These in turn generated multiple allegations of forgery of documents, fraud, conspiracy and corruption of public officials. A key figure in both parties’ cases, as they eventually emerged, was a very prominent and now deceased former Nigerian general and politician, General Jeremiah Useni. General Useni (who died on 23<sup>rd</sup> January 2025) gave oral evidence before me by video link, as a witness tendered by the Respondent, on 11<sup>th</sup> June 2024.

I shall return below, in detail, to General Useni’s evidence, and some of the documented facts of his life and career.

3. This matter was referred to this Tribunal on the basis of an objection to registration of the above transfer, originally lodged at HM Land Registry on 26<sup>th</sup> September 2022 by Westfields Solicitors on behalf of a “Ms. Tali Shani”. The objection was made on the basis that *she* was the registered proprietor of the property. It was said that she knew nothing of this transfer, did not execute it, and was “outraged”. She was made the Applicant in these proceedings.
4. The Respondent’s response to this objection, as will be set out further below in more detail, is that “Ms. Tali Shani” never existed. He says that “she” is a “phantom” identity, created by a person not party to these proceedings, for the fraudulent purpose of taking control of the above property.
5. The alleged Applicant never appeared before me during any part of this hearing, and was later alleged to have died in October 2024. I shall return below to the evidence filed in her name, and the circumstances of her non-appearance then apparent death.
6. The Respondent’s case is that the “Mr. Tali Shani” who executed the transfer of the property in his favour is its true registered proprietor. A man of that name gave oral evidence before me, by video link, also on 11<sup>th</sup> June 2024. The case for the Applicant, in response, is that this “Mr. Tali Shani” is – if not a phantom – not the registered proprietor of the property, and so was not competent to transfer it to the Respondent.

Again, I shall return in detail below to the oral evidence given by this witness.

7. The one indisputable fact in this case is that with effect from 16<sup>th</sup> November 1993, the registered proprietor of 79 Randall Avenue, title number MX 117803, was stated to be “Tali Shani” of that address.
8. The case therefore turns on who procured that registration of title in 1993 in that name – who is, or was, “Tali Shani”?

**The Respondent’s case: Mr. Tali Shani**

9. The Respondent’s case, and the basis for the 2021 transfer and application for registration, is that this was the man who gave evidence before me. As part of the ID1 process of verification required by the Land Registry for the application, a copy of a Nigerian passport, certified as a true copy by an English solicitor, was provided. This stated that Tali Shani (male) was born on 2<sup>nd</sup> April 1973 in Plateau State, Nigeria. This means that he would have been 20 years old at the time of the registration of title to the property. No copy of any birth certificate for him was provided.
10. He provided one witness statement, upon which he was cross-examined at trial. A striking feature of that statement was how little, if anything, it said about the background to his apparent 1993 purchase of the property when he was 20. Instead, the statement devotes most of its paragraphs to much more recent events, concerning the letting and management of the property in very recent years - since 2019. These paragraphs detail attempts to seek possession against the current tenants of the property, disputes with an agent (a Mr. Nicholas Ekhurutowen) over the receipt of monies, and the background to this Mr. Tali Shani first granting successive “Powers of Attorney” over the property to the Respondent (beginning in 2019), then transferring it to him.
11. All Mr. Shani said in his statement about his ownership was the bare statement that he had been the legal owner since 16<sup>th</sup> November 1993. He then said, in paragraph 3:

“I later employed **General Jeremiah T. Useni** to be my Agent/Manager with respect to the property, I, being a very busy businessman, and not being ordinarily resident in the UK.”

Elsewhere, he referred to General Useni as his “property manager” and his “elder friend and business partner” with whom he had a “close business relationship”.

12. He also said that:

“I alone, and no-one else, bore and controlled the original title deeds and documents to 79 Randall Avenue...which I have since transferred to Chief Ozekhome, who now has custody of the same.”

It is true that it was the Respondent in this case, and not the Applicant or anyone on her behalf, who provided disclosure of what appear to be the only surviving pre-

registration title and conveyancing documents.

13. Some of these documents were largely of historical interest, such as pre-registration conveyances, charges searches and correspondence from between 1933 and 1985, in which latter year the property was purchased by its previous owner, one Hanna Witecka. Their only significance is that it is the Respondent (not the Applicant) who has them.
14. Also disclosed was a sequence of documents comprising various searches, enquiries, requisitions on title and eventually a contract of sale from the latter part of 1993, beginning in July and August 1993. These reveal the following:-
  - i) the seller was Hanna Witecka, and the purchaser was named as one “Philips Bincan”.
  - ii) the firm of Barry Phillips & Co., of Mayfair, were acting for the purchaser.
  - iii) by a contract of sale dated 16<sup>th</sup> September 1993, the sale was agreed at a price of £110,000. A deposit of £11,000 was recorded as having been paid. The completion date was 7<sup>th</sup> October 1993.
  - iv) on 6<sup>th</sup> October 1993, those solicitors obtained for the purchaser, “Philips Bincan”, a form 94D certificate of official search with priority, whose priority period extended to 17<sup>th</sup> November 1993.

No such correspondence, searches, contract or other conveyancing documents in the name of “Tali Shani” were disclosed.

#### **Oral evidence of Mr. Tali Shani**

15. Mr. Tali Shani was cross-examined by Mr. Badejo, for the Applicant. I also asked him a few questions by way of follow-up. I record here that I took a good note of this and other oral evidence, and my own notes also concur with those parts of the evidence later quoted by Mr. Badejo in his closing written submissions prepared in July 2025. The Applicant’s solicitors sought to obtain a transcript of that day’s hearing, but because of a repeated fault in the recording mechanism, the transcribers were unable to produce one. Having myself listened back to the recording, I can confirm that while the sound repeatedly cuts out during counsel’s questions, the responses of the witnesses on the day (both of whom gave evidence by video) were a) generally audible and b) consistent with my notes and recollection of the evidence.

The key features of that evidence, and his answers to questions, were as follows.

16. Mr. Shani was asked what he remembered about his alleged purchase of this property in 1993. He thought that he had completed the purchase in “November” of that year, and that the whole purchase process took “not a long time really” – he thought about a month. He could not remember when he made an offer to purchase. When asked how much he paid for the property, he took a long time to answer, then eventually settled

on a figure of “£200,000”.

17. He was asked how he had funded such a purchase, aged just 20. His initial answer was that this was “through business”, and that he had wanted to invest in property. When he was asked what sort of business he was in at that time, so as to have £200,000 with which to buy a property in London at the age of 20, he said that he was fortunate to have agricultural lands and cattle in his family. He said that had been in business “since I was a kid”, beginning with selling sweets and mangoes at school. He later, in response to one of my questions, said that he had been able to buy a London property for £200,000 because “I had a lot of cattle” and the Nigerian currency the Naira “was strong at that time”.
18. He was taken to the 1993 conveyancing documents showing the purchaser as Philips Bincan, for a price of £110,000, with the completion date of 7<sup>th</sup> October 1993. He did not recognise that name and had no explanation for his possession of these documents. He was unable to say which solicitors he instructed. He was asked if it was really his evidence that he paid almost double for the property immediately after this purchase for £110,000, to which he replied “Yes, sir”.
19. When asked whether he had ever set foot in the UK, let alone London, he said that he had last been in London about seven years ago. His evidence about the time of purchase, and how he claimed to have transferred the money for the purchase, was as follows. He said:

“I spoke with someone who advised me...I confided in him and went ahead with the transaction...I transferred the money from Nigeria to the UK...I confided in someone who advised me....I gave the funds to him.”

When asked who this was, he replied “General Useni”.

20. Mr. Shani was giving evidence after General Useni had already done so. I will deal with General Useni’s evidence, and history, in detail below. The key point of this part of Mr. Shani’s evidence is that he was unequivocally now claiming not just that he had known General Useni in 1993, but that he had used him at that time as a contact or go-between to purchase this London property. It followed from this, and from the evidence in his statement, that the claim that he had employed General Useni as his “Agent/Manager”, because he himself was a “very busy businessman”, dated back to this time, when he was 20. He did not say that he himself had ever managed the property, instructed any other agent, or even (as I read his evidence) set foot in it after 1993.
21. Mr. Shani was also asked about the more recent documents entered into with the Respondent, in 2019, 2020 and 2021. The first of these was a Power of Attorney granted to the Respondent on 30<sup>th</sup> May 2019, in relation to the property (79 Randall Avenue), giving the Respondent full power to take possession of it, collect rents, and sign any necessary documents. His evidence was that he first met the Respondent in 2019, and that the Respondent became a “father figure”, who provided a lot of useful legal advice and services and with whom he felt “very comfortable”. A second Power of Attorney was then executed on 28<sup>th</sup> May 2020. This is a somewhat curious

document, in which rather than just granting a power of attorney, Tali Shani agrees to “donate” all his “Right Title and Interest” in the property to the Respondent “for valuable consideration”, which is then stated to be:

“..the sum of N100,000,000.00 (One hundred million Naira) only, duly paid by the donee to the donor, the receipt whereof the donor doth hereby acknowledge, and in consideration of legal services rendered for and on behalf of the donor by the donee, which legal services the donor hereby acknowledges...”

22. When asked about this, Mr. Shani did at first appear to say that he had received this sum, but that it was not for the power of attorney but for the property (“It’s for the property, sir”). He also said that the Respondent had given him a property in Jos in Plateau State. He referred to his “gratitude” to the Respondent. Later he appeared to me to say that the property in Jos was the equivalent of 100 million Naira, not that he had actually been given that sum in cash.
23. When asked about the subsequent 2021 transfer, and why box 8 of it stated that it was *not* for money or anything of monetary value, despite his previous evidence as to the Jos property and 100 million Naira he denied that this was a false statement. He said that all his dealings with the Respondent were based on their “relationship” and his “gratitude” to him, saying that “My relationship with Chief Ozekhome outweighed money”.

#### **General Jeremiah Useni: career, life and death**

24. On 4<sup>th</sup> August 2025, in final pre-hearing directions, I indicated to the parties that I intended to rely – for the purposes of taking judicial notice of uncontroversial matters – on the following sources as to the general background and history of the general:-
  - i) i) the report of his death filed on behalf of the Applicant’s solicitors by email on 18<sup>th</sup> February 2025: [Former FCT Minister, Useni dies at 82 - Vanguard News](#)
  - ii) the following report of his funeral: [Ex-FCT Minister, Gen. Jeremiah Useni, Laid To Rest In Plateau](#)
  - iii) his “Wikipedia” entry, save for any contentious matters or allegations: [Jeremiah Useni - Wikipedia](#)
  - iv) the facts as reported in the decision of the Royal Court of Jersey in *Attorney-General v. (1) Jeremiah Useni (2) Standard Chartered Bank* [2022] JRC 230 (19<sup>th</sup> May 2022) and the unsuccessful application for permission to appeal that decision, at [2023] JCA 001 (Jersey Court of Appeal, 5<sup>th</sup> January 2023).

I had previously provided a copy of that decision to the parties at the hearing on 12<sup>th</sup> June 2024, since apart from the actual decision and findings of the Court in that case, it recorded what had then been General Useni’s own positive case and evidence.

I invited the parties to file any additional or different material, or any objection to the use of the above material, by 24<sup>th</sup> August 2025. No other material or objections were

filed.

25. Drawing from the above, the following can be stated without controversy. Jeremiah Useni was born in 1943 in Langtang, northern Nigeria (in what is now Plateau State). He served in the army and rose to the rank of Lieutenant-General. After General Sani Abacha carried out a military *coup d'état* and became head of state of Nigeria in 1993, General Useni served as his minister for the Federal Capital Territory, Abuja. At other times he was the Minister for Transport and Quarter-Master General of the Nigerian Army. After the death of General Abacha in 1998, General Useni remained active in politics and Nigerian public life, being elected as a senator in 2015, and culminating in an unsuccessful election campaign to become governor of Plateau State in 2018. The above report of his funeral stated that he died in France on 22<sup>nd</sup> January 2025, and that his wife and one of his sons, beside whom he was laid to rest in Langtang, had died in an aeroplane crash in 2002. The report also notes that “after his retirement from the Nigerian Army, Gen. Useni remained engaged in business and community development, serving as Director of Diamond Bank PLC, Chairman of Tim Tali Investments, Chairman of BFL Microfinance Bank Ltd; Director of Abuja Motors Company Ltd, and chairman, Arewa Consultative Forum (ACF).”
26. In *Attorney-General v. (1) Jeremiah Useni (2) Standard Chartered Bank* [2022] JRC 230 (19<sup>th</sup> May 2022), the Jersey Royal Court made a forfeiture order under Jersey’s anti-money laundering and criminal proceeds legislation [Articles 10 and 11 of the Forfeiture of Assets (Civil Proceedings) (Jersey) Law 2018] in relation to some £1.9M held by General Useni in four Jersey bank accounts. The Court found that these funds were “tainted property” as being the proceeds of “unlawful conduct” arising from his activity as a prominent public figure in Nigeria. It is not necessary, for present purposes, to set out or repeat all of that Court’s findings, or its summarised history of General Useni’s career (although the key events match the general summary above, with the added comment at paragraph 2 that “He is said to have been the second most senior officer in the Nigerian army under the rule of General Abacha, who ruled from 1993 until his death in 1998.”)
27. It was common ground – and General Useni’s own admitted and positive case - in those proceedings that the four Jersey accounts had been opened in 1986 under a false name, although he had not so admitted this until 2007.

The false name used was “**Mr. Tim Shani**”.

28. General Useni’s own case and evidence in those proceedings, and the Court’s conclusion on the use of this name, were as follows:-

“47. The First Respondent [General Useni] stated that he had not set up the account in a false name, rather, that he used a ‘coded password name’ as advised by Mr Selcan Miner. The First Respondent also said that he had ‘registered companies in Nigeria with similar coined names’. The First Respondent did not explain whether those business interests were the source of the large cash assets he had accumulated in the 1990s.

48. The account opening form of 1986 clearly requests the individual’s forename and

surname, which the First Respondent falsely stated was “Tim Shani”, which does not indicate a coded password. There is no explanation as to why the First Respondent went further and gave a false nationality and occupation for Mr Shani if it was indeed simply a ‘coded password name’. The obvious inference, in the view of the Attorney General, is that he did so in order to further distance himself from the ownership of assets that had a likely criminal origin.”

29. The Court had earlier found that from the opening of the account in 1986 until the 2003 false identification evidence and correspondence had been produced in the name of “Mr. Shani” (paragraphs 27 to 32), and that General Useni had only revealed himself to be the actual owner of the funds in the accounts in 2007, when he applied for them to be changed into his own name (paragraphs 38 and following).
30. An application for permission to appeal against that order (and other orders relating to costs) was refused by the Jersey Court of Appeal (Clare Montgomery KC, Jonathan Crow KC and James Wolffe KC) on 5<sup>th</sup> January 2023, at [2023] JCA 001.

### **General Useni’s witness statement evidence**

31. In these proceedings, General Useni signed a total of three witness statements in support of the Respondent’s case, dated 3<sup>rd</sup> May 2023, 4<sup>th</sup> October 2023 and 22<sup>nd</sup> December 2023. The first of those contained what purported to be his own evidence in this case. The second and third statements were essentially statements in rebuttal of further developments and allegations arising after his first statement was filed.
32. The first such development was that on 4<sup>th</sup> August 2023, a witness statement purporting to be made by General Useni was emailed directly to this Tribunal, with no covering letter, name or signature in the email (but simply the case name and number, and the words “Dear Sir, Please find attached”). It was emailed from an address [jerryuseni2023@yahoo.com](mailto:jerryuseni2023@yahoo.com). This purported to be in support of the Applicant’s case, and now alleged that General Useni had a relationship with the Applicant Ms. Tali Shani, and helped her buy this property. General Useni’s second witness statement was an emphatic and angry denial that he was the author of this statement, or had sent this or any email to the Tribunal. This statement stated that the signature on this “fake” statement was clearly not his (compared to his passport), and that the stated address of the maker of the statement “431/432 Jeremiah Usani Way [sic]” was not his, and did not even exist as a street or address.
33. General Useni’s third statement for the Respondent was principally a rebuttal of the evidence of Mr. Ayodele Damola, made in a statement which contained various allegations, including that he was the general’s “step-son” and repeating the allegation that General Useni had a previous relationship with his mother “Ms. Tali Shani”. He also denied an allegation that he had borrowed 54 million Naira, or any sum, from the Respondent.
34. In his first statement, General Useni had said that:-
  - i) he was an “elderly colleague and close friend of Tali Shani, a businessman”.



ii) he “..met Tali Shani sometime in the 2000s, as my kinsman and a great entrepreneur then engaged in business transactions together. We thereafter formed a mutually beneficial business relationship which later blossomed into a close friendship.”

iii) “Sometime in 2010, Tali Shani approached me to take over the management of his property at 79 Randall Avenue, London NW2. He charged me to renovate the dilapidated property to be fit for rental and also tasked me with putting tenants in the said property.”

iv) he then described how in 2011 he employed one Akeem Johnson to act as his “property agent to deal with the tenants directly, as I am not resident in London.” This arrangement continued, he said, until 2019.

v) he referred to Mr. Akeem Johnson giving the then (and, I believe, current) tenants of the property, a Mr. Simuskauskas and Ms. Simulkaskiene, a section 21 Housing Act 1988 notice on 30<sup>th</sup> September 2019, which he exhibited to the statement.

So pausing here, his written evidence was that in 2010 Tali Shani appointed him as an agent, but he then in turn almost immediately appointed another agent, or sub-agent, Mr. Johnson.

vi) he personally introduced the Respondent to Tali Shani in 2019. He then described his knowledge of the subsequent powers of attorney and transfer to the Respondent.

vii) he angrily refuted the suggestion that “Tali Shani” was a woman and the owner of this property.

### **Oral evidence of General Useni**

35. With the permission of the Tribunal, General Useni gave oral evidence by video link on 11<sup>th</sup> June 2024. I accepted medical evidence that he was not fit to travel internationally, being scheduled to receive kidney dialysis the following day. He was also suffering from cancer.

36. There was no medical evidence, and no suggestion at the time from the Respondent, that General Useni was suffering from any mental illness, decline or confusion. Far from it being suggested that he was not competent or fit to give evidence, he had in fact been “trailed” more than once, in documents written by the Respondent, as his “star witness” for the trial.

37. When he appeared by video link, assisted technically by a woman described as a “P.A.” (although he could not recall her name when asked), General Useni was clearly fragile, elderly and in poor physical health. He was sometimes slow to respond to questions, which occasionally had to be repeated or re-framed. His voice was at times very low and quiet, which when combined with his accent made some of his answers not fully audible – at the time, and when listening again on the recording. He took some time to confirm, in response to the Respondent’s then counsel Mr. Walsh, that the three witness statements which he had signed were his and that their contents were

true. He did confirm that someone else had typed them and “put them in legal language” for him, having first discussed them by telephone.

38. I am however, entirely satisfied – and as stated there is no medical evidence to the contrary – that General Useni understood the questions put to him by both counsel. I am also satisfied that his answers to the most important questions were very clear and unequivocal. My own recollection and note of those answers tallies with a) the summary of them provided by Mr. Badejo in his closing submissions document from July 2025 and b) what I could hear when listening back to such parts of the audio recording as were audible.

39. That oral evidence was somewhat surprising, to me and (I have no doubt) to both parties’ counsel and representatives. As I remarked during closing submissions, however, this is one of the reasons why we have cross-examination and oral evidence at trials. The key elements of that evidence were as follows.

i) it was he who had purchased the property in 1993, with his own money and no mortgage. I noted him as clearly saying this, and that the reason for the purchase was that it would be “**somewhere to live**” in London for his “family”. He referred to wanting a two bedroomed house, but appeared to say that only his wife had ever lived there.

ii) he had first met the Mr. Tali Shani whom he now knows by that name only about *seven or eight years ago*. This was the final figure upon which he alighted in cross-examination, having initially given a date range of only some three or four years ago.

iii) he clearly denied the case put to him by Mr. Badejo that any “Ms. Tali Shani” had ever been his girlfriend or partner, and that he had bought this property then put it in her name. He had only been married once, and his wife had died.

iv) he was however unable to explain why the property was registered in someone else’s name – and specifically the name of “Tali Shani” – in 1993. He also appeared to think that he had later transferred the property to someone else.

40. His evidence about the 1993 purchase of the property, and the words he used, were quite clear:

**“I owned it.....I bought the property...before I gave it to someone to run...I paid the deposit...then bit by bit....I bought it...it is my property.”**

He said, in response to questions he clearly understood, that there had been no mortgage, and that he had bought the property with “savings”.

41. As stated, he was unable, or unwilling, to explain why the property was in the name “Tali Shani”. When asked about the businessman Mr. Tali Shani whom he said he had first met seven or eight years ago, and was specifically asked what this man had to do with this property, his answer was “**Nothing**”. Although this was before Mr. Tali Shani gave his own evidence, he was visible on the CVP video screen and was observing the proceedings. Mr. Badejo referred General Useni to his presence and

asked “What’s this man doing here?”, to which the reply was “**I don’t know**”. When it was put to him that the owner of the property was “Tali Shani”, his response was “**It’s not true.**”

42. Mr. Walsh, perhaps understandably surprised at what General Useni had said, sought to retrieve the situation in re-examination by asking him (in somewhat leading fashion) whether he had found it difficult to answer the questions put to him, to which he answered “yes, yes”. He then tried to ask him if he was “confused”, which General Useni did not really answer. As stated above, however, I am entirely satisfied that his understanding of the key questions, and his answers to them, were clear.

### **Adjournment of hearing part-heard, and subsequent course of proceedings**

43. On the second day of the hearing (12<sup>th</sup> June 2024), both counsel stated to me that they were potentially professionally embarrassed, and so unable to act further in proceedings until their respective positions and instructions were clarified. I made an order dated 13<sup>th</sup> June 2024 adjourning the proceedings for a period of two months for that purpose. I said, in the reasons accompanying that order, that:

“While the precise reasons for any such professional embarrassment are a matter for those representatives, the circumstances in which the adjournment of the hearing was made arose from three factors:-

- i) the content of the oral evidence of those witnesses who gave evidence by video link for the Respondent, Mr. Tali Shani and General Jeremiah Useni;
- ii) the failure of the Applicant Ms. Tali Shani to appear on the CVP video link, despite having applied for and been granted permission to do so;
- iii) the contents of the judgment in the Jersey Royal Court case cited above, and their potential relevance to the issues and evidence in this case.”

I then stated that the parties would be contacted further by the Tribunal over the potential relisting and resumption of the part-heard hearing.

### **Non-appearance of Applicant**

44. The Applicant “Ms. Tali Shani” had failed to appear at that hearing. She had purportedly signed a statement of case and provided witness statements. In the week prior to the trial in 2024, at the pre-trial review, an initial application was made on her behalf for permission for these statements to stand as her evidence, on the basis that she would not now be attending what had long been listed as a face-to-face hearing.
45. After I had granted permission on a separate application by the Respondent for some evidence (that of General Useni and Mr. Tali Shani) to be given by video, a similar application was then made on behalf of the Applicant and her alleged son, Mr. Ayodele Damola, on the first day of trial. The basis of the application was purported medical evidence (in the form of a letter dated 10<sup>th</sup> June 2024 from a “Dr. Johnson Osa” of “Agbonmagbe Olumide Memorial Specialist Hospital Limited” (email

address given as “agbonmagbe@yahoo.com”), stating that “Ms. Tali Shani remains our patient at this hospital”, that it had “come to our knowledge” that she was “to give evidence by video link in a matter in Court in London” and that they would “take steps” to “..commence such arrangement today and ensure that Ms. Shani is able to give video link evidence between the hours of 10 am and 1 pm on Wednesday 12 June 2024”.

46. I granted the permission sought. When that second day of the hearing came, and the Cloud Video Platform link was in place and ready for use, the Applicant did not appear. The Applicant’s representatives claimed to have made several unsuccessful attempts to contact her. When I re-entered the hearing, I informed the Applicant’s representatives (who had previously heard nothing of this) that a message had been typed on the “chat” bar of the CVP screen, by a “Dr. Osa”, saying:

“Ms. Tali Shani is in surgery. Please ask the court for 2 weeks adjournment. By that time she will be strong enough for the video link. Regards.”

Her alleged son Mr. Damola appeared on the video link. He then stated that he was in a different city (Abuja, which is over 400 miles from Lagos) from his mother, so could not assist or explain the situation further.

#### **Events after June 2024**

47. Following that adjournment:-

i) the Respondent’s former solicitors (Rockstone Law LLP) and counsel instructed through them (Mr. Walsh) ceased to act for the Respondent and came off the record. The Respondent has thereafter represented himself.

ii) the hearing was re-listed for a further two days, on 4<sup>th</sup> and 5<sup>th</sup> November 2024.

iii) I further directed (by order of 14<sup>th</sup> August 2024) that the Applicant file and serve the following:-

“..medical evidence in support of her claim that she is unable physically to travel and attend a hearing in London.

“...further evidence of her identity, to be set out in a further witness statement and exhibiting some or all of the following:-

- her birth certificate
- any passport
- proof of her address in Nigeria
- copies of any bank statement, utility bill or other invoice providing evidence of her identity and address.”

48. This resulted in a further witness statement dated 8<sup>th</sup> September 2024 being filed, stated to be made and signed by “Ms. Tali Shani”. This was, as it turned out, the last that was heard from a person of this name in these proceedings. Paragraphs 1 and 2

said as follows:-

“1. I wish to apologise to the Tribunal for not being able to attend the last hearing despite my best efforts. I was ushered into an emergency surgery on that day due to fears by my doctors that my situation may get worse were the surgery not performed immediately. As is evident, I have been undergoing serious medical issues for over 15 years and at present my doctors have advised me that we should prepare for the worst.

2. As will become clearer shortly, against medical advice, I am currently taking steps to attend the next hearing in person. Nothing would please me more than to be present at the Tribunal so that this matter may be well and truly put to bed. Whilst I am grateful to the Court for granting me permission to give evidence remotely from Nigeria, it remains my wish to be in attendance at the next hearing despite medical advice and I hope that the Almighty God permits me to do so.”

49. The statement then exhibited:-

i) a “to whom it may concern” letter dated 5<sup>th</sup> September 2024, again said to be from a Dr. Johnson Osa at the hospital (and with the Yahoo email address) previously mentioned, saying that “Ms. Tali Shani” was “receiving intensive treatment for leukemia, therefore cannot make the travel to the UK; however, we shall endeavor for her to take a Video or Telephone call.”

ii) a “9 mobile” telephone bill dated 30<sup>th</sup> June 2024, stating at its top left corner to be addressed to “Ms. Shani Tali” of “10 Commercial Road Jos Plateau State”.

iii) an affidavit with a photograph attached, purportedly sworn at the Lagos State High Court Registry on 27<sup>th</sup> August 2024 by Ms. Tali Shani as to her birth, deposing and explaining that her birth was not registered.

iv) what purported to be a National Identity Number (NIN) slip issued to her, with a photograph attached, pending completion of an application for a National Identity Card. In her statement she said that this was “a document that I recently procured, which is essential before anyone can apply for an International Passport in Nigeria.”

50. On 30<sup>th</sup> October 2024 – five days before the hearing was due to resume - Mr. Kingsley Efemuai of Westfields Solicitors emailed the Tribunal, attaching documents as evidence that the Applicant had now died. These were:-

i) a letter dated 24<sup>th</sup> October 2024 from the Lagos solicitor with whom Mr. Efemuai dealt (and to whom he would later refer in oral evidence as “my instructing solicitors”), Mohammed Edewor, saying “As previously advised my client has unfortunately passed on and I continue to act for her estate.” Enclosed with this letter were:

ii) an apparent court order from a court in Keffi, Nasarawa State, dated 23<sup>rd</sup> October 2024, stating that on “an application by the family of late Ms. Tali Shani who died on the 3rd October 2024”, an order was made purporting to appoint her “only son”

Ayodele Damola to represent her in proceedings in Nigeria and the UK.

iii) an apparent death certificate dated 9<sup>th</sup> October 2024, issued by a National Population Commission centre in Dutsen Garki, Federal Capital Territory, Abuja stating that a “Shani Tali” (female) died on 3<sup>rd</sup> October 2024 aged 79 years, recording her place of death as “Hospital”, and giving her address at 10 Commercial Road, Jos.

51. Both the Applicant’s purported previous statement, and this most recent information as to her alleged death, elicited a further statement from the Respondent, with multiple exhibits. This set out his evidence, and what would in due course be evidence provided by other supporting witnesses, to the effect that:-

i) the “medical report” provided was a forgery.

ii) the mobile phone bill was likewise a forgery.

iii) the NIN number provided had been suspended because of irregularities in the application for it.

iv) the address repeatedly provided for the Applicant, “10 Commercial Road, Jos” did not exist.

v) the report of the Applicant’s alleged “death” was likewise false, as she had never existed; and the documents purporting to record her death had been obtained by false pretences.

52. In these further extraordinary circumstances, I had little alternative but to adjourn the 4<sup>th</sup>-5<sup>th</sup> November 2024 hearing. By order of 4<sup>th</sup> November 2024, I did so, and stayed the proceedings on the basis that it was claimed that the Applicant had died, so an application for a grant of representation of her estate in the UK might in due course be expected to be made, and for any such representative to be joined. I confirmed that an order of a Nigerian court could not grant a person the right to represent a deceased person in English proceedings.

53. It was clear, however, that the Respondent was saying that the “death” was a sham and that the Applicant had never existed. That being so, it was clear that the Respondent should be entitled to apply to strike out the “Applicant”’s case under rule 9 of the Tribunal rules (as frivolous, vexatious, an abuse of process or having no reasonable prospects of success), and that he:

“..could not be prevented from doing so by the “catch 22” argument that until a grant was obtained on behalf of the Applicant, no steps could be taken in the proceedings, including an application to strike out on the basis that the Applicant did not exist. For the purpose of determining such an application, the Tribunal could give permission for such other persons as it directed (e.g. the alleged son or putative representative of the deceased) to make representations and appear at any hearing.”

54. The Respondent did then make such an application to strike out, on 18<sup>th</sup> November 2024. This application was accompanied by further witness statements from his son

Osilama Mike Ozekhome, a Mr. Festus Esangbedo of the National Identity Management Commission, and Superintendent Ibrahim Sini of the Intelligence Department of the Nigeria Police Force.

55. By a further detailed directions order made on 14<sup>th</sup> February 2025, I made an order:-

i) that the matter be relisted for disposal, for determination of the following issues:

“i) the Respondent’s application; and

ii) whether the Tribunal should direct the Chief Land Registrar to give effect to the alleged transfer of 17<sup>th</sup> August 2021 to the Respondent; whether or not the Applicant’s case is struck out.”

ii) that the solicitor for the Applicant, Mr. Efemuai, file a witness statement as to the steps he had taken to satisfy himself as to his apparent client’s identity.

iii) giving permission for other witness statements to be filed as to the Applicant’s existence and identity, by a specified date.

iv) giving permission for the Respondent to file a further statement from General Useni, as to the matters arising from the Jersey Royal Court decision, and permission to recall him for cross-examination on that statement and those matters.

56. This order elicited the information, from both parties, that General Useni had died on 23<sup>rd</sup> January 2025. It also resulted in a further witness statement from Ayodele Damola, a statement from one Anukwe Marcel Obasi (stating that he had been the Applicant’s cousin), and a yet further (and lengthy) final statement in rebuttal from the Respondent. I directed that permission would be given for all of this evidence, and the matter was eventually relisted to be concluded on 29<sup>th</sup> and 30<sup>th</sup> July 2025.

### **Hearing of 29<sup>th</sup> and 30<sup>th</sup> July 2025, and evidence heard**

57. The CVP hearing on these days was subject to repeated interruptions and delays, caused chiefly by the very poor quality of some witnesses’ WiFi connections, particularly that of Ayodele Damola, who appeared at one point to be giving evidence from a crowded and noisy office complex. As a result, the hearing was not concluded on these days, and a further day had to be listed for the parties’ closing submissions. I nevertheless heard evidence on these days from (and in the following order):-

(for the Applicant)

i) Anakwe Marcel Obasi (the alleged cousin of the Applicant)

ii) Kingsley Efemuai (solicitor)

iii) Ayodele Damola (the alleged son of the Applicant)

(for the Respondent)

- iv) Festus Esangbedo (of the National Identity Management Commission)
- v) Superintendent Ibrahim Sini (of the Nigerian Police Force)
- vi) the Respondent (Chief Mike Ozekhome)
- vii) Osilama Ozekhome (the Respondent's son).

I will take their evidence in turn.

### **Anakwe Obasi**

58. Mr. Obasi had provided a witness statement dated 3<sup>rd</sup> March 2025. This was quite detailed, and written in a loquacious and argumentative style (e.g. “to buttress my points above”, “three things flow from this encounter”). In this statement he said, amongst other things, that:-

i) he was the cousin of Ms. Tali Shani, who “..was a very successful business-woman who conducted a lot of trade within West African countries. She was quite vast in several local languages and speaks very fluently, about 9 of those.”

ii) his “late cousin and the late General Jeremiah Useni had a very long affair; an affair that I believe lasted a decade”, and “remained cordial and friendly” afterwards.

iii) he met his cousin and General Useni together “on so many occasions”, the last of which was the opening of a “mini estate” in Abuja.

iv) he claimed to have met the Respondent several times, including in the presence of General Useni, and that they had dinner together at a hotel in Abuja. He claimed that the Respondent held parties for “elites” at his premises, with large American caravans, loud music and “adult videos”. He also made allegations of corruption and economic crimes against the Respondent, and accused him of engaging in intimidation and harassment against him and his nephew.

v) he claimed that his cousin had told him that she once wanted to move to the UK but changed her mind, but then “gave money to the late General Useni to assist her in the purchase of a property in London where she was going to reside” in the “early 1990s”.

vi) he claimed to have attended, and assisted with, his late cousin's burial, and attached what he claimed was an “obituary” for that burial.

vii) he claimed that the Respondent's evidence provided by Mr. Esangbedo and Superintendent Sini was false and had essentially been obtained by corruption or duress from the Respondent.

59. Under cross-examination by the Respondent, Mr. Obasi accepted that he had no other evidence for the multiple and very serious allegations he had made against the Respondent and others, saying that these were “things you hear by the sidelines”. When asked what evidence he had for the allegation that Superintendent Sini was “employed” by the Respondent, all he could say was “He's your man, he's your man”.



60. He accepted that he had not produced a single photograph of him together with the Applicant, General Useni, the Respondent, or even his alleged nephew Mr. Damola. His explanation of this was that he was “not a photogenic person” or that “honestly, I never found it necessary”. Nor did he have any pictures of the alleged opening of the “mini estate” in Abuja. When asked whether there were any photographs of the alleged funeral rites and burial ceremony of his late cousin, his answer was that there had been an “official photographer” who took pictures, but he was “killed by a bandit two days after the funeral”.
61. When asked why his late cousin, in her own apparent statements, had never once mentioned him, or ever having known or met General Useni or the Respondent, he replied “I wouldn’t know about that”, but then insisted that his evidence of her alleged relationship with General Useni and meetings with the Respondent was “exactly what she told me”.
62. He also claimed personally to have accompanied his late cousin on a personal visit to a National Identity centre in Abuja in 2024 (he could not specify the date or month) for the purpose of applying for her NIN, claiming that she flew in from Lagos (where she was in hospital) to Abuja for a “day trip” which her doctors were satisfied she could make, and that he “picked her up from the airport” for that purpose.

### **Kingsley Efemuai**

63. Mr. Efemuai is a solicitor, dually qualified in both England and Wales and Nigeria, practising at the firm of Westfields in Bromley, London. In his witness statement, he said – perhaps somewhat unusually for a solicitor conducting proceedings in England – “we were instructed” by the firm of Edewor and Co. in Nigeria, to whom he then referred as his “instructing solicitors”. He said that he asked for valid notarized identity documents for this client. It is clear from this evidence, and other documentary evidence filed in this case, that the only document with which he was provided was an “ECOWAS” travel certificate with a picture of the alleged Applicant on it. He said that he also asked for a telephone number at which to contact her, and that this was provided. He said that he was told that the Applicant was a “longstanding and established client of the Instructing Solicitors”.
64. He was clear in his evidence, however, that he never actually met this client face to face at any time – until, he said, he did so “in or about August 2024 when I travelled to Nigeria..”.
65. So pausing there, he had never met this client face to face at any time from his first instruction (in lodging the objection at HM Land Registry in 2022) all the way through to the trial listed in June 2024, at which she was due to give oral evidence. His evidence was that he only had the “privilege” of meeting her after that hearing had begun, and was then adjourned in the circumstances already described.
66. He said that he was satisfied by the telephone number which had been provided, and the efforts she apparently made to apply for a NIN, as to which he said in his statement:

“It is important to note that the applicant, though said to be terminally ill, against all odds, painstakingly ensured she applied for one and provided us with a copy eventually as she could only apply in person and no way else.”

He also claimed to be satisfied with his discussions with her son and cousin, and the information about her death provided by Edewor & Co. in Nigeria.

67. When cross-examined by the Respondent, and asked some follow-up questions by me, Mr. Efemuai said that:

i) he was satisfied that the local solicitors in Nigeria had verified the Applicant’s identity and carried out “due diligence”.

ii) it was those solicitors who had provided him with the Applicant’s telephone number. He said that he had spoken to the Applicant on this number. He did not have any attendance note of that conversation.

iii) he accepted that the notary who had “notarized” the ECOWAS document would not actually have had to meet the Applicant in order to do so, or in any way authenticate the document as genuine. He had simply compared the copy with the original and certified that it was a true copy. This is what the notary who notarized this document (a Mr. Chidi Okoroji) himself confirmed in a letter dated 4<sup>th</sup> August 2023 responding to a letter from the Respondent.

iv) he said that he kept “insisting” and “hammering away” to his “instructing solicitors” in Nigeria that the Applicant should obtain a NIN so as to apply for a passport. The reason he gave for this in oral evidence was that “she’s ill, and doesn’t really travel...she couldn’t move, her mobility was difficult”. He did not know whether the Applicant had ever travelled to London.

v) he only became aware of the alleged irregularities in, and suspension of, the NIN obtained by the Applicant when this was raised in the Respondents’ witnesses’ evidence (discussed below). He referred to this evidence as an “allegation”, but said that it was not for him to contest what was said.

vi) he had seen no need to go behind the death certificate for the Applicant provided to him, or obtain further information, records or evidence from the hospital or doctors said to have treated the Applicant, or to have been present at her death. When asked what he meant by the “records of death by the Hospital” in his witness statement, he admitted that he had not seen any such records, did not know which hospital this was, but was acting on information passed on by his client Mr. Damola. He said that he was now instructed by Mr. Damola on an English probate application, although no details were disclosed.

68. The matter on which I asked Mr. Efemuai additional questions was his alleged visit to Nigeria in August 2024. This was at the height of these proceedings, a very short time (two months) after the initial hearing had been adjourned. The existence and identity of the Applicant was hotly contested and a key issue in the case. Mr. Efemuai said that

he wanted to see his client face to face (“I had to see this woman”), and that this was a “golden opportunity” to meet her. When I asked him whether this was the principal purpose of his trip, or whether he was already going to Nigeria anyway (for leisure or to visit family), my recollection of his answer was that it was a bit of both, but that he was “adamant” that he should meet his client.

69. Mr. Efemuai said that he met this woman at the offices of his “instructing solicitor” in Lagos. He said she spoke English well, and that despite its importance to him it was a “fairly casual” meeting. He said that he “greeted her politely”, and that she said that if she was well enough she would come to the UK to give evidence. He did not ask her any questions. He said “I didn’t have it in my heart to ask her who she was.”
70. He did not, he said, take any attendance note of this meeting. Nor did he take any photographs – of his client, or of him and his client together. His explanation of this was that he considered this would have been “disrespectful” to his senior colleague. He said he had “no reason to doubt” that this woman was who she, and his “instructing solicitors”, said she was.

### **Ayodele Damola**

71. Mr. Damola provided a total of three witness statements, dated 23<sup>rd</sup> November 2023, 4<sup>th</sup> November 2024 then 6<sup>th</sup> March 2025. In his first statement, he said that Tali Shani was his mother, and that “she purchased the property in or around November 1993 at which time she was considering relocating to the United Kingdom due to the prevailing social and economic tension in Nigeria at the time... One of the reasons my mother wanted to relocate to the UK was that I had lost my biological father when I was only 5 years old”.

As set out below, Mr. Damola’s claimed date of birth is 17<sup>th</sup> June 1989. He did not state the source of his knowledge of the above matters.

72. He also claimed that his mother was in a relationship with General Useni in that period, and that “my mother, through General Useni agreed to rent out the property rather than leaving the same fallow.”

He then said this:

“I have had the opportunity to peruse the witness statement filed by General Useni via email to the Tribunal dated 3 August 2023 and I can confirm that the said statement succinctly and completely records the facts in this matter.”

This was, it will be recalled, the statement emailed to the Tribunal from the Yahoo email address, of which General Useni denied any knowledge. Mr. Damola then said in this statement that he was “bemused” by the “inconsistent and conflicting statements attributed to General Useni”.

73. He also alleged, in quite detailed and elaborate terms, that the transfer to the Respondent was an attempted repayment by General Useni of “54 million Naira”

which he had borrowed from the Respondent for an election campaign, that the general had first asked his mother to transfer the property to the Respondent, but when she refused they then persuaded a “poor innocent man” (presumably Mr. Tali Shani) to apply for a passport and pose as the owner. He followed this with a number of other personal and financial allegations against the Respondent. He also said that his mother was “very poorly and her mobility is very limited”, but referring only to “palpitations” and “high blood pressure”.

74. In his second (2024) statement, Mr. Damola, in prose which was again strikingly loquacious and legalistic (e.g. “endemically corrupt system”, “to buttress my point”, and “I am perfectly happy, and as a matter of course, for my application for substitution/joiner to be discountenanced”), made a range of further allegations, many of them in rebuttal of evidence filed by the Respondent. He alleged, variously, that the Respondent had engaged in intimidation and harassment of him and his mother to “lock us up so that we do not attend this hearing”; and that any evidence the Respondent had obtained from the National Identity or police authorities (the latter of whom were said to be “in the payment and employment of the Respondent”, a “corrupt organisation” and “easy to buy”) had been obtained by bribery and corruption. He also said that “10 Commercial Road, Jos” is “an address that certainly exists in Jos, I lived in that house up to the age of 13”. He claimed that it was “rich” that the Jos Metropolitan Development Board had said that no such address existed, that the area was still in the “dark ages” because it had been “embezzled by the likes of the Respondent”, and that the person saying that the address did not exist was someone else whom the Respondent had bribed.
75. In his third (2025) statement, he relied on the death certificate, police reports of alleged harassment filed by “Tali Shani”, and now an “Attestation of Birth” letter dated 12<sup>th</sup> November 2024 (not a birth certificate), based on an alleged deposition by one Ayedole Adebayo Gabriel, that Mr. Damola was born on 17<sup>th</sup> June 1989 to him (Mr. Gabriel) and Tali Shani (mother). He also sought, at great length, in some detail and in similarly legalistic language (sample sub-heading: “Unimpeachable and salient facts”), to rebut and undermine the Respondent’s case and evidence, witness by witness and point by point, and effectively to argue the Applicant’s case in the manner of a professional advocate. Once again, he alleged that the Respondent and his witnesses were corrupt or corrupted. He sought at length to argue against and discredit the Respondent’s evidence (considered below) on the mobile phone bill, the non-existence of the Jos address, and the application for the NIN.
76. After much technical difficulty and delay, Mr. Damola eventually appeared to give evidence by video, with a very bad connection. He was first asked by the Respondent why, on a driving licence renewal application of 27<sup>th</sup> May 2024 (a copy of which the Respondent had obtained), he had stated his mother’s maiden name to be “Janet”, not “Shani”. He said this was a mistake. He was asked how many times his mother had been married. He said that he did not know, but “I have step-siblings”. He did not know when his mother had broken up with General Useni (his answer to this, and many other questions, being “I can’t say” or “I can’t really tell”).
77. He was asked why he had not disclosed and produced a single photograph, video or other record, from his whole lifetime of 36 years, of his alleged mother, him together

with her, their alleged family home at “10 Commercial Road, Jos”, or any photograph of him with his alleged uncle Mr. Obasi. He said that “Uncle is not a photo person” and that he “never foresaw I’d have to prove she’s my mother.” It was put to him that not a single photograph of his alleged mother other than the one which appears on the ECOWAS document had ever been produced – at home, in hospital or anywhere else. His answer was “none was requested so none was filed”. His answer was the same in relation to questions about the absence of any photographs of General Useni. He said he could “check through the family archives” and that there might be “pictorial evidence framed in the family house”, but had not done so in the two and a half years of these proceedings.

78. He too was asked about the existence of photographs of his mother’s funeral rites and burial, at which he claimed to have been present. Although he did not mention an official photographer being murdered by a bandit, he said that “I was not required to submit any.”
79. When asked what the source of his knowledge (emphatically stated in his witness statements) was about his mother’s alleged purchase of a property in London when he would have been four years old, he said that “Uncle Marcel is best placed to explain that”. He later referred to having overheard information about his mother’s 1993 relocation plans in a conversation involving barristers in chambers in Lagos. He again deferred to “Uncle Marcel” when asked what the source was for his detailed allegations of loans of 54 million Naira from General Useni to the Respondent, or allegation that the Respondent held 18 bank accounts, or the allegations of corruption of police and NIN officials. His general answer to questions about whether he had any other evidence for the detailed and serious allegations made in his statements was “None was filed”.
80. He also claimed to have been present and overheard a telephone conversation between General Useni and his mother, on which occasion Uncle Marcel was also present. He could not give a date, year or a place for this, but thought that it might have been a “hospital scenario”.
81. He was asked about the conflicting records produced as to the place of his mother’s death. The purported death certificate filed stated this as “Hospital”. On an affidavit sworn by him in Abuja on date which is stated as “7<sup>th</sup> day of October 2024” he said that he was the son and next of kin of the late Tali Shani “..who died on 3<sup>rd</sup> October 2023 by Accident along Jos Plateau State and Abuja way”. He said that the reference to “2023” was a “typo”, but that his mother had indeed died in a car accident on the road between Jos and Abuja. He explained the death certificate as meaning that “only a medical doctor can certify a person’s death”, suggesting that his mother’s body was brought to the hospital from the scene of the accident.
82. When asked (by me) how this tragic accident happened, and why his mother – who had been said to be seriously ill, under constant medical supervision for leukaemia in Lagos, and immobile – was in a car on a road to Abuja at this time, he said that he thought the car was a “hire car”; that he did not know who was driving it; that his mother was on her way to obtain a passport; and that “I was privy to the trip” – but

not, apparently, in the car with her at the time.

83. He denied that the address “10 Commercial Road, Jos” was “fake”, saying that “the fact they don’t have it on record doesn’t mean it’s fake”, but accepted that he had not produced a single photograph, GPS location or other evidence to prove the simple fact that his alleged childhood and family home was real.
84. When I asked him whether the three witness statements filed in his name were genuinely in all his own words, he said that all of them were, and that he had written them out by hand, for them then to be typed. I asked him if he knew the meaning of the word “discountenanced”. He did not.

### **Documentary and other evidence of Applicant**

85. Although the above witnesses were the only live witnesses on behalf of the Applicant, Mr. Efemuai (who appeared at the final day of the hearing to make submissions; Mr. Badejo apparently no longer being instructed) also asked me to take into account the statement of case and witness statements of the alleged Applicant Tali Shani, as well as the various documents and exhibits filed. I have done so, and note the following from those statements and documents.
86. First, the only reference in the Statement of Case to the alleged purchase of property in 1993 is at paragraph X: “**..I am a very senior citizen and acquired the property in my hey days**”. Nothing was said about the reason for the purchase, the price, or about any other person being involved. There was no mention, for example, of General Useni. Nor did she exhibit, or later disclose, a single document connecting her to the property, its purchase or subsequent renting and management.
87. Second, in what were described as her “second” and “third” witness statements, but were in fact her first and second (the previous statement being the statement of case), she again said virtually nothing about the 1993 purchase, but sought principally to argue against the Respondent’s case. It was to the first statement that the first “ECOWAS” travel document was exhibited (extract below). The second statement (of 25<sup>th</sup> September 2023) also attached this, but now also exhibited and so positively adopted what it referred to as the “updating witness statement” purporting to be from General Useni which had been unilaterally emailed to the Tribunal from the Yahoo email address. Her final statement of 8<sup>th</sup> September 2024 exhibited the mobile phone bill, and the NIN document which had at that point been obtained (also below), as described above.

ECOWAS-CEDEAO

Full Name: SHANI  
Nom et Prénoms: TALI

Nationality: NIGERIAN  
Nationalité: NIGERIAN

Place and date of birth: JOS  
Lieu et date de naissance: 28.12.1944

Profession: TRADER

Sex: FEMALE  
Sexe: FEMALE

Home Address: NO 10 COMMERCIAL  
Adresse au Pays de résidence: ROAD JOS PLATEAU STATE

DESCRIPTION: SIGNALMENT:

Height: DATEK Complexion: DATEK  
Taille: DATEK Teint: DATEK

Colour of eyes: BROWN  
Couleur de yeux: BROWN

Colour of hair: BLACK  
Couleur de cheveux: BLACK

Distinguishing Marks: ---  
Signes Particuliers: ---



Signature or Finger Print of Holder:  
Signature ou empreinte digitale: [Signature]


232 / 435362 120 22

This document contains thirty-three (33) pages  
Ce document contient trente-trois (33) pages





CERTIFIED TRUE COPY

ECOWAS travel document

 **National Identity Management System**   
Federal Republic of Nigeria  
National Identification Number Slip (NINS)

Tracking ID: IRHJUNOV80ZCAQL	Surname: SHANI	Address: 10 COMMERCIAL ROAD  JOS Plateau	
NIN: 86485682135	First Name: TALI		
	Middle Name: Gender: F		

**Note:** The **National Identification Number (NIN)** is your identity. It is confidential and may only be released for legitimate transactions.  
You will be notified when your National Identity Card is ready (for any enquiries please contact)

 helpdesk@nimc.gov.ng	 www.nimc.gov.ng	 0700-CALL-NIMC (0700-2255-646)	 <b>National Identity Management Commission</b> 11, Sokode Crescent, Off Daleba Street, Zone 5 Wuse, Abuja Nigeria
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NIN slip

88. Another exhibit relied upon were the purported “sworn affidavit of birth” of Tali Shani dated 27<sup>th</sup> August 2024, deposing that at the time of her birth there was no registration and that she was the “above-named person whose passport photograph appears herein” (despite it being accepted that she had no passport) – an extract of this is below.

ADIO TALI  
COMPTROLLER  
LAGOS  
1980

IN THE HIGH COURT OF LAGOS STATE.  
IN THE LAGOS JUDICIAL DIVISION  
HOLDEN AT LAGOS.

**SWORN AFFIDAVIT OF BIRTH**

I, **SHANI TALI**, Adult, Female, Christian, Nigeria Citizen of No. 10,  
Commercial Road, Jos, Plateau State, Nigeria do hereby solemnly declare as  
follow:

1. That I am the above-named person whose passport photograph appears  
herein.
2. That to the best of my knowledge and what my parent told me which I  
verily believe to be true and correct, I was born on the 23<sup>rd</sup> day of  
December, 1944 in Jos, Plateau State.



89. Finally, to complete the picture(s), attached below is the purported “obituary notice” exhibited to the statement of Mr. Obasi. This referred to the “families of late PA Pam Shani”, to the deceased being a “daughter, sister, mother, grandmother”, to “family rites” being held at the “family residence Brains and Hammers City Life Camp Abuja” (which I note is the home address given by Mr. Obasi in his witness statement) and to “Social and Traditional cultural dance” being held at “Late PA Pam Shani’s Compound” at an address (not “10 Commercial Road”) in Jos, Plateau State. A “Thanksgiving Service” was advertised for “Sunday 30<sup>th</sup> November 2024”, although that date was in fact a Saturday (the Sunday then being 1<sup>st</sup> November). As already stated, Mr. Obasi said that no photographic evidence of these events existed. Nor did any witness give any evidence as to a “Pam Shani” or any other relations – such as sisters or grandchildren – of the deceased.



**Celebration of *Exhibit A703* Life**

With gratitude to God for a life well spent; the families of Late PA Pam Shani announce the passing unto Glory of our Daughter, Sister, Mother and Grandmother, Late Ms Tali Shani who passed on the 3rd October 2024.

Born 23rd DECEMBER 1944  
&  
Passed on 3rd October 2024.



**LATE MS TALI SHANI**

**Aged: 79 Yrs.**

**Funeral Arrangement**

Thursday 28th November 2024.  
Family Rites at the Family Residence Brains and Mammars City Life Camp Abuja.  
House No: A94 C4 20 David Iyemogan Close.

Friday 29th November 2024.  
Social and Traditional cultural Dance of  
Late PA Pam Shani's Compound in Babur Lantang L.G.A Jos Plateau State.

**Sunday 30th November 2024.  
Thanksgiving Service.**

**May her Soul rest in peace Amen.** Page 66

## The Respondent and his further witnesses

### i) Mr. Festus Esangbedo

90. Mr. Esangbedo is the Head of the Legal, Regulatory and Compliance Services Department at the National Identity Management Commission in Abuja. He provided a witness statement, and gave oral evidence, as follows:-

i) acting in response to an allegation made by the Respondent that the NIN slip produced by the alleged Applicant “Tali Shani” was “fake, fraudulent and not authorized by the Commission”, he initiated an investigation and inquiry.

ii) their initial findings were that while a NIN number had been obtained, with a “date of enrolment” of 23<sup>rd</sup> June 2024, “the picture attached to the NIN has some distinct

irregularities and does not comply with ICAO standards”. This NIN was then “suspended” pending further investigation.

iii) upon that further investigation, they concluded that the NIN had been obtained by “irregular means”, so the already suspended NIN was then removed from the system.

iv) the specific irregularities detected were that:

a) the NIN had been applied for and initially registered not in person, but remotely via an office located in Monaco.

b) the application (and so the initial NIN) had no fingerprints attached to it, as is mandatory, because:

“The unknown agents who created this NIN had fraudulently made use of the “amputee” provisions of the NIMC to register Ms. Tali Shani”

c) The picture attached was not in compliance with ICAO standards, which would not be the case if the bearer had applied in person (and so been photographed at the application centre).

91. In in oral evidence, cross-examined by Mr. Badejo, he gave further detail about the internal operations of the NIMC as between its Identity and Legal departments. He had personally investigated the material held on the computer by the Identity department before completing his investigations and internal report. He explained that the photograph was not what is known as a “live document”, but had simply been affixed to the form. He explained that while most NIN applications must be made in person, some “front end partners” have special licences to file them remotely, but that for this to have been done from Monaco, such a licence must have been stolen. He said that it was a frequent problem that “corrupt Nigerians” paid these front end partners to help them obtain false identities, and that the abuse of the “amputee” exception for this purpose (to bypass the fingerprint requirement) was unfortunately also common.

92. It was not, I noted, put to him by Mr. Badejo that he was lying, or had been corrupted, bribed or suborned by the Respondent into giving this evidence, or that he was not authorised by the NIMC to give this evidence (as the witness statements of Mr. Damola and Mr. Obasi had asserted). The most that was put to him was that:-

i) he had not disclosed the internal records on which he had based his conclusions; which he said that he could do not without a court order being made.

ii) he had announced the outcome of his investigations to the Respondent by letter of 5<sup>th</sup> November 2024, which was slightly in advance of the date he gave for the final decision being taken to cancel this NIN (in either December 2024 or January 2025); which he accepted.

## **ii) Superintendent Ibrahim Sini**

93. Mr. Sini is a Superintendent for the Force Intelligence Department of the Nigeria Police Force, based in Abuja. Also acting in response to a complaint and request from the Respondent, his department had carried out investigations into the alleged forgery of the NIN and the “9 Mobile” utility bill stated to be that of Tali Shani at 10 Commercial Road, Jos. On the NIN issue he had relied on the investigations then later conclusions of the NIMC as described above in the evidence of Mr. Esangbedo.
94. As to the mobile phone bill, following further enquiries with the telephone company and by his own department, they and he concluded as follows:
- i) that the stated billing address of “10 Commercial Road, Jos, Plateau State” does not exist.
  - ii) that the mobile phone statement provided, with contract number 12010440084 was in fact a postpaid user account in the name of Mohammed Edewor. He is, it will be recalled, the Lagos solicitor to whom Mr. Efemuai has referred as his “instructing solicitor” and at whose offices he said he met his client in August 2024.
95. He was cross-examined relatively briefly by Mr. Badejo. Again, it was not put to him – as had been vehemently asserted in the statements of Messrs. Damola and Obasi – that he was lying, or had been bribed or corrupted by the Respondent, or that he was not authorised to give this evidence on behalf of the police force. He accepted that he had not disclosed and produced the entire case file when providing his evidence, but said that this was standard practice, and that copies of any file could be obtained once it had become a public record. He was briefly also asked about the sequence of letters, relative to his final conclusions.
96. On the Jos address, he was asked for the source of this conclusion. As well as the response provided by the Jos Metropolitan Development Board, he had also contacted State Intelligence in Jos, who know “every nook and cranny” of that area. They had gone there physically, and reported back to him that this address simply did not exist. He was asked why he had not disclosed the entire case file or all the evidence, and explained again that it was not standard practice to do this. He had provided a summary of their conclusions. It was suggested to him that the conclusion that the address did not exist was “wild” and unsupported by evidence, but no specific positive evidence of its existence was put to him in this regard.

## **iii) the Respondent: Chief Mike Ozekhome**

97. The Respondent is a Senior Advocate (the equivalent of King’s Counsel) in Nigeria, and practises from his own chambers in Abuja. He referred to himself more than once (as did Mr. Tali Shani) as a busy, successful and well-paid (“big time”) lawyer, which I have no doubt he is. He provided a large number of witness statements (eight in total), documents and submissions in the course of this case. As an experienced advocate, he is doubtless well aware of the difference between evidence, commentary and submissions. The majority of the material provided by him in this case fell into the

last two categories. He particularly sought, eloquently and often at great length, to lay out the evidence and arguments which he said exposed the Applicant “Tali Shani” and “her” associates as a sham and fraud.

98. Once one steps back from that material, and considers the Respondent’s own direct personal knowledge of relevant matters relating to this property, this only commences in 2019. That is, he confirmed, when he was first introduced to Mr. Tali Shani – he thought in about January of that year. He did not therefore know him in 1993, or at any time before January 2019. He could not therefore have any direct knowledge of the circumstances of the purchase of this property, or its management prior to 2019. He had, however, known the late General Useni for over 20 years prior to his death, as both his lawyer and friend.
99. He said that he was introduced to Mr. Shani in 2019, who told him that he was from a wealthy family, who owned “large estates” where they had farmed cattle, groundnuts and mangoes. The Respondent said that he then “handled several [legal] matters” for Mr. Shani, including winning “several” cases for him. The services he provided included advices, written work and court appearances. He said that Mr. Shani was a “big property guy” and a commercial dealer, so there was a lot of work. He accepted that he had not disclosed and produced evidence of this work, but said that this was protected by client privilege and confidentiality.
100. This was the backdrop to a detailed cross-examination of him by Mr. Badejo on the consideration for the 2019 and 2020 powers of attorney, then the 2021 transfer itself. Similar questions as had been asked of Mr. Shani were put to the Respondent, particularly on whether any money had actually changed hands; and if so, how much. It will be recalled that the second power of attorney had referred to consideration of 100 million Naira. Mr. Shani had also given oral evidence that a property had been given to him, and appeared to say (at least at one point) that he had received money.
101. The Respondent’s evidence on these matters, as I recorded it, was as follows:-
- i) the transfer of the property by Mr. Shani was a “gift”, and “out of gratitude”, for the “many legal services” the Respondent had given him, and also their personal relationship as it had developed in those two years.
  - ii) the Respondent said that Mr. Shani felt “beholden to me”, and even that “he sees me as a father”.
  - iii) he said that, contrary to the figure of £500,000 mentioned in Mr. Shani’s statement, he had not paid that or any sum in cash to Mr. Shani. Rather, the transfer – although said to be a gift – was in recognition that the “legal services” provided by the Respondent to Mr. Shani were of that value, or in fact worth even *more* than that. He said that Mr. Shani “could not hire a big time lawyer like me” (Mr. Shani had previously said in oral evidence “Honestly, I cannot afford his services”), so a gift of this property was a way of expressing his “gratitude”.
  - iv) he said that Mr. Shani had not been accurate when he said that the Respondent “gave” him a property in Jos, but that this was in fact a property which the Respondent

“won” for him in a case.

v) he denied that the statement in box 8 of the 2021 TR1 form, stating that “the transfer is not for money or anything that has a monetary value”, was false. It was in fact “very correct”.

102. Some of the cross-examination of the Respondent was, although I did not stop it, really just submission by other means, asking the Respondent to comment on the previous oral evidence given by Tali Shani and General Useni. It was, however, finally put to him that the 2021 transfer to him was some sort of “deal” between him and General Useni, carried out because the general owed him money, possibly in relation to the latter’s unsuccessful governorship election campaign in 2018. It was put to him that General Useni had seemed to accept in oral evidence that he owed the Respondent money, saying “I don’t know how much I owe him.”. The Respondent said that while the general had previously owed him money, he had “finished paying” and “didn’t owe me one dime”. He angrily denied (“Never!”) that this transfer was a vehicle for or means of repayment of a debt, using someone pretending to be “Tali Shani” for that purpose.

103. Much of the Respondent’s written evidence had been about the very recent management of the property, and in particular his dispute over its management (and collection of rents) with one Nicholas Ekhorutowen, who provided no evidence in this case. The Respondent confirmed in oral evidence that it was upon the execution of the powers of attorney that he came into possession of the various pre-registration title and conveyancing documents which formed part of his disclosure. These had been handed over to him by the next witness who gave evidence, Mr. Akeem Johnson.

#### **iv) Akeem Johnson**

104. Mr. Johnson is a property and lettings agent based in London. As I understand it, he operates on his own account, not as part of a company or firm. In his witness statement his evidence was that he was directly employed by General Jeremiah Useni – not Mr. Tali Shani – to manage the property between 2011 and 2019. He referred only to his “relationship” with General Useni, who “employed my services”.

105. He said in his statement that “Mr. Tali Shani had appointed General Useni as manager of the property” but that General Useni had in turn employed him. He referred to General Useni as acting under the “instructions” of General Useni, but did not suggest that he himself had ever met, dealt with or taken instructions from anyone other than General Useni. He did not say in his statement that he had ever met, spoken to or heard from Mr. Shani. In his oral evidence, for the first time in these proceedings, he claimed that he had once been present at a meeting with General Useni when Mr. Tali Shani was “on the phone”. Neither Mr. Shani nor General Useni had mentioned any such telephone call in their evidence.

106. He confirmed that it had been General Useni who handed him, as agent, the various pre-registration title documents, which he would later hand to the Respondent in June 2019. He confirmed that he paid the net rent from the letting of the property to General Useni. He had also drafted and served the section 21 Housing Act 1988 notice

of 30<sup>th</sup> September 2019 on the tenants of the property. This named the “landlord” (as had the tenancy agreement of 24<sup>th</sup> April 2018) as “Jeremiah Useni”. The section 21 notice also gave the address of the landlord Jeremiah Useni as “Flat 213 Quadrangle Tower Cambridge Square London W2 2PJ”.

107. He said that his reference in the covering letter accompanying the notice to the property being “sold to another landlord” was what General Useni had told him. He had been given to understand that the Respondent would now be in charge of the property. He exhibited a letter of 3<sup>rd</sup> June 2019, purporting to be from and signed by General Useni (but not from any stated address), stating:

“Further to my retirement from business activities especially as it has to do with dealings overseas, I wish to inform you that I have stepped down from my role as caretaker and manager of the above captioned property which I was handling on behalf of Mr. Tali Shani and one Chief Mike Ozekhome has been appointed to manage the property going forward.”

**v) Osilama Ozekhome**

108. The final witness was Mr. Osilama Ozekhome (b. 1996), who is the Respondent’s son, and himself now a qualified barrister in Nigeria, having studied at university in the UK. Given his relatively young age, he was not able to give direct evidence on the purchase of the property or anything apart from the most recent events. He said that he was privy to his father’s business transactions, and had also assisted in legal work for Tali Shani. He too was questioned about the consideration for the powers of attorney and transfer. He confirmed his father’s explanation that the transfer was a gift in recognition of legal services provided to Mr. Shani. He also said that 100 million Naira had been paid to Mr. Shani, but that this too was a gift, and in fact pre-dated the 2020 Power of Attorney which referred to it as “consideration... duly paid”, which words he described as mere “legalese”.

109. He also exhibited some July and August 2021 text message exchanges between him and Mr. Nicholas Ekhurutowen, and was asked about these. They began with him thanking Mr. Ekhurutowen for his work on seeking to “evict the Randall tenants”, then stated that he had “taken over handling all of Chief’s properties for now”. After some chasing for a response, Mr. Ekhurutowen then replied that:

“I am told that the general has already told your dad about what happened and is making arrangements to refund his money to him.”

There then followed a series of increasingly heated exchanges referring to an apparent “sale” to a “purported new owner”.

Mr. Ozekhome said in his oral evidence that while he believed that General Useni had once owed money to his dad, this had been “fully paid”.

## Documentary evidence from Respondent

110. The final item of evidence to which I shall refer is a document which was tucked away in the final five pages of the hearing bundle, having previously been disclosed by the Respondent along with the various pre-registration documents referred to above. It is headed “213 Quadrangle”, and is clearly a schedule of monies received, and paid out, on behalf of a client. Its contents suggest that it comes from a letting or property agent.
111. The schedule covers the period from 19/09/2001 to 18/05/2004. It shows, in Debit, Credit and Balance columns, monies going in and out in relation to two properties: the property with this case is concerned (79 Randall Avenue) and “213 Quadrangle”. The rental income from Randall Avenue, generally £996 per month, is the only recurring item in the Credit column. The “Debits” include “Estate Agents Commission” and some maintenance items for Randall Avenue, but consist chiefly of rent, utilities, Council Tax and even the television licence for 213 Quadrangle. The credits were clearly being used to service the debits, in a single account.
112. I have already noted that the address given for Jeremiah Useni as landlord on the section 21 notice served on his behalf on 30<sup>th</sup> September 2019 was Flat 213, Quadrangle Tower, London W2 2PJ. I asked both Akeem Johnson and the Respondent whether they knew anything about this property, and they both said no.

## ANALYSIS AND FINDINGS

113. As stated at the outset, there are two issues to be determined:
- i) should the Applicant’s case be struck out?; and
  - ii) even if it is, should I direct the Chief Land Registrar to give effect to the Respondent’s application to register the 2021 transfer?
114. The Tribunal’s power to give a direction to the Chief Land Registrar under rule 40(2) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013 is a discretionary one, to be exercised following the making of a decision in a referred matter:
- “(2) Where the Tribunal has made a decision, that decision **may** [emphasis added] include a direction to the registrar to—
- (a) give effect to the original application in whole or in part as if the objection to that original application had not been made; or
  - (b) cancel the original application in whole or in part.”

115. Further, subject to limited exceptions which do not apply in this case, section 73(1) Land Registration Act 2002 provides that “..anyone may object to an application to the registrar”. There is no general requirement of standing. Although it would be unusual, a complete stranger, or ‘man in the street’, could in theory object to an application to register a transfer; without having to establish that they (rather than the applicant for registration) were entitled to the property.
116. In this case, someone - purporting to be “Ms. Tali Shani” - did object, through solicitors, to the Respondent’s application. The particular reason for the objection was, it is true, that “she” claimed herself to be the genuine registered proprietor Tali Shani. The Land Registry, being unable to dismiss the objection as groundless on paper, then referred the matter to this Tribunal.
117. But however the reference arises procedurally, once referred this Tribunal’s jurisdiction over the “matter” “..includes the determination of the underlying merits of the claim that have provoked the making of the application” (per Rimer LJ in *Silkstone v. Tatnall* [2011] EWCA Civ. 1801, paragraph 48). This means, as former Principal Judge Cooke observed in her first instance decision in *Stapleford Frog Island (Rainham) Ltd. v. Port of London Authority* [2016] UKFTT 0633 (PC) (subsequently upheld on appeal), at paragraph 47, that “..the Tribunal is to get to the bottom of the application and objection, to put it colloquially [referring also to *Jayasinghe v. Liyanage* [2010] EWHC 265 (Ch.)]”
118. So it is *not* enough for the Respondent to succeed in this matter simply to establish that the Applicant is a “fake” or “phantom” creation, who never existed or (therefore) died; and to have her proceedings and case struck out for that reason. If he succeeds in that application, it does not follow that he must automatically succeed ‘by default’ overall just because the case of the original and only objector has been struck out. The Tribunal must still, even in that case, go on to consider whether it should exercise its discretionary power to direct the Chief Land Registrar to give effect to the registration application.
119. If, in addition to the basis of the original objection, evidence and circumstances emerge in the course of the trial of the referred “matter” which give rise to a legitimate question over whether the transfer in question should be registered in any event, the Tribunal cannot therefore just ignore them and ‘wave the transfer through’. It has to consider the evidence and submissions on those issues before exercising its discretion to direct the Chief Land Registrar.
120. Such a further question clearly arises from the evidence in this case as it has emerged. It is whether – regardless of whether the Applicant “Ms. Tali Shani” exists and purchased this property in 1993 – the Mr. Tali Shani who executed the 2021 transfer to the Respondent, and gave evidence before me, was himself that 1993 purchaser.
121. If he was not, then by basic principles of land registration and *nemo dat quod non habet*, his purported transfer to the Respondent was void and of no effect, and should not be registered.



I shall therefore consider each of these issues in turn, before deciding what direction to make to the Chief Land Registrar.

## **I. Identity of Applicant, and Respondent's application to strike out**

### **Conclusion: summary**

122. It gives me little satisfaction to say so, but this was a relatively straightforward issue to resolve, and the easier of the two.
123. In short, I believe barely a word of the documentary and oral evidence which has been put forward on behalf of the alleged Applicant. I do not accept that "she" was ever a real living person. I do not accept that "she" therefore died, whether in hospital or in a mysterious car accident on the road to Abuja. I certainly do not accept that "she" purchased this property in London in 1993 in her "hey days".
124. Nor do I accept that Mr. Ayodele Damola is "her" son, or that Mr. Anukwe Obasi is "her" cousin. I will come in more detail below to the evidence of these witnesses, which – save possibly for their own names – I reject virtually in its entirety.
125. I find that a large number of documents in this case have been produced or procured by forgery or deception, including:-
- all "identity" documents put forward on behalf of the Applicant.
  - the Statement of Case and all witness statements said to be made by her.
  - a plainly fake and fraudulent witness statement, purporting to have been made by General Useni emailed by him directly to the Tribunal.
  - letters and other communications from alleged doctors at a hospital in Lagos where it was claimed the Applicant was being treated, and from where it was claimed she was about to give video evidence.
  - her alleged death certificate.
  - even the supposed notice of her funeral and burial rites produced by Mr. Obasi.
126. It is not possible or necessary for me to make definitive findings on *who* was ultimately behind the above matters, or precisely how each forgery or fraud was committed. The Respondent clearly wished to point the finger of suspicion at Mr. Nicholas Ekhurutowen, with whom he is clearly in a bitter dispute over the receipt of rents from the property, but from whom I heard no evidence in this case. Other circumstances in the case point towards the "instructing solicitors" of Efewor & Co. in Lagos, from whom again I have heard no direct evidence. I am quite sure that the witnesses Mr. Damola and Mr. Obasi are complicit in this attempted fraud, but that neither of them had the intelligence, vocabulary or linguistic skill either to mastermind it or author most of the relevant documents, including what purported to be their own witness statements.
127. The most disappointing and disturbing aspect of my findings in this regard is the conduct and evidence of Mr. Kingsley Efemuai, a solicitor in England and Wales

and an officer of the court. It is not possible, on such material as I have before me, to find that he has acted dishonestly and is actively complicit in what appears to be a calculated attempted fraud orchestrated by others.

128. At the very least, however, he is guilty of the most astonishing complacency and credulity in his conduct of these proceedings, particularly in his continued acceptance of instructions from Efewor & Co. and Mr. Damola, and his account of his August 2024 visit to Nigeria. I shall return to his evidence below.

129. Some of the evidence which I have summarised above virtually speaks for itself, and hardly requires further analysis and comment. At times, the evidence and explanations for events being put forward were so preposterous that, had this not been such a serious matter, they would have had significant comic value.

### **Absence of Applicant, credible evidence and credibility**

130. The case of the “Applicant” suffers from three fatal ‘absences’ – of the “Applicant” herself; of the corroborating documents and evidence one would have expected to rebut the allegations of fraud and impersonation; and of authenticity and credibility in such evidence and documents as were put forward.

131. It is very striking, in a case of this nature, for the legal representatives of a party to the proceedings never to have met her face to face prior to trial; or for her never to have set foot in the UK during that time. On “her” case, as later developed by others, “she” was an internationally successful businesswoman, who spoke 9 languages, and purchased a property in London in her “hey days” in 1993. “Her” case was that she was the victim of an outrageous plot to steal that property. The response to that allegation was, from the outset, that “she” did not exist.

132. That being so, one might have expected “her”, and English solicitors apparently instructed by “her”, to be ‘busting a gut’ to refute such a damning allegation. It is, one would have thought, a fairly simple matter to prove one’s own existence. Likewise, one might have expected an English solicitor to be indignant at an allegation that his client did not exist, and assiduous in his efforts to prove otherwise.

133. The allegation could easily have been refuted and dealt with at any time during the course of proceedings. Her solicitors could have sought determination of that as a preliminary issue, if necessary by video link at which she could have appeared. Those solicitors could have sought permission e.g. to take a filmed deposition from her. For their own satisfaction, and then to satisfy the Tribunal, they could have insisted on a face-to-face meeting, either in the UK or Nigeria; then voluntarily filed a witness statement (with an attendance note exhibited if necessary). They could have carried out their own researches, with her or any persons purporting to “instruct” them, as to the alleged Applicant’s address.

134. None of these things were done. Instead, and only to comply with order which the Tribunal had to make, the only identity document which was initially filed was the

ECOWAS travel certificate. This does not have the status of either an authenticated birth certificate or a properly issued passport. It is not a “biometric” document. It simply had a photograph of a woman attached to it, and a name and address written on it.

135. I am entirely satisfied, without having to receive expert evidence on such a matter, that such a document can relatively easily be obtained by false means; and was in this case. This is for two reasons.

136. First, as already stated, and despite the apparent enthusiasm of both parties in this case for “notarized” documents, to say that this ECOWAS certificate was “notarized” meant nothing more than that a notary had been shown an original and a copy of it, and ask to certify that the copy was a true copy. As an exercise in authentication of the document, that is virtually worthless.

137. Second, I am entirely satisfied by the evidence of Superintendent Sini that the purported address on this document - “10 Commercial Road, Jos, Plateau State” – does not exist as an address. He explained the steps he was able to take, as a police officer, to establish that fact; but if any public official had been required to authenticate such an address as a condition of issuing an ECOWAS certificate, they would have reached the same conclusion. They would have noted that no such address can be identified even from basic searches on “Google Maps” and the like. They would surely have required clear and affirmative proof of its existence, not just from purported bills or invoices, but a positive identification of the location of the property, by photographic or GPS ‘pin’ evidence.

138. As I have already observed, no evidence of that sort was produced in the near two and a half year history of this case, let alone at the date of application for the ECOWAS certificate. It is, again, a clear and stark issue. It was being said that what was claimed to be someone’s lifelong family home simply did not exist. One would think that such a party and their “family”, faced with such a shocking and insulting allegation, would again be ‘busting a gut’ to refute it – for example, with a brief video, filmed on a mobile phone or similar device, of that party walking up to her front door; or an invitation actually to meet the opposing party at that property. Even a photograph, whether from the alleged “family archive” or otherwise, might have assisted. It goes without saying that nothing of the sort was attempted or provided in this case.

139. Despite this, Mr. Efemuai pronounced himself satisfied simply with the ECOWAS certificate as a means of identification, provided by his “instructing solicitors” in Nigeria; an address which he never independently checked; then with a telephone number – again provided by those Nigerian solicitors – on which he claimed he spoke to his alleged client. I have already noted that he made no attendance note of any such conversation, and was unable to give any details as to its contents.

140. Although I have my doubts, I am prepared to give Mr. Efemuai the benefit of those doubts and accept that he did telephone this number, and was presented with a woman to whom he then spoke. The origin and provenance of that phone number was, however, also clearly established by the evidence of Superintendent Sini. It was a

mobile telephone contract registered in the name of Mohammed Edewor, Mr. Efemuai's "instructing solicitor" in Lagos. Mr. Efemuai appeared to confirm in evidence (or certainly in his final submissions) that this was the number he was given to call. Since the contract was registered in the name of Mr. Edewor, the only reasonable conclusion is that the copy of the bill which was later produced as evidence of identity had been tampered with and so essentially fabricated, by the superimposition on it of "Ms. Tali Shani" and the fake address of "10 Commercial Road" on its top left corner. I reject the elaborate and (frankly) absurd argument later set out in a purported witness statement of Ayodele Damola that it is in some way common practice for Nigerian lawyers to obtain mobile telephone contracts on behalf of their clients. Whoever the woman was to whom Mr. Efemuai spoke, it was not a real "Ms. Tali Shani".

141. So the Applicant's representatives' knowledge of their "client" prior to the trial in June 2024 was based on no more than an ECOWAS travel document which neither they nor anyone else had taken any steps independently to verify, and a telephone call to a woman on a number provided by a Nigerian solicitor, which number was in fact his.

142. I have already summarised the circumstances and chronology of the "Applicant" 's non-appearance at that trial. It had, for some time, been listed as a face-to-face hearing, precisely because identity was the issue in the case. The parties, since they were arguing about a London property, had been directed to come to the Tribunal in London so that they, and their evidence, could be seen and heard.

143. The Applicant's solicitors did not, as one might have expected if their case was that their client was elderly, in poor health and unable to travel, take the initiative at an early stage and press for permission for her to give evidence remotely by video. Again, I observe that if she and they were genuinely keen for her evidence to be seen and heard, and for the shocking allegation that she did not even exist to be refuted, they would have been far more assiduous in their efforts. Instead, the possibility that "she" might not be attending the hearing on 11<sup>th</sup> June was raised for the very first time by counsel, Mr. Badejo, at the audio pre-trial review on 4<sup>th</sup> June 2024. To be fair, the Respondent also then first intimated that he and his key witnesses might not be attending. I referred to this news as the "...frankly, astonishing revelation from both sides that the key witnesses in this matter -the Applicant Tali Shani, General Useni and the Respondent's witness also known as Tali Shani – may not now be attending the hearing in person, despite it having specifically been directed and listed on the basis that they would."

I therefore directed that any applications for permission to give evidence remotely be made immediately, accompanied by evidence (including medical evidence if necessary).

144. As described above, when the "Applicant" eventually made an application by her counsel to give evidence by video, with evidence from her "doctor" stating that the necessary facility would be set up, "she" then failed to appear at the scheduled time. This came as a surprise to her representatives, as did the "chat" message on the CVP

link from “Dr. Osa” claiming that “Ms. Tali Shani” had been taken into surgery, and would not now be available for precisely two weeks. Mr. Damola could not assist or clarify what was happening, because – contrary to the clear impression given when the application was made – he was not in fact at his mother’s bedside caring for her in a hospital in Lagos, but was in Abuja on a separate video link, over 400 miles away.

145. While the Respondent and some of his witnesses at court found all of this highly amusing, I found it deeply suspicious and unsatisfactory. Mr. Badejo, counsel, declared himself to be potentially professionally embarrassed. I adjourned the hearing, for the combination of reasons described earlier.
146. This, then, was the backdrop to both:-
- i) my order of 14<sup>th</sup> August 2024, directing that the Applicant file medical evidence as to her alleged unfitness to attend; and
  - ii) Mr. Efemuai’s apparent visit to Nigeria in “August 2024” to seize a “golden opportunity” finally to meet his client for the first time.
147. That second point bears repeating, in the light of what I considered to be Mr. Efemuai’s astonishingly complacent and thin evidence on this visit, summarised above. A trial had been adjourned, in hugely embarrassing and suspicious circumstances. A solicitor of the roll was keenly aware, in proceedings which had by then lasted for over a year, that the identity and very existence of his supposed client was hotly disputed, even more so following her suspicious failure to appear at trial. If he was indeed now going to Nigeria to meet his client, it was indeed a “golden opportunity”, afforded by the adjournment, to put this issue to rest once and for all.
148. Mr. Efemuai singularly failed to grasp that opportunity. He took no attendance note or other record of the visit. He was not even able to name its exact date. He said that he met a woman at the offices of Edewor & Co., but simply “greeted her politely” and did not ask her any significant questions – about the case, her identity, her evidence (or lack of it), her health or her prognosis. He did not – as he could very easily have done – take a single photograph or video of his supposed client, or of him pictured with that client. He did not seek to gather further evidence from her – for example, by a video recorded interview or similar. He thought that to do so would be “disrespectful” to his hosts. He then left, without more.
149. I found this evidence, as I have said, disappointing and disturbing. It is very far from what I would expect from a conscientious solicitor keen to refute the serious allegation that he acted for a non-existent client. It savours far more, I am afraid, of a willingness to turn a blind eye, and to accept unquestioningly the word and continued instructions of Edewor & Co., without verifying the position for himself.
150. Despite some doubts, I am again willing to give Mr. Efemuai the benefit of them, and accept that he was briefly presented with an elderly woman as his alleged client at such a meeting. I have no doubts, however, that the real name of this woman – whoever she was - was not “Tali Shani”, and that she was not the owner of a London

property purchased in her “hey days” in 1993.

151. This conclusion is fortified by my appraisal of:-

i) the further evidence purportedly filed by the Applicant on 8<sup>th</sup> September 2024 (summarised at paragraphs 49 and 50 above); and

ii) the evidence of “her” alleged death and funeral.

152. As to the former, I have already stated my conclusion on the “9 mobile” telephone bill offered as further evidence of identity. I consider that the supposed “affidavit of birth” of 27<sup>th</sup> August 2024, using the same photograph as on the forged ECOWAS document, is likewise a poor forgery. I consider that the further “medical evidence” – now revealing for the first time the disturbing news that the Applicant was “receiving intensive treatment for leukaemia”, when previously she had just suffered from a “chest infection”, or perhaps “palpitations and high blood pressure” – was in the same category.

153. If there is a genuine “Dr. Johnson Osa” from a hospital at this address, who nevertheless uses a Yahoo internet email address for his professional correspondence, issues medical updates via the chat function on a video hearing, and who has medical records for his apparently extensive treatment of the Applicant, no doubt he will emerge with evidence to angrily rebut this aspersion on his integrity (and existence). I do not expect him to do so.

154. On the NIN application, I unhesitatingly accept the evidence of Mr. Festus Esangbedo. He was a careful, meticulous and entirely honest witness, and gave evidence of the processes he and his colleagues followed to investigate this matter. It is irrelevant that the prompt for this investigation was the Respondent. As it transpires, he had good reason to prompt it. I am entirely satisfied that, for the reasons Mr. Esangbedo stated, this application was made fraudulently, online, via a proxy in Monaco. It is another darkly comic detail that the fraudster relied on the “amputee” exception to justify the lack of fingerprints. This was not one of the many various ailments previously attributed to the Applicant. I reject the evidence of Mr. Damola and Mr. Obasi that “Ms Tali Shani” miraculously - or as Mr. Efemuai (with no obvious embarrassment) put it, “against all odds” - left her hospital bed in Lagos, flew to Abuja, and was driven to a NIN processing centre there where she made the application in person. The NIN slip which was received while the application was pending used, once again, the same photograph of a woman as had appeared on the ECOWAS card and the affidavit.

155. As to the alleged death of “Tali Shani”, I do not know (and do not need to find) precisely *how* Mr. Damola was able to obtain an apparent death certificate for Ms. Tali Shani, but I have no doubt that this was a) done fraudulently b) unaccompanied by any verified or concrete evidence as to her apparent death and c) not subject to any independent process of scrutiny when issued. The same applies to the court order from Nasarawa State appointing Mr. Damola as a personal representative, which was simply based on the fraudulently obtained death certificate and Mr. Damola’s false

declaration, not on any independent assessment.

156. On this as on virtually all other points, I found the evidence of Mr. Damola wholly unconvincing, dishonest and at times (I am afraid) almost comical in its lack of sincerity or substance. In his demeanour, while one does not always expect floods of tears from a bereaved witness, he seemed remarkably unmoved and matter-of-fact about the recent tragic death of his mother. He could not even get his own story straight about how or where she actually died. He was remarkably vague about the details of the “car accident” on the way to Abuja, why she was in a car there, with whom, how his mother had once again miraculously risen from her hospital bed in Lagos to fly to Abuja and book a “hire car”, and why he was not also in the car despite being “privy” to this “trip”.
157. He seemed remarkably untroubled by the allegation that his family and childhood home in Jos did not actually exist. Far from angrily seeking to refute such an allegation by producing just one photograph or video, he took refuge in the excuse that he had not been asked to file any, so had not done so.
158. Not just because of his obvious unfamiliarity with their vocabulary and contents, I have no doubt that he was not the author of the various witness statements bearing his name. When asked any meaningful question about evidence for the detailed and often lurid allegations made against in these statements against the Respondent, his stock responses were “none was filed” or to pass the buck to his “Uncle Marcel” (Mr. Okasi).
159. Unfortunately for Mr. Damola, Mr. Okasi was an even poorer witness than he was. Again, I did not believe a word he said, including the suggestion that he was the “cousin” of “Ms. Tali Shani” and that she confided in him with all the details of her 1993 purchase and relationship with General Useni. I note first of all that even while “she” was supposedly alive, in the statement of case and witness statements filed in “her” name, she did not mention either General Useni or Mr. Okasi. He appeared to me to be a relatively recent recruit to this conspiracy.
160. Again, the words in his witness statement were clearly not his own. Nothing in his demeanour, vocabulary or knowledge suggested that he authored the often elaborate and verbose arguments and allegations made in that statement. When asked orally for evidence, he resorted to bluster, or that he had heard matters from “the sidelines”. His account of accompanying his elderly cousin from the airport to apply for her NIN was unbelievable and plainly false. Like his “nephew” Mr. Damola, his explanation for the absence of a single photograph of him with his cousin, nephew, General Useni or anyone else was incredible and on one point (“I’m not a photogenic person”) comical.
161. The ‘exclamation point’ on Mr. Obasi’s evidence, however, was the supposed “obituary notice” for his late cousin, pictured earlier above. I find, as is fairly obvious on the most cursory inspection, that this is a risible and pitiful forgery. The date for the “Thanksgiving Service” is wrong and does not exist. The supposed details of the deceased contain descriptions of her not matched by any other evidence in the case, as well as a reference to a person never mentioned elsewhere (“Pam Shani”). The address

given for the “Family Rites of the Family Residence” is Mr. Obasi’s own address in Abuja, actually given on his witness statement. Nor do I require expert evidence to conclude that the picture on this document is a crudely “photoshopped” version of the photograph previously used on other forged documents, now with a red hat and dress superimposed.

162. Finally, when Mr. Obasi sought to explain the absence of a photographic record of these three days of rites, mourning and thanksgiving, which he himself had attended throughout, he lost any remaining shred of credibility when he conjured up the official photographer who was murdered by a bandit.
163. I also note that the credibility of the case for the “Applicant” in general was severely undermined by the patently false and fraudulent witness statement purporting to be from “General Useni (ret’d)” which was filed directly with the Tribunal (from another Yahoo internet email address, and using another fake purported address in the statement) on 3<sup>rd</sup> August 2023. Those representing the “Applicant”, and the makers of various subsequent witness statements, initially adopted this evidence enthusiastically as part of their own case. Mr. Efemuai, despite an unknown third party having bypassed him and unilaterally filed a witness statement at the Tribunal (with knowledge of the case number and email address to which to send it) was remarkably slow to disown it. It was not until his closing submissions that he did so, confirming that the Applicant did not rely upon it for the truth of its contents.
164. Even in the context of this case, this was an extremely serious matter, and almost certainly a direct attempt to pervert the course of justice by whoever drafted and filed this statement. That person clearly had an intimate knowledge of the case and these proceedings. I also consider it probable that such a person was involved in the drafting of many, if not most, of the other statements and documents in this case.
165. For these reasons, I find that the pursuit of the case of the “Applicant” in these proceedings is an abuse of the process of the Tribunal, in that the case has been pursued by others in the name of a person who never existed. I therefore strike out the Applicant’s case under rule 9(3)(d) of The Tribunal Procedure (First-tier Tribunal) (Property Chamber) Rules 2013. I do so purely on that basis, and not on the ground that the case has “no reasonable prospects of success” under rule 9(3)(e).

## **II. Whether the Tribunal should direct the Chief Land Registrar to give effect to the Respondent’s application**

166. As set out above, even upon the case of the “Applicant” being struck out, I must nevertheless go on to determine the “matter” before me, which is whether effect should be given to the Respondent’s application to register the transfer to him. Once that “matter” is before me, he does not ‘win by default’ just because I have struck the “Applicant” out. As stated, the power to direct the Chief Land Registrar in rule 40(2) (a) is a discretionary one (“may”).
167. This then invites consideration of the second issue in the case, namely whether the “Mr. Tali Shani” who gave evidence before me is the genuine registered proprietor



of this property, who purchased it in 1993.

**Mr. Tali Shani: discussion and conclusion**

168. Unlike the fictitious “Ms. Tali Shani”, a man going by the name of Mr. Tali Shani exists and gave evidence before me in that name. A certified copy of an official Nigerian passport was produced both to the Land Registry and this Tribunal, stating that Mr. Tali Shani was born on 2<sup>nd</sup> April 1973. I do not have the evidence, or any sufficient basis, to find that this document – unlike the various poor and pitiful forgeries on the side of the “Applicant” – is forged, and I do not do so.
169. The critical question is, however, whether he purchased the property in 1993, as he claims to have done. The issue is not his existence and current identity, but his link to that purchase at that time.
170. When considering that question, it is important to note that it was his evidence that he purchased the property with his own money, for his own benefit, as an “investment”, aged 20. He did not say, for example, that he merely lent his name to the purchase, so that he then held the property as a nominee or trustee for someone else.
171. Moreover, it is his case – to explain the clear continuous involvement and connection of General Jeremiah Useni with this property – that he, Tali Shani, appointed General Useni as his “agent” to manage it for him. It was also his clear evidence that he did this from the outset of the purchase in 1993, and that he knew General Useni at that time.
172. So his evidence was that he, aged 20, was able to fund the purchase of this London property entirely by himself, then appoint a prominent Nigerian general and politician (who in that very year had taken a high ranking position in the new regime of General Abacha) as his letting and managing agent in London.
173. I have considered the oral evidence of Mr. Shani very carefully on these points. I also have regard to the contemporaneous and other documents, the inherent background probabilities, but perhaps most importantly the evidence of General Useni himself.
174. Looking at all these together, I do not accept that Mr. Tali Shani purchased this property in 1993, in the circumstances described by him or at all.
175. I do not know, and do not need to find, whether “Tali Shani” is his original name given at birth (as to which no birth certificate was in evidence), or whether he has at some point changed his name, by the Nigerian equivalent of deed poll or otherwise, so as to now obtain a passport in that name. Whether or not he was genuinely known as “Tali Shani” in 1993, I am quite satisfied that he had nothing whatsoever to do with the purchase of this property in London at that time.

I so find for the following principal reasons.

176. First, both his account and purported knowledge of this 1993 transaction were suspiciously thin, and wholly implausible. I have already observed how little detail he gave in his witness statement on these matters, as opposed to largely irrelevant and much more recent events. The obvious question to ask him in cross-examination, as Mr. Badejo did, was how a young rural Nigerian man of 20 was able to buy a property in London, for cash. I am afraid that I found his answers – that the Naira was strong, that his family had many lands and cattle, and that he had made money from “business” originating in selling cattle and mangoes – utterly unconvincing and implausible. Nor could he produce a single banking, conveyancing or other document to substantiate this alleged “investment” by him, or linking him to this property, other than the bare fact that “Tali Shani” is the name on the registered title.

177. His account of the mechanics and date of the purchase, and even the price he paid, was hopelessly at odds with the documentary evidence disclosed by the Respondent. These documents showed a purchase which proceeded between July and November 1993 for a price of £110,000 in the name of one “Philips Bincan”. After some hesitation, I consider that Mr. Shani plucked the figure of “£200,000” as the price he paid largely out of thin air. When shown these documents, of which he had no knowledge whatsoever (despite them supposedly having been in his possession and control), he was forced to suggest – to fit with the registration date of 16<sup>th</sup> November 1993 of “Tali Shani” as proprietor – that he must have paid almost double the previous price, very shortly afterwards, in what must have been virtually a ‘back-to-back’ transaction. He had, however, no knowledge of who “Philips Bincan” was, or why he (Tali Shani) would have gone about such a purchase in this way. He had first said, again after some hesitation, that his whole purchase process had taken “about a month”, but this simply does not fit with the “Philips Bincan” documents, which showed the priority search as having been lodged so as to extend beyond 16<sup>th</sup> November 1993.

178. Second, it was when Mr. Shani was questioned on his alleged involvement with General Useni that his evidence was fatally undermined. Before a word of oral evidence had been given, the Respondent’s stated case on paper, in the witness statements of General Useni and Mr. Shani, was that the latter had only instructed (or even known) the former several years later. General Useni has said that he “..met Tali Shani **sometime in the 2000s**” and that “**Sometime in 2010**, Tali Shani approached me to take over the management of his property”. Although Tali Shani’s statement was less specific, nothing in it suggested that he disagreed with or was contradicting what General Useni had said.

179. Then, for the first time, under cross-examination Mr. Shani claimed not only that he knew General Useni in 1993, but that he “confided” in him, used him as a conduit for the payment of money for the property in London (precisely how, and why, he was less clear), then appointed him as his agent to manage it. Not only was this evidence wholly contrary to what General Useni had said in his witness statements and (see below) in oral evidence, I also found it wholly implausible and untrue.

180. It would be a quite extraordinary circumstance for a 20 year old cattle seller not just to “confide” in, but employ as a sort of property purchase and management agent, one of the most prominent and powerful figures in Nigeria at that time. Neither Mr. Shani, nor the Respondent, nor the later agent Akeem Johnson, appeared to me to appreciate the strangeness of this proposition. If Mr. Tali Shani was, as he said, buying this property for himself, and in his own name, but wanted to instruct an agent to manage it for him, why on earth would he choose one of the most powerful men in the country? One might have thought that General Useni, as the then Minister for the Federal Capital Territory in Abuja, had weightier matters on his plate at that time than collecting rents for someone else from a house in Neasden.

181. Third, and perhaps most significant, there was the oral evidence of General Useni himself. One thing on which both sides agreed was the high regard in which they held the general, in his lifetime and upon his death. Even as the witness statements of Mr. Damola and Mr. Obasi piled up wild allegations against the Respondent, whoever drafted them was fulsome in his praise for General Useni. The Respondent, who knew him for over 20 years, was similarly effusive, as were the obituaries when the general died.

182. As I have said, when he gave oral evidence, General Useni was clearly physically frail, a little slow to respond and (as one now knows) close to the end of his life. I have also made clear, however, that in my view he had a clear understanding of the key questions put to him. His answers on those key points were similarly clear. Despite the attempts of counsel then (in final submissions) the Respondent to cast doubt on this, there was not a shred of medical evidence to suggest that he lacked the capacity and understanding to give evidence. If there had been, then the Respondent’s application would not have been for permission for his “star witness” to give evidence by video (on grounds of his *physical* health only), but for him to not to give oral evidence at all and for his statements to be read as civil hearsay.

183. As set out above, his oral evidence on the 1993 purchase was utterly clear. It was his purchase. There is simply no other way in which his answers can be interpreted or ‘finessed’:

**“I owned it.....I bought the property [with “savings”]...before I gave it to someone to run...I paid the deposit...then bit by bit....I bought it...it is my property.”**

184. His evidence about the Mr. Tali Shani who also gave oral evidence by video was likewise clear, subject to a slight variation in date ranges. He had first been introduced to this man, at the very most, some *eight* years ago. He had, however, “**nothing**” to do with the 1993 purchase of the property. He did not know what this man was doing at this hearing, or why he was saying that it was his property, which was “**not true.**”

185. That oral evidence was consistent with almost all the other documentary and witness evidence in the case. I include in this the “213 Quadrangle” rent and payments schedule from 2001 to 2004, which the Respondent had disclosed (having received it with the other documents from Akeem Johnson) but about which he seemed

surprisingly incurious. This is plainly a schedule of rents received and payments out of a common account, in relation to two properties: the property in this case (79 Randall Avenue) and Flat 213, Quadrangle Towers. It is therefore a strong inference that whoever was entitled to, and receiving, the rents from the former was using them to service the rent and outgoings on the latter. The only name linked to that latter property is General Useni, for whom it was given as an address as recently as September 2019 in the section 21 notice prepared by Mr. Akeem Johnson.

186. As for the evidence of Mr. Johnson, I take from it that he dealt with General Useni alone as his principal throughout the whole period of his agency, from 2011 to 2019. As late as 2018 and 2019, General Useni was still the “landlord” named by Mr. Johnson on tenancy agreements and section 21 notices.

187. I find that Mr. Johnson never once spoke to, or met, the Mr. Tali Shani who gave evidence before me. His witness statement, which I consider was drafted for him by someone else (almost certainly the Respondent), sought to argue or suggest that he was aware (although this was not the phrase used) that he was in effect a sub-agent, and that his ultimate principal was “Tali Shani”. Not only would such an arrangement make no sense – why would Mr. Tali Shani employ two layers of agents, with a senior general as merely the intermediate one, rather than just employing Mr. Johnson directly himself? – I find that this is not what happened, or how Mr. Johnson understood his role. He knew and understood that he was managing this property for General Useni, and no-one else.

188. I am afraid that when Mr. Johnson gave oral evidence, during which he was clearly nervous, I find that he panicked and invented the fresh detail that he once overheard Mr. Tali Shani engaged in a telephone call to General Useni. Both the manner in which this evidence was given, and the uncertainty over detail and date (Was it a call on speakerphone? Why had no-one else mentioned it?) convinced me that it never happened.

189. The clear, and indeed (I find) overwhelming evidence is therefore that this property was not purchased and paid for by the 1973-born “Mr. Tali Shani” who gave evidence before me, but by General Jeremiah Useni. Not only am I driven to that conclusion by the evidence above, it is also inherently far more likely. A purchase of a London property by a high ranking and wealthy foreign politician was not an uncommon occurrence, in 1993, nor is it now.

190. There were only two slight uncertainties or gaps relating to that inference and conclusion, on neither of which could General Useni either remember or assist in his oral evidence. I consider, however, that they are both relatively easily resolved.

#### **Registration in name of “Tali Shani”**

191. General Useni could or would not explain why, despite his clear evidence that he purchased the property in 1993, it was registered in the name of “Tali Shani”.

192. I consider that the report of the Jersey Royal Court case referred to above provides a clear answer to this. It is unfortunate that this did not come to my attention

until after General Useni had given evidence. I gave permission for him to be recalled to give further evidence on it if necessary, but he had died before that was possible. It is any event far from clear that he could, or would, have had much to say about it beyond what is a matter of record.

193. I repeat that it was not an adverse finding of another court, but General Useni's *own positive evidence and case* in those Jersey proceedings that he had set up the relevant bank accounts in Jersey in the false name (which he had described as a "coded password name") of "**Tim Shani**", and that he had "**registered companies in Nigeria with similar coined names**". I also note from his obituary, referred to above (and not contradicted on this point by either of the parties), that one of the companies with which he was associated was known as "**Tim Tali Investments**".

194. This being so, I consider that the clear inference, and my finding on the balance of probabilities, is that General Useni arranged for the purchase of this property to be registered in a very similar "coined" (i.e. false) name, in this case "**Tali Shani**". The coincidence of the names, and even the dates (the Jersey accounts were opened in 1986 and operated under the name "Tim Shani" until 2007) is so striking as to make this inference irresistible.

#### **The 1993 purchase documents and "Philips Bincan"**

195. The second potential uncertainty or gap is why the 1993 conveyancing documents, including the contract of sale, show the purchaser as "Philips Bincan", yet the registration was effected in the different name of "Tali Shani".

196. I have already observed that the chronology of these documents, in particular the extension of the priority search to 17<sup>th</sup> November 1993, make it extremely likely that these were the conveyancing documents associated with the 1993 registration. There is no 'room' chronologically for another transaction. Nor is there any rational explanation for why General Useni (and through him, Akeem Johnson as his agent, then the Respondent) would have in their possession these documents but not a further set relating to a subsequent 'Bincan to Shani' transaction.

197. I consider that the most likely explanation is, and find, that:-

i) the contractual purchaser, Philips Bincan (whoever he was), was himself a nominee purchaser for General Useni.

ii) that contractual purchaser, through his conveyancers, must have exercised his right to request the transferor to execute the transfer in favour of another named person, and that a transfer (which is the one notable document missing from this disclosure) was then executed in favour of "Tali Shani", the false "coined" name provided by General Useni.

iii) the Land Registry accepted that transfer as the basis for registration. This took place several years before the Land Registry's more stringent requirements as to provision of identification upon registration, including completion of the ID1 form, were in place.

### **Other matters: the transfer to the Respondent**

198. It is in principle sufficient for my conclusion – which will be to direct the Chief Land Registrar to cancel the Respondent’s application to be registered as proprietor – that Mr. Tali Shani, the purported transferor, had no title to transfer to the Respondent. The issue of the alleged consideration passing between them – whether it was nil, or £500,000-worth of alleged legal services provided, or the transfer of another property – is not directly material to that conclusion.
199. Since there was so much evidence and cross-examination on this subject, but also because it is to some extent necessary to make a finding about why a property owned (as I have found) by General Useni was being transferred to the Respondent, I shall nevertheless make some findings on these issues.
200. First, I find that General Useni, since he was in truth the sole legal and beneficial owner of this property (albeit registered in a false name), must in some way have been connected to this transfer, and to have directed it. He was clearly close to, and on good terms with, the Respondent. There is no question of this being some sort of attempt by the Respondent to steal the general’s property without his knowledge.
201. As to precisely *why* General Useni chose to direct this transfer to the Respondent, I do not need to (and indeed cannot) make detailed findings. I consider that it is highly possible that it was in satisfaction of some debt or favour owed. The Respondent initially angrily denied the allegation (made in the various statements filed on behalf of the “Applicant”) that this was a form of repayment of a loan of 54 million Naira made during the general’s unsuccessful election campaign. In his oral evidence, both he and his son then appeared to accept that the general had owed the Respondent *some* money, but that it had been fully paid off. The general himself, when asked about this, said that he “did not know how much money he owed” the Respondent.
202. I do not, however, need to find precisely whether (and if so, how much) money was owed. The transfer may have been made out of friendship and generosity, or in recognition of some other service or favour. The one finding I do make, however, is that it was the decision of General Useni to transfer the property to the Respondent.
203. That being so, and given my findings as to the evidence and status of Mr. Tali Shani, I do not accept his and the Respondent’s evidence as to the consideration or dealings between them, as the reason for this transfer. This evidence, both as stated on the second power of attorney, in the transfer, in their witness statements then oral evidence, fluctuated considerably – between there being actual monetary consideration which changed hands (either £500,000 or 100 million Naira), to there being no such consideration, to there being a gift of property in Jos, to this being part of the Respondent’s legal services provided to Mr. Shani, to the transfer being made as a gift out of “gratitude”, then to it being in lieu of over £500,000 of legal services provided to Mr. Shani during (on their own evidence) the period of no more than two years in which they had known each other.

204. That last explanation in particular, upon which both witnesses eventually alighted, strained credibility. The Respondent, it seemed to me, wished to have it both ways in his description of Mr. Shani. To lend credence to the claim (which I have rejected) that Mr. Shani had bought this property in 1993, he said that he was from a “very wealthy family” and was a “big property guy”. He then said, however, that Mr. Shani could not really afford the services of a “big time” lawyer like him. His evidence was that he nevertheless provided over £500,000-worth of legal services to Mr. Shani over a two year period, without any upfront payment being demanded or made. He said that he acted for (and won) a number of “big cases” for Mr. Shani, but no details of these were disclosed. On his case (that no payments were made at the time) there would not be invoices, but he could still have disclosed some information about the cases. In oral evidence, he invoked “client confidentiality” as the reason for not doing so, but he and Mr. Shani could easily have agreed to waive any confidentiality or privilege to provide an example of the alleged high value legal work done.
205. Ultimately, I do not believe that *any* genuine consideration (in money or services) ever changed hands between Mr. Shani and the Respondent. I prefer to take their own statement to that effect, in box 8 of the TR1 form, at face value; as they presumably intended HMRC to do for the purposes of stamp duty land tax.
206. I consider that the elaborate evidence of the Respondent, his son Osilama Ozekhome and Mr. Shani on this issue was an invention and contrivance. It was invented in an attempt to provide a plausible reason why Mr. Tali Shani, the alleged 1993 purchaser of this property, would have transferred it to the Respondent in 2021. I find that this attempts fails.
207. I consider that Mr. Tali Shani – whether that is the name he was born with, or whether it was changed at some point in the past – was simply a vehicle or conduit by which General Useni tried to transfer to the Respondent a property previously registered by him in the false name “Tali Shani” in 1993.
208. I do not know, and do not need to make findings, on how and when General Useni first came across and involved Mr. Tali Shani in this or any other transaction or scheme; whether this man already had that name (which the Respondent himself said was not an uncommon name in Nigeria); or whether he was persuaded to change his name from something else to one of General Useni’s “coined” names for the purposes of dealing with assets registered in such names.
209. I do find, however, that this was his role in relation to this transaction. He did not purchase this property himself in 1993, and so had no title of his own to pass to the Respondent.
210. For that fundamental reason, I will direct the Chief Land Registrar to reject the application to register the transfer.

#### **Basis for conclusion contrary to both parties’ cases**

211. I have considered very carefully the caution urged by the higher courts in relation to judges making findings for which neither party contended, such as the “third man theory” referred to in *Al-Medenni v Mars UK Ltd* [2005] EWCA Civ 1041, and the reminder of the Supreme Court in *Sainsbury's Supermarkets Ltd v MasterCard Inc* [2020] UKSC 24 that the function of an English judge is to “do justice between the parties in relation to the way in which they have framed and prosecuted their respective cases, rather than to carry out some wider inquisitorial function as a searcher after truth”. I note also, however, that Nugee LJ described and applied this principle in *Satyam Enterprises Ltd v Burton* [2021] EWCA Civ 287 in a case where the judge impermissibly “..decided the case on a basis that had neither been pleaded nor canvassed before him.”
212. In my judgement, however, this is *not* a case in which it can be said that a finding that General Useni was in fact the true purchaser of the property has not been “canvassed” before the Tribunal. At the risk of repetition, he was a witness called by the Respondent, and *this was his own clear oral evidence*. I have also set out above the documents, most of them disclosed by the Respondent, which clearly point to General Useni’s ownership and control of the property. I drew the parties’ attention to the Jersey Royal Court decision as long ago as 12<sup>th</sup> June 2024. Both parties, in their closing written and oral submissions, referred to these matters; and responded to my questions on this possibility.
213. I take the view that I simply cannot ignore the evidence in front of me, and the clear and obvious inferences from it. Further, in reaching decisions to i) strike out the Applicant’s case but also ii) direct the Chief Land Registrar to cancel the Respondent’s original application, such a finding forms a necessary part of my reasoning. I consider I am duty bound to explain in full why I reject the Respondent’s case, and the evidence and role of General Useni is a central part of the reasoning behind that. It would be extremely odd if I directed rejection of the Respondent’s application, but then simply ignored this evidence and said nothing further about it.

### **Conclusion**

214. The final outcome of this case, therefore, is that *both* parties have failed. Neither “Tali Shani” was who they said they were, and neither was the person who purchased this property in 1993. The real owner, via a false name, was General Jeremiah Useni.
215. General Useni is now deceased, so on my findings his title and interest in this property would vest in such persons as obtained a grant of probate or administration in respect of his English assets. Although not strictly bound by my findings (since they were not parties to the case), it is a matter for any such persons, on their own advice, what if any steps they take in this regard.
216. This is a decision made in public proceedings, which shall be published. It is likewise a matter for other authorities what (if any) action or steps they take in relation to this property when they read it.



## **Costs**

217. I make clear that my strong provisional view is that there should be no order as to the costs of these proceedings. The case of “the Applicant” has been struck out, and (as I have found) does not exist, so it would be absurd if “she” or any person claiming to represent her made any application for “her” costs of the proceedings. The Respondent has, however, ultimately been unsuccessful in his application, so would not ordinarily expect to recover any of his costs from anyone else.
218. Any representations to the contrary should be made by the date stated in the order, in default of which there shall be no order as to costs.

Judge Ewan Paton

Dated this 11<sup>th</sup> September 2025

BY ORDER OF THE TRIBUNAL