

IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

CHARGE NO: **FHC/201/C/2026**

BETWEEN

THE STATE.....COMPLAINANT

AND

MUSA EMEKA AYO.....DEFENDANT

NO-CASE SUBMISSION

1.0. INTRODUCTION

1.1. Your Lordship, at the close of the Prosecution’s case, we respectfully submit that the Prosecution has failed to establish a prima facie case against the Defendant to warrant calling upon him to enter his defence. The Defence brings this no-case submission pursuant to *Section 302 of the Administration of Criminal Justice Act* and relies on the legal arguments put forth below in firm support of our application.

2.0. STATEMENT OF FACTS

2.1. The Defendant, Dr. Musa Emeka Ayo is a billionaire resident and philanthropist in the Republic of Magaria and founder of the “WAZOBIA Foundation for Magarian Relief.” In 2024, the Foundation received an award for building 50 solar-powered health clinics in remote areas of Magaria.

2.2. In February 2025, a joint operation between the Magarian Financial Intelligence Unit (MFIU) and the Magarian Military Intelligence Bureau (MMIB) flagged a series of “suspicious” movements:

2.2.1. Two and a half billion Magarian Pounds was over a span of 18 months deposited into the Foundation’s account via 500 different Point-of-Sale (POS) agents, with no single deposit exceeding M4.9 Million.

- 2.2.2. 2,000,000 United States Dollars was allegedly transferred to the Foundation from a “Global Peace Charity” based in a jurisdiction recently blacklisted by the Financial Action Task Force.
- 2.2.3. Intelligence suggests that 30% of the medical supplies purchased by the Foundation were found in the hands of a several insurgent groups including the proscribed “Ax Liberation Movement (ALM)”.
- 2.3. The Defendant was subsequently arrested on the basis of the aforementioned allegations during a board meeting and charged with the offence of money laundering under Section 18 of the *Money Laundering Act* and terrorism financing (providing material support to a terrorist organization) under Section 13 of the *Terrorism Prevention and Prohibition Act*.
- 2.4. During the course of trial, the Defendant consistently maintained his innocence, explaining that the Foundation vehicles conveying the medical supplies to legitimate sources were hijacked at various points by bandits and insurgents.
- 2.5. Dr. Musa further clarified that the POS deposits were legitimate “Zakat” (charitable) donations from thousands of anonymous rural donors who do not have traditional bank accounts.
- 2.6. The Prosecution has closed its case and the Defendant now brings this no-case submission before your Lordship.

3.0. OFFENCES ALLEGED

- 3.1. Money Laundering under Section 18 of the Money Laundering Act, for “structuring” transactions to avoid detection.
- 3.2. Terrorism Financing under Section 13 of the Terrorism Prevention and Prohibition Act, for providing material support to a terrorist organization.

4.0. ISSUES FOR DETERMINATION

- 4.1. The Defendant hereby formulates the following two pivotal issues for determination by your Lordship:
 - 4.1.1. Whether the mere presence of the Defendant’s medical supplies in the camp of an insurgent camp is enough to constitute ‘providing material support’ under Section 13 of the Terrorism (Prevention and Prohibition) Act 2022?
 - 4.1.2. Whether the failure of the State to specify a named terrorist organization as recipient of the supplies is not fatal to the case of the Prosecution?

5.0. LEGAL ARGUMENTS

5.1. **WHETHER THE MERE PRESENCE OF THE DEFENDANT’S MEDICAL SUPPLIES IN THE CAMP OF AN INSURGENT GROUP IS ENOUGH TO CONSTITUTE ‘PROVIDING MATERIAL SUPPORT’ UNDER SECTION 13 OF THE TERRORISM (PREVENTION AND PROHIBITION) ACT 2022?**

5.1.1. On this issue, the Defendant submits, without equivocation, that the mere presence of medical supplies attributable to his “Wazobia Foundation” in the camp of an insurgent group is not, and cannot be considered, sufficient in establishing the offence of ‘providing material support’ to a terrorist organization contrary to *Section 13 of the Terrorism (Prevention and Prohibition) Act* against him.

5.1.2. Pursuant to Section 13(1) of the aforementioned statutory instrument, a person is deemed guilty of the offence of ‘providing material support’ where he “**knowingly** and directly or indirectly, solicits or renders support— (a) for the commission of an act of terrorism, or (b) to a terrorist group.”¹ (Underlined and emboldened for emphasis).

5.1.3. The import of the term ‘support’ is further clarified in Section 13(2) of the Act where it is noted as including, *inter alia*, the receipt or **provision** of “material assistance, training, transportation, false documentation or identification to a terrorist or terrorist group.”² Taking the entirety of Section 13 into context, it becomes clear that to establish the offence of ‘providing material support’ to a terrorist group, the Prosecution bears the burden of establishing that not only was there (i) some actual provision of material assistance by the Defendant in aid of a terrorist act or to, and in support of, a terrorist group; but also that (ii) the Defendant provided such assistance **knowingly**—that is, with the knowledge that his actions constituted, directly or indirectly, the provision of material assistance in aid of a terrorist act or to, and in support of, a terrorist group.

5.1.4. In the present case, the Defendant fervently contends that the Prosecution’s case wobbles and falls on both limbs. Essentially, not only has the Prosecution wholly failed to adduce any evidence establishing that the Defendant actually *provided* material support to any terrorist organizations, it has also failed to

¹ Terrorism (Prohibition and Prevention) Act 2022, s 13(1)

² Terrorism Act, s 13(2)

establish that such support, even assuming *arguendo* that it was provided, was done so *knowingly* by the Defendant.

- 5.1.5. On the first limb—whether the Prosecution has successfully established that the Defendant *provided* material support to a terrorist group—the Defendant begins its argument by restating a sacred principle of our criminal jurisprudence: in criminal proceedings, the burden of establishing the guilt of the Defendant rests solely on the Prosecution and the Prosecution must, in discharging this burden, prove all ingredients of the offence beyond reasonable doubt.³
- 5.1.6. Applying this principle to the facts sub judice, the question that arises for determination by your Lordship is whether it can be said that the Prosecution has established, beyond reasonable doubt, that Dr. Musa Emeka Ayo *provided* material support to a terrorist organization? In other words, can a person be said to have “provided” something to another where that other obtains that thing without the consent of and against the wishes of the person?
- 5.1.7. In its ordinary English meaning, the word “provide” means to “*to supply or make available.*”⁴ Thus, for a person to be said to have “provided”, there must be some positive act of “supplying” or “making available” to the intended recipient. In the instant case, what is the evidence before this court? The prosecution's case rests entirely on intelligence suggesting that 30% of the medical supplies purchased by the WAZOBIA Foundation were found in the hands of several insurgent groups.⁵ My Lord, we submit with profound respect that mere *finding* is not proof of *providing*. The prosecution has adduced no direct or circumstantial evidence linking the Defendant to any act of delivering, supplying, or transferring these items to any insurgent group.
- 5.1.8. The Defendant has consistently maintained, and this explanation stands unrebutted, that the vehicles conveying the medical supplies to legitimate sources were hijacked at various points by bandits and insurgents. My Lord,

³ *Itu v. The State* (2016) 5 NWLR(Pt. 1506) 443 @ 465F; *Eromosele v. F.R.N.* (2017) 1 NWLR (Pt.1545) 55 @ 89F; *Ibrahim v. The State* (2008) 17 NWLR (Pt. 1115)203 @ 221E; and *Famakinwa v. The State* (2016) 11 NWLR (Pt. 1524)538 @ 560C

⁴ Merriam-Webster, 'Provide' (Merriam-Webster.com dictionary, n.d.) <https://www.merriam-webster.com/dictionary/hacker> accessed 18 March 2026.

⁵ Statement of Facts, para 2.2.3

this explanation is not only plausible but is entirely consistent with the notorious security realities in the Republic of Magaria currently.

- 5.1.9. We urge your Lordship to take judicial notice of the well-documented phenomenon in Nigeria and by extension Magaria, where humanitarian convoys, medical supply vehicles, and relief materials are regularly intercepted, hijacked, and diverted by insurgent groups operating along major supply routes.⁶
- 5.1.10. Consequently, as the evidence before this Court fails to establish a direct positive act by the Defendant to supply or make available material support to any terrorist organization and as the Defendant's assertion that the materials were hijacked by terrorist elements stands unrebutted, it is respectfully submitted that Dr. Musa cannot be deemed to have "provided" within the meaning of Section 13(1).
- 5.1.11. Moving on to the second limb—whether the Defendant can be said to have provided any alleged material support *knowingly*—it is submitted that the evidence adduced by the Prosecution in the present case stands wholly insufficient in establishing any criminal knowledge on the part of the Defendant.
- 5.1.12. As was noted in the case of **Dairo v FRN**,⁷ a crime consists of both a 'physical' and a 'mental' element and where a statute uses words such as 'knowingly', 'purposely', or 'recklessly', the Prosecution must establish the statutorily prescribed state of mind in order to successfully secure a conviction. The question that thus presents itself before this Honourable Court is simple: assuming *arguendo* that the Defendant provided some form of material support to a terrorist organization(s), has the Prosecution adduced sufficient evidence to establish that he did so *knowingly*?
- 5.1.13. In **Jime v Hembe**,⁸ the Supreme Court defined the term 'knowingly' to mean "*in full awareness or consciousness; deliberately.*" Keeping in mind that the burden of establishing the individual ingredients of a criminal offence rests on

⁶ See: Daily Trust, 27 November 2024, reporting military admissions that logistics supply to terrorists remains a major obstacle to counter-insurgency efforts.

⁷ (2020) 10 NWLR (Pt. 1733) 482 @ Pp. 513-514, paras. D-A

⁸ (2023) 12 NWLR (Pt. 1899) 463 @ P. 486, para. B

the Prosecution, it was thus the burden of the Prosecution to establish that Dr. Musa not only provided some material support to a terrorist group, but that he did so in full awareness or consciousness; essentially, that he did so deliberately.

- 5.1.14. Returning to the facts *sub judice*, the Defendant has consistently maintained that the Foundation's trucks were hijacked by armed bandits and materials carted away without the consent, knowledge, or acquiescence of the Defendant. My Lord, the prosecution has not led a shred of evidence to contradict the Defendant's explanation of hijacking. They have not tendered any tracking data, any intercepted communications, any confessional statement, or any eyewitness account placing the Defendant in collaboration with any insurgent group. In the absence of such evidence, the element of "knowingly" remains entirely unproven. If it would be absurd to hold that peaceful occupants of a home knowingly provided their belongings to armed invaders, why should the situation be any different here?
- 5.1.15. Your Lordship, it is trite that the character and antecedents of an accused person may be considered in determining the probability or otherwise of their participation in alleged criminal conduct.⁹ The WAZOBIA Foundation for Magarian Relief received an award in 2024 for building 50 solar-powered health clinics in remote areas of Magaria. This is not the conduct of a terrorist financier; it is the conduct of a philanthropist whose life's work has been dedicated to alleviating the suffering of the poor and vulnerable.
- 5.1.16. The prosecution asks this Honourable Court to believe that a man of Dr. Musa Emeka Ayo's standing, with a publicly verifiable track record of humanitarian service spanning years, suddenly transformed into a terrorism financier and yet they have brought no evidence of any meeting with insurgent leaders, no evidence of any communication with the alleged proscribed groups, no evidence of any payment directly to any terrorist organization, and no evidence that the Defendant had any knowledge whatsoever that a portion of his supplies would be violently intercepted.

⁹ R v Rowton (1865) 10 Cox CC 25, 169 ER 1497

5.1.17. In **Okoro v. The State**,¹⁰ the Supreme Court held that where the evidence against an accused person is merely circumstantial and does not irresistibly point to his guilt, the accused is entitled to an acquittal. My Lord, if mere presence at the scene of a crime is insufficient to ground a conviction without more, how much less can the mere presence of medical supplies in a location far removed from the Defendant establish his participation in terrorism financing?

5.1.18. It is thus based on the foregoing that the Defendant submits, without equivocation, that the mere presence of his medical supplies in an insurgent camp cannot, without more, be taken to establish his guilt vis-à-vis the offence of providing material support to a terrorist group and urges your Lordship to rule same in his favour.

5.2. **WHETHER THE FAILURE OF THE STATE TO SPECIFY A NAMED TERRORIST ORGANIZATION AS RECIPIENT OF THE SUPPLIES IS NOT FATAL TO THE CASE OF THE PROSECUTION?**

5.2.1. Moving on to the second issue, the Defendant vehemently submits that the failure of the Prosecution to specify a named terrorist group as the recipient of the Defendant's medical supplies constitutes a fatal omission sufficient to cripple its case.

5.2.2. Pursuant to Section 13(1), a person can only be held guilty of the offence of 'providing material support' where he renders support "*(a) for the commission of an act of terrorism*" or "*(b) to a terrorist group.*"¹¹ In other words, as far as the offence created by Section 13(1) of the Act is concerned, it is not enough that the Prosecution establishes some "knowing provision"; it must further establish that the provision was in support of the *commission of an act of terrorism* or *to a terrorist group*.¹²

5.2.3. Recalling that the burden of establishing the individual ingredients of a criminal offence rests squarely on the Prosecution, the question that thus presents itself before this Honourable Court is whether it can truly be said,

¹⁰ (1988) 5 N.W.L.R. (Pt. 94) 255

¹¹ Terrorism Act, s 13(1)

¹² Terrorism Act, s 13(1)

based on the evidence adduced, that the Defendant rendered support “*for the commission of an act of terrorism*” or “*to a terrorist group*”?

- 5.2.4. On the first limb—support for an act of terrorism—the Defendant submits that an argument by the Prosecution on this limb would make little sense. Nothing in the facts or the charges presented against Dr. Musa Emeka Ayo alleges the commission of any act of terrorism by any terrorist group. As there is no evidence of an act of terrorism in the State of Magaria within the relevant period when the material assistance was alleged to have been supplied, the Defendant cannot be held to have supported the commission of an act that never occurred.
- 5.2.5. On the second limb—supply to a terrorist group—Section 13(3) notes that the Prosecution need not establish that the provided material support was actually used in the commission of an act of terrorism so long as it can establish that the support was indeed provided to a “terrorist group”.
- 5.2.6. The term “*terrorist group*” possesses two primary meanings under the Act. First, pursuant to Section 99 of the Act, a terrorist group is defined as being “*any group of terrorists*” who directly or indirectly, but willfully, commit, participate as an accomplice, organize, or contribute to the commission of an act of terrorism.¹³ The term “*terrorist*” is, in turn, defined as having a similar meaning to the term “*terrorist group*” but in reference to a single natural person (it refers to, essentially, a person who commits an act of terrorism).
- 5.2.7. Second, the term “*terrorist group*” under the Act further covers those groups proscribed or designated by the Attorney General, on the recommendation of the Sanctions Committee, as being terrorist groups. Thus, where a group either engages in acts of terrorism or is proscribed or is designated as constituting a terrorist group by the Attorney General, the provision of material support to such a group or organization would constitute an offence under Section 13 of the Terrorism (Prevention and Prohibition) Act, 2022.
- 5.2.8. Applying this now established understanding to the present case, can the organizations with which the Wazobia Foundation’s medical supplies were found be considered as constituting “terrorist groups” within the meaning of

¹³ Terrorism Act, s 99

the Act? Does the Prosecution's failure to name specific groups as recipients of the Defendant's material support prove fatal to their case?

- 5.2.9. The Defendant submits, commonsensically, that no determination of whether a specific organization comes within the ambit of the term "terrorist group" can be made without the Court first knowing, conclusively, what specific group is being referred to. As the tag "terrorist group" is not some roadside insult carelessly thrown by angry laypersons to one another but a legal classification invoking dire consequences, its use cannot be employed vaguely.
- 5.2.10. In the instant case, the Prosecution alleges that *30% of the medical supplies purchased by the Foundation were found in the hands of 'several insurgent groups' including the proscribed "Ax Liberation Movement (ALM)"*¹⁴ (underlined for emphasis). By failing to delineate the specific groups with which the Defendant's materials were found, the Prosecution effectively rendered it impossible for this Court to painstakingly examine whether those groups do in fact qualify as being "terrorist groups" within the meaning of the Act.
- 5.2.11. While the Prosecution may vehemently argue that the inclusion of the phrase "including the proscribed Ax Liberation Movement," names a specific terrorist group on which this Court can base a valid conviction, the Defendant submits that the vagueness of the statement taken in its entirety and the high improbability that, even assuming the Defendant was some terrorist sympathizer, he would provide material support to essentially all terrorist groups under the Magarian sun, necessitate that the Prosecution bears the burden of positively establishing the identity of each receiver of the alleged assistance.
- 5.2.12. At the risk of repetition, the Defendant seeks to remind your Lordship that under the Act, a group may only be tagged a "terrorist group" where it has either committed some act of terrorism, been proscribed, or been designated as such by the Attorney General. Vague references to '*several insurgent groups*' do not qualify.

¹⁴ Statement of Facts, para 2.2.3

- 5.2.13. Consequently, as the Prosecution has wholly failed to positively identify any group to which it can be said the Defendant provided material support, the Defendant submits that this omission proves fatal to their case and the Defendant
- 5.2.14. Conclusively, the Defendant prays this Honourable Court, on the heels of the authorities cited, to find that the Prosecution, having failed to prove the essential elements that constitute the offence of *providing material support*, cannot impute guilt on the Defendants.
- 5.2.15. It is so submitted.

6.0. CONCLUSION

- 6.1. It is based on the arguments canvassed above that the Defendant prays this Honourable Court to rule in favour of the no-case submission put forth by the Defendant and discountenance the evidence tendered by the Prosecution as insufficient in establishing a prima facie case against the Defendant.

7.0. INDEX OF AUTHORITIES

7.1. Cases Cited

- 7.1.1. Dairo v Federal Republic of Nigeria (2020) 10 NWLR (Pt 1733) 482
- 7.1.2. Eromosele v Federal Republic of Nigeria (2017) 1 NWLR (Pt 1545) 55
- 7.1.3. Famakinwa v The State (2016) 11 NWLR (Pt 1524) 538
- 7.1.4. Ibrahim v The State (2008) 17 NWLR (Pt 1115) 203
- 7.1.5. Itu v The State (2016) 5 NWLR (Pt 1506) 443
- 7.1.6. Jime v Hembe (2023) 12 NWLR (Pt 1899) 463
- 7.1.7. Okoro v The State (1988) 5 NWLR (Pt 94) 255
- 7.1.8. R v Rowton (1865) 10 Cox CC 25, 169 ER 1497

7.2. Statutes Cited

- 7.2.1. Constitution of the Federal Republic of Nigeria 1999
- 7.2.2. Evidence Act 2011
- 7.2.3. Terrorism (Prevention and Prohibition) Act 2022

7.3. Books and Articles

- 7.3.1. Daily Trust, 'Military admits logistics supply to terrorists remains a major challenge' (27 November 2024)

- 7.3.2. Merriam-Webster, 'Provide' (Merriam-Webster.com Dictionary, nd)
<https://www.merriam-webster.com/dictionary/provide> accessed 18 March
2026

Dated this 23rd Day of March 2026.



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