

## PUBLIC RECORD

Dates: 05/06/2023 - 09/06/2023  
10/07/2023 – 12/07/2023  
07/08/2023

**Medical Practitioner's name:** Dr Oluyemi AKINMOLAYAN  
**GMC reference number:** 7804164  
**Primary medical qualification:** MB BS 2009 Ladoke Akintola University of  
Technology (LAUTECH)

Type of case	Outcome on facts	Outcome on impairment
New - Misconduct	No facts found proved	Consideration of impairment not reached

**Summary of outcome**

Case concluded

**Tribunal:**

Legally Qualified Chair	Mr Kenneth Hamer
Medical Tribunal Member:	Dr Jeffrey Phillips
Medical Tribunal Member:	Dr Sarah Woodford

Tribunal Clerk:	Mr John Poole (5 – 9 June 2023) Ms Fiona Johnston (10 – 12 July 2023) Miss Jan Smith (7 August 2023)
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**Attendance and Representation:**

Medical Practitioner:	Present and represented
Medical Practitioner's Representative:	Mr Joseph Hart, Counsel, instructed by Hempsons Solicitors
GMC Representative:	Ms Kathryn Johnson, Counsel

## Attendance of Press / Public

In accordance with Rule 41 of the General Medical Council (Fitness to Practise) Rules 2004 the hearing was held in public.

## Overarching Objective

Throughout the decision making process the tribunal has borne in mind the statutory overarching objective as set out in s1 Medical Act 1983 (the 1983 Act) to protect, promote and maintain the health, safety and well-being of the public, to promote and maintain public confidence in the medical profession, and to promote and maintain proper professional standards and conduct for members of that profession.

## Determination on Facts - 07/08/2023

### Background

1. Dr Akinmolayan qualified as a doctor in 2009 from Ladoke Akintola University of Technology, Nigeria, and went on to pursue a speciality in psychiatry. His hearing relates to an Allegation that he was physically and sexually abusive towards his former wife, Ms A, before and during the course of their marriage in Nigeria, and that during their marriage he raped her on several occasions.
2. By way of background, Dr Akinmolayan and Ms A met when they were both at University in Nigeria in 2002. They dated briefly at that time and kept in touch in the years thereafter. Ms A travelled to the UK in around 2004 but in 2010/11 she was visiting Nigeria and reconnected with Dr Akinmolayan, and they rekindled their relationship. When she returned to Nigeria to visit him in 2012, a date was set for the wedding in December 2012; a traditional Nigerian church wedding on 15 December 2012, followed by a reception on 16 December 2012.
3. It is alleged that prior to the wedding, in or around August or September 2012, whilst staying at his mother's house, Dr Akinmolayan attempted to have sexual intercourse with Ms A without her consent, that he was physically violent and that he sexually assaulted her.

4. It is alleged that on 17 December 2012, after the wedding, Dr Akinmolayan dragged Ms A out of bed. It is further alleged that on 24 December 2012, he assaulted Ms A, during the course of which he fractured her left thumb and thereafter prevented her from seeking medical treatment for her injuries.
5. It is further alleged that on the evening of 25-26 December 2012, and between January 2013 to January 2014, on one or more occasions, Dr Akinmolayan raped Ms A by having sexual intercourse with her without her consent, and that he hit her and pushed her against a wall.
6. It is also alleged that between December 2013 and January 2014, Dr Akinmolayan became angry and choked Ms A while at home, and on a separate occasion slapped her in the car as they were travelling to Lagos airport.
7. Dr Akinmolayan has throughout denied the allegations.
8. The matter came to the attention of the General Medical Council (GMC) on 3 October 2021, when Ms A completed a complaint form. The GMC referred the rape complaint to the police to investigate from a criminal perspective. The police recorded the matter as Dr Akinmolayan was living in the UK but otherwise took no action.

### The Allegation and the Doctor's Response

9. The Allegation made against Dr Akinmolayan is as follows:
  1. Your behaviour towards Ms A was inappropriate in that:
    - a. in or around August or September 2012 at your mother's house in Nigeria you:
      - i. to have sexual intercourse with Ms A after she said "no"; **To be determined**
      - ii. tried to put your fingers inside her knickers; **To be determined**
      - iii. told her a 'man has his needs', or words to that effect; **To be determined**
      - iv. pinned her down on the sofa by her wrists; **To be determined**

- v. tried to remove her knickers; **To be determined**
  - vi. put your finger inside her vagina; **To be determined**
  - vii. ripped her knickers; **To be determined**
  - viii. told her you were trying to "get what is mine", or words to that effect; **To be determined**
- b. on 17 December 2012 you physically dragged her out of bed; **To be determined**
- c. on 24 December 2012 you:
- i. shouted at her; **To be determined**
  - ii. assaulted her by: **To be determined**
    - 1. pulling at her; **To be determined**
    - 2. dragging her from the bedroom to the living room; **To be determined**
    - 3. pushing her up against a wall; **To be determined**
    - 4. hitting her with your belt on her hands and back; **To be determined**
    - 5. fracturing her left thumb; **To be determined**
  - iii. prevented her from seeking medical treatment for her injuries. **To be determined**
2. On the evening of 25-26 December 2012, you had sexual intercourse with Ms A without her consent. **To be determined**
3. Between January 2013 to January 2014 on one or more occasion you:
- a. you had sexual intercourse with Ms A without her consent; **To be determined**
  - b. hit Ms A; **To be determined**
  - c. pushed Ms A against a wall. **To be determined**
4. Between December 2013 and January 2014 you:
- a. became angry and choked Ms A; **To be determined**
  - b. slapped Ms A in the car to Lagos airport. **To be determined**

5. Your conduct as described at paragraphs 1a., 2. and 3a. above was sexually motivated.  
**To be determined**

### **The Facts to be Determined**

10. Dr Akinmolayan made no admissions to the Allegation. The Tribunal is, therefore, required to determine the entirety of the Allegation.

### **Factual Witness Evidence**

11. The Tribunal received evidence on behalf of the GMC from Ms A, via video link.
12. Ms A provided a witness statement to the GMC, dated 13 May 2022, and two supplemental statements, one dated 30 November 2022, and the other on 6 June 2023.
13. Dr Akinmolayan provided his own witness statement, dated 14 May 2023 and also gave evidence in person at the hearing.
14. In addition, the Tribunal received evidence from the following witnesses, via video-link, on Dr Akinmolayan's behalf:
- Mrs B, witness statement dated 14 May 2023.
  - Mrs C, witness statement dated 9 June 2023. She also provided a testimonial in support of Dr Akinmolayan, dated 31 July 2022.

### **Documentary Evidence**

15. The Tribunal had regard to the documentary evidence provided by the parties. This evidence included but was not limited to:
- Various BlackBerry messenger chats, WhatsApp messages, Facebook posts and email correspondence between Ms A and Dr Akinmolayan
  - Photographs from Ms A and Dr Akinmolayan's wedding
  - Correspondence and documentation relating to divorce proceedings between Ms A and Dr Akinmolayan in England and Nigeria
  - Facebook posts made by Ms A, and messages exchanged with a pastor regarding her marriage with Dr Akinmolayan

- Ms A's email correspondence with the GMC and Police
- Redacted medical records of Ms A
- Dr Akinmolayan's response to the allegations and exhibits
- Dr Akinmolayan's Certificate of National Service, dated 1 July 2013
- Photographs of Mrs C's wedding
- Various testimonial letters in support of Dr Akinmolayan.

The Tribunal also received transcripts of Days 1–5 of the hearing (5-9 June 2023).

### The Tribunal's Approach

16. In reaching its decision on facts, the Tribunal has borne in mind that the burden of proof rests on the GMC, and it is for the GMC to prove the Allegation. Dr Akinmolayan does not need to prove anything. The standard of proof is that applicable to civil proceedings, namely the balance of probabilities, i.e., whether it is more likely than not that the events occurred.
17. The Tribunal has considered each paragraph and sub-paragraph of the Allegation separately and has considered the case against and for Dr Akinmolayan and evaluated the evidence in order to make its findings on the facts.
18. Whilst the Tribunal is required to reach a decision to the requisite standard of proof on each paragraph separately, in determining whether any allegation is made out the Tribunal has had regard to the whole of the evidence before it and that the Allegation involves similar counts or charges of domestic, physical or sexual abuse. In deciding whether a particular event is more likely than not to have occurred, the Tribunal has considered the degree of similarity in relation to Dr Akinmolayan's alleged behaviour towards Ms A and the overall picture of which his actions form a part, and whether his actions are more than mere coincidence.
19. The Tribunal heard widely differing accounts of what occurred between Ms A and Dr Akinmolayan. However, there is no doubt that their relationship within days of their marriage, if not before, descended into deep personal upset affecting each of them.
20. The Tribunal heard evidence by video link and in person over 5 days, followed by written and oral closing submissions from Ms Kathryn Johnson, on behalf of the GMC, and

Mr Joseph Hart, on behalf of Dr Akinmolayan, and written legal advice from the Legally Qualified Chair.

## The Tribunal's Analysis of the Evidence and Findings

### Paragraph 1(a) – Not Proved

21. Ms A arrived in Lagos on 28 August 2012 on a flight from London, where she was living at the time. Ms A and Dr Akinmolayan had become engaged in February 2012 around the time of her grandfather's funeral in Nigeria. By August 2012 Dr Akinmolayan had started his one year National Service with the National Youth Service Corp and was based at the University of Benin Teaching Hospital, Benin City in Edo State, Nigeria. Part of the purpose of her visit was to attend the wedding of Mrs C in Lagos, which took place over two days with the registry service on Wednesday 29 August 2012, followed by the wedding reception on Saturday 1 September 2012.
22. The Tribunal was satisfied from seeing photographs of the wedding and hearing evidence from Mrs C that Dr Akinmolayan and Ms A attended together the reception on 1 September 2012. He did not attend the registry service on 29 August 2012 because of his national service duties but he did drive down from Edo to Lagos either on the Friday or early on the Saturday to attend the wedding reception on 1 September 2012, a drive of some four to five hours. The Tribunal is satisfied that after the reception both he and Ms A went to his mother's house in Abeokuta, a drive of some two hours without traffic, staying in the annexe to his mother's house. Dr Akinmolayan returned to Edo State after the weekend either on the Sunday or the Monday morning. In evidence, Dr Akinmolayan said Ms A 'could be right' about them staying in the annexe following the wedding reception, and that he was 'not ruling it out'.
23. Dr Akinmolayan referred in evidence to a friend who had been using the annexe while Dr Akinmolayan was away on his national service. Dr Akinmolayan said the friend had told him that he lived in the annexe from 29 July 2012 to a few weeks before December 2012. Dr Akinmolayan's evidence about what he was told by his friend was hearsay and the Tribunal did not hear any evidence from the friend whether he was there full time, or free to come and go as he pleased. The annexe in any event had two bedrooms.
24. The Tribunal found on the balance of probabilities that Dr Akinmolayan stayed at his mother's house – or more accurately in the annexe adjacent to his mother's house – on

the night of Saturday 1 September 2012 following the wedding reception in Lagos which they both attended.

25. In her supplemental witness statement dated 30 November 2022, Ms A gave a detailed account of the incident at his mother's house consistent with paragraph 1(a) of the Allegation. Moreover, she was not shaken on the details in cross-examination.
26. However, the Tribunal found Ms A's evidence about her visit to Nigeria and the extent to which she saw Dr Akinmolayan at this time confusing. In her witness statement she said that Dr Akinmolayan did not give her any 'breathing space' and came to her sister's house (where she was also staying in Nigeria prior to her marriage) 'every day' and that she and Dr Akinmolayan were together for 'two weeks'. This cannot be right as Dr Akinmolayan only had short periods of leave of absence from his national service, and he told the Tribunal the maximum would be two days, and she did not come to Edo State. He was later given a longer period of compassionate leave of absence to get married in December 2012.
27. Dr Akinmolayan gave evidence about their sexual relationship. He said that it was not part of his sexual preference or sexual activity to put his finger inside anybody's vagina, and that he had never done this with Ms A. He said that he had never used the expression 'a man has his needs' and that he was not a physical person and able to pin down Ms A by her wrists. He said that at the time he weighed 45 kg and Ms A was taller and bigger than him. Specifically, in terms of sexual activity Dr Akinmolayan told the Tribunal that Ms A was always the one who initiated it, and that her sexual appetite was more than his.
28. It was clear to the Tribunal that allegation 1(a) is all or nothing. Either it happened in the way set out in the Allegation or something similar and that Dr Akinmolayan attempted to rape Ms A, as she described it to the police and in her evidence, or it did not happen at all.
29. The Tribunal recognised that in a Blackberry messenger chat sent on 1 August 2012, shortly before this incident and whilst Ms A was in the United Kingdom, Dr Akinmolayan expressed anger and retribution towards Ms A over a letter about his immigration visa application that she had not forwarded to him. By the end of the chat he had calmed down. In a subsequent chat sent on 4 August 2012, Ms A described how she felt Dr Akinmolayan had 'killed' her confidence and that she no longer had a 'voice'.



30. The Tribunal recognise that these chats could support the GMC's case that Dr Akinmolayan is a person capable of domestic abuse. They tend to show that, at times, he may become easily annoyed and lose his temper or seek to dominate. It is also suggested that Dr Akinmolayan told Ms A that he had raped a previous girlfriend. This is denied by Dr Akinmolayan. The Tribunal is not satisfied this was ever said between them and it is no position to determine whether there is any truth in the allegation. While the Tribunal received a 'testimonial' from the woman concerned in which she denied any physical or sexual abuse towards her, there is no witness statement and the Tribunal heard no evidence in person or by video link from the woman concerned.
31. Taking all the above matters into account and having seen and listened carefully to the evidence of both Ms A and Dr Akinmolayan, the Tribunal was not able to accept Ms A's evidence about her visit to Nigeria generally at this time and concluded that the GMC had not satisfied it to the requisite standard of proof that paragraph 1(a) was established.
32. The Tribunal therefore found paragraph 1(a) of the Allegation in its entirety not proved.

**Paragraph 1(b) – Not Proved**

33. In her witness statement dated 13 May 2022, Ms A says that the day after their wedding Dr Akinmolayan asked her what she was making him for breakfast. Ms A said she was tired and they could go out and eat somewhere. At this point Dr Akinmolayan said 'no' and physically dragged her out of bed and locked the bedroom door. Ms A says she then made breakfast for him. It was Dr Akinmolayan's case that the alleged incident did not happen and, in any event, he was used to getting his own breakfast and only had cereal.
34. It not clear from the evidence where the alleged incident in paragraph 1(b) is said to have taken place. On their wedding night the parties went to a hotel. The Tribunal has assumed this was the evening of Saturday 15 December 2012, the day before the wedding reception on Sunday 16 December 2012. The reference to 'going out' and eating breakfast 'somewhere' suggests that the alleged incident did not occur at the hotel but on the morning of Monday 17 December 2012 at the house in Abeokuta where the parties most probably returned after the wedding reception.

35. However, wherever the incident may have occurred, the Tribunal noted that there was no reference to any incident of the type referred to in Ms A's divorce petition based on unreasonable conduct. The petition was initially drafted in October 2014 by Ms A's former solicitors on her instructions and, as slightly amended, the petition was filed at Dartford County Court in 2015. Ms A obtained a decree nisi on 17 February 2016, and the decree was made absolute on 29 November 2016.
36. Ms A's divorce petition alleged that 'marital problems started immediately after the marriage in December 2012'. The first incident in time mentioned in the petition is 18 December 2012, when it is alleged that Dr Akinmolayan became violent and physically abused Ms A when she returned home from visiting his mother, that he refused to listen to her explanation and that he 'beat her' and 'pushed her down'. There is no reference in the petition to any incident involving dragging Ms A out of bed either on 17 December 2012, or on any other date.
37. Whilst there may be confusion over dates, and Ms A said in evidence that 'something happened between the 17<sup>th</sup>, 18<sup>th</sup>', the incident on 17 December 2012 in paragraph 1(b) of the Allegation bears no relationship to the incident on 18 December 2012 in the divorce petition, and the latter does not form part of the Allegation before the Tribunal.
38. Whilst recognising that Ms A said in evidence that her divorce petition was a summary of events and allegations and that she only included sufficient detail to obtain a decree of divorce, and to keep the costs down, the Tribunal was nevertheless concerned that what is alleged to have been the first incident following the marriage was not mentioned in the divorce petition or seemingly to her solicitors. The petition was drafted following Ms A attending the offices of a firm of solicitors in Erith in Kent and her instructions were taken by a Nigerian member of the firm.
39. The Tribunal was not satisfied on the balance of probabilities that the GMC had established allegation 1(b). The Tribunal therefore found allegation 1(b) not proved.

#### **Allegation 1(c) – Not Proved**

40. It is not in dispute that on 24 December 2012, Ms A and Dr Akinmolayan visited a market during the day where Dr Akinmolayan purchased a live chicken to cook and eat that evening. Ms A was reluctant to take part in the killing of the chicken which led to some disagreement between them.

41. Later that evening, Ms A's brother came over to visit and Dr Akinmolayan and Ms A's brother left the annexe together. Ms A says that it was getting dark and the generator was not on. She was alone in the annexe and went for a walk. Dr Akinmolayan says he left with Ms A's brother at around 6 pm and returned to the house at around 7 pm to find Ms A was not at home. She says she did not return until 9-10 pm. Dr Akinmolayan puts it later at around midnight.
42. Ms A says in her witness statement that when she returned she was shouted at and assaulted in the manner set out in paragraph 1(c)(i) and (ii) of the Allegation. In her divorce petition Ms A alleged that Dr Akinmolayan '*grabbed her neck, punched her and pushed her into the wall.*' There is no mention in her divorce petition of Dr Akinmolayan hitting Ms with a belt on her hands and back, or fracturing her left thumb, as alleged in the Allegation.
43. As to paragraph 1(c) (iii) of the Allegation, namely, that Ms A was prevented from seeking medical treatment for her injuries, Ms A said in her witness statement '*My thumb was broken. It was fractured, swollen and bruised*', that Dr Akinmolayan promised to take her to a friend's clinic for treatment but didn't take her in the end. She said that when she returned to the UK a few weeks later, she went to see her GP for her thumb. They said it was a fracture and she was given something to put around it.
44. The Tribunal received an extract from Ms A's GP notes. It is correct that Ms A consulted her GP in the UK on 10 January 2013 about other matters but there is no entry or mention of her complaining about her thumb either then or on any other occasion.
45. In his oral evidence about this incident, Dr Akinmolayan said:

*'I called Ms A's mother on the phone. I tried to put a phone call to her mother, to ask if she was in her family house. But I think her mum was asleep, so the mum didn't pick it up. Then I still kept hoping and calming the situation down. Then around, I think until twelve o'clock, Ms A was coming home. All of us were actually outside. My mum came from her building to our own side. When she got to the gates, then I asked her, that, "Where have you been? We've been looking for you." She just flared up and started saying those sorts of things, nasty things, and pushed me out of the way, went inside. When she went inside, she started shouting again. My mum saw what happened. Then my mum felt that, "I think she's angry". Then my mum came inside*

*the building, inside our own apartment, with us. When I saw that she was really angry, talking, raising her voice, and it was late at night, it was a new development, we're newly wedded couples. I just said, "Do you know what? I'm going to bed." I just went to bed. How the door to my apartment – I left her and my mum in the living room. How the door of the building, how she closed the door, I do not see that. I just went to bed and that was the end, so that is what I can say.'*

46. In an email sent by his solicitor to Ms A's solicitor on 19 December 2014, Dr Akinmolayan said that Ms A *'pushed and kicked'* him on 24 December 2012 when he demanded to know where she was coming from at midnight. In his oral evidence he said that he could remember that she pushed him and was not saying that if she kicked and pushed it was with an intent to wound or injure him. It was more like 'get out of the way and let me go in'.
47. The Tribunal was not satisfied that the GMC had discharged the burden of proof to the requisite standard in relation to paragraph 1(c) of the Allegation. It is clear that a quarrel of sorts took place between Dr Akinmolayan and Ms A when she returned late at night. He may well have been annoyed and demanded to know where she had been. The Tribunal considered it likely that when she returned Ms A pushed past Dr Akinmolayan. There is no mention in her divorce petition or ever having told her solicitors that Dr Akinmolayan struck her with a belt and caused an injury to her thumb. Her account of having reported her injured thumb to her GP is also not backed up by the contemporaneous medical records. Additionally, the Tribunal noted that on the following day, 25 December 2012, Dr Akinmolayan and Ms A went to her family church for Christmas. No reference was seemingly mentioned to her parents or siblings about the incident the evening before.
48. In all the circumstances, the Tribunal was not satisfied to the requisite standard of proof that on 24 December 2012 Dr Akinmolayan verbally and physically assaulted Ms A or prevented her from seeking medical treatment.
49. Accordingly, the Tribunal found paragraph 1(c) in its entirety not proved.

### **Paragraph 2 – Not Proved**

50. This is an allegation of rape. The Tribunal reminded itself of the LQC's written advice –

‘In approaching the evidence, it is important to avoid assumptions about rape and other sexual offences. There is no typical rape and there is no typical response to rape. People can react in many different ways to a serious sexual assault. There may be particular feelings of shame, embarrassment or cultural concerns which may arise when the allegation is of a sexual assault by a partner. A late complaint does not necessarily mean it is a false complaint. And the Tribunal must not assume that Ms A’s oral evidence is untrue because she said something different on another occasion, such as in a witness statement. It is for the Tribunal to decide what the situation was in this case by considering all of the evidence. This includes any inconsistencies.’

51. Moreover, just because Ms A was married to Dr Akinmolayan at the time and had consented to sexual intercourse with him on other occasions, both before and afterwards, does not mean that she must have consented to sexual intercourse on this occasion. Further, when a person gives into something against his/her free will, that is not consent but submission. In such a situation, they do not have free choice and this does not amount to consent freely given.

52. In her first supplemental witness statement, Ms A said:

*‘On the night of 25-26 December 2012, Yemi and I were in the bedroom, and we were both asleep. At some point in the night, Yemi started trying to initiate sex with me and told me to wake up. I said to him, we’re never going to have sex again, this relationship is done. He said, I already said I’m sorry. I said, I’m in pain after yesterday., my back is in pain and you won’t let me access treatment, I don’t want to have sex. I remember closing my legs. I thought, my legs are shut, so what are you going to do? He said to me, Ill force it. I said, I wouldn’t be surprised, you’ve done it before, but I need to sleep. He said, are you serious? I said loudly, I’m in pain, I can’t. He said, you don’t have to do anything, I’ll just go on top of you. He then left me alone, but later came back, and initiated sex again.*

*I kept saying no, and closed my thighs, but he got on top of me anyway. I was just crying and telling him to stop. I didn’t try to push him because I had done my best and I wanted to be safe. Also, because I was still in pain and was tired physically and emotionally, and I needed to get up for boxing day the next morning and act like everything is fine. I didn’t physically do anything to stop him, but he forced himself on me. I said, what sort of human are you and he actually just finished. I can’t remember if he said anything to me after he raped me. I just stayed in the bed and cried.’*

53. The Tribunal recognised that the detailed account above if true would undoubtedly amount to rape and prove paragraph 2 of the Allegation. In her oral evidence, Ms A said that a further rape took place before she returned to the UK on 1 January 2013. Paragraph 2 of the Allegation is vehemently denied by Dr Akinmolayan, who says that he was never raped Ms A on any occasion and that they always had consensual sex.

54. In cross-examination of Dr Akinmolayan, the following exchange took place:

*'Q She described how you were in bed, and you woke her, trying to initiate sexual activity. She told you she didn't want it. You did stop at that point, but then you initiated further sexual activity later in the night. What do you say about that?'*

*A That's not true.*

*Q And that despite her saying that she didn't want to have sex and making it clear, you went on to have sexual intercourse with her.*

*A That's not true. I understand consent. If she doesn't say "stop", "no" "no" in that way, I don't force her to do anything.*

*Q That was the first of a number of other times when you did the same.*

*A That's not true. Number one, in terms of our sexual activity, she's always the one that initiates it. I would say her sexual appetite is more than mine, so that's not true. I've never had sexual intercourse with her without her consent.'*

55. The Tribunal was concerned that no mention of this incident or any incident of sexual misconduct was made by Ms A in her divorce petition or seemingly to her lawyers at any stage. Nor was it raised when Ms A changed solicitors and ultimately acted in person to obtain a divorce in the UK. Ms A's draft divorce petition and its finalised version are silent about any allegation of sexual misconduct on the part of Dr Akinmolayan.

56. Ms A's solicitors recorded her instructions in an email that the GMC has disclosed to the Tribunal. In an email sent to Ms A on 26 August 2014 her solicitors said:

*'Thank you for attending our office today for a one-off consultation concerning your family matter. During the meeting you informed us that you got married to Dr Oluyemi Akinmolayan on 15th December 2012 in Nigeria. You told us that a few days into your marriage you began to argue and your relationship started to deteriorate from then on. You informed us that your husband was violent and abusive towards you and*

*that on several occasions he physically beat you up and you eventually decided to leave him and return to the United Kingdom in January 2013. You informed us that since then you have lived apart from your husband, you are domiciled in the UK whilst your husband resides in Nigeria. You informed us that both families have tried to reunite the two of you but all efforts at reconciliation have failed. You informed us that because of the physical and emotional abuse you suffered at the hands of your husband you no longer wish to remain married and want a divorce. You have asked us for advice on how to obtain a divorce from your husband.'*

57. Ms A's solicitors acted for her from August 2014 to June 2015, shortly before her divorce petition was filed, and she was in regular communication with them. She received a copy of the draft petition and commented on the letter enclosing it sent to Dr Akinmolayan. In her first supplemental witness statement, Ms A said she was 'sure' she had mentioned to her divorce lawyers the sexual assaults by Dr Akinmolayan. She said:

*'I am sure I mentioned the incidences of physical and sexual assault by Yemi to my divorce lawyer at the time. I think she probably put the details that she thought were needed in the divorce letter, but I remember her trying not to put too much detail about this, for some reason. This is one of the reasons I decided to handle it myself.'*

58. In her second supplemental witness statement, Ms A said that she now does not think she told her divorce solicitors about Dr Akinmolayan raping her, as she thinks she was embarrassed about it. In her oral evidence to the Tribunal Ms A said that she did not tell her solicitor at the time because she was not 'brave enough' to mention the sexual assaults by Dr Akinmolayan.
59. The Tribunal is fully aware that a person may not be willing to divulge intimate events such as rape to third parties but the Tribunal was nevertheless concerned why this important and very serious allegation, and the similar allegations of rape made in paragraph 3(a) of the Allegation, were not mentioned at any time to Ms A's solicitor. Ms A was and is an eloquent and intelligent young woman who had been in the UK for some years and the Tribunal finds it difficult to accept her explanation that she was embarrassed or not brave enough to speak to her solicitor about such matters. Ms A referred to shame or guilt or a 'cultural barrier' in speaking to her solicitor who was Nigerian and might tell her it was nonsense that a husband can rape his wife. However, Ms A stated positively in her first supplemental witness statement that she was 'sure' that the sexual assaults by Dr Akinmolayan had been mentioned to her divorce lawyer.

60. Ms A's evidence was also that she told Dr Akinmolayan's XXX in April 2013 that she had been sexually assaulted by him. In her witness statement, Ms A said:

*'The first person I told was Yemi's XXX in April 2013. She invited me to visit her in Liverpool and she was nice and made me feel at home. I told her, and she said, this is domestic violence you're talking about.'*

61. In her first supplemental witness statement, Ms A said:

*'The first person I told about the sexual violence was Yemi's XXX, who lived in Liverpool at the time. I later told her about all of the sexual, physical, emotional and financial abuse. I told her everything.'*

62. In her oral evidence, Ms A said that she told Dr Akinmolayan's XXX 'countless times he raped me'.

63. Dr Akinmolayan called his XXX, Mrs B, to give evidence. In her witness statement, Mrs B said:

*'I have seen the allegations made by Ms A about Yemi. I have also been asked whether Ms A said anything to me about any difficulties she was experiencing with Yemi, including whether she said anything about Yemi being physical or violent towards her. I am absolutely sure that Ms A did not say anything at all about such things. The only thing I do remember Ms A telling me was that Yemi was still in Nigeria at that time, and that she wanted Yemi to move to the UK. My memory is still sharp, and I am positive that the only she told me was that Ms A felt that Yemi didn't want to come to UK, and that that was the only issue she raised with me. This seemed to me like a perfectly reasonable wish for Ms A to have, and so I said I would speak to Yemi about it. From my own perspective I also thought it would be fantastic if Yemi moved to the UK, as there then would be three of us. At that point in time I was the only member of the family living in the UK, and naturally I would be keen for more of my family to be here with me. I said to Ms A not to worry, and that I too would have liked more of my family in the UK.'*

64. In her oral evidence, Mrs B said that when she and Ms A met in April 2013 it was the first time they had met each other and they had taken a train journey together from



Liverpool to Wrexham for a baby christening. Mrs B said: *‘there was really not much time for us to be talking about such issues’*.

65. The Tribunal considered it unlikely that Ms A would divulge deeply personal information, alleging that Dr Akinmolayan had raped her, to a person she had just met in such a short time-frame, despite Mrs B being the only member of his family in the UK. Whilst recognising that Mrs B is Dr Akinmolayan’s XXX and not, therefore, totally independent, she was nevertheless a good witness and the Tribunal accepted her evidence that Ms A did not tell her, and certainly did not mention to her in April 2013, about any violence or sexual abuse on the part of Dr Akinmolayan.
7. The Tribunal noted that in her witness statement, Ms A said that after she had spoken to Dr Akinmolayan’s XXX, it raised her confidence, and that she also told her elder brother who lives in Germany. In the summer of 2013 Ms A returned to Nigeria where she said a family meeting took place at her grandparents’ house. The Tribunal received no evidence from any member of Ms A’s family.
67. The Tribunal considered various Blackberry messenger chats between Ms A and Dr Akinmolayan at this time. Between 2 January 2013, by which date Ms A was back in the UK, and 9 January 2013, numerous chats were exchanged. They were loving and made no reference to violence or any suggested rape. It is unnecessary to set the texts out in full but a few of the chats sent by Ms A to Dr Akinmolayan were as follows:

2/1/2013	Thanks love
5/1/2013	I’m loving more you know
5/1/2013	Awww (in response to ‘I love you Adebomi’ from Dr Akinmolayan)
5/1/2013	I’m loving you sooooo much too
8/1/2013	Hope you are not too lonely
8/1/2013	I was so horny yesterday
8/1/2013	And I miss you so much sometimes
9/1/2013	Mrs is missing you here ooo
9/1/2013	Good love

Following her visit to see Mrs B in April 2013, Ms A sent a chat message to Dr Akinmolayan saying that his XXX *‘wants to kill me with lovey dovey with the hubby.’*

68. The Tribunal recognised that despite the effusive tone of some of the chats Ms A was deeply unhappy following her marriage to Dr Akinmolayan. In his divorce petition Dr Akinmolayan complained that on the night of the marriage Ms A told him that she did not enjoy the wedding and the entire event. On 28 January 2013, Ms A sent an email to Dr Akinmolayan in which she said that she did not enjoy the wedding, felt the house in Nigeria was ‘too chokey’ and that was not ready for or enjoying her marriage. The Tribunal also appreciated that Ms A may have experienced difficulties in adjusting to a marriage where she was resident in the UK while her husband was based in Nigeria, and that setting out on married life in these circumstances would have added pressure to both parties.
69. However, taking all the circumstances into account and having considered all the evidence before it, the Tribunal concluded that the GMC had not satisfied it to the requisite standard of proof that Dr Akinmolayan had sexual intercourse with Ms A without her consent on the evening of 25-26 December 2012.
70. Accordingly, the Tribunal found paragraph 2 not proved.

**Paragraph 3(a) – Not Proved**

71. According to her BA flight itinerary Ms A returned to the UK on 2 January 2013. Between January 2013 and January 2014, she was twice in Nigeria. Firstly, in July/August 2013 for about a month, during which Ms A spent part of the time staying with a friend who was getting married. Ms A and Dr Akinmolayan spent about two weeks together. The chat messages show that Ms A returned to the UK on 10 August 2013. Secondly, Ms A was in Nigeria during December 2013/January 2014.
72. In her witness statement, Ms A said:
- ‘He raped me throughout our marriage a few times, at least 3 times. I knew our marriage had broken down and he is cheating on me. I wanted to be safe. There were times I objected to having sex at all, and he raped me. Sometimes, I later realised I was going to be raped all the time. So I thought fine, if we’re going to be having sex, can you use a condom. I said, I don’t want to have sex with you without a condom, but he would make us have sex without a condom.’*
73. In her first supplemental witness statement, Ms A said:

*'He raped me once or twice more during my next visits to Nigeria. The rapes would always happen in the bedroom at night at his house. I would say no and he would just have his way. We didn't talk about this the next day. I remember it became the norm, and at first I started to fight, push and kick him because I realised he was actually the devil. I would sleep in the living room afterwards. Later on, I sat down and said to him plainly, this is what our relationship is now, this is where it is. I said fine, ok do it, just wear a condom. Sometimes he wore a condom, but sometimes he didn't. After I asked him to wear a condom, he didn't. This is because he didn't want to listen to me, wanted to get me pregnant, and he knew that I was scared he might have STD's. I said to him, I know you want to get me pregnant.*

*..... In 2013 I was trying for a baby with Yemi, because I thought that being pregnant would save the marriage and change things. I'm now grateful that I didn't get pregnant at this time.'*

74. In cross-examination Ms A said that during her visit to Nigeria in the summer of 2013 there were 'loads' of rapes, before correcting herself to say there were 'a few' occasions.

75. In his written response Dr Akinmolayan said:

*'This is not true. I never raped her. we always had consensual sex. .... We had protected sex only because she said she was not ready to have a baby at the time and I respected that. She was once pregnant in 2012 before our wedding, she got rid of it without any issues from me. I do not impose anything on her.'*

76. The Tribunal recognised that consent is the central issue in paragraph 3(a) of the Allegation as it was in relation to paragraph 2 of the Allegation. However, no dates or details are specified in paragraph 3 as to precisely when it is alleged that Dr Akinmolayan had sexual intercourse with Ms A without her consent. In evidence, counsel for the GMC accepted that Ms A had not been specific and the allegation that Dr Akinmolayan raped Ms A on occasions subsequent to 25-26 December 2012 was 'in general terms'.

77. Whilst appreciating that consent is specific to the occasion sexual intercourse takes place, and submission is not consent, the Tribunal nevertheless found Ms A's evidence in relation to this paragraph of the Allegation inconsistent, principally because it was difficult to reconcile with Ms A's witness statement and because the allegation here was

put in general terms. On the one hand Ms A is alleging that sexual intercourse took place without her consent between January 2013 and January 2014 and on the other hand she agrees that she was trying to have a baby with Dr Akinmolayan. She accepted that she had consensual sex with Dr Akinmolayan ‘a few times’. The Tribunal noted that when Ms A visited her GP in January 2013 she told the GP that she had been trying for a baby for a year. In a chat message sent by Ms A to Dr Akinmolayan on 14 August 2013, shortly after her return to the UK, Ms A said she was missing Dr Akinmolayan ‘a lot’ and ‘especially sex’.

78. In all the circumstances the Tribunal was unpersuaded that Ms A had had sexual intercourse with Dr Akinmolayan without her consent during her visits to Nigeria in January 2013 to January 2014. There may well have been occasions of some reluctance or hesitancy on her part because she was unhappy with the marriage, as indeed was Dr Akinmolayan.
79. However, standing back and looking at all the evidence in the round, the Tribunal concluded that the core allegation that Dr Akinmolayan had sexual intercourse with Ms A without her consent between January 2013 to January 2014 on one or more occasions was not established on the balance of probabilities.
80. Accordingly, the Tribunal found paragraph 3(a) not proved.

#### **Paragraphs 3(b) and (c) – Not Proved**

81. It is alleged that on one or more occasions Dr Akinmolayan hit Ms A and pushed her against a wall. The Tribunal heard evidence of a single incident said to have occurred in July 2013.
82. In her witness statement, Ms A says that while she was looking into Dr Akinmolayan’s date of birth and trying to find her marriage certificate amongst Dr Akinmolayan’s documents ‘he would be hitting me, smacking me, and pushing me against the wall.’ Ms A says that she did not suffer any physical injuries but she had an injury to her chin and a bruise and had photographs of these but she felt embarrassed and later deleted the photographs.
83. In an email letter sent on 2 October 2104 by Ms A’ solicitors to Dr Akinmolayan, it was alleged that Dr Akinmolayan ‘grabbed’ Ms A ‘by her neck and punched her’ and that

Ms A 'received treatment at a private clinic for her injuries'. In her draft divorce petition which accompanied the letter it was alleged that Dr Akinmolayan injured Ms A and 'forcibly took' her to a private clinic where she was admitted overnight and treated for cuts and bruises sustained during 'the beating'; and that when she returned to the UK she discovered her wrist was 'broken', and she had to receive further treatment in the UK. Dr Akinmolayan replied through his solicitors on 19 December 2014 denying any assault and all the allegations raised by Ms A.

84. In her second supplemental witness statement received on day 2 of the hearing, Ms A said that she injured her wrist when Dr Akinmolayan smashed her phone out of her hand. Ms A said that she was not sure whether her wrist was broken, or just bruised. She said that she forgot to mention the injury in her original witness statement and cannot remember whether she received medical or holistic treatment in the UK, as she was in the habit of visiting an osteopath at the time so she may have mentioned about her wrist. There is no record of any such injury in the GP notes.
85. The Tribunal noted that in her first witness statement Ms A said that she received *no physical injuries*, and at most an injury to her chin and a bruise which she photographed and later deleted the photographs. This is in contradiction to the more serious allegation in the letter sent by her solicitors to Dr Akinmolayan that in July 2013 he had grabbed Ms A by the neck and punched her; and the claim in her divorce petition that she had received a "beating" and was detained overnight in a clinic in Nigeria. When asked in cross-examination why she had not mentioned these matters to the GMC, Ms A's answer was that she 'forgot about that part'.
86. Dr Akinmolayan's case is that the allegation is made up and is inconsistent with the chat messages between the parties in August 2013 following Ms A's return to the UK. In the chat messages Ms A expressed that she was missing Dr Akinmolayan and she made no suggestion of any assault occurring during her visit to Nigeria until October 2014. Whilst Dr Akinmolayan sent an email to Ms A on 1 September 2013 in reply to her request for a divorce no mention was made of this incident.
87. Making all allowances for the inconsistencies in Ms A's evidence, the Tribunal considered that the GMC had failed to satisfy it to the requisite standard of proof that between January 2013 to January 2014 on one or more occasions Dr Akinmolayan hit Ms A or pushed her against a wall.

88. Accordingly, the Tribunal found paragraph 3(b) and (c) not proved.

**Paragraph 4(a) – Not Proved**

89s. During her visit to Nigeria in December 2013/January 2014, it is alleged that Dr Akinmolayan twice assaulted Ms A; firstly at their home adjacent to his mother's house in Abeokuta when Dr Akinmolayan became angry and choked Ms A (allegation 4a), and secondly in the car journey to Lagos airport before she returned to the UK when it is said that Dr Akinmolayan slapped Ms A (allegation 4b).

90. In her witness statement Ms A said:

*'In this week, I was very careful. Everyone knew what he had done by then. He was being very careful too and rarely stayed at home. A few times, he accused me of talking about what had happened and having conversations with people. He saw a text on my phone from a male friend that said if you need any help, we're here. He didn't like my male friends. He thought I was cheating because he saw this text about my male friend being supportive and he got angry and tried to choke me. He didn't apologise and knew I had given up on the marriage. He also slapped me in the car in Lagos airport and I got out of the car. I walked to the bridge and I wanted to end my life and jump.'*

91. In cross-examination in her oral evidence, dealing with allegation 4(a), Ms A said:

*'Q Yes. I had understood that the choking incident happened the day before you went to the airport in Lagos.*

*A Yes, it did.*

*Q I understood, therefore, that the choking incident occurred at the house of this friend in Lagos.*

*A No, no, he was very careful, apart from the way he spoke to me, which the friend had a meeting with us and then chastised him for the way he behaved towards me. No, he didn't do that, and Dr Akinmolayan will be very careful showing his real self at a friend. This happened at our house in Abeokuta. It was part of the preparation for going to Lagos because I complained bitterly – I wanted to go on my own accord; I didn't want him to follow me. I complained about the fact that I have to sleep in a stranger's house when I have family I could have slept at and that there is no reason for it. I complained because I didn't want to go on this trip with him. That was what caused the whole thing why he choked me.*

Q *Forgive me. That was the next thing I was going to understand about that choking incident. So the choking incident, you tell us, is because there was this argument that you did not want to stay at the friend's house in Lagos?*

A *Yes, I did not want to stay at the friend's house, I did not want him to take me to the airport, I did not want to go on that trip with him.*

Q *All right.*

A *I wanted my family to take me.'*

92. When it was pointed out that Ms A's evidence about why the choking incident took place was different to what she had said in her witness statement, Ms A said: 'It wasn't a completely different reason. This was also one of the reasons.'

93. The allegation was denied by Dr Akinmolayan. When cross-examined about the incident he said:

*'Q So was there a row the day before you leave to go to the airport ---*

*A No.*

*Q --- when you choked her?*

*A No. Choked? No.*

*Q Did she make it clear, that she didn't want to stay with your friend?*

*A No, because it was part of our plan of cutting costs, because the other option would be to rent a hotel. My friend is in a three-bedroom, I think it's a flat. She did not say that she didn't want to go there.'*

94. The Tribunal noted that the 'choking' incident was not mentioned in Ms A's divorce petition. The petition was drafted in October 2014 by Ms A's solicitors. After citing the alleged 'beating' in July 2013, the draft petition goes on to state that attempts by both sides at reconciliation were unsuccessful '*as the respondent [Dr Akinmolayan] continued to be physically and verbally abusive to the petitioner [Ms A]*'. No details are given and these words seemingly appear to be omitted from the final version of the divorce petition filed in 2015.

95. The Tribunal does not read anything into the fact that the additional sentence was not in the final version of the petition and have assumed that Ms A did tell her solicitors that there was continuing abuse after July 2013 by Dr Akinmolayan. Notwithstanding this, there is clearly a sharp conflict between the evidence of Ms A and the evidence of Dr Akinmolayan about the incident covered by paragraph 4(a) of the Allegation, and in her

oral evidence Ms A offered a somewhat different account of what led to Dr Akinmolayan allegedly choking her from that mentioned in her witness statement.

96. At the end of the day, the Tribunal considered that in all the circumstances the GMC had not satisfied it to the requisite standard of proof that paragraph 4(a) was established.

97. Accordingly, the Tribunal found allegation 4(a) not proved.

#### **Paragraph 4(b) – Not Proved**

98. This incident occurred the following day in the car to Lagos Airport. In cross-examination Ms A said: *“I got out of a moving fast traffic and left that car when he slapped me”*.

99. In answer to questions from the Tribunal, Ms A said:

*‘Q It was in the car.*

*A Yes. There was traffic.*

*Q Just tell us how it happened?*

*A So he – we were in the car together. His friend and I think someone else was with the friend, maybe the house boy was following in another car behind us, and there was traffic, big traffic, this is Lagos life, and we – I was very – I have been very careful all this while and I called him an idiot. We were arguing and he was saying things and I called him and he said if I used that word again, he would show me that he is an idiot, and I remember saying “What are you going to do with me in Lagos? This is Lagos. There is nothing you can do. You can’t beat me up”, and I used that word again and he slapped me.*

*Q Was this in traffic or were you in stationary traffic?*

*A In traffic, yes.*

*Q Was it stationary or moving traffic?*

*A Stationary in traffic, in between, yes.*

*Q Stationary. I see. So he slapped you. Where did he slap you, across the face or ---*

*A Across the face.*

*Q Yes, I see. One slap?*

*A Yes, just one.*

*Q Right. You also allege that he choked you and I think that happened in a house in Lagos.*

*A That happened when we were in Abeokuta, the day before going to Lagos.’*



100. Dr Akinmolayan said in evidence:

*Q There was an incident in the car, though, wasn't there, when she gets out in traffic?*

*A The incident happened, started before we were in the car. When we were about to leave, my friend said that he was going to accompany us to the airport. He was using an SUV. I was using a sedan, a saloon car. Then my friend pulled her bag, I pulled her bag. My friend's girlfriend – not houseboy, like the houseboy "I'll get that" – I think she said, "houseboy". My friend's girlfriend, Samantha, pulled her third luggage and her third luggage was the lightest. It was like hand luggage. Everybody was going, and she was the only one that wasn't pulling anything, that wasn't carrying anything. I said, because I didn't want it to appear as if I was using my friends, and I just said – out of respect, I whispered to her, "Could you, please, take the bag from Samantha?" I just whispered. It wasn't (inaudible), "Could you, please, take the bag from Samantha?" She was just confrontational, "Why? What do you mean? Why?" I said, "Okay, okay, okay, okay", then we put the bags inside our cars. Now I'd already stopped talking about it, because I just – when we got inside the car, we were moving. She just raised the issue, that, what do I mean? Very confrontational and very, "What do I mean?", that a lady helped, that it was – she was using a lot of words. I said, "I feel that is just out of respect, for you to just carry – I mean, it's a suggestion." Then she went on and on, that I shouldn't tell her this, I shouldn't tell her that. She went on and on, talking, raising her voice, and I said, "I still maintain that it's out of respect, that you should. I just want you, like, you can take your bag."*

....

*So then I said that "just help me" and she was just like, "Yemi, shut up". She just called my name, "Yemi, shut up blah-blah-blah". I kept quiet and I was just driving. Then when the car grounded, we were in traffic, very close to the airport, she just said, "What sort of nonsense, what sort of rubbish, like, why will I say that?" She just unhooked her seatbelt and went and got out of the car. I felt helpless, "What am I going to do? This is traffic."*

....

*Q I suggest that she gets out of the car, leaves her bags and starts walking in the traffic because you'd slapped her.*

*A No. No. No.'*

101. The Tribunal received a ‘testimonial’ from Dr D who was in the car following. Dr D says this:

*‘I hosted Dr Oluyemi and his ex-wife in Lagos during one of her returns to the UK sometime in 2014 and I accompanied them to the airport with my car following theirs at the back. On the way to the airport, she dropped out of the car in the traffic. My girlfriend at the time got down to get her and when I asked her why she came out of the car, she said there was a disagreement, and she did not want to get back inside Dr Oluyemi’s car. She joined us in my car, and we continued to the airport. She did not mention any form of abuse at that time or at any other time.’*

102. Dr D’s testimonial is not in the form of a witness statement and Dr D did not give evidence. However, there was no objection from the GMC to the statement being adduced as hearsay evidence under rule 34(1) of the GMC (Fitness to Practise) Rules 2004. It does mean, however, that the Tribunal did not have the benefit of seeing and hearing from Dr D, nor were the GMC afforded an opportunity to cross-examine Dr D.

103. The specific allegation is that Dr Akinmolayan ‘slapped’ Ms A in the car to Lagos airport. It cannot be doubted that Ms A and Dr Akinmolayan were quarrelling in the car whilst he was driving, and that Ms A unbuckled her seatbelt and got out of the car, presumably when it was stationary between moving traffic. The fact that she may not have mentioned to Dr D and his girlfriend that she had been slapped does not mean it did not happen; she told Dr D that there had been a disagreement and that she did not want to get back into Dr Akinmolayan’s car. The real issue for the Tribunal is whether the GMC has satisfied it on the balance of probabilities that Dr Akinmolayan slapped Ms A which caused her to get out of the car.

104. It is clear that something caused Ms A to get out of the car. She says she was slapped after calling Dr Akinmolayan an idiot again. On her own admission Ms A called Dr Akinmolayan an idiot more than once in the car and she was clearly annoyed with him. On Dr Akinmolayan’s version she was confrontational and raising her voice. They had been arguing to some extent about the luggage even before the journey started and they continued to argue in the car. It is equally plausible that Ms A got out of the car because she was in a temper rather than Dr Akinmolayan slapped her.

105. Therefore, the Tribunal concluded that the GMC had not satisfied it on the balance of probabilities that Dr Akinmolayan deliberately slapped Ms A in the car to Lagos airport.

106. Accordingly, the Tribunal found allegation 4(b) not proved.

**Paragraph 5 – Not Proved**

107. As a result of finding paragraphs 1a, 2 and 3a not proved, paragraph 5 of the Allegation falls away.

108. Accordingly, the Tribunal found paragraph 5 in its entirety not proved.

**The Tribunal's Overall Determination on the Facts**

109. The Tribunal has determined the facts as follows:

1. Your behaviour towards Ms A was inappropriate in that:
  - a. in or around August or September 2012 at your mother's house in Nigeria you:
    - i. attempted to have sexual intercourse with Ms A after she said "no"; **Not proved**
    - ii. tried to put your fingers inside her knickers; **Not Proved**
    - iii. told her a 'man has his needs', or words to that effect; **Not proved**
    - iv. pinned her down on the sofa by her wrists; **Not proved**
    - v. tried to remove her knickers; **Not proved**
    - vi. put your finger inside her vagina; **Not proved**
    - vii. ripped her knickers; **Not proved**
    - viii. told her you were trying to "get what is mine", or words to that effect; **Not proved**
  - b. on 17 December 2012 you physically dragged her out of bed; **Not proved**
  - c. on 24 December 2012 you:

- i. shouted at her; **Not proved**
  - ii. assaulted her by: **Not proved**
    1. pulling at her; **Not proved**
    2. dragging her from the bedroom to the living room; **Not proved**
    3. pushing her up against a wall; **Not proved**
    4. hitting her with your belt on her hands and back; **Not proved**
    5. fracturing her left thumb; **Not proved**
  - iii. prevented her from seeking medical treatment for her injuries. **Not proved**
2. On the evening of 25-26 December 2012, you had sexual intercourse with Ms A without her consent. **Not proved**
  3. Between January 2013 to January 2014 on one or more occasion you:
    - a. you had sexual intercourse with Ms A without her consent; **Not proved**
    - b. hit Ms A; **Not proved**
    - c. pushed Ms A against a wall. **Not proved**
  4. Between December 2013 and January 2014 you:
    - a. became angry and choked Ms A; **Not proved**
    - b. slapped Ms A in the car to Lagos airport. **Not proved**
  5. Your conduct as described at paragraphs 1a., 2. and 3a. above was sexually motivated. **Not proved**
110. As the Facts have not been found proved it therefore follows that Dr Akinmolayan's fitness to practise is not impaired.