

HURIWA commends Rivers Court Judgment on defected Lawmakers, calls for Constitutional Purity

The Human Rights Writers Association of Nigeria (HURIWA) has praised the Rivers State High Court's recent judgment dismissing a suit seeking to compel Governor Siminalayi Fubara to re-submit the 2024 budget to 27 defected lawmakers of the Rivers State House of Assembly. The association described the decision as a monumental pro-democracy victory and a reaffirmation of the judiciary's responsibility to uphold the Constitution.

Justice Sika Aprioku, in the judgment delivered on December 20, 2024, ruled that the 27 lawmakers, having defected from the People's Democratic Party (PDP) to the All Progressives Congress (APC), had automatically vacated their seats as stipulated by Section 109(1)(g) of the 1999 Constitution (as amended). The court further emphasized that Governor Fubara's actions in transacting legislative business with the remaining lawful members of the House were constitutionally sound.

HURIWA lauded the court for its clarity in affirming that the Constitution is self-executing in cases of political defection. The court underscored that lawmakers who cross-carpet from the political parties that sponsored their elections automatically vacate their seats, without the need for judicial intervention. "This judgment is a shining example of the judiciary standing firmly on the side of constitutional purity," HURIWA stated. "It sends a strong message that the Constitution is supreme and cannot be violated with impunity. Politicians who disregard its provisions must face the consequences."

The association expressed satisfaction with Justice Aprioku's rationale, particularly his reference to precedent during former Governor Nyesom Wike's administration when legislative business continued with only six members. "The judgment affirms that legislative and executive governance can proceed as long as it adheres to constitutional guidelines," HURIWA added.

HURIWA described the judgment as one of the most significant pro-democracy decisions in recent times. It emphasized the judiciary's crucial role in upholding the rule of law and ensuring that elected officials respect the provisions of the Constitution.

"This ruling is a wake-up call for all politicians who think they can manipulate the system," HURIWA stated. "The judiciary must consistently side with the Constitution, ensuring that its purity is preserved, and the principles of democracy are upheld."

The association called on other courts, including the Supreme Court and the Court of Appeal, to adopt a similar approach in their deliberations on the status of defected lawmakers. "It is inconceivable that individuals who flagrantly violate the Constitution by defecting to another party can expect to retain the rights and privileges of their former positions," HURIWA

remarked.

HURIWA argued that the ruling reinforces the principle that governance should be anchored on constitutional fidelity and respect for due process. The association urged Nigerian politicians to lead by example by upholding the rule of law rather than seeking to distort it for personal or political gain. "Elected officials must recognize that their mandate is tied to the political platform on which they were elected," HURIWA stated. "Defection without a legitimate cause, such as a division in the sponsoring party, is a direct affront to the electorate's trust and the sanctity of the Constitution."

While noting that the judgment has broader implications for Nigeria's democratic development, HURIWA warned that allowing defected lawmakers to retain their seats would set a dangerous precedent, eroding public confidence in the electoral process and weakening the accountability of elected representatives. "This ruling safeguards the principle that

political mandates are tied to party platforms, ensuring that the electorate's choices are respected," HURIWA asserted. "It also deters the culture of opportunistic defection that undermines governance and democratic stability."

As the matter progresses to the Higher courts,

HURIWA urged the justices to view the case through the lens of constitutional purity and the need to uphold democratic principles. The association stressed that the judiciary must not waver in its duty to hold politicians accountable to the law.

"This is an opportunity for Nigeria's highest courts to affirm the sanctity of the Constitution and reinforce the message that no one is above the law," HURIWA stated. "We call on the appellate courts to uphold this judgment, ensuring that constitutional provisions are not only respected but also enforced to the letter."

HURIWA concluded by urging Nigerian politicians to embrace a culture of respect for the Constitution and the rule of law. "The Rivers State High Court has set an example that must be replicated across the country," the association said. "Nigerians deserve leaders who adhere to constitutional principles and work tirelessly to uphold democratic values. Anything less is unacceptable."

The association also commended Governor Fubara for adhering to constitutional principles in his dealings with the Rivers State House of Assembly, urging him to remain steadfast in his commitment to governance guided by the rule of law.



Nigerian Military

Huriwa Praises Tinubu For Banning Homosexuality, Tattooing, Others

Calling it a very bold effort at promoting, defending and uplifting the revered African tradition and culture as emphasized in chapter two of the Constitution as a major plank of governance in the modern Times, leading civil rights advocacy group: HUMAN RIGHTS WRITERS ASSOCIATION OF NIGERIA (HURIWA) has applauded President Bola Ahmed Tinubu for banning certain un-African and unorthodox lifestyles such as same-gender sexual liaisons and TATTOOING amongst other unacceptable practices from the Armed forces of the Federal Republic of Nigeria. Information in the Nigerian media is saying that in a bid to properly administer the Nigerian military as fully professionalized and disciplined military institutions, President Tinubu who is the Commander-in-chief of the Nigerian military has approved the immediate enforcement of a total ban on homosexuality, tattooing just as Nigerian military personnel have been explicitly banned from engaging in acts such as homosexuality, cross-dressing, bestiality, and other behaviors considered unethical under newly revised regulations.



According to the extant updated rules governing the conduct of military operatives and officers, several provisions also prohibit tattooing, body piercing, disorderly behavior, and drunkenness, whether on or off duty. The revised Harmonized Armed Forces Terms and Conditions of Service, signed by President Bola Tinubu on December 16, 2024, outlines these prohibitions.

A copy of the document states, “An officer must not engage in homosexuality, lesbianism, and bestiality. He/she is not to belong to, or engage in activities of the Lesbian, Gay, Bisexual, Transgender or Trans, Queer or Questioning, Intersex, Asexual or A gender, Two-Spirit (LGBTQIA2S+) group and cross-dressing, amongst others.”

Additionally, the directive bans military personnel from tattooing and piercing any part of their bodies, engaging in

public brawls, or being intoxicated while on or off duty. The conditions also address inappropriate relationships within the ranks, forbidding officers from forming amorous relationships with subordinates or their spouses. “An officer shall not engage in any amorous relationship with any soldier/rating/airman/airwoman, fellow officer's or soldier's/rating's/airmen's/air women's spouse,” the document states. Other notable rules include timely payment of financial obligations such as vehicle licenses and insurance, a ban on joining secret societies or political parties, and restrictions on private business ventures. Officers are also warned against misusing government property or accepting gifts and favors from juniors. “An officer shall not engage in private business... or use government property, his name, position, and connection in ways that interfere with his official duties or bring discredit to the service,” the document further states.

While the revised code outlines strict behavioral standards, the disciplinary measures for those found violating these rules were not specified. In her response, the leading human rights defenders the HUMAN RIGHTS WRITERS ASSOCIATION OF NIGERIA (HURIWA) said these decisions by the President are in total compliance with relevant provisions of the Nigerian Constitution chapter 2 section 21 on the directive on Nigerian cultures which provides thus: “The State SHALL (a) protect, preserve, and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives as provided for in this chapter, and (b) encourage development of technological and scientific studies which enhance cultural values.”

HURIWA through the National Coordinator Comrade Emmanuel Onwubiko called on all Nigerians to stand by the President and support these decisions that are aimed at defending our respected African cultural value system which do not detract from any provisions of the chapter 4 of the 1999 just as HURIWA expressed optimism that these codes and ethical directives would enhance professionalism and excellence in the Nigerian military.