

PDP governors line up 11 SANs for suit against emergency

The PDP governors, have engaged seven Senior Advocates of Nigeria and six other attorneys to battle the Federal Government at the Supreme Court on what powers the President has to declare emergency rule in a state and suspend a democratically elected institution of the state. The SANs hired by the governors include Bolaji Ayorinde, Eyitayo Jegede, Kamaldeen Ajibade, J.A Mumuni, Musibau Adetunbi, Samuel Atung and Yunus Abdulsalam. The others are M.S. Atolagbe, Ezenwa Ibegbunam, Chiamaka Anagu, Olakunle Lawal, Abduljalil Musa and H. A. Adeleke. The PDP governors are also contesting the appointment of a sole administrator by the President to manage the affairs of Rivers State pending the duration of the suspension of Governor Siminalayi Fubara. President Bola Tinubu had on March 18, 2025, declared a state of emergency in Rivers State and suspended Governor Fubara, his deputy, Mrs Ngozi Odu, and all elected members of the Rivers State House of Assembly for an initial period of six months. Following the suspension, Tinubu appointed Vice Admiral Ibok Ete Ibas (retd.) as the sole administrator to oversee the affairs of Rivers State during the period of the suspension.

Meanwhile, the Senate and House of Representatives supported the President's decision through a voice vote. Consequently, 11 PDP governors sued the President and the National Assembly before the Supreme Court, challenging the President's powers to declare an emergency rule and suspend elected officials in a state. The 11 states whose governors instituted the suit are Adamawa, Enugu, Osun, Oyo, Bauchi, Akwa Ibom, Plateau, Delta, Taraba, Zamfara, and Bayelsa states. The governors in the suit marked SC/CV/329/2025, among others, asked the Supreme Court to determine "Whether upon a proper construction and interpretation of the provisions of Sections 1(2), 5(2), 176, 180, 188 and 305 of the Constitution of the Federal Republic of Nigeria 1999, the President of the Federal Republic of Nigeria can lawfully suspend or in any manner whatsoever interfere with the offices of a Governor and the Deputy Governor of any of the component 36 States of the Federation of Nigeria and replace same with his own unelected nominee as a Sole Administrator, under the guise of, or pursuant to, a Proclamation of a State of Emergency in any of the State of the Federation, particularly in any of the Plaintiffs States? "Whether the consequent threat by the first Defendant acting on behalf of the President to the States of the Federation, including the Plaintiffs' States, to the effect that the offices of the Governor and Deputy Governor of the States can be suspended by the President by virtue of a Proclamation of a State of Emergency, is not in contravention of the provisions of Sections 1(2), 4(6), 5(2), 11(2) and (3) of the Constitution of the Federal Republic of Nigeria 1999 and inconsistent with the principles of constitutional federalism?" Meanwhile the Attorney General of the Federation and Minister of Justice, Lateef Fagbemi (SAN), has sprung into action and commenced drafting the response of President Bola Tinubu to the People's Democratic Party's governors' suit challenging the declaration of emergency rule in Rivers State.

Meanwhile, a Federal High Court sitting in Port Harcourt has fixed May 12 for a substantive hearing in a suit challenging the suspension of Governor Siminalayi Fubara and members of the State House of Assembly. The suit was filed by a former member of the House of Representatives, Farah Dagogo. To forestall difficulties in serving the defendants personally, the court granted an order for substituted services and fixed May 12 for the hearing. In the case with suit No: FHC/PH/CS/50/2025, and before Justice

Adamu Turaki Mohammed, the plaintiff, Dagogo, had on April 9 approached the court seeking reliefs connected to actions bothering on the declaration of a state of emergency in Rivers State and consequent suspension of the state governor and members of the State House of Assembly that involved President Bola Tinubu, the Senate President, Godswill Akpabio, the Senate, the Speaker, House of Representatives, Tajudeen Abass, and Vice Admiral Ibok-Ete Ibas (retd.), the Sole Administrator for Rivers State. In the motion ex parte filed on April 8, the plaintiff's legal team, led by C. I. Enweluzo, SAN, requested the court to grant permission for substituted service of the originating summons and other related court processes. According to him, this was necessitated by difficulties in serving the defendants personally. Justice Mohammed, after reviewing the affidavit sworn by Solomon Ayotamuno, a litigation assistant at Liberty Chambers, and hearing arguments from the Plaintiff's counsel, including Femi Adegbite, Monday Dayi, Daso Jack, and D. Bakweri, granted the application and directed that a hearing notice be issued, and adjourned the case to May 12, 2025, for substantive hearing. The court also ordered that all relevant court documents be served on the defendants through DHL courier service to their last known addresses. The affected addresses include: The President of the Federal Republic of Nigeria at Aso Rock Presidential Villa, Asokoro, Abuja; The Senate President and the Senate of the Federal Republic at the National Assembly Complex, Three Arms Zone, Abuja; the Speaker of the House of Representatives at the same Assembly Complex, and Vice Admiral Ibok-Ete Ibas (retd) at the Rivers State Government House, Old GRA, Port Harcourt.

The House of Representatives has also inaugurated an ad-hoc committee to take over the legislative functions of the Rivers State House of Assembly. In a statement issued on Sunday, the spokesman of the House, Akin Rotimi, noted that the presidential proclamation of the state of emergency on Rivers presented to the National Assembly was subjected to rigorous legislative consideration and duly amended to strengthen democratic safeguards and uphold the principles of checks and balances. "One of the most consequential amendments was the designation of the National Assembly-rather than the Federal Executive Council-as the oversight authority for all regulations issued under the emergency arrangement. "In line with Section 5 of the State of Emergency (Rivers State) Proclamation, 2025, and pursuant to Section 11(4) of the Constitution of the Federal Republic of Nigeria, the House has constituted a dedicated ad-hoc committee to monitor implementation and ensure that governance in the state remains within the bounds of constitutionalism and rule of law," the statement read in part. According to Rotimi, the committee will be chaired by the House Leader, Prof. Julius Ihonvbere, while the House minority whip will act as the deputy chairman. Other members of the committee include Isiaka Ibrahim, Idris Wase, Muktar Betara, and Sada Soli, Abiodun Faleke, Amos Daniel, Erhiatake Ibori-Suenu and Blessing Onuh. Others are Iduma Igariwey, Shehu Rijau, Oluwole Oke, Etinosa Amadi, Patrick Umoh, James Barka, Alex Egbona, Isa Anka and Fatima Talba. The secretariat of the committee, according to the statement, will be headed by Prof. Jake Dan-Azumi. He noted that the development "underscores the resolve of the House of Representatives to uphold the supremacy of the Constitution and ensure that the extraordinary measures undertaken during the emergency period remain subject to legislative oversight, guided by transparency, accountability, and the best interest of the good people of Rivers State."