

PEPT JUDGEMENT

Mixed reactions trail verdict



The Presidential Election Petitions Court (PEPT) on Wednesday the 6th September 2023 dismissed the petition filed by the Labour Party (LP) and its presidential candidate, Peter Obi, challenging the victory of President Bola Tinubu in the February 25 election. In ruling on the petition filed by the Labour Party and its Presidential candidate, Peter Obi, the led by Justice Haruna Tsammani-led Tribunal struck out the petition filed against President Bola Tinubu and Vice President Kashim Shettima, declaring it as incompetent and lacking in merit. In a lead judgment read by Justice

Abba Bello Mohammed, the PEPT held that the LP failed to specify how it scored most of the lawful votes in the election.

The court also said the party made generic allegations of irregularities, suppression of votes and corrupt practices without providing any evidence to support its claims. "The petitioner failed to prove the essential ingredients of its petition," Justice Mohammed said. "The petition is hereby dismissed." The LP had argued that the election was marred by irregularities, including ballot box stuffing, vote buying and intimidation of voters. The party also alleged that the Independent National Electoral Commission (INEC) did not properly conduct the election. However, the PEPT found that the LP failed to provide any evidence to support its claims. The court

also said the party did not specify the polling units where the alleged irregularities took place. The dismissal of the LP's petition is a major setback for the party and its supporters. Obi had been a potential challenger to Tinubu in the election, but the PEPT's ruling has effectively ended his chances of becoming president. The ruling is also a blow to the opposition in Nigeria. The PDP, the main opposition party, also filed a petition challenging Tinubu's victory, but that petition is still pending. The PEPT's ruling is likely to be appealed to the Supreme Court.

However, it is unclear whether the Supreme Court will overturn the ruling. However, there are mixed reactions across the country and the diaspora over the verdict of PEPT. The Human Rights Writers Association of Nigeria (HURIWA) has strongly criticized the recent judgment of the Presidential Election Petition Tribunal (PEPT) that dismissed all petitions filed by the Labour Party and the People's Democratic Party (PDP) challenging the outcome of the 2023 presidential election in which Bola Ahmed Tinubu emerged as the winner representing the All Progressives Congress (APC). HURIWA considered the ruling as a clear miscarriage of justice and a concerning sign of the tribunal's competence and impartiality. In a statement signed by the National Coordinator; Comrade Emmanuel Onwubiko, HURIWA, emphasized the importance of respecting the hierarchy of legal decisions, where higher courts' judgments, especially those of the Supreme Court, should serve as binding precedent for lower courts.

It expressed bewilderment at the PEPT, a lower court, daring to challenge or undermine a well-established Supreme Court ruling, particularly regarding the interpretation of Section 134(1)(b) of the 1999 Constitution. While noting that the constitutional provision imposes a challenging requirement on presidential candidates, demanding not only a majority of

votes but also at least one-quarter (25%) of all votes cast in all states of the federation and the Federal Capital Territory (FCT), HURIWA cited the Supreme Court's interpretation of the Constitution as emphasizing the need for precision and strict adherence to established legal principles. "The Supreme Court in *Orakul Resources Ltd & Anor V NCC & Ors. (2022) LPELR 56602 (SC)* held that 'in the construction of a statute, all the provisions dealing with the subject matter and the overall context, the intention or purport of the statute are to be considered together, holistically and not in isolation in order to identify the real intention of the legislature. Sections 130–134 of the Constitution must be given a compound interpretation to adequately sieve the spirit of the law. "The interpretation of this constitutional provision, which sets the threshold for presidential candidates, necessitates precision and unwavering adherence to established legal doctrines.

The decision of the appellate court to disregard the Supreme Court's authoritative guidance on this matter not only introduces legal confusion but also casts a shadow on the integrity of our judicial system". HURIWA further criticized the PEPT for its heavy reliance on technicalities while failing to deliver substantial justice. The organization noted that the tribunal placed blame on the petitioners for not presenting enough evidence of electoral misconduct, even though INEC had blatantly refused to provide them with essential documents, contrary to the tribunal's order. Additionally, HURIWA expressed grave concerns about alleged leaks of the verdict to the President, the Department of State Services (DSS), and the Nigerian Army, leading to unjustified warnings of potential violent protests. These allegations raised significant questions about the fairness and impartiality of the tribunal's proceedings, potentially violating the principles of justice.



HURIWA called on relevant authorities to conduct a thorough and impartial investigation into these allegations, including an examination of the tribunal's conduct. The organization emphasized the need for justice to be served and the preservation of the sanctity of legal processes. HURIWA however urged all Nigerians to remain vigilant and actively engaged in matters of national significance, particularly those affecting the democratic process. The organization reaffirmed its unwavering commitment to promoting and protecting human rights and the rule of law, pledging continued advocacy for justice and accountability in Nigeria.

The Labour Party (LP) has expressed dismay and misgivings over the dismissal of its petitions by the five-member panel of the Presidential Election Petition Tribunal (PEPT), insisting that justice has unfortunately not been served to the Nigerian people. Accordingly, the Party has urged all lovers of democracy in the country to remain focused and hopeful because a new Nigeria is possible. While reacting to the ruling, National Publicity Secretary of LP, Obiora Ifoh, said justice was not served and the Tribunal's judgment did not reflect the totality of the law and the desire of the Nigerian people. The Party's Spokesperson stated thus; "Nigerians were witnesses to the electoral robbery that took place on February 25, 2023, which was globally condemned but the Tribunal in its wisdom refused to accept the obvious. "What is at stake is democracy and we will not relent until the peoples will prevail. We salute the doggedness of our team of lawyers who fearlessly exposed the wrath in our system.

We can only weep for democracy in Nigeria, but we refuse to give up on Nigeria". Ifoh further said that details of the party's position will be presented after consultation with their lawyers after the Certified True Copy (CTC) of the judgment is made available to the party. Urging the Party's supporters to remain law abiding always, the National Publicity Secretary also challenged all lovers of democracy to stay "focused and hopeful because a new Nigeria is possible."

Prof. Mike Ozekhome (SAN), a human rights activist described the 2023 Presidential Election Petition Court pronouncements in the petition filed by the Labour Party and its presidential candidate, Peter Obi, challenging the election of President Bola Tinubu as a 'Judocracy' against Nigerians. Prof. Ozekhome stated this while delivering the 2023 and 22nd edition of the annual Bishop Mike Okonkwo lecture at the Shell Zenith Bank Hall, MUSON Centre, Onikan, Lagos tagged: "Nigerianisation Of Nigerians: A Look Inward". The Bishop Mike Okonkwo annual lecture forms part of activities to mark the birthday of the Presiding Bishop of The Redeemed Evangelical Mission (TREM). The guest speaker who said the word 'Judocracy' was coined from his Neologism called 'Ozekpedia' lamented that politicians have deformed democracy in Nigeria where 'Selectocracy' of leaders has become the order of the day.

He described 'Selectocracy' as a ploy used by politicians to arm thugs who snatch ballot boxes to select leaders. He decried the unchanging situation in Nigerian politics where people are encouraged to vote in elections, where their votes will not count, and the votes are counted they do not count. Ozekhome emphasized the need to cure the country of political drawbacks, saying Nigeria has continued to regress politically affecting the economy of the country. The guest speaker described the term Nigerianisation as a deliberate policy by which governments take over the control and ownership of private enterprise due to economic, political, social and strategic reasons, saying it was designed to fight against discrimination and colonialism. Regrettably, he said the reverse was the case in the country "Where nothing is ever fair, where anything is possible, and where you have to pay your way through life by offering and taking bribes to facilitate many of life's processes."

He lamented that the only way to survive in Nigeria, where there is so much distance between the government and the people in the form of widespread poverty, is incompetence in high places and established disregard for the rights of citizens. Chairman of the occasion, Pat Utomi, a professor of political economy described democracy as practiced in Nigeria as lacking in character. Prof Utomi decried the inability of the country to have a rationale public communication, saying when wealth is lost, nothing is lost, when hell is lost, something is lost and when a character is lost, everything is lost. Utomi added, "The tragedy of Nigeria is that character is lost at all levels of government. "He frowned at the degeneration in character among Nigerians, especially the political class, saying many users of the Twitter space should have their heads examined when contributing to national issues.

Bishop Okonkwo in his remark expressed disappointment in the attitude of the government and the governed, saying the tide of political backwardness in the country must be reversed for the good of the masses and the country. The event featured the presentation of an award plaque of N500,000 to Miss Ike Destiny from VIK International School, Akere Alagbado, in Ogun State who emerged winner of the Essay Competition. Alexander Chibuzor of Archbishop Heerey Technical College, Ogidi, in Anambra State emerged as second in the 2023 Mike Okonkwo National Essay Competition. The duo emerged winners from the 795 entries received for the 18th Bishop Mike Essay Competition for Secondary School students in Nigeria with the theme: "Nigerianisation of Nigerians: A Look Inward.

The Presidential Candidate of the Labour Party in the contentious February 25th election, Peter Obi has instructed his lawyers to immediately challenge the ruling of the five-member Presidential Election Petitions Court led by Justice Simon Haruna Tsamani. Obi disclosed this at a press conference in the commercial town of Onitsha, Anambra state in reaction to the PEPC ruling of the PEPC, where he copiously acknowledged the Court's contributions to due process and the seeming attempt to



strengthen our democracy. Obi said "As petitioners in this case, we respect the views and rulings of the Court, but we disagree with the Court's reasoning and conclusions in the judgment it delivered. It is my intention as a presidential candidate and the intention of the Labour Party to challenge this judgment by way of appeal immediately, as allowed by the Constitution of the Federal Republic of Nigeria"

"Our legal team has already received our firm instruction to file an appeal against the decision. I shall not relent in the quest for justice, not necessarily for myself but indeed for our teeming supporters all over the country and beyond whose mandate to us at the polls was regrettably truncated by INEC." The Presidential Candidate noted that while the PEPC has rendered its judgment, it is not the final arbiter as the responsibility now falls on the Supreme Court. He acknowledged the fact that judgment is not coterminous with justice, but he implored Nigerians to remain focused, steadfast, and peaceful; and to abide by the rule of law and understand that this matter has not reached its logical conclusion. The Labour Party standard bearer remarked that "the strength and value of our democracy reside in solid national institutions and our confidence in them noting that Electoral litigations will be almost unnecessary and nonexistent if the Independent National Electoral Commission (INEC) discharges its statutory functions creditably, transparently and with discernible fairness. He stated that it's when that body fails, as it did recently, thus subverting the will of Nigerian voters, that the recourse to the judiciary becomes imperative, as is now the case.

The former Anambra state Governor thanked every Nigerian who has supported the cause and campaign for a New Nigeria characterized by fairness, equity, justice, the

rule of law, peace, prosperity, inclusiveness, sustainable growth, and development. Finally, he thanked his legal team and assured his numerous supporters across the country and beyond, the Labour Party, the Obedient Family, and all those who showed up daily during the court trials not to despair because a New Nigeria is possible and achievable. In his reaction to the verdict of PEPC the National Chairman of Labour Party Barrister Julius Abure admonished and appealed to our members of his party and all the Obedient family not to be daunted at all. According to him 'We are a step towards recovering Nigeria' He said that Nelson Mandela in his book, 'A Long Walk to Freedom' said every step we take leads us to our freedom. Today in the words of Mandela, every step we have taken and would take leads us to our freedom, leads us to our taking back our country, and it leads us to our taking back Nigeria. 'Even the judgement is also a step towards reclaiming our country.

I am therefore admonishing all our supporters not to be discouraged at all. We are preparing our papers and we are moving from here to the Supreme Court. We have protested and they said don't protest, 'go to Court' and we are in court. Today all eyes are on the judiciary'.

'For us as a party, we are going to sustain this momentum and we are also calling on all our supporters to sustain this momentum to take over the country and to reposition it for greatness. It is not an easy task, but I am happy that we have started, we have put our hands on the plough, and we will not look back'. 'I am therefore admonishing our supporters to remain committed to the movement and remain committed to Nigeria. Nigeria belongs to all of us and it must work'.

The Presidential Candidate of the People's Democratic Party (PDP), Atiku Abubakar, rejected the judgement of

the Presidential Election Petition Court (PEPC), affirming the election of President Bola Tinubu. Atiku said the judgement "is bereft of substantial justice." He said he has asked his lawyers to appeal the judgement. Atiku explained that he is challenging the outcome of the last presidential election because he wanted the electoral process of Nigeria to be devoid of corruption. "It is my conviction that the electoral process in Nigeria should be devoid of untidy manipulations and that the outcome of every election should be a perfect reflection of the wishes of the electorate. I believe that such is the only way through which our democracy can have a manifest expression of its true meaning. 'Whether I prevail in this quest or not, the record of my effort in ensuring an order of credible elections in Nigeria shall remain for the future generations to evaluate,'" he said. Atiku urged his supporters to remain steadfast and have hope in God that he will reclaim his mandate at the supreme court.

"On this note, I urge all my supporters to remain steadfast.

~~I urge them to take solace in an immortal lesson I learned from my leader and mentor, the late Shehu Yar'Adua, that losing a battle is less important than losing the war. We might have lost a battle, but the war is well ahead of us. And I believe that with our hopes in God, we shall win the war of restoring confidence in our electoral system."~~

"Consequently, I have asked my lawyers to activate my constitutionally guaranteed rights of appeal to the higher court, which, in the instance, is the Supreme Court. It is my conviction that the electoral process in Nigeria should be devoid of untidy manipulations and that the outcome of every election should be a perfect reflection of the wishes of the electorate. While also reacting to the Judgement of the PEPT the President- General of the League for Patriotic Nigerians Dr. Junainah Ahmed submitted that the main reason Nigeria has been largely underdeveloped,

riddled with corruption of high propensity, is allowing illiterate criminals to parade themselves as political leaders is because the judiciary has been like a watchman caught and tied up by criminal invaders. According to him, the Judiciary claims to be the last hope of the common man, but the judiciary has never offered any hope for the common man as far as the election of political leaders in Nigeria are concerned.

'The Judiciary claims to be an independent and equal arm of the government, but the claim is only on paper, a judge was once quoted as saying that "as a judge you can't bite the hand that feeds you" The increasing number of unpatriotic NIGERIANS is the direct outcome of the numerous disappointment dished out on Nigerians by the judiciary. He added, 'The Presidential election petition tribunal claimed that they didn't see anything wrong in the 2023 election, but they want independence of the judiciary? that cannot happen until the judiciary asserts itself and cut down on the rascality of the political class'. He explained that the judiciary is the reason why people think of taking laws into their hands and whatever the judiciary dishes out to Nigerians, they too and their family shall drink from it.

Also, the Global Coordinator of Rescue Nigeria, Dr Michael Chukwujekwu, said in a statement in Asaba that the action of the judges had put democracy in Nigeria under serious threat. Chukwujekwu said, "RNGN observed that the Tribunal judges, who were meant to uphold justice as unbiased umpires in the Nigerian presidential election petitions and contentions, openly and vigorously became players in a game they are meant to be referees in. "Evidentially, the ruling as transmitted and recorded showed somewhat 100 per cent support for some particular teams in the game they are umpires in.



"The body language, mannerisms, expressions, choice of words, and accusations of the petitioners left nothing to wonder. 'Are the judges the defence counsels of APC and INEC?' From the beginning of the judgement till the end, the tribunal judges were seen and recorded defending the actions of the APC and the INEC. "All criticism meted were only at the witnesses and expert witnesses of the Labour Party and PDP. There are no criticisms of the statements and submissions of the APC and INEC witnesses." They said that the panel of judges did not also consider the effect of the one-sided approach and ruling on the citizens, democracy, as well as the patriotic faith and future of Nigeria.

Another group, Network for Advocacy and Good Leadership Initiative, in a press statement signed by its Director General, Dr Agodi Kanu, added that the amount awarded against the political parties meant bad governance and rascality taken too far. The statement

the Election Petition needs to be approached differently from other litigation because it is not a dispute between the individual parties at court but between each party at court and the entire country represented by the population that voted in the election. According to him, applying technicalities in election petition adjudication is an act of punishing the entire country for filing errors made by legal counsels. This certainly has no bearing with justice, fairness and good conscience. It is an anti-people application of legal 'punctuation errors' to favour vested interests other than the people. In democracy election of leaders must emanate from the choice of the people whether concluded at the polls or decided in the courtroom.

He said that Democratic Justice can only be done at election petition when the Judges focus on extracting the will of the people already expressed in the disputed elections, from the evidence presented before it, not on



partly read, "More worrisome are the bogus costs awarded against these political parties for seeking legitimate justice, which is bad governance and judicial rascality taken too far. These are sad developments, and we call for a holistic review of these rulings by the Supreme Court. "NAGLI firmly believes that this judgment, delivered by Honourable Justices, has fractured our constitution and democracy and set a detrimental precedent for future elections in Nigeria, as the electoral umpire on her own did not keep to her prescribed guidelines and procedures for the conduct of the 2023 presidential election.

The group urged the apex court to right the perceived wrong done by the tribunal for the good of the country, adding that they remain committed to a better Nigeria. While reacting an erudite and retired judge of the federal high Court who rather choose to remain anonymous described the verdict as a loss for democracy and latent encouragement for electoral fraud and violence said that

any legal 'punctuation error', aka technicalities. 'Relying on technicalities for election petition rulings throws up winners that suffer illegitimacy crisis that ultimately bear negatively on the country, including the courts and the entire judicial system. In recent times in Nigeria, you hear expressions like 'Supreme Court Governor' or 'Supreme Court Senator', etc. these are peoples' voices of rejection for such individuals; affirming that they were not elected by them but imposed on them by the court. This of course debases the courts and reduces the confidence of the people in the Judiciary, and very likely further encourage electoral violence by desperate politicians who will fight at all costs in the field since they no longer trust the courts to look at petitions on their merit.'

The retired Judge reemphasized that employing technicalities in election petition adjudication is an easy way to compensate bad acts with good rewards. It is way to encourage bad people with lots of money to venture

into politics and grab power, knowing that even if they cannot win the peoples acceptance and votes, they can do so with violence, and then rely on the courts to validate their roguery with the gavel by simply inducing it to look for a technical error in the petitioners' filing on which to kill the possibility of hearing the substantial issues in the petition. It is a recipe for enabling emergence of leaders who have no compassion for the citizens nor feel they owe anyone the duty of accountability. No country can make meaningful development this way.' He said further that if good conscience, honesty, integrity and democratic principles are elements for assessing the ruling of the Nigeria's 2023 PEPT, it will in no way worth celebrating. Of course, there are those celebrating it – for whatever reason. Nevertheless, it is only a matter of time before those who celebrate become victims of the comeuppance of such an ant-people legal validation of an obvious outcome of a fraudulent process.

ever come from persistence in error. Error plus error is more error. To think that abundant good will sprout from bad is nothing but delusion and no one can give what they don't have'. A senior lawyer, Joseph Otteh, described the Presidential Elections Presidential Tribunal Judgment delivered as hugely disappointing. He said the judgment would damage efforts to ensure that, going forward; elections in Nigeria are better conducted and produced credible and fair outcomes. Otteh, in an exclusive chat with one of our correspondents, stated that he wasn't taking any position on whether the candidate whose election was challenged was legally qualified to contest for the office of President of Nigeria, but noted that only PEPT simply "buried its head in the sand," using exponential levels of legal technicalities to defeat public expectations that it would actually conduct a credible interrogation of the February 25 presidential election process. He said, "The judgment has very little to commend it as it did not factor in the long struggles to

North or south, east or west, truth is truth, it does not change. In the man that truth dies, living is nothing less than a putrid existence. The erudite retired judge cautioned that to turn truth into a lie for money is to have sold one's soul and essence at that amount. To those who hide behind the cloak of 'fake patriotism' to ask people to move on in error, know it that no good will ever come from persistence in error. Error plus error is more error. To think that abundant good will sprout from bad is nothing but delusion and no one can give what they don't have'.

According to him the Supreme owes Nigeria and humanity a duty to rectify the wrongs of this ruling. The onus lies on the apex court to either reset this normalization of the abnormal or sustain it. Whichever way the Supreme Court adjudicates, all Nigeria of goodwill and conscience that have remained resolute standing with the truth, especially those going through persecutions for that sake, must keep their faces up and celebrate their courage in standing with the truth at a time it is the most endangered species in Nigeria sociopolitical economy.

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reform the electoral process, the reforms adopted to reduce electoral fraud, and how BVAS and IREV played into that strategy.

"It also failed to acknowledge the importance of transparent elections and of maintaining the integrity of votes cast at elections, nor consider how the introduction of technology (such as BVAS and IREV) was geared towards improving transparency and increasing public confidence in election outcomes. "The PEPT simply treated the technological reforms as though they had no value, function, or purpose and were totally meaningless, reducing them to sterile, discretionary additions. "Once again, the PEPT has dashed hopes for a better Nigeria, and it is our hope that the judgment will not represent the ultimate reality of what Nigerians are faced with."

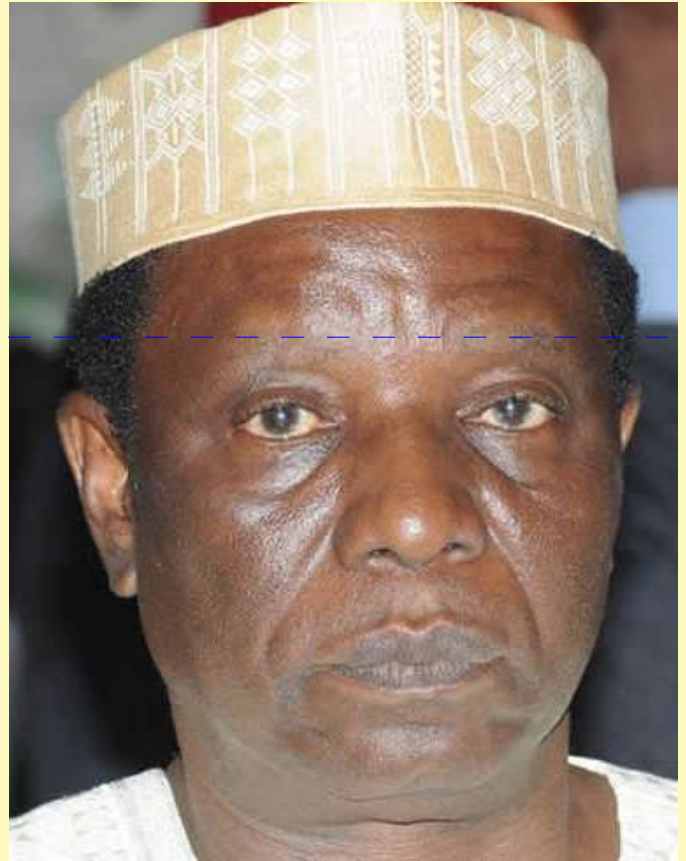
Beyond Presidential Election Tribunal's Verdict

BY TONNIE IREDIA

For the greater part of Wednesday, September 6, 2023, the Presidential Election Petitions Tribunal (PEPT) presented to Nigerians its verdict on the conduct of the February 25, 2023, presidential elections. At the end of it all, the panel resolved that the petitioners were unable to prove any of the allegations they made against the party/candidates that had been declared winners of the election. Whereas those who lost called the verdict a sham, the winners believed that no tribunal in the history of Nigeria has been as detailed and transparent as the one led by Justice Haruna Tsammani. As usual, the case ended as a two-sided concern. It would however have been more useful to the nation if something was done to answer the intractable question for which election tribunals are set up, namely: to unravel the real winner of an election and uphold the unalloyed choice of the electorate. In other words, public interest ought to be at the front burner of elections.

After several years of election petitions in Nigeria, our judiciary is yet to design an effective framework for arriving at verdicts that can really make majority of Nigerians feel and see that justice was done. Instead, the verdict on that Wednesday was essentially an effort to prove that certain qualifications and nominations were in order. Indeed, the tribunal went one step ahead to remind the nation that the regularity of a nomination is irrelevant because, it is a party affair that should end with the party. If so, why were political parties, much earlier, placed under so much stress with rules on where, when and how nominations should be made? There are critics who believe that those rules which were informed by the conduct of some political actors were discountenanced by our courts in their bid to work to the answer. Is this true? Nigeria has never had free and fair elections because of numerous challenges; among them is what can simply be called insider abuses by electoral officials. Except the conduct of such officials are placed under proper scrutiny during election petitions, we can never know the real winners of elections in Nigeria. That was the real substance that many looked forward to the Tsammani-led tribunal to tackle. Instead, the tribunal assumed that figures credited to the Independent National Electoral Commission (INEC) were regular.

The veracity of those figures amidst claims of ballot snatching and mutilation of result sheets were not adequately interrogated. Such a posture was probably informed by the popularity of the legal term 'those who assert must prove.' But considering that petitioners cannot apprehend and bring those who perpetuate electoral frauds



to the tribunal, Nigeria may never go beyond the search for hitch-free elections. During the proceedings of the tribunal, some of the petitioners claimed that INEC placed hurdles on their way to retrieve required evidence to prove their claims. It would be unfair to doubt this allegation because it is a notorious fact. In Nigeria, it has become the norm for petitioners to cry in vain for help to the tribunal to assist them to access materials used by INEC for an election. In the last governorship election in Osun state, for example, the then governor Gboyega Oyetola, who was defeated in the election cried more than once to the relevant tribunal for help. This also happened in the presidential election petition that has just ended. If INEC belongs to us all, it should not be allowed to take sides by immediately standing with a winner during an election petition as if it has something to hide.

The commission should also not be allowed to toy with court orders requiring it to bring certain information/documents to court – a conduct that is clearly regarded as contemptuous in other climes. Bearing in mind

The commission should also not be allowed to toy with court orders requiring it to bring certain information/documents to court – a conduct that is clearly regarded as contemptuous in other climes. Bearing in mind that it is from taxpayers' money, that the electoral body is generously equipped to perform, it should not, after voting, become a revenue generating body that charges huge sums of money for releasing public information to contestants. There is also the need to dissuade INEC from the practice of hoarding information under the guise that such data are in its state offices. Are those state offices not part of one INEC? If INEC headquarters can access all the information it collated into a complete presidential election result from all the states, it should not become impossible to access materials when the request is from a party that participated in the election.

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The point to be made is that in an election-troubled society, people can become more convinced that an election tribunal has done a good job, if in addition to asking petitioners to prove their case, it also requires the body that conducted the election to establish her thoroughness. Otherwise, the criticism that the tribunal was unnecessarily too well disposed to INEC may leave room for people to suspect some collusion. For example, not many were impressed with how the Tsammani-led tribunal validated INEC's use of discretion concerning the transmission of election results. During electioneering campaigns, INEC gave unambiguous assurances to the world at large especially in Nigeria and at Chatham House, London that votes would be transmitted real time and electronically from polling units. According to Festus Okoye, the former INEC spokesman, "we canvassed for the

inclusion of the BVAS and the electronic transmission of results in the Electoral Act. We therefore have a responsibility to keep faith with our own innovation aimed at the conduct of transparent election driven and propelled by technology."

Let's not also forget that Section 64 of the Electoral Act 2022 makes the transmission of polling unit results mandatory. We agree that INEC has a discretion in determining the manner of transmitting election results which was what we thought it did when it opted for 'electronic transmission.' It was a discretion that was applauded by many who saw it as the game-changer in Nigeria's problematic electoral process in which the collation of results has remained the elephant in the room. Analysts in fact congratulated the commission for dismissing rumours that it might alter the discretion. Many were therefore shocked when INEC reneged on its promise at the last hour and in the middle of the game without finding it necessary to inform those it had led to have faith in the commission. It was probably more hurting to hear that the failure of INEC to keep faith was virtually commended by the tribunal.

Just before the tribunal began its work, the president of the Nigerian Bar Association, (NBA), Yakubu Maikyau, SAN, called for live broadcast of the proceedings. He argued that such "live broadcasts will give citizens the opportunity to follow the proceedings, have better knowledge of the facts and an understanding of the reasoning behind decisions of the courts in those matters." On April 9, 2023, this column with a piece titled 'Televising election petition proceedings in Nigeria' beckoned on our judiciary to follow global practices by adopting open justice for election proceedings. As a professional, I had testified that Ghana and South Africa had been doing so for more than a decade. Neither my plea nor that of the NBA president persuaded our judiciary. After barring Nigerians from watching the proceedings as to truly follow the process, it organized a live telecast of its own 12-hour long commentary on the proceedings. How could such report have made great impact on the same people? Rather than impress people, it made many to raise several questions on the report. For instance, the tribunal opted to see Abuja as one of the states of the federation, by suggesting that there was nothing special about Abuja. But every state except Abuja has its own legislature and governor. Again, every state has three senators, Abuja has one, yet Abuja is not special.

There is also the argument that Abuja voters ought not to be allowed to have an edge over other voters in a presidential election, why then are Abuja voters allowed to be disenfranchised during governorship elections, thereby making other states have an edge over Abuja voters, are they second class citizens? Questions such as these arise because technical justice can hardly satisfy many. Until we find a way to identify the real choice of the people in an election, instead of technicalities we shall continue to have definitions and counter definitions.

PEPT Judgement from Layman's Perspectives.

By Cally Ebue

By way of preamble, the concept of Layman in this write up is operationalized as anybody who is fortunate not to waste his precious time, energy and resources to study law as a profession and practice it in Nigeria, given the prevailing circumstances we are witnessing in the Third Arm Government. Secondly, the decision of the PEPT to broadcast the judgement live, while the justice's ab initio refused the same during the court proceedings is a great duplicity and subterfuge, we laymen have witnessed recently in judicial proceedings. It is analogous to showing us one side of a coin and asked us to describe what the whole coin looks like. An insult on our collective intelligence. The decision reminds me of the five blind men that lived in little Indian village, who were asked to describe an elephant.

Given the fact that we are all living witnesses to what transpired during the Presidential Election held on 25th February, 2023, we thought "DANIEL" has come to judgement, but low and behold, after 13 hours, it dawned on us that it was a choreographed judgement. We saw the handiwork of the filthy and the debased mind of a

retired female Supreme Court justice at play. The judgement confirmed the expo she had given us few days before the D Day. After 13 hours of hoax charade, and sanctimonious pretension, the PEPC justices only succeeded murdering and burying the spirit of the law completely. Even the so-called letters of the law they relied so much was seriously battered to the extent that a specialist in panel hitting would find it difficult to piece the damage together.

Now let us navigate the web of the key elements in the judgement delivered by the five "Magi" of our time. Let us begin with the status of Abuja. The omniscient justices declared that Abuja should be regarded as one of the states of federation, that is the 37th State with no special status. Fair enough, that was a fantastic declaration. I love that. But how do we go about that or implement the judgement on Abuja status? Number one, all the other 36 states have Governors, therefore, Abuja must equally have a Governor. Secondly, only Abuja has Minister of FCT, therefore, there should be an FCT Minister in each of the other 36 states. Thirdly, all the foreign missions and embassies located at Abuja, should equally be in each of the other 36 states. Finally, there must be seat of government of federation Aso Rock in all the states to level up with Abuja status. Isn't it interesting?

However, what the ignorant justices of PEPT did not know or knew but refused to acknowledge was that the framers of the constitution knew that Abuja is the melting point of all Nigerians and therefore gave it a special status equivalent to the Electoral College System in American constitution. It may interest the five "Magis" to know that during the Presidential Election in the United States, the first candidate to score 300 Electoral College votes, is declared the winner of the election

Our youth are silently watching events as they unfold. Lord Acton reminded us that no authority has power to impose error, and if it resists the truth, the truth must be upheld until it is admitted. Finally, when little children confused fantasy with reality, they do so harmlessly, and therefore due allowance is usually made, but when those who know better distort the truth that God had entrusted to them, whether deliberately or through negligence, far reaching consequences can result.

irrespective of the outcome of the popular votes. For example, in 2001 George Walker Bush, the 43rd President of United States defeated Al Gore after scoring 300 Electoral College votes even though Al Gore won the popular votes by more than 500,000 votes. The founding fathers of America were not stupid to have adopted the Electoral College System, just as the framers of our constitution are not stupid to have added the word "and" But blinded by multi-faceted evil considerations, the PEPT justices murdered sleep and shall never sleep until justice is done.

On INEC's transmission of results directly from polling units to IREV portal in real time using BVAS machines, the justices hid under the so called letters of the constitution and ruled that INEC is not under any obligation or compulsion to keep its words or promises to Nigerians. By implication, those justices sitting in the supposedly Temple of Justice now converted to Temple infamy, were telling Nigerians that obtaining by false pretense- OBT- 419 was no longer a crime. Yet about 300 billion of taxpayers' money, including mine was wasted in acquiring BVAS machines and setting up the IREV PORTAL only to abandoned it at the eleventh hour and those justices gave them kudos

for job well done.

From LAYMAN'S PERSPECTIVE, INEC was given the prerogative by the constitution to choose the method of transmitting the results, they on their own volition choose the transmission of the results directly from BVAS to IREV in real time, issued a guideline to that effect which they failed to follow. This fraudulent, this is what the justices should have considered, because the prerogative given to them by constitution has already been fulfilled and overtaken by the choice they made, it was no longer a constitutional matter. Yet the so-called learned justices went on fishing expedition to excavate a constitutional provision INEC had already determined. The most interesting aspect of the judgement was on the issue Tinubu's drug forfeiture. No matter the euphemism they clothed matter, it cannot obliterate the fact that the President of Nigeria is a onetime drug peddler. Cicero in his book "De Finibus" states that the laws place safety of all before the safety of individuals. They used every imaginable and unimaginable argument to give him a clean bill of health on the drug case. They felt short of not recommending him for sainthood on this matter. Our youth are silently watching events as they unfold. Lord Acton reminded us that no authority has power to impose error, and if it resists the truth, the truth must be upheld until it is admitted. Finally, when little children confused fantasy with reality, they do so harmlessly, and therefore due allowance is usually made, but when those who know better distort the truth that God had entrusted to them, whether deliberately or through negligence, far reaching consequences can result.

Judgement threw up more questions about the electoral system

The verdict of the Presidential Elections Petitions Tribunal delivered poignant lessons to the litigants, lawyers and politicians, writes ADEBAYO FOLORUNSHO-FRANCIS

The judgment of the Presidential Elections Petitions Tribunal where President Bola Tinubu was reaffirmed as the winner of the contentious February 25 presidential poll may have come and gone, but the memory and impact of the verdict would continue to linger. Tinubu of the All Progressives Congress had scored a total of 8.7 million votes to defeat the presidential candidate of the People's Democratic Party, Atiku Abubakar, and his Labour Party counterpart, Peter Obi, who polled 6.9 million and 6.1 million votes, respectively. The five-member panel had nullified the petitions of Atiku and Obi in the 12-hour judgment delivered on Wednesday. The tribunal was chaired by Justice Haruna Tsammani and assisted by Justices Stephen Adah, Monsurat Bolaji-Yusuf, Moses Ugo and Abba Mohammed. But Atiku and Obi both rejected the verdict and vowed to challenge it at the Supreme Court. The judgment has generated heated debates and mixed reactions among Nigerians, especially on social media. To date, it is not unusual to see individuals venting their emotions over the court's decision.

Certain mischievous social media trolls had also posted the sensitive details of the five justices and called them names in the wake of the judgment. No doubt, Obi's tale run in the last election won him a lot of followers who may still not accept the outcome of the appeal at the Supreme Court if it did not meet their expectations. In the build-up to the judgment, it was interesting to see the various justifications presented by the justices before deciding the case. For instance, Justice Bolaji-Yusuf did not hold back when she picked the holes in the petitioners' cases, telling them that it wasn't the duty of the court to scout for evidence for the parties. She said, "They did not even bother to place such credible evidence before this court. Were they expecting the court to go and gather evidence from the street or the market? Or to be persuaded or intimidated by threats on social media. That is not the way of the court."

Justice Ugo, on the other hand, also dismissed the assertion of the petitioners that the Independent National Electoral Commission simply closed or blocked its result viewing portal to enable it to manipulate the election results in favour of the second respondent, Tinubu. An amused Ugo queried whether

such an allegation contained in the election petitions was 'even worthy of belief.' The justice expressed disappointment that the "two sets of petitioners did not by any means discharge the burden on them of proving that the results of the presidential election of 25th February 2023 as declared by 1st respondent were incorrect."

"At any rate, why did any of the two sets of petitioners not tender even a single polling unit result issued by INEC to their polling unit agents to support their claim of manipulation of election results by INEC, even as they all agreed that they have agents in the polling units?" he asked. Justice Mohammed also shared the same sentiment when he argued that the petitioners failed to state the number of votes affected and the number of people disenfranchised as alleged by Atiku and Obi in their petitions. He also stated that it was unimaginable that a petitioner would allege widespread rigging in 176,000 polling units, over 8,000 wards, 774 local government areas, the 36 states and the Federal Capital Territory without stating the specific place where the alleged irregularities occurred. Perhaps, the one that seemingly jolted many political pundits



and those who have been following the legal drama keenly was the status of the FCT and the contentious claim that the election winner must score 25 per cent in the nation's capital. Justice Tsammani held that the capital city was not superior to a state and neither were the FCT electorates special than the voters in the other parts of the country. "Nothing more than that; the FCT is not superior to a state," the panel chairman declared. Notwithstanding what many analysts considered as the rich contribution of the judgment to the nation's jurisprudence, the camps of Atiku and Obi believed that justice was not served by the tribunal. The Director of Strategic Communications for the Atiku/Okowa Presidential Campaign Council, Dele Momodu, alleged that the court "brazenly and deliberately" turned the Constitution upside down. Momodu, however, believed that those with good conscience will look beyond the judgment, knowing that "Nigeria shall be free."

In the camp of the Labour Party, social rights activist and an ally of Obi, Aisha Yesufu, swore that she would never consider Tinubu as her president. But political analysts and lawyers noted that the varied reactions to the verdict were not unexpected. A

political scientist at the University of Ilorin, Dr Alada Mohammed, observed that the sentiments expressed by a cross-section of Nigerians were normal, adding, however, that the justices would only rely on the facts placed before them in arriving at their decision. Mohammed stated, "But I think the judiciary has done well by speaking to fact. One fundamental issue we have with our judiciary in Nigeria, which is affecting the outcome of judgment, is that it does not generate evidence by itself. "It is what the petitioner(s) present before it that it will adjudicate. Just as the judges said, they won't look for evidence on anybody's behalf. The outcome might probably be different somewhere else. "Again, you don't bring a case on hearsay or what people say. There must be concrete evidence even if it is not in black and white. That is the beauty of doing your own homework properly. When you have a case, you must go the extra length since the burden of proof is on you. This is a lesson for Nigerians." He further stated, "There have always been disputes over presidential election results. The 2023 presidential election case is, however, different in the sense that we have two top notch candidates who were vociferous in petitioning the judiciary to seek cancellation of the election. That speaks volume in view of the electoral process we have." To reform the electoral process, Mohammed called for the amendment of the Electoral Act and the election guidelines.

A Senior Advocate of Nigeria, Rotimi Jacobs, submitted that the judgment was fair and decried the manner the justices were exposed to ridicule by some mischievous elements on social media shortly after the judgment was passed. "I think the media frenzy, undue publicity and divergent opinions from Nigerians, especially politicians, on a matter that is before the court is not healthy for our democracy. "This judgment has been delivered and binding on everybody. People should be careful the way they are bringing down the judiciary. "This is the first time I observed somebody going to social media to say that (Babatunde) Fashola was writing judgment for the tribunal. What kind of rubbish is this? Why should we degenerate as a people to this level? It is not good for us. "Another one is the idea of splashing the pictures of those justices on social media and in churches where certain pastors were spotted in some viral videos praying against them is lamentable," he noted. Calling for caution, Jacobs explained that some of the issues brought before the tribunal had been settled by the court in other election petition cases. He cited the issue of double nomination which he said had been earlier decided by the Supreme Court. The senior lawyer said, "I think we should try to balance whatever is our political interest with national interest. There are some issues that have earlier been settled at the Supreme Court. One of them is the double nomination of Vice President Kashim Shettima. Why bring it up again and create tension? "Those who are not lawyers will start thinking they are real issues. We all know the issue of Oyetola vs Adeleke has been settled. Why should any serious lawyer re-litigate it? "This is why I think nationalism should be dear to all of us. It is high time we stopped seeing ourselves as Yoruba, Igbo and Hausa persons. The unnecessary tension we are creating over non-issue is too much. "That judgment is sound and they (Atiku and Obi) have the right of appeal. Attacking those justices is uncalled for. I have seen some people going after them again on social media. If you are not pleased with a judgment, the Supreme Court is there." But a human rights lawyer and Chairman of the Nigerian Bar

Association Section on Public Interest and Development Law, Dr Monday Ubani, disagreed with the judgment. Ubani argued that there are some grey areas that should form a ground for appeal that he was hopeful the Supreme Court can investigate. He said, "I hope the matter will still end at the Supreme Court. In that same judgment, if you take away almost all the witnesses' statements, even if they are subpoenaed witnesses, there is no evidence. That also should be a ground of appeal whether those witnesses' statements were rightly taken away. This is still something that will be decided by the Supreme Court. "I don't think we have made any progress with our Electoral Act if we say that judgment should be allowed to stand, especially with the electoral guidelines of INEC in transmitting results. But INEC just gave one excuse of glitches only in the presidential election. "They didn't have it in the governorship, Senate and House of Reps polls. I am surprised the court did not make any remark concerning it. Instead, it gave INEC a pat on the back for doing so well because, according to them, INEC did not make any promise." Ubani was displeased with the alleged refusal of the tribunal to knock the INEC over its failure to transmit the election results electronically as announced before the elections. He added, "Meanwhile, we spent billions of naira in conducting the elections and a lot of people came because of the promise of electronic transmission of results and the use of BVAS. These are very wonderful innovations. "If they now turn around to say those innovations are not recognized by law and no longer apply, we are back to the beginning of our electoral journey as a country. So, what was the reason for all the billions spent?"

President Bola Ahmed Tinubu assured Nigerians of his renewed and energized focus on delivering his vision of a unified, peaceful and prosperous nation, following the judgment by the Presidential Election Petition Court in Abuja. President Tinubu welcomes the judgment of the court with an intense sense of solemn responsibility and preparedness to serve all Nigerians, irrespective of all diverse political persuasions, faiths, and tribal identities. The President recognizes the diligence, undaunted thoroughness and professionalism of the five-member bench, led by Justice Haruna Tsammani in interpreting the law. The President affirms that his commitment to the rule of law, and the unhindered discharge of duties by the Court, as witnessed in the panel's exclusive respect for the merits of the petitions brought forward, further reflects the continuing maturation of Nigeria's legal system, and the advancement of Africa's largest democracy at a time when our democratic system of government is under test in other parts of the continent. The President believes the Presidential Candidates and Political Parties that have lawfully exercised their rights by participating in the 2023 general elections and the judicial process which followed, have affirmed Nigeria's democratic credentials. The President urges his valiant challengers to inspire their supporters in the trust that the spirit of patriotism will now and forever be elevated above partisan considerations, manifesting into support for our Government to improve the livelihood of all Nigerians. Once more, President Tinubu thanks Nigerians for the mandate given to him to serve our country while promising to meet and exceed their expectations, by the grace of God Almighty, and through very diligent hard work with the team that has been put in place for that sole purpose.

Nigerian Justices have been selling election Judgments to incumbent President since 1979

By Chidi Odinkalu

When the presidential election petition process began in March 2023, Nigeria's Supreme Court comprised 13 Justices. The court received a bumper injection of seven new justices in November 2020 after the conclusion of the disputes arising from the presidential election of the previous year. That was the last set of appointments to the Supreme Court. Since then, six justices have retired; another three have died. Indeed, in the period since the commencement of the presidential election petition in March, one justice of the Supreme Court has died. Another retired three days before the judgment of the Presidential Election Petitions Tribunal (PEPT), bringing the complement down to 11. The court's second senior-most member, Musa Dattijo Muhammad, is due to retire next month on October 27.

If there is an appeal from the judgment of the PEPT, the Supreme Court will notionally have 10 eligible justices, and that is before recusals or other potential conflicts, not to mention ill-health. Election petitions have become a huge drain on judicial bandwidth and well-being since 1979. In that year, the contest between Shehu Shagari of the National Party of Nigeria (NPN) and Obafemi Awolowo of the Unity Party of Nigeria (UPN) ended up before the Supreme Court of Nigeria, resulting in a judgment memorably described as "a compromise between law and political expediency." At the head of the bench that decided the case was Atanda Fatayi-Williams, the Chief Justice of Nigeria at the time. As famous as this judgment would become, the antecedents arguably proved to be more lasting in their influence on Nigeria's politics and institutions. The relevant part of the story began on August 16, 1979, when the Federal Electoral Commission, FEDECO, headed by Michael Ani, declared Alhaji Shagari as the winning candidate in the elections to return Nigeria to civil rule. Three of the five presidential candidates in the contest repudiated the result, setting up what would become an epic election dispute. Obafemi was one of the



three.

The Electoral Act of 1979, under which the vote took place, anticipated that there could be a dispute and conferred on the Supreme Court the jurisdiction for resolving disputes from the presidential election. The panel to hear the disputes was to be led by the Chief Justice of Nigeria (CJN), but the then incumbent, Sir Darnley Alexander, was due to retire on August 24, 1979, a mere eight days after the announcement of the result and well before the Supreme Court was due to sit on the petition. Three days before the retirement of Chief Justice Darnley Alexander, on August 21, 1979, then military head of state,

Olusegun Obasanjo, an army general, invited Atanda Fatayi-Williams, then a justice of the Supreme Court, to a meeting at the seat of power at Dodan Barracks, Lagos. At the meeting, Obasanjo offered Fatayi-Williams the office of CJN in succession to Sir Darnley. In his memoirs, *Faces, Cases, and Places*, published in 1983, Fatayi-Williams claimed that this offer "was totally unexpected, and, for the first time in my life, I was at a loss for words", adding that Obasanjo "watched my discomfiture with relish and delight." Some of his peers on the Supreme Court were not so sure. Fatayi-Williams was admitted to the bar of the Middle Temple in London in 1948, one year after Chukwunweike Idigbe and three years later than Egbert Udo Udoma, both of whom were his peers on the Supreme Court. Fatayi-Williams was from Lagos; Idigbe came from the then Mid-West; while Udo Udoma came from the then South Eastern State. Idigbe became a judge in 1961 before being appointed to the Supreme Court in 1964. His service on the Supreme Court was, however, fractured by the Nigerian Civil War.

Udo Udoma, who also became a judge in 1961, had enjoyed a career as a lawyer, minority rights activist, campaigner, politician, and federal legislator before being appointed a judge in 1961. Two years later, in 1963, he became Chief Justice of Uganda with the understanding that upon the end of his tenure in Uganda, he would return

With 10 serving justices, the Supreme Court has 11 vacancies waiting to be filled. Politicians have learnt to turn election dispute resolution into auditions for shifting judicial deck chairs. First, they rig elections in order to get the opportunity to rig the courts with judges ready to help them validate rigged elections. That is the legacy of the unspoken antecedents of Awolowo v. Shagari.

to a position on Nigeria's Supreme Court. This came to pass in 1968 when General Yakubu Gowon appointed him justice of the Supreme Court. Atanda Fatayi-Williams arrived on the court in 1969 as a junior to Udo Udoma and, strictly speaking, to Idigbe. In his memoirs, *The Eagle in Flight*, Udo Udoma recalls that upon the retirement of Chief Justice Adetokunbo Ademola in 1972, the then-ruling Supreme Military Council considered five names for appointment to replace him, namely: Professor Taslim Elias, who was then the Attorney-General of the Federation; John Idowu Conrad Taylor, then Chief Justice of Lagos (as the office was then known); George Baptist Ayodola Coker, Justice of the Supreme Court; Rotimi Frederik Alade Williams, a senior lawyer in private practice; and Udo Udoma himself. Fatayi-Williams was notably not in the running. In the event, the military preferred Taslim Elias, who had served them well as Attorney-General. When a new military regime relieved Elias of the position in July 1975, they settled on Sir Darnley, until then a little-known Chief Judge of the South Eastern State, whom Udo Udoma had recommended for that office.

In 1979, the stakes in the appointment of Chief Justice were very high: the presidency of Nigeria could depend on it. Udo Udoma, who had mobility issues, writes in his memoirs that "Justice Fatayi-Williams, then also a Justice

of the Supreme Court, registered a solemn protest on the ground that he saw no reason why I (Udo Udoma) should be given such a high post as the Chief Justice of Nigeria despite the fact that I was an amputee. He felt strongly that the SMC under the leadership of a Yoruba man like himself would not be justified to ignore him who then had no handicap. He then contacted several Yoruba men, including Chief S.L. Edu, to contact General Olusegun Obasanjo as Head of State to plead his case." Continuing, Udo Udoma records that these "intrigues succeeded and he was preferred to me because, in his representation, he was able to convince General Olusegun Obasanjo that since Alhaji Shehu Shagari as a Hausa-Fulani, was contesting the office of President of Nigeria and had chosen Dr. Ekwueme, an Igbo man, as his running mate as Vice-President, both of whom were likely to win, then the office of Chief Justice of Nigeria ought to be filled by himself, a Yoruba man, especially as Chief Obafemi Awolowo was sure to lose the election."

Chief Awolowo and Olusegun Obasanjo exchanged some testy epistles reproduced in Musikilu Mojeed's *The Letterman*, in which Awolowo effectively alleged that the appointment of Fatayi-Williams as CJN in 1979 came with an implicit bargain concerning the determination of the election petition of that year. He also suggested that days before the Supreme Court announced the decision on 26 September 1979, Chief Justice Atanda Fatayi-Williams leaked the decision of the Court to General Obasanjo, who desired to be reassured that he could proceed with the inauguration date of 1 October 1979 as planned. Forty-four years later, the current incumbent travelled to India with the assurance of a man who knew that the imminent announcement of the PEPT judgement did not threaten his position.

In 2008 and in 2019, judges who sat on controversial presidential election petitions in election years enjoyed quick judicial elevation from the parties in whose favour they decided. Also, in 2019, a chief justice was guillotined ostensibly because he could not be trusted to determine presidential election petitions in a predictable way in the manner that his would-be successor could. What seems clear is that, since 1979, judicial appointments and decision-making in election petitions have enjoyed a relationship underpinned by a whiff of implicit quid pro quo.

With 10 serving justices, the Supreme Court has 11 vacancies waiting to be filled. Politicians have learnt to turn election dispute resolution into auditions for shifting judicial deck chairs. First, they rig elections in order to get the opportunity to rig the courts with judges ready to help them validate rigged elections. That is the legacy of the unspoken antecedents of Awolowo v. Shagari.

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PEPT Verdict, Nigeria, we hail thee

I had the opportunity to listen to the judgment of the PEPC presided over by Justice Haruna Tsammani. I must say that the outcome was in line with my expectations.

Our quest for credible elections shall continue despite a judgment that seeks to justify a fraudulent, dishonest, and deceitful election. Mahmoud Yakubu was working hard to etch his name in gold but had to engage in an emergency volte face due to last-minute instructions from above. He lacks the courage to refuse such covert subversion, and is unable to atone for his sins. At the court I saw judges who were struggling not only to read what they wrote but were eager to convince us and the International community of the efficacy of their judgment. I saw a judge for want of what to say was busy analyzing the results of each state just to massage his ego. I saw a judge who insisted that the only way to prove over voting is at the polling unit even when total votes scored by each party far exceeds the number of accredited voters in Ekiti State. I saw a judge who argued on double nomination forgetting what happened to Uche Nwosu and nomination being a pre-election matter ignoring Bayelsa state.

its content. I saw a judge who said a serious opposition does not need INEC...and were using social media to bully her and that she was not moved.

I saw a judge who dismissed evidence from AIT, Arise TV and Channels TV. I saw a judge who was scampering to understand what he wrote. I saw lawyers laughing at the judgment and the presiding judge cautioning them against it saying, "Why are you laughing this is a serious matter". I saw bewildered lawyers asking for copies of judgment, I saw judges who were incoherent, inarticulate, fidgety, incongruous, anxious, nervous, wittingly sarcastic, and copiously championing a cause.

My takeaways from the outcome of PEPT are as follows: If you have two certificates from the same university, with different names, emblems, insignia or logos, it does not disqualify you. If you are doubly nominated contrary to the electoral guidelines, it is not an offense. If you are fined for narcotic /drug related offences anywhere, it doesn't matter, you can still be president, you're not a

criminal. You are covered by the principle of double jeopardy like Abacha. What is important is to win elections at all costs, including changing figures in transit. After all, in the end, INEC will only recognize the written result, no matter how mutilated it is. Don't have any iota of belief or trust any INEC official when they tell you that they will adhere to certain guidelines, in the end, they refer you to the constitution. So, follow the constitution, not their guidelines. The Constitution is just an ordinary piece of paper cum document, it can be twisted to suit any situation for predetermined judgments. Its real intent can be jettisoned for a predetermined outcome. Approaching the court for justice might be impracticable

because no presidential election litigant will ever succeed.

Finally, I leave you with the parting words of Samuel Jibrin Okutepa SAN "He said, "Judgments have been delivered. Justice is different from judgment. Nigeria shall reap the fruits of what is being doled out by those we trust to do what is right. Those who received judgments know the truth in their hearts. Those celebrating know the truth. Truth is constant.



I saw a judge who dismissed a document downloaded from a credible website of Amazon because the person who presented it is an interested party. Ascertaining the authenticity of the document was out of the question. I saw a judge who said the Supreme Court in deciding the double nomination issue went beyond locus standi by delving into the subject matter even as it is clear to the blind and audible to the deaf that it was an orbiter dictum. I saw a judge who wittingly threw away the EU observer mission report because of its tendering process rather than