

Rivers Emergency Declaration: Huriwa Wants CJN Dismissed

Prominent pro-democracy and civil rights advocacy group HUMAN RIGHTS WRITERS ASSOCIATION OF NIGERIA (HURIWA) has stated that if the members of the tenth session of the National Assembly are truly loyal to the constitution of the Federal Republic of Nigeria as they swore just before commencement two years ago, then they should impeach with immediate effect the Chief Justice of Nigeria, Justice Kudirat Kekere-Ekun for willful failure to hear the case by 11 governors of the People's Democratic Party that challenged President Bola Ahmed Tinubu's declaration of a state of emergency in Rivers State and the illegal suspension of the sitting governor Mr. Siminalayi Fubara. The emergency declaration has lasted 6 months and lapses on Thursday September 18th 2025, HURIWA affirmed just as the Rights group called on Nigerians to begin the processes of recall of their representatives at the National Assembly should they conspire to perpetuate the illegality of the Justice Kekere-Ekun's-led Supreme Court for breaching section 232(1) of the Constitution of the Federal Republic of Nigeria by refusing to entertain or offer any lawful reason for not entertaining the suit challenging the emergency declaration by President Tinubu as instituted by the 11 governors of the opposition Peoples Democratic Party (PDP). "If this absolute illegality and absurdity by this present Supreme Court of Nigeria is permitted to remain without any further action to remove from office, the head of the judiciary who is the head of the Supreme Court of Nigeria- an arm of government that has submitted her independence to the control of the executive branch of government, then we can as well know that we as citizens who keep silent in the face of incurable illegality, have invited the end of democracy as it were."

HURIWA recalled that section 232(1) unambiguously provides that: - (1) The Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute between the Federation and a State or between States if and in so far as that dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends. (2) In addition to the jurisdiction conferred upon it by subsection (1) of this section, the Supreme Court shall have such original jurisdiction as may be conferred upon it by any Act of the National Assembly. The Rights group in a media statement recalled that the reputable Chairman of the Council of Legal Education, Chief Emeka Ngige (SAN), has called on the Supreme Court to fast-track the hearing of the suit filed by 11 state governments challenging President Bola Tinubu's declaration of emergency rule in Rivers State.

HURIWA specifically asserted that 11 state governments approached the Supreme Court in suit number SC/CV/329/2025, challenging the constitutionality of the president's action.

The states argued that the president cannot suspend elected officials and replace them with his appointee under the guise of emergency powers, insisting that such actions contravene Sections 1(2), 5(2), 176, 180, 188, and 305 of the 1999 Constitution. HURIWA has consistently dismissed the appointment of a military sole administrator for Rivers state by President Tinubu as the unlawful overthrow of the democratic structures in Rivers state. HURIWA recalled that the federal government, however, filed a preliminary objection to the suit filed before the Supreme court challenging the validity of the emergency declaration, contending that the plaintiffs lacked the locus standi and that no genuine dispute exists.

The Rights group recalled that whilst delivering a paper at the 2025 Annual General Conference of the Nigerian Bar Association (NBA) in Enugu, the Senior lawyer, Chief Emeka Ngige called on the Supreme Court to expedite action on the suit. Ngige noted that the matter, having been fully joined by parties, is ripe for hearing.

"This case touches on the rule of law, democracy, and the rights of the Rivers people to be governed by an elected government. It is of utmost

importance that the Supreme Court immediately schedules a hearing, even during vacation, so the matter can be resolved on the merits," Ngige stressed.. He urged the Supreme Court to fast-track proceedings, given that the six-month emergency rule expires on September 18, 2025. "It is immaterial whether the state of emergency will be renewed or not. The case touches on the rule of law, democracy, and the rights of Rivers people to be governed by a democratically elected state government," he argued.. Citing Article 13(1) of the African Charter on Human and Peoples' Rights, Ngige maintained that citizens have the right to participate in government through freely chosen representatives, not imposed administrators.

He warned that delay could render the case academic, recalling the Supreme Court's handling of *Plateau State of Nigeria & Anor v. Attorney-General of the Federation & Anor* (2006), where substantive issues were left unresolved.. "The Supreme Court must immediately schedule a hearing, even during the vacation, to resolve this crisis. The stability of our democracy demands nothing less," he declared. —

Ngige also lauded the federal government's onslaught on terrorists, saying that the coordinated offensive against insurgents, under the supervision of the National Security Adviser (NSA), Malam Nuhu Ribadu, has yielded significant results, including the elimination of top terrorist commanders and the capture of leaders of affiliated groups.

HURIWA through the National Coordinator Comrade Emmanuel Nnadozie Onwubiko said the only cure to the near- incurable and obviously illegal refusal of the Supreme Court of Nigeria under the headship of Justice Kudirat Kekere-Ekun to entertain the suit challenging the powers of the president of Nigeria to suspend a sitting governor as he did 6 months ago, is for the National Assembly to impeach the CJN for her breaching of the relevant section of the constitution mandating the apex court to hear legal disputes between the states and the federal government. Conclusively, HURIWA said on the alternative, if the National Assembly with a largely sycophantic leadership who are surrogates of President Tinubu, are unwilling to dismiss CJN Kekere-Ekun, then she must voluntarily resign from office to save the Justice system from abysmally collapsing under the heavyweight of erosion of moral/ethical high ground. HURIWA has called on organized civil society organizations to defend democracy by working out peaceful protests against the continuous stay in office of the CJN Kekere-Ekun.

Former Vice President Atiku Abubakar has dismissed President Bola Tinubu's reinstatement of Governor Siminalayi Fubara as Rivers State governor, saying there is nothing to celebrate about the decision. Atiku, in a post on his X account on Wednesday, argued that Tinubu had no constitutional power to suspend a democratically elected governor in the first place, describing the entire process as an act of dictatorship. "Lifting the suspension of Governor Simi Fubara is nothing to cheer about. The suspension of the Rivers State Governor and the State House of Assembly was unconstitutional when it was done six months ago and is still illegal today. President Tinubu had no power to suspend a democratically elected governor and state lawmakers. The Rivers shenanigans only signpost the dictatorship of the Tinubu administration," he wrote. President Tinubu had imposed a State of Emergency in Rivers State on March 18, 2025, citing fears of political violence following the protracted crisis between Governor Fubara and the Minister of the FCT, Nyesom Wike. The move saw Fubara suspended from office alongside the state House of Assembly and other democratic institutions. Tinubu on Wednesday announced the end of the six-month rule, saying there was no need for an extension as peace had returned and political actors had agreed to work together.