



Centre For Equity And Eradication Of Rural Poverty

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Date: 31st August, 2023

The President of Court of Appeal
Three Arms Zone
Asokoro,
Abuja,

Your Lordship,

EXPIRATION OF 67 DAYS PERIOD OF APPEAL AT COURT OF APPEAL IN KANO BY LABOUR PARTY IN ABIA STATE.

With utmost respect to you, Your Lordship, and a burning desire for observance and transparent carriage of Justice, Centre For Equity And Eradication Of Rural Poverty most humbly wishes to draw your attention to a Judgment delivered on the 18th Day of May, 2023 by His Lordship, Hon Justice M.N. Yunusa in the Federal High Court of Nigeria, in the Kano Judicial Division, Holden at Kano.

The said Case was Suit No: FHC/KN/CS/107/2023 between Ibrahim Haruna Ibrahim as Plaintiff

And

- (1) Labour Party, and
- (2) Independent National Electoral Commission, as Defendants.

The summary of the Judgment were as follows;

- (1) That the failure of the 1st Defendant to submit its Register of Members in Kano State and Abia State is in crass breach of the provisions of Section 77(3) of the Electoral Act, 2022 and the purported Primary Elections of the 1st Defendant is invalid, null and void and of no effect,
- (2) That the fundamentally flawed Primary Elections of the 1st Defendant

(Labour Party) as a result of failure to comply with the mandatory provisions of section 77 (2) and (3) cannot produce a qualified Candidate that participated in the General Election as held on the 25th of February, 2023 and 18th of March, 2023, respectively, for all the elective positions in Kano State and Abia State,

(3) That the void Primary Elections of the 1st Defendant cannot produce eligible candidates to be sponsored by the 1st Defendant in the General Elections of 2023 and the participation of the Candidates of the 1st Defendant in the Elections in Kano State and Abia State is of no moment and waste of time,

(4) That the votes cast for all Candidates of the 1st Defendant in Kano State and Abia State in the General Elections of 2023 are wasted votes,

(5) A Party that has not complied with the provisions of Section 77 (2) and (3) can not be said to have candidates in an election and can not be declared the winner of the election. This being so, the votes credited to alleged candidates of the 1st Defendant are wasted votes as per the decision of the Supreme Court, and

(9) The Candidates that participated in the Election in Abia State are not Parties before this Court as such the Court lacks the Jurisdiction to make an Order for the issuance of Certificate of Return to them. They are, however, at liberty to seek the said redress in the appropriate Division of the Court.

Sequel to the above Judgment, the 1st Defendant in Suit No: FHC/KN/CS/107/2023 appealed against the Judgment via Suit No: CA/KN/101/M/2023 in the Court of Appeal, Kano Judicial Division, Holden at Kano on 27th of May, 2023.

Section 285 (12) of 1999 Constitution of the Federal Republic of Nigeria, as amended, clearly stipulates that 'An appeal from a decision of a Court in a pre-election matter shall be heard and disposed of within 60 days from the date of filing of the appeal'.

By simple arithmetical calculation, from May 27th, 2023 to today, August 31st, 2023, is Ninety-Seven Days. Yet the appeal has not been heard and disposed of.

This means that the Appellants in Suit No: CA/KN/101/M2023 have fallen short of relevant Constitutional Provisions regarding the Appeal.

It is purely based on the above non-compliance with the provisions of the 1999 Constitution of the Federal Republic of Nigeria, as amended, by the Appellants that Centre For Equity And Eradication Of Rural Poverty dutifully prays to draw your attention to this constitutional contravention.

The Centre would pray that Your Lordship, having your attention drawn to this constitutional aberration, could make a declarative statement to the effect that Appeal No: CA/KN/101/M/2023 before Their Lordships;

I. G. Mbaba--- PJCA

U. Onyemenam-----JCA

U. A. Musale-----JCA was neither heard nor disposed of.

Centre For Equity And Eradication Of Rural Poverty has deep confidence in Your Lordship and certainly believes that at any point in time, Your Lordship would always be on the side of Truth and Justice.

Kindly accept the assurances of our highest esteem.



Sir Don Ubani; KSC, JP

Executive Director.