

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE KANO JUDICIAL DIVISION
HOLDEN AT KANO
ON THURSDAY THE 18TH DAY OF MAY, 2023
BEFORE HIS LORDSHIP HON. JUSTICE M. N. YUNUSA
JUDGE

SUIT NO: FHC/KN/CS/107/2023

BETWEEN
IBRAHIM HARUNA IBRAHIM.....) PLAINTIFF

AND

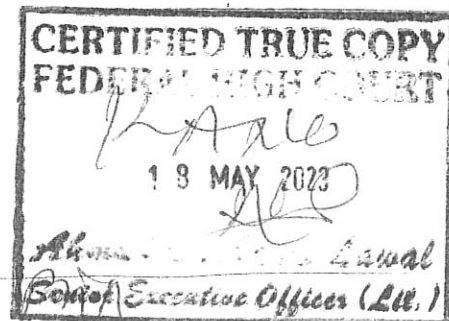
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| <ul style="list-style-type: none">1. LABOUR PARTY2. INDEPENDENT NATIONAL ELECTORAL COMMISSION) | } |) DEFENDANTS |
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JUDGMENT ORDER

Upon the Originating Summons dated and filed on the 11th day of May, 2023 coming before this Honourable Court and g praying for the following:

1. A DECLARATION that every registered Political Party is bound to comply with the provisions of the Electoral Act in the conduct of it activities and any activity of the Political Party not done in compliance with the provisions of the Electoral Act are void ab initio.
2. A DECLARATION that the 1st Defendant has carried on with its activities in the selection of its candidates for the General Election in a manner that is at variance with mandatory provisions of the Electoral Act 2022 which renders its participation in the General Elections of 2023 in Kano States and the rest of 35 States of the Federation including Federal Capital Territory as null and void.

.....
PRESIDING JUDGE
HON. JUSTICE M. N. YUNUSA



3. A DECLARATION that the 2nd Defendant (Independent national Electoral Commission was bound to insist on receiving the Register of Members of the 1st Defendant (Labour Party) In both hard and soft copies in Kano State and the rest of the 35 States of the Federation and the FCT at least 30 days before the 1st Defendant conducted its primary Elections for its candidates that participated in the General Elections of 25th of February, 2023 and 18 of March, 2023, respectively in Kano State and through the Federation in compliance with the provisions of section 77(3) of the Electoral Act, 2022.
4. A DECLARATION that the failure of the 1st Defendant to submit its Register of members in Kano State and the rest of the 35 State of the Federation and the Federal Capital territory is in cross breach of provisions of Section 77 (3) of the Electoral Act and renders the purported Primary Election of the 1st Defendant invalid, null and void and of no effect.
5. A DECLARATION that the Fundamentally flawed Primary Elections of the 1st Defendant (Labour Party) as a result of failure to comply with the mandatory provisions of sections 77(2) and (3) cannot produce a qualified candidate that participated in the General Elections as held on the 25th of February, 2023 and 8 of March, 2023 respectively for all the elective positions in Kano State and the rest of the 35 States of the Federation and the Federal Capital territory.
6. A DECLARATION that the void Primary Elections of the 1st Defendant cannot produce



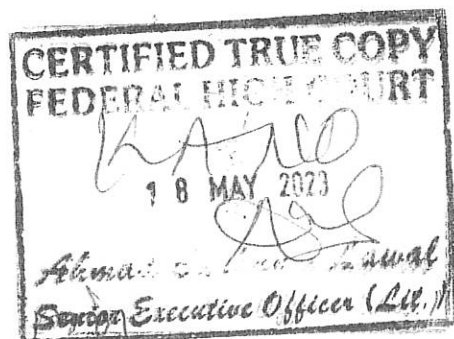
eligible candidates to be sponsored by the 1st Defendant in the General Election and the participation of the candidates of the 1st Defendant in the Elections in Kano State and the rest of the 35 State of the Federation is no moment and waste of time.

7. A DECLARATION that the votes cast for all the candidates of the 1st Defendant in Kano State and the rest of the 35 States of the Federation and the FCT in the General Elections of 2023 are wasted votes.
8. AN ORDER of this Honourable Court setting aside the nomination and participation of all the candidates of the 1st Defendant in Kano State and the rest of the States of the Federation where the candidates of the 1st Defendant participated in the 2023 General Election.
9. AN ORDER of this Honourable Court revoking and/or setting aside the Certificates of Return issued to all the candidates of the 1st Defendant declared winner and returned as duly elected in Kano State and the rest of the 35 States of the Federation and the Federal Capital Territory.
10. AN ORDER of this Honourable Court directing the 2nd Defendant to declare as winner the 1st runner up to all the positions where the 1st Defendant's candidates were declared and returned elected in the concluded 2023 General Election.

And Court having delivered its judgment.

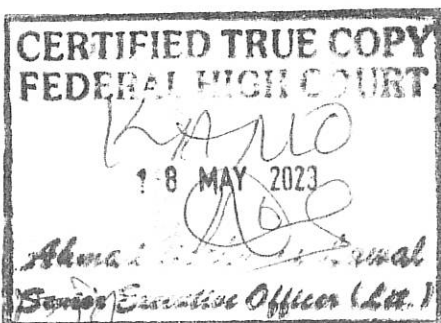
IT IS HEREBY ORDERED AS FOLLOWS:

1. That every registered Political Party is bound to comply with the provisions of the Electoral

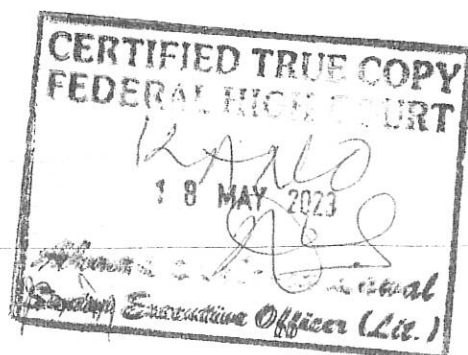


Act, 2022 in the conduct of its activities and any activity of the Political Party not done in compliance with the provisions of the Electoral Act, 2022 is void ab initio.

2. That the 1st Defendant has carried on with its activities in the selection of its candidates for the General Election in a manner that is at variance with mandatory provisions of the Electoral Act 2022 which renders its participation in the General Elections of 2023 in Kano State and Abia State as null and void.
3. That the 2nd Defendant (Independent National Electoral Commission) was bound to insist on receiving the Register of Members of the 1st Defendant (Labour party) and that of other political parties registered in Nigeria in both hard and soft copies in Kano State and the rest of the 35 States of the Federation and the FCT at least 30 days before the 1st Defendant conduct its Primary Elections for its candidates that participated in the General Election of 25th of February, 2023 and 18th of March, 2023, respectively in Kano State and throughout the Federation in compliance with the provisions of section 77(3) of the Electoral Act, 2022.



4. 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.
5. 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 Elections 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.
6. That the void Primary Elections of the 1st Defendant cannot produce eligible candidates to be sponsored by the 1st Defendant in the General Election and the participation of the candidates of the 1st Defendant in the Election in Kano State and Abia State is of no moment and waste of time.
7. That the votes cast for all the candidates of the 1st Defendant in Kano State and Abia State in the General Elections of 2023 are wasted votes.



8. A party that has not complied with the provisions of Section 77(2) (3) cannot be said to have candidates in an election and cannot 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.
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.

ISSUED AT KANO UNDER THE SEAL OF THE COURT AND THE HAND OF THE PRESIDING JUDGE THIS 18TH DAY OF MAY, 2023.

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MUHAMMAD SHEHU
REGISTRAR

