



NIGERIAN BAR ASSOCIATION (NBA) ELECTION APPEAL COMMITTEE (WEST)

Your Ref:.....

Our Ref...NBA/ECA/WEST/006.....

Date:...11th June, 2024.....

The Chairman,
Nigeria Bar Association (NBA)
Udu Branch,
Delta State

RE: NOTICE OF APPEAL
IN THE CASE OF PETITIONS
FROM ODOHISI E. JOHN ESQ AND AUSTIN E. NYEKIGBE ESQ

PREAMBLE:

You would recall that on 30th May 2023, the President of the Nigerian Bar Association, Mr. Y.C. Maikyau, OFR, SAN, inaugurated the above mentioned Election Appeal Committee (West), hereinafter referred to as the Committee by virtue of Section 14(3)(i) of the Constitution of the Nigeria Bar Association (NBA) 2015 (as amended in 2021); to entertain and resolve complaints and petitions with regards to branches and sections elections respectively, and to give directions and interpretations to guide the conduct of the elections and the qualification or disqualification of candidates to participate in the said elections in line with Section 14(2)(m) and (n) of the NBA extant Constitution

APPEAL TO THIS COMMITTEE:

On 6th June, 2024, the Appeal Committee received two petitions and or appeals dated the same day from Messrs Odohisi E. John Esq., and Austin E. Nyekigbe Esq., members of the Udu Branch, respectively, on the similar subject matter centered on the failure and or refusal of your branch Election Committee to publish the list of voters in the branch election scheduled for 16th June 2024, at least fourteen (14) days to the election in accordance with Article 15(2) of the NBA Uniform Bye Law for Branches. And that they have formally written to the Branch Election Committee without any response whatsoever, hence they have appealed to our Committee for redress.

In Committee:

Ama Etuwewe SAN
Chairman

Dele Oloke Esq.
Alternate Chairman

Catherine Ogunjebi
Secretary

Akintokunbo Oluwole
Member

Mena Ajakpovi
Member

Rotimi Olorunfemi
Member

Folake Abiodun
Member

Dotun Adetunji
Member

K. Ajose
Member

Oluwatoyin Omomehin
Member

Isitor Raymond
Member

Upon receipt, the petitions/appeals were forwarded to Mr. Rotimi Fawehinmi, the Election Committee Chairman of your Branch for his response, which response we received on 9th June, 2024.

ISSUE(S):

Whether the Election Committee of the Udu Branch complied with Article 15(2) of the NBA Uniform Bye Law for Branches.

FINDINGS:

This Appeal Committee having met and considered the appeals and joint reply forwarded by the Chairman of the Udu Branch Election Committee, finds as follows that:

- a. The substance of the Petitions is one and the same,
- b. The issues in this appeal can be determined based on the facts supplied in the appeals and the joint response.
- c. The publication of the eligible voters' list is a constitutional requirement which must be satisfied before a free and fair election can be held.
- d. The Election Committee did not comply with the provisions of Articles 15(2), and 16(4) of the NBA Uniform Bye Laws for Branches as it did not publish the list of voters of the Branch as stipulated therein.
- e. Assuming that the list was published as stated in the response of the Chairman of the Election Committee, the publication was not placed at all designated places and in electronic form in which other communication of the Committee had earlier been done.
- f. The alleged publication of the voters list in the Udu High Court Premises on June 2, 2024, which is a Sunday, did not satisfy the provision of Article 15(2), which states that the publication must be made at least fourteen (14) days before the scheduled election, which in this case is 16th June, 2024.
- g. The refusal of the Election Committee to respond to inquiries from members contributed to the lack of confidence in the activities of the Election Committee and has thus impugned the confidence of members in the electoral process.

DECISION/ORDERS:

This Appeal Committee by a unanimous decision of its members at the meeting held on Sunday, 9th June, 2024, hereby allow the Appeals, and direct that:

- a. The publication of electoral register/voters' list being a constitutional requirement must be complied with before a free and fair election can be held.
- b. The Election Committee shall publish the voters' list in line with Article 15(2) in the places listed in Article 16(4) of the NBA Uniform Byelaws for Branches;

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and given that the Election Committee had communicated with the Branch via electronic means, the said list of voters shall be published electronically to the members of the Branch. Enquiries and complaints of members on the list shall be addressed and a final voters' list be circulated within the time stipulated by the Uniform Bye Law.

- c. The election committee shall reschedule the Branch election from 16th June 2024 to a date, which is at least fourteen (14) days after the publication of the final voter's list.
- d. The Udu Branch elections scheduled to hold on 16th June, 2024, is hereby postponed.
- e. The Election Committee is hereby given twenty-one (21) days from the date of receipt of this order to conduct the Branch election after strict compliance with all laid down constitutional requirements.

CONCLUSION:

Kindly ensure that this decision is complied with.

Professional regards,



**Mr. Ama Etuwewe, SAN,
Chairman**



**Catherine Ogunjebi,
Secretary**

CC:

1. Mr. Rotimi Fawehinmi, Esq.,
Chairman, NBA Udu Branch Electoral Committee,
Udu, Delta State
2. Mr. Nyekeriye Esq.
NBA Udu Branch
3. Mr. Odohisi Edmund John Esq.
NBA Udu Branch

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