

PRESS RELEASE

FAILURE OF THE FINAL UMPIRE –THE JUDICIARY

The Foundation for Good Governance & Development in Nigeria (FGGN), a UK based International organisation of Nigerian professionals whose motto is promoting good governance and aims to help achieve this in a democratic, virile and peaceful Nigeria, where all sections of the society are and feel secure and play an active part in its stability and prosperity, have been following and reacting to political developments in Nigeria since 2002.

The recent Supreme Court judgement on the ANPP/ Buhari vs Obasanjo/INEC case on the 2003 Presidential election is another landmark in Nigerian political development that we feel the need to engage all well meaning Nigerians. We should look at the judgement as to what it all means to our collective sense of honesty, justice, fair play and the rule of law, as well as how others may see or perceive us as a people. What does it mean to our future as a people and as a nation? What should we be doing? Rejoice or be sad? At this stage of our political development what does it portends for the enthronement of genuine democratic culture? This judgement is at best political. In our opinion, however, we dare to say that it should be looked at as a crime against Nigeria and Nigerians.

We at the Foundation have, at various occasions, raised concerns on major issues and developments in Nigeria. We have voiced our concerns on the murders of prominent politicians such as Chief Bola Ige and Chief Harry Marshall in the run up to the 2003 elections. These murders all seem to be politically motivated and no one, to our knowledge, has been prosecuted yet. To make matters worse, the person accused of killing Chief Bola Ige is presently a Senator

supposedly helping to make laws and hold the Executive to account for its actions.

We equally raised our concern on the unprecedented electoral fraud and violence that characterised the 2003 elections. A situation where a Resident Electoral Commissioner for Gombe State, Alhaji Gidado Abubakar, a member of the ruling party (PDP), was allowed to allocate the State to a Governor of his bosses' choice as has happened in so many other States was decried. Also a situation where, as in South-South, no election were held but results were declared and in many instances the number of votes exceeded the number of registered voters and an election where opposition party officials were locked-up during the electoral process, as was the case in Adamawa State, were the hallmark of that election. These and many other widespread malpractices were reported by reputable local and international observers such as the Transition Monitoring Group (TMG), the European Union (EU) observers and the US based National Democratic Institute (NID) and International Republican Institute (IRI).

The violence and unprecedented assault on our nascent democracy that started before the 2003 election and continued during the election only got worse after the election. Prominent politicians, perceived as threats to the grand design of the ruling powers to perpetuate themselves in power, such as Chief Chuba Okadigbo and Chief A.K. Dikibo were systematically and brutally murdered. In the latter case, Obasanjo was quick to pre-empt the security agencies' investigations by laying blame on armed robbers as if arm robbery is acceptable under his government. The mutilation of democracy and democratic principles continued with what could be called

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“The Ngige-Police-Judiciary saga”, which culminated at the highest office in the land with what can be called “The Aso Rock-Obasanjo-Audu Ogbeh-Ngige Electoral Fraud Revelation”, that laid open the complicity of Obasanjo and his lieutenants in all these crimes. The Foundation has raised concerns on all these before and called for a rethink on the part of the perpetrators and for well meaning Nigerians and friends of Nigeria to help halt these negative developments.

The failure of the security agents and the executive is equally matched by the failure of the legislature. The manner in which the then Senate President Chief Adolphus Wabara was hoisted on the upper legislative house and the subsequent failure of the legislature to perform its policing and legislative functions is there for all of us to see. The corruption level in the legislative houses, as exposed recently by the Professor Jibrin Aminu vs Atiku/Boni Haruna saga and the sacking of Wabara, are fruits of the electoral fraud that was the 2003 election.

In the light of all these, we at the Foundation pinned our hopes on the Judiciary. To borrow chief Mike Ahamba’s analogy at the London International Conference on Sustainable Democracy in Nigerian: Challenges and Prospects, held on 25th June 2005 and organised by the FGGN: in a football match there are three umpires (the central referee, the side referees and the match officials who report to the football governing body like the FIFA) and the viewing/reporting/recording media, all forming checks and balances in a match. In the 2003 election, the central referee (INEC) and the side referees (the security agents) have all failed or conspired with one team (the ruling party and government) to subvert the election. The press and international observers have raised their concerns and the opposing team (the ANPP and its presidential candidate, General

(rtd) Muhammadu Buhari) have duly lodged their grievances at the law court.

The final umpire, The Judiciary, which should be the last place of hope for all people in any decent society, was left to make the final decision. That was where the FGGN and all well-meaning people hoped for fairness and justice. This final umpire has failed to live up to its role of protecting the weak and the deprived from the unjust force of the powerful. Where should the aggrieved of this land go to? The signs and symptoms of the failure of the judiciary started with the various election petition cases that were thrown out of court based on unjustifiable technicalities, such as not joining a particular person in a suit, to the more notable case of Chief Wabara who was not only given a Senate seat that he did not win but was also railroaded to be the Senate President and the cases of Chief Ngige of Anambra State and Adamu Modibbo of Adamawa State. We at the Foundation, however, being chronic optimists, still hoped that the men at the Appeal Court and the Supreme Court, being more ‘mature’ and of ‘greater minds’, would act in a fair and just manner in the interest of democracy and the rule of law and thus the longer interest of Nigerian and its people. We were utterly wrong; the Appeal Court failed to live up to its name and delivered a majority verdict which was in contrast to all the evidence that was put before it and to even the summation of the judges themselves. We decried these and raised our concern in a press release issued on 22nd December 2004.

We then pinned our hopes on the Supreme Court. Their July 2005 judgement on the presidential election petition, which came while the government was intimidating the judges with various allegations of corruption, is therefore a disappointment but not surprising to us in the light of the signs and symptoms of the sick judiciary that we have witnessed so far. We are disappointed because

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this is politics not justice, but justice is what judges and the Judiciary are all about not politics. Justice, and therefore the Judiciary is what will sustain democracy and keep the society together in peace and harmony. At this stage, it is pertinent to ask; Where are all those who were pressurising General (rtd) Buhari to take the legal way in seeking redress? Why is the deafening silence? Is this the democracy that we traded with military dictatorship? We all know that so long as people are not allowed to elect and remove their leaders freely, we are only deluding ourselves and it would just be a question of time before we descent into anarchy.

The failure of the final umpire - the Judiciary, is the final blow in the mutilation of the democratic process in Nigeria. In the light of these, we can therefore understand and appreciate what the US intelligence foresaw when they reported that Nigeria was heading to be a failed state.

In a situation where the final umpire has failed it is left to the ultimate umpire, the people of Nigeria, the civil societies and the International community to salvage the situation. We, as Nigerians and friends of Nigeria, should not allow the few bad eggs who hijacked and are now operating our executives, security agencies, electoral offices, the legislature and the Judiciary destroy our country. To some of the good people, who may be trapped in these agencies, we say come out of your trap. You have what happened to Audu Ogbeh, Chris Ngige, Adolphus Wabara, and Tafa Balogun, to name but a few, as examples of how temporary life can be.

We congratulate and salute the courage of the ANPP and its presidential candidate, General (rtd) Muhammadu Buhari, and their legal team, led by Chief Mike Ahamba (SAN), for following the due process of law, as it should be in a democracy, in fighting this case up to

the apex court of the land. They have shown, by this action, how democracy and the adherence to the rule of law should be pursued. In the eyes of all decent and well-meaning people victory belong to General (rtd) Buhari and his team in this case, irrespective of what the judges might have said. The Foundation would like to congratulate them also for exposing the bad system that has kept Nigeria lagging behind other nations and not taking its rightful place in the international community of nations.

We therefore call on all well meaning Nigerians, civil societies and the International community to join us in condemning the verdict and the language of the Supreme Court judges on the 2003 Presidential election petition as delivered on 1st July 2005. We would equally like to call on you to join hands with us in helping to create an environment in Nigeria, where these anti-democratic acts will not be allowed again. We owe this to our children and the generations yet unborn; if we don't, the absolute ultimate umpire, the All-mighty God, will make his judgment on all of us.

Long Live the Federal Republic of Nigeria!

Long Live the Foundation for Good Governance and Development in Nigeria!!

For and on behalf of *the Foundation:*

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