

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, ABUJA,  
NIGERIA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT ABUJA

SUIT NO. /CS/ /2024

**BETWEEN:**

MOHAMMED SAIDU ETSU  
(former National Chairmanship  
Aspirant at the APC National  
Convention in 2022)

} **PLAINTIFF**

**AND**

1. DR ABDULLAHI UMAR GANDUJE
2. ALL PROGRESSIVES CONGRESS (APC)
3. THE NATIONAL EXECUTIVE COMMITTEE OF APC
4. THE NATIONAL WORKING COMMITTEE OF APC

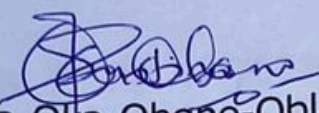
} **DEFENDANTS**

**AFFIDAVIT SETTING OUT THE FACTS RELIED UPON AND MADE  
PURSUANT TO ORDER 3 RULES 4 & 5 (a) OF THE HIGH COURT OF  
THE FEDERAL CAPITAL TERRITORY, ABUJA (CIVIL PROCEDURE)  
RULES, 2018, IN SUPPORT OF THE ORIGINATING SUMMONS**

I, Mohammed Saidu Etsu, Male, Muslim, Politician, and a Nigerian Citizen residing at SW 202 Lagos Street, Minna, Niger State, Nigeria, do hereby make Oath and state as follows:

1. I am the Plaintiff in this case, and as such, the facts of this case are within my personal knowledge, save as otherwise stated.
2. The 1st Defendant is the purported National Chairman of the All Progressives Congress, APC.



  
This Summons was taken out by Justina Oka Obono-Obla, Esq. of Messrs. Obono, Obono & Associates of Suite 071, 2nd Floor, Trinity House, Mabushi, Federal Capital Territory Abuja, Nigeria.  
08033303287; 08033490404 Email: [oblatyn@gmail.com](mailto:oblatyn@gmail.com) Legal Mail: [justinaobono-obla@nigerianbar.ng](mailto:justinaobono-obla@nigerianbar.ng)

**Note:**

It will not be necessary for you to enter an appearance in the High Court Registry, but if you do not attend either in person or by your legal practitioner, at the time and place above mentioned (or at the time mentioned in the endorsement hereon), such order will be made and proceedings taken as the Judge may think just and expedient.

**ADDRESSES FOR SERVICE ON THE DEFENDANTS:**

**1. On the 1st, Defendant:**

His Excellency,  
Dr Abdullahi Umar Ganduje  
C/O All Progressives Congress  
National Secretariat  
Muhammadu Buhari House  
40 Blantyre Cres, Wuse 2,  
Abuja 904101, Federal Capital Territory,  
Nigeria.

**2. On the 2nd - 4th Defendants**

The All Progressives Congress  
The National Executive Committee of APC  
The National Working Committee of APC  
C/O The National Secretary,  
All Progressives Congress  
National Secretariat  
Muhammadu Buhari House  
40 Blantyre Cres, Wuse 2,  
Abuja 904101, Federal Capital Territory,  
Nigeria



Chairman of APC by Senator Abdullahi Adamu, is illegal, wrongful and patently unconstitutional, null and void and of no effect;

8. A Declaration that the appointment of Dr Abdullahi Umar Ganduje as the National Chairman of the APC by the National Executive Committee of the APC on the 3rd Day of August, 2023, is illegal, wrongful, null and void and of no effect;
9. A Declaration that all the actions and measures or decisions taken by the National Working and National Executive Committees presided over by Dr Abdullahi Umar Ganduje from 3rd August, 2023, when he purportedly assumed office as National Chairman of the APC, are illegal, wrongful, void and of no effect whatsoever;
10. An Order of Injunction restraining Dr Abdullahi Umar Ganduje from parading or representing or holding out himself as the National Chairman of the APC in any form or guise, whatsoever;
11. An Injunction restraining or prohibiting Dr Abdullahi Umar Ganduje from presiding over the National Executive and National Working Committees, respectively, or any other organ of the APC;
12. A Declaration that the National Chairman of the APC can only be elected or chosen at the National Convention of the Party;
13. A Declaration that by the decision the leaders and stakeholders of the APC agreed collectively and consensually at the National Convention of the APC held on 26th March, 2022, that the position of National Chairman from 2022 to 2026 of the APC must come from the North Central Geopolitical zone of the country, the APC is bound by the said agreement or consensus.

**TAKE NOTICE that parties shall maintain the status quo.**

**Dated this 3rd Day of May, 2024**

.....  
**Registrar**



3. The 2nd Defendant is a registered political party in the Federal Republic of Nigeria.
4. The 3rd and 4th Defendants are National Executive and National Working Committees, respectively, of the 2nd Defendant.
5. I am a bona fide member of the 2nd Defendant since 2nd Defendant was founded in 2013. Attached herein and marked as **Exhibit MSE** is my membership registration card with 2nd Defendant.
6. That the 2nd Defendant held its National Convention in the Federal Capital Territory, Abuja, Nigeria, on the 26th March, 2022, to elect the National Chairman and other National officers to run the affairs of the 2nd Defendant from 2022 to 2026.
7. One of the decisions taken collectively and consensually by the leaders of the Party at the National Convention was that the position of the National Chairman of the Party must be conceded to someone from the North Central Geopolitical Zone of the country.
8. I come from Niger State in the North Central Geopolitical Zone of the country.
9. The other States that fall within the North Central Geopolitical Zone of the country include: Benue, Kogi, Kwara, Nassarawa, and Plateau States.
10. It was also decided that the position of National Chairman of the APC must be exclusively macro-zoned to Nassarawa State.
11. Consequently, Senator Abdullahi Adamu from Nassarawa State was elected the National Chairman.
12. I was one of the aspirants for the position of the National Chairman of the APC, at the 2022 National Convention of the 2nd Defendant.



1. A Declaration that by virtue of Article 7 (ix) and (x) of the Constitution of the APC, the APC is bound to promote and uphold the practice of internal democracy at all levels of the Party Organization and institutionalize, maintain and foster representative democracy, discipline and strict observance of the rule of law in the Federation of Nigeria;
2. A Declaration that the 3<sup>rd</sup> Defendant failed, refused and or neglected to comply with the procedure laid down in Article 31.5 of the APC constitution (supra) in the replacement of Senator Abdullahi Adamu with Dr Abdullahi Umar Ganduje as National Chairman of APC on the 3<sup>rd</sup> August, 2023;
3. An Order setting aside the appointment of Dr Abdullahi Umar Ganduje by the 3<sup>rd</sup> Defendant as the National Chairman of the APC on 3<sup>rd</sup> August 2023 on the ground that the 3<sup>rd</sup> Defendant failed, refused and or neglected to comply with the procedure laid down by Article 31.5 of the APC Constitution (supra);
4. A Declaration that the National Executive Committee of the APC has no modicum or scintilla of power to appoint Dr Abdullahi Umar Ganduje on 3<sup>rd</sup> August, 2023, as the National Chairman of the Party;
5. A Declaration that the National Chairman of the APC by virtue of Article 20 of the APC Constitution can only emerge through a democratic election held at the National Convention of the Party;
6. A Declaration that by a true interpretation and intendment of Article 14.2 (ii) of the Constitution of the All Progressives Congress 2013 (as amended), the Acting Chairman of the APC after the resignation of Senator Abdullahi Adamu from office as National Chairman, must be someone from his Geopolitical Zone of the country which is the North Central Geopolitical Zone not someone from the North West Geopolitical Zone of the country, where the 1<sup>st</sup> Defendant comes from;
7. A Declaration that the assumption into the office of the National Chairman of the APC by Dr Abdullahi Umar Ganduje on the 3<sup>rd</sup> Day of August, 2023, after the resignation from the office of National



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*W/2258/24*  
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**BETWEEN:**

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(former National Chairmanship  
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**PLAINTIFF**

**AND**

1. DR ABDULLAHI UMAR GANDUJE
2. ALL PROGRESSIVES CONGRESS (APC)
3. THE NATIONAL EXECUTIVE COMMITTEE OF APC
4. THE NATIONAL WORKING COMMITTEE OF APC

**DEFENDANTS**

**ORIGINATING SUMMONS BROUGHT PURSUANT TO ORDER 3  
RULES (4) & (5) (a) OF THE HIGH COURT OF THE FEDERAL CAPITAL  
TERRITORY, ABUJA (CIVIL PROCEDURE) RULES 2018**

LET Dr Abdullahi Umar Ganduje and the All Progressives Congress (APC) attend before the Judge on ..... Day of May, 2024, at the hour of 9 'O' clock in the forenoon or so soon thereafter, as the business of the Court may permit on the hearing or determination of the following questions, thus:

1. Whether by a true interpretation and intendment of Article 13 of the APC Constitution 2013 (as amended) the National Executive Committee of the APC has any modicum or scintilla of power to appoint a National Chairman of the APC?
2. Whether by the true interpretation and intendment of Article 31.5 the APC Constitution 2013 (As amended), the 2<sup>nd</sup> Defendant is not bound

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to comply with the procedure laid therein for the replacement of a National/Zonal Officer in the event of a vacancy?

3. Whether by the provisions of Article 7(vii) and (ix) of the APC Constitution (supra) the APC is not bound by the consensus reached by its leaders at the 2022 National Convention held in Abuja, Nigeria, that the National Chairman of the APC from 2022 to 2026 must be someone from the North Central Geopolitical Zone of the country?
4. Whether it is in tandem with Article 14.2 (ii) for the National Executive Committee of the APC on 3rd August, 2023, to appoint Dr Abdullahi Umar Ganduje, who is from the North West Geopolitical Zone of the country to act as National Chairman of the APC, after the then APC National Chairman, Senator Abdullahi Adamu resigned his position as APC National Chairman?
5. Whether the APC National Chairman can only be elected at the National Convention of the APC?
6. Whether the National Convention by Article 13 (1) of the APC Constitution is not the final authority of the APC?
7. Whether the National Executive Committee of the APC can override the National Convention of the Party by virtue of the true intendment and interpretation of Articles 12 (1) and 13.3 (i - vii) of the APC Constitution?
8. Whether by a true intendment and interpretation of Article 20 (a) of the APC Constitution, Dr. Abdullahi Umar Ganduje, the 1st Defendant, can be appointed the Acting/National Chairman of the APC?
9. Whether by a true intendment and construction of Article 20 of the APC Constitution, the 1st Defendant can be appointed as National Chairman other than through a democratic election?

Arising from the above, the Plaintiff seeks the following reliefs from this Honourable Court, thus:



20. That the tenure of the said Senator Abdullahi Adamu as National Chairman of the APC ought to expire sometime in March, 2026.
21. The membership of the APC in all the wards, local government councils and States that make up the North Central Geopolitical Zone of the country including the Plaintiff, shall suffer adversely by the obnoxious decision of the National Executive Committee to unilaterally, in violation of the APC Constitution, rescind the consensual decision of the leadership of the APC to zone the position of the National Chairman to the North Central Geopolitical Zone of the country.
22. I know as a fact that all the positions in the National Executive and National Working Committees (3rd and 4th Defendants) as prescribed in the APC Constitution, were shared to all the Six geopolitical zones of the country namely: North West, North East, North Central, South West, South/South and South East. Attached herewith is a document marked as **Exhibit MSE 5** that was released by Salisu Na'inna Dambatta, Director, APC Publicity Directorate dated 9 March, 2022, showing the sharing of these positions based on consensual arrangement and agreement.
23. I verily believe the APC is a political party established by the Constitution of the Federal Republic of Nigeria, 1999.
24. I know as a fact that the National Convention is the highest organ of the party and its decisions are binding on the National Executive Committee of the Party and all other organs of the as well as all members of the party.
25. All the decisions taken at the 26th March, 2022, Convention is binding on all organs and members of the party. Attached herewith is a document marked as \*Exhibit MSE 6\* of the agreement of the Aspirants from the North Central Geopolitical Zone of the country dated the 22 March 2022 addressed to the Chairman, APC Election Sub-Committee National Secretariat Abuja. I was the fifth signatory of the said **Exhibit MSE 6** that Senator Abdullahi Adamu is the consensus candidate of the Zone.



13. I purchased the Nomination Form for aspirants for the position of National Chairman. Attached herewith is my Nomination Form, which is herewith and marked as **Exhibit MSE 1**.
14. I was one of the aspirants, the then leader of the APC, President Muhammadu Buhari invited to attend a meeting to agree to zone the position of National Chairman of the APC to the North Central Geopolitical Zone of the country.
15. All the aspirants for the position of National Chairman from the North Central Geopolitical zone of the country were from this zone, and the leadership of the Party under President Muhammadu Buhari, appealed to drop their ambitions and accept a consensus candidate in the interest of the continued unity and solidarity of the Party.
16. The leadership promised that the aspirants would be refunded the amount of money that they spent to purchase their nomination forms, however, until this moment, I have not been refunded the amount that I used to purchase the nomination form.
17. I verily state that I am a financial member of the APC and have regularly paid my financial dues. Attached herewith and marked as **Exhibits MSE 3 & 4** respectively, are the receipts issued to me upon payment of my financial dues.
18. The National Convention of the APC was held on 26th of March, 2022, at Eagle Square, Abuja, and was attended by more 7,584 Delegates drawn from the 36 States of the Federation of Nigeria including the Federal Capital Territory Abuja.
19. I bring this action in my personal capacity but I know of members of the APC who are genuinely concerned and will suffer from the purported decision of the National Working and Executive Committees (3rd and 4th Defendants) of the APC on the 3rd August 2023, to hold a meeting outside the venue stipulated in the APC Constitution 2013 (as amended) to appoint the 1st Defendant who is from the North West Geopolitical Zone of the country, to act as the National Chairman after the resignation of Senator Abdullahi Adamu, as National Chairman.



26. Acting illegally, however, the National Executive Committee disobeyed with reckless abandon and impunity the decisions of the National Convention that took place on the 26th March 2022 and appointed Dr Abdullahi Umar Ganduje from a different Geopolitical zone in the North West.
27. I know as a fact that the decision of the National Executive Committee of the APC cannot be superior to that of the National Convention.
28. Following the directive of the then leader of the party, President Muhammadu Buhari, on Wednesday, there are indications that the next Chairman and the other officials of the party will emerge by consensus.
29. I know that the APC Constitution clearly stipulates how a Zonal/National Working Committee officer can be replaced in the event of death, resignation, or Expulsion.
30. The emergence of Dr. Abdullahi Umar Ganduje is blatantly a violation of the APC Constitution.
31. The Plaintiff on or about 30th April 2024 made a representation to the Leader of the APC, President Bola Ahmed Tinubu, concerning the illegalities, impunity, and breach of the APC Constitution the Defendants. Attached herewith and marked as **Exhibit MSE 7** is a copy of the said representation.
32. I know as a fact that the 3<sup>rd</sup> and 4<sup>th</sup> Defendants in their desperation and frenzy to impose the 1<sup>st</sup> Defendant on the 2<sup>nd</sup> Defendant, on the 3<sup>rd</sup> August, 2023, failed to comply with the procedure stipulated in the APC Constitution for the replacement of a National/Zonal Officer in the event of a vacancy.
33. I know as a fact that in the event of a vacancy concerning a National/Zonal Officer, the State Executive Committee ought to propose a replacement for endorsement, thereafter the name



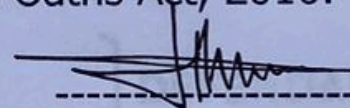
leadership of the Party under President Muhammadu Buhari appealed to all of them (myself inclusive) drop from the race and accept one of us as the consensus candidate in the interest of the continued unity and solidarity of the Party.

36. The leadership promised that the aspirants that accept to drop out the race would be refunded the amount of money that they spent to purchase their nomination forms.

37. However, until this moment, I have not been refunded the amount that I used to purchase the nomination form.

38. I verily state that I am a screened member of the APC and I was issued a Screened Certificate on the 24<sup>th</sup> of March, 2022. Attached herewith and marked as **Exhibit MSE 8** my said certificate.

39. This affidavit is made in good faith conscientiously, believing the facts to be true and correct in accordance with the Oaths Act, 2010.



**Deponent**

Sworn to at the Registry of the  
High Court of the Federal Capital  
Territory, Abuja, Nigeria,  
this ..... Day of May, 2024.

**BEFORE ME**

**COMMISSIONER FOR OATHS**



