

A POWERFUL UNITED STATES BASED POLITICAL ACTION COMMITTEE PUTS MAXIMUM PRESSURE ON PRESIDENT TRUMP AND THE CHAIRMAN, RANKING MEMBER & MEMBERS OF UNITED STATE SENATE AND HOUSE FOREIGN RELATIONS SUBCOMMITTEE ON AFRICA, AND THEY AGREED TO CLOSELY MONITOR THE SCHEDULED FEBRUARY 18TH HEARING ON THE NEED TO IMMEDIATELY REVERSE THE SUPREME COURT ERRONEOUS JUDGMENT IN IMO STATE IN THE INTEREST OF JUSTICE AND EQUITY.

Rising from recent successful meeting and Press conference with Associate Deputy U.S Attorney General, Bruce Fein, Esq, and Retired U.S Federal Judge & Constitutional Litigator, W. Bruce DelValle, Esq, The Nigerian Coalition for Advancement of Democracy (NICAD), A well-known Political Action Committee with immense resources and direct link in the Whitehouse and United States Senate & House Leadership, has met and delivered letters to President Donald Trump, The Chairman, Ranking Member & Members of United State Senate and House Foreign Relations Subcommittee on Africa. Included in their Request is the need for urgent and immediate intervention on The Supreme Court of Nigeria's Decision on the Imo State Governorship Election Appeal, which it described as not only a miscarriage of justice, but a flagrant violation of articles 21 of Universal Declaration of Human Rights; and article 25 of International Covenant on Civil and Political Rights, depriving Imo State citizens their duly elected governor in the person of Rt. Hon Emeka Ihedioha and foisting on them an illegitimate individual against the declaration of the Independent National Electoral Commission-INEC.

In their discussion and contained in letter to the Whiteshouse and Congressional Leaders, NICAD outlined that there has been an ongoing peaceful mass demonstration across Nigeria because of the corrupt practices by Nigeria Supreme Court justices, evidenced by recent Supreme Court's blatant Fraudulent-Decision on the Imo State Governorship Election Appeal. The Supreme Court gave its flagrantly tainted Judgment on Tuesday 14 January 2020, to the consternation of all Nigerians, and in total violation Imo State indigenes because the Decision lacked merit and could not stand up to legal scrutiny. The Supreme Court has been corrosively compromised because it's the opinion of many legal-minds that the Supreme Court could not ridicule themselves in this way without undue pressure from APC government. This is a wholesale deprivation of the right to self-determination, and the right of self-government by Imo State citizens who voted for the actual winner Emeka Ihedioha. This fraudulent Supreme Court decision Violates articles 21 of Universal Declaration of Human Rights; and article 25 of International Covenant on Civil and Political Rights. NICAD Requests urgent intervention from the United State to reverse this miscarriage of justice and prevent further fraudulent-judicial decisions in the future. We Urgently Request for a congressional hearing by the House and Senate Foreign Relations Subcommittees on Africa to examine this level of flagrant corruption by the highest court in Nigeria, and provide Necessary Oversight to guarantee that the substantial

military and economic aid being provided by the United States to Nigeria is being used by a Country that respects the rights of its own citizens under its own constitution.

2. The Nigerian Community in the USA, principally NICAD, are committed to the Ideals of Democracy which include individual liberty, freedom of expressions, justice and equity for all. One of our main goals is to voice out whenever there is a threat to our fragile democracy by any branch of govt or powerful individual as in the case before us (Emeka Ihedioha vs Hope Uzodinma). As a group, we are interested in supporting good governance and will consistently assist economically to alleviate some of the manifold problems of a slippery democracy. As you may also be aware, the United Nations has stated that Nigerians in diaspora remitted over \$25b into Nigeria in 2019, making Nigerians in diaspora the biggest net contributor to the national economy of Nigeria

3. It was based on this contribution to the economy of Nigeria and our genuine desire to see a peaceful and prosperous Imo State that we (Nigerian community of Imo State extraction in particular, in the United States) organized several outreach events for the political candidates in various areas of the United States prior to the 2019 elections.

INEC RESULT SHEET:

4. According to official figures from the electoral umpire- the Independent National Electoral Commission (INEC), the results of the governorship election were as follows;

- a. Accredited voters: =823,743.
- b. The total valid votes cast: = 714,355
- c. Rejected votes: = 25,130
- d. Total votes cast (Line 2 Plus 3): = 739,485

The top five candidates received the following number of votes:

- e. Rt. Hon Emeka Ihedioha (People's Democratic Party-PDP)
= 273,404 votes
- f. Mr. Uche Nwosu (Action Alliance -AA)
= 190,364 votes
- g. Ifeanyi Ararume (All Progressives Grand Alliance- APGA)
= 114,676 votes
- h. Hope Uzodinma (All Progressives Congress- APC)
= 96,458 votes
- i. Ikedi Ohakim
= 6, 846 votes

j. Total number of votes for the all the other candidates

=32, 607 votes

k. TOTAL VOTES CAST AT THE ELECTION =714, 355 votes

5. On the basis of the above, INEC declared Rt. Hon. Emeka Ihedioha the winner of the 9 March 2019 governorship election in Imo State. Immediately after the announcement of the results, Mr. Uche Nwosu, Ifeanyi Ararume and Hope Uzodinma all went to court to challenge the election outcome. However, Rt. Hon. Emeka

Ihedioha won at the Election Tribunal and also at the Appeal Court. Mr. Hope Uzodinma of the APC, who came a distant fourth at the election, however appealed to the Supreme Court.

6. At the Supreme Court, the Justices (Justice Ibrahim Tanko Muhammad, Justice Kudirat Kekere-Ekun, Justice Sylvester Ngwuta, Justice Olukayode Ariwoola, Justice Aminu Sanusi, Amina Augie, and Justice Uwani Abba-Aji), all or most of whom are recent appointees of the ruling APC President (President Muhammed Buhari), inexplicably accepted the previously tendered and INEC rejected 213,695 votes from Mr. Hope Uzodinma, the fourth placed candidate, which was adjudged to be fake and unreliable by the Election Tribunal and concurred by the Court of Appeal.

7. Furthermore, the Supreme Court added these fake votes to the official INEC declared votes to give Mr. Hope Uzodinma the winning votes of 310,153. However, when one adds this bogus 310,153 votes to the other candidates votes, the total number of votes is 928, 050-which is above the 823,743 accredited voters by INEC.

8. Furthermore, the total number of votes received by the other candidates (excluding the votes credited to Ihedioha, Nwosu, Ararume, Uzodinma & Ohakim) was about 32,607.

THE LAW:

9. The Supreme Court has the final say in any matter brought before it and is therefore entrusted with the enormous responsibility to dispense justice without fear or favor. The reverse is the case here as the Supreme Court has chosen to favor erroneously one candidate of choice by adding rejected and illegitimate votes to inflate his actual votes.

10. This responsibility makes it imperative for the Supreme Court to protect its integrity by reversing its decisions whenever it is found out that the Supreme court has made a terrible error as in this case.

11. The maxim 'Justice must not only be done; it must be seen to have been done.' is therefore very relevant in this case.

THE FACTS:

12. The facts of this case are that Hope Uzodinma was not the APC candidate and was not a candidate of any party in the 9th March 2019 Governorship election in Imo State based on the judgement of the same Supreme Court on 20th December 2019.

13. On 20 December 2019, the same Supreme Court declared Mr. Uche Nwosu as the rightful candidate of the APC & the AA for the 9 March 2019 governorship election in Imo State. Therefore, the APC could not have produced and presented two candidates for the same governorship election on 9 March 2019.

14. The Supreme Court of Nigeria has no powers to allocate votes to any candidate as confirmed by the Chief Justice of Nigeria on 20 January 2020.

15. The Supreme Court has no power to increase the number of people accredited by INEC for an election in Nigeria.

16. A person that was not a candidate in an election cannot be the winner of an election he was not a candidate of.

17. The Nigerian Police have no powers to organize elections in Nigeria. Therefore, results tendered by a Police Officer at the Supreme Court cannot be admitted as an exhibit because the Police Officer was not an INEC officer.

SUPREME COURT'S PRESENT INCONSISTENCIES:

18. Supreme Courts are respected for their integrity and consistencies. A situation where the same Supreme Court gives different decisions on almost identical set of facts, the Supreme Court loses all credibility.

19. First of all, in Imo State, out of the 388 polling units under contest, the Appellant (Hope Uzodinma) was able to call 54 witnesses out of which only 28 of them were polling unit agents during the election under review. 334 polling units were left without any witnesses from Hope Uzodinma or his party APC. Bizarrely, the Supreme Court ruled that Hope Uzodinma had proven his case.

20. Secondly, in sharp contrast, the same Supreme Court found that in the Bauchi State governorship election appeal, where the Appellant had alleged infractions in 336 polling units and yet, called only 29 witnesses out of the 336 polling units, the Supreme Court ruled that the Appellant did not prove his case.

21. Thirdly, in a similar governorship election appeal at the Supreme Court on Monday 20 January 2020, the Chief Justice of Nigeria, Ibrahim Tanko Mohammed stated that 'the Supreme Court has no power to count or allocate votes', and upheld the election of Rt. Hon. Tambuwal as the duly elected Governor of Sokoto State.

22. Back to Imo State governorship election appeal. How did the Lordships arrive at a final tally of votes which overshoot the INEC registered and accredited voters of 823, 743? When one adds the votes that the Supreme Court has allocated to Hope Uzodinma (310,153), it overshoot the

INEC total number of accredited voters (823, 743) for the 9 March 2019 governorship election in Imo State.

23. Furthermore, it is not practically possible for Hope Uzodinma to have gotten all the votes cast in those 388 Polling units

24. Furthermore, the ballot paper for the governorship/Imo State House of Assembly elections were together and yet, Hope Uzodinma's party, APC did not elect even one single member of the party to Imo State House of Assembly. Considering that impeachment is in our constitution, Imo State indigenes would not want to elect Hope Uzodinma and then leave him at the mercy of a hostile House of Assembly where it would be easy for the House to impeach him (Hope Uzodinma).

REVIEW:

25. We are not appealing the Decision of the Supreme Court. We are rather asking the Supreme Court to review its decision in the interest of justice for Imo State indigenes who voted for Rt. Hon. Emeka Ihedioha to be their governor.

26. In the history of the Supreme Court of Nigeria, there have been instances where the Supreme Court realized its mistake and reversed a perverse decision.

27. In the case of *Amodu Tijani -v- The Secretary, Southern Province, (1921)*, the learned Judges opined that 'Lordships will accordingly humbly advise His Majesty that the judgment of the Courts should be reversed'. This judgment was reversed.

28. Further and most recently in the case of *Johnson -v- Lawanson (1971) 7 NSCC 82*, the Supreme Court found cause to overrule itself. In that case, Justice G.B. A. Coker made the following point, 'When the court is faced with the alternative of perpetuating what it is satisfied is an erroneous decision which was reached incuriam and will, if followed, inflict hardship and injustice upon the generations in the future or of causing temporary disturbances of rights acquired under such a decision, I do not think we shall hesitate to declare the law as we find it'. This judgment was also reversed.

29. The aforementioned cases are persuasive precedence that should be followed to review and reverse this perverse decision regarding Rt. Hon. Emeka Ihedioha CON, KSC.

30. Imo State Community in the United States is therefore asking the Supreme Court of Nigeria to review its Decision on this matter in the interest of justice and equity.

31. We want a review to show that the Supreme Court Decision is perverse and that if the Supreme Court had the new evidence, it would not have come to the perverse decision. For example, the fact that the votes that the Supreme Court has allocated to Hope Uzodinma overshoot the total number of accredited voters, that Hope Uzodinma could not have gotten all the votes cast in those 388 Polling units, that the ballot paper for the governorship/Imo State House of Assembly were together and yet, Hope Uzodinma's party, APC did not elect even one member of the party to Imo State House of Assembly.

CONSEQUENCES OF ALLOWING THIS TRAVESTY:

32. So far, Rt. Hon. Emeka Ihedioha has appealed to his teaming supporters not to take the law into their hands but to remain law abiding.

33. However, there have been reported peaceful demonstrations all across Nigeria and in some major cities around the world like London and Washington DC.

34. The last thing that the international community wants right now is an outbreak of war or civil unrest in Nigeria, Africa's most populous nation.

Therefore, we the undersigned humbly urge you to expeditiously look into this matter with a view to getting the Supreme Court of Nigeria to review this perverse decision in the interest of justice.

Nigerian Coalition for Advancement of Democracy (NICADUSA.org)

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CC

President Donald J. Trump
Senate President, Mitch McConnell
House Speaker, Nancy Pelosi
US Ambassador to Nigeria, Mary Beth Leonard

Members of Senate and House foreign Relations Subcommittee of Africa:

SENATE

Graham, Lindsey (SC), Chairman
Portman, Rob (OH)
Johnson, Ron (WI)
Cruz, Ted (TX)
Risch, James E. (ID), Ex Officio
Kaine, Tim (VA), Ranking Member
Coons, Christopher A. (DE)
Booker, Cory A. (NJ)
Murphy, Christopher (CT)
Menendez, Robert (NJ), Ex Officio

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Ilhan Omar, Minnesota
Chrissy Houlahan, Pennsylvania
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Frank Pallone (NY)

National Democratic Institute (NDI)

National Republican Institute (NRI)