



NIGERIAN BAR ASSOCIATION

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01 August 2020

To: NBA Past Presidents & Trustees

NBA 2020 NATIONAL OFFICERS' ELECTION – PETITION BY PRESIDENTIAL CANDIDATE, MR. JULIUS OLADELE ADESINA, SAN

1. Introduction

1.1 I am sure, like me, you had received your copy of the letter dated 30 July 2020 that was addressed to the Electoral Committee of the Nigerian Bar Association (“ECNBA”) by the past General Secretary and Presidential Candidate in the just-concluded Nigerian Bar Association (“NBA”) 2020 National Officers’ Election. The letter is essentially a “petition against the management of the electoral process” in respect of the National Officers’ Election and calls on the ECNBA “to cancel this sham Election”.

1.2 I believe that I owe you a duty, as Past Presidents and Trustees of our noble Association, a duty to timeously respond to the allegations in Mr. Adesina’s letter, within the limits of my knowledge, and to set the records straight, without prejudice to the fuller response that the ECNBA may eventually send to the NBA and which I will share with you. In responding to Mr. Adesina’s letter, I will segment his allegations into 6 broad areas i.e. the Voters’ List; Disenfranchisement of Members; security of NBA Membership Portal; Members who could not vote; Undeliverable Messages; Election Platform.

2. Mr. Adesina’s Specific Allegations

2.1 Voters’ List

2.1.1 Mr. Adesina complains in his letter that the Verified Voters’ List that was published by the ECNBA on 29 July 2020 “contained grave errors of omission and commission including but not limited to the following:

- i. “Names of purported Lawyers without Branches ascribed to them from Serial Number 25171 to 29635;
- ii. “Names of Lawyers under the subheading ‘International Diaspora’ from Serial Number 12182 to 12268 . . .
- iii. “Inflation of the List of some Branches. For instance, Obollo-Afor Branch on the Final List for Verification had only 39 names on the List from Serial Number 30424 to 30462. Strangely, this increased to 662 on the Verified List;

NATIONAL OFFICERS:

Paul Usoro, SAN President;

Jonathan Gunu Taidi, General Secretary; Imo Stanley Chidozie, 1st Vice President; Dr. Dada Foluke Olayemi, 2nd Vice President; Igba Theophilus, 3rd Vice President; Banke Victoria Olagbegi-Oloba, Treasurer; Anosike Elias Emeka, Financial Secretary; Eze Nnamdi Innocent, Legal Adviser; Edun Olukunle, Publicity Secretary; Usman Joshua Enemali, Welfare Secretary; Ewenode William Onoriode, 1st Assistant Secretary; Obasi Chinyere Gladys, 2nd Assistant Secretary; Pepple Iniobong Irene, Assistant Financial Secretary; Lawal Akorede Habeeb, Assistant Publicity Secretary

- iv. “Deletion of Names of Members removed from the Final List;
- v. “Many Members (sic) names found their way to Branches other than their own Branch (sic)”.

2.1.2 It is correct, as Mr. Adesina points out in his letter, that he spoke with me on these issues just before the commencement of voting but after the ECNBA had issued its Statement No. 19 which clarified the issues in regard to those glitches in the Verified Voters’ List and assured members in very lucid terms thus:

“The ECNBA received complaints of members being placed in branches other than their own. This situation is regretted but arose because members in the course of verification did not fully update information on their current branches and or sex and consequently were assigned the default positions (place holder) on the verification platform.

“Members are advised to proceed to vote and disregard any such branches and or sex assigned to them as these do not bear on eligibility, convenience or result of the election.

Members may wish to update their details on the membership portal of the NBA after the elections. In respect of omitted names, please see the ECNBA previous statements, more particularly **ECNBA Statement No. 018.**” (Emphasis by ECNBA)

2.1.3 To reinforce the explanations in the ECNBA Statement No. 19, I further explained to Mr. Adesina that (a) all the names in the Verified Voters’ List were drawn from the Final Voters’ List that was published by the ECNBA on 01 July 2020 and that no new names were added; (b) all the names in the Verified Voters’ List are lawyers and had paid their Bar Practicing Fees and Branch Dues and had therefore met the eligibility qualification to vote in the Elections; and (c) the Elections would be determined, not on the basis of NBA branches but based on universal suffrage of the members which is the voting system enshrined in the Nigerian Bar Association Constitution, 2015 (as amended) and we should therefore not be fixated on the electronic glitches that assigned wrong branches to members. I stand by those explanations that I gave to Mr. Adesina and of course the fuller explanations that are contained in the ECNBA Statement No. 19.

2.2 Disenfranchisement of Members

2.2.1 Mr. Adesina claims that there were “several cases of reported disenfranchisement by members whose names were not on the list. A Senior Advocate of Nigeria who contacted the helpline . . . to lodge his complaint was told that it is because he did not have his SAN’s number. Query! Is SAN’s number a requirement”. These complaints are closely tied to the earlier complaint in regard to the Verified Voters’ List and were addressed in the preceding paragraphs of this communication and in the ECNBA’s Statement No. 019.

2.2.2 In specific regard to “members whose names were not on the” Verified Voters’ List, the ECNBA, in its Statement No. 019, had referred members on this issue to “the ECNBA previous statements, more particularly **ECNBA Statement No. 018.**” I would very respectfully request Mr. Adesina to read again those earlier ECNBA Statements and if, thereafter, there are any specific cases that he wishes to further



clarify, he could raise those cases or better still, direct those members to directly raise those issues with the ECNBA.

2.2.3 If, for example, Mr. Adesina had been forthcoming, in his letter, with the details of the Senior Advocate of Nigeria that he illustratively mentioned in the letter, it would have been possible for the ECNBA to verify exactly what the issues might have been and provide answers to Mr. Adesina's queries. Suffice to state that there were 29,636 verified voters for the 2020 NBA National Officers Election – a number that is far higher than the numbers we had in 2016 and 2018 for the NBA National Officers' Elections that were held in those years. In my humble opinion, that is an advancement that we should all be proud of and should build on in succeeding Elections.

2.3 Security of NBA Membership Portal

2.3.1 Mr. Adesina also claims in the letter that “issues were . . . raised on the security of the NBA Membership Portal”. It is not quite clear from Mr. Adesina's letter what “issues” these were. I believe the relevant question to ask in regard to the security of the NBA Membership Portal is whether any member's security was breached or compromised howsoever *vis-à-vis* the 2020 NBA National Officers' Election. Prior to the Elections, I had read some non-specific allegations in that regard by a candidate and had requested for specific instance of any such breach to enable investigation by the NBA. Up till date, I have not received any such specific complaint, and none has been made in regard to the 2020 Elections. The NBA however remains open to investigate any such complaint if any is presented by Mr. Adesina or any other person.

2.4 Members who could not Vote

2.4.1 Mr. Adesina claims in his letter that “very many members, particularly from the Branches in the West, like Ibadan and Ado-Ekiti, did not receive the link to vote and some of those who received the link could not vote. The same protest came from several Branches in the North, like Gombe, Katsina, Birnin-Kebbi, Yobe, and Kaduna . . . The same complaint was lodged vehemently by members of NBA Enugu Branch”. I would separate the complaint about members who “did not receive the link to vote” from the complaint about “those who received the link (but) could not vote” and address the latter in this section while addressing the former in the “Undeliverable Notices” Section below.

2.4.2 It is strange that Mr. Adesina claims that there were members “who received the link” but “could not vote”. The overwhelming evidence that I received and also read on social media was to the effect that the voting process was “seamless” and very easy for our members. I have so far not received any report from any member claiming that he or she had challenges in voting on the basis of the unique link that were sent to members from and by the Election Platform server. In any case, the ECNBA Statement No. 18 that was referenced in the Committee's Statement No. 19 afore-referenced provided a helpline for members – 0700 5555 2020 – and I am hoping that those members who may have experienced voting challenges after receiving their unique links had contacted that helpline for assistance.

2.4.3 Just before leaving this point, it perhaps bears mentioning that 18,256 ballots were cast in these Elections – i.e. 62% of the Verified Voters. That was by far higher than the number of ballots that were cast in the last 2 (two) NBA National Officers' Elections since universal suffrage was introduced in 2015. Again, that is a feat



which, in my very humble opinion, we should all exult and revel in. It reflects an incremental achievement which succeeding Elections can and should build on.

2.5 “Undeliverable Notices”

2.5.1 As we mentioned in the preceding Section, Mr. Adesina, in his letter complained of members who “did not receive the link to vote” and, in support, he referred to the “undeliverable notices” information that showed on the election monitor dashboard which all our members had access to throughout the duration of the ballot. That dashboard showed that, at the close of ballot at 11pm on Thursday, 30 July 2020, there were “15234 notices undeliverable”. This issue of undeliverable notices was fully and explicitly addressed by the ECNBA in its Statement No. 20 which, for ease of reference, I attach hereto.

2.5.2 Mr. Adesina, in his letter, mistakes the number of undeliverable notices for the number of persons who did not receive notices. That is incorrect. As the ECNBA pointed out in its Statement No. 20, the number of those notices represented the aggregate of the undeliverable notices that were sent to each Verified Voter through the two notification channels – sms and e-mails. It also represents the aggregate number of blasts of such notices to each of the affected Verified Voter. In the ECNBA Statement No. 20, it was stated that there was a minimum of 5 blasts of those notices to each of the affected Verified Voters as at the time of issuing the Statement.

2.5.3 To further break it down and solely illustratively, if Paul Usoro, SAN was one of those Verified Voters whose notices were undeliverable, it means that he had, in the aggregate, 10 undeliverable notices made up of 5 sms and 5 e-mails – and this is based on the minimum 5 notices which the ECNBA, as at the time of issuing its Statement No. 20, indicated had been sent to each of the affected Verified Voters. That number – i.e. 10 undeliverable notices – formed part of the declared “15234 notices undeliverable”; that number did not therefore or howsoever represent the number of persons whose notices were not delivered as erroneously represented by Mr. Adesina.

2.5.4 Meanwhile, I thought that the more inspiring and reassuring aspect of the ECNBA Statement No. 20 was the chronicle of efforts by the Committee to resolve the undeliverable notices issue. Apart from detailing the probable causes of the “undeliverable notices” and providing solutions for those whose DND functionality may have been activated in their mobile phones, the ECNBA further stated thus:

“The ECNBA can confirm at the last check that at least 1,886 individuals of the Undeliverable Notices displayed on the live monitoring platform have since voted, because they got the message through one of the two channels used – Email or SMS. The committee also confirms that messages have been sent using local networks to up to 8,000 numbers with active DND advising them to deactivate same.”

2.5.5 The ECNBA Statement No. 20 afore quoted was released at about 9am on Thursday, 30 July 2020. By 2pm of that day and after the several sms blasts to affected Verified Voters whose DND on their mobile phones were activated, the number of those whose notices were previously undeliverable but were now able to vote had climbed from 1,886 to 6,500; that number was displayed on the live monitoring platform which is still accessible – go.nigerianbar.org.ng/Results. That, in my respectful view, was quite commendable and showed an overarching commitment by the ECNBA to deliver on its mandate.



2.6 Election Platform

2.6.1 Mr. Adesina claims, in his letter “that the System used for this Election was said to have been registered the very day the Election was to start, and MoU was signed on that same day. This was done all alone by the President of the NBA. There was no opportunity to interrogate the System before the commencement of the Election in order to determine its vulnerability, security and capacity. The inability to deliver 14,000 notices to prospective voters 13 hours after the commencement of the Election is not only evidence of lack of capacity on the part of the System but also a clear disenfranchisement of these prospective voters”.

2.6.2 I have already addressed the issue of undeliverable notices in the preceding Section of this communication and I respectfully urge Mr. Adesina to read again the ECNBA Statement No. 20 and also the explanations in the preceding paragraphs hereof. Then would he realize and understand that the inability to deliver those notices was not attributable howsoever to the Election Platform; it had everything to do with the NBA’s poor database (which, in point of fact, has been much improved under the present NBA administration) and the activation of DND in some of our members’ mobile phones.

2.6.3 In regard to the allegations relating to the procurement of the Election Platform, these are all incorrect, to the best of my knowledge. No MoU was signed on the Election Day in regard to the Election Platform. It is not quite clear what Mr. Adesina intends by his assertion that “the System . . . was . . . registered the very day the Election was to start”. As far as I know, the Election Platform, **ElectionBuddy**, belongs to a foreign company who has provided service such as we had for the NBA 2020 Elections in the past 12 years. Mr. Adesina, with the greatest respect, got his facts in regard to the Election Platform completely wrong. In any case, I would have thought that the more material issue should be whether the Election Platform provided satisfactory service to our members for the Elections. The evidence I have answers that question overwhelmingly in the positive. Mr. Adesina’s letter incidentally did not assert to the contrary. Regardless, the NBA remains open to address any specific queries that Mr. Adesina or any other may have in regard to the Election Platform.

3. Integrity of the Ballot

3.1 One issue – and the most critical– that was not addressed in Mr. Adesina’s letter was the integrity of the ballot for and throughout the Elections. Perhaps I should first comment on the refreshing and complete transparency of the ballot. That is one feature that no one could dispute or quibble over. We were all election monitors, right from the first ballot to the last, using our various devices. It was possible for all our members to track the votes as they were cast. Another unique feature of the Elections was the unique link that was sent to each Verified Voter for him or her to access the platform and cast his/her ballot. That link was unique to the receiver and non-transferable; it was also not possible to use a single link and vote more than once.

3.2 The link was delivered to members both by e-mail and sms and this was to ensure that Verified Voters all received the notification. Upon accessing the Election portal, the unique identifier that enabled voting by members was the Supreme Court Number of each Verified Voter. In effect, even if Mr. Paul Uoro, SAN’s unique link for accessing the Election Portal were to fall into the wrong hands, such wrong hands



could not have cast the ballot, using that link except he or they also had Mr. Usoro's SCN. These were all security measures that were put in place by the ECNBA to ensure the integrity of the ballot and I have not received any report from anyone whomsoever suggesting that these security measures were compromised or breached howsoever.

4. Conclusion

4.1 On a final note, My Dear Presidents and Trustees, permit me to mention that I had consistently committed to a free, fair, credible, transparent and unimpeachable ballot for our members in the 2020 National Officers' Elections, right from my election in 2018. I had also expressly informed each of the Presidential Candidates during my interactions with them that I would not rig the Election for any candidate neither would the ECNBA. The ECNBA were sworn to the same ideals as I was and I feel very comfortable holding my hand to my chest and declaring that we – the ECNBA and the NBA National Officers – lived up to those ideals in the conduct of the 2020 NBA National Officers' Elections. I affirm solemnly and, in all conviction, that it was the transparent ballot which we all witnessed and nothing else that produced the winners of the Elections.

4.2 Now that the Elections are gone and past, I would, with the greatest respect, urge all our members, including the erstwhile contestants – both the winners and the losers – to join hands in healing the wounds and bruises that may have been occasioned by the Elections campaigns and results. It is inevitable that, in contests of this nature, there would be such wounds and bruises; we must however not allow them to fester and become open sores and flashpoints for divisions amongst us. That healing process is the most urgent and pressing assignment that we have, and I intend in the coming days to reach out to all the erstwhile contestants in that regard, notably, the Presidential candidates. I solicit your support and assistance, my dear Presidents and Trustees, in that task. There is much work to be done by all of us in the elevation of our Bar and we need to heal fast and then turn our attention, as a united Bar, to those tasks.

4.3 I thank you all for the patience in reading through this communication and wish you a restful weekend and the best of August 2020, the month of our commemorative 60th Annual General Conference which, for the first time, would be held virtually. I hope to see you all at the Conference. Meanwhile, please, stay safe and be well.

Yours sincerely



Paul Usoro, SAN
NBA President

cc. NBA ECNBA
Mr. Julius Oladele Adesina, SAN
Dr. Babatunde Ajibade, SAN FCI Arb
Mr. Olumide Akpata