

# TEAM J-K GADZAMA, SAN

FIRST FLOOR, PLOT 1805 DAMATURU CRESCENT BY KABO WAY  
OFF AHMADU BELLO WAY, GARKI 2  
PHONE NO: 09096826683

Thursday, August 11, 2022

**The President,**  
Nigerian Bar Association,  
NBA House,  
Plot 1101 Mohammadu Buhari Way,  
Central Business District,  
Abuja.

**Attention:** Mr. Olumide Akpata.

Dear Sir,

## **RE: STATEMENT OF THE PRESIDENT OF THE NBA ON THE RESIGNATION OF MEMBERS OF THE NBA NATIONAL ELECTION APPEALS COMMITTEE**

We write further to our correspondence of Tuesday, July 26, 2022 (hereto attached as “**Annexure 1**”) and your statement on the subject as captioned above, dated Tuesday, August 2, 2022 (hereto attached as “**Annexure 2**”).

You may kindly recall that on Tuesday, July 26, 2022, we wrote a letter, which I co-signed in my capacity as the Director General, J-K Gadzama Campaign Team, addressed to your good self, Mr Olumide Akpata, in your capacity as the NBA President, with the NBA-National Election Appeal Committee (NBA-NEAC) in copy. In our said letter, we expressed reservations on the constitution of the NBA-NEAC on grounds of non-neutrality of some of its members, and further cited the refusal of the Electoral Committee of the Nigerian Bar Association (ECNBA) in allowing for an independent forensic election audit which would examine the election/result logs and the platform for the 2022 NBA National Elections of Saturday, July 16, 2022.

In response to our letter, you may further recall that members of the Mrs. ‘Funmi Roberts-led NBA-NEAC, through a correspondence dated July 30, 2022, virally circulated, and addressed to your good self as the President of the NBA, have now resigned. I have also read your statement, dated August 2, 2022, in respect of the resignation of the members of the defunct Mrs. ‘Funmi Roberts-led NBA-NEAC and your consequent reconstitution of a new NBA-NEAC whose membership is drawn from some of the most distinguished legal practitioners our Association can boast of, headed by Chief Godwin Kanu Agabi, SAN.

However, as we have previously stated in our correspondence of July 26, 2022 to your goodself, the pending unavailability of an independent forensic audit report and/or election logs have further rendered the possibility or otherwise of a Petition to the NBA-NEAC rather herculean, if not impossible. For emphasis, it prima facie appears that in the absence of a forensic audit of the elections result and/or provision of election logs particularly that of the presidential result, there can be no material facts to bring before the NBA-NEAC which is a fact-finding Committee. Therefore, we are presently impeded in bringing material facts before the NBA-NEAC. Indeed, it is trite law that availing of all necessary facilities for making one’s case is one of the hallmarks of the tenets of fair hearing.

Moreso, while the instant reconstitution of the NBA-NEAC is commendable, may we firmly reiterate that under section 14 (1) (L) of the NBA Constitution 2015 as amended in 2021 (“the Constitution”), the NBA -NEAC is listed as a Standing Committee and thus, by section 14 (3) (i) of the Constitution, the NBA-NEAC shall be constituted by the President of the NBA, subject to the ratification by the National Executive Council (“NEC”). Therefore, it follows that the reconstituted NBA-NEAC requires the prior ratification of the NBA-NEC as a condition-precedent to assume office and duly execute its functions within the mandate of the Constitution. For ease of reference, s.14(1)(L), s. 14(2)L and S.14 (3) (i) of the Constitution are hereunder reproduced:

#### 14. Committees

##### Standing Committees

(1) The Association shall have the following Standing Committees:

- a. Judiciary Committee;
- b. Law Reform Committee;
- c. Rule of Law and Human Rights Committee;
- d. Ethics and Disciplinary Committee;
- e. Legal Education Committee;
- f. Dispute Resolution Committee;
- g. Welfare Committee;
- h. Finance Committee;
- i. General Purpose Committee;
- j. Secretariat Management Committee;
- k. Appointment and Remuneration Committee;
- l. **National Election Appeal Committee;**
- m. Branch Elections Appeals Committees;
- n. Sections Election Appeal Committees, and
- o. Such other committees as may be created, from time to time by the National Executive Council or the Annual General Meeting.

##### 14(2)L

National Officers’ Election Appeal Committee:

Shall receive and resolve electoral complaints and disputes arising from the election of National Officers and the election of the representatives of the Association in the General Council of the Bar.

##### 14 (3) Membership of Standing Committees

- i. The Committees shall be constituted by the President **subject to ratification by the National Executive Council;**
  - a. The Chairman of each Committee shall be a member of not less than 10 years post call while the Secretary shall be a member of not less than 5 years post-call;
  - b. Each Committee shall present a written report to the National Executive Council Meeting;

- c. The decisions of each Committee shall be taken by a simple majority provided that the Chairman or Presiding officer shall have a casting vote in the event of equality of votes.

Further, the levy visited upon the petition dated 6<sup>th</sup> May, 2022 (“the Petition”) hereto attached as “**Annexure 3**”, addressed to the ECNBA by Mr. Tochukwu E. Ohazuruike, is a cause for grave concern. The Petition was not considered on its merit and this leaves much to be desired. Of substance, the Petition was hinged on the ground that one of the NBA presidential candidates, Mr. Yakubu Chonoko Maikyau, SAN is not constitutionally qualified to contest for the office of President in the 2022 NBA National Officers’ election due to his failure to meet the eligibility criteria of not less than two years membership of NEC at the time of nomination, mandatorily required under section 9(3)(c)(i) of the Constitution and page 1 of the ECNBA’s Preliminary Notice of Election dated 17<sup>th</sup> day of March, 2022. The Petition also made copious references to verifiable minutes of NEC meetings and signed attendance lists within the period of 2018 to 2020, confirming that Mr. Maikyau, SAN was absent for three consecutive meetings by virtue of which he automatically lost NEC membership at the time under reference pursuant to section 8(8) of the Constitution. And that such period of Mr. Maikyau’s non-membership of NEC cannot be reckoned with for purposes of computation of time as NEC member for his nomination, qualification and participation in the 2022 NBA National Officers’ election, held on the 16<sup>th</sup> day of July, 2022.

The Petition also averred that assuming that Mr. Maikyau had not absented from three consecutive meetings under the Mr. Olumide Akpata led NBA dispensation, Mr. Maikyau, SAN has still not and could not have met the NEC eligibility criteria of not less than two years between the timeframe of August, 2020 to the 15<sup>th</sup> April, 2022 deadline for nomination of candidates which is barely 20 months and thus less than the requisite two years. Thus, the NEC membership of Mr. Maikyau, SAN under the Olumide Akpata led NBA does not also meet the minimum two years’ requirement of NEC membership as stipulated in the Constitution.

The issues raised in the said Petition, *prima facie*, are plausible grounds for disqualification and their veracity should have been explored and not waived aside on the basis of technicality. This is more so considering that the response given by Mr. Y.C. Maikyau, SAN (Annexure 4 attached hereto) is a confirmation/admission that, indeed, he was absent from three consecutive NBA-NEC meetings.

Furthermore, having due regard to paragraph 2.2(d) of the second schedule to the NBA Constitution, an aspirant to the Office of the Presidency of the NBA has to be from a section/geo-political zone in the geographical zone where the Presidency is zoned, in this case the North for 2022 NBA election, in compliance with the constitutional rotation requirement. Owing to the fact that previous Presidents of the NBA have emerged from the North West and North Central geopolitical zones of the Northern Zone in times past, the import of section 9(3) of the Constitution and paragraph 2.2(d) of the second schedule of the Constitution on the 2022 NBA general election is that it is only the North Eastern geographical zone in the North that is yet to produce the NBA President, and therefore only candidates from the North East are eligible to contest the 2022 NBA Presidential election in view of the rotational principle enshrined in paragraph 2.2(d) of the second schedule to the Constitution. This line of thinking represents the clear and mandatory provision of the Constitution.

There is therefore a clear testimony of the incompleteness of the electoral process, which makes it unfair, unfree, non-transparent and non-credible. Consequent upon the foregoing concerns and considerations, our candidate, Joe-Kyari Gadzama SAN, will not be filing any Petition before the NBA-NEAC save the following prayers are immediately considered and granted:

1. That an independent forensic audit of the NBA National elections of July 16, 2022, including but not limited to election logs, be mandated and conducted forthwith particularly that of the presidential election.
2. That the instant reconstitution of the NBA-NEAC be ratified by the NBA-NEC in accordance with S.14 (3)(i) of the NBA Constitution, as a condition-precedent to assuming office and duly executing its functions within the mandate of the NBA Constitution.
3. Any other relief(s) that is conducive or pursuant to, or necessary for the attainment or realization of reliefs 1 and 2 above.

While it presently seems that the legal profession in Nigeria is sitting gingerly on a ticking time-bomb, may I ultimately reiterate that the leadership of the Bar has an all-important statutory, legal, professional and moral duty to ensure the protection, promotion and defence of the unity, indivisibility and indissolubility of the Bar in Nigeria which has been glaringly bedevilled by too many a crisis in recent times.

In hoping that our instant prayers will be expeditiously considered and granted, please do accept the assurances of our deepest professional regards.

Thank you.

*Yours faithfully,*



**Chief C. P. Oli**

Director-General

(Joe-Kyari Gadzama Campaign Team)

11/08/2022

**ENCLS:**

1. Letter to the NBA President dated Tuesday, July 26, 2022 – ***Annexure 1***
2. The Statement of the NBA President dated August 2, 2022, on the Resignation of Members of the NBA National Election Appeals Committee (NBA-NEAC) - ***Annexure 2***
3. Petition by Mr Tochukwu E. Ohazuruike, dated 6<sup>th</sup> May, 2022, to the Electoral Committee of the Nigerian Bar Association (ECNBA) - ***Annexure 3***
4. Mr Yakubu Chonoko Maikyau's reply dated 12<sup>th</sup> May, 2022, to the Petition by Mr Tochukwu E. Ohazuruike dated 6<sup>th</sup> May, 2022 - ***Annexure 4***

**CC:**

**The Chairman and Members,**  
National Election Appeals Committee,  
Nigerian Bar Association,  
National Secretariat,  
Plot 1102, Muhammadu Buhari Way,  
Cadastral Zone,  
Central Business District,  
Abuja, FCT.

# ANNEXURE 1

## TEAM J-K GADZAMA, SAN

FIRST FLOOR, PLOT 1805 DAMATURU CRESCENT BY KABO WAY  
OFF AHMADU BELLO WAY, GARKI 2  
PHONE NO: 09096826683

Tuesday 26<sup>th</sup> July, 2022

**Olumide Akpata, Esq.**  
The President,  
Nigerian Bar Association,  
National Secretariat,  
Plot 1102, Muhammed Buhari Way,  
Cadastral Zone,  
Central Business District,  
Abuja, FCT.

Dear Sir,

### **RESERVATIONS ABOUT THE NBA NATIONAL ELECTIONS APPEALS COMMITTEE (NBA-NEAC)**

Sequel to the issuance of a publication titled: **Guidelines for Hearing and Determining Complaint(s) from Candidates in the 2022 NBA National Elections** dated 16<sup>th</sup> July, 2022 which set up the Appeals Committee, we wish to bring to your attention that our candidate, Chief Joe-Kyari Gadzama, SAN will not be exploring the option of approaching the Committee on the following grounds:

1. Non-neutrality of certain members such as the Chairperson of the Committee, Mrs. Funmi Roberts (who is more of a supporter of Yakubu Chonoko Maikyau, SAN by liking posts on LinkedIn), Mr. Okey Ohagba (who was an active Coordinator in Port Harcourt for Y. C. Maikyau, SAN) and Mrs. Huwaila Muhammed Ibrahim (who actively and openly posted contents on her Facebook platform projecting Y. C. Maikyau, SAN) of the aforementioned Committee poses elements of bias by virtue of their active participation in the campaign activities of Y. C. Maikyau, SAN in the recently concluded National Elections which held on Saturday, 16<sup>th</sup> July, 2022.

We sincerely believe that the aforementioned persons will not be able to discharge the duties of the Committee devoid of sentiments and biases and hence, present no guarantee of credibility and fairness in administering

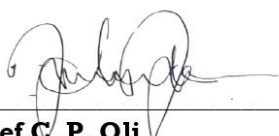
unbiased decisions and findings. We have attached some screen pictures of displays by these persons in support of Y. C. Maikyau, SAN during the period of campaign activities. Please see **Annexure NBA1** and **Annexure NBA2**;

2. The refusal of the ECNBA to allow an election audit which would examine the Election/Result Logs and the platform for the election as requested by our candidate's Agent, Andrew Agbo-Madaki in his letter dated Saturday, 16<sup>th</sup> July, 2022 further renders our cause a herculean task if not an impossible one before the Committee, whose duty is essentially fact-finding.
3. As a result of the aforementioned grounds and circumstances, personal reasons of Chief Gadzama, SAN have also arisen.

In precis, we firmly believe that the leadership of the NBA has a duty to maintain a level playing ground for all stakeholders and parties, and to guarantee the integrity of the post-election process.

Thank you.

Yours faithfully.



**Chief C. P. Oli**  
*Director-General, J-K Campaign Team*



**O. E. Oluwabiye, Esq**  
*Admin Officer, J-K Campaign Team*

**Encl:**

**Annexure NBA1:** Mrs. Funmi Roberts Like on LinkedIn.

**Annexure NBA2:** Huwaila Muhammed Posts on Facebook

**CC:**

**The Chairman and Members,**  
National Elections Appeals Committee  
Nigerian Bar Association,  
National Secretariat,  
Plot 1102, Muhammed Buhari Way,  
Cadastral Zone,  
Central Business District,  
Abuja, FCT.



## ANNEXURE 1




[Type text]



## ANNEXURE 2



**Huwaila Muhammad**

 Friends

 Message

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Self-employed



Studied Law at Bayero University Kano



Went to Bayero University Kano



Followed by 3,864 people



See Huwaila's About info

[Type text]



Huwaila Muhammad



9 Jul · 🌐

\*As lawyers we are professionals and we know better. In times like this we should exercise our right to vote and vote 🗳️ rightly ..be cautious of anyone who offers you money to vote for him. Your vote is our Power for building a Dynamic Bar\* .

NBA DECIDE 2022  
WHAT WILL YC DO?

**MY PLEDGE**

*My Pledge to the Association is that, if entrusted with the mandate of our members for the next two years, I will work tirelessly in the interest of the entire Bar and not of a limited few to ensure that the NBA lives up to its ideals. I pledge to do all that is within my power to protect and promote the interest of the Association and our members, by implementing these and other policies that may yet be conceptualised, in order to recover, reform and reposition the Bar to work for all its members. I shall respect, protect and promote the rule of law and be fair to our members to ensure that the Association continues to be a voice of reason and of courage for the common man, in the interest of our members and of the Nation.*

**VOTE**  
**Y. C. MAIKYAU, SAN**

@ycmaikyausan

#BuildingADynamicBar  
#YCMaikyausan

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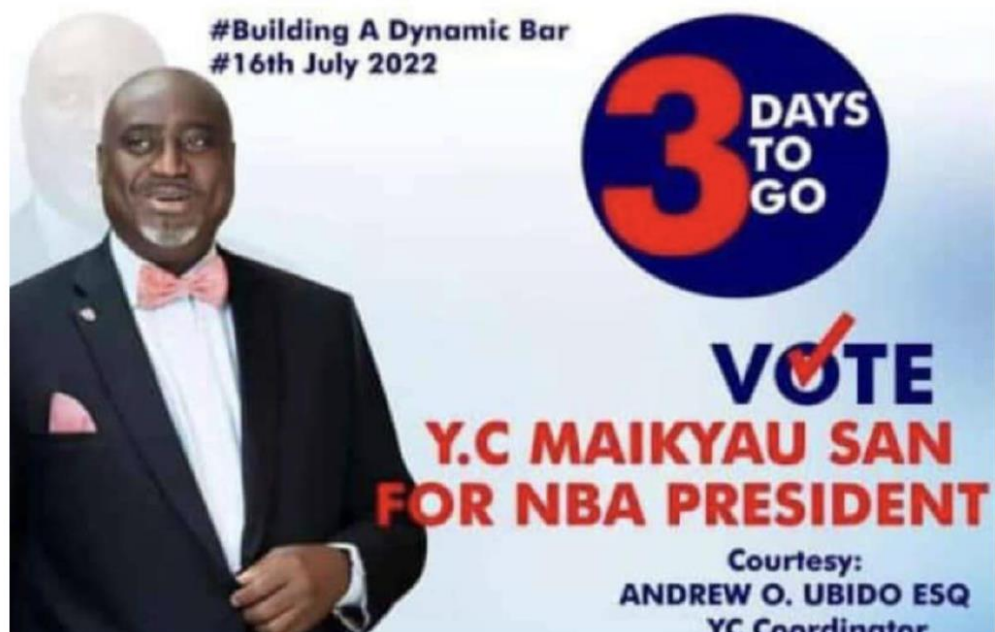
**Huwaila Muhammad**



13 Jul · 🌐

**WE ARE AT THE THRESHOLD OF  
MAKING HISTORY. TO BUILD ON THE  
GAINS MADE BY THE OUTGOING  
EXECUTIVES OF THE NBA.**

**ONE MAN HAS WHAT IT TAKES TO  
BUILD A DYNAMIC BAR!!!... See more**



[Type text]



**Huwaila Muhammad**



9 Jul · 🌐

Mr Y. C Maikyau is bringing better welfare packages to the table. My vote is for YC. Happy weekend.



[Type text]



## ANNEXURE 2



# NIGERIAN BAR ASSOCIATION

NATIONAL SECRETARIAT: Plot 1102, Muhammed Buhari Way, Cadastral Zone A00, Central Business District, Abuja Nigerian Tel: +234 800 333 1111  
[www.nigerianbar.org.ng](http://www.nigerianbar.org.ng)

### STATEMENT OF THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION ON THE RESIGNATION OF MEMBERS OF THE NBA NATIONAL ELECTION APPEALS COMMITTEE

Dear Colleagues,

1. You would recall that elections into the National Offices of the Nigerian Bar Association ("NBA") held on Saturday, 16 July, 2022 after which the Electoral Committee of the Nigerian Bar Association ("ECNBA") returned winners into the various national offices.
2. Also, in line with the provisions of Section 14(1)(L) of the NBA Constitution 2015 (as amended in 2021), we had constituted a National Elections Appeal-Committee (the "**Appeals Committee**") which had the mandate of receiving and resolving complaints and disputes arising from the elections.
3. It bears stating that at the time of constitution of membership of the Appeals Committee, the political inclination of its members to any of the aspirants for the National Offices was not known to the leadership of the NBA. Indeed, the announcement of members of the Appeals Committee on 21 May 2022 predated the release of the list of qualified candidates by the ECNBA on 27 May 2022, as well as the official flag-off of campaigns by the ECNBA.
4. Since after the election, however, it has come to the knowledge of the leadership of the NBA that there have been some protest against the membership of the Appeals Committee bordering on allegations of possible partiality. Indeed, at least, one of the candidates at the election has petitioned the office of the President of the NBA suggesting that some members of the Appeals Committee are, or may be, compromised having allegedly supported the campaigns of some candidates who were returned at the election, and whose victory could be the subject of an electoral challenge.
5. In reaction to the above allegation, I received a letter dated 29 July 2022 and signed by all the members of the Appeals Committee, communicating their resignation of membership of the Appeals Committee on moral grounds and in order to pave the way for the constitution of a new Committee that would enjoy the confidence of any petitioners.
6. One of the promises that I made upon assumption of office, was to ensure a free, fair and transparent electoral process; one that inspires confidence in both winners and losers. It goes without saying that the electoral process which opens with the nomination of candidates extends beyond the actual casting of ballot, to post-election issues such as determination of petitions arising from the election.

#### NATIONAL OFFICERS:

Olumide A. Akpata **President**

Joyce Oduah, **General Secretary**; John Aikpokpo Martins, **1st Vice President**; Debo Adeyemo Kazeem, **2nd Vice President**; Mercy Ijato Agada, **Treasurer**; Olakunle Edun, **Welfare Secretary**; Raphael Nnamdi Anagor, **Financial Secretary**; Dr. Rapuluchukwu Nduka, **Publicity Secretary**; Uchenna Nwadialo, **Assistant Secretary**; Ferdinand Naza, **Assistant Publicity Secretary**

Ensuring the impartiality of members of the Appeals Committee therefore cannot be overemphasized.

7. Against the backdrop of the allegation of bias, or likelihood of bias against members of the Appeals Committee by some interested parties, and the consequential resignation of the entire members of the Appeals Committee, the leadership of the NBA, wishes to announce as follows:
  - A. A new Appeals Committee is hereby set up with the following members:
    - Kanu Agabi, SAN, CON - Chairman
    - Olisa Agbakoba, SAN, OFR - Member
    - Cecilia Madueke - Secretary
  - B. The new Appeals Committee will have **Mr. Rotimi Ogunyemi** as its Resident Expert on IT and **Mr. Olumide Babalola** as Counsel.
  - C. Considering the lapse of the period of 10 days (from the date of announcement of the election results) allowed by the defunct Appeals Committee for the filing of election petitions, the new Appeals Committee, shall indicate the time within which petitions may be filed following this announcement.
  - D. The new Appeals Committee is empowered to direct, at the request of a petitioner, or in its discretion, an independent audit of the July 2022 Elections, if the justice of the matter requires it, or if it would be necessary to further entrench confidence in the process.
8. On behalf of the National Officers of the NBA, let me register my unalloyed gratitude to members of the Mrs. 'Funmi Roberts-led Committee for accepting the NBA's invitation to serve. The circumstances leading to their resignation is no doubt, a most unfortunate one yet, the moral high ground that they have taken will forever be remembered and appreciated.

**OLUMIDE AKPATA**  
President  
Nigerian Bar Association  
2<sup>nd</sup> August 2022

## ANNEXURE 3

### LIBERTY ATTORNEYS

SOLICITORS, ADVOCATES AND LEGAL RESEARCHERS

1

SUITE BS 302  
BANEX PLAZA  
PLOT 750 AMINU KANO CRESCENT  
WUSE II, ABUJA.  
thejoyofthepeople01@gmail.com  
08037071877, 07087070550

6<sup>th</sup> May, 2022

**The Chairman,**  
Electoral Committee of the Nigerian Bar Association (ECNBA),  
ECNBA Secretariat,  
1<sup>st</sup> Floor, Abuja Chamber of Commerce and Industry,  
Abuja Trade & Convention Centre,  
KM 8, Umaru Musa Yar'adua Express Way,  
Airport Road,  
Abuja.



Dear Sir,

INELIGIBILITY OF Y.C. MAIKYAU, SAN FOR ELECTION INTO THE OFFICE OF  
PRESIDENT OF THE NIGERIAN BAR ASSOCIATION (NBA) ON THE GROUND OF  
NON-FULFILLMENT OF SECTION 9(3)(C)(I) OF NBA CONSTITUTION

I am a registered member of the Abuja (Unity Bar) branch of the Nigerian Bar Association (NBA) in good financial standing and I write to your distinguished Committee in respect of the referenced subject.

As a concerned member of the Bar, I consider it necessary to formally complain and bring to the attention of the ECNBA that Y.C. Maikyau, SAN is not constitutionally qualified to contest for the office of President in the forthcoming 2022 NBA National Officers' election due to his failure to meet the eligibility criteria of not less than two years membership of NEC at the time of nomination mandatorily required under **section 9(3)(c)(i) of the NBA Constitution**.

**Section 9 (3)(c)(i)** of the NBA Constitution stipulates membership of NEC for not less than two (2) years at the time of nomination as a mandatory qualification for the office of the NBA President. This requirement was clearly restated in page 1 of the ECNBA preliminary notice of election dated 17<sup>th</sup> March, 2022. My complaint herein is that Y.C. Maikyau has not met this eligibility requirement to contest for the office of President of the NBA as demonstrated in the succeeding paragraphs of this complaint.

Y.C. Maikyau, SAN was first appointed as a co-opted member of NEC in the year 2018 by the NBA administration led by Paul Usoro, SAN. Y.C. Maikyau, SAN however automatically lost his membership of NEC when he absented himself, refused, failed and/or omitted to attend three (3) consecutive meetings of NEC by virtue of **section 8 (8) of the**



**NBA Constitution.** Having lost his membership of NEC within the period under review, it therefore means such period of his non-membership cannot be reckoned with for purposes of computation of time as NEC member for his nomination, qualification and participation in the 2022 NBA National Officers' election. Minutes of NEC meetings showing attendance of members are usually circulated to members and are thus easily accessible and verifiable. Nevertheless, I have attached copies of verifiable minutes of NEC meetings and signed attendance lists within the period of 2018 to 2020 which confirms without equivocation that Y.C. Maikyau, SAN indeed missed three consecutive meetings by virtue of which he automatically lost his NEC membership at the time by virtue of **section 8 (8) of the NBA Constitution** which provides as follows:

*" Any member who is absent from three (3) consecutive meetings of the National Executive Council **shall** cease to be a member of the Council unless he/she shows reasonable cause for such absence to the satisfaction of the Council." (Emphasis mine).*

From the attached NEC attendance lists and minutes, it is clear that Y.C. Maikyau, SAN automatically lost his initial membership of NEC before the end of the two years 2018 to 2020 tenure of Paul Usoro, SAN led NBA administration. The implication of this is that in the eyes of the law, Y.C. Maikyau, SAN was not a NEC member for the material period.

It is also on record that Y.C. Maikyau, SAN was again appointed as a co-opted member of NEC under the current NBA administration led by the indefatigable Mr. Olumide Akpata. The current administration assumed leadership of the NBA in August, 2020 and appointed co-opted members thereafter. Assuming that Y.C. Maikyau, SAN has not missed t<sup>1</sup> consecutive meetings under the current dispensation, he has still not and could not have the NEC eligibility criteria of not less than two years between the short timeframe August, 2020 to the 15<sup>th</sup> April, 2022 deadline for nomination of candidates which is barely 20 months (less than the requisite two years). Thus, the NEC membership of Y.C. Maikyau, SAN under the current dispensation does not also meet the minimum two years NEC membership stipulated in the NBA Constitution.

Flowing from the foregoing, it is crystal clear that Y.C. Maikyau, SAN does not possess the qualification of not less than two years membership of NEC. **Y.C. Maikyau, SAN is therefore ineligible to contest the 2022 National Officers' election and should therefore not be cleared by the ECNBA in line with the NBA Constitution.**

The world is watching the NBA electoral process and compliance with set rules and laid down regulations is not negotiable. As a professional body of lawyers with promotion and protection of the principles of the rule of law as one of its aims/objectives, we cannot afford to set bad precedents especially as we approach the 2023 general elections where the NBA as a body will be expected to uphold and advance the rule of law. If we disobey our own laws in the conduct of the 2022 NBA elections, what moral compass will we have to criticize partisan politicians and other stakeholders when they err in the 2023 general elections process? I therefore enjoin this noble Committee to do the needful by ensuring that only qualified persons are cleared to contest the forthcoming NBA National officers' election.

It is my prayer that God will continue to guide the ECNBA and give you all the courage to discharge your functions without fear or favour.

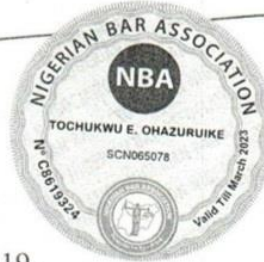
I thank you for anticipated dispassionate consideration of this complaint and necessary action.

Yours faithfully,



6/5/2022

Tochukwu E. Ohazuruike, Esq.



**ENCLOSURES**

1. Attendance list for NEC meeting of March, 2019.
2. Attendance list for NEC meeting of 19<sup>th</sup> - 20<sup>th</sup> June, 2019.
3. Attendance list for NEC meeting of 25<sup>th</sup> August, 2019.
4. Attendance list for NEC meeting of 4<sup>th</sup> December, 2019.
5. Attendance list for NEC meeting of 11<sup>th</sup> - 12<sup>th</sup> March, 2020.
6. Minutes of NEC meeting for 20<sup>th</sup> June, 2019.
7. Minutes of NEC meeting for 25<sup>th</sup> August, 2019.
8. Minutes of NEC meeting for 6<sup>th</sup> December, 2019.



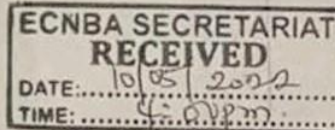
## LIBERTY ATTORNEYS

SOLICITORS, ADVOCATES AND LEGAL RESEARCHERS

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BANEX PLAZA  
PLOT 750 AMINU KANO CRESCENT  
WUSE II, ABUJA.  
thejoyofthepeople01@gmail.com  
08037071877, 07087070550

10<sup>th</sup> May, 2022

The Chairman,  
Electoral Committee of the Nigerian Bar Association (ECNBA),  
ECNBA Secretariat,  
1<sup>st</sup> Floor, Abuja Chamber of Commerce and Industry,  
Abuja Trade & Convention Centre,  
KM 8, Umaru Musa Yar'adua Express Way,  
Airport Road,  
Abuja.



Dear Sir,

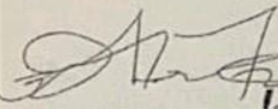
**RE: INELIGIBILITY OF Y.C. MAIKYAU, SANFOR ELECTION INTO THE  
OFFICE OF PRESIDENT OF THE NIGERIAN BAR ASSOCIATION (NBA)  
ON THE GROUND OF NON-FULFILLMENT OF SECTION 9(3)(C)(I) OF  
NBA CONSTITUTION**

Please refer to my letter dated 6<sup>th</sup> May, 2022 which receipt was acknowledged by the ECNBA on 9<sup>th</sup> May, 2022. Please find attached the acknowledged copy for your reference.

Further to the details and complaints in my referenced letter, I wish to provide further particulars to the ECNBA which is that Y.C. Maikyau, SAN did not attend any of the 9 NEC meetings for the period 2018 to 2020. I believe that highlighting this will further assist the ECNBA in taking proper actions in respect of my petition.

Please accept, as always, the assurances of my best regards.

Thank you.

  
10/5/2022  
Tochukwu E. Ohazuruike, Esq.



ATTCH:

Acknowledged copy of the letter to ECNBA dated 6<sup>th</sup> May, 2022.

## ANNEXURE 4

**YAKUBU C. MAIKYAU, SAN, FCI Arb.**

**Y. C. MAIKYAU AND COMPANY**

*Legal Practitioner, Notary Public & Arbitrator*

Abuja: 37A, Nwankwo Street, Zone 1, Wuse, Abuja  
Sokoto: No. 9, Abdulahi Fado Road, Sokoto, Sokoto State.  
Tel: +234-8033114171, +234-8082071002  
E-mails: ycmailyau@maikyaulaw.com, ycmailyaulaw@gmail.com

12<sup>th</sup> May 2022.

The Chairman,  
Electoral Committee of the Nigerian Bar Association,  
ECNBA Secretariat,  
1<sup>st</sup> Floor, Abuja Chamber of Commerce and Industry,  
Abuja Trade & Convention Centre,  
KM 8, Umaru Musa Yar'adua Expressway,  
Airport Road,  
Abuja.

Dear Sir,

**RE: INELIGIBILITY OF Y. C. MAIKYAU, SAN FOR ELECTION INTO THE OFFICE OF PRESIDENT OF THE NIGERIAN BAR ASSOCIATION (NBA) ON THE GROUND OF NON-FULFILMENT OF SECTION 9(3)(C)(1) OF NBA CONSTITUTION.**

1. The above refers.
2. I have gone through the Petition by Tochukwu E. Ohazuruike, Esq, dated **6/5/2022**, alleging that I am not qualified to contest for office of the President of the Nigerian Bar Association(NBA), in the forthcoming election for National Officers of the Association. The Petition alluded to my alleged failure to meet the mandatory eligibility criteria under **section 9(3)(c)(i) of the NBA Constitution**; that I automatically lost my membership of the National Executive Committee (now Council) NEC, when I allegedly failed to attend three (3) consecutive meetings of NEC by virtue of Section 8(8) of the NBA Constitution. I have also seen the further letter dated **10/5/2022**, wherein the Petitioner alleged that I did not attend any of the 9 meetings of the NEC for the period between 2018 and 2020.

My Response:



3. The allegation that I didn't attend the meetings of the 2018 – 2020 NEC is hereby denied. I also deny the allegation that my membership of that NEC ceased at any time before the end of that administration. The Petitioner, beyond citing the provisions of the NBA Constitution and alleging that I did not attend meetings, has failed to show that my membership of the 2018 – 2020 NEC ceased at any time before the **26<sup>th</sup> of August 2020**. It should be noted that the Petitioner admitted my membership of the NEC for the period between 2018 to 2020, this being no less the action of any institution of the NBA than the NEC itself. Suffice to say that what has been admitted requires no further proof. Nonetheless, see my letter of appointment into the NEC dated **4<sup>th</sup> May, 2019** attached hereto, as **Annexure 1**.

4. **Section 7(7) of the NBA Constitution, 2015** (as amended) (which was in force during the period under reference) provided thus:

***“Any member who is absent from three (3) consecutive meetings of the National Executive Committee shall cease to be a member of the National Executive Committee unless he/she shows reasonable cause for such absence to the satisfaction of the National Executive Committee.”***

5. While the above section provided for the circumstances under which a person's membership of the NEC may cease, the proviso ***“...unless he/she shows reasonable cause for such absence to the satisfaction of the National Executive Committee”*** is noteworthy and germane to the resolution of this petition. It is clear from the language of the Constitution that the provision is NOT self-executing. Rather, the provision contemplates that a Member of NEC shall cease to be a member **ONLY** by or **UPON** a resolution of the National Executive Committee (now Council) to that effect.

6. Secondly, it is also clear from the language of the Constitution that, before such a resolution or decision is taken by NEC, terminating a person's membership on the stated ground, there must first be a hearing and such a member must be given the opportunity to show reasonable cause for his absence to the satisfaction of the National Executive Committee.

7. In the petition under reference, the Petitioner has neither shown that there was any resolution of the 2018 – 2020 NEC terminating my membership of the Committee for non-attendance at meetings, nor

has he alleged that there was any such resolution. The Petitioner has also not shown that I did in fact cease to be a member of the NEC. None of the documents which accompanied the petition, show or contain any complaint regarding my alleged absence from any NEC meeting, any deliberation by NEC on such a complaint or any decision of NEC terminating my membership thereof. What the Petitioner has done or seeks to do, is to call on the ECNBA to do what the National Executive Committee of 2018 – 2020 would have done, were it to have received a complaint against me for alleged absenteeism and upon deliberation as stated above, taken a decision to terminate my NEC membership. By his petition, the Petitioner has not only called on the ECNBA to terminate my NEC membership but to do so with retrospective effect from 2019.

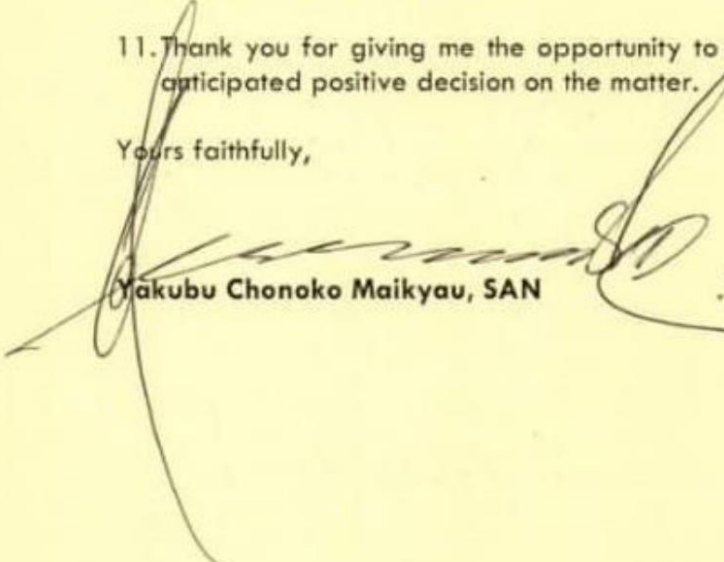
8. With respect to the Petitioner, this honourable Committee cannot do so and ought not to allow any person to drag it into an arena beyond the precincts delineated for its assignment. May I respectfully state for the sake of clarity that, the body that had the power to determine whether my membership of the NEC had ceased was the NEC as constituted in 2018 – 2020 led by President Paul Usoro, not the current National Executive Council and certainly not the ECNBA. A Petition to terminate my membership of NEC should have come during the subsistence of that NEC as led by Mr. Paul Usoro SAN. As stated earlier, no such complaint was made to it and no such decision was taken by that NEC.
9. Finally, may I reiterate the points that (i) the Petitioner has not shown that my membership of the 2018 – 2020 NEC ceased at any point before the **26<sup>th</sup> of August 2020**; and (ii) the Petitioner admits that I was indeed co-opted into that NEC as a member thereof. His allegation that I ceased to be a member for non-attendance must be strictly proved by him and the way to do so is by presenting before this Committee a Resolution of that NEC, duly signed by the President and General Secretary, declaring that I ceased to be a member thereof. May I also reiterate that this ECNBA cannot go into a forensic audit of Attendance Registers and Minutes of Meetings of NEC to decide whether I was attending meetings or not and whether my membership thereof ought to be terminated. It also cannot take a decision to terminate my membership of the 2018 – 2020 NEC. That is the sole duty of that NEC and it is only the proceedings of that NEC terminating my membership that can form the basis of a petition such as this, I so submit.

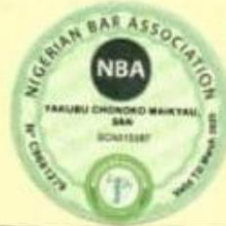


10. I therefore humbly request this Electoral Committee of the Nigerian Bar Association to disregard the Petition and the allegations therein as misguided and one predicated on a gross misunderstanding of the Constitution of the NBA.

11. Thank you for giving me the opportunity to respond and for your anticipated positive decision on the matter.

Yours faithfully,

  
Yakubu Chonoko Maikyau, SAN







BAR NEWS

ANNEXURE 1

# NIGERIAN BAR ASSOCIATION

NATIONAL SECRETARIAT: Plot 1201, Central Zone ADB, Central Business District, Abuja. T: +234 810 462 8812  
www.nigerianbar.org.ng

4<sup>th</sup> May, 2019.

**Yakubu C Maik'au, SAN**

Y.C Maik'au & Co  
2<sup>nd</sup> Floor Akintola Williams House,  
Plot 20148, Michael Okpara Street,  
Wuse Zone 7,  
Abuja.

*My brother Yakubu*

## APPOINTMENT AS CO-OPTED MEMBER OF NATIONAL EXECUTIVE COMMITTEE ("NEC") OF THE NIGERIAN BAR ASSOCIATION ("NBA")

I am pleased to inform you of your appointment as a co-opted member of the National Executive Committee of the Nigerian Bar Association for the years 2018-2020. Your appointment which took effect from 06 December, 2018 will determine at the end of the current NBA administration in August 2020.

The NBA NEC, as you must be aware, is the highest decision-making organ of the Association, next to the Annual General Meeting, and its scheduled meetings are held quarterly. I suggest that you familiarize yourself with the functions of NEC and ancillary matters related thereto as fully set out in the NBA's Constitution. As a co-opted NEC member, you are expected to attend and contribute to deliberations at all NEC meetings and such other meetings of the Association as you may from time to time be invited to.

Please note that this is a call to service and there are no financial emoluments (howsoever defined) attached to your appointment. In particular, the Association will not be in a position to defray your transport and/or accommodation costs in the service of the NBA. Indeed, your appointment was made in the knowledge and belief that you have the wherewithal, are in a position and are willing to meaningfully contribute to the affairs and development of the NBA as a co-opted NEC member with no expectations for financial compensations and/or reimbursements.

I thank you for accepting to serve our great Association and look forward to working with you to advance the cause of the NBA. Please, feel free to reach me at any time with ideas and thoughts that may occur to you and which would promote the objectives of our Association. Also feel free to reach any of my National Officer colleagues for clarification on any issue that relates directly to their respective functions. Kindly sign and return the acknowledgement receipt copy of this letter in proof of your acceptance of this appointment.

Yours sincerely,

*Paul Usoro*  
**Paul Usoro, SAN**  
President

### NATIONAL OFFICERS:

Paul Usoro, SAN, President;  
Jonathan Goro Tadi, General Secretary; Stanley Chikuba Ibe, 1st Vice President; Dr. (Mrs) Fekede O. Dada, 2nd Vice President; Theophilus Terile Igbo, 3rd Vice President;  
Olayegun-Olufemi Victor Banks, Treasurer; Elias Imaka Anetika, Financial Secretary; Nnamdi Innocent Eze, Legal Advisor; Oluksola O. Edun, Publicity Secretary;  
Joshua Enemali Uman, Welfare Secretary; Remade Charlotte William, 1st Assistant Secretary; Chinyere Okei, 2nd Assistant Secretary; Imohang Isaac Pappie, Assistant Financial Secretary;  
Abiodun Hakeem Lawal, Assistant Publicity Secretary.