

KE881372024

FORM 3
GENERAL FORM OF ORIGINATING SUMMONS
(ORDER 5 RULE 5(1))

IN THE HIGH COURT OF LAGOS STATE
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS

LD/7863 9cm/
SUIT NO. 2024

BETWEEN:

1. GEORGE NWABUNIKE
2. ISAAC OGBA

CLAIMANTS

AND

1. MR. YAKUBU MAIKYAU, SAN
(President, Nigerian Bar Association)
2. THE REGISTERED TRUSTEES OF THE
NIGERIAN BAR ASSOCIATION

DEFENDANTS

LET MR. YAKUBU MAIKYAU, SAN AND THE REGISTERED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION both of ABUJA, F.C.T, within 21 (twenty-one) days after service of this Summons on them, inclusive of the day of such service, cause an appearance to be entered for them to this Summons which is issued upon the application of Mr. George Nwabunike, whose email, phone number and address are gnwabunike@gmail.com, 08037749985 and 24/26, Boyle Street, Onikan, Lagos and who claims are as follows;

1. A DECLARATION that the President of the Nigerian Bar Association does not have the power or right to direct the affairs of SECTION ON PUBLIC INTEREST AND DEVELOPMENT LAW (SPIDEL) or Order the Section 'not to undertake any engagement with any third without prior consultation and permission from me as the president' as contained in a letter dated 31 January, 2024 addressed to the Chairman of Section on Public Interest and Development.
2. A DECLARATION that it is only the NATIONAL EXECUTIVE COUNCIL of the Nigerian Bar Association that can regulate the affairs of the Sections of the Nigerian Bar Association after reviewing their reports at Annual General Meetings of the Nigerian Bar Association.

{This Originating Summons is to be served out of Lagos State of Nigeria and in FCT, Abuja, Nigeria}.

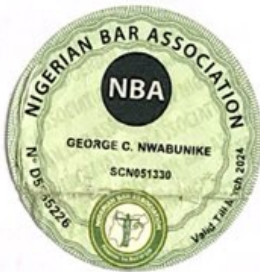
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3. An Interlocutory Injunction restraining the Defendants from taking any step or action to render nugatory this suit or any part thereof pending the hearing and determination of the Motion on Notice.
4. A Perpetual Injunction restraining the president of the Nigerian Bar Association from interfering with the activities of **SECTION ON PUBLIC INTEREST AND DEVELOPMENT LAW(SPIDEL)OR ANY OTHER SECTION** of the Nigerian Bar Association.

The issue for determination by the court is;

Whether by the relevant Sections of the Nigerian Bar Association Constitution 2015(as amended in 2021) and the Uniform Bye-Laws of the association as well as to wit; Sections 9, 17(1) of the NBA Constitution, Section 40 of the 1999 Constitution of the Federal Republic of Nigeria, Articles XI(c), XI(h), XXI, XXII, X(b) and X(c), among others of the Uniform Bye-Laws of the NBA, the President of the Nigerian Bar Association can interfere with the activities the activities of the Section on Public Interest and Development Law of the Nigerian Bar Association.

Dated this 15th day of February, 2024.



.....
George Nwabunike Esq.
GEORGE NWABUNIKE & CO.
Claimant's Counsel
24/26 Boyle Street, Onikan,
Lagos.
☎:08037749985.
gnwabunike@yahoo.com

FOR SERVICE ON:

1. **Mr. Yakubu Maikyau, SAN.**
President, Nigerian Bar Association,
NBA House, Plot 1101,
Mohammadu Buhari way,
Central Business District,
Abuja, FCT.
2. **The Registered Trustees of the Nigerian Bar Association.**
NBA House, Plot 1101,
Mohammadu Buhari way,
Central Business District,
Abuja, FCT.

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IN THE HIGH COURT OF LAGOS STATE
IN THE LAGOS JUDICIAL DIVISION
HOLDEN AT LAGOS

BETWEEN:

SUIT NO

1. **GEORGE NWABUNIKE**
2. **ISAAC OGBAH**

CLAIMANTS

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(President, Nigerian Bar Association)
2. **THE REGISTERED TRUSTEES OF THE
NIGERIAN BAR ASSOCIATION**

DEFENDANTS

AFFIDAVIT IN SUPPORT OF ORIGINATING SUMMONS

I, **GEORGE NWABUNIKE**, Male, Adult and a Nigerian Citizen and a Legal Practitioner of 24/26, Boyle Street, Onikan, Lagos, do hereby make Oath and state as follows;

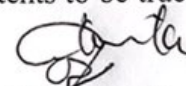
1. That I am a legal Practitioner and a member of Lagos Branch of the Nigerian Bar Association.
2. That I am also a member of Section on Public Interest and Development Law (**SPIDEL**) of the Nigerian Bar Association.
3. That I joined the Section on Public Interest and Development Law (**SPIDEL**) because I am interested in using the court process to protect the rights of the citizens and reduce the excesses of government actions and illegalities.
4. That the Section under the present leadership took the mandate seriously and have initiated several public spirited litigations in accordance with the provisions of the Nigerian Bar Association Constitution and Bye-Laws 2015 (as amended) and in line with its mandate.
5. That unfortunately the President of the Nigerian Bar Association have been working at cross purpose with the leadership of **SPIDEL**. The President have been working to stifle and eventually stop the protection of the public rights undertaken by Section on Public Interest and Development Law (**SPIDEL**).

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6. That the President's action came to a climax when he wrote his letter dated 31 January 2024, wherein he directed that the Chairman of Section on Public Interest and Development Law (SPIDEL), that he should suspend all actions presently being undertaken by SPIDEL. He further directed that SPIDEL shall not undertake any engagement with third parties without prior consultation and permission from the President of NBA. The letter from the NBA President is attached as exhibit A.
7. That the letter was also made available to the public online to not only blackmail the executives and members of SPIDEL as working as a renegade group but also to put our lives at risk as it shows that SPIDEL is acting without the support of Nigerian Bar Association and therefore performing unapproved duties.
8. That the leadership of SPIDEL conveyed an Extraordinary meeting of SPIDEL on Sunday, 4th February, 2024 to brief members on the letter and to discuss the way forward on the matter.
9. That I was present at the meeting wherein the members of SPIDEL including myself gave a unanimous vote of confidence on our leadership of SPIDEL and directed them to continue with our noble activities of defending the defenceless, as the President of NBA acted without authority. We declared the letter written by the President as Null and Void, after reviewing the necessary sections of the NBA Constitution.
10. That we thereafter directed the Chairman of SPIDEL to robustly reply the letter from the President.
11. That the letter of reply from the Chairman of SPIDEL to the President of NBA is attached as exhibit B.
12. That I have two personal experiences that made me doubt the intentions of the President of the NBA.
13. That I recall that sometime last year, the Lagos Branch of the Nigerian Bar Association, constituted a committee to look into the addition of lawyers as part of those that are required to do periodic filing of transactions of clients to the Special Control Unit Against Money Laundering (SCUMUL) of the Economic and Financial Crimes Commission (EFCC).
14. That Nigerian Bar Association had earlier gone to court to challenge the action under the old EFCC Act and won.

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15. That the Lagos Branch Committee recommended that we go to court to stop the new move by the EFCC. The branch went further to constitute a litigation team and the next step was to get the approval of the National Executives to commence the action.
16. That the next thing we were informed was that the Nigerian Bar Association President informed them that he will resolve the matter without going to court. Till now, we have not seen any resolution.
17. That the second matter involved late Mrs. Ijeoma Oparanozie, a lawyer and a member of Lagos branch of the NBA.
18. That the late lawyer was involved in a car accident and was later rescued and rushed to the hospital. We were later informed by the family that Lagos State University Teaching Hospital (LASUTH) and Evercare Hospital Lekki refused to attend to her leading to her death.
19. That I was one of those that investigated the case as a member of SPIDEL in Lagos and we recommended suing the two hospitals. The President of NBA refused to approve the action.
20. That I have personally reviewed the NBA Constitution and have come to the conclusion that the President does not have the powers to direct or stop any **SPIDEL** activity as **SPIDEL** does not report to the NBA President but the National Executive Council during Annual General meetings.
21. That I brought this action for the court to interpret whether the president of the Nigerian Bar Association has the direct to stop the activities of **SPIDEL** or any other section of the Nigerian Bar Association.
22. That I depose to this affidavit in good faith, believing its contents to be true and in accordance with the Oaths Law of Lagos State.


.....
DEPONENT

Sworn to at the High Court Registry
Lagos, this 16th day of February, 2024.

BEFORE ME
ADIO T. OLABISI
LAGOS HIGH COURT
IGBOSERE
COMMISSIONER FOR OATHS

GCN LEGAL PRACTITIONERS



IN THE HIGH COURT OF LAGOS STATE
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NIGERIAN BAR ASSOCIATION

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DEFENDANTS

WRITTEN ADDRESS

The applicants have brought this application praying the court for the following reliefs;

- a. A declaration that the President of the Nigerian Bar Association does not have the power or right to direct the affairs of **SECTION ON PUBLIC INTEREST AND DEVELOPMENT LAW(SPIDEL)** or Order the Section 'not to undertake any engagement with any third without prior consultation and permission from me as the president' as contained in a letter dated 31 January, 2024 addressed to the Chairman of Section on Public Interest and Development.
- b. A Declaration that it is only the **NATIONAL EXECUTIVE COUNCIL** of the Nigerian Bar Association that can regulate the affairs of the Sections of the Nigerian Bar Association after reviewing their reports at Annual General Meetings of the Nigerian Bar Association.
- c. An Interlocutory Injunction restraining the Defendants from taking any step or action to render nugatory this suit or any part thereof pending the hearing and determination of the Motion on Notice.
- d. A Perpetual Injunction restraining the president of the Nigerian Bar Association from interfering with the activities of **SECTION ON PUBLIC INTEREST AND DEVELOPMENT LAW(SPIDEL)** of the Nigerian Bar Association.

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The issue the court has been called to determine is to wit;

Whether by the relevant Sections of the Nigerian Bar Association Constitution 2015(as amended in 2021) and the Uniform Bye-Laws of the association to wit; Section 17(1) of the NBA Constitution, Section 40 of the 1999 Constitution of the Federal Republic of Nigeria, Articles XI(c), XI(h), XXI, XXII, X(b) and X(c) of the Uniform Bye-Laws of the NBA, the President of the Nigerian Bar Association can interfere with the activities the activities of the Section on Public Interest and Development Law of the Nigerian Bar Association.

ARGUMENT

INTRODUCTION:

My Lord, we have given a background to the facts that necessitated the filing of this application and we rely on all the 22 paragraphs of our affidavit in support of this application.

It is our view that the President of the Nigerian Bar Association does not have the powers to issue a directive to **SPIDEL** to stop its activities for whatever reason.

The Constitution of the NBA does not envisage a situation where the Sections are to be managed or directed by the President of the NBA. Rather the Sections are formed to help the association to achieve its objectives as set out in the constitution.

Section 3 of the NBA Constitution set out the aims and objectives of the association. Section 3, sub-rules (9) and (11) of the NBA Constitution are very germane.

Section 3(9) states thus,

‘Encouragement and protection of the right of access to courts at reasonably affordable fees and the representation by counsel before courts and tribunals’.

Section 3(11) states thus,

‘Promotion and protection of the principles of the rule of law and the respect for fundamental rights, human rights, and people’s rights’

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These are clearly the role **SPIDEL** plays in the NBA.

On the need and aim of having sections in NBA, **Section 17(1) of the NBA Constitution** states thus;

‘There shall be for the Association such Sections as the National Executive Council of the Association shall establish to advance the aims and objects of the Association.

The reason for creating **SPIDEL** by the National Executive Council of the NBA as a section of the association and the role they play are clearly supported by the constitution.

We will now go to the main issue of whether the constitution of the NBA supports or allows the President of the NBA to control the affairs of **SPIDEL** or direct **SPIDEL** to stop their activities.

Section 9(5)(a) of the Constitution of the NBA, under duties of national officers listed out the powers and duties of the President of the Association. I will list out the powers and duties thus;

Section 9(5) Duties of National Officers,

a. The President – The duties of the President shall include:

- i. Directing the summoning of meetings of National Executive council either on his/her own initiative or in accordance with the decision of the National Executive Council or on the requisition of members in accordance with Section 8(5) of this constitution.
- ii. Presiding at Annual General Meetings or Extraordinary and other General Meetings of the Association and Meetings of the National Executive Council or the National Executive Committee.
- iii. Directing all other Officers of the Association in the performance of their duties and coordinating the activities of all Branches of the Association.
- iv. Providing direction and leadership to all Committees of the Association.

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- v. Presenting at the Annual General Conference, a presidential address in writing to highlight the accomplishments, problems, prospects and future direction of the Association.
- vi. Acting as the principal spokesman of the Association.
- vii. Ensuring, with the assistance of General Secretary and Treasurer, the efficient and economic use of the Association's assets and resources through prudent investments, acquisitions and disposals as may be necessary from time to time, subject however to the overall approval of the National Executive Council.

We intentionally listed out the duties to show that there is nowhere management or Coordination of Sections is stated as part of the work of the President of the NBA.

The NBA Constitution do not envisage a situation where the President of the association will direct the daily activities of the sections, which is why the constitution made a separate **Nigerian Bar Association Uniform Bye-Laws for Sections, under Part II, Third Schedule to the Constitution of the Nigerian Bar Association**, to guide the activities of the sections.

To show its independence, the Uniform Bye law allow the sections to adopt its aims and obligations as it deems fit (**Article III of the Uniform Bye-law for Sections**). The Sections are allowed to have their separate bank accounts for running its affairs. (**Article VII of the Uniform Bye-law for Sections**). The sections are even allowed to determine the tenure of their officers (**Article XVIII (d) of the Uniform Bye-law for Sections**).

With respect to the states thus;

‘The Executive Committee of the Section shall have general supervision and control of the affairs of the section, subject to any restriction which the National Executive Council of the Association may from time to time impose, any decision duly taken at the General meeting of the section and these Bye-laws’.

Moreover, **Article XI (h) of the uniform Bye-laws**, under General Authority states thus,

‘The Executive Committee of the section may act on behalf of the section with respect to all matters relevant to the section during the interval between their General meetings.’

Furthermore, **Article XXI of the Uniform Bye-law for Sections** provides that:

‘The Section shall design their activities, subject to the approval of its Executive Committee of the Section’.

The only role the President is to appoint Liason Officer to each section, whose role is to provide information required by Sections for its smooth operation.

The only body that has supervisory role over the sections is the National Executive Council. **Article XXII of the Uniform Bye-Law of the Constitution of the NBA** states thus; Under Supervision/Report,

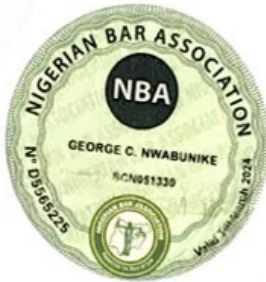
‘The Section shall be under the supervision of the National Executive Council, and as such each Section shall present Annual Report at the Annual General Meeting (AGM) of the Association.

It is therefore crystal clear that the President of the Nigerian Bar Association plays no constitutional role in the supervision, management and design of activities of the section, and there cannot issue directs nor order the Section to stop their activities for any reason whatsoever.

The law has always been clear that where the wordings/provisions of a statute are simple and clear, the courts must give it its natural/literal meaning, when interpreting same. See: **Global excellence communication Ltd vs Donald Duke (2007) 16 NWLR (pt.1059)22, Dickson vs Sylva (2017) 8 NWLR (pt.1567),Pg 167 at 233**,among many other cases.

We therefore urge the court to hold that the President of the NBA lacks the powers to direct SPIDEL or any other section of the NBA to stop its activities as contained in his letter of 31 January, 2024.

Dated this 15th day of February, 2024.



A handwritten signature in black ink, appearing to read "George Nwabunike", written over a dotted line.

George Nwabunike Esq.
GEORGE NWABUNIKE & CO.
Claimant's Counsel
24/26 Boyle Street, Onikan,
Lagos.

☎:08037749985.

gnwabunike@yahoo.com

FOR SERVICE ON:

1. **Mr. Yakubu Maikyau, SAN.**
President, Nigerian Bar Association,
NBA House, Plot 1101,
Mohammadu Buhari way,
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2. **The Registered Trustees of the Nigerian Bar Association.**
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Abuja, FCT.



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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

31 January 2024

John Aikpokpo-Martins, Esq
Chairman, NBA Section on Public Interest and Development Law (SPIDEL)
By email to: omisessv@yahoo.com

Dear Aikpokpo-Martins,

THE ACTIVITIES OF SPIDEL UNDER YOUR LEADERSHIP

I have had cause on several occasions to draw your attention to statements and publications issued at the instance of SPIDEL, with you as Chairman. I have also spoken to you about the need to respect the sanctity of our Constitution, and to maintain order and decorum in the Nigerian Bar Association (NBA). You have remained adamant and proceeded as though SPIDEL exists all by itself, independent of the NBA and its structures.

On 21 January 2024, I brought to your attention a blog post shared on social media titled *"NBA-SPIDEL Investigates Allegations by Justice Flora Azinge of Attempted Bribery by Unnamed Senior Advocate Nigeria [SAN]."* This is a matter in respect of which I had instructed the Chairman of NBA Kano Branch to write to the judge and demand the details of the senior counsel involved in the alleged attempt to bribe the Tribunal. I mentioned the action being taken by my office in my address before the Supreme Court on 27 November 2023. I equally addressed the matter at the last NEC meeting held on 7 December 2023.

The matter was also brought up by me before the National Judicial Council (NJC), and when one of my aides followed up on it with the Chairman of Kano Branch who was following up on it, we were informed that the matter was under investigation by security agency, and we decided to await the outcome of the investigation. You issued that statement without recourse to my office and in absolute disregard of the actions I had taken thereon.

Earlier this year, precisely on 19 January 2024, I drew your attention to another blog post circulated on social media titled *"NBA SPIDEL boss Aikpokpo-Martins reiterates call on Edo Government to swear in of 8 Edo Judges designate"*. This is a matter that was raised before the NJC at its last meeting. SPIDEL had no business going into it or issuing statements thereon without speaking with or writing to me. If you had attended the NEC meeting of 7 December 2023, you would have known that this matter is being handled at the highest level.

On Sunday 28 January 2024, I, again, brought to your attention via a WhatsApp message the Press Statement issued by the Publicity Secretary of SPIDEL, one Sadiya Saleh, titled *"NBA-SPIDEL FILES SUIT AGAINST NYSC, HANNATU MUSA MUSAWA & KENNY OGUNGBE"*. By Tuesday, 29 January 2024, I was inundated with telephone calls over the above-mentioned action. I had no prior knowledge of the case and I only got to know about it just as any other person on the streets. Of course, social media platforms reported it as *"NBA Sues Kenny Ogungbe, Hannatu Musawa, Culture Minister Over NYSC Certificate"*

NATIONAL OFFICERS:

Yakubu Chonoko Maikyau, OON, SAN President
Adesina Adegbite, FICMC, General Secretary; Linda R. Bala (Mrs), 1st Vice President; Chukwuemeka Clement Ugo, 2nd Vice President; Amanda Ego Demechi-Asagba, 3rd Vice President;
Caroline Ladidi Anze-Bishop, Treasurer; Chinyere Gladys Obasi, Welfare Secretary; Akorede Habeeb Lawal, Publicity Secretary;
Daniel K. Kip, Assistant Secretary; Charles Ajiboye, FICMC, FCAI, ACIS Assistant Publicity Secretary

As if that was not enough, my attention was again drawn in the evening of 29 January 2024 of a letter you wrote (signed by you as Chairman with Funmi Adeogun, Secretary of SPIDEL), titled ***"The UNLAWFUL PRACTICE OF CONFISCATING THE PHONES OF LEGAL PRACTITIONERS VISITING DSS OFFICES THE PERFORMANCE OF THEIR PROFESSIONAL DUTIES: A DEMAND FOR IMMEDIATE CESSATION OF UNLAWFUL AND DISCRIMINATORY PRACTICE"***, wherein you threatened legal action against the DSS. I was reliably informed that a similar letter has been issued by you to the Inspector General of Police (IGP).

This action has in no small measure affected our work with the security agencies, particularly at a time when we need their intervention with security issues affecting our members. I woke up yesterday morning to the unfortunate news of the kidnap of one of our members from Keffi Branch and my usual recourse to the security agencies for their intervention was almost rebuffed on account of that letter. The subject matter for which you wrote that letter is one that the NBA Security Agencies Relations Committee (SARC) would have properly handled without recourse to your confrontational approach, which is jeopardizing our general interest beyond the alleged inconveniences you claim to address.

You will recall that when I spoke with you on 28 January 2024 and 29 January 2024, I told you that your actions are clearly beyond the mandate of SPIDEL, and that you have proceeded in a manner that undermines the office of the President of the NBA. I referred you to the NBA Constitution as the basis for what SPIDEL can or cannot do, as a Section of the NBA. You, however, insisted that you could do what you have been doing under SPIDEL, in the manner you have gone about it, and that you see nothing wrong with the actions of SPIDEL under your Chairmanship. You described what you have been doing as your work. I, then requested a meeting with the Executive Committee of SPIDEL on Thursday 1 February 2024 to discuss these matters and directed you to inform all the members. You undertook to do so and revert to me, but you have not done so as at the time of writing this letter to you.

This morning, 31 January 2024, I was greeted with yet another social media post titled ***"NIGERIAN BAR ASSOCIATION CHALLENGES FEDERAL GOVERNMENT'S VEHICLE OWNERSHIP LEVY"***. Like the previous posts, I did not know about this and there was no approval for it, and those other actions being taken by SPIDEL. While these actions may not be bad in themselves, SPIDEL, as a section of the NBA, cannot continue along this trajectory, ignoring our Rules and Procedure of dealing with matters of this nature.

Aside from the fact that the Constitution recognizes the President of the Bar as the Principal Spokesman of the Association, your actions are not such that SPIDEL can undertake in the manner adopted by you. As one who has served in several positions in the NBA, including being the immediate past 1st Vice President of the NBA, you are aware of these rules, but it appears that your actions are deliberate; to serve other motives other than the interest of the Bar. This cannot continue!

It is imperative to draw your attention to section 17(4) of the Constitution of the NBA 2015 (as amended in 2021) which provides that:

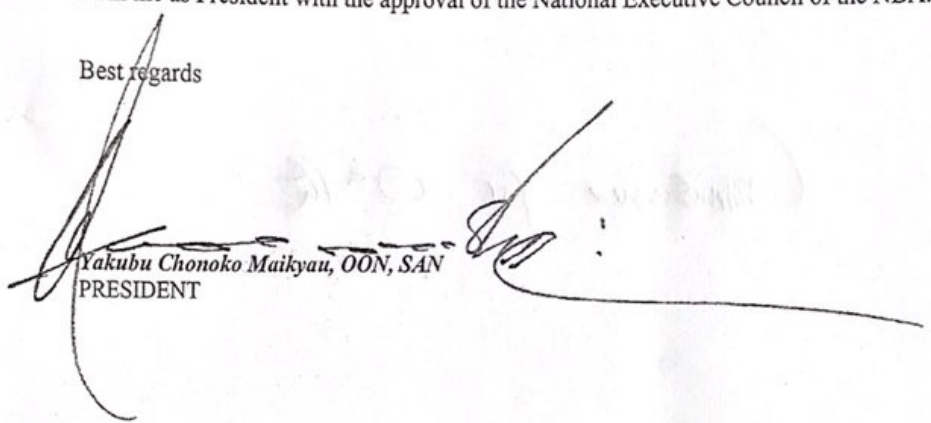
"No Section, Section Committee or any of their officers or other representatives, shall represent the Association or hold themselves out as representing the Association in any respect, or take any action in the name of the Association except as authorized by the National Executive Council or the Bye-Law."

Needless to say, your actions have in several respects breached this, and other provisions of the Constitution.

You are therefore, hereby, reminded of the meeting as requested by me, with you and other members of SPIDEL EXCO by **10am on Thursday, 1 February 2024**. I requested that you as Chairman, should attend the meeting in person at the National Secretariat, while a Zoom link will be sent to you by which other members who are unable to attend in person can join virtually.

I further direct that you suspend all actions presently being undertaken by SPIDEL, particularly the matters stated above, until the scheduled meeting and further directives as may be approved by the National Executive Council. Also, henceforth, you shall not undertake any engagement with any third party without prior consultation and permission from me as President with the approval of the National Executive Council of the NBA.

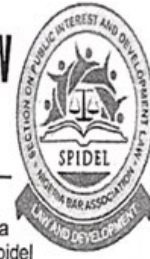
Best regards



Yakubu Chonoko Maikyau, OON, SAN
PRESIDENT



SECTION ON PUBLIC INTEREST AND DEVELOPMENT LAW
NIGERIA BAR ASSOCIATION
NATIONAL SECRETARIAT



NBA Headquarters, Plot 1101 Mohammadu Buhari Way, Central Business District, Abuja
08023063841, 08183375109 W: www.nbaspidel.ng e: info@nbaspidel.ng [fb](https://www.facebook.com/nbaspidel) [ig](https://www.instagram.com/nbaspidel) [in](https://www.linkedin.com/company/nbaspidel) nbaspidel

9th February, 2024

Mr. Yakubu Maikyau, OON, SAN

President,

Nigerian Bar Association,

NBA House, Plot 1101, Mohammadu Buhari Way,

Central Business District, Abuja.

Dear Mr. President,

RE: THE ACTIVITIES OF SPIDEL UNDER YOUR LEADERSHIP

We refer to your letter on the above subject dated 31st January 2024.

You would recall that upon receipt of the letter which was delivered via email, I promptly replied on 1st February 2024 and urged your understanding for me to provide a more detailed response in writing. Suffice it to say that your letter, having been published by at least one news blog even before we received the hard copy, became available to the public at large and especially to our members. This compelled the SPIDEL Executive Committee to summon an Extraordinary General Meeting (EGM) under Article XIX(b) of the Uniform Bye-Laws of the NBA Constitution 2015 (as amended in 2021).

At the Extraordinary General Meeting held on Sunday, 4th February 2024, the General Meeting mandated me to respond to your letter as appropriate. Permit me therefore to address the issues raised in your letter seriatim:

You stated in paragraph 1 of your letter as follows: "I have had cause on several occasions to draw your attention to statements and publications issued at the instance of SPIDEL, with you as Chairman. I have also spoken to you about the need to respect the sanctity of our Constitution and to maintain order and decorum in the Nigerian Bar Association (NBA). You have remained adamant and proceeded as though SPIDEL exists all by itself, independent of the NBA and its structures."

Response:

This is not quite correct, Mr. President. Aside from our discussion on Sunday, 28th January 2024, the only other time we spoke on this issue was sometime in August 2023 when you frowned at SPIDEL's involvement in the Kano Election Petition Tribunal Bribery Allegations upon the publication of the Section's press statement of 16th August 2023. I recall that you were very angry, claiming that I made you look incompetent. I sought to assuage your angst while pledging my unalloyed support and loyalty at all times.

Sometime in September 2023, I had cause to inform you of a planned visit to the University of Calabar to interrogate the sexual assault allegations against Prof. Cyril Ndifon, the now-suspended Dean of the Faculty of Law. This followed a SPIDEL press statement on 13th September 2023. You said SPIDEL should steer clear of the matter, saying you would rather send the NBA's 1st Vice President to investigate the matter. Indeed, you wondered if I would have allowed anyone to take the shine off me when I was the 1st Vice President of the Association. In deference to you, SPIDEL steered clear of both the Kano Election Petition Tribunal Bribery and Prof. Cyril Ndifon's matter to date.

On 21st January 2024, you sent me a blog post titled "NBA-SPIDEL Investigates Allegations by Justice Flora Azinge of Attempted Bribery by Unnamed Senior Advocate Nigeria [SAN]." You did not accompany the said blog post with any comment or otherwise. Accordingly, I was at a loss as to the intent of the message. More importantly, this issue had been dealt with by us in August 2023, before the pre-conference National Executive Council Meeting and the Annual General Meeting in Abuja. It is, therefore, rather uncharitable to suggest that SPIDEL made a press statement in January 2024 on an issue that happened in August 2023. The blog post that you forwarded to me was published on 17th August 2023 and NOT in January 2024.

This is six (6) months after. We are at a loss why you are resurrecting this issue.

It is also not the case that you had made any statement or taken any action on the Kano Election Tribunal matter before SPIDEL issued its Press Statement on 16th August 2023. It is, therefore, untenable to suggest that we issue our statement in disregard of any alleged actions you had taken on the issue at the relevant time.

On 19th January 2024, you again sent me a blog post titled "NBA SPIDEL boss Aikpokpo-Martins reiterates call on Edo Government to swear in 8 Edo Judges designate." Again, you did not accompany the said blog post with any comment.

Indeed, you would recall that the lingering issue of the non-swearing-in of the judges-designate was brought to the attention of the National Executive Council (NEC) at its last meeting vide my report to NEC as the Chairman of SPIDEL. *Permit me to refer you to pages 88 and 89 of the December 2023 NEC Bundle.* It was after I rendered my report that you remarked that the Edo State Governor reserves the discretion as to when to swear in the judges. The issue was not discussed, and NEC never took a position on it. Truly, I was in Benin City but on the invitation of some NBA branch chairmen and Bar leaders who sought for me to accompany them on visits to the Edo State Chief Judge and Edo State Attorney-General respectively to

advocate on this issue. I then had the privilege of being interviewed by the press on the issue and other matters during my said visit.

On Sunday, 28 January 2024, you forwarded the press statement issued by the Publicity Secretary of SPIDEL titled "NBA-SPIDEL FILES SUIT AGAINST NYSC, HANNATU MUSA MUSAWA & KENNY OGUNGBE." Characteristically, you did not accompany the blog post with any comment or otherwise. Indeed, you forwarded the message to me at 4:25 pm. At exactly 5:50 pm, you telephoned me and queried why I did not respond to your message. I explained that you merely forwarded to me a SPIDEL press statement without more. You immediately flew into a rage and threatened to deal with me and with SPIDEL, noting that you have been inundated with calls on the lawsuit. I requested that you point out specifically what SPIDEL has done wrong, assuring you that I would promptly apologize if necessary. You asked whether what SPIDEL was doing was right; I responded that, to the best of my knowledge, SPIDEL has merely been discharging its mandate within the confines of the NBA Constitution and in pursuit of NBA objectives and the public interest. You again repeated your threat to "deal with SPIDEL."

Suffice it to note that, being a matter of public concern, Mr. President may be inundated with telephone calls, the identity of the callers notwithstanding. SPIDEL also does not have control over how news outlets cast their headlines. What is clear, however, is that the lawsuit was NOT instituted in the name of the Association.

It is a fact that SPIDEL authored the letters addressed to the Inspector-General of Police, Director General of the Directorate of State Services (DSS) and the Chairman of the Economic and Financial Crimes Commission (EFCC) titled, "The UNLAWFUL PRACTICE OF CONFISCATING THE PHONES OF LEGAL PRACTITIONERS VISITING DSS OFFICES THE PERFORMANCE OF THEIR PROFESSIONAL DUTIES: A DEMAND FOR IMMEDIATE CESSATION OF UNLAWFUL AND DISCRIMINATORY PRACTICE." For the

records, the letters were dated 10th January 2024 and delivered on 26th January 2024. Mr. President had indicated in your letter that “these actions may not be bad in themselves” If we may then ask, what is wrong with the letters which are intended primarily to protect the interest and dignity of lawyers? .

Most respectfully, Mr. President, we find it rather incongruous that, following the unfortunate kidnap of a lawyer, your “intervention was almost rebuffed on account of that letter.” Does it mean that the lives and safety of citizens are now dictated by how public entities feel about steps taken to safeguard citizens’ rights? Further, we do not agree with the view that SPIDEL is encroaching on the duties of the NBA Security Agencies Relations Committee (SARC). While Mr. President is at liberty to create sundry committees to tackle certain issues. It is imperative to note that, as a Section, the mandate and objectives of SPIDEL are protected by the NBA Constitution. Specifically, Section 17(1) of the NBA Constitution provides as follows: “There shall be for the Association such Sections as the National Executive Council of the Association shall establish to advance the aims and objects of the Association.” It may well be the case that it is the NBA committees that veer into areas expected to be dealt with by SPIDEL. Again, while some entities affected by our public interest interventions may view the same as “confrontational,” it becomes doubly worrisome and discouraging when Mr. President also shares this untenable perception.

On its part, SPIDEL has a primary mandate to protect the public interest. Consistent with this mandate, SPIDEL wrote the letter titled “RE: ISSUANCE OF CENTRAL MOTOR REGISTRY INFORMATION SYSTEM (CMRIS) BY THE NIGERIA POLICE FORCE: A DEMAND FOR THE IMMEDIATE STOPPAGE OF SAME.” The letter was dated 29th January 2024 and delivered to the Inspector General of Police the same day.

A. PRIOR APPROVAL FROM THE NBA PRESIDENT FOR SPIDEL’S ACTIVITIES

Mr. President, in your letter under reference, you accused SPIDEL of “ignoring our

Rules and Procedures of dealing with matters of this nature." Suffice it to note that you did not state the specific "Rules and Procedure" that were breached by SPIDEL. Perhaps as a clue, you indicated "Like the previous posts, I did not know about this, and there was no approval for it, and those other actions being taken by SPIDEL." Again, in purportedly banning the activities of SPIDEL, you stated that "henceforth, you shall not undertake any engagement with any third party without prior consultation and permission from me as President with the approval of the National Executive Council of the NBA." It would therefore seem that Mr. President is under the mistaken perception that SPIDEL must obtain "permission" or "approval" from him before embarking on any of its activities. We do not, with respect, think that the drafters of the NBA Constitution envisaged that NBA Sections would be micro-managed by the NBA President. Indeed, the NBA Constitution does NOT support such approvals or permission. This fact is borne out by the relevant provisions of the NBA Constitution and the Uniform Bye-Laws for Sections. Permit me to set out a few of these provisions for ease of reference.

- *ART. XI(c) of the Uniform Bye-Laws provides as follows: "Duties: The Executive Committee of the Section shall have general supervision and control of the affairs of the Section, subject to:

any restrictions which the National Executive Council of the Association may, from time to time, impose;

any decision duly taken at the General Meeting of the Section and

These Bye-Laws:

X

- ART XI(h) of the Uniform Bye-Laws provides as follows: " *General Authority: The Executive Committee of the Section may act on behalf of the Section concerning all matters relevant to the Section during intervals between their

General Meetings.”*

From the foregoing provisions, it is clear that the NBA Constitution has not accorded Mr. President any role howsoever in the management, control, and supervision of SPIDEL in particular and NBA Sections in general. It bears repeating that no provision in the NBA Constitution mandates SPIDEL to seek “permission” or “approval” from Mr. President before carrying out its activities. Indeed, Article XXI of the Uniform Bye-Laws provides that “ *The Section shall design their activities, subject to the approval of its (sic) Executive Committee of the Section.”*

For the avoidance of doubt, the only constitutional role given to the NBA President about Sections is the appointment of a Liaison Officer. Article X(b) of the Uniform Bye-Laws for Sections provides that “The President of the Association shall appoint any senior Staff of the Association as a liaison Officer to the Section.” Article X(c) of the Uniform Bye-Laws also provides that “The Liaison Officer shall report to the President of the Association as well as provide where required of him or her information required by officers of the Section in support of their duties.” It is instructive that aside from the fact Mr. President has duly appointed a Liaison Officer for the Section, SPIDEL has been working in harmony with the Liaison Officer.

B. OVERSIGHT OF SPIDEL

The NBA Constitution is clear as to the entity that has a supervisory role over SPIDEL. Accordingly, Article XXII of the Uniform Bye-Laws provides as follows: “Supervision/Report: The Section shall be under the supervision of the National Executive Council, and as such each Section shall present Annual Report at the Annual General Meeting (AGM) of the Association.” It is therefore clear that Mr. President has no supervisory role whatsoever over SPIDEL or NBA Sections. To attempt to do so is to usurp the powers duly vested in the National Executive Council by the NBA Constitution.

C. SECTION 17(4) OF THE CONSTITUTION OF THE NBA 2015 (AS AMENDED IN 2021)

In your letter, you drew our attention to Section 17(4) of the NBA Constitution 2015 (as amended in 2021) and alleged as follows: "Needless to say, your actions have in several respects breached this, and other provisions of the Constitution." We note that the facts do not bear out this conclusion.

Section 17(4) of the NBA Constitution provides: "No Section, Section Committee or any of their officers or other representatives, shall represent the Association or hold themselves out as representing the Association in any respect, or take any action in the name of the Association except as authorized by the National Executive Council or the Bye-Law."

It is noteworthy that SPIDEL has never held itself out as representing the Association either in press statements or in cases instituted in court. All press statements were duly issued in the name of the Section while all the cases instituted by SPIDEL were done in our names as follows: "John Aikpokpo-Martins; Funmi Adeogun; chairman and secretary respectively, for themselves and on behalf of members of NBA-SPIDEL". SPIDEL has not in any way breached the aforesaid section of the NBA Constitution. This is even though Mr. President conceded that SPIDEL's "actions may not be bad in themselves."

CONSULTATIONS AND TRUNCATION OF SPIDEL'S INITIATIVES

Scuttled Conference on Religious Tolerance.

You will recall that sometime after the killing of Usman Buda in Sokoto in June 2023 for alleged blasphemy, I informed you vide a telephone call on 1st July 2023 of SPIDEL's plan to organize a conference on religious tolerance. I noted that I had made contact with the Muslim Lawyers Association of Nigeria (MULAN) through its President, among others. It was to be the first major program following my election as SPIDEL Chairman. You said you would prefer the Association to take up the

initiative. I deferred to you. I thereafter called you to follow up on the planned dialogue. To date, nothing has been done about the program.

Yearly Renewal of Proof of Ownership.

You may recall that on 24th July 2023, I was in your office at the National Secretariat to brief you on our meeting with SYC Technologies Limited on the yearly renewal of Proof of Ownership certificates at a mandatory fee of N1,000. We intended to sue the company, the Federal Government, and the Lagos State Government, given the additional hardship the scheme will wreak on citizens. You requested that I arrange another meeting with the company. The meeting was eventually fixed for 2nd August 2023 in your office. While we all assembled in your office on the said date, you never turned up for the meeting. I called you to follow up, but you neither answered nor returned my calls.

Again, on 9th September 2023, I sent you a WhatsApp text message that I wanted to discuss some urgent SPIDEL matters, but you did not respond.

On 11th September 2023, at exactly 5 pm, I forwarded the draft processes of the proof of ownership case we intended to file for your information. I also sought your approval to sue in the name of the Association. You never responded. Having not received your permission, SPIDEL opted to file the lawsuit (Suit No. FHC/ABJ/CS/1285/2023) in the name of its chairman, secretary, and another member, and for and on behalf of SPIDEL members.

Re: Case of Chief Judge of Federal Capital Territory

You may also recall that around 1 pm on 2nd August 2023, you telephoned me and directed that SPIDEL cease all actions on its letter dated 24th August 2023 titled "A HUMBLE REQUEST FOR CLARIFICATION ON THE ALLEGED RELEASE OF MR. CHUMA NZERIBE FROM THE KUJE CORRECTIONAL CENTER ABUJA." As you are aware, we

had written to the Chief Judge of the Federal Capital Territory to clarify the allegation that the Honourable Chief Judge - under the guise of a prison visit on 24th May 2023 -unlawfully released from the Kuje Correctional Centre, Hon. Chuma Nzeribe, a convict who was on 24th May 2022, sentenced to a 7 (seven) year jail term by Hon. Justice Yusuf Halilu of FCT High Court 14 sitting in Wuse. You had assured us that you would revert to us on the issue. To date, SPIDEL has yet to hear from you on this serious matter, which has grave implications for Nigeria's criminal justice administration. It is noteworthy that this matter was discussed at the SPIDEL General Meeting held on 31st August 2023 on the sidelines of the 2023 Annual General Conference. The minutes of the meeting will bear this out. The issue was also highlighted in the SPIDEL Report to the Pre-Conference NEC Meeting in August 2023, particularly on page 221 of the NEC bundle.

OTHER MATTERS.

On 24th August 2023, I sought your approval vide a WhatsApp message sent at 9:18 am. for SPIDEL to observe the Edo State Local Government Election to be held on 2nd September 2023. Mr. President did not respond to the request.

On the same day, 24th August 2023 at exactly 5:21 pm, I forwarded to you a news report by CITY LAWYER news blog titled "FAMILY BLAMES LASUTH, EVERCARE HOSPITAL OVER DEATH OF LAGOS LAWYER" (available at <https://citylawyermag.com/family-blames-lasuth-evercare-hospital-over-death-of-lagos-lawyer/>). I accompanied the same with the following note: "NBA-SPIDEL is interested in taking up this matter with the view of bringing the medical institutions involved to book. I thought it fit to inform you, seeing that the victim is a lawyer." You have not responded to date.

We invited Mr. President to our SPIDEL Leaders' Reunion Dinner initially scheduled to be held on the 1st floor of NBA House on 28th August 2023 on the sidelines of the Annual General Conference. Not only did you fail to dignify us with a response;