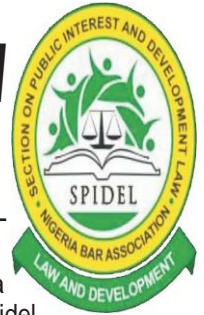


# SECTION ON PUBLIC INTEREST AND DEVELOPMENT LAW

## NIGERIA BAR ASSOCIATION

### NATIONAL SECRETARIAT



NBA Headquarters, Plot 1101 Mohammadu Buhari Way, Central Business District, Abuja  
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#### THE NATIONAL EXECUTIVE COUNCIL MEETING HOLDING IN JOS.

**IN THE MATTER OF THE MISUNDERSTANDING/DISPUTE BETWEEN:**

**THE PRESIDENT.**

**AND**

**THE SECTION ON PUBLIC INTEREST  
AND DEVELOPMENT LAW (SPIDEL)**

**APPLICANT**

#### NOTICE OF MOTION

**BROUGHT PURSUANT TO SECTION 36(1) OF THE CONSTITUTION OF THE FEDERAL  
REPUBLIC OF NIGERIA; SECTION 3(11) OF THE CONSTITUTION OF THE NIGERIAN BAR  
ASSOCIATION AND UNDER THE PRINCIPLE OF NEMO JUDEX IN CASUA SUA/NEMO IN  
PROPRIA CAUSA JUDEX ESSE DEBET.**

TAKE NOTICE that the distinguished National Executive Council (NBA-NEC) will be moved on the 29<sup>th</sup> day of February, 2024 at its meeting in Jos, Plateau State by the Executive Committee of the Section on Public Interest and Development Law (SPIDEL) praying the National Executive Council:

To recuse the President of the Association, Yakubu Chonoko Maikyau, OON, SAN from presiding at the meeting of the National Executive Council and/or any other meeting of the Association over the misunderstanding/dispute between himself as the President of the Association and the Section on Public Interest and Development Law of the Association on the principle of nemo judex in casua sua and in furtherance of Section 36 (1) and Section 3 (11) of the Constitution of the Federal Republic of Nigeria and the Constitution of the Nigerian Bar Association respectively.

#### **GROUND FOR THE MOTION.**

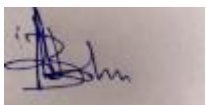
1. That by a letter dated the 22<sup>nd</sup> of February, 2024, the Executive Committee of the Section on Public Interest and Development Law (SPIDEL) notified this very distinguished Council of a misunderstanding/dispute with the office of the President of the Association on the following questions:
  - a. Whether SPIDEL being a Section of the Association is constitutionally mandated to seek the prior approval of the President of the Association before SPIDEL can design and execute its lawful activities, AND;
  - b. Whether the President has the power to purport to suspend the activities of SPIDEL, being a constitutionally created Section of the Association.

2. That the contents of the above-referred to letter and/or matters arising, connected or pertaining to the issues contained in the letter are going or likely to be discussed and decisions taken on them by this distinguished Council at this meeting or any other meeting(s) of the Association presided over by the President.
3. That the President who is a party to this misunderstanding/dispute with SPIDEL, and indeed the aggrieved party and/or complainant presides at the meetings of this Honourable Council.
4. That arising from paragraph 3 above, the President who is the aggrieved party in the said misunderstanding/dispute will seek to preside over the meeting of this very distinguished and Honourable Council when the said misunderstanding/dispute between the office of the President and SPIDEL will come up for discussion and decisions.
5. That if this is permitted, the President will effectively and effectually be a judge in his own cause, wherein he is the complainant and aggrieved party. The President sitting as the judge over his own cause will be against the principle of *nemo iudex in causa sua* and natural justice.
6. That SPIDEL strongly and verily believe that if the President is allowed to preside at the meeting over the misunderstanding/dispute between himself and SPIDEL, that SPIDEL will not be afforded fair hearing as guaranteed by **Section 36 (1) of the Constitution of the Federal Republic of Nigeria**.
7. That this distinguished Council is guided by the motto of the Association and **Section 3(11) of the Constitution of the Nigerian Bar Association which** provides for the “**promotion and protection of the principles of the rule of law and respect for the fundamental rights, human rights and peoples’s rights**”.
8. That SPIDEL strongly urge this very respected, honourable and distinguished Council to recuse the President from presiding over this meeting or any other meeting of the Association whenever the matter between himself and SPIDEL is to be discussed.
9. That the respect of this distinguished Council and the nobility and integrity of the Association will be highly demeaned if the President is permitted to preside and take decisions in this matter of the misunderstanding/dispute between himself and SPIDEL, wherein he is the aggrieved party complaining about the lawful and constitutional activities of the Section on Public Interest and Development Law.

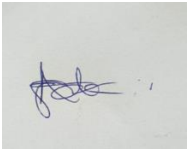
#### **DOCUMENTS TO BE RELIED UPON:**

The letter of notification of the state of misunderstanding/dispute between the President and SPIDEL dated the 22<sup>nd</sup> day of February, 2024 and the annexures thereto.

Dated this 26<sup>th</sup> day of February, 2024



J. O. Aikpokpo-Martins, Esq.  
(Chairman, NBA-SPIDEL)



Funmi Adeogun  
(Secretary, NBA-SPIDEL)

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**John Aikpokpo-Martins** - *Chairman*   **Dr. Princess Frank-Chukwuani** - *Vice Chairman*   **Funmi Adeogun** - *Secretary*  
**Chinedu Obieniu** - *Treasurer*   **Abdullahi Karaye** - *Financial Secretary*   **Charity Ibezim** - *Assistant Secretary*  
**S.B Saleh ESQ**- *Publicity Secretary*