

**THE NIGERIAN BAR ASSOCIATION NATIONAL OFFICERS ELECTION APPEALS
COMMITTEE
(NBA-NOEAC)**

APPEAL NO: _____

IN THE MATTER OF THE 2026 NATIONAL OFFICERS ELECTION

BETWEEN:

CHINWENDU UGOCHUKWU, ESQ.

-

APPELLANT

AND

- 1. THE ELECTORAL COMMITTEE OF THE NIGERIAN
BAR ASSOCIATION (ECNBA)**
- 2. AUDREY CHINELO OFOEGBULAM**
- 3. AKINWUNMI LALEYE ESQ**
- 4. ERNEST EZINDU UWANAKA ESQ**
- 5. SIR OAIKHENAOSAGIE**

RESPONDENTS

*(2nd to 5th Respondents being the declared winner and
Co-candidates for the Office of Welfare Secretary)*

**1ST RESPONDENT'S REPLY TO THE APPELLANT'S PETITION/MEMORANDUM OF
APPEAL**

NOTICE OF PRELIMINARY OBJECTION

TAKE NOTICE that before or at the hearing of the Petition, the **Electoral Committee of the Nigerian Bar Association (1st Respondent)** shall, by way of preliminary objection urge the Committee to strike out and/or dismiss the Petition in its entirety.

TAKE FURTHER NOTICE that the grounds upon which the objection is predicated are as follows:

1. The Petition is fundamentally defective and incurably incompetent, in that:
 - a. It was filed contrary to and in flagrant violation of the mandatory statutory prescription of **Paragraph 3, Part X of the 2nd Schedule to the Constitution of the Nigerian Bar Association, 2015 (as amended in 2025) (“The NBA Constitution”)**;
 - b. The Petitioner has proceeded against and or listed as “Respondents” to the Petition, persons and entities not statutorily recognized or cognizable under and by virtue of the NBA Constitution. The parties joined to the Petition as the 3rd, 4th and 5th Respondents respectively, are not cognizable under Paragraph 3, Part X of the 2nd Schedule to the NBA Constitution;
 - c. Further to sub-paragraph (b), *supra*, the said parties or entities are not proper, necessary, essential, relevant, material, integral or requisite parties to the Petition;
2. The Petition is largely speculative, founded on conjectures, assumptions, hypothesis and anticipated facts. Viewed from every prism, therefore, the Petition discloses no cause or reasonable cause of action;

3. The four grounds stated in paragraphs 2.1, 2.2, 2.3 and 2.4 of the Petition respectively are alien to the NBA Constitution and are, therefore, not cognizable as and no petition can be predicated thereunder;
4. By reasons of the foregoing, the Petition is fatally infested with the jurisdictional vice of incompetence which, *a fortiori*, impacts and robs the Committee of the jurisdiction to countenance, let alone determine it.

**WITHOUT PREJUDICE TO THE FOREGOING PRELIMINARY OBJECTION,
THE 1ST RESPONDENT HEREBY FORMULATES ITS REPLY/ANSWER TO THE
PETITION AS FOLLOWS**

I - General Traverse

1. **SAVE** as herein expressly admitted, the 1st Respondent denies each and every allegation of facts contained in the Petition, as if each of such allegation is hereinafter specifically set out and traversed *seriatim*.

II - The ECNBA, *modus operandi* & *modus vivendi*

2. The 1st Respondent is a creation of the NBA Constitution. It is vested with the sole responsibility to conduct elections into national offices of the NBA and the election of the representatives of the NBA in the General Council of the Bar.
3. The current ECNBA conducted the 2026 national elections on **18th July, 2026** in a free, fair, transparent and credible manner. In particular, the 1st Respondent states that it carried out its functions completely devoid of any external control and influence. Its activities were/are in accordance with

the Code of Conduct and Operational Guidelines embodied in the NBA Constitution as well as other national legislations.

4. For the entire duration of the election process, the 1st Respondent maintained truthfulness and honesty in all its activities. It performed its functions in a manner that was strictly impartial, non-partisan and politically neutral.
5. In all that its engagements prior to and after the elections, the activities of the 1st Respondent were of demonstrable openness and transparency, particularly as they concern its relationship with the candidates and members of the Association.
6. No step, action or decision of the 1st Respondent was taken undertaken, done or arrived at with a view to witch-hunt, punish, de-market or deregister any of the candidates in the elections.

III – The Elections, Candidates and Result

7. The Elections, subject of this Petition, held on **Saturday, 18th July, 2026**. It lasted for **24 hours [starting from 07.35hr on 18.07.26 and terminating at 07.35hr on 19.07.26]**.
8. Significantly, the 1st Respondent conducted elections into all the elective offices in the National Executive Committee of the Association as well as Representatives of the Association in the General Council of the Bar. Accordingly, voting in the elections for all the available positions were held simultaneously, with the use of a single electronic ballot paper by each voter. In other words, the elections were a common mechanical and

electronic process, one not separated, segregated or detached from the other.

9. The Results of the polls as they concern all the available positions were declared or announced by the 1st Respondent in one fell swoop, using a single result sheet, otherwise known as the Final Declaration.

10. With specific reference to the office of the Welfare Secretary, there were six candidates who contested the position. In no particular order, their names and the votes polled by them are as shown hereunder:

- i. **Chiwendu Ugochukwu – 1,202 votes**
- ii. **Akinwunmi Laleye – 2,234 votes**
- iii. **Audrey Chinelo Ofoegbunam – 14,911 votes**
- iv. **Ernest Ezindu Uwanaka – 1,140 votes**
- v. **Sir Oaikhena Osagie – 5,187 votes**

11. Having satisfied the requirements of the NBA Constitution and the Guidelines for the election, in addition to obtaining the highest votes cast at the election, the 1st Respondent, on **Sunday, 19th July, 2026**, declared and returned **Audrey Chinelo Ofoegbunam** as the winner of the election. *The 1st Respondent pleads and shall found upon the Final Declaration of Results of the Election.*

12. On **Monday, 20th July, 2026**, the 1st Respondent issued and presented Certificates of Return to all the candidates who emerged and were returned as winners of the various elective offices at the elections, at a ceremony which held at the 1st Respondent's office.

13. In all, a total of **26,184** unique voters (representing **31.9%** of the total registered voters of **82,213**) spread across all the branches of the Association, participated in the election which lasted for a continuous period of 24 hours from actual start/commencement.

14. The 1st Respondent states that the election was conducted in substantial compliance with the NBA Constitution and the Guidelines issued by the 1st Respondent. There was no incidence of vote duplication, no recorded case of voting outside the voting window and the votes cast electronically match exactly with the tally declared.

15. The 1st Respondent states that less than **10 hours** after it declared the winners at the elections and made the relevant statutory returns, that is on 19th July, 2026, it released to the members and the candidates, including the Appellant herein, a comprehensive list of actual voters (in redacted from, just to shield their private data). The 1st Respondent contends that this singular act speaks to the transparency and candidness of the election process and, as well, holds it up for scrutiny.

IV – Specific traverse

16. The 1st Respondent admits paragraphs 1.1, 1.2 and 1.3 of the Petition.

17. In response to paragraphs 2, 3, 4 and 5 of the Petition, the 1st Respondent states as follows:

- i. The four grounds stated in paragraphs 2.1, 2.2, 2.3 and 2.4 respectively are alien to the NBA Constitution and are, therefore, not cognizable as and no petition can be predicated thereunder.
- ii. The 1st Respondent admits and regrets the omission of the Appellant's photograph on the electronic ballot used for the election, but states that the omission was not deliberate, premeditated and calculated to de-market or de-register the Appellant.
- iii. The 1st Respondent states that the omission of the Appellant's photograph on the live electronic voting portal was as a result of the coordinated cyberattacks that the voting domain deployed by the 1st Respondent was subjected to and which inherently impacted the stored data and made it difficult to effect correction given that the election had previously been suspended
- iv. The allegation that the 1st Respondent committed a fundamental error and material irregularity is false, as the electoral process for the 2026 NBA National Executive Officers elections were conducted in substantial compliance with the Constitution of the NBA and the 1st Respondent' Guidelines.
- v. The 1st Respondent vehemently denies the allegation that it displayed a public notice on the voting portal stating that “**all valid candidates had their pictures on display**”. The allegation is false, incorrect, misleading, mendacious and deliberately concocted to

mislead the Committee. Accordingly, the Appellant is hereby notified that he shall be put to the strictest proof of the allegation.

- vi. Further to the above, the 1st Respondent rejects in totality the erroneous, specious, fallacious, unfounded, and baseless interpretation or suggestion by the Appellant regarding the innocuous, unambiguous opener embedded in and inscribed at the top of the electronic ballot used for the election.
- vii. The 1st Respondent states and all the aspirants who were otherwise not qualified or did not meet the set statutory criteria to contest the elections were duly disqualified by the 1st Respondent and same communicated to members of the Association vide the 1st Respondent's publication/notice dated **28th May, 2026**. The Appellant was not one of the aspirants or persons disqualified.
- viii. The 1st Respondent contends that all the aspirants who were disqualified as per its publication dated 28th May, 2026 were not featured or listed in the electronic voting portal deployed by the 1st Respondent for the election on 18.07.2026.
- ix. The 1st Respondent states that indeed, the Appellant was a candidate at the election hence her full name was conspicuously indicated and her photograph space displayed on the voting domain/portal, for the benefit of all the registered voters.

- x. The allegation or claim that the omission of the Appellant's photograph occasioned voters disenfranchisement is false, incorrect, misleading and unsubstantiated. In point of fact, members of the Association who took part in the election duly identified the Appellant by her name on the voting domain and accordingly casts their votes for her, hence the 1,202 votes that the Appellant polled.
- xi. The 1st Respondent states that members of the Association are educated, well informed and very discernible. It is doubtful whether any registered voter was misled by the fact of the omission of the Appellant's photograph in the ballot.
- xii. Given her trajectory in the political landscape of the Nigerian Bar Association, as evident in the Curriculum Vitae submitted by the Appellant to the 1st Respondent and which was published for the benefit of members and registered voters, the Appellant is a past Welfare Secretary of the NBA Lagos Branch. Therefore, she is very well known by her name, irrespective of whether her photograph was displayed.
- xiii. The 1st Respondent reiterates that the omission of the Appellant's photograph from the live electronic voting portal on election day did not in any way occasion any adverse outcome on the Appellant nor did it confer any advantage on any of the candidates at the election. The omission affected the display of the Appellant's photograph but did not affect the inclusion of her name on the ballot or her eligibility to contest the election.

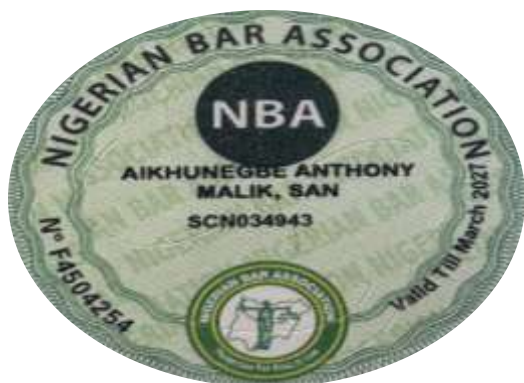
- xiv. The 1st Respondent further states that the exact wording of the notice as contained in **ANNEXURE CH-3** is "All general and zonal candidates are displayed on this ballot. Candidate photographs are displayed clearly with each candidate name directly underneath. Your mapped zone is shown for information only and does not restrict candidate selection." The foregoing notice merely describes the format of the electronic ballot and does not represent that the validity of a candidate's participation in the election was dependent on the display of his or her photograph. The Appellant's name remained on the ballot as a duly qualified candidate and was available for selection by voters throughout the election.
- xv. For the avoidance of any doubt, the 1st Respondent reiterates that the omission of the Appellant's photograph neither rendered the election process defective nor occasioned any prejudice to the Appellant.
- xvi. Throughout the period of the election, particularly the voting window, no voter complained to the 1st Respondent of their inability to vote for any candidate of their choice on account of photograph omission. Accordingly, the 1st Respondent denies the assertion in paragraph 3.7 of the petition and states that **ANNEXURE CH-3** does not establish or even suggest that the omission of the Appellant's photograph made any of the Appellant's alleged supporters to refrain from voting simply because they believed the Appellant had

been removed from the ballot. The assertions contained therein are speculative, self-serving and unsupported by any credible evidence.

- xvii. The 1st Respondent further states that **ANNEXURE CH-3** attached to the petition clearly demonstrates that the individuals referred to therein knew the identity of the candidate they intended to vote for, they successfully located the Appellant's name on the electronic ballot and proceeded to cast their votes accordingly.
- xviii. The Appellant's claim that she submitted a protest letter via email to the 1st Respondent on 18th July 2026 is false. This assertion is wholly unsubstantiated, as the Appellant failed to attach the alleged protest letter she referenced as **ANNEXURE CH-5**.
- xix. The 1st Respondent specifically denies paragraph 4.1 and states that nowhere in its Guidelines for the just concluded National Elections election was/is it stipulated that profile photographs of the candidates will be mandatorily displayed. The initiative was only premised on the request of multiple candidates as communicated vide the 1st Respondent's email of 4th July, 2026.

WHEREOF the 1st Respondent prays this Honourable Committee to dismiss this Petition as lacking in merit, substance or *bona fide* sincerity. The Petition, viewed from every prism, is frivolous, vexatious, highly misconceived and liable to be dismissed.

DATED THE 3RD DAY OF AUGUST, 2026.



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