

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT MAITAMA**

**BEFORE HIS LORDSHIP : HON. JUSTICE Y. HALILU**  
**COURT CLERKS : JANET O. ODAH & ORS**  
**COURT NUMBER : HIGH COURT NO. 14**  
**CASE NUMBER : SUIT NO: CV/2129/2021**  
**DATE: :FRIDAY 29<sup>TH</sup> APRIL, 2022**

**BETWEEN:**

**PROF. MAHMOOD MUHIBEEDEEN ALIYU** } **CLAIMANT**

**AND**

**1. THE PEOPLES REDEMPTION PARTY (PRP)**  
**2. THE NATIONAL EXECUTIVE COMMITTEE (NEC) OF THE (PRP)**  
**3. THE NATIONAL CHAIRMAN OF THE PRP- (ALH. FALALU BELLO)**  
**4. THE NATIONAL SECRETARY OF THE PRP - (MR. BABATUNDE F. ALLI)**

} **DEFENDANTS**

# **JUDGMENT**

This Judgment is predicated upon an Originating summons dated the 25<sup>th</sup> day of August, 2021 and filed the same day wherein the Claimant approached this Court seeking the following;

1. An Order declaring that the action of the Defendants; particularly the 2<sup>nd</sup> Defendant as unconstitutional, unlawful, null and void and against the provisions of the Constitution of the Peoples Redemption Party (PRP).
2. A declaration that the suspension of the Claimant by the 2<sup>nd</sup> Defendant is unlawful and a breach of the Claimant's right to fair hearing.
3. An Order directing the Defendant whether by themselves, their agents or privies to lift the suspension of the Claimant and reinstate the

Claimant to his position as the National Legal Adviser and a member of the National Executive Committee (NEC) of the Peoples Redemption Party (PRP).

The brief history of the claimant's case as distilled from the 55 paragraphs affidavit in support of the summons is that sometime in 2020, the Defendant opened some whatsapp platform for the members of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants, where members of the 1<sup>st</sup> and the 3<sup>rd</sup> Defendant deliberated on issue, comments on messages posted and gave opinion on thriving political issues.

That as the National Legal Adviser and a member of the National Executive Committee (NEC), I attended general meetings and NEC virtual meetings of the

1<sup>st</sup> Defendant and also participated in the Whatsapps discussions when the need arises.

That sometimes on 17<sup>th</sup> May, 2021, like every other member of the 2<sup>nd</sup> Defendant, I made an Advisory post on the whatsapp platforms in my capacity as the National Legal Adviser of the 2<sup>nd</sup> Defendant for the NEC members and other members. The post titled “reminder” is hereby attached and marked as Exhibit “C”.

That the contents of the post titled “Reminder” was to act as a reminder to the members of 2<sup>nd</sup> Defendant and the general members of the 1<sup>st</sup> Defendant about the current state of the 1<sup>st</sup> Defendant, the lacuna inherent, and the way forward, all these from a legal point of view.

That it is a fact that my post titled “reminder” generated some heated debates and discussions and many of the members of the 2<sup>nd</sup> Defendant and some state chairmen who were loyal to the 3<sup>rd</sup> Defendant outrightly did not agree with the post and raised several opposing comments.

Some of the comments thereafter degenerated into disrespectful, abusive, insulting, hateful and threatening comments laced with anger and hate speech by members of the 2<sup>nd</sup> Defendant and some state chairmen of the 1<sup>st</sup> Defendant. These comments which were printed out from the whatsapp platforms of the 2<sup>nd</sup> Defendant are hereby asterisked in their respective pages and marked as Exhibits “D1” to “D9”.

That it was very evident that on the 10<sup>th</sup> of June, 2021, the post “reminder” prompted the 2<sup>nd</sup> Defendant under the leadership of the 3<sup>rd</sup> Defendant to send a general message on the whatsapp platform calling for a meeting of the members of the 2<sup>nd</sup> Defendant to be held at the head office of the 1<sup>st</sup> Defendant for 14<sup>th</sup> June, 2021.

That of course, many persons who were loyal to the 3<sup>rd</sup> Defendant and who had stopped attending meetings of members of the 2<sup>nd</sup> Defendant for over a year for no just cause, were invited by the 3<sup>rd</sup> Defendant to attend the meeting of 14<sup>th</sup> June, 2021 in order to discuss issues that eventually led to his suspension.

That ordinarily, these persons can no longer participate in the deliberations of any of the meetings

of the 2<sup>nd</sup> Defendant where any such person is in default of attending meeting for 3 consecutive times; he or she is automatically disqualified as a member of the 2<sup>nd</sup> Defendant.

That on another occasion, he had raised the issue that the source of funds for the 1<sup>st</sup> Defendant be explained to the 2<sup>nd</sup> Defendant, that it was not constitutional and that the sourced fund for running the affairs of the party wasn't clear to the members of the 2<sup>nd</sup> Defendant; as usual, the 3<sup>rd</sup> Defendant never proffer answers and when I probed further, I was informed that it wasn't my right to know.

That in 2018/2019, he demanded that the financial statement and auditor's report for that period which the 3<sup>rd</sup> and 4<sup>th</sup> Defendants claimed had been prepared and audited, should be made available to members

of the 2<sup>nd</sup> Defendant, but he was ignored and till date nothing was made available to the 2<sup>nd</sup> Defendant.

That he had raised the issue that it was unconstitutional for the National Secretary to always perform the duties of the National Financial Secretary and the National Treasurer one at the same time, this I stated amount to usurpation of powers and positions of the National Financial Secretary and the National Treasurer; as usual the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendants ignored my adviser and still persisted in asking the 4<sup>th</sup> Defendant to perform the functions and exercise these powers.

That one of such factions was the communique issued by some concerned members of the 1<sup>st</sup> Defendant held on Saturday, 26<sup>th</sup> September, 2020 at Roses Regency Hotel & Suites, Abuja where a vote



of no confidence was passed on the 3<sup>rd</sup> Defendant led administration and Prof. Sule Bello was unanimously nominated and endorsed to act as interim National Chairman, the said communiqué is hereby attached as Exhibit “E”.

That it is a fact that on several occasions the 3<sup>rd</sup> Defendant has often usurp the powers of his office and/or acted ultra vires his powers as enshrined in the 1<sup>st</sup> Defendant’s constitution. The constitution of the 1<sup>st</sup> Defendant is hereby attached and marked as Exhibit “F”.

That on the 14<sup>th</sup> day of June, 2021, the 3<sup>rd</sup> Defendant chaired a meeting of the 2<sup>nd</sup> Defendant at the National Secretariat of the 1<sup>st</sup> Defendant and thereafter sent a letter via hiswhatsapp platform to me titled “Suspension from office of the National

Legal Adviser and as member, National Executive Committee (NEC) of the PRP. The said letter is hereby attached as Exhibit “H”.

That the Defendants in the letter of suspension stated that his conduct amounted to a conduct likely to embarrass the 1<sup>st</sup> Defendant or bring the 1<sup>st</sup> Defendant to disrepute and thus a violation of the code of conduct of the 1<sup>st</sup> Defendant.

That he was not satisfied with the outcome of the meeting of 14<sup>th</sup> June, 2021 to suspend me and hence appealed against the suspension in line with the 1<sup>st</sup> Defendant constitution.

That it is more than 8 weeks now that he appealed against the decision of the 2<sup>nd</sup> Defendant to suspend me as the National Legal Adviser and a member of the 2<sup>nd</sup> Defendant of the 1<sup>st</sup> Defendant, there have

been no reply from the Defendants or the National Working Committee (NWC), who had the power to look into my Appeal.

That the action to suspend him as National legal Adviser and a member of the 2<sup>nd</sup> Defendant of the People redemption Party (PRP) was ill – conceived wrongful, unlawful and ultra vires the constitution of the 1<sup>st</sup> Defendant.

That it is a fact that he was never given a fair hearing and that the decision to suspend me as the National Legal Adviser and a member of the 2<sup>nd</sup> Defendant of the 1<sup>st</sup> Defendant was premeditated by the 2<sup>nd</sup>, 3<sup>rd</sup> Defendants and their loyalists.

That unless the relief sought are granted, the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants will continue to act unilaterally and in an unconstitutional manner, filled with

recklessness and arbitrary use of power and positions.

The following documents were exhibited, as follows:-

1. Copy of membership card Exhibit “A”
2. The letter of nomination dated 4<sup>th</sup> December, 2018 Exhibit “B”.
3. The post titled “Reminder” Exhibit “C”
4. Some of the whatsapp comments from the whatsapp platform of the 2<sup>nd</sup> Defendant asterisked in their respective pages Exhibit “D1” to “D9”
5. Communique issued by some concerned members of the 1<sup>st</sup> Defendant held on Saturday,

26<sup>th</sup> September, 2020 at Roses Regency Hotel & Suites, Abuja Exhibit “E”.

6. The Constitution of the People Redemption Party Exhibit “7”.
7. A whatsapp message to the 3<sup>rd</sup> Defendant seeking his protection and a guarantee for his safety Exhibit “G”.

In compliance with the rules of court, learned counsel to the Claimant filed a written address wherein the following issues were formulated for determination to wit;-

- a. *Whether upon a proper construction of Article 5(16)(vii) i & ii, the action of the Claimant posting the document titled “Reminder” on the whatsapp platforms of Defendants contravened the provision of Article 13 of the Constitution*

of the Peoples Redemption Party (PRP) to warrant the action of the Defendants to suspend the Claimant from office as the National Legal Adviser and as a member of the National Executive Committee of the People Redemption Party (PRP).

- b. Whether upon a proper community construction of Article 5(16)(vii) i & ii; Article 5 (3)(j)iii,(5)(d)ii, (7)(a) iii, (b)iii & iv, (9)(b)v and (13)(c) of the Constitution of the People's Redemption Party (PRP), the Claimant post titled "Reminder" on the whatsapp platforms of the Defendants violate any of the provision of Articles 6 and Article 13 of the Constitution of the People Redemption Party (PRP) to necessitate the suspension of the Claimant from office as the National Legal Adviser and

as member National Executive Committee (NEC) of the People's Redemption Party (PRP).

c. Whether upon a community reading of Article 5(16)(vii) i & ii, Article 6 and Article 13 of the Constitution of the People Redemption Party, the suspension of the Claimant from office as the National Legal Adviser and as member of the National Executive Committee (NEC) of the Peoples Redemption Party (PRP) was lawful and in consonance with the principle of fair hearing.

d. If the answers to the above questions are in the negative, whether the 2<sup>nd</sup> Defendant can suspend the Claimant from office as the National Legal Adviser and also as a member

*of the National Executive Committee of the Peoples Redemption Party (PRP).*

Learned counsel submit that the Claimant has a statutory duty and the duty is to advise the party. As the National Legal Adviser, it is incumbent upon Claimant to carry out the statutory functions as set out in the Constitution of 1<sup>st</sup> Defendant above, basically, the advisory functions.

Counsel submits that it is not a hidden secret that the 2<sup>nd</sup> Defendant to which the Claimant is a member has been operating as an interim National Executive Committee (NEC). This had been the status of the 2<sup>nd</sup> Defendant right from the moment members of the committee of the 2<sup>nd</sup> Defendant were nominated/Appointed to act. However, the problem was that, there was no one whether courageous



enough or statutory empowered to print this out even after more than three years of so acting. The Claimant has the statutory responsibilities under Article 5 (16)(vii) i & ii of the Constitution of the 1<sup>st</sup> Defendant to do this and thus in an advisory manner, the post (reminder) admonished the Defendants and other members of the 1<sup>st</sup> Defendant on the way forward.

Counsel submits further that a careful juxtaposition of the contents of the Claimant's post and the suspension letter – Exhibit “H”, via – a- vis the provisions of Article 5 (16) (x) will show that the Claimant has not committed any of the offence Contained in Exhibit “H” o contravened any of the provision in Articles 6 and 13.

Learned counsel argued that the Defendants never heard from the Claimant, but relied solely on the Claimant's post without taking a deep look at the counter comments and or reply posts that followed the Claimant's post. The said posts were made by the same people who form part of the members of the 2<sup>nd</sup> Defendant. ***S & D CONSTRUCTION CO. LTD. VS AYOKU & ANOR (2011) LPELR – 2965 (SC); IKEZUAGU VS OKONTA (2017) LPELR – 42788 (CPPA).***

Counsel argued that assuming but without conceding that the Defendants were right in their action to suspend the Claimant, it is our argument that the suspension of the Claimant from office by the Defendants is wrongful, null and void. This argument is solidly premised on the fact that being a

member of the 2<sup>nd</sup> Defendant and equally, the national Legal Adviser, the Defendants can only suspend the Claimant as a member of the 2<sup>nd</sup> Defendant. The Defendant cannot suspend the Claimant as the National legal Adviser of the party but can only recommend for his suspension or removal before the delegate at the National Convention of the party.

In the light of the above submission, counsel urged the court to hold that the letter suspending the Claimant as the National Legal Adviser and member of the National Executive Committee of the Peoples Redemption Party (PRP), was wrongful, null and void. Counsel prays the court to grant the reliefs sought by the Claimant in this suit.

On their part, defendants filed their counter affidavit of 36 paragraphs deposed to by one Babatunde F. Alli, the National Secretary of Peoples Redemption Party (PRP).

It is the deposition of the Defendants that whatsapp platforms were opened and further aver that each of the platforms has specific members and what is discussed on each in relation to the leadership hierarchy of the party and its general membership.

That contrary to paragraphs 8, 9, 11, and 12 of the Claimant averment, the 1<sup>st</sup> and 2<sup>nd</sup> Defendants, commissioned five whatsapp platform, namely:

National Secretariat platform,

NEC (Second Defendant) platform

NWC platform

NEC & State Secretariat platforms

PRP members platform.

That pursuant to paragraph 11 above, the said whatsapp platforms were created for specific levels of information dissemination among level of leadership of the 1<sup>st</sup> Defendant while only paragraph 11(e) above is for general membership of the 1<sup>st</sup> Defendant.

That the Respondents admit paragraphs 12 – 17 of the affidavit in support of the originating summons to the extent that the Claimant made a post on all the group whatsapp platforms of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents.

The Respondents further state that the Post was not for the general good of the 1<sup>st</sup> and 2<sup>nd</sup> Respondent as alleged but tainted with malice and made mala fide.

The Respondents admit paragraph 43 of the affidavit in support of the originating summon to the extent that the Claimant was suspended due to conduct likely to embarrass the 1<sup>st</sup> and 2<sup>nd</sup> Respondents.

That the Respondents deny paragraph 44 of the affidavit in support of the originating summons vehemently. In further answer, the Respondents state that the said part of the Claimant was not in the agenda of the meeting of 14<sup>th</sup> June, 2021 as it only came up under any other business (AOB).

That the Respondents admit paragraph 48 and 49 of the affidavit. In further response, the Respondents aver that a panel has been constituted to look into the action of the Claimant, and that his appeal ought to have been address and forwarded to the NWC and

not the 1<sup>st</sup> Respondent office as alleged by the Claimant.

In line with the law, Defendants filed written address with the following issues for determination;

- i. *Whether Exhibits “C” and “D1” – “D9” do not offend the provisions of the Evidence Act.*
- ii. *Whether the 2<sup>nd</sup> Respondent has no power to suspend the Claimant.*
- iii. *Whether the suspension of the Claimant pending investigation of his activities and hearing of his appeal amount to denial of fair hearing.*
- iv. *Whether the purported Constitution of the 1<sup>st</sup> Respondent attached by the Claimant to this*

**application is the current constitution of the party and whether it came be relied upon.**

v. **Whether the Claimant is entitled to the reliefs sought in the application.**

Learned counsel submit that it is the law that for a Plaintiff to succeed in a civil case, he must have established same on a balance of probabilities. Section 131 (1) of the Evidence Act, 2011 (as amended); ***AROWOLO VS FABIYI (2009) 9 NSCQR 335 at 338 were cited.***

Counsel submits further that the document Claimant attached as Exhibit “F” is not in tandem with the current constitution of the party. For instance, Article V of the Constitution of the party has to do with party structure and does not even have up to paragraph 16.



Counsel urged the court to discountenance the document attached as Exhibit “F” purported to be the Constitution of the 1<sup>st</sup> Respondent.

Counsel submits that the action of the 2<sup>nd</sup> Respondent does not amount to denial of fair hearing, what the 2<sup>nd</sup> Respondent did was to put the Claimant on suspension pending the determination of the allegations against him.

Counsel argued that computer generated evidence is part of documentary evidence generally. The Supreme Court, in the case of ***OKOYE VS OBIASO (2010) 8 NWLR (Pt. 1195) 145*** stated the condition for the admissibility of documentary evidence. The conditions are;

1. ***Whether or not the document is pleaded by the party (i.e) to the proceedings.***

2. *Whether it is relevant to the subject matter of inquiring by the court or tribunal.*
3. *Whether it is admissible in law.*

Counsel concludes by urging the court to refuse the application as the Applicant has not placed before this court sufficient facts to warrant same.

On their part, Claimant counsel replied on point of law where he stated that it is trite where there is a lucid procedure laid down by law, such procedural provision is strictly interpreted and complied with the omission to strictly comply with each of the laid down procedure renders the whole thing done unlawful and liable to be set aside.

***ADIGUN VS A.G OYO STATE & ORS (1987) 1 NWLR (Pt. 53) 678 at 744 – 745 paragraphs H – B;***

***R. VS ASKEW (1768) 4 BURR. 2186 at Page 2189  
were cited.***

It is the averment of the Claimant's counsel that the Respondent argued that the Claimant's affidavit to the originating summons, particularly the exhibits offends the provisions of Section 84 of the Evidence Act, 2011, because they are computer generated evidence. Counsel submits that this position is highly misconceived as the law is trite when it relates to exhibits attached in an affidavit as documentary evidence in a motion of this nature.

***REGISTERED TRUSTEES OF TIPPING  
OWNERS UNION VS. NIGERIA UNION OF  
MINE WORKER & ORS (2010) LPELR 4895 (CA)  
was cited.***

Counsel therefore urged the court to discountenance the counter affidavit of the Respondent and declare all the Respondents action to suspend the Claimant null and void and a violation of his right to fair hearing; and equally to restore the Claimant to his position as the National Legal Adviser of the 2<sup>nd</sup> Respondent.

**COURT:-**

This is an action begun vide originating summons wherein the interpretation of the Constitution of the Peoples Redemption Party (PRP) vis-à-vis the conduct and or action of the Defendants especially the 2<sup>nd</sup> Defendant National Executive Committee (NEC), of the PRP for suspending the Claimant Prof. MahmoodMuhibideenAliyu as the National Legal Adviser and as member, National Executive

Committee of the Peoples Redemption Party (PRP) is being challenged by the Claimant on ground of lack of fair hearing.. Claimant has therefore approached this Court to declare the action of the 2<sup>nd</sup> Defendant i.e the National Working Committee(NWC) of the Peoples Redemption Party (PRP) as unconstitutional, unlawful, null and void and against the constitution of the Party, to declare his suspension by the 2<sup>nd</sup> Defendant as unlawful and breach of his right to fair hearing; and to direct the Defendants to lift his suspension and reinstate him to his position as the National Legal Adviser and member of the National Working Committee (NWC) of the Peoples Redemption Party (PRP).

I have carefully considered the affidavit in support of the originating summons and all accompanying documents therein exhibited, on the one hand and

the counter affidavit filed by the Defendants, on the other hand.

I have equally read and abbraised myself with the legal arguments contained in the respective written addresses.

I shall begin by stating the law, as it is, which has enjoyed judicial blessings over time on declaratory reliefs generally.

Any person who desires that judgment be given in his /her /their favour with relation to declaration of a right, shall so succeed if, and only if, evidence is led to the satisfaction of court that such a person is entitled to such a declaration.

Simply put, a party seeking declaratory reliefs must succeed on the strength of his case, and cannot rely

on the weakness of the Defence or even on admission of the Defendant.

See *OKEREKE VS UMAHI (2016) 11 NWLR (Pt. 1524) 438;*

*IFEDIORA VS OKAFOR (2019) 16 NWLR (Pt. 1698) 322, 341.*

Now that the principle is well stated, I shall beam my judicial searchlight on the relevant paragraphs of the affidavits of the Claimant and Defendants, the relevant provision of the Constitution of the Peoples Redemption Party (PRP), which to my mind remains the ground norm in which all operations of the Peoples Redemption Party (PRP) is anchored.

I shall consider the most relevant paragraphs of both affidavits vis-à-vis legal arguments.

It is the averment of Claimant that he is a registered member of the 1<sup>st</sup> Defendant i.e Peoples Redemption Party (PRP) and its National Legal Adviser and also member National Executive Committee (NEC) of the party. Claimant exhibited his membership card and his nomination letter as Exhibits “A” and “B”.

It is also the averment of Claimant that sometime in the year 2000, Defendants established some platform for members of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants where members of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants deliberated on issues, comments on messages posted and also gave opinions on thriving political issues.

That as the National Legal Adviser and member of National Executive Commission (NEC), he attended general meetings and NEC virtual Meetings of the 1<sup>st</sup> Defendant and also participated in the



whatsapp discussions when the need arises, and that members of the 1<sup>st</sup> and 2<sup>nd</sup> Defendants and State Chairmen of the 1<sup>st</sup> Defendant actually participated in heated political debates and constitutes without any acrimony or misgivings. Claimant also averred further that on the 17<sup>th</sup> May, 2021, he made an advisory post on the Whatsapp Platforms as the National Legal Adviser, like every other members, for the National Executive Committee (NEC) and other members of the 1<sup>st</sup> Defendant, and that the said post which had a post titled “Reminder” which was annexed as Exhibit “C”, was to act as a reminder to the members of the National Working Committee (NWC) of the Peoples Redemption Party (PRP) i.e 1<sup>st</sup> Defendant and general members about the current state of the 1<sup>st</sup> Defendant, the lacunae interest and the way forward, from a legal stand point.

It is equally the averment of the Claimant that his post, aforementioned, generated heated debates and decisions and that many of the members of the National Executive Committee (NEC) and some state chairmen loyal to the National Chairman of the Peoples Redemption Party (PRP) i.e 1<sup>st</sup> Defendant did not agree with the post and therefore raised several opposing comments which also degenerated into disrespectful, abusive, insulting, hateful and threatening comments laced with anger and hate speech, and that the said post prompted the 3<sup>rd</sup> Defendant i.e National Chairman of the party to send a general message on the Whatsapp platform on the 10<sup>th</sup> June, 2021 calling for a meeting of the members of the 2<sup>nd</sup> Defendant to be held on the 14<sup>th</sup> June, 2021 at the head office of the 1<sup>st</sup> Defendant. And that on the said date, after the meeting, the 3<sup>rd</sup> Defendant

who chaired the meeting of the National Executive Committee (NEC) at the National Secretariat of the party, sent a letter via whatsapp platform titled, *“suspension from office of the National Legal Adviser and as member, National Executive Committee (NEC) of the Peoples Redemption Party (PRP).”*

It is the averment of the Claimant that the crux of the deliberation of the meeting of National Executive Committee (NEC) of 14<sup>th</sup> June, 2021 was to discuss his post – “Reminder” which he said was like any other innocent post made on the 1<sup>st</sup> Defendant platform.

It is equally the averment of the Claimant that it was stated in the suspension letter that his conduct amounted to a conduct likely to embarrass the

1<sup>st</sup> Defendant or bring the 1<sup>st</sup> Defendant to disrepute and then a violation of the code of conduct of the 1<sup>st</sup> Defendant.

Claimant averred in paragraph 48 of his affidavit in support of the originating summons that he appealed against the decision of the National Executive Committee (NEC) of the Peoples Redemption Party (PRP) to suspend him, and that the letter of appeal was sent vide DHL Courier service.

It is the case of Claimant that his suspension which was as a result of the “Reminder” post on the platform was ill conceived wrongful, unlawful and ultra vires the constitution of the 1<sup>st</sup> Defendant.

On the part of the Defendants, it is their averment that even though there are platforms created as stated by Claimant, they are for specific levels of

information dissemination among levels of leadership of the 1<sup>st</sup> Defendant.

Defendants mentioned the following as the created platforms:-

1. National Secretariat platform.
2. National Executive Committee platform
3. National Working Committee platform
4. National Executive Committee and State Secretariat platform and
5. Peoples Redemption Party membership platform.

It is the case of the Defendants that the 2<sup>nd</sup> Defendant is the one saddled with the responsibilities of running the day to day activities of the 1<sup>st</sup> Defendant at the National

level. Communication of its decision, resolution and reminders to all levels, is by the constitution of the 1<sup>st</sup> Defendant, responsibility of the 4<sup>th</sup> Defendant alone.

Defendants admitted the fact that Claimant was suspended in line with the constitution of the party and states further a panel has been put in place to look into the action of the Claimant.

Defendants rejected the copy of constitution annexed by Claimant and proceeded to annex Exhibit “PRP 3” as the authentic Constitution, and that some exhibits annexed by the Claimant offend the provisions of the Evidence Act 2011.

Claimant filed reply on law where he argued that the Constitution of the Peoples Redemption Party (PRP) he annexed should be considered even though they

are same with the constitution annexed by Defendants.

The issue in contention has been narrowed to the Reminder Post by the Claimant and the debate, same has generated which ultimately led to the rain of insults on Claimant by some Members of the Peoples' Redemption Party (PRP), on the one hand, and the meeting where the decision to suspend the Claimant was carried-out.

I shall therefore, also consider the whatsapp messages contained in Exhibits "D1" – "D9" vis-a-vis the relevant documents mentioned in the preceding part of this judgment.

I need to first and foremost state the position of the law based on the status of political parties, party

Constitution and guidelines and the need to adhere to the Constitutional provisions.

A political party and her members are both bound by the party's constitution and guidelines.

Any action therefore, taken by such a political party which is not in agreement with the constitution of the political party, is null, void and of no effect.

See *EMENIKE VS PDP (2012) 12 NWLR (Pt. 1315) page 556 at 592 – per Fabuyi, JSC, (as he then was).*

Shuaibu, JCA, has this to say in the case of *JOHNSON & ANOR VS EZE & ANOR (2020) LPELR – 49636 (CA).*

*“It is a notorious fact that Constitution and Guidelines are made by the members of*



**Political Parties or associations to regulate the conducts of their affairs.”**

I shall therefore, consider the Constitution of the 1<sup>st</sup> Defendant in the resolution of this question.

I now look at Article 6 of the Peoples Redemption Party (PRP) Constitution which is on discipline of members.

**Article 6**

- a. ***“Discipline of party members shall be exercised through respective disciplinary committees of the party at the five levels and shall be governed by due process and principles of fair hearing.”***
- b. ***“Any member found guilty of the following offences shall be liable to punishment. A***

*breach of any provisions of this constitution including the code of conduct, anti – party activities and conduct likely to embarrass the party or bring the party into hatred, contempt, ridicule, or disrepute in whatever manner.”*

The “**Reminder**” Post of the Claimant clearly was adjudged by the Defendants as the reason for the alleged suspension.

I shall now consider the whatsapp “Reminder” post and the various comments generated on the platform by other members of the National Executive Committee (NEC) and state chairmen of the party.

### **“Reminder Post”**

*I wish to remind All Peoples Redemption Party (PRP) members of the following issues.*

***1. Provision of guidelines and timetable for Peoples Redemption Party (PRP) congresses at Wards, Local Government and State Chapters of the party which will end up with the National Convention provided by the National Executive Committee approved by the National Working Committee (NWC) of Peoples Redemption Party (PRP) as follows:-***

***a. Wards Congress shall hold across the Federation on the 13<sup>th</sup> March, 2021.***

***b. The Local Government Congress shall hold across the Federation on 27<sup>th</sup> March, 2021.***

***c. Further guidelines for the conduct of the State Congress and the National***

*Convention shall be communicated in the second quarter of the year 2021.*

*We are now about to end the second quarter no further information yet from the National Executive Committee (NEC).*

- 2. By the above schedule, it means that the life to this National Executive Committee will end, latest by 31<sup>st</sup> August, 2021.*
- 3. The composition of this National Executive Committee (NEC), in the first place, was not through election (all members of the National Executive Committee) were handpicked by individuals in authority.*
- 4. National Convention of the Peoples Redemption Party (PRP) according to its*

*Constitution should take place after every twelve months (one year).*

5. *This unelected National Executive Committee (NEC) has been in Office for about four years now which means it has overstayed its term in office.*
3. *The composition of the present National Executive Committee (NEC), in the first place, was not through election (all members of the National Executive Committee) were handpicked by individuals in authority.*
4. *National Convention of the Peoples Redemption Party (PRP) according to its Constitution should take place after every twelve months (one year).*

*5. This unelected National Executive Committee (NEC) has been in Office for about four years now which means it has overstayed its term in office.*

**The way forward**

*Therefore, failure of the National Executive Committee to convey a National Convention before the end of August, 2021 (when the term it chose for itself lapses) it will be required to have a Caretaker Committee that will be saddled with the two major responsibility, thus..*

*i. To reconcile all Peoples Redemption Party (PRP) members fictionalized as a result of one error of omission or commission that took place.*

*ii. Convey a National Convention to Elect Leaders of the party at the National Level. A time frame of not more than Three Months should be given to such caretaker Committee within which to complete its assignment.*

*Above was signed by one Prof. M.M Aliyu, Peoples Redemption Party (PRP) National Legal Adviser.*

*Whatsapp comments from members.*

*[28/5, 13:11] +234 806 372 2823: Am surprised it's coming from one of the leaders of the party, not taking cognizant of serious security issues everywhere and lives of people are involved, his problem is convention and not people whose*

*lives are in danger due to serious break down in the security architecture of the country.*

*[28/05, 13:17] +234 806 372 2823: Posting such a thing in the platform without the authority or consultation with the National Chairman or sec is anti-party and should be treated as such; we should remove sentiments in this party and face the facts to avoid internal sabotage.*

*[28/05, 14:30] +234 703 195 7111: As a party man and stakeholder of our great party Peoples Redemption Party (PRP) Aks Chapter. All I can say is that every National Executive Committee (NEC) Member of our party has a role to play in the running of the party. And as far as I can recall the National Legal Adviser*



*(NLA) role is not to direct, but purely advisory on legal matters. The sole responsibilities of day to day running of the party is solely hanged on the NC and NS. And I am aware that those congresses where reschedule. So I will humbly advise my National Legal Adviser to settle whatever internal issues he has within the leaders of the party and not what he is displaying. Thank you all.*

*[28/05, 16:49] +234 803 311 8176: Hmmm!*

*The title of a certain book, “the ranting’s of a madman on Facebook: The inspiration, perspiration and inebriation of a lovable loser” by Dan Davis jumps to mind.*

*[29/05, 00:10] +234 902 232 3482: I will advise the National Legal Adviser (NLA) to simply withdraw his submission please.*

*[29/05, 11:36] +234 703 397 5621: \*Attention.\* Professor M.M. Aliyu, National Legal Adviser, People Redemption Party (PRP).*

*\*Re: I wish to remind all PEOPLE REDEMPTION PARTY (PRP) members of the following issues..\**

*The recap above is your message on one of our platforms yesterday, and below is my reaction to the messages.*

*Sir, as much as I would like to restrain myself from being rude to you, I'm highly disappointed that you could go to the extent of sharing such dissenting discouraging message*

*on our platform..making such a message public is an abomination, not expected at all from a person of your caliber!*

*This message is totally uncalled for from a person of your status in the party, especially at this time when the National Leadership of the party and the state chairman with their excos, under our able national chairman, AlhajiFalalu Bello, OFR, are working day and night to promote our great party across Nigeria.*

*It is appealing that a senior member of the party's National Executive Committee (NEC) of your caliber could throw decorum into the winds and engage in this ignoble outpourings which could be privately discussed with other*

*national leaders like you are. Honestly, this your action is mischievous, sir.*

*Emphatically, if you have any advice to give both the National Chairman and National Executive Committee (NEC), of which you're also a senior member, nothing stops you from doing that in house; there is basically no need to come to the platforms to vent anger against the National Executive Committee (NEC).*

*In your message, you claimed that the members of National Executive Committee (NEC) were hand-picked. Can you please tell us how you also emerged as a National Legal Adviser? As a legal adviser of our great party, I don't think it's wise enough for a man of your standing in the party to throw stones into a glass house*

*where you are also a resident. Sir, please retrace your steps and close ranks with our amiable national chairman, AlhajiFalalu Bello, OFR, and discuss with him and the National Executive Committee (NEC) whatever you think can be done to better our party.*

*I am addressing this your morale – dampening message on behalf of every member of our great party in the South – West and using the same opportunity to inform everybody that we, in the South – West, are solidly behind the National Executive Committee (NEC) led AlhajiFalalu Bello, OFR.*

*We advise you to join hands with other leaders of our great party if you're also not part of the factions that work day and night to destabilize*

*our party, People Redemption Party (PRP). The only reason for you to continue to vilify our national chairman and his National Executive Committee (NEC), of which you're a member, is if you had fallen to the other side and you're being sponsored to destabilize the party.*

*Lest I forget, your role in the party as a legal adviser is advisory. So, you lack the power, sir, to call for national delegates conference. Attempting to do that or carrying out such action will expose you as a power usurper and an insider enemy of our party.*

*We assure you, sir, that we, in the South – West, will resist any irrational and illegal*

*actions being perpetrated or to be perpetrated against our party by anybody.*

*Long live People Redemption Party (PRP)!*

*\*AremoAdeolaAdepoju\* (Asoludero)*

*\_Chairman, Oyo State, PRP\_*

*[29/05, 12:20] +234 803 592 5835: Those who love peace must learn to organize effectively as those who love war... Marthin Luther King Jnr.*

*Am highly disappointed with someone I regard as a role model, Prof. Aliyu should bury his face in shame.*

*[29/05. 16:19] +234 806 372 2823: We the state chairmen in the South East after that your letter sees it as anti-party, calls on the National*

*Executive Committee (NEC) to without delay to setup a disciplinary committee to try you, and punish you accordingly, we can't keep quiet and allow internal sabotage destroy our party, we are still solidly behind our amiable national chairman MallamFalalu Bello and the National Executive Committee (NEC) of our great party. We still maintain our absolute vote of confidence on them. Hon. Peter Okafor, State Chairman, from Imo State.*

*[30/05, 20:14] +234 803 711 8597: Good evening to all my colleagues State Chairperson in North Central. With reference to the sad development on –going and coming from one of representatives at the National Executive Committee (NEC), there's need for us to urgently meet to discuss the issues and reach a*



*common position. As it were, North Central appears to be spoiler in a great movement towards the emancipation of our loved nation. Let's inbox each other to choose a date and venue. My phone number is 08037118597 let's treat as urgent and thank you all.*

*[01/06, 21:31] +234 703 594 0276: We should really know what politics is all about and be loyal to the leadership that have better ideology and ignored those who feel they want to be cankerworm to themselves and not a party like People Redemption Party (PRP) that is a vehicle to promise land come 2023, while not every soul that understood politics and the way it runs administratively. I see they lack efficiency, especially the legal adviser who claimed he is a legal luminary does not even*

*know the law very well on how to play politics better, been a learned person lack potential to do better here. My advice to them they should be reasonable before they act because nobody is monopoly if violence and encyclopedia of knowledge. While they will learn better from us, specially those who believed in the leadership of Distinguished MallamFalalu Bello. Waiting for their faction here in Rivers State to crush Mr. Rowland Opusunji which they feel they can fly, but the 2021 national Convention should be more coordinated for a better leadership of MallamFalalu Bello (OFR). I submit for now. Hon. ESV, Fortune OkobuezeOnuigwe (PRP Rivers State Chairman).*

*[03/06, 15:37] +234 703 397 5621: \*A professor on a selfish jaundiced journey..\**

*It's unfortunate and very disheartening that Professor Aliyu could respond to my reply to his immature and selfish declaration of war against the present Falalu Bello – led leadership of the party. May I inform you again that you disappointed the second time and you have failed a simple integrity test..a professor who can't just understand a simple handwriting in the wall.*

*For your ego and blurry jaundiced inclination, sir, you couldn't, in your warped response, understand and answer all the germane questions put to you based on the People Redemption Party (PRP) constitution. You*

*failed woefully! And it's a big shame that our legal adviser of could nose – dive on a matters of party's Constitution.*

*Professor Aliyu's response to all the pertinent question asked is wishy – washy and our self – acclaimed masses crusader appears a rabble – rouser and has failed to come with clean hands. How can you ask for equity when you've not come with clean hands. What a ruse?*

*“Prof” Aliyu, please note that do not bring the names of our past respected Hon. Leaders into this discourse; doing so will amount to dragging them into the mud. Mallam Aminu Kano, Balarabe Musa, etc., all late, did not and would not engage in conspiracy of a sort you're*

*moving its motion against the constituted authority of the party.*

*Note again, sir, that you're alone in this scheming. None of us from South West, Oyo State in particular, boot lickers, sycophants or propagandist as you noted in your ignoble response.*

*It won't be profitable for you if you're on the sideline working for Professor Sule Bello and Co. get down from the bus, it won't take you to a safe harbor.*

*\*AremoAdeolaAdepoju\**

*\_State Chairman, Oyo\_*

*[11/06, 23:06] +234 803 703 0323: Utter rubbish. Prof. Aliyu should know that in as*

*much as he is free to air his opinions about matters concerning the People Redemption Party (PRP), others equally have the freedom to either agree or disagree with his views. Resorting to cheap blackmail by saying that because some of us disagree with his views his life and property are threatened just wouldn't work. The decision to attend or not to our scheduled National Executive Committee (NEC) meeting is left to him. However, the meeting will hold with or without him and issues surrounding his conduct shall be tabled at the meeting, discussed and appropriate decisions taken accordingly. The People Redemption Party (PRP) is larger than any of its individual member, no matter how "respected" he or she may be.*

*[11/06, 23:06] +234 803 311 8176: “Those whom the gods wish to destroy they first make mad.”*

*It is such a shame that one who has perpetually been name calling is now seeking protection because he has been found out for who he truly is.*

*We need not go back too far establish your consistent use of the word “foot soldier” in your numerous write ups on this platform?*

*And May I remind you that no one has ever expressed their disdain at such insult or is it that in your warped mind you fail to realize it’s an insult to call people so?*

*Alas we now know those who you've always been making reference to and I for one ain't anyone's foot soldier and will never be.*

*If reminding you of the fact that you once upon a time wanted to unconstitutionally sack your state Exco but turn around today to accuse others of unconstitutionality or that your ranting in the market square (general platform) was akin to "a mad man on Facebook" then so be it.*

*Age comes with wisdom but I guess sometimes it skips a generation.*

*[12/06, 03:14] +234 706 567 4510: Noted!*

*\*A professor on a selfish jaundiced journey..\**



*It's unfortunate and very disheartening that Professor Aliyu could respond to my reply to his immature and selfish declaration of war against the present Falalu Bello – led leadership of the party. May I inform you again that you disappointed the second time and you have failed a simple integrity test... a professor who can't just understand a simple handwriting on the wall.*

*For your ego and blurry jaundiced inclination, sir, you couldn't, in your warped response, understand and answer all the germane questions put to you based in the Peoples Redemption Party (PRP) Constitution. You failed woefully! And it's a big shame that our Legal Adviser could nose –dive on a matters of party's constitution.*

*Professor Aliyu's response to all the pertinent questions asked is wishy – washy and our self – acclaimed masses crusader appears a rabble – rouser and has failed to come with clean hands. How can you ask for equity when you have not come with clean hands, what a ruse?*

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*Note again, sir, that you're alone in this scheming. None of us from South West, Oyo*

*State in particular, boot lickers, sycophants or propagandist as you noted in your ignoble response.*

*It won't be profitable for you if you're on the sideline working for Professor Sule Bell and Co. Get down from the bus, it won't take you to safe harbor."*

Above reactions were from some State Chairmen and Party Members of the 1<sup>st</sup> Defendant (Peoples' Redemption Party) from across the country.

I have juxtaposed the contents of the "Reminder" Post made by the Claimant and the reaction of the members of Peoples Redemption Party (PRP) i.e the 1<sup>st</sup> Defendant from across the country on the whatsapp platform.

Permit me to gravitate to the content of the letter suspending the Claimant by the National Executive Committee (NEC) of the Peoples Redemption Party (PRP), dated the 14<sup>th</sup> June, 2012 which was annexed as Exhibit “H”.

I shall reproduce relevant paragraphs of the said letter, as follows:

### **Paragraph 1**

**“The National Executive Committee (NEC) has taken notice of your negative behavior towards the party which was evidenced not only in your recent post across communication platform of National Working Committee (NWC), National Executive Committee (NEC), members and states whatsapp pages of the party.”**

## Paragraph 2

“Consequently, upon this, that National Executive Committee (NEC) at its 71<sup>st</sup> meeting, held at the National Secretariat on Monday 14<sup>th</sup> June, 2021 reviewed your posts of 17<sup>th</sup> and 28<sup>th</sup> May, 2021, as well as 11<sup>th</sup> June, 2021 and after rigorous deliberation considered them not only as conducts “likely to embarrass the party or bring the party into hatred, contempt, ridicule or disrepute”, but also qualified as “Anti – party activities”, and flagrant violation of the party’s “code of conduct”, contrary to the extant provisions of the constitution of the party.”

## Paragraph 3

“In view of the above, you are hereby unformed of your suspension from office, as the National Legal

*Adviser and member of the National Executive Committee (NEC) of the party, effective this 14<sup>th</sup> of June, 2021, pending investigation and recommendation of a disciplinary committee of the National Executive Committee (NEC) in accordance with the Constitutional Provision for fair hearing.”*

Now, I note from the depositions both in affidavit in support of the originating summons and counter affidavit in opposition that Claimant undoubtedly prior to the said suspension is the National Legal Adviser of the Peoples Redemption Party (PRP).

I also note with concern the fact that the said “Reminder” post made by Claimant on the whatsapp platform was essentially for the consumption of the members of the Peoples Redemption Party (PRP).

From the counter affidavit of the Defendants, there was no mention of the fact that any other person outside the family of Peoples Redemption Party (PRP) was informed of the issues raised in the “Reminder” Post.

It is therefore correct to conclude that the only grouse of the Defendants, from averment contained in their joint counter affidavit is the fact that Claimant made the contents of the “Reminder Post” known to all the party members.

I need to state at this juncture that our country practices Constitutional democracy where the rule of law is supreme.

This also infer that affairs of political parties, government, institutions and organizations shall be conducted within the frame work of recognized rules

and principles which restrict discretionary power which Coke colorfully spoke of as “golden and straight” and of law as opposed to the uncertain and crooked code of discretion.

The function of a legal adviser cannot be overemphasized. Being a legal adviser, it remains the duty and responsibility of such an occupant of office to ensure, as it relates to political party, that there is strict compliance with the law i.e the party’s constitution, Electoral Act, party’s guidelines and any other law relating to party politics. It is on record that many candidates who would have occupied elected position had their positions vacated upon pronouncements by courts of law on account of lack of adherence to the provision of their political party and other extant laws regulating the conduct of political party in Nigeria.



The case of *MARAFI VS. APC & ORS. SC/377/2019* delivered on the 24<sup>th</sup> May, 2019 is a case in hand, where all elected persons on the platform of All Progressive Congress (APC) were dismissed by the Supreme Court only for the Peoples' Democratic Party (PDP) unelected persons to occupy the positions from Governor, Members of Assembly and National Assembly for want of compliance with the Party's Guidelines and Constitution.

As stated from the preceding part of this judgment, all Members of Political Party are bound by the provisions of the Constitution of the political party and guidelines.

Any person who so derogates from the provision of the Constitution of the Political Party shall be subject to disciplinary action.

I now pause, at this point to ask the following!..

**What is the sin of the Claimant i.e the suspended National Legal Adviser?**

Regardless of the grouse of Defendants, all Claimant has done was to sensitize the Peoples Redemption Party (PRP) house on the need to do the right thing which is in line with the function of his office. If Defendants did not want any information dissemination, the idea of establishing the whatsapp platform ought not to have been conceived in the first place. The argument that there are separate platforms for different cadre/group of members and officials of the party is a non – starter. When the

chips are down, the National Legal Adviser and all party Exco shall be blamed.

Indeed, those members of the Peoples Redemption Party (PRP) who have equally rained innuendos on the Claimant as National Legal Adviser of the Peoples Redemption Party (PRP) who merely reminded the whole House of the danger ahead, are more evil than those who took the decision to suspend him from office.

It is true that he who passively accepts evil is as much involved in it as he who helps to perpetrate it.

The position of those whose are on the fence is even worse since every onlooker is either a coward or a traitor.

It is very revealing from the deposition before me that, Defendants ably led by National Chairman of

the 1<sup>st</sup> Defendant Peoples Redemption Party (PRP) are playing the ostrich game here. They have been able to bring their heads leaving their entire body exposed. The Constitution of the Peoples Redemption Party (PRP) is Supreme and cannot be selectively used at the pleasure of the Defendants.

Defendants must comply with Constitution of they now resort-to in dealing with the alleged information, if any, by the Claimant.

Defendants have clearly from all that I have seen, used the provisions of the Peoples Redemption Party (PRP) Constitution unfairly, unjustly, arbitrarily and capriciously against the Claimant who from every indication has earned his title of professor.. He has refused to keep quite faced with looming danger ahead of the Peoples Redemption Party (PRP).

The conduct of the Claimant can therefore not be likened to an anti – party activity nor a violation of any part of the Peoples Redemption Party (PRP) code of conduct.

If anything, the Peoples Redemption Party (PRP) should applaud the proactive nature of the Claimant.

Article 13 of the Peoples Redemption Party (PRP) Constitution encourages all members of the Peoples Redemption Party (PRP) to advance, uphold and defend the mission, principles and constitution of the party.

Are Defendants protecting and defending the Peoples Redemption Party (PRP) Constitution or merely trying to destroy party?

The Defendants merely gave Claimant a bad name because of his outspoken nature and decided to hang him.

I dare say this because, Claimant's complaints touches on the way and manner the Guidelines and Constitution of party is being flouted under the leadership of the 3<sup>rd</sup> Defendant i.e the National Chairman, Alh. Falalu Bello..Thesame National Chairman who is being accused of not harkening to the tenents of the of the Peoples Redemption Party (PRP) Constitution, called and presided over a meeting of the National Executive Committee (NEC) of Peoples Redemption Party (PRP) on the 14<sup>th</sup> June, 2021, where the decision to suspend the National Legal Adviser was taken, and eventually said letter of suspension as National Legal Adviser/Member National Executive Commission

(NEC) was sent to Claimant through the same whatsapp platform. The affidavit in support of the originating summons states clearly the fact that Claimant and 3<sup>rd</sup> Defendant have had a running battle on issues bothering on the usurpation of the power of the National Legal Adviser by National Chairman of Peoples Redemption Party (PRP) and/or acting ultra vires his power as contained in the 1<sup>st</sup> Defendant's constitution.

It is similarly the averment of Claimant that he had sent text message to 3<sup>rd</sup> Defendant to seek his protection from those persons who have abused him on the same platform and even threatened him on account of his **“Reminder”** Post but 3<sup>rd</sup> Defendant did not respond to the said message.

Claimant has made heavy weather on the fact that he was never given fair hearing as far as the decision is concerned.

Claimant who feared for his life as stated in the affidavit in support of the Originating Summons, sought for protection from the 3<sup>rd</sup> Defendant i.e National Chairman of the Peoples Redemption Party (PRP), but no response from the National Chairman. Claimant who said he feared for his life on account of the insults and threats he received from various Members and State Chairmen of the Peoples Redemption Party (PRP) from across the country could not attend the said meeting of the National Executive Committee (NEC) of the 1<sup>st</sup> Defendant.

There is no evidence of any invitation extended Claimant different from the notice of the said



meeting which 3<sup>rd</sup> Defendant (National Chairman) of the Peoples Redemption Party (PRP) sent vide the whatsapp platform.

The 3<sup>rd</sup> Defendant who is at the epic – center of Claimant’s storm, is clearly not expected to be happy with the Claimant and therefore, 3<sup>rd</sup> Defendant ought not to have presided over a meeting that he was being accused by the Claimant. How could Claimant be satisfied with such a decision?

Can justice and fairness be dished–out under such a situation even if the said Claimant were to have been given opportunity to be heard?

I answer in the negative.

Fair hearing is constitutional. Any such breach initiates the entire proceedings, as same remain null and void.

The right of fair hearing guaranteed by Section 36(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) has two pillars namely *audi alteram partem* and *Nemo Judex in causa sua*... these two latin maxims simply state the fact that both sides must be given every reasonable opportunity of being heard and no one shall be a Judge in his own cause.

See ***OKA VS. STATE (2018) LPELR – 43914 (CA)***.

See ***AKINTAYO VS JOLAOYE & 253 ORS (2010) LPELR - 3688 (CA)***.

***See also GARBA & ORS. VS UNIVERSITY OF MAIDUGURI (1986) 1 NWLR (Pt. 18) 550*** on the Claimant has been able to show by his affidavit in support of the Originating Summons that the National Chairman of the Peoples' Redemption

Party (PRP) and his co-travelers, used his position to unjustifiably suspend him from office both as National Legal Adviser and Member of the National Executive Committee (NEC) of the Party i.e Peoples Redemption Party (PRP) without affording him fair hearing.

Defendants have by their counter affidavit admitted the fact that the National Chairman of the Peoples Redemption Party (PRP) who summoned the meeting of National Executive Committee (NEC) of Peoples Redemption Party (PRP), presided over same and where the decision to suspend the Claimant was taken... this is enough to vitiate the entire proceedings and decision of the National Executive Committee (NEC) of Peoples Redemption Party (PRP) taken or made with respect to the Claimant on the 14<sup>th</sup> June, 2021.

The National Chairman who is being accused of violating the Constitution and Guidelines of the Peoples' Redemption Party (PRP) by the Claimant, is in law, incompetent to preside over the same meeting where the decision to suspend Claimant was taken. He cannot be a Judge in his own cause.

I say this for the reasons and authority cited supra on the principles of fair hearing.

I have no difficulty agreeing with the arguments of Claimant's Counsel on the issues formulated for determination... I resolve all in favour of the Claimant.

The claim of Claimant succeed. Consequently, I hereby make the following Orders:-

1. An Order declaring that the action of the Defendants; particularly the 2<sup>nd</sup> Defendant as

unconstitutional, unlawful, null and void and against the provisions of the Constitution of the Peoples Redemption Party (PRP) is **hereby granted.**

2. A declaration that the suspension of the Claimant by the 2<sup>nd</sup> Defendant is unlawful and a breach of the Claimant's right to fair hearing is **hereby granted.**
3. An Order directing the Defendant whether by themselves, their agents or privies to lift the suspension of the Claimant and reinstate the Claimant to his position as the National Legal Adviser and Member of the National Executive Committee (NEC) of the Peoples Redemption Party (PRP) is **hereby granted.**

Political party is like an association with her mission clearly spelt-out. The National Chairman who was so made the head of the party must ensure obedience to the Constitution and Guidelines of the party and not to run the affairs of the 1<sup>st</sup> Defendant like a dictator. Those who live in glass house, don't throw stones... I say no more.

I thank you all.

*Justice Y. Halilu*  
*Hon. Judge*  
*29<sup>th</sup> April, 2022*

### **APPEARANCES**

Abdulrahaman A., Esq. – for the Claimant.

I.C. Nworgu, Esq. – for the Defendants.