

# West - Idahosa & Co

Legal Practitioners, Arbitrators, Consultants and Notary Public

- Constitutional & Electoral Law
- Corporate & Property Law
- Petroleum & Energy Law
- Information & Technology Law
- Immigration Law
- Litigation.

WIC/AB/W2/1024/20

3<sup>rd</sup> August, 2020

The Attorney General and  
Minister of Justice of the  
Federal Republic of Nigeria,  
Ministry of Justice,  
Abuja



Dear Sir,

**URGENT AND NATIONALISTIC APPEAL TO INTERVENE IN THE RESTORATION OF CONSTITUTIONAL DEMOCRACY IN EDO STATE OF NIGERIA**

We are solicitors to the under listed members-elect of the House of Assembly of Edo State and have their instructions to write you this letter and appeal for your urgent and nationalistic intervention in the restoration of constitutional democracy pursuant to **Sections 90, 91, 101, 104 and 105 of the 1999 Constitution (as altered)**. Our clients are;

- i) Hon. Ugabi Kingsley – Etsako East.
- ii) Hon. Vincent Uwadiae – Ovia North East 2.
- iii) Hon. Seid Oshiomhole – Etsako Central.
- iv) Hon. Dumez Ugiagbe – Ovia North East 1.
- v) Hon. Abdul Ganiyu Audu – Etsako West
- vi) Hon. Sunday Aghedo – Ovia South West.
- vii) Hon. Ohio Ezomo – Owan West.

- viii) Hon. Chris Okaeben - Oredo West.
- ix) Hon. Victor Sabor Edoror - Esan Central.
- x) Hon. Crosby Eribo - Egor
- xi) Hon. Washington Osifo - Uhumwode
- xii) Hon. Ahmed Oshomah - Etsako Central.
- xiii) Hon. Emmanuel Agbaje - Akoko Edo 2.
- xiv) Hon. Yekini Idiaye - Akoko Edo 1.
- xv) Hon. Eric Okaka - Owan East.
- xvi) Hon. Uyi Ekosuehi - Oredo West.
- xvii) Hon. Nosa Okunbor - Orhionwon East.

On 17<sup>th</sup> June, 2019, the Edo State House of Assembly was purportedly inaugurated following a proclamation by the State Governor, **Godwin Obaseki**, who was at the time a member of **All Progressives Congress (APC)**. He has since left the said party and joined the **Peoples Democratic Party (PDP)**. In the election into the Edo State House of Assembly, which was conducted on 9<sup>th</sup> March, 2019, twenty - four (24) members were elected into the said House on the platform of the All Progressives Congress.

At all material times before the 17<sup>th</sup> June, 2019, when the said Assembly was purportedly inaugurated, all the members-elect had complied with the provisions of the **5<sup>th</sup> schedule to the 1999 constitution (as altered)** by declaring their assets and liabilities preparatory to inauguration in line with the statutory and conventional practice in Nigeria. Contrary to the standard practice of inaugurating the House with all members present, if possible, the said House was inaugurated at odd hours with only about 9 (nine) members in attendance, while the others were prevented from attending the inauguration by the agents of the State Governor.

This unconstitutional behavior resulted in serious breaches of several constitutional provisions and which in turn underlines the continuous disequilibrium in the political stability of the state and the resultant insecurity that has characterized the state. Since then, the Assembly has been run by 9 (nine) Members to the exclusion of about 14 (fourteen) Members-elect for no justifiable reason whatsoever. The Members-elect have done everything possible to remedy the situation to no avail till date. More than 60% of Edo State remain unrepresented in the Assembly to the detriment of the citizens of our country who make up such constituencies.

The Rule of Law has been seriously eroded and replaced by strong arm tactics in Edo State. This in itself is anti-democratic and ought not to be allowed in a democratic government such as the one operated in Nigeria. By failing to inaugurate about 14 (fourteen) Members-elect of the House, there is a huge social and political disequilibrium in the state. Over 60% of the population of the state are unrepresented in the House of Assembly and are therefore missing out on constituency projects, employment and other forms of Government patronage. This has escalated the poverty levels in such constituencies and there is a corresponding increase in crime and general insecurity in such areas.

**Governor Obaseki** has now joined the **Peoples Democratic Party** with a few of the Honourable members supposedly inaugurated even when there is no nationally acknowledged faction in **All Progressives Congress (APC)**. This is contrary to the provisions of **Section 109(g) of the 1999 constitution (as altered)**. Democracy is founded on majority Rule. Only recently 3 (three) of the nine inaugurated Members including the Deputy Speaker, **Hon. Yekini Idiaje** have joined the 14 (fourteen) Hon. Members-Elect taking the number of Hon. Members who are unable to do their job as Lawmakers to 17 (seventeen).

It is undemocratic and unacceptable to any sovereign nation that the House of Assembly of one of the states making up the Federation of Nigeria is operated by only 7 (seven) Hon. Members out of the 24 (twenty four) elected. This is a huge ridicule to the Nigerian Legal-Political system, a source of instability and international embarrassment.

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Since the Members-elect were elected on the platform of **All Progressives Congress**, it is legally and politically incorrect to allow a party with minority Membership of the House of Assembly to keep out 17 (seventeen) Members-elect of the Majority political party in the House. This is unconventional and very strange to the legislature world-wide. Above all, it sends a wrong signal to the Nigerian public that votes do not matter and that Governors are above the provisions of the Nigerian constitution when carrying out their acts or omissions. This is an ugly perception that should not be allowed to take root in our National life as a Nation.

With the proclamation of the said House already done and the inauguration of the House having been purportedly effected, it is now left for the Members who have not taken oath to be allowed to take oath and carry out their duties in the interest of justice and our nascent democracy. There is no feature of the Law which precludes the said Hon. Members from taking their oath with the co-operation of sworn in Members and the Clerk of the House. After all, **Section 101 of the 1999 Constitution** provides for the House of Assembly to have power to regulate its own procedure in carrying out its business. It is not the duty of a Governor to do so.

#### PRAYER

We therefore respectfully, appeal to you as the Chief Law officer of the Federation to invoke your power pursuant to **Section 150 of the 1999 Constitution (as altered)** to arrest the breakdown of Constitutional Democracy in Edo State by intervening to restore a functional House of Assembly in line with the provisions of **Sections 90, 91, 101 and 104 of the 1999 Constitution (as altered)**. Our Clients shall be very obliged to have your intervention in order to save constitutional democracy in Edo State.

  
**Dr. Ehiogie WEST-Idahosa**  
*(Principal Partner and Notary Public)*



# ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE

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Federal Ministry of Justice  
Plot 71B, Shehu Shagari Way  
Maitama, Abuja FCT  
Nigeria

HAGF/IGR/2020/VOL.1/4

5<sup>th</sup> August 2020

RECEIVED  
THE INSPECTOR GENERAL OF POLICE  
05 AUG 2020  
The Inspector General of Police  
Nigeria Police Force Hqtrs  
Loius Edet House  
Abuja

P.S.  
CP Edo to  
provide security

## RE: URGENT AND NATIONALISTIC APPEAL TO INTERVENE IN THE RESTORATION OF CONSTITUTIONAL DEMOCRACY IN EDO STATE OF NIGERIA

1. My Office is in receipt of a letter dated 3<sup>rd</sup> August, 2020 from Messrs. West Idahosa & Co. requesting for the intervention of My Office on behalf of its clients who are members-elect of the Edo State House of Assembly but who were excluded or prevented from being inaugurated till date since the House was inaugurated on 17<sup>th</sup> June 2019. A copy of the letter is attached for ease of reference.
2. The law firm has requested that the affected members-elect, who are willing to discharge their constitutional roles, should be inaugurated or sworn in by the Clerk of the House. Furthermore, the members who have also been sworn in should not be prevented from discharging their duties under whatever guise. The above request is in line with the provisions of Sections 90, 91, 101 and 104 of the 1999 Constitution (as altered).
3. In view of the foregoing and in order to ensure constitutional compliance with the dictates of Sections 91 - 96 of the 1999 Constitution (as altered) and also to prevent breakdown of peace, law and order; I am requesting that you kindly provide adequate security measures for the purpose of the inauguration of the concerned members and the subsequent sittings of the Edo State House of Assembly.
4. Please accept, as always, the assurances of my best regards and highest esteem.

  
ABUBAKAR MALAMI, SAN

Honourable Attorney-General of the Federation  
and Minister of Justice.

THE INSPR. GENERAL OF POLICE



2020 AUG - 5 P 7 13

**OFFICE OF THE INSPECTOR-GENERAL OF POLICE**

Nigeria Police Force, Louis Edet House, Force Headquarters, Abuja - Nigeria

FORCE HEADQUARTERS ABUJA 01 893 894 4227 ✉ igp@fib.gov.ng

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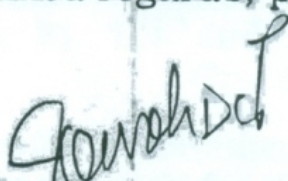
5<sup>th</sup> August, 2020

**The Commissioner of Police,**  
The Nigeria Police Force,  
State Command Headquarters,  
Benin City  
Edo State.

**RE: URGENT AND NATIONALISTIC APPEAL TO INTERVENE IN THE  
RESTORATION OF CONSTITUTIONAL DEMOCRACY IN EDO STATE OF  
NIGERIA**

I forward herewith a copy of letter dated 5<sup>th</sup> August, 2020 received from Attorney General of the Federation and Minister of Justice on the above underlined subject.

2. I am to respectfully convey the directive of the Inspector General of Police that you provide security as requested
3. Accept the assurances of my esteemed regards, please.

  
**DCP Idowu Owonunwa**  
Principal Staff Officer  
To  
Inspector-General of Police

Confidentiality Warning

*Unauthorized disclosure of information on this document is against the official secret act  
violators may be liable for prosecution*