

J-K/ABJ/TS/RFL/01/23

Thursday, January 19, 2023

The Secretary,
Body of Benchers,
Plot 688, Institute and Research District FCC,
Phase 111, Abuja,
Nigeria.

ATTN: Daniel Manasseh Tela, Esq.

Dear Sir,

**RE: FORWARDING LETTER: PRESS RELEASE ON THE JUST-
CONCLUDED NBA ELECTION**

The above Subject refers.

Introduction

Please recall that vide correspondence of Thursday, July 21, 2022, I forwarded my press release on the NBA National Elections conducted on Saturday, July 16, 2022 for the kind attention, information and consideration of the Chairman and Members of the distinguished Body of Benchers.

Press Release on NBA Election 2022

Vide my referenced correspondence, I emphasized the importance of intimating the members of this apex regulatory body in the legal profession of the occurrences and outcomes of the NBA poll and thereto attached the following:

1. Vulnerability report dated Sunday, July 10, 2022
2. Complaint letter dated Saturday, July 16, 2022
3. Email Reminder to the ECNBA on Sunday, July 17, 2022
4. Vulnerability report dated Monday, July 18, 2022
5. NBA National Elections 2022: Report dated Wednesday, July 20, 2022

6. Provision of information security and communication strategy for the forthcoming NBA National Elections dated Friday, June 24, 2022.
7. Re: Provision of information security and communication strategy for the forthcoming NBA National Elections dated Monday, June 27, 2022.
8. Request for proposal for technical support consultant to the ECNBA - Submission Reminder Notice dated April 21, 2022
9. Re: Request for Proposal for Technical Support Consultant to the ECNBA dated April 22, 2022; and
10. Respondents to Request for Proposal for Technical Support Consultant dated April 25, 2022

Utterances of Mr. Yakubu Chonoko Maikyau

As a follow-up, it has become expedient to write to this august body in light of the utterances of Mr Yakubu Maikyau as I have come to be aware by reason of the online publication of **CITY LAWYER MAGAZINE** which reported thus:

"CITY LAWYER also gathered that Maikyau berated his erstwhile opponent at the last NBA Elections, Chief Joe-Kyari Gadzama SAN for his petition to the Body of Benchers over the conduct of the recently concluded NBA Elections. Noting that Olanipekun had apologized to Gadzama at the last benchers' meeting for not reading out his letter of complaint on the alleged infractions during the elections, Maikyau reportedly berated Gadzama for the complaint, noting that he dusted him at the poll with more than half of Gadzama's tallied votes".

Please find attached a hardcopy of the said online publication. Additionally, please find the link below to directly access said online publication:

<https://citylawyermag.com/nba-nec-backs-maikyau-asks-olanipekun-to-recuse-self-ratifies-akpatas-nomination/>

Constitutional Non-Qualification of Mr Maikyau, SAN

For perspective and much a cause for grave concern, you may kindly recall that one Mr. Tochukwu E. Ohazuruike addressed a petition to the Electoral Committee of the Nigerian Bar Association (ECNBA) dated the 6th May, 2022. This Petition was hinged on the ground that one of the NBA presidential candidates, Mr. Yakubu Chonoko Maikyau, SAN was not constitutionally qualified to contest for the office of President in the 2022 NBA National

Officers' election due to his failure to meet the eligibility criteria of not less than two years' membership of NEC at the time of nomination, mandatorily required under section 9(3)(c)(i) of the Constitution and page 1 of the ECNBA's Preliminary Notice of Election dated the 17th day of March, 2022.

You may further recall that the said Petition also made copious references to verifiable minutes of the National Executive Council (NEC) meetings and signed attendance lists within the period of 2018 to 2020, confirming that Mr. Maikyau, SAN ('Mr Maikyau') was absent for three consecutive meetings by virtue of which he automatically lost NEC membership at the time under reference pursuant to section 8(8) of the Constitution. And that such period of Mr. Maikyau's non-membership of NEC cannot be reckoned with for purposes of computation of time as a NEC member for his nomination, qualification and participation in the 2022 NBA National Officers' election, held on the 16th day of July, 2022.

As you may also be aware, the Petition also averred that assuming Mr. Maikyau had not absented from three consecutive meetings under the Mr. Olumide Akpata-led NBA dispensation, Mr. Maikyau, SAN had not and could not have met the NEC eligibility criteria of not less than two years between the timeframe of August 2020 to the 15th April, 2022 deadline for nomination of candidates which was barely 20 months and thus less than the requisite two years. Thus, the NEC membership of Mr. Maikyau, SAN under the Olumide Akpata-led NBA does not also meet the minimum two years' requirement of NEC membership as stipulated in the NBA Constitution.

The ECNBA however did not consider the afore Petition on its merit, leaving much to be desired. The issues raised in the said Petition, prima facie, are plausible grounds for disqualification and their veracity should have been explored and not waived aside on the basis of technicality. This is more so considering that the response given by Mr. Maikyau, SAN in his letter dated 12th May 2022 was a confirmation/admission that, indeed, he was absent from three consecutive NBA-NEC meetings.

Non-Adherence with Rotation Principle

Furthermore, in compliance with the constitutional requirement for rotation pursuant to paragraph 2.2(d) of the second schedule to the NBA Constitution (the Constitution), an aspirant for the Office of the Presidency of the NBA had to be from a section/geo-political zone in the geographical zone where the

Presidency was zoned, which in this case was the North for the 2022 NBA National Elections. Owing to the fact that previous Presidents of the NBA had emerged from the North West and North Central geopolitical zones of the Northern Zone, the import of section 9(3) of the Constitution and paragraph 2.2(d) of the second schedule of the Constitution on the 2022 NBA general election was that only the North Eastern geographical zone in the North which was yet to produce an NBA President, could validly contest in the 2022 NBA Presidential election in view of the rotational principle enshrined in paragraph 2.2(d) of the second schedule to the Constitution. This was however not the case.

Electoral Irregularities

As I had earlier informed this distinguished Body, that before the conduct of the 2022 NBA National elections, my agent – Mr Andrew Madaki – tested the vulnerability of the website – electionbuddy.com - to conduct the election. His report showed that the website was susceptible to manipulation. During the conduct of the election, my agent also discovered numerous irregularities and expressed same via a letter to the ECNBA. He reported frequent timeouts on the website, lack of access to the backend of the servers, lack of graphical representation of the results and requested to audit the election, which the ECNBA promised to provide immediately and are yet to do.

Pending Unavailability of an Independent Forensic Audit

After the conduct of the election, my agent sent a reminder to the ECNBA on Sunday, July 17, 2022, to audit the election and discover if there were more irregularities but same was not provided by the ECNBA. I have been consistent that auditing the election will permit independent parties and agents to discover if there were any technical interferences to usurp the will of the electorate and that access was expected to have been provided immediately after the conclusion of the poll to prevent any party from tampering with the system. The pending unavailability of an independent forensic audit report and/or election logs rendered the possibility or otherwise of a Petition to the NBA-NEAC rather herculean and impossible as there were no verifiable material facts to bring before the NBA-NEAC which was a fact-finding Committee. It is further needless to confirm the trite position that availing all necessary facilities for making one's case is one of the hallmarks of the tenets of fair hearing.

Furthermore, the ECNBA had earlier stated that an audit would be conducted in the answers to the Frequently Asked Questions (FAQ) regarding the NBA election. In particular, the ECNBA stated regarding the question: 'Are electronic votes stored for recount and inspection and review purposes?', that 'Yes!... A comprehensive post-election report will be submitted for audit purposes. **The audited election report shall be presented to the election committee and NBA**'.

The FAQs were posted on the website of the ECNBA and also reported in a Publication by the **TheNigeriaLawyer** which can be accessed via this link:

<https://thenigerialawyer.com/nba-2022-elections-ecnba-answers-16-frequently-asked-questions-to-aid-voters-participate-in-july-16th-election/>

However, despite the statement by the ECNBA that the election would be open for inspection and review purposes, after the conduct of the election, the ECNBA, in a letter to my Agent dated July 23, 2022, stated as follows:

"The post-election duties of the TSC and ICT service providers are clearly provided for in Section 9 of Part III of Second Schedule of the NBA Constitution and they are expected to each submit a report to the ECNBA after completion of work. Such report shall be made available to candidates on request and shall be safely stored.

... We refer to the section above on anonymity as this was promised to voters and must be retained. For auditing the outcome, the list of confirmation codes, as well as list of voters that participated in the voting process is made part and parcel of the post-election reports by the Service Providers. Once the report is made available, we direct that you read other parts of the report and check the background of the signer, the ElectionBuddy President, who has no vested interest in this vote or the related results. In the circumstances, we have no constitutional obligation to grant your request for a forensic audit of the election and the results logs".

The import of the ECNBA's statement on my agent's request for an independent audit is clear.

Against this gory background, and by the reports of the City Lawyer Magazine, Mr. Maikyau, SAN now claims to have won by more than half of the supposed tallied votes and has berated me for my correspondence to this august body on the conduct of the NBA Elections. Consequent upon the foregoing, I consider it pertinent that I notify this august body, and reiterate expert findings and concerns that the technology adopted for the concluded NBA Election on Saturday, July 16, 2022 was highly vulnerable and most susceptible to electronic fraud, rigging and pre-programming of votes. The issue of an independent forensic audit of the election results and logs are still pending even after 6 months.

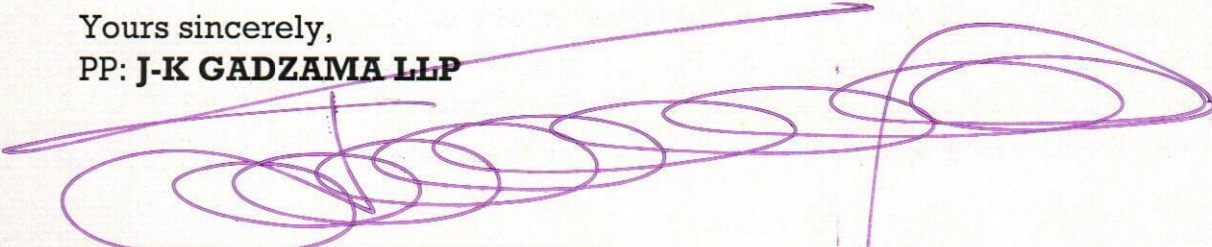
While the gamuts of the foregoing concerns have not been empirically dispelled, it may be far-reaching for Mr. Yakubu Chonoko Maikyau, SAN or indeed anyone to arrogate any unverified margin for a supposed victory at the 2022 National Elections in light of the likelihood of flawed and unverified data. The truth is like a sun, you can shut it out for a while but it never goes away.

Thank you.

I remain,

Yours sincerely,

PP: **J-K GADZAMA LLP**

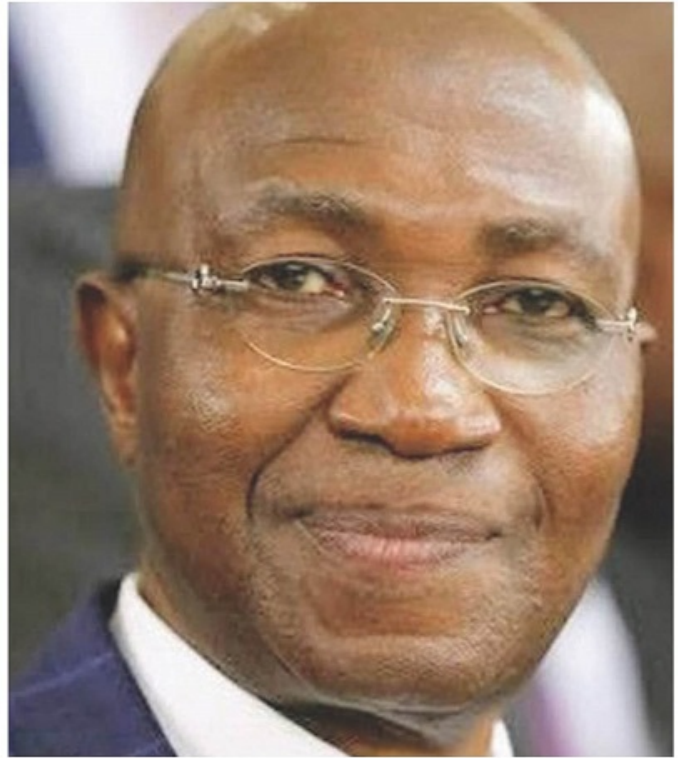


Joe-Kyari Gadzama, OFR, MFR, SAN

ENCLS:

1. The City Lawyer Magazine Publication of 16th December, 2022.
2. Forwarding Letter to Body of Benchers: Press Release on the Just Concluded NBA Election dated 21st July, 2022.
3. Petition from Mr. Tochukwu E. Ohazuruike to the ECNBA dated 6th May, 2022.
4. Petition from Mr. Tochukwu E. Ohazuruike to the ECNBA dated 10th May, 2022.

5. Petition from Mr. Tochukwu E. Ohazuruike to the ECNBA dated 11th May, 2022.
6. Reply from Mr. Yakubu Chonoko Maikye SAN to the Petition from Mr. Tochukwu E. Ohazuruike Dated 6th May 2022.
7. Letter from Mr. Olasupo Ojo to the ECNBA dated 25th January, 2022.



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NBA-NEC BACKS MAIKYAU, ASKS OLANIPEKUN TO RECUSE SELF, RATIFIES AKPATA'S NOMINATION

- **AGC TO HOLD AUG. 25 AT ABUJA**
- **LIST OF 150 CO-OPTED NEC MEMBERS RATIFIED**
- **CAC RG, SOLICITOR-GENERAL, OTHERS LISTED**
- **FACES OF AGC RIOT SUSPECTS IDENTIFIED**
- **MAIKYAU RAPS GADZAMA OVER PETITION TO BENCHERS**

Members of the Nigerian Bar Association National Executive Council (NBA-NEC) rose from their maiden meeting under the leadership of NBA President, Mr. Yakubu Maikyau SAN with a unanimous resolution that leading lawyer and embattled Body of Benchers Chairman, Chief Wole Olanipekun SAN should recuse himself from office.

This followed a motion to ratify Maikyau's letter to Olanipekun asking him to recuse himself from both the recent Call to Bar ceremonies and as Chairman of the Body of Benchers.

Following a heated debate on the matter, members resolved that the demand for recusal was not a personal battle of the NBA President but an issue that affects the entire legal profession.

Meanwhile, the NBA-NEC has also ratified the nomination of the immediate past NBA President, Mr. Olumide Akpata as a returnee-member of the elite Body of Benchers alongside two others. **CITY LAWYER** had in an exclusive report noted that the benchers had “stepped down” consideration of Akpata’s nomination on the ground that his curriculum vitae was not attached to Maikyau’s nomination letter. Olanipekun had during the debate on the matter at the last Body of Benchers meeting hinted that NBA nominees to the body were presented to NEC for ratification during his tenure as NBA President.

CITY LAWYER had in an exclusive report cited a complaint by former Minister of Energy and Petroleum ministries, Mr. Odein Ajumogobia SAN over an email from Ms. Adekunbi Ogunde, a Partner in Wole Olanipekun & Co, allegedly soliciting to take over a brief his law firm was handling from his client, SAIPEM SPA. Following his demand for an apology, Wole Olanipekun & Co apologized for the debacle and disowned the Partner. NBA has since filed a petition against the embattled senior lawyer at the Legal Practitioners Disciplinary Committee (LPDC), an arm of the Body of Benchers. An ancillary prayer to indict other partners in the law firm was dismissed by a preliminary investigative panel of the committee.

The NBA-NEC also ratified the decision of the National Executive Committee to hold next year’s Annual General Conference (AGC) in Abuja from August 25 to September 1, 2023. Maikyau was given anticipatory approval to constitute committees for the association, including the Technical Committee on Conference Planning (TCCP).

The meeting ratified a list of Co-opted NEC Members issued by Maikyau. Notable among the highlighted members was the Registrar-General of the Corporate Affairs Commission (CAC), given that the CAC had lately been estranged from NBA activities. Also listed was the Solicitor-General of the Federation among others. Controversy has however trailed the “list,” as **CITY LAWYER** gathered from unimpeachable sources that not even NBA National Officers have seen the full list of Co-opted Members. This has raised issues as to the exact list that was ratified by NBA-NEC.

CITY LAWYER gathered that the meeting also resolved that NBA should sanction all promoters of the new lawyers’ association, the Law Society of Nigeria (LSN). Sources told **CITY LAWYER** that former NBA General Secretary, Mr. Nimi Walson-Jack was singled out for serious lampooning, even as some argued that he was merely a solicitor to the promoters of the new law society.

Meanwhile, the NBA may soon publish images of those suspected to have participated in the invasion of NBA booths designated for distribution of materials at the last Annual General Conference. **CITY LAWYER** gathered that the Mr. Wale Fapohunda SAN-led Conference Incident Investigation Committee has identified some suspects whose pictures were displayed at the meeting.

CITY LAWYER also gathered that Maikyau berated his erstwhile opponent at the last NBA Elections, Chief Joe-Kyari Gazama SAN for his petition to the Body of Benchers over the conduct of the recently concluded NBA Elections. Noting that Olanipekun had apologized to Gadzama at the last benchers’ meeting for not reading out his letter of complaint on the alleged infractions during the elections, Maikyau reportedly berated Gadzama for the complaint, noting that he dusted him at the poll with more than half of Gadzama’s tallied votes.

Among those who attended the meeting both in-person and online were former NBA Presidents, Dr. Olisa Agbakoba SAN, Mr. Paul Usoro SAN and Akpata; former NBA General Secretary, Mr. Rafiu Lawal-Rabana SAN and his counterpart, Mr. Afam Osigwe SAN as well as former Attorney-General and Minister of Justice, Chief Bayo Ojo SAN.

To join our Telegram platform, please click **here** (<https://t.me/CITYLAWYERMag?fbclid=IwAR2QqkEvqWQyl6zkmppgmJ5MGXfxH3OmQW3HEirk4kJXyThOKeb4wUP9ZWtU>)

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POLITICS ([HTTPS://CITYLAWYERMAG.COM/CATEGORY/POLITICS/](https://citylawyermag.com/category/politics/))

LITIGATION ([HTTPS://CITYLAWYERMAG.COM/CATEGORY/LITIGATION/](https://citylawyermag.com/category/litigation/))

J-K/ABJ/TS/FL/07/22

Thursday, July 21, 2022

The Secretary,
Body of Benchers,
Plot 688, Institute & Research District FCC,
Phase 111, Abuja,
Nigeria.

ATTN: Daniel Manasseh Tela

Dear Sir,

FORWARDING LETTER: PRESS RELEASE ON THE JUST-CONCLUDED NBA ELECTION

As you may be aware, I contested for the position of President of the NBA at the national election which was conducted on Saturday, July 16, 2022.

I am writing this letter to your kind self to forward my attached press release to the Chairman and Members of the distinguished Body of Benchers for their kind attention, information and consideration.

It is pertinent to inform members of the apex regulatory body in the legal profession of the occurrences and outcome of the just-concluded poll of the NBA.

Thank you.

Yours faithfully,

PP: J-K GADZAMA LLP



Joe-Kyari Gadzama, OFR, MFR, SAN
(tjg/tjg)

PRESS RELEASE ON THE JUST-CONCLUDED NBA NATIONAL ELECTION

Introduction

As you may recall, the National Election of the Nigerian Bar Association ('NBA') was concluded on Saturday, July 16, 2022.

My utmost appreciation goes to the members of the Electoral Committee of the NBA ('ECNBA') who conducted our election. I respect each of them and commend their efforts. I equally salute all the contestants who vied for various positions.

Pre-Election

It is pertinent to state that before the conduct of the election, my agent – Mr Andrew Madaki tested the vulnerability of the website to conduct the election – electionbuddy.com. The report, which is attached to this release, shows that the website was susceptible to manipulation.

Thereafter, my agent and other agents present raised some of these concerns during the press briefing conducted by the ECNBA on the eve of the election.

Voting

During the conduct of the election, my agent discovered numerous irregularities and expressed same by a letter sent via email to the ECNBA at 2:00 pm. The same is attached to this release. In the email, he reported the frequent timeouts experienced by the site, lack of access to the backend of the server, lack of graphical representation of the results and ultimately requested to audit the election, which the ECNBA promised to provide immediately.

Post-Election

After the conduct of the election, my agent sent a reminder to the ECNBA on Sunday, July 17, 2022 to audit the election and discover if there were more irregularities but same has not been provided by the ECNBA.

After the conduct of the election, my agent engaged another IT specialist to test the server. The report of the specialist which was dated Monday, July 18, 2022 also shows that there is a high likelihood that the system could be hacked and manipulated. A follow-up report by my agent dated Wednesday, July 20, 2022 confirms that this occurrence was more than likely. I have been advised that this is why the percentage score among all the three Presidential candidates remained within the same range from the commencement of voting till the end. This, as I have been advised, is not human behavior but mechanical.

It is important to re-iterate that auditing the election will permit independent parties and agents to discover if there were any technical interferences to usurp the will of the electorate. This access is expected to have been provided immediately after the conclusion of the poll to prevent any party from tampering with the system.

Pre-Qualification of Technical Consultant to ECNBA

On Friday, June 24, 2022, I invited numerous IT specialists to advise me. One of them was Mr Mohammed Mustapha who I asked to provide information security and communication strategy in the just-concluded NBA Election; however, on Monday, June 27, 2022, Mr Mustapha declined my offer as a result of conflict of interest because he had earlier applied to the ECNBA to act as a consultant. After declining my request, Mr Mustapha informed me that although he had applied to be a consultant to the ECNBA before the deadline, the ECNBA did not list his company as one that had applied; rather only two companies were listed before one was selected to provide the consultancy. The two referenced letters are attached.

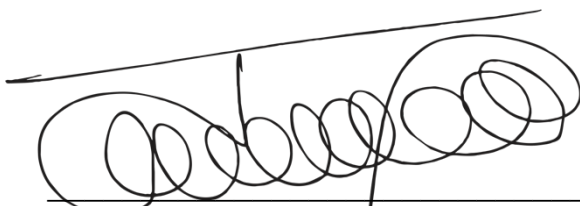
Also attached to this release are: (i) the notice released by the ECNBA asking for proposals for a technical consultant titled '*Request for Proposal for Technical Support Consultant to the ECNBA – Submission Reminder Notice*', (ii) *acknowledged* copy of the bid by Mr Mustapha titled '*Re: Request for Proposal for Technical Support Consultant to the ECNBA*'

received by the ECNBA at 3:35 pm on 22/4/22, and (iii) the notice displaying companies that applied titled '*Respondents to Request for Proposal for Technical Support Consultant*'.

Conclusion

On the whole, and in view of the above facts and attached documents, it is clear that the technology adopted was highly vulnerable and most susceptible to electronic fraud, rigging and pre-programming of votes. I hereby call upon the ECNBA to allow an immediate audit of the election and server.

Dated this Wednesday, the 20th day of July, 2022


Joe Kyari Gadzama OFR, MFR, SAN
Presidential Candidate

ENCLS:

1. Vulnerability report dated Sunday, July 10, 2022;
2. Complaint letter dated Saturday, July 16, 2022;
3. Email reminder to the ECNBA on Sunday, July 17, 2022;
4. Vulnerability report dated Monday, July 18, 2022;
5. NBA National Elections 2022: Report dated Wednesday, July 20, 2022;
6. Provision of information security and communication strategy for the forthcoming NBA election dated Friday, June 24, 2022;
7. Re: Provision of information security and communication strategy for the forthcoming NBA National Elections dated Monday, June 27, 2022;
8. Request for proposal for technical support consultant to the ECNBA – Submission Reminder Notice dated April 21, 2022;
9. Re: Request for Proposal for Technical Support Consultant to the ECNBA dated April 22, 2022; and
10. Respondents to Request for Proposal for Technical Support Consultant dated April 25, 2022.

10th July 2022**Gadzama Joe-Kyari****Presidential Candidate, Nigerian Bar Association**

INITIAL ASSESSMENT REPORT

Following the selection of technical consultants and partners for the upcoming NBA election, www.electionbuddy.com was selected as the platform to conduct the elections.

The technical team has done an initial study on the company and its platform based on publicly available information. As a result, we have come up with the following lists of observations and recommendations, in relation to the transparency and integrity of the upcoming elections.

Observations:

1. The platform has been used by reputable organizations in the past, including the NBA.
2. The platform has reasonable security in place but there are a few loopholes.
3. The election process seems credible and has left little room for manipulation.
4. The consultant has claimed that voting records will be kept for 4 to 7 years.

Recommendations:

From our findings, it is clear that the service provider has taken some steps to guarantee a seamless process on their platform. However, in order to limit the possibility of manipulation and rigging, we suggest the follow recommendations:

1. Voter authentication at vote: There must be a way verify the identity of who exactly is casting every vote. OTP confirms the device, not the person casting the vote.
2. Access Control: We must know who has administrative access to the system and the justification for granting such an individual such access and privileges. We must also know what changes such a user can make to the votes and voting process.
3. Check resilience to interference: The platform must be stress tested to ensure it is configured to withstand heavy traffic, to prevent site crashing or slowness.
4. No weighted votes: Every vote must have the same weight.
5. Real-time monitoring: All candidates should be able to see the vote count in real-time.
6. Ask about the bounce rate: To know how many eligible voters will not be able to vote.
7. Email Deliverability: In case emails end up in spam, SMS should also be sent to all voters.



8. Audit: All votes should carry artefacts such as time stamp and voter ID. Results should be presentable in multiple ways such as filtered by candidate, hour, or branch.
9. Voter Eligibility: Efforts must be made to confirm that voters are truly eligible by virtue of timely payment of their bar-practicing fees and branch dues. This verification must rely on data from the bank account, not the branches.
10. Web Security: Login pages should have limits on login attempts, account lockout, and 2-factor authentication, to limit the risk of brute force attacks. While a successful attack may not directly affect the election outcome, it can cast doubts on the integrity of the elections.

Conclusion:

Based on our findings, we believe that if all the issues raised in the recommendations above are adequately addressed, it will be almost impossible to rig the election. No system is impregnable and should be subject to stress test. If the concerns are not addressed, then there may be some risk of manipulation beyond manual modification of the casted votes.

A handwritten signature in black ink, appearing to read 'Andrew Agbo-Madaki'.

Andrew Agbo-Madaki

Bsc, MSc,(Computer Forensics)

Mphil,(Security and Strategic Studies)

PhD in view (Security and Strategic Studies)

CEO Decy 4 Technologies



16th July 2022

Attn: Chairman ECNBA

**ELECTORAL COMMITTEE OF THE
NIGERIAN BAR ASSOCIATION [ECNBA]
No. 9 Oro Ago Crescent,
Garki, Abuja.**

**Complaints Against Fundamental Irregularities and Non-Compliance in the NBA
National Election**

I write in respect of the ongoing Nigerian Bar Association elections slated for the 16th, July 2022 (today) to express the following concerns.

1. At the press briefing of agents and stakeholders on the 15th of July 2022, several agents complained about the last-minute briefing which did not avail ample time for the agents and IT experts of the candidates to test the voting system and portal.
2. Agents were also excluded from the demo where random people were selected to participate in.
3. At the briefing, the Representative of INITS limited stated that live results will be available for all voters to see during the elections at the domain: <http://go.nigerianbar.org.ng>, however at the start of the election and throughout the election, up to this moment, this option was not made available. Only agents in the situation room had access to the live results.
4. Agents also requested for backend access to review the voting portal as required under international best practices, this request was rejected.
5. It is also important to state that despite assurances of the ECNBA and the technology provider INITS limited on the suitability of the voting site www.electionbuddy.com, between the hours of 1am to 3am there were repeated error messages while viewing the live results (error: 502 bad gateway): The HyperText Transfer Protocol (HTTP) 502 Bad Gateway server error response code indicates that the server, while acting as a gateway or proxy, received an invalid response from the upstream server.
6. this makes us question the credibility and efficiency of the portal which promised to handle a 100,000 voter capacity.



6. Agents and stakeholders were also requested graphical representation of the results which would show details according to branches. This was not made available during the election period.

7. We would like to request for a forensic audit of the election and the result logs.

Thank you

Kind regards

Andrew Agbo-Madaki

Cc

1. J-K Gadzama SAN
Presidential Candidate
2. Secretary
Electoral Committee of the NBA

Andy Madaki JNR @

Re: Complaint on Irregularities and Non-Compliance | NBA National Elections

To: info@ecnba.ng, Cc: NBA Ayodele Akintunde SAN, Basil Udotai, Miss Abdullahi Aisha, Chidi Anselm Odinkalu, Gadzama@j-kgadzamallp.com

Attn: Chairman, ECNBA

Dear Sir,

I write in reference to my initial email in respect to the just concluded Nigerian Bar Association Election.

This is a reminder to confirm receipt and I await response as promised, to the previous request for an audit. Can you kindly provide an update on the request?

Pleased treat as urgent.

Kind regards
Andrew Agbo-Madaki

On 16 Jul 2022, at 14:00, Andy Madaki <agboandy@gmail.com> wrote:

Attn: Chairman
Electoral Committee
Nigerian Bar Association

Dear Sir,

I write in the capacity of Agent for Gadzama Joe-Kyari SAN, a presidential candidate in the ongoing NBA Elections 2022 holding today 16th July 2022.

Please find attached letter of complaint.

Kind regards
Andrew Agbo-Madaki

Agent for Gadzama Joe-Kyari
SAN



Letter to
ECNBA.pdf

Jeswills Eleke MCMA

Theorist, Researcher, Business adviser, Developer, Inventor, Author

Memberships:

Telecommunication and Technology Sustainability Working Group (TTSWG), Nigeria.

International Alliance of Holistic Therapists (IATA), United Kingdom.

Complimentary Medical Association (CMA), United Kingdom.

July 18, 2022

Chief Executive Officer,
Decy4 Technologies Limited
Utako, Abuja.

Sir,

RE: Request to run Penetration and Vulnerability test on www.electionbuddy.com

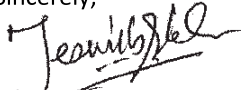
Above subject refers. This letter serves as response to both your physical and email requests to check the vulnerability of the platform, www.electionbuddy.com, and to report my conclusion – post election.

Based on my expert assessment, I state the following:

1. The platform www.electionbuddy.com has medium to high vulnerability
2. The site, www.electionbuddy.com, can be taken over by an average hacker through malicious injection of codes both remotely and locally as vital files and applications running the server are exposed
3. The security of the website is not top notch and hereby is below the best international standard

From the above points and the deep-seated information on the report, I will say that the platform is not secured enough to hold a highly contestable position and a highly sensitive position like the president of the Nigerian Bar Association (NBA) election. I so submit.

Sincerely,



Jeswills Eleke MCMA
Chief Software Architect

20th July 2022

Attn: Gadzama Joe-Kyari
 Presidential Candidate, NBA National Elections

NBA NATIONAL ELECTIONS 2022 REPORT

1. On the 24th of June 2022, the Electoral Committee of the Nigerian Bar Association held a stakeholders briefing and press conference to enlighten stakeholders on preparations for the elections.
2. At this meeting it was mentioned that INITS was shortlisted to provide the voting platform for the 2022 NBA elections while Finesse Integrated was selected to act as technical consultants to the committee.
3. Subsequently on the 13th of July 2022 the ECNBA released a notice for Pre-Election Testing on Thursday 14th July 2022 where certain eligible voters were randomly selected to participate in a mock election between 7am-1pm. None of the agents were invited to participate.
4. It should be noted that agents of the candidates were contacted only on Friday 15th July 2022 via email at 11:33am for a Stakeholders' meeting and pre-election press conference (email screenshot attached). This was 12 hours before commencement of voting and does not give ample time for a thorough review by the agents.

Stakeholders' Meeting, Pre-Election Press Conference and the 2022 NBA Elections

Inbox x



info@ecnba.ng <info@ecnba.ng>
 to Info, NBA, Basil, Miss, Chidi ▾

Fri, Jul 15, 11:33 AM (4 days ago) ☆ ↶ ⋮

Dear Agent,

Please be informed that the NBA 2022 Elections is scheduled to start by 12am, Saturday, 16 July 2022. You will be required to register at the venue for the ECNBA's Situation Room (i.e., NBA Institute Building at No 9, Oro Ago Crescent Garki 312, Abuja-FCT) ahead of the Elections.

Your registration commences by 4:30pm while the Stakeholders' Meeting and Press Conference starts by 5pm today, 15 July 2022.

If you require further assistance, please do not hesitate to contact us via 08034969102

Kind Regards,

Mabel Ekeke

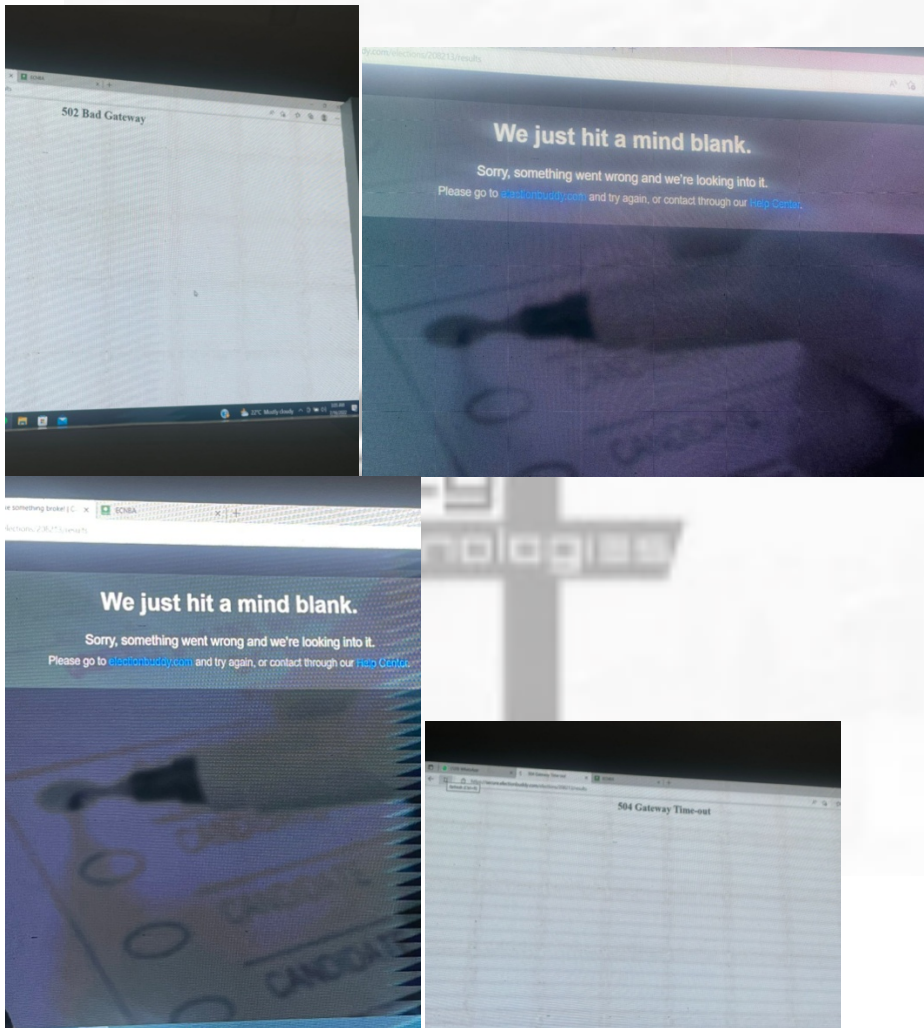
Secretary, ECNBA

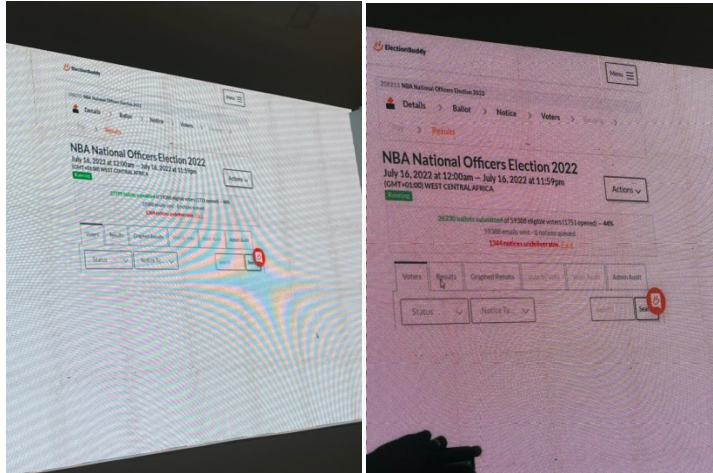
Adekunle Akindele

5. At the briefing, agents asked for independent test of the voting platform, the security precautions put in place, real-time monitoring, backend access and also about the lack of physical presence of the Technical Provider (INITS Limited) in the situation room to provide real-time technical support.
6. The electoral committee assured the stakeholders on its preparedness and encouraged the stakeholders to carry out open source tests on the website www.electionbuddy.com if they had any concerns.



7. Initial concerns and questions raised were submitted to the ECNBA during the course of the election on the 16th of July 2022. As agent representing a presidential candidate, I requested for an audit of the platform due to multiple timeouts of the results server during the election.
8. The result portal timed out at 1:32 am showing **“502 Bad Gateway”** and **“504 gateway timeout”** and 3 times at between 2:51 and 3:05am. This reoccurred multiple times within the voting period and around 1:58pm to 2:20pm on the day of the elections.





9. It should be further noted that at 2:18pm in the situation room, a representative of INITS Limited stated that it was a server error which were being resolved. Two members of the ECNBA also briefed the agents in the situation room to remain calm as the issue was being resolved.
10. On briefing my candidate of the situation, a formal complaint was written and submitted to the ECNBA with these concerns, requesting for an audit.
11. It should also be noted that on the 18th of July 2022, a reminder email was sent to the ECNBA.
12. As of today 20th July 2022, ninety-six (96) hours after the initial complaint to ECNBA, I am yet to receive any form of acknowledgment or response.
13. Election logs and a request for an audit are yet to be provided.

EXPERT OPINION

1. Cybersecurity principle revolves around three cardinal point; Confidentiality, Integrity and Availability. The absence of any of the aforementioned can lead to reasonable doubt in the security of a system or process.
2. Elections are based on trust. This infers that for the voters and candidate to trust the process, the platform must ensure stability and security at every point in time. The server errors encountered, the inadequate response and support provided by the technical consultant provides room for reasonable doubt.
3. To ensure transparency, independent bodies should have vetted the platform alongside the candidates prior to the election. The absence of this negates the principle of transparency as expected.



4. The time-lapse between the time of complaint, close of voting and release of results without provision of the election logs for audit gives ample room for the data to be contaminated and the chain of custody to be questioned. This also gives room to the platform providers to update any earlier identified vulnerability before an audit.
5. www.electionbuddy.com is a wordpress site which is susceptible to medium or high vulnerabilities and cannot guaranteed adequate confidence in the platform.
6. Third party independent vulnerability assessment external ICT experts also confirm potential vulnerabilities which threatens the process. Find expert assessment attached
7. In conclusion, and in consideration of international best practices, we would offer the opinion that the processes of the election were neither credible nor transparent. Accordingly, its purported outcome cannot be said to be free or fair.

A handwritten signature in blue ink, appearing to read 'A. Agbo-Madani'.

Andrew Agbo-Madani

Bsc, MSc, (Computer Forensics)

Mphil, (Security and Strategic Studies)

PhD in view (Security and Strategic Studies)

CEO Decy 4 Technologies

JOE-KYARI GADZAMA, OFR, MFR, SAN, FNIALS, FICMC, DipICarb, FNICarb, FCI Arb, C.Arb.

Shettima of Borno/Sardauna of Uba/Okwuluora of Ukpo/Bobajiro of Akure Kingdom

Chairman, NBA-Security Agencies Relations Committee

Chairman, Mentoring Committee of the Body of Benchers for Young Lawyers

Chairman, Advisory Board of Association Environmental Lawyers of Nigeria

Chairman, Chartered Institute of Arbitrators, Abuja Chapter (2010 - 2012)

Chairman, NBA Abuja (Unity) Branch (2002 - 2004)

Pioneer Chairman, NBA - Section on Public Interest and Development Law (SPIDEL) (2006 - 2010)

Pioneer Vice Chairman, NBA Section on Legal Practice (SLP)

Pioneer Council Member, Section on Business Law (SBL)

Member, National Executive Council (NEC) of the NBA (1998 - 2016); (2018 - till date)

Council Member, African Bar Association (AfBA)

Life Benchers

J-K/ABJ/MM/ENG/06/22

Friday, June 24, 2022

Mohammed Mustapha,
Founder/CEO
Aliph Technologies Ltd
14 Oke Agbe Street,
Garki II, Abuja,
Nigeria.

Original copy
collected by
me
Mohammed Mustapha
24/06/2022

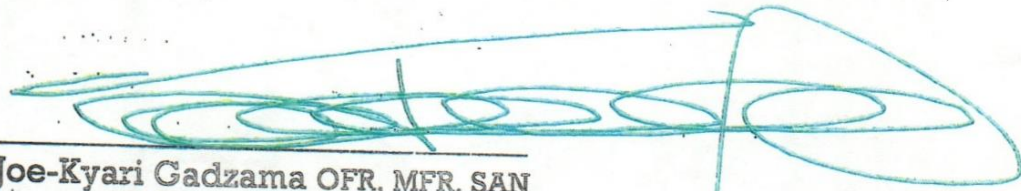
Dear Mr Mustapha,

**Provision of Information Security and Communication Strategy for the
Forthcoming NBA Election**

I am writing to formally engage you to provide information security and communication strategy to me at the forthcoming NBA national election scheduled to take place on Saturday, July 16, 2022.

Kindly take this as my instruction to you to supervise, advise and take all necessary steps to monitor the electronic election and ensure compliance with international best practices.

Yours faithfully,


Joe-Kyari Gadzama OFR, MFR, SAN



Aliph Technologies Ltd RC:860944

14 Oke Agbe Street, Garki 2, Abuja

09-2900010, 08038005079

admin@aliph.ng

www.aliph.ng



27th June 2022

Chief Joe-Kyari Gadzama OFR, MFR, SAN, FNIALS, FICMC, DipiCarb, FNICArb, C.Arb.

J-K Gadzama LLP,

J-K Gadzama Court,

Plot 1805, Damaturu Crescent, By Kabo Way,

Off Ahmadu Bello Way,

Garki 2 -Abuja.

Dear Sir,

**Re: Provision of Information Security and communication strategy
for the forthcoming NBA National Elections.**

Sequel to your request on the above subject matter, we do hereby write to decline the service based on the fact that we had already applied for the bid of the Technical consultant to provide support services for the said elections thereby constituting a conflict of interest.

Moreover, we are still disappointed by the entire process due to the following observations;

1. The Electoral Committee of the Nigerian Bar Association (ECNBA) had called for proposals for consultants to offer technical support services for the election.
2. We then applied having met the requirement as an ICT company and submitted our technical & financial bid (please see attached ECNBA acknowledgment of our submission).
3. To our greatest surprise and dismay we found out through the publications from the NBA of the omission of any mention of our name from the list of the several companies that have applied even after the acknowledgement.

4. The manner in which the technical consultant was selected was not transparent to us and that in itself had left a bad impression on us as a company to believe in the electoral process as a whole.

Thank you

CC:

1. Advert Letter for call to bid
2. Bid submission acknowledgement letter from ECNBA
3. Publication of companies that applied

Yours faithfully,

For: **Aliph Technologies Ltd**



Mohammed Mustapha

Founder/CEO | 08038005079

Aliph

**ELECTORAL COMMITTEE OF THE NIGERIAN BAR ASSOCIATION**

ECNBA Secretariat, 1st Floor, Abuja Chamber of Commerce and Industry, Abuja Trade & Convention Centre, KM 8 Umaru Musa Yar'adua Express Way, (Airport Road), Abuja
info@ecnba.ng

REQUEST FOR PROPOSAL FOR TECHNICAL SUPPORT CONSULTANT TO THE ECNBA – SUBMISSION REMINDER NOTICE

This notice serves as a reminder that all proposals from potential Technical Support Consultant must be submitted by:

- (a) Physical delivery or by a reputable courier company by **4pm Friday 22 April 2022** addressed to:

The Secretary,

Electoral Committee of the Nigerian Bar Association

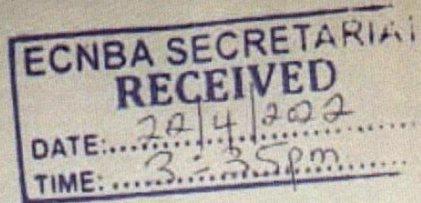
ECNBA Secretariat, 1st Floor, Abuja Chamber of Commerce and Industry, Abuja Trade & Convention Centre, KM 8 Umaru Musa Yar'adua Express Way, (Airport Road), Abuja.

- (b) and electronically by **11:59pm on Friday 22 April 2022** via info@ecnba.ng.

Dated 21 April 2022

Ayodele Akintunde, SAN
Chairman

Mabel Ekeke
Secretary



22nd April 2022

The Secretary,
Electoral Committee of the Nigerian Bar Association,
ECNBA Secretariat,
1st Floor, Abuja Chamber of Commerce and Industry,
Abuja Trade & Convention Centre,
KM 8 Musa Yar'adua Express Way,
Airport Road,
Abuja, Nigeria.

Dear Sir,

RE: REQUEST FOR PROPOSAL FOR TECHNICAL SUPPORT CONSULTANT TO THE ECNBA.

Executive Summary

Aliph Technologies Ltd is a value added system integrator & consultancy firm for enterprises that leverage on technology to manage their day to day operations. We offer end-to-end solutions and help organizations plan, build, support and manage their IT Infrastructure systems and endeavours.

Aliph hereby writes to propose to offer its Technical Support Consultancy Services to the ECNBA that will provide technical assistance in accordance with the constitution throughout the electoral process and carry out all post-election activities as required by the ECNBA.

Work Schedule & Milestone

Expected deliverables and timelines include:

1. Inception Report - including a detailed work plan & methodology: This will be submitted by the end of week 2 After commencement of the technical support consultancy project
2. A feasibility study report with input from ECNBA- by the end of week 4
3. Technical specifications / audit of all existing systems to be used for the election - by the end of week 6
4. A hand over report - by the end of week 7
5. Handover to ECNBA end of week 10
6. Post-Election Activities commences till end of cycle.



ELECTORAL COMMITTEE OF THE NIGERIAN BAR ASSOCIATION

ECNBA Secretariat

1st Floor, Abuja Chamber of Commerce and Industry, Abuja Trade & Convention Centre,
KM 8 Umaru Musa Yar'adua Express Way, (Airport Road), Abuja
info@ecnba.ng

INFORMATION RELEASE

RESPONDENTS TO REQUEST FOR PROPOSAL FOR TECHNICAL SUPPORT CONSULTANT

This information release is issued pursuant to Part III (5), Second Schedule of the Constitution of the NBA, 2015 as amended in 2021.

Please be informed that the underlisted entities have submitted both technical and financial proposals to the ECNBA in response to the Request for Proposal published by the ECNBA on Monday, 11 April 2022, offering to provide services as Technical Support Consultant to the ECNBA:

Company	Address	CEO/Director	Summary of Relevant Experience
Finesse Integrated Technologies Limited	15 Ahmadu A. Ali Crescent Utako Abuja	Akintomide Akinwolere	Nigeria Deposit Insurance Corporation (NDIC) - Implementation of ISO standards across three standards, ISO 22301, 20000 and 27001 (information security). NBA - Technical Consultant to the ECNBA for the 2018 NBA general elections. NBA - Automation of the ICLE Certificate issuance process. NBA - Development and hosting of the NBA website from 4 (four) years.

			<p>Supreme Court of Nigeria - Development and automation of the Supreme Court Lawyer Enrolment and Roll number generation System</p> <p>National Judicial Council (NJC)- Legal Mail system for all Lawyers in Nigeria</p> <p>Court of Appeal- Development and Hosting of Website and Cloud based Intranet Management information system</p> <p>National Judicial Institute- Development and Hosting of Website</p> <p>National Pension Commission - Supply and Installation of Vulnerability assessment and remediation system</p> <p>Galaxy Backbone - Managed Security Services for FGN datacenter and websites.</p> <p>Nigeria Bulk Electricity Trading Company- Vulnerability and forensic assessment of the entire network and Email system</p>
Thriveonus Limited	5 Kwaji Close, Maitama Abuja	Godwin Arigbonu	<p>National Agency for Food & Drug Administration Control- Development and deployment for web portal, mobile app & API (24 February, 2022)</p> <p>Reviewing, updating, editing, indexing, correcting, publishing, and migration of NAFDAC revised Drug Product Database [50,000+ product records]</p>

			<p>Professional training on Drug Information System for Pharmacists and Staff</p> <p>Wootlab Innovation Limited-</p> <p>Technology Infrastructure Assessment & Design of Enterprise Information System Architecture</p> <p>Technology Infrastructure Assessment and Process Audit High-Level Enterprise Information System Architecture Design</p> <p>[17 September 2021]</p> <p>Global Initiative Against Disasters [GIAD]- Appointment as Investment Web Portal Developer</p> <p>Investment Portal Design and Development</p> <p>Technical Training and Support [16 October 2019]</p>
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We wish to invite any member of the Association who has any reason why the foregoing entities should not be engaged as Technical Support Consultant by the ECNBA, to contact us by email(info@ecnba.ng) with all relevant fact in that regard by or before 11:59pm Wednesday, 27 April 2022.

Dated 25 April 2022



Ayodele Akintunde, SAN, C.Arb
Chairman, ECNBA



Mabel Ekeke
Secretary, ECNBA

SUITE BS 302
BANEX PLAZA
PLOT 750 AMINU KANO CRESCENT
WUSE II, ABUJA.
thejoyofthepeople01@gmail.com
08037071877, 07087070550

6th May, 2022

The Chairman,

Electoral Committee of the Nigerian Bar Association (ECNBA),
ECNBA Secretariat,
1st Floor, Abuja Chamber of Commerce and Industry,
Abuja Trade & Convention Centre,
KM 8, Umaru Musa Yar'adua Express Way,
Airport Road,
Abuja.



Dear Sir,

INELIGIBILITY OF Y.C. MAIKYAU, SAN FOR ELECTION INTO THE OFFICE OF
PRESIDENT OF THE NIGERIAN BAR ASSOCIATION (NBA) ON THE GROUND OF
NON-FULFILLMENT OF SECTION 9(3)(C)(I) OF NBA CONSTITUTION

I am a registered member of the Abuja (Unity Bar) branch of the Nigerian Bar Association (NBA) in good financial standing and I write to your distinguished Committee in respect of the referenced subject.

As a concerned member of the Bar, I consider it necessary to formally complain and bring to the attention of the ECNBA that Y.C. Maikyau, SAN is not constitutionally qualified to contest for the office of President in the forthcoming 2022 NBA National Officers' election due to his failure to meet the eligibility criteria of not less than two years membership of NEC at the time of nomination mandatorily required under **section 9(3)(c)(i) of the NBA Constitution**.

Section 9 (3)(c)(i) of the NBA Constitution stipulates membership of NEC for not less than two (2) years at the time of nomination as a mandatory qualification for the office of the NBA President. This requirement was clearly restated in page 1 of the ECNBA preliminary notice of election dated 17th March, 2022. My complaint herein is that Y.C. Maikyau has not met this eligibility requirement to contest for the office of President of the NBA as demonstrated in the succeeding paragraphs of this complaint.

Y.C. Maikyau, SAN was first appointed as a co-opted member of NEC in the year 2018 by the NBA administration led by Paul Usoro, SAN. Y.C. Maikyau, SAN however automatically lost his membership of NEC when he absented himself, refused, failed and/or omitted to attend three (3) consecutive meetings of NEC by virtue of **section 8 (8) of the**

NBA Constitution. Having lost his membership of NEC within the period under review, it therefore means such period of his non-membership cannot be reckoned with for purposes of computation of time as NEC member for his nomination, qualification and participation in the 2022 NBA National Officers' election. Minutes of NEC meetings showing attendance of members are usually circulated to members and are thus easily accessible and verifiable. Nevertheless, I have attached copies of verifiable minutes of NEC meetings and signed attendance lists within the period of 2018 to 2020 which confirms without equivocation that Y.C. Maikyau, SAN indeed missed three consecutive meetings by virtue of which he automatically lost his NEC membership at the time by virtue of **section 8 (8) of the NBA Constitution** which provides as follows:

" Any member who is absent from three (3) consecutive meetings of the National Executive Council shall cease to be a member of the Council unless he/she shows reasonable cause for such absence to the satisfaction of the Council." (Emphasis mine).

From the attached NEC attendance lists and minutes, it is clear that Y.C. Maikyau, SAN automatically lost his initial membership of NEC before the end of the two years 2018 to 2020 tenure of Paul Usoro, SAN led NBA administration. The implication of this is that in the eyes of the law, Y.C. Maikyau, SAN was not a NEC member for the material period.

It is also on record that Y.C. Maikyau, SAN was again appointed as a co-opted member of NEC under the current NBA administration led by the indefatigable Mr. Olumide Akpata. The current administration assumed leadership of the NBA in August, 2020 and appointed co-opted members thereafter. Assuming that Y.C. Maikyau, SAN has not missed t' consecutive meetings under the current dispensation, he has still not and could not have the NEC eligibility criteria of not less than two years between the short timeframe, August, 2020 to the 15th April, 2022 deadline for nomination of candidates which is barely 20 months (less than the requisite two years). Thus, the NEC membership of Y.C. Maikyau, SAN under the current dispensation does not also meet the minimum two years NEC membership stipulated in the NBA Constitution.


Flowing from the foregoing, it is crystal clear that Y.C. Maikyau, SAN does not possess the qualification of not less than two years membership of NEC. **Y.C. Maikyau, SAN is therefore ineligible to contest the 2022 National Officers' election and should therefore not be cleared by the ECNBA in line with the NBA Constitution.**

The world is watching the NBA electoral process and compliance with set rules and laid down regulations is not negotiable. As a professional body of lawyers with promotion and protection of the principles of the rule of law as one of its aims/objectives, we cannot afford to set bad precedents especially as we approach the 2023 general elections where the NBA as a body will be expected to uphold and advance the rule of law. If we disobey our own laws in the conduct of the 2022 NBA elections, what moral compass will we have to criticize partisan politicians and other stakeholders when they err in the 2023 general elections process? I therefore enjoin this noble Committee to do the needful by ensuring that only qualified persons are cleared to contest the forthcoming NBA National officers' election.

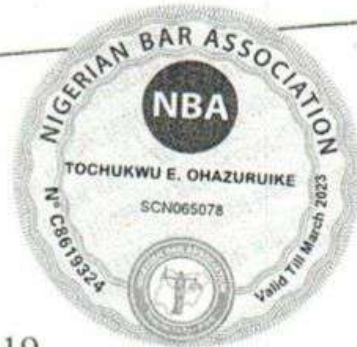
It is my prayer that God will continue to guide the ECNBA and give you all the courage to discharge your functions without fear or favour.

I thank you for anticipated dispassionate consideration of this complaint and necessary action.

Yours faithfully,


6/5/2022

Tochukwu E. Ohazuruike, Esq.



ENCLOSURES

1. Attendance list for NEC meeting of March, 2019.
2. Attendance list for NEC meeting of 19th - 20th June, 2019.
3. Attendance list for NEC meeting of 25th August, 2019.
4. Attendance list for NEC meeting of 4th December, 2019.
5. Attendance list for NEC meeting of 11th - 12th March, 2020.
6. Minutes of NEC meeting for 20th June, 2019.
7. Minutes of NEC meeting for 25th August, 2019.
8. Minutes of NEC meeting for 6th December, 2019.

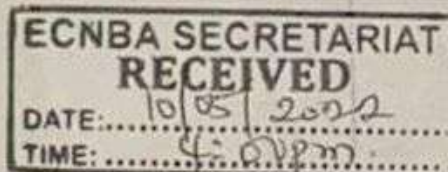
LIBERTY ATTORNEYS

SOLICITORS, ADVOCATES AND LEGAL RESEARCHERS

SUITE BS 302
BANEX PLAZA
PLOT 750 AMINU KANO CRESCENT
WUSE II, ABUJA.
thejoyofthepeople01@gmail.com
08037071877, 07087070550

10th May, 2022

The Chairman,
Electoral Committee of the Nigerian Bar Association (ECNBA),
ECNBA Secretariat,
1st Floor, Abuja Chamber of Commerce and Industry,
Abuja Trade & Convention Centre,
KM 8, Umaru Musa Yar'adua Express Way,
Airport Road,
Abuja.



Dear Sir,

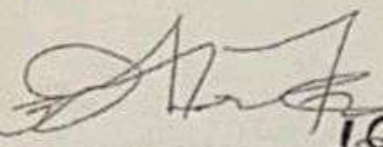
**RE: INELIGIBILITY OF Y.C. MAIKYAU, SAN FOR ELECTION INTO THE
OFFICE OF PRESIDENT OF THE NIGERIAN BAR ASSOCIATION (NBA)
ON THE GROUND OF NON-FULFILLMENT OF SECTION 9(3)(C)(I) OF
NBA CONSTITUTION**

Please refer to my letter dated 6th May, 2022 which receipt was acknowledged by the ECNBA on 9th May, 2022. Please find attached the acknowledged copy for your reference.

Further to the details and complaints in my referenced letter, I wish to provide further particulars to the ECNBA which is that Y.C. Maikyau, SAN did not attend any of the 9 NEC meetings for the period 2018 to 2020. I believe that highlighting this will further assist the ECNBA in taking proper actions in respect of my petition.

Please accept, as always, the assurances of my best regards.

Thank you.


10/5/2022
Tochukwu E. Ohazuruike, Esq.



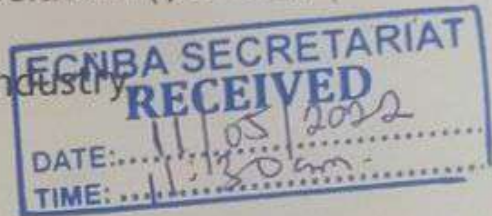
ATTCH:

Acknowledged copy of the letter to ECNBA dated 6th May, 2022.

WUSE II, ABUJA.
thejoyofthepeople01@gmail.com
08037071877, 07087070550

Wednesday, 11th May, 2022

The Chairman,
Electoral Committee of the Nigerian Bar Association (ECNBA),
ECNBA Secretariat,
1st Floor, Abuja Chamber of Commerce and Industry
Abuja Trade & Convention Centre,
KM 8, Umaru Musa Yar'Adua Express Way,
Airport Road, Abuja.



Dear Distinguished Chairman,

**INELIGIBILITY OF YAKUBU C. MAIKYAU, SAN TO CONTEST FOR THE OFFICE OF
NBA PRESIDENT FOR FAILURE TO HAVE FULL MEMBERSHIP OF THE NBA AS
MANDATORILY REQUIRED UNDER SECTION 9(3)(A) OF THE NBA CONSTITUTION**

I am a registered financially up-to-date member of the Abuja branch (Unity Bar) of the Nigerian Bar Association (NBA) and I formally complain against the nomination and eligibility of Yakubu C. Maikyau, SAN to contest the 2022 NBA National Officers' election on the ground that contrary to the details provided in his nomination form, he is not and has not been a member of my branch.

Section 9(3) (a) of the NBA Constitution mandatorily requires a candidate for National Officers' election to be a full member of the NBA. It provides that -

"A member of the Association shall be qualified to hold a National Office if he/she (a) is a full member of the Association and ..."

Section 4 (1) (a) of the NBA Constitution defines full membership thus:

"A full member of the Association shall be any person duly enrolled at the Supreme Court of Nigeria as a legal practitioner and registered with a Branch of the Association" (Emphasis mine)

I have been a member of the Unity Bar and I know that Yakubu C. Maikyau, SAN has never formally been a member of the Unity Bar at any time whatsoever. The authentic register and records of the branch will reveal this without difficulty. The first and last he was seen at the Abuja Branch meeting was on 1st April, 2022 when his friends hosted the monthly meeting in his honour.

This branch membership requirement for qualification as full member of NBA, as set out above, has not been met by Yakubu C. Maikyau, SAN as he has indicated in his nomination form a branch - Unity Bar - which he does not belong to. No doubt, mere participation in activities of a branch (if any) or clearance or letter of good standing from a branch Chairman/EXCO does not translate to formal membership of a branch for purposes of qualification to contest for the office of NBA President under section 9(3)(a) read in conjunction with section 4(1)(a) of the NBA Constitution. Also, having one's name on the branch list of financially up-to-date members as payer of Bar Practicing Fees (BPF) and Branch Dues (BD) is also not conclusive proof of membership as one can easily choose and indicate a branch of his/her choice at the point of payment without more and the system will automatically reflect same. For instance, anyone from Abuja branch can indicate Ekiti Branch as his/her Branch at the point of payment of BPF/BD and the person's name will be ascribed to that branch even if the person has never been to Ekiti before.

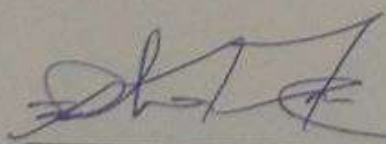
Given that Yakubu C. Maikyau, SAN is not a member of the Unity Bar as represented by him, it follows that he is not eligible to contest the forthcoming elections under the highlighted provisions of the NBA Constitution. I therefore urge the ECNBA to scrutinize the eligibility of Yakubu C. Maikyau, SAN on this Constitutional ground and accordingly disqualify him in the circumstances.

Accordingly, the ECNBA is hereby requested to discountenance any purported letter of good standing issued in favour of Yakubu C. Maikyau, SAN which may have emanated from NBA Abuja Branch as same was issued without basis. ECNBA, please do the right thing for the profession to move forward positively.

I am hopeful that the ECNBA in determining eligibility of candidates will demonstrate respect for rule of law as enshrined in paragraph 7 of the code of conduct for ECNBA as contained in Part II of second schedule of the NBA Constitution.

Thank you in anticipation of your positive consideration of this complaint and appropriate action.

Yours faithfully,



Tochukwu E. Ohazuruike, Esq.

YAKUBU C. MAIKYAU, SAN, FCI Arb.

Y. C. MAIKYAU AND COMPANY

Legal Practitioner, Notary Public & Arbitrator

Abuja: 37A, Nwankchott Street, Zone 1, Wuse, Abuja

Sokoto: No. 9, Abdullahi Fodio Road, Sokoto, Sokoto State.

Tel: +234-8033114171, +234-8082071002

E-mail: ycmailyau@maikyaulaw.com, ycmailyaulaw@gmail.com

12th May 2022.

**The Chairman,
Electoral Committee of the Nigerian Bar Association,
ECNBA Secretariat,
1st Floor, Abuja Chamber of Commerce and Industry,
Abuja Trade & Convention Centre,
KM 8, Umaru Musa Yar'adua Expressway,
Airport Road,
Abuja.**

Dear Sir,

**RE: INELIGIBILITY OF Y. C. MAIKYAU, SAN FOR ELECTION INTO
THE OFFICE OF PRESIDENT OF THE NIGERIAN BAR
ASSOCIATION (NBA) ON THE GROUND OF NON-FULFILMENT
OF SECTION 9(3)(C)(1) OF NBA CONSTITUTION.**

1. The above refers.
2. I have gone through the Petition by Tochukwu E. Ohazuruike, Esq, dated **6/5/2022**, alleging that I am not qualified to contest for office of the President of the Nigerian Bar Association(NBA), in the forthcoming election for National Officers of the Association. The Petition alluded to my alleged failure to meet the mandatory eligibility criteria under **section 9(3)(c)(i) of the NBA Constitution**; that I automatically lost my membership of the National Executive Committee (now Council) NEC, when I allegedly failed to attend three (3) consecutive meetings of NEC by virtue of Section 8(8) of the NBA Constitution. I have also seen the further letter dated **10/5/2022**, wherein the Petitioner alleged that I did not attend any of the 9 meetings of the NEC for the period between 2018 and 2020.

My Response:

3. The allegation that I didn't attend the meetings of the 2018 – 2020 NEC is hereby denied. I also deny the allegation that my membership of that NEC ceased at any time before the end of that administration. The Petitioner, beyond citing the provisions of the NBA Constitution and alleging that I did not attend meetings, has failed to show that my membership of the 2018 – 2020 NEC ceased at any time before the **26th of August 2020**. It should be noted that the Petitioner admitted my membership of the NEC for the period between 2018 to 2020, this being no less the action of any institution of the NBA than the NEC itself. Suffice to say that what has been admitted requires no further proof. Nonetheless, see my letter of appointment into the NEC dated **4th May, 2019** attached hereto, as **Annexure 1**.

4. **Section 7(7) of the NBA Constitution, 2015** (as amended) (which was in force during the period under reference) provided thus:

“Any member who is absent from three (3) consecutive meetings of the National Executive Committee shall cease to be a member of the National Executive Committee unless he/she shows reasonable cause for such absence to the satisfaction of the National Executive Committee.”

5. While the above section provided for the circumstances under which a person's membership of the NEC may cease, the proviso **“...unless he/she shows reasonable cause for such absence to the satisfaction of the National Executive Committee”** is noteworthy and germane to the resolution of this petition. It is clear from the language of the Constitution that the provision is NOT self-executing. Rather, the provision contemplates that a Member of NEC shall cease to be a member ONLY by or UPON a resolution of the National Executive Committee (now Council) to that effect.

6. Secondly, it is also clear from the language of the Constitution that, before such a resolution or decision is taken by NEC, terminating a person's membership on the stated ground, there must first be a hearing and such a member must be given the opportunity to show reasonable cause for his absence to the satisfaction of the National Executive Committee.

7. In the petition under reference, the Petitioner has neither shown that there was any resolution of the 2018 – 2020 NEC terminating my membership of the Committee for non-attendance at meetings, nor

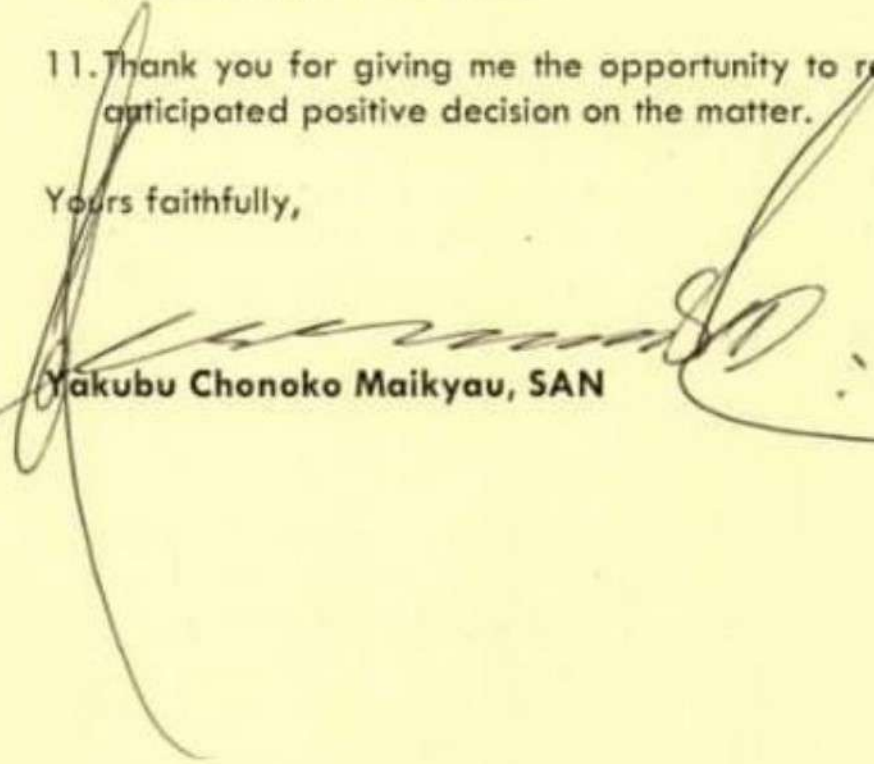
has he alleged that there was any such resolution. The Petitioner has also not shown that I did in fact cease to be a member of the NEC. None of the documents which accompanied the petition, show or contain any complaint regarding my alleged absence from any NEC meeting, any deliberation by NEC on such a complaint or any decision of NEC terminating my membership thereof. What the Petitioner has done or seeks to do, is to call on the ECNBA to do what the National Executive Committee of 2018 – 2020 would have done, were it to have received a complaint against me for alleged absenteeism and upon deliberation as stated above, taken a decision to terminate my NEC membership. By his petition, the Petitioner has not only called on the ECNBA to terminate my NEC membership but to do so with retrospective effect from 2019.

8. With respect to the Petitioner, this honourable Committee cannot do so and ought not to allow any person to drag it into an arena beyond the precincts delineated for its assignment. May I respectfully state for the sake of clarity that, the body that had the power to determine whether my membership of the NEC had ceased was the NEC as constituted in 2018 – 2020 led by President Paul Usoro, not the current National Executive Council and certainly not the ECNBA. A Petition to terminate my membership of NEC should have come during the subsistence of that NEC as led by Mr. Paul Usoro SAN. As stated earlier, no such complaint was made to it and no such decision was taken by that NEC.
9. Finally, may I reiterate the points that (i) the Petitioner has not shown that my membership of the 2018 – 2020 NEC ceased at any point before the **26th of August 2020**; and (ii) the Petitioner admits that I was indeed co-opted into that NEC as a member thereof. His allegation that I ceased to be a member for non-attendance must be strictly proved by him and the way to do so is by presenting before this Committee a Resolution of that NEC, duly signed by the President and General Secretary, declaring that I ceased to be a member thereof. May I also reiterate that this ECNBA cannot go into a forensic audit of Attendance Registers and Minutes of Meetings of NEC to decide whether I was attending meetings or not and whether my membership thereof ought to be terminated. It also cannot take a decision to terminate my membership of the 2018 – 2020 NEC. That is the sole duty of that NEC and it is only the proceedings of that NEC terminating my membership that can form the basis of a petition such as this, I so submit.

10. I therefore humbly request this Electoral Committee of the Nigerian Bar Association to disregard the Petition and the allegations therein as misguided and one predicated on a gross misunderstanding of the Constitution of the NBA.

11. Thank you for giving me the opportunity to respond and for your anticipated positive decision on the matter.

Yours faithfully,


Yakubu Chonoko Maikyau, SAN



OLASUPO OJO ESQ.

Solicitor and Advocate of the Supreme Court of Nigeria
LAWBOLD. No 4 Nurudeen Street, Anifowose, Ikeja, Lagos.
Tel: 0803-304-6175, E-mail: olasupo.ojo@gmail.com

OO/ECNBA/ABJ/ECNBA/02/22

Tuesday, January 25th, 2022.

“URGENT”

The Chairman,
Electoral Committee of the Nigerian Bar Association,
NBA House,
Plot 1101 Mohammadu Buhari Way,
Central Business District 900103,
Abuja.

ATTENTION: Ayodele Akintunde, SAN, FCI Arb.(UK), C.Arb, FBR.

Dear Mr. Chairman,

**ENQUIRY AS TO THE IMPORT OF SECTION 9(3) OF THE NBA CONSTITUTION
AND PARAGRAPHS 2.2(B) & 2.2(D) OF THE SECOND SCHEDULE ON THE 2022
NBA NATIONAL OFFICERS' ELECTION**

Firstly, permit me to congratulate you on your well deserved appointment and inauguration as Chairman of the Electoral Committee of the Nigerian Bar Association (ECNBA). There is no doubt that your appointment will herald the much needed transparency and equity required in the forthcoming NBA National Officers' election. As a senior member of the Nigerian Bar Association and former Secretary of the NBA Constitution Review Committee, I believe that my concern and enquiry on the above-captioned issue is in order; especially given that I am a stakeholder of the Bar interested in the activities of the NBA including the forthcoming NBA National Officers' election.

In the main, I write to formally seek the attention of the ECNBA, for the proper interpretation of the mandatory provisions of section 9(3) of the NBA Constitution as well as paragraphs 2.2(b) and 2.2(d) of the second schedule in light of the forthcoming 2022 NBA National Officers' election.

Pursuant to the dictates of section 9(3) of NBA Constitution and paragraphs 2.2(b) and 2.2(d) of the second schedule, the rotation of the candidacy for the office of the presidency amongst different groups/sections in the geographical zones created by the NBA Constitution has been and is an intrinsic provision of the NBA Constitution; which has since been endorsed by the 2020 Electoral Reform and Audit Committee which recommended *inter alia* that same;

“...should be strictly adhered to in order to ensure that no group and/or section in a geographical zone is marginalized and the unity of the bar is preserved.”

This report and recommendation was also given imprimatur by its subsequent adoption by the NBA NEC as contained in the communiqué issued by the President and General Secretary of the Association on March 18, 2021. **Kindly find attached the relevant pages of the report, NEC minutes of meeting and communiqué for ease of reference.**

In accordance with section 9(3) of the NBA Constitution and paragraph 2.2(d) of the second schedule, the geographical zones consist of Northern, Eastern and Western Zones, and what constitutes different groups or sections in the NBA Constitution is akin to the geopolitical zones within the geographical zones. For the sake of emphasis, we reproduce **section 9(3) of the NBA Constitution** as follows:

“For the purposes of election into National Offices, the country shall be divided into three zones as set out in the Second Schedule.”

Paragraph 2.2(b) of the second schedule to the Constitution provides thus:

“The positions of the President, 1st Vice President, 2nd Vice President, 3rd Vice President and General Secretary shall rotate among the three zones. In determining the eligibility of a candidate to contest for any of the rotated offices, regard shall be had to a candidate’s Geographical Zone of origin and not the geographical Zone where he/she carries on legal practice.”

Paragraph 2.2(d) of the Second Schedule to the NBA Constitution on its part provides that:

*“Where a position is zoned to any particular geographical zone, the position **shall** be rotated and held in turn by the different groups and/or sections in the geographical zone.”* (Emphasis mine)

No doubt, the implication of the reproduced portion of the schedule is that for purposes of the 2022 NBA National Officers’ election, the positions of President and 1st Vice President are zoned to the North; General Secretary is zoned to the West, 2nd Vice President is zoned to the East and 3rd Vice President is zoned to the West in line with paragraph 2.2(d) of the second schedule.

Having due regard to paragraph 2.2(d) of the second schedule to the NBA Constitution reproduced above, an aspirant to the Office of the Presidency of the NBA has to be from a section/geo-political zone in the geographical zone where the Presidency is zoned, in this case the North for 2022 NBA election, in compliance with the constitutional rotation requirement. This rotation within the geographical zones also applies to the positions of 1st Vice President, 2nd Vice President, 3rd Vice President and General Secretary which have all been zoned to specific geographical zones for the purposes of the 2022 NBA elections as pointed out above. That is to say that within the Western zone, the rotational principle will apply in view of the different sections/groups which are mid-west and south-west while in the Eastern Zone; rotation is to be between the south-south and south-east. In the same vein, the rotation is to be amongst the North-Central, North-West and North-East geopolitical zones within the Northern zone.

For instance, following the build-up to the 2022 NBA election which has been zoned to the North, there are several prospective aspirants for the position of the NBA President from the Northern Zone, many of whom have consulted me in respect thereof.

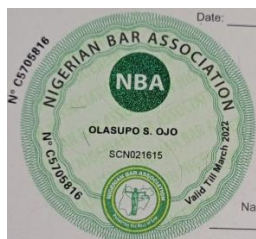
I seek the clarification and/or confirmation of the ECNBA as to the import of section 9(3) of the NBA Constitution and paragraph 2.2(d) of the second schedule of the NBA Constitution on the 2022 NBA general election in the determination of the issue as to the eligibility status of aspirants emerging from the sub-zones from the North, West and East geopolitical zones respectively with respect to the offices zoned to them.. In my humble view the need for this clarification now is germane to the transparency and fairness of the electoral process and clearly represents the clear and mandatory provision of the just amended NBA Constitution and should ideally therefore be expressly indicated in the guidelines that will be issued and published by the ECNBA in due course.

In the circumstances, I seek the required clarification as it relates to the rotation amongst the various sections/groups within the respective zones that are to produce the next NBA President, General Secretary and Vice Presidents in order to be properly guided as a voter and key stakeholder of the Bar. This is more so as consultations are ongoing and I intend to possibly contest or play key roles in the electioneering process at the appropriate time. I humbly entreat you to treat this matter with utmost fairness, transparency, justice and strict adherence to the rule of law as it is a sensitive issue touching on the future of the Nigerian Bar. I await your prompt response on this matter so that I can be guided accordingly.

Please be assured of my highest professional esteem.

Thank you.

Yours sincerely,



Olasupo Ojo, Esq.

NBA, Ikeja Branch

CC:

All members,

Electoral Committee of the Nigerian Bar Association (ECNBA)

ENCLOSURES

1. Relevant pages of report of the NBA Electoral Reform and Audit Committee
2. Relevant pages of NEC minutes of meeting
3. NEC communiqué