**IN THE SUPREME COURT OF NIGERIA**

**HOLDEN AT ABUJA**

 **SC NO.: ……………. 2023**

**BETWEEN**

1. **ATTORNEY GENERAL OF ADAMAWA STATE**
2. **ATTORNEY GENERAL OF AKWA IBOM STATE**
3. **ATTORNEY GENERAL OF BAYELSA STATE**
4. **ATTORNEY GENERAL OF DELTA STATE ………….......PLAINTIFFS**
5. **ATTORNEY GENERAL OF EDO STATE /APPLICANTS**
6. **ATTORNEY GENERAL OF SOKOTO STATE**

**V**

**ATTORNEY GENERAL OF THE FEDERATION ..............DEFENDANT/**

 **RESPONDENT**

**AFFIDAVIT OF URGENCY IN SUPPORT OF NOTICE OF MOTION**

I, Isaiah Bozimo, Male, Adult, Christian, Nigerian Citizen, Honourable Attorney General and Commissioner for Justice, Delta State of Ministry of Justice, Prof. Chike Edozien Secretariat, Maryam Babangida Way, Asaba, Delta State, do hereby make oath and state as follows:

1. That I am Honourable Attorney General and Commissioner for Justice of the 4th Plaintiff.
2. That by virtue of my position as aforesaid, I am very conversant with the facts and circumstances of this case.
3. That I have the consent and authority of the Plaintiffs/Applicants and that of my employer, Prof. Mike A. A. Ozekhome, SAN, who is the lead counsel in this suit, to depose to this affidavit of urgency.
4. That at a meeting held during a review of this case at the Conference Room of Mike Ozekhome’s Chambers, Ukwe Court, Plot 2215, Nile Street, Maitama, Abuja, on **Tuesday, 28th February, 2023**, at about **11.00am**, I was informed by the lead counsel herein of the following facts and I verily believe him to be true, as follows:
5. That he has the consent and authority of the Governments of Adamawa State, Akwa Ibom State, Bayelsa State, Delta State, Edo State, and Sokoto State to represent them in this suit

1. That the Plaintiffs/Applicants herein are creations of the Constitution of the Federal Republic of Nigeria, 1999, as altered and serve as the Chief Law Officer of their various states.

1. That the Defendant is an office created under the Constitution of the Federal Republic of Nigeria which, inter alia, serves as the Chief Law Officer of the Federation.

1. That the National Elections, comprising the Presidential and National Assembly Elections for the positions of President of the Federal Republic of Nigeria, Members of the Senate of the Federal Republic of Nigeria and Members, Federal House of Representatives were conducted by the Federal Government of Nigeria nationwide on the **25th February 2023,** through its agency the Independent National Electoral Commission (INEC).

1. That he knows as a fact that the National Elections are mandatorily required to be conducted in full and substantial compliance with the provisions of the **Electoral Act 2022** and the **INEC Regulations and Guidelines and Manual for the Conduct of Elections 2022,** made pursuant to the provisions of **Sections 70 and 148 of the Electoral Act 2022.**

1. That the Federal Government of Nigeria, through the Independent National Electoral Commission (the body saddled with the responsibility for the conduct of the said election by the Constitution of the Federal Republic of Nigeria, 1999 as altered), issued and published in the Federal Government Gazette, guidelines for the elections which made provisions, among other things, for the step-by-step recording of the poll in the electoral forms as prescribed, beginning from the polling unit to the last collation center for the ward or constituency where the result of the election is declared.

1. That the collation of the National Election results from the 36 States of the Federation, and that of the Federal Capital Territory, for the said **2023** Presidential and National Assembly elections have been marred with fundamental failure to comply with the mandatory provisions of many sections, including **Section 65 of the Electoral Act, 2022;** **Paragraph 38 of the INEC Regulations and Guidelines for the Conduct of Elections, 2022; and INEC Manual for Electoral Officials, 2023,** made pursuant to the provisions of **Sections 70 and 148 of the Electoral Act, 2022.**

1. That the agents and officials of the Federal Government of Nigeria and that of the Independent National Electoral Commission failed to transmit the collated results as prescribed by, amongst others, the provisions of **Section 65 of Electoral Act 2022;** **Paragraph 38 of the INEC Regulations and Guidelines for the Conduct of Elections 2022**; and **INEC Manual for Electoral Officials 2023**, requiring transmission of the results by the use of **Bimodal Voter Accreditation System (BVAS)** in flagrant breach of the above provisions of **the Electoral Act 2022;** **the INEC Regulations and Guidelines for the Conduct of Elections 2022; INEC Manual and other extant laws**.

1. That the Non-Compliance with the due process of law has since led to a widespread displeasure and disapproval from a wide spectrum of the Nigerian populace, including political party agents, well-meaning Nigerians and former Heads of State of the Federal Republic of Nigeria.

1. That he knows as a fact that the Federal Government of Nigeria through the Independent National Electoral Commission (INEC) is empowered by law to correct the elections due to technical glitches and errors arising from the conduct of the elections with substantial effect on the electoral process in line with the provisions of **Section 47 (3) of the Electoral Act 2022**.

1. That the Federal Government of Nigeria has nonetheless continued to collate results for the Presidential and National Assembly elections, notwithstanding the fundamental flaws identified in the process of the collation of results and the public outcry that have greeted the entire electoral process.

1. That most Nigerians, including the Governments and peoples of Adamawa State, Akwa Ibom State, Bayelsa State, Delta State, Edo State, and Sokoto State, are entitled to a proper and electoral lawful process and procedure that guarantees a free, fair, transparent and credible election.
2. That there is no justifiable basis for the ongoing collation of results without compliance with the mandatory provisions of the law that mandatorily require the use of BVAs, electronic transmission to the IRev Portal.
3. That unless this Honourable Court intervenes, the Governments and peoples of Adamawa State, Akwa Ibom State, Bayelsa State, Delta State, Edo State, and Sokoto State, who have suffered and will continue to suffer irreparable hardship and damage of unquantifiable proportions by being denied the opportunity to participate fairly in a free, transparent, fair and credible election, which can lead to a breakdown of law and order and thus endanger the public peace, security, safety, order and good governance, consequent upon the violent demonstrations and protests that have already started to take place in different parts of the country, including the Plaintiff States, as a result of the fundamentally flawed electoral process, which does not represent the wishes of Nigerians and of the Plaintiff States.
4. That there is no justifiable basis for the ongoing collation of results without compliance with the mandatory provisions of the law.
5. That the Plaintiffs/Applicants had in their substantive suit invoked the original jurisdiction of this Honourable Court, against the Defendant, upon observing numerous discrepancies in the state results for the on-going 2023 presidential elections.
6. That it is imperative that the Plaintiffs seek for an order for accelerated hearing and to abridge the time within which the Defendant is to respond.
7. That it is in the best interest of Justice for this Honourable Court to grant this application as the Parties will not be prejudiced by its grant and as it will serve the overriding interest of justice and expeditious determination of the entire suit and ultimately, the rights of the parties herein.
8. That the Plaintiffs/Applicants undertake to indemnify the Defendant / Respondent if it is later discovered that this application should not have been granted.

1. That I depose to this affidavit in good faith conscientiously believing the contents to be true and correct and in accordance with the Oaths Act.

---------------------------

    D E P O N E N T

**SWORN** to at the Registry of the Supreme Court of Nigeria,

FCT, Abuja, this ……… day of ……………………. 2023.

**BEFORE ME**

**COMMISSIONER FOR OATHS**