Open GAVEL. NYESOM WIKE JUDICIARY **ELECTIONS NYESOM WIKE JUDICIA** ROTESTS JUDICIARY SUPPORT IN ELECTORA ATIC INSTITUTI**ons perceived bias in court** r STS NYESOM WIKE NEPOTISM IN JUDICIARY APPOIN DEMONSTRATIONS EXECUTIVE'S INFLUENCE OF BILITY FAIRNESS IN COURT RULINGS INTEG RIVERS STATE POLITICAL CRISIS JUDICIARY OVE APPOINTMENTS JUDICIARY AND GOVERNANCE TIVE FAVORS IN JUDICIAL INFRASTRUCTURE ARY'S ROLE IN GOVERNANCE AND ELECTION CIARY'S ROLE IN POLITICAL MANIPULATION JUD ARY'S INDEPENDENCE AND OVERSIGHT NYES Y FINANCIAL INDEPENDENCE JUDICIARY'S FAIRNI UPREME COURT ELECTORAL MALPRACT CTION ELECT**ORAL INTEGRITY** JUDICIAL OFFIC DEPENDENCE JU<mark>DICIAL MANIPULATION JUDICIAL INFL</mark>UE AL OVERSIGHT JUDICIAL CONDUCT COURT OF APPEAL CO ICIAL CORRUPTION JUDICIAL INTEGRITY CONFLICT OF I ICIARY GOVERNANCE JUDICIARY INFRASTRUCTURE EX AL REFORMS LEGAL SYSTEM JUDICIARY REFORM BUD RULE OF LAW DEMOCRATIC INSTITUTIONS LEGAL FRAMI ACCOUNTABILITY JUDICIAL FAIRNESS SELF-SUST ENCE COURT FEES INTERNAL REVENUE GENERATION JUI JUDICIAL SYSTEM EXECUTIVE IN PERFERENCE JUDICIARY ABLE COURT RULINGS PRO-WIKE LAWMAKERS PRO-WIKE S **ECUTIVE INFLUENCE ON JUDGES NYESOM WIKE** OM 'S ROLE IN GOVERNANCE POLITICAL INTERESTS O ISP POL RITISM IN **JUDICIAL APPOINTMENTS** JUD**ICIARY** SES IDICIARY'S INDEPENDENCE IN GOVERNANC ECT VIKE JU**DICIA**RY INFR**ASTRUCTURE PRO**JEC IN POL SUPPORT IN ELECTORAL INTEGRITY LATIO **UTES AND JUDICIARY'S RO** E JUDICIARY ALLE

# NYESOM WIKE'S JUDICIAL INFLUENCE CORRELATION OR COINCIDENCE?

# Introduction

Between 2015 and the present, Nyesom Wike, a two-term governor of Rivers State and the current Minister of the Federal Capital Territory, has undertaken several notable resource interventions. These include the construction of 20 residential quarters for judges of Rivers State origin, the building of a Federal High Court complex in Rivers State, the distribution of 29 new SUVs to magistrates in Rivers State, the promise of land allocation to Abuja judges, and the construction of 40 houses for Abuja judges. Critics have viewed these interventions as attempts to curry favour with the judiciary. Omoyele Sowore, a prominent human rights activist and convener of the #RevolutionNow movement, has recently criticized the Minister of the Federal Capital Territory (FCT), accusing him of being the primary corruptor of Nigeria's judicial system. Sowore was quoted as saying:

Nyesom Wike has been a major corruptor of the judiciary. In judicial circles, he is called the "Golden Boy of the Judiciary" because of his uncanny ability to help corrupt the judiciary. Even before he became governor of Rivers State, Wike was the go-to guy to buy judgements or judges during election tribunals or contentious legal matters. Building judges' houses is a direct bribe; besides this brazen bribery of judicial officers, Wike is also allocating lands to senior judges in choice areas in Abuja as we speak! Wike has the Nigerian judiciary in his breast pocket.1

In light of these interventions, we have analyzed 15 court cases involving or related to Nyesom Wike to determine if the courts have indeed been favouring him. Our analysis revealed that Wike won all but one of these cases, with the sole loss being an interlocutory appeal rather than an appeal from a final judgement. This analysis aims to answer the following questions:

- 1. Is there a connection between Wike's resource allocation to the judiciary and the cases he has won in court?
- 2. Are these resource allocations to the judiciary simply a form of giving back to the judiciary, or are they calculated efforts to influence judicial decisions?
- 3. Does Wike's unique status, such as being a life Bencher, contribute to his favourable treatment by the judiciary?
- 4. How do Wike's legal outcomes compare to those of other public officials who have not engaged in similar forms of judicial support?
- 5. What implications do these findings have for public trust in the judiciary and the perception of judicial independence in Nigeria?

This analysis seeks to provide insight into these critical questions, contributing to broader discussions around judicial independence in Nigeria.



# **Summary of Findings**

The findings of this analysis suggest a potential correlation between Nyesom Wike's resource allocation to the judiciary and the favourable outcomes he has received in court. Specifically:

### **High Success Rate in Court Cases**

Wike has consistently won almost all of the 15 cases analysed, with the exception of a few interlocutory appeals. The success rate is notably high, prompting questions about the factors influencing these outcomes. This consistency in winning cases appears unusual compared to the typical legal success rates of other political figures facing similar legal challenges.



# Resource Allocation to the Judiciary Coinciding with Case Outcomes

The timing of Wike's interventions, such as building judicial infrastructure and offering other forms of support, often coincides with periods when he has faced significant legal challenges. This raises the possibility that these actions may have indirectly influenced judicial decisions. In particular, certain infrastructure projects and personal gestures towards judicial officers were initiated shortly before or during key legal proceedings, which might suggest an attempt to curry favour.



### **Perceived Favouritism**

There is a perception of favouritism towards Wike within the judiciary, likely fueled by his consistent support for judicial officers and infrastructure. Such perceptions could undermine public trust in the judiciary's impartiality. The widespread nature of this perception suggests that it is not limited to critics but may also resonate with members of the general public, who see a clear pattern of judicial rulings favouring Wike.



# **Comparative Analysis**

When compared to other public officials who did not engage in similar interventions, Wike's success rate appears disproportionately high. This further strengthens the argument for a correlation between his judicial support initiatives and his legal victories. Public officials without these types of interventions faced more mixed outcomes in their legal battles, which underscores the unique nature of Wike's situation and highlights the potential influence of his judicial support.



# **Public Perception and Implications**

The favourable outcomes in Wike's court cases have broader implications for public perception of judicial impartiality. When a political figure repeatedly achieves success in court, especially after making substantial gestures towards the judiciary, it can foster a perception that justice is accessible only to those who can afford to provide such benefits. This situation not only damages the reputation of the judiciary but also threatens to undermine the rule of law.



# Methodology



This analysis employs a qualitative review of 15 court cases involving Nyesom Wike, drawing on legal documentation, judicial records, and public reports. Each case was examined to identify trends in the verdicts and the role, if any, of Wike's resource allocation to the judiciary. Additionally, we reviewed the specific resource interventions made by Wike, their timing, and their perceived impact. This study also includes a comparative analysis to determine if the judicial outcomes align with similar high-profile cases involving other public officials without such interventions. The overarching aim is to determine if there is a noticeable pattern between Wike's favourable court decisions and his support for judicial institutions.



# Analysis of resource allocation to the judiciary



As governor, Wike Constructed about 20 residential quarters for judges of Rivers State origin in the year 2020. <sup>2</sup> Although this, according to him, was aimed at providing comfortable housing for judicial officers, the project was seen by some as a move to curry favour with the judiciary.

# **Federal High Court Complex**



In his first tenure, Wike built a new Federal High Court complex in Rivers State. 3 While this was presented as an effort to improve judicial infrastructure, critics viewed it as an attempt to gain judicial goodwill.

# **Vehicles for Magistrates**





As the then Governor of Rivers State, Wike distributed 29 new SUVs to magistrates in the State. 4 This gesture, though purportedly intended to facilitate the work of judicial officers, was also perceived as a means to secure their loyalty.

# Land Allocation to Abuja Judges



In the last quarter of 2023, the FCT Minister, Nyesom Wike, told a delegation of Federal High Court (FHC) Judges, led by the Chief Judge of the FHC, John Tsoho, who paid him a courtesy visit that provision had been made in the 2023 supplementary budget of the FCT for the construction of the Abuja Division of the Court of Appeal building. 5 The FCT Minister was further quoted as saying, "before now, the president had given me the go-ahead to allocate lands to the Legislature, the Executive, and the Judiciary." <sup>6</sup> This gesture, though presented as an effort at treating the three arms of government equally, is viewed by critics with suspicion given the antecedents of the Minister.

# Building of 40 Houses for Judicial Officers



The FCT Minister, Nyesom Wike, has recently disclosed that President Bola Tinubu has approved the construction of 40 houses for Justices of the Court of Appeal, the Federal High Court, and the FCT High Court. 7 Critics wondered if this project was captured in the 2024 budget and not another attempt to gain judicial goodwill.

# Could Wike's favourable judgment be attributed to having the legal minds on his side?





# Is There A Connection Between Wike's Allocation Of Resources To The Judiciary And The Cases He Has Won In Court?



Critics contend that Wike's funding of the judiciary is not only aimed at gaining favors but also at repaying past favors he has received. Professor Chidi Odinkalu alluded to this when he recently noted that:

"As Governor of Rivers State, he gave 41 Range Rover Sports Utility Vehicles (SUVs) to judges in the state. Customary Court judges were not left out. He gave them 29 Renault SUVs, while complaining about the "unfortunate unwillingness of the judiciary in Nigeria to seek true independence to discharge their functions."...

In 2020, Wike donated 24 luxury duplexes to judges in Rivers State and reportedly "handed out \$300,000 in cash to judges who preferred to build their own houses." It was presumably tax-free. Then CJN, Tanko Muhammad, slavishly "applauded his generosity saying the gifts spoke of the love the Rivers State governor has for the judiciary."





# How Do Wike's Legal Outcomes Compare To Those Of Other Public Officials Who Have Not Provided Similar Support To The Judiciary?

Public officials who do not allocate sufficient resources to the judiciary often fail to achieve the favorable outcomes that Nyesom Wike experienced. For example, Kayode Fayemi, like Wike, served two terms as governor and later as a minister in the Federal Republic of Nigeria. However, unlike Wike, Fayemi is not recognized for his efforts in providing resources to the judiciary.

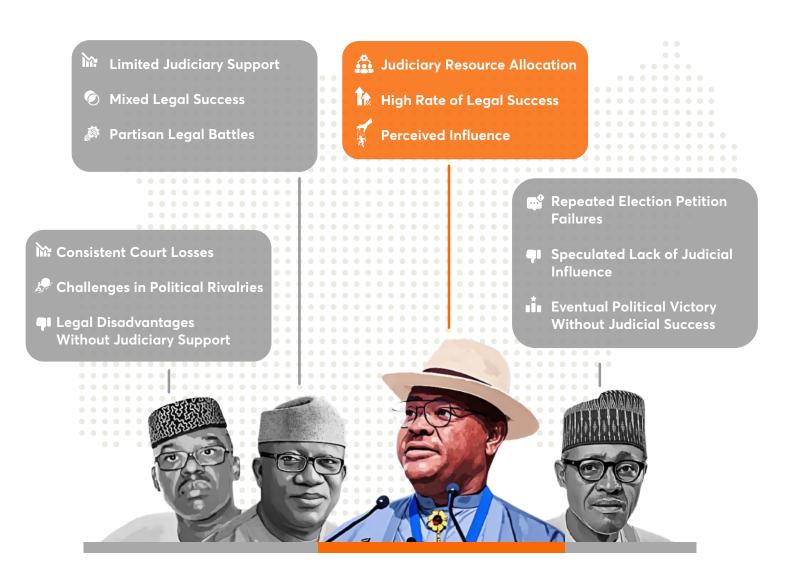
Fayemi entered partisan politics in 2006 in preparation for the 2007 election, during which he contested the governorship of Ekiti State under the now-defunct Action Congress. He lost this election to Olusegun Oni, but after three and a half years of legal battles, the Federal Court of Appeal, led by Justice Ayo Isa Salami, declared Fayemi the duly elected governor of Ekiti State on October 15, 2010, which effectively ended Oni's administration.

Fayemi ran for re-election on June 21, 2014, but was defeated by former governor Ayodele Fayose, who had been impeached on October 16, 2006. Displeased with this outcome, Fayemi's party challenged Fayose's victory all the way to the Supreme Court but ultimately lost the case. Following this setback, Fayemi was appointed by the Buhari administration as Minister of Solid Minerals Development, although he later resigned to run in the July 14, 2018, governorship election, which he won.

Ex-Governor Segun Oni, who lost the primary election to Fayemi and sought to remove him from office, also faced challenges, ultimately losing in the Federal High Court, the Court of Appeal, and the Supreme Court.

Another example is Muhammadu Buhari, the former president of Nigeria, who ran for the presidency in 2003,

2007, 2011, 2015, and 2019, winning only in 2015 and 2019. In the elections he lost—specifically in 2003, 2007, and 2011—Buhari filed petitions at the Presidential Election Petition Court to challenge these defeats, but he was unsuccessful in those cases as well. Critics have speculated whether the outcomes of the court cases for Fayemi, Oni, and Buhari might have differed had they devoted more resources to the judiciary, as Wike is doing.



# Does Wike's Unique Status, Such As Being A Life Bencher, Contribute To His Favourable Treatment By The Judiciary?

While the answer to this question remains uncertain, it is undeniable that Wike's success in court may be linked to the fact that he is surrounded by some of the best legal minds. For example, Wike's wife, Justice Eberechi Suzzette Wike, serves as a Justice of the Court of Appeal. 21

His sister-in-law, Lesley Nkesi Belema Wike, is a Judge of the FCT High Court, 22 and his kinsman, 23 Justice Simeon Amadi, is the current Chief Judge of Rivers State. Additionally, the immediate past Chief Justice of Nigeria, Kayode Olu Ariwoola, is reportedly his ally  $^{24}$ . Furthermore, Wike himself is a lawyer and a life Bencher.

Given his strategic position and access to these legal experts, Wike is better equipped to analyze issues critically and to assemble a team of skilled lawyers to either prosecute or defend his cases in court.

# **Analysis of Court Cases**

We analysed 15 court cases involving or relating to Nyesom Wike, noting that he won virtually all the cases. This trend raises questions about the potential influence of Wike's resource allocation to the judiciary on the outcomes of these cases.





# 1. WIKE V. ICHEONWO (1999) 4 NWLR (PART 600)

# **Presiding Justices**

















Sunday Akinola Akintan Justice, Court Of Appeal

Sylvanus Adiewere Nsofor Justice, Court Of Appeal

Aboyi John Ikongbeh **Justice Court Of Appeal** 

### Verdict



### Wike won the case.

# **Brief Facts**



In the Obio/Akpo Local Government Council Chairmanship election held on 12/12/98 the contestants in the election included Ezenwo Nyesom Wike contesting on the platform of Peoples Democratic Party (PDP); Cyprian Chukwu for the Alliance for Democracy (AD) and Cyprian Tasie Wike. He contested on the platform of All Peoples Party (APP). After the election exercise, the votes, as scored and as recorded for the political parties, respectively were as follows: -

a. 40,370 votes for PDP b. 11,441 votes for AD and c. 6,833 votes for APP.

But in making a return of the candidate who won the election by scoring the majority of lawful votes, the Independent National Electoral Commission (INEC) declared Samuel Rogers Ichenwo (the 1st respondent) the winner. The 1st respondent was or is himself of the Peoples Democratic Party (PDP). Dissatisfied with the return made by the INEC - (2nd respondent), the petitioner challenged the return by filing an election petition.

In the final analysis, the court allowed the appeal and ordered INEC to conduct a bye-election with the appellant (Ezenwo Nyesom Wike) as a candidate for the office of the Chairman of the Obio/Akpor Local Government Council on a date and at a place it (INEC) shall determine. Costs, in favour of the appellant and against the respondents, was fixed at N3,000.00.





# WIKE EZENYVO NYESOM V. HON. (DR.) DAKUKU ADOL PETERSIDE & Ors SC. 1002/2015 (unreported)

# **Presiding Justices**





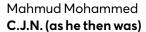












Ibrahim Tanko Muhammad J.S.C.

Nwali Sylvester Ngwuta J.S.C.

Kumai Bayang Aka'ahs J.S.C.

Kudirat Motonmori Olatokunbo Kekere-Ekun J.S.C.

John Inyang Okoro J.S.C.

Amiru Sanusi J.S.C.

# Verdict \_



# Wike won the case.

# **Brief Facts**



On 11th and 12th April 2015, the Independent National electoral Commission (the 3rd respondent) conducted an election for the office of Governor of Rivers State. The appellant contested in the election as the 4th respondent's candidate. And the 1st respondent contested as the 2nd respondent's candidate. At the end of the election, the 3rd respondent declared that the appellant scored 1,029,102 votes and the majority of lawful votes cast. So, the 3rd respondent returned the appellant as the elected Governor of Rivers State. The 1st and 2nd respondents were dissatisfied with the 3rd respondent's declaration and return of the appellant as Governor of Rivers State. So they filed a petition at the Governorship Election Tribunal. The tribunal concluded that the 3rd respondent's officials' failed to follow the 3rd respondent's directives. The tribunal held further that their failure to do so substantially affected the conduct of the election.

Consequently, the tribunal allowed the petition. It also nullified the election and return of the appellant on grounds of substantial non-compliance with the electoral Act. The appellant appealed to the Court of Appeal, which dismissed the appeal and affirmed the tribunal's judgement. The appellant appealed further to the Supreme Court.

In allowing the appeal and setting aside the concurrent decision of the lower court and the Tribunal, the Supreme Court held:



It is my view that the tribunal and the court below were unduly influenced by the alleged failure of INEC officials to adhere to INEC's Manual, Guidelines and directives on the exclusive use of the Card Readers for accreditation and hearsay evidence and thereby, with due respect, came to the wrong conclusions. The tribunal ought to have been guided by the decisions of this court in Kakih v. P.D.P. and Ucha v. Elechi in evaluating the evidence before it and the court below should also have been so guided in affirming the decision.





# WIKE & ANOR v. CHINDA & ANOR (2019) LPELR-59753(SC)

# **Presiding Justices**















Ibrahim Tanko Muhammad J.S.C.

Mary Ukaego Peter-Odili J.S.C.

Olukayode Ariwoola J.S.C.

Paul Adamu Galumje J.S.C.

Uwani Musa Abba J.S.C.

# **Brief Facts**



This was an appeal by the appellants against the ruling of the court of appeal, abuja division coram: yahaya, adah and akomolafe - wilson jjca. The Federal High Court, Abuja, per I. E. Ekwo J., in its judgement delivered on the 8th March, 2019, dismissed the 1st respondent's pre-election matter, holding that the 1st respondent did not prove his case, the allegation of crimes, beyond reasonable doubt as required by law. Dissatisfied with the judgement, the 1st Respondent appealed to the Court of Appeal, which Notice of Appeal it headed "IN THE FEDERAL HIGH COURT OF NIGERIA. IN THE ABUJA JUDICIAL DIVISION, HOLDEN AT ABUJA". The appellant (Nyesom Wike) filed a Motion on Notice which prayed the Court of Appeal for an order setting aside its Ruling and order made on 11th April, 2019, wherein the Court granted leave to the 1st respondent to amend his Notice of Appeal on the basis that the order was null and void haven been made without jurisdiction. The Court of Appeal refused the application and granted the 1st respondent leave to amend the Notice of Appeal. Hence, the Appellant appealed to the Supreme Court.

# Verdict \_



# Wike won the case.

In its final analysis, the apex court allowed the appeal and held that:

There is no doubt, as earlier noted, that the 1st respondent's Notice of Appeal that was filed on 20/3/2019 was defective, having been headed in the trial Federal High Court, when the appeal was to the Court below...Ordinarily, in other civil and criminal matters, technically defective process, such as a wrongly headed Notice of Appeal can be properly amended with the leave of Court, within the time to file the Notice of Appeal. But the instant case is unlike any other ordinary civil or criminal matter. It is sui generis and of special nature. It is time-bound. As I stated earlier, it is clear that the said defective Notice of Appeal was filed within the prescribed 14 days. But can it be said to be a valid Notice of Appeal? Not being correct in substance as well as in form, it cannot be said to be a valid Notice, being of a special class.





# HARRY & ANOR v. NYESOME & ORS (2015) LPELR-25998(CA)

# **Presiding Justices**

















Abubakar Datti Yahaya Justice, Court Of Appeal

Tani Yusuf Hassan Justice, Court Of Appeal

Mohammed Mustapha Justice, Court Of Appeal

Verdict

Wike won the case.

# **Brief Facts**



The appeal arose against the ruling of the Rivers State Governorship Election Petition Tribunal sitting in Abuja. The Tribunal held that it was properly constituted to entertain the appellants' petition, but thereafter dismissed the petition on the grounds that the two grounds of the petition were incompetent and the Tribunal had no jurisdiction to grant the relief sought. The Appellants appealed to the Court of Appeal, while the respondents cross-appealed.

The appellate Court considered the merit of the preliminary objection by the Respondents and concluded thus:



In the final analysis, it is the considered opinion of this court that the four grounds of appeal are defective and incompetent and for the same reason the said grounds are struck out. This leaves us with no option but to consequently uphold the Preliminary Objection and dismiss the appeal.







# WIKE v. FRN (2009) LPELR-8077(CA)

# **Presiding Justices**

















Jimi Olukayode Bada Justice, Court Of Appeal

Abdu Aboki Justice, Court Of Appeal

Ayobode Olujimi Lokulo-Sodipe Justice, Court Of Appeal

# Verdict



# Wike won the case.

In its final analysis the Court of Appeal allowed the appeal and set aside the Ruling of the lower court dated 17th March, 2009. The court noted that:

Having resolved Issues 2 and 3, respectively, in favour of the Appellant it follows that the Charge preferred against the Appellant must be terminated at this stage. In the circumstances, the said Charge given the success of Issue 2 has to be and is hereby quashed. However if Issue 2 had not been resolved in favour of the Appellant, then in the alternative, this case would have been struck out given the resolution and success of Issue 3 in favour of the Appellant. Appeal is allowed and Ruling of the lower Court dated 17th March, 2009 is set aside.

## **Brief Facts**



This was an appeal against the Ruling delivered by Honourable Justice F.A. Ojo of the High Court of the Federal Capital Territory, Abuja, on 17th March, 2009, refusing and dismissing the Appellant's application dated 23rd October, 2008, seeking to quash the criminal charge preferred against him. The facts relevant to the appeal were that the Appellant at all material time was the Chief of Staff to the Governor of Rivers State. By his schedule of duties, he is the administrative officer for Rivers State Government House, Port-Harcourt. His duties as Chief of Staff are related to Rivers State. There was nothing to connect the Appellant with the Federal Capital Territory, Abuja. It is also the claim of the Appellant that nothing transpired in the Federal Capital Territory, Abuja from the three statements attached to the proof of evidence. It is alleged that the Respondent left Port-Harcourt, where the Appellant works and where the Bank accounts he is alleged to have used in committing offences are located, and came to the Federal Capital Territory, Abuja for the purpose of arraigning him. The Appellant said that the choice of venue by the Respondent is a clog put in his way to defend himself.

In light of the above, the Appellant being of the view that his prosecution on the basis of the Charge preferred against him is an abuse of the process of Court filed an application on notice, praying that the said Charge be quashed. However, the lower Court dismissed the application of the Appellant. Dissatisfied with the Ruling, the Appellant then appealed to the Court of Appeal.







# LABOUR PARTY v. WIKE & ORS (2015) LPELR-25991(CA)

# **Presiding Justices**

















Abubakar Datti Yahaya Justice, Court Of Appeal

Tani Yusuf Hassan Justice, Court Of Appeal

Mohammed Mustapha Justice, Court Of Appeal (Read the Leading Judgment)

# Verdict



# **Brief Facts**

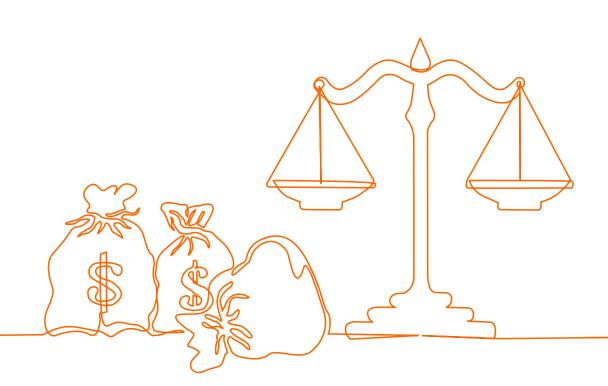


This was an appeal filed on the 12th day of August, 2015, against the decision of the Rivers State Governorship Election Tribunal, sitting in Abuja, delivered on the 31st day of July, 2015 granting the 1st respondent's application filed on the 30th June, 2015 which challenged the competence of the petition filed by the appellant. Aggrieved by the decision of the trial Tribunal, the appellant appealed to the Court of Appeal. The 1st respondent also cross-appealed.

On the whole, the main appeal failed and it was accordingly dismissed for lack of merit. The court also dismissed the cross-appeal for lacking in merit. The Court noted as follows:



Having resolved all the four issues raised in favour of the respondents and against the appellants, this appeal fails and it is accordingly dismissed for lack of merit. N50, 000 costs is awarded in favour of the respondents, against the appellant.





# KARAYE v. WIKE & ORS (2019) LPELR-49382(SC)

# **Presiding Justices**

















Kumai Bayang Aka'ahs J.S.C.

John Inyang Okoro

Amina Adamu Augie J.S.C.

Ejembi Eko J.S.C.

Uwani Musa Abba Aji J.S.C.

# Verdict \_



# Wike won the case in part.

# **Brief Facts**



This was an appeal against the judgement of the Court of Appeal, Port Harcourt Division in which the Court of Appeal affirmed the judgement of the trial Court. The immediate cause of action on which the Appellant initiated the suit at the trial Court against the Respondent was his expulsion from the Union for his inability to account for some Union moneys in his possession.

The trial High Court entered judgement in terms only of paragraph 19(a) of the 2nd Further Amended Statement of Claim other reliefs claimed by the Appellant, that is: paragraph 19(b) - (e) of the 2nd Further Amended Statement of Claim were denied to the Appellant. The granting of Relief (19(a) prompted the Respondent's appeal to the Court of Appeal. The Appellant also cross-appealed the dismissal of his Reliefs 19(b) - (e) including the Alternative injunctive relief. The substantive appeal of the Respondents was dismissed. The Court of Appeal, upon dismissing the substantive appeal, found no further need to consider the cross-appeal, which sought a Consequential order to bolster the declaratory order granted by the trial Court. Dissatisfied with the decision of the Court of Appeal, the appellant appealed to the Supreme Court.

In the final analysis, the Supreme Court allowed the appeal in part and noted in so doing as follows:



The appeal is allowed in part. The two courts below were in error in their refusalto consider an award of consequential injunctive order in support of the declaratory relief granted in favour. The Appellant is not entitled, equity acting in personam, to the general damages he claimed. His fraudulent conduct makes such award inequitable. He did not approach the sanctuary of justice with clean hands. Parties shall bear their respective costs.







# A.G. RIVERS STATE v. A.G. FEDERATION & ANOR (2022) LPELR-57708(SC)

# **Presiding Justices**



Olukayode Ariwoola J.S.C.

Ejembi Eko J.S.C.

Uwani Musa Abba Aji J.S.C.

Mohammed Lawal Garba J.S.C.

Helen Moronikeji Ogunwumiju

Ibrahim Mohammed Musa Saulawa J.S.C.

Adamu Jauro J.S.C.

# **Brief Facts**



This appeal bordered on an Interstate Boundary Dispute. The suit was initiated by writ of summons filed by the Plaintiff on the 30th day of December 2020, pursuant to S. 232 (1) of the Constitution of the Federal Republic 1999 (as altered) and Order 3 of the Supreme Court Rules, 1985 (as amended). The Rivers and Imo States were originally provinces in the then Eastern Region as far back as 1945 and subsequently recognised so by the 1960 Constitution. Rivers and Imo States were subsequently elevated to States in 1967 and 1976 respectively. This consequently brought dispute between the two States when boundaries had to be delineated, especially to define the "Ndoni area". The suit was eventually determined on the issue: whether having regard to the evidence placed before the Court, the Plaintiff established his claims in accordance with the correct boundary delineations sufficiently to defeat the 2nd Defendant's Counter-claim to the disputed portions of territory hosting the oil wells sought to be controlled by each party to the exclusion of the other.

# Verdict



# Rivers State (over which Wike was then a Governor) won the case in part.

On the whole, the Plaintiff's claims succeeded in part, and the counter-claim was dismissed. The court concluded as follows:

In the circumstances, for clarity, Reliefs 1,3,4,5,6,8 and 9 are granted as prayed. Reliefs 2,7 and 10 are refused. In substance, the Plaintiff's claims succeed in part, and the counter-claim is dismissed. No further orders.





# APC V WIKE FHC/OW/CS/100/2015 (UNREPORTED)

# **Brief Facts**

The then Attorney General of Rivers State, Mr. Worgu Boms, and the APC had asked the Federal High Court sitting in Owerri to stop the inauguration of Wike and the deputy governor-elect, Dr. Harry-Banigo on May 29, 2015.8 However, the presiding judge, S.M Shuaibu, struck out the matter on the ground that his court lacked jurisdiction to entertain the matter.

Verdict

# Wike Won

The court held that by the provisions of the Federal High Court 2011, Notice on the Venue of Filing Suits and the Territorial Jurisdictional Limits of the Judicial Divisions of the Federal High Court enacted by the Chief Judge of the Federal High Court pursuant to section 19 of the Federal High Court Act, Port Harcourt and not Owerri is the place in which the suit ought to have been filed.<sup>9</sup>



# NYESOM WIKE V. DAKUKU PETERSIDE (interlocutory appeal)

# **Brief Facts**

Wike, the PDP's candidate for the 2015 governorship election in Rivers State, had argued that the Election Petition Tribunal that sat in Abuja had no jurisdiction over matters that transpired in Rivers State. He insisted that the tribunal should have conducted its activities in Rivers and not in Abuja.10 The Tribunal was moved over to Abuja for security concerns, as those of Akwa Ibom, Yobe, Adamawa and Borno and the Court of Appeal had ruled that the Tribunal could sit in Abuja to handle Rivers election petitions. Aggrieved, Wike appealed to the Supreme Court. $^{
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Verdict

# Wike lost the interlocutory appeal

In their judgment, a seven-man panel of Justices of the apex court led by Justice John Fabiyi, held that the panel that sacked Wike was properly constituted. The apex court maintained that the then President of the Court of Appeal, Justice Zainab Bulkachuwa acted within her powers when she relocated the tribunal from Rivers State to Abuja. Justice Sanusi concluded:

I am unable to see any merit in this appeal and I hereby dismiss it without any order as to cost





# AG, RIVERS STATE V. AGF & ORS suit No. FHC/PH/CS/149/2020 (unreported)

# **Brief Facts**

VAT was introduced via Decree No.102 of 1993. It replaced sales tax operated under Decree No.7 of 1986 which was administered by states and the FCT. By contrast, VAT is administered by the FIRS and the revenue is shared among all 3 levels of government. Both VAT and sales tax fall under the category of consumption tax.<sup>12</sup> The contention of Wike through his Attorney General before the Federal High Court was that  $\,$  the Rivers State Government (and not the FIRS) is entitled to collect VAT in the state. This is on the premise that only the state is constitutionally entitled to impose taxes in its territory of the nature of consumption or sales tax.

Verdict	1/2
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## Wike won the case

Justice Stephen Pam of the Federal High Court in Port Harcourt in a judgment delivered on August 9, 2020, held that the Rivers State government and not the Federal Inland Revenue Service (FIRS), had the right to collect VAT and Personal Income Tax in the state. Justice Pam, in the judgment consequently restrained the Attorney General of the Federation and FIRS (1st and 2nd defendants) from collecting VAT in Rivers and directed the Rivers State government to take charge of the duty.<sup>13</sup>



# SIR CELESTINE OMEHIA V. RIVERS STATE GOVERNMENT

# Brief Facts

Omehia had approached the High Court of Rivers State to determine whether he is a former governor of Rivers State, to establish his entitlement or otherwise to the pension and other benefits under the Rivers State Former Governors and Deputy Governors Pension and Fringe Benefits Law, 2012. The Defendant –Wike-led government- contested the suit arguing that Omehia was never a governor of the State. The Defendant also demanded a refund of the pension and fringe benefits paid to Omehia from the period he was purportedly recognized as a former governor and subsequently de-recognized by the Wike-led administration.



# Wike-led government won the case

In dismissing Omehia's suit, the presiding judge, Justice Daketima Kio, held that Omehia was never a former governor of Rivers State, hence not entitled to the reliefs sought. The Court's decision stems from an earlier judgment of the Supreme Court in Amaechi v. INEC & 2 ORS where the apex court held that: "Omehia remains no more than a pretender to the office of governor of Rivers State."14





# AMAECHI V WIKE SC/911/2017 (UNREPORTED)

# **Brief Facts**



Wike had, shortly after assuming office in 2015 constituted the Justice George Omeregi-led judicial commission of inquiry to probe the alleged sale of state assets by the immediate past administration led by Amaechi. Amaechi challenged the decision of the governor at the High Court of Rivers State in a suit marked: PHC/187/15. Delivering judgment on August 20, 2015, Justice Simeon Amadi, Wike's alleged kinsman,15 held among others that the judicial commission of inquiry was not established to investigate the personal activities of the former governor, but set up to investigate the previous actions of the government as they affect the people of Rivers State. On appeal, the Court of Appeal also expressed a similar view. Amaechi further appealed to the Supreme Court. The apex court in its judgment by a five-member panel led by Justice Olukayode Ariwoola, an alleged ally of Wike, 16 similarly held that the assignment of the commission of inquiry was not to investigate Amaechi in person, and as such it was not about his person.

# Verdict



## Wike won the case

In the lead judgment prepared by Justice Emmanuel Agim, but read by Justice Adamu Jauro, the court said:

The gist of this decision is to the effect that the commission of inquiry was to investigate some transactions, hence no one was on trial, hence the issue of denial of fair hearing therefore, does not arise."17







# FUBARA V. PRO-WIKE LAWMAKERS

# **Brief Facts**



Pro-Wike lawmakers of the Rivers State House of Assembly brought this suit before the Federal High Court sitting in Abuja contesting the N800 billion budget presented by Fubara to four lawmakers, the seats of the other lawmakers having been purportedly declared vacant. Fubara initially filed processes to contest the action but later withdrew them through his counsel. When the presiding judge, Justice James Omotosho, eventually gave judgment against him and held that the N800 billion budget presented by Fubara to the four lawmakers was invalid as it was not properly presented before the Rivers State House of Assembly as required by the law, Fubara decided to file an appeal to the Court of Appeal.

# Verdict \_



# Pro-Wike Lawmakers (and by extension Wike) won the case

The Court of Appeal noted that Governor Fubara's decision to present the 2024 Rivers State Appropriation Bill to only four out of 31 members of the Assembly constituted a gross violation of the 1999 Constitution, as amended. In dismissing the appeal for lacking in merit, the court noted that:

Any gathering purporting to be Rivers State House of Assembly, led by any other person other than the 2nd respondent, sits in violations of the order delivered by the trial Court dated December 7, 2023 and that person acts in vain.18



# PRO-WIKE LAWMAKERS V. RSHA

### **Brief Facts**



On May 10, 2024, a Rivers State High Court, in Port Harcourt, while ruling on an exparte application, restrained Hon. Martin Amaewhule from parading himself as the Speaker of the Rivers State House of Assembly. The court also restrained 24 other members of the Assembly from accessing the complex or carrying out any such legislative assignment in the name of the Rivers State House of Assembly, peeved by the decision, Amaewhule and the other lawmakers approached the Court of Appeal sitting in Abuja to void the restraining orders.

# Verdict



# Pro-Wike Lawmakers (and by extension, Wike) won the case

The appellate court, in a judgment, held that the trial court lacked jurisdiction to hear and decide the issue of alleged defection of the lawmakers from the Peoples Democratic Party (PDP) through which they came into office to another party, the All Progressives Congress (APC).<sup>19</sup>

# Dangers of Executive Favours to the Judiciary



### Compromised Independence

When members of the executive branch provide significant favours to the judiciary, it can undermine the perceived and actual independence of the judiciary. Judges may feel beholden to the executive, leading to biased rulings

### **Erosion of Public Trust**

Public confidence in the judiciary is crucial for Perceived or actual trust, making it difficult





Judges who receive gifts or benefits from the executive may face conflicts of interest, particularly in cases involving the government or its officials.

# Recommendations for Safeguarding Judicial Independence

To protect the integrity of the judiciary, it is critical that institutional safeguards are put in place. The following recommendations outline measures that can help preserve judicial independence and mitigate undue executive influence:



# **Increased Budgetary Autonomy**

The judiciary should be granted increased budgetary autonomy, ensuring that its funding is not subject to the whims of the executive and legislative branch. A dedicated and constitutionally protected funding mechanism for the judiciary can help mitigate reliance on the executive for financial resources, thereby reducing opportunities for influence.



## Transparent Appointment Processes

Judicial appointments should be transparent and based strictly on merit. The establishment of an independent judicial appointments commission could help oversee and regulate this process. Ensuring that the selection criteria are objective and the process itself is free from political interference is vital to maintaining the judiciary's independence.



## **Limit Executive Gifts and Infrastructure Support**

Regulations should be put in place to limit the acceptance of gifts, infrastructure support, or other favours from the executive branch. This could involve explicit guidelines regarding what constitutes an acceptable contribution from the executive to the judiciary and setting clear boundaries to avoid conflicts of interest.



# **Strengthening Oversight Mechanisms**

Establishing robust oversight mechanisms to monitor judicial conduct is essential. An independent judicial conduct commission should be responsible for investigating claims of impropriety or undue influence. This commission could conduct regular audits of judicial activities and provide recommendations to address areas of vulnerability.



## **Judicial Code of Conduct**

Enforcing a strict code of conduct for judicial officers would help maintain ethical standards within the judiciary. The code should specifically address the issue of accepting favours or gifts from government officials and include penalties for breaches of this conduct, thereby  $discouraging \ judicial \ of ficers \ from \ compromising \ their \ integrity.$ 



## **Public Reporting and Transparency**

The judiciary should embrace transparency in its dealings by making judicial proceedings and decisions more accessible to the public. Publicly accessible databases of judicial decisions and financial disclosures of judicial officers could help in building trust and demonstrating accountability. Greater transparency would also help counteract the perception of favouritism by ensuring that the judicial process is open and subject to public scrutiny.



# **Enhanced Training for Judicial Officers**

Judicial officers should undergo regular training on ethics, judicial independence, and best practices in adjudication. Training programs could be implemented to reinforce the importance of impartiality and independence, highlighting the dangers of undue influence from other branches of government.



## Civic Education and Public Engagement

Public education campaigns can be conducted to inform citizens about the importance of judicial independence and the dangers of executive influence on the judiciary. Empowering the public with this knowledge can help drive demand for reforms and increase pressure on both the judiciary and the executive to maintain their proper roles in a democratic society.

# Conclusion

The analysis of Nyesom Wike's publicly known resource allocation to the judiciary and his court outcomes points to a possible correlation between his generous support for the judiciary and the predominantly favourable rulings he has received. While it remains difficult to definitively establish causality between these interventions and the court decisions, the pattern observed suggests a potential influence. Wike has consistently won almost all cases involving him, with a few notable exceptions where he faced interlocutory appeals. These victories, juxtaposed with the extensive support he has extended towards the judiciary, provide fertile ground for the hypothesis that such interventions may contribute to his favourable legal outcomes.

Moreover, the perception of judicial partiality is deeply concerning, especially in a democracy where the independence of the judiciary is paramount. The executive's significant influence on the judiciary through lavish gifts, infrastructure support, and other forms of aid risks compromising judicial impartiality and eroding public trust. Such a dynamic could lead to a compromised judiciary that is unable to function effectively as an impartial arbiter of justice.

To protect the integrity of the judiciary, it is critical that institutional safeguards are put in place. This could include increased budgetary autonomy for the judiciary, transparent appointment processes, and oversight mechanisms to prevent undue influence. Ultimately, safeguarding judicial independence is vital to uphold the rule of law and ensure that justice is truly blind and uninfluenced by the power and wealth of political actors. The findings of this report call for an ongoing examination of the relationship between executive favours and judicial outcomes to prevent any erosion of judicial integrity and foster an environment of fairness and transparency in Nigeria's judicial system.

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