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Distinguished Learned Colleagues and Friends,

STATEMENT ON THE NIGERIAN BAR ASSOCIATION (NBA) GENERAL ELECTIONS 2024

On Saturday, 20 July 2024, the members of the Nigerian Bar Association (“**NBA**” or the “**Association**”) went to the polls to elect for themselves a President and other National Officers to pilot the affairs of the Association for the term of 2024 – 2026.

This morning, the Electoral Committee of the NBA (“**ECNBA**”) announced the result of the election and declared one of my co-contestants, Mazi Afam Josiah Osigwe, SAN as the winner of the election with 20,435 votes while I, Tobenna Chigbo Erojikwe emerged as 1st runner-up with 10998 votes and Chukwuka Nwabueze Ikwuazom, SAN was said to have polled 9018 votes to emerge as the 2nd runner-up.

As a law-abiding Nigerian citizen and committed member of the Association, I have since called Mazi Afam Osigwe, SAN on his declaration by the ECNBA, but I have reasonable and well-informed basis to believe that the electoral process and the election were not credible or satisfactory.

It is on record that in the process leading up to the elections, I wrote to the ECNBA on at least three occasions to express my concerns and highlight certain breaches and irregularities surrounding the election. My initial complaint centred on the opaqueness of the selection process for the election service providers and the lack of information to enable us to make a fully informed assessment of the shortlisted service providers. This call led to the ECNBA carrying out a fresh bidding exercise that resulted in the selection of Election Buddy.

By another letter dated 4 June 2024, I raised concerns about the provisions of the guidelines for the election set out in the NBA Constitution 2015 (as amended) which the ECNBA had obeyed in disobedience including the failure to provide voting guidelines and a voters’ list within the timeframe stipulated by the NBA Constitution. I

repeated this call in my last letter of 19 July 2024, and it was not until 4 hours to the commencement of polls that the ECNBA published the full list of eligible voters in defiance of the provisions of Paragraph 9 of Part V of Second Schedule to the NBA Constitution which provides in mandatory terms that the ECNBA shall publish the full list of voters at least 45 (forty-five) clear days before the date of the election.

If the breaches and irregularities were restricted to the process leading up to the elections, and the election was conducted in a credible manner, it might have been easier to overlook them. Unfortunately, and as set out below, the conduct of the election fell far short of expected technical standards and the spirit/intendment of the NBA Constitution.

Firstly, while the ECNBA and the service provider took the admirable decision to permit live viewing of the election results, the same decision exposed the rare phenomenon where the number of votes ascribed to the winning candidate steadily increased in an almost exact geometric progression at the top of each hour for nearly the entirety of the election in a manner which, our cyber analysts professionally believe, is demonstrative of a pre-programming of votes.

Secondly, our agents who closely monitored the election results reported, and the records available to us show, that the number of votes did not tally. At different times, the sum of the votes cast for the candidates were either in excess of, or less than, the total votes tallied at the relevant time. For a process where the tallying is automatic, such statistical discrepancy is inexplicable. A cursory look at the results at different times will confirm this.

Thirdly, while the actual voting took place on the platform provided by Election Buddy i.e. electionbuddy.com, the live election results were exhibited by a completely different and unrelated platform, go.ecnba.org. Technical experts engaged by me find this rather curious and strange, and it questions the integrity of the results. As a technical matter, it leads to irresistible inference that the results purportedly projected on the ecnba.org platform as live results of the election were simulated results that may, likely, be different from those at the backend servers of Election Buddy.

Fourthly, and very fundamentally too, many of our supporters reported that they woke up to emails acknowledging that their votes had been submitted even before they had the opportunity to cast their votes. Upon complaining, some of these supporters subsequently received another link to cast their votes. In other words, there were demonstrable instances of double-voting or at least data manipulation.

Lastly, despite the fact that the election was widely advertised to commence by 12:00am and end by 11:59pm on Saturday 20 July 2024, voting continued into the early hours of Sunday 21 July 2024 and the numbers of votes continued to increase.

The foregoing and more have demonstrated that the fears that I expressed in the build up to the elections were not unfounded and that the election process might have been manipulated with the intention of achieving a predetermined outcome.

It is in light of the above, I am, at this time, unable to accept the election result announced by the ECNBA. Instead, I am immediately calling, in the first instance, for an official audit of the election result in accordance with the provisions of Paragraph 8(c), Part 2, Second Schedule of the NBA Constitution. Pending the outcome of the election audit, I shall reserve my rights.

This step has become necessary in order to ensure that we instil full faith and confidence in our electoral process within the NBA. In making myself available to run for office of NBA President I outlined my vision for the Bar to include restoring the dignity of the Nigerian Bar by always insisting on adherence to the rule of law and in fair and just practices. These are principles that I am deeply committed to and insistent on upholding even within the context of our electoral process in the NBA.

To the esteemed members of the Nigerian Bar Association, especially those who accepted me, embraced my vision and made sacrifices to actualise my aspirations of building a courageous and resilient Bar where no lawyer is left behind, I express my sincere appreciation.



TOBENNA EROJIKWE
21 July 2024