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## 3 die celebrating Akala's court victory

Written by Ola Ajayi

Tuesday, 18 March 2008

THREE persons believed to be supporters of the PDP died in a motor accident in Ibadan yesterday while jubilating the confirmation, moments earlier, by the Oyo State Election Petition Tribunal of last April's election of Governor Adebayo Alao-Akala. The accident involving a white Toyota Hilux occurred a few metres from the court premises.

The victims were among the scores of the governor's supporters who had trooped out soon after the lead judgment was delivered by Justice Teni Hassan who said Senator Abiola Ajimobi of the ANPP had failed to prove that the governorship election was not held in substantial compliance with the electoral law.

The bus which bore the inscription "Oyo State Planning Commission" somersaulted after veering off the road. The three victims were flung out, hitting their heads on the road. In other parts of the city, supporters of the governor sang and danced.

### Akala wins

Three of the four panelists gave victory to Governor Alao-Akala.

In the lead judgment, the panel chairman, Justice Hassan, said the petitioner had failed to prove beyond reasonable doubts all the allegations of violence, stuffing of ballot boxes, electoral malpractices and massive rigging against the 3rd respondent (Akala), while Justice Wali Basir, in the dissenting judgment said since over 97,000 voters were disenfranchised, the whole results of Ogbomoso North, Ogbomosho South, Surulere and Ogo Oluwa should be cancelled and fresh election conducted.

Although he agreed with the lead judge on the issue of indictment which only the courts of law have the power to pronounce, he said he had reservation on the issue of non-compliance.

### Dissenting judgment

Justice Basir said: "I have a point of departure with the substantiality of the evidence. The petitioner has established the effect of non-compliance. Non-compliance has occurred in 309 polling units in the councils. Burden of proof now shifts on the 3rd respondent to prove otherwise.

"I'm of the view that the petitioner, by the weight of evidence, has established the case of non-compliance with the Electoral Act. With the total number of votes invalidated by over voting, non-compliance, the petitioner has discharged the burden of proof placed on him and it follows therefore in this circumstance that the burden of proof has been shifted automatically to the respondent to prove that the non compliance complained of did not substantially affect the results of the election."

After his own judgment, Mr. Lateef Fagbemi (SAN), counsel to Alao-Akala, stood up and said the two other judges should make their positions known on the judgment.

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### 3 judges rule in Akala's favour

Justice P.O. Nnadi who had earlier dismissed the consolidated petitions of the Republican Party of Nigeria (RPN), Prince Ademola Ayoade, and National Democratic Party (NDP), Prof. Wole Akinboade, and the ANPP which bordered on indictment and alleged compulsory retirement of Alao-Akala from the police, said the judgment of the chairman represented the views of the other two judges.

The three judges explained that the allegations of electoral malpractices, stuffing of ballot boxes and violence were criminal in nature and the onus was on the petitioner to prove beyond reasonable doubts that the 3rd respondent actually committed the alleged offences.

And since the petitioner had failed to prove that, and coupled with the fact that the total votes of the governor exceeded those of the petitioner after deductions had been made in places where over-voting and non-compliance were proved, the tribunal had no option than to dismiss the petition.

It also added that there was no nexus between the thugs that committed the alleged violence and the PDP candidate.

On allegations of over-voting and non-compliance with electoral rules, the tribunal deducted 264,799 valid votes scored by the PDP candidate from 238,587 valid votes by the ANPP. After deduction of the invalid votes from the valid votes, the PDP still led the ANPP candidate by 26,212 votes.

As for the allegations of multiple signatures on results sheets, the judges also said it was not the duty of the tribunal to make comparison between signatures. And that the petitioner should have sought the services of experts to ascertain the veracity of his claims.

### Ajimobi rejects verdict

Ajimobi, through a chieftain of the party, Dr. Busari Adebisi, said: "Why should they resort to the game of addition and subtraction when the law is very clear and straightforward on what should be done in such circumstance? The result of that fraudulent election should have been cancelled.

"The minority judgment delivered by Justice Basir exposed the entire weakness of the majority judgment because it takes cognizance of the interest of the petitioner, respondents and the electorate."

Chief Adeniyi Akintola (SAN), in his reaction, said: "The tribunal admitted that there was massive electoral fraud in the four local government areas of Ogbomosho and went ahead to cancel some votes thereby disenfranchising majority of the voters

"Why then should the tribunal go ahead to uphold such election? Should it not have asked the parties in the election to back to the electorate who had earlier made their choice but were robbed?

"The tribunal ruled that the majority of the votes recorded in Ogbomosho should be voided leaving Akala and Ajimobi with just few votes. What sustained Akala by that verdict were the figures from Ibadan which was also marred by violence.

"There is evidence number 43 which detailed the account of violence as witnessed by the military and police authorities in the state during the election. Why can't the tribunal make reference to that in their judgment?"

### Akala asks opposition to join him in developing state

In a broadcast shortly after the judgment, Governor Akala asked the opposition to join him in developing the state, and said he harboured no grudge against anyone.

His words: "Today's ruling is victory for democracy: it is victory for democracy because your mandate, which you so freely gave me on April 14, 2007 has been given further legitimacy by today's ruling.

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“Before the ruling of today, we have heard series of wishful judgments brandished as holistic truth both on the pages of newspapers and several recreational joints, but we thank God that finally the truth has prevailed in a very profound manner.

“We must always bear in mind that in truth, there is justice, and in justice, there is truth.

“As the Executive Governor of Oyo State, I hold no grudge against anyone; as a principal stakeholder in the affairs of Oyo State, I admonish the opposition to join me in the urgent challenge to develop our State; and as a believer, I extend my hand of fellowship to all and sundry and express my unalloyed love to you all.

“I implore you all to go about your normal duties and shun any type of violent celebration or recrimination. There is a lot to be done.”

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#### RUBISH

Written by [BELLO BABATUNDE WAHEED](#), on 18-03-2008 08:35 , IP: 41.219.221.4

PEOPLE ARE DOING RUBBISH IN OYO STATE BY GIVING RUBBISH JUDGMENT ON FRAUDULENT ELECTION THEY MADE IN APRIL. THIS PEOPLE HAVE FORGOTTEN THERE IS A GOD IN HEAVEN WATCHING US.

LET KEEP LOOKING THEM AND SEE WHAT END WILL BEFALL THEM THEIR FAMILY.

2

Written by [Prince Charles N.](#), on 18-03-2008 11:17 , IP: 41.219.208.14

I couldn't control my emotion yesterday in tears when I had the new of the election tribunal upholding Adebayo Alao-Akalaas as the governor of Oyo State. The most terrible in the entire nation. My pains are the Man I love is the cursed of all this rubbish because I was too sure in me that he will step aside and instruct a fresh election having told the world that he was holding a fraudulent mandate. Umaru Yar'Adua why have you forsaken your self to allow men of no conscience be your Advisors. Money and power is good but better in a good MAN. Is not too late to make a change remember you are a Child of Independence. They want to kill your dream but remember Life without ...is sure of doomed because the future you can not picture, you cannot feature. God

Bless Nigeria  
Prince Charles N.  
Lagos-States

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3

Written by Yemi Araromi, on 18-03-2008 11:20 , IP: 205.188.116.76

Fight has just started. The stupid judges who received kickback will find out that this verdict will be overturned at the appeal court

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4

**AKALA**

Written by Ayour Ponnle, on 18-03-2008 13:47 , IP: 41.219.221.27

Personally speaking, I was disappointed at the final judgement of the tribunal. Having roundly faulted the electoral process and agreed that there were cases of massive over voting in favour of the ruling party, one would have thought that the Tribunal would go a bit further by at least ordering another election.

Consider this scenario: Somebody dragged a man to the police station, accusing him of stealing his money. The police confirmed that the money was truly stolen, searched the robber's pocket and brought out all the money therein. Police now deducted the complainant's money from the lot and asked the accused to go away - to start jubilating that he was not a robber afterall!

ANPP should not give up. For the mere fact that one Member of the Tribunal was against the ruling means that God is still working through some people's mind.

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