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### Oshiomhole wins

Written by Leon Usigbe, Henry Umoru, Emmanuel Aziken, Simon Ebegbulem, Gabriel Enogholase, Bukola Ojeme & Ola A

Wednesday, 12 November 2008

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\*As Appeal Court sacks Osunbor as Edo Gov, \*Adams weeps, says "truth has prevailed", \*It's victory for rule of law, says Osunbor, \*INEC to sanction guilty officials, \*5 die in victory celebration

THE long-drawn battle for the Edo State governorship seat ended yesterday in favour of the Action Congress (AC) candidate, Mr. Adams Aliyu Oshiomhole, after the Court of Appeal sitting in Benin upheld the verdict of the State Election Petition Tribunal that the immediate past president of the Nigeria Labour Congress (NLC) won the April 2007 election in the race.

A tearful Oshimohole reacting to the verdict declared: "We are happy today (yesterday) because truth, no matter how long it took, has prevailed. As you can see, tough times do not last, but tough men do. I know what we have gone through, but I am happy that I have been able to fulfil what I promised Edo people that we will defend.

"Today (yesterday) the votes have counted. For the first time the rights of Edo people have counted.

As the Appeal Court headed by Justice Umaru Abdullahi concluded its verdict which was broadcast live on television, Edo residents defied the restriction order imposed by the police and poured into the streets in their thousands celebrating the confirmation of Mr. Oshimohole as governor.

Five persons were feared dead while celebrating the victory of Comrade Oshiomhole. Two died on Sapele road after a car hit them as they were celebrating along the road while two men who were celebrating atop a moving trailer on Ikpoba Hill lost their lives after they fell off from the trailer.

Vanguard learnt that the fifth victim, a commercial motorcyclist, lost his life at Upper Sakpoba road after he ran into a ditch while celebrating the victory.

Professor Oserheimen Osunbor who was ousted as governor welcomed the verdict which he described as a victory for the rule of law. He was not in court, but Oshiomhole was.

As the court confirmed him as governor, his lawyers and supporters hugged and congratulated him.

He remain composed all the while.

Professor Osunbor had been declared winner of the election by the Independent National Electoral Commission (INEC) but Mr. Oshimohole disputed the decision and went to the State Election Petition Tribunal which voided Osunbor's election and declared Oshimohole as governor.

Osunbor, dissatisfied with the verdict, appealed against it.

But ruling on the appeal yesterday, the appellate court said the issues raised by Professor Osunbor lacked merit.

# TRADE FOREX LIKE A PRO



It ordered INEC to immediately withdraw the certificate of return already issued to Professor Osunbor and hand it over to Oshiomhole.

"Comrade Oshiomhole who was declared as winner of the April 14, 2007 Governorship election having polled the highest valued votes is hereby declared the winner of the election as ruled by the lower court.

The certificate of return issued to Professor Osunbor is hereby withdrawn and issued to Oshiomohle as the Governor-elect of the Edo State," Justice Abdulahi ordered

The court also dismissed the interlocutory appeal filed by Prof Osunbor, PDP and INEC, bordering on signatory to the petition of Oshiomhole at the lower tribunal.

It held that the decision of the tribunal in dismissing the motion on the issue of signature was right, and affirmed the decision of the lower tribunal that the era of justice by technicalities was gone forever in Nigeria.

The appellate court subsumed the 82 grounds of appeal filed by Osunbor into four areas for determination.

On the issue of whether INEC officials should have been joined as witnesses by the respondents, the appellate court dismissed it, saying that had already been dealt with in the interlocutory appeal filed by the appellants.

On whether the tribunal was right to have used Mr Kayode Olawale, INEC's Director of Operations in Edo State evidence to arrive at its decision, the court held that the lower tribunal was right and resolved in favour of the respondents.

It also held that the decision of the tribunal that East-West Local Government as spelt out in the petitioner's petition was a typographical error that could be corrected by the oral application.

Ruling on the use of charts A-O for the final determination of results of the election by the lower tribunal, the appellate court said that the views of the tribunal was right to have relied on the chart. It added that the appellant never challenged the computation done by the respondents.

Commenting on the allegation of the cancellation of the elections in Akoko Edo and Etsako Central Local Government Areas, by the former Resident Electoral Commissioner, Alhaji Abubakar Muhammadu, the Court of Appeal held that the respondent's case was threatened by documentary evidence, adding that the standard of proof required in election guidelines (petition) was clearly stated.

On whether Oshiomhole got ¼ of the votes cast in 12 of the Local Government Areas of the state, the court affirmed the decision of the lower tribunal.

Lead counsel to Oshiomhole, Chief Wole Olanipekun (SAN), while appreciating the judgment, said: "This is not a case of winner or loser. I praise my colleagues on the other side of the divide."

For Mr Ricky Tarfa (SAN), lead counsel to AC, he said: "The industry demonstrated by the judges will go down a long way to strengthen democracy in Nigeria."

In his response, Chief Lateef Fagbemi, counsel to Prof. Osunbor, thanked the judges for straining themselves for hearing and deciding the case in a record time. Counsel to the PDP, Mr Ighodalo Imadegbelo (SAN), said: "Nigerians should respect the rule of law. We should respect the judgment."

In a swift reaction, Oshiomohle with tears of joy running down his cheeks, told newsmen: "We are happy today because the truth, no matter how long it took, has prevailed. As you can see, tough times do not last but tough men do. I know what we have gone through but I am happy that I have been able to fulfill what I promised Edo people that we will defend. Today the votes have counted, for the first time the rights of Edo people have counted.

"This is an attempt to say that this government was as a result of our ballot papers and we thank Justice Abdulahi and his colleagues who handled the case. We thank the judges at the election tribunal and we thank all the Nigerian people who have been praying for us, and to them we dedicate this victory to the people of the state and Nigeria."

#### INEC vows to sanction guilty officials

The Independent National Electoral Commission(INEC) vowed to investigate and bring to book, any member of its staff found to be responsible for the wrong computation of the Edo State gubernatorial result in favour of former Governor Oserheimen Osunbor.

National Commissioner and Chairman, Legal Services and Clearance Committee, Mr Victor Chukwuani, in a statement said INEC would study the judgment with a view to making amends in observed lapses for future elections.

His words: "The Commission will study the judgment as soon as it is received with a view to identifying the lapses observed and correcting same in future elections.

"The Court of Appeal reviewed the facts leading to the petition and found that the computation of the results of the election was wrong. The court, therefore, affirmed the judgment of the lower tribunal.

"In view of the basis on which Osunbor's election was upturned, INEC intends to investigate the source of the said error in the election result to determine if there was wilful negligence or mischief."

It vowed that any person or staff of the Commission found to have taken part in the act would be punished, saying: "Any such laxity will not go unpunished."

It further described the judgment of the Appeal Court, as "a demonstration of the ideals of democracy founded on the principles of justice.

"The Courts and tribunals provide avenues for persons aggrieved by the decisions of the Independent National Electoral Commission to air their grievances," the statement added.

#### Celebrations in Edo

Residents trooped into the streets of Benin to celebrate the court's decision. Soon after the judgment which was delivered by the President of the Court of Appeal, Justice Umaru Abdulahi, Benin City went into a frenzy in wild jubilation causing terrible hold up in the city.

People hung on vehicles clutching brooms, the symbol of the Action Congress while motorists and motorcyclists went about honking.

Vanguard gathered that the situation was the same in other towns: from Ozalla to Okpella, from Auchi to Afuze, from Ugboshi-Afe to Ekpoma people trooped out in their numbers to celebrate the court's verdict.

The state government secretariat on Denis Osadebey Avenue was deserted and taken over by anti-riot policemen to prevent looting of government property.

Vanguard met a police officer, Awarenen Godwin, at the gate of the Government House who said: "I am in charge of securing this place. There is nobody inside the place so you cannot go in. For now, I am in charge of this place. The governor-elect will not be here until tomorrow, so please you can go back."

#### Nigerians react

#### Victory for rule of law — Osunbor

Former Governor Oserhiemen Osunbor, congratulated Mr Oshiomohle on his victory, saying: "I receive the judgment with mixed feelings. Although many

people are disappointed by the judgment, I see it as victory for the rule of law.

As a believer in the rule of law and as a lawyer, I accept the verdict in good faith. In my few months in office, we did our best in office and left no one in doubt that we were in office for the purpose of delivering Edo State from the shackles of underdevelopment. My action and developmental strides are eloquent testimonies of my decision to make the difference in the minds of the people.

While congratulating Oshiomhole for the victory, I urge him to do his utmost to promote the interest of the people and the development of the state. I thanked the Oba of Benin, the organised labour and God Almighty."

## Chief Tom Ikimi: South-South Leader of AC and former Foreign Affairs Minister:

"Everybody is happy and I am happy. It will still take some time for this victory to sink in. We have just gone through it after several months of struggle and I believe it is well deserved. It is a victory for democracy not only in Edo State but across the country because this is the first time that the process has gone to the very end when someone is elected has been brought down by a process to prove the votes. It has never succeeded anywhere but it has succeeded here. So Edo people must be proud that they are able to do this."

Senator Rowland Owie, former Chief Whip of the Senate and the leader of the AC in Edo State:

"We echo with the Psalmist, we thank the Lord for He has answered us, He has been our saviour. The stone the builders rejected has become the corner stone. This is the Lord's doing; it is wonderful in our eyes. This is the day the Lord has made, let us rejoice and be glad in it. Psalm 118 VS 21-23. "We say glory to Jesus, honour to the blessed virgin Mary.

All we can say now is to assure the good people of Edo State that Governor Adams Oshiomhole's government will not be hijacked by political hawks. Never again will the common wealth of the people be cornered by a cabal."

#### Chief John Odigie Oyegun, first civilian governor of Edo State:

"We have got our independence. Edo state has been liberated, and free at last, free from the domination of a few cabal, free from election rigging and free from people who did nothing with the revenue of the state. Edo State is jubilating. We have served notice to the rest of the country that Edo state is indeed the heartbeat of the nation and other states will follow."

### Dr Philip Ugbodaga, former Nigeria Medical Association Secretary in Edo State:

"The verdict is a confirmation of the forces of good over evil, hope over hopelessness and another enactment of the Obama phenomenon in Edo State. Edo will now know real progress and development. The ruling is profoundly sound and intellectually refreshing. There is indeed hope of future generations of Nigerians. Our confidence in the ballot box has been boosted by this ruling."

Chief Gabriel Osawaru Igbinedion (Esama of Benin) and father of former Governor Lucky Igbinedion:

"The judgment has restored true justice in the state. The Judges have really shown that there is hope for the common man in this state. They displayed exceptional courage.

#### Otaru of Auchi, Alhaji Haliru Momoh, Ikelebe 111:

"We thank the Almighty Allah for his mercies and kindness. The judgment of the court is divine. The court in its duties as the arbiter of the common man has done justice to this case and will continue to repose our confidence on the judiciary."

#### Prof Wole Soyinka

In a telephone call said "this is victory for democracy in Nigeria. On my behalf, you can toast this victory with a bottle of Champagne."

#### The Benin National Congress (BNC) said:

"The declaration of Comrade Adams Oshiomhole as the winner of Edo State Governorship Election of April 14, 2007 by the Appeal Court in Benin has once again re- enforced the peoples mandate to vote for their choice of candidate in an election (which ought to be free and fair).

Shortly after the April 14, 2007 Governorship Election, the Benin National Congress declared Comrade Adams Oshiomhole as the rightful winner of the said election due to facts at the stable of the Congress as against the declaration of Prof. Osarheimen Osunbor as the winner of the said election by INEC.

In a very sane society, Independent Electoral Commission like INEC will publicly apologise to the electorate whose votes were sold to the highest bidder."

#### Victory well-deserved — Buhari

Former Head of State and presidential candidate of the All Nigeria People's Party (ANPP) in the last general election, Major-General Muhammadu Buhari (rtd), described the victory of Comrade Oshiomhole as well deserved.

He said in a statement in Abuja that the victory satisfied the yearning of the majority of Nigerians for genuine democracy and whose unwavering support had led the Action Congress (AC) candidate to the position he found himself today.

He said: "We rejoice with Comrade Adams Oshiomhole for his fortitude and the people of Nigeria over this landmark verdict of the Appeal Court in Benin. It is a verdict that will go a long way in restoring the hope of our people in the judiciary and their faith once again, in the sanctity of the ballot box as well as in the maxim of one man one vote."

#### Harbinger of good fortune —PPA chief

Similarly, the National Chairman of the Progressive Peoples Party (PPA), Mr. Clement Ebri described verdict as harbinger of good fortune for opposition parties in the country.

Reacting to the verdict in a phone chat with Vanguard in Abuja, he said it had put the nail in the coffin of electoral malpractices in the country and would provide an avenue for the emergence of credible leaders in future elections.

According to him, "the news coming out of Edo State is joyous. It is good thing for the opposition which they must explore to ensure the sustenance of democracy in the country."

The party congratulated Comrade Oshiomhole and wished him a successful tenure in office.

#### Gov. Peter Obi said

"God has again intervened in our nascent democracy and justice has finally triumphed over injustice; light over darkness. This is another epochal judicial liberation of the country. The people's wishes have been respected and this is one of the bases for building a better society for our children."

#### Ogbulafor blames PDP defeat on internal crisis

The National Chairman of the People's Democratic Party (PDP), Prince Vincent Ogbulafor, attributed the fate of the party to the lingering political logiam in Edo State PDP family.

Ogbulafor who stressed that the party had accepted the ruling in good faith in line with its respect for the rule of law, said, "the PDP as a party believes in the rule of law, we must comply with the ruling. If we lose one out of 27, it is not bad, the court has spoken and the judges have spoken."

Speaking with journalists at the party's National Secretariat in Abuja yesterday, Ogbulafor who noted that internal crisis has bedevilled the state chapter of the party in the last one year, said it was unfortunate that the party lost the case in the court, adding that the outcome of the case did not come as a surprise to the national leadership of the party, stressing that a divided house can never stand.

The National Chairman who noted that the party leader made efforts to reconcile the warring factions in the state, said the moves were futile, just as he said the deep rooted animosity affected the handling of the case by the party leaders in Edo State.

According to him, "it is unfortunate we lost Edo State. We tried to reconcile the misunderstanding in Edo PDP state chapter. A house divided can never stand and it is unfortunate we lost Edo."

Also reacting to the ruling, the Action Congress, whose candidate is now the governor of Edo State hailed the Court of Appeal sitting in Benin City for doing the right thing by upholding the nullification of the election of Governor Oserheimen Osunbor and confirming the declaration of Adams Oshiomhole as the duly elected governor of the state.

#### Atiku congratulates Oshiomhole

Former Vice President Atiku Abubakar and presidential candidate of the Action Congress (AC) in the 2007 election while lauding the decision of the Court of Appeal charged the new governor to serve the people of the state with the focus and seriousness of purpose he is known for.

"It is the right thing to do. It was the most sensible thing to do. Justice has been served. The stolen mandate has been returned to its rightful owner," Abubakar said in a statement released by his media office in Abuja yesterday.

Affirming that the judgment could also help restore the image of the judiciary and particularly that of the Court of Appeal after some judgments he described as controversial, he said: "This way, our democracy — of which the Judiciary is a pillar — will be strengthened and deepened and the right environment created for development to take place," the former Vice-President said.

He also charged the Court of Appeal to resolve all outstanding cases before it speedily and without fear or favour.

#### I'm no longer alone, says Fashola

Governor Babatunde Fashola who was elected on the platform of AC as Mr. Oshiomhole heaved a sigh of relief, saying: "I am no longer alone."

The Governor declared: "The judgment confirms my own views which I have expressed from the beginning, even when I was also facing election petitions that elections are only part of the process, the process that starts with party formations, voter registration, actual balloting and indeed treatment of election petitions."

He said the final judgment marked the end of the process of picking the leader, adding: "Now the next process starts. The Governor must constitute a team and I hope that he will find very good people among Edo indigenes who are resourceful and willing to put their hands on the plow to serve and turn the fortunes of their state and consequently the fortunes of Nigeria around."

He appealed to the people of Edo State to give the new Governor time, pointing out that although the problems were numerous, they were not insurmountable.

#### Gani sets agenda for Adams

Lagos lawyer, Chief Gani Fawehinmi (SAN), in a statement from London said: "I am proud of the courageous judgment of the Court of Appeal in Edo State Governorship Election. Truth and electoral wishes of the people have finally triumphed.

"The victory is a challenge to Adams Oshiomhole to give maximum joy and happiness to his people through policies and programmes which must include: Good infrastructure including roads; Sound Education; Extensive health facilities; Creation of employment opportunities; Effective social security; Extensive electricity supply; Pipe-borne water; and Eradication of corruption.

"A lesson must be taught by the judgement. Professor Oserheimen Osunbor and those who helped him to perpetrate the electoral fraud must be arraigned before a criminal court to be tried for the offences they have committed. "These are the implications and the lessons of this judgment.

"I am happy that a tested, committed and principled progressive will have the opportunity to govern a state like Edo, which had in the past been plagued to stupor by irresponsible and corrupt leadership."

#### Excellent judgment —Akinjide

Former Attorney-General and Minister of Justice, Chief Richard Akinjide (SAN) described the judgment as excellent.

Speaking with Vanguard on phone in Ibadan, the former Minister said Nigerians should be thankful that it is the time of democracy and not the era of do or die era

He said: "I listened to the judgment from start to finish. It is an excellent judgment. The judgment is absolutely right Oshiomhole deserves to win. It shows we are in the era of the Rule of Law and not the era of do or die.

To Oshiomhole, it is congratulations. In politics, you can win or you can lose and vice versa. If you work well you would win. I congratulate his party. It is the rule of law that has won."

#### Gov Akala of Oyo

In the words of Governor Adebayo Alao-Akala through his Special Adviser on Public Communication, Prince Dotun Oyelade, he said: "Governor Alao-Akala has congratulated Comrade Adams Oshiomhole on his victory at the election court

He said it will always assist the democratic growth if litigation, no matter how volatile is left for the courts to decide instead of recourse to primitive self-help either in form of physical violence or instigated publications.

He advised the Action Congress and its flagbearer to settle down and face the task of good governance and show that they haven't been criticizing just for its own sake."

#### Oyo ANPP chief

In his congratulatory message, the Chairman of the All Nigeria People's Party(ANPP), Alhaji Folorunso Rasaki, congratulated the judiciary particularly the Edo State.

The judiciary has lived up to expectation. We are earnestly hoping that Oyo's case will be looked into.

So that Oyo State will be liberated from the bondage of unemployment and poverty.

The state will have cause to smile. It is a sign of good things to come. I salute the

judiciary, for courage and uprightness. It shows that there is hope for the common man."

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#### GOVERMENT IS DIFFERENT FROM UNION

Written by tony ayodele, on 12-11-2008 00:16, IP: 59.58.245.195

The new governor must know that, being a governor is different from union president. He has to carry everybody along with him, if he really want to succeed. Same jubilation was on when Lucy won. But Lucky failed woefully. Adams am wishing you good luck.

2

#### delay is not denial

Written by anderson, on 12-11-2008 00:52, IP: 193.120.116.179

God time is always the best. he has spoken, and know that no man can eat his cake and have it.

just celebrate with our brother, OBAMA

3

#### Justice has been served!

Written by Jake, on 12-11-2008 00:54, IP: 86.17.109.71

It has been a long time comming but justice has been served at last! Congratulations to Comrade Adams.I do hope he works with the same vigour with which he pursued his mandate.It is high time Edo state was freed from the shackles of corruption and greed of forgettable politicians... Edo deserves better.

4

#### Iwu not involved

Written by Charli10084, on 12-11-2008 01:06, IP: 70.196.190.217

The truth was told because Iwu was not involved

5

#### PDP & Democracy I Nigeria

Written by Edmund Mushay Ezurike, on 12-11-2008 01:14, IP: 68.209.115.139

In the past and present, PDP is not the party that will emancipate the people of Nigeria. Why! the party is made up of former NPN parochial leaders, Retired Army General, former 419ers and visionless people who think Republic of

Nigeria is a corporation. Imagine a party boosting its imposed leadsership on Nigerians for sixty years. A party whose traits and policies stunt the development of politics and undermines growth of our beloved Nation Nigeria. The court,s decision is a signaal that Nigerian must take their faith by their hand-opposition must unite together as one and remove this PDP shackle.

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#### Truth leads to freedom.

Written by Prayer O, on 12-11-2008 01:20, IP: 205.217.228.217

With great joy i read the victory of Oshiomole at the court of appeal this evening. I have always prayed and hoped that the truth would prevail in this case. I never wanted to check if he won during the election because I just took it for granted that he will win and so when the reverse was announced, it was clear to me and many that this "falsehood" would not last long not even when the 'selected' tried his best to justify the means with his ends. Oshos, let the fear of God be your guide as you have always displayed high sense of faith as you waited patiently for your fate. It is here, go make the difference and God will continue to hold you high.

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#### Adams

Written by Quincy Uzo, on 12-11-2008 01:34, IP: 85.220.52.211

It was victory for Action Congress, today, Edo is a free state. Time to repair, fix and build the state again, thanks to Osunbor for accepting the result and not planning to go to Supreme Court. Gov. Adam I wish you the best, God bless you and God bless Edo state

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#### TO GOD BE THE GLORY !!!

Written by OKEZIE, on 12-11-2008 01:41, IP: 212.96.30.66

Last year, when I received with dismay the INEC's declaration of Prof. Osunbor as the "winner" of the April 14th Gubernatorial Election in Edo State, the first question I asked was: "God, why did you allow such gross injustice?" I even stopped praying, for I felt that God wasn't fair. I did not know then that God had His plans. When My governor (Mr. Peter Obi) was reinstated about sixteen days later, I was encouraged to start worshipping God once again. When in March the Tribunal ruled in favour of Oshiomole, I understood that indeed, "God moves in a mysterious way". Now, I can confidently tell anyone that God's time is the best.

Celebrations should not blind our eyes to the glaring realities on ground. Edo State has suffered a lot due to mal-administration byu previous regimes. Oshiomole, of course, knows these facts, for they were the basis of his campaign. He should realize that ther are no victors or vanquished in this battle. He should be tolerant and forgiving to all, as the father of the State, which he has become. He should immediately embark on aggressive developmental efforts, not just infrastructural, but such that would promote the development of the individuals in the State. I dare say that he may consult with my Governor (Mr. Peter Obi) if necessary.

Once again, Comrade, you've successfully fought a great battle for a worthy cause. Remember that posterity would not forgive you if you fail. I trust that your administration would be transperent, tolerant, proactive, dedicated, courageous and above all fair to the people of Edo State.

Edo people, please give the new governor all the necessary support he needs to succeedd.

Finally, I say CONGRATULATIONS to the People of Edo State, the Nigerian Judiciary and to Cmrade Oshiomole himself. May God continue to bless you all !!!

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#### Hon.

Written by Ray Nwohia., on 12-11-2008 02:04, IP: 91.104.85.131

I salute Comarade Oshiomhole. I urge him to follow the example of Alhaji Sule Lamido, the Governor of Jigawa State, by running a people-oriented administration in Edo State. If he does very well, the sky is the limit. Bravo!

10

Victory for the rule of law

Written by Olajide, on 12-11-2008 02:20, IP: 68.148.152.93

Are we seeing an Obama effect here. For the first time INEC is saying that its going to investigate and possibly prosecute those behind the "electoral miscomputation" simply known as rigging or electoral fraud? May God bless Nigeria, and the entire black race. In this 21st century we cannot afford to lag behind. And we should think about the kind of legacy we want to leave behind.

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