

Strengthening Nigeria's Judiciary: Abia State in Focus (Victor Ikpeazu vs Sampson Ogah)

Abia State, a tiny oil producing state is now a subject of discussion in the political space and a test case for President Buhari and the rule of law in Nigeria

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/EINPresswire.com/ -- Abia State is an oil producing state located in the south east of Nigeria with a population of just over 4 million. This tiny state in Nigeria has now become a subject of intense discussion in the political space and is likely to be a test case for President Muhammadu Buhari in ensuring the rule of law as enshrined in the Nigerian Constitution is upheld by all political office holders in Nigeria.

The current political landscape in Nigeria has three main political parties, the ruling party All Progressive Congress (APC), the Peoples Democratic Party (PDP) and the All Progressive Grand Alliance (APGA). Victor Ikpeazu who was elected in 2015 as governor of the Abia state has been battling a court case challenging his legitimacy as governor brought by Sampson Ogah (plaintiff), the candidate who finished second in the PDP primaries. Sampson Ogah had alleged that Victor Ikpeazu evaded tax prior to his election and also gave false information to the party as required under Article 14(a) of the PDP electoral guidelines before participating in the primary elections held in December 2014.



Uchechkwu Sampson Ogah (Left) receiving the certificate of return from a representative of Independent National Electoral Commission (INEC)



Former Abia State Governor Victor Okezie Ikpeazu reviewing the Federal High Court judgement against him

The Federal High Court sitting in Abuja headed by the learned trial judge, Justice Okon Abang, agreed with the plaintiff and duly found Victor Ikpeazu guilty of tax evasion for the years 2011, 2012 and 2013 when he was a public officer; this meant that he was not qualified to have participated in the primary elections of the party, let alone contest in governorship election in the

In two separate judgements, Justice Okon Abangpa ordered Victor Ikpeazu to immediately vacate the office of the governor of Abia State and directed Independent National Electoral Commission (INEC) to issue a fresh Certificate of Return to the plaintiff in one of the two suits to Sampson Ogah, who was the first runner-up in the governorship primary conducted by the PDP on December 8, 2014.

Justice Okon Abang made the orders after disqualifying Ikpeazu as the candidate of the PDP governorship election held in April 11, 2015 on the basis that he committed perjury by presenting false tax records to the party. A key point highlighted by Justice Okon Abang is that an aspirant must first meet the qualifying factors under Section 31(5) and (6) of the Electoral Act to become his or her party's candidate before such a person can be qualified as a candidate in the general elections under sections 177 and 82 of the Nigerian Constitution.

The current administration of Muhammadu Buhari is fully committed to the rule of law and it has now become increasingly difficult for people of influence in the society to manipulate the law in their favour. However since the Federal High Court judgement against Mr Okezie Victor Ikpeazu, he has refused to vacate the seat as governor and the State Chief Judge, Theresa Uzokwe, has also refused to swear in the new governor Sampson Ogah.

In a recent interview, Ikpeazu was quoted, saying: "Someone (referring to Ogah) who never campaigned, someone that was not tested by the abia public. His acceptability was not tried and he arranged and got judgement". It is not in dispute that Sampson Ogah did not campaign as the nominated governorship candidate for the party during the 2015 general elections but the ruling clearly states Ikpeazu was ineligible to be selected as the nominated governorship candidate for the general elections in Abia State.

"It is hereby declared that the votes allegedly scored by Dr. Okezie Ikpeazu in PDP primary election for aspirant to the gubernatorial election to the Abia State on December 8, 2014, are wasted votes, null and void and none of the defendants is entitled to act on the votes credited to Ikpeazu based on the said PDP primary election" - Justice Okon Abang

In the same interview, Ikpeazu was also quoted, saying: "Someone decided to bring in something that is strange to the law and we are baffled by the urgency and desperation to pounce into government house". There is nothing strange about the suit brought against Ikpeazu; it alleges he was ineligible to be selected as the party nominee for governorship of Abia State for declaring false tax records. The trial judge has ruled Ikpeazu leaves government house immediately because of the seriousness of the crime - falsifying tax records for three consecutive years with intent to mislead the party.

On the 27th July, the Federal High court in Abuja rejected an appeal by Ikpeazu to set aside its judgement of 27th June which empowered INEC to issue a certificate of return to Sampson Ogah. It is now time for the Nigerian President, Muhammadu Buhari, to seek legal advice from the Attorney General of the Federation and break the impasse by forcing Victor Ikpeazu to comply with the federal high court ruling and also sanction the Abia State Chief judge Theresa Uzokwe for failing to comply with the ruling.

Abia State governorship impasse is not a constitutional crisis as it is being muted in a section of Nigerian society. It's simply a case of an incumbent governor deliberately refusing to comply with a Federal court order and blatantly disregarding the rule of law as unambiguously enshrined in the Nigerian Constitution. This impasse presents President Muhammadu Buhari with a rare opportunity to step in as leader of the Federal Republic of Nigeria and demonstrate cross party leadership by ensuring the rule of law is upheld; the President's action will also send out a clear message to all Nigerians vying for public office that falsifying tax records (forgery) is a very serious criminal offence

particularly when this fraudulent activity is intentionally used to gain undue advantage in seeking public office.

Reference –Video: [There is no doubt that I remain Abia's elected governor- Ikpeazu](#)

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