20/3/2023

CERTIFIED TRUE COPY
SECRETARY
PRESIDENTIAL ELECTION PETITION COURT 2023

J.J EKPEROBE Esq

S.C

IN THE COURT OF APPEAL
HOLDEN AT ABUJA

IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA HELD ON THE 25TH DAY OF FEBRUARY, 2023.

CA/PEPC/03/2023

PETITION NO: /23

BETWEEN

1. MR. PETER GREGORY OBI
2. LABOUR PARTY

PETITIONERS

Petition = ₦1,000 =
Hearing fees ₦2,000 =
Publication ₦100 =
Fls ₦500 =
Case ₦900 =
CTC ₦930 =
₦5,430

AND

1. INDEPENDENT NATIONAL ELECTORAL COMMISSION
2. SENATOR BOLA AHMED TINUBU
3. SENATOR SHETTIMA KASHIM
4. ALL PROGRESSIVES CONGRESS

RESPONDENTS

PRESIDENTIAL ELECTION PETITION COURT 2023
PAID
DATE 20/3/23
SIGN

PETITION

THE PETITION OF MR. PETER GREGORY OBI AND LABOUR PARTY BOTH OF 3 GABES STREET WUSE ZONE 2, ABUJA WHOSE NAMES ARE SUBSCRIBED

A. PARTIES INTERESTED IN THE PETITION AND THE RIGHT OF THE PETITIONERS TO PRESENT THE PETITION.

1. This Election Petition is presented by MR PETER GREGORY OBI, (hereinafter, where the context so admits, is referred to as the 1st

RRR1508-0754-7818

Petitioner), and LABOUR PARTY, (hereinafter, where the context so admits, is referred to as the 2nd Petitioner or LP). They shall, where the context so admits be jointly referred to as Petitioners.

2. The Petition is in respect of the election for the office of the President of the Federal Republic of Nigeria which held on Saturday, the 25th day of February, 2023 across the Federal Republic of Nigeria, (hereinafter referred to as the election).

3. The 1st Petitioner as a duly registered voter had a right to vote and indeed voted at the said election which took place on 25th February 2023.

4. The 1st Petitioner was duly sponsored by the 2nd Petitioner on whose platform the 1st Petitioner contested the election. The Petitioner shall at trial rely on the 1st Petitioner's nomination documents filed with the 1st Respondent.

5. The 1st Petitioner, accordingly, was a candidate at the election and had a right to be returned as the duly elected candidate at the election.

6. The 2nd Petitioner is a duly registered political party under the laws of the Federal Republic of Nigeria, and was the political party which sponsored the 1st Petitioner as its candidate to contest the election to the office of President of the Federal Republic of Nigeria, at the said election.

7. The 2nd Petitioner is a body corporate with perpetual succession and in the sponsorship of the 1st Petitioner, and the conduct of the election thereof, acted through its members duly appointed as agents at all stages of the election, namely, at the Polling Units, the Ward Collation Centres, the Local Government Collation Centres, the State Collation Centres and at the ultimate Collation Center at the Federal Level in Abuja.

8. In the conduct of the election, the Agents duly appointed by the Petitioners performed their assigned and statutorily designated roles at the election. These roles included observing and monitoring the process of arrival of election materials where they were supplied by the 1st Respondent, and leading to and including the process of accreditation, voting, counting of votes and announcement of the results of the election. These Agents where the election proceeded in due form, upon the 1st Respondent's Agents duly entering the results in the result sheets at the Polling Units, signed and collected duplicate copies of the result sheets.

9. In appropriate cases, these Agents raised complaints about anomalies where they occurred and reported such complaints to designated officers of the 2nd Petitioner and the 1st Respondent.

10. The 1st and 2nd Petitioners, in accordance with the prevailing law, have the right to lodge this Petition to the court constitutionally vested with the jurisdiction to receive and entertain Election Petitions in challenge to the proceedings at and the outcome of the election to the office of the President of the Federal Republic of Nigeria. The right of the Petitioners stems from the participation of the 1st Petitioner as candidate and the 2nd Petitioner as the sponsoring political party.

11. The 1st Respondent, which is the Independent National Electoral Commission (hereinafter referred to as INEC) is the Electoral body created under the Constitution of the Federal Republic of Nigeria 1999, as amended (hereinafter referred to as "the 1999 Constitution"). The body is vested with powers and functions assigned by the Constitution and the Electoral Act 2022, which include the organization and conduct of prescribed elections in the territory known as the Federal Republic of Nigeria, including the office of the President. It was in that capacity that the 1st Respondent organized and conducted the election for the office of the President of the Federal Republic of Nigeria, the subject matter of this

Petition.

12. In the discharge of its duties in the conduct of the election, the 1st Respondent did so through its regular and ad-hoc staff who functioned at the designated venues and stages of the election as Poll Clerks, Assistant Presiding Officers, Presiding Officers, ward Collation Officers, Local Government Collation Officers, State Collation Officers, Electoral Officers, Resident Electoral Commissioners, the Chief Returning Officer of the Federation and all other staff no matter how designated, acted as agents of the 1st Respondent at the election.

13. The 2nd Respondent, although not duly sponsored and not qualified, contested along with the 1st Petitioner and others for the office of the President of the Federal Republic of Nigeria, the subject matter of this Petition. The said 2nd Respondent was returned by the 1st Respondent as the winner of the said election.

14. The 3rd Respondent, although not duly sponsored and thus not qualified, was nominated by the 2nd and/or 4th Respondent as the Vice Presidential candidate of the 2nd Respondent; and consequently contested on a joint ticket with the said 2nd Respondent and was returned in the election hereby challenged as Vice-President of the Federal Republic of Nigeria.

15. The 4th Respondent is a registered political party under the laws of the Federal Republic of Nigeria which purportedly sponsored the 2nd Respondent and therefore participated at the election, the subject matter of this Petition.

16. The Petitioners and the Respondents are therefore parties who are interested in this Petition and the outcome thereof.

HOLDING OF THE ELECTION, SCORES OF THE CANDIDATES AND THE PERSON RETURNED

17. At the conclusion of the scheduled election, the collation of results lasted until 1st day of March 2023 when the 1st Respondent announced the result of the election and declared the scores of the candidates in the manner following, as contained in Form EC8E:

S/N	NAM ES OF CANDIDATES	GENDER	POLITICAL PARTY	VOTES RECEIVED
1	IMUMOLEN IRENE CHRISTOPHER	MALE	A	61,014
2	ALMUSTAPHA HAMZA	MALE	AA	14,542
3	SOWORE OMOYELE STEPHEN	MALE	AAC	14,608
4	KACHIKWU DUMEBI	MALE	ADC	81,919
5	SANI YABAGI YUSUF	MALE	ADP	43,924
6	TINUBU BOLA AHMED	MALE	APC	8,794,726
7	UMEADI PETER NNANNA CHUKWUDI	MALE	APGA	61,966
8	OJEI PRINCESS CHICHI	FEMALE	APM	25,961
9	NNAMDI CHARLES OSITA	MALE	APP	12,839
10	ADENUGA SUNDAY OLUWAFEMI	MALE	BP	16,156
11	OBI PETER GREGORY	MALE	LP	6,101,533
12	MUSA MOHAMMED RABIU KWANKWASO	MALE	NNPP	1,496,687
13	OSAKWE FELIX JOHNSON	MALE	NRM	24,869
14	ABUBAKAR ATIKU	MALE	PDP	6,984,520
15	ABIOLA LATIFU KOLAWOLE	MALE	PRP	72,144
16	ADEBAYO ADEWOLE EBENEZER	MALE	SDP	80,267
17	ADO-IBRAHIM ABDUMALI K	MALE	YPP	60,600
18	NWANYANWU DANIEL DABERECHUKWU	MALE	ZLP	77,665

18. Based on the 1st Respondent's declaration as contained in Form EC 8E, the summary of the result disclosed the following:

Aa	Total number of registered voters	93,469,0008
B	Total number of Accredited voters	25,286,616
C	Total number of valid voters	24,025,940
D	Total number of rejected voters	939,278
E	Total number of votes cast	24,965,218
F	Percentage turn out	27 05%
G	1st Maximum votes	8,794,726
H	2nd Maximum votes	6,984,520
I	Margin of Lead	1,810,206
J	Total Number of PVC Collected (Election not held/cancelled) EC40G(3)	994,151
K	REMARK	

19. From the above result which is being challenged in this Petition, the 1st Respondent declared and returned the 2nd Respondent as the winner of the Presidential election; and thereafter, issued Certificates of Return to the 2nd and 3rd Respondents. The Petitioner shall rely on all Forms EC8A, EC8B, EC8C, EC8D and EC8E and all INEC electoral documents, which are hereby pleaded.

GROUNDS ON WHICH THE PETITION IS BASED

20. The Petitioners state that the Grounds on which the Petition is based are as follows:

(i) The 2nd Respondent was, at the time of the election, not qualified to contest the election.

(ii) The election of the 2nd Respondent was invalid by reason of corrupt practices or non-compliance with the provisions of the Electoral Act 2022.

(iii) The 2nd Respondent was not duly elected by majority of the

lawful votes cast at the election.

FACTS OF THE ELECTION PETITION

Ground 1: The 2nd Respondent was, at the time of the election, not qualified to contest the election.

21. The Petitioners state that a candidate for election to the office of President shall nominate another person as his associate for his running for the office of President, who is to occupy the office of Vice-President. In this case, the 2nd Respondent purportedly nominated the 3rd Respondent as the Vice-Presidential candidate.

22. The Petitioners aver that on the 14th of July 2022, the 3rd Respondent, contrary to the provisions of the Electoral Act 2022, whilst still being a Senatorial candidate for Borno Central Constituency, knowingly allowed himself to be nominated as the Vice Presidential Candidate to the 2nd Respondent on the platform of the 4th Respondent and became the new Candidate for the office of the Vice President on that date (14 July 2022). The Petitioners shall rely on Form EC11A signed by the 3rd Respondent and the officials of the 4th Respondent on that same 14th of July 2022.

23. The 3rd Respondent was a candidate nominated by the 4th Respondent for the office of Senate in the Borno Central Senatorial Constituency until 15 July, 2022 when he signed the Independent National Electoral Commission Senatorial Election Notice of Withdrawal of Candidate purporting to withdraw from the contest called Form EC11C. The Petitioners hereby plead and shall at the trial rely on:

    (i) Affidavit and Personal Particulars (Form EC9) submitted by the 3rd Respondent for Borno Central Senatorial Constituency sworn to on 14 June 2022 and received by the 1st Respondent on 17 June 2022.

(ii) Affidavit in support of Personal Particulars (Form EC9) submitted by the 3rd Respondent for the office of the Vice-Presidential Candidate for the Constituency of Nigeria (the Federal Republic of Nigeria) received by the 1st Respondent on 15 July 2022.

(iii) Notice of Withdrawal of Candidate (pursuant to section 33 of the Electoral Act, 2022), Form EC11A dated 14 July 2022 signed by the 3rd Respondent as the New Candidate (Vice Presidential) of the All Progressives Congress and also containing the passport picture of the 3rd Respondent as New Candidate.

(iv) Notice of Withdrawal of Candidate (Pursuant to Section 33 of the Electoral Act, 2022), Form EC11C dated 15 July 2022 signed by the 3rd Respondent as the withdrawing candidate of the All Progressives Congress for Borno Central Senatorial Constituency and also containing the passport picture of the 3rd Respondent.

24. As at the time the 3rd Respondent purportedly became a Vice-Presidential Candidate, he was still the nominated Senatorial candidate of the 4th Respondent for the Senatorial election for the Borno Central Senatorial Constituency.

25. It is the Petitioners' case that the entire Federation of Nigeria shall be and has always been regarded as one Constituency with respect to election to the office of President and Vice President; and that besides the Constituency for the office of President and Vice-President, there are other Constituencies within the Federation, including Senatorial Constituencies, each being distinct for the purpose of elections into the respective offices.

26. It is also the Petitioners' case that a candidate, in this case the 3rd Respondent, shall not knowingly allow himself to be nominated in

more than one Constituency.

27. The Petitioners shall contend at the trial that the purported sponsorship of the 2nd and 3rd Respondents by the 4th Respondent was rendered invalid by reason of the 3rd Respondent knowingly allowing himself to be nominated as the Vice Presidential Candidate whilst he was still a Senatorial Candidate for the Borno Central Constituency. The Petitioners shall further contend that for this reason, the votes purportedly recorded for the 2nd Respondent at the contested Presidential election were/are wasted votes and ought to be disregarded.

28. The Petitioners further plead that the 2nd Respondent was also at the time of the election not qualified to contest for election to the office of President as he was fined the sum of $460,000.00 (Four-Hundred and Sixty Thousand United States Dollars) for an offence involving dishonesty, namely narcotics trafficking imposed by the United States District Court, Northern District of Illinois, Eastern Division, in **Case No: 93C 4483** between:

UNITED STATES OF AMERICA,
Plaintiff

v.

FUNDS IN ACCOUNT 263226700 HELD BY FIRST HERITAGE BANK, IN THE NAME OF BOLA TINUBU,

FUNDS IN ACCOUNTS 39483134, 39483396, 4650279566, 00400220, 39936404, 39936383 HELD BY CITIBANK, N.A., IN THE NAME OF BOLA TINUBU OR COMPASS FINANCE AND INVESTMENT CO.,

FUNDS IN ACCOUNTS 52050-89451952, 52050-89451952, 52050-89451953 HELD BY CITIBANK, INTERNATIONAL, IN THE NAME OF BOLA

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TINUBU,
Defendants

29. In the Decree of Forfeiture, Judge John A. Nordberg in that said Case No: 93C 4483 ordered on October 4, 1993 on page 3 as follows:

> *"ORDERED that the funds in the amount of $460,000 in account 263226700 held by First Heritage Bank in the name of Bola Tinubu represent the proceeds of narcotics trafficking or were involved in financial transactions in violation of 18 U.S.C. §§1956 and 1957 and therefore these funds are forfeited to the United States pursuant to 21 U.S.C. § 381(a)(6) and 18 U.S.C. §982; it is further*
> *ORDERED that First Heritage Bank shall issue a check in the amount of $460,000 payable to Federal Reserve Bank of Chicago and that these funds shall be disposed of according to law; it is further*
> *ORDERD that the Court shall retain jurisdiction over this action in order to implement and enforce the terms of this Decree of Forfeiture."*

30. The above orders were made pursuant to paragraph 5 of the "Stipulations and Compromise Settlement of Claims to the Funds held by Heritage Bank and CitiBank" filed by the parties, which stated as follows:

> *"5. The parties further agree that $460,000 from the defendant account held by Heritage bank in the name of Bola Tinubu shall be forfeited by the United States and disposed of according to law. The funds remaining in the account shall be released to K.O. Tinubu."*

31. The Petitioners hereby plead and shall rely on certified copies of the following documents, namely:

a) Verified Complaint for Forfeiture, submitted by Michael J. Shepard (United States Attorney) and signed by Marsha A. McClellan (Assistant United States Attorney);

b) Stipulations and Compromise Settlement of Claims to the Funds held by Heritage Bank and CitiBank; and

c) Decree of Forfeiture as to Funds held by First Heritage Bank, signed by United States District Judge, John A. Nordberg.

32. The Petitioners shall contend that by reason of the said disqualification of the 2nd and 3rd Respondents, the votes purportedly recorded for the 2nd Respondent in the election were/are wasted and invalid; and that the 1st Petitioner who from the correct result of the election obtained the highest number of lawful votes cast in the election and met the constitutional requirements to be declared and returned as the winner of the election, ought to be declared as the winner of the Presidential election held on the 25th February 2023.

GROUND 2:

The election of the 2nd Respondent was invalid by reason of corrupt practices or non-compliance with the provisions of the Electoral Act 2022.

NON-COMPLIANCE

33. Pursuant to the powers conferred on it by the 1999 Constitution and the Electoral Act, 2022, the 1st Respondent issued the "Regulations and Guidelines for the Conduct of Elections, 2022" (hereinafter, called "the Regulations") and the Manual for Election Officials 2023. The said Regulations and Manual, which are hereby pleaded, are binding on the 1st Respondent and its staff with the respect to the conduct of all elections, including the Presidential election being

challenged in this Petition.

34. The Petitioners shall contend at the trial that the 1st Respondent was, in the course of the conduct of the Presidential election, mandatorily required to prescribe and deploy technological devices for the accreditation, verification, confirmation and authentication of voters and their particulars as contained in the 1st Respondent's Regulations.

35. For the purpose of compliance with the above-stated mandatory requirements, the 1st Respondent deployed, in the conduct of the 25th February 2023 Presidential election, the use of Bimodal Voter Accreditation System (BVAS) for the purpose of accreditation of voters and made its use mandatory for the purpose of accreditation, verification, confirmation and authentication of voters. The Petitioners shall rely on the Press Release issued by the 1st Respondent and signed by Festus Okoye, National Commissioner and Chairman, Information and Voter Education for the 1st Respondent dated 11th November 2022, wherein it was written *inter alia* that:

> *"The Commission has repeatedly reassured Nigerians that it will transmit results directly from the polling units as we witnessed in Ekiti and Osun State Governorship elections and 103 more constituencies where off-cycle Governorship/FCT Area Council elections and by-elections were held since August 2020. The results can still be viewed on the portal. The iRev is one of the innovations introduced by the Commission to ensure the integrity and credibility of election result in Nigeria. It is therefore inconceivable that the Commission would turn around and undermine its own innovations. The public is advised to ignore the reports. The Bimodal Voter Accreditation System (BVAS) and iRev have come to stay for voter accreditation and uploading of polling unit results in real-time in Nigeria."*

36. The Petitioners shall also rely on the assurances contained in a Press

Conference hosted and addressed by the Chairman of the 1st Respondent, Prof. Yakubu Mahmood, which was covered by the Media. A video recording of the said Press Conference, as reported by some media houses in Nigeria, is hereby pleaded.

37. The Petitioners aver that at the conclusion of the election at each Polling Unit, the Presiding Officer was mandatorily required to electronically transmit or transfer the result of the Polling Unit directly to the collation system of the 1st Respondent. In addition, the Presiding Officer was also mandatorily required to use the BVAS to upload a scanned copy of the Form EC8A to the 1st Respondent's Result Viewing Portal (iRev) in real time.

38. Where the BVAS failed to function in any polling unit, a new BVAS was to be deployed to ensure that the accreditation process conformed with the prescribed electoral process. However, where the second BVAS also failed to function, the election in that polling unit was to be cancelled and another election shall be rescheduled within twenty four (24) hours.

39. By the Regulations, voting was to be in accordance with the Continuous Accreditation and Voting System (CAVS) and no person was to be allowed to vote at any Polling Unit other than the one at which his or her name was disclosed on the Register of Voters. The intending voter was then to present the Permanent Voters Card (PVC) to the 1st Respondent's staff who was to verify same using BVAS. The Petitioners plead that the accreditation process, *inter alia*, comprised the following:

    (i) Checking the Permanent Voter's Card (PVC) of the voter;

    (ii) Positive identification of the voter in the BVAS;

    (iii) Authentication of the voter by matching his/her fingerprints or face (facial recognition) using the BVAS;

(iv) Positive identification of the voter in the Register of voters;

(v) Completion of Forms EC40H (1) — PWD Voter Information and Statistics; and

(vi) Applying indelible ink to the cuticle of the finger of the voter (where available).

40. By the said process of accreditation, the voter was to present himself to the Agent of the 1st Respondent who was to request the PVC of the voter. Where the voter had none, he was not to be allowed to vote; but if the voter had presented the said PVC, the Agent of the 1st Respondent was to proceed as follows:

(i) Call up the voter's data on the BVAS by reading the bar code on the back of the PVC or reading the QR code against the name of the voter in the Register of Voters or entering the last six digits of the Voter Identification Number (VIN) of the voter into the BVAS or searching the BVAS with the surname of the voter;

(ii) On appearance of the voters' data on the BVAS, the APO 1 was to ascertain that the photograph on the PVC was that of the voter and that the Polling Unit details correspond with those of the Polling Unit;

(iii) Request the voter to place his/her thumb or any other finger (where possible) in the place provided on the BVAS for authentication or, if this failed, match the face of the voter to the picture in the BVAS using the device's facial recognition facility; and

(iv) If the fingerprint or face of the voter matched, request the voter to proceed to APO II.

41. After complying with the procedure above, the verified voter was to be further scrutinized before proceeding to the process of actual voting. Where the BVAS for the polling unit failed to identify the intending voter, that voter was not be allowed to vote.

42. (a) In order to ensure that voting did not proceed except as specifically prescribed, that is to say, with the use of the BVAS, in the event of any malfunctioning of the BVAS for a polling unit, the Agent of the 1st Respondent was to:

(i) Immediately inform the LGA and RA supervisors, the Supervisory Presiding Officer (SPO), the Electoral Officer (EO), and the Election Monitoring and Support Centre (EMSC) for replacement;

(ii) Suspend Accreditation and Voting until a new BVAS was made available;

(iii) File a report of the incident to the designated Official; and

(iv) Inform the voters and polling agents of the situation.

(b) Where a replacement BVAS was not available by 2:30pm, the Presiding Officer was to:

(i) Inform the LGA and RA Supervisors, SPO, EO, and EMSC of the situation;

(ii) File a report of the incident; and

(iii) Inform the voters and polling agents that accreditation and voting for the affected Polling Unit was to continue the following day.

(c) Where a BVAS was replaced in the middle of an election, the data of verified voters in the faulty BVAS was to be merged with data in the replacement BVAS for purposes of determining the number of verified voters.

43. After due accreditation and casting of votes by the duly accredited voters, the Presiding Officer was to count the votes at the Polling Unit and enter the votes scored by each candidate in the Form prescribed by the 1st Respondent known as Form EC8A, which Form was then to be signed and stamped by the Presiding Officer and counter signed by the candidates or their Polling Agents where available at the Polling Unit.

44. The Presiding Officer was then to deliver copies of the result sheet to the party agents who desired to collect such copies as well as the Police Officer where available. Thereafter, the Polling Unit results for all the Polling Units within a Registration Area were to be delivered to the Registration Area Collation Officer who was to collate the results in the Form provided by the 1st Respondent. This process was to be repeated at all stages of collation, whereby the Ward Results were to be delivered to and collated by the Local Government Collation Officer, who was under duty to accelerate same to the final Constituency Collation Officer.

45. The Petitioners aver that, apart from the importance of the BVAS in the capture of accreditation at a polling unit in an election, the BVAS is also mandatorily to be used in the process of uploading the information or data imputed into it by the 1st Respondents' Presiding Officer at each Polling Unit, who shall, upon completion of voting and due recording and announcement of the result:

(i) Electronically transmit or transfer the result of the Polling Unit directly to the collation system as prescribed by the 1st Respondent;

(ii) Use the BVAS to upload a scanned copy of the Form EC8A to the INEC Result Viewing Portal (iRev), as prescribed by the 1st Respondent; and

(iii) Take the BVAS and the original copy of each of the forms in tamper-evident envelope to the Registration Area/Ward Collation Officer, in the company of Security Agents. The Polling Agents may accompany the Presiding Officer to the Registration Area/Ward Collation Centre.

46. The Petitioners aver that as part of the technological architecture for the conduct of the 2023 General Elections, including the Presidential election, the 1st Respondent utilized virtual servers on **Amazon Web Services** (**AWS**) for the hosting/storage of the 1st Respondent's data, particularly results obtained and or generated from the 2023 General Elections, including the election results of the Presidential Election held on 25th February 2023 on the Amazon Cloud Platform. The Petitioners may subpoena the relevant staff or officer of Amazon to establish this and related facts pleaded in this Petition.

47. The Amazon Cloud Platform is the world's most comprehensive and broadly adopted platform which enables users such as large enterprises and government agencies like the 1st Respondent to effectively and in real time manage data, in order to lower costs, become more agile and effective. The Petitioners hereby plead relevant pages on the website of Amazon which can be accessed at https://aws.amazon.com.

48. The Petitioners further aver that the 1st Respondent's data captured and or generated during the 2023 Presidential Election held on 25th February 2023, and stored on the AWS data warehouse using cloud computing technology is accessible.

49. In addition to the pleadings in the foregoing paragraphs, the

Petitioners also aver that the result of the Presidential Election held on 25th February 2023 displayed/stored on the 1st Respondent's Result Viewing Portal (iRev) ought to be the same in all material particulars with the result of the election stored in the Virtual Servers on the AWS or the Amazon Cloud Platform.

50. The 1st Respondent created various levels of collation at the Registration Areas, Local Government Areas, State Constituencies and the Federal Constituency; and by that process, the results of any election, including the one hereby challenged, were only to be accepted for collation if the Collation Officer ascertained that the number of accredited voters corresponded with the number captured in the BVAS and where votes for the parties corresponded with the result electronically transmitted directly from the Polling Units.

51. In the case of a dispute, the results electronically transmitted or transferred directly from the lower levels and announced were to be used to determine the results at that level of the Collation process. Where no result was directly transmitted in respect of a Polling Unit or a level of collation, it would not possible to resolve that dispute. In this case, the Petitioners' agents and agents of other political parties walked away in protest from the National Collation Centre when the Collation Officer blatantly refused to resolve their disputations of the results being collated as mandatorily stipulated by the Electoral Act, 2022. The Petitioners hereby plead a video clip of the incident as reported by some media houses.

52. The Petitioners further plead that copies of the Forms EC8A scanned and uploaded through the BVAS to the 1st Respondent's Result Viewing Portal (iRev) as mandated by the 1st Respondent, were to exactly reflect all other results which originated from the Polling Units. Those which were instantaneously uploaded at the earliest moment ought to be the standard for assessing other results subsequently advanced by the 1st Respondent in the process of

Collation leading to the final segment, which was the declaration of the result of the election.

53. The Petitioners also contend that in manifest violation of the 1st Respondent's Regulations and the Electoral Act, 2022, the results of the Presidential Election held in the Polling Units were not fully uploaded on the iRev as at the time of the purported declaration of the 2nd Respondent as the winner of the Presidential Election, which gave room for manipulation of the said results by officials of the 1st Respondent.

54. Indeed, the 1st Respondent continued with the uploading of the results of the Presidential Election held on 25 February 2023 up till the time of filing this Petition and has continued to do so thereafter in manifest violation of the provisions of the Electoral Act and the 1st Respondent's Regulations.

55. The Petitioners aver that due to the manifest non-compliance by the 1st Respondent with the Electoral Act and specific requirements of the Regulations for the conduct of the Presidential election, by the said 1st Respondent failing, refusing and neglecting to instantly transmit and upload the result of that election electronically to the iRev from the BVAS, the 1st Respondent violated the integrity and safety measures entrenched for the conduct of the said election.

56. The 1st Respondent is obligated to compile and keep a Register of Election Results known as the National Electronic Register of Election Results (NERER) which shall be a distinct database or repository of Polling Unit results, including collated election results of each election conducted by the 1st Respondent. The Result Viewing Portal (iRev) is the immediate access by the general public to the said electronic register of election results and is supposed to disclose the electronic version of the same result sheets distributed at the points of election and at the Collation Centres.

57. The Petitioners made several applications through its campaign organisation and Solicitors for certified true copies of the election documents and data relating to the Presidential election, but were denied same by the 1st Respondent. The said letters dated 6th March 2023, 14th March 2023, 16th March 2023 and 20th March 2023, respectively are hereby pleaded.

58. Similarly, the 1st Respondent, acting through its officials has refused to comply with the Ex parte Orders for inspection made by this Honourable Court, wherein the Petitioners were mandated to inspect and obtain certified copies etc of relevant election documents in the custody of the 1st Respondent, in that:

a. The 1st Respondent has denied having in its custody any Form EC8A or Form EC8B in Rivers State

b. In Bayelsa, the 1st Respondent only provided certified copies of Forms EC8A in Four of the Eight Local Government Areas of that State, while it provided Forms EC8B in only Seven Local Government Areas of the State.

c. The 1st Respondent only provided certified copies of Forms EC8A, EC8B, EC8C and EC40G in Benue State while it blatantly refused to provide certified copies of those Forms in the remaining States.

59. The Petitioners further aver that the 1st Respondent failed to record in the prescribed Forms the quantity, serial numbers and other particulars of result sheets, ballot papers and other sensitive electoral materials on the prescribed Forms EC25A, EC25A(i), EC8B and EC8B(i) – that is to say, Electoral Material Receipts for LGA, Electoral Material Distribution for RA, Electoral Material Receipts/Revised Logistics and Polling Unit Material Receipts/Distribution in respect of the States where the 2nd Respondent purportedly won.

The Petitioner aver that following the order of Court for inspection, they applied, through their Campaign Organisation and Lawyers, for these Forms, but the 1st Respondent refused to give/issue those forms and refused to allow the inspection of the forms despite the order of Court.

60. The Petitioners further plead that due to the 1st Respondent's refusal and neglect to upload and transmit the result of the election in the polling units to the IReV as required by law on the day of the election, the 1st Respondent suppressed the actual scores obtained by the Petitioners. The suppression of the 1st Petitioner's scores which occurred in Eighteen Thousand and Eighty-Eight (18,088) Polling Units was orchestrated by the 1st Respondent deliberately uploading unreadable and blurred Forms EC8As on the IReV; and thereby, suppressed the lawful scores obtained by the Petitioners in the said Polling Units.

61. The Petitioners hereby plead and shall at trial rely on a Spread Sheet containing the Polling Units Codes and details of the aforesaid Eighteen Thousand and Eighty-Eight Polling Units, as well as the authentic results in the aforesaid Eighteen Thousand and Eighty-Eight Polling Units. In addition, the Petitioners plead that in Benue State, the 1st Respondent also mischievously uploaded blurred Forms EC8A allegedly for Polling Units in an attempt to suppress the lawful result of the election in the Polling Units. The Petitioners shall also at trial rely on a Forensic Report of the Presidential Election held in Polling Units in Benue State.

62. The Petitioners further aver that in Rivers State during the collation exercise at the Federal level, the 1st Respondent announced the scores of the Petitioners as **175,071 votes** and the 2nd and 4th Respondents as having **231,591 votes**. However, by the actual scores obtained at the polling units, the Petitioners' lawful votes in

Rivers State are **205,110 votes,** while the 2nd and 4th Respondents' score ought to be **84,108 votes.**

63. The Petitioners further contend that if the 1st Respondent had, as it was mandated to do, utilised the scores recorded on the Forms EC8A as against the fictitious Forms uploaded on the IReV, the Petitioners would have won Rivers State.

64. Similarly, in Benue State, the 1st Respondent whilst suppressing the lawful votes obtained by the Petitioners, announced that the Petitioners scores from the polling units in Benue State is **308,372 votes**. The 2nd and 4th Respondents' score was falsely announced as being **310,468 votes.** However, the actual scores of the Petitioners from the polling units in Benue State was **329,003 votes,** while the 2nd and 4th Respondents' scores were **300,421 votes**.

65. The Petitioners were also, by the unlawful announcement made by the 1st Respondent, denied as the winner of the election in Benue State. The Petitioners shall at trial rely on the forensic analysis of the election for Rivers State and Benue State made pursuant to the inspection of the election materials as ordered by the Court.

66. The 1st Respondent and its Officers/Agents whilst purportedly acting under the cover of uploading the result of the Presidential Election held on 25th February 2023 on the iRev, embarked and are still embarking on massive misrepresentation and manipulation by uploading fictitious results in Polling Units where there were no elections as well as uploading incorrect results. The actual scores of the Petitioners have been reduced, tampered with and falsely represented in the false election results uploaded in the iRev.

67. The actual scores of the Petitioners obtained from the Polling Units and from the result of the election pursuant to the Inspection of the election materials as ordered by the Court, shall be shown in the

Forensic Report of the election result. The said Forensic Report is hereby pleaded and is also incorporated in this Petition.

68. The Petitioners further aver that the scores obtained by the Petitioners were unlawfully reduced and added by the 1st Respondent to the scores of the 2nd Respondent. Further, the 1st Respondent deliberately uploaded blurred result which were in favour of the Petitioners on the iRev in a bid to conceal them.

69. The Petitioners shall pray the Honourable court to deduct these unlawful scores added to the 2nd Respondent and for those scores which were legitimately obtained by the Petitioners to be credited to the Petitioners' scores. The Petitioners also state that when the scores unlawfully added to the 2nd Respondent are deducted, the Petitioners will have the highest number of votes in the election, as shown in the Forensic Report pleaded above.

70. The Petitioners aver that when the results of Polling Units, Wards, Local Governments, States are properly tabulated and calculated as required by the Electoral Act and the Regulations and Guidelines for election, the overall results of the election and the percentages scored by the Political Parties will show that the Petitioners won the Presidential election of 25 February 2023. The Petitioners shall rely on a Report of Inspection of the electoral materials pursuant to the orders of this Honourable Court, which orders were made to enable the Petitioners institute and maintain this petition. The orders made by this Honourable Court are hereby pleaded and shall be relied upon at the trial.

71. The Petitioners at the trial shall show that from the correct Polling Unit result transmitted electronically and supported by the accreditation on the BVAS, the Petitioners won the election. The Petitioners in proof of this, shall rely on the Inspection Reports as well as Forensic/Expert analysis pursuant to the orders of the Court.

72. The Petitioners plead that votes cast in a Polling Unit should not be more than the total number of accredited voters in the BVAS. The Petitioners shall rely on the Forensic Reports of the election materials showing that the votes cast in the Polling Units in Ekiti State, Oyo State, Ondo State, Taraba State, Osun State, Kano State, Rivers State, Borno State, Katsina State, Kwara State, Gombe State, Yobe State and Niger State exceeded the number of voters accredited on the BVAS in those states.

73. Further to the foregoing paragraphs, the Petitioners shall show that in the computation and declaration of the result of the election, based on the uploaded results, the votes recorded for the 2nd Respondent did not comply with the legitimate process for computation of the result and disfavoured the Petitioners in the following states, namely:

1. RIVERS
2. LAGOS
3. TARABA
4. BENUE
5. ADAMAWA
6. IMO
7. BAUCHI
8. BORNO
9. KADUNA; and
10. PLATEAU
11. OTHER STATES OF THE FEDERATION

74. The Petitioners aver that in declaring the result of the election, the 1st Respondent violated its own Regulations when it announced the result of the elections despite the fact that at the time of the said announcement or declaration, the totality of the Polling Unit results were yet to be fully scanned, uploaded and transmitted electronically as required by the Electoral Act.

75. The results and details recorded on the Forms EC8A, EC8B, EC8C, EC8D and EC8E which formed the basis of the declared result were not the product of compliance with the provisions of the Electoral Act 2022 and the 1st Respondent's Regulations mandating the process of accreditation, voting, counting, recording of votes and uploading to the 1st Respondent's iRev Portal and the backend virtual server installed to ensure a uniform process.

76. The Petitioners further contend that when the purported scores recorded in the polling units where the above instances of over-voting occurred are deducted from the alleged votes obtained by the 2nd Respondent and on which the 1st Respondent based the hurried declaration of the 2nd Respondent as the winner of the election, the margin of the purported lead between the 2nd Respondent and the Petitioners will be far less than the number of voters who ought to legitimately vote in those polling units. The Petitioners plead and shall at the trial rely on Form EC40G(iii) issued by the 1st Respondent.

77. The Petitioners state that instances of over-voting in the conduct of the Presidential election held on 25th February 2023 occurred in more places than stated on the Form EC40G(iii). The Petitioners hereby also plead and shall rely on the Report of the BVAS Accreditation in the polling units, which Report listed below and which is incorporated as part of this Petition.

78. The Petitioners aver that the above instances of non-compliance substantially affected the outcome of the election, in that if these instances did not occur in the conduct of the Presidential election, the Petitioners would have emerged the winners of the said election.

CORRUPT PRACTICES

79. The pleadings in support of the Ground of non-compliance above are hereby repeated.

GROUND 3

The 2nd Respondent was not duly elected by majority of the lawful votes cast at the election.

80. The Petitioners shall contend that in an election to the Office of the President of the Federal Republic of Nigeria, the result shall be ascertained by not just the counting of the votes cast for each candidate but shall be in compliance with the provisions of Sections 133 and 134 of the 1999 Constitution.

81. For the reason that the Presidential election of 25th February, 2023 was contested by more than two (2) candidates, a candidate shall be declared a winner only if he scores the highest number of votes cast at the election; and he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja. In this Petition, the 2nd Respondent, besides not scoring the majority of the lawful votes cast at the election, did not obtain at least one quarter of the votes cast in the Federal Capital Territory, Abuja and ought not to have been declared and returned elected. The Petitioners hereby specifically plead and rely on the result of the Presidential election declared/announced for the Federal Capital Territory, Abuja by the 1st Respondent.

82. The Petitioners further aver that in default of a candidate being duly elected, there shall be a second election between the candidate who scored the highest number of votes at the initial election and one among the remaining candidates who scored a majority of the votes in the highest number of States. Where both of them scored a majority of the votes in the highest number of States, the candidate among them with the highest votes cast at the election shall be the second candidate at the runoff election.

83. The Petitioners will further contend at the trial that the declared result of the election did not comply with the Electoral Act, 2022 and the 1st Respondent's Regulations established for scrutinizing the result of the election at the Polling Units and the Collation Centres; hence, upon a proper computation of the result of the election, it is the 1st Petitioner who scored a majority of lawful votes cast at the election and satisfied the Constitutional requirements in that regard. The Petitioners plead and shall rely on the Reports of election compiled from the inspection of the election materials pursuant to the Order of this Honourable Court. Copies of the result Forms, as well as the 1st Respondent's Result Viewing Portal (iREV) which is part of the electronic storage on the backend Server.

84. The Petitioners shall contend that from inception, the 1st Respondent established three (3) basic technologies which mandated and guaranteed a credible and transparent election. These technologies were the Bimodal Voter Accreditation System (BVAS), Electronic Result Collation System and the INEC Results Viewing Portal (iREV). This was pursuant to the powers conferred on the 1st Respondent to deploy technology in the conduct of elections which included electronic transmission of results and recording of accreditation. These were to ensure transparency and guarantee the integrity of the electoral process and the election.

85. The BVAS was designed to capture and upload the number of accredited voters and to keep accurate record of the accreditation process, including when successful and unsuccessful, so as to confirm the number of accredited votes and the results from the polling units. Where the number of votes cast as depicted on the Form EC8A exceeded the number of accredited voters captured in the BVAS machines, over-voting occurs; thus, nullifying that polling unit result.

86. The BVAS was equally designed and deployed by the 1st Respondent to transmit the Polling Unit results to the AWS virtual

server and a web portal (iRev) was established by the 1st Respondent to receive the results of the election from the Polling Units. By this process, tampering with the result of the election was to be detected where the physical result deviated from the uploaded version. At the stage of collation of results at the Registration Areas, the Polling Unit results were to be directly transferred to that level of Collation and were to be utilized in the Collation process.

87. Indeed, the Collation Officer or Returning Officer shall collate and announce the result only after a verification and confirmation that the number of accredited voters stated in the Collated result are correct and consistent with the number of accredited voters recorded and transmitted directly from the Polling Unit, with the use of the electronic technology employed by the 1st Respondent.

88. Additionally, the Collation Officer must ascertain in the same process that the collated results are correct and consistent with the votes or results recorded and transmitted directly from the Polling Units, using the same technology. Thus, where there is a dispute in the process as to what transpired at the Polling Units, the returning or Collation officer shall resolve same with:

a. The original of the disputed collated result for each Polling Unit where the election is disputed;

b. The smart card reader or other technology device used for the accreditation of voters in each Polling Unit where the election is disputed for the purpose of obtaining accreditation data directly from the smart card reader or technology device;

c. Data of accreditation recorded and transmitted directly from each Polling Unit where the election is disputed; and

d. The votes and result of the election recorded and transmitted directly from each Polling Unit where the election is disputed.

89. As provided in the 1st Respondent's Regulation, "an election result shall only be collated if the Collation Officer ascertains that the number of accredited voters agree with the number recorded in the BVAS and votes scored by Political Parties on the result sheet is correct and agrees with the result electronically transmitted or transferred directly from the Polling Unit as prescribed in these Regulations and Guidelines."

90. As part of the electronic result collation, the 1st Respondent deployed the Collation Support and Result Verification System (CSRVS) which is an Excel sheet kept by the CSRVS officer and instantly reflecting the uploaded results from the Forms EC8 series. Ultimately the Collation Officer and the CSRVS will compare their respective entries and their agreement reflects the result of the election.

91. The iREV was designed to exhibit exactly the uploaded Polling Unit results for the public view and it is mandatory for the Presiding officer to snap the image of the Form EC8A, using BVAS, which is uploaded to the portal for public viewing.

92. On 25 February, 2023, during the election, the 1st Respondent did not upload the Presidential election results from the polling units as required by law. The 1st Respondent only decided to upload the results of the National Assembly elections from the same polling units using the same BVAS that were used for conduct of the Presidential election. The Petitioners shall rely on *Vanguard* online newspaper of report March 4, 2023 and *Thisday* online newspaper of 5th March 2023.

93. The effect of the foregoing is that contrary to the mandatory requirement that all uploads shall proceed to the 1st Respondent's backend server through the BVAS, the 1st Respondent received data into an unscheduled device. Accordingly, three (3) main portals,

namely https://2.inecelectionresults.ng, https://inecelectionresults.ng and https://cvr.inecnigeria.org/results were created.

94. The above three are INEC websites. As at 16:20pm on 19th March 2023, while the first two disclosed that results from 165,975 out of 176,846 Polling Units nationwide had been uploaded, the third showed that 168,803 out of 178,846 Polling Units nationwide had been uploaded. The second website is the iREV recognised and contemplated by law, while the others are not. The Petitioners shall at the trial rely on the computer print-outs from the above websites.

95. The Petitioners plead that, surprisingly, the results of the National Assembly elections conducted simultaneously on the same day and time using the same BVAS machines from the same polling units were successfully uploaded while those of the Presidential election conducted were unable to be uploaded and were, thus, consigned to devices not contemplated by the Electoral Act 2022 and the Regulations for the conduct of the election.

96. In view of the above, the Petitioners contend that the standard collation procedures for collation of results, especially that of comparing the electronic results and data directly transmitted with the physical copies of the Forms EC8A before collation, were not complied with in the Presidential election. The results were thus not transmitted with the iREV as envisaged by law in such manner as to guarantee the integrity of the election.

97. The 1st Respondent, via a written communication, sought to excuse the manifest non-compliance with the requirements of the Electoral Act 2022 and the Regulations by claiming that there were glitches in the electronic system which prevented it [the 1st Respondent] from uploading the results of the Presidential election from the polling units to the iREV portal on the day of the election. The said written communication is hereby pleaded.

98. The Petitioners shall contend that the alleged glitches in the electronic system installed and managed by the 1st Respondent were a ploy invented by the 1st Respondent to credit unlawful votes to the 2nd Respondent; and thereby, wipe out the clear advantage which inured to the Petitioners following the lawful exercise of voting rights by the electorate.

99. The Petitioners shall rely on the results obtained from the iREV portal as well as other copies of the Forms EC8A to establish that substantial votes were unlawfully credited to the 2nd Respondent. The Petitioners shall equally rely on numerous Press Statements made by and credited to the leadership of the 1st Respondent in an attempt to explain the process which led to the crediting of massive unlawful votes to the 2nd Respondent.

100. The Petitioners shall, at the trial, rely on all the Investigation, Forensic, Expert and other Reports and spread sheets referred to/pleaded in this Petition, which are hereby incorporated as part of the Petition.

101. At the trial, the Petitioners shall rely on all 1st Respondent's electoral and all other necessary documents used for the conduct of the Presidential election, including:

(a) INEC Nomination Form CF001 of the 2nd Respondent

(b) All INEC Result Sheets - Form EC8 Series: EC8A, EC8B, EC8C, EC8D and EC8E in both physical and electronic copies.

(c) Certificate of Return of the 2nd Respondent

(d) Voters' Cards issued to individuals by the 1st Respondent Forms ECl A, Forms EC17, Forms EC25A, Forms £C25A (1),

Forms EC25B, Forms EC25B (1), Forms EC25D

(e) EC25G Series Forms used in the conduct of the Election.

(f) Forms EC40S, EC40G (2), EC40J, (EC40A

(g) Forms EC40H/EC40H(1)-(3)

(h) Forms EC40B, that is, all the Spoilt and Rejected Ballot Paper used in all the polling units.

(i) the Form EC40C, (the statement of unused Ballot Paper at the polling units.)

(j) Form EC40J, (the Statement of Unused Ballot Paper used at the polling units.)

(k) EC50B, EC50C

(l) ballot papers used and thumb-printed and counted in all the polling units.

(m) Ballot Papers recorded as spoilt at all the polling units.

(n) Ballot Papers recorded as unused at all the polling units.

(o) Certified True Copy of all the Voters' registers in all the polling units.

(p) Letter of Request to Chairman of INEC to request for Bimodal Voters Accreditation System (BVAS) Report

(q) Certified True Copy of the Bimodal Voters Accreditation System (BVAS) Report.

(r) Certificate of compliance with Section 84 of the Evidence Act, 2011 issued by the 1st Respondent in respect of the Bimodal Voters Accreditation System (BVAS) Report.

(s) A Certified True Copy of a list of all INEC officers and ad hoc staff used for the Election in all the polling units

(t) Approved Guidelines and Regulations for the Conduct of the Election, 2023

(u) Circulars/Corrigenda/Manuals issued by INEC for the conduct of the Presidential Election held on 25/02/2023

(v) Polling Unit Materials Checklist.

(w) Summary of total registered voters on a unit basis.

(x) Summary of PVCs collected on a unit basis.

(y) Security reports relating to the Election.

(z) Video/Audio recordings/DVD/CD relating to the Election.

(aa) Election Observers' or Observers' Reports.

(bb) Newspaper/Television/Radio reports and news

(cc) Appointment Letter and Tags of agents

(dd) Expert report and analysis

(ee) Forensic and other reports by experts and non-experts

(ff) Photographs and GSM and other phone outputs

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(gg) Computer-generated and cyberspace evidence.

(hh) Forensic and other reports by experts and non-experts

(ii) Receipts issued by INEC for certification of its documents

(jj) Identity Cards of Witnesses

(kk) Copies of certificates and curriculum vitae of the Petitioners' analysts

(ll) All and any other document(s) relevant to the Petition

(mm) Data from INEC Central Server.

(nn) Photographs and GSM and other phone outputs

(oo) Computer-generated and cyberspace evidence.

(pp) Forensic and other reports by experts and non-experts

(qq) Receipts issued by INEC for certification of its documents

(rr) Identity Cards and Voters' Cards of Witnesses

(ss) Copies of certificates and curriculum vitae of the Petitioners' analysts

(tt) All and any other document(s) relevant to the Petition

(uu) Data from INEC Central Server and iREV Portal

(vv) Data from Amazon Web Servers (AWS) Cloud Platform

(ww) Presidential Election Notice of withdrawal of candidate

(gg) Computer-generated and cyberspace evidence.

(hh) Forensic and other reports by experts and non-experts

(ii) Receipts issued by INEC for certification of its documents

(jj) Identity Cards of Witnesses

(kk) Copies of certificates and curriculum vitae of the Petitioners' analysts

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(tt) All and any other document(s) relevant to the Petition

(uu) Data from INEC Central Server and iREV Portal

(vv) Data from Amazon Web Servers (AWS) Cloud Platform

(ww) Presidential Election Notice of withdrawal of candidate

(xx) Senatorial Election Notice of Withdrawal of candidate for Borno Cential Senatorial election.

(yy) EC9, EC9B, EC11 and EC11C filed by the 2nd and 3rd Respondents with the 1st Respondent for the Presidential Election.

(zz) Record of Proceedings, including the Stipulation and Compromise Settlement of Claims to the Funds held by Heritage Bank and CitiBank, Settlement Order of Claims to Funds held by Heritage Bank and CitiBank and Decree of Forfeiture as to Funds held by First Heritage Bank Orders of Forfeiture and Terms of Settlement, in **Case No: 93C4483,** between **United States of America v. Funds in Account 263226700 held by First Heritage Bank, in the name of Bola Tinubu & Ors.**

(aaa) Applications for certified true copies of INEC electoral documents, including letters dated 6th March 2023, 14th March 2023, 16th March 2023 and 20th March 2023.

(bbb) Press Statements by the 1st Respondent

(ccc) Petitions and complaints by the Petitioners to the 1st Respondent.

102. **PRAYERS:**

The Petitioners, therefore, seek the following Reliefs from this Honourable Court:

1. They first pray as follows:

   i. That it be determined that at the time of the Presidential Election held on 25th February, 2023, the 2nd and 3rd Respondents were not qualified to contest the election.

ii. That it be determined that all the votes recorded for the 2nd Respondent in the election are wasted votes, owing to the non-qualification/disqualification of the 2nd and 3rd Respondents.

iii. That it be determined that on the basis of the remaining votes (after discountenancing the votes credited to the 2nd Respondent) the 1st Petitioner scored a majority of the lawful votes cast at the election and had not less than 25% of the votes cast in each of at least 2/3 of the States of the Federation, and the Federal Capital Territory, Abuja and satisfied the constitutional requirements to be declared the winner of the 25th February 2023 Presidential election.

2. That it be determined that the 2nd Respondent having failed to score one-quarter of the votes cast at the Presidential election in the Federal Capital Territory, Abuja, was not entitled to be declared and returned as the winner of the Presidential election held on 25th February 2023.

IN THE ALTERNATIVE TO 2 ABOVE:

3. An Order cancelling the election and compelling the 1st Respondent to conduct a fresh election at which the 2nd, 3rd and 4th Respondents shall not participate.

IN THE ALTERNATIVE TO 1, 2 AND 3 ABOVE:

4. (i) That it may be determined that the 2nd Respondent was not duly elected by a majority of the lawful votes cast in the election for the office of the President of the Federal Republic of Nigeria held on 25th February 2023; and therefore, the declaration and return of the 2nd Respondent as the winner of the Presidential election are unlawful, unconstitutional and of no effect whatsoever.

(ii) That it be determined that based on the valid votes cast at the Presidential election of 25 February, 2023, the 1st Petitioner scored the highest number of votes cast at the election and not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja and ought to be declared and returned as the winner of the Presidential election.

(iii) An Order directing the 1st Respondent to issue the Certificate of Return to the 1st Petitioner as the duly elected President of the Federal Republic of Nigeria.

iv) That it be determined that the Certificate of Return wrongly issued to the 2nd Respondent by the 1st Respondent is null and void and be set aside.

IN THE FURTHER ALTERNATIVE TO 1, 2, 3 AND 4 ABOVE:

5. (i) That the Presidential election conducted on 25th February, 2023 is void on the ground that the election was not conducted substantially in accordance with the provisions of the Electoral Act 2022 and Constitution of the Federal Republic of Nigeria 1999, as amended.

(ii) An Order cancelling the' Presidential Election conducted on 25th February 2023 and mandating the 1st Respondent to conduct a fresh election for the office of President, the Federal Republic of Nigeria.

DATED THIS 20TH DAY OF MARCH, 2023

DR. LIVY-UZOUKWU, SAN (Signed)
AWA KALU, SAN

NIGERIAN BAR ASSOCIATION NBA UZOUKWU LIVINUS IFEANYICHUKWU, SAN SCN005062 N° DA375147 1st March 1978

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P.I.N. IKWUETO, SAN
CHIEF BEN ANACHEBE, SAN
SEBASTINE T. HON, SAN
ARTHUR OBI-OKAFOR, SAN
IKECHUKWU EZECHUKWU, SAN
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DR. MRS. VALERIA AZINGE, SAN
EMEKA OKPOKO, SAN
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PROF. AGBO J. MADAKI
EMENIKE MBANUGO, ESQ.
CHIKE A. OBI, ESQ.
A.S. KOLAWOLE, ESQ.
MATHIAS EMERIBE, ESQ.
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(Petitioners' Counsel)
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PETITIONERS' ADDRESS FOR SERVICE:
NO. 3 GABES STREET
WUSE ZONE 2
ABUJA.

FOR SERVICE ON:

1. **The 1st Respondent**
   INEC Headquarters
   Plot 436 Zambezi Crescent
   Maitama, Abuja.

2. **The 2nd Respondent**
   At his Residence
   No. 26 Bourdillon Road
   Ikoyi, Lagos.

3. **The 3rd Respondent**
   Kashim Shettima Close
   New GRA, Maiduguri
   Borno State.

4. **The 4th Respondent**
   APC National Headquarters
   No. 40 Blantyre Street
   Off Adetokunbo Ademola Crescent
   Wuse 2, Abuja.

IN THE COURT OF APPEAL
HOLDEN AT ABUJA

IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA HELD ON THE 25TH DAY OF FEBRUARY, 2023.

PETITION NO: /23

BETWEEN

1. MR. PETER GREGORY OBI — PETITIONERS
2. LABOUR PARTY

AND

1. INDEPENDENT NATIONAL ELECTORAL COMMISSION
2. SENATOR BOLA AHMED TINUBU — RESPONDENTS
3. SENATOR SHETTIMA KASHIM
4. ALL PROGRESSIVES CONGRESS

LIST OF WITNESSES THAT THE PETITIONERS' INTEND TO CALL IN PROOF OF THE PETITION

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1. TU
2. ITX
3. CAO
4. CCV
5. KGA

6. PTY

7. LUNN

8. Forensic/Expert Witnesses to be called by the Petitioners

9. Forensic/Expert Witnesses to be subpoenaed by the Court/Tribunal

10. Witnesses on Subpoena

DATED THIS 20TH DAY OF MARCH, 2023

DR. LIVY UZOUKWU, SAN (Signed)
AWA KALU, SAN
DR. ONYECHI IKPEAZU, SAN
P.I.N. IKWUETO, SAN
CHIEF BEN ANACHEBE, SAN
SEBASTINE T. HON, SAN
ARTHUR OBI-OKAFOR, SAN
IKECHUKWU EZECHUKWU, SAN
J.S. OKUTEPA, SAN
DR. MRS. VALERIA AZINGE, SAN
EMEKA OKPOKO, SAN
ALEX EJESIEME, SAN
AUDU ANUGA, SAN
PROF. AGBO J. MADAKI
EMENIKE MBANUGO, ESQ.
CHIKE A. OBI, ESQ., *et al.*
(Petitioners' Counsel)

Whose address is at:

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08033122202

FOR SERVICE ON:

1. **The 1st Respondent**
   INEC Headquarters
   Plot 436 Zambezi Crescent
   Maitama, Abuja.

2. **The 2nd Respondent**
   At his Residence
   No. 26 Bourdillon Road
   Ikoyi, Lagos.

3. **The 3rd Respondent**
   Kashim Shettima Close
   New GRA, Maiduguri
   Borno State.

4. **The 4th Respondent**
   APC National Headquarters
   No. 40 Blantyre Street
   Off Adetokunbo Ademola Crescent
   Wuse 2, Abuja.

IN THE COURT OF APPEAL
HOLDEN AT ABUJA

IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA HELD ON THE 25TH DAY OF FEBRUARY, 2023.

PETITION NO: /23

BETWEEN

1. MR. PETER GREGORY OBI — PETITIONERS
2. LABOUR PARTY

AND

1. INDEPENDENT NATIONAL ELECTORAL COMMISSION
2. SENATOR BOLA AHMED TINUBU — RESPONDENTS
3. SENATOR SHETTIMA KASHIM
4. ALL PROGRESSIVES CONGRESS

WRITTEN STATEMENT ON OATH OF TU

I, TU, male, adult, Nigerian citizen, Muslim, Politician, of Abuja, Nigeria, do hereby make oath and state as follows:

1. That I am a member of the Labour Party and I have the consent of the Petitioners to make this Written Statement on Oath.

2. That this Election Petition is presented by MR PETER GREGORY OBI, (hereinafter, where the context so admits, is referred to as "the 1st Petitioner") and LABOUR PARTY (hereinafter, where the context so admits, is referred to as "the 2nd Petitioner" or "LP").

They shall, where the context so admits, be jointly referred to as Petitioners.

3. The Petition is in respect of the election for the Office of the President of the Federal Republic of Nigeria which held on Saturday, the 25th day of February, 2023 across the Federal Republic of Nigeria, (hereinafter referred to as "the election").

4. The 1st Petitioner as a duly registered voter had a right to vote and indeed voted at the said election which took place on 25th February 2023.

5. The 1st Petitioner was duly sponsored by the 2nd Petitioner on whose platform the 1st Petitioner contested the election. I can identify the 1st Petitioner's nomination documents filed with the 1st Respondent.

6. The 1st Petitioner, accordingly, was a candidate at the election and had a right to be returned as the duly elected candidate at the election.

7. The 2nd Petitioner is a duly registered political party under the laws of the Federal Republic of Nigeria, and was the political party which sponsored the 1st Petitioner as its candidate to contest the election to the office of President of the Federal Republic of Nigeria, at the said election.

8. The 2nd Petitioner is a body corporate with perpetual succession and in the sponsorship of the 1st Petitioner, and the conduct of the election thereof, acted through its members duly appointed as agents at all stages of the election, namely, at the Polling Units, the Ward Collation Centres, the Local Government Collation Centres, the State Collation Centres and at the ultimate Collation Center at the Federal Level in Abuja.

9. In the conduct of the election, the Agents duly appointed by the Petitioners performed their assigned and statutorily designated roles

at the election. These roles included observing and monitoring the process of arrival of election materials where they were supplied by the 1st Respondent, and leading to and including the process of accreditation, voting, counting of votes and announcement of the results of the election. These Agents where the election proceeded in due form, upon the 1st Respondent's Agents duly entering the results in the result sheets at the Polling Units, signed and collected duplicate copies of the result sheets.

10. In appropriate cases, these Agents raised complaints about anomalies where they occurred and reported such complaints to designated officers of the 2nd Petitioner and the 1st Respondent.

11. The 1st and 2nd Petitioners, in accordance with the prevailing law, have the right to lodge this Petition to the court constitutionally vested with the jurisdiction to receive and entertain Election Petitions in challenge to the proceedings at and the outcome of the election to the office of the President of the Federal Republic of Nigeria. The right of the Petitioners stems from the participation of the 1st Petitioner as candidate and the 2nd Petitioner as the sponsoring political party.

12. The 1st Respondent, which is the Independent National Electoral Commission (hereinafter referred to as INEC) is the Electoral body created under the Constitution of the Federal Republic of Nigeria 1999, as amended (hereinafter referred to as "the 1999 Constitution"). The body is vested with powers and functions assigned by the Constitution and the Electoral Act 2022, which include the organization and conduct of prescribed elections in the territory known as the Federal Republic of Nigeria, including the office of the President. It was in that capacity that the 1st Respondent organized/conducted the election for the office of the President of the Federal Republic of Nigeria, the subject matter of this Petition.

13. In the discharge of its duties in the conduct of the election, the 1st

Respondent did so through its regular and ad-hoc staff who functioned at the designated venues and stages of the election as Poll Clerks, Assistant Presiding Officers, Presiding Officers, ward Collation Officers, Local Government Collation Officers, State Collation Officers, Electoral Officers, Resident Electoral Commissioners, the Chief Returning Officer of the Federation and all other staff no matter how designated, acted as agents of the 1st Respondent at the election.

14. That in respect to the Ground of the Petition on non-qualification/disqualification, I state that the 2nd Respondent, although not duly sponsored and not qualified, contested along with the 1st Petitioner and others for the office of the President of the Federal Republic of Nigeria, the subject matter of this Petition. The said 2nd Respondent was returned by the 1st Respondent as the winner of the said election.

15. The 3rd Respondent, although not duly sponsored and thus not qualified, was nominated by the 2nd and/or 4th Respondent as the Vice Presidential candidate of the 2nd Respondent; and consequently contested on a joint ticket with the said 2nd Respondent and was returned in the election hereby challenged as Vice-President of the Federal Republic of Nigeria.

16. The 4th Respondent is a registered political party under the laws of the Federal Republic of Nigeria which purportedly sponsored the 2nd Respondent and therefore participated at the election, the subject matter of this Petition.

17. The Petitioners and the Respondents are therefore parties who are interested in this Petition and the outcome thereof.

18. At the conclusion of the scheduled election, the collation of results lasted until 1st day of March 2023 when the 1st Respondent announced the result of the election and declared the scores of the

candidates in the manner following, as contained in Form EC8E:

S/N	NAM ES OF CANDIDATES	GENDER	POLITICAL PARTY	VOTES RECEIVED
1	IMUMOLEN IRENE CHRISTOPHER	MALE	A	61,014
2	ALMUSTAPHA HAMZA	MALE	AA	14,542
3	SOWORE OMOYELE STEPHEN	MALE	AAC	14,608
4	KACHIKWU DUMEBI	MALE	ADC	81,919
5	SANI YABAGI YUSUF	MALE	ADP	43,924
6	TINUBU BOLA AHMED	MALE	APC	8,794,726
7	UMEADI PETER NNANNA CHUKWUDI	MALE	APGA	61,966
8	OJEI PRINCESS CHICHI	FEMALE	APM	25,961
9	NNAMDI CHARLES OSITA	MALE	APP	12,839
10	ADENUGA SUNDAY OLUWAFEMI	MALE	BP	16,156
11	OBI PETER GREGORY	MALE	LP	6,101,533
12	MUSA MOHAMMED RABIU KWANKWASO	MALE	NNPP	1,496,687
13	OSAKWE FELIX JOHNSON	MALE	NRM	24,869
14	ABUBAKAR ATIKU	MALE	PDP	6,984,520
15	ABIOLA LATIFU KOLAWOLE	MALE	PRP	72,144
16	ADEBAYO ADEWOLE EBENEZER	MALE	SDP	80,267
17	ADO-IBRAHIM ABDUMALI K	MALE	YPP	60,600
18	NWANYANWU DANIEL DABERECHUKWU	MALE	ZLP	77,665

19. Based on the 1st Respondent's declaration as contained in Form EC 8E, the summary of the result disclosed the following:

a	Total number of registered voters	93,469,0008
B	Total number of Accredited voters	25,286,616
C	Total number of valid voters	24,025,940
D	Total number of rejected voters	939,278
E	Total number of votes cast	24,965,218
F	Percentage turn out	27 05%
G	1st Maximum votes	8,794,726
H	2nd Maximum votes	6,984,520
I	Margin of Lead	1,810,206
J	Total Number of PVC Collected (Election not held/cancelled) EC40G(3)	994,151
K	REMARK	

20. From the above result which is being challenged in this Petition, the 1st Respondent declared and returned the 2nd Respondent as the winner of the Presidential election; and thereafter, issued Certificates of Return to the 2nd and 3rd Respondents. I can identify all Forms EC8A, EC8B, EC8C, EC8D and EC8E and all INEC electoral documents.

21. On behalf of the Petitioners, I hereby state that the Grounds on which the Petition is based are as follows:

    (i) The 2nd Respondent was, at the time of the election, not qualified to contest the election.

    (ii) The election of the 2nd Respondent was invalid by reason of corrupt practices or non-compliance with the provisions of the Electoral Act 2022.

    (iii) The 2nd Respondent was not duly elected by majority of the lawful votes cast at the election.

22. I state on behalf of the Petitioners that a candidate for election to the

office of President shall nominate another person as his associate for his running for the office of President, who is to occupy the office of Vice-President. In this case, the 2nd Respondent purportedly nominated the 3rd Respondent as the Vice-Presidential candidate.

23. I also state on behalf of the Petitioners that on the 14th of July 2022, the 3rd Respondent, contrary to the provisions of the Electoral Act 2022, whilst still being a Senatorial candidate for Borno Central Constituency, knowingly allowed himself to be nominated as the Vice Presidential Candidate to the 2nd Respondent on the platform of the 4th Respondent and became the new Candidate for the office of the Vice President on that date (14 July 2022). I can identify Form EC11A signed by the 3rd Respondent and the officials of the 4th Respondent on that same 14th of July 2022.

24. The 3rd Respondent was a candidate nominated by the 4th Respondent for the office of Senate in the Bomo Central Senatorial Constituency until 15 July, 2022 when he signed the Independent National Electoral Commission Senatorial Election Notice of Withdrawal of Candidate purporting to withdraw from the contest called Form EC11C. I can identify the following:

(i) Affidavit and Personal Particulars (Form EC9) submitted by the 3rd Respondent for Borno Central Senatorial Constituency sworn to on 14 June 2022 and received by the 1st Respondent on 17 June 2022.

(ii) Affidavit in support of Personal Particulars (Form EC9) submitted by the 3rd Respondent for the office of the Vice-Presidential Candidate for the Constituency of Nigeria (the Federal Republic of Nigeria) received by the 1st Respondent on 15 July 2022.

(iii) Notice of Withdrawal of Candidate (pursuant to section 33 of the Electoral Act, 2022), Form EC11A dated 14 July 2022 signed by the 3rd Respondent as the New Candidate (Vice

Presidential) of the All Progressives Congress and also containing the passport picture of the 3rd Respondent as New Candidate.

(iv) Notice of Withdrawal of Candidate (Pursuant to Section 33 of the Electoral Act, 2022), Form EC11C dated 15 July 2022 signed by the 3rd Respondent as the withdrawing candidate of the All Progressives Congress for Borno Central Senatorial Constituency and also containing the passport picture of the 3rd Respondent.

25. As at the time the 3rd Respondent purportedly became a Vice-Presidential Candidate, he was still the nominated Senatorial candidate of the 4th Respondent for the Senatorial election for the Borno Central Senatorial Constituency.

26. I state on behalf of the Petitioners that the entire Federation of Nigeria shall be and has always been regarded as one Constituency with respect to election to the office of President and Vice President; and that besides the Constituency for the office of President and Vice-President, there are other Constituencies within the Federation, including Senatorial Constituencies, each being distinct for the purpose of elections into the respective offices.

27. I also state on behalf of the Petitioners that a candidate, in this case the 3rd Respondent, shall not knowingly allow himself to be nominated in more than one Constituency.

28. I further state on behalf of the Petitioners that the purported sponsorship of the 2nd and 3rd Respondents by the 4th Respondent was rendered invalid by reason of the 3rd Respondent knowingly allowing himself to be nominated as the Vice Presidential Candidate whilst he was still a Senatorial Candidate for the Borno Central Constituency; and I again state that for this reason, the votes purportedly recorded for the 2nd Respondent at the contested Presidential election were/are wasted votes and ought to be disregarded.

29. I further state on behalf of the Petitioners that the 2nd Respondent was also at the time of the election not qualified to contest for election to the office of President as he was fined the sum of $460,000.00 (Four-Hundred and Sixty Thousand United States Dollars) for an offence involving dishonesty, namely narcotics trafficking imposed by the United States District Court, Northern District of Illinois, Eastern Division, in **Case No: 93C 4483** between:

UNITED STATES OF AMERICA,
Plaintiff

v.

FUNDS IN ACCOUNT 263226700 HELD BY FIRST HERITAGE BANK, IN THE NAME OF BOLA TINUBU,

FUNDS IN ACCOUNTS 39483134, 39483396, 4650279566, 00400220, 39936404, 39936383 HELD BY CITIBANK, N.A., IN THE NAME OF BOLA TINUBU OR COMPASS FINANCE AND INVESTMENT CO.,

FUNDS IN ACCOUNTS 52050-89451952, 52050-89451952, 52050-89451953 HELD BY CITIBANK, INTERNATIONAL, IN THE NAME OF BOLA TINUBU,
Defendants

30. In the Decree of Forfeiture, Judge John A. Nordberg in that said Case No: 93C 4483 ordered on October 4, 1993 on page 3 as follows:

> *"ORDERED that the funds in the amount of $460,000 in account 263226700 held by First Heritage Bank in the name of Bola Tinubu represent the proceeds of narcotics*

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trafficking or were involved in financial transactions in violation of 18 U.S.C. §§1956 and 1957 and therefore these funds are forfeited to the United States pursuant to 21 U.S.C. § 381(a)(6) and 18 U.S.C. §982; it is further
ORDERED that First Heritage Bank shall issue a check in the amount of $460,000 payable to Federal Reserve Bank of Chicago and that these funds shall be disposed of according to law; it is further
ORDERD that the Court shall retain jurisdiction over this action in order to implement and enforce the terms of this Decree of Forfeiture."

31. The above orders were made pursuant to paragraph 5 of the "Stipulations and Compromise Settlement of Claims to the Funds held by Heritage Bank and CitiBank" filed by the parties, which stated as follows:

> *"5. The parties further agree that $460,000 from the defendant account held by Heritage bank in the name of Bola Tinubu shall be forfeited by the United States and disposed of according to law. The funds remaining in the account shall be released to K.O. Tinubu."*

32. I can identify certified copies of the following documents, namely:

a) Verified Complaint for Forfeiture, submitted by Michael J. Shepard (United States Attorney) and signed by Marsha A. McClellan (Assistant United States Attorney);

b) Stipulations and Compromise Settlement of Claims to the Funds held by Heritage Bank and CitiBank; and

c) Decree of Forfeiture as to Funds held by First Heritage Bank, signed by United States District Judge, John A. Nordberg.

33. I also state on behalf of the Petitioners that by reason of the said

disqualification of the 2nd and 3rd Respondents, the votes purportedly recorded for the 2nd Respondent in the election were/are wasted and invalid; and that the 1st Petitioner who from the correct result of the election obtained the highest number of lawful votes cast in the election and met the constitutional requirements to be declared and returned as the winner of the election, ought to be declared as the winner of the Presidential election held on the 25th February 2023.

34. With respect to noncompliance, I state that pursuant to the powers conferred on it by the 1999 Constitution and the Electoral Act, 2022, the 1st Respondent issued the "Regulations and Guidelines for the Conduct of Elections, 2022" (hereinafter, called "the Regulations") and the Manual for Election Officials 2023. I can identify the said Regulations and Manual, which are binding on the 1st Respondent and its staff with the respect to the conduct of all elections, including the Presidential election being challenged in this Petition.

35. I also state on behalf of the Petitioners that the 1st Respondent was, in the course of the conduct of the Presidential election, mandatorily required to prescribe and deploy technological devices for the accreditation, verification, confirmation and authentication of voters and their particulars as contained in the 1st Respondent's Regulations.

36. For the purpose of compliance with the above-stated mandatory requirements, the 1st Respondent deployed, in the conduct of the 25th February 2023 Presidential election, the use of Bimodal Voter Accreditation System (BVAS) for the purpose of accreditation of voters and made its use mandatory for the purpose of accreditation, verification, confirmation and authentication of voters. I can identify a Press Release issued by the 1st Respondent and signed by Festus Okoye, National Commissioner and Chairman, Information and Voter Education for the 1st Respondent dated 11th November 2022, wherein it was written *inter alia* that:

"The Commission has repeatedly reassured Nigerians that it will transmit results directly from the polling units as we witnessed in Ekiti and Osun State Governorship elections and 103 more constituencies where off-cycle Governorship/FCT Area Council elections and by-elections were held since August 2020. The results can still be viewed on the portal. The iRev is one of the innovations introduced by the Commission to ensure the integrity and credibility of election result in Nigeria. It is therefore inconceivable that the Commission would turn around and undermine its own innovations. The public is advised to ignore the reports. The Bimodal Voter Accreditation System (BVAS) and iRev have come to stay for voter accreditation and uploading of polling unit results in real-time in Nigeria."

37. I also watched a television news about the assurances contained in a Press Conference hosted and addressed by the Chairman of the 1st Respondent, Prof. Yakubu Mahmood, which was covered by the Media. I can identify a video recording of the said Press Conference, as reported by some media houses in Nigeria.

38. I further state on behalf of the Petitioners that at the conclusion of the election at each Polling Unit, the Presiding Officer was mandatorily required to electronically transmit or transfer the result of the Polling Unit directly to the collation system of the 1st Respondent. In addition, the Presiding Officer was also mandatorily required to use the BVAS to upload a scanned copy of the Form EC8A to the 1st Respondent's Result Viewing Portal (iRev) in real time.

39. Where the BVAS failed to function in any polling unit, a new BVAS was to be deployed to ensure that the accreditation process conformed with the prescribed electoral process. However, where the second BVAS also failed to function, the election in that polling unit was to be cancelled and another election shall be rescheduled within twenty four (24) hours.

40. By the Regulations, voting was to be in accordance with the Continuous Accreditation and Voting System (CAVS) and no person was to be allowed to vote at any Polling Unit other than the one at which his or her name was disclosed on the Register of Voters. The intending voter was then to present the Permanent Voters Card (PVC) to the 1st Respondent's staff who was to verify same using BVAS. The Petitioners plead that the accreditation process, *inter alia*, comprised the following:

(i) Checking the Permanent Voter's Card (PVC) of the voter;

(ii) Positive identification of the voter in the BVAS;

(iii) Authentication of the voter by matching his/her fingerprints or face (facial recognition) using the BVAS;

(iv) Positive identification of the voter in the Register of voters;

(v) Completion of Forms EC40H (1) — PWD Voter Information and Statistics; and

(vi) Applying indelible ink to the cuticle of the finger of the voter (where available).

41. By the said process of accreditation, the voter was to present himself to the Agent of the 1st Respondent who was to request the PVC of the voter. Where the voter had none, he was not to be allowed to vote; but if the voter had presented the said PVC, the Agent of the 1st Respondent was to proceed as follows:

(i) Call up the voter's data on the BVAS by reading the bar code on the back of the PVC or reading the QR code against the name of the voter in the Register of Voters or entering the last six digits of the Voter Identification Number (VIN) of the voter into the BVAS or searching the BVAS with the surname of the

voter;

(ii) On appearance of the voters' data on the BVAS, the APO 1 was to ascertain that the photograph on the PVC was that of the voter and that the Polling Unit details correspond with those of the Polling Unit;

(iv) Request the voter to place his/her thumb or any other finger (where possible) in the place provided on the BVAS for authentication or, if this failed, match the face of the voter to the picture in the BVAS using the device's facial recognition facility; and

(iv) If the fingerprint or face of the voter matched, request the voter to proceed to APO II.

42. After complying with the procedure above, the verified voter was to be further scrutinized before proceeding to the process of actual voting. Where the BVAS for the polling unit failed to identify the intending voter, that voter was not be allowed to vote.

43. (a) In order to ensure that voting did not proceed except as specifically prescribed, that is to say, with the use of the BVAS, in the event of any malfunctioning of the BVAS for a polling unit, the Agent of the 1st Respondent was to:

(i) Immediately inform the LGA and RA supervisors, the Supervisory Presiding Officer (SPO), the Electoral Officer (EO), and the Election Monitoring and Support Centre (EMSC) for replacement;

(ii) Suspend Accreditation and Voting until a new BVAS was made available;

(iii) File a report of the incident to the designated Official; and

(iv) Inform the voters and polling agents of the situation.

(b) Where a replacement BVAS was not available by 2:30pm, the Presiding Officer was to:

(i) Inform the LGA and RA Supervisors, SPO, EO, and EMSC of the situation;

(ii) File a report of the incident; and

(iii) Inform the voters and polling agents that accreditation and voting for the affected Polling Unit was to continue the following day.

(c) Where a BVAS was replaced in the middle of an election, the data of verified voters in the faulty BVAS was to be merged with data in the replacement BVAS for purposes of determining the number of verified voters.

44. After due accreditation and casting of votes by the duly accredited voters, the Presiding Officer was to count the votes at the Polling Unit and enter the votes scored by each candidate in the Form prescribed by the 1st Respondent known as Form EC8A, which Form was then to be signed and stamped by the Presiding Officer and counter signed by the candidates or their Polling Agents where available at the Polling Unit.

45. The Presiding Officer was then to deliver copies of the result sheet to the party agents who desired to collect such copies as well as the Police Officer where available. Thereafter, the Polling Unit results for all the Polling Units within a Registration Area were to be delivered to the Registration Area Collation Officer who was to collate the results in the Form provided by the 1st Respondent. This

process was to be repeated at all stages of collation, whereby the Ward Results were to be delivered to and collated by the Local Government Collation Officer, who was under duty to accelerate same to the final Constituency Collation Officer.

46. I also state on behalf of the Petitioners that, apart from the importance of the BVAS in the capture of accreditation at a polling unit in an election, the BVAS is also mandatorily to be used in the process of uploading the information or data imputed into it by the 1st Respondents' Presiding Officer at each Polling Unit, who shall, upon completion of voting and due recording and announcement of the result:

(i) Electronically transmit or transfer the result of the Polling Unit directly to the collation system as prescribed by the 1st Respondent;

(ii) Use the BVAS to upload a scanned copy of the Form EC8A to the INEC Result Viewing Portal (iRev), as prescribed by the 1st Respondent; and

(iii) Take the BVAS and the original copy of each of the forms in tamper-evident envelope to the Registration Area/Ward Collation Officer, in the company of Security Agents. The Polling Agents may accompany the Presiding Officer to the Registration Area/Ward Collation Centre.

47. I also state on behalf of the Petitioners that as part of the technological architecture for the conduct of the 2023 General Elections, including the Presidential election, the 1st Respondent utilized virtual servers on **Amazon Web Services** (**AWS**) for the hosting/storage of the 1st Respondent's data, particularly results obtained and or generated from the 2023 General Elections, including the election results of the Presidential Election held on 25th February 2023 on the Amazon Cloud Platform. The Petitioners may

subpoena the relevant staff or officer of Amazon to establish this and related facts pleaded in this Petition.

48. I know as of fact that the Amazon Cloud Platform is the world's most comprehensive and broadly adopted platform which enables users such as large enterprises and government agencies like the 1st Respondent to effectively and in real time manage data, in order to lower costs, become more agile and effective. I can identify relevant pages on the website of Amazon which can be accessed at https://aws.amazon.com.

49. I also state on behalf of the Petitioners that the 1st Respondent's data captured and or generated during the 2023 Presidential Election held on 25th February 2023, and stored on the AWS data warehouse using cloud computing technology is accessible.

50. In addition to the depositions in the foregoing paragraphs, I state on behalf of the Petitioners that the result of the Presidential Election held on 25th February 2023 displayed/stored on the 1st Respondent's Result Viewing Portal (iRev) ought to be the same in all material particulars with the result of the election stored in the Virtual Servers on the AWS or the Amazon Cloud Platform.

51. The 1st Respondent created various levels of collation at the Registration Areas, Local Government Areas, State Constituencies and the Federal Constituency; and by that process, the results of any election, including the one hereby challenged, were only to be accepted for collation if the Collation Officer ascertained that the number of accredited voters corresponded with the number captured in the BVAS and where votes for the parties corresponded with the result electronically transmitted directly from the Polling Units.

52. In the case of a dispute, the results electronically transmitted or transferred directly from the lower levels and announced were to be used to determine the results at that level of the Collation process.

Where no result was directly transmitted in respect of a Polling Unit or a level of collation, it would not possible to resolve that dispute. In this case, the Petitioners' agents and agents of other political parties walked away in protest from the National Collation Centre when the Collation Officer blatantly refused to resolve their disputations of the results being collated as mandatorily stipulated by the Electoral Act, 2022. I can identify a video clip of the incident as reported by some media houses.

53. I further state on behalf of the Petitioners that copies of the Forms EC8A scanned and uploaded through the BVAS to the 1st Respondent's Result Viewing Portal (iRev) as mandated by the 1st Respondent, were to exactly reflect all other results which originated from the Polling Units. Those which were instantaneously uploaded at the earliest moment ought to be the standard for assessing other results subsequently advanced by the 1st Respondent in the process of Collation leading to the final segment, which was the declaration of the result of the election.

54. I also state on behalf of the Petitioners that in manifest violation of the 1st Respondent's Regulations and the Electoral Act, 2022, the results of the Presidential Election held in the Polling Units were not fully uploaded on the iRev as at the time of the purported declaration of the 2nd Respondent as the winner of the Presidential Election, which gave room for manipulation of the said results by officials of the 1st Respondent.

55. Indeed, the 1st Respondent continued with the uploading of the results of the Presidential Election held on 25 February 2023 up till the time of filing this Petition and has continued to do so thereafter in manifest violation of the provisions of the Electoral Act and the 1st Respondent's Regulations.

56. Due to the manifest non-compliance by the 1st Respondent with the Electoral Act and specific requirements of the Regulations for the

conduct of the Presidential election, by the said 1st Respondent failing, refusing and neglecting to instantly transmit and upload the result of that election electronically to the iRev from the BVAS, the 1st Respondent violated the integrity and safety measures entrenched for the conduct of the said election.

57. The 1st Respondent is obligated to compile and keep a Register of Election Results known as the National Electronic Register of Election Results (NERER) which shall be a distinct database or repository of Polling Unit results, including collated election results of each election conducted by the 1st Respondent. The Result Viewing Portal (iRev) is the immediate access by the general public to the said electronic register of election results and is supposed to disclose the electronic version of the same result sheets distributed at the points of election and at the Collation Centres.

58. The Petitioners made several applications through its campaign organisation and Solicitors for certified true copies of the election documents and data relating to the Presidential election, but were denied same by the 1st Respondent. I can identify the said letters dated 6th March 2023, 14th March 2023, 16th March 2023 and 20th March 2023, respectively.

59. Similarly, the 1st Respondent, acting through its officials has refused to comply with the Ex parte Orders for inspection made by this Honourable Court, wherein the Petitioners were mandated to inspect and obtain certified copies etc of relevant election documents in the custody of the 1st Respondent, in that:

a. The 1st Respondent has denied having in its custody any Form EC8A or Form EC8B in Rivers State

b. In Bayelsa, the 1st Respondent only provided certified copies of Forms EC8A in Four of the Eight Local Government Areas

of that State, while it provided Forms EC8B in only Seven Local Government Areas of the State.

c. The 1st Respondent only provided certified copies of Forms EC8A, EC8B, EC8C and EC40G in Benue State while it blatantly refused to provide certified copies of those Forms in the remaining States.

60. I again state on behalf of the Petitioners that the 1st Respondent failed to record in the prescribed Forms the quantity, serial numbers and other particulars of result sheets, ballot papers and other sensitive electoral materials on the prescribed Forms EC25A, EC25A(i), EC8B and EC8B(i) – that is to say, Electoral Material Receipts for LGA, Electoral Material Distribution for RA, Electoral Material Receipts/Revised Logistics and Polling Unit Material Receipts/Distribution in respect of the States where the 2nd Respondent purportedly won. I further state that following the order of Court for inspection, they applied, through their Campaign Organisation and Lawyers, for these Forms, but the 1st Respondent refused to give/issue those forms and refused to allow the inspection of the forms despite the order of Court.

61. I also state on behalf of the Petitioners that due to the 1st Respondent's refusal and neglect to upload and transmit the result of the election in the polling units to the IReV as required by law on the day of the election, the 1st Respondent suppressed the actual scores obtained by the Petitioners. The suppression of the 1st Petitioner's scores which occurred in Eighteen Thousand and Eighty-Eight (18,088) Polling Units was orchestrated by the 1st Respondent deliberately uploading unreadable and blurred Forms EC8As on the IReV; and thereby, suppressed the lawful scores obtained by the Petitioners in the said Polling Units.

62. I can identify a Spread Sheet containing the Polling Units Codes and details of the aforesaid Eighteen Thousand and Eighty-Eight Polling

Units, as well as the authentic results in the aforesaid Eighteen Thousand and Eighty-Eight Polling Units. In addition, the Petitioners plead that in Benue State, the 1st Respondent also mischievously uploaded blurred Forms EC8A allegedly for Polling Units in an attempt to suppress the lawful result of the election in the Polling Units. The Petitioners shall also at trial rely on a Forensic Report of the Presidential Election held in Polling Units in Benue State.

63. I also state on behalf of the Petitioners that in Rivers State during the collation exercise at the Federal level, the 1st Respondent announced the scores of the Petitioners as **175,071 votes** and the 2nd and 4th Respondents as having **231,591 votes**. However, by the actual scores obtained at the polling units, the Petitioners' lawful votes in Rivers State are **205,110 votes,** while the 2nd and 4th Respondents' score ought to be **84,108 votes**.

64. I further state on behalf of the Petitioners that if the 1st Respondent had, as it was mandated to do, utilised the scores recorded on the Forms EC8A as against the fictitious Forms uploaded on the IReV, the Petitioners would have won Rivers State.

65. Similarly, in Benue State, the 1st Respondent whilst suppressing the lawful votes obtained by the Petitioners, announced that the Petitioners scores from the polling units in Benue State is **308,372 votes**. The 2nd and 4th Respondents' score was falsely announced as being **310,468 votes.** However, the actual scores of the Petitioners from the polling units in Benue State was **329,003 votes,** while the 2nd and 4th Respondents' scores were **300,421 votes**.

66. The Petitioners were also, by the unlawful announcement made by the 1st Respondent, denied as the winner of the election in Benue State. I can identify the forensic analysis of the election for Rivers State and Benue State made pursuant to the inspection of the election materials as ordered by the Court.

67. The 1st Respondent and its Officers/Agents whilst purportedly acting under the cover of uploading the result of the Presidential Election held on 25th February 2023 on the iRev, embarked and are still embarking on massive misrepresentation and manipulation by uploading fictitious results in Polling Units where there were no elections as well as uploading incorrect results. The actual scores of the Petitioners have been reduced, tampered with and falsely represented in the false election results uploaded in the iRev.

68. The actual scores of the Petitioners obtained from the Polling Units and from the result of the election pursuant to the Inspection of the election materials as ordered by the Court, shall be shown in the Forensic Report of the election result. I can also identify this Forensic Report.

69. I again state on behalf of the Petitioners that the scores obtained by the Petitioners were unlawfully reduced and added by the 1st Respondent to the scores of the 2nd Respondent. Further, the 1st Respondent deliberately uploaded blurred result which were in favour of the Petitioners on the iRev in a bid to conceal them.

70. I hereby pray on behalf of the Petitioners this Honourable court to deduct these unlawful scores added to the 2nd Respondent and for those scores which were legitimately obtained by the Petitioners to be credited to the Petitioners' scores. I also state that when the scores unlawfully added to the 2nd Respondent are deducted, the Petitioners will have the highest number of votes in the election, as shown in the Forensic Report pleaded above.

71. I again state on behalf of the Petitioners that when the results of Polling Units, Wards, Local Governments, States are properly tabulated and calculated as required by the Electoral Act and the Regulations and Guidelines for election, the overall results of the election and the percentages scored by the Political Parties will show that the Petitioners won the Presidential election of 25 February

57. The 1st Respondent and its Officers/Agents whilst purportedly acting under the cover of uploading the result of the Presidential Election held on 25th February 2023 on the iRev, embarked and are still embarking on massive misrepresentation and manipulation by uploading fictitious results in Polling Units where there were no elections as well as uploading incorrect results. The actual scores of the Petitioners have been reduced, tampered with and falsely represented in the false election results uploaded in the iRev.

58. The actual scores of the Petitioners obtained from the Polling Units and from the result of the election pursuant to the Inspection of the election materials as ordered by the Court, shall be shown in the Forensic Report of the election result. I can also identify this Forensic Report.

59. I again state on behalf of the Petitioners that the scores obtained by the Petitioners were unlawfully reduced and added by the 1st Respondent to the scores of the 2nd Respondent. Further, the 1st Respondent deliberately uploaded blurred result which were in favour of the Petitioners on the iRev in a bid to conceal them.

60. I hereby pray on behalf of the Petitioners this Honourable court to deduct these unlawful scores added to the 2nd Respondent and for those scores which were legitimately obtained by the Petitioners to be credited to the Petitioners' scores. I also state that when the scores unlawfully added to the 2nd Respondent are deducted, the Petitioners will have the highest number of votes in the election, as shown in the Forensic Report pleaded above.

61. I again state on behalf of the Petitioners that when the results of Polling Units, Wards, Local Governments, States are properly tabulated and calculated as required by the Electoral Act and the Regulations and Guidelines for election, the overall results of the election and the percentages scored by the Political Parties will show that the Petitioners won the Presidential election of 25 February

2023. The Petitioners shall rely on a Report of Inspection of the electoral materials pursuant to the orders of this Honourable Court, which orders were made to enable the Petitioners institute and maintain this petition. I can identify the orders made by this Honourable Court.

72. I again state on behalf of the Petitioners that from the correct Polling Unit result transmitted electronically and supported by the accreditation on the BVAS, the Petitioners won the election. The Petitioners in proof of this, shall rely on the Inspection Reports as well as Forensic/Expert analysis pursuant to the orders of the Court.

73. I also state on behalf of the Petitioners that votes cast in a Polling Unit should not be more than the total number of accredited voters in the BVAS. The Petitioners shall rely on the Forensic Reports of the election materials showing that the votes cast in the Polling Units in Ekiti State, Oyo State, Ondo State, Taraba State, Osun State, Kano State, Rivers State, Borno State, Katsina State, Kwara State, Gombe State, Yobe State and Niger State exceeded the number of voters accredited on the BVAS in those states.

74. Further to the foregoing paragraphs, the I state that in the computation and declaration of the result of the election, based on the uploaded results, the votes recorded for the 2nd Respondent did not comply with the legitimate process for computation of the result and disfavoured the Petitioners in the following states, namely:

1. RIVERS
2. LAGOS
3. TARABA
4. BENUE
5. ADAMAWA
6. IMO
7. BAUCHI
8. BORNO

9. KADUNA; and
10. PLATEAU
11. OTHER STATES OF THE FEDERATION

75. I again state on behalf of the Petitioners that in declaring the result of the election, the 1st Respondent violated its own Regulations when it announced the result of the elections despite the fact that at the time of the said announcement or declaration, the totality of the Polling Unit results were yet to be fully scanned, uploaded and transmitted electronically as required by the Electoral Act.

76. The results and details recorded on the Forms EC8A, EC8B, EC8C, EC8D and EC8E which formed the basis of the declared result were not the product of compliance with the provisions of the Electoral Act 2022 and the 1st Respondent's Regulations mandating the process of accreditation, voting, counting, recording of votes and uploading to the 1st Respondent's iRev Portal and the backend virtual server installed to ensure a uniform process.

77. I further state on behalf of the Petitioners that when the purported scores recorded in the polling units where the above instances of over-voting occurred are deducted from the alleged votes obtained by the 2nd Respondent and on which the 1st Respondent based the hurried declaration of the 2nd Respondent as the winner of the election, the margin of the purported lead between the 2nd Respondent and the Petitioners will be far less than the number of voters who ought to legitimately vote in those polling units. I can identify Form EC40G(iii) issued by the 1st Respondent.

78. I also state that instances of over-voting in the conduct of the Presidential election held on 25th February 2023 occurred in more places than stated on the Form EC40G(iii). I can identify the Report of the BVAS Accreditation in the polling units, which Report is listed below and which is incorporated as part of the Petition and this Statement on Oath.

79. I state on behalf of the Petitioners that the above instances of non-compliance substantially affected the outcome of the election, in that if these instances did not occur in the conduct of the Presidential election, the Petitioners would have emerged the winners of the said election.

80. With respect to corrupt practices, I hereby adopt all my depositions in support of the Ground of non-compliance above.

81. In respect of the Ground that the 2nd Respondent was not duly elected by majority of lawful votes cast at the election, I state that in an election to the Office of the President of the Federal Republic of Nigeria, the result shall be ascertained by not just the counting of the votes cast for each candidate but shall be in compliance with the provisions of Sections 133 and 134 of the 1999 Constitution.

82. For the reason that the Presidential election of 25th February, 2023 was contested by more than two (2) candidates, a candidate shall be declared a winner only if he scores the highest number of votes cast at the election; and he has not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja. In this Petition, the 2nd Respondent, besides not scoring the majority of the lawful votes cast at the election, did not obtain at least one quarter of the votes cast in the Federal Capital Territory, Abuja and ought not to have been declared and returned elected. The Petitioners hereby specifically plead and rely on the result of the Presidential election declared/announced for the Federal Capital Territory, Abuja by the 1st Respondent.

83. I again state on behalf of the Petitioners that in default of a candidate being duly elected, there shall be a second election between the candidate who scored the highest number of votes at the initial election and one among the remaining candidates who scored a majority of the votes in the highest number of States. Where both of

them scored a majority of the votes in the highest number of States, the candidate among them with the highest votes cast at the election shall be the second candidate at the runoff election.

84. I again state on behalf of the Petitioners that the declared result of the election did not comply with the Electoral Act, 2022 and the 1st Respondent's Regulations established for scrutinizing the result of the election at the Polling Units and the Collation Centres; hence, upon a proper computation of the result of the election, it is the 1st Petitioner who scored a majority of lawful votes cast at the election and satisfied the Constitutional requirements in that regard. I can identify the Reports of election compiled from the inspection of the election materials pursuant to the Order of this Honourable Court. Copies of the result Forms, as well as the 1st Respondent's Result Viewing Portal (iREV) which is part of the electronic storage on the backend Server.

85. I further state on behalf of the Petitioners that from inception, the 1st Respondent established three (3) basic technologies which mandated and guaranteed a credible and transparent election. These technologies were the Bimodal Voter Accreditation System (BVAS), Electronic Result Collation System and the INEC Results Viewing Portal (iREV). This was pursuant to the powers conferred on the 1st Respondent to deploy technology in the conduct of elections which included electronic transmission of results and recording of accreditation. These were to ensure transparency and guarantee the integrity of the electoral process and the election.

86. The BVAS was designed to capture and upload the number of accredited voters and to keep accurate record of the accreditation process, including when successful and unsuccessful, so as to confirm the number of accredited votes and the results from the polling units. Where the number of votes cast as depicted on the Form EC8A exceeded the number of accredited voters captured in

the BVAS machines, over-voting occurs; thus, nullifying that polling unit result.

37. The BVAS was equally designed and deployed by the 1st Respondent to transmit the Polling Unit results to the AWS virtual server and a web portal (iRev) was established by the 1st Respondent to receive the results of the election from the Polling Units. By this process, tampering with the result of the election was to be detected where the physical result deviated from the uploaded version. At the stage of collation of results at the Registration Areas, the Polling Unit results were to be directly transferred to that level of Collation and were to be utilized in the Collation process.

38. Indeed, the Collation Officer or Returning Officer shall collate and announce the result only after a verification and confirmation that the number of accredited voters stated in the Collated result are correct and consistent with the number of accredited voters recorded and transmitted directly from the Polling Unit, with the use of the electronic technology employed by the 1st Respondent.

39. Additionally, the Collation Officer must ascertain in the same process that the collated results are correct and consistent with the votes or results recorded and transmitted directly from the Polling Units, using the same technology. Thus, where there is a dispute in the process as to what transpired at the Polling Units, the returning or Collation officer shall resolve same with:

a. The original of the disputed collated result for each Polling Unit where the election is disputed;

b. The smart card reader or other technology device used for the accreditation of voters in each Polling Unit where the election is disputed for the purpose of obtaining accreditation data directly from the smart card reader or technology device;

c. Data of accreditation recorded and transmitted directly from each Polling Unit where the election is disputed; and

d. The votes and result of the election recorded and transmitted directly from each Polling Unit where the election is disputed.

90. As provided in the 1st Respondent's Regulation, "an election result shall only be collated if the Collation Officer ascertains that the number of accredited voters agree with the number recorded in the BVAS and votes scored by Political Parties on the result sheet is correct and agrees with the result electronically transmitted or transferred directly from the Polling Unit as prescribed in these Regulations and Guidelines."

91. As part of the electronic result collation, the 1st Respondent deployed the Collation Support and Result Verification System (CSRVS) which is an Excel sheet kept by the CSRVS officer and instantly reflecting the uploaded results from the Forms EC8 series. Ultimately the Collation Officer and the CSRVS will compare their respective entries and their agreement reflects the result of the election.

92. The iREV was designed to exhibit exactly the uploaded Polling Unit results for the public view and it is mandatory for the Presiding officer to snap the image of the Form EC8A, using BVAS, which is uploaded to the portal for public viewing.

93. On 25 February, 2023, during the election, the 1st Respondent did not upload the Presidential election results from the polling units as required by law. The 1st Respondent only decided to upload the results of the National Assembly elections from the same polling units using the same BVAS that were used for conduct of the Presidential election. I can identify *Vanguard* online newspaper of report March 4, 2023 and *Thisday* online newspaper of 5th March 2023.

)4. The effect of the foregoing is that contrary to the mandatory requirement that all uploads shall proceed to the 1st Respondent's backend server through the BVAS, the 1st Respondent received data into an unscheduled device. Accordingly, three (3) main portals, namely https://2.inecelectionresults.ng, https://inecelectionresults.ng and https://cvr.inecnigeria.org/results were created.

)5. The above three are INEC websites. As at 16:20pm on 19th March 2023, while the first two disclosed that results from 165,975 out of 176,846 Polling Units nationwide had been uploaded, the third showed that 168,803 out of 178,846 Polling Units nationwide had been uploaded. The second website is the iREV recognised and contemplated by law, while the others are not. I can identify the computer print-outs from the above websites.

)6. I again state on behalf of the Petitioners that, surprisingly, the results of the National Assembly elections conducted simultaneously on the same day and time using the same BVAS machines from the same polling units were successfully uploaded while those of the Presidential election conducted were unable to be uploaded and were, thus, consigned to devices not contemplated by the Electoral Act 2022 and the Regulations for the conduct of the election.

'7. In view of the above, I state on behalf of the Petitioners that the standard collation procedures for collation of results, especially that of comparing the electronic results and data directly transmitted with the physical copies of the Forms EC8A before collation, were not complied with in the Presidential election. The results were thus not transmitted with the iREV as envisaged by law in such manner as to guarantee the integrity of the election.

8. The 1st Respondent, via a written communication, sought to excuse the manifest non-compliance with the requirements of the Electoral

Act 2022 and the Regulations by claiming that there were glitches in the electronic system which prevented it [the 1st Respondent] from uploading the results of the Presidential election from the polling units to the iREV portal on the day of the election. I can identify the said written communication.

9. I again state on behalf of the Petitioners that the alleged glitches in the electronic system installed and managed by the 1st Respondent were a ploy invented by the 1st Respondent to credit unlawful votes to the 2nd Respondent; and thereby, wipe out the clear advantage which inured to the Petitioners following the lawful exercise of voting rights by the electorate.

00. I can identify and rely on the results obtained from the iREV portal as well as other copies of the Forms EC8A to establish that substantial votes were unlawfully credited to the 2nd Respondent. The Petitioners shall equally rely on numerous Press Statements made by and credited to the leadership of the 1st Respondent in an attempt to explain the process which led to the crediting of massive unlawful votes to the 2nd Respondent.

01. I can identify all the Investigation, Forensic, Expert and other Reports and spread sheets referred to/pleaded in this Petition, which have been incorporated as part of the Petition.

02. I can identify on all 1st Respondent's electoral and all other necessary documents used for the conduct of the Presidential election, including:

(a) INEC Nomination Form CF001 of the 2nd Respondent

(b) All INEC Result Sheets - Form EC8 Series: EC8A, EC8B, EC8C, EC8D and EC8E in both physical and electronic copies.

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(c) Certificate of Return of the 2nd Respondent

(d) Voters' Cards issued to individuals by the 1st Respondent Forms ECl A, Forms EC17, Forms EC25A, Forms £C25A (1), Forms EC25B, Forms EC25B (1), Forms EC25D

(e) EC25G Series Forms used in the conduct of the Election.

(f) Forms EC40S, EC40G (2), EC40J, (EC40A

(g) Forms EC40H/EC40H(1)-(3)

(h) Forms EC40B, that is, all the Spoilt and Rejected Ballot Paper used in all the polling units.

(i) the Form EC40C, (the statement of unused Ballot Paper at the polling units.)

(j) Form EC40J, (the Statement of Unused Ballot Paper used at the polling units.)

(k) EC50B, EC50C

(l) ballot papers used and thumb-printed and counted in all the polling units.

(m) Ballot Papers recorded as spoilt at all the polling units.

(n) Ballot Papers recorded as unused at all the polling units.

(o) Certified True Copy of all the Voters' registers in all the polling units.

(p) Letter of Request to Chairman of INEC to request for Bimodal Voters Accreditation System (BVAS) Report

(q) Certified True Copy of the Bimodal Voters Accreditation System (BVAS) Report.

(r) Certificate of compliance with Section 84 of the Evidence Act, 2011 issued by the 1st Respondent in respect of the Bimodal Voters Accreditation System (BVAS) Report.

(s) A Certified True Copy of a list of all INEC officers and ad hoc staff used for the Election in all the polling units

(t) Approved Guidelines and Regulations for the Conduct of the Election, 2023

(u) Circu1ars/Corrigenda/Manuals issued by INEC for the conduct of the Presidential Election held on 25/02/2023

(v) Pol1ing Unit Materials Checklist.

(w) Summary of total registered voters on a unit basis.

(x) Summary of PVCs collected on a unit basis.

(y) Security reports relating to the Election.

(z) Video/Audio recordings/DVD/CD relating to the Election.

(aa) Election Observers' or Observers' Reports.

(bb) Newspaper/Television/Radio reports and news

(cc) Appointment Letter and Tags of agents

(dd) Expert report and analysis

(ee) Forensic and other reports by experts and non-experts

(ff) Photographs and GSM and other phone outputs

(gg) Computer-generated and cyberspace evidence.

(hh) Forensic and other reports by experts and non-experts

(ii) Receipts issued by INEC for certification of its documents

(jj) Identity Cards of Witnesses

(kk) Copies of certificates and curriculum vitae of the Petitioners' analysts

(ll) All and any other document(s) relevant to the Petition

(mm) Data from INEC Central Server.

(nn) Photographs and GSM and other phone outputs

(oo) Computer-generated and cyberspace evidence.

(pp) Forensic and other reports by experts and non-experts

(qq) Receipts issued by INEC for certification of its documents

(rr) Identity Cards of Witnesses

(ss) Copies of certificates and curriculum vitae of the Petitioners' analysts

(tt) All and any other document(s) relevant to the Petition

(uu) Data from INEC Central Server and iREV Portal

(vv) Data from Amazon Web Servers (AWS) Cloud Platform

(ww) Presidential Election Notice of withdrawal of candidate

(xx) Senatorial Election Notice of Withdrawal of candidate for Borno Cential Senatorial election.

(yy) EC9, EC9B, EC11 and EC11C filed by the 2nd and 3rd Respondents with the 1st Respondent for the Presidential Election.

(zz) Record of Proceedings, including the Stipulation and Compromise Settlement of Claims to the Funds held by Heritage Bank and CitiBank, Settlement Order of Claims to Funds held by Heritage Bank and CitiBank and Decree of Forfeiture as to Funds held by First Heritage Bank Orders of Forfeiture and Terms of Settlement, in **Case No: 93C4483,** between **United States of America v. Funds in Account 263226700 held by First Heritage Bank, in the name of Bola Tinubu & Ors.**

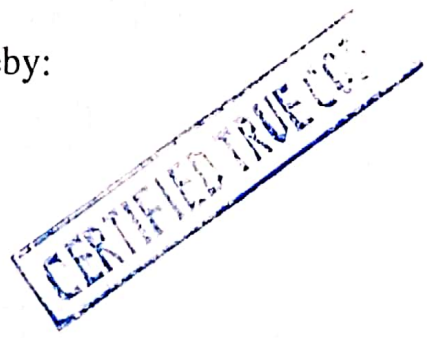
(aaa) Applications for certified true copies of INEC electoral documents, including letters dated 6th March 2023, 14th March 2023, 16th March 2023 and 20th March 2023.

(bbb) Press Statements by the 1st Respondent

(ccc) Petitions and complaints by the Petitioners to the 1st Respondent.

103. On behalf of the Petitioners, I hereby:

1. First pray as follows:



i. That it be determined that at the time of the Presidential Election held on 25th February, 2023, the 2nd and 3rd Respondents were not qualified to contest the election.

ii. That it be determined that all the votes recorded for the 2nd Respondent in the election are wasted votes, owing to the non-qualification/disqualification of the 2nd and 3rd Respondents.

iii. That it be determined that on the basis of the remaining votes (after discountenancing the votes credited to the 2nd Respondent) the 1st Petitioner scored a majority of the lawful votes cast at the election and had not less than 25% of the votes cast in each of at least 2/3 of the States of the Federation, and the Federal Capital Territory, Abuja and satisfied the constitutional requirements to be declared the winner of the 25th February 2023 Presidential election.

2. That it be determined that the 2nd Respondent having failed to score one-quarter of the votes cast at the Presidential election in the Federal Capital Territory, Abuja, was not entitled to be declared and returned as the winner of the Presidential election held on 25th February 2023.

IN THE ALTERNATIVE TO 2 ABOVE:

3. An Order cancelling the election and compelling the 1st Respondent to conduct a fresh election at which the 2nd, 3rd and 4th Respondents shall not participate.

IN THE ALTERNATIVE TO 1, 2 AND 3 ABOVE:

4. (i) That it may be determined that the 2nd Respondent was not duly elected by a majority of the lawful votes cast in the election for the office of the President of the Federal Republic of Nigeria held

on 25th February 2023; and therefore, the declaration and return of the 2nd Respondent as the winner of the Presidential election are unlawful, unconstitutional and of no effect whatsoever.

(ii) That it be determined that based on the valid votes cast at the Presidential election of 25 February, 2023, the 1st Petitioner scored the highest number of votes cast at the election and not less than one-quarter of the votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory, Abuja and ought to be declared and returned as the winner of the Presidential election.

(iii) An Order directing the 1st Respondent to issue the Certificate of Return to the 1st Petitioner as the duly elected President of the Federal Republic of Nigeria.

iv) That it be determined that the Certificate of Return wrongly issued to the 2nd Respondent by the 1st Respondent is null and void and be set aside.

IN THE FURTHER ALTERNATIVE TO 1, 2, 3 AND 4 ABOVE:

5. (i) That the Presidential election conducted on 25th February, 2023 is void on the ground that the election was not conducted substantially in accordance with the provisions of the Electoral Act 2022 and Constitution of the Federal Republic of Nigeria 1999, as amended.

(ii) An Order cancelling the' Presidential Election conducted on 25th February 2023 and mandating the 1st Respondent to conduct a fresh election for the office of President, the Federal Republic of Nigeria.

104. Anywhere in this Statement on Oath that electronic evidence or documents are said to be generated from the computer or online and

printed, I used my HP Computer with Intel® Pentium® CPU G2030 with 3.00GHZ processor and installed memory (RAM) 4.00GB and printed same using my HP LaserJet Pro M404-M405 when:

(a) The documents were produced and printed by the said computer gadgets during a period over which the gadgets were used regularly to store or process information for the purposes of my political activities regularly carried over that period;

(b) Over that period, there was regularly supplied to the computer gadgets in the ordinary course of those activities information of the kind contained in the documents or of the kind from which the information so contained was derived;

(c) Throughout the material part of that period, the gadgets were operating properly or, if not, that in any respect in which they were not operating properly or were out of operation during that part of that period, this was not such as to affect the production of the documents or the accuracy of their contents; and

(d) The information contained in the documents was reproduced or is derived from information supplied to the computer aforesaid in the ordinary course of those activities and printed same using my HP LaserJet Pro M404-M405 when:

(a) The documents were produced and printed by the said computer gadgets during a period over which the gadgets were used regularly to store or process information for the purposes of my political activities regularly carried over that period;

(b) Over that period, there was regularly supplied to the computer gadgets in the ordinary course of those activities information of the kind contained in the documents or of the kind from which the information so contained was derived;

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(c) Throughout the material part of that period, the gadgets were operating properly or, if not, that in any respect in which they were not operating properly or were out of operation during that part of that period, this was not such as to affect the production of the documents or the accuracy of their contents; and

(d) The information contained in the documents has reproduced or is derived from information supplied to the computer in the ordinary course of those activities.

105. That I depose to this Witness Statement on Oath in good faith and in accordance with the Oaths Act.

DEPONENT

SWORN TO before the Registry of the Court of Appeal, Abuja, this 20th day of March, 2023.

BEFORE ME:

COMMISSIONER FOR OATHS

SECRETARY
PRESIDENTIAL ELECTION PETITION COURT
2023

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IN THE COURT OF APPEAL
HOLDEN AT ABUJA

IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA HELD ON THE 25TH DAY OF FEBRUARY, 2023.

PETITION NO: /23

BETWEEN

1. MR. PETER GREGORY OBI
2. LABOUR PARTY — PETITIONERS

AND

1. INDEPENDENT NATIONAL ELECTORAL COMMISSION
2. SENATOR BOLA AHMED TINUBU
3. SENATOR SHETTIMA KASHIM
4. ALL PROGRESSIVES CONGRESS — RESPONDENTS

WITNESS STATEMENT ON OATH OF ITX

I, ITX, Christian, Adult Male and Nigeria Citizen hereby make oath and state as follows that:

1. I am a Software Engineer, by which knowledge and training, I have sufficient knowledge about design, development and maintenance of software. The term "software" is a generic term used to refer to applications, scripts and programmes that run on a device (hardware).

2. I am aware of the electronic device/gadget known as Bimodal Voter Accreditation System (BVAS) introduced and deployed by the

Independent National Electoral Commission (INEC) in the conduct of the 2023 General Election.

I am aware that the BVAS is a hardware component which uses software applications for its operations. Data generated/imputed in the BVAS are stored in a server which may be either physical or virtual.

I am aware that a virtual server stores information or data transmitted from a hardware such as the BVAS.

A virtual server is located in the cloud or in an offshore Data Centre.

I am aware that Amazon Web Services (AWS) provides a cloud data base which runs on a cloud computing platform.

I am aware that the Amazon Web Services (AWS) by its Amazon Cloud Platform is the world's most comprehensive and broadly adopted platform which enables users such as large enterprises and government agencies to effectively and in real time manage data, in order to lower costs, become more agile and effective.

I am aware that in preparation for the 2023 General Election, INEC deployed and utilized virtual servers on the AWS for the hosting and storage of its data, including data generated and/or imputed to the BVAS in the conduct of the election.

From my knowledge of software engineering and operations, I am aware that whilst the BVAS operates as a front end server for the purposes of data storage/management, the back end server (whether physical or virtual) is the server/application warehousing the database and to which information or data is delivered from the front end server.

10. I have read the relevant provisions of the Electoral Act 2022 and the Regulations and Guidelines for the Conduct of Elections 2022, relating to the use and deployment of technological device for the management, storage and transmission of data obtained/generated in a Polling Unit during the conduct of the election.

11. I am aware that for an election in a Polling Unit, the Presiding Officer was mandated to electronically transmit or transfer the result of the Polling Unit, direct to the collation system as prescribed by INEC.

12. The Presiding Officer was also mandated to use the BVAS to upload a scanned copy of the Polling Unit result sheet (known as Form EC8A) to the INEC Result Viewing Portal (IReV) as prescribed by INEC.

13. From my knowledge of software engineering and computer operations, the IReV referred to above is a server and is accessible to the public.

14. I am aware that the IReV is a website with its web address as; https://cvr.inecnigeria.org. The IReV portal is part of the technological architecture, developed/deployed by INEC for the storage, management, display and uploading of Polling Unit results to be accessed by the public in the 2023 General Elections, including the Presidential election that held on the 25th February, 2023.

5. I am aware that data imputed/stored and/or transmitted from a front end server whilst operating online/offline were also transmitted and stored in the back end server whether physical or virtual.

6. I am aware that the information or data generated/imputed in the BVAS whether operating online or offline, were transmitted to the

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INEC servers, including the virtual server hosted on the AWS Cloud Platform.

17. I make this statement in good faith, believing the content to be true and correct, and in accordance with the Oaths Act 2004.

DEPONENT

Sworn to at the Registry of Court of Appeal, Abuja
this 20th day of March 2023.

BEFORE ME:

COMMISSIONER FOR OATHS.

SECRETARY
PRESIDENTIAL ELECTION PETITION COURT
2023

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IN THE COURT OF APPEAL
HOLDEN AT ABUJA

IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA HELD ON THE 25TH DAY OF FEBRUARY, 2023.

PETITION NO:.....2023

BETWEEN

1. MR. PETER GREGORY OBI
2. LABOUR PARTY

PETITIONERS

AND

1. INDEPENDENT NATIONAL ELECTORAL COMMISSION
2. SENATOR BOLA AHMED TINUBU
3. SENATOR SHETTIMA KASHIM
4. ALL PROGRESSIVES CONGRESS

RESPONDENTS

WRITTEN STATEMENT ON OATH OF LUNN

I, LUNN, adult, male, Christian, legal practitioner, residing in Nigeria, do hereby make this written statement on oath and state as follows:

1. That my name is LUNN. I am a legal practitioner duly called to the Nigerian Bar and enrolled in the Supreme Court as Barrister and Solicitor. I am a voter and I voted in the presidential election and other elections conducted by the 1st Respondent in the general election of 2023. I have copy of my PVC to show that I am a voter.

CERTIFIED TRUE ...

2. That I know as a fact that the presidential election to elect the President of the Federal Republic of Nigeria was held in Nigeria on the 25th February 2023. I know the petitioners participated in the said elections. I also know the 2nd and 3rd Respondents also participated in the said election.

3. I know as a fact that the Petitioners have filed a petition before this Honorable Court challenging the election and return of the 2nd and 3rd Respondents as the candidates returned as President and Vice President of the Federal Republic of Nigeria respectively.

4. I state and I know as a fact that the 2nd and 3rd Respondents were at the time of the election not qualified to contest the election as President and Vice President of the Federal Republic of Nigeria respectively.

5. I know as a fact that a candidate for the office of President, in this case the 2nd Respondent shall name another person as his associate for his running for the office of President, who is to occupy the office of Vice-President. In this case the 2nd Respondent named the 3rd Respondent as the Vice-Presidential candidate.

6. That I know as a fact that by the mandatory provisions of the Constitution of the Federal Republic of Nigeria and the Electoral Act 2022, the 3rd Respondent shall be deemed to have been duly elected to the office of Vice-President if the candidate for the office of President who designated him as such associate, is duly elected as President in accordance with the provisions of the Constitution of the Federal Republic of Nigeria.

7. I know as that on the 14th of July 2022, the 3rd Respondent whilst still being a Senatorial candidate for Borno Central Constituency, knowingly allowed himself to be nominated as the Vice-Presidential candidate to the 2nd Respondent on the platform of the 4th Respondent and became the new candidate for the office of the Vice President on that date, that is 14th July 2022.

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8. That I know as a fact that the 1st and 2nd Petitioners through one of their learned senior counsel applied for certified true copies of Form EC11A duly signed by the 3rd Respondent and the agents of the 4th Respondent on that same 14th of July 2022.

9. I know as a fact that the 3rd Respondent was a candidate nominated by the 4th Respondent for the office of Senate in the Borno Central Senatorial Constituency remained so until 15 July, 2022 when he signed the Independent National Electoral Commission Senatorial Election Notice of Withdrawal of Candidate, purporting to withdraw from the contest.

10. I know and state that the 3rd Respondent was a Senatorial candidate for Borno Central Constituency as at 14th February 2022, when he knowingly allowed himself to be nominated as Vice Presidential Candidate for the 2nd Respondent on the Platform of the 4th Respondent.

11. I have the following documents to tender, namely:

    a. Affidavit and Personal Particulars (Form EC9) submitted by the 3rd Respondent for Borno Central Senatorial Constituency sworn to on 14th June 2022 and received by the 1st Respondent on 17 June 2022.

    b. Affidavit in support of Personal Particulars (Form EC9) submitted by the 3rd Respondent for the office of the Vice-Presidential Candidate for the Constituency of Nigeria (the Federal Republic of Nigeria) received by the 1st Respondent on 15 July 2022.

    c. Notice of Withdrawal of Candidate (pursuant to section 33 of the Electoral Act, 2022), Form EC11A dated 14 July 2022 signed by the 3rd Respondent as the "New Candidate (Vice Presidential) of the All Progressives Congress and also containing the passport picture of the 3rd Respondent as "New Candidate."

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d. Notice of Withdrawal of Candidate (Pursuant to Section 33 of the Electoral Act, 2022) Form EC11C dated 15 July 2022 signed by the 3rd Respondent as the withdrawing candidate of the All Progressives Congress for Borno Central Senatorial Constituency, Borno State and also containing the passport picture of the 3rd Respondent.

12. It is my evidence that as at the time the 3rd Respondent was nominated a Vice-Presidential Candidate in this election in dispute, he was still the nominated Senatorial candidate of the 4th Respondent for the Senatorial election for the Borno Central Senatorial Constituency.

13. I know as a fact that the entire Federation of Nigeria is one Constituency for the office of President and Vice President. I also know as a fact that besides the Constituency for the office of President, there are other Constituencies within the Federation, including Senatorial Constituencies, each being distinct for the purpose of elections into the respective offices.

14. That I know as a fact that a candidate for an election in Nigeria, such as the 3rd Respondent, is not allowed to knowingly allow himself to be nominated in more than one Constituency as was done by the 3rd Respondent in this petition.

15. It is my evidence that the purported sponsorship of the 2nd and 3rd Respondents by the 4th Respondent was rendered invalid by reason of the 3rd Respondent knowingly allowing himself to be nominated as the Vice-Presidential Candidate while he was still a Senatorial Candidate for Borno Central Constituency.

16. I know as a fact the that the votes purportedly recorded for the 2nd Respondent are wasted votes and ought to be disregarded.

17. I know as a fact that the 2nd Respondent was also at the time of the election, not qualified to contest for the election to the office of President, as the 2nd Respondent was fined the sum of $460,000.00

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(Four-Hundred and Sixty Thousand United States Dollars) for an offense involving dishonesty, namely narcotics trafficking, imposed by the United States District Court, Northern District of Illinois, Eastern Division, in: **United States of America v. Funds in Account 263226700 held by First Heritage Bank, in the name of Bola Tinubu; Funds in Account 39483134, 39483396, 4630279566, 00400220, 39936404, 39936383 held by City Bank, N.A., in the name of Bola Tinubu or Compass Finance and Investment Company; Funds in Account 52050-89451952, 52050-89451952, 52050-89451953 held by City Bank International, in the name of Bola Tinubu on 4th October, 1993. I shall rely on the Record of Proceedings, Terms of Settlement and Orders of Court forfeiting the above stated sum.**

18. That I know that by the proceedings referred to in the preceding paragraph 17, the 2nd Respondent was fined by court of competent jurisdiction for the offences of trafficking in narcotics.

19. I know as a fact that by reason of the said disqualification of the 2nd and 3rd Respondents the votes purportedly recorded for the 2nd Respondent in the election are wasted and invalid.

20. That **I, LUNN** make this written statement on oath conscientiously in good faith, believing the contents to be true and in accordance with the Oaths Act.

.....
Deponent

Sworn to at the Registry of the
Court of Appeal, Abuja
This 20th day of March 2023

Before me:

Commissioner for Oaths

SECRETARY
PRESIDENTIAL ELECTION
PETITION COURT
2023

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IN THE COURT OF APPEAL
HOLDEN AT ABUJA

IN THE MATTER OF THE ELECTION TO THE OFFICE OF THE PRESIDENT OF THE FEDERAL REPUBLIC OF NIGERIA HELD ON THE 25TH DAY OF FEBRUARY, 2023.

PETITION NO: /23

BETWEEN

1. MR. PETER GREGORY OBI
2. LABOUR PARTY

PETITIONERS

AND

1. INDEPENDENT NATIONAL ELECTORAL COMMISSION
2. SENATOR BOLA AHMED TINUBU
3. SENATOR SHETTIMA KASHIM
4. ALL PROGRESSIVES CONGRESS

RESPONDENTS

PETITIONERS' LIST OF DOCUMENTS TO BE RELIED ON AT THE HEARING OF THE PETITION

1. INEC Nomination Form CF001 of the 2nd Respondent;
2. All INEC Result Sheets - Form EC8 Series: EC8A, EC8B, EC8C, EC8D and EC8E in both physical and electronic copies;
3. Certificate of Return of the 2nd Respondent;
4. Voters' Cards issued to individuals by the 1st Respondent;

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5. The Nomination Form of the 1st Petitioner;

6. Forms ECIA, Forms EC17, Forms EC25A, Forms £C25A (1);

7. Forms EC25B, Forms EC25B (1), Forms EC25D;

8. EC25G Series Forms used in the conduct of the Election;

9. Forms EC40S, EC40G (2), EC40J, EC40A;

10. Forms EC40H/EC40H(1)-(3);

11. Forms EC40B – that is, all the Spoilt and Rejected Ballot Paper used in all the polling units;

12. Form(s) EC40C, (the Statement of Unused Ballot Paper at the polling units);

13. Form(s) EC40J, (the Statement of Unused Ballot Paper used at the polling units);

14. Forms(s) EC50B, EC50C;

15. Ballot papers used and thumb-printed and counted in all the polling units;

16. Ballot Papers recorded as spoilt at all the polling units;

17. Ballot Papers recorded as unused at all the polling units;

18. Certified True Copy of all the Voters' Registers in all the polling units;

19. Letter(s) of Request to Chairman of INEC to request for Bimodal Voters Accreditation System (BVAS) Report;

20. Certified True Copy of the Bimodal Voters Accreditation System (BVAS) Report;

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21. Certificate of Compliance with Section 84 of the Evidence Act, 2011 issued by the 1st Respondent in respect of the Bimodal Voters Accreditation System (BVAS) Report;

22. A Certified True Copy of a list of all INEC officers and ad hoc staff used for the Election in all the polling units;

23. Approved Guidelines and Regulations for the Conduct of the Election, 2023;

24. Regulations and Guidelines for the Conduct of Elections, 2022;

25. The Manual for Election Officials 2023;

26. Circulars/Corrigenda/Manuals issued by INEC for the conduct of the Presidential Election held on 25/02/2023;

27. Polling Unit Materials Checklist(s);

28. Summary of total registered voters on a unit basis;

29. Summary of PVCs collected on a unit basis;

30. Security reports relating to the Election;

31. Video/Audio recordings/DVD/CD relating to the Election;

32. Election Observers' or Observers' Reports;

33. Newspaper/Television/Radio/Media reports, news, press statements and press releases to the Media;

34. Appointment Letter and Tags of Party Agents and Witness;

35. Forensic Reports, Expert Report and Spreadsheets from investigations conducted by the Petitioners pursuant to the Order(s) of Court;

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36. Forensic and other reports by experts and non-experts;

37. Photographs and GSM and other phone outputs, including of the results of the election in question;

38. Computer-generated and cyberspace evidence;

39. Receipts/acknowledgment letters issued by INEC for certification of its documents;

40. Identity Cards and Voters Card of Witnesses;

41. Copies of certificates and Curriculum Vitae of the Petitioners' analysts;

42. Data from INEC Central Server;

43. Data from INEC Central Server and IReV Portal;

44. Data from Amazon Web Servers (AWS) Cloud Platform;

45. Presidential Election Notice of Withdrawal of Candidate(s);

46. Senatorial Election Notice of Withdrawal of Candidate(s) for Borno Cential Senatorial election;

47. Forms EC9, EC9B, EC11 and EC11C filed by the 2nd and 3rd Respondents with the 1st Respondent for the Presidential Election;

48. Record of Proceedings, including the Stipulation and Compromise Settlement of Claims to the Funds held by Heritage Bank and CitiBank, Settlement Order of Claims to Funds held by Heritage Bank and CitiBank and Decree of Forfeiture as to Funds held by First Heritage Bank Orders of Forfeiture and Terms of Settlement, in **Case No: 93C4483, between United States of America v. Funds in Account 263226700 held by First Heritage Bank, in the name of Bola Tinubu & Ors;**

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49. Applications for certified true copies of INEC electoral documents, including letters dated 6th March 2023, 14th March 2023, 16th March 2023 and 20th March 2023;

50. Press Statements by the 1st Respondent;

51. Petitions and complaints by the Petitioners to the 1st Respondent; and

52. Any other documents that will be required by the Petitioners to prove the Petition.

DATED THIS 20TH DAY OF MARCH, 2023

DR. LIVY UZOUKWU, SAN (Signed)
AWA KALU, SAN
DR. ONYECHI IKPEAZU, SAN
P.I.N. IKWUETO, SAN
CHIEF BEN ANACHEBE, SAN
SEBASTINE T. HON, SAN
ARTHUR OBI-OKAFOR, SAN
IKECHUKWU EZECHUKWU, SAN
J.S. OKUTEPA, SAN
DR. MRS. VALERIA AZINGE, SAN
EMEKA OKPOKO, SAN
ALEX EJESIEME, SAN
AUDU ANUGA, SAN
PROF. AGBO J. MADAKI
EMENIKE MBANUGO, ESQ.
CHIKE A. OBI, ESQ., *et al.*
(Petitioners' Counsel)

Whose address is at:
Plot 10, Block IX

CERTIFIED TRUE COPY

(Last house of the left)
David Dodo Street, by Gwarinpa
Setraco Gate
Off Wole Soyinka
Avenue, Gwarinpa, FCT, Abuja
08033122202

FOR SERVICE ON:

1. **The 1st Respondent**
   INEC Headquarters
   Plot 436 Zambezi Crescent
   Maitama, Abuja.

2. **The 2nd Respondent**
   At his Residence
   No. 26 Bourdillon Road
   Ikoyi, Lagos.

3. **The 3rd Respondent**
   Kashim Shettima Close
   New GRA, Maiduguri
   Borno State.

4. **The 4th Respondent**
   APC National Headquarters
   No. 40 Blantyre Street
   Off Adetokunbo Ademola Crescent
   Wuse 2, Abuja.

20/3/2023
CERTIFIED TRUE COPY
SIGN
PRESIDENTIAL ELECTION PETITION COURT 2023
J.J EKPEROBE Esq