



TRANSITION MONITORING GROUP

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PRESS RELEASE

CHIEF OLUSEGUN OBASANJO AND THE BURDEN OF LEGITIMACY

The Judgment of the Court of Appeal in the suit filed by Major General Muhammadu Buhari and the All Nigeria Peoples Party against the re-election of Chief Olusegun Obasanjo as the President of the Federal Republic of Nigeria is a landmark decision in the history of electoral contests in Nigeria. The Judgment no doubt is a confirmation and validation of the findings, conclusions and recommendations of the Transition Monitoring Group (TMG) in its Preliminary Report on the Gubernatorial and Presidential Elections held on the 19th day of April 2003 and its Final Report on the 2003 General Elections titled ***Do the Votes Count?***

The Judgment also underscores the fact that faith and fidelity in the rule of law, due process and independence of the judiciary are indispensable components and ingredients of electoral contests and democracy. The judgment also shows that an independent judiciary with the right mix of personnel can check the antics of electoral fraudsters that do not believe

in elections as a means and mechanism of leadership change. The Transition Monitoring Group commends the Justices of the Court of Appeal for their far-reaching findings and conclusions in respect of this electoral petition.

Some of the findings and conclusions by the Court of Appeal are matters already in the public domain. The fraud and manipulation of the Electoral Act and the electoral process perpetrated by the present government in connivance with the leadership of the National Assembly are part of a well-orchestrated and pre-determined process to subvert the right of the Nigerian people to choose their leadership through the ballot box.

Given the enormity of the fraud perpetrated during the 2003 elections and the damning findings and conclusions of the Court of Appeal, the Transition Monitoring Group once again condemns the brazen corruption and manipulation of the electoral process that brought the Obasanjo administration to power and states as follows:

1. The Transition Monitoring Group demands the resignation of Chief Abel Guobadia as the Chairman of the Independent National Electoral Commission. The Court of Appeal in its judgment condemned the refusal of the Commission to comply with its order as an act of recklessness and questioned the purported independence of the Commission. The indictment by the Court of Appeal of the Commission headed by Chief Guobadia casts a dark spell on its credibility and impartiality. Nigerians want, desire and deserve an electoral umpire that believes in the rule of law and due process. Nigeria

cannot have an electoral umpire that treats court processes and court orders with contempt. The judgment has also raised the urgent need for a comprehensive and progressive electoral reform. The reform Nigeria needs should free the Independent National Electoral Commission from illicit and unprincipled romance with its appointing authority. The reform should guarantee financial independence and autonomy to the electoral body.

2. The Transition Monitoring Group also demands the arrest and prosecution of the Resident Electoral Commissioner for Ogun State during the Presidential Elections. The Nigerian people deserve to know how and with whom he perpetrated the massive electoral fraud in Ogun State. The present government must therefore have the courage and the will to apprehend culprits of electoral corruption even if they are the beneficiaries of the electoral fraud.
3. The President of the Federal Republic of Nigeria must come out openly and condemn the electoral treachery that took place in Ogun State. He must distance himself from the fraud perpetrated in that state of which he is a beneficiary. The fact that the fraud took place in his own state has cast a shadow of legitimacy on his moral right and authority to govern the people of Nigeria. In different climes, circumstances and orientation where principles matter, the President of the country cannot govern under the prevailing moral burden of the proven fraud in Ogun State and the widespread manipulation of the electoral process in other parts of the country. The President must

come clean and condemn the fraud in Ogun State that way he came out to tell what he knew about the charade in Anambra State.

4. The National Assembly must conduct open, transparent and credible public hearing on a new Electoral Act for Nigeria. The present Electoral Act that that was used in the conduct of the 2003 Gubernatorial and Presidential Elections is a product of fraudulent manipulation and doctoring by the President and the then leadership of the National Assembly. The new Electoral Act must be acceptable and find favor with the political parties and major stakeholders in the electoral process.

We are therefore convinced that the judgment of the Court of Appeal although affirming the 2003 Presidential Elections has dented the credibility and legitimacy of Olusegun Obasanjo as the President of the Federal Republic of Nigeria. We therefore call on the President and the National Assembly to restore the faith and confidence of the Nigerian people in the democratic process through fresh, transparent and credible elections.

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