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14th May, 2021

Prof. Mahmood Yakubu

Chairman
Independent National Electoral Commission (INEC)
Plot 436, Zambezi Crescent,
Maitama District,
F.C.T., Abuja

Dear Sir,

LETTER OF DEMAND TO RELIST YOUTH PARTY IN COMPLIANCE WITH THE JUDGEMENTS OF THE FEDERAL HIGH COURT AND COURT OF APPEAL

The above matter and the unanimous decision of the Court of Appeal on Tuesday, 11th May, 2021, upholding the setting aside of your purported de-registration of our Party refers.

Background

Our Party commenced the process of registration in December 2016 but was not registered until 14th August, 2018, just days before the commencement of primaries for the 2019, general elections. This was despite a judgement of the Federal High Court delivered in October 2017. This affected our ability to perform at the 2019 general elections. Nonetheless, we fielded 11 candidates for House of Representatives and States Houses of Assembly all over the Country in those elections.

Sometime in late 2019, INEC threatened to deregister the Youth Party ("our Party"). In order to forestall the threatened deregistration, we commenced a court action against INEC in January 2020, at the Federal High Court, Abuja and Judgment was delivered in our favour on 12th October, 2020. Subsequently, INEC appealed against the decision of the Federal High Court, Abuja and the Court of Appeal ruled, through an unanimous Judgment delivered by Hon. Justice T.Y. Hassan, that our purported deregistration was illegal, null and void.

Your Commission is currently refusing to list our Party's name on your website as a registered Party or allow us participate in any election in any election even in the face of the subsisting judgment, which has not been set aside or stayed. Your Commission is in continuous flagrant breach of the universally and constitutionally protected human rights of our members to Freedom of Association.

The dictum of Honourable Justice I.E. Ekwo of the Federal High Court in his judgment is worth pondering over:

“the Defendant is not above the law. No person or parties to an action is allowed to resort to self help when an action is pending in Court. The claim that the Defendant has power pursuant to S,225A(b) & (c) of the 1999 Constitution (as amended) to de-register a political party does not justify the action of the Defendant while this action is pending. The Defendant must understand that the constitution is not an author of confusion. I condemn the action of the Defendant as a wrong exercise of might. Therefore, the de-registration of the Plaintiff during the pendency of this action by the Defendant is illegal, null and void, and liable to be set aside. Consequently, I hereby make an order setting aside the de-registration of the Plaintiff”

The Court of Appeal in its Judgement was equally unhappy with your Commission in its unanimous Judgment delivered by Honourable Justice T.Y. Hassan,J.C.A., when it held that:

“This Court will not hesitate to sustain the decision of the Lower Court which pulled down and dismantled the edifice that the Appellant built on self help when it deregistered the Respondent not only during the pendency of the Suit but when it had been served with and had reacted to the motion for interlocutory injunction seeking to restrain the Appellant from the very act it helped itself to actualize extra judicially. To say the least, we find the Appellant action very reprehensible, the Lower Court as any court of law would have done, acted correctly by setting aside the deregistration of the Respondent. We have no reason to interfere with the order made by the Lower Court and same be sustained”

We hereby **DEMAND** that your Commission reverts to its statutorily imposed duty of neutrality as a regulator byacknowledging our Party as a registered Party and by relisting our Party on your website in line with the subsisting Judgments of the Federal High and the Court of Appeal, within 7(Seven) days of the delivery this letter. That is, by close of business Friday, 19th May, 2021.

Be assured of our strong resolve to pursue the continued breach of our human rights to freedom of association to a logical conclusion within the ambits of the law, in the event of your failure to comply with the aforesaid judgments.

It is noteworthy that until the judgment against your Commission is set aside, the position of law is that Youth Party remains a registered political party in Nigeria and it is entitled to all the rights and privileges of a registered political party in Nigeria.

Thank you.

Yours faithfully,

Tomiwa Aladekomo

Mr. Tomiwa Aladekomo
Acting National Chair