

COVER NEWS

Soberekon Loses Again ... As Supreme Court Maintains stance

The embattled Governorship candidate of the Accord Party, Chief Alalibo Bekinbo Soberekon on Monday, June 22, 2009 suffered another loss in his bid to stop the Supreme Court from exercising its constitutional role when he filed for accelerated hearing through his counsel, Femi Falana, despite an earlier order by the apex court that parties in the matter should appear in court on October 8, 2009 for hearing in the matter brought before it by Gov. Chibuike Amaechi of Rivers State through his counsel, Lateef Fagbemi, SAN.

When the seven member panel of Justice of the Supreme Court led by Justice Iyorchia Aloysius Katsina-Alu sat, they wondered why the parties in the matter were in court since the date had been fixed for October 8, 2009 during the last sitting in June 2, 2009.

Counsel to Amaechi, Prince Fagbemi also expressed surprise that he was asked by the court to appear on the said matter on a fresh date contrary to the earlier fixed date. He wondered why his learned friend, Femi Falana would file for accelerated hearing considering the fact that the Supreme Court is infallible and should be respected.

Counsel for Soberekon, Femi Falana told the court that he had filed a fresh notice for accelerated hearing since the said matter would be coming up at the Appeal Tribunal in Port Harcourt on June 25, 2009.

He said the matter involved the seat of the office of the Governor of Rivers State and as such required expeditious hearing.

But Fagbemi countered him on the grounds that it would amount to disrespect to the Supreme Court for a counsel in a matter to ask the apex court to set aside an earlier fixed date for a matter.

Fagbemi also reminded the court that Falana was late and even absent in court during the last sitting. He claimed to have briefed Falana on the outcome of the matter.

The panel of the Justices took their turns in firing questions at Falana when he said that the Supreme Court lacked jurisdiction on the matter therefore, the October 8, 2009 date should not be feasible for hearing on the matter.

The Supreme Court Justices who were visibly shocked at efforts by Falana to challenge their right to hear a complaint by another party then asked Falana to adjourn to another date since he claimed to have jurisdiction.

After several authorities were cited both for and against, the court maintained its earlier stance on the October 8, 2009 date, when the court would have commenced after their yearly recess.

Meanwhile, supporters of Gov. Amaechi who thronged the court were said to have been relieved by the decision of the court while a handful of Soberekon's supporters went home again disappointed.

With the decision of the apex court, Soberekon would suffer another setback when the matter comes up at the Appeal Court in Port Harcourt, as the Court would maintain its stands again on not hearing Soberekon's case until the determination of Amaechi's appeal at the Supreme Court.

It would be recalled that Amaechi had gone to the Supreme Court to determine if the Appeal Court sitting in Port Harcourt, though as the final



Soberekon

arbitrator on election petition matters, had the powers to differentiate between the words "substitution" and "joining" when the court ruled in Soberekon's favour that Amaechi ought to inherit the assets and liabilities of Celestine Omehia, who was the purported candidate of the Peoples Democratic Party when the party wrongfully substituted Amaechi's name with that of Omehia.

Counsel to Amaechi, Prince Fagbemi also sought the interpretation of the decision of the Appeal Court in the matter.

But that is not the crux of the matter between Soberekon and Amaechi. The real issues before the court is whether the Election Petition Tribunal that sat in Port Harcourt was right in striking out Soberekon's case when it was brought before it.

Bekinbo Soberekon, candidate of the Accord Party for the April 14, 2007 governorship elections had gone to the Tribunal to challenge the election and victory of Celestine Omehia, who was later removed via a Supreme Court order on October 26, 2007 after a five-month period as Governor of Rivers State under the umbrella of the PDP. Soberekon's case, unfortunately was struck out on the grounds that he was not qualified for hearing in his case as neither him nor his lawyers attended the mandatory pre-trial conference as ordered by the President of the Court of Appeal.

It would also be recalled that the Appeal Court President had amongst other guidelines ordered for a pre-trial conference before the commencement of proceedings in the tribunal.

Soberekon had gone to the Appeal Court to challenge the decision when Amaechi was re-instated by the Supreme Court. Informed sources say Soberekon who is alleged to be sponsored by the opposition was comfortable with the Tribunal's decision as there may have been a gentleman's agreement between him and Omehia.

But when Omehia lost out, Soberekon became a willing tool in the hands of the opposition who were bent on stopping Amaechi.

While the Appeal was yet to be

properly filed and other parties served, Soberekon through his lawyer, Falana, filed a different notice urging the court to substitute Omehia's name with that of Amaechi since the court had earlier ruled in Awuse Vs Amaechi that the time for joining Amaechi in the matter had elapsed and any decision taken would not be binding on Amaechi.

Further checks by the *Beam* revealed that there may not be an end to the said matter until the expiration of Amaechi's four-year tenure, with the nature of the matter. Besides, if the matter eventually is heard by the Appeal Court, the worst scenario would be for the court to order the Election Petition Tribunal to hear the matter. The onus would then lie on Soberekon to prove his case which is on whether he was wrongfully excluded from the election since his name was wrongfully spelt by the Independent National Electoral Commission, INEC, on the ballot paper, despite the fact that his party's logo was conspicuously there.

Recall that in Atiku Vs INEC, the Supreme Court ruled that it is not an individual that runs election but the party. In Amaechi Vs INEC, Omehia and others, the Supreme Court also maintained its stance.

If after the unending hurdles by Bekinbo Soberekon and the matter is eventually heard, can he be given justice on the matter when the Supreme Court has already set a precedence in similar matters? Can a lower court vacate the decision of the Supreme Court? The answers being in the negative, will it not amount to a wild goose chase? The drama has just begun.

AKULGA Chairman Risks Sack

... As Investigations Reveal

... Students Deny Payment Of Bursary

... Idama Community Says, "No Water Project"

... Councillors Insist On Corruption Allegations

... Rivers House Of Assembly Summons Councillors, Chairman

... EFCC, ICPC Petitioned Also

By Wilson Uchendu &
Paschal Agbada

the council will be that the council may not be able to pay salaries of workers.

(b) that they (the councillors) need explanations on the whereabouts of N44 million deducted from council coffers for the same building of a secretariat.

According to the councillors, in December 2008, the Chairman had informed them of an intention of building a legislative council secretariat and so appealed to them to appreciate the issue and make 'sacrifices' as demanded by the Chairman. The message was that from the month of January, N2 million would be deducted from legislative votes, and that from the executive arm of the council; that is all political appointees would temporarily not function and their salaries and imprests saved. For 4 months, according to the councillors, these salaries and deductions amounted to N44 million as already mentioned above.

(c) that N200 million is too much for building just a local government legislative council secretariat.

Curiously, the legislators pointed out that on the 11th of June 2009, they noticed that 10 of their

colleagues had held a close door meeting with the Chairman and had clandestinely agreed to facilitate the granting of the loan. Based on this, "we, the remaining 7 legislators (as there a total of 17 legislators in AKULGA) resolved to grant a press conference to make public the unconstitutional actions of the Chairman and collaborative attitudes of the 10 councilors and, to also stop First Bank from granting the loan".

They further added that about N2 billion for the past one year of Awoyesuku's led administration has not been properly accounted for. The Leader of the Legislative Council Hon. Aboiyaa Bob-Fubara stressed that if they had not seen reasons to make these issues public, they wouldn't have called for a press conference. Therefore, it behoves the Chairman to painstakingly point out the projects he has conclusively executed as the councillors vehemently faulted all the Chairman's purported executed projects.

For instance, the legislators stated that the Chairman claimed to have

judiciously supplied AGO (diesel) to the Abonnema and Obonoma Community between September 2007 April 2008, as AGO is supplied to this community at N4m monthly.

However, when Paul Awoyesuku came in as Chairman in May 2008, diesel was supplied at the cost of N6.5m. And for the months of June 2008- date, the Chairman has been supplying AGO at the whopping cost of N13.1m. Also during the cult crisis in Abonnema, which spanned the months of July, August and September, the legislators emphasized that the Chairman claimed to have supplied AGO to a community that was deserted at N13.1m totaling N39.3 "in a land where no one lived" (using the words of the Leader of the Legislative Council). The budgetary provision for the supply of diesel is N5.5m but Awoyesuku, without recourse to the Legislative Assembly increased it to N13.1m for a period of one year. It is said that any expenditure carried out without the approval of the Legislative Assembly attracts a jail term of two years. Awoyesuku had failed to seek the approval of the House for supplementary budget

before the increment.

In a bid to clarify issues, Awoyesuku went to press with the pictures of some of his claimed projects. Interestingly, some of the projects include; Proposed Renovation of Existing Office Block and a proposed New Secretariat Building. Many wondered why projects which are yet to be executed are being published as though they exist.

The question is whether the projects published by Awoyesuku in his one year in office brochure can account for the almost N2 billion that he received during the period under review.

Many also wonder if the chairman has followed due process in the purported removal of the leadership of the House more so when the matter is already before the Rivers State House of Assembly. Having been invited to appear before the House Committee, was it not 'sub judice' for Awoyesuku to have gone ahead to announce the removal of the Leader while declaring vacant two seats including that of the councillor representing his Ward?

Though he has the support of ten out of seventeen members of the Assembly, Awoyesuku may have it rough trying to get the needed eleven members to form a 2/3 of the majority before he can succeed in impeaching the Leader and other principal officers of the House.

It would be recalled that in the wake of the crisis between the Chairman and the Legislative Assembly, the State Governor, Rt. Hon Chibuike Rotimi Amaechi had summoned a meeting of the Chairman, the two