

- use of section 146 of the Electoral Act, 2006 to shield from invalidity, various infractions of the Act, including cases of non-compliance amounting to corrupt practice, non-compliance with the provisions relating to ballot papers and to the voters' register.
4. Whether the decision of the Court of Appeal striking out the name of the 5th respondent on the ground that he is not a juristic personality is correct having regard to the pleadings, evidence and entire circumstances of the petition.
  5. Whether Court of Appeal rightly deemed the 1st respondent as having been duly elected President of the Federal Republic of Nigeria by majority of valid lawful votes of 24,638,063 in the face of the three conflicting "final" results of the election which the 4th and 6th respondents were unable to explain or reconcile by their pleadings or by evidence at the trial.
  6. Whether the allegations of apparent similar handwriting on documents tendered by consent can only be established by calling expert handwriting analyst, when respondents offered no explanation beyond bare denial through unnamed, unsworn witnesses, who were not the authors of the said documents.
  7. Whether the decision of the Court of Appeal to the effect that the petitioners did not specifically identify any police officer or soldier who participated in the conduct of the election was correct having regard to the admissions on record, pleadings and evidence.
  8. Whether or not the failure of the Court of Appeal to consider the validity and admissibility of all the witness statements of the 1st and 2nd respondents and some of those of the 4th - 808th respondents occasioned a miscarriage of justice.
  9. Whether or not the total failure of the Court of Appeal to evaluate and pronounce upon the evidence elicited from the 5th respondent by way of answers to the administered interrogatories occasioned a miscarriage of justice.
  10. Whether or not a proper case for the Supreme Court to invoke section 22 of the Supreme Court Act to invalidate the elections in view of:
    - (i) Failure of the Court of Appeal to evaluate evidence on vital issues relating to delivery and supply of ballot papers.
    - (ii) Disregarding petitioners' submissions on thousands of exhibits that supported petitioners' as highlighted in schedules 1-25 incorporated into their final addresses;
    - (iii) Failure of the Court of Appeal to properly evaluate and pronounce on evidence led by the petitioners in their witnesses' statements and ascribing to such witnesses prejudicial conclusions not borne by the records;
    - (iv) Allowing extraneous political considerations to affect then judgment to the prejudice of the petitioners. (Grounds 17, 18, 26, 33, 37 and 39).
    - (v) Disallowing the petitioners' independent witnesses on subpoena from testifying on ground that their depositions were not front-loaded at the time of filing of the petition. (Ground 1, 2 and 4 of interlocutory appeal)."
- The 1st and 2nd respondents formulated the following ten issues for determination:
- "(i) Upon a dispassionate interpretation of section 145(d) of the Electoral Act, 2006, whether the appellants who complained of total exclusion from participation in the election could still rightly challenge the outcome of the election under any of the grounds stated in section 145(l)(a), (b) and (c) of the same Electoral Act.
  - (ii) Considering the fact that the objection raised to the competence of the appeal was/is jurisdictional, coupled with the fact that the lower court did not dispose of the merits of the said objection in its ruling of 20 September 2007, whether it can rightly be said that the said objection has been caught by issue estoppel to exclude the valid pronouncement made on it by the lower court in its final judgment.
  - (iii) Having regard to the state of the pleadings read together with the mandatory provisions of paragraph 4(l)(c) of the First Schedule to the Electoral Act, 2006, hi

# Nigeria Weekly Law Report

**Xiaolong Qi**



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### **Table of Contents Nigeria Weekly Law Report**

1. Understanding the eBook Nigeria Weekly Law Report
  - The Rise of Digital Reading Nigeria Weekly Law Report
  - Advantages of eBooks Over Traditional Books
2. Identifying Nigeria Weekly Law Report
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Nigeria Weekly Law Report
  - User-Friendly Interface
4. Exploring eBook Recommendations from Nigeria Weekly Law Report
  - Personalized Recommendations

- Nigeria Weekly Law Report User Reviews and Ratings
- Nigeria Weekly Law Report and Bestseller Lists
- 5. Accessing Nigeria Weekly Law Report Free and Paid eBooks
  - Nigeria Weekly Law Report Public Domain eBooks
  - Nigeria Weekly Law Report eBook Subscription Services
  - Nigeria Weekly Law Report Budget-Friendly Options
- 6. Navigating Nigeria Weekly Law Report eBook Formats
  - ePub, PDF, MOBI, and More
  - Nigeria Weekly Law Report Compatibility with Devices
  - Nigeria Weekly Law Report Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Nigeria Weekly Law Report
  - Highlighting and Note-Taking Nigeria Weekly Law Report
  - Interactive Elements Nigeria Weekly Law Report
- 8. Staying Engaged with Nigeria Weekly Law Report
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Nigeria Weekly Law Report
- 9. Balancing eBooks and Physical Books Nigeria Weekly Law Report
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Nigeria Weekly Law Report
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Nigeria Weekly Law Report
  - Setting Reading Goals Nigeria Weekly Law Report
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Nigeria Weekly Law Report
  - Fact-Checking eBook Content of Nigeria Weekly Law Report

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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