IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON FRIDAY, 4TH DAY OF JULY 2025
BEFORE HIS LORDSHIP, HON. JUSTICE B.F.M NYAKO
JUDGE
SUIT NO.: FHC/ABJ/CS/384/2025

BETWEEN:

SENATOR NATATSHA AKPOTI-UDUAGHAN.....**PLAINTIFF**

AND

1. THE CLERK OF THE NATIONAL ASSEMBLY OF THE FEDERAL REPUBLIC OF NIGERIA
2. THE SENATE OF THE FEDERAL REPUBLIC OF NIGERIA
3. THE PRESIDENT OF THE SENATE OF THE FEDERAL REPUBLIC OF NIGERIA: SENATOR GODSWILL AKPABIO
4. THE CHAIRMAN SENATE COMMITTEE ON ETHICS, PRIVILEGES AND PUBLIC PETITIONS: SENATOR NEDA IMASUEN.....**DEFENDANTS**

PARTIES: Absent.

COUNSEL: Chief J.S. Okutepa, SAN, with Michael Jonathan Numa, SAN, Dr. Agada Elachi, SAN, Aja Nwani Aja, Esq, Victor Giwa, Esq, Teejani Jimoh, Esq., and Queen M. Jim-Ogbolo, Esq. for the Plaintiff.

Charles Yoila, Esq. for the 1st Defendant.

Chikaosolu Ojukwu, SAN, with Paul Babatunde Daudu, SAN, Gbenga Mkanjuola, Esq., Monday Adjeh, Esq., Akpomiemie M. Akpomiemie, Esq., E.C. Onyekwere, Esq., Precious Andrew, Esq., Obiora Ojiyi, Esq., and Esther Eigbomian, Esq. for the 2nd Defendant.

Kehinde Ogunwumiju, SAN with Eko Ejembi Eko, SAN, Edwin Muokwudo, Esq. Olamide M. Adekunle, Esq. Uchechi Esther Chibuize, Esq., Elizabeth Blessing Okhai, Esq., E.E. Araater, Esq. and T.S. Terner-Ubwa, Esq. for the 3rd Defendant.

Umeh Kalu, SAN with Valentine Offia, Esq. for the 4th Defendant.

FEDERAL HIGH COURT
ABUJA
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JUDGMENT

The Plaintiff instituted this action via an Originating Summons filed 3rd March, 2025 brought pursuant to Order 3 Rules 1, 6, 7, 8, and 9 of the Federal High Court (Civil Procedure) Rules, 2019, Orders 9, 10 and 11 of the Senate Standing Orders 2023(As Amended), Section 56 of the Constitution of the Federal Republic of Nigeria, 1999(As Amended) seeking the determination of the following questions:

1. Whether by the combined effect of the provisions of Orders 9, 10, and 11 of the Senate Standing Orders, 2023 (As Amended)(Hereinafter referred to as "the Senate Rules"), the 3rd Defendant or any presiding officer of the 2nd Defendant is bound to immediately record, consider, and make a decision on any point of Order duly raised by a Senator touching on his/her privileges as provided in the Senate Rules conferred by the Legislative Houses (Powers and Privileges) Act Cap. 208 LFN and accordingly render a decision of same before proceeding with any other matter in the course of the proceedings before the floor of the Senate.
2. Whether by the combined provisions of Orders 9, 10 and 11 of the Senate Standing Orders, 2023(As Amended) (Hereinafter referred to as "the Senate Rules"), the 2nd and 3rd Defendants can lawfully refer any matter to the 4th Defendant for investigation bordering on the privilege of any Senator, without first recording, considering and making a decision on the matter of privilege duly raised by any Senator pursuant to the Senate Rules, a right conferred by the Legislative Houses(Powers and Privileges) Act Cap. 208 LFN.
3. Whether by the combined provisions of Orders 9,10 and 11 of the Senate Standing Orders, 2023(As Amended) (Hereinafter referred to as "the Senate Rules"), the referral of the events of the 20th day of February, 2025 which occurred during plenary session of the Senate wherein the Plaintiff's duly raised a point

of Order on her privileges pursuant to Order 10 of the Senate Rules to the 4th Defendant, without first considering and determining and disposing off the matter of privilege duly raised, is ultra vires, unlawful, and amounts to a denial of the Plaintiff's privileges and her right to fair hearing.

4. Whether the 4th Defendant possesses the requisite vires to entertain any matter relating to the events that occurred on the floor of the Senate on the 20th day of February, 2025, concerning the Plaintiff's privileges without first affording the Plaintiff the right to be heard on the privileges and without a considered decision being reached by the 2nd and 3rd Defendants.
5. Whether the actions of the 2nd and 3rd Defendants in failing to record, consider, and rule on the Plaintiff's point of order on privileges amount to a denial of the Plaintiff's privileges and the right to a fair hearing.
6. Whether the action of the 2nd and 3rd Defendants abrupt replacement of the Plaintiff's designated seat in the Chambers of the Senate on the 20th day of February, 2025 without prior reasonable notice to the Plaintiff before the proceedings of the Senate, does not amount to a malicious attempt to deny the Plaintiff of her right to audience and representation of the Senatorial District.

Upon Consideration of these questions, the Plaintiff seeks the Following Orders:

1. A **DECLARATION** that the actions of the 2nd and 3rd Defendants in denying the Plaintiff her right to raise and rely on her privileges conferred by the Legislative Houses(Powers and Privileges) Act Cap. 208 and other statutes, precedent, usage and customs, as provided under Orders 9, 10 and 11 of the Senate Standing Orders 2023(As Amended), before proceeding to Order the security personnel to enforce her suspension, is ultra vires, unlawful and a gross violation of her right to a fair hearing.

2. **A DECLARATION** that the 2nd and 3rd Defendants' referral of the events of the 20th day of February, 2025 to the Senate Committee on Ethics and Privileges headed by the 4th Defendant, without first considering and disposing of the matter of the Plaintiff's privilege duly raised at the plenary session of the 2nd Defendant on the 20th day of February, 2025 is unconstitutional, unlawful and ultra vires the powers of the 2nd and 3rd Defendants.
3. **A DECLARATION** that the 2nd and 3rd Defendants lack the vires to refer any matter concerning the Plaintiff's conduct on the floor of the senate on the 20th day of February, 2025 which occurred at plenary to the 4th Defendant without first affording her right to raise and rely on her privileges conferred by the Legislative Houses (Powers and Privileges) Act Cap.208 LFN, 1990, or by practice, precedent, usage and custom.
4. **A DECLARATION** that the 4th Defendant lacks the vires and powers to entertain any complaints whatsoever referred to him against the Plaintiff, Pursuant to the votes and proceedings of the 2nd Defendant on the 20th day of February 2025.
5. **AN ORDER** of this Honourable Court setting aside any decision, findings, or recommendations of the 4th Defendant arising from the referral of the events of the 20th day of February 2025, for being in violation of the Plaintiff's right to fair hearing and exercise of her privileges conferred under the Senate Standing Orders 2023 (As Amended) made pursuant to the Legislative Houses (Powers and Privileges) Act Cap. 208 LFN 1990
6. **AND** such further Orders, Consequential or otherwise, that are expedient in the estimation of this Honourable Court.

The Application is accompanied by a 51 Paragraph Affidavit in support of the Originating Summons, 6 Paragraph Affidavit of Non multiplicity of suits deposed to by the Plaintiff, Exhibits, and a Written Address wherein the Plaintiff adopts the questions for

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determination as her legal arguments, subsumed into the breach of the principle of fair hearing.

Counsel submitted that the Plaintiff is constitutionally entitled to a fair hearing in any process that may lead to an adverse decision against her. Section 36(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), preserves these rights. By summarily foreclosing the Plaintiff's attempts to respond to the Chief Whip's allegation, the Senate leadership violated the cardinal principle of audi alteram partem, he referred the court to the decision of the Apex Court in **KOTOYE v. CBN (1989)1 NWLR(PT.98)419** where the Court held that:

> *"every party whose interest may be prejudicially affected by a decision must be granted the opportunity to be heard."*

Counsel relied on the provisions of Sections 36(1),60 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended), Orders 9-11 of the Senate Standing Orders 2023(As Amended) to buttress his submission.

He further submitted that the provisions of Orders 9-11 of the Senate Standing Orders 2023 (As Amended) clearly suggest that the Senate President or any Presiding Officer of the Senate has a mandatory duty to immediately record, consider, and make a decision on any point of Order duly raised by a Senator regarding his or her privileges. This underscores the important nature of the presiding officer's duty to address privilege-related points of order as a priority. Accordingly, once a Senator raises a valid point of order concerning privileges, the Senate President or any Presiding Officer is bound, as a matter of both procedural and legal necessity, to provide an immediate ruling before proceeding with any other matter before the Senate; the Plaintiff has placed cogent evidence before this Court showing that the 3rd Defendant failed to afford her the right to respond to the allegations of disregard of the directive of the Senate President before

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proceeding to summarily rule on the point of Order raised by her and this amount to a denial of the Plaintiff's privileges as a Senator and the right to fair hearing. The 2nd Defendant passed a resolution on 20th February, 2025, on the point of Order raised by the Plaintiff to the 2nd Defendant's committee on Ethics, Privileges and Code of Conduct for necessary action.

The Plaintiff asserts that this referral is malicious and intended to unduly suspend her, as threatened by the 3rd Defendant.

The denial of the Plaintiff's privileges and her right to a fair hearing carries significant and far-reaching consequences; it creates an unfair and misleading public record that tarnishes the Plaintiff's reputation and integrity, as the allegations remain unchallenged and unanswered. It erodes public confidence in the fairness and impartiality of legislative proceedings, raising concerns about whether parliamentary processes are being manipulated for improper purposes. It sets a troubling precedent whereby a Senator may be condemned without the opportunity to present a defense, thereby exposing legislators to arbitrary and unjust treatment in the future.

He submits that the 4th Defendant lacks the requisite vires to entertain any matter relating to the events that transpired on the floor of the Senate particularly in relation to the Plaintiff's privileges, without affording her the right to be heard on the issue, privileges arising from legislative proceedings are first and foremost matters for the Senate itself to determine in accordance with its rules and established procedures. It is only after a legislator has been allowed to defend their position on a privilege raised against them by the Senate through its presiding authority, in this case the 3rd Defendant, that any further steps, including a referral to the Ethics Committee, can be lawfully taken. The Committee's jurisdiction cannot be activated in a vacuum; it can only come into play if the Senate, after affording the Plaintiff a fair hearing, determines that the matter warrants further inquiry.

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Hearing the Plaintiff before the 2nd and 3rd Defendants is a condition precedent before transferring to the Ethics Committee for its jurisdiction to be validly invoked. It is trite that any proceeding conducted in violation of the right to a fair hearing is a nullity. See **CHITRA KNITTING AND WEAVING MANUFACTURING COMPANY LTD. v. G.O AKINGBADE (2016) LPELR-40437(SC)@ P. 21 -21, PARAS. A-A**, where it was held that:

> *"What then is the consequences of a breach of the rights of fair hearing as guaranteed under the provision of Section 36(1) of the 1999 Constitution (as amended) it is settled law that a breach of constitutional right of fair hearing in any trial or investigation nullifies such trial or investigation and decision taken thereon is also a nullity. The breach of the rights to a fair hearing in any proceeding therefore vitiates the entire proceedings."*

Furthermore, he submits that given the identified and outlined procedural infirmities; which includes breach of fair hearing, failure to comply with Senate Standing Orders, and subversion of legislative privileges, she urged the Court to intervene by granting declaratory and injunctive reliefs to protect her rights and the integrity of the legislative process, it is trite that the Courts may intervene to correct procedural and constitutional violations in legislative or quasi-judicial bodies where fair hearing has been denied. See **NWOKANMA v. AZUOKWU (2000) 8 NWLR(PT.670)781 @A-B.**

The Ethics, Privileges and Public Petition Committee is a dispute resolution Committee, which the Plaintiff failed to explore, and the right to fair hearing of the Plaintiff was not breached.

He submitted that there is no real urgency to warrant the failure of the Plaintiff to serve a pre-action notice on the 2nd Defendant, and the 3rd Defendant did not breach the legislative procedure of the 2nd Defendant.

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He urged the court to dismiss the argument of Plaintiff and decline jurisdiction to hear and determine the instant suit.

The 1st Defendant filed a 4-Paragraph Counter Affidavit deposed Ali Usman Abdulhameed on 20th March 2025 accompanied by a Written Address wherein he formulated 2 issues for determination to wit:

1. Whether this Honourable Court has jurisdiction to look into this matter in the circumstances before this Honourable Court, having regard to:
   a. lack of due process in this institution of the suit before the Court which is against the provision of Section 1 of the Legislative Houses Powers and Privileges Act, 2017
   b. Academic nature of the suit
   c. Abuse of court process
2. Whether any rights of the Plaintiff were breached by any of the Defendants under the circumstances.

On issue 1, the 1st Defendant challenges this suit on grounds of jurisdiction surrounding the issues of lack of due process, academic nature of the suit and abuse of process submitting that the action of the Plaintiff should fail since she refused and neglected to follow due process and by going ahead to institute a suit of this nature before the Court, even when the law and international principles of congressional immunity which is extant in all democracies forbids it Section 1 of the Legislative Houses (Powers & Privileges) Act, 2017 provides that:

> *"A criminal or civil proceeding shall not be instituted against a member of a legislative house in respect of words spoken or written at the plenary session or Committee proceedings of the Legislative Houses".*

Section 21 of the Legislative Houses (Powers and Privileges) Act, 2017.

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The 2nd Defendant filed a 47-paragraph Counter Affidavit on 24th March 2025 deposed to by Andrew O. Nwoba accompanied by Exhibits and a Written Address, wherein he adopted the 6 questions as formulated by the Plaintiffs as its issues for determination.

He avers that the whole gravamen of the Plaintiff's suit hovers around whether the presiding officer of the 2nd Defendant is not duty bound to immediately record, consider and make a decision on any point of Order duly raised by a Senator touching on his/her privilege and render a decision of same before proceeding with any other matter in the course of the proceedings before the Senate which is predicated on the Senate Standing Order, 2023.

He stated that the submission of the Plaintiff's counsel is contrary to the letter and spirit of the provisions of the Order, and the interpretation which the Plaintiff wishes to foist on this Court is strange. In circumstances such as this instant case, the law compels the Court to employ the literal rule of interpretation of statutes in construing it to accord its ordinary grammatical meaning. See **ETHOPIAN AIRLINES v. POLARIS BANK LTD. & ANOR (2025) LPELR-80188(SC) Pp.13-14 PARAS.C-C**.

The Plaintiff has not made out any case to sufficiently urge the Court to depart from these authorities in the construction of the vexed provision, urging the Court to interpret the provisions in accordance with the literal rule.

Furthermore, he submits that upon application of the literal rule in the interpretation of Order 11 of the Senate Standing Orders 2023, this Court will find that the Presiding Officer of the Senate has powers to exercise discretion as to whether to suspend the consideration and decision of every other question whenever a matter of privilege arises. Whilst the 3rd Defendant as the Presiding Officer of the 2nd Defendant must address privilege related to points of Order as a matter of priority, it is incorrect to assert that the 3rd Defendant is

mandatorily bound as a matter of procedural or legal necessity to consider and make a decision on any point of Order duly raised by a Senator touching on his or her privilege and render a decision of same before proceeding with any other matter.

Also, the averments that the actions of the 2nd and 4th Defendants failure to accord the Plaintiff the right to defend the allegation of disregard for the directive of the Senate before proceeding to summarily rule on the point of Order raised against her, amount to a denial of the Plaintiff's privilege and the right to fair hearing cannot hold water in view of the aggravating circumstances which compounded the matter as the Plaintiff acted out of order during the plenary sessions of 20th February 2025.

It is established that by the extant Senate Standing Orders, the Senate President allocates seats to Senators who must sit in their designated seats upon entering the Chambers, and the Senate President may reallocate seats at any time without providing reasons. Senators may only speak from their assigned seats, and the exercise of privileges is contingent on adherence to Senate rules and does not override the collective privileges of other members against disruptive behavior.

He submits that contrary to the argument of the Counsel to the Plaintiff, the 2nd Defendant acted in compliance with its established Standing Order 2023 was not acting in a judicial or quasi-judicial manner as to bring into application the provision of Section 36 and cases of **GYANG&ANOR v. COP, LAGOS STATE&ORS(2013)LPELR-21893 (SC)** and **SUSWAM v. GOVERNOR BENUE STATE & ORS (2018)LPELR- 47368 (CA) @P.36-40 PARA.B** which authorities are inapplicable to the present circumstances and should be discountenanced. That the 3rd Defendant presiding over the affairs of the 2nd Defendant's plenary acted reasonably and in good faith, within the limits of the authority committed to it based on the facts

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and circumstances established in this case. See **RADIOGRAPHERS REG.BOARD NIGERIA v. M&H.W.U.N (2021) 8 NWLR(PT.1777)149**

The decision to refer the Plaintiff's matter to the Ethics, Code of Conduct and Public Petitions Committee for investigation was made by the leave of the Senate, not unilaterally. See Exhibit Senate 4. It is pertinent to note that the Committee is a standing Committee of the 2nd Defendant with its members preselected before the events of the plenary, which culminated in this action.

He submits that the Plaintiff's right to a fair hearing was not breached by the 2nd Defendant, given that it merely passed a resolution to the effect that the Senate Committee on Ethics, Code of Conduct and Public Petitions should investigate the matter. Following the referral, the Committee wrote to the Plaintiff inviting her to a public hearing on the matter. See Exhibit Senate 2,3,4, and 5, before the notice of invitation to participate in the investigation process was served on the Plaintiff, this action was instituted. That the right of the Plaintiff to a fair hearing was not breached on 20th February 2025, he urged the court to so hold.

The 3rd Defendant filed a 143 Paragraph Counter Affidavit deposed to by Toyo Jimmy on 3rd April 2025, supported by Exhibits and a Written Address, a sole issue formulated for determination:

Whether this Honourable Court ought to grant the Plaintiff's reliefs, having regard to the law, facts, and circumstances of this case.

He avers that the entirety of the Plaintiff's case is predicated on the breach of her right to a fair hearing. He submits that the Plaintiff's rights have not been infringed by the Defendants, particularly the 3rd Defendant. Where a party to a suit has been accorded every opportunity of being heard, but such a party refuses to enter his defence, he is deemed to have voluntarily abandoned his defence and cannot be heard to complain of any breach or denial of fair hearing, as in this instant case. The 3rd Defendants and the other Defendants

did not breach the Plaintiff's right to a fair hearing, an examination of Exhibit D would show that there was no suspension on the 25th of February, 2025 the Senate by leave referred the events of the 20th of February, 2025 to the Standing Committee Ethics, Code of Conduct and Petitions, it is instructive to note that the even if the Plaintiff was present, her vote was not material enough to alter a referral. She was absent on the said date and cannot be heard complaining about a breach of her right to a fair hearing.

He submits that the Plaintiff failed to appear before the Committee; he referred to the Court Exhibits J and K. It is not at the point of ratification of the Committee's report that the Plaintiff ought to speak. The Plaintiff was also present when a unanimous vote was taken to suspend her as evidenced by the events of 20th, 25th February,2025 before the filing of her suit, and the events 6th March, 2025, he urged the Court to so hold that the provisions of Sections 36 and 60 of the 1999 Constitution of the Federal Republic of Nigeria(as amended) along with the applicable Senate Standing Orders were complied with by the Defendants.

He urged the Court to hold that the Defendants did not breach the Plaintiff's right to a fair hearing, and she was afforded the opportunity to defend herself.

On the 1st Defendant's Counter Affidavit and averments, the Plaintiff urged the Court to discountenance the same and grant the reliefs sought, contending that the entire arguments advanced by the 1st Defendant are pari materia with the preliminary objection, the duplicity renders it an abuse of Court process.

Assuming that the Court will take cognizance of the arguments of the 1st Defendant, he submits that due process was followed in the institution of this action, the Defendants are not immune from litigation as the immunity provision under Section 1 of the Legislative Houses (Powers and Privileges) Act does not contemplate that an

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action cannot be instituted against a member of the Senate at all but only with respect to words spoken or written at plenary. This suit is not a challenge to words spoken or written at plenary but a challenge against the processes adopted by the 2nd Defendant presided over by the 3rd Defendant. This Court is clothed with jurisdiction to determine this action, which is predicated on procedural fairness in legislative proceedings.

On issue 2, he submits that this action is not an academic exercise, the Defendants overreached the proceedings of this Court to the detriment of the Plaintiff inspite of knowledge of the pendency of the same and in the face of subsisting court orders. See **SENATOR OVIE-OMO AGEGE v. THE SENATE OF THE FEDERAL REPUBLIC OF NIGERIA& 3 ORS** in Suit No: FHC/ABJ/CS/314/2018 Per Nnamdi Dimgba J. (as he then was)

This action is not an abuse of Court process as the issues agitated therein are within the remit of this Court's jurisdiction. Section 4(8) of the Constitution permits this Court to adjudicate on such matters where the legislature fails to follow the procedure outlined by the Constitution and its Standing Order. See **HON. PHILIP IGNATUS ADEBOWALE AKOMOLAFE v. THE SPEAKER OF ONDO STATE HOUSE OF ASSEMBLY & 5 ORS (1985) 5 NCLR 355**

The resolution of the 2nd Defendant on 25th February 2025, referring the matter to the 4th Defendant, without affording the Plaintiff the right to a fair hearing, is in breach of her rights.

He further submits that it is trite that the issuance of pre-action notice can be dispensed with where irreparable damage will occur to the Plaintiff, as in this instant case, the Plaintiff sensed imminent danger and swiftly went to Court to protect her rights and constituents' right to representation. See **INTL TOBACCO CO. PLC v. NAFDAC (2007) LPELR-8442(CA) Per RAPHAEL CHIKWE AGBO, JCA Pp.34-34 PARAS. A-E.**

The requirement of a pre-action notice can be taking to an ouster clause, which must be resisted in a democratic setting; waiting for 3 months would have defeated the action. The intervening events of 5th and 6th March 2025 by the Defendants are a clear disregard for this Court, and it is intolerable, it informs the Plaintiff's motion for mandatory injunction seeking to restore any acts carried out by the defendants.

He urged the Court to grant the reliefs sought by the Plaintiff.

The Plaintiff filed a 43 Further Affidavit deposed to by Mbah Chinyere Assumpta on 2nd April, 2025, in response to the 2nd Defendant's Counter Affidavit accompanied by Exhibits.

The Plaintiff filed a rejoinder to the 3rd Defendant's Counter Affidavit on 15th April,2025.

He submitted that in Paragraph 6 of the Counter Affidavit of the 3rd Defendant, the deponent who is not a member of the senate, claimed that he was at the Senate Chambers on the 20th and 25th February, 2025, 5th and 6th March, 2025 according to the Senate Standing Orders only Senators are permitted to be present inside the Chambers during plenary sessions; non-Senators may only be present at the gallery. This false assertion renders the affidavit irredeemably incompetent, and the rules exhibited by the 3rd Defendant are the repealed rules of 2015; the extant rules of the Senate is the 2023 rules. He urged the Court to discount the entire affidavit.

The Defendants by Exhibits K and H were aware of a subsisting Court Order and the pendency of this suit, but decided to proceed in taking steps to overreach the Court and foist a fait accompli on the proceedings before this Court by suspending the Plaintiff in defiance of the Orders of Court. By Order 40 Rule 7 of the Senate Standing Order, 2023, once a matter is in Court, the Senate shall not receive or deliberate on it.

That the 4th Defendant was quick to dismiss the Plaintiff's petition alleging sexual harassment by the Senate President and abuse of power on grounds of lis pendens pursuant to Order 40 Rule 7, proceeded to entertain the petition against the Plaintiff. This requires intervention by this Court, which has the inherent powers to invalidate the actions taken by the Defendants jointly and severally, *"Ex Turpi Causa Non Oritur action"*- no court would lend its aid to an immoral or illegal act. See **ADU v. MAKANJULA (1994) 10 WACA 168**.

Furthermore, he submits that the Order made on 4th March 2025 is subsisting and remains binding on the parties, irrespective of its interim nature or the fact that the matter is commencing de novo upon reassignment. See **KUBOR v. DICKSON (2013) 4 NWLR PT.1345 P. 534 @ 572-573**.

He submits that it is settled law that procedural rules cannot be interpreted to violate constitutionally guaranteed rights. The crux of this action is premised on the infringement of the Plaintiff's right to a fair hearing, not a procedural dispute as reframed by the 3rd Defendant- particularly sitting in judgment over the Plaintiff without granting her an opportunity to be heard is a flagrant disregard of her constitutional right. A decision as to the enforcement of a fundamental right is the exclusive preserve of the Court and not subject to parliamentary rules.

On the issue of alleged opportunity to be heard, he submitted that the powers of the Senate President to allocate seat as conferred by rules and the compliance of the same is contingent on due and proper notice, one follows the other. The contention that the Plaintiff can only be recognized on the invocation of her privilege only when she is in her designated seat that has not been properly communicated to her is misconceived. The marginal note of Order 14 under Chapter IV on privilege contemplates that privilege matters can be raised when a Senator is not in his/her designated seat or even when the Senate

is not sitting at all. The provision guarantees the invocation of privilege at any time and from anywhere. The effect of a marginal note was reiterated in the case of **OSIEC & ANOR v. AC &ORS (2010) LPELR-2818(SC) Pg.55 PARAS. B-C**:

"it is a good guide to knowing the intention of the law makers"

The right to be heard as a representative of a people is a privilege rooted in the Plaintiff's election by her constituents. It cannot be circumvented by the rules of the Senate, which is a subsidiary legislation; it is a constitutional right which equally doubles as a privilege defined as a right pursuant to the Legislative Houses (Powers and Privileges) Act, 2017. It is not subject to the whims and caprices of the 3rd Defendant who is merely first among equals. In this instant case the Plaintiff was not out of order but well within her rights provided under the enabling provisions of the law.

On whether the exercise of privilege under Chapter IV of the Senate Rules is at the discretion of the 3rd Defendant: He submitted that upon an interpretation of Orders 9-11 of the Senate Standing Orders; the provision is unavailing to the 3rd Defendant and indeed all the Defendants. The 3rd Defendant cannot afford to read into the rules based on wrong seat, which is not contemplated in the rules. In this instance, the Plaintiff was not heard on her privilege at all, nor considered by the 3rd Defendant, the Court can take judicial notice of the proceedings of the Senate on 20th February 2025. The discretionary powers of the 3rd Defendant to determine whether privilege has been breached or not is not at the whims and caprices of the 3rd Defendant, it is based on his consideration first to establish a *prima facie* case of breach of privilege. He urged the court to so hold.

On the propriety of the suspension for 6 months without pay: He submitted that the 2nd Defendant suspended the Plaintiff illegally in violation of a subsisting Order, the suspension is premised on the

Senate Standing Orders 2023 which provided a detailed and mandatory procedure for addressing alleged misconduct by a Senator, these rules are not discretionary and failure to comply with them renders any disciplinary action null and void. The outlined procedure in Orders 63, 64, and 66 wasn't complied with in this instance. He cited the authority in **THE SPEAKER, BAUCHI STATE HOUSE OF ASSEMBLY &ANOR v. HON. RIFKATU SAMSON DANNA (unreported) APPEAL NO.CA/1/207/2014** delivered 3rd December, 2014 per JOSEPH TINE TUR, JCA @ p.55-58, to buttress his submission.

Furthermore, he avers that neither the Constitution nor the rules grant the Senate the powers to strip an elected Senator of their title, entitlements, or parliamentary identity outside of a properly declared vacancy, Section 68 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Plaintiff filed a rejoinder address to the 4th Defendant's Counter Affidavit on 2nd May 2025, addressing the issues raised by the 4th Defendant

He argued that the Counter Affidavit of the 4th Defendant is riddled with speculations, hearsay and legal argument as the deponent one Iwoh Chinedu, a litigation assistant in the law firm of the 4th Defendant's counsel, not being a Senator or privy to the proceedings of the Senate could not have personal knowledge of the facts he deposed to in Paragraphs 4-31 of the Counter Affidavit, he failed to disclose the source of his information as required by Section 115 of the Evidence Act, 2011, in the absence of such disclosure his averments should be treated as false, he prayed the court to discountenance the entire Counter Affidavit for being fundamentally defective, misleading and incompetent. See **LAM-ANKO (NIG.) LTD. v. ZAKARIA OKANGA PROPERTIES(NIG.) LTD & ORS (2022) LPELR-59206(CA)** on the fate of such Affidavits.

The Plaintiff's arguments and submission on the Counter Affidavit and averments of the 4th Defendant are the same as those of the 3rd Defendant.

He urged the Court to answer all the questions asked by the Plaintiff in the affirmative and grant all reliefs sought.

The 2nd and 3rd Defendant filed Preliminary Objections challenging the competence of the suit. The Preliminary Objection of the 2nd Defendant was filed on the 14th of March 2025 wherein Learned Senior Counsel to the 2nd defendant Paul Babatunde Daudu SAN in his written address in support of same formulated a single issue for determination thus: **WHETHER OR NOT THIS HONOURABLE COURT HAS THE REQUISITE JURISDICTION TO ENTERTAIN THIS SUIT AS PRESENTLY CONSTITUTED**? For ease of reference,

Whether the instant Suit discloses a valid cause of action?

Learned Senior Counsel to the 2nd Defendant and 3rd defendants have both agued in their respective written address that the Plaintiff's originating summons fails to disclose any cause of action such as to warrant the exercise of jurisdiction by this Honourbale Court. In particular, it is their contention that all the questions for the determination raised in the Plaintiff's Originating summons and reliefs sought therein are hinged on internal or inchoate parliamentary proceedings of the 2nd Defendant which are within the realm of non-justiciable matters. Leaned Senior Counsel to the 2nd defendant in making this proposition cited in aid the unreported decision of **National Assembly v Accord and 2 Ors. CA/A/485/2018** delivered on the 1st day of August 2018 per Bulkachuwa P.

It is also the contention of Learned Senior Counsel to the 2nd defendant that the gamut of the Plaintiff's suit is to restrain the 4th defendant's committee from considering the alleged incident of disorder caused by the Plaintiff on the 20th of February, 2025 over alleged re-allocation of her seat which was referred to the committee by the 2nd defendant. It is the further contention of Learned senior Counsel to the 2nd Defendant that it cannot be the intention of

Section 36(1) of the 1999 Constitution to empower this Honourable Court to entertain complaints against any discussions/written communications arising from plenary sessions of the 2nd Defendant even where no legislative action has been taken.

Learned Senior Counsel to the 2nd Defendant in his address further argued vehemently that the courts have consistently recognized that they lack jurisdiction to interfere in internal affairs of the legislature, unless there is a clear breach of constitutionally guaranteed fundamental rights. Learned Senior Counsel in making this submission relied upon the decision of the Supreme Court on Attorney-General of Attorney-General of the Bendel State vs. Federation & 22 Ors. (1982) 3 N.C.L.R. 1 4D at 46, consequently, it was the contention of the 2nd Defendant that the mere invitation of the Plaintiff to appear before an Ethnic Committee of the Senate was in furtherance to clear manifestation of procedural fairness and constitutional right to fair hearing not a breach of it.

Learned Senior Counsel in his address further argued that judicial interference by this Honourable Court would offend the constitutional doctrine of separation of powers under sections 4, 5 and 6 of the 1999 Constitution. In making this argument, Learned Counsel relied on the decision of Adesanya v President of the Federal Republic of Nigeria (1981) 5 SC 12, which is to the effect that courts cannot assume jurisdiction over matters that are purely political or internal to another arm of government unless a justiciable cause of action arises.

In concluding his arguments on this issue, Learned Senior Counsel in his address argued that no cause of action has yet arisen by the mere referral of the Plaintiff's conduct on the floor of the senate on the 20th of February 2025 for investigation by the 4th Defendant. Learned Senior Counsel argued that instant suit was prematurely filed as the aggregate facts that would have entitled the Plaintiff to approach this Honourable court were yet to occur. Learned Senior Counsel argued that it would have been a different case if at the time this instant suit was filed, when the report of the 4th Defendant Committee had been released, or at a point when the said committee

is alleged to have breached some rule of fair hearing or natural justice in resolving the petition against the Plaintiff. On this point, Learned Counsel relied on the decision of **EDEVIE V OROHWEDOR & ORS (2022) LPELR-58931 (SC) (PP. 105-106 PARAS. F) PER JAURO JSC.**

Learned Senior Counsel to the 2nd Defendant also argued that it is not part of the function of the court to entertain and decide hypothetical and academic questions. Learned Senior Counsel in making this contention placed reliance on the cases of **DR. TUNDE BAMBOYE V UNIVERSITY OF ILLORIN & ANOR (1999) LPELR – 737 (SC) (PP. 37-38, PARAS. E-C)** see also the cases of **NATIONAL INSURANCE COOPERATION V POWER & INDUSTRIAL ENGINEERING CO. LTD. (1968) 1 NWLR (PT. 14) 1, 22 AND AKEREDOLU V AKINREMI (1986) 2 NWLR (PT. 25) 710.**

CONTEMPT:

The 3rd Defendant/Applicant filed a Motion on Notice on 5th May 2025 seeking five reliefs against the Plaintiff/Respondent, Senator Natasha Akpoti-Uduaghan. The application is brought pursuant to Section 36(1) of the 1999 Constitution (as amended), Orders 26 Rules 2 & 3 and Order 56 Rule 1 of the Federal High Court (Civil Procedure Rules) 2019, and under the inherent jurisdiction of this Court. By this motion, the 3rd Defendant/Applicant essentially prays the court for the following:

1. **AN ORDER OF THIS HONOURABLE COURT** directing the Plaintiff/Respondent to delete the "Satirical Apology Letter" which she posted on her Facebook page on 27th April, 2025 in disobedience of the express orders of this Honourable Court made on 4th April 2025.
2. **AN ORDER OF THIS HONOURABLE COURT** directing the Plaintiff/Respondent to delete the "Satirical Apology Letter" which she posted on her Facebook page on 27th April, 2025 in disobedience of the express orders of this Honourable Court made on 4th April 2025 from all social media platforms, news

outlets and everywhere else the "Satirical Apology Letter" is being shared across the world.

3. **AN ORDER OF THIS HONOURABLE COURT** directing the Plaintiff/Respondent to tender a public apology to the Judiciary and the 3rd Defendant/Applicant, which is to be published in two (2) National Dailies that are widely read across the Country.
4. **AN ORDER OF THIS HONOURABLE COURT** directing the Plaintiff/Applicant, to depose to an affidavit of compliance stating that she has complied with orders 1,2 and 3 on the face of the motion paper.
5. **An** order of this Honourable court DECLINING TO HEAR THE Plaintiff/Respondent on the substantive suit or oblige her any reliefs in any application until she has complied with Orders 1,2,3 and 4 on the face of the motion paper.
6. **AND FOR SUCH** further or order(s) as this Honourable Court may deem fit to make in the circumstances of this case.

The facts of this application are largely uncontested. On 27th April 2025, the Plaintiff posted on her Facebook page a publication titled "Satirical Apology Letter" addressed pointedly to the 3rd Defendant. In that lengthy satirical letter, the Plaintiff, inter alia, mockingly "apologized" to the 3rd Defendant for having upheld her dignity and refused certain "requests" insinuating that the 3rd Defendant expected personal compliance of an inappropriate nature. By way of illustration, the Plaintiff's letter opened by stating "it is with the deepest sarcasm and utmost theatrical regret that I tender this apology for the grievous crime of possessing dignity and self-respect in your most exalted presence." It went on to pointedly remark that the Plaintiff mistakenly believed her Senate seat was earned through "elections, not erections," accusing the 3rd defendant of improper expectations. It is not denial that this Facebook post was made by the Plaintiff while the Court's restraining order of 4th April 2025, barring all parties and Counsel from making the press or social media publications on the subject matter, was (and remains) in force. The 3rd Defendant contends

that the contents of the "Satirical Apology Letter" relate to the subject matter of this case, and that its publication on 27th April 2025 was in flagrant defiance of the Court's subsisting order.

Learned Senior Counsel for the 3rd Defendant/Applicant, Kehinde Ogunwumiju SAN, in his written address, emphasized the egregious nature of the Plaintiff's conduct and its implications for the administration of justice. Counsel submitted that the Plaintiff was well aware of this Cur's explicit orders made on 4th April, 2025 which unambiguously prohibited all parties from making press statements or social media postings relating to this case. Notwithstanding this, the Plaintiff willful flouted the Court's directive by publishing the "Satirical Apology Letter" of April 2025, a mere twenty-three days after the order was made, and while the case was still pending. The 3rd Defendant/Applicant's counsel characterized this act as a flagrant and deliberate disobedience that strikes at the heart of the authority of the court.

To buttress the seriousness of disobeying court orders, Learned Counsel cited judicial authorities admonishing that court orders must be obeyed to the letter until set aside. He referred to the Court of Appeal's decision in **ODU V JOLAOSO (2003) 8 NWLR (PT. 823) 547.**

On the strength of the factual affidavit and these legal authorities, the 3rd Defendant/Applicant urged that this court invoke its disciplinary jurisdiction to make orders that will vindicate the integrity of its processes and compel the Plaintiff's obedience.

In opposition to the motion, Learned Counsel for the Plaintiff/Respondent. Michael Numa SAN, in his submissions, contended that the 3rd Defendant/Applicant is in disobedience of the orders of this Court made on 4th March 2025 and 4th April 2025; therefore, he is not entitled to any form of relief as the 3rd Defendant/Applicant is the one in contempt of the court. The Plaintiff submitted that one of the consequences of the Applicant's disobedience of the orders of the Court is for the Court to refuse

the Applicant any form of indulgence until he purges himself of the contemptuous act.

Furthermore, the Plaintiff argued that the 3rd Defendant/Applicant, through its respective counsel, has engaged in all manner of media and televised intervention to vilify the Plaintiff in disobedience of the order of this Court made on 4th Apil, 2025. In support of this assertion, the Plaintiff attached the Face book post of Mr. Monday Ubani SAN to her counter-affidavit. The Plaintiff also referenced the media interview of Olisa Agbakoba SAN.

The Plaintiff submitted that the 3rd Defendant/Applicant's application was purportedly filed to gag her unduly, and the same amounts to an attempt by the 3rd Defendant/Applicant to violate the Plaintiff's fundamental right to freedom of expression, as the Plaintiff's letter as posted on her Facebook page is unrelated to the subject matter of the instant suit, rather, the letter relates to the issue of the sexual harassment of the Plaintiff by the 3rd Defendant/Applicant.

Finally, the Plaintiff argued that the rule of sub-judice is inapplicable as the letter was personally addressed to the 3rd defendant/Aplicant, not to this Honourable Court or the proceedings before the Court. The plaintiff urged this Court to dismiss the application of the 3rd Defendant/Applicant on the ground that the statements made by the Plaintiff did not prejudge the case before this Court, as the statements made are purely allegations of sexual harassment against the 3rd Defendant/Applicant, which is not a subject matter of the substantive suit.

In response to the substantive arguments contained in the Plaintiff's written address, the 3rd Defendant/Applicant argued that by a Notice of Appeal dated and filed on the 13th day of March, 2025, he had appealed against the Orders of this Honorable Court made on 4th March 2025. He submitted that a party who has challenged the validity of a court order by way of appeal or other

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competent process cannot, pending the resolution of that challenge, be held in contempt of the said order. The 3rd Defendant/Applicant relied on the Supreme Court's decisions in **INEC V OGUEBEGO (2018 8 NWLR (PT. 1620) 88 AND S.P.D.C.N. LTD. V TORCHI (2023) 5 NWLR (PT. 1878) 499 IN SUPPORT OF THIS SUBMISSION**.

The 3rd Defendant/Applicant further submitted in the alternative that the orders of 4th March 2025 have lapsed by operation of law and are no longer subsisting or enforceable. He contended that a party cannot be held in contempt of a non-existent order. Also, since the matter was reassigned and the matter commenced de novo before this Honourable Court on 4th April, 2025 all previous orders made in the suit before it recommences have become spent and are devoid of legal consequence.

The 3rd Defendant/Applicant drew the attention of the Court to this very position as acknowledged and adopted by this Honourable Court during the proceedings of 4th April, 2025 wherein the Court expressly stated that it was not bound by any previous orders or decisions issued before the recommencement of the trial de no vo.

The 3rd Defendant Applicant in further response, contends that the Plaintiffs argument alleging an attempt to gag her or repress her right to freedom of expression is unfounded. While conceding that freedom of expression is a constitutionally protected right under section 39 of the 1999 constitution (as amended), the 3rd Defendant/Applicant submits that the said right is not absolute and may be lawfully restricted in the interest of public order, morality or for the protection of the rights and freedoms of others, pursuant to section 45 of the 1999 Constitution (as amended)

Conclusively, it was the 3rd Defendant/Applicant submission that the Plaintiffs Facebook post is not merely incidental but the same is intrinsically linked to the subject matter of the instant suit. Specifically, the 3rd Defendant/Applicant submits that the post was made in response to a recommendation by the senate

Committee on Ethnic, Privileges and Public Petitions that the Plaintiff tender a public apology concerning her conduct at the plenary session of 20th February 2025, an event which forms the factual basis of the originating summons. As such, the 3rd Defendant/Applicant submits that the post bears directly on the core issues before the Court.

The Court was therefore urged to grant the application, discountenance the Plaintiff's defence on freedom of speech, and take steps to preserve the sanctity of its orders and the integrity of the judicial process.

It appears that there are multiple applications in this suit:

Contempt proceedings

Preliminary objection

The Originating Summons/ Mandatory Injunction.

When I became seized of this case on the 4th April, 2025. All parties agreed with the Court that as the case is starting de novo, all previous orders, and all pending applications before this Court became seized of the matter are set aside except the preliminary objection/originating summons which will be taken together. All orders made prior to me taking over this case was thus set aside. Consequently, the motion for Mandatory injunction filed on 6/3/24 which reliefs are similar to those in the originating summons are hereby subsumed into the originating summons and shall be determined together.

The contempt applications shall now be determined.

Having set out the positions of the parties, I find that the issues arising for determination in this application can be distilled as follows:

1. Whether the Plaintiff/Respondent's actions of 27th April 2025, in publishing the "Satirical Apology Letter" on Facebook,

violated the subsisting order of this Court made on 4th April 2025, and if so, whether such actions amount to a contempt of Court warranting intervention by this Court.

2. Whether barring the Plaintiff from being heard would be consistent with the Plaintiff's right to a fair hearing under Section 36(1) of the Constitution and the overall interests of justice in this case.

The core of the 3rd Defendant/Applicant's compliant is that the Plaintiff, despite a subsisting order of this court made on 4th April, 2025 restraining all parties/and counsel for making press statements or social media posts concerning the subject matter of this suit, proceeded to publish a post on her Facebook page titled "Satirical Apology Letter" on 27th April 2025. The said post was alleged to cast aspersions on the 3rd Defendant and made commentary touching on facts central to the present proceedings. The Applicant tendered a certified true copy of the said order as Exhibit A as well as the text of the impugned post. The Plaintiff, on her part not denying the post argued that the post was not related to the present suit and that it addressed a separate matter of sexual harassment, not forming the basis of the substantive claim.

Having carefully examined all the arguments of the parties; it is evident that the order of 4th April 2025 unambiguously barred all Parties and Counsel from making press statements or social media posts in relation to the subject matter of this case. The Plaintiff's Counsel was present in Court when the said order was pronounced, and the Plaintiff cannot feign ignorance of same.

From the content of the Plaintiff's Facebook post which I have now seen/read, there is no doubt the post alluded to the circumstances surrounding the Plaintiff's conduct at the plenary of 20th February 2025, and by implication, the investigation and recommendations by the senate Committee on Ethnics, which are matters forming the basis of the present action. The publication, therefore, falls squarely

within the scope of the restraint imposed by the Court's order which post speaks for itself.

While the Plaintiff seeks to rely on her constitutional right to freedom of expression, it must be reiterated that such a right is not absolute. Section 45 of the Constitution permits restrictions where such limitations are reasonably justifiable in a democratic society in the interest of public order or for the protection of the rights and freedoms of others. The order of Court no matter how the parties felt about it must be obeyed. They have a right to appeal same but not to flout it.

It is well established in law that disobedience of a Court order amounts to contempt. The Courts, in a long line of authorities have consistently held that willful defiance of a court order strikes at the root of the rule of law. No litigant may pick and choose which orders to obey. The **SUPREME COURT IN BPE & ANOR. V GROUP CORP (2024) LPELR-62011(SC) @PP. 51052 PARAS B-A:**

On contempt, having found that the Plaintiff acted in breach of this Court's subsisting order. The Plaintiff must take responsibility for her actions and remedy same. What is the remedy to this contempt? Because this is contempt in a Civil cause. I hereby order a fine to be paid by the Plaintiff to the Federal Government Treasury in the sum of N5 Million and to publish a public apology to the Court in two (2) National Dailies, and on her Facebook page within 7 days of today to purge herself of the contempt.

Now to address the preliminary objection.

First, I need to observe that reliefs 1, 2 and 3 all call for the interpretation of orders 9, 10 and 11 of the Senate Rules.

These orders emphasis on the privileges given to a Senator. It sets out the procedure to follow during plenary.

Consequently, it would appear that the preliminary objection succeeds in part in that some aspect of the cause of action may be inchoate but in enforcement of fundamental rights an Act can lie

where the infringement is in anticipation – is being, has been or is likely to be breached. That is the position of the law I find that and assume that in this case it is in anticipation.

However, assuming I am wrong. I shall now look into the originating summons bearing in mind the doctrine of separation of powers. Also, that the Court would ordinarily not interfere with Legislative issue. But where the allegation border on the Fundamental Rights and non-compliance with existing laws including non-compliance with the provision of its own Rules, then I believe the Court can look into it to determine same.

I have already made pronouncement on the issues of fundamental rights, what is left in the main complaint in the originating summons will appear to be compliance or otherwise with the senate Rules 2023 for rising issues premised on privileges. This is mainly on a matter of privilege suddenly arising etc.

Reliefs 4 and 5 deal with questions on the issues which arose on the 20th of February 2025 on the floor of the senate.

On the actions or non-action of the 2nd and 3rd Respondents in not taking steps as per the event of the 20th of February, 2025. These 2 reliefs, I will answer firmly, that if, as alleged, the plaintiff was not speaking from her allocated seat, then by the operation of the Senate Rules, she cannot speak until she moves to her allocated seat no matter how urgent or sudden the privilege is.

Consequently, for as long as the senator (Plaintiff) is not speaking from the seat allocated to him, the 2nd and 3rd Respondents cannot and should not take any step in the Plaintiff's matter as the Plaintiff has not complied with the Senate Rules which governed her as well. When a statute has laid a procedure for doing anything, then to do some other way, will be wrong.

Now a simple analysis of this will show that any senator who wishes to raise an issue of privilege can do so or any matter (urgent or suddenly arising) at any time, provided he is speaking from the seat

allocated to him by the Senate President. It will mean that no matter the urgency of the privilege, the Senator must be at his allocated seat.

A wholistic reading of the entire Senate Rules will show the setup of the Senate

To my understanding, Section 20 of the Legislative Houses (Powers & privileges) Act, 2017 makes that Act subject to the provision of the Constitution and the Senate Rules.

The Senate President and the Chairman of the Senate Committee on Ethics, Privileges and Public Petitions are protected under the Legislative Houses (Powers and Privileges) Act 2017 particularly.

Section 1: Grants immunity to legislators for any act done in the course of their legislative duties or during proceedings in the chamber and that no civil or criminal proceedings may lie against any member of the legislative house for any speech or vote or for anything said or done in the course of proceedings.

These provisions have received judicial affirmation in **SENATOR OMO-AGE V PRESIDENT OF THE SENATE & ORS (2018)** FHC/ABJ/CS/314/2018, where the Court underscored the protection offered to legislators under the said Act.

Under Section 21 of the Legislative Houses (Powers and Privileges) Act, 2017 a person who has cause of action against a legislative House shall serve a 3 months' Notice.....

The definition of a person required here throughout the Act; the word member(s) has been used to describe a member of either of the Houses. the Applicant being a member, will not be caught by this provision.

Consequent, upon this, any privilege that a member of any of the Houses may claim, will be subject (in other words subordinate) to the provision of the Senate Rules.

So, we need to look at the Senate Rules. The privilege being claimed which are not specific in this claim, are the provision of Order iv.

Before anything can be claimed, I opine that the senate must be in session.

While in session, order 111 (chapter 111) which provides for how the Senate sits while in session must come into play. Order 6, vests the Senate President with the power to allocate seats to each Senator. It further says a Senator can only speak from the seat allocated to him. It also says, Senate President may change the seat allocation from time to time.

The Chapter 111 does not give any criteria on how the seats are allocated by the Senate President, nor any reason on how or why he may re-allocate the seats, which presumed it is at his discretion.

On relief 6, the senate Rules gives the power to allocate seat only to the Senate President. If the 2nd Respondent performed that duty, then it would have acted outside its vision. Only the 3rd Respondent can allocate and/or reallocate same without notice and without giving any reason.

On the issue of denial of the Plaintiff to the representation of her senatorial District without inspiring the function of the NASS, I will give and say due to the gravity of the issue, I have read in its entirety, the Senate Rules under which the Plaintiff was suspended thus denying the representation of her senatorial Districts.

I believe that the constitution, Legislative House (Powers & Privileges) Act nor the Senate Rules will not intend for that to happen. I have read with interest, chapter ix (8) of the Senate Rules and Section 14(2) of the Legislative House (Powers & privileges) Act 0ix (8) allows the Senate to suspend a senator until a time determined by the senate (ad infinitun) while S.14(2) allows for suspension of a member (Senator) in similar terms even without pay.

I do not think the constitution envisages this.

A Senator is expected to represent his people in either Legislative house for a specific number of days per session. If any suspension is unwarranted, then I opine that the Act and the Senate Rules should also be specific and not live it at large. A suspension cannot

exceed the requisite number of days the member should sit. The constitution says a legislative year is 181 days and the house should sit for this number of days. This makes it at least 36.2 weeks in a year which is a session. To suspend a member for 6 months means suspension for 180 days and this is half the number of days the member is expected to sit in the House representing his people.

I do not think this is the intention of the framer of the law. To make a law that has no end is excessive and cannot be the intendment of the law. I am of the opinion that the senate has the power to review this provision of the Senate Rules and even amend Section 14(2) of the Legislative Houses (Powers & Privileges) Act both for being over reaching. The senate has the power to and I believe should recall the plaintiff and allow her to same-time, represent the people who sent her there to represent them.

From a critical examination of the Plaintiff's originating summons, it is not in doubt that the Plaintiff, was referred to the senate Committee on Ethnics, Privileges, and public petitions following an allegation of unparliamentary conduct during plenary proceedings of 20th February, 2025. The said referral, made pursuant to the standing Orders of the Senate, was a constitutional exercise of the senate's internal disciplinary mechanisms (see Senate Standing Orders 2023) (as amended). Orders 13 to 14. It is also not in doubt that despite being formally invited to appear before the 4th defendant's committee, the Plaintiff refused to appear before the Committee but rather filed the instant action to restrain the 4th defendant's Committee from concluding its investigation.

The law is indeed settled that Court should not interfere with Legislative Proceedings of the 2nd Defendant, unless there has been a Constitutional Breach in view of the doctrine of Separation of Powers. In **ATTORNEY-GENERAL OF BENDEL STATE V ATTORNEY - GENERAL THE FEDERAL & 22 ORS. (1982) 3 N.C.L.R. 1 4D AT 46,** his Lordship, Bello JSC (as he then was) opined as follows: I would endorse the general principles of Constitutional law that one of the consequences of the separation of powers, which we adopted

in our Constitution, is that the court would respect the independence of the legislative in the exercise of its legislative powers and would refrain from pronouncing or determining the validity of the internal proceedings of the legislature of the mode of exercising its legislative powers.

Reiterating this point further, Bellow JSC held in the celebrated case of **UNONGO V AKU & ORS. (1983) LPELR-3422 (SC)** that "The Supreme Court had occasion to consider the scope of the first limb of section 4(8) of the Constitution in Attorney-General of Bendel state v Attorney-General of the Federation & 22 Ors.

It is therefore not in doubt the senate's internal disciplinary procedures, including the right to regulate its own proceedings are guided by section 60 of the 1999 Constitution of the federal Republic of Nigeria (as amended), which grants each House of the National Assembly the power to regulate its own procedure. Consequently, the Courts have consistently held that they lack jurisdiction to interfere in internal affairs of the legislature unless there is clear breach of constitutionally guaranteed fundamental rights. The question which now arises is whether this Court has the power to intervene in the circumstances of the instant case, particularly given that the instant suit was filed at a point when the 4th Defendant's committee was yet to conclude the investigation of the Plaintiff's conduct, In the decision of **SENATOR ALI ADUME V PRESIDENT OF THE SENATE & ORS. FHC/ABJ/CS/551/2017),** the Federal High Court held that the Senate may discipline its members, provided that the principles of fair hearing are observed.

In the circumstances of this case, as rightly contended by the Defendants, an invitation to appear before an Ethics Committee of the senate is a clear manifestation of procedural fairness, not a breach of it. From a careful reading of the Originating Summons, there exists no allegation whatsoever to the effect that the Defendants contravened a statutory or constitutional provisions as the crux of this action is hinged solely on protection of parliamentary privilege on the floor of senate. It cannot be the intendment of Section 36(1) of the 1999 Constitution that this Court has powers to entertain

complaint against any and every discussions/written communication arising from plenary sessions of the 2nd defendant. If it were the case, then this Honourable Court would know no rest.

The orders as sort by the 3rd Defendant are hereby substituted with the above order.

HON. JUSTICE B.F.M. NYAKO
JUDGE
4/7/2025.

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