

WRIT OF SUMMONS

IN THE HIGH COURT OF KADUNA STATE

IN THE ZARIA JUDICIAL DIVISION

HOLDEN AT ZARIA

KADUNA
SUIT NO: KDH/Z/...../.....

BETWEEN:

ALHAJI BASHARI AMINU
(IYAN ZAZZAU)

- PLAINTIFF

AND

1. GOVERNOR OF KADUNA STATE
2. BALARABE ABBAS LAWAL
(SECRETARY TO KADUNA STATE GOVERNMENT)
3. THE ATTORNEY-GENERAL OF KADUNA STATE
4. JAFARU SANI
(HON. COMMISSIONER FOR LOCAL GOVERNMENT
AND CHIEFTAINCY AFFAIRS, KADUNA STATE)
5. ZAZZAU EMIRATE COUNCIL
6. ALHAJI IBRAHIM MUHAMMAD AMINU
(WAZIRIN ZAZZAU)
7. ALHAJI UMARU MUHAMMAD
(FAGACHIN ZAZZAU)
8. ALHAJI MUHAMMAD ABBAS
(MAKAMA KARAMIN ZAZZAU)
9. ALHAJI DALHATU KASIMU IMAM
(LIMAMIN JUMU'AN ZAZZAU)
10. ALHAJI MUHAMMAD SANI ALIYU
(LIMAMIN KONA ZAZZAU)
11. AMBASSADOR AHMAD NUHU BAMALLI

DEFENDANTS

TO:-

1. GOVERNOR OF KADUNA STATE
2. BALARABE ABBAS LAWAL (SECRETARY TO KADUNA STATE GOVERNMENT)
3. THE ATTORNEY-GENERAL OF KADUNA STATE
4. JAFARU SANI (HON. COMMISSIONER FOR LOCAL GOVERNMENT AND CHIEFTAINCY AFFAIRS, KADUNA STATE)
5. ZAZZAU EMIRATE COUNCIL
6. ALHAJI IBRAHIM MUHAMMAD AMINU (WAZIRIN ZAZZAU)

7. ALHAJI UMARU MUHAMMAD (FAGACHIN ZAZZAU)
8. ALHAJI MUHAMMAD ABBAS (MAKAMA KARAMIN ZAZZAU)
9. ALHAJI DALHATU KASIMU IMAM (LIMAMIN JUMU'AN ZAZZAU)
10. ALHAJI MUHAMMAD SANI ALIYU (LIMAMIN KONA ZAZZAU)
11. AMBASSADOR AHMAD NUHU BAMALLI

YOU ARE HEREBY COMMANDED that within 21 days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you, in an action at the suit of the Plaintiff, and

TAKE NOTICE that in default of your so doing the Plaintiff may proceed therein and judgment may be given in your absence.

DATED THIS 16 DAY OF OCTOBER, 2020.

BY ORDER OF THE COURT


REGISTRAR

N.B: This writ is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date and not afterwards. The Defendants may enter appearance personally or by Legal Practitioner(s) either by handing in the appropriate forms, duly completed, at the Registry of the High Court of Kaduna State. In which Court the action is brought or by sending them to the Registrar by registered post.

PARTICULARS OF CLAIM

1. On or about the 24th day of September, 2020, the King Makers' Committee of Zazzau (Zaria) Emirate Council selected the Plaintiff as the Emir of Zazzau having scored the highest number of lawful votes cast by the Kingmakers. The scores of each of the Three (3) persons who were shortlisted out of the total number of those who showed interest read:

CRITERIA/MARKS	TOTAL MARKS EARNED	Minimum Qualification (B.Sc or HND) - 15%	Experience as a District Head - 20%	Experience in Public Service - 10%	No proven adverse report - 10%	Relationship with Public (Tolerance/Community Relationship) 15%	National Award - 5%	Ability to make peace against people 15%	Physical Fitness - 10%
Alhaji Bashari Aminu. Iyan Zazzau	89	15	18	10	10	10	5	12	9

ned	87	15	18	10	10	10	5	10	9
U, Mni, iman azzau									
Alhaji Aminu Shehu Idris, Turakin Karamin Zazzau	53	15	0	10	10	4	0	5	9

2. The 1st Defendant was and still is at all material times mandated and is under a statutory duty to appoint the Plaintiff being the person selected by the King Makers' Committee as the Emir of Zazzau.
3. Under the Chiefs (Appointment and Deposition) Law of Kaduna State, the Governor of Kaduna State (the 1st Defendant) has no right whatsoever to appoint any person other than the person selected by the King Makers' Committee.
4. The 1st Defendant (The Governor of Kaduna State) was and is still mandated to appoint the Plaintiff as the Emir of Zazzau having been so selected by the Zazzau Emirate King Makers' Committee.
5. In a flagrant disobedience to the Chiefs (Appointment and Deposition) Law of Kaduna State, the 1st Defendant unilaterally and unlawfully appointed the 11th Defendant (Ambassador Ahmad Nuhu Bamalli) who was not even among the 3 candidates who were shortlisted after thorough screening by the King Makers' Committee as the purported Emir of Zazzau.
6. The Plaintiff is by operation of law deemed appointed as the Emir of Zazzau within 14 (fourteen) days after the Plaintiff's selection by the King Makers' Committee on the 24th September, 2020, notwithstanding the 1st Defendant's refusal to appoint him as such.

ENDORSEMENT

The Plaintiff claims against the Defendants jointly and severally as follows:

- a. *A DECLARATION that the Plaintiff to the exclusion of the 11th Defendant has been duly and properly selected as the Emir of Zazzau (Zaria) by the King Makers' Committee of Zazzau Emirate in accordance with the provisions of the Chiefs (Appointment and Deposition) Law of Kaduna State and Zazzau Native Law, Custom and Tradition on the 24th day of September, 2020;*

- b. A DECLARATION that the unilateral appointment of the 1st Defendant as the Emir of Zazzau (Zaria) on the 7th day of October, 2020, by the 1st Defendant when the 1st Defendant was not selected at all by the King Maker's Committee of Zazzau Emirate, contravenes the mandatory provision of the Chiefs (Appointment and Deposition) Law Cap 21 Laws of Kaduna State, rendering the said appointment irregular, unlawful, unconstitutional, unjust, inequitable and contrary to good conscience, and is therefore null, void and of no legal effect whatsoever;
- c. A DECLARATION that the Plaintiff having been selected as the Emir of Zazzau by the King Makers' Committee of Zazzau Emirate on 24th day of September, 2020, is entitled under the Chiefs (Appointment and Deposition) Law of Kaduna State, to be appointed by the 1st Defendant (Governor of Kaduna State) as the Emir of Zazzau;
- d. A DECLARATION that having scored the highest number of lawful votes cast by the King Makers' Committee and thus selected by the said King Makers' Committee as Emir of Zazzau, the Plaintiff has thus acquired, vested right to the stool of the Emirship of Zazzau Emirate from the date of his selection (24th September, 2020) thenceforth;
- e. A DECLARATION that 14 days after the date of the Plaintiff's selection (24th September, 2020), by the King Makers' Committee of Zazzau Emirate as Emir of Zazzau, he is deemed appointed the Emir since the Governor has refused to appoint him as such within 14 days after his selection;
- f. A DECLARATION that the Plaintiff is the Emir of Zazzau and is entitled to all rights and privileges pertaining thereto.
- g. AN ORDER setting aside the purported appointment of the 1st Defendant (Ambassador Ahmad Nuhu Bamalli) as the Emir of Zazzau;

h. AN ORDER setting aside/nullifying the Kaduna State Government Gazette No. 9 Vol. 54 dated the 7th day of October, 2020, but published on the 8th day of October, 2020, appointing the 1st Defendant as the Emir of Zazzau;

i. A PERPETUAL INJUNCTION restraining the 1st, 2nd, 3rd, 4th and 5th Defendants from installing the 1st Defendant to the throne of the Emirate of Zazzau and or presenting to the 1st Defendant the staff of office;

j. AN ORDER OF PERPETUAL INJUNCTION restraining the Defendants either by themselves, agents, privies, servants or through any other person or persons howsoever from treating, presenting or dealing with the 1st Defendant as the Emir of Zazzau;

k. AN ORDER OF PERPETUAL INJUNCTION restraining the 1st Defendant (Ambassador Ahmad Nuhu Bammali) from presenting himself to the 1st Defendant (The Governor of Kaduna State) for the purpose of being sworn in as the Emir of Zazzau or being presented with the Staff of Office thereto;

l. AN ORDER OF PERPETUAL INJUNCTION restraining the 1st Defendant from parading, presenting or styling himself as the Emir of Zazzau or from putting on or wearing any paraphernalia or insignia of the Emir of Zazzau;

m. Cost of this action;

[Handwritten signature]
16TH OCTOBER 2020

This writ was issued on behalf of the Plaintiff by Yunus Ustaz Usman, SAN, of Yunus Ustaz Usman (SAN) & Co. (Nana Chambers) whose address for service is No. 1 Yunus Ustaz Usman Road, Off Waziri Ibrahim Crescent, Abakpa GRA, Kaduna.

This writ was served by me at on the Defendants on the day of October, 2020. Endorsed the day of October, 2020, at the Registry, High Court of Justice, Kaduna Judicial Division, Kaduna.

Handwritten signature

Yunus Ustaz Usman. SAN.
(SIGNED)

No. 1 Yunus Ustaz Usman Road.
Abakpa G.R.A. Kaduna.
(ADDRESS)



IN THE HIGH COURT OF KADUNA STATE
IN THE ZARIA JUDICIAL DIVISION
HOLDEN AT ZARIA

SUIT NO. KD/HJ/1.....

BETWEEN:

ALHAJI BASHARI AMINU
(IVAN ZAZZAU)

- PLAINTIFF

AND

1. GOVERNOR OF KADUNA STATE
2. BALARABE ABBAS LAWAL
(SECRETARY TO KADUNA STATE GOVERNMENT)
3. THE ATTORNEY-GENERAL OF KADUNA STATE
4. JAFARU SANI
(HON. COMMISSIONER FOR LOCAL GOVERNMENT
AND CHIEFTAINCY AFFAIRS, KADUNA STATE)
5. ZAZZAU EMIRATE COUNCIL
6. ALHAJI IBRAHIM MUHAMMAD AMINU
(WAZIRIN ZAZZAU)
7. ALHAJI UMARU MUHAMMAD
(FAGACHIN ZAZZAU)
8. ALHAJI MUHAMMAD ABBAS
(MAKAMA KARAMIN ZAZZAU)
9. ALHAJI DALHATU KASIMU IMAM
(LIMAMIN JUMU'AN ZAZZAU)
10. ALHAJI MUHAMMAD SANI ALIYU
(LIMAMIN KONA ZAZZAU)
11. AMBASSADOR AHMAD NUHU BAMALLI

DEFENDANTS

STATEMENT OF CLAIM

1. The Plaintiff is a Prince of the Zazzau Emirate from the Katsinawa ruling house and is entitled to contest the throne of the Emir of Zazzau and indeed contested at the last exercise. He is one of the three (3) Candidates who went through the final screening exercise by the King Makers' Committee for the selection of the next person to occupy the throne of the Emir of Zazzau and was duly selected having emerged with the highest number of scores.

2. The 1st Defendant is the Governor of Kaduna State, the 2nd Defendant is the Secretary to Kaduna State Government, the 3rd Defendant is the Chief Law Officer of the Kaduna State Government, while the 4th Defendant is the Commissioner for Local Government and Chieftaincy Affairs, Kaduna State.
3. The 5th Defendant is the Zazzau Emirate Council charged with the duty of conducting and coordinating all matters pertaining to the administration of the Emirate.
4. The 6th, 7th, 8th, 9th and 10th Defendants are the members of the King Makers' Committee of Zazzau Emirate Council.
5. The 11th Defendant is the person unlawfully and unilaterally appointed by the 1st Defendant as the 19th Emir of Zazzau and whose said appointment is being challenged in this case.
6. The stool of the Zazzau Emirate evolved under Native Law and Custom and consequently any appointment to fill the vacant stool of the Emir of Zazzau must be in compliance with the relevant Zazzau Native Law and Custom which provides that the selection of the Emir of Zazzau must be done only by the King Makers' Committee.
7. The King Makers of Zazzau under Zazzau Native Law and Custom are:
 - a. Wazirin Zazzau;
 - b. Fagacin Zazzau;
 - c. Makama Karami Zazzau;
 - d. Limamin Jum'ian Zazzau; and
 - e. Limamin Kona Zazzau.
8. The 1st Defendant, who is the Chief Executive of Kaduna State has a mandatory statutory duty to appoint a successor to the throne of the Emir of Zazzau based on the selection done by the King Makers' Committee, which is the only Body entitled to select a successor in accordance with the Customary Law of Zazzau Emirate and the Chiefs (Appointment and Deposition) Law of Kaduna State.
9. On the 20th day of September, 2020, Alhaji Shehu Idris, CFR, the 18th Emir of Zazzau died.

10. Consequent upon paragraph 9 above, on the 21st day of September, 2020, the 6th Defendant (Wazirin Zazzau and Senior Councilor to Zazzau Emirate - Alhaji Ibrahim Muhammad Aminu) on behalf of the Emirate Council wrote informing the 2nd Defendant of the demise of the Emir of Zazzau (Alhaji Shehu Idris, CFR) and further intimating the Government of Kaduna State to the effect that the stool of Emir of Zazzau had become vacant. The said letter is hereby pleaded and the 2nd Defendant is hereby given notice to produce the Original/Certified True Copy of the letter at the trial of this suit.
11. By his Letter dated the 22nd day of September, 2020, with Reference No. SSG/KDS/577/179, the 2nd Defendant in reply to the Letter of the Council Secretary, Zazzau Emirate Council, gave the Emirate Council the "go ahead" to commence the process of selection of a new Emir for the Emirate. The letter is hereby pleaded and both the 2nd Defendant and the Council Secretary to the Zazzau Emirate Council are given notice to produce the Original/Certified True Copy of the said letter of 22nd September, 2020 at the trial of this suit.
12. Sequel inter-alia to the directive of the 2nd Defendant as aforesaid, the King Makers' Committee commenced the process of selection of the new Emir of Zazzau, 11 (eleven) people initially indicated interest in contesting for the throne including the Plaintiff.
13. The 11 (eleven) candidates went through rigorous screening exercise by the King Makers' Committee.
14. Out of the Candidates who were screened by the King Makers' Committee, only three scaled through to the final voting stage. These are Alhaji Bashari Aminu, Iyan Zazzau (the Plaintiff); Mohammed Munir Ja'afaru, OFR, Mni, Yariman Zazzau and Alhaji Aminu Shehu Idris, Turaki Karamin Zazzau.
15. After the screening exercise, the King Makers Committee pruned down 3 (three) best qualified candidates for the final selection including the Plaintiff.
16. On 24th day of September, 2020 the King Makers comprising the 6th, 7th, 8th, 9th and 10th Defendants held a meeting for the purpose of selection of a new Emir of Zazzau whereat they deliberated and consequently voted. The result of the exercise showed the following as the scores:
 - a. Alhaji Bashari Aminu, Iyan Zazzau (the Plaintiff); 3 votes, scoring 89%;
 - b. Alhaji Mohammed Munir Ja'afaru, OFR, Mni, Yariman Zazza; 1 vote, scoring 87%; and

- c. Alhaji Aminu Shehuldris, Turaki Karamin Zazzau; 1 vote, scoring 53%.
17. The Plaintiff avers that the meeting of the King Makers' Committee mentioned in Paragraph 16 herein was credible and transparent as evidenced by the fact that the underlisted were present and did observe the proceedings thereat viz:
- a. The 2nd Defendant;
 - b. The Commissioner for Local Government Affairs, Kaduna State;
 - c. The 3rd Defendant
 - d. The Secretary of the Emirate Council;
 - e. The Representative of the Nigerian Police Force; and
 - f. The Representative of the Directorate of the State Security Service.

18. After the final selection process, the King Makers' Committee forwarded the result of their exercise containing the names and scores of each of the Three (3) candidates (including the Plaintiff) to the Kaduna State Government through the Commissioner for Local Government and Chieftaincy Affairs, Kaduna State. The Report is hereby pleaded and both the Commissioner for Local Government and Chieftaincy Affairs, Kaduna State and the Zazzau Emirate Council are hereby given notice to produce the Original/Certified True Copy of both the Report/Minute (proceedings) of the Meeting of the King Makers' Committee at the trial of this Suit.

19. By a letter with Reference No. SEC/164/2020/1 dated the 24th September, 2020, addressed to "The Hon. Commissioner, Ministry of Local Government and Chieftaincy Affairs, Kaduna", the Chairman, Zazzau King Makers' Committee informed the Government of Kaduna State of the fact that the Committee sat on Thursday, 24th September, 2020 and had completed the process of the selection of a new Emir for the Zazzau Emirate as directed by the State Government vide its letter dated 22nd September, 2020. Attached to the said Letter was a Copy of the proceedings of the meeting, and other documents attached thereto are viz:

- i. Zazzau Emirate Council, Emir's Palace, Zaria, Agenda for the Selection of the New Emir of Zazzau;*
- ii. Zazzau Emirate Council, Emir's Palace, Zaria, Members of Zazzau Traditional King Makers' Committee;*
- iii. Zazzau Emirate Council, Emir's Palace, Zaria, List of Applications Received for the Seat of Emir of Zazzau (11 Candidates) and*
- iv. Three copies of Score sheet of the Shortlisted candidates for the seat of Emir of Zazzau.*



The said letter with its annexures listed above is hereby pleaded. The Hon. Commissioner, Ministry of Local Government and Chieftaincy Affairs, Kaduna State is hereby given notice to produce the Original/Certified True Copy of the said documents at the hearing of this suit.

20. The Plaintiff avers that by the law, tradition and rules of natural justice, it is the person (candidate) who scored the highest number of lawful votes that shall be appointed the Emir by the 1st Defendant (Governor of Kaduna State). In this case, Alhaji Bashari Aminu, Iyan Zazzau – the Plaintiff scored the highest votes and ought to be appointed as the Emir of Zazzau.

21. By the outcome of the selection exercise by the King Makers' Committee of Zazzau Emirate as evidenced by their Report submitted to the Kaduna State Government, the Plaintiff was duly selected as the next Emir of Zazzau having scored the highest marks/votes.

22. Having regard to the averments in Paragraph 21 herein, the 1st Defendant is under a mandatory statutory duty to appoint the Plaintiff as the Emir of Zazzau..

23. The Plaintiff avers that to his greatest surprise and disbelief, the 1st Defendant unilaterally, arbitrarily, unlawfully and contrary to equity and good conscience appointed the 11th Defendant as the Emir of Zazzau when the said 11th Defendant did not make the list of the 3 final shortlisted candidates for appointment as the Emir of Zazzau.

24. The Plaintiff shall contend at the trial that since the 11th Defendant did not make the final list of 3 candidates selected by the King Makers' Committee of Zazzau Emirate, there does not exist any lawful justification for his appointment as the Emir of Zazzau by the 1st Defendant

25. The Plaintiff avers that by operation of law, he is deemed appointed as Emir of Zazzau within fourteen days after his selection by the King Makers' Committee of Zazzau Emirate, notwithstanding the 1st Defendant's refusal to so appoint him.

26. The Plaintiff avers that in a futile attempt to give effect to the illegality surrounding the appointment of the 1st Defendant as the Emir of Zazzau, the 1st Defendant in an unprecedented lightning speed purport to gazette the said appointment of the 11th Defendant as the Emir of Zazzau vide Kaduna State Gazette No. 9 Vol. 54 dated the 7th day of October, 2020 but published on the 8th day of October, 2020. The said gazette is hereby pleaded and same shall be relied upon at the trial.

27. WHEREOF THE PLAINTIFF CLAIMS AGAINST THE DEFENDANTS JOINTLY AND SEVERALLY AS FOLLOWS:

- a. A DECLARATION that the Plaintiff to the exclusion of the 1st Defendant has been duly and properly selected as the Emir of Zazzau (Zaria) by the King Makers' Committee of Zazzau Emirate in accordance with the provisions of the Chiefs (Appointment and Deposition) Law of Kaduna State and Zazzau Native Law, Custom and Tradition on the 24th day of September, 2020;
- b. A DECLARATION that the unilateral appointment of the 1st Defendant as the Emir of Zazzau (Zaria) on the 7th day of October, 2020, by the 1st Defendant when the 1st Defendant was not selected at all by the King Maker's Committee of Zazzau Emirate, contravenes the mandatory provision of the Chiefs (Appointment and Deposition) Law Cap 21 Laws of Kaduna State, rendering the said appointment irregular, unlawful, unconstitutional, unjust, inequitable and contrary to good conscience, and is therefore null, void and of no legal effect whatsoever;
- c. A DECLARATION that the Plaintiff having been selected as the Emir of Zazzau by the King Makers' Committee of Zazzau Emirate on 24th day of September, 2020, is entitled under the Chiefs (Appointment and Deposition) Law of Kaduna State, to be appointed by the 1st Defendant (Governor of Kaduna State) as the Emir of Zazzau;
- d. A DECLARATION that having scored the highest number of lawful votes cast by the King Makers' Committee and thus selected by the said King Makers' Committee as Emir of Zazzau, the Plaintiff has thus acquired, vested right to the stool of the Emirship of Zazzau Emirate from the date of his selection (24th September, 2020) thenceforth;
- e. A DECLARATION that 14 days after the date of the Plaintiff's selection (24th September, 2020), by the

King Makers' Committee of Zazzau Emirate as Emir of Zazzau, he is deemed appointed the Emir since the Governor has refused to appoint him as such within 14 days after his selection;

- f. A DECLARATION that the Plaintiff is the Emir of Zazzau and is entitled to all rights and privileges pertaining thereto.*
- g. AN ORDER setting aside the purported appointment of the 1st Defendant (Ambassador Ahmad Nuhu Bamalli) as the Emir of Zazzau;*
- h. AN ORDER setting aside/nullifying the Kaduna State Government Gazette No. 9 Vol. 54 dated the 7th day of October, 2020, but published on the 8th day of October, 2020, appointing the 1st Defendant as the Emir of Zazzau;*
- i. A PERPETUAL INJUNCTION restraining the 1st, 2nd, 3rd, 4th and 5th Defendants from installing the 1st Defendant to the throne of the Emirship of Zazzau and or presenting to the 1st Defendant the staff of office;*
- j. AN ORDER OF PERPETUAL INJUNCTION restraining the Defendants either by themselves, agents, privies, servants or through any other person or persons howsoever from treating, presenting or dealing with the 1st Defendant as the Emir of Zazzau;*
- k. AN ORDER OF PERPETUAL INJUNCTION restraining the 1st Defendant (Ambassador Ahmad Nuhu Bamalli) from presenting himself to the 1st Defendant (The Governor of Kaduna State) for the purpose of being sworn in as the Emir of Zazzau or being presented with the Staff of Office thereto;*
- l. AN ORDER OF PERPETUAL INJUNCTION restraining the 1st Defendant from parading, presenting or styling himself as the Emir of Zazzau or from putting on or wearing any paraphernalia or insignia of the Emir of Zazzau;*

DATED THIS 16TH DAY OF OCTOBER, 2020.




Yunus Ustaz Usman, SAN,
Olabisi Oluyemi Soyobo, SAN
Rotimi Oguneso, SAN,
Manga Mohammed Nuruddeen, SAN
O. I. Habeeb, Esq.,
Samuel Atung, Esq.,
Asabe S. Ahmed, Esq.,
Abdulmutallab Ustaz Usman, Esq.,
Nana Aisha Usman, Esq.,
Mustapha Omale, Esq.,
F. O. Owoju, Esq.,
Sa'adiya Ustaz Usman, Esq.,
Zechariah Maleeks Junior, Esq., ACI Arb. (UK)
COUNSEL TO THE PLAINTIFF,
PP: Yunus Ustaz Usman (SAN) Co.
No 1, Yunus Ustaz Usman Road,
Off Ibrahim Waziri Crescent,
By Lugard Hall Roundabout,
Abakpa, GRA, Kaduna.
08128232225. TIN NO.: 115513669
yunusustazusmansan@nigerianbar.ng

FOR SERVICE ON:

1. THE 1ST DEFENDANT
Sir Kashim House,
Kawo, Kaduna.
2. THE 2ND DEFENDANT
Hassan Katsina House,
Kaduna.
3. THE 3RD DEFENDANT
Ministry of Justice,
Independence Way,
Kaduna.
4. THE 4TH DEFENDANT
Ministry of Local Government and Chieftaincy Affairs,
Yakubu Gowon Way,

Kaduna.

5. THE 5TH – 10TH DEFENDANTS

Emir's Palace,

Zaria City,

Kaduna.

6. THE 11TH DEFENDANT

Kwairbai, Zaria City,

Kaduna.

IN THE HIGH COURT OF KADUNA STATE
IN THE ZARIA JUDICIAL DIVISION
HOLDEN AT ZARIA

SUIT NO: KDH/Z/...../.....

BETWEEN:

ALHAJI BASHARI AMINU
(IYAN ZAZZAU)

- PLAINTIFF

AND

1. GOVERNOR OF KADUNA STATE
2. BALARABE ABBAS LAWAL
(SECRETARY TO KADUNA STATE GOVERNMENT)
3. THE ATTORNEY-GENERAL OF KADUNA STATE
4. JAFARU SANI
(HON. COMMISSIONER FOR LOCAL GOVERNMENT
AND CHIEFTAINCY AFFAIRS, KADUNA STATE)
5. ZAZZAU EMIRATE COUNCIL
6. ALHAJI IBRAHIM MUHAMMAD AMINU
(WAZIRIN ZAZZAU)
7. ALHAJI UMARU MUHAMMAD
(FAGACHIN ZAZZAU)
8. ALHAJI MUHAMMAD ABBAS
(MAKAMA KARAMIN ZAZZAU)
9. ALHAJI DALHATU KASIMU IMAM
(LIMAMIN JUMU'AN ZAZZAU)
10. ALHAJI MUHAMMAD SANI ALIYU
(LIMAMIN KONA ZAZZAU)
11. AMBASSADOR AHMAD NUHU BAMALLI

DEFENDANTS

PLAINTIFF'S WITNESS STATEMENT ON OATH

I, ALHAJI BASHARI AMINU, Male, Adult, Muslim, Nigerian citizen of Zaria, Kaduna, do make oath and states as follows:-

1. That I am the Plaintiff in this Suit and by virtue of my position thereof, I am conversant with the facts of this matter;

2. That I am a Prince of the Zazzau Emirate from the Katsinawa ruling house and I am entitled to contest the throne of the Emir of Zazzau and indeed contested at the last exercise. I am one of the Three (3) Candidates who went through the final screening exercise by the King Makers for the selection of the next person to occupy the throne of the Emir of Zazzau and I was duly selected having emerged with the highest number of scores.
3. That the 1st Defendant is the Governor of Kaduna State, the 2nd Defendant is the Secretary to Kaduna State Government, the 3rd Defendant is the Chief Law Officer of the Kaduna State Government, while the 4th Defendant is the Commissioner for Local Government and Chieftaincy Affairs, Kaduna State.
4. That the 5th Defendant is the Zazzau Emirate Council charged with the duty of conducting and coordinating all matters pertaining to the administration of the Emirate.
5. That the 6th, 7th, 8th, 9th and 10th Defendants are members of the King Makers' Committee of Zazzau Emirate Council.
6. That the 11th Defendant is the person unlawfully and unilaterally appointed by the 1st Defendant as the 19th Emir of Zazzau and whose said appointment is being challenged by me in this case.
7. That the stool of the Zazzau Emirate evolved under Native Law and Custom and consequently any appointment to fill the vacant stool of the Emir of Zazzau must be in compliance with the relevant Zazzau Native Law and Custom which provides that the selection of the Emir of Zazzau must be done only by the King Makers' Committee.
8. That the King Makers of Zazzau under Zazzau Native Law and Custom are:
 - a. Wazirin Zazzau;
 - b. Fagacin Zazzau;
 - c. Makama Karami Zazzau;
 - d. Limamin Jumma'a Zazzau; and
 - e. Limamin Konan Zazzau.
9. That the 1st Defendant, who is the Chief Executive of Kaduna State has a statutory duty to appoint a successor to the throne of the Emir of Zazzau based on the selection done by the King Makers' Committee, which is the only Body entitled to select a successor in accordance with the Customary

10. That the erstwhile 18th Emir of Zazzau, Alhaji Shehu Idris, CFR, died on the 20th day of September, 2020.
11. That sequel to the death of the 18th Emir of Zazzau, Alhaji Shehu Idris, CFR and in particular on the 21st day of September, 2020, the Wazirin Zazzau and Senior Councilor to Zazzau Emirate (Alhaji Ibrahim Muhammad Aminu) on behalf of the Emirate Council, did a letter informing the 2nd Defendant of the demise of the Emir of Zazzau (Alhaji Shehu Idris, CFR) and further intimating the Government of Kaduna State that a vacancy has been created in the stool of the Emir of Zazzau occasioned by the death of the said 18th Emir of Zazzau.
12. That by his Letter dated the 22nd day of September, 2020, with Reference No. SSG/KDS/577/179, the 2nd Defendant in reply to the Council Secretary, Zazzau Emirate Council, gave the Emirate Council the "go ahead" to commence the process of selection of a new Emir for the Emirate.
13. That following the directive of the 2nd Defendant to the King Makers' Committee to commence the process of selection of the new Emir of Zazzau, 11 (eleven) people initially indicated interest in contesting for the throne including my humble-self.
14. That the 11 (eleven) candidates went through rigorous screening exercise by the King Makers' Committee.
15. That out of the Candidates who were screened by the King Makers' Committee, only three scaled through for the final voting stage. These are Alhaji Bashari Aminu, Iyan Zazzau (me); Mohammed Munir Ja'afaru, OFR, Mni, Yariman Zazzau and Alhaji Aminu Shehu Idris, Turaki Karamin Zazzau.
16. That after the screening exercise, the King Makers' Committee pruned down 3 (three) best qualified candidates for the final selection including me.
17. That on the 24th day of September, 2020 the King Makers comprising the 6th, 7th, 8th, 9th and 10th Defendants held a meeting for the purpose of selection of a new Emir of Zazzau whereat they deliberated and consequently voted. The result of the exercise showed the following as the scores;
 - a. Alhaji Bashari Aminu, Iyan Zazzau (me); 3 votes, scoring 89%;

21. That by the law, tradition and rules of natural justice, it is the person (candidate) who scored the highest number of lawful votes that must be appointed the Emir by the Governor of Kaduna State. That in this case, I am the person who scored the highest votes and ought to be appointed as the Emir by the 1st Defendant (the Governor of Kaduna State).

22. That by the result of the selection exercise by the King Makers' Committee of Zazzau Emirate as contained in their Report submitted to the Kaduna State Government, I was duly selected as the next Emir of Zazzau having scored the highest marks/votes.

23. That having regard to my deposition in paragraph 22 herein, the 1st Defendant is under a statutory duty to appoint me as the Emir of Zazzau. .

24. That to my greatest surprise and disbelief, the 1st Defendant unilaterally, arbitrarily, unlawfully and contrary to equity and good conscience appointed the 11th Defendant as the Emir of Zazzau when the said 11th Defendant did not make the list of the 3 final shortlisted candidates for appointment as the Emir of Zazzau.

25. That since the 11th Defendant did not make the final list of 3 candidates selected by the King Makers' Committee of Zazzau Emirate, there is no basis whatsoever for his appointment as the Emir of Zazzau by the 1st Defendant

26. That I am deemed appointed as Emir of Zazzau within fourteen days after my selection by the King Makers' Committee of Zazzau Emirate, notwithstanding the 1st Defendant's refusal to so appoint me.

27. That in a futile attempt to give effect to the illegality surrounding the appointment of the 1st Defendant as the Emir of Zazzau, the 1st Defendant in an unusual lightning speed purport to gazette the said appointment vide Kaduna State Gazette No. 9 Vol. 54 dated the 7th day of October, 2020 but published on the 8th day of October, 2020.

28. That I claim against the Defendants jointly and severally as follows:

- a. *A DECLARATION that the Plaintiff to the exclusion of the 11th Defendant has been duly and properly selected as the Emir of Zazzau (Zaria) by the King Makers' Committee of Zazzau Emirate in accordance with the provisions of the Chiefs (Appointment and Deposition) Law of Kaduna State and Zazzau Native*

Law, Custom and Tradition on the 24th day of September, 2020;

- b. A DECLARATION that the unilateral appointment of the 11th Defendant as the Emir of Zazzau (Zaria) on the 7th day of October, 2020, by the 1st Defendant when the 11th Defendant was not selected at all by the King Maker's Committee of Zazzau Emirate, contravenes the mandatory provision of the Chiefs (Appointment and Deposition) Law Cap 21 Laws of Kaduna State, rendering the said appointment irregular, unlawful, unconstitutional, unjust, inequitable and contrary to good conscience, and is therefore null, void and of no legal effect whatsoever;*
- c. A DECLARATION that the Plaintiff having been selected as the Emir of Zazzau by the King Makers' Committee of Zazzau Emirate on 24th day of September, 2020, is entitled under the Chiefs (Appointment and Deposition) Law of Kaduna State, to be appointed by the 1st Defendant (Governor of Kaduna State) as the Emir of Zazzau;*
- d. A DECLARATION that having scored the highest number of lawful votes cast by the King Makers' Committee and thus selected by the said King Makers' Committee as Emir of Zazzau, the Plaintiff has thus acquired, vested right to the stool of the Emirship of Zazzau Emirate from the date of his selection (24th September, 2020) thenceforth;*
- e. A DECLARATION that 14 days after the date of the Plaintiff's selection (24th September, 2020), by the King Makers' Committee of Zazzau Emirate as Emir of Zazzau, he is deemed appointed the Emir since the Governor has refused to appoint him as such within 14 days after his selection;*
- f. A DECLARATION that the Plaintiff is the Emir of Zazzau and is entitled to all rights and privileges pertaining thereto.*
- g. AN ORDER setting aside the purported appointment of the 11th Defendant (Ambassador Ahmad Nuhu Bamalli) as the Emir of Zazzau;*
- h. AN ORDER setting aside/nullifying the Kaduna State Government Gazette No. 9 Vol. 54 dated the 7th day of October, 2020, but published on the 8th*

October, 2020, appointing the 11th Defendant as the Emir of Zazzau;


- i. A PERPETUAL INJUNCTION restraining the 1st, 2nd, 3^d, 4th and 5th Defendants from installing the 11th Defendant to the throne of the Emirship of Zazzau and or presenting to the 11th Defendant the staff of office;*
- j. AN ORDER OF PERPETUAL INJUNCTION restraining the Defendants either by themselves, agents, privies, servants or through any other person or persons howsoever from treating, presenting or dealing with the 11th Defendant as the Emir of Zazzau;*
- k. AN ORDER OF PERPETUAL INJUNCTION restraining the 11th Defendant (Ambassador Ahmad Nuhu Bamalli) from presenting himself to the 1st Defendant (The Governor of Kaduna State) for the purpose of being sworn in as the Emir of Zazzau or being presented with the Staff of Office thereto;*
- l. AN ORDER OF PERPETUAL INJUNCTION restraining the 11th Defendant from parading, presenting or styling himself as the Emir of Zazzau or from putting on or wearing any paraphernalia or insignia of the Emir of Zazzau;*
- m. Cost of this action;*

29. That I swear to this affidavit conscientiously believing its contents to be true and correct to the best of my knowledge, information and belief in accordance with the Oath Act.



DEPONENT

Sworn to at the High Court Registry, Zaria, this...16..... day of October, 2020.

BEFORE ME
HIGH COURT OF JUSTICE
ZARIA.

COMMISSIONER FOR OATHS