

IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE BENIN JUDICIAL DIVISION  
HOLDEN AT PORT HARCOURT

SUIT NO: FHC/B/CS/21/2015

IN THE MATTER OF APPLICATION UNDER CHAPTER IV OF THE CONSTITUTION OF  
FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED), FUNDAMENTAL RIGHTS  
ENFORCEMENT PROCEDURE RULES 2009 AND FREEDOM OF INFORMATION ACT  
2011.

BETWEEN:

1. AIGBOKHAN PRESIDENT
2. COMRADE ENERUVIE ENAKOKO
3. COMRADE AUSTIN OSAKUE
4. MR. RAYMOND OGIRIKI
5. AMBASSADOR AIGBOKHAN
6. COMRADE ABRAHAM OVIawe
7. COMRADE OSAZE EDIGIN
8. SYLVESTER EVBUOMWAN, ESQ
9. VICTOR EHIGBOR
10. PASTOR EDDISSON ERAGHEWU
11. PASTOR PETER ENABULELE
12. COMRADE OSARO IYAMU
13. MISS FAITH ODIGIE
14. COMRADE OSARO EGUAVOEN
15. COMRADE SAMUIEL IDAHOSA
16. MARXIST KOLA EDOKPAYI
17. MR. JAMES IDEMUDIA
18. COMRADE CULTURE OSARO IYAMU
19. COMRADE BEVY EFE
20. IBANICHUKA SAMUEL, ESQ.
21. FOUNDATION FOR GOOD GOVERNANCE  
& SOCIAL CHANGE
22. CONSCIENCE REPORTS
23. INTERNATIONAL NETWORK FOR POVERTY ERADICATION  
AND EMPOWERMENT (INPEE)
24. TALAKAWA PARLIAMENT
25. EDO FORUM AGAINST IMPUNITY
26. EDO YOUTH FOR GOOD GOVERNANCE

APPLICANTS

AND

  
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1. NIGER DELTA DEVELOPMENT COMMISSION
2. PRESIDENT OF SENATE
3. SPEAKER OF FEDERAL HOUSE OF REPRESENTATIVES
4. MINISTER OF FINANCE

} RESPONDENTS

### JUDGMENT ORDER

UPON THE ORIGINATING MOTION ON NOTICE dated and filed on the 19<sup>th</sup> day of February, 2015 on behalf of the Applicants praying this Honourable Court for the following reliefs:-

1. Declaration that the constitutionally guaranteed right to information without interference provided in Section 39 of the Constitution of the Federal Republic of Nigeria 1999 (as amended in 2010), Sections 1, 2 of the Freedom of Information Act 2011, Article 9 of the African Charter on Human and People's Rights (Ratification and Enforcement) Act, Laws of the Federation of Nigeria, 1999, Article 3 of the Universal Declaration of Human Rights (Ratification & Enforcement) Act 1948 and Article 19 of International Covenant on Civil and Political Rights (ICCPR) 1966, is a fundamental human right guaranteed and enforceable under Fundamental Rights Enforcement Procedure Rules 2009.
2. Declaration that the action of the 1<sup>st</sup> Respondent to deny the Applicants the certified true copies of documents requested for is a violation of the applicants' fundamental right to information guaranteed by Section 39 of the Constitution, 1999.
3. Declaration that the 1<sup>st</sup> Respondent is under the law obliged to release certified true copy of documents to the applicants showing its budget outline and expenditure of N309 Billion in the year 2014.

  
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4. Declaration that the 1<sup>st</sup> Respondent is under the law obligated to release certified true copy of newspapers, journals or documents showing tender bids for each of the projects awarded by the commission between 2012 – 2014 and receipts of payments to the applicants.
5. Declaration that the 1<sup>st</sup> Respondent must release to the applicants certified true copy of documents detailing the breakdown of personnel and re-current expenditure for youth, women, sports and cultural activities between 2013 – 2014.
6. Declaration that the 1<sup>st</sup> respondent must release certified true copy of materials, written, audio, visual, sound and electronic recording of meetings held with Niger Delta Communities on NEEDS assessment between 2013 – 2014.
7. Declaration that the 1<sup>st</sup> Respondent is by law obligated to release certified true copy of documents detailing list, academic particulars, selection criteria of 210 beneficiaries of the 2014 Niger Delta Development Commission, Postgraduate Foreign Scholarship Program to the applicants.
8. Declaration that the 1<sup>st</sup> Respondent is by law obligated to release certified true copy of documents showing the commission's support for INEC, Political parties or stakeholders of parties by the commission between the year 2013 – 2014.
9. Declaration that the 1<sup>st</sup> Respondent owe a constitutional duty to the applicant to release to the applicants certified true copy of documents detailing the amount of money transferred to the commission from Ecological Fund and the remittance by oil-producing and extractive industries and international oil

  
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companies to the commission between 2013 - 2014 and how the money was expended.

10. Declaration that the 1<sup>st</sup> Respondent owes a constitutional duty to the applicants to release certified true copy of documents requested for in a letter dated 6<sup>th</sup> of January 2015 attached and marked "Exhibit A".



servants, privies and by whomsoever from approving any expenditure, appropriating any sum, issuing any warrant, money or grant including but not limited to the 2015 budget estimate of the 1<sup>st</sup> Respondent, or releasing, giving of funds, monies, budgetary allocation to the 1<sup>st</sup> Respondent, their servants, agents, privies or any other person or doing anything capable of interfering with the applicants rights pending the disclosure of information as requested to the applicants.

17. An Order of perpetual injunction restraining the 1<sup>st</sup> respondent, their servants, agents, privies or any other person from requesting for fund, monies, warrant, budgetary allocation or doing anything capable of interfering with the applicants rights pending the disclosure of information as requested for in "Exhibit A".

18. An Order of cost of N50,000,000.00 (Fifty Million Naira only) against the 1<sup>st</sup> Respondent as the cost of instituting and prosecuting this action from the date of judgment and interest therein at 10% per annum until judgment sum is fully liquidated.

19. An Order of conviction against the 1<sup>st</sup> Respondent to a fine of N500,000.00 (five hundred Thousand) for denying the applicants requested information from the date of judgment and interest therein at 10% per annum until judgment sum is fully liquidated.

  
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AND AFTER HEARING Aigbokhan President, Esq. of Counsel for the Applicants adopted his final written address in support of their application and Reply on Points of Law; And Emeka Akwuruoha, Esq. of Counsel for the 1<sup>st</sup> Respondent adopted his final written address as argument in opposition; P.I. Ogbu, Esq. of Counsel for the 4<sup>th</sup> Respondent also adopted his final written address as argument in opposition:



AND the Court having delivered Judgment this 21<sup>st</sup> day of December, 2016;

IT IS HEREBY ORDERED AS FOLLOWS:

1. The names of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondents and all the preliminary issues dealing with them are hereby struck out.
2. The preliminary objection is hereby dismissed in its entirety.
3. I declare that the constitutionally guaranteed right to information without interference provided in Section 39 of the Constitution of the Federal Republic of Nigeria 1999 (as amended in 2010), Sections 1, 2 of the Freedom of Information Act 2011, Article 9 of the African Charter on Human and People's Rights (Ratification and Enforcement) Act, Laws of the Federation of Nigeria, 1999, Article 3 of the Universal Declaration of Human Rights (Ratification & Enforcement) Act 1948 and Article 19 of International Covenant on Civil and Political Rights (ICCPR) 1966, is a fundamental human right guaranteed and enforceable under Fundamental Rights Enforcement Procedure Rules 2009.
4. I declare that the action of the 1<sup>st</sup> Respondent to deny the Applicants the certified true copies of documents requested for is a violation of the applicants' fundamental right to information guaranteed by Section 39 of the Constitution, 1999.
5. I declare that the 1<sup>st</sup> Respondent is under the law obliged to release certified true copy of documents to the applicants showing its budget outline and expenditure of N309 Billion in the year 2014.
6. I declare that the 1<sup>st</sup> Respondent is under the law obligated to release certified true copy of

  
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newspapers, journals or documents showing tender bids for each of the projects awarded by the commission between 2012 – 2014 and receipts of payments to the applicants.

7. I declare that the 1<sup>st</sup> Respondent must release to the applicants certified true copy of documents detailing the breakdown of personnel and re-current expenditure for youth, women, sports and cultural activities between 2013 – 2014.
8. I declare that the 1<sup>st</sup> respondent must release certified true copy of materials, written, audio, visual, sound and electronic recording of meetings held with Niger Delta Communities on NEEDS assessment between 2013 – 2014.
9. I declare that the 1<sup>st</sup> Respondent is by law obligated to release certified true copy of documents detailing list, academic particulars, selection criteria of 210 beneficiaries of the 2014 Niger Delta Development Commission, Postgraduate Foreign Scholarship Program to the applicants.
10. I declare that the 1<sup>st</sup> Respondent is by law obligated to release certified true copy of documents showing the commission's support for INEC, Political parties or stakeholders of parties by the commission between the year 2013 – 2014.
11. I declare that the 1<sup>st</sup> Respondent owe a constitutional duty to the applicant to release to the applicants certified true copy of documents detailing the amount of money transferred to the commission from Ecological Fund and the remittance by oil-producing and extractive industries and international oil companies to the commission between 2013 – 2014 and how the money was expended.

  
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12.1 declare that the 1<sup>st</sup> Respondent owes a constitutional duty to the applicants to release certified true copy of documents requested for in a letter dated 6<sup>th</sup> of January 2015 attached and marked "Exhibit A".

13.1 declare that the 1<sup>st</sup> Respondent owes the applicants a constitutional duty to release certified true copy of documents detailing the proceeds of income recovered from partners for sustainable development project and how the revenue accruing from partners for sustainable development was utilized by the 1<sup>st</sup> Respondent between 2010 – 2014.

14.1 declare that the applicants have the constitutional power to compel government institutions to disclose information relating to public revenues, expenditure and summary report on budget execution.


15.1 declare that the 1<sup>st</sup> Respondent owes the applicants a constitutional duty to release documents detailing the intervention of the commission in governance, conflict prevention in region, tourism, arts and social welfare industrialization, employment generation and capacity development of Niger Delta States between 2013 – 2014.

16.1 declare that the failure of 1<sup>st</sup> Respondent to disclose information requested by the applicants is illegal, oppressive, and vexatious.

17. Relief 15 is refused.

18. Relief 16 is hereby dismissed, the names of 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondents having being struck out.

19. Relief 17 is hereby refused, the Applicants having failed to establish any basis for such a relief.

  
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20. Relief 18 is refused, the applicants having failed to establish evidence in support of special damages in the sum of N50,000,000.00, but a general damages of N500,000.00.

21. Relief 19 is dismissed, this proceedings not being a criminal proceeding in accordance with the repealed Criminal Procedure Act or the Extant Administration of Criminal Justices Act.

  
A. M. LIMAN  
[PRESIDING JUDGE]

ISSUED AT PORT HARCOURT UNDER THE SEAL OF THE COURT AND THE HAND OF THE PRESIDING JUDGE THIS 21<sup>ST</sup> DAY OF DECEMBER, 2016.

  
KUPA, SOLOMON O. [MR]  
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