IN THE HIGH COURT OF JUSTICE OF THE F.C.T.

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ZUBA, ABUJA

ON WEDNESDAY THE 4TH DAY OF JUNE, 2025

BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA
JUDGE

SUIT NO.: FCT/HC/CV/1088/2023

BETWEEN:

HON. GEOFFREY ONYEAMA ------ CLAIMANT

AND

1. AMBASSADOR LILIAN ONOH
2. AKELICIOUS MEDIA COMPANY (AKELICIOUS NET)
3. NEWSWIRE LAW & EVENTS MAGAZINE

} DEFENDANTS

JUDGMENT

In this transferred application – checkered case premised on libel and defamation which I have decided to name the family feud, given the affinity of the parties involved, the Claimant, a former in-law of the 1st Defendant's family – once married to the younger sister of the 1st Defendant. Both parties come from one of the prominent Eastern Nigerian families whose respective parents are well-known both in the Legal/Judicial and Executive level of governance in Nigeria; both, though late, played their

respective roles in their chosen fields of endeavors, just like the Claimant and the 1st Defendant in this case.

In it, the Claimant, a one-time Minister of Foreign Affairs of the Federal Republic of Nigeria, and the 1st Defendant, a one-time career Ambassador. Both grew up to knowing each other as family friends, their respective Dads; having been friends long before they were born. The family relationship culminated in the marriage of the Claimant to the younger sister of the 1st Defendant, though both had been apart several years after the marriage broke down irretrievably decades ago. Though notwithstanding that the families still maintained the foundational relationship laid by their respective Dads, a relationship that even the present case cannot affect or terminate, in my humble opinion.

For clarity, and to avoid confusion, the Claimant is **Hon. Geoffrey Onyeama,** the immediate past Minister of Foreign Affairs of the Federal Republic of Nigeria, and the 1st Defendant is **Ambassador Lilian Onoh.** Both now out of office. The other Defendants are **Akelicious Media Company (Akelicious Net)** and **Newswire Law and Events Magazine,** 2nd & 3rd Defendants).

It is important to note that the 2nd and 3rd Defendants were not represented by any Counsel or in person, and they never appeared in Court. The Court where the matter was transferred from – Eneche Eleojo (now JCA), ordered that Processes be served on the 2nd and 3rd Defendants by substituted means – via their respective email addresses or

other electronic means. The Court ensured that they were duly and properly served with all Court Processes including Hearing Notices by that means throughout the Proceeding. But the 2nd and 3rd Defendants refused, ignored, failed, and neglected to enter appearance in paper or "flesh and blood," judicially speaking. They did not file Memorandum of Appearance or file Statement of Defence. Since Court could not wait for them in perpetuity, they were foreclosed. So as it stand, the case is basically between the Claimant against the 1st Defendant – Geoffrey Onyeama and Lilian Onoh. The 2nd and 3rd Defendants admitted the case of the Claimant having not challenged same or controverted the facts therein.

The 1st Defendant filed a Statement of Defence and Counter-Claim also claiming defamation by the Claimant.

The Claimant and the 1st Defendant testified, and were Cross-examined. They tendered documents in support of their respective claims/Counter-Claim. The Claimant tendered 7 documents marked **EXH 1 – 7.** While the 1st Defendant tendered documents marked **EXH 8 - 37**

It is the allegation of the Claimant that on the 21st day of May, 2021, that he received SMS from the 1st Defendant. In it he was accused by the 1st Defendant of entering the Ministry on the platform of Enugu. In it the 1st Defendant claimed that her father gave his all to create the State, and accused the Claimant of trying to destroy her career. She stated that the Claimant started the war, but that she "WILL FINISH IT".

The Claimant stated that he received another SMS from the same 1st Defendant on the 31st day of July, 2021, from the same phone number, while the Claimant was still comprehending the first SMS. This time, according to the Claimant, the 1st Defendant said/wrote thus:

> **"You as the Foreign Minister who protected the chief perpetrators and punished the innocents, will not be spared."**

The Claimant further stated that the 1st Defendant also filed a Petition on the 21st day of June, 2021, addressed to former President, Mohammed Buhari, GCON. That in the Petition, the 1st Defendant claimed that the Claimant devalued his reputation as the Minister of Foreign Affairs. The 1st Defendant caused the Petition to be published on 17th September, 2021 by the 2nd Defendant. That the 1st Defendant also granted interviews on the Petition she caused to be published on the 2nd Defendant. The Claimant said that he engaged his Counsel, Greenfield Chambers, to write to the Defendants demanding retraction and public apology for the malicious defamatory act of the Claimant. But the Defendants failed, refused, and neglected to comply. And that their action caused the Claimant and his family extensive unnecessary embarrassment, mental suffering, and destruction of his well-established reputation. That the 1st Defendant also granted other interviews where several defamatory statements were made which she caused to be published by the 3rd Defendant.

Please note that, in June 2024 the Claimant had filed Notice to Discountenance of the case against Information Nigeria and Gbenga Odunsi. Hence, there are only three (3) Defendants in the Suit.

The Claimant called another Witness – PW2. The Exhibits tendered by the Claimant are:

- Printout of the SMS by the 1st Defendant dated 21st May, 2021.
- Petition of 24th June, 2021.
- 1st Defendant's SMS of 31st July, 2021.
- Online publication by the 2nd Defendant dated 17th November, 2022.
- Online publication by the 3rd Defendant dated 4th November, 2022.
- Letter of the Claimant's Counsel demanding apology and retraction of the publication.
- Letter of Dismissal of the 1st Defendant from service.

The Claimant claimed that the 1st Defendant had, out of malice and personal vendetta, made false unsubstantiated defamatory statements against the Claimant, and caused same to be published by the 2nd & 3rd Defendants.

That the allegation was admitted by the 1st Defendant in paragraph 20 of her Witness Statement on Oath/Defence, and that the case of the Claimant was not controverted. That under Cross-examination she confirmed to had used derogatory words against the Claimant. They tendered **EXH 2, 4 & 5 –** the said publications**.**

In their Final Written Address the Claimant raised five (5) Issues for determination which are:

(1) Whether having regard to the evidence and materials before the Court, the Claimant has proven that he was defamed.

(2) Whether the Defendants have raised formidable Defence to the case of the Claimant to prevent grant of his claims.

(3) Whether the 1st Defendant's Witness Statement on Oath in support of her Defence sworn to on 23rd January, 2024, and Additional Witness Statement on Oath of 6th February, 2024, ought not to be expunged from Court's records, being statutorily invalid.

(4) Whether the 1st Defendant filed Reply to Claimant's Defence to the Counter-Claim within the prescribed time provided by the Rules of the Court.

(5) Whether the Writ of Summons and the pleadings of Claimant are not valid or competent for being unsubstantiated, compliance with the Rules of this Court and relevant Statutes.

On Issue No. 1 – on whether the Claimant proved the case of defamation with the evidence and materials before this Court, the Claimant Counsel submitted that the Claimant has presented a prima facie case; the weight of evidence presented by the Claimant in proof of his claim is greater

and more convincing than the one put up by the Defendant/Counter-Claimant.

Again, that Balance of Probability in this case is in favour of the Claimant. That in this Suit the dispute is premised on defamation as a case, and that it consists of publications made to the hearing of third persons of which lowered or tends to lower the Claimant's reputation in the estimation of right thinking members of the society in general, and that it has exposed him to hatred, contempt, opprobrium, and ridicule. That it has also injured his reputation in his office. He referred to the cases of:

NITEC V. Tugbiyele
(2005) All FWLR (Pt. 246) 357

Edem V. Orpheo Nig. Ltd
(2003) 7 S.C 92 @ 101

That the Claimant has discharged the onus on him by establishing the defamatory statement, and proved that the publication containing the defamatory statement was published to the hearing of third parties. He relied and referred to the case of:

ACB Ltd & Or V. Apugu
(2001) LPELR 9 SC

Again, that through the evidence/testimony, and documents before this Court, the Claimant has established that he has been defamed directly and personally, and that the publication which he tendered in evidence referred to him directly, and that he has proved the case of defamation

made against him by the Defendants. That the Claimant proved that the publication referred to him directly as his name was mentioned severally in the publication.

That the 1st Defendant in her Statement of Defence even admitted and corroborated same by her admissions as seen in **Para 10, 37, 38, 39, 47, 59, and 77** in the 1st Defendant's Statement of Defence filed on 23rd January, 2024.

Again, that the Claimant has proved that the Statements/publications were made to third parties. He referred to the case of:

Ologe & Ors V. NewAfrica Holdings Ltd
(2013) 1 SC 109

That the Claimant identified that he is the person written about in the publications. In this case, the Claimant had done so as his name was written severally in the publications. He referred to the case of:

Onu V. Egbese & Anor
(1985) LPELR – 2698 SC

That he tendered the Exhibits showing the online publications made on behalf of the 1st Defendant which contains the injurious words to his reputation. That **EXH 2, 4, & 5** are injurious to Claimant's reputation. Again, that **EXH 2** portrays the Claimant as wicked, indolent, incompetent, lawless, corrupt, and manipulative while in office as a Minister. They referred to the cases of:

Stanbic IBTC V. Longterm Global Ltd & Ors
(2021) LPELR – 55610 (CA)

B.S.S. Eng. Services Ltd & Ors V. Fidelity Bank
(2021) LPELR – 53458 (CA)

Alhassan V. Isiaku & Ors
(2016) LPELR – 40083 (SC)

That the defamation was not only true, but that the 1st Defendant has no justification for instigating such defamatory publications. That the 1st Defendant has no proof of the allegation made against the Claimant. That all the documents tendered had no proof or direct link to the Claimant, and did not prove that he actually aided corruption in the Ministry of Foreign Affairs. They urged Court to so hold.

That the 1st Defendant instigated the publications out of malice and personal vendetta against the Claimant. He referred to **EXH 1 & 3** as well as the 1st Defendant's responses under Cross-examination.

That the Claimant has proved his case based on Preponderance of Evidence, and circumstance of his case, that particularly the 1st Defendant defamed him. They urged Court to decide Issue No. 1 in the Claimant's favour, and to also hold that he is entitled to his claims before this Court in this Suit.

On Issue No. 2 – whether there is formidable Defence to prevent grant of Claimant's claim, he submitted that there is none. That based on the evidence tendered by the

Claimant, that the Defendants, especially the 1st Defendant, failed to place any credible evidence before this Court to justify her malicious defamatory publications against the Claimant. That all she did were all mere speculations without proof. That all her submissions were all false and incorrect, untrue. Hence, the Defence of Justification does not avail the Defendants.

So also her Defence of Qualified Privilege is refuted and rebutted by the express inference that defamatory publications were actuated by malice, and that it emanated from induct and improper motive. He referred to para 9 of the 1st Defendant's Reply to Claimant's Defence to Counter-Claim where the 1st Defendant claimed that it was her duty and act of qualified privilege to report the Claimant to the Presidency through the Petition she wrote. That her action was not born out of duty, but express malice against the Claimant as can be seen in **EXH 1.**

That the Petition and other publications, as seen in **EXH 2, 4 & 5**, were not done out of duty or as an act of qualified privilege, but out of pure and innate malice. The Claimant Counsel referred to the cases of:

Concord Press Nig Ltd & Ors V. Asaolu
(1999) LPELR – 5520 (CA)

Bakare & Anor V. Ibrahim
(1973) LPELR – 710 (SC)

That **EXH 1 & 3** sent to the Claimant by the 1st Defendant proves ill-will against and towards the Claimant. It also

shows that the 1st Defendant had a corrupt and wrong motive for causing the publication of **EXH 2, 4 & 5.** That the Claimant had proved that there is no justification for the said publications, all of which are untrue, as the 1st Defendant has no proof of their content before this Court or anywhere else.

That the 1st Defendant is hell-bent to inflict injury on the person of the Claimant by the publication of a purported privilege communication between the 1st Defendant and the President. They referred to Para 65 of the Statement of Defence/Oath of the 1st Defendant where she claimed that the publication of **EXH 2** was on the IT Portal of the Ministry of Foreign Affairs. That such portal is not the address of the President, and not the right and proper portal to publish such information.

That she used the privilege communication for purposes other than the call of duty, out of corrupt and wrong motive with the sole aim to injure the Claimant. Again, that it is not qualified privilege for the 1st Defendant to cause **EXH 4 & 5** to be published by the 2nd & 3rd Defendants in this case.

That from the whole evidence it is clear that the 1st Defendant has shown malice towards the Claimant by virtue of **EXH 1 & 2.** That she cannot therefore rely on the protraction of qualified privilege, because she acted beyond the call of duty, and out of a corrupt and wrong motive. They urged this Court to so hold.

On Issue of Defence of fair comments, the Claimant Counsel submitted that there is no defence of fair comment as the comments which defamed the Claimant are incorrect, factually speaking, in this case, going by **EXH 2, 4 & 5** as well as all the other documents tendered by the 1st Defendant were mere speculation without proof. That the 1st Defendant equally confirmed same under Cross-examination. They submitted that the Claimant, having confirmed that all the allegation are untrue, that the Defence of fair comments cannot avail the Defendants, especially the 1st Defendant. They urged Court to decide the Issue No. 2 in their favour, and hold that, based on the evidence before this Court, the Defendants have not successfully raised any Defence to the defamatory publications made against the Claimant to prevent the grant of claims of the Claimant.

On Issue No. 3 – whether the Oath and Further Oath of the 1st Defendant ought not to be expunged from the Court's record in this case for being invalid, the Claimant submitted that the 1st Defendant did not validly depose to the Witness Statement on Oath before the Commissioner for Oath on 23rd January, 2024 or 6th February, 2024, because she was not in Nigeria on the said dates, and had applied for leave to give evidence electronically. They referred to **S. 11 of the Witness Oaths Act, 2004** as well as **S. 110 of the Evidence Act.** That where a Witness like the 1st Defendant does not depose to Witness Statement on Oath in the presence of Commissioner for Oath or other Oath takers, that such Statement is defective, invalid,

incompetent, and inadmissible. That the 1st Defendant was out of Nigeria on the days she claimed she swore to the Oaths before the Commissioner for Oath, which is contrary to the provision of **S. 112 of the Evidence Act,** and as such her deposition is statutorily invalid, incompetent, and inadmissible, having not been sworn before the Commissioner for Oath. They urged Court to so hold, and expunge same from the Court's record. They referred to the case of:

Erokwu & Anor V. Erokwu
(2016) LPELR – 41515 (CA)

They urged Court to decide Issue No. 3 in the Claimant's favour, and hold that the Witness Statement on Oath of the 1st Defendant is invalid, and also to expunge it from the Court's record in this case.

On Issue No. 4 – whether the 1st Defendant filed her Reply to the Claimant's Defence to the Counter-Claim within the prescribed time as provided by the Rules, the Claimant Counsel submitted that it was not filed within the time frame provided under the Rules. He further submitted referring to **Order 18 Rule 1 Former Rule 2018.**

That the 1st Defendant ought to have replied within 7 days from the day of service of the Defence to the Counter-Claim as she received it on 24th January, 2024, but responded on the 6th February, 2024, more than 7 days after, hence, it was out of time. That the 1st Defendant failed to regularize same having filed out of time. They referred to the cases of:

Adeagbo V. Jinadu
(2022) LPELR – 56847 (CA)

Ogundana & Sons Trading Company Nig. Ltd & Anor V. First Bank of Nigeria PLC
(2019) LPELR – 48517 (CA), where Court held that such documents filed out of time without leave for extension of time does not exist in the eyes of the law.

They urged Court to hold that the Reply by the 1st Defendant, having not been regularized, does not exist, and ought to be discountenanced as it is not a Process before the Court. They urged the Court to so hold, and to decide the Issue No. 4 in Claimant's favour.

On Issue No. 5 – on validity of the Writ and Pleadings of the Claimant, they submitted that the Writ and Pleadings are valid and competent, and that they are in total compliance with the Rules of this Court. They urged Court to discountenance the argument and submission that leave ought to have been obtained, the other Defendants not juristic persons, that the Writ violated **SS. 97, 98 & 99 of the Sheriff and Civil Process Act CAP S9 LFN, 2004.** That the Claimant did not swear to Statement on Oath which accompanied the Originating Process.

On the Issue of leave of Court not obtained, the Claimant Counsel submitted that it is not the narrative in this case as the Address of Service of the Process is, Director Admin, Ministry of Foreign Affairs, 3 Arms Zone, Abuja. Hence, no need for leave of Court to be obtained.

That the 1st Defendant admitted that she is a staff of the Ministry of Foreign Affairs in paragraph 2 of her Statement of Defence, appointed as an Ambassador/High Commissioner. That the known address of the 1st Defendant is within jurisdiction. He referred to the case of:

Potterdam V. Ofelly Agro Farms & Equipment Co. Ltd & Anor
(2013) LPELR – 20706 (CA)

That the Court of Appeal in that case held that there was no point seeking leave before service of Writ of Summons as the address in the Writ of Summons is within jurisdiction of the Court. They urged the Court to so hold in this case.

That lack of physical Address for Service of the Writ of Summons on the 2nd – 3rd Defendants is a mere irregularity, and that the 1st Defendant has no locus standi to agitate the point on behalf of the said 2nd – 5th Defendants.

That the 2nd & 3rd Defendants received the Writ of Summons, and entered appearance before this Court. That besides, there are only 3 Defendants – 1st, 2nd & 3rd Defendants. That by Notice of 14th June, 2023 filed by the Claimant's Counsel, the former 2nd & 3rd Defendants – information Nigeria and Gbenga Odunsi were discontinued as Defendants from the Suit after they entered appearance. They referred to the case of:

Zakirai V. Mohammed & Ors

(2017) LPELR – 42349 (SC) where the Supreme Court decided on who can complain against non-service of Court Process on a party.

They urged the Court to hold that the 1st Defendant cannot cry more than the bereaved on the service of Originating Process on the 2nd & 3rd Defendants. That the proper parties to complain are the said former 2nd & 3rd Defendants not the 1st Defendant. He referred to the case of:

Obe V. Abubakar & Ors
(2023) LPELR – 59563 (CA) Pg. 6 – 7 Para B – B

The Claimant Counsel also referred to **Order 5 Rule 1 & 2 of the FCT High Court Rules** which provides that failure to comply with the requirement of the Rules in beginning a Process will not nullify the Proceeding as such is mere irregularity.

That **EXH 7 –** Letter of Dismissal of the 1st Defendant from Federal Service, and the allegation by the 1st Defendant that the Claimant knew her whereabout, that it is not true as the Claimant is not a clairvoyant to know the 1st Defendant's whereabout before the Suit was filed. Again, that **EXH 7** supports the contention that the Address endorsed on the Writ of Summons was the last known address of the 1st Defendant. That the Claimant endorsed the Writ of Summons with the last known address of the 1st Defendant within the jurisdiction of this Court. That the 1st Defendant's submission should be discountenanced. They referred to **Order 4 Rule 8 of the High Court Rules, 2018**

where Court held that where a Writ does not state an Address for service, it should not be accepted by the Registry. Where an address is fictitious or misleading, Court may, on application of the Defendant, set the Process aside. That the 1st Defendant did not bring an application contesting the Address of service of the Process on the face of the Writ of Summons on the 4th & 5th Defendants. She did not also plead same in her Defence.

Again, that the Claimant filed Motion Ex-parte on 13th January, 2023, for service of the Processes on the Defendants by substituted means, and it was granted by Enenche Eleojo J. (now JCA). That the Order has not been set aside, vacated or appealed against. He referred to the case of:

Babatunde & Or V. Olatunji & Ors
(2000) LPELR – 697 (SC)

They urged Court to hold that the Claimant does not require leave of Court to serve the Writ of Summons on the Defendants in any other manner. They also urged the Court to discountenance the argument of the 1st Defendant for lacking in merit.

On the 4th & 5th Defendants not being juristic persons capable of being sued in law, the Claimant Counsel submitted that the 4th & 5th Defendants are now the 2nd & 3rd Defendants after discountenance of the Suit against the former 2nd & 3rd Defendants. That the argument of the 1st Defendant is misleading and misconceived.

That parties are bound by their pleadings, and where there is no denial of a fact that has been asserted, then, issues have not been joined. He referred to the following cases:

Okonkwo & Or V. Kpajie & Ors
(1992) LPELR – 2483 (SC)

Edjekpo & Or V. Osia & Ors
(2007) LPELR – 1014 (SC)

Mohammed V. Gbugbu & Ors
(2018) LPELR – 44494 (CA)

Awoniyi & Ors V. Registered Trustee of Amorc Nig.
(2000) LPELR – 655 (SC)

where Court held that issues not canvassed in the Process, but raised in Final Written Address, and had not been pleaded, cannot be entertained by Court in its Judgment, as the full facts are not before the Court, as such facts cannot find its way into the case. They referred to the case of:

Ajoke V. Oba & Anor
(1962) LPELR – 25095 (SC)

That those issues raised by the 1st Defendant were not pleaded nor canvassed. That the 1st Defendant did not contest or join issue with the Claimant on the issue of non-juristic person when she was at liberty to raise them, but did not. That she cannot therefore raise such issue during Final Address where she did not raise them in her pleadings. They referred to **Para 8 & 9** of the Statement of

Claim where the Claimant described them as Online Electronic Newspaper. He urged Court to so hold.

On the Issue of the Writ of Summons violating **S. 97 – 99 of the Sheriff and Civil Process Act,** the Claimant Counsel submitted that the Writ of Summons did not violate the said Sections of the Sheriff and Civil Process Act. That the said **Sections 97 – 99 of the Sheriff and Civil Process Act** is not applicable in this case because the address of service endorsed on the face of the Writ of Summons falls within the jurisdiction of this Court. He referred to the case of:

F.B.N V. Kolo
(2021) LPELR – 56082 (CA)

Where Court held that such can only apply where the Writ of Summons is to be served outside the State where it was issued. But that in this case the Writ of Summons was not marked 'concurrent', and the address for service of the Writ of Summons was provided by the Claimant He urged the Court to so hold.

On the Issue of the Claimant not sworn to the Witness Statement on Oath accompanying the Originating Process, the Claimant Counsel submitted that the argument of the 1st Defendant is misleading and highly misconceived. That the Claimant stated that he was a serving Minister as at the time he filed the Suit, and that the 1st Defendant equally admitted that fact in her Statement of Defence and Witness Statement on Oath that the Claimant was the Minister of Foreign Affairs from November, 2015 to May

2023. That she equally confirmed the Claimant as a recognized public person. Hence, the identity of the Claimant was not in question. Again, that fact admitted need no further proof. Again, that facts not specifically denied in the pleading of opposing party shall be taken to be admitted. He referred to **Order 15 Rule 5 of the High Court Rules, 2018,** and the case of:

Achilihu & Ors V. Anyayonwu
(2012) LPELR – 20622 (SC)

That the 1st Defendant had admitted the identity of the Claimant, and having not laid evidence to challenge the identity of the Claimant or tender any evidence to debunk or refute same, she cannot subsequently challenge same at Final Address having admitted that fact in her own pleadings. He referred to **S. 124 (1) of the Evidence Act, 2023.**

He submitted that the 1st Defendant is precluded from challenging the identity of the Claimant in that regard. She is therefore estopped from raising the challenge of his identity

He urged the Court to hold that the Claimant had filed the Suit seeking damages.

That the Claimant has laid credible evidence before this Court to prove the case of Defamation against the Defendants, but that the Defendants has failed to raise any formidable Defence to the Claimant's claims.

That the Claimant discharged the burden of proof reposed to him by the law. He urged the Court to grant all the claims, and dismiss the Counter-Claim as the 1st Defendant/Counter-Claimant could not establish the Counter-Claim, and did not defend the Suit of the Claimant.

On her part, the 1st Defendant filed a Final Written Address and Reply to the Final Written Address filed by the Claimant. The 1st Defendant testified via zoom, and she was Cross-examined by the Claimant Counsel.

In the Final Written Address the 1st Defendant raised 12 Issues for determination, most of which are preliminary in nature – Issue of service of Process on the parties, and competency of the Suit, service of Process on the parties outside jurisdiction, the 1st Defendant's right to be heard, miscarriage of justice, and whether the Claimant has established a prima facie case against the 1st Defendant. Also, whether service was effected on the 1st Defendant, and whether the 2nd & 3rd Defendants can be sued as they are not persons known to law, the Claimant being a credible and reliable Witness.

It is imperative to state that most of the Issues raised as to service of Process on the 1st Defendant and the 2nd & 3rd Defendants as well as issue of jurisdiction, competency of the Suit, and invalidity of the Suit, issue of non-compliance with the provisions of **S. 97 – 99 of the Sheriff and Civil Process Act** as well as the provision of **Order 2 (2)(6), Order 4(7), Order 6 (9), Order 8 of the FCT High Court**

Rules, expiration of the Writ, right to fair hearing, miscarriage of justice, have all been dealt with in the numerous Rulings of this Court delivered in the course of the Proceeding. The Court refers and relied on the said Rulings as if they are set hereunder seriatim, and they form part of this Judgment. So since the Court had delivered its Rulings on those Issues – Issues No 1 – 10, the Court will not repeat them here detailedly. The Record of Proceedings of this Court in this Suit refers. So the Court will in turn determine whether the Claimant had established a prima facie case against the 1st Defendant, and whether the Claimant is a credible and reliable Witness.

Taking Issue No. 1 & 2 together – whether leave was sought and obtained before the Processes were served on the 1st Defendant, and whether the Suit and the Proceedings are not liable to be set aside, the 1st Defendant submitted that leave was not sought and obtained, and that the Suit is liable to be set aside. That the 2nd – 5th Defendants were not served too as their addresses are not known.

That the service of the Processes through the Director Admin, Ministry of Foreign Affairs, was wrong. She urged the Court to set aside the Proceedings. She referred to and relied on the following cases:

Diokpa Francis Onochie & Ors V. Ferguson Odogwu & Ors (2006) LPELR – 2689 (SC) P. 25 Para B – D

MTN V. Oba Raphael Sunday Are & Ors (2014) LPELR – 23807 (CA) P. 24

She submitted that the condition precedent was not followed in the issuance of the Writ of Summons, as the address of the Defendants on the Writ of Summons are fictitious. That the Writ of Summons is invalid, null and void, and should be set aside.

On Issue No. 3 – the 2nd – 5th Defendants being capable of suing or being sued, she submitted that they are not, as they are non-juristic persons, and cannot be sued under Nigerian law. She referred to the cases of:

Registered Trustee of Acts of the Apostle Church V. Mrs Fatunde & Ors
(2022) LPELR – 58740 (CA) 31 – 33

Elder Akpan & Ors V. Rev. Nse Umoren & Ors
(2012) LPELR – 7909 (CA) Pp. 16 -17

She urged the Court to decide Issue No. 1, 2 & 3 in her favour.

On Issue No. 4 – on whether the Suit is liable to be set aside because of failure to comply to **S. 97 – 99 of the Sheriff and Civil Process Act** as well as the provision of **Order 2 (2)(6), Order 4(7), Order 6 (9), Order 8 of the FCT High Court Rules,** she submitted that the Writ of Summons was not marked as required by the Rules. That failure to properly mark the Writ of Summons makes it incompetent, and that non-service outside the jurisdiction of the Court is fatal to the Suit. She urged the Court to so hold.

On Issue No. 5 to 7 – on jurisdiction of the Court making an Order against the 1st Defendant, on substituted service of Process on the 1st Defendant, and the Suit being liable to be struck out, the 1st Defendant submitted as follows taking all the 3 Issues together:

That the Claimant misled the Court to grant an Order for substituted service of Process on the 1st Defendant who is outside jurisdiction of the Court and the 2nd – 3rd Defendants who are non-juristic persons, and that the Suit ought to be set aside. He referred to the case of:

Alh. Abdulkadir Abacha V. Kurastic Nig. Ltd
(2014) LPRLR – 22703 (CA) 79 – 80

That the service so effected as the substituted service can only apply where personal service within jurisdiction cannot be effected. She submitted that the Proceedings of the Court should be set aside for improper service of the Originating Processes on the Defendants. She relied on the case of:

Tayo Olusola V. Tirimisiyu Bello & Ors
(2014) LPELR – 24417 Pp. 33 – 35

That the Court did not set aside Order for substituted service earlier made, and ordered that the 1st Defendant be served via WhatsApp. That the Order was made by Court suo motu.

She urged the Court to nullify and set aside the service of the Process **S.G. Kekere-Ekpe Esq.** and the Proceedings of

the Court for lack of proper service of the Originating Process on the Defendants. She relied on the case of:

Sken-Konsult V. Godwin Secondy Ukey
(1981) LPELR – 3072 (SC) Pp. 20 Para E – B

She urged the Court to decide Issues No. 5 to 7 in her favour.

On Issue No. 8 – whether an expired Writ of Summons can birth proper service, she submitted that it cannot. That the Process was not properly served on her, and that it was issued on 13th January, 2023, and had expired.

That the service of the Writ of Summons on the 1st Defendant's Counsel, **S.G. Kekere-Ekpe Esq.** and **Richard Aneke Esq.** is null and void. She urged Court to so hold.

She urged the Court to hold that it has no jurisdiction to hear the Suit, and that the Suit is not competent.

On Issue No. 9 – on the 1st Defendant not given fair hearing and adequate time & facility to defend the Suit, she submitted that she was not given fair hearing and adequate time to defend the Suit. Hence, the matter should be struck out, and the Proceedings of the Court should be set aside. She referred to **CAP 4 – S. 36 of the 1999 Constitution of the Federal Republic of Nigeria** (as amended) as well as **S. 98 of the Sheriff and Civil Process Act.**

That she was not given up to 30 days to file her Processes as provided by the Rules as the period fell within vacation as she had only 21 days period.

That **Aneke Richard Esq.** collecting the Writ of Summons from **S.G. Kekere-Ekpe Esq.** shows that the 1st Defendant was not served. She referred to the case of:

Sken-Konsult V. Godwin Secondy Ukey Supra

She urged the Court to hold that there is miscarriage of justice against her, and to resolve the Issue No. 9 in her favour.

On Issue No. 10 – on miscarriage of justice against the 1st Defendant, she submitted that there was miscarriage of justice by virtue of breach of the extant provisions of the **Sheriff and Civil Process Act** and **High Court Rules.** She repeated all her submission in Issue No. 1 – 9. That Court failed by adjourning the case for Final Written Addresses, and allowing the Claimant Counsel to respond to the Preliminary Objection/Motion by the 1st Defendant during Final Written Addresses.

Note:

It is imperative to note that even the 1st Defendant Counsel in their Final Written Address pointed out at **P. 35 of her Final Written Address that they have repeated all they did before in Issues 1 – 9.**

On Issue No. 11 – whether the Statement on Oath of the Claimant is to be relied on or used by this Court.

Please Not:

That in the issues listed for determination, that the Issue No. 11 as contained in **Pg. 35** of the 1st Defendant's Final

Written Address was not listed on **Pg. 9** of the Final Written Address.

In **Pg. 9** Issue No. 11 is on whether the Claimant has established prima facie case against the 1st Defendant. While in **Pg. 35** it is on:

> **"Whether there us any Witness Statement on Oath for the Claimant to be capable of being relied on or be used by this Honourable Court, or whether the adoption of the said Witness Statement on Oath is not liable to be set aside."**

It is imperative to state that the above as quoted was not listed as Issue for determination. However, the Court will summarize it.

She submitted that in the Claimant's Oath, Hon. Geoffrey Onyeama, while in Court, the Claimant said that he is George Jideofor Kwusike Onyeama. That the two (2) names are not the same. That the person who swore the Oath is different from the person who appeared in Court. She urged Court to strike out the Witness Statement on Oath based on the discrepancies.

On whether prima facie case of libel has been established against the 1st Defendant, she submitted that no prima facie case has been established against her. That no publication was made by the 4th Defendant – **Akelicious Media Company** against the Claimant, and that none was traced that the 1st Defendant made them to publish what is alleged. That the publication by the 2nd & 3rd Defendants –

Information Nigeria and Gbenga Odunsi registered on 17th September, 2021, which contains the libelous publication – statements were not authored by the 1st Defendant. That they stated that their publication was based on sources from some senior staff of the Ministry.

That it is the Claimant that defamed the 1st Defendant by false accusation. She urged the Court to award cost of **₦5, 000,000.00 (Five Million Naira)** only against the Claimant, and to dismiss the case against the 4th Defendant – **Akelicious Media Company.**

On the documents – Exhibits tendered by the Claimant against the 1st Defendant starting from **ECXH 1 & 3 –** Messages/SMS of 21st May, 2021 and that of 30th July, 2021, all sent by the 1st Defendant, she submitted that the messages were to the Claimant alone. That the contents are not libelous, and not published to a third party.

That the Claimant stated that issue of Visa racketing is under investigation. That the documents are not part of the documents that the Claimant complained of containing libelous content.

That she has been reporting malfeasance in the Ministry to the Claimant long before then and after. She urged the Court to hold that **EXH 1 & 3** are non-issue and not libelous as they were not published to any other person.

On EXH 2 – the Petition written by the 1st Defendant dated 24th June, 2021, written in her capacity as an Ambassador, she submitted that it is on the conduct of the Claimant as

a Minister, and not in a private capacity. That the Petition followed official channel. That it was copied to the Vice President, Chief of Staff to the President, Attorney General of the Federation, and Chairman House Committee on Foreign Affairs. That by paragraph 22 of the Petition – **EXH 2,** it is clear that there is no malice as alleged. That she copied all those 11 persons because she has a legal arm and moral duty to communicate these issues to the person who has corresponding interest and duty to receive the said complaint.

On **EXH 4** – Online Publication by the 2nd & 3rd Defendants dated 17th September, 2021, which is one of the publications containing the alleged libelous Statements, was not authored by the 1st Defendant. That they attributed their source to senior Officer in the Ministry but she was not there at the time of the publication.

That **EXH 5 –** Online Publication of the 3rd Defendant dated 4th November, 2024. That the Claimant did not show any Paragraph of the publication that is untrue. That the Claimant did not prove defamation.

On **EXH 6 –** Publication by Akelicious and Gbenga Odunsi, she submitted that the information was sourced from the Ministry, and from Proceeding of the National Assembly which are places with authority, Legal and moral duty to receive the Petition of the 1st Defendant. That the Claimant failed to show that the 1st Defendant published the libelous materials. The said persons were not parties to the case after the Claimant dropped the case against them.

That the Claimant did not identify the actual words that defamed him, and as such defamation remains elusive. That the only thing the Claimant tagged as an insult was the WhatsApp message warning the Claimant of the dire consequences of taking no action with regards to Visa racketing in the Ministry.

That she sending copies of her report to the President is evidence of her transparency.

On Qualified Privilege, she submitted that the utterances of the 1st Defendant which was not the publication complained of are all qualified privileges, and matter of common interest by virtue of her being an Ambassador, and to the National Assembly, the President, and Claimant. She referred to the case of:

Hunt V. Great Northern Railway
(1891) 2 Q.B 191

Gwa V. Ajayi & Ors
(1992) LPELR – 14922 (CA)

That the Claimant failed to prove the main ingredients of defamation – liable and slander. That he could not point out any single statement published by the 1st Defendant which is libelous. He could not show any statement that is false. That the alleged libelous statements were made against the Foreign Affairs Ministry and not against the Claimant. She urged the Court to so hold.

In her submission in her Counter-Claim she raised further Issue for determination which is:

"Weather going by the documentary evidence tendered by her, she has proven that she did not defame the Claimant or whether they 1st Defendant has exposed the Claimant to ridicule by exhibiting hitherto hidden psychiatric problem by assuming the identity of several human and non-human entities in this Suit."

The 1st Defendant referred to **EXH 8 – 30** which she tendered. That the documents has portrayed Claimant as not learned in rudiments of the running of Ministry of Foreign Affairs in his 8 years as Minister. That the Claimant did not challenge the evidence she provided during trial.

That the Claimant waged war against her, seizing her files, got Court Order to serve her Process, procuring fake Dismissal Letter which he tendered in Court, all to tarnish her image and reputation, and institute this action against her though he knew that the 1st Defendant is not the publisher of the alleged libelous materials.

That though there were other Defendants in this Suit, it is obvious that the Claimant targeted her only as the other Defendants were never in Court.

On preponderance of evidence in this case, she submitted that the Claimant failed to nail her to any of the publications. that he received accolade from President Buhari, and was given national award, and that he was paid all his entitlements when he completed his tenure as a Minister. Hence, he was not ridiculed. That the Claimant

Counsel never challenged any of the contents of the publications or proved any defamatory content. She refers to the case of:

Ologe & Ors V. News Africa Holdings Limited
(2013) LPELR – 202181 (SC) 109.

That the publication of official reports to the Claimant and former President among other taxpayers funded agencies cannot be considered defamatory. That her letter to the President or the Claimant cannot be considered defamatory as those copied in the letter cannot be classified as third parties. That everything in the Petition was proven true. That her report fall under qualified privilege and duty.

That granting the Claimant his Reliefs in this case will amount to creating a new paradigm for defamation. That she had proved with her evidence that the Claimant was never defamed. She urged the Court to award cost to her against the Claimant – cost of legal services totaling **₦15, 000,000.00 (Fifteen Million Naira).** Also **₦208, 000,000.00 (Two Hundred and Eight Million Naira),** and **$160, 000 US Dollars** at the rate of **₦1, 300 (One Thousand Three Hundred Naira)** as opportunity cost of her labour dedicated to the pursuit of this case since July 2023.

₦2, 000,000,000.00 (Two Billion Naira) for emotional trauma, and Court to punish the Claimant for perjury, and for making an Enenche J (now JCA) to grant Claimant the Order for substituted service of Process in this case. That the Reliefs, if granted, will serve as deterrence to others.

That the Claimant has no basis to institute this action against her.

That Court should Order the Claimant to undergo extensive treatment at an appropriate local facility such as at the Federal Psychiatric Hospital in Enugu as swiss treatment no longer appears to be working on him. She urged Court to dismiss the Suit with prejudice.

That Court should refund all Court cost paid by the 1st Defendant already, and the cost of providing Zoom which should have been provided by the Court as Court erred in law by imposing cost on the 1st Defendant in order to permit her to access her right to fair hearing as enshrined in **S. 36 of the Constitution of the Federal Republic of Nigeria 1999** (as amended). She urged the Court to grant all her Reliefs and dismiss the Suit.

COURT

In this case, the issue is on allegation of defamation, and the Counter-Claim which is equally on allegation of defamation. It is the law and has been held in plethora of cases that once there is a publication in which a statement has been made which from its contents tends to lower the person referred to in that publication in the eyes of right thinking people, and estimation of the person, boss, peers, staff, and society at large, so much as to make them shun such a person and make them avoid him or her, it is said that the act of defamation has been committed. Such

statement or publication is said to be libelous. See the cases of:

Zabusky V. Adebayo, Doherty
(2013) 2 NWLR, P. 320

Dumbo V. Idugboe
(1983) 2 SC 18.

Once the publication, by the words used, is defamatory and without lawful justification, it is said to be libelous. Where the publication is libelous, it subjects the Defamer to tortuous liability. In that case, the person defamed need not prove special damages. A defamatory letter read only by the Addressee may not be libelous depending on the circumstances of the case. But once the publication, no matter how genuine, it is read by a third party, it becomes libelous, and act of defamation is said to be committed.

Any communication that tends to harm the reputation of a person as to lower him or her in the estimation of his/her peers, other persons, community, or to deter people from associating with that person, be it the person's professional or political colleagues or family members, that amount to defamation/libel.

The defamation need not be in many publications. Once such publication injures in anyway the reputation of that person exposing him to hatred, contempt or ridicule, no matter how slight, it is defamation. Again, once it lowers him or her in the esteem of right thinking members of the society or recognizable people or group, he or she belongs

to, it is said to be libelous. Once such statement tends to injure the person's reputation, no matter how slight, it is an actionable wrong of defamation as long as it can cause fear, contempt and dislike. So where the defamation is not apparent but it is proved, there is evidence showing injurious meaning and/or where it is apparent but not in a statement that is actionable, it is said to be defamation per quod. See the cases of:

Cassel and Co. Ltd V. Broom
1972, AC 1027.

1989 Salmpom on law V. Flort 138 7th Edition

See also **Black's Law Dictionary, 8th edition, pages 488 to 449. 448 to 449**

Where in a libel Suit whether words complained of are capable of conveying defamatory meaning is a question of law and it calls for the decision of the Court. So where the words are capable, then it is for the Court to decide whether the words actually convey a defamatory meaning. So where the words standing alone or taken in connection with the circumstances is reasonably capable of a libelous construction, it is said to be defamatory. See the cases of:

Zabusky V. Debayo, Doherty
(2013), 2 NWLR, PT 320.

Dumbo V Idugboe
(1983) 2 SC 18.

In a libel Suit, the Defence can be protected by Defence of qualified privilege and as such he or she shall be exonerated and he or she can avoid any liability, and he/she can use the qualified privilege as a shield. But where the Defamed can show and establish act of malice, the Defence of qualified privilege is completely destroyed, and the shield of protection is crushed. See the cases of:

Mamman versus Salaudeen
(2005) 18 NWLR (Pt. 958) 478

Basorun V Ogunleye
(2000) 1 NWLR (Pt. 640) 221

Where a person alleged to have defamed another uses a privileged occasion or circumstances for some indirect purpose, it is said to be malicious especially where he or she uses the occasion not for reasons which makes the occasion privileged, but for indirect and wrong motive. See the case of:

Emeagwara V. Star Printing & Publishing Co. Ltd
(2010) NWLR (Pt. 676) 489.

In case of defamation, where there is a Counter-Claim, it is the duty of the Claimant and/or the Counter-Claimant to establish malice. It is a burden they must discharge. It is not for the Claimant or the Defendant to Counter-Claim to establish malice in a Counter-Claim. See the case of:

Dan Agbese V. Plateau Publishing Co. Ltd
(1985) 5 SC 242

World over, costs are awarded against a party as deterrence, and not as punishment. Again, in every case where cost is awarded, the Court must give its reason. Often times in the course of Proceeding, the Court may award cost based on the application of a party. Court can also award cost suo motu depending on the circumstance of the case. In all situation the Court must give reason, and where the circumstance warrant, allow the party affected by the cost to give or show cause why such cost will not be awarded. Again, the quantum of cost awarded is solely determined by the Court after due consideration of the circumstance.

Also, where a party had, by an application, agreed to pay for Zoom session to be heard by whatever reason proffered by that party, and the Court, after due consideration, approved the application, such party cannot turn around to ask Court to refund the cost of the Zoom session which the person/party had in writing applied for, and had agreed to pay. So, it is absurd for a party who had applied for Zoom session to ask the Court for refund. It is an affront and utter disrespect to the Court. Moreso, when such a party is lettered and learned. More absurd is where the party asked the Court to refund the cost expended by such party in doing his case. "Tufiakwa". **See Para 10.07** of the 1st Defendant's Final Written Address**.** Again, the expenses incurred by a party in the course of prosecuting and/or defending a Suit is the responsibility of such a party. The Court refers to the extant provision of the Rules of this Court in that regard.

This court has summarized in great details the submission of the Claimant/Defendant to Counter-Claim as well as that of the Defendant/Counter-Claimant, and it is the humble view of this Court that, based on the evidence and materials placed before me in this case, the Claimant, Hon. Geoffrey Onyeama has proved that he has been defamed as required by law. It is also the humble view of this Court that the 1st Defendant failed to establish her Counter-Claim.

It is also the humble view of this Court that the 1st Defendant-Counter-Claimant, Ambassador Lilian Onoh has not raised any formidable Defence to the case of the Claimant to prevent this Court from granting the Claimants Reliefs/claims sought in this case.

It is also the humble view of this Court that the 1st Defendant Statement of Defence and her Witness Statement of Oath shall not be expunged from the record of this Court because the Court is called upon to do substantial justice and not technical justice, as technical justice does not stand the test of time. Besides, the provision of the Rules of this Court states that omission to do a thing which ought to be done in the course of a Proceeding of a case shall be regarded as mere irregularity once it does not affect the main substance of the case. Besides, the Court has a wide and almost open-ended discretionary power to do justice and nothing but justice, substantially. Besides, to save is better than to kill at all times.

By simple judicial mathematical calculation, the 1st Defendant did not file her Reply to the Claimant's Defence to her Counter-Claim within the prescribed time provided by the Rules of this Court in that regard. So this Court holds. But notwithstanding that the Court takes judicial notice of same in the exercise of its discretionary power and in the overwhelming interest of justice and fair hearing by virtue of the constitutional provision.

On whether the Writ of Summons and pleadings of the Claimant are not valid and incompetent for not being in substantial compliance with the Rules of Court and relevant statutes, it is the humble view of this Court that the Writ of Summons filed by the Claimant on the 13th of January, 2023 is valid, competent, and in substantial compliance with the Rules of this Court and other relevant statutes.

The submission of the 1st Defendant on obtaining leave to serve, the other Defendants not being Juristic persons, and the Writ being in violation of the **Sections 97, 98 and 99 of the Sheriff and Civil Process Act** as well as the 1st Defendant's submission that the Claimant did not swear to the Witness Statement on Oath which accompanied the Originating Process, are all highly misconceived, and a misrepresentation of real facts and law, and deceivingly incorrect, and without substance. So, this Court holds. It is clear that the address of service at the face of the Writ is within the jurisdiction of this Court, and need no leave to serve within the jurisdiction. The Court refers to the extant provision of the Rules of this Court on service of Court

Processes where address of service is within jurisdiction. Besides, since online publication can be read from anywhere in the world, once there is access to internet, and service of Process on such persons is best done by sending Court Processes to the site of such outfit. The Court does not need leave to serve any online company or its operator as they are everywhere their publication can be read. Their information is in the cloud, so Court need not obtain leave to serve them Court Processes. They can also be sued and can sue hence assumed the cloak of human person. Such Suit is based on the outlet as a company, and those who give skeleton and flesh and blood to such outfit further make the online publisher to be liable and "culpable" since they do the action as human persons for such companies. Besides, with the advent of AI and fast moving internet systems, the world has transcended beyond the stage of insisting on taking action only against companies that has known physical addresses and/or for service of Process on those companies in the said addresses. These days, service of Process on Banks can be done in any of the branches of the Bank nationwide. Service of a Process in a foreign company can be effected via online since such outfit can receive payments, conclude deals, and/or administer and manage their affairs online, and relate legitimately with other companies and their branches. Such services need no application for leave to be effected. Same is applicable to online Newspaper media and publishers online outlets just as in this case.

The 1st Defendant's plan and submission to anchor on such weightless Defence cannot avail her. The Court holds that there is no need for leave to be obtained before the service of the Process on her and the other Defendants. So the service effected is proper. The submission of the 1st Defendant is misconceived and an abuse of Court Process, and waste of time. So this Court holds. The exact provision of the Rules of this Court allows service of Process electronically.

It is the humble view of this Court that the service of the Process on the 1st Defendant via a Counsel **S.G Kekere-Ekpe Esq.** who announced appearance for her, is proper service on the 1st Defendant. Besides, the address for service is on the Process. Hence, the statement by the 1st Defendant that there was no proper service is highly misleading and deceivingly misconceived. So this Court holds that the 1st Defendant was properly served with Court Processes in this case. Court refers to its Record of Proceedings.

In answer to the questions raised by the 1st Defendant under Final Written Address, it is imperative to state that most of the questions raised if not all in the Final Written Address of the 1st Defendant had in one way or the other been dealt with by this Court in the course of the Proceedings, in the numerous Court Rulings on the 8 – 9 applications filed by the 1st Defendant. The Court refers to all the reasons in the Rulings (**which are more than ten**) as part of this Judgment, as if they are set hereunder seriatim as applicable. The Court will not elucidate on

them again. The Court further answers the other questions raised by the 1st Defendant thus:

So it is the humble view of this Court that the Writ in this Suit is not invalid. The Writ is also NOT liable to be set aside because it is totally in compliance with the Rules and provision of the Sheriff and Civil Process Act. So this Court holds.

The Information Nigeria, Akelicious Media Company (Akelicious Net) and Newswire Law and Events are capable of being sued since they are known online media outfits. So also the other Defendants, so this Court holds.

The Court also holds that the Proceedings in this Suit complied with the provisions of **Section 97, 98 and 99 of the Sheriff and Civil Process Act** and all the extant Rules of this Court. The Court holds that there was no need to mark the Writ as concurrent. There was no need to endorse the Writ as the address for service is within the jurisdiction of this Court.

The period within which the 1st Defendant was to file and serve her Process was ample enough and complied with the provision of **Sections 99 of the Sheriff and Civil Process Act** bearing in mind that the Process was served on her more than 30 days as required by law, and she was given more than enough time – (two months), to reply. Besides, there were many adjournments given to the 1st Defendant to file and reply to the Processes served on her. The Court refers to the Record of Proceedings from 3rd July, 2023 till September 2023.

This Court has right to exercise jurisdiction as it did as the address of service of the Writ on the 1st Defendant is within the territorial jurisdiction of this Court.

The Order for substituted service made in this case is proper and not liable to be set aside as the Court has jurisdiction to make Orders whether sought for or not in the interest of justice of the case as the circumstances warrants, particularly when such Order is to enable and aid a party to exercise his/her constitutional right to fair hearing; which is why the Order for substituted service was made in the first place. All is to ensure that no stone is left unturned in ensuring fair hearing for the 1st Defendant. Such substituted service is not liable to be set aside. So this Court holds.

Furthermore, it is the humble view of this Court that the 1st Defendant was severally served the Originating Processes in this Suit both through the numerous lawyers who represented and announced appearances on record for her and through the substituted means. That is why she had lawyers who represented her in Court, though she discarded most of them along the way as can be seen in the Record of Proceedings. So this Suit is NOT liable to be struck out in that regard. So this Court holds.

To start with, the Writ of summons in this Suit did not expire as the 1st Defendant had erroneously and blindly argued. So this Court holds. The issue of expiration of the Writ had equally been sorted out in one of the numerous Rulings delivered by this Court. The 1st Defendant was duly

served. That's why she had counsel representation before the Court throughout the Proceedings. Again, the Court adjourned the matter severally in order to ensure that she was heard.

On whether she was given fair hearing, the Record of Proceedings of the Court refers. All the applications filed by the 1st Defendant were heard, and Ruling delivered. The Court had adjourned for Final Written Address after the Claimant had long closed his case, and after he was recalled. He was cross-examined, and because there was no Defence filed by the 1st Defendant, the matter was adjourned for Final Written Address. Up till the date of adoption of Final Written Address, the 1st Defendant did not file her Defence. The Court indulged her, adjourned the Final Written Address, and allowed her to open her Defence/Counter-Claim. Meanwhile, she had Counsel representation who Cross-examined the Claimant's Witnesses. Not minding the belatedness in 1st Defendant filing her Defence, the Court still allowed her time even after her Counsel had promised to do the needful by filing the Defence but failed on several occasions. The Court refers to the Record of Proceedings of this Court in this Suit.

It is imperative to state that fair hearing is a constitutional right, but it is not an open cheque that the drawee can fix any amount she likes on any currency of her choice and cash at any bank of her choice. It is a sacred provision of our Constitution and like any other provision, it should be enjoyed within the ambits of the law and the Constitution

so as not to lose its legal efficacy and defeat the very aim with which it was provided. The 1st Defendant was accorded all her rights to fair hearing and more, a fact she knows very well and cannot deny.

She was given adequate facilities to defend her case including approval for Zoom session which she agreed to provide. The Court refers to her letter to that effect. There was no breach of her right in that regard.

As already stated above, it is the humble but firm view of this Court that the Claimant, Hon. Geoffrey Onyeama, established a prima facie case of defamation against the 1st Defendant and the other Defendants in this Suit. The Claimant is also a credible and reliable Witness. He established the case against the Defendants through his own evidence and testimonies as the PW1, and the evidence and testimonies of the PW2 as well as the documents which he presented before this Court as **EXH 1 – 7.** So this Court firmly holds. The 1st Defendant and the others exposed the Claimant to ridicule, hatred, and tarnished his reputation by the publications and interview which the 1st Defendant granted, and the other Defendants published.

In answer to the further Issues raised by the 1st Defendant in her Counter-Claim, the 1st Defendant, Ambassador Lilian Onoh, has not proven her Counter-Claim and as well as she did not prove that the Claimant/Defendant to Counter-Claim defamed her. It is clear that she is the one who exposed the Claimant to ridicule and continued to do

so even in her write-up in her Final Written Address as can be seen in this case. So this Court holds. Again, Defence of Privilege has not covered her.

If actually the 1st Defendant's action – letter to President Buhari and her interview were based on privileges, why did she bring the issue of the first Claimant's divorce to her sister? It shows that her grouse is clear that she has probably not forgiven the Claimant for divorcing her sister several decades ago, going by the way she has preffered to line of divorce in her submission. Besides the Claimant had in his testimony, and as confirmed by the 1st Defendant, stated that the 1st Defendant was made an Ambassador during the time the Claimant was in office as a Minister of Foreign Affairs.

Having answered the questions raised by the 1st Defendant, let me analyze the documents tendered in proof of the case.

Well, as I had stated, the Claimant had proved the case against the Defendants by the testimonies and documents tendered before this Court. It is the law that to prove defamation there must be publication of statement in permanent form content of which is defamatory. See the case of:

Chilkled Security Service V. Schlunberger
(2018) LPELR – 44391 (SC)

The Claimant tendered **EXH 1 to EXH 5**, all of which are publications made by the Defendants. See **EXH 1**. He tendered **EXH 1 & 3,** the WhatsApp chat messages in

which the 1st Defendant forwarded the letter to the Claimant. There were messages where the 1st Defendant threatened war, Messages of 25th May, 2021; 30th June, 2021 as well as 31st July, 2021. The 1st Defendant did not deny those messages.

The Claimant equally tendered **EXH 2**, a letter to President Muhammad Buhari, which was addressed through the then Secretary to the Government of the Federation, Boss Mustapha. In further proof of the case against the 1st Defendant as well as the other Defendants, the Claimant tendered the published interview granted by the 1st Defendant to Newswire Law and Events Magazine, titled **"National Assembly V. Geoffrey Onyeama, a huge significant step to stein unbridled looting by the Minister."** That document was tendered as **EXH 5.**

Again, in further proof of the case against the 2nd Defendant, Akelicious Media, the Claimant tendered **EXH 4**, the publication by the online media written by Gbenga Odunsi in Lagos. The document – **EXH 4** is titled **"Nigerian Foreign Minister Onyeama accused of treason, sabotage (document)."** It was published on the 17th of September, 2021. The **EXH 5** was interview conducted on 4th November, 2022. So on the ground of evidence of publication to prove defamation, the Claimant has scaled that hurdle judicially speaking. Besides, the 1st Defendant and the other Defendants did not deny making the publications and/or granting the interviews.

A look at the captions of the publications, both in **EXH 1** and **3** and **EXH 2**, **4,** and **5** shows that the name of the Claimant was mentioned in all the documents bearing the publications. It is so much so that there is no doubt that the publication referred to him.

The Claimant was able to show that by content, the publications were defamatory of his person, and obviously lowered him in the estimation of all who read them, and who had access to him, his peers, community, his colleagues, staff, fellow Ministers, his Boss, President Buhari, and in the eyes of all the 11 Dignitaries who were copied with the letter to President Buhari and who the letter was addressed to personally. They include the former Vice President, Professor Yemi Osinbajo, former Chief of Staff to the President, Professor Ibrahim G., Mr. Shehu Malami, the Attorney General of the Federation, Hon. Baba Yakubu, the Chairman House Committee for Foreign Affairs, the Director General NIA, and Director General DSS, Baba Gana Mungono, N.S.A Abdulrasheed Bawa, Chairman EFCC, Bolaji Owasanoye, Chairman ICPC, Professor Muhammad Isah, Chairman Code of Conduct, as well as all Nigerian Mission and the Ministry of Foreign Affairs.

By the wide reach of the circulation of the letter, **EXH 2** particularly, all Nigerian Missions and the Ministry itself, it is clear that the letter **EXH 2** was deliberately made to be read by several third parties both at home and outside Nigeria, which is another point to prove that the publication whether by letter, **EXH 2**, or by the online

media, **EXH 4 & 5** were meant to ridicule, debase, insult, and lower the reputation of the Claimant. It was also fraught with malice going by its content. That is why it has that wide circulation and why the 1st Defendant copied all those listed therein. The submission of the 1st Defendant that there is no evidence that it was served on the persons listed in **EXH 2** is immaterial. So also, it is not a secret that anything published in the social media or online Newspaper/Magazine is open to everyone to read. Those publications are widely circulated and read even if they were later deleted. They are forever in the cloud and continues there forever.

The publications made by the 2nd and 3rd Defendants by their captions and their circulation, are made open to third parties worldwide. They fall within the elements that make a publication defamatory. Again, their captions equally mentioned the Claimant by name too. It is not in doubt that anyone who have read the publication or even by merely going through the caption will not have the same regard for the Minister, the Claimant. Besides, the content of those publications were never verified by the publishers. They did not refer to or attach any document as proof that the publication is real or truth. They only stated the source, and they never mentioned the so-called sources to show that there is any truth and/or proof of what they had published. The said publication as well as the interview granted by the 1st Defendant to Newswire Magazine, all were made to ridicule the Claimant and lower his

reputation, just like the letter written by the 1st Defendant to President Buhari.

If actually the aim of the 1st Defendant was to alert the then President personally on what was going on, she should have directed and addressed the letter to him alone. She should not have copied all those 13 persons personally. Copying them personally was a calculated deed, berated, and well-thought out plan to belittle, lower and ridicule the Claimant before all those people. This is so whether the contents were based on privilege official information. If not because the 1st Defendant was vicious and out to destroy the Claimant, and ensure that no one in the government circle has any regard and respect for him, She should not have copied all those people personally as she did. Besides she should not have granted interview on an issue which she had written to the President before she receives any response.. She did not wait for the President's reaction, and did not do a follow-up letter to see how far the President has gone to investigate the issue. She granted an interview a little while after. In the publication, the picture of the 1st Defendant is in the front and back page of that publication. The said publication was fraught with uncivil language, name-calling, berating the Claimant, like describing him, which were proof of defamation. They include – **EXH 5:**

> **"...supervised by the most incompetent person in its history for the last seven years."**
>
> **"Onyeama's incompetence was sealed."**

"... orchestrated assassination campaign by him ... which further proved his incompetence."

"Onyeama refused to give approvals."

"Money was reserved in cash withdrawal for him."

"Grossest abuses of power by Onyeama ..."

"... using limitless government funds to discriminate anyone in his path"

"... with fear of vicious reprisals by Mr. Geoffrey Onyeama."

"Pre-existing fraud as well as cover-up ... disappearance of millions and millions of Dollars."

"Onyeama has not explained ₦400 Million."

"... as he hands over a debt-laden totally destroy Ministry."

"... most lawless and most incompetent Minister I have encountered."

From the foregoing which were taken/quoted from **EXH** 5 which was published on the 17th of August, 2021, it contains several defamatory words that one wonders where the diplomatic and civil language which we know are used by Ambassadors by training, went. It puts no one in doubt that the interview was filled with defamatory phrases and slanderous words.

Also, a look at the opening paragraph of the publication by Gbenga Odunsi – Akelicious Media, shows that it is even more acidic as it stated thus:

"Geoffrey Onyeama ... has been accused of treason."

The accusation was according to Odunsi at Information Media was led by Lilian Onoh, the 1st Defendant who granted the interview too. The 1st Defendant had accused the Claimant for:

> **"treason and sabotaging Nigerians in Diaspora..."**
>
> **"Onyeama colluded with foreign authorities to oppress and mistreat..."**
>
> **"... Onyeama colluded to ensure that Nigerians ... were deported without reason."**
>
> **"Onyeama sent accountant to loot embassy coffers on his behalf."**
>
> **"Onyeama regularly sabotaged effort."**
>
> **"... defrauding with his protection."**
>
> **" ... paid heavily for favorable coverage."**
>
> **"Onyeama is fighting back by destabilizing the party in his State."**
>
> **"... widespread looting of funds which Onyeama is alleged to be part of."**

Aside from the above phrases which are contained in the published interview of the 1st Defendant, she also made

available the letter she wrote to President Buhari to the third parties to access and read/print.

Without mincing words, all the above are nothing but defamatory words, which the 1st Defendant and the Information Nigeria and Gbenga Odunsi cannot/did not deny.

Attaching the letter addressed to President Buhari had confirmed beyond words that it was made open to the public with all ill-intention to defame, ridicule, belittle, tarnish the image/reputation of the Claimant, and further lowered him in the eyes of well meaning Nigerians and the public at large.

Even the Ambassador stating in glee that there is another person being considered for the Ministerial position, confirms that her aim of writing the letter to the President Buhari and copying the public, as it were, are to ensure that she paints the Claimant in such a bad light that everyone and especially all the Nigerians in over 150 Missions considers the Minister as bad and incompetent person. By the tendering of **EXH 4** and its contents, it is clear that the Claimant established the act of defamation against the 1st Defendant especially, and the 2nd and 3rd Defendants too.

There is no doubt that the 2nd and 3rd Defendants published what the 1st Defendant told them as can be seen in the paragraph of the **Exhibits**. Forwarding that letter shows that she does not have faith that President Buhari will do anything, and writing to him and copying other 13

very important personalities, is just to perfect her ill and well calculated plan to defame and destroy the Claimant, though she claimed it is as privileged information, but from all indication, it is not.

It is clear that by the content and widespread and publication of the article, it is clear that the 1st Defendant as well as the 2nd and 3rd Defendants were hell-bent to destroy the Claimant. The publication and the words used are libelous and highly defamatory. The Claimant had equally, by tendering them, proved that the 1st Defendant defamed him and had established a prima facie case against the 1st Defendant and the 2nd and 3rd Defendants as well.

It is the view of this Court that the whole publication definitely created a bad impression about the Claimant, especially within the government of that time. The publication even has the picture of the Claimant so that those who do not know his name can see the face of the person which the interview was all about.

A look at the 1st Defendant's prayers shows that she alleged that since the Claimant became Minister, no staff of the Ministry has passed P.S exam. There was no proof of that. She did not present any proof to the publisher or the Court to justify her allegation.

The 1st Defendant equally stated as follows:

"investigate and verify Onyeama for true allegiance."

"... Onyeama does not represent interest of Nigerians."

"Multiple acts of looting."

"Squandering of Nigerian scarce resources."

By the prayers of the 1st Defendant in **EXH** 2 No. "F", it is clear that the whole essence and motive of the 1st Defendant writing **EXH** 2 was to see if she can be saved because she had already faced panel because of the indictment which culminated **EXH 7** – Letter of her Dismissal from service which was effective from the 1st of February, 2021, after the **EXH 2, 4** and **5** as well as **EXH 1** and **3.**

The Claimant had equally established that the action of the 1st Defendant is based on malice which can be seen in the tone of the Petition and the interviews and also in the chart – **EXH 1** and **2**.

By **EXH 1** dated 25th May, 2021, she alleged that the Claimant entered the Ministry on the platform of what she called:

"... the State her father gave his all to create."

EXH 1

"... you started the war but I give you full assurance I WILL FINISH IT.

In EXH 3,

"You as Foreign Minister who protected the Chief Perpetrators ... will not be spared..."

As can be seen, and without doubt, the words/phrases used in these publications – "wicked", "indolent",

"incompetent", "lawless", "deceitful", "untruthful", "conniving", "corrupt", "no good fortune while in the office as Minister of Foreign Affairs", are all injurious to the reputation of the Claimant in this case who is also the Defendant to the Counter-Claim. The 1st Defendant has no justification whatsoever to use those words.

There is no document attached to the publications before this Court that directly implicates the Claimant or shows that he was involved in the stealing of public funds. There is no document to show that he was found guilty by any Court or that he was investigated by any of the numerous Security Agencies whom the 1st Defendant served/copied in the said petition to President Buhari. All that the 1st Defendant has said in the **EXH 2** and the interviews are all speculations and imagination. Even when she was asked under Cross-examination why she did not tender the documents; she said why should she tender them? Which means that she does not have those documents.

There is no doubt that the Claimant had with **EXH 1 – 5** proved the allegation of Defamation against the 1st Defendant, 2nd and 3rd Defendants who never challenged the case of the Claimant. So this Court holds. On all the above see the cases of:

Alhassan & Anor V. Isiaku & Ors
(2016) LPELR - 40083 (SC)

B.S.S Eng. V. Fidelity Bank
(2021) LPELR - 53458 (CA)

Only V. Agbese & Anor
(1985) LPELR - 2698 (SC) 181

Ologe & Ors V. New Africa Holdings
(2013) LPELR - 20181 109

There is no doubt that there was publication which extensively exposed the Claimant to ridicule, contempt and hatred which injured his reputation in office and in the society and among his professional colleagues and mates, especially in the eyes of international community too. So this Court holds. See the case of:

Sule & Ors V. Orisajimi
(2019) 470 29 SC

Guardian Newspaper V. Pastor C.I. Ajeh
(2011) 10 NWLR (Pt. 1256) 574.

To further prove this case, the Claimant had, upon noticing the publication, called the attention of the 1st Defendant to same demanding retraction of the defamatory allegation/publications made against him. He had instructed his lawyer, Greenfield Chambers to write to the 1st Defendant. That letter was dated 11th November, 2022, and tendered as **EXH 6**. That was 7 days after the 1st Defendant interview with the Newswire. The Claimant referred to the letter of the 1st Defendant to President Buhari. He also referred to the publication in the web pages of Akelicious Net. His Counsel also referred to the interview with Information Nigeria quoting extensively from the various publications, and pointing out that the

Claimant received several calls from independent persons who had read the publications. That further confirmed that the publications were made open to third persons both in the Claimant's home State and all over Nigeria. He established that the publications had made people to express shock and disappointment which they expressed. As law abiding citizen he instructed his Counsel to write requesting that the 1st Defendant should retract the defamatory allegation in a letter of apology published in the same news outfits that made the publications as required by law. That document ended with the demand for the 1st Defendant to stop all further defamatory publications against the Claimant. They also gave notice to the 1st Defendant that the Claimant will take legal action if the Defendants failed to retract the publications. The 2nd – 4th Defendants were copied the said letter which was received on the 15th of November, 2022. With that document marked **EXH 6** the Claimant nailed the prima facie case of defamatory defamation against the Defendants, especially the 1st Defendant.

Without any further ado, the Claimant had not only established a prima facie case against the 1st Defendant and the other Defendants, he also proved this case of defamation against the Defendants by those **EXH 1 to 7** and the consistent testimony of PW1 and PW2. So this Court boldly holds.

A look at the Defence/Counter-Claim and the evidence/testimony and documents tendered in this case, it is clear that the 1st Defendant failed woefully to prove her

Counter-Claim with any credible or any cogent evidence. Even the document marked **EXH 5** – Abuja meeting with Onyeama, at the last paragraph, recognizes that the problem of the Ministry is based on bureaucratic battleneck affecting operations in the Embassy. It never raised any issue of corruption by the Claimant as wrongly alleged by the 1st Defendant in all the publications which are filled with false and unsubstantiated allegation and malice.

Again, the 1st Defendant tendered all computer generated documents which were marked as **EXH 8 – 13.** Most of the documents had contents that support the case of the Claimant rather than the implied justification for the defamation as erroneously claimed by the 1st Defendant.

The publication of August 31st, 2022, as well as the one March **EXH 8** all show that the publication made by the 1st Defendant had so affected the Claimant that even his party has no confidence again in him because of the false and malicious publications. Surprisingly, she went all out to fish wherever she can, any publication, article or write-up about the Claimant or even from the Claimant. It also shows that the publication by the 1st Defendant made the party to the Claimant to loose confidence and respect for the Claimant. She stated so in her Defence with glee. She ended up publishing even condolence/tribute message which the Claimant wrote for his best friend – Late Abba Kyari, all in a bid to paint the Claimant bad.

To this Court, all those documents, close to a hundred pages, have in one way or the other shown that the 1st Defendant failed to justify her action as alleged in this case, and further strengthened the case/claim of the Claimant/Defendant to Counter-Claim.

Most importantly, the Defence of Qualified Privilege or justification which the 1st Defendant anchored on did not help the 1st Defendant as the publications were made with malice and were circulated to several third parties within the country and the global public at large. She never meant that it was for the President only. Interviews were not private either. Forwarding the letter to the online publishers is not private and/or official privilege.

Besides the action of the party in Enugu State showed that the decision was as a result of the false publications, all of which were never substantiated. That is why the 1st Defendant spent close to 50 pages in her Final Written Address dwelling on technicalities and repeating what she had said severally. It can be seen that the 1st Defendant was so desperate to defame the Claimant. She kept referring to the Claimant as a "person with mental illness" and praying that the Court should Order for him to be treated in Hospital within Nigeria as a Relief, which makes the Court to even question the mental relationship between the issue of defamation and the submission of the 1st Defendant in that regard. So also the prayer of the 1st Defendant that the Court should pay her costs and the overemphasis on the divorce of the Claimant with the sister of the 1st Defendant all speak for themselves.

The documents tendered by the 1st Defendant did not support her Counter-Claim and she failed to establish the Counter-Claim also. Besides, some of her Prayers/Reliefs are unknown to law, like praying Court to refund her the money she spent on Zoom Hearing.

On the document – **EXH 7,** the 1st Defendant was well aware of the Letter of Termination of her appointment. She referred to it in pg. 44. It shows she was aware of the dismissal since she mentioned it in pg. 44 of her Final Written Address. So the submission she made on the document in her Counter-Claim is of no monument in that regard, and did not support her Counter-Claim. Besides, the prayers in her Counter-Claim are even ungrantable as most of them are unknown to law as already stated above.

The Counter-Claim is not established. It lacks merit and is therefore hereby DISMISSED by this Court.

There is merit in the case of the Claimant/Defendant to Counter-Claim, and this Court enters Judgment in his favor.

Since the 2nd & 3rd Defendants did not defend the Suit of the Claimant, this Court holds that the Suit of the Claimant was not challenged by them, and the facts thereof not controverted, and remains unchallenged by the said 2nd & 3rd Defendants.

This Court therefore grants the prayers to wit:

Prayers number one to five (1 – 5) granted as prayed.

Given the affinity between the Claimant and the 1st Defendant, the Court will not award any cost/damages against the 1st Defendant/Counter-Claimant because, the anger of a relative does not get to the bone.

Again, since the other Defendants published what was given to them verbatim by the 1st Defendant, the Court will not award any cost/damage against them also. They never controverted the facts.

This is the Judgment of this Court.

Delivered today the ___ day of _____ 2025 by me.

K.N. OGBONNAYA
HON. JUDGE

APPEARANCE:

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