

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT MAITAMA

BEFORE HIS LORDSHIP : HON. JUSTICE Y. HALILU
COURT CLERKS : JANET O. ODAH & ORS
COURT NUMBER : HIGH COURT NO. 13
CASE NUMBER : SUIT NO: CV/1827/2020
DATE: : WEDNESDAY 16TH JULY, 2025

BETWEEN:

SENATOR PETER NWAOBOSHI CLAIMANT
AND
LAURETTA ONOCHIE DEFENDANT

JUDGMENT

The Claimant took out Writ of Summons dated 15th day, of June, 2020 and filed same day against the Defendant claiming for the following:-

1. A Declaration that the Defendant's post/publication of June 8th, 2020 posted/published on her Facebook page LAURETTA ONOCHIE captioned: "NDDC- THE CHICKEN COMES HOME TO ROOST", amounts to libel.
2. An Order of this Honourable Court awarding the sum of N1,000,000,000.00 (One Billion Naira) only, to the Claimant as general damages against the Defendant.
3. An Order of perpetual injunction restraining the Defendant, her agents, servants, privies and any other person howsoever described, acting for and on her behalf, from further publishing/posting any other false and damaging publication in respect of the Claimant.
4. An Order of this Honourable Court directing the Defendant to publicly apologize to the Claimant for the said false and misleading publication/post of June 8th, 2020 and any other

publication/post on her other social media platforms against the Claimant.

5. The cost of the suit.

Upon service of the Writ of Summons on the Defendants and after pleadings were exchanged, the suit was set down for hearing.

The case of the Claimant as distilled from the Statement of claim and witness statement on oath of PW1 (Peter Nwaboshi) Claimant himself is that on the 8th day of July, 2020, the Defendant posted/published on her Facebook platform, a defamatory article for the whole world to read and form the opinion projected. The publication was captioned: "NDDC- THE CHICKEN COMES HOME TO ROOST" and the offending parts stated thus:

Ndi Anioma, Uwaoma nu. I was at an event in his home town when he spoke in our Anioma language, declaring himself a thief. I am an Ada Anioma. I was raised in Anioma land. We do not take what belongs to others, let alone pride ourselves in being thieves.

But we elected him to be our representative. Didn't we. In 2023, he would be our deputy governor, had President Buhari not ordered a Forensic Audit to clean up the NDDC.

All those talks about Laretta Onochie is not dishing out cash is because I'm not a thief. You should be proud of me. I am proud of me.

All those talks about Peter Nwaoboshi being a nice man for stealing your billions and giving you pittance, the chicken has come home to roost.

THIS IS JUST ONE.

We will be releasing more. Enjoy this:

The question Senator Nwaoboshi has refused to answer is to tell Niger Delta citizens and Nigerians his role in the award of contracts for the provision of 4,800 plastic desks and chairs for primary/secondary schools in nine (9) states of the Niger Delta in 2016 with award of contract letters dated 22nd September, 2016.

The contract sum was for 3.6 Billion Naira. The revelations in the award of the said contract are mind-boggling, disturbing and appalling, as all eleven different companies/business names which were awarded the contract are owned by or traceable to one and

the same person being Sen. Peter Nwaoboshi, but carrying on business under different names as clearly contained on the face of the Writ of Summons.

The inventory records show that these items were supplied and received on Senator Nwaoboshi's business premises and warehouse, not to the beneficiaries. Meanwhile, the contracts were awarded to him.

However, some of the items supplied to Nwaoboshi's warehouse through his cronies, were later resold to the Delta state government, while the others were sold to other states through contracts awarded to him.

All supply agreements were signed by one and the same person being Mr. Agbamuche Nelson, traceable to Senator Nwaoboshi. This is in flagrant contravention of section 58(4) (a) and (d) of the Public Procurement Act.

No wonder Sen. Nwaoboshi and his cohorts are jittery about the ongoing Forensic Audit exercise in the NDDC and are doing everything possible to derail it." –NDDC".

That the copy of the publication is hereby pleaded and will be relied upon by the Claimant at the hearing of this suit. The

Claimant also pleads other relevant publications by the Defendant, and other documents and will rely upon same at the trial.

The Claimant (Pw1) continued that the above post/publication by the Defendant against the Claimant is meant to ridicule his image all because the Defendant occupy an important position in the government of President Buhari in relation to Social Media, so that whatever she posted or shared should be taken as the position of the President and therefore her post/publications would be believed by others.

The Claimant further avers that the publication was made/posted by the Defendant mischievously and maliciously, to say the least, the said libelous post is calculated to undermine the Claimant knowing that the Senate is carrying out a probe on the Niger Delta Development Commission (NDDC) and it was therefore made deliberately to defame his character.

The Claimant avers that this publication/ post about him was meant to be understood and was understood by reasonable and right thinking members of the public that he is:

a. A thief as the Defendant called him in her Face book post;

- b. Corrupt and a Criminal without a verdict by a Court of competent jurisdiction;
- c. Abusing his office and not fit to represent the good people of Delta North Senatorial District.
- d. Committing atrocities as Chairman Senate committee on Niger Delta.
- e. Not a man of integrity.

It is further the averment of the Claimant that by reason of the words contained in the said post and quoted in the paragraphs above, his image, character and reputation has been lowered in the eyes of right-thinking members of the public.

The Claimant (PW1) testified further that following the comments and incessant phone calls that he received from his associates, friends and family members, he instructed his Solicitors, to write the Defendant in order for her to retract the said publication but the Defendant neither replied nor did she tender an apology to the Claimant as demanded in his Solicitor's Letter of June 9th, 2020.

The Claimant hereby pleads the copy of the said letter of June 9th, 2020 to the Defendant and will rely on same at the trial. Notice is

hereby given to the Defendant to produce the original of the said letter.

The Claimant continued that the said publication above by the Defendant has painted him in bad light and by extension, his reputation and career.

The Claimant further avers that he has been exposed to public ridicule and lowered in the estimation of the general public as the said post/publication still exists and shared, liked and re-shared on the Face book page of the Defendant where it is viewed daily by followers of the Defendant.

PW1 tendered the following in evidence:

1. Curriculum Vitae
2. Publication on Social Media and Certificate of Compliance
3. Letter written by Counsel to the Claimant to the 1st Defendant.

All marked exhibits '1', '2', and '3' respectively.

PW1 was cross-examined and subsequently discharged.

PW2 (Louis Ndukwe O.) in his witness statement on oath averred in paragraphs 3,4,5,6 and 7, that the Claimant has embarked on and commissioned several constituency projects in their senatorial district and he is loved by all and that the people of Delta North Senatorial District hold the Claimant in high esteem and value his representation at the senate.

That the Claimant is a man of the people, frequently visits his Senatorial district to connect with people at the grassroots and they know him as a man of integrity and honesty.

PW2 continued in his testimony that the Defendant posted/ published on her facebook platform (Lauretta Onochie), an article on 8th June, 2020 captioned: "NNDC- THE CHICKEN COMES HOME TO ROOST" and the offending parts which is captured and contained in the witness statement on oath of PW2.

PW2 further testified that he personally read the publication on the facebook Account of the Defendant from his face book page Ndukwe Louis which lowered the image, personality and office of Senator Peter Nwaoboshi as a person of integrity.

That since the above publication on the face book account of the Defendant against the Claimant, whenever he comes to

Senatorial district like he used to, people no longer welcome him like they used to or even turnout for his project commissioning.

PW2 stated further that the publication portrayed the Distinguished Senator as a thief, corrupt, criminal without a verdict by a Court of competent jurisdiction, having no respect for due process, exploitative committing atrocities as chairman Senate Committee on Niger Delta and not fit and proper to represent the good People of Delta North at the National Assembly.

That the publication by the Defendant against the person of the Senator has ridiculed his image.

That he knows the Claimant as a successful Public Servant and a seasoned Politician with integrity.

PW2 was cross examined and subsequently discharged.

PW3 (Philip Elueme) adopted his witness statement on oath and merely corroborated the evidence of PW2 hook, line and sinker.

It will not be of any gainful purpose re-producing everything, hook, line and sinker again.

The Defendant (Lauretta Onochie) opened her defence and testified as, DW1.

The case of the Defendant as distilled from the statement of Defence and her witness Statement on oath, is that the Lauretta Onochie referred on the Face book in the Statement of Claim is not the Defendant's Face book.

That there are many criminal elements on social media impersonating her due to her status as a personal assistant on social media to the President.

That the Defendant herein does not have monopoly of the name "Lauretta Onochie" cited in the Statement of Claim as she has at all times minded her own business.

Defendant avers that the Claimant herein just gave opinion of himself and nothing more. The Defendant is just a Personal Assistant in the office of the President of the Federal Republic of Nigeria, President Muhammadu Buhari and not the Spokesperson of the President.

Defendant further avers that she is not a Staff of the Niger Delta Development Commission (NDDC). The Claimant cannot herein

ascribe his woes which are in the public domain of his alleged activities pointed out in the NDDC probe.

Defendant continued further that she never made any publication and that it is the Claimant that is defaming himself and not the Defendant. The Claimant is put to the strictest proof at the trial.

Defendant avers that she cannot give credible evidence to the Claimant's character as she has not made any publication against the Claimant. Although the Defendant has a right as a Nigerian citizen and indigene of Delta North (Anioma Nation) to call out her representatives in any office, a right she has not exhibited. The Claimant is put to the strictest proof at the trial.

Defendant avers that the words "thief", "corrupt", and "criminal" are words used by the Claimant himself in this present suit as it is being constituted and not words that can be ascribed to the Defendant. The Claimant is put to the strictest proof at the trial.

That the Claimant being a public office holder is subjected to public criticisms.

Defendant avers further that she is not in receipt of any letter from any Solicitor in the name of Bwala & Co. (Crystal Chambers). The Claimant is put to the strictest proof.

That the Claimant's claim is devoid of evidence and it is lacking in merit.

That the Claimant herein has not given the full particulars of the alleged defamatory post and this suit is liable to be dismissed for lacking in merit.

The Defendant even without conceding hereby avers that "NDDC" being a public agency/body, every Nigerian has Constitutional right to express his/her opinion about the agency and the public office holders.

That the Claimant herein has no reasonable cause of action against the Defendant.

That in the entire Statement of Claim of the Claimant, there is nothing to show that the publication was done or read within the jurisdiction of this Honourable Court.

That this Honourable Court does not have extra-territorial jurisdiction over the alleged defamation without specific place of publication.

That the Claimant in his entire claim and witness statement on oath did not give any particulars of the member(s) of the public who read the alleged defamatory post.

That the Claimant equally in his entire claim and witness statement on oath did not state that he read the alleged defamatory post, where, date, time and date he read same.

That the Claimant in his entire claim and witness statement on oath did not state how he came about the alleged defamation.

That this Honourable Court lacks requisite jurisdiction to hear and determine this suit as it is presently constituted.

That the Claimant is full of furies but signifies nothing and out of nothing, nothing will rise.

The Defendant further denies paragraphs 5-11 of the Claimant's Statement of Claim as the assertion therein in aforementioned paragraphs are the Claimant's words or at best, self-opinions of the Claimant for himself, and not those of the Defendant herein.

That no letter whatsoever was served on her by either the Claimant or her counsel, and the Claimant herein is hereby put to the strictest proof of the unfounded allegation.

The Defendant denies the purported printouts/documents attached to the Claimant's claim, and the Claimant is hereby put to the strictest proof of the contents therein.

The Defendant is not liable to the Claimant for payment of any sum whatsoever as cost for any post/publication on the 8th of June, 2020 under caption: "NDDC - THE CHICKEN COMES HOME TO ROOST", or for award of any general damages of the sum of N1,000,000,000.00 (One Billion Naira only) or perpetual injunction to restrain the Defendant or any apology whatsoever.

Parties closed their respective cases to pave way for filing and adoption of final written addresses.

Learned counsel for the Defendant filed his final written address, wherein two issues were formulated for determination to wit;

- i. Whether the Defendant can be held liable for the purported publication in light of the admission by PW3 under cross-examination?***
- ii. Whether the Claimant has led evidence in proof of his case to entitle him to the reliefs sought?***

On issue one, learned counsel submits that the statement made by PW3 under cross-examination amounts to an unequivocal admission and the Court is urged to so hold. The case of ***POLARIS BANK LTD. VS. FORTE OIL PLC. (2023) 5 NWLR (PT.1876) 179 AT 203, Paragraphs B-E*** was cited.

Learned counsel argued that the admission by PW3 wherein he stated he has access to the Face book account further buttresses paragraph 3(b) of the Statement of Defence to the effect that quite a number of persons impersonate the Defendant on social media due to her status as the Personal Assistant on Media to the President in 2019. One of such impersonations is the Face book account in this suit.

He cited ***A.G. RIVERS STATE VS. A.G. FED. (2022) 15 NWLR (PT.1852) 99 @ 219 Paragraphs A-D.***

Learned counsel submits that the admission by PW3 made against the interest of the Claimant by his own witness is admissible against him and that evidence which has been elicited from a witness under cross-examination is as reliable and compelling than the one proffered in examination in chief.

The case of ***FALOYO VS. FALOYO (2021) 3 NWLR (PT.1762) 114 AT 135, Paragraphs A-C*** was cited.

Learned counsel argued further that PW3 having admitted to having access to the account, will have access even at the time the defamatory publication was made. DW1 vehemently denied having access to the account and stated that the account was not hers and never in her control.

The Court is urged to resolve this issue in favor of the Defendant.

On issue two, learned counsel submits that the law is trite that the burden of proving a case where the reliefs are declaratory in nature rests squarely on the party claiming such reliefs, if the party fails to discharge this burden of proof then their case must fail. He cited the case of ***AMOBI VS. OGIDI UNION NIGERIA (2023) 1 NWLR (PT.1864) 153 at 182 183, Paragraphs F-C.***

Learned counsel argues that the Claimant had the burden to prove to the satisfaction of the Court that he was entitled to the declaratory reliefs, but he failed to do so.

Learned counsel submits that the law is trite that whoever asserts must prove. Section 131 (1) and (2) of the Evidence Act, 2011. Therefore, the onus of proving the wrongdoing of the Defendant and the substantial injury or ridicule suffered by the Claimant in this case rests on the Claimant. The case of ***I.N.E.C VS. A.C.D (2022) 12 NWLR (PT.1844) 257 at 310, Paragraphs B – D*** was cited.

Learned counsel further submits that the Claimant has failed woefully to prove any of his claims to be entitled to any of the reliefs sought before this Honourable Court. The Claimant has

failed to adduce credible, sufficient and cogent evidence before this Court in support of his claims. The law is trite that a Court of Law is not at liberty to look for evidence to establish a fact that was not proved before it. He cited ***ADELEYE VS. STATE (2015) 3 NWLR (PT.1446) 229 at 246, Paragraphs A-C.***

Learned counsel contends in the instant case that the Claimant failed to adduce credible and cogent evidence that the Defendant was in fact the person who published the alleged defamatory statement online. In the circumstance, the court cannot look, in chambers, for evidence to establish the allegation.

It is further the submission of the learned counsel that in order to prove a claim of libel, certain ingredients must be established by a Claimant. He cited the case of ***ANOZIA VS. A.G, LAGOS STATE (2023) 2 NWLR (PT.1869) 545 AT 556, Paragraphs D-G.***

The Claimant at the hearing of the suit, failed woefully to establish a vital ingredient of their claim that it was the Defendant who published the alleged defamatory statement. The Claimant via the 3 witnesses and the documents tendered could not prove a link between the account which had posted the defamatory statement and the Defendant.

The Statement of Claim in this suit contains mere averments without any evidence to substantiate them. In the instant case, there has been no proof of the mere averments made in statement of claim. He cited the case of ***SUFFOLK PET. SERVICES LTD. VS. ADNAN MANSOR (NIG.) LTD. (2019) 2 NWLR (PT.1655) 1 at 32, Paragraphs D-E.***

Learned counsel submits that the Claimant having failed to establish/prove his case the effect is that the case is liable to be dismissed. The case of ***ADAMU V. NIGERIAN AIRFORCE (2022) 5 NWLR (PT.1822) 159 at 182, Paragraphs F-G,*** was cited.

Learned counsel further submits that it is elementary in law that the standard of proof in civil cases is on the balance of probabilities and preponderance of evidence which the Claimant has failed woefully to discharge and the court is urge to hold and resolve this issue in favour of the Defendant.

In conclusion, learned counsel submits that the case being incompetent for the failure of the Claimant to adduce credible evidence before this Court, the case should be dismissed and the court is urge to resolve the issues for determination in favour of

the Defendant and dismiss this case with substantial cost against the Claimant.

On their part, learned counsel for the Claimant filed their final written address, wherein three issues were formulated for determination to wit;

- 1. Whether from the evidence before this Honourable Court, the Claimant has not established his claim against the Defendant to be entitled to the reliefs sought.***
- 2. The appropriateness or otherwise/legal implication of a witness deposing to a witness Statement on oath in the chambers of his lawyer.***
- 3. Whether or not this honourable court has jurisdiction to entertain this suit.***

On issue one, learned counsel argued that the law recognizes in every man a right to have the estimation in which he stands in the opinion of others unaffected by false statements to his discredit. He cited the case of ***UBN LTD VS. OREDIEN 1992 6 NWLR (PT 247) 355 CA TOBI JCA AT PG. 371 PARAS C-D.***

It is the contention of the learned counsel that the Claimant, who testified himself and called 2 witnesses (PW 2 & 3), and also tendered Exhibits A, B & C to prove his case has discharged the burden of proof as provided by section 133 (1) of the Evidence Act 2011. The Defendant who denied the Face book account with the name LAURETTA ONOCHIE where the defamatory post was made failed to provide her own Face book account before this court, the Defendant was asked during cross-examination whether she had her own Face book account before the court and she answered "I have it and I use it", which is false because the Defendant did not tender any document before this court.

Furthermore, the Defendant who also stated that there are many criminal elements on social media impersonating her due to her status as Personal Assistant on social media to the President failed to provide even one of such accounts allegedly impersonating her before this court to substantiate her averment.

Learned counsel cited the case of ***AYOADE & ORS VS. OMOYELE (2023) LPELR-59578(CA)*** on effect of averments in an affidavit not supported with material evidence.

Learned counsel further submits that the Defendant's averments in paragraphs 4 and 5 of her deposition on oath which is not

supported by any material evidence has no probative value. The Court is urged to so hold.

Learned counsel submits that the extract from the CTC of the record of proceeding of this Court on 31st October 2022, it is crystal clear that PW3 did not admit at any point to having access to the account other than having access to the Defendant's Facebook account where the defamatory publication was posted to read, comment, like and share just like every other Facebook user/follower of the Defendant.

Learned counsel submits that the pending defamatory suit filed against her by the former Vice President of the Federal Republic of Nigeria, Alhaji Atiku Abubakar implies that the Claimant is not the only one that the Defendant has posted defamatory articles against on her social media account which is worrisome.

On issue two, learned counsel submits that the position of the law is that deposition on oath must be signed in the presence of the person authorized to administer oaths. He cited ***IGBU & ORS VS. IMANDE & ANOR (2022) LPELR-57979(CA)***.

Learned counsel submits that the Defendant's statement on oath which she admitted to have signed in her lawyer's office is a

fundamental and statutory error that cannot be waived, and same should be discountenanced.

The court is urge in the absence of any defense from the Defendant to grant all the reliefs sought by the Claimant as unchallenged.

On issue three, it is the contention of the learned counsel that the Defendant in paragraph 24 of her statement on oath stated that this Court lacks requisite jurisdiction to hear and determine this suit as it is presently constituted.

Arguing on the above, learned counsel submits that from the subject matter of the Claimant's suit as contained in the writ of summons, this Honourable Court has jurisdiction to entertain this suit. Furthermore, the Claimant and the Defendant reside in Abuja, within the Jurisdiction of this Honourable Court. He cited ***Order 3, Rule 4(1) of the High Court of the FCT Civil Procedure Rules 2018.***

In conclusion, learned counsel submits that the Claimant has established his claims against the Defendant to be entitled to the reliefs sought and the Claimant has established that the Defendant posted on her Face book account, a defamatory article on June 8th, 2020 against the Claimant.

The court is urged to resolve issues one to three (1-3) in favor of the Claimant, and grant all the reliefs sought.

In turn, learned counsel for the Defendant filed reply on points of law.

Learned counsel submits that contrary to paragraph 5.4 5.6 of the Claimant's final written address, the Claimant failed woefully to establish crucial elements of libel and cannot be deemed to have proved their case before this Honourable Court. He cited ***SALAUDEEN VS. OKUNLOYE (2020) 8 NWLR (Pt. 1727) 455 at 477, Paragraph D.***

Contrary to paragraph 5.7 5.12 of the Claimant's final written address, learned counsel submits that a party seeking declaratory reliefs must succeed on the strength of their own case even if the Defendant says nothing or enters no defence. He cited ***ADESINA VS. AIR FRANCE (2022) 8 NWLR (Pt. 1833) 523 at 555-556, Paragraphs H-B***, where the Supreme Court held thus;

Learned counsel submits that the arguments contained in paragraph 5.13 and 5.14 of the Claimant's written address is of no moment and is not at all connected to the fact in issue of this case and should be discountenanced by this Honourable Court as

both parties have agreed to the fact that the Defendant was a Personal Assistant to the President.

The case of ***AKINLADE VS. STATE (2022) 7 NWLR (Pt. 1828) 129 at 156-157, Paragraphs F-A*** was cited.

Contrary of paragraph 5.155.17 of the Claimant's final written address, the Claimant has failed to show how the Defendant's statement on oath contains extraneous matters or legal arguments.

Learned counsel contends that contrary to paragraph 5.17-5.20 of the Claimant's final written address, it is unmistakable that Exhibit 3 on the face of it has no probative value. This is because for a piece of evidence to have probative value it tends to prove a fact in issue. Exhibit 3 does not prove any fact in issue in the instant case. He cited the case of ***SAEED VS. YAKOWA (2013) 7 NWLR (Pt. 1352) 124 at 150, Paragraphs D-F, H.***

Contrary to paragraph 5.215.23 of the Claimant's final written address, counsel submits that the arguments contained therein are not borne from the records of this Honourable Court. It is an attempt by the Claimant's counsel to use the address to give evidence.

It is the submission of the learned counsel that the law is trite, the address of Counsel cannot take the place of evidence.

ONWUTA VS. STATE OF LAGOS (2022) 18 NWLR (Pt. 1863) 701 at 722-723, Paragraphs H-B.

Learned counsel submits that the arguments in paragraph 5.23 5.25 of the Claimant's final written address should be discountenanced by this Honourable Court as they are not relevant to this case. It is elementary that it is the surrounding circumstances that determine the relevancy and the circumstance of the instant case makes the arguments contained in these paragraphs irrelevant.

Contrary to paragraph 6.1 6.4 of the Claimant's final written address, counsel submits that defect as to where an affidavit/statement is signed goes to the form and not the substance and such defects as to form bordering on technicality can be waived by this Honourable Court. He cited the case of ***ADEJUGBE VS. ADULOJU (2022) 3 NWLR (Pt. 1816) 131 at 168, Paragraphs B-D.***

Learned counsel further submits that this Court has shifted from deciding cases based on technicalities but on the merit.

Commend the case of ***S.P.D.C.N VS. EKWEMS (2023) 4 NWLR (Pt. 1874) 213 at 249-250, Paragraphs H-A,***

In conclusion, learned counsel submits that the case is incompetent for the failure of the Claimant to adduce credible evidence before this Honourable Court the case should be dismissed and the Court is urge to resolve the issues for determination in favour of the Defendant and dismiss this case with substantial cost against the Claimant.

COURT:-

I have read and assimilated the evidence (oral and documentary) ably led by Claimant on the one hand and the Defendant on the other hand.

The crux of Plaintiff's action is within the realm of the tort of defamation.

Defamation has been, judicially, defined to embrace imputations which tend to lower a person's dignity in the estimation of the right thinking members of the society and expose him, the person so disparaged, to hatred approbrium, odium, contempt or ridicule, see ***ORUWARI VS OSLER (2013) 5 NWLR (Pt. 1348) 535.***

There are two species of defamation: libel and slander. Libel is any publication in print, writing, pictures or signs that injures the reputation of somebody. Slander, on the other hand, means a defamatory statement made/conveyed by spoken words, sounds, looks, signs and gestures which injure the reputation of somebody, see ***SOCIETY BIC S.A VS CHARZIN IND. LTD. (2014) 4 NWLR (Pt. 1398) 497; ORUWARI VS OSLER (Supra)***. To succeed in an action for defamation, which is actionable per se, the defamed person must conjunctively prove;

1. Publication of the offending words.
2. That the offending words refer to him.
3. That the offending words are defamatory of him.
4. That the offending words were published to a third party.
5. That they are false or lack accuracy; and
6. That there are no justifiable legal grounds for the publication of the defamatory words. ***ONU VS AGBESE (1985) 1 NWLR (Pt. 4) 704 (1985) LPELR – 2698 (SC); SKETCH PUBLISHING CO. LTD. VS AJAGBEMOKEFERI (1989) 1 NWLR (Pt. 100) 678 (1989) 1 NSCC 346.***

From the ensuing evidence before the Court as reproduced in the preceding part of this Judgment vis-à-vis the arguments of Plaintiff on the one hand and the Defendants on the other hand, the class of defamation involved here is libel.

To resolve the legal dilemma in this matter, issue one raised for determination by Plaintiff's counsel which to my mind seems to have covered all the issues formulated for determination by Defendant, has been adopted by the Court as its issue for determination.

"Whether from the evidence before this Honourable Court, the Claimant has not established his claim against the Defendant to be entitled to the reliefs sought."

In an attempt to establish the tort of Defamation of libel, Plaintiff tendered Exhibit "2" which is a Publication on Social Media with caption "NDDC- THE CHICKEN COMES HOME TO ROOST" and the offending parts stated therein. And also Certificate of Compliance.

PW2 testified that he personally read the publication on the facebook Account of the Defendant from his face book page Ndukwe Louis which lowered the image, personality and office of Senator Peter Nwaoboshi as a person of integrity.

That since the above publication on the face book account of the Defendant against the Claimant, whenever he comes to Senatorial district like he used to, people no longer welcome him like they used to or even turnout for his project commissioning.

Defendant, contended that there are many criminal elements on social media impersonating her due to her status as a personal assistant on social media to the President.

That the Defendant herein does not have monopoly of the name "Lauretta Onochie" cited in the Statement of Claim as she has at all times minded her own business.

Defendant stated that the Claimant herein just gave opinion of himself and nothing more. The Defendant is just a Personal Assistant in the office of the President of the Federal Republic of Nigeria, President Muhammadu Buhari and not the Spokesperson of the President.

Defendant further stated, that she is not a Staff of the Niger Delta Development Commission (NDDC). The Claimant cannot herein ascribe his woes which are in the public domain of his alleged activities pointed out in the NDDC probe. That she never made any publication and that it is the Claimant that is defaming himself and not the Defendant.

The ingredients that ought to be established to succeed in an action for defamation which I have already mentioned in the preceding part of this judgment is settled.

Libel or slander is a wrong which the law imputes general damages. Once a Plaintiff proves that a libel/slander has been published of him without legal justification, his cause of action is complete.

I am clothed by the authority of ***SULEIMAN VS ADAMU (2016) CA***.

Publication is a crucial element in a case of libel. Once publication is not pleaded and proved, the case of such a Plaintiff is bound to collapse. It is publication that gives such a case its cause of action. The authority of ***AMUZIE VS ASONYE (2011) 6 NWLR (Pt. 1242)*** lends support to above preposition.

From the aforementioned exhibit which is a publication, we are settled on the existence of a publication made by the Defendant which the post specifically names Senator Peter Nwaoboshi and refers to his alleged roles in NDDC contracts and his political future. This satisfies the requirement of reference to the Claimant carried the name/details of the Plaintiff. Publication was made on Facebook, a public platform. PW2 and PW3 gave evidence of

reading the post. Therefore, the requirement of publication is satisfied.

This is the critical weakness in the Claimant's case. The Claimant failed to tender direct forensic or electronic evidence linking the account to the Defendant. No expert testimony was adduced to authenticate the account.

Given that the primary reliefs are declaratory, the Claimant must succeed on the strength of his case.

However, Claimant did not discharge the burden of proof linking the Defendant to the publication.

Consequently, it is my judgment that the suit lacks merit and should be dismissed.

It is dismissed, accordingly.

*Justice Y. Halilu
Hon. Judge
16th July, 2025*

APPEARANCES

A.A. Abogede, Esq., with **A.A. Benson, Esq.** – for the Claimant.

C.O. Egbodo, Esq. with **S.A. Haruna, Esq.** and **Bakwo Adamu, Esq.** – for the Defendant.