

Report from the Department of Civil Litigation

The Civil Litigation and Public Law Department of the Federal Ministry of Justice functions include:

- Provision of legal representation in civil matters affecting the Federal Government, Extra Ministerial Department and Agencies.
- Provision of legal advice to the Ministries, Department and Agencies of the Federal Government.
- Provision of legal opinion in matters arising from Federal Government Policies and particularly as it relates to implementation.
- Initiation of court action to assert public right.
- Representation of the Federal Government's interest in crucial meetings likely to affect government policy.

In addition, the Civil Litigation Department:

- Co-ordinates the Civil Litigation Units in the various Zonal offices of the Ministry and Legal Units of Federal Ministries and Agencies.
- Co-ordinates and monitors private legal practitioners who have the fiat (letter of instruction) of the Honourable Attorney-General of the Federation to institute and defend civil suits on his behalf.
- Participates in Alternative Dispute Resolution matters and Arbitration to protect the interest of the Federal Government.
- Collates and monitors pending sensitive cases in the different hierarchies of Courts, and present same to the Honourable Attorney-General.

Overview of Activities

The period under review (29th May, 2015 to 10th March, 2017) witnessed heightened litigations in various courts namely the Federal High Courts, State High Courts, the National Industrial Court, ECOWAS Community Court, Court of Appeal and the Supreme Court.

The Ministry received and handled between 29th May, 2015 to 10th March, 2017, a total of **974 civil cases and 167 appellate matters** were handled by the Department.

These cases include: Land Matters, Contract matters, Fundamental Right matters,

Labour/Trade Union matters, Employment related matters, Constitutional matters, Garnishee proceeding matters, Arbitration matters, Electoral matters and action initiated in the ECOWAS Community Court.

The Department was able to conclude **84 matters** out of the **357 matters** referred in 2015; while **17** were concluded out of the **167 appellate matters** received by the Department from 29th May, 2015 till 10th March, 2017. The remaining are in different stages of appeal before the appellate Courts.

Most of these concluded matters were decided in the government's favour and the ministry was able to save huge amounts in claims against the government.

A few of the successful cases are:

S/N	SUIT NO	NAMES OF PARTIES	REMARKS
1	SUIT NO. FHC/L/CS/1477/15	MR BUKAYO FAJANA VS. ATTORNEY GENERAL OF THE FEDERATION & 3 ORS	The Department Defended the case for the Federal Government and the sum of N10,00,000,000.00 (Ten Billion, One Hundred Millionaire) claimed against Government was saved
2	SUIT NO. FHC/ABJ/CS/769/15:	FOUNDATION FOR YOUTH DEVELOPMENT VS. THE SPECIAL ADVISER TO PRESIDENT ON NIGER DELTA & 2 ORS	The Department Defended the case for the Federal Government and the sum of N11, 604, 735,157.00 (Eleven Billion, Six Hundred and Four Million One Hundred and Fifty-Seven Nair) claimed against Government was saved.

3	SUIT NO. FHC/AWK/CS/412/2015	FIMEX GILT &ANOR VS. BABAGANA MONGUNO & 3 ORS	The Department Defended the case for the Federal Government and the sum of N52,600,000.00 (Fifty-Two Millions, Six Hundred Thousand Naira) claimed against Government was saved
4	SUIT NO. FHC/AWK/CS/412/2015	MR AZUBUKE CHIAHA VS. SGT. AUGUSTINE AGBO & 4 ORS	The Department Defended the case for the Federal Government and the sum of N21,730,000.00 (Twenty One Million, Seven Hundred and Thirty Thousand Naira) claimed against Government was saved
5	SUIT NO. FHC/KN/CS/52/16	BARR. BASHIR SAIBU VS. NIGERIA POLICE FORCE & 9 ORS	The Department Defended the case for the Federal Government and the sum of N100,000,000.00 (One Hundred Million Naira) claimed against Government was saved
6	SUIT NO. FHC/PH/MISC/14/15	MARINE ENERGY &INVESTMENT NIG. LTD VS. CHIEF OF NAVAL STAFF & 2 ORS,	The Department Defended the case for the Federal Government and the sum of N404,680,000.00 (Four Hundred and Four

			Million, Six Hundred and Eighty Thousand Naira) claimed against Government was saved
7	SUIT NO. FHC/ABJ/CS/349/16	MR DAVID NWAUSI VS. DG, SSS & ANOR	The Department Defended the case for the Federal Government and the sum of N1,000,000.00 (One Billion Naira) claimed against Government was saved
8	SUIT NO. FHC/L/CS/1426/15	CHIEF ABIBUAJIBAWO & 5 ORS VS F.G.N. & 4 ORS	The Department Defended the case for the Federal Government and the sum of N180,000,000.00 (One Hundred and Eighty Million Naira) claimed against Government was saved
9	SUIT NO. FHC/MKD/CS/04/2016	ITYAVZUA GBAIOR & 2 ORS VS. THE CHIEF JUDGE OF THE BENUE STATE & 6 ORS	The Department Defended the case for the Federal Government and the sum of N20,000,00,00 (Twenty Million Naira) claimed against Government was saved
10	SUIT NO. HC/ABJ/CS/874/2015	MR KELECHI NJOKWU & ANOR VS. THE D.S.S & ANOR	The Department Defended the case for the Federal Government and the sum of N

			1,000,000,000.00 (One Billion Naira) claimed against Government was saved
11	SUIT NO. FHC/ABJ/CS/1036/15	UGO CHIKERE VS. NIGERIA ARMY	The Department Defended the case for the Federal Government and the sum of N100,000,000.00 (One Hundred Million Naira) claimed against Government was saved
12	SUIT NO. CV/1390/15	SYNDICATE CONSTRUCTION AND COMMERCE COMPANY LTD VS. ENERGY COMMISSION OF NIGERIA	The Department Defended the case for the Federal Government and the sum of N390,137,462.50 (Three Hundred and Ninety Million, One Hundred and Thirty-Seven Thousand, Four Hundred Naira) claimed against the Government was saved.
13	SUIT NO. NINC/ABJ/274/16	DR. FAITH OWABHEL ROBERT VS. A.G FEDERATION & 3 ORS	The Department Defended the case for the Federal Government and the sum of N50,000,000.00 (Fifty Million Naira) claimed against the Government was saved.
14	SUIT NO.	CHIEF JERRY C. UGWU VS. FEDERAL	The Department Defended the case for

	E/172/14	MINISTRY OF AVIATION & 4 ORS	the Federal Government and the sum of N524,954,316.00 (Five Hundred and Twenty-Four Million, Nine Hundred and Fifty-Four Thousand, Three Hundred and sixteen Naira) claimed against the Government was saved.
15	SUIT NO. NICN/LA/16/13	MAJOR (BARR) HOGAN OKON ENE VS. THE PRESIDENT & C-IN-C FRN & 3 ORS	The Department Defended the case for the Federal Government and the sum Of N2.1 Billion (Two Billion, One Hundred Million Naira) claimed against the Government was saved.
16	SUIT NO. FCT/HC/CV/688/16	IBRAHIM RASHID & 19 ORS VS: COMMISSINER OF POLICE & ANOR	The Department Defended the case for the Federal Government And the sum of N40,000,000.00 (Four Million Naira) claimed against the Government was saved
17	SUIT NO. FHC/ABJ/CS/181/16	ALHAJA OLAIDE IBRAHIM VS. OLUFEMI OKE-OSANYINTOLU & 2 ORS	The Department Defended the case for the Federal Government and the sum of n40,000,000.00 (Forty-Million Naira) claimed against

			the Government was saved.
18	FHC/ABJ/CS/62/15	CHIKE JOHN OKAFOR VS. ORSAGF &	Struck Out
19	FHC/ABJ/CS/124/16	RELIANCE SHIPPING SERVICE VS. FEDERAL GOVERNMENT OF NIGERIA	Struck Out
20	FCT/HC/CV/2474/15	ALH. MOHAMMED BABAYO VS. HON.MINISTER FCT & 4 ORS	Struck Out
21	FHC/ABJ/CS/965/15	CHRIS EZEGWU ESQ VS. EFCC & 2 ORS	Struck Out
22	FHC/ABJ/CS/335/16	BARR. EDWARD OMAGA VS. PRES. MUHAMMADU BUHARI & 4 ORS	Struck Out
23	FHC/B/CS/459/2016	ENGR. EWI OTETE VS. FEDERAL GOV. OF NIGERIA & 5 ORS	Struck Out
24	ECW/CCJ/APP/29/14	HURIDAC VS. PRESIDENT OF NIGERIA & 5 ORS	Struck Out for not properly commenced
25	FHC/L/CS/1426/15	CHIEF ABIBU AJIBAWO & % ORS VS. F.G N & 4 ORS	Struck Out

26	FHC/L/CS/1465/15	JACOB OLAKUNLE AJUMALE VS. UNITED AIRLINE & 2 ORS	Dismissed on preliminary object
27	SUIT NO. FHC/ABJ/CS/447/14	DEBORAH EDEH V.AGF	Struck Out
28	SUIT NO. FHC/LF/8/2014	ANDREW IDIKO VS. AGF	Struck Out
29	SUIT NO. FHC/ABJ/CS/174/14	ELDER BARIBOR VVS. MINISTER OF PETROLEUM STEPHEN ASEMOTA VS. NIGERIA CUSTOMS	Struck Out
30	SUIT NO. NICN/LA/364/14	STEPHEN ASEMOTA VS. NIGERIA CUSTOMS	Struck Out
31	SUIT NO. NICN/ABJ/328/14	OLAJIDE BOSE VS NSITF	Struck Out
32	SUIT NO. NICN/ABJ/61/14	GENERAL MOHAMMED ADEKA VS. NIGERA ARMY	Struck Out
33	HC/KD/CS/244/15	PASTOR G.O DUROJAYE & 48 ORS VS. AHMADU BELLO UNIVERSITY & ORS	Struck Out
34	FHC/ABJ/CS/560/14	CHIEF SAATSAHA THADDEUS YENGE VS. PRESIDENT, FRN & ANOR	Struck Out

35	FHC/KN/CS/152/14	JOSEPH ABGO & 148 ORS VS. FEDERAL GOVERNMENT OF NIGERIA && ANOR	Struck Out
36	FHC/ABJ/CS/874/2015	MR KELECHI NJOKWU & ANOR VS. THE D.S.S & ANOR	Struck Out
37	FCT/HC/CV/2110/2016	DANIEL SECURITY SYSTEMS LTD VS. MINISTER, FED. MIN. OF COMMUNICATIONS	Struck Out
38	FHC/ABJ/CS/732/15	DIM-UDEBUANI MARCEL ESQ VS. THE PRESIDENT F.R. N & ANOR	Struck Out

Civil Cases Farmed out

Owing to economic down turns, the Ministry farmed out only 2 cases to external solicitors, while the remaining 1139 (inclusive of the appeal matters) were efficiently and robustly handled in-house by the Legal Officers in the Civil Litigation and Public

Law Department of the Ministry.

Cases resolved through ADR mechanism

The Department identified ADR as an important way of improving access to justice. Mechanisms are usually cheaper, faster and easier to use than the traditional courts. During the period under review, the department engaged in several ADR proceedings both for the government, the Ministry and for other MDAs. Some of these interventions led to the amicable resolutions of cases which involved huge monetary claims against Government.

Legal Opinions

Rendering Legal opinion to MDAs is one of the major mandates of the Department. These include petitions, complaints, etc from persons and institutions seeking the HAGF's intervention on a diverse range of legal matters. These opinions usually minimize conflicts between parties that would otherwise evolve into litigation.

During the period under review, the Department received and successfully proffered **1002 legal opinions** to different persons and MDAs.

Challenges

The current budget for the Department is a major challenge. There is Inadequate funds available to the department to enable it discharge its enormous responsibilities. In addition to this is the difficulty in securing appropriated funds timeously. This has had practical implications on the activities of the department. There is also the challenge of limited basic infrastructure like photocopiers and computers. All these prevents the department from giving efficient and effective service.

Other Challenges include:

Inadequate working tools and materials: Current Law Reports, reference matt up-to-date Departmental Library and internet facilities are the tools to successful litigation in court.

Lack of utility vehicle: The department being litigation oriented, requires Utility Vehicles to take lawyers to and from court. Lack of this essential facility is affecting the morale and output of lawyers in the department since they sometimes have to attend court sitting in far-flung places at the periphery of the FCT.

Training of legal officers: There is need for regular training of staff in the department so as to enable them acquire improved skills and adapt to modern techniques in advocacy and other areas relevant to the operations of the department, particularly 1 in the area of arbitration. For instance, the legal officers of Civil Litigation and Public Department did not attend any training for the year 2015 and there the practice of consistent training of the legal officers of the department.

Specialized training for registry staff: Litigation clerks require specialized trains court related procedures and matters to heighten response to matters particularly processes.

Consistent delay or non-response in briefing the office of the HAGF by relevant MDAs

to ensure effective and timeous representation of government and its agencies in legal actions. This development may also explain why the Department /Ministry have to incur debilitating expenses on penalty fees, particularly, Federal High Court and the National Industrial Court.

Protection of legal officers handling sensitive matters: With no less than a hundred personnel in the Department (where only forty-five existed as at 2013), the pressure on office space, working tools and equipment has obviously become a consistent challenge.