

## **PRESS STATEMENT**

The attention of the National Industrial Court of Nigeria has been drawn to some distortion of facts being peddled about in the press regarding the ruling delivered by the Court on Friday 6<sup>th</sup> January 2012 on the suit No. NICN/ABJ/03/2012; Attorney General of the Federation AND the Nigeria Labour Congress, (NLC) & Trade Union Congress, (TUC).

The above suit was filed in the Court with a Motion Ex-parte and Motion on Notice with Affidavit of Urgency.

After perusing the case file, His Lordship, the Hon. President of the Court listed it for hearing in view of the urgency, and a panel of three Judges was assigned to hear the Motion Ex-parte. The reason adduced for granting the Order was clear and unambiguous.

The panel relied on the precedent in a Court of Appeal decision in the suit between Oshiomhole & Anr V FGN & Anr (2007) 7 NLLR(pt. 18) page 164at 189 where His Lordship Ibrahim Tanko Mohammed (JCA) as he then was, now JSC, was in delivering the lead judgment had this to say, *‘One can understand the spirit of the respondents which seems to be geared towards achieving better social economic conditions for their members and the generality of the citizenry of this great Nation. That is alright. But by embarking on strikes, I dare say, the problem will be more compounded. I believe that meaningful discussions, dialogues and conciliations, rather than strikes, will achieve more positive results to the satisfaction of both parties, and the general citizenry’*.

The Court gave an Order in the open Court in the full glare of members of the public and the press in attendance.

Order of the Court was published in a number of the National newspapers as substituted service. Part of the prayer of the applicant bothers on issues of Oil subsidy removal. But the Court made clear in open court that it lacks jurisdiction on the matter.

Section 7 (1)b of National Industrial Court Act (NICA) 2006 and section 254 (C) sub-section (1) c, of the 1999 constitution, as amended, confers jurisdiction on the NICN on matter concerning strikes – matters before the court between the AGF and the NLC and TUC.

The Court declined jurisdiction on two of the prayers of the applicant which were clearly outside the jurisdiction of the Court.

The Motion on Notice in the suit is fixed for Thursday 12<sup>th</sup> January for Counsels to both parties to come before the Court to argue their case and to avail the parties ample time to reconcile their differences, make consultations and avoid likely loss of revenue, lives and avoidance of any unforeseen ugly incidents.

The Order of the court was not obtained by fraud as being peddled in some quarters. The order as given by a competent Court of the land is still subsisting and ought to be respected by all parties.

The insinuation from some quarters that a 'black market injunction' was obtained by the Hon. AGF from the National Industrial Court is no doubt misleading, baseless and has is no iota of truth in such whatsoever.

All rules of Court were carefully observed and followed to the letter for avoidance of doubt and preserving the credibility of the Court in such sensitive issue. The gamut of the case file and filings were published in the, The Nation newspaper publication of Tuesday 10th January 2012 on pages, 54 to 58.

The essence of the Order of the Court is to preserve the res to avoid break down of law and order and to insure that there is Industrial peace and harmony in the country.

The Court has only given an order which is binding on the parties that have appeared issues before the Court that is, AGF, NLC and TUC.

The Court has not made any pronouncement on any civil society group because they are not before the Court.

In conclusion, from the above explanation, it is clear that the Court did not go out of it way to make any pronouncement on oil subsidy removal.

Signed.

R. B. HAASTRUP (MRS.)  
CHIEF REGISTRAR,  
NATIONAL INDUSTRIAL COURT OF NIGERIA.  
DATED 11<sup>TH</sup> JANUARY 2012.