

**IN THE HIGH COURT OF DELTA STATE**  
**IN THE EFFURUN JUDICIAL DIVISION**  
**HOLDEN AT EFFURUN**  
**BEFORE HIS LORDSHIP, HON. JUSTICE ROLI DAIBO HARRIMAN**

**JUDGE**  
**ON 29 APRIL 2024**

**SUIT NO: EHC/210/2021**

**BETWEEN**

**1. THE REGISTERED TRUSTEES OF NBM OF AFRICA**

(Otherwise known as NEO BLACK MOVEMENT OF AFRICA)

**2. CHIEF ESE STANLEY KAKOR (JP)**

**3. CHIEF FELIX EDORE KUPA (JP)**

**4. DR. MAYOR ONYEBUEKE**

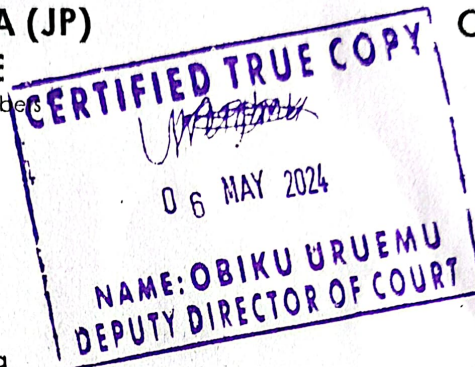
(For themselves and on behalf of Registered Members  
OF NBM OF AFRICA)

**CLAIMANTS**

**AND**

**LINDA IKEJI**

(Doing business under the name and style of Linda  
Ikeji's Blog)



**DEFENDANT**

**JUDGMENT**

The claimants claim against the defendant as follows:

1. A declaration that the defendant's online publication of Thursday, November 7<sup>th</sup>, 2019, posted and published on her online Linda Ikeji's blog captioned "PHOTOS OF 'BLACK AXE' CULTISTS DONATING IRON SHELTER TO TRAFFIC POLICE IN OSUN" and "THESE VIRAL PHOTOS SHOW MEMBERS OF THE DREADED CULT GROUP, NEO BLACK MOVEMENT OF AFRICA AKA BLACK AXE, DONATING IRON SHELTER TO TRAFFIC POLICE IN OSUN STATE AND THEY ALL LOOKED HAPPY" amounts to libel.
2. An order of this Honorable Court awarding the sum of N1, 000, 000, 000. 00 (One Billion Naira) only to the claimants being special and general damages against the defendant.
3. An order of this Honorable Court directing the defendant to write a letter of apology and retraction published and given same prominence and circulation in the defendant's online Linda Ikeji's Blog and a widely circulated national daily newspaper in Nigeria.



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4. An order of perpetual injunction restraining the defendant, her agents, privies and other person howsoever described acting for and, on her behalf, from further publishing/posting any other false and damaging publication against the claimants.

The claimants state that they are duly registered as a corporate entity with the Corporate Affairs Commission and that they are a lawful non-governmental organization as well as a humanitarian, charitable, non-political, non-religious and non-tribal organization. The claimants also aver that they have an international spread of members across Nigeria and abroad. As part of its corporate responsibility, its members had donated traffic control shelters to the police in Osun State and the defendant's reaction by her blog is the cause of action in this suit.

According to the claimants, the defendant is an online blogger with world-wide coverage to millions of persons in Nigeria and in this jurisdiction. Her blog is known as Linda Ikeji's Blog. On the 7<sup>th</sup> day of November 2019 posted and published on her online Linda Ikeji's blog the following **"PHOTOS OF 'BLACK AXE' CULTISTS DONATING IRON SHELTER TO TRAFFIC POLICE IN OSUN"** and **"THESE VIRAL PHOTOS SHOW MEMBERS OF THE DREADED CULT GROUP, NEO BLACK MOVEMENT OF AFRICA AKA BLACK AXE, DONATING IRON SHELTER TO TRAFFIC POLICE IN OSUN STATE AND THEY ALL LOOKED HAPPY"**.

It is the claimants' claim that the post was made by the defendant to defame and malign the claimants and her members over the aforementioned project. It is their case that the said publication was understood and was meant to be understood by reasonable and right-thinking members of the public that it is a dreaded cult group and her members are cultist. The claimants submit that the publication was made and posted mischievously and maliciously and has maligned the claimants and its members thereby ridiculing their integrity in the eyes of the general public.

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*[Signature]*  
06 MAY 2024  
NAME: OBIKU URUEMU  
DEPUTY DIRECTOR OF COURT

The claimants stated that members of the public and its members read the offending publication and this has caused a lot of damage to the reputation of the 1<sup>st</sup> claimant and its members.

Despite protest by the claimants, the defendant has refused to pull down the publication. According to the claimants' witnesses, they opined that the offensive and malicious publication/post by the defendant is capable of reducing and has reduced the claimant's reputation in the estimation of right-thinking members of the public. The publication has also brought the claimants into public scandal, odium, contempt and embarrassment within and outside Nigeria. The publication also meant that the claimants are irresponsible group or social misfits.

Despite service of the writ on the defendant and subsequent repeated service of hearing notices on the defendant until the conclusion of trial, the defendant failed, refused and deliberately neglected to put up an appearance or even participate in the trial. Having been satisfied by the notices on the defendant, the trial in this suit commenced on the 25/4/23 with the claimant calling 7 witnesses (CW1-CW7). The witnesses in their witness statements on oath which they adopted swore that they read the offending publication and that this has ridiculed the claimants. They swore that the publication is still active online.

The above facts were uncontroverted by the defendant who failed, and/or refused to file a statement of defence or call evidence in the suit.

Counsel for the claimants contended that with the uncontroverted facts stated by the witnesses, the court ought to grant the reliefs sought.

Despite lack of defence, it is important that one looks at the words complained to find if indeed right-thinking members of society can attribute the meaning suggested by the claimants.

It is trite that to sustain an action for libel, a claimant must plead and prove

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- (i) that the publication was in writing,
- (ii) that the publication was false,
- (iii) that the false publication was made to a person apart from the claimant and defendant,
- (iv) that the publication referred to the claimant and was defamatory of the claimant, and
- (v) that the publication was made by the defendant

See the case of **ACCESS BANK PLC V UGWUH (2013) LPELR- 20735 (CA)**.

It is not in dispute that the defendant has a blog where she had published the words complained of. There is also no defence or justification or truth by the defendant. It is also not in dispute that others apart from the parties read the publication. The main issue for my determination is whether the words complained of have the ordinary meaning ascribed to it by the claimants and will form the opinion of ordinary man in society.

As was held in **VANGUARD MEDIA LTD & ORS V OLAFISOYE (2011) LPELR -8938 (CA)**, the court will construe the words according to the fair and natural meaning, which would be given them by reasonable person of ordinary intelligence. See also the case of **PUNCH (NIG) LTD V EYITENE (2001) 17 NWLR (PT. 741) P. 228**. The concept of reasonableness depends on the facts of each case. See **OKONGWU V NNPC (1989) LPELR -2475 (SC)**. In defamation cases, it is primary duty of the trial judge to determine whether a publication is defamatory or not of a claimant. In doing so, the Judge construes the publication holistically, not in isolation, employing literal interpretation to it: ordinary grammatical meaning of the words in the publication.

What will a reasonable man think of the claimants after reading the said words which include the word 'cultists'? It is not in dispute that the 1<sup>st</sup> claimant is a lawful non-governmental organization and it is also a humanitarian and charitable organization. A humanitarian organization assist individuals who are suffering, particularly victims of armed conflict, famines, and natural disasters.

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*U. Oruemu*  
06 MAY 2024  
NAME: OBIKU URUEMU  
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I will now pick a few words/phrases from the offending publication posted by the defendant. These are:

**"BLACK AXE CULTIST AND DREADED CULT GROUP".**

According to the Oxford Dictionary the word "**DREADED**" means causing fear or worry and the word "**CULT**" means a dangerous organization that manipulates and often harms its members. The above underlined words in their ordinary meaning suggests that the 1<sup>st</sup> claimants operate a dangerous organization likely to cause problem, harm and/or destruction to the public. A defamatory statement has the following effects:

- a. To lower the claimant in the estimation of right-thinking members of the society generally; or
- b. To expose him to hatred; contempt ridicule; or
- c. To cause other persons to shun or avoid him; or
- d. To discredit him in his office, trade or profession; or
- e. To injure his financial credit.

Consequently, I can safely conclude therefore that any reasonable man who reads Exhibit CL1 will conclude that the claimants run a dangerous organization with the aim of causing harm to the public. This will indeed reduce their estimation in the eyes of the readers. I find that the publication of the claimants as a dreaded cult group defames them and reduces the respect accorded them by members of the public. In this age of fast and easy access to online information, such reckless act as that exhibited by the defendant should be discouraged.

As I mentioned earlier, despite the service of the originating process on the defendant by the claimants, the defendant refused to file a statement of defence or call evidence in this suit. The law is trite, that where a defendant fails to file a defence in a suit, and does not defend a suit, then he is deemed to have admitted the cause of the claimant. See the case of **MATA V KANO STATE PUBLIC COMPLAINTS & ANTI CORRUPTION COMMISSION & ANOR (2023) LPELR-60503 (CA)**.



In the circumstance, judgment is entered in favour of the claimants against the defendant as follows:

- a. The defendant's online publication of Thursday, November 7<sup>th</sup>, 2019, posted and published on her online Linda Ikeji's blog captioned **"PHOTOS OF 'BLACK AXE' CULTISTS DONATING IRON SHELTER TO TRAFFIC POLICE IN OSUN"** and **"THESE VIRAL PHOTOS SHOW MEMBERS OF THE DREADED CULT GROUP, NEO BLACK MOVEMENT OF AFRICA AKA BLACK AXE, DONATING IRON SHELTER TO TRAFFIC POLICE IN OSUN STATE AND THEY ALL LOOKED HAPPY"** amounts to libel.
- b. The sum of N30, 000, 000. 00 (Thirty Million Naira) only to the claimants being general damages against the defendant.
- c. The defendant is hereby ordered to write a letter of apology to be published and circulated in the defendant's online Linda Ikeji's Blog as well as published in a Daily National newspaper in Nigeria within 14 days hereof.
- d. The defendant, her agents, privies and other person howsoever described acting for and, on her behalf, are hereby restrained from further publishing/posting any other false and damaging publication against the claimants.
- e. Cost of N300,000.00 (Three hundred Thousand Naira)



ORIGINAL SIGNED BY  
HON JUSTICE R. HARRIMAN

- ELIJAH KELVIN AGBROKO for the Claimants
- Defendant UNREPRESENTED

