

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT ABUJA

SUIT NO CM/490/18

BETWEEN:  
PROFESSOR ERNEST OJUKWU, SAN } APPLICANT

AND

- 1. THE REGISTERED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION
  - 2. JONATHAN GUNU TAIDI  
(GENERAL SECRETARY OF THE NIGERIAN BAR ASSOCIATION)
  - 3. PAUL USORO, SAN  
(PRESIDENT, NIGERIAN BAR ASSOCIATION)
- } RESPONDENTS

APPLICATION FOR REVIEW OF DENIAL OF REQUEST FOR ACCESS TO INFORMATION BROUGHT PURSUANT TO SECTION 20 AND 21 OF THE FREEDOM OF INFORMATION ACT AND ORDER 2 RULE 6 OF THE HIGH COURT OF FCT (CIVIL PROCEDURE) RULES 2018

TAKE NOTICE that this Honourable Court shall be moved on the ..... day of ....., 2018 at the hour of 9 O'clock in the forenoon or so soon thereafter as counsel for the Applicant shall be heard praying for the following reliefs:

- 1. A DECLARATION that the failure of the Respondents to furnish the Applicant with information and documents sought vide the Applicant's letters of 29<sup>th</sup> October 2018 amounts to wrongful denial of information under the Freedom of Information Act.

TIF-A/2700 + 1500 = A/4200  
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DATE - 07/12/18  
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PAW 7765

- 2 **AN ORDER** compelling the Respondents to, within 7 days, furnish the Applicant with information and copies of documents sought vide Applicant's letter of 29<sup>th</sup> October 2018 and which information and documents are set out in the schedule herein stated.

SCHEDULE

- a. Report of the Nigerian Bar Association 2018 Ad-hoc Transition Committee.
- b. The budget approved by the NBA National Executive Committee for the 57th Annual General Conference of the Nigerian Bar Association 2017.
- c. The breakdown of the account for the 57th Annual General Conference of the Nigerian Bar Association 2017.
- d. Detail of cost of Nigeria Bar Association sponsorship of international conferences for all lawyers including Nigerian Bar Association National Officers from 2016 to 2018.
- e. Details of all lawyers handling NBA matters in courts and details of payments made to them from 2016-2018.
- f. Details of the Nigerian Bar Association income and expenditure account from 2016 to 2017.
- g. Details of the Nigerian Bar Association income and expenditure account from 2017 to 2018.
- h. Account of all expenditures made from the MacArthur Foundation Criminal Justice Reform funds and bank statement of the account from 2017-2018.
- i. The budget approved by NBA National Executive Committee for the NBA Criminal Justice Reforms Conference organised by the NBA Criminal Justice Reforms Committee held at Asaba, Delta State from April 24 to 28, 2018.
- j. The breakdown of account for the NBA Criminal Justice Reforms Conference organised by the NBA Criminal Justice Reforms Committee held at Asaba, Delta State from April 24 to 28, 2018.
- k. The breakdown of all the payments made to members of the Legal Practitioners Disciplinary Committee from 2012 till date.

1. The breakdown of all the payments made to NBA Prosecutors at the Legal Practitioners Disciplinary Committee from 2012 till date.
- m. The contract signed to engage the services of PriceWaterhouseCooper (PWC) for the purpose of auditing and reviewing the NBA Account.
- n. the budget approved by Nigerian Bar Association's National Executive Committee for the 58th NBA Annual General Conference 2018.

## **GROUND'S UPON WHICH THIS APPLICATION IS BROUGHT**

1. The Applicant in this application is a lawyer, a senior advocate of Nigeria, a Nigerian and resides in Nigeria.
2. The 1<sup>st</sup> Respondent is the registered trustee of the Nigerian Bar Association.
3. The Nigerian Bar Association is a regulatory organ of the legal profession in Nigeria.
4. The 2<sup>nd</sup> Respondent is the General Secretary of the Nigerian Bar Association in charge of the National Secretariat and all record and returns of the Nigerian Bar Association.
5. The 3<sup>rd</sup> Respondent is the President of the Nigerian Bar Association with the power to direct all other Officers of the Nigerian Bar Association in the performance of their duties, and coordinating the activities of all Branches of the Association.
6. The 3<sup>rd</sup> Respondent also has the function of ensuring, with the assistance of the General Secretary and the Treasurer, the efficient and economic use of the Association's assets and resources.
7. On August 24, 2018, the 3<sup>rd</sup> Respondent inaugurated the Nigerian Bar Association 2018 Ad-hoc Transition Committee with the 2<sup>nd</sup> Respondent as its members. The committee submitted a report to the 3<sup>rd</sup> Respondent.
8. On October 6, 2018 the 3<sup>rd</sup> Respondent contracted PriceWaterCoopers(PWC) for the purpose of auditing and reviewing the Nigerian Bar Association's Account.
9. All lawyers in Nigeria pay mandatory tax called practicing fee, enforced and collected by the Registrar of the Supreme Court of Nigeria under the Legal Practitioners Act.
10. Nine tenths of the aggregate amount of the practising fee received by the Registrar of the Supreme Court of Nigeria is remitted to the Nigerian Bar Association.
11. The practising fee is a public fund paid into a separate fund under the Legal Practitioners Act and substantial part is used by the Nigerian Bar Association.

12. The Nigerian Bar Association is under a duty to keep proper accounts in respect of the fund and proper records in relation to the accounts.
13. The account is to be audited in each year by an auditor approved, as respects that year, by the Auditor-General for the Federation.
14. The 2017/2018 Budget Proposal prepared by the Nigerian Bar Association National Treasurer shows that in 2016-2017 financial year, the Nigerian Bar Association received Six hundred and seventy-five million, seven hundred and fifty thousand, eight hundred and fifty thousand naira (N675,750, 850) of the practicing fee paid by lawyers.
15. The Nigerian Bar Association Statement of Financial Position as at 31<sup>st</sup> August 2018 shows that in 2017-2018 financial year, the 1st Respondent received Seven hundred and twenty-one million, two hundred and sixty-two thousand, three hundred and forty-five naira (N721,262,345) of the practicing fee paid by lawyers.
16. The purpose, aims and objectives of the Nigerian Bar Association include Maintenance and defence of the integrity and independence of the Bar and the Judiciary in Nigeria; Promotion and support of law reform; Improvement of the system of administration of justice, its procedures and the arrangement of court business among other public oriented aims and objectives.
17. It is compulsory under the law for every legal practitioner to pay practising fee each year.
18. It is compulsory under the law for every lawyer to pay for stamp and seal each year.
19. The Respondents receive the fees for stamp and seal. In the accounting year 2016/2017, Nigerian Bar Association received one hundred and fifty-nine million, two hundred and fifty-five thousand, seven hundred naira only (N159,255,700) as stamp and seal fee and in accounting year 2017/2018 the Respondents received the sum of one hundred and seventy-seven million, six hundred and twenty-two thousand, three hundred and fifty naira(N177,622,355) as stamp and seal fee.
20. The Nigerian Bar Association funds the cost of activities of the Legal Practitioners Disciplinary Committee set up under the Legal Practitioners Act. It is the Nigerian Bar Association that determines whether a prima facie case of professional misconduct has been established against any lawyer or legal practitioner in Nigeria, whether the lawyer is a member of the Nigerian Bar Association or not.
21. The Nigerian Bar Association performs public functions and utilizes public funds.

22. On 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the **Report of the Nigerian Bar Association 2018 Ad-hoc Transition Committee**. The letter is attached to this affidavit as Exhibit A.
23. On 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the following:
- i. **The budget approved by the NBA National Executive Committee for the 57th Annual General Conference of the Nigerian Bar Association 2017.**
  - ii. **The breakdown of the account for the 57th Annual General Conference of the Nigerian Bar Association 2017.** The letter is attached to this affidavit as Exhibit B.
24. On 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the **Detail of cost of Nigeria Bar Association sponsorship of international conferences for all lawyers including Nigerian Bar Association National Officers from 2016 to 2018**. The letter is attached to this affidavit as Exhibit C.
25. On 30<sup>th</sup> of October 2018, I delivered a letter dated 29<sup>th</sup> October 2018 to the Nigerian Bar Association through the 2<sup>nd</sup> Respondent seeking information on the **Details of all lawyers handling NBA matters in courts and details of payments made to them from 2016-2018**. The letter is attached to this affidavit as Exhibit D.
26. On 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the following:
- I. **Details of the Nigerian Bar Association income and expenditure account from 2016 – 2017.**
  - II. **Details of the Nigerian Bar Association income and expenditure account from 2017 – 2018.** The letter is attached to this affidavit as Exhibit E
27. On 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the **Account of all expenditures made from the MacArthur Foundation Criminal Justice Reform funds and bank statement of the account from 2017-2018**. The letter is attached to this affidavit as Exhibit F.
28. On 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the following:
- I. **The budget approved by NBA National Executive Committee for the NBA Criminal Justice Reforms Conference organised by the NBA Criminal Justice Reforms Committee held at Asaba, Delta State from April 24 to 28, 2018.**
  - II. **The breakdown of account for the NBA Criminal Justice Reforms Conference organised by the NBA Criminal Justice Reforms Committee held at Asaba, Delta State from April 24 to 28, 2018.** The letter is attached to this affidavit as Exhibit G.
29. On 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the following:

- I. The breakdown of all the payments made to members of the Legal Practitioners Disciplinary Committee from 2012 till date.
  - II. The breakdown of all the payments made to NBA Prosecutors at the Legal Practitioners Disciplinary Committee from 2012 till date. The letter is attached to this affidavit as Exhibit H.
30. On 30th of October 2018, the Applicant served a letter dated 29th October 2018 on the 2nd Respondent seeking information on the The contract signed to engage the services of PriceWaterhouseCooper (PWC) for the purpose of auditing and reviewing the NBA Account. The letter is attached to this affidavit as Exhibit I.
  31. On 30th of October 2018, the Applicant served a letter dated 29th October 2018 on the 2nd Respondent seeking information on the budget approved by Nigerian Bar Association's National Executive Committee for the 58th NBA Annual General Conference 2018. The letter is attached to this affidavit as Exhibit J.
  32. The Respondents have failed to respond to the Applicant's requests and letters, and refused to grant him access to all the information and documents sought.

DATED THIS

07

DAY OF

12

2018



*Ugochukwu Njoku*

Ugochukwu Njoku  
Applicant's Counsel

No. 2 STK Ukaga Road/Plot 313 Lifecamp

Opposite Polaris (Skye) Bank

Life Camp Junction Abuja

Tel, 08030916236

[ugochukwunjoku@nigerianbar.ng](mailto:ugochukwunjoku@nigerianbar.ng)

FOR SERVICE:

1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents

Nigerian Bar Association  
NBA House,  
Plot 1101 Mohamadu Buhari Way,  
FCT Abuja

Applicant

C/O His Solicitor, Ugochukwu Njoku  
No. 2 STK Ukaga Road/Plot 313 Lifecamp  
Opposite Polaris (Skye) Bank  
Life Camp Junction Abuja  
Tel, 08030916236  
[ugochukwunjoku@nigerianbar.ng](mailto:ugochukwunjoku@nigerianbar.ng)

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
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**SUIT NO \_\_\_\_\_**

**BETWEEN:**

**PROFESSOR ERNEST OJUKWU, SAN**

**} -APPLICANT**

**AND**

- 1. THE REGISTERED TRUSTEES OF THE  
NIGERIAN BAR ASSOCIATION**
- 2. JONATHAN GUNU TAIDI  
(GENERAL SECRETARY OF THE  
NIGERIAN BAR ASSOCIATION)**
- 3. PAUL USORO, SAN  
(PRESIDENT, NIGERIAN BAR ASSOCIATION)**

**RESPONDENTS**

**APPLICANT’S AFFIDAVIT IN SUPORT OF APPLICATION FOR REVIEW OF DENIAL  
OF REQUEST FOR ACCESS TO INFORMATION**

I, Benjamin Nwosu, male, Nigerian Citizen of No. 2 STK Ukaga Rd/Plot 313 Life Camp, FCT Abuja, do hereby make Oath and state as follows:

1. That I am a Legal Practitioner in the law firm of Ojukwu Faotu & Yusuf, and I am familiar with the facts deposed herein.
2. That I have the consent and authority of the Applicant to depose to this affidavit on his behalf from facts within my knowledge and from information received from the Applicant which I verily believe to be true
3. That the Applicant in this application is a lawyer, a senior advocate of Nigeria, a Nigerian and resides in Nigeria.
4. That the 1<sup>st</sup> Respondent is the registered trustee of the Nigerian Bar Association.

5. That the Nigerian Bar Association is a regulatory organ of the legal profession in Nigeria.
6. That the 2<sup>nd</sup> Respondent is the General Secretary of the Nigerian Bar Association in charge of the National Secretariat and all record and returns of the Nigerian Bar Association.
7. That the 3<sup>rd</sup> Respondent is the President of the Nigerian Bar Association with the power to direct all other Officers of the Nigerian Bar Association in the performance of their duties, and coordinating the activities of all Branches of the Association.
8. The 3<sup>rd</sup> Respondent also has the function of ensuring, with the assistance of the General Secretary and the Treasurer, the efficient and economic use of the Association's assets and resources.
9. That on August 24, 2018, the 3<sup>rd</sup> Respondent inaugurated the Nigerian Bar Association 2018 Ad-hoc Transition Committee with the 2<sup>nd</sup> Respondent as its members. The committee submitted a report to the 3<sup>rd</sup> Respondent.
10. That on October 6, 2018 the 3<sup>rd</sup> Respondent contracted PriceWaterCoopers(PWC) for the purpose of auditing and reviewing the Nigerian Bar Association's Account.
11. That all lawyers in Nigeria pay mandatory tax called practicing fee, enforced and collected by the Registrar of the Supreme Court of Nigeria under the Legal Practitioners Act.
12. That nine tenths of the aggregate amount of the practising fee received by the Registrar of the Supreme Court of Nigeria is remitted to the Nigerian Bar Association.
13. That the practising fee is a public fund paid into a separate fund under the Legal Practitioners Act and substantial part is used by the Nigerian Bar Association.
14. That the Nigerian Bar Association is under a duty to keep proper accounts in respect of the fund and proper records in relation to the accounts.
15. That the account is to be audited in each year by an auditor approved, as respects that year, by the Auditor-General for the Federation.
16. That the 2017/2018 Budget Proposal prepared by the Nigerian Bar Association National Treasurer shows that in 2016-2017 financial year, the Nigerian Bar Association received Six hundred and seventy-five million, seven hundred and fifty thousand, eight hundred and fifty thousand naira (N675,750, 850) of the practicing fee paid by lawyers.
17. That the Nigerian Bar Association Statement of Financial Position as at 31<sup>st</sup> August 2018 shows that in 2017-2018 financial year, the 1st Respondent received Seven hundred and twenty-one million, two hundred and sixty-two thousand, three hundred and forty-five naira (N721,262,345) of the practicing fee paid by lawyers.



18. That the purpose, aims and objectives of the Nigerian Bar Association include Maintenance and defence of the integrity and independence of the Bar and the Judiciary in Nigeria; Promotion and support of law reform; Improvement of the system of administration of justice, its procedures and the arrangement of court business among other public oriented aims and objectives.
19. That it is compulsory under the law for every legal practitioner to pay practising fee each year.
20. That is compulsory under the law for every lawyer to pay for stamp and seal each year.
21. That the Respondents receive the fees for stamp and seal. In the accounting year 2016/2017, Nigerian Bar Association received one hundred and fifty-nine million, two hundred and fifty-five thousand, seven hundred naira only (N159,255,700) as stamp and seal fee and in accounting year 2017/2018 the Respondents received the sum of one hundred and seventy-seven million, six hundred and twenty-two thousand, three hundred and fifty naira(N177,622,355) as stamp and seal fee.
22. That it is the Nigerian Bar Association that funds the cost of activities of the Legal Practitioners Disciplinary Committee set up under the Legal Practitioners Act. It is the Nigerian Bar Association that determines whether a prima facie case of professional misconduct has been established against any lawyer or legal practitioner in Nigeria, whether the lawyer is a member of the Nigerian Bar Association or not.
23. That the Nigerian Bar Association performs public functions and utilizes public funds.
24. That on the 7<sup>th</sup> day of December 2018 at about 11.00 at No. 2 STK Ukaga Rd/Plot 313 Life Camp, FCT Abuja, the Applicant informed me and I verily believe him;
  - a. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the **Report of the Nigerian Bar Association 2018 Ad-hoc Transition Committee**. The letter is attached to this affidavit as Exhibit A.
  - b. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the following:
    - i. **The budget approved by the NBA National Executive Committee for the 57th Annual General Conference of the Nigerian Bar Association 2017.**
    - ii. **The breakdown of the account for the 57th Annual General Conference of the Nigerian Bar Association 2017.** The letter is attached to this affidavit as Exhibit B.
  - c. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the **Detail of cost of Nigeria Bar Association sponsorship of international conferences for all lawyers including Nigerian Bar Association National Officers from 2016 to 2018**. The letter is attached to this affidavit as Exhibit C.
  - d. That on 30<sup>th</sup> of October 2018, I delivered a letter dated 29<sup>th</sup> October 2018 to the Nigerian Bar Association through the 2<sup>nd</sup> Respondent seeking information on the **Details of all lawyers handling NBA matters in courts and details of payments made to them from 2016-2018**.The letter is attached to this affidavit as Exhibit D.

- e. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the following:
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  - f. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the **Account of all expenditures made from the MacArthur Foundation Criminal Justice Reform funds and bank statement of the account from 2017-2018.** The letter is attached to this affidavit as Exhibit F.
  
  - g. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the following:
    - I. **The budget approved by NBA National Executive Committee for the NBA Criminal Justice Reforms Conference organised by the NBA Criminal Justice Reforms Committee held at Asaba, Delta State from April 24 to 28, 2018.**
    - II. **The breakdown of account for the NBA Criminal Justice Reforms Conference organised by the NBA Criminal Justice Reforms Committee held at Asaba, Delta State from April 24 to 28, 2018.** The letter is attached to this affidavit as Exhibit G.
  
  - h. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the following:
    - I. **The breakdown of all the payments made to members of the Legal Practitioners Disciplinary Committee from 2012 till date.**
    - II. **The breakdown of all the payments made to NBA Prosecutors at the Legal Practitioners Disciplinary Committee from 2012 till date.** The letter is attached to this affidavit as Exhibit H.
  
  - i. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on the **The contract signed to engage the services of PriceWaterhouseCooper (PWC) for the purpose of auditing and reviewing the NBA Account.** The letter is attached to this affidavit as Exhibit I.
  
  - j. That on 30<sup>th</sup> of October 2018, the Applicant served a letter dated 29<sup>th</sup> October 2018 on the 2<sup>nd</sup> Respondent seeking information on **the budget approved by Nigerian Bar Association’s National Executive Committee for the 58th NBA Annual General Conference 2018.** The letter is attached to this affidavit as Exhibit J.
  
  - k. That the Respondents have failed to respond to his requests and letters, and refused to grant him access to all the information and documents sought.
25. That I swear to this affidavit solemnly and conscientiously believing its contents to be true and correct in accordance with the Oaths Act.

*[Handwritten Signature]*

DEPONENT

Sworn to at the High Court of FCT Registry Abuja.

This *7th* day of *January*, 2018

*[Handwritten Signature]*  
HIGH COURT OF THE FCT  
ABUJA  
COMMISSIONER FOR OATH  
AISHA A. BAJOGA  
COMMISSIONER OF OATHS