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**SOLICITOR-GENERAL OF THE FEDERATION
AND PERMANENT SECRETARY**

FEDERAL MINISTRY OF JUSTICE

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MAITAMA ABUJA NIGERIA

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P.M.B. No 192
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SGF/PS/ES/331

Ref. No:.....

7th August, 2023

Date:.....

Messrs. Falana & Falana's Chambers,
22 Mediterranean Street,
Imani Estate,
Off Shehu Shagari Way,
Maitama,
Abuja.




RE: COMMUNIQUE ISSUED BY NIGERIA LABOUR CONGRESS

The attention of the Federal Ministry of Justice has been drawn to the Communique issued by the Nigeria Labour Congress ("NLC") on 3rd August 2023 wherein NLC announced the suspension of its nationwide protests and criticized the contempt summons issued by the National Industrial Court ("Court"), amongst other issues.

2. Kindly recall the exchange of correspondence between the Ministry and your Office on the need for compliance with the extant court orders, restraining industrial action of any kind on the part of the Nigeria Labour Congress and Trade Union Congress. The position of the Ministry was informed by the need to safeguard the integrity of the court and prevent avoidable service disruption or damages to public facilities.

3. However, despite these exchanges/interventions, the labour unions on 2nd August 2023 proceeded with the industrial action through public protests which led to disruption of work and the eventual pulling down of the gate of the National Assembly. The foregoing prompted the Ministry to initiate contempt proceedings by filing Form 48 on the same 2nd August 2023 in accordance with *Section 72 of the Sheriffs and Civil Process Act* and *Order 9 Rule 13 of the Judgment (Enforcement) Rules*. It is trite that issuance of Form 48 is just the starting point in contempt proceedings which will only crystalize upon the issuance of Form 49 and the consequential committal order.

4. Upon the intervention of His Excellency, President Bola Ahmed Tinubu and the decision of the labour unions to call-off their industrial action after meetings with the President and leadership of the National Assembly, this Ministry did not proceed further with the contempt proceedings, which would have required the issuance of Form 49 within two days of the issuance of Form 48. It is self-evident that the none-issuance of Form 49 as at 4th August 2023, renders the contempt proceedings inchoate. You may therefore wish to advise or guide the labour unions on the practice and procedure of contempt proceedings, particularly to the effect that the issues or concerns raised by NLC in its communique on the proceedings, have been overtaken by events.
5. Please accept the assurance of my warm regards


MRS. B.E. JEDY-AGBA, OON, mni
Solicitor-General of the Federation
& Permanent Secretary

Copy to:

1. Chief of Staff to the President
2. Head of the Civil Service of the Federation
3. National Security Adviser
4. Inspector-General of Police
5. Director-General, State Security Services
6. Permanent Secretary, Federal Ministry of Labour and Employment
7. National President, Trade Union Congress
8. National President, Nigeria Labour Congress