



RE: BUA OBU MINES, OKPELLA, EDO STATE

BUA INTERNATIONAL LIMITED

vs.

- | | |
|---|-------------------------|
| 1. INSPECTOR GENERAL OF POLICE | – 1st Respondent |
| 2. COMMISSIONER OF POLICE, EDO STATE | – 2nd Respondent |
| 3. DANGOTE INDUSTRIES | – 3rd Respondent |
| 4. DANGOTE CEMENT PLC | – 4th Respondent |

BUA wishes to inform its shareholders, employees, customers, regulators, host communities, security agencies and the general public that the Federal High Court, Benin, in a recent judgement, has made an order which upholds BUA's fundamental right to peaceful possession of the mining sites in Obu, Okpella, Edo State (operated by BUA Cement and which BUA became seised by virtue of mining leases granted by the Federal Government of Nigeria), without unlawful interference from the above listed Respondents.

It would be recalled that BUA was legally operating its various mining sites in Obu-Okpella, Edo State before the above named respondents abruptly disrupted our operations at three of those mines in 2017 during the pendency of two other matters. The 1st and 2nd Respondents at the behest of the 3rd and 4th Respondents invaded and shut down the operations. We then approached the courts to enforce our fundamental rights to the property of the mines as well as our rights to continue operating from those mines. Whilst we were awaiting judgement, we continued to sustain our operations from our other numerous mines in that area unaffected by these actions.

After a prolonged trial, which commenced in 2017, the court not only found that we have always been in possession of the mining sites but clearly found that the 1st and 2nd respondents were used and allowed themselves to be used by the 3rd and 4th respondents to invade, and disrupt our operations in the affected and disputed mine sites during the pendency of two other matters between us and the 3rd and 4th respondents. The court accordingly granted an order restraining the first 1st and 2nd respondents (The Police) as well as the 3rd and 4th respondents (Dangote Industries & Dangote Cement Plc) from interfering in any manner whatsoever with BUA's operation of disputed mining lease sites. (See the enrolled Judgement attached). The two other matters remain pending in court.

This judgement is one major step towards the final vindication of our rights over the mining sites and in line with BUA's position that it holds the legal mining leases to the disputed sites, and that all parties in this dispute allow the courts be the final arbiter as has been our mantra, "LET THE COURTS DECIDE". We therefore wish to thank the Judiciary for standing firm on the side of justice in the discharge of its duties as well as the commitment of all parties in submitting wholeheartedly to the judicial process.

BUA has now resumed operations at the Obu-Okpella mines as ordered by the court.

SIGNED,
MANAGEMENT

BUA OBU MINES, OKPELLA, EDO STATE



**IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE BENIN JUDICIAL DIVISION
HOLDEN AT BENIN CITY**

SUIT NO. FHC/B/CS/101/2017

BETWEEN:

<p>1. BUA INTERNATIONAL LIMITED 2. EDO CEMENT COMPANY LIMITED</p>	}APPLICANTS
AND		
<p>1. INSPECTOR GENERAL OF POLICE 2. COMMISSIONER OF POLICE EDO STATE 3. DANGOTE INDUSTRIES LIMITED 4. DANGOTE CEMENT PLC</p>	}RESPONDENTS

ORDER

UPON THIS ORIGINATING MOTION dated and filed on the 22nd day of August, 2017 praying this honourable Court for the following order:

- A DECLARATION** that the actions of the 1st and 2nd Respondents at the instigation and incitement of the 3rd and 4th Respondents by harassing threatening intimidating and invading the premises and mining sites of the Applicants covered by the Applicants' Mining Lease 18912 and 18913 respectively in Obu-Okpella, Etsako East Local Government Area of Edo State. Edo state is an infringement on the fundamental rights of the Applicants to property as guaranteed by the Constitution the Federal Republic of Nigeria 1999 as altered
- A DECLARATION** that the actions of the 1st and 2nd Respondents at the instigation and incitement of the 3rd and 4th Respondents by harassing threatening intimidating and invading the premises and mining sites of the Applicants covered by the Applicants' Mining Lease 18912 and 18913 respectively in Obu-Okpella, Etsako East Local Government

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DATE: *18/9/2020*
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Area of Edo State. Edo State is an infringement on the fundamental rights of the Applicants to privacy as guaranteed by the Constitution of the Federal Republic of Nigeria 1999 as altered

3. AN ORDER OF PERPETUAL INJUNCTION restraining the 1st and 4th Respondents, by themselves, agents, officers, servants, privies or anybody howsoever described from further harassment, threat, intimidation and invasion of the premises and mining sites of the Applicants covered by the Applicants' Mining Lease 18912 and 18913 respectively in Obu-Okpella, Etsako East Local Government Area of Edo State. Edo State or in any manner interfering with the fundamental rights of the plaintiff property as enshrined in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria (as altered)

4. AN ORDER OF PERPETUAL INJUNCTION restraining the 1st and 4th Respondents, by themselves, agents, officers, servants, privies or anybody howsoever described from further harassment, threat, intimidation and invasion of the premises and mining sites of the Applicants covered by the Applicants' Mining Lease 18912 and 18913 respectively in Obu-Okpella, Etsako East Local Government Area of Edo State, Edo State or in any manner interfering with the Fundamental Right of the Plaintiff to privacy as enshrined in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria (as altered)

5. AN ORDER directing the Respondents to publicly apologize to the Applicants in at least two widely circulated national Newspapers, social media and the Nigerian Television Authority (NTA) as well as Channel Television within 24 hours from the day of the Judgment of this suit.

6. The sum ₦ 2,500,000,000.00 (Two Billion, five hundred Million Naira only) being general, exemplary and aggravated damages for the acts of violation of the Application's Rights.

A.A. DEMI AJAYI
PRESIDING JUDGE

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7. The sum ₦ 20, 000,000.00 (twenty Million Naira), only being the cost of this suit.

AND FOR SUCH FURTHER ORDER(S) as this Honourable Court may deem fit to make in the circumstances of this application.

AND AFTER READING the affidavit in support of motion sworn to by Mr. Richard Gidabo General manager of km 164 Benin Okene Road Okpella Edo State and filed at the Court Registry.

AND AFTER HEARING Kolawole Abdusalam (Esq) counsel for the applicant move in terms of Originating motion, S.I. Agbonmelo (Esq) counsel for the 1st and 2nd Respondents and .O. Ojibana (Esq) counsel for the 3rd and 4th Respondents opposing the application.

IT IS HEREBY ORDERED AS FOLLOWS:

- That an order is hereby granted that the honourable Court finds that it has Jurisdiction to hear the originating motion.
- That an order for an interim injunction is hereby granted against the 1st and 2nd Respondents (the police) and the 3rd and 4th Respondents who are hereby restrained from interfering in any manner what so ever with the said mining lease site pending the hearing and determination of the 2 pending suit No. FHC/B/CS/7/2016 & FHC/B/CS/74/2016 before Honourable Justice Ajoku' of the federal High Court Benin Division Accordingly
- That each party shall bear his own costs

ISSUED AT BENIN under the seal of the Court and the hand of the Presiding Judge dated this 28th day of May, 2020.

[Signature]
OYIBO LOVETY
REGISTRAR

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