



AFE BABALOLA UNIVERSITY, ADO-EKITI

11th December, 2024

Dear Students,

PUBLIC NOTICE

In light of the recent controversy surrounding our founder, **Chief Aare Afe Babalola, CON, OFR, SAN and Dele Farotimi**, it is pertinent for us to address the entire student body on the under-listed issues:

1. Defamation as a Civil or Criminal Matter:

Defamation is both a civil and criminal wrong and as such, an aggrieved party can decide to seek remedy by pursuing civil damages or by initiating criminal proceedings or even both as was buttressed by the Court of Appeal in the recent case of **Adebiyi v. Adebiyi (2024) 8 NWLR (Pt. 1939) 1 at 30**. Furthermore, the defamatory allegations in this case are criminal in nature, thus it is only proper for the Police Force to carry out their necessary investigation. Another thing to note is the delay in the judicial system especially as it pertains to civil cases.

2. Territorial Jurisdiction of the Ekiti State Magistrate Court:

In a defamation suit in Nigeria, "publication" gives rise to a cause of action. Thus, every location within which the defamatory statement was published, has jurisdiction to entertain the matter. While it is conceded that the said book was written and published in Lagos, it was accessible worldwide both online and offline. This makes it legally valid to prosecute the matter in Ekiti State.

3. Decriminalization of Defamation in Lagos State:

The decriminalization of defamation in Lagos State does not affect this case because the proceedings were initiated in Ekiti State where the law remains valid and enforceable.

4. Freedom of Speech vs. Obligation to Prove Assertions:

Freedom of Speech is a constitutional right but it comes with responsibilities. Anyone making allegations must be prepared to prove their claims. In this case, Section 140 of the Evidence Act would also come to play as it places



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the burden of proving facts within the peculiar knowledge of the Defendant on him where he is relying on it as his defence. Also, Section 141 of the Evidence Act places the burden of proving special defences, exceptions or exemptions to certain offences. In a defamation case that there exist special defences, the burden would surely and automatically shift to the Defendant to prove that the contents of the publications are indeed correct and true.

Premised on the above clarity, we want to urge all students to ignore the attempts by unscrupulous and devious individuals to tarnish the image and reputation of our Founder. We also urge all students to maintain peace while the matter is pending before the Court.

Yours faithfully,

Agim Donald
Chiedozie
President, SAMSSA

Jelka Wutdeajala
Jerome
President, COSSA

Osigwe Marvelous
Chinaecherem
President, NUESA

Onyeka Precious
Chidera
President, PANS

Ayodeji Asala
President, LSS

Ogunlana Emmanuel
Olamilekan
**President,
COMHSSA**

Boluwatife Amao
**SRC Chairman Elect,
2024/2025 Session**