

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT APO - F.C.T. - ABUJA**

CLERK: CHARITY  
COURT NO. 15

SUIT NO:FCT/HC/M/12893/20  
DATE: 11-12-20

BETWEEN:

PRINCE OLISA OKWUCHUKWU EZE & 1 OR.....PLAINTIFF

AND

ECONOMIC & FINANCIAL CRIME COMMISSION & 1 OR.....DEFENDANT

**RULING**  
**(DELIVERED BY HON. JUSTICE S. B. BELGORE)**

By a Motion *Ex-parte* - M/12893/2020, the applicants - Prince Olisa O. Eze and Mrs. Amarachi C. Eze - prayed this Court for two principal reliefs: to wit:

- (1) An ORDER admitting the 1<sup>st</sup> applicant to bail forthwith pending the hearing and determination of the substantive application or formal arraignment in Court.
- (2) An ORDER directing the unfreezing of the 1<sup>st</sup> applicant's Bank account with the following Banks to wit: Ecobank, Fidelity & GTB Banks.

There are seven (7) grounds for so praying on the Motion paper. This application brought pursuant to O4 Rules 3 & 4 of the Fundamental Rights (Enforcement Procedure) Rules, 2004, and S.46 of the 1999 Constitution (as amended) as supported by two affidavits: to wit:

- (1) An affidavit of urgency of 11-paragraphs deposed to by Uchenna Uche Esq. a Counsel in the applicant's Counsel's chambers.
- (2) An affidavit of 32-paragraphs deposed to by Mrs. Amarachi Eze, the wife of the 1<sup>st</sup> applicant.

A few minutes ago, learned Counsel to the two applicants, Mr. A. B. Anachebe SAN, moved the application summarily.

He referred to the contents of the two affidavits and the grounds of the application. Learned SAN specifically pointed out the fact that the 1<sup>st</sup> applicant has been in detention since 12/11/20 without any arraignment in Court nor a formal interview in the presence of the person who wrote a petition against them that prompted their detention. He then urged me to grant the application and relied on the case of **FAWEHIMI VS. IGP (2002) 7 NWLR (PT. 767) 603.**

I have painstakingly considered this argument of the learned SAN and the supporting two affidavits. O4 R3 of the Fundamental Rules (Enforcement Procedure) Rules 2009, provides:

*"The Court may, if satisfied that exceptional hardship may be caused to the applicant before the service of the application especially when life or liberty of the applicant is involved, hear the motion ex-parte upon such interim reliefs as justice of the application may demand."*

I have underlined the phrase liberty of the applicant. The question is, am I satisfied that the exceptional hardship may be caused to the 1<sup>st</sup> applicant by continuous detention before the service of the originating application in this case? I think my answer is in the affirmative. The 1<sup>st</sup> applicant has been in detention since 11/11/20. One month ago to be precise. That is well beyond the stipulated period allowed for detention of investigative authorities by law. For the fact of detention, see paragraph 6 of the supporting affidavit. And more related to the circumstance of his arrest and detention are paragraphs 7-30 of the same affidavit.

In view of the above, it is clear to me that the liberty of the 1<sup>st</sup> applicant is seriously in issue. Although, the applicant's counsel or partly moving the application has not filed a written address, the provision of O4 R4 (b) used the word may - which means it is not of prime importance once the affidavit contains germane facts upon which the Court may view or reflect hardship as a result of restraints of liberty of the applicant.

In view of all the foregone that is, the content of the affidavit of urgency and supporting affidavits of 11-paragraphs and 32-paragraphs respectively and the Supreme Court authority of FAWEHINMI VS. IGP (2002) 7 NWLR (PT. 767) 603, cited in the argument of Counsel, I find merit in this application and it is hereby granted as prayed.

For avoidance of doubts, prayers 1 and 2 of this Motion paper as it relates to the 1<sup>st</sup> applicant is hereby granted as prayed.

The 1<sup>st</sup> applicant is consequently admitted to bail in the sum of Ten Million Naira (N10,000,000.00) and one Civil Servant surety in the same amount. The civil servant must be working and residing within the Federal Capital Territory, Abuja,

.....  
**S. B. Belgore**  
**(Judge) 11-12-20.**