

**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT APO, ABUJA**  
**ON TUESDAY, THE 19<sup>TH</sup> DAY OF SEPTEMBER, 2023**  
**BEFORE HIS LORDSHIP: HON. JUSTICE ABUBAKAR HUSSAINI MUSA**  
**JUDGE**

**SUIT NO.: FCT/HC/CV/1990/2021**

**BETWEEN:**

**CHIGOZIE EZEOKWECHI**

**APPLICANT**

**AND**

- 1. INSPECTOR-GENERAL OF POLICE**
- 2. NIGERIAN POLICE FORCE**
- 3. DCP TUNJI DISU (COMMANDER IGP-IRT)**
- 4. INSPECTOR MOHAMMED**
- 5. MRS TINA OKPALEKE**

**RESPONDENTS**

**JUDGMENT**

This Judgment is in respect of an application for the enforcement of the fundamental rights of the Applicant.

On the 18<sup>th</sup> of August, 2021, the Applicant, Mr. ChigozieEzeokwechi brought this application for the enforcement of his fundamental rights. The reliefs sought in the application, as contained on the face of the Motion on Notice, are as set out hereunder:-

- 1. A Declaration that the arrest, detention, intimidation, harassment and torture of the Applicant between 13<sup>th</sup> to 16<sup>th</sup> July, 2021 by the Respondents more particularly the 4<sup>th</sup> Respondent at the instance of the 5<sup>th</sup> Respondent over the*

*issue of owners (sic) Applicant's land which was being disputed by the 5<sup>th</sup> Respondent is an infringement of his fundamental rights to dignity of person, personal liberty, and freedom of movement as guaranteed under sections 34(1), 35(1) and 41 of the 1999 Constitution (as amended) and Articles 1, 2, 3, 4, 5 and 6 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act.*

*2. A Declaration that the arrest, detention, continuous arrest, threat of arrest and intimidation of the Applicant by the officers and men of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents particularly the 4<sup>th</sup> Respondent at the instance of the 5<sup>th</sup> Respondent without trial is not justifiable under any of the exceptions provided in section 35(1)(a)-(f) of the Constitution of the Federal Republic of Nigeria (1999) (as amended) and is consequently a grave violation of the Applicant's rights to personal liberty, dignity of his person and freedom of movement as guaranteed by section 34(1) and (35) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Articles 1, 2, 3, and 4 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act.*

*3. A Declaration that the arrest, incessant intimidation and harassment of the Applicant by the men and officers of the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Respondents led by the 4<sup>th</sup> Respondent at the instance of the 5<sup>th</sup> Respondent without a justifiable reason and without informing him in writing (and in a language he understands) of the facts and grounds of his arrest and detention is a*

*violation of his constitutionally guaranteed rights enshrined in section 35(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).*

- 4. A Declaration that having regards to the facts that the issue of ownership of/or title to the land which is the subject matter of the dispute between the Applicant and 5<sup>th</sup> Respondent is purely civil in nature, the Police not being a Court of law, has no business in civil transactions.*
- 5. A Declaration that the sum of ₦350,000.00 (Three Hundred and Fifty Thousand Naira only) paid to the officers of the 1<sup>st</sup> to 3<sup>rd</sup> Respondents which was received by the 4<sup>th</sup> Respondent for the bail of the Applicant is unlawful, unconstitutional, illegal and ought to be refunded with immediate effect as bail is free in Nigeria.*
- 6. An Order restraining the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondents or any officer(s) or men of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents from further arresting, harassing, embarrassing, torturing and intimidating the Applicant in respect of the issue of ownership or title to the land belonging to the Applicant and which title to same is being disputed by the 5<sup>th</sup> Respondent.*
- 7. An Order of perpetual injunction restraining the Respondents either by themselves, their servants, agents, functionaries, assigns whomsoever or howsoever described from further arresting, detaining or further detaining, harassing, intimidating or in any other way interfering with the Applicant's fundamental rights to dignity of person, personal liberty, and freedom as protected by Chapter IV of the 1999 Constitution of the Federal Republic of*

*Nigeria (as amended) and the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 2004 in connection with the issue of title to or ownership of land between the Applicant and 5<sup>th</sup> Respondent.*

8. *An Order directing the Respondents especially the 4<sup>th</sup> Respondent to immediately refund the Applicant the sum of ₦350,000 (Three Hundred and Fifty Thousand Naira only) illegally and unlawfully collected from him for his bail when he was detained at the 1<sup>st</sup> Respondent's detention facility at Abattoir, Garki, Abuja.*
9. *An Order compelling the Respondents to pay jointly and severally the Applicant the sum of ₦50,000,000 (Fifty Million Naira only) as compensation for the aforesaid torture, unlawful arrests and detention, harassment, intimidation and threats by the Respondents and other breaches of his constitutional rights in accordance with section 35(6) of the Constitution of the Federal Republic of Nigeria 1999 (as amended).*
10. *The sum of ₦10,000,000 (Ten Million Naira only) as exemplary damages for the infringement of the Applicant's fundamental rights by the Respondents.*
11. *The sum of ₦2,000,000 (Two Million Naira only) as cost of prosecuting of this matter.*
12. *An Order directing the Respondents to apologise in writing to the Applicant for infringement of his constitutionally guaranteed fundamental rights and in line with the provisions of section 35(6) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).*

13. *And for such further Order(s) as this Honourable Court may deem fit to make in the circumstance of this case.*

The application is supported by an affidavit, the statement required under Order II Rule 3 of the Fundamental Rights (Enforcement Procedure) Rules, 2009 and a written address.

The Respondents were duly served with the originating application. On the 9<sup>th</sup> of February, 2023, the 1<sup>st</sup> to the 4<sup>th</sup> Respondents filed their Counter-Affidavit. Five exhibits marked as **Exhibits A, B, C, D and E** were attached to the Counter-Affidavit. A written address which encapsulated the legal argument in support of the Counter-Affidavit was also filed. The 5<sup>th</sup> Respondent, on the other hand, on the 7<sup>th</sup> of September, 2022, filed her Counter-Affidavit to the Applicant's application.

On the 23<sup>rd</sup> of November, 2022, the 5<sup>th</sup> Respondent *vide* a Motion on Notice with Motion Number M/11534/2022 dated and filed on the 7<sup>th</sup> of July, 2022 sought to regularize her processes. The Court granted the application as prayed and adjourned the suit to the 7<sup>th</sup> of February, 2023 for hearing. The matter could not proceed owing to some constraints. The Court had to adjourn to the 15<sup>th</sup> of March, 2023 for hearing. On the said 15<sup>th</sup> of March, 2023, the 1<sup>st</sup> to the 4<sup>th</sup> Respondents moved their application with Motion Number M/4566/2023 dated the 1<sup>st</sup> of February, 2023 and filed on the 9<sup>th</sup> of February, 2023 seeking to regularize their processes. The Court granted the application as prayed and adjourned to the 11<sup>th</sup> of May, 2023 for hearing. On the 11<sup>th</sup> of May, 2023, the matter could not proceed because

learned Counsel for the Applicant was not in Court owing to an appearance at the Court of Appeal, Kaduna Division. The Court had to adjourn to the 12<sup>th</sup> of July, 2023 for hearing. On the 12<sup>th</sup> of July, 2023, the parties through their Counsel adopted their processes in this suit and the Court adjourned for Judgment.

The facts of the case according to the Applicant are contained in the affidavit in support of the application. In the affidavit in support of the application, the Applicant swore that his late father purchased a plot of land particularly known as Plot 403, Trans Nkisi Layout, Phase 1, Onitsha, Anambra State from His Royal Highness Kanu B. Okpaleke some time in 1994, adding that the purchase and transfer of title were properly documented. He also added that his father transferred the said plot to him and his siblings in 2010 and that he, the Applicant, paid the development and security levies to the Landlords' Association of the layout since 2010 till 2021 when he and his siblings began to make arrangements to develop same.

It was the case of the Applicant that it was at this point that the 5<sup>th</sup> Respondent appeared with one Mr Okechukwu Elowue to lay claim to the property. He said he reported the matter to the Landlords' Association for amicable resolution of the issue but the 5<sup>th</sup> Respondent and one Alahji Abdullahi Okpaleke, the only surviving relative of the Late Okpaleke, did not honour the invitation. While they refused to honour the invitation, the Applicant went on, the 5<sup>th</sup> Respondent and Mr Okechukwu Elowue reported him to the Area Command, Onitsha of the 2<sup>nd</sup> Respondent with one Detective Joy Chidinma investigating the report. While that

was pending, the 5<sup>th</sup> Respondent escalated the matter to the Nigerian Police Force headquarters, leading to the arrest of the Applicant by the 4<sup>th</sup> Respondent on the 13<sup>th</sup> of July, 2021 on the ground that the Applicant was a kidnapper.

The Applicant averred that he was not informed of the reason for his arrest, that he was treated like a criminal, stripped down to his underwear, deprived of his phones and car, prevented from contacting his family, handcuffed, blindfolded and taken to Abuja where he was dumped in the same cell with criminals and bandits without food and water for four days before his statement was taken. He added that his statement was taken on the 15<sup>th</sup> of July, 2021, adding that it was at that point he was informed that the 5<sup>th</sup> Respondent wrote a petition against him in relation to the land. He also swore that it was the same day he was allowed to contact his family and his lawyer, though his lawyer was prevented from seeing him. He also added that it was on the 16<sup>th</sup> that he was compelled to pay the sum of ₦350,000.00 (Three Hundred and Fifty Thousand Naira only) after the second in command of the 3<sup>rd</sup> Respondent demanded the sum of ₦2,000,000.00 (Two Million Naira only) for his bail. He swore that the 4<sup>th</sup> Respondent also insisted that the Applicant must be reporting to the office of the 3<sup>rd</sup> Respondent every month and threatened to arrest him should he fail to so report. He also claimed that his solicitors charged and he paid them the sum of ₦2,000,000.00 (Two Million Naira only) for the legal services they rendered to him. He maintained that the 4<sup>th</sup> Respondent had been calling and threatening him with arrest if he did not give up the land.

In the Written Address in support of the application, learned Counsel formulated three issues for determination. They are: “(1) *Whether the Respondents particularly the 1<sup>st</sup> to 4<sup>th</sup> Respondents have the constitutional right to arrest and detain the Applicant without justifiable reason contrary to the provisions of section 35(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and Article 6 of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act? (2) Whether on the basis of facts deposed in the affidavit before this Honourable Court, the fundamental rights of the Applicant has (sic) been infringed upon? (3) If the answer to Issue No. 2 is in the affirmative whether the Applicant is entitled to constitutional remedies of compensation and apology in writing as provided for in section 35(6) of the 1999 Constitution of the Federal Republic of Nigeria (as amended)?”*

In his argument on the first issue, learned Counsel quoted the provisions of sections 34, 35(1) and 46 of the Constitution and Articles 1, 2, 3 and 6 of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act and submitted that this Court had the jurisdiction to grant the reliefs sought in this application. He contended that the fundamental rights of the Applicant had been breached by the Respondents who had continued to perpetuate the said breach by their threats. He insisted that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents acting at the instance of the 5<sup>th</sup> Respondent arrested, detained and tortured the Applicant over a dispute that was related to the ownership of a parcel of land. He urged the Court to hold that the



5<sup>th</sup> Respondent who was exploiting her connections with the Nigeria Police Force was not above the laws of the country.

For all his submissions on the first issue, learned Counsel cited and relied on the cases of ***Federal Republic of Nigeria & Anor v. Ifegwu (2003) 15 NWLR (Pt. 842) 113 at 118, Onyirioha v. Inspector-General of Police (2009) 3 NWLR (Pt. 1128) 342 at 375 and Melee v. Attorney-General of the Federation (2003) 2 CHR 463.***

On the second Issue, learned Counsel referred this Court to the affidavit evidence before it and contended that the fundamental rights of the Applicant were, indeed, infringed by the Respondents. He relied on the case of ***NNSC v. ESV (1990) 7 NWLR (Pt. 164) 526*** in urging the Court to give effect to the affidavit evidence before it. He maintained that the Applicant had placed before the Court material evidence that established that his rights were violated by the Respondents, particularly, as there was no evidence to show that the Applicant was apprehended upon a reasonable suspicion of having committed an offence. He argued that the arrest, detention and torture of the Applicant were at variance with the provisions of section 34 of the Constitution. He referred to ***Uzoukwu v. Ezeomo II (1991) 6 NWLR (Pt. 200) 708*** where the Supreme Court defined torture to include mental harassment as well as physical assault. He insisted that section 46(1) of the Constitution empowered the Applicant to approach the Court for redress. He relied on ***Peter Nemi v. AG Lagos State (1996) 6 NWLR (Pt. 452) 43 at 58.***

Learned Counsel further submitted that the rule of law presupposed that every person was equal before the law and, accordingly, entitled to equal protection from the law. He cited Article 3(1) and (2) as well as Articles 4 and 5 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act and the case of ***Sunday Awoyera v. IGP & Anor (2009) CHR p. 120*** in this regard. He urged the Court to resolve the second issue in favour of the Applicant.

Arguing Issue Three, Counsel asserted that the Applicant had shown enough evidence that his arrest and detention were unlawful and was accordingly entitled to damages, compensation and apology. He referred to the case of ***RazakOsayiandelsenalumhe v. Joyce Amadin & 3 Ors (2001) 1 CHR 458, Agbakoba v. the Director SSS (1994) 6 NWLR (Pt. 351) 1692, Okonkwo v. Ogbogu (1996) 37 NWLR 580, Abiola v. Abacha & Ors (1998) H.R.L.R.A. pg. 477 at 462*** and section 35(6) of the Constitution in driving home his point that the Applicant was entitled to damages, compensation and apology having established the violation of his fundamental rights. He urged the Court to grant all the reliefs sought by the Applicant.

In answer to the application of the Applicant, the 1<sup>st</sup> to the 4<sup>th</sup> Respondents, in their joint Counter-Affidavit, denied the averments contained in the Affidavit in support of the application. The deponent, Inspector Umar Mohammed, swore that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents were merely performing their official duties and never at the behest of the 5<sup>th</sup> Respondent. The deponent denied that the Applicant lived at the address

he claimed and never purchased the plot of land in dispute. He added that the Applicant began to threaten the 5<sup>th</sup> Respondent when she found out that the Applicant was trespassing on her late husband's property. he also denied that the property could not have been transferred to the Applicant by his father because his father never owned the property in the first place. He attached **Exhibit A** which was the petition written by the 5<sup>th</sup> Respondent's solicitors to the Nigeria Police Force.

The 1<sup>st</sup> to the 4<sup>th</sup> Respondents claimed that the Applicant began to pay the Development and Security Levy to the Landlords' Association of Trans Nkisi Layout, Onitsha after he had forged the signature of HRH Kanu B. Okpaleke. The deponent further averred that the Landlords' Association lacked the powers to resolve land dispute as it was not a Court. He also claimed that it was the Applicant and not the 5<sup>th</sup> Respondent who refused to attend the meeting of the Landlords' Association. He attached the extrajudicial statement of the Applicant as **Exhibit B**. He also attached the statement of the secretary of the Association as **Exhibit C** where he stated that the Association let the Police to investigate the case because of previous cases involving the Applicant.

It was part of the defence of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents that the Applicant was informed of the reason for his arrest, adding that the Applicant was neither stripped nor manhandled when he was arrested. He insisted that the Applicant was allowed to contact his family. He referred to **Exhibit B** to prove that the Applicant's statement was taken on the same 13<sup>th</sup> of July, 2021 when he was arrested. He

added however that the Applicant was taken to the 3<sup>rd</sup> Respondent the next day because it was already late on the said 13<sup>th</sup>. He further stated that the Applicant was granted bail the same date but was unable to fulfil the said bail conditions until the 15<sup>th</sup> of July, 2021 when his relation came to stand as his surety. He denied that the Applicant paid any sum whatsoever for his bail. He also denied that the Applicant was ordered to report monthly at the police office.

The 1<sup>st</sup> to the 4<sup>th</sup> Respondents insisted that the 4<sup>th</sup> Respondent never contacted the Applicant following his release. He stated further that the Applicant was charged to Court immediately upon the conclusion of the investigation. He annexed **Exhibits D and E** which are the Information and the Charge Sheet respectively. He added that when Counsel for the Applicant challenged the competency of the charge *vide* a Motion on Notice, the Prosecution withdrew the Charge and filed a charge of forgery at an Onitsha Magistrate Court. He denied that the fundamental rights of the Applicant were breached. He insisted that the Applicant merely wanted to deploy judicial process to frustrate his trial for forgery.

In the Written Address in support of the Counter-Affidavit, learned Counsel for the 1<sup>st</sup> to the 4<sup>th</sup> Respondents formulated the following sole issue for determination: *“Whether the Applicant has proved his case to be entitled to the relief sought?”* In urging the Court to answer the above question in the negative, Counsel prefaced his submissions with the provisions of section 131(1) of the Evidence Act, 2011 as well as the cases of *Iyere v. BFFM Ltd (2001) FWLR (Pt. 37) 1166 CA, G & T*

*Invest. Ltd v. Witt & Bush Ltd (2011) 8 NWLR (Pt. 1250) 500 SC* and *Fejemirokun v. C.B. (C.L.) Nig. Ltd. (2002) 10 (Pt. 774) 95 at Ratio 4*. He submitted that the Applicant had not adduced compelling evidence to be entitled to the reliefs he sought.

In countering the claim for damages, learned Counsel argued that since the Applicant had not established that his rights were breached, the Court would be within the bounds of the law in rejecting his claims for damages. He relied on *United Cement Company of Nigeria Ltd v. Isidor and Ors (2016) LPELR-41148 (CA)* and *I.I.T.A. v. Amrani (1994) 3 NWLR (Pt. 332) 296 at 325 paras C-D*. He also contended that the Applicant wanted to use this suit to recover what he could have gained if he had sold the land in dispute. He submitted that damages were not awarded as a matter of right. He cited the case of *Brig-Gen B.A.M. Adekunle (Rtd) v. Rockview Hotel Ltd (2003) 4 FR at 98 (Pt. 1340) 123*. He also submitted that the Applicant had not shown that he was entitled to the award of exemplary damages by this Court.

He also submitted that the law frowned on persons who used fundamental rights enforcement proceedings to frustrate their criminal trials. He referred the Court to *A.G. Anambra State v. Uba (2005) 15 NWLR (Pt. 947) 44* and *Mallam Abdullahi Hassan & Ors v. EFCC (2013) LPELR-22595 (CA)*. He added that the police had general powers of arrest where there was reasonable suspicion that a crime had been committed. He cited the cases of *MainstreetBank & Ors v. Mr Olugbenga*

**Stephen Amos & Anor (2014) LPELR-13361(CA), Okaro v. Commissioner of Police & Anor (2011) 1 CHR 407 and Mrs Ngozi Chile Oparaocha & Anor v. Barr Emeka A. Obichere & Ors (2016) LPELR-40615.** He claimed that the actions of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents were not driven by malice. He also claimed that the Applicant had not made out his claim for ₦2,000,000.00 (Two Million Naira only) as cost of prosecuting this suit. He cited the cases of **Ihekwoaba v. A.C.B. Ltd (1998) 10 NWLR (Pt. 571) 590 at 610 – 611, Guinness Nig. Plc. V. Emmanuel Nwoke (2000) 15 NWLR (Pt. 689) 135** and **Michael v. Access bank (2017) LPELR-41981 1 at 48-49** among other cases. He urged the Court to dismiss the suit with substantial cost for wanting in merit.

On the part of the 5<sup>th</sup> Respondent, she deposed to the affidavit herself and denied the averments contained in the Affidavit in support of the Applicant's application. She specifically swore that there was no transaction between her late husband and the late father of the Applicant over the said property. She averred that the Anambra State Government allocated the property to her husband, adding that the property was the subject of litigation in a pending law suit in Anambra State. She insisted she was in possession of the property and had in her possession the certified true copies of all the documents pertaining to the property.

It was her defence that the Applicant found her vulnerable as a widow and therefore sought to dispossess her of the property. She maintained that on the 24<sup>th</sup> of March, 2021, she and the Applicant appeared before the Land Allottees Association of

Trans Nkisi for verification and that the Association found her documents to be genuine and warned the Applicant to put a halt to the trespass. She swore that the Applicant's continuous trespass into the property and his threats to her impelled her to write a petition to the 1<sup>st</sup> Respondent. She denied instigating the 1<sup>st</sup> to the 4<sup>th</sup> Respondents to violate the rights of the Applicant. She also denied knowledge of the events that transpired in the office of the 3<sup>rd</sup> Respondent.

In her Written Address in support of her Counter-Affidavit, the 5<sup>th</sup> Respondent through her Counsel, adopted the issues the Applicant had formulated in his Written Address and proceeded to argue same. According to the learned Counsel for the 5<sup>th</sup> Respondent, the 1<sup>st</sup> to the 4<sup>th</sup> Respondents were agents of the Nigeria Police Force and merely acted according to the law that established it. He submitted that the actions of the Applicant in trespassing into the property of the 5<sup>th</sup> Respondent and threatening her with physical harm were justifiable reasons to activate the law enforcement functions of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents.

It was the contention of the 5<sup>th</sup> Respondent through her Counsel that the argument of the Applicant that the altercation between him and the 5<sup>th</sup> Respondent was a mere civil dispute was misconceived and unnecessarily exaggerated. He submitted that the Applicant had not discharged the burden incumbent on him to establish that his rights were breached and that the 5<sup>th</sup> Respondent was instrumental to the alleged breach. He urged the Court to find that the petition which the 5<sup>th</sup> Respondent wrote to the 1<sup>st</sup> Respondent was justified in the light of the prevailing

insecurity in the country. He also urged the Court to find that whatever the 1<sup>st</sup> to the 4<sup>th</sup> Respondents did to the Applicant following his arrest upon the petition of the 5<sup>th</sup> Respondent was not within the control and contemplation of the 5<sup>th</sup> Respondent as she was neither an agent nor an employee of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents. He also asked the Court to discountenance all the authorities the Applicant cited in his Written Address as none of them was applicable to the present suit. He urged the Court to dismiss the application.

Though he said he would argue the three issues *in seriatim*, I note that learned Counsel argued only the first issue the Applicant had formulated in his Written Address. For all his submissions on the issue, learned Counsel cited and relied on the following cases: ***Aroyewun v. C.O.P. Ogun State (2004) LPELR-11201 (CA); Luna v. C.O.P. Rivers State Police Command (2010) LPELR-8642 (CA); Emonena&Ors v. IGP (2016) LPELR -41489(CA); Ishenge v. C.O.P. & Anor (2019) LPELR-48390(CA); Omereonye v. Assist IGP Zone 11 &Ors (2019) LPELR-50590(CA); and Igbosonu v. Ohayagha (2015) LPELR-42870(CA).***

The Applicant filed Further Affidavits and Replies on Point of Law to the two Counter-Affidavits. In his Further Affidavit in answer to the 1<sup>st</sup> to the 4<sup>th</sup> Respondents' Counter-Affidavit, the Applicant queried the capacity of the deponent of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents' Counter-Affidavit to depose to the said Counter-Affidavit. He denied paragraphs 4 – 28 of the Counter-Affidavit, adding that he was accused of kidnapping the 5<sup>th</sup> Respondent at Nkisi GRA Road, Onitsha whereas



there was no reported incident of the 5<sup>th</sup> Respondent being kidnapped. He explained that he was taken to the Area Command, GRA, Onitsha on the 13<sup>th</sup> of July, 2021 when he was arrested before being taken to Abuja on the 14<sup>th</sup> of July, 2021 where the officers that arrested him informed him that they were from the Inspector-General of Police Intelligence Response Team. He further stated that he was not shown any petition approved by the Deputy Inspector-General of Police Force Criminal Investigation Department (FCID), adding that **Exhibit B** was addressed to the Area Commander, Area Command, Onitsha, Anambra State.

The Applicant swore that in spite of the pendency of this suit and his complaint to the 1<sup>st</sup> Respondent over the conduct of the 4<sup>th</sup> Respondent, they continued to harass and threatened him with arrest to the point of arresting and detaining the Applicant's younger brother, one MrlzuchukwuEzeokwechi, for more than thirty days. He stated that the IGP Monitoring Team investigated his complaint against the 4<sup>th</sup> Respondent, adding that the 4<sup>th</sup> Respondent was queried and his defence was that he acted on a signal from the office of the DIG in charge of FCID. He swore that the IGP Monitoring Team led by one DSP ChineduOgbuefi found that the statement of the 4<sup>th</sup> Respondent was false and recommended him for orderly room trial.

He insisted that he never forged the signature of HRH Kanu B. Okpalaeke and that there was a valid transaction between his father and Okpalaeke. He confirmed that he instituted a civil suit with Suit Number O/315/2021 against the 5<sup>th</sup> Respondent

but the 5<sup>th</sup> Respondent had failed to defend the suit. He attached the Amended Writ of Summons as **Exhibit APP1**. He claimed that the 5<sup>th</sup> Respondent could not present any document at the hearing before the Landlords' Association. He also insisted that the manner in which he was arrested did not comply with the standard procedure for police investigation. He added that the date 13<sup>th</sup> of July, 2021 was written on his statement as a precondition for the grant of bail by the police. He said that he was granted bail only after he and the 5<sup>th</sup> Respondent appeared before one ACP Sunny Abua, the then second in command, who was shocked that the 4<sup>th</sup> Respondent had to travel to Anambra State over a civil dispute. He added that one JideforObidike stood as his surety and signed the bail bond while his Counsel, one Mr Frank IlomaNnaba, counter-signed the bail bond.

The Applicant swore that the 4<sup>th</sup> Respondent insisted he must report every month at the police office, adding that the 4<sup>th</sup> Respondent arrested his younger brother MrIzuchukwu and his lawyer, Mr Frank IlomaNnaba and charged them to Court for screening of offenders when he failed to report at the police station. He attached as **Exhibit APP2** the First Information Report which the 4<sup>th</sup> Respondent brought against his lawyer. He invited the Court to discountenance Charge Number MO/231C/2022, C.O.P. v. ChigozieEzeokwechi and Charge Number O/9C/2022, IGP V. ChigozieEzeokwechi as they were filed by the Respondents after the Applicant had brought this suit challenging their unlawful activities, adding that the Respondents eventually withdrew the latter charge *vide* a Motion on Notice to that

effect. He attached the Motion on Notice and the supporting affidavit as **Exhibits APP3 and APP4**. He added that the charge of forcible entry in Charge Number O/9C/2022 and the charge of forgery in Charge Number MO/231C/2022 were different from the allegation of attempted kidnap and threat to life which the 4<sup>th</sup> Respondent told the 1<sup>st</sup> Respondent's Monitoring Team was the basis for the Applicant's arrest. He attached Charge Number O/9C/2022 as **Exhibit APP5**.

He averred that the 4<sup>th</sup> Respondent has continued to threatening him and his family members to the point that he travelled to Lagos on the 15<sup>th</sup> of July, 2022 with his colleague, one Sergeant George Adams, where they visited the office of the Applicant's younger brother, one Arinze Ezeokwechi, arrested him, took him to a nearby police station and extorted the sum of ₦500,000.00 (Five Hundred Thousand Naira only) from him before releasing him the next day. The pictures of the 4<sup>th</sup> Respondent and the said Sgt. George Adams at the Applicant's younger brother's office were attached as **Exhibit APP6**. He insisted that the 5<sup>th</sup> Respondent has continued to use the 1<sup>st</sup> to the 4<sup>th</sup> Respondents to harass him and his family members over the plot of land.

In his Reply on Point of Law to the 1<sup>st</sup> to the 4<sup>th</sup> Respondents' Written Address, learned Counsel for the Applicant re-adopted all his arguments in the Written Address in support of the Applicant's application for the enforcement of his fundamental rights and went on to submit that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents failed to adduce any cogent and justifiable reason for the infringement of the fundamental

rights of the Applicant. Referring to the cases cited by the 1<sup>st</sup> to the 4<sup>th</sup> Respondents, he noted that though the Courts had acknowledged the powers of the police and other law enforcement agencies to investigate crimes, the courts had also warned that the police must not violate the fundamental rights of the citizens in the exercise of their statutory and constitutional powers of investigation. He urged the Court to discountenance all the submissions of learned Counsel for the 1<sup>st</sup> to the 4<sup>th</sup> Respondents. He cited the case of ***Jim-Jaja v. C.O.P., Rivers State (2013) 6 NWLR (Pt. 1350) SC 225 at 256, paras C-D*** and urged the Court to grant the reliefs as claimed.

In his Further Affidavit in answer to the Counter-Affidavit of the 5<sup>th</sup> Respondent, the Applicant noted that paragraphs 5 – 19 of the Counter-Affidavit reinforced his contention that the dispute between him and the 5<sup>th</sup> Respondent was purely civil in nature, adding that he instituted a civil suit in that regard against the 5<sup>th</sup> Respondent. He attached the amended writ of summons as **Exhibit A1**. He described as falsehood the depositions in paragraphs 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of the Counter-Affidavit as there was no allegation of crime made against him. He denied sending any thug or person to harass or attack the 5<sup>th</sup> Respondent. He also noted that the depositions of the 5<sup>th</sup> Respondent were contradictory, as she denied arresting the Applicant while also admitting that she procured the services of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents to arrest him.

There was no Reply on Point of Law in support of the Further Affidavit.

I have taken the liberty to highlight the salient facts and arguments of the parties in this application because of the peculiar nature of this application. At this juncture, the task before me is to reduce the facts and arguments to distinct, identifiable and resolvable issues. The following two issues, I believe, can address the bone of contention in this suit: ***“(1) Whether from the facts placed before this Honourable Court in the Applicant’s affidavit evidence and from the totality of the facts disclosed by the Respondents in their Counter-Affidavits to this application the Applicant has not established that his fundamental rights to dignity of the human person, personal liberty and freedom of movement have not been breached by the Respondents; and (2) If the answer to the first issue is in the affirmative, whether the Applicant is not entitled to the ancillary reliefs of apology from the Respondents, damages, and injunction from this Honourable Court”.***

On Issue One, that is, ***“Whether from the facts placed before this Honourable Court in the Applicant’s affidavit evidence and from the totality of the facts disclosed by the Respondents in their Counter-Affidavits to this application the Applicant has not established that his fundamental rights to dignity of the human person, personal liberty and freedom of movement have not been breached by the Respondents”***, I must begin by highlighting the importance of fundamental rights especially under a constitutional democracy.

The significance of fundamental human rights in a democracy was highlighted in paragraph 3 (f) of the Fundamental Rights (Enforcement Procedure) Rules, 2009 where it is stated that **“The Court shall in a manner calculated to advance Nigerian democracy, good governance, human rights and culture, pursue the speedy and efficient enforcement and realization of human rights.”** The African Charter of Human and Peoples’ Rights stipulates *inter alia* in its Preamble that **“Fundamental human rights stem from the attributes of human beings, which justify their international protection and on the other hand, that the reality and respect of peoples’ rights should necessarily guarantee human rights.”** The Charter also acknowledges that **“the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone...”**

In the case of *F.R.N v. Ifegwu (2003) 15 NWLR (Pt. 842) 113 S.C.*, the Justices of the apex Court took turns to elucidate on the primacy of Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999. Speaking **at page 185, paras. B-G of the Law Report**, Uwaifo, JSC held that **“Fundamental rights are regarded as part of human rights. The trend in every modern society where the rule of law operates is to protect them for the enhancement of human dignity and liberty.”** On his part, speaking at **pages 216-217, paras C-B**, Niki Tobi, JSC posited that **“The fundamental rights entrenched in the Constitution are very important, so much so that an individual whose rights have been infringed or contravened has the right to seek redress in a competent court of**

*law... Fundamental rights inhere in man because they are part of man. If a hierarchical order of our laws is drawn, fundamental rights will not only take a pride of place but the first place.” See also Ohakosim v. C.O.P., Imo State (2009) 15 NWLR (Pt. 1164) 229 C.A. at 251-252, paras G-A per Kekere-Ekun JCA (as he then was); Living Mitin v. C.O.P., Bayelsa State & Others (2023) 12 NWLR (Pt. 1898) 259 S.C. at 281, paras D-E.*

It is for this reason that the Fundamental Rights (Enforcement Procedure) Rules 2009 was enacted to accord preeminence to fundamental rights and to remove the clogs that hitherto impeded the realization of fundamental rights, especially, in a democratic setting. Paragraph 3(a), (b), (c), (d) and (e) of the Preamble to the Rules provides that

***“The overriding objectives of these Rules are as follows:***

***(a) The Constitution, especially Chapter IV, as well as the African Charter, shall be expansively and purposely interpreted and applied, with a view to advancing and realizing the rights and freedoms contained in them and affording the protections intended by them.***

***(b) For the purpose of advancing but never for the purpose of restricting the applicant’s rights and freedoms, the Court shall respect municipal, regional and international bills of rights cited to it or brought to its attention or of which the Court is***

***aware, whether these bills constitute instruments in themselves or form parts of larger documents like constitutions. Such bills include:***

***(i) The African Charter on Human and Peoples' Rights and other instruments (including protocols) in the African regional human rights system.***

***(ii) The Universal Declaration of Human Rights and other instruments (including protocols) in the United Nations human rights system,***

***(c) For the purpose of advancing but never for the purpose of restricting the applicant's rights and freedoms, the Court may make consequential orders as may be just and expedient.***

***(d) The Court shall proactively pursue enhanced access to justice for all classes of litigants, especially the poor, the illiterate, the uninformed, the vulnerable, the incarcerated, and the unrepresented.***

On the other hand, recognition must be had to the provisions of section 215(3) and (4) of the Constitution of the Federal Republic of Nigeria, 1999 and section 4 of the Police Act, 2020. The subsections provide that:-



***“(3) The President or such other Minister of the Government of the Federation as he may authorise in that behalf may give to the Inspector-General of Police such lawful directions with respect to the maintenance and securing of public safety and public order as he may consider necessary, and the Inspector-General of Police shall comply with those directions or cause them to be complied with.***

***(4) Subject to the provisions of this section, the Governor of a state or such Commissioner of the Government of the State as he may authorise in that behalf, may give to the Commissioner of Police of that State such lawful directions with respect to the maintenance and securing of public safety and public order within the state as he may consider necessary, and the Commissioner of Police shall comply with those directions or cause them to be complied with:***

***Provided that before carrying out any such directions under the foregoing provisions of this subsection the Commissioner of Police may request that the matter be referred to the President or such minister of the Government of the Federation as may be authorized in that behalf by the President for his directions.”***

Section 4 of the Police Act, 2020 provides that

“The Police Force shall-

- (a) prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights and any other law;*
- (b) maintain public safety, law and order;*
- (c) protect the lives and property of all persons in Nigeria;*
- (d) enforce all laws and regulations without any prejudice to the enabling Acts of other security agencies;*
- (e) discharge such duties within and outside Nigeria as may be required of it under this Act or any other law;*
- (f) collaborate with other agencies to take any necessary action and provide the required assistance or support to persons in distress, including victims of road accidents, fire disasters, earthquakes and floods;*
- (g) facilitate the free passage and movement on highways, roads and streets open to the public;*
- (h) adopt community partnership in the discharge of its responsibilities under this Act or under any other law; and*
- (i) vet and approve the registration of private detective schools and private investigative outfits.”*

See *Esabunor v. Faweya* (2008) 12 NWLR (Pt. 1102) 724 C.A. at 809, paras F-G; *Dododo v. E.F.C.C.* (2013) 1 NWLR (Pt. 1336) 468 C.A. at 512, paras D-E; *A.C. (O.A.O.) Nig. Ltd. v. Umanah* (2013) 4 NWLR (Pt. 1344) 323 C.A. at 350-351, paras H-A; *Babatunde v. State* (2022) 10 NWLR (Pt. 1837) 83 C.A. 113-114, paras. H-C; 116, paras. B-D. In *I.G.P. v. Ikpala* (2016) 9 NWLR (Pt. 1517) 236 C.A. at 287-288, paras. G-B, the Court held that “*The purport of the provision of section 4 of the police Act and the sacrosanct provision of section 214(2)(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) is that they confer on the police Force very enormous powers and discretion in the performance of its duties including the powers to arrest and detain or to prevent or detect crimes and the courts are always ready to encourage the police in the due performance of their constitutionally and lawfully guaranteed duties. It is for this reason and many other germane reasons that the courts are very cautious and reluctant not to interfere unjustifiably and unnecessarily with the discharge of its functions except in very clear cases of infringement on the fundamental rights of the citizen as enshrined and constitutionally guaranteed.*”

At what point, then, can it be said that the operatives of the Nigeria Police Force have crossed the permissible boundaries of their constitutional and statutory duties? Section 35(1)(c) provides the perimeters within which the Nigeria Police Force and, indeed, other law enforcement agencies, may exercise their

constitutional and statutory duties in relation to citizens. The paragraph states that **“for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence”**, the abridgment of the personal liberty of a person may be permitted by the law. Thus, a community reading of the provisions of section 4 of the Police Act, 2020 and sections 35(1)(c) and 215(3) and (4) of the Constitution of the Federal Republic of Nigeria 1999 is that though the law recognizes the powers of the police with regards among other things the prevention and detection of crime, such powers must be exercise within the perimeters of the law. In ***Living Mitin v. C.O.P., Bayelsa State & Others (2023) 12 NWLR (Pt. 1898) 259 S.C. at 287, para C***, the Court held that **“The police is not given a carte blanche to exercise its powers willy-nilly without due regard to fundamental rights.”**

The grouse of the Applicant in this suit is that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents, acting at the instance of the 5<sup>th</sup> Respondent, abridged his fundamental rights, especially, his rights to dignity of the human person, personal liberty and freedom of movement when they arrested him from his base at Onitsha, Anambra State on the 13<sup>th</sup> of July, 2021, brought him to Abuja under unsavoury conditions and detained him till the 16<sup>th</sup> of July, 2021, releasing him only after he had paid the sum of ₦350,000.00

(Three Hundred and Fifty Thousand Naira only) to them as the condition for his bail. I have summarized the facts according to the Applicant earlier.

On the other hand, the 1<sup>st</sup> to the 4<sup>th</sup> Respondents claimed they arrested the Applicant on the 13<sup>th</sup> of July, 2021 on the strength of **Exhibit A** and granted him bail the same day which bail the Applicant was unable to fulfil until the 16<sup>th</sup> of July, 2021. They also claimed that the arrest was within the bounds of the law as they had pressed criminal charges against the Applicant. On her part, the 5<sup>th</sup> Respondent denied that she ever instigated the 1<sup>st</sup> to the 4<sup>th</sup> Respondent to arrest the Applicant. She later admitted in subsequent paragraphs of her Counter-Affidavit that she wrote the petition to the 1<sup>st</sup> Respondent when the Applicant threatened to kill her over the parcel of land known as Plot 403 Trans Nkisi Layout, Phase 1, Onitsha, Anambra State and dispossess her of the land.

The Applicant had returned with Further Affidavits against the responses of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents and the 5<sup>th</sup> Respondent. He swore to specific facts and additional facts of intimidation, harassment, extortion and incarceration. He exhibited additional documents and pictures and, in some paragraphs, called on the 1<sup>st</sup> to the 4<sup>th</sup> Respondents to produce in Court records of investigation by the Monitoring Team of the 1<sup>st</sup> Respondent into the actions of the 4<sup>th</sup> Respondent following his complaint to the Monitoring Team of the 1<sup>st</sup> Respondent.

One motif runs through the affidavit in support of the originating Application, the counter-affidavits in opposition to same and the further affidavits in response to the

counter-affidavits. The recurrent subject is the ownership of the property known and described as Plot 403 Trans Nkisi Layout Phase 1, Onitsha, Anambra State. Disputes relating to ownership of land are purely civil disagreement and should belong to that realm. See *Kure v Commissioner of Police (2020) 9 NWLR (Pt. 1729) 296*; *Nkapa v Nkume (2001) 6 NWLR (Pt. 710) 543*. In *Mangai v. CP Plateau State &Ors (2021) LPELR-55145(CA)*, the Court held that: ***“the law has since been settled, that the Police does not and is not allowed to involve itself in purely civil disputes, especially one touching on land ownership... each time a party’s complaint to the Police involves such issues of land dispute... the standing instruction is for the Police to hands off and advise the parties to seek civil resolution of the dispute in a Civil Court.”*** Similarly, In *Okafor &Ors v. The A. I. G. P. &Ors (2019) LPELR 50980 CA*, it was held thus: ***“there is no doubt that the powers of the police do not extend to the settlement of land disputes...”***

I am not, however, unaware that our criminal jurisdiction criminalises certain actions in relation to land. Thus, mischief by fire or explosive with intent to destroy house, etc is actionable as a civil wrong in an action for trespass but it is also a criminal offence by virtue of the provisions of section 337 of the Penal Code Act. Unlawful entry into another’s property is actionable as trespass in a civil action but also indictable as a criminal offence under sections 342, 343, 344, 345, 346, 347, 348 and 349 of the Penal Code Act. It is for this reason that the law vests discretionary

powers on the Police and other law enforcement agencies with regards to their power to investigate complaints of likely or probable commission of crime. *See I.G.P. v. Ikpala (2016), supra; Dododo v. EFCC (2013) supra at 511-512, paras. F-B.* At the end of the day, it is expected that the police and other law enforcement agencies exercise their discretion within the bounds of the rule of law and due process in the discharge of their statutory and constitutional duties. The question I must answer at this point is whether the 1<sup>st</sup> to the 4<sup>th</sup> Respondents, acting at the instigation of the 5<sup>th</sup> Respondent, conform to the rule of law and the demands of due process in apprehending the Applicant on the 13<sup>th</sup> of July, 2021.

That the Applicant was arrested on the 13<sup>th</sup> of July, 2021 was not in doubt. The 1<sup>st</sup> to the 4<sup>th</sup> Respondents claimed they acted upon **Exhibit A**. Now, **Exhibit A** is titled “*CASE OF UNLAWFUL ENTRANCE AND FORGERY COMMITTED BY ONE MR. CHIGOZIE EZEOKWECHI IN A LAND BELONGING TO MRS OKPALAEKE CELESTINA A. ESQ.*” It was written by Ezeike Prosper N. Esq. of the law firm of Udo Egonu & Co. on behalf of the 5<sup>th</sup> Respondent and addressed to the Area Commander, Area Command, Onitsha, Anambra State. It was dated the 18<sup>th</sup> of March, 2021 and received in the office of the addressee on the 4<sup>th</sup> of April, 2021. The 5<sup>th</sup> Respondent complained that the Applicant encroached on Plot No. 403, Trans Nkisi Layout, Phase 1, Onitsha, Anambra State and forged the documents of title in relation to the property.

**Exhibit B** is the extrajudicial statement of the Applicant. It was dated the 13/7/2021. It was taken at Force Investigation Bureau (FIB)/Intelligence Response Team (IRT) of the Force Headquarters, Abuja. The Applicant denied membership of “any criminal gang or syndicate involve (sic) in robbery, kidnapping and banditries.” He also denied owning any firearm or knowing anybody that had. He denied threatening the 5<sup>th</sup> Respondent with a gun either physically or through any communication device on the 24<sup>th</sup> of April, 2021 or on any other day. He added that the only places he ever met the 5<sup>th</sup> Respondent was at the meeting of the Landlord’s Association and at Zone 13 of the Nigeria Police.

**Exhibit C** is the extrajudicial statement of one Mr Emmanuel Anyaegbunam. It was not dated, though it was signed on the 10<sup>th</sup> of August, 2021. It was made at the FIB/IRT. He described himself as the Acting Secretary of Trans Nkisi Land Allottees Association and the Secretary, Conflict Resolution Committee, Trans Nkisi Layout, Phase I, II and III. He stated that the Association scheduled and held a meeting between the Applicant and the 5<sup>th</sup> Respondent on the 14<sup>th</sup> March, 2021. Though he admitted that the Committee was prejudiced against the Applicant because of its previous experiences with him, he noted that there were discrepancies between the documents presented by the Applicant and those presented by the 5<sup>th</sup> Respondent. He concluded that the Committee “advised (sic) both parties to stear (sic) clear of the property as the matter has elements of forgery from documents submitted by MrChigozieEzeokwechi.”



**Exhibit D** is an amended Information with Charge Number 0/9C/2022 in the High Court of Anambra State sitting in Onitsha whereby the Applicant was charged with forcible entry and forgery. It was dated the 13<sup>th</sup> of May, 2022; though there is no evidence of the process having been filed. **Exhibit E** is a Charge with Charge Number MO/231C/2022 before the Magistrate Court of Anambra State sitting in Onitsha whereby he was charged with forgery, uttering and breach of the peace. It was not dated; though the date of arraignment was stated as 19/7/2022.

I note that the Applicant was arrested on the 13<sup>th</sup> of July, 2021 at Anambra State and brought to Abuja for interrogation, spending three days in the custody of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents. He was released on the 16<sup>th</sup> of July, 2021. See paragraphs 11, 12, 13, 14 and 15 of the Affidavit in support of the originating application. I note that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents confirmed that they arrested the Applicant; but they were careful in stating the exact date the Applicant was arrested. See paragraphs 10, 11, 12, 13, 14, 15, 16 and 17 of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents' Counter-Affidavit and paragraphs 22, 23 and 24 of the 5<sup>th</sup> Respondent's Counter-Affidavit.

The record of this Court shows that the Applicant filed this application on the 18<sup>th</sup> of August, 2021. The 1<sup>st</sup> to the 4<sup>th</sup> Respondents were served on the 20<sup>th</sup> of October, 2021 while the 5<sup>th</sup> Respondent was served on the 14<sup>th</sup> of June, 2022 after this Court had made an Order, on the 13<sup>th</sup> of April, 2022, for the 5<sup>th</sup> Respondent to be served outside the jurisdiction of this Court. I have noted that **Exhibits D and E** have no

dates and evidence of filing on their faces. However, in **Exhibit APP4** attached to the Applicant's Further Affidavit in Answer to the 1<sup>st</sup> to the 4<sup>th</sup> Respondents' Counter-Affidavit, the Applicant deposed as follows in paragraph 1 thereat: "*I am the Defendant in the above charge which was filed in this Honourable Court on the 31<sup>st</sup> of March, 2022.*" The Charge under reference was Charge No. O/9C/2022 before the High Court of Anambra State. In **Exhibit APP3** attached to the same Further Affidavit, the 4<sup>th</sup> Respondent in this application swore that "*...a similar charge has been filed before Chief Magistrate Court 3 Onitsha and same served on the respondent through his counsel, TagboAnieto Esq. on 19/7/2022...*" I note that 19/7/2022 is endorsed thereon as the date of arraignment.

So, invariably, Charge Number MO/231C/2022 was filed on or about the 19<sup>th</sup> of July, 2022. The 1<sup>st</sup> to the 4<sup>th</sup> Respondents, after they had been served with the originating Motion on Notice filed their joint Counter-Affidavit on the 9<sup>th</sup> of February, 2023 – that is, one year, three months and twenty days after they had been served with the Applicant's originating application. While the 1<sup>st</sup> to the 4<sup>th</sup> Respondents delayed in filing their response to the application of the Applicant since the 20<sup>th</sup> of October, 2021 when they were served, they had been busy manipulating the judicial system as a weapon of oppression and persecution against the Applicant. They had filed Charge Number O/9C/2022 against the Applicant at the High Court of Anambra State. They had withdrawn the said Charge and filed Charge Number MO/231C/2022 at the Magistrate Court of Anambra State. All these they did while

leaving the application for the enforcement of the fundamental rights of the Applicant unattended to since the 20<sup>th</sup> of October, 2021. To what end, if I may ask? Instructively, the 1<sup>st</sup> to the 4<sup>th</sup> Respondents did not prefer a criminal charge against the Applicant in Court at the earliest possible opportunity following his arrest on the 13<sup>th</sup> of July, 2021. This is in gross contravention of section 35(4) and (5) of the Constitution of the Federal Republic of Nigeria, 1999. See ***Jaiyesimi v. Darlington (2022) 9 NWLR (Pt. 1835) 335 S.C. at 367, paras A-B.***

It is interesting and deeply ironical that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents who deposed in paragraph 10 of their Counter-Affidavit that the Landlords' Association of Trans Nkisi was not a competent Court of law to adjudicate over disputes arising from ownership of land, sat, in paragraphs 6, 8, 9, 10, 12 and 18 of the same Counter-Affidavit and made pronouncements touching on the contending rights of the Applicant and the 5<sup>th</sup> Respondent in relation to their claims over the plot of land in dispute even when the combined effect of sections 35 and 215 of the Constitution of the Federal Republic of Nigeria 1999 and section 4 of the Police Act, 2020 does not disclose the residency of such adjudicatory powers in the 1<sup>st</sup> to the 4<sup>th</sup> Respondents. If those facts do not constitute abuse of power and *ultra vires*, I wonder what else is.

Though the 1<sup>st</sup> – 4<sup>th</sup> Respondents claimed that they never ordered the Applicant to appear before them every month, there is evidence that the deponent of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents' Counter-Affidavit perjured himself in that regard. The

Applicant, in his Further Affidavit filed in answer to the 1<sup>st</sup> to the 4<sup>th</sup> Respondents' Counter-Affidavit swore that the 4<sup>th</sup> Respondent, in company of his colleague, one Sergeant George Adams, have been harassing and extorting him and his siblings at the instance of the 5<sup>th</sup> Respondent. See paragraphs 20 and 24 of the Applicant's Further Affidavit. See also **Exhibits APP6** which is a CCTV footage showing the 4<sup>th</sup> Respondent and his colleague, Sergeant George Adams in the business premises of the Applicant's sibling. Though the 1<sup>st</sup> to the 4<sup>th</sup> Respondents could have challenged the depositions in the Further Affidavit, they never did. Such unchallenged evidence are deemed admitted in the eyes of the law. See ***Incorporated Trustees of Ladies of Saint Mulumba, Nigeria v. Ekhaton (2022) 15 NWLR (Pt. 1852) 35 S.C. at 61, paras B – C.***

While the continued manipulation of the judicial and the law enforcement processes by the 1<sup>st</sup> to the 4<sup>th</sup> Respondents is egregious enough, the arrest and arraignment of the Applicant's Counsel by the 1<sup>st</sup> to the 4<sup>th</sup> Respondent simply because the Applicant failed to honour their order to appear in their office every month is not only condemnable and evil; it is illegal, unlawful and unconstitutional. It inhibits the capacity of legal practitioners to represent their clients to the best of their professional competence. I note that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents in paragraph 18 of their Counter-Affidavit denied ordering the Applicant to report to their office every month. I also note that the Applicant debunked this denial in paragraph 20 of his Further Affidavit in response to the 1<sup>st</sup> to the 4<sup>th</sup> Respondents' Counter-Affidavit and

went further to aver that his lawyer, Frank IlomaNnaba Esq., was charged *vide* a First Information Report (FIR) for screening of offenders because the Applicant refused to appear at their office. Evidence of this arrest and arraignment is **Exhibit APP2**. Again, the 1<sup>st</sup> to the 4<sup>th</sup> Respondents had no answer to this specific averment and **Exhibit APP2**.

As to what the rights to personal liberty and freedom of movement connote, the Court in *Ezeigbo v. Asco Inv. Ltd. (2022) 8 NWLR (Pt. 1832) 367 S.C. at 89, paras C-D, F-H* held that “*For the purpose of the provisions of section 35 of the 1999 Constitution, put simply, “personal liberty” connotes freedom and autonomy of movement at will without any hindrance or restraint, physical or otherwise; and the right not to be subjected to any wrongful restraint, arrest or any other physical confinement, whether in an enclosure or open space in a manner which does not accord with the law or admit any legal justification. It may also mean freedom to do what a person pleases within the ambit of the law without any hindrance or restraint.*” In *Chief Otu Gregory Apph&Ors v. Mr. Mathias Oturie (2019) LPELR-46301(CA) at 14-15, paras. D-B* per Shuaibu, JCA, the Court held that “*The provisions of Section 41 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides that every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom. The rights of freedom of movement and*

*residence pursuant to Section 41 of the 1999 Constitution (as amended) guarantee unhindered residence and movement to all citizens all over Nigeria and except on suspicion of commission of a criminal offence. The said rights protect against expulsion of citizen except in pursuance of valid extradition proceedings...”*

It is obvious, in view of the foregoing that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents acted in a manner that is not recognised by the law in their treatment of the Applicant. In fact, taking note of the Applicant’s dispositions in paragraphs 10, 11 and 12 of his Further Affidavit in answer to the 1<sup>st</sup> to the 4<sup>th</sup> Respondents’ Counter-Affidavit, which dispositions remain unchallenged, it is my considered view, and I so hold that the 1<sup>st</sup> to the 4<sup>th</sup> Respondents violated the fundamental rights of the Applicant to dignity of the human person, personal liberty and freedom of movement.

The 5<sup>th</sup> Respondent, on her part, has sought, most strenuously, to extricate herself from the web of fundamental rights violation. She denied in paragraph 4 of her Counter-Affidavit that she never procured the 1<sup>st</sup> to the 4<sup>th</sup> Respondents to violate the fundamental rights of the Applicant. In paragraph 22 of her Counter-Affidavit, she confirmed that she wrote **Exhibit A** to the 1<sup>st</sup> Respondent through her lawyer. I note that though **Exhibit A** was addressed to the Area Commander of the 2<sup>nd</sup> Respondent in Onitsha, Anambra State. The 3<sup>rd</sup> and 4<sup>th</sup> Respondents somehow arrived from Abuja and transported the Applicant to the office of the 3<sup>rd</sup> Respondent. Paragraphs 25, 26, 27 and 28 of her Counter-Affidavit contain denials of the

Applicant's ordeal while in the custody of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents in Abuja. Every other paragraph in her Counter-Affidavit relates to the ownership of the property known as Plot 403 Trans Nkisi Layout, Phase 1, Onitsha, Anambra State. I note that the 5<sup>th</sup> Respondent swore in paragraph 12 of her Counter-Affidavit that the Applicant instituted a suit against her over the ownership of the land. She did not inform this Court of the status of the case.

The Applicant, in paragraph 9 of his Further Affidavit in answer to her Counter-Affidavit, confirmed that he instituted a suit in relation to ownership of the land in the High Court of Anambra State. The Amended Writ of Summons in the suit, with the Suit Name Mr Chigozie Ezeokwechi v. Mrs Ugoeze Tina Okpalaeke and the Suit Number O/315/2021 was dated and filed on the 17<sup>th</sup> of March, 2022. He attached the Amended Writ of Summons as **Exhibit A1**. In paragraph 14 of his Further Affidavit in answer to the Counter-Affidavit of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents, he averred *inter alia* that "...rather than appear and defend herself and proof (sic) her alleged title to the land in dispute or disprove that of my family, the 5<sup>th</sup> Respondent chose to use the instrumentality of the 1<sup>st</sup> to 4<sup>th</sup> Respondents to oppress and intimidate my family." It is my considered view, and I so hold, that the 5<sup>th</sup> Respondent cannot escape the consequence of **Exhibit A** and her complaint to the 1<sup>st</sup> to the 4<sup>th</sup> Respondents which set in motion the violation of the fundamental rights of the Applicant.

In the case of *Jaiyesimi v. Darlington (2022) supra at 367, paras E-F* the Court held that “**An action to enforce the fundamental right to freedom of movement will not succeed against an individual who merely gave information to the police, who on their own initiative decided to effect the arrest of a viable suspect of a crime. In the instant case, it was clear from the affidavit of the parties and the findings of the trial court upheld by the Court of Appeal that it was the appellants who actively set the law in motion against the respondent. The findings were rooted in evidence and were not perverse.**”

I hold therefore that the Applicant has established that his fundamental rights to dignity of the human person, personal liberty and freedom of movement were violated by the 1<sup>st</sup> to the 4<sup>th</sup> Respondent acting at the behest of the 5<sup>th</sup> Respondent. I have no reservation, accordingly, in resolving the first issue in favour of the Applicant and against all the Respondents.

Having resolved Issue One in favour of the Applicant, I shall turn my attention to Issue Two, that is, “**If the answer to the first issue is in the affirmative, whether the Applicant is not entitled to the ancillary reliefs of apology from the Respondents, damages, and injunction from this Honourable Court.**”

Now, the Courts have pronounced in a plethora of cases on the principles that must guide the Court in granting ancillary reliefs, particularly, damages and injunctive reliefs. Generally, the award of damages by the Court is an equitable relief which



the Court bestows on the Claimant who has established that they suffered some loss, injury or harm as a result of the wrongful acts or inactions of the Defendant.

In *EDOSACA v. Osakue (2018) 166 NWLR (Pt. 1645) 199 C.A. at 230, paras D-F*, the Court held that “***The purpose of an award of damages is to compensate the plaintiff for damage, injury or loss suffered. The guiding principle is restitutio in intergrum, where the court is called upon to assess that a party which has been clarified by the act which is in issue must be put in the position in which he would have been if he had not suffered the damage for which is in issue must be put in the position he is being compensated.***” At page 231, paragraph D of the Law Report, the Court held that “***The award of damages is at the discretion of the trial court and it is premised on the pleadings of the parties and the evidence adduced in support and the court being guided by the applicable principles.***”

The principles guiding the award of damages have been settled. See the cases of *Ibeanu v. Ogbeide (1994) 7 NWLR (Pt. 359) 697 C.A. at 714, paras B-D*; *Akinterinwa v. Oladunjoye (2000) 6 NWLR (Pt. 659) 92 S.C. at 116, para E*; *Odogwu v. Ilombu (2007) 8 NWLR (Pt. 1037) 488 C.A. at 512, paras E-H; 513, paras B-D*; *Savannah Bank of Nigeria Plc v. Central Bank of Nigeria & 2 Others (2009) 6 NWLR (Pt. 1137) 237 C.A. at 309, paras C-D*; *Nigerian Bank for Commerce and Industry v. Dauphin (Nig.) Ltd. (2014) 16 NWLR (Pt. 1432)*

**91 C.A. at P.112, paras. D-H; F.B.N. Plc v. A.-G., Fed. (2018) 7 NWLR (Pt. 1617) 121 S.C. at 162, paras.B-D; 175, paras. A-C.**

The grant of damages and injunction is an exercise of the discretionary powers of the Court. This is because those reliefs are equitable reliefs. See **DHL Intl Nig. Ltd. v. Eze-Uzoamaka (2020) 16 NWLR (Pt. 1751) 445 C.A. at 503, paras F-G.** Equitable reliefs are not granted as a matter of course. They are granted upon good course shown by the person seeking the exercise of the Court's discretion in their favour.

In the case of fundamental rights proceedings, damages naturally flow once the Applicant has shown that their fundamental rights have been abridged. In **F.B.N. Plc v. A.-G., Fed. (2018)supra at152-153, paras. H-D; 160-161, paras. G-C** the Supreme Court held that

***“By virtue of Section 35 of the 1999 Constitution (as amended) any person who is unlawfully arrested or detained is entitled to compensation and public apology from the appropriate authority or person; and in the subsection, “the appropriate authority or person” means an authority or person specified by law.***

***Fundamental rights matters are placed on a higher pedestal than ordinary civil matters in which a claim for damages resulting from the proven injury has to be made specifically and proved. The onus is on him to show that he***

*was unlawfully arrested and detained that is, that his fundamental right has been violated. If this is proved, by virtue of the provisions of section 35(6) of the Constitution, the complainant is entitled to compensation and apology, where no specific amount is claimed. Where a specific amount is claimed, it is for the court to consider the claim and in its opinion, the amount that would be justified to compensate the victim of the breach. In this respect, the common law principles on the award of damages do not apply to matters brought under the enforcement of fundamental rights procedure. The procedure for the enforcement of the fundamental human rights was specifically promulgated to protect the Nigerians' fundamental rights from abuse and violation by authorities and persons. When a breach of the right is proved, the victim is entitled to compensation, even if no specific amount is claimed."*

On why damages in fundamental rights proceedings are not trivialized, the Court citing with approval its decision in *Odogu v. A-G., Fed. (1996) 6 NWLR (Pt. 456) 508 S.C.*, held *at page 160, paras A-C of the First Bank of Nigeria's case* that *"Whatever compensation is awarded it should truly reflect not only the pecuniary loss of the victim, but also the abhorrence of society and the law for such gross violation of human rights, particularly the right to personal liberty, as in the instant case. An unwitting trivialization of a serious matter by*

***an inordinately low award should be avoided. Personal liberty of the individual is a commodity of an inherently high value.”***

I noted earlier how the Respondents manipulated the judicial system and the law enforcement procedure in their persecution of the Applicant. They arrested him in Onitsha, Anambra State and brought him to Abuja at the behest of the 5<sup>th</sup> Respondent – a lawyer who ought to know that the police has no business meddling in land disputes. They detained him for four days. Deprived him of the sum of ₦350,000.00 (Three Hundred and Fifty Thousand Naira only) as the condition for his bail. They ordered him to report monthly at their office. When he did not report because he had already instituted this action against the Respondents, the 1<sup>st</sup> to the 4<sup>th</sup> Respondents arrested his siblings, detained them for different lengths of time and extorted monies from them. As if that was not enough, they arrested the Applicant’s lawyer and charged him for the offence of screening of offenders. Instead of filing their responses to the application of the Applicant, they brought criminal charges against the Applicant almost one year after he had instituted this action; and then, almost two years after the Applicant had instituted this action, they filed their Counter-Affidavit and exhibited the said Charge. Such untoward conduct undermines the entire essence of the functions of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents as law enforcement agents. This Court will not condone the abuse of the judicial and legal process. Nor will it lend itself to be manipulated by the Respondents to undermine the rights guaranteed and enshrined in Chapter IV of

the Constitution of the Federal Republic of Nigeria, 1999. The award of exemplary damages is very appropriate in this case. In ***Odogu v. A-G., Fed. (1996) 6 NWLR (Pt. 456) 508 S.C. at 519, para. F***, the apex Court held that ***“Exemplary damages are usually awarded whenever the defendant's conduct is sufficiently outrageous to merit punishment, as where it discloses malice, fraud, cruelty, insolence, flagrant disregard of the law and the like.”*** The circumstances of this case are such that an award of exemplary damages is justified. See also ***G.K.F. Investment Nigeria Ltd v. NITEL Plc (2009) 15 NWLR (Pt. 1164) 344 S.C. at 373, paras D-F; Zenith Bank Plc v. Ekereuwem (2012) 4 NWLR (Pt. 1290) 207 C.A. at 238, para B; Think Ventures Ltd. v. Spice & Regler Ltd. (2021) 2 NWLR (Pt. 1759) 114 C.A. at 146, paras A-F.***

On whether the Court can make an order for perpetual injunction, it is important to understand the nature of perpetual injunction. In ***Adekunjo v. Hussain (2021) 11 NWLR (Pt. 1788) 434 S.C. at 455, paras. A-D***, the Court held that ***“A perpetual injunction is a post-trial relief meant to protect a right established at the trial. Because of its nature of finality, it can only be granted if the claimant has established his case on the balance of probability on the preponderance of evidence. Its aim is to protect established rights.”*** From the facts of this case, especially, the rascality of the Respondents in travelling to Onitsha, Anambra State and to Lagos State to harass, hound, detain, and extort the Applicant and his siblings, and also arresting and charging the Applicant's lawyer

with a criminal offence even when this application for the enforcement of the fundamental rights of the Applicant is pending, it is my considered view that the Applicant is entitled to the order of perpetual injunction.

The Applicant have shown through a preponderance of evidence that his rights were violated by the Respondents. It is for this reason I hold that the Applicant is entitled to the award of damages and compensation for the breach of his fundamental rights by the Respondents as well as an order of perpetual injunction. It is my considered view, and I so hold, that the Applicant has satisfied this Court on the need to grant the equitable reliefs of damages and perpetual injunction as he sought. In view of this therefore, I hereby resolve Issue Two in favour of the Applicant and against the Respondents.

Before I round off, I must add that this Court is minded to award cost against the Respondents. Their conduct leaves me with no option. The award of cost is a matter of judicial discretion. The circumstances of this case justifies the award of cost against the Respondent and in favour of the Applicant. In ***EDOSACA v. Osakue (2018) 166 NWLR (Pt. 1645) 199 C.A. at 232, paras. C-D***, the Court held that ***“Cost normally follows events unless there are circumstances warranting to the contrary. The award of costs involves judicial discretion, which must be exercised based on certain principles. Also such discretion must not be affected by questions of benevolence or sympathy. The essence of costs is to compensate the successful party for part of the loss incurred in the litigation.*”**

***Cost cannot cure all the financial loss sustained in litigation. It is also not meant to be a bonus for the successful party.”***

Having resolved the two issues I have formulated in favour of the Applicant, I hereby proceed to grant all the reliefs sought by the Applicant in this application for the enforcement of his fundamental rights to dignity of the human person, personal liberty and freedom of movement as follows:-

- 1. THAT the arrest, detention, intimidation, harassment and torture of the Applicant between 13<sup>th</sup> July, 2021 to 16<sup>th</sup> July, 2021 by the Respondents at the instance of the 5<sup>th</sup> Respondent over an issue that revolved around the ownership of the parcel of land known as Plot 403 Trans Nkisi Layout, Phase 1, GRA, Onitsha, Anambra State is a breach of his fundamental rights to dignity of person, personal liberty, and freedom of movement as guaranteed under sections 34(1), 35(1) and 41 of the 1999 Constitution (as amended) and Articles 1, 2, 3, 4, 5 and 6 of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act.**
- 2. THAT the arrest, detention, continuous arrest, threat of arrest and intimidation of the Applicant by the officers and men of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents at the instance of the 5<sup>th</sup> Respondent without trial and without any justifiable constitutional and statutory reason is a breach of the Applicant’s rights to personal liberty, dignity of his person and**

freedom of movement as guaranteed by section 34(1) and (35) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Articles 1, 2, 3, and 4 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act.

3. THAT the arrest, incessant intimidation and harassment of the Applicant by the men and officers of the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Respondents led by the 4<sup>th</sup> Respondent at the instance of the 5<sup>th</sup> Respondent without a justifiable reason and without informing him in writing (and in a language he understands) of the facts and grounds of his arrest and detention is a violation of his constitutional guaranteed rights enshrined in section 35(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
4. THAT the dispute between the Applicant and the 5<sup>th</sup> Respondent being civil in nature since it involves disputation over title to the land known as Plot 403 Trans Nkisi Layout Phase 1, GRA, Onitsha, Anambra State, the actions of the 1<sup>st</sup> to the 4<sup>th</sup> Respondents amounted to an abuse of office and is *ultra vires* when they allowed themselves to be drawn by the 5<sup>th</sup> Respondent into assuming the role of adjudicators in the land dispute.
5. THAT the sum of ₦350,000 (Three Hundred and Fifty Thousand Naira only) paid to the officers of the 1<sup>st</sup> to 3<sup>rd</sup> Respondents which was



received by the 4<sup>th</sup> Respondent for the bail of the Applicant whilst he was in their custody is unlawful, unconstitutional and illegal.

6. **AN ORDER** is hereby made restraining the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondents or any officers or men of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents from further arresting, harassing, embarrassing, torturing and intimidating the Applicant in respect of the disputations of title over the property known as Plot 403 Trans Nkisi Layout, GRA, Onitsha, Anambra State as adjudication in land disputes is not within the constitutional and statutory remit of the Nigeria Police Force.
7. **AN ORDER** of perpetual injunction is hereby made restraining all the Respondents either by themselves, their servants, agents, functionaries, assigns whomsoever or howsoever described from further arresting, detaining or further harassing, intimidating or in any other way interfering with the Applicant's fundamental rights to dignity of person, personal liberty, and freedom as protected by Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 2004 in connection with the issue of title to or ownership of land between the Applicant and 5<sup>th</sup> Respondent.
8. **AN ORDER** is hereby made directing all the Respondents jointly and severally to refund immediately to the Applicant the sum of **₦350,000** (Three Hundred and Fifty Thousand Naira only) which they illegally and

unlawfully extorted from him under the guise of granting him bail when he was detained at the 1<sup>st</sup> Respondent's detention facility at Abattoir, Garki, Abuja.

9. AN ORDER is hereby made compelling the Respondents jointly and severally to pay the Applicant the sum of ₦5,000,000 (Five Million Naira only) as compensation for the egregious breach of the Applicant's fundamental right to personal liberty as evinced in his torture, unlawful arrest, detention, harassment, intimidation and threats by the 1<sup>st</sup> to the 4<sup>th</sup> Respondents at the instance of the 5<sup>th</sup> Respondents in accordance with section 35(6) of the Constitution of the Federal Republic of Nigeria 1999 (as amended).
10. AN ORDER is hereby made awarding the sum of ₦10,000,000 (Ten Million Naira) only as exemplary damages for the infringement of the Applicant's fundamental rights by the Respondents and the gross manipulation of the criminal justice system and the judicial process by the Respondents against the Applicant resulting in the continuing infringement of the Applicant's fundamental rights even when the Applicant had instituted this action for the enforcement of his fundamental rights and the Respondents were aware of the pendency of this application for the enforcement of the Applicant's fundamental rights.

11. AN ORDER is hereby made awarding the sum of ₦1,000,000 (One Million Naira) only against the all the Respondents jointly and severally as cost of this action.
12. AN ORDER is hereby made directing the Respondents to apologise in writing to the Applicant for infringement of his constitutionally guaranteed fundamental rights and in line with the provisions of section 35(6) of the Constitution of the Federal Republic of Nigeria, 1999.
13. THIS HONOURABLE COURT hereby imposes a 10% post-judgment interest on the entire Judgment sum until same is liquidated fully.

This is the Judgment of this Honourable Court delivered today, the 19<sup>th</sup> of September, 2023.

**HON. JUSTICE A. H. MUSA**  
**JUDGE**  
**19/09/2023**

**APPEARANCES:**

**FOR THE APPLICANT:**

**F. I. Nnaba Esq.**

**FOR THE 1<sup>ST</sup> – 4<sup>TH</sup> RESPONDENTS:**

**Jennifer Ugwoke, Esq.**

**FOR THE 5<sup>TH</sup> RESPONDENT:**

**AbdurahmanAbubakar, Esq.**

**K. O. Obue, Esq.**

**AbubakarInuwa, Esq.**