

**IN THE HIGH COURT OF JUSTICE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT JABI, ABUJA**

**BEFORE HIS LORDSHIP: HON. JUSTICE D. Z. SENCHI  
HON. JUDGE HIGH COURT NO. 12**

**COURT CLERKS: T. P. SALLAH & ORS**

**DATE: 26/11/2020**

**FCT/HC/CV/1552/20**

**BETWEEN**

**ASIWAJU O.I. THOMAS....**

**APPLICANT**

**AND**

**1. COMMANDANT GENERAL, NIGERIA SECURITY  
& CIVIL DEFENCE CORPS**

**2. DEPUTY COMMANDANT A. S. KESHINRO**

**3. MOHAMMED SANI ISUAFA**

**RESPONDENTS**

**JUDGMENT**

The Applicant herein instituted the instant suit against the Respondents vide motion on notice dated 12<sup>th</sup> May,2020 and filed on 14<sup>th</sup> May,2020 pursuant to order II Rules 1,2,3,4,5 order IV Rule 3, 4(a)(b)(c)(i)(ii)(iii)(iv) and (v) of the Fundamental Rights (Enforcement) Procedure Rules 2009, sections 35 and 46 of the Constitution of the Federal Republic of Nigeria(as amended)Articles II, III,VIII, and IX of the Universal Declaration of Human Rights as well as Article vi of the African Charter on Human and People's Right seeking the following reliefs:-

- a) A declaration that the continued and unabated harassment, intimidation and threat of arrest of the Applicant by men. operatives and officers under the command of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents on an entirely contractual transaction between the Applicant and the 3<sup>rd</sup> Respondent amounts to gross violation of the Applicant's right to personal liberty and human dignity.

- b) A declaration that the 3<sup>rd</sup> Respondent's Direct Criminal Complaint, complaining of criminal allegations on matters that is purely a contract between IBM & T Engineering Services Ltd and the 3<sup>rd</sup> Respondent was done in bad faith.
  - c) A declaration that the forceful and unwarranted coercion of the Applicant into dropping his landed title document in favour of the 3<sup>rd</sup> Respondent at the office of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents is illegal.
  - d) An Order of Perpetual Injunction restraining the Respondents, their agents, assigns, privies, representatives and or whatsoever called from further harassing, intimidating and threatening to arrest the Applicant on the subject matter that bothers on contract between Applicant and the 3<sup>rd</sup> Respondent.
  - e) An order directing the 3<sup>rd</sup> Respondent to desist from using the men of Nigeria Security and Civil Defence Corps on a matter which bothers on debt recovery.
  - f) An Order directing the 3<sup>rd</sup> Respondent to channel his grievance if any to the appropriate authority for redress.
  - g) An Order directing the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to return the Applicant's land title document.
  - h) N10,000,000 (Ten Million Naira) only as general damages for the unlawful arrest and detention of the Applicant by the Respondents.
- AND
- i) For such further order or other order(s) as the Honourable Court might deem fit to make in the circumstance.

Accompanying the motion is a statement of the Applicant dated 12<sup>th</sup> May, 2020. The Applicant also filed an affidavit of 21 paragraphs with exhibits marked A-F respectively.

In opposition to the application, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents filed their Counter Affidavit of 44 paragraphs with leave of Court and attached Exhibits NSCDC1 to NSCDC10. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents filed a written address dated 5<sup>th</sup> June, 2020 in further support of their counter affidavit.

The 3<sup>rd</sup> Respondent also filed a Counter Affidavit of 23 paragraphs with exhibits marked KC1 –KC9. 3<sup>RD</sup> Respondent' Counsel filed a written address dated 26<sup>th</sup> June,2020 with leave of this Court granted on 6<sup>th</sup> June, 2020.

In response to the Counter affidavits of the respective Respondents, the Applicant filed two sets of further affidavits and replies on points of law dated 24<sup>th</sup> June,2020 and 30<sup>th</sup> September,2020.

### **ISSUES FOR DETERMINATION:**

The Applicant's Counsel formulated and argued a sole issue for determination of the instant application to wit:-

*"Whether in the circumstance of the facts and evidence in this case the Applicant is entitled to the reliefs sought."*

Learned Counsel to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents adopted the sole issue formulated by the Applicant and distilled two further issues for determination as follows:-

1. Whether an action can lie against an agent of a disclosed principal, even when there is no exhibit or action showing that the agent acted on his own accord,
2. Whether this suit as presently constituted discloses any cause of action against the 1<sup>st</sup> and 2<sup>nd</sup> Respondents as to cloak this Honourable Court with the Jurisdiction to entertain same.

The 3<sup>rd</sup> Respondent's Counsel for his part formulated two issues to wit:-

- a. *Who amongst the applicant and the respondents will this court believe to have credible testimonies bearing in mind all the affidavit evidence before the court.*
- b. *Whether from the affidavit evidence of the applicant himself, a cause of action is disclosed against the 3<sup>rd</sup> respondent and even if answered in the negative or*

*affirmative, whether the applicant has proved his case on a balance of probability to entitle him to judgment.*

I am of the firm opinion that the issues formulated by the Respondents can be adequately addressed under the Applicant's issue. I shall therefore adopt the issue formulated by the Applicant and thereunder address the issues raised by the Respondents. In other words, I adopt the sole issue distilled by the Applicant's Counsel to determine this instant suit as follows:-

*Whether in the circumstance of the facts and evidence in this case the Applicant is entitled to the reliefs sought.*

Before I proceed with the merits of the instant application, I would need to quickly address some salient preliminary issues which go to the competence of the instant application and, consequently, the jurisdiction of this Court to entertain this suit against the Respondents.

The Respondents' Counsel have, in their various written addresses, raised the issue of lack of cause of action against the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Respondents.

In his address, learned Counsel to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents submitted that the Applicant's instant suit discloses no cause of action against the 1<sup>st</sup> and 2<sup>nd</sup> Respondents because the suit is premised on imaginations and speculations. He posited that facts deposed to in the Applicant's affidavit and the grounds upon which his suit is brought are sketchy and not enough to sustain any of the reliefs sought from this Honourable Court. He argued that there is nothing suggestive of any infringement of fundamental rights as contained in Chapter IV of the Constitution of the Federal Republic of Nigeria. He relied on the case of **AMALE V. SOKOTO LOCAL GOVERNMENT COUNCIL (2012) 1 KLR (PT 3014)99**. He submitted that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents have proven beyond reasonable doubt that no fundamental right of the Applicant was breached. He contended

that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents (in their counter-affidavit) denied the Applicant's story, there is no cause of action against them. It is his position that a grave miscarriage of justice will therefore be occasioned if this suit is not dismissed and he urged this Court to hold as such. It is his further submission that no action can lie against an agent of a disclosed principal especially when the agent did not act outside his scope of duty. He posited that since the 1<sup>st</sup> Respondent is the 2<sup>nd</sup> Respondent's principal while the 2<sup>nd</sup> Respondent is the 1<sup>st</sup> Respondent's agent by virtue of his employment, this action commenced against the 2<sup>nd</sup> Respondent on behalf of Nigeria Security and Civil Defence Corps is incompetent and ought to be dismissed by this Court or in the alternative, have the 2<sup>nd</sup> Respondent's name struck out. He contended that the 2<sup>nd</sup> Respondent is not a necessary party to this suit and ought not to have been joined in the first place. He submitted that the Applicant has not shown that the 2<sup>nd</sup> Respondent acted outside the colour of his office.

On the part of the 3<sup>rd</sup> Respondent learned Counsel submitted that from the totality of the Applicant's affidavit evidence, no cause of action has been disclosed against the 3<sup>rd</sup> Respondent. On the meaning of 'cause of action', Counsel relied on the case of ***NSCDC & ORS V. OKO (2019) LPELR-48347(CA)***. He posited that for a cause of action to exist against a Defendant, the statement of claim (in this case, affidavit in support) must incorporate some facts and wrong doing on the part of the defendant which would entitle the enforcement of rights against the defendant by the plaintiff. It is his position in this case that the Applicant failed to state in his affidavit how the 3<sup>rd</sup> Respondent is directly or indirectly responsible for the infringement of his fundamental rights.

In his Replies on points of law, Counsel to the Applicant argued inter alia that paragraphs of both counter-affidavits of the Respondents are contradictory and do not comply with the law.

Now, the law is trite that cause of action is the facts which give a person a right to judicial relief. It is the interest and

circumstances giving right to an enforceable claim. – see the case of ***IKECHUKWU OKPOKIRI V. VINCENT NWOGWUGWU & ANOR (2014) LPELR-22497(CA)***. A cause of action is determined by reference to the plaintiff's originating processes. The immediate materials a court should look at in determining cause of action in any given case are therefore the averments in such originating processes (i.e. the affidavit in support of the application in this case). See the case of ***HON. GOODLUCK NANA OPIA V. INDEPENDENT NATIONAL ELECTORAL COMMISSION & ANOR (2014) LPELR-22185(SC)***. Consequently, in the consideration of whether cause of action has been disclosed against the Respondents in this case, this Court is not obliged, nay permitted, to consider the counter-affidavits filed by them in their defence. On the issue of cause of action therefore, this Court shall ignore the Respondents' Counsel's reference to denials in their counter-affidavit or the Applicant's Counsel's arguments on contradictions in the counter-affidavits.

I have looked at the facts alleged by the Applicant in his affidavit in support of his instant application for enforcement of his fundamental rights. In a nutshell, the facts deposed to by the Applicant in his affidavit in support is that on 23<sup>rd</sup> December, 2016, he got a contract from the Nigerian Navy (through his company IBM & T Engineering Services Limited) and he further entered into a sub-contract in respect thereof with the 3<sup>rd</sup> Respondent's company (Tomsantoski Construction Co. Limited). Letter of award of contract from Nigerian Navy and memorandum of understanding between the two companies were attached to the Affidavit in support as Exhibits A and B respectively. The Applicant paid part of the consideration of N16 Million and never denied owing the balance which he agreed with the 3<sup>rd</sup> Respondent on how to offset. However, on 28<sup>th</sup> January, 2020, masked men of the Nigeria Security and Civil Defence Corps (NSCDC), under the command of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents, came to the Applicant's house armed with guns. The Applicant averred that he was beaten and embarrassed and taken to the NSCDC headquarters where he

was shown a letter of invitation and Direct Criminal Complaint from the 3<sup>rd</sup> Respondent. Copies of the said documents were attached as Exhibits C and D. The Applicant was detained at the NSCDC headquarters for two days before he was released on bail in respect of the money he owed the 3<sup>rd</sup> Respondent. Exhibit E is attached to the affidavit in support as offer of bail issued to him dated 30<sup>th</sup> January, 2020. He was further forced to drop a copy of his land title documents pending when he is able to pay the 3<sup>rd</sup> Respondent. The Applicant averred that he was beaten, tortured and embarrassed by men of NSCDC headquarters upon the instructions of the 2<sup>nd</sup> Respondent pursuant which he was taken to the Civil Defence Medical Centre for treatment. A copy of the Civil Defence Medical Centre patient's card issued to the Applicant is attached as Exhibit F. That he was highly traumatized by the actions of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents, who are not debt recovery agents and have no power to arrest him for money owed the 3<sup>rd</sup> Respondent.

It is clear from the averments in the affidavit in support that the Applicant's grouse is that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents arrested, tortured and harassed him over a debt he owed the 3<sup>rd</sup> Respondent. It is his allegation that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' said acts are unlawful and a breach of his fundamental rights. I am of the view that the Applicant's affidavit in support has disclosed a cause of action against the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. Whether the case will succeed on the merit is another matter which can only be determined after a careful consideration of all material evidence before the Court. Suffice it to say, at this stage, that a cause of action has been disclosed against the 1<sup>st</sup> and 2<sup>nd</sup> Respondents in this suit.

I quite agree with the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' Counsel on the general principle of the law which posits that an agent acting on behalf of a known and disclosed principal incurs no liability and cannot be sued for a breach as the act of the agent is the act of the principal. – see the cases of **OKAFOR V. EZENWA (2002) 13 NWLR PT. 784 P. 319** and **THE FEDERAL GOVERNMENT OF NIGERIA & ORS V. SHOBU NIGERIA LTD & ANOR**

**(2013) LPELR-21457(CA).** This principle is firmly rooted in the law of contract. The application in the law of tort is however another matter entirely.

Under the law of tort, an agent who commits a tort on behalf of his principal is a joint tortfeasor with his principal and may be liable either alone or together with his principal for his action or conduct and may be sued either alone or with his principal. So, an agent, even of a disclosed principal or master, who commits a tortious action even in the course of his employment is liable and can be sued alone, just as he can also be sued jointly with his principal. See the cases of **DUNU MERCHANTS LIMITED V. ANTHONY NNAJI OBANYE & ORS (2014) LPELR-24059(CA)** and **ANIOCHA NORTH LOCAL GOVT. COUNCIL & ORS V. EZE (2016) LPELR-42016(CA).**

In the instant case, the Applicant's allegations against the 2<sup>nd</sup> Respondent is that he is the officer in charge of investigation with the Abuja Headquarters of the NSCDC under whose command men of the said NSCDC arrested the Applicant without just cause. The Applicant specifically averred in his affidavit in support that *it was under the 2<sup>nd</sup> Defendant's instruction that he was beaten and tortured* (see paragraph 14) of the affidavit in support. I do not believe and I hold the view that the principle of agent of disclosed principal not being liable can apply to avail the 2<sup>nd</sup> Respondent in the circumstances of these allegation of commission of breach of fundamental rights and I so hold. Thus, the arguments of Counsel to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents hold no water and it is accordingly discountenanced.

Regarding cause of action against the 3<sup>rd</sup> Respondent, it is the Applicant's averment that he entered into a sub-contract with the 3<sup>rd</sup> Respondent through their respective companies. The Applicant was subsequently shown a Direct Criminal Complaint written by the 3<sup>rd</sup> Respondent. Aside of these allegations, nothing was mentioned in the Applicant's affidavit in support as to what wrong the 3<sup>rd</sup> Respondent might have committed against the Applicant.



I am not unmindful of the position of the law that a person who by his malicious actions or utterances leads the police to detain and/or charge an otherwise innocent person to court would be liable for such actions notwithstanding that he did not actually detain the innocent person himself. A third party who instigates the police to carry out acts in breach of a person's Fundamental Rights may be liable alongside with the police for such a breach. See ***OJO V. LASISI (2003) 7 NWLR PT. 819 P. 237 and FAJEMIROKUN V. C.B.(C.L.) (NIG.) LTD. (2002) 10 NWLR (PT. 774) P. 95.***

In the instant case however, the Applicant has not alleged in his affidavit in support that the 3<sup>rd</sup> Respondent's act of writing the alleged Direct Criminal Complaint was malicious, wrongful or unlawful. The Applicant also did not allege that the 3<sup>rd</sup> Respondent directly instigated the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to commit the alleged acts which breached his fundamental rights. He did not allege that the 3<sup>rd</sup> Respondent took part or was involved in the alleged acts that constituted breaches of his fundamental rights. This Honourable Court cannot speculate on such facts if they are not alleged by making the appropriate averments in the affidavit in support. This must be so particularly where declaration of rights (declaratory reliefs) are sought against a person as in this case (against the 3<sup>rd</sup> Respondent). In the circumstances, the Applicant has not disclosed any wrong committed by the 3<sup>rd</sup> Respondent to warrant this suit against him and has consequently failed to disclose any cause of action against the 3<sup>rd</sup> Respondent in the instant case. As there is no cause of action disclosed against the 3<sup>rd</sup> Respondent, I hold the view that the instant action and the reliefs sought against 3<sup>rd</sup> Respondent cannot lie as this Court automatically lacks the jurisdiction to entertain same and I so hold. See the case of ***PFIZER SPECIALTIES LIMITED V. CHYZOB PHARMACY LIMITED & ORS.(2006) LPELR-11780(CA).***

Accordingly the instant suit is incompetent against the 3<sup>rd</sup> Respondent the name of the 3<sup>rd</sup> Respondent is hereby struck out from this suit.

Having dealt with the preliminary issues of law, I now return to the merit of the substantive suit.

I have earlier set out a summary of the Applicant's averments in his affidavit in support of the instant application.

In their defence to the suit instituted against them, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' averred in their counter-affidavit that the NSCDC Abuja Headquarters received a letter dated 15<sup>th</sup> January, 2020 from the Chief Magistrate's Court Wuse Zone 6, Abuja directing it to investigate a Direct Criminal Complaint filed by one Momoh Sani Izuafa (the erstwhile 3<sup>rd</sup> Respondent in this case). Exhibit NSCSC1 is a copy of the said letter from the Chief Magistrates Court while Exhibit NSCDC2 is a copy of the Direct Criminal Complaint. Based on the said letter from the Chief Magistrate Court to the 1<sup>st</sup> Respondent, the 2<sup>nd</sup> Respondent assigned the case for investigation and a letter dated 24<sup>th</sup> January, 2020 was written by the NSCDC to the Applicant inviting him for an interview which he acknowledged. An acknowledged copy of the letter of invitation is annexed to the counter-affidavit as Exhibit NSCDC3. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents denied going to the Applicants house on 28<sup>th</sup> January, 2020 or beating him. They rather averred that the Applicant came on his own accord on 29<sup>th</sup> January, 2020 with his lawyer and friend. Although it was observed that the Applicant was sick, he opted to proceed to make his written statement which commenced at about 1450Hrs and ended at 1647Hrs. Attached as Exhibit NSCDC4 and NSCDC5 respectively are statement recording form and the Applicant's statement. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents denied detaining the Applicant for two days but rather averred that the Applicant was asked to call a family member to come and take him on administrative bail immediately due to his ill health but no family member was able to come that same day. That the Applicant was taken to the NSCDC Medical Centre since none of his family members agreed

to show up after waiting for about two hours. Upon arrival at the Medical Centre, it was discovered that the Applicant's blood pressure was very high and based on medical advice that such a patient should not be allowed to leave the hospital premises, he was placed on admission at the Medical Centre where he was watched on an hourly basis by NSCDC team of medical experts. A copy of the Applicant's medical report on events of 29<sup>th</sup> January, 2020 is annexed as Exhibit NSCDC6. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents aver that the Applicant was discharged the next day on 30<sup>th</sup> January, 2020 upon the arrival of one Mrs. Maryam Ibrahim Thomas who signed a bond to produce the suspect on 3<sup>rd</sup> February, 2020. A copy of the bond to produce suspect is attached as Exhibit NSCDC7. That the Applicant was detained for less than 24 hours and it was due to his ill health and the refusal of his family members to come and fetch him from the Medical Centre where he was admitted. It is further averred that in the process of preparing their investigation report, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents were informed via phone call by the Applicant that he was willing to give some land documents to the erstwhile 3<sup>rd</sup> Respondent as payment for the money owed. The Applicant later informed them again that the erstwhile 3<sup>rd</sup> Respondent refused to accept the land but was interested in his money. That the Applicant appeared at the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' office on 3<sup>rd</sup> February, 2020 and attended all through till 14<sup>th</sup> February, 2020 when the 1<sup>st</sup> and 2<sup>nd</sup> Respondents concluded their investigations. The Applicant was asked to report on 20<sup>th</sup> February, 2020 so as to proceed to the Chief Magistrate Court with the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' report of investigation and FIR but the Applicant never showed up until they were served with the originating processes in this suit. The Applicant's attendance sheet, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' investigation report and FIR are attached to the Counter-affidavit as Exhibits NSCDC8, NSCDC9 and NSCDC10 respectively. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents averred that the NSCDC is empowered to investigate and prosecute any criminal activity. That it neither investigated a civil matter nor did it act as a debt recovery agency. That the Applicant was never tortured or beaten.

In his Further and Better Affidavit, the Applicant averred that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents do not have power to investigate elements of crime as only the Police can do so. He further averred that the letter written by the Chief Magistrate Court was written in bad faith. He stated that he did not go to the 1<sup>st</sup> and 2<sup>nd</sup> Respondent's office of his own accord nor was he sick. He averred that it was as a result of the beating and embarrassment received from the 1<sup>st</sup> and 2<sup>nd</sup> Respondent's men that he had high blood pressure. He reiterated that the reason he was arrested was purely because of a civil transaction between the erstwhile 3<sup>rd</sup> Respondent and himself. He averred that he was not asked to call any member of his family to take him on bail and as such no member of his family refused to do so.

Arguing his sole issue for determination, learned Counsel to the Applicant submitted in his address that the Applicant's fundamental right to personal liberty guaranteed under Sections 35 and 46 of the Constitution of Nigeria 1999 (as amended) is under threat. He also referred this Court to Articles II, III, VIII and IX of the Universal Declaration of Human Rights and Article VI of the African Charter on Human and People's Right. He submitted that the Applicant's affidavit in support proves that the Respondents are contravening and violating the Applicant's fundamental right to personal liberty. Counsel posited that it is not within the powers of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to recover debt from the Applicant for the erstwhile 3<sup>rd</sup> Respondent as they are not debt recovery agents. He relied on the cases of **DIAMOND BANK PLC V. OPARA (2018) 7 NWLR PT. 1617 P. 92 and OKAFOR & ANOR V. AIG POLICE ZONE II, ONIKAN & ORS (2019) LPELR-46505(CA)**. He argued that the Direct Criminal Complaint of the erstwhile 3<sup>rd</sup> Respondent was in bad faith and the 1<sup>st</sup> and 2<sup>nd</sup> Respondents also acted in bad faith as it was a purely contractual matter. He submits that to harass, intimidate and threaten further arrest of the Applicant in the circumstances amounts to violation of his fundamental right to personal liberty. He relied on the case of

*MCLAREN V. JANNINGS (2003) 3 NWLR (PT. 808) P. 470* and a plethora of similar cases. The learned Counsel's then submitted that the Applicant is entitled to exemplary and general damages for the breach of his fundamental right by the Respondents. In conclusion he urged this Court to grant all the reliefs sought

Arguing against the instant application, learned Counsel to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents submitted in his address that the Applicant has not placed any exhibit before this Honourable Court to entitle him to any of the reliefs sought while the suit itself is an attempt to mislead this Honourable Court to stop the 1<sup>st</sup> and 2<sup>nd</sup> Respondents from carrying out their statutory duties. He argued that there is nothing to show that the Applicant was brutalized or detained for two days. Counsel submitted that on the other hand, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents have been able to show that the Applicant was detained for less than twenty-four hours and this was due to the fact that no one came to take him on bail as well as on doctor's advice on account of his ill health. He contended that there is nothing in the Applicant's affidavit to show that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents beat, tortured or unlawfully detained (or even detained him) beyond the statutorily required period. Counsel referred this Court to the principle of law that the party who approaches the Court to enforce his fundamental right on basis of facts asserted bears the initial burden of proving those facts to the satisfaction of the Court on the preponderance of evidence. He relied on the case of ***KWASALBA (NIG.) LTD V. OKONKWO (1992) 1 NWLR PT. 218 P. 407***. He said there is nothing to support the Applicant's allegation that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents acted as debt recovery agents. He posited that this Court cannot grant the reliefs sought as the 1<sup>st</sup> and 2<sup>nd</sup> Respondents were merely performing their lawful duties under the enabling Act i.e. the Nigeria Security and Civil Defence Corps Act Cap N146, LFN 2010. He submitted that an individual can make a direct criminal complaint to a magistrate who in turn has power to refer the matter for investigation by any law enforcement agency of his choice. Counsel pointed out that in this case, the Magistrate deemed it fit to direct the complaint to the NSCDC

for investigation. He said the NSCDC can receive a direct criminal complaint from any Magistrate in the FCT. He referred this Court to Exhibits NSCDC1 and NSCDC2 and relied on the provisions of Sections 88(1), 89(5) and 494 of the Administration of Criminal Justice Act 2015 as well as Section 3(1)(f)(i) of the Nigeria Security and Civil Defence Corps Act. He contended that the NSCDC is statutorily empowered to arrest, detain and investigate any criminal activity. Consequently, it is Counsel's submission that the Applicant's invitation by the NSCDC premised on the letter it received from the Chief Magistrate Wuse Zone 6 was proper and does not in any way violate the Applicant's right to the personal liberty nor were the 1<sup>st</sup> and 2<sup>nd</sup> Respondents acting as a debt recovery agency. He contended that the Applicant was not kept beyond twenty-four hours as stipulated by law. He relied on Section 35(a)(b) of the 1999 Constitution of the Federal Republic of Nigeria. He submitted that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents were just doing their job in this case and this suit is merely to distract them from doing it. Counsel to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents finally urged this Court to resolve all issues in their favour and dismiss this suit with 'reasonable' (substantial) cost against the Applicant.

In his Reply to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' address on points of law, Counsel to the Applicant submitted that Exhibits A to F of the affidavit in support speak for themselves. He contended that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents contradicted themselves in their counter-affidavit when they said that the Applicant came of his own volition and that nobody came to bail him. He submitted that the exhibits before the Court show that the Applicant was arrested purely over a matter of money owed another. He submitted that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents cannot place reliance on Section 88(1) and 89(5) of the Administration of Criminal Justice Act 2015 as it empowers only the 'Police' to receive Direct Criminal Complaints. He contended that there is a world of difference between the NSCDC and the Police that was expressly mentioned in those provisions. He posited that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents have no right to file an FIR instead of

reporting back to the Chief Magistrate Court. He again urged this Court to grant the application.

Now in the resolution of the issue before this Court, the instant action is one brought by the Applicant for the enforcement of his fundamental rights. The law is that the burden of proof lies on the Applicant to establish by credible affidavit evidence that his fundamental right was breached. See the decision of the Court of Appeal in the case of **FAJEMIROKUN V. C.B.(C.L.) (NIG.) LTD. (2002) 10 NWLR (PT 774) P. 95** which decision was upheld by the Supreme Court in **FAJEMIROKUN V. C.B.(C.L.) (NIG.) LTD. (2009) 5 NWLR (PT. 1135) P. 588**. See also the case of **MR. COSMOS ONAH V. MR. DESMOND OKENWA & ORS (2010) LPELR-4781(CA)**.

By the first relief of the statement in support of the instant application, the Applicant seeks declaration that the harassment and intimidation by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents in respect of a contractual transaction is a violation of his right to personal liberty and human dignity.

The part of the Applicant's case which does not seem to be in dispute is that he entered into a sub-contract with a company whom he ended up owing. A criminal complaint was written against him pursuant to which the 1<sup>st</sup> and 2<sup>nd</sup> Respondents began taking steps against him. It is the Applicant's case, which is disputed by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents, that they do not have the power to involve themselves in the manner that they have in such a contractual matter. His case is that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents have no power to do so and have been acting as debt recovery agents which is unlawful and a breach of his fundamental rights.

The 1<sup>st</sup> and 2<sup>nd</sup> Respondents for their part deny acting as debt recovery agents. They say they were acting in accordance with the statutory powers and duties on a letter to them by the Chief Magistrate Court pursuant to a Direct Criminal Complaint i.e. Exhibits NSCDC1 and NDCDC2.

It doesn't appear to be in dispute that the Chief Magistrate Court, Zone 6 received Exhibit NSCDC2 making criminal allegations against the Applicant and, pursuant thereto, wrote Exhibit NSCDC1 to the NSCDC (1<sup>st</sup> and 2<sup>nd</sup> Respondents) to investigate the criminal allegations. It is however the propriety of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' power to act under the directions of the Chief Magistrate Court vide Exhibit NSCDC1 that the Applicant seem to be disputing.

Generally speaking, the NSCDC i.e. the 1<sup>st</sup> and 2<sup>nd</sup> Respondents, under the statute establishing them, have the power to conduct investigation into activities reasonably suspected to be criminal in nature. See particularly **Section 3(1)(a) and (f)(i) of the Nigeria Security and Civil Defence Corps Act** which provide as follows:-

*1. The Corps shall-*

- (a) assist in the maintenance of peace and order and also in the protection and rescuing of the civil population during the period of emergency;*
- (f) have power to arrest, with or without a warrant, detain, investigate and institute legal proceedings by or in the name of the Attorney-General of the Federation in accordance with the provisions of the Constitution of the Federal Republic of Nigeria against any person who is reasonably suspected to have committed an offence under this Act or is involved in any-*
  - i. criminal activity;*

The Courts have consistently held that the law enforcement agents (such as the 1<sup>st</sup> and 2<sup>nd</sup> Respondents) have no business in enforcement of debt settlements or recovering of civil debts for anybody (as alleged by the Applicant in the instant case). See the cases of **MCLAREN V. JENNINGS (2003) 3 NWLR (PT. 808) P. 470** and **OCEANIC SECURITIES INTERNATIONAL LIMITED V. BALOGUN & ORS (2012) LPELR-9218(CA)**.



The question is, did the 1<sup>st</sup> and 2<sup>nd</sup> Respondents act as debt recovery agents (outside their lawful mandate) in the instant case?

I have looked at Exhibit NSCDC2 which is the Direct Criminal Complaint made by MomohSaniIzuafa against the Applicant pursuant to which the Chief Magistrate Court, Zone 6 wrote Exhibit NSCDC1 to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to investigate. Allegations of the commission of the offences of criminal breach of trust, cheating and threat to life were made against the Applicant in Exhibit NSCDC2. By Exhibit NSCDC1, the Chief Magistrate Court, Zone 6 directed the NSCDC (the 1<sup>st</sup> and 2<sup>nd</sup> Respondents) to investigate these allegations of crime and report back to it.

Under extant criminal procedure, a criminal complaint can be made directly to the court by individuals. See **Section 89 of the Administration of Criminal Justice Act (ACJA) 2015** applicable in the FCT-Abuja within the jurisdiction of this Honourable Court. For avoidance of doubt, 'court' includes Magistrate Courts. See **Section 494(1) of ACJA 2015**.

Such direct criminal complaints to the court may nevertheless be referred to the law enforcement authorities for further investigation (where the court feels it is necessary). See **Section 89(5) of ACJA** which provides thus:-

*"All complaints made to the court directly under this section may first be referred to the police for investigation before any action is taken by the court."*

Under **Section 494(1) of ACJA** (i.e. the Interpretation Section) 'Police' includes any officer of any law enforcement agency established by an Act of the National Assembly.

The NSCDC is a law enforcement agency established by an Act of the National Assembly. By implication, the NSCDC (1<sup>st</sup> and 2<sup>nd</sup> Respondents) are authorized under **Section 89(5) of**

**ACJA** to receive for investigation, direct criminal complaints referred to it by the court. I do not agree with the Applicant's Counsel that the NSCDC is excluded from the authority vested by **Section 89(5)** simply because 'the police' was mentioned in that provision. The implication of the meaning of 'police' confirms otherwise. Counsel to the Applicant is clearly wrong on this footing and I hold the view that the term or phrase "the police" includes other law enforcement agencies established by the Act of National Assembly inclusive of Nigeria Security and Civil Defence Corp (NSCDC) and I so hold.

Consequently, Exhibits NSCDC1 written by the Chief Magistrate Court referring the criminal complaint in Exhibit NSCDC2 to the NSCDC (1<sup>st</sup> and 2<sup>nd</sup> Respondents) for investigation was made pursuant to extant laws. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents thus had the power and authority to cause investigation into the matter to determine if indeed the crimes alleged had been committed by the Applicant. Although the methods of investigating to be adopted by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents are largely at their discretion, the discretion whether or not to conduct investigation at all is not available to them in this instance having been lawfully directed to do so by the court vide Exhibit NSCDC1.

Pursuant to the foregoing, and having considered all the credible evidence available to this Court, I cannot readily come to the conclusion that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents acted as debt recovery agents in their activity of conducting investigation into the allegations of crime against the Applicant. The facts before this Court does not establish that. The Applicant has thus failed to establish this part of his claim against the 1<sup>st</sup> and 2<sup>nd</sup> Respondents.

That however is not the end of the matter. The Applicant seeks general damages for his unlawful arrest and detention by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents per the eight relief of his statement in support of the instant application.

The facts relied upon by the Applicant is that he was taken from his house to the 1<sup>st</sup> and 2<sup>nd</sup> Defendant's headquarters in Abuja on 28<sup>th</sup> January, 2020 where he was detained for two days before being released on bail. I have looked at Exhibit E dated 30<sup>th</sup> January, 2020 which confirms that the Applicant was offered bail by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents on 30<sup>th</sup> January, 2020. The Applicant's grouse and allegation is that his arrest and detention was without just cause.

Now, under **Section 35 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)** every person (including the Applicant) is guaranteed his personal liberty. The circumstances under which a person may be lawfully deprived of such liberty are specifically set out in **Section 35(1)(a) – (f) of the Constitution of the Federal Republic of Nigeria 1999 (as amended)**. The said provision is as follows:-

- 35(1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law*
- (a) in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty;*
  - (b) by reason of his failure to comply with the order of a court or in order to secure the fulfilment of any obligation imposed upon him by law;*
  - (c) 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;*
  - (d) in the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare;*
  - (e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind,*

*persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community; or*  
*(f) for the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto:*

Aside of the foregoing circumstances, no person shall be deprived of his personal liberty.

The position of the law is that where there is evidence of arrest and detention of an applicant in an application for enforcement of fundamental right, it is for the respondent to show that the arrest and detention were lawful. See the cases of ***EJEFOR V. OKEKE (2000) 7 NWLR (PT. 665) P. 363 at P. 381 paragraph. F and FAJEMIROKUN V. C.B.(C.L.) (NIG.) LTD. (supra) at P. 111.***

The onus is thus placed on the 1<sup>st</sup> and 2<sup>nd</sup> Respondents (by the law) to show that the arrest and detention of the Applicant is justified and within the circumstances provided in **Section 35(1)(a) – (f) of the Constitution.**

The 1<sup>st</sup> and 2<sup>nd</sup> Respondents' defence is that the Applicant was not arrested but voluntarily came to their office on 29<sup>th</sup> January, 2020 in honour of an invitation issued to him from them vide Exhibit NSCDC3. That the Applicant was not detained beyond twenty-four hours and the reason for his detention was even because he was feeling ill and there was no one to take him on bail till the next day 30<sup>th</sup> January, 2020 when he was released on bail upon one Mrs. Maryam Ibrahim Thomas standing as his surety.

It is not in dispute that the Applicant was released on bail. If the Applicant was at the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' office of his own free will as suggested by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents and

was kept there because he was ill, why did he need administrative bail from the 1<sup>st</sup> and 2<sup>nd</sup> Respondents before he could be released? Bail has been described as the freeing or setting at liberty '*one arrested or imprisoned*', upon others becoming sureties by recognizance for his appearance at a day and place certainly assigned, he also entering into self-recognizance. – See the case of **CALEB OJO & ANOR V. FEDERAL REPUBLIC OF NIGERIA (2006) 9 NWLR (PT. 984) P. 103.**

It is clear from the facts before this Court that the Applicant was under arrest and detention by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents have to justify his arrest and detention to this Court.

The 1<sup>st</sup> and 2<sup>nd</sup> Respondents have said part of the reasons they detained the Applicant was as a result of his ill health. That unfortunately does not qualify as just cause for law enforcement agents such as the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to arrest and detain a person against his will. It has not been shown that the Applicant was suffering from some infectious or contagious disease to justify his detention under **Section 35(1)(e) of the Constitution**. Also, the fact that no one was available to bail the Applicant is insufficient reason to detain him unless there was good cause to arrest and detain him in the first place. Further at paragraph 10 of the counter affidavit of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents they aver that the Applicant came on his own together with his Lawyer and his friend. Why did the 1<sup>st</sup> and 2<sup>nd</sup> Respondents refused to release the Applicant to either his lawyer or friend? See also paragraphs 11 and 12 of the counter affidavit of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents.

I must take judicial notice of the 1<sup>st</sup> and 2<sup>nd</sup> Respondents' power under the Act establishing the NSCDC to arrest with or without a warrant and detain any person who is **reasonably suspected** to have committed an offence or of being involved in any criminal activity. See **Section 3(1)(a) and (f)(i) of the NSCDC Act**. See also **Section 35(1)(c)** of the Constitution

which allows the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to arrest and detain the Applicant on a **reasonable suspicion** of his having committed a criminal offence. The reasonable suspicion that the Applicant has committed an offence for which they may be arrested or detained depends upon the facts available to the 1<sup>st</sup> – 2<sup>nd</sup> Respondents (the arresting authority) at the time of arrest and detention. See the case of **CHIEF ITA OKON AQUA V. ETUBOM I. E. ARCHIBONG & ORS. (2012) LPELR-9293(CA)**.

The test for determining 'reasonable suspicion' of commission of an offence, see the decision of Lewis, JSC while delivering the leading Judgment of the Supreme Court in **OTERI V. OKORODUDU (1970) All N.L.R 199**.

*In our view the test to be applied, with the onus of proof on a defendant seeking to justify his conduct, was laid down in 1838 by Tindal, C.J. in **Allen v. Wright** 8 Car. and P 522 where he said that it must be that of a reasonable person acting without passion and prejudice.*

*The matter must be looked at objectively, and in the light of the facts known to the defendant at the time, not on subsequent facts that may come to light as is shown by **WRIGHT V. SHARP**(1947) L.T. 308. LORD WRIGHT in **MCARDLE V. EGAN**(1933) ALL E.R. REP. 611 at 613 showed that the responsibility is ministerial and not judicial when he said:-*

*"It has to be remembered that police officers, in determining whether or not to arrest, are not finally to decide the guilt or innocence of the person arrested.*

*Their functions are not judicial, but ministerial."*

**In SUNNY UBOCHI V. CHIEF GODWIN EKPO & ORS (2014) LPELR-23523(CA)** the Court of Appeal held that:-

*Having a 'reasonable suspicion' presupposes the existence of facts or information which would satisfy an objective*

*that the person concerned may have committed the offence or likely to commit the offence.*

While I agree that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents lawfully commenced investigation into the direct criminal complaint as directed by the Chief Magistrate Court vide Exhibit NSCDC1, that in itself does not constitute reasonable grounds for suspecting that the Applicant committed the offences alleged in the direct criminal complaint. For avoidance of doubt, Exhibit NSCDC1 by which the 1<sup>st</sup> and 2<sup>nd</sup> Respondents were directed by the court to investigate is **NOT** a warrant to arrest the Applicant. Where then was the reasonable ground for suspecting that the Applicant probably committed the criminal offences alleged thus warranting his arrest and detention at the time he was arrested and detained? The 1<sup>st</sup> and 2<sup>nd</sup> Respondents have not placed material facts before this Court to establish this. Although they have averred in their affidavit that at the end of the investigation they believed that the Applicant committed criminal offences, this was after he had already been arrested and detained by them. It has been held by the Supreme Court that it is improper investigation procedure and completely wrong for law enforcement agents to arrest a person before looking for evidence implicating him. See **FAWEHINMI V. I.G.P. (2002) 7 NWLR (PT. 767) P. 606 at P. 681 paragraphs G-H**. Even at that, the 1<sup>st</sup> and 2<sup>nd</sup> Respondents actually have not told this Court what criminal offences exactly they believe the Applicant committed from their investigation or what informed their belief.

Consequently, I hold the view that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents have failed to lawfully justify their act of arresting and detaining the Applicant and the act of arresting and detaining the Applicant is thus illegal, unlawful and a breach of the Applicant's right to personal liberty and I so hold.

The 1<sup>st</sup> and 2<sup>nd</sup> Respondents seem to be overly concerned that they did not detain the Applicant beyond 24 hours. See paragraph 21 of the counter affidavit of the 1<sup>st</sup> and

2<sup>nd</sup> Respondents. That is irrelevant in the circumstances as they have not justified why they even arrested and detained him in the first place. It is trite law that detention, no matter how short, would be unlawful where there was no right to detain in the first place or there is no legal foundation to base the arrest/detention. See the cases of **GUSAU V. UMEZURIKE (2012) ALL FWLR (PT.655) P. 291, OKONKWO V. OGBOGU (1996) 5 NWLR (PT. 499) P. 420 and NEMI V. A.G LAGOS (1996) 6 NWLR (PT. 452) P. 42.** Thus, having looked at the circumstances and affidavit evidence in the instant application to the effect that the arrest and detention of the Applicant was unlawful, the position of the law is that general damages, compensation and public apology are available remedies for unlawful arrest and detention. See specifically the provisions of **Section 35(6) of the Constitution.** See also the case of **NWANGWU V. DURU (2002) 2 NWLR (PT. 751) P. 265.** Having found that the Applicant's right to personal liberty was breached by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents by their unlawful act of arresting and detaining him, it follows that the Applicant is entitled to some quantum of damages as compensation from the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. See the case of **EFCC V. OYUBU & ORS (2019) LPELR-47555(CA)** wherein the position was held that once a Court comes to the conclusion that the fundamental right of a person has been infringed, he is entitled to damages.

Regarding the Applicant's allegations of torture by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents, same was denied by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. There seems to be no credible evidence before this Court of same and the Applicant has failed to establish these allegations.

The Applicant further alleged that he was forced to drop a copy of his land title documents pending when he is able to pay the person to whom he owed money. The 1<sup>st</sup> and 2<sup>nd</sup> Respondents on the other hand denied forcing the Applicant and averred that the Applicant voluntarily offered the land in attempt to settle with the party who made criminal complaint against him but the



said party refused the offer. The fact that the Applicant's land title documents were given to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents under coercion has thus not been established by credible evidence. While the circumstances of how the Applicant's land title documents came to be given to the 1<sup>st</sup> and 2<sup>nd</sup> Respondents is not clear, it however does not seem to be in dispute that the said documents are indeed with the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. There seems to be no reason why the 1<sup>st</sup> and 2<sup>nd</sup> Respondents should continue to keep such documents in their custody. The Applicant is entitled to have the said documents returned to him by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents. Accordingly, I hereby order the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to forthwith return the title documents to the Applicant.

The Applicant also seeks an Order of Perpetual Injunction restraining the 1<sup>st</sup> and 2<sup>nd</sup> Respondents from harassing, intimidating and threatening to arrest the Applicant in respect of the sub-contract between him and the party that made the direct criminal complaint against him. I have already stated that the 1<sup>st</sup> and 2<sup>nd</sup> Respondents have the authority to conduct investigation into the direct criminal complaint referred to them for investigation. The order of perpetual injunction must be refused on this ground. Be that as it may, the present position of the law is that the Courts ought not to grant an injunction restraining law officers such as the 1<sup>st</sup> and 2<sup>nd</sup> Respondents from carrying out their statutory and constitutional functions/duties. It is in the interest of public policy that this must be so. Rather than grant such an injunction, a person whose fundamental rights has been breached again by the 1<sup>st</sup> and 2<sup>nd</sup> Respondents can always approach the Court again and again for the enforcement of his/her fundamental rights. See the cases of **ATTORNEY-GENERAL OF ANAMBRA STATE V. UBA (2005) 15 NWLR (PT. 947) P. 44 at PP. 66-67 paragraphs. H-F, OGBORU V. PRESIDENT, COURT OF APPEAL (2007) ALL FWLR PT. 369 P. 1221 and PETER V. OKOYE (2002) 3 NWLR (PT. 755) P. 529. See also ABAYOMI FABUNMI V. INSPECTOR GENERAL OF POLICE, ABUJA & ANOR (2011) LPELR-3550(CA) and MRS. BABY**

**JUSTINA LUNA V. COMMISSIONER OF POLICE RIVERS STATE POLICE COMMAND & ORS (2010) LPELR-8642(CA).** Thus the order of perpetual injunction in the circumstances of this application cannot be granted and it is accordingly refused. .

The instant action thus succeeds in part.

In conclusion, based on the affidavit evidence of the Applicant and having found that the Applicant is entitled to reliefs (g) and (h), the sum of N3,000,000.00 is hereby awarded to the Applicant against the 1<sup>st</sup> and 2<sup>nd</sup> Respondents as general damages in form of compensation for the unlawful arrest and detention. Reliefs (a)-(F) are hereby refused and accordingly dismissed.

That is the judgment of this Honourable Court.

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**HON. JUSTICE D. Z. SENCHI**  
**(PRESIDING JUDGE)**  
**26/11/2020**

Parties:- 3<sup>rd</sup> Respondent present in Court.

Applicant and 1<sup>st</sup> and 2<sup>nd</sup> Respondents absent.

C.O :- For the Applicant

Evelyn Charles Iyanya:- For the 1<sup>st</sup> and 2<sup>nd</sup> Respondent.

K.C Muoemeka:- For the 3<sup>rd</sup> Respondent.

**Sign**  
**Judge**  
**26/11/2020**