

**THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA**

BEFORE HIS LORDSHIP: HON. JUSTICE .H. MU’AZU

SUIT NO: FCT/HC/GAR/CV/177/2024

DATE: 27/06/2024

BETWEEN:

AHMAD ABUBAKAR SIRIKA.....APPLICANT

AND

**1. ECONOMIC AND FINANCIAL CRIMES
COMMISSION.**

**2. THE PERMANENT SECRETARY, FEDERAL
MINISTRY OF WATER RESOURCES.**

3. GUARANTY TRUST BANK LIMITED

4. LOTUS BANK LIMITED

}
.....RESPONDENTS

Appearance:

Kehinda Salimon, Esq, for the 4th Respondent.

JUDGMENT

The Applicant (Ahmed Abubakar Sirika) who is a civil servant working with the Federal Ministry of Water Resources, Abuja alleged that on the 5/2/2024 he went to the office of the 1st Respondent in company of his lawyer, Dr. Clifford I. Omozeghien Esq. and his friend Engr. Muhammed Sani Bala on scheduled meeting for an interview. That on the visit he made some statements to the 1st respondent and was detained at the Federal Capital Territory Zonal Office of the 1st respondent.

Applicant contended that prior to his detention, there was neither an official invitation from 1st respondent to the Applicant nor was there any

official letter of release from the Applicant's superiors. It is the allegation of the Applicant that he was detained from the 5th day of February, 2024 to 27th of February, 2024. Applicant said he was only released pursuant to the order of this Court made on the 26/2/2024 granting bail to the Applicant.

By an amended Originating motion dated the 15/3/2024 the Applicant approached this Court for the enforcement of his Fundamental right pursuant to sections 35, 36, 41 and 44 of the Constitution of the Federal Republic of Nigeria and Article 6 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, and sought for the following reliefs against the Respondents to wit;

- 1. A declaration that the arrest and detention of the Applicant by the 1st Respondent from the 5th day of February 2024 to the 27th day of February 2024 without charging the applicant before a court of competent jurisdiction or granting him bail, amounts to a breach of the Applicant's Fundamental Rights to personal liberty and freedom of movement as protected under Chapter 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004), and is unconstitutional.*
- 2. A declaration that the act of the 1st Respondent in pronouncing the Applicant as being engaged in illegal activity in a letter addressed to the 2nd Respondent as contained in Exhibit AAS 1 attached to the affidavit in support of this application amounts to a breach of*

Applicant's right to fair hearing and presumption of innocence as protected under Chapter 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004) and is unconstitutional.

- 3. A declaration that the act of the 1st respondent in directing the 2nd respondent to place the applicant on interdiction at the Federal Ministry of Water Resources as contained in Exhibit AAS1 attached to the Affidavit in support of this application amount to a breach of the applicant's right to fair hearing as protected under Chapter 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004) and is unconstitutional.*
- 4. A declaration that the act of the 1st respondent of directing the 3rd respondent to freeze the personal bank accounts of the applicant domiciled and maintained with the 3rd respondent with account numbers 0221282554 (GTB naira current account); 0127498730 (GTB naira savings account), 0221282561 (GTB euros current account) with account name Abubakar Ahmad Sirika, and the act of the 3rd respondent in freezing the stated accounts of the applicant pursuant to the 1st respondent's directives are illegal, ultra vires, unconstitutional and a breach of the applicant's right*

to; fair hearing and to own acquire and own moveable property as protected under Chapter 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004).

5. *A declaration that the act of the 1st respondent in directing the 4th Respondent to freeze the personal bank account of the applicant domiciled and maintained with the 4th respondent with account number 1360551430 (Lotus Bank savings account) with account name Abubakar Ahmad Sirika, and the act of the 4th respondent in freezing the said account of the applicant pursuant to the 1st respondent's directives are illegal, ultra vires, unconstitutional and a breach of the applicant's right to, fair hearing and to acquire and own moveable property as protected under Chapter 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004).*
6. *A declaration that the act of the 2nd respondent in issuing a query to the applicant through the director, human resources management of the 2nd respondent's ministry as contained in Exhibit AAS 2 attached to the affidavit in support of this application over the subject of this suit despite the order of this Hon. Court made on 26th February, 2024 restraining the 2nd respondent from taking any action over the subject of*

this suit, is in contravention of the order of this Honourable Court and therefore null and void, and liable to be set aside by the court.

- 7. An order of this Honourable Court directing the 3rd respondent to unfreeze forthwith, the personal bank accounts of the applicant with account numbers 0221282554 (GTB naira current account); 0127498730 (GTB naira savings account); 0221282554 (GTB dollar current account 0242047477 (GTB dollar mastercard account); 0221282437 (GTB pounds current account); and 0221282561 (FTB euros current account) with account name Abubakar Ahmad Sirika domiciled and maintained with the 3rd respondent.*
- 8. An order of this Honourable Court directing the 4th respondent to unfreeze forthwith, the personal bank account of the applicant with account number 1360551430 (Lotus Bank savings account) with account name Abubakar Ahmad Sirika domiciled and maintained with the 4th respondent.*
- 9. An order of this honourable court setting aside the query contained in Exhibit AAS 2 attached to the affidavit in support of this application issued to the applicant by the 2nd respondent through the director, Human Resource Management of the 2nd respondent's Ministry.*

10. *An order of perpetual injunction restraining the respondents whether by themselves or their agents, privies or servants from violating the fundamental rights of the applicant to personal liberty, freedom of movement, fair hearing, and right to acquire and own moveable property as protected under Chapter 4 of the Constitution of the Federal Republic of Nigeria (1999) as amended.*
11. *An order of perpetual injunction restraining the 2nd respondent from giving effect to directives of the 1st respondent as contained in Exhibit AAS 1 attached to the affidavit in support of this application wherein the 1st respondent directed the 2nd respondent to place the applicant on interdiction at the Federal Ministry of Water Resources.*
12. *An order of perpetual injunction restraining the 2nd respondent from giving effect to the query contained in Exhibit AA 1 attached to the affidavit in support of this application.*
13. *An order of this honourable court awarding the sum of One Billion Naira (N1,000,000,000.00) in favour of the applicant against the 1st respondent as general damages for the infringement of the applicant's fundamental rights to; personal liberty; fair hearing, freedom of movement and right to acquire and own moveable property as protected under Chapter 4 of the 1999 Constitution and the African Chapter on Human and Peoples Rights (Ratification and Enforcement) Act; (Cap A9) LFN (2004).*

14. *An order of this honourable court compelling the 1st respondent to issue personal and public apology in two national newspapers to the applicant for breach of the applicant's fundamental rights to personal liberty fair hearing, and freedom of movement, as protected under Chapter 4 of the 1999 Constitution and the African Chapter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004).*
15. *Any other order or further orders this Honourable Court may deem fit and proper to make in the circumstance.*

Upon services of the originating motion on the Respondents, the 2nd Respondent filed a notice of preliminary objection challenging the jurisdictional competence of this court, wherein it prayed for the following reliefs:

1. *AN ORDER of this court dismissing/striking out this suit against the 2nd Respondent on the ground that this court lacks the jurisdiction to entertain disputes arising from Section 254(C) 1 of the 1999 Constitution (as amended)*
2. *The Omnibus prayer*

On its part, the 3rd Respondent filed a counter affidavit to the Originating motion. It is instructive to note that, the 1st Respondent who is the principal party in this case did not file a counter affidavit to the Amended originating motion but however, filed a counter affidavit to the Original originating motion. Also, the 4th Respondent (Lotus Bank

limited) did not file a counter affidavit in opposition to the Applicant's suit.

Parties adopted their various processes on the 2/5/2024 paving the way for this judgment.

The case of the Applicant as introduced in the preceding part of this judgment is that when he honoured the invitation extended to him on the 5/2/2024, he was asked to make a statement, which he did and was detained thereafter up to the 27th February 2024 without being charged to court. Thereby violating his right to personal liberty as enshrined in the Constitution. That while in detention he fell ill and was not in a good condition to write any statement but the 1st Respondent kept threatening and coercing him to write statements against his will.

Applicant averred that he was not charged to court for any alleged offence by the 1st Respondent but instead, the 1st Respondent wrote a letter to 2nd Respondent wherein the 1st Respondent pronounced him guilty of committing illegalities despite the fact that he was not charged to court. That following his release from custody on the 27/2/2024, he attempted to make use of his Guaranty Trust bank and Lotus bank accounts through Mobile Applications and realized that his accounts with numbers 0221282554, 0127498730, 0221282420, 0221282437 and 0221282561 which are his Naira, Dollars, Pounds and Euro accounts were frozen by the 3rd Respondent pursuant to the directive of the 1st Respondent. That also his account No. 1360551430 with the 4th Respondent was frozen by the 4th Respondent due to the directive of the 1st respondent. Applicant avers further that on the 11th of March, 2024 the 2nd Respondent, through director, Human Resources

Management of the 2nd Respondent's ministry issued a Query letter to him. In support of his case, Applicant annexed the following documents to the Application, to wit;

- 1. Counsel letter**
- 2. 1st Respondent's letter**
- 3. Query letter**

The Applicant also filed a written address wherein the following issues were formulated for determination, to wit;

- 1. Whether or not the arrest and detention of the Applicant on the 5th day of February till 27th February 2024 by the 1st Respondent and the 1st respondent's letter dated 12th February 2024 in Exhibit ASS1 amount to a violation of the applicant's fundamental rights to personal liberty, fair hearing and freedom of movement as guaranteed by section 35, 36, and section 41 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).**
- 2. Whether or not, the failure of the 1st respondent to bring the applicant before a court of law within a reasonable time as provided under section 35(4) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) amounts to a violation of the Applicant's Fundamental Right to Personal Liberty.**
- 3. Whether or not the act of the 3rd and 4th respondents in freezing the Applicant's personal bank accounts domiciled**

and maintained with them pursuant to the 1st respondent's directive is illegal ultra vires and unconstitutional.

- 4. Whether or not the act of the 2nd respondent in issuing a query to the applicant through the director, human resource management of the 2nd respondent's ministry over the subject of this suit despite this honourable court restraining the 2nd respondent from taking any action over the subject of this suit, is in contravention of the order of this Honourable Court made on 26th February, 2024, null and void, and liable to be set aside by this honourable court.**
- 5. Whether or not the Applicant is entitled to compensation by ways of damages and public apology for breach of his Fundamental Human Rights and hardship incurred as a result of the unconstitutional and malicious act of the respondents.**

Learned counsel argued the above issues citing relevant authorities in urging the court to grant all the reliefs of the Applicant in the interest of justice.

The 2nd Respondent reacting to the originating application filed a motion on notice praying the court for an order dismissing/striking out the suit against the 2nd Respondent on the ground that this Court lacks the jurisdictional competence to entertain disputes that comes under the jurisdiction of the National Industrial court of Nigeria as provided under section 254C (1) of the 1999 Constitution of Nigeria (as amended).

The grounds for the application are that, the case and/or relief being sought against the 2nd Respondent is an issue relating to or connected with labour, employment and matters arising from work place dispute which this court lacks the jurisdiction to entertain same.

In support of the application, an affidavit of 11 paragraphs deposed to by one, Philip Wisdom, an officer in the office of the 2nd Respondent was filed.

It is the deposition of the 2nd respondent that it received a letter from the 1st Respondent dated the 12/2//2024 requesting that the Applicant be placed on interdiction pending the determination of an investigation on the Applicant regarding an alleged case of Conspiracy, Abuse of office, Contract inflation, Breach of trust, Diversion of public funds and Money laundering, but it has not given effect to the said request.

That the Applicant been a civil servant and staff of Federal Ministry of Water resources, this court does not have jurisdiction based on the provision of section 254C (1) of 1999 constitution of Nigeria.

The Applicant upon been served with the notice of preliminary objection, filed a written address in response to the application. It is the submission of the Applicant that the instant suit has nothing to do with labour disputes under section 254(C) (1) of the 1999 constitution but rather the fulcrum of this suit has to do with the enforcement of the fundamental right of the Applicant and therefore, the application should be dismiss.

On their part, 3rd respondent filed a counter affidavit of 16 paragraphs deposed to by one Moyo Amandi, a legal practitioner under the employment of the 3rd respondent.

It is the response of the 3rd Respondent that the 3rd Respondent as a private establishment carrying on business in Nigeria is bound to obey every order or judgment of courts directed to it whether wrongly or rightly given. That the 3rd Respondent received a letter from the 1st Respondent dated the 23/2/2024 directing the 3rd Respondent to place a post no debit on the Applicant's account and attached with the letter is an order of the Federal High court, sitting in Abuja dated 16/2/2024 by Hon. Justice J.K. Omotosho in Suit No FHC/ABJ/CS/181/2024. It was averred further that the BVN of the Applicant is linked with all his account before it. That it will be in the interest of justice to dismiss this application against the 3rd Respondent.

The Applicant in reaction to the counter affidavit of the 3rd Respondent, filed an address on points of law wherein the Applicant's counsel submitted that by exhibit **GTB 1** annexed by the 3rd Respondent, it is clear that the instruction of the 1st Respondent issued to the 3rd Respondent for the freezing of the personal bank accounts of the Applicant preceded the said court order. Court was urged to hold that the act of the 3rd Respondent was illegal.

COURT

I have gone through the Applicant's affidavit in support of the application; I have equally gone through the counter affidavit of the 3rd Respondent and the notice of preliminary objection filed by the 2nd Respondent in this case. I shall be brief but succinct in resolving the issue at stake. The issue that calls for determination, in my view, is

“whether the Applicant has made out a case to entitle him to the reliefs sought”

Before delving into the substantive Application, I shall first of all consider the Notice of Preliminary Objection. The grouse of the 2nd Respondent is that the Applicant is a civil servant and a staff of the Federal Ministry of Water Resources and therefore the allegation of the Applicant against the 2nd Respondent touches on the responsibility of the 2nd Respondent as chief accounting and administrative officer of the ministry. The 2nd Respondent relied on the Provision of Section 254(C) 1 of the CFRN 1999 to argue that this court lacks jurisdiction to entertain the suit.

It is the law that fundamental right are fought and won on the paragraphs of affidavit evidence and the affidavit takes the place of pleadings **UCHE 7 ANOR VS. INEC & ORS (2019) LPELR 48396 (CA)**.

A perusal of the Originating motion filed by the Applicant will reveal that the Applicant stated that the 1st Respondent via Exhibit AAS1, attached to the affidavit of the Applicant, unlawfully directed the 2nd Respondent to place the Applicant on interdiction at the 2nd Respondent’s ministry owing to purported investigation of the Applicant being carried out by the 1st Respondent. It is also in evidence that the 2nd Respondent issued a Query letter dated 11th March, 2024 (**exhibit AAS2**) to the Applicant. The Query letter was clearly issued after this court has granted an Order on the 26th of February restraining the 2nd Respondent from acting on exhibit AAS1.

Thus, from the above, It is my ruling that the cause of action disclosed by the Applicant against the 2nd Respondent in this suit is not connected to labour and employment matters as contended by the 2nd Respondent to bring it within the ambit of section 254C (1) of the 1999 Constitution and to strip this Court of jurisdiction of entertain the suit. The Applicant seeks declaration that his right to fair hearing was breached. And an order of court nullifying the Query issued to him same issued during the subsistence of the Order of this court. I must however observe here that, the question of whether the reliefs sought are grantable is to be determined based on facts.

From the above therefore, it is my ruling that the 2nd Respondent objection fails. Same is overruled and hereby dismissed.

Having determined the Notice of Preliminary Objection, I shall now delve into the substantive issue in the interest of justice.

I have read carefully the originating motion of the Applicant which is supported by affidavit, further affidavit and written addresses on the one hand and the counter affidavit and written address filed by the 3rd Respondent in opposition to the application on the other hand.

I need to re-state the law as it relates to Fundamental Human Rights Enforcement, under the Rules. As a condition precedent to the exercise of court's jurisdiction, the enforcement of Fundamental Human Right or the securing of the enforcement thereof should be the main claim and not ancillary claim. I rely on ***W.A.E.C VS ADEYANJU (2008)4 S.C 27.***

I have juxtaposed the relevant paragraphs of affidavit in support of the application in view and also the further affidavit on the one hand, the counter affidavit of the 3rd Respondent on the other hand. In resolving

the issues raised in the respective written addresses and affidavit evidence of the parties, I shall consider the relevant provisions of the Economic and Financial Crimes Commission (EFCC) as contained in the establishment Act under part 1 of the EFCC Act 2004, with its functions clearly stated therein.

Section 1 (2) c of the Act refers to the Economic Financial Crime Commission (EFCC) as the designated financial intelligence unit (FIU) in Nigeria, charged with the responsibility of coordinating the various institutions involved in the fight against money laundering and enforcement of all laws dealing with Economic and Financial Crimes in Nigeria.

The function of the Economic and Financial Crime Commission (EFCC) is provided for specifically under section 6 (a-g) of the EFCC Act.

The following are some of the functions;

1. *Investigation of all financial crimes including advance fee fraud, money laundering, counterfeiting, illegal charge transfer, futures market fraud, fraudulent endorsement of negotiable instruments, computer credit card fraud, contract scan etc;*
2. *the adoption of measures to identify, trace, freeze, confiscate proceeds derived from terrorists activities, Economic and Financial Crimes related offences or the properties the value of which corresponds to such proceeds; and*
3. *the adoption of measures to eradicate the commission of economic and financial crimes, amongst other functions numerously itemised under the aforementioned section of the Act.*

For all intents and purposes, 1st Respondent is a commission with mandate of ensuring Nigeria becomes corruption free and the mandate to bring to book those adjudged corrupt. In carrying out such functions however, the inalienable rights of citizens as provided for under Chapter IV of the 1999 Constitution i.e Fundamental Human Rights shall be jealously protected, unless there is such good reason to put such rights in abeyance.

The 1st Respondent who has had the opportunity to counter the affidavit of the Applicant has failed to so do. The court must therefore act on same. It is in evidence that the Applicant was arrested and detained from the 5th to 27th of February, 2024 without been charged to court as required under section 35 of the Constitution. It is also in evidence that the 1st Respondent wrote exhibit AAS1 to the 2nd Respondent requiring the 2nd Respondent to place the Applicant on interdiction without being charged before a court of law. As stated earlier, the 1st Respondent did no controvert these facts. Here I must hold that the Applicant has discharged the burden of proof required to entitle him to reliefs sought against the 1st Respondent. I so hold

I will now consider the issue of whether the restrictions placed on his accounts of the Applicant by the 3rd and 4th Respondents, on the strength of the letter written by 1st Respondent, amounts to a breach of Applicant's fundamental right.

It is a given that Applicant maintains and operates account with the 3rd and 4th Respondents. Once it is shown that an individual or cooperate body has a bank account with a named Bank, the relationship then

without much ado becomes contractual and the parties are clearly bound by the terms of their contract.

Whereas it is the defence of the 3rd Respondent that failure to honour the Applicant's transfer form was due to compliance with the 1st Respondents (EFCC) directive, I am minded to ask; does the defence have the support of law?

The 3rd Respondent in its defence annexed Exhibit "GTB1" dated 23/2/2023 attach with court order dated 16/2/2024 to show that the contract was frustrated by an actions of the Economic and Financial Crimes Commission (EFCC).

It is the contention of the 3rd Respondent that the circumstances of the instruction by the EFCC viz – a – viz the contractual obligation owed the Applicant, the 3rd Respondent had no choice than to adhere to the said instruction.

To the extent that the request is in compliance with the law, I agree.

If I may ask, and I do ask, does Exhibit "GTB1" empower 3rd and 4th Respondents to freeze Applicants' account without a Court Order validly obtained?

I am, to say the least not on the same page with the defence of the 3rd Respondent.

The law is that where a document is clear, the operative words in it are to be given their simple and ordinary meaning. One is not to read into the document what is not there. ***KANMODE & ANOR VS DINO & ORS (2008) LPELR 8405 (CA).***

Indeed, the 3rd and 4th Respondents been responsible organization ought to know that they cannot and ought not to have acted on above Exhibit 'GTB1' without a valid Court Order, as the said letter does not represent a court Order.

Having done so, clearly they are in breach of the Fiduciary Relationship they have with the Applicants.

Indeed, the argument of the 3rd Respondent that 1st Respondent's letter activated the 72 hour window allowed by section 6(5)(b) of the Money Laundering Act does not arise from the content of Exhibit "GTB1" reproduced in the preceding part of this judgment.

It is instructive to state here that, assuming that Exhibit "GTB1" above successfully activated the provisions of section 6(5)(b) of the Money Laundering Act, the restriction on the Applicants' account was required to by law last for only 72 hours.

Indeed, from the affidavit evidence before the court, the 3rd Respondent froze the said account on the 23rd of January, 2023 without a court Order until 16th February, 2024 vide Exhibit "GTB1" annexed by the 3rd Respondent.

I am fortified by the deposition in the affidavit in support of the application and further affidavit to say that the act of freezing the account of the Applicants by the 3rd and 4th Respondents for the period under consideration amounts to a breach of the Applicants' proprietary right as guaranteed under section 44 of the Constitution and African Charter on Human and Peoples' Right (Ratification and Enforcement) Act. The letter written by EFCC (1st Respondent) to the Bank (3rd and 4th Respondents) i.e Exhibit "GTB1" is not a magic wand meant to

unilaterally put Applicants' Right in abeyance in perpetuity. If at all it had any efficacy, it was meant to last for 72 hours and not ad infinitum.

I make bold to say that above provision is very sacrosanct from the averments in the respective affidavits before me. It is very clear that at the time Applicants account was put on PND (Post No Debit), there was no Court order obtained by the 1st Respondent.

In **G.T.B. PLC v. Adedamola (2019) 5 NWLR (pt. 1664) 30 at 43** the Court of Appeal held as follows:

“Before freezing customer’s account or placing any form of restrain on any bank account, the bank must be satisfied that there is an order of Court. By the provisions of Section 34(1) of the Economic and Financial Crimes Commission Act 2004, the Economic and Financial Crimes Commission has no power to give direct instructions to banks to freeze the account of a customer without an order of Court, so doing constitutes a flagrant disregard and violation of the rights of a customer...”

Therefore, a bank has a duty under its contract with customers to exercise reasonable care and skill in carrying out its obligation to its customers.

From what has played out, 1st Respondent who mandated 3rd and 4th Respondents to Post No Debit on Applicant’s accounts with the 3rd and 4th Respondents vide a letter eventually got an Order of court to ensure the Post No Debit (PND) in Applicants’ account subsisted for only God knows when.

It is instructive to once again note that 1st and 4th respondents who had all the opportunity in this world to oppose the affidavit of the Applicant, failed to do so. Court has no option but to believe all that was said by the Applicant.

I have come to the end here. In line with all the findings made above, Judgment is hereby entered for the Applicant who has established his entitlement to the reliefs sought. Accordingly, I order as follows:-

- 1. I hereby make declaration that the arrest and detention of the Applicant by the 1st respondent from the 5th day of February 2024 to the 27th day of February 2024 without charging the applicant before a court of competent jurisdiction or granting him bail, amounts to a breach of the applicant's Fundamental Rights to personal liberty and freedom of movement as protected under Chapter 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004), and is unconstitutional.**
- 2. Declaration is hereby made that the act of the 1st Respondent in pronouncing the Applicant as being engaged in illegal activity in a letter addressed to the 2nd Respondent as contained in Exhibit AAS 1 attached to the affidavit in support of this application amounts to a breach of Applicant's right to fair hearing and presumption of innocence as protected under Chapter 4 of the Constitution**

of the Federal Republic of Nigeria, 1999 (as altered) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004) and is unconstitutional.

3. A declaration that the act of the 1st Respondent in directing the 2nd Respondent to place the Applicant on interdiction at the Federal Ministry of Water Resources as contained in Exhibit AAS1 attached to the Affidavit in support of this application amount to a breach of the applicant's right to fair hearing as protected under Chapter 4 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004) and is unconstitutional is hereby granted.
4. A declaration that the act of the 1st Respondent of directing the 3rd respondent to freeze the personal bank accounts of the Applicant domiciled and maintained with the 3rd Respondent with account numbers 0221282554 (GTB naira current account); 0127498730 (GTB naira savings account), 0221282561 (GTB euros current account) with account name Abubakar Ahmad Sirika, and the act of the 3rd Respondent in freezing the stated accounts of the Applicant pursuant to the 1st Respondent's directives are illegal, ultra vires, unconstitutional and a breach of the Applicant's right to; fair hearing and to acquire and own moveable property as protected under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the African

Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004). Is hereby granted.

- 5. A Declaration is hereby made that the act of the 1st Respondent in directing the 4th Respondent to freeze the personal bank account of the Applicant domiciled and maintained with the 4th Respondent with account number 1360551430 (Lotus Bank savings account) with account name Abubakar Ahmad Sirika, and the act of the 4th Respondent in freezing the said account of the applicant pursuant to the 1st Respondent's directives are illegal, ultra vires, unconstitutional and a breach of the Applicant's right to, fair hearing and to acquire and own moveable property as protected under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, (Cap A9) LFN (2004).**

- 6. An order of this honourable court awarding the sum of Two million Naira (N2,000,000.00) in favour of the Applicant against the 1st Respondent as general damages for the infringement of the Applicant's fundamental rights to; personal liberty; fair hearing, freedom of movement and right to acquire and own moveable property as protected under Chapter IV of the 1999 Constitution and the African Chapter on Human and Peoples Rights (Ratification and Enforcement) Act; (Cap A9) LFN (2004).**

7. An order of this honourable court awarding the sum of Two million Naira (N2,000,000.00) each in favour of the Applicant against the 3rd and 4th Respondents as general damages for the infringement of the Applicant's fundamental rights to acquire and own moveable property as protected under Chapter IV of the 1999 Constitution and the African Chapter on Human and Peoples Rights (Ratification and Enforcement) Act; (Cap A9) LFN (2004).

I make no further orders.

Signed
Hon. Judge
27/06/2024