

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY ABUJA
IN THE GWAGWALADA DIVISION
HOLDEN AT COURT 12, JABI
BEFORE HIS LORDSHIP HON. JUSTICE A. S. ADEPOJU
ON THE 15TH DAY OF NOVEMBER, 2024**

SUIT NO: CV/2191/2024

BETWEEN:

MR. IDAMA HENRY ----- APPLICANT

AND

**1. NATIONAL AGENCY FOR THE PROHIBITION OF
TRAFICKING IN PERSONS (NAPTIP)**
2. LIMAN YUSUFU SHEHU } ----- **RESPONDENTS**

I.G. WILLIAMS for the Applicant.

C.P. UGOCHUKWU for the Respondent

JUDGEMENT

This is an application for enforcement of the Fundamental Rights of the Applicant pursuant to the provision of Section 35, 36, and 41 of the Constitution of the Federal Republic of Nigeria 1999 as amended, Order 2, Rule 1, 2, 3, and 4 of the Fundamental Rights Enforcement Procedure Rules 2009 and Section 6 (1)(b) of National Human Rights Commission (Amended) Act, 2010 and Articles 6 and 7(i) of the African Charter on Human and People’s Right (Ratification and Enforcement) Act, seeking for the following orders:

1. A declaration that the transaction/relationship between the Applicant and one **Ms. Salami Janet** is Civil in nature, evidenced by the agreement dated 20th day of March 2024.
2. A declaration that the arrest and detention of the Applicant by the Respondents in a matter that is purely Civil in nature is unconstitutional, illegal, null and void.
3. An order of Perpetual Injunction restraining the Respondents. Whether by themselves, servants, privies through any person or persons whatsoever called from further arrest and detention of the Applicant in respect of a matter that is Civil in nature and contrary to the provisions of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended).
4. An order directing the Respondents to pay the sum of **10, 000, 000.00 (Ten Million Naira)** only, as damages to the Applicant for the arrest and detention suffered.
5. And for such further order(s) as this Honorable Court may deem just to make in the circumstance of this matter.

In the affidavit in support of the application, Applicant claimed that sometime in 2014 he had an amorous relationship with one **Salawu Janet** which resulted in the birth of a daughter **Neriah Perpetua Idama**. That he has been providing for the child's school fees and upkeep since birth. And that he got married to another lady **Esther Ene Otene** in 2021, who she informed of the birth of his daughter and the relationship with Ms. Salami

Janet. And that sometime in February 2023, he pleaded with **Ms. Salami Janet** to allow their daughter attend his parents' 50th Wedding Anniversary in Kaduna to enable her bond with his aged parents. That because of the nature of his job, they agreed that his cousin **Godwin Audu** who luckily was also going to Kaduna for the anniversary convey the girl to his family house. The train ticket purchased for the Applicant's daughter is attached and marked Idama1. That **Ms. Salami Janet** personally took their daughter to the train station on the date scheduled for the trip and handed over to his cousin, but surprisingly after boarding the train, **Ms. Salami Janet** had a change of mind and in company of several train station securities and officers of Nigerian Civil Defence Corps created a scene at the train station and prevented their daughter from proceeding with the train to Kaduna. That he grew angry and as a punitive measure, he decided to allow her fend for herself.

On the 15th day of March 2024, he was invited by the 1st Respondent to their office on the instigation of **Ms. Salami Janet** and was accused by the 1st Respondent of spousal abandonment and remanded in custody until the 17th day of March 2024 before he regained freedom. That he never got married to the said **Ms. Salami Janet** at any point in time. On the 20th day of March 2024, at the 1st Respondent's office he entered into agreement with **Ms. Salami Janet** for monthly upkeep of their daughter and their accommodation, which was witnessed by the then Investigating Officer, **Ismaila Kura**. A copy of the agreement is exhibited as Idama2. That the said

Ms. Salami Janet being not satisfied with the above agreement, Applicant was invited by the Respondents via a letter dated the 12th day of April 2024 for a suspected case of Human Trafficking. The letter of invitation is admitted as Idama3. The said letter was authored by the 2nd Respondent **Liman Yusuf Shehu** a different Investigating Officer.

The Applicant claims that he had never been in custody of their daughter since she was born, and the only time he asked her to visit was frustrated by the said **Ms. Salami Janet**. That he could not honor the invitation of the Respondents due to the nature of his work and he pleaded for more time. The meeting was rescheduled to 25th April 2024, and unfortunately he lost his Uncle before the appointment date. And when he informed the 2nd Respondent, he threatened to send a letter to his office intimating them about the case and the failure to honor their invitations. The Applicant exhibited the screenshot of the messages between him and the 2nd Respondent. The Applicant urged the Court to grant the application as the Respondents will continue to harass him over a civil claim by **Ms. Salami Janet**.

The Learned Counsel for the Applicant filed a written address which he adopted as his oral argument in Court. Before delving into the arguments of Counsel for the Applicant, it is important to state that the Respondents were served with the originating processes in this matter and hearing notices at subsequent dates. The endorsement and return copy of the originating

process was signed by on one **Jageda Brenda Bose** and **Kehinde Lawal** who received the originating processes on behalf of the 1st and 2nd Respondents.

On the 7th of October, 2024, when this matter was mentioned, the Court was informed by the Applicant's Counsel that the Respondent's Counsel went to **Gwagwalada**, and based on this, the matter was adjourned to 31st of October, 2024. On 31st of October, 2024, there was an affidavit of service of the hearing notice on the Respondent deposed to by one **Mohammed Yusuf**, a Bailiff of the court. The hearing notice was also endorsed by one **Margaret Agbor**. The court on conviction that the Respondents were aware of the pendency of this suit, allowed the applicant's counsel move the instant application and matter adjourned for judgment. Hearing notice was also served against today's for judgment which was also evidence in the affidavit of service deposed to by the same **Mohammed Yusuf**.

Without much ado, it is clear that the Respondents have not challenged or contradicted the affidavit in support of the Applicant's application. The averments in the affidavit are therefore deemed admitted by the Respondents. See the cases of **CITIZEN INTERNATIONAL BANK NIGERIA LIMITED V SCOA NIG LTD (2006) LPELR 5509 (CA)**, **MOHAMMED & ORS V BELLO & ORS (2023) LPELR 61015 CA**

In the Applicant's Counsel written submission, he raised a lone issue for determination to wit:

Whether the Applicant is entitled to the reliefs Sought.

I agree entirely with the Learned Counsel that fundamental rights of citizens are sacrosanct and should not be treated with levity. In the instant case what transpired between the Applicant and the mother of this child was purely civil and within the purview of the social welfare department to resolve. The resort of the 1st and 2nd Respondents for resolution by the said **Ms Salami** was purely malicious and in bad faith. The 1st and 2nd Respondents have also exceeded their statutory duties by dabbling into the domestic affairs of the Applicants and the said, **Ms. Salami**. The invitation, arrest and detention of the Applicant by the 1st and 2nd Respondents is illegal, unlawful, unconstitutional, null and void. The 1st and 2nd Respondents are busy bodies who had no business meddling with the affairs of the Applicant.

I also agree with the Applicant's Counsel that the conducts of the 1st and 2nd Respondents are highly reprehensible and a flagrant disregard to the provisions of Section 36 and 41 of the 1999 Constitution of the Federal Republic of Nigeria as amended, which provides for the Applicant's right to fair hearing and right to freedom of movement respectively. The Respondents, their agents and servants or privies are consequently restrained from any further harassment, invitation, arrest and detention of the Applicant henceforth.

The applicant is also entitled to damages from the Respondent for the violation of his fundamental rights. Consequently, I hereby award the sum of **N10,000,000 (Ten Million Naira)** as exemplary damages for the arbitrariness, oppressive and unprofessional conduct of the Respondents towards the Applicant.

SIGN

HON. JUDGE

15/11/2024