

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 27<sup>TH</sup> DAY OF FEBRUARY, 2025

SUIT NO: FCT/HC/GWD/CV/41/23

BETWEEN:

BARR. IKENGA IMO UGOCHINYERE IKEAGWUONU ----- APPLICANT

AND

1. THE GOVERNOR OF IMO STATE
  2. STATE SECURITY SERVICE
  3. NIGERIA POLICE FORCE
  4. INSPECTOR-GENERAL OF POLICE
  5. DEPUTY INSPECTOR GENERAL  
OF POLICE IN CHARGE OF FEDERAL  
INVESTIGATION AND INTELIGENCE BUREAU
  6. COMMISSIONER OF POLICE IMO STATE
  7. EBUBEAGU SECURITY NETWORK
- RESPONDENTS

*DANIEL A. EDEACHI holding the brief of OBED AGU for the Claimant,  
J. M. MATHEW for the 1<sup>st</sup> and 7<sup>th</sup> Respondents/Applicant.*

**RULING**

The Applicant in an Originating Motion on Notice dated 17/2/23 sought for the following reliefs:

1. A DECLARATION that the invasion of the family house and residence of the Applicant at Umukegwu, Akokwa, Ideato Local Government Area of Imo State on **14th January, 2023** by the 7<sup>th</sup> Respondent together

with other heavily armed and masked unknown gunmen whose identities could not be ascertained till date with a view of abducting, beating, humiliating and or assassinating the Applicant, is crude, arbitrary, malicious, unconstitutional, unlawful and constitutes a gross violation of the Applicant's rights right to life, private and family life, personal liberty and freedom of movement and therefore contrary to Sections 33, 35, 37 and 41(1) Constitution of the Federal Republic of Nigeria, 1999 (as Amended) and Articles 4, 5, 6, and 12(1) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act Cap A9 LFN, 2004.

2. A DECLARATION that the continued and/or further invasion and coming of the nooks and crannies of the family house and residence of the Applicant at Umukegwu, Akokwa, Ideato Local Government Area of Imo State on 7<sup>th</sup> February, 2023 by the officers and men of the Federal Investigation and Intelligence Bureau (FIIB) of the Nigeria Police Force together with about 30 (thirty) heavily armed and masked unknown gunmen and unorthodox security men upon the direct instructions, supervision and approval of the 1<sup>st</sup> to 7<sup>th</sup> Respondents, in order to abduct, maim, humiliate, assassinate or clamp the Applicant detention until the conclusion of the 2023 General Elections, is crude, arbitrary, malicious, unconstitutional, unlawful and constitutes a gross violation of the Applicant's rights right to life, private and family life, personal liberty and freedom of movement and therefore contrary to

Sections 33, 35,37 and 41(1) Constitution of the Federal Republic of Nigeria, 1999 (as Amended) and Articles 4, 5, 6, and 12(1) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act Cap A9 L.FN, 2004.

3. A DECLARATION that the unsubstantiated allegations of the 1<sup>st</sup> Respondent (Governor of Imo State) that he has a Security or Intelligence Report that the Applicant is involved or have committed offences of treasonable felony, terrorism, murder, arson, kidnapping, forgery of electoral materials, criminal defamation, sedition and threats to national security leading to the invasion and burning down of his house and killing of about 3 (three) persons by heavily armed and masked unknown gunmen and unorthodox security men, is malicious, capricious, arbitrary and a gross violation of the Applicant's right to fair hearing and presumption of innocence and therefore contrary to Section 36(1) and (5) of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended) and Article 7 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act Cap A9 LFN, 2004.
4. A DECLARATION that the threat or plot to invade the family house and residence of the Applicant at Umukegwu, Akokwa, Ideato Local Government Area of Imo State or Abuja or at any other place of residence whatsoever, by the Respondents, its officers, servants, agents and privies upon the instigation, instruction or approval of the

Governor of Imo State, whether acting together or in concert with the 2<sup>nd</sup> , 3<sup>rd</sup> , 4<sup>th</sup> , 5<sup>th</sup> , 6<sup>th</sup> and/or 7<sup>th</sup> Respondents, in connection with any opinion expressed or held by the Applicant over the compromise of the National Voters' Register or any other national issue or plot to raise trumped up Charges or allegations of commission of offences of treasonable felony, terrorism, murder, arson, kidnapping, forgery of electoral materials, criminal defamation, sedition and threats to national security or any other offence whatsoever against the Applicant in order to warrant keeping him in detention until the conduct of the 2023 General Elections, is unconstitutional, oppressive, malicious, capricious, arbitrary and a gross violation of the Applicant's right to life, dignity of human person, personal liberty, fair hearing, private and family life, freedom of expression and movement and therefore contrary to Sections 33, 34, 35, 36, 37, 38, 39 and 41(1) Constitution of the Federal Republic of Nigeria, 1999 (as Amended) and Articles 4, 5, 6, and 12(1) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act Cap A9 LFN, 2004).

5. A DECLARATION that the act and/or conduct of the 3<sup>rd</sup> , 4<sup>th</sup> and 6<sup>th</sup> Respondents, in allowing, making available and setting in motion the officers and men of the Federal Investigation and Intelligence Bureau (FIIB) in conjunction with unknown gunmen and unorthodox security men, to forcefully invade the family house and residence of the Applicant, upon the instruction, instigation and mandate of the 1<sup>st</sup>

Respondent (Governor of Imo State) with a view to illegally abducting, detaining, humiliating and/or clamping the Applicant in an unknown detention facility until after the conduct of the 2023 General Elections, is crude, unconstitutional, oppressive, malicious, capricious, arbitrary and a gross violation of the Applicant's right to life, dignity of human person, personal liberty, fair hearing, private and family life, freedom of expression and movement and therefore contrary to Sections 33, 34, 35, 36, 37, 38, 39 and 41(1) Constitution of the Federal Republic of Nigeria, 1999 (as Amended) and Articles 4, 5, 6, and 12(1) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act Cap A9 LFN, 2004.

6. A DECLARATION that the plot of the 1<sup>st</sup> Respondent (Governor of Imo State) acting in concert with the 2<sup>nd</sup> to 7<sup>th</sup> Respondents to frame up or charge the Applicant with trumped-up charges or allegations of commission of offences of treasonable felony, terrorism, murder, arson, kidnapping, forgery of electoral materials, criminal defamation, sedition and threats to national security or any other offence whatsoever, is illegal, unconstitutional, oppressive, malicious, capricious, arbitrary and a gross violation of the Applicant's right to dignity of human person, personal liberty, fair hearing, private and family life, freedom of expression and movement and therefore contrary to Sections 34, 35, 36, 37, 38, 39 and 41(1) Constitution of the Federal Republic of Nigeria, 1999 (as Amended) and Articles 4, 5,

6, and 12(1) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act Cap A9 LFN, 2004.

7. A DECLARATION that the Applicant, being a candidate of the Peoples Democratic Party (PDP) for the Ideato North and Ideato South Federal Constituency of Imo State in the 2023 General Elections is entitled to campaign for the said election, without any let or hindrances, and to print, possess, circulate or distribute campaign materials, posters or any other political materials for the education, sensitization and engagement of the voters and his supporters.
8. A DECLARATION that the plot of the 1<sup>st</sup> Respondent (Governor of Imo State) acting through or in together with the 2<sup>nd</sup> to 7<sup>th</sup> Respondents to link, arrest or frame up or charge the Applicant with trumped-up charges or allegations of commission of offences relating to forgery of electoral materials, printing of seditious materials, possession of campaign or voters' education materials or any other related offence whatsoever, is illegal, unconstitutional, oppressive. Malicious, capricious, arbitrary and a gross violation of the Applicant's right to dignity of human person, personal liberty, fair hearing, private and family life, freedom of expression, thought and movement and therefore contrary to Sections 34, 35, 36, 37, 38, 39 and 41(1) Constitution of the Federal Republic of Nigeria, 1999 (as Amended) and Articles 4, 5, 6, and 12(1) of the African Charter on Human and Peoples Rights (Ratification and Enforcement Act Cap A9 LFN, 2004.

9. AN ORDER of Injunction restraining and barring the 1<sup>st</sup> Respondent (Governor of Imo State) and the 2<sup>nd</sup> to 7<sup>th</sup> Respondents, whether by themselves, agents, departments, officers or together with any other security agencies of authorities, from framing up or charging the Applicant with trumped-up charges or allegations of commission of offences of treasonable felony, terrorism, murder, arson, kidnapping, forgery of electoral materials, criminal defamation and threats to national security or any other offence whatsoever.
10. AN ORDER of Injunction restraining and barring 1<sup>st</sup> Respondent (Governor of Imo State) acting through or together with the 2<sup>nd</sup> to 7<sup>th</sup> Respondents from linking, arresting, framing-up or charging the Applicant with any trumped-up charges or allegations of commission of offences relating to forgery of electoral materials, printing of seditious materials, possession of campaign of voters education and sensitization materials or any other offences related thereto.
11. AN ORDER of Injunction restraining the Respondents, whether by themselves, officers, staff, appointees, agents, servants, privies or howsoever described, from threatening, arresting or detaining, harassing, inviting in order to arrest and/or detain the Applicant or taking any steps or doing any acts that are is intended to clamp down or keep the Applicant in detention until the conclusion of the 2023 General Elections or in any other manner infringing on the Applicant's right to life, dignity of human person, personal liberty, fair hearing,

private and family life, freedom of expression and movement as enshrined at Sections 33, 34, 35, 36, 37, 38, 39 and 41(1) Constitution of the Federal Republic of Nigeria, 1999 (as Amended) and Articles 4, 5, 6, and 12(1) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement Act Cap A9 LFN, 2004.

12. AN ORDER of Injunction restraining all the Respondents, whether by themselves, officers, staff, appointees, agents, servants, privies or howsoever described, from arresting or detaining the Applicant, for any reasons or allegations whatsoever, on, before or during the 2023 General Elections.
13. AN ORDER of Injunction restraining the 1<sup>st</sup> Respondent (Governor of Imo State) whether by himself, officers, staff, appointees, agents, servants, privies or howsoever described, from instigating or instructing the 2<sup>nd</sup> to 7<sup>th</sup> Respondents or setting them in motion against the Applicant or arresting and detaining the Applicant in furtherance of any purported Security or Intelligence Report allegedly linking the Applicant to any alleged offences of treasonable felony, terrorism, murder, arson, kidnapping, criminal defamation, sedition, forgery of electoral materials and threats to national security or any other alleged offence whatsoever.
14. AN ORDER of Injunction restraining the 1<sup>st</sup> and 7<sup>th</sup> Respondents, together with the unknown gunmen and unorthodox security men at their employ, whether by themselves, officers, staff, appointees,

agents, servants, privies or howsoever described, from further invading the family house and residence of the Applicant at Umukegwu, Akokwa, Ideato Local Government Area of Imo State or abducting, beating, humiliating and/or assassinating the Applicant or attacking the political supporters, motorcade or campaign convoy of the Applicant.

15. AN ORDER of Injunction restraining the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Respondents from FORTHWITH authorizing, granting permission or setting in motion the officers and men of the Federal Investigation and Intelligence Bureau (FIIB) to invade the family house and residence of the Applicant, upon the instruction, instigation and mandate of the 1<sup>st</sup> Respondent (Governor of Imo State) with a view to illegally abducting, detaining, humiliating and/or clamping the Applicant in an unknown detention facility in order to keep him away until the conduct of the 2023 General Elections.
16. AN ORDER of Injunction restraining the 7<sup>th</sup> Respondent (Ebubeagu Security Network) whether by themselves, men, agents and other unorthodox security men working with or for them, from further arresting, attacking, harassing, humiliating and invading the family house or residence of the Applicant at Umukegwu, Akokwa, Ideato Local Government Area of Imo State or attacking the political supporters, motorcade or campaign convoy of the Applicant.

17. AN ORDER of Court setting aside, quashing, nullifying and/or invalidating the purported Security or Intelligence Report of the 1<sup>st</sup> Respondent (Governor of Imo State) or which he referred or alluded to in his allegations that the Applicant is involved or have committed offences of reasonable felony, terrorism, murder, arson, kidnapping, criminal defamation, sedition, forgery of electoral materials and other threats to national security etc for being null and void in its entirety.
18. AN ORDER of Court setting aside, quashing, nullifying and/or invalidating any approval, authorization, permission or consent obtained by the 1 Respondent (Governor of Imo State) or given by the 3 to 6<sup>o</sup> Respondents to the 1 Respondent for the deployment or use of the officers and men of the Federal Investigation and Intelligence Bureau (FIIB) of the Nigeria Police Force with respect to or for the arrest and detention of the Applicant over unsubstantiated allegation of commission of any offence leveled against him by the 1<sup>st</sup> Respondent (Governor of Imo State).
19. AN ORDER directing the 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondents, jointly and severally, to pay to the Applicant damages in the sum of **1 Billion Naira** Only as damages for the oppressive, unlawful and unconstitutional violations and interference with his right to life, dignity of human person, personal liberty, fair hearing, private and family life, freedom of expression and movement.

20. AN ORDER directing the 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondents, jointly and severally, to publish apologies to the Applicant in at least two national daily newspapers, to wit: The Guardian and This Day Newspapers, for the gross breach of the Applicant's fundamental rights, in accordance with Section 35(6) Constitution of the Federal Republic of Nigeria, 1999 (As Amended).

AND FOR SUCH FURTHER OR OTHER ORDERS as this Honourable Court may in the circumstances deem fit to make.

The Grounds upon which the application is sought are:

1. The Applicant is entitled to the enforcement of his Fundamental Rights as enshrined in the Constitution of the Federal Republic of Nigeria: 1999 (As Amended) and African Charter on Human and People's Right (Ratification and Enforcement) Act Cap A9 LFN, 2004.
2. The Applicant is a Legal Practitioner, Politician and the Spokesperson of all the opposition political parties in Nigeria under the aegies of the Coalition of United Political Parties in Nigeria (CUPP).
3. The Applicant is also the candidate of the Peoples Democratic Party (PDP) for the Ideato North and Ideato Federal Constituency of Imo State in the 2023 General Elections.
4. In the build-up to the 2023 General Elections, the Applicant discovered shocking evidence of compromise of the National Voters' Register in various parts of Nigeria particularly in Oummuma, Oru East Local

Government Area of Imo State, being the town and ward of Senator Hope Uzodinma, the present Governor of Imo State.

5. By the startling discovery of the compromise of the National Voters' Register, it was revealed that some persons purporting to be born in the year 1900, 1902 and 1914 or persons bearing male name with female pictures and a female name with male pictures and such names as SHORT FLEUR, STARK JASPER, ROWLAND CEDRIC, TYSON CERTER etc were illegally inputted and fed into the Voters' Register with a view to inflating the number of registered voters in the said Ward.
6. The Applicant revealed the shocking discovery in a broadcast to the Nigerian people, while calling on the Independent National Electoral Commission (INEC) to address the anomaly and compromise, which is now christened "Omuma Magic" by the people.
7. Upon the discovery and revelation, the 1st Respondent, who is personally responsible for the compromise of the Voters' Register in Omama Local Government Area of Imo State have been hell-bent on victimizing the Applicant.
8. In furtherance of the above, the 1st Respondent have been using the dreaded Ebubeagu security outfit, the disguised security agencies and other unorthodox security men to threaten and harass the Applicant.
9. In consequence thereof, on several occasions, the Applicant, his political supporters and convoy had been attacked by the officers and

men of the 2<sup>nd</sup> to 7<sup>th</sup> Respondents on the directives of the 1<sup>st</sup> Respondent (Governor of Imo State).

10. On 14th January, 2023 heavily armed men numbering about 30 (thirty) invaded and attacked the family house and residence of the Applicant at Umukegwu, Akokwa, Ideato Local Government Area of Imo State, which operation lasted for about 1 (one) hour.
11. During the invasion, over 35 cars belonging to the Applicant were set ablaze and houses burnt with explosives and the Applicant's uncle, Mr. Dan Ikeagwuonu and 2 (two) other innocent people were murdered by the attackers in cold blood.
12. The 1st Respondent, who is supposed to be the Chief Security Officer of Imo State, while speaking on incident, was profusely beaming with questionable smile, satisfaction and elation, despite the mourning mood of the Applicant and the pains of the good people of Imo State.
13. The 1st Respondent (Governor of Imo State) again had been unrelenting in falsely accusing the Applicant of having committed some offences bordering on treasonable felony, so as to justify his planned intention of using the 2nd to 7th Respondents to illegally abduct and detain the Applicant.
14. The 1st Respondent (Governor of Imo State) had set up the Ebubeagu Security outfit, armed them with dangerous and sophisticated weapons and have been using them to threaten and

deal with his perceived political enemies in Imo State, including the Applicant.

15. The 1st Respondent (Governor of Imo State) has perfected plans, in conjunction with the 3rd, 4th, 5th and 6th Respondent through the use of the Federal Investigation and Intelligence Bureau (FIIB) of the Nigeria Police Force and the Ebubeagu security outfit together with its ancillary unorthodox security men to forcefully abduct the Applicant wherever he is found, humiliate and keep him in solitary confinement and incommunicado until the conclusion of the 2023 General Election, wherein he is contesting for the Ideato North and Ideato Federal Constituency of Imo State.
16. The Federal Investigation and Intelligence Bureau (FIIB) under the control and supervision of the 3rd to 6th Respondents are being used and employed by the 1st Respondent (Governor of Imo State) to achieve the nefarious plot; while the Ebubeagu security outfit and other unorthodox armed security men will provide support and directional assistance for the operation.
17. To justify his unlawful action, the 1st Respondent (Governor of Imo State) has been alleging that he has Security or Intelligence Report stating that the Applicant has committed offences of treasonable felony, terrorism, murder, arson, kidnapping. Criminal defamation, sedition, forgery of electoral materials and other threats to national security and to charge him with trumped up charges.

18. The purported Security or Intelligence Report alluded to by the 1<sup>st</sup> Respondent (Governor of Imo State) concerning the Applicant is an afterthought and a mere smokescreen to justify the Respondents' illegal breach of the Applicant's right.
19. The purported Security or Intelligence Report, if in existence, was made mala fide and procured to smear the name and reputation of the Applicant and a nullity, as the Applicant was neither invited, questioned or heard in relation to the unfounded allegations, as required by the rule of natural justice and fair hearing.
20. On 7th February, 2023, the officers and men of the Federal Investigation and Intelligence Bureau (FIIB) of the Nigeria Police Force and Ebubeagu together with about 30 (thirty) heavily armed and masked unknown gunmen and unorthodox security men upon the direct instructions, supervision and approval of the 1<sup>st</sup> Respondent, again invaded and ran-sacked the family house and residence of the Applicant at Akokwa, Imo State while searching for the Applicant.
21. The aim of the Respondents in invading the family house and residence of the Applicant is to abduct, maim, humiliate, assassinate or clamp the Applicant into detention and hold him in solitary confinement until the conclusion of the 2023 General Elections.
22. At their various offices and units at Abuja, within the jurisdiction of this Court, the 2<sup>nd</sup> to 5<sup>th</sup> Respondents have met and reached an agreement to work in concert with the 1<sup>st</sup>, 6<sup>th</sup> and 7<sup>th</sup> Respondents to

further invade the family house of the Applicant in Akokwa, Imo State, abduct and detain him.

23. Discussions have been held by the 2<sup>nd</sup> to 5<sup>th</sup> Respondent at their offices at Abuja since January, 2023 concerning the Applicant which are intended to violate his fundamental rights.
24. That the Respondents have failed in their duties to safeguard and protect the Applicant as a citizen of the Federal Republic of Nigeria.
25. The underlying intention of the Respondents, at their various meeting and plans at Abuja is to hold the Applicant in solitary confinement and stop him from campaigning or taking part in the voting process during the 2023 general elections.
26. All the illegal plans of the Respondents are hatched in Abuja, within the jurisdiction of this Court and intended to be carried out against the Applicant with immediate effect.
27. The Applicant, who resides in Abuja, has been in hiding in Abuja due to immediate fear of the plans of the Respondents against him.
28. The Applicant has consequently been restricted to his hiding place for the fear of being unlawfully arrested and detained by the Respondents and has suffered damage as his constitutional rights have been breached by the Respondents.
29. The Court had earlier delivered judgment and restrained the 1<sup>st</sup> Respondent and others against these actions which they disregarded

and is still constituting in disobedience of the subsisting Judgment and Orders of the Court.

30. In furtherance of his campaign activities, voters' education and sensitization of his supporters, the Applicant has printed political posters and flyers, all of which are now either burnt, confiscated and being used to blackmail the Applicant as forging electoral materials.

31. Time is of the immense essence in this case as the Respondents have shown manifest resolve to continue to carry out their ongoing attacks and illegal actions against the Applicant if not timeously restrained by this Court.

In the affidavit in support of the Originating Motion, the applicant averred that where the facts deposed are not within his personal knowledge, he has been informed by Emeka Ozoani, SAN (his lead Counsel) during briefing in his Chambers at Plot 437A Oka Akoko Crescent Garki II, Abuja on 13<sup>th</sup> February, 2023 at about 9:30am, which he verily believes to be true. That he is a Legal Practitioner, Politician and the Spokesperson of all the opposition political parties in Nigeria under the aegis of the Coalition of United Political Parties in Nigeria (CUPP). That he is the candidate of the Peoples' Democratic Party (PDP) for the Ideato North and Ideato Federal Constituency of Imo State in the 2023 General Elections and was issued with a Certificate of Return by the Peoples Democratic Party as the candidate of the Party. A copy of my Certificate of Return is attached as Exhibit Ikenga 1.

He stated that the 1<sup>st</sup> Respondent is the Executive Governor of Imo State having been so declared by the Supreme Court of Nigeria in its Judgement and established the Ebubeagu security outfit, which is not being used to attack, invade and kill his perceived political enemies. That the 2<sup>nd</sup> Respondent is the agency responsible for the national security in Nigeria. That the 3<sup>rd</sup> to 6<sup>th</sup> Respondents are in charge of detection and prevention of crimes in Nigeria and set up a Unit known and described as Federal Investigation and Intelligence Bureau under which it has been carrying out illicit operations for the Respondent against the Applicant. That the 7<sup>th</sup> Respondent is a security outfit set up by the 1<sup>st</sup> Respondent (Governor of Imo State) for questionable political reasons, untrained in the observance of the law, order and human rights, and armed with heavy weapons and uses also unorthodox means to attack, maim and annihilate innocent citizens including the Applicant.

That in the build-up to the 2023 General Elections, he discovered shocking evidence of compromise of the National Voters' Register in various parts of Nigeria particularly in Omuma, Oru East Local Government Area of Imo State, being the town and ward of Senator Hope Uzodinma, the present Governor of Imo State. That by the startling discovery of the compromise of the National Voters' Register, it was revealed that some persons purporting to be born in the year 1900, 1902 and 1914 or persons bearing male name with female pictures and a female name with male pictures and such names as SHORT FLEUR, STARK JASPER, ROWLAND CEDRIC, TYSON CERTER etc were

illegally inputted and fed into the Voters’ Register with a view to inflating the number of registered voters in the said Ward. That he revealed the shocking discovery in a broadcast to the Nigerian people, while calling on the Independent National Electoral Commission (INEC) to address the anomaly and compromise, which is now christened “Omuma Magic” That upon the discovery and revelation, the 1<sup>st</sup> Respondent (Governor of Imo State), who is personally responsible for the compromise of the Voters’ Register in Omoma Local Government Area of Imo State have been hell-bent on victimizing him. That in furtherance of the above, the 1<sup>st</sup> Respondent (Governor of Imo State) have been using the dreaded Ebubeagu security outfit, the disguised security agencies and other unorthodox security men to threaten and harass him. That in consequence thereof, on several occasions, himself, his political supporters and convoy had been attacked by the officers and men of the 2<sup>nd</sup> to 7<sup>th</sup> Respondents on the directives of the 1<sup>st</sup> Respondent (Governor of Imo State).

He stated further that on 14<sup>th</sup> January, 2023 heavily armed men numbering about 30 (thirty) invaded and attacked his family house and residence at Umukegwu, Akokwa, Ideato Local Government Area of Imo State, which operation lasted for about 1 (one) hour. That during the invasion, over 35 cars belonging to him were set ablaze and houses burnt with explosives and his uncle, Mr. Dan Ikeagwuonu and 2 (two) other innocent people were murdered by the attackers in cold blood. Some pictorial evidence showing the invasion, burnt houses and cars and the gory sight of the murdered

innocent people are attached herein as Exhibits Ikenga 2 Series. That the 1<sup>st</sup> Respondent, who is supposed to be the Chief Security Officer of Imo State. While speaking on the incident, was profusely beaming with estimable amine, satisfaction and elation, despite his mourning mood and the pains of the good people of Imo State. That till date, the 1<sup>st</sup> Respondent (Governor of Imo State) has not condemned the attack and murder of innocent citizens of Imo State but rather, the 1<sup>st</sup> Respondent (Governor of Imo State) again had been unrelenting in falsely accusing him of having committed some offences bordering on treasonable felony, so as to justify his planned intention of using the 2<sup>nd</sup> to 7<sup>th</sup> Respondents to illegally abduct and detain him, Some newspaper publications showing the unfounded comments of the 1<sup>st</sup> Respondent (Governor of Imo State) against him are attached as Exhibit Ikenga 3 Series. That the 1<sup>st</sup> Respondent (Governor of Imo State) together with the 2<sup>nd</sup> to 7<sup>th</sup> Respondents have been mounting lookout and combing all the nooks and crannies of Umukegwu, Akokwa and his family house and residence and other parts of Nigeria including Abuja, the Federal Capital Territory, searching for him in order to illegally abduct and detain him.

He averred further that the 1<sup>st</sup> Respondent (Governor of Imo State) had set up the brutish Ebubeaga Security outfit, armed them with dangerous and sophisticated weapons and have been using them to threaten and deal with his perceived political enemies in Imo State, including himself. That the 1<sup>st</sup> Respondent (Governor of Imo State) has perfected plans, in conjunction with the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Respondent through the use of the Federal

Investigation and Intelligence Bureau (FIIB) of the Nigeria Police Force and the Ebubeaga security outfit together with its ancillary unorthodox security men to forcefully abduct him wherever he is found, humiliate and keep me in solitary confinement and incommunicado until the conclusion of the 2023 General Election, which he is contesting as the candidate of PDP for the Ideato North and Ideato Federal Constituency of Imo State. That the Federal Investigation and Intelligence Bureau (FIIB) under the control and supervision of the 3<sup>rd</sup> to 6<sup>th</sup> Respondents is being used and employed by the 1<sup>st</sup> Respondent (Governor of Imo State) to achieve the nefarious plot, while the Ebubeagu security outfit and other unorthodox armed security men will provide support and directional assistance for the operation against him.

The Applicant stated that to justify his unlawful action, the 1<sup>st</sup> Respondent (Governor of Imo State) has been alleging that he has Security or Intelligence Report stating that he (the Applicant) has committed offences of treasonable felony, murder, arson, kidnapping and other threats to national security. That the purported Security or Intelligence Report alluded to by the 1<sup>st</sup> Respondent (Governor of Imo State) concerning him is an afterthought and a mere smokescreen to justify the Respondents' illegal breach of his rights. That the purported Security or Intelligence Report, if in existence, was made mala fide and procured to smear his name and reputation and a nullity, as he was neither invited questioned or heard in relation to the unfounded allegations, as required by the rule of natural justice and fair hearing. That recently on 7<sup>th</sup> February, 2023, the officers and men of the

Federal Investigation and Intelligence Bureau (FIIB) of the Nigeria Police Force and Ebubengu outfit together with about 30 (thirty) heavily armed and masked unknown gunmen and unorthodox security men upon the direct instructions, supervision and approval of the 1<sup>st</sup> to 7<sup>th</sup> Respondents, again invaded and ram-sacked his family house and residence at Akokwa, Imo State whiling searching for him. That the aim of the Respondents in invading his family house and residence is to abduct, maim, humiliate, assassinate or clamp him into detention and hold him in solitary confinement until the conclusion of the 2023 General Elections.

The Applicant deposed to a 46 paragraphed affidavit which contents are not materially different from the facts alluded to in the statement of facts in support of the Originating Motion. Five Exhibits where attached to the affidavit marked as Exhibit Ikengal – Ikenga V.

In opposition the 2<sup>nd</sup> Respondent filed a twenty two (22) paragraphed counter-affidavit deposed to by one Sadiq Bashir the Litigation officer of State Security Service, National Headquarters, Abuja who averred that the 2<sup>nd</sup> Respondent is apolitical and have never concerned itself with the politics of Imo State or any other state for that matter. He denied attacking the Applicant or any of his supporters or anybody whatsoever on the directives of the 1st Respondent or any other person. That it never mounted any surveillance or search of any kind against the Applicant, nor did it enter into any meeting in any of its offices, unit or any other place where ploy was

hatched or agreement reached to invade the family house of the Applicant, arrest him or keep him in solitary confinement.

It also denied investigating the Applicant nor extend any invitation to him to report to any of its offices for questioning or for the purpose of detaining him. That the Applicant cannot Claim to be hiding for fear of arrest by the Respondents when he was seen to have majestically walked into the International Conference Center (ICC) Abuja on March 8<sup>th</sup> 2023 without any harassment to receive his certificate of returns as a member elect Federal House of Representative. The 2<sup>nd</sup> Respondent also denied ever seizing, confiscating, burnt, or destroying any political/campaign material of the Applicant, his supporters or his political party and neither did it immerse itself with the political/campaign activities of the applicant all through the duration of his campaign and even beyond.

The deponent further averred that the Applicant had earlier instituted Suit No. FCT/HC/CV/3270/22 before this Court presided over by Hon. Justice Binta Mohammed on the same facts with the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondents as parties with judgement delivered on the 16<sup>th</sup> day of December, 2022. The said Judgement is exhibited as Ikenga 5. The Applicant also instituted another suit before Hon. Justice Eleojo Enenche of Court 45 sitting at Wuse on the same facts, parties and reliefs. That the present suit is the third one and constitutes an abuse of Court process.

The 1<sup>st</sup> and 7<sup>th</sup> Respondents also filed a Preliminary Objection along with a Counter-Affidavit in opposition to the Applicant's application. Their Preliminary Objections sought for the following Orders:

1. An Order of this Honourable Court dismissing and/or striking out this suit for being incompetent and for lack of jurisdiction.
2. And for such further or other Orders as this Honourable Court may deem fit to make in the circumstances of this suit.

And the grounds are:

- a. The subject matter of this suit had been heard and determined by the honourable court in Exhibit Ikenga 5.
- b. The duplicitous reliefs sought by the Applicant in this suit could have been conveniently obtained in Exhibit Ikenga 5.
- c. The suit having been predicated on the same subject-matter in Exhibit Ikenga 5 which is aimed at achieving the same purpose as this suit, constitutes a gross abuse of court process.
- d. The suit is prima facie vexatious and an abuse of Court process liable to be dismissed.
- e. The suit does not disclose a reasonable cause of action against the Respondents.
- f. The 2023 General Election having been held and concluded renders the suit academic.

In support of the preliminary objection is a 7 paragraph counter-affidavit deposed to by one Agu Franklin, the legal Aid to the Hon. Attorney General and Imo State Commissioner for Justice. He averred that Chief C. O. C. Akaolisa, the Hon. Attorney General and Commissioner for Justice of Imo State informed him and he verily believed him to be true that he has seen and read carefully the Applicant's' affidavit in support of the application as well as Exhibits "Ikenga 1 - 5 annexed thereto and perfectly understands the content thereof. That paragraphs 6,8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 of the Affidavit in Support are not correct and are fabrications. And contrary to these depositions he know of a fact that from May 2019 till date over 8 offices of the Independent National Electoral Commission (INEC) in Imo State have been set ablaze in Imo State and furniture, servers, computers and sensitive materials/documents stolen and/or destroyed. That security agencies including 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> 6<sup>th</sup> and 7<sup>th</sup> Respondents have been carrying out discreet investigations into these high crimes of terrorism, arson, robbery larceny and breach of National Security. That on 14<sup>th</sup> September, 2022, the applicant held a press conference in which he brandished certain documents purporting to be extracts from the INEC voters register in Omuma, Oru local governments of Imo State. That at the time of the said 14<sup>th</sup> day of September, 2022 Press Conference, INEC had not released its voters register for public display, as same was still classified and confidential. That this raised fears/concerns, especially as to how the

applicant came into possession of the said documents and its coincidence with the spat of theft of documents/computers: and burning down of INEC offices in Imo State. That it was also discovered that the said purported document. Flaunted to the entire populace has been altered, disjointed, concocted, manipulated and forged. That investigation revealed that the Applicant acted in conjunction with one Ojinika Geoffrey Chizee with the singular aim of aggravating the security challenges in Imo State and causing a breakdown of law and order for personal political/monetary gains. That the totality of the suit is not to protect the applicant's right but to prevent the Respondents from carrying out constitutional duties. That his investigation is not politically motivated as the election he based same on had been concluded. That it is the constitutional duty of the 1<sup>st</sup> Respondent, being the Chief Security Officer to maintain law and order and nib in the bud any attempt by any individual to destabilize the peace and tranquility being enjoyed in the state. That it is the constitutional responsibility of the 2<sup>nd</sup> – 7<sup>th</sup> Respondents to enforce law and order and to arrest, investigate and prosecute alleged commission of offences with the aim of ensuring that the culprits are brought to book. That there is nothing before the Honourable Court to show that the Applicant's right has been threatened or violated in any way. And that the issues raised in this suit had been raised and determined in Exhibit Ikenga 5 attached to the affidavit in support. That the duplicitous reliefs sought by the Applicant in this suit could have been conveniently obtained in Exhibit Ikenga 5. That the facts upon which the

duplicitous reliefs sought in the suit are predicated are the same with facts in Exhibit Ikenga 5. That this suit is prima facie vexatious, an abuse of Court process, and does not disclose a reasonable cause of action against the Respondents. That the applicant made it known in the affidavit in support and in the reliefs sought that the essence of his investigation by the Respondents is to detain him till after the conduct of 2023 General Election, and that it was on the above basis that the Applicant sought the intervention of the Court in Exhibit Ikenga 5 and this Honourable Court in this suit. That the election having been held and concluded renders this suit academic. That the Applicant will not be prejudiced by the refusal of this application because peradventure the investigation establishes his complicity in the commission of the alleged offences of terrorism, arson, forgery, theft and sedition, he will be charged to court and presented an opportunity to be heard in defence of the said allegations. The Court was urged to refuse the application and dismiss same.

The 1<sup>st</sup> and 7<sup>th</sup> Respondents filed written submission in support of their preliminary objection, and formulated two main issues for determination to wit:

1. Whether this suit is competent and the Honourable Court has jurisdiction to entertain same.
2. Whether from the facts and the law, the Applicant is entitled to any of the reliefs sought for in this Honourable Court against the Respondents.

The grounds for challenging the Jurisdiction of the Court are broken down into three by the Applicant.

(1) Abuse of Court Process. -

That this suit constitutes an abuse of Court Process when it is compared with the one earlier filed by the Applicant and determined in Ikenga 5. That the reliefs prayed for and granted by the Court in Ikenga 5 is the same with this suit initiated by the Applicant. That both suits are aimed at stalling the activities 1<sup>st</sup> – 7<sup>th</sup> Respondents in investigating perpetrators of the implicating offences of terrorism, arson, theft, criminal libel, cyber stalling and sedition in Imo state. Counsel referred to the case of OGORU & ANOR V UDUAGHAN & ORS (2013) LPELR 20805 SC, IGBEKE V OKADIGBO & ORS (2013) LPELR 20664 SC, DINGUACHI & ANOR V INEC & ORS (2010) LPELR 952 SC and ALLARAH & ORS V KPOLOKWU & ORS (2016) LPELR 40724.

The Counsel submitted that the purpose of this suit is to use this court to harass, irritate and interfere with activities due administrative of the 1<sup>st</sup> – 7<sup>th</sup> Respondents activities and administration. Counsel relied on the case of ONWUNEME & ANOR V CUSTOMARY COURT OF MBAWSI & ORS (2018) LPELR 4474, DINGACHI V INEC SUPRA, ARULEBO V AUYELERU (1993) 3 NWLR (PT. 280) 125. They are authorities on the proper order to be made once a court that its processes are being abused. The Court was urged to dismiss the case of the Applicant.

(2) That the suit does not disclose a reasonable cause of action against the Respondents.

It is Counsel's submission that the entire claim of the Applicant including the affidavit in support thereof does not in any way disclose a dispute between the Applicant and the Respondents, also that there is nothing indicating that the Respondents have violated Applicant's rights or committed a legal wrong against the Applicant or even anybody else. He submitted that Courts only redress wrongs and where no wrong has been alleged there will be nothing to redress. Cases relied on are Military administrator of **EKITI STATE V ALADEYELU (2007) AFWLR (PT. 369) 1193 @ PG 1219 PAR D-E, A.G. BAYELSA STATE V A. G. RIVERS STATE (2007) AFWLR (PT. 349) 1012 @ 1026.**

Counsel submitted that there is no legal breach that has been shown to have been committed by the Respondents upon which any of the reliefs sought by the Applicant could be granted against the Respondents. That the allegation that the investigation is to prevent the Applicant from participating in the general elections has been vitiated by holding of the said general election, the Respondent having acted under the extent laws commit no wrong against the Applicant. Counsel submitted that for a suit to be cognizable by the Court, it must be grounded and enforceable in law. Counsel relied on the case of **ADEPOJU V AGUNJA (1994) 8 WLR (PT. 363) 437 @ 452 PAR B.**

### (3) Hypothetical and Academic Question.

Counsel submitted that Court exists to resolve disputes between parties. That where suit discloses no real dispute to be resolved between parties, that suit is said to be academic. That questions for determination in a suit must also relate to a real life event or actual disputation between the plaintiff and defendants. Otherwise such are said to be hypothetical. Counsel placed reliance on the case of **IJAODOLA V UTURU GOVERNING COUNCIL (2018) 4 NWLR (PT. 638) 33 @ 45 PAR B-D, A. R. SECURITY SOLUTION LTD VS EFCC (2018) 6 NWLR (PT. 1616) 522 @ 588 PAR E-G, AGBAKOBA V INEC (2008) 18 NWLR (PT. 1119) 489 @ 546 PAR H-B, SALIK V IDRIS & ORS (2014) LPELR 22909 SC 30 PAR D-E**. The Court was urged based on the above authorities to uphold the Preliminary Objection of the 1<sup>st</sup> and 7<sup>th</sup> Respondent and dismiss the claim of the Applicant.

I have calmly gone through the Preliminary Objection and the Counter-affidavit filed by the 1<sup>st</sup> and 7<sup>th</sup> Respondents, the 2<sup>nd</sup> Respondent also. I observed that the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> Respondents did not file any defence by way of counter-affidavit to the applicant's claim as contained in his affidavit in support despite proof of service of processes on them. The effect is that they have tactically admitted the allegation of the applicant against them and I so hold.

The law is trite that facts not being denied are deemed as admitted, **AFRICAN PRUDENTIAL REGISTERS PLC V SPDC WEST MULTI PURPOSE**

**COOPORATIVE SOCEITY LIMITED (2019) LPELR 50693 CA, A. G. OGUN  
STATE & ORS V BOND INVESTMENT & HOLDING (2021) LPELR 54245 CA.**

The 1<sup>st</sup> and 7<sup>th</sup> Respondents on the other hand, contended that subject matter of this suit had been determined by the Honourable Court in Ikenga 5. I have carefully studied the subject matter of the action in Ikenga 5 and it is my finding that the allegation of the Applicant were principally hinged on events that took place in 2022, which necessitated the filing of the action, while the instant action was based on the allegation of unlawful violation of the applicant's rights such as invasion of his family house, the burning of his vehicles, etc on 14<sup>th</sup> January 2023 And 7<sup>th</sup> February, 2023. There is no way an allegation of what took place in 2023 would have been redressed in 2022.

It is obvious that the complaints of the Applicant before the Court was a continuation and spillover of the festering political crises that erupted in the state during the build-up of political activities. It is therefore not correct to state that the instant suit before this court as an abuse of the process of the court. And in any case, the instant suit cannot constitute an abuse of court process because the claims of the Applicant in Ikenga 5 had been heard and determined by my learned brother.

On what constitutes an abuse of Court Process, the Court held in the case of **TUGA V STATE (2017) LPELR 43327 CA;**

***“The law is that what constitutes an abuse of court process is not the commencement of another suit with similar reliefs or similar grounds and***

***against the same parties during the pendency of an earlier suit, but the commencement of the second suit with the contention of prosecuting both suits. Thus the Courts have held that where the earlier suit is discontinued, even if this was done after the commencement of the second suit, there is no abuse of process. LUNA V EDJERODJE (1996) 2 NWLR (PT. 431) 468. THE M V SARGZ V SCHEEO (1996) 5 NWLR (PT. 447) 204.” – Per Aburu JCA.***

On whether Applicant’s action discloses a reasonable cause of action, the court will have recourse to the pleadings of the Applicant and not the statement of defence. In the instant case the affidavit filed by the applicant in support of his application and not the counter-affidavit of the Respondents. See UBN PLC V UMEODUAGU (2004) LPELR 3395 SC where the Court held;

***“In the case of 7UP BOTTLING COMPANY LTD & ORS V ABIOLA & SONS BOTTLING CO LTD (2001) 13 NWLR (PT 730) 469 @ PAGE 495, this court held that; The law is sufficiently settled that in determining whether the Plaintiff’s (Respondent’s) action discloses any cause of action or the nature thereof, the court will necessarily restrict itself to the Plaintiff’s/Respondent’s statement of claim without recourse to the defendant’s/appellant’s statement of defence vide SHELL B P LTD & ORS V ORASANYA (1976) NSCC 334 @ 336 (1976) 6 SC 89” – Per Kalgo JSC.***

Furthermore cause of action has been defined as a factual situation, the existence of which entitles a person to obtain from the court a remedy

against another person. See **MILITARY ADMINISTRATOR EKITI STATE V ALEDEJELU (2007) AFWLR (PT. 361) 1155 @ PS 1219 PAR D-E** cited by the Respondent's Counsel in his written address. It is also to be noted that facts that constitute cause of action will only give rise to remedy if proved by the Claimant vide convincing and credible evidence.

The Applicant's action is instituted under the Fundamental Right Enforcement Procedure Rules and Chapter IV of the 1999 Constitution as amended. The Applicant does not need to wait for his fundamental rights to be breached before instituting an action remedying same. A slight suspicion as sufficient to warrant the institution of an action under chapter IV of the 1999 Constitution as amended – Section 46(1) provides thus;

*“Any person who alleges that any of the provisions of this Chapter has been, is being or likely to be contravened in any state in relation to him may apply to a High Court in that state for redress.”*

Order 11 Rule 1 Fundamental Rights Enforcement Procedure Rules 2009 provides that;

*“Any person who alleges that any of the Fundamental Rights provided for in the Constitution or African Charter on Human and Peoples Right (Ratification and Enforcement) Act and to which he is entitled has been is being or is likely to be infringed may apply to the Court in the state where the infringement occurs or is likely to occur for redress.”*

See **MADUKA V KADUNA STATE HOUSING AUTHORITY (2011) 3 NWLR (PT. 1233) 15, 47 A- B.**

A careful perusal of the affidavit in support of the Originating process and the documents annexed as exhibits reveals that facts contained therein disclosed a reasonable cause of action against the 1<sup>st</sup> and 7<sup>th</sup> Respondents and I so hold.

Finally on the contention of the 1<sup>st</sup> and 7<sup>th</sup> Respondents that the Applicant's action even if determined would amount to a mere academic exercise on the ground that the Applicant claimed that the action of the Respondents were geared towards preventing him from participating in the 2023 election into the Federal House of Representative. I agree with the Respondents that the Applicant have contested the election and won and is currently a member of the Federal House of Representatives representing his constituency. The purpose for which the Applicant's action was filed even if judgement is given in his favour has been overtaken by events of him winning the election. The judgement would be of no utilitarian value to him and a mere academic exercise. See the case of **IGWEBE V ANSDEM & ORS (2017) LPELR 42681 CA** where the Court Held:

***“The issue of whether a suit is academic or hypothetical question is both fact and law. That is to say the question is dependent on the facts and circumstances of a particular case and the reliefs sought. The authorities are ad-idem that a suit is academic exercise when a decision or***

***pronouncement on an issue or issues thrown up for determination on it will be of no practical value or affect any of the parties thereto either because of the nature of the relief(s) sought or because of changed circumstance after the institution of the action... ..***

***A suit is academic where it is merely theoretical, makes empty sound and of no practical utilitarian value to the plaintiff even if the judgement is given in his favour. The suit is academic if it is not related to practical situations of human nature and humanity. My position on the instant case is thus fruitful and whether a suit has become a mere academic exercise is a matter of fixed law and facts.” – Per Bolaji Yusuf JCA.***

When an action is declared as a mere academic exercise, the Court does not have to spend its energy looking into the merit of the case. I therefore accede to the 1<sup>st</sup> and 7<sup>th</sup> Respondent’s Counsel that the instant application is spent and therefore of no value to the Applicant. Consequently, the Applicant’s action as constituted is hereby dismissed.

**SIGN**

**HON JUDGE  
27/2/2025**