

**IN THE HIGH COURT OF FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT MAITAMA – ABUJA
BEFORE HIS LORDSHIP: HON. JUSTICE .H. MU’AZU
SUIT NO: FCT/HC/CV/5029/2023
DELIVERED ON THE 26/02/2025**

BETWEEN:

MR. SAMUEL ABUH.....CLAIMANT

AND

- | | | |
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| <p>1. NATIONAL AGENCY FOR PROHIBITION OF
TRAFFICKING IN PERSONS</p> <p>2. MRS. UGWU TINA</p> <p>3. IZUNNA IWObI</p> | } | <p>.....DEFENDANTS</p> |
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JUDGMENT

The Applicant approached this court vide an application for the enforcement of his Fundamental Rights pursuant to sections **34, 35, 36, 37** and **46** of the 1999 Constitution of the Federal Republic of Nigeria (as amended) and Articles 2, 4, and 12 of the African Charter on Human and Peoples Rights (Ratification and Enforcement Act). The Applicantsought for the following reliefs jointly and severally against the Respondents namely:

- 1. AN ORDER declaring the detention of the claimant by the 1st Respondents on the direct orders of the 2nd Respondent for seven(7) days at the instance of his wife as unconstitutional and an infringement of the Applicant's Rights to personal liberty as*

guaranteed by the 1999 Constitution of the Federal Republic of Nigeria (as amended) and the African Charter on Human and People's Rights (Ratification Act).

2. ***AN ORDER** declaring the acts of arbitrary involvement of the Respondents in matrimonial affairs of the claimant and his wife as a violation of the claimant's right to privacy and family life.*
3. ***AN ORDER** declaring the involvement of the Respondents in matrimonial issues being an issue outside the scope and powers of Trafficking in persons (prohibition) Enforcement and Administration Act, 2015 as vires, void, unconstitutional and of no effect.*
4. ***AN ORDER** declaring the involvement of the Respondents in the claimant's matrimonial affairs which has invariably caused so many rancor and separation from his family (particularly his children vide a strict instruction/warning and consequently vide an order of Justice K. N. Ogbonnaya of the High Court of the Federal Capital Territory, Abuja as abuse of office.*
5. ***AN ORDER** directing the Respondents to jointly and severally pay the sum of one Hundred Million Naira only (₦100,000,000.00) to the plaintiff for the hardship, humiliation, loss of means/business opportunities, physical and psychological trauma the Applicant was subjected to in the course of the detention by the Respondents.*
6. ***AN ORDER** directing the Respondents jointly and severally to pay the Applicant the sum of Hundred Million Naira only (₦100,000,000.00) being exemplary and aggravated damages for the infringement of the Applicant's Fundamental Rights as guaranteed by the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the African Charter on Human and People's Rights (Ratification Act).*

7. *AN ORDER of injunction restraining the Respondents either by themselves or by their servants or agents from issuing any further threat, arrest, detention, or humiliate the Applicant in any form especially pertaining to issues bothering on custody issues.*
8. *AN ORDER directing the Respondents to issue public apology to the Applicant via 3 National Newspapers that circulate throughout Nigeria.*

The GROUNDS upon which the reliefs are sought are:

1. **Contrary to the provisions of sections 33, 34, 35, 36 and 46 of the 1999 Constitution of the Federal Republic of Nigeria, 1999 (as amended), the Respondents illegally locked up and detained the claimant in their office in the midst of the prevailing Covid-19 pandemic for a period of 7 days subjecting him to inhuman and degrading treatment, without a commission of a crime known to our Laws as proven by any competent Court of Law.**
2. **There is no constitutional basis for the Respondents to lock up and detain the claimant for a period of 7 days contrary to sections 35 of the 1999 constitution of the Federal Republic of Nigeria 1999 (as amended) especially on matrimonial dispute/matter.**
3. **There is not a single provision in the statute that clothed the Respondent's, trafficking in persons (prohibition) Enforcement and Administration Act 2015 empowering it or its staff to meddle in matrimonial issues and to unduly detain beyond 24 hours.**
4. **The Respondents were instigated by the claimant's wife to spitefully detain him with clear intention to take away his children to unknown location which they did.**

- 5. There is no constitutional basis or lawful justification for the Respondents to detain the claimant for a period of 7days even when the elder brother of the Plaintiff and his solicitor (Dr. Sunday Omogani Abuh & J. S. Agada Esq) met the bail condition the first day of his detention and with firm promise to resolve the differences at familylevel.**

In support of the application are a supporting Statement and 45-paragraph affidavit deposed to by the Applicant himself. The affidavit is supported by a written address of the learned counsel to the Applicant which he adopted as his oral argument in support of the application.

The gravamen of the Applicant's case as disclosed in his affidavit to this application is that he is married to one Ajinki Ayinaneyi Abuh at ECWA Church, Abuja, while the certificate of marriage was issued by Abuja Municipal Area Council (AMAC) marriage Registry on the 10th of February, 2016, that the marriage was blessed with two children namely Emmanuel Samuel Abuh, Male, aged 4 years old and Isreal Samuel Abuh, Male, aged 2 years old respectively. The Applicant further stated that he began to notice some deceitful trends with his wife as she began to make a very long phone calls with a strange man he didn't know but she saved the name of the so-called man with a lady's name but when he later confirmed the caller to be a man, his wife told him that she was talking to an Imam who usually pray for her and counsel her regarding her marriage and career. This is notwithstanding that she and the Applicant are Christians.

According to the Applicant this sort of deceit and cruel behaviour continued amidst other maltreatment meted out on him to the extent that his wife threatened to frustrate his life with NAPTIP and Police with the help of FIDA and other women emancipation group in Abuja.

The Applicant stated that consequent upon the nature of the involvement of the Respondents in the affairs of his home he commenced a divorce proceeding against his wife as the 2nd Respondent did not stop sending officers of the 1st Respondent to threaten to detain him till date.

He further stated that he was invited to the office of the 1st Respondent at the instance of his wife through one Kura and he was made to write a statement in which he narrated how his wife fought him over allegation by her that he was close to another woman and even attempted to stab him with a knife but was saved by one Mr. Joel Okeme.

Upon the continued threats and harassment from an officer by name Kura of the office of the 1st Respondents he was forced to leave his own house for a while to have some peace without abdicating his marital responsibilities to his wife and the two children.

The crux of the Applicant's narrative was when on the 10th April, 2020 he got a call from his wife that they were Hungary and he ran to the house only to meet his two children and the house help without his wife being at home with them.

The Applicant averred that when he took one of the children with him with the aim of buying them food stuffs his wife started shouting that he wanted to kidnap her children as a result of which he was detained for 7 days despite it was the time of Covid-19 period at the office of the 1st Respondents and he was also denied access to his counsel.

Upon his release from the custody of the 1st Respondent after 7 days and after being forced to undertake never to come close to his children under whatever reason/guise like a common criminal.

The Applicant further stated the disdainful statement from the 2nd Respondent who requested to know from him which among the Police

cell and NAPTIP cell was more horrible and infact made jest of him to the effect that he should tell her what he has learnt from their cell.

As if all the above threats and harassment were not enough the Respondents went to court and applied for an *exparte* order restraining the Applicant which was granted by Honourable Justice K. N. Ogbonnaya to stay away from his children without hearing him.

In support of the above statement of facts is the written address of the learned counsel for the Applicant.

The learned counsel for the Applicant, J. S. Agada Esq submitted that the application for the enforcement of the Applicant's fundamental rights dated the 20th day of April, 2023 is brought pursuant to sections **34, 35, 36** and **46** of the 1999 Constitution of the Federal Republic of Nigeria (as amended), Order II Rules 1 & 2 and Order IV Rule 3 of the Fundamental Rights (Enforcement Procedure) Rules 2009, the African Charter on Human and Peoples Rights and under the inherent jurisdiction of this Hon. Court. He submitted that they are relying on all the Applicants supporting affidavit, the statement attached and the arguments in the written address in urging this Hon. Court to grant their prayers.

The learned counsel for the Applicant raised a sole issue for determination by this court, to wit:

"Whether the fundamental rights of the Applicant have been breached by the acts of the Respondents wherein, the 1st Respondent arrested and detained the Applicant upon the instigation and connivance of the claimant's wife over domestic issues between the Applicant and his wife".

He submitted that the claimants Fundamental Human Rights are sacrosanct and as such this Hon. Court owes a duty to protect the

claimant from the infringement of his fundamental Rights as enshrined in sections 34 and 35 of the 1999 Constitution of Nigeria, 1999 (as amended) which provides as follows:

"34 (2) every individual is entitled to respect for the dignity of his person and accordingly (a) No person shall be subjected to torture or to inhuman or degrading treatments, (b) No person shall be held in slavery or servitude, and (c) No person shall be required to perform forced or compulsory labour....."

"35 (2) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases. And in accordance with a procedure permitted by law...."

The learned counsel to the Applicant referred this Hon. Court to sections 4 and 5 of the **TRAFFICKING IN PERSONS (PROHIBITION) LAW ENFORCEMENT AND ADMINISTRATION ACTS, 2015** and submitted that the arrest and subsequent detention of the Applicant by the 1st Respondent upon the instigation and connivance of the 2nd Respondent were ultra vires the power of the 2nd respondent in all respect and same renders the arrest and subsequent detention of the Applicant a product of illegality, arbitrariness and statutory rascality on the part of the 1st Respondent. He further submitted that the powers of the 1st Respondent is limited to preventing human trafficking, child abuse, forceful child labour, prostitution and the like which does not extend to matrimonial issues between husband and his wife as in the instant case.

The learned counsel referred the court to the case of **ALABOH V. BOYES (1982) 5 NCLR PG 830** and **JIMOH V. A. A. FED. (1998) 7 HRLRA PG 523** as well as **ABIOLA V. ABACHA (1999) 7 HRLRA**

PG 458 to the effect that any violation of any person's guaranteed fundamental right under our law must attract penalty.

He equally referred to the case of **MCLAREN V. JENNINGS (2023) FWLR (pt. 254) pg 528** to the effect that the action of the Respondents constitutes a violation of African Charter on Human and People's Rights and the universal bill of rights which were ratified by this country. In the same vein, he referred to the case of **AHMED V. COP BAUCHI STATE (2020) 9 NWLR (pt. 1304) ph 127 para H, pg 128 para C - D** where it was held that:

"The arrest and detention of the Applicants without proof of commission of any crime is a gross violation of their fundamental right as contained in sections 33, 34, and 35 of the 1999 Constitution of Nigeria ".

In furtherance of the above position of our courts, the Apex Court has also admonished that:

"Court should assume an activist role in issues that touch on or concerns right of the individual and rise as the occasion demands to review with dispatch acts of government or its agencies and ensure that the rights of individuals guaranteed by the fundamental rights provisions in the Constitution are never trampled upon".

According to the learned counsel for the Applicant the only remedy available to the Applicant has been stated in the case OF **AKPAN V. FRN (2012) 2 NWLR (pt. 1281) at pg 409** as:

"By the provision of section 35(1) and (6) of the 1999 Constitution, a person unlawfully arrested or detained shall be entitled to compensation and public apology".

He also referred to the case of **IGWE V. EZEANOCHIE (2010) 7 NWLR (pt. 1192) at pg 72** on the same reasoning as afore stated.

He further urged this Honourable Court to grant their claim of **(₦10,000,000,000.00)** Ten Billion Naira Only as exemplary and aggravated damages for unlawful arrest and subsequent detention by the 1st Respondent and urged this Honourable Court to borrow the language of the court as urged in the case of **ODIBA V. MUEMUE (1990) 10 NWLR (pt. 622) pg 174:**

"To teach the Respondents that "tort does not pay and to deter them and others from similar conduct in the future ".

In further pressing this Honourable Court to grant his application for exemplary damages to be awarded against the 1st Respondent the learned counsel to the claimant refer to the case of **ODOGU V. A. G. FED. (1996) 6 NWLR (pt. 456) pg 508** where the Supreme Court stated that:

"Exemplary damages are usually awarded whenever the Respondents conduct is sufficiently outrageous to merit punishment as where it discloses malice, fraud, cruelty, insolence, and flagrant disregard of the law and the like".

The learned counsel finally referred this Honourable Court to the case of **ALLIED BANK (NIG) LTD Vs. AKUBUIZE (1997) 6 NWLR (pt. 509) at pg 406 para G** where the Supreme Court held that:

"A claim for exemplary damages postulates that the action of the Respondent is such that the damages awarded against him are intended to punish the Respondent and to vindicate the strength of the law and not merely as compensation for the injured plaintiff".

He therefore urged this Honourable Court to grant the reliefs sought by the Applicant in the instant application before the court against the Respondents to deter the abuse of power by men of the 1st Respondent taking undue advantage of innocent citizens of Nigeria.

In response to the Applicant's application, the 1st, 2nd and 3rd Respondents filed a nine (9) paragraph counter affidavit deposed to by one **Kehinde Lawal** of National Agency for Prohibition of Trafficking in Persons with annexures A and B attached to it and a written address by the learned counsel to the Respondents which he adopted as his oral arguments in support of the Respondents' position in this suit.

The Respondents' counsel also formulated one issue for the determination, to wit:

"Whether the fundamental rights of the Applicant have been breached by the acts of the Respondents by carrying out its lawful duty of investigating and prosecuting the offence of spousal battery and inflicting injury contrary to the provision of the violence against persons prohibition Act 2015".

It will be in the interest of Justice to at this juncture to refer to some salient paragraphs of the counter affidavit of the Respondents particularly, paragraphs 4, 5, and 6 respectively wherein the deponent deposed as follows:

4(ii) that the claimant on the 16/03/2020 was invited to the office of the 1st Respondent upon the receipt of further complaint of spousal battery and inflicting of injury by the claimant's wife in violation of section 2(1) of the violence against Person's Prohibition Act 2015 and at no time did the 1st

- 3rd Respondents meddle into their matrimonial issues and holds the claimant to the strictest proof of same.

4(iii) That the claimant refused to honour the invitation in (ii) above and was arrested by the officers of the 1st Respondent on the 11/04/2020, his statement was given freely and he was served with bail conditions, immediately and was released immediately, he was able to meet up with the bail conditions and was not detained any further as alleged, and the Respondents hold the claimant to the strictest proof of same.

4(v) that even after filling a charge against the claimant, the claimant continually harassed his wife which led the 1st Respondent to file for and was granted a protection order against the claimants by His Lordship Hon. Justice K. N. Ogbonnaya of FCT High Court 16 (copies of the charge and protection order are attached and marked as Annexure 'A' and 'B').

5. That the 1st to 3rd Respondents in carrying out their duty did not violate any of the rights of the Applicants as claimed and put them to the strictest prove of same as they have not placed anything before this Honourable Court to prove same.

6. That it will not be in the interest of Justice to grant this application and the reliefs sought by the Applicantas this will deter a law enforcement agency from carrying out their lawful duties.

In arguing the only issue formulated counsel for the Respondents while justifying the actions of the Respondents referred to the case of **TRUCKS (NIG) LTD V. ANI OOGBORO (2001) 2 NWLR (pt. 696) pg 159** where it was held that:

"The correct approach in a claim for the enforcement of fundamental rights is to examine the reliefs sought, the ground for such reliefs and the facts relied upon".

The learned counsel further submitted that there is no right of the Applicants that has been infringed upon nor is there any special circumstance before this Court to warrant the granting of the order sought by the Applicants the 1st to 3rd respondents are going about their lawful duties as prescribed by law. He therefore referred to the case of **VEEPEE IND. LTD. V. COCOA IND. LTD. (2002) 13 NWLR (pt. 1105) pg 486 at pg 508 para A - D** to the effect that he who asserts must prove.

According to the learned counsel for the Respondents the enforcement of fundamental rights is an equitable remedy usually granted to protect or enforce an established right, and that the Applicant has failed woefully, to establish a right which has been infringed upon or is in the danger of same before this Honourable Court. He therefore urged this Honourable Court to dismiss the Applicant's application in its entirety against the Respondents for lacking in merit.

This Honourable Court having paraphrased the content of the originating application along with the statement in support of the affidavit of the Applicant and the counter affidavit of the Respondents as well as the written addresses of the learned counsel to the parties it will be in the interest of Justice to now consider the merit or otherwise of this application.

In other to do this, this Hon. Court has deemed it right to formulate an issue for determination, to wit:

"Whether the fundamental rights of the Applicant have been breached by the acts of the Respondents wherein they carried

out duties that are outside the scope of the law creating the 1st Respondent, that is, Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015".

The scenario started when the Applicant started having a misunderstanding with his wife, AFINIKI AYINAJEYI ABUH which included noticing his wife having a long phone call with a strange man whom she explained to the Applicant to be an Imam who used to pray for her and counsel her regarding her marriage and career. This led to his wife threatening the Applicant that she will frustrate his life with NAPTIP and Police with the help of FIDA and other women emancipation group in Abuja which eventually culminated into the arrest and detention of the Applicant in the cell of the Respondents for seven (7) days. The Applicant in one of the paragraphs of his affidavit narrated how his wife fought him and even attempted to stab him with a knife but was saved by one Mr. Joel Okeme. The Applicant's depositions also include the fact that as a result of the torment he suffered in the hands of the Respondents he was forced to file a divorce proceeding against his wife particularly the disdainful statement he received from the 2nd Respondent after his release from the cell of the Respondents as to which of the cells between that of the police and that of the Respondents was more horrible. The Applicant's statement include being separated from his two children as a result of an order obtained from the court of Honourable Justice K. N. Ogbonnaya without being heard restraining him from further having any contact with his children. He finally avered that the problem he had is a matrimonial issue between him and his wife which has nothing to do with human trafficking.

The summary of the counter affidavit is to the effect that the deponent is an officer of the 1st and 2nd respondent and has the authority of the 1st Respondent, that is, National Agency for the Prohibition of Trafficking

in Persons (NAPTIP) and the 2nd Respondent to depose to the content of the counter affidavit.

The question may be asked as to the capacity of the 1st Respondent in this case. Section 2(1) of the law, "Trafficking in Persons (prohibition) Enforcement Agency and Administration Act 2015" says:

"There is established the National Agency for the Prohibition of Trafficking in Persons (in this Act referred to as) Agency.

S. 2(2) The Agency shall be a body corporate (b) which may sue or be sued in its corporate name".

It is therefore not in doubt that the 1st Respondent is duly sued before this Honourable Court as the 1st Respondent.

In the same vein, the functions of the Agency have been spelt out in sections 5 and 6 of the Act. By virtue of section 5, the functions of the Agency shall be to:-

- (a) "Enforce and administer the provisions of this Act".**
- (b) Co-ordinate and enforce all other laws on Trafficking in persons and related offences".**
- (e) Investigate all cases of trafficking in persons including forced labour, child labour, forced prostitution, exploitative labour and other forms of exploitation, slavery and slavery like - activities, bonded labour, removal of organs, illegal smuggling of migrants, sale and purchase of persons etc.**

In addition, the provisions of sections 14 - 35 of the Act provides for the various offences that form part of the duties and responsibilities of the officers of the Agency but does not include matrimonial offences such as "spouse battery ".

Unfortunately, the Respondents by the content of paragraphs 4(ii) and 4(v) of their counter affidavit admitted having acted contrary to the spelt out duties of the Agency. The Respondents admitted that the claimant was on the 16/03/2020 invited to the office of the 1st Respondent upon the receipt of further complaint of spousal battery and inflicting of injury by the claimant's wife in violation of S. 2(1) of the Violence Against Person's Prohibition Act 2015. The question is, why was the claimant not charged under any of the sections of the Trafficking in persons Act 2015 if spouse battery was one of the duties of the Respondents?

Again, by paragraph 4(v) of the counter affidavit, Annexure A which is a copy of the charge against the Applicantis attached where in the Applicantwas charged for an offence of "Battering your office, Afiniki Daniel" contrary to section 19 of the violence against Person's Prohibition Act 2015. The next question is, why was the Applicantnot charged under any of the sections of the Act that control the Respondents. Most unfortunately too, the said Protection Order of the Hon. Justice K. N. Ogbonnaya of the FCT High Court dated the 9th day of November 2020 did not specifically refer to any law under which the said order was made.

Going back to the issue for determination by this court, the answer to the question posed for determination is obvious. My answer to the question is that the arrest detention, harassment, and the nature and extent of the involvement of the Respondents in the affairs of the matrimonial home of the Applicantat the instance of his wife and particularly his detention for 7 days is a violation of the Applicant's right to dignity of human person contrary to section 34(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

In all, it can be said without hesitation that the Respondents did not oppose this application with any cogent facts that will prevent this

Honourable Court from granting this application. This is because the act of the Respondents for the alleged threat, intimidation, arrest and detention for 7 days over a matrimonial issue cannot be said to be within the scope of their functions or duties as prescribed under sections 5 and 6 of the Trafficking in persons (prohibition) Act, 2015; nor does the alleged offence of "spouse battery " fall under any of the offences spelt out in sections 14 - 35 of the same law.

Having regard to the uncontroverted affidavit evidence of the Applicant and the clear admission by the Respondents vide their counter affidavit that they abandoned their legitimate duties and went on a voyage of discovery to the law relating to violence against persons Act 2015 to carry out their illegal act against the Applicant, the court is bound to believe the case of the Applicant. It should further be observed that the counter affidavit is porous and scanty. In effect, the Respondents cannot be said to have actually opposed the application. Hence, the application of the Applicant remains uncontradicted and unchallenged, the court is bound to believe and rely on it. The case of **MABANIJE V. OTTO (2016) LPELR - 26058 (SC)** is relied upon on the above principle of law. It is not enough to file a counter affidavit, facts deposed to in the affidavit must be controverted otherwise the court must rely on the uncontroverted facts therein.

For the avoidance of doubt, it will be necessary to reproduce Section 19 of the **Violence Against Person's (Prohibition) Act, 2015** under which the Applicant was alleged to have been charged which states that:

S.19 (a): "A person who batters his or her spouse commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding ₦200,000.00 or both".

It is therefore not in doubt that the Respondents acted outside the scope of their duties. This being the case, it could be concluded that the Applicant's right to dignity of human person and the right to personal liberty guaranteed under sections 34 and 35 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) were violated and this Court is enjoined to enforce it. Thus, the Supreme Court in the case of **FRN & ANOR V. IFEGWU (2003) 15 NWLR (pt. 842) pg 111** and the Court of Appeal in the case of **ONYIRIOHA V. IGP (2009) 3 NWLR (pt. 1128) pg 342 at pg 375 para G - H** held that:

"It is now settled beyond per adventure that a Nigerian citizen is entitled to his God given natural right free from incarceration save in accordance with all the fundamental laws of the land, i.e. the CFRN and other relevant legislations which are not in consistent with the former".

Similarly, in the case of **ODIBA V. MUEMUE (1999) 10 NWLR (pt. 622) pg 174 at pg 190** the Supreme Court held that:

"Aggravated damages may be awarded when the damages is at large and the conduct of the Respondent was to injure the plaintiffs proper feeling of dignity and pride".

The Respondent also said that the Applicant was charged to court for an offence of spouse battery which does not justify the unlawful arrest and detention by the officers of the 1st Respondent given the circumstance that the issue deals with matrimonial crisis between the Applicant and his wife. After all, the Respondents had the option of reporting the matter to the Police instead of acting Ultra vires their powers. Section 214 of the Constitution of the Federal Republic of Nigeria provides for the establishment of the Nigeria Police. The statutory functions of the Police are spelt out in section 4 of the Police Act which is deemed to be an act of the National Assembly, it provides:

"The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations within which they are directly charged and shall perform such Military duties within or without Nigeria as may be required by them by or under the authority of this or any other Act".

The action of the Respondents in arresting and detaining the Applicant on the 11th day of April, 2020 is therefore illegal, unlawful, unconstitutional and condemnable. The Respondents lacked the statutory powers to investigate the commission of crime and should not have taken the Applicant to court for an offence he never committed. Consequently, I hold that the Applicant's right to personal liberty was violated by the Respondents. The action of the Respondents in this case was arbitrary, oppressive and unconstitutional and the Applicant would be entitled to exemplary damages. I therefore find no difficulty in granting the 1st to 8th declarations sought and the order directing the Respondents to tender an unreserved public apology to the Applicant via 3 National Newspapers that circulate throughout Nigeria.

I am able to reach this conclusion without hesitation because the Respondents did not defend their action at all. While the Applicant painstakingly proved his case before the court with cogent and convincing facts as to the violation of his rights over a matrimonial issue, the Respondents admitted having charged the Applicant for an offence of spouse battery contrary to section 19 of the Violence Against Persons (Prohibition) Act, 2015 which is outside the scope of their lawful duties under which their Agency was created.

Consequently, upon the findings of the court, judgment is hereby entered for the Applicant against the 1st, 2nd and 3rd Respondents jointly and severally and I accordingly make the following Orders:

- 1. It is hereby declared that the arrest and detention of the Applicant MR. SAMUEL ABUH by the Respondents constitutes a violation of his right to personal liberty contrary to section 35 of the constitution of the Federal Republic of Nigeria 1999 (as amended) and Article 6 of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, Laws of the Federation of Nigeria 2004.**
- 2. An order of injunction is hereby issued restraining the Respondents whether by themselves or by their officers, agents, servants, privies or otherwise howsoever from further arresting or detaining or harassing or in any manner infringing the fundamental rights of the Applicant as guaranteed by section 35 of the Constitution of the Federal Republic of Nigeria (CFRN) (as amended) and Article 6 of the African Charter on Human and People's Rights (Ratification and Enforcement) Act, 2004.**
- 3. It is hereby ordered that the 1st, 2nd and 3rd Respondents shall jointly and severally pay to the Applicant MR. SAMUEL ABUH damages for the unlawful arrest and detention in the sum of ₦10,000,000.00 only.**
- 4. AN ORDER directing the Respondents jointly and severally to pay the Applicant the sum of Five Million Naira only (₦5,000,000.00) being exemplary and aggravated damages for the willful and reckless infringement of the Applicant's Fundamental Rights as guaranteed by the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the**

African Charter on Human and People's Rights (Ratification Act).

- 5. AN ORDER is hereby made directing the Respondents to issue public apology to the Applicant vide 3 National Newspapers that circulate throughout Nigeria.**
- 6. It is finally ordered that the aforesaid sum in (3) and (4) above shall attract interest at the rate of 10% (Ten Percent) per annum until the judgment debt is fully liquidated.**

**SIGNED:
HON. JUDGE
26/02/2025.**

APPEARANCE:

C. P. Ugochukwu, Esq, for the 1st and 2nd Respondents