

**IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

SUIT NO: FHC/ABJ/CS/.....²¹⁷⁵/2025

=====

**IN THE MATTER OF AN APPLICATION BY BARR. NNEKA ASADU ,
FOR AN ORDER FOR THE ENFORCEMENT OF HER FUNDAMENTAL
RIGHTS TO DIGNITY OF PERSON, LIBERTY OF HUMAN PERSON
AND RIGHT TO FREEDOM OF MOVEMENT**

=====

BROUGHT PURSUANT TO THE PROVISIONS OF:

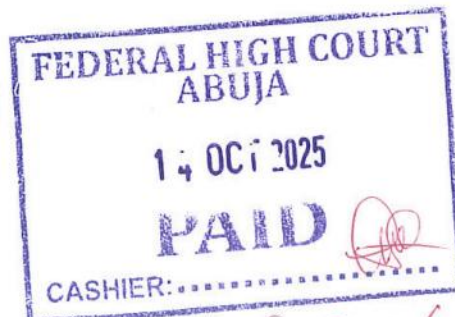
1. SECTIONS 34 (1) 35 (1), (4) & (6), 36(1) 37, 41 (1), 44 (1) AND 46 (1) OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, AS ALTERED;
2. ARTICLES 2, 3 (1), (2), 5, 6, 7 (1) (a), (b), (d), 12 (1), 14, OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (RATIFICATION AND ENFORCEMENT) ACT, CAP A9 LAWS OF THE FEDERATION OF NIGERIA 2004;
3. ORDER 2, RULES 1, 2, 3, 4 AND 5 OF THE FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURE) RULES 2009;
4. THE INHERENT JURISDICTION OF THIS HONOURABLE COURT.

BETWEEN:

BARR. NNEKA ASADU APPLICANTS

AND

1. THE NIGERIA POLICE FORCE
2. INSPECTOR GENERAL OF POLICE RESPONDENTS
3. THE COMMISSIONER OF POLICE
(Legal)
4. BENJAMIN NEBOLISA OKOLO
(DIG Force Intelligence Department)
5. ACP NWIGWE ANGUS
6. CSP SEGUN ADEROJU
7. SUPOL MICHAEL (IPO)



**ORIGINATING MOTION ON NOTICE
FOR AN ORDER ENFORCING FUNDAMENTAL RIGHTS PURSUANT
TO ORDER 2 RULES (1), (2), (3), (4) AND (5) OF THE FUNDAMENTAL
RIGHTS (ENFORCEMENT PROCEDURE) RULES, 2009 AND UNDER
THE INHERENT JURISDICTION OF THIS HONOURABLE COURT.**

TAKE NOTICE that this Honourable Court shall be moved on the day of, 2025, at 9 0'clock in the forenoon or so soon thereafter as Counsel to the Applicants shall be heard praying this Honourable Court for the following reliefs:

1. **A DECLARATION** that the arrest and detention of the Applicant by the Respondents, from Thursday the **9th day of October 2025**, till date, while investigating her, without charging her to a court of competent jurisdiction, within 24 hours of her arrest in accordance with the provisions of 35 of the Constitution of the Federal Republic of Nigeria 1999 as amended, is illegal, wrongful, unlawful and constitute a blatant violation of her fundamental rights as enshrined in Sections 35 (1), (3), (4), 37 and 41 (1) of the 1999 Constitution of the Federal Republic of Nigeria, as altered, and Articles 6 and 12 of the African Charter on Human and Peoples' Rights Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004.
2. **A DECLARATION**, that the order of remand, against the Applicant obtained from a Magistrate Court, by which the Respondents detained the Applicant while investigating her, is unconstitutional, illegal, unlawful, and conflicts with the provisions of section 35 of the Constitution of the Federal Republic of Nigeria.
3. **A DECLARATION** that Magistrate Courts, or inferior courts of records, have no vires to order the detention of a person, including the Applicant, while being investigated contrary to the provisions of section 35 of the Constitution of the Federal Republic of Nigeria, 1999, as amended.
4. **A DECLARATION**, that the order of detention, obtained by the Respondents, from a Magistrate Court, against the person of the Applicant, while investigating her, infringes upon their rights to the liberty of human person, right to fair hearing, and right to the dignity

of human person as provided for under sections 34,35 and 36 of the Constitution of the Federal Republic of Nigeria, 1999, as amended.

5. **A DECLARATION** that the Applicant is entitled to public apology and adequate compensation from the Respondents as provided for in Sections 35 (6) and 46 (2) of the 1999 Constitution of the Federal Republic of Nigeria, as altered, for the blatant violation of the Applicant's rights without following the due process of law.
6. **AN ORDER** of this Honourable Court directing the Respondents to release the Applicant forthwith from continued detention without any justifiable reasons.
7. **AN ORDER** of this Honourable Court directing the Respondents to tender a public apology in at least two National Dailies to the Applicant for the blatant violation of her fundamental rights without following the due process of law.
8. **AN ORDER** of this Honourable Court directing each of the Respondents, individually, to pay to the Applicant the sum of **₦100,000,000.00 (One Hundred Million Naira)** only, as general and exemplary damages for the wanton and grave violation of the Applicant's rights, without following the due process of the law.
9. **AN ORDER** of this Honourable Court restraining the Respondents whether by themselves, agents, employees, operatives, detectives, servants, privies and investigating officer(s), or howsoever and by whatever name called, from further arresting and or detaining the Applicant without charging her to court in line with the provisions of section 35 of Constitution, on the basis of the facts and circumstances of this matter.
10. **AND FOR SUCH FURTHER OR OTHER ORDERS** as the Honourable Court may deem fit to make in the circumstances.

Dated this 14th day of October 2025.



✓ 
Sir, Nkemakolam Okoro S.C., Esq
I.O Ikwuka Esq

Chirstopher Amodu Esq
Moses Bisalla Bature Esq
C.C Chukwu(Mrs)
I.A Ayugu Esq
N.J Obiezu Esq
O.E Asiegbu (Miss)
Meindinyo Nimi Esq
Hadiza Mohammed (Miss)
Emmanuel Emerenini, Esq
Counsel to the Plaintiffs
Suite F37 Melita Plaza
Area 11, Garki, Abuja
08033438283, 07013779779
dynamicoptionchambers@gmail.com
nsokoro@nigerianbar.ng
nsokoro@nigerianbar.ng

The 1st 2nd & 3rd Respondents,
Nigeria Police Force
Force Headquarters
Luis Edet House

4th, 5th 6th and 7th Respondents
Force CID
Area 10, Garki, Abuja.

**IN THE FEDERAL HIGH COURT
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- 2. INSPECTOR GENERAL OF POLICE RESPONDENTS**
- 3. THE COMMISSIONER OF POLICE
(Legal)**
- 4. BENJAMIN NEBOLISA OKOLO
(DIG Force Intelligence Department)**
- 5. ACP NWIGWE ANGUS**
- 6. CSP SEGUN ADEROJU**
- 7. SUPOL MICHAEL (IPO)**

**STATEMENT IN SUPPORT OF THE APPLICATION FOR
ENFORCEMENT OF FUNDAMENTAL HUMAN RIGHTS PURSUANT
TO ORDER 2 RULE 3 OF THE FUNDAMENTAL RIGHTS
(ENFORCEMENT PROCEDURE) RULES, 2009.**

1. NAMES AND DESCRIPTIONS OF THE APPLICANT

The Applicant is **Barr Nneka Asadu**, an Abuja-based Legal Practitioner of the Nyanya Branch of the Nigeria Bar Association.

2. RELIEFS SOUGHT

- 1. A DECLARATION** that the arrest and detention of the Applicant by the Respondents, from Thursday the **9th day of October 2025**, till date, while investigating her, without charging her to a court of competent jurisdiction, within 24 hours of her arrest in accordance with the provisions of 35 of the Constitution of the Federal Republic of Nigeria 1999 as amended, is illegal, wrongful, unlawful and constitute a blatant violation of her fundamental rights as enshrined in Sections 35 (1), (3),

(4), 37 and 41 (1) of the 1999 Constitution of the Federal Republic of Nigeria, as altered, and Articles 6 and 12 of the African Charter on Human and Peoples' Rights Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004.

2. **A DECLARATION**, that the order of remand, against the Applicant obtained from a Magistrate Court, by which the Respondents detained the Applicant while investigating her, is unconstitutional, illegal, unlawful, and conflicts with the provisions of section 35 of the Constitution of the Federal Republic of Nigeria.
3. **A DECLARATION** that Magistrate Courts, or inferior courts of records, have no vires to order the detention of a person, including the Applicant, while being investigated contrary to the provisions of section 35 of the Constitution of the Federal Republic of Nigeria, 1999, as amended.
4. **A DECLARATION**, that the order of detention, obtained by the Respondents, from a Magistrate Court, against the person of the Applicant, while investigating her, infringes upon their rights to the liberty of human person, right to fair hearing, and right to the dignity of human person as provided for under sections 34,35 and 36 of the Constitution of the Federal Republic of Nigeria, 1999, as amended.
5. **A DECLARATION** that the Applicant is entitled to public apology and adequate compensation from the Respondents as provided for in Sections 35 (6) and 46 (2) of the 1999 Constitution of the Federal Republic of Nigeria, as altered, for the blatant violation of the Applicant's rights without following the due process of law.
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8. **AN ORDER** of this Honourable Court directing each of the Respondents, individually, to pay to the Applicant the sum of **₦100,000,000.00 (One Hundred Million Naira)** only, as general and exemplary damages for the wanton and grave violation of the Applicant's rights, without following the due process of the law.
9. **AN ORDER** of this Honourable Court restraining the Respondents whether by themselves, agents, employees, operatives, detectives, servants, privies and investigating officer(s), or howsoever and by whatever name called, from further arresting and or detaining the Applicant without charging her to court in line with the provisions of section 35 of Constitution, on the basis of the facts and circumstances of this matter.
10. **AND FOR SUCH FURTHER OR OTHER ORDERS** as the Honourable Court may deem fit to make in the circumstances.

3. **GROUND FOR THIS APPLICATION**

1. The Applicant was invited by the Deputy Inspector-General of Police, Force Intelligence Department (FID), the Nigeria Police Force, Force Headquarters, Area 10, Garki, Abuja, via a letter of invitation dated 8th October 2025.
2. The letter was signed by ACP Nwigwe Angus, on behalf of the DIG, and the Applicant was invited over an investigation of a case in which her name featured prominently, thus precipitating the need to seek clarification from her.
3. The Applicant honoured the invitation and indeed the Applicant was accompanied to the visit by the Secretary of the Nigerian Bar Association, Nyanya Branch and also the Social Secretary of the branch on 9th October 2025, when they visited the police.
4. The police, contrary to their reason for inviting her, arrested, detained, and locked her up in their cell after she had written her statement.
5. The Secretary of the NBA Nyanya Branch, who accompanied the Applicant, quickly sought to take her on bail, but the Respondents refused and neglected to grant the Applicant bail.
6. That even after the Secretary of the NBA Nyanya branch had identified himself, assuring the Police that the branch would readily make the Applicant available whenever needed for further investigations or interrogations, the Respondents refused to grant the Applicant bail.

7. The Respondents said that the Applicant was being investigated in connection with a change in the status of Aleto Clan Association, an incorporated trustee, at the Corporate Affairs Commission (CAC).
8. The Respondents alleged that the Applicant played a key role in the change of the trustees of the said company, which change, the Respondents alleged, was not authorised.
9. The Applicant merely played her role as a lawyer in the entire transaction, and never knew anything about the allegation of forgery which the Respondents are investigating.
10. The offence of forgery is ordinarily bailable, and the Applicant ought not to have been detained since the 9th of October 2025 to date and counting.
11. That the Constitution of the Federal Republic of Nigeria only provides for detention for the purposes of charging a person to court and not detention for the purposes of investigation.
12. That the detention of the Applicant beyond 24 hours for the purposes of investigating her infringes upon the fundamental rights of the Applicant.
13. That the Applicant fears that the Respondents obtained orders from Magistrate Court to detain her while being investigated.
14. That such orders cannot be in tandem with the provisions of section 35 of the Constitution of the Federal Republic of Nigeria, and infringe upon the fundamental rights of the Applicant to the liberty of human person.
15. That such orders, obtained behind the back of the Applicant, infringe upon the right of the Applicant to fair hearing as provided for under section 36 of the Constitution.
16. That the Applicant has been subjected to inhuman and undignified treatment while under the detention of the Respondents.
17. That except by the intervention of this Honourable Court, the Respondents will continue to infringe upon the fundamental rights of the Applicant.
18. The arrest and detention of the Applicant is illegal, wrongful, unlawful and constitutes a blatant violation of his fundamental rights as enshrined in Sections 35 (1), (3), (4), and 41 (1) of the 1999 Constitution of the Federal Republic of Nigeria, as altered, and Articles 6 and 12 of the African Charter on Human and Peoples' Rights Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004

The Applicant further adopt the averments in the affidavit in support of this Application as part of the grounds upon which this Application is brought.

4. **PERSONS DIRECTLY AFFECTED BY THIS APPLICATION**

1. The Applicants,
Barr Nneka Asadu,
Of Nyanya Branch of
The Nigerian Bar Association &
2. The 1st Respondent,
Nigeria Police Force,
Force Headquarters
Abuja
3. The 2nd Respondent
Inspector General of Police
Force Headquarters
Abuja.
4. The 3rd Respondent
THE COMMISSIONER OF POLICE
(Legal)
Force Headquarters
Abuja.

4th Respondent

5. **BENJAMIN NEBOLISA OKOLO**
(DIG Force Intelligence Department)
Force CID, Area 10, Garki, Abuja

5th Respondent

6. **ACP NWIGWE ANGUS**
Force CID, Area 10, Garki, Abuja

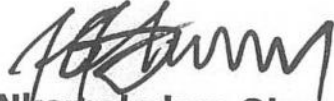
6th Respondent

7. **CSP SEGUN ADEROJU**
Force CID, Area 10, Garki, Abuja

7th Respondent

8. **SUPOL MICHAEL (IPO)**
Force CID, Area 10, Garki, Abuja

Dated this 14th day of October 2025.


✓ Sir, Nkemakolam Okoro S.C., Esq

I.O Ikwuka Esq
Chirstopher Amodu Esq
Moses Bisalla Bature Esq
C.C Chukwu(Mrs)
I.A Ayugu Esq
N.J Obiezu Esq
O.E Asiegbu (Miss)
Meindinyo Nimi Esq
Hadiza Mohammed (Miss)
Emmanuel Emerenini, Esq
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nsokoro@nigerianbar.ng

The 1st 2nd & 3rd Respondents,
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Force Headquarters
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4th, 5th 6th and 7th Respondents
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AFFIDAVIT IN SUPPORT OF MOTION

I, Emmanuel Chukwunonso, adult, male, Christian, a litigation Assistant in the Law firm handling this matter on behalf of the Applicant and a Nigerian, do hereby make oath and state as follows:

1. That I am a Litigation Assistant in the law firm handling this matter on behalf of the Applicant herein, who is currently being detained by the Respondents herein.
2. That I have the consent and authority of the Applicants and that of our law firm, to depose to this affidavit from facts within my knowledge.
3. That I know as a matter of fact that the Applicant is unable to depose to this affidavit as she is currently being detained by the Respondents herein.
4. That the Lead Counsel in this matter was given a letter of instruction to file this action on behalf of the Applicant on pro bono. A copy of the letter of instruction is attached herewith as **Exhibit 1**.

5. That I visited the Applicant at the FCID, Area 11, Garki, Abuja, on the 14th day of October 2025 at about 11 am, and the Applicant informed me as follows, and I verily believe all that she told me to be true as follows:

- a. That she was invited by the Deputy Inspector-General of Police, Force Intelligence Department (FID), the Nigeria Police Force, Force Headquarters, Area 10, Garki, Abuja, via a letter of invitation dated 8th October 2025.
- b. That the letter was signed by ACP Nwigwe Angus, on behalf of the DIG and the Applicant was invited over an investigation of a case in which her name featured prominently, thus precipitating the need to seek clarification from her.
- c. That the Applicant honoured the invitation and indeed the Applicant was accompanied to the visit by the Secretary of the Nigerian Bar Association, Nyanya Branch and also the Social Secretary of the branch on 9th October 2025, when they visited the police.
- d. That the police, contrary to their reason for inviting her, arrested, detained, and locked her up in their cell after she had written her statement.
- e. The Secretary of the NBA Nyanya Branch, who accompanied the Applicant, quickly sought to take her on bail, but the Respondents refused and neglected to grant the Applicant bail. A copy of the application for bail was submitted to the Respondents on the 10th day of October. The said application is attached herewith as **Exhibit 2**.
- f. That even after the Secretary of the NBA Nyanya branch had identified himself, assuring the Police that the branch would readily make the Applicant available whenever needed for further investigations or interrogations, the Respondent refused to grant the Applicant bail.
- g. That the issue was also reported to the NBA National Secretariat, and despite calls from the NBA National Secretariat to the Respondents to release the Applicant on bail since the offence was ordinarily bailable, the Respondents refused and neglected to grant the Applicant bail.
- h. That the Respondents alleged that the Applicant was being investigated in connection with a change in the status of one Aleto Clan Association, an incorporated trustee.

- i. The Respondents alleged that the Applicant played key a role in the change of the trustees of the said company, which change, the Respondents alleged, was not authorized.
- j. That the Applicant merely played her role as lawyers in the entire transaction, and never knew anything about the allegation of forgery which the Respondents are investigating.
- k. That the alleged offence of forgery is ordinarily bailable, and the Applicant ought not to have been detained since the 9th of October 2025 to date and counting, while being investigated.
- l. That the 1st Respondent is the Nigeria Police Force, under which the 2nd -7th Respondents operate.
- m. That the 2nd Respondent is in charge of the daily activities of the entire Police formation in Nigeria.
- n. That 3rd Respondent is the Commissioner of Police in charge of legal, and advises the Inspector General on all legal issues, and is also in charge of representing the Nigerian Police in Court.
- o. That the 4th Respondent is the DIG in charge of the Force Criminal Investigation Department, and is directly in charge of the 5th , 6th and 7th Respondents and gave the directives by which the Applicant was detained.
- p. That the 5th , 6th and 7th Respondents, were all responsible for the detention of the Applicants, at the instructions of the 4th Respondent.
- q. That despite repeated appeals to the 4th ,5th,6th and 7th Respondents to release the Applicants on bail, they refused and insisted on detaining the Applicants, until certain other persons are provided by the Applicants, and also while investigating the Applicants.
- r. That there are courts in less than three kilometers from the office of the Respondents in Area 10, Garki, Abuja. That she knows as a matter of fact, that the High Court of FCT, Garki Division, located at No 1, Ikot Ekpene Close, Garki, is less than one Kilometer from the Force CID, the office of the Respondents in Garki, yet the Respondents refused and neglected to charge the Applicant to court, in accordance with section 35 of the Constitution of the Federal Republic of Nigeria.
- s. That I also know as a matter of fact that the High Court of the FCT Maitama is less than three kilometres from the office of the Respondent at Area 11 Garki.

- t. That she also knows as a matter of fact that the Federal High Court at Maitama is less than three kilometres from the office of the Respondents in Area 10, Garki, Abuja.
 - u. That notwithstanding the proximity of courts of competent jurisdiction, in less than three kilometres distance from the office of the Respondents, they refused to charge the Applicant to court, for any known offence and have rather continued to detain the Applicant, while investigating the Applicant.
 - v. That she knows as a matter of fact that the conduct of the Respondents is not in tandem with the provisions of the Constitution and infringes upon her fundamental rights.
 - w. That she fears that the Respondents must have gotten an order from a Magistrate Court to detain her while investigating her.
 - x. That she knows as a matter of fact that any such orders, for her detention, is not in tandem with section 35 of the Constitution.
 - y. That she knows as a matter of fact, that the Constitution did not grant Magistrate Courts powers, to make orders for her detention without hearing from her.
 - z. That she knows as a matter of fact, that any such order granted without hearing from her, infringes upon her right to fair hearing as provided for under section 36 of the Constitution.
11. That I know as a matter of fact that the Constitution of the Federal Republic of Nigeria only provides for detention for the purposes of charging a person to court and not detention for the purposes of investigation.
12. That the detention of the Applicant beyond 24 hours for the purposes of investigating her infringes upon the fundamental rights of the Applicant.
13. That the Applicant has been subjected to inhuman and undignified treatment while under the detention of the Respondents.
14. That except by the intervention of this Honourable Court, the Respondents will continue to infringe upon the fundamental rights of the Applicant.
15. That I know as a matter of fact that detention of the Applicant while being investigated infringes upon her rights to the liberty of human person and also freedom of movement.
16. That, except by the urgent intervention of this Honourable Court, the Respondents will continue to infringe on the fundamental rights of the applicant herein.

17. That I solemnly depose to this affidavit in good faith, conscientiously believing same to be true and correct and in accordance with the Oaths Act, LFN, 2004.


DEPONENT

Sworn to at the Federal High Court Registry, Abuja,
this 14th day of October 2025.


COMMISSIONER FOR OATHS
BEFORE ME
FEDERAL HIGH COURT
ABUJA

COMMISSIONER FOR OATH



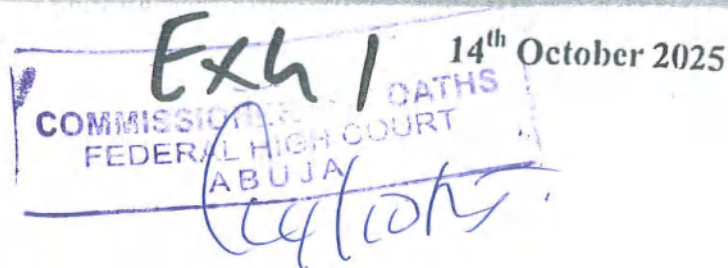
NIGERIA BAR ASSOCIATION

NYANYA-KARU BRANCH

Address: Block 2, Highlife Agric Quarters, Behind Blooming Chicken Karu, FCT Abuja.

Phone: 08036277201 08068454501

Barr. Nkem Okoro, Esq.



Dear Distinguished Member,

**RE: REQUEST TO FILE AND PROSECUTE A PRO BONO
FUNDAMENTAL HUMAN RIGHTS ENFORCEMENT ACTION ON
BEHALF OF NBA NYANYA-KARU BRANCH FOR MRS. NNEKA
ASADU, ESQ.**

The Executive Committee of the Nigerian Bar Association, Nyanya-Karu Branch, writes to formally request that you kindly take up and prosecute, on *pro bono* basis, a **Fundamental Human Rights Enforcement Action** on behalf of the Branch in respect of the continued unconstitutional detention of our member, Mrs. Nneka Asadu, Esq., by officers of the Force Intelligence Department (FID), Force Headquarters, Garki, Abuja.

As you may be aware, Mrs. Asadu, Esq. was invited by the Deputy Inspector-General of Police, FID, through a letter dated **8th October 2025**, and she honourably appeared on **Thursday, 9th October 2025**. However, after writing her statement and providing clarifications as requested, she was **unlawfully arrested and detained** and has since remained in police custody under dehumanising conditions.

Despite repeated pleas and formal interventions by the Branch Executive, the National Secretary of the NBA Litigation Committee, and even the NBA President, **Mazi Afam Osigwe, SAN**, the Deputy Inspector-General of Police, **Ben Nebolisa Okolo**, has refused to release her on administrative bail, insisting that she remains in detention until she produces another lawyer (one Barr. Amala) mentioned during interrogation. No valid court order has been produced to justify her detention.

This act clearly constitutes a **gross violation** of her fundamental rights as guaranteed under the 1999 Constitution of the Federal Republic of Nigeria (as

amended), particularly her right to personal liberty, dignity of the human person, and fair hearing.

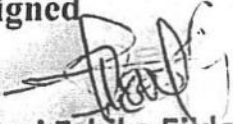
In view of the above, the Branch hereby authorises and requests you to immediately initiate and prosecute a Fundamental Human Rights Enforcement proceeding on behalf of the Nigerian Bar Association, Nyanya-Karu Branch, for the protection and enforcement of the constitutional rights of Mrs. Nneka Asadu, Esq.

Please treat this matter with the urgency it deserves to ensure her prompt release.

We thank you for your readiness and continued commitment to the service of the Bar and humanity.

Yours faithfully,

Signed



Mazi Echika Ejido

Secretary,

For:

The Executive Committee,

Nigerian Bar Association, Nyanya-Karu Branch (The Innovative Bar)



NIGERIA BAR ASSOCIATION

NYANYA-KARU BRANCH

Address: Block 2, Highlife Agric Quarters, Behind Blooming Chicken Karu, FCT Abuja.
Phone: 08036277201 08068454501

10th October 2025

The Deputy Inspector-General of Police
Force Intelligence Department
Nigeria Police Force Headquarters
Louis Edet House, Abuja.

DEPUTY INSP-GEN. OF POLICE
DIG FORCE INTELLIGENCE DEPARTMENT

10 OCT 2025

ACKNOWLEDGED
The Nigeria Police Force
FHO Abuja

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA

Through:
The Officer in Charge,
Force Intelligence Department,
Nigeria Police Force Headquarters, Abuja.

APPLICATION FOR ADMINISTRATIVE BAIL FOR BARRISTER NNEKA ASADU

We write on behalf of the members of Nigerian Bar Association (NBA), Nyanya-Karu Branch, to respectfully request the release on administrative bail of our member, Barrister Nneka Asadu, who was invited to your office on the 9th day of October, 2025, pursuant to an invitation letter dated 8th October, 2025, which she honourably and promptly responded to.

Her prompt appearance in compliance with the said invitation is a clear demonstration of her respect for the law, her readiness to cooperate fully with the Police in your ongoing investigation, and her firm commitment to due process.

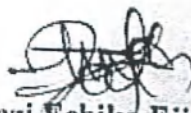
We hereby undertake to produce Barrister Nneka Asadu whenever she is required by your office in connection with this matter. We further assure you of her continued cooperation with the Nigeria Police Force and of our full support for a transparent investigative process.

We therefore humbly appeal that she be released to us on administrative bail pending further directives or continuation of the investigation.

Please accept the assurances of our highest professional regards.

Yours faithfully,

Alexander Ebi Edim Esq
Chairman,


Mazi Echika Ejido
Secretary,

Chairman: Alexander Edim Ebi Esq; Vice Chairman: Chief Constance Orji Esq; Secretary: Mazi Echika Ejido Esq; Treasurer: Adah Isah Monday Esq;
Social Secretary: Chiemela Ozioma Amalaha Esq; Publicity Secretary: Adenike B. Arasanyin Pious Esq; Welfare Secretary: James Amande Esq;
Financial Secretary: Abubakar Mohammed Lafiagi Esq; Assistant Secretary: Monday Sule Akpu Esq; Povost: Festus Osihmen Esq.

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- 7. SUPOL MICHAEL (IPO)**

**WRITTEN ADDRESS IN SUPPORT OF APPLICATION FOR ENFORCEMENT
OF FUNDAMENTAL RIGHTS**

INTRODUCTION

- 1.0 This is a notice of application for the enforcement of fundamental rights, brought pursuant to the provisions of Order 2 Rules (1), (2), (3), (4) and (5) of the Fundamental Rights (Enforcement Procedure) Rules, 2009, Sections 34 (1), 35 (1), (3), (4) & (6), 36 (1), 37, 41 (1), 44 (1), 46 (1) of the 1999 Constitution of the Federal Republic of Nigeria, as altered, Articles 2, 3 (1), (2), 5, 6, 7 (1) (a), (b), (d), 12 (1) & 14 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria 2004, and under the inherent jurisdiction of this Honourable Court.**

- 1.1 The motion, which is for the enforcement of the fundamental rights of the Applicant, prays this Honourable Court for the reliefs as contained on the face of the motion paper.
- 1.2 In compliance with the provisions of the **Fundamental Rights (Enforcement Procedure) Rules, 2009**, the motion is supported by a statement setting out the names and description of the Applicant, the reliefs sought and the grounds upon which the reliefs are sought. In support of the motion is also a 17-paragraph affidavit.
- 1.3 This written address is in support of the motion by the Applicant for the enforcement of her fundamental rights.

BACKGROUND FACTS

- 1.4 For the background facts of this case, the Applicant shall rely on the facts as copiously contained in the affidavit in support of the motion.

ISSUES FOR DETERMINATION

- 1.5 The Applicant formulates for the determination of this Honourable Court, one sole issue, to wit:

Whether the Applicant's fundamental rights have been breached, are being breached, and will likely still be breached by the conduct and actions of the Respondents, such as will entitle the Applicant to the grant of the reliefs sought from this Honourable Court.

ARGUMENT ON SOLE ISSUE

- 1.6 It is respectfully submitted on behalf of the Applicant that she is entitled to the grant of the reliefs sought from this Honourable Court following the wanton breach, continuing breach and further likely breach of her fundamental rights, by the despicable, unconscionable conduct and actions of the Respondents.
- 1.7 My lord, the **1999 Constitution of the Federal Republic of Nigeria**, as altered, in **Section 46 (1)**, provides in very clear terms that:

"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."

See also: Order II Rule 1 of the Fundamental Rights (Enforcement Procedure) Rules, 2009, Article 7 (1), (a) of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap A9 L.F.N. 2004.

- 1.8 The Supreme Court of Nigeria has made unequivocal decisions in a plethora of cases, espousing the law in a case where a person was accused of committing an offence and the accused person moved the Court to enforce his fundamental rights. In the case of **FRN v. Ifegwu (2003) 15 NWLR 113 at 216-217 para C-B**, the apex Court, while interpreting the provisions of **Section 42 of the 1979 Constitution** (which is in pari material with **Section 46 of the 1999 Constitution**), per Niki Tobi, JSC, (as then he was), in his concurring judgment, restated the position of the law as follows:

"The fundamental rights entrenched in the Constitution are very important, so much that an individual whose rights have been infringed or contravened has the right to seek redress in a competent Court of law..... As it is, the enforcement procedure is in three limbs. The first limb is that the fundamental right in Chapter 4 has been physically contravened or infringed. In other words, the act of contravention or infringement is completed and the plaintiff goes to Court to seek for a redress. The second limb is that the fundamental right is being contravened or infringed".

His Lordship stated further:

"Here, the act of contravention or infringement may or may not be completed; but in the case of latter, there is sufficient overt act on the part of the Respondents that the process of contravention or infringement is physically on the hands of the Respondents and that the contravention or infringement is in existence substantially. In the third limb, there is likelihood that the Respondents will contravene or infringe the fundamental right or rights of the plaintiff. While the first and second limbs may ripen together in certain situations, the third limb of the subsection is entirely different. By the third limb, a plaintiff or applicant need not wait for the completion or last act of contravention or infringement".

1.9 It is our respectful submission that the Respondents have serially infringed on, and violated the fundamental rights of the Applicant as provided for, and guaranteed by the **Constitution of the Federal Republic of Nigeria, 1999, as altered, and the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act**, and sundry other provisions as they relate to the fundamental rights of the Applicants.

1.10 My Lord, we shall highlight the various aspects of the Applicant's fundamental rights that have been serially breached by the Respondents in the course of the Applicant's detention, and the breach of which is continuing:

- i. **Failure of the Respondents to grant bail to the Applicant within 24 hours or 48 hours of their arrest/detention and/or charge them to Court, having been arrested and detained without a warrant, since the 9th day of October 2025.**
- ii. **Continued detention and restriction of the movement of the Applicant by the Respondents.**

1.9. We refer this Honourable Court to the provisions of the **Constitution of the Federal Republic of Nigeria, 1999, as altered**, which provides in Section 35 (1) that:

"Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law -

(a) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence."

1.20. It is provided in subsection (4) of section 35 of the said Constitution, as to when a person arrested or detained is to be brought before a court thus:

"Any person who is arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time ..."

1.21. As to what the expression 'a reasonable time' entails, **subsection (5)** defines it thus:

"In subsection (4) of this section, the expression "a reasonable time" means -

(a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometers, a period of one day; ..."

1.22. Similarly, the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria, 2004 provides in Articles 6 thus;

"Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular no one may be arbitrarily arrested or detained."

1.23. Thus, the Constitution and the African Charter on Human and Peoples' Rights guarantee the right to personal liberty to every individual. For an individual to be deprived of this right, it must be in accordance with the six instances cited in **Section 35 (1) (a) - (f)** and the deprivation must be by a procedure permitted by law. It is our humble submission that the arrest and detention of the Applicants in this matter are not in accordance with the constitutional provision and is also not permitted by any other statutory provision. This honourable court is humbly urged to so hold.

1.24. My Lord, it is submitted that any arrest and detention which is inconsistent with the above position of the law amounts to a serious violation of the right to personal liberty of the individual. See **Shugaba v. Minister for Internal Affairs (1981) 3 NCLR 427** and **Mitee v. Attorney General (2003) 2 CHR 463**.

1.25. The Courts in a plethora of cases have held that the personal liberty of an accused person (let alone a suspect), is sacrosanct and not to be lightly toyed with. This was the decision of the court in **Ohize v. COP (2014) LPELR-23012(CA)**, pp 30 - 31 Paras G - A, per Akomolafe Wilson, JCA, where his lordship stated thus:

"It is unfortunate that the Appellant has been incarcerated since 8th September, 2011 when the law presumes his innocence until proved

otherwise. The constitutional right to personal liberty of a person is sacrosanct, even for an accused person."

- 1.26. The Supreme Court in *Fawehinmi v I.G.P* (2002) 7 NWLR (pt 767) 606, per Uwaifo, JSC, condemned such conduct as first arresting a person before the police will proceed to investigate the case. In the words of his Lordship:

"I think I can say this that in a proper investigation procedure, it is unlawful to arrest until there is sufficient evidence upon which to charge and caution a suspect. It is completely wrong to arrest, let alone caution a suspect, before the Police look for evidence implicating him."

- 1.27. In interpreting the provisions of Section 35 of the Constitution, on the personal liberty of a Nigerian Citizen and the consequence for its violation thereof, the Court of Appeal in the case of *Aqua v. Achibong & Ors* (2012) LPELR - 9293 CA, per Garba, JCA, at (pp 16 - 18), (Paras C - F), held thus:

"As a foundation, every citizen of Nigeria has a constitutionally guaranteed right to his personal liberty which cannot be interfered with or violated except as may be permitted by the constitution itself or a law made pursuant thereto. Section 35 (1) of the 1999 Constitution (as altered) has made the following provisions on the personal liberty of a Nigerian:- Section 35 (1)
Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law- a) in execution of the sentence or order of a court in respect of a criminal offence of which he has been found guilty; c) for the purpose of bringing him before a court in execution of the order of a court or upon reasonable suspicion of his having committed a criminal offence, or to such extent as may be reasonably necessary to prevent his committing a criminal offence; d) in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare; e) in the case of persons suffering from infectious or contagious disease, persons of unsound mind, persons addicted to drugs or alcohol or vagrants, for the purpose of their care or treatment or the protection of the community or f) for the purpose of preventing the unlawful entry of any person into Nigeria or of effecting the expulsion, extradition or other lawful removal from Nigeria of any person or the taking of proceedings relating thereto. Subsections (2) and (3) of the Section provide for further rights of a person even where the law permitted

the curtailment of his personal liberty; the right to remain silent and avoid answering questions until after consultation with a legal practitioner or other person of his choice and to be informed in writing, within twenty-four (24) hours of the curtailment of his liberty, of the facts and grounds for it in the language he understands to ensure that the personal liberty of a person was not arbitrarily curtailed or violated. Subsections (4) and (5) make provisions for a person whose personal liberty was curtailed pursuant to subsection 1 (c) above to be arraigned before a court of law within one (1) day, two (2) days or such longer period as may be considered by the court in the peculiar circumstances of his case, to be reasonable. In case of the infraction of any of the situations provided for in the preceding subsections, subsection (6) of Section 35 provides for the consequences against the authority or person responsible for violation of the personal liberty of a citizen. It provides thus:- "Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person; and in this subsection, 'the appropriate authority or person' means an authority or person specified by law." The essence of the above provisions is that persons, officers or agents of the State who in the ordinary course of the discharge of their official duties or functions for instance the police and other security agencies in the Country, may be involved in the deprivation or curtailment of a citizen's right to personal liberty, must strictly observe and comply with the provisions of subsection (1) - (5) above. Where the ordinary discharge of their duties or functions warrants the arrest or/and detention of a citizen, they are bound to abide by and act in accordance, strictly, with the provisions of the subsections otherwise, the person whose liberty was curtailed or deprived by them, shall be entitled to compensation and public apology from them since the curtailment or deprivation would in the circumstances, be unlawful. Per GARBA, J.C.A. (Pp. 16-18, Paras. C-F). (Underlined for emphasis).

- 1.28. We humbly refer Your Lordship to the case of Amos Akila & Ors. V. Director General State Security Services & Ors (2013) LPELR-20274(CA) where Jummai Hannatu Sankey JCA, expressed her opinion on the supremacy of the Constitution as regards sections 35 and 36 of the Constitution as follows:

"The provision of Sections 35 and 36 in the Constitution are aimed primarily at protecting individuals from unlawful deprivation of

their freedom through abuse of power by law enforcement and security agencies. And as the grundnorm and the plum line/yardstick by which all acts relating to such situations must be measured, the Constitution must be obeyed to the letter. The civil rights contained in the Constitution against unjust arrest and detention of a citizen which is protected by the enforcement of the fundamental right provisions should not be restricted in any way by technicalities where none is justified by the Constitution."

1.29. Furthermore, My Lord, section 35(5) of the Constitution further qualifies section 35(1c) & (4) of the Constitution of the Federal Republic of Nigeria as follows:

(5) In subsection (4) of this section, the expression "a reasonable time" means -

(a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometres, a period of one day; and

(b) in any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.

1.30. In this regard, we refer my Lord to the case of the Supreme Court case of **Fawehinmi v I.G.P (2002) 7 NWLR (pt 767) 606**, where per Uwaifo, JSC condemned such conduct as first arresting a person before the police will proceed to conduct an investigation into the case. In the words of his Lordship:

"I think I can say this that in a proper investigation procedure, it is unlawful to arrest until there is sufficient evidence upon which to charge and caution a suspect. It is completely wrong to arrest, let alone caution a suspect, before the Police look for evidence implicating him."

1.31. My Lord, by the authority of the Supreme Court's decision in the case of **Fawehinmi v I.G.P (Supra)**, and the provision of section 35(1c)(4) and (5) of the 1999 Constitution of the Federal Republic of Nigeria, as amended, we most humbly urge this Honourable Court to hold that the Respondents infringed upon the fundamental rights of the Applicants, to the liberty of the human person, and therefore the Applicants are entitled to the reliefs as provided for in section 35(6)

of the Constitution of the Federal Republic of Nigeria. We urge this Honourable Court most respectfully to so hold.

- 1.32. We humbly refer this Honourable Court to the case of **THE NIGERIA SECURITY & CIVIL DEFENCE CORPS, BENUE STATE COMMAND & ANOR v. AGER GBERTSUE SAMUEL (2022) LPELR-56933(CA)**, where the Court of Appeal held as follows:

"It is not in dispute that the Appellant is vested with statutory powers to arrest and detain the Appellant's deceased Son, the central issue here is his detention beyond the Statutory period of 24 hours guaranteed by the Constitution of this Country and as rightly pointed out by the learned trial Judge at pages 140-142 of the records that "It is clear under paragraph 3 of the affidavit in support (supra) that, the Applicant's Son was indeed detained at the Respondent's facility in Makurdi, whereas it is of common knowledge that, there are Courts of competent jurisdictions within Makurdi metropolis for the Respondents to arraign the Applicant and comply with the law, the Applicant's Son detention therefore exceeds the limits under Section 35 (5) (a) and (b) of the CFRN (as amended), it is unconstitutional null and void and contravenes Applicants fundamental rights to freedom of personal liberty, I so hold." This Court in the case of Mrs PRECIUOS OMONYAHUY & ORS V. THE INSPECTOR GENERAL OF POLICE (Supra) Per OSEJI JCA at page 68-69 paragraphs F-E stated "...To my mind, the fact that there is possibility of prosecution for a case of murder does not deny an aggrieved applicant the constitutionally guaranteed right to enforce his right thereunder, hence Section 46 (1) of the said Constitution specifically provided that: 46(1) "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." That said provision is sacrosanct and carries no exception such as in the case of injury to a person or the loss of life. Any infringement of the Fundamental Right of an applicant ignites his right to enforce same by virtue of the aforementioned Section and it is without prejudice to whatever further action the authorities of the state may want to take against such offender. It is a constitutionally guaranteed right and must at all times be seen and respected as such, if the wheel of the Rule of law is to be allowed to grind properly." In the instant case the fact that the deceased was accused of committing offences of causing

damage to NNPC armoured cables does not obviate the fact that his fundamental right was breached and is entitled to damages. The deceased died in the custody of the Appellants beyond the constitutional period of 24 hours without arraignment in Court. The Appellants has not shown to the satisfaction of this Court the justification for breaching the fundamental right to life of the Respondent's Son and as rightly stated by the learned trial Judge that a successful Applicant in Fundamental Rights suit is entitled to compensation. See page 143 paragraph 1 lines 5 of the Records."
Per HASSAN ,JCA (Pp. 26-28, paras. B-C)

- 1.33. This Honourable Court is further referred to the case of **MR AUGUSTINE CHINWUKO v. MRS IRENE OKEKE -IGBOKWE & ORS (2018) LPELR-50894(CA)**, where it was further held as follows:

"The right to personal liberty enshrined in Section 35 (1) of the 1999 Constitution is not an absolute right. It is a right which can be interfered with upon reasonable suspicion of the commission of a crime. However, even in such circumstances there remains the need to comply with and adhere to the stipulations of Section 35 (4) and (5) of the 1999 Constitution which provides for taking a person arrested and detained in accordance with Section 35 (1) (c) of the Constitution to Court within a reasonable time; reasonable time being one day or two days as the case may be. From the uncontroverted facts of this matter, even though there existed reasonable suspicion for the arrest of the Appellant, his continued detention for Eighty (80) days, even after investigation did not conclusively link him to the threatening phone calls to the Respondent, was a manifest infringement of his fundamental rights by the 2nd - 6th Respondents. Doubtless, Section 4 of the Police Act empowers the Police to arrest, detain, investigate, interrogate and prosecute offenders: ONAH vs. OKENWA (2010) 7 NWLR (PT 1194) 512 at 536 but the exercise of the power must be in strict observance of the rule of law. The Police must observe, enforce and secure the observance of lex retro juris (the law behind the law). This can only be done by a moral commitment to the laws being administered and/or enforced. In this instance, detention without trial for Eighty (80) days manifests the failure to observe the lex retro Juris and a lack of commitment and adherence to the rule of law. This raises the in aeternum question: quis custodit custodes (who guards the guards) and who will police the police."

1.34. We further refer My Noble Lord to the case of **BEEIOR ISHENGE v. COMMISSIONER OF POLICE, PLATEAU STATE & ANOR (2019) LPELR-48390(CA)**, where the Court of Appeal held as follows, on the issue of unlawful detention:

..." It is clear as submitted by the learned counsel for the Appellant that the combined effect of Section 35(1) (c) and (4) above is that where a person is arrested or detained upon reasonable suspicion of him having committed a criminal offence, he should be charged to a Court of law within a reasonable time as defined in Section 35(5). In trying to show that the Appellant was not charged within the time frame stipulated by the Constitution even though there was a Court of competent jurisdiction within a radius of forty kilometres from the place of detention, the learned counsel for the Appellant wrongly referred to paragraph 22 of the Appellant's affidavit of urgency. Correctly, at paragraph 12 of the Appellant's affidavit of urgency, the Appellant averred that he was arrested on 7th July, 2011, and detained for three days until 10th July, 2011 by the 1st Respondent. See page 4 of the records. This averment was not denied by the Respondents. The Appellant contended that despite the obvious fact that the 1st Respondent did not charge the Appellant within 24 hours of his arrest, the trial Court erroneously held that: "Since the appellant has not yet been charged to Court to determine whether he is guilty or not, this Court cannot interfere with the power of investigation by the police. If application of this nature is granted time will come when police shall no longer have power of arrest as contained in Section 2 of the Police Act." See page 72 lines 2- 6 of the records. The above reasoning of the Court was in error. The Constitution which is the grundnorm must be followed. The 1st Respondent is not permitted by the Constitution to detain a suspect howbeit for investigation for an unreasonable length of time. Where as in this case the right to personal liberty of the Appellant was restricted by reason of Section 35 (1) (c) of the Constitution, the 1st Respondent is mandated by Section 35 (5) (a) of the Constitution to charge the Appellant to Court within a period of one day. Section 2 of the Police Act which empowers the police to arrest and detain a suspect is not in conflict with the Constitution neither is the 1st Respondent's power therein eroded by the Constitution, rather the provision of the Constitution strikes a

balance between the fundamental human right of citizens under its Section 35 and the powers of the 1st Respondent to arrest, detain and prosecute. From the Appellant's affidavit of urgency, the 2nd Respondent wrote a petition to the 1st Respondent against the Appellant alleging that the Appellant misappropriated his N1,700,000.00 while his manager in his business venture. Consequent upon the petition, the 1st Respondent arrested and detained the Appellant from 7th July, 2011 to 10th July, 2011; which the Appellant sought the trial Court to declare was an infringement of his fundamental right the said detention being contrary to Section 35 (5) (a) of the Constitution. The learned trial Judge in misapplying the law held that since the Appellant had not yet been charged to court to determine whether he is guilty or not, the Court would not interfere with the power of investigation of the police nor its power of arrest as contained in Section 2 of the police Act. Promptly, I must state that the reliefs sought by the Appellant did not require the learned trial Judge to interfere with the power of the police (1st Respondent) under Section 2 of the Police Act. The correct procedure is for investigation to come first in the police's duty of arrest, detention and prosecution. The trend amongst the security agencies in Nigeria of arrest before investigation is condemnable as unconstitutional. While the power of the Police to investigate an allegation of crime against a suspect is unfettered, the police which is established by Section 214 of the Constitution must carry out their duty in accordance with the dictates of the Constitution as without the Constitution there will be no Police Force. In the instant case, whichever way I follow, I will arrive at the fact that the 1st Respondent did not charge the Appellant within the time frame prescribed by the Constitution. I mean even if I look into the 1st Respondent's counter affidavit which I held was wrongly countenanced by the trial Court, by paragraph 6 of the same, the 1st Respondent will still be found to have failed to charge the Appellant to court within 24 hours. By the clear provisions of the Constitution, under no guise should the police fail to charge a suspect within the constitutional time frame. The position was clarified when the Supreme Court stated in the case of FAWEHINMI V. I.G.P (2002) 7 NWLR PT. 164, 606 Per Uwaifo JSC that: "In a proper Police investigation procedure, it is unlawful to arrest until there is sufficient evidence upon which to charge and caution a suspect. It is completely wrong to arrest let alone caution a suspect before the Police look for evidence." See also the case of UBA PLC & ORS V. MR.

UGOCHUKWU DURUNNA (2015) LPELR-25625. The holding of the learned trial Judge seems to encourage the police to arrest and detain suspects before investigation. The decision of the trial Court is not the law and cannot stand. I hold that the 1st Respondent infringed the Appellant's right to liberty as guaranteed under Section 35 of the Constitution when it failed to charge him within the time frame specified by Section 35 (5) (a) of the Constitution. Accordingly, the learned trial Judge was wrong when it dismissed the application of the Applicant (now Appellant) in its entirety as lacking in merit. While the arrest of the Appellant by the 1st Respondent upon the complaint of the 2nd Respondent was not unlawful and unconstitutional, his detention beyond the period of one day when there was no contrary evidence that there was a Court of competent jurisdiction within forty radius kilometres from the place of his detention was unlawful and unconstitutional. I therefore resolve this issue in favour of the Appellant. Appeal is allowed. Consequently, I set aside the decision of the learned trial Judge of the High Court of Plateau State delivered on 28th September, 2012 in Suit No: PLD/J261/2011. I award N300,000.00 general damages against the 1st Respondent in favour of the Appellant for breach of his right to liberty."
Per ONYEMENAM ,JCA (Pp. 16-22, paras. A-C)

- 1.35. The law is that interference with the liberty and freedom of a person, even for one hour, is a clear violation of his fundamental rights; we humbly refer My Lord to the cases of *Gusau Vs Umezurike* (2012) LPELR 8000(CA), *Idjighere Vs Agbinone* (2019) LPELR 46428(CA).
- 1.36. In this case, My Lord, the detention of the Applicant by the Respondents was never for the purposes of charging her to court, but for the purposes of investigating her while under the detention of the Respondents. See *Chief Atanda v. Olanrewaju* (1958) 10-11 SC: (1988) 4 NWLR (Pt. 89) 394; *Military Administrator FHA v. Aro* (1991) 1 NWLR (Pt. 168) 405; *Okere v. Nlem* (1992) 4 NWLR (Pt. 234) 132; *Momah v. Vab Petroleum Inc* (2000) 2 SC 142. We urge this Honourable Court to hold, that the detention of the Applicant by the respondents infringed upon the fundamental rights of the Applicant and the Applicant is entitled to the grant of the reliefs sought in this action.

- 1.37. My Lord, this Honourable Court has recently held in the case of **Aiman Kahfouz v Fidelity Bank Plc Suit No:FHC/L/CS/07/2025**, that Magistrate Courts, Area Courts, and Customary Courts, being inferior courts of record, lack jurisdiction to issue post no debit orders on accounts of individuals, aforti fori, issuing a detention order against the persons of individuals while such persons are being investigated, against the provisions of section 35 of the Constitution of the Federal Republic of Nigeria. The Respondents are in the habit of rushing to the inferior courts of record to either obtain orders to freeze accounts or to detain individuals.
- 1.38. It is our respectful submission that, assuming without conceding that any such court orders were obtained by the Respondents from a Magistrate Court, to detain the Applicant while investigating her, that such an order would be invalid as the Constitution did not empower Magistrate Courts to issue orders, for the detention of the Applicant while being investigated. Any such orders would be in contrast with the provisions of section 35 of the Constitution of the Federal Republic of Nigeria, and ought to the extent of such inconsistency be declared null and void by this Honourable Court. We most humbly refer this Honourable Court to the provisions of section 1(1&3) of the Constitution of the Federal Republic of Nigeria, 1999 as amended.
- 1.39. We humbly refer this Honourable Court to the case of **NIGERIA POLICE FORCE & ORS v. POLICE SERVICE COMMISSION & ANOR (2023) LPELR-60782(SC)**, where the apex court held as follows:

"It is equally imperative to restate the elementary principle of the supremacy of the Constitution. The Constitution of the Federal Republic of Nigeria is the grundnorm, the basic law of the land. It stands head and shoulders above any other law or instrument enacted by the National Assembly, State House of Assembly or any other person or authority empowered in that regard. It is from the Constitution that every other enactment or instrument derive their validity and binding force. The doctrine of the Supremacy of the Nigerian Constitution is traceable to Section 1(1) and (3) of the Constitution of the Federal Republic of Nigeria, 1999 (as altered), which provides thus: "1. Supremacy of the Constitution (1) This Constitution is supreme and its provisions shall have binding force

on all authorities and persons throughout the Federal Republic of Nigeria. (3) If any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall to the extent of the inconsistency be void."

Per JAURO ,JSC (P. 154, paras. A-F)

- 1.40. We submit most humbly that Magistrate Courts in Nigeria are subject to the Constitution of the Federal Republic of Nigeria. The Constitution of the Federal Republic of Nigeria, having circumscribed the limit to which a person can be detained and the purpose for which the person can be detained under section 35 of the Constitution of the Federal Republic of Nigeria 1999, as amended, the Magistrate Courts in Nigeria cannot, contrary to the provisions of the Constitution, order the detention of the Applicant while she is being investigated.
- 1.41. We submit most humbly that in the event that an order of the Magistrate Court was obtained, the basis of which the Respondents detained the Applicants while investigating her, such orders infringed the fundamental rights of the Applicant to the liberty of a human person. My Lord, the Respondent who set the machinery in motion for the breach of the fundamental rights of the Applicants, can be held liable for the breach of the fundamental rights of the Applicants. We urge this Honourable Court most respectfully to so hold. We most humbly refer this Honourable Court to the case of **DURUAKU V NWOKE (2015) 15 NWLR (Pt. 1483) 417, CA**, where it was held on when the respondent is liable when they set in motion machinery for breach of the applicant's fundamental right , as follows:

A party will be held liable where he deliberately, falsely, maliciously and vindictively set the machinery in motion for the breach of an applicant's right. In such a situation, a trial court ought to enforce the fundamental rights of the applicant. If the rights guaranteed under Chapter IV of the Constitution are to be meaningful, they must be thoroughly examined from every angle and determined in an action complaining of their breach. In the instant case, the trial court was wrong to have exculpated the respondents, most especially the 1st to 3rd respondents, from liability particularly when they deliberately, falsely, maliciously and vindictively set the machinery of the law in motion for the breach of the appellants' rights. The trial court ought to have bent over backward and strained every nerve to enforce the appellants' fundamental

rights.[*Dibia v. Igwe* (1998) 9 NWLR (Pt.564) 78; *Nemiv. A.-G., Lagos State* (1996) 6 NWLR (Pt. 452) 42;*Isenaluwihe v. Amadin* (2001) 1 CHR 465 referred to.] (P. 472, paras. B-D)

1.42. This Honourable Court is further referred to the case of **ABDULHAMID V AKAR** (2006) 13 NWLR (Pt. 996) 127, SC, where the Supreme Court held as follows:

Where fundamental rights are invaded not by Government agencies but by ordinary individuals, a victim of such invasion has rights against the individual perpetrators of the acts as he would have had against the state. It follows therefore that in the absence of clear positive prohibition which precludes an individual to assert a violation or invasion of his fundamental right against another individual, a victim of such invasion can also maintain a similar action in a court of law against another individual for his act that had occasioned wrong or damage to him or his property in the same way as he could maintain an action against the state for a similar infraction. [*Onwo v. Oko* (1996) 6NWLR (Pt. 456) 584; *Ogugu v. State* (1994) 9 NWLR (Pt. 366) 1 referred to.] (P.149, paras. C-F)

1.43. We humbly refer my Lord to the Australian case of *Williams v The Queen* (1986) 161 CLR 278. In this case my Lord, the High Court re-affirmed the Australian common law position that:

" where it is practicable for the police to bring an arrested person before a justice, this must be done without unreasonable delay. Police are not entitled to delay this process for the purpose of questioning the arrested person or for conducting any other form of investigation into the suspected criminal activity of the arrested person." See further *Akila & Ors. V. Director General State Security Services & Ors* (SUPRA)

1.44. We humbly refer this Honourable Court to the case of **NWEKE & ORS V. THE IG OF POLICE & ORS** (2013) LPELR-21173(CA), where it was held as follows:

"Fundamental Rights are rights that are not only basic to the citizens; they are rights that have been entrenched in Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria. These rights are sacrosanct and very important to everyone within the borders of

Nigeria. These rights are moulded into freedom blocks that fence the citizen from forces of unbridled aggression, oppression, repression, and authoritarianism. Where these rights are to be enforced in Court the Court within reasonable limits must do all that is necessary to cause a flourishing of these rights." Per ADAH, J.C.A. (P. 17, paras. E-G)

- 1.45. It is further submitted most humbly that the Applicant herein is not contending with the powers of the Respondents. The case of the Applicant herein is that, given the facts and circumstances of this case, this court is empowered to rise and declare the conduct of the Respondents herein illegal and unconstitutional.
 - 1.46. In the English case of Jones v Swansea City Council (1990) 1 WLR 54, the English Court of Appeal Coram Nourse LJ, Slade LJ, held that in a legal system based on the rule of law, executive or administrative power may be exercised only for the public good and not for ulterior and improper purposes.
 - 1.47. This principle was invoked in Fawehinmi v Inspector General of Police [2002] 7 NWLR Part 767 page 606; (2002) LPELR 1258 (SC) and Luna v Commissioner of Police (2010) LPELR wherein both the Supreme Court and the Court of Appeal recognized the right of the Superior Courts of Record to intervene in exceptional circumstances to prevent the Police from acting mala fide, that is where the action of the Police cannot be held, *strictu sensu*, to be in the public interest.
 - 1.48. We further submit that the circumstances of this case, ably present one of those circumstances in which the court of law and indeed this Honourable Court, should arise in defence of the fundamental rights of the Applicant in the face of the coercive powers of the Respondents.
- 1.0. CONCLUSION:
- 1.1. We submit on the authority of the above cases, and the facts, as deposed to by the Applicants in her affidavit in support that, the Respondents have wantonly breached her fundamental rights, **having detained the Applicant from 9th of October, 2025 to the time of filing this action on the 14th of October 2025, without charging her before a Court or granting her administrative bail within the time specified by law.** Thus, the Applicant is entitled to be adequately compensated, in

terms of the reliefs sought before this Honourable Court. We urge my Lord to so hold.

Dated this 14th day of October 2025.



✓ Sir, Nkemakolam Okoro S.C., Esq

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The 1st 2nd & 3rd Respondents,
Nigeria Police Force
Force Headquarters
Luis Edet House

4th, 5th 6th and 7th Respondents
Force CID
Area 10, Garki, Abuja.

TABLE OF CASES

1. Agbakoba v. The Director, SSS (1994) 6 NWLR (Pt 351) 692.
2. Aqua v. Achibong & Ors (2012) LPELR - 9293 CA, per Garba, JCA, at (pp 16 - 18), (Paras C - F),

3. **FRN v. Ifegwu (2003) 15 NWLR 113 at 216-217 para C-B,**
4. **Geonnasons Pharm Ltd. v. Edhehu (2007) 14 NWLR (Pt. 1055) 533 at 544 Paras G – H; 545, PARA. G. H,**
5. **Minister of Internal Affairs v. Shugaba Abdurahaman Darman (1982) 3 N.C.L.R (Pt 9) 915 at 951,**
6. **Mitee v. Attorney General (2003) 2 CHR 463.**
7. **Ohize v. COP (2014) LPELR-23012(CA), pp 30 – 31 Paras G – A,**
8. **Onagoruwa v. IGP (1993) 5 NWLR (Pt 193) 593 at 650 – 651.**
9. **Ozide & Ors v. Ewuzie & Ors (2015) LPELR-24482(CA), (P. 24, paras. C-G),**
10. **Shugaba v. Minister for Internal Affairs (1981) 3 NCLR 427,**
11. **Opara V. S.P.D.C.N. Ltd [2015] 14 NWLR (Part 1479) CA 307,**
12. **Inspector General of Police & 1 or V. Dr. Patrick Ifeanyi Uba & 3 ors [2015] 11 NWLR (1471) CA 405,**
13. **Duruaku V. Nwoke [2015] 15 NWLR (Part 1483) CA 417.**

TABLE OF STATUTES

1. **Sections 35 (1), (4) & (6), 37, 41 (1), 44 (1) and 46 (1) of the 1999 Constitution of the Federal Republic of Nigeria, as altered**
2. **Sections 1(1) (2), 30 (1) (2), & 314 (1) of the Administration of Criminal Justice Act, 2015**
3. **Section 10 of the Administration of Criminal Justice Act, 2015**
4. **Section 15 of the Administration of Criminal justice Act, 2015.**
5. **Sections 30, 31 of the Administration of Criminal Justice Act, 2015**
6. **Section 337 – (1) of the Administration of Criminal Justice Act, 2015.**

7. **Articles 5, 6 & 14** of the African Charter on Human and Peoples' Rights Ratification and Enforcement) Act Cap A9 Laws of the Federation of Nigeria 2004.

RULES OF COURT

1. **Order 2 Rule (1) & (2)** of the Fundamental Rights (Enforcement Procedure) Rules, 2009
2. **Order XI** of the Fundamental Rights (Enforcement Procedure) Rules, 2009.

**IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

SUIT NO: FHC/ABJ/CS/...../2025

BETWEEN:

BARR NNEKA ASADU APPLICANT

AND

- 1. THE NIGERIA POLICE FORCE**
- 2. INSPECTOR GENERAL OF POLICE RESPONDENTS**
- 3. THE COMMISSIONER OF POLICE
(Legal)**
- 4. BENJAMIN NEBOLISA OKOLO
(DIG Force Intelligence Department)**
- 5. ACP NWIGWE ANGUS**
- 6. CSP SEGUN ADEROJU**
- 7. SUPOL MICHAEL (IPO)**

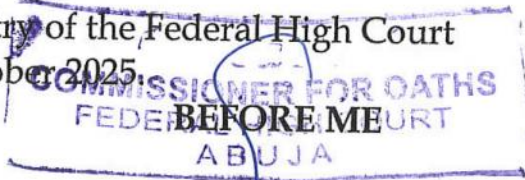
AFFIDAVIT OF NON-MULTIPLICITY

I, Emmanuel Chukwunonso adult, male, Christian, a litigation assistant and a Nigerian do hereby make oath and state as follows:

1. That I am a litigation Assistant in the law firm handling this matter on behalf of the Applicant herein by virtue of which I am conversant with the facts and circumstances of this matter.
2. That there is no multiplicity of action involving the parties herein.
3. That I make this solemn declaration conscientiously believing same to be true and in accordance with Oaths Act, LFN 2004.


DEPONENT

Sworn to at the Registry of the Federal High Court
This... day of October 2025.


COMMISSIONER FOR OATHS