

COMMUNITY COURT OF JUSTICE

ECOWAS

COUR DE JUSTICE DE LA COMMUNAUTÉ

CEDEAO

TRIBUNAL DE JUSTIÇA DA COMUNIDADE

CEDEAO



No. 10 DAR ES SALAAM CRES
OFF AMINU KANO CRESCENT
WUSE II, ABUJA-NIGERIA.
PMB 567 GARKI, ABUJA
TEL: 234-9-78 22 801
Website: www.courtecowas.org

IN THE COMMUNITY COURT OF JUSTICE OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN STATES (ECOWAS) HOLDEN IN

ABUJA, NIGERIA

SUIT NO: ECW/CCJ/APP/17/14

JUDGMENT N°: ECW/CCJ/JUD/08/17

BETWEEN

1. DOROTHY CHIOMA NJEMANZE

2. EDU OROKO

3. JUSTINA ETIM

4. AMARACHI JESSYFORD

AND

THE FEDERAL REPUBLIC OF NIGERIA

PLAINTIFFS

DEFENDANT

1. Before their Lordships.

Hon. Justice Friday Chijioke Nwoke

-- Presiding

Hon. Justice Yaya Boiro

-- Member

Hon. Justice Alioune Sall

--Member

Assisted by:

Djibor Aboubacar Diakite

-- Registrar

2. Representation of the Parties

i. Plaintiffs:

Bolaji Gabari (Mrs).

S.P.A Ajibade & Co

Suite A312, Garki Mall

Plot 1580 Damaturu Crescent

Off Kabo Street,

Garki 2, FCT –Abuja.

ii. Defendant:

T.D Agbe.

% Attorney General's office,

Federal Ministry of Justice,

Abuja- Nigeria.

3. Subject matter of the Proceedings:

Violation by the Defendant of the Plaintiffs fundamental human rights as guaranteed by;

- i. Articles, 1,2, 3,5 and 18(3) of the African on Human and Peoples' Rights.

- ii. Articles, 2,3 4(1) & (2), 5, 8 and 25 of the Protocol to the African Charter on Human and Peoples' Rights of Women in Africa (Women Protocol).
- iii. Articles 2, 3,5(a) and 15(1) of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW).
- iv. Articles 2(1) & (3), 3, 7 and 26 of the International Covenant on Civil and Political Rights (ICCPR) Articles 10, 11,12, 13 and 16 (1) of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and
- v. Articles 1,2,5,7 and 8 of the Universal Declaration of Human Rights.

4. Documents submitted

- 1. Witness depositions of the 1st, 2nd, 3rd and 4th Plaintiffs on Oath.
- 2. Petitions of the 1st Plaintiff to various Government Agencies of the Defendant (Annexures 2-12)
- 3. Video clips of recordings at the House of Representatives.
- 4. Newspaper Publications of the alleged violations against the Defendants.

5. Facts And Procedure

i. Facts as presented by the Plaintiff

The 1st Plaintiff is a Nigerian citizen, a Member State of the Economic Community of West African States (ECOWAS). She is also a Nollywood actress,

event planner and manager, a car racer, stunt driver, tourism promoter, investigative journalist and radio presenter and resides in Abuja, Nigeria.

The 2nd Plaintiff is a Nigerian with dual Nigerian/British citizenship. She works at the Nnamdi Azikwe International Airport Abuja and resides in Abuja.

The 3rd Plaintiff is a Nigerian citizen and resides in Port Harcourt. She is a Special Assistant in a company called Buy Naija and also Chief executive officer of J.E Inienes limited.

The 4th Plaintiff is a Nigerian citizen and resides in Abuja. She is a business woman and deals in sales of clothes, shoes, bags, jewelry etc. at Utako market, Abuja.

The Defendant is the Government of the Federal Republic of Nigeria and Member State of ECOWAS.

The 1st Plaintiff avers that on the 23rd of September 2011, she received a call from a friend of hers informing her that 3 bridesmaids who came for a wedding of a mutual friend were abducted by some people in a white bus.

The 1st Plaintiff states that she responded to the distress call which was placed around midnight and immediately communicated with the abducted victims to locate where they were taking them.

She later realized that there were 2 buses branded Abuja Environmental Protection Board and Society against Prostitution and Child Labour (SAPCLN) and both buses had plain clothed men and armed police men who were going around abducting women they saw on the streets of Abuja.

Continuing, the 1st plaintiff states that when they got to the AEPB office in Area 3 Garki, Abuja, they pleaded with the officers at the gate to release the women. In response the officials rained abuses on them for pleading on their behalf.

The 1st plaintiff alleged that while they stood outside the office she saw the AEPB officials pulling the women out of the buses with guns pointed at them. They kept beating them and forced them to write their names. One of the abducted women who refuse to comply with them was jointly beaten by about 6 officials of the AEPB. The 1st Plaintiff took pictures of the incident to document it and every effort made by her to release some of the abducted women that night proved abortive.

The 1st Plaintiff avers that they went to Maitama Police station to file a complaint on the abduction. However, the police officer they met on duty by the name Mr. Ijeoma U. Ijeoma refused to book their complaint and went further to say that the AEPB officials were doing their job and that if it were up to him he would have arrested all the women who accompanied the 1st Plaintiff because according to him they looked like prostitutes. After further insults from him he instructed them to leave and up till date he is yet to get back at them.

The 1st Plaintiff further states that some of the abducted girls were released the next day. The detained women were not given food nor water and some of them sustained injuries while another complained that her phone was stolen. The 1st plaintiff further avers that she invited the media who arrived at the scene at about 10 am but access was not given to the media crew into the premises of the AEPB. She however went to the African Independent Television to grant an interview and granted other interviews to other newspaper agencies present about what had transpired.

Subsequently on the 29th of September 2012 at about 8 pm the 1st Plaintiff went to see her brother and suddenly a man wearing a Man O' war uniform grabbed her breast and held onto them in order to make her stop walking. He forced her to get into the bus which had AEPB and SAPLCLN written on it and she refused and started shouting for help.

Thereafter, three armed military officers started beating her and threatened to shoot her if she did not get on the bus. She offered to show the assailants her identity card but they refused to accord her the opportunity rather they kept forcing her into the bus and calling her names. Passersby who saw what happened intervened and identified her as a Nollywood actress and they let her go.

The 1st Plaintiff states that when her brother went to the AEPB office to enquire what had happened, the officers at the AEPB threatened to shoot him so she had the matter reported to zone 3 police station that same day. The police invited the

then AEPB Director, one Mr. Isaa Shuaibu who explained that it was the SAPCLN staff and soldiers that assaulted the 1st Plaintiff and not the AEPB. Since the incident happened, no one was arrested or prosecuted based on her complaint.

Again, the 1st Plaintiff avers that on the 6th of December 2012 few weeks after the incident stated above occurred, a similar ordeal happened to her on her way to collect signatures from business owners whose businesses were directly affected by the activities of AEPB and SAPCLN. These men were identified to be officers of the AEPB and security officers of the Defendant.

That in response to the widespread reports about random abduction of women in Abuja, FCT by AEPB and law enforcement agents and due to her own personal experiences, the first Defendant set up an NGO, the Dorothy Njemanze Foundation to advocate for justice for victims of these violations.

The 1st Plaintiff avers further that she complained about her assault and random abductions to the Commissioner of Police, Public Complaints Commission, the National Human Right Commission, the Chief of Army Staff, and other Law Enforcement Agencies of the Defendant but she has not been provided with redress till date and these abductions against women on the street of Abuja still continue unabated.

On her part, the 2nd Plaintiff avers that on 9th January, 2010, on her way back from her brother's birthday with some of her friends, she was abducted by 10 men who

came out of nowhere and started beating her and taking pictures of her as they almost stripped her naked. They touched her breast and her buttocks and some of them put their fingers in her vagina. While they were beating her, they hit her in her eyes and nose thereby causing a tear which blurred the vision in her left eye and left her with a chronic synopsis.

The 2nd plaintiff further avers that the armed uniformed men threatened to shoot her if she did not enter into a waiting bus fearing for her life she complied. These armed men did not ask her for any form of identification, even when she identified herself as a student and Redbull employee, they still unlawfully arrested and took her and her friends to their office.

The 2nd Plaintiff states that around 11 pm on the same night, they took her and the other abductees to Life Camp Police Station. On their way, she used a friends' phone to take pictures of the two members of the taskforce.

When they got to the police station, they detained her in an overcrowded room that looked like a cell with no food, or water, without access to her counsel or family till about 3 pm the following day. She was not charged for any offence or given a reason for the said abduction.

The 2nd Plaintiff further states that she did not report the matter to the police as they were obviously involved in her detention. However, her lawyer sent a letter

of complaint on her behalf to the Minister of the Federal Capital Territory who responded by sending her a written apology.

The 3rd Plaintiff avers that on October 25th, 2012 she was out with a friend of hers called Mikey and suddenly a white Toyota pickup truck and a white bus pulled up and about 8 men in plain clothes and police uniform jumped down and ordered her to get into the truck.

The 3rd Plaintiff did not know who they were until she saw the AEPB (Abuja Environmental Protection Board) logo on the side of the bus and she realized they were the taskforce that pick up women believed to be prostitutes.

These men did not ask her to identify herself rather they dragged her towards the truck, pulling her hair, hands and legs, touching her breast and attempted to push her into their bus.

She started shouting and calling for help and the passersby who saw what was happening assisted in pulling her out of the men's grip. She had to go to the pharmacy that same night to get some medication and treat the bruises she sustained.

The 3rd Plaintiff further avers that two days after the initial incident, she was out with Fola and Romeo discussing the previous incident in front of a mechanic workshop. The mechanic upon hearing their discussion, joined in the conversation and mentioned that a lady was raped by the AEPB taskforce the

previous day and when he tried to help her, he was stabbed in the head. When she went across the road to confirm if her car was locked, another group of men of the AEPB officials harassed and assaulted her.

The 3rd Plaintiff states that the harassment, abuses, sexual assault and humiliation meted out on her almost made her loose her crown as the finest girl in Niger Delta. She reported the incident to the police and went further to make her case public in a radio station as she did not believe that she would get justice from the police.

The 4th Plaintiff on her part avers that on 8th March, 2013 at about 7.30 pm, she went out with some of her friends to Kuramo garden in Gwarinpa, Abuja. Just before they started eating, about six uniformed and armed police officers came into the garden and instructed them to stand up and show a means of identification. The 4th Plaintiff who however did not have her identity card on her was pushed into a waiting vehicle alongside other people at the garden.

The 4th Plaintiff states that the Police Officers took them to Gwarinpa Police Station and ordered them to sit on the bare floor inside the Police Station until 5am the following morning. The next day she was released with no reason(s) for her arrest and detention nor was she charged for any offence whatsoever.

The 4th Plaintiff further states that since the incident occurred, she has not had the courage to venture out of her house at night again till date.

As a result of these violations, the Plaintiffs claims or sought the following reliefs from the Court:

- I. A Declaration that the failure on the part of the Defendant State to recognize, promote and protect the rights of the Plaintiffs and the failure to take measures to give effect to the rights of the Plaintiffs constitute multiple violations of Articles 1, 2, 3,5 and 18(3) of African Charter on Human and Peoples' Right, Articles 2, 3, 4 (1) and (2), 5,8, and 25 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of woman in Africa, Article 2, 3,5 (a), and 15 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, Articles 2(1) and (3), 3, 7 and 26 of the International Covenant Against Torture and other Cruel, inhuman or Degrading Treatment or Punishment and Articles 1,2,5, 7 and 8 of the Universal Declaration of Human Rights.
- II. A Declaration that the failure and /or refusal of the Defendant State to investigate, discipline and prosecute the persons responsible for the violations of the Plaintiffs' Rights(in this case agents of the AEPB, the Nigerian Police and the Nigeria Military) constitute a violation of Article 1,the African Charter on Human and Peoples' Rights, Articles5, 8 and 25 of the Women's Protocol, Articles 2(3) of the International Covenant on Civil and Political Rights, Articles 3 and 5 (a) of Convention on the

Elimination of All Forms of Discrimination Against Women and Articles 10, 11, 12, 13 and 16 (1) of the Convention Against Torture.

- III. A Declaration that the treatment meted out to the Plaintiffs by Agents of the AEPB, the Nigerian Police and the Nigeria Military constitutes gender-based violence contrary to Articles 3, 4(2) and 5 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.
- IV. A Declaration that the treatment meted out to the Plaintiff by Agents of the AEPB, the Nigeria Police and the Nigeria Military constitutes gender-based discriminatory treatment contrary to Articles 2, 3, and 18 (3) of the African Charter on Human and Peoples' Rights, Articles 2 and 8 of the Protocol to the African Charter and peoples' Rights on the Rights of Women in Africa and of Articles 2, 3 and 15(1) of the Convention on the Elimination of All Forms of Discrimination Against Women, Articles 2(1), 3 and 26 of the International Covenant on Civil and Political Rights and Articles 2 and 7 of the Universal Declaration of Human Rights.
- V. A Declaration that the treatment meted out to the Plaintiffs by Agents of the AEPB, the Nigerian Police and the Nigeria Military constitutes cruel, inhuman and degrading treatment discriminatory treatment contrary to Articles 5 of the African Charter on Human and Peoples' Rights, Articles 3 and 4(1) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Articles 2, 3 and 15(1) of the

Convention on the Elimination of All Forms of Discrimination Against Women, Article 7 of the International Covenant on Civil and Political Rights and Articles 1 and 5 of the Universal Declaration of Human Rights.

- VI. Damages/Monetary compensation for the Plaintiffs in the sum of 100,000,000(one Hundred Million Naira only) for the pain, suffering and harm to their dignity including physical, mental and emotional trauma.
- VII. An order for the enactment of a law eliminating all forms of violence, including sexual violence against women and the training of the Police, Prosecutors, Judges and other responsible Government Agencies on laws on violence against Women and gender sensitivity and the creation of specialized police Units and Courts dealing with cases of violence against women.
- VIII. An order for the adoption of other legislative, social and economic resources as may be necessary to ensure the protection, punishment and eradication of all forms of discrimination against women.
- IX. An order for the provision of support services for victims of violence against women including information, legal services, health services and counselling.
- X. An order for the establishment of mechanisms or procedures for the protection of women, such as shelters, complaints mechanisms, reporting through educational, health or other Institutions, etc.

- XI. An order for the development and wide implementation of awareness rising educational and communication strategies aimed at the eradication of beliefs practices and stereotypes which legitimize and exacerbate the persistence and tolerance of violence against women.
- XII. Any such further order or orders as the Court deems fits in the circumstances.

5.2. The Defendant was served with the Plaintiffs' originating application, but did not respond within the time limit provided for by the Rules of this Court.

When the matter came up on the 17th of February 2015, for hearing, the Plaintiffs brought an application for Judgment to be entered for them in default of defence, which was opposed by the Defendant. The Court taking into consideration the fact that the Defendant was just served the motion for default judgment that morning adjourned the matter to the 14th of March 2016, for hearing of the Plaintiffs motion for default judgment. However, the Court did not sit on that date.

On the 24th of April 2016, when the matter came up, the Defendant had filed an application for extension of time within which to file their statement of Defence out of time and deeming the statement of Defence annexed as having been properly filed and served. The Plaintiffs did not oppose the application, which was granted by the Court and the case adjourned to the 25th of May 2015 for hearing and the motion for default judgment struck out at the Plaintiffs instance.

5.3. Defendants Case:

Following the grant of the Defendants application for extension of time to file her statement of Defence, the Defendant did so and averred as follows;

In response to the Plaintiffs' statement of facts, the Defendant state that no person(s) were arrested and/or detained by the Nigerian Police, Nigerian Military or men of the AEPB as alleged by the Plaintiffs.

That if at all the alleged three girls were arrested by the Nigerian Police and men of the AEPB, neither the 1st, nor 2nd to the 4th Plaintiffs were, among them; the Plaintiffs therefore lack the legal capacity to bring a complaint on their behalf.

The Defendant states that the 1st Plaintiff did at no time have the alleged experience with the Nigerian Police, Nigerian Army or the men of the AEPB.

That the 1st Plaintiff is hiding under the canopy of human right activism to campaign for the legalization of prostitution in public places in the Federal Capital Territory.

That the 1st plaintiff is actively involved in the coordination and conduct of the trade or business of professional commercial sex workers (prostitution) in the FCT.

The Government of the Federal Republic of Nigeria, the FCT administration and indeed the international bodies in Africa are against commercial sex workers popularly called "ashawo" in Nigeria, as same constitutes nuisance and a violation of the moral values of our African society.

That the person described as a Man O' War by the Plaintiffs is not an agent of the Defendant.

That the Plaintiffs dress naked or half naked by the road side soliciting for men both interested and uninterested members of the public including innocent infants.

That only an insane or an idle person can be in the street at 12 mid-night in the name of collecting signatures.

That the 1st Plaintiff is an active commercial sex worker who at all times clashed with the authorities in the course of performing their duty sanitizing the FCT of sex workers in public places.

Further the Defendant states that the 1st Plaintiff by paragraph 4.53 of the Plaintiffs statement of facts has admitted being a prostitute.

That the 2nd plaintiff was never arrested at any point by the men of AEPB, the Nigerian Police, the Nigerian Army nor any of the security agencies and no record exist to show that the 2nd Plaintiff or any of her imaginary friends (Muna, Mubo and Iveren) were arrested and detained.

The FCT administration has empowered the AEPB in collaboration with the Nigerian Police to arrest, detain and prosecute any woman soliciting/offering herself for sexual service at night at any public place in the FCT.

That the 2nd Plaintiff's alleged incident of violation, allegedly occurred on 9th January, 2010 but this present suit was only filed on the 18th of September, 2014 more than 3 years after the alleged event took place.

The 3rd Plaintiff was not at any time arrested by either the men of AEPB, Nigerian Police, or the Nigerian Army at any time.

That the 3rd Plaintiff is one of those commercial sex workers that uses touts who patronize them to attack the men of the AEPB and hinder them from performing their legal functions.

That the name used by the 3rd Plaintiff in the statement of fact as her friends are non-existent and imaginary and there is no such incident of rape, and stabbing of a mechanic reported in any police station in FCT.

That the 4th Plaintiff was never at any point in time arrested by neither men of AEPB, Nigerian Police, nor the Nigerian Army within the time she alleged.

That the plaintiffs belong to the cadre of prostitutes popularly called "Big Aunty" who gather and coordinate other young girls involved in the business of commercial sex work and with their weight of connection always cajole other young girls in need of help into prostitution for their own benefit.

That by the admission of the 1st Plaintiff that the Chairperson' House of Committee on Public Petitions had asked her to coordinate other prostitutes, it is clear that the plaintiffs belong to a syndicate of organized prostitutes.

That there is no international convention, domestic law or culture in Nigeria that recognizes prostitution as a legitimate business; it is actually a criminal offence to indulge in prostitution in public places.

The Defendant states that the activities of the plaintiff (prostitutes) are injurious to the moral life of the FCT and a crime under the Nigerian law, particularly the Penal code, applicable to the FCT.

The Plaintiffs filed a reply to the Defendant's statement of defence and restated that their averments are true and personal experiences suffered in the hands of the men of the AEPB, Nigerian Police, Nigerian Military and Man O' War, all Agents of the Defendants.

The Plaintiffs state that this case has nothing to do with the legality or illegality of prostitution and is not a campaign for the legalization of prostitution.

The Plaintiff state that the person described as Man O'War is a de facto Agent of the government as he was being used by the AEPB and Nigerian Army to harass the 1st Plaintiff.

The Plaintiffs restate that it was the Chairperson of the House of Representatives' Committee on Public Petition (also an Agent of the Nigerian government) that

advised the 1st plaintiff to “mobilize other Prostitute” to stay off the streets pending the outcome of the hearing.

The Plaintiffs reiterate that the 2nd Plaintiff and her friends / colleagues were harassed, arrested and detained on 08th January 2011 (and not 09th January 2010 as previously stated in other processes as a result of typographic error on the part of Plaintiffs) by men of the AEPB.

The Plaintiffs state that the 2nd Plaintiff's cause of action is not statute barred and can be entertained by this Court.

The Plaintiffs state that there is a laid down procedure for arrest in Nigeria provided by the Criminal Procedure Code and the Agents of the AEPB did not follow this procedure.

That the defendant makes no denial that its Agents arrest Women on the street for no reason other than for being women walking on the streets in the evening or at night and then label these women prostitute.

The 1st -4th Plaintiffs deny that they are neither prostitutes nor coordinators of prostitutes.

On the 25th of May 2015, the Plaintiffs pursuant to Rule 43(2) of the Rules of this Court brought an application to call a witness (one Apel Orduen) to give oral testimony in support of their claim. The Defendant did not oppose the application

and the Court granted the application and adjourned to the 02nd July, 2015 for hearing. The Court did not sit on the 02nd July, 2015 due to other exigencies.

When the matter came up on the 14th March, 2016, the Plaintiffs asked for adjournment on the grounds of their inability to produce some documents. The matter was reluctantly adjourned to the 10th of May, 2016, a date the Court did not sit. When the matter came up on 06th October, 2016, the Plaintiff called all their witness who adopted their statement on Oath, and the other witness also testified and were cross examined by the Defendants. Thus the Plaintiffs closed their case and the matter was adjourned to the 17th day of June, 2016 for defence.

However, the Court did not sit on that date. The matter came up on 14th October, 2016 for defence but could not go on due to the inability of the Defendant to produce the two witnesses it intended calling. The matter was therefore adjourned to the 08th November for definite defence. When the matter came up on the 08th of November, 2016, the Defendants failed to produce any witness and opted to answer to the case on points of law alone. The Court therefore closed the case of the Defendant, thereby dispensing with the Defendant's application to call oral witness with the concurrence of the Defendant.

6.1. ANALYSIS BY THE COURT

The Four Plaintiffs who were variously described in the narration of facts above brought this action for various declarations and orders relating to the violation of

their fundamental human rights by Agents and institutions of the Defendant. The crux of the claim is the illegal arrest and detention, harassment, abduction and various forms of physical assaults committed by the Defendant via its agents at various times against the Plaintiffs. For the purposes of emphasis, in their pleas in law, the Plaintiff argued that;

- i. That the treatment the Plaintiffs suffered in the hand of various government authorities of the Defendant, constitute gender-based violence in violation of Articles 3,4(2) and 5 of the Women Protocol to the African Charter on Human and Peoples' Rights which enjoins State Parties to
 - a. Take appropriate measures to enact and enforce laws prohibiting all forms of violence against Women including unwanted or forced sex, whether occurring in public or private.
 - b. Adopt legislative and other measures necessary to ensure prevention and punishment and eradication of all forms of violence against women.
 - c. Identify the causes and consequences of violence against women and take appropriate measures to eliminate them.
 - d. Actively promote peace, education through curricula and social communication in order to eradicate cultural beliefs practices and stereotypes that legitimate and exacerbate the persistence and tolerance of such acts. It further imposes obligation on States to punish perpetrators of violence against women, rehabilitate the victims,

establish mechanisms and effective accessible services for information, rehabilitation and reparation for victims, prevent and condemn such practices as trafficking in Women and prosecute perpetrators of such acts as well as make adequate budgetary provisions and provide for resources for the implementation and monitoring of actions aimed at preventing and eradicating violence against women.

- ii. That the treatment the Plaintiff's suffered in the hands of the Agents of the Defendants constitute unequal and gender- based discriminating treatment in violation of Articles 2,3 and 18(3) of the African Charter on Human and Peoples' Rights, Articles 2, and 8 of the Protocol, Articles 2, 3, and 15 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Articles, 2(1), 3 and 26 of the International Covenant on Civil and Political Rights (ICCPR) and Article 7 of the Universal Declaration of Human Rights.
- iii. That the physical, sexual and psychological violence and verbal assaults the Plaintiffs suffered in the hands of Agents of the Defendant, constitute, cruel inhuman degrading and ill- treatment and violations of their right to human dignity guaranteed under Article 5 of the African Charter on Human and Peoples' Rights, Articles 3 and 4(1) of the Women Protocol, Articles 1 and 5 of the Universal Declaration of Human Rights. Articles 7 of ICCPR and Article 16(1) of the Convention Against Torture.

- iv. That the failure of the Defendant to investigate the Plaintiffs' complaints of abductions, attempted abductions, physical, verbal and sexual assaults perpetrated by her Agents and failure to provide protection and redress to the Plaintiffs constitute violations of the Plaintiffs right to remedy and the Respondent State's Obligations under Article 1 of the African Charter on Human and Peoples' Rights, Articles 5, 8, and 25 of the Women's Protocol, Article 2(3) of the ICCPR, Articles 3 and 5(a) of CEDAW, Article 8 of the Universal Declaration of Human Rights and Articles 10, 11, 12, 13 and 16(1) of the convention Against Torture.

On their part, the Defendant after a general denial of the claims of the Plaintiffs in their defence which in most cases centered on the facts that the Plaintiffs are prostitutes, who solicit for men on the streets of Abuja and that Prostitution being a criminal offence, the Federal Capital Territory Administration (FCTA) of the Defendant empowered the Police and the Abuja Environmental Protection Board (AEPB) to take away Prostitutes from the streets of Abuja.

More particularly, the Defendant in their pleas in law contended as follow;

- a) That the Court has no jurisdiction to entertain the suit on the grounds, that the Plaintiffs are Prostitutes and their action cannot be justified under the African Charter on Human and Peoples' Rights. That the jurisdiction of the Court is anchored on the violation of Human Rights occurring in Member States. That Article 6 of the

African Charter on Human and Peoples' Rights (the main plank for the Plaintiffs action prohibits deprivation of liberty and security of the Human Persons, except for reasons and conditions previously laid down by law. That the Penal Code Cap.P3 Laws of the Federation of Nigeria(LFN) prohibits the acts of Prostitution in public places and that since the arrest and detention of the Plaintiffs (if any is predicated on an existing law, they cannot invoke the jurisdiction of the Court.

- b) That the action of the Plaintiffs is inadmissible because it will tantamount to the Court granting them freedom to violate a previously existing law of a member State of ECOWAS and further submitted that once it is established that an infringement on the liberty of the individual is in conformity with reasons and conditions previously laid down by law, the Courts jurisdiction cannot be invoked to challenge such infringement. Furthermore that the Plaintiffs have not discharged the burden of proof placed on them in this case. They have not established by credible evidence that their rights have been violated since their stories appear fabricated aimed at misleading the Court to "give them freedom to sell sex in the street" (Emphasis ours).
- c) Finally the Defendants contended that the 2nd Plaintiffs' action is statute barred not having been brought within the three year period

stipulated by Article 9 (3) of the Supplementary Protocol of this Court 2005, and urged the Court to dismiss the action.

Having examined the issue in contention between the Parties, arising from the facts stated, the following issues calls for determination:

1. Whether this action as constituted falls within the jurisdiction of the Court as to vest it with the competence to entertain same.
2. Whether from the claim of the 2nd Plaintiff's is statute barred by effluxion of time.
3. Whether the totality of evidence adduced in this case is sufficient to establish the Plaintiffs' allegations of arrest, detention and infliction of physical violence by the officers of the AEPB and the Police.
4. Whether from the totality of facts adduced the Defendant is in breach of its obligation as alleged
5. Whether the Plaintiffs are entitled to the reliefs sought.

The jurisdiction of this Court has been clearly spelt out in Article 9 of the Supplementary Protocol (A/SP.1/01/05). Whereas the Plaintiff alleged a violation of their human rights, the Defendant maintain that the issue borders on legalization of prostitution. However, it is trite that jurisdiction is inferred from the Plaintiffs claim and not the defence.

A careful perusal of the facts presented by the Plaintiff brings out the following facts;

- i. They were arrested by agents of the Defendant
- ii. Their arrest was wrongful
- iii. They were detained for several hours under inhuman condition
- iv. They were subjected to degrading treatment, mental and physical abuse
- v. They were released without charges and apologies

The Defendants generally denied these allegations.

Article 6 of the African Charter on human and peoples' rights provides: *"Every individual shall have 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"*.

Article 5 of the African Charter on human and peoples' rights provides *"every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited"*

An arrest which is lawful may otherwise become unlawful where it is carried out arbitrarily. In determining the lawfulness of an alleged arrest and detention of an Applicant, the human rights jurisdiction of this Court will be invoked.

Article 9 (4) of the Supplementary Protocol provides that:

“The Court has jurisdiction to determine cases of violation of human rights that occur in any member State”.

In **HISSEIN HABRE V. REPUBLIC OF SENEGAL (2010) CCJELR**, this Court held that in order to determine whether or not it has jurisdiction to entertain a matter, it has to examine:

- If the issues submitted before it deals with a right which has been enshrined for the benefit of the human person;
- Whether it arises from international or community obligations of the state complained of, as human rights to be promoted, observed, protected, and enjoyed;
- Whether it is the violation of that right which is being alleged.

In **BAKARE SARRE V MALI (2011) CCJELR pg 57** this court stressed that once the human rights allegedly violated involves international or community obligation of a member state, it will exercise its jurisdiction over the case.

Also in **SERAP V. FRN & 4 ORS, (2014) UNREPORTED**, this court held that the mere allegation that there has been a violation of human rights in the territory of a member state is sufficient prima facie to justify the jurisdiction of this court on the dispute, surely without any prejudice to the substance and merits of the complaint which has to be determined only after the parties have been given the opportunity to present their case, with full guarantees of fair trial.

See also **SIKIRU ALADE V THE FEDERAL REPUBLIC OF NIGERIA (2012)** **unreported**, where this Court held that an infringement on a persons' liberty as alleged by the Plaintiff/Applicant would fall neatly under Article 9(4) of the Protocol of the Court.

Applying the above decisions of this court to facts of the Plaintiffs' application as presented, it is evident that this matter falls within the ambit of this court's jurisdiction. The Defendant's objection to the Court's subject matter competence therefore fails.

ii. Whether the claim of the 2nd Plaintiff's is statute barred by effluxion of time.

Article 9(3) of the Supplementary Protocol A/SP.1/01/05 provides that:

"Any action by or against a Community Institution or any Member of the Community shall be statute barred after three (3) years from the date when the right of action arose."

From the facts before this Court, the 2nd Plaintiff's action arose on the 9th January 2010 as seen on the face of the originating Application. The Application was lodged at the Registry on the 17th day of September 2014.

This Court in determining when a cause of action arose has held that the right of action used in Article 9 (3) of the Protocol means the right to bring a specific case to a Court or Tribunal. That right is dependent on whether as of the date the action is brought to Court, all the necessary facts are available and any prerequisite legal

or factual situations have been satisfied. See *Valentine Ayika V. Republic of Liberia* 2011 CCJELR.

The Defendant contends that the claim of the 2nd Plaintiff is Statute barred having been brought outside the limitation period. The Plaintiffs in response to the objection submitted that the 2nd Plaintiff was arrested and detained on 8th January 2011 and not 9th January 2010 as stated in the originating application and that the 9th January 2010 so stated was as a result of typographical error.

In amending an initiating Application, there is need in the interest of justice for a formal motion to be filed and moved not only so as to obtain the consent of the Court, but to give the other party the opportunity to react before such amendment can be made.

The Plaintiffs in the present case did not file any motion to amend their originating Application but rather responded to Defendant's objection by merely stating that there was a typographical error as regards the date. This Court cannot rely on the Plaintiff response to the objection that goes to the root of the 2nd Plaintiffs' case without more to amend an originating process. Moreover, the inconsistency in the dates are too distinct to be overlooked as a mere typographical error in that the dates and the years in issue are completely different to say the least. Indeed the 2nd Plaintiffs' contention of typographical error is an afterthought and cannot stand.

Consequently, this Court is convinced that the action complained of by the 2nd Plaintiff occurred on the 9th of January 2010 and filed on 17th September 2014.

The 2nd Plaintiff's alleged arrest and detention was carried out on the 9th of January 2010 and thereafter she was released after several hours of detention. The said conduct cannot be considered as a continuous violation and time begins to run the moment she was released from police custody.

See *SERAP V. FEDERAL REPUBLIC OF NIGERIA* ECW/CCJ/JUD/18/12, UNREPORTED where the Court in its analysis stated that their subjection to the statute of limitation depends on the characterization of the act as an isolated act or a persistent and continuous omission that lasted until the date the complaint was filed with the Court.

It is necessary to point out that the violation complained of here is a onetime act against the 2nd plaintiff. Not being a continuing violation as to keep alive the Plaintiff's cause of action, the action filed by the 2nd Plaintiff based on it cannot survive as it is statute barred. The result of an action being statute barred is to leave the offending Party without a right of action despite the existence of a cause of action and thus no remedy.

iii. Whether the totality of evidence adduced in this case is sufficient to establish the Plaintiffs' allegation of arrest, detention and infliction of physical violence by the officers of AEPB and the Police.

The plaintiffs filed this application against the Defendant for the violation of their rights, wherein they alleged that they were abducted and assaulted sexually, physically and verbally, threatened and unlawfully detained by state agents in Abuja working for the Abuja Environmental Protection Board (AEBP), the Nigerian Police and the Nigerian Military at different times. They further contend that these officials did not introduce themselves to them neither did they inform them of the reason for the arrest or charge them to any court in Nigeria.

The Defendant in response denies the allegation and states that the Plaintiffs' belong to the cadre of prostitutes popularly called "Big Aunty" who gather and coordinate other young girls involved in the business of commercial sex work and with their weight of connection always cajole other young girls in need of help into prostitution for their own benefit.

It is a general principle of law that he who asserts must prove.

The rule that proof rests on he who asserts the affirmative and not on he who denies is an ancient rule founded on the consideration of common sense and should not be departed from without strong reasons. This was stated by Lord Maugham in the case of **CONSTANTINE LINE V. IMPERIAL SMELTING CORPORATION** (1942) A.C 154 at P. 174.

The burden of proving the facts of their allegation rests on the plaintiffs and they are required to present evidence to support those allegations made in their Originating Application.

In the case of *Falana & anor V. Republic of Benin & 2 Ors* (2012) Unreported, this Court held that “as always, the onus of proof is on a party who asserts a fact and who will fail if that fact fails to attain that standard of proof that will persuade the court to believe the statement of the claim”.

Similarly, in *PETROSTAR (NIGERIA) LIMITED V. BLACKBERRY NIGERIA LIMITED & 1 OR* CCJELR (2011), the court, in its consideration reiterated the cardinal principle of law that “he who alleges must prove”. Therefore, where a party asserts a fact, he must produce evidence to substantiate the claim.

Though the burden of proof lies on the party who asserts the affirmative, where there is an admission expressly or impliedly by the Defendant, no further proof is required.

The Defendant in para 2.04 of their statement of defence denied the Plaintiffs’ allegation of arrest and detention and further states that there are no records of the said arrest and/or detention by the Nigerian Police, the Nigerian Military or men of the AEPB.

The 1st Plaintiff’s case is that on two occasions, she was assaulted and almost arrested AEPB and police officials on the grounds that she was a prostitute.

The 3rd plaintiff on her part averred that she was on two occasions harassed by about eight men of the AEPB and the police force wherein they attempted to arrest

her while out with her friends but by the intervention of passersby and her friends she escaped being arrested.

The 4th Plaintiff averred that she was arrested by about six uniformed armed police officers on the 8th of march at the kuramo gardens while about to eat with some friends That after the arrest the officers took her to the Gwarimpa police station and left her sitting on the cold floor of the premises the whole night until the next morning. That she was released the next morning without any charges or given information on the reason for the arrest.

The Plaintiffs further stated that they were neither informed of the reason for their arrest nor were they charged for any offence subsequently.

The Plaintiffs in the bid to establish their case filed a motion supported by an affidavit to which they attached witness depositions on oath in evidence of their averments.

Ugochukwu Njemanze and Eddie Abba in their affidavit stated that they witnessed the 1st plaintiffs scuffle with the officials of AEPB thus corroborating 1st Plaintiffs' averments. The 4th Plaintiff stated that she was detained at the Gwarimpa police station.

The Defendant did not lead any evidence to controvert or disprove these testimonics neither did it produce document to rebut the 4th Plaintiff's allegation of detention at the Gwarimpa police station despite its contention that the records

did not disclose such detention. The Defendant failed or neglected to attach the register of the Gwarimpa police station on the day in question to establish its submission. For the avoidance of doubt in cases in which an Applicant alleges arrest and detention, it is usually difficult for them to have access to the detailed record of the arrest, a fact usually within the knowledge and possession of the arresting officials. How does he prove the facts of arrest other than through an assertion of that fact. Mere denial of lack of arrest on the part of a Defendant cannot suffice. The Court usually presumes the fact of arrest and its unlawfulness and the Defendant have to rebut it by producing credible evidence of absence of arrest and detention of the Applicant. A general denial by the Defendant as in this case is not sufficient.

In the light of the above the plaintiffs have established the facts of their allegation of harassment of 1st Plaintiff and arrest of 4th Plaintiff on the preponderance of evidence adduced.

In FERNANDEZ ORTEGA ET.AL V. MEXICO. INTER.AM CT.HR (SER C) No.215 (Aug 2010), the Court noted that the State had the burden to provide conclusive information to disprove the alleged facts and having provided no evidence in contradiction of the plaintiff's claim has failed to discharge that burden and so found the state responsible.

Article 6 of the African Charter on human and peoples' rights provides: *"Every individual shall have 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”.

Similarly, Article 9(1) of the International Covenant on Civil and Political rights provides *“everyone has the right to liberty and security of person. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law*

Also, Section 35 (1) (c) of the 1999 Constitution of the Federal Republic of Nigeria provides:

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

(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;

The right to personal liberty is one of the most fundamental human rights as it affects the vital elements of an individual’s physical freedom. Unless where legitimate exception is permitted by law, any limitation on a person’s liberty to move freely is an infringement on his fundamental right.

Section 14 (1) of the Administration of Criminal Justice Act ACJA (a law of the Defendant) provides: "A suspect who is arrested, whether with or without a warrant, shall be taken immediately to a police station, or other place for the reception of suspect, and shall be promptly informed of the allegation against him in the language he understands".

With regard to the meaning of arbitrary detention, The Human Rights Committee of the United Nations pointed out that "arbitrariness" is not to be equated with "against the law", but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law. (See *Sambo Dasuki Vs. Federal Republic of Nigeria*).

Referring to article 5 of the European Convention on Human Rights which is parimateria with Article 6 of the African Charter on Human and Peoples Rights, the Grand chamber of the European Court of Human Rights underlined the particular importance of the principle of legal certainty as follows:

"The Court stressed that where deprivation of liberty is concerned it is particularly important that the general principle of legal certainty be satisfied. It is therefore essential that the conditions for deprivation of liberty under domestic and/or international law be clearly defined and the law itself be foreseeable in its application, so that it meets the standard of 'lawfulness' set by the Convention, a standard which requires that all law be sufficiently precise to avoid all risk of arbitrariness"

The justification given by the Defendant for the arrest and detention of the Plaintiffs runs contrary to the express provisions of the Law.

See the case of MAMADOU TANDJA V. REPUBLIC OF NIGER & 1 OR (2010), CCJELR, where this Court held that the arrest and detention must be premised on legal grounds.

The plaintiffs alleged that Defendants' Agents physically abused and inflicted injuries on them while trying to abduct/arrest them. This assertion was denied by the Defendant who put the Plaintiff to the strictest proof.

Ugochukwu Njemanze in his deposition on oath stated that when he received the distress call from the first plaintiff, he went to the police station where the incident occurred and thereafter took the 1st Plaintiff to the hospital as she sustained injuries during her encounter with the Defendants Agents. The 3rd Defendant on her part stated that as a result of injuries inflicted on her by the officials she went to a pharmacy and obtained medication to treat the bruises and pain. See paragraph 4.78 of the Application.

However, no medical report was attached in substantiation and no receipt of medication purchased from the pharmacy as alleged by the 3rd Plaintiff was attached. None of the plaintiffs attached any photograph of the injuries sustained in proof despite the assertions that the 1st and 3rd Plaintiffs were beaten and left with bruises.

This Court has repeatedly stated that it will not act on mere allegation of violation but each allegation must be substantiated with some concrete facts as the case may require.

In *Assima Kokou Innocent & 6 Ors V. Rep. of Togo* (2013) unreported this court held that “before it concludes on the issue of occurrence of human rights’ violation, the concrete proof of the fact upon which the Applicant base their claims must be established with a high degree of certainty, or at least, there must be a high possibility of the claim appearing to be true, upon scrutiny. In this regard mere allegations do not suffice to elicit the conviction of the court.

There is therefore no concrete evidence to support the Plaintiffs allegation of physical injuries sustained which allegation therefore fails.

The Plaintiffs further allege that the AEPB and the Police Officials in the cause of the alleged arrest, verbally abused them by calling them prostitutes. This allegation was admitted in para 2.41 of the Defendant’s statement of defence wherein they submit that the Plaintiffs belong to the class of prostitutes (commercial sex workers) that are fully establish.

The Defendant maintains that the Plaintiffs are prostitutes and refers to the mandate given to 1st Plaintiff by the House of Representative Committee as a confirmation of their assertion.

It is trite that facts admitted need no further proof. Plaintiffs have therefore established the fact that Defendant's Agents verbally abused and degraded them by calling them prostitutes.

The issue to be addressed is whether or not the Defendant has shown reasonable ground upon which to base their assertion that the Plaintiff are prostitutes.

The Plaintiffs on their part states that they were out with friends having alighted from the official vehicle. The Defendant has not controverted this fact.

The Defendant placed reliance on Section 406 (d) of the Penal Code LFN 2004 which defines an idle person to include:

"Any common prostitute behaving in a disorderly or indecent manner in a particular public place or persistently importuning or soliciting persons for the purpose of prostitution."

No evidence was led to suggest that the Plaintiffs were seen conducting themselves in a way suggestive of prostitution as provided in the above section. The only reason proffered by the Defendant is that the Plaintiffs were outside at late hours of the night. There is however no law prohibiting women staying outside at night.

In *Wloch V. Poland*, 27785/95 19 October 2000 (109), the European Court was of the view that the existence of a "reasonable suspicion" within the meaning of 5(1)(c) of the European Convention requires that the facts relied on can be

reasonably considered as falling under one of the sections describing criminal behavior in the criminal code. Thus, there could clearly not be a "reasonable suspicion" if the acts or facts held against a detained person did not constitute a crime at the time when they occurred.

The use of the word prostitute or "Ashawo" on the Plaintiffs is humiliating, derogatory and degrading to their persons. The Defendant having failed to provide any reasonable justification for its allegation and use of such degrading words on the Plaintiffs is therefore in violation of Plaintiffs rights as provided under Article 5 of the African Charter on Human and Peoples' Rights.

From the totality of evidence offered, it seems that the whole hug of the operation was targeted against women. This systematic sting operation directed against only the female gender furnishes evidence of discrimination. There is an obligation placed on State Parties to Convention on Elimination of All Forms of Discrimination against Women (CEDAW) to adopt laws, administrative and Policy measures to prevent gender based discrimination. Prostitution is claimed to be a crime in the laws of the Defendant. However, it takes two persons to engage in such criminal activity. There is no law that suggest that when women are seen on the streets at midnight or anytime thereafter, they are necessarily idle persons or prostitutes. If it were so, it ought to apply to all persons irrespective of sex.

Whether from the totality of facts adduced the Defendant is in breach of its obligation as alleged

The Defendant in this case did not furnish this Court with any evidence to prove the allegation of prostitution and they have not shown that the Plaintiffs were arrested flagrantly committing the offence as a justification for the arrest.

Having arbitrarily arrested, detained and harassed the Plaintiffs, the officials have violated the rights of the Plaintiffs' under Articles 5 and 6 of the African Charter on Human and Peoples' Rights and Article 9(1) of the ICCPR.

There is no dispute as to the status of the police and AEPB officials as agents of the Defendant as this has been admitted by the Defendant in its defence. Also not in issue is the capacity under which the Agents carried out the actions complained of. See paragraph 2.26 of the Defence.

The Inter-American Court of Human Rights in *Velasquez Rodriguez V. Honduras*, Series C, No. 4, para. 170 (1988) said:

"Under International Law a State is responsible for the acts of its agents undertaken in their official capacity and for their omission, even when those agents act outside the sphere of their authority or violate internal law".

In line with the above therefore the defendant is responsible for the act of its agents which violated the rights of the plaintiffs as found above.

The Defendant in its defence led no evidence suggesting that they have conducted an investigation into the allegation of the Plaintiffs case based upon which they reached the conclusion that Plaintiffs averments were false. The state has the responsibility once aware of an incident such as those complained of by the Plaintiffs, to carry out impartial and effective investigation as a means to unravel the truth. This has not been shown to have been done in this case. Rather the Defendants maintained in their defence that the Plaintiffs are prostitutes with no evidence to substantiate that.

In *Tidjani Konte V. Republic of Ghana*, the Court observed that:

"The State remains the sole obligator to respect, protect and fulfill human rights under the Treaty and placed reliance on Article 6 of the Report of the 53rd Session of International Law Commission which provides "the conduct of an organ of State shall be considered as an act of that State under International Law, whether that organ belongs to the constituent, legislative, executive, judicial or other power, whether its functions are of international or subordinate position in the organization of the State".

There is evidence that the Plaintiffs made formal complaints to the agents and authorities of the Defendant who promised to investigate but never did. International law places a duty on States to investigate alleged infractions of rights of its citizens especially where formal complaints are made. Apart from any other acts or omission alleged on the part of the State or its officials, failure

to investigate such allegations itself constitutes a breach of the States duty under International law.

The Defendant having failed to investigate the Plaintiffs allegations in order to decipher the truth and hold accountable those responsible for the alleged act is in violation of its obligation to fulfil its commitment to protect the rights of the Plaintiffs.

DECISIONS:

The Court adjudicating in a public sitting after hearing the parties in last resort after deliberating according to law.

AS TO THE MERITS:

DECLARES:

- i. That the failure on the part of the Defendant State to recognize, promote and protect the rights of the Plaintiffs and the failure to take measures to give effect to the rights of the Plaintiffs constitute multiple violations of Articles 1, 2,3,5 and 18 (3) of African Charter on Human and Peoples' Rights, Articles 2,3,4(1) and (2), 5, 8 and 25 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in African, Articles 2,3,5 (a), and 15 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, Articles 2(1) and (3), 3, 7 and 26 of the International Covenant on Civil and Political Rights,

Articles 10, 11, 12, 13 and 16(1) Covenant Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and Articles 1,2,5,7 and 8 of the Universal Declaration of Human Rights.

- ii. That the failure and /or refusal of the Defendant State to investigate, discipline and prosecute the persons responsible for the violations of the Plaintiffs' Rights, amounts to a violation of the States International obligations.
- iii. That the treatment meted out to the Plaintiffs by agents of the AEPB, the Nigerian Police and the Nigeria Military constitute gender- based discriminatory treatment contrary to articles 2, 3 and 18(3) of the African Charter on Human and Peoples' Rights, Articles 2 and 8 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa of Articles 2,3 and 15(1) of the Convention on the Elimination of All Forms of Discrimination Against women, Articles 2(1), 3 and 26 of the International Covenant on Civil and Political Rights and Articles 2 and 7 of the Universal Declaration of Human Rights.
- iv. That the treatment meted out to the 1st, 3rd and 4th Plaintiffs by agents of the AEPB, the Nigerian Police and the Nigeria Military constitutes cruel, inhuman and degrading treatment discriminatory treatment contrary to Articles 5 of the African Charter on Human and Peoples' Rights , Articles 3 and 4(1) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, Articles 2, 3, and 15 (1) of the

Convention on the Elimination of All Forms of Discrimination Against Women, Article 7 of the International Covenant on Civil and Political Rights and Articles 1 and 5 of the Universal Declaration of Human Rights.


- v. Declares that claim of the 2nd Plaintiff is statute barred and is hereby dismissed.
- vi. Awards the sum of N6, 000,000.00 (Six Million Naira only) each to the 1st, 3rd and 4th ~~against the~~ Plaintiffs as damages for the violation of their rights.

AS TO COSTS

Cost are awarded against the Defendant as assessed by the Registry of the Court.

Dated at Abuja this 12th day of October, 2017.

AND THE FOLLOWING HEREBY APPEND THEIR SIGNATURES;

1. Hon. Justice Friday Chijioke Nwoke  12/10/17 Presiding

2. Hon. Justice Yaya Boiro  Member

3. Hon Justice Alioune Sall  Member

Assisted by:

Djibor Aboubacar Diakite

 Registrar

