

2024
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SUIT NO. FHC/OJ/FHR/29/2024

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI

IN THE MATTER OF APPLICATION BY "MAZI CHIKA EDOZIEM" FOR AN ORDER OF
THE HONOURABLE COURT FOR THE ENFORCEMENT OF HIS FUNDAMENTAL
RIGHTS TO DIGNITY OF HUMAN PERSON, FAIR HEARING AND FREEDOM OF
MOVEMENT.

AND

IN THE MATTER OF

BETWEEN

MAZI CHIKA EDOZIEM.....APPLICANT

AND

HONOURABLE MINISTER OF DEFENCE
CHIEF OF DEFENCE STAFF

.....RESPONDENTS

M/A = ₦200
Filing = ₦100
3) oath = ₦100
W/A = ₦100
S/K = ₦100
S/O = ₦100
860 = ₦160
860

ORIGINATING MOTION

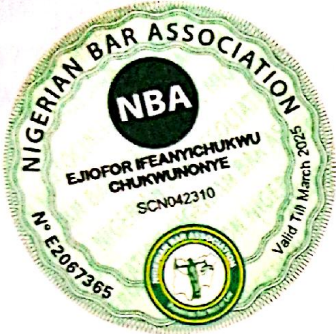
BRUGHT PURSUANT TO SECTIONS 6(6), 34(1)(a), 36(2)(a) & 36(5) AND 41(1) OF
THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS
AMENDED), ORDER 2 RULES 1, 2, 3, 4, & 5 OF THE FUNDAMENTAL RIGHTS
ENFORCEMENT RULES 2009, ARTICLES 5, 7, (B) AND D OF THE AFRICAN CHARTER
ON HUMAN & PEOPLES RIGHT (RATIFICATION AND ENFORCEMENT ACT CAP 10
LAWS OF THE FEDERATION 1990, AND UNDER THE INHERENT JURISDICTION OF
THE HONOURABLE COURT

TAKE NOTICE that this Honourable Court shall be moved on the.....day
.....2024 at the hour of 9 O' Clock in the forenoon or so soon
hereafter as Counsel maybe heard on behalf of the Applicant for an order for the
enforcement of his fundamental rights to dignity of human person, fair hearing
and freedom of movement in terms of the reliefs sought in the statement
accompanying the affidavit in support of the application.

AND TAKE NOTICE that on the hearing of this application the Applicant will use
the affidavit and statement setting out the grounds upon which the application is
made.

Handwritten signature and number: 2024-5820





SIR IFEANYI EJIOFOR, ESQ. (KSC)

CHINWE UMECHE, ESQ.

HABILA G. TURSHAK, ESQ.

BARBARA T. ONWUBIKO, ESQ.

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AUGUSTINE EZEKEKE, ESQ.

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UDOKA N. NWANKU, ESQ.

CHIGBOGU OKECHUKWU, ESQ.

(APPLICANT'S SOLICITORS)

I.C. EJIOFOR & CO.

(UGOCHINYERE CHAMBERS)

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BESIDE ORGANIZER F/STATION,

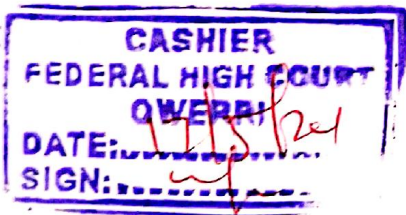
BY CATHEDRAL OF ST. MARY'S CHURCH,

URUAGU NNEWI,

ANAMBRA STATE.

EMAIL: ifeanyiejiolorlawfirm1@gmail.com

WEBSITE: www.ifeanyiejiolorlawfirm.com



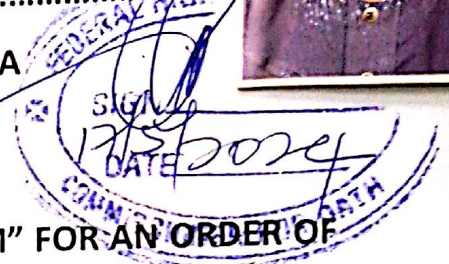
FOR SERVICE ON THE RESPONDENTS

1. Honorable Minister of Defence
Ministry of Defence, By Ship House, Area 10, Abuja
2. Chief of Defence Staff
Defence Complex, Area 7, Garki, Abuja

SUIT NO. *FHElow/FH/2*

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI

17/05/2024



IN THE MATTER OF APPLICATION BY "MAZI CHIKA EDOZIEM" FOR AN ORDER OF THE HONOURABLE COURT FOR THE ENFORCEMENT OF HIS FUNDAMENTAL RIGHTS TO DIGNITY OF HUMAN PERSON, FAIR HEARING AND FREEDOM OF MOVEMENT.

AND

IN THE MATTER OF

BETWEEN

MAZI CHIKA EDOZIEM.....APPLICANT

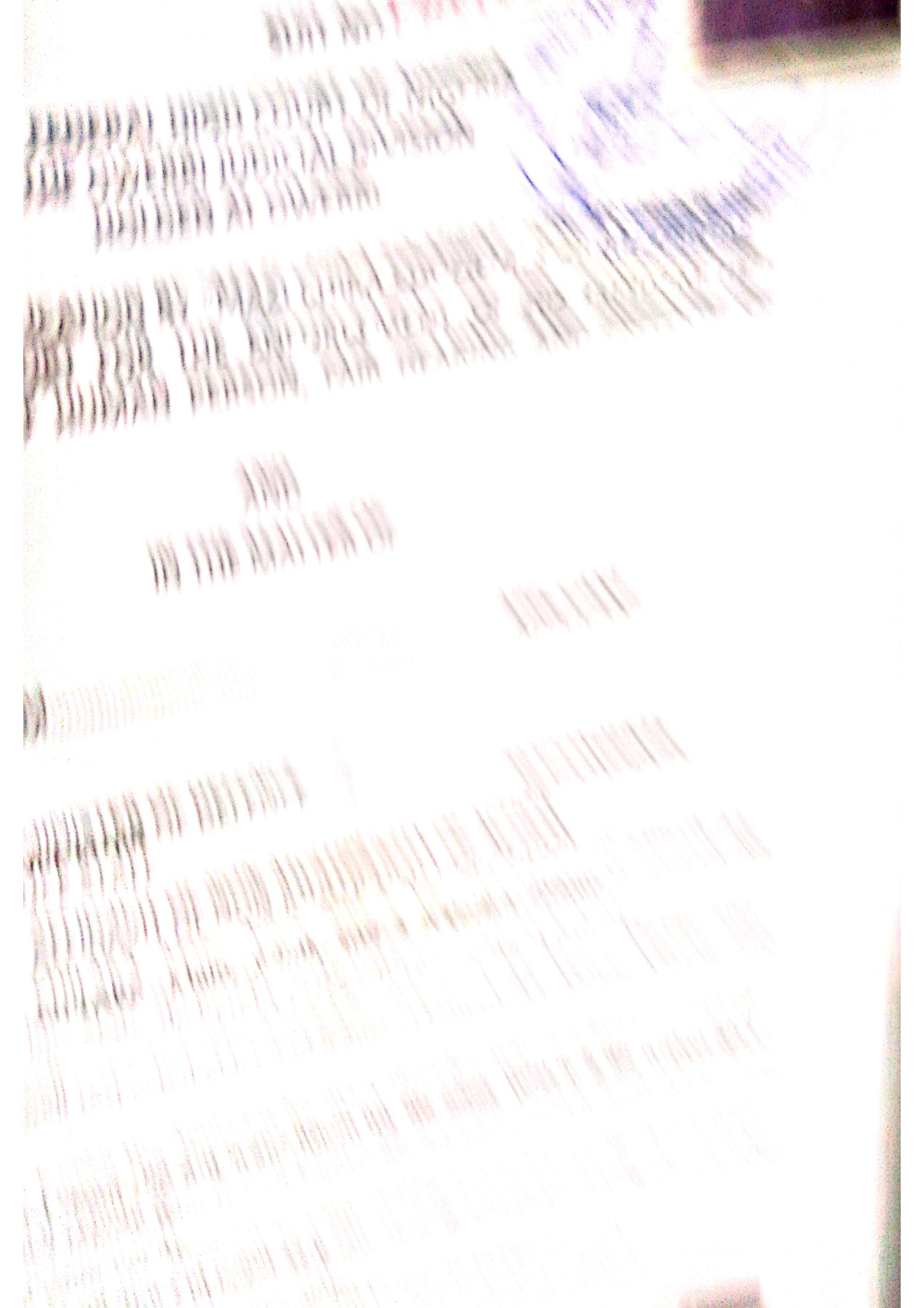
AND

- 1. HONOURABLE MINISTER OF DEFENCE
 - 2. CHIEF OF DEFENCE STAFF
- }RESPONDENTS

AFFIDAVIT OF NON-MULTIPLICITY OF ACTION

I, MR. SAMUEL CHILAKA, Male, Adult, and a Nigerian Citizen of Umuokrika, Ahiazu, Mbaise- Imo State, do hereby make oath and state as follows:

1. That I am a well-respected elder and leader in Umuokrika, Ahiazu, Mbaise- Imo State.
2. That I have known the Applicant for many decades, who is a businessman of international repute who is well known for his philanthropy both within and outside our community.
3. That I also know the Applicant as a law abiding and peace-loving citizen, who totally abhors all forms of criminality.
4. That I have the consent of the Applicant to depose to this affidavit.



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5. That due to the threat to the life of the Applicant by the Respondents, who have declared him a **terrorist, wanted person, violent criminal, kidnapper** etc., he is unable to personally depose to this affidavit.
 6. That there is no other action on the same subject matter with this instant suit pending before any other Court.
 7. That I make this disposition in compliance with Order 3 Rules 9 (2) (d) of the Federal High Court (Civil Procedure) Rules, 2019.
 8. That I depose to this affidavit in good faith believing same to be true and in accordance with the Oaths Act.

Santel
.....
DEPONENT

SWORN TO THAT THE REGISTRY
FEDERAL HIGH COURT OWERRI

DATED THIS *17th*.....DAY OF MAY, 2024

BEFORE ME
.....
COMMISSIONER FOR OATHS

CASHIER
FEDERAL HIGH COURT
OWERRI

STATE OF APPLICATION FOR ORDER ENFORCING
ORDER 2 RULE 1)

SUBJECT

IN THE FEDERAL HIGH COURT OF JUSTICE
IN THE OWERRI JUDICIAL ZONE
HOLDEN AT OWERRI

17/05/2024

IN THE MATTER OF APPLICATION BY "MAZI CHIKA EDOZIEM" FOR ENFORCEMENT OF HIS FUNDAMENTAL RIGHTS TO DIGNITY OF HUMAN PERSON AND MOVEMENT.

AND
IN THE MATTER OF

BETWEEN
MAZI CHIKA EDOZIEM..... APPLICANT

AND
1. HONOURABLE MINISTER OF DEFENCE }
2. CHIEF OF DEFENCE STAFF }RESPONDENTS

STATEMENT IN SUPPORT OF APPLICATION FOR THE ENFORCEMENT OF FUNDAMENTAL RIGHTS PURSUANT TO ORDER II RULE 2 & 3 OF THE FUNDAMENTAL RIGHTS ENFORCEMENT RULES, 2009.
NAMES AND DESCRIPTION OF THE APPLICANT

1. NAMES AND DESCRIPTION OF THE APPLICANT
The Applicant is a law abiding and peace-loving citizen and an indigene of Imo State within the jurisdiction of this Honourable Court. He is a businessman and a philanthropist.

2. RELIEFS SOUGHT BY THE APPLICANT
i. A DECLARATION that the acts of publishing, referring, treating, declaring, describing and designating the Applicant as a "terrorist", "insurgent", "kidnapper", "violent criminal" and "wanted person" on the 22nd March, 2024 and consequently publishing the photograph of

CASHIER
FEDERAL HIGH COURT
OWERRI
DATE: 17/05/2024

PROCESS OF APPLICATION FOR ORDER ENFORCING FUNDAMENTAL RIGHTS
ORDER 2 RULE 1)

SUIT NO. *FHE/low/FHR/29/2024*

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI

IN THE MATTER OF APPLICATION BY "MAZI CHIKA EDOZIEM" FOR AN ORDER OF
THE HONOURABLE COURT FOR THE ENFORCEMENT OF HIS FUNDAMENTAL
RIGHTS TO DIGNITY OF HUMAN PERSON, FAIR HEARING AND FREEDOM OF
MOVEMENT.

AND
IN THE MATTER OF

BETWEEN
MAZI CHIKA EDOZIEM.....APPLICANT

AND

- 1. HONOURABLE MINISTER OF DEFENCE }
- 2. CHIEF OF DEFENCE STAFF }RESPONDENTS

STATEMENT IN SUPPORT OF APPLICATION FOR THE ENFORCEMENT OF
FUNDAMENTAL RIGHTS PURSUANT TO ORDER II RULE 2 & 3 OF THE
FUNDAMENTAL RIGHTS ENFORCEMENT RULES, 2009.
NAMES AND DESCRIPTION OF THE APPLICANT

1. NAMES AND DESCRIPTION OF THE APPLICANT

The Applicant is a law abiding and peace-loving citizen and an indigene of Imo State within the jurisdiction of this Honourable Court. He is a businessman and a philanthropist.

2. RELIEFS SOUGHT BY THE APPLICANT

- i. A DECLARATION that the acts of publishing, referring, treating, declaring, describing and designating the Applicant as a "terrorist", "insurgent", "kidnapper", "violent criminal" and "wanted person" on the 22nd March, 2024 and consequently publishing the photograph of

CASHIER
FEDERAL HIGH COURT
OWERRI

DATE:
SIGN: *[Signature]*

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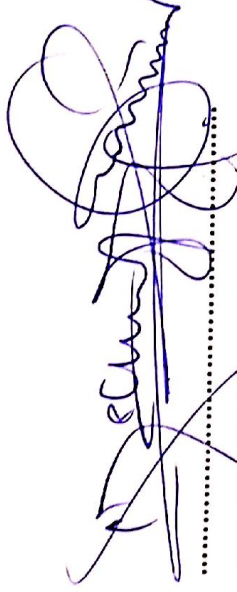
the Applicant as *an insurgent and violent criminal operating in the South East*" by the Respondents as contained in the Respondents' First Edition 2024 publication on the 22nd March, 2024, without inviting the Applicant to answer to any wrongdoing, or affording the Applicant to make representation for any wrongdoing, (if any), is not only repugnant to natural justice and equity, but unreasonable, arbitrary, illegal, unlawful, oppressive and unconstitutional as it violates the Applicant's Fundamental Rights to dignity of human person, fair hearing and freedom of movement guaranteed by sections **34(1)(a)**, **36(2)(a)** & **36(5)** and **41(1)** of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

- ii. **AN ORDER OF THIS HONOURABLE COURT** directing the Respondents to unconditionally retract the unconstitutional declaration and publication and tender unreserved apology to the Applicant in two national dailies forthwith.
- iii. **COMPENSATION AND EXEMPLARY DAMAGES of ₦500,000,000.00 (Five Hundred Million Naira Only)** against the Respondents for the gross violation of the Applicant's fundamental rights to dignity of human person, fair hearing and freedom of movement.
- iv. **AND FOR SUCH FURTHER ORDER(S)** as the Honourable Court may deem fit to make in the circumstances.
- v. **GROUND(S) UPON WHICH THE RELIEFS ARE SOUGHT**
 - a. By virtue of section 46(1) of the 1999 Constitution (as amended) and Order 1 Rule 2 of the Fundamental Rights (Enforcement Procedure) Rules, any person who alleges that of any of the provisions of chapter 4 of the Constitution to which he is entitled to has been, is being or likely to be contravened in any state in relation to him may apply to the High Court in the state for redress.
 - b. The Applicant is entitled to his fundamental rights to dignity of human person, and fair hearing guaranteed by sections **34(1)(a)**, **36(1)(a)** & **36(5)** and **41(1)** of the 1999 Constitution of the Federal Republic of Nigeria (as amended).
 - c. The Respondents cannot exercise their power outside the provision of the Law, and, thus, the acts of declaring the Applicant in the manner the

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Respondents did is unconstitutional and did not follow due process and procedure set down by the constitution by the Federal Republic of Nigeria 1999 as amended and other relevant statutory provisions.

d. The Applicant is constitutionally entitled under section 35(6) of the 1999 Constitution of the Federal Republic of Nigeria as amended to the payment of compensation and public apology from the Respondents for the gross violation of his rights to dignity of human person and fair hearing.

DATED THE 17TH DAY OF MAY, 2024



✓
SIR IFEANYI EJIOR, ESQ. (KSC)

CHINWE UMECHE, ESQ.

HABILA G. TURSHAK, ESQ.

BARBARA T. ONWUBIKO, ESQ.

CHIMMUANYA EMENARI, ESQ.

AUGUSTINE EZEKEKE, ESQ.

PAUL H.C. DIMGBA, ESQ.

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(APPLICANT'S SOLICITORS)

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BY CATHEDRAL OF ST. MARY'S CHURCH,

URUAGU NNEWI,



9

ANAMBRA STATE.

EMAIL: ifeanyielloforlawfirm1@gmail.com

WEBSITE: www.ifeanyielloforlawfirm.com

OR SERVICE ON THE RESPONDENTS

1. Honorable Minister of Defence
Ministry of Defence, By Ship House, Area 10, Abuja
2. Chief of Defence Staff
Defence Complex, Area 7, Garki, Abuja

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NOTICE OF APPLICATION FOR ORDER ENFORCING FUNDAMENTAL RIGHTS
(ORDER 2 RULE 1)

SUIT NO. FHC/OW/129
IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE OWERRI JUDICIAL DIVISION
HOLDEN AT OWERRI

IN THE MATTER OF APPLICATION BY "MAZI CHIKA EDOZIEM" FOR AN ORDER OF
THE HONOURABLE COURT FOR THE ENFORCEMENT OF HIS FUNDAMENTAL
RIGHTS TO DIGNITY OF HUMAN PERSON, FAIR HEARING AND FREEDOM OF
MOVEMENT.

AND
IN THE MATTER OF

BETWEEN
MAZI CHIKA EDOZIEM.....APPLICANT

AND
1. HONOURABLE MINISTER OF DEFENCE }
2. CHIEF OF DEFENCE STAFF }RESPONDENTS

AFFIDAVIT IN SUPPORT OF ORIGINATING MOTION

I, MR. SAMUEL CHILAKA, Male, Adult, and a Nigerian Citizen of Umuokrika,
Ahiazu, Mbaise- Imo State, do hereby make oath and state as follows:

1. That I am a well-respected elder and leader in Umuokrika, Ahiazu, Mbaise- Imo State.
2. That I have known the Applicant for many decades, who is a businessman of international repute and is well known for his philanthropy both within and outside our community.
3. That I also know the Applicant as a law abiding and peace-loving citizen, who totally abhors all forms of criminality.
4. That I have the consent of the Applicant to depose to this affidavit.

CASHIER
FEDERAL HIGH COURT
OWERRI
DATE: 21/05/2024
SIGN: [Signature]

5. That due to the threat to the life of the applicant by the Respondents, who have declared him as **terrorist, wanted person, violent criminal, kidnapper** etc., he is unable to personally depose to this affidavit, and the facts I deposed herein are facts within my personal knowledge.

6. That the 1st and 2nd Respondents are agents/appointees of the Federal Government of Nigeria saddled with the responsibility of providing security and defence to the territory of the Federal Republic of Nigeria. While the 1st Respondent is in charge of the affairs of the Ministry of Defence, the 2nd Respondent oversees the operations of the Army, Navy and the Airforce component of the Nigerian armed forces.

7. That on the **22nd day of March, 2024**, the social media and internet was awash with some highly far reaching, unfair and incriminating decision and publication made by the Respondents concerning the Applicant; which fact was brought to my attention by some members of our community who are beneficiaries of the Applicant's benevolence and philanthropy, and I subsequently read the said publication.

8. That the Respondents' publication was widely circulated not only in Nigeria but the entire world to the effect that the Applicant is a **wanted terrorist/insurgent/kidnapper/violent criminal**. This was widely reported in newspapers, online media and television stations, including:

- i. The **Vanguard** Newspaper Online via <https://www.vanguardngr.com/2024/03/ipob-simon-ekpa-chika-edoziem-eeede-94-others-wanted-see-full-list-faces/>, where it further reported as follows:

"In the North Central and South East 21 Insurgents/militants and violent criminals were declared wanted. They include factional IPOB leader Simon Ekpa; Chika Edoziem; Egede; Zuma, ThankGod Gentle; Flavour ; Mathew; David Ndubuisi ; High Chief Williams Agbor; Ebuka Nwaka; Friday Ojimka."

ii. Furthermore, the Punch Newspaper online via <https://punchng.com/dha-declares-simon-ekpa-96-others-wanted/> also published the Defendants' defamatory publication concerning Plaintiff as follows:

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"Also, a total of 21 Insurgents and violent criminals were declared wanted in the southeast and North Central Area.

They are Simon Ekpa; **Chika Edoziem**; Egede; Zuma ; ThankGod; Gentle; Flavour ; Mathew; David Ndubuisi ; High Chief Williams Agbor; Ebuka Nwaka; Friday Ojimka; Obiemesi Chukwudi aka Dan Chuk ; David Ezekwem Chidiebube and Amobi Chinonso Okafor aka Temple among others."

- iii. Premium Times newspapers online via <https://www.premiumtimesng.com/news/top-news/680023-nigerian-military-declares-ipobs-simon-ekpa-96-others-wanted.html> also published the defamatory publication of the Defendants concerning Plaintiff as follows:

"In the North-central and South-east, 21 persons were declared wanted by the DHQ for insurgency and violent crimes. They are Mr Ekpa; **Chika Edoziem; Egede; Zuma; ThankGod; Gentle; Flavour; Mathew; David Ndubuisi; and High Chief Williams Agbor."**

- iv. Cable News Online via the link <https://www.thecable.ng/simon-ekpa-ado-aliero-bello-turji-dhq-declares-97-persons-wanted> also published the defamatory publication of the Defendants concerning Plaintiff as follows:

"The list included suspected terrorists, insurgents, kidnappers and violent criminals..."

*Suspects from the south-east include **Chika Edoziem**; Simon Ekpa; Action One; Egede; Williams Agbo; Zuma; ThankGod; Gentle; Orsu Callistus; Ebuka Nwaka; Informant; Friday; Flavour; David, Mathew, among others."*

- v. The Guardian Newspapers Online also published the Defendants' defamatory publication against the Plaintiff via <https://guardian.ng/news/nigeria-military-declares-simon-ekpa-96-others-wanted-for-terrorism/> as follows:

"In the North-Central and South-East 21 people were declared wanted by the DHQ for insurgency and violent crimes. They are Mr. Ekpa; **Chika Edoziem; Egede; Zuma, ThankGod; Gentle; Flavour; Mathew; David Ndubuisi and High Chief Williams Agbor."**

- vi. The Business Day Newspapers Online also published the Defendants' defamatory publication against the Plaintiff via

<https://businessday.ng/news/article/simon-ekpa-96-others-declared-wanted-by-defence-headquarters-for-terrorism/?amp=1> as follows:

“Southeast & North Central Area (21): This combined region includes individuals associated with insurgency and violent crimes. Among those wanted are Simon Ekpa, **Chika Edoziem**, Egede, and others.”

Daily Post Online via the link- <https://dailypost.ng/2024/03/23/terrorism-simon-ekpa-gentle-chika-edoziem-bello-turji-93-others-declared-wanted/> also published the defamatory publication as follows:

“At least 21 Insurgents and violent criminals from the Southeast and North Central were also declared wanted.

They include Simon Ekpa, **Chika Edoziem**, Egede; Zuma, ThankGod, Gentle, Flavour, Mathew, David Ndubuisi, High Chief Williams Agbor, Ebuka Nwaka, Friday Ojimka, Obiemesi Chukwudi aka Dan Chuk, David Ezekwem Chidiebube and Amobi Chinonso Okafor aka Temple among others.”

viii. Channels Television via <https://www.channelstv.com/2024/03/23/dhq-declares-ipobs-simon-ekpa-96-others-wanted/> also reported the defamatory publication of the Defendants as follows:

“In the North-Central and South-East 21 Insurgents/militants and violent criminals were equally declared wanted.

They include factional IPOB leader, Simon Ekpa; **Chika Edoziem**; Egede; Zuma, ThankGod Gentle; Flavour; Mathew; David Ndubuisi; High Chief Williams Agbor; Ebuka Nwaka; Friday Ojimka.”

Copies of the aforesaid publications are hereby attached and marked as exhibits MCE1, MC2, MCE3, MCE4, MCE5, MCE6, MCE7, MCE8 and MCE9 respectively. The condition under which the computer-generated documents were produced is stated in the Certificate of Compliance which shall be relied upon at the trial.

9. That after the Respondents had declared the Applicant wanted, the Respondents proceeded to publish the Applicant's photo and name as number 77 under the segment “Insurgents and violent criminals operating in the South East and North Central Zones” in the Respondents publication titled **“PHOTOGRAPHS OF WANTED TERRORISTS/INSURGENTS/KIDNAPPERS/VIOLENT CRIMINALS IN NIGERIA”** of

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their **First Edition 2024**. A copy of the said publication is hereby attached and marked as exhibit **MCE10**. The condition under which the computer generated document was produced is stated in the Certificate of Compliance which shall be relied upon at the trial.

10. That I know that the Applicant was neither invited by the Respondents for questioning if he has committed any offence or accused of committing any offence, before the Respondents took the decision of calling and treating the Applicant as a **TERRORIST/INSURGENT/KIDNAPPER/VIOLENT CRIMINAL**.

11. That the Applicant cannot freely exercise his right of movement because he has already been treated as a terrorist, insurgent, kidnapper and violent criminal by the Respondents in violation of his fundamental rights.

12. That the Applicant was never given or afforded the opportunity to make representation before the Respondents went ahead to treat the Applicant as a **TERRORIST/INSURGENT/KIDNAPPER/VIOLENT CRIMINAL**.

13. That I was informed by Sir Ifeanyi Ejiofor, Esq. of Counsel for the Applicant, in his office at IBK House KM27 Onitsha/Okigwe Road Nnewi on the 14th day of May, 2024 at about 4:50pm and I verily believe him as follows:

- a. That the act of publishing, declaring and treating the Applicant as a **TERRORIST/INSURGENT/KIDNAPPER/VIOLENT CRIMINAL** violate the Applicant's fundamental rights as guaranteed in the 1999 Constitution of the Federal Republic of Nigeria, as amended.
- b. That the Respondents' act of treating and declaring the Applicant as terrorist, insurgent, kidnapper and violent criminal has violated his fundamental right to dignity of human person and freedom of movement.
- c. That the act of conclusively declaring the Applicant as a terrorist, insurgent, kidnapper and violent criminal by the Respondents, have infringed upon the Applicant's right to be presumed innocent and in gross violation of his rights to fair opportunity of making representation to any criminal allegation against him.
- d. That the Respondents have no rights to declare the Applicant as a terrorist, insurgent, kidnapper and violent criminal in violation of the Applicant's guaranteed Constitutional provisions.

- 14. That the Respondents will not stop the violation of the Applicant's fundamental rights except this Honourable Court intervene.
- 15. That the Applicant has suffered monumental damages, great prejudice, loss of goodwill, hardship, and was consequently exposed to public ridicule and odium, on account of this illegal declaration and treating the Applicant as a terrorist, insurgent, kidnapper and violent criminal, by the Respondents.
- 16. That it will serve the best interest of justice if this application is granted for the enforcement of the Applicant's fundamental human rights as constitutionally guaranteed.
- 17. That the Respondents will not be prejudiced in any way by the grant of this application.
- 18. That I depose to this affidavit in good faith, believing the contents to be true and correct in accordance with the Oaths Act.

Samuel

DEPONENT

SWORN TO AT THE FEDERAL HIGH COURT REGISTRY, OWERRI.
 DATED THIS 17th DAY OF MAY, 2024

