

IN THE HIGH COURT OF AKWA IBOM STATE  
IN THE UYO JUDICIAL DIVISION  
SITTING AS VACATION COURT

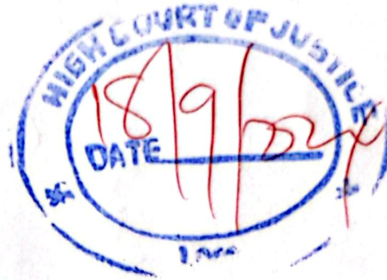
Suit No. ....

HUFAR-309/2024

*In the application for the  
Enforcement of the Fundamental  
Rights to Personal Liberty  
and Freedom of Movement  
of the Applicants*

BETWEEN:

1. HON. SMART JAJA
2. MR. ELISHA MARSHALL PEPPL
3. MR. JOHNNY PEPPL
4. MR. NOAH PEPPL
5. MR. OBADIAH PEPPL  
(SUING FOR THEMSELVES AND  
ABOUT 32 PEOPLE ARRESTED AT  
KAMPA VILLAGE OF EASTERN OBOLO  
LGA BY MEN OF THE NIGERIAN ARMY  
SINCE THE 10<sup>TH</sup> OF SEPTEMBER, 2024  
AND LOCKED UP AT THE WELLINGTON BASSEY  
BARRACKS, IBAGWA IN ABAK LGA  
OF AKWA IBOM STATE)



- APPLICANTS

AND:

1. THE NIGERIAN ARMY
2. THE COMMANDING OFFICER,  
6<sup>TH</sup> BATTALION, IBAGWA

- RESPONDENTS

**MOTION ON NOTICE**

BROUGHT PURSUANT TO ORDER II, RULE 1 OF THE  
FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURE) RULES,  
2009, ARTICLE 3(e)(i)(ii)(iii) AND (iv) OF THE FUNDAMENTAL  
RIGHTS (ENFORCEMENT PROCEDURE) RULES, 2009 AND THE  
INHERENT JURISDICTION OF THIS HONOURABLE COURT

TAKE NOTICE that this Honourable Court shall be moved on the  
.....day of .....2024 at the hour of 9 o'clock in the  
forenoon or so soon thereafter as Counsel may be heard on behalf of  
the Applicants praying this Honourable Court for the enforcement of  
their fundamental rights to *personal liberty* and *freedom of movement*  
of the Applicants in terms of the reliefs sought in the Statement  
accompanying the Affidavit in support of the application.



AND TAKE FURTHER NOTICE that on the hearing of this application, the said Applicant will use the Affidavit and the Exhibits (if any) therein referred.

Dated this 17<sup>th</sup> day of September 2024

Ekemini Udim  
Ekemini Udim, Esq., ✓  
Mmenyene Ekanem, Esq.,  
Emem Udo, Esq.,  
Miriam Sunday, Esq.,  
(Counsel for the Applicants),  
**Justice Chambers,**  
113, Edet Akpan Avenue,  
Uyo, Akwa Ibom State  
08131937282; 08185001073

**FOR SERVICE ON:**

1. The 1<sup>st</sup> Respondent,  
Nigerian Army,  
2 Brigade, Udo Udoma Avenue,  
Uyo, Akwa Ibom State
2. 2<sup>nd</sup> Respondent,  
Wellington Bassey Barracks,  
Ibagwa, Abak LGA

#450pdowner  
No. 24854095  
18-9-2024



IN THE HIGH COURT OF AKWA IBOM STATE  
IN THE UYO JUDICIAL DIVISION  
SITTING AS VACATION COURT

Suit No. ....

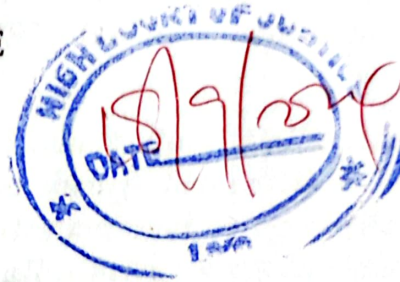
*HUFHR-309/2024*

*In the application for the  
Enforcement of the Fundamental  
Rights to Personal Liberty  
and Freedom of Movement  
of the Applicants*

**BETWEEN:**

1. HON. SMART JAJA
2. MR. ELISHA MARSHALL PEPPL
3. MR. JOHNNY PEPPL
4. MR. NOAH PEPPL
5. MR. OBADIAH PEPPL

(SUING FOR THEMSELVES AND  
ABOUT 32 PEOPLE ARRESTED AT  
KAMPA VILLAGE OF EASTERN OBOLO  
LGA BY MEN OF THE NIGERIAN ARMY  
SINCE THE 10<sup>TH</sup> OF SEPTEMBER, 2024  
AND LOCKED UP AT THE WELLINGTON BASSEY  
BARRACKS, IBAGWA IN ABAK LGA  
OF AKWA IBOM STATE)



- APPLICANTS

**AND:**

1. THE NIGERIAN ARMY
2. THE COMMANDING OFFICER,  
6<sup>TH</sup> BATTALION, IBAGWA

- RESPONDENTS

**STATEMENT IN SUPPORT OF APPLICATION (ORDER 11 RULE 3)**

1. *Name and description of the Applicants:* The Applicants are indigenes of Kampa Village in Eastern Obolo Local Government Area of Ibom State. They are members of the youth population of the said Village. The 1<sup>st</sup> Applicant is the serving SA (Special Assistance) to the Governor of Akwa Ibom State representing Ward 9, Eastern Obolo LGA of Akwa Ibom State. The Applicants were arrested at night in the house of the 1<sup>st</sup> Applicant where they had gathered as a central take-off point for a peaceful protest at dawn against the unwholesome oil and gas exploration activities of Sterling Oil Exploration & Energy Production Company Limited and their subsidiary/partner - Natural Oil Services Limited. The day before their arrest, the Applicants had stopped the oil companies from driving out trucks loaded with crude oil extracted from Kampa Village. The youth demanded to know the



authority given to the companies to transport crude by land and in anger and frustration, the companies deployed members of the Nigerian Army to come into the community and arrest the inquisitive youths.

## **2. Reliefs Sought:**

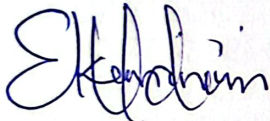
- 1. A declaration that, the arrest and detention of the Applicants at the Wellington Bassey Barracks, Ibagwa from Thursday 10<sup>th</sup> September to Tuesday 17<sup>th</sup> September and counting, is a violation of the fundamental rights of the Applicants particularly, their rights to freedom of movement and rights to personal liberty guaranteed by Section 35 and Section 41 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and therefore unlawful.*
- 2. An order directing the Officer Commanding Wellington Bassey Military Barracks, Ibagwa to bring before this court for assessment of their physical states and wellbeing without delay, the Applicants in this suit and all other persons in their custody that were arrested at Kampa Village of Eastern Obolo Local Government Area of Akwa Ibom State on Thursday 10<sup>th</sup> September, 2024.*
- 3. The sum of ₦500,000,000.00 (Five Hundred Million) Naira as damages and compensation against the Respondents in favour of the Applicants.*

## **3. Grounds Upon Which the Reliefs are Sought:**

1. On Thursday 10<sup>th</sup> September, 2024 men and officers of the Nigerian Army cordoned off the compound of the 1<sup>st</sup> Applicant, shot into the air and caused the arrest of the Applicants and others whose names have not been disclosed by the Army till date.
2. The soldiers then took the Applicants and detained them at the Wellington Bassey Military Barracks, Ibagwa in Abak LGA of Akwa Ibom State.
3. On Monday the 16<sup>th</sup> of September, 2024, the wife of the 1<sup>st</sup> Applicant, Mrs. Imaobong Smart Jaja visited the husband at the Military Barracks in Ibagwa and was informed by the husband that there is a grand conspiracy to eliminate him for always demanding that the oil and gas exploration companies should follow due process and the law in their activities, particularly the Petroleum Industry Act.
4. The Applicants have been kept in unlawful custody for not less than 7 days and still counting.

5. The Army has no right in law to detain citizens beyond 24 hours.
6. Assembling for peaceful protest against unwholesome practices going on in a community is within the fundamental rights of the Applicants as citizens of Nigeria.
7. If the Applicants have violated any written law, they ought to be arraigned in a court of law of competent jurisdiction and not held in detention at the military facility in Ibagwa or any other military facility.
8. The Applicants as citizens of Nigeria are entitled to the protection of their fundamental rights, whereupon the Applicants approach this Honourable Court for declaratory and protective reliefs against their incarceration.

Dated this 17<sup>th</sup> ..... day of September 2024



**Ekemini Udim, Esq.,** ✓  
Menyene Ekanem, Esq.,  
Emem Udo, Esq.,  
Miriam Sunday, Esq.,  
(*Counsel for the Applicants*),  
Justice Chambers,  
113, Edet Akpan Avenue,  
Uyo, Akwa Ibom State  
08131937282; 08185001073

**FOR SERVICE ON:**

1. The 1<sup>st</sup> Respondent,  
Nigerian Army,  
2 Brigade, Udo Udoma Avenue,  
Uyo, Akwa Ibom State
2. 2<sup>nd</sup> Respondent,  
Wellington Bassey Barracks,  
Ibagwa, Abak LGA



IN THE HIGH COURT OF AKWA IBOM STATE  
IN THE UYO JUDICIAL DIVISION  
SITTING AS VACATION COURT

Suit No. ....

*Handwritten:* HULFAR: 309/2024

*In the application for the  
Enforcement of the Fundamental  
Rights to Personal Liberty  
and Freedom of Movement  
of the Applicants*

**BETWEEN:**

1. HON. SMART JAJA
2. MR. ELISHA MARSHALL PEPPL
3. MR. JOHNNY PEPPL
4. MR. NOAH PEPPL
5. MR. OBADIAH PEPPL  
(SUING FOR THEMSELVES AND  
ABOUT 32 PEOPLE ARRESTED AT  
KAMPA VILLAGE OF EASTERN OBOLO  
LGA BY MEN OF THE NIGERIAN ARMY  
SINCE THE 10<sup>TH</sup> OF SEPTEMBER, 2024  
AND LOCKED UP AT THE WELLINGTON BASSEY  
BARRACKS, IBAGWA IN ABAK LGA  
OF AKWA IBOM STATE)

APPLICANTS

**AND:**

1. THE NIGERIAN ARMY
2. THE COMMANDING OFFICER,  
6<sup>TH</sup> BATTALION, IBAGWA

RESPONDENTS

**AFFIDAVIT OF MRS. IMAOBONG SMART JAJA**

I, *Imaobong Smart Jaja*, Female, Christian and Nigerian Citizen of Kampa Village in Eastern Obolo Local Government Area of Akwa Ibom State do hereby make oath and state as follows:

1. That I am the wife of Hon. Smart Jaja, the first Applicant in this suit. I hereby make this deposition on his behalf and on behalf of the 2<sup>nd</sup> – 5<sup>th</sup> Applicants and all other persons who were arrested at Kampa Village on 10<sup>th</sup> September, 2024 and locked up in military custody in Ibagwa till date. That I am conversant with the facts leading to the filing of this suit.
2. My husband is the serving SA (Special Assistance) to the Governor of Akwa Ibom State representing Ward 9, Eastern Obolo LGA of Akwa Ibom State.



3. That as a representative of the interest of his people, my husband has always insisted that the oil companies engaging in oil and gas exploration in Kampa Village should do in accordance with due process, particularly in accordance with the content of the PIA.
4. That owing to his insistence on due process, the companies have not been happy with him for sometime now.
5. That the companies I am referring to are: Sterling Oil Exploration & Energy Production Company Limited and its subsidiary company and partner - Natural Oil Services Limited.
6. That recently, the companies brought tankers and loaded them with crude oil with intent to drive them out of the village.
7. The youths of the community sought to know from them if they have the authorization of the Federal Government of Nigeria and of all other critical stakeholders in the petroleum industry to lift and transport **RAW CRUDE** in trucks by land.
8. The youths then stopped the vehicles for the time being while waiting for the needed explanation with documentary evidence (if any). The youths also notified the security agencies of the attempt by some persons to drive **RAW CRUDE** out of the community in trucks.
9. The youths (Applicants herein) then thought it wise to raise awareness by way of a peaceful protest. They then came together in my husband's compound and wrote inscriptions on placard preparatory to their being used at the planned protest that was intended to draw attention of the government to the seemingly illegal action of the companies.
10. While the preparations were being made, officers and men of the Nigerian Army arrived the compound and arrested everyone they could lay hands on.
11. The Applicants have been in the custody of the military at the barracks in Ibagwa since their arrest on 10<sup>th</sup> September, 2024 up to the time of the filing of this suit (17<sup>th</sup> September, 2024) and still counting.
12. On Monday the 16<sup>th</sup> September, 2024 I went to the Wellington Bassey Barracks located in Ibagwa and on arrival I requested to see my husband. I was allowed into the compound and my husband was brought out for me to see. I interacted with him under military supervision and was asked to go.
13. That my husband informed me that several other persons that were arrested on the same date are all in the detention of the military.

14. That I hereby apply for their release from the custody of the military.
15. That they have been detained beyond 24 hours at the time of the filing of this suit.
16. That I make this deposition in good faith conscientiously believing its contents to be true and correct and in accordance with the Oaths Act, Laws of the Federation of Nigeria, 2004.

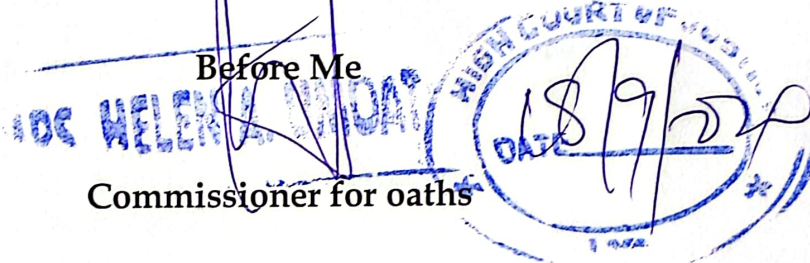
*[Signature]*

Deponent

Sworn at the Registry of this  
Honourable Court, this ... day  
of ... , 2024

Before Me

Commissioner for oaths





IN THE HIGH COURT OF AKWA IBOM STATE  
IN THE UYO JUDICIAL DIVISION  
SITTING AS VACATION COURT

Suit No. ....

HWFHR.309/2024

*In the application for the  
Enforcement of the Fundamental  
Rights to Personal Liberty  
and Freedom of Movement  
of the Applicants*

**BETWEEN:**

1. HON. SMART JAJA
2. MR. ELISHA MARSHALL PEPPL
3. MR. JOHNNY PEPPL
4. MR. NOAH PEPPL
5. MR. OBADIAH PEPPL

(SUING FOR THEMSELVES AND  
ABOUT 32 PEOPLE ARRESTED AT  
KAMPA VILLAGE OF EASTERN OBOLO  
LGA BY MEN OF THE NIGERIAN ARMY  
SINCE THE 10<sup>TH</sup> OF SEPTEMBER, 2024  
AND LOCKED UP AT THE WELLINGTON BASSEY  
BARRACKS, IBAGWA IN ABAK LGA  
OF AKWA IBOM STATE)



APPLICANTS

**AND:**

1. THE NIGERIAN ARMY
2. THE COMMANDING OFFICER,  
6<sup>TH</sup> BATTALION, IBAGWA

RESPONDENTS

**WRITTEN ADDRESS**

**1.0 INTRODUCTION:**

This is a written address in support of the motion of the Applicants. By Order II Rule 2 of the Fundamental Rights (Enforcement Procedure) Rules, 2009, "an application for the enforcement of the fundamental rights, may be made by any originating process accepted by the court." The Applicants hereby approaches this honourable court for the enforcement of their fundamental rights as guaranteed by the Constitution of the federal Republic of Nigeria, 1999, particularly, the right to freedom of movement and right to personal liberty.

**2.0 BRIEF FACTS:**

- 2.1 The Applicants were arrested on 10<sup>th</sup> September, 2024 and driven to the army barracks in Ibagwa where they have been kept in custody without arraignment in a court of law up to the filing of this suit and still counting. So far, they have been detained for 7 days, over and above the 24-hour period stipulated in the Constitution of Nigeria.

### 3.0 ISSUE FOR DETERMINATION:

*Whether the detention of the Applicants at the Wellington Bassey Military Barracks, Ibagwa in Akwa Ibom State from 10<sup>th</sup> September, 2024 to 17<sup>th</sup> September, 2024 and still counting has not occasioned a breach of the fundamental rights of the Applicants?*

### 4.0 ARGUMENT ON ISSUE:

*Whether the detention of the Applicants at the Wellington Bassey Military Barracks, Ibagwa in Akwa Ibom State from 10<sup>th</sup> September, 2024 to 17<sup>th</sup> September, 2024 and still counting has not occasioned a breach of the fundamental rights of the Applicants?*

- 4.1 By the 1999 Constitution of the Federal Republic of Nigeria, every person arrested by a security agency ought to be arraigned in a court of law of competent jurisdiction within 24 hours. (See Section 35 of the Constitution). In the case at hand, the Applicants were arrested on 10<sup>th</sup> September, 2024 at a village known as Kampa in Eastern Obolo LGA and driven by road to the Wellington Bassey Barracks in Ibagwa in Abak LGA where they have been in detention till 17<sup>th</sup> September, 2024. They have thus been detained for 7 days. They have not been arraigned in any court of law till date. The Military authorities are thus in violation of the fundamental rights of the Applicants. The action of the military is unacceptable to the law, irrespective of whatever might be the reason for their detention.

- 4.2 In the case of **DOMINIC EKANEM v. ASSISTANT INSPECTOR GENERAL OF POLICE (2008) ALL FWLR (Pt. 420) page 775 at 783, paragraphs B – E**, the Court of Appeal, per Omu, JCA re-emphasized the hallowed position of the law on the right to personal liberty when he held thus:


*"The operative provisions of Section 35(1) of the Constitution states that every person shall be entitled to personal liberty save and in accordance with the procedure permitted by law. In the instant case, Section 35(1) applies. Any person so arrested or detained shall be brought before a court of law within a reasonable time".*



4.3 My Lord, whereas "*reasonable time*" as applicable in the case at hand is a period of 24 hours by the provision of Section 35(5) (a) of the 1999 Constitution, we contend that the detention of the Applicants from 10/9/2024 to 17/9/2024, amounts to detention beyond reasonable time and therefore unlawful.

4.4 We submit that when a citizen of the country is unlawfully detained, the court has the power to order for the release of such citizen. We pray the court respectfully to do so in this case and grant reliefs sought by the Applicants. We so urge the court.

Dated this 17<sup>th</sup> ..... day of September ..... 2024

  
Ekemini Udim, Esq., ✓  
Mmenyene Ekanem, Esq.,  
Emem Udo, Esq.,  
Miriam Sunday, Esq.,  
(Counsel for the Applicants),  
**Justice Chambers,**  
113, Edet Akpan Avenue,  
Uyo, Akwa Ibom State  
08131937282; 08185001073

**FOR SERVICE ON:**

1. The 1<sup>st</sup> Respondent,  
Nigerian Army,  
2 Brigade, Udo Udoma Avenue,  
Uyo, Akwa Ibom State
2. 2<sup>nd</sup> Respondent,  
Wellington Bassey Barracks,  
Ibagwa, Abak LGA.