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

SUIT NO:_____/_____/2026

IN THE MATTER OF AN APPLICATION FOR THE ENFORCEMENT OF THE APPLICANT'S FUNDAMENTAL HUMAN RIGHTS TO PERSONAL LIBERTY, RIGHT TO FAIR HEARING, AND RESPECT AND DIGNITY OF THEIR PERSONS, AS GUARANTEED AND PROTECTED BY SECTIONS 34, 41 AND 46(1) OF THE 1999 CONSTITUTION (AS AMENDED), AND ARTICLES, 5, 6 & 8 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS (RATIFICATION AND ENFORCEMENT) ACT LFN 2011

BETWEEN

1. ZAINAB YABAGI
2. THE EDITOR, JKD TELEVISION & HAMADA RADIO NETWORK
3. JKD MULTIMEDIA LIMITED - APPLICANTS

AND

1. ALH. IBRAHIM MASARI
2. ASP ZAKKA
3. THE ASST. COMMISSIONER OF POLICE X SQUAD Kaduna State Command
4. THE COMMISSIONER OF POLICE Kaduna State Command
5. THE INSPECTOR GENERAL OF POLICE
6. NIGERIAN POLICE FORCE

- RESPONDENTS

MOTION ON NOTICE

Brought Pursuant to: Order 2, Rule 1, OR. 4 Rule 3, and 4 of the Fundamental Rights (Enforcement Procedure) Rules 2009, Section

₦ 10,200=

FEDERAL HIGH COURT
PAID
19 OCT 2026
CASHIER
KADUNA DIVISION

RRR-2315-2710-9321

6(6) and Section 46 of the Constitution of Nigeria 1999 (as amended)

TAKE NOTICE that this Honourable Court will be moved on the ..... day ..... 2026 at the hour of 9 o'clock in the forenoon or soon thereafter as Counsel may be heard on behalf of the Applicants for:

1. **AN ORDER ENFORCING** the Applicants' Fundamental Human Rights as guaranteed, enshrined and protected by the Constitution of the Federal Republic of Nigeria 1999 (as amended), particularly Sections 34, 35, 41 and 46(1) thereof, and Articles 5 and 6 of African Charter on Human and Peoples Rights (Ratification and Enforcement) Act (CAP. A9) Laws of the Federation of Nigeria.

2. **A DECLARATION** that the invasion by the Respondents of the Applicant's houses and offices on the 11th day of September, 2026 at the Millennium City, Gidan Daji, Kaduna constitutes a violation of the right to family life and privacy protected and guaranteed by Section 37 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

3. **A DECLARATION** that the attempted arrest and detention of the Applicants, by the Respondents constitute a violation of Applicant's right to personal dignity as enshrined in Section 34 of the 1999 Constitution (as amended).

4. **AN ORDER** awarding and adjudging the sum of **₦15,000,000.00** (Fifteen Million Naira) only against the Respondents jointly and severally in compensation for having violated their rights to the

freedoms guaranteed and protected by the Constitution of the Federal Republic of Nigeria 1999 (as amended).

5. **AN ORDER OF PERPETUAL INJUNCTION** restraining Respondents herein, their agents, servants, privies or anybody acting for them from inviting, arresting or detaining the Applicants in lieu of other persons as their replacements.

6. **AND** for such further order(s) as this Honourable Court may deem fit to make in the circumstances.

Dated this ...19th..... **day of** ...October..., **2026**

NIGERIAN BAR ASSOCIATION NBA ABUBAKAR ALZUBAYR MRT SCN027740 NF171350

Alzubayr Abubakar, Esq.
Abubakar Badamasi, Esq.
PP: ABUBAKAR ALZUBAYR & ASSC
AH7, Gamagira Road,
Tudun-Wada, Kaduna.
08022182546

ON NOTICE TO

1. **1st, 2nd, 3rd & 4th RESPONDENTS**
   Kaduna State Police Command,
   Bida Road, Kaduna.

2. **5th & 6th RESPONDENTS**
   Lois Edet House,
   Police Headquarters, Abuja.

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6. NIGERIAN POLICE FORCE

} RESPONDENTS

STATEMENT IN SUPPORT

NAME AND DESCRIPTION OF APPLICANT

The 1st Applicant is a Journalist and broadcaster residing at Unguwan Dosa, Kaduna North LGA, within Kaduna Metropolis.

The 2nd Applicant is unknown in the hierarchy of the 3rd Applicant although the Respondents continually sought him/her, while the 3rd Applicant is the employer of the 1st Applicant and other staff of the organization

1) RELIEFS SOUGHT

a) **AN ORDER ENFORCING** the Applicant's Fundamental Human Rights as guaranteed, enshrined, and protected by the Constitution of the Federal Republic of Nigeria 1999 (as amended), particularly Sections 34, 35, 41 and 46(1) thereof, and Articles 5 and 6 of the African Charter on Human and People's Rights (Ratification and Enforcement) Act (CAP. A9) Laws of the Federation of Nigeria.

b) **A DECLARATION** that the invasion by the Respondents of the 1st Applicant's house on the 11th and 19th day of September and October, 2026 at 4.00pm, and at 10.00pm respectively at Unguwan Dosa, Kaduna, and their stationed offices at the JKD Television & Hamada Radio Network constitute a violation of the right to privacy which are protected and guaranteed by Section 37 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

c) **A DECLARATION** that the attempted arrest and detention of the Applicant, by the Respondents constitutes a violation of the Applicant's right to personal dignity as enshrined in Section 34 of the 1999 Constitution (as amended).

d) **AN ORDER** awarding the Applicant the sum of **₦15,000,000.00** against the Respondents jointly and severally in compensation for having violated the rights to the freedoms guaranteed and protected by the Constitution of the Federal Republic of Nigeria 1999 (as amended).

e) **AN ORDER OF PERPETUAL INJUNCTION** restraining Respondents from further unlawful arrests, entries by whatsoever name described, from inviting, arresting or detaining the Applicants or their family members in lieu of them.

f) **AND** for such further order(s) as this Honourable Court may deem fit to make in the circumstances.

2. GROUNDS FOR SEEKING RELIEFS:

1. By virtue of Section 34 of the 1999 Constitution (as amended) which guarantees the Applicant's rights to personal dignity and freedom from dehumanizing treatment, the invasion, threats arrest and continued invasion by the men of the Respondents at the instance of the Respondents, constitute gross human rights violations, as contained in the Constitution.

2. By virtue of Section 35 of the 1999 Constitution (as amended) the attempted arrest and detention of the 1st Applicant and the invasion of the JKD Television & Hamada Radio Network from the 11th day of September, 2026, contravene the Applicants' right to personal liberty, hence illegal and unconstitutional.

3. By virtue of Section 41 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Articles 5 and 6 of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act (CAP. A9) Laws of the Federation 2011, the Applicant's right to freedom of movement to travel freely anywhere in Nigeria, which the Respondents have violated by the threats of arrest of the Applicants including other staff of the JKD Television & Hamada Radio Network at all material times.

4. By virtue of Section 46(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Applicant's access to the Honourable court to enforce her fundamental rights where any of the provisions on Fundamental Rights has been, is being, or is likely to be contravened is inalienable. In this instant infractions by the Respondents, the Applicants can seek redress.

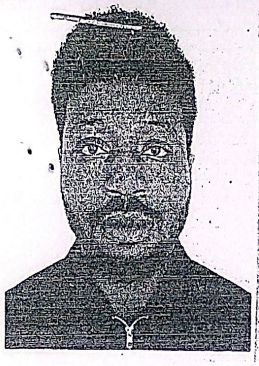
Dated this ....19th..... day of ....October...., 2026

Alzubayr Abubakar, Esq.
Abubakar Badamasi, Esq.
PP: **ABUBAKAR ALZUBAYR & ASSC**
AH7, Gamgira Road,
Tudun-Wada, Kaduna.
08022182546

ON NOTICE TO

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2. **5th & 6th RESPONDENTS**
   Lois Edet House,
   Police Headquarters, Abuja.



Justice
9:35am
9th Oct. 2026.

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

SUIT NO:_____/_____/2026

IN THE MATTER OF AN APPLICATION FOR THE ENFORCEMENT OF THE APPLICANT'S FUNDAMENTAL HUMAN RIGHTS TO PERSONAL LIBERTY, RIGHT TO FAIR HEARING, AND RESPECT AND DIGNITY OF THEIR PERSONS, AS GUARANTEED AND PROTECTED BY SECTIONS 34, 41 AND 46(1) OF THE 1999 CONSTITUTION (AS AMENDED), AND ARTICLES, 5, 6 & 8 OF THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS (RATIFICATION AND ENFORCEMENT) ACT LFN 2011

BETWEEN

1. **ZAINAB YABAGI**
2. **THE EDITOR, JKD TELEVISION & HAMADA RADIO NETWORK**
3. **JKD MULTIMEDIA LIMITED** - **APPLICANTS**

AND

1. **ALH. IBRAHIM MASARI**
2. **ASP ZAKKA**
3. **THE ASST. COMMISSIONER OF POLICE X SQUAD Kaduna State Command**
4. **THE COMMISSIONER OF POLICE Kaduna State Command**
5. **THE INSPECTOR GENERAL OF POLICE**
6. **NIGERIAN POLICE FORCE**

RESPONDENTS

AFFIDAVIT IN SUPPORT

I, **CHARLES ABBA**, Male, Adult, Nigerian Citizen of Millennium City, Gidan Daji, Kaduna, do hereby make oath and state as follows:

1. That I am the General Manager of JKD Television & Hamada Radio Network, the 3rd Applicant and employer of the 1st Applicant in this suit, by virtue of which I am conversant with the facts of this application although the 2nd Applicant as sought by the Respondents is unknown in hierarchy of the radio station.

2. That I have a consent and authority of the Applicants to make this Oath.

3. That sometimes on 11th day of September, 2026, while hearing programmes of the JKD Television & Hamada Radio Network, located at Gidan Daji, Kaduna, a crack team of the 6th Respondent led by the 2nd Respondent together with other officers of the 6th Respondent swooped in on the station without any warning, information, permission or warrant and carted away audio visual materials, cameras, and other electronic gadgets from various officers and in studios of the JKD Television & Hamada Radio Network.

4. That all attempts by me to seek an explanation of the Commando styled invasion by the Respondents was rebuffed and I was later, after the exercise, even arrested and detained by the Respondents without any explanation of an infraction either by the 1st Applicant or the station.

5. That after sometime, a delegation from the station, including members of the Kaduna Chapel of the Nigerian Union of Journalists intervened for my release and sought to know the reason for the dictatorial invasion of the radio premises but at which point, the Respondents did not bulge.

6. That I later heard that the Respondents, particularly the 2nd to the 6th Respondent were already hunting for the whereabout of the 1st Applicant who was on a sick leave, on the complaint of the 1st Respondent about a program aired on the JKD Television & Hamada Radio Network in which the 1st Applicant was the anchor.

7. That because the Respondents were audacious and relentless, and vicious in their search for the 1st Applicant, where the Respondents ransacked the entire household through all rooms of the house of the 1st Applicant's father, the father immediately ran to me complaining that the Respondents had criminalized him in the vicinity and neighborhood in which he lives with his family, as people believe that that search and viciousness might have been induced by act of terrorism by the father of the 1st Applicant.

8. That the 1st Applicant was, meanwhile, lying critically ill in the hospital at Minna, Niger State, where she was being attended to for her health complications, and she was moved to Minna from a Kaduna Hospital which referred her to the Minna hospital. That a copy of the Kaduna Hospital card and prescriptions issued to the 1st Applicant, no shown to me, is marked and attached here as "A".

9. That because the 1st Applicant was sick, and although I was not one of those accused by the 1st Respondent, the Respondents jointly continued to cite, mark and harass various staff across all departments of the Radio station thereby halting the entire broadcasting business of the JKD Television & Hamada Radio Network.

10. That apart from these harassments, the Respondents, apart from their invasion of the 1st Applicant's father's house, they also invaded my residence, the residences of some staff and our privacy, all in search of the 1st Applicant who by the way is still lying in a hospital at Minna, and which is known to the Respondents.

11. That to this day the JKD Television & Hamada Radio Network is running on a loss as men of the Respondents are stationed in strategic locations close to the Station to harass visitors and commentators who visit the station for the airing of programmes or for business related discussions.

12. That in the last 4 weeks, the Respondents have made life brutish, unbearable, harsh, difficult and straitened for staff and visitors, and then losses in quantity of Millions of Naira for the JKD Television & Hamada Radio Network.

13. That every attempt by the management of the JKD Television & Hamada Radio Network, the NUJ National President, the National Leadership of the Broadcasting Organizations of Nigeria (BON) and the National Association of Women Journalists (NAWOJ) and prominent Katsina State Elders to intercede in the conflict and the interregnum have been rebuffed by the Respondents, particularly the 1st Respondent who believe that his position of authority in the country is far beyond transparency and probity.

14. That to this day, nothing has changed in terms of the harassment, threats of arrest and impromptu invasion of the JKD Television & Hamada Radio Network further compounding not only the rights of

free movement of the staff, but also of the loses and damaging corporate image of the JKD Television & Hamada Radio Network.

15. That although, these actions of the Respondents are calculated, deliberate, inordinate and complexly orchestrated, the Respondents cannot be stopped, as they are bent on destroying the corporate image of the JKD Television & Hamada Radio Network and the harassment of its staff.

16. That the Respondents have made life unbearable for the staff as they cannot stay at home or at the JKD business premises, their Offices on account of the harassment and threats of arrest by the Respondents.

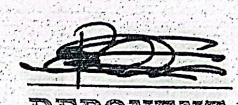
17. Unless this court intervenes, the Respondents intend to make life unbearable for the staff as they have all vowed to make life difficult without any fair trial.

18. That the Respondents are deliberate in their actions against the Applicants knowing that a fair investigation of their actions through the law could have solved the problem.

19. That the Respondents may not be prejudiced by the grant of this application of which the Applicants are highly hurt and prejudiced.

20. That it is in the interest of Justice to grant this application.

21. That I make this affidavit in good faith believing its contents to be true in accordance with provision of Oath Act 2011.



DEPONENT

SWORN TO AT THE FEDERAL HIGH COURT REGISTRY, KADUNA

The .....19th..... day of October, 2026.



.....

COMMISSIONER FOR OATHS

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE KADUNA JUDICIAL DIVISION
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6. **NIGERIAN POLICE FORCE**

RESPONDENTS

WRITTEN ADDRESS IN SUPPORT OF MOTION ON NOTICE

Issue for Determination

Whether the Applicant is entitled to the reliefs sought in this application.

ARGUMENT

It is submitted that in the interpretation of the Constitution the Courts must give especially-broad and liberal construction to those provisions designed to safeguard fundamental rights.

Furthermore, Article 6 of the African Charter on Human and Peoples' Rights provides thus:

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

From a consideration of paragraphs of the Affidavit in Support, the Applicant is being threatened arbitrarily by the Respondents based on an undisclosed act against the Applicants, as contained in the Affidavit in support of the African Charter on Human and Peoples' Rights.

In **FAWEHINMI VS. IGP (2002) 7 NWLR (Pt 767) at P.606**, the Court of Appeal held as follows:

> ***"It is also settled that until there is sufficient evidence upon which a charge is laid and caution to a suspect issued, there is no compelling reason to arrest let alone detain a suspect before the Police would look for evidence implicating him."***

Milord, a Citizen of Nigeria can only be arrested and detained by a Police Officer, or DSS Officers in respect of this case, upon a reasonable suspicion of having committed a criminal offence as provided by **Section 35(1)(c)** of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and in this case of **Gani Fawehinmi VS. IGP (Supra).**

Also see the case of **Sambo Vs. Nigerian Army Council (2007) NWLR Part 1565**, where the Court held:

> ***"Although the Constitution of the Federal Republic of Nigeria (as amended) while guaranteeing citizens' right to personal liberty under Section 35 provides circumstances in which the said right may be curtailed by law upon reasonable suspicion that the citizen has committed an offence. The test of reasonableness is objective and not subjective. See FRN Vs. Ekewegbu (2007) 3 NWLR Pt. 1021 Pg. 209"***

In the instant case, there is no allegation of crime made against the Applicants. who are made to go through the degrading and dehumanizing treatment.

In **APAH Vs. OTURIE (2019) 6 NWLR (Pt. 1667) 111 at 124 paras. B–D**, the Court of Appeal held as follows:

> ***"Whatever compensation is awarded for violation of human rights should truly reflect and commensurate the pecuniary loss of the victim but also the abhorrence of society and the law for such gross violations of human rights particularly the right to personal liberty."***

We further submit that where a court is called upon to compensate the Applicants, it is entitled to be awarded a sum of damages that he would have been earning had the court found that he was put in the same position in which he would have been if he had not suffered the wrong. This is, in other words, the principle of *restitutio in integrum* applies. See **APPAH Vs. OTURIE (2019) 6 NWLR (Pt. 1667) 111 at 123–124 paras. H–A.**

Therefore, we urge Your Lordship to consider our Affidavit critically in support of our application since in an application for enforcement of Fundamental Human Rights, the Affidavit evidence is the most important element to be considered in granting and determining same.

We refer to the case of **Okafor Vs. Lagos State (2017) 4 NWLR Pt. 1556 Pg. 433 Para G-H** which held thus:

> ***"The question of infringement of fundamental human rights is largely a question of fact and does not depend on the dexterous submission of counsel on law, so it is the facts as disclosed by the affidavit evidence that is usually examined, analysed and evaluated to see if the fundamental rights have been eviscerated as claimed or otherwise dealt with in a manner that.is contrary to the constitutional and other provisions on the fundamental rights of an individual."***

SUMMARY

The Applicants, therefore, urge the Honourable Court to grant this application as prayed.

We move in terms of the Motion Paper. Thank you My Lord for your kind attention.

LIST OF AUTHORITIES

1. The Constitution of the Federal Republic of Nigeria 1999 (as amended).
2. The African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (Cap. A9) Laws of the Federation of Nigeria.
3. USMAN v. CHO (2012) 10 NWLR (Pt. 1309) 588
4. APPAH vs. OTURIE (2013) 6 NWLR (Pt. 1667) 111 at p. 206
5. FAWEHIMI vs. IGP (2002) 7 NWLR (Pt. 767) 771 at p.121
6. SAMBO vs. NIGERIAN ARMY COUNCIL (2013) 18 NWLR (Pt. 1565)
7. OKAFOR vs. LAGOS STATE (2017) 4 NWLR (Pt. 1566) Pg. 433 para: G–H

Dated the 19th **day of** October, **2026.**

Alzubayr Abubakar, Esq.
Abubakar Badamasi, Esq.
PP: ABUBAKAR ALZUBAYR & ASSC
AH7, Gamgira Road,
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