IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
SUIT NO: ~~FHC~~/ABJ/CS/562/25

IN THE MATTER OF AN APPLICATION BY **MRS. AKABIKE (SUING AS GAUDIAN FOR MASTER CHUKWUEMEKALUM ALEXANDER)** FOR THE ENFORCEMENT OF THE FUNDAMENTAL HUMAN RIGHTS TO FAIR HEARING AS PROVIDED AND PROTECTED UNDER SECTION 36 OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT.

BETWEEN:

CHUKWUEMEKALUM ALEXANDER AKABIKE .... APPLICANT
(SUING THROUGH HIS NEXT FRIEND MRS OGOCHUKWU JACINTA AKABIKE)

AND

1. **THE NIGERIAN AIRFORCE**
2. **GROUP CAPTAIN NU DANJUMA .... RESPONDENTS**

ORIGINATING MOTION

BROUGHT PURSUANT TO ORDER 1, 2, 3, 4 & OF THE FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURE) RULES 2009; SECTIONS 36 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT

TAKE NOTICE that this Honourable Court shall be moved on the ..... day of .....2024 at hour of 9 O' clock in the forenoon or so soon thereafter as Counsel on behalf of Applicant can be heard praying this Honourable Court for the following reliefs:

i. **A DECLARATION** that the expulsion of the Applicant Master Chukwuemekalum Alexander Akabike from the NIGERIAN AIRFORCE SCHOOL JOS, is null and void for being a gross violation his right to fair hearing as enshrined Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).
ii. **AN ORDER** that Master Chukwuemalum Alexander Akabike be reinstated as a Student of the NIGFERIAN AIRFORCE SCHOOL JOS immediately.
iii. **THE SUM OF** N10,000,000.00 (ten million naira) as General and Exemplary damages against the Respondent severally and jointly for the gross violation of Master Chukwuemekalum Alexander Akabike's Fundamental Human Rights.
iv. Cost of the suit.

FEDERAL HIGH COURT
ABUJA
21 MAR 2025
PAID
Sign:.....

28122666 2351

AND FOR SUCH FURTHER ORDERS as this Honourable Court may deem fit to make in the circumstance.

GROUNDS UPON WHICH RELIEFS ARE SOUGHT

1. The Applicant Chukwuemekalum Alexander Akabike was expelled from the Nigerian Airforce school without being heard on the charges levelled against him.
2. Master Alexander Akabike was never confronted by his accuser until he was expelled by the 2nd Respondent.
3. There was no panel of enquiry set up to hear or investigate Master Chukwuemeka Akabike on the charges levelled against him.
4. The 2nd Respondent knowing fully well that Master Chukwuemeka Akabike is a minor pressured him into making admission which formed the basis upon which he was expelled by the 2nd Respondent.

Dated the 4th day of March 2025

Dr. Abdul Mahmud Esq.
Seun Awolade Esq
Dayo Ashonibare LLM Acirb.
(Applicant's Counsel)
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Plot 8 Veterinary Building
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FOR SERVICE ON:

1st Respondent
Nigerian Airforce Headquarters
Garki, Abuja, FCT

2nd Respondent
The Commandant
Nigerian Airforce School
Jos, Plateau State

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

SUIT NO:

IN THE MATTER OF AN APPLICATION BY MRS. AKABIKE (SUING AS GAUDIAN FOR MASTER CHUKWUEMEKALUM ALEXANDER) FOR THE ENFORCEMENT OF THE FUNDAMENTAL HUMAN RIGHTS TO FAIR HEARING AS PROVIDED AND PROTECTED UNDER SECTION 36 OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT.

BETWEEN:

CHUKWUEMEKALUM ALEXANDER AKABIKE .... APPLICANT
(SUING THROUGH HIS NEXT FRIEND MRS OGOCHUKWU JACINTA AKABIKE)

AND

1. **THE NIGERIAN AIRFORCE**
2. **GROUP CAPTAIN NU DANJUMA .... RESPONDENT**

AFFIDAVIT IN SUPPORT OF ORIGINATING MOTION

I, OGOCHUKWU JACINTA AKABIKE, Adult, Female, Christian, Nigerian citizen of Block F Flat 14 Muhammadu Buhari Officers Quarters, Mogadishu Cantonment, Asokoro, Abuja and Mother of Chukuemekalum Alexander Akabike the Applicant do hereby make Oath and state as follows:

1. That I am the mother and next friend of the Applicant Chukwuemaka Akabike a student of Nigerian Airforce School Jos (owned and managed by the 1st Respondent), who was expelled by the COMMANDANT of Airforce School Jos (the 2nd Respondent) unilaterally.
2. That by virtue of my relationship with the Applicant, I am conversant with the facts of this case.
3. That every statement made in this affidavit are within my knowledge except otherwise stated.
4. That the Applicant informed me of the events that led up to his expulsion and they are as follows:

i. That on the evening of 16th of June 2024, Applicant's room was locked so he went to another Room (Room 2 precisely) to pass the Night.
ii. The following morning some of his Applicant's colleagues lured him into a classroom where he was beaten to a pulp.
iii. That when school officials intervened, they claimed he was beaten for attempting to sodomize Abdul Lateef David.
iv. That the matter was reported to the 2nd Respondent who called Applicant and asked him about the accusation which he emphatically denied, he even wrote a statement denying the allegation, the statement is hereby attached and marked **Exhibit A.**
v. That the 2nd Respondent went on to pressure and threaten the Applicant to admit the allegation or else he would be expelled and reported to his father, but he maintained that it was not true.
vi. That the 2nd Respondent further persuaded the Applicant that if he admits the allegation all the charges against him will be dropped and his parents will not hear about it.
vii. That in an attempt to prevent his expulsion and not involve his parents, the Applicant reluctantly admitted the offence.
viii. That based on the induced admission, the 2nd Respondent expelled the Applicant.
ix. That no investigation or panel of enquiry was set up to look into the allegation neither was the Applicant confronted by his accuser.

5. That I complained to my husband Colonel Ikechukwu Akabike who called the 2nd Respondent to find out what happened only to be lightly dismissed by the by him.
6. That my husband contacted his Counsel Dr. Abdul Mahmud Esq. who wrote to the 1st Respondent about Chukwuemeka's expulsion. The letter is hereby attached and marked **Exhibit B.**
7. That the 1st Respondent carried out an investigation and found out that no panel of enquiry was set up, neither was the Applicant confronted by his accuser nor allowed to defend himself before any panel.

8. That despite the obvious violation of the Applicant's right, the Respondents are not willing to walk back their decision to expel him.
9. That several appeals to the 1st Respondent to reinstate the Applicant fell on deaf ears.
10. That I make this affidavit in good faith believing the facts contained therein to be true and in accordance with the Oaths Act.

.....
DEPONENT

Sworn to at the Registry of the
Federal High Court, Abuja
this 4th Day of March 2025

BEFORE ME

FEDERAL HIGH COURT
Registrar's Office
43125

Original Signed
H. TOGUNOMO-ADEGBITE

COMMISSIONER FOR OATHS

Exh A

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA

On Monday 17/06/24 in the night after our preps, we normally have general head count, so after the head count, we move to our blocks, as we all arrived, the block was still locked so we had to wait for the daily airman to open it. So, he came and opened it, the SS3 students entered before the SS1 students, after we all entered the duty airman (Lans Corporal Babatunde) shouted everyone should go to their rooms, so I went to my room on getting there the room was locked, I tried knocking but no one answered. Then I decided to go to the room I normally stay if my room is locked. My official room I stayed in is room 14 but it was locked so I went to room 2.

As I went there to sleep, I saw some one on the bed I normally stay. I wasn't in the right position to chase him because it was his room so I decided to go under one of the bunks to sleep, but as I came to one of the bunks, I saw someone sleeping there already, I then taped the person and realized it was Abdullateef David. When the boy came out, he said so Alex you are the one I said yes you are sleeping on my space then the boy begged me to allow him to sleep there there that if the room 2 people catch him they would beat him and he doesn't know where to go. Considering his case as a fellow coursemate, I allowed him and I went to room 8 to sleep.

Then at 4:00am reached the Senior who gathers Muslims for morning prayers came as and I heard his voice, I stood up and went back to room 2 because I don't want the boys of room 8 to catch me as I don't normally sleep in their room. So, as I came back to room 2, by then that Abdullateef David that slept under the bunk has gone then so I lay there until day break.

Later I woke up when it was time for our fatigue, I did my own normal fatigue and latter dressed up for class. On getting close to the class one of my friends Dara Alange David saw me and said Alex you have implicated yourselfself, I persuaded him to tell me what happened how but he said '' if our coursemates see him talking to me, they will beat him. I had no problem with him so I went to my class. As I was getting to my classroom '' Technical A'' one of my coursemate by name Micheal Samba told me that another of my coursemate Etim David wants to show me something. Etim David is the person my dady and guardian asked me to always

cooperate with to help me on accademics as he is the best in my class. But I refused and told him that since Etim David is in my class so we will meet in the class but Micheal Samba fouled and forced me to another class " Science A". some of my other coursemates there joined him to drag me on the floor of the class and started beating me. Some used their belts whipping me while others were marching on my body all over. They beat me mercilessly and I was confused on what was going on. No body told me what I did and it was very strange to me as I have not quarrelled with anybody since I came to the school. This continued until when the block commander of both Puma and Donier Corporal Abudulahi and Abubakar came to my rescue. They saw my friend Ogar Desmond crying so they asked him what was the problem, so he told them everything that happened. They then took me outside and and asked me questions. After my explanation, they said that they were not on duty so they couldn't do anything, so they took the case to the (FS) on duty who was FS Zinglah. The duty FS couldn't do anything so he took me to the duty officer " Flying Officer Oluwabamishe". The duty officer asked myself and David what happened and we explained. He made us to write down a statement and later told us to call our witness. I called my friend Ogar Desmond and David called Osemeka Leonard. My friend says only all he knew about me as he did not sleep in same room with me. Leonard in his own testimony never give any evidence that he saw me doing sodomy with David instead he accused me of practice sodomy with another of my friend Demsa David. The duty officer asked him if he has seen me with that my Demsa David doing sodomy, he said NO that another student Micheal Samba told him. Sir, remember that Micheal samba is the same coursemate who first pulled me to the class Science A where I was thoroughly beaten up. Then Micheal was invited and asked to confirm the allegation of Leaonard Osemeka but he denied ever telling Leonard that he saw me practicing sodomy with my friend Demsa. He only said that he told him that he use to us dressing up in the store where we kept our lockers. Sir, we kept our lockers in that store because the hostel is congested and even some other students kept their lockers in different places because the hostel

can accommodate all our lockers. There are 10 other student that slept in the room but none of them were called and none of them testified to see me doing or attemting sodomy with Abdulateef David.

My friend Ogar Desmond said everything he knew about me testifying that I have never practiced sodomy but while giving his own statement Leonard the friend of Abdulateef David confirmed to interrupt him. At the end, the duty officer sent all of us back to classroom.

Around 11 o'clock, the commandant sent for me and David. On meeting at the headcount ground, he told David to go back to class room without asking him any questions. He then asked me if the allegation is true but I told him no, he asked me the questions more than 4 times but I kept telling him that am innocent. He then told me that he has the power to expel or retain me in the school. He said that my father is well known person to him and that they were course mate in Jaji. He then said that expelling me will be a disgrace to my parents but if I admitted he will use his power to retain me in the school in order not to bring shame to my parent. He said that my father will be angry and may even beat me if I am to be expelled from the school. It was at that point that I admitted. He asked if I have seen people sodomy before I said no, he kept asked me if I had seen a sodomy act but I told him that I have never witnessed nor did that. But I remember longtime ago before I came to AFMS when I saw a clip of blue film in our children house phone. I and my siblings reported to our mum. she beat my elder brother as he was the person that downloaded the film and immediately delated form the phone. So I narrated the story to the commandant

Then the commandant took me to the duty room and instructed me to write another statement and reflect all the answers I gave him. So that was how I wrote another statement because I was afraid and believed the commandant. He then directed that I should report to the sick bay for treatment due to the beating from my coursemates. I was then treated and admitted till the following day.

I am surprised when the same day Mr Donald, my guardian came to carry me but he said my father instructed him. But as we were about to go to, commandant said that I should wait, let him talk to my mate. Then the commandant later returned in the front of sickbay where I was, he asked me if Mr Donald have ever touched my pennis and I told him yes. I also told him that I reported to my mum when I went on break. He then told me that he will not release me to Mr Donald that he will call my father.

When I was to go to the class to pick my books when Mr Donald was to take me along, the commandant told me not to worry, that I was only going on pass and that will return back to the school later. The next day which was on Wednesday in the afternoon, the Commandant called me to the whole gathering of the school with one other student in SS2. After he announced expulsion of the SS2 student due to bullying he then announced that I attempted sodomy and that my punishment is expulsion from the school. He then told the soldiers to march me out.

EXH 15

RECEIVED
08 JUL 2024
HQ NAF

LIBERTY STAMPERBUDELS

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COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA
2/7/24

1st July, 2024.

The Chief of Air Staff,
Nigeria Airforce
Airforce Headquarters,
Abuja.

Dear Sir,

APPEAL AGAINST THE UNJUST EXPULSION AND COERCION OF CONFESSION OF MASTER CHUKWUEMEKA AKABIKE FROM AIRFORCE MILITARY SCHOOL JOS

We are Attorneys to Lieutenant Colonel Ikechukwu Alexander Akabike, hereinafter referred to as our client, and it is upon his legal instructions we write to bring to your attention to the unjust expulsion of his son, Master Alexander Chukwuemeka Abakike, from the Airforce Military School, Jos.

Master Abakike, a young SSS 1 student of 14 years, was expelled on allegations of sodomy, made by one Master Abdullatif, without being afforded a fair and impartial hearing, which is a gross violation of his rights protected by Section 36 of the Constitution of the Federal Republic of Nigeria, 1999 (With fifth alterations) which guarantees fair hearing and due process.

IN CHAMBERS

Senator Tokunbo Afikuyomi, LLB, BL, LLM, Principal Partner **Debo Olufeko Esq,** LLB, (Hons), BL, LLM(Solicitor), FCIArb, FCIArb FIBA, Managing Partner **Prof. Gbenga Oduntan,** BA, MA, LLB, BL, PhD (Law), Managing Partner **Abdul Mahmud,** LL B (Hons), LL M, MBA, DBA, Managing Partner **Modupe Afibola-Afikuyomi (Mrs.),** LLB, BL, LLM, MCArb, Principal Partner, **Seun Awolade,** LL B (Hons), BL, Head Of Chambers **Oluwatoyin Awosika (Mrs),** LL B, BL, LLM, Managing Partner **Daye G. Ashonibare Esq,** LLM ACIArb(UK), Senior Associate **Haneek Dashuwar, Esq,** LLB, BL , Senior Associate **Hamzat Sulaimon Abiola Esq,** D.P.L Law, LLB, LL Senior Associate **Grace Ekin-Ikang, Esq,** LLB, BL , ACIArb, Associate **Ayorinde Victor Ogungbure Esq,** LLB, BL, LLM, AI **Akinmade Afikuyomi (Ad),** LLB, Intern

The circumstances leading to Master Abakike's expulsion are deeply troubling:

1. Lack of fair hearing. Master Akabike was not provided with an opportunity to present his side of the story or confront Master Abdullatif with regard to the allegations made against him before any properly constituted investigation panel;

2. Coercion to Admit Allegations: Instead of conducting a proper investigation, Master Abakike was coerced by the School's Commandant into admitting to the allegation he never understood as a minor under duress and intimidation.

3. Without Corroboration: The allegation levelled against the son of our client wasn't corroborated by any witness; but, the aforementioned Commandant acted on it anyway.

4. Absence of Legal Representation: His father, our client, who is at all material times his legal guardians, was not informed or involved in the disciplinary proceedings, which is essential considering his age and legal status.

5. Violation of Fundamental Rights: These actions are in direct violation of Master Akabike's fundamental rights as enshrined in Section 36 of the Constitution of the Federal Republic of Nigeria, 1999 (With fifth alterations)which guarantees fair hearing and due process.

6. Suppression of Evidence. The School commandant cowed Master Akabike to write an alternative statement after he had willingly written his statement obtained by the duty officer. The Commandant also failed to invite any of the students that were in Room 2 where the alleged attempted sodomy took place. Furthermore, the commandant intentionally downplayed the mob action against Master Akabike by some irate students from which he sustained injuries and was admitted in the school sickbay.

Given these serious concerns, we humbly and respectfully request a thorough review and investigation into Master Abakike's case. Considering that he is a minor who is expected to write his third term promotional examinations as an SSS 1 student, it is imperative that he be reinstated immediately pending a fair and transparent examination of the facts surrounding the allegations against him.

We trust in your commitment to upholding justice and fairness within the Nigeria Airforce and ensuring that the rights of all students, especially minors, are protected. Your prompt attention to this matter is greatly appreciated.

The written statement of Master Chukwuemeka Abakike is attached to this letter.

Please, accept the assurances of our client's esteemed regards.

Yours sincerely,

For: Liberty Semper Fidelis LP

Dr Aminu Mahmud, Esq
Dayo Ashonibare, Esq
Seun Awolade, Esq
AJ Afikuyomi, Esq
Tel: 08162491840

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

SUIT NO:

IN THE MATTER OF AN APPLICATION BY MRS. AKABIKE (SUING AS GAUDIAN FOR MASTER CHUKWUEMEKALUM ALEXANDER) FOR THE ENFORCEMENT OF THE FUNDAMENTAL HUMAN RIGHTS TO FAIR HEARING AS PROVIDED AND PROTECTED UNDER SECTION 36 OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT.

BETWEEN:

CHUKWUEMEKALUM ALEXANDER AKABIKE .... APPLICANT
(SUING THROUGH HIS NEXT FRIEND MRS OGOCHUKWU JACINTA AKABIKE)

AND

1. **THE NIGERIAN AIRFORCE**
2. **GROUP CAPTAIN NU DANJUMA .... RESPONDENT**

STATEMENT MADE PURSUANT TO ORDER 2 RULE 3 OF THE FUNDAMENTAL RIGHTS (ENFORCEMENT PROCEDURE) RULES, 2009

1. NAME, ADDRESS AND DESCRIPTION OF THE APPLICANT

The name of the Applicant is Master Chukwuemekalum Alexander Akabike who resides at Block F Flat 14 Muhammadu Buhari Officers Quarters, Mogadishu Cantonment, Asokoro, Abuja. He was unjustly expelled from Nigerian Airforce School Jos.

2. RELIEFS SOUGHT BY THE APPLICANT

i. **A DECLARATION** that the expulsion of the Applicant Master Chukwuemekalum Alexander Akabike from the NIGERIAN AIRFORCE SCHOOL JOS, is null and void for being a gross violation his right to fair hearing as enshrined Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

ii. **AN ORDER** that Master Chukwuemalum Alexander Akabike be reinstated as a Student of the NIGFERIAN AIRFORCE SCHOOL JOS immediately.

iii. **THE SUM OF** N10,000,000.00 (ten million naira) as General and Exemplary damages against the Respondent severally and jointly for the gross violation of Master Chukwuemekalum Alexander Akabike's Fundamental Human Rights.

iv. Cost of the suit.

AND FOR SUCH FURTHER ORDERS as this Honourable Court may deem fit to make in the circumstance.

3. **GROUNDS UPON WHICH RELIEFS ARE SOUGHT**

1. The Applicant's Son Master Chukwuemekalum Alexander Akabike was expelled from the Nigerian Airforce school without being heard on the charges leveled against him.
2. Master Alexander Akabike was never confronted by his accuser until he was expelled by the 2nd Respondent.
3. There was no panel of enquiry set up to hear or investigate Master Chukwuemeka Akabike on the charges levelled against him.
4. The 2nd Respondent knowing fully well that Master Chukwuemeka Akabike is a minor pressured him into making admission which formed the basis upon which he was expelled by the 2nd Respondent.

Dated the 4th day of March 2025

Dr. Abdul Mahmud Esq.
Seun Awolade Esq
Dayo Ashonibare LLM Acirb.
(Applicant's Counsel)
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Plot 8 Veterinary Building
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AND

1. **THE NIGERIAN AIRFORCE**
2. **GROUP CAPTAIN NU DANJUMA** .... **RESPONDENT**

WRITTEN ADDRESS IN SUPPORT OF THE ORIGINATING MOTION

1.0. INTRODUCTION

1.1. The application before the Court is for enforcement of the Fundamental Rights of Chukwuemekalum Alexander Akabike the Applicant who was expelled from Nigerian Airforce School Jos without fair hearing.

1.2. The application is brought pursuant to section 36 of the Constitution of the Federal Republic of Nigeria and under the inherent Jurisdiction of the Honourable Court.

1.3. The Application seeks the following reliefs;

i. **A DECLARATION** that the expulsion of the Applicant Master Chukwuemekalum Alexander Akabike from the NIGERIAN AIRFORCE SCHOOL JOS, is null and void for being a gross violation his right to fair hearing as enshrined Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

ii **AN ORDER** that Master Chukwuemalum Alexander Akabike be reinstated as a Student of the NIGFERIAN AIRFORCE SCHOOL JOS immediately.

iii. **THE SUM OF** N10,000,000.00 (ten million naira) as General and Exemplary damages against the Respondent severally and jointly for the gross violation of Master Chukwuemekalum Alexander Akabike's Fundamental Human Rights.

iv. Cost of the suit.

AND FOR SUCH FURTHER ORDERS as this Honourable Court may deem fit to make in the circumstance.

1.4. The application is supported by a 10 paragraphed Affidavit Deposed by Mrs. Akabike. The Applicant relies on all the paragraphs of the Affidavit and Exhibits attached thereto as facts in support of this application.

2.0. STATEMENT OF FACTS

2.1. We adopt our Affidavit in support of this application as our statement of facts.

3.0. ISSUES FOR DETERMINATION

3.1. Whether the expulsion of Chukwuemeka Akabike was justified owing to the fact that he was denied fair hearing and the allegations against him was never investigated by a panel of enquiry, neither was he given the opportunity to confront his accuser.

3.2. Whether the Applicant is entitled to reliefs ii, iii and iv, if issue one is resolved in his favour.

4.0. LEGAL ARGUMENTS

ISSUE ONE

Whether the expulsion of Chukwuemeka Akabike was justified owing to the fact that he was denied fair hearing and the allegations against him was never investigated by a panel of enquiry, neither was he given the opportunity to confront his accuser.

4.1. It is fundamental and sacrosanct that before any person can be declared guilty of any wrong doing he/she must have been give adequate opportunity to present his/her case before an unbiased panel of inquiry. The twin pillars of Justice state as follows; *audi alteram partem* and *nemo judex in causa sua* which means "listen to both sides" and "you cannot be a judge in your own cause". The foregoing is extremely essential and fundamental to the extent that it is enshrined in the Section 36 of the 1999 Constitution (as amended).

4.2. The Constitution in section 36(1)(2)(a) states as follows;

"In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality.

(2) Without prejudice to the foregoing provisions of this section, a law shall not be invalidated by reason only that it confers on any government or authority power to determine questions arising in the administration of a law that affects or may affect the civil rights and obligations of any person if such law -

"(a) provides for an opportunity for the persons whose rights and obligations may be affected to make representations to the administering authority before that authority makes the decision affecting that person; and..."

4.3. The foregoing, most especially in subsection 2a places a constitutional requirement of fair hearing on any administrative body whatsoever. It categorically states that a person whose rights and obligations may be affected must be given adequate notice to make representations to the administering authority before any decision can be made. The Court of Appeal in the case of **Odigie v. Nig. Paper Mills Ltd** reported in **(1993) 8 NWLR (Pt. 311) 338 at page 340 ratio 1**; held thus;

"The rule of fair hearing requires that a person who is liable to be directly affected by a proposed administrative act, decision or proceeding should be given adequate notice of what is proposed so as to afford him the opportunity to make representations and effectively prepare his own case and be able to answer the case he has to meet. Consequently, it is essential that the person involved should be given prior notice of the case against him so that he can prepare to meet that case. This is because there is an expectation that basic procedural and other requirements of the rule of natural justice are to be observed by every tribunal or authority which is under a duty to act judicially.

In the instant case, the failure of the respondent company to give details of the allegation against the appellant before the interview it summoned him to, as well as sufficient notice and information to defend himself ran counter to the rules of fair hearing and section 33 of the 1979 Constitution."

4.4. The above represents the disposition of the law and the Courts towards administrative panels not adhering to the basic principles of fair hearing. The minimum requirement of fair hearing stipulates that an unbiased panel is to look into any allegation and allow the accused person defend himself before the panel. The requirement of fair hearing is not limited to courts it also covers any and every administrative panel this was the Court of Appeal's position in **Muhammed v. A.B.U, Zaria (2014) 7 NWLR (Pt. 1407) 500 at Page 536-537; paragraph H-D** when it held thus;

"It is pertinent to note that examination malpractice is one of the classes of misconduct that can warrant disciplinary measures against a student in the University, but it is the requirement of the law that a person who has some charges levelled against him or is facing a trial before a regular court or a disciplinary committee is entitled to a fair hearing before he is found guilty and made to suffer. A violation of principles of natural justice is tantamount to violation of the provisions of section 36 sub-sections (1) and (2) of the Constitution of Federal Republic of Nigeria, 1999".

The Court further to broke down the meaning of fair hearing when it added thus;

"The right to a fair hearing requires that individuals should not be penalised by decisions affecting their rights or legitimate expectations unless they have been given prior notice of the cases against them, a fair opportunity to answer them, and, the opportunity to present their own cases. The mere fact that a decision affects rights or interests is sufficient to subject the decision to the procedures required by natural justice. It should be noted that it is only when due process is not followed that a person's human right has been violated. It is now well established that it is not the character of the public authority that matters but the character of the power exercised".

4.5. It is clear from the above that the requirement for fair hearing is undisputable. In the instant suit no disciplinary committee was constituted, the 2nd Respondent unilaterally made his decision after threatening and cajoling the Applicant.

4.6. One of the fundamentals of fair hearing is that anyone accused or charged with an offence must be given opportunity to confront his accusers. In the case of **Board of Management, F.M.C. Makurdi v. Abakume (2016) 10 NWLR (Pt. 1521) 536 at page 577 at paras C-D** As the Court stated as follows;

"One of the tenets of fair hearing, indeed its hallmark, is that a person should be given the chance to proffer his evidence and cross-examine his adverse witnesses in order to exculpate himself from the allegations against him"

4.7. The above succinctly explains the Applicant's case. The Court clearly states that a person should be give the chance to proffer his evidence and cross examine adverse witness, in the instant suit none of that was done. The Applicant was not given the opportunity to confront his accusers neither was anyone in the room where the alleged act took place

questioned about the event. The 2nd Respondent through threats coerced the Applicant into making confession he should not have made.

4.8. The Respondents cannot under any guise absorb themselves of violating the rights of the Applicant, the Court of appeal in the case of **Board of Management, F.M.C. Makurdi v. Abakume (2016) 10 NWLR (Pt. 1521) 536 at page 575 paragraph E;** state thus;

"It remains to add that the doctrine of fair hearing is so expansive and all-encompassing to the extent that non-judicial bodies, that is, administrative tribunals or bodies, are willy-nilly, bound to give persons fair hearing before reaching a decision affecting their rights, obligations and interests..."

4.9. It is clear from the foregoing that the Respondents are bound to respect the right to fair hearing of the Applicant which they did not do.

4.10. In addition to the above, the Courts have also stated that the disposition of the adjudicating body is significant to the fulfilment of fair hearing. This was the case when **PATS-ACHOLONU, J.C.A** in delivering the lead judgement in **Nigerian-Arab Bank Ltd. v. Comex (1999) 6 NWLR (Pt. 608) 648 at page 663 paragraph G** stated thus;

"...Fairness of a trial is demonstrated by the attitudinal behaviour of the presiding judge in the course of trial towards a party. It is characterised by lack of prejudice or bias and open ended in such a way that any common man present in court will easily attest to the fairness of the procedures".

4.11. The above captures the disposition of the 2nd Respondent in this suit. If we us assume, for all intent and purposes that the 2nd Respondent constitutes himself as the adjudicating body, panel of enquiry and disciplinary council, the manner and circumstances under in which he extracted a confession from the Applicant's son runs against the principles of fair hearing. The 2nd Respondent resorted to intimidation and threatened the Applicant (knowing that he is a minor) into admitting facts that are not true. Testimony or evidence received under such circumstances cannot be relied on.

4.12. We hereby urge that in the light of the above arguments and submissions, issue one be held in the Applicant's favour.

ISSUE TWO

Whether the Applicant is entitled to reliefs ii, iii and iv if issue one is resolved in his favour.

Relief ii in this application simply demands the unequivocal reinstatement of the Applicant which is one of the remedies available to the Applicant in the circumstance. Whenever the Court finds that there is a breach of fair hearing, the decision being the result of such breach will be null and void. It is expected that the expulsion of the Applicant be reversed for breach of his fundamental right of fair hearing. The Court of Appeal in the case of **Chief Land Officer v. Alor (1991) 4 NWLR (Pt. 187) 617 P.627, paras. F-G per Nikki Tobi JCA (as he then was)** quoting Obaseki JSC in the case of **ADIGUN V. A.G. OYO STATE (1987) 1 NWLR (PT.53) 678**. Stated thus; "In ***Adigun's case*, Obaseki, J.S.C. said at p. 709 thus: "The right of fair hearing being a fundamental constitutional right guaranteed by the constitution, the breach of it in any trial, or investigation or inquiry nullifies the trial, investigation of inquiry and any action taken on them is a nullity.....The decision must be declared to be no decision."**

4.13. We hereby urge the Court to so hold that the expulsion be nullified and the Applicant's son reinstated forthwith.

4.14. In the same vein it is only justifiable that the Court compensate the Applicant for the unquantifiable humiliation he went through as a result of the Respondents action. Furthermore, the Applicant's wards had to engage the services of a Lawyer to write the Respondents and then institute this matter before the Court. The Applicant's ward incurred all these expenses due to the Respondents act of willfully violating the Applicant son's right, we hereby implore that reliefs iii and iv be granted and issue 2 be resolved wholly in favour of the Applicant.

5.0. CONCLUSION

5.1. We hereby urge the Court in the light of the above arguments and submissions to resolve the issues in the Applicant's favour and grant and this application as a whole.

Dated the 11th day of March 2025

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FOR SERVICE ON:
1st Respondent
Nigerian Airforce Headquarters
Garki, Abuja, FCT

2nd Respondent
The Commandant
Nigerian Airforce School
Jos, Plateau State

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

SUIT NO:

IN THE MATTER OF AN APPLICATION BY **MRS. AKABIKE (SUING AS GAUDIAN FOR MASTER CHUKWUEMEKALUM ALEXANDER)** FOR THE ENFORCEMENT OF THE FUNDAMENTAL HUMAN RIGHTS TO FAIR HEARING AS PROVIDED AND PROTECTED UNDER SECTION 36 OF THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED) AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT.

BETWEEN:

MRS. AKABIKE .... APPLICANT
(SUING AS GUARDIAN TO MASTER CHUKWUEMEKALUM ALEXANDER AKABIKE)

AND

1. **THE NIGERIAN AIRFORCE**
2. **GROUP CAPTAIN NU DANJUMA ....RESPONDENT**

AFFIDAVIT OF NON-MULTIPLICITY OF SUIT

I, MRS. AKABIKE, Female, Adult, Christian, Nigerian Citizen, of ..... Abuja FCT do hereby make oath and state as follows:

1. That I am the Applicant and Witness in this action, by virtue of which am I am conversant with the facts of this case.
2. That there is no other action by the Applicant against the Respondents on this subject matter before any other court.
3. That I depose to the facts in this affidavit in good faith, conscientiously believing its contents to be true and in accordance with the Oaths Act, 2004.

.....
DEPONENT

SWORN to at the Registry

of the Federal High Court, Abuja.
This ..... day of 2025

FEDERAL HIGH COURT
Cashier's Office
Date 4/3/25
LAGOS

BEFORE ME

COMMISSIONER FOR OATHS