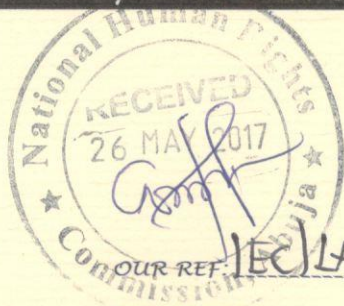




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26th May, 2017.

The Executive Secretary,
National Human Rights Commission,
19, Aguiyi Ironsi Street,
Maltama,
FCT, Abuja.

Dear Sir,

PETITION AGAINST THE FLAGRANT DISREGARD FOR COURT ORDER BY THE NIGERIAN ARMY IN RESPECT OF THE JUDGMENT IN SUIT NO: FHC/L/CS/789/05 BETWEEN CHIEF ABAYOMI AKERELE VS NIGERIAN ARMY POST EXCHANGE (NAPEX) LIMITED & NATIONAL INLAND WATERWAYS AUTHORITY.

We are Solicitors to the Judgment Creditor in the above mentioned matter (hereinafter referred to as our client) on whose behalf and express instructions we write this petition on the above subject matter.

Sir, the above recited case, was instituted sometime in August, 2005 at the Lagos Division of the Federal High Court by our client, Chief Abayomi Akerele (carrying on business under the name and style of JOE-YOM MARITIME SERVICES (NIG.) CO.) with the Nigerian Army Post Exchange (NAPEX) and the National Inland Waterways Authority as the 1st and 2nd Defendants, respectively.

Our client is a licensed ship chandler and a ship operator, who operates at No. 3, Eleke Crescent, (Now Walter Carrington Crescent), Victoria Island, Lagos and has been in occupation of the said land since 1975 which said occupation was duly regularized by the National Inland Waterways Authority pursuant to the said authority's enabling law cum statute being the Inland Waterways Authority Act No 13, of 1997, vesting the authority with the exclusive control, management and direction of all land within the right-of-way of declared waterways which our client's land falls under, the said land being within 100 metres from the Federal Waterways, thus effectively and statutorily putting the land under the overriding control, management and direction of the authority as opposed to any other entity or body.

Our client operates a slipway with which boats and ships are brought in for repairs, from the waterways to the shoreline and equally own a jetty which is a structure at the shoreline used in transferring passengers to the shoreline and into the boat. Our Client's business premises is behind the NAPEX premises, which said premises are not in the same compound as they are both clearly demarcated by a fence.

In 2006, our client obtained final judgment in his favour and against the Nigerian Army Post Exchange (NAPEX) Limited in the aforesaid case, which said judgment was delivered by Honourable Justice Abimbola O. Ogie of the Federal High Court, Lagos Division, on the 6th day of August 2006. Enclosed herewith as **Annexure 1** is the Certified True Copy of the said judgment for ease of reference.

In the said judgment, NAPEX being the 1st Defendant in the said suit was affirmatively restrained from destroying the Plaintiff's jetty, structure and slipway or anything at all in the Plaintiff's compound or from exercising any further acts of control or ownership over the land occupied by our client, in addition to the above, NAPEX was also restrained from further harassing, disturbing, unlawfully ejecting our client from his quiet enjoyment and or unlawfully ejecting our client from the said land or from exercising any further acts of control or ownership over the land.

Dissatisfied with the Judgment, NAPEX the 1st Defendant, unsuccessfully appealed to the Court of Appeal, Lagos Division in 2006 **but the appeal was dismissed** in 2009. Enclosed herewith as **Annexure 2** is a copy of the Enrolled Order dismissing the appeal. There was no further appeal to the Supreme Court.

Despite the valid, subsisting and extant judgment of the Honourable court, and in flagrant violation of the injunctive orders of court as contained in the judgment, on the 24th March, 2012, one Brigadier General Musibau Amolegbe of the Nigerian Army Post Exchange (NAPEX) Limited in contempt of the Honourable Court to which he is aware of, led stern and combatant looking soldiers to our client's premises and forcefully dislodged and dispossessed our client of the land, some six (6) years after judgment had been delivered against NAPEX whom the Brigadier General is acting for and on their behalf.

The said Brigadier General not only assaulted our Client's staff and the staff of Julius Berger working on the premises, they equally destroyed our client's properties and boats, with the contemptuous assertion on the signboard erected by the said Brigadier General and his men that our client's premises belongs to the Nigerian Army which had been adjudged in the judgment sought to be enforced to belong to the National Inland Waterways Authority, from whom our client had been licensed to operate on the said land as a licensee thereof. NAPEX has since stationed armed soldiers on the premises and has prevented our client from accessing the premises in utter and reprehensive violation and contempt of the injunctive orders of court as contained in the said judgment. Enclosed as **Annexure 3** is a video cassette showing the invasion and destruction of the property by Brigadier General Musibau Amolegbe and his men. Also enclosed as **Annexure 4**, is a photograph of the signboard erected by the NAPEX unlawfully laying claim to the property, in total disregard to the injunctive Orders of the Court.

Several efforts have been made in the past by our client and the Sheriff of the Court to enforce the judgment of the Honourable Court but to no avail. Indeed, a Writ of Execution was duly issued with the leave of the Court to enforce the judgment. In granting the application of our client to issue Writ of Execution, Hon. Justice C. J. Aneke, on 10th March 2014 ordered the Nigeria Police Force as follows:

1. That an order is hereby made for the assistance of the Nigeria Police and such other security operatives cum personnel in facilitating the execution of the judgment of this Honourable Court sought to be enforced against the 1st Defendant/Respondent.

2. An Order is hereby granted directing the Inspector General of Police, the Assistant Inspector General of Police (Zone 2), the Commissioner of Police Lagos State Command, their deputies, assistants and all other officers attached to them to assist the Registrars and Sheriffs of this Honourable Court in the performance of executing the judgment of the Honourable Justice Abimbola O. Ogie delivered on the 3rd day of August 2006 in favour of the Applicant in recovering possession of the property located at No. 3B Eleke Crescent, Victoria Island, Lagos.

Enclosed herewith for your kind perusal, is the Certified True Copy of the Order issuing Writ of Execution for the enforcement of the judgment and same is marked **Annexure 5**.

In furtherance of the above Orders of Hon. Justice Aneke, the Deputy Chief Registrar of the Federal High Court, Lagos wrote letters on 4th June, 2014 and on the 13th July, 2016 to the Commissioner of Police, Lagos State Police Command requesting his assistance to enforce the valid judgment of the Court given in favour of our client. Attached herewith are the said letters marked **Annexure 6A & Annexure 6B**, respectively.

We regret to inform you that the Lagos State Police Command failed, refused or neglected to assist the Sheriffs and Bailiffs of the Court to recover possession of the said property located at No. 3B Walter Carrington Crescent, Victoria Island, Lagos for our client.

It will interest you to know that our client has written and made representation to the authorities of the Nigerian Army with a view to reaching an amicable resolution of the whole issue, and to get the authorities concern to prevail over NAPEX to respect the judgment of court but to no avail, as all the said efforts has so far proved abortive and futile.

Please find attached photographs marked **Annexure 7A – 7C**, showing the current pathetic state of the remains of our client's boats, jetty, etcetera, at the said No. 3B Walter Carrington Crescent, Victoria Island, Lagos.

We have the instructions of our client to inform your esteem office that arising from the unlawful acts of the Nigerian Army Post Exchange Limited/Judgment Debtor; our client has suffered huge financial losses amounting to over N150,000,000,00 (One Hundred and Fifty Million Naira Only), deep emotional and physical pressure which has impaired his health and capacity to cater for his family. Our client has been out of job for, and have not been able to work since then and on account of this lost a lot of income and his business has suffered immensely.

In the circumstances, we respectfully seek the following reliefs:

1. Your urgent intervention and assistance to recover possession from NAPEX and reinstate our client back on the premises, as the only entity/authority that could validly and lawfully evict our client is the National Inland Waterways Authority. The court had unambiguously and unequivocally restrained NAPEX from doing any act tantamount to exercising right of ownership, control and or management of the land in issue.
2. Your resolution directing NAPEX (which ordinarily is a company registered by the Corporate Affairs Commission) to compensate our client with the sum of N100,000,000.00 (One Hundred Million Naira Only) to enable our client repair and replace his boats, jetty and properties which have either been stolen or badly destroyed due to the illegal acts of NAPEX.

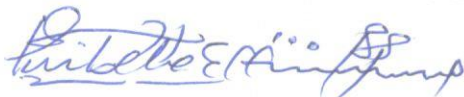
Sir, democracy is worthless without adherence to the Rule of Law. Nigeria cannot progress if institutions of the state are viciously deployed to subvert the law and oppress the weak. Our client is a law abiding senior citizen of Nigeria who had served his country as a Naval Officer before he disengaged from the Nigerian Air Force in 1978 and should be accorded equal protection by the government.

We are hopeful that with your conscientious and speedy intervention, Sanity, Justice and the Rule of Law will prevail in this matter as no institution or person is above the Law.

Thank you.

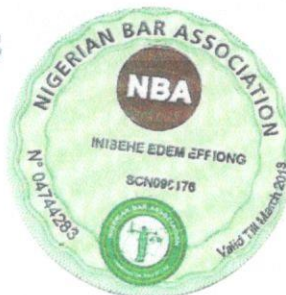
Yours faithfully,

For: **INIBEHE EFFIONG CHAMBERS**



INIBEHE EFFIONG, ESQ.

Head of Chambers.





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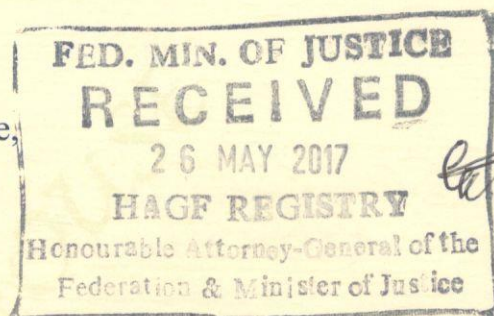
E-mail: inibeheeffiongchambers@gmail.com

OUR REF: IECL/APT/08/2017
YOUR REF: _____

26th May, 2017.

ABUBAKAR MALAMI, SAN.

The Hon. Attorney General & Minister for Justice,
FEDERAL MINISTRY OF JUSTICE,
Shehu Shagari Way,
Central Area,
FCT, Abuja.



Dear Sir,

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