

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT MAITAMA

ON THE 2<sup>ND</sup> DAY OF JANUARY, 2025

BEFORE HIS LORDSHIP: HON. JUSTICE MOHAMMED ZUBAIRU (VACATION JUDGE)

SUIT NO: CV/5713/2014  
MOTION NO: M/5713/2024

BETWEEN

1. INCORPORATED TRUSTEES OF CENTRE FOR TRANSPARENCY AND DEFENCE OF HUMAN RIGHT & 1 OR
2. INCORPORATED TRUSTEE OF ONE LOVE FOUNDATION AND CARING (FILED IN PUBLIC INTEREST CAPACITY AND SEEKING FOR THE ENFORCEMENT OF RIGHTS OF KELVIN OKORIE,ESQ .....APPLICANT

AND

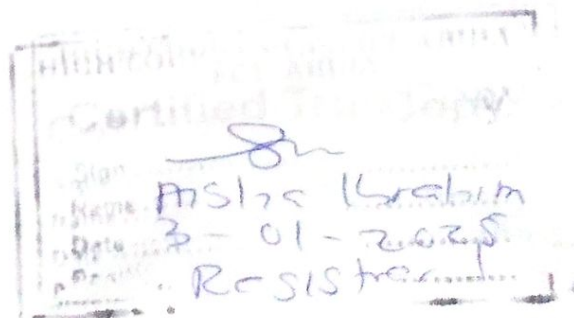
1. THE NIGERIA NAVY
2. ATTORNEY GENERAL OF THE FEDERATION
3. DEFENCE INTELLIGENCE AGENCY .....RESPONDENT

COURT ORDER

Upon Hearing the Motion on Exparte dated 2<sup>nd</sup> January, 2025 and filed 31<sup>st</sup> of December, 2024 with Motion No: M/17138/2024 by Ihensekhien S. Jnr. Esq attached with a 28 paragraph affidavit sworn to by Manasseh Magawata for the Applicant praying for the following Orders:

1. An Order of this Honorable Court granting unconditional bail to the main Applicant in Okorie Kelvin Esq pending the determination of Motion on Notice.
2. An Order of this Honourable Court compelling, mandating and/or directing the Respondents herein to immediately upon the service of any of the court processes herein or Order as this honorable court may give, the 1<sup>st</sup> to 3<sup>rd</sup> Respondents shall release the main Applicant in Kelvin Okorie Esq unconditionally from any of custody of the 1<sup>st</sup>, 3<sup>rd</sup> Respondent detention cell pending the determination of the Motion on Notice.

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3. An Order of Honourable Court granting medical access, visitation rights and legal access by the lawyers to the main applicant in Kelvin Okorie Esq in detention cell of 1<sup>st</sup> and 3<sup>rd</sup> Respondents pending the determination of the Originating Motion for enforcement of Fundamental Rights.
4. And for such further or other orders as this Honourable court may deem fit make in the circumstances of this case.

**IT IS HEREBY ORDERED AS FOLLOWS:**

It is imperative for me to begin that under fundamental rights enforcement procedure representative action is allowed. So the application are presently constituted is valid and proper.

According to the affidavit of Manasseh Magawata the main applicant Mr. Kelvin Okorie is a legal practitioner who resides and practices law In Port Harcourt, Rivers State was arrested and detained by the 1<sup>st</sup> Respondent and later moved to Abuja and detained in the facility of the 3<sup>rd</sup> Respondent. Facts are available before this court that Mr. Kelvin Okorie (main applicant) has been in detention since 10/09/24 and has not been arraigned before any court of law for whatever offence(s).

The country we live in Nigeria operates a constitutional democracy where it is not allowed for any individual to be detained beyond the period of 24 hours or 48 hours (as the case may be) which is the period constitutionally allowed to detain any person without a court order. In other words, if any security agent wishes to have any person

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 Court ... ..  
 Name... Asha (Graham)  
 Date... 3-1-25  
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detained beyond the constitutionally allowed period, it is only done through an order of court.

Based on the facts available before me the detention of Mr. Kelvin Okorie was not sequel to any order of court and that should not be allowed to stand.

The present application urge me to grant the main Applicant Mr. Kelvin Okorie unconditional bail pending the determination of the Motion on Notice. I am bold to state that the main Applicant (Mr. Kelvin Okorie) is entitled to be released on bail but with conditions not unconditionally as prayed in the application. The condition will be imposed by the court.

Consequently, this court grants the main Applicant (Mr. Kelvin Okorie) bail in the sum of NGN 10,000,000.00 with one surety in like sum, the surety must be resident within the jurisdiction of this court, which must have a NIN. In addition the surety must either be a civil servant of not below Grade Level 14 or a business person who has his place of business in one of the approved places of business in Abuja.

While the case file is transferred to the Hon Chief Judge for re-assignment as the period left for this vacation court to finish its assignment is only tomorrow 03/01/25.

Handwritten notes and stamp:

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I also order that the Motion on Notice be served on the Respondent. Upon being served with the Motion on Notice the Respondent shall not do anything to arrest or detain the Applicant in respect of this case pending the determination of the Motion on Notice.



.....  
HON. JUSTICE MOHAMMED ZUBAIRU  
PRESIDING JUDGE

GIVEN UNDER THE HAND AND SEAL OF THE  
VACATION JUDGE OF THIS HONOURABLE  
COURT.

DATED THIS 2<sup>ND</sup> DAY OF JANUARY, 2025

