

CT 7

[Signature]

IN THE FEDERAL HIGH COURT OF NIGERIA
HOLDEN AT ABUJA

CHARGE NO.: FHC/ABJ/CR/383/2015

BETWEEN:

FEDERAL REPUBLIC OF NIGERIA *Prosecution/Respondent*

AND

MAZI NNAMDI KANU *Defendant/Applicant (In Person)*

MOTION ON NOTICE AND WRITTEN ADDRESS IN SUPPORT

(Brought pursuant to Sections 1(3), 6(6)(b), 36(6)(c), and 36(12) of the Constitution of the Federal Republic of Nigeria 1999 (as amended); Section 122 of the Evidence Act 2011; Section 76(1)(d)(iii) of the Terrorism (Prevention and Prohibition) Act, 2022; and Order 48 Rule 1 of the Federal High Court (Civil Procedure) Rules, 2019)

MOTION ON NOTICE

MAY IT PLEASE THIS HONOURABLE COURT:

Take notice that on **Tuesday, the 4th day of November 2025**, at the hour of 9:00 a.m. or so soon thereafter as the Defendant/Applicant may be heard, the Defendant/Applicant, **Mazi Nnamdi Kanu**, appearing in person, shall move this Honourable Court for the following orders:



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1. **An Order declaring** that there exists no charge or counts cognisable within the *corpus juris* of the Federal Republic of Nigeria against the Defendant/Applicant, the same being a nullity *ab initio* for want of any extant legal foundation, all purported statutes underpinning the charge having been repealed or misapplied.
2. **An Order striking out** in its entirety the purported charge as it fails to constitute any offence known to law, the *Criminal Code Act, Cap C45, LFN 2004*, the *Customs and Excise Management Act (CEMA), Cap C45, LFN 2004*, and the *Terrorism Prevention (Amendment) Act, 2013* being either non-existent or repealed, leaving no viable statutory basis for prosecution.
3. **An Order for the immediate and unconditional discharge** of the Defendant/Applicant, there being no lawful or constitutional basis for his continued trial or detention in the absence of a cognisable charge under any extant law of Nigeria.
4. **An Order declaring** that the issues raised in the Defendant/Applicant's *Comprehensive Written Address on the Non-Existence of Any Cognisable Charge and the Unconstitutionality of Continuation of Trial*, filed in strict obedience to this Honourable Court's directive of 27 October 2025, are *pure questions of law* within the purview of Sections 1(3) and 36(12) CFRN and Section 76(1)(d)(iii) of the *Terrorism (Prevention and Prohibition) Act, 2022*, requiring no supporting affidavit as they are grounded in judicially noticeable statutes and the record of this Honourable Court.
5. **An Order directing** the Prosecution/Respondent to file and serve its response, strictly confined to points of law, within **three (3) days** of

of the *TPPA 2022*—vitiates the charge's legal foundation and offends the principle of legality enshrined in *Section 36(12) CFRN*.

d. The Supreme Court in *FRN v. Kamu (SC/CR/1361/2022)*, at pages 30–31, directed trial courts to take judicial notice under *Section 122 of the Evidence Act 2011* of non-extant statutes, a directive binding under *Section 287(1) CFRN*; This Honourable Court's failure to comply renders all proceedings *void ab initio*, as non-compliance with a superior court's pronouncement is a constitutional violation (see *NNPC v. Fawehinmi (1998) 7 NWLR (Pt 559) 598 at 624–625*).

e. Counts 1, 2, 3, 4, 5, and 6, allegedly committed in Kenya, contravene *Section 76(1)(d)(iii) TPPA 2022*, which mandates validation by a Kenyan court confirming the acts' criminality in Kenya—a *condition precedent* unfulfilled pre-plea, thereby nullifying extraterritorial jurisdiction and offending *Article 7(2) of the African Charter on Human and Peoples' Rights (Cap A9 LFN 2004)* (see *Ogugu v. State (1994) 9 NWLR (Pt 366) 1*).

f. Under *Sections 1(3) and 36(12) CFRN*, any law or judicial pronouncement inconsistent with the Constitution is *void ab initio*, prohibiting trial on a charge not defined in an extant written law. This constitutional command is reinforced in *Aoko v. Fagbemi (1961) 1 All NLR 400* and *FRN v. Ifegwu (2003) 15 NWLR (Pt 842) 113 at 175*, where the courts nullified convictions resting on non-existent offences.

g. The Defendant/Applicant's Written Address raises the fundamental constitutional question of the charge's non-existence, transcending mere jurisdictional or procedural objections, and requiring immediate

service of this motion, and that this Honourable Court shall proceed to deliver a considered ruling forthwith on or before **Tuesday, the 4th of November 2025**, on the competence and constitutional validity of the charge.

6. **Such further or other orders** as this Honourable Court may deem fit, expedient, and consonant with the dictates of justice, legality, and constitutional supremacy under *Section 1(3) of the Constitution of the Federal Republic of Nigeria 1999 (as amended)*.

GROUND FOR THE APPLICATION

- a. The Defendant/Applicant, in faithful compliance with This Honourable Court's directive of 27 October 2025, has filed a *Comprehensive Written Address* asserting that no valid or cognizable charge subsists against him, either under extant Nigerian statutes or under any law recognized in Kenya, where the alleged acts in counts 1, 2, 3, 4, 5, and 6 were purportedly committed.
- b. The application hinges on pure questions of law, derivable from the Constitution, the *TPPA 2022*, the *Evidence Act 2011*, and the court record, rendering a supporting affidavit unnecessary under *Section 122 of the Evidence Act 2011*, which obligates the Court to take judicial notice of all extant laws, repeals, and statutory revocations.
- c. The prosecution's reliance on repealed and non-existent laws—namely the *Customs and Excise Management Act (CEMA), Cap C45, LFN 2004*, repealed by *Section 281(1) of the Nigeria Customs Service Act 2023*, and the *Terrorism Prevention (Amendment) Act 2013*, repealed by *Section 97*