

**IN THE HIGH COURT OF JUSTICE OF BORNO STATE OF NIGERIA
IN THE MAIDUGURI JUDICIAL DIVISION
HOLDEN IN MAIDUGURI**

**BEFORE HIS LORDSHIP HON. JUSTICE M. MUSTAPHA - JUDGE
THIS TUESDAY, THE 13TH DAY OF APRIL, 2010.**

BETWEEN:

BOHC/MG/CV/012^M/10

BABA KURA ALII. FUGU -----APPLICANT

AND

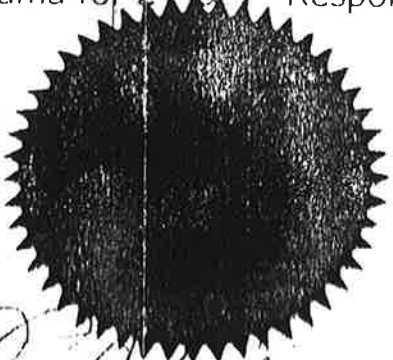
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|---|---|-------------------|
| 1. THE PRESIDENT FED. REP. OF NIGERIA | } | RESPONDENT |
| 2. THE EXECUTIVE GOVERNOR OF BORNO STATE | | |
| 3. THE ATTORNEY GENERAL OF FEDERATION | | |
| 4. THE ATTORNEY GENERAL OF BORNO STATE | | |
| 5. THE INSPECTOR-GENERAL OF POLICE | | |

Applicant in court.

Mr. A. Adibe for applicant

Mr. Badon Mok for 1st, 3rd & 5th Respondents

Mr. U. Tatama for 2nd & 4th Respondents



(Handwritten signature of Hon. Justice M. Mustapha)

**(HON. JUSTICE M. MUSTAPHA)
(JUDGE.)**

UPON HEARING the counsel to the applicant and that of the respondents, on a motion on notice.

AND AFTER a careful consideration of the evidence and submissions of counsel.

IT IS HEREBY ORDERED THAT:

- a. The extra judicial murder of the applicant's father Allah Baba Fugu Mohammed, by the respondents is illegal, unconstitutional and a violation of his right to life as enshrined in the constitution of the Federal Republic of Nigeria; the African charter and the universal declaration of human rights.
- b. The detention of and subsequent execution of Allah Baba Fugu Mohammed, on the 31st day of July, 2009 by the respondents was unconstitutional and a violation of his right to fair hearing as

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enshrined in the constitution of the Federal Republic of Nigeria; the African charter and the universal declaration of human rights.

- c. The respondents are hereby ordered to exhume the corpse of the deceased Alh. Baba Fugu Mohammed, wherever it is and release same to his family for a decent burial.
- d. The respondents are hereby ordered to jointly and severally apologise to the applicant for their reprehensive and unconstitutional acts.
- e. The respondents and their agents wherever they may be are hereby restrained from harassing or intimidating the applicant.
- f. The president, Federal Republic of Nigeria, the Attorney General of the Federation, the Inspector General of Police, the Executive Governor of Borno State and The Attorney General and Commissioner for Justice Borno State, the 1st to 5th respondents in this case, are hereby ordered jointly and severally to pay to the applicant the sum of One Hundred Million Naira (N100,000,000.00) as compensation.

DATED AT HIGH COURT NO. 3, MAIDUGURI THE 13TH DAY OF APRIL, 2010.

