

**IN THE HIGH COURT OF AKWA IBOM STATE
IN THE UYO JUDICIAL DIVISION
HOLDEN AT UYO**

SUIT NO. HU/MISE. 481/2010

**In the Matter of an Application
For the Enforcement of Fundamental
Right of the Applicant**

BETWEEN

EDEM ETIM ASUQUO

-

APPLICANT

AND

- 1. CHIEF DR. UDOFIA**
- 2. ENGR. HARUNA MOHAMMED**
- 3. BARR. J. UKPE (ESQ)**
- 4. INSPECTOR UDUAK S/O
AREA COMMANDER, AREA COMMAND
IKOT EKPENE**
- 5. COMMISSIONER OF POLICE,
AKWA IBOM STATE**
- 6. MR. FELIX UGBADU
THE AIG, ZONE 6
POLICE HEADQUARTERS, CALABAR**
- 7. INSP. PAUL UGEH, ZONAL ARS
ZONE 6 HEADQUARTERS, CALABAR**

RESPONDENTS

**COUNTER AFFIDAVIT OF THE 1ST-3RD RESPONDENTS IN
OPPOSITION TO THE APPLICATION OF THE APPLICANT**

I, Dr. Engr. (High Chief) Udoisong Obong Udofia, male, adult, Christian, Nigerian of No. 7 Udofa Ukpong Street, Ikot Ekpene, Akwa Ibom State, do hereby make oath and State as follows:

1. That I am the 1st Respondent on record, therefore familiar with the facts depose hereto. I depose to these facts with the knowledge and consent of the 2nd and the 3rd Respondents and do so on our behalf.

2. That we have been served with the motion of the applicant, affidavit in support, exhibit attached thereof, written address of the applicant's counsel and the order of this Honourable Court, seeking to enforce the fundamental human rights of the applicant against us. We have read same with understanding.
3. That I am a Trustee, Spokesman and the Director General of **International Human Rights and Anti-corruption Society** (hereinafter referred to as the **Society**). The 2nd Respondent is the Secretary of the Society while the 3rd Respondent is the Director of Legal of the Society. By virtue of our aforesaid positions, we are agents of a known principal. The society was established on the 1st of June, 1999 in response to and promotion of the Constitution of the Federal Republic of Nigeria 1999, United Nations Universal Declaration of Human Rights, European and African Charters on Human and People's Rights, as a legal, autonomous and intermediary entity between the private sphere and the States. The Society is incorporated as trustees under the law of Federal Republic of Nigeria. The certificate of Incorporation is herein exhibited as **Exhibit A1**.
4. That the society is non profitable. The aims and objectives of the society are among other things to stand against any form of corruption, injustice and promotion of humanitarian services to the less privileged in the communities. The duly Registered Constitution of the society containing the Aims and Objectives is herein exhibited as **Exhibit A2**.
5. That the applicant herein has filed similar application in **Suit No. FHC/CA/M106/2010** pending before the Federal high Court No. 1 Calabar, on the same subject matter with the same facts the same parties excluding the 2nd-3rd Respondents herein and claiming the same reliefs. The applicant has also obtained an Order dated on 25th day of June 2010 which restrains the Respondents from all actions connected with the complaint against the Applicant. The said Application and the Order of the Honourable Justice A. F. A. Ademola of the Federal High Court No. 1 Calabar are here with exhibited as **Exhibits A3 and A4 respectively**. We are informed by our Solicitor, S. A Buhari Esq of U. S. Udoh & Associates and we verily believe him that the Application of the Applicant before this Honourable Court is an Abuse of Court Process.

6. That paragraph 3 of the applicant's affidavit in support is denied. All the facts contained in paragraphs 1 – 21 in the statement in support of the Applicant's Application are false and untrue same are herein also denied. I do not know and or have any dealing with the said Mr. Whenshall at anytime or at all. I am not in business of petroleum products much less having Mr. whenshall who was alleged by the applicant to be the former manager of Total Filling Station, Ikot Ekpene, Akwa Ibom State (**hereinafter referred to as the Station**), as my agent.
7. That sometime in December 7, 2009 we bought and filled the society's vehicle with petrol from the station and on our way to Uyo from Ikot Ekpene immediately after the fueling, the vehicle broke down. It was discovered by our mechanics that the engine of the vehicle knocked down and the injector completely damaged as a result of adulterated petrol sold to us at the station. The vehicle has the following registration **No. PA 233 AAA**. The receipt of the petrol sold to us is herein exhibited as **Exhibit A5**.
8. That arising from the damage caused to our vehicle and the cost of repairs, we wrote a letter to the applicant who is the dealer and manager of the station, demanding replacement of the damaged engine or payment of the cost of repairs of our vehicle which was the sum of **₦200,000.00 (Two Hundred Thousand Naira)**. We also demanded the sum of **₦ 20,000.00 (Twenty Thousand Naira)** to facilitate our movement for each day pending the repair of our vehicle. The letter and receipt of the repairs are herein exhibited as **Exhibit A6 and A7 respectively**. The applicant has paid the sum of **₦114,000.00 (One Hundred and Fourteen Thousand Naira)** to the account of the society with intercontinental Bank Plc, with the bank teller exhibited by the applicant as exhibit D as part payment and promises to pay the balance but he has refused to pay. The Applicant has also paid the sum of **₦64,000.00 (Sixty Four Thousand Naira)** with **Exhibits D1 and D2** exhibited by the applicant, to facilitate our movement.
9. That we have never at any time harassed, intimidated, embarrassed and or threatened to ensure the jail of the applicant or at all. Instead, the society has received many complaints against the applicant for selling adulterated petroleum products damaging people's vehicles, fixing of illegal instruments called

wheels in the meters, adjusting the pump meters to extort money from the members of the public, diverting good petroleum products meant for the station and selling same at the black market, etc.

10. That some of such complaints against the applicant are petition written by the **Youths Mobilization for Good Governance, Akwa Ibom State, Ikot Ekpene Chapter** and is herein exhibited as **Exhibit A8** and oral complaint made by some foreign missionaries who were in Nigeria for official commissioning of multi-million naira palm groove community digitalized bottle water plant built in Akwa Ibom State by the Canadian and American missionaries. The foreign missionaries who complained to the society were **Rev. Paul Wollman, his wife Mrs. Clara Wollman and Rev. Sam Gross** as well as the damage caused to our vehicle by the applicant.
11. That as the Director General of the society I caused inquiry into the complaints which were found to be true. The report of the inquiry accompanied with some of the petitions against the applicant is herein exhibited as **Exhibit A9**. We wrote a letter to the applicant demanding written representation about the complaints. The letter is exhibit C exhibited by the applicant. The applicant has refused to make the written representation till date.
12. That upon refusal of the applicant, we wrote a petition to the police and recommended proper investigation and necessary action into the matter. The petition is herein exhibited as **Exhibit A10**. I know as a fact that the applicant has been invited by the police but he has refused to honour the invitation. The applicant has neither been arrested nor detained at anytime or at all.
13. That I have never demanded anything from the applicant to stop lodging complaint against him to the police at anytime or at all. I am of Observatory Status and Quadrennial Reports with the United Nations, African and European Commissions and other International Community in defending Human Rights, Democracy, Justice, Security, fight against corruption and Development, a Consummate Engineer, Cum Community Developer in National and International Development and Member of Nigerian Society of Engineers and Council of Industrial Institution London. I am a man with reasonable means of livelihood.

14. That we have never instigated any staff of the station and we have never been given any forged and or unfounded allegations against the applicant by any of the staff. The applicant has been victimizing some of the staff for assisting the society and the police in the course of investigation. One of such victims is one, **Idorenyin Nse Asuquo** whose appointment with the station has been terminated by the applicant unjustly for saying the truth. The said **Idorenyin Nse Asuquo** petitioned the society against his dismissal. The petition is herein exhibited as **Exhibit A11**. The applicant has never been arrested and or detained much less losing any sum of money as bail fee or as our settlement fee. The applicant is not experiencing any economic hardship. The station continues to sell petroleum products on daily basis without any sign of financial difficulties.
15. That our complaint to the police against the applicant has never been rejected as being baseless or frivolous. The police are still investigating our complaint against the applicant and investigation is about to be concluded. The applicant has refused to honour police invitation to answer our complaint against him.
16. That paragraph 4 of the applicant's affidavit in support is also denied. Exhibits A and B exhibited by the applicant are the manipulation of the applicant for the purpose of this suit. Exhibited B which was alleged to have been copied to me has never been served on me and I am seeing it for the first time in this suit. The two exhibits have nothing to do with me at all.
17. That paragraph 5 of the applicant's affidavit in support is also denied. Exhibit D exhibited by the applicant is the bank teller which he used to **₦114,000.00 (One Hundred and Fourteen Thousand Naira)** as part cost of repairs of the Society's vehicle which was damaged as a result of the adulterated petrol sold to us by the applicant. Exhibits D1 and D2 are the bank tellers which the applicant used to pay money to the Society to facilitate our movement pending when our vehicle would be repaired.
18. That paragraphs 6 and 7 of the applicant's affidavit in support are denied. The applicant has committed criminal offences by selling adulterated petroleum products damaging people's vehicles, fixing of illegal wheels in the meters, adjusting the pump meters,

Extorting money from the public, diverting good petroleum products meant for the station and selling same at the black market, etc.

19. That paragraphs 8 and 9 of the applicant's affidavit in support are also denied. We have never used the police to harass, intimidate, arrest, detain and or extort money from the applicant and we have not breached the Fundamental Human Rights of the applicant. We only lodged complaint to the police against the criminal conducts of the applicant.
20. That I verily believe that the application of the applicant is brought with utmost bad faith and the grant of same shall cause a grave injustice to us, the members of the public whom the applicant has been cheating over the years and shall also prejudice police investigation into the matter and necessary action.
21. That I depose hereto in good faith and the interest of justice.
22. That I depose to these facts conscientiously knowing and believing the facts to be true and correct and in accordance with Oath Act.

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DEPONENT

Sworn to at the High Court
Registry, Uyo this day of2010.

BEFORE ME

COMMISSIONER FOR OATHS