

## PETITION

REQUEST TO ENFORCE AND UPHOLD PUNITIVE MEASURES AGAINST THE ATTORNEY-GENERAL OF THE FEDERATION & MINISTER OF JUSTICE, BEING ALSO A SENIOR ADVOCATE OF NIGERIA, FOR THE GROSS MISCONDUCT DISPLAYED BY HIM



**From:**  
**MOHAMMED IBRAHEEM ZAKZAKY**  
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**To:**  
**Legal Practitioners' Privileges Committee**  
C/O CHIEF JUSTICE OF THE FEDERATION  
Supreme Court of Nigeria,  
Three Arms Zone, Central Business District,  
Abuja, Nigeria.

**Date:** 28<sup>th</sup> February, 2017

## **PREAMBLE:**

The Federal Government of Nigeria is a democracy that is ruled by a Constitution and the rule of law. The government is also under international treaty obligations to ensure that fundamental rights of all citizens are guaranteed and protected;

IN ADDITION, the Federal Government of Nigeria is under international treaty obligations to ensure compliance with all the relevant provisions of the African Charter on Human and People's Rights;

IN ADDITION, the Federal Government of Nigeria is similarly a signatory to the various **UN International Conventions on the Rights of Persons and Political Rights;**

## **THEREFORE:**

I, **Mohammed Ibraheem Zakzaky**, the only surviving son of Sheikh Ibraheem Zakzaky and Malama Zeenat Ibraheem Zakzaky, is calling upon the **Legal Practitioners Privileges Committee** to ACT upon receipt of this petition to urgently sanction and apply any other necessary punitive disciplinary action against the Attorney General Of The Federation (AGF) and Minister of Justice, being also a Senior Advocate Of Nigeria (SAN) for failing in his duties to duly advise the Federal Government of Nigeria to obey an order of the Federal High court, and for failing to enforce the Judgement of a Federal High Court delivered on 2<sup>nd</sup> December, 2016 which called for the release of Sheikh Ibraheem Zakzaky and Malama Zeenat Ibraheem Zakzaky.

## **PETITION**

### **TO THE LEGAL PRACTITIONERS' PRIVILEGES COMMITTEE**

I, **Muhammad Ibraheem Zakzaky**, the undersigned citizen of Nigeria, draw the attention of the **Legal Practitioners Privileges Committee** to the following:

#### **THAT**

Sheikh Ibraheem Zakzaky and Malama Zeenat Ibraheem Zakzaky had both approached the Abuja Division of the Federal High Court seeking for the enforcement of their fundamental rights to life, personal liberty, dignity of the human person, right to private and family life and private property. Both applications were pursuant to sections 33, 34, 35, 36, 37, 40, 41 and 46(1) & (2) of the constitution of the Federal Republic Of Nigeria, 1999 (as amended) and articles 4, 5, 6, 11 and 12(1) of the African Charter on Human and People's Rights (ratification and enforcement) act lfn 2010 and order 11, order xi and xii of the fundamental rights (enforcement procedure) rules, 2009;

#### **THAT**

The Federal High Court had ruled that the detention of Sheikh Ibraheem Zakzaky and Malama Zeenat Ibraheem Zakzaky at Abuja since December 2015 is illegal and unconstitutional as it violates their fundamental rights to personal liberty, dignity of person and fair hearing as enshrined in Sections 34, 35 and 36 of the **Constitution of the Federal**

**Republic of Nigeria, 1999 (as amended)** and Articles 5, 6 and 7 of the **African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (CAP A10)** Laws of the Federation of Nigeria, 2004;

**THAT**

With the successful challenge of their detention since December, 2015 without charges, the Honourable Court had ordered their release from custody within 45 days of judgement among some other reliefs which the Court has granted. (The Judgement is attached);

**THAT**

Both the AGF and DSS have continued to violate the fundamental rights of both my parents, Sheikh Ibraheem Zakzaky and Malama Zeenat Ibraheem Zakzaky, in their custody contrary to that judgement and the law, thus continuing to deprive them of their rights to liberty and security of their persons, arbitrary arrest and detention as well as deprivation of liberty unjustifiable by law;

**THAT**

The AGF, being the Chief Law Officer of the federation and a Senior Advocate of Nigeria, has failed to discharge his duties contrary to the **Constitution of the Federal Republic of Nigeria, 1999 (as amended)** and has continued in defiance of judgement of a competent court, to display unwillingness or incompetence to enforce the judgement through the continued detention of the duo;

**THAT**

The AGF, being the Chief Law Officer of the federation, has not acted in accordance to his position and privileged status as a Senior Advocate of Nigeria to ensure compliance with a legitimate court order to release them without any counter judgement for stay of execution by a superior court;

**THAT**

This action is a systemic misconduct by the Attorney-General of Nigeria and Minister of justice, while being the Chief law officer of Nigeria, and a Senior Advocate of Nigeria (SAN), through a deliberate omission of duty and flagrant disobedience of an order of a competent court, has continued to subject the injured duo to cruel denial of treatment of their choice as free citizens;

**THAT**

This misconduct by AGF of leaving mortally injured citizens in the illegal custody of an Agency of the Government in contempt of Court judgement violates all relevant laws of the Federation that guarantee every one citizen the right to life, liberty and security and the right not to be deprived thereof except in accordance with the principles of fundamental justice;

**THAT**

The AGF, being the Chief Law Officer of the federation and a Senior Advocate of Nigeria has acted and continue to act contrary to the Constitution of the Federal Republic of Nigeria 1999 (as amended) and all Charters of Rights and Freedoms to which Nigeria is a signatory;

**THAT**

The action of AGF, being the Chief Law Officer of the federation and a Senior Advocate of Nigeria, in further violation of their fundamental rights without lawful justification has made both Sheikh Ibraheem Zakzaky and Malama Zeenat Ibraheem Zakzaky to be "twice put in jeopardy";

**THEREFORE,**

I fervently call upon the **Legal Practitioners Privileges Committee**, to enforce and uphold any punitive measures against the AGF, being the Chief Law Officer of the federation and a Senior Advocate of Nigeria, through withdrawals of privileges otherwise due to him for the gross misconduct displayed by him, and to urgently act to secure the enforcement of the rights of Sheikh Ibraheem Zakzaky and Malama Zeenat Ibraheem Zakzaky.

  
**Mohammed Ibraheem Zakzaky**