

(Form 1)
NOTICE OF ORIGINATING APPLICATION FOR ORDER ENFORCING A
FUNDAMENTAL RIGHT (ORDER 2 RULE 1)
Suit No. FHC/IKJ/CS/ 2011

In the Federal High Court, Ikeja, Lagos

In the Matter of 1999 Constitution of Federal Republic of Nigeria
In the Matter of African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act

In the Matter of an Originating Application under the Fundamental Rights
(Enforcement Procedure) Rules 2009

BETWEEN:

Andre John-Salakov

Applicant

And

Committee on Foreign Affairs,
The Senate, National Assembly

1st Respondent

Committee on Internal Affairs,
The Senate, National Assembly

2nd Respondent

Committee on Judiciary, Human Rights and
Legal Matters, The Senate, National Assembly

3rd Respondent

ISSUES FOR DETERMINATION

1. WHETHER the 1st Respondent is not in breach of its remit as a Committee on Foreign Affairs when contrary to Article 5 of the Vienna Convention on Consular Relations of 24 April 1963 the Embassy of Nigeria in Den Haag, Netherlands issued a bogus EMERGENCY CERTIFICATE in respect of the Applicant who is not at all material times a citizen of Nigeria and who has never held a Nigerian passport.

2. WHETHER the 1st Defendant is not in breach of its own remit when a bogus EMERGENCY CERTIFICATE issued by the Embassy of Nigeria in Den Haag, was handed over to the Dutch Immigration Authorities who then on the 22nd day of June 2010 forcibly removed the Applicant from the Continent of Europe after 51 years of lawful residence in the United Kingdom

3. WHETHER the Applicant is not entitled to reparation coming from a First World country to become destitute in Nigeria

4. WHETHER the 2nd Respondent does not abuse its own jurisdiction by reason of a failure provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines when Immigration Officers from First World countries dump the Applicant on the Nigerian soil, on the basis of an Emergency Certificate issued by the Embassy of Nigeria in Den Haag.

5. WHETHER the 2nd Respondent is not in breach of its remit by reason of a failure to provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines as to the handling of passports and travel documents presented when

foreign immigration officers dump Black people on the Nigerian soil, at Murtala Mohammed International Airport, Ikeja, Lagos

6. WHETHER the 2nd Respondent is not in breach of its remit at paragraph (k) by reason of a failure to provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines to reject passports, laissez passer or travel documents that are bogus and to return persons in respect of whom such documents are presented back to the country from whence they came.

7. WHETHER the 3rd Respondent is not in breach of its own remit at paragraph (b) by reason of a failure to pay special regard to the true meaning and effect of Chapter III – Citizenship provisions at 25 –(1) (b) and (c) in the light of the belief in First World countries that out of every 5 Black people found in any part of Europe, 4 such persons are presumed to be Nigerians

8. WHETHER the 3rd Respondent is not in breach of its own remit at paragraph (e) by reason of a failure to put an end to a practice whereby Legal Practitioners raise their own issues for determination rather than deal comprehensively with issues raised by a Plaintiff or Applicant

9. WHETHER the 3rd Respondent is not in breach of its own remit by reason of a failure to provide proper Guidance and Guidelines to the Committee on Internal Affairs in matters concerning Naturalisation and Citizenship as set out under the Constitution of Nigeria 1960 at Chapter II – Citizenship –Persons naturalised or registered before October 1, 1960 – Section 9 (a) and (b)

MOTION ON NOTICE

TAKE NOTICE that the Federal High Court, Ikeja, Lagos will be moved on the day of _____ 2011 or so soon thereafter as the Applicant-in-person can be heard for an order in terms of the reliefs sought in the statement accompanying the Affidavit in support of the Originating Application.

And **TAKE NOTICE** that on the hearing of this Originating Application the Affidavit of the said Andre John-Salakov and the exhibits therein referred to will be used.

This Originating Application is for service outside the jurisdiction of the Court

Order III – Limitation of Action – 1. An application for the enforcement of Fundamental Right shall not be affected by any limitation Statute whatsoever

Order IV – GENERAL CONDUCT OF PROCEEDINGS – 1. The application shall be fixed for hearing within 7 days from the day the application was filed

DATED this _____ day of _____ 2011

ANDRE JOHN-SALAKOV
Applicant-in-person

Email - nigeria@johnsalakov.com
Websites – <http://www.johnsalakov.com/>
<http://www.plcparty.com>
Tel 081 66 1824 14

FOR SERVICE UPON

Committee on Foreign Affairs
The Senate
The National Assembly Complex
3 Arms Zones
P.M.B. 161
Abuja FCT

Committee on Internal Affairs
The Senate
The National Assembly Complex
3 Arms Zones
P.M.B. 161
Abuja FCT

Committee on Judiciary, Human Rights and Legal Matters
The Senate
The National Assembly Complex
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AFFIDAVIT IN SUPPORT OF THE ORIGINATING APPLICATION

I, ANDRE JOHN-SALAKOV, Male, Christian, Citizen of the United Kingdom, of no fixed abode in Nigeria MAKE Oath and say as follows”

1. That I was born in Nigeria on 7th day of July 1943.
2. That in 1959 while a minor I was registered as a citizen of the United Kingdom and Colonies
3. That following registration in 1959 I was granted a United Kingdom passport and in the Autumn of 1959 I was sent to London to live with my senior brothers
4. That I completed my legal education and training in law in 1967
5. That in 1968 I was appointed the Secretary of the Middle East-Africa League
6. That I am the Founder of the Public Law Centre incorporating Public Defender Service and Lawyers Without Frontiers (hereinafter referred to as “The NEWPLC” a Civil Society Organisation working among communities in 70 countries around the world
7. That I am also the Founder, Leader, Nominating and Campaigns Officer of the PLC Party, UK Registered political party of British at home and abroad, a political party which I formed in March 1983
8. That from around the age of 21 years I renewed my UK passport on a regular basis

9. That in September 2004 I applied for a replacement passport following its loss and I **produce evidence of the said Application marked as “Exhibit AJSPA 1”**
10. That the Passport Office rejected my application on or around 4th November 2004. I **produce the copy of the letter from the Passport Office marked as “Exhibit AJSPA 2”**.
11. That a civil servant by the name of Mr. Anthony F. Dalton, who has been working in the Home Office for about 40 years, took the decision in the name of the Secretary of State for the Home Department, to reject my application for the renewal of my UK passport
12. That I also received a letter from the Home Office, saying that following the Nigerian Independence I ceased to be a British citizen.
13. That the said Mr. Anthony F. Dalton insisted that I must naturalise in order to be issued with a new passport
14. That I challenged the refusal to renew my passport in the Administrative Court and raised one issue for determination; namely, IF I LOST MY BIRTH CERTIFICATE BUT REQUIRED A NEW ONE, WOULD THE REGISTRAR REQUIRE ME TO GO BACK INTO MY MOTHER’S WOMB TO BE REBORN BEFORE I COULD HAVE A NEW BIRTH CERTIFICATE?
15. That the Treasury Solicitor’s Department has not answered that question to this day
16. That on March 20, 2010 the Dutch Immigration and Naturalisation Directorate gained unlawful entry into my registered home office and EU Office of the PLC Party, situated at 91 Tattistraat, 3066 CE, Netherlands and proceeded to arrest me and my wife, (a Malaysian Chinese), under Article 59 of the Aliens Act 2000
17. That we showed the 6 or 7 officers of the IND **Form E101** issued in my name and in the name of my wife, which Form was issued by the Authorities in Belgium, under the European Union Framework Laws, and which clearly showed my nationality as “**GB**”, my occupation as “**ADVOCAAT**” and which further entitle me to enter, reside or practice any liberal profession in **ALLE EG LANDEN** (in all European countries). I **produce the said Form E101 marked as “Exhibit AJSPA 3”**
18. That a Mr. Leo Verschoor, the head of the arresting team said that, “**WE ARE DOING THIS FOR GORDON BROWN**”.
19. That we were taken to the Central Police Station in Rotterdam
20. That on the 25 March 2010 we were taken back to our home but on the second floor balcony Mr. Leo Verschoor made an unsuccessful attempt on my life, as he tried to push me over the balcony
21. That we were returned to the Central Police Station in Rotterdam
22. That shortly after arriving at the Central Police Station, I was taken to the coastal town of Dordrecht and to a Prison ship, known as “**DE KALMER**”

23. That the said Prison ship was hired from the British government and it housed some 1,000 detainees, mainly people of African origin, Pakistanis and Indians
24. That the existence of the Prison ship was concealed by the Balkenende regime from the Dutch people.
25. That many of the detainees were picked up by the Dutch Immigration, also known as "Foreign Police" inside Netherlands, and throughout the Schengen Agreement area of the European Union
26. That the existence of the Prison ship was concealed from the **United Nations**
27. That every person held on the Prison ship was held for an initial period of 6 months and given a small cash compensation of around 400 Euros, and a letter telling them to leave Netherlands within 48 hours
28. That when detainees were given the opportunity to leave, they were often stopped at the border between Netherlands and Germany or between the border between Netherlands and Belgium or in most cases, they were stopped in public places and returned to the Prison ship
29. That I was detained on the Prison ship for 3 months.
30. That throughout the 3 months that I was on that Prison ship I was fed on bread and tea for breakfast, bread and tea for lunch, bread and tea for evening meal
31. That on the 1st April 2010 I appeared in the Rechtbank (District Court) on my own motion, to challenge the legality or lawfulness of our arrest and detention
32. That after a 90-minute hearing before two relatively young female judges I was returned to the Prison ship, with an assurance that I would receive a copy of the Judgment within 7 days.
33. That I did receive a short note informing me that the Judges had no power under the Aliens Act 2000 to set me free but was given leave to appeal to Hoger Beroep, i.e. the High Court.
34. That I had only 3 days within which to appeal from the date of receipt, which was the 9th day of April 2010
35. That I formulated the Appeal in handwriting and gave the bundle of documents to my jailers, who in turn faxed the document to Raad van State, Administrative Court Division (Afdeling bestuursrechtspraak) in Den Haag
36. That the following chronology of events and dates is intended to answer certain questions relating to my treatment at the hands of officials in Netherlands

CHRONOLOGY OF IMPORTANT DATES / EVENTS

2007	Entered the Netherlands from Brussels in February 2007 In regular correspondence with former Prime Minister, Dr. Peter In regular correspondence with former Mayor of Rotterdam In regular correspondence with the IND
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2010

- January 20 Attended an interview arranged by the IND at the Stadhuis in Rotterdam. Mr. B.G Bert was rude and aggressive. He threatened us that his colleagues from the "Foreign Police" would visit us at home
- Feb 20 The Government of the Netherlands collapsed over the issue of financing of Dutch troops in Afghanistan. This was the start of a long period of interregnum
- Feb.24,25,26 Attended World Alliance of Cities Against Poverty, (WACAP) Conference as Guests of the United Nations Development Programme and Mayor of Rotterdam
- March 22 Mr. Leo Verschoor, Mr. M. Verhave-Woudstra, and 4 others gained unlawful entry into our premises situated at Tattistraat 91, 3066 CE Rotterdam, and arrested us
- March 25 Mr. Leo Verschoor made an attempt on my life – he tried to push me over the second floor balcony of our home
- 30 March The Rechtbank Rotterdam sent a letter to me in relation to my Application to challenge our arrest and detention before the Rechtbank, in Rotterdam
- March 31 My wife was removed from the Netherlands and put on a commercial flight bound for Kuala Lumpur, even though she was due to appear in the Rechtbank, in Rotterdam, on the 1st April 2010
- April 1st I attended at the Rechtbank, in Rotterdam, to challenge our arrest and detention. While I was presenting the case, one of the two female Judges informed me that my wife was "deported yesterday" (31/03/2010). The Judge queried the lawyer representing the police why I was not informed. The Judges were surprised that I spent almost 1hr 30 minutes presenting the case. Apparently, such cases often lasted 5 to 10 minutes.
- April 9 I received the handwritten transcript of the Judgment of the Rechtbank. I was granted leave to appeal to the Hoger Beroep
- April 11 I appealed the Judgment of the Rechtbank
- April 12 The Raad van State – Afdeling bestuursrechtspraak acknowledged receipt of my appeal. The President of the court assigned the case to Mr. J A Beukering, who in turn assigned a case number; namely, 201003514/1/V3
- April 16 I sent a letter to Mr. H.H.C Visser, in which I complained that the Dutch State was a sponsor of sponsor of judicial kidnappings, torture, Other Cruel, Degrading and Inhuman Treatment of or Punishment of the Innocent, with a request to authorize my release with immediate effect
- April 29 Mr. H.H.C. Visser (per Mr. J A Beukering) wrote to me, and attached the handwritten transcript of the Hearing in the Rechtbank, Rotterdam, on the 1st day of April 2010
- 2nd May I wrote a letter to the Head of Unit, "De Kalmer" and copied it to Raad van State. I requested police assistance in respect of our home
- 4 May I wrote a letter to Raad van State in relation to my RETIREMENT PENSION APPEAL before the Tribunals Service, which should have taken place during the 3rd week of April. I enclosed correspondence from the Tribunals Service and a couple of payslips
- 4 May The Raad van State sent me a letter, and enclosed "Verweerschrift vreemdelingenzaken" on behalf of the Minister of Justice. The conclusion

on behalf of the Minister reads – **“De Minister concludeert tot niet – ontvankelijkverklaring van het hoger beroep”** Also attached – the Decision of w.g. Brugman ambtenaar van Staat

- 6 May I was taken to the HQ of the IND in Den Haag. On arrival, I was taken to a small office on the ground floor. **I was introduced to a Nigerian woman who refused to disclose her name, save that she was from the Embassy of Nigeria. She was rude, aggressive, a pathological liar and a total disgrace to her country. How and why the Federal Government of Nigeria sent such a person to represent Nigeria in any country, is beyond reason, beyond comprehension.**
- 6th May 2010 was the day a General Election took place in the UK. Both the IND and Raad van State were in possession of documents from the Electoral Commission that I was a Parliamentary Candidate and that my Party, the PLC Party was set to field some 425 Candidates.
- 7 May I wrote to PWS – , with a complaint that some religious persons gained unauthorized entry into our home. A copy of the letter was sent to Raad van State
- I wrote to Raad van State in relation to my RETIREMENT PENSION APPEAL. I corrected a piece of information given in my letter dated the 4th May
- 8 May I made a Request to Raad van State, pursuant to the General Administrative Law Act 8:54 to be Heard
- 11 May I made a request under the Administrative Law Act Section 8:55 to be HEARD
- Raad van State sent me a letter, in relation to my letter of the 7 May. A Mr. J M Sahertian was assigned to deal with that matter. He, in turn, assigned a different case number, namely; 201003514/2/V3
- 3 May I gave Notice of my Application for a Provisional Relief by way of a Claim against Police for Damages for False Imprisonment; and for Unconditional Release from custody pending a substantive hearing of my appeal in the interests of the law – **Cassatie in het belang de wet**
- 4 June Raad van State (per Mr. J M Sahertian) sent me a letter under case reference 201003514/2/V3
- 7 June Raad van State rejected my Appeal
- 21 June My wife petitioned the Queen of the Netherlands, to stop the unjust and illegal removal of myself from Europe
- 22 June Raad van State sent me further and final rejection of my Appeal
- I was bundled on to flight KL 587 against my wish and without proper documentation, as in laissez passer, temporary passport or travel document, and without disclosing to me the ultimate destination
- 5 July The Repatriation and Departure Service of the Ministry of Justice, sent a letter to my wife by electronic mail, under reference DT&V/2010/UIT-6525, on behalf of the Queen, and stated at paragraph 4 as follows: **“The British Embassy in the Netherlands has confirmed that mr. John-Salakov does not possess the British Nationality. In accordance with the Nigerian nationality law mr. John-Salakov possesses the Nigerian nationality. This is supported by the fact that the Nigerian embassy in the Netherlands has issued a laissez passer to mr. John-Salakov”**

30 July I sent a letter on the notepaper of the PLC Party to Royal Netherlands Embassy, Abuja, Nigeria. The said letter was copied to Royal Netherlands Embassy, Kuala Lumpur, Malaysia. My wife and I submitted a claim in the sum of **EUR 1.002.327.64**. Mrs Stella Edeogho's claim currently stands at **NGN5.160.000** (up to and including 30th June 2011)

37. That on 23rd August 2010 I instituted proceedings in the Federal High Court, Abuja

38. That the then **Chief Judge Daniel Abutu** assigned the case to **Honourable Justice Kolawole**

39. That on 16 September 2010 I issued a Motion Ex-Parte

40. That on 21st September 2010, the Motion Ex-Parte came before Honourable Justice Kolawole, who made the following Order:

UPON THE MOTION EX-PARTE dated and filed on the 16th day of September 2010 praying this Honourable Court for the following orders:

AND AFTER READING the Affidavit in support of the application sworn to by ANDRE JOHN-SALAKOV (the Applicant), Leader of UK Registered Political Party and Founder of the Public Law Centre incorporating Public Defender Service and Lawyers Without Frontiers, with Offices in 70 countries around the world and filed in this Court Registry

AND AFTER HEARING ANDRE JOHN-SALAKOV, ESQ, moved in terms of the Motion papers,

IT IS HEREBY ORDERED AS FOLLOWS:

1. That an Order is hereby made for the Plaintiffs to serve the Summons issued on 23rd day of August 2010 upon the six Defendants forthwith

Immigratie en Naturalisatie Dienst (IND)
c/o Consular Section, Royal Netherlands Embassy, Abuja 1st Defendants

Ms Margaret I. Igbinabaro
c/o The Ministry of Foreign Affairs, Abuja 2nd Defendant

Flanderijn van ECK (Bailiffs)
c/o Consular Section, Royal Netherlands Embassy, Abuja 3rd Defendants

Mr. Anthony F. Dalton
c/o British High Commission, Abuja 4th Defendant

Nigeria Immigration Service
Nnamdi Azikiwe Street, Abuja 5th Defendant

Mr. Oliver Craven
Vice0Consul, c/o British High Commission, Abuja

2. **That Prayer 1, in the light of the provisions of the Constitution and Judicial decisions that every litigant has the right to appear in person or through Counsel if necessary**
3. That Prayer 1 is accordingly struck out
4. **That when the Defendants are duly served in accordance with prayer 2 which I have granted, they shall be entitled within 30 days of service to enter**

appearance and defend the Plaintiffs' suit if they or any of them desire to do so

5. That this case is adjourned in the circumstance to 25/10/10 for mention in order to receive a Report of Service on the Defendants
6. That case is adjourned to 25th day of October, 2010

ISSUED AT ABUJA under the seal of the Court and the Hand of the Presiding Judge **Honourable Justice G.O. Kolawole** this 21st day of September, 2010

41.That none of the Defendants filed a Defence or entered an appearance within the time specified in the Order of Honourable Justice G.O. Kolawole.

42.That on the 5 October 2010 the Chief Judge reassigned the case to **Judge Auta**, to minimize the workload on Honourable Justice Kolawole.

43.That on the same day, 5th October 2010 I issued and filed a Motion Ex-parte and prayed the court to transfer the case to the Fast Track system, among other reliefs.

44.That on 19 October 2010 I issued a Motion Ex-Parte returnable on 25 October 2010 for a Prohibitory (quia timet) injunction

45.That on 25 October 2010 I issued a Motion on Notice – Proceedings at Trial under Order 19.

46.That on 29 October 2010 I issued a Motion on Notice returnable on 2nd November 2010.

47. That on 02 November the hearing descended into a farce

48.That on 30 November 2010 the Trial Judge caused to be issued and served Notice of Hearing scheduled for 16 December 2010

49.That on 30 November a **Mr. M. A. Abubakar**, who claimed to be “Counsel” for the Nigeria Immigration Service entered an appearance on behalf of NIS

50.That on 16 December 2010 the Hearing descended into a farce.

51.That within the Originating Summons issued on 23rd August 2010, I made a claim dated 30 July 2010 on the notepaper of the PLC Party in relation to a laissez passer, to enable me to return to Europe and also a claim in favour of **Mrs. Stella Edeogho**, the widow who provided me with limited shelter since I was dumped at M M International Airport, Ikeja, Lagos.

52. That on the 23rd February 2011 I informed **Chief Judge Daniel Abutu** that I did not wish to lose my life in Nigeria over the case and that I had no choice but to discontinue the said action

53. That as a direct result of the conduct of the Embassy of Nigeria in Den Haag, in issuing a bogus EMERGENCY CERTIFICATE which contains bad spellings of my name, and forged signatures, I was bundled on to KL Flight 587, from Amsterdam to a

destination which was not disclosed to me, and that today – **I produce “Exhibit**

AJSPA4”

- my life, welfare and well-being are all at risk in Nigeria
- I am without a home
- I am without occupation
- I am without income
- I am without nationality
- I am without medical care
- I am without dental care
- I am without optical care – I am going blind in one eye
- I am without the presence of my wife - my main Carer
- I am without insurance cover for my life – I have 8 adult children, 13 grandchildren, and 3 great grandchildren in the UK
- Nigeria being a desperately inhospitable country, I slept in a sleeping bag outside shop windows in Abuja, for weeks
- I am a burden on a widow, who, out of the goodness of her heart, provides ne with a limited shelter
- My political career and UK Parliamentary ambition, have been destroyed , notwithstanding that I am the Leader, Nominating and Campaigns Officer of the PLC Party, UK Registered political party of British at home and abroad

54. That despite the fact that **I am destitute**, I have spent some **2 million naira** in issuing and filing fees and monies paid to bailiffs to serve court papers on my behalf

55. That the said **2 million naira** have come borrowings from my wife, who was also removed by the Dutch Immigration in March, 2010 and dumped in Kuala Lumpur, Malaysia

56. That I have not seen evidence of proper administration of justice in Nigeria. **I produce Exhibit AJSPA5”**

57. That before I issued this process, I approached 3 Nigerian Legal Practitioners for representation and advocacy.

58. That one of the three legal practitioners asked for **5 million seven hundred and fifty naira**

59. That the second legal practitioner asked for **5 million naira**

60. That the third legal practitioner asked me for **4 million 5 hundred thousand naira**

61. That I make this Oath in good faith conscientiously believing its contents to be true and correct in accordance with the Oaths Act 2004

D E P O N E N T

SWORN to at the Registry

of the Federal High Court, Ikeja, Lagos

this day of 2011

BEFORE ME

COMMISSIONER FOR OATHS

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Committee on Judiciary, Human Rights and Legal Matters, The Senate, National Assembly	3 rd Respondent

STATEMENT ACCOMPANYING THE AFFIDAVIT IN SUPPORT

NAME AND DESCRIPTION OF THE APPLICANT

1. ANDRE JOHN-SALAKOV
Male, Christian, Registered in Nigeria in 1959 as a
Citizen of the United Kingdom, under British Nationality Act 1948
Leader, PLC Party, UK Registered political party of British at home and abroad
Founder, Public Law Centre incorporating Public Defender Service and Lawyers
Without Frontiers – (CSO working among communities in 70 countries)
Founder, Centre for Community Studies

RELIEFS BEING SOUGHT BY THE APPLICANT

1. A **DECLARATION** that the citizenship cum nationality of a person can only be conclusively determined by the court
2. A **DECLARATION** that the issuance of a bogus EMERGENCY CERTIFICATE in a name that does not correspond with the name by which the Applicant is known in the United Kingdom is a violation of his fundamental right at Section 34 (1) of the 1999 Constitution which provides –

- 1 - Every individual is entitled to respect for the dignity of his person, and accordingly
 - (a) No person shall be subjected to torture or to inhuman or degrading treatment

3. A DECLARATION that the detention of the Applicant in Ikoyi Headquarters of the Nigeria Immigration Service between 22nd and 25th June 2010 without due process is a violation of the Applicant's fundamental rights at Section 35 of the 1999 Constitution of the Federal Republic of Nigeria which provides –

35-1 Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in accordance with a procedure permitted by law

4. A DECLARATION that the Applicant is not a citizen of Nigeria having been registered as a Citizen of the United Kingdom and Colonies before October 1, 1960 and not having registered as a citizen of Nigeria by the first day of October 1962

The Constitution of Nigeria 1960 – Chapter II – Citizenship – Persons naturalized or registered before October 1, 1960

Persons who became citizens on October 1, 1960

1. (1) Every person who, having been born in the former Colony or Protectorate of Nigeria, was on the thirtieth day of September, 1960, a citizen of the United Kingdom and Colonies or a British person shall become a citizen of the first day of October, 1960

Provided that a person shall not become a citizen of Nigeria by virtue of this subsection if neither of his parents nor any of his grandparents was born in the former Colony or Protectorate of Nigeria

(2) Every person who, having been born outside the former Colony and Protectorate of Nigeria, was on the thirtieth day of September, 1960, a citizen of the United Kingdom and Colonies or a British protected person shall, if his father was born in the former Colony or Protectorate and was a citizen of the United Kingdom and Colonies or a British protected person on the thirtieth day of September, 1960, (or, if he died before that date, was such a citizen or person at the date of his death or would have become such a citizen or person but for his death) become a citizen of Nigeria on the first day of October, 1960

Persons naturalised or registered before October 1, 1960

9. Any person who on the thirtieth day of September, 1960, was a citizen of the United Kingdom and Colonies –

(a) having become such a citizen under the British Nationality Act, 1948, by virtue of his having been naturalised in the former Colony or Protectorate of Nigeria as a British subject before that Act into force; or

(b) having become such a citizen by virtue of his **having been naturalised or registered in the former Colony or Protectorate of Nigeria under that Act, shall be entitled, upon making application before the first day of October, 1962, in such manner as may be prescribed by Parliament, to be registered as a citizen of Nigeria**

12. Any person who, upon his attainment of the age of twenty-one years, was a citizen of Nigeria and also a citizen of some country other than Nigeria shall cease to be a citizen of Nigeria upon his attainment of the age of twenty-two years (or, in the case of a person of unsound mind, at such later date as may be prescribed by Parliament) unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen of Nigeria by virtue of subsection (2) of section 9 of this Constitution, has made such

declaration of his intentions concerning residence or employment as may be prescribed by Parliament

An ORDER directing the 1st Respondent to pay the sum of **€50 million in “reparation”** to the Applicant

An ORDER directing the 2nd Respondent to issue a **Special Diplomatic Passport** in the name of the Applicant.

An ORDER directing the 3rd Respondent to make financial and clerical and administrative provisions that will enable the Applicant to assist the 3rd Respondent in the global review of the 1999 Constitution of the Federal Republic of Nigeria

DATED this day of 2011

ANDRE JOHN-SALAKOV
Applicant-in-person

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Websites – <http://www.johnsalakov.com/>
<http://www.plcparty.com>
Tel 081 66 1824 14

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WRITTEN ADDRESS IN SUPPORT OF ORIGINATING APPLICATION

INTRODUCTION

For the first time in the history of civil litigation in post-independent Nigeria, the Judiciary is being called upon to determine the citizenship of the Applicant who was registered as a citizen of the United Kingdom and Colonies under the British Nationality Act 1948, but on whose behalf no application was made under the Constitution of Nigeria 1960 before the first day of October 1962 or at any other time after that date for registration as a Nigerian citizen.

Yet, a misguided British civil servant, by the name of **Mr. Anthony F. Dalton**, has been waging a racially motivated war against me since 2003, at about the same time that a **Mr, Kieron Wood**,(aka Mr, Wooden Head), working for a newspaper in the Republic of Ireland began to post libelous materials on the net, (using Google technology) about ne. I surrender both men to the custody of God Almighty, to be dealt with as LORD JESUS CHRIST of hosts may deem fit.

1.0 By this Originating Application, the Applicant is seeking the following reliefs:

1. A DECLARATION that the issuance of a bogus EMERGENCY CERTIFICATE in a name that does not correspond with the name by which the Applicant is known in the United Kingdom is a violation of his fundamental right at Section 34 (1) of the 1999 Constitution which provides –

- 1 - Every individual is entitled to respect for the dignity of his person, and accordingly
- (b) No person shall be subjected to torture or to inhuman or degrading treatment

2. A DECLARATION that the detention of the Applicant in Ikoyi Headquarters of the Nigeria Immigration Service between 22nd and 25th June 2010 without due process is a violation of the Applicant's fundamental rights at Section 35 of the 1999 Constitution of the Federal Republic of Nigeria which provides –

35-1 Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in accordance with a procedure permitted by law

3. A DECLARATION that the Applicant is not a citizen of Nigeria having been registered as a Citizen of the United Kingdom and Colonies before October 1, 1960 and not having registered as a citizen of Nigeria by the first day of October 1962 or at any other time after that date

The Constitution of Nigeria 1960 – Chapter II – Citizenship – Persons naturalized or registered before October 1, 1960

9. Any person who on the thirtieth day of September, 1960, was a citizen of the United Kingdom and Colonies –

(c) having become such a citizen under the British Nationality Act, 1948, by virtue of his having been naturalized in the former Colony or Protectorate of Nigeria as a British subject before that Act into force; or

(d) having become such a citizen by virtue of his **having been naturalised or registered in the former Colony or Protectorate of Nigeria under that Act, shall be entitled, upon making application before the first day of October, 1962, in such manner as may be prescribed by Parliament, to be registered as a citizen of Nigeria**

12. Any person who, upon his attainment of twenty-one years, was a citizen of Nigeria and also a citizen of some country other than Nigeria shall cease to be a citizen of Nigeria upon his attainment of twenty-two years (or, in the case of person of unsound mind, at such later date as may be prescribed by Parliament) unless he has renounced his citizenship of that other country, taken the oath of allegiance and, in the case of a person who is a citizen of Nigeria by virtue of subsection (2) of section 7 of this Constitution, has made such declaration of his intentions concerning residence or employment as may be prescribed by Parliament

4. **An ORDER** directing the 1st Respondent to pay the **sum of €50 million in “reparation” to the Applicant**

5. **An ORDER** directing the 2nd Respondent to issue a **Special Diplomatic Passport in the name of the Applicant.**

6. **An ORDER** directing the 3rd Respondent to make financial, clerical and administrative and other related provisions that will enable the Applicant to assist both Houses of the National Assembly in the global review of the 1999 Constitution of the Federal Republic of Nigeria, as a preparatory step towards remolding the image of Nigeria across Continents

2.0 ISSUES FOR DETERMINATION

The Applicant submits the following issues for determination:

1. WHETHER the 1st Respondent is not in breach of its remit as a Committee on Foreign Affairs when contrary to Article 5 of the Vienna Convention on Consular Relations of 24 April 1963 the Embassy of Nigeria in Den Haag, Netherlands issued a bogus EMERGENCY CERTIFICATE in respect of the Applicant who is not at all material times a citizen of Nigeria and who has never held a Nigerian passport.

2. WHETHER the 1st Defendant is not in breach of its own remit when a bogus EMERGENCY CERTIFICATE issued by the Embassy of Nigeria in Den Haag, was handed over to the Dutch Immigration Authorities who then on the 22nd day of June 2010 forcibly removed the Applicant from the Continent of Europe after 51 years of lawful residence in the United Kingdom

3. WHETHER the Applicant is not entitled to reparation coming from a First World country to become destitute in Nigeria

4. WHETHER the 2nd Respondent does not abuse its own jurisdiction by reason of a failure to provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines when Immigration Officers from First World countries dump the Applicant on the Nigerian soil, on the basis of an Emergency Certificate issued by the Embassy of Nigeria in Den Haag.

5. WHETHER the 2nd Respondent is not in breach of its remit by reason of a failure to provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines as to the handling of passports and travel documents presented when foreign immigration officers dump Black people on the Nigerian soil, at Murtala Mohammed International Airport, Ikeja, Lagos

6. WHETHER the 2nd Respondent is not in breach of its remit at paragraph (k) by reason of a failure to provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines to reject passports, laissez passer or travel documents that are bogus and to return persons in respect of whom such documents are presented back to the country from whence they came.

7. WHETHER the 3rd Respondent is not in breach of its own remit at paragraph (b) by reason of a failure to pay special regard to the true meaning and effect of Chapter III – Citizenship provisions at 25 –(1) (b) and (c) in the light of the belief in First World countries that out of every 5 Black people found in any part of Europe, 4 such persons are presumed to be Nigerians

8. WHETHER the 3rd Respondent is not in breach of its own remit at paragraph (e) by reason of a failure to put an end to a practice whereby Legal Practitioners raise their own issues for determination rather than deal comprehensively with issues raised by a Plaintiff or Applicant

9. WHETHER the 3rd Respondent is not in breach of its own remit by reason of a failure to provide proper Guidance and Guidelines to the Committee on Internal Affairs in matters concerning Naturalisation and Citizenship as set out under the Constitution of Nigeria 1960 at Chapter II – Citizenship –Persons naturalised or registered before October 1, 1960 – Section 9 (a) and (b)

2.1 **ARGUMENTS**

2.2 **ISSUE ONE**

WHETHER the 1st Respondent is not in breach of its remit as a Committee on Foreign Affairs when contrary to Article 5 of the Vienna Convention on Consular Relations of 24 April, 1963 the Embassy of Nigeria in Den Haag, Netherlands issued a bogus EMERGENCY CERTIFICATE in respect of the Applicant who is not, at all material times a citizen of Nigeria and who has never held a Nigerian passport.

2.3 The 1st Respondent is a Senate Committee with power to do a series of acts in furtherance of the relations of the Federal Republic of Nigeria with foreign nations generally, including but not limited to measures relating to diplomatic services, and payment of .reparation

2.4 Nothing under the provisions of the **Vienna Convention on Consular Relations of 24 April 1963**, gives the Federal Government power to authorise its Missions abroad to corruptly receive money from agencies of a receiving state and to involve them in human trafficking or to issue bogus Travel documents in respect of non-Nigerians, who have no wish or desire to travel to Nigeria or live in Nigeria

2.5 **ISSUE TWO**

WHETHER the 1st Defendant is not in breach of its own remit when a bogus EMERGENCY CERTIFICATE issued by the Embassy of Nigeria in Den Haag, was handed over to the Dutch Immigration Authorities who then on the 22nd day of June 2010 forcibly removed the Applicant from the Continent of Europe after 51 years of lawful residence in the United Kingdom

Nothing under the Vienna Convention on Diplomatic Relations of 1963 empowers the Federal Government of Nigeria via its diplomatic missions to interfere with the freedom of movement of any person in the receiving state who is neither a citizen of Nigeria nor that of the receiving state

2.6 **ISSUE THREE**

WHETHER the Applicant is not entitled to reparation coming from a First World country to become destitute in Nigeria

2.7 It is within the remit of the Committee on Foreign Affairs to pay “reparation” if only to right the wrong done to the Applicant, who has become destitute in Nigeria

2.8 **ISSUE FOUR**

WHETHER the 2nd Respondent does not abuse its own jurisdiction by reason of a failure to provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines when Immigration Officers from First World countries dump the Applicant on the Nigerian soil, on the basis of an Emergency Certificate issued by the Embassy of Nigeria in Den Haag, a document which should have been impugned by NIS

2.9 In 2010 the British Border Agency dumped 9,500 Black people on the Nigerian soil, at Murtala Mohammed International Airport, Ikeja, Lagos. Meanwhile, the Dutch Ministry of Interior and Kingdom Relations published details of the number of people who were removed from Netherlands in 2010, as 22,560 people. It is not clear how many of those 22,560 people were dumped on the Nigerian soil.

2.10 The Comptroller General of Nigeria Immigration Service is in breach of her statutory duty by reason of her failure to instruct her staff to impugn bogus laissez passers, emergency certificates and other travel documents when such documents are presented to immigration officers at Ikeja, but the responsibility for any act or omission rests with the Committee

2.11 **ISSUE FIVE**

WHETHER the 2nd Respondent is not in breach of its remit by reason of a failure to provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines as to the handling of passports and travel documents presented when foreign immigration officers dump Black people on the Nigerian soil, at Murtala Mohammed International Airport, Ikeja, Lagos

2.12 The Applicant repeats his submission at paragraphs 2.9 and 2.10 above

2.13 **ISSUE SIX**

WHETHER the 2nd Respondent is not in breach of its remit at paragraph (k) by reason of a failure to provide the Comptroller General of Nigeria Immigration Service with proper Guidance and Guidelines to reject passports, laissez passer or travel documents that are bogus and to return persons in respect of whom such documents are presented back to the country from whence they came.

2.14 Immigration Officers detained the Applicant in their Ikoyi Headquarters for 3 days without due process rather than return him on Flight KL 588 which departed at 10.20pm on the 22nd day of June 2010

2.15 **ISSUE SEVEN**

WHETHER the 3rd Respondent is not in breach of its own remit at paragraph (b) by reason of a failure to pay special regard to the true meaning and effect of Chapter III – Citizenship provisions at 25 –(1) (b) and (c) in the light of the belief in First World countries that out of every 5 Black people found in any part of Europe, 4 such persons are presumed to be Nigerians

2.16 During the last 50 years I met thousands of white people who were born in Nigeria. Yet those “**white Nigerians**” were not affected by the provisions of the 1960 Constitution of Nigeria. What the colonial masters intended to achieve as a result of the citizenship provisions in the 1960 Constitution of Nigeria, is to keep future generations of Nigeria out of the political life of the United Kingdom.

2.17 My bond of attachment to the United Kingdom includes 8 adult children, 13 grandchildren, and 3 great grandchildren. All of them were born in England. All of them are British. None of them has set foot on the Nigerian soil. None of them speaks, Hausa, Ibo, or, Yoruba. **How on earth could those children be treated as Nigerian citizens?**

2.18 **ISSUE EIGHT**

WHETHER the 3rd Respondent is not in breach of its own remit at paragraph (e) by reason of a failure to put an end to a practice whereby Legal Practitioners raise their own issues for determination rather than deal comprehensively with issues raised by a Plaintiff or Applicant

2.19. The practice whereby legal practitioners raise their own issues for determination rather than deal comprehensively with issues raised by plaintiffs is an affront to the proper administration of justice. The Committee should not have to be reminded that it has a duty to keep an eye on practice and procedures and to issue “prohibition” orders, if necessary in respect of practices that are intended to delay or frustrate proper administration of justice

2.20 **ISSUE NINE**

WHETHER the 3rd Respondent is not in breach of its own remit by reason of a failure to provide proper Guidance and Guidelines to the Committee on Internal Affairs in matters concerning Naturalisation and Citizenship as set out under the Constitution of Nigeria 1960 at Chapter II – Citizenship –Persons naturalised or registered before October 1, 1960 – Sections 7, 9 (a) and (b) and 12

2.21 The matters canvassed above are repeated

CONCLUSION

2.22 Supplementary to the provisions of the Constitution referred to in the Order of **Honourable Justice Kolawole**, at paragraph 40 (2) above, I respectfully submit that my presence as a stranger in the business of the Senate is guaranteed under the 1999 Constitution, at Section 61 to the following extent –

61 – The Senate or the House of Representatives may act notwithstanding any vacancy in its membership, and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings

2.23 I respectfully urge the Court to determine each of the above issues raised in this Originating Application in my favour.

2.24 Every year thousands of Black people are dumped at the Murtala Mohammed International Airport, Ikeja, Lagos. In thousands of cases those who are dumped are mostly non-Nigerians. Western immigration officers would argue that those people were “deportees”. Yet, there is never an instance where the Nigerian Immigration Officers are provided with a “deportation order” signed by a judge or by a government minister. Imagine the situation in the Netherlands where a Ms MARGARET IGBINABARO of the Embassy of Nigeria is running a small office inside the Headquarters of the Dutch police in Den Haag. Every Tuesday and Thursday, Black people from different parts of Africa, found in the Schengen area of the European Union are taken by the Dutch “foreign police” so-called to meet Ms Igbinabaro, who then certifies that the Black person sitting in front of her is a “Nigerian” even if the fellow insists that he is from Somalia or Kenya or Ghana! What does this say of Nigeria as a member of the United Nations?

2.25 I was taken before Ms. Margaret I. Igbinabaro on the 6th May, 2010. A month later, on the 22nd June, 2010, I found myself on the Nigerian soil, 51 years after I left the country.

DATED this day of 2011

ANDRE JOHN-SALAKOV
Applicant-in-person

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FOR SERVICE UPON

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The Senate
The National Assembly Complex
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P.M.B. 161
Abuja FCT

Committee on Internal Affairs
The Senate
The National Assembly Complex
3 Arms Zones
P.M.B. 161
Abuja FCT

Committee on Judiciary, Human Rights and Legal Matters
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AUTHORITIES

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