



RULE OF LAW AND EMPOWERMENT INITIATIVE
also known as **PARTNERS** WEST AFRICA NIGERIA

PRESS STATEMENT

Kano Judge awards N10m in rape of 9-month-old

The Acting Chief Judge in Kano on the 15th November 2017 delivered a judgement in favor of baby Khadija Bashir named as the first applicant and Rule of Law and Empowerment Initiative suing as next friend to Khadijah Bashir, Versus Mr. Muktakar Muhammad and his wife Zainab Muttaka Muhammad in the violation of her Fundamental Human Rights.

The objectives of the Nigerian constitution are the promotion and protection of Human Rights and it also provides that every person regardless of their gender has a right to life and also the right to Human Dignity. This is as enshrined in Chapter 4 sections 33 and 34 of the 1999 constitution of the Federal Republic of Nigeria as amended and articles 4, 5 and 7 of the African Charter on Human and Peoples Rights Ratification and Enforcement Act Cap 10 LFN 1990. Baby Khadijat's right to life and Human dignity was violated when she was brutally sexually abused by a close confidant of the baby's family sometime in the month of May 2016.

The case involving the Baby Khadijah and one Mr Muttaka Muhammad was reported to the Public Defender's Office (PDO) Kano in June 2017. The case which was filed on the 15th of August 2017, was a joint action between Rule of Law and Empowerment Initiative and the Father of the baby versus Mr. Muttaka Muhammad and his wife, who committed the act of sexually violating the baby. Baby Khadija was only six months old at the time the unfortunate incidence was perpetrated, sought the following reliefs from the court;

- 1. A Declaration** that the unlawful carnal knowledge, indecent assault and defilement of tender and vulnerable Nine months old **KHADIJAH BASHIR (Baby Khadijah) by MALAM MUTTAKA MUHAMMAD and ZAINAB MUTTAKA MUHAMMAD (The Respondents)** is inhuman, degrading, unlawful and an abuse of her right to life, respect and dignity of human person as enshrined in **Sections 33(1) And 34(1)(a) Of The 1999 Constitution Of The Federal Republic Of Nigeria (As Amended) and Articles 4 and 5 Of The African Charter On Human And People's Right (Ratification And Enforcement Act) Cap 10 LFN 1990**
- 2. A Declaration** that **Baby Khadija's** fundamental right having been violated by **Respondents** is entitled to the best attainable state of physical and mental health as enshrined in **Article 16(1) Of the African Charter on Human and People's Right (Ratification and Enforcement Act) Cap 10 LFN 1990.**
- 3. A Declaration** that the Act of the **First Respondent** is unconstitutional, degrading and inhuman treatment.

4. **An Order** mandating a comprehensive medical examination and treatment of **Baby Khadija** at the expense of **The Respondents**.
5. **An Order** for the payment by **The Respondents** of the sum of N1,000,000.00 (one Million Naira only) being special damages for the expenses so far made by the parents of **Baby Khadija** on her health since the occurrence of the unfortunate incident.
6. **An Order** for the payment by **The Respondents** of the sum of N1,000,000,000 (one billion Naira) being exemplary damages for the infringement of **Baby Khadijah's fundamental** rights.
7. And for such further Order(s) as this Honorable Court may deem fit to make in the circumstances.

In delivering the judgement the Acting Chief Judge grant all the reliefs and awarded a sum of 10,000.000 Naira as compensation being special damages for the expenses so far made by the baby's family on her health since the occurrence of the unfortunate incidence

The Rule of Law and Empowerment Initiative, Public Defender's Office and implementing partners commend the efforts of the Acting Chief Judge and Kano State Judiciary for the speedy dispensation of Judgement in regards to the Fundamental Human Rights of Baby Khadijah. We believe that this will serve as deterrence to others and stop violation particularly against children, young persons and women.

The Rule of Law and Empowerment Initiative being an instrumental organization in addressing key fundamental issues uses this medium to call on all partners, stakeholders across Nigeria to re-examine the challenges as well as the gaps surrounding the possibility of adoption and passage of the Child Right Act in Kano state.

Signed

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