

MRS OGBONNA, NNEKA
7 Oyo Close, Former Shell Estate, Edjeba, Warri, Delta State
c/o christopher.c.ogbonna@gmail.com
07034142612 and 08095240307

31st July 2020.

Florence Abebe

The Federal Competition and Consumer Protection Commission (FCCPC),
No. 17, Nile Street, Off Alvan Ikoku,
Maitama,
FCT, Abuja.



WITHOUT PREJUDICE

Dear Madam,

RE: FUNDAMENTAL BREACH OF AIR CARRIAGE CONTRACT, SEXUAL ASSAULT, UNLAWFUL ASSAULT, HARASSMENT, INTIMIDATION, FUNDAMENTAL HUMAN RIGHT ABUSE AND ATTEMPTED EXTORTION OF MRS NNEKA OGBONNA BY EMPLOYEES, AGENTS AND REPRESENTATIVES OF AIR PEACE LIMITED – FORMAL COMPLAINT AND HUMBLE PLEA FOR THE URGENT INTERVENTION OF THE FEDERAL COMPETITION AND CONSUMER PROTECTION COMMISSION (FCCPC).

We refer to your conversation with Mr Ogbonna Christopher on Twitter.

Please find attached the documents and other evidence which comprise Mrs Ogbonna's complaint in the following order:

- a. **ANNEXURE I** – Flash Drive (Containing 4 video clips of the incident which support Mrs Ogbonna's narrative).
- b. **ANNEXURE II** – Acknowledgement Copy of Mrs Ogbonna's Original Complaint Dated 26th June 2020 – (Sent to the Chief Executive, FCCPC and received on 3rd July 2020).
- c. **ANNEXURE III** – Draft Statement of Claim (this document gives full details of (a) the facts of the matter, (b) the specific problems that arose, (c) the steps I have taken to resolve the matter, (d) the remedies I am seeking and (e) every other information relevant to the case).
- d. **ANNEXURE IV** – Online Boarding Pass.
- e. **ANNEXURE V** – Paper Boarding Stub and Airpeace Carry On Luggage Tag.
- f. **ANNEXURE VI** – Subsequent Cargo Hold Baggage Tag.
- g. **ANNEXURE VII** – Statement Made by Mrs. Ogbonna at FAAN/NCAA Office on 10th December 2019.
- h. **ANNEXURE VIII** – Statement Made by Mrs. Ogbonna at Police Station on 10th December 2019.
- i. **ANNEXURE IX** – Petition to the Inspector General of Police (IGP) by Mrs. Ogbonna's lawyer.
- j. **ANNEXURE X** – Letter by Mrs. Ogbonna's Lawyer to Mr Allen Onyema, Chairman/CEO of Airpeace.
- k. **ANNEXURE XI** – FSG All Operators Letter (AOL) prohibiting continuous overwriting of Cockpit Voice Recorder (the cockpit voice recording is a critical piece of evidence in this matter which will also support Mrs. Ogbonna's narrative).

if produced. It captured the pilot, Capt. H. Millar-Jaja announcing to all the other passengers that Mrs. Ogbonna is a hijacker who had hijacked the plane).

- l. ANNEXURE XII – Letter by Mrs. Ogbonna's Lawyer to aviation regulator Nigerian Civil Aviation Authority (NCAA).*
- m. ANNEXURE XIII – Acknowledgement copy of pre-action notice FAAN.*
- n. ANNEXURE XIV – Acknowledgement copy of pre-action notice NCAA.*
- o. ANNEXURE XV – Evidence of falsification of Mrs. Ogbonna travel itinerary by Airpeace Limited to indicate that she did not check into the aircraft.*
- p. ANNEXURE XVI – Sample of prescribed medication which Mrs. Ogbonna is taking to battle health issues caused by the entire incident.*
- q. ANNEXURE XVII – Response dated 22nd June 2020 from NCAA to Mrs. Ogbonna.*
- r. ANNEXURE XVIII – Response dated 24th June 2020 from FAAN to Mrs. Ogbonna.*
- s. ANNEXURE XIX – Official Response from Air Peace Nigeria Limited full of blatant falsehoods and defaming Mrs. Ogbonna.*

Yours faithfully,



Mrs Nneka Ogbonna (Complainant)

AND



Mr Christopher Ogbonna (Co-Complainant)

To: SNP (Ops Supervisor)

From: ThankGod A

Date: 21-02-20

Route: mlxG

2334152321

(Airway Bill)

LOS

(Origin)

(Date)

DPO Domestic Police
(Consignee) Station

(Arrival Date)

I have the above piece/pieces returned due to the following reasons:

R D, the Consignee Refuse to receive.
the Shipment after reading the letter
he give the Shipment back to me for
Return to the Origin.

I hereby declare that the above statements are true and correct.

ThankGod A

COURIER'S NAME

[Signature]

COURIER'S SIGNATURE

SUPERVISOR'S NAME



22 4320 2113

02/19

SUPERVISOR'S SIGNATURE

89154050

DHL Express

Brent Piper, LMHC
697 Grand St #113
Brooklyn, New York 11211

E: Brent.piper@nyu.edu
P: 651.208.4522

Christopher C. Ogbonna has paid for two psychotherapy sessions of 45 minutes each. Each session is charged at \$250.00 for a total of \$500.00.

Total psychotherapy sessions: 2
Total charges this period : \$500.00
Total amount paid : \$500.00

Brent Piper, MA, Licensed Mental Health Counselor
NYS License: 009128
NJ License: NJDCATEMP-024127

EIN: 82-1146192
NPI: 1326589516

ANNE XUKU II

MRS OGBONNA, NNEKA

7 Oyo Close, Former Shell Estate, Edjeba, Warri, Delta State

c/o christopher.c.ogbonna@gmail.com

07034142612 and 08095240307

26th June 2020.

ACKNOWLEDGEMENT COPY



The Chief Executive,

The Federal Competition and Consumer Protection Commission (FCCPC),

No. 17, Nile Street,

Maitama,

FCT, Abuja.

ATTENTION: Dr Babatunde Irukera

WITHOUT PREJUDICE

Dear Sir,

FUNDAMENTAL BREACH OF AIR CARRIAGE CONTRACT, SEXUAL ASSAULT, UNLAWFUL ASSAULT, HARASSMENT, INTIMIDATION, FUNDAMENTAL HUMAN RIGHT ABUSE AND ATTEMPTED EXTORTION OF MRS NNEKA OGBONNA BY EMPLOYEES, AGENTS AND REPRESENTATIVES OF AIR PEACE LIMITED – FORMAL COMPLAINT AND HUMBLE PLEA FOR THE URGENT INTERVENTION OF THE FEDERAL COMPETITION AND CONSUMER PROTECTION COMMISSION (FCCPC).

Introduction

My husband and I recently became aware of the amazingly courageous and diligent job that you have been doing as the Chief Executive of the Federal Competition and Consumer Protection Commission (FCCPC). I am currently embroiled in a most unfortunate and stranger-than-fiction incident involving Air Peace Limited, the Nigerian Civil Aviation Authority (NCAA) and Federal Airport Authority of Nigeria (FAAN), and I am confident that you and the FCCPC can help me, sir.

Details of the Complaint

The full details of (a) the facts of the matter, (b) the specific problems that arose, (c) the steps I have taken to resolve the matter, (d) the remedies I am seeking and (e) every other information relevant to the case are contained in the attached draft statement of claim.

The matter is not yet in court. However, if this matter remains unresolved, I intended to file a suit through my lawyer at the Federal High Court in September 2020 when the 3-month statutory period required for the pre-action notice I served the FAAN expires. To enable you ascertain the veracity of my claims and witness the incident for yourself, I have also attached a flash drive containing four video recordings which I made at the time of the incident for my safety and to ensure that the facts of this unfortunate incident are not subsequently falsified and misrepresented by the principal actors.

Sir, as you are aware, court proceedings in Nigeria can be unduly technical and fraught with all manner of delays. Accordingly, I was especially impressed to read that FCCPC's redress period ranges between one (1) day and forty-five (45) days. This is why I am confident that you and the FCCPC can help me get prompt redress.

Additional Facts Worth Emphasizing

All the facts relevant to this complaint have already been attached. However, there are a few points which I wish to emphasize for purposes of clarity and in an abundance of caution:

- (a) I did not commit any civil wrong or criminal offence whatsoever on 10th December 2019, and even the Nigerian Police did not find me liable to be charged for any criminal offence. I also did not refuse to comply with any lawful instruction issued to me.
- (b) I did not delay the aircraft and I was lawfully occupying a seat I paid for inside the aircraft. The flight was initially delayed for about 30 minutes before boarding was announced. The additional delay was caused by the pilot, Captain Horace Millar-Jaja who refused to fly the aircraft until I was unlawfully disembarked from the aircraft in violation of the Nigerian Civil Aviation Act 2006.
- (c) In their statements made to the Nigerian Police, Captain Millar-Jaja and the Air Peace air hostess did not accuse me of having committed any criminal offence. In fact, they struggled with an appropriate lie and the best that they could come up with was that I called the pilot an 'old fool' which is totally false and untrue.
- (d) My exchange with the pilot took place near the entrance of the plane. So, the cockpit voice recorder which Air Peace is under a statutory responsibility under the Nigerian Civil Aviation Act, 2006 to keep functional captured all that transpired. I humbly request that the FCCPC exercises its powers and requests for the unaltered cockpit recorder and the recording of 10th December 2019. I have also attached a directive from the NCAA to all airline operators (including Air Peace Limited) mandating them not to overwrite the cockpit recorder.
- (e) I am currently undergoing treatment for post-traumatic stress disorder at the Delta State University Teaching Hospital as a result of the health complications that arose as a direct consequence of this incident.
- (f) Despite my innocence, I initially tried to resolve this issue amicably with Air Peace Limited but the company was more interested in extorting over N3,000,000.00 (Three Million Naira) from me under the gravely mistaken assumption that once I was sufficiently intimidated, I will capitulate and come begging cap-in-hand for mercy.
- (g) My bundle of two international passports is currently in the custody of the Nigerian Police on the insistence of Air Peace Limited.
- (h) Air Peace Limited has started falsifying my travel itinerary to indicate that I never checked into the flight scheduled for 10th December 2019. Please find attached as proof of this fact a printout of the current status of my Air Peace Booking Reference number.

- (i) I have written to NCAA and FAAN over this matter and they ignored me. It was only after I served pre-action notice on both NCAA and FAAN that the NCAA responded to me.
- (j) The response by the NCAA was signed by Mr Emmanuel Dubem Chukwuma (the NCAA's Legal Adviser and Head, Compliance and Enforcement) and dispatched to me by Ms. Rhoda Prevail Tyoden (the NCAA's Assistant General Manager (Legal)). Ms. Rhoda Tyoden is also the National President of the International Federation of Women Lawyers (FIDA), a non-profit organization whose primary role is to protect, promote and preserve the rights of women and children in Nigeria.
- (k) In the NCAA's response, it was apparent that the NCAA had no interest whatsoever in performing its statutory duties by investigating my complaint. In fact, I cringed in utter shame and disbelief when I observed that the NCAA (the self-acclaimed apex regulator of aviation in Nigeria which has the statutory responsibility of ensuring the safety of persons travelling by air and investigating their complaints), was actively shirking its statutory responsibilities and advising me against suing it as a party to the suit which I intend to file in September 2020.
- (l) My expectation was that the NCAA will immediately rise to its statutory responsibilities and investigate my complaint. Even if I had sued Air Peace Limited alone, I expected the NCAA to apply to be joined as an interested party of its own accord given the seriousness of this matter and the threat that cruel, power-drunk and wickedly vindictive pilots who take pleasure in facilitating acts of violence against women, pose to the safety of aviation in Nigeria.

Conclusion

In the light of the foregoing, I have lost all faith in the NCAA and I have no expectation that the NCAA can act as a fair and unbiased umpire in this matter having reneged on the performance of its statutory duties. I am fervently hoping that the FCCPC will be different and will rise to its statutory responsibilities and ensure that justice is served in this matter.

Yours faithfully,



Mrs Nneka Ogbonna

AND



Mr Christopher Ogbonna (Co-Complainant)

ANNEXURE IV



Christopher Ogbonna <christopher.c.ogbonna@gmail.com>

Fwd: Boarding Pass

2 messages

Nneka Ogbonna <houseofnito@gmail.com>

Sun, May 17, 2020 at 11:29 AM

To: Christopher Ogbonna <christopher.c.ogbonna@gmail.com>

----- Forwarded message -----

From: <no-reply@flyairpeace.com>

Date: Tue, Dec 10, 2019 at 7:16 AM

Subject: Boarding Pass

To: <HOUSEOFNITO@gmail.com>

**Boarding pass**

MRS NNEKA OGBONNA

Flight number



P47210

Date

10DEC2019

Departure time

11:00

Seat number

4AFrom
LagosBoarding
10:40To
WarriBooking reference
AKGK5P

SEQ:5 TKT:710 2305200955/1

Gate



Fold

**Boarding pass**

MRS NNEKA OGBONNA

Flight number



P47210

Date

10DEC2019

Departure time

11:00

Seat number

4AFrom
LagosBoarding
10:40To
WarriBooking reference
AKGK5P

SEQ:5 TKT:710 2305200955/1

Gate



Fold

Articles that are not permitted in hand or checked baggage

Hazardous
liquidsRadio active
materialsFlammable
substances

Toxic

substances

Gases

Explosives

Corrosives.gif

Nneka Ogbonna <houseofnito@gmail.com>

Thu, Jul 9, 2020 at 2:16 PM

To: Christopher Ogbonna <christopher.c.ogbonna@gmail.com>

[Quoted text hidden]

ANNEXURE V

CARRY
ON
LUGGAGE



NEKA

100

4A

034
TKNE No

001065


Limited

LOS/QRM

LOS/Q
Fit No
Date
SQ No
Tag No

ANNEXURE VI

LOS/QRW	
Fit No	
Date	
SA No	
Tag No	001055
FLIGHT NO	
DATE	
SEQ NO	
TAG NO 001055	
	

LOS/QRW	
Fit No	
Date	
SA No	
Tag No	001055
	



FEDERAL AIRPORTS AUTHORITY OF NIGERIA
DIRECTORATE OF AVIATION SECURITY
CRIME INVESTIGATION & INTELLIGENCE UNIT

STATION: _____

DATE: 10/12/2019

STATEMENT OF THE ACCUSED/WITNESS/COMPLAINANT

NAME: NNEKA I. OGBONNANATIONALITY/TRIBE: NIGERIAN/IGBOSEX: FEMALEAGE: 31OCCUPATION: ENGINEERRELIGION: CHRISTIAN

ADDRESS: _____

TELEPHONE NO: 08097448428

I WITH THE ABOVE NAME, AGE, ADDRESS, NATIONALITY/TRIBE, OCCUPATION AND RELIGION DO HEREBY STATE AS FOLLOWS THAT:

At 11:30am, I was about to board Air Peace flight P4 7210 to Warri with a backpack containing my laptop and other valuables, ~~also~~ as well as a cabin luggage when an air hostess stopped me and asked that I drop the cabin luggage for tagging. In my words, I said "Babe this bag can enter the overhead cabin". She refused and said no that I cannot carry it because it will not fit into the overhead locker. I then told her that if it does not enter, I will personally bring it down. She said no to that again. At this point, the pilot came out and asked if I am stupid or deaf. That I should do what she said. I told him to please don't shout at me. He kept shouting at me and calling me names and I came down, dropped the box for it to be tagged.

Upon entering the plane, he continued shouting at me and I looked at him and said "It's just because you are an old man but please do not shout at me again". I sat down and next thing I knew some people came to deboard me claiming that I insulted the pilot and he has said he won't fly with me in the plane. I refused and asked what exactly I did. That will make him say that.

RECORDED

10

INFO

They refused to listen and said I must come down. A few minutes later, another set of staff came and said I must come down. I kept asking what I did and why I can't fly. I asked if I am owing the airline or if I am carrying prohibited items and the answer was no. I then told them I can't come down. Another set came out and this time a woman and a man came dragging me out. The man molested me by putting his hand in my butt (right inside my jeans) and the woman kept dragging my belt till it cut off. I was dragged around like a criminal.

At this point, a man who introduced himself as the DPO of the airport came and asked them to stop dragging me. He asked what happened and I explained. It was afterwards that I left the aircraft because they would not fly me. I was deboarded. The pilot refused to come down and explain what I said to him to warrant me being deboarded.

Complainant/Witness/Accused

Interpreted by the

Date

Name

Language and hearing recorded by

The statement was written in

THE NIGERIA POLICE



STATEMENT OF WITNESS/ACCUSED

Name NKEKA I. OGBENNA Station _____ Command _____
 Sex F Age 31
 Occupation ENGINEER Religion CHRISTIAN Nationality/Tribal NIGERIAN / Igbo
 Address 7910 CIDE FERRIS SHELL ESTATE EDEKA VAST, DELTA
 Nearest Address _____ Tel: 09071448128

In the case of an accused person the formal caution will be given and the fact recorded here in manuscript
 I, NKEKA I. OGBENNA (MRS) (Male, Female) having been duly cautioned in English
 Language, that I am not obliged to say anything unless I wish to do so what ever I say will be taken down
 in writing and may be given in evidence, Voluntarily elect to state as follows. 10 DEC 2011

I was about to board the aircraft of Air Peace PA 7210 to Warri. I, Nkeka Ogbenna from Omulite, Ekwulogbo left in Anambra State born on the 19th October 1988 had my primary and secondary education in Lagos at Tonia International School and Queens College Ibeja respectively. I had my tertiary education at the University of Ilorin and I am currently working as an Engineer for OIL 30 in Delta State. I am married and live with my husband in Warri.

I was about to board the aircraft of Air Peace PA 7210 to Warri with my hand luggage and carry on luggage when the air hostess stopped me from carrying the carry on. She said the bag won't fit into the overhead locker. I pleaded with her that it would but she remained adamant. I then told her that if it does not enter that I promise to bring it down myself. She refused. It was at this point of our discussion that the pilot came out and started shouting at me. I told him that I had not done anything to warrant being shouted at. He said I must be either stupid or deaf if not I will have listened to the air hostess. I once again told him not to shout or insult me. I went down and handed over the bag for it to be tagged. I went back in and the pilot kept shouting at me and I told him that it's just because he's an old man but he should not shout at me again. I then went on to my seat. While I was talking to

my husband, some airport officials came and told me I can't fly the plane and I will have to reschedule my flight. I informed them that I do not want to come down because I did not do anything.

Another set of airport officials came and tried to get me to go down. I told them that no one has even heard my side of the story but just want me to deboard. I explained what had happened but they insisted that the pilot would not just shout at me. I kept quiet and they called in the police. Before the police came, one of the female airport security and a male security airport official started dragging me out. The man put his hands inside my backpockets while the woman pulled my belt till it cut off.

The DPO came in and met them assaulting me and asked them to stop. He was the first person to ask what happened. I explained to him and he asked that I come down to have the issue discussed. I got down and I was informed I had been deboarded because I told the pilot to stop shouting at me.

Interpreted by me:-

Signature/Mark of Witness/Accused

Signed:

Contact:

10, Adesuwa College Road,
G.R.A., Benin City.
08079695998, 08054391823
breakthroughlegalconsult10@gmail.com

124, Jakes Road,
Effurun, Warri,
Delta State.
08062183212, 0805084147

25th February, 2020.

THE INSPECTOR GENERAL OF POLICE,
FORCE HEADQUARTERS,
LOUIS EDET HOUSE,
AREA 11, GARKI, ABUJA.

Sir,

A CASE OF OPPRESSION, INTIMIDATION, ASSAULT,
SEXUAL HARRASSMENT AND CONDUCTS LIKELY TO BREACH
PUBLIC PEACE AGAINST AIR PEACE LIMITED.

We are solicitors to Mrs. Nneka Ogbonna, hereinafter referred to as "our client" and on whose firm and unequivocal instructions we write this petition.

It is our brief that on the 10th of December, 2019, our client was gruesomely oppressed, intimidated, harassed and sexually harassed by agents/employees of Air peace Limited at Domestic-Murtala Muhammed Airport, Lagos as our client was about to board Air Peace Flight 7210 from Lagos to Warri.

It is our client's brief that our client being a regular customer with Air Peace Limited with verifiable proofs booked a flight from Lagos to Warri. (Herein attached is our client's flight ticket). Our client was duly checked by the agents/security personnel of Air Peace Limited and upon boarding the airline; she was accosted by agents/employees of Air peace Limited to drop her cabin suitcase which had earlier been checked in by the agents/employees, security personnel of Air peace Limited at the security check point and which she uses frequently when travelling with Air peace Airline.

LAWYERS IN CHAMBERS:

C.I. Agbakor-Afamafune (Esq) (Principal Partner), Obi Kisong Bisong, Givethanks Nwogbugbo (Esq) (Head of Chambers), Adachi Okwesi

Our client's brief revealed that our client was gruesomely oppressed, intimidated, assaulted and sexually harassed by agents/security personnel of Air Peace Limited. In fact, our client who is a married woman was sexually humiliated by one of the personnel of Air Peace Limited, as hands were dipped into our client's panties.

Furthermore our client has suffered several arrests, humiliations and intimidation in the hands of the aforementioned persons. They have threatened to mercilessly deal with our client and boasted to have absolute control and connections with the Nigerian Police Force.

Sir, from the foregoing, it is very obvious that the actions of the agents/security personnel/employees of Air Peace Limited are highly condemnable and frowned at by our extant laws.

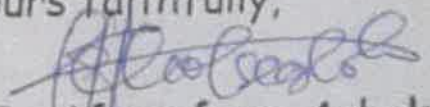
We therefore most respectfully urge you Sir to call for a discrete investigation of this case, as you are empowered to so do under our extant laws.

Sir, our client is a law abiding citizen of the Federal Republic of Nigeria and is desirous of justice; thus, this petition.

We anticipate your prompt response.

Thank you Sir.

Yours faithfully,


C.I. Afamefune-Agbakor (Mrs.)
PP: Breakthrough Legal Consults



ANNEXURE X

19th February 2020.

The Chief Executive Officer
Air Peace Limited,
25, Sobo Arobiolu Street,
GRA Ikeja,
Lagos State.

ATTENTION: MR. ALLEN ONYEMA

Dear Sir,

BREACH OF CONTRACT, SEXUAL ASSAULT, UNLAWFUL ASSAULT, HARASSMENT, INTIMIDATION, FUNDAMENTAL HUMAN RIGHT ABUSE AND ATTEMPTED EXTORTION OF MRS NNEKA OGBONNA & MR CHRISTOPHER OGBONNA BY EMPLOYEES, AGENTS AND REPRESENTATIVES OF AIR PEACE LIMITED – LETTER OF DEMAND.

Introduction

We now act as solicitors to Mrs Nneka Ogbonna & Mr Christopher Ogbonna ('our Clients'), and we have their instructions to write you this letter and further request that you disregard all previous correspondences issued to you in this matter.

Denial of Boarding with Approved Hand Luggage by Air Peace Staff

Our Clients informed us that on the 10th of December 2019, Mrs Nneka Ogbonna arrived at the domestic wing of the Murtala Muhammed Airport to board Air Peace flight 7210 from Lagos to Warri. She had previously checked in online and had only hand luggage. So, when she arrived at the airport, her hand luggage was weighed according to the baggage policy of the terms and condition of Air Peace and was further approved as cabin baggage. She also passed through airport security without any issues or queries raised. The flight was scheduled for 10:30 am but was delayed until about 11:30 am.

When our Client was about to enter the aircraft with the approved hand luggage, an Air Peace air hostess stopped her from entering the plane and told her to drop the hand luggage for tagging as it would not fit into the overhead locker.

Our Client explained to the air hostess that the suitcase was approved as carry-on luggage and would fit into the overhead locker as she had flown severally with that suitcase as hand luggage with Air Peace and had never encountered any difficulty fitting it into the overhead locker. Our Client further explained that she was travelling light to avoid any delays when the aircraft landed in Warri and she promised the air hostess that she would personally take the hand luggage down for tagging if it does not fit into the overhead locker. The air hostess remained adamant however, the conversation was civil, cordial and even jocular between the two women.

Abandonment of Duty, Harassment, Intimidation and Bullying by Air Peace Pilot

📍 Pent House, 49 Lawson Street, Moloney, Lagos Island, Lagos Nigeria

☎ 08123567055 | 08021141569

✉ info@olumidebabalolalp.com 🌐 www.olumidebabalolalp.com

In this point, our Client noticed that one of the two aircraft pilots who is obliged under Regulation No. 27 of the Civil Aviation (Air Navigation) Regulations to remain at the controls of the aircraft, secured in his seat by either a safety belt or safety harness, had abandoned his duty post and stood idly at the entrance of the aircraft. He interrupted the conversation rudely, asked our Client if she was stupid or deaf and shouted at her in a very abrasive and threatening manner to immediately comply with the air hostess' instructions.

Our Client was surprised at the pilot's unprovoked outburst, and she told him that she did not appreciate either his use of abusive language or being humiliated publicly. Her response visibly angered the pilot, and he raised his voice to intimidate her. To avoid further embarrassment from the pilot, our Client complied by leaving the entrance of the aircraft. She descended and surrendered the hand luggage which was tagged before she climbed up again to board the aircraft.

At the entrance, the air hostess requested for our Client's boarding pass, and after our Client handed it to her, the air hostess allowed her to board the aircraft and locate her seat. However, the pilot was not yet satisfied. He continued to utter unprovoked invectives at our Client as she made for her seat. Our Client was embarrassed by the pilot's conduct and told him that save for the fact that she was respecting him as an older adult, she would have responded in like manner to him. After that, our Client ignored the pilot, located her seat and sat down.

Breach of Contract, Further Harassment, Intimidation, Bullying, Sexual Assault and Eventual Deboarding

While she was seated, some airport officials, approached and requested that leaves the aircraft. She was surprised at this clear contractual breach and requested to know what she had done wrong. There was no response. Our Client further inquired if she owed the airline any money or was carrying any contraband, to which the airport officials responded in the negative. She maintained that if she had not done anything wrong then she would not leave an aircraft seat she paid for. The airport officials then informed her that the pilot had stated that he would not fly the plane except she was de-boarded. Our Client remained in her seat and placed a call to Mr Christopher Ogbonna, (her husband and a lawyer) and narrated all that had happened. He advised her to make a video recording of all that transpired eventually.

Dissatisfied with the abuse, emotional distress and trauma he had caused our Client so far, the pilot proceeded to deliberately and repeatedly incite and provoke other passengers against her using the aircraft public address system. At some point, the pilot falsely announced over the aircraft's public address system to the hearing of all other passengers that our Client, who had quietly remained seated with her seatbelt fastened, had hijacked the aircraft. We request that you confirm this by reviewing the Cockpit Voice Recorder (CVR) Information of 10 December 2019, flight 7210 at about 11:30 am or thereafter. Air Peace is obliged to retain that recording by virtue of the Nigerian Civil Aviation Regulations. Please find attached as **Annexure I**, a circular issued on 30th July 2019 by the Nigerian Civil Aviation Authority reminding all aircraft operators of that obligation.

When our Client insisted on remaining seated since she had done nothing wrong, a female security agent approached her, loosened her seatbelt, grabbed her by her belt and started dragging her out until the belt was damaged while a male Air Peace official named Aminu sexually assaulted our Client by inserting his hand into Mrs Nneka Ogbonna's buttocks, grabbing her by her trousers and underwear and dragging her away from her seat. In the video recording, our Client can be heard screaming in pain and this continued until a police officer who introduced himself as a DPO arrived and told them to stop assaulting our Client. The DPO requested to know what transpired and after our Client explained to him, he demanded that she

have the aircraft to avoid further assault and our Client who was visibly shaking, sexually abused and exhausted at this point complied. As soon as she was de-boarded, and her hand luggage retrieved from the cargo section, the pilot took off, leaving her stranded in Lagos. Our Client's video recording clearly shows the faces of the female security agent, Aminu (the Air Peace official) who sexually assaulted her and the DPO who subsequently intervened.

Police Involvement, Detention and Bail

Thereafter, our Client was bundled like a common criminal to Tango City (the airport Crimes and Investigation Unit) where she was made to write a statement. She was harassed, intimidated and put through so much stress that at some point she collapsed having not eaten or taken her medication that morning. After writing the statement, she was taken to the Domestic Airport Police Station where she was detained behind the counter and made to write another statement. Copies of the statement our Client made at both Tango City and the Domestic Airport Police Station, Ikeja are attached hereto as **Annexures II and III**.

Our Client's international passport was also seized by the police at the insistence of the Air Peace representative who accompanied the police who arrested and detained her. Our Client was kept in detention until the evening when she was bailed. Thereafter, she was stranded in Lagos and had to check into a nearby hotel until the next day when she booked a flight and return to her husband in Warri, Delta State where they both reside.

Settlement Meeting Aborted by Air Peace Employees and Extortion Attempt

Shortly afterwards, the law firm of Partners Associates & Co (PA & Co.) was engaged in this matter and a settlement meeting was scheduled for 11 am on 9th January 2020 at the DPO's office of the Nigeria Police, Domestic Airport Division, Ikeja, Lagos State. Despite our Client's ill health at the time, she travelled from Warri, Delta State to attend the settlement meeting to finalise the amicable settlement which PA & Co. had previously brokered with Air Peace's Head of Legal, Mrs Pauline Ikem.

However, to our Client's surprise, not only did Mrs Pauline Ikem repudiate the amicable settlement, the settlement meeting turned out to be an attempt to extort money from our Client. Instead of attending the settlement meeting, Mrs Pauline Ikem sent two female lawyers, Deborah and Doyin, who attempted to extort over ₦3 million (Three Million Naira) from our Clients. At this point, we wish to clarify that Air Peace flight 7210 from Lagos to Warri on 10th December 2019 was not delayed on account of our Client. Rather, the flight was deliberately delayed by the pilot who, on account of his belligerent temperament and in an attempt to harass, humiliate, bully and intimidate an innocent married woman, abandoned his duty post, put the lives and safety of all the passengers on board the aircraft at stake, and proceeded to facilitate the bullying, harassment, intimidation and sexual assault of our Client until she was forced out of the aircraft. The video recordings which our Client made of the incident put this fact beyond any scintilla of doubt.

Continued Seizure of our Client's International Passport and Breach of Her Fundamental Right to Movement

To date, our Client's international passport has remained in the custody of the Nigerian Police, Domestic Airport Division, Ikeja, Lagos State at Air Peace's instance. This is not only wrong but a gross violation of our Client's fundamental right to freedom of movement. Our Client is a frequent international traveller and the continued seizure of her international passport at your instance has denied her numerous business and medical travel opportunities outside Nigeria.

Our Clients' Demands

Please note that our Clients' hereby demands the following:

- i. The immediate release of Mrs Nneka Ogbonna's international passport which is currently held at the Nigerian Police, Domestic Airport Division at the instance of Air Peace and continued instigation.
- ii. Payment of the sum of **₦250,000,000.00 (Two Hundred and Fifty Million Naira)** as compensation to our Client for all the expenses she has incurred in this matter (including travel tickets, hotel and medical expenses), the violation of her fundamental right to movement, the sexual assault, physical assault, harassment, intimidation, emotional trauma and untold hardship which your actions and those of your employees and agents have caused her as well as denying her the liberty of benefiting from her consumer rights guaranteed by the FCCPA.
- iii. A written apology to our Clients signed by the Chairman Board of Directors of Air Peace.

Please be informed that while our Clients remain open to an amicable resolution, we have their instructions to petition the Nigerian Civil Aviation Authority and to pursue a fundamental rights enforcement proceedings at the Federal High Court in the event that you fail to respond to this letter within 24 (twenty-four) hours from the time of your receipt of this letter.

Yours faithfully,



M. O. Sanni, Esq.

Cc:

1. **The Chairman**
Air Peace Limited
2. **The Managing Director,**
Federal Airports Authority of Nigeria,
FAAN Headquarters,
Ikeja, Lagos State.
3. **The Director-General,**
Nigerian Civil Aviation Authority,
Aviation House,
Murtala Muhammed Airport,
Ikeja,
Lagos State.
4. **The Inspector-General of Police,**
Louis Edet House,
Force Headquarters,
Garki, Shehu Shagari Way,
Abuja.



The DPO,
Domestic Airport Division,
Ikeja,
Lagos State.

6. **The Commissioner of Police, Lagos State,**
The Nigerian Police State Headquarters,
Adekunle Fajuyi Way,
Ikeja,
Lagos, State.
7. **International Civil Aviation Organisation (ICAO),**
999 Robert-Bourassa Boulevard,
Montreal,
Quebec H3C 5H7,
Canada.
8. **International Civil Aviation Organisation (ICAO),**
Western and Central African (WACAF) Office
Leopold Sedar Senghor International Airport,
P. O. Box 380 YOFF
Dakar, Senegal.



NIGERIAN CIVIL AVIATION AUTHORITY

P.M.B. 21029, 21038, IKEJA-LAGOS.

ANNEXURE XI

ALL OPERATORS LETTER (FSG 003)

Ref: NCAA/FSG/AOL/19/003
Date: 30th July, 2019
To: All Aircraft Operators
From: Nigerian Civil Aviation Authority
Attn: Director of Flight Operations/Chief Pilot/Safety Manager
Subject: **CONTINUOUS OVERWRITING OF COCKPIT VOICE RECORDER (CVR) INFORMATION**

The purpose of this FSG All Operators Letter (AOL) is to alert all aircraft operators on the continuous overwriting of Cockpit Voice Recorder (CVR) Information by their flight crew members and the necessity to ensure compliance with the appropriate Nigeria Civil Aviation Regulations (Nig. CARs) requirements.

Background

The Nigerian Civil Aviation Authority (NCAA) has noticed that airline operators' flight crew members are in the practice of continuously overwriting the CVR information. This practice makes it impossible for the Accident Investigation Bureau (AIB) to retrieve actual data to aid in its investigation as required by Paragraphs 25 and 26 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 2019. This action had also impeded and posed undesirable difficulty in ensuring that AIB successfully discharge its statutory mandate of investigating accidents and serious incidents.

Nig. CARs Part 7.8.1.3 (b), which is derived from the provisions of ICAO Annex 6, Section 11.6 states that, "To preserve flight recorder records, flight recorders shall be deactivated upon completion of flight time following an accident or incident. The flight recorders shall not be reactivated before their disposition as determined in accordance with the accident/incident regulations of Nigeria".

Furthermore, Nig. CARs Part 8.14.10.3 (a) requires that "The operator/owner of the aircraft, or in the case where it is leased, the lessee, shall ensure, to the extent possible, in the event the aircraft becomes involved in an accident or incident, the preservation of all related flight recorder records and, if necessary, the associated flight recorders, and their retention in safe custody pending their disposition as determined by the Accident Investigation Bureau.

The operational requirement of the flight recorders by the flight crew as detailed in Nig. CARs. Part 8.5.1.24 (b) and (c) require that "The PIC may not permit a flight data recorder or cockpit voice recorder to be disabled, switched off or erased during flight, unless necessary to preserve the data for an accident or incident investigation" and "In event of an accident or incident, the PIC shall act to preserve the recorded data for subsequent investigation upon completion of flight" respectively.

The content of this letter is meant for the addressee only. If you receive this letter by error of circulation, please do not hesitate to return it to the NCAA.

Corporate Headquarters: Nnamdi Azikiwe Int'l Airport, Domestic Wing, Abuja.

Tel: +234 (1) 7610041, +234 (1) 7610043, Fax: +234 807 729 1113

Lagos Office: AVIATION HOUSE, Murtala Mohammed International Airport (MMIA) Domestic Wing, Ikeja

Tel: +234 (1) 2790439; Tel/Fax: +234 (1) 2790421; Consumer Protection: +234 (1) 7607286 (24hrs);

Airworthiness: Tel: +234 709 104 8830; Fax: +234 (1) 7610044; Licencing: +234 (1) 7739972; Operations: +234 (1) 7614073

Switch Board: +234 (1) 7610036, +234 (1) 7610037; Email: info@ncaa.gov.ng; Website: www.ncaa.gov.ng



Actions Required:

All operators of aircraft with CVR installed are hereby required to:

1. Conduct in-house awareness training for their flight crews on the requirements of Nig. CARs Parts 7.8.1.3 (b), 8.14.10.3 (a) and 8.5.1.24 (b) and (c) immediately on receipt of this AOL;
2. Develop/Emphasize appropriate procedures addressing the requirements of Nig. CARs Parts 7.8.1.3 (b), 8.14.10.3 (a) and 8.5.1.24 (b) and (c) and incorporate same in their respective Operations Manual. This amendment must be submitted to the Authority for review, acceptance and approval within thirty (30) days from the date of issue of this AOL. These procedures must form part of the contents of the Indoctrination training for flight crew members; and
3. Ensure continuous compliance with the requirements of the Nig. CARs on the preservation of flight recorder records.

The Authority will apply its enforcement processes, where non-compliances to the requirements of the Nig. CARs or non-conformance to the operator's approved procedures have been noticed.

Please, comply accordingly.

A handwritten signature in blue ink, appearing to read "A.M. Sidi", is written over a faint circular stamp.

Capt. A.M. Sidi
Director, Operations and Training
For: Director General.

19th February 2020.

ANNEXURE XII

The Director-General,
Nigerian Civil Aviation Authority,
Aviation House,
Murtala Muhammed Airport,
Ikeja,
Lagos State.

ATTENTION: Captain Musa Nuhu

Dear Sir,

BREACH OF CONTRACT, SEXUAL ASSAULT, UNLAWFUL ASSAULT, HARASSMENT, INTIMIDATION, FUNDAMENTAL HUMAN RIGHT ABUSE AND ATTEMPTED EXTORTION OF MRS NNEKA OGBONNA BY EMPLOYEES, AGENTS AND REPRESENTATIVES OF AIR PEACE LIMITED – LETTER OF COMPLAINT.

Introduction

Hearty congratulations to you on your confirmation by the Senate.

We act as solicitors to Mr Christopher Ogbonna and Mrs Nneka Ogbonna ('our Clients'), and we have our Clients' instructions to file this complaint.

Denial of Boarding with Approved Hand Luggage by Air Peace Staff

It is our Clients' case that on the 10th of December 2019, Mrs Nneka Ogbonna ('the Complainant') arrived at the domestic wing of the Murtala Muhammed Airport to board Air Peace flight 7210 from Lagos to Warri. Copies of her airline ticket and boarding pass are attached to this complaint as **Annexures I and II**.

She had previously checked in online and had only hand luggage. So, when she arrived at the airport, her hand luggage was weighed according to the baggage policy of the terms and condition of Air Peace and was further approved as cabin baggage. She also passed through airport security without any issues or queries raised. The flight was scheduled for 10:30 am but was delayed until about 11:30 am.

When the Complainant was about to enter the aircraft with the approved hand luggage, an Air Peace air hostess stopped her from entering the plane and told her to drop the hand luggage for tagging as it would not fit into the overhead locker. The Complainant Client tried explaining to the air hostess that the suitcase would fit into the overhead locker as she had flown that particular aircraft severally with that suitcase as hand luggage and it always fitted perfectly into the overhead locker.

The Complainant explained to the air hostess that the suitcase was approved as carry-on luggage and would fit into the overhead locker as she had flown severally with that suitcase as hand luggage with Air Peace and had never encountered any difficulty fitting it into the overhead locker. The Complainant further explained that she was travelling light to avoid any delays when the aircraft landed in Warri and she promised the air hostess that she would personally take the hand luggage down for tagging if it does not fit into the overhead locker. The air hostess remained adamant. However, the conversation was civil, cordial and even jocular between the two women.

📍 Pent House, 49 Lawson Street, Moloney, Lagos Island, Lagos Nigeria

☎ 08123567055 | 08021141569

✉ info@olumidebabalolalp.com 🌐 www.olumidebabalolalp.com

Abandonment of Duty, Harassment, Intimidation and Bullying by Air Peace Pilot

At this point, the Complainant noticed that one of the two aircraft pilots who is obliged under Regulation No. 27 of the Civil Aviation (Air Navigation) Regulations to remain at the controls of the aircraft, secured in his seat by either a safety belt or safety harness, had abandoned his duty post and stood idly at the entrance of the aircraft. He rudely interrupted the conversation, asked the Complainant if she was stupid or deaf and shouted at her in a very abrasive and threatening manner to immediately comply with the air hostess instructions.

The Complainant was surprised at the pilot's unprovoked outburst, and she told him that she did not appreciate either his use of abusive language or being humiliated publicly. Her response visibly angered the pilot and he raised his voice to intimidate her. To avoid further embarrassment from the pilot, the Complainant complied by leaving the entrance of the aircraft. She descended and surrendered the hand luggage which was tagged before she climbed up again to board the aircraft.

At the entrance, the air hostess requested for the Complainant's boarding pass, and after the Complainant handed it to her, the air hostess allowed her to board the aircraft and locate her seat. However, the pilot was not yet satisfied. He continued to utter unprovoked invectives at the Complainant as she made for her seat. The Complainant was embarrassed by the pilot's conduct and told him that save for the fact that she was respecting him as an older adult, she would have responded in like manner to him. After that, the Complainant ignored the pilot, located her seat and sat down.

Breach of Contract, Further Harassment, Intimidation, Bullying, Sexual Assault and Eventual Deboarding

While the Complainant was seated, some airport officials, approached and requested that she should leave the aircraft. She was surprised at this clear contractual breach and requested to know what she had done wrong. There was no response. The Complainant further inquired if she owed the airline any money or was carrying any contraband and the airport officials said 'no'. The Complainant then stated that if she had not done anything wrong then she would not leave an aircraft seat she paid for. The airport officials then informed her that the pilot had stated that he would not fly the plane except she was de-boarded. The Complainant remained in her seat and called Mr Christopher Ogbonna (her husband who is also a lawyer) and narrated all that had happened. He advised her to make a video recording of all that transpired going forward.

Dissatisfied with the abuse, emotional distress and trauma he had caused the Complainant so far, the pilot proceeded to deliberately and repeatedly incite and provoke other passengers against her using the aircraft public address system. At some point, the pilot falsely announced over the aircraft's public address system to the hearing of all other passengers that the Complainant, who had quietly remained seated with her seatbelt fastened, had hijacked the aircraft. We request that you confirm this by reviewing the Cockpit Voice Recorder (CVR) Information of that flight which Air Peace is obliged to keep by virtue of the Nigerian Civil Aviation Regulations and as contained in your circular with Ref NCAA/FSG/AOL/19/003 dated 30th July 2019 and titled Continuous Overwriting of Cockpit Voice Recorded (CVR) Information.

When the Complainant insisted on remaining seated since she had done nothing wrong, a female security agent approached her, loosened her seatbelt, grabbed her by her belt and started dragging her out until the belt was damaged while a male Air Peace official named Aminu sexually assaulted the Complainant by inserting his hand into the Complainant's buttocks, grabbing her by her trousers and underwear and dragging her away from her seat. In the video recording, the Complainant can be heard screaming in pain and this continued until a police officer who introduced himself as a DPO arrived and told them to stop assaulting the Complainant. The DPO requested to know what transpired and after the Complainant

explained to him, he demanded that she leave the aircraft to avoid further assault and the Complainant who was visibly shaking, sexually abused and exhausted at this point complied. As soon as she was de-boarded, and her hand luggage retrieved from the cargo section, the pilot took off, leaving her stranded in Lagos. The Complainant's video recording of this sordid incident clearly shows the faces of the female security agent, Aminu (the Air Peace official) who sexually assaulted her and the DPO who subsequently intervened.

Illegal Police Involvement, Detention and Bail

Thereafter, the Complainant was bundled like a common criminal to Tango City (the airport Crimes and Investigation Unit) where she was made to write a statement. She was harassed, intimidated and put through so much stress that at some point she collapsed having not eaten or taken her medication that morning. After writing the statement, she was taken to the Domestic Airport Police Station where she was detained behind the counter and made to write another statement. Copies of the statement the Complainant made at both Tango City and the Domestic Airport Police Station, Ikeja are attached hereto as Annexures III and IV.

The Complainant's international passport was also seized by the police at the insistence of the Air Peace representative who accompanied the police who arrested and detained her. The Complainant was kept in detention until the evening when she was bailed. Thereafter, she was stranded in Lagos and had to check into a nearby hotel until the next day when she booked a flight and return to her husband in Warri, Delta State where they both reside.

The Complainant is aware that under the Section 63 (2) of the Civil Aviation Act ('the Act'), it is the Nigerian Civil Aviation Authority ('the Authority') that has jurisdiction with the consent of the Attorney-General of the Federation to initiate and undertake the prosecution of any person in respect of any offence allegedly committed under the Act. Accordingly, the referral of this matter to the Nigeria Police at the active instigation and direction of Air Peace is a violation of the Act and usurpation of the powers of the Authority.

Settlement Meeting Aborted by Air Peace Employees and Extortion Attempt

After the release of the Complainant on bail, the law firm of Partners Associates & Co (PA & Co.) was engaged in this matter and a settlement meeting was scheduled for 11am on 9th January 2020 at the DPO's office of the Nigeria Police, Domestic Airport Division, Ikeja, Lagos State. Despite the Complainant's ill health at the time, she travelled from Warri, Delta State to attend the settlement meeting to finalise the amicable settlement which PA & Co. had previously brokered with Air Peace's Head of Legal, Mrs Pauline Ikem.

However, to the Complainant's surprise, not only did Mrs Pauline Ikem repudiate the amicable settlement, the settlement meeting turned out to be an attempt to extort money from the Complainant. Instead of attending the settlement meeting, Mrs Pauline Ikem sent two female lawyers, Deborah and Doyin, who attempted to extort over N3 million naira from the Complainant allegedly as compensation. At this point, we wish to clarify that Air Peace flight 7210 from Lagos to Warri on 10th December 2019 was not delayed on account of the Complainant. Rather, the flight was deliberately delayed by the pilot who, on account of his belligerent temperament and in an attempt to harass, humiliate, bully and intimidate an innocent married woman, abandoned his duty post, put the lives and safety of all the passengers on board the aircraft at stake, and proceeded to facilitate the bullying, harassment, intimidation and sexual assault of the Complainant until she was forced out of the aircraft. The video recordings which the Complainant made of the incident put this fact beyond any scintilla of doubt.


The Complainant's Prayers

The Complainant humbly urges the Authority to urgently intervene in this matter and:

- i. conduct a full investigation of this matter with a view to determining the culpability or otherwise of Air Peace Limited;
- ii. put a permanent stop to the practice of air hostesses and other airport personnel harassing passengers at the base or entrance of the aircraft to surrender luggage which has already been approved at the point of check-in as hand luggage;
- iii. facilitate the immediate release of the Complainant's international passport which is currently held at the Nigerian Police, Domestic Airport Division at Air Peace's instance and continued instigation;
- iv. subject to the abatement of any court proceedings instituted to enforce the Complainant's legal rights, direct Air Peace to pay the Complainant the sum of **N250,000,000.00 (Two Hundred and Fifty Million Naira)** as compensation to the Complainant for all the expenses and inconveniences she has incurred in this matter (including travel tickets, hotel and medical expenses), the violation of her fundamental right to movement, the sexual assault, physical assault, harassment, intimidation, emotional trauma and untold hardship which Air Peace's actions and those of its employees and agents have caused her.
- v. direct Air Peace to issue a written apology to the Complainant.

The Complainant fervently hopes and prays that the Authority's intervention in this matter will ensure that justice is dispensed and that Air Peace is compelled to take steps (including training and re-training of its pilots and cabin crew) to ensure that this sordid incident never repeats itself in Nigeria's aviation industry.

Yours faithfully,


Olivia Audu, Esq.

Cc:

The Chairman/CEO,
Air Peace Limited,
25, Sobo Arobiodu Street,
GRA, Ikeja,
Lagos State.



MRS OGBONNA, NNEKA

7 Oyo Close, Former Shell Estate, Edjebe, Warri, Delta State

c/o christopher.c.ogbonna@gmail.com

07034142612 and 08095240307

27 May 2020

ACKNOWLEDGEMENT COPY

The Managing Director,
Federal Airports Authority of Nigeria,
FAAN Headquarters,
Ikeja, Lagos State.

ANNEXURE XIII

Dear Sir,

NOTICE OF INTENTION TO COMMENCE SUIT IN RE:

MRS NNEKA OGBONNA

PLAINTIFF

AND

1. AIR PEACE LIMITED
2. INSPECTOR GENERAL OF POLICE
3. NIGERIAN CIVIL AVIATION AUTHORITY
4. FEDERAL AIRPORTS AUTHORITY OF NIGERIA
5. MRS. PAULINE IKEM
6. CAPTAIN HORACE MILLER-JAJA

DEFENDANTS

CAUSE OF ACTION

Please find attached hereto a comprehensive draft statement of claim detailing the facts giving rise to the Plaintiff's cause of action.

PARTICULARS OF CLAIM

Please find attached hereto a comprehensive draft statement of claim detailing the particulars of the Plaintiff's claim.

NAME OF PLAINTIFF:

Mrs Ogbonna, Nneka

PLACE OF ABODE OF PLAINTIFF:

7 Oyo Close, Former Shell Estate, Edjebe, Warri, Delta State.

RELIEFS CLAIMED AGAINST/INVOLVING THE FEDERAL AIRPORTS AUTHORITY OF NIGERIA:

1. A DECLARATION that 4th Defendant was negligent and in breach of its statutory duties under the Nigerian Civil Aviation Act, 2006 (and all relevant Regulations issued thereunder) in relation to the Plaintiff.
2. A DECLARATION that given the facts of this matter and under the Civil Aviation Act, 2006, it is the 3rd Defendant which had jurisdiction, with the consent of the Attorney General of the Federation to initiate any criminal proceedings against the Plaintiff for any alleged criminal act
3. A DECLARATION that the handing over of the Plaintiff by employees and officers of the 3rd and 4th Defendants to the Nigerian Police after taking her statement was a violation of the Civil Aviation Act, 2006.
4. A DECLARATION that reckoning by the actions of the employees and officers of the 4th and 5th Defendants on the 10th of December 2019, the 3rd and 4th Defendants are liable for negligence against the Plaintiff.

MRS OGBONNA, NNEKA

7 Oyo Close, Former Shell Estate, Edjebe, Warri, Delta State

c/o christopher.c.ogbonna@gmail.com

07034142612 and 08095240307

27 May 2020.

ACKNOWLEDGEMENT COPY

The Director General,
Nigerian Civil Aviation Authority,
Aviation House,
Murtala Muhammed Airport,
Ikeja, Lagos State.

NIGERIAN CIVIL AVIATION AUTHORITY
P.M.B. 21029, 21038, IKEJA,
MAILING SERVICE UNIT.
RECEIVED / DESPATCHED
DATE 09/05/2020
SIGN

Dear Sir,

ANNEXURE XIV

NOTICE OF INTENTION TO COMMENCE SUIT IN RE:

MRS NNEKA OGBONNA

PLAINTIFF

AND

1. AIR PEACE LIMITED
2. INSPECTOR GENERAL OF POLICE
3. NIGERIAN CIVIL AVIATION AUTHORITY
4. FEDERAL AIRPORTS AUTHORITY OF NIGERIA
5. MRS. PAULINE IKEM
6. CAPTAIN HORACE MILLER-JAJA

DEFENDANTS

CAUSE OF ACTION

Please find attached hereto a comprehensive draft statement of claim detailing the facts giving rise to the Plaintiff's cause of action.

PARTICULARS OF CLAIM

Please find attached hereto a comprehensive draft statement of claim detailing the particulars of the Plaintiff's claim.

NAME OF PLAINTIFF:

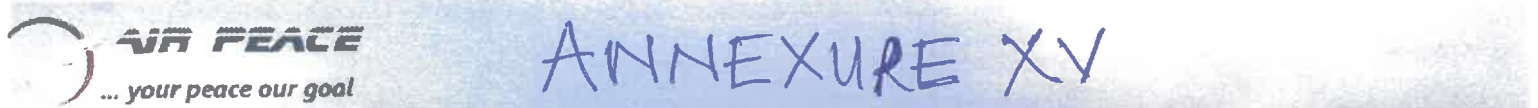
Mrs Ogbonna, Nneka

PLACE OF ABODE OF PLAINTIFF:

7 Oyo Close, Former Shell Estate, Edjebe, Warri, Delta State

RELIEFS CLAIMED AGAINST/INVOLVING THE NIGERIAN CIVIL AVIATION AUTHORITY:

1. **A DECLARATION** that 3rd Defendant was negligent and in breach of its statutory duties under the Nigerian Civil Aviation Act, 2006 (and all relevant Regulations issued thereunder) in relation to the Plaintiff.
2. **A DECLARATION** that given the facts of this matter and under the Civil Aviation Act, 2006, it is the 3rd Defendant which had jurisdiction, with the consent of the Attorney General of the Federation to initiate any criminal proceedings against the Plaintiff for any alleged criminal act.
3. **A DECLARATION** that the handing over of the Plaintiff by employees and officers of the 3rd and 4th Defendants to the Nigerian Police after taking her statement was a violation of the Civil Aviation Act, 2006.
4. **A DECLARATION** that reckoning by the actions of the employees and officers of the 4th and 5th Defendants on the 10th of December 2019, the 3rd and 4th Defendants are liable for negligence against the Plaintiff.



Manage My Booking

Your booking is confirmed. Your booking reference is important for check-in so please keep this safe. It is possible to check-in online f



Lagos → Warri
P47210

10 Dec

Depart 11:00

Arrive 12

NNEKA OGBONNA

Membership No: 10113095

Adult
Not Checked IN

Select Seat

Click to call: 0700FLYAIRPEACE OR 0700-35924-773223

AKGK5P

Confirmation Reference:AKGK5P

from this page and make other changes to your preferences.

:00

Payment Summary

Credit Card	04DEC19	48700 NGN
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NIGERIAN CIVIL AVIATION AUTHORITY

P.M.B. 21029, 21038, IKEJA-LAGOS.

ANNEXURE XVII

NCAA/DG/AIR/11/16/135

22nd June, 2020

Mrs. Nneka Ogbonna
7, Oyo Close
Former Shell Estate
Edjeba Warri
Delta State.

Dear Madam,

**RE: NOTICE OF INTENTION TO COMMENCE SUIT: RE MRS. NNEKA OGBONNA AND 6
ORS WITH NCAA (3RD DEFENDANT)**

We hereby acknowledge receipt of your notice to commence suit as captioned above and dated 27th May, 2020.

The Nigerian Civil Aviation Authority (NCAA) to be sued as the 3rd Defendant in the intended suit is the regulatory body of aviation in Nigeria.

The NCAA carries out oversight functions which includes ensuring the safety of aircraft, persons and property carried in aircraft and preventing aircraft from endangering persons and property in accordance with the provisions of the Civil Aviation Act 2006 and also in line with the provisions of the Civil Aviation Regulations.

The NCAA has never shirked in its responsibilities of ensuring the safety and security of air passengers and their baggage.

You may wish to note the following provisions of S. 45 (1) (2) (3) of the Civil Aviation Act 2006 which provides for the security check of persons and baggage of every person entering the aerodrome and boarding an aircraft which could be done by any person authorized by the Authority.

You may also note that it is the responsibility of the Pilot in Command to ensure the safety of all passengers including checking and reacting appropriately to ensure the safety and the operational efficiency of the flight before take-off.

We have noted your averments in paragraphs 5,6,7,8,25,26,34,39,41,43,44,45, and 58 of your statement of claim and the reliefs sought by you in paragraphs 10,11, 12, 13, 20,21,22, 23 and 24 of your claims and declarations.

In response to all of your claims and declarations as listed above, we wish to state as follows:

1. That the Nigerian Civil Aviation Authority (NCAA) (3rd Defendant) does not have any

Corporate Headquarters : Nnamdi Azikwe Int'l Airport, Domestic Wing, Abuja.

Tel: +234 (1) 7610041, +234 (1) 7610042, +234 (1) 7610043, +234 (1) 7610044, **Tel/Fax:** +234 807 729 1113,

Lagos Office: AVIATION HOUSE, Murtala Mohammed International Airport (MMIA) Domestic Wing, Ikeja.

Tel: +234 (1) 4721521 **Fax:** +234 (1) 2790421 **Consumer Protection:** +234 (1) 7607286 (24hrs); **Airworthiness:** +234 (1) 4734482;

Licencing: +234 (1) 7739972; **Operations:** +234 (1) 4714339; **Switch Board:** +234 (1) 7610036, +234 (1) 7610037.

Email: info@ncaa.gov.ng **Website:** www.ncaa.gov.ng

body known as "Fatoyinbo" in the Consumer Protection Directorate or Aviation Security Department.

2. That the NCAA does not use or wear "Name Tags" as a means of identification of its personnel or employees.

In view of the above we wish to state that we are wrongly joined in this intended suit.

You may therefore wish to reconsider your stand on your intention to join the 3rd defendant.

Thanking you for your cooperation



Emmanuel Dubem Chukwuma
Legal Adviser/Head, Compliance and Enforcement
For: Director-General.



FEDERAL AIRPORTS AUTHORITY OF NIGERIA

Headquarters:

P.M.B 21607, Ikeja - Lagos

Tel: 01-2800830, Fax: 01-2800830, Telex: 26567NG
www.faanigeria.org, contact@faanigeria.org

FAAN/HQ/1600/Vol.2/00165155
24th June, 2020

ANNEXURE XVIII

Olumide Babalola LP
Penl House
49 Lawson Street
Moloney, Lagos Island
Lagos State.


ATTENTION: M.O. Sanni Esq.

RE: BREACH OF CONTRACT, SEXUAL ASSAULT, UNLAWFUL ASSAULT, HARRASSMENT,
INTIMIDATION, FUNDAMENTAL HUMAN RIGHTS ABUSE AND ATTEMPTED
EXTORTION OF MRS. NNEKA OGBONNA & MR. CHRISTOPHER OGBONNA BY
EMPLOYEES, AGENTS AND REPRESENTATIVES OF AIR PEACE LIMITED- LETTER OF
DEMAND

We acknowledge the receipt of your letter dated 19th February, 2020 in respect of the above subject.

2. Kindly be informed that the Authority is conducting its investigation/enquiry on the subject and would communicate with you accordingly. We seek your indulgence for any arising delay in this response as this is due to the consequence of the current Covid 19 pandemic.

3. Please accept the assurances of our warm regards.


Dr. Clifford Omozeghian
Company Secretary/Legal Adviser



ANNEXURE XIX AIR PEACE ...your peace, our goal

RESPONSE TO CHRISTOPHER OGBONNA'S POST

Mrs. Nneka Ogbonna (the passenger) checked in for a flight from Lagos to Warri on December 10, 2019. She arrived at the foot of the aircraft with a luggage for boarding but the reasons she was deboarded have grossly been misrepresented.

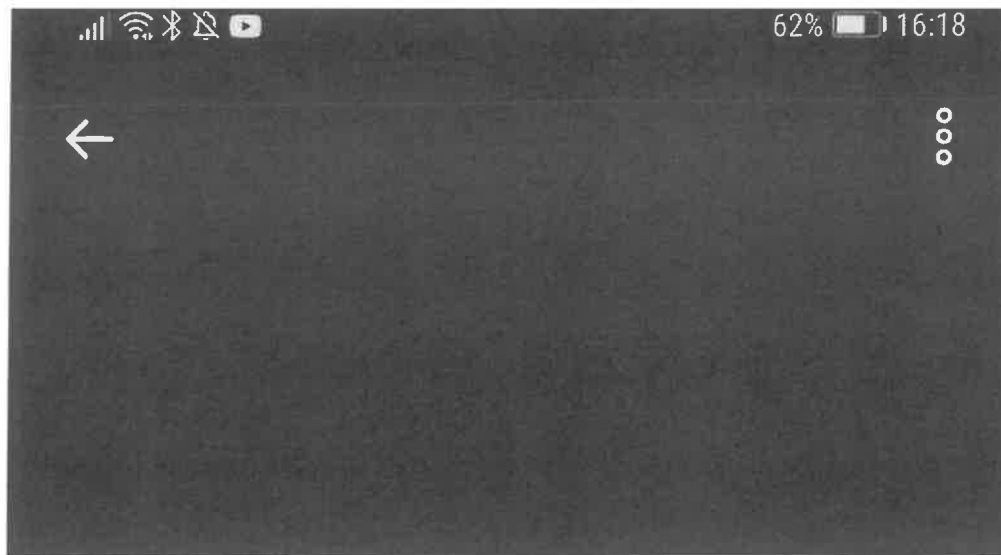
She was informed by our boarding staff that she would not be able to have the bag as a carry-on luggage. The staff explained to her that the aircraft was a 50-seater Embraer Jet, which is smaller than a Boeing, and that the other passengers had utilised most of the space in the overhead cabin.

The staff requested that the bag be tagged and checked-in. Mrs Ogbonna refused to submit her bag as requested. Rather she pushed past the staff and made her way into the aircraft.

Inside the aircraft, she was again advised by the air hostess that because of the aircraft's limited capacity for carry-on items, she should release her bag for storage in the cargo hold. She refused, stating that since the bag was already tagged as a carry-on, it must not be checked in.

Our staff explained to her that carry-on bags are allowed subject to availability of space and safety. She was also reminded that safety was paramount for us and that it would be unsafe to carry her luggage in her preferred way.





Mrs. Ogbonna blatantly refused to budge. All this time, she positioned herself at the entrance of the aircraft making it impossible for other passengers to continue boarding. It took the intervention of some passengers before she eventually released the bag to be checked-in about thirty minutes later.

This was after throwing a tirade at the flight crew. She thereafter continued to make videos of those in the aircraft and hurled more insults at our staff.

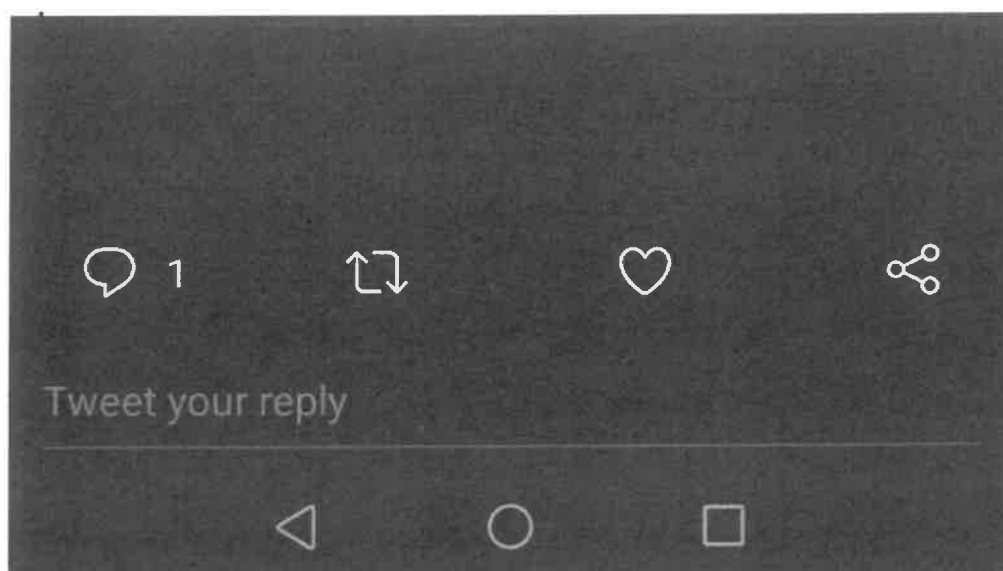
When her unruly attitude became intolerable, the Pilot-in-Command asked that she be deboarded.

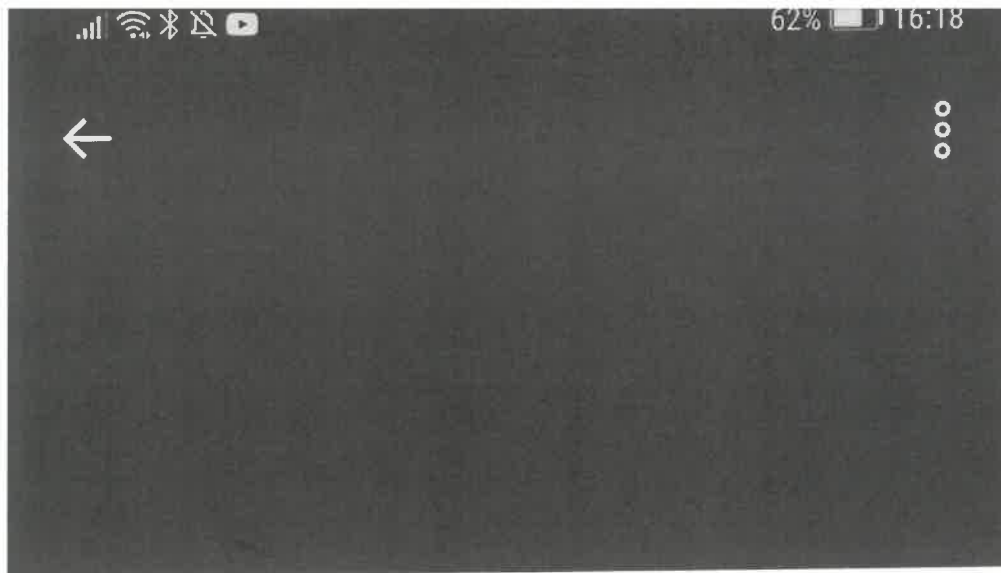
She refused and stood on the stairs of the aircraft. Even when the airport security was invited, she was unyielding.

This prompted a call for reinforcement from FAAN. It was however not until the pilot shut down the engine of the aircraft at 12:15pm that she was successfully disembarked. We then referred the matter to the Airport Police Command.

It is important to state that the pilot had approached Mrs. Ogbonna to inquire what the matter was and returned to his seat when she threw insults at him. His act was in exercise of his pre-flight requirement as commander of the aircraft as required by the Civil Aviation Regulations. There was no time that the pilot acted contrary to the Regulations.

We are shocked at Mr Christopher's rendering of the incident. At no time was Mrs Ogbonna harassed, intimidated, or assaulted, whether sexually or otherwise. In fact, the airport security was invited to ensure due process was followed.





The passenger's unruly conduct was a threat to peace hence a report was made to the Police whose responsibility it is to maintain peace and order. We cannot speak for the modalities employed by the Police in their investigation as they are an independent body.

It is an affront to allude that there was an attempt by any of our staff to extort Mrs. Ogbonna. We were notified of the intention of the passenger to settle out of court by the Police and a letter from the law firm of Partners Associates & Co. During the meeting, we stated our terms, which basically consisted of the loss suffered because of the delay occasioned by Mrs. Ogbonna's actions

Rather than attempt to meet us, at least, half-way, the passenger and her solicitor insisted that they were not going to fulfil any of the terms. The Police intervened and rescheduled the meeting. The passenger refused to honour the invitation as well as subsequent invitations.

We opine that Mrs. Ogbonna is looking for means to avoid the consequence of her action as well as frustrate the investigations of the police. This attitude should not be encouraged.

We refuse to be intimidated by the demands in the letter from her solicitor as our actions in this matter have been with due regard for the laws of our country. We also categorically deny Mrs. Ogbonna's claim that her passport is being held by the Police on our instruction.

