

**"CRY FOR JUSTICE"
PROCEEDINGS OF A PUBLIC TRIBUNAL
ON
POLICE ACCOUNTABILITY IN NIGERIA**

**CLEEN Foundation
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The mission of CLEEN Foundation is to promote public safety, security and accessible justice through empirical research, legislative advocacy, demonstration programmes and publications, in partnership with government and civil society.

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This publication is a compilation of proceedings of the panel of inquiry sittings which took place in Ibadan, Enugu and Abuja to investigate public complaints on police misconduct. The Network on Police Reform in Nigeria (NOPRIN) in collaboration with CLEEN Foundation and the National Human Rights Commission organized and facilitated the panel of inquiry sittings.

Many organizations and individuals contributed to the actualization of the panel sittings and publication of this report. We appreciate with thanks the Open Society Justice Initiative (OSJI) for supporting the project and publication of this report. We also thank the panellists drawn from the Police Service Commission, Public Complaints Commission, National Human Rights Commission (NHRC), Ministries of Justice (Oyo, Enugu, and the Federal Capital Territory, Abuja), and the chairperson of the Committee on the Implementation of the Robben Island Guidelines/Commissioner, Africa Commission on Human and Peoples Rights, Mrs. Dupe Atoki, for their commitment and invaluable contributions towards improving police accountability.

We also wish to commend the valuable contributions of civil society groups under the umbrella of the Network on Police Reform in Nigeria (NOPRIN), who participated at the panel sittings.

Finally, we thank the victims and their families for the courage to speak out and seek redress. Without their commitment and testimonies, this publication would not have been possible.

PREFACE

The increasing spate of human rights abuses and violations by personnel of the Nigeria Police Force has continued to elicit concern among local and international human rights groups, media and general public. Lack of effective internal and external processes and mechanisms for holding police personnel accountable to the communities they serve has been identified as one of the main contributory factors to police abuses and impunity.

The public tribunals were therefore organized to contribute to finding solutions to these problems that plague police work in Nigeria. The Network on Police Reform in Nigeria (NOPRIN) in collaboration with CLEEN Foundation and the National Human Rights Commission, organized public tribunals in three Nigerian cities between January and February 2009 to provide platforms for victims of police abuse of human rights and their relatives to testify before panels of eminent persons. The cities were Abuja, Ibadan and Enugu.

The objectives of the tribunals were threefold:-

- Giving voice to the numerous victims, relatives of victims and witnesses of police abuse in Nigeria;
- Combating impunity in the law enforcement system in Nigeria by exposing law enforcement officials involved in abuse of human rights;
- Mobilizing eminent Nigerians to join the campaign to end police abuse of human rights in Nigeria.

The work of the public tribunals was structured along the line of an administrative inquiry process. Testimonies were taken from the victims or their representatives in cases where the primary person was a victim of extra-judicial killings.

This publication contains proceedings of the public tribunals. It is divided into four sections. Sections One to Three present cases and testimonies of victims of Extra-judicial, Summary and Arbitrary Execution; Torture and Other Forms of Cruel, Inhuman or Degrading Treatments and Rape and Other Gender-Related Crimes by police officers with specific recommendations on redressing them. Section Four presents general recommendations.

SECTION ONE

EXTRA-JUDICIAL, SUMMARY AND ARBITRARY EXECUTION

The 1999 Constitution of the Federal Republic of Nigeria and other regional and international laws and treaties, such as the Universal Declaration of Human Rights and the African Charter on Human and People's Rights,¹ clearly provide for and guarantee the right to life for all human persons. In Nigeria, despite these legal provisions, extra-judicial killings by law enforcement and security officials, particularly the police, have become routine practice. A few cases of these violations are reported on the pages of national dailies while many are not reported, for fear of victimization by the perpetrators. Many reported cases are rarely investigated by the police authorities with a view to bringing the perpetrators to justice. This creates a vicious cycle of impunity that engenders more violations. Below are testimonies from relatives and lawyers representing victims of extra-judicial killings that were presented to the public tribunals.

FUNMILAYO ABUDU

The family and co-workers of late Mrs. Funmilayo Abudu, assisted by their legal representative, testified on the killing of the deceased by members of the Special Anti-Robbery Squad (SARS) during an armed robbery attack in Makun, Sagamu, Ogun State, on 12th December, 2008. According to the testimony, on that fateful day, the deceased, a poultry attendant, was sent on errand to buy petrol for the farm when the armed robbers struck. In an attempt to escape the crossfire between the police and the robbers, she took refuge at a nearby bush where she reportedly called her workplace to alert them of the presence of armed robbers in the area to enable them take necessary precautions.

Moments later, a stray bullet hit Mrs. Funmilayo Abudu. Explaining her death the police claimed that the deceased was the leader of the armed robbery gang. They manufactured a charm and amulet and laced her hand with it to prove her involvement in the crime. To exonerate and clear her name, the family insisted that the deceased was not an armed robber, went to the press

¹ Section 33(1) 1999 CFRN; Article 3 of the UDHR; Article 4 of the ACHPR

and also threatened litigation against the Ogun State government as well as the State Police Command. Following the petition by the family, the Assistant Inspector General (AIG) in charge of Zone 2 Police Command, Mr. M.D Abubakar, directed that details of the case be forwarded to his office. However, the family claimed that they were yet to receive any update on the case from the AIG's office and the body of the deceased was yet to be released to them for burial.

Recommendation(s):

The panel recommended that the National Human Rights Commission (NHRC) and Network on Police Reform in Nigeria (NOPRIN) should conduct an independent investigation into the case and that the body be released to the family for burial.

ATUENYI ROBERT UCHECHUKWU

Barrister Atuenyi Kennedy testified on behalf of his late brother, Mr. Atuenyi Robert Uchechukwu, a student of the then Ogun State University (now Olabisi Onabanjo University), who was gunned down by police bullets on 12th May, 2002, in a moving commercial vehicle at Ijebu -Igbo, Ogun State. The testimony revealed that the incident occurred when some police officers who had been called in to quell a riot by some community members fired indiscriminate gunshots. As part of investigation into the incident, two days later, a family friend informed the family about the death of their son. Following the incident, on May 25th, 2002, the police representatives made up of the AIG, Zone 2 Police Command, and Ogun State Police Commissioner met with the university authorities, the community representatives, and the family of the deceased. The agreement reached at the meeting was that a proper and thorough investigation be conducted into Mr. Atuenyi Robert Uchechukwu's killing with a view to ensuring that the officers responsible were prosecuted and adequate compensation made to the family. Barrister Kennedy stated, however, that before this time an autopsy was conducted at the instance of the police and school authorities without the knowledge and consent of the family. The autopsy report was neither seen nor given to the family. The family wrote to the university authorities and the office of the Inspector General of Police requesting for the release of the autopsy report but till date no response was received from either the police or school authorities.

In July 2002, the police issued a public apology in the *Daily Champion* newspapers of July 18th, 2002 for the killing of an undergraduate. There was no follow up on the decisions taken by the police to investigate the case and prosecute the police officers found responsible for the killing. Seeking justice, the family, in 2003, through their lawyer and the Civil Liberties Organization (CLO), wrote several petitions to the Police Service Commission and the Inspector General of Police to look into the case and take immediate action, but no response was received.

In February 2008, the family again petitioned the office of the Inspector General of Police, the Ogun State Police Command and the National Human Rights Commission to investigate the case. In March 2008, the office of the IGP replied, stating that the office of AIG Zone 2 had been mandated to investigate the case and take proper action accordingly. In August 2008, with no further feedback from the police, the family wrote another letter to the IGP's office for update, to which the police replied that the copy of the reminder had been forwarded to the AIG (Zone 2). That was the last letter the family received from the police to date and no detailed report on actions taken had also been received by the family.

In November 2008, the National Human Rights Commission contacted the family saying that the Commission had written to the office of the IGP requesting for an inquest into the case. The response from IGP's office (with emphasis to paragraph 6 of their letter) exonerated the police from the killing, stating that they could not ascertain whose bullet killed the deceased. This was the same police institution that issued a public apology two months after the death of Robert Atuenyi.

Recommendation(s):

- The Panel requested NOPRIN to write to the Vice Chancellor of Olabisi Onabanjo University, Ago Iwoye, Ogun State, Prof Afolabi Soyode, for a copy of the minutes of meeting held between the university, the local government and police authorities over the killing of the deceased;

- That an order of mandamus be obtained from the court to get the Ogun State Teaching Hospital to release the autopsy report to the family;
- Details of the police officers dismissed as stated in paragraph 6 of letter dated 18th August, 2008 by the Nigeria Police Force to be made known to the family;
- Compensation should be paid to the family based on apology tendered to the Vice Chancellor by the Commissioner of Police and content of paragraph 6 of the said letter;
- The panel also recommended that the police officers should be tried in a court of law for the killing of the deceased.

WASIU OWOLABI

Tawakalitu Owolabi testified on behalf of her younger brother, Wasiu Owolabi (deceased) whom the Oyo State Police Command arrested in 2002. In her testimony, she stated that on the day her brother was arrested, his wife came to her house to alert her of his arrest by some men who claimed to be members of the vigilante group around 3am in the morning. He was kept in detention and later charged to court. In 2003, he was granted bail by Justice Ige but later rearrested by the police. The family then reported the matter to the NHRC, which intervened. They were informed that the deceased was accused of stealing from one Femi Fadeji. She claimed that the deceased, while in police detention, complained that one of the police officers in charge of the case, one Clement Otun, always threatened to kill him. The deceased was killed while in police custody. She alleged that Clement Otun was responsible for the deceased arrest and re-arrest.

Recommendation(s):

- The panel recommended that the body be released to the family for burial;
- A formal petition be written to the Inspector General of Police and the Police Service Commission requesting that the said police officer, Clement Otun, be properly investigated as he had been mentioned in

many of the cases of torture presented to the panel, and appropriate actions should be taken by both organizations.

SULEIMAN OLABAMIJI

Prince Adeyemi testified for Suleman Olabamiji (deceased) who was allegedly killed by the police during a robbery incident on 27th November, 2008 at Ibadan, Oyo State capital. In his testimony, Adeyemi revealed that his brother (the deceased) was around the Idi-Ape area on that fateful afternoon when he was informed about armed robbery activities in the area. Being a member of the O’odua People’s Congress (OPC), he immediately called the leader of the local OPC to mobilise and complement the efforts of the police in repelling the robbers. Failure of his brother to return home that evening led the family to visit several hospitals and police stations in the area until his lifeless body was discovered at the Adeoyo State Hospital, at Ring Road, Ibadan.

At the hospital, the mortuary attendant refused to release the corpse to the family and directed them to the SARS office for clearance. He narrated that the visit to the SARS office revealed that his slain brother was a member of the armed robbery gang that terrorized the city the previous day. The police also claimed to have found a handful of cartridge, charms and amulet in his possession. The testimony was further corroborated by the state chairman of the OPC, Mr. Kazeem Lawal who also testified that the deceased was one of their members and not an armed robber as alleged by the police. It was the deceased that informed the OPC on the day of the incident about the robbery attack, which prompted the intervention of the vigilante who later arrested one of the robbery suspects that was handed over to the police. He expressed surprise to hear that the deceased was killed during the incident and paraded by the police as a member of the robbery gang without any proof. The family, thus, petitioned the office of the Commissioner of Police (CP) refuting the police allegation, which was based on the purported identification made by one of the arrested robbery gang suspects that the deceased was one of them, maintaining that the police killed the deceased. Adeyemi told the panel that his family members were yet to receive any response from the police on actions taken and the body of the deceased was yet to be released to the family.

Recommendation(s):

- The panel recommended that a letter should be written to the Inspector General of Police to conduct an independent investigation into the case and directed that the body be released to the family for burial.

BABATUNDE AKINWUMI

Chief M.O Akinwumi testified for his late son, Babatunde Akinwumi, who was arrested, tortured and killed by police in Lagos State in October 2008. In his testimony, Chief Akinwumi stated that the police arrested the deceased in November 2007 on an allegation of involvement in armed robbery. Upon his arrest, he was transferred to the State Criminal Investigation Department (SCID), Panty, where he was detained for 3 weeks. Chief Akinwumi said his son, who was at the time of his arrest an employee of Dabo Engineering and Mechanical Nigeria Limited, explained that while working for one of their customers at Ajah, Babatunde Akinwumi had assisted the manager of the company, one Lara Adetokunbo, to employ some OPC members for security guards through a relative, Jelili Sanni, who was in charge of OPC at Ifako Ijaye. While on an errand to the customer's office, the manager arrested him on the grounds that he must be aware of the robbery incident at the company, which occurred a few days after the security guards he recommended were employed. After his release on bail from the SCID, he was rearrested on the orders of the manager and taken to the Special Anti-Robbery Squad (SARS), Ikeja. The case was later charged to court in February 2008.

Up until September 2008, the complainant, Lara Adetokunbo did not appear in court. Efforts were made by their lawyer, Barrister Fadipe, to get the deceased released; four months later, they were granted bail by the court. Not satisfied with the court's decision, Lara Adetokunbo, in September 2008, after the deceased had been granted bail, came to his family saying that she was no longer interested in pursuing the case. But, to their utmost surprise, Lara Adetokunbo got the deceased arrested again and taken to Adeniji Adele Police Station. On October 1, 2008 when the deceased's dad and their lawyer went to the police station to secure his bail, the Divisional Police Officer in charge of the station refused, even after the Investigating Police Officer (IPO), Mr. Sesan had demanded and taken bribe from the deceased. Babatunde Akinwumi was killed later that day but the information got to his family three days later.

Recommendation(s):

The tribunal recommended that:

- The names of the three police officers involved in the case be forwarded to the Inspector General of Police for further investigation to ensure that the perpetrators are brought to book;
- The body of the deceased be released by the appropriate authorities (Adeniji Adele Police Station and Isolo General Hospital where the body was last seen) to the family for burial. This is to be followed up by NOPRIN and National Human Rights Commission.

CHIEDU ANI

Barrister Sam Mba, on behalf of the families of Chiedu Ani and Chinedu Nwoye, presented the case of police killing of Chinedu Ani on August 1, 2005 along Ogui Road, Enugu. In his testimony, he recounted how the deceased (28) and his bosom friend, Chinedu Nwoye (25), approached a former member of the House of Representatives, Hon. U.S.A Igwesi, whom he said knew the young men very well. The young men, he stated, after exchanging pleasantries with Igwesi told him they were broke and needed financial assistance. He said Hon. Igwesi, who had just come out of the bank and was trying to enter his car when the boys approached him, got angry and insulted the boys, calling them “poor beggars”. The young men were infuriated and talked backed. They later drove away in a Mercedes Benz car. Unknown to the boys, Hon. Igwesi drove to the Ogui Police Station and lodged a report of attempted armed robbery attack against the boys. While he was still at the police station, he sighted the two boys drive pass in the black Mercedes Benz car and accordingly alerted the police. Quickly, two police officers, one Sergeant Momoh and Constable Chidi Ibe, alongside with Hon. Igwesi, flagged down three commercial motorcyclists and pursued the boys until they caught up with them on Ogui Road, in front of the ACB building. On getting to the young men the police officers opened fire and rained bullets on the two boys and in the process killed the deceased and seriously shattered the leg of his friend. The youths in the city took to the streets in riots to protest for their killing. To douse the disturbances, the then Governor Chimaroke Nnamani administration set up a tribunal led by Justice Ken Ezeike to probe and investigate the incident.

At the end of its work, the tribunal submitted its report to the government but the white paper was not released. Other police officers indicted in the killing include the Divisional Police Officer (DPO) of Ogui Police Station at the time, Sam Chukwu, and DSP Sunday Maichibi.

Recommendation(s)

- The panel recommended that a demand be made on the Enugu State Government to release the white paper on the report of Hon. Justice Ken. Ezeike tribunal set up to look into the case.

SUNDAY ANIAGWU

The Butchers' Association, Ose Market, Onitsha presented their petition on the killing of one of their members, Sunday Aniagu, by the police officers attached to the Central Police Station, Onitsha, on the 22nd October 2007. According to Mr. Nnamchi (Chairperson of the Butchers' Association), Mr. Sunday Aniagwu was seeing a friend off around 7pm, on the fateful day, when they heard gunshot. Like other people around, they started running and a police officer pursued Sunday. As he was about to run to his brother's house, the police officer shot him on the leg. Sunday was said to be screaming his brother Obeleagu's name. The brother came out to meet him and they went with about 12 men to the Central Police Station, Onitsha. They were all arrested and detained behind the counter. When the Divisional Police Officer, came to the Station he directed that they should all make statement before they would be released. When the bus that took Sunday away came back to the police station, the DPO was said to have conferred with the policemen in the vehicle and the bus drove off.

According to him the following day they got information that a corpse was dropped at the cemetery. They went there and found the corpse of Sunday Aniagwu which was later deposited at the morgue of Borromeo Hospital.

He confirmed that petitions were written to the Inspector General of Police and the Commissioner of Police Anambra State. He said one Superintendent of Police (SP) Muri from Force Headquarters, Abuja, further investigated the

matter. The officer later alleged that the boy was an armed robber, and that a locally made gun was recovered from him.

Recommendation(s):

- The panel recommended that the Police Service Commission should act hastily in handling the case as the Commission had been very slow in investigating cases of torture and extra-judicial killings reported to it. The case was still before the Police Service; Commission and was filed by the Human Rights Volunteer Corps.
- The Inspector General of Police and Police Service Commission should investigate and identify the officers involved, and, after their dismissal, recommend them for prosecution for murder;
- The victim's family should be compensated by the police authorities;
- The police should bear the cost of the burial of the victim;
- Lastly, the PSC in full should give prompt and proper feedback to the complainants and relevant stakeholders through the medium of gazette, letters and media.

UCHENNA NKWUDA

Barrister Chuka Machie presented the case of Uchenna Nkwuda who was shot in September 2007, by policemen from Abakaliki Road Police Station. In his testimony, he narrated that he went to the Abakaliki Road Police Station and met with the DPO, one Mr. Abubakar on account of the matter and was told that the boy was an armed robber. Acting on behalf of the family, he then wrote to the Enugu Zonal office of the National Human Rights Commission, and the Inspector General of Police. In response to the petition, one Superintendent Fatai came from the office of the Inspector General of Police and took the statement of the father of the deceased.

He maintained that the boy was innocent and people were present when the deceased was shot. According to him the corpse was still at the mortuary.

Recommendation(s):

- The panel directed that the Police Service Commission investigate the matter and ensure that the culprits are brought to book;
- The PSC should provide protection for witnesses of extra-judicial killing, torture and other forms of gross human rights violations;
- Compensation should be paid to the victim's family.

NKECHI OBIDIGWE

Okechukwu Obidigwe testified on the killing of his sister, Nkechi Obidigwe, by police officers on 25th April, 2006 in Anambra State. According to him, the deceased alighted from a commercial bus when a shot fired by one of a group of policemen on duty at a checkpoint hit her. She was immediately rushed to a nearby hospital where the doctor refused to give her medical attention until a police report authorizing the treatment of the gunshot wound was produced. Because the family was unable to get the police report due to the fact that the police officers who had shot the Nkechi were attached to the police station, she bled to death.

In a bid to cover up the officers who shot the deceased, the Divisional Police Officer (DPO) in charge of the police station, one Mrs. Edna, claimed that it was the Movement for the Actualization of Sovereign State of Biafra (MASSOB) group that shot the deceased. With the persistence of the family for the police to identify the culprits, the DPO began to openly intimidate the members of the family, threatening to arrest and detain them. The threat of the DPO frightened away the only eye witness, a commercial motorcyclist who had also helped to carry the deceased to the hospital.

Not satisfied with the way the DPO was handling the case, the family reported the matter to the State Police Criminal Investigation Department Headquarters Akwa, then headed by one Assistant Commissioner of Police (ACP) Mohammed Kastina. The ACP Mohammed Katsina promised to assist the family to identify the police officer responsible for killing Mr. Okechukwu narrated that he ordered for the arrest and detention of the three police officers

who were on duty on that fateful day for interrogation. Failure of the officers to own up, the ACP then ordered for a forensic test to be carried out and an autopsy on the corpse which was conducted by three pathologists from the Nnamdi Azikiwe Teaching Hospital, Nnewi. Despite results from the forensic test conducted in Lagos, which confirmed that the deceased was killed by one of the guns used by the police officers, they refused to accept liability for the killing. The CID then recommended that the officers face orderly room trial. At this point, one of the police officers admitted to have fired the shot that killed the deceased. The State Police Command thereupon dismissed the officer from the Police Force and he was consequently recommended for court trial. Based on plea from the officer's family and church congregation the family discontinued the further pursuit of legal justice against him. The family was satisfied at the way the matter was diligently handled by ACP Mohammed Katsina.

Recommendations:

- The panel recommended that the officers responsible for the death of the deceased should be made to face the wrath of the law and adequate compensation paid by the police authority to the family of the deceased;
- It was also recommended that a petition should be written to the Police Service Commission against the erring cop and the DPO, Mrs. Edna. Also a letter of commendation should be written to the policeman, ACP Katsina for the role he played in the case.

EMMANUEL EGBO

Chief Mark Ngene presented the case of police killing of Emmanuel Egbo, a 15-year-old boy, who was shot while playing with other youths in front of his uncle's house, by one of the police officers sent to Attakwu community, Enugu state to maintain peace in the area. He said the following day after the incident, he visited Agbani Police Station, Enugu State, and met the DPO to interview him. According to him, the Divisional Police Officer confirmed that the corpse of a boy was brought by police officers, who said he was an armed robber. Chief Ngene stated that he petitioned the office of the Commissioner of Police and the matter was referred to the Special Anti-Robbery Squad (SARS) which has since commenced investigation into the matter.

Recommendation(s)

- The panel recommended that the name and identity of the erring police officer should be obtained and adequate steps taken by the appropriate authorities to carry out a full investigation into the case with a view to ensure that justice is done.

OGAMINANA COMMUNITY, KOGI STATE

Mr Abdulkareem Gaminana, Deputy President of Ebira Youth Congress, Kogi State, testified on behalf of Ogaminana community, Kogi State. In his testimony, he stated that community youths intercepted a truck belonging to a steel company within the community. The police was called to disperse the crowd and in the ensuing fracas, a Mobile Police officer was killed. Men of the Mobile Police Force later came on a reprisal attack. The police were said to be avenging the killing of their colleague by hoodlums. Several buildings were set ablaze and no fewer than 12 persons were confirmed dead and property lost. The police authorities denied the report of the incident. However, public outcry of the mayhem mandated the National Assembly to visit the community on a fact-finding mission. The community was yet to know the outcome of the fact-finding mission of the House, and victims have not been compensated and the report has not been made public.

Recommendations:

The panel recommended that:

- The National Human Rights Commission to request that the National Assembly make available the report of its fact finding mission public and direct it to the relevant government body for appropriate investigation. If there is no report, government should be asked to set up a specific panel of inquiry to investigate;
- A letter should also be written to the National Emergency Management Agency (NEMA) to inquire on its role in the crisis.

SIMEON EMOKHOR

Mr Sampson Obomighie testified on behalf of late Simeon Emokhor, who was killed by the police in 2005. Mr Obomighie lived in the same neighbourhood with the deceased. Obomighie said he was called one night

and told that the deceased had been shot dead. He immediately rushed out with the other occupant in the room and on getting to deceased's house, he met about six police men who refused them entrance into the house. With some other neighbours, they reported at the Karimo police station, Abuja and they were asked to bring the corpse. By the time they got back to the deceased's house, the police officers were no longer there. At the station, the police identified the bullet that killed the deceased as police bullet and said it must have been during a police engagement with armed robbers. The wife and brother of the deceased also sustained injuries. The police simply asked them to go and lodge the corpse in the mortuary and there were no further investigations on the case and no autopsy. The testifier wrote a letter to the Inspector General of Police about the incident.

Recommendation(s):

- The Panel recommended that the National Human Rights Commission, in collaboration with relevant government agencies, look into the case.

KAMILU BASHIRU

Alhaji Olasupo Bashiru testified on behalf of his son, Kamilu Bashiru who was arrested and allegedly killed in 2001 by Police officers Clement Otun and Fatai Olakunle at the Okpere Police Station, Oyo State. The body of the deceased is yet to be released to the family.

Recommendation(s):

- NOPRIN to write to Inspector General of Police and the Police Service Commission requesting that the allegation is investigated and the body of the deceased released to the family for burial.

SECTION TWO

TORTURE AND OTHER FORMS OF CRUEL, INHUMAN OR DEGRADING TREATMENTS

Introduction

Despite national and international laws prohibiting the use of torture and the obligation of the Nigeria government to enforcing them, reports by local and international human rights organizations have found the use of torture and other cruel, inhuman, and degrading treatment by security agents, particularly the Nigerian Police Force, to be endemic and routine.² This position was further affirmed by the UN Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions in his 2006 report where he observed that torture was an intrinsic part of law enforcement methods in Nigeria and called on the Nigerian government and the Nigeria Police Force to urgently take steps to redress the situation³.

Below are testimonies of victims' experiences of torture at the hands of officials of the Nigeria Police Force as recounted at the Public Tribunals. It is important to note here that a number of cases presented at the Enugu sitting of the Tribunal singled out two police officers as the ringleaders of police tortures in the State. The first is Jude Abanajelo, a Deputy Superintendent of Police and then Officer in Charge of the Special Anti-Robbery Squad (SARS) of the Nigerian Police Force, Enugu State Police Command. The second was simply and ironically identified as Inspector Godspower.

EKENE ELECHI

Barrister Oforkansi Nnadiume, a lawyer based in Enugu, who represented 18 victims of torture at the hands of police officers from the Special Anti-Robbery Squad (SARS) Enough, recounted the torture and horrific treatment meted

²“Climate of Impunity”- a report on the use of torture by the Nigerian Police, Lagos by the Civil Liberties Organization; “Breaking Point” by Access to Justice; “Rest in Pieces’ – Police Torture and Deaths in Custody in Nigeria, by Human Rights Watch.

³ United Nations, Economic & Social Council, Report of the Special Rapporteur, Mr. Phillip Alston, Mission to Nigeria, E/CN.4/2006/53/Add.4,7 January 2006, para 100

out on all 18 of his clients at the SARS Station at the Golf Course Estate, Enugu by one Deputy Superintendent of Police (DSP) Jude Abanajelo (then Officer in Charge, Special Anti-Robbery Squad) and Inspector Godspower. The unbearable torturing of the suspects to elicit confessions allegedly led to the death of Ekene Elechi on August 5th, 2008.

According to Barrister Nnadiume's testimony, the deceased collapsed when the torture became unbearable. The police took Ekene Elechi to the hospital where he died a few hours later. According to Nnadiume, the deceased's death became a bane for the other suspects as the police constantly threatened them, that if they refused to confess, what happened to Elechi would happen to them. He claimed that the DSP Jude Abanajelo received the backing of the State Police authorities for his activities and never cared about charging suspects to court. It was either they confessed or were shot dead in cold blood.

Recommendation(s):

- A strongly worded report on the case should be forwarded to the offices of the Inspector General of Police, Honourable Attorney General of the Federation and Minister of Justice, Police Service Commission and Nigeria Bar Association;
- The police officers involved in this heinous crimes, after investigation to be dismissed and prosecuted;
- A re-education of all serving police officers on human rights and liberties of citizens;
- Payment of adequate compensation to the family of Ekene Elechi by police authorities;
- A psychiatric assessment for all arms-bearing police officers.

ENEMCHI KELECHI

Late Enemchi Kelechi was a shop owner and beer parlour operator in Enugu. According to the testimony, he was arrested along with some of his customers on August 2, 2008, by some police officers from SARS, Enugu, who raided his drinking parlour on that fateful day. At the SARS office, he was tortured from the 2nd to 4th of August 2008, at the behest of DSP Jude Abanajelo, the officer-in-charge of SARS. During one of the morning devotions of the

detainees, Enemchi looked weak. But, the officer in-charge, who thought Enemchi was pretending, poured teargas powder on Enemchi's face to rouse him. The officer-in-charge, on realizing that Enemchi was truly weak, sent for a bottle of soft drink, but the victim could not drink. The police thereafter took him to Parklane General Hospital, Enugu, where he was confirmed dead 45 minutes before he was brought to the hospital. The corpse was still at the mortuary at the time of the panel's sitting.

Recommendation(s)

- The Panel recommended that a coroner's inquest be carried out which must involve the parents and the lawyers of the deceased;
- Investigation and prosecution of the officer involved in the death of the deceased; and
- Lastly, compensation paid to the family of the deceased.

NEBECHI ELOMIKE

Nebechi Elomike, had quarrelled with a shop owner in his neighbourhood over charging of mobile phone. Unknown to him, the shop owner still aggrieved over the incident, brought a loaded gun the following morning and, on sighting Nebechi, followed him and shot him. The shop owner was reported to have called in the police, alleging that he had caught an armed robber. Nebechi was taken to the 9th Mile Police Station and later transferred to Udi Police Station from where he was transferred to Special Anti Robbery Squad (SARS). On the directives of the Officer-in-Charge, the complainant/shop owner who shot Nebechi was brought to the station for questioning and Nebechi was later released. The said shop owner who had been in police detention was later released after one Assistant Commissioner of Police who hailed from the same village with him came and sought for his release. Nebechi was then re-arrested and tortured. He was still being remanded in Enugu Prison for robbery at the time of the hearings.

Recommendation(s):

Reviewing the cases presented, the panel recommended thus:-

- The panel recommended that a letter be written to the offices of the Inspector General of Police, Honourable Attorney General of the

Federation and Minister of Justice, Police Service Commission and President, Nigeria Bar Association;

- Police officers involved in the heinous crime, after investigation should be dismissed and prosecuted;
- Police authorities should institute a re-education of all serving police officers on human rights and liberty of citizens;
- A case should be made to the Solicitor General and Chief Judge Enugu for the release of all persons in detention on holding charge;
- Police authorities should institute a psychiatric evaluation for all arms-bearing police officers.

DR. UMEH TYNDALE

Dr. Umeh Tyndale, a medical practitioner, narrated his ordeal at the hands of Mobile Police personnel. According to his testimony, he was shot and badly wounded on June 28, 2006, by a joint Army and police patrol deployed by Governor Peter Obi. The patrol was mandated to maintain peace and enforce curfew in Onitsha and its environs in the aftermath of the violence by the Movement for the Actualization of Sovereign State of Biafra (MASSOB) and transport union members at Onitsha. On that fateful day, Dr. Tyndale narrated, he was returning from call duty at the Life Brewery Company, Onitsha, when the patrol team accosted him. They demanded to know who he was; he quickly presented his staff identification card to them. He said they took the card from him and threw it away and insisted that he was a MASSOB member. While he was still denying the charge, a soldier shot him in the leg and a police officer stabbed him in the neck with a knife. He was rescued and rushed to the hospital by an Army officer who was passing by and witnessed the incident. Dr Tyndale, who was now using crutches, said he was operated at the National Orthopaedic Hospital, Enugu, on July 9, 2007, to extract the bullets.

Recommendation(s):

The panel found that there was a case of torture and grievous bodily injury on the testifier. His right to dignity of the human person was also violated. The panel recommended thus:-

- A letter should be written to the Inspector General of Police requesting that guidelines be drawn up for police officers and men on distress assignments or riot situations on rules of engagement with the civil populace;
- The Police Service Commission should carry out a thorough investigation of the case with a view to directing the payment of compensation to the victim by the police authorities.

IKECHUKWU IRIAKA

Mr. Ikechukwu Iriaka, a commercial motorcyclist, narrated the ordeal he experienced in the hands of some police officers attached to the Umuguma Police Station, Owerri West, Imo State, who shot him and left him for dead in the pool of his blood. In his testimony, he narrated how he was eating at a restaurant with his motorcycle parked outside when one Police Constable Ayan approached him and told him to accompany him to see his boss at the police station. As he had not committed any offence, he refused to go with the police officer. He stated that, at that point, to his greatest surprise, the police officer took the keys to his motorcycle from him and rode away on it.

A couple of days later, according to him, he saw the police officer riding another motorbike. Iriaka stopped the law enforcement officer and demanded to be given the motorbike in exchange for his own which the police officer took from him the other day. In response to his request, he said the officer slapped him. This led to a fight between him and the officer. The police officer left with a promise to come back. Mr. Ikechukwu Iriaka said he was advised by his family to run away after the incident, which he did. After some days had elapsed, he said he returned to his village. Sometime later, he sighted the police officer he had a fight with. On sighting the officer, he said he ran into the bush. The officer and three of his colleagues pursued him into the bush, but could not find where he hid. He said he remained in hiding for a long time.

Believing that the police officers had gone, he came out of hiding only to be apprehended. He said PC Ayan then shot him in the stomach while one of the other officers shot him twice in the chest. He fell and the policemen departed, convinced that he had died. It was after his attackers left, that he came out of the bush and began to yell for help. He said he was rescued by one retired Army General Ogbonna who heard the gunshots and investigated with a team of police patrol team. They rushed him to the hospital. The case was reported to the CID unit and was still being handled by the Special Anti-Robbery Squad (SARS) at the time of giving the testimony. According to him, the police officers who perpetrated the act were yet to be arrested and charged to court. The police officers were identified as ThankGod, Iyan, Paul Henry and Samuel.

Recommendation(s)

- Strongly-worded letters to be written to the Inspector General of Police, the Imo State Commissioner of Police, the Imo State Attorney- General and Commissioner for Justice, as well as the Police Service Commission on the shooting of the victim;
- That the police officers involved in the shooting be dismissed from the Police Force; and
- Lastly, compensation to be paid to the victim.

DONATUS ONUKO OFU AND 43 OTHERS

Mr. Onuko Ofu Donatus testified for himself and forty-three (43) others. It was a case of unlawful arrest, torture, detention, malicious prosecution, denial of fair hearing and stigmatization. They were members of the National Association of Nigeria Students (NANS) who were demonstrating against the Imo State University policy requiring students seeking admission into tertiary institutions to pay 'post-UME fees'. They were arrested during the protest, detained and paraded as armed robbery suspects before the press in Imo State. The perpetrators were identified as: Deputy Commissioner of Police (DCP) Yusuf Ibrahim of the Imo State Police Command and Authorities of Imo State University.

Recommendation(s):

The panel found that Onukogu Donald and the 43 other students were victims of police abuse of power and improper investigation. It recommended thus:-

- The Inspector General of Police and the Police Service Commission should investigate the conducts of the police officers involved and ensure that they are disciplined;
- The police authorities should issue written apology letters to each of the victims paraded on TV as armed robbery suspects. Also, the practice by the police of parading suspects/detainees before the media should be stopped;
- A letter should be written to the Attorney General and Chief Judge of Imo State to review the case file with a view to entering a nolle prosequi (discontinue the trial);
- A letter should be written to the Imo State University authorities to look into the students' agitations and to ensure that the students are not victimized by the university for embarking on legitimate protests.

JOSEPH AMOKA AND JANET UCHE

Testimonies were also heard from one Mr. Joseph Amoka and Mrs. Janet Uche who were both victims of police arrest and torture at the instance of one Rev. Father Raphael. After interrogations, the panel established a clear case of torture, unlawful detention, extortion and violation of right to freedom of worship. The following recommendations were made:

Recommendation(s)

- The Enugu State Commissioner of Police and the Attorney General and Commissioner for Justice, Enugu State, should be intimated on the complaint with a clear request that their offices ensure police officers refrain from involvement in civil matters, unless for the purpose of peaceful mediation;
- Payment of compensation to Mr. Joseph Amoka for the injury he sustained from the baton used on him by the police.

SECTION THREE

RAPE AND OTHER GENDER RELATED CRIMES

In spite of the legal provisions of S.357 of the Criminal Code⁴ and S.282 of the Penal Code⁵ defining the offence of rape and its accompanying punishment of 14 years' imprisonment with an option of fine or both, the reporting rate for the offence of rape has been very low in comparison to other crimes such as armed robbery and murder. Many experts have mostly attributed this to fear of stigmatization, insensitivity on the part of the police to the plight of the victims, and lack of proper investigation and prosecution of culprits.

While the police are reportedly failing in their obligations to protect victims of rape and bring perpetrators of rape to justice, studies conducted by non-governmental organizations indicate that police have also been found to be perpetrators of the crime. Amnesty International, in its recent report 'Rape—A Silent Weapon', argues that members of the police force sometimes do not investigate properly for this reason of the involvement of their personnel. It added that inadequate reporting in rape investigations by police officers was partly because they cover up for their colleagues. Furthermore, the report quoted the director of National Human Rights Commission as saying that the police use their authoritative positions over detainees and people visiting to rape them.⁶ Highlighted below are some of the testimonies presented to the tribunal by victims who wanted their identities to be made public as a show of solidarity to the fights against rape, especially by law enforcement officials:

GINIKA OMEH

Miss Ginika Omeh (18 years), a victim of torture and rape by police officers, also testified at the panel. In her testimony, she stated that she worked as a

⁴ applicable to Southern Nigeria ⁵ applicable to Northern Nigeria ⁶ 'Rape: Under-reported, uncared for', article published in NEXT Newspapers of March, 23rd 2009.

fuel attendant at the BEZ Filling Station at Nsukka and was arrested at the instance of her employer, one Mr. Nnamdi Ilo, over an allegation of stolen money which was taken from her by robbers on her way to the bank. According to her, her boss took her to one Bernard Iyioke, a herbalist who claimed that she was responsible for the theft. While protesting her innocence, she said the herbalist ordered the men present to strip her naked and forced her to drink some concoction, which she said made her suffer loss of memory. In order to compel her to pay back the money, her boss took her to the Special Anti-Robbery Squad, Enugu State Police command, where she was promptly detained. She claimed that every night while in detention, she was serially raped by the officer in charge of SARS, one Jude Abanajelo, the Administrative Officer, and one other police officer to the extent that she collapsed one night in the course of the sex orgy and had to be rushed to the hospital. She alleged that the officer in charge and other police officers constantly slapped her until she could no longer hear with her left ear. The perpetrators were identified as Nnamdi Ilo, Manager of BEZ Petrol Station; Ikechukwu Onwubiko, Director, BEZ Petrol Station; Bernard Iyioke, Herbalist; Mr. Agada and Jude Abanajelo (both police officers of the Special Anti-Robbery Squad).

Recommendation(s):

- The panel recommended that the office of the Inspector General of Police and the Police Service Commission should carry out proper investigations into the complaint and the identified perpetrators-both police officers and civilians- should be prosecuted;
- The Commissioner of Police, Enugu State, should be impressed upon to direct the arrest and prosecution of the herbalists Bernard Iyioke for the trial by ordeal meted on the victim;
- The police should compensate the victim from the entitlements and allowances of the officers involved, after their dismissal.

QUEEN OKOYE

Ms. Queen Okoye also testified on how she was gang-raped on two separate occasions in police stations in Lagos in 2007 and 2008. In her testimony, on one of the occasions, she said she visited the police station to report that she was sexually abused by a boy who had offered to help her during a heavy downpour. Explaining, she said her benefactor turned into a rapist as he allegedly drugged her drink, which made her sleep off, only to discover that she had been sexually abused when she woke up. Her efforts to get justice by reporting the case to the police turned into another round of sexual abuse for her as two policemen at the Apata Police Station. She claimed that the DPO took bribe from the father of her assailant, while turning round to accuse her of giving the police false information and locked her up, which gave the two policemen the opportunity to rape her repeatedly. In another incident, she stated that she had gone to solicit help from the Area G Police Command at Ogba where she had lodged a complaint against a friend who had taken money from her. She said the police officer attached to Special Anti-Robbery Squad asked her to come the following night, so that they would accompany her to the friend's house to retrieve the money. On her return to the station, she claimed that the three officers drugged and raped her.

Recommendation

- Taking into consideration inconsistencies in her testimony, the panel recommended further investigation into the allegation of rape made by the complainant.

JENNIFER NKWO

Jennifer Nkwo (17 years) narrated how her uncle, one Alex Okorie, a Police Sergeant, attached to Nyanya, Area D Command, Abuja, impregnated her after subjecting her to serial rape. The victim, who was now four months pregnant, said she fell victim to her uncle's antics when she was brought from the village to a police barracks at the Federal Capital Territory to live with him because her parents were facing hard times. The case was handled and reported by the Project Alert on Violence Against Women, a nongovernmental organisation, which wrote a petition entitled "Forceful defilement, rape and physical abuse by Police Sergeant Alex Okere" on behalf of the victim.

Recommendation(s)

The following recommendations were made by the panel:-

- That the said uncle, Sergeant Alex Okorie be located and brought before the panel sitting scheduled to take place in Abuja. The process to be facilitated by NOPRIN.
- CLEEN Foundation in collaboration with Project Alert should file an official complaint to the Police Service Commission and the police authority.

SECTION FOUR

CONCLUSION

General Recommendations

In conclusion of its work, the panel made other recommendations that would help to reduce police abuse and improve the present situation. Some of the recommendations were as follows:-

- The need for a structural police reform process should be embarked upon by the Federal Government so as to ensure efficient police performance. This should include capacity building, police engagement with civilian populace, and need for periodic psychiatric assessment for all police officers.
- The panel stated that the government must be seen to be committed to the entrenchment of the values of democracy and rule of law in all areas of its activities, including the police operations and relationship with members of the public. The panel noted that in each of the locations of the tribunal, there was at least one case where a state or Federal Government set up a panel of inquiry to publicly inquire into a case of human rights violation or abuse of power by police officers or public office holders, but the final reports were never published.

Finally, ensuring an end to police abuses of human rights and impunity is vital to building confidence in and seeking transformation of the Nigeria Police Force. However, the other side of the negative image of the NPF that exists is their ineffectiveness in dealing with crime and providing human security in face of the pervading perception that crime is on the rise by the Nigerian public. It is these conditions, as well as the prospects of putting an end to impunity and increasing access to justice that will contribute to long-term development within Nigeria.

Pictures of some Participants at the Public Tribunals



Queen Okoye, a rape victim testifying at the public tribunal in Ibadan, Oyo State



Jennifer Nkwo, a rape victim testifying at the public tribunal in Ibadan, Oyo State



A relative of a victim testifying at the public tribunal in Ibadan, Oyo State

Pictures of some Participants at the Public Tribunals



Panellists at the public tribunal at Ibadan, Oyo State



A participant making a presentation at the tribunal at Ibadan

Pictures of some Participants at the Public Tribunals



Group photograph of panellists and participants at the public tribunal at Ibadan, Oyo State



Cross Section of participants at the public tribunal at Ibadan, Oyo State

Pictures of some Participants at the Public Tribunals



One of the victims testifying at the public tribunal in Enugu, Enugu State



Cross section of participants at the public tribunal in Enugu

Pictures of some Participants at the Public Tribunals



Panellists at the public tribunal in Enugu



Cross section of participants at the public tribunal in Enugu

CLEEN FOUNDATION'S PUBLICATIONS

JOURNEY TO CIVIL RULE

A Report on the Presidential Primaries of the
All Peoples Party (APP) & Peoples'
Democratic Party (PDP) February 13-15, 1999
Published in 1999

POLICING A DEMOCRACY

A Survey Report on the Role and Functions of
the Nigeria Police in a Post-Military Era
Published in 1999

LAW ENFORCEMENT REVIEW

Quarterly Magazine
Published since the first quarter of 1998

CONSTABLE JOE

A Drama Series On Police Community
Relations In Nigeria
Published in 1999

POLICE-COMMUNITY VIOLENCE IN NIGERIA

Published in 2000

JUVENILE JUSTICE ADMINISTRATION IN NIGERIA

Philosophy And Practice
Published in 2001

GENDER RELATIONS AND DISCRIMINATION IN NIGERIA POLICE FORCE

Published in 2001

FORWARD MARCH

A Radio Drama Series on Civil Military
Relations In Nigeria
Published in 2001

HOPE BETRAYED

A Report on Impunity and State-Sponsored
Violence in Nigeria
Published in 2002

CIVILIAN OVERSIGHT AND ACCOUNTABILITY OF POLICE IN NIGERIA

Published in 2003

POLICE AND POLICING IN NIGERIA

Final Report on the Conduct of the Police
In the 2003 Elections
Published in 2003

CIVIL SOCIETY AND CONFLICT MANAGEMENT IN THE NIGER DELTA

Monograph Series, No. 2
Published in 2006

CRIMINAL VITIMIZATION SAFETY AND POLICING IN NIGERIA: 2005

Monograph Series, No. 3
Published in 2006

CRIMINAL VITIMIZATION SAFETY AND POLICING IN NIGERIA: 2006

Monograph Series, No. 4
Published in 2007

BEYOND DECLARATIONS

Law Enforcement Officials and ECOWAS Protocols
on Free Movement of Persons and Goods in
West Africa
Published in 2007

POLICE AND POLICING IN WEST AFRICA

Proceedings of a Regional Conference
Published in 2008

IN THE EYES OF THE BEHOLDER

A Post-Election Survey Report
Published in 2009