

DSS, police officers to pay N20m damages for corporal's murder

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08 August 2023 | 4:00 am



Late Fawale

Justice Michael Awe of an Osun High Court sitting in Osogbo, yesterday, awarded N20 million damages against an operative of the Department of State Services (DSS), David Olowoporoku, and a policewoman, Medinat Badmus, over the death of Corporal Rauf Fawale.

Olowoporoku allegedly hit Fawale with the butt of his gun on January 14, 2021, during a birthday party in Osogbo, the state capital.

Ruling on a fundamental rights enforcement suit filed by the father and wife of the deceased, Rabi Fawale, and Mrs Bilikis Fawale, respectively, the judge held that Olowoporoku caused and was responsible for Fawale's gruesome death.

The court ruled that the injury inflicted on Fawale by Olowoporoku, who hit him with a gun butt during fracas at a birthday party organised by a policewoman (Badmus) precipitated his untimely demise.

Similarly, Badmus was found culpable for Fawale's death by keeping the said attack shrouded in secrecy; thereby denying the deceased police officer necessary and appropriate medical treatments that could possibly have saved his life.

The father and wife of the deceased, who were the applicants, through their counsel, Lekan Alabi, had in the application filed on January 28, 2022, sought to enforce the right to life of their breadwinner (Fawale).

They prayed the court to award the sum of N500 million against the DSS officer, policewoman, Inspector General of Police (IGP), Assistant Inspector General of Police (AIG), Commissioner of Police and Director of DSS, who were respondents.

Delivering his judgment, Justice Awe held that the IGP, AIG and Director of DSS have not acted in breach of the right to life of Fawale and so, did not find them culpable.

He struck their names out having succeeded on preliminary objections canvassed before the court by their counsel. The CP did not file any court process or appear on court to defend the case.

The judge said: “In determining the quantum of compensation and damages to be paid by the fourth and fifth respondents. I have given consideration to the uncontroverted depositions in the applicants’ affidavit that the deceased died leaving two children; with the last being just a month old at the time of his death.

“Also, the applicants claimed to have experienced emotional and financial trauma from the time of the deceased’s death till now. All these I have taken into consideration vis-a-vis the fact that fourth and fifth respondents are senior police and DSS officers, who are still gainfully employed by the Federal Government of Nigeria.

“In the light of the above, I find the motion on Notice dated and filed on January 28, 2022 meritorious and grant the applicants’ prayers in the following terms.

“It is hereby declared that the intentional and gruesome deprivation of the life of late Fawale by the fifth respondent, who hit the deceased with a gun butt on the head on January 14, 2021 at Riverside Restaurant/Bar, along Oke-Fia Area, Osogbo, Osun State, which eventually led to the death of the deceased police officer on January 23, 2021, constitutes an infringement of his fundamental right to life as enshrined in the constitution of the Federal Republic of Nigeria (as amended) and therefore unconstitutional.

“It is further declared that the use of a gun butt by the fifth respondent to hit the deceased, Fawale on the head, an incident which later culminated in his death is unlawful and a breach of the deceased right to life.

“The sum of N20 million only being damages jointly and severally against the fourth and fifth respondents as compensation and/or damages for the breach of the fundamental human right to life of Fawale occasioned by the fifth respondents infliction of injury on the head of the deceased police officer and the suppression or non-disclosure by the fourth respondent of necessary information that could have assisted the deceased in accessing, timeously, appropriate and necessary medical treatment,” the judge further ruled.