

"As the team leader, I normally check my officers and while I was on my way to check Bello Olorunju at his duty post, I heard a gunshot, I ran out to see what was happening. On getting outside, I saw a lot of people rushing down where Okafor was and I heard the people saying that he had killed their brother," testifying against Okafor, Satto, had told the court.

Though the accounts came in two conflicting variations, Justice Olabisi Akinlade, however noted that one thing was common – the corpse of the killed boy was never seen.

The man on mufti just fell down

"It was on **June 15, 2008**, I had just been posted to Lagos from Katsina and I was immediately attached to Prince Femi Obat as an escort.

"The incident happened on my second day on duty. My boss was throwing a birthday party for his six-year-old son at Green Park, Ikoyi, Lagos. It was around 9.30pm when the party was about to end that **Inspector Usang Ekpe was shot dead," Amos recounted.**

Filling our correspondent in on the unfortunate incident, Amos recalled that no fewer than eight policemen, including his duty relievers, were at the party. He recalled that there had been a couple of indiscriminate shootings into the air earlier in the evening, over which the host, Obat, had cautioned the men and told them to hold their peace.

Amos recalled, "At about 9.30pm when the party was about to end, I went outside to buy recharge card. Immediately I came back inside, one of my colleagues snatched my rifle from me and was running away with it. I ran after him and as we got to the gate outside, we met a man coming in, he was on mufti and he joined me in chasing the man with my rifle. **I held my rifle and the man was dragging it with me and then we heard a gunshot and at that time the man stopped dragging the gun with me, but the man on mufti just fell down."**

Judgment

The charge marked LCD/39/2010 before Justice Ebenezer Adebajo (retd.) between the People of Lagos State and Bitrus Amos centred on one count of manslaughter contrary to Section 317 of the Criminal Code Law Cap 17 Vol. 2, Laws of Lagos State, 2003.

"The evidence led by the prosecution witness showed that neither PW1 nor PW3 was present when the shot that killed the inspector was fired. PW2 was at some distance to where the defendant stood and it was dark. Even if the gun was assigned to the defendant, the defendant has raised sufficient doubts in his testimony to warrant the prosecution calling upon the evidence of an eyewitness. The three prosecution witnesses merely concluded that it was the defendant who had fired the shot that killed the inspector," Justice Adebajo held.

"To establish a charge of murder or manslaughter, it must be proved, not merely that the act of the accused could have caused the death of the deceased, but that it did," Justice Adebayo held.

"I find that the charge against the defendant is not proved. Accordingly, he is discharged and the charge is dismissed," Justice Adebajo ruled.

It took about three years to determine the issues in the charge marked ID/69C/2011 before Justice Akinlade. But when the court gave its judgment on December 11, 2013, failure of the prosecution to identify the victim of the extra-judicial killing alleged against Okafor, rendered the case impotent.

The judge held, "It is trite that the first ingredient that the prosecution has the duty of proving to the court is the death of the deceased person beyond reasonable doubt and the best way to go about it is to first establish the identity of the deceased."

"What then is the evidence led by the prosecution that the deceased, one Abubakar Suleiman, died?" The judge asked.

"Clearly, from the evidence of the prosecution witnesses, the prosecution has not proved to the court that indeed one Abubakar died on the day of the incident," Justice Akinlade held.

Free but insecure

Amos and Okafor knew that they were lucky to have been vindicated; and even if they had lost anything, they were grateful for the chance to start again.

"While I was in prison, my wife and three children were driven away from our rented apartment. My children could no longer go to school and presently they have even now moved back to the village with their mother. Life became difficult," Okafor, 39, said.