

Court awards N200m against police for killing drivers

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A Lagos State High Court has ordered the Nigeria Police Force to pay N200m to the families of Sikiru Amusa and Endurance Omonyahuy, who were killed by some policemen on their way to work.

Justice Adeniyi Onigbanjo also awarded the sum of N500,000 to Saheed Okewole, a friend of the slain men who was tortured by the policemen and labelled an armed robber.

PUNCH Metro had exclusively reported on February 15, 2012, that a team of policemen attached to the Igando Police Station and led by one Inspector Niyi Oladapo were on patrol on the LASU-Igando Road, when they shot the two men dead.

The policemen allegedly killed the victims for refusing to give a bribe.

Okewole, who was a friend and co-worker of the slain men, had tried to call one of their phone lines when they appeared to be running late.

One of the policemen was said to have picked the call, tricked the caller to divulge where he was calling from, and went to arrest five young men at a mechanic workshop. They were all labelled robbers and taken to the Igando Police Division.

However, the policemen were unable to get away with the crime due to the intervention of the employer of the deceased, Mr. Wale Sadiku, the Chief Executive Officer, Multiple Covenant Investment Limited, and Mr. Abayomi Sadiku, an influential Lagos-based lawyer.

The policemen later confessed to the crime and were arrested and transferred to the State Criminal Investigation Department, Yaba.

Abayomi Sadiku of Vernia Legal Practitioners on August 8, 2012, sued the police for human rights violation and demanded that N500m be given to the families of the victims.

However, Justice Iyabo Kasali of a Lagos High Court dismissed the case.

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deterred by the unfavourable judgement, Sadiku took the case to the Court of Appeal where the court made a landmark judgment.

Resolving the issue, the court noted that “the case boiled down to a question of whether the constitutional right to life of a dead man can be enforced by his dependents, wherein the court is faced with an uphill task that will be swimming in uncharted waters, since there are no authorities, either from the Supreme Court or Court of Appeal, on the subject to guide the court on the journey through virgin territory.”

The appellate court started by analysing the Fundamental Rights Enforcement Procedure Rules.

The court stated that it was swayed by the mischief rule of statutory interpretation, which was the oldest of the rules; “established in Heydon’s Case (1584).”

In a unanimous judgment by Justice Amina Augie (who presided and was recently elevated to the Supreme Court); Justice Samuel Oseji and Justice Jamilu Tukur, the judges rebuked the judgment of the High Court.

The Appeal Court judges send the case back to the High Court of Lagos State for a re-trial by a new judge.

The lawyer of the slain men took the judgment back to the High Court and on May 3, 2016. Justice Onigbanjo gave them a favourable judgment in the total sum of N200,500,000.

The court also ordered that the police should issue a public apology in two national dailies for the infractions done.

Speaking to *PUNCH Metro*, Mr. Sadiku hailed the decision of the court. Sadiku said the case would serve as a deterrent to trigger-happy security agents.

He said, "The police cannot appeal this judgment because the 90 days within which to do so has elapsed."

Attempts to speak with the Force Public Relations Officer, Mr. Donald Awunah, proved abortive as his telephone indicated that it was switched off.

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