

## NEWSPLUS

## CRUEL FATE

## Man spends six years in jail for an offence he didn't commit

By Tessy Igomu

**SAKA** Adebola, a 35-year-old bricklayer from Kogi State, is a sad man. With a sombre look, he trudged into the conference room of the church where he was meeting with the reporter that hot afternoon.

"This world is wicked," he said as he took his seat. "I pray that no one that I know will suffer for a crime he didn't commit."

The young man claimed he spent close to six years at the Ikoyi Prison for a crime he never committed. Adebola described himself as a victim of circumstance.

He was charged with the murder of Jide Moses, a fellow bricklayer at the New Market Settlement Area, Oniru Estate, Lekki phase 1, Victoria Island.

He was alleged to have stabbed the deceased in the stomach with a broken bottle during a fight.

But according to him, he was wrongly attacked and inflicted with a deep head wound while trying to protect a food vendor and her baby from being harmed. He said he was sad that the young man died from the scuffle, but he insisted he would always stand up in defence of any woman or child whose life is being threatened.

The event that altered the course of his life, and led to his incarceration started on September 11, 2009, while working at a construction site. He said he was working with the same construction firm, Modulus Construction Company, with the deceased, informing that himself and the deceased, alongside others, were assigned to work on the site where the incident took place.

According to him, on that fateful day, a food vendor known as Zainab was having a fight with her husband and during the scuffle, ran for protection towards where he was sitting with other workers. He said the woman had a baby on her back, but that the husband was still coming after her with the intention to continue the beating. Adebola said he tried to stop the husband.

That move, he recalled, didn't go down well with the deceased who, according to Adebola, hit him on the head with a big stick.

He narrated that a fight ensued between him and the deceased but that they were separated by other workers. But he said after he was being treated for the wound inflicted on his head, the deceased again charged at him with a bottle and broke it on his head.

"He attacked me with a bottle of gin, broke it on my head and injured me more. With blood all over my body, I grabbed him, collected the broken bottle from



• Adebola

him and stabbed him in the hand. I then left the place and went to the hospital for treatment because I was bleeding seriously," he recalled.

He said the deceased later engaged in a fight with some of his friends who had gone to accost him over the matter. He said he learnt that the deceased died after his argument with the other workers spiraled out of control.

"When I left the hospital the next day and reported at the site, I went to report the incident to the site engineer, who was not around when the fight took place. The man told me to report the matter at the Maroko Police Station. I didn't know that the man I fought was dead, and that the police had been to my house and arrested my brother because they did not see me. When I got to the station, the policemen detained me and released my brother. I was handcuffed for four days despite the deep wound on my head," he told the reporter.

Adebola disclosed that he was later transferred to the Criminal Investigation Division (CID) where he was detained for three years before he was charged to court

for murder on July 3, 2012. The court ordered that he be remanded in prison till December 19, 2012 before his case was revisited.

He said it was while he was in the prison that he met a lawyer who agreed to help him free of charge.

Adebola's case, which went on trial from 2012 to 2014, suffered a series of adjournments at the instance of the prosecution, and its inability to continue with the evidence of the female investigating police officer, who was not coming to the court for cross examination.

After no other witness could be produced in court after an extensive trial, the young man was finally discharged and acquitted on May 4, 2015.

Haven been in confinement for a long time, losing everything, including friends, Adebola presently feels lost and alone. He confessed that integrating properly into the society had been one huge challenge, adding that he had been facing stigmatisation from members of the public.

He is appealing to Nigerians to help rehabilitate him, and assist him with finance to start his life all

over again. He said he sat for the GCE in prison and made credits in six subjects. He told the reporter that at the moment, education was uppermost in his mind. He said he would like to study Structural Engineering in any of the nation's universities.

"My not going to school in the first place was due to not having anybody to support my dream. I had to train as a bricklayer to avoid getting into crime. All through my life, I have never been arrested for crime or got involved in any type of trouble. Maybe what happened to me was God's way of redefining my life. I want to acquire education and provide for myself like every responsible young man," he said.

Counsel to Saka Adebola, Mr. Osahon Ihenyen, described his case as quite unfortunate, explaining that the court had noted that the evidence before it against the young man was manifestly unreliable and that no reasonable tribunal could safely convict on it. He explained that the judge was sad that Adebola was in prison custody since 2009, and stressed that there was no point further detaining him.

The lawyer, who said the case of the young man was brought to his notice by a kind-hearted Nigerian, explained that after the prosecution had closed its case, he opted to make a no-case-submission. He said he filed a written address in respect of a no-case-submission on November 27, 2013, on the grounds that the defendant had no case to answer. Also, that the evidence adduced by the prosecution was hearsay, and that the evidence presented before the court had not established a prima facie case in order to call upon the defendant to open his defence.

Ihenyen further explained that the defendant was charged with murder, contrary to Section 319 (1) of the Criminal Code of Lagos State, year 2003, noting that by the case law, it was clear that to establish the offence of manslaughter, the prosecution must establish some facts.

"But in this case, the evidence of the prosecution witness, a police officer, was hearsay because she informed the court that she was not present at the scene of the crime when the alleged incident took place, and whatever testimony she gave was based on the information obtained by her from the defendant, and also that of the DPO, Maroko Police Station, wife of the deceased and another witness. Also, the police officer did not tender in evidence any of the said statements, including that of Adebola because the case file was said to be missing.

He further noted that no autopsy report or medical report of the deceased were tendered, even as the female police officer failed to further attend court proceedings and was not available for cross-examinations.

"The court concluded that the case was speculative, and left room for a lot of doubt. It was all based on this that a no prima facie case was established against him. The court was made to understand that in the instance, there was no evidence before the court to prove the essential ingredients for the offences of murder for which he was charged, and that the evidence adduced by the prosecution was so manifestly unreliable that no reasonable court could safely convict on it. It was based on this that the court was urged to uphold the no case-submission and discharge the defendant."

The lawyer's only concern now is Adebola's total rehabilitation and reintegration into the society. He is also appealing to Nigerians to reach out in any way they can to help give his life a new meaning and definition.