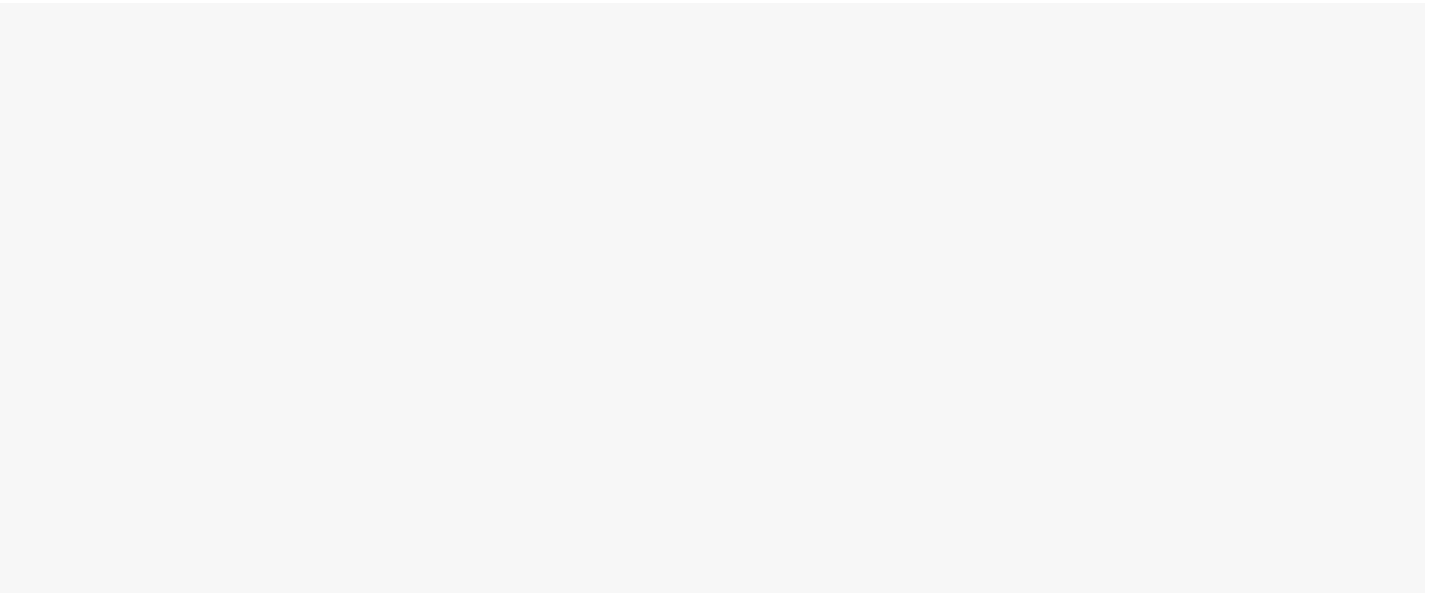


Outrage over suspect's strange death in police cell

•Lawyers, family, others demand justice

13th August 2020



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SHARES



Oluseye Ojo, Ibadan

On June 1, 2020, the incumbent Commissioner of Police in Oyo State, Nwachukwu Enwonwu, assumed office. And in his maiden address to the officers and men of the command, he warned against abuse of human rights of citizens of the state.

“I expect you to respect the fundamental human rights of the citizens in the state as enshrined in the Nigerian Constitution. If I discover that you trample on the rights of the citizens, you are on your own. I want to urge you to go back to your divisions and maintain high level of discipline,” he cautioned.

But six weeks after the warning, a suspect, Kehinde Omotosho, died in police custody after spending five days in detention over an offence of murder he obviously did not commit. The deceased left seven children behind.

Intervention by Akin Fadeyi Foundation

The Akin Fadeyi Foundation swung into action. Apart from sharing the story with online and conventional newspapers via its FlagIt App, he also engaged in interviews till the incident became a matter of public concern.

The foundation took a step further by briefing a notable law firm in Ibadan, Afe Babalola & Co, on the development and the chambers accepted to represent the poor and uneducated family of the deceased to demand justice.

The law firm followed up with a petition, entitled: ‘Unlawful Arrest, Detention and Eventual Death (in Police Custody) of Mr. Kehinde Omotosho: A Petition Against Officers of the Anti-Cultism Unit of the Oyo State Criminal Investigation Department.’ The petition dated July 26, this year, and addressed to the Inspector General of Police (IGP, reported the arrest and detention of Omotosho, just as it detailed the suspicious death of Omotosho in police custody.

Arrest, detention, death

When contacted, the deceased’s family members, preferred to speak to this reporter through their lawyers. As gathered, in the early hours of Friday, July 17 about 12:30a.m., some police officers from the Anti-Cultism Unit of the Oyo SCID reportedly stormed the residence of the deceased at No 2, Ifedapo Zone 2, , Alaja Meta, Gbaremu, Idi-Obi, Ibadan, where the deceased resided alongside other tenants. The officers from the Anti-Cultism Unit were said to have been accompanied by some other police officers in Agugu Police Division, led by one officer, identified simply as ‘SOJ’.

The policemen allegedly broke down the door of Omotosho’s residence, entered and demanded to see one Kabiru who, the reporter learnt, had packed out of the house about five months earlier.

The law firm also chronicled in the petition: “Upon realising that their prime suspect, Mr. Kabiru, no longer resided in the apartment, the police officers arrested the two occupants of the house – Mr. Omotosho (now deceased) and one Mr Jelili Razaq – in lieu of the suspect.

“At the point of arrest, both Mr Omotosho and Mr Jelili Razaq requested to know the crime for which they were being arrested but instead, the police officers gun-whipped them with their weapons several times. Thereafter, the police officers from the Agugu Police Division (led by SOJ) returned to the Agugu Station, while officers from the Anti-Cultism Unit proceeded with both the deceased and Mr Jelili Razaq to the State CID. They were thereafter locked in the cell, alongside about 130 inmates. This was around 1:20am on Friday, 17th July 2020.

“On Monday, 20th July 2020, the deceased and Mr Jelili Razaq were brought before the Officer-in-Charge (OC) of the Anti-Cultism Unit for interview. In the course of the interview, the OC demanded that both the deceased and Mr Jelili Razaq produce their prime suspect, Mr Kabiru, before they could be released. However, both the deceased and Mr Jelili Razaq informed the OC that they were all co-tenants, and that Mr Kabiru had relocated to another place and did not inform them of his new location. Nevertheless, the OC insisted that their release would be consequent upon their production of Mr Kabiru.

“They were, thereafter, returned to the cell. It was at the point of this interview that the police informed the deceased and Mr Jelili Razaq that the prime suspect, Mr Kabiru, was involved in a fight, which led to the death of a person. There was however no suspicion or allegation that either the deceased or Mr Jelili Razaq were involved in the said fight or committed any crime whatsoever.

“The following day, 21st July at about 5am, Mr Kehinde Omotosho, died in police custody. Prior to his death, the deceased spent five days in detention, while Mr Jelili Razaq spent six days before being released on bail, both without any investigation, reasonable suspicion of crime, or arraignment.

“From the moment of their arrest and until the death of the deceased, the officers of the Anti-Cultism Unit prevented the deceased’s and Mr Jelili Razaq’s family members from visiting them or providing them with food. Prior to his unlawful arrest, detention and death, the deceased had no underlying medical ailment.”

Alleged cover-up attempts

Meanwhile, the law firm of Afe Babalola & Co has alleged that the police have made attempts to cover up the case. The firm said that on July 24, 2020, the Investigating Police Officer (IPO) in the Anti-Cultism Unit of the SCID, purportedly deceived the sister of the deceased, Mrs Sekinat Yusuff, said to be incapable of reading and writing in English, to depose to an affidavit captioned: Sworn Affidavit as to Consent to Receive the Corpse of Late Mr Akeem Kehinde Omotosho.

The law firm further alleged: “The affidavit, which was dictated by the IPO Ibrahim to a road-side business typist, was only given to Mrs Sekinat Yusuff, who did not understand the contents, to sign.”

The affidavit, however, read in part: “That I am the sister to Late Akeem Kehinde Omotosho, who died on Tuesday, 21st day of July 2020 at the Nigeria Police Medical Services, State Headquarters, Eleyele, Ibadan, Oyo State. That prior to the death of the deceased, the deceased person was earlier arrested and detained at the State Criminal Investigation Department, Iyaganku, Ibadan for an

alleged murder. That the family of the deceased collectively agreed not to conduct post-mortem or autopsy to unravel the illness that led to the sudden death of the deceased. That the family had requested the release of the corpse of the deceased from the Nigeria Police Force, Oyo State Command.”

Demand for Justice

The Afe Babalola & Co has stated that “it is clear that the police officers failed to inform the deceased and Mr. Jelili Razaq the reason for their arrest, contrary to the express provisions of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) and the Administration of Criminal Justice Act, 2015, which, among other provisions, regulates the procedure for arrest, detention and arraignment of a person suspected of committing a crime in Nigeria,” as they cited Section 35 of the 1999 Constitution and Section 6 of the ACJA, 2015.

The law firm also placed six requests before the IGP, which include the cause of death of the deceased, objective of the officers of the Anti-Cultism Unit of the SCID in procuring the affidavit for the alleged cover up, why the deceased and Razaq were detained beyond the number of days prescribed by the constitution, why the duo were not allowed access to any of their family members while in detention, reason for not informing the duo why they were arrested, and why the duo were arrested in lieu of Mr Kabiru.

“We humbly request that you use your good offices to set up an investigation into the allegation contained in this petition, particularly the circumstances surrounding the unlawful arrest, detention and eventual death of Mr Kehinde Omotosho in the custody of the officers of the Anti-Cultism Unit of the Oyo State SCID.”

The Nigeria Union of Journalists (NUJ), Oyo State Council, has also demanded justice for the late Kehinde Omotosho over the alleged violation of his fundamental human rights. The NUJ in a statement by its Chairman and Secretary, Ademola Babalola and Sola Oladapo respectively decried the purported ill treatment and flagrant violation of the rights of Omotosho and Razaq.

Police react to allegations

The Police Public Relations Officer for Oyo State, Olugbenga Fadeyi, when contacted, said: “According to the details I got from the State Criminal Investigation Department (SCID), Iyaganku, Ibadan, there was a clash between some cult guys and OPC (Oodua People’s Congress) people at that Idi-Obi axis. As a result of that, somebody died when they clashed, stabbing themselves, maybe over power tussle or whatsoever. And the report came to the Divisional Police Headquarters at Agugu. The Divisional Police Officer (DPO) swung into action and went to the scene.

“Before he got there, some of the suspected assailants had run away. And the DPO intensified efforts to make sure that those that were involved in the death of that particular person are brought to book. It is a case of murder because it involved life. So, the divisional headquarters could no longer handle it and it was transferred to the SCID, Iyaganku, under the deputy commissioner of police.

“So, the SCID took over the case and in an attempt to carry out discreet investigation, they must visit the scene, and at the same time, make sure that the perpetrators that are living within that area are arrested and brought to book. The SCID and the Agugu police station that has jurisdiction to that area and some other police teams went there and arrested some people to ascertain some facts and possibly, they would point to some people that were involved in the murder.

“They arrested well over 10 persons, brought them to Iyaganku and started investigating the case. They interrogated them one after the other to ascertain their level of involvement in the killing and the incident that happened. In the process, Kehinde Omotosho and others were arrested, and they interrogated them.

“Since the issue involved life, it is no longer an issue of arresting somebody today and releasing him tomorrow because it is a case of murder. The police would carry out discreet investigation and majority of them may not want to open up and the police would continue to interrogate them, get facts and other details from them to be able to get to root of the matter. In the process of doing all these things, he developed illness, and he was rushed to the police clinic, where he died later. The SCID also told the family that since he died, an autopsy must be carried out on the body to ascertain the cause of the death. The autopsy will actually reveal the cause of his death.”

When he was asked to comment on the affidavit that the family of the deceased did not want autopsy and that they just wanted to bury their breadwinner, the police spokesman stated: “The police are looking into that. The Commissioner of Police would have received a copy of the petition. It won’t come to my own table. He would have seen it and he would have given further directives on what to do. The head of the SCID is a deputy commissioner of police as well, who will also look into all the issues raised and do what they are supposed to do.”

Many members of the public are not persuaded by the police explanations, however, which they insist sound like an afterthought.

“The police in Nigeria, especially all these special squads, have become a law unto themselves. Many of them are very unprofessional in their operations. This particular case is quite saddening. Everyone involved in the death of that innocent man must be brought to book. This is one needless

death, and the offenders must be punished,” Wale Akinbiyi, a Lagos-based public relations consultant, noted.



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