

Abia, Happy-Trigger Cops and Extra-Judicial Killings

LLOYD OKEREAFOR *says there should be proper investigation of the recent shocking extra judicial killing of Armed Robbery suspects in Abia and Benue States, in line with international best practices*

The Inspector-General of Police, Mr. Sunday Ehindero upon assumption of office promised that his force would 'serve and protect with integrity', and thus heightened the expectations of Nigerians. Perhaps his new appointment (as at then) saved his assurances from passing as another administrative platitude. Another element that made his assertion hope-inducing was that he was running uphill to rescue the image of an institution whose lies and cover-ups for extra judicial killings had been laid too bare for a refutal, and so every Nigerian counted on the honour of an institution that seemed to be begging for another chance to prove its respect for due process. His empanelment of an earlier police inquiry into the Apo 6 killings, which was replaced by the Justice Goodluck Commission of enquiry, further heightened the expectations of not a few Nigerians.

The findings of the Justice Goodluck Commission on the Apo Killings; the consequent arraignment of policemen believed to be responsible for the killings before a Federal High Court; and announcement of compensation to be paid to deceased's relatives appeared to raise hopes of government commitment to combat extra-judicial killings.

One of the lessons of that exercise was that the government could demonstrate a commitment to ensuring that police officers who kill extra judicially pay for their misdeeds, if it so desires. However, more than year since submission of the panel's report to the Federal Government in August 25, 2005, the lessons of the Apo 6 killings appear not to have been taken seriously by the Nigerian Authorities.

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Else, how does one explain that police officers still revel in their extra judicial killing of robbery suspects shortly after a media parade, as evidenced by the recent widely reported killing of robbery suspects by the Nigeria Police in Abia and Benue States, and nobody is saying anything about the killings. Do Nigerians not deserve an explanation from the Inspector-General of Police about the killings? If in the Apo incident 6 lives were involved, and so much dust was raised, how come nobody is saying anything about a situation involving 16 and 3 persons respectively? Should we take it that the government's response to the Apo 6 incident was only an isolated case meant to launder the image of Nigeria because of the visit the UN special Rapporteur on Extra Judicial Summary and Arbitrary Executions as feared by Access to Justice and other Nigerians? What would become of the officers who have clearly admitted responsibility for the extra judicial killings in the face of Nigeria's international obligations? Could it be said that the officers in the circumstances were 'serving and protecting citizens with integrity'?

In Abia State, on or about August 9, 2006, the Nigerian police reportedly

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Quotables: "Without a thriving democracy, law and justice can never flourish and where elections are continuously rigged, law and justice cannot prosper" - Chairman, NBA Port Harcourt Branch, Emmanuel Aguma

• AND MAY THE BEST MAN WIN - Cont'd from pg 56 •

mopolitan and rural branches. His activities MUST impact on all and sundry, utilizing to the fullest e-legal practice and modern means of disseminating information to thousands of people at the touch of a button. Tenth, SHALL be such other or other parameters that will be set and laid down by each delegate, competent to vote, before casting his vote. It is a matter of conscience.

While it is conceded that any of the three aspirants for the office will make a good President, let the best of the three emerge victorious. The losing two are obliged to take defeat with equanimity and pledge their support and loyalty to the victor. Such would be tantamount to a political outplay of courtroom courtesies - No winner, No vanquished.

This is a conference conceived and designed for improvement of legal education and provide a recreational environment. Less than 20% of the conferees will vote. The organisers have painstakingly strived to organize a hitch free conference. Apart from the President, it is also important to focus on

other offices. We need to elect competent and forward-looking people, who are successes in their legal practices. These will alley all our fears and avoid incessant allegations that Association funds are being mismanaged.

Financial misappropriation of funds has remained a re-curring decimal since the 1990 annual election held in Owerri, Imo State. Our executive is obliged to be transparent, accountable and financially prudent persons of whom we shall all be very proud. NBA money is not private funds to be spent and used based on the whims and caprices of officers. It is an accountable trust, which must be prudently managed.

The office of Federal Attorney-General and Minister of Justice should be a no-go area for our elected President. Our constitution by the mandatory provisions of Article 11 (iv) (f) forbids it. He or she should not solicit, or canvass for this office. If offered, he must decline. Inherent in this provision is a moral suasion and an obligation not to accept, if dangled by the federal executive.

The intention is usually to "castrate" the Association and preclude it from serving as an engine room of opposition of repulsive, anti-people and unconstitutional policies of government, at variance with the rule of law.

Any further contravention of this provision will confine the Association's constitution to the dustbin. As professionals, lawyers will become a laughing stock to the generality of citizens of this country. We will not be able to defend the constitution of the Federal Republic of Nigeria and will stand guilty of imposing different standards on ourselves as distinct from the society in which we practice.

We MUST restore the dignity of the office of Presidency of the NBA. It is prestigious, glamorous, pre-eminent, respectable and commands admiration both in the nation and within the international community. Being an elected office, the incumbent cannot be removed, based on the whims and caprices of the government of the day. He/she is the Number one voice of the legal

profession, of which he; the Federal Attorney General is a member. Let wisdom prevail and let us avoid self-motivating decisions that WILL result in irreparable damage on the psyche of the generality of our membership and the citizens of this Nation at large.

The conference will serve as a refreshing tonic and pot-pouri of ideas to energise and empower us by enrichment of our legal knowledge, to face the challenges of legal practice as we glide gracefully to May 2007. The success of the democratic process rests squarely on our shoulders. We should be vigilant and resist draconian policies of government, which will confer on our Nation a pariah and ignominious status within the comity of nations.

It is the duty and constitutional obligation of this government to organise transparently free and fair elections. The electoral process MUST be allowed to function normally, without any form of intermeddling to produce the next set of democratic leaders. As a nation, we have to showcase to the entire world the positive potentials of Africans as being capable of political transition based on popular franchise, free and fair elections, transparency, accountability and good governance. We MUST reverse the negative political behaviour of the political class, which has charged the polity, without any reasonable justification. With the spate of political assassinations by agents of aspirants to elective offices, 2007 portends ominous signs. The nation cannot withstand the resultant effect of truncating the present democratic process. The backlash by the international community will be enormous and the resultant effect will erode whatever gains, albeit economic that was achieved by this government within the last seven years.

The Bar Association has a crucial role to play in steering the democratic process and avoid the embarrassment of the 1993 elections. This is the reason why the 2006 Lawyers conference is of grave importance to lawyers themselves, the political class, government and the citizens of this country. The President of the Bar in conjunction with a radical and forwarding looking executive, will serve as a political watch-dog and an opposition, which does not receive gratification in "Ghana-must-Go" bags and not susceptible to political assassinations and killings.

The outgoing executive has achieved tremendous progress within its 12 months life span. The court boycott was a huge success that sent jitters down the spine of government officials, in spite of the futile effort of its Attorney-General to obtain an injunction to stop the boycott. It also lent its voice to the anti-third term campaign, which became a stillbirth, and paved way for electioneering towards the 2007 elections.

The post 1992 relay race started with Chief T. J. Onomigbo Okpoko, SAN, a bridge builder. The baton was passed to O. C. J. Okocha, SAN, JP, a jolly good fellow, extremely popular with a large heart. Chief Wole Olanipekun, SAN maintained a radical, and at times a confrontational posture to government during his tenure. The 2004 President, Chief Bayo Ojo, SAN is the current Attorney-General and Minister of Justice. In August 2005, Prince Lanke Odogiyon received the Presidency as a "God's gift", but has impacted positively on the political perception of the populace in that office. Who will emerge as the 2006-2008 President?

Whoever does, among the three aspirants, will receive widespread acceptance among lawyers nationwide. However, he faces a Herculean task to restore the faith of Nigerians in legal practice. He/she must have a dogged approach to key national issues. He/she must be committed to serve the Nigerian Bar Association with sincerity of purpose and a well-focused approach to national issues.

The post election years will be challenging and at the same time afford the incumbent Bar President a unique opportunity to write his/her name in gold, in the legal lexicon and in the political democratization history of the Nigerian Nation. May Almighty God endow us all the wisdom to identify his preferred choice.

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paraded 12 robbery suspects, including a 12 year old, before the media and the general public at the central police station in Umuahia, Abia State. The suspects, some of whom displayed gunshot wounds were purported to have been arrested after an exchange of gunfire with the police in which 4 others were shot to death at Olokobe Ndume community in Umuahia North Local Government Area of the state. In all the police killed 16 robbery suspects. As reported by the media, which facts have been independently verified, following the parade during which double barrel guns, pistols and other dangerous weapons as well as an international passport purportedly recovered from the suspects were displayed, the police killed the suspects and dumped their bodies at the premises of the Federal Medical Centre, Umuahia after obtaining confessional statements from them.

The police admitted responsibility for the killing during a press briefing, in which they were full of praises for themselves. The press briefing was organized after the killing and dumping of the bodies at the Federal Medical Centre. The bodies of the suspects were later buried in a mass grave by the authorities of the Federal Medical Centre on August 17, 2006, about a week after they were dumped there, and were already decomposing. Neither autopsies nor any investigations have been initiated on the deaths.

In Benue State however, as reported by the media on August 22, 2006, there appeared to be a twist as the police claimed that they gunned down 3 robbers when they attempted to rob some residents at a suburb. The report which also stated that the deceased robbery suspects opened fire on the police and left them with no option but to fight back, noted that the killing of the 3 brings to 12 the number of armed robbers killed by members of the anti robbery squad in the last two weeks in the state.

The above scenario merely reenacts what had been a long standing and continuing culture of impunity killings by the police and inaction by the government who owe a duty to secure the lives of its citizens. Assuming the deceased were robbers as the police claim, are they not entitled to a fair trial before a court of competent jurisdiction? In the face of the police claim, is there a way to confirm or deny the police assertions, or put in a better way, who would speak for the dead? These questions beg for answers because of fears expressed by many concerning the veracity of police accounts of killings.

No doubt, these instances of extra judicial killings constitute a breach of the deceased's right to life guaranteed by the Constitution as well as the International Covenant on Civil and Political Rights; the African Charter on Human and People's Rights and other international instruments to which Nigeria is a state party. While we appreciate that Benue and Abia states have recently been confronted with security challenges associated with the spate of armed robbery incidents, it is not a justification for taking the life of suspects extra judicially. It is also not a defense that confessional statements were procured from the suspects before their execution, especially because such confessional statements have variously been shown to be flawed having been extracted through torture, extra judicial killing or other questionable means. In any



• Suspected Armed Robbers...file

case, it is hardly conceivable that 12 hardened robbery suspects would all confess to the crime voluntarily.

Mr. Phillip Alston, the United Nations Special Rapporteur on Extra Judicial summary and arbitrary executions, in a report embodying the outcome of an official fact-finding visit to Nigeria between June 27 and July 8, 2005, noted that:

"Police put forth various pretexts to justify extra judicial executions. When a victim is killed in custody, an attempted escape may be cited. When the victim is killed before being taken into custody, his status as an armed robber may be cited".

The report further noted that: "(W)hile armed robbery does plague much of Nigeria, the label of 'armed robber' is often used to justify the jailing and/or extra judicial execution of innocent individuals who have come to the attention of the police for reasons ranging from a refusal to pay a bribe to insulting or inconveniencing the police".

In the face of the foregoing, it becomes important that the two killings be independently investigated. Though the Nigerian government had investigated the Apo 6 killings through an adhoc panel of inquiry, the coroners system is a statutory procedure for investigation of killings in Nigeria. Notwithstanding that the Justice Goodluck commission proved to be different, the fears of many about government panels of enquiry was captured in the earlier referenced report of the UN Rapporteur when he said:

"Inquiries are often used for whitewashing purposes. One state Attorney-General could recall no case of prosecutions following such an inquiry. Their main purpose, he observed was to facilitate a cooling of the political temperature".

The Coroner's investigative function in modern societies is a crucial one, and the inquest, as provided for by States' and Federal Coroners Laws, is a dependable and potentially useful procedure to assess and interrogate the credibility, and reliability of police investigations into homicidal deaths. When police investigations are flawed in any respects and for any reasons - such as the need to cover up actual and factual circumstances of a death, or merely out of want of professional diligence -

the coroner system is one way to verify or certify this. The coroner system, though moribund in Nigeria, is a way a state expresses its concern for the sanctity and value of human life and is recognized as an established investigative procedure by the United Nations Organization, under its Principles on the Effective Prevention and Investigation of Extra- Legal, Arbitrary and Summary Executions 1989;

By Article 9 of the said UN Principles, there shall be a thorough, prompt and impartial investigation of all suspected cases of extra legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death. Governments shall maintain investigative offices and procedures to undertake such inquiries. The purpose of the investigation shall be to determine the cause, manner and time of death, the person responsible, and any pattern or practice which may have brought about that death. It shall include an autopsy, collection and analysis of all physical and documentary evidence and statements from witnesses. The investigation shall distinguish between natural death, accidental death, suicide and homicide.

The UN Principles further enjoin the government in Article 18, to ensure that persons identified by the investigation as having participated in extra legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice irrespective of who and where the perpetrators or the victims are, their nationalities or where the offence was committed.

Given the long history of extra judicial executions by policemen, the government needs to properly investigate the killings in Abia and Benue State either by impaneling a Commission of Enquiry or invoking the states' coroners laws, and ensure that the culprits are brought to book. It is also important for the government to take steps to reform or reinvigorate the coroners system in Nigeria to forestall future cases of this nature. These steps may go a long way to a lie to allegations of lack of political will by state actors to investigate extra judicial killings.

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