

**PETITION ON THE EXTRA JUDICIAL KILLING OF LOTACHUKWU EZEUDU,
SUBMITTED BY THE PUBLIC INTEREST LAWYERS LEAGUE (PILL) ON BEHALF
OF MR BONA EZEUDU TO THE ENUGU STATE JUDICIAL PANEL OF INQUIRY
ON THE ACTIVITIES OF OFFICERS OF THE NIGERIAN POLICE FORCE, ENUGU
STATE.**

1. NAME OF THE ATTORNEYS FILING THE PETITION:

Public Interest Lawyers League (PILL)

Address:

42, Tunis Street, Off Bissau Street,

Wuse Zone 6, Abuja,

Federal Capital Territory

Email:Interestpublic911@gmail.com

Obemata@yahoo.com

Telephone: 08162491840

**2. NAME OF THE VICTIM OF HUMAN RIGHTS VIOLATION (EXTRA JUDICIAL
KILLING), PETITIONER AND THE RELATIONSHIP:**

i) Name of the victim:

Lotachukwu Ezeudu

Date of birth: 1990

Age (At the time of kidnap): 19 years

ii) Names of the Petitioners:

a. Bona Ezeudu (Father)

Address: c/o The Attorneys

Email: c/o The Attorneys

Telephone: c/o The Attorneys

3. STATEMENT OF FACTS:

- a. On September 26, 2009, Lotachukwu Ezeudu, then a 19 year old, second-year accountancy student at the University of Nigeria Nsukka (Enugu campus) left his parents' home, headed for the residence of then Divisional Police Officer Sam Chukwu on the invitation of Nnaemeka Chukwu, the DPO's son and a former secondary school classmate of his.
- b. Nnaemeka Chukwu had invited Lotachukwu to come to his father's house to help inspect a laptop computer that one Desmond Chinwuba (who was living as a guest at the DPO's home) reportedly wanted to buy.

- c. Much earlier, Nnaemeka Chukwu had told Lotachukwu that Desmond Chinwuba and one other Ernest Okeke (who was also a live-in guest at the DPO's home) were his father's police aides but this turned out to be a grave misinformation.
- d. In truth, Desmond and Ernest were former policemen who had been arrested and were charged with alleged involvement in a kidnap and murder case. As a result of their arrest and prosecution, they were dismissed from the police force but had obtained bail and were living in the home of DPO Sam Chukwu.
- e. Sadly, September 26, 2009 was the last day anyone aside from his captors and their colleagues-in-crime would see Lotachukwu. Evidence gathered through concerted police investigations would reveal that he was in fact, set up to be kidnapped and killed in cold blood by a gang of notorious criminals which his friend, Nnaemeka Chukwu, his friend's father, DPO Sam Chukwu and the two dismissed police officers he met in Nnaemeka's house on that fateful day were all part of.
- f. Ernest Okeke and Desmond Chinwuba were subsequently implicated in the kidnap and eventual murder of Lotachukwu Ezeudu. Ernest is in detention and still undergoing trial but Desmond Chinwuba has been on the run since 2009. Ernest later confessed to police and other investigators that Desmond Chinwuba and he had murdered Lotachukwu and disposed of his remains after collecting a ransom from their victim's family.
- g. Other suspects currently undergoing trial in this case include Uche Moses Amajor, whose father owns Prosper Hotel in Trans Ekulu, Enugu, where investigators discovered that Lotachukwu Ezeudu was kept for some time; and Nnaemeka Chukwu, the son of the DPO. Uche Amajor was on the run for more than two years after the crime, before his hotelier

father (who had claimed for a long time that he did not know where his son was) came with him and a battery of lawyers to hand him over to the police.

- h. Prosecutors at the Ministry of Justice, Enugu State, found significant circumstantial evidence linking DPO Chukwu to the ring of criminals who kidnapped Lotachukwu Ezeudu.
- i. There was the fact that the DPO was sheltering in his residential home two sacked policemen who were accused in a series of heinous crimes.
- j. The DPO's son, Nnaemeka Chukwu, tried to mislead investigators by claiming that he had made a call to Lotachukwu asking him not to come to the DPO's house on the fateful day of the kidnap. It was later discovered that this was a desperate attempt by Nnaemeka Chukwu, the DPO's son, to establish an alibi as investigators were able to determine from phone records that Nnaemeka Chukwu never made a call asking Lotachukwu not to come to the DPO's home.
- k. Investigators also discovered that the car reportedly used to dispose of Lotachukwu's remains was registered to the DPO.
- l. In 2012, prosecutors felt there was enough compelling evidence to charge the DPO in Lotachukwu's case but the police officers who were sent to arrest the DPO reported that Mr. Chukwu escaped as they approached his home.
- m. In response, the trial judge in the matter, Justice Afam Nwobodo, issued an arrest warrant for Sam Chukwu.
- n. For more than two and a half years, the DPO was a fugitive from justice. Police authorities claimed that they were not aware of his whereabouts. Wanted posters with his image were pasted in Enugu as well as in his hometown in Aninri local government area of Enugu State.

- o. At the end of July 2014 and in what was an unprecedented and blood chilling move, outgoing Inspector General of Police, Mohammed Abubakar reabsorbed the fugitive Sam Chukwu into the police force and posted him as the provost at the headquarters of the southeast zone of the police force in Umuahia.
- p. The outgoing IGP never consulted the family of Lotachukwu Ezeudu or the prosecutors at the Ministry of Justice nor did he explain why he gave an elevated post to a police officer who was still on the run from a court that ordered his appearance and arrest. As a matter of fact, it looked as though what was happening was very natural and ordinary.
- q. As if the shock of Sam Chukwu's new post was not enough, the Police Service Commission late last year approved the promotion of the former DPO to the rank of Assistant Commissioner of Police and subsequently posted him to Lagos where he is still an active member of the Nigerian Police Force with full benefits.
- r. Both former IGP's Mohammed Abubakar and Suleiman Abba have failed to respond to media inquiries concerning the justification for reabsorbing and promoting an officer accused of masterminding a criminal ring of kidnappers and murderers.
- s. Till date, justice has eluded the family of Lotachukwu Ezeudu

t. 4. LEGAL ISSUES ARISING FROM THE STATEMENT OF FACTS:

Considering the above distressing facts, we respectfully draw the attention of the Judicial Panel of Inquiry to the following legal issues that form the bedrock of this petition, to wit:

4.1 ISSUE: FUNDAMENTAL RIGHT TO LIFE

i. The Constitutional provision as regards right to life is Section 33(1)-2(a), (b) to (c) of the Constitution of the Federal Republic of Nigeria, 1999 as amended and it reads as follows:

"33 (1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a Court in respect of a Criminal offence of which he has been found guilty in Nigeria.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law of such force as is reasonably necessary:-

- (a) for the defence of any person from unlawful violence or for the defence of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- (c) for the purpose of suppressing a riot, insurrection or mutiny."

ii. Flowing from the facts supplied in this petition, Lotachukwu was denied his fundamental right to life when he was summarily executed, in contravention of a written law - section 33(1) the 1999 Constitution: **ZAMAN V. STATE (2015) AELR 6350.**

Accordingly, the manner in which Lotachukwu was killed by Chukwu was unlawful.

iii. The right to life has also found expressions in all the major human rights instruments, including the Universal Declaration of Human Rights (UDHR), The International Covenant on Civil and Political Rights (ICPR), the European and American Conventions and the African

Charter on Human and People's Rights, which Nigeria is a signatory to. Specifically, Article 4 of the African Charter on Human and Peoples Rights states stipulates:

“Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right”.

v. The life of every human being is sacred and the integrity of every individual should be protected. Under no circumstances should an individual be arbitrarily deprived of his life. Further, extrajudicial killing of a suspect is unlawful and should not be condoned no matter the circumstance, or the individual involved. Individuals who commit such atrocities should be brought to face the wrath of the law. This is why the petitioners are praying that DPO Sam Chukwu and Desmond Chinwuba be prosecuted for the murder of Lotachukwu.

4.3 ISSUE 3: POWER AND DUTY OF THE NIGERIA POLICE VIS-A-VIS SPECIAL ANTI ROBBERY SQUAD

i. The statutory provision governing the power of the Nigeria police is Section 214 of the 1999 Constitution of the Federal, Republic of Nigeria (as amended) and it reads:

(1) There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other Police Force shall be established for the Federation or any part thereof;

(2) Subject to the provisions of the Constitution 1999

- (a) The Nigeria Police Force shall be organised and administered in accordance with such provisions as may be prescribed by an act of the National Assembly.
- (b) The members of the Nigeria Police shall have such powers and duties as may be conferred upon them by law;
- (c) The National Assembly may make provision for branches of the Nigeria Police Force forming part of the Armed Forces of the Federation or for the protection of harbours, waterways, railways and air fields.

ii. The Constitutional and statutory duty of the Nigeria Police to investigate criminal allegations made against a citizen. Section 4 of the Police Act, Cap 359, Laws of the Federation 1990 states the duties of the Police to include, amongst others to wit:

- the prevention and detection of crime;
- the apprehension of offenders;
- the preservation of law and order;
- the protection of life and property; and
- the due enforcement of all laws and regulations with which they are charged.

iii. The duty of the Police which calls for consideration here is the duty to detect crime which involves investigation of allegations of commission of crime. The criminal investigative powers of the Police came under scrutiny in *FAWEHINMI V. I.G.P. & 2 ORS (2002) 7 NWLR (PT. 767) PAGE 606 AT 670-671 (F-A)* where the Supreme Court summed up the investigative powers of the Police as follows:

"The appellant is no doubt right in his argument that by virtue of the fact that section 214 (1) of the 1999 Constitution recognizes one Police Force for Nigeria and the said police are given a duty under section 4 of the Police Act (now in Cap. 359, Laws of the Federation of Nigeria, 1990) to prevent and detect crime, apprehend offenders, preserve law and order, protect life and property and enforce all laws and regulations with which they are directly charged, and that it is an important statutory duty which they owe to the generality of Nigerians and all other persons lawfully living within Nigeria. It follows that in their duty to detect crime, allegations of the crime committed by any person should normally be investigated by the Police."

iv. It is also the position of the law that once a criminal allegation is made against a citizen, the Police have a constitutional and a statutory duty to investigate the allegations. This has been recognised over and again in our Courts in a plethora of cases, including the case of *AGBI VS OGBEH (2005) 8 NWLR (PT.926) 40*, *CHRISTLIEB PLC VS MAJEKODUNMI (2008) 16 NWLR (PT.1113) 324* and *ONAH VS OKENWA (2010) 7 NWLR (PT.1194) 512*.

v. May we respectfully draw your attention to the fact that Sam Chukwu, or his colleagues, did not comply with this laid down statutory creed that guides the modus operandi of his job. He did not only mastermind the kidnap of Chijioke, but also killed or ordered the killing of the innocent young man (sic).

vi. The Nigeria Police Act prescribes that, in exercise of his powers, every police officer shall be personally liable for any misuse of his powers, or any act done in excess of his authority. The Act also provides that "every police officer is required to use his best endeavour to uphold the good name of the force, and to further good relations with the public.

vii. Consequently, the Act prescribes that a police officer shall “be determined and incorruptible in the exercise of his police duties” and shall “have a strict regard to the correctness of his general behaviour. Furthermore, the Act requires Nigeria police officers to develop the following attributes:

- (a) Efficiency and thoroughness through meticulous attention to details in the performance of his duties;
- (b) Courtesy, forbearance and helpfulness in his dealings with members of the public;
- (c) Tact, patience and tolerance, and the control of his temper in trying situations;
- (d) Integrity in refusing to allow religious, racial, political or personal feelings or other considerations to influence him in the exercise of his duties;
- (e) Impartiality, the avoidance of feelings of vindictiveness towards offenders;
- (f) Strict truthfulness in his handling of investigations and in the giving of evidence.

viii. Sadly, from the facts supplied in this petition, Sam Chukwu’s conduct at the time, with respect to the unlawful killing of Lotachukwu, is not in accord with the aforesaid Nigeria Police Act. From the facts supplied in this petition, Sam Chukwu’s conduct has further bastardised the image of the Nigeria police in the eyes of the Nigerian and global Community, as several human rights, notably Amnesty International, have consistently highlighted, and brings to it only shame and disrepute.

4.4 GROSS DEPRIVATION OF THE CONSTITUTIONAL RIGHTS ACCRUED TO A SUSPECT IN NIGERIA

i. In chapter 4 of the 1999 Constitutions, and under the criminal procedure statutes, the following fundamental rights of a suspect are guaranteed to wit:

- a. Right to life, human dignity (freedom from inhuman and degrading treatment, torture) personal liberty, and privacy;
- b. Right to be presumed innocent until proven guilty;
- c. Right to remain silent during criminal investigation and trial processes;
- d. Right to notice of charges within a reasonable period;
- e. Right to be arraigned before a court or tribunal, and to a judicial proceeding in language(s) understood by the suspect (including interpretation of proceeding in language understood by suspect);
- f. Right to be arraigned before a court within a reasonable time;
- g. Right to be represented by a counsel of one's own choice provided one is able to pay for the services (and to state legal aid for indigent persons in cases of capital offences)
- h. Right to bail.

Consequent upon the facts supplied in this petition, it can be seen that Lotachukwu was denied all the above Constitutional rights, even though he was just innocent of any crimes and did not even have as much a suspicion of crime or allegation hanging over his head. There was absolutely no justification for such criminal abuse of power.

5. THE SPECIFIC HUMAN RIGHTS VIOLATED:

- a. The Right to Life - (Protected under Section 33 (1) of the Constitution of the Federal Republic of Nigeria 1999 (with alterations) and Article 4, African Charter on Human And Peoples Rights, Laws of the Federation of Nigeria, 2004);

- a. Right to dignity of human person, including freedom from inhuman and degrading treatment, torture – (Protected under Section 34 (1) of the Constitution of the Federal Republic of Nigeria 1999 (with alterations).

6. EVIDENCE:

- a. Photocopies of interviews granted by the *PETITIONER* to local and international media.

7. WITNESSES:

- a. Mr. Bona Ezeudu

- b. Nnaemeka Chukwu

- c. Uche Moses Amajor

- d. Ernest Okeke

- e. IGP Mohammed Abubakar (Rtd)

- f. IGP Suleiman Abba (Rtd)

Address, email and telephone number: c/o The Attorneys

8. NAME OF POLICE OFFICER RESPONSIBLE FOR THE EXTRA JUDICIAL KILLING OF LOTACHUKWU EZEUDU:

a. DPO Sam Chukwu

Address:

c/o The Commissioner of Police,

State Police Command headquarters,

Enugu, Enugu State.

9. REMEDIES:

a. The sum of One Hundred Million Naira (N100,000,000.00) being compensation for the unlawful arrest and detention and subsequent extrajudicial and unlawful killing of Lotachukwu Ezeudu, pursuant to Section 36 (5) of the Constitution of the Federal Republic of Nigeria 1999;

b. A written public apology from the Nigeria Police Force for the unlawful arrest and detention and subsequent extrajudicial and unlawful killing of Lotachukwu Ezeudu;

c. The Petitioners demand the immediate prosecution of DPO Sam Chukwu for the extrajudicial and unlawful killing of Lotachukwu Ezeudu and in the interest of all that is just and fair.

Dated this 28th day of October, 2020.

This Petition was filed by **ABDUL MAHMUD ESQ**, of the Public Interest Lawyers League (PILL), Attorney to the Petitioner, Mr. Bona Ezeudu, and whose address is at 42 Tunis Street, off Bissau Street, Wuse Zone 6, Abuja; Email: interestpublic911@gmail.com; Telephone: 08162491840,

ABDUL MAHMUD ESQ,

Legal Practitioner

PREMIUM TIMES