

**PETITION ON THE EXTRA JUDICIAL KILLING OF MRS. CHIOMA UWAH,  
SUBMITTED BY THE PUBLIC INTEREST LAWYERS LEAGUE (PILL) ON BEHALF  
OF MR UWAH TO THE ANAMBRA STATE JUDICIAL PANEL OF INQUIRY ON  
THE ACTIVITIES OF THE JOINT MILITARY/POLICE TEAM, AWKA**

**1. NAME OF THE ATTORNEYS FILING THE PETITION:**

Public Interest Lawyers League (PILL)

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

i) Name of the victim:

Mrs. Chioma Uwah

Date of birth: Not available

Age (At the time of arrest): Not available

ii) Name of the Petitioner: Mr. Uwah (Husband)

Address: c/o The Attorneys

Email: c/o The Attorneys

Telephone: c/o The Attorneys

### **3. STATEMENT OF FACTS:**

- a. In 2006, Mrs. Chioma Uwah (hereinafter referred to as Chioma) who was in her eight month of pregnancy was at her matrimonial home..
- b. On that fateful day, a joint team of officers of the Nigerian Police Force and men of the Nigerian Military who had been deployed in that same year by then Governor Peter Obi to flush out hoodlums in the state, invaded her compound and while on rampage, shot her dead in cold blood.
- c. Upon hearing news of what had happened to his wife and by extension, unborn child, Mr. Uwah dashed home from his workplace to find his wife lying in a pool of her own blood..
- d. He rushed her to the hospital but no hospital would take her as she was already pronounced dead and there was no police report to explain the gunshot.

- e. After a few days, when no mortuary would accept the corpse and it started decomposing, Mr. Uwah was forced to take it to the village for burial.
- f. There in the village, a local doctor operated on the body and brought out a dead baby boy for burial, separate from the mother.
- g. Mr. Uwah tried concertededly to get the Police to investigate the matter and at a point, even human rights organisations in the state got involved, but it was all in futility as the Police blatantly refused to investigate the matter.
- h. At some point, the CLO wrote several letters to Governor Peter Obi to intervene in the matter and compensate the family but he refused, stating that he would not do anything until Mr. Uwah apologized to him.
- i. A CLO official in the State had to issue a public apology to the governor on behalf of the victim's husband before he (the governor), then instructed them to tell one Obele Chuka Esq., to see him in order to collect the sum of five hundred thousand naira (₦500, 000.00) as compensation for the victim's husband.
- j. As at the date of filing this petition, Mr. Uwah has still not received the said sum.
- k. During a Public Tribunal organized by Network on Police Reform in Nigeria (NOPRIN) as part of the intervention programs on police abuse in Nigeria designed to give voice to the numerous victims, relatives of victims and witnesses of police abuse in Nigeria and to assist them to seek and secure remedies, Mr. Uwa appeared and gave testimony of his ordeal at this public hearing.
- l. At the end of the hearings, the tribunal found *inter alia* that the he deceased was a victim of extrajudicial killing, and that the right to life of mother and child were brutally violated. It condemned the refusal of the police to investigate the case and recommended

that Governor Peter Obi should be requested to commission a thorough investigation into the incident to fish out the police officers or soldiers responsible for this atrocious act so that they can face trial and be adequately punished if found guilty.

- m. Following the making of these recommendations, a letter was written to the Governor, urging him to order an investigation into the killing of the 8- month pregnant wife of Mr. Uwah and to bring the police officers responsible for the mayhem at that time to book. The Governor was also requested to adequately compensate the victim's family considering that the right to life of Mrs. Chioma Uwah and her unborn baby was violated.
- n. Till date, nothing has been done to bring justice or provide compensation for Mr. Uwah and he continues to search for closure after these many years.

#### **4. LEGAL ISSUES ARISING FROM THE STATEMENT OF FACTS:**

Considering the above, very 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 1: 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 and making reference to the extant provisions of the grund norm as captured in section 33 (2), it is crystal clear that there was no circumstance warranting or justifying the wanton and very premature extermination of Mrs. Chioma Uwah's life. She and her unborn baby were denied their fundamental right to life when she was summarily executed, inadvertently leading to the still birth of her baby and in contravention of a written law - section 33(1) the 1999 Constitution: **ZAMAN V. STATE (2015) AELR 6350**.

Accordingly, the manner in which Chioma was killed 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.

#### **4.2 ISSUE 2: EXTENT OF THE POWERS AND DUTIES OF THE NIGERIA POLICE**

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 protect lives. 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.

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.

## **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);

### b. The Right to Presumption of Innocence

(Protected by Section 36(5) of the Constitution 1999 and Article 7(1) of the African Charter on Human and Peoples Rights, Laws of the Federation of Nigeria, 2004);

a. Cumulatively, the following rights of Mrs. Chioma Uwah protected under Section 35 of the Constitution of the Federal Republic of Nigeria 1999 were also violated:

a. Right to dignity of human person, including freedom from inhuman and degrading treatment, torture - Section 34;

b. Right to notice of charges within a reasonable period - Section 35(3);

c. 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)- Section 35 (3) & 4);

d. Right to be arraigned before a court within a reasonable time- Section 35(4)



- e. Right to be represented by a counsel of one's own choice provided one is able to pay for the services (and to state sponsored legal aid for indigent persons in cases of capital offences) - Section 35(2)

**6. EVIDENCE:**

- a. Copies of letters written by the Civil Liberties Organisation to Governor Peter Obi, requesting compensation for Mr. Uwah.
- b. Copy of document containing the findings and recommendations of the Network on Police Reform in Nigeria on the extrajudicial execution of Mrs. Chioma Uwah.
- c. Copy of letter written to Governor Peter Obi, requesting him to order an investigation into the execution of Mrs. Chioma Uwah and pay adequate compensation to her family.

**7. WITNESS:**

- a. Mr. Isaac Nwosu Igwedinma
- b. Peter Obi

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

**8. NAMES OF OFFICERS RESPONSIBLE FOR THE EXTRA JUDICIAL KILLING OF MRS. CHIOMA UWAH:**

- a. The joint military/police team

Address:

c/o The Commissioner of Police,

State Police Command Headquarters,

Awka, Anambra 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 Mrs. Chioma Uwah, 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/Nigerian Military and the government of Anambra State under whose directives, the joint task force operated, for the extrajudicial and unlawful killing of Mrs. Chioma Uwah;
- c. The Petitioners demand the prosecution of members of the joint military/police team for the extrajudicial and unlawful killing of Mrs. Chioma Uwah.

*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. Isaac Nwosu Igwedimma and whose address is at 42 Tunis

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