

SNAP ASSESSEMENT OF THE PERFORMANCE OF THE POST TRAINING JUDICIAL PANEL OF INQUIRY IN NIGERIA POST #ENDSARS PROTEST POST TRAINING FACILITATED BY ICJ, LA AND NHRC

BY LAWYERS ALERT

INTRODUCTION

This report assesses the outcome of the capacity-building exercise facilitated by Lawyers Alert and the International Commission of Jurists (ICJ), in partnership with the National Human Rights Commission (NHRC), for Judges and Judicial Panel Members sitting in 30 states in December 2020 in terms of progress and success rate of the panels. This evaluation is based on desk review, field visits, and interviews with project beneficiaries and partners.

Lawyers Alert and ICJ's training initiative has effectively scaled up and facilitated improved access to justice for women and vulnerable groups. Judges spoken to, attest that the training substantially enhanced their knowledge and awareness of the constitutional and legal rights of persons, especially the vulnerable groups, in terms of conducting inquiries more effectively and award compensation based on international best practices.

It is too early to evaluate the long-term benefits of the training, yet it is important to note the successes recorded in the proceedings are traceable to the training conducted.

ASSESSMENT APPROACH





Interviews were conducted with some of the Judges and members of the panels that were beneficiaries of the training, victims of police brutality that filed petitions and argued their cases before the panels, legal practitioners, police officers, and media. CSOs monitoring the panels to obtain firsthand information about their perspectives on the conduct and approach deployed by the panels in the discharge of their responsibilities were also interviewed.

FINDINGS



Of the 210 persons interviewed, 69% believed that the Judicial personnel conducted themselves properly, as well as discharged their duties effectively. They were reported to have deployed fair hearing and investigated in detail terms allege damages whether to life or property and awarded commensurate damages in most cases. They were also reported to have based their reasoning and recommendations on the provisions of the Constitution, as well as other relevant laws, copiously citing international best practices and treaties in their reasoning. The table below provides an overview of the findings and evaluation carried out by Lawyers Alert.




STATES	STAGE/ NO OF PETITIONS RECEIVED	OUTCOME & AWARD
Federal Capital Territory	The sitting is currently suspended	
Abia	The seventeen-member panel investigated issues of police brutality that occurred from the year 2015 to 2020. A total of 86 petitions were filed with 46 of them were heard , with the rest dismissed. Parties to all matters	A total sum of five hundred and eleven million nairas was approved by the State upon the recommendations of the panel, to be issued as compensation to victims.

	<p>were heard, including women whose cases were before the panel.</p> <p>The panel was expeditious in their hearing of petitions before them and disposed of the matters within the six months duration stipulated by the presidency upon Constitution of the panel.</p>	
Adamawa	The eleven-member panel	
Akwa Ibom	<p>The eight-member panel had over a hundred petitions before them, and sittings commenced in November 2020.</p> <p>As at the time of this survey in April 2021, the panel had made their decisions and recommendations transmitted to the state for address. However, the State showed no responsibility in awarding compensations due to victims. The issue of compensation is the major failure in the Akwa Ibom State sitting and the government has promised to see to resolve same.</p>	
Anambra	The eleven-member panel received over three hundred and ten petitions from the public. Out of this, over two hundred and	

	<p>seventy are yet to be treated.</p> <p>As at the time of the survey, the panel was behind time and had not treated issues before it importantly.</p> <p>Sittings are currently suspended.</p>	
Bauchi	<p>The seventeen-member panel received a total number of thirty-one petitions, with thirty of them partially heard and one dismissed.</p> <p>Owing to the JUSUN strike which lasted for a total of sixty-four days, most of the petitions that were for defense were not fully heard. The panel sittings are currently suspended.</p>	
Bayelsa	<p>The five-member panel received and determined 50 petitions and made recommendations based on their findings</p>	<p>The panel awarded the sum of N21 billion as damages in 40 cases out of the cases fully determined. The amount awarded is inclusive of the compensation awarded to communities razed down by the Nigerian Army</p>
Benue	<p>The nine-member panel</p>	
Cross River	<p>The seven-member panel. Fifty-four petitions as of November 15, 2020</p>	
Delta	<p>The eight-member received eighty-six petitions out of which forty-nine were heard and thirty-seven were struck out.</p>	<p>Recommendations have been made to the state executive council for compensation. However, as at the time of this survey, the state has not acted in line with the panel's decisions.</p>

	The panel heard all matters within time and parties in the matters were duly represented and heard.	
Ebonyi	The eight-member receipt of 62 petitions as of 8 th March 2020	
Edo	The twelve-member panel. Fifty-seven petitions as of November 15, 2020	
Ekiti.	The twelve-member panel received a total of 85 petitions. The panel recommended that 50 of the petitioners who suffered various forms of abuse ranging from loss of life to physical injury, trauma and loss of property, be compensated. The panel struck out 24 cases that it considered inadmissible for lack of jurisdiction or lack of diligent prosecution.	The panel awarded N21.25 million N7.44 million was paid in February while the remaining N13.81 million has been approved.
Enugu	The eight-member panel received about 145 petitions, out of which 45 had either been adopted conclusively or referred to the administrative panel of inquiry arising from the EndSARS protest.	
Gombe	The eleven-member panel.	
Imo	The seventeen-member panel received one hundred and forty-five petitions . One hundred and two were heard and the rest were struck out for want of diligent prosecution.	In the end, a total sum of seven hundred and seventy million nairas was transmitted to the state as part of the panel's recommendations.

	Sittings have long ended, as the panel investigated and heard the cases before them within the stipulated time of six months.	
Kaduna	Suspended.	
Katsina	<p>The eleven-member panel received one hundred petitions. Twenty-five were struck out for non-appearance of parties and lack of jurisdiction.</p> <p>Matters were heard expeditiously and without gender bias.</p> <p>Summoned security operatives who were parties to petitions were present at the sittings.</p> <p>Recommendations have been made and transmitted to the state for implementation.</p>	
Kogi	The ten-member panel	
Kwara	The ten-member panel received 25 and has submitted its recommendation.	
Lagos	<p>The nine-member panel received over 235 petitions. As at the time of compiling this survey, one hundred and twelve cases had been heard, with ten of them dismissed for want of diligent prosecution and two of them withdrew.</p> <p>From the month of October when the panel held its first sitting to</p>	<p>As of the date of reporting, a compensation to the sum total of over N100 million as damages to victims of police brutality in the state who were able to prove their cases</p>

	<p>the month of April, a total of one hundred cases had been heard.</p> <p>One hundred and twenty-three cases are yet to be heard and fifty-five heard but awaiting the panel's decision.</p> <p>So far, there has been an equal representation of persons of both male and female genders, and security personnel involved in the cases were duly represented.</p>	
Nasarawa	Successful, but not concluded	
Niger	Sittings are concluded	
Ogun	<p>The eight-member panel received forty-two petitions.</p> <p>Matters were not heard within the stipulated time of six months, but all parties were heard irrespective of gender.</p>	<p>The sum of two hundred and eighteen million nairas has been recommended by the panel as compensation to 42 victims of police brutality.</p>
Ondo	<p>The eight-member panel received a total of seventy-seven petitions.</p> <p>The panel heard matters before them within the stipulated time of six months without gender bias.</p> <p>Parties were present at the sittings for evidence.</p> <p>Recommendations have been transmitted for implementation.</p>	<p>The total sum of seven hundred and fifty-five million nairas was recommended by the panel as compensation to victims. Besides from the monetary compensation, the panel recommended the publication of apologies in national dailies, particularly where the reputation of victims had been tarnished, and also urged for the review of Section 84 of the Sheriffs and Civil Process Act (2004) to enable judgment</p>

		creditors to enjoy the fruit of their litigations.
Osun	<p>The twelve-member panel received thirty-four petitions. Twenty-three were heard while eleven were struck out for want of diligent prosecutions.</p> <p>Matters before the panel were heard expeditiously and without bias for gender.</p> <p>Security operatives who were indicted during the sittings honoured the panel's summons.</p>	Recommendations have been transmitted for implementation.
Oyo	<p>The eleven-member panel received a total of one hundred and sixty-three petitions.</p> <p>All matters were heard outside the stipulated time of six months.</p> <p>The police were not present during the sittings and recommendations have been transmitted for implementation.</p>	
Plateau	<p>The eight-member panel received over fifty petitions.</p> <p>Time was not in total observation, as sittings exceeded the stipulated time of six months.</p>	Recommendations have been transmitted to the state for implementation, as a total of one hundred and fifty million nairas was the recommendation for victims.

	<p>All matters were heard irrespective of gender.</p> <p>Parties to the petitions who were at one time or the other summoned for evidence were present.</p>	
Rivers	<p>The nine-member panel received 190 petitions, struck out 82 for lack of due diligence or jurisdiction, and heard 108. All matters were given equal attention and heard without bias for gender.</p> <p>The panel heard matters before them within the stipulated time of six months.</p>	<p>Recommendations have long been made to the state and victims await implementation.</p>
Taraba	<p>The ten-member panel received a total of thirty-four petitions. Six were withdrawn while twenty-eight were heard.</p> <p>The panel heard all matters within the stipulated time of six months.</p> <p>While the cases were against security operatives such as; Nigeria Police Force; Nigeria Security and Civil Defence Corps (NSCDC); and Nigerian Army, only Nigeria Security and Civil Defence Corps (NSCDC) appeared at the panel</p>	<p>At the end of the panel's sittings, the panel awarded a total of N509 million to 42 victims of police brutality.</p> <p>Recommendations have long been transmitted for implementation.</p>

	when they were summoned.	
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By November 15, 2020, it was reported that thirteen states had received a total of five hundred and eighty-five (585) petitions.

The above table shows that most state panels are yet to conclude proceedings. However, it is important to note that almost all the states have transmitted their recommendations to the government and petitioners awaiting payment on damages.

At the time of conducting this assessment, records/statistics showed that 350 petitions had been concluded at the judicial panels of inquiry and largely satisfactorily for the petitioners.

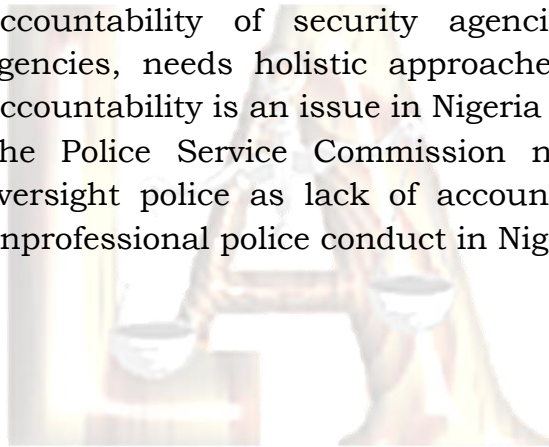
Judges complained of the Nigeria Army's refusal to submit to their authority by refusing to attend hearings or comply with warrants, arguing that they can only submit to military courts. The Police, on the other hand, would transfer officers to other locations, stalling trials, where issues are massively unfavourable to them. The Tribunal was also not equipped with forensic experts to help in evidence evaluation. The industrial action by judiciary staff in Nigeria that lasted almost three months also stalled hearings in most states using judiciary premises. While the tribunal awarded damages, the government is yet to pay damages save for Lagos state.



RECOMMENDATIONS

We recommend the following:

- Regular follow-ups with key stakeholders to ensure that key actions such as compensations due to victims are carried out.
- Accountability of security agencies, including synergy amongst agencies, needs holistic approaches and not one-off interventions. Accountability is an issue in Nigeria
- The Police Service Commission needs the capacity to effectively oversight police as lack of accountability is a huge motivation for unprofessional police conduct in Nigeria.



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