

Weekly Updates on the #EndSARS Judicial Panels of Inquiry – No. 20



1st - 30th April 2021

April 2021 marked 6 months since the National Economic Council (NEC) directed the establishment of Judicial Panels of Inquiry across Nigeria to investigate complaints of police brutality and extra-judicial killings. The Panels were in response to the #EndSARS Protests across Nigeria and the diaspora in October 2020. The NEC had further directed that the Panel's assignment should be concluded within a maximum of six (6) months unless it shows convincing reasons why the governor should allow an extension.

On Tuesday, 30th March 2021, the Governor of Lagos State, Babajide Sanwo-Olu, extended the tenure of the state's Judicial Panel on Restitution for Victims of the Defunct Special Anti-Robbery Squad (SARS), Related Abuses and Other Matters for another three months. The extension increases the lifetime of the Panel till 19th July, instead of the initial deadline of 19th April in its Terms of Reference.

By the end of April 2021, Panels had been established across twenty-nine (29) states and the FCT. **Borno, Jigawa, Kano, Kebbi, Sokoto, Yobe, and Zamfara** States have consistently refused to constitute Judicial Panels of Inquiry.

The Judiciary Staff Union of Nigeria (JUSUN), commenced what initially appeared to be an inconsequential strike action on April 6, 2021, to press home their demand for financial independence and autonomy for the judiciary, and indeed, the legislative arms of government across the nation. The JUSUN strike action paralysed judicial activities nationwide including the activities of the Judicial Panels of Inquiry.

Reports from citizen observers deployed across 29 states and the FCT to observe the sittings of the Panels indicate that 10 states, namely – Abia, Bayelsa, Cross-River, Ebonyi, Ekiti, Kaduna, Lagos, Ogun, Oyo, and Taraba, held sittings. Thirteen (13) states have completed their hearings - namely Adamawa, Akwa Ibom, Delta, Edo, Ekiti, Gombe, Imo, Katsina, Kwara, Niger, Ondo, Osun and Rivers. **Only two (2) states, namely Kwara and Niger have submitted and publicly presented the report of the Panel to the state government for implementation of their recommendations.**

Yiaga Africa and EiE Nigeria’s observation of the Panels of Inquiry will continue to provide information to promote transparency and accountability and build citizens' confidence in the process.

Findings from the period under review include:

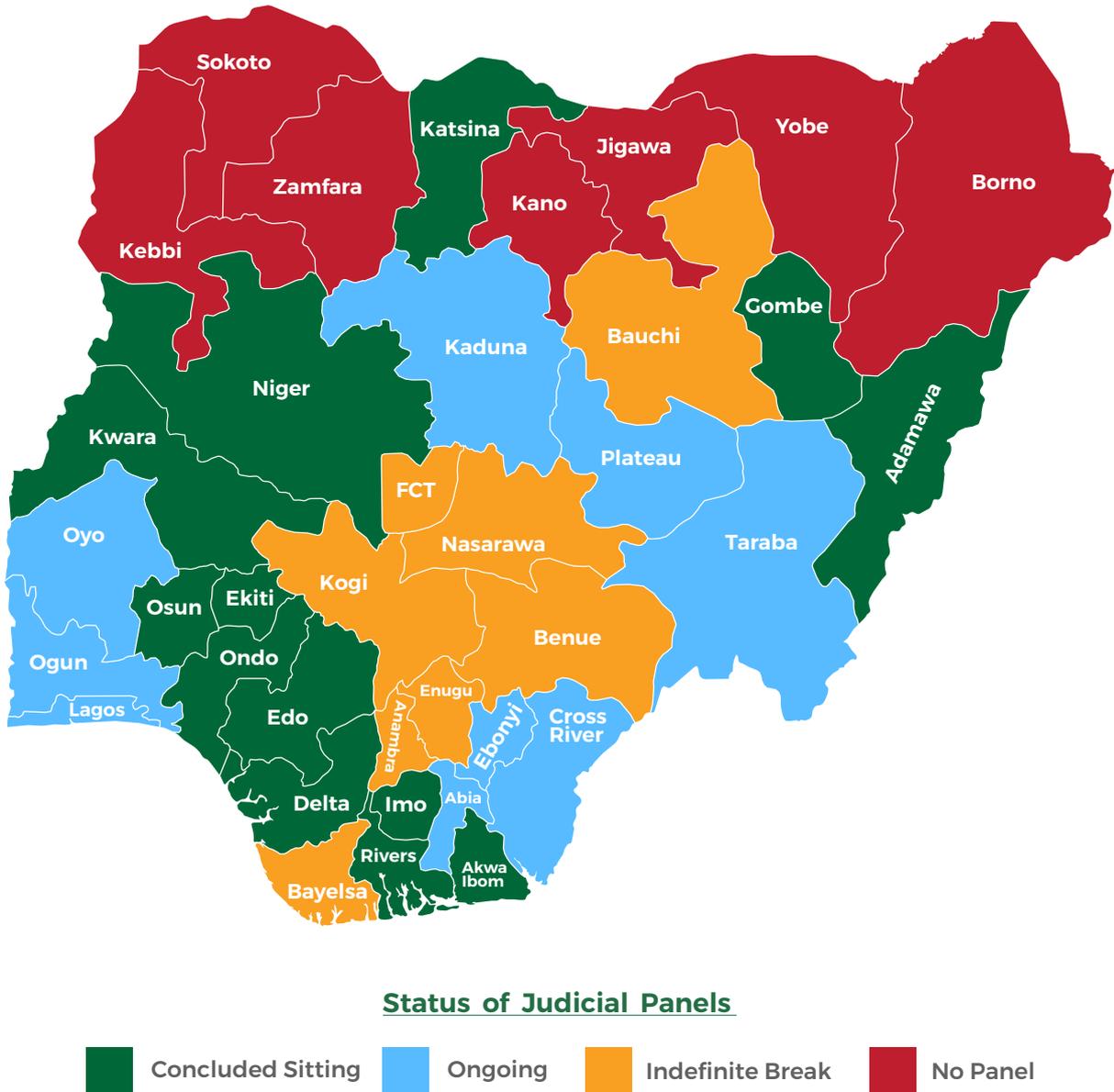
1 Award of Compensation Reflects Partial Implementation of the 5 for 5 Demands of the #EndSARS Movement:

As at April 2021, Yiaga Africa and EiE Nigeria reports show that the Lagos and Ekiti State Judicial Panels of Inquiry have awarded compensations to victims of police brutality. Lagos State has awarded compensation worth N68.25 million, while Ekiti State awarded N21.25 million (the first tranche of N7.44 million was paid in February while the remaining N13.81 million has been approved). The Ondo and FCT Panels have recommended the award of compensation to victims, however, the compensations are yet to be paid. The award of compensations by the Lagos and Ekiti State Judicial Panels of Inquiry to victims of human rights abuses by the disbanded Special Anti-Robbery Squad (SARS) reflect a partial implementation of the demands of the #EndSARS Movement. The full implementation of the demands will promote transparency and accountability and build citizens' confidence in the actions of the government.

2 Conclusion of Panel Sittings/Hearings, End Dates for Submission of Petitions and JUSUN Strike:

Data from state observers show that as at 30 April 2021, thirteen (13) states out of the 29 states and the FCT where the Judicial Panels of Inquiry were established have concluded sitting. These states are namely - Adamawa, Akwa Ibom, Delta, Edo, Ekiti, Gombe, Imo, Katsina, Kwara, Niger, Ondo, Osun and Rivers. In the month under review, 9 states, namely – Abia, Cross-River, Ebonyi, Kaduna, Lagos, Ogun, Oyo, Plateau and Taraba, continued sitting;

while Anambra, Bauchi, Bayelsa, Benue, Enugu, Kogi, Nasarawa and the FCT are on an indefinite break citing non-payment of logistics fees, time to review past cases, and the ongoing strike by JUSUN.



3 Uncertainty over End Dates for Panel Sittings:

In October 2020, following the #EndSARS Protests across Nigeria and the diaspora, the National Economic Council (NEC), directive to establish Judicial Panels of Inquiry states that the Panel’s assignment should be concluded within a maximum of six (6) months unless it shows convincing reasons why the state governor should allow an extension. The JUSUN strike action which was embarked on in April 2021 has paralysed judicial activities nationwide including the activities of the Judicial Panels of Inquiry. This has created a situation of uncertainty over the end dates for the Panels’ sittings.

Yiaga Africa and EiE Nigeria note and recommend the following:

1. Lack of Public Access to Final Reports, Hindering Implementation of Recommendations:

Only two (2) states, namely Kwara and Niger have submitted and publicly presented the report of the Panel to the state government for implementation of their recommendations. However, none of the Reports are publicly accessible and this situation prevents citizens from engaging with relevant stakeholders towards the implementation of the recommendations of the Panels. Our findings indicate that eleven (11) states, namely Adamawa, Akwa Ibom, Delta, Edo, Ekiti, Gombe, Imo, Katsina, Ondo, Osun and Rivers have failed to submit/present their reports and recommendations to the various state governments for implementation. For instance, states like Katsina and Adamawa are among the first states to conclude hearings, however 4 months after the conclusion of the hearings, they have failed to publicly present their reports as well as make it publicly accessible. This sets a negative example, and subsequent states who have concluded their hearings might have followed their example.

2. Establishment of the Victims Support Fund:

The National Economic Council (NEC) decided that all state governors should set up a Victims' Fund to facilitate the payment of monetary compensation to survivors of police brutality. However, there is no evidence to suggest that a Victims' Fund has been opened by the governors. Yiaga Africa and EiE Nigeria recommend the full implementation of the demands of the #EndSARS Movement and the establishment of the Victims Support Fund as the final recommendations in the reports of the Judicial Panels of Inquiry.

3. Demand for Financial Independence and Autonomy for the Judiciary:

Yiaga Africa and EiE Nigeria note that the strike by the Judiciary Staff Union of Nigeria (JUSUN) has led to disruptions in the timeline for completion of the assignment of various Panels of Inquiry. The demand for financial independence and autonomy for the judiciary will strengthen the work of the Panels and the full implementation of their recommendations. In the six months since the establishment of the Panels, victims of police brutality who have submitted, presented and have had their petitions heard by the Panels, will be expecting a ruling on their case and award of compensations. The disruptions caused by the Judiciary Staff Union of Nigeria (JUSUN) has adversely affected the sittings of the Panels. Yiaga Africa and EiE Nigeria further recommend a suspension of the strike to allow courts and Panels to deliver justice on pending/outstanding cases and hearings.

Signed

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