

RULES OF PROCEEDINGS

**THE LAGOS STATE JUDICIAL PANEL ON
RESTITUTION FOR VICTIMS OF SARS RELATED
ABUSES & OTHER MATTERS**

OF

THE LAGOS STATE JUDICIAL PANEL OF INQUIRY ON RESTITUTION AND COMPENSATION OF VICTIMS OF SARS RELATED ABUSES AND OTHER RELATED MATTERS 2020

ISSUED PURSUANT TO THE TRIBUNALS OF INQUIRY LAW, LAWS OF LAGOS STATE CAP T7, LAWS OF LAGOS STATE

RULES OF PROCEEDINGS OF THE LAGOS STATE JUDICIAL PANEL OF INQUIRY ON RESTITUTION AND COMPENSATION OF VICTIMS OF SARS ABUSES AND OTHER RELATED MATTERS 2020

These Rules are made pursuant to Section 4 of the Tribunals of Inquiry Law, Chapter T7 Laws of Lagos State.

These Rules may be cited as Rules of Proceedings of the Lagos State Judicial Panel of Inquiry on Restitution and Compensation of Victims of SARS Related Abuses and Other Related Matters 2020

RULE 1

THE LAGOS STATE JUDICIAL PANEL ON RESTITUTION FOR VICTIMS OF SARS RELATED ABUSES & OTHER MATTERS

GENERAL PROVISIONS

1 GRIEVANCE (COMPLAINTS) :-

Persons who may lodge grievances or complaints before the Panel:

- a. A victim of SARS and other Police abuse within Lagos State
- b. A family member(s) of a victim(s) of SARS and other Police abuse within Lagos State where the victim is dead, incapacitated by injury of body or mind, outside the jurisdiction of Lagos State or is otherwise unable to appear in person to present his or her grievance or complaint in person.
- c. An agent, lawyer, or other representative of a victim or family member of a victim of SARS and other Police abuse within Lagos who shall show apparent authority, either written or otherwise recorded by audio or video giving him or her the authority to act on behalf of such victim or the family of such victim.
- d. The Nigerian Bar Association or any such public interest group or body.

2 The Panel shall have a record of all grievances and complaints.

RULE 2

1 FORM OF COMPLAINTS

- a. Written
 - b. Electronic
 - c. Documentary
 - d. A combination of any two or more of a written, documentary, electronic or oral complaint.
2. In the case of written evidence the person submitting the grievance or complaint of a victim/family of the victim of a SARS related abuse must sign off, validating the truthfulness and accuracy of the contents of the documents.

3 MODE OF COMPLAINTS

Complaints may be presented:

- a. in person at the sitting venue of the Panel at the Lagos Court of Arbitration, 1a Remi Oluwude Street, 2nd Roundabout, Lekki-Epe Expressway, Okunde Bluewater Scheme, Lekki Peninsula Phase 1, Lagos or any other venue which that the Panel may from time to time determine.
 - b. by submission through the Panel's official email : judicialpanelonsars@lagosstate.gov.ng or,
 - c. by phone calls to the designated help lines: 09010513203; 09010513204; 09010513205.
4. Every complaint shall be assigned a number in order of their being recorded in the Panel record of complaint.
5. The record of complaint shall be in a single sequence and shall include all complaints regardless of the mode in which the complaint is lodged and the time at which it is received.

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RULE 3

(A) WITNESSES AND EVIDENCE

1. Every victim or family member(s) of a victim or such other complainant shall be entitled to call witness(es) to substantiate and or corroborate their complaint/cases.
2. The Panel may summon any person in Nigeria to attend any hearing of the Panel to give evidence or produce any document or other thing in the person's possession.

- 3 The Panel may procure all such evidence, written or oral, and summon all such persons as witnesses as it may think necessary or desirable to procure or examine such evidence.
- 4 The Panel shall require a person who gives evidence to do so on oath either in oral or documented form as is required of a witness testifying before a magistrates court.
- 5 It shall be sufficient for a person providing oral evidence before the Panel to be led by a designated registrar to swear or affirm before the Panel tribunal in English Language either as his or her first language or second language where the use of an interpreter is employed because the witness does not speak or understand English.

(B) EVIDENCE OF ILLITERATE VICTIMS/FAMILY OF VICTIMS/COMPLAINANTS

- 1 The Panel shall be responsible for providing a record in English Language of events or facts through its designated secretary and official recorder as stated by any victim/family or other representative of a victim who is illiterate or writes in any language other than English Language.
- 2 Such record where taken by the Panel shall be reduced to a written or an audio recording in English Language.
- 3 The person providing the evidence shall be made to swear to it in form of an oath by a person designated by the Panel.
- 4 The Panel shall have the right to appoint any person, whether or not such person is in the government service, to act as interpreter in any matter brought before it and to translate any books, papers or writings produced to it .
- 5 All interpreters appointed by the Panel shall be required to swear to an oath or make an affirmation before the panel as follows:- "I swear/affirm by Almighty God that I will well and faithfully interpret and explain to the Panel and the witnesses all such matters and things as will be required of me to the best of my skill and understanding; and that I will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and, except as authorised by the Panel, will not directly or indirectly reveal the contents of such documents as may be entrusted to me, or the evidence given by the witnesses which may be interpreted by me".
- 6 Where it is reduced to writing, transcripts of the interview shall be prepared and submitted to the interviewed person for comment or revision and thereafter endorsed, or signed or thumb printed for persons who cannot write.

(C) ADMISSION OF EVIDENCE

The Panel shall have the right to admit any evidence, whether written or oral, notwithstanding that such might have been inadmissible in civil or criminal proceedings before a court.

(D) EVIDENCE REQUIRING THE ISSUANCE OF SUMMONS

- 1 Where a complaint mentions a police officer who he alleges has abused him, the officer shall appear before the Panel to respond to the allegations against him or her, answer questions by the Panel and provide any evidence required by the Panel to enable it make a finding and reach a conclusion.
- 2 An officer alleged to have abused citizens shall be entitled to reduce his response to writing and shall endorse, sign or thumbprint such written response.

(E) PROTECTION OF VICTIMS

- 3 Where necessary identities of victims, families of victims or witnesses may be protected by the Panel.
- 4 Any person who threatens, injures or insults any person for being willing to give evidence before the Panel or for having given evidence before the Panel shall be liable to be recommended for prosecution by the Panel in line with Section 9 of the Lagos State Tribunals of Inquiry Law.
- 5 Any person who threatens, injures or insults any person for being willing to give evidence before the Panel or for having given evidence before the Panel or who gives false testimony or a false interpretation as an interpreter shall be liable to be recommended for prosecution by the Panel in line with Section 9 of the Tribunals of Inquiry Law Cap T7 of the Laws of Lagos State.

(F) LOCUS INQUO VISIT

- 1 Where the Panel considers it necessary it shall have the right to enter any land or premise either jointly or through any of its member(s) acting on its behalf or any agent or agents duly authorised in writing by the tribunal, for any purpose of obtaining evidence of information or of inspecting the premises and or taking copies of any documents required by it for the proper execution of its functions, or which in the opinion of the Panel ought to be safeguarded for the purpose of the inquiry.
- 2 The Panel shall have the right to gather and collect any evidence found at the site of such locus either physically or electronically.

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RULE 4

ISSUANCE OF SUMMONS/SUBPOENA/WARRANTS OF ARREST

- 1 Where a complaint mentions a police officer who is a member of SARS the Panel shall through the Chairlady issue a summons to the stated police office through the Commissioner of Police in Lagos State and this shall be valid notice in all circumstances. Such summons shall be by announcing the name of mentioned SARS Police Officer publicly during the hearing and requesting the Commissioner of Police to secure his attendance.
- 2 The Panel shall also summon the head of the relevant SARS Police officer unit of any SARS Police officer complained about.
- 3 The Panel shall through the Chairlady have the power to issue a warrant to compel the attendance of any person who, after having been summoned attend, fails or refuses or neglects to do so and does not excuse such failure or refusal or neglect to the satisfaction of the Panel, and to order payment of all cost which may have been occasioned in compelling the attendance or by reason of the failure or refusal or neglect to obey the summons, and also to fine such person a sum not exceeding five thousand naira N 5000 .00 with such fine being recoverable in the same manner as a fine imposed by a magistrate court. In addition to the preceding paragraphs of this Rule a warrant issued under this sub-paragraph may be in form B to the schedule of the Lagos State Tribunals of Inquiry Law and may be executed by any member of the police force and by any other person authorised by a customary court to effect arrest.
- 4 If the Chairperson of the Panel determines it is expedient, she shall direct the issuance of a written summons on any person concerned.
- 5 Any Police Officer who is summoned shall unless otherwise stated by the Panel be required to appear within twenty four (24) hours of the issuance of the summons.
- 6 For the purpose of reckoning time the time shall run upon the issuance of the summons.
- 7 Where the summoned police officer fails to appear a formal warrant of arrest may be issued against him.
- 8 The absence of a summoned Police officer shall in no way stall the proceedings of the Panel, as proceedings may continue in his or her absence once he fails to appear after a summons and a warrant of arrest. If upon the evidence a case is made out the SARS Police officer will be recommended for prosecution.
- 9 A failure to give or produce evidence before the Panel upon the issuance of a summons or upon such request being made shall be punishable in accordance with Section 10 of the Tribunals of Inquiry Law.

RULE 5

THE LAGOS STATE JUDICIAL PANEL ON RESTITUTION FOR VICTIMS OF BARRI RELATED ABUSES & OTHER MATTERS

PROCEEDINGS OF THE TRIBUNAL

(A) Stages

- a. The first stage of the Panel's inquiry shall be to determine whether there is enough evidence
- b. The second stage of the Panel's inquiry shall be to recommend the payment of compensation to deserving victims or their families when the victims are dead.
- c. The third stage of the Panel's proceedings shall be to pay compensation to deserving victims or their families when the victims are dead.
- d. The fourth and final stage of the Panel's proceedings shall be to recommend for prosecution and other disciplinary action -setting out in liaison with the representative of Ministry of Justice, Lagos State - the charges against police officer against whom a prima facie case of abuses has been established.

(B) VENUE AND PROCEDURE

- 1 The venue of proceedings of the Panel shall save otherwise stated by these Rules or agreed upon by the Panel be held at the Lagos Court of Arbitration, 1a Remi Oluwude Street, 2nd Roundabout, Lekki-Epe Expressway, Okunde Bluewater Scheme, Lekki Peninsula Phase 1, Lagos or at any other venue which the that the Panel may from time to time determine.
- 2 All proceedings of the Tribunal shall be in public and the media shall be entitled to live coverage of the proceedings except where the Chairlady otherwise directs.
- 3 Upon the appearance of Police Officer complained about at the Panel, the Panel shall present the details of the allegation and the evidence upon which the allegation is based; explain to such officer the process to be followed, and; obtain the his or her explanation of the allegation.
- 4 The Panel members shall be entitled to ask the victims/families of victims and their representatives and any other person appearing before it questions for the purpose of determining the truth of every issue raised before it.
- 5 The Panel shall review the written, documentary, electronic and other physical evidence as needed. It shall also request additional evidence as needed to determine whether there is sufficient evidence of Police abuse in all cases.
- 6 The panel shall have the right to act upon any evidence, admitted under Rule 4 whether written, electronic or oral, notwithstanding that such might have been inadmissible in civil or criminal proceedings before a court.

- 7 The panel may where necessary consult with subject matter experts as warranted.
- 8 All hearings of the panel will be completed as quickly as possible, unless circumstances warrant a longer period of time.
- 9 The hearing of each complaint may be adjourned from time to time as the Panel may deem fit or necessary.

(C) CONTEMPT PROCEEDINGS

- 1 Any act of insult, threat or disrespect to any member of the Panel during sitting or in another place in his or her capacity as a member of the panel shall amount to contempt and may be brought before the panel in the manner set out in Section 11(1) (b) of the Tribunals of Inquiry Law.
- 2 Any publication calculated to prejudice any pending complaint before the Panel shall amount to contempt and may be treated by the Panel in the manner provided for under Section 11(3) and (4) of the Tribunals of Inquiry Law.

(D) CONFLICT OF PANEL MEMBERS

Any Member of the Panel who has an interest in any matter coming before the Panel shall fully disclose the nature of his or her interest in the matter after which such Member will recuse his or herself from that particular case.

**THE LAGOS STATE JUDICIAL PANEL ON
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RULE 6

WRITTEN REPORTS

- 1 The Panel Members shall take notes during proceedings with each panel member submitting his or her findings/recommendation on each complaint to the Chairlady.
- 2 Any panel member may choose to concur to a finding and or recommendation of another panel member.
- 3 A final decision on each complaint shall be reached on a majority basis with the Chairperson's vote breaking any tie.
- 4 Upon completion of the hearing of each complaint the panel shall produce a written report that states what evidence was reviewed, summarises relevant interviews, and includes the conclusion and recommendations arising out of its inquiry.
- 5 The report will be sufficiently detailed regarding the reasons for determining that a finding is warranted or not warranted, if such is the case.

RULE 7

CONCLUSION

Any report issued pursuant to Rule 7 above shall:

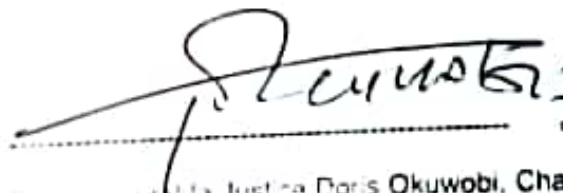
- 1 Recommend and specify the amount of compensation in all cases where a case of SARS Police abuse is deemed to have been established.
- 2 Issue cheques on behalf of the Lagos State Government in line with the amount that is determined to be an adequate compensation.
- 3 Determine the officers which are responsible for the abused victim both individually and or as a part of the hierarchy or chain of command within the commanding police unit.
- 4 Recommend the prosecution of the responsible SARS Police officer(s) and his unit head where a prima facie case of police brutality exists against him or her.
- 5 Recommend the offences for which the officers should be charged.
- 6 Recommend strategies and procedures to checkmate and eliminate ongoing and future cases of Police abuse.
- 7 Recommend strategies and procedures for the Lagos State Command of the Nigerian Police Force to checkmate future incidences of police harassment and brutality.
- 8 Recommend other appropriate restitution for victims and families of victims.

RULE 8

MISCELLANEOUS

In the event that the subject matter of this inquiry is expanded or otherwise extended and or the jurisdiction of the panel is expanded, these rules shall apply.

**THE LAGOS STATE JUDICIAL PANEL ON
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26/10/2020

Issued under the hand of Justice Doris Okuwobi, Chairperson, Lagos State
Judicial Panel of Inquiry and Compensation of Victims of SARS Abuses and
Other Related Matters 2.