

# **LAGOS STATE JUDICIAL PANEL OF INQUIRY ON RESTITUTION FOR VICTIMS OF SARS RELATED ABUSES AND OTHER MATTERS**



**REPORT OF LEKKI INCIDENT INVESTIGATION OF  
20TH OCTOBER 2020.**

“Between the agitation and the state’s political cum belligerent reaction to lawful dissent, there is a space and in that space is our power to choose to engage responsibly in the spirit of unity, equity and fairness towards winning the peace.”

## PREFACE

Following the incidents of Police brutality which resulted in the #EndSARS Protest, the Powers conferred on the Governor of Lagos State, Mr. Babajide Olusola Sanwo-Olu (Mr. Governor) by Section 1 of the Tribunal of Inquiry Law, Cap T7, Laws of Lagos State, 2015, Mr. Governor constituted The Judicial Panel of Inquiry and Restitution for Victims of SARS related Abuses in Lagos State and appointed **The Honourable Justice Doris Okuwobi**, a Retired Judge of the Lagos State High Court as Chairperson of the Panel. Other members of the Panel were:

- Ebun-Olu Adegboruwa, SAN (Representative of the Civil Society)
- Rtd. D.I.G. Frederick Taiwo Lakanu
- Patience Patrick Udoh (Representative Civil Society)
- Mr. 'Segun Awosanya (Human Rights Activist)
- Mrs. Oluwatoyin Odusanya (Director, Citizens' Rights)
- Mr. Lucas Koyejo, Esq. (National Human Rights Commission)
- Majekodunmi, Temitope Oluwaseun (Youth Representative Nominated by the Youth)
- Mr. Babajide Boye (Secretary)

The above members of the Panel were sworn in on the 19<sup>th</sup> October, 2020 and the Panel was given the following Terms of Reference:

1. To identify victims of abuse, brutality and extra judicial killings in the hands of Officers of the disbanded SARS and Officers of the Nigeria Police Force;
2. To carry out investigative duties in respect of Petitions/Memoranda received on Police brutality and extra judicial killings in Lagos State;
3. To evaluate evidence and draw conclusions on the validity of such Petitions/Memoranda received;
4. To determine and recommend compensation for verifiable/deserving victims and their dependents; and
5. To interrogate serving or dismissed Officers of the disbanded SARS and Officers of the Nigeria Police Force, responsible for the abuse of victims and recommend their prosecution

Subsequent to the incident which occurred at the Lekki Toll Gate on the 20<sup>th</sup> of October, 2020 Mr. Governor **expanded the Terms of Reference** of the Panel as follows:

*“The Panel shall ensure speedy inquiry/restitution on SARS activities and Extra-Judicial killings of innocent citizens by the dissolved SARS with a view of delivering justice for the Victims as well as compensate their families/dependents.”*

In particular it shall –

- (1) Receive memoranda from concerned members of the public and inquire into case of abuses, brutality, torture, extra-judicial killings by the disbanded SARS in Lagos State;
- (2) Identify the victims of brutality, torture and extra-judicial killings by the disbanded SARS;
- (3) Identify Officers of SARS involved in the abuse of rights of citizens and make appropriate recommendations for prosecution of such Officers;
- (4) Evaluate the cases of the victims; determine those deserving compensation as a result of such violations by Officers of the disbanded SARS and recommend compensations payable to them from the Victims Trust Fund established by the Governor;
- (5) To investigate the incident at the Lekki Toll Gate on 20<sup>th</sup> October, 2020 and make necessary findings and recommendations;
- (6) Examine any other matters incidental to any of the terms of reference stated above; and
- (7) Make necessary recommendation(s) to guide against future abuse of human rights by the Nigeria Police in Lagos State.”

### **Tenure of the Panel**

By the Instrument of Appointment the Panel was given six months to discharge its duties which date commenced from 19<sup>th</sup> October, 2020. However, by the Approval dated 26<sup>th</sup> day of March, 2021 the tenure of the Panel was further extended by another three (3) months to enable the Panel conclude all Petitions before it by July 19<sup>th</sup>, 2021.

## **The Inaugural Public Sitting**

Upon the swearing in of the Panel members on 19<sup>th</sup> October, 2020 the Panel moved to the Lagos State Waterways Authority (LASWA) Yard, located at Five Cowrie Terminal, (Under bridge) Falomo Roundabout, Ikoyi, Lagos (initial sitting venue). The Chairperson addressed the Public and invited them to submit Petitions for consideration by the Panel. At the sitting, the Honourable Attorney-General Lagos State also introduced Mr. Jonathan Ogunsanya, Esq. as Counsel to the Panel.

Subsequent sittings of the Panel from the 26<sup>th</sup> of October, 2021 however took place at the Lagos Court of Arbitration located at 1A, Remi Olowude Street, 2nd Roundabout, Lekki-Epe Expressway, Okunde Bluewater Scheme, Lekki Peninsula, Phase 1, Lagos.

## **TERMS OF REFERENCE**

*The Panel shall ensure speedy inquiry/ restitution on SARS activities and Extra-Judicial killings of innocent citizens by the dissolved SARS with a view to delivering justice for the Victims as well as compensate their families/dependents.*

IN particular it shall –

1. Receive memoranda from concerned members of the public and inquire into case of abuses, brutality, torture, extra - judicial killings by the disbanded SARS in Lagos State;
2. Identify the victims of brutality, torture and extra-judicial killings by the disbanded SARS;
3. Identify Officers of SARS involved in the abuse of rights of citizens and make appropriate recommendations for prosecution of such Officers;
4. Evaluate the cases of the victims; determine those deserving compensation as a result of such violations by Officers of the disbanded SARS and recommend compensations payable to them from the Victims Trust Fund established by the Governor;
5. To investigate the incident at the Lekki Toll- Gate on 20th October, 2020 and make necessary findings and recommendations.
6. Examine any other matters incidental to any of the terms of reference stated above; and
7. Make necessary recommendation(s) to guide against future abuse of human rights by the Nigeria Police in Lagos State.

AND I further direct that the Chairman and members of the Panel constituted under this instrument shall remain in Office for a period of six (6) months commencing from the date of appointment and this period may be extended at the discretion of the Governor in writing.

DATED THIS 24<sup>TH</sup> DAY OF OCTOBER, 2020

**MR. BABAJIDE OLUSOLA SANWO-OLU**  
GOVERNOR OF LAGOS STATE

# FOREWORD

BY THE

**HONORABLE CHAIRPERSON of The Lagos Judicial Panel of Inquiry**

There was a social unrest and mass protest against police brutality in the country calling for disbanding of the Special Anti-Robbery Squad (SARS), a notorious unit of the police force with a long record of abuses, corruption, unlawful arrest, detention and extrajudicial killings.

Arising from the foregoing, mass demonstrations which occurred throughout Nigeria and accompanied by vociferous outrage on social media platforms.

It was against this background that the EndSARS protest started between the 8<sup>th</sup> of October – 20<sup>th</sup> October 2020 in different states of the federation. The Lagos protest took a different dimension with the military deployed to the Lekki Toll Gate, the epicenter of the protest in Lagos, on the 20<sup>th</sup> October 2020.

In a bid to look into the malaise, the National Economic Council directed all states to setup the Judicial Panels of Inquiry and the Lagos Panel was inaugurated on the 19<sup>th</sup> October, 2020 for restitution for victims of SARS related abuses and other matters.

Lekki Incident of 20<sup>th</sup> October, 2020 was made an additional term of reference for this panel. This report is a product of extensive evidence taken at the public hearings with key stakeholders and pertinent role players appearing at the hearings.

There can be no single report which can fully resolve the issues between the government and the youth. I am certain that this report will add to the inventory of solutions that can assist the nation in overcoming the widespread agitations of the citizens against the police force.

The report is commended to all with the hope that history will be kind to Panel members when many of the recommendations are implemented.

**Honourable Justice Doris Okuwobi (Rtd)**  
**CHAIRPERSON**  
**THE LAGOS JUDICIAL PANEL OF INQUIRY**

**MEMBERS OF THE LAGOS JUDICIAL PANEL OF INQUIRY  
ON RESTITUTION FOR VICTIMS OF SARS RELATED  
ABUSES AND OTHER MATTERS.**

- |   |             |
|---|-------------|
| 1. HONOURABLE JUSTICE DORIS OKUWOBI (RTD) | CHAIRPERSON |
| 2. MR. EBUN-OLU ADEGBORUWA, SAN           | MEMBER      |
| 3. DIG. FREDRICK TAIWO LAKANU (RTD)       | MEMBER      |
| 4. MS. PATIENCE PATRICK UDOH              | MEMBER      |
| 5. MR. 'SEGUN AWOSANYA                    | MEMBER      |
| 6. MRS. OLUWATOYIN ODUSANYA               | MEMBER      |
| 7. MR. LUCAS KOYEJO                       | MEMBER      |
| 8. MR. MAJEKODUNMI, TEMITOPE OLUWASEUN    | MEMBER      |

MR BABAJIDE T. BOYE  
MR. JONATHAN OGUNSANYA

*Panel Secretary*  
*Counsel to the Panel*

## ACKNOWLEDGEMENTS

With gratitude to God Almighty, the Chairman: **Hon. Justice Doris Tomilayo Okuwobi** and members of the Lagos State Judicial Panel of Inquiry on Restitution for Victims of SARS Related Abuses and Other Matters would like to thank the Federal Government in general and the Lagos State Government in particular for setting up this Panel and providing the necessary logistics, the office of the Honorable Attorney General of Lagos State for valuing the independence of the Panel, and the consistent support of the Ministry of Justice to the Panel.

The Panel acknowledges the hardworking and invaluable contributions of the following members of its Secretariat Mrs. Abimbola Abolade, Miss Daisy Ossai, Mr. Taiwo Taiwo (Legal Counsel), Miss Zurat Mohammed- Bello (Verbatim Reporter), Mr. Moshood Shittu (Registrar), Mr. Damilola Isaacs (Media).

We thank all participants in the investigation of the Panel starting with the President of the Nigerian Bar Association and members for their active and diligent participation in the process.

We specially thank all the Senior Advocates of Nigeria, senior lawyers and all legal practitioners that represented the several petitioners for their dedication and commitment.

Sincere appreciation goes to the EndSARS protesters who appeared before the Panel, either as Petitioners or as Witnesses for their invaluable contribution that made the Panel's investigation easier and especially to Lawyers, who represented the Nigeria Police Force for their diligence in responding to the several petitions and throwing light on some of the issues.

We wish to also thank the different Stakeholders including the experts and medical practitioners that actively participated in the investigation of the Panel in enabling us unravel through scientific means, what actually happened in the individual petitions and on the 20th October 2020, especially staff of the following organizations: Reddington Hospital, Vedic Life Healthcare, Grandville Trauma Centre, Victoria Island Consultancy, General Hospital Marina and medical Services Hospitals, LASUTH, Doreen Hospital among others.

This acknowledgment will be incomplete without appreciation to the members of the fourth estate of the realm; the Press, whose discipline, passion and professionalism during the process of investigation contributed to the success achieved by the Panel.

**Thank You All**

## TABLE OF CONTENTS

PREFACE .....	3-5
FOREWORD BY THE HONORABLE JUSTICE DORIS T. OKUWOBI (RTD).....	7
ACKNOWLEDGEMENTS.....	9
TABLE OF CONTENTS .....	10
EXECUTIVE SUMMARY.....	11
BACKGROUND .....	12
PROCEEDINGS.....	13 - 263
FINDINGS .....	264 - 286
COMPENDIUM OF RECOMMENDATIONS .....	287 - 290
CONCLUSION .....	290

## EXECUTIVE SUMMARY

The **#EndSARS #ReformPoliceNG** Advocacy upon which the protesters premised their **#EndSARS** demonstration of discontent/Protest on, has been the most prominent advocacy in Nigeria and a major rallying point, convergence and common ground for the national Police brutality imbroglio since 2016.

This is one of the reasons why the advocacy was surgically curated and the youth protest that followed built on that protocol in an orderly, organized and transparent fashion, reinforcing the specific objective of shutting down the culture of impunity (**#EndSARS**) —through the disbandment of the poster child of impunity within the police structure (i.e. SARS and all Tactical Squads of the Police formation) and the End Goal of the holistic reformation of the Nigeria Police Force--**#ReformPoliceNG**.

However, the dearth of proper public orientation and sensitization by the Federal Government about the progress made over the years on the trajectory of reformation of the Nigeria Police Force, given the years of advocacy and dialogues cum the persistence of outrageous and gross violation of human rights (torture, extra judicial killings, extortion, robbery, unlawful arrest and detention among others) with impunity, being perpetrated by the Nigeria Police, forced the youth to express their constitutionally protected Rights and Freedom of Expression and Assembly to demonstrate their discontent from the 8<sup>th</sup> - 20<sup>th</sup> October, 2020.

From the 8th of October 2020, the protest under hashtag **#ENDSARS** started in Lagos and grew into large movement at various locations in Lagos and across the country principally targeted towards drawing attention to the ubiquitous incidents of Police brutality (Culture of Impunity) and poor working conditions of Police officers.

One of the demands from the protesters was the setting up of Judicial Panels of Inquiry to investigate cases of Police brutality. Lagos State Government obliged this request on the 15th of October, 2020 and set up the Lagos State Judicial Panel of Inquiry Into Victims of Police Brutality and other Related Matters, which was inaugurated on the 19th of October 2020.

Its main Terms of Reference was to look into cases of Police brutality and other related matters and award compensation to successful petitions. The members were Honourable Justice Doris Okuwobi, Chairperson, Ebun-Olu Adegboruwa SAN, representing Civil Society, Retired Deputy Inspector General of Police, Frederick Taiwo Lakanu, Ms. Patience Patrick Udoh representing Civil Society, Mr. Segun Awosanya, Human Rights Activist, Mrs. Oluwatoyin Odusanya, Director of Citizens' Rights, Ministry of Justice, Mr Lucas Koyejo Esq. representative of the National Human Rights Commission, and Mr. Majekodunmi Temitope Oluwaseun, Youth Representative.

The Panel shall ensure speedy inquiry/restitution on SARS activities and Extra-Judicial killings of innocent citizens by the dissolved SARS with a view to delivering justice for the Victims as well as compensate their families/dependents.

*IN particular it shall –*

- 1. Receive memoranda from concerned members of the public and inquire into cases of abuse, brutality, torture, extra - judicial killings by the disbanded SARS in Lagos State;*
- 2. Identify the victims of brutality, torture and extra-judicial killings by the disbanded SARS;*
- 3. Identify Officers of SARS involved in the abuse of rights of citizens and make appropriate recommendations for prosecution of such Officers;*
- 4. Evaluate the cases of the victims; determine those deserving compensation as a result of such violations by Officers of the disbanded SARS and recommend compensations payable to them from the Victims Trust Fund established by the Governor;*
- 5. To investigate the incident at the Lekki Toll- Gate on 20th October, 2020 and make necessary findings and recommendations.*
- 6. Examine any other matters incidental to any of the terms of reference stated above; and*
- 7. Make necessary recommendation(s) to guide against future abuse of human rights by the Nigeria Police in Lagos State.*

*AND the Governor further directed that the Chairman and members of the Panel constituted under this instrument shall remain in Office for a period of six (6) months commencing from the date of appointment and this period may be extended at the discretion of the Governor in writing.*

*Following the Panel's inauguration, on the 20th of October 2020 there were allegations that the officers of the Nigerian Army and the Nigerian Police Force had gone to the Lekki Toll Gate, Lagos State, the epicenter of the #ENDSARS protests and shot at peaceful protesters.*

*Following this, the Lagos State Government expanded the Terms of Reference of the Panel to include an investigation into what became known as the Lekki Toll Gate ( LTG) Incident. The composition of members facilitated a comprehensive and cohesive approach to the investigative work of the Judicial Panel of Inquiry.*

*The Panel began its investigation into the Lekki Toll Gate Incident of 20<sup>th</sup> October, 2020, by issuing Summons to parties it considered pertinent to its finding and investigations as follows: The Lekki Concession Company (LCC), operators of the Lekki Toll Gate, Nigerian Army (NA); The Hierarchy of Lagos State Police Command and later also to the Divisional Police Officer (DPO), Maroko Police Division, the Lagos State Government, various hospitals, who were said to have attended to victims of the Lekki Toll Gate Incident, Operators of Advertising Billboards at the Lekki Toll Gate, and News outlets who carried investigative journalism on the incident.*

*The response to the Summons was hugely positive, as over 80% of those summoned honored the invitations, and gave evidence before the Panel, which assisted it greatly in unravelling the events of the 20th October 2020. The protesters on their own attended the Panel's proceedings and presented evidence of what happened at the Lekki Toll Gate on the 20th of October, 2020.*

*On the part of the ENDSARS Protesters the Panel specifically considered the evidence of persons, who alleged that they were victims with injuries or death of their loved ones, which occurred during the Lekki Toll Gate Incident and the testimonies of those who were present and traumatized. Some gave accounts of what happened even though they had no physical injuries.*

*The evidence considered in this regard usually represented similar versions of the Lekki Toll Gate Incident as corroborated by other protesters, who were treated as Petitioners with Petitions arising from the Toll Gate Incident. Virtually all witnesses were cross examined by counsel to parties with opposing versions of Lekki Toll Gate Incident. Sequel to the above the Panel reached its findings and prepared its reports despite the evidence of the Nigerian Army, that was limited, as most of the officers who were summoned and who filed affidavits never appeared before the Panel).*

*At the conclusion of evidence of all relevant parties, key issues which called for determination and upon which the findings of the Panel were based are summarized as follows:*

- Whether the Nigerian Army used live bullets on unarmed and defenseless protesters at the Lekki Toll Gate on 20th October 2020?*
- Whether the live bullets resulted in injuries or casualties on the part of the protesters?*
- Whether the Police was at the Toll Gate on the night of the 20th of October 2020 and the morning of the 21st of October 2020 and whether they shot at unarmed and defenseless protesters?*
- Whether the LCC played any role in the events of the night of the 20th of October 2020?*
- Whether the Lagos State played any role in the Lekki Toll Gate Incident of the 20th of October 2020.*

*The Panel thus made the following key findings :*

- 1. That the Nigerian Army was invited for intervention in the State and was deployed to Lekki Toll Gate on the 20th of October 2020. At the Lekki Toll Gate, officers of the Nigerian Army shot, injured and killed unarmed helpless and defenseless protesters, without provocation or justification, while they were waving the Nigerian Flag and singing the National Anthem and the manner of assault and killing could in context be described as a massacre. The Panel also found that the conduct of the Nigerian Army was exacerbated by its refusal to allow ambulances render medical assistance*

to victims who required such assistance. The Army was also found not to have adhered to its own Rules of Engagement.

2. The Panel found that the Nigerian Police Force deployed its officers to the Lekki Toll Gate on the night of the 20th October, 2020 and between that night and the morning of the 21st of October, 2020, its officer shot at, assaulted and battered unarmed protesters, which led to injuries and deaths. The police officers also tried to cover up their actions by picking up bullets.
3. The panel found that LCC hampered the panel's investigation by refusing to turn over some useful and vital information/evidence as requested by the Panel and the Forensic Expert engaged by the panel, even where such information and evidence was by the company's admission, available. It manipulated the incomplete CCTV Video footage of the Lekki Toll Gate on the night of the 20th of October 2020, which it tendered before the Panel.
4. The Panel found that there was an invitation of the Nigerian Army to Lagos State made by the Lagos State Government through the Governor before the hierarchy of the Nigerian Army deployed its soldiers to the Lekki Toll Gate on the night of the 20th of October.
5. The Panel found that there was an attempt to cover up the Incident of the 20th of October by the cleaning of the Lekki Toll Gate and the failure to preserve the scene ahead of potential investigations.

Upon the above key findings amongst others, the Panel made a total of 32 Recommendations, which included but not limited to:

- Holistic Police Reforms covering welfare, training and proper equipping of Policemen and their working environment;
- Sanctioning of the officers of the Nigerian Army and the Nigerian Police Force respectively who participated in shooting, injuring and killing of unarmed protestors at the Lekki Toll Gate on the 20 and 21st of October 2020;
- Development of more robust engagement between the Youth and the Government;
- Setting up of a Standing Committee/Tribunal to deal with cases of Violation of Human Rights by security agencies and a trust fund to settle compensation awarded by such committee/tribunal;
- A public apology to ENDSARS protesters who were killed, injured and traumatized by the Incident of the 20th of October 2020;
- The memorialization of the Lekki Toll Gate and the 20th of October going forward.

- *The recognition of Hospitals and Medical Doctors who played heroic roles following the Incident of the Lekki Toll Gate on the 20th of October 2020 thereby saving lives and minimizing the impact of the injuries suffered by the victims, most of which were on a pro-bono basis;*
- *The Panel recommended various sums of compensation to victims of the Lekki Toll Gate Incident, which must be expeditious in order to accelerate the healing process.*
- *The Panel recommended that any data that may have been generated over the years on the impunity of the Police across Nigeria be studied and deployed as early warning signs (EWS) mechanism.*

*The Panel recognizes that it had the cooperation of most stakeholders save for the Nigerian Army and some others who ignored summons issued by the Panel. The Panel accordingly notes the cooperation of stakeholders through their respective Counsel, such Counsel included, members of the Nigerian Bar Association, Counsel to the various groups of ENDSARS Protesters, Counsel to Lagos State Government, and Counsel to the Nigeria Police Force.*

*The Panel is grateful to the experts, who honored its various summons to attend proceedings and provide the panel with vital information and evidence. The contributions of the aforementioned aided tremendously the investigative work of the Panel.*

*The greatest limitation of the Panel was time as the Panel had to undertake its investigation into the Lekki Toll Gate Incident alongside other petitions in respect of Police brutality related matters. Following this limitation the panel was unable to determine all Petitions arising from the Lekki Toll Gate Incident and accordingly urges that those petitions be heard and determined by the standing committee/tribunal on Human Rights recommended by it.*

*The Panel thanks the Lagos State Government for giving it the opportunity to serve, providing the resources and allowing it to conduct its investigations and arrive at its findings independently and with integrity.*

*The Panel believes that with the implementation of the recommendations, the LEKKI TOLL GATE INCIDENT OF 20TH OCTOBER 2020 will never happen again, lessons will be learnt on all sides and there will be healing in the great state of Lagos State.*

## **BACKGROUND**

The **#EndSARS #ReformPoliceNG** Advocacy upon which the protesters premised their **#EndSARS** demonstration of discontent (Protest) on, has been the most prominent advocacy in Nigeria and a major rallying point, convergence and common ground for the national police brutality imbroglio since 2016.

This is one of the reasons why the advocacy was surgically curated and the youth protest that followed built on that protocol in an orderly, organized and transparent fashion, reinforcing the specific objective of shutting down the culture of impunity (**#EndSARS**) —through the disbandment of the poster child of impunity within the police structure (i.e. SARS and all tactical squads of the Police formation) and the End Goal of the holistic reformation of the Nigeria Police Force--**#ReformPoliceNG**.

However, the dearth of proper public orientation and sensitization by the Federal Government about the progress made over the years on the trajectory of reformation of the Nigeria Police Force, given the years of advocacy and dialogues cum the persistence of outrageous and gross violation of human rights (torture, extra judicial killings, extortion, robbery, unlawful arrest and detention among others) with impunity, being perpetrated by the Nigeria Police, forced the youth to express their constitutionally protected rights and freedom of expression and assembly to demonstrate their discontent from the 8<sup>th</sup> - 20<sup>th</sup> October, 2020.

## PROCEEDINGS

### LEKKI TOLL- GATE INCIDENT/ INQUIRY INTO THE #EndSARS PROTEST.

#### Introduction

The Panel officially began its inquiry into the incident of 20th October, 2020 by issuing Summons' to Officers of the Nigerian Army, the Lekki Concession Company, Officials of the Lagos State Government the Lagos State Commissioner of Police and various entities.

#### Summons' Issued

The following Summons' issued by the Panel are as follows:

S/N	Parties	Date Issued	Date Received	Status
1.	Lt. Colonel S.O Bello	<ul style="list-style-type: none"> <li>• 28<sup>th</sup> October, 2020</li> <li>• Re-issued 27<sup>th</sup> November, 2020</li> </ul>	<ul style="list-style-type: none"> <li>• 31<sup>st</sup> October, 2020</li> <li>• 30<sup>th</sup> November, 2020</li> </ul>	Did not Appear
2.	Major General Godwin Umelo	<ul style="list-style-type: none"> <li>• 28<sup>th</sup> October, 2020</li> <li>• Re-issued 27<sup>th</sup> November, 2020</li> <li>• 15<sup>th</sup> December, 2020 to be served c/o his Counsel.</li> </ul>	<ul style="list-style-type: none"> <li>• 31<sup>st</sup> October, 2020</li> <li>• 30<sup>th</sup> November, 2020</li> <li>• Served</li> </ul>	Did not Appear
3.	Brigadier General Francis Ogbaje Omata	15 <sup>th</sup> December, 2020 to be served c/o his Counsel.	• Served	Did not Appear
4.	Commissioner of Police, Lagos State	28 <sup>th</sup> October, 2020	31 <sup>st</sup> October, 2020	Appeared
5.	Mr Hakeem Muri Okunola (Head of	28 <sup>th</sup> October, 2020	2 <sup>nd</sup> November, 2020	Appeared

	Service to Lagos State Government)			
6.	Stephanie Busari & Team (CNN)	28 <sup>th</sup> November, 2020	2 <sup>nd</sup> December, 2020	Did not Appear
7.	Mr. Yomi Omomuwasan, Managing Director, Lekki Concession Company.	28 <sup>th</sup> of October, 2020	Delivered via electronic means by Mr.s. Odusanya.	Witness appeared on 3 <sup>rd</sup> , 6 <sup>th</sup> , 21 <sup>st</sup> , 27 <sup>th</sup> November, 2020 respectively.
8.	Reddington Hospital, Victoria Island.	<ul style="list-style-type: none"> <li>4<sup>th</sup> December, 2020</li> <li>Re-issued 15<sup>th</sup> December, 2020</li> </ul>	<ul style="list-style-type: none"> <li>11<sup>th</sup> December, 2020</li> <li>18<sup>th</sup> December, 2020</li> </ul>	Mr.. Oladipo appeared on the 5 <sup>th</sup> of January, 2020 to tender Medical Reports.
9.	Loatsad Promedia	8 <sup>th</sup> December, 2020	11 <sup>th</sup> December, 2020	Appeared
10.	Prof (Dr) John Oladapo Obafunwa		4 <sup>th</sup> May 2021, 2021	Appeared

### Visit to Locus in Quo

The proceedings of the 30<sup>th</sup> of October, 2020 commenced with the business of the day being a visit to the locus in quo of the shootings of #EndSARS protesters, which was the Lekki-Admiralty Toll Plaza (Sand-Fill), Lagos. The inspection was conducted by the distinguished members of the panel and at the site Mr. Yomi Omomuwasan, the MD of LCC received and guided the delegation round the site. At the site of the incident, two (2) empty shells suspected to be spent bullets were recovered by the Panel and damages to the facility observed.

Subsequent to its visit to the locus in quo, the Panel sought to take the evidence of the Managing Director of Lekki Concession Company ('LCC') Mr. Yomi Omomuwasan, who appeared in the company of the Head of the Legal Department, Mr. Gbolahan Agboluwaje pursuant to a summons dated the 28<sup>th</sup> of October, 2020.

After being sworn on the Bible, Mr. Omomuwasan informed the Panel that although the LCC was ready to show the footage of the alleged shootings of the #EndSARS protesters, which occurred at the toll gate of the Admiralty Circle Plaza, Lekki, there was a need to seek for an adjournment in order for the Counsel of the LCC to be present. The Chairperson granted the request while noting that it was the right of every witness called to have a Counsel of his choice.

On the same day the Panel also made an unscheduled visit to the Military Hospital, Falomo, Lagos with the aim of viewing its morgue, and recovering evidence that could assist the Panel.

Although the Panel was initially denied access, but they were taken to a building which was said to be the military hospital as well as a detached building at the back of the hospital eventually granted entry. According to the military authorities, the hospital and morgue had been under renovation since October 2019 and had not been in use since then.

### **SUMMARY OF THE PROCEEDINGS IN RESPECT OF THE LEKKI TOLL-GATE INCIDENT ON THE 14<sup>TH</sup> OF NOVEMBER, 2020.**

#### **Evidence of the Nigerian Army In Respect of the Lekki Toll-Gate Incident of 20<sup>th</sup> October, 2020.**

The lead Counsel for Nigerian Army, Mr. A. T. Kehinde, SAN on the 6<sup>th</sup> of November, 2020 filed the following documents as its official responses to the Summons issued on the Nigerian Army to writ:

- a) The Witness Statement deposed to by Brigadier General Ahmed Ibrahim Taiwo, the commander of 81 Military Intelligence Brigade, Victoria Island, Lagos;
- b) The Witness Statement deposed to by Brigadier General Nsikak John Edet, the Chief of Staff, , 81 Division, Nigerian Army, Victoria Island, Lagos;
- c) The Witness Statement deposed to by Brigadier General Francis Ogbaje Omata, Commander 81 Division Garrison, Victoria Island, Lagos;
- d) The Witness Statement deposed to by Brigadier General Musa Awwal Etsu-Ndangi, the Commander 9 Brigade, Ikeja, Lagos State;

- e) The Witness Statement deposed to by Lieutenant Colonel Salisu Ovada Bello, Commanding Officer, 65 Battalion, Bonny Camp, Victoria Island, Lagos.

## **Appearances**

The following appearances were entered in respect of the Nigerian Army summons:

- A.T. Kehinde SAN, with Samuel Agbe, Biola Oyebanji, Col. Michael Ebe Enang (Rtd) and Major E. O. Elicheoya for the Nigerian Army.
- A.J. Owonikoko SAN, with I. J. Okechukwu, Yetunde Olabode and Joshua Tony Esq. for Lagos State Government.
- Rotimi Seriki with Akin Elegbede Esq. for Lekki Concession.
- Adeshina Ademola Ogunlana with Ayo Ademiluyi Esq. for the following ENDSARS Protesters, Victoria Oniru, Dabira Ayuku, Olugbe Ofoluafe, Samuel Isa, James Akhigbe, Nicholas Anthony Okpe, Patrick Ukala and Damilola Adedayo.
- Adeyinka Olumide-Fusika SAN, with Inibehe Effiong and Onaolapo Obilade Esq. for the following victims of the Lekki Toll gate incident: Raimi Olumide, Solomon Samuel, Olamilekan Sanusi, Ayodeji Beckley, Samuel Asala, Agbese Isiwu and Onileowo Legend.

## **SUMMARY OF THE EVIDENCE OF BRIGADIER GENERAL A.I. TAIWO, COMMANDER, 81 MILITARY INTELLIGENCE BRIGADE, NIGERIAN ARMY, VICTORIA ISLAND.**

### **Background to the Involvement of the Nigerian Army**

Brigadier General A.I. Taiwo's presentation was done by way of an oral presentation, whilst using slides, videos, images and other materials, which he warned were very gruesome and graphic. He condemned the fact that the Lagos crisis was reduced to the occurrence at the Lekki Toll Gate, and that little mention, if any at all is made of the wanton loss of lives (especially that of police Officers), massive destruction of infrastructure and properties prior to and after that incident as well as the misinformation against the Nigerian Army. He then noted that world over; it is the

task of the Armed Forces to intervene when a situation overcomes the Police and other paramilitary services.

He noted that in Nigeria, Section 217(2) (C) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) mandates the Armed Forces to suppress civil insurrection and protect the territorial integrity of the Nation from internal and external aggression. He further noted that throughout the #EndSARS protest which started in early October, the Nigerian Army neither involved itself nor intervened until Lagos State had descended into a state of lawlessness, anarchy, violence and the events that finally culminated in the 20th October incident at the Lekki Toll- gate when it was called out.

The witness reminisced that the state of affairs in Lagos were reminiscent of the Liberian civil war. Further, he also stated that Lagos State lost major expressways such as the Apapa-Oshodi express way, Ikorodu Road. In addition, hoodlums had begun extorting money from innocent Nigerians, damaging properties, looting, raping and killing, all in the name of #EndSARS protest. He further stated that it was a fact that once a peaceful protest had gone past 2-3 days, hoodlums were waiting to hijack the genuine protest in order to cause mayhem. He noted that the case in Lagos was no different.

The witness noted that this state of affairs continued up to the 19<sup>th</sup> of October, 2020 when he got caught up in one of such mobs. Further, that the people whom he met at Apogbon, Marina, Ijora, Apapa, were not the genuine #EndSARS protesters, but criminals who were hiding under the auspices of #EndSARS to perpetrate these crimes. Things took a turn for the worse on the 20<sup>th</sup> of October 2020, when the hoodlums began burning Police stations (such as Orile Police Station,), stealing ammunitions from the Police stations, killing and lynching Policemen in the most gruesome manner as well as the practice of cannibalism on their corpses. The witness noted that it was this state of affairs that made the Lagos State Governor, Mr. Babajide Sanwo-Olu rightly request for the intervention of the Army by 12 noon, on the 20<sup>th</sup> of October, 2020 because the Police had been overrun and were also fighting for their lives.

Further to the above, the Governor declared a curfew starting from 12noon. However, the timing was unilaterally adjusted to commence at 2100 hours (9pm) without the Army being informed. Despite this, the Army deployed immediately to forestall further violence and loss of lives throughout Lagos State, upon receipt of the signal to activate phase 4 of Internal Security (IS). Phase 4 is the immediate deployment of soldiers outside the barracks to intervene. Troops were deployed from all Barracks in Lagos State in order to restore order and return normalcy to the State.

- **Testimony On Rules of Engagement Employed by the Army**

The witness emphasized that the troops strictly followed the Rules of Engagement for Internal Security and proceeded to examine said Rules of Internal Engagement for Operation MESA and other Internal Security Operations, which they could be called for. He also noted that all Officers and Commanders are mandated to observe these Rules of Engagement. The situation in Lagos was brought under control through the use of non-kinetic means, which are mandated and contained in the rules of engagement. Non-kinetic means are those means short of violence to resolve a situation while kinetic means is the use of violence to resolve a situation. Some of these rules include, but are not limited to:

- The principle of minimum force and proportionality;
- Use of personal contact and negotiation;
- use of lethal force as a means of last resort, where other means to control the situation had failed; in the case of unexpected attack and in the case of suspected improvised explosive device (I.E.D.) attacks during, which a delay could lead to loss of lives or serious injury to personnel;
- Any force applied must be limited in intensity and duration;
- Any force applied must also be commensurate with the level of threat posed;
- Force shall only be used when absolutely necessary to achieve an immediate aim;
- The decision to open fire shall be made only on orders and under the control of the on-scene Commander;
- Where there is insufficient time to obtain such order, fire can however be open if the life of the soldier, life of any law abiding member of the public and/or property of which is our duty to protect is in grave danger;
- After firing has ceased, medical assistance must be rendered;
- Details of incidents, both in writing and on audio-visual equipment on whether or not there were casualties must be recorded.

- **Testimony On Conduct of Troops at the Lekki Toll-Gate on 20<sup>th</sup> October, 2020**

In relation to the Lekki Toll-gate issue, the witness noted that troops were deployed from the 65 Battalion acting under 81 Division Garrison who formed a mobile team to patrol up to Epe, Ibeju Lekki, Sango-tedo and Badore and other areas. He also noted that when the troops got to the Toll gate, the Police were already trying to

deter people who wanted to burn the Oriental Hotel, and that the Commander on ground met genuine #EndSARS protesters and some hoodlums. While playing a video, the witness noted that some protesters (whom he later referred to as hoodlums) wearing light colored clothes came to challenge the soldiers and started pelting them with stones and bottles, which he further noted were the muzzle flashes which were being seen.

Witness emphasized that the troops fired in the air and only fired blank ammunition to disperse the crowd because the Commander on the ground made the determination, despite the provocation from these hoodlums. Witness further noted that if the troops had fired live bullets at the said hoodlums, genuine protesters might have suffered collateral damage. He also made it a point to inform the Panel that it was impossible for protesters to continue dancing if the troops had fired live rounds at the protesters. The witness further stated that at this time, the genuine #EndSARS protesters had sat on the floor and after a while the soldiers were able to push them after the Toll Gate. Further, that the troops gave the protesters water and drinks and urged them to leave.

The witness emphasized that he monitored the internet that night. He noted that after the soldiers had left, the hoodlums returned and burnt the Toll-gate, which constituted a part of the wider damage. He also noted that later that night at about 9:43pm, one of the twitter handles of #EndSARS protesters released a picture of alleged live bullets used at the peaceful protest at the Lekki toll gate. He requested members of the Panel and the public to observe the said cartridge, noting that it was a blank bullet. For the benefit of everyone, the witness showed the public a picture of an expended (blank) ammunition on the screen of the projector, while noting that it only contained gun powder which makes just noise and produced the flashes the public saw during the incident of the 20<sup>th</sup> October, 2020. He explained it was an unexpended round of 7.62mm round blank.

The witness went on to explain that a live round when fired, has a muscle velocity of 700meters per second and is effective up to 600meters. This means that when the rifle was fired, it was capable of killing someone up to 600m away depending on the skill of the person firing. Further, with such heavy muscle velocity, the damage would be unimaginable if it was shot at someone who was 10meters away, given the compact crowd at the toll gate, the rifle when fired would have killed up to three (3) people. Where the bullet hits the victim on the head, brain matter would be deposited on the ground as the entry hole is thin while the exit is wide. Where it hits a person in the chest or bowels, the intestine comes out. Based on his years of experience in the Nigerian Army, he concluded that he was an expert in ammunition. In the case of blank ammunitions, the velocity gets slower and slower and does no damage to flesh anywhere further than a couple of feet. Going further he stated that

the person would have nothing to fear, except the rifle is put against the eye and fired. Even where the rifle with blank ammunition is put against the skin and fired, one will only have a burn mark to show for it.

The witness noted that throughout the night of 20<sup>th</sup>/21<sup>st</sup> of October, 2020 Lagos state, especially the Island up to Sangotedo to Ibeju-Lekki was on fire and this state of affairs were replicated everywhere. Businesses such as The Clarit Place, a multibillion naira investment was looted, destroyed and burnt.

He also noted that because the 81 Division was short of troops, the Chief of Army staff, Brigadier General Buratai gave an extraordinary order that all Army schools should be shut down and everybody should be brought into the operations. He personally briefed those troops who comprised of men and women, who were due to graduate on the 21<sup>st</sup> of October, 2020. However, eight (8) of them missed their weddings because they had been deployed.

He further noted that he reminded them of the Rules of Engagement, admonished them and reminded them of the Chief of Army Staff's special directive that they were not to molest civilians, especially women and children. They were also told that they were only to open fire on the command of the Commander on ground or in the event that their lives or innocent lives of civilians are being threatened. He also noted that the troops were able to rescue the Oba of Lagos and his family members out of his palace on the 21<sup>st</sup> of October after some hoodlums had invaded it. Not only was the mace stolen, the palace was also looted and burnt while the Armored Personnel Carrier (APC) of the Police which is usually deployed when there is a riot was also burnt.

- **Testimony on Aftermath of the Protests and the conduct of the Army**

The Lagos Business District (Marina) Area such as Cash 'n' Carry and the Nigerian Ports Authority were also looted. Vehicles were set ablaze and burnt, while offices were ransacked and vandalized. The witness also alleged that the hoodlums attempted to invade the government house, Marina but were repelled by Armed troops. In addition, he also alleged that there was an attempted jailbreaks at the Ikoyi Correctional Centre, which was also simultaneously carried out with that at Kirikiri Correctional Centre. Further, that the inmates set their accommodation ablaze and hoped to escape in the ensuing confusion. However, the 81 division supported the Correctional Services and Police who were there to contain the outbreak in both places. Additionally, the Lagos State High Court, Igbosere, was also looted, vandalized and then burned to the ground.

The witness also noted that businesses such as Shoprite and SPAR Lekki, were also looted and vandalized. In addition, women, men, children and even mothers were enabling and leading their children to loot the said businesses. Circle Mall, Lekki was also set on fire. All the looters arrested were taken to 65 Battalion Military Base, Lagos.

The witness also noted that an audio message which was purportedly from one Nnamdi Kanu, the leader of the proscribed Indigenous People of Biafra claiming the Igbos were responsible for the mayhem in Lagos was untrue, because his assessment revealed that most of those businesses were owned by Igbo people such as Okey Ndibe, Simon Miyesi, Azubuike.

The witness further revealed that one of the thieves arrested was a man who had looted items required for a house. The said man had stolen items such as doors and air conditioners, and that by the time the troops went to arrest him, he had already installed them. Further, that many looters who were not arrested within the premises of these businesses were arrested with looted items on the road. It was a free-for-all.

#### • **Testimony On The Stabilization Efforts of the Army in Lagos State**

The State had entered the stabilization phase with the efforts of the Army when the Lagos State government unilaterally shifted the curfew to 6 O'clock initially and then subsequently to 10pm. On both occasions, the Army was not informed or carried along. The troops recovered a lot of looted items which were handed over to their owners on provision of receipt or proof of ownership. Other items recovered from looters, as well as the looters themselves were handed over to the Police for prosecution.

He asserted that had the curfew not been lifted by the state government, the Army would have recovered a 100 times the looted items than they did. He further noted that Jakande, Alpha Beach, Sango-tedo and other areas within Lekki were awashed with looted items. At Shoprite, Sango-tedo three (3) Nigerian citizens were arrested there. The suspects were fed three times daily with what the soldiers were being fed and also hydrated with minerals and water.

He noted that the most targeted places were financial institutions. A bank in Ijora was vandalized, same as their vehicles and an ATM. The hoodlums attempted to break into the vault of the ATM with a cutting machine. Because the vault was about 20mm, it would have taken them a better part of maybe a night or so to cut it. The hoodlums tried to penetrate it from the side and the top with no luck. This caused them to come with the cutting machine, when they managed to cut this iron, they met concrete inside, causing them to give up. Vehicles were also vandalized in the bank. Many of

them had their brain boxes removed three (3) boys were arrested within the premises of Zentih Bank, Ajah. He noted that the suspect in the middle, known as Gift GodSent was one of those who burnt the Ajah Police station in which a Policeman died. The suspect had selfies of him carrying out the act on his phone.

He noted that the Army was able to help banks evacuate about 2 billion naira after 2 days as many of those vaults had been damaged, while the hoodlums moved the another ATM to another location entirely. This, he opined would have taken considerable effort to do. In another instance, a foreign national, a Ghanaian, who had been stabbed and robbed, was treated by soldiers who also bought him a new shirt, gave him a haircut and returned him to his consulate in Ikeja.

With respect to the aftermath of the crisis, the witness stated that the troops managed to arrest these robbers with weapons stolen from the Police armory, which is responsible for a high level of insecurity along Ajah, Badore, Sango-tedo axis. He alleged the hoodlums made deliberate attempts to get rid of the Police in that area so they could operate freely. He further stated that at Badore, a bullion van or armored truck carrying money was attacked. He noted that this modus operandi was unusual of robbers in Lagos State, unlike other states where they used dynamites and other means. In the aftermath of that incident, a motorcycle rider (okada man) lost his life.

With respect to cult fights, he apologized beforehand for some of the very graphic and gruesome images. He noted that the cult fights were a fight for supremacy. Consequently, needless violence was employed in the fight for supremacy. In the course of which, innocent citizens were killed and lynched. He further noted that the Jakande area, just opposite Shoprite is a slum and a haven for cultists. The troops were able to save not less than 6 people from being lynched. In about a week, from Monday to Wednesday, not less than 12 people had been killed from reports reaching the Army.

- **Testimony On The Panel's visit to the Military Hospital, Falomo, Lagos.**

With respect to the visit of the Panel to the Military Hospital, Lagos, he stated that he got to know about the efforts of the Panel in trying to gain entrance to the facility while he was watching the television. He however noted that a military barrack is a restricted area anywhere in the world, even so-called free countries. He further noted that a person could not just waltz in to a Barracks. This he also noted was what accounted for the thirty minutes delay, as entry was only granted when the General Officer Commanding ordered him to quickly reach the hospital in order for them to grant the Panel access and also inform the Panel that there are procedures to such visits. He further noted that when he was informed by A member of the Panel that

the Panel was there based on intelligence received that the hospital's mortuary had some corpses that were deposited from the incident at Lekki Tollgate.

He however asserted that the information was false. He noted the Military Hospital, Falomo, Lagos had been under repairs for over a year, due to the deteriorating state of the equipment and the facilities generally. He further noted that it was this state of affairs that led the Chief of Army staff to decide that the facility had to be renovated, he referred to "reference" hospitals built in Abakaliki and Maiduguri while about 44-68 Reference Hospitals are being renovated. The witness also explained that the decorative renovations of Military Hospital, Falomo, Lagos at the time of the Panel's visit, were only about 75% complete. Further, that the Officer Commanding/Commandant's office had been relocated into the Officer's mess (structure beside the mosque) while all doctors and nurses, except the Matron and a few others, had been posted to other units since the previous year to work.

- **Testimony On Misinformation levied against the Nigerian Army**

The witness decried the amount of misinformation that was made against the Nigerian Army. He noted that everything done by the Army in fulfillment of its constitutional mandate was always criticized. Even where facts beyond refute are produced by the Army is still believed to be lying. He gave the example of a Yoruba woman (Mrs. Aisha Muhammed) whom he personally arrested at Circle Mall, Lekki that claimed to have been detained without being given food while the Officer released two other Hausa women that were arrested along with her because they were Hausa. He queried the facts as presented by the woman to the press because he noted that he, a Yoruba man arrested her, while the other Officer with him was Yoruba and the Military Police investigating was from the South-South.

The witness also made reference to a BBC report where the reporter who claimed that she was there at the scene stated that the troops were shooting in the air, and that the casualties she saw had been overcome by shock. He however noted that the narrative was not thrilling in the public space because it did not fit the narrative of what some members of the public wanted to hear. Consequently, they insisted that images had been photo-shopped and manipulated. However, this was only a ploy by propagators of false news on social media, such as Nnamdi Kanu seeking to drive a wedge between the Army and the citizens of Nigeria. He noted that while such things may appear insignificant, they actually mean a lot and it is these tactics such people use to sow confusion.

He further noted that some impostors presented as soldiers in order to carry out atrocities. This led to the nabbing and parade of fake soldiers by the 81 Division during the COVID-19 period. They were being arrested at the rate of 25 persons per

day. Additionally, he insisted that the image of the Nigerian flag being erroneously used to illustrate the Lekki toll-gate incident and passed off as victims of October 20th, 2020 was not from the Lekki toll-gate incident, and it was imported from ICINigeria.org during a 2018 play themed 'Blood on the Flag Challenge' by the Nigerian Christian Corper's Fellowship. Further, that although his group had refuted it, it wasn't believed and is still being passed on as one of the images from the Lekki incident.

He also gave another example of a lady who was reportedly killed along with two other friends at the Lekki Toll Gate by soldiers. However, the Army had discovered that the lady, known as Lucy Adu truly attended the protest at the Lekki toll plaza. While, it was unclear the exact day she attended the protest, various accounts purportedly originating from a statement by Lucy's friend reveal that Lucy had reportedly boarded a commercial motorcycle along with other passengers. This motorcycle ran into a commercial truck, resulting in three fatalities seen in the video. This information was disseminated through the twitter handle of IK Osakioduwa, a celebrity.

A tweet by way of a clip showing an anonymous soldier purportedly shooting with what appeared to be a tank mounted 50-calibre machine gun also went viral. This video suggested that the soldier was a member of the Nigerian Army, who was shooting at peaceful and unharmed protesters at the Lekki TollGate. The witness debunked this misinformation by stating that a 50-calibre weapon is an anti-aircraft weapon used to bring aircrafts down. He asserted that it was unimaginable for such a weapon to be fired directly. He confirmed that from investigations, the video was doctored. That, although the audio seemed to have been taken from the actual Lekki toll shooting incident where soldiers were actually seen shooting in the air with what seemed to be AK-47s apparently to intimidate protesters, note our words, who kept shouting '#EndSARS'. However, the video footage of a soldier allegedly shooting with high caliber machine gun was presumably from a fire fight with insurgents in the North Eastern part of Nigeria.

The witness also gave the example of a rumored death of a certain Youth Service Corps member. He noted that viral reports/images had it that a young corps member (Steve Abbey) was shot in the stomach at the Lekki protest ground on the 20<sup>th</sup>, amid claims that he died during the shoot-out with his last words being 'Peace and Unity'. However, the rumor was debunked with the person in question coming forward to clarify that the photograph in question was taken during a stage play earlier in the year through his twitter page.

Also allegedly rumored was the death of one Oke Obi, who was said to have been hit in the neck by a stray bullet and later died from his wounds because the ambulance sent to help him was prevented from giving medical aid by the Nigerian Army. The

witness however noted that this story had been refuted by Oke's brother who noted that Oke was stabbed by hoodlums who broke into their home at Makinde Police Barracks, Mafoluku Oshodi, Lagos. He was later pronounced dead at the hospital where he was taken to by his mother and brother.

The witness also intimated that the rumored death of one Iraoya Godwin by a gunshot wound to his stomach during the protest on the mainland. However the alleged deceased person's friend, one Fajensimi took to his twitter page to inform people that Godwin was very much alive. Further, a video was recorded at Godwin's residence to show that he was life.

Lastly, the witness denied the allegation by a Nigerian, one Catherine Umeh, (a.k.a. DJ Switch) that the Nigerian Army was looking for her, in view of her involvement in the incident of the 20<sup>th</sup> of October, 2020 at the Lekki, Toll-Gate, Lagos. He noted that he had personally met not less than eight (8) people who attended the #EndSARS protest at Lekki on their own terms. He also noted that he had met doctors who were at the protests and that they allegedly observed that the injuries were not consistent with gunshot injuries.

- Testimony On Number People Allegedly Killed During the Protests

The witness queried the various figures that were being bandied about as the figure of the number of people, who were killed during the Lekki incident on 20<sup>th</sup> October, 2020. He noted that from various accounts, the number ranged from 15, to 35 and as high as 78 individuals who were reportedly shot dead. He noted that after a considerable detailed search of hospitals and mortuaries in the State, Governor Jide Sanwo-Olu confirmed that only one life was confirmed lost in connection to the Lekki incident. He further noted that according to staff of Reddington Hospital, the death of the unnamed individual was caused by blunt force trauma, which occurred on Admiralty Road, Lekki. In addition, another body with a gunshot wound was deposited in a mortuary in Yaba and investigation was still ongoing to see if this is occurred during the Lekki incident.

The witness indicated the displeasure of the Nigerian Army about two things:

- i. The denial of the Governor of Lagos State, Mr. Babajide Sanwo-Olu that didn't request for the intervention of the Army, when in actual fact; he called the Chief of Army Staff as well as the G.O.C. 81 Division and asked for intervention because the Police had been overwhelmed. However, the Commander, 9 Brigade could not intervene because the proper procedure was not followed, the Governor was asked to call the Chief of Army Staff and the G.O.C. as the G.O.C. was on

assignment in Abuja at the time. He also noted that it was the reasonable and proper action to take, given the circumstance.

- ii. The second issue was when the Governor said two (2) people died. While the Army agreed that one person died at Admiralty Road (which is about 3km from the Lekki Toll-Gate) due to blunt force trauma, however, the second person who died, and whose corpse was taken to the mortuary in Yaba by the police allegedly had a run-in with the Police, taking into consideration the distance between Lekki to Yaba, and reports of sporadic firing in Yaba.

### **Conclusion of Examination-in-Chief**

The witness criticized the extent to which unscrupulous people were willing to go to cast the Nigerian Army in bad light even when it was performing its constitutional duties. He noted that generally, the Nigerian Army and especially Brigadier General Tukur Yusuf Buratai, had given some special directives in the conduct of all Army operations. He mentioned that indiscipline was frowned at. Investigations involving indiscipline by a soldier was investigated immediately by the military Police and sometimes intelligence handled it. Within hours, the Officer is disciplined and in some cases dismissed. However, unlike the great wave the allegations are given when reported, the eventual resolution of the incident/report is never given such wide publicity.

The witness also reiterated that the Chief of Army staff specifically stated that no soldier should molest civilians or defaulters will be severely sanctioned and that this directive was still being carried out till that day. Most importantly, women and children were to be protected at all cost. While 'femicide' was frowned at, infrastructure and businesses were to be protected against arson and looting. He further noted that it was unfortunate that the Army found itself in a situation where people whom they were sworn to protect saw them as enemies. The witness opined that most of the perceptions/mindset/opinion by members of the public towards the Nigerian Army was as a result of ignorance on the Army's set up and operations. He emphatically stated that the Nigerian Army would never turn against the citizens of Nigeria and will always do its best to protect the integrity of the country against external aggression as well as civil insurrection.

### **Exhibits Tendered**

- One (1) blank expended ammunition, one (1) blank unexpended ammunition, one (1) live expended ammunition and one (1) live unexpended ammunition were treated as evidence together and marked Exhibit A.

- An unmarked flash drive was admitted and marked Exhibit B.
- Lagos State Government's Press release of 20<sup>th</sup> October, 2020 under the hand of Gboyega Akosile, Chief Press Officer, on "the imposition of 24-hours curfew as violence creeps into #EndSARS protest in Lagos State" was admitted and marked Exhibit C.
- Rejected Judgment (tendered at cross examination) of the Federal High Court with Suit No: FHC/L/CS/1939/2019 delivered by Justice R. M. Aikawa marked and admitted as Rejected Exhibit 1.

### **Cross Examination of Brig. Gen. A.I. Taiwo by Mr. Owonikoko, SAN**

Mr Owonikoko, SAN referred the witness to Section 5(2) of the 1999 Constitution which defines the power of the State and what it could not do to overreach the federal authority. In response the witness agreed that by the power of the State could not impede or prejudice the exercise of power in Mr President the commander-in-chief and as such, when it came to the role of the Armed Forces, the Governor of the State could not veto or depart from the directives of Mr. President or persons representing Mr. President.

Mr. Owonikoko, SAN then referred the witness to Section 218 (1) of the 1999 Constitution ( CFRN 1999 as Amended) which was in relation to the command and operational use of the Armed Forces which provides:

"The power of the President as the Commander in Chief of the Armed Forces of the Federation shall include power to determine the operational use of the Armed Forces of the federation."

He then asked the witness to confirm whether the ultimate commander of the Armed Forces was Mr. President, to which he responded YES and explained further that all Officers serving either above or below the rank of the witness took final orders from Mr. President.

The witness further explained that there is a body known as the State Security Council in every state of the Federation, which interfaced with the State on security. He further confirmed that the Council consisted of a representative of the Nigerian Army in a State, The Nigerian Navy, The Nigerian Air force, The Director of SSS, The Commissioner of Police and The Attorney General as members while Mr.. Governor

presides over that Council. The witness stated that he was not privy to the meeting of the Council which held on the 19<sup>th</sup> of October, 2020. The witness then confirmed that he knew Brigadier General Musa Etsu Ndangi who was the Commander of 9 Brigade as well as a member of the Lagos State Security Council.

The witness noted that he was unaware that the state security council had determined that circumstances warranted that a curfew be declared given the state of security as at the 19<sup>th</sup> of October, 2020. He however agreed that he was aware of circumstances that led the State Government to declare a curfew on the 20<sup>th</sup> October 2020. When asked to itemize four (4) or five (5) Intel that convinced the witness that the declaration of a curfew on the 20<sup>th</sup> was necessary, he listed the following:

- i. The occupation of many highways by hoodlums who were committing unspeakable crimes;
- ii. The looting of businesses especially on the Mainland, Lagos;
- iii. The looting, destruction, burning of Police Stations such as the Orile, Ajeromi and Ojo Police Stations; and
- iv. The carting away of arms and ammunition.

The witness stated that as of the 20<sup>th</sup> of October 2020, there was an active situation in which policemen who were on and off duty were being maimed and killed, at Apple Junction, Festac, Lagos. Although the witness noted that as at the 20<sup>th</sup> of October, the Lekki toll-gate did not experience incidents he previously mentioned. However, he received information that there was an attempt to vandalize Oriental Hotel which is adjacent to the Lekki Toll-gate. He further noted that based on intelligence, the Lekki Toll-Gate was not a place of interest in terms of traffic, however, it was a thoroughfare for the troops. That, that was the only way they could go and deploy at the Epe, Ibeju-Lekki and Sango-tedo axis of Lagos state.

In addition, the witness confirmed that prior to the #EndSARS protests the Lagos State had declared other curfews in the State, in 2020. He also noted that during the pandemic, Lagos State Government had first declared a curfew in the State before the President's own declaration of a nationwide curfew followed, which would override that which was declared by any other person, as it was part of the Management Protocol for the COVID-19 pandemic. The witness further stated that in terms of operational command in Lagos, Major General Godwin Umelo was the highest military Officer and that the Governor of Lagos State had no powers or right to direct any Army Officer or men because he was not a Commander or senior Officer in the Army.

The witness however denied that the Chief of Army Staff gave the GOC 81 Division the signal for the military to enforce the curfew. He clarified that the signal was given to restore normalcy, law and order. The witness also clarified that Lieutenant Colonel Bello was the Commander of 65 Battalion and a member of the 81 Division, Bonny Camp Formation and that he was taking his orders from him. He further noted that the Bonny Camp formation is made up of many formations called Headquarters and the Battalion. In addition, the Army unit who were on their way to the Victoria Island/Epe axis to restore normalcy was led by Lieutenant Colonel Bello.

The witness disagreed that the original #EndSARS protesters who engaged in valid, lawful protests to effect some type of positive response from government and whose demands Mr. President acceded to were not hoodlums at the time, until these things got out of hand. He based this assertion on the fact that when the looting and mayhem started, it was done in the name of #EndSARS. That the Women, men and children who were looting, carrying bags of looted items on their heads were shouting '#EndSARS'. He further noted that there was no way to differentiate them from the original protesters, and they did not have uniforms. The witness however agreed that to the best of his knowledge, the 5 for 5 demands/concessions made by the #EndSARS protesters, whom the government recognized had not been reversed as at that day and they still stood as accepted demands.

The witness confirmed that the demands of some of the members of the #EndSARS movement were taken to Mr. President in Abuja by Mr. Governor. He also agreed that his assertion where he stated that any protest which exceeded three (3) days in Nigeria was bound to be hijacked by hoodlums was not a theory per se, as it was tested in Nigeria. He noted that he was speaking from experience of what occurred back in the 80's and 90's during protests. However, he agreed that in Hong Kong protests lasting over 8months defeat the 3 day theory.

In respect of the deployment of troops during operations, the witness disagreed with Mr Owonikoko SAN, noting that when troops were deployed on operations, they were 'briefed' and that 'debriefing' is done after the operation to assess 'the lessons learnt.' He also agreed with the Mr Owonikoko SAN that the Army personnel actually got to Lekki toll-gate, and that their interaction did not involve anything that will be counted as breach of rules of engagement. On the issue of whether there was a report of any fatality or casualty after the debriefing, the witness responded in the negative.

The witness explained that Phases 1-3 of the Internal Security Operation in terms of deployment of Armed Forces basically involved observation, monitoring, training and readiness for deployment while Phase 4 involved the actual deployment to especially hot places that had problems, patrols and so on. He noted that the Army was currently in Phase 4 in Lagos State. He testified that before Phase 4 is activated, the Governor

would have sought the Army's permission or made a few calls or passed some letters around to the President but in the instant case, the Governor called the Chief of Staff to the President. He agreed that although the Governor had called the Chief of Army staff to the President, it would have been a request, as opposed to a demand. The President had the final decision in acceding to the request by determining whether the request was warranted at the time. The witness further agreed that if Mr. President had considered that it was unnecessary to deploy the military, the Governor was in no position to direct the Army to go out.

### **Cross Examination of Brig. Gen. A.I. Taiwo by Mr. Rotimi Seriki**

Mr. Seriki, began by asking the witness whether he had had cause to pass through the Lekki toll plaza at any point since the existence of the toll plaza and prior to the day of the incident. The witness responded positively and agreed that on each occasion he observed that the toll managers had their staff positioned in the tolling posts, selling tickets to vehicles that drive up to the toll gate. He further agreed that on the 20<sup>th</sup> of October 2020, the Army arrived at the Lekki toll plaza after 4pm when the curfew was initially supposed to take off.

The witness noted that the Army had been at the toll plaza for perhaps, 1 hour 20 minutes from when they arrived at 4pm on the 20<sup>th</sup> October until midnight of the night of 20<sup>th</sup>. Lastly, when asked by the Mr Seriki if throughout the period of the stay of the Army at the toll plaza, he observed any staff of the toll plaza managers either in the cubicle or within the vicinity of where the protesters were, he stated that he doubted that anybody would have been there.

#### **3.11 Cross Examination of Brig. Gen. A.I. Taiwo by Mr. A. Olumide-Fusika, SAN**

He asked the witness if for example, he, (Mr. Fusika) were going on the street and he was being attacked or robbed, the witness would intervene, whether or not he was dressed in uniform. The witness responded that he definitely would. He further noted that he need not wait for anyone to tell him to respond before he would, especially where it was a situation of life and death. Even where it was not necessarily a life and death situation and he was even a civilian, he would still protect Mr. Fusika.

In addition, he agreed that where the roles were reversed, Mr. Fusika as a civilian could intervene if he saw Brig. Gen. Taiwo in distress. He emphasized that it was the human thing to do. When asked whether he understood the difference between such hypothetical situation and organizational deployment, the witness confirmed that he did. He understood the difference in somebody telling him to take his troops to a particular place without actually following certain procedures.

The witness stated that although the Governor made a request for the intervention of the Nigerian Army, he did not give any instruction. He however confirmed that the owner of SPAR asked for intervention when his place was being looted on the 21<sup>st</sup> of October, 2020. He stated that the owner had called him, introduced himself, and informed him of the situation that was developing around his business, begged and requested that he ensure that the place was not burnt. He further stated that he had neither met nor spoken with him and he might have obtained his phone number from someone. In addition, he admitted to getting such requests from different people.

The witness further stated that after getting the request, the troops and himself deployed there in their uniforms and with their weapons. He personally went from Shoprite, Lekki Circle Mall. The witness however explained that the distress call was made after the curfew had been activated, and that if for example, he had received the request for assistance/help on the 14<sup>th</sup> of August, 2020 he would have referred him to the Police for assistance. The witness further explained that once the Army or the Armed Forces had been deployed, the Police had to take a back seat immediately. Further, that it is only in Phase 5 (the stage of withdrawal) that the situation is handed over to the Police. In addition, all looters, rioters, killers, murderers, rapists arrested during internal operation 4 (Phase 4) must be handed over to the Police for prosecution. The witness disagreed the assertion that Nigerian Army would not follow the rules of engagement, where it received requests from friends. He asserted that it was an assumption reached by Mr. Fusika.

The witness confirmed that the provision of Section 217(2) (C) of the 1999 CFRN (As Amended) justified the intervention of the Army wherever there was a riot.

When Mr. Fusika, SAN sought to tender a Judgment of the Federal High Court with Suit No: FHC/L/CS/1939/2019 delivered by Justice R. M. Aikawa, the Panel rejected it on the ground that Mr Fusika SAN failed to show the nexus between the issue contained in the Judgment and the Lekki Toll Plaza issue, which was subject of investigation by the Panel.

When Mr Fusika SAN attempted to cross-examine the witness on 'Operation Positive Identification' which sought to find out the identification of foreign persons who were committing acts of terrorism in the ranks of Boko Haram, the panel asked him to link it to the issue of the Lekki tollgate incident.

## **SUMMARY OF THE PROCEEDINGS IN RESPECT OF THE LEKKI TOLL-GATE INCIDENT ON THE 21<sup>ST</sup> OF NOVEMBER, 2020.**

### **Appearances:**

- Akin Elegbede with Afolabi Seriki for Lekki Concession Company.
- A. J. Owonikoko, with Olukayode Enitan SAN, alongside I. J Okechukwu Esq., Y. Gbadebo and Joshua John, Esq. for the Lagos State Government.
- Akinlolu Kehinde with Ogbeni Biola Oyebanji, Col. Michael Ege Elong Rtd. and Major T. O. Ehicheoya for the Nigerian Army.
- Adesina Ogunlana with Lateef Abdulsalam Esq. and Ayo Ademiluyi Esq. Joan Ohwaeuono Esq. for the following #EndSARS .protesters, Victoria Oniru, Dabira Ayukwu, Kamsichukwu Perpetual Ibeh, Olugbe Ofoluwafo, Samuel Isah, James Akhigbe, Nicholas Anthony Okpe, Patrick Okala and Damilola Adedayo.
- Abioye Akerele with Bernard Oniga for the Nigerian Bar Association.
- Adeyinka Olumide Fusika with Rabiat Fawehinmi-Morakinyo and Onidebe Effiong for a group of victims consisting of Raimi Olumide, Solomon Samuel, Olamilekan Sanusi, Ayodeji Beckley, Samuel Asala, Agbese Isiwu and Onileowo Legend.
- O.E. Bamgbala with John Uthman for for Lucky Philemon.

### **Continuation of the Cross Examination of Brig. Gen. A.I. Taiwo by Mr. A. Olumide-Fusika, SAN**

When asked to confirm that the justification he gave for the Army's involvement in the #EndSARS protests was partly because he stated that the Police was overwhelmed and that police stations were being burnt, the witness confirmed that he stated that three (3) police stations to wit: Ajegunle, Orile and Apple Junction were burnt while others had their armories looted. He however denied being aware that the Inspector General of Police had put out a publication stating that the police was overwhelmed.

When also asked whether three Police Stations being burnt amounted/translated to the fact that the police force was overwhelmed, the witness responded by stating that Orile, Layeni, Ilasamaja, Ikotun, Igando, Makinde, Onipanu, Ebute Ero, Pen Cinema, Cele, Alade, Makoko, Amuwo Odofin, Surulere Police Stations were also burnt before 2pm on the 20<sup>th</sup> of October, 2020. Mr. Olumide-Fusika SAN, then asked the witness if he realized that the statements he had just made were capable of being fact-checked.

The witness then confirmed that apart from Lagos, Abuja and Rivers, other states also had the #EndSARS protest. He however disagreed that prior to the invitation of the Nigerian Army, it was impracticable for the Police to have expended its own resources, by moving Policemen from other locations to Lagos, because those other places were also on fire. He also noted that, the basis for the protest in the first place was the Police, especially the Special Anti-Robbery Squad (SARS).

When further asked to confirm that another reason why the Army was invited was because of the burning of the Oba's palace, the witness agreed that the said incident occurred on the 21<sup>st</sup> of October, 2020 as opposed to the 20<sup>th</sup>. Additionally, Mr. Olumide-Fusika SAN, noted that the burning of the Lagos State High Court and his deployment of troops to SPAR could not have been one of the reasons for the deployment of troops in respect of the #EndSARS protests as they all occurred on the 21<sup>st</sup>. Mr. Olumide-Fusika SAN maintained that the witness could not allege that law and order had broken down and those were the reasons for requiring the assistance of the Army, as those incidents occurred after the incident at the Lekki toll-gate.

Mr. Olumide-Fusika SAN then put it to the witness that there was no emergency or overwhelming situation that required the presence of the Army to be at Lekki toll gate on the 20<sup>th</sup> OCTOBER 2020, because even the beheading of the policeman which he showed clips of occurred on the 21<sup>st</sup> of October at the Eti-Osa Jakande area. Moreover, the victims and the police stations were yet to be identified by the Army. The witness confirmed that all the video clips he showed to the public were obtained from the internet/ open sources, and that it was the factual basis to justify his narration that there was a breakdown of law and order in Lagos State. While the witness stated that his operatives who were deployed all over Lagos only corroborated the fact that stations were burnt, they didn't corroborate the names of the stations burnt or the names of the Officers that were affected.

The witness asserted that he does not tell lies. When asked whether he was aware that the Army had denied being at the tollgate, the witness responded by stating that the first statement issued was borne out of the fact that the Army did not have the

full facts available at the time; while the second was because nobody was 'sent to the Lekki toll gate to break up any protest'. The witness denied being at the toll gate.

The witness denied being aware of the fact that because of the denial by the Army that the Army was not present at the toll-gate on the 21<sup>st</sup> October 2020 the Attorney General of the Federation had also publicly said that if anybody was there in military uniforms, they must have been hoodlums. He also denied being aware of the subsequent admission by the Governor of seeing a footage that showed that the Army was there on the 24<sup>th</sup> October 2020. The witness further denied being aware of the HQ Nigerian Army's Twitter handle as he was not on Twitter. When asked if he was not speaking for the Army, the witness stated that he was there to give a personal account as the senior Officer on ground on that day, as well as for the 81 Division. Mr. Olumide-Fusika SAN, then put it to the witness that as at the 21<sup>st</sup> of October, 2020 the Nigerian Army's Twitter handle still carried the information that there was no military presence at the tollgate.

The witness confirmed knowing one Major Osoba Olaniyi, who also put out a second statement admitting that the Army was present, and that they shot, but not at protesters. When further asked to clarify what his intelligence was behind the burning of Clarit Plaza, the witness stated that the investigation revealed during the crisis, that the owner of the Plaza spoke to the Baale to help him ensure that his property was not torched. Both parties agreed to the sum of Two Hundred Thousand Naira (N200, 000). However, the payment was made to the Baale's brother who only gave the Baale N40, 000. This made the Baale unhappy. The property was eventually burnt on the night of the 21<sup>st</sup> of October, 2020.

When asked if the matter was reported to the Police, the witness stated that as at the time, the Police were unavailable, and did not return until the following week. However, that incident and other matters were handed over to the police on the 23<sup>rd</sup>-24<sup>th</sup> of October, 2020, when the police came to pick up the looters. He further agreed that while the identity of the people who torched the Clarit Plaza was still unknown, they could still be unraveled. The witness attributed the torching of the Orile Police Station to general unrest and lawlessness. He however denied being aware that there was another version (the killing of a member of the community by the D.P.O. of the Station) which was totally unconnected to the #EndSARS protest.

The witness agreed that it was not the first time that police stations would be burnt in Nigeria and that soldiers were not always deployed each time they were burnt. When asked if there were any other uniformed organization apart from the Army on ground at Lekki, the witness noted that the Nigeria Police were around on the left part of the toll gate, guarding the Oriental hotel. The witness stated that the Army

started to shoot into the air by 6:43pm. He vehemently denied that the Army started to shoot under the cover of darkness.

He further stated that apart from men in uniform, the Army left the base with vehicles, rifles and guns, which could contain either blank or live bullets. The witness also stated that they went to the scene with live ammunition and water. The witness agreed that the video did not show the portion where the protesters were allegedly stoning and attacking the Army because the video had panned out at about 6:55pm. He also stated that the troops were the ones who gave water to the protesters and re-emphasized that he was not physically at the toll-gate. He denied the assertion of Mr. Olumide-Fusika SAN, that the people sharing water were Navy Officers trying to get passage to go and save a vessel since their Dockyard is in Apapa. He also noted that while the video clip did not actually show where the Army gave out water and were being attacked and stoned, it showed the aggressive movement being made. He also insisted that the Officers were indeed pelted and stoned just as they dismounted, which warranted them to fire blanks into the air. He also obtained his information from the monitoring he carried out and he did not get to the scene until the day after.

The witness impressed upon the Panel the fact that the Army employed non-kinetic measures and used blank ammunition. He noted that the troops advanced from the Ozumba Mbadiwe direction, moved from Oriental Hotel toward the toll gate and then dispersed the crowd toward Lekki first roundabout. He confirmed from the LCC footage, that the troops did not confront the protesters immediately. He further stated that by the time the troops fired into the air, the hoodlums high tailed it. He noted that none of the protesters/hoodlums were arrested. He further noted that only one Officer, Major Saheed, was injured. The said Officer got hit by a stone to the mouth. He suffered a cut to the lip and was treated at the Military Reception Center.

Brig. Gen. Taiwo stated that Lt. Col S.O. Bello, the Commanding Officer, 65 Garrison was on ground. He was later joined by Brig. Gen. F. O. Omata joined him. When asked who gave the order to shoot, he said that the commander on ground gave the order to shoot in the air. He stated that when he got to the toll gate the next day, he stated that he didn't see any signs of gunshots, but destruction.

Mr. Olumide Fusika, SAN countered this assertion by informing the witness that he had photographs taken by him showing gun marks on objects including including loudspeakers. In response, the witness requested that the photographs would have to be subjected to forensic tests if he were to believe they were actually gunshot indentations. The witness further denied that the Nigerian Army could not have tried to clean up the scene. He also denied that Major General Omata was the one who

later came to stop the troops from shooting. He noted that General Omata was only there after the shooting in the air occurred.

The witness agreed that he saw the LCC footage showing a bon fire/ flare, but denied that the bon fire was lit with the consent of the troops. He maintained that no one died at the toll-gate and no injuries were sustained to his knowledge. While he denied that the Governor in some of his interactions with the Press mentioned that seven (7) protesters were admitted in different hospitals, notably Grand View and Reddington hospitals in Lagos, he agreed that two (2) people died. He noted that one person is alleged to have died from blunt force trauma to the head on Admiralty way while the other died at Yaba. He disagreed that although the individual died on Admiralty way which formed part of the Army's corridor all the way to Epe, the death had no connection to the Lekki toll gate.

While the witness agreed that while the troops were shooting in the air, people were running he noted that the Governor was probably misinformed as to the number of wounded people. He also disagreed that the only thing the LCC footage proved was that the Army got there during daytime, but started their operation at night. He also noted that BCC reported the incident on the 21<sup>st</sup> while CNN in later days also reported it. He didn't see any of the other reports as he and other soldiers were busy. He denied that the Army did not present the other ones because they were unpalatable to its narrative. In addition, he was uninterested in seeing the CNN footage.

### **Cross examination of Brig. Gen. A. I. Taiwo by Mr. Adeshina Ogunlana**

When asked what military men of his level were called, he responded that they would be called An Officer and gentlemen. When further asked what it takes to be referred as such, the witness responded that such a person would need to exhibit the highest level of chivalry, honor and integrity. The witness noted that Lt. Col. Bello arrived at the Lekki toll gate before Gen. Omata. He further noted that Gen. Omata was there not because Lt. Col. Bello could not command well, but because the entire 81 Division Garrison had been given the joint responsibility of securing that sector. They were to carryout joint patrols all the way to Ibeju-Lekki to Badore. In addition, both Officer s in question went to their units with their respective forces.

The witness stated that the reason why the GOC and he were calling Gen. Omata to verify what was going on at Lekki was because the GOC was not in town at the time, while Gen. Omata was already on ground. He further stated that the reason why he called Lt. Col. Bello was to confirm the true state of affairs, as he had been getting

conflicting reports from social media and the internet. He stated that some of the conflicting reports included live streaming of shootings, people screaming that they were being killed and that people were being killed. Lt. Col. Bello however assured him that while two (2) people fainted and had been revived, no one had died.

The witness also confirmed from his phone that he called Lt. Col. Bello at about 7.35pm. When asked whether Gen. Omata was not yet on ground at that time, the witness noted that he spoke with Gen. Omata several times using Lt. Col. Bello's phone. He also stated that by several calls, Gen. Omata told him that the situation was not as tensed as it was being reported. Further, that they had cleared the entire place around 8.45pm and were on their way back to their unit. The witness confirmed that after the incident at the Lekki toll-gate, the particular battalion as commanded by Lt. Col. Bello went back to their units. He stated that they later went back to Epe around 11pm. He also agreed that the LCC footage did not show that the toll gate was being burnt.

It is the belief of the witness that the toll gate was burnt between 9-10 pm by hoodlums, not protesters. The witness vehemently denied giving the directive for the activation of phase 4 of the Internal Security on the 20<sup>th</sup> of October, 2020. He noted that giving such order was not within his powers. Only the Chief of Army Staff has the authority to send such a/any signal. He stated that the signal for the activation of Phase 4 was given at about 3pm. The witness stated that he was sure of the things he was saying. He agreed that there had to be a breakdown of law and order beyond the capacity of the civil police before the activation of Phase 4, and that the purpose of activating phase 4 is to deploy troops outside the Barracks, in order to quell disturbances, riots, insurrection and dire situations. He agreed that the need for Rules of Engagement was to ensure professionalism, guide the conducts of both Officers and troops and to prevent the misuse of lethal force.

When asked the reasonableness in arming soldiers with blank bullets in the activation of Phase 4, the witness noted that soldiers would have been given both blank and live bullets because the Army knew that hoodlums had infiltrated the midst of peaceful protesters. He agreed that the troops under Lt. Col. Bello were armed with blank and live bullets and that while live bullets could kill, blanks do not kill. The witness noted that it was impossible for the LCC footage to show where the army negotiated with the protesters before shooting into the air, because the troops were being attacked and pelted with stones.

The witness agreed that while the soldiers in Lagos State operated Phase 4 in many places all over the state ensuring security, only its presence in Lekki was controversial. He clarified that he told the Governor that the Army was displeased with him because he denied asking for the intervention of the Armed Forces, when he actually

requested for it. The witness insinuated that the statement of the Governor was not a lie, but a misunderstanding of his orders. He confirmed that he obtained his videos from open sources which proved credible, because his operators confirmed them.

Mr. Ogunlana requested that one of the videos shown by the witness, in which a voice was heard shouting "Jesu Jesu, they're shooting, they're shooting" be replayed. Although the witness initially, denied that a certain person was heard saying "shooting at protesters", he later confirmed hearing it. Mr. Ogunlana also requested that video '20201020.wa0313' of Hq81D file, where people were heard saying soldiers have killed someone be shown to the witness. The witness however declared that while someone could be seen lying on the ground with what looked like blood, the video was fake. He also disagreed that the Nigerian Army did not have its own recordings.

While the witness agreed that the summons that brought him before the Panel was to enable him give evidence on the Lekki toll incident of 20/10/2020 he disagreed that not less than 90% of his testimony before the Panel was outside the incident. He also noted that the people the troops met at the toll gate were not in breach of the curfew. He further noted that the troops were not there to enforce the curfew. The witness stated that the General Officer Commanding, 81 Division did not have the phone number of the Governor, and he was also not a member of the Lagos State Security Council. However, Brig. Gen. Musa Etsu Ndagi, the Brigade Commander, 9 Brigade, was a member of the Council. He also confirmed that Brig. Gen. Musa Etsu Ndagi in his Affidavit confirmed that the Governor called him.

Lastly, the witness confirmed that law and order had broken down. He also confirmed that the police had been overpowered on the 20<sup>th</sup> of October 2020. However, if the Governor had declared a curfew on the 18<sup>th</sup> or 19<sup>th</sup>, it would not have been reasonable because at the time, violence had not crept into the activities of the hoodlums. While there were one or two killings, the situation had not degenerated.

### **Cross- Examination of Brig. Gen. A. I. Taiwo by Mr. Bernard Oniga, by mandate of the President of the Nigerian Bar Association on Grounds of Public Interest.**

The witness confirmed that the Army was not on a mission to the toll gate, but to ensure normalcy on the Eti-Osa to Epe corridor. He noted that the GOC was the one with the responsibility of exercising discretion in whether to use an alternative route since he knew that protesters were at the Lekki toll gate. However, once the troops arrived at the toll gate, they were attacked. He confirmed that the troops responded to the attacks. When further asked if it was the habit of the Nigerian Army to respond

with gunshots when being pelted with stones, the witness responded that if they were being pelted with stones, the only response was gunshots.

He clarified that every civilian is their brother and sister, and that they were civilians before joining the Army. Further, after a period they became civilians again. He disagreed that the wanton loss of lives and properties which occurred on the 21<sup>st</sup> of October, 2020 was in response to the way the Military handled the matter at the toll gate. He noted that the loss of lives and destruction had started to occur prior to the 20<sup>th</sup> of October, 2020, especially to Police Officers. He also believed that the loss of lives occurred mainly on the Eti-Osa to Epe corridor and they were basically cult wars, score settling and lynching.

Lastly, the witness maintained that there was no nexus between the torching of the Jakande Shopping Mall, SPAR, Clarit Plaza which occurred on the 21<sup>st</sup> of October, 2020 and the Lekki incident, which happened on the 20<sup>th</sup> October 2020. Further, that given the same set of circumstances that occurred on the 20<sup>th</sup>, he and the Military would act in the same manner.

The witness was discharged. In addition, the application by counsel to the LCC, for the LCC to take possession of the Lekki toll plaza in order to evaluate the extent of the damage done and enable the presentation of their claims to their insurers was denied. The proceedings were subsequently adjourned to the 27<sup>th</sup> of November, 2020.

When the matter (Nigerian Army Summons) came up again on the 30<sup>th</sup> of January, 2021 for Hearing, Mr. Olukayode Enitan, SAN applied that all matters involving the Nigerian Army be adjourned, possibly for two (2) weeks; while Summonses are again served on the new Chief of Army Staff, due to the change in the leadership of the Nigerian Army. This, he noted was to enable the Army be present before the Panel, to present their specific responses to the cases by the several Petitioners and to enable them speak on the bullets which were brought before the Panel. Mr. Ogunlana however opposed the Application on the ground that while there was indeed a change in leadership of the Army, Colonel Bello and General Omata, who were participants and were at the scene of the incident were still available but had refused/ignored the Panel. He indicated his readiness to continue with the hearing of the matter. On his part, Mr. Olumide Fusika, SAN, aligned himself with the position of Mr. Olukayode Enitan, SAN on the premise that the indulgence to be granted by the Panel will show whether it was the Nigerian Army as an institution or its leadership that has a problem with appearing before the Panel.

Mr. Bamgbala on his part posited that in as much as he is moved by Mr. Enitan's comment, his grouse is with the fact that his Client suffers a lot of inconvenience each

time the Panel has to adjourn the proceedings, as he is based in Kaduna. He subsequently aligned himself with Mr. Ogunlana's position.

The Panel subsequent to hearing the arguments of Counsel on the issue, decided that it would give the Nigerian Army the last opportunity of an adjournment for it to reconsider and change its previous attitude of ignoring the Summons issued on it, in the interest of fair hearing. Further, fresh Summonses were directed to be issued on Officers who were expected to conclude the case of the Nigerian Army and further proceedings were adjourned to the 27<sup>th</sup> February, 2021 for the conclusion of the evidence of the Nigerian Army. Furthermore, the Ruling of the Panel was to apply to other petitions against the Nigerian Army listed before the Panel for the day's proceedings.

## **EVIDENCE OF LEKKI CONCESSIONS COMPANY IN RESPECT OF THE LEKKI TOLL-GATE INCIDENT OF 20<sup>TH</sup> OCTOBER, 2020.**

The evidence of the Lekki Concessions Company began with the CCTV footage in respect of the incident which occurred at the Lekki Admiralty Toll- Gate, (Sand Fill), Lagos.

### **Appearances:**

The following appearances were entered in respect of the Summons dated 28<sup>th</sup> October, 2020 issued to the Lekki Concessions Company:

- Rotimi Seriki with Omotayo Omosehin and Akin Elegbede for Lekki Concession Company.
- J. Owonikoko, SAN along with Olukayode Enitan, SAN Joshua Tony Esq. and Yetunde Olabode Esq. for the Lagos State Government.
- Adeshina Ogunlana appearing with Lateef Abdulsalam, Ayodele Ademiluyi and Peller Ogba for the following ENDSARS Protesters: Victoria Oniru, Dabira Ayuku, Kamsinchukwu Perpertual, Olugbe Ofoluwape, Samuel Isa, James Akhigbe, Nicholas Anthony Okpe, Patrick Okala and Damilola Adedayo.
- Adeyinka Olumide-Fusika SAN with Rabiya Fawehinmi-Morakinyo and Onaolapo Obilade appearing for Raimi Olumide, Solomon Samuel, Olamilekan Sanusi, Ayodeji Beckley, Samuel Asala, Agbese Isiwu and Onileowo Legend.

Exhibits:

- Footage of the event at the Lekki Toll Plaza on the 20<sup>th</sup> October, 2020 was admitted and marked as Exhibit D.
- A flash drive tendered by Mr. Adeshina Ogunlana Esq. was admitted and marked as EXHIBIT F.

### **Summary of the Cross-Examination of Mr. Abayomi Omomuwasan, Managing Director, Lekki Concessions Company by Mr. Adeshina Ogunlana**

Mr. Omomuwasan stated that he is the Managing Director/Chief Executive of the Lekki Concession Company. He joined the LCC sometime in September, 2019. He is only aware of five (5) Managing Directors that have been appointed prior to him. He stated that the company was founded around 2006. He has information regarding the incorporation of the company. He confirmed that the LCC is wholly owned by the Lagos State Government. He stated that the Directors are appointed by the Lagos State Government. They include the Commissioner for Finance, Commissioner for Transport, Attorney General/Hon. Commissioner for Justice, Hon. Commissioner for Budget and Economy, Special Adviser (Works and Infrastructure), two independent Directors and himself. He further stated that the Independent Directors are one Obafemi George and Olusola Oworu (Mrs).

The witness confirmed saying that in order to avoid any form of confrontation, the company sent its staff at the Lekki toll gate a memo on the 20<sup>th</sup> of October asking them to leave the facility. He further confirmed that when the announcement for the curfew came, he sent a memo directing the staff to leave the facility upon the announcement of the curfew. He agreed that the Lekki Toll gate had been totally occupied by the protesters. He noted that the LCC is into the business of infrastructure development and toll road management. He affirms that the company collects tolls. He states that he is unaware of any other road apart from the roads which he manages, where people have to pay a certain amount of money to go through. He further stated that he is unaware that the LCC is the only company on the Island which has a franchise for using any road.

The witness denied being aware of any protest/demonstrations against his company prior to 2020. He however admitted to being aware that in the past, Nigerians had gathered at the toll gate maintained by the LCC protesting against the tolling prior to and on his appointment; specifically 2010-2011. However, he does not recall how long such protests have lasted, neither is he aware of any period where the LCC has requested the assistance/intervention of soldiers.

He clarified that it was not until the 11th October, 2020 that he knew that the people who visited his company around the 8<sup>th</sup> of October, 2020 were #EndSARS protesters. He confirmed their identity when some group of people on Twitter alleged that he, together with the Chief Security Officer under the instruction so of the Government of Lagos State were planning to bring in SARS in order to arrest the protesters at the toll gate. He noted that while the protesters left the toll gate on the 21<sup>st</sup> of October 2020, he does not know how they left the toll gate. While he agrees that the company lost revenue, he is indifferent about the occupation of the LCC by the protesters. He confirmed that upon the occupation of the premises of the company, he communicated this fact to the members of the board of the company, and he does not know how much the company lost in terms of revenue during that period.

The board, through a communication decided to adopt the wait and see approach. The Board did not meet to discuss the occupation of its facilities by the #EndSARS protesters. He stated that he is unable to avail the Panel a record of the Minutes of the communication and the decisions taken before it was done by way of phone call. He confirms that the LCC is a private/limited liability company, despite the directors being government officials. He however explained that although the LCC was originally owned by some private shareholders, the Government of Lagos State bought the company. Sometime in 2014, the Lagos State Government bought the entire stakes in the company, but it still operates as a Limited Liability Company.

He noted that the previous owners were private shareholders such as ARM, a Nigerian company and AYEEN, a South African company and other investors. The witness stated that the LCC pays tax to the Lagos State Government. He confirms that there are plans for the LCC to apply for insurance arising from the incident. He stated that he believes that the Ikoyi toll gate was set ablaze around 8pm, although he cannot be sure as he was not there at the time. He gathered this information from intelligence sources.

He states that the LCC has many and different types of cameras. He does not know the exact number, and he further clarified that he assumed office sometime in September, 2020. The witness confirmed that some of the equipment of the LCC were pilfered and vandalized while the company harvested other cameras and equipment to prevent them from being stolen. A staff, that he did not know his name removed about three (3) cameras and one (1) tolling systems such as the Automatic Vehicular Classification (AVS). However, he is willing to provide the details of the person subsequently. In addition, more than fifteen (15) others such as the tolling system cameras were burnt while the surveillance cameras were not burnt.

The witness confirmed that he read in the newspapers that the Governor brought some persons to visit the toll gate on the 25<sup>th</sup> of October, 2020. He was not informed about the visit. To the best of his knowledge, other members of the Board were not also there. He denies knowing the whereabouts of the camera reportedly found and taken away by Mr. Babatunde Fashola SAN. The witness confirmed that he was also at the toll gate when the Panel went there. He went with the Panel and also saw Mr. Adesina Ogunlana there too. The witness noted that he has never seen a bullet before, neither has he seen a picture of it as well because he is an accountant.

Mr. Omomuwasan stated that the IT department headed by one Femi Oyinloye is in charge of cameras. Although the surveillance cameras were bought early this year, he does not have their details. He also does not know the difference or comparison in bullet or fish eye cameras because he is not an expert in cameras. He agreed that he had earlier given evidence in respect of the workings of a PTZ camera used by his company; however, he did not install it and he does not man it. They are manned by a unit comprising about forty (40) staff, headed by one Michael Aina who works in shifts. He is unsure of the staff, who manned the cameras on the 20<sup>th</sup> of October, 2020 but he could find out from the roster up to the time everyone was asked to go home. Mr. Adesina Ogunlana indicated that he would need the register. He confirmed that the evidence he gave in respect of the PTZ cameras were not from his direct knowledge, but from information obtained from camera footage which self-operate and recorded the incident. He further confirmed that the footage he presented is the same with what was on the PTZ camera.

The camera, the witness stated was not submitted to the Panel as he was not asked to bring it. In addition, the PTZ camera is a self-operating one that is remotely controlled from the control room at the Toll Plaza 2 office located at Chevron. He explained that the camera worked on its own, and that it was set up and designed primarily to capture traffic in areas of interest to the company. The expert of the installing company set it up. He disagreed that on the 20<sup>th</sup> October 2020 that the camera preset, was due to human interference/handling. He insisted and maintained that the camera which he saw, and that produced the footage for over twenty (20) hours worked sufficiently well. He further opined that there was substantial, abundant, statistical corroboration that could be relied upon to conclude that the camera passed a test.

Upon the objection of Mr. Rotimi Seriki, on the question asked by Mr. Adesina Ogunlana on the panning and irregularities of the PTZ camera which he alleged was probably caused by human intervention, despite the claims of the LCC that it was a self-operating camera the Panel ruled that the relevant portion(s) of the footage complained of by Mr. Adesina Ogunlana would be viewed. This decision was reached

on the premise that where a party complains of any irregularity, it is only fair and in the course of justice to be allowed to establish such irregularity. To shut such a party out of this fundamental complaint will not be in the best interest of justice and the investigations to be conducted by the Terms of Reference. The proceedings was adjourned to the 11<sup>th</sup> of December 2020.

**Summary of the Continuation of the Cross-Examination of Mr. Abayomi Omomuwasan, Managing Director, Lekki Concessions Company by Mr. Ogunlana on the 11<sup>th</sup> of December, 2020.**

Mr. Adesina Ogunlana began by asking the witness if on the 20<sup>th</sup> October, 2020 the PTZ camera was manned or it was on preset as usual. Mr. Omomuwasan explained that the camera works on its own, and that it had the capability of working on its own if there was no human being manning it. He further explained that on that day, it could not have been manned as there was no staff on ground after the declaration of the curfew. The witness further clarified that the camera worked on its own up till the time it ended. The witness insisted and maintained that the camera was neither manned nor controlled by a human being.

Mr. Adesina Ogunlana asked the witness to confirm that from 12am till 1:17pm, the average time of the camera's oscillation was in the range of 15s to 19s, meaning that the camera was not preset. Mr. Ogunlana then requested that the footage be played at the 00:02:45, 00:03:32 to stop at 00:03:49, 00:04:27 to stop at 00:04:48 (21 seconds), 00:04:48 till 1pm, 13:16:10, 13:16:41 to stop at 13:17:21, 13:19:00, 13:39:00 (noting that the video remained static for 17 minutes), 13:56:20 for 15 minutes more, 19:01:00 for 34 minutes, 16:19:05, 16:17:28 and 16:20:01.

The witness responded by stating that Mr. Ogunlana's observations only underscored his position that the camera was not preset. He noted that if it had been manned by a person, such person would have noted it and corrective measures would have been taken. Again, the witness noted that no staff of the LCC was at the toll gate. The witness refused to admit that the PTZ camera was technically faulty and needed to be corrected. He noted that like in any system or a phone, incidents can happen but interventions or corrective measures could be used to correct any discrepancies.

The witness also confirmed that the LCC took measures to remove its equipment like the cameras and so on, because they were being pilfered. When asked to show the portion which captured the moment(s) where equipment's were being stolen, the witness informed the Panel that the PTZ camera would not have been able to capture the incident because it was a surveillance camera that worked above the canopy. He further noted that no camera would have been able to capture the moment the equipment were being looted. He stated that as at the day when the incident

occurred, there was no way the LCC would have captured the incident technologically.

When also asked to identify the portion of the footage showing where protesters were pelting the military Officers with stones, the question was objected to by counsel to LCC and same was upheld by the Panel on the basis that the evidence of the witness is clear as to the fact that he was not at the scene at that material time. The Chairperson also noted that the purpose of the footage presented before the Panel is because the Panel demanded that LCC produce the footage pursuant to the witness summons.

Lastly, the witness noted that the LCC has no local security company working with his company. The witness insisted that the LCC had no local security outfit, despite the Lagos State Governor stating that the LCC indeed had a local security company protecting its properties. He further stated that he had no idea of the footage being referred to by counsel.

Upon its admission, the 2 minutes 19 seconds footage of the Governor's speech on ARISE News admitted as Exhibit F was played. The witness denied that the Governor stated that the LCC had a local security company. The witness also confirmed that as stated by the Governor, the LCC security cameras were on top of the towers located at 3 locations to wit: Toll Plaza 1 located around Oriental Hotel, Toll Plaza 2 (TP2 located around Chevron) and the Lekki-Ikoyi link Bridge. He also emphasized that those cameras were still at their locations, including the one where the footage tendered as Exhibit D was derived.

When asked about laser cameras, the witness refused to answer. He simply insisted that he had not mentioned anything about laser cameras during his evidence. The witness agreed that at the time of the declaration of the curfew, the LCC sent a memo to its entire staff including those who were at the Lekki (Sand Fill) toll plaza 1 to comply with the curfew. He further confirmed that as at the time the announcement was made by the Governor, those people (staff) were at the toll gate.

The witness further maintained that he had never seen a bullet before. Most especially, he insisted that he had not seen a picture of a bullet before as well. The witness confirmed that the LCC was insured by LASACO and Sunu Assurance, companies with offices in Lagos. He noted that he did not know the people who set the LCC Facilities on fire, as he was not at the scene of the incident on that day. He further noted that it was the company's internal decision to rely on the footage he tendered, for purposes of claiming insurance.

When shown bullets admitted as Exhibit A in the Nigerian Army matter, the witness insisted that he did not see objects such as that during the visit of the Panel to the scene of the incident. In addition, he denied knowing what a bullet was when shown pictures of it. Lastly, the witness noted that he would only be able to recognize a gun, depending on the type of gun in question.

### **Summary of the Cross-Examination of Mr. Abayomi Omomuwasan, Managing Director, Lekki Concessions Company by Mr. Olumide-Fushika, SAN.**

The witness confirmed that the footage appeared to have been looking down, due to where it was placed. He also disagreed that the footage was unhelpful as evidence of what happened that day in the night, as to whether people were shooting and other things that were happening. However, he agreed that the camera could not assist in identifying people at the scene. He also explained that at the toll plaza 1, there was only one security camera which was installed and mounted high up, for the purposes of seeing traffic only. He also noted that the only cameras mounted at eye level, under the canopy were installed for purposes of identifying plate numbers only. He further confirmed that there had been incidences of people driving through the toll gate without wanting to pay toll fees. He however noted that all the camera does is capture the vehicle moving past and record the timing as well.

The witness maintained that because the LCC was a tolling company, all it needed its cameras for was to electronically capture vehicular traffic. In respect of the lighting arrangement of the Lekki toll gate, the witness explained that the LCC had some lights mounted high up on the streets around the area, some under the canopy and some at the outer areas. These lights were controlled from inside its office. The witness also explained that the LCC had different sources of power. The LCC had power generated from power outside its control, the company's generators and the UPS. Once power comes on from the source outside its control it comes on automatically. In the absence of power from the source outside its control, power is obtained from the generator, and it needs to be changed to the generator mode.

He further explained that the UPS is the interface between when the generator is turned on or the power outside its control goes off and when the company needs to change over, so that at any point in time there is no outage. When asked whether if switching off the floodlights within the perimeter on the street will also affect the lights in LCC, Mr. Omomuwasan explained that if the power was sourced from that which is outside the control of the LCC, all the lights will come on. However, where the light source outside its control is switched off and the company's generator comes on, the controls for the street lights need to be switched on for the lights on the street to come on. When the generator is in use, it powers all the lights.

The witness denied that the LCC deliberately switched off the lights at the Lekki toll gate. When asked if he would be surprised if a witness were to appear and states that there was no light in the surrounding area on the day of the incident, while there was light in some of the booths, the witness responded by stating that at any point in time, the booths and its equipment cannot go out of power. The UPS would last depending on the load on it. The witness also noted that it was not just the booths that had power, and that the light under the canopy was derived from the UPS. However, there was nobody inside the booths.

Mr. Omomuwasan stated that on the day of the incident, the LCC staff was only asked to comply with the curfew. He noted that the communication did not instruct anyone to leave the UPS on. He further noted that no one asked the staff to switch off the lights. He left the area in the afternoon. He does not know when the lights from the bill boards went off as he was not there. He informed the Panel that the advert company has its own electricity supply separate from the LCC's. That from the point where his company's staff left the premises, the generator went off. However, he did not know if there was a power outage as he was not there. He was not sure if the power to his company's facilities was sabotaged.

The witness stated that he was unsure if there was power outage from the public supply. He noted that the LCC has a generator and does not know how many people the IPP (Independent Power Project) serves. He did not also know if there was a deliberate order to switch off the IPP. The witness does not have the details of whom the LCC pays for electricity services. Toll collection stopped between the 8<sup>th</sup> and 10<sup>th</sup> of October, 2020 at the Lekki toll gate during this #EndSARS protest. The witness stated that his office is located at the Toll Plaza 2, towards Chevron.

He added that during the period from the 8<sup>th</sup> to 20<sup>th</sup> of October, 2020 he did not go out or go to other locations from the point where he was allegedly blackmailed on social media, around the 11<sup>th</sup> of October, 2020 but he restricted his movement for security reasons. He agreed that prior to the day the curfew was imposed, his staffs were always at the Lekki toll gate and they gave him reports. It was on the day of the curfew that his staff was made to leave. He also noted that to the best of his knowledge, none of his staff was assaulted, as they were not allowed around the toll gate area. He stated that generally, the protesters did not assault people or come after his company's money. They only blocked roads and prevented his company from collecting toll. Before the fire incident that gutted the plaza, no attacks whatsoever were recorded. If there was, he would have reported to the Police. Although none of his staff were injured, he does not know if any injuries were recorded on other persons. He added that he does not have the capacity to determine what is peaceful or what is not.

After the event of 20<sup>th</sup> of October, 2020 he did not go to the scene of the incident again until the moment when he went to the scene alongside the Panel. He does not remember the date the Panel visited the toll gate. In addition, there was also no interaction between himself and the Governor before the visit to the scene of the incident. The witness stated that he had reports of an arson /fire outbreak at the Lekki toll gate. He confirmed that despite being the Managing Director, he did not visit the site until the Panel went there due to security reasons.

He noted further that the LCC had various private companies such as Rakumi, Zion Grace, and Panther that cleaned its facilities and none of these companies cleaned the facilities subsequent to the incident which occurred at the Lekki toll gate on the 20<sup>th</sup> of October 2020. He confirmed that he was not there to confirm if any cleaning crew cleaned the scene, although they could not go there without his prior instructions. He further noted that all its staff and contractors had been asked to stay away from the scene from the moment the scene became tense. He stated categorically that no cleaning contractors of the LCC went back there, this he knew because he was in contact with his staff. The staff also had the numbers of the managing directors of the cleaning companies.

The witness insisted that none of his cleaning contractors went to clean the scene. Further, that on the morning of the incident, his company did not bring a truck with street sweepers to clear the scene. He also noted that the cleaning companies the LCC contracted did not entirely use brooms. Sometimes, the cleaners used long brooms and at other times, they used mechanical sweepers. He maintained that if there was anyone who cleaned the place on that day, he knew nothing about it.

However, he acknowledged that he heard that the Governor went to the scene and stated that there was no blood to be seen anywhere. That he was not aware of any cleaning done or any report made of patches of blood by the cleaning staff despite the cleaning and that he would be unable to confirm from witnesses if they stated that people were shot and a lot of people got injured because it was not within his knowledge.

Mr. Omomuwasan confirmed that the #EndSARS incident was not the first time curfew would be declared. He further noted that during the corona virus curfew, the staff was asked to comply and they did. However, during the corona virus curfew, the facility was not left in darkness because both situations were not at par. He noted that his staff did not also have a rest area where they sleep as they do not sleep. He explained that where a staff is on night duty, he or she will be on duty throughout the night.

When the witness was asked how many times the LCC had left its facility in darkness since it started operation, before the corona virus and up until the 20<sup>th</sup> of October 2020, the witness answered that he was unaware of any catastrophic event and could not answer to it because both situations were not the same. The witness also refused to state his house address when asked on the ground that it was a personal issue and also because he felt insecure.

When asked whether he had been receiving reports in terms of how long it now took to commute through the toll plaza compared to when the LCC was operating, the witness noted that the situation had degenerated in terms of security, traffic congestion and blockage on the road. He also noted that the LCC had received numerous complaints in respect of these, and had to make a comeback.

### **Summary of the Cross-Examination of Mr. Abayomi Omomuwasan, Managing Director, Lekki Concessions Company by Mr. Okeke of the Nigerian Bar Association.**

The witness confirmed that he watched the feed from the cameras. However, he said he did not know when the light to the LCC's facility went off because the camera does not indicate when the light goes off. He confirmed that the cameras have time stamps. However, he could not know from the timing of the footage when the lights went off. The witness was unable to confirm when the lights went off as the recording went on until the weather became dark. He stated that he vacated his office around Chevron toll gate around 2pm when the curfew was declared. He also confirmed that up until the time the curfew was declared, he was still going to Chevron and he was never attacked.

Mr. Omomuwasan was reluctant to confirm that the protests were peaceful or not. He noted that the fact that he was not attacked did not mean that it was peaceful. He also emphasized that only the tolling cameras were removed from the toll gate on the 20<sup>th</sup> of October, 2020. He also stated that the LCC does not prosecute persons who fight at the toll gate.

On this note, the witness was discharged, while the Application for the release of the toll gate to the LCC for purposes of insurance claims by Mr. Rotimi Seriki, was not granted. It was however extended for another two (2) weeks to enable all parties have the opportunity of having expert witness which the Panel had already commissioned.

### **EVIDENCE OF REDDINGTON HOSPITAL IN RESPECT OF THE LEKKI-TOLL GATE INCIDENT OF 20<sup>TH</sup> OCTOBER, 2020.**

## **Appearances:**

The following appearances were entered in respect of the Summonses dated 15<sup>th</sup> December 2020 and October, 2021 respectively on the hospital:

- S. A. Oladipo with D. A. Adeoye for Reddington Hospital.
- Olukayode Enitan with Y. Olabode and J. Briggs for Lagos State Government.
- Adeshina Ogunlana with Ayo Ademiluyi, Esq. and Tayo Odusanya for #EndSARS protseters.
- Amanda Asagba, Esq. and A. C. Eze for the Nigerian Bar Association (NBA).
- Mr. Jonathan Ogunsanya appeared as Counsel to the Panel.
- Cyril Ejiofor with Emmanuel Eze for the Nigeria Police.
- Rabiat Fawehinmi-Morakinyo with O. A. Obilade for seven (7) victims of the Lekki toll gate incident.

## **Evidence of Reddington Hospital**

The first witness gave his name as Mr. Ojekale Adebowale. He works at the Head Office of the Reddington Hospital located at No. 12, Idowu Martins Street, Lagos as the Hospital Administrator. He stated that by the virtue of his position, he is versed with the facts relating to the matter he is appearing for. He also informed the Panel that he has in his possession, a couple of documents comprising of medical reports in respect of patients who were brought into the hospital's facility for treatment on the night of the 20<sup>th</sup> of October, 2020 and others brought in till the 22<sup>nd</sup> October, 2020.

## **Exhibits:**

- Medical Reports of twenty (20) patients presented at Reddington Hospital, Lekki; the medical reports of eight (8) patients at Reddington Hospital under the hand of Oluwatomi Joshua dated 20<sup>th</sup> October, 2020 to 12<sup>th</sup> November, 2020 were admitted together and marked as Exhibit A.
- Medical Reports of twenty (20) patients presented at Reddington Hospital, Lekki on 21<sup>st</sup> October, 2020 under the hand of Mr. Oleolo dated 25<sup>th</sup> October 2020 were admitted together and marked as Exhibit B.

- Letter dated 1<sup>st</sup> January, 2021 from Reddington Hospital to the Chairperson, Judicial Panel of Inquiry and Restitution of Victims of SARS Related Abuses in RE: WITNESS SUMMONS was admitted and marked as Exhibit C.

Subsequent to the admission of the medical reports as Exhibits, Counsel to Reddington Hospital, Mr. Oladipo impressed upon the Panel, the need to ensure that the tendered medical reports are kept confidential, in compliance with the doctor-patient confidentiality and medical laws which prohibit the public presentation of patient medical report in a hospital.

Mr. Oladipo further noted that although he is aware that some parties may request for certified true copies of the reports, he applied that the Panel make an order that whoever applied and gets copies of the documents should respect that confidentiality. This was to prevent the documents from going viral on social media mediums. Further to his Application, the Panel ruled that although they were public documents, the documents were admitted as Exhibits A and B; thus, they were only for the exclusive use of any person(s) who procured certified true copies. Further, such person(s) are required to maintain the confidentiality of the Patient-Doctor relationship and the documents are not for use in the public domain.

Mr. Oladipo also informed the Panel that the Managing Consultant who attended to the patients was before the Panel. However, the Panel noted that Counsel involved in the matter were yet to be availed copies of the reports and would also require time to go through them. All Counsels present also agreed that there was a need for the Panel to adjourn the hearing to another date when the proper witnesses (medical practitioners who attended to the victims) will be before the Panel to answer questions.

At this point, one Dr. Babajide Lawson addressed the Panel on the propriety or otherwise of compelling the physical appearance of the physicians who personally authored the Reports, to appear before the Panel. Dr. Lawson explained that the usual practice in medicine is that when a patient(s) request for medical reports, the administrative personnel prepares the report. He noted that the medical reports were also authored well before the hospital received the Summons to appear before the Panel. Thus, it was not specifically written for the purpose of appearing before the Panel. Consequently, where there are questions pertaining to the treatment of the patient(s), the managing consultant(s) would be the person to answer such questions. For this purpose, he noted that the managing consultants who attended to the patients at Reddington Hospital were one Dr. Oluwatosin Opakunle and himself. On this premise, the matter was adjourned to 30th January, 2021 at 11am.

**At the resumed Hearing of the matter on the 30<sup>th</sup> of January, 2021, the following Appearances were entered:**

- Adeshina Ogunlana for the following #ENDSARS Protesters: Dabira Ayukeu, Samuel Isa, Kamsonchukwu Ibe, Nuicholas Okpe, Ukala Patrick Ayide, Joshua Samuel, Olalekan Faleye, Nathaniel Solomon, Nnatha Stanley Chimezie, Evelyn Augustine, Ajumobi Olajide, Damilola Adedayo, Yaqub Sadiq, Tunde Olanrewaju, Damilola Adeniyi and Ayoola Yusuf.
- John Uthman, with Chinedu Nwata for Mr. Lucky Philemon.
- A. Toba for Mr. Patrick Ochenna.
- A. C. Eze (Mr.) for the Nigerian Bar Association.
- D. A. Adeoye for Reddington Hospital
- Emmanuel Eze with Julio Hodonu for the Nigeria Police Force.

Evidence-in-Chief of Dr. Babajide Lawson on behalf Reddington Hospital.

The second witness began by stating that he is Dr. Babjide Lawson, and that he works with Reddington Hospital. He is the Trauma and Orthopedic Surgeon for the hospital. He also stated that he does not know the people he treated personally, but as patients. He further stated that a lot of the patients were presented at the Lekki branch of the hospital on the 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> of October, 2020 respectively and because he is charge of the Trauma Unit, anyone involved in any form of traumatic injury like gun shots would have to go through him first. He further stated that he attended to a couple of the patients. The patients who needed to be admitted were admitted while those who required surgery were taken care of. In addition, most of the procedures were done there as well. However, some were transferred to the Victoria Island branch of the hospital where he is mainly located. The witness further testified that on the night of the 20<sup>th</sup> of October, 2020 went to the Lekki branch of the hospital to assess and determine if the branch required his assistance. Further, he spoke with the Managing Director of the branch after which he transferred patients from the Lekki to the Victoria Island branch. He was there until the 23<sup>rd</sup> of October, 2020. Dr. Lawson noted that he could not remember the names of the patients he treated. However, on the first night, he saw about six (6) patients. Other patients trickled in as the days went by. They all presented with varying degrees of injuries. He indicated that he was ready to clarify some of the medical reports, where same was necessary.

**Cross-Examination of Dr. Lawson by Mr. Olumide-Fusika, SAN.**

Mr. Olumide-Fusika began his cross-examination by thanking the hospital for the assistance it rendered to the victims on the day in question. He then requested for the witness to be shown the medical reports that were tendered as Exhibit A, B and

C respectively. After being shown the Exhibits, the witness was asked to identify and tell the Panel which of the medical reports he authored. To this, the witness responded by stating that he did not author any of the medical reports. However, he was familiar with them. He confirmed that it was the protocol of the hospital for files to be opened for all patients who presented and were accepted by the hospital.

Mr. Olumide-Fusika then requested the witness to look through the medical reports and then confirm that there is no medical report in respect of one Mr. Samuel Ashola who is a Petitioner before the Panel and also his client. The witness confirmed that he could not find any such medical report. When further asked if he would agree that his presentation at the Panel was not exhaustive of the patients who were treated of gunshot wounds; because his client claimed that he was treated at the hospital and he also had pictorial evidence of his treatment. That on the night in question at the Lekki facility, when patients were being brought in, the situation at the time was similar to a situation called 'a mass casualty', as a lot of patients presented at the same time and consequently overwhelming the available facility he agreed that the medical report tendered was not exhaustive of all patients seen on the 20<sup>th</sup> October 2020. However, if the witness states that he was treated at the facility, he can get a medical report.

Mr. Olumide-Fusika again asked the witness to confirm that the medical reports he presented were not exhaustive, to which the witness confirmed same. When asked if there was a Dr. Muyiwa Olofin or Dr Tola at the Reddington Hospital, the witness responded by saying he did not know.

Again, the witness was asked to look at the medical report relating to one Nnaji Mabel and confirm that the medical report states that she was treated for a gunshot injury to the abdomen, the witness confirmed same. The witness further confirmed that Page two (2) of the medical report showed that at a CT scan of the abdomen and pelvis of the victim showed probable gunshot pellets. When asked where the said Pellets were, the witness noted that as shown by the Report, the victim had no procedure done to extract it and then further confirmed that the said pellets were still in her body. The witness also indicated that although the medical report was authored by one Dr. Oluwatomi Joshua, he categorically emphasized that he saw the patient, examined, took responsibility for her treatment, reviewed her CT scan, discussed with the General Surgeon as well as the Radiologist in respect of the patient. Furthermore, he and other doctors/specialists held a mini conference in respect of the patient and that it was determined that an extraction was unnecessary. Consequently, she was kept overnight for observation and discharged the following morning. When further asked if it was normal for a person to have pellets in their body and go away with same, the witness responded in the affirmative. He further stated that there was no need to touch such bullet as long as it is not located in a part that could endanger

the body. He clarified that the bullets are not poisonous and that the body actually 'walls' it off.

In respect of the next victim, one Joshua Samuel, the witness confirmed that the said patient was also a victim of gunshot, and that the medical report did indicate that a foreign body, which is the bullet was extracted from the patient. When asked about the whereabouts of the bullets removed from the victim, the witness clarified that just a bullet was extracted and it would be with the Head Surgeon. The witness further clarified that the reason why he stated that he was the one in charge was because he is the Trauma and Orthopedic Surgeon. Further, that he picked this particular patient up himself because he had a gunshot injury. He brought him in, assessed him and discovered that the bullet was located in his chest close to vital organs. Further, that, the process required him to call in the cardiothoracic surgeon who then took lead. At this point, Mr. Olumide Fusika SAN applied for an Order directing Reddington Hospital to present the bullets.

Mr. Olumide-Fusika SAN requested the witness to look at the Report involving one Bright Osarehemem, a case of gunshot injury. The witness confirmed that the case indeed, involved a gunshot injury. He however noted that due to the nature of the gun shot injury suffered by the patient, involving an 'entry and exit wound', there was no bullet to be extracted as the bullet would have already exited the body of the victim.

In respect of the Reports relating to one Ajoku Japhet and Lucky Philemon, respectively, the witness confirmed that the victims suffered gunshot injuries with both entry and exit wounds.

With respect to the next set of Reports marked as 'Exhibit B', the witness noted that those set of reports were in respect of victims who were treated at the Lekki branch of the hospital. Further, that his colleague who also treated the patients would also be coming to give evidence before the Panel.

### **Cross-Examination of Dr. Lawson by Mr. Ogunlana**

The witness began by confirming that one Joshua Samuel, one of Mr. Adesina Ogunlana's clients was shot in the chest and that the victim had a surgery done, where a bullet was extracted. However, the Cardiothoracic surgeon who was the lead surgeon in the instant case was in the best position to state where the bullet is kept. The witness went on to explain that the only role he played was to assess and examine the patient. His examination revealed that the bullet was close to vital organs around the heart. As such, a more specialized surgeon was needed to operate on the victim. It was during the surgery that the bullet was taken out. Consequently, the Surgeon was in the best position to talk about its whereabouts.

When asked why the hospital refused to release the bullet extracted from the body of the victim to him despite repeated demands, the witness noted that although the bullet was not the property of the hospital, the hospital's protocol however was that in the case of a gunshot injury, which needed to be extracted, the Police usually have to be called in and same would be handed over to them. In the instant case however, he was not in a position to explain the whereabouts of the bullet after its extraction. When further asked if that particular bullet as well as others that were extracted by the hospital were handed over to the Police, Army or Lagos State Government, the witness stated that for the patients he operated upon, he did not extract any bullet(s). He further stressed that he could not speak on the bullets extracted by other doctors. The witness denied that the medical Report was carefully written in order to protect the hospital's interests. Rather, all the Reports were written with the purpose of disseminating sufficient information. The witness was further referred to the first paragraph of the medical Report which read; "A 22yr old patient who sustained a gunshot injury to the left posterior chest wall on the 20th of October, 2020 during the Lekki shoot-out around 8pm." He noted that what was written in the medical report was the information given by the Victim. He did not know what a shoot-out was. When Mr. Adesina Ogunlana referred him to the Report of one Damilola Adedayo, the witness restated the fact that he could not speak on it. The person who could speak on it was one Dr. Opakunle.

### **Cross -Examination of Dr. Lawson by Mr. Uthman, on behalf of Lucky Philemon (Victim).**

Mr. Uthman began by asking the witness if it was the practice of his hospital to issue two (2) medical Reports in respect of a particular patient, the witness responded by stating that this may be possible for different reasons. He added that where a patient complains of insufficient information, another Report might be issued. In respect of the instant case, the witness however indicated that he was not aware of the circumstances of the same. Mr. Uthman further informed the witness that two (2) medical reports were issued in respect of Mr. Lucky Philemon (the first dated 31<sup>st</sup> December, 2020 and another dated 16<sup>th</sup> November, 2020 which was issued at the point of discharge) and then asked the witness if he had record of the reports. The witness responded by stating that the subsequent report takes precedence over the prior one. The witness was asked to look at the report and confirm if he signed same, which he did in the affirmative. The said Report was therefore admitted and marked 'Exhibit D'. The witness further confirmed that the report of the report of 31<sup>st</sup> December, 2020 takes precedence over the report of 16<sup>th</sup> November, 2020. He went ahead to further explain that when the victim was discharged, he was issued a medical report to enable him travel back to Kaduna for medical treatment. In the same vein, the report dated 31<sup>st</sup> December, 2020 was issued at the behest of the Panel when it

requested the facility to forward all medical reports of patients that were seen by the hospital. However, if the initial report was not seen by the hospital, then another one would have been issued. Irrespective of that however, both reports captured the essence of the injuries suffered by the victim (gunshot) which required him to have an amputation done. He emphasized that the dates of admission and discharge did not vary and consequently, the Panel could rely on both.

The witness went on to explain that a cardiothoracic surgeon is a person who operates on the heart, lungs, blood vessels and so on. Further, that the victim was examined by an orthopedic surgeon. When asked to identify the portion of the report which shows that the victim was examined by an orthopedic surgeon, the witness responded by stating that the fact was implicit in the report. He went further to explain that as the issuing doctor, it is assumed that he covered his basis, and that if he had needed to consult another specialist, he would have been required to document that he did. Otherwise, he would not have had the authority to write the report. The witness confirmed that he is an orthopedic surgeon, and also that the report of Mr. Lucky Philemon did not reflect that the injury suffered by the victim was an entry and exit wound. He emphasized that he saw, cared for, examined and counseled the victim before he went in for the procedure and until he was discharged. He stated that he performed the surgeries on the victim and based on these, he is fairly certain of the things he said. At this point, two letters from Alphacentric Partners, Legal Practitioners dated 30<sup>th</sup> November, 2020 and 10<sup>th</sup> December, 2020 respectively were admitted and marked 'Exhibit E.'

The witness noted that there was no bullet removed from the body of the victim, no Police Report obtained and neither did the victim pay for the hospital bills. He was treated free of charge. When asked for the difference between a dying left leg and a left leg Gangrene, the witness stated that both were the same. He also explained that disarticulation and amputation were the same and the term 'amputation' could cover for both. However, while amputation involves taking a part of the body off while cutting through bone, disarticulation simply involves removing a part of the body at the level of the joint. In the case of Lucky Philemon, amputation was carried out on him. Lastly, he confirmed that prior to and after the surgery, the victim was advised and a recommendation was given for the need of a prosthetic leg.

The matter was consequently adjourned to the 12<sup>th</sup> of February, 2021 to enable Counsel to the Lagos State Government cross-examine Witness Number two (2) from Reddington Hospital.

However, on the 13<sup>th</sup> of March, 2021 Mr. Uthman was granted leave to re-evaluate the witness (Dr. Lawson) in view of the new documents presented before the Panel.

The cross examination commenced with the witness reiterating that the time in which Mr. Philemon presented at the hospital was not taken or noted as the situation was a mass casualty and the priority was to save lives. It is not usually stated when a patient comes in, the issue of time would be a misplaced priority, where there are several patients presenting with injuries. The Doctor's aim was to triage the patient. He emphatically stated that there was no way to medically determine the time a patient who presented was shot. When further asked if it was preferable for the doctors to rely on whatever they were told by the patients, the witness explained that there were three (3) phases of patient engagement. The first (1<sup>st</sup>) he noted is when a patient categorically states what happened to him. The second (2<sup>nd</sup>) is when the information provided by the patient is assessed while the third (3<sup>rd</sup>) part involved investigating the sum total of information obtained in A and B to determine the extent of the patient's injury.

The witness confirmed that he assessed the case of Mr. Lucky Philemon and established that he was a victim of gunshot injury. The witness also confirmed that the results, including the date and time of all tests and x-rays carried out on Mr. Philemon were all included in the case notes that were tendered. He further confirmed that a crepe bandage was wrapped on the patient's leg. He concurred that the case notes presented also exhibited the list of doctor's, their daily endorsements as well as the date the patient was discharged.

He clarified that depending on the purpose, the medical report tendered was a relevant summary of the patient. He noted that regardless of purpose, the date of discharge ought to be stated on the medical report.

When showed the medical report of the patient dated 20<sup>th</sup> October, 2020 (which was forwarded to the Panel), and asked if he would be surprised to know that the patient was still at the hospital after that day, the witness indicated that he would not be surprised. He explained that Mr. Philemon was a patient who resided in Kaduna with his family. He noted that when the witness presented, part of the information provided was that they had issues with returning to Kaduna. As a result, they exchanged phone numbers. He further explained that it was possible for patients to be discharged on a day before they were to leave in order to avoid them incurring further bills. Secondly, if a patient indicated that he was not ready to leave, the hospital would continue to accommodate him. He further explained that in the instant situation where it was documented that the patient had been discharged, it only meant that the medical personnel had no obligation to check on him. At that point, his care had ended and he could proceed to out-patient care. However, he could still be within the facility.

When asked if a patient who had been discharged could remain in the hospital bed or put in another facility, the witness indicated that the answer would be dictated on a case-by-case basis. He reiterated that in the instant case, the patient's family members were not based in Lagos. Further that because they had intimidated him of their difficulty in returning to Kaduna, he gave them permission to stay at the facility until they were ready to leave.

When asked to examine the case note for Mr. Philemon and tell the Panel where the result of the x-ray, CT angiogram and the PCV test results were, the witness informed the Panel that the result was at page 17 (case notes), while the result of the C.T. angio was also there. The witness further informed the Panel that he knew that patients could ask for medical records. He confirmed that the copy of the PCV test result before the Panel as the one dated 29<sup>th</sup> October, 2020. He stated that the Patient had another PCV test carried out on him on the 20<sup>th</sup> of October, 2020 when he was presented at the facility. The witness subsequently identified the two documents which were dated the 21<sup>st</sup> of October, 2020 at 1:18am and another dated 20<sup>th</sup> October, 2020 at 21:29pm.

The witness informed the Panel that according to the report before the Panel, the Patient was at the Lekki Toll-Gate as at 9:31pm on the 20<sup>th</sup> of October, 2020. He stated that if shown his hospital's manner of presenting x-ray records, he would be able to confirm its correctness. He also confirmed that the patient's x-rays are stored on the system. Upon demand by the patient, they are either printed out or burnt on a compact disc (CD). When asked if he would be able to identify a CD from Reddington, the patient indicated that it usually carried the hospital and patient's name. When shown the x-ray result, the witness indicated that there was no doubt that the x-ray emanated from the facility. He noted that the result he was shown had "lower limb angio of Lucky Philemon" written on it. The compact disc marked 'Philemon Lucky lower limb' x-ray and flash drive were admitted together and marked Exhibit G. Reddington Hospital X-rays of Lucky Philemon were admitted together and marked Exhibit H. The media file was played at the Panel. When the witness was asked to confirm that the x-ray of the patient being played it showed the time of the first image being shown to the Panel showed the time as 9:31pm of October 20, 2020 the witness indicated that he was unsure because it did not show the patient's name on it. However, the print-out would carry that information.

Dr. Lawson confirmed that he treated a patient named Mabel Nnaji at Victoria Island. However when Mr. Uthman requested that the witness be shown the medical report of Mabel Nnaji, the Panel indicated that the medical record requested for had no connection to that of his client (Lucky Philemon).

When Mr. Uthman requested that the witness confirm the time he treated both Mr Lucky Philemon and Ms Mabel Nnaji, the witness reiterated that the situation was a mass casualty. As such, standard operating protocols were jettisoned. He emphasized again that the priority was to save lives. When also asked to also clarify how he treated both Lucky Philemon and Mabel Nnaji, the witness reiterated that patient presented at Lekki were triaged and then transferred to their Victoria Island branch. He noted that he went to the Lekki branch of the hospital to assist, assess and took another patient with him back to Victoria Island branch of the hospital. Consequently, it would also be accurate to find that a report documenting that patients were . When also asked if it would be correct to state that Lucky Philemon had been treated long before Mabel Nnaji was treated or if it were possible that Lucky Philemon was seen before 9pm, the witness informed the Panel that he could not tell because he was not the only one at the hospital.

Dr. Lawson went on to inform the Panel that the length of time it takes to prepare a patient for x-ray was determinable only on a case-by-case basis. He explained that the severity of the case would determine which patient would be bumped ahead of others. He indicated that an x-ray and CT angiogram could not be done simultaneously. There was a sequence in which they could be done. In Philemon's case, the x-ray was done before the C.T. angiogram.

### **Cross -Examination of Dr. Lawson by Mr. Olukayode Enitan, SAN, on behalf of Lagos State Government.**

Prior to the cross-examination on the next adjourned date, Dr. Babajide Lawson clarified that the incident of 20<sup>th</sup> October, 2020 created the scenario which he likened to that of 'mass casualty'. He explained that the priority was to save lives and separate the critically injured from the walking wounded, as such, it was probable that some patient's would have had their notes documented on the clinical sheet. Consequently, the records of some patients might not be traceable.

Under cross-examination, the witness confirmed that several individuals with varying degrees of injuries (some with clinical notes which had been tendered and others with case notes) were treated from 20<sup>th</sup> and 23<sup>rd</sup> of October, 2020. The witness then went on to identify the bundle of seventeen (17) clinical and eight (8) case notes of patients who were treated at Reddington Hospital between 20<sup>th</sup> of October, 2020 and 23<sup>rd</sup> of October, 2020. In the absence of any objection, they were admitted and marked together as Exhibit F.

Mr. Enitan recalling the note relating to Mr. Lucky Philemon (referred to as Exhibit F1) asked the witness to confirm that it was the Case Note and Report of Mr. Lucky, which

the witness answered in the affirmative. The witness confirmed that the case note was divided into two (2) parts: The information given by the patient or his relative where the patient is unconscious and the part in respect of the tests taken by the medical team in addition to the treatment given or done on the patient. He also confirmed usually, the cover page, known as the data form contained information supplied by the patient under reference. He explained that in some other instances, the information might be supplied by a relative where it was an emergency.

Referring to the second (2<sup>nd</sup>) page of the clinical note, the witness stated that the time of 11.30pm stated there, was indicative of the time of documentation and not the time the patient was presented. He went on to explain that the note beside the time which stated: "he was brought it in with the inability to use the left lower limb ex 30mins." meant that it was the perceived duration in which the victim had been unable to use his left lower limb. He noted that the victim was probably brought in thirty (30) minutes prior to presentation. The witness indicated that in the instant case, the patient (victim) supplied the information. He reiterated that the patient (victim) supplied all information in respect of himself personally and the treatment of the patient commenced thereafter.

The witness informed the Panel that as an orthopedic surgeon that deals with trauma, the range of injuries that he deals with is gunshot injuries. As such, there is an aspect of the training that is essential to understanding the nature of the injuries and how to treat patients with such injuries. When asked if he knew the available gun capacities, the witness explained that the nature of the injury helped them classify the injury as either low or high level; usually in correlation with certain types of firearms which could be low, medium or high energy. In response to whether high energy meant high velocity, the witness explained that the term 'velocity' was used in the past but it had been modified. He further explained that where the velocity was high, then the firearm was high energy. However, velocity alone did not qualify a firearm, which was why the terminology had been discarded or modified.

Dr. Lawson confirmed that he knew the difference between low, medium and high energy injuries and also agreed that it could be said that the three (3) types of injuries are usually caused by different firearms. That a person shot with a double barreled shot-gun was an approximation between medium to high energy. He informed the Panel that as a doctor, he did not know what a craft arm was. The witness was then asked the energy level he would categorize a military grade gun, the witness did not eventually answer the question due to Mr. Fusika's objection.

The witness stated that the first information of what ails the patient is based on information supplied by them. He also confirmed that the examination of a patient could either corroborate or vary the account given by such patient. He agreed that

even where the examination of the patient corroborates his account, the doctor would not be privy to how such injury was obtained other than the account of the patient. Dr. Lawson confirmed that there was a protocol with respect to how gunshot injuries were treated. He explained that clinically, the part of the body where the gunshot injury is located would determine the next line of action. That, certain areas would take precedence over others. For example, a patient with a gunshot injury to the head would have priority over another with a gunshot injury to the arm. He emphasized that the priority would be to save life before a report is made to law enforcement. Where possible, the bullet would be extracted and handed over to the Police. He concurred that where the bullet could not be extracted, it is left in the body as long as it is not life-threatening. He noted that one of the characteristics of most high energy gunshot injuries was that they usually had an entry and exit wound. When asked if it was characteristic for a low energy gunshot to remain in the body where it was shot in a fleshy part, the witness noted that the level of energy and other factors usually influenced whether the bullet would exit or not. He explained that where a medium energy weapon was shot at pointblank range, it would kill the individual. He also confirmed that he was familiar with forensic science as it relates to medicine.

The witness informed the Panel that it was part of forensics to preserve x-rays and bullets which are extracted as the priority was to save lives; every other thing was secondary. In respect of clothing, the witness noted that the preservation of the clothing worn by the patient at the point of injury, may be impossible as the cloth (es) is sometimes cut in order to get to the injury. Other times, they are discarded. Further, the mechanism of cutting the cloth is not pre-determined as it largely depended on the patient's injury.

The witness informed the Panel that in Mr. Philemon's case was a life-threatening situation because of the nature of his injury. When asked which day the wounds of the patients who presented with gunshot injuries upon examination would be fully closed, the witness answered that the question would have to be taken on a case by case basis. However, with respect to Mr. Philemon, although he had an emergency surgery done, the wound was only partially closed while the rest was allowed to egress. He emphasized that it was a gunshot injury and he had subsequent surgeries and his care was based on what was determined at each stage.

The witness confirmed that with respect to all the patients, none of the materials they presented with was preserved with a view to further examination due to the situation of mass casualty in which the patients needed to be stabilized. However, some patients the clinical assessments such as x-rays were documented. He noted that the clinical evidence was what the hospital had for the procedure. When asked if the patients who had gunshot injuries had x-rays, the witness noted that some of the patients were referred to other facilities while the case notes of the patients who were

attended to by the hospital had x-rays and further imagining. The matter was adjourned at this point.

At the resumed Hearing date, Mr. Enitan continued his cross-examination of the witness with respect to the treatment of Mabel Nnaji. The witness began by confirming that the lady suffered a gunshot injury, was discharged and had some pellets which were still lodged in her body. He informed the Panel that the gunshot injury the patient suffered could be categorized under medium energy. He indicated that he could not categorically state that the weapon was not a law enforcement grade one. When asked if he was trying to state that law enforcement agents carried guns that used pellets, the witness explained that when a gunshot occurs, there can be residual entity, especially since the entity was not extracted in the instant case. He further explained that if a patient indicated that he was shot and small metallic objects not entirely the size of a bullet are found, they are referred to as pellets. He clarified that it however did not necessarily mean that it was a pellet that was discharged as the range of some gunshot injuries, for example, a shotgun which impacts with a lot of pellets. He further explained that a shotgun falls in the medium-high energy category and it was possible to end up having pellets. As such, it would be difficult to categorically tell the type of weapon used if the gun that discharged the ammunition were not seen.

The witness went on to confirm that the patient (Mabel Nnaji) still had the pellet in her abdomen till date. He explained that from the imaging done and clinical tests, there was nothing to suggest she was in danger. Further, that for such individuals all the hospital would do is observe and follow up.

When asked to describe the kind of injury that the entry of a bullet inflicts on the point of penetration, the witness explained that the entry point was almost always smaller than the exit point. He further explained that because a bullet moves faster than the wind, there is a rippling effect in the air. Once it got into the tissue, the rippling effect is reproduced within the tissue. He noted that depending on the energy, it would give a radius within which the damage could occur. This energy is what the bullet maintains as it exits the tissue; which is why the exit point is usually larger than the entry point.

He agreed that Mabel Nnaji did not have an exit wound. He also indicated that the type of treatment to be administered to the patient would depend on the finding at the time of presentation as well as the location of the injury, patients' condition and if the patient has been determined not to be in danger. In such scenario, the treatment protocol would be wound care, prescription of antibiotics and pain medication. It would be unlikely for a patient who was in danger and presented bleeding to be given wound care and discharged.

The witness confirmed that one Amako Francis also presented on 21<sup>st</sup> October, 2020 with a knife stab wound or a wound from a sharp object, as opposed to a gunshot injury. He also confirmed that the patient was not treated after the 21<sup>st</sup> of October, 2020.

The witness also confirmed that a patient named Bright Osarehemen presented on the 22<sup>nd</sup> of October, 2020 with a gunshot injury of six (6) hours duration after the incident. He explained that the patient was injured on the day of presentation. He indicated that it was unlikely that the instant patient could have been a victim of the incident which occurred at the Lekki toll gate on the 20<sup>th</sup> of October, 2020.

In respect to one Joshua Samuel, the witness also confirmed that the patient had the removal of a foreign body (i.e. bullet) from the body. He noted that the surgery was not done by him and confirmed that indeed, there were several complaints of bodily injuries like cuts and bruises which were allegedly sustained from the Lekki Toll Gate. From the Reddington Medical report, there were several people that presented on the 21<sup>st</sup> with all manner of complaints of body injuries like cuts and bruises/injuries which most of them alleged were sustained at Lekki Toll Gate. He stated that that it was not possible to confirm where the injuries occurred at the time. He also stated that some of the patients who presented only required basic dressing of their wounds. Moving on to the Report of Ajoku Japhet, the witness confirmed that the patient presented with a gunshot injury on the 22<sup>nd</sup> of October, 2020 and claimed to have been shot at Ajah, not Lekki Toll Gate. In respect of the Report of Edward Matthew, the witness noted that his Report was issued on the 30<sup>th</sup> of October, 2020. He confirmed that the patient had presented at the hospital at about 8.30pm on the 19<sup>th</sup> of October, 2020 before the incident at Lekki occurred.

Dr. Babajide confirmed that there was a standard operation procedure in relation to gunshot injuries generally. He explained that the procedure would be dependent on the nature of the injury vis-a-vis, the part of the body that was injured, time of presentation as well as the status to wit: emergency, urgent or stable. He further explained that assuming it was an emergency and the injury was located in the extremity, the immediate step to be taken was to assess the stability of the patient, get imaging and cleanse the wound. After the necessities had been done, law enforcement agents, usually the Police would be informed.

For patients who presented at the hospital during the incident, no follow-up was done in respect to informing the Police. He confirmed that several people presented throughout the 21<sup>st</sup> of October, 2020 claiming one form of injury or another. He also confirmed that most of such patients did not require major surgeries and that he (and the facility) ensured that those that presented with life threatening conditions were not only stabilized, they were also treated as though they were fee paying patients of the hospital. He further confirmed that all patients that presented were taken in.

Where there was a shortage of bed spaces at the emergency room but the condition of the patient was not severe enough to warrant a transfer, some of the patients were referred to other facilities. He emphasized that the goal was to ensure that the patients were referred to the general or private hospitals in cases where his facility could not care for them.

When asked to give a window within which a patient who had suffered a high energy gunshot injury had to receive care; and where such care was not provided, could lead to a fatality, the witness explained that Medicine was not an exact science as a young person who had a gunshot injury to the leg may not die from blood loss but an infection. In another instance, a diabetic 20 year old man could die within two days. He informed the Panel that an individual who suffered a high energy gunshot wound should receive medical attention within twenty-four (24) hours in order to prevent him from dying from loss of blood.

The witness indicated that he was told that the Governor of Lagos State visited the Lekki branch of the hospital on the night of the 20<sup>th</sup> of October, 2020. When asked if the Governor also visited the Victoria Island branch of the hospital, the witness indicated that he did not see him. When asked if the hospital made any commitment as to what the hospital would do with whoever comes in, the witness explained that around 7 or 8pm on the 20<sup>th</sup> October 2020, a call was placed to medical personnel to make themselves available as they would be required to help out. He noted that the instruction was that no patient should be turned down. He confirmed that the Governor was at the hospital on the night of the incident. Specifically, he noted that the Governor was there very late, at about midnight. He emphasized that he did not know if he informed the hospital staff that the State was interested in ensuring that people got the best treatment the hospital could provide as he did not see him. At this point, the witness was discharged from the further hearing in respect of the investigation into the Lekki incident the occurred on the 20<sup>th</sup> of October, 2020 as it affects Reddington Hospital.

### **Withdrawal of Legal Representation on Behalf of the Nigerian Army by Mr. A.T. Kehinde, SAN.**

During the proceedings, Mr. S.N. Agweh, SAN informed the Panel that his presence was not for the purposes of representing the Panel. Rather, he was there to deliver a message on behalf of Mr. Kehinde Akinlolu, SAN. He further informed the Panel that prior to his appearance, Mr. Kehinde Akinlolu had written a letter dated 20<sup>th</sup> January, 2021 to the Panel, in which he explained that the team of legal practitioners who represented the Nigerian Army based on the Summons issued on the Army on the 28<sup>th</sup> of October, 2020 at the Panel has been disbanded by the Nigerian Army, subsequent to the proceedings of 21<sup>st</sup> November, 2020. Consequently, they had no

further mandate to represent the Army in subsequent proceedings. He indicated that Mr. Akinlolu, SAN thought it necessary to ask him to appear before the Panel in order to debunk the false news circulating in the media that the Nigerian Army had refused to show up. In response, the Chairperson appreciated Mr. Agweh's presence while also acknowledging the letter written by Mr. A.T. Kehinde, SAN. She however noted that the reportage in the media were incorrect and did not represent the Ruling of the Panel. She further noted that having served so many Summonses on the Nigerian Army and they were always absent, the Panel felt that as Counsel on record, he would be in a position to assist the Panel in order to at least let the Panel know why the Nigerian Army was not appearing in the matter.

Mr. Fusika however noted that whilst the Panel could not compel any lawyer to represent a party, the case against the Nigerian Army has not been concluded. Mr. Ogunlana also opposed the notion that the Panel was helpless if the Nigerian Army decided that it would no longer appear. To this, the Chairperson categorically stated that where a party refuses to appear before the Panel and present his case, it is deemed that the party has abandoned his case and the Panel's Rules on in respect of uncontested matters will be invoked by the Panel. Further, the Panel's position was stated clearly in its Ruling. On this note, Mr. Agweh sought the Panel's permission to take his leave, and same was granted.

On the next adjourned date, 27<sup>th</sup> February, 2021 the Chairperson informed the parties present in the case of the Summons issued on the Nigerian Army that the Panel will go on to hear the matter irrespective of the presence of the Army and or its representatives. However, the matter was subsequently adjourned to a later date that was to be communicated to Counsel and Parties because the evidence of Reddington Hospital had not been concluded and vital documents from the hospital's records were yet to be admitted in evidence.

## **SUMMONS ISSUED ON LOATSAD PROMEDIA LIMITED**

Appearances Entered:

Mr. Jonathan Ogunsanya, Counsel to the Panel.

Mr. A. J. Owonikoko, SAN with Olukayode Enitan, SAN, Jerry Briggs and Y. Olabode for Lagos State Government.

Mr. Adeshina Ogunlana with Mr. Ayo Ademiluyi for named #endSARS protesters.

Mr. J. I. Ebozeremen with Emmanuel Eze for the Nigeria Police Force.

Mr. O. C. Olagunju with Mr. O. Obilade, holding the brief of Mr. Olumide- Fusika, SAN for named #EndSARS protesters.

Mr. Rotimi Seriki with Mr. Akin Elegbede for Lekki Concession Company Limited.

The representative of Loatsad Promedia Limited is sworn on the Holy Bible and states that he speaks English language.

EVIDENCE-IN-CHIEF OF MR. ABIMBOLA ENIOLA ON BEHALF OF LOATSAD PROMEDIA LIMITED.

The witness began giving his evidence by informing the Panel that his name was Abimbola Eniola, Company Secretary to Loatsad Promedia Limited ('The Company') which is located at Plot 7, Block 52A, Omorinre Johnson Street, Lekki Phase 1, Lagos. He stated that he was before the Panel due to the Summons that was served on the Company and went ahead to identify same. In the absence of objections, the Summons to the Chief Executive Officer of Loatsad Promedia was tendered and admitted as Exhibit A. He was before the Panel to give the company's position in respect of the incident which occurred on the 20<sup>th</sup> of October, 2020.

He testified that on the 20<sup>th</sup> of October, 2020 the Lagos State Government declared a curfew. He noted that staff of the company had been working from home since the pandemic began in March, 2020. However, the Operations team had been going about their business, which involved going to the company's sites across Lagos State to upload contents and monitor the situation of things generally. He informed the Panel that the head of the human resources department circulated the broadcast of Mr. Governor to the company's group chat and directed the Operations team to shut down the billboards no later than 3pm on that day in order to enable staff of the Operations team return to their homes before 4pm when the curfew would become enforceable. He stated that the billboard at the Lekki Admiralty toll plaza was turned off at 3pm and the man in charge of the generator left.

The witness explained that the company was into the business of outdoor advertising, activation, both above and below the line advertising (depending on the site). He noted that although the company was registered in October 2013, operations did not commence until 2014. However, as far as the toll gate was concerned, the company only does outdoor advertising; which was the essence of having the bill board. He informed the Panel that he did not have to leave at 3pm or visit the site on that day (20<sup>th</sup> Of October 2020) as directed because he had been working from home. He noted that panels belonging to the company were vandalized while cables and batteries were stolen; although he was not sure when that happened. The company was not even aware of this fact until the toll-gate was re-opened.

**Cross- Examination of Mr. Abimbola Eniola by Mr. Seriki on Behalf of Lekki Concession Company (LCC).**

The witness began by confirming that the Human Resources Department gave the directive for the bill boards which the company operate in Lagos to be shut down. He also informed that apart from the Lekki toll gate, the company had bill boards around Falomo, Isolo, Surulere, and at the roundabout at Alexander, Ikoyi. He also

confirmed that the bill boards around those locations were also shut down at about 3pm of the 20<sup>th</sup> of October, 2020 as well.

When asked if the shutting down of the bill boards was pursuant to the directive of the government, the witness confirmed same. He also confirmed that 20<sup>th</sup> October, 2020 was not the first time the company's bill boards would go off. He noted that for the most part in March, April and May, the boards were completely switched off across Nigeria due to the Covid-19 pandemic. He explained that the essence of the boards was for viewership. However, there was no point turning on the generators which powered the boards if there was no one to view them on the streets. He then stated that upon resumption, the boards only ran for twelve (12) hours. However, since the Covid-19 pandemic, the number of hours for running the boards depended on the arrangement with the clients.

Mr. Abimbola Eniola went on to explain that the main source of power for the bill board at the Lekki toll-gate, Public power supply "Power Holding Company" and the generator was the back-up source. He informed the Panel that Loatsad never used the LCC's generator. The company generator used to operate the bill board is operated by a staff of the company and there was no way the boards would be switched on when the staff had been asked to go home. The witness confirmed that the staff had to visit the site in order to upload contents. He explained that the billboards worked in such a way that they had to be fed with video contents or pictures. Further, that the LED's could be uploaded either remotely or by physically visiting the sites to upload the flash drives. However, since the technical team didn't have access to the office, the technical staff had to visit the sites directly to upload the contents from USBs. He agreed that the technical staff were not permanently stationed at the Lekki Toll-Gate, they only went to the sites when they needed to upload content. He stated that apart from the operator of the generator, the company had no other physical staff at the Lekki Toll-Gate.

He stated that no other staff had anything to do with the bill board around that time, as they were all working from home. If they were not working from home, they would be in their office at Omorinre Johnson, Lekki Phase 1, Lagos. He confirmed that the company issued a press statement on why the staff had to leave. He noted that although he had a draft copy of said press statement, which was issued, he could not obtain a screenshot of that which was posted online. When Mr. Seriki sought to tender a copy of the press statement, all Counsel with the exception of Mr. Ogunlana did not object to its admissibility. Mr. Ogunlana's objection was premised on the fact that the document was neither signed nor presented on the company's letter head.

The Panel however admitted the Press Statement as Exhibit B on the grounds that the rules of admissibility were not strictly applied as the Panel was a fact-finding body charged with the duty of conducting an investigation. Most importantly, the Panel

was interested in any document or material which would assist it in getting to the truth of the matter.

The witness went on to confirm that he was aware that protesters had been at the toll gate prior to 20<sup>th</sup> October, 2020. He explained that his company cooperated with the protesters by uploading contents prepared by the protesters on its bill board at a discounted rate or even outrightly, free of charge. The company also supported the protesters by assisting the disc jockey (DJ) to power his equipment with the company's generator. However, because the cable could not get to the generator house, the Protesters had to use their own generator.

The witness confirmed that pilfering of the company's equipment continued even after the 20<sup>th</sup> of October, 2020. Further, that the company lodged a complaint with the Maroko Police Division and this led to the apprehension of some culprits. He also confirmed that the Police subsequently issued a Police Report to the Company. When Mr. Seriki sought to tender the said Police Report, no Counsel raised any objection except Mr. Olagunju, who objected on the premise that the document was irrelevant for the purposes for which the Panel was set up, as the alleged thefts occurred in December, 2020, while the Lekki incident occurred on 20<sup>th</sup> October, 2020, therefore, they were outside the Terms of Reference of the Panel. Responding to the objection, Mr. Seriki stated that the witness had testified to the pilfering of the company's properties, and the fact that access to the company's office was restricted and was not granted until December 2020. Consequently, the document ought to be admitted.

In a considered Ruling, the Panel held that because the report of the theft of the company's properties was not made until the 13<sup>th</sup> of December, 2020 it brought it outside the period of investigation. Consequently, the said document was not relevant and was rejected. The document was rejected and marked Exhibit Rejected 1.

Lastly, the witness informed the Panel that the company did not take instructions from the LCC while carrying out its operations at the location of the billboard at the Toll-Gate. In addition, the LCC did not also interfere in the company's activities in any way  
Cross-Examination of Mr. Abimbola Eniola by Mr. Owonikoko, SAN on behalf of Lagos State Government.

The witness reiterated that the name of the company which he represents is Loatsad Promomedia, a private enterprise. He confirmed that the company's installation at the toll gate is the signage on top of the toll. He explained that said installation was an LED two (2) faced bill board belonging to the company, and not the LCC. He further explained that the company had a rental contract with the LCC for it to install on the facility of the Lekki toll-gate, as such, the company usually paid rent to the LCC for the use of the toll plaza for the installation.

He noted that the only relationship the company had with the Lagos State Government was that the company paid advertising fees to the Lagos State Signage and Advertisement Agency (LASAA) and taxes to the Lagos State Internal Revenue Service (LIRS). The witness also confirmed that as a company bound by LASAA, it was bound to comply with its regulations. Further, that the Lagos State Government declared a curfew all over Lagos State on 20<sup>th</sup> October 2020. When referred to Exhibit C as admitted during the testimony of the Head of Service, the witness noted that it was the first time he was seeing the document and that he was only aware that the curfew began at 4pm and not by 9pm.

He conceded that because the company was only aware that the curfew was to begin at 4pm, the company asked its staff to leave by 3pm, in order to enable them get home before 4pm. He noted that he was unaware that some people were exempted from the curfew. Further, that the company was not exempted because they were not an essential service provider and they are into advertising. The witness confirmed that he was aware of the rule of target audience in advertising. He explained that the rule meant that advertisement must target or attract the attention of people who will patronize the advertised product(s). He agreed that some of their clients had products for young people, including the peaceful protesters. The witness also agreed that even in the event that there was no curfew on the 20<sup>th</sup> of October, 2020 the company would naturally have engaged the multitude of young Nigerians who were engaged in the peaceful protest for good governance at the Toll-Gate in order to ensure that the advertised products reached them. The company supported the protesters as its own target audience and also has no animosity towards them.

The witness also agreed that if it were convenient, there would be no reason not to reach out to the protesters as they were their target audience. He confirmed that due to the curfew which was to commence at 4pm, there was no one to turn on the generator and also no one to advertise to at the Toll-Gate. He concurred with the fact that to keep the LED installation working, the company would have required personnel on ground; thereby violating the curfew. He also agreed that by asking its staff to leave by 3pm, the company expected that the State would protect its properties. The company did not expect that its installations and properties would be vandalized. Lastly, he reiterated the company's installations were not protected and that he was not in a position to tell the Panel what happened or if there was shooting or not after its staff had vacated the premises of the toll-gate at 3pm on the 20<sup>th</sup> October 2020.

### **Cross-Examination of Mr. Abimbola Eniola by Mr. Adesina Ogunlana**

At the resumed hearing, Mr. Ogunlana asked the witness to repeat his name to the Panel. The witness stated his name as Abimbola Eniola. He is a Yoruba man from Ondo State and he had been in the employment of the Company as the Company

Secretary since its inception. He was called to the Nigerian Bar in 2012. He confirmed that he gave evidence in respect of what led to the switching off of the billboard on the 20<sup>th</sup> of October, 2020 before the Panel. When asked to confirm that the evidence he gave was from information relayed to him by the technical team as opposed to first hand knowledge. The witness responded by stating that as the Company Secretary, he had personal knowledge of the facts he testified to before the Panel. He confirmed that the Head of the Human Resources Department of his Company is Chisa Oladebo, who gave the directive for the billboard to be switched off. He noted that she sent the Governor's memo concerning the curfew to the company's group chat. He indicated that the message was directed to the Operations team, who had been working outside since all staff had been working from home. He reiterated that Chisa Oladebo directed the staff operating the billboard to switch same off all the bill boards. He noted that the billboard at the Toll-Gate was not the only one that was switched off. All other billboards were expected to go off by 3pm. He went on to inform the Panel that the Head of Operations was one Mr. Lucky (witness noted that he could not remember the surname), who was not at the facility on the 20<sup>th</sup> of October, 2020. The only personnel at the bill board on the day of the incident was one Mr. Kor Asue, the generator man whose duty was to switch on the generator when the public power supply went out.

He stated the name of the Managing Director of the company as Mr. Aderele Olusoga. He noted that the only member of the Tinubu family in the company is Mr Seyi Tinubu, who is a shareholder and doubles as a Director. He further noted that he knows Mr Seyi Tinubu, and he is a majority shareholder. That his duty as the Company Secretary was to organize board meetings, give the company general and legal advice on actions it seeks to take. He stated that he is not a technical person, but a Lawyer and his expertise is in advertising, as he has worked in advertising for eight (8) years. He also confirmed that although he was not an engineer, he has a foundational idea of advertising content, target market and so on, by virtue of the position he holds. Mr. Ogunlana then requested the witness to speak on advertising content since he has become an expert by virtue of 'long usage.' The witness responded stating that advertisement was meant for a target audience and that some types of adverts were for banks and telecommunications who are their customers. He disagreed that the purpose of switching off the lights at the Toll Gate was to throw the place in darkness. The purpose of the Bill Board was actually not to illuminate the Toll Gate. He emphasized that although the billboard was a big one, it did not serve the purpose of lighting up the Toll Gate. He further insisted that that the purpose of the bill board was not to provide light or illumination to the Toll Gate. He also informed the Panel that the company did not resume operations after the incident until March, 2021.

## **SUMMONS ISSUED ON PROFESSOR JOHN OBAFUNWA**

Appearances Entered:

Mr. J. Owonikoko, SAN with Olukayode Enitan, SAN, Jerry Briggs, J. Tony and Y. Olabode for the Lagos State Government.

Mr. Olumide Fusika, SAN with Rabiya Fawehinmi-Morakinyo for named #EndSARS protesters.

Mr. Adeshina Ogunlana with Mr. Ayo Ademiluyi for named #EndSARS protesters.

Mr. J. I. Ebozeremen with Emmanuel Eze for the Nigeria Police Force.

Mr. Rotimi Seriki with Mr. Akin Elegbede for Lekki Concession Company Limited. Jonathan Ogunsanya, Counsel to the Panel.

## **EVIDENCE IN CHIEF OF PROFESSOR JOHN OBAFUNWA**

The witness began by stating his name as John Oladapo Obafunwa. He is an Anatomy and Forensic Pathologist from the Department of Pathology and Forensic Medicine at the Lagos State University Teaching Hospital (LASUTH), Ikeja, Lagos. He also confirmed that he was summoned to appear before the Panel with some documents. He noted that he is involved in Coroner services through the Office of the Chief Medical Examiner, and that the Office of the Chief Medical Examiner is domiciled in the department of Pathology, LASUTH.

The witness then went on to state some of his qualifications as MBBS in 1980, FMC Pathology. In 1987, he obtained the FWACP while in 1989 he obtained the degree of DMJ Path. In 1991, he got the degree of MRC Pathology and in 1992 obtained the award of Forensics. In 1998, he obtained the certification of FF Path. RCPI and in 1998 obtained the FRC Pathology. In 2001, he got the Certificate in Law, from the University of Kent in 2002, his LL.B. from Northumbria, United Kingdom, 2004. He then went on to obtain the award of FCLM in 2005, MFFLM, London in 2007, FFFLM in 2009 and CAS from the University of Zurich in 2018.

Professor Obafunwa then went on to confirm that he was served with a Witness Summon and then went on to identify and confirm the Summon that was issued on him. In the absence of objection from any of the Counsel, the Summons to witness under Form A section 5C issued to Professor Obafunwa received on the 4<sup>th</sup> day of May, 2021 was admitted and marked as Exhibit A. The witness then confirmed that he had three of the Post-Mortem reports conducted on some bodies from the incident of 20<sup>th</sup> October, 2020 with him. The three (3) post-mortem reports of #EndSARS unknown persons tagged as YABA/2020/005, YABA/2020/062 and YABA/2020/041 were also tendered and admitted as Exhibit B in the absence of objections.

When asked if he had any other documents to present to the Panel as stated in the Summons, the witness indicated that he also had three (3) compact discs (cd) containing photographs taken at the autopsy. In the absence of any objections, the cd's marked EndSARS/YABA/2020/005, EndSARS/YABA/2020/041, EndSARS/YABA/2020/062, Autopsy Images/Radiographic images were hereby admitted together and marked Exhibit C.

The witness also indicated that he could speak to the autopsy reports without the images. He noted that he had the report for three cases he was asked to present. He explained that although the deaths of the three victims in the case came about at the Lekki Toll Gate, their identities were still unknown and that was why they were only identifiable by numbers and not names. As a result, DNA samples had to be obtained from the corpses for identification purposes. He further explained the meaning of the identification given to the corpses. He also noted that the bodies were labeled in Yaba, brought to LASUTH for autopsy and then returned again to the Yaba mortuary. He stated specifically that he was only dealing with the cases presented to him.

He explained that in respect of the first corpse- ENDSARS/YABA/2020/005, YABA referred to the fact that the corpse was preserved at Yaba mortuary. He further stated that the corpse was said to be brought in from the Lekki Bridge at about 05:27pm on the 24<sup>th</sup> of October, 2020 by Officers of the State Environmental Monitoring Unit (SEMU). With the authorization from the Coroner, the autopsy in respect of the instant corpse was conducted at LASUTH on the 29<sup>th</sup> of October, 2020 starting at 12:45pm and ending at 01:50pm. The witness explained further that the procedure for the autopsy included conducting the dissection, an x-ray of the entire body for the purpose of uncovering the presence of any foreign body. The result of the x-ray is contained in the Radiologist report, signed by the Radiologist and attached to the post-mortem report. He noted that the x-ray showed a fracture of the 7<sup>th</sup> rib, body was slightly decomposing, skin slipping off and greenish decomposition. Also, the body had been embalmed to stop decomposition. There was also a laceration/gash on the left hand side of the skull, measuring 8cm by 2cm but no fracture of the underlying bone. The only injury on the inside was a fracture of the left 7<sup>th</sup> rib. The examination of other systems showed accumulation of bloody fluid in the chest cavity on both sides as well as moderate to severe decomposition. Autopsy findings led to the conclusion that the cause of death was bleeding into the chest cavity sequel to a blunt force trauma to the chest. In summary, we concluded that death was as a result of bilateral hematoma sequel to blunt force trauma. However, he could not comment on the cause of the blunt force trauma because of the stage of decomposition.

Professor Obafunwa further submitted that samples of the organs which were taken were then looked at under the microscope. However, the results revealed nothing remarkable, but decomposition. Additionally, a Dentist carried out dental charting of

the corpses as part of measures towards the identification of the corpses; in order to have an ante-mortem record to compare with.

In respect of the second corpse (case- 041), the identification of the deceased was also unknown, but the funeral home where the bodies were kept stated that the place of death was said to be Lekki. Death was also said to have occurred around 01:45am on the 21<sup>st</sup> of October, 2020. The witness proffered that the deceased was an adult, who had reportedly been taken to Reddington Hospital, Lekki in an unconscious state as a result of an open skull fracture which allegedly occurred on the 21<sup>st</sup> of October, 2020 at about 01:15am. The corpse was deposited at the Mainland Hospital, Yaba and transported down to Ikeja, Lagos for post-mortem on the 1<sup>st</sup> of November, 2020. The body of this corpse had also been embalmed to stop the process of decomposition.

He further proffered that the autopsy commenced at 07:45am to 11am. No bullets or pellets were found embedded in the body when an x-ray was conducted on it prior to it being cut open. The x-ray also revealed multiple skull fractures which the funeral home had packed with some materials in the process of embalment in order to prevent the fluid from leaking out. .

Ragged sutured laceration running from the left side in the front across the vertex to the right side of the skull was observed during autopsy. Additionally, multiple fractures of the skull as well as bleeding into the brain tissue were also observed. The deceased had also suffered bruising into the left anterior chest wall in the chest as well as a fracture of the left rib. Generally, the internal organs were also pale, and this suggested that there had been severe blood loss. Incidental finding revealed the evidence of hypertensive heart disease; although this had nothing to do with the cause of death. Like the first corpse, samples were also taken for DNA studies and examined under the microscope. The results from the autopsy led to the conclusion that death occurred as a result of craniocerebral injury (severe skull and brain injury) from blunt force trauma.

The third case – 062 was also said to have died at the Lekki toll gate. The body was said to have also been recovered by the State Environmental Monitoring Unit (SEMU) who then deposited the body at the mortuary of the General Hospital, Yaba. The autopsy which was conducted began by 08:45am. The x-ray conducted, revealed the presence of the fracture of the 2<sup>nd</sup> vertebrae of the chest cavity (hole at the back), 2<sup>nd</sup> thoracic vertebrae and also the left tibia (left leg). However, no bullet and no pellets were seen or recovered. The body had also been embalmed. The head also revealed a bruise and grazed abrasion on the left side. Similarly, the left upper limb also showed evidence of grazed abrasion. However, a defect measuring about half an inch which had been sutured was observed. Another sutured defect on the back,

measuring about 2cm in diameter (almost an inch and bigger than the defect at the front) as well as a sutured linear laceration in the lower part of the leg were also observed.

Upon opening the deceased up, a laceration or tearing of the muscles of the chest with a defect in the intervening muscle between the first (1st) and second (2nd) rib accompanied by destruction of the major blood vessels that will normally ascend to the neck were observed. This was accompanied by severe bleeding of the right chest cavity (650 ml). A fracture of the second (2<sup>nd</sup>) thoracic vertebrae was also seen, which the witness explained that it was the portion of the back bone in the chest. This defect, the witness noted goes right through the body of the bone and communicated with the defects at the back (the 2cm defect that was sutured). In other words, the pathologists were dealing with a small injury at the front, which went in below the first rib, damaged the major blood vessels arising from the heart, proceeded further backwards to hit the backbone at the 2<sup>nd</sup> thoracic vertebrae level and the margin at the back. This led to the damage of the upper part of the right lung and led to the conclusion that death was due to severe blood loss as a result of the destruction of a major blood vessel; which could have been caused by gunshot injury. Specifically, a rifled weapon.

The witness also tendered the compact disc which had been admitted. Same was played and the witness gave explanations while it played, stating that there was damage through the upper part of the lungs, showing tear to the wind pipe.

#### **Cross-Examination of Professor Obafunwa by Mr. Olumide-Fusika, SAN.**

When asked if the witness could determine how long the suturing done on the corpse of the deceased are, the witness responded by stating that, interest was not normally placed on how old a suture is. However, he could assure that the suturing was done post-mortem and at the Mainland mortuary, Yaba where the body was kept. He confirmed that SEMU recovered the body of the deceased and took it to the mortuary. He however clarified that sutures are not a form of operation. Its purpose is simply to prevent the embalming fluid from leaking out. When asked to confirm the exact date when the body was allegedly picked up, the responded that he did not know. He however confirmed that he did come in contact with the body on the 2<sup>nd</sup> of November, 2020 when it was brought to Ikeja for autopsy, while the body was recovered on the 21<sup>st</sup> of October, 2020.

Mr. Olumide-Fusika SAN noted that in the course of the witness's testimony, his response to one of the questions asked was: "I have reports on the deaths we are supposed to be talking about. There are three of them". The witness confirmed that he stated so, but went on to explain that based on the summons he received; he believed that he was asked to come speak on the Lekki cases. Professor Obafunwa further confirmed that he did not go about scavenging for bodies; and that if he was

not told that a body was recovered from Lekki, he wouldn't know. He went on to restate that he is a Professor of Forensic Pathology and his role in the department of Pathology at LASUTH is that he teaches Anatomy and Forensic Medicine, he is a Consultant in the Teaching Hospital and also participates in Coroner's autopsies.

When asked to recall a Call/public announcement in newspapers by the Chief Coroner of Lagos State for the purposes of identifying missing persons, the witness clarified that the advert was not for members of the public to come forward to identify bodies. Rather, the advert was an invitation for the public to meet with the Pathologists towards identifying bodies. This was because there were bodies that could be looked at and immediately identified; while there were bodies that required DNA tests for identification.

When further asked if he knew that the advert specifically mentioned people who had lost their loved ones between 19<sup>th</sup> and 27<sup>th</sup> of October, 2020, the witness agreed, even though he did not have the record with him. When Mr. Olumide-Fusika SAN started to read out the contents of the announcement, Mr. Owonikoko, SAN objected on the ground that the proper procedure was for Mr. Olumide-Fusika to produce the document and show same to him. Only then, can the witness speak to it. The Panel consequently ruled that where a party is leading a witness in respect of a document, the document ought to be put in evidence first.

Mr. Olumide-Fusika SAN asked Professor Obafunwa to confirm that there was an advertisement to the public, that the date in reference was the 19<sup>th</sup> – 27<sup>th</sup> October, 2020 even though he did not have the document with him and that the people who responded to the Call had to come to his department.

When asked how many corpses were brought before 19<sup>th</sup> and 27<sup>th</sup> of October, 2020 the witness responded by stating that the Coroner instructed his department to carry out autopsies on bodies recovered between 20<sup>th</sup> and 24<sup>th</sup> October, 2020, not just in respect of bodies recovered in Lekki but also from Ajah, Surulere, Fagba, Ikorodu and Ikoyi Prisons totaling 99 bodies. The witness noted that he did not have the date each of the bodies was deposited with him at that material time. However, he could look for those records. At this point, Mr. Olumide-Fusika made an Application for the witness to bring the records of the ninety-nine (99) bodies.

Mr. Olukayode Enitan SAN, however objected on the grounds that it was outside the Terms of Reference of the Panel, and the witness was only summoned to give evidence and submit report(s) in respect of the examinations he/his Office conducted on the corpses of the bodies in respect of the incident of the 20<sup>th</sup> of October, 2020, which occurred at the Lekki toll gate Admiralty Circle, Lekki, Lagos in order to assist the Panel in getting to the truth of the matter. As such, the Application made by Mr. Olumide-Fusika will amount to inviting the Panel to go beyond its Terms of Reference. Thus, said

Application should be summarily refused. While aligning himself with the position of Mr. Olukayode Enitan SAN, Mr. Rotimi Seriki Esq. also urged the Panel to take cognizance of the fact that it had very limited time to conclude its assignment. Further, that the implication of granting the Application will be that all the other Counsel will be unable to conduct their own cross-examinations because Mr. Olumide-Fusika SAN, would be yet to conclude his. In addition, Mr. Olumide-Fusika ought to have requested for a Summon for the autopsy records of all corpses in Lagos State within the specific period contained in the advert under reference. He consequently urged the Panel to discountenance the Application and direct Mr. Olumide-Fusika to close his cross-examination so Counsel can conduct theirs.

Mr. Adesina Ogunlana however opined that it would amount to shutting out Mr. Olumide-Fusika's request since the witness had given evidence that he and his team attended to ninety-nine (99) corpses. Most importantly, the purport of the Panel's assignment was to search for the truth. Mrs. Amanda Asagba (for the NBA) concurred with this position. Mr. J.I. Eboseremen Esq. also aligned himself with Mr. Olukayode Enitan SAN and Mr. Rotimi Seriki's positions.

In a considered Ruling, the Panel held that the evidence that only three (3) bodies were recovered from the Lekki toll gate incident needed to be further investigated; especially as the essence of setting up the Panel itself was for the matter to be investigated in order to arrive at a just conclusion as well as the position of majority of the members of the Panel. As such, the Application for adjournment to enable the witness produce the other autopsy results of all the recovered bodies is granted and the proceeding adjourned to the 19<sup>th</sup> of June, 2021.

At the resumed Hearing date, Mr. Olumide-Fusika, SAN continued his cross-examination of the witness by reminding him that the cross-examination on the last adjourned date stopped at the point in which the witness was told to produce autopsies of the other corpses. Professor Obafunwa in response first began by clarifying that he is a Forensic Pathologist working in the Department of Pathology and Forensic Medicine, LASUTH in the Office of the Chief Medical Examiner domiciled in that department. Secondly, he used to be the Chief Medical Examiner for Lagos State and lastly, that he was not involved in the recovery or gathering of the bodies. He was only officially invited to get involved in the matter on the 20<sup>th</sup> of October, 2020 which was well over a week after the Lekki Toll Gate incident. Based on this, he believed that he was not required to bring the autopsy reports, but documents showing when the bodies came in, the body/agency that brought the body in and so on. When the Panel informed him that he was required to bring the autopsy reports of the other ninety-six (96) bodies, the witness indicated his willingness to bring all the reports as well as the compact discs as he did not have them with him. That what he had at the moment were papers of entries into the mortuaries, the list from the Medical Director at Ikorodu

General Hospital, indicating the six (6) cases, Letter from the Isolo General Hospital indicating the two (2) cases they had, a photocopy of the Register at Mainland hospital where about 83 of the bodies came from. At this point, Mr. Olukayode Enitan, SAN suggested that the documents the witness had at hand should be tendered in evidence. All other Counsel with the exception of Mr. Olumide-Fusika, SAN supported the position. The Panel however noted that while the records brought by the witness were not fully compliant with the Order of the Panel made during the previous hearing, it would however admit same due to the fact that it was the majority decision and a time saving one. Pursuant to this, Mr. Olumide-Fusika, SAN sought to have the documents admitted in evidence. In the absence of objection, the documents were admitted in evidence and marked as follows:

- Exhibit D- Extract from the Register of T.O.S. Funeral Homes No. 2549 to 2620;
- Exhibit D1- Illegible photocopy of TOS Funeral home was marked;
- Exhibit E- Bodies of ENDSARS recovered from various morgues within the State showing a list of 99 bodies;
- Exhibit F- General Hospital, Isolo Morgue, ENDSARS cases list of 2 is admitted and marked;
- Exhibit G- The Caring Global Resources Lagos Island Mortuary list of 5 showing bodies deposited on the 21<sup>st</sup> of October, 2020 is admitted and marked;
- Exhibit H- Circular from Lagos State Government to the Chief Medical Examiner dated 15<sup>th</sup> June,; and
- Exhibit I- A bundle of daily Nurses Report, Lagos State Government Hospitals, General Hospital Outpatient Treatment Card of #EndSARS Reports in Lagos State.

The witness continued to give evidence that he recalled that one of the body bags contained three decomposing and severely charred corpses to wit: a skull belonging to an adult, skull belonging to a baby and a torso. These remains, he noted were separated and treated and independently.

When Exhibit B, whose Report was labeled- YABA/2020/041 was recalled, the witness confirmed that the account, contained in the attached Report stating that the deceased, an unknown male adult was reportedly taken to Reddington Hospital, Lekki on account of an open skull fracture in an unconscious state on the 21<sup>st</sup> of October, 2020 and certified dead at 01:45am and that the said corpse was deposited at Mainland Hospital and subsequently transported to LASUTH, for post-mortem examination came from the morgue. The witness also confirmed that the body got to Reddington hospital, Lekki at 1:15am and was pronounced dead at 1:45am at the same hospital. He reiterated the fact that the corpse was then moved to Mainland Hospital morgue after he died.

When Mr. Olumide-Fusika, SAN referred the witness to page 9 of the Report which stated that “the body was noticed to have been tampered with after death (possibly by the morticians)” and then asked if it would not have hindered proper-post-mortem examination, the witness explained that the reason he stated that was because the corpse was allegedly taken to Reddington Hospital with an open skull fracture. When the patient could not be resuscitated, he was moved to Mainland Hospital morgue. He referred to Page 5 (particularly injury No. 3) of the Report which talked about recent internal injuries. He noted that the Report made reference to the existence of multiple skull fractures in the vertex of the skull, which had been packed with polythene materials or other things. He further noted that it was not uncommon for morticians to stuff a defect in the process of embalming a body, in order to avoid the draining out of blood or embalming fluid or for the purposes of maintaining cosmetic appearance of the body. He went on to explain that the terminology ‘hamper’ was used as the best means of explaining what was found; so that a definitive opinion can be given. He emphasized that it did not mean that there was something to hide. When asked what the purpose of a post mortem was, the witness explained that it was to determine the person he was dealing with as well as the identification of the cause of death. He agreed that where no pellets or bullets were found in a body, it was not conclusive proof that the person did not die from gunshot wounds.

When referred to Page 3 (radiological examination) which stated that “total body radiograph reveals no bullets or pellets” and asked why the pathologist was looking for bullets or pellets, the witness responded by stating that it was not done for a specific reason. It was standard practice for a total body radiograph or x-ray to be done for the purposes of looking for foreign bodies, fractures and so on where there is a mass disaster or where there is speculation.

When further asked if there was a particular interest in eliminating the statement which stated that “total body radiograph reveals no bullets or pellets”, the witness again referred the Panel to page 9 of the Report which contained the Radiology Report. He noted that all he did was summarize it. It would be illogical for him to conduct an autopsy without conducting a radiology test. The witness also confirmed that in the corpse tagged and identified as 062, no bullets or pellets were recovered. When Mr. Olumide-Fusika SAN, tried to differentiate between the corpses tagged 062 and 041, by emphasizing that 041 died at Reddington Hospital, the witness responded by explaining that during autopsy, all the official is required to do is to document the narrative the recovery agency gives them. He noted that it was not uncommon that when someone suffers an injury, there are usually rescue efforts aimed at saving or helping such person. He however emphasized that it did not mean that the person did not die at the scene. However, it was a possibility, despite the absence of bullets or pellets.

Professor Obafunwa confirmed that the cause of death in 041 is craniocerebral injury. He explained that a craniocerebral injury is an injury to the skull and the brain as a result of blunt force trauma. In forensic pathology, there are three (3) broad classes which could either be caused by sharp objects such as knives, sword or machete, blunt object such as a baseball bat, fist or any object that has no sharp edge and the mixed category. He further explained that in the case of a blunt force injury/trauma, the injury is recognizable by the absence of a sharp focus or clear cuts. Referring to Page 8 of the Report, the witness added that the factors which led the pathologists to conclude that the deceased died from blunt force trauma is a defect/multiple fracture, lacerations in the skull as well as bleeding around the brain.

He informed the Panel that there was no stabbing, no reason to conclude that the deceased died as a result of a missile injury or fist blow. At this point, Mr. Olumide-Fusika, SAN sought an adjournment when he requested that the witness look at a picture in order to confirm if it is the same body. The matter was consequently adjourned to the 26<sup>th</sup> of June, 2021.

At the resumed hearing, on the 10<sup>th</sup> of July, 2021 the witness informed the Panel that he had brought the ninety-nine (99) reports and nine-nine (99) compact discs which he was asked to produce. In the absence of any objection, the post mortem reports on #EndSARS victims 1-54 and 55-99 were admitted together and marked Exhibit J while compact discs (cd's) 1-99 of victims of #EndSARS were also admitted and marked Exhibit K.

Again, the witness clarified that there was a public announcement by the Lagos State Government for people to come to his department to initiate the process of identification of bodies, and not for them to just point at a body and take same away. Since the announcement was made, only about fifteen families have come forward while only three (3) have been claimed out of the ninety-nine (99) corpses. He confirmed that the fact that no family member has come to initiate the process of identification with a view to claiming the remaining corpses does not change the act that they exist. He denied ever hearing the statements saying "nobody died at Lekki, because where are the bodies? Where are the family members?"

When asked if he knew what would happen to the unclaimed corpses, the witness noted that he refused to accept that these corpses were unclaimed or unknown. He expressed hope that with the aid of DNA, all the bodies would be identifiable as was done during the Dana airline and Synagogue incidents. He further noted that all that was required was for the acceptable next of kin to come with DNA samples, which would then be compared with that collected during autopsy. Once it matches, the corpse is identified. He emphasized that in 2012, it was a consensus that mass burials

would never be done again and that all bodies must be identified. He appealed with family members to come forward with the DNA samples for identification as the corpses were all labeled with #EndSARS labels. When asked what happens to unclaimed bodies, he replied that he was not in a position to make such a decision.

The witness confirmed that it was a valid assumption that the incident, which led to the death of a corpse, happened in the coverage of the area where it was brought from. He also confirmed that the bodies kept in the mortuary include corpses that either died in the hospital or those that were transported there from their homes or other locations. When Mr. Olumide-Fusika SAN, requested for the witness to be shown Exhibit E, he noted that it was a compilation of all the information received at his department. He clarified that his department did not receive any body. When asked where his department got the information contained under the sub-heading 'Alleged Place of Recovery', the witness stated that they were part of the papers that came from the different mortuaries.

When referred to and asked why Exhibit D did not contain the column for 'Alleged Place of Recovery' and where the witness obtained Exhibit 'D1' from, the witness responded by stating that Exhibit D was the Mainland Hospital Morgue and that Exhibit D1 in particular was snapped and sent from the mainland Hospital morgue to a phone which was then forwarded to the department because he complained that the contents of Exhibit D were not good enough. He went on to further explain that the typed document was the one done in the department to put everything together. He agreed that the handwritten document did not contain the column showing the place of recovery because the copy was not properly made. He also noted that the Register (Exhibit 'I') was not always the source for the handwritten document.

When asked what the relationship between Exhibits 'I' and 'D' was, he explained that Exhibit I gives information about the person/agency that brought in the body, the date and time it was brought in as well as the serial number from the mortuary. He then compares the information with that provided by the mortuary regarding their serial number for the purposes of identifying where the body came from. He agreed that the entries in respect of the identities of #EndSARS/YABA/2020/078, #EndSARS /YABA/2020/079, #EndSARS /YABA/2020/080 and #EndSARS /YABA/2020/081 respectively were neither made by him or his department. He also confirmed that each of them also noted that the corpses were brought in dead by MPS, Abuja because it was written in the reports. However, neither the name of the specific Officer who recovered the corpse or the location where they were recovered was stated.

When also asked if he could identify the corpse tagged as #EndSARS/ ISOLO/2020/086, the witness responded in the affirmative because he noted that there was a death certificate attached to it. He confirmed that he was not the maker

of the certificate; one Dr. Olayinka A. O. authored it. He also confirmed that in front of the report is a data form from the Isolo General Hospital which contained details about the person who recovered the corpse, circumstance of death and other information. When asked what the difference between him signing death certificates and not signing the release for a corpse in which a certificate of death had been issued, the witness explained that it was not uncommon for doctors to issue certificates in a case that was clearly a coroner's case. Further, that when his department sees such a certificate, it is jettisoned and such doctor is informed that he should never have issued same, until an autopsy is done and another death certificate is issued. He specifically noted that the certificate which came with the body from the General Hospital, Isolo, Lagos was ignored. In addition, he obtained the information from the form in front of the reports.

When asked if he could identify the corpse tagged as #EndSARS/IKEJA/2020/087, the witness confirmed same in the affirmative. The witness denied being the one that cancelled the entry on the report which stated that the cause of death was "stray bullet by the Police". He however concurred that the official information stating that the victim had been sitting at a shop bleeding and was rushed to the hospital where he was confirmed dead; and that the corpse was brought in by one Akpan Esther were all contained in the report. .

In respect of the corpse tagged #EndSARS/IKEJA/2020/084, the witness confirmed that he could be identified, and that it was brought in by a Good Samaritan to LASUTH from the Lagos State University Teaching Hospital (LUTH). He also confirmed that all the information with the exception of the name of the deceased was contained in the report. The corpse tagged as #EndSARS/ISOLO/2020/085 was identified and the information regarding the person who brought the corpse in was also contained in it. The witness noted that the position was the same for the corpses tagged as #EndSARS/YABA/2020/038 and #EndSARS/YABA/2020/046 respectively. He also confirmed that in both cases, the patients were unknown and brought in dead by one Mr. Ogundeji, Driver in the General Hospital, Mushin. Further, that the corpse tagged 038 was brought in on account of gunshot injury before being transferred to the morgue while 048 was a body brought in dead who was declared clinically dead and then transferred to the morgue of the Mainland Hospital. He also indicated that although the only information in the autopsy report was that a body was brought in from General Hospital, Mushin, there was additional information on the issue in Exhibit E.

The witness informed the Panel that Coroner inquest had not started on the ninety-nine (99) bodies. He then explained that the purpose of a Coroner's inquest is to determine who, where, when and how the deceased died and come to a verdict. He also noted that the corpse tagged as #EndSARS/YABA/2020/039 was identified.

When asked who the maker of the report was, the witness explained that the fact that the presence of two (2) different handwritings on the report presumed that it was authored by two people in which one author documented that the body was brought to the hospital by someone and included the date and time; while the other authored incidented that the corpse was brought in dead (BID). He also informed the Panel that he had the serial number of the corpse at hand.

The witness vehemently denied saying that a corpse brought in dead (BID) meant that the body had been taken to the morgue; and went on to explain that when a body is brought to the hospital, it is taken to the medical emergency section where a document directing the transfer of the corpse to the morgue is drafted. Again, the witness confirmed that two authors probably authored the reports of the corpses tagged as 038 and 046 respectively as a result of the presence of two different handwritings on the report. He however noted that the presence of two handwritings didn't indicate foul play. He went on to explain that the most important thing was for the body to first be taken to the medical emergency section first in order to document its entry into the hospital. Further, that the documents were made at the Mainland Hospital, Yaba, Lagos. He also confirmed that while it could be assumed that two persons died at the General Hospital, Mushin, Lagos it was also possible for them to have died anywhere else. He noted that because the General Hospital, Mushin did not have a mortuary, the driver had to go the medical emergency for someone to register the body. He went on to explain that it is such cases like that of 038 that the doctor would write "case of BID, transfer to the mortuary"; and that a perusal of the autopsy report reveals details such as the place of death, alleged place of recovery and so on. When such corpse arrives at the mortuary, it is then given a serial number which will be written at the top.

Moving on to the corpse tagged as #EndDSARS/LAGOS/2020/092, the witness confirmed that the accompanying document originated from the General Hospital, Odan, situate at Lagos Island. Professor Obafunwa acknowledged that the name of the deceased (Ade Adisa Yusuf) and cause of death (gunshot injury) is known while the next of kin and the place of recovery of the corpse were unknown and not stated respectively. The witness also stated that the document indicated that the nurse to the patient was managing him for a gunshot injury to the anus until his death. When Mr. Olumide-Fusika asked if the patient had not died at the time and was being managed at the time he brought in, the witness clarified that a careful perusal of the document would have revealed some entry regarding drugs/medication and so on if he was being managed. He however noted that he suspected that the person was either brought in dead or gasping and they tried to resuscitate him. He indicated that he was only trying to explain and not questioning the entry. He also referred the Panel to the part of the document which stated that "on examination, lifeless body."

He however agreed that the place where the person died was not stated in the document.

The witness noted that the body tagged #EndSARS/LAGOS/2020/091 was also identified and that the deceased's name was Olayiwola Malik and he was brought to LASUTH from General Hospital, Odan. He confirmed that the report indicated that the body was brought in dead and referred to the morgue. He also confirmed that the place where the corpse came from was not stated in the report. In respect of the corpse tagged #EndSARS/LAGOS/2020/090, the witness informed the Panel that the corpse was identified and the deceased, who died from gunshot injury to the skull was named Adebajo Idowu. He clarified that although the maker of the document indicated that he had been admitted for gunshot injury to the skull, he was however also certified dead by the same author. Further, that the place where the deceased came from was not stated in the document.

Professor Obafunwa informed the Panel that the corpse tagged as ENDSARS/LAGOS/2020/088 was identified. He also confirmed that he died from gunshot injury, from the shootings at Ebute-Metta. He also confirmed the identification of the corpse tagged as #EndSARS/LAGOS/2020/053 who was brought into the examination room for a gunshot injury to the back, even though the place where the incident took place isn't stated on the document. In relation to the corpse tagged as #ENDSARS/LAGOS/2020/089, the witness acknowledged the identification of the corpse who was named Aina (unknown) who was brought into the emergency room for gunshot injury to the back. However, the accompanying form did not state where the incident took place.

When asked if the documents tagged #EndSARS/IKORODU/2020/093 to #EndSARS/IKORODU/2020/098 were identifiable, the witness concurred. The documents indicated that the documents all indicated that the corpses were brought in dead (BID) to the Lagos State General Hospital, Ikorodu. Although he also confirmed that the documents did not state the names of the persons who brought them in, he however explained that it additional information were contained in in Exhibit H, which was a letter from the Medical Director of the General Hospital, Ikorodu. He intimated the Panel that when they asked for the bodies, his department also requested for the photocopy of all the cases, and information was provided in respect of each corpse. However, the corpses tagged as No. 94 and 95 respectively were unknown and also brought in dead.

The witness went on to acknowledge that in Exhibit H, there were about six (6) names from Ikorodu General Hospital (093-098). Further, the witness confirmed that the information listed as number 1 in Exhibit H, in respect of Phillip Obiekube tagged as #EndSARS/IKORODU/2020/098 was correct. He also confirmed the correctness of

the column 9 of Exhibit H which listed the location of the body as 17, Etureka Street, Ita-Oluwo, Ikorodu. He however noted that he would not know whether it was the address of the deceased person, as opposed to the location where the body was found that was listed in that column. When Mr. Olumide-Fusika again suggested to the witness that the information contained in the column was the deceased's address, the witness also insisted that it was only the address listed on the form. Further, that it was the information the medical director sent to his department.

Mr. Olumide-Fusika SAN, referred the witness to number 2 on Exhibit H, the witness confirmed that the address of the body tagged as #EndSARS/IKORODU/2020/097 was stated as Alhaji Oseni Street, Igbogbo, Lagos. He also confirmed that the name for the victim as listed in Exhibit H was unknown. When asked if the address was that of the victim or the location where the body came from, the witness clarified that in the document from the medical director, the address listed as noted to be the location of the body, while that from the emergency unit listed it as Alhaji Oseni Street, Igbogbo. The witness went on to state that the identity of the corpse tagged as #EndSARS/IKORODU/2020/093 was unknown but the address was listed as Falud, Oko Oba area. He explained that the same address in Exhibit H is what was listed as the location of the body. He informed the Panel that the body tagged as #EndSARS/IKORODU/2020/096 was identified as Chinedu Aloy and listed as the third in Exhibit H. Further, that the body was brought in by one ASP. Uwache attached to the Sagamu Road Police Station. However, the location where the body was recovered from was not listed.

The body tagged as #EndSARS/IKORODU/2020/094 was also identified by the witness. He confirmed that all the information listed on it, including the sex of the deceased was unknown. He went on to explain that in respect to Exhibit H, the body was brought to his department from the Ikorodu General Hospital. Further, that he did not know where it was prior to its arrival at the Ikorodu General Hospital. On the identity of the body tagged as #EndSARS/IKORODU/2020/095. He explained that no information was listed on the form; and that as far as Exhibit H was concerned, could not link it to any number on Exhibit H but that he would like to see the autopsy report he authored in respect of the body. He confirmed that Police Officers brought the corpses and that their locations were unknown from Ikorodu General Hospital.

He did not interact with the Police Officers, and would not have needed to interact with them as there were other documents, such as the Coroner's Papers written by Police Officers that could establish the identity. He explained that the Coroner's Papers would carry different dates as the bodies were brought in on different days and that as at the time these documents were made, the only information contained in Exhibit I was all that was available in respect of the bodies tagged as 094-096.

Professor Obafunwa identified the document in respect of bodies tagged as #EndSARS/YABA/2020/032, #EndSARS /YABA/2020/033, #EndSARS /YABA/2020/044, #EndSARS /YABA/2020/049, #EndSARS /YABA/2020/050, #EndSARS /YABA/2020/051, #EndSARS /YABA/2020/052 and #EndSARS /YABA/2020/056 and that they were all brought in by Police Officers whose names and the locations where the bodies were recovered from were not stated. The witness further confirmed that in contrast to the corpses listed as, 033, 044, 049, 050, 051, 052 and 056, the corpses listed as #EndSARS /YABA/2020/010, #EndSARS /YABA/2020/013, #EndSARS /YABA/2020/042, #EndSARS /YABA/2020/043, #EndSARS /YABA/2020/054, #EndSARS /YABA/2020/055, #EndSARS /YABA/2020/059, #EndSARS /YABA/2020/057, #EndSARS /YABA/2020/058, #EndSARS /YABA/2020/060, #EndSARS /YABA/2020/061 respectively had the names of the Officers who brought the bodies in listed but not where the bodies were gotten from, a lot of this information was not contained in the form of reference.

In relation to corpses from the Nigerian Prisons Services (NPS), the witness noted that irrespective of the location of the Prison, the bodies from the NPS allegedly came from Ikoyi Prisons during a riot. The witness confirmed that he brought the post mortem reports to the Panel and that they were relevant to some of the questions. He also noted that while he agreed to the definition of an autopsy as read to him and obtained from Web MD, he however had an objection to the fact that in his department, autopsies were not as a matter of practice limited to just an organ. Further, that an autopsy was not limited to determining only questions of the cause of death but also for the purposes of answering medico-legal questions. The witness also clarified that an autopsy, did not involve the Pathologist going to the Police Stations to find out where the bodies were picked.

The witness went on to confirm that he could identify the autopsy report of the body tagged #EndSARS/IKEJA/2020/083. He informed the Panel that he had the tag victim tagged as #EndSARS/IKEJA/2020/083 and confirmed that from the first page of the document which contained the details of entry, the deceased was said to have escaped from lawful custody. He also confirmed that as contained in the attached page, the summary of the events leading up to his death noted that he had been shot after escaping from lawful custody. The witness however explained that the document was allegedly received from the Police in Ikeja as opposed to the Ikoyi Prison. When asked if he agreed that a person in lawful custody should not be unknown, the witness stated that he was not the proper person for such questions to be directed to and believed that the Police or whoever had the custody of the victim would be the proper persons to ask.

The witness identified the document with the body tagged #EndSARS/IKEJA/2020/009 and that the name of the deceased was listed as Festus Vincent who was allegedly brought in dead from the Nigerian Prison Service, Ikoyi, name of the Officer who brought him in as well as an attached medical certificate. The witness emphasized that the information contained on the form was what he was told. The witness went on to note that he could identify the bodies' tagged #EndSARS/YABA/2020/007, #EndSARS /YABA/2020/048 and #EndSARS /YABA/2020/063 which were listed in Exhibit I. He confirmed that two of the documents were from Ikoyi Prison while the third was from Kirikiri Prison. He also confirmed that he had the names which were given to him as well as the names and phone numbers of the people who brought them in dead.

Professor John Obafunwa further confirmed the identities of the corpses tagged #EndSARS /YABA/2020/034, #EndSARS /YABA/2020/068, #EndSARS /YABA/2020/070, #EndSARS /YABA/2020/064, #EndSARS /YABA/2020/065, #EndSARS /YABA/2020/066, #EndSARS /YABA/2020/067, #EndSARS /YABA/2020/069 and #EndSARS/YABA/2020/074 respectively. He acknowledged that the deceased persons were all brought in dead but that the names of the officers were not stated. He also confirmed that the names of the deceased persons were listed in 034, 068, 070 and 071, that the other victims were also unknown and that the State Environmental Monitoring Unit (SEMU) was a Lagos State Agency.

The witness also confirmed the identities of the bodies tagged ENDSARS/YABA/2020/062, ENDSARS/YABA/2020/045, ENDSARS/YABA/2020/036, ENDSARS/YABA/2020/035, ENDSARS/YABA/2020/037, ENDSARS/YABA/2020/040, ENDSARS/YABA/2020/41, ENDSARS/YABA/2020/029, ENDSARS/YABA/2020/028, ENDSARS/YABA/2020/027, ENDSARS/YABA/2020/026, ENDSARS/YABA/2020/025, ENDSARS/YABA/2020/024, ENDSARS/YABA/2020/023, ENDSARS/YABA/2020/022, ENDSARS/YABA/2020/021, ENDSARS/YABA/2020/020, ENDSARS/YABA/2020/019, ENDSARS/YABA/2020/018, ENDSARS/YABA/2020/16, ENDSARS/YABA/2020/015, ENDSARS/YABA/2020/14, ENDSARS/YABA/2020/012, ENDSARS/YABA/2020/011, ENDSARS/YABA/2020/008, ENDSARS/YABA/2020/006, ENDSARS/YABA/2020/005, ENDSARS/YABA/2020/004, ENDSARS/YABA/2020/003, ENDSARS/YABA/2020/002, ENDSARS/YABA/2020/001 and ENDSARS/YABA/2020/099 respectively. He also confirmed that the bodies of the victims were all brought in by officials of SEMU and that they were unknown, according to the documents. He agreed that although the form did not state where the bodies were picked up from, but they are stated in the mortuary document. In addition, the names of the Officer of SEMU who brought the bodies in dead were stated in the document.

The witness also acknowledged that of the thirty-three (33) bodies, twenty-eight (28) of them were authored by one Abimbola Sheriff while three (3) were by one Mr. Olaonipekun (The leader of the team). He went on to explain that whoever led the

team has his name documented. At this point, further hearing in the evidence of Professor John Obafunwa was adjourned to 13<sup>th</sup> of July, 2021.

At the resumed hearing, Mr. Obilade holding the brief of Mr. Olumide-Fusika, SAN informed the Panel that they would be ending their cross-examination of Professor Obafunwa as a result of the limited time with which the Panel had to work with. Further, that they still had a lot of questions to ask even though they had been unable to go through most of the recent exhibits the witness tendered.

### **Cross-Examination of Professor Obafunwa by Mr. Rotimi Seriki, on Behalf Of the Lekki Concession Company.**

The cross-examination commenced with the witness confirming that only three bodies out of the entire records given to him were indicated to have come from Lekki. He also confirmed that he has been resident in Lagos for decades, and was familiar with the location known as Lekki. The witness noted that it was possible that the area known as Lekki starts from the Oriental Hotel junction and ends at Ajah, but he couldn't be sure because he did not work with the Physical Planning Authority. He went on to confirm that he is familiar with the Lekki toll gate by Oriental Hotel; and that the space occupied by Lekki toll gate was a small fraction of the entire area known as Lekki.

The witness confirmed that from the autopsy reports (Exhibit B) conducted by his department, the bodies identified as 005 was said to have been recovered from Lekki while 041 and 062 were allegedly from the Lekki Toll Gate. He went on to state that the nature of the injury to the body identified as 062 was from severe blood loss due to damage to a major blood vessel on the right side as a result of gunshot injury. He further stated that the records show that the deceased was said to have died on the 21<sup>st</sup> of October, 2020 at the Lekki toll gate.

With respect to the second corpse (041), the witness identified severe cranial and brain injury as a result of blunt force trauma to be the cause of death. He explained that the victim was said to have been taken to Reddington Hospital in an unconscious state on the 21<sup>st</sup> of October, 2020 and certified dead at 1:15am on 21<sup>st</sup> of October, 2020 as well before he was moved to the Mainland Hospital mortuary.

The witness, at this point explained to the Panel that he was not the Chief Medical Examiner. Dr. Soyemi is the Acting Chief Medical Examiner and Head of Department. The witness went on to state positions he had held in Lagos State establishments prior to being the Chief Medical Examiner. He is a Professor of Forensic Pathology in Lagos State University College of Medicine, Consultant Pathologist at LASUTH and the Head of Department of Pathology and Forensics (both in LASUCOM and LASUTH). For eight (8) years, he is the Chief Medical Examiner to Lagos State

handling Coroner autopsies. Currently however, he was only a floor member in the department. He agreed that by virtue of the positions he has held, he could be regarded as a public servant and was bound by the Public Service Rules.

He agreed that by virtue of being a public servant he was precluded from divulging official records to any one, otherwise by a Court Order or by law. He also agreed that in context, and also by the Hippocratic Oath, he could not release the medical records of a patient to a stranger. Such records, the witness agreed were confidential and applied to every medical doctor whether in public or private practice. Lastly, the witness agreed that it could be suggested that all medical staff in LASUTH were medical Officers.

### **Cross-Examination of Professor Obafunwa by Mr. Olukayode Enitan, SAN on Behalf Of Lagos State Government.**

The witness began by confirming that the contents of the Register obtained from the several morgues were the information he compiled into the document which was admitted as Exhibit E. additional autopsies he tendered by Order of the Panel. The witness confirmed that a total of 83 bodies were received from Yaba; and that the list contained details of each body upon which an autopsy was conducted.

When asked to take the Panel through the location and condition of all the bodies when autopsies were conducted on them, the witness explained that most of the bodies were in a mild to moderate state of decomposition and had been embalmed prior to autopsy. He noted that about twenty (20) bodies, allegedly from Fagba were charred (burnt). Further, that most of them were unknown. About six (6) of the bodies came from Ikorodu, and showed varying degrees of decomposition but had been embalmed in order to arrest decomposition; including the corpses that were allegedly from the Ikoyi Prisons.

The witness explained that the relationship between Exhibit D and Exhibit E was that Exhibit D was the raw footage image of the Register at the Mainland mortuary while some of the information in Exhibit E was picked from Exhibit D. He went on to confirm that two of the bodies from Isolo were brought in by their relatives. Further, that five (5) of the bodies were from the Lagos Island mortuary four (4) were from the Adeniji Adele and one (1) from Ebute-Metta).

The witness confirmed that he was conversant with gunshot injuries by virtue of his experience. Further, that during the examination of a body that was allegedly shot, it could to a very large extent be determined if such a person was shot; irrespective of whether or not a bullet was lodged in the body as well as the type of gun used. In respect of the type of gun used, the witness explained that there were two broad classifications of gunshot injuries. He went further to explain that where a handgun or

rifle was used, a bullet is expected to be discharged from it; as opposed to a shotgun which releases pellets. He however indicated that guns which discharged pellets were not typically seen to or used by law enforcement agencies.

Professor Obafunwa went on to confirm that law enforcement agencies are automatically ruled out of being responsible for the death of a person where examination of the injury reveals that the victim was shot by a gun that fires pellets. He further confirmed that all of the ninety-nine (99) bodies, which were examined were based upon the Order of a Coroner; and that it was part of SEMU'S regular duty to pick up corpses and cadavers. The witness went on to explain that SEMU's duties extended beyond dropping the bodies of individuals that were unknown to them; but to also bring bodies from the mortuary to his department for autopsy and return them to the mortuary thereafter.

Mr. Enitan, SAN then requested the witness highlight where each of the ninety-nine (99) bodies were picked from as well as the cause of death (if any). The witness responded as follows:

- ENDSARS 001- unknown, the only female out of the 99, allegedly retrieved from Meiran and deposited on the 24<sup>th</sup> of October, 2020. Traumatic Asphyxia, it's someone being crushed to death, suffocating. It is believed that this was due to blunt force trauma.
- 002- Brought in from Ikotun Police Station, unknown, BID on 25<sup>th</sup> of October, Male, cause of death-severe bleeding into the left chest cavity due to gunshot injury.
- 003- Unknown, male, body recovered from Anthony BRT lane, brought on the 24<sup>th</sup> of October, 2020. Cause of Death—COD-severe blood loss due to multiple sharp force trauma.
- 004- Unknown, brought from Ado Rd, Ajah on the 24<sup>th</sup> October, C.O.D. - multiple injuries to abdominal organs, skull fractures, short gun injuries. 51 pellets were recovered.
- 005- Unknown, brought from Lekki Bridge on the 24<sup>th</sup> October , C.O.D. - bleeding into both sides of the chest due to blunt force trauma.
- 006- Unknown, recovered from Anisere, Ojota, brought in on the 24<sup>th</sup>, C.O.D. - severe blood loss with bleeding into both sides of the chest as a result of gunshot injuries that destroyed vessels in the armpit. Multiple pellets were recovered. Shotgun injury.
- 007-Muhammed Idris, allegedly recovered from Ikoyi Prisons, deposited by Nwaje Jonas of Nigerian Prisons on the 24<sup>th</sup> of October, 2020. C.O.D. - severe

blood loss due to severe damage to vessels on the left thigh, gunshot injury from a rifled weapon.

- 008- Unknown, allegedly died at Iyana Ipaja. BID-24<sup>th</sup> of October, 2020. Body was already undergoing severe decomposition, C.O.D. - unascertained. The deceased was also discovered to have suffered from hypertensive heart disease but that was ruled out as being the cause of death.
- 009- Festus Vincent, aged 29 years, Kirikiri Prisons, he died on the 28<sup>th</sup> of October but the body was brought by Prison Officer on the 29<sup>th</sup> of October, 2020. skull fracture and damage to the brain due to blunt force trauma including features of left lobar pneumonia were found.
- 010- Insp. Adegbenro Aderibigbe, he died at Iyana Ekoru. Body was from Meiran Police Station. He was deposited on the 23<sup>rd</sup> of October, 2020. The body was severely burnt, blunt force trauma.
- 011- Unknown male, brought in from Anisere, Ojota on the 24<sup>th</sup> of October, 2020. Severe skull and brain injury due to gunshot injury, from a rifled weapon. A metallic bullet fragment was retrieved.
- 012- Unknown, allegedly recovered from Iyana Ipaja Road, Xenox Bus Stop, brought in by SEMU. Body was severely burnt, in addition to showing decomposition. C.O.D. -unascertained.
- 013- Unknown Male, body allegedly recovered from Iyana Ekoru, Meiran Police Station on the 23<sup>rd</sup> of October, 2020. Severe damage to the skull and brain with multiple sharp and blunt force trauma and shotgun injuries. 1 metallic pellet was recovered, while multiple pellet wounds were seen.
- 014- Unknown, allegedly from Fagba, Agege, brought in on the 23<sup>rd</sup> of October, 2020. C.O.D. - unascertained due to total incineration. We had evidence suggesting that tyres were put round the neck to aid the burning.
- 015- Unknown from Fagba, 23<sup>rd</sup> of October, 2020. Suffered severe skull and brain injuries due to multiple sharp and blunt force trauma. Body slightly charred and decomposed.
- 016- Unknown, from Fagba, brought on the 23<sup>rd</sup> of October, 2020 by SEMU. A penetrating metal through the neck was seen. He must have suffered airway damage with difficulty in breathing. Body charred.
- 017- Unknown allegedly recovered by SEMU from Oyingbo. Brought on the 23<sup>rd</sup> of October, 2020 with multiple injuries due to sharp and blunt force trauma with severe burns.

- 018- Unknown, allegedly recovered from Ketu. Deposited by SEMU on the 23<sup>rd</sup> of October, C.O.D. - multiple injuries due to combined sharp and blunt force trauma.
- 019 -Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 at Fagba. Deceased suffered many slashes, fractured skull and bleeding into the chest cavity. It was concluded that it was a case of skull and brain injury with severe blood loss following sharp and blunt force trauma. A large part of the lower body was burnt.
- 020- Unknown, allegedly recovered by SEMU from Isolo on the 29<sup>th</sup> of October, C.O.D. - severe blood loss due to damaged major blood vessels on the right side following a penetrating injury to the chest.
- 021- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Ketu, C.O.D. - severe blood loss. The head did not come with the body.
- 022- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal incineration.
- 023- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Fagba. C.O.D. -unascertained.
- 024- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. No pellets or bullets.
- 025- unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. No pellets or bullets.
- 026- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. No pellets or bullets seen. Death was attributed to multiple sharp and blunt force trauma.
- 027- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. No pellets or bullets seen. Death was attributed to multiple sharp and blunt force trauma.
- 028- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Fagba. C.O.D. -unascertained with severe burns.
- 029- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Bosma Trauma Center at the toll gate around Ojota area. C.O.D. - asphyxia resulting from multiple fractures of the rib on the right side of the chest due to burnt force trauma.
- 030- Unknown, allegedly recovered by SEMU on the 23<sup>rd</sup> of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation. A metallic wire around the body was seen. This suggested that it was burnt with a tyre.

- 031- Unknown, allegedly recovered by SEMU on the 31<sup>st</sup> of October, 2020 from Fagba by SEMU. cThe body was just charred remains,. No internal organs. C.O.D. -unascertained.
- 032- Unknown, allegedly recovered by SEMU on the 22<sup>nd</sup> of October, 2020 from Fagba. C.O.D. -unascertained due to subtotal cremation.
- 033- Unknown, brought from Ikotun Police Officer on the 22<sup>nd</sup> of October, 2020. C.O.D. - severe blood loss due to disruption of blood vessels in the left thigh following gunshot injury, rifle weapon.
- 034- Michael Joseph allegedly from Ikoyi Prisons brought by an Officer from Ikoyi Prison on the 22<sup>nd</sup> of October, 2020. C.O.D. - Severe bleeding due to disruption of the heart and the left lung following gunshot injury from a rifle weapon.
- 035- Unknown, allegedly recovered by SEMU on the 22<sup>nd</sup> October, 2020 from Bariga. C.O.D. -severe bleeding following multiple injuries in the chest sequel to gunshot wound, rifle weapon.
- 036- Unknown, allegedly deposited by SEMU on the 22<sup>nd</sup> October, 2020 from Area 'F' Police Station, Ikeja. C.O.D. -bleeding to the left side of the chest following a penetrating gunshot injury. There were at least two shots. A bullet from the right shoulder area was recovered.
- 037- Unknown, brought from Ifako Police Station around Gbagada area. Body was deposited by SEMU on the 22<sup>nd</sup> of October, 2020. C.O.D. - massive bleeding into the abdominal cavity following damage to the main blood vessel supplying the body. This was sequel to gunshot injury from a rifled weapon.
- 038- Unknown, said to have died at General hospital, Mushin about 3:30pm on the 20<sup>th</sup> of October, 2020. It was deposited at Mainland mortuary at 7:19pm on the 21<sup>st</sup> of October by a Police Officer that accompanied the driver from the Mushin General Hospital. C.O.D. - massive bleeding into the abdomen and chest due to injuries to the chest and abdomen due to gunshot injury, rifled weapon.
- 039- Okinbaloye Adebayo, the address was listed as 27, Akin Ado Road, Ajah. Deceased was said to have died at Doren Specialist Hospital, Ajah and the body was brought by a relative on the 22<sup>nd</sup> of October, 2020. C.O.D. -severe blood loss due to damage to the main right blood vessel supplying the right heart following blunt force injury, rifled weapon.
- 040-unknown, allegedly brought from Olosan Mushin Police Station. He was found around 1:02am on the 22<sup>nd</sup> of October, 2020 and deposited by SEMU

at 12:48pm. Death was attributed to severe damage to skull and brain due to blunt force trauma.

- 041-Unknown, said to have died at Lekki. Taken to Reddington hospital at 1:15am and pronounced dead at 1:45am on the 21<sup>st</sup> before being taken to the Mainland hospital mortuary. C.O.D. -severe brain and skull injury due to blunt force trauma. No bullets or pellets found.
- 042- Unknown, allegedly brought from Denton Police Station, Ebute-Meta by a Police Officer named Insp. Ebi Iziegbe who said he was found on the ground at 9:15pm. Body was deposited on the 21<sup>st</sup> of October, 2020 at Mainland hospital mortuary at 9:31pm. C.O.D. - severe blood loss due to damage to blood vessel on the right side of the neck following gunshot injury from a rifled weapon.
- 043- Unknown from Denton Police Station was said to have been recovered at 9:15pm and deposited at Mainland hospital, Yaba at 9:33pm on the 21<sup>st</sup> of October, 2020 by Police Officer Ebi Iziegbe. C.O.D. - severe skull and brain injury caused by gunshot injury to the head, rifled weapon.
- 044- Unknown. The body was said to have been recovered at TVC compound, Ketu at 6:10pm on the 21<sup>st</sup> of October, 2020 and was deposited at Mainland hospital mortuary at 8:06pm by one Insp. Ita Akpan. C.O.D. -severe blood loss due to damage to chest vessels following gunshot injury, rifled weapon.
- 045- Unknown. Body was said to have been brought from Mushin Police Station, Olosan, deposited by SEMU. Deceased was said to have died on the 22<sup>nd</sup> of October, 2020 at 1:02pm. Death was due to massive injury to the abdomen, gunshot injury from a rifled weapon and some metallic objects (bullet fragments) were recovered from the abdomen.
- 046- Unknown Deceased was said to have been certified dead at Mushin General hospital at 3:30pm on the 20<sup>th</sup> of October, 2020 and brought to Mainland hospital mortuary on the 21<sup>st</sup> of October, 2020 at 7:21pm. C.O.D. - severe bleeding into the abdominal cavity following damage to abdominal blood vessels as a result of a stab wound to the abdomen.
- 047- Unknown, recovered at Ikotun Police Station on the 22<sup>nd</sup> October, 2020 at 2:10pm. The body was allegedly deposited by a Police Officer on the same day at 11:15pm. The cases from Ikotun Police Station have a history of an alleged fight by hoodlums and at the end of it people were found dead. C.O.D. - severe bleeding due to facial injury, multiple fractures as a result of gunshot injury, rifled weapon.

- 048- Abideen Animashaun Wasiu, allegedly from Kirikiri Prisons on the 22<sup>nd</sup> of October, 2020. Body was allegedly deposited at 1:49pm on the 23<sup>rd</sup> October, 2020 by one Insp. Jafaru Oshinda of Nigerian Prisons Service, Kirikiri. C.O.D. - massive bleeding into the abdomen following gunshot injury. Some metallic fragments were recovered at autopsy.
- 049- Unknown, allegedly from Ikotun Police Station. Deceased supposedly died at 2:10pm on the 22<sup>nd</sup> October, 2020 and deposited at 11:15pm. C.O.D. -severe blood loss due to disruption of the heart following gunshot injury, rifled weapon.
- 050- Unknown, from Ikotun Police Station. Body deposited on the 22<sup>nd</sup> October, 2020 at 11:15pm by the Police. C.O.D. - multiple chest and abdominal wound following gunshot injury, rifled weapons. A deformed bullet was recovered from muscles in the abdomen on the left side.
- 051- Unknown, from Ikotun Police Station. Body deposited on the 22<sup>nd</sup> October, 2020 at 11:15pm by the Police. C.O.D. -massive bleeding into the left chest cavity following the disruption of a major vessel on the left side of the lungs sequel to a gunshot injury, rifled weapon. a bullet in the lower neck/upper chest area was recovered.
- 052- Unknown, from Ikotun Police Station. Deposited at 11:15pm on the 22<sup>nd</sup> October, 2020. C.O.D. -severe blood loss due to damage to muscles on the right side of the chest as a result of gunshot injury, rifled weapon.
- 053- Samuel Ibrahim allegedly died at Shop 10, Randle Close, Surulere, Lagos. Body was brought by one Mr. Ojo Abiola, his boss at 5:51pm on the 21<sup>st</sup> October, 2020. C.O.D. -massive bleeding into the chest and abdomen due to multiple injuries in the chest and abdominal organs following gunshot injuries, rifled weapon.
- 054- Unknown, body was said to have been found at CMS by Anglican Church at about 6:30 am on the 22<sup>nd</sup> October, 2020 and was deposited at Mainland hospital at 8:45 am by Amekin Frank of Lion Building Police Station. Death was due to severe bleeding to chest cavity on the left due to disruption of the left lung and blood vessels following gunshot injury to the back, rifled weapon.
- 055- Unknown, allegedly recovered from Olosan Police Station and deposited at 1:12 am on the 21<sup>st</sup> October, 2020 by Sgt. Adebote Adeniyi from Olosan Police Station. C.O.D. -severe blood loss due to damage to the main blood vessel arising from the heart and damage to both lungs following gunshot injury, rifled weapon.

- 056- Unknown, body allegedly received from Ikotun Police Station and deposited at 11:15pm on the 22<sup>nd</sup> October, 2020 by a Police Officer from Ikotun Police Station. C.O.D. -severe bleeding following gunshot injuries to the chest and left upper limb. We have two gunshot wounds in this person, rifled weapon.
- 057- Unknown from Denton Police Station. Body was deposited by Insp. Ebi Iziegbe on the 21<sup>st</sup> at 9:29pm. COD- severe blood loss due to damage to the major blood vessel on the right side of the neck following gunshot injury, rifled weapon.
- 058- Unknown from Ikotun Police station, said to have died around 9pm. Body deposited at 11:15pm by a Police Officer. C.O.D. - severe injury to the skull and brain with disruption of major vessels in the neck sequel to gunshot injury, rifled weapon.
- 059-Unknown, allegedly died at Ilasan, Ajah about 9:45pm on the 20<sup>th</sup> of October and the body was deposited allegedly at 5pm on the 21<sup>st</sup> by Sgt. Samuel Okereke of Ilasan division. C.O.D. - Massive bleeding into the chest due to disruption of the chest and abdominal organs following a gunshot injury to the back, rifled weapon.
- 060- Unknown, was recovered from Mushin Police Station about 2pm on the 20<sup>th</sup> of October, 2020. It was deposited at 1:12am on the 21<sup>st</sup> October, 2020 by Sgt. Adebote Adeniyi of Olosan Police Station. C.O.D. - severe injury to the skull and brain due to blunt force trauma to the head.
- 061- Unknown from Olosan Police Station on the 20<sup>th</sup> October, 2020, 2020. Allegedly died at 2pm on the 20<sup>th</sup> of October, 2020 and deposited at Mainland mortuary by Sgt. Adebote Adeniyi at 1:12am on the 21<sup>st</sup> of October, 2020. C.O.D. - massive bleeding into the abdomen with disruption of the left limb following gunshot injury, rifled weapon.
- 062- Unknown was said to have been recovered at Lekki toll gate about 7:43pm on the 21<sup>st</sup> October, 2020 by SEMU. Death was due to severe blood loss following damage to the major vessel on the right side of the neck following gunshot injury, rifled weapon.
- 063- Awalu Muhammed, allegedly from the Nigerian Prisons, Ikoyi, was said to have died on the 23<sup>rd</sup> of October, 2020 and was brought to the mortuary at 2:39pm by Aguaje Jonas. Death was attributed to severe blood loss following a gunshot wound to the abdomen, rifled weapon.
- 064- Unknown, allegedly died at Ikoyi Prison on the 22<sup>nd</sup> October, 2020. Body was deposited at 8:10pm by Prison Officers. C.O.D. - severe blood loss

following damage to a big vessel on the right side of the lower abdomen sequel to gunshot injury, rifled weapon.

- 065- Unknown from Ikoyi Prisons, body was deposited at 8:07pm on the 22<sup>nd</sup> October, 2020 by an Officer from the Prison Service. Death was due to severe blood loss following damage to the major blood vessel in the heart as a result of gunshot injury to the heart, rifled weapon.
- 066- Unknown, from Ikoyi Prisons. Body deposited by Prison officials at 8:06pm on the 22<sup>nd</sup> October, 2020. The body came with a death certificate signed by one Dr. Nebu which was disregarded. C.O.D. - severe blood loss (severe bleeding into the abdominal cavity) following gunshot injury, rifled weapon.
- 067- Unknown from Ikoyi Prisons. Body deposited at 8:05pm by an Officer of the Nigerian Prisons. C.O.D. - severe blood loss due to disruption of the liver and right lung with bleeding into the right chest cavity as a result of gunshot injury, rifled weapon.
- 068- Christopher Francis, allegedly from Ikoyi Prisons was deposited by an Officer at 8:05pm on the 22<sup>nd</sup> of October, 2020 He was said to have died at 1:05pm as per the death certificate issued by Dr. Nebo. COD-severe blood loss due to damage to the chest blood vessels and the right lungs as a result of gunshot injury, rifled weapon. Two gunshots to the chest from the front and exiting at the back were noted.
- 069- Unknown from Ikoyi Prisons on the 22<sup>nd</sup> of October, 2020. The body was deposited at 8:05pm. C.O.D.- severe bleeding into the chest cavity and abdomen following damage to the chest and abdominal organs following gunshot injury to the back, rifled weapon. a bullet was recovered from the body.
- 070- Ifeanyi Nnabor from Ikoyi Prisons. Death occurred about 1:05pm and was deposited at Mainland mortuary at 8pm on the 22<sup>nd</sup> of October, 2020 by an Officer of Ikoyi Prisons. C.O.D. - severe blood loss due to disruption of main blood vessels in the chest as a result of gunshot injury, rifled weapon.
- 071- Amafidon Premi said to be Yoruba from Ikoyi Prisons was deposited at about 7:50pm on the 22<sup>nd</sup> October, 2020. C.O.D. - severe blood loss due to disruption of the liver and abdominal vessels following gunshot injury to the abdomen, rifled weapon.
- 072- Shola Raphael, Ikoyi Prisons allegedly died on the 22<sup>nd</sup> October, 2020. Body deposited at 7:50pm on the 22<sup>nd</sup> October, 2020. C.O.D. - severe blood loss due to disruption of major blood vessel in the right armpit as well as the lungs

sequel to gunshot injury, rifled weapon. Some bullet fragments were recovered.

- 073- Unknown, from Ikoyi. Body was deposited at Mainland mortuary, Yaba at 8:06pm on the 22<sup>nd</sup> October, 2020. C.O.D. - severe abdominal bleeding due to multiple abdominal visceral injuries following gunshot injury to the abdomen from a rifled weapon.
- 074- Unknown, from Ikoyi Prisons, deposited by a Prisons Officer at 8:10pm on the 22<sup>nd</sup> October, 2020. Death was attributed to severe blood loss due to disruption of vessels in the neck and spinal cord following a gunshot injury, rifled weapon.
- 075- Fatai Sulaiman from Ikoyi Prisons allegedly died on 22<sup>nd</sup> October, 2020. The body was deposited at 7:48pm at Mainland hospital on the 22<sup>nd</sup> October, 2020. C.O.D. - severe damage to the skull and brain following gunshot injuries to the head.
- 076- Bashiru Sodiq from Ikoyi Prisons was deposited at 7:50 on the 22<sup>nd</sup> October, 2020 by Prison Officers. C.O.D.- severe bleeding due to multiple chest injuries following gunshot wound, rifled weapon.
- 077-Unknown allegedly died at Surulere, Lagos around 11am on the 21<sup>st</sup> October, 2020. The body was deposited at 6:15pm on the 22<sup>nd</sup> October, 2020 by one Inspector Cletus Njaji of Surulere Police Station. C.O.D. - severe injuries to the skull and facial bones as a result of sharp and blunt force trauma.
- 078- Promise John allegedly from Ikoyi Prisons. Was brought in at 7:50pm on the 22<sup>nd</sup> October, 2020 to Mainland hospital mortuary. Death was due to severe head and brain injury following gunshot injury to the head and right leg. Metallic bullet fragments in the right leg were recovered; gunshot, rifled weapon.
- 079- Unknown, from Ikoyi Prisons. Time not stated by Dr. Nebu but body was deposited at Yaba mainland mortuary at 7:45pm on the 22<sup>nd</sup> October, 2020. C.O.D. - severe blood loss due to disruption of major blood vessels in the lower abdomen following gunshot injuries, rifled weapon.
- 080- David John, said to have died at Ikoyi Prison. Body was deposited at Mainland hospital mortuary at about 7:48pm by Prison Officers on the 22<sup>nd</sup> October, 2020. 22<sup>nd</sup> October, 2020- massive bleeding into the chest due to disruption of the left lung following a gunshot injury, rifled weapon.
- 081- Unknown, allegedly from Ikoyi Prisons, body was deposited by Prison Officers at 7:48pm on the 22<sup>nd</sup>. COD-multiple skull and abdominal injuries

following gunshot injury to the abdomen, rifled weapon. He also had sharp force trauma.

- 082- Unknown, brought in dead by SEMU officials at 6:25pm. The charred remains were brought in a body bag. Bit of the head and the spinal cord. Brought in on the 23<sup>rd</sup> of October, 2020.
- 083- Unknown. B.I.D. at 5:20am on the 22<sup>nd</sup> October, 2020. Deceased was said to have been shot at about 4:45am. The body was deposited at LASUTH morgue by ASP. Odenwa and ASP Oderinde. C.O.D. - severe bleeding due to disruption of major vessels in the left thigh and left leg due to multiple gunshot injury, rifled weapon. A bullet tip lodged in the left arm was recovered.
- 084- Okoronkwo Sylvester, aged 66years. He was operated on in LUTH, died and was said to have sustained gunshot injury to the abdomen around Tejuosho. He died at 4:24pm on the 21<sup>st</sup> October, 2020 in LUTH. His body was transferred to LASUTH. C.O.D. - severe blood loss following penetrating firearm injury.
- 085- Obianazu Okechukwu, 25 years old, was said to have been shot about 2pm on the 21<sup>st</sup> of October, 2020 at Mafoluku, Oshodi. Body was later taken at 9:59pm to Isolo General Hospital on the 21<sup>st</sup> October, 2020. C.O.D. -severe bleeding to the side of the chest following the disruption of a major vessel on the left side of the neck due to a penetrating sharp force trauma. These bodies had been stitched up by the morticians.
- 086 - Kufrey Victor Orok's body was said to have been recovered from Ilasamaja at 7:50pm on the 20<sup>th</sup> of October, 2020. C.O.D. -severe blood loss following multiple sharp force trauma.
- 087- Charles Otoo, said to have died at Akiode bus stop, Ojodu Berger, brought in on the 22<sup>nd</sup> of October, 2020 at 7:50pm. C.O.D. -severe blood and brain injury following gunshot injury to the head, rifled weapon. a bullet in the right part of the facial bone was recovered.
- 088-Nsute Antonaya was said to have died at Ebute Metta and was transferred to the mortuary at 1:54pm. C.O.D. - severe brain injury; a closed cerebral injury attributed to blunt force trauma.
- 089- Unknown was said to have died at General Hospital, Lagos, Odan at 4:23pm on the 23<sup>rd</sup> of October, 2020. C.O.D. - severe blood loss following a destruction of major blood vessels in the abdomen due to gunshot injury to the abdomen, rifled weapon.
- 090- Unknown was said to have died at General Hospital, Lagos, Odan at 9:49am on the 21<sup>st</sup> October, 2020 while receiving medical attention at the

surgical emergency in Lagos. C.O.D. - severe injury to the skull and brain attributed to blunt force trauma. He also had some slashes from a bladed weapon.

- 091- Olayiwola Malik, a 15 years old male brought in 9:48pm on the 21<sup>st</sup> of October, 2020. C.O.D. -severe bleeding in the abdominal cavity following disruption of blood vessels in the abdomen following gunshot wound to the abdomen by a rifled weapon.
- 092- Unknown from General Hospital, Lagos, Odan. He was taken to the surgical emergency and pronounced dead at 1:30pm on the 21<sup>st</sup> of October, 2020. C.O.D. - severe bleeding into the abdominal cavity due to damaged major blood vessel following gunshot injury, rifled weapon.
- 093- Unknown, allegedly recovered from Oko Oba area, Ikorodu brought in the 24<sup>th</sup> of October, 2020 by ASP. Adeyemi Adewale and deposited at Ikorodu General hospital at 3:15pm. C.O.D. - severe bleeding into the abdomen as a result of gunshot injury, most likely a rifled weapon.
- 094- Unknown, allegedly recovered from Ikorodu and deposited at Ikorodu General Hospital at 9:36pm on the 23<sup>rd</sup> October, 2020 by ASP. Poikuyi. C.O.D. - severe blood loss due to damage to blood vessels in the chest, the liver and the abdomen, rifled weapon.
- 095- Unknown, brought from Ikorodu General Hospital by Sgt. Jack Jeremiah at 10:29pm on 23<sup>rd</sup> October, 2020. C.O.D. - multiple injuries due to a combination of sharp force and short gun injuries. Twenty – Six (26) metallic pellets and 2 plastic walls were recovered.
- 096- Chinedu Aloy was said to have been deposited at Ikorodu General Hospital at 9am on the 22<sup>nd</sup> of October, 2020 by one ASP. Morris. C.O.D. - severe bleeding due to disruption of the abdominal organs following gunshot injuries, rifled weapon.
- 097-Unknown was allegedly recovered from Ikorodu on the 22<sup>nd</sup> of October, 2020 at 1:55pm. C.O.D. - severe skull and brain injury following sharp and blunt force trauma.
- 098- Phillip Obiekube was brought to Ikorodu General Hospital at 6:45pm on the 20<sup>th</sup> of October, 2020. C.O.D. -severe bleeding into the left chest cavity and the abdomen due to short gun injuries to the chest and abdomen. We recovered some pellets.
- 099- Unknown, recovered on the 24<sup>th</sup> of October, 2020 at Ado Road, Ajah at 5:38pm and brought by SEMU. C.O.D. - Severe bleeding due to multiple sharp force trauma.

After listing and stating the causes of death of the ninety-nine bodies, the witness confirmed that only the body tagged ENDSARS/YABA/2020/062 out of the entire ninety-nine (99) was from to Lekki toll gate. He also confirmed that the deceased had a gun shot on the 21<sup>st</sup> of October, 2020 by the reports; while the others were reported to have happened at Ikoyi Prisons, Ikotun Police Station, Ojota, Bariga, Ikeja, Ajah, Ifako, Mushin, Denton, Ketu, Kirikiri, SARS Ikeja, Fagba, Tejuosho and Lagos Island respectively.

The witness also confirmed that the victims who died at Fagba died as a result of a dispute that led to their incineration. He further confirmed that his department discountenanced the medical certificates that were attached to the corpses when they were brought to the Office of the Chief Medical Examiner. He went on to explain that the reason for discountenancing the certificates was because they got a request for medico-legal examination. Consequently, the opinion on those certificates became null and void. He however noted that he did not consider it appropriate to write a death certificate without a time of death or writing 'Unknown' on the death certificate. He insisted that a name had to be written there. Lastly, he stated that the medico-legal autopsy report superceded any other medical certificate issued prior to when the autopsy was conducted.

### **Cross Examination of Professor Obafunwa by ASP Emmanuel Eze on Behalf of the Nigeria Police Force.**

When asked how many of the bodies recovered were Police Officers, the witness responded by stating that his records suggested that five (5) were Policemen. However, only one (1) was identified for release. He mentioned the released Officer's name as Insp. Adegbenro Aderibigbe, while others were unknown. When ASP Emmanuel Eze suggested that virtually all the people that were killed at Fagba were Police Officer, due to the fact that they were burnt while some had tyres around their necks, the witness responded that their identities were unknown until an identification was done. Only then would each body be given a name, As such, he could not state that they were Police Officers.

### **Cross-Examination of Professor Obafunwa by Mrs Amanda Asagba on behalf of the Nigerian Bar Association.**

The witness informed the Panel that he has been working with the Lagos State Government for about sixteen and a half years. He stated the departments in which he had worked as The Lagos State University, medical school, LASUTH, that he had been in charge of coroner services until 2007, when he was appointed as the Chief Medical Examiner and the Vice Chancellor of the Lagos State University (LASU). At the moment, he was back to working in his department.

The witness went on to explain that the procedure for taking in corpses at the mortuary. He stated that a person could die at home, in a ward or on the road after which his corpse is moved to the mortuary. In such situations, his department need not be involved in the removal of the corpse. He however noted that in circumstances where someone was murdered in a place, his department will have to be informed prior to the corpse being moved from the scene. This was to ensure that the scene was secured for the purposes of determining the time of death. In that situation, he would have to supervise the removal of the body from the scene in a particular way for the purposes of answering medico-legal questions, reconstructing the event, studying blood spatter pattern, struggle and even for the purposes of advising the crime scene officers. The witness gave the example of a person who is suspected to have died of unnatural causes or was hacked to death in the woods.

Professor Obafunwa went on to explain that his department made no effort in getting to the scene of the Lekki incident as they were not invited there. He noted that the Police ought to have invited or informed the Coroner. However, what happened at the scene was that bodies were moved from place to place. When asked to describe the scenario of the Lekki incident, he noted that Nigeria was a funny country in which things did not operate as they would in other countries. Also, those things could have been handled in a better way.

When asked to describe the ideal procedure in which his department is involved, the witness responded by stating that his job as a forensic pathologist was not strictly limited to the autopsy room. Rather, it starts from the scene and would form the basis for his ability to answer medico-legal questions, which would arise in Court. He stated that in an ideal situation, the scene is cordoned off before the team of crime officers and forensic medico-legal team are invited to the scene during which the position of the body, objects at the crime scene, general observation of the scene, determination as to whether the scene had been altered or tampered with and so on are observed and noted. He stated that the purposes of the autopsy reports were simply to tell how the death came about. It also afforded the opportunity of retrieving bullet fragments and pellets which were kept with the hope that they could undergo ballistics tests. However, there is a limit to the questions that can be answered from the autopsy reports without the forensic pathologist being at the scene in the first instance. He gave the example that although a forensic pathologist could make findings in respect of where a victim was shot, however, findings could not be made as to the locus or whether or not bullet shells were present or absent. He re-emphasized that his job as a forensic pathologist required him to be at the scene of the incident. He noted that his team was at the scenes of the Synagogue and Dana airlines crash incidents. Further, that he would under normal circumstances not come to present autopsy reports with names of victims unknown.

In identifying the corpses of victims, the witness said that samples from three (3) categories of relations to wit: parents, siblings and children would be collected, while samples from the cases are also collected during autopsy. The profiles of the samples collected are then compared with that of the victim in order to determine the exact person who died. Additionally, ballistics test had still not been done. Consequently, the absence of these two tests makes the report incomplete.

Professor Obafunwa explained that there was a standard operating procedure (S.O.P.) for receiving bodies at the point of inception at the mortuary. He explained that the serial number, date, time, name of the deceased, the person depositing the corpse, address of the deceased, name of designated Next-of-Kin, phone number and provisional cause of death had to be entered into a register prior to the corpse being admitted into the mortuary. Effectively, a form stating "please accept this body in the morgue" had to be filled from the medical emergency section.

He further explained that there were two (2) relevant forms for bodies coming from the emergency department to the mortuary. The first (1<sup>st</sup>) form in which "coroner's case" was written at the top is used where the case is one for the Coroner. the second (2<sup>nd</sup>) form is filled where the Coroner is not required. He explained that these forms were filled to advise the person receiving the corpse at the mortuary of the category the corpse belonged to and for purposes of determining if an autopsy would be done, the date it was done, the person collecting the death certificate, address and other details. Furthermore, personal effects found on the corpse would be released to the family members where it is not a medico-legal case. However where it is a medico-legal case, the personal properties would have to be documented instead.

If it is not a Coroner's case, it is filled there so that the person receiving it at the mortuary will know what category it belongs to and if an autopsy is going to be done, the date it was done, the person who is collecting the death certificate, the address and all those details. If you have personal items like neck chain and the likes, if it is not a medico-legal case, you can remove everything and give them to the family but if it is, you leave everything there because they will be documented. Basically these are the things to be done when receiving a body from the mortuary.

When asked how failure to follow these procedures could possibly affect his job, the witness explained that his department would not inquire/meddle into how things were done at the mortuary because they are independent. However, where a case which is medico-legal is moved to the mortuary or the body was not properly moved, it could create problems in which medico-legal questions were capable of being unanswered and capable of negatively affecting their job. This, he explained was why his department insists that the Police call them in certain situations.

The witness explained that the staff of the mortuary had no control over the failure of staff of the mortuary taking down necessary information. He gave the example of the entry in Exhibit I which noted that the body was B.I.D. by SEMU with one Dr. Nifemi also noting that the corpse was B.I.D., transferred to morgue. He further explained that it was not uncommon for doctors failing to pay attention to very important things. As such, none of the doctors noted any date and time. The only entry as to date and time were by one Abimbola Sheriff which he suspected, might have been his personal record.

Professor Obafunwa emphasized that it was the job of SEMU to pick bodies on the streets or wherever and move them to a hospital. He explained that the body had to first get to the emergency department of the hospital for registration of the body before it is taken to the mortuary. He also advised that where a body is seen on the street, it was advisable to call the Police instead, provided one would not be accused of being responsible for the death.

He also advised that in a situation where a person involved in an accident is being rushed to the hospital but dies along the way, the body is to be taken to the surgical emergency department where information will first be taken and the Police also invited.

When Mrs. Asagba queried why there were seventy-six (76) unknown bodies at autopsy when the witness had insisted that the bodies ought to be taken to the medical emergency department first for registration and documentation, Professor Obafunwa explained that SEMU allegedly found the bodies, took them to the hospital emergency department after which they were eventually moved to the morgue. He noted that it was the job of SEMU except one wished to query the accuracy of the information they provided. He further noted that he would naturally not expect any of the bodies to be tagged unknown as some were allegedly brought from the Prison to the medical emergency. Lastly, that while bodies picked up on the street may or may not be unknown; those coming from institutions like the Prisons ought not to be unknown.

In respect of matching the fifteen (15) bodies whose families have shown up, the witness explained that samples could not be sent piecemeal. He noted that thirty (30) of forty (40) would need to be obtained before they could be shipped before profiles can be obtained on them. He further noted that the samples could not be shipped until an Order to commence that aspect of the exercise was given. At the instant time, they were yet to receive such Order. He confirmed that as at the time of Hearing, no sample had been matched.

Reacting to concerns about the names of depositors who recovered the bodies being missing and the possibility of the mislabeling the location where the corpses were found, the witness stated that SEMU was a known body. And that the name of the depositor could not be said to be unknown as the name of the person who led the team is known. The only exception to this was where the body was not deposited by SEMU. He emphasized that matching the DNA samples would easily solve the issue of the identification of the bodies in order to avoid a case of mass burial. At this point, the Lekki investigation in relation to the evidence of Professor Obafunwa was consequently adjourned sine die.

At the resumed Hearing on the 18<sup>th</sup> of September, 2021 the witness noted that the scene of death ought to have been cordoned off in order for medico-legal investigation to start, even before the removal of the body. He however noted the possibility of another forensic unit being invited instead. He also bemoaned the fact that the bodies had been embalmed and wounds sutured; thereby making certain interpretations a bit difficult even though they were able to determine exit wounds. He indicated that there was a particular law which provided against the tampering of bodies. Although they did not like that the bodies had been tampered with, they had to deal with what they were presented with.

The witness reiterated that although DNA samples had to be taken from all corpses during autopsy, samples still had to be obtained from people who felt they had lost a family member before the samples would be compared and determined. However, while only fifteen (15) families had come forward for sample collection, no shipment of the samples to a DNA lab has been done. He informed the Panel that no DNA tests had been done because the appropriate authorities are yet to release the funds required to conduct the tests. Further, without an order to send the samples, they could not be done. The state government had always paid for the tests in the past. The witness refused to speculate as to the lifespan of the reference samples. He noted that he could only assume that they would still be viable as they were cell scrapings. Only the laboratory could if they could retrieve DNA materials. He further noted that he would advise that the DNA tests be conducted quickly due to the fact that it has been almost a year since they were taken and stored in the freezer as well as the intermittent power failure. He bemoaned the fact that if care was not taken, decomposition might affect their viability; especially as his department has not had light (power supply) for over a week. He informed the Panel that his department had advised the State Government both formally and informally. He also informed the Panel that while there was a risk of being unable to identify the corpses if the DNA tests were not performed timeously, there however was a chance of succeeding at it. Lastly, Professor Obafunwa noted that he was not in a position to tell whether or not the Panel would be carrying out its fact-finding assignment in error without the DNA

results and identification of the bodies. He stated that all he was required to do was present information as to what his department had.

At this point, Professor John Obafunwa was discharged from further proceedings in respect of the investigation into the Lekki Toll-Gate incident.

### **SUMMONS ISSUED ON GRANDVILLE HOSPITAL.**

Appearances Entered:

Mrs. Ophelia Ama Emenike for Grandville Trauma Center.

Mr. Olumide Fusika, SAN with Rabiya Fawehinmi Morakinyo for for named #EndSARS protesters.

Mr. J. Owonikoko, SAN with Olukayode Enitan, SAN, Jerry Briggs, J. Tony and Y. Olabode for the Lagos State Government.

Mr. Rotimi Seriki with Mr. Akin Elegbede for Lekki Concession Company Limited.

Mr. J. I. Eboseremen with Emmanuel Eze and Julio Hodonu for the Nigeria Police Force.

Mr. Ayo Ademiluyi, holding the brief of Mr. Adeshina Ogunlana for named #endSARS protesters.

Mr. A.C. Eze for the Nigerian Bar Association (NBA).

Jonathan Ogunsanya, Counsel to the Panel.

The witness affirmed that he speaks English language.

### **EVIDENCE-IN-CHIEF OF DR. AROMOLATE AYOBAMI, MEDICAL DIRECTOR OF GRANDVILLE TRAUMA CENTER.**

The witness informed the Panel that his name was Dr. Aromolate Ayobami, a Plastic Surgeon as well as the Medical Director of Grandville Trauma Center. He also informed the Panel that he was before the Panel to give evidence of his hospital's involvement during period of the #EndSARS protest. He further informed the Panel that his facility attended to and discharged a total of fifteen (15) patients. He noted that the facility got four (4) referrals from Vedic Life Healthcare, Seven (7) cases from Reddington Hospital and two cases from Doreen Hospital.

He noted that the patient from Doreen Hospital, one Ivoro Theophilus, 38 year old male suffered a gunshot injury to the lower limb. He subsequently had an x-splint and metal splint applied to reposition the broken bone. In addition, one Adamu Hassan Yunusa, a 27year old male, who was referred from Vedic Hospital sustained a gunshot to the elbow while one Mr. Nicholas Okpe, a forty-three (43) year old male suffered a gunshot injury to the chest. He indicated that a chest tube, which was a drain that allows air and blood come out was passed into the patient before he was transferred to the Lagos State University Teaching Hospital (LASUTH).

He indicated that one Enokela Harrison John, a twenty-eight (28) year old male was assaulted. Further, that although he was brought in with the #EndSARS protesters, he was not part of them. He was however placed in the Intensive Care Unit (ICU) and subsequently managed as part of the casualties. Additionally, one Mr. Ogbonna Emmanuel, a twenty year old male who presented with a gunshot injury to the thigh and fracture of the femur was X-fix and was discharged. Twenty-three (23) year old Olalekan Faleye, Male also presented with a gunshot injury to the leg. He was taken to the theater for vascular ligation, where one of the blood vessels had to be tied in order to prevent the patient from bleeding to death and save his life. He was subsequently given five (5) pints of blood and then referred to the National Orthopedic Hospital, Igbobi, Lagos where he had the limb amputated.

Also, Asue Rolan Thomas, a 20 year old male who was referred from Reddington Hospital presented with multiple injuries secondary to physical assaults. He informed medical personnel that he had been assaulted by soldiers. The witness noted that he was admitted to the intensive care unit when he became unconscious but was subsequently discharged. Mr. Joshua James a Thirty-Two year old was also transferred from Doreen Hospital. He presented with a gunshot injury to the left thigh. He was given multiple dressing and discharged with follow up dressing. Mr. Patrick Ukala, twenty-two (22) year old who had been referred from Reddington Hospital also presented with a gunshot injury to the forearm. An x-ray was done and he was discharged with a follow-up wound dressing.

Solomon Hagee a Thirty-Eight (38) year old who was also referred from Reddington Hospital presented with a gunshot injury to the left shoulder. He had an X-ray done and was subsequently discharged. Samuel Ashola Thirty (30) year old was referred from Reddington Hospital with a superficial laceration, secondary to gunshot grazing of the skin to the left thigh. His wound was dressed and he was discharged.

Avwerogoh Trust, a thirty-four (34) year old male who presented with a gunshot injury to the left hip had multiple dressings and an x-ray done before being discharged. Mr. Olamide Dauda aged twenty-one (21) sustained laceration to the right Hercules tendon and multiple laceration. He noted that the Hercules tendon was repaired and the patient put on Plaster of Paris (P.o.P.) before being discharged. He indicated that Respect Matthew, twenty-two (22) year old male presented with a gunshot injury to the right butt. He had been referred from Vedic Hospital. An x-ray was done, wound dressed and was discharged. Lastly, Mr. Paul Femi presented with a laceration secondary to superficial gunshot grazing on the head. He had multiple wound dressing before being discharged.

The witness informed the Panel that the Grandville Trauma Center is located at Plot 004, Eleganza Shopping Mall, Opposite Victoria Garden City, Lekki, Lagos. He tendered Grandville Trauma and Emergency Center summary of #EndSARS patients

treated, reported by Dr. Kalu and approved by Dr. R. A. Aromolate, Chief Medical Director and it was admitted and marked Exhibit A. Six (6) Lagoon Hospital x-rays, were admitted together and marked Exhibit B while Case Notes of victims treated at Grandville Trauma Center were admitted together as a bundle and marked Exhibit C.

### **Cross-Examination of Dr. Aromolate Ayobami by Mr. Olumide-Fusika, SAN.**

When asked who paid for the services rendered by the hospital, the witness informed the Panel that the hospital and public paid for the services. Further, that when the hospital was informed that some Nigerians were 'involved' in the protest, he made a volunteer call to the public; informing them that if victims were involved, they could present at the hospital for free. Subsequent to attending to the patients, members of the public volunteered to send money to assist the hospital.

He clarified that the government was not the 'public' that provided funds, although the government promised the pay. He recalled that during the protest, he was in constant communication with the Lagos State Commissioner for Health. He noted that during one of the conversations, he called the attention of the Commissioner to the plight of one of the patients who had been amputated and required blood. However, due to the presence of broken bottles on the road, the required blood could not get to the facility from Victoria Island. In the end, a blood bank in Ajah was able to deliver a pint of blood while two (2) of his staff donated two (2) pints.

In view of the request for an adjournment from Mr. Ademiluyi and Mr. Owonikoko, SAN in order to study the case notes tendered by the witness, the matter was tentatively adjourned to the 15<sup>th</sup> of May, 2021 for Further Hearing. The matter however did not come up again until the 21<sup>st</sup> of May, 2021 when Mrs. Ophelia Emenike, Counsel to Dr. Aromolate appeared before the Panel to inform it that the absence of the witness was due to an emergency that occurred overnight. The matter was consequently adjourned to the 5<sup>th</sup> of June, 2021.

The matter did not come up again for Further Hearing until the 14<sup>th</sup> of August, 2021 when Dr. Aromolate appeared before the Panel and was reminded of his oath.

### **Cross-Examination of Dr. Aromolate by Mr. Ogunlana.**

When asked if his medical facility indeed treated some people from the 20<sup>th</sup> of October, 2020 the witness informed the Panel that while he could not remember the exact dates, he was sure that during the # EndSARS protest, certain people were brought into the facility. He confirmed that the patients were treated for various

injuries, including gunshot injuries. He noted that while some patients were bruised others had contusion or concussions.

He reiterated that his name was Dr. Aromolate and confirmed that he treated a patient named Nicholas Okpe and Olamilekan Faleye. When asked if he also treated one Ukala Patrick Ayide, the witness indicated that the records showed that he treated one Patrick Ukpole for gunshot injury to the right forearm and confirmed that the witness had been referred from Reddington Hospital.

#### **Cross-Examination of Dr. Aromolate Ayobami by Mr. Eboseremen**

The witness confirmed that when the patients presented at the hospital, they narrated what happened to the medical personnel after they were asked questions and that the documents he tendered before the Panel equally stated what the patients informed them. He however noted that they were primarily interested in the medical information. He indicated that he did not ask if they were shot by the Police as it was not part of their medical records.

#### **Cross-Examination of Dr. Aromolate Ayobami by Mr. Ogunsanya**

The witness was only asked to confirm that Exhibit A (case notes) were part of the records he submitted to the Panel as evidence. In response, he answered in the affirmative.

#### **Cross-Examination of Dr. Aromolate by Mr. Seriki.**

The cross-examination began with the witness stating that he became a medical doctor in 2004. He is a Fellow, which means that he is a specialist in Plastic Surgery. He has been the managing director of Grandville for about 7-8 years. He noted that during those years, he had treated patients with gunshot injuries prior to the 20<sup>th</sup> of October, 2020; although he couldn't remember the number he has treated so far. He further noted that his hospital was located opposite the Victoria Garden City (V.G.C.), Ajah area.

He confirmed that he was familiar with the Lekki toll-gate after Oriental Hotel and that between the toll gate and the location of his hospital, several junctions controlled by traffic lights would be passed. He explained that gunshot wounds would not necessarily involve loss of blood, for example, where it was just a graze. However, in a situation where the bullet penetrates, there will be loss of blood.

He informed the Panel that on the 20<sup>th</sup> of October, 2020 his hospital's records indicate that fifteen (15) patients with gunshot wounds were brought to his hospital. While none of the patients suffered grazing gunshot wounds, one involved laceration which he explained were cuts on his body and could not be attributable to a gunshot. He confirmed that a person with a gunshot wound or injury ought to be taken to the nearest hospital in order to save his life. However, this was not applicable in all cases

as it would depend on the part of the body that was shot. For example if it is at the tip of the finger, it will not be prioritized. The speed of the treatment will depend on whether vital organs were involved. Those with wounds that involve vital organs are to be taken to the nearest hospital. He also confirmed that he was aware that there were several other hospitals between Lekki toll gate and his hospital. He reiterated that of all the patients who were referred, six (6) of them were referred by Reddington hospital, although he did not know which branch of the hospital referred them. He noted that he was aware that Reddington hospital operated from different locations in Lagos. He indicated the patients were all brought in by an ambulance, although he couldn't identify the hospital where each came from because he did not take note of that. Lastly, he confirmed that none of the patients were brought in unconscious; neither did he extract any bullet in the course of his treatment of the patients with gunshot injuries.

### **Cross-Examination of Dr. Aromolate by Mr. A.J. Owonikoko, SAN.**

The witness confirmed that his facility handled six (6) referrals from Reddington Hospital and that the referrals were contained in the documents which were admitted as Exhibit A before the Panel. When asked if any of the patients referred from Reddington had instruments of referral, the witness noted that while he could see those from other hospitals, he could not confirm any letter heads from Reddington. He also confirmed that the facility he manages was a trauma center and that trauma injuries were not restricted to gunshots. He indicated that the determination of the nature of trauma was a combination of physical examination as well as investigations such as x-rays, MRI's and C.T. scan if need be. He agreed that there was a requirement for primary and secondary survey where a person presents with a gunshot injury. He confirmed that the primary survey consisted of A, B, C, D and E respectively. The alphabets represented the following:

- A- Airway.
- B- Breathing
- C- Circulation
- D- Determining whether there is disability.
- E- Exposure.

He informed the Panel that both facilities (Grandville Trauma Center and Reddington) ought to perform the primary survey on the six (6) patients whom he believed presented at his facility from Reddington. He confirmed that his facility gave the patients the benefit of the primary survey. He also confirmed that after the primary survey, a secondary survey ought to be conducted. The witness explained that the secondary survey involved assessing and /or detecting if the patient had any other injury he might not even know about or that was dangerous to such patient.

The witness concurred that Nicholas Okpe, Ukala Patrick, Samuel Ashola and Solomon Samuel Agee were amongst the six (6) patients that were referred from Reddington. Others were Emmanuel Ogbonna and Asue Roland. He noted that at the time the patients presented, the facility did not have x-ray, CT scan and MRI machines. When asked if any of the six (6) patients underwent a CT scan or MRI, the witness indicated that Samuel Ashola had an x-ray of the left thigh done, Solomon Agee underwent an x-ray of the left shoulder, Patrick Ukala did an x-ray of the right shoulder, Asue Roland had an x-ray of the skull done while Emmanuel Ogbonna had x-ray of the right leg done. Nicholas Okpe underwent an x-ray and CT scan of the chest respectively while Anukela Harryson Johnson had CT scan of the head and chest as well.

The witness informed the Panel that the X-ray of the patients were conducted outside his facility. He went on to confirm that the assessment of Solomon Samuel's wounds at his facility was that he suffered a gunshot injury to the shoulder. In addition, he noted that no bullet was extracted from any of the patients. He agreed that the purpose of an x-ray was to determine the extent of injury or foreign body in a patient. After the patient was made to read paragraphs 3 and 4 of Samuel Agee's medical report, he confirmed that the X-ray showed the absence of bone fracture, even though he confirmed that the patient suffered a gunshot wound in which no bullet was extracted. When asked for a medical explanation for this, the witness explained that there were different types of gunshot injuries, depending on the type of gun used. He noted that they are classified as low and high velocity and that the local or shot-guns had multiple pellets which could be extracted where they were close to the skin/superficial. However, in respect of missiles it may run through the body, and exit it, there may be a track. Even with an X-ray, nothing with the exception of swelling or damage to tissues would be found.

Dr. Aromolate explained that the characteristics of a high velocity gunshot were its speed, and the extensive damage done to the internal structure. However, he did not know if a high velocity bullet was consistent with military grade weapons or that Solomon Agee was shot with high or low velocity ammunition. He indicated that only an entry wound was observed on the patient upon examination. When asked if he could conclude that the victim suffered a gunshot injury without being able to locate an exit wound and if it were consistent with the x-ray, the witness noted that a clinical diagnosis could be done as the exit wound might be so tiny that it might not be seen. When asked if he would be able to determine the type of impact a high or low velocity could make, the witness responded in the affirmative as there are other things to consider. He could not also tell if the seven (7) patients were struck by high or low velocity bullet. He agreed that a Pathologist and forensic Ballistician ought to be able to make such diagnosis in order to assist the Panel. However, he could not confirm if a highly experienced military could assist the panel in making the determination.

On Mr. Samuel Ashola's medical report, the witness indicated that the nature of the injury his facility assessed was laceration to the thigh (skin). He confirmed that it was consistent with a gunshot injury; specifically grazing to the skin. He also confirmed that the witness was brought to his facility at about 12:15am on the 21<sup>st</sup> of October, 2020 from Reddington Hospital. He concluded that the victim specifically suffered grazing to the skin from the information supplied by the patient and his examination. He noted that his conclusion was based partly on the information obtained from the patient.

The witness confirmed that the patients presented at his facility in a conscious state, and that they all gave some history as to how their injuries were sustained. He confirmed that a patient's account of what transpired did not form part of his medical decision. His medical decision was formed upon his examination. He noted that his facility would not have access to the case notes or the previous history of treatment from the referring hospital. The witness disagreed that standard practice required him to have the case note before admitting a patient who was already being treated. He explained that where the patient was coming in as an emergency case, the priority was to save life. Every other thing was secondary.

When asked how an emergency and referral case was differentiated, the witness explained that there was a terminology known as 'spill over'. This referred to a situation where a line is passed and transferred to another hospital if there was inadequate space from the referring hospital. The witness confirmed that in the case of the seven (7) patients, he went beyond the primary to the secondary survey when he took the patient's medical history and so on. He considered medical history, He did not require their medical backgrounds. He checked for allergies, he confirmed the last meal they had eaten to determine the safety of medicines to be administered. These procedures, the witness indicated were not followed in cases of an emergency. Standard operating procedures would only be followed when the patient had been stabilized. Upon stabilization after emergency, the normal cause of treatment follows. At this point, the witness was discharged from further attendance in respect of the incident of 20<sup>th</sup> October, 2020 as it relates to Grandville Trauma Center.

### **SUMMONS ISSUED ON THE LAGOS STATE HEAD OF SERVICE.**

Appearances Entered:

Mr. J. Owonikoko, SAN with Olukayode Enitan, SAN, Jerry Briggs, J. Tony and Y. Olabode for the Lagos State Government.

Mr. Olumide Fusika, SAN with O. Obilade for named #EndSARS protesters.

Mr. Adeshina Ogunlana with Mr. Ayo Ademiluyi for named #EndSARS protesters.

Mr. Rotimi Seriki with Mr. Akin Elegbede and Toyin Abidoye for Lekki Concession Company Limited.

Mr. Cyril Ajifor with J. I. Eboseremen and Emmanuel Eze for the Nigeria Police Force.

Mr. Bernard Oniga with Mr. A. C. Eze for the Nigerian Bar Association.

Jonathan Ogunsanya, Counsel to the Panel.

### **PRELIMINARY MATTERS**

When the Chairperson informed the public of the presence of Mr. Hakeem Muri-Okunola, Lagos State Head of Service for the purpose of testifying in respect of the Lekki incident of 20<sup>th</sup> October, 2020, Mr. Ogunlana noted that he had no objection, even though it was the Governor of Lagos State that was subpoenaed. Responding, Mr. Owonikoko, SAN noted it was the Head of Service that was subpoenaed by the Panel. Further, Section 308 of the 1999 Constitution of the Federal Republic of Nigeria (As Amended), forecloses the ability of the Panel to 'kidnap' a Governor. Lastly, they were unaware of any summons issued on the Governor. Mr. Seriki on his part, aligned himself with the submission of Mr. Owonikoko, SAN.

The Panel however stated that it would accept the Head of Service as representing the Lagos State Government on the ground that the Governor cannot appear before the Panel according to Section 308 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended).

At this point, Mr. Ogunlana observed that the witness ought to be led by the Counsel to the Panel since he was summoned by the Panel. When asked by the Panel if he was accompanied by his own Counsel for the purposes of his appearance at the Panel, the witness informed the Panel that Mr. Owonikoko, SAN and Mr. Enitan, SAN respectively were his Counsel. Consequent to this statement, the Panel ruled that the witness would be led by the Counsel of his own choice.

### **EXAMINATION-IN-CHIEF OF MR. HAKEEM MURI- OKUNOLA ON BEHALF OF THE LAGOS STATE GOVERNMENT, ON THE 22<sup>ND</sup> OF JUNE, 2021.**

The witness began by introducing himself as Hakeem Olayinka Muri-Okunola, the Head of Service, Lagos State. He then confirmed that he was in receipt of a witness summons to appear before the Panel on that day and the summons was with him. In the absence of any objections, the Summons issued by the Judicial Panel to Mr. Hakeem Muri-Okunola, Head of Service, Lagos State dated 15<sup>th</sup> June, 2021 was admitted and marked as Exhibit A.

He informed the Panel that the schedule of duties of the Head of Service included being responsible for the general administration of functions of public servants in the employment of Lagos State, such as their deployment, welfare, career progression, disciplinary matters and other matters related to the general administration of functions of government. He explained that he also represents the public service and Civil Servants in the Executive Council. He indicated that he is a member of the Executive Council of the Lagos State Government.

In respect of the summons which was served on him, the witness explained that he was at the Panel to give oral, documentary and visual evidence in respect of the incident which occurred at the Lekki toll gate, now known as the #EndSARS protest. He noted that he had the documentary and visual parts of the evidence on a flash drive. In the absence of objections, the unmarked Vivatech flash drive was admitted and marked as Exhibit B. Mr. Owonikoko SAN then sought to have the contents of the flash drive played before the Panel. While granting the permission, the Chairperson informed the witness that the Panel would like to hear him as he took them through the presentation.

The witness began by introducing what the #EndSARS Protest meant to the State Government at the time. He noted that it represented a decentralized social movement which was seeking the disbandment of the Special Anti-Robbery Squad (SARS) unit of the Nigeria Police Force because it had gained notoriety for series of brutalities and abuses.

He informed the Panel of the sequence in which the Panel would be taken through in his evidence as beginning with the protest itself, subsequent National Economic Meeting, the Security Council meeting, the State Executive Council meeting, the hijack of the protest, the famous incident of 20<sup>th</sup> October and its aftermath. He also indicated that he would take the Panel through some of the behavioral patterns and behaviors that were exhibited by some of the people who hijacked the protest, lessons learnt from the protest by the government as well as recommendations from those lessons.

He began by explaining how on the 8<sup>th</sup> of October, 2020 a Nationwide Protest began after weeks of outrage and anger from videos and pictures showing Police brutality, harassment and extortion in Nigeria by Officers of the Special Anti-Robbery Squad (SARS) of the Nigeria Police Force or men dressed in outfits which depicted how the squad usually dressed/looked. He noted that in Lagos, there were congregations of protesters at two major points, to wit: the gateway to the eastern zone of Lagos which was the Lekki toll gate (TP1) and the seat of government, the Lagos House, Alausa, Ikeja.

He explained that different escalation points usually occurred whenever protesters gathered at the government house. Further, that staff and government functionaries would also enter into dialogues with such protesters while there. In the instant case however, although the dialogues made no difference they were provided with food and drinks while the protesters themselves also brought their own refreshments to the scene of the protest.

With the protesters insisting that they were not going to dialogue with any government functionary with the exception of Mr. Governor or his deputy, Dr. Kadri Hamzat. The Deputy Governor of Lagos State on the 9<sup>th</sup> of October, 2020 approached and entered into a dialogue with the protesters who were converged at the Lagos House. He noted that Mr. Deputy Governor advised them as to their rights and its extent while appealing to them to peacefully demonstrate without causing unrest. He noted the deputy governor encouraged them to avoid unruly behavior. He described the dialogue to being akin to one between a political head and young individuals who knew their rights. He noted that the Deputy Governor also associated with the same rights. By 11<sup>th</sup> October, 2020, the protesters had reduced their demands into a formal document with five (5) demands to the Federal Government, specifically addressed to President Muhammadu Buhari. This document, he indicated came to be known as the "5 for 5".

It was the evidence of the witness that Lagos State Governor, Mr. Babajide Sanwo-Olu visited the toll gate on the 12<sup>th</sup> of October, 2020 to address, associate and identify with the protesters who had converged there. Mr. Governor went on to appeal to them as a father and leader respectfully by acknowledging the viability of their rights which were rights that he, the Government and People of Lagos State also associated with, while appealing for calm. He went on to inform them that he had spoken with the then Inspector-General of Police, Muhammadu Adamu in order to outline the position of the State on the proposed Police reforms as well as the State's association with the 5 for 5 demand. Lastly, he informed the gathering that he would personally take their requests to the President for the purpose of telling him about their intents.

He informed the Panel that the visit unfortunately became unruly as elements that were out to cause division and destruction had infiltrated the 'laudable' protesters. He noted that those elements he referred to, were the ones in the pictures and videos he would be showing. The said persons began throwing objects at the Governor and it became a nightmare for the security personnel as they became helpless. He explained that there was very little they could do to calm their nerves. As a matter of fact, the Deputy Governor also got man-handled during the said visit.

By the 13<sup>th</sup> of October, 2020 Mr. Governor also visited the protesters who had converged at the Lagos House, Alausa, Ikeja. Like the situation at Lekki, the midst of

the protesters had also been infiltrated. He explained that the visit was a mixture of serious dialogue, comedy and chants. The witness noted that certain persons who were intent on causing violence began to aim pure water sachets and other things at the Governor. He recalled that it was also at this point that the song titled 'Fem' grew in popularity when the Governor was being told to shut up. Despite this, the Governor proceeded to the airport immediately after leaving the scene in order to meet the President with the '5 for 5' demand booklet that had been given to him by the protesters. The witness explained that the presentation of the demands by the Governor prompted the statement which was released by the spokesman to the President, Mr. Femi Adeshina who announced that the President had agreed to the demands of the protesters. At this point, the witness showed the Panel pictures from the Ikeja visit of the Governor and the subsequent visit to the President.

Mr. Muri-Okunola testified that on the 14<sup>th</sup> of October, 2020, a National Economic Council meeting, which is a periodic monthly meeting presided over by Vice President of Nigeria, Professor Yemi Osinbajo SAN in the instant case was convened. He noted that Mr. Governor informed government functionaries that top on the agenda of the meeting were the issues of security, the #EndSARS protest, Police brutality as well as the reforms that would be instituted. He further noted that one of the proposed reforms which had been agreed to by the President and for which the Vice-President gave directives, was the setting up of Judicial Panels of Inquiry in each State for purposes of investigating Police brutality.

On the 15<sup>th</sup> of October, 2020 the Governor of Lagos State set up the Judicial Panel to investigate SARS brutality and human rights violation with an initial sum of Two Hundred Million Naira (₦200,000,000.00) set aside as compensation for victims of such brutality, abuse and human rights violation by the Police.

A Security Council meeting was held on the 19<sup>th</sup> of October, 2020 starting with the Lagos State Executive Council Meeting in which all members of the cabinet to wit: Commissioners, Special Advisers of Cabinet rank, Secretary to the State Government, the Deputy Governor and Governor of Lagos respectively were in attendance. He informed the Panel that the discussion on that day revolved around the issue of security in Lagos and the breakdown of law and order which was being witnessed at the time. He went on to explain that in the week preceding 19<sup>th</sup> October, 2020, calls reporting cases of robberies and the setting up of road blocks by people who were not Police Officers were being reported all around the State. He recalled that at this point, the Commissioner of Police had given the Governor a report in which he noted that he was also addressing the issues of breakdown of law and order. The witness then went ahead to state that he would show the Panel some of the incidents which led to the decision taken on that day.

One of the decisions allegedly reached was a deliberation on whether or not the Governor should declare a curfew. However, the Council decided to tarry until the Security Council meeting was held, during which the security experts with firsthand knowledge of the incidents would be in a position to advise the Governor on the appropriate steps to be taken. He noted that the meeting did not end until about 3pm. By 4.30pm, the Security Council meeting had commenced. At this point, the witness informed the Panel that he had to mention that his report was an account of the sequence of events as he had been informed by the Governor as he was not a member of the State Security Council.

He noted the composition of the Security Council of the State as comprising the Governor as Chairman, Senior Special Assistant on Security to the Governor, Attorney-General and Commissioner for Justice, Secretary to the State Government, Chief of Staff to the Governor, the Commissioner of Police for Lagos State, representatives of the Armed Forces- the Air Force and Navy respectively as well as the State Director of the State Security Service (DSS). He explained further that although the meeting was meant to occur weekly, it however usually occurred more than on a weekly basis.

The witness testified that on the 19<sup>th</sup> of October, 2020, Mr. Governor again appealed to the youths to leave the roads and embrace dialogue for the resolution of their agitations. On the same day, the Honourable Panel was also inaugurated. He explained that the Panel would have been inaugurated two (2) days earlier but for the delay in the submission of its representatives; as the 'primary agitators' which were the youths\the body representing the youths at the time. He noted that despite the State Government having its own Youth Council whom it usually dialogued with, it refrained from taking nominations from the body known as the National Youth Council of Nigeria, Lagos Chapter. He further explained that the slots had to be left open because the movement had grown in size. He recalled that the primary factor which drove the movement was that the youths had indicated that they were a leaderless group. Further, they had an all-embracing, all-encompassing and technology-based system for producing their representatives. As such, no one could dictate their choice. At the end of the dialogue, two (2) individuals one of which was Mr. Temitope Majekodunmi were subsequently sworn in.

He further testified that the hijack of the protest which he earlier referred to escalated and took a turn for the worse when a state-wide attack occurred. He indicated that noble protesters were attacked with cutlasses, sticks and charms, while private and state-owned properties, royal and media houses were either attacked or penciled for attack. It was the testimony of the witness that the State experienced escalated violence around the city.

He stated that on the weekend preceding the 20<sup>th</sup> of October, 2020( 17<sup>th</sup> and 18<sup>th</sup> of October, 2020 precisely) an incident which occurred at Ogolonto, Ikorodu was identified by the State Security Council as one of the incidents which led to a turn and major escalation of the violence. He explained that the convoy of the wife of one of the South Western Governor's was attacked. He indicated that it took about one (1) hour of response for the said convoy to be rescued. Incidentally, another Governor's wife's orderly was disarmed and had weapons taken from her on the same day. He indicated that the reports were first-hand accounts, in addition to those being received from the Police. This consequently heightened the violence as well as security alert within the State.

By this time, hoodlums had infiltrated the protest, roads were being barricaded, cars being stopped on the roads across the city while the lives of protesters and citizens generally were put in danger with parents expressing concerns about their children; especially for the safety of the female children whom he noted were particularly vulnerable as incidents of attempted and actual rape were being reported as well. He informed the Panel that at the end of the presentation, he would present what the Police supplied as their account of the incidents which they had in their record for the period.

By the 20<sup>th</sup> of October, the media had circulated a situation of near/complete breakdown of law and order as a Police Station at Orile had been attacked, while a Policeman was killed and burnt alive. Referring to slide nine (9) of one of the videos he mentioned earlier, Mr. Muri-Okunola explained that the content of the video was of Mr. Governor while addressing protesters during his visit to them at the Lekki toll gate on the 12<sup>th</sup> of October, 2020. He recalled that at the time of the visit, the protest had been infiltrated and it was also at the scene that the Deputy Governor was manhandled. Recalling his account of 20<sup>th</sup> October, 2020 the witness reiterated that the Orile Iganmu Police Station was burnt on the same day. In addition, a Policeman was killed while others sustained injuries. This, he noted caused the Officers to flee and abandon the Station leading to the unfortunate hijack of the arms and ammunitions contained in it before being razed down. He also noted that the incident was circulated widely on social media and broadcast on television as well. Explaining further, the witness informed the Panel that all suspects being held in the cells for various crimes and awaiting transfer to Prisons and /or Court were allegedly released by the infiltrators of the protest. Witness went on to explain that the video being played showed a Policeman being attacked .

He recalled that on the 19<sup>th</sup> of October, 2020 Mr. Governor had instructed some Cabinet members to set up an Incidence Center for purposes of monitoring issues. He explained that the Incident Center comprised of Mr. Governor, the Deputy Governor, Head of Service, Attorney-General and Commissioner for Justice,

Commissioner for Health and Commissioner for Information and Strategy who were required to meet at a particular point at the Government House, Marina to monitor what was going on around the city/state. He recalled that the Special Adviser on Education was also in attendance. It was his evidence that on the 20<sup>th</sup> of October, 2020 the Commissioner of Police was also reporting to the Incident Center simultaneously in respect of the incident at the Orile Police Station. He noted that the viral broadcast of the incident which occurred at the Orile Police Station served as a catalyst. As such, series of other attacks began to occur across the State on Police Stations, Policemen and other security facilities. These attacks, he noted escalated to media houses, palaces, private businesses, government establishments as well as the looting and arson on public infrastructure.

The witness informed the Panel that at about 11:49am on the 20<sup>th</sup> of October, 2020, Mr. Governor in consultation with the Security Council and the representatives of the Executive Council announced the imposition of twenty-four (24) hours curfew in all parts of Lagos State. The said curfew was however extended to commence at 9pm when Mr. Governor realized that people might not get to their destinations immediately.

The curfew, the witness noted was further extended to commence at 9pm when Lagosians started to indicate that as a result of the attendant Lagos congestions/traffic and other constraints they would be unable to get to their destinations before 4pm. This further extension of the curfew, Mr. Governor directed to be communicated on all platforms (including the now banned Twitter Application), channels and members of the Security Council.

At this point, the witness identified the printout labelled "For Greater Lagos" a tweet in respect of the extended curfew. The Twitter message on Governor Babajide Sanwo Olu's directive on the 20<sup>th</sup> of October, 2020 of the 24 hour curfew starting at 9pm, was consequently admitted and marked Exhibit 'C' in the absence of any objection. Moving on, the witness indicated that simultaneous to or just before the directive was announced, one DJ Obi who was one of the faces of the noble #EndSARS protesters who had also always been in constant dialogue with the Government, released a video on his social media platforms urging the protesters to abide by the curfew time and go back to their homes. The said DJ Obi alongside others vacated the Lekki toll plaza. The witness informed the Panel that as part of the Incident Command, events going on at the toll gate were also being monitored through the Managing Director and officials of the LCC. He noted that they received periodic feedbacks and footages of the migration and dispersion of the legitimate protesters from the toll gate.

At about 6:45pm on the 20<sup>th</sup> of October, 2020 the witness indicated that a resident of Queen's Drive, Ikoyi called to report sporadic gunshots which the Incident

Command assumed was as a result of a robbery or security incident around the neighborhood until they began to receive other calls reporting the same sporadic shootings from the Ozumba Mbadiwe, Victoria Island area as well. The second person who called at exactly 6:45pm confirmed that the shootings were happening at the Lekki Toll plaza. Based on this intelligence, and subsequent confirmation of the same report, the Managing Director of LCC was called to confirm same. However, because he was not at the scene, his staff had also called to complain of gunshots which they thought were coming from Policemen. This led to Mr. Governor calling the Lagos State Commissioner of Police, Mr. Hakeem Odumosu who within a few minutes called back to inform the Incident Command that men of the Nigeria Police Force were not responsible for the shootings and that his Officers were in full compliance with the stand down order of extending the curfew to 9pm. At this point, calls was placed to the Armed Forces members of the Security Council who also informed them that its Officers had also stood down and were nowhere near the toll plaza.

However, live broadcasts and comments on social media alleged that men of the Nigerian Army were responsible for the shootings. This allegedly then prompted Mr. Governor to call General Ndagi who at the time was the Nigerian Army representative on the Security Council of Lagos and attended its meetings. The witness noted that General Ndagi was at the meeting which held on the 19<sup>th</sup> of October, 2020 along with other members of the Nigerian Navy, Air Force and the Directorate of State Security. The witness testified that General Ndagi informed the Governor that it was definitely not his men because they had been instructed to stand down. He noted that the immediate concerns of the Incident Command at the time was to ensure the immediate deployment of ambulances and emergency services to the toll gate if shootings were indeed going on there. Further, the Commissioner for Health was also directed to instruct hospitals to check if there were casualties in hospitals in the neighborhood of the Lekki toll gate. While all this was on-going, it surfaced on social media that men from Bonny Camp were the Officers that went to the toll gate. The witness emphasized that the major concern of the State was to prevent further casualties, shootings, injuries while ensuring the maintenance of peace in the neighborhood because of the uncertainty as to the identity of the men at that point in time.

While the monitoring continued, a call was received from a paramount royal father in the South West who alleged that his life was in danger as he had received information that hoodlums were allegedly about to burn the Oriental Hotel across from the Toll Plaza. He stated further that the paramount ruler further alleged that the hoodlums had heard that he was a resident through his vehicle number plates which had his insignia on it. The witness, while praying to retain the anonymity of the ruler noted that said paramount ruler was resident on the third (3<sup>rd</sup>) floor of the Oriental Hotel on the 20<sup>th</sup> of October, 2020 at about 9pm. However, reports received from the incident command had indicated that the protesters at the Government House, Alausa, Ikeja

had dispersed the moment the curfew was declared. Consequently, no incidents occurred at that location.

He explained that an automatic consequence of the declaration of a curfew in the State is that activation of men of all the security apparatus to various locations. In respect of the instant matter, he informed the Panel that the Nigerian Navy covered the sea installations, areas and neighborhoods of Apapa, Orile and its environs, the Nigerian Air Force predominantly were sent to the airports as well as the Alimosho and Ikeja environs, while the Police, the Nigerian Army and the men of the Department State Services (DSS) were deployed everywhere. They were not limited to a particular spot.

He noted that the Incident Command was informed that there were indeed casualties in some of the hospitals in Lagos. He listed some of the hospitals and stated that they were more in Reddington Hospital on Admiralty way and the General Hospital, Marina, Lagos. In the same vein, incidents of violence from other parts of Lagos which had allegedly escalated to cult and territorial clashes in other areas was also received as the now insecure and fragile security network of the state had been run over and taken advantage of and the Police had also begun to retreat to their Barracks.

When asked to explain what he meant by 'Police retreating to their Barracks', the witness explained that it simply meant that the Police were unable to respond to reports of incidents, the Incident Command was receiving as they were being attacked by hoodlums. In addition, the manpower of the Police force in Lagos State was also stretched thin because of the deployment of its 'detachment' to the North due to the unrest and other assignments. This he noted had happened prior to the #End SARS protest. As a result, its aftermath had not been anticipated.

When Mr. Governor suggested that a physical appraisal of the situation be carried out at about 10:30pm on the 20<sup>th</sup> of October, 2020 the suggestion was rejected by his core security personnel on the ground that it was unsafe. However, due to the number of people who were allegedly said to have presented at Reddington Hospital, Mr. Governor against security advice, insisted on going to the Lekki toll gate, Redington Hospital and the General Hospital, Marina. The witness went on to identify and explain photographs of hospitals visited by Mr. Governor and his team. He identified General Hospital, Marina, its doctors and the injured persons whom they saw that night, although he could not identify them by their names.

He also went on to identify pictures which were taken at Reddington Hospital, Admiralty, Lekki, the individuals who had been injured in a stampede when they fell over one another. He noted that there were about thirteen (13) people at Reddington Hospital when they visited. He also noted that incidents of robberies and looting of

stores were also being reported, especially around the Lekki axis, particularly the Circle Mall and residents of Ikate. He noted that some of the injured at Reddington were people who had been injured by the security men/vigilantes in the neighborhoods they tried to attack. They had been allegedly taken to Reddington Hospital by their friends.

The witness indicated that the team who accompanied Mr. Governor on the visit to the hospitals left the Government House at about 12:30am for the General Hospital, Marina first. He noted that the hospital had twelve (12) patients who had presented and that the doctor-in-charge had informed them that one of the patients with more severe injuries from machete cuts was being referred to LASUTH. He further noted that at the time of their visit to the facility, most of the injuries they observed were in the nature of cuts and bruises, probably from machete cuts. He emphasized that none of the patients had suffered gunshot injuries.

Mr. Muri-Okunola went on to identify a photograph which he alleged had been taken at Reddington. He explained that as a result of the high number of emergency cases they had, the space at the back of the compound had to be converted to a make-shift emergency treatment place. He identified a few more people who were merely seated on chairs as well as an individual (patient) who was seated at the end of the hall. He confirmed that he was part of the team that went to Reddington hospital.

Next, the witness identified a video taken at Reddington Hospital, a private hospital on Admiralty Way, Lekki and the doctors who were giving Mr. Governor information on the status and the nature of the injuries of the patients. He noted that the patients predominantly suffered from fractures, machete injuries, minor bruising. He emphasized that the video was recorded on site and in real time at Reddington Hospital and that the participants who were speaking were the actual medical staff employed by the hospital to care for the patients. He also noted that none of the account was made up by him. Lastly, he identified the pictures of the Governor and his Deputy beside him in one and the picture of the team at the General Hospital, Lagos in the other.

He recalled that shortly before 11:15am on the 21<sup>st</sup> of October, 2020 Mr. Governor during a live broadcast addressed the State and appealed to them to be calm and maintain peace. He also urged the youth to stay at home as anyone caught within the vicinity of the areas that were being robbed and properties destroyed would be regarded as criminals. Lastly, Mr. Governor informed the State that as at that time, no casualties had been recorded in any of the hospitals around Lekki based on monitoring and feedbacks from those hospitals. However by 11am, the Medical Director of Reddington had reported that one of the patients in their care had died from blunt force trauma. Shortly after, another person was said to have also died at

Yaba and the body transferred to the mortuary. He explained that the Governor immediately ordered an investigation into the deaths, for the purpose of confirming the nexus of the deaths to the incident that occurred at Lekki Toll Gate.

Simultaneously, the witness stated that the Oba of Lagos, Oba Rilwan Akiolu was sacked from his palace and an attempt was made to burn down the palace. He noted that this incident occurred even with the curfew in place. Further to this, the Incident Command received reports from members of the Lagos State High Court and residents of the Catholic Mission Street that the Lagos City Hall was under siege and being looted. He indicated that men of the Lagos State Fire Service were prevented from moving into the neighborhood by the said attackers. In the same vein, Police alluded that it was unsafe for them to go into the areas where these incidents were occurring without causing harm or fatality. The witness noted that children and vulnerable people had also been incited to join the attackers. He explained that the Bus Rapid Terminal (B.R.T.) at Muritala Muhammed Way, Yaba was also attacked. There was very little the Police Officers at Denton Police Station could do as they were also trying to protect the Station while these vices were occurring.

Mr. Muri-Okunola informed the Panel that a record of all the incidents which started from the 12<sup>th</sup> to 30<sup>th</sup> of October, 2020 was compiled and submitted by the Lagos State Police Command to the State Government. He then went ahead to identify and confirmed the hardcopy of the recorded incidents as it was the copy that was reproduced in the slide. However Mr. Ogunlana objected to the tendering of the said document on the premise that the incidents being referred to from the 12<sup>th</sup> of October, 2020 was outside the terms of reference of the Panel and was also time-consuming. In a considered Ruling, the Panel held that the document of the Incident recorded during the #EndSARS protest by the Lagos Police Command from 12<sup>th</sup> to 20<sup>th</sup> October, 2020 was admissible and marked same as Exhibit D on the grounds that from the date recorded (20<sup>th</sup> October, 2020) fell within the period of the incidence report. The Chairperson also noted that the Panel would look into the relevant aspects which fell within the scope of its investigation.

When asked if he (personally) or the Governor and his entourage had confirmation of some of the events, the witness explained that on the 23<sup>rd</sup> of October, 2020 the Governor and his team moved around the State to witness some of these incidents. He indicated that they visited twenty-seven (27) locations where government assets and private properties had either been looted or destroyed. He listed some of these assets as the High Courts and Magistrate Courts, Igbosere, Headquarters of Ajeromi-Ifelodun Local Government in Ajegunle, Ajeromi Police Station, Palace of the Oba of Lagos and B.R.T. bus station located at Muritala Mohammed way, Ebute Meta. He indicated details of these incidents were contained in another bundle of pictures, in a different file.

It was his testimony that these incidents were the reason why the Terms of Reference of the Panel was expanded to include all incidents that relate to the Lekki toll gate incident. He noted that the State continued to see an increase in the destruction that had happened in the State by the 27<sup>th</sup> of October, 2020. The Governor also announced that anyone found culpable for any incident around the toll plaza would be held accountable for all of their actions as there were reports of deaths of young people, missing persons and loss of lives which were not recorded from Police Stations, hospitals or mortuaries.

He explained that some people who were rumored to be dead came out to debunk the news either by denying that they were neither at the toll gate or that they were not in fact, dead. He mentioned examples of such persons as Eniola Badmus, Mr. Iraoye Godwin (a native of Out Auchu, Edo), Comrade Anthony Okechukwu who was alleged to have been killed by soldiers but was discovered to have died in a motorcycle accident, Stephen Becky who also allegedly died at the toll gate but announced that she was alive, hale and hearty; Lucia Adu who was discovered to have been killed in an accident involving a stationery truck on the 20<sup>th</sup> of October, 2020. He further explained that one Joshua Obodo debunked the picture of a man who was carrying a girl with a blood stained Nigerian flag, noting that it was from a scene from a church play. He clarified that the said Joshua Obodo had been the President of the Nigerian Christian Corper's Fellowship (NCCF). He highlighted a video by the said Eniola Badmus who was alleged to have died at the #EndSARS protests as well as some pictures of 'behavioral parterns' which he indicated were noticed at the toll plaza.

Referencing videos and pictures, the witness noted that they were all incidents at the toll plaza which were not perpetuated by the noble #EndSARS protesters. As such, it was a major cause for concern for parents, any leader/administrator and especially the Governor of Lagos. Some of the unreported incidents, the witness indicated was incitement through social media which led to wanton destruction, loss of lives and destruction of properties across the state; which he noted would take a long time for the State to rebuild.

Referring to one of the videos in which a female on the morning of the 20<sup>th</sup> of October, 2020 was telling vulnerable persons under the influence of alcohol that no struggle was complete without loss of lives and flow of blood; the witness highlighted that the consequences of such statements presented itself as the aftermath of the #EndSARS protest when it was hijacked by hoodlums. He indicated that while he had never met the individual, she was known as 'DJ Switch', a major voice of the movement like DJ Obi who had also provided music during the protests. He showed a tweet on her Twitter page which allegedly called for hurting people deeply so that they would be

aware that the youths were not smiling. He reflected that those words were some of the factors that allegedly propelled irresponsible people to instill fear, commit crimes, destroy, loot and burn properties. He noted that such statements gave opportunist criminals the environment they to thrive and perpetuate injustice. Speaking in respect to some slides about the protesters, the witness explained that the lessons learned and observed was that things could be legitimately done as their rights as protesters could sometimes infringe on the rights to livelihood, life and others of other people. He noted that the guerilla protesters who infiltrated the midst of the noble protesters should be held accountable for their actions as he was sure that the undesirable outcome of the protest was not the original intent of the protesters.

While noting that although it was the era of free speech, he however emphasized the need for caution especially to followers on social media. He noted that he had also included some recommendations and appealed for the consideration of the recommendations by the Panel in order to avert a recurrence of such incidents in the future through misinformation that is disseminated through social media. To this, the Chairperson assured the witness that the Panel would read the documents intelligently. The examination-in-chief ended with the witness explaining pictures of damaged properties.

#### **Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Ogunlana.**

Cross-examination began with the witness stating that he believed that the Lagos State had the capacity to receive, gather and process information received on the territory it governs. He went on to state that he was a legal practitioner when asked if he was also a sociologist or psychologist. He stated that he was not a member of the Security Council of Lagos State. He went on to confirm that he used the expression 'guerilla protesters' during his testimony. The witness went on to explain that the word 'guerilla' was used to describe the people who hijacked the protest under the guise of being protesters to perpetuate crime. When asked to confirm that the guerilla protesters, as opposed to the #EndSARS protesters caused the violence in Lagos State, the witness reiterated that what he said was that the #EndSARS protest was hijacked by those who did not come to participate in the protest.

When asked to confirm if part of his evidence was based on hearsay, he informed the Panel that some parts of his evidence were things he witnessed while others were told to him by the Governor. When also asked to provide proof of the infiltration of protesters, the witness explained that the fact of infiltration could be alluded to from the videos he tendered and the Report from the Police. The witness explained further that apart from the video, his oral testimony established that during the monitoring of the toll gate, people took advantage of the place to commit crimes such as smoking weeds and the sale of drugs. He also emphasized that the scene ought to

have been vacated by 4pm or 9pm as a result of the curfew that was declared; which he noted was another infringement of the law. Lastly, he noted that the Lekki toll gate was the same place where Mr. Governor and his Deputy had been manhandled; which according to him were behaviors different from that of genuine protesters.

The witness noted that although he was not at the scene when the Deputy Governor was manhandled, the Deputy Governor informed him of this fact while the security personnel also confirmed same. He indicated that there were no videos or pictures to corroborate this fact. In relation to the locations of the #EndSARS protest, the witness clarified that what he said was that the #EndSARS propagators identified two major places for convergence to wit: the Lekki Toll Gate and the Government House at Alausa.

He denied being aware that Lagos State owned buses were used in transporting the guerilla protesters to attack the genuine ones at Alausa on the 17<sup>th</sup> of October, 2020. He again denied being aware that state owned buses were used in bringing in attackers and hoodlums to attack people with machetes. He went on to state that although he was aware of the incident in which machete wielding men attacked people at Alausa on the 14<sup>th</sup> or 15<sup>th</sup> of October, 2020 but were chased back by protesters; however, he unsure of the date.

The witness went on to confirm that the revenue generated by the Lekki Concession Company that manages the toll gate was important to service debts. He explained that when the company started, there was a concession between Lagos State and other parties. However, the partnership has been dissolved with Lagos State taking over the debt of those concessionaries. Currently, the State Government is the one responsible for serving and paying off the debts by the company. He emphasized that the Lekki Concession Company is now fully owned by the Lagos State Government.

The witness reiterated that Mr. Governor went to address the protesters who were converged at the Government House, Alausa penultimate to his trip to Abuja with the 5 for 5 demands. He clarified that during the visit, the situation became unruly and some insulting words were being said to the Governor, including 'shut up'. He informed the Panel that he was there when the incident occurred and that he heard 'soro soke'.

He went on to confirm that the Orile Police Station was overwhelmed with criminal suspects being set free on the morning of 20<sup>th</sup> October, 2020. When further asked if soldiers were deployed there, the witness reiterated that he had earlier explained that a direct consequence of the declaration of the curfew was that all members of the Security Council were to activate their men. He however clarified that he did not know

the process of deployment or who were deployed. He denied knowing if soldiers were there as at the morning of the 20<sup>th</sup> of October, 2020.

Responding to the question as to whether soldiers were around to safeguard the historical structures such as the Lagos State High Court and City Hall, the witness explained that in times of unrest, perpetrators of unrest never give advance notice of places that would be affected. Despite the fact that security alert was heightened in the state, he could not state for a fact that a directive was given for the Army to 'pin down' permanently at the High Court or if the Army was there. He clarified that the military was not the strongest security strength of the State. Rather, security was a joint effort of the Nigerian Army, Navy, Air Force, Police and the Department of State Services (DSS). When asked if these security forces were there, the witness further explained that the Police reported to them that they were deployed there but advancing further would have occasioned loss of lives as the perpetrators had vulnerable people and children with them.

The witness re-confirmed that the government received reports of gunshots being fired at about 6:45pm on 20<sup>th</sup> October, 2020 at the Lekki toll gate area and that Mr. Governor contacted both the Police and General Ndagi who denied that their men were not at the scene. He also confirmed that he later heard that military men from Bonny Camp went to Lekki. When asked if he was trying to insinuate that military men, Policemen and security men were never at Lekki, the witness clarified that what he said was that the security forces were directed to commence the enforcement of the curfew declared by Mr. Governor which until 9pm which it was subsequently extended to.

The witness also confirmed that Officials of the Lagos State Government later heard that military men from Bonny Camp were the ones, who went to the toll gate at 6:45pm on the 20<sup>th</sup> of October, 2020. He further confirmed that based on video evidence which everyone saw, they were armed and that shots were fired by the, military men with the guns based on video evidence.

The witness reiterated that he Governor created an ad-hoc incident command team and set up his residence as the Incidence Command Center. The team comprised and included the Governor, Deputy Governor, Head of Service, Attorney General and Commissioner for Justice, Commissioner for Information and Strategy, Commissioner for Health and the Special Adviser on Education. He noted that the team left the residence around 12:30am and headed for General Hospital, Marina, Lekki toll plaza 1 and then Reddington Hospital, Lekki in that order. Witness indicated that the team stopped on its way back, driving slowly through it on its way to Reddington. He explained that at the toll gate they witnessed that the entire structure had been burnt with barricades on the floor and soot from burning tyres.

He clarified that he did not mention a statement by DJ Switch, but showed it. He also clarified that he had stated that he did not know her, but that she was known as DJ Switch and that was her Twitter handle. He noted that as at the time he left his home that morning, he still saw her Instagram post. He also noted while he did not know the veracity of the tweet, it was her handle and it carried the name DJ Switch. He agreed that handles could be hacked. He indicated that he only knew that DJ Switch was that she was a disc jockey. He insisted that the video he showed belonged to someone known as DJ Switch on Instagram and that as at that morning, had not deleted the video.

He stated that he was not aware of the exact date when the #EndSARS protest commenced. He was however aware that it initially began as gatherings at one side of the toll plaza with traffic flowing until it escalated to a complete blockage by the 12<sup>th</sup> of October, 2020 and also became a 'full convergent center' for the protest. He noted that security operatives who went for monitoring and online videos showed crimes such as the taking and selling of drugs, drinking of alcohol and behaviors which were inconsistent with a legitimate protest taking place.

When asked for the documented evidence that violent crimes were being committed at the Lekki toll gate between the 12<sup>th</sup>- 20<sup>th</sup> of October, 2020 the witness explained that information on security and consequences or actions to be taken on security report was in respect of the entire State comprising of over twenty (20) million people and not concentrated on just Lekki toll plaza alone. He further explained that the bundle of documents spoke to the catalyst effect of social media cascading and instigating various crimes across the State. He indicated that the Lekki area was also included in the document.

When asked to show the exact place where the report was contained in Exhibit D, the witness indicated that incident of Lekki toll gate was untouched and left as a site to enable protesters air their views, including and Alausa, Ikeja as they were the two places the protesters converged. He noted that he was aware that Mr. Babatunde Fashola visited the Lekki toll gate to inspect it after 20<sup>th</sup> of October, 2020 in the company of Mr. Governor and some entourage; although he noted that he was not a part of it. Lastly, he only came learn that Mr. Fashola discovered a camera online.

### **Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Seriki on behalf of Lekki Concession Company.**

The witness began by confirming that the Lekki Epe expressway was a Lagos State government infrastructure and that he was aware that same was being managed by the Lekki Concession Company Limited. He noted that both toll plazas were located on the Lekki-Epe Expressway. Further, that any incidence that borders on security

within the vicinity of the toll plaza will be of interest to the Lagos State Government as it was a public infrastructure, inclusive of the entire state. He also confirmed that the curfew was based on the security situation of the State at a particular period in order to avert chaos. As such, the managers of the toll were expected to cooperate in making available relevant information in respect of the position of things at the Lekki toll plaza on 20<sup>th</sup> of October, 2020.

He noted that he was aware that although the Lekki Concession Company Limited was a limited liability company, it however operated solely as a corporate entity. It was the testimony of the witness that he was also aware that the company had a board of directors who were responsible for the management of the company. He indicated that he agreed that the company was a corporate entity to a large extent as it employed its own staff. However, the public service could deploy staff to fill specific cadres which the company requested Officers for. The managing director, the witness noted was however recruited from the private sector.

When asked if the Lagos State Government gave instructions or directives to the company in respect of its day-to-day operations, the witness informed the Panel that the company was a public-owned subsidiary but operated as a private entity. He clarified that the curfew was not particularly directed at the Lekki toll gate protesters alone, but to the twenty (20) million people who were resident in Lagos as well.

When asked if the Lagos State Government gave any directives to the company in respect of the operation of the light, switching off of the light or the removal of cameras at the Lekki toll gate the witness responded by stating categorically that the Lagos State Government did not involve itself with the day-to-day activities of the company. He reiterated that the state government did not give directives to the company as to the operation of the light, or whether to switch off of the lights or remove of cameras at the Lekki toll gate.

Lastly, he explained that the managing director of the company was able to relay information to the Governor about the situation on ground on the day of the incident even though he was not physically in the office because they were informed that the company had remote access to all their cameras as part of their functions in monitoring their facilities. This enabled the managing director to view the cameras remotely and then send them the clips by electronic format. At this point, Further Hearing in the Lekki incident investigation as it affected Mr. Muri-Okunola was adjourned to the 29<sup>th</sup> of June, 2021.

On the next adjourned date, the witness was reminded of his oath.

Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Eboseremen for the Nigeria Police Force.

Cross-examination began with the witness confirming that many Policemen were killed during this #EndSARS Protest. He also confirmed that many Police stations and a palace were burnt in the aftermath of the #EndSARS protest. Lastly, he stated that to the best of his knowledge, it was the Panel's responsibility to give compensation to the families of the victims and the burnt stations.

**Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Uthman on behalf of Mr. Lucky Philemon.**

Cross-Examination of the witness began with Mr. Muri-Okunola informing the Panel that the Lagos State Emergency Services (LASEMA) and the Fire Service. He noted that LASEMA included ambulances which carried medical personnel were some of the agencies that were dispatched to the toll plaza. He clarified that it was the duty of emergency services in any situation to respond whenever there are shootings. He noted that properties were also burnt apart from shootings and this also required the dispatch of said emergency services.

He went on to confirm that the Incident Command Center did not send Policemen or armed security personnel to the Lekki Toll Plaza to confront armed persons who were perceived to have been shooting at innocent protesters. He also confirmed that he was also at Reddington, Victoria Island and that some of the victims they observed were victims of machetes and stampede's. Further, from the evidence and discussions with the medical personnel, there were no victims with gunshot injuries.

He clarified that they team did not visit Reddington, Victoria Island but the branch at Admiralty Way, Lekki, Lagos. He denied being aware that there were some victims of gunshot injuries at the site where other victims of stampede and possible machete were. He noted that he was also unaware that Reddington, Victoria Island had appeared before the Panel to present reports of victims of gunshot wounds at their facility. He stated that he had not really been followed the proceedings of the Panel. He informed the Panel that he was now aware that other hospitals also treated victims from the Lekki shooting, although he did not have the details. He was also unaware of any details which suggests that there were gunshot injuries.

He indicated that Mr. Uthman would have to convey his feelings as to the fact that his client, Mr. Lucky Philemon was allegedly shot at the toll gate. Lastly, he stated that determining the cause of the stampede that led to widespread injuries was one of the reasons why the Panel was set up.

Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Olumide- Fusika SAN.

The witness began by testifying that the introduction of himself and the functions of his office were not only in relation to personal matters. He explained that it would also include functions he had to perform as he may be directed by Mr. Governor by virtue of his membership of the Executive Council. He he was not directed by the Executive Council to appear before the Panel. Rather, he was summoned by the Panel and he would have appeared before the Panel irrespective of Council directives.

When asked if presenting the detailed report by the Lagos State Government on the incident of 20<sup>th</sup> of October, 2020 was part of the functions of the Head of Service, the witness reiterated that he was before the Panel because he was summoned. He indicated that he never said that asking about the incident of the Lekki toll gate was not part of his functions. He sated categorically that the report about the Lekki incident was an account of the things he had knowledge about and that he was duly authorized to present the power point report you gave as that of Lagos State.

He went on to confirm that he tendered Exhibit B which were both documentary and visual evidence. He noted that he had seen so many interviews Mr. Governor granted to CNN correspondence, Becky Anderson. As such, he did not know which of them was being referred to. When informed that it was the interview where Mr. Governor promised that there would be an inquiry that was being referred to, the witness confirmed that he was aware of it. He also confirmed that although he was aware that Mr. Governor confirmed seeing footages of the incident, he was however unaware that he had said that the said footages would be played before the Panel. When asked which of the footages contained in Exhibit B that Mr. Governor was referring to, the witness simply responded by stating to wit: "If you say the Governor said so, I believe you."

At this point, Mr. Fusika requested that the video tagged 'VRCL5295' from the flash drive tendered by Miss Serah Ibrahim and then asked the witness if Exhibit B tendered by him pointed out any footage Mr. Governor might have been referring to, the witness noted that his understanding was that the managing director of the LCC had appeared before the Panel and told the Panel that the footage would be made available to the Panel. Further, that he did not monitor the day-to-day activities of the LCC. He also indicated that he was aware that the CCTV footage of the LCC had been submitted to the Panel and that the footage Mr. Governor saw on social media was the one he was referring to, although it might not be contained in Exhibit B which was tendered by him. He went on to confirm that the video on social media which was made by DJ Switch was part of his evidence to support his presentation. Further, that it was part of the evidence he wanted the Panel to use in determining what happened at Lekki.

He stated that it was incorrect to state rather than present evidence that would assist the Panel in determining what happened at Lekki, it was DJ Switch that was his problem. He indicated that the picture being shown by the examiner was that of Mr. Governor holding the flag at the Lekki toll gate before 20<sup>th</sup> October, 2020 and confirmed that it was taken while Mr. Governor was addressing the protesters, some of whom were sitting while others were stood. When asked if anything was being thrown at anybody, the witness indicated that that fact wasn't showing in that particular video. When another video was played, the witness confirmed that there was no commotion happening in that video.

While pictures from the presentation slides were being shown, the witness confirmed that there was no commotion happening. He also indicated that another picture which showed Mr. Governor making a solidarity fist was taken while he was displaying a document. The witness went on to confirm that the video of a Policeman who was being beaten by an angry mob which was shown to the Panel occurred at Orile-Iganmu. He noted that the lynching of the Police Officer, in addition to other incidents across the state led to the declaration of the curfew.

He informed the Panel that the State did not send the Army anywhere. He indicated that Mr. Governor visited the scene where the Police Officer was lynched on the 22<sup>nd</sup> of October, 2020 and noted that the incident occurred on the 20<sup>th</sup> of October, 2020. When asked if he agreed that such incident never happened at the toll gate, the witness indicated that there was no Police Station at the toll-gate. When asked to show the Panel the Police Station, the witness explained that the Police Station was not showing in the video but that it was on the right side. He knew this because he was at the scene. When further asked if there was a landmark, the witness noted that he saw the fuller version of the video. When Mr. Fusika then asked the witness why he did not present the fuller version to the Panel, he explained that the intent of presenting the video to the Panel was simply to show the reason for the curfew, the killing of a Policeman.

After playing another video, the witness informed the Panel that the man in the video was DJ Obi, an #EndSARS protester. He confirmed that he was one of the people the State was in discussions with. He clarified that he never said that DJ Obi was legitimate while DJ Switch wasn't. He explained further that the video was about the power of social media. He went on to confirm that the State distributed food and water at the toll gate. When asked if DJ Obi was part of the people the State was interfering with to distribute food, the witness clarified that the engagement was for the purpose of maintaining peace and that the Government was happy that he urged people to go home because laws were meant to be obeyed. He noted that the Government did not call the protest, and so it could not determine when same would end.

The witness went on to state that the video which showed a discussion being held was 1:29seconds long. He clarified that at the time, medical personnel at Reddington told them that there was no casualty or gunshot victim. He informed the Panel that the team spent between 20-30 minutes at Reddington hospital and that the cameraman attached to Mr. Governor took the photograph. When asked if the team visited with camera men, the witness noted that they went with a Press entourage.

He informed the Panel that he did not bring the full video from which the one presented before the Panel was edited and also because there were some parts where cameras were not allowed in. The witness insisted that the parts of the video he presented to the Panel were the relevant parts. He explained that like the CNN video, it wasn't the entire video that was shown as he had presented an outline of the sequence and timeline of events that transpired. He noted that the team visited the three (3) locations after the Lekki incident between 12:30am and 1:30am. He also noted that it appeared as though the camera did not have a time stamp. He denied remembering the tweet of Mr. Governor on dark forces beyond his control at about 8:20.

Referring to the video tagged as IMG\_0236.jpg, the witness indicated that the time indicated on it was the time on the phone and not that of the tweet. He also noted that the picture did not show a timeline. He confirmed that Mr. Governor made a broadcast the following day. At this point, the witness was made read out the contents of the tweet by Mr. Governor labeled IMG\_0644.jpg. He clarified that the destruction and carnage which occurred all over Lagos was the incident Mr. Governor referred to in the tweet. He noted that no 'fact-finding committee into the Rules of Engagement other than as adopted by the Nigerian Army to be headed by a retired military officer' was set up. He was unaware of it.

When asked what Mr. Governor's interest was in the Rules of Engagement, the witness explained that the idea of setting up a committee to look into the Rules of Engagement coincided with the setting up of the idea. He added that the idea of setting up a Panel superseded that of setting up another Committee as whatever the Committee would be doing would have been sub-judice the powers of the Panel. He further explained that the allegation that involved the military on #EndSARS were social media report of shootings by men in military uniforms at the toll gate. He maintained that the sequel of events were what transpired because he was there and also because he is a part of the administration.

He informed the Panel that Mr. Governor was referring to the carnage that occurred around Lagos when he said that there was no excuse for the unfortunate incidence. He noted that what Mr. Governor relied upon in declaring the curfew was not limited

to the Incidence Report from the report marked when he was asked to take a look at the document marked Exhibit D. He reiterated that they were parts of the reason why the curfew was declared. He emphasized that the incidents were those reported by the Police Command. However, the things considered by Mr. Governor and his team in declaring the curfew were more than that. He noted that they included informal and social media reports and security information gathered across the State.

When asked how many incidents were summarized in the Incident Report, the witness indicated that it was a document of the Nigeria Police and that each number did not contain one (1) incident. As such, he is unable to give an exact number. He confirmed that 1400hours on the 12<sup>th</sup> of October, 2020 was not 'last night'. He equally agreed that 1030hours on the 19<sup>th</sup> of October, 2020, 8.30 of 20<sup>th</sup> October, 2020, 21<sup>st</sup> October, 2020 till the last timing at number 8 amounted to 'last night' either. He indicated his belief that the report in which Mr. Governor referred to 'last night' was different from that of the Lekki toll gate in which Mr. Governor stated that the flag be flown at half-mast as it was in the outline he gave. He stated that the tweet was not about the Lekki toll gate because the events which transpired across Lagos State from the 19<sup>th</sup> of October, 2020 till the night of 20<sup>th</sup> of October, 2020 culminated in the decision. He insisted that 'incidents' referred to in the tweet were many in Lagos and that the Report was part of what the State received from the Nigeria Police. He went on to emphasize that while the 'incidence' was not included in the report, it was contained in his outline.

Referencing IMG\_0642.png, the witness noted that Mr. Governor was not in charge of the Army while the Inspector-General of Police was in charge of the Police. He also noted that the Inspector-General answered to the President. However, he didn't know if it would include the Vice-President. Moving on to IMG\_0643.PNG, the witness stated that he was not telling the Panel that the State's source of information was superior to that of the Vice-President. When asked if the Vice-President was lying when he said 'shooting at Lekki', the witness indicated that the examiner would have to ask the vice-president. He clarified that he was before the Panel to clarify what he knew.

He denied knowing one 'Adagun Oosha'. When shown IMG\_0485.PNG which was the photograph of a man who was allegedly one of the people that attacked protesters and also an All Progressive Congress (APC) enforcer, the witness again denied knowing the individual. For the third (3<sup>rd</sup>) time, he insisted that he did not know the individual who was alleged to be an enforcer for the APC.

Referencing ALMJ9660.MP4 and after being asked if the leader gang of the hijackers that attacked the Palace of an Oba, the witness indicated that the best person to ask that question would be General Taiwo who testified before the Panel. He noted that

investigation into the attack on the Oba's palace was part of the reasons for setting up the Panel. He also indicated that he was not a member of the State Security Council. He doesn't attend because he is not a member.

He informed the Panel that the communication which blamed hijackers was unknown to the Governor of Lagos and that he was unaware that Brigadier General Taiwo testified that a Baale seeking 'omo onile' money asked his boys to burn down a building. When asked how the State's security gathered information, the witness emphasized that he wasn't a member of the committee. He noted that he only gave an outline of what he knew that took place. He indicated that he should be familiar with the convoy of Mr. Governor when going out. He indicated that there would be between seven (7) and eight (8) cars including sometimes, an ambulance as well as his Press crew. He confirmed that there would be all sorts of recordings.

Mr. Muri-Okunola confirmed that the Deputy Governor only accompanied Mr. Governor during the visit to the Lekki toll gate before 20<sup>th</sup> October, 2020. He agreed that the visit was played live and reported in newspapers. When asked why the attack on the Deputy Governor was not reported, the witness indicated that the Press men did not know but that he was informed by the Deputy Governor himself on the day of the incident, as he was not on that visit. He indicated that the attack was verbal in nature.

He noted that it would be the examiner's suggestion if he suggested that Mr. Governor was manipulated into declaring the curfew by 'forces beyond his power'. He stated that Mr. Governor was not manipulated into declaring the curfew based on available information from many sources across the State. He went on to confirm that he met the Governor at the State Executive meeting on the 19<sup>th</sup> of October, 2020 where the issue of declaring a curfew was deliberated.

He explained that a Security Council meeting needed to be held in addition to monitoring events which were happening and that Mr. Governor informed him that at that meeting, it was decided that events would be monitored as they unfold. The declaration of the curfew occurred on the 20<sup>th</sup> of October, 2020. When asked if he was aware that the idea of using the Army to quell the protest had been ongoing before the 20<sup>th</sup> of October, 2020 the witness noted that he was unsure of the nature of the question. Mr. Fusika then requested that the following media to wit: IMG\_0468.PNG, IMG\_0467.PNG, IMG\_0465.PNG (October 17, 2020) and IMG\_0463.PNG. (October 18, 2020) be opened and played.

The witness agreed that he had seen some discussions about the Army being brought in to stop the protest prior to the 20<sup>th</sup> of October, 2020. When asked to clarify the disagreement in which Mr. Governor stated that he did not invite the Army while

General Taiwo told the Panel that Mr. Governor was aware of same, the witness stated categorically that Mr. Governor did not invite the military to the toll gate. He confirmed that he listened to the President's then recent interview on Arise TV, although he did not remember it vividly. When also asked if he did not have any intelligence report alluding to the fact that the protest was to overthrow the government, the witness informed the Panel that he was not privy to the Report of Mr. President.

He noted that he believed that it was normal for a sitting government to put a stop to any perceived overthrow of its government. He however stated that the purpose of the curfew was to curb the rising level of killings and destruction of properties which had been going on around the State. He explained that the automatic sequence of events was for members of the Security Council to take deployment posts once a curfew had been declared. The witness went on to state that Mr. Governor was conscious of this fact. He emphasized that Mr. Governor did not deploy a single Officer of the Army. He confirmed that Mr. Governor was aware of the consequences of declaring a curfew which was that the security agencies were expected to assume positions and maintain security. However, he was not privy to details of their operating procedures. He emphasized that the Governor knew that the security agencies would go out and they would touch all corners of Lagos. He indicated that while he did not what General Taiwo told the Panel, he knew that security agents would commence enforcement of the law after 9pm. Mr. Muri-Okunola confirmed that he was a lawyer but noted that he did not know the section of the Constitution where it is stated that the consequences of declaring a curfew was that military men would be deployed. He also noted that he did not know if it was contained in the Police Act. He indicated that although he was aware of the Armed Forces Act, he was unaware of its content. He reiterated that Security Council members had their standard operating procedures once a curfew was declared and that who or how they deployed was left to them as professionals was left to them as the Governor was not in charge of that aspect.

He indicated that General Taiwo had led evidence which the examiner had informed him that the Army was accountable to the General-Officer-Commanding. He also indicated that the Governor expressed his concern in the interview and the tweets that were shown to him. However, there were limits to his powers about such things. He noted that he was aware that medical reports are a consequence for people who present and are treated at the hospital. He also noted that he would not be surprised that the hospitals had medical reports. However, at the time of his visit to the hospital alongside the Governor, none of the patients in the hospital at that time had gunshot wounds. When asked if he would be surprised that the medical report of one Mabel Nnaji showed that she presented at Reddington Hospital at 9:46pm with a gunshot

wound, Mr. Owonikoko objected to the question on the ground that the witness was not the author of the document being referred to.

He went ahead to inform the Panel that he was not in the video or pictures of the visit as the people who were shown were in front. He however insisted that he was at Reddington Hospital, Lekki. He indicated this belief that the first time the Incident Command heard about gunshots was 6:45pm with the first call coming from a residence in Queen's Drive, Ikoyi. He stated that the Honourable Attorney-General received the call and that everyone present at the situation room heard everything the caller said as it was over the speaker phone. He confirmed that their initial thought was that the gunshot was a robbery. When asked if it was normal to call the Situation Room as opposed to the Police, the witness explained that he called the Honourable Attorney-General as a staff of Lagos State and because he/she was aware that he was in the Situation Room and that another resident who informed them that the shots were coming from across the water, Ozumba Mbadiwe was also called. He noted that the caller was not a security agent and that he called the other person in order to confirm if he also heard the shots because he lived within the vicinity. Further, that the person was the one who then confirmed that the shots were coming from the Ozumba Mbadiwe area.

He confirmed that subsequent to the confirmatory call, Mr. Governor then called Hakeem Odumosu, the Lagos State Commissioner of Police. He also confirmed that prior to the call to the Commissioner of Police the managing director of the LCC was called to ask if there were gunshots and that the managing director confirmed that his staff informed him that there were gunshots from armed men. He further confirmed that the initial thought of the Incident Command was that the shots were from the Police until Hakeem Odumosu informed them otherwise and that the LCC of the LCC simply described the shooters as armed men to their boss.

When asked if the Command asked the LCC managing director for further particulars of the armed men as there was someone on ground that had seen them, Mr. Owonikoko objected to the line of question as that was not what the witness stated in his evidence before the Panel. The witness then went on to confirm that he had not denied that what he stated earlier was the original information they were given by the LCC boss and that the Incident Command then consulted the representatives of the other armed units after the Commissioner of Police denied the presence of his men at the location. It was the evidence of the witness that the representatives all denied that their Officers were responsible. He clarified that what he testified to before the Panel was that the Incident Command called General Ndagi who denied that the people shooting were his men. However, social media videos and subsequent media reports showing men dressed in military uniforms and allegedly from Bonny Camp

surface. He confirmed that social media reports that alleged that they were military men.

The Head of Service, Mr. Muri-Okunola agreed that in context the following was an accurate account of what he said "we asked the Commissioner for Health to speak to hospital about casualties. It was at this time that we learnt that men from Bonny camp were at the Lekki toll plaza 1. There was uncertainty as to who those men were." (Sic) The witness indicated that the barracks in Bonny Camp belonged to the Nigerian Army. He insisted that at the time, there was uncertainty as to who the men were and that clarifying the uncertainty was to be done by the Panel. He also noted it would be sub judicial of him to give evidence and that he would await the outcome of the Panel's recommendation to know who it believed were the men as different people had stated different things. When asked if the Incident Command reverted back to General Ndagi when it heard that the armed men were from Bonny Camp, the witness explained that at the time, the focus was to save people and manage the situation by calling at hospitals and finding out if there were indeed victims of gunshot wounds. he clarified that what he testified to was that the Incident Command entertained the possibility of territorial clashes as they had been happening across Lagos as a whole. Further, that the examiner's reference to territorial was not only about Lekki because cult fights had been occurring in Ajah, Mushin and Ikorodu before the #EndSARS protest and the attack on a Governor's wife which he referred to earlier was a result of some of the continuous clashes across the State. He informed the Panel that he did not know if cultists were engaged in fights for territorial supremacy at the Lekki toll gate on the 20<sup>th</sup> of October, 2020.

When asked if the Government was not interested in knowing who the armed men were, the witness alluded to the video of the Governor's interview with Becky Anderson in which he described the men as men in Military uniform who will appear to be the Army. He confirmed that he testified that there were territorial clashes across Lagos in places such as Ebute-Metta, Ajah, Mushin and Ikorodu. He insisted that he agreed that his evidence was that that men in military uniform were at the toll gate. However, unraveling their identity was the responsibility of the Panel. He stated that the attacks involving the wife of a Governor and her convoy and that of the Orderly of the South-West Governor were separate incidents and that they received the information in the course of being at the Incident Command Room. When a asked if there was #EndSARS protest in Ikorodu, the witness indicated that as at that time, violence had erupted and crime was also gaining grounds with hoodlums taking over streets and cult members taking advantage of the situation to clash amongst themselves

He noted that the wife of the Governor and her convoy were caught in the battle amongst cultists the weekend proceeding 20<sup>th</sup> October, 2020. He also noted that he

could not describe how many cars constituted the convoy; neither did he see the convoy in question. He went on to clarify that the Government was against Police brutality and not against the Government. He confirmed that although other children participated in the protest, his children did not. He indicated that the danger of rape did not amount to rape when asked how many reports of rape or attempted rape the Incident Command Room received. This, he indicated was a possibility across Lagos. He noted that the call made by the paramount ruler who was lodged on the 10<sup>th</sup> Floor of the Oriental Hotel, Lagos at about 9pm was made to the Governor. It was a private call that was not taken over the speaker. However, they were informed after the call and directives were given. He clarified that the paramount ruler was a resident of the Hotel, and not a Protester. Further, that the Governor did not ask the paramount ruler where he got the information that the Oriental Hotel was going to be razed.

It was the testimony of the witness that the Panel would have requested for the CCTV footage in order to verify that the Oriental Hotel was allegedly going to be burnt, if it found it material. However, the security agents sent to rescue him confirmed that there were actually a lot of people and given that the incident was within the vicinity of the toll plaza which had witnessed unrest, there was a likelihood that the threat was likely to be real. He doubted that the paramount ruler was the only resident at Oriental. Further, that he was the one who was rescued as he was the only one that called for assistance. He indicated that he was not aware of the rumors that the Oriental Hotel allegedly belonged to Bola Tinubu or to being aware that the hotel issued a statement to the public to debunk the rumor.

He also denied being aware of whether the alleged ownership of the Oriental Hotel by Bola Tinubu was responsible for the attempts to burn it down. He indicated that what he was shown was what he stated before the Panel when asked if he was aware of the existence of the video of a dead person at Reddington before the Panel. He confirmed that he testified that people were being treated in open space and that they went into the wards, reception and areas of the hospital. When asked if the facility was overwhelmed, the witness indicated that the hospital had reached its capacity because the hospital already had patients who were already accommodated; although he did not know the hospital apportioned its bed spaces.

He informed the Panel that some of the victims were in the hospital and that the Panel visited the hospital between 12:30 and 1:30 am. When a video tagged GDIR9972 in which a person alleged that the Governor had been to the toll gate before the time the witness earlier told the Panel was played, Mr. Muri-Okunola noted that the person who allegedly said that was 'obviously not telling the truth' because he was with the Governor.

He informed the Panel that it was dark when they arrived at the toll gate on the day of the incident. That they drove slowly through the toll gate but did not see or observe

any blood even with the bright lights from the vehicle. He testified that the team did not go out for the specific purpose of looking for blood. He also confirmed that some of the people who were alleged to have died at the toll gate but later came out to deny the same. He indicated that he was sure that there would be more of such people and that it was on social media that he heard that those people had allegedly died as well as the denial of their death. When asked why the Government did not investigate the people who allegedly died, the witness explained that the conclusions he gave were based on the reports they had. He mentioned one Eniola Badmus as being one of the people who was alleged to have died until the rumor was debunked.

The matter was however adjourned to the 3<sup>rd</sup> of July, 2021 at the point when Mr. Fusika requested that the media files AVKF5060.mp4, JJAZ0031.jpg and VID\_2020.1021.010.mp4 respectively be played to the witness.

At the resumed Hearing of the matter, cross-examination began with Mr. Fusika applying that the content of the audio admitted as Exhibit A during the testimony of Miss. Serah Ibrahim identified as DLIW8210.mp4 be played to the witness. The witness confirmed that he heard the contents of the audio in the video. When asked if the person speaking was one Eniola Badmus, the witness corrected that Eniola Badmus is a woman and was still alive.

Referencing the media file tagged FUQL8098.mp4 the witness, confirming that he understood Yoruba language was asked to listen to what the female voice in the media file was saying. At the end, the witness confirmed that he heard all that was said. Moving on to the media file tagged IEVC4869.JPG the witness recollected that the voice speaking in the audio was the same woman in the video that was played earlier. He confirmed seeing the woman holding a picture of her son. The witness confirmed that he took note of the media file tagged IMG0552.MP4 and that he could see the picture tagged AXYE4180.JPG. Next, he confirmed understanding the contents of the media file tagged QBJL1202. Referencing the media file named QIZY9428, the witness confirmed that ambulances were sent to Lekki and that the State Government got feedbacks that people were treated. He noted that the reports in respect of the people who were treated would have to be obtained from the Lagos State Ministry of Health. He denied receiving reports that ambulances were turned back by soldiers.

the witness confirmed understanding the contents of the media file tagged as CA7A853C-DI98-4B...65. He also confirmed recognizing the place where the scenes were taken as the Lekki toll gate. Looking at the media file tagged as ESHT3104, the witness confirmed that he heard that the victim in the media file was brought in at 7:20pm with a gunshot wound. Further, that much later when he went to the place with Mr. Governor they were informed that there were no patients with gunshot

wounds being treated at the time. Moving on to the media file tagged VID\_20201021\_003419, the witness agreed that a lot of materials were posted live at the scene and some online subsequently. Mr. Hakeem Muri Okunola went on to confirm seeing some of the videos that had just been played online before his appearance at the Panel. He noted that he recognized the last of the media files that was played. He further noted that he did not see any of the protesters who allegedly died.

When asked if his team investigated the video he acknowledged seeing prior, especially when he reported that because Eniola Badnus did not die therefore nobody died, the witness noted that he did not expect to be asked to confirm that the media files were taken at the alleged scene especially as their tenacity and veracity could not be verified. He however did confirm that some of the media files he brought before the Panel were obtained online while some were taken during their inspection. He denied saying that there were cult clashes at the Lekki toll gate. He clarified that although there were cult activities in various parts of the State, events were however being monitored.

The witness went on to state that he although he tendered and showed a video of one DJ. Switch, he was not following her on the social media Application known as Twitter. When asked how he was able to verify the media file when he didn't follow her, the witness explained that a person did not need to follow a particular personality to watch the content(s) posted by such people on Instagram. He noted that the particular post being referred to was from Youtube and the person did not need to be followed.

After being asked to read aloud the content of the tweet being referred to, the witness confirmed that the tweet was referring to Mr. Bola Ahmed Tinubu (a.k.a. Jagaban). He reiterated that he did not have to follow D.J. Switch to go on her Twitter page. He verified that the tweet in question was made by D.J. Switch because it was on her Twitter handle. He indicated that at the time the screenshot was taken, the said tweet had been retweeted one hundred and fifty one (151) times, although he could not know the number of tweets that had been made by D.J. Switch. He however noted that it would be correct to state that as at 10:45am, the number of tweets noted beneath it was one hundred and thirty six (136). He noted that he wouldn't know if there were one hundred and thirty-six (136) tweets as at the time the screenshot was taken or if the number of tweets ever made would be indicated under the name of the person tweeting. Lastly, he noted that it was incorrect to state that the government was only concerned about the people who did not die; and not those who allegedly died.

Re-Examination of Mr. Hakeem Muri-Okunola by Mr. Owonikoko, SAN.

The re-examination began with the witness confirming that he remembered that his attention was drawn to item three (3) of the Incident Report from the Police formations covering the period between 12<sup>th</sup> -20<sup>th</sup> October, 2020 in respect of the incident which occurred at the Lekki toll gate on 20<sup>th</sup> October, 2020 which he tendered before the Panel. He confirmed that column three (3) dealt with and included the incident which occurred at Lekki and that the time indicated on it was 8am. While noting that he did not know the victims treated at Redington, Lekki he however saw one or two of them on social media.

**Cross-Examination of Mr. Hakeem Muri-Okunola by Mr. Bernard Oniga on Behalf of the Nigerian Bar Association (NBA)**

Mr. Muri-Okunola began by affirming that an incident occurred at the Lekki toll gate, which was why the Panel was set up. He confirmed that the State government got reports that armed men were shooting at the toll gate. In response, emergency first responders were sent to the scene. When asked if the Government would still have sent emergency first responders in the event that the incident was an armed robbery attack, the witness indicated that it would have been one of the first things that would have been done where casualties were involved. He clarified that the Government engaged first engaged with the Lagos State Commissioner of Police who informed Officials of the State Government that his men were not responsible for the shootings at the toll, before the emergency first. He noted that at the time of the shootings, the identity of the men who were shooting was unknown to the Government. He recalled that immediately the Government was informed of the shootings, emergency first responders including the Police, Fire Service and all emergency responders of the State were alerted and deployed. He reminded the Panel of his earlier testimony in which he had stated that the report the Government received back and what was being investigated was the responsibility of the Panel and assured that the answers required would be answered by the State.

The witness noted that he recalled the CNN video in which Mr. Governor, while being interviewed by Becky Anderson assured his commitment to bringing justice to everyone. He further noted that Mr. Governor was keeping his word by setting up the Panel. He confirmed that General Ndagi, at the time of the incident sat at the State Security Council. However, he has since been deployed. Further, that at the time Ndagi was qualified to sit at the Security Council of Lagos State because he was a Brigadier General, Commander of the 9<sup>th</sup> Brigade of the Nigerian Army. He did not know his current rank. When asked if General Ndagi was the commander of the military in Lagos State at the time, the witness reiterated that the chain of command or hierarchy of the military was unknown to him.

When asked if the first responders gave him a briefing upon their arrival at the scene of the shooting, the witness informed the Panel that it was not in the normal practice

for the first responders to brief him. He noted that it was the responsibility of the Panel to find same out. The witness went on to confirm that his appearance at the Panel was with the consent of Mr. Governor. He also restated that he was there on behalf of the Lagos State Government. He further confirmed that he some of the reports he tendered before the Panel were obtained from social media and also that he had read that soldiers from Bonny Camp were the ones who shot at the toll gate. He indicated that he brought the Panel's attention to the information which he saw on social media, and that it was on record.

Witness informed the Panel that he was unaware that one Major Osoba Olaniyi, Acting Director of Public Relations of the 81 Division of the Nigerian Army issued a press statement affirming that Officers from Bonny Camp were the ones at the toll gate. While he agreed and confirmed that it was on record that there was quantum loss of lives and properties across Lagos, he disagreed that the destruction started on the 21<sup>st</sup> of October, 2020 as a result of the action of the military at toll gate. He noted that the Government had been receiving reports of clashes along the axis from the week preceding the 20<sup>th</sup> of October, 2020. He believed that from reports received by the Government, Guaranty Trust Bank (Gtb) Access Bank and Ebeano Plaza along Admiralty Way, Lekki Phase 1, Lagos was destroyed on the 20<sup>th</sup> of October, 2020 although he did not know the exact time. He stated that the Lagos State High Court, Igbosere, Lagos was burnt on the 21<sup>st</sup> of October, 2020 as well.

He informed the Panel that he was aware that the Honourable Attorney-General and Commissioner for Justice was looking into the issue of the possible prosecution of the hoodlums who caused the destructions. He noted that he recalled the tweet about 'Dark Forces' and confirmed that same was made by Mr. Governor. He denied seeing any speculation or allegations on social media alluding to the fact that Asiwaju Bola Tinubu was responsible for the incident at the Lekki toll gate.

When Mr. Oniga stated that there was a school of thought by Lagosians to the effect that one of the reasons why there was no intervention by the Lagos State Government in protecting lives and properties after the incident of 20<sup>th</sup> October, 2020 was to deter people from coming out to protest in future, Mr. Enitan, SAN objected to that line of questioning on the premise that the Panel worked with only facts. This objection was upheld by the Chairperson of the Panel who held that the Panel only worked with hard facts. The cross-examination ended with Mr. Oniga appealing to the Lagos State Government to extend the tenure of the Panel.

In the absence of re-examination, the witness was at this point discharged from further appearance at the Panel in relation to the incident which occurred at Lekki on 20<sup>th</sup> October, 2020.

SUMMONS: THE NIGERIAN ARMY.

**EVIDENCE OF MISS. SERAH IBRAHIM IN RESPECT OF THE INCIDENT OF 20<sup>TH</sup> OCTOBER, 2020 AT THE LEKKI TOLL-GATE, LAGOS.**

Appearances Entered:

Mr. Olumide Fusika, SAN with O. Obilade for named #EndSARS protesters.

Mr. J. Owonikoko, SAN with Jerry Briggs and Y. Olabode for the Lagos State Government.

Mr. J. I. Eboseremen with Nosa Watson Uhuangho, Julio Hodonu and Emmanuel Eze for the Nigeria Police Force.

Mr. Rotimi Seriki with Mr. Akin Elegbede for Lekki Concession Company Limited.

Mr. Ayo Ademiluyi holding the Brief of Mr. Adeshina Ogunlana for named #EndSARS protesters.

Jonathan Ogunsanya, Counsel to the Panel.

Amanda Asagba with me A. C. Eze for the Nigerian Bar Association.

Witness was sworn on the Holy Bible and indicated that she speaks English language. Summary of the Examination-In-Chief of Miss Serah Ibrahim by Mr. Olumide-Fusika, SAN.

Mr. Olumide-Fusika, SAN commenced by asking the witness to give her details. The witness stated her name as Serah Ibrahim, born on the 22<sup>nd</sup> of October, 1995 and was born and bred in Lagos.

She stated that she participated in the #EndSARS protest and noted that she was specifically at the protest venue. The witness testified that the first day the protest started officially at Lekki Toll Gate on the 10<sup>th</sup> of October, 2020, but she was initially at the Ikoyi Link-Bridge from 8<sup>th</sup> of October before the protesters moved to the Toll Gate on the 10<sup>th</sup> of October, 2020. She restated that prior to the event of the 20<sup>th</sup> of October, 2020 she was at Ikoyi Link Bridge. Her first day was at Alausa, Ikeja, because they had to lend their voices to other people in other places and allow them to also come out, they moved to Ikoyi Link Bridge before they proceeded to Lekki Toll Gate. Between 10<sup>th</sup> and 20<sup>th</sup> of October 2020, she confirmed that she was at the Lekki Toll Gate protest ground every day. Witness noted that she is a Professional Auditor and her presence every day was not borne out of joblessness.

Before the 20<sup>th</sup> of October, 2020, witness stated that the protesters were very peaceful. Some people sat in groups while talking to media houses and journalists, it was just various groups of people standing and lending their voices in their own various ways before they had the idea to bring everybody together at one particular point and have a more organized kind of peaceful protest. This was because they needed to actually protect ourselves so that people would not come from various

angles to harm peaceful protesters without any group seeing it, so when together anything that happens can be seen and heard by everyone around. They did not have any security to watch out for them initially when they started. When the protest started earlier around 8<sup>th</sup> and 9<sup>th</sup> of October, 2020, they usually stayed at the protest ground till about 8pm-9pm, but towards 10<sup>th</sup> of October they started staying at the protest ground till 3am. Some groups would come at 4am and others at 5am so it was a continuous process. Different groups come at different times. It was a continuous process. There are usually Journalists there and media houses, so, what the protesters do is that they give them the opportunity to talk to peaceful protesters. Protesters also gave people the opportunity to tell their SARS stories. They also had people whose parents are in the Police service to tell them about Police welfare, she noted that it was more of talk and communication, no protester was armed. Witness stated that there were volunteer cleaners, i.e. very peaceful protesters who come together to clean the environment, they get rid of every stone. There was no stone in the environment. The only thing they held every day was our Nigerian flags. She noted there were different people from different tribes and there was no segregation, all were united. There were days they had to chase school children home. She stated that they had from kids to the aged people at the protest ground. A representative from the association of market women was also present.

She stated that the only exhibition of religion at the protest ground was that, when it was time for prayers they put barricades around an area to protect the Muslims while they have their prayer. They even brought praying mats, hijabs and prayer hand books. The protesters held a mass one Sunday at the protest ground when the priest came and even had Holy Communion on that ground.

The witness testified that from the first date, there were four (4) Police vans that came and protesters gave them their space. The Policemen on that particular day, 10<sup>th</sup> of October wore their gas masks and they were approaching the peaceful protesters. They were coming aggressively in such a way as to agitate the people who were standing and protesting. It took the intervention of the celebrities such as Timi Dakolo, Mayorkun and Perruzi who were on ground on that day to avoid a confrontation. It was her testimony that Timi Dakolo had to go to speak directly to one of the Policemen and told him that protesters were not armed. He suggested a chain barricade and protesters were all to hold hands to form a chain. Timi Dakolo was able to convince the Policemen to turn back though they were still wearing their gas masks and batons. It got to a point where people on ground started checking stores like Jumia and Konga to get the price of gas masks to see if they can all contribute money to order. She confirmed that they eventually got gas masks because the situation the following day got worse. That the Police had planned to shoot tear gas at the peaceful protesters as they gave them five (5) minutes to vacate the Toll Gate.

When Mr. Olumide-Fusika, SAN requested to know whether there was Military presence at the toll gate prior to 20<sup>th</sup> October, 2020, the witness confirmed the presence of the Nigerian Navy and the Police. She mentioned a particular policeman who was caught taking pictures of vehicle plate numbers. She noted the man was not putting on the Police uniform but while going through his phone, they discovered that he was a Policeman. She noted that she made a video of it on her phone. According to the witness, there were four Police vans around Victoria Island and at the other side, coming from Lekki Phase 1. She informed the Panel that although the man was taken to the Police, they however denied knowing him. They asked where he was from and he said Area C or so. She noted that the guys (protesters) who took him to the Policemen said initially wanted to throw the phone away or give it to one of the kids, instead of giving it back to him before a video of his picture in his uniform was made.

Witness narrated the protesters encounter with the Navy. She stated that she saw Naval Officers coming from the Lekki part of the Toll Gate. That, they were in a very huge truck and said they were going to rescue a sinking ship. She noted that the protesters immediately started moving cars and clearing the road to let them pass. After they had crossed the toll, two of their tyres went flat. She noted that this was the day the Naval Officers gave protesters water. She said the water was likely for an event because the tag on it had something like celebration of the Nigerian Army. The Naval officers helped some girls up the truck to take pictures before they eventually fixed the tyres and left.

She noted that prior to the 20<sup>th</sup> of October, 2020 there were no Officers from either the Nigerian Army or Civil Defence. Witness stated that Politicians also came to the protest ground. She said that they had his Excellency, Governor Babajide Sanwo-Olu. Before then, that same day, the Commissioner of Police came with his entourage. Protesters gave him the microphone to address them, he asked them to leave the toll gate and that the Government will address them later. She noted that after this, people started going back and no longer paid him more attention. She said the Governor came two times. The first day the Governor came was the 2<sup>nd</sup> day the protest started, that was on the 11<sup>th</sup> or 12<sup>th</sup>. It was trending on social media. It was the day they killed peaceful protesters in Mushin and Surulere. Someone amongst the protesters picked the megaphone and asked why he left Alausa without talking to them, he did not go to Mushin and Surulere to ask why the Police were shooting at them and that is it because he had vested interest in the Lekki Toll gate that made him come there? but he said it was not so.

The witness stated that at first, no one listened to the Governor, they told him that the "5 for 5" demand was out there. The second time, the Governor explained to the

protesters that he was going to Abuja to give the "5 for 5" demands to the President. She noted that someone asked why he had to go all the way to Abuja when peaceful protesters in Abuja are being sprayed with water cannon, beaten and illegally arrested and the President has done nothing to arrest the molestation of protesters there. The Governor's reply was that maybe the President has not seen the peaceful Protesters. She stated further that another person also asked the Governor why he is the one going to Abuja?, that is he the only one the President listens to? She said the Governor urged them to leave the Toll Gate and that protesters will see him with the President the following day. She noted that the Governor wanted to say something else but people started singing that he should leave. According to the witness, other Politicians like Shina Peller and Lai Mohammed, the Minister of Information and his son also came to the protest ground.

When Mr. Olumide-Fusika SAN asked the witness whether she was aware that the Lekki toll gate belonged to LCC, the witness responded that she had always thought it belonged to Lagos State Government. He then asked whether the business of toll collection was going on at the time of the protest and witness responded in the negative. She went on to state that they had an agreement with the LCC staff, which allowed them to set up the tent in front of the service centre. She noted that some people were sleeping on the bare grass while some were sleeping in their cars. She also noted that whenever they brought breakfast, lunch and dinner, they always gave the LCC staff who were always in the Service Center Office.

She stated that on the 20<sup>th</sup> of October, 2020 there was someone the peaceful protesters apprehended that was stealing pipes. She noted that the problem they had was that whenever thieves were caught, the Police do not accept them, they considered them the problem of protesters. She noted a particular occasion when they had to take the person apprehended to the Palace of the Oniru and he said whenever they saw another thief, he should be brought to the Palace for disciplinary action since the Police was not accepting responsibility. She said the thief was asked why he stole the pipes and he said, "they said we can take it". Witness mentioned that there was a time she saw a man with over thirty-two (32) sim cards, apprehended him and none of the Police officers in vans accepted him, they kept pushing those who apprehended him from one Police van to another.

She stated that the 16<sup>th</sup> of October, 2020 was the candle night, that they requested the LCC Officials to help turn off the light for about 5mins so that they can have a proper candle night, she noted that a particular lady was speaking to them from across the barricade and the lady said the light can never go off not even for a second. Witness stated that they further pleaded with her because they wanted to post videos and put it online but the lady refused stating that it is against their rules. She stated that the if she sees the Lady, she could recognize her. Asked whether there was any

incident of light out at the toll gate that she observed, the witness said no but she personally noticed that the light usually blinks at about 5pm as if they are changing from one power source to another.

Mr. Olumide-Fusika, SAN asked the witness whether the light of the bill board ever goes off. The witness said the light from the bill board never went off. It was always showing adverts. She was further asked of any encounter with the people that own the bill board. Witness identified the owners as Loatsad. She stated that one of their organizers contacted Mr Seyi Tinubu when they needed to do adverts on the billboard. She stated further that they placed four adverts. One advert was of yellow background with black ink showing all fallen heroes; their names were shown on it. The second was that of Aisha Yesufu standing with her hand up with the #EndSARS hashtag. The third was 'Soro Soke' while the fourth was #ENDPOLICEBRUATALITY. Witness indicated that she did not however know whether payments were made for the adverts. She stated that the allegation that Senator Bola Tinubu funded the protest was false. At this point, Further Hearing was adjourned to 8<sup>th</sup> May, 2021.

The witness confirmed that to her knowledge, no Policeman was attacked prior to the 20<sup>th</sup> of October, 2020 at Lekki Toll gate, no Police Station around the place was burnt and there was no form of cannibalism. She further confirmed that she would testify regarding certain recordings by Protesters which she thereafter produced. Mr. Olumide – Fusika SAN seek to tender a list of about 92 recordings before the Panel, these he claimed will tell the story of what happened at Lekki on the day of the incident. He noted that his witness intends to testify upon these recordings. Mr Rotimi Seriki observed that though they have the list, but the exhibits sought to be tendered are not with him. He therefore requested to be obliged with the copies of the flash drive. He was advised by Mr Olumide- Fusika SAN to apply to the Panel for copies of the flash. However, Mr Owonikoko SAN did not object to the admission of the two flash drives.

The Panel noted that the two flash drives sought to be admitted in evidence are being objected to by the learned Counsel for the Lekki Concession Company on the ground that they do not know the content of the flash drive and may be taken by surprise not having been served in advance with the flash drive. Since Learned Counsel for Lagos State government and the Respondent Counsel are not averse to its admissibility and in view of time constraint for the Panel's assignment, the flash drive will be admitted and the issue of taking cross-examination will be considered later. The two unlabeled flash drives were admitted and marked Exhibit A.

Mr. Olumide-Fusika SAN stated that the Nigerian Army whilst testifying before the Panel made mention of a blood soaked flag that was said to be from a movie. He noted that he saw these in the videos. The witness responded that every picture, video was inputted into Google. That the Google drive takes the image or video and uses the satellite to show the

location, date and time. She stated that she could demonstrate it by using any phone before this before the Panel and was asked to use the blood soaked picture for the illustration later on, so as to save time. Mr Olumide-Fusika SAN asked the witness to narrate what happened on that day. He noted that he would like that the content of the flash drive to be played.

The witness stated that there is a particular folder titled "Where are the footages"? In it are pictures of the cameras at the Toll Gate and not just one camera as submitted to the Panel by the Lekki Concession Company. She noted that they had three drones flying on the day of the massacre. From the drone video, there were two armed Army Officials under this particular Toll unit. That there is a camera on the 7<sup>th</sup> toll unit by the right and none of the footages from the camera were presented. She noted that the picture was taken on the 23<sup>rd</sup> of October, 2020 and that it was no longer there as at the time of her testimony. She further noted that there are also cameras close to the generator and that if the footage from this camera is presented, it will show that the LCC staff were at the Toll Gate that night because it shows directly into the office and the offices were well-lighted. According to her, the only light that went off were at the toll gate where the peaceful Protesters were. Also, this camera is the exact type of camera that was removed earlier at about 2:38pm on the 20<sup>th</sup> of October, 2020. Two cameras were removed and were pointing directly at the place where the peaceful Protesters were. She particularly noted that the major reason why the voluntary coordinators of the #ENDSARS protest use that particular location as the stage is because of those camera in case of any event, most especially because of hoodlums so that they can get footages.

The witness showed another camera, she stated that it was the same type that was removed. She said that this camera is directed towards Oriental hotel where the Army came from and where they parked three vans. One of the vans later moved towards the protesters while two of the vans remained there. She noted that the two other vans were used to convey bodies of Protesters which she will show in another video when the Army was leaving. She maintained that there was a camera in front of Oriental hotel and stated that if LCC insists that they cannot find the cameras; she suggested that they ask Oriental Hotel management for footages from their own camera. She also showed a screenshot of a camera at Sand fill area, where she stated that the Army started shooting from. She noted that the camera should be able to show the spot where the Army came from, the exact place they started shooting from and it will also show when they were leaving, and who and what they left with.

The witness identified the camera which she stated is directly in front of the LCC office. She stated that this camera shows the LCC office as well as the Toll Gate. She also noted that there are two cameras in front of the LCC Office. One is meant to show the LCC office and the other reflects the Toll Gate. She stated that if the footages from these cameras are presented, it will show who started to fire at the Toll Gate, when the Army left and who they left with. It will also show that there were LCC

staff present in the office inside even till after the massacre. That none of the footages from all these cameras were presented to the Panel. Mr. Olumide-Fusika SAN recalled the testimony of the witness earlier on about people who came to remove camera, and asked whether the witness had the footages and requested her to show it to the Panel.

The Witness testified that at about past 1pm to 2pm on October 20th, 2020, they were going to buy water and drinks for the Protesters at Shoprite when one of the voluntary security officers, Ayomide called her attention to a man putting on an orange LCC safety jacket who was removing cameras. She noted that the man was putting on a torn shirt and flip flop, and looking very shabby. The only thing that showed he is from LCC was the safety jacket. She said she approached him but that he spoke in Yoruba language to her and she later called another voluntary organizer to help explain and that his exact words were, that he was asked to take it down and he called them cameras. It was while we were talking that the man in blue came and started talking to him in Yoruba. Witness maintained that the man is a staff of LCC, he was the one that explained to us that they do not want their properties to be stolen. These cameras faced the stage truck where the peaceful Protesters gathered. She stated further that the reason why they did not bother to ask him more questions was because, earlier that morning at about 2am on the 20<sup>th</sup> of October, 2020, they apprehended a man stealing water pipes close to the toll gate and he was taken to the staff. She emphasized that there are always LCC staff at the Toll Gate. When she remembers what happened that morning that they thought that was the reason why they were trying to secure their properties so they did not give it much thought.

The witness also identified a video which she said shows that the light came back under the Toll Gate immediately the Army left. She also said they have a picture of the LCC staff locking the gate of the LCC on that date. Mr. Olumide-Fusika SAN asked the witness to confirm whether these are all the cameras. The witness confirmed same. The witness stated that before the curfew on that day which started like a normal day, the protest started with prayers and during the prayers, voluntary organizers went to get water and soft drinks for the peaceful Protesters when one of them suggested that they should get trucks with huge lights to park at the Barricade and the lights of the truck should face the Protesters directly. She said they were discussing and resolved that there was no need as there is light at the Toll Gate. That it was on their way to get the drinks that they heard the news that there was a curfew for 4pm. She stated that their thought was that the curfew was made for the peaceful Protesters, so that the hoodlums would not come to disturb them. She noted that additional 40 voluntary security guards were secured to stay at each barricade to ensure there was no form of violence around the Toll Gate. She stated that they asked everyone to take 20 minutes to clean up the place and that this was done to take away stones, sticks or any form of instrument that anybody can use as weapon.

The witness stated that on their way coming back from getting the drinks, someone came to inform her that a man from the Lagos State Governor's Office wanted to speak with the protesters and so the person was directed to the stage. Meanwhile, he kept talking to her on the way and she told him she was busy. That the man said they are calling the protesters at the Lagos State Government Office so as to talk to them. At that point, the witness stated that she received a call from a friend in the State House of Assembly. He was one of the Politicians that usually come to join the protest. That he called her and told her to leave the toll gate because "her heart cannot take what they are planning at the toll gate on that day." The witness said she asked that if it was because of the curfew he did not need to worry because it had been moved from 4pm to 11pm. She said that the man said it is not because of the curfew and she hung up. She stated that the man who came from the Governor's Office said that the Governor was asking to see seven (7) representatives of the Lekki Protesters; five (5) Protesters, one (1) SAN and one (1) Mental Health Doctor. She took him to the stage where they were over 20 people and one person amongst the Protesters said nobody is going anywhere because it could be the DSS. She said that the man kept insisting and the said representatives have to be there before 3:30pm. That he kept shouting at the top of his voice that they must be there before 3:30pm. The witness stated that she left other voluntary organizers there to pay the driver that brought them with the drinks and so she did not know the conclusion and how the man left.

The witness stated that while she was with the bus driver, she noticed that a lot of people were gathered by the left hand side of the Toll Gate. That they started bringing everybody together telling them that the only people that should be there should be the voluntary security. She stated further that they were all talking and continued the protest the way they usually did. Everyone was chanting ENDSARS and people were sharing their SARS stories. While she was with one of the bus drivers who helped bring drinks for the Protesters, she saw people running towards the truck used as the stage. That was when she started hearing gun shots. She stated that she just left the bus driver there and ran towards the protest ground. Immediately, she climbed the stage and told the person with the microphone that they are coming. She noted that she thought it was Policemen because she never imagined the Nigerian Army would shoot that way at people. While she was telling the person with microphone that Policemen were shooting, someone came from the back and said it was not Policemen, that it was the Army. She said she was practically arguing that it was a lie because she grew up in a Military Base and did not believe they could do such a thing.

She noted that while the gunshots were going on, she remembered that there were two blind people under the tent. The Protesters had tents at the LCC area of the Toll Gate and they usually allow, mostly the disabled people to rest under the tent

because they had different people coming to join the protest. She said she went to look for the two blind women and while running from the stage towards the LCC, someone told her that she had to stay low and she told the person that she was coming.

The witness stated that while she was running, someone else (Akin) held her and told her that they should all sit on the floor and wave their flags but she ran towards LCC and that was when she saw two vans with the name AWASE written on the back. That was when she believed it was the Nigeria Army. She noted that they saw three bikes with Military men going from the LCC point to the vans and so, the peaceful Protesters were hailing them. They had noticed them in the peaceful protest from the morning. That seeing them going towards that direction made Protesters think they were going to stop whatever was going on there. She stated that they further thought they were going to stop the soldiers in the van from shooting. They later got to know that they only came to survey. They just drove past and the next thing the Protesters saw was more people with guns. On getting to the tent, she noted that she did not see the blind people but she could not run back to the stage because as at this point in time, the Army vans were already in the barricade between LCC and where the Protesters kept the mobile toilets. She noted further, that it was while there she noticed that some Protesters were taking bikes and running towards the Lekki Area because of the gunshots. That more people came in from the shanties with their flags and they were all singing. The billboard and the lights then were still off. The witness said that she wanted to ask one of the voluntary organizers there to call anybody that he knows to ask why the billboard was still off because it was on till around 5:41pm and that it suddenly went off before the period the army started coming in; same with the light. When the Army started shooting, it was getting dark and when it became darker, more of them came in. They left where they were standing by the Oriental side of the Toll Gate and walked down to where the Protesters were. They waited till it was dark. Initially, they were at the Oriental area shooting for over 20 minutes, they did not come into the protest ground until it was dark.

She stated that immediately, one of the vans came in front of the Protesters and turned its back and the men in the van started shooting. The organizers were still in the LCC office, a lot of boys were banging the gate. The LCC staff there were trying to lock their gate with a blue padlock. The peaceful protesters who were at the tent were trying to leave the tent and enter the office but the LCC staff were pushing them out of the gate and trying to lock the gate. Three of them locked the gates and went back inside and the peaceful protesters were shouting that why are they locking the gate and putting off the light but they paid them no attention. She stated that she wanted to go and talk to one of them that she knew and she saw that somebody was peeping through the door and was laughing and entered inside. That one of the security men, light-skinned and putting on an all-black outfit told them that it was the

Managing Director of the LCC that called and asked them to turn the lights off. The peaceful protesters started banging the gate, asking them to turn on the light. As at that point, it was already very dark and the soldiers were shooting everywhere.

The witness said that while trying to put down her head and stay low, she was looking around for anybody that she may know around the tent area. That immediately, she heard some guys shouting and screaming saying that "they have killed her". That she turned and noticed a lady had been shot. People started going there and some boys took off their shirts and tried to see where she was shot. She was bleeding profusely and the witness noticed that she was bleeding from the left side of her stomach. The boys tried to use their shirts to suppress the blood but she was not moving. She stated that she picked up her phone and called the ambulances that they usually brought to the protest ground. She also called those she knew are doctors who usually come to the protest ground and they all said they were sending ambulances. She stated that she immediately went back to the lady and saw the guys carrying her to where the soldiers were standing at the gate of the LCC office. They were not shooting at the LCC office because the tent was in front of the LCC Office. They were facing the Protesters and shooting directly at them. Another person was hit and the "guys" put the "guy" and the girl in front of the soldiers saying that they have killed them.

She stated that two of the soldiers faced the Protesters. One pointed the gun at them while the other's gun was facing the ground. That she knelt beside the one that had his gun low and started begging him and telling him to allow them take the people to the hospital. As they were talking, she noticed one of the ambulances coming in. When they were trying to take the girl, she saw one of the soldiers talking to people in the ambulance and the next thing she saw was that the ambulance turned and was leaving. While leaving, another ambulance which was the second ambulance was also coming in. The man in the first ambulance stopped him and spoke with him and they both turned and left. That was what got everyone angry. She said that she got really angry and was asking why they sent them back.

She noticed that immediately, the soldier whose gun was pointed to the ground raised his hand and tightened his fist, she did not know what that meant but he turned from Protesters. She said while she was shouting and asking them to help take the people to the hospital, one of the soldiers looked at her and cocked his gun and a live bullet fell. She stated that she picked up the bullet. She could see the bullet from the light that was coming from Access Bank. There was no light, the only light they had was from the bank behind them.

She stated that the soldier was pointing the gun at her so some of the "guys" there carried her and locked her in a car. She stated that she was banging the car and telling

them to let her out. They said that the Army are going to kill many people and asked her to lay low. Everyone was shouting, the Protesters stopped chanting ENDSARS and started singing the National Anthem. She noticed that the sporadic shooting reduced a little because some soldiers stopped while some continued shooting. Meanwhile, the two soldiers in front of LCC already left and when she noticed that they were no longer there, she started banging the door of the car and the “guys” let her out. She crawled to where the other Protesters were and was trying to locate other people that she knew.

While crawling, she noticed that the lady and the guy shot in the LCC area were no longer there. There was no time to start asking questions because she was crawling to where the stage truck was located. As she was crawling, she was picking bullet shells and putting them in her bag. While crawling towards the stage truck, she noticed different people everywhere, some were getting a lot of attention and for some, only a few people were with them. At a point, she noticed that her cloth was stained with blood so she thought she was shot. She had to take off her clothes to be sure she was not shot. Mr. Olumide–Fusika, SAN asked her if she had the bullets with her and she confirmed and submitted same. One (1) live bullet and five (5) expended bullets were tendered, admitted together and marked Exhibit B.

Witness stated that when she got to the stage truck, she asked after Akin and others. That most of them were lying under the stage truck using the tyre of the truck as a shield. She noted that as she was trying to come out from the tyre area of the truck, the shooting still continued but the Protesters were peaceful and kept singing the National Anthem. While they there trying to move around and pick the injured Protesters on the floor, a guy in front of her was trying to tell everyone to stay down and hide. As he was talking, he was shot. His intestines came out and splashed on her. She added that there are videos of him on the floor where he was not moving. Also as of when he was taken to the hospital, they were still praying for him to wake up. Continuing, she stated that, immediately, she faced down and did not move for about 15 minutes. She was praying, she put her head up and saw a lady crying that she did not want to die. She noticed that the lady was shot on her neck and arm, and they were trying to stop the bleeding; the injury on her neck was not very deep. Someone asked for Chelsea dry gin but there was none as protesters had chased the drink sellers away so that no one will misbehave because they were under the influence of alcohol. I held the girl and she did not let go of my hand while praying. There was another “guy” close to where the Protesters were who was also shot on “a side of his butt” and his leg and he was still holding the flag. He said he was not going to die and they should not worry about him. While still holding the lady’s hand, she heard DJ Switch’s voice, then she noticed that DJ Switch she talking to some of the soldiers. Meanwhile, while all these was going on, she heard someone talking and people saying he is “Mata” (Brigadier General Omata —a Senior Military Officer).

Omata said he had children also and advised them to leave the Toll Gate and never come back. She stated that she did not really pay him much attention because she was still with the lady. She also stated that she noticed a man on the floor, he was very old, he had come to meet Protesters earlier on the stage and told them that he came for the peaceful protest and that he came from Ikorodu. That the old man told the Protesters he wanted to go home that day and does not want to stay in the tent. He asked Protesters to assist him so he could go back home so they told him to wait before the chaos happened. She stated that she later saw the man on the floor and he was already shot.

She stated further that while was holding the lady that was shot, Protesters were trying to see if they could get a phone to call anybody but there were so many phones on the floor that no one was paying attention to because they did not know which is which. She stated that she noticed that most of the phones on the floor had their torch lights on and no one was laying claim to them, she then heard a "guy" screaming, he was shot in the hand so everyone was told to turn off their flash and put down their phones.

The witness stated that she noticed that Brigadier General Omata received a phone call and left and immediately he left, it was as if the shooting started all over again because when he was around, it reduced. She had to let go of the girl holding her hand. She saw people carrying injured people and people that were no longer moving towards the side of the Army. She saw different people and they were putting some of them on the stage truck. The guy whose intestines came out was also carried to the stage truck. She then left the girl she was holding and crawled to the other side. While she was there, she sat down there for a while and was feeling bad that there was nothing she could do to help so she crawled to the LCC area. The witness noted that there was a "guy" putting on white and blue jean, he was not moving and the soldiers lifted him like a piece of rag and threw him into the van. When they put him in the van, she noticed other legs sticking out of the van but she does not tell how many people were there. One of the soldiers was pushing the legs of the person in white and blue jeans inside the military van.

When the witness got to the LCC side, she asked the "guys" where the guy and the girl that were put in front of the soldiers were and they responded that the soldiers had taken them and they said they (Soldiers) were going to treat them. She said she got angry because how would they allow those who came there to shoot to take them away. While they were talking, she noticed some of the peaceful Protesters had been able to drag the LCC gate open so people had been able to enter the LCC as a form of shield. She saw about three people she knew and they carried her into LCC. She saw people in front of the stage truck that they needed to help but they told her that they will do it in the morning.

The witness stated that when she entered the LCC office, she saw three people putting on orange and black uniforms, they sat down there casually pressing their phones. They looked like LCC cleaners, one of them was even eating and this got her very angry and she asked them who was in charge of the lights and they said they are not the ones, that the people in charge are inside. The lights in the office were on. Normally, during the protest, the witness said she had given them food and drinks to make them feel like a part of the Protesters so she had heard some names like Baba, Tunde and Bola. She then asked for these people and at some point, the ladies refused to answer her.

She stated that the security guard warned her that if she does not keep quiet and sit down, he would throw her outside to the Army. She then asked him if this was a threat, he said he was only letting us stay there as he was not to allow them enter. She mentioned that she saw 'Yax' and 'Kamsy', they asked her to stay but she left there and tried to find her way to the stage truck. She noted that she was picking bullet shells on her way. She thereafter saw one of the soldiers standing at the Toll with his gun across his chest holding a black torch light and also picking bullet shells. When the witness looked up, their eyes met and he tried to pull his gun but before he could do that, she quickly ran back. He put his gun back in place and continued picking bullet shells with his flash light. When she got to the stage truck, the soldiers there were also picking bullet shells with their torch lights.

At this point, the shooting had subsided a little. He could not tell the time because her phone went off after she went on line on Instagram and posted the picture of a bloodstained flag Protesters used to stop the bleeding. Someone told them to stop using dirty clothes, that it would infect the wounds so people were using flags because that was the only thing they had. She pointed out that from the video it will be noticed that flags were used to tie the legs of some injured Protesters. There were so many pictures of blood-stained flags besides the one she took personally. She stated that when she was running inside, she noticed that one of the vans turned towards one of the Tolling unit, it was going back. At a point the soldiers started walking, she noticed they were all wearing face caps and bucket caps and they were leaving. When they left, Protesters were trying to see who they could help. They saw two ambulances in front of Oriental hotel, apparently, the ambulances did not leave when the soldiers turned them back. The soldiers did not just allow them to come in and help at that time. The ambulances and some private cars were coming in to help people when the soldiers left. She stated that she saw that the stand where the speakers were placed had broken and the "guys" there informed her that it was the Army that pushed it and the speaker fell on one of my friends, Lekan Sanusi.

She stated that about 30-40 minutes later, they were at LCC and everyone was trying to help those that were injured, when she saw tear gas coming from the Oriental hotel area. Initially, she said she did not think much of it. She thought it was the fire at the Toll Gate which started when the Army was around. Their vans were there. It was when she looked that she discovered it was tear gas. A friend then came to her and said that they had to leave because the Policemen were there and that the only way out for them was through the water. The friend also informed her that there are Policemen at the Lekki area and the Oriental Hotel area. Everyone was trying to pack up their things to see how they can leave. The "guy" told her that one of the voluntary organizers had been looking for her that the DSS was coming for them because they are the terrorists in Lagos. The "guy" then said that now that the fire at the toll gate had increased, they will see reasons to kill people and so protesters started running towards the waterside. Someone said he had a canoe and two "guys" said they could paddle.

She stated that they were waiting for another paddle when they saw a man putting on a white outfit standing with some Policemen, shot the "guy" in front of them. She stated further that the two people she saw wore SARS jackets and the ones at the back were in a Police van. He shot him pointblank without an altercation. There was also a Police van with Maroko Division written on it. The Policemen started shooting into the water at the people who were already in the canoe. She noted that when they were running, the people at the shanties said that the man in white that shot the guy pointblank; is the DPO of Maroko. Everybody scattered and started running helter-skelter. Suddenly, the witness noticed she was pulled into a car and discovered they were three of her friends.

The Witness and her friends left and went to Lekki Phase 1. They moved down to Lekki Scheme 1, where they saw hoodlums were looting, they apprehended 14 of them who were handed over to the Police but the police said they were not their problem. They left them with the items they have stolen. At Lekki Phase 1, they saw a whole lot of people around. They caught hoodlums looting but some of them escaped. They were 14 in number and they said "na them say make we come". They stole different things ranging from clothes to television. She stated that they put them in front of their car and some of the protesters living around Lekki Phase 1 said they were going to stay there with them till the next morning. There is a hotel and a church, they told Protesters from the Lekki Toll Gate that they could sleep there so the rest of them stayed there. The witness noted that the next morning when she came out, she noticed they had taken the looters to the Station but the Police said it was not their business. Meanwhile the Police were going about that same morning arresting peaceful protesters. One of the Policemen told the witness that they had been given the Orders to shoot at sight and told her to go and hide wherever she could. One of the Protesters that took the looters to the Station also told the witness that he

overhead a Policeman at the Station pick a radio call and the caller was saying "kill anybody you see on the road, let them get to their houses". When the witness and her friends got to Oniru area, one of the Policemen told her to drop the stupid thing she was holding, she thought the Policeman was referring to her phone because the camera was on. He dragged the flag she was holding from her and injured her in the process. There were over 21 Policemen there and they started cocking their guns. It was then many people started coming out. When they saw that the crowd was already growing, they backed down.

The witness stated that there were several Policemen beside SPAR and one of them came and asked his colleagues why they were cocking their guns and told them to allow them pass. She stated that one of the people at the shanty saw her and told her he wanted to show her something. He said the Policemen were still around till about 3am. He took her to a spot where there was bloodstain, face mask and a watch. He said he was the one that dragged the person that was shot to that area to see if he could get help for him. He said he had to leave him and run back to the shanties when he saw Policemen coming. He added that the Policemen carried the man. He said they helped a lot of people and put them in private cars and were taken to Reddington and Grandville hospitals. He stated that if anybody is looking for anyone, they should check those hospitals. When witness and friends were heading towards Oniru, on their way back home, one of the Policemen left where they were and came to meet them. The Police officer said that he had cornered them and was going to kill them. He cocked his gun and witness noticed that he was the one that threw her flag on the floor earlier. She told him that if he could throw the Nigerian flag away, then he could throw Nigeria and its people away. The other Policemen (about 15 of them) in front of Oriental Hotel saw him and told him to stop. That was how the witness and her friends were able to return home that day.

Mr.Olumide-Fusika, SAN asked the witness what the aftermath was and witness stated that they had to get to start getting hijabs and facemasks and visited the hospitals. They went to Grandville hospital and the doctor was very helpful. He told them that he was treating them for free. He also told them that the Governor came but he told him he was not collecting any money. They also went to LUTH and saw one of the nurses there. They also saw a "guy." At Reddington Hospital, they saw a guy that was dead; he was one of those helping people on to the stage truck at the Toll Gate before his death. She noted that it was the same person the Governor said did not die at the Toll Gate. He was hit with the gun butt and his skull cracked and he fell on his forehead; that was how he died.

The witness stated that they were told some Protesters were brought in lifeless. They wanted to see the injured people but this became a problem as hospitals were not allowing them. When they got to LASUTH, the nurse in the emergency unit told the

witness that they brought in many people from different hospitals and her register got filled up. That it got to a point, she stopped writing names and they treated all ENDSARS protesters for free but when witness was at the hospital, one of the victims showed her the drug prescription he was to take but he could not take them because he has not paid so witness and her friends gathered money for him to pay for the drugs. She said all the injured said the same thing and they were told that three of them who were still sleeping still had the bullets in their bodies because they were situated in dangerous positions.

One of the injured had a sister who is a Police Officer and they were able to get her contact, called her and explained the situation. She noted that the lady officer was crying and said even in her office, they were asked not to talk about the Lekki incidence, but her own brother had now become a victim. She also stated that some of the victims did not have any means of identification on them, that a nurse told her that one of the victims there was called Unknown Michael. He got a bullet in his head close to his brain but they said he will get better. She stated further that there were about six of the victims that got bullets in the head. The witness said they tried to see everyone to find out what they need and they started putting funds together to ensure their safety. Witness said that after some days, when they went back, they were told that Unknown Michael had died. One of the nurses said Unknown Michael's parents came because the protest organizers put out victims pictures on social media to see if people who knows them could recognize them. He died the day after his family's visit. She stated that she asked the nurse for the number of Unknown Michael's mum and sister but the nurse she said she could not give her the numbers. She told her his real name is Gabriel Ayoola Adedunbi.

When the witness eventually spoke to the deceased's sister, she told her that they neglected him; that he had injuries on his back and they were not turning him. She further confirmed that many of the victims were neglected there. She asked for a list of people that died and a doctor she met when she was trying to have a meeting with the DCD\*\* told her that she should send a mail to LASUTH. She told the Doctor that she knows Gabriel and had been the one coming here to take care of him. He then told her that since she knew Gabriel, he is one of those that died at LASUTH. She then told him that they were the voluntary organizers at the protest and were just trying to put evidence together. She stated that the Doctor responded that he would have loved to help but they had been instructed not to talk about the incident, except to family members and even at that, there was a long procedure.

Mr. Olumide-Fusika, SAN at this point, applied for a subpoena or Witness Summons on Mr. K. F. Gbajumo, Director, Hospital Administration & HR, LASUTH concerning an Internal Memo dated 30<sup>th</sup> October, 2020. Panel granted the application thereafter and adjourned proceedings in the Evidence of Miss Serah Ibrahim.

At the resumed Hearing, the Witness continued by stating that the name of the nurse was one Mrs. Oyedeji and that they had been asking questions about the number of people that had been brought in from Lekki Toll-Gate, those treated and those who died. She indicated that the said nurse informed them that one person had died the previous day. She added that she knew the deceased person as they had been taking care of, paying for the medical bills and drugs for the deceased person and about eleven (11) others. She also indicated that because their interest was to know about those they were not familiar with, the said Mrs. Oyedeji referred her to the DSCT where they met one Dr. Adeoye who informed them that they would have to send an email to lasuthqau@gmail.com \*\*in respect of any inquiries about the number of people who had died.

When asked if she saw any register with the said Mrs. Oyedeji, the witness explained that when she initially spoke with the Head Nurse at the emergency ward, she was told that the number of victims treated were so many that not all of them were entered into the book. Further, the patients were being placed according to the gravity of injuries/wounds suffered and other places. The witness indicated that when she inquired as to the meaning of 'other places', the Head Nurse noted that she could not tell them what it meant. She however informed them that some of the patients had been allegedly shot on the head or chest. The witness further indicated that a name 'Unknown Michael' was seen in the book with the inscription 'R.I.P.' written next to it with a red pen. She also indicated that on the same page of the said book, other names for Lekki Toll Gate were also written on the register with red ink. She went on to state that the interaction with the said Dr. Adeoye took place on the 28<sup>th</sup> of October, 2020. She also stated that they had to leave hurriedly without seeing the Head of the DCST because some other doctors were pointing at them as they were leaving. Shortly after this, the said doctors entered into a room after which an argument ensued. It was her testimony that they still tried to find out the number of people that died after the commotion which ensued. She further stated that an internal memorandum was then circulated to all members of staff at LASUTH. That, the heads of each department were 'sent' to show each staff the said memo. However, a copy of the said memo was sent to her by a staff on the 30<sup>th</sup> of October, 2020 two (2) days after they had been at the hospital. She indicated that the memorandum was not posted on the notice board.

After the witness was done reading the contents of the memorandum, counsel applied that one Dr. Gbajumo be summoned. However, Counsel to the Panel informed the Panel that the witness sought to be summoned was already before the Panel.

The witness proceeded to inform the Panel that another doctor in LASUTH confirmed that the hospital indeed had dead protesters from Lekki Toll Gate and that a message to that effect was sent to 'LASUTH Service Group' WhatsApp group. She also

informed the Panel that the name of the person who sent the message to the group was Ibrahim Mustapha, Director, Clinical Services and Training/Chairman Medical Advisory Committee through the phone number 08035060250. She confirmed that the message indicated that the information about dead people should not be given out.

She went on to state that an Army Officer named Frank Omata who was dressed in military khaki addressed the protesters at the protest ground. He encouraged them to leave and told them that he would ask the soldiers to stop shooting. She went on to confirm that they were able to identify the people who died as well as the hospitals they were taken to. She informed the Panel that some of the hospitals the victims were taken to are: MRS Bonny Camp, Yaba Isolation Center, General Hospital, Odan, Lagos Island, Vedic Lifecare Hospital, Lekki, National Orthopedic Hospital, Igbobi, Reddington Hospital, VI, Reddington Hospital, Lekki, Lagos University Teaching Hospital (LUTH), Ikeja General Hospital, Lagos State University Teaching Hospital (LASUTH), Grandville Trauma Center, Lagos Hospital, Lagos Island, Avon Medical Practice Clinic, Lekki, St. Nicholas Hospital, Lagos Island, Britannia Hospital, Lekki, First City Diagnosis Limited, Lekki, Budo Specialist Hospital, Lekki, St. Edward Specialist Hospital and Cardiac Center, Lekki, Lagos Executive Cardiovascular Clinic, Lekki, Olive Multi-specialist Hospital, Preston Hospital, Lekki and Lagoon Hospital, Ikoyi.

At this point, Mr. Owonikoko objected to the witness reading out the names of the hospital as the list was not before the panel. Mr. Olumide-Fusika however noted that the witness was only refreshing her memory and then urged the Panel to discountenance the objection. The Panel, overruling the objection held that the witness was allowed to continue her evidence with the use of notes to refresh her memory on the premise that she had earlier testified that she made notes of information she received from medical institutions and also because the Panel was a fact-finding one with flexible rules of proceedings.

When asked to explain and demonstrate how to verify the genuineness of images and videos obtained from social media which she intended to show to the Panel, the witness explained that when a video is made or an event occurs in another country, the information can be verified by simply uploading the picture or video into Google Drive which then extracts the date, time, device, and location where the specific media was taken. At this time, the witness was asked to, and she went ahead to demonstrate the process with the image of the blood-stained Nigerian flag which the Nigerian Army had alleged was extracted from a film.

At this point, a series of photographs and videos named 'the Army was never attacked', 'chaotic and bloody' were played with the witness speaking to them as

follows: “‘This is the stage truck. When we went to move the truck, we saw bullet holes and bullet shells in the truck.’; ‘This is a dead man being shot holding the flag.’; ‘Another dead body was seen.’; ‘Someone shouting that soldiers just killed someone now.’; ‘Another dead body found.’; ‘People trying to stop the bleeding of a young man and a lady that had been shot by putting pressure on the wound.’; ‘Emergency ward of Reddington. Victims were laid on beds on the floor but there was not enough space. Some victims were being treated at the car park.’; ‘Video taken by a soldier showing them shooting upwards.’; ‘CNN video showing soldiers shooting directly at Protesters.’; ‘A protester lamenting that they are shooting them.’; ‘A protester lamenting that they turned off the light and the billboard.’; ‘A victim was shot and his intestines came out.’; ‘A victim being loaded to a truck.’; ‘A Protester holding a blood stained video.’; ‘This is a blood stained car that witness talked about at the last adjournment.’; ‘A protester being hit on the chest twice. He was rushed to the hospital and survived.’; ‘A man in critical condition being treated on the floor of a hospital.’; ‘Protesters chanting Great Nigerians and one man was telling everybody to sit on the floor.’ ‘A man shot in the leg. The leg was saved.’; ‘A man shot dead in the head.’; ‘The stage truck with bullet holes on the equipment.’ ‘Channels interview on YouTube.’ and ‘A live update by a journalist from Channels at the Lekki Toll Gate. The Journalist speaks with three Protesters. He also shows two live bullets. He also mentioned that the Military men are still there. The video was taken by Olu Phillips. He has been in hiding because they have asked him to produce the video.”

Counsel also went on to request that the video marked SNPO5723 in which a person was heard asking others to turn off their flashlights was heard. Other videos such as VID\_20201020190230 which showed that bodies were put in the Army truck, VID\_2020102019447 showed Protesters singing the National anthem and chanting ENDSARS while shooting was going on, VID\_20201020191923, VID\_20201020190643 showing people singing in the dark while the shooting was on going while the LCC office had light. That, the camera room was upstairs and there were two soldiers at a particular spot. W80 showed Protesters trying to resuscitate a Protester that was shot. The witness noted that they thought he was dead so he was taken to MRS Bonny Camp. His name is Olalekan Sanusi. She also stated that he informed them only two (2) people were alive in the truck and that the eleven (11) others in the truck were dead. It was a nurse who had noticed that the victim was still alive that helped him sneak out. The victim was subsequently treated at another hospital.

The witness also showed another video of Protesters speaking with an ambulance driver and attendants. She stated that the driver of the ambulance informed the protesters that the Army did not allow them pass to save the victims. Other videos played were that of a dead victim while the other was that of his mother, an Ibibio

woman. Due to the language spoken by the mother, an Interpreter, Ajake Menja Samuel was sworn on the Holy Bible to interpret from Ibibio to English language.

The interpreter explained that the evidence of the woman in the video as understood by him was as follows:

Her name is Ndifreke Sunday Ibanga whose child was Victor Sunday Ibanga. She suffered to raise the children till they became adults, since their father's demise. The deceased victim and his siblings left for Lagos. On the 20<sup>th</sup> of October, 2020 someone called her phone and asked her to call one Nkpo-Ikanna. The woman added that when she called the said Nkpo Ikanna but the phone was not responded to when it rang, she called her son's friend who also resided in Lagos. His friend informed her that her son had been shot and killed and that his corpse was yet to be found or seen. The mother indicated that the deceased left four (4) siblings, a male who also resided in Lagos and three (3) females behind. She had been looking for her son's corpse since his demise. As a result, she has had to undertake different jobs to support her search for him. She noted that she had spent a lot of money, including money meant for her and her other children's feeding in the search for the corpse of her son. She noted that although the Government said no one died on the 20<sup>th</sup> of October, 2020 she was yet to either find her son alive or his corpse. She demanded that his corpse be provided in order for her to give him a befitting burial. She also requested for financial help as the alleged deceased was the breadwinner of their family. He was responsible for their feeding as well as his sibling's education. She was in tears because she could not find her son and there was nobody to help her.

Subsequent to the above, counsel requested that the video, tagged FQL8098.MP4 which was of a Muslim woman who allegedly buried her son be played. The narrative of the video was as follows: "If the children of the government were in this massacre, how will they have felt. When I got there, there were so many dead bodies there. I only carried mine. I was able to identify my son with the cloth he wore. It was the cloth he wore in the picture the person who came to inform me snapped that was used to identify him. Someone asked her what time she saw the body and she said she thinks it was around midnight/early hours of the morning but was not sure because she was not herself. She was asked what time he was buried and she said very early in the morning. She said she can show the interviewers where they buried him." The video ended with the woman holding a picture of her son at the Toll Gate.

The witness went ahead to note that the woman's son had been one of the volunteer security personnel at the Toll Gate and that his body had been taken to a shanty alongside another because he was known, shortly before the Police arrived and started shooting. At this point, Further Hearing was adjourned to 15<sup>th</sup> May, 2021.

The next hearing was on the 21<sup>st</sup> of May, 2021 the witness was again reminded of her Oath and the examination-in-chief continued with images and videos on the tendered flash drive being played before the Panel. The witness then went on to confirm that she visited the woman who allegedly picked up her son's body and buried him. She indicated that the deceased son was buried in front of the woman's house in the Marwa area of Lagos.

Referencing the media labeled OAVY1742, the witness explained that the person in the video alleged that his brother, one Abota was killed at the protest ground and that he was informed that his body was also found there. The corpse was then taken to a mortuary in Lagos until he was buried on the 22<sup>nd</sup> of October, 2020 in their village. In the video played, the brother to the deceased stated as follows: "He was my only brother. He was the one managing my car wash when he came to Lagos. My brother was not a yahoo boy, he was an innocent person. I also joined the protest. He was a very respectful person who did not fight people".

The witness while viewing IMG\_0162OAVY1742 informed the Panel that the picture was allegedly the body of the said Abuta Solomon. Viewing the images labelled 7E807328\_C9B9 and BCAA9956 in relation to Reddington Hospital, Miss Ibrahim explained to the Panel that the images were that of the person Mr. Governor admitted that died. She noted that the deceased died from blunt force trauma and a gunshot injury to the back of the head. It was her testimony that the body of the deceased was shown to them at Reddington even though the staff of the facility were initially reluctant to divulge information about the people who had died and those who had been transferred to other facilities. This, the witness indicated, resulted in a small protest in front of the facility and it was only then, they were shown the corpse. According to the witness, it was not until after the body of the deceased had been shown to them that Mr. Governor admitted that a person died.

In relation to the media labeled AXYE4180, the witness testified that the picture was taken at about 1am at Reddington Hospital and that two (2) of the people carrying the person identified him as 'Kene'. She indicated that the name of the person in media labeled CORS2627 was Jide who also died at the protest ground. The deceased in CUJI2453 was a "guy" named Abiodun Adesanya who had participated in the protest alongside his brother. She stated that he was shot in the neck. In the video, someone can be heard shouting 'soldiers just killed someone now' while someone who appeared to be dead is seen on the floor. The witness stated the name of the son of the Muslim woman which she testified about earlier is Olalekan Abideen Ashafa. According to the witness, the image contained in IMG\_7247 was a picture of the said Olalekan Abideen Ashafa while he was alive and at the protest ground.

The next video tagged GNRQ0416, was that of a Muslim woman who was crying and explaining how her son had been killed at the protest ground, and she was only able to identify his body by the cloth he had been wearing. The woman noted that it always broke her heart every time she heard the Government say that nobody was killed on that day. She was then later seen crying by his graveside. Next, she informed the Panel that video NOOS0352 was that of one Victor Sunday, also a protester in a pool of his own blood with people trying to stop the bleeding. She added that his body was still missing. The image tagged IMG\_0528 according to the witness was that of one Ifeanyi Nicholas, a.k.a. AJ who had his intestines pour out when he was shot in the stomach. She noted that his body was still missing. She also noted that they had received the report in respect of his name from a man who claimed that his brother was missing although they did not know if it was the same person being referred to. She stated that IMG\_7102 was that of one Kolade Salami, a resident of the shanties. She indicated that QTAF1620 showing a body on the floor was that of a man who pretended to be dead while the other man was dead. She said the media tagged FPBF9521 dated 24<sup>th</sup> October, 2020 showed a floating corpse. The witness explained that some of the protesters had jumped into the body of water for safety while some of them had suffered gunshot injuries. She noted that she personally abandoned the canoe and ran.

The witness informed the Panel that IMG\_0981 was that of a man known as 'Unknown Michael' whose real name was Adedungbe Gabriel Ayoola. He was identified by his family who resided in Oyo State, although the deceased had been based in Lagos. CXPL8000 showed one Adedungbe Gabriel Ayoola being treated at a hospital, unable to talk. She noted that the nurse informed them that he died from complications in the process of extracting the bullet lodged in his body. GUUQ6110 was a photograph showing the moment when the surgery on Adedungbe Gabriel Ayoola a.k.a. Unknown Michael was concluded.

The witness testified further that media tagged EGEGE6668 was that of protesters at the protest ground, shouting "how many people will the soldiers kill?" She went on to state that some of the protesters were ordered by the soldiers to carry the injured people into one of the seven (7) vans which she were at the protest ground. Further, that the only source of light at the protest ground were the blinking lights from the vans of the Army. IMG\_0553 was that of the body of a victim who had been shot in the neck.

Explaining the reason for the absence of bloodstains when Mr. Governor visited the scene, the witness explained that in the morning, they had observed over twenty (20) Policemen picking up bullets at the Toll Gate while the Protesters were trying to locate peaceful protesters. The Policemen later instructed everyone there to move away after which three (3) Lagos State trucks with brushes underneath came to clean

up the scene. However, she and others already recorded videos. The media tagged 00SA2155 showed some young men alleging that the Divisional Police Officer (D.P.O.) of Maroko while dressed in white came to the scene and shot a mentally unstable man in the head, who had been sitting alone was also played. Additionally, media tagged BYQG7845 which showed protesters chanting 'solidarity forever' in the background was played next. It also showed a young man explaining that the D.P.O. of Maroko shot and killed a man at a spot with bloodstain on the floor around 2am. The person alleged that the said D.P.O. killed four (4) people that morning.

The Witness went on to identify IMG\_0991 (2).PNG as the tweets of Mr. Governor dated 21<sup>st</sup> October, 2020 while UWRB9698 was the interview of the Governor of Lagos State with CNN promising that there would be a full investigation while assuring that everyone found culpable would be held accountable. IMG\_0644.PNG was another tweet by the Lagos State Governor on the 21<sup>st</sup> of October, 2020 while IMG\_0642.PNG was a tweet by Professor Osinbajo, Vice-President of Nigeria on the 21<sup>st</sup> of October, 2020. Lastly, she identified MG0991 as the a tweet by Mr. Governor at about 11:30am saying that only one life was lost and they were investigating to know if he was a Protester.

### **Cross-Examination of Miss. Serah Ibrahim by Mr. Seriki for Lekki Concession Company (LCC).**

At the resumed Hearing on the 5<sup>th</sup> of June, 2021 the witness was yet again reminded of her Oath. She proceeded by first confirming that she was an Accounting and Forensic Auditor. Her professional qualifications include a BSc, MSc and ACCA (in view). However, further Hearing was adjourned to the 19<sup>th</sup>, 25<sup>th</sup> and 26<sup>th</sup> June, 2021 respectively due to power outage.

After the witness was reminded of her Oath again on the 25<sup>th</sup> of June, 2021 she informed the Panel that she also had a Certificate in Project Management in New Horizons not ICT. She clarified that although her Counsel had initially indicated that they would be sending ninety-two (92) videos and pictures; those were however the ones they had in their custody prior to conducting their investigation. This led to more videos being submitted after the application by her Counsel. She confirmed that she would be able to recognize a copy of the application by her Counsel and went ahead to identify same. In the absence of any objection, Citipoint letter of 16<sup>th</sup> December, 2020 to the Panel in "Re: Request for leave to present testimony of some Protesters and eyewitnesses in rebuttal of the account and representation made to the Tribunal by the Nigerian Army and Lekki Concession Company regarding the Lekki Toll Gate incidence of 20<sup>th</sup> October, 2020 to 21<sup>st</sup> of October, 2020", was admitted and marked Exhibit 'D'.

She also confirmed that the two (2) flash drives she tendered in evidence contained a compilation of videos and images which she was relying on in support of her evidence. She stated that the compilation was done by different people and not just by her alone. When asked if she took the time to count the number of videos and images, she stated that they were put in folders and that they were more than five hundred (500) of them. She further confirmed that the two (2) flash drives which made up Exhibit A were comprised of different folders with each having a caption and that she watched all the videos. It took her less than twenty-four (24) hours to watch them all. She agreed that some of the videos were repeated in different folders.

When asked if she edited any of the videos in the folders before she completed her compilation, she explained that she personally edited only the video taken by CNN, although the full video was also in the folder. She further explained that the pictures and videos that were edited were taken from the handles of the Lagos State Government while the names and personal handles of people who preferred anonymity, as well as those who reached out to them to say that they had missing relatives were cropped out. Names in text messages were also cropped out. She noted that the Counsel would be able to identify the second category of videos and images when he saw them.

Referring to video No. 19 (labeled DEQQ6161) located in the second (2<sup>nd</sup>) folder of the first (1<sup>st</sup>) flash drive captioned "Chaotic and bloody scenes at the Lekki Toll Gate", the Counsel asked the witness to confirm that the video which showed a man wearing white and laying on the floor was 1 minute 44sec long. To this, she responded that the particular video was taken from five (5) devices, but that particular one being referred to was 1m: 44s long. Although one of the five videos was taken by her, she could not remember which it was.

She confirmed that the video labeled DGKN1703 (No. 20 in the second folder) had duration of thirty (30) seconds. With respect to the media labeled CA7A853C (No. 10 in the same folder), the witness agreed that the inscription on the video did not show on the two (2) other videos because it was taken with the Snapchat App by one Bola and that it was thirty-eight (38) seconds long. When asked if each folder would show the date it was modified when clicked on, the witness explained that every computer system captured the data of any picture or video imputed into it at the particular time and that it would also showed the date such media was modified if the video or image was either cropped, rotated or even had its name changed. She further explained that the particular video had been modified because it was played over and over again at her Lawyer's office.

When the Counsel indicated that the modification date of the video in question did not change despite playing it repeatedly, the witness informed the Panel that it was

probably the counsel just rotated or cropped the video. She insisted that it did not amount to editing because the size of a video was not capable of changing the content of a video.

She noted that the compilation was done by a group of people. When asked to confirm that the duration of most of the videos were less than one (1) minute, the witness responded that this was so as she had earlier testified that the Army was shooting directly at people who were holding their phones. When also asked why the videos were of that duration even when some were taken at a time when there were no activities, the witness explained that some of the videos were taken using Snapchat which had a time limit for videos and that only iPhone brand of phones could record for up to thirty seconds. When the counsel insisted that some of the videos were taken from a phone, the witness explained that transferring the data from an iPhone to a laptop proved difficult. As such, some pictures were taken that way to show the date the picture was taken. She indicated that there was no commentary in Exhibit A explaining or linking one video to another.

She confirmed that some of the videos and images in Exhibit A had no connection with what happened at the Lekki Toll Gate. She went forward to explain that they showed when the thugs arrived and the folder was tagged 'Government Sponsored Thugs'. She asserted that such videos sought to show that at every peaceful ENDSARS protest location, there were government sponsored thugs who were transported to the venues in SUV's as well as establish that no peaceful protestor participated in any violent activity. She maintained that every violent act was carried out by State sponsored thugs.

It was her testimony that the location where some of the videos were taken could be identified by the voices and the background buildings. She went on to confirm that the video tagged NFUNE2054QXRME located in the second (2<sup>nd</sup>) flash drive captioned 'Lekki Massacre 2' did not occur at Lekki Toll Gate, neither was the location mentioned anywhere else. She agreed with the suggestion that the incident captured in the video occurred in Abuja. Miss Ibrahim also agreed that the images IMG\_7048 captioned as 'titled Sponsored Thugs' did not relate to Lekki Toll Gate. They were taken at Alausa. She confirmed that she was aware that the Panel was investigating the incident that occurred at the Lekki Toll Gate. She added that the video were to show that while there was violence at other locations, there was no violence at Lekki Toll Gate. She went on to confirm that the ninth (9<sup>th</sup>) folder first flash drive tagged 20201020\_200123 was taken by one 'Prince' at the Ikoyi Link Bridge who she noted was also at the Toll Gate. She asserted that the video was made while he was running away. The witness asserted that there was a billboard at the Ikoyi Link Bridge (at the end of the bridge, close to Bourdillon) and that the said Prince was closer to the

billboard than the Toll Gate. When asked where the billboard was located, the witness responded by stating that the said Prince was standing directly behind the billboard. She confirmed that she was not physically present at the Ikoyi Link Bridge when the picture was taken. She was at the Lekki Toll Gate from about 8am on 19<sup>th</sup> October 2020, they had issues with a man who came to steal pipes. She left the location at 4am on the 20<sup>th</sup> October and came back at 8am on the same day. She also confirmed that she went back to her house when she left the location. When asked if she left the location at any point between the 20<sup>th</sup> and day break of the 21<sup>st</sup> of October, 2020 respectively, she indicated that she left the toll gate at about 2am on the 21<sup>st</sup> of October, 2020 when Policemen began shooting. She came back to the Toll Gate between 10-11am on the 21<sup>st</sup> of October, 2020. Although the shootings were no longer happening at this time, Policemen were present at the location. She went back to the scene because some people had made videos stating that the shootings were still going on and requesting for help at about 7am.

She informed the Panel that she witnessed shooting between 2 and 3am by Policemen, which was about the same time she was leaving. She testified that she was informed by someone who was at the hospital that he was shot in the morning. She noted that she personally, as well as her voice appeared in some of the videos and pictures such as 6ADDF82DB98E-41C2-B9DE-1C058898FE16 where she was telling the protesters to lower their voices.

Describing the entrance gate into the Lekki Service Center, the witness stated that the pathway had grasses by its side, where the tent was kept. There was a space to the left and then a wide space for parking cars while there was a pedestrian door towards the right. To the end on the left was a bigger gate for cars to come in. The bigger gate had a blue chain in the middle which made it appear as though it could open sideways and at the end and could also slide. At this point, the informed the Panel that the bigger gate was a sliding gate as opposed to one that opened sideways. The witness however insisted that there was a blue chain in the middle, thus making it appear as though it could be opened sideways; which was also where one 'Baba' sat. She indicated that the instant video did not capture any LCC staff on the night of the 20<sup>th</sup> of October, 2020. She also indicated that in the video which she claimed her voice featured in, the complaint was not only for the locking of the gate but for the light as well. She insisted that if the gate had been opened, there would not have been a need for the protesters to shout from outside. They would have simply approached the staff. She confirmed that the video did not mention anything about the gate and that some of the protesters, including her gained entry into the Lekki toll gate service center where they ,met staff with one of them even eating.

When asked if she was inside or outside the building when they met the staff, the witness explained that there were four (4) people in the Office wearing orange and

black uniform with a logo on the left hand side with about two (2) other people with them when the gateman let them in. She noted that there was a pathway on the right hand side once a person entered the building. On the left hand side was a grassy pathway, a car park area. She mentioned that they were directed to sit on the left by the gateman who opened the gate when asked what she saw when they entered the building.

The examiner then asked the witness what she observed when she entered the building again. To this the witness responded by stating that they were directed by the gateman to sit on the left hand side of the building, close to an exit at the back. She noted that there was a net there and they were further instructed to not go to where the staffs were.

Mr. Seriki then informed the Panel that the first thing that would be observed when entering the office was a self-service machine that can be used to buy credit on the e-tag. He stated that there was also no passage on the right. The witness at this point cut in and noted that there was a corridor on the right which looked like a broken door from where they were seated. This claim was however also debunked by the examiner who noted that upon entering the premises, a glass cubicle was what could be observed. The witness then went on to state that staff of the LCC were captured on video after they were allegedly let into the premises by the gateman. Based on this response, Mr. Rotimi Seriki requested the witness to play the footages to the Panel. When asked if she had pictures of the LCC staff when they entered into the premises of the LCC Service Center on the 20<sup>th</sup> of October, 2020 the witness noted that what she had were screenshots from the videos which were contained in Exhibit A.

The witness confirmed that she testified that light d=from the billboard blinked as though there was a change of power supply. When asked about the billboard itself, the witness informed the Panel that the only time the billboard ever went off was on the 20<sup>th</sup> of October, 2020. She further claimed that the lights at the toll booths began to go off one after the other as the Army approached but the lights at the last two (2) tolls were left on. The lights only came back on after the Army left. She indicated that she did not know where the control for the lights was, although the staff of LCC allegedly stated they controlled the lights. She also didn't know the source of power supply to either the billboard or lights at the toll booth. Further, she did not know if there was more than one (1) source of power supply to the street lights, even though she had earlier testified that the lights in the streetlights blinked.

She was however aware that the Loatsad Media controlled the billboard. She stated that the cameras which were allegedly removed by LCC staff occurred at about past 2pm. When asked if she was aware that each toll booth had a camera, the witness

explained that she noticed a camera at the fifth (5<sup>th</sup>) toll from the left with two other cameras directly facing where the stage truck was. She also noticed two cameras at the 4<sup>th</sup> and 6<sup>th</sup> toll were the ones that were removed. Specifically, it was the two (2) cameras facing the protesters that were removed. She however did not notice any cameras at the Victoria Island inward Lekki tolls. She indicated that the soldiers approached from the Victoria Island end of the road. They were also shooting at the protesters as they approached.

Miss Ibrahim indicated that the cameras that would have captured the shootings she was referring were directly at the fence of the toll booth with another two (2) underneath. These cameras, she alleged faced the Army directly and would have captured everything that allegedly transpired. When asked if those were the same cameras she stated that she did not see, the witness explained that the cameras she was referring to were underneath the toll and round in shape. It was the pointy ones allegedly facing the protesters that were removed. She insisted that the two others which would have captured the Army at LCC were the ones standing, including four others at the bridge at Oriental Hotel. She also insisted that the entire footage was contained in Exhibit A.

Mr. Seriki requested that IMG\_7102 from the first flash drive be played. When asked if she was aware that CNN reporters were not present at the Lekki toll gate on the night of the 20<sup>th</sup> of October, 2020 the witness informed the Panel that the CNN investigation was done using Google metadata and that this fact was mentioned in the said report. She insisted however, that the full report by the CNN was part of the evidence. When the examiner requested that IMG\_712MP4 be played, the witness asserted that CNN only used reports obtained from 'direct protesters family' and Google. She also insisted that the picture was downloaded from Google metadata. It was her testimony that there were no organizers of #EndSARS protest. She however confirmed that there were two (2) drone recordings by peaceful protesters, but they had to call back the drones in order for them to not get shpt. She agreed that a drone could be remotely controlled and that the drone was allegedly used when the shootings started until they were called back by the person when the shootings got intense.

She confirmed that different drones had different altitude limits. The one used by the protester was the videography drone. While she knew the owner of the drone, she did not know its height limit because it did not belong to her. The owner was physically present at the toll gate on the 20<sup>th</sup> of October, 2020 at the beginning of the shooting but she couldn't tell if he later moved to a safer place when the shooting got intense

Referring to DJI0035, No. 46 in the 4<sup>th</sup> folder with the caption 'Investigative Report', the witness confirmed that it was a drone recording and that the Army was around at the time the video was recorded. She confirmed that the lights were blinking from the phones of the protesters. Although she did not know the exact time, it would have been before 7pm as the Army had not yet arrived at that that time. She also confirmed that the particular video had no microphone attached to it.

Moving on to Video No. RAJD1165MP4 located in the 9<sup>th</sup> folder of the second flash drive under the caption 'involvement of LCC and Loatsad', the witness confirmed that it was the same video. When asked to also confirm it the video was edited, the witness explained that the owner of the video was the one making commentaries and trying to explain it. When asked who included the colored patches in the video, the witness stated that the owner took the video from his laptop with his phone. She insisted that there were no colored patches in the original video. Matter was further adjourned to 3<sup>rd</sup> July, 2021 due to a family emergency the witness had. The adjournment consequently over-rode the earlier adjournment slated for 26th June, 2021.

**SUMMONS ISSUED ON MR. F.K. GBAJUMO FROM LAGOS STATE UNIVERSITY TEACHING HOSPITAL (LASUTH) - WITNESS ON BEHALF OF MISS. SERAH IBRAHIM.**

The witness stated his name as Gbajumo, Faruq Kehinde. He was the Director, Hospital Administration and Human Resources, Lagos State University Teaching Hospital, Lagos. He confirmed being in receipt of a summons to produce a document and same was confirmed as being the document which Miss. Serah Ibrahim testified upon. In the absence of any objections, the LASUTH Ikeja Hospital Admin and Human Resources Department internal memo from the office of the Director HA& HR dated 30<sup>th</sup> October, 2020 to all staff headed, "Guidelines for Information Dissemination in the State Public Service", under the hand of Gbajumo K. F. was admitted in respect of the evidence of Serah Ibrahim as Exhibit C.

At the resumed hearing, the witness denied that she testified that the CNN report video clip showed military men shooting displayed LCC cameras. When asked if any cameras at the toll gate were captured in the CNN report, the witness stated that the pictures she showed to the Panel were photographs of cameras which were taken by her. She also denied mentioning that cameras were in the LCC footage. She indicated that one of the cameras- a round black one, was located directly under the toll booth, but the footage was not presented by the LCC. When asked what direction of the toll booth those cameras were located, the witness stated that there were nine (9) different cameras.

Again, when asked which direction of the express she was facing, she responded by stating that "one was taken directly under the Toll Gate". When asked for the third time if she was facing the Oriental or Lekki direction of the toll gate, the witness

restated that she was facing the camera directly. She went on to identify the images as that tagged IMG\_2449. When Mr. Olumide-Fusika asked her what direction a car passing through the Toll Gate when the images were taken would be coming from, she responded by stated to wit: "It is directly in front of where the Protesters were gathered. If the car is coming from Lekki, this camera can see it." When asked again what side of the expressway the particular camera was located, she stated that it was directly under the Toll Gate.

Moving on, the witness confirmed that the camera which was shown in the last image was about six (6) feet tall and a tall person could touch it. She noted that the purpose of any mounted camera was to get recordings of events. She also confirmed being present when the Managing Director of the LCC gave his evidence. When asked if she was aware that the Managing Director of the LCC had testified that the camera in question was stationery and its purpose was to capture vehicle plate numbers, the witness noted that she remembered that during his cross-examination, the MD also mentioned that although he did not know the exact number of cameras the LCC had, they had one which faced the top. When asked if she was unaware of the fact that the particular camera was stationary, she responded by stating that the managing director of the LCC did not mention that particular camera. It was her contention that it was a dome camera but it was not mentioned. She however confirmed that she was aware that there was a rotating surveillance camera located at the top of the communication mast at the Toll Gate. She also added that there were other cameras below the mast as well.

When Mr. Seriki asked the witness if the camera at the top of the mast and the ones at ground level were of the same design, Miss. Ibrahim responded by stating that the camera at the top of the mast looked exactly like the ones at the face level, including the two (2) that were removed as they were white and pointing. She then identified the image which captured her assertion as that labeled as IMG\_0988. Further, that the cameras were located in LCC's compound. She indicated that the fence between the LCC compound and the expressway started with a net, then a fence and ended with a net again. She also indicated that she took the photograph on the second (2<sup>nd</sup>) appearance of the Managing Director at the Panel, sometime in November, 2020.

The witness described as an outright lie, the claim by the examiner that the protesters vandalized about five (5) cars after gaining access into the premises of the LCC. When asked if she would be surprised to learn that those cameras were installed because of the incidence of damages of the 20<sup>th</sup> of October, 2020 the witness informed the Panel that all the cameras taken had been at the LCC compound prior to the 20<sup>th</sup> of October, 2020. It was her evidence that all the images she displayed were taken two (2) weeks after the Lekki massacre; although the cameras were all at the Toll Gate before the 20<sup>th</sup> of October, 2020

She indicated that she spent about two (2) weeks in totality attending the protest at the Lekki Toll Gate. She confirmed that there were a lot of peaceful protesters at the Toll Gate. She asserted that she became aware of the curfew past 2pm although she noted that it was postponed at exactly 3:49pm on the 20<sup>th</sup> of October, 2020. It was her testimony that she was not only present when the cameras were removed at the Toll Gate by the LCC staff, she also spoke to them at about 1pm although she did not check the exact time. She also confirmed that one of the images of the removal of the cameras at the Toll Gate is the images tagged IMG\_1021 and IMG\_1022 and IMG\_0645(a tweet by @darapsterman) respectively, located in the 9<sup>th</sup> folder of the first (1<sup>st</sup>) flash drive and captioned 'Involvement of LCC and Loatsad'.

She also confirmed that prior to the removal of the camera there had been incidences of theft. Specifically, she noted that the 19<sup>th</sup> of October, 2020 was the only day when LCC water pipes and e-tags were stolen. She also affirmed that there were other videos where LCC staff were captured after the Army came. She went on to identify the videos as 15seconds of the video 6ADDF82D-B98E-41C2-B9DE-1C05B898FE15 which showed a staff carrying a bag and walking into the LCC. Although, she couldn't really see its color, it appeared to be black in color.

She disagreed that it was at that point that the protesters gained access into the LCC premises. It was her assertion that the gate of the Office was still locked at the time and also that the gateman had not allowed the protesters in at that point. She clarified that they did not gain access into the premises at the point when the cameras were removed. When asked if she mentioned the man carrying a bag during her evidence-in-chief, she noted that she mentioned that they were talking to the security man who informed them that the Managing Director instructed them to switch off the light. She stated that she did not know if the man carrying a bag was a security man. All she knew was that he was an LCC staff. When asked if she mentioned that particular person in her evidence-in-chief, she replied that she did not take the picture herself. Although the video was taken by one of the other protesters and the said security man was not captured in the instant video, she talked to the security man who locked the gate directly while other staffs were captured as well. She referred the examiner to listen to the commentary of RAJB\_1165 which was another video that captured LCC staff on the night of 20<sup>th</sup> October, 2020 by the owner of the drone. She noted that the commentary was a statement implying that the LCC staff was there even though the commentary did not indicate where the LCC staff was captured in the drone video.

She denied that a lot of the protesters had not left the protest ground between the period when the curfew was declared and the Army arrived. She explained that what

the protesters did was to cluster in the middle of the protest ground. She indicated that there were a lot of people at the protest ground and she could not count them. When the counsel asked which side of the express the camera which she snapped a picture of was placed, she responded by stating that it was "Underneath the 4<sup>th</sup> or 5<sup>th</sup> toll by the right", where the protesters were gathered. It was her evidence that she witnessed the D.P.O. of Maroko Police Station shooting at protesters. When asked the exact point the shooting occurred, she responded to wit: "The protesters were here and shooting happened about 10 steps behind while I was standing by the Lagoon side and I saw them coming from the 2<sup>nd</sup> part of the toll, some were walking while the van came in from the 3<sup>rd</sup> toll booth. The man in white also came in from the right. After that shot, a car came in and I was dragged inside".

She further testified that the shooting by the Police took place at the Toll Gate. She asserted that the Policemen walked straight down from the LCC lawn area. She admitted that she did not know D.P.O. prior to the day of the incident. She stated that from her observation, there were no hoodlums at the protest ground between the time the Army arrived and the morning after.

She left the protest ground around 2am on the 21<sup>st</sup> of October and went back between 10-11am on the same day. She reiterated that she did not see any hoodlum even as at the time she came back in the morning. All she observed were about twenty (20) Policemen. When the video tagged GBIR9972 was played and the witness was asked if the point pointed to by the protester was by the expressway, the witness stated thus: "You will walk straight down from the edge of the lawn to behind where the Protesters were." She agreed that the video did not reflect any portion of the lawn. She went on to state that there was no way to identify all the protesters. However, from what the gentleman in the video said, he was a peaceful protester and had no weapon. It was her position that she would take his words for it. She asserted that the man in the video was not smoking Indian hemp. Rather, he was holding a cigarette. She also indicated that she knew the person who shot the video.

When the Counsel asked her to confirm that the man in the video never said anything about anyone being shot at the Lagoon front by the D.P.O. of Maroko Police Station, she responded that she was not everywhere. In any case, she insisted that the man only stated what he saw from his standpoint. When asked to describe the structures between the Lekki Toll Gate where the protesters were gathered and the lagoon, the witness listed a net and a small grassy lawn, shanties at the other end and a small pathway for higher vehicles such as trailers. She went on to confirm that the road was a straight one which passed the front of the Oriental Hotel; and although she knew that the mesh wire fence ran through the entire stretch from Lekki Phase 1 to Oriental Hotel, she did not know how far/long it was. Miss Ibrahim noted that the fence was

not intact throughout the period of the protest as people were able to join the protest from the shanties and different places.

She confirmed that they observed three (3) trucks come to clean up the Toll Gate between 3-4pm on the 21<sup>st</sup> of October, 2020 while they were returning from the hospital, although she did not personally capture any of the trucks in videos or photographs. She explained that the only truck captured on camera was a normal Lawma truck which was leaving while the soldiers were shooting on the 20<sup>th</sup> of October, 2020. The one she observed on the 21<sup>st</sup> had brushes underneath it. She did not come across any picture in the evidence she submitted.

She restated that picture, images and videos were capable of being verified by Google Drive which also doubles as a storage platform. She insisted that Google Drive was a platform for authenticating videos, images or pictures. She explained that Google Drive did not simply work by posting an image or video in it. She insisted that the information on the data is what Google Drive projected and not the information provided by the person posting it in respect to date, time and location when the data is accessed.

She agreed that once a picture is taken on a phone, the data is noted and same is connected to satellite like Google Map. Further, once the location on the device is turned on, Google Drive could not change the location of where the data was taken. Lastly, she stated that she did not know the source of power for the bill board at the Toll Gate.

### **Cross-Examination of Miss. Serah Ibrahim by Mr. Owonikoko, SAN.**

Cross-Examination commenced with the witness confirming that she did not have a personal petition before the Panel; neither did she have any claims for compensation. Her purpose for coming to give evidence before the Panel was to assist Petitioners whom her evidence before the Panel may assist. She indicated that there was no confrontation between the Protesters and law enforcement agents from 6pm on the 20<sup>th</sup> of October, 2020. She also confirmed that the impression of the protesters was that they did not need to be afraid of the government since they had been peaceful. As such, they simply advised people to stay low and hold the flag when they saw the soldiers approaching.

Furthermore, they had no reason to be scared when Mr. Governor came to address them. She noted that the only instance when the Protesters became skeptical was when some people from Lagos State Government approached the youths to request for a meeting on the 20<sup>th</sup> of October, 2020 which was turned down. She stated that she was aware to the fact that every citizen had a right to protest peacefully and that the #EndSARS protest took place in various locations. When asked if the Toll Gate

was the only place where she participated, she explained that she was first at the Link Bridge but they subsequently moved to the Lekki toll gate on the 8<sup>th</sup> or 9<sup>th</sup> of October, 2020. She went on to confirm that barricades were erected on both sides of the Toll Gate to protect the protesters. Mr. Owonikoko, SAN then sought an adjournment which was granted. Matter was consequently adjourned to the 10<sup>th</sup> of July, 2021.

At the resumed Hearing, the witness listed investigations into the killings of protesters, the presence of soldiers and who ordered them, why the lights went off, removal of cameras, cameras whose footages were not given, whereabouts of the corpses of those who died and justice in general, as the complaints in respect of the incident at the Lekki Toll Gate that she wanted the Panel to look into. Additionally, she wants the Panel to assist in ensuring that such an incident never occurred again while urging that the scene of the incident be transformed to a memorial ground.

She informed the Panel that the protest at Lekki started on the 9<sup>th</sup> of October, 2020 fully. That, which took place on the 8<sup>th</sup> of October, 2020 was simply a 'movement' from the Ikoyi Link Bridge to the Toll Gate. According to the witness, the erection of barricades at the Toll Gate was not authorized by anyone specifically. It was a collective decision of the protesters. She indicated that she was aware of the fact the Lekki Toll Gate was owned by the Lekki Concession Company for the Lagos State Government. She noted that the protesters spoke to the staff of the LCC and had a conversation with them before erecting the barricades. She alleged that the staff even helped in erecting them. However, while she did not know their names of the staff, she could recognize them. When asked if there was an agreement with the LCC to take over the Toll Gate premises either for free or for a fee, the witness noted that she was not aware that protesters required permission to use government owned roads. The protesters used plastic barricades provided by the LCC staff. She confirmed that the staff who assisted had been the same ones captured in the footages. It was her testimony that the formation used to erect the barricades was by erecting one around the lawn which the staff told them they could use for the tent.

The witness went on to confirm that the #EndSARS protesters had no leadership. In response to the question asking the witness to mention some of the protesters who spoke to the LCC staff for the use of their barricades, the witness stated that there were different coordinators and she was not expected to know them all. She informed the Panel that she did not know that it was a crime to take over a Government road paid for by tax payers for a peaceful protest. She indicated that she did not know if there were lawyers in their group of peaceful protesters who knew the implication of erecting such barricades on a highway. She confirmed knowing one 'Folarin Falana, a.k.a. Falz as one of the protesters. She agreed with the examiner when he informed her that 'Falz' was a qualified lawyer. When asked if the protesters sought guidance from people with the knowledge of the law to find out if it was lawful to barricade the

toll plaza, the witness insisted that the protest was a peaceful one done on a road constructed by the government.

She went on to inform the Panel that she drove occasionally. However, prior to the 9<sup>th</sup> of October, 2020 she had never driven through the toll plaza, although she has been driven through it all the time. She also confirmed that the Lekki Toll Gate was not a free passage road and a toll was payable to the LCC for the use of the road. She also stated that the toll collection ought to have ended about five (5) years ago. It was her testimony that toll collection was not part of the things they protested about. The protest was strictly on Police brutality and for an increase in the salaries of Officers of the Nigeria Police Force. She was not aware that as at the October, 2020 a new Police Act had just been enacted a month prior.

She confirmed knowledge of the fact that part of the functions of the Police was to facilitate and ensure free movement of persons and vehicles on highways and streets pursuant to Section 4(g) of the Police Act. Again, the witness confirmed that the peaceful protesters were responsible for erecting the barriers placed at the pedestrian crossing to the Mobil Headquarters in order for the peaceful protesters and voluntary security to conduct a stop and search. She also confirmed that each person and/or their vehicle intending to come to the protest area were searched. She noted that the security set up did not start out like that from the 9<sup>th</sup> of October, 2020. Barricades did not start to be erected until the 12<sup>th</sup> of October, 2020 to avoid hoodlums joining the protest. She contended that no instructions as to how to handle persons who resisted the stop and search needed to be given as some expressed interest in joining the peaceful protest. She also added that ambulances were also allowed to move freely. She further confirmed that erecting barricades and the stop and search was the protocol in place from the 12<sup>th</sup> of October, 2020.

The witness affirmed that the same level of barricades was also erected on the other side of Lekki. When asked if she was aware that a private citizen had no right to stop and search other people or their properties, the witness indicated that nobody was forced. She indicated that there was an alternative route which leads from the Victoria Island and Lekki areas to the mainland asides the barricaded roads. The protesters were doing stop and search to prevent hoodlums from coming into the protest ground. This was not the set up from the 9<sup>th</sup> October 2020. It was from 12<sup>th</sup> October, 2020 that the barricades was installed to prevent speeding cars from colliding with protesters. There was no resistance to the stop and search. It was only people on emergencies that they allowed thoroughfare. For those coming from Lekki, is a double level of barricade. The barricades were manned by their security team. There is an alternative route to the Toll Gate and she stated that she doubted that the purpose of the alternative route was for people who could not afford to pay the toll

fee. "We were only trying to protect ourselves and not playing the role of law enforcement agency."

Referring to the original footage tendered by the LCC, specifically at the period of 6:55pm, the witness confirmed that at the 5:16pm time on the 20<sup>th</sup> of October, 2020 both sides of the highway had been barricaded by three (3) levels of barricades before the Toll Gate. She noted that she counted seven (7) booths each on each side of the toll gate and confirmed that there were two (2) free pass routes for those who had paid in advance, such as e-tag holders. She also confirmed that holders of e-tags also had to go through the barricades. However, neither the peaceful protesters nor the LCC ever collected a dime from them at the time.

Referring to the video at 7pm, the witness acknowledged that she recalled seeing those vehicles driving within the perimeter of the Toll Gate and that the barricades had to be dismantled before getting to that point. She also recalled that the protesters ran away from there. It was her assertion that some of the barricades were already out. She clarified that at the Lekki side of the toll gate, there were just two (2) barricades and not three (3) as suggested by the Counsel.

She confirmed that while there was some illumination under the toll gate, the lights at the edges where the Army came from were switched off. She also confirmed that the people who could be seen on the opposite side at about 6:52pm, towards the lagoon side were protesters. She informed the Panel that the source of light flashing was from the torchlight's on peoples phones. She insisted that people were still there and barricades erected as well as there was no curfew at the time and people were still peacefully protesting.

Moving on to 7:50pm, she informed the Panel that she could see the bonfire which was started by the Army. She indicated that she was there as at that time although she could not see up to that distance. She noted that she could see five (5) bonfires. She could not see any of the protesters in the footage as the protesters had all converged in the middle area around that time. She also noted that she was not able to see the stage truck as the camera could not capture it.

She confirmed that the bonfires extended to the Lekki Admiralty area and also that shootings were going on although it wasn't showing in the footage. However, people were gathered in front of the stage truck. She confirmed that she could not see anyone scampering for safety from the footage. She noted that people could not be seen in the footage as they had been gathered together in front of the truck. Most importantly, that the footage did not capture exactly what was happening. She noted that the soldiers could be seen casually walking around and not shooting or picking

up anything. She however insisted that the footage did not show exactly what was going on as the activities had been happening in front of the billboard.

When asked if the General that came to address the protesters had gone at about that time, the witness stated that she doubted that the footage being shown was made on the day of the incident. Because that the timing coincided with the time when the people at LCC were able to cross over to the other side. However, the footage made it look as though there was no one there. She could not recognize the soldiers that came to the toll or their vehicles. She however insisted that there had been soldiers there and they came in vans.

She went on to acknowledge that the time she was seeing was Tuesday, 19:59pm. At this point, further cross-examination of Miss Ibrahim was adjourned to 17<sup>th</sup> July, 2021. On the next adjourned date, Counsel to Miss Ibrahim, Mr. O.C. Olagunju prayed for yet another adjournment as the witness whom he noted had earlier been at the venue of the Hearing had to leave as she had taken some medication which had started to take effect.

On the 7<sup>th</sup> of August, 2021 when the matter came up again, cross-examination continued with the witness confirming that she recalled that her complaints about the incident at Lekki Toll Gate were outlined. She indicated that the extra-judicial killings by the Army and Police were one of the things she wants the Panel to look into and that she was also aware that the report of the ninety-nine (99) bodies which included the one at Lekki Toll Gate had been heard. That the statement from the report of the pathologist that, out of these ninety-nine (99) deaths recorded, only three (3) were found to have occurred within Lekki axis, while just one (1) out of the three (3) was a death by gunshot wound is inaccurate. Further, that the fact that the death allegedly occurred on the 21<sup>st</sup> of October, 2020 at 9pm as is on record was inaccurate. The witness asserted that the deceased died at 1:23am on the 21<sup>st</sup> of October, 2020 and that the evidence was in the flash drive she presented before the Panel. While she could not confirm that 062 was the victim who died from gunshot injury, however, she had been at the Panel when the flash drive was tendered and the picture was shown. The witness stated that 041 was incorrect when she was asked to confirm which one had suffered a gunshot injury in Exhibit C. She did not agree with the cause and time of death when the video 041 was played to her.

The Witness went on to give a contrary cause of death as gunshot which occurred at the Lekki Toll Gate making reference to IMG\_20201021\_004004\_1, DTPW6414, img\_6157, video at Reddington DLIW8210, another picture CORS2627 as against that which was stated in the report to have been caused by blunt force trauma. she further affirmed that the footages referred to and shown were related to the victim in 041 autopsy.

The Witness confirmed that in both pictures the victim was bearded in the contrasting documents and had no neck chain. Further, that the footage was recorded at Reddington. It was her testimony that while the video was not time stamped, the death of the victim was confirmed at Reddington Hospital, Lekki, Lagos. She was aware that the Governor sighted the body during his visit to Reddington on the 21<sup>st</sup> of October, 2020, and attested to the same as being the only death during his visit. Although she was not there at 1:20am when the Governor went to Reddington Hospital, one 'Chinny' and 'Femi' carried the body at past 6am of the 21<sup>st</sup> of October, 2021, and arrived at the hospital at past 11am. They were told this particular person was brought by them and the nurse confirmed it. That, she did not know the doctor's report, neither did she see the instrument of transfer of the body from Reddington to LASUTH. Lastly, she did not engage the Pathologist at LASUTH but only spoke with the doctors at LASUTH.

The Witness went on to state that there were nine (9) findings listed in the anatomical/pathological findings on 041 and that it was only an x-ray that could identify it, when she was asked to observe the left 5<sup>th</sup> rib fracture of the victim and that the opinion as to the cause of death was severe cerebro-cranial injury and blunt force trauma. She also confirmed that there was no finding mentioning any form of gunshot injury in the report and that she did not carry out an autopsy report or handle the deceased corpse. That, it was not an opinion that he died of gunshot injury but of fact and that although she was not a medical doctor or certified pathologist by training or by experience; however, it was her opinion from what she observed.

She informed the Panel that she was present and saw an officer from Maroko Police Station shoot one person straight in the head. She however left and did not know how many people the Police Officer shot and killed that day. She equally did not know the name Officer who shot or the person who certified him dead. She noted that she had a record of another person who was allegedly killed at Lekki Toll Gate and mentioned the name of the deceased person to be one Victor Sunday. Although she did not witness his death, his body was however still missing till date, thereby making it difficult to get the medical report of his cause of death.

That the video of Victor's mother and brother were played and that both of them were not at Lekki Toll Gate. The Witness went on to state that she is aware of the public notice asking relation of missing person to visit LASUTH facility to assist in identifying bodies that were unknown and which those relations did. That, the brother to the deceased was around to check the hospitals but she did not have anything to show that a relation of the said Victor went to LASUTH to submit their DNA for cross-matching. However, she could get it.

The Witness went on to identify the next one as Olamilekan Ajasa and stated that she did not witness his death, neither did she know who certified him dead medically. That, she did not know if it was the person whose mum was shown in the footage and went to the mortuary to identify the body by the shirt he was wearing but she saw

him get shot on the stage truck and had since been buried. She had no idea if an autopsy was carried out on his body and that she specifically identified about twelve (12) to thirteen (13) people.

That she had given evidence of about seven (7) to eight (8) of the names and identities of alleged deceased. She confirmed that although she did not know them as at the time of the incident, she however recognized them when she saw pictures. She equally noted that she did not have medical report of the cause of death and burial before this Panel. However, the families of the deceased had pictures of the deceased in their pool of blood. The Witness went on to state the following as those whose bodies had been identified; Kolade Salami, Folorunsho Olabisi (located), Kenechukwu-Ugo (he was cited last at Reddington but the hospital said some people had taken his corpse away and could not give those who brought him more information), Abouta Solomon (body located), Adedungbe Gabriel Ayoola (body located). She also listed John Doe 2 (body found in water), John Doe 3 (body was carried in a truck. Body not located), Ifeanyi Nicholas Eji (body not located), Abiodun Adesanya (body not located), Tola (John Doe) (body not located). She does not know if medical reports of the death of these people are before the Panel, likewise if any autopsy was carried out; and only know of three (3) of them - Victor, Wisdom, Adesanya whose relations went to LASUTH in response to the public notice for purpose of cross matching of DNA for identification of the bodies.

She indicated that there were two (2) people who died of gunshot injury- 041 and 062 already before the Panel. While she does not have records she only had pictures and videos. She also indicated that 041's picture was put up for identification by his family members but they could not get any of his relation to identify his corpse and she was aware that families of the deceased and injured persons who prove their case will be compensated by the Panel. The Panel consequently adjourned for further hearing till 17<sup>th</sup> August, 2021.

Due to an abridgement of time, the matter came up again on 14<sup>th</sup> August, 2021 and Counsel to the Panel, Mr. Jonathan Ogunsanya informed the Panel that although Counsel to the witness was informed that the proceedings as it affected Miss. Ibrahim was to come up, the witness and her Counsel were both absent. He then sought an adjournment while assuring that they would be informed of the next date. Mr. Eboseremen applied for the evidence of the witness to be expunged, both Mr. Seriki and Mr. Owonikoko, SAN had no objections to the Application made by Mr. Eboseremen. The Panel however adjourned the matter indefinitely, to a date which would be communicated to parties. \*\*\*\*\*more Serah to add 18<sup>th</sup> sept

**SUMMONS ISSUED ON MR. F.K. GBAJUMO FROM LAGOS STATE UNIVERSITY TEACHING HOSPITAL (LASUTH) - WITNESS ON BEHALF OF MISS. SERAH IBRAHIM.**

The witness stated his name as Gbajumo, Faruq Kehinde. He is the Director, Hospital Administration and Human Resources, Lagos State University Teaching Hospital, Lagos. He confirmed being in receipt of a summons to produce a document and same was confirmed as being the document which Miss. Serah Ibrahim testified upon. In the absence of any objections, the LASUTH Ikeja Hospital Admin and Human Resources Department Internal Memo From The Office Of The Director HA & HR dated 30<sup>th</sup> October, 2020 to all staff headed, "Guidelines for Information Dissemination in the State Public Service", under the hand of Gbajumo K. F. was admitted in respect of the evidence of Serah Ibrahim as Exhibit C. The witness was discharged.

**SUMMONS: THE NIGERIA POLICE FORCE.  
EVIDENCE OF MR. ONILEOWO LEGEND IN RESPECT OF THE INCIDENT OF  
20<sup>TH</sup> OCTOBER, 2020 AT THE LEKKI TOLL-GATE, LAGOS.**

Appearances Entered:

Mr. Olukayode Enitan with Jerry E. Briggs and Y. Olabode for Lagos State government.

Mr. O. A. Obilade for the Petitioner.

Mr. Rotimi Seriki with Toyin Abidoja for Lekki Concession Comapany Ltd.

Mr. Emmanuel Eze with Mr. Julio Hodonu for the Nigeria Police Force.

Mr. A. C. Eze for the Nigerian Bar Association (N.B.A.).

Mr. Jonathan Ogunsanya, Counsel to the Panel.

Examination In-Chief of Mr. Onileowo Legend.

The witness began giving his evidence by stating his name as Onileowo Agboola Legend. He resides in Surulere, Lagos and works as a Security Personnel. He stated that he began participating in the #EndSARS protest at the Lekki Toll Gate on the 16<sup>th</sup> of October, 2020 after which he would return to his and come back to the protest ground the next day. On the 20<sup>th</sup> of October 2020, he arrived at the protest ground in the afternoon but he was not certain of the exact time.

The witness began his account of event from the 19<sup>th</sup> of October 2020. He stated that he received information that the Nigeria Army was going to be at the toll gate on the 20<sup>th</sup> October, 2020. He thought the Army were only coming to see what the protesters were up to and then leave. He testified that they had all been told to come with flags on the 20<sup>th</sup> October, 2020 as they had received information that when the soldiers sighted the Nigerian flag, they would not hurt them.

The Witness further stated that on the 20<sup>th</sup> of October, when he got back to the Toll Gate, it was crowded as usual and everyone was with the Nigerian flag. Witness also went with his flag. He explained that he and his colleagues tried to bring all the Protesters together so that when the Army arrived, they would all be together in one place. He stated that they told those selling food and drinks to move away because they were not sure of what the Army was coming to do and they prayed the Army was only coming to observe the Peaceful protest.

The Witness explained further that the security personnel were stationed in different places. The witness and four (4) other men were stationed at the barricade at SandFill and later that evening, they saw three (3) to four (4) Army vans coming towards them. He also stated that the Army started shooting continuously and everyone at the SandFill ran away. He stated that some people ran to the side of the river beside Oriental Hotel, even bike men ran for their lives. Witness stated that when the Army vans got to SandFill, they stopped and continued shooting for about thirty (30) minutes before proceeding to the Toll Gate where he also heard sporadic gunshots. He had to pass through an iron fence in front of Oriental after the Army had left SandFill so that he can re-join the Protesters at the protest ground. Witness claimed that upon his arrival at the protest ground, he observed that many people had been shot and that the Army were shooting into the air. He joined the people that were agitating and chanting "we no go gree" while waving the Nigerian flags. He further stated that when the Army advanced towards them, they all sat on the floor waving the flags. He informed the Panel that the Army did not allow ambulances come in to help people and that he was one of the people that carried the bodies to the Army telling them to look at the people they shot for no wrong doings.

The Witness explained that an Army boss came to address them; asking them to leave the Toll Gate because curfew had been announced. The witness and others replied that if the Army had wanted them to move, they ought to have addressed them politely and not come to shoot at the Protesters at night. Witness said the protesters asked the said Army boss on ground why they came at night when the lights were off. He further stated the lights at the Toll Gate were switched off, including the Loatsad billboard for the first time since he had been going to the protest. He further stated that the protesters did not heed the advise of the army officer and kept agitating that they were not going to leave. He testified that after some time, one of the Generals came with some soldiers and at that moment, he believed that that was the end and that the Soldiers were going to kill everybody. He said he remembered making a call to his mum telling her this might be the last time she would hear his

voice and he explained the situation on ground to her. He said the shooting stopped at the arrival of one of the Generals. He stated that the General asked them why they were there and asked them to move. He said they told the General that the army came to shoot at them but the General told them he was not the one that ordered the shooting, that it was power beyond him. Witness gave the General's name General F. O. Omata. He said the protesters told the General that they weren't leaving and would be staying there till morning of 21<sup>st</sup> October, 2020. He said the General came down, commanded all soldiers away from the Toll Gate.

The Witness said as soon as the Army move out, the ambulance came and they got to know that it was the Army that prevented the ambulances from coming through earlier. He said they moved the injured people to the ambulances. He said there was an old man at the scene wearing an Ankara that after the ambulances left, they decided to stay till day break. The Witness explained further that after some time, they saw Policemen coming in, wearing SARS jacket. Their leader who the Witness said he found out was the DPO, Maroko Police Station and that he was wearing a white outfit. He said they sat on the floor holding flags and chanting that they were not leaving. When the Policemen were about 2ft away from the Protesters, they shoot tear gas at the protesters. Witness said before he could get up, eight Policemen had surrounded him, hitting him with their AK 47s on the head and body. He fell down and pretended to be dead. They were still hitting him on the ground till he stopped moving. He said the Policemen then advanced and were chasing other Protesters and shooting. He said he was rescued by the Protesters that ran to the waterside. He further stated that someone came to him later and he thought he wanted to steal his phone from his pocket so he grabbed his hand. When other protesters noticed that he was alive, they helped him up to the side of the river where he made a video of himself and his bruises which he posted on twitter. Witness said he also took pictures of two dead bodies before he left where he was taken. The dead bodies were close to where he was taken. The Witness said when the Police were coming back, everyone rescuing people ran for their lives. He said he had to crawl to the side of the river to hide because there are some buildings where people lived there. He crawled to one side and hid there. The Police kept shooting till day break he kept praying that the Police would not find him. He said he was at the hiding place when he made the second video where he was saying if he dies, he would die fighting for what he believed in. He was bleeding profusely and he had to use his flag to stop the bleeding. People kept chatting with him to keep him awake. He stated that some people informed him they called ambulances but the ambulance operators told them that they could not come to them.

The Witness further testified that in the morning, ambulances came by. He stated that the shooting had stopped and people had begun moving around. He was taken to PrimeFort Hospital, Agungi where the doctor stitched his head in two places. He also complained about his swollen arm because he thought it was broken. The Doctor informed him that he would be given some pills and also told him that it was not broken. He noted that he requested to be admitted for some time in order to rest. After some time, some of the nurses approached him to ask him what his plans were for leaving, as they had information that the Police and Army were visiting hospitals to allegedly 'finish up' protesters. This information he noted, caused him to be afraid. He stated that it was on this premise that he immediately left the hospital in order to lodge in a hotel because he heard there was still curfew so he could not go home. He was unable to sleep at night because he was scared that someone might break down his door, at some point, he had to get sleeping pills to enable him sleep in the afternoon.

He went home after a few days when the curfew was lifted. Upon his arrival at his home, he informed the Panel that everyone had known him as they had seen his pictures and videos online, as such, he could not stay at home. He was forced to stay with one of his friends who lived far away. The witness stated that he had pictures and videos stored in a flash drive which he would be tendering as evidence. In the absence of any objection, the Unmarked Sandisc flash drive was admitted and marked as Exhibit A. The witness stated that he was before the Panel to seek justice and compensation for the trauma that he went through on the day of the incident at the Lekki toll gate. At this point, Further Hearing was adjourned to 16<sup>th</sup> July, 2021.

At the resumed Hearing, the witness continued his evidence by explaining the contents of Exhibit A. He showed a picture of one of the people that was shot dead by the Police. He noted that the photograph was taken by him. The picture was that of his swollen arm while the video was that of people chanting "EndSARS" and "5 for 5." He stated that the Army was still around at that time.

The witness then presented a video of protesters singing the National anthem and another in which one of the protesters was seen holding a blood stained flag belonging to another protester who had been shot. Witness explained that the gunshots in the background were fired by the soldiers. Someone was also heard shouting "sit down and wave your flags" while another protester was heard shouting, "we don't have guns". Another video showed people who had been shot and injured

by the Nigerian Army on the floor. Yet another video was played to show the point at which the Nigeria Police arrived. It was the evidence of the witness that the soldiers had left at that point.

In another video, someone in the video was heard saying the Police were shooting at the protesters. The witness went on to play a video showing himself with blood on his head and a swollen arm. The witness could also be heard saying he had to pretend that he was dead before they 'left' him while other people in the video alleged that about five (5) people had died while twenty (20) were injured and had been taken to the hospital. Mr. Onileowo Legend also presented a video showing a person who was shot by the Police, including a second video he had posted online. He informed the Panel that the video was taken at night while the Police were still shooting. He indicated that he had to hide somewhere for safety. He informed the Panel that his thoughts at the time was that the video he made would be his last as he was still bleeding.

### **Cross-Examination of Onileowo Legend by Mr. Emmanuel Eze on Behalf of Nigeria Police Force.**

The Witness began by confirming that he saw the Divisional Police Officer (D.P.O.) of the Maroko Police Station. When asked if he saw the Police Officer that shot at that scene? who set the Toll Gate on fire? and why the Witness allowed the hoodlums set the Toll Gate on fire? the witness responded that it was because the hoodlums were a lot and that he had been the only volunteer security personnel on ground. When also asked why his phone camera could not capture any of the said Police Officers, he explained that the Police were coming from the other side of the Toll Gate, the Oriental side. That, they were marching towards them and shooting, and were led by the D.P.O. of Maroko Police Station. He explained that the protesters had to sit on the floor in order to avoid being hit by stray bullets. Further, that the short video he recorded was done while the Police officers were far away.

When the witness was asked if he agreed that whatever his eye could capture, his camera could capture as well, the witness explained that it depended on the phone. He went on to explain that his phone at that time was not very sharp. He informed the Panel that he was able to identify the Policemen because they were wearing the jackets worn by SARS operatives. He was familiar with this as his father, until his death was a Policeman. However, he could not see the inscription on it because the Officers were far away. The witness also agreed that bouncers also donned jackets. However, they did not carry rifles.

He went on to state that he had never met with the D.P.O. of Maroko Police Station and that he would not be able to recognise the said D.P.O. if he was presented before him now. He stated that he was informed that that the Officer was the D.P.O. of Maroko by the people living in the area. He informed the Panel that the people seen in the video were residents of the waterside. He also stated that the D.P.O. was notorious because he usually terrorize them. He confirmed that he did not know the name of the person who told him it was the D.P.O. However, they were the people who rescued him. He stated that he believed the information because it was their area. The Witness could not confirm how many Police Officers came that night. He then informed the Panel that the Police shot two (2) persons who had been part of the protesters dead. He indicated that their bodies were laid next to his. Lastly, when he asked if he knew where the bodies of the alleged deceased persons were, he indicated that while he did not know their location, he believed the Police picked up the bodies and took them away. Further Hearing in the petition was consequently adjourned to 23<sup>rd</sup> of July, 2021.

On the next adjourned date, cross-examination of the witness continued with the witness being asked whether his father ever wore white outfit when going for operation at night and he responded that he does not know what happens at the Station as his father leaves home in mufti. He said he does not live in a Police barracks and despite being the son of a Police Officer, he does not know anything about the operations of the Police. When it was put to him that it is forbidden for a Police Officer to wear white to an operation especially at night, witness still denied knowledge of this fact.

Mr. Emmanuel Eze then asked the witness if he knows who attempted to set Oriental Hotel ablaze, he said that he does not know but he was at the Toll Gate and as such he was aware that the Lekki Toll Gate was set ablaze. He did not know the time, neither did he check the time but he knows it was in the night because he was there. Asked to show where the Toll Gate was set ablaze was amongst all the videos he tendered before the Panel, he said most of the videos he took were of where the Army was around. He noted that as at that time, some parts of the Toll Gate was already ablaze and he does not know if any was captured in the video. He stated that he could not capture everything as he is not a journalist. He stated that the information about the curfew got to him when he got to the Toll Gate in the afternoon/evening. He noted that there was no means of transportation for him to leave the toll gate and every where was blocked. He said he could not manage to leave when he heard of the curfew. There was no bus to take him and he could not afford the amount the motorcyclists were charging because he did not have much on him. He confirmed that the Police shot two persons dead and he also was beaten and

pretended to be dead. In the morning he could not find any of the dead bodies. The witness stated that the Police shot all through the night and he was surprised the bodies could not be found because he took the pictures himself.

Mr. Emmanuel Eze asked the witness if he will not be surprised that other people who have testified in this matter in different petitions said the DPO took the bodies away immediately and he wondered why they did they not carry the witness's body. The witness said that he was not surprised because the Police were chasing and shooting other protesters. There is no way they could have carried him immediately. When asked to state at what point he left that particular point where he pretended to be dead, he responded that the Police were still shooting and chasing protesters. People that were at the waterside found that he was still alive and they helped him up and he saw two bodies near him and that was when he took pictures. Witness was reminded that in one of the videos played before the Panel, a man said Governor Babajide Sanwo- Olu came around 3am and removed bodies. He responded that maybe that was what the man saw. Witness was referred to his video which showed the Protesters, the fire, but did not show the Police who claimed he recorded. He was asked to show the evidence of Policemen throwing teargas, the witness insisted that he saw the Police; that they were the ones that assaulted him. They shot tear gas at about 2 meters from the protesters. They were far away at that time and that was why he could record. He confirmed that he knows that DSS uses tear gas but would not be surprised if he found out the that Civil Defense also uses tear gas.

The witness stated that he was treated at PrimeFort Hospital, he left the hospital in a hurry when he heard that the Police were looking for protesters and as a result, he does not have a Medical Report. He stated that when he got home and suspected that many people already knew what had happened, he went into hiding. He said he knew about this because so many people saw his posts on Twitter and confronted him. He noted that presently, he is being very careful.

Mr. Emmanuel Eze confronted the witness that it is only his emotion that drives him to think that somebody is watching him since he is not a cult member. He was asked to tell the Panel if he had been approached by anybody since the incident. The witness answered in the negative and stated that it could be because they do not know his face or where he stays, he also confirmed that no Policeman has come looking for him. He also stated he is after his own safety and not willing to take any chances. He stated that does not know the name of the Police Officer that assaulted him.

### **Cross-Examination of Mr. Onileowo Legend by Mr. Enitan, SAN On Behalf of the Lagos State Government.**

The witness confirmed that he started attending the protest five (5) days before the incident and further that at any of the 4 days prior to the incident they were never chased away from the protest ground. He agreed that protesters were not assaulted on any of the days before the incident at the Toll Gate. He was asked whether on the day the Governor came if everywhere was rowdy and whether the Governor's aide did push anybody away. The witness stated that he was not on ground when the Governor came and although he was at the Panel when the video was played, he only saw the video of when the Governor went to the hospital. He noted that he left his house on the 20<sup>th</sup> of October, 2020 around past 1pm or 2pm from Mushin area where he stays but did not check the time he got to Lekki Toll Gate. He noted that everywhere was blocked and he had to trek from Mushin to Costain, it was from there he got a car that took him to Sandfill. On his way to the Toll Gate he did not see the Police Station burning at Orile, he was not also aware that trouble had started happening on the mainland on the 20<sup>th</sup> of October, 2020. When he was moving, the only thing he knew is that the DPO of Olosan Police Station shot people and everyone was staying indoors. As at the time he was leaving, he already heard about the incident at Mushin and also heard that 'Gbakoje' had shot two people. He denied that as at the time he left Mushin he was aware a curfew had already been declared and added that he would have stayed back if he had known. He said he became aware of the curfew a while after he got to the Toll Gate. He agreed that curfew means restriction of movement. He confirmed he did not ask the time the curfew was to start but only said he would have stayed back if he had known. He stated that there was no vehicle for him to go back. So he decided to stay at the Toll Gate since other people were there and he could not get a bus. He denied breaching the curfew because others were breaching it, he noted that he tried his best to get back home. He confirmed to the Panel that ambulances were prevented from coming in because he spoke with one of them whose name he does not know and he also does not know where he came from as well.

He stated that he has no medical report because he left the hospital in a hurry. He confirmed that between the 16<sup>th</sup> and 20<sup>th</sup> October 2020 when he joined the protest, he was not aware that anyone was prevented from saying whatever they wanted to say, and also between then and now, he has not been prevented. He stated that though he said he thought people want to rob him, he did not mean that there were robbers at the protest ground but he has said nobody knows the heart of man. He thought they were robbers because they touched him. He confirmed that all the footages where he appeared were taken at the Lekki Toll Gate on 20<sup>th</sup> of October, 2020.

The witness was confronted with the fact that of his own will and deliberation, he put himself in that situation. He did not agree and responded that he never knew what was coming that day. He stated that though he was aware of shootings in Mushin, he

never knew there would be shootings at the Toll Gate because there was no protest in Mushin that day so he did not know what caused the shooting. He confirmed that he was still at Sandfill at the time the Army left Sandfill but chose not to go to Toll Gate to join other protesters in spite of the shooting. He confirmed that some of the protesters he met at that time are known and some of them brought their petitions. He further confirmed that he is not aware of anyone that died after the event. The witness stated that he has been hiding though no Government agent has attacked him since that day and that he started coming out few months after the tension had gone down. He confirmed that he was no longer in hiding and he has not been attacked. Hearing was adjourned at this point.

On the next adjourned day, the witness cross-examination of the witness continued with the witness confirming that the videos he tendered were taken at the Lekki Toll Gate road. While he could not recall the time, he remembered that they were taken immediately he was got helped after the soldiers had left. He did not know the number of hours subsequent to the soldiers leaving and he did not want to give the Counsel a wrong answer. The witness stated that the video was taken beside the waterside. He denied that the video amounted to acting on his part.

When asked if one of the scenes in the video was a fan, the witness indicated that it was the leg of a broken fan. He explained that he was taken to the shanty by the Lekki Toll Gate after being brutalized on the road. When the Council asked why he why never testified before the Panel that he was rescued and taken to a shanty in his earlier testimony, the witness responded that the shanties were by the road and that was where he shot the videos. He stated that he wants the Panel to believe that the video was shot beside the road at Lekki Toll Gate. After being brutalized and rescued on the road, he was taken to the side of the road, and there was water behind him. He emphasized that he was never in the shanty. He again insisted that the video was shot by the road at the Lekki Toll Gate. When asked when he left the waterside, the witness explained that he was rescued after the Police brutalized him and went after other protesters. He had to crawl to the area of the river where people lived for safety as other people who had been trying to rescue others also ran for safety when the Police returned.

When the Council insisted on confronting him with the fact that the recording was an act by the people threatening war, the witness responded that although the people in the video were angry, they did not mean what they said. He noted that he was aware that the Toll Gate was set on fire. When the Counsel indicated that the Toll Gate was burnt after the witness's colleagues threatened war, the witness reiterated that those threats were mere words said in the heat of anger. He noted that General Omata allegedly mentioned that "powers beyond him" invited the soldiers to the Toll Gate. This statement, the witness noted was not recorded.

He was picked up by an ambulance and taken to PrimeFort Hospital, Agungi, Lagos. He did not know where the ambulance came from and he did not have a medical report from the hospital because he left the hospital hurriedly when a nurse informed him that protesters were being searched out. He insisted that he was treated at PrimeFort Hospital, Agungi and that his actions were not acts. He noted that he was not sure that there had been thieves or those whose intentions were to cause mayhem amongst the protesters. He equally disagreed that there had been protesters who were armed with guns. When the Counsel suggested to him that the purport of searching protesters was because of the premonition that some of them would carry arms, the witness stated that he did not search anyone. His job during the protests was simply to prevent hoodlums from gaining access to the protest ground. He denied cooperating with the hoodlums or letting them in. When asked who burned down the Toll Gate, the witness stated that the fire started while the Army was still at the scene. Lastly, he confirmed that he did not have any record of his treatment.

Cross-Examination of Mr. Onileowo Legend by Mr. Rotimi Seriki, On Behalf of the Lekki Concession Company.

The witness stated that he shot the video at the side of the river. He insisted that the video was shot by the road but the river was behind him. He identified a mesh wire, the river and shanties built beside the river as the structures between the toll plaza and the river. Although he agreed that the mesh wire fence ran from Oniru Junction to Lekki Phase 1, he however indicated that some parts of it had been cut at about three (3) points close to the Toll Gate thereby creating avenues of passing through the fence. The biggest of the cut parts could take about four (4) to five (5) people at the same time. He was still at the SandFill area when the Army arrived. He confirmed that the place he referred to was where Oriental Hotel was. He denied being aware that there had been an attempt to burn the hotel down on that day or that the perpetrators were nabbed.

He stated that the protesters approached the Toll Gate after the Army had stopped shooting and that it was not dark when the Army arrived. He acknowledged that he went through the cut fence to join the protesters at the toll gate after the Army had arrived at the Toll Gate. He explained to the Panel that the soldiers were shooting 'straight' at the protesters as they arrived from the Bonny Camp area. The soldiers started shooting upwards at the SandFill junction when everyone ran. He noted that in all the thirty (30) minutes he was at the SandFill junction, the soldiers were shooting into the air. He stated that he decided to go to the Toll Gate because he was at the SandFill area and did not know what was happening at the Toll Gate.

He stated that he did not leave the vicinity because he believed in the cause the protesters were agitating for. He again confirmed that there was fire at the Toll Gate. He noticed it immediately he got to the toll gate. He asserted that although he did

not know who started the fire, the Army was there nonetheless. The fire was at the side where the Army was. He confirmed that he remembered that he signed a Petition before the Panel and that he could identify it if he saw a copy of it. He went on to confirm that he earlier gave evidence that he had been informed by some organizers of at the Toll Gate that the Army would be coming to the toll gate on the 19<sup>th</sup> of October, 2020. He did not know their names or if they worked for the Army or any security agency.

He had observed that the lights of both the billboard and street lights at the toll gate were switched off at the time he arrived at the protest ground. He did not check the time but it was in the afternoon. He indicated that it had been unusual. The lights at the toll booth were on. He did not know the source of the light to the billboard or streetlights. He again confirmed that he was taken to PrimeFort Hospital, Agungi by an ambulance on the morning of the 21<sup>st</sup> October, 2020. He indicated that he did not dictate the choice of hospital to the ambulance operators. He was the only protester taken to PrimeFort Hospital that morning and although he saw other people receiving treatment, he did not know if they were protesters. He is unfamiliar with the area between the Toll Gate and Agungi as he lived on the mainland. He was however aware that most of the protesters had claimed to have been taken to hospitals in Lekki Phase 1 and that the ambulance took him past Lekki Phase 1. He did not know how many minutes it took the ambulance to get him to PrimeFort Hospital or how many traffic light junctions they passed through.

While he did not know the name of the hotel he moved to after leaving PrimeFort Hospital, he however knew that it began with 'Lekki' and was located at Agungi. He indicated that the room cost Fifteen Thousand Naira (₦15,000.00) per night and he spent three (3) nights at the hotel. He was however given a discount and could not remember how much he paid by transfer. He could not remember if he was given a receipt.

When asked why he felt that the place for him to go to was a hotel after being beaten mercilessly, the witness explained that he needed a place to lay low until the curfew which was still in place was lifted. He could not go to any other hospital where anyone knew him because he did not have money on him, neither could he afford the treatment. He further explained that the hotel bill was settled from money sent to him. The witness went ahead to confirm the Petition he signed and filed before the Panel. In the absence of objections, the Petition of Onileowo Legend filed by Citipoint Legal Practitioners on the 16<sup>th</sup> December, 2020 was admitted and marked Exhibit B. He also confirmed that he signed the Petition but noted that he did not think the Petition contained a reference to either the Lekki Toll Gate being on fire, that the soldiers were shooting as they approached from Bonny Camp or that the Army shot in the air.

When the Counsel referred to the 6:30pm portion of the LCC footage on the 20th of October, 2020 when the Army arrived, and asked the witness to confirm if he saw any sign of panic, the witness noted that he might have been wrong about the time. He went on to confirm that the Army had not yet arrived at that time. The witness however stated that by 6:41pm the Army had arrived although they were still at the SandFill area. He also confirmed that there was no visual sign that the Army was shooting in the video footage and that the crowd had scattered. He further confirmed that the point where people were coming out from the left hand side was where the protesters were and also that they were the ones carrying the barriers and going towards where the Army were. He explained that the protesters had gone towards the Army to set the barriers and could be seen running back.

When also asked if he could see any sign of people being shot, the witness answered thus: 'You can see people running back to the toll gate.' He informed the Panel that the men lined up were the soldiers on foot while the vehicles with the flashing headlights were the OP MESA vans belonging to the Army. Again, when asked if he saw any indication of anybody falling down, the witness replied that 'Everyone had gone back to the other side of the toll gate.'

Mr. Onileowo Legend confirmed that some of the people going towards Lekki Phase 1 were some of the protesters who were running away while others remained there. He also confirmed that looking to the left side of the video footage, there were shanties after the street light while heading towards Lekki. He clarified that there were no military vehicles where the protesters were, the military vehicles had been parked on the other side of the Toll Gate. Also, he did not know if the vehicle to the extreme right with the headlight flashing that went through the Toll gate was a military vehicle. The witness also confirmed that the three (3) vehicles with the blinking headlights at the 6:57pm time of the footage were military vehicles. However, he had not yet joined the protesters at that time as he was still at the SandFill junction. He re-stated that as at 7pm he was still at the SandFill junction. As at 7pm, he and some protesters ran to the riverside. He spent a total of three (3) to four (4) days at the Toll Gate (Protest Ground). During those days, the witness informed the Panel that no one interfered with the activities at the Toll Gate, neither did he receive any information in respect of anyone being molested by either the staff of LCC, Police or Army.

He did not go to another hospital for check-up but he had a nurse treating him. This nurse also removed the stitches on his head. Lastly, he was not aware that the Lagos State Government paid for the medical treatment of the protesters in other hospitals. He only heard it at the Panel.

At this point, the Chairperson ruled that the instant Petition, being connected to the Lekki investigation of 20th October, 2020 was adjourned sine die in order to await

the conclusion of the investigation into the incident of 20<sup>th</sup> October, 2020 at the Lekki Toll Gate.

Due to an abridgment of time, the matter came up again on 14<sup>th</sup> August, 2021 and Counsel to the Panel, Mr. Jonathan Ogunsanya informed the Panel that although Counsel to the witness was informed that the proceedings as it affected Miss. Ibrahim was to come up. However, both the witness and her Counsel were both absent. He then sought an adjournment while assuring that they would be informed of the next date again. While Mr. Eboseremen applied for the evidence of the witness to be expunged, both Mr. Seriki and Mr. Owonikoko, SAN had no objections to the Application made by Mr. Eboseremen. The Panel however adjourned the matter indefinitely, to a date which would be communicated to parties on the ground of the witness's ill-health.

On the 18<sup>th</sup> of September, 2021 when the matter came up for Hearing again, Mr. Owonikoko, SAN requested that the second (2<sup>nd</sup>) flash drive- tagged IMG7102 be played. The witness confirmed that the gentleman in the video was one Mr. Godson. She noted that she could identify him anywhere, although the live footage was not recorded by her personally. She indicated that the full footage was still in the flash drive. She however would not be able to confirm if it was the fuller version as she was not the one who authored it. She agreed that the examiner could show her the fuller version and went on to confirm that it was the said Mr. Godson.

When Mr. Owonikoko, SAN sought to tender the full version of the footage, Mr. Ogunlana and Mr. Olagunju respectively objected to its tendering. On the other hand, Mr. Seriki and Mr. Eboseremen had no objections to its tendering. The Panel Ruled that the objections taken to the admission of the evidence was not tenable as the witness had identified the portion played. The flash drive was consequently admitted and marked EXHIBIT E.

The Counsel then went on to request that the 10:00-17:50 hour of the footage in Exhibit E be played. The witness confirmed that she heard the statement "they've killed him" in the CNN version tendered as part of her exhibits. She also confirmed hearing gunshots. She however denied hearing the statement "street gun" after the gunshot at minute 37-38 of the footage. She indicated that what she heard was "straight gun". She also denied hearing the statement "it is time to burn that place down". Rather, what she heard was "they're trying to burn this place". Moving on to minute 53, she indicated that what she heard was "we're trying to get inside, let them burn everything". The witness went on to state that the person speaking might have been referring to a candle.

She informed the Panel that although she could see fire, the footage did not show who lighted it or where the location was. She stated that she did not know where the location of the figure was. However, she was at the Lekki Toll Gate.. She went on to state that the time and date could be tampered with in a Google Metadata Application from the source. She insisted that the footage uploaded on Google only showed where the image was captured, the location and time from the device used. She noted specifically that the footages she tendered were Three Hundred and Ninety-Three (393). She knows that she recorded a lot of them, but she did not know how many she recorded personally. She informed the Panel that there was no part of her evidence that she would take back, neither was she mistaken.

### **Cross-Examination of Miss. Serah Ibrahim by Mr. Eboseremen On Behalf of the Nigeria Police.**

Cross-examination began with the witness stating that the protest was initiated by everyone, including her. When asked if the protesters notified or obtained either oral or written permission to embark on the protest, the witness indicated that for Lagos State, Mr. Governor was one of the peaceful protesters as well as the emissary of their demands. She indicated that the demands of the protesters had always been there and restated that Mr. Governor was a part of the protesters. Her proof that Mr. Governor was a part of the protesters was in one of the videos contained in the flash drives she tendered, including the written demands.

When asked if she was aware that many Police Stations were burnt and many Policemen killed by so-called peaceful protesters during the peaceful protests, the witness indicated that she was aware that no Policeman was killed at the Lekki Toll Gate. Additionally, no Police Station was also burnt at that location. When also asked if she was aware that some peaceful protesters at the Lekki toll gate were armed with sophisticated weapons, she informed the Panel that every single armed protester was handed over to the Policemen at their van located at the back of the Lekki Phase 1 every day. She stated also that the Police had about three (3) to four (4) vans there. She noted that she was aware that there were Policemen at the back of Lekki Phase 1 every day. However, she was not aware that some protesters were armed and jubilating.

At this point, the Counsel requested that the flash drive tendered by the Head of Service and Commissioner of Police be played. She stated that she had met the D.P.O. of Maroko Police Station although she did not know he was the one. She stated that the DPO also indicated that he usually stayed with other Policemen in their van parked at the Toll Gate. Referring to the video which showed a 'so-called' peaceful protester at the toll gate holding a gun, the witness explained that the incident being referred to occurred on the 12<sup>th</sup> of October, 2020 and that the individual was handed over to the Policemen at the from to the Toll Gate. She further

explained that the individual claimed that he was a Policeman. The Police subsequently told them to let them handle it.

When asked if she had any record of that to confirm her assertions, she replied by stating that “there were three vans with a group of Policemen. It was a group of protesters that carried him to the Policemen.” She noted that for every of such persons handed over to the Police, none of them wrote any Statement. They were simply handed over. She then confirmed that not all of the over three hundred (300) footages she tendered before the Panel was from the Lekki Toll Gate area, although they were majorly from that location. She explained that the footages which did not occur at the Toll Gate were combined in a folder. According to her, they were pictures and footages of nationwide events which culminated in the #EndSARS protest. She agreed that the footages equally covered other areas in Lagos State apart from the Lekki Toll Gate. When asked to confirm that she did not personally cover those areas, she responded that she was only at the Lekki Toll Gate. She could not speak to those places because she was not there. However, there were other videos apart from the ones about the incidents. There were two (2) others allegedly showing sponsored thugs.

When asked if the agents who worked for her within and around Lagos State did not inform her that Policemen were killed, she stated that the protesters had no agents. She also informed the Panel that the videos she tendered before the Panel were derived from the news and she watched them on the news before resenting same to the Panel. When also asked if she asked about the Police killings, Miss. Ibrahim responded that she could not ask the journalists from Channels and other stations questions. She responded that she is familiar with Police uniforms, as such, she could identify a Police Officer when she saw one. She insisted that the issue of the D.P.O. of Maroko Police Station was the reason why she left the Toll Gate. She insisted that she was there.

When asked to mention the name of the individual who was killed and the hospital he was taken to, she replied thus: “He shot someone and I entered a car and left. I don’t have the information of the name of the victim and where he/she was taken to.” When asked if she knew the name of the individual from the list of names presented by Professor Obafunwa for autopsy at his department, she responded that the individual was someone the D.P.O. of Maroko Police Station shot. Further, that someone recognized the individual as well as the D.P.O of Maroko Police Station as well. However, she did not know the person who recognized the D.P.O. personally. When asked if she was aware that the individual she referred to as ‘Unknown Michael’ was actually killed at Ojodu Berger, the witness denied saying that the D.P.O. shot unknown Michael. She reiterated the she witnessed the D.P.O. shoot a protester. This, she noted caused the protesters to disperse. Lastly, she insisted that the

Unknown Michael shown to them by a nurse was one of the victims of the Lekki Toll Gate.\*\*

She stated that the D.P.O. was holding a gun and that he shot someone with it. Lastly, she insisted that her evidence before the Panel was her experience during the incident and it was not to redirect or deceive the Panel from the seeking justice through the investigation of the incident which occurred at the Toll Gate.

**SUMMONS: THE NIGERIA POLICE FORCE.  
EVIDENCE OF DABIRALUWA ADEYINKA HONEY AYUKU IN RESPECT OF  
THE INCIDENT OF 20<sup>TH</sup> OCTOBER, 2020 AT THE LEKKI TOLL-GATE, LAGOS.**

Appearances Entered:

Mr. Adeshina Ogunlana with Ayo Ademiluyi for named #EndSARS Protesters on record.

Mr. Cyril Ajifor with Emmanuel Eze and Mr. Julio Hodonu for the Nigeria Police Force.

Mr. Rotimi Seriki with Akin Elegbede for Lekki Concession Comapany Ltd.

Mr. Olukayode Enitan with Y. Olabode, J. Tony and O. Ati-John for Lagos State Government.

Mr. A. C. Eze for the Nigerian Bar Association (N.B.A.).

Mr. Jonathan Ogunsanya, Counsel to the Panel.

**Evidence-In-Chief of Miss. Dabiraoluwa A. H. Ayuku.**

The witness stated that her name is Dabiraoluwa Adeyinka Honey Ayuku. She is an Entrepreneur who lives at 185, Ikorodu Road, Lagos State. She stated that she was before the Panel in respect of the #EndSARS protest and massacre which took place at the Lekki Toll Gate on the 20<sup>th</sup> of October, 2020. She confirmed that she participated in the protest and she was one of the co-coordinators. She also worked backstage, was in charge of crowd control to ensure there was no casualty at the Protest ground at the Lekki Toll Gate.

The witness while recounting the event of the 20<sup>th</sup> day of October, 2020 stated that she joined the protest on the 16<sup>th</sup> of October, 2020 at Lekki Toll Gate and from that day, what actually interests her most was because it was a peaceful protest, orderly and a way of passing messages across to the Government that an end be put to Police brutality and also that our government should be accountable. Those were the agitations up until the 20<sup>th</sup> of October, 2020. She said that she usually get to the protest ground around 6:30am to set up the stage. On the 20<sup>th</sup> of October, at about 11am after the stage setup, she said they got an information that there was going to be curfew from 4pm but that did not stop them from continuing with their demands for transparency, good governance and an end to Police brutality.

At the later hour of the day, she discovered that some parts of the light exactly at the toll point were off because that was the light connected to the address system, while she was on stage with DJ Switch. At about 3pm, they got information that the curfew had been moved to 9pm. That was about the time they normally round off at the protest ground but some people will stay back to ensure that the people that will sleep over were safe. There were some people that cleaned the protest ground and some come from Ogun State, Ibadan and so on and they slept over. Some of the bouncers stayed back voluntarily and volunteers too. They jubilated over the fact that the curfew had been moved to 9pm.

She stated that at about 4pm, she was with the public address system and was telling the crowd not to react if by any means they have the presence of the Police or Army. She said all they need to do is sit down, raise their flags and chant the Nigerian Anthem. In the middle of it, they had music going. At this point, herself, DJ Switch, two 'guys' and two other ladies were on stage. At about 6:45pm, a lady by name Serah ran to the stage to inform them that the Army was there. People were confused and started running helter-skelter. The witness said she told them to calm down that she did not think they were there to harm protesters. As they were doing that, they started hearing gunshots. She and DJ Switch turned and looked in the direction of SandFill because they could see afar from the stage, from where they saw the vans of the Army coming towards them and shooting randomly at the same time.

On seeing that, she tried to understand if they were shooting at them. They were shooting upwards and shooting directly at protesters. At that point, she realized this was not a joke. They jumped down from the truck because they were closing up on them. As the shooting was going on, most of the people were crying and chanting the Nigerian Anthem, raising their flags. She took her shield at the back of the truck they used as the stage. She was in a confused state, from under the truck she started peeping to know what the soldiers were doing and they were still closing up on them. A thought came to her mind to lift her head, that if the bullets can hit the people on the ground, it can hit her so she sat up and a 'guy' sighted her and said "Mama you are still here" and he ran towards her and took a seat beside her but before he could even get down, he said "Mama, bullet don hit me". She looked at his side and told him to calm down and hold his breath. She was at the very edge and she thought a bullet could hit her too so she started dragging the 'guy' into the crowd. The witness said she does not know the name of the man but some of the 'guys' that were evacuating the people that were shot took a video of him. Thereafter, she tried to drag herself and the 'guy' into the crowd. Some of the 'guys' on stage were carrying bodies of people who were already shot. They feel their pulses and put them on the stage. About four (4) people were on that stage at that time. Two (2) were lifeless and people were trying to resuscitate them but they were not responding. She noticed an old man putting on a lace material; she was the one who had interviewed him few

minutes before the incidence. He was still moving but the other two (2) on the floor were no longer moving. The soldiers were still around. DJ Switch was trying to do a live broadcast on her phone and the witness said she tried to stop her because she could get shot but she insisted and pulled out and she could no longer find her at that point.

She confirmed that she had encounter with the soldiers, they were still shooting until after a while when a jeep drove in and someone in it pulled out something that looked like a white handkerchief. She was in the crowd and it was already getting dark at that point. She noted that the person in the jeep likely a senior Army Officer stepped out, he gave a sign and the soldiers stopped shooting, then he tried to address protesters. As he tried to approach the Protesters, they were crying and resisting him that addressing them should have been the first thing they did rather than shooting. The witness stated that the name Omata was written on the Army Officer's uniform. She said that she noticed he was a calmer person, she crawled towards him and raised her two hands and said, "Sir please, bodies are on the floor, people are dying, we need ambulance". He asked who the witness was and she told him she was one of the coordinators on ground. He asked where the ambulances were. She told him they used to have ambulances on ground during the protest and if not for him, maybe they would have all been killed that night. He told her to get the ambulance. She stated that she responded saying she was not going to get up because she had seen Soldiers tell people to stand up and yet they were shot. She told him she would not get up except he asks one of the Army Officers to go with me. He told her it was fine that she could go. He moved her a little from the toll booth to a place where there were few lights and the other Army Official beamed the torch of his phone on her and started questioning her asking if she was not aware there was a curfew. She told him the curfew was for 9pm and the shooting started at 6:45pm. He told her to go get the ambulance. The other guy was either filming or taking pictures of me when General Omata was questioning me. He led her out finally towards SandFill.

Witness came across some other Protesters hanging around Sandfill and she told them they needed to get an ambulance and asked if there were hospitals around. One of them put a call through and two ambulances arrived 10 minutes later. She entered one of them and they drove towards the Soldiers at the barricade and they asked where they were going. They said protesters could not access the place and turned them back. She noted that where they were was far from where General Omata was, for them to confirm he was the one who asked her to go get the ambulance. The witness left him there at the Toll Gate. \*\*\*He was not at the barricade when they turned them back. So she took a shield by the fence and for a while, the shooting stopped. She stated that he was still around at that time. After a few minutes or hours; she could not be consistent with the time because she was not looking at the time, she started hearing another set of gunshots.

She stated that she was just by the fence when she came across a lady named Victoria Oniru. She was also at the protest ground before the shooting. Her house was behind the Toll Gate and she asked her to come take a shield with her. They were there but could not sleep. The shooting continued but not as frequent as when she was at the protest ground. She did not know who was shooting at that time but was hearing the gunshots because they were by the fence. Witness stated that around past 7pm to 8pm or thereabout, she left the Lekki Toll Gate. She stated further that the next morning, they decided to see if they could still get some people to the hospital. She stated that they tried approaching the Toll Gate, the shooting was still going on as at the next morning so she went to an uncompleted building behind just for her to see if there were people that need help or bodies. To her greatest surprise, she could only see blood and birds (ravens). She stated that they were feeding on the blood because they were able to take pictures of blood stains on the ground. There were Press Personnel on ground and one of them told her that he saw her on stage and asked her what happened. She gave a brief of what she saw.

The witness stated that her experience after this day as an #EndSARS Protester and coordinator was that from that morning, some of the people that took the Protesters to the hospital were communicating with her. They also informed her that people have been moved from hospitals like Reddington hospital to an unknown place. She told them to take videos of vehicles that were moving them. Since October 20, 2020 till date, she stated that she has not been to her house. From that day, she had been seeing to the welfare of the victims; She had to make food, clothing, medication which the government did not give freely or make available to them. On the issue of her safety, she noted that she got a threat call a few weeks after the protest from one strange voice. Also last month, she was with a friend who was also at the protest ground when she noticed a car trailing them but she did not take it seriously. At this point, the matter was adjourned to 20th March, 2021 for cross-examination.

### **Cross-Examination of Miss. Dabiraoluwa A. H. Ayuku by Mr. Emmanuel Eze for the Nigeria Police Force.**

On the 30<sup>th</sup> of March when the matter came up, cross-examination began with the witness re-stating her name as Dabiraoluwa Adeyinka Honey Ayuku. She then went on to confirm that she deposed to an affidavit in respect of the instant matter before the Panel and identified same. In the absence of any objection, the Affidavit of Facts in support of the petition of Dabiraoluwa Adeyinka Honey Ayuku was admitted and marked Exhibit A. Witness also confirmed her Counsel's Petition before the Panel. Consequently, Petition of PWD Chambers of LASG/JPI/230/2020, filed before the Panel on the 14th of November, 2020 was admitted and marked Exhibit B.

The witness proceeded to further confirm that she was present at the Lekki Toll Gate on the night of 20th October 2020. She indicated that it was the Nigerian Army that

shot people while she was still at the protest ground. She denied ever testifying that she saw any Policeman shoot. She again reiterated that while she was still at the protest ground, it was the Nigerian Army that shot people. At this point, after the Counsel requested the witness to read to the Panel, Paragraph 14 of Exhibit B in which she specifically referred to the actions of the Police, the witness clarified that the Petition in question was a collective statement which was written on behalf of her and others. She insisted that she never mentioned the Police.

When asked to be specific about the time she left the Toll Gate on the night of the incident, the witness responded that she could not be specific as the protest ground was in a state of panic and she was also tensed. As such, she was not particular about checking her time. In any case, she had switched off her mobile phone as the battery was low. She however suggested that it might have been around past 8pm. Lastly, she confirmed that it was already dark when she left.

**Cross-Examination of Miss. Dabiraoluwa A. H. Ayuku by Mr. Rotimi Seriki for the Lekki Concession Company.**

The witness began by informing the Panel that none of the LCC staff disturbed the protesters from the 16<sup>th</sup> of October, 2020 when she started joining the protest until 20<sup>th</sup> October, 2020. Further, that they were communicating with them at some point as well. She stated that she visited the scene of the crime at about 7am the morning after the incident. She also stated that the birds she observed ravens hovering around the area and picking substance from the floor.

When the examiner asked her to confirm that she had mentioned vultures in her Affidavit of Facts (specifically, Paragraph 23 of Exhibit A) instead of ravens, the witness explained that although she couldn't really tell much of a difference between both birds, she however knew they were both birds. She stated that she was aware that vultures feed on corpses on all types of animals, including human beings. She noted that she was also aware that the LCC tendered footage of the incident, although it appeared to have been doctored in her opinion. She confirmed that she watched the entire video tendered by the LCC. She was standing by her assertion in her Affidavit of Facts which alleged that the shooting started at a few minutes to 7pm.

Next, she stated that there were two (2) sides to the Lekki Toll Gate (the Lekki Phase 1 and Oriental Hotel sides respectively). She was on the truck with the public address system (P.A) on the Lekki Phase 1 side when the shooting began. She informed the Panel that she would not be surprised that other protesters had earlier testified to the shooting starting at different times as it was getting dark at the time. As such, all the protesters really could do was guess the time. Further, considering that it had been about past 4pm when the curfew was moved forward, it was about more than two (2) hours when the shooting started.

She clarified that the protesters tried to set up barriers to prevent the Army from coming close to them and that the shooting was going on at the time. When asked if she personally took photographs or recorded videos capturing any of the events she mentioned, she responded that she was with the public address system. Also, she was panicky and could not record anything. The recordings were done with mobile phones of some people in the group.

She explained that she did not hide under the truck for safety when the shooting started. Rather, she stated that she sat on the floor, at the rim of the truck while the bullets were flying. She also stated that she observed bullet marks on the truck. She said that she almost got killed and only managed to narrowly escape.

### **Re-Examination of Miss. Dabiraoluwa A.H. Ayuku by Mr. Ogunlana**

When the Counsel tried to question what the communication with the LCC staff was, Mr Rotimi Seriki objected on the ground that there was no ambiguity in the question. The Panel consequently upheld Mr. Seriki's objection.

Cross-Examination of Miss. Dabiraoluwa A. H. Ayuku by Mr. Enitan, SAN for Lagos State Government.

The witness began by confirming that she was by the wheel of the truck while bullets had been flying around her. She then clarified that she was not under the truck. She had sat by the wheel and was peeping from under the truck facing the crowd, at the side of the Toll Gate which faced Lekki. She testified that the bullets came from all sides and she could not be specific about where they were coming from. When asked to explain if soldiers crossed the barrier in order to be able to close in on the right and left of where the protesters were the witness responded thus: "I was on the stage and I saw the way they were coming in from SandFill and they started closing us in till they were able to close us on the left on the right. People running into the water were shot in the water and people sitting. From all around, people were shot."

She then confirmed to the Panel that she had been backing the SandFill area. When asked how she was then able to see what was going on behind the Toll Gate if she had been backing the SandFill, the witness explained as follows: "Very well, I was not seeing up. I was seeing from under. I was seeing very well, and not up to a minute after I lifted my face, a 'guy' sighted me and came to sit at that point and was shot. I am trying to explain it as I understand it."

She stated that the truck she had been standing on was as high as the table size and clarified that she was not at the back of the truck. When she was asked to demonstrate what she was trying to say, Miss. Ayuku responded thus: "The truck can be this high, I was sitting down on the back tire like this and peeping like this from under the truck."

She went on to inform the Panel that the truck was in between the barriers, under the stairs of the toll gate. It was also the witness' testimony that the truck had also been parked sideways. When the Panel asked the witness to answer the question if she understood it following her Counsel's objection, the witness again stated that the truck was parked exactly at the Toll Gate under the staircase. For the second time, she again confirmed that the truck had also been parked sideways, not facing anywhere.

When asked if the wheel she had been seated behind was the size of the table in front of her or even smaller, the witness responded that: "I can't place a sharp view but I have the picture on my phone, it could be this big or it could be a bit smaller." She however stated that the wheel was smaller than the height of the toll barrier. When Mr. Enitan, SAN also asked the witness how she was again able to observe all the events such as the soldiers shooting out, shooting straight, shooting everywhere on the sandFill side, the response of the witness was as follows: "I saw the shooting straight, shooting up. I was still on the truck, when the shooting became rampant, I came down from the truck, we all came down from the truck and then some stayed down, some went into the crowd. I just took a shield by the wheel of the truck, the only thing I was thinking of from under the truck was, are these soldiers coming close to us or were they going to remain at that place? That was how far I could see, I wasn't seeing all over from that place but when I was on the truck I was seeing all over."

Miss Ayuku confirmed that her evidence before the Panel as read by the Counsel earlier was that "people were shouting, crying and they were singing national anthem and raising the flags, so I took my shield at the wheel of the truck they used as stage because at that time people were already falling. I was in a confused state at that time, under the truck I started to peep to see what the Army were doing, and I saw that they were still shooting and closing us up, a thought hit me that if I should raise my head, I will get hit, I decided to face the crowd".

The witness insisted that in her confused state, she had been able to pinpoint every other thing except the time because according to her, the protesters were at a point of death. She explained that "I was looking out for myself and I was looking out for other people, but in fact I almost held DJ Switch from doing the live video because I was holding her and I was telling her to sit down so that she wouldn't get shot and she put her hands off me and said if this is the last thing she could do; so everyone was aware of what was happening."

The witness reiterated that she was not conscious of time then and she did not want to state an incorrect time. She had mostly been concerned about making it out alive. When Mr. Enitan, SAN asked the witness if she was aware that a Channels Television reporter was also at the scene of the incident on the morning of the 21<sup>st</sup> of October,

2020 the witness responded to wit: "They didn't come as early as the time we arrived there. It's not like there is an uncompleted building behind the toll gate and that was where I took my shield that night. It's not like I had anywhere to go to because the whole place was in chaos; so from that building I could see everything that happened at the Toll Gate."

It was her evidence that she spent the night in an uncompleted building before one Victoria Oniru invited her to her place to refresh. She restated that she spent the night at the uncompleted building with other people who had also been stranded. She testified that there had not been people armed with guns at the protest ground except the Policemen and the Army. She did not know any persons by their names until after the incident. When asked if she did not know about the live stream of the event, the witness responded that a lot of people filmed the event. She again reiterated that she did not know any 'Godson'. However, she was aware of the CNN video that was shown to the Panel. Subsequent to the objection by her Counsel over the question in which the witness was asked to confirm hearing someone saying he/she can count four people, the witness went on to state that she watched a CNN video but that she never answered the question as to who the CNN reporter was interviewing that mentioned the number of people that died.

She noted that she was not fully aware of the CNN video about the massacre at the Lekki Toll Gate as she had watched a lot of videos. However, she watched the live stream video of her friend DJ Switch where she alleged that a lot of people were killed. Witness categorically denied the presence of weapons at the protest ground as she had been one of the persons who ensured that no incriminating weapon was brought to the protest ground. She indicated that bottles were not even allowed. She insisted that she did not know anyone who stated that "Our boys have also brought weapon." Miss Ayuku then went on to clarify that she never stated that she took her leave. Rather, she was allowed to leave for the purposes of getting ambulances for people. She further clarified that she was not in Victoria Oniru's house as she had also come out to the street when she heard gunshots in between. She was only given a change of clothing at Victoria Oniru's house. It was her evidence that all these things occurred between midnight to daybreak after the Army had left. She emphasized that it occurred in the morning and that she did not ordinarily leave. Rather, she was permitted to leave.

She informed the Panel that she observed blood at the spot where the truck was at the Toll Gate on the protest ground the morning after the incident. When asked if the blood was just in one spot, the witness responded that it was not on just one spot. It was on the body of the truck because the protesters who had been shot were placed in it and then on the floor around that area as well.

She insisted that she was not the only one who observed the blood. While she could not speak for the journalists, she could speak for herself and the protesters who took pictures of the stain. She clarified that the Pressmen who were in ground had only been asking questions. She did not know if they were filming. She did not know what else the Pressmen were doing as she had to leave for the hospital. She informed the Panel that she had no idea of the difference between the type of gun used by Policemen, Soldiers and non-policemen. She noted that it was very correct to state that she saw people falling down from gunshots, although she could not state for a fact who shot those people.

When also asked if she could state which individual shot anyone, the witness responded thus "on my life, I can say for a fact that the soldiers came, shot and killed and injured people, and that's my stand, because I witnessed it." She insisted that the soldiers that shot were from the Nigerian Army, although she did not know how many of them shot, it was her belief that they would have been more than twenty (20). She also insisted that soldiers of the Nigerian Army came to the Toll Gate and shot at people. She went on to state that she did not see the Police while she was still at the protest ground. She did not know if people were shooting at the later hours, but she heard the gunshots. She could not see who was shooting at the time when she left the scene. She informed the Panel that the fence she was referring to was the one behind the Lekki toll plaza which people jumped over to access a building for safety.

She stated that she did not jump the fence as she had been allowed to leave in order to get an ambulance from the street behind the Toll Gate. She noted that she saw a lot of people there and joined them as well. This was where she met Victoria Oniru before going to her house. She confirmed that the shooting did not end until 7am in the morning as the gunshots could still be heard even while at Victoria Oniru's house. However, she did not know who had been shooting. She confirmed that she saw the ravens the next morning after the incident.

It was also her evidence that when she went to the uncompleted building, the Police in uniform were still shooting in the morning. As such, she could not go there until the Pressmen and other protesters arrived. Lastly, she informed the Panel that some of the protesters who slept in gutters also came around with the intention of continuing the protest. However, she had to calm them down. At this point, Further Hearing was adjourned to 23<sup>rd</sup> April, 2021.

On the next adjourned date, the matter was stood down due to the absence of the witness's Counsel, which the Panel noted was uncharacteristic. When the matter was recalled at 1:13pm Mr. Seriki informed the Panel that Mr. Ogunlana informed his colleague who put a call through to him that he was unaware that the matter would

be coming up on that day based on the Cause List that was sent to him. He was under the impression that the matter was to come up the next day. Based on the concurrence of all Counsel, Further Hearing was adjourned to 15<sup>th</sup> May, 2021. At the resumed Hearing on the 27<sup>th</sup> of July, 2021 Counsel to the Petitioner, Mr. Ogunlana informed the Panel that they had decided not to call any other Petitioners in respect of the Petition because they belonged to the group of people who did not suffer any injuries after reviewing the Petition. He noted that the two (2) Petitioners they had earlier called would suffice. Based on this submission as well as the concurrence of all Counsel that the matter be adjourned sine die as was done with other Lekki investigation matters, the Panel upheld this position.

**SUMMONS: THE NIGERIA POLICE FORCE.  
EVIDENCE OF PERPETUAL IBE KAMSICHUKWU IN RESPECT OF THE INCIDENT  
OF 20<sup>TH</sup> OCTOBER, 2020 AT THE LEKKI TOLL-GATE, LAGOS.**

Appearances Entered:

Mr. Adeshina Ogunlana with Ayo Ademiluyi for named #EndSARS Protesters on record.

Mr. Cyril Ajifor with Mr Emmanuel Eze and Mr. Julio Hodonu for the Nigeria Police Force.

Mr. Rotimi Seriki with Akin Elegbede for Lekki Concession Company Ltd.

Mr. A. J. Owonikoko, SAN and Mr. Olukayode Enitan, SAN, with Y. Olabode, J. Tony and O. Atti-John for Lagos State Government.

Mrs Mandy Asagba, Esq. with Mr. A. C. Eze for the Nigerian Bar Association (N.B.A.).

Mr. Jonathan Ogunsanya, Counsel to the Panel.

Evidence-In-Chief of Miss. Ibe Perpetual Kamsichukwu.

Her evidence began with the witness stating that her name was Ibe Perpetual Kamsichukwu, a lawn tennis coach who lives at 185, Ikorodu Road, Lagos State. She was before the Panel to testify in respect of the incident of the 20<sup>th</sup> of October, 2020. She began her testimony by informing the Panel that she participated in the Lekki Toll Gate protest as one of the backstage organizers responsible for overseeing the welfare of the protesters. She stated that the protest went on smoothly and peacefully, thus giving her hope for a better Nigeria. It was her evidence that prior to the 20<sup>th</sup> of October, 2020 protesters had held a candle light event for victims of Special Anti-Robbery Squad (SARS) on Friday, 16<sup>th</sup> October, 2020. She stated that on the day of the candle night event, she and other protesters had requested staff of the LCC to switch off the lights but they were informed that the lights had never gone off previously. Despite this, the witness stated that the activities continued and the event was successful. She indicated that she went to Igboere the following Monday and

proceeded to her home to change clothes because she used to slept at the protest ground sometimes in order to arrive at the Toll Gate to carry out the cleaning and make other arrangement.

She went on to state that she arrived the Toll Gate at about 1:30pm on Tuesday, 20<sup>th</sup> October, 2020 because she and other protesters had been controlling traffic at the Jakande area. She also stated that it was while controlling the very heavy traffic that she heard about the curfew. As such, she decided to stay back at the protest ground since she could no longer go back home. She testified that after leaving Jakande for the Lekki toll gate, the protesters began arranging the barricades in such a way as to encapsulate everyone at the center of the protest ground. She indicated that while doing this activity and also making arrangements for refreshments, she and other protesters noticed an LCC staff making a recording with his phone while standing atop the customer service building. This caused her to call the attention of two (2) other protesters. She further testified that they allowed the staff to finish the recording before they accosted him and inquired as to what he was doing and he denied. She informed the Panel that the staff initially denied doing anything and that he had only been playing with his phone before eventually admitting that he was directed to make the recording by his boss. On this premise, they proceeded to delete the said recording.

Miss. Ibe also stated that while this was on-going, the protesters discovered that the billboard which the other LCC staff had told them had never gone off was turned off. At this point, she and other protesters approached the LCC staff asking why the billboard lights were turned off. Her testimony was that the staff said that they had been instructed to switch it off and that when she confronted the said staff about their claims that the billboard had never gone off before, the staff never responded. She explained that she and other protesters were organizing food and water at the customer service area when they heard gunshots coming from the FourPoints Hotel area and people running helter-skelter at about 6:50pm. She observed that protesters from the Eko hotel side/SandFill areas were running towards others at the toll gate while everyone was looking for refuge. On her part, she ran to join the other protesters in the middle of the protest ground leaving just DJ Switch and Dabira on the stage. She explained that Dabira was one of the organizers while DJ Switch was an entertainer who sometimes came around the protest ground to remind the protesters of the reason why they were there.

She stated that on the day of the incident, DJ Switch had been around while Dabira was working with the other protesters on the stage. It was her testimony that DJ Switch and Dabira tried to calm the protesters down and also instructed them to get on their knees and wave the flag. Further, that while this was going on, she saw soldiers without name tags approaching. She testified that the soldiers repeatedly

would shoot, stop and then approach the protesters. At this point, people were 'dropping' with various injuries while Dabira was still trying to calm the protesters down. DJ Switch also dropped the microphone and began attending to the people who had been shot, dead or injured close to her. She indicated that this formed the basis of the viral video made by DJ Switch. Everyone, according to the witness, was looking for hiding places.

She informed the Panel that the shooting went on for about forty-five (45) minutes and that she noticed a van drive in after which the shooting stopped. Someone who appeared to be the boss of the soldiers alighted and the soldiers immediately stood beside him. The said boss then approached the protesters asking them to leave. She recalled that when some of the protesters stood up to leave, they were shot. As a result, everyone was scared to stand up again. At this point, the witness stated that Dabira who she was beside her raised her hand to ask the said boss if she could go get an ambulance to convey the people who had been shot to the hospital. This boss gave her permission to leave after asking why the protesters were still at the Toll Gate after the curfew which was to take effect at 9pm had been declared. The witness indicated that they all replied that it was not yet 9pm.

She testified that although Dabira tried to get her to follow her, she however ran back after informing her that she wanted to join the other protesters. A soldier then escorted Dabira to the exit to get the ambulance. She stated that although the ambulance arrived shortly thereafter, the soldiers did not let the ambulance through. She stated that the said boss had left at this point. So, she started to shout that the army had sent the ambulance back. Eventually only two (2) out of four (4) ambulances were allowed in to attend to the corpses and injured protesters.

She informed the Panel that when she saw some soldiers looking for bullet shells at the scene, she beckoned to other 'guys' to also pick up the shells as the soldiers were trying to bury evidence. She indicated that although two (2) of the soldiers heard her and looked at her; she paid them no mind and proceeded to take an old man who was at the scene to the ambulance. On her way back, she stated that the two (2) soldiers who had overheard her earlier accosted her and said "Is this not the useless girl that asked them to pick bullet shells. If you say anything, I will hit you with the gun". She responded by saying that "I said what is left, they should shoot me since they've killed our people." She testified that she was then asked to leave the place. It was at this point that she noticed that they had no name tags on their uniforms because she had been a bit close to them. The shootings eventually stopped at about 11:30pm after which a Policeman who was dressed in white as opposed to their uniforms took over by throwing teargas and also shooting sporadically. She stated that the shooting continued while the protesters were surrounded by both the Police

and soldiers. On their part, the protesters were looking for escape routes as the soldiers were still on ground even though they had stopped shooting.

Miss. Ibe informed the Panel that she, one Seye and Samuel Isah were eventually able to escape at about 1:30am. They found their way to the home of one of Seye's friend who lived on Admiralty Road, Lekki to rest for the night. The next morning, the trio of them set out to the Lekki Toll Gate again where they heard that some of the protesters had been moved to Reddington and Vedic Lifecare hospitals. It was her evidence that the shooting was still ongoing. Upon their arrival at Reddington, they were denied access to the victims, which upset her. Eventually, they were given the details after a Pressman known as 'Wordrapperman' threatened to 'drag' the hospital on social media.

They were told that twenty-two (22) persons comprising twenty-one (21) ,males and one (1) female named 'Esther' were affected. She stated that one Michael Bakare, a twelve (12) year old boy was shot in the arm by a Police Officer. Others were Damilola and Lekan, Samuel. She was shown the corpse of only one protester who was tagged 'John Doe' because the doctors did not know his name. Lastly, she informed the Panel that she saw seven (7) corpses in the van of the soldiers on her way back from the customer service center.

### **Cross-Examination of Miss. Perpetual Ibe Kamsichukwu by Mr. Emmanuel Eze for the Nigeria Police Force.**

Cross-examination commenced with the witness confirming that she saw Policemen with guns and teargas, and that they started shooting. Further, that apart from the said Michael Bakare one Damilola was also hit by a Police bullet. She stated that the Police took over the scene of the incident at about 11:30pm, she did not know the names of the Officers and that the Officers who were shooting were dressed in white. She informed the Panel that she was thirty (30) years old. She stated that although she was shocked that the Police were in white, it could however have been a form of disguise to perpetrate what they wanted to do that night. She did not have any pictorial or video evidence of the Police on that night because she never testified that her mobile phone was switched on that night. She then went on to confirm that she was a law-abiding citizen and that the curfew was initially fixed for 4pm until it was extended to 9pm. Although the Police arrived at the Toll Gate at about 11:30pm, the unarmed protesters could not leave the protest ground because they were being attacked before then. She confirmed that by her evidence and Affidavit, the soldiers asked the protesters to go home. She also confirmed that she deposed to an Affidavit which she identified. In the absence of any objection, the Affidavit of fact in respect of the Petition of Kamsiyochukwu Perpetual Ibe was admitted and marked Exhibit A. Referring and asking the witness to read Paragraph 15 of Exhibit A, the witness stated that she did not know the time that General Omata came to address the protesters,

although it was about forty-five (45) minutes after the soldiers started shooting and surrounded the protesters. She insisted that she was a law-abiding citizen and that she did not break the law. According to her, "The law of curfew states that we should stay at a spot and not move around. I didn't move around." She denied being aware that Oriental Hotel was going to be set ablaze on that night. When asked if any of the protesters picked bullet shells, the witness responded that she had no answer to the question. She was not shot and she would be surprised to hear that the Police were not at the scene because they were disguised. She did not suspect that they were Policemen. She was certain. The only thing she had to show to the Panel to establish that the persons were Police Officers was the identification by the 'boys' on the protest ground. She stated that she personally asked Bakare Michael and Damilola who told her that they had been shot by the Police. The only other thing she could use in showing that the Police arrived at the scene was that they arrived with teargas while the army wore their uniforms and did not come with teargas. According to the witness, she was sure that there was teargas at the scene because it affected her eyes because she had an eye problem. Although she did not have her medical report to present before the Panel, she would bring it if given the opportunity.

Lastly, she acknowledged that she had no evidence to show that teargas was used at the scene on that day. Her health and the fact that it affected her eyes and lungs were sufficient proof.

**Cross-Examination of Miss. Ibe Kamsichukwu by Mr. Owonikoko, SAN on behalf of Lagos State Government.**

The witness began by confirming that she mentioned one Dabira in Exhibit A and that they met at the protest ground. Since then, she has had the opportunity to know where the said 'Dabira' lives. According to her, she could not disclose where Dabira lives. She noted that the 185, Ikorodu Road, Lagos was the address of her Counsel. She concurred that Bakare Michael was the person she earlier testified was shot. She stated that although they were 'restricted' from seeing any medical report in respect of said Michael Bakare, she would not however be surprised that it was before the Panel. She first learned that the Lagos State Government had imposed curfew while she was on the road to the Toll Gate. She stated that she arrived at the toll gate at 1:30pm while the curfew was supposed to take effect at 4pm. Although news of the extension reached her at about 3pm, she might have arrived at her home between 12 midnight and 1am and she could not tell how long it took her to get to the Toll Gate from her house.

She informed the Panel that Michael Bakare was admitted at Reddington on Wednesday, 21st of October, 2020. She also informed the Panel that the soldiers and Policemen whom she saw were armed with guns and she did not observe anyone with a machete. At this point, the witness was shown the medical report of Michael Bakare from Exhibit B of the Reddington Hospital Exhibits and was asked to read the

report which stated as follows: “Date of presentation: 21<sup>st</sup> of October. Presented with a left shoulder injury inflicted by a machete”.

She confirmed that although the report stated that the said Michael Bakare was injured by a machete, it was however her opinion that the doctors could have made a mistake. Lastly, she insisted the patient suffered from a gunshot injury.

**Cross-Examination of Miss. Perpetual Ibe Kamsichukwu by Mr. Rotimi Seriki for Lekki Concession Company (LCC).**

According to the witness, it was the billboard lights the LCC staff were referring to when they informed them that it had never gone off. She did not know that the LCC did not manage the billboards; neither did she have the patience to ask the staff who gave her the information for his name. She also did not know the source of power to the billboard. She observed that the billboard lights went off at about 4:30pm. She was aware that the curfew was initially slated for 4pm until it was extended to 9pm. She did not think that she was in a position to know the number of staff the company which managed the billboard had.

She stated that she only spent the night at the Toll Gate Plaza on the 14<sup>th</sup> of October, 2020 and that she did not pass the night there between the 16<sup>th</sup> and 21<sup>st</sup> of October, 2020. She was aware that Dabira had given evidence before the Panel. When asked if she was aware that Dabira had earlier testified that the cleaning of the Lekki toll Plaza took place at the end of each protest, the witness replied that she did not know anything about another protester’s evidence and that cleaning was done round the clock at the protest ground.

When asked how many storey building the service center of the Toll Plaza was, the witness explained that there was a ground and first floor. When also asked which aspect of the the building faces the toll plaza, the witness stated thus: “Directly in front of the office. The one facing Lekki.” She agreed that the entrance of the building could be seen looking from the mesh wire fence and also that a person had to pass through a low-level iron gate about the Counsel’s height prior to gaining access to the entrance of the building.

She clarified that the staff was standing on a place akin to a balcony; a sloppy place while making the video as opposed to the front of a door. She came into contact with him when he came down while about three of them accosted him. They did not ask him for his name and the recoding took place at about 5pm after the curfew had been declared and extended.

She did not also know the name of the LCC staff who informed them that they were acting on instructions when the billboard lights were turned off, neither had she met the staff prior to that day. She was aware that her comrades were also recording on that day, although she did not know why, it would have been for their personal reasons. While they didn't ask the protesters to delete their recordings, that of the LCC staff looked suspicious and she was aware that the LCC was the manager of the Toll Plaza where the protests took place. Lastly, she did not know if the LCC had a greater right to record what was going on than any other person.

At the end of the cross-examination, Mr. Ogunlana indicated that he was unaware of any exhibits which were tendered by Mr. Olumide-Fusika in respect of the issue of Michael Bakare in relation to the nature of injury and medical report. As such, he would be presenting it during the evidence of his next witness. At his point, Further Hearing was adjourned to 5<sup>th</sup> June, 2021.

When the matter came up on the 26<sup>th</sup> of June, Mr. Ogunlana informed the Panel that the witness informed him that she had been cross-examined by all Counsel and that one Samuel Isah was the only person left to testify. Consequently, Further Hearing was again adjourned to 13<sup>th</sup> July, 2021.

On the resumed Hearing date, being 27<sup>th</sup> July 2020, Mr. Ogunlana informed the Panel that he had decided not to call further petitioners in the petition because they belonged to the group of people who did not suffer injuries and that the two (2) people he had called were sufficient. Based on this submission and the concurrence of all Counsel that the matter be adjourned sine die as was done with other Lekki investigation matters, the Panel upheld this position.

## **SUMMONS: THE LAGOS STATE COMMISSIONER OF POLICE.**

### **Appearances Entered:**

Mr. Rotimi Seriki with Grace Jogor for Lekki Concession Company Limited

Mr. Cyril Ajifor with Emmanuel Eze for the Nigeria Police Force.

Mr. A. J. Owonikoko, SAN with Mr. Olukayode Enitan, SAN, J. Briggs and Y. Olabode for Lagos State Government.

Mr. Jonathan Ogunsanya, Counsel to the Panel.

Mr. Adeshina Ogunlana for named #EndSARS Protesters on record.

Mr. O.C. Olagunju with O. Obilade for named #EndSARS Protesters on record.

Mr. A. C. Eze Counsel to the Nigerian Bar Association.

### **Introduction.**

The Lagos State Commissioner of Police was represented at the Panel by Assistant Commissioner of Police, Mr. Oludotun Odubona. He was sworn on the Bible and spoke in English language.

**Examination In-Chief of Assistant Commissioner of Police, Mr. Oludotun Odubona on behalf of the Lagos State Commissioner of Police.**

The witness began giving his evidence by stating his name as Oludotun Odubona. He is an Assistant Commissioner of Police, Second-in-Command (2IC) in Operations at the Lagos State Command. He was 2IC to (DC) Deputy Commissioner R. A. Ali before his eventual promotion and transfer to Delta State Command as the Commissioner of Police. He enlisted in the Nigeria Police Force on August 15, 1996 and was appointed Cadet A.S.P. in 1996 and thereafter was in training in the Police Academy in Kano. His first posting after the training was in Abia State where he worked in two divisions in Aba as Patrol and Guard Officer respectively.

He was later enlisted by the Commissioner of Police into the Police Mobile Force before moving on to the Police Mobile Training School in Maiduguri where he underwent a conversion course after which he was transferred as a Unit Commander in Kaduna for four (4) years and became a 2IC of that same squadron. He was then transferred to another squadron in Ekiti State Command and subsequently to Ondo State Command. After spending the number of years expected in the tactical unit of the Police Mobile Force, he was redeployed to regular Policing and was transferred to the Ekiti State command.

He indicated that this was the period when issues of terrorism plagued Nigeria and Officers with tactical experience were being sought out to form the new unit —Anti-Terrorism Squad in which his name came up again and some of them were sent to Israel as well as Algeria, South Africa and West Africa for training. He had been a member of the anti-terrorism squad before it was rechristened, counter-terrorism unit. He explained that the idea of anti-terrorism was to fight terrorism but since the country had begun experiencing terrorism, the plan was to counter (prevent) it. Witness was finally transferred to Lagos as Assistant Commissioner of Police.

Witness went ahead to explain all he and his Office knew about the protest. He noted that the protest started around the 8<sup>th</sup> of October, 2020 when groups of people started coming to the Police Headquarter G.R.A., Ikeja stating that they wanted something to be done about the #EndSARS issue. He stated that the Commissioner of Police, Mr. Hakeem Odumosu addressed the protesters and they left. However, the same group of people returned the next day and made a tent in front of the Police Station. They were allowed to remain there because they were peaceful.

Subsequently information reached them that another group had laid siege at the Government Office in Alausa. They later became aware about the protests at the Lekki Toll Gate and the link bridge. He stated that it was a coordinated protest against SARS and that the protesters came up with a 5-point agenda demanding the end of SARS. In the address of the Commissioner of Police at the Police Headquarters, he informed the protesters that he would pass the message to the Inspector General of Police and Mr. Governor.

He stated that on Tuesday, 13<sup>th</sup> of October, 2020, before the Thursday when the protesters started taking over the Lekki Toll Gate. He was mandated as the AC Operation to persuade the Protesters who had blocked the toll gate to leave. He explained that the pictures and videos of his address to them went viral, even outside the shores of the country. He noted that he spoke to protesters about the impropriety of blocking the highway and preventing people from going about their business and that their rights stopped where the rights of others began.

Shortly after, the Commissioner of Police of Lagos, Mr Hakeem Odumosu came around while the Mr. Governor, Mr. Babajide Sanwo-Olu also addressed the protesters but they ended up pelting him with pure water sachets and bottled water. The Governor told the police officers to stay away because the protest was against the Police, he asked them to step far away. It was only the Governor's close contact security that were with him. The Deputy Governor also accompanied Mr. Governor on that day to address the situation. At the end of the day, they had to whisk him hurriedly away from the scene as some persons were stoning him with bottles that had urine in them.

Witness said they gave the Governor cover when he was close to them and he hurriedly went into the vehicle, after which some persons broke all the backlights of the security vehicles that were there that day. As soon as the Governor left, the Commissioner of Police told him to ensure he maintains the peace that was there before the Governor came. The witness also spoke with the celebrities amongst them and told them they will not be able to control the crowd. He saw some among them sharing drugs that look like weed, Indian hemp and substances in powder form, there was food and drinks and it was well organized like it was a carnival. He was also offered food and drinks, which he of course he turned down. He even had tear gas to disperse them as the AC Operations but he wanted them to disperse peacefully.

He stated that he had information about other protest grounds besides Lekki Toll Gate. He stated that Lagos-Ibadan expressway was blocked, with the intention of crippling commercial activity in Lagos and later all the roads leading to Alausa Government House were all blocked. He said the group moved from Alausa to blocking Lagos-Ibadan expressway. He stated that the situation continued, but they stopped at a particular time at some locations but at places like the Lekki Toll Gate and Government House, the protesters did not leave. The witness said the Police were doing vigils with them at the Government House area to watch and protect them because they are close to the seat of Government. He could not say if it was the next day that the Governor took the 5-point demands to the President in Abuja.

He stated that after the 13<sup>th</sup> of October, 2020 when Mr. Governor had addressed the protesters, he never showed up back there personally. Even as at that time, he had told the protesters that their demands had been met because the Government had promised to fulfill all their demands except the increment of the Police salary, which was part of the demands. He even made friends with some of them and they joked about the salary, stating that the protest was for the Police because if Police salary was increased, it will be to their credit.

He stated that SARS was disbanded before the 19<sup>th</sup> and that prior to the 19<sup>th</sup> it was not SARS alone. Other tactical units like The Anti-kidnapping and Anti-cultism units were also disbanded in Lagos. He was the main person who disarmed officers of the disbanded SARS at that time by withdrawing all their rifles as he was in charge of the Armoury immediately after the Commissioner of Police gave the directives. Mr. Odubona noted that the former Inspector General of Police announced the disbandment of SARS and some other tactical units on the 11<sup>th</sup> of October, 2020. He explained that Police Officers felt guilty about the fact that the protest was in the interest of the Police. As a result, they could not take actions against any of the protesters. It was his belief that this led to the burning of many Police Stations; and there was no clear alternative on order.

He stated that the Police adopted a graduated use of force in their tactical operations which was used to measure the use of force to be applied. He also stated that the Police first deployed what they call the Quick Intervention Police which is the normal/conventional Police addresses such situations using batons, shields and tear gas (being the highest use of graduated force) they could use. He explained that the adopted system did not however work before the order directing them to ensure the

safety of the Stations came. He also explained that having access to arms and ammunition would be ineffective to an extent because they required a directive for the use of the highest graduated use of force which they could not apply until they obtain such directives. The directive was to come from the executive, it was not forthcoming. As such, police officers were like sitting ducks in protecting their Stations.

He stated that on the 20<sup>th</sup> of October, 2020, the first attack they suffered was on Police Officers who had been returning from duty and had been unarmed as they were returning to their homes around Yaba area. He noted that their vehicles were vandalized while they were seriously injured with lacerations all over their bodies. He went on to explain that Orile Station was burnt because there was no serious resistance from the Police as they required executive directive before the highest level of graduated force could be employed. He informed the Panel that Orile Station had just been built with the highest level of tech equipment and that Lagos State was using that Station as a model for other Police Stations to be remodeled after.

He reiterated that the station was burnt without resistance because no directive was issued while the quick intervention deployed at that point could not pacify the protesters. He testified that when properties and lives are being taken, the situation had become riotous and that the Police lost about three (3) of its Officers in that area while the then D.P.O. who was totally incapacitated could no longer perform in her official capacity. He gave her name as Chief Superintendent of Police, Folashade Daniels. He stated that as soon as the station was engulfed with fire, some Policemen tried to escape by removing their uniforms in order to blend with the crowd, especially the armorer of Orile Police Station whose video went viral. He informed the Panel that the Armourer was burnt alive with a weapon that looked like a screwdriver or other weapon bulging out of his eye. He mentioned another Policeman who was set ablaze after suffering a big laceration on the head. They found other corpses burnt around the Station but they had no means of confirming their identities as Police Officers. He decried the fact that some of the protesters took pictures and videos and even went ahead to post them online. He indicated that all the arms and ammunitions which they could not estimate their number for security reasons were looted. Based on the apparent 'success' recorded at Orile, the persons became erratic at Surulere by openly parading weapons such as locally made pistols and cutlasses while the anti-kidnapping unit and the unit was totally burnt and a Police Officer killed.

The witness went on to explain that there was no Police Officer at Lekki on the 20<sup>th</sup> of October, 2020 at all and that in the mornings; they would go to the scene to try to convince the protesters to leave. He also explained that those who were reasonable among the protesters and the celebrities did not stay at the Toll Gate till late in the

night. The witness was unsure as to when the Lekki Toll Gate was burnt down although he confirmed that on the 20<sup>th</sup> October, 2020 a curfew had been declared in Lagos State. He explained the implication of declaring a curfew was that no one ought to be found on the street in the period it was declared for, except for those enforcing it and those on essential services.

The witness stated that the Barracks situate at Ajah, Orile and Makinde, as well as families of Police Officers were attacked, while women were raped, a pregnant Police Officer's wife at Sabo lost her six (6) months pregnancy and female children of officers were defiled. He went on to explain that the pregnant Officer who was not in her uniform fell face down while trying to run thereby leading to complications which caused her to lose the pregnancy. He informed the Panel that he had some pictures, videos, data and statistics of burnt police stations and injured police officers. He stated that over one hundred (100) Officers were injured, six (6) Officers were killed while some who were from other states on special duties could not be accounted for. He identified a document that contained lists of Police Stations burnt and vandalized during the #EndSARS protest as well as exhibit vehicles, personal vehicles of Police Officers and even the Police Officers Wives Association (POWA) shops which were also vandalized.

In the absence of any objection, the witness's List of Burnt, Damaged and Vandalized Properties at Lagos State Command was admitted and marked Exhibit A. Attached to Exhibit A was also a list of Policemen and their family members killed including their dependents. When the witness sought to tender a document with the names of injured Police Officers and a forwarding letter, Mr. Ogunlana objected on the premise that he observed that what was tendered did not appear to correspond with the evidence given by the witness. He indicated that although the evidence was that Officers were killed and injured in Lagos State he could however see locations such as Delta State, Ile-Ife and Mbaise. The Panel however ordered Counsel to the witness to withdraw the exhibit relating to other places except those dealing with Lagos State.\*\* On this ground, the witness Letter of 18<sup>th</sup> August forwarded to this Panel by the Nigeria Police titled "Forwarding of Detailed Report on all Police Barracks, Area Command, Divisional Headquarters, Police Post Damaged, Burnt, Vandalized and Victimized Police Officers during the ENDSARS Protest under Lagos State Command," and an attached list of injured Policemen in Lagos State Command were admitted together and marked Exhibit B while two (2) Unmarked Flash Drives, one in Avant brand and the other in MNI brand were admitted together and marked Exhibit C. The Flash drive was then played while he explained what transpired.

He highlighted the video of Ebute-Ero Police Station which had been looted of weapons and ammunitions and totally razed; the video of Orile Police Station, the

lynching and killing of the Armorer as well as the setting ablaze of yet another Policeman at Orile; the decapitated arm of an Officer being shared and eaten after the deceased was burnt; videos where persons with pistols and wielding axes in Surulere as well as the assault of another Senior Officer at Apongbon Bridge while trying to calm the protesters/hoodlums down. He stated that the corpse of that officers was later found under the bridge. He referred to a mammoth crowd at Orile who also carted away equipment and ammunitions and Police Officers being killed; a civilian brandishing a Police weapon with a killing range of 300m, which was fired indiscriminately. He noted that corpses were later found within that area.

He explained that the Divisional Police Officer of Ebute-Ero Police Station, was assaulted and had since become incapacitated and unable to carry out the functions of his Office. As such, he had to be 'boarded' as he was no longer useful in service. He went on to show another scene from the video in which corpses suspected to be those of Police Officers were being burnt. However, they could not be certain of this as they were burnt beyond recognition. He went on to explain that some Officers had been declared missing-in-action. They would only be declared dead after seven (7) years as they were unsure that they were among the burnt corpses. ACP Odubona also referred a video to the Panel in which a visiting Mobile Police Officer from another state could not be identified as he had been burnt beyond recognition. He was only identified as an Officer by the boots he was putting on. He again referred to another in which people were cutting and sharing the flesh of the hand of an Officer while another person took off with the hand.

The witness claimed the Police authorities had a lot of unidentified Officers as well as those who were missing-in-action, and pictures of some injured Police Officers at a hospital, including that of the D.P.O. of Ebute-Ero Police Station who lost his memory and had to be 'boarded'. He further showed pictures of some injured police men and vandalized vehicles as well as officers hit by some pellets which he explained to be cartridge ammunition spreads of a type that when fired and were capable of penetrating human flesh. However, when shot in close range, the person's chances of survival will be very slim.

He displayed pictures of the Police Divisional Headquarters which was burnt beyond recognition and others where arms were recovered. He projected the Daleko Police Post, Cele Police Post along Oshodi, Ashade Police Post and Alade Police Post which he indicated were totally burnt with arms looted. He stated that at Elemoro, Ajah the Police lost its barracks while over thirty-five (35) personal vehicles of Police Officers were burnt while women were gang raped. However, due to the sensitive nature of

the matter, the identities of the women could not be disclosed. He noted that Ikotun Police Station was also totally burnt, Officers injured. Ilesamaja and Ilogbo Police Stations were also affected. He deplored the fact that the amount of arms and ammunition looted from Isokoko was unprecedented. He referenced a video showing people carting boxes of ammunition away. He stated that Layeni Police Station was also totally razed while Officers were injured as well. He reiterated the loss of a woman's pregnancy during a gang rape at Makinde while the Barracks and properties were also burnt and looted.

He referred to the burning down of Morogbo Police Station in Badagry which was an uncompleted facility which boasted the highest communication technology. As well as the old Area Command in Ajah in which the Area Commander was also injured as he was knocked down with a vehicle while he was pacifying the protesters. He stated that the vehicle was used to climb over one of his legs and showed photographs of recovered looted items while the suspects were subsequently arrested.

At this point, Mr. Ajifor moved an application for an adjournment in order to substitute the corrupted flash drive. However, Mr. Ogunlana opposed the Application on the ground that Counsel was merely seeking to introduce further evidence of incidents which had no bearing on the incident which occurred at Lekki. He also stated that due to time constraints, there was no room to seek an adjournment. On his part, Mr. Olagunju though not opposing the Application only pleased with the Panel to direct Counsel to make the substitute media evidence available to all parties involved.

At the end of the arguments, the Panel granted the application for the adjournment as it was not opposed by majority of Counsel except Mr. Ogunlana and in the interest of justice. The matter was consequently adjourned to September 14, 2021 for continuation of hearing. At the resumed Hearing, the witness went on to tender new flash drives in replacement of the corrupt flash drives, which was admitted and marked Exhibit D. The witness stated that on the real destruction started on the 20<sup>th</sup> of October, 2020 and the Nigeria Police Force, Lagos State Command noticed that the mob and miscreants had entirely taken over the protest. Men from Rapid Response Squad (RRS) mobilized to the Lekki Toll Gate protest ground were attacked at Adekunle Road hindering them from getting to the Toll Gate, that on the 13<sup>th</sup> of October, 2020 he was at the Toll Gate to address the Protesters, while the Protesters still allowed vehicular movements, although slow, thereafter there was a total blockade which necessitated the Commissioner of Police, CP Hakeem Odumosu directing him to address the Protesters at the Toll Gate Protest Ground. That the vigil ended on the 13<sup>th</sup> of October, 2020 and on the 14<sup>th</sup> of October, 2020 the Commissioner of Police withdrew all Police Officers from the Toll Gate. That the

Police Officers were there before being withdrawn to ensure that miscreants do not take over and he was aware the Protesters got bodyguards and bouncers to protect them. He went on to state that DCP Tunde Disu is the Rapid Response Squad (RRS) Commander and the present head of Intelligence Response Team (I.R.T.).

He explained the videos by identifying the Adekunle area as where the Rapid Response Squad Team deployed to Lekki Toll Gate had to scamper for safety from the mob on the 20<sup>th</sup> of October, 2020, which hindered them from getting to Lekki Toll Gate. Also, that those running were Policemen running away from the vehicle and the scene who had the option of using maximum force but did not because they were not issued such directive. He went on with the identification, and identified the videos as a Channels reporter reporting at the Lekki Toll Gate on 8<sup>th</sup> of October, 2020; one of the times when the Protesters were having church service at the Toll Gate on Sunday and he was at the protest ground on that day. He referred to videos: of when Isokoko Police Station, Agege area was attacked and also identified a man with an AK 47 and a box containing three thousand (3000) live ammunitions; Lekki Toll Gate, where the Governor came to address the protesters with the Deputy Governor after he and the Commissioner of Police had addressed them; while the Governor was pelted with water and even urine from a bottle; where the Deputy Commissioner of Police was addressing the protesters and the protesters were chanting "Where is Buhari?"; civilians wearing the uniform of a CSP and holding a Police radio somewhere on the Island; Ebute-Ero; that the pictures where the Protesters took Ikorodu Road, while Policemen were deployed to rescue other Police Officers but all the roads were blocked and they had to return; where the Oba of Lagos' Palace was looted on the 20<sup>th</sup> of October, 2020; identified civilians fighting themselves over loots; a Police Officer mistaken for the DPO Mushin while he was mobbed and killed for that; identified to be on the 11<sup>th</sup> of October 2020, when the Inspector General of Police announced the disbandment of Special Anti-Robbery Squad; identified the Chairman Police Service Commission, Mr. Musiliu Smith and other members of the Commission who came to commiserate with the Ajah Area Command; identified as a search where over six (6) AK 47rifles were gotten from only one person and that the tin of ammunition contains 1500 ammunitions, which recovery was made around Ajah-Lekki area; identified as empty magazines that loads at least 30 rounds and when put on rapid, it can burst out 3 ammunitions at a time; looting at Shoprite in Lekki area caught on camera and that women were among the looters; Lekki Toll Gate, where one of them was holding a Scorpion that has the capacity to load 30 rounds of ammunition. This was after the 20<sup>th</sup>, after the burning of the Toll Gate; Lekki Toll Gate before it was burnt, while all electronic gadgets were still working; personal properties of Police officers that were burnt and the cost, with sixty-three (63) vehicles, 25 bikes and 2 armored carriers. While one of the armor carriers were burnt at Lekki Toll Gate on the 20<sup>th</sup> October 2020.

The Witness further confirmed the list of properties destroyed and the cost implication before the Panel. Consequently, the Inspector General of Police Committee on #EndSARS following losses and damage of Police Stations in Lagos State, assessment templates for buildings, personnel whose personal belongings were vandalized/burnt, number of police vehicles, motorcycles and other logistics burnt/damaged during the EndSARS protest in the Lagos Police Command was marked Exhibit E. He stated that it is not within his knowledge that Policemen were waylaid on their way to Lekki Toll Gate on the 20<sup>th</sup> of October, 2020 or that the Police sought assistance from the Military or Paramilitary.

Cross-Examination of ACP. Oludotun Odubona by Mr. Owonikoko, SAN on behalf of Lagos State Government.

The Witness confirmed to the Panel that he was aware of the declaration of the curfew by the Governor on the 20<sup>th</sup> of October, 2020. That he has been an Assistant Commissioner of Police for two years and there has been no case where the Police service has had to be complimented by other law enforcement agencies to manage restoration of law and order or any riotous situation. He also confirmed that he was aware of the State Security Council Committee in Lagos which comprises the Police, the Army and the Chief Executive of the State and which the Commissioner of Police attends its meetings; and he reports to his superiors and not to him. That he is not a member of the Security Council as such he cannot give an answer that the curfew declared was decided at the Security Council meeting. That the curfew was first announced for 1600hrs (4pm) but later extended to 2100hrs (9pm), maybe due to the fact that workers would still be on their way home. Also, that he was not part of the Security Council meeting and does not know if the enforcement was charged with the Police alone or with other law enforcement agencies for the purpose of the curfew. He further confirmed that the Police were the first responders and were deployed to enforce the curfew. When asked if before the deployment of Police there was a threat assessment to determine the level of deployment and form of force to apply, the Witness stated that when the curfew was announced, it was as a result of the incident of the 20<sup>th</sup> of October starting from the attack on Orile Police Station. That also having identified there were incidents of arson etc., the enforcement of the curfew was for the entire State not Lekki Toll Gate alone.

The Witness further went on to state that there was no attack on any armory until the 20<sup>th</sup> of October, 2020, but there were attacks on personnel on duty, while arms were not snatched. There had been incidents of Police being attacked before the 20<sup>th</sup> of October, 2020. When shown bullets that were in evidence before the Panel having shown the Panel a cache of arms and ammunitions taken from the Police Stations by some hoodlums, the Witness stated that it looks like an empty shell of 7.62mm ammunition used for AK47 which were identified before the Panel being taken around by civilians in the pictures. The Witness maintained that live ammunition especially at

the range level when fired; the gas chamber ejects the shell out of the weapon to allow for another in the chamber when asked to confirm that when the Police have to engage some of these criminals with live bullets? Cartridges like these can be picked up from any of the places of the incident and that it can be picked to account for the amount of ammunitions used? Also that shells can be picked anywhere regardless of who fired it? When asked if the arms were in the wrong hands? He responded that it is the same way he picked the cartridges and cannot confirm if it was fired by the Police or a criminal.

The Witness stated that the Police had withdrawn since the 14<sup>th</sup> of October, 2020. When asked to confirm if at any point the Police were deployed around the vicinity of Lekki Toll Gate. He stated that the Police did not patrol at Lekki Toll Gate after the 14<sup>th</sup> of October, 2020 since the Commissioner of Police gave the directives and that he was aware that there was an attempt to burn down Oriental Hotel on the night of the 20<sup>th</sup> of October, 2020 while the Police were not deployed to forestall it, but that there are Police guards at the Oriental Hotel because of some expatriates in such five star hotels whose duty is to secure the place. That he got to know that there are evidence before the Panel that the Military got to the Toll Gate around 6pm-7pm on the 20<sup>th</sup> of October, 2020 online and in the news. That Lekki Toll Gate operationally is covered by Maroko Police Station and that there was no report from the DPO of Maroko Police Station to his office as the head of operations regarding an engagement of Police officers from Maroko Division and some people at Lekki Toll Gate which is within the jurisdiction of Maroko Division, warranting the use of live round ammunitions on the 20<sup>th</sup> and 21<sup>st</sup> of October, 2020 respectively.

Having identified one of the persons appearing to participate in the protest at the Lekki Toll Gate holding a gun known as Scorpion, the Witness further stated that it uses 9mm just like a berretta and that the video was taken from the internet but he does not know the date, that all he knows is that it was at Lekki Toll Gate. That he does not know whether the video of the man carrying a gun was already online as at 20<sup>th</sup> of October, 2020 but that he saw it online and confirmed the location to be Lekki Toll Gate with high concentration of protesters from the video as at the time. The Witness stated that Police used graduated use of force and the highest level of force is to make use of live ammunitions and that cannot be done without directives from the Superior and even at that, Police do not shoot to kill, they shoot to maim. When confronted with the question if from his experience and whether he has the records and report of the Police encountering any of these Protesters anywhere around Lekki and Admiralty junction because a lot of people before the Panel, came to say that they were shot the next morning by the Police around that vicinity, having seen the footage of Lekki Toll Gate after 8pm on the 20<sup>th</sup> October, 2020, after the military's presence, and that the Protesters had dispersed, most of them had left. Also, that when the life of a policeman is under threat and the assailant is carrying a dangerous

weapon that is projectile in nature and the officer tries to save his life and has no means to escape or he is trying to save the life of another he can make use of his ammunition. When asked if in situations like the Policemen being cannibalized or being hit with dangerous weapons until they died etc., will it be justifiable for the Police to use live ammunitions? The Witness stated that at Orile which was the first station burnt on the 20<sup>th</sup> of October, 2020 and as of that time, there was no directive to make use of the highest level of force. And that as noticed in the video, it is glaring that some of them had to take off their shirts to blend with the crowd while some were identified, but if the Police had been directed to make use of highest level of force, the wanton destruction would not have happened.

When asked if the Police have as at today, an audit of all the stolen arms and ammunitions within this period of 20<sup>th</sup> of October, 2020 up till when the curfew was relaxed, the Counsel representing the Nigeria Police Force objected to the line of questioning by saying that it is a security matter that can flow from the Presidency but the Witness went ahead to answer the question by stating that a lot of it has been recovered but not all and that a lot of the stolen arms has been recovered but not all. Cross-Examination of ACP. Oludotun Odubona by Mr. Rotimi Seriki on behalf of Lekki Concession Company (LCC).

The Witness affirmed that it is part of the duties of Nigeria Police Force to investigate any allegation of commission of a crime and that it is expected of any member of the public that is either a victim of a crime or witnesses the commission of a crime to approach the nearest Police Station to report but it is not all the time they report at the Station. He further stated that if a person is injured especially by firearms and such a person is still alive, he will want to seek for medical attention and it is mandatory for the doctors to report the incident even if the person injured did not make the report. Members of the family of the injured can also make such report. When asked if as the officer-in-charge of operations in Lagos, he receive feedbacks of commission of crimes especially when it involves the use of firearms. He responded that there was no report by the Divisional Police Officer (DPO) that someone was shot or someone witnessed a shooting by any member of the public at any of the Police Stations within the vicinity of the Toll Gate.

He went on to confirm that each Police Station fell under a particular Area Command. The Lekki Toll Gate fell under Area Juliet (Area 'J') Command, Ajah while Lekki Toll Gate to Ajah fell under Area Juliet while Lekki Toll Gate down to Oriental to Victoria Island falls under Area Alpha (Area A) Lion Building. There is no station under Area Juliet that has jurisdiction over the Toll Gate. That there are about two (2) Stations before Ajah Area Command and two Stations between the Area Command and Maroko itself. When asked if he was familiar with the number of Police Stations between Lekki Toll Gate and Ajah and that one is very close to other Toll Gate

towards Ajah and one is close to the bridge, on the left before getting to Ajah Police Station itself. That between the 20<sup>th</sup> of October, 2020 and 21<sup>st</sup> of October, 2020 there was an attempt to attack Ilasan Police Station which was repelled by tear smoke and there was a barrier used to limit the crowd getting to the Station. That tear smoke was enough to disperse the crowd and the use of firearms was not required during the attack. That the official channel involved if a Police Officer is alleged to have committed a crime involving loss of life is that such Policeman will be charged to Orderly Room trial if it is within the inspectorate and LCO cadre but if he is a senior Police Officer, he will be issued query immediately for him to explain what led to the use of his weapon and if found guilty, he will be sent to the State Criminal Investigation Department (SCID) where he will then be charged to court.

He asserted that the Divisional Police Officer (D.P.O.) of Maroko Police Station as at 20<sup>th</sup> of October, 2020 was CSP. Raji and that to his knowledge there was no channel of complaint activated against CSP. Raji concerning the Toll Gate that will warrant him being issued any query concerning any misuse of firearm or otherwise. That before the EndSARS protest, of the 20<sup>th</sup> October, 2020 there were situation reports of activities of rival gangs trying to have superiority in a particular area within their area of responsibility (A.O.R.). Before the tactical teams were disbanded, the OC, Anti-Cultism usually attends to such things pertaining to cultist activities and that after EndSARS, there was an upsurge of crime. Cultism especially, rose to astronomical statistics after those units were disbanded.

That after the #EndSARS issues and the situation having been brought to normalcy, there were incidents of rising cultist activities in Ajah area that the Police had to organize raids from the headquarters and also bring down some shanties that were believed to be hiding places for these cultist. During the period of removal of the shanties, some arms were recovered. These arms were locally made weapons; the ones that discharges pellets. That right from the 8<sup>th</sup> of October, 2020, it can be noticed from one of the videos (one of the Channels report) he tendered in evidence before the Panel that vehicles were stopped and turned back. The ones that were allowed to pass did not pay any toll. They were allowing them to go freely while the workers that were supposed to collect the toll had left the place. He stated that he had cause to pass through the Toll Gate between October, 2020 and today and that based on his observation the toll collection has not resumed.

He informed the Panel that the Police had two (2) uniforms worn for two purposes to wit: Operational and Administrative purposes. Administratively, they wear black on black especially on Mondays either the bush jacket or the tucked-in shirt on black while it is neon blue on black every other day except the weekends. On weekends, they wear urban camouflage and that operationally, it will be noticed that Officers on traffic control wear black on black because of dirt and also for night duty so as to

conceal the Police Officer when it comes to warfare, while Neon blue is not allowed on night duty so as not to give the location of the Police Officer out. He affirmed that white is not an operational wear of the Police but only the Navy wears white. That the D.P.O. of Maroko alleged to have been seen in white Jalabia at the Toll Gate was wearing the operational wear of the Police and he did not have the knowledge of any criminal complaint lodged against any staff of Lekki Concession Company with regards to 20<sup>th</sup> of October, 2020 and any day after. Also, that there was no report made to the effect to the Police that some of the alleged victims of the protest on the 20<sup>th</sup> of October, 2020 were treated at various hospitals in Lekki from gunshot wounds from any medical practitioner or any hospital. The Panel consequently adjourned for further hearing to 17<sup>th</sup> September, 2021.

Cross-Examination of ACP. Oludotun Odubona by Mr. Adesina Ogunlana.

Cross-examination commenced with the witness informing the Panel that he was there to represent CP Hakeem Odumosu, Commissioner of Police, Lagos State. He stated that he was not privy as to whether the Commissioner was summoned to appear before the Panel. He was only before the Panel because he had been directed to appear. He agreed that it would be correct to regard him as a well informed and veteran senior Police Officer having spent twenty-five years in service.

He went on to define a riot as “when a certain number of crowd become unruly and there is destruction of properties, attack on constituted authority, then the situation becomes riotous.” He noted that an agent of provocation could be someone who motivates others into committing crime or gives aid in the commission of committing crime. When the Counsel requested that the video where a gentleman was holding a gun earlier identified by the witness as ‘Scorpion’ be played, the witness confirmed that the person in the video was the ‘guy’ whom he noted was holding a scorpion but that other people around were unarmed. He stated that the person in the video was a protester and that he would not know if he was an agent of provocation because he was amongst the protesters.

He went on to confirm that he earlier testified that doctors were required to report to the Police, cases of patients who had suffered gunshot injuries. However, when the examiner sought to know the law backing the witness’s assertion, Mr. Cyril Ajifor objected on the ground that the witness could not be asked to answer questions on law; the Panel ruled that the Counsel confront the witness with the law. When Mr. Ogunlana then asked if the absence of a report from any medical facility about the treatment of any person who had suffered gunshot injury meant that the doctors never treated anyone or that the incident never happened, the witness explained that he never stated that the doctors could not treat such patients. However, they had a duty to report such gunshot wound for the purposes of investigation. Further, the absence of such report meant that no such incident occurred in their jurisdiction.

He indicated that he wasn't aware of any patients allegedly treated on the night of the 20<sup>th</sup> October, 2020 and the 21<sup>st</sup> October, 2020 by doctors. He also indicated that in the absence of such report, the Police would only have records if it was reported at the Police Station. When also asked if the doctors who did not report such incidences to the Police would be sanctioned, the witness responded that the relevant person would have to report the incident to the Police as a Complainant and it would then be taken it up from there. He was not a member of the Security Council. As such, the Commissioner would not have informed him if he were invited as he was his 'Subject.'

He indicated that he heard about the announcement of the curfew on the radio and reiterated that the Commissioner never informed him of the outcome of the Security Council meeting in respect of the curfew. He only came to know about it after it had been imposed. The witness confirmed that he testified that Policemen's uniforms comprised of black on black and neon blue on black and camouflage. When asked if he was aware that Policemen were known to be clad in other outfits while on duty, the witness responded that they could not carry weapons which would identify them as Officers except Intelligence Officers who mingle with the crowd and did not carry weapons. When also asked if he had knowledge of Police Officers who did not wear official uniforms while armed, the witness asked the Counsel to show him pictures if he saw such Officers and noted that the said Officer must put on a body armor indicating 'Police' at the least. He then gave the example of Officers in the State C.I.D. like the disbanded SARS.

He informed the Panel that he was at the Toll Gate on the 13<sup>th</sup> of October, 2020 as well as the Commissioner of Police and Mr. Governor. He noted that the Police would not have been there if they had withdrawn. The directives to withdraw did not come from the Commissioner of Police until the 14<sup>th</sup> of October, 2020 after the 'abuse' on Mr. Governor and the Police never returned as they had withdrawn to their barracks and stations for safety reasons as they had become the subject of attack. It was his evidence that he would not have known that the protesters were no longer at the Lekki Toll Gate from the 21<sup>st</sup> of October as they had withdrawn from the 14<sup>th</sup> of October, 2020. He confirmed that the Divisional Police Officer (D.P.O.) reported that the Lekki Toll Gate was burnt. He reiterated that he was unaware that the protesters were no longer at the toll gate from the 21<sup>st</sup> of October, 2020 as the Police had withdrawn from 14<sup>th</sup> of October, 2020.

He went on to give the name of the D.P.O. of Maroko Police Station as CSP. Ganiyu Raji and explained that he came to know about the burning of the Lekki Toll Gate because it was under his jurisdiction. He indicated that the D.P.O. owed the Commissioner of Police the duty to report any major incident under his jurisdiction.

Further, that he need not be there physically as he had civilian informants everywhere. In addition, it was all over the internet.

He insisted that the Police knew everything that occurred between 14<sup>th</sup>-20<sup>th</sup> October, 2020 as they had paid informants who passed on information to them. He explained that information came from different sources and that while some were paid, others were from civilians. He confirmed that the Police deployed eighty (80) Police Officers on 20<sup>th</sup> October, 2020 but that they never got to the Toll Gate. He went ahead to explain that the deployment was done in the morning for the curfew which was scheduled for 4pm but later extended to 9pm. He heard about the curfew on the network news and the radio although he could not remember the exact time Mr. Governor announced it. He noted that the mammoth crowd at the protest ground informed the deployment of the eighty (80) Officers and that one unit of Policemen comprised sixty-three (63) Officers as the Officers could not be sent to places with such a crowd who could lynch them. He testified that the Police went back to the scene because they had obtained information to the effect that there was going to be destruction of facilities within that area, and that when he went to address the protesters, they indicated that they would attack the Oriental Hotel. The deployment was thus necessary as Oriental Hotel at the time had just four (4) Officers for security purposes who would have been unable to handle a riot.

When asked if he was aware of any destruction that occurred at the Lekki Toll Gate, the witness responded that the blockade began on the 8<sup>th</sup> of October, 2020 but that he went there on the 13<sup>th</sup> of October, 2020 where he observed the sharing of illicit drugs. He testified that from experience, the likelihood of robbery occurring was highest where the person was under the influence of illicit drugs. He gave the damage to the rear light of the back-up vehicle of Mr. Governor on the 13<sup>th</sup> of October, 2020 as an example of destruction which occurred at the Lekki Toll Gate. He stated that the protest was not baseless and went on to confirm that there was no executive order from the Inspector-General of Police (IG) in Abuja mandating the use of aggravated use of force. He restated that the IG did not give that directive. ACP Odubona explained that he could not state if the people who dispersed the eighty (80) dispatched Officers were protesters or not because they had no means of identification. He clarified that the #EndSARS protesters gave the rioters who burnt down the Orile Police Station the platform for carrying out the acts. As such, he believed that they were part of the protesters.

When Mr. Ogunlana put it to the witness that the burning of the Orile Police Station was triggered by the killing of a citizen by a Policeman.

### **Cross-Examination of ACP. Oludotun Odubona by Mr. Olagunju.**

He began by telling the Panel that the several videos he tendered before the Panel were all taken from the Panel. He clarified that he did not rely entirely on the description given to the videos by the people who posted them as he was familiar with Lagos and there were landmarks he could use to identify some areas. Although the videos were not all from Lagos, they were all related to the #EndSARS protest between 8<sup>th</sup> – 20<sup>th</sup> and 21<sup>st</sup> October, 2020. It was his evidence that he only visited the protest ground on the 13<sup>th</sup> of October, 2020 although other Police Officers were there before then. He then confirmed that he interacted with notable figures at the protest ground while fully dressed as a Police Officer. He indicated that although he was not attacked, attempt was made after Mr. Governor left.

ACP. Olagunju requested that VID20210718\_WA0013 be played, the witness noted that it was dated 13<sup>th</sup> November, 2020 after Mr. Ajifor objected that the date written on the video (2021) was the date it was forwarded to the Panel. He also confirmed that there was also no #EndSARS protest on the 13<sup>th</sup> of November, 2020. When the Counsel stated that the witness did not investigate the videos before bringing them before the Panel, the witness emphasized that videos did not lie and that the risk of crime rose after the #EndSARS protests. He denied being aware of any attempts to break the ranks of the protesters by introducing thugs between 8<sup>th</sup>-20<sup>th</sup> of October, 2020. He was also unaware that some people who tried to steal or exhibited violent tendencies were handed over to Police Officers. He agreed that the Police were not at the Lekki Toll Gate after the 13<sup>th</sup> of October, 2020 up till the 21<sup>st</sup> of October, 2020. After the Counsel requested that the video tagged IMG9987 in Serah Ibrahim's testimony marked Exhibit A be played, the witness stated that the person in the video looked like a Police Officer. However, he could not confirm same until the AP Number was provided. He testified that he would be surprised if it was confirmed that the Officer was there on the 21<sup>st</sup> of October, 2020 as it was not brought to his attention. He also agreed that it might have been possible for some events such as the presence of Policemen at the Lekki Toll Gate on the 21<sup>st</sup> of October, 2020 not to have been brought to the attention of the Commissioner of Police if the video was indeed recorded on the 21<sup>st</sup> of October, 2020. Further, he was unaware of any video or photograph of a man who had been arrested while taking photographs of license plate numbers at the Lekki toll gate. Additionally, he was unaware that the person whom he saw with the scorpion was the same person who was arrested for taking photographs of license plates.

The witness testified that he was not aware that the protesters arrested the said man and handed him over to the Police. He was however unaware that Officers from the Maroko Police Station came to the Lekki Toll Gate round about, assaulted and killed protesters after the Army had left. In his twenty-five (25) years of service in the Police Force, he was not aware that Police, who were not dressed in uniform carried weapons, neither was he aware that expended bullet shells were picked up by the

Police at the Toll Gate or have them with him. He went on to indicate that the Nigeria Police had no report made concerning any criminality in respect of the event of the 20th of October, 2020. Lastly, he informed the Panel that the closest Police Station to the Lekki Toll Gate was the Maroko Police Station which he noted was not burnt.

**Re-Examination of ACP. Oludotun Odubona by Mr. Ajifor.**

He told the Panel that in his twenty-five (25) years of service, it was impossible for a Divisional Police Officer or Area Commander to send only two (2) Officers to a riotous situation.

**Cross-Examination of ACP. Oludotun Odubona by Mr. A. C. Eze on behalf of the Nigerian Bar Association (NBA).**

The witness began by confirming that part of the duty of the Police was to protect the lives and properties of citizens. He went on to clarify that Policemen had always been at the protest ground from the 8<sup>th</sup> -13<sup>th</sup> of October, 2020 to prevent a riotous situation. He also confirmed testifying that the protest was very coordinated and that there was food and drinks. When asked if he thought that a gathering of protesters where music was being played and food being shared freely could be considered a riotous situation, the witness responded that although it was the right of every citizen to protest as long as it did not infringe upon the right of other persons. He also confirmed that the protest was largely peaceful between the 8<sup>th</sup>-13<sup>th</sup> of October, 2021 and to also dispatching eighty (80) men to Police Stations and Oriental Hotel. He denied that the Police had received directives to use highest level of force at the time the eighty (80) Officers were dispatched as they would have been used if they had been given. He disagreed that the directives had been given and that was why the Police set out to the Toll Gate.

When asked if he took any steps to verify the authenticity of the videos (such as that of the 13<sup>th</sup> of November, 2020) which he tendered before the Panel, the witness responded that he verified what transpired during the protest and the riotous situation that ensued and also that the video was taken at Surulere. He then agreed that protests of such nature could be taken over by hoodlums and hijacked, and it was the reason why they went there to ensure that the protest was not taken over entirely by hoodlums. When also asked if the man with the scorpion gun was one of the hoodlums who hijacked the protest, the witness responded that although it was not 'written' on him, he was however among the protesters. When also asked if the man had been arrested, ACP. Odubona responded that they were yet to be provided with information of his whereabouts and as such, he was yet to be arrested. However, some of the hoodlums had been arrested as he had shown media of those arrested with handcuffs and looted items. It was his evidence that he was not a member of the department of the Officers for him to know if the arrested hoodlums made

statements admitting that they were part of the protesters at the Toll Gate and that they were armed.

He disagreed that the Police failed in its duty to protect the lives and properties of citizens including the protesters. He noted that the protest was against the Police and also that they were directed to withdraw in order to ensure that the barracks were not burnt. He indicated that while no Police Officer was reported to have been attacked at the Toll Gate on the 20<sup>th</sup> of October, 2020 there was however an attack on the Oriental Hotel. Lastly, he stated that there was no report of a burnt armored personnel carrier at Lekki Toll Gate.

At this point, the witness was discharged from further appearance at the Panel in respect of the incident which occurred at the Lekki toll gate on the 20<sup>th</sup> of October, 2020.

#### **EVIDENCE OF CSP. GANIYU RAJI – D.P.O. MAROKO POLICE STATION.**

Appearances Entered:

Mr. J. I. Eboseremen for Nigeria Police Force.

Mr. Adesina Ogunlana with Ayo Ademiluyi for #EndSARS protesters on record.

Mr. Jonathan Ogunsanya, Counsel to the Panel.

Mr. Akin Elegbede for Lekki Concession Company Limited with Toyin Abidoye.

Mr. A. J. Owonikoko, SAN and Olukayode Enitan, SAN with J. Briggs and Y. Olabode for Lagos State.

Mr. O. C. Olagunju for named EndSARS protesters on record.

Mrs. Amanda Asagba with A. C. Eze, Esq. for the Nigerian Bar Association.

#### **EXAMINATION-IN-CHIEF OF CSP. GANIYU RAJI BY MR. ADESINA OGUNLANA.**

The witness stated that he enlisted into the Nigeria Police Force on the 5<sup>th</sup> of August, 1996. He worked in Anambra State Police Command, Kaduna Police Command, Ogun State Police Command, Force C.I.D., Alagbon and Zonal C.I.D., Onikan from where he came to Lagos State Police Command in April, 2020. He became the DPO of Maroko on the 7<sup>th</sup> of April, 2020. His Division extends to Lekki Toll Gate and from 1004 to Ikate Junction.

He confirmed swearing to tell the truth on the Quran and also fearing Allah. He agreed to his description as a well-informed DPO. Also confirmed that he is well-informed about criminal or social activities in his division and being on top of situations. He admitted to being aware that the Panel was set up for alleged Police

abuses and other related matters. Before October 2020, he was not aware of the Police being involved in extrajudicial activities and if such happens, that the Police actually responds. He stated that he was not also aware that where Policemen are involved in extrajudicial killing, the Police force deals with them. He noted that any Police Officer that commits a crime will be dealt with accordingly. He said further that the procedure of the Orderly Room Trial is for Police Officers that derail. He confirmed that the procedure is for junior Police Officers while an ASP for instance will be given query.

The witness was asked to state his understanding of extrajudicial killing and he responded that it is taking laws into one's hands by taking the life of an innocent person without being properly tried. He admitted being conversant with the handling and use of guns in his profession. He stated that he does not carry any gun since becoming a leader/DPO. He noted further that Officers from the rank of DPOs do not carry guns but that, there is no rule that says the DPO should carry or not carry guns. He said that he chose not to, since he became a DPO because he has a system that works for him. The witness said that the kind of guns in use by the Police are the AK 47 rifle, smoke gunner which is usually used in riotous situation and pistols. The witness was asked whether the pistol is the one he carries, he responded that no rule says the DPO must carry the pistol. He denied having Scorpion gun in his Division. He admitted to be aware of the Endsars protest. He was asked when it started and he responded that it was on Thursday, 8<sup>th</sup> of October at Lekki Toll Gate and that the second one was the 10<sup>th</sup> of October at Lekki- Ikoyi Link Bridge which was on Saturday. He confirmed that he was there with his Officers. He was asked why he was there and the witness said that they were there to watch the protest and control traffic with some of the Protesters.

The witness said on the 8<sup>th</sup> of October, they went to the Toll Gate to see the protesters who gathered at the Toll Gate. They were in thousands and blocked the entire road and refused to allow innocent citizens have access to the road. He was asked whether any of the Protesters beat his Officers at Lekki toll gate on the 8<sup>th</sup> and 10<sup>th</sup> of October, 2020. He confirmed that no Police Officer was beaten on those days in his jurisdiction. He stated that on the 11<sup>th</sup> of October which was a Sunday, there was no protest and that the protest resumed on Monday the 12<sup>th</sup> of October, 2020 and confirmed that the Police were there unarmed. That his men that were armed were far from the protest ground before Lekki roundabout, with a patrol vehicle. He stated further that on the 12<sup>th</sup> of October, the protest took another dimension. The protesters completely blocked the entire road. He stated that he tried to talk to them to allow other citizens the use of the road they did not yield to his advice even when an ambulance wanted to pass, the protest did not allow passage. The witness was asked to confirm whether the protesters beat up Policemen, he said that his men did not go near them so there was no avenue for that to happen and that he was the only one

that went close to them. He was not beaten either but was harassed. He went to speak with them to allow citizens pass and the others accused me of giving money to those that wanted to yield to my advice, he was searched, they were very aggressive and he only had to manage the situation. He said this was reported in his message to the authority.

The witness was asked to state how many properties he saw the protesters destroy on the 12<sup>th</sup> of October and he stated that no property was destroyed on that day. On the 13<sup>th</sup> of October, 2020, the witness confirmed to be at the protest ground with his men but that his men were at a far distance he was the only person that walked into the midst of the protesters. He noted that his men were very close to Lekki round about and watched from a distance with one patrol vehicle. It was a Tuesday so they wore blue on black. He stated that blue on black is worn on Mondays, while they wear black on black on Wednesday and on Fridays, the camouflage. He stated that he saw many protesters and that the Governor came. Before the Governor came, the protesters were not aggressive, there was nowhere they could be because the Police were watching them from a distance. He emphasized that he did not go close to them on the 13<sup>th</sup> of October, 2020 because he was harassed on the 12<sup>th</sup> of October, 2020 and he did not want to provoke them again. He stated that the Governor came through Ozumba Mbadiwe. There was no way the witness could get across to him. A call was put to him and the Governor told him that every Policeman should stay far away. He has his own Police entourage and asked everybody to go back. Some of the organizers of the protest accompanied the Governor to the protest ground. In the process of trying to address the protesters, the Governor was stoned with sachet water, bottle water and stones and the Governor's escorts had to quickly move him away. He stated that he did not make a video coverage of this incident or take pictures because the tension was so high that it will be stupid for a Policeman in uniform to take pictures when the Governor was being stoned with water and urine. The situation did not warrant taking pictures because people were running heater skelter but he did not run heater skelter. The witness said he had to follow the Governor to make sure he entered his car safely and leave my Division safely I was also hit by the water thrown at the Governor.

He noted that no Policeman was dispatched to the Toll Gate from the 14<sup>th</sup> of October, 2020. He stated that he did not know when it ended and how it ended in Lekki Toll Gate. He was not aware that 20<sup>th</sup> of October was an extraordinary day at Lekki Toll Gate because he was at his Station protecting it from attack. He stated that on the 20<sup>th</sup> at about 8:30 pm, people came to the station throwing bottles and burning tyres and throwing it into the station so they all came out. With the help of the good neighbors around and community leaders who spoke to them and the protesters left. At the Station he was not armed, he was merely coordinating but his men were armed. He stated that he could not hear shootings at Lekki Toll Gate with the distance

from his office, a distance of about 1kilometre. He did not hear any shooting at the Station where they were either. He further stated that he was not aware as at 7pm-8pm of happenings at Lekki on the 20<sup>th</sup> of October, 2020 by way of social media or reports from other stations because the situation was so tensed and he could not even check his phone or pick his call.

Witness said he became aware that military men went to Lekki when he saw it on social media the following day. He said that his reaction to the allegation that he was at the Toll Gate wearing a white Jalabiyah that he shot at people, not just at the Toll Gate but at the water front, could be seen as fake news. He denied that Premium Times journalist put questions to him on his involvement. At this point, Mr Ogunlana tendered a flash drive and sought to play the report of Premium Times, titled, "Bullet, Blood and Death. However, Mr. Owonikoko, SAN objected on the basis that the witness was subpoenaed by Mr. Ogunlana himself. Mr. Eboseremen and Mr Elegbede aligned with Mr. Owonikoko, SAN respectively by opposing the admission of the flash drive in evidence.

Mr. Olagunju however opposed the view of Mr. Owonikoko, SAN. He stated that when a witness was summoned in the manner the instant witness had been, he is not Mr. Ogunlana's witness per se. That he is also a witness of the Panel. He noted that there is also no issue of incrimination, he pleaded that all the facts be allowed to come in for the Tribunal to see everything. Mr. Ogunlana added that the Panel is a Panel of Inquiry. The point he was going to make is that he had asked the witness whether he was interviewed and he said no, and he wanted to prove that he was interviewed.

The Panel went on to rule that Mr. Ogunlana was entitled to tender evidence through his witness and that the issue of self-incrimination had not arisen until the content of the flash drive was played. The Panel also noted that although Mr. Ogunlana could not attempt to take the route he wanted to take until he declared the witness a hostile witness in a regular court. That fact notwithstanding, the Panel had always taken the position that all documents that would assist the Panel in getting to the root of the investigation ought to be admitted. In the circumstance and based on the Panel's flexibility on admission of documents, the Flash Drive was admitted and marked Exhibit A.

The Counsel then sought that a portion of the video be played. Mr. Ogunlana went on to read out the testimonies of the residents of the shanties to the journalist, and noted that since the witness had indicated that he had no response and for all questions to be forwarded to the Lagos State Police Public Relations department, he would no longer be asking any further questions especially since the Panel has a copy of it.

### **Cross-Examination of D.P.O Maroko Police Station by Mr. Akin Elegbede on behalf of Lekki Concession Company (LCC).**

The Witness began by stating that his name is CSP Raji Ganiyu. He further confirmed that on the 7<sup>th</sup> of April, 2020, he was posted to Maroko Police Division. The Witness was asked to confirm where he was between 6pm on 20<sup>th</sup> of October and 6pm on the 21<sup>st</sup> of October and he answered that since the 14<sup>th</sup> of October based on the order of the Commissioner of Police he was at his Station.

He stated that while he was at the station, no member of the public came to his station to lodge any report as regards gunshot especially on the 20<sup>th</sup> and 21<sup>st</sup> of October, 2020. The witness confirmed that Admiralty Toll Gate is under his jurisdiction and no hospital within his jurisdiction made any report on any gunshot victim. Lastly, he also confirmed that there was no complaint made against LCC on the 20<sup>th</sup> of October 2020 till date by members of the public and no complaint from members of the public as regards any incident at Lekki Toll Gate.

### **Cross-Examination of D.P.O Maroko Police Station by Mr. O.C. Olagunju**

The witness was asked if it was the first time he was hearing an allegation that he and his men killed Protesters on the night of 20<sup>th</sup> of October, 2020 and he answered that he also saw it on social media the same way like anyone else did. The witness confirmed that the Commissioner of Police had not asked for his explanation on that matter. The witness having asked how many Police officers he has under him, stated that he has 171 Police Officers and that those that bear arms are those that are on duty to protect the Station and those on patrol, he also stated that no particular ammunition was allocated to him.

The witness when asked to state his duty as the DPO, Maroko Division, over the territory that falls within his division, he answered that it is to protect lives and properties in the territory. He responded that if an incident goes viral in his division he will be interested in knowing or finding out the veracity of the incident even if no one has reported. He also confirmed that all through the #EndSARS protest, he did not forward any report to the State Command as they were all watching it live including the Commissioner of Police, so there was no need.

He confirmed that his men were at the Toll Gate between 8<sup>th</sup>-13<sup>th</sup> of October, 2020. He agreed that during that period, the #EndSARS Protesters handed over one person caught for stealing a phone over to the Police men stationed at the Lekki round about and that they took him to the Station. He noted that the person was not prosecuted as Courts were on strike and he was granted police bail. The Witness was asked that within the time he became DPO, if he and his men had ever raided the shanties, witness said they raid criminal hideouts only. Witness further agreed that there are a lot of shanties around Lekki and he knows about some. Witness confirmed that lot of

people do not know him but they have his number. If there is a problem, they call him. Witness stated that several times he had interface with people that were arrested to the station, but it is not safe to conclude that the people can recognize him.

A video from Exhibit A (00SA2155) was played and the Witness confirmed that he heard the allegation against him, but he does not know who the people in the video are and he does not know the area where the video was taken. The witness further answered that there were fake news around and if the video is played to the end, someone smoking Indian hemp can be seen. No investigation was carried out on that video. He said he had watched the video half way and that "if people had been killed, where are their relatives, why did they not come to the station?" He maintains that he was not at the Lekki Toll Gate on the night of the 20<sup>th</sup> of October 2020, that he saw things that were not true, he made some findings, and discovered that the news was untrue. The witness stated that he usually submits situation report, that there is a procedure for the investigation when there are dead bodies, and but he cannot investigate himself if it is discovered that he killed somebody.

He was not aware if any Police Officer was at the Lekki Toll gate on the 21<sup>st</sup> of October, 2020. The witness confirmed that he has been in the Police Force for 25 years and if a corpse was found within his jurisdiction it will be brought to his attention. He was asked if the floating body found days after the protest was brought to his attention, witness said he does not know about it. The Witness stated that about 30 station guards had their arms used for protecting the Police Station on the 20<sup>th</sup> of October, 2020. He further explained that it was the duty of the armorer to collect and give arms and if there is any issue or not, the armorer will report but once in a while, the DPO conduct general checking of the arms and ammunitions available.

He stated that he is not an armorer who issues or collect arms, that that is not his duty. He supervises the armorer who only reports to him if there is any issue. Once in a while he checks the arms and ammunition. No ammunition was dispensed for protection on the night of 20<sup>th</sup> October 2020 as they used community relations. All the ammunitions came back to the armorers. That he has the arms movement register with him but did not come with the crime diary. The register is from the 1<sup>st</sup> of October – the last day of October 2020, that if any one fires an ammunition the armorer will record it and no record of arms fired within the period and there was no need to provoke an already intense situation. If he had gone out he would have been mobbed. After the protest, no arrests were made but about 5 days later, some people called and also found stolen items which they brought to their station.

### **Re-Examination of D.P.O Maroko Police Station by Mr. Ogunlana**

The Witness stated that the incident ended about 5 days later after things were calm and the tension was less but he cannot put a date to it.

### **Cross-Examination of D.P.O Maroko Police Station by Mrs Amanda Asagba on behalf of the Nigerian Bar Association (NBA).**

The Witness explained the Police uses a central walkie-talkie and all police formations and senior officers can know and hear of the events and happenings at any particular time. From the 8<sup>th</sup> to 13<sup>th</sup> of October, 2020 he radioed, gave situation reports but after the 14<sup>th</sup> when the protest became more violent, the police pulled out on the instruction of the Commissioner of Police and they watched the rest live on television but communication did not stop.

He went on to state that on 20<sup>th</sup> of October, 2020 communication was on-going although they were at the Station. He noted that other stations were being attacked and everywhere was blocked. He claimed that he could not even listen to the communication of happenings around Lagos because the tension was high and there was no step he could take because he was in the station based on the directive of the Commissioner of Police, because the protesters were becoming aggressive. That there was no report of serious crimes on that day.

### **Cross-Examination of D.P.O Maroko Police Station by Mr. Owonikoko, SAN for Lagos State Government.**

The Witness was asked if he was aware about the curfew declared by Mr. Governor on the 20<sup>th</sup> of October, he confirmed same and stated that as of the 20<sup>th</sup> about 3 stations were burnt which forced the Governor to declare a curfew. He further confirmed that there was no directive upon the declaration of curfew for his division to enforce the curfew and that the only directive was for everyone to defend their station. He explained that for officers from outside jurisdiction coming for a special operation to his jurisdiction there are procedures which includes documentation to know they are at a particular place. He stated that there is no record of deployment of Police Officers to the Toll Gate on the 20<sup>th</sup> October, 2020.

He stated that he is familiar with the Oriental hotel adjacent to Lekki Toll Gate but cannot confirm the hotel's security details as most of the hotels have their own personal security details and they report to the authority that deploys them. On the night of 20<sup>th</sup>, October, 2020, there was a report that there was an attempt to burn down the hotel and was it was prevented by the Police attached to the hotel but those policemen were not under his command.

Lastly, he tendered the Ammunition Movement Register of 1<sup>st</sup> - 30<sup>th</sup> of October, 2020. Consequently, a photocopy of the Ammunition Register of Maroko Police Station

dated 5th of September, 2020 to 25th October, 2020 was admitted and marked Exhibit B.

The Witness identified the last date of entry in the register as the 29<sup>th</sup> October, 2020. He further stated that there is a serial number of the type of arms issued and there is a number of ammunitions issued. That when arms are returned, it will be noted if ammunitions were expended or are unaccounted for. In the event of ammunitions unaccounted for and expended ammunition, it will reflect in the register (Exhibit B). The Witness confirmed that if there was a report that at Ajah roundabout there was an alleged shooting by the Police and the victim was taken to Grandville hospital, and the hospital reported it, then, he will be able to correlate that incident with the Officers sent to Ajah and what ammunitions were issued to them. He also agreed that if the weapons used is consistent with the regular weapons used by the Police but falls into the wrong hands, it will show that the bullet is the type the Police uses but they will not be able to tell if it was fired by a Police Officer.

The Witness further stated that as at the morning of 20<sup>th</sup> of October, 2020 about three stations were attacked and their armories looted by hoodlums. The police post at Mobolaji Johnson which is about ten (10) minutes' drive to Marwa bus stop was burnt on that same 20<sup>th</sup> of October, 2020.

The Witness was referred to the person in the video with a scorpion gun, and was asked if he is a Policeman. The witness answered that he is not a policeman, also that he does not know if he was apprehended. That the date should be between 11<sup>th</sup> and 20<sup>th</sup> of October, 2020.

#### **Re-Examination of D.P.O Maroko Police Station by Mr. Ogunlana.**

The Witness stated that he was aware of the invasion of Oriental hotel as they came to make an official report at the Police station. He also confirmed not knowing all members of the police when asked if the man with the scorpion gun is a Policeman. Cross-Examination of D.P.O Maroko Police Station by Mr. Cyril Ajifor.

The Witness stated that the Commissioner of Police, CP Hakeem Odumosu as the alter ego of the Police in Lagos State. He also confirmed to the panel that the Station has two (2) Hilux vehicles; one is black and the other one is blue, two (2) black Mitsubishi pickups, also one other car named Dangote painted in yellow and white. He further confirmed that they do not have a white vehicle jeep.

#### **Re-Examination of D.P.O Maroko Police Station by Mr. Ogunlana.**

The witness confirmed that when on official duty, he made use of official vehicle. At this point, the witness was then discharged from further appearance in the Panel in

respect of the investigation into the incident of 20<sup>th</sup> October, 2020 at the Lekki Toll Gate, Lagos.

## **EVIDENCE OF MESSRS. SENTINEL FORENSICS LTD. BY MR. J.K. FUNSHO-AKO.**

### **Appearances Entered**

Mr. Jonathan Ogunsanya, Counsel to the Panel

Mr. A. J. Owonikoko with J. Briggs and Y. Olabode for Lagos State Government.

Mr. Cyril Ajifor with Joseph Eboseremen for the Nigeria Police Force.

Mr. Rotimi Seriki with Akin Elegbede and Toyin Abidoye for Lekki Concession Company (LCC)

Mr. O. C. Olagunju with O. Obilade for #EndSARS Protesters.

Mr. A. C. Eze for the Nigerian Bar Association (N.B.A.)

Witness was sworn on the Bible and states that he speaks English language.

Examination-In-Chief of Mr. Joseph Kayode Funsho-Ako.

The witness began giving evidence by informing the Panel that his name is Joseph Kayode Funsho-Ako, and he lives at XX11, Ibadan Street by Lagos Street, Kaduna, Nigeria. He is a Forensic Specialist, with a first degree in Biochemistry, Masters in Pharmacology from the University of Bradford in England, Masters in Forensics Science from University of Strathclyde in Glasgow Scotland, postgraduate training in Forensics Intelligence and Exploitation from Cranfield University and postgraduate in Ballistics and Firearms Investigation from Cranfield University, United Kingdom. That he practices at Sentinel Forensics Limited as the Managing Director and Principal Forensic Consultant. He confirmed that Sentinel Forensics Limited as the name of the company which is duly registered under the Corporate Affairs Commission (CAC). The object of the company are; to provide consultancy, training, investigation of crime and crime scenes, to carry out the business of an investigating firm and to provide forensic analysis of data, crime and crime scenes, to supply any person or persons, corporate or unincorporated with ideas, plans, strategy, information and all assistance required to meet investigative imperatives. He further stated that he has a copy of the company's Corporate Affairs Commission registration documents, and the company's Memorandum of Association.

He identified the documents which were tendered in evidence and admitted as Certificate of incorporation of Sentinel Forensic Limited with the CAC dated 7th July 2017 and memorandum of association of Sentinel Forensic Limited both of which were admitted and marked Exhibit A. He stated that on the 29<sup>th</sup> of December, 2020, Sentinel Forensic Limited was formally engaged by the Lagos State Judicial Panel of

Inquiry to carry out forensic analysis with specific mandates. This was in a letter of **Letter of Engagement that described the following mandates:**

1. To conduct a crime scene investigation at Lekki Toll Plaza, Sandfill Lekki Lagos;
2. To submit a detailed report of the crime scene investigation;
3. To examine the CCTV footage and give digital forensic expert opinion on the analysis of the video recording of the scene of October 20th 2020;
4. To give an expert opinion on any evidence recovered during the visit to the crime scene by members of the panel; and
5. To submit a compressive forensic report on the subject.

He identified the letter dated 29<sup>th</sup> December, 2020 and it was admitted as Lagos State Judicial Panel on Restitution for Victims of SARS Related Abuses and Other Matters letter of 29th December 2020 to Mr. J. K. Funsho-Ako in “Re: Letter of Engagement” and marked Exhibit B. He went on to state that items of evidence were received from the Panel to conduct the investigation: - one (1) Seagate external hard drive which contained CCTV footage of the 20th October, 2020 incident at the Lekki Toll Plaza, 1 (TP1) SMI USB disk drive designated as containing CCTV footage of the incident presented by the Nigerian Army, two (2) spent shell casings of bullets recovered at the scene, four (4) ammunitions tendered as exhibit by the Nigerian Army, one (1) blank expended ammunition, one (1) blank unexpended ammunition, one (1) live expended ammunition, one (1) live unexpended ammunition. He went on to state that after receiving the items, they proceeded to conduct crime scene investigation at the Toll Plaza and visited the other Toll Plazas - TP1, TP2 and TP3.

The purpose was to ascertain whether or not live ammunition was discharged around the vicinity. They reviewed the items of evidence that were presented to them, in line with the second and fifth mandate under the terms of engagement; and produced a comprehensive forensic report on scene investigation and evidence review. The report is both in hard and electronic copies – a presentation, which was tendered in evidence and admitted as Report of Forensic Investigation into Lekki Toll Gate Incident of 20<sup>th</sup> October, 2020 of Sentinel Forensic Limited and unmarked flash drive which were marked Exhibit C. The witness stated that he was personally involved in the investigation as the team leader of the team that carried out the investigation from the commencement to the conclusion and confirmed that he signed the report. Counsel to the Panel sought the leave of the honorable Panel to play the content of the flash drive in exhibit in order to enable the witness speak on same. This request was granted by the Panel.

#### **Slides Presentation by Mr. J. K. Funsho-Ako.**

The witness proceeded by giving an overview of Sentinel Forensics Limited and went on to state that to conduct crime scene investigation at the Toll Plaza, Sandfill,

examine Lekki Concession Company CCTV footage, submit a detailed forensic expert opinion on the scene, recording of the incident of October, 2020, to give expert opinion on the scene visits by Panel members and to submit a detailed comprehensive forensic report on the subject of their mandate. That to carry this out, his team visited the three (3) Toll Plazas operated by Lekki Cession Company, TP1 Admiralty Plaza (the scene of the incidence), TP2 Conservation Plaza, TP3 Ikoyi Link Bridge (where Lekki Concession Company Servers are domiciled) while all photographs displayed were from TP1. The evidence given to his team by the Panel from the Nigerian Army was one 7.62 by 39mm live casing i.e. live ammunition that had been fired, one 7.62 by 39mm unexpended live round (one complete live bullet), 7.62 by 51mm expended blank round i.e. that had not been fired and a 7.62 by 51mm expended cartridge that had been fired (i.e. a blank that had been fired). They also got from the Panel two live cartridges that had been fired and one that had not, as well as one live cartridge that had been fired which was tendered by the Army and one that had not as well as one blank that had been fired and one that had not. The Army also provided SMI USB flash drive for digital analysis which was alleged to have contained digital CCTV footage from TP1. Summarized the ballistic analysis as follows:

1. The two units of cartridge submitted by the Panel were of caliber, 7.62 by 39mm and they were live rounds that had been fired;
2. Two units of 7.62 by 39mm which were tendered by the Nigerian Army and one of the units had been fired and the other had not; and
3. Two units of 7.62 by 51mm blank rounds were tendered by the Nigerian Army which one unit had been fired and one unit had not been fired. The live ammunition that was tendered by the Army is of the same caliber as the ammunition that was presented by the Panel which is 7.62 by 39mm, while the blank submitted by the Army is not of the same caliber as the one submitted by the Panel. One of them is 7.62 by 39mm live round, one expended round by the Army and two expended by the Panel but the blanks were of a different caliber. The blank ammunitions submitted by the Nigerian Army were not designed to be fired by the rifles that fired the live rounds. It is of a totally different caliber. While they are both 7.62 by 39mm, the blank is 7.62 by 51mm.

In summarizing the digital evidence, the Witness stated that the authenticity of the footage tendered by Lekki Concession Company could not be ascertained as they had no access to the servers from which the recordings were made, however they went on with the review to prove that what they reviewed is what was given to them, and could not authenticate the source therefore there was no hash value from the source device. His team was also unable to determine the method of extraction but

the evidence (i.e. the footage given did not show any signs of being doctored as no change in the time and pixel was observed, suggesting the integrity of the tendered video footage).

Additionally, extensive scene observations were conducted to ascertain if his team would find anything that suggested bullet penetration on the edifice of the Plaza which would suggest the discharge of live ammunition. He went further to explain that although thorough examination showed signs of vandalism and arson (which were not covered in their evidence), there was otherwise no damage resulting from the discharge of live ammunition. He went on to confirm that his firm approached the Lekki Concession Company and reported to the Panel that they had been unable to obtain the footage. In response to this, the Panel wrote a letter to the management of LCC requesting that his team be provided with whatever they required, such as access to the locations and others.

He stated that his firm also wrote to Lekki Concession Company and that he could recognize the letter if shown. He then went on to identify it and same was tendered in evidence as Letter of Sentinel Forensic Limited dated 17th January 2021 to the Medical Director, Lekki Concession Company in "Re: Request for information in support of ongoing investigation into the incident of 20<sup>th</sup> October, 2020" and marked Exhibit D. He stated that images and videos on CCTV can be stored on digital storage devices such as hard drives, solid state drives or in the cloud. He also, confirmed that the information can be readily reproduced if it is not backed on the cloud and is stored in a hard drive, it can be retrieved from the hard drive; and that a CCTV camera can only cover what is within its view, it will not be able to cover what is at its back if it is located in front. That a CCTV irrespective of any scientific circumstance could only cover images within its visual field and he did not believe there was any other way.

### **Cross-Examination of Mr. J. K. Funsho-Ako by Counsel Representing Nigeria Police Force - Mr. Cyril Ajifor.**

The witness confirmed receiving evidence from the tribunal and from the army – two (2) spent shell casing of bullets recovered at the scene and four (4) ammunitions tendered as exhibits by the Nigerian Army. He also disagreed that in his analysis to have discovered it was not one chamber or gun that fired the two but that the Nigerian Army submitted four (4) ammunitions, two (2) of them were 7.62 by 39mm caliber lives that had not been fired and the other two (2) were 7.62 by 51mm caliber, they are both different. He disagreed with the suggestion by Counsel to the Nigeria Police Force – Mr. Cyril Ajifor that it is possible that the gun that had the one fired and the gun that had the one expended are quite different but that they have 7.62 by 39mm ammunition, one was fired and this was of the live kind of ammunition and

one was not fired. Then we have blank rounds that were tendered which are 7.62 by 51mm, one of those rounds was fired and the other one was not fired and which is quite different. Also, that there were various classes of ammunitions that are linked to various types of rifles, there can be multiple firearms being chambered to the same type of ammunition.

That 7.62 by 39mm was of Russian origin, therefore it is Soviet block nation to Russian breakaway states mostly chamber their rifles to that kind of ammunition and not anyone as Counsel just mentioned a list.\*\*\* There are quite a number of them; there are various types of ammunition. 7.62 by 51mm for instance is chambered to certain other kinds of firearms; 7.62 by 39mm is chambered to quite a number of firearms, which can lead to having an extensive list of rifles that can fire that type of ammunition. Despite agreeing with the witness, the Counsel representing Nigeria Police Force inquired of the Witness what mm according to his analysis is for AK-49 or AK-47 in order to identify the agency culpable but the Witness stated that the scope of review is not to speculate as to what agency is using what kind of firearm, but they simply did an analysis of the evidence provided to the Company while providing a list of rifles firing 7.62 by 39mm and indicating which weapon fired what ammunition can be done but this was not part of our mandate.

Counsel representing #EndSARS Protesters (Mr. O. C. Olagunju and Mr. Ogunlana respectively) and Mr. A. C. Eze informed the Panel of their readiness to cross examine the witness, although they were constrained by the lack of copies of the report tendered by the witness and applied for a copy each.

Counsel representing the Lagos State Government (A. J. Owonikoko, SAN) however indicated that the report, though straight forward would require other exhibits in order for Counsel to effectively engage the witness in cross-examination. Further, that although he was unable to cross-examine the witness, he requested that the Secretariat avail them the exhibits tendered. Counsel representing Lekki Concession Company (Mr. Rotimi Seriki) also indicated that he would also not be cross-examining the witness immediately.

The Panel directed all Counsel to obtain Exhibit C and study same in order to be ready to cross-examine the witness the next day as the witness resided outside Lagos State. Further hearing was consequently adjourned to 11<sup>th</sup> September, 2021. On the 11<sup>th</sup> of September, 2021 when the matter came up, the witness was reminded of his Oath.

## **Cross-Examination of Mr. Funsho-Ako by Mr. Rotimi Seriki on behalf of the Lekki Concession Company (LCC).**

The cross-examination began with the witness confirming that he was Mr. Funsho and that about five (5) people worked on the forensic investigation as indicated at page 35. He indicated that it was correct that the other individuals who worked on the investigation were only referred to by their initials, as opposed to their full names. Further, that his name appeared first on the list while the fifth person was a digital forensic expert.

When asked to provide the full names of the digital forensic expert, the witness first sought the permission of the Panel to express his displeasure with statements and publications which made the rounds after his initial appearance before the Panel in which certain statements were presented as though they were made by the forensic specialist. He went on to explain that it was not within his schedule of duties to ascribe innocence or guilt as experts. This, he indicated was solely within the purview of the Panel. He noted that his firm never stated that a party (specifically the Nigerian Army) discharged live ammunition at the Lekki Toll Plaza. Rather, his organization merely evaluated the evidence they were presented while relying on facts and technical as well as objective procedures. He then went on to seek the protection of the Panel to implore media outlets to desist from sensationalizing their evidence.

Responding, Mr. Owonikoko noted that the observations of the witness were germane as he also got reportage about things which were clearly not in line with the evidence of the witness even before he stepped out of the box. The Chairperson went on to appeal to members of the Press to ensure that proceedings at the Panel were recorded as accurately as possible because inaccurate reportage was capable of misleading the public and also desist from sensationalizing the evidence presented.

Going back to the question about the full name of the digital forensic expert, the witness noted that he was unable to give the full names of the personnel because prior to his firm's engagement by the Panel, they had requested that their names be protected due to the sensitive nature of the assignment. He however indicated that the personnel who had been working as a digital forensics expert had a Bachelors' degree in Forensics and Computer science, Masters' degree in Information Security and Computer Forensics and was currently concluding his Ph.D.

The witness went on to confirm that his firm did a pre-deployment visit to the Admiralty Toll plaza on the 13<sup>th</sup> of January, 2021 in order to determine the assets and manpower that would be required. They deployed for the actual scene examination on the 15<sup>th</sup> of January, 2021. He noted that his team was at the scene from about half

past noon (12.30pm) till late in the evening on the 15<sup>th</sup> of January 2021. He also noted that he was not sure if his team noticed that either the streetlights or billboard lights were turned on. Although, he thought the billboard was switched off in the afternoon. He could not recall if they were turned on in the evening.

He confirmed that the LCC personnel who was on ground during his team's visit to TP1 pointed out the camera which was mounted on the mast at the west side of the plaza coming from Victoria Island. He explained that his observation after watching the footage was that the protesters were coming from east to west (coming from Lekki to Victoria Island and vice versa). He indicated that the personnel informed them that the camera was positioned west. However, the protesters were located at the east side. He stated that his team was not shown a specific camera. They were simply pointed to the camera from a distance and informed them that the camera was mounted on the mast. He noted that the camera was one that panned from one direction to another. He emphasized that the evidence his team obtained supported the assertion that it was just a camera that panned, tilted and zoomed. He noted that it was possible for the Toll Gate and billboards to limit the visibility of the camera as they were obstructions and that they did not observe any other camera at face level at both sides of the toll booth apart from that which they were shown.

The witness testified that his team also visited TP3-the Ikoyi Link Bridge. He clarified that their investigation did not reveal that the servers for the camera at TP1 were located at TP3, rather, that was the information given to his team. When asked what the connection was between a server and the surveillance camera in relation to the footage recorded, the witness explained that his team was told that the footage recorded at TP1 was stored in a server at TP3 and when they requested permission to visit the site, they were informed that most of it had been burnt. However, they were given access to look around where they confirmed that it was mostly burnt, in the company of their digital forensic expert. He confirmed that the connection between a server and the surveillance camera was that the server was the storage platform. He noted that although his team did an extensive review of the location, they observed that it was extensively vandalized and burnt with little to be seen. His team did not notice anything indicating a server. He agreed that a portion of the report he prepared specifically referenced the fact that the footage changed from color to night mode at 18:53:07hours (6:53pm). He also indicated that it was correct to state that the clarity of the footage captured or recorded by a camera was dependent on the level of illumination of the location. When Mr. Seriki asked the witness if they observed whether the streetlights or billboard was on from the 19<sup>th</sup> of October, 2020 till daybreak of the 20<sup>th</sup> of October, 2020, Mr. Ogunlana objected to the question on the ground that the witness was neither at the scene on the night of the 19<sup>th</sup> of October, 2020 nor was evidence given in relation to the 19<sup>th</sup> of October, 2020.

When asked if the team observed if the streetlights and billboard were turned on till they changed mode, the witness informed the panel that he thought that the billboard was turned on sometime during the 19<sup>th</sup> of October, 2020. With respect to the streetlights however, some of them had been turned on from 16seconds till midnight until the end of the footage as the footage was showing in color. However, the footage went from color to night mode at 18:53:07. He went on to state that the mode did not change until 19:48:17 (for 55minutes) after which it came back on, remained in color for about 1 minute and 3 seconds after it went back to Black and White mode (BW). He indicated that his team went through every second of the footage and noticed the change. He agreed that at the time when the footage switched from color to night mode, it was normally dark at that time of the day. He also agreed that the level of illumination at the time the footage started until it switched mode at the hour of the day at the Toll Gate was different and the level of illumination was not consistent.

When asked if he had any form of knowledge or training with security camera and how they functioned, Mr. Funsho-Ako informed the Panel that he was not an expert in cameras although he knew how they functioned. He noted that it was possible given the nature of cameras when they were inconsistent for the footage from a particular camera to go off sometimes and for changes in clarity to occur in cameras depending on the day with the exception of infrared cameras. Mr. Funsho-Ako stated that his team did not request for the camera located at the top of the mast, although they requested for the source equipment where the footage was stored as well as access to the server that transmits the footage in writing. He went ahead to confirm that the request was the letter he tendered during the previous proceeding as Exhibit D, as well as his firm's Letter of Engagement which was marked as Exhibit B .

He further explained that when his firm wrote Exhibit D to the LCC, a copy of the Letter from the Judicial Panel was attached. Referring to Exhibit D, the witness explained that the letter with Reference Number 202035 was a different document from the Letter of the Panel requesting LCC to provide them with all the assistance they required; which he noted, included the details of the CCTV and was what they presented. He clarified that the Letter of engagement with Reference Number LSJP 202015. He went on to also confirm that Exhibit B itemized the specific assignment his firm was expected to carry out while Exhibit D contained the list of information required pursuant to the scope of the assignment. He further confirmed that Exhibit B was the letter attached to Exhibit D which his firm forwarded. In the absence of any objection, the Letter of the Lagos Judicial Panel on Restitution for Victims of SARS Related Abuses dated 5th January, 2020 addressed to the Managing Director, Lekki Concession Company in Re: Authorization of Sentinel Forensics Limited to Conduct Forensic Examination of the Lekki Toll Gate SandFill (Lagos) under the Mandate of

the Chairperson of the Panel was admitted and marked Exhibit E.

The witness stated that he was aware that a curfew was declared in Lagos State on the 19<sup>th</sup> of October, 2020 by the Lagos State Government and that it was reported in the media. Lastly, he noted that at the time of his team's visit to TP1 and TP3, they were both not operational; neither did they observe any toll collection taking place.

### **Cross-Examination of Mr. Funsho-Ako by Mr. Adesina Ogunlana.**

The witness began by confirming that the limitations his team encountered were contained in Page 4 of the report and that they were seven (7) in number. He indicated that number three (3) of the limitations was the inability of the LCC to provide his team with relevant information such as the LCC's inability to provide his team with information due to the burning of their servers. He also confirmed that, that was the information the LCC gave them, although their visit to TP3 which was the alleged location if the servers were burned down, in addition to a part of the edifice. He explained that another limitation was by LAWMA whose Twitter handle indicated that a cleanup was done at the scene during his teams open source Intel and that they tried to find out if any cartridge casings were picked up during the exercise. He also explained that this was done by placing a call to their number, but they never heard back from the agency.

The witness further explained that the other limitation faced by his team at the time of their investigation was the inability to contact key persons to ascertain the veracity of statements. He gave the example of allegations that although victims who were alleged to have been shot were moved to medical facilities, they were unable to obtain a piece of the bullet allegedly fired at the individual (which had been removed by the doctor). He noted that this would have enabled his team match such bullet or the cartridge casings to a firearm. He stated that this was why LAWMA was contacted, as the bullets or casing could have been picked up during the cleaning exercise. This, the witness noted would have enabled his team perform a Ballistics Fingerprint and cross match same against a specific rifle. He explained that although some of the hospitals were also contacted, they received no feedback up till the time of his appearance at the Panel.

Referring to Page 14 of the report, the witness confirmed that the footage went from color to black and white at 6.53pm and back at 7.48pm and from color back to black and white at 7.49 respectively. He specifically noted that the change from color to black and white occurred at 6.53pm and remained so until 7.48pm after which it went back to black and white at 7.49pm .

Still referring to page 14, paragraph 1; 8.51, the witness confirmed that a saloon car vehicle could be seen approaching. He indicated that it was possible for the footage at 18:51:50hrs which showed a saloon car approaching the east side of the plaza where two (2) persons perceived to have been carried into the vehicle after which the vehicle drove off was an admission of injury. The witness went on to explain that page 15, second to last paragraph between 19:12:02 and 19:15:03 showed what appeared to be an individual moving out of where the soldiers were. He clarified that page 5, paragraph 3 simply meant that his team had to obtain permission from LCC as they required a few of their personnel to usher them around and give them insights.

When asked what he meant by 'uncompromised object' referred to at page 6 of the report, the witness replied thus "The objects were of metallic appearance which had been crushed with discernible definition suggesting that they were uncompromised. So I had earlier referred to the fact that they had been crushed and that if they were not compromised the structural integrity of the metal would suggest that they might have been cylindrical metals." He reiterated that had the objects not been crushed, they were not compromised, and that the crushing was the compromise.

Referring to page 12, 18:43 of the footage, It was the witness's evidence that the footage did not designate which personnel appeared to have been holding rifles, although he admitted, they were individuals donned in military uniforms. When also asked if those individuals were carrying what appeared to have been rifles, the witness responded that the distance from which the camera was recording did not show every one of them carrying rifles.

Moving on to the third (3<sup>rd</sup>) line on page 11 of the report, the witness confirmed that the camera was seen to be in automatic mode throughout most of the footage and appeared to adjust its focus at 16seconds interval using its preset location settings to cover different angles of the toll gate plaza and its environs. When the counsel indicated that the camera was not a one angled camera as the rotation covered several angles, the witness explained that the camera had presets that depicted the angle the camera was covering and that the camera stayed on each preset for sixteen (16) seconds before moving to the next preset which appeared to have been numbered 1-10 but jumped 8 and 9 in that sequence. When asked why this was so, the witness informed the Panel that he could not say why. The witness stated categorically that his team was standing by the report prepared by his firm on his honor. Further, that he was also standing by the asserting contained at page 27 of the report which asserted that majority of the footage the Nigerian Army submitted were irrelevant to the scope of his firm's engagement. The witness went on to state that page 27 of the report also captured the tweet by LAWMA confirming that it conducted a cleanup of the scene.

Mr. Fusho-Ako confirmed reading that Mr. Raji Fashola discovered a camera during a visit to the scene from a news report. However, his team was not shown any camera found by Mr. Raji Fashola in the course of their investigation and examination. When asked if he thought that the LCC had questions to answer going by the contents of the report he prepared and which he was standing by, the witness indicated that those questions ought to be posed to the LCC.

**Cross-Examination of Mr. Funsho-Ako by Mr. Bernard Oniga on behalf of the Nigerian Bar Association.**

The Witness began by clarifying that the terms of his firm's engagement only required them to conduct a crime scene investigation, examine CCTV footage and give detailed forensic expert opinion on the details of the footage in respect of the incident of October 20, 2020. He noted that hospital visits were not included. However, they called some hospitals to request that any ballistics evidence be forwarded to their team through the Panel. This, he also noted marked the end of their exercise. He went on to confirm that the team that conducted the investigation was listed at the back of the report. He confirmed that the report was his document. When the witness was asked if he was asking the Panel to expunge the part of the objective which required his firm to ascertain if protesters were injured, the witness explained that his firm's objective was to determine if live rounds were fired at the protesters by the army and to determine based on exhibits presented if the fundamental human rights of the protesters were violated, badly injured and/or killed by the Nigerian Army at the Lekki Toll Plaza. He however indicated that if his team was able to determine that live rounds were used and protesters suffered bodily harm during the review, same would have been stated.

The witness reiterated that his team was not engaged to find out if live rounds were fired. He emphasized that they were retained to conduct a crime scene investigation. However, if during the course of the investigation it came to light that live rounds were fired by the Army, it would have been stated in the report. After being asked to read aloud his firm's objective, the witness referred to Page 26, Conclusions and Recommendations ( items 1 and 3) as the parts of the report which indicated that his team met the objective. He then explained that his team's findings showed that the integrity of the scene of incident was not preserved while items of physical evidence were removed and lost during the time-lapse of the incident and the scene examination, based on his team's objectives. He confirmed that his team was unable to determine if live ammunitions were used as a result of the tampering with of the scene of the crime and that further analysis would be required by persons he could not indicate. He explained that the other type of analysis that is required is having a known source such as cartridge casings, basically a ballistics comparison.

When asked if his firm had carried out investigations of this magnitude prior, the witness informed the Panel that most of his firm's jobs as forensics specialists were covered by Non-Disclosure Agreements. Although his firm had carried out forensic investigations involving firearms, military, police personnel or security agencies, he could not however speak to who his clients were. When asked if his firm had consulted for the Nigerian Military prior, the witness again emphasized that non-disclosure agreements prevented him to disclose that information. He confirmed that he was informed that the Panel was a public one upon their acceptance of the job. At this point, Counsel to the Panel objected to the line of questioning on the ground that the witness had cited security reasons for his inability to answer those questions. On this premise, the Panel asked Mr. Oniga to withdraw the question.

Witness indicated that the hard drive given to his firm was a Seagate external hard drive containing video recording from the 19th October, 2020 at the Lekki Toll Plaza at 16minutes till midnight until 8pm of 20th October, 2020. He confirmed that his team was made to understand that there was a source from which the footage was obtained and also that same was retrieved from the LCC. His team could not however tell if the source was primary or secondary. He also explained that the LCC intimidated his team that they recorded to a remote server at the different location from the Toll Gate. He noted that his team also visited the location at Ikoyi Toll Gate. He informed the Panel that TP3 was the location of the servers as he had earlier told the Panel. When asked if his team were allowed to inspect the servers, the witness noted the extensive search of the entire edifice as well as the designated server room that had been burned down, which his team conducted. When also asked if his team sought to know the source of the data they reviewed since the server had been burnt, the witness explained that it was stated in the report prepared by his firm that what his team did was to authenticate it by conducting an analysis on what they were given and also went ahead to indicate further questions that needed to be asked.

He indicated that he was aware that the LCC had given evidence before the Panel prior to his appearance before the Panel neither was his team informed that there was another server at Chevron by the LCC. He informed the Panel that he had not indicated whose duty it was to ensure that a crime scene wasn't tampered with, although it was that of a forensic expert. He went on to explain that often in normal practice, forensics services were linked to law enforcement that were called once there was a crime incident in order to maximize the retrieval of evidence. Mr. Funsho-Ako believed that his firm discharged the objectives of the terms of their engagement according to the evidence they had to work with. It was his evidence that forensic investigators dealt with facts in order to conduct scientific and technical approaches with the aim of unraveling questions from which conclusions were drawn. It was during the visit to the scene that they observed that some evidence was lost. He clarified that the team's initial visit did not include entry into the edifice. It was mainly to

determine the manpower and resources to be deployed. It was afterwards that they went back to carry out the investigation.

When the Counsel again asked the point at which his team realized that the scene had been tampered with, the witness explained that forensic investigations could be conducted years after the incident. However, what a forensic investigator would be searching for were when conducting such are certain characteristics of evidence that linked ballistics evidence to a firearm which if found you can still be used to build a case. He agreed that it was obvious from the first visit that the scene had been tampered with. He explained that muzzle flashes were flash illumination observed on the muzzle of a firearm, where the bullet exits, indicating that a firearm whether of a blank or live round had been discharged. They are basically hot gasses. The witness asserted that his firm achieved its objectives by coming up with a conclusion and recommendation while clearly stating their limitations as to how further investigations could be carried out in the event that the Panel decided to do so.

#### **Cross-Examination of Witness by Mr. Nwota, Counsel to Mr. Lucky Philemon.**

Cross-examination began with the witness confirming that he was standing by the report prepared by his team as well as the assertion that no acts of vandalism were observed from the 19<sup>th</sup> of October, 2020 until vehicles suspected to belong to the Army arrived, neither had there been shootings. When asked if the protest his client participated in was peaceful until the military arrived, the witness responded that he was unaware of the protest his client participated in. He indicated that based on the footage of TP1, everything was going smoothly, disagreements were minimal and the protest peaceful until the army arrived. He indicated that no other persons appeared to have approached the protesters aside from those who appeared to be military personnel; neither did they observe unknown individuals without uniforms except those identified as the army. His team did not observe any fire at the Toll Gate and at 19:38pm, there was no appearance of protesters. He emphasized that his team only stated their observation, which was that there were no fires. When asked if the cleanup done by LAWMA affected his team's investigation, the witness noted that lack of conservation of a crime scene made it very difficult as whatever evidence retrieved from that scene loses its probative value. He emphasized that the crime scene was not properly preserved and that it should have been preserved as core evidence could have been washed away for example, during the cleanup exercise by LAWMA.

#### **Re-Examination by Mr. Ogunsanya.**

The witness clarified that although their investigation revealed that either live or blank firearms were discharged, however, he could not indicate whether there were

bloodstains. He was however sure that ballistics evidence would have been able to help determine the type of firearm that was discharged.

### **Cross-Examination of Witness by Mr. A. J. Owonikoko, SAN**

The Witness told the Panel that his surname is Funsho-Ako and that his personal expertise extended to ballistics. He noted that although he could not recall his exact words, it was however still his position that there was a high degree of certainty that the conclusions reached by his team were consistent to the exhibits provided by the Panel and the site visit. He confirmed that although they encountered limitations, the report however reflected what his team had to work with within the limits. Referring to bullet point two (2) of page 11, the witness clarified that the relevant date ought to be 19<sup>th</sup> October, 2020 as opposed to 19<sup>th</sup> October, 2010. When asked what his team was specifically looking for that would constitute a crime scene, the witness explained that his team did not come up with the term 'crime scene' by the terms of their engagement. It was merely the scene of an incident until they determined if a crime was committed. When also asked to distinguish the terminologies 'incident scene' and 'crime scene investigation as contained at page 5 of the report, the witness explained thus "In line with forensic practice, you do not approach a scene with the belief that a crime has already been committed, it may lead to some kind of bias until the arrival at the scene to determine whether or not a crime has been committed."

When also asked what he referred to as high velocity projectiles, the witness stated that "If for instance a bullet is moving at a high velocity that means it is traveling at a certain speed per second. We went in to look at the internal structure to see if there were any high velocity impacts and this is because there were some fragments of glass on the walkway. What we found was that it was not indicative of damage caused by very high velocity projectiles like bullets but mostly stones and rocks and pieces of interlocking tiles. High velocity projectiles will move with significant energy and so upon impact we would expect some significant damage to the structure." He went ahead to state that there was no point in the entire scene where his team came to determination of any high velocity projectiles.

Mr. Funsho-Ako noted that the camera was in color mode in their observation contained at page 14, figure 17 of the report and that the image captured what appeared to be protesters making videos depicted by cameras lights. He indicated that it would seem as though the cameras belonged to the protesters and not the LCC and that although the videos could have assisted his team's investigation, they would have needed to be presented with the source phone. He confirmed that the frame in figure 18 was a record of activity at the 'east end' of the toll gate from the camera at the west end and that the cameras with the protesters were at a better

advantage that that on a mast far away from the incident.

Referring to page 16, first (1<sup>st</sup>) bullet point, the witness indicated that although there were significant times where there were muzzle flashes at sporadic times, the time 19:23hours was only used to reference the point. He confirmed that at page 16, second (2<sup>nd</sup>) bullet point it could be observed that the muzzle flashes appeared to be directed towards the sky and the direction of the protesters at other times. It was his evidence that the type of ammunition (whether live or blank) could not be determined from the footage. In determining the type of ammunition, he explained that a blank one had no bullet and produced a loud sound because it had no projectile and needed the bullet had to be extracted after being fired by pulling on the charging handle to extract the cartridge case as there was no backward motion of the cartridge case. It was his evidence that it was possible for the bullets to have matching characteristics with specific rifles. In respect of the firearm at page 29, the witness explained to wit: "These two cartridge casings are 7.62 by 39mm that means they have already been fired. I talked about an extraction upon firing. The diameter of the barrel is what gives you the caliber, the diameter of the barrel is about 7.62mm and the length of the case is 39mm. So what we have here is casing from 7.62 by 39mm ammunition."

Moving on to page 31, the witness stated that the last two (2) were blanks that had been and not been fired respectively and went on to describe the weapon on page 31 as a 762 by 51mm blank which had not been fired, and the reason why the base did not show a firing pin impression. When asked if he could provide the ballistics report for Exhibit B tendered by Miss. Serah Ibrahim, he noted that he could not comment on those exhibits as they were not within the scope of his firm's engagement. He however informed the Panel that the firearms in Exhibit B were from rimless ammunitions which had been fired, and although he observed some firing pin impressions at the base of some of the firearms, they would require examinations. He stated emphatically that they were not from blanks nor live ones without bullets in any of the rounds. When asked the type of rifle that could fire it, the witness stated that "This is from a rifle not a handgun or a pistol but I should mention that with regard to the kind of caliber, there are quite a number of rifles that would fire those kind of ammunition; the 7.62 by 59mm can be fired by an SKS which is a Soviet type of rifle, AK47, type 56 rifles and variants of AKs, etc. but the blanks supplied can be fired by an FN FAL, a general purpose machine gun GBMG, M240 and I think there is a Sig Sauer 7.62, and quite a number of rifles."

He noted that the 4<sup>th</sup> conclusion in the report was reached based on the study of the footage from the LCC supplied to his firm as well as a visit to the scene. He did not know the source Exhibit B. When asked what ballistic comparative was used to determine, the witness noted as follows: "When a bullet is exiting a firearm, it varies

depending on the type of bullet and type of firearm. If it is a rifle it has got direct spin patterns inside that spins the bullet before it exits, this creates distinctive marks on the surface of the bullet so even though it impacts a target, if it is not disintegrated enough you will be able to subject it to comparison sometimes even with the casings. So if a person has been treated with a gunshot wound and the surgeon has extracted the bullet and it is not disintegrated, it can be used for ballistic comparison but if it is something like a pump action 12 gauge, then it is quite different because it has no patterns on it." He explained that although a ballistics expert could make a ballistics comparison, it was however within the purview of a doctor with ballistic training to make this comparison. When asked if the guns that fire ammunition with pellets, were within the grade of high or low velocity, the witness explained that projectile of rifles often differed based on distance, damage and range and that there was no bullet that travelled at low velocity but the wounding pattern from a pellet type was different from that of a rifle.

When also asked if a handgun, pistol and rifle operated on the same principle of automatic revolving, the witness explained that there were different types of pistols. However, most modern pistols were semi-automatic while military grade rifles had the option of switching from semi to fully automatic.

### **Cross-Examination of Mr. Funsho-Ako by Mr. Olagunju.**

Mr. Funsho-Ako informed the Panel that the objective of his team had not determined if shots were fired prior to their engagement. It was not until the visit to the scene and a review of the footage that they were able to confirm that shots were fired. However, it wasn't apparent if they were live or blank rounds. He confirmed that his team did not find any bullet casings which were largely as a result of the factors they had indicated in their report. He testified that his team examined six (6) pieces of ballistics evidence which were handed over to his firm by the Panel. Out of the six (6), four were handed over to the Panel by the Nigerian Army while the other two (2) were picked up by the Panel at the scene, although they were not told the person who picked them up. He explained that the two pieces picked up by the Panel were cartridge casings of live ammunition which had been fired and expended. He went on to indicate that his team conducted a class comparison of the two casings with the ammunition supplied by the military and that the result showed that they were of the same class/caliber 7.62 by 39mm. He indicated that the comparison was of the two (2) presented by the Panel and two (2) out of the four (4) presented by the army, one of which had been fired while the other had not been fired. He also agreed that his firm was handed two (2) footages presented by the LCC and the Nigerian Army to review. However, no footage by the protesters was reviewed.

He confirmed testifying that the flash drive tendered by the army served very little

relevance to his team's investigation as it contained a variety of footages which had no relevance to the investigation and also that the footage started from 23.59hours on the 19th of October, 2020 and ended at 20.00hours on the 20th of October, 2020. It was his contention that the first time sparks suspected to be muzzle flashes were noticed was at 19:00 on the 20th of October, 2020 and that no protester appeared to have been injured from the previous day till that moment. It was also his contention that at 19:12 an individual who appeared to have been injured was noticed while the movement pattern at 19:15 suggested that the protesters were carrying an individual each at both times and making their way out of the area secured by the soldiers. However, they did not know who the individuals were.

He indicated that for most of the time, the muzzle flashes were angled up although there were instances where it appeared that they were directed towards the protesters. He went on to explain that eight (8) minutes after pointing rifles at the Lekki Toll Gate, the hue of the camera changed from color mode to what appeared to be night vision mode and also that the camera shifted from preset modes at 18:48 hours. He explained that preset modes of a camera were set sequences whereby the camera positions itself to capture footage. When asked if the camera could then be tampered with in order to make it static and 'boycott' the rest of the footage, thus amounting to the manual manipulation of the camera, the witness responded that although he was not a camera expert, he however believed that if a camera was removed from automated mode of recording, the angles could be adjusted. When also asked if his findings suggested that a camera that had been in auto mode changed to manual mode, the witness explained that at 18:48:45hours, the cameras shifted from the automated mode to what his firm's analyst believed to be manual control mode as the codes displayed on the screen from presets 1-10 and that some sections of the footage showed magnification of the footage.

He clarified that he never concluded that someone was behind the camera at some point. He merely suggested that it was a possibility for someone to have been behind the camera. He confirmed that the camera had consistently recorded in color mode until the arrival of the military and even after. His team however observed that at 18:48:45hours, the camera changed from the control code presets 1-10 to something quite different, by changing to grey 18:53hours. He informed the Panel that the manual control of the camera occurred before the change in color and that at 19:38:31hours, there was no appearance of any protesters left at TP1 and that after this, at 19:48:17hours again, the camera changed from grey to color and about a minute later changed again. He noted that he was unable to draw any inference from these facts apart from the fact that the camera changed from color to grey and back.

He clarified that his team was not given access. They were merely taken to the location of the server room where they noticed that it appeared to have been burnt.

He noted also that the exhibit he tendered to the Panel, they had requested for further information such as the model, serial number of LCC's CCTV system and how it was extracted and that a copy was supplied to the Panel. He stated that the only way recordings could be retrieved was from the server. However he did not know if the server was in existence at the time the footage was retrieved. When asked what he was trying to tell the Panel when he said that live rounds would keep firing repeatedly when fired, the witness explained that the rifle function depended on the type of weapon—semi or automatic. He also explained that when the trigger of a blank weapon was pulled, all that is emitted from the muzzle is gasses without projectiles that had insufficient energy to push the cartridge backward. However, in the case of a live round when the trigger is pulled, it is the same amount of energy that subsists as the round is being expelled as that which pushes the cartridge backward as the cartridge exits and another round is picked up and put into the chamber.

He went on to testify that where a weapon was semi-automatic, there were certain rifles that would need to be constantly chambered, such as a pump action rifle. Some modern rifles especially firearms used by law enforcement, could switch from semi to fully automatic. He asserted that every time the trigger of a semi-automatic was pulled, bullets exit and stop until the trigger is pulled again. In the case of a fully automatic weapon however, it continues to click and exit bullets until the person firing either releases his finger or run out of ammunition. As such, the successive reactive motion of the rifle's sound that goes 'ta-ta-ta-ta' when a live round was being fired cannot be heard. The implication of this, the witness noted was that If multiple individuals were firing blanks, the sounds would be heard, but they would not follow a regular pattern.

Mr. Funsho-Ako noted that his team could not decipher the scenario that played out at the toll gate as they only observed muzzle flashes. When asked the exact places his team searched when he informed the panel that they did not find impact high velocity projectiles on the walls of TP1, the witness explained that they first searched the individual toll booths because they observed that a lot of interaction occurred around there, after which they proceeded from one end of the walk way to the other, including the internal walkway at the top of the plaza and then to the offices with glass interiors. He reiterated that his team conducted an extensive search around TP1 but did not find any evidence of impact from high velocity projectiles. He also noted that TP1 had concrete walls at the base of the structure, glass that were shattered and walls reinforced by concrete. He confirmed that he would only be able to make comments if shown photos of high velocity projectiles on walls as he would need to see the wall to determine the type of projectile that was involved.

When asked if his team observed anything that appeared to be bullet holes under

one of the staircases in TP1, the witness informed the Panel that although he did not see the things seen in the photograph, they were however not bullet holes and he didn't know the things the examiner was referring to. After requesting that the portion of the flash drive tendered by Miss. Sarah tagged 8734833D be played, the witness went on to state that although his team came across areas with burnt out sections, he could not say that what they observed was the same with what he was being shown because of the orientation of the photograph. It was his testimony that there was neither sufficient information and details because the photograph was a close up. He reiterated that he could not tell the part of TP1 the photograph was taken from the close up frame.

Mr. Funsho-Ako indicated that it was possible for him to conduct an analysis of contact with high velocity projectile using the photograph. However, he would need to visit the scene. He explained that they observed sections that showed scenes like the one in the photograph during his team's visit to the scene. He then went on to explain that "you would notice that at the bottom of the pipe you have what appears to be deposits and when you have things burning under high temperatures, you can have it act in different ways. When we saw a similar image, to a lay person it looks like bullet holes, it's not there were no deep penetrations to show bullet holes. Secondly, it was an impossible angle to fire at, a bullet travels in a straight trajectory and begins to spiral as the distance increases. Unless we have the full frame, we can't really go by this; we can compare it with some images we got as well. This type of scene to someone who is not trained will appear as bullet holes."

Lastly, he informed the Panel that he had not promised to examine the photograph and went ahead to clarify that while he could examine the photograph, he could not visit the scene as he did not know if any extensive renovation had been done.

## **ZOOM PROCEEDING OF THE LAGOS STATE FORENSIC EXPERT, MR. DIEYE TONYE WILLIE-HARRY ON THE 28<sup>TH</sup> OF SEPTEMBER, 2021.**

Appearances Entered:

Mr. Olukayode Enitan with J. Briggs and Y. Olabode for Lagos State Government.

Mr. Cyril Ajifor with Emmanuel Eze for the Nigeria Police Force.

Mr. Rotimi Seriki with Grace Jogor for the Lekki Concession Company (LCC).

Mrs Amanda Asagba with A. C. Eze for the Nigerian Bar Association (NBA).

Mr. O.C. Olagunju for named #EndSARS Protesters on record.

Mr. Adesina Ogunlana with Ayo Ademiluyi for the Petitioners on record.

Mr. Jonathan Ogunsanya, Esq., Counsel to the Panel.

## **Witness Examination-In-Chief by Mr. Olukayode Enitan, SAN.**

The witness stated his name as Dieye Tonye Willie-Harry and that he is the Director of Oxygene Consulting UK Limited and currently resides at No. 2 Copsy Garden, Lakeview, United Kingdom. He confirmed that he was engaged by the Lagos State government to conduct an investigation on the event of the 20th of October 2020, which took place at the Lekki Toll Gate in Lagos. He stated that Oxygene UK limited was required to provide a medical forensic and ballistic report into the incident of that evening, and a number of other things such as the possible effect of the incident itself not only on the surrounding area but also on the victims and the media impact of the circumstances that led up to the event and following the events.

The Witness stated that he was the team lead in this investigation and he is a light weapon specialist and military operations analyst among other things, a Nigerian National, a UK based security consultant with a background of extensive operational and high risk deployment in Africa, Asia and the Middle East. He is currently a director and senior consultant with Oxygene Consulting UK limited and has been previously employed in roles such as forensic investigator, a kidnap and ransom negotiator, a trained paramedic and has worked with an ambulance. He has worked as a counter surveillance officer, a close protection officer and also mediating on hostile environment security adviser. He has worked with media houses such as BBC, Al-Jazeera, CBC and so on. He has worked as an arm private military security officer in Iraq, Afghanistan, Somalia and a number of other countries. He has also participated in other military security roles over an extended period of 30 years.

Before entering the high risk private security service which he is now engaged in, he served with distinction with 2nd parachute regiment of the French Army foreign French Legion in the commando company base on Calvary in Corsica France. In this role, he had extensive oversea deployment to law intensity conflict and actively participated in intensive covert operations around the world in a Special Forces role. He stated that his team members are Dr. A. B., a military medical analyst, Mr. M. A. is a ballistic forensic analyst Mr. Y. A. is a media and IT analyst.

He noted that he had a presentation to make to the Panel, and that same had been shared electronically to all Counsel on record while hard copies had also been filed before the Panel. He stated that although the presentation would be done through a PowerPoint presentation, the actual content of the report would unfortunately not be deeply explored as he would have preferred because of the time factor. As such, he would only focus on the aspects he felt would be relevant and important for the Panel.

He began by explaining that the timeline was the 20<sup>th</sup> of October, 2020. He indicated also that a number of things might have changed and asked to be forgiven as there might be a number of possible discrepancies for instance, in paragraph two (2), where

it was stated that the time the report was submitted was February, 2021 and also that the Army was deployed to the Toll Gate; which later proved to be incorrect.

He indicated that the Army was deployed to patrol the axis all the way from Victoria Island all the way to Ajah which in itself deserves a correction, when it had become apparent that the Police Force was no longer capable of maintaining law and order. However, that the army claimed the soldiers only fired blank ammunition into the air in any effort to disperse protesters following the report of alleged deaths and injuries resulting from gunshot possibly fired by soldiers of the Nigeria Army and that a number of persons were treated at nearby hospitals and clinics with suspected gunshot wounds. That the incident took place ten (10) week plus before the arrival of the Oxygen investigation team in December, 2020 and at this stage the medical treatment of victims had reached an advanced stage. Injuries had healed and victims had been discharged from healthcare centers.

This, he noted raised the issue of the ability of the victims to give reliable accounts of how, when and where this respective injuries were sustained; and this may have deteriorated or become contaminated by exterior influences in the passage of time. At this point, that the investigation team was not in legal position to interview the victims without interfering with the activities of the constituted Lagos State Judicial Inquiry Panel and that following all incident subject, the incident location is a busy access area and due to the frequent usage of the axis, is highly likely forensic/ballistic evidence was irrevocably lost resulting to an extreme public pressure from unbiased scientifically based account of what occurred at the Lekki Toll Gate at the evening of 20<sup>th</sup> October, 2020.

When asked to list the materials that were used in carrying out the investigation by his team as contained in page 26, the witness referred to it to be appendix III of the report and that in the process of collating the report the Oxygen consulting team were able to examine the following materials:

1. Medical and X-ray reports of the victims who were treated at the general Hospital Lagos, Vedic Life Care Hospital, Lagoon Hospital, Reddington Hospital, Grandville trauma and emergency center; and
2. C.T. scan of the victims who were treated at the lagoon hospital Lagos and summary of injuries from Doreen Specialist Hospital at Ajah, Lagos.

The witness stated that before he gives the breakdown of injuries as contained on page 9 from the documents obtained, it is very important to mention that in the objective to establish the possible nature or cause of the injury sustained by the victims, his team visited the incident location, interviewed medical practitioners, reviewed and cataloged X-rays, reviewed process catalog videos

and photographic materials from all available media including social media and Lagos State Government, identified and established all weapon system presumed were present at the Lekki Toll Gate. Speaking to the type of injuries found, the witness stated that in an effort to distill what took place; his team broke down the injuries to three specific groups. The most important and the most interesting for all will be what were classified as positive law - enforcement grade ammunition. That these injuries are commensurate with 7.62 x 39mm, classified as (law enforcement grade ammunition), negative enforcement grade ammunition, that is firearms injuries not commensurate with 7.62 x 39mm (law enforcement grade ammunition) and finally what his team termed as inconclusive otherwise non firearm related injuries, lacerations, bruising sprains, panic attacks etc.

Also, that his team made a total of eighty-six (86) medical victims' injuries report and of these injuries as observed on page 10 and went into more details according to the dates in question, that his team specifically in reference to their initial interest in the hours between 7:00pm on the 20th of October 2020 and 9:35pm on the 22nd of October 2020; and these injuries were then broken down into categories by medical facility. It was his position that what was of interest was the recorded time of arrival which his team termed as T.O.S. at the various medical facilities that it was of interest because of a number of other factors which he would come to in the presentation as he moved along.

In addition, the names of the victims as recorded within the report and the X-ray of injuries that his team reviewed are also there while he noted that the medical report of all these victims were examined, the victims' time of arrival at the facility and what his team interpreted from the X-ray and medical to be the justification for the injury; and went on to stress the emphasis for the investigation to be based on an ammunition reference injury report (referring to page 11) from the examined medical reports at the timelines of the victims arrival at the various medical facilities; and that his team was able to establish a firm trend consisting of the nature of the injuries and the recorded victims arrival time at the named medical facilities.

It was his evidence that nineteen (19) ballistic related injuries were recorded, later reviewed and categorized into Ballistic None Law Enforcement Grade Ammunition Related Injuries and Ballistic Law Enforcement Grade Related Injuries. Twenty-three (23) of these medical injuries reported were class non ballistic but fire related injuries. That his team was able to define each injury as a result of examining the medical records into the two groups as stated earlier. The first group being the high velocity law enforcement grade ammunition which refers directly to the speed of projectile of bullet. He testified that a high velocity projectile bullet traveling at supersonic speed effect consist of a shock

wave like effect which was often referred to as gravitation and had two main characteristics.

Going into the ammunition injury report, the Witness stated that it is essential to explain the nature of the weaponry and the projectiles that his team discovered during the investigation, to this end his team split the injuries and medical records into two groups, the first group - law enforcement grade ammunition and the second grade none law enforcement artisanal ammunition. That the definition of artisanal is covered in the report but he will just give it verbatim to be locally made crafted weapons in this case firearms, usually produced by local blacksmith or small enterprises. In the field of small arms and light weapons crafting it is not limited to firearms, motors, single launch drawer case and other light weapons can and are often locally produced.

These weapons may vary in quality or finish and caliber of ammunition used, but revolve mainly around the use of not exclusively limited to twelve (12) gauge ammunitions or 9mm pistol hand gun cartridges. That in the first image, the victim Adamu H, who arrived at Lagoon Hospital at 19:05pm having a low velocity gunshot wound to the right hand, while it was very clear that had this being a high velocity injury he would not very likely had lost that hand. Further to that the entry hole and the exist wound are of a relatively small caliber. The damage to the bone was not commensurate with 7.62 by 39mm. The second image which is again classified as a low velocity impact was to the back within the chest area of Mr. Agbeze I, classification for this was given as there was no signs of cavitation or an exit wound. The image displayed showing from the side of his chest cavity most likely to remove fluids, this again was then classified as low velocity impact bearing in mind that high velocity ammunition would very likely had passed through the chest cavity resulting in cavitation and very likely of a fatal finish. The third image as a low velocity injury was caused in the Witness' opinion by multiple projectiles otherwise known as pellets with an injury to the right leg which unfortunately later had to be amputated belonging to Mr. Olamilekan F. The fourth and final injury collected was a low velocity multiple projectile injury to the gluteus, Ukpomo M, gluteus is the buttock. That it is interesting to note that the pellets are visible also in the X-ray and also important to note that none of these injuries reflect the high velocity ammunition.

The Witness stated to the Panel that the characteristics of both sets of ammunition can be seen as a preamble to the rest of the report before the Panel and that their definition of a high velocity projectile in the body forms the area of cavitation and expansion in the body tissue. It would also lacerate the tissue it encounters and the bullet might 'youn' or tumble as it slowed, further lacerating the tissue and causing the bullet to follow often unpredictable

pathway along the body. The 9mm or low velocity projectile is wounding and the classification is low velocity direct tissue destruction with area proportional to the projectile this plays a major role whereas in high velocity injuries the lateral tissue expansion becomes more significant. In these images the concentration was made on ballistic related none law enforcement grade ammunition injuries otherwise classified as low velocity and artisanal weapons.

The first image shown on the left is a firearm that was seized by the Nigeria Police Force at an earlier date from cultist in Surulere. The image on the right is a direct representation of that same firearm or similar version thereof and this image was taken at the Lekki Toll Gate and it is in a video interview that took place at the Toll Gate. The third image is a slight break down of what a twelve (12) gauge short-gun ammunition looks like. The cut away is important because we can see at the top of the image small round pellets which was demonstrated in the previous image on page 12 in injuries pertaining to Mr. Ukpomo M. The third image is also important because these cartridges are fully available in local circles and are used by hunters to shoot small Deer otherwise known as bush meat. The fourth image of a locally made pistol chambered for this same cartridge which is twelve (12) gauges. The distribution of the cartridges can be seen at the top of the image. With respect to page 14, the witness stated that there are two images the first from the left which refers to the cartridges shown in the last slide.

He explained that it could be seen from the clearer image, the sort of projectiles that are discharged when this termination is used. He referred again to page 12 and regarding the injuries sustain by both Mr. Olamilekan and Mr. Ukpomo, that these form of cartridges are popular among criminals, cultists, etc., and are the improvised firearm which are chambered and also define the 9mm caliber round, these are rampant among criminals because of the relatively small size of the cartridge the ability to conceal and dispose several rounds on the relatively small magazine. These cartridges are also freely available widely on the black market they were formally widely used by the military, police and other law enforcement agency before the shift was made to the ubiquitous AK47 (including variant thereof) which have become the main stay of all the various law enforcement agencies in Nigeria. That the team took into account the ballistic comparison between the (widely accepted) effects of law enforcement grade high velocity 7.62mm X 39mm ammunition on human tissue/bone, cavitation and suspected low velocity (shotgun) artisanal ammunition.

As earlier mention T.O.A. (Time of Arrival) at medical facilities was also considered. It is highly unlikely that victims, following a shooting incident would not report at a medical facility with utmost urgency. The team also took into account the possible delays due to traffic congestion or the absence of

ambulance able to convey victims to hospital for medical care, before arriving at stated conclusion. In the first image we see what is clearly accepted by the team as a law enforcement grade projectile embedded in the leg soft tissue without creating a fracture in the bone. What you see to the left of the image is actually a bone so we see that the projectile had been embedded. The witness further stated that the last image to the right is exactly what was seen in the first image on the left on page 16, and that his team found from the data that was examined including the timeline of arrival of the injured Protesters at the medical facility and the nature of the injuries sustained by the victims taken to the five medical facilities; that no military grade live ammunition was fired at the protesters at the Lekki Toll Gate on 20<sup>th</sup> October, 2020.

The Witness stressed within the time frame of reference between 6:30pm and 8:34pm that the four (4) gunshot injuries between 7:05pm and 7:45pm examined by the team can be safely identified as discharge as either low velocity caliber arms or artisanal 12 gauge firearms, he included the caveat and that his team was unable to ascertain how or by whom, where and when exactly where these gunshot wounds/injuries were sustained due to the apparent breakdown of law and order prevalent throughout that day, afternoon and evening of the 20<sup>th</sup> of October, 2020 at the time of the alleged Lekki incident. The witness making his conclusion from the examination and research surrounding open source imagery and news reporting including social media, along with the individual injuries and medical reports was of the opinion that Live military grade ammunition may have been discharged at some point at the Lekki Toll Gate on the 20<sup>th</sup> of October, 2020 after 21:00 hours and possibly aimed at the road surface in front of protesters, this ultimately caused the projectiles to ricochet resulting in the core breaking out of the jacket and hitting the majority of the victims in the lower limbs at much reduced kinetic energy but with enough energy to fracture the long bones without exiting the victims bodies while his team was able to identify the firearms carried by the military officers during the alleged incident as Kalashnikov AK type variants including Chinese type 56, some with (foldable bayonet) extended. These weapons discharged the 7.62mm X 39mm type 56/PS which refers to the (molded steel core projectile with steel jacket). The direction of the muzzles of the Nigerian military firearms as seen in various videos recorded during the incident varies predominantly from pointing towards the ground to directly skywards on the discharge.

He noted that his team did not view any footage which definitely showed the muzzles being aimed at any individual and at the same time being fired with the effect thereof, with what his team could freely access to be firing live ammunition which the witness elaborated has very large definite characteristic and gave a scenario of someone being hit with a Sledge hammer in the sensitive

part of the body. That there was no flailing or falling injured victims as a result of the shot that were being aimed or fired by a military individual. The impression of flailing can fairly be describe as been hit in the chest cavity causing an impact which his team referred to as the arms moving forward in a veil and turning in a full circle as the victim is projected backwards as the impact to the projectile this is what his team referred to as flailing. That there was none of that and his team also did not see any falling victims in any of the videos. However, given the injury sustained from 21:00 hours and further his team does believe that live military grade ammunition were fired at some point by persons as yet to be identified.

It was his evidence that with the individual injuries and medical reports, he was of the opinion that live military grade ammunition may have been discharged at some point at the Lekki Toll gate on the 20<sup>th</sup> of October, 2020 after 21:00 hours and possibly aimed at the road surface in front of protesters, this ultimately caused the projectiles to ricochet resulting in the core breaking out of the jacket and hitting the majority of the victims in the lower limbs at much reduced kinetic energy but with enough energy to fracture the long bones without exiting the victims' bodies. These injuries are clear to see following the 21:30 hours' time stamp on medical records. That the team has identified the firearms carried by the military officers during the alleged incident as Kalashnikov AK type variants including Chinese type 56, some with (foldable bayonet) extended. That these weapons discharged the 7.62mm X 39mm type 56/PS which refers to the (molded steel core projectile with steel jacket) and the direction of the muzzles of the of the Nigerian military firearms as seen in various videos recorded during the incident, varies predominantly from pointing towards the ground to directly skywards on the discharge.

The Counsel representing Lagos State Government under examination-in-chief referred to the second slide which was the media paper analysis, which the witness confirmed to have been given some pages, footage and other videos and documents to review as part of his team's commission which the witness had prepared a set of slide when asked if his team received some pages, footage and other videos and documents to review as part of the team's commission. The Counsel representing Lagos State Government also asked the witness to take the Panel through the highlights, while the witness stated that his team was required to examine and offer professional opinion on a number of digital images which are in free circulation but also a number that were given to the team contained in a USB drive for analysis and study to produce a report.

The witness stated that it will be fair to explain the procedure or the process in order to give fair understanding of the way the team work having being a complex procedure. That the team viewed extensively (referring to page 7) and

digitally reconstructed various footages given and that by term construction, that the team was able to do that through then use of video equipment specifically for forensic video investigation, and were able to break down all the digital videos that were received, were able to the videos layers by layers slowly, pinned it down, enhanced the pictures and the images and time stamp and code in each individual frame. That the result of that deconstruction as also been handed in to the Lagos State Government and bears reference to images to be displayed later in this report. That the team digitally enhanced where necessary the time code and subtitle, reviewed and cataloged what the team felt are notable discrepancies and also reviewed process and cataloged videos stream and graphic materials from all available media to enable the fact checking and the summary of the report.\*\*\*\*

The Witness went on to confirm that that the media footage reviewed are that of the reputable network, BBC (British Broadcasting Corporation) channel news. He further explained that he looked at each individual media house and was given specific footages to examine which are open source because anybody can go online, search and look at them and also that nothing was hidden apart from the USB drive given to them by Lagos State Government.

The Witness was made to understand that the USB he mentioned that he got from Lagos state is the same exhibit tendered by Ms. Ibrahim. The Witness said they looked at various specific videos that they were given to examine and they have it all within the report including the result of the examination and comments. The Witness stated an example where it was disclosed in the shooting part of the CNN report that there was shooting towards midnight and that it was not just the army, but that the police arrived and started shooting, whereas the Witness noted a discrepancy with that statement because the Nigeria Army left the Lagos tollgate at 8:34pm as recorded and there is no evidence to prove the deployment of any other security forces as of now.

The Witness stated that after the alleged shooting event that took place at the Lekki Toll Gate, international and local media relying on little more than unauthenticated time stamped images, videos and witness statements lacking in proof and credibility immediately label what occurred as a massacre. The rumoured outrageous numbers of death were also reconjugated on prime time TV and on social media that fatalities ranged from 70, then to 12 and eventually to 2 on the night in question. He further explained that Local and International media have not offered evidence of any of the allegations made in their reports, also that CNN and amnesty international backed out of their initial report of several people being shot and killed at Lekki Toll Gate to a claim of 2 fatalities. It is of concern to him as to why any of the international media could not report on what led to the curfew in Lagos state announced on the 20 of

October 2020, neither did they report the burning down of police stations, violent armed clashes with so called area boys, looting of military grade weapons and ammunition from police armory by thugs and other individuals. Neither have they reported on the deadly aftermath of the Lekki Toll Gate incident, the wide spread arson, looting, attacks including the killing and in some cases cannibalism of policemen and other security personnel, with gang of criminals breaking into peoples home and places of business and terrorizing them.

The Witness emphasized that it was imperative for the Lagos Government to implement the validation and inception of the crisis management plan as a matter of urgency to avoid the repetition of the unfortunate event. He stated that the reason is that it was clear that due to the rapid deterioration of communication of the sudden injuries the narrative was taken over by individual who probably did not have the best interest of the state and the nation at hand. The Witness stated that this is not referring to the EndSARS protesters but other parties who took over and controlled by the use of social media, false flag information and psychological operation and this created a gap between what was actually happening and what was then disseminated into the public domain. He noted that if the Lagos state government had crisis management plan in place it would have been a simple question of referring to the specific incident, taking steps and measures, isolating the incident, securing the forensic and ballistic investigation in which case they would have been able to establish at a very short time what exactly took place.

The Witness opined that Lagos State Government ought to commence a TV documentary on the #EndSARS movement, the aftermath of burning and looting the most vibrant city in Africa. Also on a positive note how Lagos has risen like a phoenix from the flames. This was essential because at some point in time the process, procedure and the actual event with witness statement, involvement of the military and the aftermath could be played out in a way that people could understand what actually took place.

The Witness was asked to explain what he found out from the footage which he obtained from CNN footage and he gave explanation about the digital enhance frame from the CNN video, the faint CNN video which caused so much sensation. He explained how the line of troops and the circle which was put in by CNN was purposely to reflect the firing of military grade ammunition into the crowd of protesters, however there are two angles to this that are very important. The Witness stated that having borne arms most of his adult life and being familiar with the characteristic of small and light weapons he can safely and without any doubt confirm that the image of CNN they were looking at is a discharge of a blank round.

He testified that video evidence also supported the witness claims that there were instances where troops were seen to be re-arming their weapons before either discharging them to the air or purposely in the direction of the protesters and that the light flashes which were visible was the gun powder of the weapon. The Witness also explained that the difference between a live ammunition and blank round is that with live ammunition there is no need of automatic weapon and also no need for rearming because anytime a trigger is pulled and a live bullet leaves the barrel of the weapon as a result of the gas blow back from the pressure created in the barrel the bridge of the weapon is moved back and as it comes forward it takes another round from the magazine of the weapon. If a blank round is being discharged, it is accompanied by a much more exorbitant flash and also the sound is different from that of live round. At the moment they started to deconstruct the images one by one it is clear to see and it is very evidence that whoever made the image and used it as a back job for troops firing live rounds into unarmed civilian protesters did not do their homework properly.

### **Cross-Examination of Mr. Willie-Harry by Mr. Cyril Ajifor for the Nigeria Police Force.**

The Witness was asked how he came to the conclusion that the shooting started at 21:00hrs, he responded by explaining that first, the nature of the injuries that took place after the 21:00hrs started to reflect a sudden surge of what was classified as high velocity law enforcement grade ammunition and he stopped it at 21:00hrs because he took a lead time on both ends from 6:30pm until 8:30pm after the military left the scene and then a bit more at the end, that was why it ended at 21:00hrs. The Witness had in his analysis on record that the military arrived at 18:35hrs leaving at 20:34hrs.

The Witness was further questioned about the analysis of \*\*251 251 given the fact that there is the high velocity shooting and the low velocity shooting both occurring at 21:00hrs, he answered that as he mentioned earlier that they were all aware of the fact that a number of police stations were attacked and that they were also aware that in a normal circulation of criminal element in Nigeria as a whole not only in Lagos within the underworld, military grade weapons are freely available. He stated that it is very sad to have to mention that as a fact these weapons are widely in circulation and they could not specifically state who or why or when those victims were shot. What the witness could establish is bearing in mind the time of arrival at the medical facilities, took into consideration the travel time between the two installations and added more time for that which is also how he arrived at the conclusion of the approximate time of the injury. The Witness stated that they were not able to specify where the victims were shot or by whom, they only easily saw from the effect of the injuries by what they were injured and would like to contain the remarks to that.

The Witness confirmed not to have seen any picture of policemen beyond 9:00pm or during 9:00pm in the various pictures sent to him by the SAN. He agreed that there was a total breakdown of law precisely on the 20th October 2020. The Witness further confirmed that some AK47 were recovered from some cultists in Surulere part of Lagos state, and he implored that those who do not believe that high velocity weapon were in free distribution can go online and put in any of the very famous videos where the Nigerian police are interviewing or exhibiting their latest apprehension in the array of weaponry, military and artisanal laid out for the public to see. These weapons exist everywhere in Nigeria. The Witness confirmed to having a military background, he stated the Kalashnikov (AK47) 7.62mm X 39mm to be a high velocity weapon military grade used by the military, the police and other security agents.

The Witness was asked about the possibility of the military grade ammunition being discharged to the floor at the scene of the incident if it is consistent with military or police or any other security agency and the witness replied that it goes against basic training of weapon handling and when a weapon is discharged with live ammunition following his knowledge of training of the Nigerian military and the Nigeria police in weapons drill, he did not believe that firing into a road surface reflects the ability of some of the person firing the weapon to possess a proper level of proper handling in scales. So on the emphasis of firing into the ground the witness suggested that it is more likely it is an attempt to frighten, neutralize or wound or not knowing what they were doing with the weapon and as such it kicks back and they could not handle it properly.

The Witness further stated that the injuries that the team saw does not corollate with the knowledge of gun used by the Nigerian military which is why he referred to the report because in that report they also looked at a famous image of a hand full of spent and live cartridges but they did not know who was at the scene and what sort of ammunition they were carrying. The Witness confirmed that to the best of his knowledge and by his own personal experience and what is widely known that the Nigeria military and police do not carry 9mm or shotgun with 12 plate grade pellets that is what was attested to.

The Witness was asked the extent of damage that can be done when a Kalashnikov AK47 was fired directly at a range of up to 100meters and the Witness went on to explain with a graphic details showing a line of troops firing live ammunition from the Kalashnikov AK47 type PS by 7.62mm X 39mm firing into a mass at a range estimated between 50 and 100metres would have penetrated 2 or 3 individuals after each other and succeeded probably in causing catastrophic bleeding in the fourth person. The AKs are designed to be fired with an effective range of 400meters and a killing range of up and out to 600meters. The Witness continued by concluding that firing

that round at a 100meters with a bullet travelling at 703meters per second weighed 7.9grams at an unprotected body is catastrophic and a blood bath as there would have been bits of organ, bits of brain, human hands, legs torn from the bodies and that blood would have been in broad display and the important consequences of blood bleeding on a concrete or asphalt is that it cannot be cleaned with a broom as the nature of blood itself is that it soaks into any surface it can find and stays there until the surface is either resurfaced, drilled out or chemically cleaning and in chemical cleaning there is still a possibility to locate spatter months after the incident has taken place.

The Witness concluded that for someone to say to him that troops in a mass firing line fired into protesters at a range of 100 - 150 meters, he will visually say and put his career on it that it is impossible to be relating whether or not the result was visible. Also that it is impossible that those troops fired live rounds into that crowd judging by the situation and the effect of the weaponry and the injuries.

### **Cross-Examination of Mr. Willie-Harry by Mr. O.C. Olagunju.**

The witness was asked if he filed any other document besides the ones he listed in Appendix III or if there are any other documents. He responded by saying that he looked at X-rays, medical reports, images on social media but were not registered in the list and there was nothing else outside that.

He also stated that for the purpose of this report, he explained that the documents were the source documents for the medical aspect of the report and they also looked at a lot of information online. What was available in the region of videos, witnesses account, pictures and so on. He however made it clear that this was not registered on this list. When asked if he interviewed the hierarchy of the Nigeria Police and the Nigerian Army, he responded that he did not.

When confronted with the question of how the witness came about his findings that the Nigerian Army was deployed because it was apparent that the Nigeria Police Force was incapable of maintaining law and order, the Witness responded that as at the time his team compiled the report earlier in the month of February, 2021, the broad consensus was that the military were deployed to Lekki Toll Gate. The Witness further stated that he does not need to go into details about the political or socio-economic necessity to emphasize why or if or when the decision was taken to deploy the Nigeria military to the Toll Gate and it sufficed to say that was not part of his team's mandate.

When the witness was asked who gave the information that the Nigeria Police are no longer capable, he responded saying, "First of all and most importantly in source

imagery, news reporting and the presence of military personnel on the streets standing, that the situation have deteriorated beyond the capability of the Nigeria police. We all saw the images of some policemen being manhandled and beaten. I think it is a fair assessment and also a reason deduction that at that point in time the Nigeria force were not capable of maintaining the peace". The witness was further asked who brought in the military and he responded by stating that he did know who brought them, neither did he need to know.

The Counsel requested that the digital media aspect of the witness' presentation be brought up on the screen and referred to number 3 of the last paragraph where it says, "A detachment of soldiers of the Nigerian Army were unaware of this change to a later curfew time, arrived at the Lekki Toll Gate at about 18:30hrs and according to several media houses (allegedly) fired live (bullet) rounds directed at the peaceful protesters". The Counsel asked how the witness came about the information that the Nigerian Army was unaware that the time of curfew was changed and the witness explained that the slide is a brief demonstration of what the general consensus was, including the reference to #EndSARS in position one about the beginning of the whole exercise. He explained further that the consensus was in general circulation and it was not precisely contained in the report.

The witness confirmed that in the summary of the CNN video, there was an examination of the bullet casing. When asked if he also stated that the casing and bullet were allegedly matched to a Nigerian military arm supply purchase made by the Nigerian government in 2005 in Serbia and if any of his findings negate that allegation by CNN, the witness responded in the negative.

The witness was also asked about the discrepancy he noted and pointed in the video at 00:00:22:11 where someone can be heard saying, "they have killed him, they have killed him", "The Nigerian government denies this happened in a peaceful protest turned deadly." Discrepancies were noted in this video that there was visible effect of gunfire that was seen and he responded in the affirmative.

He was further asked if the finding as regards reaction of lack of an injured person is a medical finding, a digital finding or a ballistic finding in reaction of lack of an injured persons and he answered that, "No this response did not go into the image of lack of an injured person or killed person we confined ourselves to the description as given by CNN".

The witness mentioned that what he was trying to show the Tribunal is that the crowd was not shown like the crowd under gunfire and a combination of the ballistic, medical and digital expertise was used to an extent to arrive at this. He explained that it is very clear that when live rounds start coming down on people, they will not

sit down on the floor singing songs or waving banners when people around them are dropping, bleeding and dying. The Witness also confirmed that there was an injured person on the ground in the footage. The Counsel asked the witness if he believed the people around the injured person were not telling the truth and he said that by his analysis, he believed that somebody was injured but both the reference in the "they have kill him" quote and then by the CNN reporter that the Nigerian government denies this happened, misconstrued deliberately is their finding in the investigation.

He noted that he did not question the fact that somebody was injured and that the crowd around might believe that he may have been killed but what he was questioning is the procedure which CNN used in placing images, sounds and videos beside each other in an attempt to portray something that did not take place.

The Counsel referred the witness to 00:02:39:00 in the footage and Mr Willie Harry stated that witnesses told CNN in their description of that incident. He said it is on the video and that was why he requested that the actual footage should be seen. He explained that when the moving images are viewed, the viewer will understand what the comments about the discrepancies are but however CNN tried to imply that ambulances were stopped by Military, Police, SARS or whoever else that was present from evacuating injured persons from the area. He stated that they found out that the ambulances did evacuate people from the protest ground as early as 6:30pm which indicated that people were able to be taken to the hospital. The first arrival that they noted was at 7:04pm so that reflected poorly on the reporting that ambulances were stopped from entering the area.

The witness said he will not be surprised that the Panel has a video showing ambulances parking by the Lekki Toll Gate on the 20<sup>th</sup> of October, 2020 and he stated that as of June, 2021, the information they had juxtaposes the one from CNN. He said he was not aware of any other video, recording or interview with ambulance personnel. He affirmed that he said his first discrepancy was that all flash and sparks are the sound of blank rounds. He stated that he would 99.9% affirm that the bullet discharged were blank rounds and further noted that his understanding of the handling of weapons goes further than muscle flashes.

He confirmed that he said the Nigerian Army left the Lekki Toll Gate at 20:34hrs and he got this information from multiple video recordings including CNN on the arrival and the departure of the Nigeria military personnel. He explained that his team added a lead time in order to allow for possible discrepancies of the videos, which was how they arrived at 8:34pm. The actual time which they agreed on was between when the first vehicle left and the last vehicle within that time space which was between 8pm and 8:34pm. He stated that in the context of their investigation, they took into consideration what they called "lead times". They could not be specific

about what time a group of people moved from point A to B, so they took a time that was sufficient to say after this time they could comfortably deduce that the last person would have left. He then confirmed that he said there was no evidence of any other security forces including the Police at the Lekki Toll Gate. He also stated that they did not speak with any protester or eye witness as it was not in their mandate.

When asked where he got the materials he has from, he replied that a video database that was handed to them by the Lagos State Government was all the material that they investigated which was time coded, deconstructed, reconstructed, subtitled and it is those time codes that the Counsel was looking at on the discrepancy report. He further stated that one of the notable discrepancies was that of the questioning of random passerby and it is more of a forensic expert's work. When asked if he will be surprised that there are videos of the dead bodies and people with injuries, he responded that he was not quite sure how that information affects the construction of the CNN video and stated that their consideration was based on what was presented and he was not aware of BBC's reports when asked if he was aware that BBC had official reports of the incident.

The witness in his testimony before the Panel, affirmed the facts stated in his report indicating that the weapons held by the Army Personnel present at the Lekki Toll Gate were pointed in the axis between the floor and upwards and was often times pointed directly at the protesters. He stated that in line 20 of his report where he spoke about FIG, there were a series of audio and video recording transmitted on DW and maintained that saying that the footage of the FID and DW were the same was a matter of opinion and not one he could agree to. The witness explained that in his Ballistic and Forensic analysis, he did not interview anyone, and he indicated that the documents he relied on were not solely provided by the Panel, but also by the Lagos State Ministry of Health.

When asked whether he investigated the victims he stated that he did not carry out any investigation on the victims because he thought it would be in-correct to do so as it could have been seen as badgering the witnesses or interfering with the process of justice. He reiterated that the military came at 6:30pm and left by 8:34pm but that this did not help him determine when the victims were shot neither did it help him determine those who sustained the gunshot wounds by high velocity projectiles. He confirmed also that in determining that the Military left at 8:34pm they could not possibly have returned by 9pm as those who sustained injuries did not start appearing at the hospital until 9pm.

### **Cross-Examination of Mr. Willie-Harry by Mrs Amanda Asagba on behalf of**

## **the Nigerian Bar Association.**

Cross-examination started with the witness confirming that the ballistic report was prepared in February and signed on the 19<sup>th</sup> of February 2021, while the media report was prepared in June. He explained that the procedure for Forensics in the United Kingdom (UK) entailed isolating the crime scene and an evidence based investigation followed by ballistics, medical and finally digital investigations. He stated that when he was briefed on the assignment, he requested for access to the medical data and a visit the scene of the incident, which was granted. He expatiated further, by saying that after being granted access, he carried out his investigation in December 2020 and reiterated that the emphasis of the gathering of the evidences in forensics requires immediate presence at the crime scene, and that the delay between October and December resulted in the loss of available items that could have been used to give a clearer picture of what actually took place. In addition, he stated that the lapse in time before he could carry out his investigation was a great deficit to the assimilation and the gathering of evidence.

He went on to explain that the exhibits that were handed over to him to investigate could not tell the source of the weapons fired on the streets as no weapons or ammunition was given to him or his team and that although his ballistic report shows a lot of firearms, they were not given to him by the Lagos State Government. He stated that when carrying out his investigation with his team, they not only had images that appeared at the scene, but also had medical reports and X-rays and that in order for him to have conducted a perfectly sound ballistic report, he would have had to have the weapons the Army used on that day and also the weapons of others at the scene who were armed. He re-affirmed that he indicated early in his report the issue surrounding the difficulty to come to a conclusion, and agreed that in a perfect world, he should have been able to pin down immediately the day the incident took place, requested the army to produce the weapons deployed, requested from the hospitals all materials removed from the victims and also interview the said victims on a one on one basis, but as he was not a Policeman he could not stretch his duties beyond his capabilities.

He further stated that he was to produce the report based on medical forensic and ballistic evidence that was available, and as a result of the constraints he mentioned earlier, the report was only the assimilation of the combination of what he and his team found and was not binding in any way, but has very strong basis in a given field as a medical report. He disagreed with the notion that as an expert there were certain jobs he should not take because all the elements of the case were not in perfect sequence, but rather he stated that his intention as a Forensics Investigator was to get to the bottom of what took place and look at the evidence presented without any bias and that he had sufficiently fulfilled his intentions.

He explained that he was not a media expert and that in order to conduct an unbiased analysis, the media analyst on his team conducted the part of the investigation that had to do with the media, but he refrained from calling the said member of his team who conducted that part of the investigation as he stated that the report was worked on by the entire team and they attribute emphasis on the team member who is the strongest in the field who in turn defends the report. So therefore, while the thought of an ex-soldier defending a media analysis might seem incomprehensible, he explained that he was the team leader and he also collated the report and wrote the summary, thus the report is a fair judgment of what took place at the scene.

The witness, stated that they visited Nigeria on the third week in December, 2020 and that he believed that the injuries sustained by the victims had been healed as at the time of his arrival and he restated his earlier statement that the primary setback was that too much time had passed after the injuries had occurred so, he could not give a fair assessment of the exact injuries to this day because that had begun to heal, some had disappeared and the foreign bodies had already been extracted and disposed of. He further stated that he made efforts to get their details and follow up on their treatment progress, but the task proved impossible as some of the victims gave false names, and this led to a lot of extra work because he and his team had to concentrate on assimilating each medical record that were at the very best scanty, and in addition, they had to rely on x-rays and other images on open source media. He also admitted that it was difficult to determine the different types of injuries sustained by the victims as 10 weeks had passed between the time of the incident and when he carried out his investigation and it was difficult to join a victim with his injury and medical report.

He testified that when he and his team arrived in Nigeria, they requested to see anything that had been recovered at the scene, and also made an appointment with two (2) medical facility surgeons who informed them that on one occasion, the object that was removed from the body of one of the victims was returned to the victim, and on another occasion at a different medical facility, the foreign body extracted could not be found. As such, the witness and his team had to rely on X-rays and CT scans available because when they made inquiries as to the whereabouts of the evidence that was taken, extracted or recovered from the scene they were informed that it was unavailable, and were asked to visit the scene themselves if they required any evidence. Lastly, he stated that he was informed that it might be difficult to acquire any piece of evidence as the Judicial Panel of Inquiry had started sitting and they were not allowed to collect or interfere with any evidence that had previously being collected by the Panel.

He sympathized with the frustrations of the counsel cross-examining him, and agreed

that the entire process could very easily have been avoided if a clearer and more defined crisis based management sequence had been put in place. He impressed on the importance of urgency and expressed doubt that something similar to this could ever happen in the UK as it would not be handled in the same way as it was in Nigeria. He however stated that it is only a mere speculation on his part, and that he is more suited to observing a scene where there is low intensity conflict duration and where there are no rules of engagement and no constituted legal authority. He expressed that looking at the incident at the Lekki Toll Gate compounded by the lack of physical evidence he witnessed at the time of his inspection, posed a great challenge for him to be questioned on the subject matter. However, he stated that despite the lack of information or evidence, he believed that the investigation he carried out was definitely better than choosing not to do anything, and he and his team got it right.

When asked to tell the Panel who was responsible for cleaning up the 'crime scene' and if he asked that question as an expert, the witness indicated that the answer to the question was two (2) pronged. He explained his team was informed that on the morning of the day after the incident and subsequent to the visit by the Lagos State Government, residents around the scene of the incident undertook to clean up the debris from the weeklong activities. He noted that it was shock to his team when they realized that materials that would have constituted evidence had been lost. For example, and as such a lot of barricade had been moved, fires that had been raging at the toll booths themselves had also been extinguished.

Lastly, referring to page 17 of his team's report, the witness was also asked if he was standing by their statement that the death toll stood at zero (0). To this, the witness noted that although the report was written in June, he honestly did not know what the death toll was. He had no idea what the death toll was.

### **Cross-Examination of Mr. Willie-Harry by Mr. Adesina Ogunlana.**

The witness began by informing the Panel that upon their engagement, their mandate was to conduct a review into the events at Lekki Toll Gate, a review on the digital media impact in relation to the incident and produce the report which he had done. He went on to state that he had no psychologist, psychiatrist, sociologist or political scientist on his team. He indicated that he was a Nigerian National who was interested in Nigeria.

He went on to confirm that Lagoon Hospital, General Hospital, Vedic, Reddington, Grandville Trauma and Doreen Hospitals respectively were listed in the report he prepared as one of the hospitals his team was given material from. However, the Lagos State Teaching Hospital (LASUTH) was not listed as the hospital was outside

what his team considered to be the perceivable range of area of responsibility within the epicenter of the Lekki Toll Gate. He stated that his team was not given any report from Victoria Island consultancy and Hospital, Victoria Island, Lagos neither did they work on any pathologist report from Professor Obafunwa.

It was his evidence that his team did not work with any bullet, bullet casings, weapons or ammunitions of any sort. His organization did not work with; neither did they work with Lekki Concession Company. He noted that his team saw the Lekki Concession Company footage which was tendered at the Panel. He went on to state that the Lagos State Government did not hand over any footage submitted by the Lekki Concession Company. He confirmed that the acts of cannibalism seen in the media images/videos submitted to them did not occur in Lagos. He reiterated that to the best of his knowledge, no act of cannibalism was perpetrated on Police Officers during the #EndSARS protests.

When asked to expatiate about the alleged conflicting Press reports from Mr. Governor's Office and the tweet from the Military in respect of the Lekki Toll Gate incident, the witness explained to wit: "Yes we looked at a number report but we looked at the program which were on the night of the event where the Governor was reported to have informed that nobody was killed initially and then later on there was a report again that he mentioned that one person had been killed with blunt force trauma and there was the interview with the BBC which we also looked at where there was questions raised about whether or not there was any one who was killed and it was unclear and the question was ongoing and from the military side when the military was requested to respond whether or not they have fired on the protesters they said they were not there, that was the first response and then followed by subsequent reports of people being shot also from that side but they did not fire live ammunition. In that conflagration of information a lot of narrative probably got side tracked that is what we are referring to."

In response to the question if he was aware that his team was given all materials such as x-ray of victims, the witness noted that he believed his team was given the maximum materials available and in the possession of the Lagos State Government to the best of his knowledge and ability. He based this belief on the premise that his team visited hospitals on several occasions searching for material. They were given the freedom to 'roam freely'. He then went on to clarify that the other gentleman, one Ayodeji allegedly arrived at the hospital at 9:41pm based on the medical report from the General Hospital.

He also clarified that he had made it clear that it was virtually impossible for his team to give a definite time of the injury. Specifically, he stated thus: "We calculated a lead time in anticipating that this is how long geographically it will take for that location in

that travel time so we calculated like an hour to get to the hospital. I cannot tell you what time or where he got shot what I know is that he arrived at the General Hospital at 9:41pm or 9:38 pm respectively with a gunshot wound showing the characteristics of a high velocity injury further reinforce that X-rays and subsequent treatment of that injury. That is what I can tell you. I cannot tell you when or what time whether it is at 8:30pm or 9:40pm or whether he was shot 2 minutes before I don't know."

He testified that his team examined a total of eighty-six (86) medical injury reports belonging to eighty-six (86) different human beings. However, when asked if the name of one Olajide Ajumobi was included in the said list, the witness categorically stated that he could not confirm or deny same 'out of the blue' as he could not remember all of the names. This was because he did not have the complete list of the reports before him at the time of giving evidence as he had thought that all that would be needed by the Panel would be the names contained in his report. He however indicated that it would be possible for the name not to have appeared in his report and in the event that it was there, the victim might have either given a false name or it could have been misspelled. The witness went over his explanation again and when also asked if the name of one Samuel Oshoala was also included in the list, he stated that he was unable to answer the question.

He denied testifying that law and order allegedly broke down at the Lekki Toll Gate on the 20th of October 2020. Lastly, he clarified that he was neither saying that the protest was peaceful nor violent or as the preamble of the report emphasized the breakdown of law and order around the State, although his report included the fact that an ongoing peaceful protest had been held on the #EndSARS movement at the Lekki Toll Gate, Lagos State.

# FINDINGS

## 1. WAS THERE A PROTEST AT LEKKI TOLL GATE?

- A. Evidence from the testimonies of all witnesses that appeared before the Panel indicated that there were protests that emanated from opposition to alleged police brutality and perceived human rights violations and demand for police reforms. The protests began on or about the 8th of October, 2020 and climaxed with the incident of alleged shooting of the protesters by soldiers and police at the Lekki Toll Gate in the evening of 20th October, 2020.
- B. From the evidence of Miss Serah Ibrahim, as well as Onileowo Legend, Dabiraoluwa Ayuku and Kamsichukwu Ibe, who participated in the #EndSARS protests, as part of the organizers. Panel took their accounts of the protest as coming from that of eye witnesses.
- C. The Panel finds that around October 8, 2020 or thereabout, the protest started as a form of campaign against Police brutality and police reforms, with protesters remaining at the protest grounds till about 8-9pm but as it gained momentum, protesters stayed till 3am and then later till the following day, coming in shifts and it thereafter became a continuous process.
- D. The Panel finds that the protest was about police brutality and police reform, especially the various experiences of youths in the hands of the Special Anti-Robbery Squad, SARS. Protesters had prayer meetings, worship services, Jumaat Services, musical interludes, ambulance services, rescue operations, security services and they had meaningful and peaceful interactions with the Lekki Concession Company, Loatsad Promedia, the Governor of Lagos State and other top officials of the State Government and even the security agencies, prior to October 20<sup>th</sup> 2020, all consistent with peaceful and orderly conduct, not generally associated with hoodlums.
- E. It was largely peaceful although the panel finds that on the 12th of October 2020, there were reports of unruly behavior consisting of pelting the Governor with water sachets, as well as heckling of his deputy.
- F. The Panel finds that the protest had the objectives of communicating the grievances of the youths to the appropriate authorities, they had Nigerian flags and it was comprised of people from different tribes and religion, old and young.

- G. The Panel finds that the protesters had very cordial relationship with the security agencies and even had cause to pave way for some Naval officers who were on a mission somewhere along the Lekki Axis.
- H. The Panel finds that both the State and Federal Government were well informed about the protest and prominent officials visited the protesters at the Lekki Toll Gate, including the Governor of Lagos State and other prominent politicians. Prominent stars and musicians were able to engage the Police maturely to avoid any clash between the police and the protesters.

## **2. WHAT WAS THE NATURE OF THE PROTEST AT THE LEKKI TOLL GATE?**

- A. There was a widespread protest against the activities of the Special Anti-Robbery Squad (SARS) and the police generally across the state, majorly at Alausa Secretariat and Lekki Toll Gate, which kicked off from the 8th of October to the 20th of October 2020. The Alausa and Lekki Toll Gate convergence were generally peaceful and orderly with participants from across the state in attendance. Due to the number of participants, the gathering caused a gridlock based on the adoption of the Lekki Toll Gate as the epicenter of the protest.
- B. The right to peaceful protest is the individual and/or collective exercise of existing and universally recognized human rights, including the rights to freedom of expression, freedom of peaceful assembly and of association, the right to take part in the conduct of public affairs, the right to freedom of thought, conscience and religion, the right to participation in cultural life, the rights to life, privacy, liberty and security of a person and the right to non-discrimination. The right to protest is also essential to securing all human rights, including economic, social and cultural rights; Rights to protest is anchored in the human rights treaties signed and ratified by Nigeria.
- C. International Human rights law treaties signed and ratified by Nigeria specifically International Covenant on Civil and Political Rights (ICCPR) and the Nigerian Constitution protect the rights of people to peaceful assembly, to freedom of expression and to association, as well as to participate in the conduct of the public affairs of their country. The relevant provisions can be found in Article 18, 19 and 20 of Universal Declaration of Human Rights, Article 18, 19, 21, 22 and 25 of ICCPR and Sections 38, 39 and 40 of the Constitution of Federal Republic of Nigeria, 1999 as amended.

- D. The protest at Lekki Toll Gate according to eyewitnesses that testified and from the video footages submitted by witnesses and LCC was very peaceful on all the days including the 20th of October, 2020 until the arrival of men of the Nigerian Army.
- E. Protesters had cleaners to clear the environment of debris, stones and any other dangerous object. The Panel finds that the modus of the protest was that they had tents, some brought their cars and some other slept on the bare grass. The protesters had cordial relationship with LCC personnel and gave them food in their various offices. Panel finds that the gathering at the Lekki Toll Gate was not that of hoodlums and cultists. They were vigilant against petty thieves and miscreants who they apprehended and handed over to Policemen. They had private security men and bodyguards, they also had ambulances to attend to health issues, they had welfare officers who took care of feeding the protesters and they had an effective sanitation team that cleared the protest ground daily through consistent sweeping with zero tolerance for dangerous items and weapons such as stones, sticks, guns, machetes, etc. They also had an effective crowd control mechanism.
- F. The Panel finds that the testimonies of Miss Serah Ibrahim, Miss Dabira Ayuku, Mr. Onileowo Legend and Miss Kamsichukwu, vividly captured the protest, especially at the Lekki Toll Gate. Protesters had three drones flying around on October 20, 2020 and they were able to capture graphic details of the events and occurrences on the said day.
- G. The Panel finds that there was heavy police presence at the Lekki Toll Gate, with police trucks parked.

### **3. WAS THE PROTEST AT LEKKI TOLL GATE HIJACKED ON THE 20<sup>TH</sup> OF OCTOBER, 2020?**

- A. The Panel finds that although the Army gave copious evidence of general commotion, violence and mayhem in other locations in Lagos State other than Lekki Toll Gate, there is no justification behind the deployment of its soldiers and officers to Lekki Toll Gate in particular, when there was no violence reported there instead of the other critical areas (for example in places like Orile, Mushin etc), which indeed escalated the violence. The deployment of the Army to Lekki Toll Gate on 20/10/2020, in the absence of any reported violence, was totally unwarranted.

- B. In trying to justify the deployment of the Army, its principal witness before the Panel, Brigadier-General Taiwo stated that once a protest goes past 2-3 days, it will be hijacked by hoodlums. The Panel finds that this proposition was not substantiated. The EndSARS protest at Lekki Toll Gate in particular was peaceful and orderly and was not hijacked by hoodlums.
- C. The Panel finds that the mayhem and violence recorded in other parts of Lagos State did not happen at the Lekki Toll Gate, so there was no need for any apprehension on the part of the government or the security agencies to seek to dispel that peaceful assembly, with soldiers bearing lethal weapons. The Constitution of the Federal Republic of Nigeria, 1999 as Amended, in section 40 grants the right of assembly and association, freedom of movement in section 41 and freedom of expression in section 39. There was thus no need for deployment of soldiers to the Lekki Toll Gate to disperse peaceful protesters in flagrant violation of these entrenched fundamental rights.

#### **4. WAS THE NIGERIAN ARMY INVITED ON THE 20<sup>TH</sup> OF OCTOBER, 2020?**

- A. The Panel finds that the ineffectiveness of the Police cannot be a justification for the invitation of the Army to Lagos state and the deployment of the Army to the Lekki Toll Gate on October 20<sup>th</sup> 2020, for the following reasons, amongst others:
- i. The EndSARS protest at the Lekki Toll Gate was largely peaceful, organized and orderly;
  - ii. No single serious or threatening reports of fighting, robbery, attacks, bloodshed or violence emanated from the Lekki Toll Gate before and on the day of the incident of 20<sup>th</sup> of October 2020;
  - iii. The Constitution guarantees to every citizen the right to peaceful protest, which at times may result in civil disobedience;
  - iv. Given the number of people gathered at the Lekki Toll Gate, an invitation of the Army to Lagos State and deployment of the Army to disperse such peaceful gathering should not be an option for a government that had already opened up dialogue with the protesters.
- B. The Panel finds in the light of all the above that issue of whether or not the Army kept to any particular rules of engagement is immaterial since the invitation of the Army to Lagos state and the deployment of the Army to Lekki Toll Gate in the first place was totally unwarranted. The Army should on no account be deployed against unarmed

civilians how much less youths who are only demanding for respect for their fundamental rights.

#### **5. DID THE ARMY COME TO THE TOLL GATE ON THE 20<sup>TH</sup> OCTOBER 2020 ?**

- A. Yes the Nigerian Army was at the Lekki Toll Gate. Troops were deployed from the 65 Battalion acting under 81 Division Garrison, forming a mobile team to patrol up to Epe, Ibeju Lekki, Sangotedo, Badore and other areas along the Lekki/Epe axis on the 20th of October 2020 as asserted in the testimony of Brigadier General Taiwo.
- B. The Panel finds that the particular troop that visited the Lekki Toll Gate was from the 65 Battalion under the 81 Division Garrison led by Lt Col. Bello.
- C. The Panel finds that General Taiwo contradicted himself when he stated that the protesters were pelting soldiers with stones and bottles (page 6) when at the same he said the same troops gave the protesters drinks and he could not substantiate this allegation in the video he presented when he was cross-examined on the point.
- D. From his testimony and under cross-examination, the Panel finds that General Taiwo was not present at the Lekki Toll Gate at the time of the incident of October 20, which he claimed to have monitored on the internet. Panel therefore takes his testimony as limited to the operational guides of the deployment and the origin of the invitation of the soldiers by the Lagos State Government.

#### **6. WHEN DID THE ARMY ARRIVE AT THE TOLL GATE?**

Evidence indicated that the Nigerian Army arrived the Lekki Toll Gate at about 6:40pm on 20th October, 2020. Upon the review of the incident, Sentinel Forensics Limited in their report, corroborated this as the report identified seven (7) military vehicles to be present at the scene specifically at 18:51:14hrs.

#### **7. DID THE ARMY USE BLANK OR LIVE BULLETS OR BOTH AT THE LEKKI TOLL GATE AND DID IT RESULT IN CASUALTIES INCLUDING DEATHS?**

- A. Testimonies from witnesses on whether or not the Army used Blank or Live Bullets or both at the Lekki Toll Gate, are divergent. The testimony from the Nigerian Army indicated that they tried to persuade the protesters to leave the Toll Gate and go home in compliance with the curfew already imposed. The Nigerian Army also stated that they later fired shots of blank bullets into the air in order to disperse the

protesters. According to their testimony, there were no fatalities occasioned by their shooting at the Lekki Toll Gate, and that only two persons fainted and were revived and that at no time were live ammunitions fired into the crowd. To buttress their testimony, the Nigerian Army tendered in evidence the expended blank ammunition they fired into the air. They maintained that blank ammunitions do not have the capacity to cause bodily injury, let alone cause fatality.

- B. The evidence of Brigadier General Taiwo on what transpired on the 20th October 2020, when the Army were deployed to the Lekki Toll Gate was hear say even as he made it clear he was not on ground at the Lekki Toll Gate on the said day. His failure to present the commanding officer Lt. Colonel Bello, who was on ground and Brigadier General Omata, who later joined him at the Lekki Toll Gate, is fatal to his account of what actually happened on the night of the 20th October 2020.
- C. Brigadier General Taiwo admitted that the troops deployed were carrying blanks and Live Ammunition.
- D. A contrary testimony by Witnesses of the ENDSARS protesters indicated that live bullets were fired by Nigerian Army and the empty shell casings of live bullets allegedly recovered from the scene were tendered in evidence by the Witnesses of the protesters. Also, empty shell casings of fired shots were recovered by members of the Panel during visit to locus in quo. Testimonies from Reddington hospital confirmed that bullet injuries were treated at their facility.
- E. The video evidence of the LCC and those of Serah Ibrahim showed the soldiers were shooting in the air and at some times directly at the protesters. Both account of the Forensic Experts and the Ballistic expert support the evidence of Serah Ibrahim and other witnesses.
- F. By virtue of the document tendered by The MD of Lekki Concession Company marked LCC Exhibit A, there is corroboration by LCC which was on ground that the Nigeria Army shot at protesters and disrupted their activities on the 20<sup>th</sup> of October 2020. The document titled **"LCC CONDEMNS SHOOTING OF UNARMED PROTESTERS AND DISRUPTION OF THE PEACEFUL MARCH AT THE LEKKI TOLL PLAZA"** was an LCC PRESS RELEASE of 21<sup>st</sup> OCTOBER, 2020. The document which emanated from LCC, the company that was in charge of Lekki Toll Gate and is a witness and party to what happened at the LTG gave conclusive proof through its caption that the protest

at Lekki Toll Gate was peaceful but was disrupted by Nigerian Army who came to shoot at unarmed peaceful protesters.

- G. A number of petitioners who testified before the panel established that they were hit from ammunitions of the army and their injuries have been found by the hospitals to be consistent with gunshot injuries. The evidence of Reddington Hospital and Grandville Hospital established the fact that not less than 20 persons who claimed to be protesters were treated for wounds consistent with gunshot injuries. It is therefore improbable that the army only used blank ammunitions at the Toll Gate on the day of the incident as claimed. There were many injured and deaths.
- H. The medical evidence from Dr Lawson and Dr Aromolate of Reddington Hospital and Granville Trauma center respectively, reported at least one death at both facilities.
- I. Panel believes the testimony of Dr. Babajide Lawson that the situation at the Lekki Branch of Reddington Hospital on the night of October 20, 2020 could be termed as a case of 'mass casualty'.
- J. Evidence from the Forensics experts (Sentinel Forensics Ltd) engaged by the Panel confirmed that multiple muzzle flashes consistent with the discharge of ammunition were observed. The Forensics experts also noted that at the commencement of engagement, for the most part, the muzzle flashes appeared to be directed upwards towards the sky, and at other times the direction of the protesters. The experts further noted that there were instances where at least two persons sustained injury/rendered immobile and were carried by other protesters. From the totality of the evidence adduced, it can be safely concluded that there were the use and discharge of live ammunitions at the Lekki Toll Gate on 20th October, 2020 which resulted in injuries and deaths.
- K. One of the protesters who was shot and taken for dead, Olalekan Sanusi, (video W80 - of Serah Ibrahim) eventually escaped to narrate his ordeal and experience stated that at least 11 corpses were in the van, where he had been put in and presumed dead. Dabira Ayuku also testified that she saw seven (7) bodies being put in a military truck at the Lekki Toll Gate, both sets of evidence were uncontroverted.

- L. Also, the Lagos State Chief Pathologist, Prof John Oladapo Obafunwa, in his testimony stated that “deaths of three cases came about at the Lekki but their identities of the dead were unknown.” He was specific in identifying where the corpses were said to have been recovered, where they were said to be preserved, and when autopsies were conducted. He further concluded that the cause of death of one of them was bleeding due to a blunt force trauma. Though, he did not comment on the blunt force trauma of two of the three corpses, he however affirmed that the third case was caused by gunshots injuries, specifically a rifle weapon.
- M. The evidence of the pathologist Prof Obafunwa that only 3 of the bodies that they conducted post mortem examination on were from Lekki and only one had Gunshot injury and this was not debunked. We deem it credible as the contrary was not presented before the panel.
- N. The testimony and report of Professor John Obafunwa, a Forensic Pathologist of Lagos State University Teaching Hospital, showed that three (3) corpses were deposited at the Mainland Hospital, Yaba Hospital, all from the Lekki Toll Gate and the autopsy conducted thereon revealed death from bleeding caused by penetrating objects or rifled weapon.
- O. However, the Panel finds that the fact of lack of identity of some of the other 96 corpses on the list supplied by Professor Obafunwa would not obliterate the fact that some of them could have come from the Lekki Toll Gate Incident of October 20, 2020 or that some other unidentified corpses may have been removed by their families or the military, as claimed by the EndSARS protesters, far and beyond the list tendered by Professor Obafunwa.
- P. The Panel also finds that most of the 96 corpses for which autopsies were conducted by Professor Obafunwa remain unidentified but they were labelled with EndSARS, apparently lending credence to the case of the EndSARS protesters that the shootings by security agencies resulted in mass deaths within the State.
- Q. The evidence of Brigadier General Taiwo on the Rules of Engagement being the use of minimum force and use of lethal force only as a means of last resort, where other means to control the situation has failed was not established by any iota of evidence to explain or justify the use of Live Ammunition at the Lekki Toll Gate against peaceful protesters.

- R. The Rules of Engagement as stated by Brigadier General Taiwo, that after firing has ceased, medical assistance must be rendered, details of incident both in writing and on audio-visual equipment on whether or not there were casualties must be recorded was not provided by the military. The army in the circumstances of their engagement did not comply with their own Rules of Engagement in the conduct of their operation at the Lekki Toll Gate on the night of 20th Oct 2020.
- S. The panel finds that had the rule of engagement of the military under Non-Kinetic protocol been fully adopted and adhered to, a single shot need not have been fired to persuade the unarmed and defenseless youth to leave the Lekki Toll Gate in preparation for the commencement of the declared curfew by the State Government in evening (9pm) of the 20<sup>th</sup> of October, 2020.
- T. From all available evidence, it is without doubt that the military did not just use blank ammunition at Lekki Toll Gate. The eye witnesses account shows very clearly that live ammunition was used by the military, who were initially the only persons who carried arms to the protest ground on the day of the incident. The medical evidence on the nature of the injury sustained by the protesters and cases of death were results of the deployment of live ammunition as confirmed by the forensic experts, Sentinel Forensic limited and Oxygen consulting UK limited.

## **8. WAS THE POLICE PRESENT AT THE LEKKI TOLL GATE ON THE 20<sup>TH</sup> OCTOBER 2020 ?**

- A. ACP Oludotun Odubona who represented the CP Lagos and is the Second in Command Operations of the Lagos State Police Command stated that SARS and other Tactical Units were disbanded on 11<sup>th</sup> October 2020. He stated that there were no police officers at the Lekki Toll Gate on the 20th and 21st of October 2020.
- B. That from the 14th of October 2020 the Commissioner of Police withdrew all police officers from the Toll Gate, and there was nothing to warrant the use of live rounds on the 20<sup>th</sup> or 21<sup>st</sup> of October, 2020, by any Police officer. Similarly, the DPO of Maroko Divisional Police Station CSP Raji Ganiyu stated that no Policeman was dispatched to the Lekki Toll Gate from the 14<sup>th</sup> of October 2020. That to his knowledge as a DPO, the 20<sup>th</sup> of October 2020 was not an extraordinary day. He also stated that on the 20<sup>th</sup> of October 2020 at 8:30pm, people came to the station throwing bottles and attempting to burn down the station. That with the assistance of

the community, they spoke to them and they left. That he was not armed but his men were. He was not aware if anything happened at the Lekki Toll Gate till he saw it on Social Media the next day. That he remained at his station from the 14<sup>th</sup> of October, 2020 and even on the 20<sup>th</sup> of October, 2020 and he received no report of any incident at the Lekki Toll Gate.

- C. Several EndSARS protesters including Miss Serah Ibrahim and Onilewo Legend testified of their direct one-on-one encounter with police officers at the Lekki Toll Gate between the night of the 20<sup>th</sup> of October 2020 and the morning hours of the 21<sup>st</sup> of October 2020.
- D. In Serah Ibrahim's documentary video evidence (Exhibit A labelled AHTJ2821 from about the 14<sup>th</sup> to the 38<sup>th</sup> Seconds) there is evidence that police officers were at the Toll Gate on the 20<sup>th</sup> to the 21<sup>st</sup> of October. It was also clear from the voices that the officers were preventing the protesters who they were in confrontation with from recording.
- E. The premium Times Interview presented in Exhibit A tendered by Serah Ibrahim under OOSA2155 showed persons who were interviewed and gave copious account that the police shot in ubiquitous fashion at the Lekki Toll Gate between the 20<sup>th</sup> and 21<sup>st</sup> October, 2020. Those interviewed (Serah Ibrahim) also personally pointed out that the DPO of Maroko Divisional Police Station personally shot someone.
- F. All the above clearly contradicts the testimony of both representatives of the Nigeria Police Force. From the above the Panel finds that the Police was at the Lekki Toll gate on the 20<sup>th</sup> and 21<sup>st</sup> of October 2020 and that it is clear that the Nigerian Police were aware that gunshots were being fired at the Toll Gate based upon the testimony of witnesses and evidence before the panel.

## **9. DID THE POLICE SHOOT?**

- A. Several EndSARS protesters testified that the police shot at them (Perpetual Kamisyochukwu) and brutalized them (Onilewo Legend) or threatened them (Serah Ibrahim). In addition Video clips of eye witnesses stating that they saw police shoot dead people at or around the Toll Gate was tendered. In Onilewo Legend's video evidence, his voice in the background clearly states, "police are shooting" and he may die that night. In the investigative report by Premium Times earlier referenced,

which was submitted by Miss Serah Ibrahim, several residents around the Lekki Toll Gate and in the shanties gave evidence that the police shot and killed several people.

*“That the Police followed up with the killing of the protesters after the soldiers had departed, shooting directly at fleeing protesters into the shanties and the Lagoon at the Lekki Phase 1 Foreshore, close to the Lekki Toll Gate, floating corpse and some shot directly close to Serah Ibrahim.”*

- B. The evidence before the panel shows that after the Nigerian Army left, the Nigeria Police Force, followed up with the killing of the protesters, shooting directly at fleeing protesters into the shanties and the Lagoon at the Lekki Phase 1 Foreshore, close to the Lekki Toll Gate, floating corpse and one shot close to Serah Ibrahim.
- C. On arms used by the police CSP Raji Ganiyu stated under cross examination that about 30 station guards had arms that day for the purpose of protecting the station. That there was no record of arms fired within that period by his men. He tendered the Arms Register of the Maroko Police Station covering the period of 1<sup>st</sup> October to 31<sup>st</sup> of October 2020.
- D. The police Arms Movement Register of the Maroko Division of the Nigerian Police force, which oversees the Toll Gate shows that on 20<sup>th</sup> of October a total of 73 Rifles were signed out, 66 Rifles were signed out during the day and 7 Rifles during evening duty. The Register also provides details of the beats (posting) that the officers collecting them were assigned to and the amount of ammunitions (rounds) issued.
- E. Serial Numbers (S/N) 1 to S/N 65 were signed out between 06:33am and 15:12pm, while “Tuesday Night” weapons were signed out from 18:00hours to 00:49 hours.
- F. The rifles issued on 20<sup>th</sup> October 2020 were collected for the following beats: Lekki (S/N 10) , Roundabout (S/N 5) LSPDC, S/G , PD, R/D special duty, COD, Security Guard, Patrol (S/N 20, 26 to 29, 34, 35, 39 to 41, ) Judge, A/R, Toscana , A/C , Guard, Orderly, 6 of night duty , Anti Robbery(S/N 22, 30) OPS(S/N 03, 07, 37,51).
- G. It is clear from the above that on the 20<sup>th</sup> of October, 2020 the Police were deployed to various parts covered under the Maroko Divisional Station these numbers of those deployed were in contradistinction to those on Station Guard duty. The Register showed that of the 73 weapons signed out, about 23 were for Stations Guard, others

were for various beats. As stated earlier the testimony of CSP Raji Ganiyu was that about 30 of his men were armed to protect the station.

- H. When compared against the period immediately preceding the 20<sup>th</sup> of October, 2020 the Panel finds that more guns and more ammunitions were issued on the 20<sup>th</sup> and it took a longer period to return these arms. For e.g. on 5<sup>th</sup> October 2021 a at total of 61 rifles were signed out for the following beats: Bank, CD, Escort, Patrol, INEC, beat, church, Anti Robbery, under morning and night. On the 6<sup>th</sup> of October 2020 a total of 62 Rifles were signed out. On 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> of October 57 Rifles were signed out . The average amount of rounds issued per riffle was 15-20 . On 14<sup>th</sup> of October a total of 62 rifles were signed out for the following beat: Lekki 1 (S/N 2) COd, PD, Security Guard, Escort, SG, Patrol , Anti Robbery (S/N No 16), Special Duty, Judge, Rifle issued under S/N 48 was not returned till 26<sup>th</sup> October, Oba's palace, OPS, patrol. On 15<sup>th</sup> October 2020 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> 48 rifles a total of 53 rifles were signed out for the following beats: Oba, Access, Oko Awo, Banks , Patrol (S/N 9-12, 17, 19, 24, 34, 35, Anti Robbery( No 13) , PD, Security Guard, Church , OPS(26), Special Duties, SG, AR. On 16<sup>th</sup> October a total of 50 Riffles were signed out the beats included for Patrol, ,vehicle Patrol, special duties, SPD, Access.
- I. Unlike other days with average rounds of 15 to 20, on the 20<sup>th</sup> of October 2020 a lot of officers collected 30 to 40 rounds with some collecting as much 60 rounds ( S/N 60 Ugochukwu Polycarp) Ideh Donatus 54(AR) , Vehicle Patrol (S/N 25 ) 30 rounds , Ops 2 (S/N 55) 30 rounds . The station guards were S/N 69-65, Evening Duty S/N 5 to 6. Of the guns collected on the 20<sup>th</sup> of October only about 23 were returned by the next day, 21<sup>st</sup> as was usual with most days. Most were returned on 22<sup>nd</sup> and some as late as 23<sup>rd</sup>, 25<sup>th</sup> and 28<sup>th</sup> of October.
- J. The panel finds that an analysis of the arm issuance in the period prior to 20<sup>th</sup> of October 2020 and up until 21<sup>st</sup> October 2020, shows that contrary to the evidence of the DPO of Maroko Police officers were being deployed outside their stations in particular, Maroko Police Station. A keen example of this is that on 19<sup>th</sup> S/N 52 ASP **Ayodele Olabode** signed out a rifle for Lekki Patrol with several rounds.
- K. The register also shows that there were arms and ammunition issued in respect of vehicle patrol, which is contrary to the evidence of DPO Maroko Police Station and would support the evidence of protesters such as Miss. Serah Ibrahim who testified that she saw the Police vehicle.

L. The Panel finds that testimony of the DPO that they were in lockdown at their station based on the state wide directive of the CP Hakeem Odumosu is therefore incongruous with the number of arms signed out and the obvious deployment of officers to various places including Lekki. The Panel further finds that the Arms Movement Diary shows that about 50 police men under the Maroko Division were out in the streets including at Lekki and its environs on various beats with rifles and abundant ammunition on 20<sup>th</sup> October 2020.

M. The Panel also finds that contrary to the evidence of DPO Maroko, evidence from the Register that the huge cache of ammunitions which were signed out with the weapons were never returned with the rifles, most of which were returned several days later.

**N. From the totality of the above 5 conclusions can be reached:**

- Contrary to the evidence of the Police as borne out by documentary evidence and the testimony of HOS the Police was fully aware of the events going on at the Toll Gate on the 20<sup>th</sup> and 21<sup>st</sup> of October.
  - That the Police did not withdraw to their stations from the 14<sup>th</sup> of October as they claimed. They maintained some form of active duty as shown by the issuance of arms and ammunition from the 14<sup>th</sup> of October till the day of the incident and beyond to officers on various beats.
  - Upon the testimonies of multiple eye witnesses , the Police were at the Lekki Toll Gate on the 20<sup>th</sup> of October as was corroborated from the weapons signed out from the armory of Maroko Divisional Station, one of which was for Lekki, many of which was for Patrol. Furthermore there was an unusual amount of rounds of ammunition signed out on that day as compared to other days.
  - That the police shot and killed a protester around the Toll Gate (the waterside).
  - That the police also brutalized and injured protesters around the Lekki Toll Gate including Onilewo Legend and threatened several people.
- O. The panel finds most alarming and concerning the testimonies of the ACP Oludotun Odubona who appeared on behalf of the CP and that of CSP Raji Ganiyu, the DPO of Maroko Police Station that no investigation was carried out in respect of the

incident of 20th October 2020, because there was no basis for such investigation and no complaints were lodged with the Nigerian Police Force by victims or families of victims. This amounts to a dereliction of duty.

## **10. WHETHER THERE WAS A MASSACRE AT THE LEKKI TOLL GATE ON OCTOBER 20<sup>TH</sup> 2020?**

- A. The atrocious maiming and killing of unarmed, helpless and unresisting protesters, while sitting on the floor and waving their Nigerian flags, while singing the National Anthem can be equated to a ‘massacre’ in context.

*“A massacre has been defined as the killing of multiple individuals, which is considered to be morally unacceptable especially when perpetrated by political actors against defenseless victims.”—Wikipedia*

- B. The Panel considered whether what took place at the Lekki Toll Gate on the 20<sup>th</sup> October, 2020 was a MASSACRE. According to the learned authors of Merriam-Webster Online Dictionary, one of the meanings of MASSACRE is *‘the act or instance of killing a number of usually helpless or unresisting human beings under circumstances of atrocity or cruelty.’*

- C. Against the above ‘contextual’ definitions, the Panel considered the following evidence before it:

1. The EndSARS protesters at the Lekki Toll Gate were defenseless members of the civil populace, youth and young adults;
2. Both the Lagos State Government and indeed the Federal Government were well aware of their status, objectives and the nature of their protest;
3. The presence of protesters at the Lekki Toll Gate did not threaten the territorial integrity of Nigeria and could not be considered as a civil insurrection to warrant the intervention of the Nigerian Army;
4. Some top officials of the Lagos State Government met with the youths at the Lekki Toll Gate around 12-1pm of October 20, 2020, seeking selected representatives to discuss an urgent matter with them with a view to persuading them to leave the Lekki Toll Gate;

5. Officers and soldiers of 65 Battalion of the Nigerian Army, led by Lt. Col Bello, left their base with blank and live ammunitions to confront and disperse youths holding only their national flags, with live bullets;
6. The soldiers actually shot blank and live bullets directly and pointedly into the midst of the protesters at the Lekki Toll Gate, with the deliberate intention to assault, maim and kill;
7. The soldiers turned back ambulances that were invited to render first aid and assistance to the wounded protesters;

### **Uncontroverted Evidence**

8. The Panel finds that the Nigerian Army had exited the Panel at the time of the testimony of the EndSARS protesters so that their testimonies and evidence were largely uncontroverted through contrary evidence from those accused of shooting, especially the Nigerian Army. The only witness of the Nigerian Army, Brigadier-General Taiwo admitted that he was not personally present at the Lekki Toll Gate on October 20, 2020.
9. The Panel finds that the cross-examinations of the EndSARS protesters by the Lagos State Government, Lekki Concession Company and the Nigeria Police Force did not impeach the direct evidence of the eye witnesses, whereas the evidence of the Lagos State Government, the Lekki Concession Company and the Police came from witnesses who stated that they were not at the Lekki Toll Gate on October 20, 2020.

### **Evidence Of Coverup**

10. It was alleged and corroborated that the soldiers had their vans parked at the Lekki Toll Gate and removed as many bodies and corpses of the fallen protesters which they took away with their vans. One of the protesters who was shot and taken for dead, Olalekan Sanusi, who eventually escaped to narrate his ordeal and experience stated that 11 corpses were in the van, where he was placed in and presumed dead. Miss Dabira Ayuku also corroborated the above by stating that she saw about 7 dead bodies placed in one of the military trucks at the Lekki Toll Gate on the night of 20<sup>th</sup> October, 2020.

11. It was alleged and corroborated that soldiers picked bullet shells on the night of October 20 and policemen followed up in the morning of October 21 to pick bullet shells.
12. Several unidentified bodies were removed by security agencies and LASEHMU (Lagos State Environmental Health Monitoring Unit) and deposited at various hospital mortuaries in Lagos State.
13. Three (3) trucks with brushes underneath were brought to the Lekki Toll Gate in the morning of October 21<sup>st</sup> October, 2020 to clean up the scene of bloodstains and other evidence.
14. There was abundant evidence before the Panel that the Lagos State Waste Management Authority (LAWMA) indicated in its Twitter handle that it had effectively cleaned up the Lekki Toll Gate scene immediately after the incident of October 20, 2020.
15. The denial of ambulances by the soldiers, which could have assisted in the prompt and effective treatment of injured protesters, was cruel and inhuman and it contributed immensely to the large number of deaths and casualties on the part of the protesters, especially those from the Lekki Toll Gate.
16. The Panel finds the cases of death or injured protesters as credible and uncontroverted.
17. The Panel finds that most EndSARS protesters and victims of the Lekki Toll Gate Incident of October 20, 2020 were largely unwilling to be identified in public for fear of persecution or harassment by the security agencies and the government generally. Immediately after the protest, there was palpable fear that the Army and Police were visiting hospitals to 'finish up' the protesters to the extent that some of them could not return home immediately. Some of the protesters received threats and some were being trailed by unknown persons.

- **LIST OF SOME CASUALTIES OF LEKKI TOLL GATE INCIDENT OF 20<sup>TH</sup> OCTOBER, 2020**

**LIST OF CASUALTIES OF THE LEKKI INCIDENT OF 20TH OCTOBER, 2020**

S/N	NAMES OF VICTIMS	STATUS	GENDER	LOCATION
1	VICTOR SUNDAY IBANGA	DECEASED	MALE	LEKKI TOLL GATE
2	ABUTA SOLOMON	DECEASED	MALE	LEKKI TOLL GATE
3	JIDE	DECEASED	MALE	LEKKI TOLL GATE
4	NICHOLAS OKPE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
5	UKALA PATRICK AYIDE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
6	OLALEKAN FALEYE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
7	MABEL NNAJI	GUNSHOT INJURY	FEMALE	LEKKI TOLL GATE
8	JOSHUA SAMUEL	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
9	LUCKY PHILEMON	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
10	AJOKU JAPPHET	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
11	OPE KEHINDE	INJURY TO THE WRIST	MALE	LEKKI TOLL GATE
12	CHARLES CHINEDU OZIOMA	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
13	DAMILOLA ADEDAYO	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
14	ANDREW UGOCHUKWU	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
15	IOITYOM SAMUEL	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
16	ISAAC AMEDE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
17	FELIX NANDIP	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
18	EMMANUEL JOHN	ASSAULT	MALE	LEKKI TOLL GATE
19	SIMON ABU RAYMOND	INJURY FROM ASSAULT	MALE	LEKKI TOLL GATE
20	MOSES ADAMS	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
21	SAVIOR OSIKE	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
22	MOSES OYI	GUNSHOT GRAZE	MALE	LEKKI TOLL GATE
23	YINUSA ADAMU	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
24	JOHN HARRISON	ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
25	SOLOMON SAMUEL AGIH	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
26	THEOPHILUS DAVID	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
27	AWWEROGUO TRUST	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
28	OLAMIDE DAUDA	STAMPEDE INJURY	MALE	LEKKI TOLL GATE
29	SAMUEL ASHOLA	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
30	ASUE ROLAND THOMAS	ASSAULT	MALE	LEKKI TOLL GATE
31	EMMANUEL OGBONNA	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
32	JOSHUA JAMES	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
33	PAUL FEMI	GUNSHOT GRAZE	MALE	LEKKI TOLL GATE
34	OLALEKAN SANUSI	SEVERE ASSAULT BY MILITARY	MALE	LEKKI TOLL GATE
35	OLALEKAN ABIDEEN ASHAFA	DECEASED	MALE	LEKKI TOLL GATE
36	OLAMILEKAN AJASA	DECEASED	MALE	LEKKI TOLL GATE
37	KOLADE SALAMI	DECEASED	MALE	LEKKI TOLL GATE
38	FOLORUNSHO OLABISI	DECEASED	MALE	LEKKI TOLL GATE

37	KOLADE SALAMI	DECEASED	MALE	LEKKI TOLL GATE
38	FOLORUNSHO OLABISI	DECEASED	MALE	LEKKI TOLL GATE
39	KENECHUKWU UGOH	DECEASED	MALE	LEKKI TOLL GATE
40	ABIODUN ADESANYA	MISSING PRESUMED DEAD	MALE	LEKKI TOLL GATE
41	IFEANYI NICHOLAS EJI	MISSING PRESUMED DEAD	MALE	LEKKI TOLL GATE
42	TOLA	MISSING PRESUMED DEAD	MALE	LEKKI TOLL GATE
43	WISDOM	MISSING PRESUMED DEAD	MALE	LEKKI TOLL GATE
44	IFEANYI AGBEZIE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
45	NNATAH STANLEY CHIMEZIE	GUNSHOT INJURY	MALE	LEKKI TOLL GATE
46	NATHANIEL SOLOMON	DECEASED	MALE	LEKKI TOLL GATE
47	AYODEJI BECKLEY	INJURED	MALE	LEKKI TOLL GATE
48	ONILEOWO LEGEND	SEVERE ASSAULT BY POLICE	MALE	LEKKI TOLL GATE

#### **11. THE INVOLVEMENT OF LCC ON THE LEKKI TOLL GATE INCIDENT OF 20TH OCTOBER 2020**

- A. The LCC owns and runs the Lekki Toll Gate which became the epicenter of the Lekki Protest. The LCC was obviously in charge of the operation and custody of the CCTV Cameras and indeed all cameras at the Lekki Toll Gate. There is no doubt whatsoever that these cameras would provide real time evidence as to what happened if provided and if they remained untouched.
- B. From the totality of evidence before it, the panel finds that some sets of cameras stationed at the Lekki Toll Gate were removed by members of Staff of LCC on October 2020, and they were not tendered before the panel. These cameras would have assisted the panel in its investigation into the incident that occurred in the night of the 20<sup>th</sup> October, 2020.
- C. There is no doubt that this picture would have been clearer and the panel and forensic experts would have been assisted in their fact finding mission and analysis if these vital pieces of evidence had been tendered.
- D. The panel finds from the report of the forensic expert that the movement of the camera following a pre-set format most of the time and switching from this mode at other times, strongly suggests that it was operated on both automated and manual modes during the time under review contrary to the evidence of the MD of the LCC that his men were not on ground.

- E. Also, the 'hue change' from color to night mode at 18:53:07 hours alludes to conscious manipulation by the operators of the LCC Camera as it appears to have occurred at very crucial moment where the quality of footage of the incident in color mode might have provided better insights to the events occurring at that specific point.
- F. Furthermore, the Sentinel team led evidence that it requested for access to the main server and it was directed by the LCC to the TP1, at the Ikoyi Toll Gate. The team was told that the main server from which the CCTV footage was derived had been burnt. The panel therefore finds this contradictory to the early evidence of the MD of the LCC that the cameras at each Toll Gate communicate directly to a central database Server located at Chevron, which he claimed was intact after the incident of 20<sup>th</sup> October 2020.
- G. The Panel finds that the LCC CCTV footage of the Lekki Toll Gate on the 20th of October 2020 ends at 8:08pm when the Nigerian Army were still at the Lekki Toll Gate.

## **12. DISOBEDIENCE TO LAWFUL SUMMONS BY ARMY OFFICERS**

A. The Panel finds that a good number of Army Officers who were directly involved in the Lekki Toll Gate Incident filed affidavits before the Panel and were summoned by the Panel on several occasions but they failed to turn up, opting to rely upon the testimony of General Taiwo, who himself was not personally present at the time of the arrival of the soldiers at the Lekki Toll Gate on October 20. The particulars of these Army Officers are as follows:

- (i). Lt. Col S.O. Bello, to whom the Panel issued Summons dated October 28, 2020, but he failed to appear. The Summons was re-issued on November 27, 2020 but he still failed to appear despite proof of service. He is the Commanding Officer, 65 Garrison, Lagos, who was personally on ground at the Lekki Toll Gate on October 20, 2020 and was said to have given the order to soldiers to shoot.
- (ii). Major-General Godwin Umelo, to whom the Panel issued Summons dated October 28, 2020. It was re-issued on November 27 and December 15, 2020 respectively but he failed to appear before the Panel.

- (iii). Brigadier-General Francis Omata, to whom the Panel issued Summons on December 15, 2020 but he failed to appear. He also joined General Lt. Col S.O. Bello at the Lekki Toll Gate on October 20, 2020. General Omata in particular featured prominently in all the testimonies of the EndSARS protesters.

### **13. AFTERMATH OF THE LEKKI TOLL GATE INCIDENT**

- A. Apart from the isolated incident of violence in some parts of Lagos State prior to October 20, 2020 the Panel finds that the massive lootings, arson, destruction and mayhem that occurred were the result of the incident of October 20, 2020 precipitated by soldiers from the 65 Battalion.
- B. These wanton destructions, from the testimony of General Taiwo, were perpetrated by hoodlums, outside the Lekki Toll Gate area and thus outside the Terms of Reference of the Panel.
- C. General Taiwo stated that it was after the soldiers had left, having forcefully dispersed the peaceful EndSARS protesters, that hoodlums returned to burn the Lekki Toll Gate on the night of October 20, 2020.

### **14. SHOOTINGS AT LEKKI TOLL GATE ON OCTOBER 20, 2020**

- A. From the evidence of General Taiwo on pages 6, 7, 21, 22, the Panel finds that both blank and live bullets were fired by the Nigerian Army at the Lekki Toll Gate on October 20, 2020, for the following reasons:
  - I. Apart from the military men in uniform, the Army left its base with vehicles, rifles and guns, which contained both live and blank bullets. General Taiwo admitted at page 22 that the Army went to the Lekki Toll Gate with live ammunition.
  - II. As of October 30, 2020, when the Panel visited the Lekki Toll Gate for its on the spot assessment, it was still able to recover two bullets shells which were duly analyzed by the forensic expert hired by the Panel, Sentinel, who is very familiar with weapons used by the Nigerian Army. These bullet shells were said to be the same as or similar to the ones normally used by the Nigerian Army and they were expended shells, meaning they were fired live at the Lekki Toll Gate.
  - III. Petitioners and witnesses appeared before the Panel to give vivid accounts of shootings by the Army into the crowd of protesters. The Panel finds their testimonies credible being eye witness accounts and would ascribe probative value to their

testimony over that of General Taiwo who was not physically present at the Lekki Toll Gate.

- IV. The Panel finds as credible, the case of the EndSARS protesters that soldiers shot directly at protesters at the Lekki Toll Gate on October 20, 2020 as confirmed by Lagos State Ballistic Expert, Willie-Harry on page 244 that some video evidence indicate "... instances where troops were seen to be re-arming their weapons before either discharging them to the air or purposely in the direction of the protesters ..."
- B. The Panel believes that the deliberate absence of officers of the Nigerian Army who were present at the Lekki Toll Gate and who were summoned by the Panel was a calculated attempt to conceal material evidence from the Panel and verily believes that their presence would have damaged the case of the Nigerian Army.
- C. The Panel finds the evidence, presentation and report of the Ballistic Expert engaged by Lagos State as too general and unrelated to the specific evidence before the Panel on the Lekki Toll Gate Incident. The said report was based largely on extraneous materials that were not produced or tendered before the Panel in order to determine their source or relevance. The witness admitted that he did not work with any document or video admitted before the Panel, he did not speak with any of the protesters or petitioners, the doctors or the pathologists or indeed any other relevant witness known to the Panel.

## **15. INJURIES FROM GUNSHOTS**

- I. The Panel finds that the testimony of Dr Babajide Lawson of Reddington Hospital as to the nature of treatment offered victims of the Lekki Toll Gate Incident in relation to gunshot wounds which were high velocity 'entry and exit', all indicate injuries from military weapons, consistent with the bullet shells recovered by the Panel during its visit and the witnesses that testified before the Panel.
- II. The Panel finds corroboration of the case of gunshot wounds in the testimony of Dr. Aromolate Ayobami of Grandville Trauma Centre, where several victims of gunshot wounds were treated comprehensively and discharged.
- III. The testimony of the EndSARS protesters, especially Miss Serah Ibrahim, Mr. Onileowo Legend, Miss Dabira Ayuku, Miss Kamsichukwu (all of whom were personally present at the Lekki Toll Gate on October 20), as to the fact that the Army shot live bullets, video evidence of casualties, fatalities, etc, all lend credence to the fact that the Army shot at the protesters at the Lekki Toll Gate on October 20 2020 which resulted into deaths and other physical injuries.

- IV. General Taiwo was shown video clip 202010.wa0313 of Hq81D file where protesters were shouting that the army had shot and killed. He admitted seeing someone lying on ground with what looked like blood but stated that the video was fake when he did not produce his own original video on behalf of the Army.
- V. The testimony and report of Professor John Obafunwa, a Forensic Pathologist of Lagos State University Teaching Hospital, showed that three (3) corpses were deposited at the Mainland Hospital, Yaba Hospital, all from the Lekki Toll Gate and the autopsy conducted thereon revealed death from bleeding caused by penetrating objects or rifled weapon.
- VI. The Panel finds that the fact of lack of identity of some of the other 96 corpses on the list supplied by Professor Obafunwa would not obliterate the fact that some of them could have come from the Lekki Toll Gate Incident of October 20, 2020 or that some other unidentified corpses may have been removed by their families or the military, as claimed by the EndSARS protesters, far and beyond the list tendered by Professor Obafunwa.
- VII. The Panel finds that most of the 96 corpses for which autopsies were conducted by Professor Obafunwa remain unidentified but they were labelled with EndSARS, apparently lending credence to the case of the EndSARS protesters that the shootings by security agencies resulted in mass deaths.
- VIII. The Panel finds that the manner of the occurrence of the incidences at the Lekki Toll Gate did not present proper procedure of cordoning off the scene, inviting forensic experts and pathologists, crime experts and others involved in such situations.
- IX. The Panel finds that difficulty in identifying the corpses could have been avoided had Lagos State Government provided timely and adequate funding to conduct DNA tests as was done in the cases of DANA Air crash and Synagogue Church building collapse.
- X. The Panel is reluctant to accept the view that a large number of the corpses tagged unknown were from the riot in Ikoyi Correctional Centre, being an institution with proper records to identify such corpses and that these may be part of the Lekki Toll Gate casualties.

- XI. In particular, General Taiwo admitted knowledge of Major Osoba Olaniyi, who put out a statement on behalf of the Nigerian Army admitting that the Army was present at the Lekki Toll Gate and they shot but not at the protesters.
- XII. The Panel finds that the firing of live bullets by the Army at genuine protesters at the Lekki Toll Gate on October 20, 2020, resulted in grievous injuries and the loss of lives of the protesters.
- XIII. Panel also finds that the shooting of the protesters by the Nigerian Army at the Lekki Toll Gate on October 20, 2020 was unwarranted, excessive, provocative and unjustifiable in the circumstances of the state of the protests which was peaceful and orderly.

## **16. PHILANTHROPY OF HOSPITALS AND MEDICAL PERSONNEL**

Panel commends Reddington Hospital, Vedic Life Healthcare, Grandville Trauma Centre, Doreen Hospital, National Orthopedic Hospital, Victoria Island Consultancy and Medical Services and all the medical doctors and personnel that attended to the victims of gunshot wounds from the Lekki Toll Gate and treated all of them free of charge. Panel finds that some of the victims required urgent surgeries and complicated medical procedures to save their lives and all were done free of any charges. Panel **recommends** them for special awards by the Lagos State and Federal Governments.

## **17. FORENSIC EVALUATION**

The standard and ideal crime scene investigation protocol in forensics which is to preserve, secure, record, examine and investigate a crime scene as soon as a crime is reported was not employed in this case. The non-preservation of the crime scene occasioning the investigation defiles, standard and international best practices.

## **18. CASES EMANATING FROM LEKKI TOLL GATE INCIDENT**

The Panel received a total of thirteen (13) individual petitions in relation to the Lekki Toll-Gate investigation in which the Petitioners alleged that they suffered varying degrees of injuries. Following Hearings and deliberations by the Panel, the petitions of the affected petitioners were individually considered with compensation awarded to twelve (12) petitioners while **Petition No.: LASG/JPI/205/2020 the Family of Late Miss. Francisca Chizoba Agu V. The Nigerian Army & The Nigeria Police Force** was struck out. The petitions under reference are as follows:

**CASES EMANATING FROM LEKKI TOLL GATE INCIDENT OF 20TH OCTOBER, 2020**

S/N	PETITION NO.	PARTIES	AWARD N
1	LASG/JPI/153/2020	LUCKY PHILEMON VS. THE NIGERIAN ARMY	AMPUTEE-15M
2	LASG/JPI/42/2020	MR. OLALEKAN FALEYE VS. NIGERIAN POLICE FORCE & THE NIGERIAN ARMY	AMPUTEE-15M
3	LASG/JPI/196/2020	SOLOMON SAMUEL AGEE VS. THE NIGERIAN ARMY & LAGOS STATE GOVERNMENT	SHOT-15M
4	LASG/JPI/197/2020	ONILEOWO LEGEND VS. THE NIGERIAN ARMY, THE NIGERIAN POLICE FORCE & LAGOS STATE GOVERNMENT	HIT ON HEAD-10M
5	LASG/JPI/198/2020	SAMUEL ASHOLA VS. THE NIGERIAN ARMY, LAGOS STATE GOVERNMENT & LEKKI CONCESSION COMPANY	SHOT-15M
6	LASG/JPI/199/2020	AGBEZE IFEANYI VS. THE NIGERIAN ARMY, LAGOS STATE GOVERNMENT & LEKKI CONCESSION COMPANY	SHOT-15M
7	LASG/JPI/200/2020	OLAMILEKAN SANUSI VS. THE NIGERIAN ARMY & LAGOS STATE GOVERNMENT	PACKED WITH THE DEAD -15M
8	LASG/JPI/201/2020	AYODEJI BECKLEY VS. THE NIGERIAN ARMY, LAGOS STATE GOVERNMENT & LEKKI CONCESSION COMPANY	INJURED-10M
9	LASG/JPI/202/2020	RAIMI OLAMIDE VS. THE NIGERIAN ARMY & LAGOS STATE GOVERNMENT	TRAUMA-N2M
10	LASG/JPI/205/2020	THE FAMILY OF LATE MISS. FRANCISCA CHIZOBA AGU VS. THE NIGERIAN ARMY & THE NIGERIAN POLICE FORCE STRUCK OUT	<b>STRUCK OUT</b>
11	LASG/JPI/211/2020	NICHOLAS OKPE, UKALA PATRICK AYIDE, JOSHUA SAMUEL & NATHANIEL SOLOMON (REPRESENTATIVE OF DECEASED ABUTA SOLOMON) VS. THE NIGERIAN ARMY & THE NIGERIAN POLICE FORCE	OKPE-SHOT-N15M UKALA-SHOT-N15M JOSHUA-SHOT-N15M NATHANIEL-DEATH- N25M
12	LASG/JPI/213/2020	NNATAH STANLEY CHIMEZIE & ORS VS. THE NIGERIAN ARMY & THE NIGERIAN POLICE	NATHAN S.-SHOT-N15M
13	LASG/JPI/230/2020	VICTORIA ONIRU & 8 ORS VS. THE NIGERIAN ARMY & THE NIGERIAN POLICE	<b>N5M (X3)</b> DAMILOLA ADEDAYO -N15M
14	<b>Severe Trauma Award</b>	The panel Awards N10M to <b>Serah Ibrahim</b> for her Trauma and for her role in assisting the Panel.	<b>N10M</b>
		<b>TOTAL</b>	<b>N237M</b>

## COMPENDIUM OF RECOMMENDATIONS

1. The Panel having found that the entire Police Force, as first responders, did not have adequate facilities, manpower, experience and training to prepare them for such civil and orderly protest as happened at the Lekki Toll Gate on October 20, 2020 recommends as follows;
  - a. that the Police should be adequately funded,
  - b. that the police should be effectively trained
  - c. the provision of requisite accoutrements and equipment
  - d. the recommendation of a better and more harmonized communication system with all security apparatus of the state.
  - e. The welfare of police officers particularly as it relates to improved salary, well equipped offices, provision of decent accommodation and transportation.
2. The Panel recommends disciplinary actions to the following officers ( Lt. Col S.O. Bello and Major General Godwin Umelo), who refused to honor the summons of the panel in order to frustrate the investigation.
3. All officers (excluding Major General Omata) and men of the Nigerian Army that were deployed to the Lekki Toll Gate on October 20, 2020 should be made to face appropriate disciplinary action, stripped of their status, and dismissed as they are not fit and proper to serve in any public or security service of the nation.
4. The Panel recommends that all those arrested in the course of the protest should be granted bail, prosecuted for any offence that may be alleged against them or where no prima facie evidence of culpability is disclosed upon due investigation, they should be released forthwith.
5. The panel recommends that the Nigeria Army be discouraged in intervening in internal security.
6. The Panel having found that the use of social media played significant roles in escalating the crises and appeals for restraint in spreading unverified pieces of information to the general public.

7. Panel commends Reddington Hospital, Vedic Life Healthcare, Grandville Trauma Centre, Victoria Island Consultancy, General Hospital Marina, and medical Services Hospitals, LASUTH, Doreen Hospital, Saint Nicholas Hospital Lagos Island, Avon Medical Practice Clinic, Britannia Hospital Lekki, First City Diagnosis Limited, Lekki, Budo Specialist Hospital Lekki, Saint Edward Specialist Hospital and Cardiac Centre Lekki, Lagos Executive Cardiovascular Clinic Lekki, Olive Multi-Specialist Hospital Lekki, Preston Hospital Lekki, Lagoon Hospital Ikoyi and all the medical doctors and personnel that attended to the victims of gunshot wounds from the Lekki Toll Gate and treated all of them free of charge. Panel **recommends** them for special awards by the Lagos State and Federal Governments.
8. The Panel recommends that the commitment made to the hospitals by the Lagos State Government through the Governor and the Commissioner for Health for the payment of the hospital bills of the EndSARS protesters should be fulfilled.
9. The DPO of Maroko Police Station along with policemen deployed from Maroko Police Station on the 20<sup>th</sup> and 21<sup>st</sup> of October 2020 should be prosecuted for arbitrary and indiscriminate shooting and killing of protesters.
10. Panel recommends that Grievance Address mechanism should be improved upon to engender speedy attention and action.
11. Government should engage regularly with youths and be proactive and responsive when tense situations arise.
12. Panel recommends that Curfew regulations should be widely publicized
13. Panel recommends reorientation and training of police and security personnel or handling of crime scenes.
14. Panel recommends that Coroner inquests and autopsies should be done in cases of suspicious death within a maximum of one month of occurrence of the incident.
15. Panel recommends that there should be guidelines & standard procedures for mortuaries on information to be requested and documentation done in cases of bodies brought to them
16. Panel recommends Training of health officials particularly LASEHMU

17. Panel Recommends Training and retraining of all Security officials – including Civil defense, Police and the Army on rules of engagement and management of protest.
18. The situation of the integrity of the scene of incident must be preserved and items of physical evidence should not be removed between the time-lapse from the incident and scene examination in any other situation.
19. The Panel recommends that the Lekki Toll Plaza be made a memorial site for ENDSARS Protest: By renaming to "ENDSARS TOLLGATE"
20. The panel recommends that October 20th of every year, the day is made a "Toll Free Day" at the Lekki Toll Gate as long as the tollgate exists
21. That Oct 20th of every year be made EndSARS day Nationally for the remembrance of our falling youth.
22. That for the purpose of restitution, healing and reconciliation the federal Government needs to publicly apologize to the youth for abruptly undermining the protest with their state actors.
23. The Government should do all it can to bridge the gap of distrust with the Youth.
24. A monument memorializing the lives lost and those injured at the Lekki Toll Gate with the names inscribed on the Monument.
25. Recommends the establishment of a standing committee to bridge the gap between the society and the police via information gathering, community engagement, youth sensitization, prompt intervention on issues that require intelligence-led policing and community policing principles for the review and action of the State Commissioner of Police. (Action: NEC, Timeline: 18 Months)
26. It is recommended that the scrutiny of all disciplinary processes of the Nigerian Army and the police be made transparent and outcomes made public periodically. The dark days of military rule is over and more democratic principles and approaches are required to win both the peace and public trust. (Action: NEC, Timeline: 6 Months)
27. The Panel recommends that the Complaint Response Unit of the Police at the FHQ must be reinforced to scale up its national responsibilities in prompt engagement and treating public complaint against erring officers across the country to avoid conflagration. It is recommended that the unit, given its

influence and prompt engagement will be more effective reporting directly to the IGP. (Action: NEC, Timeline: 2 Months)

28. It is recommended that any data that may have been generated over the years on the impunity of the Police across Nigeria be studied and deployed as early warning signs (EWS) mechanism. (Action: NEC, Timeline: 3 Months)
29. It is recommended that compensation to the victims in cases emanating from the Lekki Incident of 20<sup>th</sup> October 2020 be facilitated and promptly disbursed to ensure Justice is served and seen to be served for accelerated healing to win the peace and build public trust. (Action: NEC, Timeline: 1 Month)
30. Panel recommends a special trust fund for compensation of Victims of the Lekki Toll Gate Incident of October 20, 2020 and other established and proven human rights abuses.
31. In view of the volume of complaints against the Nigeria Police received by the Panel, it is recommended that the Lagos State Assembly should set up a standing Human Rights Committee or Tribunal made up of representatives of the Nigeria Police, Ministry of Justice, National Human Rights Commission, Office of the Public Defender, Legal Aid Council, CSOs and other relevant stakeholders with mandate to receive and make determinations in respect of complaints made against the Nigerian Police and other security agencies.
32. Panel recommends that all petitions filed before the panel but that could not be heard due to time constraints should be channeled through the Ministry of Justice to the Standing Human Rights Committee or Tribunal.

## CONCLUSION

The #EndSARS movement primarily demonstrated freedom from ethno-religious tensions that plague the framing of Nigerian's domestic and political issues. Young Nigerians were united, had a common goal to end police intimidation, oppression and brutality.

The movement highlights the need for more young people to exercise their civil and political rights to speak out against injustice, irregularity in the systems of government and Reforms in the Police systems and a review of their emoluments to stem down this wave of corruption, illegal arrests and detention of the citizens by the Police officers.

DATED THIS ..... DAY OF ..... 2021

- (1) HONOURABLE JUSTICE DORIS OKUWOBİ (RTD.) CHAIRPERSON \_\_\_\_\_
- (2) MR. EBUN-OLU ADEGBORUWA, SAN MEMBER \_\_\_\_\_
- (3) D.I.G. FREDRICK TAIWO LAKANU (RTD.) MEMBER \_\_\_\_\_
- (4) MS. PATIENCE PATRICK UDOH. MEMBER \_\_\_\_\_
- (5) MR. SEGUN AWOSANYA MEMBER \_\_\_\_\_
- (6) MRS. OLUWATOYIN ODUSANYA MEMBER \_\_\_\_\_
- (7) MR. LUCAS KOYEJO MEMBER \_\_\_\_\_
- (8) MR. MAJEKODUNMI TEMITOPE OLUWASEUN MEMBER \_\_\_\_\_