CSOs ask Lagos govt to appeal judgement nullifying doctor’s rape conviction

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Civil society organisations (CSOs) on Tuesday urged Lawal Pedro, the Attorney-General of Lagos State, to go on appeal at the Supreme Court against a recent Court of Appeal judgement overturning the rape conviction of Femi Olaleye, a doctor.  
  
The CSOs include Mirabel Centre, Cece Yara Child Advocacy centre, Child Protection Network Lagos State, Men Against Rape, Stop the Abuse Against Women and Children Foundation.  
  
Others are Tonia Bruised But Not Broken Rape Survivors Foundation, Family Wellness Therapy Centre, Kate Henshaw, Project Alert and Ireti Psycho-social support Centre, Centre for Women’s Health and Information, Women Advocates Research and Documentation Centre, Federation of International Women Lawyers and Community Women’s Rights Foundation.  
  
The group at a press conference in the office of National Human Rights Commission (NHRC) in Lagos read out the petition submitted to the state’s attorney general.  
  
They urged Mr Pedro to “take immediate and necessary steps to appeal this decision to the Supreme Court, so that the case may be thoroughly adjudicated, and justice may be duly served.”  
  
The Supreme Court has the final say on legal disputes, whether criminal or civil, in Nigeria.  
  
Rape  
  
PREMIUM TIMES reports that Mr Olaleye, the medical director of Optimal Cancer Care, was arraigned in 2022 by the Lagos State Government at the Sexual Offences and Domestic Violence Court, in Ikeja, Lagos.  
  
He was accused of defilement and sexual assault by penetration of his wife’s 16-year-old niece.  
  
The court subsequently convicted and sentenced the Lagos-based doctor to life imprisonment.  
  
Dissatisfied with his conviction, the doctor through his lawyer, Kemi Pihinero, a Senior Advocate of Nigeria (SAN), filed an appeal in November 2023, arguing that there was no direct evidence to confirm the alleged victim’s age.  
  
The appellant claimed that the prosecution failed to provide documentation proving she was 16 years old at the time of the offence.  
  
In its judgement delivered on 29 November, a three-member panel.of the Court of Appeal, discharged and acquitted him.  
  
Jimi Bada, who read the lead judgement, which was consented to by the two other justices, held that the trial court erred in convicting Mr Olaleye based on “tainted” and ‘unreliable’ evidence of his estranged wife, Oluremi, and the alleged survivor (names withheld).  
  
The appellate court said there were material contradictions in the evidence gathered by the prosecution which should not have been relied on by the lower court.  
  
Supreme Court appeal  
  
Josephine Effah-Chukwuma, founder of Project Alert, told journalists that the Supreme Court might be “dissatisfied” with the decision of the lower court.  
  
“It is our position that to maintain the mental sanity of the victim, the families of the victim and the members of the various organisations mentioned herein, it will be fair, just and in accordance with sound reasoning to appeal the decision of the Court of Appeal,” she said.  
  
“Sir, the entire world and the international community is interested in the final outcome of the charge at the Supreme Court. Our country must be seen as protecting her women and young children.  
  
“As you are aware, sexual violence against children is one of the most heinous crimes in any society. If those who commit such heinous crimes are allowed to walk free, it will embolden other perpetrators and send the wrong message about the seriousness with which sexual offences are handled.”  
  
She said it is important to take the case to the Supreme Court to show that sexual violence against children will not be tolerated and those who commit such crimes will face the law.  
  
“We firmly believe that pursuing this matter to the Supreme Court, the apex court in the land, is essential to restoring and strengthening public trust in the justice system,” Ms Effah-Chukwuma said.  
  
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“It will also send a clear message that Lagos State being the focal point of upholding a zero tolerance policy to SGBV including child sexual abuse and deploying the best practices of investigating and prosecuting child sexual abuse cases is resolute in upholding justice, reinforcing the state’s commitment to high societal values, integrity and its unwavering commitment to ensuring fairness and accountability.”  
  
The Lagos State Atrorney General’s office has yet to indicate if will appeal against the judgement or not.