



CHILD RIGHTS AWARENESS CREATION ORGANIZATION

(CRACO)

Making the child included & visible

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23rd April, 2019

THE HONOURABLE CHIEF JUDGE,
Edo State Judiciary,
High Court of Justice Complex
Sapele Road, Benin City,
Edo State.

Your Lordship,

LETTER OF PROTEST

**RE: THE STRIKING OUT OF A CASE OF DEFILEMENT OF A 9-YEAR OLD GIRL BY
HON. JUSTICE D.I. ADAMAIGBO, UPON THE VICTIM'S FATHER INFORMING
THE COURT HE HAS FORGIVEN THE CULPRIT**

Child Rights Awareness Creation Organisation (CRACO) is a Non-Governmental Organisation committed to protecting and promoting the rights of Children in Nigeria. CRACO was founded in 2006 in response to UNICEF's call for more awareness creation on the rights of children. In her 2006 annual publication on the state of the world's children, titled "**Excluded & Invisible**", the UN Children's Agency lamented the high rate of violation of the rights of children world over, which is fueled by under-reportage by the media, resulting to less action by governments and civil society organizations. In responding to UNICEF's appeal in that publication, CRACO was founded to contribute towards protecting the children through child rights awareness creation/sensitization campaigns, reportage/publication of matters relating to children, especially acts that violate their rights, and ensuring that child rights violators are made to face the full wrath of the law. We vowed that no case relating to child rights violation made known to us can escape exposure, publication and prosecution. Our blog, and social media accounts will attest to our determination towards achieving this objective since 2006.

The rate of violence against children in Nigeria, particularly sexual violence is quite alarming. We have always advocated that to deter perpetrators requires application of the maximum penalty for rape under our laws, which is life imprisonment. However many Judges apply leniency on convicts and

give them lesser sentence. But on the 9th day of April, 2019, we reported the case of a 29-year old man, one Idowu Ismail Gbolahan who pleaded guilty of defilement of a 7-year old girl, and Hon. Justice Abiola Soladoye, of the Lagos State High Court applied the full weight of the law by sentencing him to life imprisonment, remarking as *obiter dictum* that Lagos State Government is making efforts to rid the streets of paedophiles, and the sentence would serve as a deterrent to others. We jubilated and commended the decision of the Honourable Judge, in view of the rising cases of this horrible crime. We indeed believe and agree with the Lagos state Government that such people need to be taken away from the society for the protection of our children. But our jubilation was short-lived when in less than two weeks thereafter, a similar scenario played out in Edo State, where a 33-year old man, one Abdullahi pleaded guilty to defilement of a 9-year old girl on two occasions (February 8 and 9), and Hon. Justice D.I. Adamaigbo of the Edo State High Court, sitting in Benin struck out the case and allow the perpetrator of such a heinous crime to go scot free, on the ground that the victim's father sought withdrawal of the case having forgiven the culprit. This was a very sad news to us, and a setback as far as the fight against child sexual abuse is concerned. **IT IS UNACCEPTABLE.**

Defilement of a child is a criminal offence between the State and the Suspect; the victim's father, being just a complainant in the matter had no power howsoever under our laws to withdraw or demand that such matter be struck out, on the ground that he has forgiven the offender, even if he is the victim, how much more when he is not the victim. We protest the decision of the learned Honourable Judge striking out the case for this reason. By so doing, both the judiciary (represented by the Hon. Judge and the Executive represented by the Police Prosecutor) have not only denied justice to this little girl but have let loose into the society an unreformed paedophile, thereby endangering the lives of many other innocent children. Suffice it to say that the message the culprit left the court with is that (1) Sexual abuse of children is not a serious offence (2) Anyone can get away with it as long as he/she asks for forgiveness or 'settles' the Complainant. The regrettable consequence is that clearance has been given to the culprit and his likes scattered everywhere in our society to continue with their atrocious crimes against children, without fear or any form of deterrence. This is so sad.

We maintain that defilement is a crime against the State and forgiveness of the offender by the Complainant does not exonerate the offender from facing the consequences of his action as provided by law.

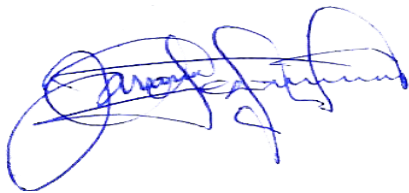
At most, the Judge can be lenient in sentencing, but not completely letting him escape justice. There must be consequence for any crime, especially crime against children. The victim needs justice, and the State is constitutionally mandated to ensure justice is done. It should get to a point in our criminal justice administration where any Complainant who seeks to withdraw a case of defilement of a child should be charged for complicity.

We are not ignorant of the fact that your Lordship is known to be fair and strict in the dispensation of justice. We therefore call on your Lordship to use your exalted office to review what really transpired in this particular case, with a view to ensuring that this innocent 9-year old child (whose right to freedom from sexual abuse has been infringed upon) gets justice, and also to protect other innocent children from this nature of a man who can defile a 9-year old child twice in one week.

We remain confident in the ability of the Executive and Judiciary to continue to work together to adequately protect the Nigerian Child, and we as a Civil Society Organization will continue to complement your efforts, towards achieving a common goal – securing the future of today's children.

Thank you.

Yours Faithfully,
FOR: **CRACO**

A handwritten signature in blue ink, appearing to read 'Joseph Igwe', written over a horizontal line.

Joseph Igwe Esq.
Executive Director/Child Protection Specialist.
www.cracong.org

Cc:

- 1. The Attorney General and Commissioner for Justice, Edo State**
- 2. The Commissioner of Police, Edo state**
- 3. UNICEF, Nigeria**