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**(HUMAN RIGHTS, PUBLIC INTEREST OIL & GAS,  
CORPORATE AND COMMERCIAL LAWYERS)**

F-XL CC 002/2023

8<sup>th</sup> February, 2023

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**RE: UPDATE ON POLICE INVESTIGATION INTO THE DEATH OF SHADRACH ARLOO AT THE  
WEST HILLS MALL.**

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We refer to the press release by the Ghana Police Service on the above subject dated 7<sup>th</sup> February 2023 with reference number PAD/PRESS/VOL.4/1/68 and wish to respond as follows:

1. The verbal cause of death given by the Police pathologist as Asphyxiation and obstruction of the airway by a foreign body is inconclusive and cannot be relied on as the **only** cause of death of the deceased without carefully analyzing and investigating all the events that led to the demise of the deceased. We demand for the full detailed autopsy report as a matter of urgency.
2. There is sufficient evidence from the video footages that shows that the deceased died while being manhandled by Police officers and other private security personnel of the West hills Mall while other officers stood by unconcerned when he was in their lawful custody after they had handcuffed him. Any form of attack including beating, tasing and forcible restraint meted out to the deceased was done while he was in the lawful custody of the Police without any opportunity for him to help himself as he was in handcuffs.
3. The opinion given by the Police Pathologist can be accepted or rejected based on the causal links of other factors leading to the death and not binding of a Jury in a murder or manslaughter trial.
4. Being a clear case of homicide in our view, establishing the criminal liability or otherwise of suspects in this matter may require a wider investigation and a chronological presentation of events of that fateful day particularly in situations like this where there seems to be some remoteness between the initial verbal cause of death and the actions of the police and other intervening individuals resulting in the death of the deceased. That is to say that the actions and inactions of the police officers on the scene, in whose lawful custody the deceased was caused or contributed to cause the death of the deceased.
5. In the police incident report of 31<sup>st</sup> January 2023 and the facts given to the coroner's court, Accra dated 31<sup>st</sup> January 2023, the police stated that "...when G/Sgt Daniels Abeiku wanted to know what was in the bag, deceased attempted running away but the said sergeant held him. Deceased quickly removed something wrapped in a piece of black polythene and swallowed.

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*That when the said sergeant wanted to handcuff him suspect Boafu Osei Kwame who works at the said Mall rushed to the scene with his personal taser to shock deceased and he became unconscious. Deceased was rushed to Sonotech Hospital also located at West Hills Mall for treatment but he was pronounced dead on arrival by the doctor on duty".*

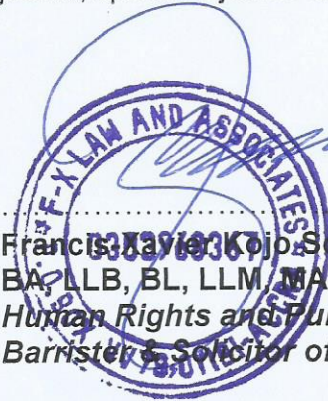

6. Given the above facts, the question then is, having foreknowledge that the deceased had swallowed a substance, what was the professional approach to dealing with such a suspect? One would have thought that the arresting officer having arrested the suspect, would have immediately taken him to the nearest hospital or police station and attempt to retrieve the said substance, preserved same and subsequently prosecute the suspect.
7. In clear dereliction of duty and without regard to the life of the deceased, and in violation of his right to life and dignity, the deceased in the full glare of the public was subjected to torture and dehumanizing treatment until he passed away.
8. The incident report and the facts before the coroner's court clearly shows that the Ghana Police service is cleverly covering up for the unlawful and unprofessional conduct of its officers that has led to the death of the deceased.
9. The statement issued by the police service is insensitive and dismissive of the of the painful death of the deceased. In practice, it is when investigations are concluded that dockets are forwarded to the Attorney General's office for advice. Why is the police forwarding the docket to the Attorney General when it has not exhaustively completed investigations into the matter? Why is the Police relying only on the initial verbal cause of death when there are video footages and eye witness accounts of evidentiary value which ought to be investigated? Why are G/Sergeant Daniels Abeiku and other persons seen on the video footages not under arrest?
10. It is based on the above that we see the statement of the Ghana Police service as unfortunate and disappointing and an attempt to water down the unprofessional and negligent conduct of their officers that has led to the death of the suspect. The deceased suspect had a right to protection of his life, and dignity and did not have to be subjected to dehumanizing treatment and torture especially when he was unarmed, and posed no danger to others at the time of his arrest.

We have firm instructions that should the Police Service refuse and or neglect to conduct further expansive investigations into the matter within Seven (7) days of this release, we;

- a. **petition CHRAJ to cause a full-scale human rights investigation into circumstances leading to the death of the deceased and make appropriate recommendations.**

- b. call for the immediate resignation of the Inspector General of Police for failure of the Service to protect the life of the deceased suspect in their lawful custody which failure caused and / or contributed to cause the death of the deceased. This call is based on the fact that the Police by their statement are neglecting their basic duty to conduct an expansive investigation of this clear act of negligently causing death by their officers.
- c. petition the president of the republic of Ghana for the removal of the IGP in the unlikely event that he fails to heed to the call to resign and fails to conduct the needed expansive investigation that will lead to the arrest and prosecution of the perpetrators of this crime against the deceased suspect.
- d. institute a Human Rights action at the High Court for declarations that the conduct of officers of the Ghana Police Service, which was part of the reasons why the deceased choked on the substance he attempted to swallow violated his rights to life, dignity and protection from torture and dehumanizing treatment.

We wish to state that in the interest of public safety, we will use all legal means to ensure that we fight for justice, speak for justice and stand for justice for the deceased suspect Shadrach Arloo.



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