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# A police raid, viral videos and the broken lives of Nigerian gay law suspects

*Among 47 Nigerian men on trial for same-sex affection are people who have been made homeless and lost their jobs by the publicity.*

By Alexis Akwagyiram

Openly (24.02.2020) – <https://bit.ly/2x1PNx7> – The 57 men stumbled out of the back of a dark police truck into the glare of a sunny courtyard and a phalanx of cameras. Some clutched another’s hand, as if for comfort. They lined up on wooden benches in the dirt, almost all of them trying to hide their faces, and not succeeding.

Standing behind a bank of microphones, the Lagos state police commissioner, Imohimi Edgal, told the gathered journalists that he personally had ordered the raid that swept up the men after the authorities received a tipoff that young men were being initiated into a “homosexual club.”

Edgal declared that homosexuality ran contrary to the Same Sex Marriage Prohibition Act. That law, which drew international condemnation when it came into force in 2014, targets not only same-sex unions but homosexual relations in general with prison terms of up to 14 years.

“It is the duty of everybody, not only the police, to ensure that such antisocial behaviour, such social vices, such crimes, are checked so that we can create communities that protect our children from such deviant behaviour,” he said.

The cameras panned over the faces of the men, capturing expressions of shame, fear and anger. Most of them remained quiet, but others answered journalists’ questions.

“What is the definition of a gay? It is when you are caught having sex, intercourse, with a guy. They didn’t caught me,” shouted James Brown, a wiry young man who said he had been hired to dance at a birthday party and had done nothing wrong.

The phrase “they didn’t caught me” quickly went viral. Video footage of the August 2018 news conference has since been viewed more than half a million times. Friends, colleagues and strangers all learned of the allegations from the videos that circulated online.

Last November, after more than a year of court hearings, Brown was among 47 men who pleaded not guilty to a charge of public displays of affection by people of the same sex. Arrest warrants were issued for the 10 other men who failed to appear in court. In a landmark case that may reach its resolution this month, the men face 10 years in prison if found guilty under the 2014 law, which has never been used to secure a

conviction.

But prison time or no, the men have already been punished. In this resolutely Christian and Muslim country, homosexuality is broadly rejected across society, as casual as a snub on the street and as serious as Sharia law that threatens death by stoning.

One of the men is a married father of four who says he had driven people to the party to earn extra money. For a time, he went without electricity because he couldn't pay the bills after being fired; even in the darkness of his house, the strain between him and his wife was visible to a visiting Reuters journalist. Another man slept in a church outhouse after his family threw him out, until he was finally cast out of that safe harbour, too. A third man lives in fear of the street toughs who have beaten him up three times after recognizing him from the viral videos of the perp walk. And the man who was celebrating his birthday avoided arrest but is now overwhelmed by guilt, seeing blame even in his friends' eyes.

These are the stories of lives broken by a birthday party late one night in Lagos – and by a culture that cast the men adrift.

### ***The family man***

Around 2 on a Sunday morning, they streamed out of the building, running in every direction. Within seconds, the birthday party at a Lagos hotel turned into a stampede as people fled armed policemen who had burst into the compound.

“I couldn't understand what was happening,” said Onyeka Oguaghamba, a trade union officer who used a borrowed car as a taxi at weekends. “Was it armed robbers or a fire?”

Oguaghamba had been dozing in the car park of the Kelly Ann Hotel. After a long journey driving three customers to the

hotel in the Egbeda suburb, he said, he had decided to sleep in the car rather than risk a perilous journey home on potholed roads where he could encounter armed robbers.

Assuming the dozens of people who raced past him were fleeing danger, Oguaghamba said, he got out of the car and ran. Before he could reach the hotel compound's gates, however, he was pulled to the ground and struck repeatedly on his head. Seconds later, he said, he realised he was being held by a policeman using a gun as a bludgeon. Lagos state police spokesman Bala Elkana declined to comment on the beating claim on the grounds that the raid predated him. He rejected emailed and text message requests to speak to police officers who participated in the raid.

The impact on Oguaghamba's life was swift. After two weeks in police detention, he was fired as a bookkeeper with the Nigeria Union Of Petroleum and Natural Gas Workers, a job he had held for eight years. His employers had seen the videos on social media and didn't believe his explanation, he said. His former manager declined to respond to text messages and phone calls from a journalist.

The 42-year-old, who insists he is not gay, was unable to find work for a year after his arrest. Finally, in December, he was hired as a driver for a transport company.

Even his four boys – aged 6, 7 and two 10-year-olds – weren't immune from the innuendo that swirled around their father. While he was in police detention, they were told their father had been on television.

"I felt so bad, although they didn't understand what gay means," he said. "They asked me why police arrested me and they were showing me on television. I explained to them that the police can arrest anybody at any time."

Walking past locals in his Lagos neighbourhood, Oguaghamba greeted people with "good morning," as is customary across

Nigeria. Most returned the greeting, but some, particularly men, seemed reluctant to acknowledge him, barely nodding in response and looking away.

There was tension at home too.

“When I came back from that Ikoyi prison, people talked a lot to my wife. They tell her a lot of things,” he said, referring to those who questioned his motives for being at the hotel that night.

Wedding photos of Oguaghamba, known to most people by his Christian name Miracle, and his wife, Juliette, take pride of place on the living room walls. But as the couple discussed the case with a visiting journalist recently, they rarely made eye contact; he looked at the floor, and she fixed her gaze straight ahead.

While he was being detained, Juliette sent protection money to an inmate so he would be spared the beatings that he says many of the others he was arrested with were subjected to.

“She suffered a lot to bail me out,” Oguaghamba said. Aside from the money, there was the indignity of a policewoman at the station accusing Juliette of having a gay husband. “When I got back, we started having issues.”

Finally, relations improved after a family meeting was convened at which her elder sister acted as a mediator between the couple.

“Because of the incident, it was very difficult for us,” Juliette said. “There is no evidence. You can’t just barge into a hotel and pick people,” she said, her voice growing louder.

“I know my husband very well. He doesn’t play such games. This is 11 years of marriage,” she said. “It makes me cry. It makes me angry because he lost a lot.”

The house was dark at the time because the electricity had been turned off weeks after the annual rent was due in October. Oguaghamba said he was able to pay some, but not all, of the money. The landlord has threatened to evict the family if it can't pay the outstanding sum.

Oguaghamba said he was angry at the way his life had been upended.

"I'm angry because what they are saying is not fact," he said. "They shared my pictures and video on social media. It's a very shameful thing."

### ***The police***

The Lagos police force has yet to disclose what its officers saw during the raid that led to the charge of public displays of same-sex affection against Oguaghamba and the other men.

Since the November arraignment, the judge has adjourned the case three times because prosecution lawyers were unable to produce their witnesses. The judge threatened to throw out the case if the prosecution didn't produce its key witness at the next hearing in March.

Police officials rejected a Reuters request for the police commissioner to provide details of the evidence that prompted the mass arrest and charges. Spokesman Elkana said the current commissioner wasn't in the job at the time and therefore couldn't comment.

Edgal, the commissioner who said he personally ordered the raid, left office early last year for a commissioner position in southern Nigeria. He didn't respond to requests for comment on the raid.

But in a wide-ranging media briefing with journalists in January, the current Lagos commissioner, Hakeem Odumosu, spoke broadly about the application of the same-sex law.

“As police officers, we are to enforce the laws,” he said. “So on the same-sex marriage now, we stand by the position of the law.”

Nigeria hasn't disclosed how many people have been detained under the law. But based on reports of mass police raids, Reuters estimates that the number is likely to run into the hundreds each year. Information is also scarce on the number of prosecutions, but activist groups say they know of none.

Xeenarh Mohammed, executive director of Nigerian rights group the Initiative for Equal Rights, which has been providing legal and counselling support for the men arrested in the raid, said the law prohibiting same-sex unions “has simply been used again and again and again to harass people, to pick people for perceived sexual orientation or gender identity.”

The accusation of extortion and police harassment also has been levelled by international rights campaigners. In a 2016 report, Human Rights Watch cited a number of alleged victims of police officers who had used the threat of a prison sentence to extort money from them.

In interviews with Reuters, five people who acknowledged having same-sex relationships said that police in Lagos use that fear and the threat of the law to extort money from men. Nigerian police have repeatedly denied the claim. Nigeria's attorney-general and a spokesman for the Justice Ministry didn't respond to text messages and phone calls seeking comment on the accusations.

In addition to the national same-sex law, 12 of Nigeria's 36 states apply Sharia law. In those states, in the predominantly Muslim north of the country, same-sex acts carry maximum penalties of death for men and whipping and/or imprisonment for women. Cases are infrequent, however, which means the punishment is rarely carried out.

Gay people in Lagos say they live in fear of their sexuality

becoming publicly known. Members of the gay community said they arrange discreet private gatherings such as house parties in the homes of friends. Many also turn to dating apps and social media to set up romantic liaisons. But criminals sometimes use these secret rendezvous to carry out attacks known locally as “kito,” in which a gay person arrives to meet a person for the first time only to be kidnapped, beaten and sometimes raped, said rights campaigners and two people who told Reuters they had been victims of such attacks.

### ***The man who brought shame***

When he was a child, Chris Agiriga said, his aunt gave him a home after his mother left Lagos to pursue a new life. Some 20 years later, his aunt told him to leave after he appeared on TV in the police line-up.

“Everyone in the area knew about it,” said the 23-year-old from Egbeda, the same district as the hotel. “I brought shame upon the whole family.”

Agiriga’s aunt took him to her church and arranged for her pastor to house him on the premises. Agiriga slept on the floor of an outhouse that he shared with another homeless man who had been taken in by the church.

The church pastor told Reuters that Agiriga was a vulnerable young man who had been taken advantage of. He wanted to help. But the arrangement ended after five months during which Agiriga clashed with his roommate. Agiriga said the roommate sent threatening text messages about turning him in to the police for “his lifestyle.” When asked for his version of events, the roommate declined to offer an explanation and told a Reuters journalist to leave the church premises.

Agiriga now lives in a safe house for men in Lagos.

He says he lost his job as a community outreach worker with an HIV charity after his arrest. In Nigeria, unlike in other



parts of the world, the condition is not primarily associated with gay communities but with unprotected sex in general.

“I called my director. He saw what happened on TV. He said he couldn’t employ me because it brings shame,” Agiriga said.

Olubiyi Oludipe, executive director of the Improved Sexual Health & Rights Advocacy Initiative, said Agiriga had already been “disengaged” when the raid happened but was unable to specify when. He said Agiriga’s performance hadn’t been satisfactory but declined to elaborate further.

“We have never laid off any of our project volunteers because of police arrest or based on sexual orientation and gender identity,” he said in an emailed statement. “We always treat everyone as equal.”

Before the raid, Agiriga wanted to pursue a career as a fashion designer. But he dropped out of his fashion course after losing the job that funded his studies. Agiriga now works as an HIV counsellor for a nonprofit group.

Agiriga didn’t even know the birthday celebrant. A friend invited him, he said, and he was reluctant but was persuaded to go.

Police raided the venue around 30 minutes after he arrived.

“I regret going to the party,” he said. “I lost my job, I lost my family, I lost a lot my friends – all because of this.”

### ***The target***

For one of the other suspects, the dominant emotion since the arrest has been fear.

Smart Joel said he has been beaten up three times by gangs of men known in Lagos as “area boys” who said they recognised him from the video. People still point and stare as he walks by, he said, although it was worse in the first few months

following the video.

“I’m always scared,” the diminutive 25-year-old said, recounting an attack that took place last year in which a group of men called him out as the “gay guy who was arrested” and stole his phone, money and wristwatch.

Before the arrest, he said, it was the police who made him fearful. “Police officers will stop you and then get you arrested. Extort money from you and begin to call you names,” Joel said. “That is not what the law talks about. They tend to harass.”

Joel’s livelihood has also suffered. He runs a laundry and dry-cleaning business from the room he shares with his mother and five younger siblings.

An iron and a chair draped with pressed clothes take up the tiny part of the floor not covered by the double bed shared by Joel’s mother and his four sisters. But many customers have deserted him. “The ones that saw the video stopped coming to me. My income became unstable,” he said. The family has struggled to pay bills and buy food since then.

“It has not been easy,” he said. “At some point I had to move on, not minding the stigma, the discrimination and the dirty language.”

### ***The host***

Most of those arrested in August 2018 had gathered to celebrate James Burutu’s 24th birthday, a party that promised to last from “10 pm till mama calls.”

The sense of guilt he has lived with since then has been made worse by the fact that he wasn’t among those seized by police, he said.

He was still preparing for the party in a hotel room with friends when the raid took place; parties in Lagos often spill

over well into the early hours of the day.

But even though he wasn't arrested, the raid also changed his life. He says he has been ostracised by relatives. "So many of my family members don't want to see me because of this issue," he said.

His elder sister asked him to leave the house she and her husband had shared with him. Three days of homelessness followed, during which he slept underneath a bridge, before he sought shelter with friends.

And, as with a number of those who were arrested, he says he was fired. "My company said they didn't want to hear about a gay issue, and that if I continue working with them it would be a threat to the company," he said.

Eleganza, a Lagos-based company that produces plastic furniture, didn't immediately respond to emails seeking comment on Burutu's claims. A staff member, in a phone call, said he couldn't comment.

Many of Burutu's friends, some of whom wondered aloud how he managed to evade arrest, now refuse to speak to him.

"My life has been shattered," he said.

## ***Justice***

For the family man, Oguaghamba, his options look limited. If he is evicted, he might have to uproot his children from the only home they've ever known and return to his home state of Imo, in southeast Nigeria. He hasn't lived there in more than 20 years.

"I am not happy at all," he said, perched on a threadbare armchair in his living room.

Despite the setbacks, however, he remains optimistic about the future.

He maintains he is innocent and believes he finally has a chance to defend himself after seeing his image tarnished on social media.

“All my joy is that we are in the federal high court and that this matter will come to an end,” he said. “I believe that victory will be mine.”

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