

Recurrent Syndrome of Brutalization and Human Rights by Abuse Nigerian Police: Issues Arising

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Abstract

The preservation of human life, rights and dignity is fundamental to the continued and collective existence of humanity vis-a-vis the sustainable development of any nation. Contrary to the foregoing, the Nigerian police which is the primary agency for the enforcement of law and order and preservation of rights is at the very centre of human rights violation, violating the rights it is established to preserve. Nigerians view their police as abusers rather than protectors. This paper examined the statutory duties of the Nigerian Police as well as some patterns of human rights violation. Also, this paper juxtaposed traditional and modern policing and identified some of the problems and challenges of the police. The concluding remark contained some useful suggestion and recommendations for a better Nigerian Police, because a nation is as good as its police force.

Keywords: police, brutality, human rights, abuse, Nigeria, extra-judicial killing, summary execution

1.0. Introduction

The Nigerian Police Force (NPF) is a product of the British Colonial Police System. According to the website of the force, three separate police forces existed in Nigeria. There were the Lagos Police Force, the Northern Police Force and the Southern Police Force. In the second half of 1906, the Colony and Protectorate of Lagos was merged with the protectorate of Southern Nigeria. In 1914 the Colony and Protectorate of Southern Nigeria and the Protectorate of Northern Nigeria were merged to form the Colony and Protectorate of Nigeria. However the Southern and Northern Nigeria Police Forces remained separate and no amalgamation took place until 1930. On April 1st 1930, came the existence of the NPF with headquarters in Lagos² The British imperialist bequeathed unto Nigeria not “a police service but a police force”. The police the British colonial government bequeathed to Nigeria at Independence in 1960 was designed as an occupation force to tame and intimidate people with “primitive impulse” and criminal bent³. They were trained to harass and detain those who would not pay tax to a government, without the peoples mandate or representation from their ranks. The colonial police force as part of the West Africa constabulary hired and deployed police recruits to towns and villages whose language they did not speak⁴. Members of the force were noticed by their employers when they made effort to show the citizens that they were hired to terrorizes them into accepting a government that ruled them without sensitivity⁵. After the British left in 1960, Nigerians inherited a police force that did not recognize the importance of community policing in all its ramifications in a federal system of government ⁶. The main focus of this article is to x-ray the role of police as a vanguard in human rights abuse in Nigeria. This article begins with introduction and definition of terminologies.

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² The NATION Tuesday, November 27, 2007, p. 2

³ The NATION December 2, 2007, p 9.

⁴ Ibid

⁵ Ibid

⁶ Ibid

It proceeds to examine the pattern of abuse, juxtaposition of traditional and modern policing system, problems of Nigeria police and control of police abuse of human right, among others.

2.00 Conceptual Framework

2.01. Police

Police is an official organization whose job it is to keep public order, prevent and solve crime etc⁷. Hence, police is a unit of the armed forces established for the maintenance of law and order, prevention, detention and prosecution of offenders⁸.

2.02. Human Rights

These are right which are generally thought that every living person should have e.g. the right to freedom of expression, life, liberty, association, religion, privacy etc⁹. These rights are usually constitutional¹⁰ as well as universal.

2.03. Abuse

Abuse means wrong or excessive use of one's power and position etc. It also means unfair or illegal practice or cruel treatment of a person or an animal¹¹. Police brutality conveniently comes under human rights abuse. Police in Nigeria is constitutionally strengthened and recognized. Hence, the 1999 constitution provides for a single federal police force as follows: There shall be a police force for Nigeria, which shall be known as the Nigeria police and subject to the provisions of this section no other police force shall be established for the federation or any part thereof¹² The foregoing provision expressly fore-closes and forbids a state police in any part of Nigeria. Agitation from different parts of Nigeria especially by pressure groups callings for establishment of state police can not be over-emphasized. The argument has been that a single federal police has failed woefully to checkmate the spate and recurrence of crimes in Nigeria. The spate of ethnic and religious riots vis- a-vis the alarming robbery cases and unresolved assassinations were advanced as the *raison- deit*re why the police system should be overhauled. Interestingly, in the South-West, the Oodua Peoples Congress (OPC) has been complementing and performing the duties of the police, while, in the South-East and South-South the Bakassi and Egbesu boys respectively have been used as ethnic police with efficiency.

3.00. Statutory Duties of the Nigerian Police

The general duties or roles of the Nigerian police force can be found in the Police Act, as follows: The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection life and property and the due enforcement of all laws and regulations, with which they are directly charged and shall perform such military duties within or without Nigeria as may be required by them under the authority of this or any other Act¹³. Duty is a specie of obligation.¹⁴ The rights of a citizen in Nigeria imposes the above duties and obligations on the Nigerian Police to discharge its duties under the law. Interestingly, there is no where it written or implied in the laws that police has power or duty to abuse or violate human rights, yet, it is a daily occurrence committed with impunity. The people are entitled to certain rights under the social contract but then the rights also impose some corresponding duties on the people, the breach of which attracts appropriate legal sanctions. By all stretch of imagination, the primary duty of the police is to prevent and detect crime. The police therefore has no business interfering in any civil relations between the members of the society¹⁵. The power of the police to arrest, detain, grant bail, search, take finger print and prosecute are jointly provided for by the Criminal Procedure Act¹⁶ and the Police Act¹⁷. Also, there are case-laws on the limits, scope and extent of the powers of Police¹⁸.

⁷ Oxford Advance Learner's Dictionary of Current English 1995, 5th Ed, p.893

⁸ See Black's Law Dictionary, 1979, 5th Ed., West Publishing, Minnesota. p.1041.

⁹ *Supra*, note 6, p.582

¹⁰ Chapter IV, Sections 33-43 Constitution of Nigeria 1999 as amended.

¹¹ *Supra*, note 6, p.6

¹² Section 214 Constitution of Fed. Rep. Of Nigeria (CFRN) 1999 as amended.

¹³ Section 4, Police Act, Cap 359, Laws of Federation of Nigeria 2004

¹⁴ Dias, R.W.M., (1985) *Jurisprudence*, 5th Ed. Butterworth, London. p. 22

¹⁵ Adebayo, W.A. (2006). "Nigerian Police: Structure, Powers and Functions" in T. F. Yerima & B.Abegunde (eds) *Essays on Administrative Law in Nigeria*, Petoa Educational Publishers, Ado-Ekiti, p. 259.

¹⁶ Sections 2 – 10, 17 – 20 Criminal Procedure Act, Laws of Federation of Nigeria, 2004.

¹⁷ Sections 4, 23 – 30 Police Act, Laws of Federation of Nigeria, 2004.

The Nigerian Police has been held to have some measure of discretion in the performance of their duties. Thus, in *Emunwa v. IGP*¹⁹ the Court of Appeal, Benin Division relied on the Supreme Court decision in *Fawehinmi v. IGP* (2002) 7 NWLR (Pt. 767) 602 and held as follows: I am satisfied that in the performance of that duty to maintain law and order, to investigate allegations of crime, and arrest, the police have and can exercise some measure of discretion. It all depends on the circumstances of every occasion, the best of their capability, the image of the police force and over all interest of the society. Suffice to say that the preponderance of evidence and available statistics shows a steady abuse of this discretionary power to the extent where police brutality has become institutionalized.

4.00 Patterns of Human Rights Abuse by Police

Police brutality comes under human rights abuse by the police. Brutality means improper use of lethal force or weapon. Brutality extends to the deadly deployment of police baton, police belts, gun, belt, heavy handed blows etc²⁰. Noxious substances such as 'tear gas' constitutes lethal force especially in an enclosure. Whereas prolonged incarceration in oppressive circumstances may not qualify as lethal force, it will amount to human right abuse. Police brutality and abuse of human rights comes in various forms, shades, dimensions and manners, namely:

4.01. Abuse of Rights at Investigation Stage

Brutality and torture have become investigation devices. Ordinarily, a suspect arrested for any offence is presumed constitutionally innocent²¹ until proved guilty and ought to be promptly informed in writing the grounds of his arrest²². In reality, the suspect is practically denied all these constitutionally entrenched rights and suspects are subjected to all manners of torture to force or coerce them to make confessional statement. Suspects are exposed or subjected to crude and barbaric method of torture such as use of hot electric iron, electric cables, hanging of suspect on ceiling, inserting broomsticks or pins into the penis of male suspects, merciless beating, chaining of hands and legs etc. Unfortunately torture is practiced in seclusion thereby making it difficult to prove during any subsequent trial²³. Torture as a technique of investigation has become institutionalized in Nigeria²⁴.

¹⁸ *Fawehinmi v. IGP* (2002) 7 NWLR (Pt 767) 606 at 673; *Attah v. COP* (2003) 17 NWLR (Pt. 849) 250; *FRN v. Osahon* (2006) 24 WRN 1 at 1 – 109; see also *Willie v Ibiok* (2012) 52 WRN on the establishment and powers of the Nigerian Police; *Umezinne v FRN* (2013) 42 WRN

¹⁹ (2003) 24 WRN 153 at 164.

²⁰ *Akin Ibidapo – Obe* (2005) "Essays on Human Rights Law in Nigeria", Concept Publications, Lagos. Chap. 13, PP. 295 – 320; *Okeshola, F.B* (2013) "Human Rights Abuse by Nigeria Police in Four Selected States and the Federal Capital Territory, Abuja". *British Journal of Arts and Social Sciences*, Vol. 13, No 11. pp. 242-250.

²¹ Section 36 (6) 1999 Constitution of Nigeria

²² Section 35 (4) *Ibid.* A 29 years old man *Ajayi Idowu* sued the Inspector General of Police and others for unlawful arrest, and detention at the Murtala Muhammed International Airport, Ikeja – see *PUNCH*, August 20, 2007, P. 7. See *Shuwa, B* (2011) "United Nations Convention Against Torture and other Cruel Inhuman and Degrading Treatment: Impact on Criminal Justice Administration in Nigeria."

See *The Human Rights Watch Journal*, July, 2005, Vol. 17, No 11(A) pp. 19-21. See also <http://sitelife.guardian.co.uk/ver./accessed> 2nd November, 2014; *Shajobi-Ibikunle, G.* (2011) "The Right to Silence and its Implications for Police Interrogation in Nigeria" *EKSULJ*, Vol. 5, pp.20-29."

²³ *Amnesty International: Torture in the 80s.* A. I. Publications, 1984 p. 23; *Nwankwo, C. et al.* *Human Rights Practices in the Nigerian Police, Constitutional Rights Project* (1993) p. 12; *Human Rights and the Administration of Criminal Justice in Nigeria*, *Ajomo, M. & Okagbue, I* (eds) 1991, p. 120

²⁴ *Ibidapo – Obe*, op. cit. p. 301

Yet nothing denies our common humanity more than the purposeful infliction of pain. Sometimes, some suspects are tortured to death in the police custody²⁵, thereby leaving the police to concoct all kinds of lies to hide this fact. This explains the growing incidents of missing-in-custody cases²⁶.

4.02. Arrest and Detention by Proxy

Another area of abuse manifest when police make “vicarious (proxy) arrest and detention”. Even today the practice is quite common with police officers to arrest and detain relatives or friends of suspected offenders (who themselves cannot be found) as ransom or pawn to induce the voluntary surrender of the suspect²⁷. Today, Landlords and spouses are being officially threatened with prosecution for the offence of armed robbery simply because their tenants or matrimonial associates respectively suspected of committing that offence cannot be found. For instance one Mrs Maria Olusola was arrested and detained by Oyo State Police Command in lieu of the husband who is on the run over allegation of pipeline vandalization and she was detained in the police custody for an offence she knew nothing about. Her words; I did not know anything about what they arrested me for. I am a farmer...²⁸ For over four decades ago, the court has repeatedly pronounced that the police is not authorized or empowered by law to arrest and detain any person simply because by so doing the suspect is more likely to re-surface and be arrested²⁹. Also, our law never recognize that a man may be apprehended simply because he is prone to criminal conduct. Human rights have become toy in the hands of the Nigerian Police under the guise of performing their statutory duties. The abuse of human rights is manifested and more pronounced among the inferior police officers at the lowest level of police rank and file. Also, the attitude of the police is best described as one-way-traffic, because, the first person to lodge a complaint is adjudged the innocent, while the suspect is adjudged guilty rightaway, even before investigation.

4.03. Human Rights Abuse During Unions Gatherings.

Crowd control situation is another avenue for police to unleash their terror on innocent and harmless citizens. Nigerian students since independence have become a formidable pressure group showing concern for the political fortunes of Nigeria. Student militants as they are, usually embark on protest as weapon to get their demands met by the relevant authority. Student can protest against any unpopular government or government policy. Hence, the first notable police brutality vented on students was in 1977 when the students of University of Ibadan protested and one Kunle Adejeju was felled by police bullets³⁰. In 1978 during students protest over withdrawal of bursary awards, 15 students lost their lives to police bullets³¹. In 1981, 8 students were killed by police at Obafemi Awolowo University (OAU) during student protest³². In 1986, 4 students of Ahmadu Bello University (ABU) were shot dead by the police³³. In 1992 a year one student of Lagos State University (LASU) was shot dead by the police during a peaceful demonstration³⁴. The right to life³⁵ of students are violated carelessly by the police as killing is their ultimate weapon in dealing with students protests. Other atrocities are committed by the police under the guise of suppressing students riots/ protests. Rampaging officers sometimes engage in act of rape of female students, stealing of their properties etc³⁶. It is sad to note that the killing of students is often a deliberate policy as shown by statements made by senior police and government officials³⁷.

²⁵ For instance, one Police Sergeant Isreal Ameh died while being interrogated on allegation of stealing foreign currency from the wife of Muhammadu Gambo, the then Inspector General of Police. (See African Concord, 2nd May, 1994), pp. 29

²⁶ For specific incidents of torture during investigation, see: LIBERTY- (Publication of Civil Liberty Organization (CLO) , Sept – Nov. 1991, pp.8.

²⁷ Nigerian Bulletin of Contemporary Law. March, 1987 published by Faculty of Law, University of Benin, pp. 89

²⁸ The PUNCH , Sunday, December 23rd 2007, p. 49

²⁹ Edo & Osakabo v. Police (1962) 1 ALL NLR 92

³⁰ Ibidapo – Obe, op. cit. p. 307

³¹ Ibid

³² Ibid

³³ Ibid

³⁴ Ibid

³⁵ Section 33 1999 Constitution of Nigeria

³⁶ Human Rights Practice of Nigeria Police, CRP, p – 34.

³⁷ Alh. Nuhu Aliyu a Commissioner of Police in Kaduna before Mustapha Akanbi panel asserted that four students of Kaduna Polytechnic killed by Police deserved to die – (see Sunday Sketch of August 24, 1986, pp. 1); Colonel Adisa Abdulkarim as well as Aliyu Attah (IGP) made similar boast at different times and places, See LIBERTY -Publication of Civil Liberty Organization

Use of rubber bullets to quell students protests would have been wiser in line with the modern trend. Apart from students protests, all other protests be it labour protests or political protests are met with the same senseless killing of harmless citizens. That was the situation during the nationwide protest for the actualization of June 12, 1993 mandate freely given to Late Chief M. K. O. Abiola. Police brutality was also visited on the Ogoni people³⁸. In 1989, during the so-called SAP riots (protest against the introduction of a Structural Adjustment Programme (SAP) by the Ibrahim Babangida government) protesters were killed in hundreds, others were detained in cells across the country. About over 30 protesters detained in Ketu police station, Lagos, were deliberately gassed to death by the police and their corpses deposited in the General Hospital Mortuary in Lagos and up till today nothing has happened to the officers who committed the heinous crime^{39(a)}. The protest that greeted the forceful imposition of Ibrahim Dasuku as Sultan of Sokoto was fatally quelled with at least ten dead. The same situation repeated itself in 2013 during the protest against fuel subsidy removal nationwide, when protesters were fire by the police and some die while others sustained various degrees of injury.^{38(b)} Again, in this January 2014 police in River-State forcefully and barbarically dispersed a peaceful gathering and in the process fired shot at many harmless civilians among whom is Senator Magnus Abe who had to be rushed overseas for medical treatment.^{38(c)} This is a blatant violation of constitutional right to freedom of assembly. What is needed at such gathering is simply police protection not police harassment or abuse as it is constantly experienced today in Nigeria, more so, that Nigerian no longer need to get police permit sequel to the nullification of the Public Order Act of Nigeria in the case of ANPP v IGP (2006) 39 WRN 184.

4.04. Extra-Judicial Killings

The unlawful killing of people by the police and other uniform men is known in the human rights parlance as extra-judicial killings. Such killings take place at check-points and in the police, prison and other government custody or confinement and even on the street. In 1981, Dele Udoh, a Nigerian athlete based in the United States arrived Nigeria to represent Nigeria at a tournament. He was shot by a policeman in Lagos. Checkpoints nationwide have indeed become a source of nightmare for many law-abiding Nigerians upon whom the police prey. Many innocents Nigerians have met their untimely death at the checkpoints, backed up by shoot-at-sight order given from the top⁴⁰. In 1986, a Commissioner of police-Alh. Umar Haruna was killed at a checkpoint in Lagos⁴¹. In 1992 Colonel Israel Rindam was killed at a checkpoint which almost caused a confrontation between the police and the Army⁴². It is instructive to note that all classes of people have fallen victim of police reckless disregard for human life. Tanker drivers⁴³, Military Officers, Police Commissioners, Professional men all having been felled and wasted by trigger-happy-policemen and women⁴⁴. A body- called – Network on Police Reform in Nigeria (NIPRON) described the Nigerian police as ‘a danger to the public safety and security’ as it reportedly killed no fewer than 7,198 Nigerian in five years⁴⁵. The body (NIPRON) conducted their investigations / researches in 400 police station in Borno, Adamawa, Kaduna, Kano, (FCT), Abuja, Plateau, Lagos, Oyo, Delta, Rivers, Abia, Anambra, Enugu and Sokoto states between January and September 2007 and released the interim report on police brutality and criminality in Lagos on 9th December, 2007⁴⁶.

(CLO), Vol. 2, No. 2 June – August 1991; See also African Watch. Academic Freedom and Human Rights Abuses in Africa, April 1991, p. 42.

³⁸ The Sunday Magazine, Vol. 9 No. 15, April, 17, 1994, p. 15.

³⁹ See Victims, Vol. 1, No. 3, Newsletter of the Committee for the Defence of Human Rights (CDHR), p. 8

⁴⁰ Governor Raji Rasaki issued similar order – (See Executive Lawlessness, C.L.O Publication March, 1991, P. 13); Military Administrator of Osun & Lagos issued similar orders – National Concord Editorial April 29, 1994, P. 6; Former IGP Sunday Adewusi was famous for issuing shoot-at-sight-order (see African Concord 2nd May, 1994, p. 29)

⁴¹ See Human Rights Practices in the Nigerian Police, CRP, 1992 pp. 2- 9.

⁴² See Sunday Magazine, March, 1994, p. 15.

⁴³ Liberty, Vol. 3, No. 2, April – June 1992, p. 6

⁴⁴ See CLO Annual Report, 1988, p. 6; Liberty Vol., 2, No. 1, March 1991, p. 6

⁴⁵ The PUNCH, Monday December 10, 2007 p. 9. See Police Torture and Death in Nigeria available @ www.utexas.edu/conference/africa/ads/956.htm/accessed26 July (2014).

⁴⁶ Ibid.

This figure according to NIPRON represents an average monthly killing rate of 141.37 persons and 4.7 on a daily basis⁴⁷. NIPRON said the Legal Defence and Aid Project documented 2.987 cases of extra judicial killings by law enforcement agencies in 2004 alone⁴⁸. According to NIPRON, whatever the explanation, extra-judicial execution appears to have become an acceptable tool of policing⁴⁹. Explaining why torture, extortion, rape, extra judicial killings are the trademarks of officers and men of the Nigerian Police, NIPRON said the situation under which the policemen worked was a major contributory factor⁵⁰. NIPRON said the remuneration of police personnel, especially at lower ranks is below subsistence level leaving most of them in margin of extreme poverty⁵¹. NIPRON also said that the police has discovered a new way of hiding their nefarious acts by throwing victims of extra-judicial executions into the Lagoon⁵². Recently, a police woman constable (Miss Gift Nniga) shot a co-tenant to death during a scuffle over whose turn it was to fetch water in Akwa-Ibom State⁵³. Also, a trigger-happy-policeman shot and killed a 15years old boy – Offialli Daniel because of disagreement over N20 bribe between the police and the commercial bus driver conveying Offialli to school. This happened in Oyi Local Government Area of Anambra State on November 8, 2007⁵⁴. In similar vein, an ex-Deputy Inspector General of Police – Mr. Yekini Jimoh, was remanded in prison by an Ilorin Magistrate Court for killing his own wife Mrs. Folasade Jimoh by shooting her in the neck after a disagreement⁵⁵. Also, a woman Police Corporal Salamatu Alenyika was arraigned in court for killing a two years old boy^{56(a)}. It is also pertinent to mention that the police extra judicial murder of six trader at Apo village in Abuja F.C.T. is still very fresh in Nigerians memory. In 2013, police and soldiers carried out unlawful and summary killings with impunity. Thousand of people were forcibly evicted from their homes in different parts of the country. Unlawful detention and arbitrary arrest were common place.^{55(b)}

4.05. Police Revenge Killings⁵⁷

Another clear pattern of police brutality/ human rights abuse which has emerged, is that of wanton killing and rampaging by police to avenge the deaths of comrades killed by armed-robbers, political agitators and even by accident as illustrated in the following situations – at Umuechen in Etche Local Government Area of Rivers State in 1st November, 1990⁵⁸, at Ovwian near Warri, Delta State on 6th December, 1993⁵⁹, at Patani, Delta State 15th February 1994⁶⁰. In Patani incident, a police sergeant was killed by some robbers on 14th February, 1994, the next day, police went into the town, randomly arrested seven youths of the town, lined them up and executed them. The police then announced the following day in Delta Radio, Warri that they had engaged some robbers in an exchange of gun fire during which seven members of the gang got killed⁶¹. Also recently, this ugly trend repeated itself in Afahakpo Ekiebong Enwang in Mbo Local Government Area of Akwa Ibom State on 16th September, 2007⁶².

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid. Nigeria Police Force has been said to be among the least efficient in the world. See Nigeria Police Watch.Com. A recent report put the number of unresolved murder, rape and man slaughter in the last two years at 74. 065 most of the cases were unresolved. The police force's ineptitude and notoriety for failing to protect the anonymity of the informants who provide it with tips have made it difficult for citizens to step forward to report crimes. There is no protection for whistle-blowers. See Nigeria Police Watch.Com visited 26-1-2014

⁵³ The PUNCH Monday, 5th November, 2007, p. 7

⁵⁴ The PUNCH November 25, 2007 p. 51, See also the PUNCH, November 15, 2007 p. 7

⁵⁵ The PUNCH, Wednesday November 21, 2007, p. 8

⁵⁶ The PUNCH, October 17, 2007, p. 5. It was reported that policemen shot two drivers in Osun State in one day over N20, bribe syndrome – See the PUNCH August 28, 2007, p. 9

⁵⁷ Ibidapo – Obe, op. cit. p. 303

⁵⁸ Annual Report on Human Rights in Nigeria, 1990, CLO Publication, p. 10

⁵⁹ The NEWS, 7th February 1994, p. 32

⁶⁰ TEMPO, 14th April, 1994, p. 6

⁶¹ Ibid.

⁶² Sunday PUNCH, September 30, 2007, p. 2

There was a misunderstanding between the police and commercial motorcyclists and before one could say Jack Robinson the police had unleashed a mayhem that engulfed the area, and the police killed, maimed, raped, stole, looted and burnt houses and market and caused untold hardship to the harmless community people⁶³. Infact, the traditional ruler-Obong Effiong Etifit Iniquo was arrested, stripped naked, detained in the police cell, the police searched his palace and stole N800,000.00⁶⁴ This resort to “mob and jungle justice” by an organized police force is unsettling, startling and appalling. This is an uncivilized, barbaric and unacceptable conduct.

4.06. Aiding, Abetting and Participating in Crime and Other Nefarious Activities

This is obviously another specie of brutality and criminality carried out and motivated by the police. There are reported cases of corrupt police officers hiring guns to criminals. This came to public consciousness in the notorious saga of Deputy Supretendent of Police(DSP)George Iyamu’s conspiracy with gangsters led by Lawrence Anini in Edo-State to rob, maim and kill innocent citizens⁶⁵. Policemen kill at the behest of rich complainants, take for instance the murder of two graduates – Sunny Aliogo and Charles Ajobor who were murdered by the police at the behest of a complainant who alleged that the due had dumped him of sixteen thousand naira⁶⁶. Similar injustice was meted out even to a fellow police officer sergeant Isreal Ameh who was accused of stealing a sum of \$40,000 belonging to the wife of former Inspector General of Police Muhammadu Gambo. (Sergeant Israel Ameh) was tortured to death in March, 1988 while on duty in Gambo’s residence⁶⁷. The Nigerian police unfortunately still has very many bad eggs in its ranks and files. Several reports have shown that policemen kill and rob citizens seen to have large sums of money or other valuable property. Hiding behind their uniforms, they make spurious claims of the victims being suspected armed robbers, narcotic pedders etc. A case in sight is the killing on 27th May, 1993 of Kayode Oladimeji, Andrew Esiri and Dele Ojo. Oladimeji and Esiri had gone to the Murtala Muhammed Airport to receive their friend Dele Ojo who was returning home from overseas after over ten years. The trio left the airport in Esiri’s car. They were stopped at a checkpoint by policemen. Later, their bodies were displayed as robbers killed in exchange of fire with the police^{68(a)}. On 15 March, 2015, Two policemen fight each other in the public at the entrance of a bank in Lagos after consuming alcoholic beverage^{67(b)}. In similar vein two military men fought each other to death in Lagos over girlfriend^{67(c)} One finds it difficult to believe that Nigerian policemen and policewomen would turn themselves into killers. Police also take part in other illegal activities. Recently, six policemen were arrested in Ogun State for oil bunkering and theft⁶⁹.

It is pertinent to mention that commission of crime is not limited to the police as other branches of the Armed Forces too engage in brutality and abuse of human rights among other criminal activities. Recently, two soldiers (Amalaka Jones of 20 Battalion, Taraba State and Adebayo Opeyemi of 911 Division Kaduna) were arrested in Abeokuta, Ogun State for armed robbery^{70(a)}. With respect to assassination cases the police has become incapable of resolving any till today. According to Late President Umaru Yar’Adua; “the attraction to crime is due, in part, to the fact that investigations are rarely ever concluded and culprits are, most often, never found by security agencies, even in high profile cases like assassination of prominent people in the society”^{69(b)}. The list of prominent Nigerian that were victims of politically motivated murder has become very long.

⁶³ Ibid.

⁶⁴ Ibid. Also, there is the challenge of repeated Police-Army clashes. See the Headline titled “Shocking Tales from Army/Police Clash as Panel Windsup” Vanguard 14 July, 2006, p. 36.

⁶⁵ See Olurode. L; (1971) “The Story of Anini”, Crystal Publications Ltd.

⁶⁶ Ibidapo – Obe, op cit. p. 304; See also African Concord, 21 March, 1994 p. 34. The Killing, Looting and burning of property in Irri in Isoko Local Government Area of Edo-State on December 24, 1998 also appears to be a case of hired police guns being used at the instigation of Archbishop Idahosa (see CLO Annual Report, 1989, p. 7)

⁶⁷ African Concord 2nd May, 1994 P. 29; See also Ibidapo – Obe. op. cit. p. 35

⁶⁸ Liberty, Vol. 2, No. 3, September / November, 1991, p. 8 For Brazilian Killer Policemen see, Amnesty International, Annual Report 1992, p. 2

⁶⁹ The PUNCH, Saturday November 3, 2007, p. 10.

⁷⁰ The PUNCH November 15, 2007, p. 12

During the military rule, several Nigerians, such as ace journalist, Mr. Dele Giwa, Babatunde Elegbede, Chief Alfred Rewane, Admiral Olu Omotehinwa, Alhaja Kudirat Abiola, Chief Layo Balogun, Chief Bisoye Tejuoso, Alhaja Seliat Adedeji, Toyin Onagoruwa etc were murdered in suspicious circumstances^{69(c)}. Since 1999, the number of unresolved assassination cases has been on the increase. In December 2001, Chief Bola Ige (sitting Attorney General of the Federation) was murdered in his house in Ibadan, others include, Chief & Mrs. Barnabas Igwe, Marshal Harry, Aminosoari Dikibo, Dr. Ayodeji Daramola who was killed in his home town in Ijan – Ekiti, Engineer Funso Williams in Lagos State, Mr. Godwin Agbroko, former Chairman of Thisday Editorial Board etc. In most of these murder cases, police reaction was similar: a theory of armed robbery attack followed by a spate of arrests and then a sloppy and half-hearted prosecution^{69(d)}. In most cases, the police is to blame for the delay in bringing suspects to justice. In the particular case of Late Bola Ige, his police orderlies mysteriously disappeared just as the assassins came into the premises^{69(e)}. As in many other murder cases, the twists and turns in the Ige murder trial portrayed a government that worked very hard to shield the culprits. More shocking is the recent confessions and revelations made by Sergeant Barnabas Jabila alia Rogers in the trial of attempted murder of Alex Ibru. The confession of Rogers confirms that some security and law enforcement officers (Police, Army, SSS etc) conspire with the assassins or actively participated in the killings – violation of fundamental human rights to life^{69(f)}.

4.07. Summary Execution

This is precipitated and premeditated killing of suspect who later turn out to be responsible citizens in the society. The statistics and catalogues of such executions are virtually endless and have been aptly chronicled by Nigeria's various dynamic and purposeful human rights organizations⁷¹. Extra-judicial killing of suspects would appear to have the informal sanction of the top police echelon: Sanni Daura Ahmed then a Commissioner of Police, Lagos State asserted a social philosophy that "no criminal had the right to live and he comprehended criminal as persons who were rightly or wrongly accused of crime"⁷². This assertion if true, represents a school of thought in the police circle who believe that charging suspects, particularly armed robbers to court is a "waste of time". They arrogate to themselves the position of the accuser, the judge and the executioner thereby derogating the suspects constitutional right to have a proper court determine their guilt⁷³. Illegally executed suspects include: Peter Preboye, Lawrence Akinsade, Alabi Ibrahim and Kehinde Adeyemi⁷⁴, Paul Okploba⁷⁵, the notorious Oko-Oba-killings⁷⁶.

4.08. Interfering in Civil Matter

The then Inspector General of Police Mr. Mike Okiro recently expressed worry over abuse of rights by police⁷⁷, including intervening in civil matters⁷⁸. By virtue of Section 4, Police Act, the police is to prevent and detect crime, apprehend offenders, preserve law and order, protect life and property, enforce the law. The police can also perform military duties within or outside the country as occasion arises. Police in Nigeria go outside the scope of its powers on daily basis by delving into matters outside its jurisdiction. The police is not an agent of any individual person, hence, it has no power or duty to promote the interest of redress civil wrong for any particular individual, no matter how highly placed the individual might be in the society. The police has no civil jurisdiction, it is also not a debt recovery agent. The decision of court in *Afribank Nig. Plc v. Onyima*⁷⁹ is instructive where the court aptly captured the statutory duty of the police thus: The police force is a respectable institution which is entrusted with the security of the country and the people. It is not a debt collector and should never be involved in such service. The same view was expressed by the Court of Appeal in *Abdullahi v. Buhari*⁸⁰, thus; The duty of the police is as enumerated in the Police Act, and it does not include debt collection... The practice of employing the police for civil actions became prominent and got to the zenith during the military era.

⁷¹ Ibidapo – Obe op. cit. p. 302

⁷² Otteh, J. (1991) "As Sanni Daura Ahmed leaves Town" in *Liberty*, Vol. 2, No. 3, September/ November, p. 19

⁷³ Section 36, 1999 Constitutional.

⁷⁴ *Liberty*, Vol. 2, No. 1, March, 1991, p. 7.

⁷⁵ "The Nigeria Police Force: A Culture of Impunity" Lawyers Committee for Human Rights, May, 1992, p. 18; See also Elechi Igwe CLO, Human Rights Update – Police Brutality No. 2

⁷⁶ Ibidapo – Obe, op. cit. p. 302.

⁷⁷ The PUNCH, Saturday 10th November, 2007, p. 7

⁷⁸ Ibid

⁷⁹ (2004) 2 NWLR (Pt. 858) 654 at 680.

⁸⁰ (2004) 17 NWLR (Pt. 902), 278 at 303

Police in some instances get involved in land ownership disputes which is purely civil in nature as against cases of malicious damage to property on the land, economic crops and criminal trespass⁸¹. Also, some landlords do not believe in court processes in determining the relationship between them and their tenants. The police for monetary consideration and other selfish reasons becomes easy tool in the hands of these unscrupulous landlords to violate, brutalize and abuse the rights of the innocent citizens.

5.00 Role of Court in Human Right Abuse

In Nigeria, we have a failing criminal justice system, hence, the police, the courts and prison institutions all have their various shares of the blame. The accused who is supposed to be presumed innocent until proven guilty is treated as if already guilty before his arraignment. As a result of this, the accused suffers denial of his rights, from the police station. The use of "holding charge" has led to the crisis of congestion we are experiencing in prison⁸². Over 60% of inmates in Nigerian prison are awaiting trial persons. They together with other prisoners are subjected to unimaginable inhuman and degrading treatment ranging from poor environment, feeding to lack of medical attention⁸³. It is instructive to note that "holding charge" has been declared unconstitutional by the Nigerian Superior Courts⁸⁴. Despite the decision of Superior Courts on "holding charge" inferior courts particularly Magistrate Courts continue to indulge in this unconstitutional practice. Before an accused is brought to court it should be assumed that the case is ripe for hearing and not for further investigation. In a good number of cases, the police in Nigeria rush to court on what they generally refer to as "holding charge" ever before they conduct investigation. It follows that it would be wrong in law and unconstitutional to incarcerate or keep an accused in custody pending the completion of the investigations into the complaint against him. On the issue of bail, happily for us, the right to bail is a constitutional prescription⁸⁵. Bail to a person accused of an offence is a basic right and undoubtedly to release before trial is much more basic if the trial is going to last more than two months for non capital offences. However, everywhere in this country, judicial officers treat the issue of bail as if they are granting accused person favour or even undue indulgence by releasing him on bail. Bail is too often refused on flimsy grounds, and excessive conditions are imposed when granted. It is true that in Nigeria, we have no provision, similar to that in the English Bill of Rights 1689 or the 8th Amendment to the American Constitution which expressly prohibit excessive bail condition, but it is submitted that the constitutional requirement of bail in criminal trials is sufficiently adequate to cover this ground. Hence, bail on the condition that the surety must be a civil servant, male, own landed property within jurisdiction of the court (the conveyance, building plan, or certificate of occupancy which must be lodged with the court), a three year tax clearance and evidence of payment of other levies etc, is in fact no bail at all. These conditions make bail almost a penal sanction and almost impossible to attain in a broad majority of cases. Arising from the foregoing is the fact that the court should desist from aiding the police to violate or abuse the rights of the citizens. It is also instructive that where the police after completing investigation are not ready to take an accused person to court, they are expected to release him on bail pending the time he will be formally charged to court for the trial of the charge against him.

6.00. Public Order Act and Police Abuse of Freedom of Assembly

Section 6 (2) of the Public Order Act⁸⁶ empowers the police of the rank of inspector or above to stop any assembly for which no police permit or license has been obtained. Except for the private meetings in private places where police permit is not required, police permit has been said to be required to hold even meetings of an association⁸⁷.

⁸¹ Adebayo, W.A. o p. cit. p. 274

⁸² Olisa Agbakoba (SAN) & Willy Mamah, op. cit. p. 32

⁸³ Ibid

⁸⁴ "Holding Charge" is contained in S. 236 (3) Criminal Procedure Law of Lagos. See the case of Bayo Johnson v. Attorney General of Lagos State (Unreported), Johnson v. Lufadeju (2002) 8 NWLR (Pt. 768) 192.

⁸⁵ Obekpa v. C.O.P (1981) 2 NCLR 420 at 422 per Idoko J.

⁸⁶ Section 6 (2) Public Order Act, Cap 382, Laws of Federation of Nigeria 1990 now 2004.

⁸⁷ Chukwuma v. COP (2005) 17 WRN PP 58 – 59.

"Public meeting" includes any assembly in a place of public resort and any assembly which the public or any section thereof is permitted to attend, whether on payment or otherwise including any assembly in a place of public resort for the propagation of any religion or belief whatsoever of a religious or anti-religious nature..."⁸⁸ The police has for several years been hiding under Public Order Act to frustrate the citizens right to freely assembly by cleverly tagging any such assembly "illegal" unless police permit is secured, yet they refuse permit as they desire. However, recently the court has declared the Public Order Act illegal in the case of ANPP v. IGP⁸⁹ thus : The Public Order Act does not impose limitations on the right to assemble freely and associate with others, which right is guaranteed under Section 40 of the 1999 Constitution, it leaves unfettered discretion on the whims of certain officials, including the police. The Public Order Act so far as it affects the right of citizens to assemble freely and associate with others, the sum of which is the right to hold rallies or...The result is that it is void to the extent of its inconsistency with the provisions of the constitution⁹⁰.

The Court went further to hold that:

No police permit or any authority is required to hold meetings, rallies or processions in any part of the Federal Republic of Nigeria. ...The provisions of the Public Order Act, Cap 382, Laws of Federation of Nigeria 1990 which prohibit the holding of rallies or procession without police permit are unconstitutional having regard to section 40 of the 1999 Constitution of Nigeria and Article 11 of the African Charter on Human and Peoples Right (Ratification and Enforcement) Act Cap 10 Laws of the Federation of Nigeria 1990⁹¹ The Court of Appeal ruling under reference which declared the Public Order Act as unconstitutional infringement on human rights,⁹² is a welcome development. In the words of Comrade Adams Oshiomole, former President of Nigerian Labour Congress (now Governor, Edo-State of Nigeria), "the Court of Appeal ruling on Public Order Act will strengthen democracy in Nigeria"⁹³. Ironically, the then Inspector General of Police, Mr. Mike Okiro while reacting to the Court of Appeal ruling said "Police will appeal the ruling on Public Order Act at the Supreme Court"⁹⁴(a). The above remark coming from the police boss is a reflection that the police authorities enjoy to abuse citizens right with impunity.

However, the Socio-Economic Rights and Accountability

Project (SERAP) and the Committee for the Defence of Human Rights (CDHR) criticized the comment of Mr. Mike Okiro to appeal the judgment of the Court of Appeal on the Public Order Act⁹³(b) and advised the Presidency to publicly instruct the police to follow the path of his oft-expressed commitment to the rule of law, good governance and respect for human rights⁹³(c). In the words of Honourable Justice Olufunmilayo Adegboye; (retired but not tired Justice of the Supreme Court of Nigeria) the provisions of the Public Order Act are unnecessary, we are in a democracy and Nigeria has joined the league of civilised societies⁹³(d). While it lasted, the Act came handy anytime the police wanted to trample on the right of Nigerians to hold peaceful rallies. For instance, when some harmless women led by Prof. Jadesola Akande (now late) wanted to hold rallies in support of their fellow mothers whose children perished in the Sosoliso plane crash, the police violently dispersed them⁹³(e). The police also disrupted the campaign rally organised by the All Nigerian Peoples Party (ANPP) in Kano in 2003. The excessive use of tear –gas to disperse the gathering allegedly led to the death of the party's presidential running mate – Dr. Chuba Okadigbo⁹³(f). In 2006, the police also invoke the Act to stop some eminent Nigerians who had gathered at Abuja Sheraton Hotels and Towers for a meeting, from entering the venue of meeting. The aborted forum was organized by some legislators who then opposed the alleged third term agenda of former President Olusegun Obasanjo⁹³(g). Ironically, the security agents have shown some partiality in the enforcement of this Act.

⁸⁸ Ibid

⁸⁹ (2006) 39 WRN. 184 at 186 – 192. See also the recent Court of Appeal ruling which quashes Public Order Act as unconstitutional infringement on the freedom of Association & Assembly – The PUNCH December 12, 2007, p. 2

⁹⁰ Ibid

⁹¹ Ibid. The Court fortified its position by placing reliance on two constitutional cases decided in Foreign Jurisdictions – Attorney General Botswana v. DOW (1988) 1 HRLRA 1 and New Patriotic Party v. Inspector General of Police Accra Ghana (2000) 2 HRLRA 1 which facts are impari materia to the present casxe.

⁹² Section 40, 1999 Constitution & Article 11 African Charter on Human & Peoples Right (Ratification & Enforcement Act) LFN 1990.

⁹³ The NATION Saturday December 15, 2007, p. 3

⁹⁴ The PUNCH Friday 14th December, 2007, p. 8

For instance, during Obasanjo's regime, the Obasanjo Solidarity Forum, and other pro-Third Term Groups freely expressed their views publicly without any disturbances from the police^{93(h)}. Also, in the dark days of Sani Abacha's administration, security operatives allowed a Two-Million-Man March organised in support of the junta. But, when the opponents organised a parallel march in Lagos, it was violently disrupted.⁹³⁽ⁱ⁾ Earlier in year 2007, the ANPP claimed that security agents refused to grant it permit to hold rallies in Gombe, Bauchi, Plateau, and Nasarawa states on flimsy excuse that the PDP's Governorship and Chairmanship candidates in those states would also hold rallies. These are the types of abusive use to which the Act was put. No doubt this neo-colonial law runs contrary to the principles and letters of Section 40 of the 1999 Constitution. The good thing is that Nigerians can now enjoy unfettered freedom of assembly and association as guaranteed by the constitution. Despite the foregoing, the police continued to violate Nigerian's right to freedom of Assembly as was seen in January 2013 during the peaceful protest organized by the Nigerian Labour Congress (NLC), other trade unions and civil rights organizations against removal of fuel subsidy. In several cases, police fired at protesters killing some and injuring many.^{93(j)} Also, court orders were often ignored by police and security forces. The beauty of democracy lies in the freedoms of associated and expression, freedom of information and freedom to hold any belief or opinion. When any of these freedoms is abridged, democracy becomes autocracy and civilization invariably suffers.

7.00. Juxtaposing Traditional and Modern Policing

African traditional institutions of crime control were not organized in the formal paramilitary sense of the modern police force⁹⁵. Rather, they were interwoven into the general societal fabric such that there were checks and balances in the exercise of policing powers by the various levels of community authority⁹⁶. Egungun or Masquerade Cult with variants all over Africa also provide another level of crime control being regarded as an institution for ordering the society⁹⁷. The apparent diffusion of crime control institutions in the traditional African society was erected on philosophical superstructure which emphasized law enforcement as an obligation of all members of the society. It is indeed no exaggeration to say that everybody was a policeman. Even if one did not belong to the formal control groups, egungun or ogboni cults, participation in the professional guilds (farmers, hunters, tradesmen etc), incorporated one into the crime control process. Thus, the overriding concept was one of "community policing" enhanced by personal identification within the society as the basic idea of security. The policing agencies in traditional African were not a "race apart" like their modern Nigerian contemporaries. The barrack culture was definitely absent, because, everybody lived together within the community, thereby obviating the current problem of social isolation engendered by barrack-living. Western philosophy of policing cannot be understood outside the context of European social history. The monarchical period in Europe probably marked a watershed in the catalogue of man's inhumanity to man. The kings and queens, claiming a divine right to rulership, felt justified in oppressing their citizens who clamoured for their rights. The police was an extension of the monarchy and acted purely at its behest. The modern day Nigerian Police could then be seen as fashioned after the ethics of colonial police and its European counterpart of the ancient regime. The fundamental perception of the modern African Police Force is informed by the initial role they played in the subjugation of their own people by the colonialists⁹⁸. The modern Nigerian Police is not concerned with the morality of the orders they are given, but merely that it emanates from authority. This contrast sharply with the traditional system of policing African society, where the social control institutions were called upon to enforce the moral and traditional values recognized by the community and not alien and oppressive laws put in place to protect the vested interests, political and economic of a usurper or oppressor class. Professor Tekena Tamuno notes that unlike the modern police riot squads, the traditional peacemakers did not employ violence⁹⁹.

⁹⁵ Ibidapo – Obe, *op. cit.* pp. 296 – 299

⁹⁶ The various levels of social authority within the traditional milieu included the secret cults or societies "such as Ogboni, Oro cults in Yoruba tribes, Ekpe cults among some tribes in Akwa Ibom and Cross Rivers States of Nigeria. The Igbo tribes relied on a highly developed Age Grade System for maintaining law and order and general community development. See generally: Soyombo, O. (1994) "Traditional Approaches to Curbing Deviant Behaviour in Nigeria" in A. Obilade & G. Braxton (eds) *Due Process of Law*, University of Lagos, p. 122 Rouge, Louisiana.

⁹⁷ Babayemi, S.O (Oba Akinola I. Olufi of Gbongan) *Topics on Oyo History*, Lichfield Nig. Ltd. p. 31

⁹⁸ Onyeoziri, F. (1989) *Individual Rights and the Limits of Public Authority*, 1 & 2, U.I.L.R, p. 2

⁹⁹ Tekena Tamuno: (1970) *The Police in Modern Nigeria 1861-1965*, University of Ibadan Press, Ibadan.

Modern policing techniques reflect a bias for western policing philosophy. Whereas, police excesses in Europe and America are counterbalanced by an advance culture of individual rights, a similar ethic of human rights enforcement and protection is yet to gain ground in Africa. Since Africa policing philosophy is "community based" and devoid of violence, this provides the needed counterforce to the prevailing culture of brutality and violence of modern policing.

8.00. Problems and Challenges of the Nigerian Police

The police in Nigeria is bedeviled by multifarious problems, ranging from corruption, poor pay package, poor welfare, etc. The Nigeria police lacks the modern gadgets to effectively police the society, inadequacy of facilities, shortage of manpower, high level of illiteracy are some of the problems militating against Nigeria Police. There is also the problem of indiscipline, poor training, lack of expertise in specialized fields, delayed promotion, corruption and dishonesty are widespread¹⁰⁰. All these endanger the already low level of public confidence in the force and leads to widespread failure to report crime. Another problem is that of playing politics with the police. For instance, there is no country in the world where police is saddled with the responsibility of building political unity. This is the job that is reserved for the politicians¹⁰¹. Another problem of the police force is that the federal government has crippled the police by destroying the local police system that helped to prevent and stem criminality in the country until 1966, on the excuse that a local police was more likely to be more corrupt than a federal police system forgetting that the United States has over 1,700 police agencies while the Commonwealth countries such as Canada, Australia, South Africa, India etc have various levels of local, municipal, provincial (state) and federal police agencies and the police in each of these countries are more effective than the only federal police in Nigeria¹⁰². The concomitant effect of all the foregoing problems put together is an ineffective and inefficient police force which explains the daily reported cases of accidental discharge, unresolved murders and assassinations¹⁰³, poor investigation of cases¹⁰⁴, high level of insecurity in the country etc¹⁰⁵.

9.00. Towards a New Police

According to Mr. Olawepo Gbenga former Deputy National Secretary of the Peoples Democratic Party (PDP) and a governorship candidate of Democratic Peoples Party (DPP) in Kwara – State in April 2007, he was of the opinion that we need a revolutionary change and total overhauling in the Nigerian Police¹⁰⁶. As a way of taking the police to the next level the Federal government of Nigeria invited the British police to train their Nigerian counterpart¹⁰⁷(a). Late President Yar'Aduhad approached Prime Minister Gordon Brown of the United Kingdom to help re-invent the police force in Nigeria for effectiveness and efficacy. Also, the Presidential Committee on Police Reform set up by the erstwhile president (Chief Olusegun Obasanjo) submitted its report containing several recommendations among which are: That the appointment and removal of the Inspector General of Police by any president of the country should be approved by a two-third majority of the Senate and that by allowing the Senate to have a say in the appointment and removal of an IGP would insulate his office from partisan politics and free the IGP from undue political interference by partisan political office holders¹⁰⁶(b). The Committee also recommended IGP's tenure should be pegged at one term of four years without extension irrespective of age and length of service.

¹⁰⁰ Kofi Akasah – Sarpong – "Law, Order and 'Vigilantes' in Nigeria", *Federations* Vol. 2, No. 4, June/ July 2002. See also Ajomo ^ Okagbue (eds) *Human Rights and the Administration of Criminal Justice in Nigeria*, Nigerian Institute of Advanced Legal Studies NIALS Research Series No 1, 1991 pp. 284 – 285.

¹⁰¹ The NATION December 9, 2007, p. 9. Idowu, A.A. (2003) "The Role of the Police in Election: The Nigerian Situation," *University of Ado-Ekiti Law Journal*, Vol. 2, p.97-98; See Jemibewon, D.M (2001) " The Nigeria Police in Transition: Issues, Problems and Prospects, Spectrum Books Ltd, Abuja; Brodeur, Jean Paul (eds) (1998) *How to Recognize Good Policing: Problems and Issues*, Sage Publications, California.

¹⁰² Ibid. Bradley, David, Walker & Co (1986) "Managing the Police: Law Organization and Democracy " Great Britain, Wheatshef Books Ltd, Chaps 1 & 11; See "Police in other Lands" *This Day*, September 29, 1999 available @ thistday@nigel.net.ng; Poor Prosecution: Lawyers back CJN against Police, PUNCH October 19, 2013.

¹⁰³ For instance, the murder of Chief Bola Ige, Engineer Funso Williams, Hon. Segun Oladimeji (a.k.a Segelu) murder in September 2007 in Oyo State, Alfred Rewane, Seliat Adedeji, Dele Giwa – see the PUNCH 22 September, 2007 p. 11

¹⁰⁴ The quality and manner of police investigation was criticized in the case of *Millar v. State* (2005) 16 WRN p. 45 ratio 18.

¹⁰⁵ Insecurity: 'Yar'Adua invites Britain to assist Police – see The PUNCH, Tuesday November 27, 2007 p. 2

¹⁰⁶ The PUNCH, August 26, 2007, p. 46.

¹⁰⁷ The NATION December 2, 2007, P. 9, also, the NATION December 9, 2007, p. 9.

The report also advised that salaries and allowances of officers and men of the Nigerian Police should be increased between 100 and 300 per cent^{106(c)}. In order to fish out criminal elements from the police, the committee suggested that biometric data (fingerprints and photographs) of policemen should be obtained. The committee also wants the Federal Government to establish a modern Forensic Science Laboratory^{106(d)}. It is the humble submission of this writer, that, if the report had been considered and religiously implemented it would have been a better story to tell about Nigeria Police Recently, the immediate past IGP Muhammed Abubakar came up with a Code of Conduct for Police Officers which was launched in 2013. It is hoped that the police will be guided by the new Code of ethics for the better image of the police and efficient policing.

10.00 Checking Police Abuse of Human Rights

The Nigerian police force had turned to be an institution of political repression as witnessed by its deployment in times of political crises, when political conflicts occur between states and the federal government, the police has naturally sided or favoured the later, because we have a federal police force in Nigeria. The Inspector General and State Commissioners are solely appointed by the Federal Government. Police force itself is a creature of the constitution and all human rights often breached by the police are guaranteed by the same constitution. The constitutional provisions should be held more sacrosanct and violation visited with stiff punishment. Modern policing strategies frown at killing in defence of property¹⁰⁸, hence the provision of the constitution which allows for taking of life in defence of property¹⁰⁹ should be reviewed as no property is worth human life. Also, to kill and maim to effect arrest is no longer an acceptable police practice¹¹⁰. The only conclusion from the human rights provisions of the constitution is that though high – sounding, they do not effectively have the capacity to curb police brutality because of the derogations therein. There is also the need to prosecute erring or brutal police officers. It is sad to note that the Attorney – General's office feels constrained to prosecute brutal police officers¹¹¹. The Nigerian police should be made to conform with International Instruments, Rules and Codes applicable to the profession. Among which are the Universal Declaration of Human Rights 1948, International Convention on Civil and Political Rights 1966, Declaration on the Protection of All Persons from Torture and Other Cruel and Inhuman Treatment 1984, Standard Minimum Rules for the Treatment of Prisoners, UN Code of Conduct for Law Enforcement Officials, 1979 etc. Also, all these international instruments should be adapted and effectively domesticated in Nigeria. Civil Society Groups must continue to promote accountability and respect for human rights and must continue to push Nigerian government to implement genuine reforms. They must intensify their advocacy strategies with a view to mobilizing sustainable public opinion against the culture of impunity, pushing government to wake up to its obligations to promote and protect human rights, establishing a culture of respect for human rights within the police, ensuring that victims and their families have access to justice, and putting an end to impunity for police and other security officers. Nigeria police need to comply with international best practices.

11.00. Concluding Comment

This paper has dealt extensively with issues bothering directly on police brutality and abuse of human rights. Also, some other allied matters have been appraised. It is pertinent to emphasize that effective law enforcement agents and adequate policing cannot be underestimated in ensuring a sustainable development in the country. In achieving the foregoing, there is a serious and urgent need to repackage, reorganize, restructure and overhaul the entire police force in Nigeria to be able to meet up to contemporary expectations and combat modern crimes. Also, there is a need for the police authority to ensure that constant brain-check is carried out on every policemen and women who carry guns and other weapon. This was succinctly put in the case of *Oyakhere v. State* (2006) 2 WRN at P. 44: ...all the policemen turned their guns on defenceless proletariat, a people they are to protect. The attack was ferocious and indiscriminate, absolutely appalling and indescribable, clearly a wicked and despicable act. It is about time something is done to curtail the excesses of trigger- happy-policemen.

¹⁰⁸ "Training Bulletin of the Houston Police Department" in principles of Good Policing, Avoiding Violence between the police and citizens, US Department of Justice Community Relations Service, Appendix II.

¹⁰⁹ Section 33 (2) (a) 1999 Constitution of Nigeria.

¹¹⁰ "Training Bulletin of the Houston Police Department(Supra).

¹¹¹ *State v. Archung Odung Unreported Suit No: ID/7^c/88, Ibeje v. IGP. Re G. M. Boyo* (1970) 1 ALL NLR

The police authorities must go extra-mile to ensure that constant checks are carried out on policemen who carry guns, and these checks should be constant examination by a psychiatrist. Underline is mine for emphasis The Nigeria police and other law enforcement agencies should learn to conduct themselves in a civilized manner. They should realise that modern law enforcement has gone beyond brutality and violent abuse of harmless people's right. People should be allowed to enjoy their fundamental human rights in whatever peaceful manner they deem fit. It is only when the exercise of that freedom infringes on the freedom of others that the police can come in to restore order. Democracy could not flourish and human rights and dignity could not be maintained without the Nigerian citizens having confidence in the integrity of their police. Police should stop being used as a ready instrument or tool of political vendetta as is currently unfolding in some States of Nigeria in the cold war between Governors in opposition parties and the Presidency where State Commissioners of Police have constantly been in the negative new-reportage for their complicity and partiality. The federal government should fund the police adequately, training and retraining programmes (within and outside Nigeria) should be conducted regularly, police should have access to modern tools, gadgets and equipment to aid their efficiency, government should insure the life of every police personnel. Also, government should establish a fast-track or special court to expeditiously hear and determine all cases-civil or criminal-involving the police as an institution and the individual officers thereof in the course of duty. Finally, it is humbly recommended that the Nigerian government should borrow a leaf from other countries which operate multi-layered but complementary police institutional structures thereby allowing state police, as well as local/provincial/community police among others. This will remove the monopoly of police by federal government as it is today and provide for a healthy, competitive and progressive policing.