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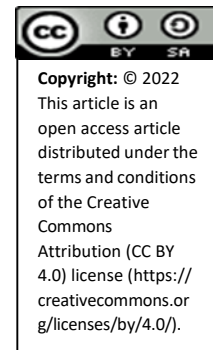
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Human Rights Abuse by the Nigerian Police Force: A Legal Review

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Abstract

The concept of human rights is one that cannot be mistaken, as it is fundamental to the existence of man. Rights such as the right to life, right to human dignity, freedom of movement, amongst others. The existence of these rights are further instilled in the 1999 Constitution of the Federal Republic of Nigeria (as amended). The Police Force plays an important role in keeping the society safe. They ensure that citizens are safe and free from crimes and other vices perpetrated in the society. However, the Nigerian society has seen the Police Force in a means of conducting their duties, cross some lines by meting out various abuses which includes extra judicial killings, and also torture. These and many more have made Nigerians call for reforms focused on making the Police force better. This research adopts the doctrinal and the empirical research methodology. This paper seeks to examine the human rights abuse meted out by the Nigerian Police Force. It will explain the concept of human rights and torture. It will also conduct a review on the Nigerian Police Force – providing a brief history of the Nigerian Police Force; the legal framework that deal with the breaches of human rights abuses by the Nigerian Police Force. This paper will also provide recommendations on ways to curb the abuses by the Police Force.

Keywords: Human rights, Abuse, Police, Crime

Introduction

In order to fully understand what constitutes human rights there is a need to bring to mind certain features of human rights as this will help in a proper understanding of the concept. Human rights are rights.¹ Human rights are the rights of all human beings which brings an interrelationship between human beings hence where one person's rights starts another person's rights stops. However, each person's rights must be respected by others.² Human rights are plural.³ Human beings are not limited to just one right. There are many diverse rights which spring up every day. Hence, there is the need to be abreast of the different types of rights available to citizens in order to make sure rights are protected and to prevent a situation whereby we violate the rights of another human being.⁴ Human rights are universal.⁵ Human rights apply to all people simply on the basis of being human.⁶ All living humans or perhaps all living persons have human rights. One does not have to be a particular kind of person or a member of some specific nation or religion to have human rights. Included in the idea of universality is some conception of independent existence. People have human rights independently of whether they are found in the practices, morality, or law of their country or culture.

Statement Of Problem

The amount of complaints in relation to the activities of the Nigeria Police Force on the plethora of unlawful actions against members of the public in Nigeria is alarming. International organizations have chided Nigeria for the role of police officers in regularly detaining Nigerian citizens unlawfully and extorting money from their families.⁷ Many citizens have also protested the constant harassment by police officers of young men that appear to be wealthy without due justification or recourse to the laws of Nigeria.⁸ There are now cases where Nigerian citizens are detained for as long as 2 years by the Nigerian Police Force, peaceful protesters being assaulted and some even killed.⁹ Ordinary citizens are not abreast of the documents that

¹ Enebe George, 'The Concept of Human Rights: Origin, Meaning and Place in The New World' in O. Anichebe (ed), *Logic, Philosophy and Human Existence* (8th edn, Afro-Orbis Publications 2008) 187-213.

² Ibid

³ Enebe George, 'The Concept of Human Rights: Origin, Meaning and Place in The New World' in O. Anichebe (ed), *Logic, Philosophy and Human Existence* (8th edn, Afro-Orbis Publications 2008) 187-213.

⁴ Ibid

⁵ Maurice Cranston, *What Are Human Rights?* (Taplinger Publishing Company 1973) 9.

⁶ Ibid

⁷ Elkanah Babatunde, 'Torture by the Nigerian Police Force: International Obligations, National Responses' (2017) *Strathmore Law Review* 169, 179.

⁸ Ibid.

⁹ Mandu Onuorah, "Nigerian military says trending videos of soldiers opening fire on endsars protests are Photoshop" (Panafrican News agency 10 February 2020) <https://www.panapress.com/Nigerian-military-says-trending--a_630665322-lang2.html> accessed 10 July 2021.

contain their fundamental rights not to talk of knowing and understanding the rights that are available to them.

Originally as has been stated above, by nomenclature, the Nigerian Police Force is a body that ought to handle matters that bother on robbery and armed robbery but it seems that the Nigerian Police Force now perform other tasks not directly connected with robbery and armed robbery.¹⁰ It is this deviation that has given these operatives the leverage and cynical justification for perpetuating all kinds of ills in the name of carrying out their “functions”. These are incidents that will be explored in this study.

Methodology

This research adopts the doctrinal methodology. It would be based on both primary and secondary sources. The primary source includes international, regional and local legislations: Universal Declaration on Human Rights, International Covenant on Civil and Political Rights, The International Covenant on Civil and Political Rights and its first Optional Protocol and the Human Rights Committee, General Comments. Also, other sources of law to be analyzed are African Charter on Human and People’s Right, Constitution of the Federal Republic of Nigeria, 1999 (as amended). Secondary sources are obtained from textbooks, articles, paper presentations and journals, dictionaries, public documents and case laws. This method is used in order to analyze the legal framework on the violation of human rights by the NPF.

The empirical research method is also adopted in this study and it will be quantitative in nature. The research instrument for this study would be the use of a questionnaire. The questionnaire would be administered by the researcher through the use of Google Survey Form due to its accuracy, coverage, ease and its guarantee of the anonymity of respondents. Results from the study will be discussed while using tables and pie-charts.

Literature Review

The Concept of Human Rights

Human rights were first recognized internationally by the Universal Declaration on Human Rights in 1948.¹¹ Two years later, it was followed by the adoption of the European Convention on Human Rights.¹² This was followed by the 1998 the Human Rights Act, making the rights and freedoms in the European Convention on Human Rights directly enforceable in the UK. It was enforced 2nd October 2000.¹³

Human rights are rights inherent to all human beings, regardless of race, sex,

¹⁰ Ibid.

¹¹ Jacob Dada, ‘Impediments to Human Rights Protection in Nigeria’ (2012) 18 (1) Annual Survey of International and Comparative Law 67, 68.

¹² Ibid.

¹³ Ibid.

nationality, language, religion, or any other status and everyone is entitled to exercise these rights without being subjected to any form of discrimination. International human rights law in turn, simply aims at protecting and promoting human rights on a global scale by holding Governments across nations accountable to an internationally recognized code that promotes the protection of the human rights of all individuals.¹⁴ Enebe described human rights as the fundamentals to any democracy being that democracy in itself is hoisted on the symbiotic relationship with human rights.¹⁵

To Kaluge, human rights are not man made or artificially guaranteed by men but are rights that earn their validation from their existential necessity to humans and for the enjoyment of a larger complex society.¹⁶ In explaining the concept of enjoyment of rights for a larger society, Ndifo, divided the types of rights into three; he called the first the freedom of rights which guarantees the freedom of a person from oppression, he called the second participation right which points to the rights attributable to the decisions making aspects of a human's life, he called the third subdivision benefit rights which he related to economic and social benefits such as the right to food, work, medical care and education.¹⁷

In order to fully understand what constitutes human rights there is a need to bring to mind certain features of human rights as this will help in a proper understanding of the concept. Human rights are the rights of all human beings which brings an interrelationship between human beings hence where one person's rights start another person's rights stops. Human rights are universal.¹⁸ Human rights apply to all people simply on the basis of being human.¹⁹ One does not have to be a particular kind of person or a member of some specific nation or religion to have human rights.

Data Presentation, Analysis and Interpretation

Table 1: Respondent's Consent

¹⁴ David Killingray, 'The Maintenance of Law and Order in British Colonial Africa' (1986) 85 (340) *African Affairs* 411-437.

¹⁵ Enebe George, 'The Concept of Human Rights: Origin, Meaning and Place in The New World' in O. Anichebe (ed), *Logic, Philosophy and Human Existence* (8th edn, Afro-Orbis Publications 2008) 187-213.

¹⁶ Kaluge David, 'Human Right Abuse' (*HubPages*, 10 September 2013) <<http://davidkaluge.hubpages.com/hub/human-right-abuse>> accessed 4 December 2020.

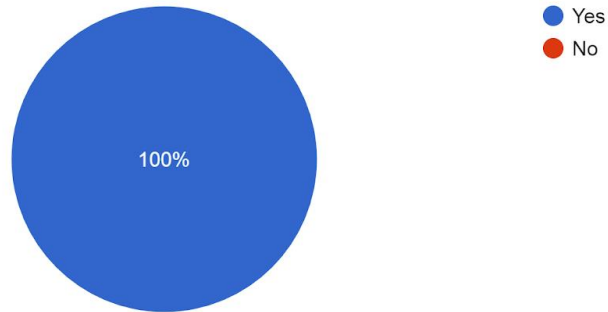
¹⁷ Ndifon Cyril, 'Awareness and Enforcement of Human Right in Nigeria: Constraints and Solutions' *Daily Independent* (Nigeria, 2013) 4.

¹⁸ Maurice Cranston, *What Are Human Rights?* (Taplinger Publishing Company 1973) 9.

¹⁹ *Ibid.*

Do you consent to filling this questionnaire?

341 responses



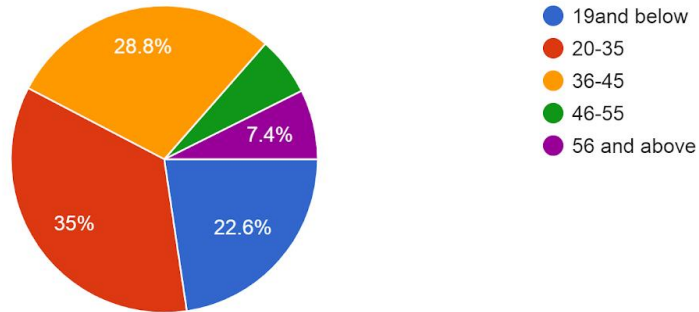
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Yes	341	100.0	100.0	100.0

From the table above, 100% of the respondents consented to the filling of the questionnaire. This indicates that the responses given are devoid of coercion and are a true representation of each respondents understanding on the subject matter.

Table 2: Age Index

Select your age

340 responses



	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	.3	.3	.3
19 and below	77	22.6	22.6	22.9
20-35	119	34.9	34.9	57.8
36-45	98	28.7	28.7	86.5
46-55	21	6.2	6.2	92.7
56 and above	25	7.3	7.3	100.0
Total	341	100.0	100.0	

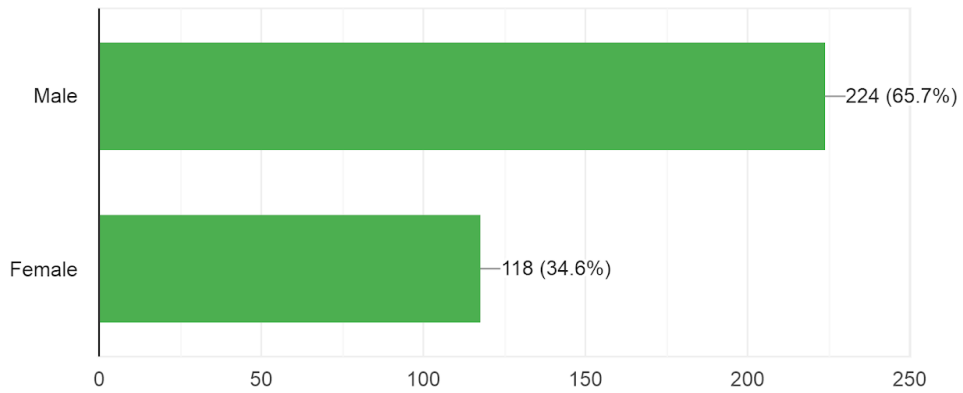
From the table above, 22% of the respondents 19 years of age and below, 34.9% of are between the age of 20 and 35, 28.7% are between the age of 36 and 45, 6.2% of the respondents are between the age of 46-55 while 7.3% of the respondents of the

respondents are 56 and above. This indicates that the majority of the respondents are at the age of maturity and possesses the cognitive ability to tell the truth.

Table 3: Gender Index

What gender are you?

341 responses



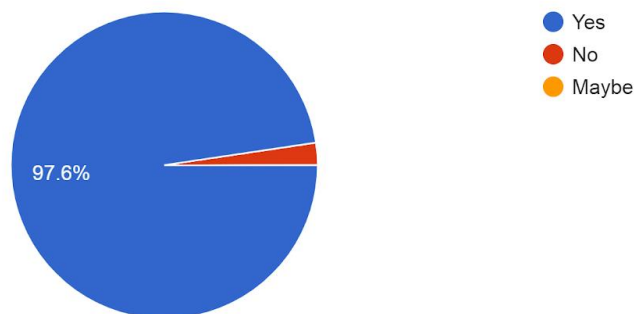
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Female	117	34.3	34.3	34.3
Male	223	65.4	65.4	99.7
Male, Female	1	.3	.3	100.0
Total	341	100.0	100.0	

From the table above, 34% of the respondents are female while 65% are males. This indicates that the respondents are evenly distributed and the responses are de-genderlized.

Table 4: Knowledge Index

Do you know your fundamental human rights?

340 responses



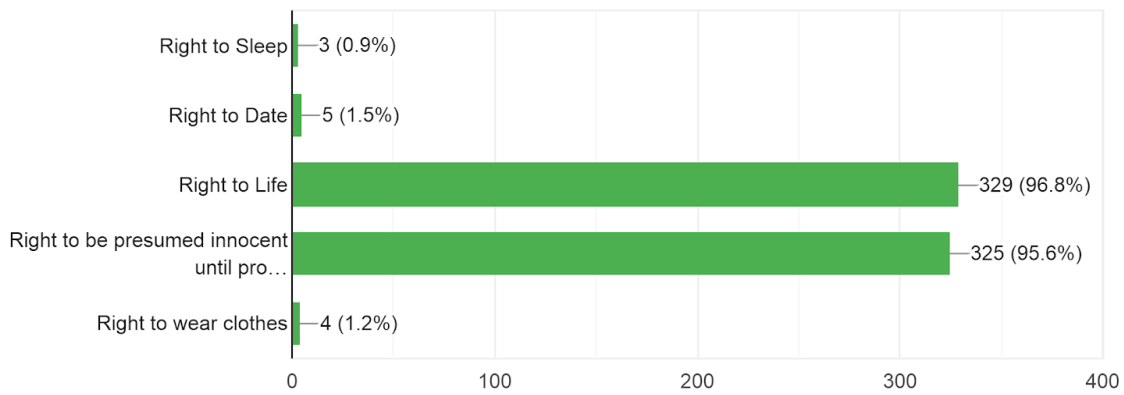
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	.3	.3	.3
No	8	2.3	2.3	2.6
Yes	332	97.4	97.4	100.0
Total	341	100.0	100.0	

From the table above, 97% of the respondents possess adequate knowledge on the idea of fundamental rights. This indicates that the respondents have sufficient knowledge on the use and intricacies of fundamental rights.

Table 5: Fundamental Human Rights Index

Which two of the following listed is a fundamental human right

340 responses



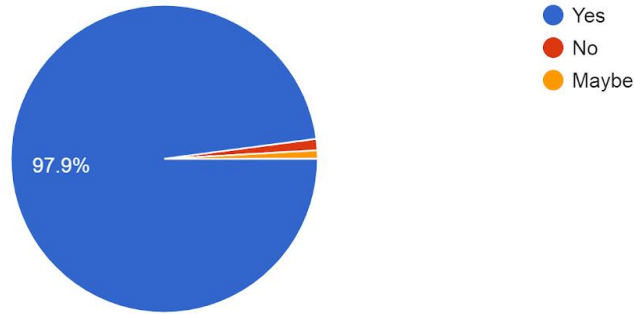
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	.3	.3	.3
Right to be presumed innocent until proven guilty	7	2.1	2.1	2.3
Right to Date	1	.3	.3	2.6
Right to Date, Right to be presumed innocent until proven guilty	1	.3	.3	2.9
Right to Date, Right to Life	1	.3	.3	3.2
Right to Date, Right to Life, Right to be presumed innocent until proven guilty	1	.3	.3	3.5
Right to Life	10	2.9	2.9	6.5

Right to Life, Right to be presumed innocent until proven guilty	313	91.8	91.8	98.2
Right to Life, Right to be presumed innocent until proven guilty, Right to wear clothes	2	.6	.6	98.8
Right to Life, Right to wear clothes	1	.3	.3	99.1
Right to Sleep	1	.3	.3	99.4
Right to Sleep, Right to Date, Right to wear clothes	1	.3	.3	99.7
Right to Sleep, Right to Life, Right to be presumed innocent until proven guilty	1	.3	.3	100.0
Total	341	100.0	100.0	

From the table above, 91.7% of the respondents chose the right to life and the right to be presume innocent until proven otherwise. This indicates that the majority of the respondents have correct, adequate knowledge on the fundamental human rights available to Nigerian citizens.

Table 6: Knowledge of the Nigeria Police Force Index

Have you heard of the Nigeria Police Force before
337 responses



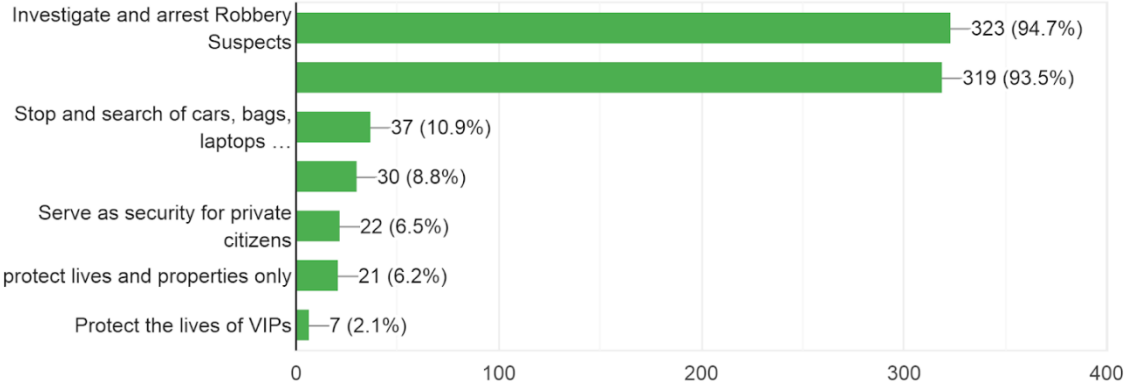
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	4	1.2	1.2	1.2
Maybe	3	.9	.9	2.1
No	4	1.2	1.2	3.2
Yes	330	96.8	96.8	100.0
Total	341	100.0	100.0	

From the table above, 96.8% of the respondents have knowledge of the existence of the Nigeria Police Force, 1.2% of the respondents have no knowledge of the Nigeria Police Force. This indicates that a vast majority of the respondents have knowledge of the existence of the Nigeria Police Force despite the minute percentage of the respondents that have no knowledge.

Table 7: Police Functions Index

What functions do you think the Nigeria Police Force performs

341 responses



	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Arrest internet fraud suspects (Yahoo boys), protect lives and properties only	1	.3	.3	.3
Investigate and arrest Armed Robbery Suspects, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens	2	.6	.6	.9

Investigate and arrest Armed Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads	1	.3	.3	1.2
Investigate and arrest Armed Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys)	2	.6	.6	1.8
Investigate and arrest Armed Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads, Serve as security for private citizens	1	.3	.3	2.1
Investigate and arrest Robbery Suspects	3	.9	.9	2.9
Investigate and arrest Robbery Suspects, Arrest internet fraud suspects (Yahoo boys)	1	.3	.3	3.2
Investigate and arrest Robbery Suspects, Arrest internet fraud suspects (Yahoo boys), protect lives and properties only	1	.3	.3	3.5

Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects	279	81.8	81.8	85.3
Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Arrest internet fraud suspects (Yahoo boys)	1	.3	.3	85.6
Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens	2	.6	.6	86.2
Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens, protect lives and properties only	1	.3	.3	86.5

Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, protect lives and properties only	3	.9	.9	87.4
Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Serve as security for private citizens	1	.3	.3	87.7
Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Serve as security for private citizens, protect lives and properties only	2	.6	.6	88.3
Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads	12	3.5	3.5	91.8

Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys)	6	1.8	1.8	93.5
Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys), Protect the lives of VIPs	1	.3	.3	93.8
Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens	2	.6	.6	94.4

Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens, protect lives and properties only, Protect the lives of VIPs	3	.9	.9	95.3
Investigate and arrest Robbery Suspects, protect lives and properties only	1	.3	.3	95.6
Investigate and arrest Robbery Suspects, Protect the lives of VIPs	1	.3	.3	95.9
Investigate and arrest Robbery Suspects, Serve as security for private citizens	1	.3	.3	96.2
Investigate and arrest Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads	1	.3	.3	96.5

Investigate and arrest Robbery Suspects, Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens	1	.3	.3	96.8
protect lives and properties only	3	.9	.9	97.7
protect lives and properties only, Protect the lives of VIPs	1	.3	.3	97.9
Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys), protect lives and properties only	1	.3	.3	98.2
Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens	1	.3	.3	98.5

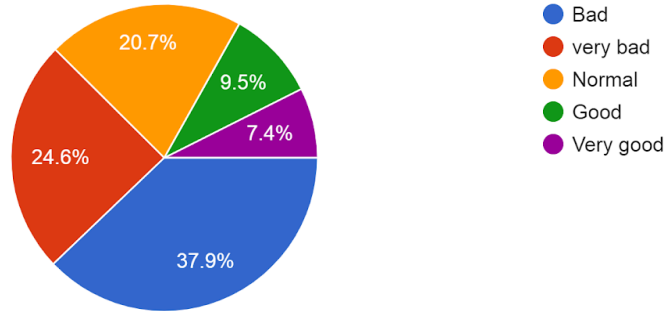
Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens, protect lives and properties only	3	.9	.9	99.4
Stop and search of cars, bags, laptops purses on the roads, Arrest internet fraud suspects (Yahoo boys), Serve as security for private citizens, Protect the lives of VIPs	1	.3	.3	99.7
Stop and search of cars, bags, laptops purses on the roads, Serve as security for private citizens, protect lives and properties only	1	.3	.3	100.0
Total	341	100.0	100.0	

From the table above, the respondents are of the opinion that the function of the Nigeria Police Force include stop and search of cars, bags, laptops purses on the roads, serve as security for private citizens, protect lives and properties only, serve as security for private citizens, Protect the lives of VIPs, Investigate and arrest Robbery Suspects, Investigate and arrest Armed Robbery Suspects, Arrest internet fraud suspects (Yahoo boys) amongst other things.

Table 8: Perception Index

What perception do you have of the Nigeria Police Force?

338 responses

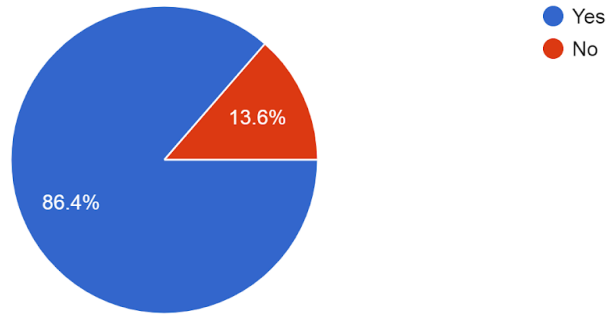


	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3	.9	.9	.9
Bad	128	37.5	37.5	38.4
Good	32	9.4	9.4	47.8
Normal	70	20.5	20.5	68.3
very bad	83	24.3	24.3	92.7
Very good	25	7.3	7.3	100.0
Total	341	100.0	100.0	

From the table above, 37.5% of the respondents perception of the police is bad, 9.4% of the respondent’s perception of the Nigeria Police Force is good, 20.5% of the respondents have a normal perception of the Nigeria Police Force, 24.3% of the respondents have very bad perception of the Nigeria Police Force while 7.3% of the respondents have a very bad perception of the Nigeria Police Force. This indicates that a majority of the respondents have a negative perception of the Nigeria Police Force.

Table 9: Unlawful Acts Index

Are you aware of any unlawful, illegal activities associated with the men of the Nigeria Police Force
338 responses

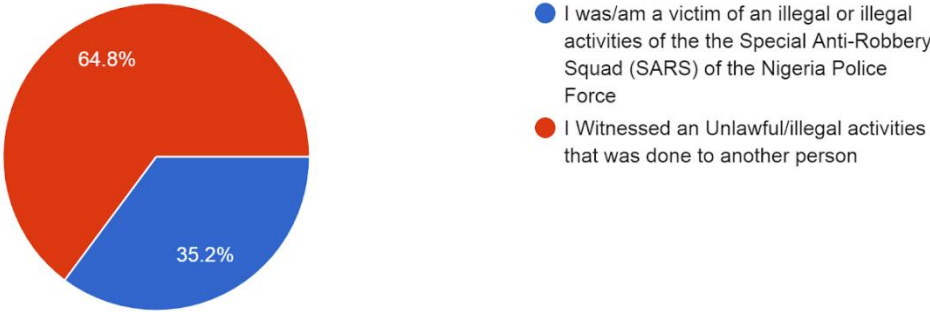


	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3	.9	.9	.9
No	46	13.5	13.5	14.4
Yes	292	85.6	85.6	100.0
Total	341	100.0	100.0	

From the table above, 85.6% of the respondents have knowledge of the many unlawful, illegal activities associated with the Nigeria Police Force while 13.5% of the have no knowledge of the unlawful and illegal activities of the Nigeria Police Force. This indicates that the Nigeria Police Force are known for their illegal and unlawful activities.

Table 10: Personal Experience Index

If your answer above is yes, please select the appropriate option
 290 responses



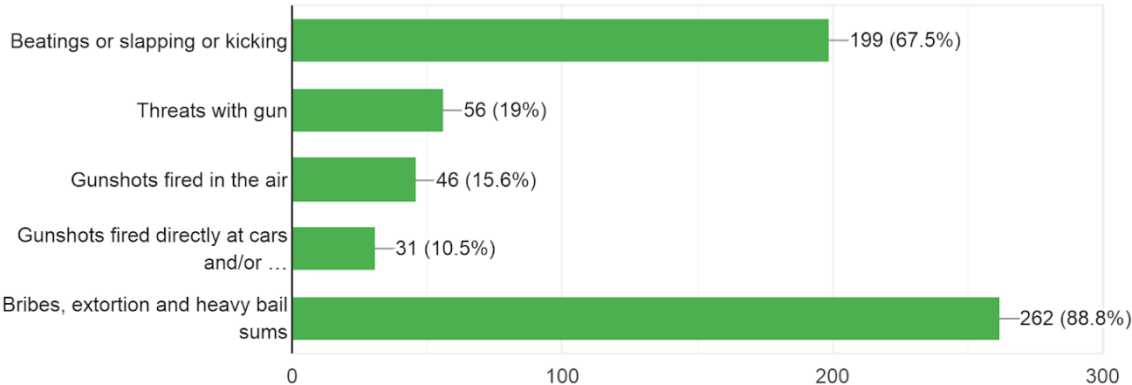
Experience				
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	51	15.0	15.0	15.0
I was/am a victim of an illegal or illegal activities of the the Special Anti-Robbery Squad (SARS) of the Nigeria Police Force	102	29.9	29.9	44.9

I Witnessed an Unlawful/illegal activities that was done to another person	188	55.1	55.1	100.0
Total	341	100.0	100.0	

From the table above, 55.1% of the respondents witnessed an unlawful and illegal act of the Nigeria Police Force while 29.9% of the respondents have been direct victims of the many unlawful and illegal acts of the Nigeria Police Force. This strongly reinforces the argument that a vast majority of Nigerians have either been direct victims or have witnessed an act of brutality.

Table 11: Personal Experience Index 2

Kindly select which of the unlawful acts has been done to you personally or that you witnessed
295 responses



	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	46	13.5	13.5	13.5
Beatings or slapping or kicking	8	2.3	2.3	15.8
Beatings or slapping or kicking, Bribes, extortion and heavy bail sums	118	34.6	34.6	50.4
Beatings or slapping or kicking, Gunshots fired directly at cars and/or human beings	3	.9	.9	51.3
Beatings or slapping or kicking, Gunshots fired directly at cars and/or human beings, Bribes, extortion and heavy bail sums	10	2.9	2.9	54.3
Beatings or slapping or kicking, Gunshots fired in the air	4	1.2	1.2	55.4
Beatings or slapping or kicking, Gunshots fired in the air, Bribes, extortion and heavy bail sums	13	3.8	3.8	59.2
Beatings or slapping or kicking, Gunshots fired in the air, Gunshots fired directly at cars and/or human beings	1	.3	.3	59.5

Beatings or slapping or kicking, Gunshots fired in the air, Gunshots fired directly at cars and/or human beings, Bribes, extortion and heavy bail sums	1	.3	.3	59.8
Beatings or slapping or kicking, Threats with gun	5	1.5	1.5	61.3
Beatings or slapping or kicking, Threats with gun, Bribes, extortion and heavy bail sums	23	6.7	6.7	68.0
Beatings or slapping or kicking, Threats with gun, Gunshots fired directly at cars and/or human beings	1	.3	.3	68.3
Beatings or slapping or kicking, Threats with gun, Gunshots fired directly at cars and/or human beings, Bribes, extortion and heavy bail sums	1	.3	.3	68.6
Beatings or slapping or kicking, Threats with gun, Gunshots fired in the air	1	.3	.3	68.9

Beatings or slapping or kicking, Threats with gun, Gunshots fired in the air, Bribes, extortion and heavy bail sums	4	1.2	1.2	70.1
Beatings or slapping or kicking, Threats with gun, Gunshots fired in the air, Gunshots fired directly at cars and/or human beings	1	.3	.3	70.4
Beatings or slapping or kicking, Threats with gun, Gunshots fired in the air, Gunshots fired directly at cars and/or human beings, Bribes, extortion and heavy bail sums	5	1.5	1.5	71.8
Bribes, extortion and heavy bail sums	69	20.2	20.2	92.1
Gunshots fired directly at cars and/or human beings, Bribes, extortion and heavy bail sums	1	.3	.3	92.4
Gunshots fired in the air	3	.9	.9	93.3
Gunshots fired in the air, Bribes, extortion and heavy bail sums	4	1.2	1.2	94.4

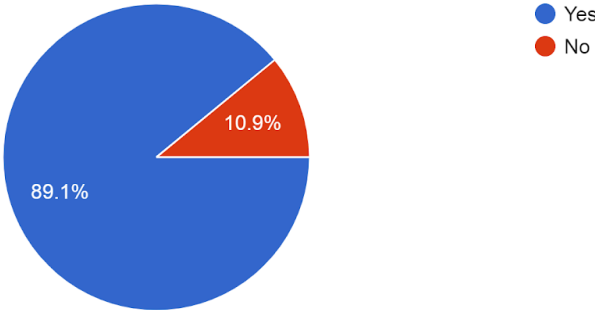
Gunshots fired in the air, Gunshots fired directly at cars and/or human beings	2	.6	.6	95.0
Gunshots fired in the air, Gunshots fired directly at cars and/or human beings, Bribes, extortion and heavy bail sums	2	.6	.6	95.6
Threats with gun	1	.3	.3	95.9
Threats with gun, Bribes, extortion and heavy bail sums	7	2.1	2.1	97.9
Threats with gun, Gunshots fired directly at cars and/or human beings	2	.6	.6	98.5
Threats with gun, Gunshots fired in the air, Bribes, extortion and heavy bail sums	4	1.2	1.2	99.7
Threats with gun, Gunshots fired in the air, Gunshots fired directly at cars and/or human beings	1	.3	.3	100.0
Total	341	100.0	100.0	

From the table above the respondents state that some of the unlawful and illegal acts that the Nigeria Police Force perpetrate include the following: beatings, slapping,

kicking, threats with gun, gunshots fired in the air, gunshots fired directly at cars and/or human beings, bribery, extortion and heavy bail sums amongst other things.

Table 12: ENDSARS Protest Index

Do you think the violations by men of the police force was responsible for the ENDSARS protest in 2020
 338 responses



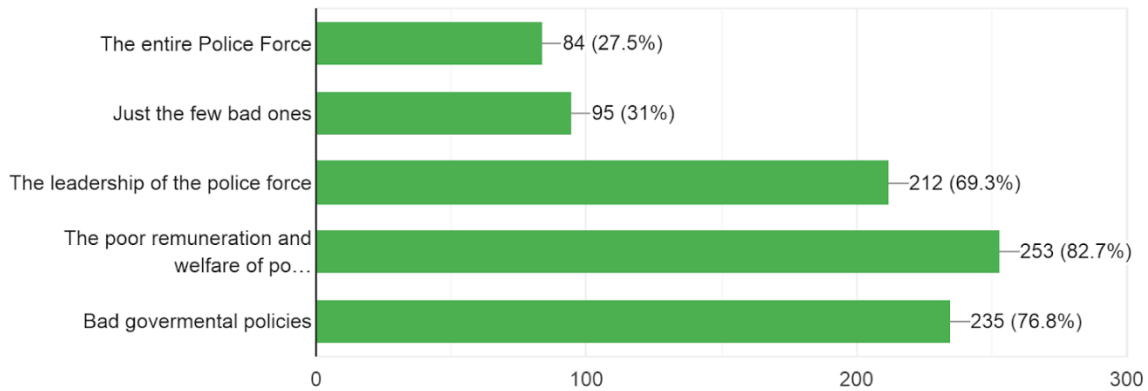
	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3	.9	.9	.9
No	37	10.9	10.9	11.7
Yes	301	88.3	88.3	100.0
Total	341	100.0	100.0	

From the table above, 88.3% of the respondents believe that the breach of the fundamental rights by the Nigeria Police Force was the primary cause of the ENDSARS protest while 10.9% of the respondents are of the opinion that there are connections between police brutality and the ENDSARS protest. This indicates that the ENDSARS protest was a direct consequence of police brutality.

Table 13: Responsibility Index

In your opinion, do you think is most responsible for the unlawful acts of members of the police force

306 responses



	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	35	10.3	10.3	10.3
Just the few bad ones	5	1.5	1.5	11.7
Just the few bad ones, Bad governmental policies	5	1.5	1.5	13.2
Just the few bad ones, The leadership of the police force	8	2.3	2.3	15.5
Just the few bad ones, The leadership of the police force, Bad governmental policies	4	1.2	1.2	16.7

Just the few bad ones, The leadership of the police force, The poor remuneration and welfare of police	11	3.2	3.2	19.9
Just the few bad ones, The leadership of the police force, The poor remuneration and welfare of police, Bad governmental policies	26	7.6	7.6	27.6
Just the few bad ones, The poor remuneration and welfare of police	6	1.8	1.8	29.3
Just the few bad ones, The poor remuneration and welfare of police, Bad governmental policies	21	6.2	6.2	35.5
The entire Police Force	8	2.3	2.3	37.8
The entire Police Force, Bad governmental policies	1	.3	.3	38.1
The entire Police Force, Just the few bad ones	3	.9	.9	39.0
The entire Police Force, Just the few bad ones, Bad governmental policies	2	.6	.6	39.6

The entire Police Force, Just the few bad ones, The leadership of the police force, The poor remuneration and welfare of police, Bad governmental policies	2	.6	.6	40.2
The entire Police Force, Just the few bad ones, The poor remuneration and welfare of police, Bad governmental policies	2	.6	.6	40.8
The entire Police Force, The leadership of the police force	1	.3	.3	41.1
The entire Police Force, The leadership of the police force, Bad governmental policies	5	1.5	1.5	42.5
The entire Police Force, The leadership of the police force, The poor remuneration and welfare of police	6	1.8	1.8	44.3
The entire Police Force, The leadership of the police force, The poor remuneration and welfare of police, Bad governmental policies	21	6.2	6.2	50.4
The entire Police Force, The poor remuneration and welfare of police	8	2.3	2.3	52.8

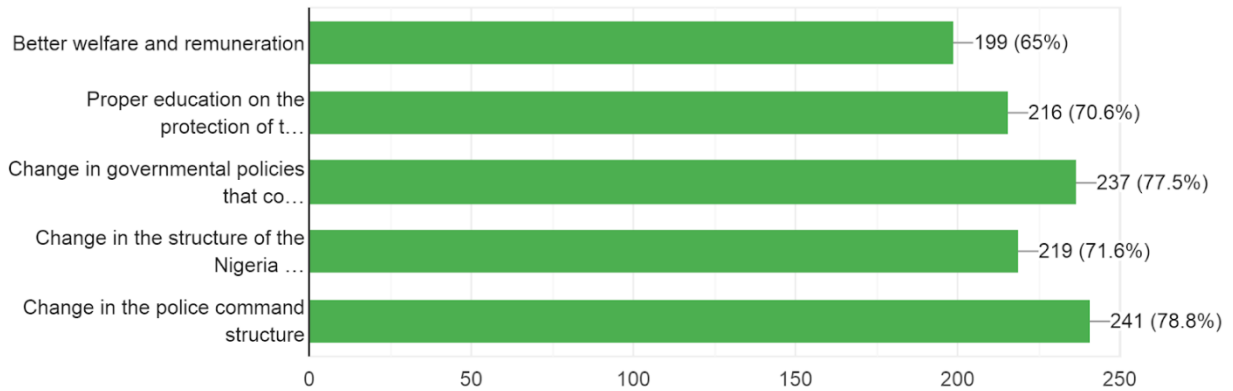
The entire Police Force, The poor remuneration and welfare of police, Bad governmental policies	25	7.3	7.3	60.1
The leadership of the police force	1	.3	.3	60.4
The leadership of the police force, Bad governmental policies	10	2.9	2.9	63.3
The leadership of the police force, The poor remuneration and welfare of police	13	3.8	3.8	67.2
The leadership of the police force, The poor remuneration and welfare of police, Bad governmental policies	104	30.5	30.5	97.7
The poor remuneration and welfare of police	1	.3	.3	97.9
The poor remuneration and welfare of police, Bad governmental policies	7	2.1	2.1	100.0
Total	341	100.0	100.0	

From the table above, the respondents believe apportion the responsibility of the illegal and unlawful acts perpetrated by the Nigeria Police Force on the following class of persons: a few members of the Police Force, the leadership of the Police, the poor remuneration and welfare of the Police Force, bad governmental policies amongst others. This indicates that the reasons for the acts of the Nigeria Police Force are many and varied.

Table 14: Solution/Recommendation Index

What line of action do you think government can take to stop possible harassment, abuse of power and violations of human rights by the Nigeria Police Force

306 responses



	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	35	10.3	10.3	10.3
Better welfare and remuneration	6	1.8	1.8	12.0
Better welfare and remuneration, Change in governmental policies that concerns the Nigeria Police Force	3	.9	.9	12.9
Better welfare and remuneration, Change in governmental policies that concerns the Nigeria Police Force, Change	5	1.5	1.5	14.4

in the police command structure				
Better welfare and remuneration, Change in governmental policies that concerns the Nigeria Police Force, Change in the structure of the Nigeria police force	2	.6	.6	15.0
Better welfare and remuneration, Change in governmental policies that concerns the Nigeria Police Force, Change in the structure of the Nigeria police force, Change in the police command structure	48	14.1	14.1	29.0
Better welfare and remuneration, Change in the police command structure	4	1.2	1.2	30.2
Better welfare and remuneration, Change in the structure of the Nigeria police force	2	.6	.6	30.8
Better welfare and remuneration, Change in the structure of the Nigeria police force, Change in the police command structure	9	2.6	2.6	33.4

Better welfare and remuneration, Proper education on the protection of the rights of citizens	9	2.6	2.6	36.1
Better welfare and remuneration, Proper education on the protection of the rights of citizens, Change in governmental policies that concerns the Nigeria Police Force	9	2.6	2.6	38.7
Better welfare and remuneration, Proper education on the protection of the rights of citizens, Change in governmental policies that concerns the Nigeria Police Force, Change in the police command structure	22	6.5	6.5	45.2
Better welfare and remuneration, Proper education on the protection of the rights of citizens, Change in governmental policies that concerns the Nigeria Police Force, Change in the structure of the Nigeria police force	14	4.1	4.1	49.3
Better welfare and remuneration,	49	14.4	14.4	63.6

Proper education on the protection of the rights of citizens, Change in governmental policies that concerns the Nigeria Police Force, Change in the structure of the Nigeria police force, Change in the police command structure				
Better welfare and remuneration, Proper education on the protection of the rights of citizens, Change in the police command structure	5	1.5	1.5	65.1
Better welfare and remuneration, Proper education on the protection of the rights of citizens, Change in the structure of the Nigeria police force	2	.6	.6	65.7
Better welfare and remuneration, Proper education on the protection of the rights of citizens, Change in the structure of the Nigeria police force, Change in the police command structure	10	2.9	2.9	68.6
Change in governmental policies that	2	.6	.6	69.2

concerns the Nigeria Police Force				
Change in governmental policies that concerns the Nigeria Police Force, Change in the police command structure	1	.3	.3	69.5
Change in governmental policies that concerns the Nigeria Police Force, Change in the structure of the Nigeria police force	1	.3	.3	69.8
Change in governmental policies that concerns the Nigeria Police Force, Change in the structure of the Nigeria police force, Change in the police command structure	6	1.8	1.8	71.6
Change in the police command structure	1	.3	.3	71.8
Proper education on the protection of the rights of citizens	6	1.8	1.8	73.6
Proper education on the protection of the rights of citizens, Change in governmental policies that concerns the Nigeria Police Force	1	.3	.3	73.9

Proper education on the protection of the rights of citizens, Change in governmental policies that concerns the Nigeria Police Force, Change in the police command structure	10	2.9	2.9	76.8
Proper education on the protection of the rights of citizens, Change in governmental policies that concerns the Nigeria Police Force, Change in the structure of the Nigeria police force	6	1.8	1.8	78.6
Proper education on the protection of the rights of citizens, Change in governmental policies that concerns the Nigeria Police Force, Change in the structure of the Nigeria police force, Change in the police command structure	58	17.0	17.0	95.6
Proper education on the protection of the rights of citizens, Change in the police command structure	3	.9	.9	96.5
Proper education on the protection of the rights of citizens,	2	.6	.6	97.1

Change in the structure of the Nigeria police force				
Proper education on the protection of the rights of citizens, Change in the structure of the Nigeria police force, Change in the police command structure	10	2.9	2.9	100.0
Total	341	100.0	100.0	

From the table above, the respondents believe that proper education on the protection of the rights of citizens, change in the structure of the Nigeria police force, change in the police command structure, better welfare and remuneration, change in governmental policies that concerns the Nigeria Police Force are few of the many solutions towards reduction for of police brutality.

Discussion of Findings

100% of the respondents consented to the filling of the questionnaire. This indicates that the responses given are devoid of coercion and are a true representation of each respondents understanding on the subject matter. Also, 22% of the respondents 19 years of age and below, 34.9% of are between the age of 20 and 35, 28.7% are between the age of 36 and 45, 6.2% of the respondents are between the age of 46-55 while 7.3% of the respondents of the respondents are 56 and above. This indicates that the majority of the respondents are at the age of maturity and posses the cognitive ability to tell the truth.

The study finds that 97% of the respondents possess adequate knowledge on the idea of fundamental rights. This indicates that the respondents have sufficient knowledge on the use and intricacies of fundamental rights while a number representing 91.7% of the respondents represented that Nigerians have an adequate knowledge on the fundamental human rights available to Nigerian citizens.

The study finds that an impressive 96.8% of the respondents have knowledge of the existence of the Nigeria Police Force and that the function of the Nigeria Police Force include stop and search of cars, bags, laptops purses on the roads, serve as security for private citizens, protect lives and properties only, serve as security for private citizens, Protect the lives of VIPs, Investigate and arrest Robbery Suspects,

Investigate and arrest Armed Robbery Suspects, Arrest internet fraud suspects (Yahoo boys) amongst other things.

The study also found that a majority of the respondents have a negative perception of the Nigeria Police Force with over 85.6% of the respondents having knowledge of the many unlawful, illegal activities associated with the Nigeria Police Force. From the study also, 55.1% of the respondents witnessed an unlawful and illegal act of the Nigeria Police Force while 29.9% of the respondents have been direct victims of the many unlawful and illegal acts of the Nigeria Police Force. This strongly reinforces the argument that a vast majority of Nigerians have either been direct victims or have witnessed an act of brutality.

As an addition, 88.3% of the respondents believe that the breach of the fundamental rights by the Nigeria Police Force was the primary cause of the ENDSARS protest while 10.9% of the respondents are of the opinion that there are connections between police brutality and the ENDSARS protest.

THE LEGAL FRAMEWORK ON BREACHES OF HUMAN RIGHTS BY THE NIGERIA POLICE FORCE

In the words of Roscoe Pound law is a tool of social engineering.²⁰ The society is guided by certain laws which guide the behavior of human beings and helps maintain good relationships. This includes the relationship between the police and the citizens. These legal frameworks go further and extend to international levels, proving that the intricacies of these laws are not geographically bound but instead are agreed upon on a universal scale. The legal framework to be discussed in this study will be the domestic, regional and international laws.

Domestic Laws

Constitution of the Federal Republic of Nigeria

The Nigerian constitution in Section 33 states;

(1) Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution if the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.²¹

(2) A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such as are permitted by law, of such force as is reasonably necessary –

- a) for the defence of any person from unlawful violence or for the defence of property;

²⁰ Louis Masotti & Michael Weinstein, "Theory and Application of Roscoe Pound's Sociological Jurisprudence: Crime Prevention or Control?" (1969) 2 (2) University of Michigan Journal of Law Reform 431.

²¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 33(1).

- b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- c) For the purpose of suppressing a riot, insurrection or mutiny.²²

Only in the exceptions stated above should a person be deprived of his life. Although certain police officers hide under these exceptions as reasons for killing individuals there are certain cases which do not fall under these exceptions. This is a violation of the constitution and should not be condoned.

Section 36 (1) goes further to state that;

In the determination of his civil rights and obligations, including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality²³

This states clearly that in a situation whereby a person is charged with an offence that individual has a right to fair hearing within a reasonable time and by a court of competent jurisdiction. Hence, where a police officer kills a citizen for a crime committed without allowing him/her to exercise his right to fair hearing a violation of that right has occurred.

Criminal Code Act

The criminal code in Section 306 provides that;

It is unlawful to kill any person unless such killing is authorized or justified or excused by law.²⁴

Unless the law authorizes the killing of an individual or excuses the killing of an individual by the statutes it is unlawful to kill another human being. Hence, extrajudicial killing by Police officers is unlawful.

Section 308 goes on to state that;

Except as hereinafter set forth, any person who causes the death of another, directly or indirectly, by any means whatever, is deemed to have killed that other person.²⁵

Certain police officers claim they never touched the individual or they did not directly kill the individual. As long as there is a direct or indirect interference with the life of that individual the police officers have killed that person.

²² Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 33(2).

²³ Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 36(1).

²⁴ Criminal Code Act, Cap C39, Laws of the Federal Republic of Nigeria, (applicable in the southern States of Nigeria), Section 306.

²⁵ Criminal Code Act, Cap C39, Laws of the Federal Republic of Nigeria, (applicable in the southern States of Nigeria), Section 308

Section 315 of this same act provides that;

Any person who unlawfully kills another is guilty of an offence which is called murder or manslaughter, according to the circumstances of the case.²⁶

Where there is evidence proving that certain police officers committed the crime of killing another person without justification by law such individuals should be brought before the law and punished for the offence of murder or manslaughter depending on the circumstances of the case.

The Police Act

The police act in Section 4 provides for the duty of a police man;

The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of 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 outside Nigeria as may be required of them by, or under the authority of this or any other Act.²⁷

This states clearly that the duties of the police includes obeying the law, enforcing the law and protection of life amongst others. Hence, it is illegal and against the police act for a police officer to arbitrarily take the life of another or act in any way that goes against what this section states. Offending officers should be punished and indicted by the court. ²⁸

Regional laws

African Charter on Human and People's Rights

The African charter is the regional law and it states in Article 4 that;

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.²⁹

Human beings are sacred. The life of every human being is sacred and the integrity of every individual should be protected. Under no circumstances should an individual be arbitrarily deprived of his life extrajudicial killing is unlawful and should not be condoned no matter the circumstance. Individuals who commit such atrocities should be brought to face the wrath of the law.

Article 5 states that;

²⁶ Criminal Code Act, Cap C39, Laws of the Federal Republic of Nigeria, (applicable in the southern States of Nigeria), Section 315.

²⁷ Police Act 2020, Section 4.

²⁸ Ibid.

²⁹ African Charter on Human and People's Rights 1986, Section 4.

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.³⁰

Every individual should be treated with dignity. His legal status should be recognized hence the due process of the law should be followed as regards him. Any form of degradation, torture, inhuman or degrading treatment should not be condoned. The dignity of the human person should be upheld no matter what.

International Laws

Universal Declaration of Human Rights.

During World War II 1939 - 1945 millions of lives were taken, rights were violated, Europe laid in ruins while the Russians were closing in on the Germans.³¹ In April 1945, delegates from fifty countries met in San Francisco with the goal of creating an international body to promote peace and prevent future wars. This led to the creation of the United Nations Charter.³² By 1948, the United Nations Human Rights Commission had the whole world's attention. Under the chairmanship of Eleanor Roosevelt the commission set out to draft the document that became the Universal Declaration of Human Rights.³³ This is also known as the international Magna Carta.³⁴

The preamble of the UDHR states;

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,..... Now, therefore, The General Assembly,

³⁰ African Charter on Human and People's Rights 1986, Section 5.

³¹ Muhammad Haleem, "The Domestic Application of International Human Rights Norms" in *Developing Human Rights Jurisprudence: The Domestic Application of International Human Rights Norms* (Commonwealth Secretariat 1988) 91-92.

³² Ibid.

³³ Universal Declaration of Human Rights hereinafter known as UDHR in this study.

³⁴ Ibid.

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction³⁵

This Charter is well aware of certain barbarous acts which are done against mankind and which are against the inherent dignity and the equal and inalienable rights of all human beings.

Article 3 provides that;

Everyone has the right to life, liberty and security of person.³⁶

Killing a Nigerian citizen is a violation of one's right to life liberty and security of person hence a violation of this charter. This charter has been dissolved into our local laws, hence it is binding on Nigerians and automatically on the police.

Article 5 of the UDHR provides that;

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.³⁷

The manner in which individuals who are exposed to extrajudicial killing are killed is cruel, inhuman and degrading. This is inhuman and degrading. Some individuals are perforated with bullets, some are dragged and beaten till they die while some are subject to prison bullying and unlawful torture. All these actions are degrading and cruel and should not be tolerated.

Article 6 goes on to provide that;

Everyone has the right to recognition everywhere as a person before the law³⁸.

Every individual has a right to fair hearing before the law. Hence, it is unlawful that a person should not be recognized as such before the law and be tried by a court of competent jurisdiction before being attacked by the police. Hence, whenever a police officer attacks a citizen he suspects of committing a crime that individual is not recognized as a person before the law.

Article 7 states that;

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to

³⁵ The Preamble of the Universal Declaration of Human Rights.

³⁶ Universal Declaration of Human Rights 1948, Article 3.

³⁷ Universal Declaration of Human Rights 1948, Article 5.

³⁸ Universal Declaration of Human Rights 1948, Article 6.

equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.³⁹

The Law sees every suspect as innocent until proven guilty. Hence, every individual should be protected as innocent until the court states otherwise. Hence, any discrimination based should not be tolerated. It has been noticed that men who keep their hair long or have dreads on are usually suspected as 'yahoo boys' and are usually discriminated by the police and sometimes unlawfully killed. This is against Article 7 of UDHR.

Article 8 provides that;

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.⁴⁰

Individuals killed unlawfully by the Police should have their cases investigated and the erring police officers brought to face the wrath of the law. However, in our society today a number of this sort are swept under the carpet and where they are investigated the police officers hide under the hospices of self-defense or we just do not hear anything about the case.

In accordance with Article 8 of UDHR⁴¹ these police officers should be brought before the law and be indicted for committing such acts which violate the rights of the deceased.

International Covenant on Civil and Political Rights (ICCPR) and The International Covenant on Economic, Social and Cultural Rights (ICESCR)

In the year 1966, two treaty instruments were adopted for the protection of human rights: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). With these two treaties, the world is now endowed with a Bill of Human Rights by which the legitimacy of any government will be measured.⁴² Nigeria ratified the ICESCR on 29th July, 1993.⁴³

PART II Article 2 of the ICESCR⁴⁴ states that;

1. Each State Party to the present Covenant undertakes:
 - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy,

³⁹ Universal Declaration of Human Rights 1948, Article 7.

⁴⁰ Universal Declaration of Human Rights 1948, Article 8.

⁴¹ Ibid.

⁴² Grace Arowolo, 'Fundamental Human Rights Enforcement Procedure in Nigeria: An overview' (2014) 3 EBSU Journal of International Law & Juridical Review 34.

⁴³ Ibid.

⁴⁴ International Covenant on Economic, Social and Cultural Rights, Part II.

notwithstanding that the violation has been committed by persons acting in an official capacity;⁴⁵

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;⁴⁶

(c) To ensure that the competent authorities shall enforce such remedies when granted.⁴⁷

This article states clearly that where one's rights has been violated such individual shall have an effective remedy notwithstanding that the violator was acting in an official capacity. In this case where the violator is a police officer the person whose rights were violated shall have his right be determined by a court of competent jurisdiction provided for by the legal system of Nigeria through which remedies will be granted and must be implemented.

PART III Article 6 of the ICCPR⁴⁸ provides that;

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. ⁴⁹

This covenant makes it clear the right to life is a right that is protected by law and under no circumstances should one's life be deprived arbitrarily. Where the police engage in extrajudicial killing it is safe to say that one has been deprived of his life arbitrarily. This is a violation of the ICCPR.

Article 7 states that;

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.⁵⁰

Individuals who have their life deprived of them through extrajudicial killing usually go through inhuman and degrading treatment. Due to the fact that they are killed arbitrarily they are killed not in accordance with the law. Hence, they are forced to undergo inhuman treatment such as being shot to death, assaulted, burnt with a tire,

⁴⁵ Ibid.

⁴⁶ International Covenant on Economic, Social and Cultural Rights, Part II.

⁴⁷ Ibid.

⁴⁸ International Covenant on Civil and Political Rights, Article 6.

⁴⁹ Ibid.

⁵⁰ International Covenant on Civil and Political Rights, Article 7.

killed in a cell, etc. this is a violation of Article 7 Part II I of the ICCPR and should not be condoned.

Conclusion

The study has revealed that operatives of Nigerian Police Force are in constant disregard for the rights of innocent Nigerians and even suspects and when resisted, brute force or threats are usually deployed to force conformism. The rights and life of a single Nigerian citizen is important as that of a thousand and the government must do everything within its power to protect the sanctity of that one life.

Recommendation

Based on the conclusion proffered, the study recommends as follows:

That the Presidential order that has already been given to the effect that the Nigerian Police Force be reformed, should be practicalized and realized bearing in mind that the proper definition of 'reformation' should be spelt out.

That the study and theory of human rights lecture should be embedded in the curriculum for the training of low rank police officers who tend to be the muscle of the force, hence, highly culpable.

That the provisions of the Basic principles on the use of force and firearm need to be religiously followed in order to stem the tide or arbitrary killings in Nigeria and also to make sure that the directly perpetrators of the crimes are brought to book before a court of law and not in an orderly room trial.

That Nigerians also need to be informed on the extent of their rights, if citizens are properly informed then the contributory ignorance to the violation will be totally eliminated.