

THE PERSISTENT BREACH OF HUMAN RIGHTS BY PERSONNEL OF THE NIGERIAN POLICE FORCE AS RECORDED IN 2016 TO 2018: A CALL FOR INTERNATIONAL ATTENTION

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ABSTRACT: *The rascality exhibited by the Nigeria police started way back from the colonial days till date. The Police Act, Administration of Justice Act, chapter four (4) of the Nigeria Constitution are the Codes that regulate and define the duties and mode of operation of the Police Force in Nigeria. The International law is also there as a global standard on human rights preservation. The primary objective of this paper is therefore to identify the reasons for frequent human rights abuses by the Nigeria police force and make recommendations toward stemming the tide. This paper reviews the Human rights abuses by the Nigeria police force in the years 2016-2018 by reference to the International law, Constitution, Police Act, Internet sources, Newspaper scholarly publications and text books. The findings in this paper are that the Nigeria police force has not been fair to the Nigeria masses. There are lapses in the training and orientation of Nigeria police force, the officers and the rank and file. The Nigerian Constitution guaranteed human rights protections. Similarly some domestic legislation had been passed protecting the Human rights. This paper brings to the bare a few cases and instances the Nigeria police force personnel had exhibited unbridled rascality in utter disregard for citizens lives and the dignity of human person. This paper makes recommendations toward ensuring that the police keep to their statutory role of protecting lives and property and eschew bitterness in discharging their duties.*

KEY WORDS: Human rights, rascality, human torture, investigations, constitution

INTRODUCTION

The unbridled powers, high handedness and rascality exhibited by the Nigeria police force personnel in utter disregard for citizens' lives and the dignity of human persons has attracted the attention and criticisms of different stakeholders, such as Judges, Lawyers, political scientists and human right activists. Notwithstanding the persistence of concern and criticisms of different stakeholders, the abuses of human rights and rascality by the Nigeria police force have continued with impunity. The flagrant abuse of statutory powers by the officers and the rank and file continued to leave fears and hatred in the minds of citizens and foreigners in their relationship with the policemen. Many bad eggs in the police force have traumatized the civil populace and caused the deaths of so many vide extra judicial killings with or without interventions by the appropriate authorities. When issues of abuse of human

rights by the police are brought before the courts, the courts have never failed in condemning extra judicial killings and human tortures by the officers and men of the police force. The courts have awarded punitive compensations against the police authority and in some cases pronounced capital punishments against wanton police men who violated the right to life of citizens. Many writers in the past and present, notably Oyewo (2009)¹ Malemi (2008)² and Agbede (2009)³ among others have all condemned the abuse of human rights by the police force. Notwithstanding scholarly efforts and Judges Contributions in condemning every trace of extra judicial killings and human tortures, the anomaly has persisted. However there have been legal and policy responses of late to stem the tide and it on going. The Constitution of the Federal Republic of Nigeria, 1999 (as amended), the Administration of Justice Act 2015, make very clear provisions on the protection of human rights of the citizens and the manner in which the police should carry out their duties when human rights are concerned. The criminal laws of all the federating states of Nigeria criminalized unlawful homicides and assaults on human persons. There is no doubt that for the human rights of the citizens to be protected, the government of the country has to maintain some degree of proactive action by way of legislations, monitoring and enforcement of the respect for human rights by all, the police inclusive. There is no doubt that a discussion of this nature will serve the immediate and future needs for advancement of the rule of law in Nigeria, launching Nigeria as the cynosure of Africa in human rights protections.

International Statutes Protecting Human Rights

It is instructive we draw attention to article 3 and 5 respectively of Universal declaration of Human Rights as it concerns the human rights of citizens?

Article 3 provides *“that everyone has right to life, liberty and security of person”*⁴

The African Charter on Human and Peoples Rights stated with clarity that the dignity of human person must be honoured; human beings to be free from cruel and inhuman treatment. *Article 5a reads: “Every individual shall the right to the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited”*⁵

Similarly, we submit that it amounts to a breach of the international law for the police to arbitrarily arrest a person. It is also unlawful to detain a person or place him on exile under the Universal Declaration of Human Rights.⁶ These lofty International laws were also reflected in the local legislations via the Constitution of the Federal Republic of Nigeria, and The Nigeria Police Act Cap.

Having seen the international law positions on issue of human life and the dignity of human person, we shall also reproduce the statutory general duties of the police under the Nigeria

¹ Constitutional Law and procedure Jator publishing co. (2nd ed.2000) 95-130

² *Administrative Law*, Princeton publishers, (3rd edition 2016) p126-132

³ *Rights of suspects and accused persons under Nigerian criminal law*, crown law, Crown Law publications, p 159-170

⁴ Universal **Declaration** of Human Rights, 1948

⁵ African Charter on Human and Peoples Rights, 1981

⁶ *ibid*, Article 9

Police Act. The relevant section will assist us in assessing and determining whether the police are justified in their various rascal actions meted on the citizens as reported in this paper.

Statutory Duties of the Nigeria Police Force

Section 4 : *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 regulation with which they are directly charged, and shall perform such military duties within and outside Nigeria as may be required of them by, or under the authority of this or any other Act*⁷.

What a worthy and commendable duties ascribed to the Nigeria Police Force. The section provides that the police are to use due process to enforce all laws and regulations with which they are statutorily empowered to enforce. The law enjoins the police to prevent and detect crimes and apprehend offenders. This law did not state or imply that the police should torture or humiliate or dehumanize the suspected offender. The purported offender is just a suspect and not yet a convict or criminal until a competent court with the requisite jurisdiction guaranteeing independence and impartiality, proves the suspects guilty⁸. Before then, the suspect is presumed innocent. There is therefore no provision in either the Constitution of the Federal Republic of Nigeria or Nigeria Police Act empowering the police to brutalize a human being during and after arrest and while in custody.

The police statutory duty to protect life and property: the Act⁹ further gave a delicate responsibility to the police force to protect the lives and properties of the citizens. The implication of this, is that, these duties must be cautiously carried out, bearing in mind that a real and personal property, when destroyed can be repaired or replaced; but life when destroyed or exterminated for whatever reason cannot be amended or replaced. A broken ankle or arm cannot be replaced. It can only be treated medically, which invariably will not return a broken ankle into its original state; even if the scars will be there. This is the more reason why the police all over the world are given a specialized training in handling human beings when carrying out their statutory duties. Human life is precious in the same way that human dignity is precious. Humans must be handled with due diligence by anybody or organization charged with the responsibility of medically giving treatment of diseases; same responsibility goes to the police when dealing with suspects. The police must ensure that life is not unduly lost or bloods unduly spilled when carrying out their duties except in the manner authorized by law or in carrying out judicial orders.

We have taken the pain to analyze the Section 4 of the Act so as to guide us properly in evaluating every bit of police action particularly the aspect that has to do the respect for dignity of human person and respect for human lives, which not only the Nigeria Constitution guarantees but the international laws also protects; by so doing we can safely

⁷ Nigeria Police Act Cap P19 LFN, 2004

⁸ Section 36 (5)

⁹Nigeria Police Act (opcit)

put to legal question and test the justifications, if any, for the abuses of human rights perpetuated by the police in Nigeria in utter disregard of Nigeria Constitution¹⁰ and the International Instruments¹¹ which Nigeria happens to be a signatory. It is therefore worrisome, demeaning and flesh skinning when one sees, hears or reads that a Nigeria police man or indeed policemen anywhere in the world wantonly, without legal justifications, tortures and kills a person extra judicially.

A lot of reasons may have been adduced by some misguided Police Officers in Nigeria or elsewhere in the globe for being the reasons for police rascality. Some may claim that suspected criminals are hardened and needed to be tortured to extract information from them during interrogations and investigations. Some other misguided police men may claim that the citizens insult and look down on them when carrying out their lawful duties; hence the citizens provoke the brutality meted out on them by the police. Some policemen especially the ranks and file may claim that the suspects are very clever and powerful and so they needed to exercise brute force to apprehend suspects including shooting even when the offences are not of a felonious nature warranting the use of fire arms, as in a fleeing armed robber during an encounter. The police in Nigeria engage the use of life ammunitions even for mere crowd control. The police use life ammunitions just to boost ego and not for justifiable cause. This is condemnable in every facet of it. None of the reasons canvassed above could justify torture and violence except as provided by relevant law and regulation. The police in Nigeria must eschew bitterness in carrying out their statutory duties

The Nigeria Police Act and Regulations: what does it say?

The Police Act and Regulations, miscellaneous provisions, prohibit unlawful and unnecessary exercise of authority by police personnel.

The Regulations under its general provisions at (q) (i) & (ii)¹² when read together simply condemns the unnecessary use of violence on any prisoner or other person with whom they come in contact with in the execution of their duties or being uncivil to any member of the public.

The code and conduct for officers and men of the Nigeria Police Force¹³ states as follows:
“Use of force- a Police officer will never employ unnecessary force or violence and will only use such force in discharge of duty, as is reasonable in all circumstances. The use of force should be used after discussion, negotiation and persuasion having been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every Police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person ”

The Police Force Regulations provides as follows:

¹⁰ sections 33 and 34 of Constitution of the Republic of Nigeria 1999 as amended

¹¹ Article 4 of the African Charter on Human and Peoples Rights 1981; see also sections 3 and 5 respectively of Universal Declaration of Human Rights 1948

¹² The part XVII Police Act and Regulations, miscellaneous provisions, first schedule (Regulation 370) at (q) (i) & (ii) Cap P19 LFN 2004

¹³ page 357 para 3 2013 edition Cap P19 LFN 2004`

“Police officer shall not knowingly restrict the freedom of individuals whether by arrest or detention, in violation of the constitution of the federal Republic of Nigeria.”¹⁴

A cursory look at the code and conduct for officers and men of the Nigeria Police Force reproduced above, reveal unequivocally that the use of force should be employed after discussion, negotiation and persuasion having been found to be inappropriate or ineffective. The implication of that provision is that the police officer before applying force during arrest should engage the suspect in a discussion and negotiation and persuasion so as to convince himself that an arrest is called for, in the first place. When he is convinced, he also has to persuade the suspect to follow him to the police station; if the suspect proves recalcitrant, then the police officer has no other option than to apply force as is reasonable in the circumstance. Put differently the officer making the arrest ought to have first warned himself that the force he is about to apply is reasonable in the circumstance in line with the statute.

Prevention of the Misuse of Firearms:

A police officer may use fire arms in the following circumstances¹⁵

- A. when attacked and his life is in danger and there is no other way of saving his life;
- B. When defending a person who is attacked and he believes on reasonable ground that he cannot otherwise protect that person attacked from death;
- C. Wh
- D. en necessary to disperse rioters or to prevent them from committing serious offence against lives and property
- E. If he cannot by any means arrest a person who, being in lawful custody escapes and takes to flight in order to avoid re-arrest; provided the offence with which he is charged Or has been convicted of, is a felony or misdemeanour
- F. If he cannot by any means arrest a person who takes to flight in order to avoid arrest; provided the offence is such that the accused may be punished with death or imprisonment for 7 years or more.
- G. Remember , the main objective is to shoot to maim or disable and not to kill

The above provisions are hereby reproduced verbatim (A-F) to substantiate this discussion that a police man has no legal backing to brutalize someone who did not attack him, who did not commit offence of felony and did not take flight to avoid arrest. He is equally barred from using fire arms on people during peaceful protest. The instructive point to note on the regulation on the use of fire arms is that, the fire arm is to be employed primarily just to maim or disable the suspect and thereafter bring the suspect to book, except when the situation is out of hand and the police officer has no other option. The pertinent question now is, why do the police men in Nigeria elect more often than not to torture and even kill at the slightest provocation or during arrest that is not resisted by the suspect; more so when the purported offence is not an on the spot armed robbery offence or intention to kill on the part of the suspect? This discussion will be more illuminated as we appraise some instances of police extortion, brutality and extra judicial killings and general rascality below.

¹⁴ Ibid, “principle one” page 359 rules para 3

¹⁵ Prevention of the misuse of firearms by policemen in Nigeria force order No 237 published in the 2013 edition of the Police Act and Regulations Cap P19 LFN 2004

Reasons For Abuse Of Human Rights In Nigeria

Several factors have been adduced for police abuse of human rights among which are:

i. Political pressures: this factor was well captured by Ojomo Francis Yemi a Chief Superintendent of Police (CSP) when he said: “the arrest and kidnap, or abduction of Dr Chris Ngige, the former Governor of Anambra state Nigeria, by a squad led by a senior police officer on the pretext of acting on ‘orders from above’ demonstrates the high level of political rascalism and desperation in that dispensation. In the normal situation the police ought to be unbiased umpires in the political arena, by providing security during campaigns and elections.”¹⁶ The comment by a serving police officer depicts the unbridled influence the political class exerts on the police in Nigeria leading to abuse of human rights

ii. Corruption: the police men in Nigeria, in their bid to extort money from motorists and helpless citizens, resort to unlawful and unwarranted arrests, whereby the helpless citizens are meant to part with their money so as to regain their freedom from the tyrant corrupt policemen. Some critics have posited that poor remuneration compel police to extort money from the masses for the policemen personal uses. This argument is baseless because the policemen were not conscripted into the force. They could elect to voluntary discharge if not satisfied by the remuneration. For instance a victim, Dereck Triggs, a paint producer, narrated his ordeal to *PUNCH Metro* that the car he was travelling in was stopped by the set of policemen, who accused one of the occupants of wearing a tattoo. He claimed that all occupants in the car, except his sister, were locked up in the cops' mobile cell, adding that they were all released after payment of twenty thousand naira (=N=20, 000) about \$55 (US dollars) as extortion.¹⁷ Corruption in the force come by way of policemen engaging in bribery, extortion, robbery, excessive use of physical force and malicious prosecution and so on¹⁸

iii. Inadequate training of policemen: the training of policemen in Nigeria is centred around police colleges alone. They are not sent to formal educational institutions. They are trained in the universities where they could learn course such as Law, Criminology, Security psychology, peace and conflict studies, criminal justice administration; hence the ill trained Nigeria policemen are not assets but a disaster to human right preservation.

iv. Mental disorder of some policemen in Nigeria: Ojomo Francis Yemi a Chief Superintendent of Police (CSP) had noted that not all policemen are normal, some have mental disorders especially neurosis. Neurosis is not usually noticeable at early stages. If not mental disorders, why will a police sergeant Moses Ishaya attach to a police station in Jos South Local government of plateau state Nigeria wake up one day use his official rifle and shot three persons to death and went ahead and killed himself.¹⁹ This is a clear case of abuse human right to life occasioned by mental disorders.

¹⁶ OJOMO francis YMI (2011) ‘policing in a corrosive environment’ Kolaak enterprises 1st edition p55

¹⁷ <www.punching.com> posted September 1, 2017 accessed on 21 October 2017

¹⁸ OJOMO Francis YMI (*opcit*)

¹⁹ *Ibid* at p.83

Instances of Police brutality in Nigeria

Police brutality, reign of terror in Edo state University, Nigeria²⁰

This story was part of an investigation carried out by Caracal Reporters into police misconduct, extortion and substantiated allegations. Police allegations and subsequent arrests run rampant in Nigeria, but more often than not, many of the trumped up criminal charges brought to the courts are never upheld in court. In Edo state of Nigeria, several frivolous arrests and extortions were reported by Caracal Reporters. For example, the reign of Police brutality in Edo state was allegedly traced to the incumbent Commissioner of Police (CP) in Edo state, Mr. Haliru Gwandu. The CP's style of intimidation, harassment and extortion, plaguing innocent citizens could be described as a reign of terror. The wrong and unlawful detention that is typical of the Nigeria police had led the students, lecturers of Ambrose Alli University, (AAU) Ekpoma Edo state to take to the street on peaceful protest with placards inscription depicting that the lives of students, lecturers and professors were not safe sometime in January, 2017²¹

Police terrorization, torture of students and lecturers of Ambrose Alli University stated when Mr. Haliru Gwandu was posted on official duties to Edo state. The said Commissioner for Police was reported to be reputed for running a repressive system of extortion, blackmailing machinery in Edo state²² The CP had adopted a style of money extortion, by which methods the CP set up anti cultism crack team. By a surreptitious device, the police therefore came around Ambrose Alli University, (AAU) Ekpoma Edo state routinely and arrested students during examination period, took them to the police custody, wherewith the students were meant to pay a bribe ranging between twenty thousand Naira (=N= 20 000.00) (\$ 55.41) to thirty thousand Naira (=N= 30 000.00) (\$ 83.11) to secure their release from detention failure which the student would remain incarcerated in CP's cell until when the CP gets sufficient extortion. It was reported further that cultism which the CP was using as a shield, had stopped in the Ambrose Alli University for over ten to twenty years ago. No student had been reported involved in cultism anymore but the CP had used cultism as a weapon of his rascality and unlawful arrest and detention of students. Lecturers were not spared in the blackmail and extortion by the Commissioner for Police, Mr. Haliru Gwandu. The CP allegedly had a bulldog anti cultism crack team who tortured a lecturer and the dean faculty of law, Professor Sunday Edeko at Ambrose Alli University, (AAU). It was alleged that on the 14th day of April 2017 the learned professor took to social media to raise an alarm of police brutality. The CP in press briefing claimed that the professor was obstructing justice against students arrested for cultism, a claim which had no iota of truth from investigation conducted independently by Caracal Reports based in Edo state.²³

²⁰ Tony Abolo, 'Police brutality, reign of terror in Edo State University' <www.naij.com> posted July 9, 2017 accessed on July 20 2017

²¹ *ibid*

²² *ibid*

²³ *ibid*

The commissioner of police sensing that he had been indicted by the said Professor Sunday Edeko, later claimed that the senior lecturers in the university were apprehended with fire arms which the CP claimed they acquired illegally. He further alleged that students were involved in cultism leading to the discovery of fourteen (14) beheaded corpses. From Caracal Reports investigations, the allegation upon which the CP and his team tortured and extorted money frequently from the institution community were false and sheer blackmail to pave ways for further brutality.²⁴

The Association of Staff Union of Universities (ASUU), AAU branch had instituted an action on libel and a slander to the tune two billion Naira (=N=2b) damages, (Six million US dollars \$6M) through their counsel Barrister A Thomas Esq. after giving the CP a seven (7) day grace to retract the false allegation and make open apology to the university. The action is pending at the High Court sitting at *Ekpoma* Judicial Division Edo state, Nigeria. In the action, the lecturers were demanding that the police authority produce the 14 beheaded corpses and show the court where they were buried and autopsy results. The Chairman of ASUU at AAU branch Dr. Lewis Igbafen maintained that the allegations made by the CP were baseless and unfounded in its entirety. It was learnt that the Police Commissioner, realizing the gravity of his baseless claim of murder and cultism against the institution, had been making quiet moves through well meaning traditional rulers in Edo state to have the matter settled out of court.²⁵ The outcome of the court action and the out of court settlement are still being awaited as at the time of writing this article. Meanwhile the terror activities of the police against the university had stopped pending the outcome of the case at the High Court.

Similarly the Edo state indigenes, had on Monday the 9th day of October 2017 carried out a state wide protest under the platform of ‘concerned citizens of Edo state’ demanding the immediate redeployment of the state Police Commissioner, Mr. Haliru Gwandu from Edo state due to growing insecurity, not unconnected with alleged high handedness of Commissioner and his police team. The protesters led by their coordinator, Mr. Henry Okpamen, marched through some streets in Abuja, the Nigeria capital, to the National Assembly and the police headquarters. They called on the President of the Federal Republic of Nigeria, Muhamadu Buahri, the President of Senate and the Speaker of the House of Representatives to intervene on the insecurity in the state and take the necessary action for the immediate redeployment of the state Commissioner of Police due to his ineptitude.²⁶

Police Officers, Naval Personnel and 14 others arrested, paraded For Kidnapping in Kogi State In Nigeria

It was authoritatively reported that the two police officers and one naval personnel were paraded for kidnapping and armed robbery upon being arrested on 9th October 2017 in Kogi state, Nigeria.²⁷ The Commissioner of Police in kogi, Alli Janga said that the serving police

²⁴ *ibid*

²⁵ *ibid*

²⁶ Punch Newspaper (Lagos, Monday 10 October 2017) 16

²⁷ <www.naij.com> posted 9th October 2017 accessed 21October 2017

officers among the kidnapping gang had been dismissed from the force and would soon face criminal prosecution in the court of law. The names of the police officers were given by the police boss as corporal Isiaka Suleiman and Ibrahim James. The naval staff was identified as Bature Habila. The police reportedly recovered four (4) AK 47 riffles; three pump action riffles, assorted rounds of ammunition, a motorcycle and charms from the suspects²⁸

The point relevant to us here is that these are serving security personnel who were trained, equipped and paid salaries and allowances from the civilian tax payers' money, yet these unscrupulous elements in the police force choose to use the riffles purchased with tax payers' money to engage in human kidnapping against the same citizens whom the government employed them to protect. In the process of kidnapping, their victims were tortured, dehumanized and kept in the forest for weeks pending when a ransom would be paid by the relatives of the victims to secure their release. This is one of the worst set of abuse of human rights by the police. In the course of carrying out their statutory duties, the police in Nigeria, extort money from the citizens; brutalize those who fail to cooperate in providing the demanded amount. In some cases, the police extra judicially maimed and killed their victims; the citizens who they were meant to protect their lives and properties. What a shame and an irony of life.

Nine Policemen to face trial for illegal fire arms deal.

It was also reported in the newspaper²⁹ that the federal government, through the office of the Attorney General of the federation (AGF) had charged 51 defendants including nine policemen with illegal dealing in firearms. The charge was filed before the Yola Division of the Federal High Court with charge Number FHC/YL/8oc/2017 filed on 3rd of October, 2017 wherewith the defendants were charged with trading in illegal firearms in Yola and its environs without license between 2013 and 2016. The defendants were accused of committing offence contrary to section 1 (14)(a)(i) and 3(3) of the miscellaneous Offence Act, CAP M17 laws of the federation of Nigeria 2004 punishable under section 1 (14)(a)(i) of the Act. The firearms allegedly recovered from them were 22 AK 47, two Pump Action short guns, eight locally made revolver, three locally made pistol, one uzi Rifle and 1150 rounds of ammunition. The names of the policemen were given as Yuguda Abubakar, Sarkin fada habila, Donan James, Dipha Namiel, Abba Mailalle, Bwamson Tanko, Yason Dauda, Idris Salisu, Zakari Pofi and Rabo Bello.³⁰

Instructively, it is all these illegally acquired arms and ammunitions that these criminal elements in the police use in staging illegal roadblocks, wherewith they intimidate, harass and torture unarmed law abiding citizens. In other instances these bad eggs in the police force sell these arms to armed robbers. In some cases the policemen use their illegally acquired guns to engage in armed robbery, and even kill the citizens they were originally recruited to protect.

²⁸ *ibid*

²⁹ Punch newspaper, (Lagos Monday 10 October, 2017) 10

³⁰ *Ibid*.

Tattoo: Another Victim Accuses Rivers Police Command of Torture, Extortion

The report had it that Nigerians have continued to condemn the alleged torture of an undergraduate of the Federal Polytechnic, Nekede owerri Imo State, Nigeria, Miss Chioma Pius by some policemen attached to the Rivers State Police Command for having tattoo on her body. Another victim of a similar attack had spoken up. The victim, Dereck Triggs, a paint producer, told *PUNCH Metro* that prior to Miss Pius' ordeal, the car he was travelling in was stopped by the same set of policemen, who accused one of the occupants of wearing a tattoo. He claimed that all occupants in the car, except his sister, were locked up in the cops' mobile cell, adding that they were all released after payment of twenty thousand naira (=N=20, 000) about \$55 (US dollars) as extortion.³¹

PUNCH Metro had reported that Pius was travelling from Bayelsa State to Port Harcourt, Rivers State, when her car was stopped at Elebrada Junction, in the Emohua area of River State. The policemen were alleged to have accused her of having tattoos on her body and battered her with a gun and punches, among others. She was released after the intervention of policemen from another checkpoint along the road.

Triggs, who narrated his experience to the correspondent on Thursday August 17, 2017 after reading about Pius' ordeal, said he and his siblings were attacked at the same junction on Wednesday August 16, 2017. He said, "There were four of us in the car, including my siblings and a friend. We were coming from Benin and heading to Port Harcourt where we work. Everything was fine until we got to the police checkpoint close to the Emohua council area around 12.04am. The policemen were about six in number. They demanded to see the vehicle documents, which were released to them. The policemen, however, observed that the temporary driving licence of my brother, who drove the car, had expired. He told them that he had yet to get the permanent one. They asked us to park, after which they searched the car. When they didn't find anything, one of them noticed my friend had a tattoo on one of his hands and they said we were all kidnappers and robbers." Triggs said he expressed reservation over the comments which angered the policemen who punched and handcuffed him. He said the officers also handcuffed another sibling of his, but held his sister in custody. Triggs further narrated that his elder brother drove away in the car to seek help from some policemen at another checkpoint. He told **the** policemen what was happening and sought for their help. They told him to drive back and settle with the cops. When he drove back, the policemen handcuffed him as well and threw him into their mobile cell, where they had already thrown in Triggs, his younger brother and the friend who had the tattoo'.

PUNCH Metro learnt that the policemen, after holding the siblings and their friend for some time, asked the man with the tattoo, what he could offer them. The man was said to have offered twenty thousand naira (=N=20, 000) about \$55 (US dollars) after a bargain with the policemen which the policemen accepted. He pleaded with them to allow him drive the car to where he could withdraw the money to give them, but they refused, insisting that he should take a cab. They stopped a cab driver and after searching the cab, asked the cab driver

³¹ <www.punching.com> posted September 1, 2017 accessed on 21October 2017

to settle them whereupon the driver gave them some money. They ordered the driver to take the man with tattoo inscription on his hand to where he could withdraw money for them. The man got back one hour later and gave the policemen the twenty thousand naira (=N=20,000) demanded. The number plate of police van used by these extorting policemen was given as NPF 4982C AKU PH. They handcuffed their victims, seized their phones, and humiliated them for no crime committed.³²

Cop Shoots Man Over Disagreement With Youth Leader

In another case of police brutality in Nigeria, a policeman, Inspector Wasiu Lawal, attached to the Special Anti- Robbery Squad, Ogun State Police Command had brought the life of a father of four children to an abrupt end. The killer cop reportedly shot the car dealer, Mr. Danton Hodewu, in front of the palace of Alase of Ilase (the title of the traditional ruler) in the Ipokia Local Government Area of the state. '*PUNCH Metro*' learnt that the deceased and the youth leader of the community, identified simply as Mr. Ope, had a few disagreements over a bus transaction and a parcel of land. It was gathered that the youth leader led policemen to arrest Danton in his house and took him to the police station. However the correspondent learnt that the 45years old was leaving after a discussion at the palace of the traditional ruler when he was shot at the back by the Inspector Lawal, a police officer.³³

The Police Public Relations Officer, ASP Abimbola Oyeyemi, at Elewera Police Headquarters Abeokuta in Ogun state informed the '*PUNCH Metro*' correspondent that the trigger happy policeman had been dismissed after an orderly room trial. He said that the inspector that shot the man has been dismissed and he will soon be charged to court.

Five Policemen to Die For Murder³⁴

In another report, on Friday the 22nd day of September 2017, a Rivers State High Court sitting in Port Harcourt Nigeria convicted five members of the Special Anti-Robbery Squad, (SARS) an outfit of the Rivers State Police Command, Nigeria, of murder. The five-man team led by one Assistant Superintendent (ASP) Samuel Chigbu was found guilty of extra judicial killing of two young men namely: Mr. Michael Akor and Mr. Michael Igwe in Oyiabo Local Government Area of the state by Justice Adolphus Enebeli of the High Court. Michael Akor a 28years old young man and his friend, Michael Igwe, were apprehended by the police team on 22 June, 2009 while going about their duties and were killed the next day in a bush at Oyiabo LGA. Justice Enebeli in his judgment in the fundamental human rights suit brought before him declared that Chigbu and his men undoubtedly and intentionally murdered their victims. The court awarded fifty million Naira (=N=50 M)(\$138, 262.86) to the families of the deceased as compensation. The trial judge held that the SARS operatives violated sections of the Constitution on extrajudicial execution as they killed the two men without carrying out any form of investigation on the allegations against them (the victims). Enebeli further held that after careful consideration of all the evidences before him,

³² *Ibid.*

³³ *Ibid.*

³⁴ Vanguard newspaper (Lagos Saturday 23 September 2017) p1

"it was crystal clear that the five SARS personnel did not discharge their duty with all sense of responsibility". He disproved the claim by the police team that the victims were hit by strayed bullets during a cross fire between the police and unknown gunmen believed to be gang members of the duo, adding that such allegation could not be substantiated. Enebeli further noted that: "it was not coincidental that the victims were shot on the same part of their body, rushed to the Braithwaite Memorial Hospital, BMSH where they died at the same time and were buried at the same place and time". The trial Judge also lashed out at the SARS in the state, stating that the outfit has acquired the tag of extra judicial killings and has destroyed the image of the Rivers State Police Command.

In spite of all these hue and cry of police torture and extra judicial killings, it was surprising that the Commissioner of Police (CP) in Abia state, Anthony Michael Ogbizi, had said that the police would continue to raid the country home of the leader of the proscribed Indigenous People of Biafra (IPOB)³⁵. The CP did not state that arms were recovered. The point relevant to us in these raiding activities is that the chances of abuse of human rights to wit: torture and extra judicial killings are likely via these raiding. In a democratic society like Nigeria, the due process would have been that such non violent agitators would be invited by the police for questioning. With a search warrant, the suspects' homes are visited and if there is any incriminating evidence, the suspects are charged to the appropriate court. By this approach, torture, brutality and extra judicial killings are avoided.

Court awarded =N= 5M (\$13, 826.29) against Police for unlawfully arresting Daniel Elombah and Izuchukwu Elombah

As if the rascality of the Nigeria Police was not enough in 2017, they carried on their rascality into the year 2018. The Nigeria Police had failed to understand that under the rule of law, there is freedom of speech and of the press as enshrined in the constitution and freedom of the press under the Freedom of Information Act.³⁶

*The constitution of the federal republic of Nigeria 1999 provides as follows:- 'Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference'.*³⁷

Following the rascality of the Nigeria Police, a Federal High Court sitting in Abuja the federal Capital territory of Nigeria recently awarded the whooping sum of five million Naira (=N= 5M) against the police following the unlawful arrest and detention of two brothers who were journalists by profession namely: Daniel Elombah and Izuchukwu Elombah.³⁸ The Duo were allegedly arrested by an order of the immediate past Inspector General of Police (IGP) Mr. Idris Ibrahim, for purportedly publishing a critical article against the IGP, where upon the IGP detailed the men of the Special Anti Robbery Squad to arrest the duo on the 1st day of January, 2018 at Nnewi in Anambra State. The Journalists, through their counsel Mr. Ephraim Shiho, brought an application for enforcement of their Fundamental Human Rights for wrongful arrest and detention and sought compensation. Justice Jude

³⁵ Daily sun newspaper (Lagos Friday 12 October, 2017) 1

³⁶ Freedom of Information Act 2011, s 1

³⁷ Constitution of the federal republic of Nigeria 1999, s 39

³⁸ Vanguard Newspaper (Lagos, Tuesday 24 April 2018) 16

Okeke in his judgment also issued a perpetual injunction against future arrest of the Journalists on this issue and also ordered the police to release the property of the two Journalists in the custody of the police in addition to the pecuniary damages awarded.

Time has come when the police in Nigeria will understand that they do not possess absolute and unbridled powers against the citizens of the country, regardless of the statutory powers and functions ascribed to the police force. The judgment confirms the position that the courts frown at the abuse of the rights of the citizens by the police. It is our humble opinion that the Judge should have awarded up to one hundred million Naira (=N= 100M) () to Daniel Elombah and Izuchukwu Elombah as damages. One also wonders why the IGP would send Anti Robbery Squad to arrest the two Journalists for mere publication of article in the mass media or face book. Were they armed robbery suspects? Does publishing article against the Inspector General of Police amount to robbery case, warranting the intervention of the Special Anti Robbery Squad of the police? The Inspector General of Police ought to have sought remedy for libel at the relevant court of law against the Journalists if he feels aggrieved rather than take the laws into his hand and in the process he expended public fund sending Anti Robbery Squad to arrest persons for matter that is purely civil in nature. We would submit that the IGP was power drunk and was adequately checkmated as the court did in this case. The court is actually the last hope of the common man.

Appraisal Of These Few Highlighted Instances Of Police Brutality And Extra Judicial Killings And General Rascality Of Policemen In Nigeria

The questions that agitates the curious mind of any reasonable Nigerian and indeed every responsible citizen all over the world is this; does it then mean that these five convicted trigger happy policemen who murdered their victims were not aware of the force regulation on the use of firearms?³⁹ Does it also mean that these unscrupulous policemen were also not aware of the constitutional provision against extra judicial killings? Does it mean that the policemen in Nigeria are not aware of the position of the international law prohibiting torture and cruelty? Does it mean that the policemen in Nigeria are not aware of the statutory provision on the freedom of expression and the press? If the answers are in the negative, it means the Nigeria police force training curriculum needs urgent review. Even at that, the constitution is available which any seasoned policeman could pick up and read to acquaint him with the requirements of his policing duties. The Police Act (amended as) with regulations Cap P19 laws of the federation of Nigeria 2014) and The Criminal Procedure Act (now replaced with the Administration of Criminal Justice Act (ACJA) 2015) were available and accessible for these vagabond convicted police officers to read, but it was either they read them and chose to ignore the provisions or they failed, neglected or refused to read at all; rather took the laws into their hands. Nemesis caught up with them at the right time. It is a lesson for other serving police officers to learn from. It is worrisome to see, hear or read of police arrests, torture of citizens or extra judicial killings of civil populace for no ethical or legal justifications.

³⁹ Prevention of the misuse of firearms by policemen in Nigeria force order No 237 published in the 2013 edition of the Police Act and Regulations Cap P19 LFN 2004

Recommendations towards Minimizing Or Stopping These Ugly Trends Of Tortures, Cruelty And Extra Judicial Killings And General Rascality By The Police In Nigeria

Having said all the above unprofessional attitudes of many policemen in Nigeria, we shall proffer solutions to these unethical behaviours of policemen with the view to curtailing their excesses and bring them in line with internationally accepted best practices

i. The Human Rights desk established at the various Police Area Commands are ineffective. It is still the same set of corrupt Police Officers that are in charge of the unit. We advocate that if the police must be the agency to handle human right unit at the Police Area Commands, all the personnel in that unit must be lawyers enlisted into the force for that purpose. This will at least ensure some degree of sanity in handling Human Rights affairs especially where the abuse is perpetuated by the serving police men.

ii. Minimum qualification of HND or BSC should be made the minimum entry requirements for enlistment into the Nigeria Police force. A large number of these graduates should have sound knowledge of human rights studies. We suggest that priority should be given to graduate of law, political science, Psychology, Criminology and sociology. During training at the Police Academy they should still be taught courses related to human rights, in addition to whatever training they may receive. This will in no small measure keep the Police officers informed on professionalism in handling suspects.

iii. As at the time of this article, a police constable on grade level 03 is in on a monthly salary of forty-three thousand naira (=N= 43 000.00) () with an annual salary of five hundred and nineteen thousand, five hundred and twenty six naira and six kobo (=N=519, 526.6)⁴⁰. This salary is rather inadequate for a man probably married in the present day economic realities of Nigeria. It could reasonably be argued that this paltry amount as salary could also be part of the reasons for forceful extortions and rascality exhibited by the police men against the citizens. A non motivated Policeman is a disaster to the society. You cannot impoverish a man and expect the best services from him; the policemen are not an exception. The Policemen, especially the rank and file stake their lives out for the society and should be well motivated to serve to the fullest. We recommend a minimum salary of one hundred thousand naira (=N= 100 000.00)(\$277.04) to be paid to constables so that the morale of the officers and men of the force are boosted. Other higher ranks should also be reviewed upward too. Frustration is one of the causes of hostilities exhibited by the policemen in the course of discharging their duties. The general welfare of police officers should be taken care of. This rang from their accommodation, health care, good schools for their children and wards

iv. Police cells should be rehabilitated with adequate ventilation and sanitary condition. After all inmates in the cell are still presumed innocent. They should not be dehumanized. The police keep suspects in crowded and unhygienic ceils. It is also another form of abuse of human rights because the constitution of Nigeria presumes the suspect innocent until found guilty by a competent court of law. The police cell should be rehabilitated to be befitting for the custody of a person whom the law presumes innocent.

⁴⁰ <https://www.nigerianinfopedia.com>

v. Policemen retirement pension should be paid promptly. A situation where a Policeman would not be paid his pension until after ten years is very appalling. Those still in service resort to bribery and all forms of corruptions so as to save up money for their survival after retirement, knowing that to get ones pension after retirement is a nightmare.

vi. The duration of police training for recruits should be increased from six months to two years with emphasis on human rights courses. They should receive training equivalent to a Diploma in law. The level of human right abuses by well educated and well informed and enlightened Policemen is likely to be minimal. A situation where people enlist into the force with the General Certificate in Education Ordinary level (GCE O'L), Senior Secondary School Certificate (SSCE) many of whom cannot speak and write English language effectively does not augur well for the sanity of the force and the human right protection being canvassed in Nigeria.

vii. The Anti Corruption X squad unit in the police force in Nigeria is responsible for monitoring corrupt practices in the police force. It is therefore suggested that the leadership and other policemen serving in that unit be removed and replaced by men of proven integrity, preferably lawyers. The unit should be well funded. The unit must undertake investigation of Senior Police Officers who receive monetary returns from subordinates, which has been discovered to encourage the duty policemen to extort money from the citizens and in some case torture people and at other instances, kill their victims as in the case of those five policemen convicted for murder reported above in this article.

If these suggestions are implemented, it will surely stem the tide of wanton human torture, extortions and extra judicial killings and general rascality by the policemen in Nigeria. For the police to be truly friend of the masses, the respect for the fundamental human rights must take priority in the training programme of the force. Nigeria must have to start somewhere, but with time we will have sane police force where the respect for human rights, rule of law will reach the level as it is practiced in the United Kingdom and United States of America and even beyond. Corruption cannot be wiped out to zero level but with concerted efforts, it could be reduced to the lowest ebb. God will help Nigeria and humanity in general.

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