

Perspectives of Human Rights, Fundamental Rights and the Historical Evolution of the Nigerian Police Force*

Abstract

Despite more than a decade of democratic governance and endorsement of universal declaration of human rights charter, Nigerians still face a lot of human rights abuses. Cases of human rights violations is becoming a culture of impunity in the country includes extra-judicial killings, illegal detention, destruction of property by security forces etc. The aim of this paper is to examine the concept of Human rights, fundamental human rights and the historical evolution of the Nigerian Police Force.

1. Introduction

The foundation of any genuine democracy is embedded in the principles of the rule of law. This principle is one which calls for the devotion to the spiritual and moral values, the common heritage of the people and the true source of individual freedom and political liberty. These democratic ideas are presently being assimilated into the people's consciousness in Nigeria as the nascent democratic experiment gradually solidifies. There is increasing awareness by the citizenry of the existence of constitutionally guaranteed rights. The utility of these rights can only be attained through the process of law enforcement. Overtime, Human rights have been erroneously viewed to denote the same thing as Fundamental rights. This general notion might be because the general conception is that every right is enforceable in law. The word 'right' means that to which a person has a just and valid claim, whether it be land, a thing or the privilege of doing something. 'Human' on the other hand pertains to having characteristics of, or the nature of mankind, human rights are thus rights which all people (mankind) possess. The Constitution of the Federal Republic of Nigeria¹ is the body of laws on the basis of which the Country is governed and the supreme law of the land on the basis of which the validity of other laws is determined². It is the *grundnorm* of the country's *corpus juris*³. Rights in the constitution are enforceable in accordance with the provisions of the constitutions unlike general human rights some of which are not justiciable and constitute mere aspirations of the citizens. In *Kuti v. AG Federation*⁴ Oputa JSC emphasized that:

"Not every civil or legal right is fundamental right. The ideal and concept of fundamental rights both derive from the premise of the inalienable rights of man - life, liberty, and the pursuit of happiness. Emergent nations with written constitutions have enshrined in such constitution some of these basic human rights, each right that is thus considered fundamental is clearly spelt out".

Thus, under the Nigerian legal jurisprudence, Human Rights become fundamental rights the very moment they have been enshrined and encapsulated in the provisions of the Constitution.

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¹ The Constitution of The Federal Republic of Nigeria, 1999 (As amended)

² See *Goyang Kayili v. Esly Yilbuk & Ors* (2015) AELR 5807 (SC); *Chinedu Muokebe v. Alhaji Bala Haruna* (2014) AELR 5506 (CA)

³ See *Garba Burgu Fada v. Aliyu Ibrahim* (2015) AELR 6079 (CA)

⁴ (1985) 2NWLR (Pt 6) 211

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It is therefore safe to say that fundamental rights are those rights expressly captured in the provisions Chapter IV of the constitution; the rights contained Sections 33 to 46, and those rights contained in the African Charter on Human and people's rights are rights that are enforceable in our Courts of Laws in Nigeria. These rights that are contained in Chapter IV are first generation rights and the summarize thus — right to life - section 33, right to dignity of human person - section 34, right to personal liberty - Section 35, right to fair hearing — section 36, right to private and family life, Section — 37, right to freedom of thought, conscience and religion - Section 38, right to freedom of expression and press — Section 39, right to peaceful assembly and association Section 40, right to freedom of movement section 41, right to freedom from discrimination - Section 42, right to acquire and own immovable property anywhere in Nigeria — Section 43, compulsory acquisition of property — Section 44, restriction on and derogation from Fundamental Rights — Section 45, special jurisdiction of High Court and Legal Aid — Section 46 and African Chartered on Human and People's Rights which was ratified and re-enacted as municipal Law by the National Assembly on 17th of March, 1983 and came into force on the 21st of October, 1986. Therefore, it is these challenges that arise in the enforcement of these rights under the 1999 Constitution of the Federal Republic of Nigeria that is the subject of this study.

Human rights violations in Nigeria and the extremities of the Nigerian Police force simply mirrors and brings into illumination the sad and unfortunate role that has been played by the Police form in the violation of the fundamental rights of citizens. It is a fact of common knowledge that the Nigerian police force is one amongst the many other security agencies established by the Government and by statute to protect the lives, properties and rights of the citizens. The Police Act of 2020 pursuant to the provision of section 5 discloses the fact that the Police Force is responsible for promoting and protection of the fundamental rights of persons. Section 4 of the same Act further states that it shall be the duty of the police to prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and People's rights. It is apt and apposite to note that notwithstanding these provisions of the Police Act that spells out clearly the various duties of the Police Force as it regards to Fundamental Rights protection, there has been a widespread violation of the rights of citizens, especially the meting out of torture, extra-judicial killings, extortion and other forms of abuses by the Nigeria Police Force. These violations by the Police Force have become Nigeria's albatross. Brutalities, degradation of civilians, unlawful arrest, detention of citizens beyond a reasonable time and other forms of violations have become the order of the day for the Police Force. This study intends to bring to fore the various extremities of the Nigerian Police Force with regards to the violation of the Fundamental Rights of citizens. This article gives an underpinning to the perspectives of human rights, fundamental rights and the historical evolution of the Nigerian police force. In this part of the work, a holistic analysis has been made on the subject of human and fundamental rights. These two concepts have been examined with the aid of authorities and other necessary materials.

2. The Concept of Human Rights.

Etymologically, the concept of Human Rights as it is today, was unknown to ancient societies. Although certain rights were available to citizens of various ancient societies, these citizens were however subjected to multiple coercions by the state especially for the purpose of maintaining peace and order in society, state security and the protection of lives and property. What existed was a political duty imposed on the ruler, in most cases by divine law, to protect

the citizenry and the freedom available was as granted by the ruler.⁵ Among the ancient Hebrews, it was said that “*Judaism knows not rights but duties, and at bottom, all duties are to God*”⁶ Elaine Pagels is of the view that “*in all antiquity, ... the notion that the individual had claims on society was unknown; only society had claims or could confer rights on its individual member*”⁷ She went on to say that the concept of Human Rights is only a modern development dating back no further than modern times in Europe⁸. Further, professor Sir Isaiah Berlin holds the view that “*the notion of individual rights was absent from the legal conceptions of the Romans and Greeks, this seems to hold equally of the Jewish, Chinese and all other ancient civilizations that have since come to light*”.⁹ However in the case of African societies, while Jack Donnelly¹⁰ joins Elaine Pagels in holding the view that Human Rights were not recognized in traditional African societies, a contrary view is held by the pair of S. K. B. Asante²⁸ and Dunstan M. Wai, that the African conception of Human Rights was an essential aspect of “African humanism” or that “*traditional African societies supported and practiced Human Rights*” While the object of this paper is not to go into the contending positions just mentioned above, this writer agrees with Professor Ben Nwabueze that “*Human Rights as a legal claim of the individual on or against society in its formal character as a state is simply among Africa’s Heritage from European Colonialism*”.

The earliest legal instrument of protection of individual rights against state encroachment was the English Magna Carta signed by King John in 1215. The Magna Carta has been described as a charter not of “popular liberty” but of “feudal reaction” clamoring for restoration of feudal privileges and jurisdiction which is unfriendly to the crown and to the growth of popular liberties. It made the king and his subjects subordinate to the law such that the king could not deal with the subject except according to the law. The Magna Carta was upheld by subsequent kings in England and was strengthened by the Petition of Rights 1628 and the Bill of Rights 1689. This transition shows that the foundation of human rights was first ethical and moral and later strengthened as political and then legal concepts by such philosophers as Grotius, Locke and Montesquie, who introduced new ideas in relations between individuals and the state. The French declaration of the rights of man and the citizen 1789 proclaimed a universal principle of rights applicable to all peoples. These rights cover equality of all men, the pre-eminence of the rights to liberty, property, security and resistance to oppression, equality of citizens and their admission to honors, public post and employment and the basis of merit, freedom of thought and of opinion. That sovereignty rests on the nation and all authority to exercise it must be derived from the people.

3. Definition of Human Rights

The concept of Human Rights is one that has enjoyed a plethora of definitions. Opinions of scholars and jurists abounds on this subject, given its importance and overwhelming essence. For the purpose of doing justice to this part of this work, we shall be examining the definitions of the concept not human rights as have been propounded by legal scholars and text writers. According the renowned Jurists, Jack Donnelly, defined Human Rights as the rights one holds by virtue, solely, of being a human being, that is to say, rights naturally inherent in the human being. The implication of this definition is that, human rights are rights

⁵Ben Nwabueze Op. Cit. Pg. 7

⁶ Louis Henkin’ Judaism and Human Rights in Judaism; A quarterly journal of Jewish life and thought. VOL. 25 no 4.p, 436

⁷ Elaine Pageis, Alice H. Henkin (ed), “Human Dignity” (1979) P. 2

⁸ This same view was expressed by Professor U. Oju Umozurike op. Cit. pg. 9.

⁹ Isaiah Berlin, “Four Essays On Liberty” 1969 P.129

¹⁰ Jack Donnelly op. Cit. P 308, also Jack Donnelly, in Claude E. Welch and Ronald I. Meitzer (eds.)

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which a person possesses and embodies by virtue of being born into the human race. Being a human being therefore is a sure and definite ticket to possessing human rights. The learned Professor Ben Nwabueze has unequivocally held the view also that human rights are not the spiritual or physical attributes of a human being, rather, it is a philosophical concept invented by philosophers in recognition of the dignity inherent in a human being.¹¹ Another writer has also made distinction between human rights and human dignity. To a historian, Human rights is seen as a concept created in response to the growth of the powers of the state and danger it posed to the liberty of the individual. This concept originated in Western Europe in modern times, but man existed before the state and could not have had human rights against a non-existent state.¹² Human rights are those claims made by men, for themselves or on behalf of other men, supported by some theory which concentrates on the humanity of man, on man as a human being, a member of humankind. Another Scholar also defined human rights in terms of an *“Ideological and normative ‘galaxy’ in rapid expansion, with a specific goal: to increase safe guards for the dignity of the person. Human rights represents an ambitious (and perhaps, illusory) attempt to bring rationality into political institutions and the societies of all states.”* A Judicial attempt has also been made to define Human Rights as, *“A right which stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilized existence, and what has been done by our constitution since independence is to have these rights enshrined in the constitution so that the rights could be immutable to the extent of the non-immutability of the constitution itself”*.¹³ Flowing from the foregoing definitions which have been proffered by these jurists and text writers, the following key and important points are worthy of note:

- a. It is a right of every Human being, which is not acquired but accrues to a person because he is human.
- b. Its province is still expanding and has the ultimate goal to protect the dignity of the human person.
- c. It is a claim made and recognized in a civilized community not upon love, grace, brotherhood or charity but under law while some are future aspirations.
- d. It is the yardstick to measure practices in a civilized society and it embraces the concepts of justice, equality, freedom and self-determination.
- e. It cut across race, color, sex, and other distinctions.

4. Features of Human Rights

The concept of Human Rights is in itself unique and there exist an avalanche of features that characterizes this concept. In this part of the work, we shall examine the various features of human rights. They are as follows;

4.1 Human Rights are Universal and Inalienable

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary and international laws, general principles and other sources of international law. International human rights laws lay down obligations for governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedom of individuals or groups. The principle of universality of human rights has been the foundation international human rights law. In 1948, The Universal Declaration on Human

¹¹ Ben Nwabueze, “Constitutional Democracy In Africa” Vol. 2 Pg. 4

¹² Elaine Pagels, “The Roots and Origin of Human Rights” in Alice H. Henkin (ed.) “Human Dignity” (1979) Pg. 4

¹³ Kayode Eso (JSC) In Ransome Kuti V Attorney-General of Nigeria (unreported) cited in F. Agbaje, “Nigeria courts and fair trial” 4. Constitutional Rights Journal October-December 1994 11-13,11

Rights firstly emphasized on this principle which has been shown in several international human rights convention. There was also a conference on Human Rights which was held in Vienna in 1993 which also emphasized that it is the duty of the States to protect and promote human rights despite what exist in their political, economic and cultural systems. In my own opinion, I believe Human Rights are inalienable because they are endowed on an individual due to the nature of his or her own existence and it is also inherent in all individuals. They cannot be taken away, except in some situations and according to due process as mentioned earlier. For example, the right to liberty may be restricted if a person is found guilty of a crime by a court of law.

4. 2 Human Rights are Interdependent and Indivisible

All human rights are indivisible, whether civil or political, such as the right to life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work or collective rights, such as the rights to development and self-determination which are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others. I believe different rights need each other, when one does not comply with the other, it most likely would lead to violations of other rights.

4. 3 Human Rights are Equal and Non-Discriminatory

Non-discrimination is a principle in international human rights law which talks about the major human rights treaties and provides the topic of some international human rights conventions such as the international convention on the elimination of all forms of racial discrimination and the convention on the elimination of all forms of discrimination against women. The principle applies to everyone in relation to all human rights and freedom and it disallows discrimination on the basis of a list of categories such as sex, race, and color etc. The principle of non-discrimination is completed by the principle of equality, as stated in Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal with other people when it comes to rights because all people are equal humans."

4.4 Human Rights are Rights and Obligations

Human rights are in the form of laws that apply to all human beings without any discrimination. It is the obligation of all states to implement these and create an environment where human rights can be enjoyed by all people. Some of these rights are right to life, right to equality, freedom of expression, the right to education, right to work, right to associate ETC. Rights allows the citizen to be aware of what they are entitled to and what they are not entitled to do. In different societies and cultural groups, there are various rights; these may be backed up by social, ethical or legal boundaries. When speaking of rights, a universal set of values applies to all human beings irrespective of nationality, sex, culture, religion, or group, this is equally known as human rights, this entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights, it has the obligation to respect, this means that states must not cut short the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights abuses. The obligation to fulfill means that states must take positive action to make it easy for the enjoyment of basic human rights, it is not only the state that should respect our rights, as individuals while we are entitled our human rights and we should also respect the human rights of others. There are various forms of obligations such as legal obligation, moral obligation, ETC. For example, putting old people in our care, or else looking after your parents when they are old, is not a legal obligation, there are no laws that force you to do them. However, this shows that we are morally obligated to do so. If

individuals are more focused on obtaining their rights but are indifferent to their obligations, it creates a negative influence. Hence, people should realize that just as they enjoy their rights, they have to fulfill their obligations towards others; it should be vice versa, Human rights are as important as obligation.

5. Concept of Fundamental Rights

It is no doubt that fundamental rights have been recognized and entrenched in our Constitution and these rights have been commonly called different names at different times in history such as divine rights, natural rights, human rights, moral rights, constitutional rights and so forth. The Universal Declaration of Human Right (UDHR) 1948 also states the rights and freedom that belong to all of us. The African Charter on Human and Peoples' which was adopted on the 27th of June, 1981 State thus; *'Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status'*. As a citizen, it is important to understand your fundamental rights as enshrined in Chapter Four of the 1999 Constitution of the Federal Republic of Nigeria, in *Hassan v. E.F.C.C*¹⁴, the Court of Appeal define Fundamental Rights as; *'a right which stand above the ordinary laws of the land and which are in fact antecedent to the political society itself and it is a primary condition to civilized existence.'* These Fundamental Human Rights pertain to life; dignity of human person; personal liberty; fair hearing; private and family life; freedom of thought; conscience and religion; freedom of expression and of the press; peaceful assembly and freedom of association; freedom of movement; freedom from discrimination; and freedom to acquire and own immovable property anywhere in Nigeria. A brief examination of these various Fundamental are at this juncture of this work necessary;

- 1. Right to life:** Section 33(1) of the 1999 Constitution of the Federal Republic of Nigeria (Hereinafter referred to as CFRN) provides that, "every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria". However, section 33(2) provides the exception to the provision, a person shall not be deprived of his right, if he dies by circumstances permitted by law.
- 2. Right to dignity of human person:** By the dint and express provisions of Section 34(1) of the CFRN, every individual is entitled to respect for the dignity of his person. However, a person shall not be subjected to slavery, torture or to degrading treatment.
- 3. Right to personal liberty:** By virtue of section 35(1) of the 1999 Constitution, "Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law." Lord Denning observes that the right to personal liberty means: "the freedom of every law-abiding citizen to think what he will, to say what he will on his lawful occasions, without let or hindrance from any other person." Furthermore, section 35(6) provides that any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person.
- 4. Right to fair hearing:** Section 36(1) of the CFRN state that, "In 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 impartiality". Whenever reference is made to, or demand is

¹⁴(2014) 1 NWLR {Pt. 1389} page 607 at 610 Ratio1

urged for, the enforcement of fair hearing, it translates to the principle of natural justice, “Nemo judex in causa sua (no person shall be a judge in his own cause)”, and “Audi alteram partem (Hear the both side of the party)”.

5. **Right to private and family life:** As stipulated in section 37 of the CFRN, “the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected”.
6. **Right to freedom of thought, conscience and religion:** Section 38(1) of the CFRN state the “Every individual of a country is entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance”. However, the exception for this right is provided in section 38(4) of the CFRN restricts any person to form or take part in the activity or be a member of secret society.
7. **Right to freedom of expression at the press:** As provided in section 39(1) of the CFRN, “every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference”.
8. **Right to peaceful assembly and association:** By section 40 of the CFRN, every person shall be entitled to assemble freely and associate with other persons, and in particular he may form or belong to any political party, trade union or any other association for the protection of his interests provided that he/she shall not derogate from the powers conferred by the constitution on the Independent National Electoral Commission with respect to political parties to which that commission does not accord recognition.
9. **Right to freedom of movement:** Section 41(1) of the CFRN, states that every citizen of Nigeria is entitled to move freely throughout Nigeria and reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit there from. Aside section 41(2) (a) of the CFRN one who has committed or is suspected to have committed a criminal offence is restricted/prevented from leaving is country.
10. **Right to freedom from discrimination:** Section 42(2) of the CFRN stipulate that, “no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth”. Nothing that by section 42(3), the law imposes restrictions with respect to the appointment of any person to any forces of the Federation or a member of the Nigeria Police Force or to an office in the service of a body corporate established directly by any law in force in Nigeria.
11. **Right to acquire and own immovable property anywhere in Nigeria:** Subject to the provision of Section 43 of the CFRN, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.

6. Literature Review

Human right was defined by Donnelly (2013) who also referred to it as “the right of man”, “as literally the rights that one has because one is human”¹⁵ Blessing Abiri et al¹⁶ defined human rights as merely claims which everyone is entitled to for being human. It is argued that human rights are divinely given as long as one is a human being. Therefore individuals are born with human rights and thus innate claims. Rights are therefore not acquired from the state or non-state actors but are expected to be enjoyed free from intervention by the former or the later.

¹⁵Jack Donnelly, Universal human rights in theory and practice, published 2013,<<https://www.humanrightscareers.com>> accessed 9 December 2022

¹⁶Blessing abiri et al, Human rights violation in Nigeria: crime and safety in Nigeria published 2014 by CLEEN Foundation, uploaded by Barbara Maigari on 03 September 2020 <<https://www.researchgate.net/publication/280624448>> accessed 30 December 2022

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The enjoyment of human rights may be absolute or restricted, thus permitting certain degrees of limitation for some rights. The right to life, right to freedom from torture¹⁷, the right to freedom of slavery¹⁸, and the right not to be punished without law¹⁹, are absolute rights under Nigeria laws. This implies that enjoyment of such rights cannot be vitiated or limited be it in times of war or period of emergency. On the other hand, however, the right of liberty, right to privacy, freedom of expression, freedom of association, freedom of movement may be limited or restricted in the “interest of defense, public safety, public order, public morality or public health”²⁰ or “for the purpose of protecting the rights and freedom of other persons”²¹ In the definition of human rights violation by S S Gopakumar,²² stated that human rights violation occurs when actions by state (or non-state) actors abuse, ignore or deny basic human rights(including civil, political, cultural, social, and economic rights). Violations of human rights can occur when any state or non-state actor breaches any part of the UDHR treaty or other international human rights or humanitarian law. In regards to human rights violations of United Nations Laws, Article 39 of the United Nations Charter designates the UN Security Council (or an appointed authority) as the only tribunal that may determine UN human rights violations. Human rights abuses are monitored by United Nations committees, national institutions and governments and by many independent non-governmental organizations, such as Amnesty International, International Federation of Human Rights, and Human Rights Watch and so on. These organizations collect evidence and documentation of alleged human rights abuses and apply pressure to enforce human rights laws. Abuse of human rights often leads to conflict, and conflict typically results in human rights violations. It is not surprising that human rights abuses are often at the center of wars and that protection of human rights is central to conflict resolution.²³ U. Edefe²⁴ while commenting on police brutality opined that there is no universally acceptable definition of the concept and the perceptions of police brutality vary widely across populations. For example, Reiss (1968)²⁵ describes the way in which the general public labels all sort of police actions as brutality including verbal commands and threats but point out that physical force is a necessary component brutality. On the other hand, many scholars explain the way that police officers often expand their definitions and perception of necessary force to include those actions that might be seen as excessive or unnecessary by the public. Hunt (1985)²⁶, writes of the way the police have different accounts of normal and excessive force. According to Edefe, human right abuse and police brutality across the globe has attracted world condemnation and has drawn attention of the international communities such as United Nations, the common wealth, African union, European union and so many other international organizations. The Nigerian government in a bid to curb these issues of unabated human rights in the country established the Human Rights Commission of Nigeria to champion the plight of the common man and the entire citizen.

¹⁷ Constitution of Nigeria 1999, Sec. 34 (1) a

¹⁸ Constitution of Nigeria 1999, Sec. 34 (1) b

¹⁹ Constitution of Nigeria 1999, Sec. 36 (8)

²⁰ Constitution of Nigeria 1999, Sec. 45 (1) a

²¹ Constitution of Nigeria 1999, Sec. 45 (1) q

²²The International Research Journal of Commerce Arts and Science Vol.3, 2012(PP. 882-) (ISSN 2319-9202)

²³ Helena Kennedy. “conflict resolution and human rights: contradictory or complementary?

²⁴ U. Edefe, ‘police brutality and human rights abuse: A study of the end sars protest in Nigeria’, international journal of management, social sciences, peace and conflict studies, (4) (2) (2021), 179-193, ISSN 2682-6127

²⁵ A. J. Reiss, police brutality? Published by Columbia university press 1972<<https://doi.org/10.7312/dres92534-051>> accessed 27January 2023

²⁶ J. Hunt, police accounts of normal force, published 15September,2016 <<https://doi.org/10.1177/0098303985013004001>> accessed 27January 2023

Human rights violations by the police have been reported over the years, most importantly since 2000 and renewed in 2001 and early 2002, especially extra-judicial executions, excessive use of force, torture and other cruel inhuman and degrading treatment, and on occasions, death in custody. Cases of torture and cruel, inhuman and degrading treatment are often linked to attempts to extract confessions of armed robbery or murder, which secure that the suspect would be imprisoned, even the police are eventually unable to produce sufficient evidence to prosecute the suspect. In a study carried out by the Nigerian Human Rights Commission and the Nigerian NGO, Centre of Law Enforcement Education (CLEEN) in 2015, over 77% of inmates in Nigerian prisons claim to have been beaten by police, threatened with weapons and tortured in police cells. An Amnesty international delegation visited several prisons throughout Nigeria in March 2012. The delegation collected over thirty allegations of torture and cruel, inhuman and degrading treatment received in police detention centres made by inmates who claimed to have reported their allegations to either a magistrate or to the prison authorities. It appears that in none of these cases the allegations were investigated. He also stated that on occasions, when the police cannot extract confessions from the alleged armed robbers or murderers, they find a way to ensure that they are imprisoned; even when the evidence for a crime is absent. According to the Nigerian human rights organization Civil Liberties Organization (CLO), the police systematically sends suspects of major crimes, such as murder or armed robbery, to magistrate courts instead of following the statutory procedures of sending them the prosecutor or Ministry of justice for him or her to decide whether to take the case to the High court. E. Webster²⁷ spoke about degradation and stated that human rights law provides an example of the conceptual interaction between degradation and human dignity, embodied in the interpretation and application of the prohibition of degrading treatment, one form of harm within the prohibition of torture and inhuman or degrading treatment or punishment. Degradation encapsulates a violation of human dignity, as is indeed visible in the European Court of Human Rights (ECHR) context. It is commonly objected that degradation means different things to different people, that whether degradation has taken place depends entirely on individual perceptions of the experience, which will differ according to each individual's particular sensibilities. The ECHR uses the term 'degrading treatment' rather than degradation. For the purpose of exploring the concept of degradation from the human rights law perspective, however, 'degrading' can be seen as its equivalent. Bunton et al (2003) reported that human rights violation in Nigeria are high and respect for fundamental human rights of persons by the police was very poor, in their work they asserted that "operation fire for fire "(an anti – robbery police fighters) were the most frequent human right violators, as they committed extra judicial killings in apprehension and detention of crime suspects. The report claims that former inspector –General of police Tafa Balogun told the Country Reports on human rights practices "that from March 2002 until November, police killed more than 1,200 criminals and arrested more than 2,800" and that the force operated with impunity in the apprehension, illegal detention and sometimes execution of criminal suspects. Sizani (2001) asserted that respect for human rights must be the foundation for building lasting peace and justice. He further noted that fundamental human are at risk in Africa and court must be especially vigilant protection. Myers (1996) stated that although democracy is not about utopia it is about the hope of women and men to live freely as individuals in a society that holds the promise of liberty and justice for all, and about commonly held values of equality and freedom. Because of frequent violations of human rights by Nigerian police, the confidence of

²⁷ P. Kaufmann et al, Humiliation, Degradation, Dehumanization, library of ethics and applied philosophy 24, DOI 10.1007/978-90-481-9661-6_6, published by springer science and business media B.V 2011

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the public in police has been gravely battered. Ogbunwezeh (2003) stress that Nigerians are not only living in the shadows of torture, they are at present enslaved in a valley of death, where the police are killing masters. In his article Human Right and the maintenance of international peace and security in Africa; Professor Amadu (2001) asserted that respect for human rights, their promotion and protection have become conditional in international political transaction especially between the developed countries of the North and the third world. Violations of fundamental human rights of people are one and the same in the direction of injustice. This is why Esiemokhai (1998) describe injustice as unholy practice of knowingly hurting others through the blatant denial of other people's right and privileges. Agwu (2003) asserts that the right to human dignity is in a serious imperilment and can only be projected by strengthening human right groups and social forces that will ensure the implementation and extension of the right to dignity beyond the statute books.

7. Distinction Between Fundamental Rights and Human Rights

The elemental rights of the citizens of a country, which are mentioned in the constitution and enforceable under the law is known as fundamental rights. On the other extreme, human rights are the rights that a human being needs to survive with respect and freedom. In this part of the work, we shall dispassionately identify and outline the various differences that exists between Fundamental Rights and Human Rights.

1. Fundamental rights include only those rights which are basic to a normal life. On the contrary, human rights include those rights which are basic to a real life and are absolute, i.e. it cannot be taken away.
2. While fundamental rights are country specific, i.e. these rights may vary from country to country, human rights have global acceptance, i.e. all human beings enjoy these rights.
3. The fundamental rights rely on the basic principle of the right of freedom. As against, the human rights are based on the right of life with dignity.
4. Fundamental rights are guaranteed under the constitution of the country, whereas the human rights are recognized at international level.
5. Both fundamental and human rights are enforceable in nature, but the former is enforced by the law court, and the latter is enforced by the United Nation Organization.
6. Fundamental rights are derived from the views of a democratic society. Conversely, human rights emerge from the ideas of civilized nations.

8. Concept of Human Right Violation

A human rights violation is the disallowance of the freedom of thought and movement that all humans have a legal right to. While individuals can violate these rights, the leadership or government of countries most often belittles marginalized persons. This, in turn, places these people in the cycle of poverty and oppression. Individuals who approach life with the attitude that not all human lives are of equal value then perpetuate this cycle. In Nigeria, human right violations are recorded daily and virtually in all human endeavors. Unlawful violation can be of civil, political and moral rights, and can be through intimidation, undemocratic imposition of individual for political offices, the violation of civil, political and moral rights may include;

1. **Abuse of Right to Life:** This human right violation is mostly found in torture and extra-judicial killings by government security operatives. This victim rights are being violated and sometimes they do not get justice.
2. **Abuse of Right to Freedom of Movement:** This worrisome physical human right abuse is even preponderant all over Nigeria today. Infringement of a person's freedom of movement is a way of violating his/her fundamental human rights. An individual has the right to move freely at his will as stipulated in Section 42 of the CFRN.

3. **Abuse of Right to Freedom of Assembly:** The Nigerian government is known to oppose anti – government protest and demonstration. For instance, on 3rd January 2009, police in Okeagbe, Ondo State allegedly killed and wounded some youths who demonstrated against local police extortion. It is regrettable to note that the Nigerian government has continually failed to address this kind of human right abuses and punish the offenders.
4. **Abuse of Right to dignity of human person:** Article 1 of the universal declaration of human rights provide that “all human beings are born equal in dignity and rights”. Section 34 of the 1999 constitution also prohibits the degrading treatment or inhuman treatment of another irrespective of their tribe, sex, colour, religion or nationality. However, the right to dignity of the human person is violated in a number of ways. Some of the violations occur in the social, cultural, religious, economic and legal spheres. In Nigeria today, violation of dignity is mostly suffered by individual who are subject to torture, unlawful arrest, rape amidst others.
5. **Abuse of Right to Personal Liberty:** This right is one of the most central human rights as it is connected to the rudiments of an individual’s physical freedom. These rights give the freedom to live as you choose without too many restrictions or constraints from the government or its agencies. Anyone who is been unlawfully arrested and detain by the government or any of its agency’s rights has been violated. Section 35(2) of the 1999 constitution states that “any person who is arrested or detained shall have the right to remain silent or avoid answering any question until after consultation with a legal practitioner or any other person of his own choice.” This right continues even beyond the period of arrest as the accused can choose to remain silent throughout the period of the trial. Inherent in this right to remain silent is the right to brief a counsel of the accused person’s choice. The police however resort to torture to obtain information and extract confessional statements from accused persons in violation of their right to remain silent.
6. **Abuse of Right to Fair hearing:** The right to fair hearing is guarantee under the Section 36 of the 1999 constitution. The right of fair hearing was denied in the case of *Chukwu v. State* (2007) 13 NWLR {Pt. 1052} page 430 at 439 ratio 9, where the Court of Appeal state thus; “*Denial of fair hearing tantamounts to a denial of justice and denial of justice is bad and outrageous because the denial of justice invariably inflicts grief, suffering, pain and untold hardship on those who place their hope and aspiration on an impartial administration of justice*”. The basic nature of right to fair hearing and its inextricability from the personality of every human being must be respected in all civil societies.
7. **Abuse of Right to freedom from Discrimination:** Discrimination have many different causes and may affect people of different race, ethnic, national and people belonging to different castes. A person with disability is prone to face discrimination in the society today. People have the right to be treated equally, regardless of their sexual orientation, age or other status, yet they suffer cruelty from those in position or privilege or power.²⁸
8. **Abuse of Right to Private & Family Life:** The unlawful searches of homes, offices, phones without a warrant and seizures of a suspect’s property by the police in order to obtain evidence is a violation to their private life. This right is connected to dignity as it derives from the right to be left alone without interference.

9. Historical Evolution of the Nigerian Police Force

²⁸ For different perspectives of discrimination, see generally, Chike B. Okosa & CV Odoeme, ‘Review of the Violence Against Persons (Prohibition) Act, 2015’ (2022) 4 *NILDS Journal of Law Review* [121-136]; Chike B. Okosa, ‘Unconstitutionality of Anambra State’s Sickle Cell Eradication Law: When Good Intentions are not Enough’ (2022) 6(2) *African Journal of Law and Human Rights* [38-44]; Chike B. Okosa, ‘Unconstitutionality of Compulsory Dress Codes in Nigeria’s Higher Institutions’, (2022) 3 (2) *Law and Social Justice Review* [9-22]

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Prior to the onset of colonization by the British in 1861, traditional African policing methods were rooted in the community and closely interlinked with social and religious structures. The enforcement of traditional customs and beliefs was carried out by community structures such as age grades (formal organizations whose membership is based on pre-determined age range), secret societies or vocational guilds (for example, of hunters, farmers or fishermen). Through these diffuse systems of crime control, law and order was maintained, largely without the use of violence.²⁹ As the British sought colonial expansion across the territories known today as Nigeria, they established local, decentralized police forces. The first such force was created to police the Lagos colony in 1861. Subsequent constabularies were formed in what became the northern and southern protectorates. The composition of these police forces varied depending on location. For example, in the Lagos colony a deliberate strategy utilized officers from the linguistically and culturally distinct Hausa ethnic group from the north of the country. This practice appeared to alienate the police from the local community they were employed to control. By contrast in the northern Nigerian protectorate a system of indirect rule depended on the Hausa chiefs and emirs, and thus the emir's existing police system was strengthened.³⁰ The primary purpose of the police during this time was to advance the economic and political agenda of the colonizers. In 1930, the northern and southern police forces merged into the first national police force the Nigerian Police Force, headed by an Inspector General of Police. The following years saw further changes in the organization of the force, such as the introduction of regional commands to reflect the federalism of Nigeria. Responsibility for maintaining law and order was now shared by Federal and Regional governments. The same basic structure was retained after Nigeria gained independence from the British in 1960. By this time, public perceptions of the police were firmly grounded in their experience of the use of the police force to extend colonial domination, for example, in the suppression of demonstrations from the late 1920s, workers strikes in the 1940s and communal violence from the 1950s.³¹ Post-independence, successive military regimes used the police to enforce authoritarian rule, further entrenching a culture of violence and inhibiting the development of democratic institutions, founded on the rule of law.³²

For decades the police in Nigeria have betrayed their responsibility to protect Nigerian citizens and have instead preyed on them for economic gain. Indeed, the relationship between citizens and the police is very often characterized by brutality, confrontation and exploitation. Research conducted in 2000 by the Centre for Law Enforcement and Education (CLEEN), a Lagos based NGO, found that the use of violence by the police against citizens in Nigeria was widespread. Of 637 respondents to a survey carried out in fourteen states, 14.8 percent said

²⁹ Akin Ibidapo-Obe, "Police Brutality: Dimensions and Control in Nigeria," in Civil Liberties Organisation, Law Enforcement and Human Rights in Nigeria (Lagos, 1994), and Human Rights Practices in the Nigerian Police Force, Constitutional Rights Project, (Lagos, 1993). For a detailed history of the police in Nigeria see, T. Tamuno, *The Police in Modern Nigeria*, (University Press Ibadan, 1970).

³⁰ Human Rights Practices in the Nigerian Police Force, Constitutional Rights Project, (Lagos, 1993) and T. Tamuno, *The Police in Modern Nigeria*, (University Press Ibadan, 1970).

³¹ T. Tamuno, *The Police in Modern Nigeria*, (University Press Ibadan, 1970), Etannibi Alemika and Innocent Chukwuma, "Analysis of Police and Policing in Nigeria: A desk study on the role of policing as a barrier to change or driver of change in Nigeria," prepared for the Department for International Development, 2004.

³² For details of human rights violations perpetrated by the police, military and other security forces during the periods of military rule in Nigeria, see Human Rights Watch, "The Ogoni Crisis: A Case Study of Military Repression in Southeastern Nigeria," July 1995, and "Permanent Transition: Current Violations of Human Rights in Nigeria," September 1996, and "Situation of Human Rights in Nigeria, Report Submitted by the Special Rapporteur of the Commission for Human Rights, Mr. Soli Jehangir Sobabjee pursuant to commission resolution 1997/53," E/CN.4/1998/62, and "The Human Rights Violations Investigation Commission Report," by Hon. Justice Chukwudifu A. Oputa, found at www.oputapanelreport.org

they had been beaten by the police, 22.5 percent said police had threatened to shoot them in the past, and 73.2 percent said they had witnessed the police beating another person. A sample of 197 prison inmates, revealed higher figures of police abuse; 81 percent of respondents said they had been beaten or slapped and 39 percent burnt with hot objects.³³ Patterns of police killings and excessive use of force have been documented by other local and international human rights organizations.³⁴ Local organizations and the media have reported circumstances in which police obliged motorists stop at checkpoints and then shot those who refuse to pay bribes of as little as twenty naira.³⁵ For the average Nigerian, encounters with the police are negative and public confidence in the force is extremely low.³⁶ Since 1999 the government has sought to address this by progressively increasing the federal allocation to the force. In 2003 this was 8.3 billion naira (US\$ 63 million) for capital expenditure. Despite these increases, a Nigerian police reform expert explained to Human Rights Watch that poor budgetary planning and processes mean funds are misspent or wrongly allocated. The centrally planned budgeting process allows little input from state and divisional commands and so often their most basic resource needs are not met. At a practical level, this has affected the physical infrastructure of the force. When Human Rights Watch researchers visited police stations in Lagos, Kano and other parts of the country they observed poorly maintained buildings, with an intermittent power supply and lacking basic office equipment such as telephones, computers or filing cabinets. Like many other state employees in Nigeria, police officers are poorly trained, ill-equipped and poorly remunerated. Rising poverty, high unemployment and the breakdown of traditional social structures have led to an upsurge of violent crime in recent years which the Nigerian police have been ill-equipped to address.³⁷ Official crime statistics, compiled by the police, show that reported incidents of murder across the country increased from 1,629 in 1994 to 2,136 in 2003. Incidents of armed robbery increased from 2,044 in 1994 to 3,497 in 2003.³⁸ The police have often been unable to meet the safety and security needs of local communities and are often overpowered by well-armed and often violent criminals. According to Nigerian police reform experts, the police force has insufficient well-trained manpower to adequately address policing needs. Since 1999 numerous special police units have been created to address the problem of rising crime. These include the Rapid Response Squad, Operation Sweep, and the Special Anti-Robbery Squad

³³ Etannibi Alemika and Innocent Chukwuma, *Police Community Violence in Nigeria*, Centre for Law Enforcement Education, Lagos, February 2000

³⁴ "Impunity in Nigeria, Reports of extra-judicial, arbitrary and summary executions in Nigeria, December 2001-December 2003," LEDAP, May 2004, and "Nigeria: Security forces constantly fail to protect and respect human rights," Amnesty International, 2003.

³⁵ For example, "Shot to death," in *The Educator*, official newsletter of the Civil Liberties Organization, July-September 2004, and "Nigerian Police slay driver, triggering riot in south-west," Associated Press, January 14, 2005, "Police Kill 9, Arrest 2," *This Day*, October 21, 2004, "Nigerian police kill 3 over 15-cent bribe," PANA, August 18, 2004.

³⁶ See also Etannibi Alemika and Innocent Chukwuma, *Police Community Violence in Nigeria*, Centre for Law Enforcement Education, Lagos, February 2000, and "Abusers not protectors -- how Nigerians view their police force," IRIN, May 24, 2005.

³⁷ Kole Settima and Innocent Chukwuma, "Crime and Human Rights in Nigeria," paper presented at The International Council on Human Rights Policy, Crime, Public Order and Human Rights Project Review Seminar, Carnegie Council on Ethics and International Affairs, New York, October 21-22, 2002.

³⁸ The police crime statistics can be found at www.cleen.org. The absence of reliable and independent crime statistics has made it difficult to quantify or analyze crime trends in Nigeria. Official crime statistics, which have only recently been recorded, are unreliable because they present only those crimes officially reported to the authorities and records may be manipulated to satisfy political interests.

Chi. Johnny Okongwu, Simon E. Imoisi, Emesomi Igiyetseme, & Favour S. Ebo / Perspectives of Human Rights, Fundamental Rights and the Historical Evolution of the Nigerian Police Force (SARS), some of which are the perpetrators of torture as documented by Human Rights Watch in the report.

10. Structure of the Nigerian Police Force

The Nigeria Police Force is the principal law enforcement agency in Nigeria. It has staff deployment across the 36 states of the country and the Federal Capital Territory (FCT). The command and control of the Nigeria Police Force is under the Inspector General of Police. For administrative ease, the Force is divided into Eight (8) administrative departments thus:

1. Finance and Administration
2. Operations
3. Logistics and Supply
4. Force Criminal Investigation Department
5. Training & Development
6. Research and Planning
7. Information and Communication Technology
8. Force Intelligence Bureau

Each of these units are headed by a Deputy Inspector General of Police. The Force is further divided into 17 operational Zonal Commands (usually comprising between two and four State Commands) and 37 State Commands including the FCT (usually comprising Area Commands which further comprises Divisions). While the zone is headed by an Assistant Inspector General of Police, the State Command is headed by a Commissioner of Police, the Area Command by an Assistant Commissioner of Police and the Division by any officer in the Superintendent cadre. Nigeria Police was first established in 1820. In 1879, a 1200 member armed paramilitary Hausa Constabulary was formed. In 1896, the Lagos Police was established. A similar Force, the Niger Coast Constabulary was formed in Calabar in 1894 under the newly proclaimed Niger Coast Protectorate. In the north, the Royal Niger Company set up the Royal Niger Company Constabulary in 1888. When the protectorate of Northern and Southern Nigeria were proclaimed in the early 1900s, part of the Royal Niger Company Constabulary became the Northern Nigeria Police and part of the Niger Coast Constabulary became the Southern Nigeria Police. During the colonial period, most police were associated with local governments (native authorities). In the 1960s, under the First Republic, these forces were first regionalized and then nationalized. The British merged Lagos colony and the southern and northern protectorates in 1913 and named the new colony Nigeria. The northern and southern regional police forces were later merged, in 1930, to form the colony's first national police – the Nigeria Police Force (NPF).

11. Duties of the Nigerian Police Force

The duties of the Nigerian Police Force are boldly encapsulated under the provisions of the Police Act which is the primary legislation and law governing the activities of the Nigerian Police Force. Section 4 of the Police Acts and Regulations outlines these duties as follows:

1. The prevention and detection of crime.
2. The apprehension of offenders.
3. The preservation of law and order.
4. The protection of life and property.
5. The due enforcement of laws and regulations with which they are directly charged.
6. The performance of such military duties within and outside Nigeria as may be required of them by or under the authority of the police act or any other act.

12. Perspectives of Human Rights Violations by the Nigerian Police Force

This part of the study undertakes an appraisal of the NPF in terms of their violation of Human rights under some regimes and administration. Analysis of the violations of rights by men of the NPF will take cognizance of the military era and the civilian dispensation. However, what will be of concern is the level of response of the authorities in meting out punishment when violations acts are committed by Officers of the NPF. It will be very difficult at this point to categorically state the levels or rates of violations by each regime/administration. This is due to the singular fact that the violations seem to continue from General Babangida's regime to Chief Olusegun Obasanjo era in both propensity and character. Cases of gross human rights violations were at its peak during General Babangida's final months in office. Extra-judicial killings, torture and other degrading inhuman treatment was the order of the day, without the police high command punishing offenders in most cases. This may be probably due to the military junta in power. Human rights abuses climaxed with pro-democracy protests as a result of the annulment of June 12, 1993 Presidential Election in which Chief MKO Abiola won fairly. In a bid to quell the protests especially in the western part of the country, the General Babangida administration gave the Police and other security outfits the go ahead to use any means necessary in suppressing the protests. The result was which led to loss of lives and harsh inhuman treatments. In spite of the fact that the Interim National Government (ING) was led by a Civilian, Chief Ernest Shonekan, and the Police continued to display a culture of impunity towards people they are supposed to protect, with little or no punishment meted out to culprits by the Police High Command. During General Abacha's regime the plight of human rights abuses continued unabated and worst still at an alarming rate especially with rallies by pro-democracy groups being suppressed violently in a commando-like manner by men of the police force, thus leading to loss of lives, and torture e.t.c. Checkpoint extra-judicial killings increased because of the increase in the number of illegal roadblocks which was due to the harsh economic realities and poor remuneration of the Police Force. A lot of illegal arrests especially of journalists and other pro-democracy activities were the order of the day by men of the Police Force who received orders from Abacha himself to suppress those who opposed his self-succession bid. The sudden death of General Abacha brought some respite to Nigerians due to the bad human rights record of the regime. Thus, ushering General Abdulsalami Abubakar into power. However, Violations by the Police still persisted, in spite of the regimes respect for human rights and the attempt to return the country to the path of democratic rule. Killings on Nigeria roads especially at checkpoints continued with records of people being injured at demonstrations continuing. In like manner, the Police authorities never cared to punish offenders of such violations. Worthy of note is the fact that heads of the regimes i.e. from General Ibrahim Babangida to General Abdulsalami all turned a blind eye away from violations of the rights of citizens by the Police especially when they involve the loss of lives etc. With the assumption of Chief Olusegun Obasanjo to power in May 1999, many had expected that the sanctity of life and human dignity will be respected as necessary ingredient in a democracy. However, this was not the case as violations continued to be committed by Officers of the Nigeria Police Force. Nigerians continued to lose their lives to trigger happy Policemen. People also suffered from torture and other brutalities that debase a human being. There is however, a little departure in terms of response from the government of the day. Another feature of Police violations during the Obasanjo era was the killing of people during civil disturbances as was the case in Jos in September 2001. In a nutshell, the efforts of Human Rights Organizations e.g. the Civil Liberties Organization e.t.c have come to put pressure on those in authority to take a critical look at the need to sanitize the NPF from its current state of human rights violations in all ramifications. In fact, such human rights organizations and activities had under all the regimes at one point or the other

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instituted cases in the courts of law on behalf of victims of such violations. There are several documented cases which this study would provide to explain the widespread acts of brutality and human rights abuses and violation in Nigeria perpetrated by the police.

- P.A(m), 34 years old, from Imo state, was arrested by the police in July 2018 and charged with armed robbery. He was taken to the Owerri police station. He told an Amnesty International delegation that the police officers punched him, beat him on his back and ultimately shot him in his leg to make him confess. He finally pleaded guilty because of the torture. He did not receive any medical treatment, only medicines provided by his mother. P.A spent two weeks in detention before he was sent to prison in August 2018. He has been waiting trial in Owerri prison. He still has visible scars on his back and leg.

An Amnesty International delegation visited several prisons throughout Nigeria in March 2012. The delegation collected over thirty allegations of torture and cruel, inhuman and degrading treatments received in police detention centres made by inmates who claimed to have reported their allegations to either a magistrate or to the prison authorities. It appears that in none of these cases the allegations were investigated.

- Ikechi Nwadinonbi (m) was a student of Abia State University. While he was travelling from Enugu to his university, the public vehicle on which he was travelling was stopped by a team of mobile policemen at a roadblock at Ozala junction. According to what eyewitnesses told the Amnesty International, the police men ordered all passengers to get out of the vehicle and before the victim could so, the police shot him. He died as a result of the injury sustained. Apparently, the policemen shot him for his delay in getting off the bus. The Legal Defense and Assistance Project (LEDAP), has sued the Inspector General of Police for damages, on behalf of the father of Ikechi. The incident took place in 2016. The case stayed in court for a long time.
- On April 2, 2019, CNN reported that there was a fatal shooting by Nigerian police that led to the death of one Mr. Kolade Johnson who was shot by the Nigeria's Anti-cultism police unit during a raid in Lagos on that fateful Sunday.
- Another case of violation of human rights by the Nigerian police was on June 20, 2021 when a police inspector stormed a residential estate in Enugu State and indiscriminately opened fire on the people and the incident led to the passing of five civilians while four persons were seriously injured. The cause of the attack is yet to be unknown. No matter what motivated the inspector to kill and injure unarmed civilians it is a gross violation of their right to life.
- According to one investigation carried out by BBC in October 27, 2020, one Mr. Okoye Agu narrated that in 2014 he was beaten and paraded in public as a criminal, his teeth were pulled out, his car and handset forcedly taken out and sold out without his permission by a Nigerian police unit known as Special Anti-Robbery Squad.
- In November 2021, a nine-member panel established by Lagos State Government to investigate the alleged killings of peaceful #EndSARS protesting youths in October 20, 2020 found out that there were 48 casualties of which nine confirmed dead³⁹. Though the Nigerian government through its Minister of Information and Culture, Lia Mohammed faulted the panel's report saying it was full of errors.

In spite of the several human rights panels set up by both federal and state government cases of abuse and violation of human rights by the police keeps increasing on a daily basis. The change of SARS nomenclature to F-SARS and subsequently to SWAT has yielded no tangible result in curbing human rights violation in Nigeria by the police.

³⁹ Punch newspaper, 22 November 2021

13 Conclusion

From the foregoing analysis, it is seen evidently without doubt that concerns for human rights is universal, which is why the concept of human rights has gained remarkable appeal and significance in our world of pluralism, diversity, and interdependence. Regrettably, the enjoyment of human rights in Nigeria as in many nations across the globe has been hamstrung by multifarious and multidimensional impediments. This is why atrocious violations of human rights still exist in Nigeria today. Many of the hindrances to human rights protection in Nigeria have been sustained, and remain unabated, partly because of a lack of genuine and practical commitment on the part of the government to ensure meaningful enjoyment of these rights. Successive Nigerian governments, like many governments, have not been able to match the impressive record of codification and prescription of the rights with equally rigorous application and enforcement. Rather, they have been contented with mere codification presumably because as noted by Haleem generally, governments find it difficult to vote against what is deemed to be good and what makes prudent political sense in light of the fact that human rights issues now form part of the equation of international relations.

Since human rights are most effectively protected at the national level, it is therefore imperative for each national government to take all legislative, judicial, and administrative measures in order to prevent, prohibit, and eradicate all human rights violations. It should not merely be fashionable to accept and adopt international human rights instruments. Rather, practical commitment ought and should be demonstrated at all times towards the realization of their noble objectives.

