
The Nigerian Police and Legitimacy Crises: A focus on Human Rights Abuses and Protection in Contemporary Nigeria

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Abstract

More often than not, police ineptitude has run afoul of the law, due to either excessive use of police power for selfish interest or display of lack of knowledge of the law. This gives rise to the resistance to police orders and activities by the citizens leading to legitimacy crisis. Legitimacy is the acceptability and adherence to the rule by the public towards the police work which depends on several factors including the effectiveness and efficiency in the prevention and control of crime, rule of law, recognition and protection of the dignity of rights of citizens, accountability to the citizens, and enshrinement of democratic ethos. Thus, this study examines the nature and extent to which Nigerian police in this contemporary age abuse the fundamental rights of Nigerian citizens and in reciprocity negate police work and legitimacy crises. Hence, the study used the secondary data as its methodological components to intra-palate and extrapolates the inherent elements of police and legitimacy questions as regard human right abuses and protection in Nigeria. The study revealed that the Nigerian police are perceived as enemy in cassock therefore confronted with legitimate crises which as result of fragrant abuses of human rights in the course of discharging their duties. The study is of the view that proper enshrinement of the respect and protection of human rights and accountability to the citizens if satisfied together with the discharge and protection of the people's lives and properties, the public will accord the police its legitimacy principle and a robust crime protection and management.

Keywords: *Legitimacy crises, human rights abuse and protection, the Nigeria Police.*

1.0 Introduction

The main role of the police is to protect and safeguard the lives and properties of the citizens within the territorial boundaries of a country. This recognition is predicated on the need to secure, protect and safeguard lives and properties of the citizens that should not be arbitrary and its exercise must be circumscribed by set of rules with respect to its limits that is in tandem with public perception, legitimacy principles and democratic tenet. In doing this, it is deemed useful to involve human rights applicable operational principles, particularly under democratic governance. This operational principle entails that the police must recognize that ultimate authority on key security matters must rest with elected representatives and that security organization operates in accordance with international human rights instruments and constitutional laws. In addition, the security of lives and properties must be managed using disciplinary approach and that civil society must have the means and capacity to monitor security forces and provide constructive input into the political debate on security policy

(Nevbouser, 2009). By the same token, Berk (2004:28) affirms that the role of the police within a democratic environment must be hinged upon a mutually reinforced attributes of legitimization and popular empowerment which would promote the actualization of popular interest and aspiration. However, the role of the Nigeria police within this context has unfortunately been predicated upon the violation of law and order, crudity, corruption and fragrant disregard to the rule. Indeed, the actions of the police in different parts of the nation has been characterized by brutality, ineptitude, corruption, and all sorts of social vices that contradicts all known principles of a democratic system of government. The violation of human rights indeed characterized the operations of the form of extra judicial killings, summary execution of suspects, torture to extract confession and information, illegal detention, kick-back, disobedience of court orders intimidation and all manners of abuse. The integrity of the police has been eroded. The Nigerian people have no confidence on the police especially in regards to protecting their lives and properties. Meanwhile, the police are the most visible government agent through whom citizens often access the character of a government and political system. This is so because the police are the guardian of the status-quo, the first point of call when a crime is committed or about to be committed, the gate-way to the criminal justice system, that the decision of a police man on the street or in the course of discharging his duty either closes or lubricates the criminal justice system. The actions and behaviours of the Nigerian police reflect the political character of society as well as what those in power are willing to tolerate and condone. The constant violation of human rights and maintenance of repressive attribute has a negative impact on the survival of Nigeria nascent democracy.

In the development of society and its democracy, different interests arise in the process of attaining or achieving political goals that challenges the status quo. This often results in the re-organization of the structure and channels of achieving the same goals, needs and wants. The police force is one of the institutions created to mediate in the process of social change, especially in situations of the gross violations of the rights of citizens and the question of the legitimacy of state apparatuses. Thus, it's quite true of the Nigeria society, that since Nigeria gained political independence from the British in 1960, the roles of the police in the maintenance of law and order have been increasingly overreaching in the process of law enforcement, the rights of citizen have been duly violated through violent brutalities and repression to the extent that the Nigeria's internal security mechanism is a washed on how best to solve these hydra-headed monsters. It is on this background that this study is set to investigate and proffer tangible remedy that will ameliorate the police internal security and human right conundrum.

1.1 Aim and Objectives of the Study

The main aim of the study is to examine the legitimacy crises and human rights abuse by Nigeria Police, while the Specific Objectives of the study are:

- (i) To examine the role of the police force in maintenance of law and order in Nigeria contemporary societies.
- (ii) To determine the extent of the police and human rights abuse in Nigeria contemporary societies.
- (iii) To proffer solutions to the fragrant police and human rights conundrum.

1.2 Research Questions

This study is guided by the following research questions:

- (i) To what extent are the roles of the police in maintenance of law and order in Nigeria contemporary societies?

- (ii) To what extent have the police abused human rights in the course of discharging their legitimate duties?
- (iii) What are the probable solutions to the fragrant abuses of human rights by Nigeria police?

1.3 Methodological Review

The study adopted historical analyses to examine the impact of the incessant or fragrant human rights abuses and how it negates police performance and legitimacy questions in contemporary Nigeria society. Thus, this study used the secondary sources of data as its methodological components.

2.0 Theoretical Framework

The theoretical framework adopted for this study is “Social Conflict theory” by Karl Marx. The theory seeks to explicate the contradiction inherent in social structure of the capitalist society. These articulate views of the existing popularity between and among social groups/classes. Though, there are certain areas of common interest among the desperate existing social classes in the society such as the accessibility to political, economic and social resources that are fundamental and undermine existing relations between and among groups/classes.

In other words, police legitimacy and human rights abuse is based on the argument that the police were not created to serve the society or the people, but to serve some parts of the society or people at the expense of the others. The main function of the police have been to protect the property and well-being of those who benefit most on economic, social and political hubs in the society based on the extraction of private profit. The police were created primarily in response to rioting and disorder directed against oppressive working and living conditions and prevents and protects the exploitative mechanism of the European traders and capitalists which led to the creation of police and inherited by Nigeria leaders after independence (*Alemika, 2009*).

The views of the society from the above form the theoretical foundation of the analyses of this contribution. Therefore, the organization, structure, role, function and performance of the police institution in our democratic environment are better appreciated against the backdrop of the conflicting nature of the social relationships of society and its law enforcement institutions. In other words, the police force was created to enforce laws and maintain order in a conflict-laden social order characterized by unequal, inequitable economic and political power relations. Even though the values and sentiments of the general public may find their way into crime control laws, their enforcement policies and actions are imbued with and organized largely to promote oppression against the poor and powerless who experience more frequent and greater violence from the police and security operations.

2.1 Empirical Review

2.2 Human Rights Abuse: Conceptual Framework

According to Naankiel (2013), human rights are phenomenon that everyone in a society irrespective of their levels of development and status are expected to achieve so as to guarantee the rights of all. That is why; he re-emphasized UN Universal Declaration on Human Rights (UNDHR) of 1948. This declaration, thus, enumerates and highlights all rights which are to be enjoyed and asserted by all human beings irrespective of their class, race, colour, ethnic groups and religious belief. Specifically, these rights include: the right to freedom from discrimination, the right to education and information, the right to family life,

the right to human dignity, the right to privacy, and the right to good standard of living, adequate health care and well-being of a person and his family including food, clothing, housing, medical care and necessary social services.

A violation or denial of Human Rights enumerated above is an abuse of the provision of the international and domestic laws of states. According to Eze (2004:5), Human rights represents demands or claims which individuals or groups make on society. Some of which are protected by the law of the state, while others are as a result of the dignity of man as man in socio-political environment and that constitute a body of unique virtue which are highly chosen and valued, and are fundamental to the existence of man and given to us by God. Apart from the concept of democracy perhaps, there is no other concept in Nigeria which is so fragrantly used and abused as well as paraded under all sorts of interest and guises as human rights. In spite of the abundant literature which has inspired the term “human rights”, it does not lend itself to a precise definition. In fact, there has not been a generally accepted definition of human rights among the jurists. It is a concept that can best be described rather than defined (*Ajomo, 1985*). Therefore, it should be noted that the world today sees human rights from the perception widely shared by J. J. Rousseau that “man though born free is everywhere in chains”. Today’s increasing awareness coupled with the preconception or how best to safeguard them from rampant violation, have made the term “human rights a song on almost everyone lips, yet the contradiction, inconsistency, confusion, misinterpretation and absurdity that pervade notions of human rights is quite telling (*Vance, 2001*).

Under the Nigerian Constitution of 1999 and 2011 as amended, provision for fundamental human rights was made in Chapter IV, Section 33 to 44 to include: right to life, right to dignity of human person, right to personal liberty, right to fair hearing, right to private and family life, right to freedom of thought, conscience and religion, right to freedom of expression and the press, right to peaceful assembly and association, right to freedom of movement, right from discrimination, right to acquire and own immovable and non-movable property anywhere in Nigeria, compulsory acquisition of property, restriction and derogation from fundamental right, and special jurisdiction of High Court and Legal aid. According to *Aborisade (2017)*, a lot of concerns have been expressed by individuals, scholars, corporate organizations and human rights groups on the effective implementation of these rights enumerated above. For instance, the American Human Rights reports of 2014 and 2016 have been consistence in its reports on human rights abuses in Nigeria. He argued that the existence of these rights is not in doubt but the respect, strict compliance and adherence to the provision of these rights by the authorities concern, e.g. the police, has remained a subject of controversies. In fact, to the ordinary man on the street, the police are not living up to expectation of providing security and protecting the “rule of law” (*Aborisade, 2017:77*).

Ross (2001) is of the view that human rights abuse is simply the violation or denial of that unique virtue that defines and promotes the dignity of man within a given socio-political environment. This violation or denial could be in form of extra-judicial killing, brutality, torture, genocide, discrimination, arbitrary arrest, or denial of access to judicial remedy. *Nwankwo (2003)*, on his part posits that the problem of human right abuses and policing in Nigeria can be traced to the historical antecedent of the formative years of the Nigerian police. The history of the Nigerian police force indicates that various forces were established, organized and maintained by colonial and post-colonial government largely for protection of the interest of the political and economic power-holders. As a result, policing in the country have been characterized by a culture of impunity, incivility, corruption, insecurity, brutality, lack of transparency and accountability.

In Tamuno's (2000) view, there are three important historical issues that are relevant to the understanding of development of the police force. First, colonial conquest of Nigeria nationalities took place in a piece meal form over a long period. As nationality was conquered; British colonial presence is secured by establishing a military arm police force for the territory. Second, violence and fraud were employed as a result of the exploitative mechanism of the British merchants in the conquest of nationalities. For this purpose police force under various names were established and employed as instrument of violence and oppression against the indigenous population, political and economic competitors. Third, given the character of colonial rule, police force was the instrument used to maintain their dominance, coercion, and annexation, and as a result of these features, colonial police and the post-colonial police behaved as an occupation army. Indeed, the integrity of the police has been eroded with widespread corruption and brutality. Such brutality as Ibidapo-Obe (2005), noted are common in the course of crime control, crowd control, management of protest and demonstration, and investigation. He went further to assert that brutality occur in form of extra-judicial killings, summary execution of suspects, and revenge killings. Torture methods used by the Nigerian police according to Nwankwo (2003) include, beating with sticks, iron bars, wires and cables. Other torture methods include sticking pins or sharp objects into the private part of suspects, shooting of suspects on the limbs, use of cigarettes light to inflict burns on suspects, suffocation, electrocution, etc.

Chukwuma (2002) affirms that the propensity of police human rights abuse is inherent in the strained relations between the police and the public. In addition, such relations are further strained as a result of the nature and scope of police powers. The police are granted enormous powers by the constitution of the Federal Republic, 1999 and 2011 as amended. The exercise of such powers may often adversely affect the freedom of a large proportion of the population. Blumberg (2009) argued that the powers granted to the police are not mere servants of the law, but are in fact masters and instruments of the law. From this base, some police officers develop the rather peculiar philosophy that can, in good conscience exploit the legal mantle of their authority for their own purposes. The consequences of this are evident in the incessant and fragrant abuses of human rights across the country particularly in this democratic dispensation, hence legitimacy questions.

3.1 The Role of the Police in Maintenance of Law and Order in Nigeria Contemporary Societies

Section 214 of the Constitution of Federal Republic of Nigeria 2011 as Amended, specifically established the Nigeria Police Force and ascribe to it the function of maintenance of public order and public safety as it may consider necessary (*Constitution of Federal Republic, 2011 as Amended*). Adebayo (2009) pointed out that the police force is a public institution charged with the responsibilities of protecting and safeguarding the life and properties of citizens within the territorial boundaries of a nation. All over the world, the importance and relevance of the police institution have been recognized. This recognition is predicated on the need to secure society's interest in terms of rights, duties and obligations. On the other hand, Alemika (2009) affirms that the role-demand of the police is sometimes in conflict with their role expectations by the public. This conflict is sometimes at the root of police-public mistrust.

Ibidapo-Obe (2005) argues that in a society with conflicting interest among classes and groups, it is often the reality that the police were not created to serve some parts of society and some people to the expense of others but for all. The variation in attitude towards the police partly reflects the differential services rendered to the various segments of the society

by the police. According to the Institute for the Study of Labour and Economic Crises (2002), the main function of the police have been to protect the property and well-being of those who benefits most from an economy based on the extraction of private profit; the police were created primarily in response to rioting and disorder directed against oppressive working and living conditions. Bowden (2008) argues that the role of the police includes the repression of the poor and powerless in order to protect the interests of the ruling class. The police therefore, stand as a “buffer between elites and masses”. They perform “the essential holding operation against the malcontents (rebels) until military force could be applied in a punitive and salutary manner” by the state. Brodgen (2002) put this view more forcefully, when he states that “police force are structured organizationally and ideologically to act against the marginal strata”. The social conflict theorist equally focuses on and emphasizes the repressive aspects of police in a society characterized by close conflict underline by unequal and inequitable economic and power relations. Their view explains why the poor and powerless experience greater police violence than the elites. While Eze (2009) affirms that police role is not limited to repression; no government governs by repression alone, precisely because thus renders governance unstable, expensive and unacceptable. Consequently, leaders use the police to enforce compliance of law and order by means of persuasion, indoctrination, and incorporation of diverse strategies. Onoge (2003), however, posits that the police in Nigeria are repressive and at the same time offer services to the highest order and bidder. He went further to state that police work embodies ironies, instruments of oppression and exploitative in nature. Meanwhile, the police have to be the preserver of justice and democracy, enforcer of social order, but ironically is the opposite of that direction. As an institution, the police force helps to preserve, fortify and reproduce the prevailing social order but hardly do the police perform these functions optimally. Thus when a social body is oppressive, exploitative and unjust, the police preserve it by suppressing and defusing demand for democracy and elimination of oppression and injustice. This is so because the laws which the police are called upon to enforce are often instruments for controlling and disciplining the masses and those occupying the marginal strata of the society. Consequently, the police force is organized to support gross political and socio-economic inequalities between the larger population and a minority ruling clique in Nigeria.

3.2 Police and Human Rights Abuse in the Contemporary Nigerian Societies

There is absolutely no doubt that Nigerian Police Force (NPF) is the internal key law enforcement agency in the country. Unfortunately, it has to contend with a lot of allegations and counter-accusations of disrespect for human rights. Aborisade (2017) agrees that officers of the NPF right from its establishment in 1930 till date have been involved in unprofessional, corrupt, and criminal conducts. Some have also distinguished themselves in an exemplary manner, working in difficult and dangerous conditions. Generally, men of the Nigerian Police Force, NPF are seen more as predators, criminals, devils in cassocks and common thieves than as protectors of life and property. The Human Rights Watch Reports (2018) agrees that some senior members of the Nigerian Police Force, NPF are often involved in cases of embezzlement of public fund that are meant for the welfare of members of the NPF. A good example of this is the embarrassing case that involved the former Inspector General of Police (IGP), Mr. Tafa Balogun in 2005. He was involved in bribe-taking and laundering of more than 98 million US dollars. Another corruption case in the history of the NPF involves a Constable at the Force Headquarters caught with a bag containing 900,000 naira in June 2007. Further investigation by an internal police investigation revealed that the money belong to an unnamed Deputy Inspector General of Police (DIG). A Police Commissioner in charge of budgeting at the force headquarter was also involved in embezzlement of public fund found in a carton and a box in his office. About

21,650,000 naira cash was discovered by a search team of police investigator in his personal office (*Human Rights Watch Report, 2018*).

Also, the Nigerian Police Force (NPF) is tasked with law enforcement but the methods often adopted by officers of the force have led to the humiliation of fundamental human rights of citizens in most cases. Instances abound where the police have adopted both lethal and uncivil force to either quell a protest, arrest or generally enforce the law. For example in August 2003 at Ebony State, the police killed four members of the PDP in a check point, the victims included the chairman of Isirielu Local Government; Onyebuchi Eze, Ifeanyi Nnaji, Ogbonna Odembaigwe and Uche Frank. Again in February 2003, Police use an excessive force to suppress protests outside the main Mosque in Gombe State. The police killed several persons while dispersing Muslims protesters who were reportedly attacking and damaging buildings, including police barracks. In February 2004, the police reportedly killed 10 persons and destroyed the headquarters of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) in Okigwe; several MASSOB leaders, including Ralph Uwazurike, were arrested. In April 2004 three police men in Kogi State were sentenced to death by hanging after they were found guilty of theft and murder. The police were accused of stopping a car, killing five persons and stealing the passenger's money. The sentence was not carried out by year's end. More so, there were no reports of any investigation or action taken against the police in Lagos who reportedly killed 509 suspected armed robbers and injured 113 robbery suspects during the course of making 3,166 arrests in 2000. The civil liberty organization also reported that no action was taken against the members of the security forces responsible for the killing. The August 2000 killing of a student of Nnamdi Azikiwe University when a protest was dispersed, the July 2000 killing of one person when a demonstration was dispersed forcibly, the June killing of 2 persons in Abuja when a strike was forcibly dispersed, the June killings of 5 persons suspected for vandals, the April and March killings of 28 Delta Youth near oil flow stations in Ogborikoko and other pressing issues like militancy in the Niger Delta region and the Boko-Haram insurgencies in North East of Nigeria are pertinent cases of extrajudicial killing by the police in the year 2009. Between 2008 and 2011 over 7,198 extra-judicial killings were conducted by the police (*Olusegun, 2017*). On June 8, 2005, some officers and men of the Nigerian Police Force in Abuja extra judicially killed six persons alleged to be armed robbers in the Apo district of the city. This incident is today known as the "Apo Six Killings" (*Igbo, 2017*).

On October 1, 2009 a police officer, Corporal Abu Abolaji of Lagos State Command mistakenly killed three men in a vehicle after his team received a distress call informing them of a robbery along Alagomeji area of the state. This case is an obvious case of extra judicial killing of innocent citizens by the police in Lagos State (*Igbo, 2017:94*). Chibuike Anams, a student aged 23 was unlawfully killed by men of the NPF while in a guest house with his friends in Elingbu Port Harcourt, Rivers State on 24 July, 2009. Unfortunately the crime he was suspected of was never reviewed by the police. On 27 January same year one Christian Ugwuoke while in company of his family members, friends and well-wishers in a wake and procession for his late aunt was unlawfully killed by a police officer in a police patrol vehicle from the Suleja Area Command. According to eye witnesses the shot was targeted at the peaceful crowd of over 50 people without prior warning and any reason given for the attack. A two-year-old girl was unlawfully killed by a shot targeted at a taxi drivers who refused to pay the daily extortion fee at a police check point in Lagos State on 5 April, 2009. One Mr. Aneke Okorie, an Okada rider (a motorcycle taxi rider) on 15 of May 2009 was shot and killed for refusing to bribe the police men at a checkpoint in Emene, Enugu State (*Amnesty International, 2009*).

On March 8, 2013 police officers attached to the Special Anti-Robbery Squad (SARS) in Ikeja area of Lagos State without any provocation and justification shot and killed one Mr. Okoro Eze in company of his wife and his friend, Mr. Chinedu Nwaonu near his residence located at No.1 Oguntolu Street, Alagbado. Unfortunately the police alleged that Eze's case was a mistaken identity while he was shot by a police officer that spent hours drinking at a nearby hotel close to his residence. On November 2, 2013 a drunk police officer, identified as Corporal Gabriel attached to Shogunle Divisional Headquarters unlawfully killed one Azeez Omotosho, a panel beater in front of his family at the family house located at No. 28 Ama Street, Ladipo at Oshodi in Lagos State. Eye witness said his offence was because he came down on his way home from his vehicle to plead with the officers to pardon and release his friend and vehicle that was arrested (*Nwanguma, 2014*). On 6 December, 2013 a young man identified as Anayo Opara was unlawfully killed by police officers attached to Habo Police Post along Atani Road Onitsha, Anambra State when he went to the police post to demand for his elder brother, Chizoba's bail who was arrested and detained the previous day for not having his motorbike registered. Eye witnesses said the deceased was lifted up and his head was smashed on the ground (*Nwanguma, 2014*). According to Amnesty International September, 2015 report between August and December security forces including the police killed at least 150 IPOB members and arbitrarily arrested hundreds of them. On 9 February 2015, the police and military personnel used live ammunition to forcibly disperse protesting members of Indigenous People of Biafra (IPOB) movement at a school in Abia State killing at least nine persons unlawfully. In June same year Amnesty International (AI) report indicted the Police and the military for the killing of 17 IPOB members on May 29 and 30 in Onitsha, Anambra State. In July 2015, a police inspector allegedly raped a 15-year-old girl in Mkpato Enin, Akwa Ibom State and as at December there was no report of any investigation on the matter (*Country Reports on Human Rights Practices, 2016*). In May, 2017, a 25 year-old fashion designer, Jamiu Ayoade was shot and killed, and two others injured in a birthday party at No. 49, Wosilat Daudu Street, Ijeshatedo by a senior police officer attached to Ijeshatedo Divisional Police Headquarters Lagos State for unknown offence (*Chioma, 2017*).

Again, it was noted by the civil liberties organization that the police were engaged in arbitrary arrest. Under the fundamental rights enforcement procedures rules of the constitution, the police arrest and detain persons for 24 hours before charging them with an offence. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused persons to court for processing within a reasonable amount of time. By law, the police must provide suspects with the opportunity to engage counsel and grant bail. However, Nigeria police generally do not adhere to legally mandated procedures. Suspects routinely were detained without being informed of the charges, denied access to counsel, and family members are often denied the opportunity to bail their wards for bail-able offences. Detainees often were kept incommunicado for long periods of time. The provision for bail often was arbitrary or subject to extra-judicial influence. In many parts of the country, there are no functioning system of bail, so many suspect were held in investigative detention for sustained period of time. Thus, in March 23, 2004, police in Gombe State arrested 19 reportedly peaceful persons for unlawful assembly. In August of the same year, Ganiyu Adams, a leader of the Odua People's Congress (OPC), was arrested and charged in Lagos State with murder and robbery. In October, Adams was re-arrested and charged with murder, stealing, robbery and illegal possession of fire arms in October 30th 2000, he was released on 8:85pm with 2000 naira bail. Also in the year 2000, the committee for defense of human rights reported that 302 Odua People Congress (OPC) members were arrested following clashes with the police in Lagos and other were unable to obtain legal representation. In August 2004, police arrested and detained some persons for 27 days without charges before

an Abuja high Court later ordered their release. On September 2004, the police again arrested and detained without charge six Pakistani Muslim scholars in Benue State. On November 16, 2005 in Sagamu, Ogun State, the police arrested the same six Pakistani nationals for alleged incitement of a religious crisis. On November 18, the immigration service deported the Muslim scholars (*Country Reports on Human Rights, 2016*).

In May 14, 2011 following the unlawful arrest, assault and detention of Mr. Samuel Egbunne, Ebonyi State High Court sitting in Abakaliki ordered two constables, Uchenna Onwe, Obinna Igwe and one Inspector, Alex Elekwachi to pay N320, 000 as damages to Samuel for their involvement in his unlawful arrest (*Nigeria Police Watch, 2013*). According to Nigeria Police Watch report of July, 2011, a High Court of the Federal Capital Territory presided by Justice Mudashiru Oniyangi, ordered the then IGP, Hafiz Ringim, to pay Pastor Emeka Ebuta the sum of N2, 500,000 for unlawful arrest, harassment, humiliation and detention by officers of the Nigeria Police from March 3, 2010, to March 8, 2010. Also on 12 September 2011, an Agbor based business man; Mr. Michael Obi in company of his friend, Chief Feco Ojomo was accidentally shot by a drunk Corporal Usman at police checkpoint at Owa Delta State on their way to Benin. Mr. Obi alleged that he was abandoned at the University of Benin Teaching Hospital where he was taken to for treatment and instituted N500 million suits against the police at a Federal High Court in Benin (*Enogholasee, 2011*).

On 31 January, 2012 Justice Angela Otaluka of FCT High Court ordered First Bank Plc. to pay N160, 000 from the Nigerian Police account to a business man, Tijani Olabode as compensation for unlawful detention and infringement on his fundamental rights for allegations of criminal trespass and intimidation, obstructing the police while executing their duty and resisting arrest. The court also ordered the police to pay him N100, 000 for breach of his fundamental rights and another N10, 000 as out-of-pocket expenses. The garnishee order was made following the inability of the police to pay Olabode compensation based on the court's earlier order (*Nigeria Police Watch, 2013*)

Following the death of Olaitan Oyerinde, the principal private secretary to former Edo State governor, Adams Oshiomohole, an Edo High Court sitting in Benin City and presided over by Justice Esther Edigin on 14th September, 2012 ordered the police to pay Mr. Ugolor compensation for unlawful arrest and detention. In May 2013, the then Inspector General of Police (IGP) and Attorney-General of Federation (AGF) were ordered to pay him the sum of N5 million as compensation through the Deputy Chief Registrar within 60 days. On 13 October 2015, Justice E. O. Ahamioje also awarded Ugolor N1.02 million compensation for unlawful seizure of his personal properties, and upon the ruling instituted in the Appeal Court by the police, the police was ordered to pay him N6.02 million for poor investigation carried out by the police special team made up of the Force Headquarters in Abuja (*ICiR, 2015*).

A Federal Capital Territory High Court, Abuja also ordered the IG of police and the NPF to pay N4 million as damages in a case brought before the court on July 26, 2013 in favour of Mr. Usman Baba and his son, Abubakar Usman for illegal detention for several days at Asokoro Police Station because of a business transaction between them and one Mr. Hosein Chahakandi. Idris Abubakar, Anas Abubakar and Aliyu Abubakar instituted a case of abuse of their fundamental rights in 2017 against the Inspector General of Police (IGP), the Commissioner of Police (CP) and the Divisional Police Officer (DPO), Kabala Police Station in Kaduna State when the trio was unlawfully detained for six days for alleged theft and as members of Boko Haram. The trial judge, Emeka Nwite, in delivering his judgment stated that the police violated Section 35(5) (8) and 36 of the Constitution of Federal Republic of

Nigeria, 1999 and 2011 (as amended) and ordered the police to produce the accused persons before the court or release them unconditionally and also awarded N2 million as exemplary damages against the police for unlawful arrest and detention, and another N50, 000 in favour of the applicants (*ICiR, 2017*).

In February 17 and 18, and between March 10 and 13, 2017 a Federal High Court sitting in Abuja and presided over by Justice John Tsoho awarded the sum of N40 million as damages against Governor Nasir El-Rufai of Kaduna State for unlawful arrest and detention carried by the police in Kaduna State against Mr. Audu Maikori and another N1, 430.00 as cost of instituting the suit following a fundamental human rights enforcement suit filed by him. Also affected in the judgment are the Inspector General of Police and the Attorney General of the state. Maikori was accused of circulating a false report on the social media about an attack by Fulani herdsmen in Southern Kaduna (*Obiejesi, 2017*). Human Right Watch (2018) reported the arrest of hundreds of members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and detained many without charges. Their leader, Ralph Uwazuruike was also arrested and detained without trial on several occasions.

Over the years, the police have been involved in embezzlement, money laundering and bribe-taking. This is evident in the 2005 case involving a former Inspector General of Police (IGP), Tafa Balogun who was made to resign for a case of embezzlement, bribe-taking and laundering of more than 98 million US dollars. He was later sentenced to 6 months in prison and his assets seized (*Human Rights Watch, 2010*). Also in 2016, a former Director of Police Pension Fund was reported to have stolen over N24 billion meant for the police and stocked the money into different accounts (*Chioma, 2017*). In 2016, a former Director of Police Pension Fund, Esai Dangabar alongside Atiku Kigo, Ahmed Wada, Veronica Onyegbula, Sani Zira, Uzoma Attang and Christian Madubuke were accused of complicity in over N24 billion scam in the police office by Economic and Financial Crimes Commission (EFCC). On July 24 2017, the Lagos Police command sacked three officers, Okelue Nkemeonye, Braimoh Sunday and Yusuf Olukoga for extortion from the public. On July 9, 2017, the IG of police, Ibrahim Idris ordered the sack of four officers of the Ogun State Police Command, Insp. Mufutau Olaosun, Sgt. Adebayo Temitope, Cpl. Bakare Taiwo and Cpl. Adesoye Ayokunlehin over bribery and extortion. Two traffic wardens, Shuaibu Suleman and Musa Mukhari attached to the FCT Wuse Police Division, Abuja were also dismissed by the IG of Police on June 20, 2017 (*Chioma, 2017*). The police have also adopted a new method of extorting money from innocent road users across the country by asking car owners for the receipts of their number plates. If it is not presented before the police men at any checkpoint the consequence depends on the mode of the police men (*Rose, 2018*).

More so, lengthy pretrial detention remained a serious problem of human right abuse in Nigeria. According to the constitution, persons charged with offenses have the right to an expeditions trials, however, in practice this rights was not respected, serious back logs, endemic corruption and undue political influence continued to hamper the judicial system. The Controller-General of the Prisons estimated that two-thirds of prisoners are detainees awaiting trial who have not been charged. The National Human Right Commission (2018) urged the Courts, the Ministry of Justice and the Police to expedite cases awaiting trial. In January the Minister of State for Internal Affairs reportedly said that there were 45,000 inmates in the prison system, 75 percent of whom were awaiting trial. Many of the pre-trial detainees held without charge had been detained for periods longer than the maximum allowable sentences for the crimes for which they were being held. The police cited their inability together to securely transport detainees to trial on their scheduled trial dates as one

reason why so many of the detainees were denied a trial. In all, the cases of human rights abuse involving the Nigerian police remains rampant. There are daily reports of police brutality, corrupt practices incivility high handedness, insensitivity, ineptitude, etc. The implication of this on the society and the whole democratic experiment if not check may potent doom; hence solution becomes eminent and pertinent.

3.3 The Probable Strategies and Solutions to the fragrant human right abuse by Nigeria Police

Based on the findings of this study, the following recommendations are made for the police to rise up to their expectations and their challenges of human right abuse and democratic encroachment. First, they need to be reformed, restructured, modernized and seriously re-oriented in order to assume the responsibility of democratic policing. Secondly, the protection and promotion of human rights must be given highest possible priority in all aspects of decisions relating to policing and security issues as they are central to providing justice. The government must make sure that all responsible human right violations within the ranks and files of the police are brought to justice, and guarantee redress and reparations for the victims of such violations. Thirdly, operational independence is also very important because it makes the government not have authority over the police. Finally, it is also important to revitalize the recruitment process, provision of modern equipment to match the modern technique of crime. Training and re-training of manpower, i.e. increasing and updating of resource persons, providing incentives, motivation and proper police-community partnership by allowing non-state actors and the public to brief on issues of human rights are also pertinent. Given all these recommendation, police will go a long way to enshrine responsibility and the public will accord the legitimacy.

Conclusion

This paper analyzed the Nigeria Police and the problems of human rights abuse. Based on the findings so far, this is a crucial point that must be made at this juncture, as a desideratum in the sustainability and viability of the principles of “social contract”. The need to have put in place an enabling environment for rule of law to prevails. The rule of law is to allow for the enforcement of the actualization of human rights and privileges of components of the states and civil society without fear or favour. It is this inherent value of social justice that couples the need for the existence of institutional expressions of order, under the auspices of the police. Therefore, in order to abate the trend of crisis of governance and enshrinement of legitimacy principle and restoring the democratic project, it follows that the state and society be re-structured in ways that would be conducive for the realization of popular empowerment at various inter-related levels.

References:

- Aborisade, A. R. (2017) Policing and Human Rights in Nigeria: Marxism and Symbolic Interactionism. *AGOGO: Journal of Humanities Vol.3 (2017)*.
- Adebayo, N. (2009) Crisis of Legitimizing: The State and Vested Interest. Lagos: Obaroh and first Academic Publishers.
- Ajomo, M. A. (1985) The Concept of Human Right and Human Rights Abuse in Nigeria. Lagos, Nigeria: Bit Press.
- Alemika, E. E. (2009) Policing in a Democracy, Lagos: Cleen and the National Human Rights Commission.
- Amnesty International (2009) Killing at Will: Extrajudicial Executions and other Unlawful Killings by the Police in Nigeria. Available at: <https://www.amnesty.org-document>. Retrieved 18/4/2018.

- Berk, L. E. (2004) *Rethinking Civil Society: Toward Democratic Consolidation*, Lagos, USIS.
- Blumberg, C. (2009) *Imperial Policing Milton*: Open University Press.
- Bothamley, J. (2004) *Dictionary of Theories*. New York: Barnes and Noble Books.
- Bowden, (2008) *Beyond the limits of law*. Hammons worth: Penguin books.
- Brodgen, M. (2002) The emergence of the Police: The colonial Dimension. *British Journal of Criminology Vol.10, No. 27, page 203*.
- Chevigey, P. (2005) *Edge of the knife: Police violence in the America's New York*; New Press.
- Chioma, G. (2017) *Corruption: Nigerian Police under Scrutiny*. Vanguard News Special Report/ Comment. August 19, 2017. Available at: www.vanguard.com/2017/08/corruption-nigeria-police-scrutiny/. Retrieved 18/4/2018.
- Chukwuma J. (2000) *Policing Contemporary Nigeria: Problems and Prospects*, Jos: Macmillan Publishers.
- Country Reports on Human Rights Practices, 2016. Available at: <https://www.state.gov/j/drl/rls/hrrpt/2016humanrightsreport/index.htm>. Retrieved 18/4/2018.
- Cross, E. and Jones. I. (2004) *Crime Prevention: A sociological perspective*. Cambridge: Rugbere Press.
- Enogholasee, G. (2011) *Businessman sues police Chief, Drunk Corporal for N500million over Alleged Shooting*. Nigeria Police Watch, October 3, 2011. Available at: www.nigeriapolicewatch.com/2011/10/businessman-sue-chief-corporal-for-n500million-over-alleged-shooting. Retrieved 23-4-2018.
- Eze, O. (2004) "The Police, Rule of law and Human Rights: Public Perspective" in J. N. Jamuno (eds).
- Eze, O. (2009) *The Police, Rule of law and Human Rights*. Public perspective in J.N. Tamuno (eds) Lagos.
- FGN, 1999 Constitution.
- FGN, 2011 Amended Constitution.
- Grupta, H. N. (2004) *Strategies of social Research: Methodological imagination*, London: Prentice hall Inc. Human Rights Country Watch Reports (2002-2005).
- Human Rights Watch Reports (2010). Available at: <https://www.hrw.org/report/2010/08/17/every-ones/corruption-and-human-rights-abuse-nigeria-police-force>. Retrieved 19/4/2018.
- Human Rights Watch Reports (2018). Available at: <http://www.hrw.org/report/2010/08/17/every-ones-game/corruption-and-human-rights-abuses-Nigeria-police-force>. Retrieved 3/02/2018.
- Ibidapo-Obe A. (2005) *Police Brutality: In Chukwuma. I and Akin Ibidapo-Obe (eds) Law Enforcement and Iluman Rights in Nigeria*.
- Igbo, E.U.M. (2017) *The Use and Abuse of Police Powers and Extra Judicial Killings in Nigeria. African Journal of Criminology and Justice Studies: AJCJS, Vol.10. No. ISSN 1554-3897. April 2017*.
- Institute for the Study of Labour and Economic Crises, 2002.
- International Centre for Investigative Reporting (ICiR): *Court Penalizes Nigerian Police for Unlawful Detention*, March 15, 2017. Available at: www.icirnigeria.org/court-penalises-nigerian-police-unlawful-detention/. Retrieved 21-4-2017.
- International Centre for Investigative Reporting (ICiR): *Police Loses Appeal to stop N5 million Compensation to Activist*. November 6, 2015. Amin in News. Available at: www.icirnigeria.org/court-penelises-nigeria-police-unlawful-detention/. Retrieved 21-4-2018.

- Naankiel, W. P. (2013) *The Nigerian Police Force and Violations of Human Rights 1999-2007*. NASHER, *Journal of the National Association for Science, Humanities and Education Research* Vol.11 No.1 June 2013 (pp.66-73) (ISSN.1597-2410). Available at: <https://www.researchgate.net/publication/318755852>. Retrieved on 04/02/2018.
- National Human Rights Commission (2018).
- Neubouser, K. (2009) "Democratic Stability: Ethic Consensus or Class Compromise, Chicago: Free Press.
- Nigeria Police Watch (2013) Unlawful Arrest: Police to pay N160, 000 to victim as Damages. Nigerian Buletine December 2, 2013. Available at: www.nigeriapolicewatch.com/2013/12/nigeria-buletine/. Retrieved 21-4-2018.
- Nwanguma, O. (2014) Increasing Spates of Police Killing, Brutality and Abuse: Nigerian Government must end Impunity for Police Abuses. Sahara TV Reporters. February 12, 2014. Available at: saharareporter.com/2014/02/12/increasing-spates-pol. Retrieved 18/4/1018.
- Nwankwo E.A (2003) Human Rights practices in the Nigeria Police Force Lagos: Constitutional Rights project.
- Obiejesi, K. (2017) Court Rules El-Rufai must pay Audu Maikori N40m over Unlawful Arrest. International Centre for Investigative Reporting (ICiR). October 27, 2017. Retrieved 21-4-2018.
- Odekunle, F. (2009) The Nigeria Police Force: A preliminary' Assessment of functional performance, *journal of sociology of law, Ibadan: AAIE*.
- Ogbeide, D. (2007) Research methods in social science, Enugu: Fourth Dimension Publishers.
- Olusegun, A. (2017) Beyond the Brutalities of Police SARS. This Day, December 24, 2017. Available at: www.thisdaylive.com/index.php/2017/12/14/beyond-the-brutalities-of-police-sars/. Retrieved 17/4/2017.
- Onoge, O. F. (2003) "Social Conflicts and Crime Control in Colonial Nigeria. Ilorin: F. A. Press.
- Rose, M. (2018) "Wonderful! Police now asking for number plate receipts". Vanguard News, Saturday 14 February, 2018. Available at: www.vanguardngr.com/2018/02/wonderful-police-now-asking-number-plate-receipts. Retrieved 22-4-2018.
- Ross, C.F. (2001) "Power leasness and the Application of threat America sociological reviews, Boston: Sport. Freds Press, Boston.
- Tamuno, T. N. (2000) *The Police in Modern Nigeria*. Ibadan: University Press.
- Vance, C. R. (2001) *Basic Rights*. New-Jersey: Princeton University Press.
- Weil, F. D. (2009) "The source and structure of legitimating in Western Democratic. American Sociological Review. No. 54. 682 – 706.
- Yomere G. O. (2009) *Research Methodology in Social Science and Education*, Benin City: UNIBEN Press.