




# POLITICAL INSTITUTIONS AND PUBLIC ADMINISTRATION

DOI: 10.46340/eppd.2024.11.6.3

## UNCONSTITUTIONALITY OF POLICE BRUTALITY IN NIGERIA: NEED FOR A REFORM

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**Citation:** Ariyoosu, D. A., Kehinde, A. O., & Omoleke, M. O. (2024). Unconstitutionality of Police Brutality in Nigeria: Need for a Reform. *Evropsky Politicky a Pravni Diskurz*, 11, 6, 22-33. <https://doi.org/10.46340/eppd.2024.11.6.3>

### Abstract

For every Nigerian, the right to life and dignity of the human person are guaranteed in the 1999 Constitution of Nigeria. However, it has been noted that one of the major bodies that violates these fundamental human rights of Nigerians is the Nigeria Police Force. One cannot overestimate the level of brutality meted out to Nigerians by the police, and this has adverse effects on the environment. This paper examines the Police Act, bringing out its duties and the provisions of the Constitution, which also recognises the existence of the police. It reveals the level of abuse on the part of the police while identifying that the establishment law of the police is not complied with, bringing out the inadequacies of the law. It contributes to the existing knowledge by revealing the level of inhumane treatment that citizens face with the police and the urgent need for a massive reform of the police to ensure a peaceful society and a safer environment. The methodology adopted in the study is doctrinal. Primary sources and secondary sources of law were used in the research which include various laws governing the Nigerian police force and other articles in academic journals which considered the Nigerian police force and its activities. The paper concludes that despite the efforts of the government to checkmate the activities of the police, it is noted with great concern that police brutality is still the order of the day in the country; some are reported while so many are not reported. The paper noted that fundamental rights of Nigerians are violated on a daily basis because of the activities of the Nigerian police which calls for great concern among the citizens. It was recommended that for Nigeria to be safe for its citizens, the establishment law of the police must be strictly enforced, and the erring police officers be sanctioned in accordance with the law.

**Keywords:** fundamental human rights, police brutality, Nigeria constitution, administration of justice, right to life, police officers.

### Introduction

In 1861, the first police force in Nigeria was established in Lagos Colony. It consisted of a consular guard comprising thirty individuals. The establishment of a Hausa Constabulary occurred in 1879, including 1,200 paramilitary troops equipped with firearms. The Lagos Police was established in 1896. The Niger Coast Constabulary was founded by Calabar in 1894, in collaboration with the recently constituted Niger Coast Protectorate. The Royal Niger Company established the Royal Niger Company Constabulary in the northern region in 1888, with its main headquarters situated in Lokoja. The formation of the Northern Nigeria Police

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occurred after the foundation of the protectorates of Northern and Southern Nigeria in the early 1900s, which encompassed a portion of the Royal Niger Company Constabulary. Similarly, the Southern Nigeria Police sprang from a segment of the Niger Coast Constabulary. Although Northern and Southern Nigeria were unified in 1914, their individual police forces did not amalgamate until 1930, leading to the formation of the Nigerian Police Force (NPF) with its headquarters situated in Lagos. Throughout the era of colonialism, most police units were affiliated with the local government. Nevertheless, following the foundation of the initial republic in 1960, the Nigerian Police Force (NPF) experienced a process of regionalization and eventual nationalization (NPF, 2024).

In line with the provisions of the 1999 Constitution of the Federal Republic of Nigeria, it mandates the establishment of a police force, known as the Nigeria Police Force, for the nation. Furthermore, this clause explicitly prohibits the establishment of any alternative law enforcement agency for the Federation or any of its subdivisions. The structure and functioning of the Nigeria Police Force are dependent on the provisions specified in the Constitution. Furthermore, all regulations pertaining to the Nigeria Police Force must be mandated by an Act of the National Assembly. The Nigeria Police Force members are granted authority and responsibilities as prescribed by the law.

Law enforcement provides means of access to the criminal justice system via public crime reports or their own inquiries. (Chijioke, 2013) The police are the sole institution that consistently interacts directly with the public, unlike the other elements of the criminal justice system. The police officer assumes the role of the "gatekeeper" in the criminal justice system, exerting control over the admission of individuals and exerting a more significant influence on the other components of the system. The Nigeria Police are legally obligated to undertake investigations, uncover, and bring legal action against criminal behaviour to maintain peace and stability throughout the country. The police officer lubricates the machinery of the criminal justice system by capturing suspects, who serve as the inputs into the system. (Akinlabi, 2016)

Police brutality refers to the infractions of law enforcement officials, specifically including the use of excessive force. The violation of basic human rights, such as the right to dignity and the right to life, happens when law enforcement agencies disregard legal limits, wrongly believing they have authority above the law, or when they consider themselves exempt from being held accountable by society (Cooper, 2015). Unfortunately, in democratic countries like Nigeria, there are frequent occurrences of illegal activities and police brutality, typically coupled with a deficiency or insufficient systems for filing complaints about these violations. This situation erodes the public's trust in law enforcement. The Nigeria Police Force wields substantial power and can employ it to both protect and curtail the rights of citizens. Therefore, the exercise of police authority has a dual character, since it can be used to both repress and protect individual freedoms. Police brutality in a particular area has a substantial effect on the welfare and survival of the local community (Alang, et. al., 2017).

The primary purpose of the police force is to fulfil the role of serving and protecting the public, as well as upholding social order and minimising criminal activity (Dambazau, 2007). There is a regrettable observation that certain government officials are not fully adhering to the prescribed oaths of office as outlined in the legislation that established their positions. The Nigeria Police force operates under the constitutional framework provided by the 1999 Constitution of the Federal Republic of Nigeria, as well as the relevant legislation pertaining to police affairs, especially the Police Act. In accordance with the principle of human rights, all individuals possess the right to equal legal protection and are considered equal under the law. Being a police officer does not grant immunity from the law or its enforcement. The issue of police brutality in Nigeria has escalated to its pinnacle, necessitating an immediate overhaul of the entire system. One of the various forms of police misbehaviour, which encompasses police brutality, pertains to the manifestation of extreme aggressiveness exhibited by law enforcement agents. (Ojo, 2014).

This article investigates the threat of police brutality in Nigeria, as well as whether the use of excessive force by the police violates constitutional provisions. It also noted the efforts made thus far to combat the problem and stated that there is still a long way to go before police brutality in Nigeria becomes a thing of the past, considering the level of brutality by the Nigerian police as it is presently. The article relied on both primary and secondary source of research (Kehinde & Yahaya, 2022). The paper did not end without making the necessary recommendations.

### **Methodology**

The method of research used for this article is doctrinal. This focuses on legal norms and standards. It is library research which relies on both primary and secondary sources. The primary sources used for this research include but not limited to the 1999 Constitution of the Federal Republic of Nigeria

(as amended), Police Act, Criminal procedure Code and Criminal Procedure Act. The secondary sources also include but not limited to articles in academic journals, online reports, legal dictionaries.

### **Establishment of the Nigeria Police Force**

The Nigeria police force is a creation of the Nigeria Constitution. Saulawa J.C.A. in *Okoh v UNILAG* (Okoh v UNILAG, 2011) said.

*“... It is trite that the Nigeria Police Force is a creation of the Constitution of the Federal Republic of Nigeria, 1999” (Constitution of the Federal Republic of Nigeria, 214-216).*

As previously mentioned, the Constitution stipulates that Nigeria must have its own police force, which would be called the Nigeria Police Force. No other police force can be created for the Federation or any part of it, according to the conditions outlined in this provision. Subject to the constraints imposed by the Constitution, the National Assembly has the authority to establish arrangements for integrating branches of the Nigeria Police Force into the military forces of the Federation or for safeguarding harbours, rivers, and railroads. The organization and administration of the Nigeria Police Force shall be carried out in line with the provisions specified by an Act of the National Assembly.

It is imperative for all individuals, including the Nigeria Police Force, to adhere to the provisions of the Nigeria Constitution, which serves as the primary legal framework in the country. The Constitution guarantees fundamental human rights that must be upheld in all situations, except for the specific circumstances outlined within the Constitution itself, known as exceptions (Kehinde & Abifarin, 2022). The Nigeria police, being an institution established by the Constitution, should exert maximum effort to safeguard the Constitution. Regrettably, the situation is exactly the opposite, as will be elucidated in this essay. Police brutality entails the infringement of various rights, such as the right to life and the right to human dignity, as protected by the Constitution. (Agbibo, 2015). The police are particularly prone to abusing the rights to life, human dignity, liberty, fair hearings, privacy, and family life (Madubuike-Ekwe & Obayemi, 2019).

### **Legal Framework for Police Brutality in Nigeria**

#### ***The 1999 Constitution***

The 1999 Constitution is commonly known as the basic law, serving as a foundation from which all other laws derive. The Constitution has the highest authority and is obligatory for all authorities and powers across the Federal Republic of Nigeria [Nigerian Cons., sec 1(1)]. Additionally, it stipulates that if any other legislation contradicts the Constitution, the Constitution will take precedence, rendering the conflicting legislation invalid [Nigerian Cons., sec 1(3)]. The Nigeria Police Force is established under Section 214(1) of the Constitution, which states that there must be a police force for Nigeria called the Nigeria Police Force. No other police force can be created for the country or any part of it, as specified in this section.

#### ***The Police Act*** (Police Act, 2004)

This legislation was implemented to revoke the preceding Police Act [Police Act, sec 1(1)]. The Act establishes a police force that is both efficient and well-structured, guided by the ideals of transparency and accountability in its operations and resource management. Section 3 of the Act establishes the Nigeria Police Force, which is responsible for maintaining law and order in Nigeria. The force operates in accordance with the provisions of the Act and has the authority to exercise powers, perform duties, and fulfil responsibilities as outlined in the Act or any other applicable law. Section 4 of the Act outlines the overall responsibilities of the police force. It states that the police are tasked with preventing and detecting crime, apprehending criminals, maintaining law and order, safeguarding life, and property, and enforcing all relevant laws and regulations. Additionally, they may be required to carry out military duties within or outside Nigeria as mandated by this Act or any other legislation [Police Act, sec 1(1)]. Pursuant to the requirements of the Act, the inspector general of police has the authority to uphold public safety and maintain public order [Police Act, s1(3)].

#### ***Public Order Act*** (Public Order Act, 2004)

An Act to repeal all public order laws in the Federation's states and replace them with a Federal Act to maintain public order, prevent the establishment of quasi-military groups, restrict the use of uniforms,

and other subjects related thereto (Public Order Act, 2004). In order to maintain public order, prevent the creation of quasi-military formations, restrict the wearing of uniforms, and address other related issues, the Public Order Act removed all public order legislation in the States of the Federation and replaced them with a Federal Act.

### ***Criminal Procedure Code and Criminal Procedure Act (CPA, CPC, 2004)***

Both the Criminal Procedure Code and the Criminal Procedure Act are similar when it comes to their provisions. The Criminal Procedure Code is applicable in the Northern part of Nigeria while the other is applicable in other parts of the country. These laws have given the Nigerian police a wealth of authority to stop the conduct of impending crimes and restrain the actions of people who pose a threat to the public. These authorities include the right to intercede to stop crimes and damage to public property, the right to arrest people for crimes, the right to security for suspected individuals, the right to security for habitual offenders or good habitual criminals, and the right to recognition to maintain the peace. The Criminal Procedure Act (CPA, 2004, p. 35, 37) gives the police the authority to use the criminal justice system's machinery to persuade a magistrate to issue a person with a recognizance order, which requires them to maintain the peace or provide an undertaking for good behaviour for a period that is typically no longer than a year. The goal of this order to show cause, which is typically issued with or without sureties, is to restrain the actions of those who are likely to commit crimes and to stop or at the very least slow down the occurrence of criminal activity.

The Criminal Procedure Act also provides that a police officer who is aware of a plan to commit an offense may arrest the person planning the offense without the need for a magistrate's instructions or a warrant if it appears to the officer that the offence cannot be stopped otherwise (CPA, 2004, p. 55).

### **Powers of the Nigeria Police Force**

#### ***The general responsibility***

The Police Act states the general duty of the Nigeria police (Police Act, sec 1(1)). The section expressly provides that The Police Force shall: Prevent and detect crimes, as well as defend the rights and freedoms of all Nigerians as guaranteed by the Constitution, the African Charter on Human and People's Rights, and any other law; Safeguard the peace and security of the public; Ensure the safety and security of all Nigerians; Enforce all regulations and legislation without regard for other security agencies' enabling Acts; Perform any obligations imposed on it by this Act or any other legislation, both within and outside of Nigeria; Work with other agencies to take the necessary action and give the necessary aid or support to people in need, such as victims of car accidents, fires, earthquakes, and floods; Allow free passage and movement on public highways, roads, and streets; Use community partnerships in carrying out its responsibilities under this Act or any other law; and Vet and approve the registration of private detective schools and private investigative outfits.

While commenting on the general responsibility of the Nigeria police and how such responsibility is to be discharged by them, the Court of Appeal in **Rev. Paul Enanuga & Ors v. Hon. Nseabasi (Cornelius) Sampson (Onanuga v Nseabisi, 2012)** held that by virtue of Section 4 of the Police Act, Cap 19 Laws of the Federation of Nigeria, 2004, the Police have the duty and responsibility, among other things, to prevent crime, detect crime, and maintain peace and order. These responsibilities are carried out entirely at the discretion of the police.

#### ***Power to investigate***

This power is expressly provided for under the Act (Police Act, s31) Upon the reporting of a suspected offense to the police or the apprehension of an individual on suspicion of committing an offense, the police are obligated to investigate in compliance with proper legal procedures. Subsequently, the police are required to submit their findings to the Attorney-General of the Federation or State for guidance and recommendations. The process of investigation by the Nigerian police has been turned to the period of brutality. Suspects in police custody have been injured on many occasions to forcefully obtain evidence from them. There have been instances where Nigerian courts have been made to go through the process of trial within trial to ascertain the voluntariness of a statement obtained from defendants in the process of investigation in their custody. For instance in the case of *Gimba v. FRN* (*Gimba v. FRN*, 2021), the appellant in the case was charged with conspiracy and homicide, he was convicted by the high court. On appeal, he won as the court of appeal noted that the trial court ought to have conducted trial within trial to ascertain the voluntariness

of his statement, since he (the appellant) had alleged that the confessional statement tendered in evidence against him was not voluntarily made by him and that he was tortured by the police so as to make the said statement.

#### ***Power to arrest***

The police have been empowered by the law to make arrests generally (Police Act, 32). Unless stated otherwise in the Act, individuals accused or charged with committing an offense established by an Act of the National Assembly or any other law must be apprehended, examined, prosecuted, or handled in accordance with the regulations outlined in this Act. It is important to note that individuals cannot be arrested solely for a civil wrongdoing or violation of a contract. This particular provision of the law has been breached severally by the Nigeria Police. There are several instances where police officers have arrested people with respect to contractual matters and other civil matters.

#### ***Power to search***

The Police Act empowers a police officer to search (Police Act, 48). A police officer has been granted the authority to confiscate and hold any item for which a search has been authorized. In addition, they have been granted the authority to halt and inspect any individual or vehicle if there is a reasonable suspicion that the person is in possession of or transporting any stolen or unlawfully acquired items (Police Act, 48). This provision has always been violated by the Nigerian Police, who stop vehicles, take people's phones for a search, and many other things without any reasonable suspicion of crime, as stipulated by the law, leaving them traumatized at the end of the exercise.

#### ***Power to prosecute***

The Act confers authority upon the police to initiate legal proceedings against individuals who have committed crimes (Police Act, 66). Subject to the provisions of the Constitution of the Federal Republic of Nigeria 1999 and the Administration of Criminal Justice Act, which pertain to the authority of the Attorney-General of the Federation and of a State to initiate, assume control of, and proceed with or terminate criminal proceedings against any individual in any Nigerian court, a police officer who is a qualified lawyer in Nigeria has the right to personally prosecute a case before any court, regardless of whether the information or complaint is filed in their name (Okanga, 2022).

#### **Some of the Identified Rights that should be Protected by the Nigeria Police Force**

As earlier noted, the Nigeria Police Force being a creation of an established law should do everything possible to protect the rights of citizens as enshrined in the 1999 Constitution of the Federal Republic of Nigeria and other rights as contained in various African and international treaties on the protection of human right. The following rights in the Nigeria Constitution have been found to be constantly violated by the Nigeria Police Force.

#### ***Right to life***

The Constitution of Nigeria guarantees the fundamental right to life for all citizens, ensuring that no individual shall be stripped of this right except through the lawful implementation of a court's decision pertaining to a criminal offence for which the person has been convicted. Additionally, it stipulates that an individual shall not be considered as having been unlawfully deprived of their life, as outlined in this provision, if their death occurs due to the utilisation, within the bounds permitted by law, of a degree of force that is reasonably necessary for the protection of any individual from unlawful acts of violence or for the safeguarding of property; for the purpose of executing a lawful apprehension or preventing the escape of a lawfully detained person; or with the intention of quelling a riot, insurrection, or mutiny (Constitution of the Federal Republic of Nigeria, 33 (2), a-c).

Considering the provisions of the above-stated section of the Constitution, it must be noted that the provision is not absolute, there are exceptions stated in the same provision; but it has been observed that circumstances in which Nigeria police terminate citizen's lives do not fall within any of the exceptions stated in the Constitution, therefore, it can be safely concluded that this particular right is often violated as they please and most of the affected officers have not been made to face the full wrath of the law.

***Right to dignity of human person***

This right is guaranteed under the Constitution. It has been noted that this right is the mostly violated right of citizens by the Nigerian police. Every person has a right to respect for the dignity of his or her person, according to the Constitution, therefore no one shall be tortured or subjected to inhuman or humiliating treatment; no one shall be kept in slavery or servitude; and no one shall be asked to do forced or involuntary labour. There are additional exceptions to the general rule that says forced or compulsory labour does not include work required as a result of a court's ruling or order, or work required that is deemed reasonably essential Constitution of the Federal Republic of Nigeria, in the case of an emergency or disaster that endangers the lives of the community members (Constitution of the Federal Republic of Nigeria, 34). However, Nigeria police have been breaching this right habitually without having regard to the provision of the law (Umegbolu, 2020). In fact, the ENDSARS protest in Nigeria was because of police brutality in which Nigerians massive protested against the Nigerian police especially the Special Anti-Robbery Squad which had killed so many Nigerians (Uwazuruike, 2020).

***Right to personal liberty***

The Constitution provides that everyone has a right to their personal liberty and that no one may be deprived of that liberty (Shagari v Commissioner of Police, 2007) except to carry out a court's sentence or order regarding a crime for which they have been found guilty, for failing to follow a court's order, to ensure that any legal obligations they have are met, or to bring them before a court in order to carry out that sentence or order. [Constitution of the Federal Republic of Nigeria, 35 (1) (a-c)]. The exceptions to the general rule are also provided for in the constitution. It must however be noted that the Nigeria police has always been hiding under the provisions of one of the exceptions to the general rule to victimise, intimidate, harass, and brutalise the citizens [Constitution of the Federal Republic of Nigeria, 35 (1) (3)]. Often, the argument is that reasonable suspicion existed that the victim had committed a crime, necessitating the need for investigations, and so forth. Most of these victims have been traumatized, brutalized, tormented, tortured and which has led most of them to their early graves.

**International Laws on Human Rights**

Regarding the African and international treaties pertaining to the safeguarding of human rights, the initial one to be acknowledged is the African Charter on Human and People's Rights, which was ratified in Banjul on January 19, 1981. The African Charter on Human and Peoples' Rights was ratified in Nigeria by (Ratification and Enforcement) Act, Chapter A9 Laws of the Federation of Nigeria, 1990. It asserts that all individuals possess the entitlement to partake in the full enjoyment of the rights delineated in the Charter, without encountering any form of discrimination based on age, ethnicity, sex, religion, or colour. Furthermore, it emphasises the principle of equality before the law, ensuring that all individuals receive equitable treatment and safeguarding under legal provisions (ACHPR, 1981, Art 2-3). The Charter makes provision for the protection of the Right to life (ACHPR, 1981, Art 4), Right to dignity of human persons (ACHPR, 1981, Art 5), right to fair hearing (ACHPR, 1981, Art 7), and many more. Nigeria being a signatory to the Charter and having domesticated the Charter should ensure compliance with the provisions of the Charter. As noted, above, these rights have been constantly violated by the Nigeria Police Force, through various forms of brutality.

International Covenant on Civil and Political Right is another one to be mentioned. It was adopted on 16<sup>th</sup> December 1966. Article 6 (1) makes provision for the adequate protection of the right to life. The provision states that every individual has an intrinsic entitlement to life. The entitlement shall be safeguarded through legal means. According to international human rights standards, it is imperative that no individual be subjected to arbitrary deprivation of their life. It further provides for the right to dignity of human persons. It provides to the effect that no one shall be tortured or any form of inhuman or degrading treatment. It further provides protection against torture and arbitrary detention in any form (ICCPR, 1966, Art 9). The law makes adequate provision for the protection of humans in the society and there should be no form of discrimination among members who are to enjoy this protection. Considering the happenings in Nigeria with respect to police brutality, the provisions of this law have been partly complied with.

Another major one to be mentioned here is the Universal Declaration of Human Rights. One important document in the history of human rights is the Universal Declaration of Human Rights (UDHR). On 10<sup>th</sup> day

of December 1948, the UN General Assembly adopted the Declaration in Paris as a shared benchmark for accomplishment for all peoples and all countries. It lays out for the first time the essential human rights that all countries must uphold. Article 1 provides for equality of all before the law. It further provides for the right to life, liberty, and security of all human beings (UDHR, 1948, Art 3). It further provides that no one should ever be the victim of torture or cruel, inhuman, or humiliating treatment (UDHR, 1948, Art 5). It further makes provision for fair hearing when it comes to criminal charges. A person accused of any criminal offence shall be deemed innocent until contrary s/he is confirmed guilty in accordance with the law (UDHR, 1948, Art 11). One cannot confidently say that these provisions are complied with by the Nigeria Police Force.

The last to be mentioned here is the International Covenant on Economic, Social and Cultural Rights of 16<sup>th</sup> December 1966 which also guarantees freedom of all human beings and forbids discrimination against any person.

The above-mentioned are a few of the fundamental human rights instruments put in place to guarantee protection of human rights of all human beings at the Nigerian, African, and international level. It has been noted that most of these laws are not complied with in Nigeria, considering the activities of the Nigeria Police Force.

### **Nigerians Resist Police brutality**

Numerous instances of human rights violations perpetrated by the Special Anti-Robbery Squad (SARS) have been documented, encompassing illicit "stop and search" practises, arbitrary apprehensions and incarcerations, extrajudicial executions, gender-based harassment targeting women, and maltreatment of young Nigerian males (Iroulo, 2021). According to available reports, the performance of the Nigerian police force is perceived to be subpar, leading to a lack of trust among the general population. One contributing factor is the engagement of law enforcement agencies in corrupt practises, coercion, brutality, and various other detrimental behaviours, which ultimately undermine the effectiveness and efficacy of their policing endeavours. Consequently, public trust in the police has gradually eroded. This suggests that residents may be hesitant to collaborate with law enforcement in resolving criminal incidents due to apprehensions about potential victimisation, hence exacerbating the challenges faced by society (Akinyetun, 2022). It must however be noted that Nigerians have risen to the challenge by regularly exposing the erring ones and calling on the government to do the needful in addressing the menace. Sometimes in the year 2020, there was a massive protest the Special Anti-Robbery Squad of the police in which people called for the ban of the squad (Iwuoha, and Aniche, 2021) and overhauling of the Nigeria Police Force, the request which the government later acceded to, and thus, the ban was affirmed. So many allegations of brutality were levied against the force which led to the establishment of judicial panels across the states of the federation to call for petitions and investigate matters of brutality brought before it and recommendations made accordingly to the government (Ogunmodede, 2020). Some of these incidents will be mentioned below.

### **Highlight of Different Issues of Brutality against the Nigeria Police Force**

It has been stated that police utilize brutality, abuse, and violations as their techniques since they lack the necessary tools for investigations, forcing them to use torture to get the truth out of suspects (Akinyetun 2021). The Nigerian Police Force has left behind a record of corruption, minimal public accountability, brutality, vandalism, and arbitrariness (Alemika 1993). Police brutality in Nigeria typically targets the country's most vulnerable citizens and is committed under duress. Ordinary Nigerians are frequently the targets of police extortion and maltreatment while traveling on the nation's roads, shopping in markets, or running errands daily. Refusing to comply with persistent bribe demands from low-level, trigger-happy police officers can have devastating repercussions. Ordinary Nigerians routinely face threats, are unlawfully detained, and occasionally suffer physical and sexual abuse, torture, or even murder (Human Rights Watch, 2010).

Most of the police brutality committed by Nigerian police officers occurs at checkpoints and roadblocks since those are the places where Nigerians interact with the force the most. These checkpoints and roadblocks, which are regularly set up to checkmate criminal activity on Nigerian roadways, have instead turned into hotspots for illicit activity, places of corruption, and places of brutality. At these sometimes unlawfully erected roadblocks, motorists, particularly commercial drivers, and riders, are coerced to stop and are then subjected to extortion under fear of arrest, incarceration, physical harm, and occasionally even death (Oluwaniyi, 2011).

The prevalence of police brutality in Nigeria is of deep concern. In August 2006, the Nigerian Police apprehended and publicly exhibited 12 individuals suspected of armed robbery in Umuahia, Abia State. The suspects were then found among a cluster of 16 deceased individuals that had been discarded at a nearby municipal mortuary. As per police officials, all 16 individuals implicated were armed robbers who had confronted the cops and exchanged gunfire in some manner. No investigation has been conducted thus far (Onwunyirimadu, 2022).

It has been noted by scholars that defect in the recruitment process led to police abuse. In Nigeria, police personnel are rarely subjected to mental health examinations prior to hiring them, and frequently, the medical information provided by new recruits is not thoroughly investigated to confirm the veracity of the document. It is also clear from the actions of these junior officers with little academic qualifications that a larger proportion of Nigerian police officers are junior officers, most of whom only possess a high school diploma (Onwunyirimadu, 2022).

Studies have also revealed that, the horrifying treatments that detainees in police custody are forced to endure in the cells result in significant injuries and post-detention stress (Aborisade and Obileye, 2017).

Furthermore, it has been observed that the operations of the Nigerian Police Force do not correspond with the primary responsibility for protecting lives and property that is placed on it by the law that established it, instead, these activities seriously endanger both lives and property of Nigerians (Aborisade & Obileye, 2017).

On Christmas day in year 2022 when families are expected to be celebrating, enjoying the festive season, a female legal practitioner by name Mrs Omobolanle Raheem was shot dead by a police officer attached to Ajiwe Police Station, Ajah, Lagos State. It was reported that she was on her way back home from church after Christmas service. She was brutally killed in the presence of her husband and other family members. Report had it that even few weeks prior to this incident, a similar occurrence was reported against the police officers of the same division in Lagos where a man named Gafaru Buraimoh was also shot dead (FirstNews, 2022).

Social media platforms on October 3, 2020, disseminated video allegedly showing SARS officers firing and evacuating in the vehicle of a young Nigerian. This initiated a domestic uprising that subsequently expanded internationally. Adjacent to the Wetland Hotel in Ughelli, Nigeria, on the same day, SARS agents allegedly fired and wounded a young man. The video of this incident went viral almost immediately, inciting a backlash against SARS on social media (Platform for Peace and Humanity, 2022)

The Independent Investigative Panel on Human Rights Violations by the disbanded Special Anti-Robbery Squad, SARS, and other Units of the Nigeria Police Force granted a total of N289 million in compensation to 74 individuals who were victims of police brutality. The panel had its sessions in Abuja. The Panel, under the leadership of retired Supreme Court Justice Suleiman Galadima, granted compensation following the review of 297 requests submitted by victims or their relatives. Mr. Hillary Ogbonna, the secretary of the panel, disclosed that the petitions contained substantiated accusations of extrajudicial executions, enforced disappearances, brutal and humiliating treatment, protracted detention, misuse of authority, and failure to pay court-ordered debts. Ogbonna expressed his dismay over the unfortunate circumstance of several victims passing away before the panel's conclusion of its two-year investigation. He also mentioned that efforts were underway to establish appropriate recompense for these individuals in collaboration with their legal representatives and family members (Saharareporters.com, 2022).

Mr. Agu, one of the witnesses in the judicial panel formed in Lagos state to investigate police brutality, testified that in 2014 he was beaten, paraded in public as a criminal, suspended upside down, and had two of his teeth pulled out. SARS officers also sold his car and mobile phones without his permission. He informed the panel, led by a retired judge, that the police have defied a court order by refusing to provide him with compensation. He asserted that his family was completely unaware of his whereabouts, and upon their arrival at the police station after an extensive 47-day search, his wife and mother were subjected to physical assault in his presence.

The efforts of the former Inspector-General of police and the Police Service Commission in sanitizing the Nigeria Police Force must be mentioned even though there is a need to do more to ensure there is sanity among men of the force. The Nigerian Police Force (NPF) recently dismissed one of its officers for violently attacking a civilian. Liyomo Okoi, with Force No. 524503 PC, attached to Ekor Divisional Headquarters, Cross Rivers Police Command, was captured in a viral video flogging a man with a machete on July 31, 2022. The said officer was dismissed with effect from August 8, 2022. Considering the allegations of brutality and extortion directed towards certain police officers through multiple complaint channels accessible to the public,



particularly social media platforms, Inspector-General of Police Usman Alkali Baba (now retired) expressed profound dismay, according to Force Public Relations Officer Muiyiwa Adejobi (Punchng.com, 2024).

The Police Service Commission has recently sanctioned the termination of employment for seven senior officers due to severe inappropriate conduct. The Commission has granted approval for the demotion of an additional ten officers. The decisions were reached at the Commission's current 15th Plenary Meeting. Furthermore, an additional officer was terminated due to their defiance of legal regulations and engagement in physical aggression. Opeyemi Kadiri, a corporal assigned to the Dolphin Divisional Headquarters in Lagos, was terminated from service due to "egregious misconduct, refusal to follow lawful orders, and physical assault," as stated by the Force Public Relations Officer, Olumuyiwa Adejobi (Punchng.com, 2004).

### **Judicial Pronouncements against Police Brutality in Nigeria**

There are instances where courts have declared actions of police officers as illegal, unlawful and a violation of human rights of citizens as will be seen below; the courts made it clear that these are cases of brutality against the citizens which ought not to be so in a civilised society.

In *Sunday Ayaddeh v Corporal Abudu Sherifat & 3 Others* (Ayaddeh v Abudu, 2016). The court made a ruling stating that the arrest of the applicant by the first to third respondents is deemed unconstitutional, arbitrary, and in violation of the applicant's fundamental rights as protected under section 41 of the Constitution of the Federal Republic of Nigeria, 1999 as amended.

In *Oyakhire v The State (Oyakhire v State, 2006)* the appellant, along with his co-accused who happened to be a policeman, perpetrated a robbery, and committed murder against the victims. Additionally, they proceeded to intentionally ignite the bus in which the victims were travelling. The Supreme Court expressed profound concern about the case, recognising it as a manifestation of the utmost degree of cruelty inflicted by one individual upon another.

In addition, the Supreme Court in *Ibikunle v State (Ibikunle v State, 2007)* affirmed the conviction and death by hanging of a police officer who in lawful execution of his duty to arrest someone suspected of committing an offence, killed him during the arrest and discovered later that he killed a wrong person.

In *Agbo v State (Agbo v State, 2017)* the appellant, a police officer had an argument with the deceased and immediately shot the deceased who died on the spot. The Appeal Court agreed with the judgement of the high court. Relying on the decision in *Okonkwo v Ezeonu & Others (Okonkwo v Ezeonu, 2017)*, it condemned the attitude of the police with respect to fundamental right to dignity of the persons in their custody, describing it as barbaric and unconstitutional.

In *Anogwie & Others v Odom & Others (Anogwie v Odom, 2016)*, the applicants were unlawfully detained for a civil matter and were tortured to obtain an agreement from them. The applicants contested the inhumane treatment meted out to them by the police. The court noted that the police acted beyond their duties as stated in the Police Act, and therefore, liable to pay damages to the applicants for violation of their fundamental human rights.

In *Ibikunle v State (Ibikunle v State, 2007)* Walter Samuel Nkanu Onnoghen, J.S.C. expressed deep concern about the unlawful killings of individuals by certain members of the Nigeria Police Force. He expressed that the occurrence of extrajudicial killings carried out by a member of the Nigeria Police Force is an excessive occurrence. The appellant not only demonstrated a failure in fulfilling his obligations as a law enforcement officer to safeguard the public but also exhibited a lack of respect for the inherent value and inviolability of human existence.

### **Recommendations and Conclusion**

Having examined the activities of the Nigeria Police Force in recent times, considering the level of brutality in the so-called exercise of their duties, it is hereby recommended as follows:

- (a) There is a need to urgently overhaul the force to ensure that members of the force operate within the ambit of the law, thus, the bad eggs among them must be painstakingly identified and be eliminated from the force.
- (b) After, their elimination from the force, there is a need to ensure that they are made to face the full wrath of the law to serve as deterrence to others who may want to behave in a similar manner in future.
- (c) There is a need to constantly sensitize the men of the force on the need to operate in accordance with the law. In other words, seminars, conferences, talks and so on should always be organised so that the men are adequately informed of the need to always obey the laws.

- (d) Human rights as a course should be taken by all police officers during their training in their various training schools.
- (e) National Orientation Agency and Non-Governmental Organizations should take it upon themselves to ensure that Nigerians are enlightened about their rights and the procedure to follow if their rights are violated either by the Nigerian police or any other agency.
- (f) It is also recommended that whenever human rights cases are filed in the courts, such cases should be heard expeditiously to avoid delay, as it is often said that justice delayed is justice denied.
- (g) The Nigerian government should also be held responsible for the acts or omissions of its agencies as contained under the doctrine of strict liability.
- (h) In addition, the salaries and wages of police officers need to be reviewed as a matter of urgency to serve as a form of motivation to them and encourage them to effectively discharge their duties.
- (i) The recruitment mode should be reviewed, various mental and psychological tests must be carried out on those who intend to join the police, and this should always be done periodically for all members of the force.

Despite the efforts of the government to checkmate the activities of the police, it is noted with great concern that police brutality is still the order of the day in the country; many of these activities were reported while many were not reported by the concerned victims. There is still a lot to be done to sanitize the Nigerian police and reduce the level at which the powers conferred on it by its enabling law are abused. The fundamental rights of Nigerians are violated on a daily basis because of the activities of the Nigerian police which calls for great concern among the citizens. The paper has been able to specify the powers of the police as stipulated in its enabling laws and noted that these powers have always been abused in several ways, bringing out the judicial authorities to corroborate the fact that the police in Nigeria have been in the habit of continuous violation of the provisions of the law.

**Acknowledgement:** None.

**Conflict of interest:** None.

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