

## **POLICE BRUTALITY AND HUMAN RIGHTS ABUSE: A STUDY OF THE END SARS PROTEST IN NIGERIA**

**ULO, EDAFE**  
**Department of Sociology and Psychology**  
**Delta State University**  
**Abraka, Delta State**

### **Abstract**

*This research work examined police brutality and human rights abuse: A study of the end SARS protest in Nigeria. The issue of police brutality and human rights abuse is an issue of global concern especially as it affects its operation within the shores of Africa, particularly in Nigeria. The way policemen treat members of the public on the highways and in custody are very alarming and disheartening because it is anti-human right preservation in nature. Members of the public are treated like animals and dehumanize by subjecting them to cruel treatment especially in a bid to extract confession from suspected criminals. The study is limited to police brutality and human rights violation, a study of the END SARS protest in Nigeria. The study made use of qualitative research method and this was based on case studies generated from the interviews conducted by Amnesty International across states in Nigeria on issues of police brutality and human rights abuse. The following recommendations are put forward for this study; there is the urgent need to improve the training of the police in terms of human rights observance. The teaching of human rights education should be made compulsory at all levels of education in the country, most especially in Police Colleges and their academies. The police authorities must place emphasis on the teaching of human rights during their training of Constable Police recruits who are most often culpable of committing violations of rights.*

**Keywords: Police brutality, Human rights abuse, SARS, End SARS, Nigeria.**

### **Introduction**

One of the main challenges of the civilian government which came to power in Nigeria in 1999, after the election of Olusegun Obasanjo as Head of State, was to ensure the respect and protection of human rights as both the Nigerian armed forces and the Nigeria Police Force had been responsible for numerous human rights violations during the previous period of military government. This challenge has become so gruesome in the approach employed by the Nigerian Police in the fight against crime over the past two decades (Amnesty International, 2019). The proliferation of anti-crime operations by the federal police has resulted in extrajudicial executions, deaths in custody, acts of torture and cruel, inhuman and degrading treatment in police detention centres throughout the country (CLEEN Foundation, 2016). The general public concern over crime has increased the pressure on the police to arrest as many armed robbers as possible. But this outcry by the population has also been used by the Nigerian police to systematically justify human rights violations as being an unavoidable part of this fight against crime.

It is pertinent to note that with the ratification of the Convention against Torture in June 2001, Nigeria has reaffirmed the obligation it subscribed to when ratifying the International Convention on Civil and Political Rights, to prevent its security forces from committing torture and other forms of ill treatment under all circumstances and without any exception (Amnesty International, 2017). Article 1 of the Convention against Torture defines torture as:

“....Any act in which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity..

The Nigerian constitution provides that: “every individual is entitled to respect for the dignity of his person, and accordingly- (a) no person shall be subjected to torture or inhuman or degrading treatment” (Human Rights Watch, 2010). In the same line, the African Charter on Human and People’s Rights of which Nigeria is signatory states: Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of is legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel inhuman or degrading punishment or treatment shall be prohibited (Human Rights Watch, 2018).

However, the practice remains inconsistent with the obligation to prohibit torture as there are many cases of police brutality and blatant abuse of human rights carried out in the public especially by men of the SARS unit under the guise of fighting crime in the society. There are cases of extortion, torture and ill treatment by SARS. It is carried out with a pattern of abuse of power by SARS officers and the consistent failure by the Nigerian authorities to bring perpetrators to justice. This highlights the deficiencies in Nigerian police accountability that contributes to, and exacerbates these violations. Detainees in SARS custody have been subjected to a variety of methods of torture including hanging, mock execution, beating, punching and kicking, burning with cigarettes, water boarding, near-asphyxiation with plastic bags, forcing detainees to assume stressful bodily positions and sexual violence. Amnesty international documented 82 cases between January 2017 and May 2020 (Amnesty International, 2020).

It is surprising to note that few cases have investigated and hardly any officer has brought to justice on account of torture and other ill-treatment. In few instances where cases became public knowledge, the police authorities usually promised investigations. However, Amnesty International has found that no investigation or prosecution of perpetrators took place in any of the cases documented. The Federal Government of Nigeria has repeatedly promised to reform SARS. On 14 August 2018, the Nigerian Vice-President ordered an immediate reform of SARS, citing the widespread public outcry against their conduct, as the basis for the order (Premium Times, 2020). He also directed the National Human Rights Commission (NHRC) to set up a judicial panel to investigate SARS alleged unlawful

activities. Hours later, the police authority announced a list of reform measures aimed at increasing SARS' public accountability for its actions (Paquette, 2020). The measures include the change of name from Special Anti-Robbery Squad (SARS) to Federal Special Anti-Robbery Squad (FSARS), the appointment of high-ranking police officer to supervise the operation of FSARS and the restriction of FSARS operations to the prevention of armed robbery and kidnapping.

Despite these promises of reform and accountability for violations, SARS officers continue to subject detainees in their custody to torture and other forms of ill-treatment with total impunity (CLEEN Foundation, 2018). Amnesty International (2020) believes that the ongoing impunity enjoyed by SARS officers for human rights violations points to deficiencies in policing practice and the absence of an effective police accountability system as reflected in the lack of political will by the federal government to effect reform which climax in the recent protest and mass looting of property and destruction of government infrastructures.

### **1.2 Statement of the Problem**

Police brutality, use of torture as interrogative technique and other wanton abuses of human rights remain some of the major flaws of the Nigeria Police Force which has attracted public odium, opprobrium, and condemnation to the Force (Amnesty International, 2015; Ogunode, 2015). The Special Anti-Robbery Squad (SARS), a unit of the Nigeria police tasked with fighting violent crimes such as robbery and kidnapping, has been known to use brutality and all manner of violence condemned in all the conventions against human rights in obtaining information from the public. It continues to commit torture and other human rights violations while discharging their law enforcement duties. This has attracted a lot of attention and has been condemned at all levels (Makwerere, Tafadzwa & Musorowegomo, 2012).

The increased brutality of the police and the violation of human rights resulted in the recent agitations by Nigerian youths against SARS extra-judicial killings, which were recently re-ignited by a video shared via social media showcasing a SARS officer assaulting a young Nigerian in Delta State on October 3, 2020. Subsequently, several other pictures and videos of similar assaults and extortion by officers of the SARS resurfaced in the social media with an End SARS hashtag created to further amplify the issues in national conversations. This led to uncoordinated protests by youths calling for the dissolution of the SARS and metamorphosed into a national protest since October 8, 2020 (Business Day, 2020).

Besides, the unlawful search of phones and laptops, illegal profiling of youths as fraudsters, extrajudicial killings and subjecting arrested persons to torture by officers of the SARS highlights the deficiencies in the police accountability system and practice that have characterized the Police Service over the years (Amnesty International, 2020). Between January 2017 and May 2020, the Amnesty International (AI) documented 82 cases of torture, ill-treatment and extra-judicial killings by officers of the SARS in Anambra, Enugu, Imo and Lagos States alone (Amnesty International, 2020). Although the federal government has disbanded the SARS unit of the Nigerian Police, but nothing much has been achieved in the area of police reforms in its practice of human rights violation in the area of training. It is in the light of this that this seminar examine police brutality and human rights abuse: A study of the end SARS protest in Nigeria.

### 1.3 Objectives of the study

The objective of the study is to examine police brutality and human rights abuse: A study of the end SARS protest in Nigeria. The specific objectives are to:

1. Examine the prevalence of police brutality and human rights abuse in Nigeria
2. Evaluate the import of the end SARS protest on human rights abuse in Nigeria

### 1.4 Significance of the Study

The issue of police brutality and human rights abuse is an issue of global concern especially as it affects its operation within the shores of Africa, particularly in Nigeria. The way policemen treat members of the public on the highways and in custody are very alarming and disheartening because it is anti-human right preservation in nature. Members of the public are treated like animals and dehumanize by subjecting them to cruel treatment especially in a bid to extract confession from suspected criminals. The situation is so gruesome that it resulted in a nationwide protest recently which culminated in the disbanding of the SARS unit within the Nigerian Police Force. The seminar is therefore important because it will among other things:

Provide the Nigeria Police Force with a blue print to evaluate the operation of the Nigerian police and implement policies that will bring about change in their operational framework in the area of police-public relationship which is filled with suspicion and also provide training to enhance their investigation and interrogation in line with international conventions and procedures that guarantees the integrity of human rights.

It would also sensitize the public of the tool of collective action and voice which is stronger than any weapon of war

### 1.5 Scope of the Study

The study is limited to police brutality and human rights violation, a study of the END SARS protest in Nigeria.

### 1.6 Operational Definition of Terms

The following terms are defined in the study

**Police brutality:** The unwarranted or excessive and often illegal use of force against civilians by police officers.

**Human rights abuse:** The deliberate maltreatment of groups of *human* beings including *violations* of generally-accepted fundamental *rights* as stated by the Universal Declaration of Human Rights.

**End SARS:** A protest by Nigerian youths calling for the abolition of the Special Anti-Robbery Squad unit of the Nigerian Police Force as a result of their brutality and exploitative activities while discharging their official duties

### Review of Related Literature and Theoretical Framework

This section of the study is devoted to the review of relevant literature for the study in line with the sub themes of the study. Both conceptual and empirical literature would be reviewed

as well as providing a theory to give a framework to the study. The review is done following this outline:

- Conceptual review
- The Prevalence of Police brutality and Human Rights Abuse in Nigeria
- The Import of the END SARS Protest on Human Rights Abuse in Nigeria
- Theoretical framework

## **2.1 Concept of Police Brutality**

There is no clear and universally acceptable definition of the concept of police brutality. In fact, perceptions of police brutality vary widely across populations. For example, Reiss (1968) describes the way in which the general public labels all sorts of police actions as brutality, including verbal commands and threats, but points out that physical force is a necessary component of brutality. On the other hand, many scholars explain the way that police officers often expand their definitions and perceptions of necessary force to include those actions that might be seen as excessive or unnecessary by the public. Hunt (1985), for example, writes of the way that police have very different accounts of both normal and excessive force, and Sykes (1986) provides a moral defense for “street justice” or “informal distributive and retributive justice in situations where individuals violated community norms and impinged on the personal and property rights of others”. Regardless, Bittner (1970) holds the use of force to be the core of the police role (given the Weberian notion of the state as that entity with a monopoly on such legitimate use to maintain order), and most scholars and experts on policing agree.

Scholars and police do distinguish between necessary and unnecessary force, excessive force and brutality. Necessary force, as the label implies, is that force necessary to effectuate an arrest or otherwise perform the official duties of policing. Unnecessary force is generally seen as “a training problem, the result of ineptitude or insensitivity” and involves the use of force when perhaps the situation does not require it or of more force than necessary. Excessive force is the use of more force than necessary and overlaps with brutality, which is a “conscious and venal act by officers who usually take great pains to conceal their misconduct” (Skolnick & Fyfe, 1993). Lawrence (2000) describes how excessive force can be either brutal or unnecessary depending on whether it was a result of bad judgment or malicious intent. Arising from the above definitions, Human Rights Watch (2010) defined police brutality as a civil right violation, where police men as law enforcement officers exercise undue or excessive force against humanity. This makes the concept of police brutality a human rights violation concern both at the national and international level.

### **2.1.1 Concept of Human Rights Violation**

There is now near-universal consensus that all individuals are entitled to certain basic rights under any circumstances. These include certain civil liberties and political rights, the most fundamental of which is the right to life and physical safety. Human rights are the articulation of the need for justice, tolerance, mutual respect, and human dignity in all of our activity (Kennedy, 2010). According to Breslin, et al. (2011), human rights abuse is the acts that contravene human rights. The human right abuse simply means any act or action taking by an individual or group of individual that causes hindrance or affects the rights of another

individual or people, such right to life, socio-economic and political wellbeing can be regarded as human right abuse.

The abuse of human rights is used interchangeably with the word (violation) of human rights which means to deny individuals their fundamental moral entitlements. It is, in a sense, to treat them as if they are less than human and undeserving of respect and dignity. Examples are acts typically deemed as crimes against humanity, including genocide, torture, slavery, rape, enforced sterilization or medical experimentation, and deliberate starvation, which is used especially by states agents or social control actors in order to bring about law and order in the society (Hubert et al., 2011).

### **2.1.2 Historical Overview of the Nigerian Police Force**

The first police force was established in 1861 by the British colonial administration in the territories known today as Nigeria (Alemika, 2003). This 100-man contingent was essentially a consular protection force based in Lagos, which later became known as the "Hausa Force," so-named after the ethnicity of the men recruited into the unit. As the British expanded their reach to the east and north, they formed additional police forces comprised largely of recruits from outside the communities in which they were to be deployed (Igbinova, 1985). These early forces were notorious for their abuses and general lawlessness. In 1891, the consul general of the Oil Rivers Protectorate in what is presently eastern Nigeria expressed shock at the "numerous acts of lawlessness and pillage" by the police, who were commonly referred to in the community as the "forty thieves" in police uniform. Similarly, the governor of Lagos colony acknowledged in 1897 that the Hausa Force "no doubt behaved very badly in the hinterland by looting, stealing and generally taking advantage of their positions (Alemika, 2003).

The primary purpose of the colonial police was to protect British economic and political interests. The police accomplished this objective through the often brutal subjugation of indigenous communities that resisted colonial occupation (Tamuno, 2006). The use of violence, repression, and excessive use of force by the police has characterized law enforcement in Nigeria ever since.

The British merged Lagos colony and the southern and northern protectorates in 1913 and named the new colony Nigeria. The northern and southern regional police forces were later merged, in 1930, to form the colony's first national police—the Nigeria Police Force (NPF). The British also established local police forces under the control of traditional leaders. During the colonial period, both the NPF and the local police forces were implicated in numerous acts of abuse and corruption (Suleman, 2003). In 1952, for example, a member of the Nigerian parliament decried the "old sergeants" in the NPF who, he claimed, were "steeped in corruption." Members of parliament also criticized the NPF traffic division during this period for having "exposed itself to bribery and corruption and thus lowered the prestige of the force" (Tamuno, 2006, p. 123).

## **2.2 The Prevalence of Police brutality and Human Rights Abuse in Nigeria**

Human right abuse and police brutality across the globe has attracted world condemnation and has drawn attention of the international communities such as United Nations, the

Common Wealth, African Union, European Union, and so many other international organizations. The Nigerian government in a bid to curb these issues of unabated human rights in the country enacted the Human Rights Commission of Nigeria to champion the plight of the common man and the entire citizen. Human rights violations by the police in Nigeria have been reported over the years, most importantly since 2000 and renewed in 2001 and early 2002, especially extrajudicial executions, excessive use of force, torture and other cruel, inhuman and degrading treatment, and on occasions, death in custody (Amnesty International, 2013).

There are several documented case studies which this study would provide to explain the wide spread acts of brutality and human rights abuse in Nigeria perpetrated by the police.

- P.A. (m), 34 years old, from Imo State, was arrested by the police in July 2018 and charged with armed robbery. He was taken to the Owerri Police Station. He told an Amnesty International delegation that police officers punched him, beat him on his back with a whip and ultimately shot him in the leg to make him confess. He finally pleaded guilty because of the torture. He did not receive any medical treatment, only medicines provided by his mother. P.A. spent two weeks in detention before he was sent to prison in August 2018. He has been awaiting trial in Owerri Prison. He still has visible scars on his back and leg.
- On 1 December 2010 Ch.A. (m), a suspected armed-robber, was taken to a police station in Lagos. According to him, a policeman shot him in the leg while he was already in custody. He was given no reason for the shooting. Ch.A. was taken to the Investigating Police Officer to make his statement but he couldn't finish it because of the pain in his leg. He was charged with armed robbery and sent to a cell at the police station. He did not receive any medical treatment in the five weeks he was kept in the detention centre. When he was taken to the magistrate, the police officers prevented the magistrate from seeing Ch.A. because of the apparent injury to his leg. The magistrate ordered, without seeing Ch.A. that he be sent to hospital. Ch.A. was taken back to the police station and sent to Ikeja General Hospital one week later. He was given medication and taken back to the police station one hour later. Ch.A. spent three more months and two weeks without further medical treatment that was essential for his condition. He was taken to Kiri-Kiri medium security prison in Lagos, where he received medical treatment. A deep injury in his leg is still visible.

Cases of torture and cruel, inhuman and degrading treatment are often linked to attempts to extract confessions of armed robbery or murder, which would secure that the suspect would be imprisoned, even if the police are eventually unable to produce sufficient evidence to prosecute the suspect. In a study carried out by the Nigerian Human Rights Commission and the Nigerian NGO, Centre for Law Enforcement Education (CLEEN) in 2015, over 77% of inmates in Nigerian prisons claim to have been beaten by police, threatened with weapons and tortured in police cells. An Amnesty International delegation visited several prisons throughout Nigeria in March 2012. The delegation collected over thirty allegations of torture and cruel, inhuman and degrading treatment received in police detention centres made by

inmates who claimed to have reported their allegations to either a magistrate or to the prison authorities. It appears that in none of these cases the allegations were investigated.

On occasion, when the police cannot extract confessions from alleged armed robbers or murderers, they find a way to ensure that they are imprisoned; even when the evidence for a crime is absent. According to the Nigerian human rights organisation Civil Liberties Organisation (CLO), the police systematically send suspects of major crimes, such as murder or armed robbery, to magistrate courts instead of following the statutory procedure of sending them to the prosecutor of the Ministry of Justice for him or her to decide whether to take the case to the High Court.

Ikechi Nwadinobi (m) was a student of Abia State University. While he was travelling from Enugu to his University, the public vehicle on which he was travelling was stopped by a team of mobile policemen at a roadblock at Ozala junction. According to what eyewitnesses told Amnesty International, the policemen ordered all passengers to get out of the vehicle and before the victim could do so, the police shot him. He died as a result of the injury sustained. Apparently the policemen shot him for his delay in getting off the bus. The Legal Defence and Assistance Project (LEDAP), has sued the Inspector General of the Police for damages, on behalf of the father of Ikechi. The incident took place in 2016. The case stayed in court for a long time.

Following the death of one 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 (International Centre for Investigative Reporting 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 Rights 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.

The acts of the Nigerian Police Force is as irksome as it is characterized by lengthy pre-trial detention which remains 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.

### **2.3 The Import of the END SARS Protest on Human Rights Abuse in Nigeria**

The Special Anti-Robbery Squad was founded in late 1992 by former police commissioner Simeon Danladi Midenda. The incident that spurred SARS' formation was the death of Col. Israel Rindam (Nigerian Army) at the hands of police officers at a checkpoint in Lagos on September 1992, leading to the arrest of three police officers (United States Department of State, 2020). When the information reached the army, soldiers were dispatched into the streets of Lagos in search of any and all police officers. The Nigerian police withdrew from checkpoints, security areas, and other points of interest for criminals; some police officers were said to have resigned while others fled for their lives. Due to the absence of police for two weeks, the crime rate increased and SARS was formed with an initial force of 15, operating in secrecy to avoid the army. Due to the existence of three already established anti-robbery squads that were operational at that time, Midenda needed to distinguish his squad from the already existing teams. Midenda named his team Special Anti-Robbery Squad (SARS). After months of dialogue the Nigerian Army and the Nigeria Police Force came to an understanding, and official police duties resumed in Lagos. The SARS unit was officially commissioned in Lagos following the subsequent ceasefire (Reuters, 2020).

The establishment of the SARS unit of the Nigerian Police Force rather than bring about serenity, security and low level of crime in the country turned into a nightmare for Nigerians as the men of the SARS unit turned themselves into terror to the very people they are meant to protect. Their activities from the very onset has brought fraught with issues of corruption, misconduct and gross abuse of human rights (Human Rights Watch, 2010). They torture and kill innocent Nigerians under the guise of interrogation and suspicion of being a criminal without any meaningful action from the government. The coming of civilian rule was thought would bring an end to their activities based on the principles of democracy that thrives on respect for human rights and the tenets of the constitution being the principle upon which society rests, especially as it pertains to the guaranteeing of humans rights (Amnesty International, 2014).

Contrary to expectations, the SARS unit and the Nigerian Police Force became the tool exploited and used by government agents and politicians to carry out their dirty activities of oppression and corruption. There have been reports of cases of political thugs carrying out attacks of intimidation on innocent masses. When the police are informed they refuse to carry out any action, simply because they have received instruction from above (Premium Times, 2016). Sometimes, the police are used to carryout dirty works of intimidation of innocent masses by torturing, bullying, and harassing them into submission especially during election times. They are the very instrument used to subdue the masses into submission to the whims and caprices of government when the masses try to challenge any of government's policies (Wolfe &Piquero, 2011).

The pattern of assembling policing forces to protect government over the people, to prey on local communities and suppress dissents continued well into the 20th century. The Aba Women's War of 1929, the General Strike of 1945 and the Enugu Colliery Strike of 1949 were instances where anti-colonial resistance was met with a quasi-military policing force deployed to subjugate citizens. This has become the practice well into the return to democracy and the abuse of human rights and killing of innocent citizens have become occurrences that are now part and parcel of daily living in Nigeria (The Washington Post, 2020).

The issue of police reforms has been part of promises made by government since the return to democracy, but there has been no result gotten in that direction. Once, there is an issue involving the police in the area of extra-judicial killings, torture and wrongly arrest and detention of innocent citizens that make national news and as well draw international attention, the police authority comes out and make promises to implement reforms as a way to pacify the masses (Amnesty International, 2020). Bowing to pressure from the protesters, the Nigerian Inspector General of Police had, on 11 October, 2020, dissolved the Special Anti-Robbery Squad (SARS) with immediate effect.

Previously, the government had announced the 'dissolution' of the same SARS including in 2017, 2018, and 2019. This is the fourth 'dissolution' in four consecutive years, all under the leadership of President Buhari. Apparently, the government has been deliberately insincere and deceitful. The government being corrupt and deeply involved in the dirty activities of its agents of social control find it difficult to take a decisive action to correct the wrongs as they

are part and parcel of the process and beneficiaries in one way or the other (Premium Times, 2016).

The people of the Nigeria Police Force are the product of a society which has little to no regard for societal values, but rather respect that justice goes to the highest bidder. **It is a society that is deeply rooted in corruption, mediocrity, nepotism, unaccountability, and lack of stewardship.** The 'giant of Africa' is being led by politicians who are not only incompetent and irresponsible, but also apathetic and insensitive (The Washington Post, 2020).

**While police brutality is currently gathering global interest,** it is only one of the many problems that have bedevilled Nigerians since Buhari became the President in 2015. The ongoing protest about human rights abuse and an end to police brutality is as much as it is about bad governance. Insecurity has become part of living and is only a reflection of a systemic failure which has eaten very deep into the fabrics of the Nigerian nation (The Washington Post, 2020). **This reflects the lack of political will on the part of government at all levels to address the problem headlong.**

Barely 48 hours after promising to retrain and redeploy members of the disbanded SARS, the Inspector General of Police floated Special Weapons and Tactics (SWAT), a new tactical unit to replace SARS. But it appears that trouble has only changed its name. The status quo has not changed. Police brutality is still going on with unarmed protesters tear-gassed and killed in the recent protest. But the situation means something even more worrisome. It is either the current government is not in charge or it is being deliberately insincere to Nigerians. And from the look of things, it is both (African Report, 2020).

Police brutality may have sparked the just concluded protest, but bad governance is the fundamental reason. The most disappointing part of the whole tragedy is the attitude of our leaders and the role they play in issues that involve the masses. Perhaps, Buhari does not have anything to lose going forward as he will not be running in the next presidential elections. He will not be campaigning again and practically begging for people's votes. However, he will live the rest of his life knowing that he failed Nigerians when it mattered most. It is important to note that this is just the beginning of the conflict that may ensue if the government does not do anything meaningful to affect the lives of the masses positively as there are other issues left unaddressed that would bring about a near cessation in the future if not addressed (African Report, 2020).

## **2.4 Theoretical Framework**

The theory adopted for this study is the social conflict theory which sprang from the Marxist theory tradition. It was espoused by Lersch (1998) and holds that the state functions as an instrument of the dominant class, such as race, economic class and ethnic groups. Government institutions which include police force are the product of political processes which reveal the interests of the powerful in society. As postulated by the theory, the main function of the police is to preserve the status quo of inequality and assist the powerful to exploit the powerless in order to prevent their resistance to the exploitation that they suffer (Holmes et al., 2008; Lersch, 1998). Also, consequent on the analysis of formal complaints made by Lersch (1998), he discovered that the economically marginalised and politically powerless were more

likely to file complaints of police misconduct and to “experience more serious acts of misconduct” than those with greater power and more resources.

Supporting this school of thought, which originated from Marxist tradition, is documented evidence on the establishment of the Police Force in Nigeria by the colonialists, which was primarily to meet the need of the colonialists to crush civilian opposition (Aborisade&Fayemi, 2015). During the colonial period, both the local police force and the Nigeria Police Force were implicated in numerous acts of abuse and corruption (Human Rights Watch, 2012). The engagement of the police with the populace was situated on the need to enforce colonial laws that attracted debilitating and hateful reactions from the people, including segregation, forced taxation and crushing of anti-colonial uprisings (Aborisade&Fayemi, 2015).

In the present democratic Nigeria, it is evident that classes and groups that have dominant economic power equally control political decision-making, including the enactment of criminal law by the legislature, its enforcement and interpretation by the police and judiciary respectively. Also, there are differentials in police treatment of high profile and low profile offenders. The respect of human rights is often extended to rich arrestees as against the poor that are often subjected to different forms of abuses, violations and brutality. Hence, there is a common belief that the law that governs the affluent is significantly different from the law of the poor (Ogunode, 2015). In corroborating this postulation, Human Rights Watch (2010), stated that the police as an institution is often regarded as an instrument of oppression by the ruling class and bureaucrats. They are willing “tools” in the hands of the state rulers and bourgeoisie to secure them from any uprising from the oppressed (Egede, 2007). This explains why the rights of the rich are more protected over and above that of the poor within the society (Ogunode, 2015).

However, despite empirical evidence that indicate that police-citizens’ interaction is characterized by the power dynamics of racial, gender and class divisions, there are a few limitations of social conflict theory in effectively explaining the causality of police brutality and rights abuse. As a macro-sociological theory, it tends to assume that it is the external influence of the elite class which constructs and mandates police officers’ behaviours in their daily encounters with civilians (Punch& Gilmour, 2010). Though this hold true to explain the way the police have often being used as instruments of oppression by Nigerian elites to torment the masses by means of indiscriminate arrest, torture and infringement of their rights.

### **3.1 Research Method**

The study made use of qualitative research method and this was based on case studies generated from the interviews conducted by Amnesty International across states in Nigeria on issues of police brutality and human rights abuse. The reports obtained from the case studies were based on interviews conducted with victims of police brutality in incarceration and those obtained from civil rights liberties groups in Nigeria, who are responsible for the protection of human rights in Nigeria. It covered the period of 2013 till date as documented by Amnesty International. The qualitative research method was used to get quality information on the happenings of police brutality and human rights abuse so as to understand the dimension and gravity of the problem.

#### 4.1 Conclusion

The issue of police brutality and gross abuse of human rights has been a part and parcel of the police operation because its establishment within the colonial period was primarily to protect government properties and agents. This function has been carried on into independence and period democratic and civilian rule without any concerted effort on the part of government to implement reforms. It functions to carry out the interest of the government of the day as it is controlled by the federal government and more so understaffed, underpaid, lack training and operational framework to carry out their daily activities of crime prevention and control. This brought about their involvement in corrupt activities and all manner of misconduct especially as it affect human rights abuse, which is against the modus operandi of their operation.

#### 4.2 Recommendations

The following recommendations are put forward from this study

1. There is the urgent need to improve the training of the police in terms of human rights observance. The teaching of human rights education should be made compulsory at all levels of education in the country, most especially in Police Colleges and their academies. The police authorities must place emphasis on the teaching of human rights during their training of Constable Police recruits who are most often culpable of committing violations of rights.
2. Officers also need to be sensitized periodically over the rights of citizens and human rights issues generally. Better and improved conditions of service should be made for the police force. The .welfare of the police needs to be enhanced to minimize some of their excesses and their involvement in corrupt and criminal activities.
3. The Special Weapons and Tactics (SWAT) replacing the old SARS officials should be well trained to understand that while discharging their official duties, civility and respect for the fundamental human rights of the citizens should not be neglected. Also, there should be a clear cut stated sanction for non-conforming officers.

#### References

- Aborisade, R., &Fayemi, J. (2015) Police corruption in Nigeria: A Perspective on its nature and control. *Nigerian Journal of Social Sciences*, 17 (2), 245-262.
- African Report. (2020). END SARS protest issues: Nigeria government is to blame for bad governance: Fendix.
- Alemika, C. (2003).Colonialism, state and policing in Nigeria. *Crime, Law and Social Change*, 5,202-203.
- Amnesty International. (2013). Police inhumane treatment of citizens in Nigeria. Author.
- Amnesty International (2014) *Welcome to hell fire: Torture and other ill- treatment in Nigeria*. London: Amnesty International.
- Amnesty International (2015). An Account of human Right violations In Nigeria (Pre-British, British and post-independence) *European Scientific Journal, ESJ*, 10 (10), 124-133.
- Amnesty International. (2017). Interview. Onitsha. Retrieved on 10 October 2017.
- Amnesty International (2018). Interview. Abuja. Retrieved on 13 February 2018
- Amnesty International (2019). Interview conducted with victims of human rights abuse. Author.
- Amnesty International. (2020).Nigeria police brutality issue attract global attention. Retrieved from<https://www.amnesty.org/download/Documents/AFR4495052020ENGLISH.PD>.

- Bittner, E. (1970). *The functions of the police in modern society*. Washington, DC: US Government Printing Office.
- Breslin, G., Gilmour, L., & Weber, P. (Eds.) (2011) *Collins Dictionary & Thesaurus of the English Language* HarperCollins Publishers.
- Business Day. (2020). SARS experts task federal government on police trust. Retrieved from [BusinessDay.ng/news/article/sars-experts-task-fg-on-police-trust-fund/#:~:text=On%2024%20June%202019%2C%20President,of%20the%20Nigeria%20Police%20Force.%E2%80%9D](https://www.businessday.ng/news/article/sars-experts-task-fg-on-police-trust-fund/#:~:text=On%2024%20June%202019%2C%20President,of%20the%20Nigeria%20Police%20Force.%E2%80%9D).
- CLEEN Foundation. (2016). Criminal force: Torture, abuse, and extrajudicial killings by the Nigeria Police Force: <https://www.justiceinitiative.org/publications/criminal-force-torture-abuse-andextrajudicial-killings-nigeria-police-force>
- CLEEN Foundation. (2018). Telephone interview with Daniel Elombah 4 February 2018; Amnesty International, Nigeria: Endangered voices: Attack on freedom of expression in Nigeria, (October 2019) p.26-28 <https://www.amnesty.org/en/documents/afr44/9504/2019/en/>.
- Egede, E. (2007) Bringing human rights home: An examination of the domestication of human rights treaties in Nigeria. *Journal of African Law*, 51(2), 249-284.
- Holmes, M., Smith, B., Freng, A., & Munoz, E. (2008) Minority threat crime control, and police resource allocation in the South western United States. *Crime & Delinquency*, 54, 128-152.
- Hubert, k., Cross, E., & Jones. I. (2004) *Crime prevention: A sociological perspective*. Cambridge: Rugbere Press.
- Human Rights Watch (2010). *Everyone's in on the game-corruption and human rights abuses by the Nigerian Police Force*. Human Rights Watch.
- Human Rights Watch Reports. (2018). Available at: <http://www.hrw.org/report/2010/08/17/every-ones-game/corruption-and-humanrights-abuses-Nigeria-police-force>. Retrieved 3/02/2018.
- Hunt, J. (1985). Police accounts of normal force. *Urban Life and Culture*, 13(4), 315-341.
- Igbinovia, P. (1985). Police misconduct in Nigeria: Police studies. *The International Review of Police Development*, 8 (2),114-118.
- International Centre for Investigative Reporting (ICiR, 2017): Court penalizes Nigerian Police for unlawful detention, March 15, 2017. Available at: [www.icirigeria.org/court-penalises-nigerian-police-unlawful-detention/](http://www.icirigeria.org/court-penalises-nigerian-police-unlawful-detention/). Retrieved 21-4-2017.
- Kennedy, H. (2010). Conflict resolution and human rights: Contradictory or complementary? INCORE.
- Lawrence, R. G. (2000). *The politics of force: Media and the construction of police brutality*. Berkeley: University of California Press.
- Lersch, K. (1998). Police misconduct and malpractice: A critical analysis of citizens' complaints. *International Journal of Policing Strategies & Management*, 21(1), 80-96.
- Makwerere, D., Tafadzwa, C., & Musorowegomo, C. (2012). Human rights and policing: A case study of Zimbabwe. *International Journal of Humanities and Social Science*, 2(17), 129-138.
- Obiejesi, K. (2017) Court Rules El-Rufai must pay AuduMaikori N40m over Unlawful Arrest. International Centre for Investigative Reporting (ICiR). October 27, 2017. Retrieved 21-4-2018.

- Ogunode, S. (2015). Criminal Justice System in Nigeria: For the rich or the poor? *Humanities and Social Sciences Review*, 4(1): 27-39.
- 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/](http://www.thisdaylive.com/index.php/2017/12/14/beyond-the-brutalities-of-police-sars/). Retrieved 17/4/2017.
- Paquette, D. (2020). Nigeria abolishes special police squad after nationwide protests. Washington Post. ISSN 0190-8286. Retrieved October 12, 2020
- Premium Times. (2016, September 21). How Nigeria police torture detainees, rob them – Amnesty International. Retrieved September 23, 2016, from <http://www.premiumtimesng.com/news/headlines/210951-nigeria-police-torture-detainees-rob-amnesty-international.html>.
- Premium Times (2016, September 22) Nigerian Police rejects Amnesty International's Report as misleading, unverifiable. Retrieved September 23, 2016, from <http://www.premiumtimesng.com/news/top-news/211021-nigerian-police-rejects-amnesty-international-report-misleading-unverifiable.html>.
- Premium Times. (2020). End SARS: Lagos government set up panel for victims of police brutality. Retrieved from <https://www.premiumtimesng.com/news/top-news/421139-endsars-lagos-govt-sets-up-panel-for-victims-of-police-brutality.html> 32.
- Punch, M., & Gilmour, S. (2010). Police corruption: Apples, barrels and orchards. *Criminal Justice Matters*, 79(1), 10-12.
- Reiss, A. J. (1968). Police brutality – answers to key questions. *Transaction*, 5(8), 10–19.
- Reuters. (2020). More Nigerian protests against police brutality as reforms fail to convince them. [Http://www.nigeriansprotestagainstpolicebrutality.html](http://www.nigeriansprotestagainstpolicebrutality.html).
- Skolnick, J. H., & Fyfe, J. J. (1993). *Above the law: Police and the excessive use of force*. New York: Free Press (Simon and Schuster).
- Suleman, A. (2003). Police leadership and professionalism: Environment, structure and management since 1960. In N. Tekena & E. Tamuno (Eds.), *Policing Nigeria: Past, present and future* (p. 341). Lagos: Malthouse Press Limited.
- Tamuno, O. (2006). *The Police in Modern Nigeria*. Telex
- The National Human Rights Commission (2018). Human rights abuse issues in Nigeria. Author.
- The Washington Post. (2020). Democracy dies in darkness: The roots of the End SARS protests in Nigeria.**
- United States Department of State. (2020). U.S. Department of State country report on human rights practices in Nigeria. UNHCR.
- Wolfe, S., & Piquero, A. (2011) Organisational justice and police conduct. *Criminal Justice and Behaviour*, 38(4), 332-353.