

Human Rights Abuse by Nigerian Police in Four Selected States and the Federal Capital Territory, Abuja

Folashade B.Okeshola

Department of Sociology

Ahmadu Bello University, Zaria

shadeoyz@yahoo.com

Abstract

Human rights abuse by the police is a phenomenon that is disturbing and worrisome to Nigerians, This has left many citizens to be injured physically, mentally or psychologically as they go through these experiences in the hands of those whose responsibility is to protect them. There exist frightening experiences in which the citizens hardly have any complements for the police, detest interaction with police personnel as they see it as a prelude to arrest. This has been traced to the committal human rights abuses by the police against members of the citizenry. It is therefore suggested that the Police need training and retraining in the area of human rights, punish erring officers as a deterrent to others, improvement in salary and welfare package as well as promoting community policing as a way of improving the protection of life and property of people, which is one of the cardinal reason for their existence.

Key Words: Human rights, Human rights abuse, intimidation and violence

Introduction

The issue of human rights law and its abuses by the police has been a complicated and contentious problem. Different countries have different understanding of human rights and how they could be administered. The Nigeria Police have long history of engaging in professional, corrupt, and criminal conduct, using excessive and often brutal forms of torture, rape and sexual violence, extrajudicial execution, harassment and intimidation of victims and the destruction of evidence, including the bodies of victims of extrajudicial executions. These abuses are either perpetuated on the specific orders of superior police officers or with other knowledge or acquiescence creating the impression of criminalized policing in Nigeria.

Human rights are those privileges enjoyed by the citizens of any given country guaranteed and protected by the State constitution. According to Obaseki (1992), human rights have been variously described as the rights of man or fundamental freedom. Human rights are rights that are legally recognized and protected to secure for each individual the fullest and freest development of personality, spiritual and moral independence. Human rights are inalienable rights that belong to man by virtue of his humanity and therefore should be granted and guaranteed to everyone.

This paper will examine the nature of human rights abuse perpetrated by the police, factors responsible for the abuse, public assessment of police human right record, effects of human right abuse on the citizenry and suggest ways to reduce the abuse to a barest minimum.

Statement of the Problem

Human right is a necessary consequence of one's citizenship, which is based on the reciprocity between rights and duties. Rights are not rights that have been donated to the Nigerian people through an act of benevolence by its leaders. They are not the ideological fancies of a particular or group of persons, but are rights that encapsulate the collective vision, dreams, aspirations and fundamental beliefs of the Nigerian people. The rights bind the Nigerian people to the rest of humanity in a collective endeavour of civilized conduct and cherished values of human existence.

Nigeria is one of the worst victims of human rights violation in Africa. Consequently, many Nigerians today live in fear and terror, torture, unlawful detention, unfair trial and possible death. Even though Nigeria has a National Human Right Commission, a constitution modeled after United State of America, and a signatory to the United Nations Universal Declaration of Human Rights, various governments (both military and civilians) have always treated the issue of human rights with contempt and levity. In fact, the uneasiness about the flagrant violations of human rights in Nigeria and the outrages that have occurred are the major threats to peace and stability in the country.

Ademu (2011), noted that the Nigeria police force participates in mass killings, burying suspects in shallow graves, while their personnel fail to keep adequate records of people in custody, knowing well that their failure to do so facilitates abuse against detainees and suspects. There is also failure on the part of the government to institute or exercise due intelligence in investigating or ensuring accountability for police abuses.

The police were empowered to make arrests without warrants if they believed that there was a reason to suspect that a person had committed an offence. They often abuse this power. Under the fundamental rights Enforcement Procedures Rules of the 1999 Constitution, police may arrest and detain persons for 24 hours before charging them with an offence. The law requires an arresting officer to inform the accused of the charges at the time of arrests and to take the accused persons to a station for processing within a reasonable amount of time. However, the police generally do not adhere to these legally mandated procedures.

The Nigerian media has great influence on what the public perceives as police corruption or human rights abuse. It is a common occurrence for most Nigerian newspapers and magazines to have their headlines on the activities of the Nigeria police in relation to human rights violations while attempting to carry out their constitutional duties of maintaining law and order (Ademu,2011).

Human rights abuse by the police is a phenomenon that is disturbing and worrisome to Nigerians, This has left many citizens to be injured physically, mentally or psychologically as they go through these experiences in the hands of those whose responsibility is to protect them. There exist frightening experiences in which the citizens hardly have any complements for the police, detest interaction with police personnel as they see it as a prelude to arrest. This has been traced to the committal human rights abuses by the police against members of the citizenry (Gahia,1993; Margima,2011).

In Nigeria, public perception of police brutality and violence, which influence their uncooperative and unsupportive attitude towards police, is broad, encompassing both physical and verbal assault, harassment and restraints from exercise of their constitutional rights. Police roles in individual disputes resulting in workers strike, student demonstration, public procession and demonstration against unpopular government policies, frequently involve violence, harassment and intimidation, arrest and detention (Ali, 2008).

Several scholars have reported widespread brutality by police during crime control operations, crowd control, and management of protests and demonstration, investigation and at checkpoint. Police brutality also occurs in the form of extra-judicial killings or summary execution of suspects and revenge killings. There have been allegations of police involvement in armed robbery and recruitment of hired assassins. During criminal investigation, there is always absence of respect for human rights as the police resort to torture to extract confession. The methods or instrument of torture used by the police include beating with sticks, iron bars, wires and cables, sticking pins or sharp objects into the private parts of suspects , shooting of suspect on the limbs, use of cigarette lights to inflict burns on suspects. These and other practices such as arresting a relation as substitute for wanted suspect, apart from being a human right violation, create indelible negative impression of police among the victims of this practices (Odekunle,1979; Comassie,1990,1996; Nwankwo etal., 1993; Alemika,1993b).

The Nigerian police frequently use torture while interrogating suspects despite Section 34 of the Nigeria Constitution. In a study conducted in 2000 by the Nigerian Human Rights Commission and the Centre for Law Enforcement (CLEEN) stated that almost 80% of inmates in Nigerian prisons claim to have been beating by police and threatened with weapons.

Article 4 of the African Charter on Human and Peoples' Rights, states that "Human rights are inviolable. Every human being shall be entitled to respect for his/her person. No one may be arbitrarily deprived of his /her right." This declaration is one amongst many such as the UN Declaration of Human Rights (Claire de Than, 2003).

According to the Human Rights Situation Report (2002), the police in Nigeria have a history of abusing the human rights of the citizenry ranging from detention due to refusal to give bribe, sexual and physical assault of those in police custody, use of torture to extract confession, extra judicial killings engaged in by police personnel and many other acts which have turned the police to a blood sucking monster in the eyes of the citizenry. In view of this, many citizens see police personnel as an everlasting enemy and relate to them as such.

These human rights abuses have led to the maiming, physical and psychological trauma of many citizens. Many citizens have died and continue to die in police detention centers and even on the highways as the police commit acts that for the most part go

unpunished. Another dimension to this is that these human rights abuse are mostly committed against some sections of the society as the poor, uneducated citizens who are defenseless and unable to enforce their rights because they are neither seen or heard (Human Rights Situation Report, 2003).

Methodology

Location of the Study

The location of this study includes Bauchi, Kaduna, Kano, Niger States and Federal capital territory, Abuja. For the purpose of this study, the state capitals were selected as this is where we have more concentration of police personnel and where human rights abuses are prevalence. The selected State capitals are Bauchi, Kano, Kaduna metropolis, Minna and federal capital territory, Abuja.

Sampling and Sampling Size

For the purpose of this study, the state capitals were divided into two clusters. Within each cluster, two (2) wards were randomly selected. Therefore, in each state capital four (4) wards were chosen. In the case of Federal capital Territory, Abuja was divided into five (5) clusters.

Phase I area includes Central, Garki, Wuse, Maitama and Asokoro were divided into two clusters. Phase II are Kado, Durunmi, Gudu, Utako and Jabi were divided into two clusters. Phase III comprises of Mabuchi,

Katampe and Gwarimpa is a cluster. Within each cluster, 20 respondents were randomly selected in F.C.T. The total number of randomly selected respondents in each of the four selected States and the Federal capital Territory was 500. Thus, 500 respondents participated in this study. The study was conducted for a period of four (4) months (March 2011 - June 2011).

Methods of Data Collection

For data collection, both quantitative and qualitative methods were utilized. For survey, questionnaires were distributed to members of the public and those who are in police custody.

The questionnaire consists of both closed and open ended questions.

The questionnaire consists of six sections. section one focuses on the socio-demographic attributes of respondents, section two delves into the nature of human right abuse committed by police personnel; section three is on public assessment of police human right record; section four examined factors responsible for the abuse; section five is on the effects of human rights abuse on the citizenry and the last section look at the measures at curbing human right abuse in Nigeria.

As for the qualitative method, the instrument adopted was the in depth interview of key informants. Ten informants were interviewed in the study areas. Two key informants per State including Federal capital territory was interviewed.

Data gotten from survey were analyzed using Social Science Statistical Package (SPSS) version 16. Information from the in-depth interviews was transcribed to complement the survey data.

Discussion of Findings

Out of the 500 questionnaires distributed in the selected States, 486 were completed and returned. Analysis is therefore base on the questionnaire and in-depth interviews conducted with key informants.

Socio-Demographic Attributes of Respondents

From the study, it was discovered that human rights violation exist and manifests in different dimensions. It was found that majority of the respondents (public) who suffer more from the violations of their human rights have a high proportion of males compared to females and most were within the age bracket of 30 and above. Most of those who have been victims of police human rights abuse are low income earners.

Nature of Human Right Abuse

The prevalence of human rights abuse among the police is high as attested to by 52% (254) of the respondents. About 46% (221) are of the view that human rights abuse is on the average, while 2% (11) stated that human rights abuse among the police is low. We can therefore conclude that roughly 98% (475) of the respondents opined to the fact that human rights abuse by the police to the public ranges from average to high.

Common pattern of police abuse was also explored. This is shown in Table 1.

Table 1: Common Patterns of Police Abuse of Human Rights in Nigeria

Patterns	Frequency	Percentage (%)
Police brutality	69	14.2
Verbal Abuse	75	15.4
Extortion	88	18.1
Intimidation	7	1.4
Abuse of power	20	4.1
Torture	57	11.7
Unlawful detention	86	17.7
All of the abuse	84	17.3
Total	486	100.0

From Table 1, we can deduce that the most common pattern of abuse by the police are extortion, unlawful detention, verbal abuse, torture and police brutality. Also, respondents were asked if they ever witness police human rights abuse. It was found that 61% (296) witnessed police abuse; 22% (109) did not witness while 17% (81) of the respondents did not respond. We can say that more respondents had observed or witness police abuse of human rights abuse. .

Furthermore, of the 61% (296) who witnessed police abuse, 95% (281) of the respondents were actual victims of police human rights abuse, only 5% (15) are not victims. In view of this, victims were asked to state the type of torture they went through while in police custody. This is shown in Table 2.

Table 2: Types of Torture Suffered by Victims of the Police Abuse

Type of Torture	Frequency	Percentage (%)
Physical abuse	179	63.7
Mental/Psychologica	34	12.1
Sexual abuse	7	2.5
Verbal Abuse	61	21.7
Total	281	100.0

Findings reveal that majority of the victims were physically abuse by the police. The abuse ranges from flogging, shooting on the leg to extract information, burning with cigarette, inserting broom stick or matches stick and lit up to burn the head cap of the penis all in the bid to extract information, electric shock, the use of hot iron, indiscriminate spray of cells with tear gas where these victims are locked. These inflict different wounds on their victims. All these attitudes in a way portray some of the police as monsters in the eyes of the public, victims and relations of victims. This attitude is not new as it has become a common site in police stations.

It was found that out of the 281 victims of police human rights abuse, 47% (132) were paid compensation, while 53% (149) of the victims were not paid any compensation. From this we can say that whether victim of police human rights abuse will be compensated or not is discretionary and many factors also come into play. The question that readily comes to mind is what qualifies a victim to be paid compensation?

From the in-depth interview, it was gathered from key informants (victims) that:

Most suspects were restricted and denied access to their relations, friends or their legal counsel. Victims suffer unlawful arrests and detentions for more than 24 hours contrary to the law. Also, maltreatment, gagging, use of gun butts, cutlasses, cod gets, knife – cutting on the legs and stamping on the wounds with their heavy boots, chaining, hand cuffing, use of hot iron and planks are some of the weapons used against detainees to force them to cooperate, succumb and accept stories or events which they never participated or were aware of.

Furthermore, according to the victims, detainees were not only physically abused, but were verbally violated also. Some of the abusive and derogatory words used against alleged offenders were evil criminal, bloody bastard, bloody idiot, dangerous criminal, stubborn he goat, potential devil, saboteur, bad story and bad omen, ring leader etc.

Public Assessment of Police Record

As regards the police human rights record, 77% (377) of the respondents are of the view that their record is bad; while only 22% (109) stressed that police record is good. Having majority attesting to the fact that police human rights record is bad invariably affect the way public assess police force. Follow up question is the public rating of police relation in the community. It was found that 36% (175) rated the relationship to be fair/average; 12% (59) pointed out that the relationship is satisfactory/good; while the majority of respondents 52% (252) rated police relation in the community to be bad/poor. Human rights abuse by police has led to the negative perception from the public. Findings reveal that 73% (356) of the respondents agree to the fact that human rights abuse of the police has negative perception from the public. About 27% (130) did not believe that human rights abuse by police has any negative perception from the public. We can conclude that human rights abuse by the police has greatly affected the negative perception of the public. Worthy of note is the fact that there

are police officers who are committed to their work, but the bad eggs among them have operated for so long that the influence of the good officers are not notice because of the constant human rights abuse suffer by Nigerians.

Factors Responsible for the Abuse

It was found that several factors are responsible for human rights abuse by the police personnel in Nigeria. This is shown in Table 3.

Table 3: Factors Associated with Police Human Rights Abuse

Problems	Frequency	Percentage
Poor training	102	21.0
Poor remuneration	6	1.2
Length of military rule	82	16.9
Historical development of police	79	16.3
Lack of professionalism	11	2.3
Lack of citizens awareness	54	11.1
Corruption	47	9.7
Frustration	35	7.2
Poor handling of cases in courts	15	3.1
No punitive measure for erring officer	29	5.9
Disregard for the rule of law	26	5.3
Total	486	100.0

From Table 3 above, findings indicate that the most common factors mentioned by respondents are poor training, poor remuneration, historical development of the police, lack of citizens' awareness of their rights, corruption, frustration, no punitive measure for erring officer and disregard to the rule of law. This is also supported by the in depth interviews conducted. Inadequate training, corruption, indiscipline and poor remuneration are factors responsible for flagrant human rights abuse by police personnel.

Effects of Human Rights Abuse

Consequences of human rights violation are very obvious to see and this includes untimely taking of lives of citizens and the attendant misery occasioned on members of the family and the society at large. There is the decapitation of suspects and untold human suffering occasioned and generally the violation of the dignity and liberties of these citizens. Some of the suspects from the study after their harrowing experiences with the police were later found to be innocent and because of such experience; some have turned to criminality seeking for vengeance on the society. Also, there is the devastating effect on the economy as some of these suspects that have been killed or maimed in the process of investigation have turned out to be economically productive and liabilities to their families and the society at large.

Conclusion and Recommendations

In relation to human rights abuse, it was noted that the police actually perpetrate this act as there were more people who have been witnesses to it compared to those who have been victims themselves. Contrary to the general denial by police that they do not violate human rights of citizens, the study established this.

Police brutality, extortion, intimidation and torture are some of the patterns of police abuse of human rights. Poor training, poor remuneration, poor infrastructures and corruption are some of the problems associated with human right violation by the police. One of the major challenges to the eradication of human rights violations is the mindset of the police which accepts torture, harassment, violations of the dignity of the person as part of the “unwritten” powers of the police. In view of this, it is recommended that:

1. There should be a rethink of the role of the police which would lead to reorientation of the force to make it fit a democratic society like Nigeria.

2. Recruitment of the police personnel should be on merit and qualification. Only those that are worthy of character should be in the force as this will help checkmate issues of human rights abuse.

3. The condition of service of personnel of the police should be improved. Their salary and allowances accommodation should be improved to give them a good standard of living so as to reduce frustration among personnel which leads to extortion, physical and verbal abusive.

4. Strict punishment should be put in place for police who commit human rights abuses so that it would serve as deterrence to others.

5. Personnel of the police should be constantly trained in public relations techniques so as to help them relate better with members of the public.

6. There should be police-public relation, which will foster unity, mutual understanding and cooperation not hostility that is now obtainable.

7. There should be periodic and refresher courses for the police to make them equal to the task and be well informed about of the job. Training both at local and international should be given greater attention by the police authorities.

8. Human rights education should be made part of the educational curriculum from primary to tertiary level to empower citizens to protect their rights,

9. There is the need for the establishment of an official register on all arrests and detention of suspects which records the name of the suspect, the reason for arrest, date and time of arrest, date of the first appearance before a judge and identity of law enforcement officials concerned. This will give a true picture of the situation at a glance.

10. There is need for a reform of the police code of conduct. It should be in line with international human right stand.

References

- Ademu, G.O.(2011), Human Rights Abuse by Nigerian Police in Kaduna South (unpublished Mlc project).
- Alemika,E.E.O. AND Chukwuma, I.(2000), Police Community Violence in Nigeria. Center for Law Enforcement Education, Lagos.
- Ali, G. (2008), Police and Human Rights Abuse in Nigeria. A seminar paper presented in Department of Sociology, Ahmadu Bello University, Zaria.
- Claire de Than, etal (2003), International Criminal Law and Human Rights. New York: Thomson, Sweet and Maxwell.
- Comassie, A.I. (1990), Discipline Superior Police Officer. A paper presented at the seminar for Area Commanders and Assistant Commissioners of Police held at the Police Staff College, Jos. March 19 -23.
- Comassie,A.I. (1996), The making of the Peoples' Police. Lecture delivered at the National Orientation Agency, Abuja.
- Gahia,C. (1993). Human Rights in Retreat. Lagos: Gort Liberties Organization.
- Gumba. A.S. (2011), Human Rights Violation by the Nigeria Police Force in Bauchi State (unpublished Mlc project).
- Human Rights Situational Report (2002), A Quarterly Publication of the Human Rights Monitor.
- Human Rights Situational Report (2003), A Quarterly Publication of the Human Rights Monitor.
- Idrisu, A. (2011), Human Rights Violations by Police in Gwarinpa, Federal Capital Territory, Abuja (unpublished Mlc project).
- Kalu,J.U.(2011), Human Rights Violation by the Nigeria Police: Special Anti- Robbery Squad (SARS) Command Headquarters, Federal Capital Territory, Abuja (unpublished Mlc project).
- Margima, J.N.(2011), Human Rights Abuse by Police in Sabon Gari Area of Kano State (unpublished Mlc project).
- Mohammed, U.J.G.(2011), Human Rights Abuses by Police Force in Bosso Police Station Minna, Niger State (unpublished Mlc project).
- Nwankwo,C.D. etal. (1993), Human Rights Practices in the Nigerian Police. Constitutional Rights Project, Lagos.