

An Analysis of Human Rights Violation by the Nigerian Security Services

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Abstract

This paper is aimed at examining what is human rights and what constitutes human rights violation, the analysis of various violations of human rights by the men of Nigeria security services. The paper shall look at circumstances leading to such violations, as reported by the media and the impediments to the realization of human rights, the possible prospects for its amelioration in form of recommendation.

1.0 INTRODUCTION

The security services of any nation are an integral part of the society that cannot be dispensed with and their responsibilities with regard to securing lives and properties cannot be overemphasized. -This is why it is, ironical that the ones who are supposed to safe-guard and protect turn around to -trample upon and violate the rights of the citizenry.

The security services in Nigeria include:

The Nigerian Armed Forces i.e. Army, Air Force and Navy.

The Nigeria Police Force

The State Security Services (SSS)

Nigerian Security and Civil Defence Corps.

The Nigerian Prisons Service

The Nigerian Customs. Service

The Nigerian Immigration Service

Some of the functions of these security agencies as provided by law include amongst others the preservation of law and order, detection of any crime within Nigeria, maintenance of internal security, the protection and preservation of all non military classified matters concerned with the internal security of Nigeria.¹

Other functions of these security agencies are defending the nation from external aggression, maintaining its territorial integrity and securing violations on land, sea or air suppressing insurgency and acting in aid of civil authorities to restore order when they are called upon to do so by the President.²

Human Rights have been variously defined. For instance Nnamdi J. Aduba in his book defined Human Rights as those rights that are in the very nature of human persons. They define and affirm humanity, they exist to ensure that Human -Rights remain sacred and guarantee that inhumanity and injustice are prevented or redressed³

Human Rights are rights possessed by all persons by virtue of their common humanity to live a life of freedom and dignity. ⁴Human Rights are universal they

Are the same for everyone' everywhere. They are inalienable; they are neither be taken away nor given up and they are indivisible, there is no hierarchy among rights and no right can be suppressed in order to promote another right.⁵

The United -Nations in 1987 described Human .Rights in the" following manner: Human Rights could be generally defined as those 'rights without which we cannot

¹ National Security. Agency Act 2004 51 Cap N74 LFN

² Constitution of the Federal Republic of Nigeria 19995217 (as amended)

³ Aduba, J. N, "Inquiries on Human Rights Practice in Nigeria Past, Present and Future" being an Inaugural Lecture delivered the University of Jos Inaugural lecture series, 54 on 29th June, 2012. P. 8

⁴Ibid

⁵ Ibid

function as human beings¹

In view of the fact that Human Rights are backed by provisions of the law, for there to be a violation of Human Rights, there must be a form of infringement of rights guaranteed under an existing law. To violate the most basic Human Rights is to deny individuals their fundamental moral entitlements. It is in a sense, to treat them if they are less than human and undeserving of respect and dignity. Examples of violations include acts typically deemed crimes against humanity such as genocide, torture, slavery, rape, deliberate starvation etc.

Human rights violations cut across all spheres of man's existence and the Nigerian security services have been accused of being one of the greatest violators of the said rights in Nigeria.²

Having looked at what Human Rights are and what constitutes Human Rights violations, we shall consider the various violations that have been reported in Nigeria, the circumstances leading to such violations, how and when they occurred as well as proffer suggestions aimed at minimizing such violations:

2.0 ANALYSIS OF HUMAN RIGHTS VIOLATIONS IN NIGERIA

The Nigeria Constitution 1999 (as amended) has captured the various human rights which the law seek to protect under section 33 to 46 which are:

- Right to life
- Right to dignity of human person
- Right to personal liberty
- Right to fair hearing
- Right to private and family life
- Right to freedom of thought

Conscience and Religion

- Right to freedom of expression and press
- Right to peaceful assembly and association
- Right to freedom of movement
- Right to freedom from discrimination
- Right to Acquire and own immovable property anywhere in region
- Right to compensation (compulsory acquisition of property)
- Restriction on and derogation from fundamental right
- Special Jurisdiction of High Court and Legal and

The above mentioned are the basic right, which the Nigeria Security Services never attached any importance to safeguard rather a constant violation as analyze below:

2.1 ODI MASSACRE

On the 20th of November, 1999 defenseless and unarmed civilians were massacred in Odi, a village in Bayelsa State by the Nigerian military' as an offshoot of an ongoing conflict in the Niger Delta over indigenous rights to oil resources and environmental protections. According to Human Rights Watch (HRW), over 2,500 lives were lost in that incident.³ This was a clear violation of the right to life of the affected individuals under former President Olusegun Obasanjo. Apart from the loss of lives of the Nigerians in question, it is worthy of note that the violation of the fundamental human rights of these people by Nigerian security agencies is to cost the Federal Government a whopping sum of N37.6 Billion

¹ Ibid p.9

² Oluwaige, I and Anaba, I "Human Rights situation in Nigeria" The Vanguard Newspaper Friday, 5 March 2004 pp. 21-23; and 26; Agunloye, R. Y "Ige's Killers May never be found" This Day Newspaper 12 September 2004 p.1 and 4; Nwokocho, J "Lagos Tragedy We want Deceased Families The vanguard Newspaper, 14 September 2003 P. 18; Njoku, L "Dead or Alive I want to see my Son" The Guardian Newspaper 14 September 2003 p.30; Orji, G "Police Probe Killing of General's Son" This Day Newspaper 13 September 2003 p.2; Balogun, J "State of Security in the Country" The Guardian, Friday 7 July 2004 p.9 and 10 Al-Ghazali, M "The value of Nigerian Life" Daily Trust Newspaper Tuesday, 11 August 2009 p. 56.

³ www.en.wikipedia.org/wiki/Odi_massacre. Accessed on 22/05/2013

by way of-compensation to Odi people.¹

2.2 ZAKI BIAM MASSACRE

The Human Rights Watch (HRW) again in its report of 26 October 2001 in New York condemned the massacre of over 100 civilians by Nigerian soldiers in several villages in Benue state. According to the report. Militia of Tiv ethnic group were believed to have abducted and murdered about 19 soldiers sent to restored peace in the crisis, between' the Tivs and the Jukuns. The soldiers. mutilated bodies were Later found in the village of Zaki Biam.² The Nigerian Human Rights group stated that the military operation which massacred the people of Zaki Biam, Vasea Anyirn Lorlo. Ugba, and Sankera begari on Monday 22 October, 2001 and was carried' out by soldiers from 23rd Armored Brigade of the Nigerian Army, These villagers were said to have been rounded up by the soldiers for a 'meeting after which the men were separated from the others, shot and later set ablaze. This is nothing short of violation of the right to life of these victims which contravenes the 'provision of-section 33'of the 1999 Constitution of the Federal Republic of Nigeria as amended which provides:³

"that every person shall be entitled to life and no one shall be" deprived intentionally of his life, save in the execution of a sentence of a court in respect of a criminal offence of which he has been found guilty of in Nigeria."

2.3 RAPE OF A THREE YEAR OLD GIRL IN .GWAGWALADA, ABUJA

In 2007, a three year' old girl was raped by a- Mobile Policeman in Gwogwalada; Abuja. The officer allegedly called out the victim from her home, took her to a nearby stream and raped her. He then handed her over to a neighbor who took her to her mother. The matter was first aired on Nigerian Television Authority before it was formally taken up by the National Human- Rights Commission.⁴ This was a clear violation of her right to dignity of human person as guaranteed under the constitution.

2.4 KILLING Of A THREE YEAR OLD ALONG WARRI-SAPELE ROAD

On the 22nd of December, 2010, little Wilfred Egogo was enjoying a ride with her father and other siblings on their way home when she was hit in the head by a bullet. She slumped and died immediately. What happened was that a Mobile Policeman at a check point along Warri-Sapele rood flagged down her father and when another officer sensed that he wasn't going to stop, he pulled the trigger and the bullet hit the innocent girl.⁵

2.5 KILLING OF A FEMALE BANKER AT MPAPE, ABUJA,

Similarly, on the 31st of March, 2011, Mrs. Doris Nonye Okere, a banker who lived at Mpape, a suburb of the FCT, Abuja boarded a cob to her place of work. On her way she was shot and killed in cold-blood by a plice guard at Zenith bank located in the area. She left behind a husband and eight month old baby.⁶

2.6 PRESS FREEDOM'

Aside from brutality and massacre of the citizens by the security is the violation of press freedom in Nigeria. Despite the transition from military to civilian rule in 1999, clampdowns assault, beatings unfair arrests and police raids against producers of print media have continued. Between June 2002 and September 2003 alone Media Rights' Agenda - (MRA), a Lagos based- Non-Governmental Organization which promotes, press freedom and freedom of expression recorded more than fifty cases of reported abuse of journalists' rights and other violations of freedom of expression,⁷

¹ The Nation Newspaper Wednesday, 20th February 2013.

² www.en.wikipedia.org/wiki/victor_malu - Accessed on 24/05/2013

³ CFRN 1999 s33 (as amended)

⁴ National Human Rights Commission Newsletter, (December 2007) Vol 7 .pg 26

⁵ National Human Rights Commission Newsletter, (July - Sept 2011) Vol 12 Pg 2'-

⁶ Ibid

⁷ ChurchHiJ.!, O' "imprisonment of Press Freedom in Nigeria" this day Newspaper, Tuesday 4 May 2010 p.7

The Media Watchdog Reporters without Borders, Listed the Nigerian Police as the leading 'violin of Journalists' rights, On Sunday. April 24, 2010, *Ed-Ugbagwu*, a judicial correspondent of The Nation newspaper was murdered in Lagos. Also, *Godwin Abgroko* and *Abayomi Ogundeji* of THISDAY newspaper, *Omololu Falobi* and *Boyo Olu* of the Guardian newspaper were all brutally killed in Lagos' by unknown gunmen recently, All these killings and the reluctance of the National Assembly to pass the Freedom of Information Bill have further raised the question of press freedom once more in Nigerian democracy, The assault on the press' freedom is a fundamental breach of democratic norms, Proponents of free press believe it is uncalled for and reminds Nigerians of the dark days of impunity during the military era.¹ With Nigeria operating a democratic system of government, the freedom of expression, including the, freedom to hold opinions receive and impart ideas without interference should be a' fundamental right guaranteed under the Universal Declaration of Human Rights (UDHR), the African Charter 'on Peoples Rights, (ACHPR), the Constitution .of the Federal Republic 'of Nigeria 1999 and other regional and international treaties to which Nigeria is a party, Moreover" Section 39 (1) of the 1999 Constitution of FRN (as amended) provides that *Every person shall be entitled to freedom of opinion and impart ideas and information without interference.*

Media owners say that if politics is about development and the ultimate goal of any 'political system is to ensure the improvement of the security and welfare of the citizenry, then the resort to assault on the media negates fundamental rights and the rule of law, It merely demonstrates impunity and intolerance to alternative views, The brutal murder of *Dele Giwo* should specially' be remembered this day and the question repeated: *Who-killed Dele GiWa?*

Civil rights claims are an important part of our legal system. Providing the balance between the duty of law enforcement to uphold the laws and the rights, of individuals to be' free from security services misconduct, the few circumstances stated above are clear instances of infringement or violation of rights to freedom of expression, human dignity and freedom from inhuman rights to freedom of expression, human dignity and freedom 'from inhuman and degrading treatment:

2.7 RAPE OF FOUR WOMEN IN WUSE ZONE 2, ABUJA

In' December" 2012, .there was an act of rape, extortion and assault committed 'on some women by security agent~ in Wuse Zone 2, Abuja.² According to the report, the soldiers (Corporal Nse- Eyedip married, Emeze Uzonna single, Ugwu Matthew single) attached to the Guard Brigade were deployed to .patrol specific 'places in Abuja using a new patrol van, The soldiers allegedly resorted to raping girls including married women and stealing valuables. They usually began chasing their victims in the middle of, the night forcing them into their van before they would, take them to secluded areas in the Central Business District where they would be bullied, raped and extorted, The Army has since dismissed them after conducting a thorough investigation and testimonies were received by three of the victims.³ The above is a clear violation of the right to private life and human dignity of these women.

2.8 TORTURE

One Lawal Ganiyu, 50 years old, was recently arrested and tortured by the Police over an alleged four million naira fraud. As a result of this he lost his' memory 'since April 25, 2013 when the incident took place and as at May 3, 2013 when it was being reported, he was still unconscious in a hospital.⁴ This act constitutes a gross violation of his right to dignity of human person as enshrined under section 34 of the -1 999 Constitution which provides that:

¹bid'

² www.alytrust.com.ng accessed on Wednesday 23 January, .2013.

³ [www.ynaiia.com/nemesis-soldier-dis ...](http://www.ynaiia.com/nemesis-soldier-dis...) accessed on Saturday 25th May, 2013

⁴ "victim of-police brutality still suffering" The Nation Newspaper of Monday 6th May 2013.

"Every individual is entitled to respect for the dignity of human-person and accordingly no person shall be subjected to torture or to human degrading treatment".

2.9 SHOOTING OF A TANKER DRIVER

The Association of Tanker/Trailer Drivers recently protested over the shooting of one of their members who was con, cattle from Maiduguri to Kano by a mobile policeman. The report had it that the driver got to a check point after Kano University of Science and Technology, Wudil where he gave the Policeman #100 bribe. Trouble ensued when the officer demanded that he should add #20 to make it #120. The driver who refused on the-ground that spent a lot on the journey and had nothing else to add was shot by the mobile policeman immediately. The "driver who was still recuperating in a hospital in Keno as at the time of filing the report on Tuesday, May 7, 2013 was lucky that the violation of his human right did not lead to loss of his life like many others who have had similar encounters on our roads.¹ One Akintokunbo Adejurno recently agreed with the revelation of the content of the damning 19 page report" by the Network on Police Reform in Nigeria(NOPRIN) which monitored over 400 police stations in 13 states of Nigeria. They had concluded that:

*"The Nigerian Police Force is now a danger to public safety and conduct of its personnel could be the cause of a major public health and mortality emergency on a national scale."*²

According to the writer, it is a most welcome and eye opening report which really further exposed the Nigerian Police Force as one of the most incompetent, inefficient, corrupt, 'brutal security organizations in Nigeria. This Report must be a real concern for the Nigerian Public because God help us, if it is not you today it might be a family 'member or friend tomorrow-who will fall into the callous hands of this organization.³ He continues: in 'fact the Nigerian Police Force no longer protects the Nigerian public rather, the Nigerian public should 'be protected from the men and women of this out dated force, and therein lies the problem because who is going to protect the' public? The government or ourselves?" The NOPRIN's coordinator said:

*"Commitment to the rule of law rings hollow as long as long as this administration takes no steps to bring an end to the epidemic of police killings and other abuses in Nigeria. What use is the rule of law if it cannot guarantee the right to life? A Police Force that kills this number of people cannot guarantee public-safety."*⁴

2.10 BAGA INVASION

One of the most recent cases of gross Human Rights violations is the Baga invasion by the Military Joint Task Force (JTF). There are so many versions of what happened in the month of April, 2013 in Baga - a fishing community in Borno State. The President and, Commander-in-Chief had consequently allowed an independent inquiry by the Notional Human Rights Commission to unravel what' actually happened in that community. But one report has it that the JTF having been frustrated by the uncooperative attitude of the Sago community in exposing. Members of the insurgent group otherwise called Boko Haram and the allegation that the insurgents launched on attack on the Joint Task Force which led to the death of one soldier the military decided to invade the community with a view to fishing out members of the group who would retreat to the community after unleashing violence on them.

The result is usually disastrous whenever the military are involved in such 'a revenge mission'. To say therefore that Human Rights have been seriously violated in the course of this invasion would be on understatement. Between 187 and 400 people, mostly civilians were killed. Many of, the dead, were burnt beyond recognition when the homes of member's of the community perceived to be harboring the fleeing members of-the Boko Haram were

tortured by the military Joint Task Force (JTF), Many 'including women and children have been rendered homeless as a result of the unfortunate incident. An Associated Press journalist who accompanied the State official to Saga said soldiers purposefully set the fire during the attack.⁵

2.11 KILLING OF MEMBERS OF AN ISLAMIC GROUP

¹ www.dailytru5t.com.ng news accessed on 24th may 2013

² Akintok'unbo, A: The Nigeria Police and Public Safety-in Aduba, J. "The R. Right to Life" NIALS 2011 at P. 26.

³ Ibid.

⁴ Ibid

⁵ www.ne\Ns.~tionalpost.com/2013

It would be recalled that in June 2009, members of the Nigerian security forces during "Operation thunder Storm" killed members of the once peaceful Islamic group while, the group members were on a funeral procession over a traffic offence (for not using helmets). This marked the genesis, of the violent confrontation that has persisted between the Boko Haram militant 9Coup and the Nigerian security services.¹

The leader of the group was later executed in police custody in" June/ July 2009 without adherence to any due process or the rule of law.²

2.12 THE BLACK MARIA EPISODE

In 1980, there was a Black Maria episode where the' police packed seventy people in a Black Maria truck and left them standing for about three hours in the premises of a Lagos Magistrate Court. Though the prisoners were shouting and banging on the door, the policemen refused to open the door until most of them suffocated to death. President Shehu Shagari's order for the culprits 'prosecution and was ignored.

3. IMPEDIMENTS TO THE REALIZATION OF HUMAN RIGHTS

There are many factors responsible for the aggravation of Human Rights violations in Nigeria. Some of these include:

3.1 Illiteracy/Lack of Adequate Training

Most Nigerians are largely uneducated and consequently unaware of "their fundamental rights as enshrined in the Constitution. They therefore do not know when such rights are infringed upon or violated not to talk of seeking redress: On the part' of the security agents, we have Issues' ranging from lack of proper orientation to lack of adequate training. We know the type 'of tough training usually given to the military for instance, such training can never place them' in a good position to manage civil crisis hence, there is violation of Human Rights and heavy casualties whenever they are involved.

The police is the number one culprit, when it comes to case of corruption and illiteracy (some even entered the force through questionable processes such as forging entry certificates) ill-trained, ill-equipped, ill-oriented etc. According to NOPRIN's coordinator.³ Their leaders both political and organizational are corrupt hence, they find it difficult to operate as efficiently and humanely as one would expect in a normal conducive society. They are therefore not wholly to blame. They have to eat, pay their rent; send their children to school and generally exist like others, and because all these 6 basic necessities are not provided for them they have to resort to brutality, texture, corruption and blatant disregard for human life. This he said is not an -excuse for their bestiality but it should be recognized. He noted that: "Nigerian Police Force is ill-trained,, ill-equipped; ill-orientated, ill-paid, ill-motivated and not respected. These people work more than eight hours a day standing on the road blocks and just totting their out - dated weapons. Even the ones in' the office - never seem to leave for home at night. Are there set hours to work? Mind you, I still give them some respect. There have been many instances of uncommon bravery and honesty in a few patches. Recently some courageous policemen were killed while battling armed robbers in various places in the' country. What happened to the families they left, behind? you ask me, if they will be well compensated for their irretrievable loss. Is there any kind of life Insurance for policemen killed in the course of duty as in many Western countries? What exactly do Policemen in Nigeria benefit from?⁴

3.2 Lack of diligent prosecution of violators

This factor also contributes to exacerbate Human Rights violations when security officers are not taken to Court and even when they are token 'to, Court, the matter is not prosecuted to the end. The extent of violation by these

¹ Ibid,

² Ibid,

³ www.dailytrust.com.ng/news accessed on 24th may 2013

⁴ Ibid P. 3.

security officers' is often down played, Sometimes when such cases are prosecuted to the end, the authorities flaunt the orders of the court with unimaginable impunity. In the recent case of Qyang Azi & 4 Others v. Federal Republic of Nigeria & 4, Other¹ the cost or, award of damages to the tune of #10 million against the Federal Government and the 4 Others in favor of the Plaintiffs for the violation of their fundamental rights - (Right to personal liberty) is yet to receive any compliance.

3.3 Poverty

This is another reason why violations of Human Rights thrive in our society. As- a-result of the high level, of poverty, many people whose rights are violated hardly seek redress when they consider the cost of legal representation. Some even keep quiet to avoid who! they regard as stigmatization' especially when such violation like rape is involved.

3.4 Ethnic/Religious Sentiments

Sometimes, if the violator is from the same -religious or ethnic group with the superior officers who is handling the case, justice is often not served.

3.5 Attitude of Concerned Authorities

The Government most of the time lacks the political will to take issues of human rights seriously, The National Human Rights Commission charged-with the, mandate of, protection and promotion of the rights of the citizenry has not done enough primarily", because the organization is handicapped by the non-gazette of the National Human Rights Act passed into law since 2010. Thus lawyers in the commission are unable to take up cases of violations, of Human Rights especially those violations perpetrated by security agents as such cases could even be taken up at the risk of their own lives. Suffice it also to say that inefficiency of government at all levels does not only violate the social economic and - cultural rights of citizens, but, triggers other violations like extrajudicial killings rape, torture, etc. it is also worthy of note that it is the violation of rights that brings about insecurity and not the other way round.

3.6 Espirit de corps

In the forces is also encouraging violation of Human Rights for instance, where an officer commits an offence that constitutes a violation of Human Rights and is brought before his superior, such an offending officer is shielded or when any action at all is taken, the officer involved in such violation is only dismissed and not prosecuted to serve as a deterrent to others.

3.7 Lack of sufficient legal aid

As we mentioned earlier, most of the people violated do not know their rights and even if they know, the financial implications of litigation and the rigorous court processes discourage them.

3.8 Lack of Accountability for Ammunition

Officers who are given ammunition especially the Nigerian Mobile Police use ammunition indiscriminately and do not account for such ammunition, thereby promoting the violation of citizens' right to life.

4. CONCLUSION / RECOMMENDATIONS FOR LIMITING VIOLATIONS

4.1 Legal aid: Should be made accessible to the poor who are being violated. More Human rights Organizations (e.g. NGOs) come up and volunteer to assist the poor in fighting for their rights especially in the North where there are not many NGOs.

4.2 Sensitization campaigns: should be held more often to educate or enlighten the masses on the existence of their rights. Religious and traditional rulers should be encouraged to enlighten their subjects on their rights and how to seek redress when such rights are violated.

4.3 Make full use of diplomatic pressure and sanctions to deter the security agents from actions that constitute violations of Human Rights. Such pressure includes targeted sanctions, diplomatic isolation, etc. For instance the United States of America usually supports the Nigerian military and security agencies with capacity building, intelligence' and - weapons. However, this support was recently withdrawn by the Obama government due to the gross destruction of lives and properties carried out in

¹ Unreported suit delivered on the 26~ March, 2013 at Fed. High Court, Jos Judicial Division before Justice A.L.. - ALLAGOA. w •

Baga town which constitutes a violation of right to life and property.¹

- 4.4 Educate and enlighten, law" enforcement officers, .prosecutors and others charged with the duty of protection' and promotion of -Human Rights on what constitutes the Human Rights. In this regard, training and reorientation of officers should cut across all cadres and riot is restricted to the senior officers. Also there should be an upgrade in the yardstick recruitment of security officers particularly the Nigerian Police.' e.g. a degree or its equivalent should be considered. Furthermore officers should be employed based on merit.
- 4.5 Violators should be diligently prosecuted to act as a deterrent to others. Modalities should be put in place to enforce all laws that ensure the protection and promotion of Human Rights e.g. National Human Rights Act, '2010.
- 4.6 Strict' measures should be put in place to ensure that ammunition is accounted for as this deter the officers from using such ammunition indiscriminately.
- 4.7 There should be an improvement in the welfare packages of the security agents as this will go a long way in combating corruption. The Inspector General of Police recently said that a new salary structure is, being worked out for the Nigerian Police Force to compare with their counterparts abroad²

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¹ Online Daily Trust, May 2, 2013 local news

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