

1-5-1997

# The State Security Service and Human Rights in Nigeria

Basil Ugochukwu

Follow this and additional works at: <http://scholar.valpo.edu/twls>



Part of the [Human Rights Law Commons](#)

---

### Recommended Citation

Ugochukwu, Basil (1997) "The State Security Service and Human Rights in Nigeria," *Third World Legal Studies*: Vol. 14, Article 5.  
Available at: <http://scholar.valpo.edu/twls/vol14/iss1/5>

This Article is brought to you for free and open access by the Valparaiso University Law School at ValpoScholar. It has been accepted for inclusion in Third World Legal Studies by an authorized administrator of ValpoScholar. For more information, please contact a ValpoScholar staff member at [scholar@valpo.edu](mailto:scholar@valpo.edu).

# **THE STATE SECURITY SERVICE AND HUMAN RIGHTS IN NIGERIA**

**Basil Ugochukwu\***

## **I. INTRODUCTION**

In 1995, Nigeria would have been an independent nation for thirty-five years, having severed from the British monarchy on October 1, 1960. Since independence, civilians have been in political power for a combined period of ten years while the military has dominated the remaining twenty-five years. The result of Nigeria's unfortunate romance with military dictatorship has been disastrous and it is still manifest by the day. Political, economic and social stability and coherence have continued to elude the country. Social structures and institutions have manifested varying degrees of collapse. The country is fast acquiring the image of a pariah in an international community justifiably bewildered at the squandering of her enormous potentials. Personal insecurity has heightened considerably.

Recently, social and political tensions have risen sharply since Nigeria's dictatorship has continued to hedge and waiver on the issue of returning the country to civil democratic rule. There has been intense agitation for change - to which the military political authorities have given one response: repression. Human rights violations have escalated to proportions never before witnessed in the history of the country. Ironically, while these violations occur, avenues for redress have been disempowered by draconian military decrees that forbid the courts of their jurisdiction to check the exercise of arbitrary power. It is against this background that one must view the operations of Internal Security Forces in Nigeria.

The State Security Service, (SSS), is one of several internal security forces in Nigeria. It was a creation of the military. Among the other internal security forces, there are: the police, the Directorate of Military Intelligence (DMI), the Nigerian Prison Services, the National Drug Law Enforcement Agency (NDLEA), and the Nigerian Board of Customs Services, all of which exercise either military or quasi-military powers. Apart from the police, which (probably

---

\* Staff Attorney, Constitutional Rights Project (CRP), Lagos, Nigeria.

because of its history and colonial origin) is the most dominant arm, the SSS exercises a wide range of internal security powers. Like the police, they are also responsible for widespread violations of human rights.

### *A. Historical Background*

The State Security Service in Nigeria did not have a colonial origin. Before its establishment in 1976, as the Nigerian Security Organisation (NSO), it was generally believed that the police and the various security branches of the armed forces were capable of maintaining political stability and public security.

The political unrest of 1964 in Western Nigeria, the military coup of January 1966 and the counter coup in July of the same year did not change this perception nor did the thirty-month civil war that ended in January 1970. The establishment of the NSO, as a secret service organisation, has been traced to the unfortunate event of February 13, 1976: the brutal killing, by a group of disgruntled soldiers, of Nigeria's Head of State, General Murtala Mohammed, in an attempt to take over government.

Although, this military coup was crushed, General Olusegun Obasanjo, who succeeded Mohammed, hurriedly constituted an intelligence organisation independent of those then involved in intelligence information gathering for the government.<sup>1</sup> The impromptu nature in which the NSO was established did not leave room for adequate preparation. It was, in fact, the existing Special Branch of the Police that metamorphosed into the NSO, complete with personnel. These men suddenly found themselves managing both intelligence information gathering and security functions for the Obasanjo regime. Their training was neither adequate nor commensurate with the tasks to be fulfilled. The police influence and heritage thus became a huge inhibiting factor on the NSO especially, on its role perception.<sup>2</sup>

---

<sup>1</sup> These included the Service Intelligence Corps of each of Nigeria's three military services - the Army, Navy and Air Force; the Police Criminal Investigation Bureau, the Research arm of the Ministry of External Affairs and the Special Branch of the Cabinet office.

<sup>2</sup> Takaya Bala ed.; Security Administration and Human Rights: Prospects for Nigeria's Third Republic CDS, Jos 1989.

Decree No 16 of 1976, which set up the NSO, said the organisation was employed for the following purposes:

- a) the prevention and detection of any crime against the security of Nigeria;
- b) the protection and preservation of all classified matter<sup>3</sup> concerning or relating to the security of Nigeria; and
- c) such other purposes, whether within or without Nigeria, as the Head of the Federal Military Government may deem necessary with a view to securing the maintenance of the security of Nigeria.

The decree recognised the powers of the Head of State to make provisions by instrument relating to such matters as the structure, designation, appointment and administration of the organisation as well as the manner in which its powers can be exercised. It also provided that specific officers of the organisation were to be conferred with the powers of "superior police officers."<sup>4</sup>

However, the instruments to be made by the Head of State containing its operational orders, although having the effect of Decrees, were prohibited from being published in the gazette. Thus, facts relating to the basic structure and standing orders of the NSO remained secret, and this secrecy came to characterise the entire work of the NSO.

The activities of the NSO and the fluid nature of its mandate strengthened its image as an agency whose role covered all aspects of security activities, exercising powers:

- to obtain by secret sources or other means accurate intelligence regarding persons or organisations whether within or outside Nigeria, engaged in acts of espionage, subversion or sabotage against Nigeria, or engaged in acts which may threaten the security of Nigeria;
- to identify and where appropriate apprehend or assist in the apprehension of persons believed to have committed any crime

---

<sup>3</sup> Defined in Section 9 of the Nigerian Official Secrets Act, Chapter 335 Laws of the Federation (1990), as "any information or thing which, under any system of security classification from time to time in use by or by any branch of the government, is not to be disclosed to the public and which the disclosure to the public would be prejudicial to the security of Nigeria."

<sup>4</sup> Section 2 of the Nigerian Police Act defines a Superior Police Officer as any officer above the rank of a cadet assistant superintendent of police and by section 28 (1) of the same Act he can effect an arrest and can also authorise the search of premises.

against the security of Nigeria. The operational orders of the NSO also laid down the following assignments;

- to collect, collate, assess and disseminate intelligence information affecting Nigeria's state security and the maintenance of public order;
- to detect and investigate all acts of subversion, espionage and sabotage against the country;
- to maintain records of individuals and organisations engaging in subversive activities;
- to investigate the reliability of persons who may have access to classified information or material and who may be employed in sensitive or scheduled posts;
- to advise and assist in the implementation of protective security measures in government establishments and sensitive installations; and
- to provide personal security to very important personalities.<sup>5</sup>

### ***B. The NSO in Action***

For the ten years of its existence, the NSO laboured under the problem and circumstances of its sudden establishment. The Organisation lacked needed materials for its intelligence work, which hindered its effectiveness. More importantly, the fact that it was established in reaction to the assassination of the Head of State permanently predisposed its operatives to seeing themselves as protectors of the regime in power. Its police heritage fuelled a complacent attitude to its role as did the inadequate training of its staff for which it relied mainly on the Nigerian Army Intelligence Corps Training School (which is structured for basic intelligence and not sophisticated training).

The above notwithstanding, its operational area was very extensive, it covered the range of both the CIA and FBI in the United States. Despite this, according to one writer: "in practice the NSO degenerated into an organisation concerned merely with the survival of the regime in power instead of with national security".<sup>6</sup>

---

<sup>5</sup> Takaya Bala, *supra* note 2.

<sup>6</sup> *Id.*

Not long after its establishment, under General Obasanjo, the NSO started arresting individuals who had the courage to criticise government policies, clamping them into jail. A number of lecturers in the Universities of Ibadan and Calabar, inclined to the leftist philosophy and regarded as being unpatriotic on the advice by NSO, were either blacklisted or discharged.<sup>7</sup>

Under civilian rule, between 1979 and 1983, the ruthlessness of the NSO persisted. The organisation was used to silence opposition political groups and individuals. Even the military was not spared, as some of its members presumed to be real or potential coup planners were put on the watch list. Several of them were in fact, "retired." This did not stop the military from toppling the civilian government on December 31, 1983.

Under Buhari and Idiagbon, who succeeded the civilian administration, the NSO came to acquire an even more notorious image as a vendetta organisation. Exploiting the provisions of the preventive detention decree promulgated by the regime, the NSO virtually turned into a law unto itself. Former politicians and office holders became victims of harassment, intimidation and long-term detention without trial. Journalists, social commentators and several others became increasingly constrained by the NSO in their activities. NSO cells brimmed with numerous detainees held mainly on unsubstantiable grounds. Consequently, Nigeria now represented the classical image of "Big Brother watching you."<sup>8</sup>

When Buhari and Idiagbon were themselves overthrown by General Ibrahim Babangida in August 1985, the situation had deteriorated badly. So terrible was it, that to buy public acceptance and legitimacy, Babangida had to make a public spectacle of the NSO cells. In the words of one national journal: "A television camera showed the nation the horror of the National Security Organisation, NSO, whose operatives gave a new but chilling meaning to the word, *gestapo*."<sup>9</sup>

Babangida promised that his government would respect human rights, because of his belief that "the individual can only be at his best

---

<sup>7</sup> The victims then included Comrade Ola Oni, Omafume Onoge, Bade Onimode, Wale Adeniran and Akin Ojo all of University of Ibadan and Edwin and Bene Madunagu of University of Calabar.

<sup>8</sup> Takaya Bala, *supra* note 2, at 23.

<sup>9</sup> NEWSWATCH, August 29, 1988.

to contribute to the upliftment of the society when he can operate without fear of intimidation in a congenial legal environment.”<sup>10</sup> This notwithstanding, he warned that his government would not allow the propagation of human rights to degenerate into irrational expressions that border on subversion.<sup>11</sup>

### *C. Reorganisation of the Intelligence Services*

A year after he became President, Babangida caused a reorganisation of the intelligence services when he signed the National Security Agencies Decree No. 19 of June 5, 1986 into law. Under this law, the NSO was split into three agencies each with its own mandate. The three agencies are:

- \* The Defence Intelligence Agency, (DIA), with responsibility to detect and prevent crimes of a military nature against the security of Nigeria and to protect and preserve all military classified matters concerning the security of Nigeria both within and outside the country.

- \* The National Intelligence Agency, (NIA), which is responsible for the general maintenance of the security of Nigeria outside the country in matters that are related to military issues particularly on issues pertaining to intelligence outside Nigeria.

- \* The State Security Service, (SSS), charged with the task of detecting and preventing within Nigeria any crime against the internal security of Nigeria and the protection and preservation of all non-military classified matters concerning the internal security of Nigeria.

The activities of these agencies come under a co-ordinator appointed under the Decree whose responsibility it is to advise the Head of State on matters concerning the intelligence activities of the agencies. He also makes recommendations in relation to the activities of the agencies to the Head of State as circumstances warrant. The co-ordinator is also involved in correlating and evaluating intelligence reports on national security and providing the appropriate

---

<sup>10</sup> From an address to the National Conference on Law Development and Administration held at Abuja in September 1987.

<sup>11</sup> Maiden broadcast to the nation on August 27, 1985.

dissemination of such intelligence within the government using existing facilities and determining the number and level of staff, especially in the transfer and posting of existing staff of the NSO.

The National Security Decree ostensibly transferred the mandate of the then NSO to the State Security Service, as their functions were similar. Apart from this fact, the role perception of the SSS has not been different from that of the defunct NSO. The creation of the SSS under the 1986 arrangement has instead strengthened its use as an oppressive arm of the government against so-called critics and detractors. Thus, "national security," for which it was originally employed has been distorted to actually mean "government security." Though there have not been any reports dedicated particularly to the SSS and its exercise of security powers in Nigeria, there is evidence of consistent and gross violations of human rights as a result of the exercise of these powers. Most of the cases are well known to the public.

## **II. ANALYSIS OF THE LEGAL STRUCTURE OF THE STATE OF SECURITY SERVICE**

Nigeria is, de jure, a federation of states with a central government and smaller units called local councils. This notwithstanding, under the military the country operates a de facto unitary government characterised by a strong powerful central authority and weak, subservient state governments. The SSS was created under the later dispensation and has a strong central command. Though there are state directorates, they are all accountable to the national office in all operations.

The SSS, at the centre, is headed by a principal officer who is designated as Director General. He is directly responsible and accountable to the Head of State and Commander in Chief of the Armed Forces. The structure of the organisation has been influenced over the years by military practices that by their nature reject consultation.

This fact has significant implications and says much about the character of military dictatorships in Nigeria. Once the military took over power, it abolished the various civil legislative assemblies and



placed legislative powers in the federal military government.<sup>12</sup> At the centre a military council, headed by the Commander in Chief issues decrees, while in the states, legislative authority lay with the military governors or administrators, as the case may be, who exercise that authority through edicts. Under Ibrahim Babangida, who resigned due to internal political pressure in August 1993 and under whose dictatorship the SSS was created, the military council was named Armed Forces Ruling Council, (AFRC). Babangida, during this period, combined military and presidential powers and after he arrogated to himself the power to dissolve the AFRC, he concentrated unprecedented executive and presidential powers in his hands.<sup>13</sup>

Abacha, the incumbent dictator, has retained this arrangement with the military council, now styled the Provisional Ruling Council, (PRC). Consequently, whereas under a civilian regime, legislative and executive powers are separate, under the military regime both powers are fused together into one body, the military council and presently in one individual, the Head of State.

### *A. Authority to Create ISFs*

Before the military coup of December 31, 1983, which saw the dissolution of the civilian regime and the coming into power of the military, the authority to make laws regarding internal security forces was vested in the National Assembly comprising the Senate and House of Representatives.<sup>14</sup> The National legislature was empowered to make laws for the peace, order and good government of the federation or any part thereof and also had powers to regulate the police and other internal security forces.

As earlier indicated, this was altered under the military. The National Security Agencies Decree of 1986, which created the SSS, was promulgated in an arbitrary manner without consultation or input from Nigerians or the legislature. Section 7 of the Decree placed it above the Constitution, when it provided that, "If any other law,

---

<sup>12</sup> See for example the Constitution (Suspension and Modification) Decree No. 107 of 1993 made by the Abacha regime.

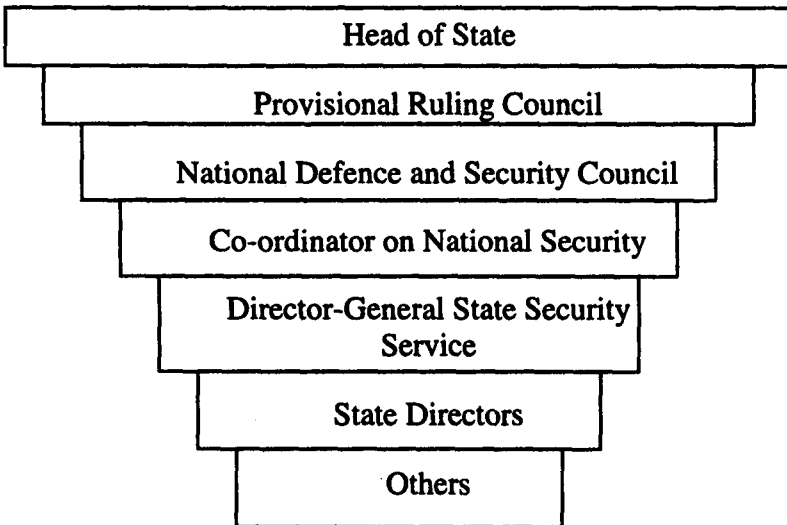
<sup>13</sup> Basil Ugochukwu, et al., *Suppression As Law: The Arbitrary Use Of Military Decrees In Nigeria* 4 (Published by the Constitutional Rights Project [CRP] October 1994).

<sup>14</sup> Section 4 (2) of the Constitution of the Federal Republic of Nigeria, 1979.

including the Constitution of the Federal Republic of Nigeria (1979) is inconsistent with the provisions of this decree, the provisions of this decree shall prevail and that other law shall, to the extent of the inconsistency be void.”

The command structure, appointments and general organisation of the SSS are not provided for in the National Security Agencies Decree of 1986. The Director General of the SSS is also a member of the National Defence and Security Council, an advisory body that along with the National Defence Council assists in determining the work of all Nigeria's intelligence agencies. Coordinating the activities of these agencies is an officer designated as Co-ordinator on National Security who is also a principal staff officer in the office of the Head of State. Apart from the Head of State, the Provisional Ruling Council, (PRC), also has powers to determine certain matters related to the activities of the SSS.

Consequently, the command structure of the SSS in Nigeria presently is represented as follows:



Section 6(1) of the Decree provides that the Head of State may by instrument under his hand make provisions as to the following: the structure of the SSS and the manner in which it is to be administered, how its powers are to be exercised as well as the conferment of powers to superior police officers on some of its specified operatives. This

instrument, under the hand of the Head of State, has the same effect as a decree yet **cannot be published** in the Gazette.<sup>15</sup> This implies that such issues and facts as powers, personnel, staffing, ranks, authority to discipline, operational orders and regulations pertaining to the SSS, are hidden from the public.

### *B. Power of the SSS*

Although the National Security Agencies Decree refers to "powers" of the SSS and the other intelligence agencies, there is no further reference to the precise nature of these "powers." In Nigeria, the SSS exercises most of the powers available to the police - arrest, search, detention, interrogation - but no one knows from which law or body of laws these powers are derived. Similarly, the decree provides that some SSS officers may be conferred with the powers of superior police officers, which includes powers of arrest and search. There is no indication as to what criterion informs the conferment. Its limits are equally imprecise. These facts have discouraged legal and other challenges against abuses of powers by its officers. Absence of accountability has in turn led to widespread, institutionalised violations of human rights.

The activities of the SSS cover all plans, acts and schemes that threaten the security of the state. The fluidity of the term "state security" has, however, become a catchall, making every act of political opposition or dissension a security issue. While laws purporting to guarantee "state security" are widespread, what constitutes state security has never been defined or explained.

For example, the State Security (Detention of Persons) Decree No. 2 of 1984 as variously amended, authorises the Chief of General Staff or Inspector General of police to issue warrants for the detention of persons who are or have been concerned with acts prejudicial to state security or have contributed to the economic adversity of Nigeria or are planning to instigate such acts. A suspect can be detained for six months in the first instance without trial, charge or bail. The Decree nowhere defines the term "state security."

---

<sup>15</sup> Section 6(2).

In a majority of cases where the SSS had in the past injuriously exercised its powers to protect state security, Nigerian courts have held that their power to offer redress is limited. Where, for instance, an arbitrary detention has occurred, the courts have held that their power does not extend further than establishing that the detaining authority had acted in good faith.

The courts have advanced two arguments to support their position. First, they cannot intervene in cases of improper exercise of security powers because issues calling for consideration of the exercise of the powers are "political," hence non-justiciable. Second, facts giving rise to the exercise of security powers are generally hidden from the public and it is not in the national interest that they be disclosed.

The test of what constitutes a threat to state security, therefore, shifts with each allegation. It appears that the assumption is that the donee of the power to detain for acts inimical to state security has an "emergency discretion."<sup>16</sup> It may mean actions at variance with the "national objective,"<sup>17</sup> action opposed to the national interest,<sup>18</sup> irrational expression that borders on subversion<sup>19</sup>, radicalism, publishing stories that embarrass the government, being an agent for foreign interests<sup>20</sup> and so on. The interpretation given to this class of actions is subject to the interest of the government in power, the tendency being for the incumbent regime to assume that national security, interest or objective are co-extensive with its continued stay in power. Persons alleged to be involved in such action, usually comprising opposition politicians, critics of government policies, human rights activists, student, journalists, labour groups and such other individuals or organisations, are frequently visited with repression and denial of rights. When the Babangida government closed the Concord Group of Newspapers on April 19, 1992, the state security agents who carried out the closure first accused African Concord, a magazine, of going against "the interest of the nation." But

---

<sup>16</sup> See for example *Gbenga Komolafe v Attorney General of the Federation*, Suit No. FHN/L/M59/89.

<sup>17</sup> *Who Funds Them?* NEWSWATCH, October 21, 1991, at 17.

<sup>18</sup> *Pin in the Bomb-Stack*; NEWSWATCH, November 10, 1986.

<sup>19</sup> See footnote 11 *supra*.

<sup>20</sup> Refer to the case of Etim Etim, then of *The Guardian*, p. 28.

in explaining this, they said “no government will accept a situation where the people are incited against her.”

This practice has been adopted also by the junta presently in power. On August 24, 1994, the junta's former Information Minister, Jerry Gana, while replying to a letter written to him by journalists in Lagos protesting induced “occupational hazards” faced by journalists in Nigeria said, “[T]he closure of media houses were actions taken by the security agencies in the national interest... You will agree with me that no responsible government will fold its arms while matters that can cause panic or unrest among the people are being freely circulated.”

### *C. Control of the SSS*

The question of who controls the SSS in Nigeria is difficult to answer. There are at the governmental level, for instance, several persons and bodies of persons who make imputes into the activities of the organisation. Consonant with the military practice, all these persons and bodies of persons belong to the executive arm of the dictatorship. The Head of State and Commander in Chief is the Chief Accounting Officer. There are also the Provisional Ruling Council (PRC), the National Defence and Security Council, (NDSC), the Co-ordinator on National Security and the Director General. The buck, however, stops on the Head of State's table.

It has been argued that security forces are not created simply to provide law enforcement in the abstract or to act in blind obedience to the commands of the government of the day but to advance the cause of a constitutional order.<sup>21</sup> In Nigeria, where no such constitutional order exists in fact and in which international interments are ratified not of conviction but out of political expediency and reaction to international pressures, blind obedience to orders is the norm in practice. During periods of democratic rule in Nigeria, national security forces are to varying degrees subject to legislative oversight. The sanction of the legislature was required to support appointments into major offices of the internal security forces including the NSO,

---

<sup>21</sup> James C.N. Paul, *Human Rights and the Structure of Security Forces in Constitutional Orders: The Case of Ethiopia*; 3 WILLIAM AND MARY BILL OF RIGHTS J. 252 (1994).

which later became the SSS under the military. To this extent, the sovereignty of the people over the ISFs acquired formal validation.

Military regimes on the other hand, no matter how benevolent or liberal, represent the direct opposite of this condition. Policies are enunciated and implemented capriciously without any regard to popular input or consultation. The orientation and disposition of the SSS in Nigeria assumes that the security of the state and popular control and regard for human rights are incompatible. Under the guise of securing the state, atrocities are committed, all of which pass unredressed.

In the absence of a constitutional order, international instruments including the African Charter on Human and Peoples' Rights, and the International Covenant on Civil and Political Rights, which have been ratified by Nigeria, should provide a rich source of controlling norms. Expectations of Nigerians on this have repeatedly been dashed. Various laws are made constraining application of human rights principles and practices while at the same time conferring more discretionary powers on the internal security forces.

#### *D. The Role of the Judiciary*

The judiciary should play a central role in the control of internal security forces, especially in providing redress for oppressive conduct of security agents. The Nigerian Constitution of 1979 contains in its fourth chapter, fundamental human rights. This is patterned after a similar section of the American Constitution. The sections set forth various rights and freedoms to which individuals are entitled as well as legally permitted limitations and derogations from the guaranteed rights and freedoms. Nigerian courts are by the Constitution permitted to inquire into and redress actual or threatened violations of these rights and freedoms.

Under the military, however, the Constitution and its provisions on human rights are subjected to absolute and arbitrary exercise of legislative and executive powers. Fundamental rights and freedoms are either specifically denied by decrees, or the courts are prohibited from inquiring into violations that have occurred in fact or may occur. Consequently, the judiciary is often rendered irrelevant and is most

times unable to offer any remedies for the violations of rights arising from the activities of internal security forces.

Among the various decrees presently in force in Nigeria are Decrees 107 of 1993 and 12 of 1994. The former decree prohibits the courts from entertaining any question as to the validity of any decree or edict made by the military<sup>22</sup> while the latter decree - The Military Government (Supremacy and Enforcement of Powers) Decree - gives absolute and unchallengeable powers to the dictatorship. It provided in section 2(i) that "no civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done or pursuant to any decree or edict and if such proceedings are instituted, before, or after the commencement of this decree, the proceedings shall abate, be discharged and made void."

In a recent report, Constitutional Rights Project, CRP, identified thirty-seven laws which exclude the human rights provisions in the Constitution, all of them promulgated by the military and as many as forty-one legislative acts which oust the jurisdiction of the courts to inquire into cases of human rights abuses.<sup>23</sup>

Apart from the withdrawal by legislation of the powers of the courts to address human rights violations, the military has also exhibited an alarming penchant to disobey court orders which tend to vindicate individual rights. Court rulings are contemptuously contravened while in some cases retroactive decrees are issued to prevent the enforcement of unfavourable court decisions against the government.

In *Olisa Agbakoba v Director, State Security Service*<sup>24</sup>, the Court of Appeal sitting in Lagos held that the seizure of Mr Agbakoba's passport by agents of the SSS on his way to The Netherlands in 1992 was a violation of his right to movement guaranteed by both the Nigerian Constitution and the African Charter on Human and Peoples' Rights. The court also made an order for the seized passport to be returned to Mr Agbakoba. The order was flouted and the passport could only be released on the intervention of the Swedish Ambassador in Nigeria.

---

<sup>22</sup> Section 5.

<sup>23</sup> Basil Ugochukwu, et al., *supra* note 13, at 10 & 16 and appendices 2 and 6. See also *Nigeria's Judiciary in Distress*, CONSTITUTIONAL RIGHTS JOURNAL October - December 1994, at 4.

<sup>24</sup> (1994) 6 NWLR (pt 351) P. 475.

Earlier in September 1988, Chief Gani Fawehinmi, a well known Nigerian human rights attorney had his passport seized by the state on his return from a trip to London. Chief Fawehinmi promptly commenced an action at the Lagos High Court demanding the release of his passport. On February 13, 1990, Judge Moni Fafiade ordered the SSS to return the passport to Chief Fawehinmi. The SSS in return filed an application for a stay of the execution of the order that the court refused to grant. Yet the SSS refused to release the passport. A year later the passport was returned to Chief Fawehinmi not in deference to the court but "as an act of clemency," according to Alex Akinyele, who was then the Information Minister.<sup>25</sup>

Nevertheless, the seizure of travel passports of Nigerians by agents of the SSS has not abated. In November 1994, the passport of Nobel Prize winner for Literature, Professor Wole Soyinka, was impounded by SSS agents as he tried to board a flight at the airport. Subsequently, Soyinka attempted to travel with a UN special passport that was also seized at the airport. He was advised to report at the SSS headquarters on November 16, 1994. He disregarded the advice and instead left the country clandestinely to avoid further harassment, and has remained in self-exile since then.

Similarly, Mr Emma Ezeazu, Executive Director of the Community Action for Popular Participation, (CAPP), was on Sunday January 8, 1995, stopped at the airport on his way to London and his passport seized by SSS agents in a manner indicating that they have but contempt for the earlier court rulings prohibiting seizure of citizens' passports.

With the Nigerian courts operating under such crippling constraints and in the absence of any other independent organs of government to investigate abuses by SSS agents, gross violations of human rights continue, and the citizens are generally helpless.

### *E. Training, Code of Conduct and Discipline*

Secrecy tends to characterise the activities of the SSS in Nigeria. Major aspects of its functions are not open to public scrutiny. Unlike

---

<sup>25</sup> Clement Nwankwo, et al., Nigeria: The Limits of Justice; Constitutional Rights Project, December 1993, at 52.



the police, men of the SSS wear no uniforms or other common attire. Government also goes to great extent to shroud their activities in a mystery out of which impunity and arbitrariness have sprouted.

Whatever code of discipline there may be for SSS operatives is not accessible to Nigerians. The same cannot be found in any legislation in force presently, including the National Security Agencies Decree of 1986 that created the SSS. Among internal security forces, matters relating to discipline and code of conduct are often taught at official training centres. There, however, appears to be no training centre in Nigeria catering specifically to the manpower needs of the SSS. Most of the operatives join the service from any of the three arms of the military or from the special branch of the police. In this case, since they retain their positions in these services even after joining the SSS, they are bound by the codes of these other services.

In the past, questions have been asked about the training programme of these services and whether they have any human rights training in Nigeria. Though the country has signed and ratified some of the major international human rights instruments, there has been no government commitment to enforce the provisions of these instruments. Even the African Charter on Human and Peoples' Rights, which was enacted into domestic legislation, is being resisted by government. On at least one occasion, the dictatorship of Babangida made a decree that dispensed with the application of the Charter.<sup>26</sup>

Internal security forces in Nigeria, including the SSS, approach their duties from a perception that any practice which affronts the law enforcement and internal security function should be dispensed. There is no evidence that operatives are exposed to the various United Nations standards on law enforcement, such as the UN Code of Conduct for the Police. The various international instruments in this regard, which should provide binding obligations, do not form part of the training curriculum. Human rights abuses by SSS operatives are seen by them not as evidence of irresponsibility but as a necessary outcome from the imperative of state security. Disciplinary processes

---

<sup>26</sup> On July 21, 1993, Babangida signed into law the Lands (Title Vesting Etc.) Decree No. 52 which provided in Section 6 (3) that "For the purposes of this section, the question whether any provision of... the African Charter on Human and Peoples' Rights (Ratification and Reinforcement) Act has been, is being or would be contravened by anything done, being done or proposed to be done in pursuance of this decree shall not be inquired into by any court of law or tribunal".

regarding improper exercise of powers leading to the denial of rights are therefore non-existent. Erring operatives are never known to be sanctioned in spite of the widespread and institutionalised nature that they cause. Instead, operatives have been punished in the past for failing to perpetrate abuses.

In January 1995, three SSS agents were sacked by the government for alleged negligence. They were punished for failing in their task of monitoring the movement of Alani Akinrinade, a retired army general and pro-democracy activist who has since gone into exile.<sup>27</sup> That Akinrinade was able to escape into exile was interpreted as inefficiency and negligence on the part of the operatives, leading to their dismissal.

### *F. Corruption*

There is no specific legal requirement to punish acts of corruption by authorities of the SSS which may manifest as perversion of the course of inquiries or by officers allowing their personal interests to interfere with their public responsibilities. Even among the civil society, Nigeria's corruption laws are weak and ineffective. Graft and avarice have blossomed unabated in the country. It is improbable that the SSS will be an oasis of rectitude in such a society.

Recently, the United States based Columbia Broadcasting System, (CBS), produced a sixty-minute documentary on Nigeria which gave an insight into the level of official corruption in the country. Despite of the alarming incidence of corruption, perpetrators - mostly government officials - are rarely punished. The following incident involving an SSS operative illustrates this situation. The incident occurred in Ehime Mbano, a local council in Imo State, which is in eastern Nigeria. Apparently, there was a report to the police by some villagers concerning repeated acts of stealing involving some known members of the village. One of the thieves belonged to the same religious group as the SSS operative attached to the local council. The thief reported the incident to the SSS operative, who, under the protection of his office, proceeded to harass the villagers and intimidate them to withdraw their complaint to the police. A petition

---

<sup>27</sup> *When Will Abacha Go?* NEWSWATCH, January 23, 1995, at 10.

which the villagers sent to the state SSS director to call the operative to order was disregarded. Instead, the authorities sought to protect him.

### *G. Superior Orders*

There is no provision in the law creating the SSS that enjoins subordinates to disobey superior orders where such orders will lead to abuse of human rights. Rather, operatives tend to execute all orders emanating from their superiors notwithstanding their impact on rights and freedoms. Often when operatives are openly challenged to show authority before their requests are granted or their orders obeyed, they reply vaguely by implying that their action has been ordered "from above." "Above" can mean any authority from an SSS director to military governor, top military officers, Head of State, minister or even powerful individuals in society. The case of Akinrinade above shows clearly that even inadvertent failure to execute official acts leading to human rights violation can be punished severely making it unlikely that superior orders can be disobeyed by subordinates even for all the human rights in the world.

### *H. Criminal Liability*

Under Nigeria's criminal laws, all crimes committed within the country are punishable irrespective of by whom such crimes are committed. In respect of internal security forces entitled to use force, Section 298 of the criminal Code provides that "any person authorised by law to uses force is criminally responsible for any excess, according to the nature and quality of the act which constitutes the excess." In reality, the SSS in Nigeria seems to operate outside the regime of the criminal law. There is no known case of an SSS operative ever going through a criminal prosecution in spite of the fact that SSS operations often lead to violent crimes.

The Constitution authorises the federal and state attorneys general to commence and maintain criminal prosecution against any person before any court of law in Nigeria in respect of offences created by

federal and state laws, respectively.<sup>28</sup> There is, however, in Nigeria general disinterest on the part of the justice ministries to prosecute crimes committed by officials of the government.

With respect to the SSS, on October 19, 1986, Mr Dele Giwa, a front-line Nigerian print journalist, was killed by a bomb as he tried to open a parcel allegedly sent from the office of the "C-in-C" (Commander in Chief). Hours before his death, Giwa had met with various government officials including a deputy director of the SSS. He was actually interrogated concerning allegations that he was a "socialist revolutionary" and was also importing arms for the purposes of violent insurrection.

A few weeks after Giwa's death, the SSS deputy director, Lieutenant Colonel Kunle Togun, met with some journalists in Lagos. He informed the journalists that at a seminar on security organised earlier in the month for media executives and security agencies, a compromise was reached that editors would inform the SSS of any story they considered detrimental to government interests. "I mean we came to a real agreement and one person cannot just come out and blackmail us. I am an expert in blackmail,"<sup>29</sup> Togun fumed. This pointed to official complicity in Giwa's murder. Nevertheless, no attempt was made by the authorities to prosecute the murderers. Gani Fawehinmi, Giwa's attorney and friend, later commenced a private criminal proceeding to prosecute the SSS operatives allegedly involved in the killing. The then Lagos State Attorney General, Mrs. Eniola Fadayomi, whose office it was to handle the prosecution, initially declined but later decided to commence criminal proceedings which was ultimately bungled because of the perfunctory manner in which it was handled. A purported police inquiry into Giwa's gruesome death also collapsed because the police lacked the will to investigate.

### *I. Civil Liability*

Section 6 (6) of the 1979 Constitution vests in the courts in Nigeria powers to determine disputes between persons or between a person

---

<sup>28</sup> Sections 160 (1) and 191 (1) of the 1979 Constitution.

<sup>29</sup> *Pin in a Bomb-Stack*, *supra* note 18.

and any authority of government as to their various civil rights and obligations, Chapter Four<sup>30</sup> of the Constitution sets out these rights. They include most of those secured by the International Bill of Human Rights. Furthermore, Section 42(1) of the Constitution provides that any person who alleges that any of the rights guaranteed by the Constitution has been or is threatened may apply to a High Court for redress. Generally, any person whose rights are violated by the SSS agents in the course of their duties has a cause of action and can seek legal redress and in the case of an unlawful detention, in addition to damages, a public apology from the violator.

However, as has been discussed earlier, the ability of the courts to provide redress for the many abuses caused by the SSS has been diminished by a plethora of Draconian military decrees which also remove the powers of the courts to entertain such questions. Also several extraneous social and economic factors influence the ability of victims of abuses to seek redress. It is generally believed that the Nigerian judiciary has squandered its credibility and this is a severe disincentive to the challenge of human rights violations. Even where a litigant succeeds against the SSS, the law in Nigeria is that he cannot enforce the judgement without the authorisation of the Attorney General. This authorisation is rarely given. Most of the victims are therefore often frustrated even after winning their cases and are left without remedy.

### *J. Powers of the Legislature and Other Bodies*

The powers of the Provisional Ruling Council, PRC, (the nominal law making body of the Abacha dictatorship) over the activities of the SSS is severely limited. The nature and extent of its powers to control actions of the service is also unknown. Even so, the Head of State, having acquired powers to meddle at will with the composition of the Council, obviously operates above it. There is thus presently in Nigeria no legislature properly so-called as all decrees are issued in the name and under the hand of the Head of State.

Besides, there is no independent body with mandate to hear complaints of a human rights nature. This, however, is without

---

<sup>30</sup> Comprising sections 30 - 42.

prejudice to the existence of the Public Complaints Commission, the public ombudsman that investigates allegations of abuse of state power by officials of government. The commission exists merely on paper; no meaningful achievements can be ascribed to it. The campaign of human rights NGOs in Nigeria for the creation of a human rights commission to independently investigate abuses and sanctions violators is being officially resisted.

### *K. Transparency and Access to Records*

There is no legal requirement on the SSS to disclose information concerning arrests and detention when such is demanded nor are they bound to keep public records of their activities. Nigeria has no freedom of information law. The secret service nature of the organisation makes its activities mostly clandestine. In practice, the SSS operates several unknown detention centres. Even where persons are arrested it may take days and frustrating off-the-record inquiries before relatives can actually discover where they are being held. It, therefore, happens with alarming frequency that persons cannot be traced after being arrested by the SSS. A case in point is that of Mr Sylvester Odion-Akhaine, secretary general of the pro-democracy group, Campaign for Democracy, (CD), who was abducted by SSS operatives on January 12, 1995 and whose whereabouts was unknown as of June 7, 1995.

In addition, the SSS uses all kinds of facilities for detention - dwelling houses, dungeons, prisons and so on - most of them inaccessible to the public. Lawyers are generally not allowed access to persons detained by the SSS. Most persons so detained are thus denied legal advice and other rights. This practice also discourages monitoring of the activities of the SSS.

The culture of secrecy also exemplifies the prevailing parochialism in role perception by the organisation's operatives, who seem to derive morbid pleasure from the assumed fact that their activities are outside the reach of law and public scrutiny. Even the most enlightened sections of the society are therefore discouraged from efforts to insist on the strict accountability of SSS officers.

### *L. Rights of Civil Society to Monitor ISFs*

Public access to information concerning the activities of the SSS in Nigeria is grossly constrained. This undermines the monitoring of its activities by the press, individuals and non-governmental organisations. This notwithstanding, the media in Nigeria have played and continue to play a crucial role in the monitoring of the SSS.

The Nigerian Constitution of 1979 provides in section 21 that the media should uphold the fundamental objectives of the Constitution and also upholds the responsibility and accountability of the government to the people. Furthermore, section 36 (1) of the same Constitution guarantees for every person the freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference. However, the Constitution does not give the press any protection towards the execution of its constitutional obligations. In fact it has been held that there is nothing in the Constitution to support the contention that the press forms the fourth arm of government. "The right to freedom of expression under section 36 is one which belongs to all who have to hold opinion, receive and impart ideas, or disseminate information and contemplates no separate treatment to the mass media."<sup>31</sup> Nigeria has no freedom of information law. Much of the information available in the media on the activities of the SSS are hardly sourced officially but are received from friends, colleagues or relatives of victims. In addition, there exist in the books obsolete laws, like the Official Secrets Act, which hinder the free flow of information.

There are other legal and extra-legal constraints on the monitoring of the SSS particularly by the media. Critical stories in the press on the activities of the SSS may elicit stringent reprisals including physical occupation and sealing up of premises. Several laws restrict press freedom as do harassment, arrest and detention of journalists and the promulgation of arbitrary decrees.<sup>32</sup>

---

<sup>31</sup> Per Philip Mnaemeka Agu JCA in *Tony Momoh v Senate of the National Assembly* (1984) A NCLR 269.

<sup>32</sup> As at the time of writing this report, three major national media organisations, The Guardian, Punch and Concord were under armed occupation by security agents while no fewer than seven journalists were being detained without trial.

Non-governmental human rights organisations also operate under these constraints. However, these inhibitions have not affected their reporting and denunciations of human rights violations by the SSS. In fact, the Nigerian human rights community has offered the most concerted challenge to the abuse of state authority by SSS agents. They have intervened several times in the past on behalf of victims and achieved some victories using the strategies of litigation in the law courts, campaigns and opinion mobilisation. The few positive results that have been recorded were won against debilitating odds showing that they arose more from the creativity and doggedness of these NGOs than from any official policies.

### *M. Patterns of Human Rights Abuses by the SSS*

The “above-the-law” public perception of the SSS has, over the years, inculcated in its operatives some institutional and dispositional traits that derogate from universal human rights standards. Part of this disposition consists in a prior presumption that human rights and the protection of state security are incompatible. This is interpreted generally to mean that strict adherence to the demands of human rights will not make for effective guarantee of state security or the imperative of law enforcement.

Acting out this fallacy, the Nigerian SSS has disregarded the fact that the preservation of state security is a collective responsibility and that there is a role for every member of society in bringing this about. According to Takaya<sup>33</sup> “under normal circumstances the primary responsibility of a country's intelligence is to the nation and not to any particular individuals or regime. However, where the interest and security of the nation is equated with the interest and security of those who wield governmental power... the intelligence agency tends to develop a distorted view of its role as that of protecting the ruling elite from the society.”

Reports on the activities of the SSS in Nigeria evidence a continuing pattern of arbitrary use of powers that result in gross human rights abuses. These abuses have shown a consistent pattern taking mostly the forms highlighted as follows:

---

<sup>33</sup> *Supra* note 2.



### *N. Killings*

The callous murder of front-line journalist, Mr Dele Giwa, in October 1986 in circumstances evidently pointing to SSS complicity has already been referred to. This is perhaps the extreme to which violations of human rights by the SSS can get. That the society was made aware of this incident was apparently because of the popularity of the personality involved. The clandestine nature of SSS operations ensures that even where persons are killed, no clues are left behind and most of the cases never get reported in the press.

### *O. Arbitrary Arrest and Detentions*

Over the years the SSS has acquired powers of both arrest and detention. The mode of arrests in the majority of cases do not conform with legal procedure as no warrants are shown and victims may not be informed about the reason for their arrest. On December 15, 1987, key officials of the Nigerian Labour Congress including its President, Ali Ciroma, General Secretary, Lasisi Osunde, Treasurer, Stephen Oshadipe, and Chief Information Officer, Sausu Mohammed, were arrested without a warrant by SSS operatives in Lagos and detained for several weeks without bail over a national campaign against feared increases in the price of petroleum products by the government. The SSS on June 17, 1989, broke up a seminar on Alternative Structural Adjustment Programme and arrested the convener of the seminar, Chief Gani Fawehinmi, as well as social critic, Dr. Tai Solarin, and veteran labour leader, Chief Michael Imoundu. While Solarin and Imoundu were released the following day, Fawehinmi was detained for four months and a day at Gashua, a remote prison in Northern Nigeria.

Gbenga Olawepo, a mass communication student in his final year at the University of Lagos, and a Public Relations Officer of the National Association of Nigerian Students, (NANS), were arrested in Lagos on September 19, 1989, by SSS agents for alleged "espionage activities." Olawepo was detained at an SSS cell for over a year without trial for delivering a speech at the 13th World Festival of Youths and Students in North Korea, which the Nigerian authorities considered embarrassing. He alleged, upon release, following a court

order, that he was tortured by SSS agents to force him to confess to various crimes.

Earlier on August 12, 1989, Mr Etim Etim, a journalist with *The Guardian*, was invited by the SSS to their offices in Lagos. He reported on August 16, and for three months thereafter he was detained without bail. He was informed during interrogation that his name had been mentioned in the course of their investigation into how classified information had been leaking to the press, and was accused of "being an agent for foreign interests."

### *P. Travel Restrictions*

It is not uncommon for Nigerians whose views are contrary to those of the government to be stopped at the airport by SSS agents and their passports seized. It is a widely known fact that the SSS maintains docketts at the nation's major international airports which are fed with the names of alleged enemies of government who must be prevented from travelling out of the country at all costs, lest they go out to embarrass the government.<sup>34</sup>

On July 8, 1994, in a landmark judgement, the Nigerian Court of Appeal, sitting in Lagos, decided that the federal government has no discretionary power to withhold, withdraw or revoke a citizen's passport. The court ruled that a citizen's possession of a passport is a constitutional right, not a privilege and that the seizure of such passport amounts to a violation of the right to freedom of movement. However, two days after this ruling, SSS agents impounded the passport of Chief Sobo Sowemimo, a Senior Advocate of Nigeria and a member of the National Democratic Coalition, who was on his way to Britain to attend his daughter's convocation ceremony. On September 22, 1994, Professor Wole Soyinka was stopped on his way

---

<sup>34</sup> In a counter affidavit sworn to by an SSS official in a case filed by Chief Gani Fawehinmi in 1990, the official deposed as follows:

for the effective performance of its statutory duties, the organisation maintains a record of persons considered as risks to the national security by virtue of their activities whether in Nigeria or abroad...and the government may direct in the interest of national security that such persons should not be allowed to travel out of Nigeria where there is reason to believe that such trips may be inimical to national security based on available intelligence reports."

to Hamburg, Germany; Mr. Opeyemi Bamidele was prevented from travelling to the United States on October 16th of that same year.

On April 10, 1995, Chief Gani Fawehinmi was stopped at the airport by SSS agents on his way to London for a medical operation, in spite of an earlier court order directing that he be allowed to travel. On May 2nd and for the second time in as many weeks, Fawehinmi was again halted at the airport. Armed with a subsequent court order permitting him to travel, he arrived at the airport and was immediately surrounded by eight SSS operatives. He was told by one of the operatives that he cannot travel because an order had been sent down from Abuja not to allow him out of the country as he was a danger to the political interests of the government.

### *Q. Illegal Searches*

The Nigerian SSS has arrogated to itself the power to invade premises at the slightest impulse and to search for "subversive documents." Most of the searches are conducted illegally and without warrant. On February 26, 1993, the national headquarters of the Civil Liberties Organisation, (CLO), was raided by a team of SSS operatives who came in search of alleged "subversive documents." The operation which lasted for about four hours was later extended to the organisation's annex office in Surlere, Lagos, and the residence of the CLO President, Mr. Olisa Agbakoba, in Ikoyi. In addition, on July 10 of the same year, a team of SSS operatives stormed the Lagos residence of Dr. Beko Ransome-Kuti, Chairman of Campaign for Democracy, (CD). The operatives claimed to be searching for Chima Ubani, Secretary of CD. The agents damaged doors and lockers and removed files and documents as well as used computer diskettes and printouts. A search warrant was never tendered for either the search or the removal of the above items.

### *R. Campaigns against the Press*

The Nigerian press has been the victim of violent reprisals in the exercise of intelligence and security powers by the SSS. The campaign of the Service against the press has great ramifications. It may be in the form of armed and forceful closure of business premises,

in which case the organisations concerned are prohibited from printing and circulating. Publications considered offensive by the government may also be seized at the printer's or snatched from vendors in the streets.

Between 1993 and 1994 alone, the media industry in Nigeria lost no fewer than 1.5 million copies of various publication alleged by the authorities to be offensive.

On January 2, 1994, over 50,000 copies of *TELL* magazine were seized at gunpoint by SSS operatives in the offices of Academy Press, printers of the magazine. The edition titled: "Return of Tyranny: Abacha Bares his Fangs," analysed ten new decrees issued by the military dictatorship most of which curtailed constitutionally guaranteed rights and took away the jurisdiction of the courts. When Constitutional Rights Project, (CRP), filed an action in court challenging the seizure, lawyers to the government swore an oath that they had been informed by SSS authorities that if the said edition of *TELL* magazine had been allowed to circulate, it would have undermined the internal security of Nigeria and cause a breakdown of law and order.

In addition to the above, the SSS also executes a programme of deliberate misinformation on behalf of the government to discredit the independent media. On July 5, 1994, the management of *TSM*, a national news and general interest magazine, alerted the nation about the circulation of fake editions of the magazine. They had done a public opinion poll on the annulled 1993 presidential election and came out with a bold verdict: "**Abacha Must Go**" which was the cover of their volume 9, No. 24 edition. Operatives of the SSS, who appeared to have had prior knowledge of this, quickly printed and smuggled into the market their own edition with a new title which read: "**Only Abacha Can Save Nigeria.**"

A similar alarm was raised on July 15, 1994, by the publishers of *TEMPO* over the fake edition titled: "**Awoists Dump Abiola,**" which they said was a crude imitation of the authentic edition. They accused the SSS of being responsible for this "fake" publication.

### *S. General Harassment*

The almost limitless powers of the SSS have led to an almost limitless concept of the powers of its operatives. Sometime in 1987, the Babangida dictatorship created a panel to investigate the cause of a crisis in Ahmadu Bello University, Zaria, which led to the shooting and death of several students by law enforcement agents. The panel accused lecturers in the university of not teaching "what they are paid to teach"<sup>35</sup> and recommended that the government should follow up this accusation. Government promptly swung into action. SSS agents, disguised as students, invaded the universities, monitoring teachers and students and filing reports to the authorities. In March 1988, the surveillance operation claimed the first victim. Without prior warning, Dr Patrick Wilmot, a political science lecturer at the Ahmadu Bello University, Zaria was deported to London by the SSS in violation of his rights and personal security. Officially, he was accused of spying for the then apartheid regime in South Africa and also of being "radical and Marxist."

### *T. Treatment of Prisoners*

Prisoners in Nigeria, whether detained for preventive purposes, convicted of crime or awaiting trial, are generally poorly treated. Often they lack the basic necessities of life, are shut out from society, denied medical care and access to the outside. Victims of the SSS who are mainly held for expressing strong political opinions fare even worse because they are seen mostly as political hostages.

In June 1991, for example, the police and SSS authorities in Lagos announced the arrest of no fewer than 200 students activists all over the country. Most of the arrested students were detained in very inhuman conditions while some reported being tortured by their interrogators. They were all held under the State Security (Detention of Persons) Decree No. 2 of 1984. In a save-our-soul letter, smuggled out by the detained students at the time, they alleged as follows:

---

<sup>35</sup> See ACADEMIC FREEDOM AND HUMAN RIGHTS ABUSES IN AFRICA 43 (1991).

Some of us... were slapped and beaten to unconsciousness by men of the State Security Service, SSS at their offices at Ibadan and Ikeja respectively. [Another] was handcuffed and chained to his cell windows while being beaten at the Jos SSS office. We were all brought to Lagos later and detained at the SSS interrogation centre. For most of the time we were deliberately underfed and denied drinking water. When we could no longer cope with the maltreatment by the SSS at the Ikyoi interrogation centre, we embarked on an indefinite hunger strike.<sup>36</sup>

2 There is a deliberate practice of the SSS not to keep detainees with common interests together. Rather they are scattered often amongst suspected robbers, murderers and rapists who have clear instructions from the SSS to continuously assault their more vulnerable colleagues physically and mentally.<sup>37</sup> Detainees are held in narrow, poorly ventilated cells and made to sleep on the bare floor. They are denied access to legal and medical advice and the comfort of friends and relations.<sup>38</sup>

### *U. Discrimination and the Treatment of Women*

Discrimination by the SSS reflects the class structure of the Nigerian society. Wealthy and influential members of the society are generally better treated in detention than ordinary citizens. There are practically different levels of custodial facilities and people are taken into them according to their assumed worth in society. There is no legislation prohibiting preferential treatment and discrimination among detainees and it has come to be accepted as normal practice. It is instructive that SSS intelligence activities are directed in the main against the so-called enemies of government. Those in the government are considered safe and unlikely to sabotage government interests or threaten state security.

The SSS in Nigeria has exhibited utter gender blindness. Women are treated much the same way as their male counterparts.

---

<sup>36</sup> *The Plights of Nigerian Students*, CONSTITUTIONAL RIGHTS JOURNAL, July to September 1991, at 10.

<sup>37</sup> *Id.*

<sup>38</sup> See generally BEHIND THE WALL, (1991) (Published by the Civil Liberties Organisation [CLO], Lagos).

On March 5, 1995, editor-in-chief and publisher of *The Sunday Magazine, (TMS)*, Mrs. Chris Anyanwu, was arrested and taken away by security agents at the same time that the magazine's editor, Mr Comfort Obi, was being hunted by SSS operatives. After her release, Mrs. Anyanwu was arrested again in early June and was held incommunicado for several weeks without bail.

Earlier on June 20, 1994, Mrs. Mee Mofe-Damijo, publisher of *Weekend Classique*, was arrested by SSS operatives at the Murtala Mohammed International Airport on her way to a conference in Paris. At the SSS detention camp in Shangisha, Lagos, Mrs. Damijo was questioned over a *Weekend Classique* story titled: "**Junior Officers Attack Abacha**" and asked to reveal the source of her information concerning divisions among the junior ranks of the army as reported in the paper.<sup>39</sup>

### III. CONCLUSION

This report on the SSS in Nigeria has featured one recurring fact: the SSS is an instrument of continued and unabashed military dictatorship. The traits of ISFs operating under military or "outlaw" governments will necessarily differ from those operating under constitutional and democratic conditions.

Having regard to the code proposed by Professor James Paul, it is obviously futile to expect that its goals can be realised under any form of dictatorship, military or not. They can be achieved only in a democratic setting with all assurances of popular consultation, transparency, guarantees for enforceable human rights and strong, independent sanction organs of government.

The SSS, as it exists today in Nigeria, is a threat to the enjoyment of human rights by the ordinary citizens. The law setting up the organisation has critical shortcomings; it vests absolute powers and control in an unaccountable Head of State and in operatives driven by a brutal desire to protect the regime despite the cost and break all opposition.

---

<sup>39</sup> *Annual Report on Human Rights Violations In Nigeria*, CONSTITUTIONAL RIGHTS JOURNAL 18 (1995).

**Consequently, all action should be geared towards replacing the existing political structure with a constitutional, democratic order. This will enable attention to the principles enunciated in the code.**



