

# Extrajudicial Killings by Security Agencies in Nigeria: An Infringement of the Fundamental Rights of Citizens

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## Abstract

The state of Nigeria vis-à-vis extra-judicial killings is the basis of this paper. The recent evolution of Fulani herdsmen kidnapping citizens for ransom that has led to the loss of lives of so many citizens no doubts needs the apt attention of our government to profound lasting solution to the menace of this daredevils. Democracy is one of the core values and principle of the United Nations. Respect for human rights and fundamental freedoms and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. Thus, the above having been said, if democratic rule must meet up with western standards, the current problem facing Nigeria especially the incessant killings of citizens, which is a gross violation of human rights, must be solved. This paper emphasis is on extra-judicial killings carried out by men of the Nigeria police force, men of the armed forces of Nigeria, Fulani herdsmen and armed bandits across the country. The paper posits that extra-judicial killings is a breach of the right to life as entrenched in Section 33 of the Constitution of the Federal Republic of Nigeria, as amended. The paper strongly recommends that the police should be sensitized on the need to use rubber bullets in dispersing rioters instead of live ammunitions. The men of the Nigeria police force should also aim at the leg of an alleged criminal instead of the head. This paper also recommends that the judiciary be independent, members of the media should be allowed to do their work without any form of intimidation and human rights education should be promoted at all level and not restricted to be studied by Law students alone.

**Keywords:** Extra-judicial killings, fanaticism, human rights, democracy, suffrage

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## 1.0 Introduction

The activities of Special Anti-Robbery Squads of the Nigeria police has raised eyebrow in many quarters especially in the entertainment industry of Nigeria. The incessant killings of innocent citizens of Nigeria by this above-mentioned Squad and the activities of kidnappers have led to the wanton and unnecessary loss of lives. Nigeria has failed woefully in the areas of national security and protection of lives and properties of the citizens. Every life is worth the cost as no human being is useless. Nigeria's experience in the past six years of democracy has witnessed a lot of mayhem and several losses of lives, which amount to infringement of their right as, entrenched in the constitution. Chapter four of the 1999 Constitution focuses on the right of a citizen from section 33-43 as follows;

- 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 the press
- Right to peaceful assembly and association
- Right to freedom of movement
- Right to freedom from discrimination
- Right to acquire and own immovable property in Nigeria

The above listed rights are enforceable in any of the Nigerian courts. The agencies responsible for the protection of citizens are the ones causing grievous harm to the members of the society. The police and the armed forces are authorities vested with the protection of lives and properties of Nigerians and tasked with the enforcement of law and maintaining orders in the society.

Extra-judicial killings as the name implies refers to killings outside the scope of the law.<sup>1</sup> The extra-judicial killings of the Intelligent Response Team of the Nigeria police by the Nigerian army during the Wadume saga

<sup>1</sup> A Imosemi and O Eyitemi, 'Extra-Judicial Killings by the Nigerian Police Force: An Examination of the Legal Framework' (2018) 6 (4) *International Journal of Innovative Legal & Political Studies* <[www.seahipaj.org](http://www.seahipaj.org)> accessed 2 December 2022

(some army personnel were allegedly preventing the arrest of a notorious kidnapper, Wadume by the IRT of the Nigeria police) have caused a lot of rancor amongst the Nigeria police and the armed forces. Kidnapping for ransom, extortion of students and youth for using smart phones, harassment of motorist by the police and Nigeria army, rape, political assassination, domestic violence and power drunkenness by our politician are other forms of human right violations. This paper examined the role of the security agencies in the enforcement or violation of human rights and also suggested the possible solutions to the aforementioned problem.

## 2.0 Conceptual terms

**Human rights:** are the basic rights and freedoms that belong to every person in the world, from birth until death.<sup>1</sup> According to the United Nations, human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status.<sup>2</sup> Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Professor M.A Ajomo describing the nature of human right stated that human rights are those rights which human beings enjoy by virtue of their humanity, whether black, white, yellow or red, the deprivation of which would constitute a grave affront to one's natural sense of justice.<sup>3</sup> Men are born with these rights, that is, God gives them to man. These rights are not given by government but by God. The only duty of the government is to serve as a bulwark against its infringement through its judicial arm. Human rights are also fundamental. They are crucial to a peaceful co-existence of members of a community. The supreme sacredness of human rights was emphasized by Justice Kayode Eso, JSC in the case of *Saude v. Abdullahi*<sup>4</sup> that those rights are not just mere rights, they are fundamental. In *Ogba v. The State*, the Supreme Court declared that, "a fundamental human right is one that cannot be waived by the government or any form of legislation".<sup>5</sup> Human rights are commonly understood as being those rights, which are inherent in the mere fact of being human.<sup>6</sup> The concept of human being rights is based on the belief that every human being is entitled to enjoy her/his rights without discrimination.<sup>7</sup> All persons hold human rights equally, universally and forever.<sup>8</sup> Human rights are inalienable as these rights cannot be lost, it is also indivisible; that is, human beings cannot be denied a right because it is less important or non-essential.<sup>9</sup> Human rights in the Virginia Declaration of Rights in 1776 proclaim that "all men are by nature born equally free and independent and have certain inherent rights, of which, when they enter a state or society, they cannot, by any compact, deprive or divest their posterity."<sup>10</sup> Professor Yemi Akinseye-George opined that "human rights exist irrespective of whether or not they are recognized by a given society or legal system".<sup>11</sup> Indeed, it is trite that human rights existed prior to any human society or legal system. Thus, any human society or legal system, which fails to recognize them, is patently unjust and unsustainable.

**Democracy:** is a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.<sup>12</sup> Democracy is also a system of government where the citizens exercise power by voting.<sup>13</sup> Democracy is a form of government in which the people freely govern themselves; where the executive (or administrative) and law-making (or legislative) power is given to persons chosen by the population; the free people.<sup>14</sup>

**Extra-judicial killings:** is the killing of a person by governmental authorities or individuals without the sanction of any judicial proceeding or legal process.<sup>15</sup> According to US Legal, extrajudicial killing is defined as a deliberate killing not authorized by a previous judgement pronounced by a regularly constituted court affording all the judicial guarantees, which are recognized as indispensable by civilized peoples.<sup>16</sup> Extrajudicial is anything not judicial in nature. For instance, if someone is tried for capital offence in Nigeria in any court of competent jurisdiction, found guilty of the offence, and thereby sentenced to death, it is regarded as a judicial killing if the offender is executed. However, any killing carried out by members of the public, known as jungle justice, is an

<sup>1</sup> What are human rights? [www.equalityhumanrights.com](http://www.equalityhumanrights.com) accessed 2 December 2022

<sup>2</sup> What are human rights? [www.un.org](http://www.un.org) accessed 6 December 2022

<sup>3</sup> M A Ajomo, 'The Development of Individual Rights in Nigeria's Constitutional History: Individual Rights under the 1989 Constitution' (eds, Nigeria Institute of Advanced Legal Studies 1993) 59

<sup>4</sup> [1985] 2 SCNJ 75

<sup>5</sup> [1992] 22 NWLR 1642

<sup>6</sup> Definitions and Classifications. [www.humanrights.is](http://www.humanrights.is) accessed 6 December 2022

<sup>7</sup> Ibid.

<sup>8</sup> Human rights fundamentals. [www.hrlibrary.umn.edu](http://www.hrlibrary.umn.edu) accessed 6 December 2022

<sup>9</sup> ibid

<sup>10</sup> Human rights. [www.businessdictionary.com](http://www.businessdictionary.com) accessed 8 December 2022

<sup>11</sup> Y Akinseye-George, 'Improving Judicial Protection of Human Rights in Nigeria' (Centre for Foreign Legal Studies, 2011) p 1

<sup>12</sup> Democracy [www.merriam-webster.com](http://www.merriam-webster.com) accessed 8 December 2022

<sup>13</sup> Democracy. [www.en.m.wikipedia.org](http://www.en.m.wikipedia.org) accessed 8 December 2022

<sup>14</sup> Duhaime's Law Dictionary, 'Democracy Definition'. [www.duhaime.org](http://www.duhaime.org) accessed 9 December 2022

<sup>15</sup> Extrajudicial killing. [www.en.m.wikipedia.org](http://www.en.m.wikipedia.org) accessed 9 December 2022

<sup>16</sup> Extrajudicial Killing Law and Legal Definition. [www.definitions.uslegal.com](http://www.definitions.uslegal.com) accessed 9 December 2022

extrajudicial killing. According to Denis Ogunbowale, extrajudicial killings are simply the killings of suspects or criminals caught red handed without following due process of the law as stipulated in the provisions of the law based on respective jurisdiction.<sup>1</sup> To Ted Wrigley, extrajudicial killings are killings performed by people under the auspices of the government, usually for political reasons but without the normal, established judicial processes of capital punishment.<sup>2</sup>

### 3.0 Abuse of Citizens Rights by Security Agencies in Nigeria

There is no gainsaying the fact that the Nigerian security agencies like the Armed Forces, Police, Civil Defence Corps and host of other agencies have turned out to be a menace to the society and the people living therein, by being drafted into a situation whereby they become chief abusers of fundamental human rights. Lives of innocent citizens were and are still constantly in danger and most times terminated by these securities outfits even during this democratic dispensation. The abuse of human rights by the security agents has become rampant in the last few years. Abuse of human rights by the government became rampant from 2015 till date with regards to freedom of speech. These abuses typically occur within the context of the Nigerian security operations or are directed against political and religious organizations and individuals. The Nigerian government has violated rights of citizens by keeping them in detention after the courts had given direction that such persons be released. The Nigerian government has on several occasions disobeyed court orders. The case of El-Zakzaky is a clear point where the federal government disobeyed the order of the court. Sheikh Ibraheem El-Zakzaky whom a Federal court had granted bail but not released by the government is an example of continued disobedience of court orders, which amounts to violations of the rule of law and breach of the fundamental right to liberty of El-Zakzaky. On December 2, 2016, the Federal High Court in Abuja ordered El-Zakzaky and his wife to be released from detention, citing that their continuous detention violates their rights and is against section 35(1) of the constitution.<sup>3</sup> In addition, Dasuki (Former National Security Adviser) is facing multiple charges of converting billions of dollars meant for procurement of firearms for personal use. However, despite the decisions of different courts granting Dasuki bail, the Nigerian government disobeyed several orders of the court before his reluctant release.<sup>4</sup>

A soldier attached to the 32 Artillery Brigade of the Nigeria army, Akure was alleged to have raped a student of the Adekunle Ajasin University, Akungba Akoko at a military checkpoint along the Ikare Akoko-Akungba road thereby violating her right to dignity of human person as entrenched in section 34 of the Constitution. The victim was ordered by the soldier to alight from a mini bus and ordered the other members in the mini bus to leave the scene. Lance Corporal Sunday allegedly raped the victim inside a cubicle at the back of the checkpoint.<sup>5</sup>

Jamil Mabai, a Katsina-based blogger was arrested in 2016 for allegedly criticizing Aminu Masari, the Katsina State Government. According to him, he denounced the purchase of three thousand coffins amounting to 40,000 naira each by the government with public funds.<sup>6</sup> His arrest is a clear infringement of his right to freedom of expression<sup>7</sup> which states that “every person is entitled to freedom of expression”.

Sheba Ogbu, female student of Federal University of Technology Akure, Ondo State was assaulted by some police officers and badly injured in the eye by members of the Nigerian police force in Akure on the 26<sup>th</sup> of August 2019 for refusing to have sex with them. The incident was reported to have happened at about 9:30 p.m along Oyemekun road in Akure. The police accosted her, searched her and found nothing incriminating on her and when they could not pin anything on her, the security operatives asked her to follow them to a place where they would have sex with her.<sup>8</sup> This incident is a clear case of violation of her rights under the constitution of the Federal Republic of Nigeria as enshrined in section 34. The cases of infringements of Fundamental Rights by the Nigerian security agencies cannot be exhausted. The few listed above cut across almost all segments of human rights. These security agencies have deviated from their constitutional and legal duties bestowed upon them.

### 4.0 Extra-judicial killings by the police and the Armed forces from 2017 till date

The Nigerian Police Act outlines duties of the Nigerian police force to include the protection of lives and properties, apprehension of offenders, preservation of law and order and the prevention of crime.<sup>9</sup> The Constitution makes it unlawful for anyone to kill any person unless such killing is authorized or justified by law.

<sup>1</sup> What is the definition of an extrajudicial killing? [www.quora.com](http://www.quora.com) accessed 11 December 2022

<sup>2</sup> Ibid.

<sup>3</sup> A Tijani, ‘Nigeria is Violating Constitution on the El-Zakzaky and Dasuki Cases’ <[www.africanliberty.org](http://www.africanliberty.org)> accessed 15 December 2022

<sup>4</sup> Ibid.

<sup>5</sup> Nigeria: Soldiers Allegedly Rape 300-Level AAUA Student in Ondo <[www.allafrica.com](http://www.allafrica.com)> accessed 16 December 2022

<sup>6</sup> O Hillary, ‘The Most Recent Human Rights Violations in Nigeria’ <[www.alternativeniger.org](http://www.alternativeniger.org)> accessed 18 December 2022

<sup>7</sup> Section 39 of the Constitution of the Federal Republic of Nigeria 2018 (as amended)

<sup>8</sup> Sahara reporters <[www.saharareporters.com](http://www.saharareporters.com)> accessed 18 December 2022

<sup>9</sup> Section 4 Cap P 19 Laws of the Federation of Nigeria 2004

Thus, Section 33 of the Constitution provides that “every person has a right to life, and no one shall be deprived of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.” Extrajudicial killings by security agencies in Nigeria have become an emerging trend that calls for concern from our government. Our law enforcement agencies have cut lives of many innocent citizens short due to reckless shooting.

On the 31<sup>st</sup> March 2019, a police team from the Anti-Cultism unit of the Lagos State police command reportedly killed a man in his 30’s (Kolade Johnson) while watching a football match. The police operatives accidentally shot Johnson who was 36 years old while they were trying to arrest another man because of his dreadlocks in the Mangoro area of Lagos State.<sup>1</sup>

Hadiyat Sikiru was shot and killed by some police officers in Adamo community, Ikorodu area of Lagos on March 18, 2019. According to report, the police officers from Imota police division stormed the community to raid suspected criminal hideouts and in the course of which they began to shoot sporadically and a stray bullet that eventually led to her death hit Hadiyat.<sup>2</sup>

Again, a commercial motorcyclist identified as Ademola Moshood on Thursday, 28 March 2019 fell to the police bullet few blocks away from his house. Police officers attached to Soloki Police station, Surulere, shot the deceased. The police officers said to be on patrol accosted the deceased and started demanding for money. The motorcyclist was said to have refused to give in to their demand because he claimed to have closed for the day and was only heading home. One of the police officers went to the commercial motorcyclist’s side and shot him.<sup>3</sup>

In another incident, a soldier was reported to have shot dead an okada rider in Edo State. Ajayi Johnson, a Lance Corporal was said to be away without official leave when the incident occurred near a military base. According to eyewitness, the soldier was accused of opening fire on the deceased after failing to pay a Hundred Naira (N100) bribe at the military checkpoint.<sup>4</sup>

On February 15, 2018, Efe Igbinovia, a local vigilante was shot dead by some soldiers. It was gathered that a local vigilance group had earlier in the day arrested some suspected herdsmen for alleged armed robbery on the Benin-Abraka Expressway. The deceased was said to have been asked to watch over the suspects while his colleagues conducted a search for the fleeing members of the gang. It was learnt that a group of soldiers stormed the area and fired continuously, shot Igbinovia dead and freed the suspects.<sup>5</sup>

A 30-year-old tailor, Busayo Owoodun has been killed by a stray bullet fired by the police in Lagos. The Anti-kidnapping squad attached to ‘M’ command, Idimu were said to be on the trail of some kidnap suspects when the hoodlums allegedly attacked them along Ijegun-Isolo road. In retaliation, police was said to have opened fire on the hoodlums and a stray bullet hit the deceased.<sup>6</sup>

Lastly, the killing of three police officers and a civilian by the Nigerian Armed Forces is the straw that broke the camel’s back. The police officers who were on investigative activities within the Ibi area of Taraba State to arrest a notorious kidnap kingpin (Alhaji Hamisu) were shot at severally by the soldiers despite sufficient proof that they are police personnel on legitimate duty. The police officers (comprising one inspector and two sergeants) and one civilian died as a result of gunshot injuries sustained in the attack.<sup>7</sup> The police officers were killed on the order of an army captain who happens to be the suspects friend. Security sources disclosed that the captain ordered his men to shoot the bus carrying the police officers with specific instruction that no police officer must escape and that the suspect, Alhaji Hamisu Bala Wadume be freed.<sup>8</sup> The killings of the aforementioned by Armed Forces is a clear case of conspiracy and there is no doubt that the soldiers and their bosses were clearly working for the kidnapper. The menace of extrajudicial killing should be put to an end as no man’s life is worth any loss. Extrajudicial killing is a breach of section 33 of the constitution of the federal republic of Nigeria as amended.

## 5.0 Causes of Extra-Judicial Killings

Nigeria has the label of having one of the world’s highest levels of corruption. A lot of corruption practices is going on within the Nigerian security outfits. These corrupt practices include mounting of unnecessary roadblock on major roads of Nigeria solely for the purpose of extorting and harassing innocent individuals of the society. The duty of the agency is to protect lives and properties of citizens but they waste innocent lives for a meager sum of One Hundred Naira (N100) or even less than that. There is no equal protection for citizens under the law

<sup>1</sup> [www.google.com](http://www.google.com) accessed 20 December 2022

<sup>2</sup> E Onyegbula, ‘Those who also died like Kolade Johnson’ <[www.vanguardngr.com](http://www.vanguardngr.com)> accessed 20 December 2022

<sup>3</sup> Ibid.

<sup>4</sup> S Ogundipe, ‘Nigerian Army arrests soldier for killing okada rider’ <[www.premiumtimesng.com](http://www.premiumtimesng.com)> accessed 22 December 2022

<sup>5</sup> A Okere, ‘Soldiers kill Vigilante, release arrested herdsmen in Edo’ <[www.punchng.com](http://www.punchng.com)> accessed 22 December 2022

<sup>6</sup> C Jannah, ‘Police stray bullet kills tailor in Lagos’ <[www.dailypost.ng](http://www.dailypost.ng)> accessed 22 December 2022

<sup>7</sup> [www.channelstv.com](http://www.channelstv.com) accessed 2 January 2023

<sup>8</sup> K Omonobi, ‘Nigeria: Murder of IRT Operatives by Soldiers-Army Captain Allegedly Arrested’ <[www.allafrica.com](http://www.allafrica.com)> accessed 2 January 2023

within the police force because the wealthy are able to buy the police for security and also help them to perpetrate and cover up their illegal activities.

Another major cause of extra-judicial killings in Nigeria is lack of proper training. The inexperience of the police force in handling weapons has led to the death of many innocent citizens. The inordinate use of weapon at every given opportunity without undergoing appropriate training is a major cause of extra-judicial killings in our country. For instance, in the developed countries of the world, police do not shoot indiscriminately as experienced and witnessed daily in Nigeria. Apart from going for arrest of criminals with fully loaded guns with live ammunitions, police officers in developed countries go out with non-deadly weapons such as rubber bullets, chemical bullets that can only lead to a state of unconsciousness of a suspected criminal.

Furthermore, the prolong silence of the government of Nigeria on the extra-judicial killings of Nigerians is another cause which needs to be looked into. One of the major causes of jungle justice, self-dispensation of criminal justice and extrajudicial killing is the inability of the government to discharge its major and primary constitutional responsibilities of securing lives and property of people within the confine of its jurisdiction.<sup>1</sup> A lot of extrajudicial killings has emerged since the inception of democracy and most of these killings and persons behind these killings have not been brought to book. Today, many private security agencies have emerged lawfully because they are registered with the Corporate Affairs Commission. Vigilance groups have taken over the duty of our security agencies. These vigilante groups are involved in extrajudicial killings. The vigilance group has helped in killing armed robbers but their bad deeds overshadowed the goods done by them.<sup>2</sup> As the name implies, extrajudicial killings is killings beyond legal means. Denial of fair hearing<sup>3</sup> that is, no lawyer, no court sitting, no defence, no due process.

## 6.0 The Attitude of Courts Towards the Enforcement of Fundamental Rights

The judicial arm of government is saddled with the responsibility of interpreting various statutes and resolving conflicts between states and individual, individual against individual and state against state through the courts.<sup>4</sup> Fundamental rights matters are not left out. Section 46 (1) of the 1999 Constitution (as amended) provides that: “Any person who alleges that any of the provisions of this chapter<sup>5</sup> has been, is being or likely to be contravened in any state in relation to him may apply to a High Court in that State for redress.” The disposition of the Nigerian courts towards the enforcement of fundamental rights is beneath expectation. This attitude has led to various unpleasant remarks about our courts on their role in the enforcement of human rights. Inordinate delay in the administration of justice, for instance, cases for the enforcement of fundamental rights lasting between three to five years or even more. Adjournment of cases by lawyers, inability of judges to deliver judgement on time and the rule that once a magistrate or judge is transferred and a new one takes over a case, it has to start *de novo*.<sup>6</sup>

This attitude exhibited by the judiciary, which made common man beliefs that “the court is the hope of a common man” has been eroded.

## 7.0 Impediments to the Enforcement of Human Rights

1. **Illiteracy:** the inability to read and write constitutes a serious challenge to the enforcement of human rights in Nigeria. Most people do not understand the rights they have under the law as they have never been to the four walls of a school. The freedom of expression makes very little meaning and with loss of this freedom gives their right to participate meaningfully in the government.<sup>7</sup>
2. **Poverty:** is one of the greatest challenges to the enforcement of human rights in the world and in Nigeria, especially, under the present administration of government (economic recession, non-payment of salary and wages as and when due). Poverty brings out;
  - a. Inability to have the means to have the necessities of life
  - b. Malnutrition and,
  - c. Degrading shelter

Human being has the right to life all over the world and this is also enshrined in section 33 of the Constitution of the Federal Republic of Nigeria (as amended). It is a known fact that anyone who wants to enjoy life must have access to good food, shelter, health and education. My question is, of

<sup>1</sup> N.M Adeniyi, ‘Extra judicial killings: A Reflection of Failing in Criminal Justice System’ (2017) 4(12) *South East Asia Journal of Contemporary Business, Economics and Law* <[www.seajbel.com](http://www.seajbel.com)> accessed 3 January 2023

<sup>2</sup> O.B Akunaeziri, ‘Extrajudicial Killings in Nigeria: A Critical Analysis’ being a Term Paper Submitted in Partial Fulfillment of the Requirement of the Course GS 104 (Social Sciences II) <[www.oer.unn.edu.ng](http://www.oer.unn.edu.ng)> accessed 5 January 2023

<sup>3</sup> Section 36 Constitution of the Federal Republic of Nigeria 1999 (as amended)

<sup>4</sup> Section 6 Constitution of the Federal Republic of Nigeria 1999 (as amended)

<sup>5</sup> Chapter 4 of the Constitution containing provisions relating to Fundamental Rights

<sup>6</sup> N.S Okogbule, ‘Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects’ (2005) 2 (3) *Sur. Revista internacional de derechos humanos* <[www.scielo.br](http://www.scielo.br)> accessed 8 January 2023

<sup>7</sup> [www.unfe.org](http://www.unfe.org) accessed 9 January 2023



what benefit is right to life when a man cannot afford the necessities of life? Can one live a dignified life without a job? A poor man who cannot afford the services of a legal practitioner to enforce his violated right in the law court. Of what benefit is right to fair hearing to him? What private life does a man has in Nigeria when security agents are daily harassing our youths in order to access their phone, which to me is a private property?

3. **Disobedience to court orders:** accessibility to court by litigants is one thing while impartiality of the judge is another. Obedience to the judgement and orders of the court constitute yet another challenge. It is a known fact that the decisions of the judge are not self-executing. The judiciary depends on the executive for the enforcement of its judgement and the executive, without any iota of doubt is the greatest violator of human rights.<sup>1</sup> There is little guarantee that when an order is made against the executive arm, it will be obeyed.<sup>2</sup> The executive obeys only the judgement they are comfortable with and disobeys those which are in conflict with its interest, ignoring the consequences to the individuals whose rights have been violated. For instance, the Federal Government disobeyed the Supreme Court judgement which declared illegal the withholding of revenue to the Lagos State government.<sup>3</sup> In view of the above, what is the essence or value of a judgement, which is disobeyed instead of enforcement?
4. **Religious, fanaticism and militancy:** this is a problem globally and it affects the enforcement of human rights. Of what essence is the right to life when an individual just barged into a club house and killed in twenties and thirties? Of what benefit is right to life when some people kill others all in the name of religion and ethnicity? The incessant killing of motorcyclist and commercial bus drivers by our security agencies in Nigeria is tantamount to militancy. The killing by Boko Haram Sect because of their disdain to western education amounts to extra-judicial killing.

## 8.0 Conclusion

Concern for human rights is universal, which is why the concept of human rights enforcement has gained remarkable appeal and significance globally. It has been observed that the foundation of any genuine democracy is embedded in the rule of law. There is no gainsaying the fact that democratic governance and civil culture remains the basis for which the survival of human rights depends. In all these, security agencies in Nigeria commit extra-judicial killings, torture, rape, and extortion with relative impunity. Nigeria Police Force personnel routinely carry out summary executions of persons accused or suspected of crime; rely on torture as a principal means of investigation; and engage in extortion at nearly every opportunity. In view of the foregoing, Nigeria must come together as one family that they are and fight against the daily violation of human rights by our government and security outfits. Simply put, there must be utmost respect for fundamental human rights and the protection of lives and property as enshrined in our laws.

## 9.0 Recommendations

Despite the enshrinement in our laws and the activities of non-governmental organizations on human rights, abuse is still on the increase globally and most especially in Nigeria which is the focus of this paper. The following is therefore recommended;

- 1) Defence of section 33(2) of the Constitution of the Federal Republic of Nigeria (as amended) should be excluded for use by Nigeria security agencies. Nigeria security agencies have over time hide under this defence to perpetrate criminal acts. Section 33(2) (a-c) provides that "A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as reasonably necessary-
  - (a) For the defence of any person from unlawful violence or for the defence of property;
  - (b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
  - (c) For the purpose of suppressing a riot insurrection or mutiny.
- 2) **Thorough training and re-orientation of security agencies in Nigeria.** There is a need for police officers, armed forces and our civil defense to be properly trained so as to meet the standard of developed countries. In addition, they should be trained in the use of weapons and ammunitions. The use of lethal and excessive force to disperse protesters and apprehend criminals and suspects is not the answer. Our security agencies should learn the use of rubber bullets aside live ammunitions and during shoot-out, instead of aiming at the head, aim at other body part, that is, hand or the leg in order for the alleged criminal to lose balance. Some police officers are drunkards and heavy smokers. Due to their intoxication, they are triggered to misbehave

<sup>1</sup> J.A Dada, 'Impediments to Human Right Protection in Nigeria' (2012) 18(1) *Annual Survey of International and Comparative Law* <<http://www.digitalcommons.law.ggu.edu/annlsurvey>> accessed 10 January 2023

<sup>2</sup> The disobedience of Court orders in the cases of *EFCC v Dasuki*, *FRN V Kanu Nnamdi* for bail which was not complied with and was reported in This day newspapers on the 28<sup>th</sup> of February 2017 pp.72-73

<sup>3</sup> *Attorney-General of Lagos State v Attorney-General of Federation* [2004] 20 NSCQR

- 3) **Proper funding of security agencies:** the government has a lot of work to do in other to redeem the image of Nigeria security agencies. The most important is the provision of basic materials needed to work well and efficiently. The era of police officers buying uniforms, boots should end. Their salaries and allowances should be enhanced and paid as and when due. If these basic needs are provided, the habits of stopping motorcyclist and commercial bus drivers to extort them will end abruptly.
- 4) There is a need for the enactment of laws by our legislators restricting the security agents from carrying out any form of extrajudicial killing. In addition, strict penalties should be put in place to curb the excesses of police officers, soldiers and other security agents.
- 5) **Respect for human right for suspect in detention.** Extrajudicial torture often leads to death of suspects in detention. Suspect in detention should be brought promptly before a court within a reasonable time as stated in the 1999 Constitution of the Federal Republic of Nigeria (as amended)
- 6) **Fight against corruption.** The security agencies should be properly purged and corrupt agents fished out. As a result of high level of corruption and impunity within these agencies, human rights violation are not prosecuted. In addition, many of these agents are on the pay roll of high profiled criminals in Nigeria. For instance, the police arrested a soldier who was said to be a member of the notorious kidnap kingpin, Chukwudimeme Onwuamadike (Evans). The soldier was said to have gotten a whopping sum of six million, five hundred thousand naira (N6.5million). Again, an Army Captain, Musa Balarabe who ordered the shooting of the police officers in Taraba is reported to be on the payroll of the notorious kidnap kingpin, Alhaji Hamisu Wadume.
- 7) **Human rights education:** Human rights education is the learning process that builds up the required knowledge, values, and proficiency of human rights of which the objective is to develop an acceptable human rights culture. Human rights education needs to be introduced at all level of learning starting from Primary school to University level and should not be restricted to student studying Law at the University level. This idea is based on the fact that, introduction of this into the curriculum of education in Nigeria will give people inkling on what their right is and the cause of action if any of this right is being violated. It is also a way to empower human so that they can create skills and behavior that would promote dignity and equality within the community, society, and all over the world.
- 8) **Independence of the Judiciary:** Judges should be allowed to perform their duties freely and independently without fear or intimidation from the executive arms of government. The appointment of members of the judiciary should be based on integrity and favoritism should be disallowed.