

Youths Brutalization by Security Operatives and the Challenges of Democratic Consolidation in Nigeria

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Abstract

The alarming rate of brutality by security operatives in the country has not only queried the efficiency of police personnel in discharging their responsibilities but has also questioned Nigeria's democracy. The prevailing levels of impunity and high-handedness have engendered acrimonious relationship among the citizens, particularly the youths, which has aggravated security problems in all spheres. The Police established the Special Anti-Robbery Squad (SARS) to combat and stem the tide of crime and criminality (arm-robbery, kidnapping and banditry) in the country. Unfortunately, this special unit of the Nigerian Police Force (NPF), over the years, abused their offices through series of unprofessional conducts, gross violation of fundamental human rights and several other acts of brutality against innocent citizens. The study adopted the Failed State and Social Contract theories while secondary data were used to gather information. The findings revealed that the brutality of the youths by the security operatives was due to default training for police officers, inadequate funding/resources, uncontrolled anger/emotions, corruption, use of illicit drugs, excessive consumption of alcohol as well as absence of citizen-centred police reforms programme in Nigeria. The paper recommended inter-alia, that the Nigerian government should strengthen the intelligence gathering unit of the Nigeria police, put in place a robust police/public relation department to enhance a two-way communication system between the police and the citizens, especially the youth who are the most active segment of the society, amend the 1999 constitution to allow state government control of the police and disband the Police Special Anti-Robbery Squad to checkmate incessant killing and brutality and improve service delivery by the security operatives.

Keywords: Brutality, democracy, Nigeria, Nigerian police force, SARS.

Introduction

A common dictum in the 21st century is that the world is a global village where events from different countries are easily noticed by nations as a result of universalisation and globalisation. Thus, the question of sovereignty among independent states becomes pertinent especially among dependent nations (such as Nigeria) and those who are members of international organization or supranational federation. Security operatives (especially the Police) the world over, are state authorities saddled with the responsibilities of law enforcement and maintenance of order in their respective societies.

In carrying out their duties, the police may be authorized to use reasonable force when the need arises. International conventions, charters, professional ethics and domestic state laws regulate

as well as constrain the use of force by police while discharging their functions. On the contrary, the police in many countries of the world resort to using extreme force, beyond the limits permitted by law, thus, the incessant unprofessional conduct in the process of discharging their duties (Segun, 2016 cited in Ejechi, 2020). These, in most cases have called to questioning the much-touted concept of freedom; liberty and rule of law that democracy tends to bring to the citizens as against dictatorial or military regimes.

The term 'brutality' is one of several forms of misconduct which involves undue violence by security officers on citizens in the society (Emesowum, 2016). Police brutality refers to the intentional use of excessive force directed towards the people by police officer or security agents (Socyberty, 2010 cited in Abiodun et al, 2020). Police brutality was used in the press as early as 1872 in United States of America. The first of which was reported during the time a civilian who was under arrest was tortured to a state of coma at the Harrison Street Police State in Chicago (Bleakley, 2019). This misdemeanor known as police brutality exists in many states and territories in the global system (US Commission on Civil Rights, 2018), most especially, in the developing countries.

At the national and international levels, activities of the police as an institution, are meant to be guided by conventions, charters and treaties such as the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. The United Nations Universal Declaration of Human Rights (UDHR) 1948, declared increase in protection of individual rights to life; the African Union (AU) charter under African Commission on Human and Peoples' Rights, spells out the imperatives of human liberty and protections against torture (Human Rights Watch, 2018); while the Habeas Corpus of French origin historically frowns against what is known as unlawful detentions of suspect since this may be tantamount to infringement on individuals' liberty.

It is a common saying that 'police is your friend', but the reverse is the case in Nigeria. It is evident that ordinary citizen's thinking of a policeman is from the negative point of view, and not as a friend (Gabriel, 2017; Abolaji & Aborisade, 2018; Omilana, 2019). The Nigerian state as an independent nation and signatory to UNO and AU treaties and pacts has overtly or covertly restricted her powers as a sovereign state. However, in her quest at ensuring security of lives and properties which is the major onus of government as stipulated in the 1999 constitution, the police high command established an anti-robbery unit known as the Special Anti-Robbery Squad (SARS). As against the objective of creating this special unit in the Nigeria Police Force (NPF), Nigerian citizens, mostly youths - were rough-handled, mishandled and brutalized in various ways through beating, indiscriminate shooting, maiming and killing, unnecessary restraints such as handcuffs and leg chains, unwarranted use of firearms against suspects and innocent members of the public, torture of suspects in order to forcefully extract confessional statements and gratification (Human Rights Watch, 2018; Odili & Egobueze, 2021).

The high-handedness of the police security apparatus prompted the Nigerian youths to vigorously mount a media campaign and protest movement with hatch-tag (#EndSARS), against the Nigerian Police Force (NPF) in October 2020. The objective was to catalyze mass action against the Special Anti-Robbery Squad (SARS) (Wodu, 2020). A mix of online and offline strategies were adopted which culminated in over ten thousand Nigerians signing a petition and submitting same to the National Assembly, calling for the scrapping of the unit, citing various abuses against Nigerian youths (Wodu, 2020). Though the unit was disbanded after the October 2020 nationwide #EndSARS protests, the effects of their acts of brutality are still being felt by Nigerians within and in the diaspora. In fact, Ibrahim Coomasie, (a former Inspector-General of police) during an interview, once accused the SARS personnel of "barbaric treatment of Nigerians" (Adepegba, 2016, p.38). The Amnesty International found 130 detainees in an

overcrowded cell at Abuja known as 'Abattoir' in 2018. Over time, these actions have orchestrated various forms of unrest which have resulted in different magnitude of damages to the socio-economic well-being of the citizens and country as a whole. For example, The #Endsars protest in Lagos and several other parts of the country in 2020, led to a state of anarchy, loss of jobs, properties, businesses and ultimately, loss of lives of many youths.

Different cases of brutality by police operatives around the world and Nigeria have called for questions such as: are the security operatives paid to kill innocent citizens/youths? Are they just happy to see the youths been brutalized? what are the fundamental reasons behind the incessant extra-judicial killings, torture, harassment etc. by security operatives? To this end, efforts are made in this paper to examine the impacts of the security operatives viz-a-viz brutalization of youths on democratic consolidation in Nigeria. The paper is arranged to include theoretical perspective, conceptual clarifications and an overview of the NPF, Human Rights enjoyable by Nigerian youths. It also looks at global and Nigerian cases of Police brutality; factors aiding brutalization of youths by security operatives in Nigeria, the implication of such on Nigeria's sovereignty and makes recommendations after conclusion.

Theoretical Perspective

This study adopted the failed state and social conflict theories to explain the brutality of the youths by security operatives in the recent years.

Failed State Theory

The word "failed state" is usually employed to analyze a state perceived to have failed at some of her essential responsibilities as a sovereign government. A failed state is one indicating shattered social and political structures (Anyanwu, 2005). It is made up of social, political, economic and institutional deficiencies and failures in all ramifications. Among the numerous common features of a failing state is when a central government is so weak or ineffective that it has little practical control over much of its institutions, territory, non-provision of public utilities or services, widespread corruption and criminality; refugees and involuntary movement of populations, and sharp economic decline (Socyberty, 2010).

Rotberg Robert as cited in Anyanwu (2005) submits that failing states are actually the products of a collapse of the power structures providing political supports for law and order, human rights and others; a process generally triggered and accompanied by violence and anarchy. It is the collapse of state institutions, especially the police and judiciary with resulting paralysis of governance, a breakdown of law and order, and general banditry and chaos. Not only are the functions of government suspended, but its assets are destroyed or looted; and experienced officials are killed or flee the country. It is evident in the fact that officers of the Special Anti-Robbery Squad (SARS) Unit of Nigerian Police unlawfully arrest and brutally terminate lives of innocent civilians in Nigeria, most especially in the South Western region of the country. In 2018, Joseph Osigho of the Amnesty International lambasted the Special Anti-Robbery Squad (SARS) unit of the police, complaining that the call to scrap SARS and reform the police had not been taken seriously by Nigerian government, while the judiciary have failed to prosecute the police for torturing the citizens illegally (Abiodun et al, 2020).

Social Conflict Theory

The social conflict theory embodies vast criteria of social phenomena such as class, culture, race, morals, ethics, revolutions, religion and many more. Mukherjee and Ramaswamy (2011) explained, in-line with Marx's thought that "social" in this context, refers to group conflict between different groups of people. This theory which originated from the Marxist tradition basically asserts that the security architecture are instruments used by the elite and the powerful in the society to maintain the status quo of inequality. In essence, race and class in a society

determines the dynamic of the relationship between the police and civilians in a society, hence the politically powerless and economically marginalized citizens are more likely to experience incidences of police brutality (Holborn, 1995). The inefficiency of the prescribed authority in checking the excesses of the police impunity therefore reflects a manifestation of the powerlessness of the minority in the society (Mukherjee & Ramaswamy, 2011).

One of the limitation of this theory stems from the fact that this theory asserts that the police force serves majorly the interest of the elites, however it is not all officers in the police force that seek to control the subordinate class of citizens in a society, there still exist a great number of officers within the force that carry out their duties diligently (Wallace, 2010). Also, this theory postulates that the police exist majorly to serve the interest of the upper class, which is evidently not the case in the Nigerian society. While this submission is partly true, it fails to encompass the reality of the Nigeria Police officers and their duties in the society.

Conceptual Clarifications

Police Brutality

Brutality as defined by the Collins Dictionary, is cruel and violent treatment or behaviour. Brutality can be in form of physical and or emotional, with the use of force against an unarmed individual causing damage, injury and in some cases, death. The term “police brutality” is sometimes used to refer to various human rights violation by the police. This might include beatings, racial abuse, unlawful killings, torture, or indiscriminate use of riot control agents at protests (Amnesty International, 2015). Police brutality was in use in the press as early as 1872 in the United States of America. The first of which was reported during the time a civilian who was under arrest was tortured to a coma at the Harrison Street Police State in Chicago (Bleakley, 2019).

Brutality is one of several forms of misconduct which involves undue violence by security officers on citizens in a society. This misdemeanor known as police brutality exists in many states and territories in the global system, most especially in the developing ones (Abiodun et al, 2020). Police brutality refers to the intentional use of excessive force directed towards a state's citizens by the police personnel or security agents (Socyberty, 2010 cited in Abiodun et al, 2020). This excessive force may be physical or in form of psychological intimidation. The act is evident in several countries in the global world especially in the news and social media where cases are outrightly reported. Brutality is also seen in the form of police misconduct that may involve sexual abuse, corruption, indiscriminate shooting on innocent civilians, false arrests, racial profiling, and political repression in all sense (Wallace, 2010).

Numerous countries all over the world have permitted or allowed their police force to employ minimum force in arresting suspects and also in shielding or protecting themselves. These security operatives are therefore expected to employ reasonable force in regulating any situation and in executing their objectives, but police brutality violates human constitutional rights (Gane-McCalle, 2009).

An overview of The Nigerian Police Force (NPF)

The Nigerian Police is a federal institution. In 1820, the Nigerian Police was first established and in 1930, the police forces of the then Northern and Southern protectorates were merged into the first national police force; named the Nigeria Police Force (NPF). The Police Act (1990) describes the functions, structure and operation of the NPF. The Act was originally drafted in 1943 and reviewed in 1967 (Police Act Cap, 2004). The President and Commander-in-Chief of Armed Forces in Nigeria holds operational control of the Force and appoints the Inspector-General of Police (IGP) who is responsible for the command of the police, subject to his directive for public safety and maintenance of public order. In the same vein, the administrative, financial

and logistics management of the Nigeria Police falls under the authority of the Ministry of Police Affairs (Segun, 2016, cited in Ejechi, 2020). The National headquarters of the Nigeria Police is located in the Federal Capital Territory, FCT, Abuja. It has about 12 Zonal Commands and 36 State Commands and they all have Criminal Investigation Departments (CIDs) that are responsible for investigating criminal matters (NPF,2022).

In 1992, the administration of General Ibrahim Babagida established the Special Anti-Robbery Squad (SARS) to combat armed robbery and other serious crimes. Prior to this period, anti-robbery was the responsibility of the Nigerian Police Force. Although from 1984, anti-robbery units existed separately as part of different states' criminal investigation departments. There are several other Special Forces, such as the Paramilitary Mobile Police (MOPOL), and the Swift Operation Squad (SOS). There also exists an X-Squad which is the unit responsible for investigating all the various police corruption cases in the country.

The Police Act also serves as means to check and prevent them from abuse of their powers through some sanctions. The Act provides that: “The Police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of this or any other Act” (Nigeria Police Act). This provision clearly states that the general duties of the police should include obeying the law, enforcing the law and protection of life amongst others. Hence, it is illegal and against this provision of the police act for a police officer to arbitrarily take the life of another (Osuyi and Oritsedere, 2012).

Human Rights Enjoyable by Nigerian Youths

Fundamental rights are the rights and privileges available for the citizens of the world. These rights are protected by both international and local laws around the world. Three germane aspects where the rights of Nigerian youths are protected include:

i. The United Nations Declaration on Human Rights

The Universal Declaration of the United Nations in 1948 declared increase in protection of human rights, including the right to life, within the United Nations. The preamble of the U.N. Declaration on Human Right states that whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world (United Nations, n.d), human beings shall enjoy freedom of speech and belief and freedom from fear and want, proclaimed as the highest aspiration of the common people (Gane-McCalle, 2009).

ii. The African Charter on Human and Peoples Rights

The African Commission on Human and Peoples' Rights addresses matters on torture and other cruel, inhuman or degrading treatments of citizens and its prevention in Africa. The importance of legislations against torture and cruel treatments cannot be over emphasized and article 4 and 5 of the African Charter spell out that “human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right” (Human Rights Watch, 2018).

i. The Nigerian Constitution

Chapter IV, Section 33-46 of the 1999 constitution of Nigeria, specifically in Section 33 provides that:

(i) Every person has a right to life, and no one shall be deprived intentionally 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.

(ii) 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 as are permitted by law, of such force as is reasonably necessary (The Nigerian Constitution, 1999).

Global Cases of Police Brutality

Several cases of Police Brutality have been reported globally in recent times. This cuts across nations of the world (developed and developing) though more noticeable in the developing states. Table 1 shows some cases of police brutality outside Nigeria, from 2010 to 2020.

Table 1: Selected Cases of Police Brutalities outside Nigeria (2010 -2020)

s/n	Date	Event	Country	Remarks
1.	6 th June, 2010	Khaled Mohamed Saeed, 28, was beaten to death by two Egyptian policemen in Alexandria, while he was in police custody. The officers were found guilty of manslaughter	Egypt	Unprofessional
2.	30 th August, 2010	John T. Williams, a deaf woodcarver, was fatally shot by Seattle, Washington police officer Ian Birk.	United States of America	Unprofessional
3.	5 th October, 2010	Danny Rodriguez, 29, was shot twice in the chest and killed by Phoenix, Arizona officer Richard Chrisman. Chrisman was found guilty of manslaughter, assault, and animal cruelty	United States of America	Unprofessional
4.	12 th December, 2010	Douglas Zerby was shot twelve times and killed by two Long Beach, California police officers.	United States of America	Unprofessional
5.	6 th June, 2011	22-year-old Martin Neshkovski was beaten to death by Igor Spasov, a member of the special police unit Tigers.	Bulgaria	Anger issue
6.	9 th July, 2011	Use of excessive force by the police against peaceful protestors in Kuala Lumpur.	Malaysia	Unprofessional
7.	17 th February, 2012	Patricia Cook was fatally shot while in her SUV by Culpeper, Virginia officer Daniel Harmon -Wright. Harmon -Wright was convicted of voluntary manslaughter.	United States of America	Unprofessional
8.	22 nd July, 2012	Alecia Thomas was kicked and punched by Los Angeles Police Department officer Mary O'Callaghan during an arrest, and later died in police custody.	United States of America	Unprofessional
9.	16 th August, 2012	The Marikana Massacre which occurred during the wildcat Marikana miners' strike.	South Africa	Unprofessional
10.	26 th February, 2013	Mido Macia was handcuffed to and dragged by a police vehicle for 500 meters in Gauteng.	South Africa	Anger issue
11.	17 th July, 2013	Deng Zhengjia, 56 years old watermelon vendor was beaten to death by Linwu police.	China	Anger issue

12.	12 th February, 2014	John Geer was fatally shot by Officer Adam Torres in Springfield, Virginia.	United States of America	Unprofessional
13.	12 th February, 2014	Bassil Da Costa was fatally shot during an opposition march in Caracas .	Venezuela	Unprofessional
14.	22 nd February, 2014	During the 2014 Venezuelan protests, a National Guardsman shot student Geraldine Moreno in the face at point blank range with shotgun pellets.	Venezuela	Unprofessional
15.	12 th October, 2014	Jack Jacquez, 27, was shot in the back and killed by Officer James Ashby in Rocky Ford, Colorado.	United States of America	Unprofessional
16.	20 th November, 2014	Akai Gurley was fatally shot by New York City Police Officer Peter Liang.	United States of America	Unprofessional
17.	22 nd April 2015	William Chapman II, an 18 -year-old shoplifting suspect, was shot in a Wal -Mart parking lot by Portsmouth, Virginia police officer Stephen Rankin	United States of America	Unprofessional
18.	26 th September, 2016	Terence Crutcher, 40, was shot and killed by police officer Betty Jo Shelby in Tulsa, Oklahoma	United States of America	Unprofessional
19.	7 th June, 2017	During the Venezuelan protests, 17 -year-old Neomar Lan der is killed after being shot directly with a tear gas canister fired by the Bolivarian National Police.	Bolivia	Unprofessional
20.	19 th June, 2017	During the Venezuelan protests, 17 -year-old Fabián Urbina was killed by a National Guardsman who fired li ve ammunition at protesters, wounding at least four others.	Venezuela	Anger issue
21.	1 st January, 2020	Eye injury in the 2019 –2020 Chilean protests: in two separate incidents two men were permanently blinded in one of their eyes as result of being hit by tear gas grenades shot by Chilean riot police.	Chile	Unprofessional
22.	25 th May 2020	George Floyd, 46, was killed by Officer Derek Chauvin in Minneapolis, Minnesota.	United States of America	Unprofessional

Source: Andrews, 2013; Wikipedia, 2020.

Police Brutality: The Nigerian Experience from 2015 to 2020

Human rights violations by security forces date back to Nigeria's military dictatorships, when security agencies such as the police were mobilized to safeguard military regimes rather than to protect and serve communities. Notwithstanding the advent of democratic rule in 1999, this mindset remains deeply ingrained. Police officers and military personnel have been deployed to intimidate peaceful protesters as well as arrest journalists and other critics of government (Wodu,

2020; George & Carsten, 2020).

Amnesty International, other human rights groups and UN bodies have, in the past, drawn attention to the pervasive use of torture and other abuses by SARS officers (Sulieman, 2016; Nelson, 2020). In its report 'You have Signed Your Death Warrant' published in 2016, Amnesty International documented 58 cases of suspects who were tortured while in SARS custody (Amnesty International, 2016). Despite these reports, growing public outcry and many promises to reform SARS, violations by SARS officers continued. Since 2016, Amnesty International documented at least 82 cases of torture, ill-treatment and extrajudicial executions by SARS. Most victims were young men between the ages of 18 and 35, poor and from vulnerable groups, and were tortured either to extract information and “confessions” or as punishment for their alleged offences.

Amnesty International found that torture is a routine and systemic part of police investigation in SARS; that many SARS stations use designated 'torture chambers' - special interrogation rooms commonly used for torturing suspects. These are often known by different names such as “the temple” or “the theatre” and are in some cases in the charge of an officer known informally as “O/C Torture” (Officer in Charge of torture). In numerous cases, Amnesty International saw scars, bruises, and dried blood on victims' bodies. Many of those subjected to beatings did not receive the medical care they required. In some of these cases, the violations were allegedly ordered by high-ranking officers. Despite verbal assurance from police authorities, the outfit continued to violate the rights of detainees (Amnesty International, 2019).

Some of the cases of police brutality in Nigeria left one with the question as to 'if Nigeria is not truly a “Zoo” as mentioned by the Leader of Indegenous People of Biafra (IPOB) - Nnamdi Kanu. where he characterised the people as “animals” who are hunted in a game by those who are supposed to be protecting them. Table2 shows the list of some well publicised cases of police brutality in Nigeria from 2005 to 2020.

Table 2: List of some Victims of Police Brutality in Nigeria between 2005 and 2020

Name of Victim	Age	State	Incident
Ebuka Obi -Uchendu	40	FCT	A TV star was sporadically shot at by police officers in his car, along with his friends in 2005.
Emmanuel Egbo	13	Enugu	Shot while playing football by police officer
Godgift Ferguson Ekerete	24	Rivers	Arrested alongside three other victims during a raid by police on July 4, 2008 in Abonnema Wharf waterfront community in Port Harcourt, Rivers State. They were taken to Mile One Police station where Godgift and three others were reportedly shot dead the same day.
Harry Ataria	26	Rivers	Same as above
Mbakwe Oruama	20	Rivers	Same as above
Tony Oruama	21	Rivers	Same as above
Daniel Adewuyi Tella	27	Lagos	A graduate of Banking and Finance illegally arrested in Festac, Lagos and later died in police custody.

Johnson Nnaemeka	39	Rivers	Arrested by police officers, home searched and was denied access to be seen after been transferred to Swift Operation Squad in Old GRA, Port Harcourt.
Christian Onuigbo	28	FCT	Shot when parking his car in Jiwa area of the FCT, later died the following day when the hospital refused to treat him without police report.
Modebayo Awosika	39	Lagos	A former relationship manager with First Bank was shot dead by a policeman in the early hours of 1 October, 2008 in his SUV at Lekki first roundabout, Lekki.
Hamza Umar	18	Adamawa	In an attempt to disperse a crowd of protesters, a police officer fired gunshots and a stray bullet hit Umar a secondary student, who was not among the protesters.
Sunday Bang	24	FCT	An amateur boxer was arrested in his home in Abuja, by SARS officers and accused of robbery. He was held in detention for 5 weeks without access to family, lawyers or medical care – and was not charged in court. While in SARS detention, he suffered bone fractures and other injuries due to torture and other ill treatment.
Miracle Onwe	23	Anambra	Miracle was arrested and detained by SARS officers in Neni, Anambra State, southeast Nigeria, accused of the theft of a laptop. He was tortured and given hardly any food during the 40 days he was in detention before he was charged and brought before a court.
Kofi Bartels	34	Rivers	A journalist who was unlawfully tortured and detained by men of the SARs in Port Harcourt.

Source : Author's Compilations

There are numerous unidentified victims of brutality by the police who later died in the custody or were shot dead by the operatives. An Example was a young man shot dead in broad daylight by SARS officers at Ughelli, Delta state. After killing him, they stole his car (Lexus Jeep) and left his body on the roadside. This singular action triggered the 2020 Post-Covid-19 #ENDSARS protest and demonstration in twenty-six (26) states between 8th and 16th October, 2020. The states are: Lagos, Enugu, Ogun, Oyo, Delta, Imo, Edo, Ondo, Ekiti, Anambra, Kogi, Osun, Kano, Rivers, Plateau, Jigawa, Benue, Akwa-Ibom, Bayelsa, Bauchi, Adamawa, Abia, Kwara, Borno, Ebonyi state and the Abuja (the FCT) (News Situation Tracking, 2020). Solidarity protests cum

demonstrations were also carried out outside the shores of Nigeria in London, Dublin, Ireland and New York in United States of America. Solidarity protests also spread to Toronto Canada, and Berlin, Germany on 12/10/2020. In Ghana the demonstration took place at the Nigeria High Commission in Accra on 13/10/2020, and in Nigeria high Commission in South Africa on the 15th, October, 2020 (News Situation Tracking, 2020).

Methodology

The paper adopts an ex-post-facto research design to gain insight into the brutalization of youths in Nigeria amidst different international and national regulations on human rights and security and how this can affect Nigeria as a sovereign state as well as member of international bodies, with a view to finding ways of ameliorating brutality in the discharge of duties by the Nigerian Police Force. This article largely draws from secondary data including existing legal frameworks and other related policies, textbooks, journals, articles and publications.

Factors Aiding Brutalization of Youths by Security Operatives in Nigeria

Youths population in Nigeria over the years, has suffered from different forms of brutality by the Police and other security operatives largely because of the strength that comes with youthful age, to ask questions on issues bothering on their rights, youthful agility and the spreading vices among the youths, such as prostitutions, burglary, armed robbery, cultism and cybercrime known in the local parlance as “Yahoo Yahoo”.

Other factors aiding brutality of youth in Nigeria by security operatives (SARS) include:

a. Unprofessionalism on the Part of Nigerian Police Officers

Officers of the NPF (SARS) were not professional in the discharge of their duties. 70 percent of them were undertrained, incompetent and unqualified (Adebule, 2019). The country was therefore saddled with a very large number of ill-equipped officers and men many whose suitability to adorned the uniform of the Force is questionable. The police are today stuck with undesirable workforce. The police training facilities are overstretched and under-resourced. In fact, Nigerians do not trust the police and are usually reluctant to co-operate with its personnel in many instances. There is usually a suspicion that the police are “only friends of the rich and the lawless, as a lot of Nigeria police officers are not friendly with the citizenry. Members of the Nigerian public were not happy with the way officers of the Special Anti-Robbery Squad (SARS) went about carrying of firearms in public in mufti (Adebule, 2019).

b. Flawed Guidance from the Nigeria Police Act

The provisions of the Police Act remain largely ambiguous, leaving the operatives to resort to a lot of discretion. Other criminal law statutes such as the Administration of Criminal Justice Act (2015) provide guidance on arrest and search powers but fail to do so with regard to the use of force. This glaring gap in the law has led to a situation where armed officers appear not fully aware of the scope of the lawful exercise of power, consequently, they violate constitutional provisions and fundamental human rights of the same citizens they are expected to protect, pursuant to their law enforcement duties. It is imperative that law enforcement officers should not have to live in fear of being criminally prosecuted in the discharge of their official duties, even when performing their duties involve the use of force (Oluwafifehan, 2019), unfortunately, there is very little guidance in the Police Act or other regulations as to the circumstances in which the use of brutal force is permitted. The law needs to provide a suitable framework for training programmes that may be developed by the administrative authorities.

c. Inadequate Resources and Poor Working Conditions

It is observed that the Nigeria Police has limited capacity for scientific and intelligent investigations. The Police lack the resources to investigate numerous complex crimes that require

specialized skills. Apart from the bad eggs in the Force, there are inadequate working tools, inadequate personnel that promote insecurity in the country. The police-population ratio in Nigeria is 1:450 (Olonisakin, 2008). In some Nigeria Police stations, there is no database for fingerprints, systematic forensic investigation, or sufficient budget provisions for investigations. The forensic capacity is absolutely poor as there are only two forensic laboratory facilities in Nigeria and limited number of forensic police staff. Due to lack of funding and resources for security these concerns, the Nigeria Police is currently struggling to fulfill its statutory responsibilities (Abiodun, Agunbiade, Ania, & Ajobiewe, 2019).

It is also established that inefficiency and corruption in the Nigeria Police are usually connected to poor wages/salaries and difficult working conditions of operatives which, in most cases, negatively affect the psyche of officers while on line of duties. The meager salary pay has undermined the social status, morale and self-esteem of police officers for years. Despite significant salary increases made in the year 2008 (the salary of a police constable, for example, increased from N8,000 (US\$52) to N26,159, (US\$170), wages are still very low (Amnesty International, 2018 as cited in Abiodun et al, 2020). In the same vein, 90 percent of the police stations in Nigeria are not in good shape, not maintained and poorly equipped. Officers do not have enough basic security equipment; bullet-proof vests, sophisticated arms and handcuffs. This may be one of the reasons they are unable to apprehend armed robbers and insurgents in the country. It is noted that some officers get some housing accommodations in the police barracks, but there is always high demand while just less than 15 per cent of police operatives live in barracks (Amnesty International, 2018 as cited in Abiodun et al, 2020). Although the conditions are very poor, housing is highly sought after and officers struggle to find accommodation elsewhere.

d. Uncontrolled Anger/Emotions on the Part of SARS Operatives

Police work requires the feeling and emotional display rules that regulate the expression of empathy in the profession. This involves extensive “emotional labour” as it requires an officer to induce or suppress feelings in order to sustain the outward countenance that produces the proper state of mind (Susan, 1999). It is observed that most police officers do not control both their own feelings and the emotional displays of citizens during crisis while maintaining order, providing service and controlling crime. Apart from bravery and physical strength, police profession requires communication and human relations skills that are often undervalued by police managers and officers. Often, alleged killer-police officers usually display no emotions of remorse as evident when some of them were recently paraded on television. One can liken them to the officers, recruits and soldiers who were ordered to murder our compatriots (Oluwafifehan, 2019; Afejuku, 2019).

e. Corruption and Bribery

There is widespread corruption among Nigerian police officers, that is, misconduct involving the extortion of monies from the commercial drivers, okada (commercial motorcycle riders), and from other innocent Nigerians. SARS operatives frequently stormed different spots/locations such as cinemas, night/party clubs, and cyber cafes in cities to unlawfully effect arrests in order to raise money through bribes whenever they were in need. Several cases of bribery and corruption are usually reported in Nigeria; this is common in instances where criminals and armed robbers operate either in the day and night periods. Anytime these “men of the underworld” are on rampage, the SARS operatives only collected bribe from them and let them go. In Nigeria, arms and weapons were often peddled with the assistance of corrupt SARS operatives and one may not have been surprised that if anyone carried a human head in his/her car and was ready to dole out some amount as bribe to police officers, he/she would be free to “carry on”

f. Use of Illicit Drugs/Drinking of Alcohol by Officers while on Duty

It is no more news that police officers saddled with the responsibility to maintain law and order, protect lives and property are now on daily basis caught up in the act of smoking Indian hemp, heroine and cannabis, as well as drinking of alcohol in both hidden and public places (Amnesty International, 2009; Adebule, 2019). They (SARS officers) would leave their station/barracks on daily basis for checkpoints and other strategic spots in towns, extort money from motorists and other Nigerian citizens and later retire to places where alcoholic drinks, beers and Indian hems are sold to “enjoy” themselves (Abiodun et al, 2020). At the end they become intoxicated and misbehave in public places.

Culpability on the Part of the Nigerian Government

Government's attitude toward several unresolved cases of brutality by operatives, poor police condition of service, and general lawlessness in the country depict an unfortunate situation where the government appears reluctant to demonstrate genuine commitment to ending the impunity of police brutality. Of course, failure to ensure accountability from officers and men of the force and ensure redress for their wrong doings, denies the victims of justice.

g. Inadequate Distribution of Budget/Appropriation

Financial appropriation or funding for the Nigeria Police is almost 7% of the annual national budget estimate while a larger part of it is spent on wages and salaries of staff. In recent years, a paltry 6% of the Nigeria Police budget was allocated for capital expenditure such as equipment and training facilities while almost 70% of the overhead and capital expenditures spent at the Force headquarters. As a result, State Commands are often forced to rely on State and Local government authorities to finance their operations; the authorities often donate vehicles, fuel, allowances and communication gadgets to the security personnel.

h. Failure to Prosecute Erring Operatives

A major driver of human rights abuses committed by SARS and other security operatives is the lack of accountability for their actions. In many situations, security operatives who violate human rights are covered by the police hierarchy; victims are afraid to speak out for fear of being targeted again. It is sad that the government failed to prosecute a single SARS operative since the National Assembly passed the Anti-Torture Act of 2017 (Amnesty International, 2020).

Implications of Police Brutality on Nigeria's Democratic Consolidation

Incessant brutality of Nigerians by security operatives over the years have adverse effects on the country's local and international reputation as this largely undermines the capacity of the government under civil rule to ensure the safety of her citizens. The #ENDSARS nationwide protest in year 2020 allegedly hijacked by hoodlums brought numerous challenges to the country. Nigeria as a member of international organizations, submits some of her sovereign powers to these organization, thus, non-adherence to any of international law can lead to sanctions against the state.

At the local level, the popularity of the government and her ability to protect lives and properties which is a hallmark of a democratic government within the country was tested in what the Hobbesian theory calls a state of nature-like situation mostly in the southern part of the country and the Federal Capital Territory (FCT). Several public and private properties were set ablaze including Police Stations, business outfits, shops, malls and casualties recorded among the security operatives and the youths. This portrayed the image of the country in a bad state after some period of civil stability.

The federal and state governments had series of issues to resolve in their respective jurisdictions. For instance, in Lagos, the state government had to grapple with how to reconstruct and put in

place infrastructural facilities destroyed by hoodlums during the protest, if her social contract with the people was to be maintained. Same is applicable at the national level and other states of the federation where properties were destroyed.

At the international level, the #EndSARS protest against police brutality had the potential to raise the international responsibility of the administration of Muhammadu Buhari in various ways. Sections 39 and 40 of Nigeria's 1999 Constitution (as amended), provide for freedom of speech, association and protest which are to be legally protected during peaceful protests. By reason of the use of force in stopping and preventing free association of people to protest peacefully, especially where the era of law of wandering and loitering had been thrown into the garbage of history since 1989, President Muhammadu Buhari may one day be charged for crimes against humanity, if not for crimes of genocide. The threats issued by the Nigerian military to the peaceful protesters only strengthens the case for allegations of crimes against humanity (*Akinterinwa, 2020*).

Conclusion

This paper examined the brutalization of unarmed youths in Nigeria as against both local and international laws and its implications on the sovereignty of Nigeria as a democratic society. No doubt, security operatives are established for the protection lives and properties in any state, but with the happenings in Nigeria, the opposite was witnessed with excessive actions from a unit in the Police Force known as the Special Anti-Robbery Squads. The activities of the NPF are at variance with their mandate for the protection of human life, safety, and security, as its actions rather tends endangers the people they ought to protect. It is evident that lack of capacity to conduct proper criminal investigation is responsible for the reliance of the Police on torture-induced confessions (*Kashem, 2017*). The country risks different forms of Sanctions from the international bodies and donor organizations as the case of some African states in recent past.

To ameliorate the incessant assaults and killings of youths, this paper therefore recommends as follows:

First, as a matter of necessity, there is need for re-orientation of officers who are to secure lives and properties. Security operatives should be educated on the importance of decency and dignity in service. The security of lives and properties can be achieved in Nigeria without operatives being induced with alcohol and illicit drugs which often affect their psyche at work.

Second, is it recommended that security officers should be trained control both their own feelings and emotional displays with citizens (especially the youths) during crisis, while maintaining law and order, providing services against crime in the society. Besides bravery and physical strength, professionalism of security operatives requires communication and human relations skills at all cost.

Also, the operatives who are saddled with the responsibility of handling civil cases as well as the various establishments charged with the ensuring the effective functioning of Nigerian Police - the Nigerian Police Council, the Police Service Commission, and the Ministry of Interior, amongst others, must sit up and show themselves to be effective and able to function as directed.

Furthermore, the National Assembly should endeavour to amend laws such as the Police Code of Conduct and the Police Force Order, to make sanctions against police brutality more rigorous and conscientious, which would in turn serve as a form of deterrence to other police officers. Also, law enforcement officers must go through more thorough and effective training on fundamental human rights with emphasis on the protection rule of law and human dignity. Likewise, the National Human Rights Commission of Nigeria must play a more active role by coordinating its work with law enforcement agencies in Nigeria towards ensuring that people's rights are always respected and protected.

Again, the Federal, State and Local governments should endeavour to support and assist the victims and family members that suffer from the SARS' unlawful killings and brutality. In the same vein, it is imperative for citizens to be fully aware of their fundamental rights. Citizens, whenever confronted by unlawfully behaving officers must be enlightened enough to know that a suspect must not be detained for more than 24 hours in Police custody. It is recommended that the Nigerian government should adhere to the submission of former Assistant Attorney General of the United States, Laurie O. Robinson to 'take away guns legally from vulnerable and dangerous police officers whenever they are engaged in civil matters; and codify the interactional tactics that would save lives in citizens'.

The Police force should be adequately equipped to combat crime and perform their duties effectively. Firearms should be properly handled and accounted for, which should make it easier during investigations, to point out if a police officer's weapon was used to kill a deceased or not. There should be increased budget provisions for the security and defense sectors, constant education or training for security operatives, strengthening and existence of a more functional and independent judiciary and respect for fundamental human rights of citizens in the country.

The police do not necessarily have to be disarmed, as some have suggested, to perform their functions under the Police Act. This is because, securing the lives and property of citizens in Nigeria actually requires that law enforcement officers be appropriately armed thus, the need for training and retraining of the officers. This is highly imperative in order to deal with serious cases relating to disruption of public safety such as terrorism, kidnapping, armed robbery and others. There is need for more guidance in the Police Act or other regulations as to the circumstances in which the use of deadly force is permitted. The law needs to provide a suitable framework for any training programme that may be developed by administrative authorities. There is need for developing a legal framework defining the scope of police powers particularly on the use of weapons and firearms as it would help the police officers in maintaining a civil relationship with the rest of the public. This is particularly necessary for the purpose of gathering intelligence relating to crime prevention and detection.

The Nigerian government should, as a matter of urgency, relate with other nations in bilateral or multilateral relationship that characterize globalization in the training and re-training of security operatives in the country.

Finally, the 1999 constitution should be amended in order to allow state governments to control the activities of the police, so as to ensure accountability in actions within their jurisdiction since they are closer to the people, unlike the case where all security issues as handled by the federal government.

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