

## **The Nigerian Police, Extra-Judicial Killings and the Dilemma of Human Security: A Theoretical Reflection**

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**Abstract:** The spate of extra legal killings in Nigeria has not only questioned the effectiveness and efficiency required by the police in carrying out their duties but it has also greatly undermined human security. Subsequently, the lawless state of the nation has engendered acrimonious relationship (manifest in the increased rate of kidnappings today in virtually every state of the federation) among the people which have further heighten the security dilemma in the country. This study attempts an historical excursion using the desktop approach in trying to explain and understand why every effort to stop such extra judicial murder and reposition the police force has woefully failed. The findings and position however, shows that the colonial sensitivity of the police force is largely responsible for its attitudinal disposition and the need therefore for a total re-orientation of the police institution is urgently required.

**Key words:** Nigerian Police Force, extra-judicial killings, human security, colonialism, colonial sensitivity

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### **INTRODUCTION**

Certain questions must be raised in relation to the issue under consideration. What is in the nature of the Nigerian Police Force that has made it defy all forms of reforms aimed at making it more effective and efficient in carrying out its constitutional duties? Can researchers extricate the sensitivity of the police in the post-colonial era from its colonial experiences? What specificities define the colonial police that are inherent in modern day policing?

It is very clear that a critical analysis of the nature and character of the Nigeria Police Force cannot be totally devoided from the historicity and specificities of its colonial orientations and experiences. In fact as Alemika and Chukwuma (2001) have correctly argued, the police reforms have failed largely because it has not taken cognizance of socio-political and of course economic dynamics in the country.

The brutal nature of the Nigerian police stands in sharp contrast to the roles expressly expected of them in its relations and interactions with the citizenry. In fact, the police being an extension of the state, it is invariably in social contract with the people who has given up their individual rights for greater and more assured secured right. This was to enable them escape the brutish, solitary, nasty and short lifestyle associated with life in the state of nature. To be sure here, it was not all of his right that man gave out. Hence, according to John Locke (1632-1704), rights like property right and life remains

intact with the state empowered to protect it. The state through its enforcement agencies, e.g., the police must therefore protect, guide and settle dispute among the people. In discharging their duties, they must be seen to be objective and neutral and then and only then can the people show loyalty to it. It is indeed such respect and loyalty that the police must have from the people to make them carry out their duties effectively. In the event where it is not there, society revert back to the state of nature.

Rousseau (1712-1778), one of the social contract theorists did state that the only justification for the existence of the state is the guaranteed happiness at least for the greater number of its citizenry. To him the state is an unnecessary creation and will only become necessary if it can protect the weak from the strong. This utilitarian positions by scholars alike tells us an axiomatic truth man's happiness cannot and should not be negotiated.

Sadly in Nigeria, this has not been the case. The country is characterized by what Chukwuma (2004) refers to continued government credibility problems, uncertainty over the future roles of the military, an economic depression that has forced millions out of work, pervasive corruption among top government functionaries and violent ethnic and religious disputes. A biased legal system and grand scale environmental problems, youth restiveness and kidnapping has further heightened the state of insecurity in the country. Amidst all of these the police and other security agencies are a key part of the equation.

This already bad situation has particularly become more worrisome with the increased rate of extra judicial killings or murder randomly associated with the police force. The Nigerian dailies are replete with debilitating news of such judicial killings in one part of the country or the other by an institution expected to prevent such atrocities in the first place. The rationale of this study is to therefore, strive to provide a theoretical explanation for the increasing wave of extra judicial killings in Nigeria. On that note it makes use of primary material, interviews and existing scholarly studies.

### **THE NIGERIAN POLICE AND EXTRA LEGAL KILLING**

Extra judicial killing refers to unlawful and deliberate killings carried out by order of a government or with its complicity of acquiescence (Amnesty International, 2009). Such killings effectively violate the right to life as guaranteed by the Nigeria's constitution, the International Covenant on Civil and Political Rights (ICCPR) and the Africa Charter on Human and People's Rights. Extra judicial killing can also be defined more appropriately as the killing of a person by governmental authorities without the sanction of any judicial proceedings or legal process. According to the Wikipedia (2012) such killing becomes extra-judicial and unlawful since, they bypass the due process of the legal jurisdiction in which they occur.

In Nigeria, extra judicial killing has often targeted the ordinary and common people since they are the most vulnerable. Without money to bribe and to receive due legal representative, the police feel safer targeting this status of people. According to a leading non-governmental organization, Centre for Victims of Extra-Judicial Killings and Fortune (CVEKT), Nigeria has recorded a total of 7,198 extra judicial killings by the police in the last 4 years (2008-2011) and that in doing this, the police had always relied on order 237 of the Nigerian Police Force (NPF) to perpetrate the distasteful act of extra-judicial murder (Thisdaylive, 2011).

In recent times, video footage has emerged showing the complacent nature of the Nigerian police in 2009, Al Jazeera a popular global cable network showed the Nigerian police murdering people. What is shocking is that according to Al Jazeera while an estimated 1000 people were killed as Nigerian government fought the now dreaded Boko Haram however many of the deaths which occurred took place after the fighting was over. While extra judicial killings as we have earlier posited is a total disregard for the sanctity of human life, it can also engendered large scale crisis and insecurity as recent

event in Nigeria has proven: the recent wave of terrorist attacks on innocent Nigerians most of who are civilians and security outfits have been adduced to the senseless killing (extra-judicial murder) of the Boko Haram sect's leader Mohammed Yusuf in 2002. In fact the first terrorist attack by Boko Haram was carried out in Borno State in January 2012 where four persons were confirmed dead after the extra judicial killing of their leader. As the Boko Haram insurgency continues to escalate so has police unlawful killing of civilians rose. For instance, on October 20, 2011 Tayo Abe, a lady from Ekiti State was reportedly shot by a police officer for approaching and challenging the policeman allegedly caught stealing corn from the farm (Thisdaylive, 2011) there are also cases of those who have died in the hands of Nigerians trigger happy cops for either refusing to be extorted or vehemently expressing their right. Recently in Bayelsa State, on October 21, 2011 a day after Tayo Abe was killed; a policeman shot and killed a 26 years old man, Victor Emmanuel for resisting extortion. Emmanuel was pursued and shot at close range in the present of his aged mother (Thisdaylive, 2011). There are many unreported cases of extra judicial killing by government authorities in Nigeria. This has however, not derailed the fact that the country is notoriously associated with this unlawful action. The recently appointed Inspector General of Police (IGP) M.D. Abubakar has reluctantly admitted to extra judicial killings by members of the police force, unlawful detention of innocent people and a lost of public trust. According to him justice has been perverted, peoples rights denied, innocent souls committed to prison, torture and extra-judicial killings perpetrated (Businessdayonline, 2012). Many reasons have been adduced for the rising spate of extra legal killings by Nigeria security forces, especially the police. Many have cited poor working condition which can breed inefficiency and corruption. For instance, the salary of the police force is not comparable to people who work in other sector of the economy specifically the oil industries, banks and so on. Not only are they made to guide these industries or specific influential individuals in them, the difficult working conditions they further find themselves like been under the sun or rain can make them developed a murderous attitude.

Another reason has to do with under trained staff and unqualified staff. Of >500 graduate persons asked if under normal circumstances, they would love to become a cop. Over 490 decline and said they would only consider joining the police force under harsh economic condition, e.g., unemployment into choice sectors. The unavailability of patriotic and committed individual in the police force has directly led to the proliferation among its rank of

unqualified staffs that are further under trained. This has tended to erode any remaining vestiges of professionalism left in them. Other obstacles to effective policing include chronic lack of resources, inadequate distribution of budget and poor public image (Amnesty International, 2009).

The recognition of the problems has not lead to a solution of it. Even in the face of grand reforms the problems still persist. The question that therefore begs an answer is: why has the situation persists even in the face of grand scale reforms? It is the belief that a critical analysis of Nigerian political history will be extremely vital in answering this poser.

### **THE NIGERIAN POLICE AND ITS COLONIAL HERITAGE**

Colonialism was a forceful subjugation of a weaker nation by a stronger one. Its major motivation is economic pursuit that is achieved through military conquest. Its continued survival must be based on the strength of its ideology otherwise it cannot achieve its economic objectives. Indeed, the need for an institution that could be seen to primarily reflect a major feature of the state or political system which sees the state as having the monopoly of the instrument of coercion is a necessary sine qua non for the effective utilization of state power. To achieve its economic goals, Ake (1996) noted two features of colonialism in Africa that markedly differentiate it from that of Americas, Europe and Asia. Colonialism in Africa was unusually statist (absolute) and it was also arbitrary. For instance while Adam Smith invincible hand, the law of supply and demand was given some leverage in the West and of course in some other colonized continents in Africa, the Colonial State determined who should produce what when and how. Secondly, the arbitrary powers of the colonial masters navigate them into making the colonies produce the commodities they needed as against the interest of the Africans. The lack of legitimacy that resulted from such dictatorial display of power was the least of problems faced by the colonial managers. This is not surprising given the fact that the monopoly of the instrument of coercion places the oppressors against the oppressed. According to Ake (1996):

Since, the colonial state was for its subjects at any rate, an arbitrary power it could not engender any legitimacy even though it made rules and laws profusely and propagate values colonial policies was thus reduce to the crude mechanics of opposing forces driven by the calculus of power

A fall out of the above was a much bastardized notion of security: security lay only in the accumulation of power (Ake, 1996) and keeping out potential opposition (Sagay and Edo, 2010).

To maintain this power disparity, the colonial state manager decided to fortify their power. In 1930, the Nigerian police was formally given birth to. It would of course be wrong to situate the emergence of a police force to 1930. There are in fact documented studies of the history of police forces in Nigeria which has been traced as far back as 1861 (Alemika, 1993; Tamuno, 1970; Rotimi, 1993). Suffice it here to say that in 1861, the Nigerian police began with a 30 members consular guard formed in Lagos. In 1879, 1,200 member armed paramilitary Hausa constabulary was formed while in 1896 the Lagos police was established. The Niger Coast constabulary was formed in Calabar in 1894. The need for a police force was recognized by Sir George Goldie when his company after setting up a rudimentary administration on the Niger went on to back it up by a constabulary consisting of three European officers and 150 African men (Flint, 1960). The company was primarily concerned with maintaining its monopoly of trade against its rivals and securing profits for its shareholders (Crowder, 1968).

However, it was in 1930 that these various creations were merged and the Nigerian police force emerged. According to Alemika and Chukwuma (2001), these various creations were a reflection of administrative convenience aimed at carrying out the dictate of the colonial masters. To achieve these, violence and force were readily applied primarily directed in making African (Nigerians) act in accordance with the economic interest of the colonizers. Consequently, the power given to the police force was absolute in enforcing loyalty to this economic interest. The implication was that though the police created to maintain law and order, protect life and property, enforce the laws and provide a wide range of services to the citizens (Martin, 1990), the main function has been the protection of the elite the colonizers against any form of opposition to their claim to power. This was succinctly captured by the Institute for the Study of Labor and Economic Crises (Alemika and Chukwuma, 2001) when it said that the main function of the police has been to protect the property and well-being of those who benefit most from an economy based on the extraction of private profit. The police were created primarily in response to rioting and disorder directed against oppressive working and living conditions. It should be noted here that the colonial state was a totalitarian one, one that could not engender legitimacy even though there were laws and values associated with it. In fact, it cares less in trying to legitimized leadership. Therefore, the only

option left for it was to use violence and force in advancing the interest of a class that stands in sharp contrast with the rest of society. Hence, Rotimi (1993) sees the colonial state as largely intolerant of opposition. Onoge (1993) elaborated more on this when he wrote:

The burden of colonial policy was the subordination of the national interests and the people to the political and economic interest of the state. Through armed mobile patrol, raids, arrests and detention, the raiding of labor camps and the violent suppression of strikes, the police ensured the creation, supply and discipline of the proletarian labor force required by colonial capitalism

Studies have indeed shown that it was through the use of the colonial police that workers strike were violently suppressed which eventually led to scores of deaths being recorded (Tamuno, 1970).

#### **THE COLONIAL SENSITIVITY OF THE NIGERIAN POLICE IN A POST COLONIAL ERA**

According to Ake (1996):

Although, political independence brought some changes to the composition of the state managers, the character of the state remained much as it was in the colonial era. It continued to be totalistic in scope it presented itself as an apparatus of violence had a narrow social base and relied for compliance on coercion rather than authority

Alavi (1972) in his analysis of the state in post-colonial society, further espouse the truth in Ake's observations. According to him the colonialist did not merely replicate the superstructure of the state which they have established in the metropolitan country but they also created a state apparatus through which they can exercise dominion over the indigenous social class in the colony. Therefore, the colonial state was equipped with a powerful bureaucratic military apparatus which enables it to subordinate the native class. Hence, the post colonial state inherited such state apparatus and its institutionalized practices; a state apparatus that depends on coercion to reach its rent-seeking goals. It was in this sense that the state is seen in post colonial society as been overdeveloped due to the excessive enlargement of powers of control and regulation that the state has acquired far beyond what is necessary for the orderly functioning of the periphery capitalist economies.

Although, it would have been difficult but not impossible for the civilian administration of Tafawa Balewa to engender legitimacy among the people, the situation was further aggravated by military incursion into politics. The structural and rganizational feature of the military institution was one that has already predispose it towards centralism. Orders, once given are not subjected to debates. Its hierarchical nature is certainly totalistic. Therefore, if the colonial Nigerian police was perceived mainly as an apparatus of violence, it was more the same role played in post colonial Nigeria. Nearly three decades of military intervention in Nigeria politics had not raised or orientate the colonial sensitivity of the Nigerian police towards community service. Consequently, the police has thus been used as the instrument through which the Nigerian state and its elites could further their rent-seeking behavior in the midst of great suffering. Violence and forced imprisonment of some of the most influential Nigerians saw massive brain-drain. Nigerian was declared a non-trade area; politics became a do or die affair with the security agents acting as the means to achieve it. Foreign direct investment was low engendering unemployment and consequently insecurity. The insecurity slogan was replicated almost in all sectors of the Nigerian State.

The situation became intense with the spate of extra judicial killing by the police both in the prison cell and roadblocks. In 2006 a private broadcasting station declared that over 10,000 known extra judicial killings can be accounted for. The figure has continued to rise with no hope of abating the ugly trend. Amnesty International, in late 2009 stated that the:

Nigerian police are responsible for hundreds of unlawful killings every year. The majority of these cases go uninvestigated as the police officer responsible go unpunished. A corrupt police culture, little training or competence with firearms and the legacy of Nigeria military era are all contributing factors (Okafor, 2010)

One cannot help but to agree with the observation. Another ugly trend has been the rise of non-state militarized group in the Nigerian political scene, a rise which according to Adejumbi is directly related to the political economy of militarism that characterized the post-independent political culture of the Nigerian State. These ethnic militia groups which arose due to their relative deteriorating material condition or political deprivation and perceived marginalization and to correct the insecurity problem e.g., crime control has also in recent times unleashed the same terror that necessitated their

emergence. The implication: human security has further deteriorated. The average Nigeria is now faced by two devils-militancy and police brutality.

### **THE NIGERIAN POLICE AND THE PROBLEM OF SECURITY IN THE FOURTH REPUBLIC**

Despite being caught up in the Third Wave of democratization in 1999, Nigeria effort at consolidating her hard earned democracy has been problematic for the past 10 years. The level of insecurity has tremendously increased, affecting every sector of the economy. Political assassinations, terrorism, corruption and the emergence of non-state policing have become synonymous with the Nigerian State. The bombing of the Nigerian police headquarter and the United Nation headquarter in Abuja by the Boko Haram militant group has further worsened an already deteriorating situation. Even more problematic is the inability of the Nigerian government to tackle the problems facing it. Caught up in this chain of events are the Nigerian police whose incompetence in handling conflicts in the society has led to total breakdown of law and order. This again is not out of place given the fact that the police has (as in the colonial period and in the years immediately after independence) being an instrument used by corrupt and power drunk politicians to achieve their oppressive and exploitative goals. The rate of corruption, especially in the fourth republic has also been the bane of an inefficient policing. Consequently, the decadence that has permeated the rank and file of the Nigerian police runs deep. It was such breathtaking corruption that saw a former police boss stealing millions of dollars. The killing of six innocent people by the police in the Apo district of Abuja (now known as the Apo six) in June, 2005 was one event that shows the brutal nature of the Nigerian police and their total disregard for human lives. Even then the complacent position of the government towards bringing the perpetrators to justice has been seriously questioned as almost seven years now, nothing is been heard about the case. According to Oluchi (2007):

In addition to their blatant disregard for human right, it is also common knowledge that when offered the right and adequate encouragement many Nigerian police officers can be bought and made to settle scores on ones behalf either by simple threat and harassment or by making your adversary serve a short jail term laced with torture or through more heinous means

The police has also been widely known to work hand in hand with criminal, often releasing suspects accused of serious crime against the state.

For example, among the many unsolved crimes in the country is the brutal murder of the former governor of old East Central State, Anthony Ochefu in Benue State in 1999. According to Onyeozili (2005), the police have been accused of releasing the seven suspected killers alongside with the traditional ruler fingered as the master-mind and the supplier of the weapons used in killing the former governor.

There is also the case of Bola Ige, then Attorney General (AG) of the federation who was murdered in his home while under the protection of five armed police officers purportedly absent from their duty post. There has been no effort in solving the murder or bringing the perpetrators to book (Onyeozili, 2005). Even the five police men whose duty was to protect the AG were not even suspects.

The televised Boko Haram massacre by Aljazeera network which shows the Nigerian police shooting unarmed civilians is horrific. Done in a barbaric and inhuman manner, it shows the total disregard the police force has on human lives. According to Bature, the unfortunate incident did not only battered the image of the Nigerian police but also that of the Nigerian citizens who wherever they may be could not be exonerated of collective guilt. This and other unsolved assassination of political figures and journalists and the many extra judicial killings by law enforcement agents, the police specifically have created two related developments which has further heightened the security problems in the country, these are the total lack of trust displayed by the people on the Nigerian police and the emergence of alternate state groups whose aim is to fill the gap left open by state security agencies.

### **THE IMPLICATIONS OF DISTRUSTING THE POLICE**

The distrust created among the people through the actions of the police has had a reverberating effect that has further made the people insecure. Such distrustful orientation have made certain the fact that since, the people cannot go to the police to report a crime, apart from fear that the report will not be followed through, they might find themselves at the receiving end of police brutality and torture. The country has thus witness the proliferation of criminal activities in an unprecedented level. How so? The police have always in their bid to solicit the cooperation of the people noted that the criminals live among us and for effective policing there is need to inform on any nefarious activities in their neighborhood. This is in fact a truism but it doesn't explain why in spite of the risk involve in harboring

criminals, the people still feel more at home with them than exposing them. One valid explanation has to do with the fact that the people are more afraid of the police informing on them. In a society where suspects are released immediately they are arrested without going through the rigors of the laws because they have the so called godfathers to affect their release then the security of the people are at greater risk. In fact, the word police informant in the Nigeria sociological lexicon have acquired such a derogatory connotation that the peoples are sometimes happy when such persons are dealt with by criminals who are not supposed to live among law-abiding citizens. To be certain here, law-abiding citizens love peace and security and would do anything to protect these values however, in a country where those charged with the responsibility of enforcing such values are not different from the supposed lawless ones, the people have no choice to settle or but seek out an alternative.

#### **THE RISE OF NON-STATE SECURITY AGENCIES**

The failure of the police to ensure peace, security and stability in the society and also to engender trust among social collectivities has led the people into organizing themselves into cohesive groups with the objectives of ensuring their relevance in the society. Some of these groups like vigilante groups are solely concerned especially in the Night in providing security to the people while the more militarized ones, like Movement for the Emancipation of the Niger Delta (MEND), Odua People's Congress (OPC), Egbesu Boys and Bakassi basically due to their dissatisfaction with the Nigerian State have become aggressive. Apart from providing security to the people, they have become entirely violent in enforcing their desires in the current scheme of things. In the pre-colonial period there were of course voluntary organizations, groups that come together solely to provide assistance to one another. However, during colonial period the nature and character of this organization changed, a change that was not unconnected to the problematic relationship that existed between the colonial state and the individual (Ekeh, 1994). In post colonial Nigerian society the story was very much the same, especially in the years following the incursion into politics by the military class. The insensitivity of the military towards the welfare of the people and the high rate of crime gives the people no choice but to look for alternative way of securing themselves against the state and its agents. In a study carried out by Alemika and Chukwuma (2003) in four states to assess the people perception of safety, security and informal policing, it was

discovered that the high level of crime and lack of confidence in formal policing (Nigerian police) in guaranteeing their safety and security makes them patronize vigilante groups which they see as more efficient than the police.

#### **CONCLUSION**

The study has attempted to trace the sordid state of the Nigerian Police Force to the era of colonialism where they were mainly instrument established to put down any form of opposition to colonial rule. It has remained much the same in post colonial Nigeria where the zero sum game antics by the national independent leaders has further played down the constitutional roles of the police in providing and ensuring security to her citizens. This has had negative multiplying effects on the state of the nation. The lack of confidence generated in the psyche of the people towards such formal state agents has in recent times seen the proliferation of crime and the rise of non-state security groups. It has further undermined direct foreign investment in the country scaring potential investors away from a country that is so badly in need of it.

#### **RECOMMENDATIONS**

In other to maintain an efficient and effective police force there is the need for adequate funding and equipping of the Nigeria Police Force. There is also a dire need to professionalize the police force. A cursory look at the rank and file of the Nigerian Police Force displays a deficiency that has hampered its efficiency and effectiveness in carrying out its duties. Majority of those in the police force are not equipped in many ways to tackle societal problems. There is therefore the need for an extensive training of its members to enable them function effectively in a fast changing society. The government can ensure this by making sure that those who are recruited into the police force have some minimal level of education and qualification, e.g., Ordinary National Diploma (OND). Secondly researchers advocate that considering the work carried out by the police, there is the need for constant review of its salary structure as this will help in reducing corruption among its members. Thirdly, the need for a welfare package is necessary which should include both insurance and assurance policy. More importantly the need for a reform that takes into cognizance the social, political and economic condition in the country will go a long way in addressing the rot in the police force and prepare them for the 21st century challenges. Lastly and more importantly, there is the dire

need for the abrogation of outdated colonial police Act. This has become a necessity given the fact that the police tend to hide under such law in carrying out their atrocities. Secondly, this laws like Order 237 of the Nigerian Police Force were oppressive because they were made to effectively subject the subjugated people so the aims of the imperialist mission will be fulfilled without obstruction.

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