

# Law Enforcement in Nigeria by the Police Force and the Travails of Rule of Law

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## Abstract

Nigerians are increasingly losing hope and confidence in the nation's police force because of the unethical conduct of some of its operatives. Some of the actions of the Nigerian Police Force have brought embarrassment to the nation. Cases of bribery or extortion and extra-judicial murder are on the increase. The paper looks at the poor outing of the police and how it impedes the rule of law. Through direct and indirect observations, it is established that the rule of law has been disastrously negated by the unprofessional attitude of the largely ineffectual police force. It is recommended that the minimum entry qualification into the Force should be HND.

**Keywords:** Rule of law; Brutality; Extortion; Extra judicial murder; Unethical behavior

## Introduction

The police force is an agency of the executive arm of government that maintains law and order in any society. Unlike the military, the police investigates and prosecutes cases in the law courts. It plays a vital role in ensuring peaceful coexistence among the citizens without which the society would be a jungle. In Nigeria, the police, though a necessary evil, has lost the confidence of several Nigerians because of poor attitude to work, unethical conduct and ominous disregard for fundamental human rights. About 70% of the members of the Nigerian Police had no interest in the job at the time of recruitment but they just applied because they needed job to earn salary. You cannot do a job very well if you don't like it. So what do you expect from operatives whose sole interest is to make money? This can be likened to medical doctors who are supposed to be life savers as stipulated by the Hippocratic Oath but who decline treating dying patients especially accident victims who have no money to pay immediately. If the reason for enlisting into the police is just to make money rather than rendering quality security service, one can imagine the travails of rule of law and how the inalienable rights of the people are infringed upon by those statutorily empowered to protect same.

But surprisingly, some members of the Nigerian Police had received international commendations and award from UN peace keeping assignments. Could the Nigeria society be responsible for the unethical behavior of the Nigerian police as it is a microcosm of the larger society? Is it because the policemen work with morally bankrupt politicians? Is it because of the get rich quick- syndrome in Nigeria? In civilized societies such as the US, UK, it is a thing of pride to have a family member in the police, but the reverse is the case in Nigeria where stubborn children in the family who probably had dropped out of school are encouraged to apply for enlistment into the police. Many parents have done this to get rid of miscreants from the family. Nothing good would come from a police force made up of poorly educated rascals known in Nigerian parlance as 'area boys'. Such policemen are ready tools in the hands of blood-thirsty and renegade politicians who would pay any amount of money to ensure that terror is unleashed on perceived formidable opponents and intimidation of their supporters. The ignoble role played by the police and other security agencies in Ekiti and Rivers States during the governorship elections in 2014 and 2015 respectively cannot be forgotten so soon.

Against this backdrop, it is therefore, not strange to have

embarrassing extortions at check points, illegal detention, extra-judicial killings, and connivance with armed robbers etc. This was why the then Inspector General of Police, Aliyu Atta, in July 1991, angrily said that if Nigerians were civilized they would stone policemen seen on the street because the bad things done by them were more than the good things they have done. The government also has to be blamed here. Why should policemen be deployed to an area to restore law and order without making arrangement for their accommodation and feeding? Why scheduling policemen for courses without paying them the allowance? Why transferring policemen from one state to another without an accommodation in the barracks? If policemen are made to fend for themselves under these circumstances, some may be pushed to misbehave. In buttressing the assumption that the unprofessional behavior of the Nigerian police pitifully contravenes the rule of law, I shall look into some of the actions of the policemen that I personally witnessed and those I observed indirectly.

## Unlawful Detention and Extortions

Many Nigerians have at one time or the other been unlawfully detained by the police without any offence. And because of impatience or ignorance they gave money to the police in the name of bail. This is a serious infringement on their fundamental human rights especially the right to personal liberty. The police is fond of arresting and detaining innocent citizens without any sensible evidence just because of the money they would extort from them under the guise of bail. In 2005, some policemen from the Force Headquarters, Asaba, Delta State came to Warri and arrested several women who put on trousers. They were detained at A Division police station in Warri. I was in the station that very day and I witnessed how the relatives of the detainees were paying money to secure their release. This was barbaric and shameful on the part of the police as there is no law that forbids wearing of trousers by women in Nigeria. In 2012, three men riding in a red Jetta Car with a nursing mother and the baby on their way for a family meeting were

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arrested by the policemen from Owian Police Station at a checkpoint in Udu LGA, Delta State. The offence was that a female magistrate travelling with her daughter was kidnapped by gunmen with a red Jetta car! Was that enough reason to arrest and detain any person seen with a red Jetta? Even while in detention, the real culprits called the victim's daughter and demanded for ransom for her to be released. The DPO put a call to the police commissioner telling him that three suspects have been arrested in connection with the abduction. The nursing mother among them was not detained. The police demanded for N300,000 to release them. Though one of the Judges Rules says that people can be arrested after a crime has taken place in a bid to know the author of such a crime but the police has no right to detain such people if no evidence links them to the crime. So the idea of detaining innocent people and requesting them to pay money before releasing them is a height of unprofessionalism. I accompanied my friend to the station that day in response to the distress call from one of the detainees. My advice to my friend was to contact a lawyer.

On 22<sup>nd</sup> May 2013, Oba Adeoriyomi Oyebo, the Obateru of Egbin-Ikorodu, Lagos State, was unlawfully arrested and detained by the police for eight months. He later took the police to court. In its ruling the Federal High Court in Lagos awarded N5 million damages against the Police for illegal detention of the monarch [1]. On 19<sup>th</sup> November 2013, a Togolese national who is a French Teacher in Lagos, Mr. Abragahou Aminu, was mercilessly beaten up by some police officers along Ketu-Ojota Road, Lagos and was illegally detained at Ketu Police Station and later transferred to Area F Station. The offence was that he tried to use his cell phone to record a scene where a commercial bus driver was being beaten up by the police officers! The friends of the victim had to petition the PPRO of Lagos Command, the elegant and charming Ngozi Braide to the then Inspector General of Police, MD Abubakar on this matter [2].

Pastor Emeka Ebuta was unlawfully detained by the police in Abuja between March 3<sup>rd</sup> and March 8<sup>th</sup> 2010. He went to court to challenge his unlawful detention and the Abuja High Court declared his detention unlawful and N2.5m awarded as damages against the then police IG, Hafiz Ringim [3].

Many Nigerians have spent several years in pre-trial detention which is a horrible negation of their rights to personal liberty and freedom of movement. The case of Sikiru Alade was pathetic. He was arrested by the police on 9<sup>th</sup> March 2003 at the old Lagos Toll Gate with a spurious charge of armed robbery even without a gun on him and was later taken to a magistrate court with a Holden charge. The court ordered that he be remanded in prison custody as it probably cannot hear the case. He remained in prison till September 18<sup>th</sup> 2012 following the ECOWAS Court ruling that his detention was sadly unlawful [4]. As the cases of unlawful detention of innocent citizens are on the increase, the Inspector General of Police, Solomon Arase, has repeatedly warned the police officers against arresting people without evidence of having committed a crime and that the era of unlawful arrest and detention were over [5].

### Extra-Judicial Murders

There are many cases of innocent Nigerians killed by trigger-happy policemen. In most cases, such murders are covered up by the authority probably to save the image of the police. Some murderous policemen have been punished because of the status of the victims and the amount of public condemnation generated, for instance, the killing of Col Rindam and Dele Udo. On 17<sup>th</sup> November 1987, the Dawodu brothers were shot dead by a police constable in Adeniji-Adele, Lagos. Dele

Udo, the US-based athlete who was on a visit to Nigeria was shot dead on his way to buy roasted beef (*sunya*) in Lagos. He was immortalized by the government by naming a street in Lagos after him. Also killed by the police was Col. Israel Rindam of the Nigerian Army. While in a traffic jam in Lagos, he disembarked from his car to find out the cause of the gridlock and was shot by one of the policemen on 6<sup>th</sup> September 1992. On realizing that he was an army officer, the policemen took to their heels. It was Brigadier Fred Chijuka, the Director of Defence Information at that time that averted a bloody encounter between the Army and the Police.

On 27<sup>th</sup> May 1991, Andy Esiri, Dele Ojo and Kayode Oladimeji while travelling in Andy's car, were killed when some policemen opened fire at them at a checkpoint. Dr. Nwoogu Okere, General Manager of Klinstine Nig. Ltd, was killed by policemen who trailed him to a petrol station in Gbagada, Lagos on 15<sup>th</sup> May 1991. Ganiyu Yekini, a commercial bus driver, was shot dead by the police at a checkpoint over N10 bribe in February 1992. Gbenga Otin also met his Waterloo at a police checkpoint. A 52-year old widow, Fidelia Oguonu, was shot dead by a police constable at a checkpoint at Oba Junction in Anambra State on 20<sup>th</sup> September [6].

On Saturday 26<sup>th</sup> December 2015, a drunken Police Sergeant Stephen James with Force No. 217884 attached to PMF 22 shot dead twin brothers: Taiwo and Kehinde Oyesunde, the only children of their mother, and their friend Jeje outside the premises of Paulson Hotel in Ketu, Lagos where Jeje's birthday took place. The policeman later shot himself dead on realizing the enormity of the crime he had committed [7]. A tricycle operator, Godwin Ekpo lost his wife because he was unable to give N2,000 bribe to Police Corporal Muse Aremu who shot dead his wife [8]. A truck conductor was shot dead by a policeman along Okene-Abuja highway over a N100 bribe. This led to the blocking of the highway with trucks by many truck drivers in protest [9]. On 27<sup>th</sup> June 2015, Police Corporal Chris Ali opened fire in a burial ceremony in Fugar, Edo State, killing two nursing mothers who were seated under a canopy. He was found guilty of murder in the Police Orderly Room Trial and dismissed from the Force and charged to court [10].

The most infamous cases of police brutality and extra-judicial murder were the killing of six innocent youths in Abuja, popularly known as Apo 6, and the Okene-Abuja highway robbery. Some policemen from the PMF on illegal duty, mounted a checkpoint along Okene-Abuja highway. They stopped a bus conveying traders and a male student. After robbing them of their money amounting into millions of naira, they set the vehicle ablaze with the passengers. It was a savage spectacle. But luckily, the student was able to escape from the vehicle and he raised alarm which led to the arrest of the policemen. They were later convicted by the court. In its ruling, the court said that they were not fit to live in a decent society and ordered that they be killed by hanging. On 8<sup>th</sup> June 2005, six innocent Nigerian youths: Ekene Isaac, Ifeanyi Ozor, Chinedu Meniru, Paulinus Ogbonna, Anthony Arebu and Augustina Arebu, while on their way from a night club in Abuja's Area 11 at about 02:00 hrs, were shot dead at a checkpoint by policemen on stupid suspicion that they were armed robbers. One of the suspects, a very senior police officer, was granted bail. The case is still pending in court [11].

### Conclusion and Recommendations

It is hard to believe that the Nigerian Police Force which is saddled with the constitutional responsibility of protecting lives and property is now unleashing terror on innocent Nigerians from whose tax it is maintained. It is bizarre that a police officer could raise a weapon

because of a N100 bribe. This can only happen in banana republics. Many Nigerians have lost confidence in the police force due to the unprintable acts of some of its operatives. The fundamental human rights of Nigerians have been crudely and horrendously negated by the police. For your complaint to be written down, you have to pay money. For policemen to effect arrest, the complainant must be ready to fuel the police vehicle. To release somebody on bail for misdemeanor or a minor offence, the surety is asked to pay money. All these are extortions. The police as an institution has failed Nigerians. Most of the operatives have no working conscience. Why burning traders alive after robbing them? Why conniving with armed robbers to terrorize the people? This is morally reprehensible. The story of DSP George Iyamu and a notorious gang of armed robbers led by Lawrence Anini has not been forgotten. This gang terrorized the old Bendel State in a faction reminiscent of James Hadley Chase's classic *"Want to Stay Alive?"* in which a small gang of hoodlums turned Paradise City to panic city. For the Nigerian Police to be effective and people-oriented, it is recommended that:

- The minimum entry qualification be HND and must be vetted before the commencement of training.
- The take home salary for recruits be N150,000 monthly and must be paid regularly.
- Citizenship Education be taught as a course in the Police Colleges to enable trainees know what rule of law is all about.
- The recruits must be properly educated on the circumstances under which the gun can be used.
- Policemen should not be posted to unfamiliar terrain as fighting criminals in a strange place is herculean. State Police is very ideal.
- Given the criminal sophistication in Nigeria today and the vagaries of the police job, the recruitment of women into the Force should be discouraged. The idea of top ranking officers bringing in their girlfriends during recruitment exercise be stopped. Women should be encouraged to train as nurses, teachers and caterers. The police job is not very suitable for nursing mothers.
- Lawyers be employed into all the police Area Commands to advise the police investigators on cases that should be charged to court, which suspect to be detained etc. The presence of civilian lawyers in the stations will guide the policemen from infringing on the rights of suspects.

- The number of policemen posted to politicians as orderlies be reduced drastically so that more policemen would be available for the tax-paying masses.
- Nigerians must show likeness for the members of the police. A situation whereby they rejoice when a policeman is felled by armed robbers is totally wrong. We must show love towards them. They are fellow Nigerians.
- Apart from the monthly salary, the government must be committed towards the welfare of the police for them to have a sense of belonging which will make them put in their best.
- Any police officer who is found guilty of an offence against discipline be punished accordingly.
- Government must provide accommodation and feeding for policemen deployed for ad-hoc assignment outside their place of work. Those on transfer must be given accommodation in the barracks. Course allowance must be paid to those scheduled for courses.

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