

Strengthening Human Rights Protection in Nigeria: Safeguards Under the Police Act 2020

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ABSTRACT

The concept of Human Rights has become a critical factor in the definition of modern civilisation and constitutional democracies in the twenty-first century. The activities of the police remain central to the perception of human rights under municipal and international law according to the policies of the state-party. This article sets out to examine the provisions of the 'new' Police Force (Establishment) Act 2020 with a view to identifying the safeguards put in place by the law for strengthening the promotion and protection of human rights in Nigeria. It identifies factors which have contributed to inefficient policing and ever-increasing cases of human rights violations by the police and recommends sticking with the extant legal reforms for a better Nigeria Police Force. The Act introduces provisions such as mandatory accountability mechanism, abolition of use of force or torture to obtain statements from suspects as well as the requirement for the presence of a legal practitioners during a suspect's interrogation, among others. The doctrinal research method is adopted in analysing statutory provisions and judicial precedents to assess the alignment of policing procedures with constitutional guarantees in line with global best practices. It is observed that despite the wide discretion afforded the Nigeria Police in the discharge of their duties which should boost the observance of human rights, the police abuse these discretions with the end result of serious violations of citizens' rights which are guaranteed under the constitution. The article concludes that fostering a human-rights-based approach in the discharge of police duties alongside a stringent enforcement of the Police Act 2020 is imperative to sustaining lasting, far-reaching reforms.

Keywords: Police, Policing, Human Rights, Court, Arrest, Impunity

ABSTRAK

Konsep Hak Asasi Manusia telah menjadi faktor penting dalam definisi peradaban modern dan demokrasi konstitusional di abad kedua puluh satu. Aktivitas kepolisian tetap menjadi pusat persepsi hak asasi manusia berdasarkan hukum kota dan internasional menurut kebijakan negara pihak. Artikel ini bertujuan untuk mengkaji ketentuan Undang-Undang Kepolisian (Pembentukan) 'baru' tahun 2020 dengan tujuan untuk mengidentifikasi perlindungan yang ditetapkan oleh undang-undang untuk memperkuat promosi dan perlindungan hak asasi manusia di Nigeria. Artikel ini mengidentifikasi faktor-faktor yang berkontribusi terhadap kepolisian yang tidak efisien dan kasus pelanggaran hak asasi manusia yang terus meningkat oleh polisi dan merekomendasikan untuk tetap berpegang pada reformasi hukum yang ada untuk Kepolisian Nigeria yang lebih baik. Undang-Undang tersebut memperkenalkan ketentuan-ketentuan seperti mekanisme akuntabilitas wajib, penghapusan penggunaan kekerasan atau penyiksaan untuk mendapatkan pernyataan dari tersangka serta persyaratan kehadiran praktisi hukum selama interogasi tersangka, antara lain. Metode penelitian doktrinal diadopsi dalam menganalisis ketentuan perundang-undangan dan preseden peradilan untuk menilai keselarasan prosedur kepolisian dengan jaminan konstitusional sejalan dengan praktik terbaik global. Dapat diamati bahwa meskipun Kepolisian Nigeria diberi keleluasaan yang luas dalam melaksanakan tugas mereka yang seharusnya meningkatkan ketaatan pada hak asasi manusia, polisi menyalahgunakan keleluasaan ini dengan hasil akhir berupa pelanggaran serius terhadap hak-hak warga negara yang dijamin oleh konstitusi. Artikel ini menyimpulkan bahwa mendorong pendekatan berbasis hak asasi manusia dalam melaksanakan tugas kepolisian di samping penegakan yang ketat terhadap Undang-Undang Kepolisian 2020 sangat penting untuk mempertahankan reformasi yang langgeng dan berjangkauan luas.

Kata kunci: Kepolisian, Kepolisian, Hak Asasi Manusia, Pengadilan, Penangkapan, Impunitas

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INTRODUCTION

On 20th October 2020, the Nigeria Police in a joint operation with the Nigerian Army unleashed impunity, killing at least 12 peaceful protester and injured many others over the public protest for the rebranding of the Police Special Anti-Robbery Squad (SARS) (Amnesty International, 2021; Ajanwachukwu *et al*, 2024, p. 166) The Police may be used to describe a socio-political and quasi-legal institution charged with the responsibility of enforcing criminal law and maintenance of law and order within a state. The term is coterminous with police services of a sovereign state duly authorised to exercise the police powers of the state within a definite legal territory (Akuul, 2011). By police powers, it is meant a wide range of powers, responsibilities and activities including, but not limited to the security of public safety and to guard, which is a sub-set of control process involving the creation of a system of surveillance coupled with the threat of sanction for established deviance (Tangban, 2014). Akinsulore (2020) conceives policing or police powers as society's contemporary prerogative response to deviant behaviours that constitute crimes. He contends that the efficiency and effectiveness of the policing system in the Administration of criminal justice informs the integrity of the justice institution in a society.

The state's response to crime is activated when a crime is reported to the police or when the police of its own volition suspects that an offence has been or is likely to be committed. It is safe to posit that the police is the most visible important infrastructure of the criminal justice system with inherent gateway into the criminal justice system by crime reporting or independent discovery. As the biggest instrument of national security, the police is necessary when coercion is required to enforce the laws and demand conformity (Ikechukwu & Ozioma, 2021). Crime detection and internal or national security stability are the twin pillars of police duties in modern democracies.

It is no brainer that the enjoyment of the protection of fundamental rights of citizens is integral to the concept of national security which is the primary duty of the police to enforce. According to Audu (2017) policing has become a global phenomenon with the creation of the International Police Organisation (INTERPOL). It was expected that the Nigeria Police Force (NPF) with its regular engagements in international policing would imbibe global best practices on police duties which recognise the promotion of fundamental human rights of members of the society at all times. The Nigeria Police has instead sustained a characteristic approach of violence, repression and excessive use of force in carrying out its assignment in Nigeria. This attitude of the police is largely due to a missing link of accountability and skewed training modules which has left systemic corruption and impunity in its trail. The result is that every citizen has a regrettable story to tell about any encounter with the NPF despite its image laundering mantra of 'police is your friend' (Human Rights Watch, 2010). The distrust with the civil populace has grossly impacted on police efficiency and effectiveness, particularly in the area of intelligence gathering. Any discussions on promotion and protection of human rights in modern societies, particularly Nigeria is academic without reference to the Police. The need therefore arises to salvage the battered image of the NPF and to build trust-occasioned reforms in the criminal justice system with the enactment of the Administration of Criminal Justice Act (ACJA, 2015; Akinsulore, 2020) and the Police Act (2020). Both Acts function jointly to harmonise the obligations of the police within the criminal justice infrastructure, particularly for the purpose of procedural and administrative discipline. For instance, whereas the ACJA (2015) has categorically stated that suspicion can only be reasonable if it relates to infringement or offences known to law in Nigeria, the Police Act (2020) prohibits the police from arresting anyone based on a breach of contract or civil transactions or wrong, such civil wrongs not being offences contemplated under the ACJA. The police ventures into civil transactions constituted the bulk of human rights abuses in Nigeria which the Act targets to abolish.

The objective of the paper is to examine the provisions of the 'new' Police Force (Establishment) Act 2020 with a view to identifying the safeguards put in place by the law to strengthen promotion and protection of human rights in Nigeria. It examines the roles assigned to the police under the Police Act vis-à-vis the checks and balances provided in the ACJA and the Constitution of the Federal Republic of Nigeria 1999 (as altered) (CFRN) to ensure a rebranded policing approach that promotes the protection of Human Rights in Nigeria. The paper is divided into five parts. The foregoing is the first part which introduces the subject matter, laying foundation for the main discourse. Part II dwells on the concept of human rights in Nigeria. Part III identifies the duties and powers of the NPF vis-à-vis the enjoyment of the rights of citizens. Part IV evaluates the score card of the Police in the Nigeria criminal justice system while the fifth and final part concludes with far reaching recommendations for a better policing policy in Nigeria.

RESEARCH METHOD

The doctrinal research method is used in the research, review and analyses of relevant primary and secondary sources of law and literature bearing on the subject matter of this article. To this end, statutes, instruments and decided cases as well as textbooks, periodicals, journal articles and online materials are used to advantage to the exclusion of empirical data. The approach involves the analysis of existing laws, regulations, case law and examining statutory institutions with oversight functions to ensure the observation of human rights. The analysis of the literature lent focus on reported human rights violations in Nigeria by the police with a comparative attention on policing in other countries which have recorded scores of impunity, identifying the confluence in police operations and making a case for strict compliance with the provisions of the law.

RESULTS AND DISCUSSION

The Concept of Human Rights in Nigeria

Human rights are specific rights which attach to a person by the reason of the person's human-ness. The deprivation of these rights which have evolved as fundamental human rights are objectionable and offensive to basic sense of natural justice (Ehirim, 2023). Contemporary notion of human rights is identified with the natural law jurists such as Thomas Hobbes and John Locke who conceived these rights as inherent, inalienable and fundamental to human existence (Udombana, 2016). The concept of human rights, like other jurisprudential terms, is incapable of a singular globally acceptable definition (Egbewole, 2017). The definition varies with scholars as with their cranial index.

Ikhariale (1995) identifies human rights as sacred rights inborn in man because they are implanted in man by divine nature and therefore, positive law can neither establish nor extinguish but only protect them. In the view of Ogbu (2013c, p. 5), human rights in its widest connotation, embraces those civil, political, economic, social, cultural, group, solidarity and developmental rights which are considered part of the human nature and are therefore indispensable to a meaningful human existence. Ogbu's definition attempts to cover the field by encapsulating within the definition, all human rights which ought to be enacted as positive law (*lex lata*) and human rights which ought to be but are yet to be enacted as positive law (*lex ferenda*). Eze agrees with Ogbu in his postulation of human rights as the demands or claims which individuals make on society, some of which are protected by law and have become part of the *lex lata* while others remain aspirations to be attained in the future (Madaki, 2012; Dakas, 1990). The truth is that the definitions put forward by Ogbu and Eze attempt to include non-justiciable (Olowu, 2006) and imaginary

rights (Emas, 2015), the breach of which avails the victim of no remedy in Nigeria as part of human rights (Constitution of the Federal Republic of Nigeria, 1999).

Umzurike (1997, p. 4) views human rights from ethical prism when he represents human rights as claims which invariably supported by ethics and which should be supported by law, made on the society, especially on its official managers by individuals or groups on the basis of their humanity. The definition is rather unfortunate because human rights claims are not only made on the society or its official managers but also on individual and artificial persons (Constitution of the Federal Republic of Nigeria, 1999). On her part, Cornescu (2010) describes human rights in terms of their generations, grouping them into first, second, third and fourth generations of rights in accordance with their evolution and acceptability. Cornescu's approach shows that human rights is a work in progress and may vary from what the foremost natural law theorists conceived it to be according to civilisations. Human rights therefore, is critical to the definition of man's civilisation in contemporary times. In *Ransome Kuti v Attorney-General of the Federation* (1985), the Supreme Court of Nigeria defined fundamental rights as "a right which stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilised existence". Similarly, the Court of Appeal held in the case of *Gani Fawehinmi v Sani Abacha & Ors* (1996), that the African Charter on Human and People's Rights is not only binding on Nigeria but supersedes municipal laws to the extent that the Charter prevails in any event of inconsistency with Nigeria's domestic law.

Any claim to fundamental right must be in accordance with law. To this end, the CFRN as well as the constitutions of other nation-states has codified what is recognised as fundamental human rights in Nigeria and in such other nation-states (Rosen & Rubenstein, 2023). These rights are positive, subjective and redress-able in the regular courts in any event of breach (Ehirim, 2023). Consequently, Odje (1986) stated the law correctly when he posited that while all rights enjoyed and asserted by human persons may be described generally as human rights, not all human rights can be termed fundamental rights or fundamental human rights under our classification unless they are entrenched in the Constitution. Human rights may exist in international law but fundamental human rights is within the domain of municipal laws (CFRN, 1999). Thus, in the case of *Uzoukwu v Ezeonu* (1991), Nasir, JCA stated the law rightly when he observed that:

Due to the development of constitutional law in this field, distinct differences has emerged between 'Fundamental Rights' and 'Human Rights'. It may be recalled that human rights were derived from and out of the wider concept of Natural Rights. They are rights which every civilised society must accept as belonging to each person as a human being. These are termed Human Rights. Fundamental Rights remain in the realm of domestic law. They are fundamental because they have been guaranteed by the fundamental law of the country, that is, by the constitution (*Uzoukwu v Ezeonu*, 1991).

Human rights were first formulated as a concept in the United States of America's Bill of Rights, developed as a universal concept in the United Nations Universal Declaration of Human Rights (Madubuike-Ekwe & Obayemi, 2019), and elaborated in several international human rights instruments after the order of UDHR. The European Convention on Human Rights (ECHR) was signed in Rome in November 1950 promoted rights and freedoms proclaimed in the UDHR to enforceable status in Europe. There are also Regional Bills of Right to which Nigeria subscribes and which binds Nigeria and its citizens. Although the African Charter of Human and Peoples' Rights (ACHPR, 1981) incorporates the International Covenant on Civil and Political Rights (ICCPR, 1966), and International Covenant on Economic, Social and Cultural Rights (ICESCR, 1996) and has been enacted as positive law in Nigeria, all other instruments yet to be domesticated are deemed to bind Nigeria in accordance with the CFRN (1999). The international

human rights instruments have immense influence over constitutional framework of human rights in modern democracies. Aloamaka and Kore-Okiti (2023) posit that the UDHR is a pivotal document forming the fundamental framework for pursuit of equality, dignity and justice for all individuals. Odje (1986), however, argues that the ECHR more than any other document had formidable bearing on Nigeria's Independence Constitution of 1960 and subsequent constitutions because of Nigeria's colonial tie with the United Kingdom.

The ideals of the UDHR on civil and political rights which are cognisable and enforceable as fundamental human rights in Nigeria are enshrined in chapter four of the CFRN (1999) and the ACHPR (1986). By virtue of section 33-44 of the Nigerian Constitution (1999), these rights are: right to life; right to dignity of human person; right to personal liberty; right to fair hearing; right to private and family life; right to freedom of thought, conscience and religion; right to freedom of expression and the press; right to peaceful assembly and association; right to freedom of movement; right to freedom from discrimination; right to acquired and own immovable property anywhere in Nigeria; and right to freedom from compulsory acquisition of property. The bulk of the foregoing rights which is severally infringed in the daily interactions between the police and the individual citizens are given priority in this article.

Duties and Powers of the Nigeria Police Force (NPF)

The NPF was established by the CFRN (1999). Section 214(1) of the CFRN created a police force with unitary command structure under the Inspector-General of Police and so shut the doors against state or local government police forces. The unitary command structure of the NPF in a constitutional federalism has generated much arguments within the legal and political circles (Obidimma & Obidimma, 2015; Awhefeada & Esavwede, 2022). The duties and powers of the NPF is immense and shall for the purpose of brevity be discussed together as responsibilities of the Nigeria Police Force (*Willie v Ibiok*, 2012)

The responsibilities of the NPF are provided for in the Police Force (Establishment) Act (PA) and outlined as follows (Police Act, 2020):

1. Prevent and detect crimes and protect the rights and freedom of every person in Nigeria as provided for in the CFRN, the ACHPR and any other law;
2. Maintain public safety, law and order;
3. Protect the lives and regulations without any prejudice to the enabling Acts of other security agencies;
4. Discharge such duties within and outside Nigeria as may be required of it under this Act or any other law;
5. Collaborate with other agencies to take any necessary action and provide the required assistance to support persons in distress, including victims of road accidents, fire disasters, earthquakes and floods;
6. Facilitate the free passage and movement on highways, roads and streets open to the public;
7. Adopt community partnership in the discharge of the responsibilities under this Act or under any other law. The Ghana Police Service has recorded huge success in improved policing through its community policing unit (Ateku & Bawa, 2024).
8. Vet and approve the registration of private detective schools and private investigative outfits (Ofekeze, 2023).

Generally, police in Nigeria, as in other parts of the globe, perform similar but diverse functions which have conflicting effects on the civilian populace (Michalowski, 1985). Michalowski (1985) identifies the chief functions of the police generally to be: (i) dramatising state power (ii) legitimising state power (iii) maintaining order (iv) controlling crime and (v) labelling criminality (Ikechukwu & Ozioma, 2021). One primary responsibility of the police in modern democracy is the dramatisation of state power. Technically this may be referred to as 'show of force' which the NPF embarks upon in crises-prone areas such as Warri, Delta State of Nigeria upon reasonable suspicion of imminent crisis to register its presence and the State's combat-readiness. Its aim is to send a chilling message to trouble-makers. The police dramatises state power in different ways. Symbolically, the police officer's uniform, badge or identity card and weapons are symbols of the authority of the state delegated to the police. Ikechukwu and Ozioma (2021) demonstrated the delegated state authority to the police in the following words:

When we allow ourselves to be directed in traffic by someone wearing police uniform or allows a stranger into our home because we are shown a police badge, we experience firsthand the real power of the state to command our lives. When we read or hear about someone's being arrested by the police or perhaps injured or killed by the police in the process of arrest, we are presented with the very real and extraordinary power – including the exclusive right to use deadly force – delegated to the police by the political state.

In the dramatisation of state powers and sundry police responsibilities the police must strike a balance between liberties of the citizens and the core duties to preserve the law and order (Madaki, 2012). By the enormous responsibilities of the police, as the centurions at the gate and defenders of the law, legality, freedom, individual liberties and human rights, policing entails wide discretion on the part of the police officer. Greene paints a picture of the actual burden of the police in the following words:

Policing can be seen as law in action as opposed to black letter law as printed. It is a legal realism giving life to the laws that are at once substantive procedural and restorative, concerned with legality but also with due process and doing justice (Greene, 2010).

It suffices from the foregoing that the art of policing is itself as important as the manner of policing (Greene, 2010). Policing, therefore is an extension of human rights protection which is a projection that modern democratic societies are yet to perfectly realise. The PA puts it succinctly when it stated that:

1. The Police Force is responsible for promoting and protecting the fundamental rights of persons in police custody as guaranteed by the constitution
2. For the purpose of subsection (1), the Police Forces shall collaborate with and maintain close working relationship with any government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons, detainees or accused persons in police custody in need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of chapter iv of the constitution.
3. In addition to the provisions of subsection (1) and (2), the Police Force is also charged with the responsibility for promoting and protecting the fundamental rights of all persons as guaranteed under the African Charter on Human and People's Rights (Ratification and Enforcement) Act and other international legal instruments on human rights to which Nigeria is signatory (Police Act, 2020).

Incidental to the powers granted to the police under Section 4 of the Police Act is the power of public prosecution (*Federal Republic of Nigeria v Osahon*, 2016). A police officer has powers under the Administration of Criminal Justice Act (ACJA, 2015) to arrest without warrant as well as the powers to interpose, to prevent commission of an offence and to arrest such 'suspected' offender if the commission

of the offence cannot otherwise be prevented. Thus, the law has adorned the NPF with colossal and formidable powers in justice administration, preservation of law, order and protection of public tranquillity (Brownson, 2012). Police interventions are naturally designed to support human rights. Regrettably, police abuse of discretion and statutory powers eventually results in the violation of the fundamental human rights of citizens. This article considers the human rights most often and flagrantly violated by the police in their line of duty vis-à-vis the legal provisions for the protection of such rights.

The NPF and Abuse of Human Rights

Right to Life

To be alive is a pre-requisite for enjoyment of fundamental rights. The rights provided under Chapter IV of the CFRN inures in favour of the living. The right to life is guaranteed under Section 33 of the CFRN (1999) and ACHPR (1986). Accordingly, every person has right to live and no one shall be deprived intentionally or arbitrarily of his life (Oluropo, 2015). The guarantee for life in domestic and international documents restrains and makes it unlawful for police officers or other law enforcement agents of the state to deploy lethal force at people, save and except when such agents are left with no options in the face of danger to their person or danger to some other persons. Engagement of lethal force such as firing of live ammunition may only be justified as the last and only available option open to a police officer whose life or limb is in danger (Ikechukwu & Ozioma, 2021). Regrettably, the NPF has shown a penchant for violation of the right to life of Nigerians given the activities of some trigger-hungry officers. Consequently, the media is sated with chilling reports of extra-judicial killings of members of the public by the officers of the NPF. Some of these horrific killings take place at police check-points while others are carried out at the police stations. Recently on 4 April 2023, Ibe Emmanuel Onyeka, a young business-man was shot and killed by one Obi Ebri, an Inspector of Police around Ugbolu area of Asaba, Delta State for alleged refusal to offer a hundred-naira bribe at police check-point (Ahon, 2023). Citizens are labelled armed robbers innocently by the police in order to justify their killings while many others die during torture or other crude investigation drills (Ejike, 2023). The allegations of extra-judicial killings by the NPF is widespread with the operations of tactical squads such as the Special Anti-Robbery Squad (SARS), Crack Squad (CS), Highway Patrol (HP), Special Intervention Squads (SIS) and others. These unlawful killings, particularly of youths who object to police inordinate, unlawful monetary demands resulted in the spontaneous protests which spread across Nigeria with a clarion call on the authorities for the disbandment of SARS (Odunsi, 2020). Adebola argues that the Boko Haram insurgency assumed an intractable dimension following the alleged extra-judicial killing of one Mohammed Yusuf, the leader of the group by the NPF (Adebola, 2017). According to Madaki (2012), from 2000 to 2003, a total of five-thousand seven hundred and seventy-six (5,776) out of twenty-four thousand, nine hundred and forty-one (24,945) armed robbery suspects arrested by the Nigeria Police were summarily-executed without trial and classified as 'killed in combat'. The truth is that Madaki's statistics is economical because the NPF is notorious for poor record keeping (Ibekwe, 2018a).

Right to Dignity of the Human Person

Every human being is required by law to be treated in such a manner as distinguishes such a person from a beast or other *homo sapiens*. The right to dignity of the human person is guaranteed by the CFRN (1999, s 34) as well as the ACHPR (1986). The constitution prohibits torture, slavery, inhuman or degrading treatment, servitude and all forms of forced labour. Consequently, the ACJA (2015) provides

that, 'A suspect shall be accorded humane treatment, having regard to his right to the dignity of his person, and not be subjected to any form of torture, cruel, inhuman, or degrading treatment.'

The truth is that despite the foregoing statutory prescriptions, torture and all forms of crude investigation mechanisms are engaged by NPF to obtain statements from suspects. Humans are treated with such indignity below the standard required for domestic animals at police stations. Aboh & Aloamaka (2022) observes that torture has indeed become a regular feature of police law enforcement system in Nigeria. The crude techniques engaged by the NPF against detainees include – 'repeated severe beatings with metal rods and wooden sticks, tying of arms and legs tight behind the body, suspension by hands and legs from the ceiling or a pole, resting concrete blocks on the arm and back while suspended, spraying of tear gas in the face and eyes, electric shock, death threats, holding a gun to the victim's head, shooting the foot or leg of the victim, burning victims body with hot iron or cigarettes, slapping and kicking with hands and boots, denial of food and water (Human Rights Watch , 2005). Where a police officer detained a suspect for five days without food and water in order to compel him to pay up his tricycle hire purchase deal, the court held such as violation of the suspect-applicant's right and awarded heavy damages (Ekponta, 2024). Torture could also take the form of molestation and sexual abuse of female detainees, use of pliers or insertion of broom sticks into the penis, beating the penis with cable wire, applying electric shocks to the penis and spraying of tear gas or spray pepper on the genitals (Madaki, 2012). The NPF deploy life-threatening torture techniques to the extent that about seventy per cent (70%) of statements or confessions made by victims to the police during investigations are made under duress (Adebola, 2017).

The NPF has continued to infringe the rights of Nigerians by use of torture and excessive use of force without any internal safeguards put in place to check the trend. A clear case of torture by the NPF in Nigeria was made out in July 2003 when some mobile policemen arrested Chris Ngige, the then governor of Anambra State. They tortured and coerced him at gun-point to sign a resignation letter at the instance of Mr. Chris Uba after detaining him at their pleasure. The Court of Appeal declared the action of the police illegal and unconstitutional (*Attorney-General of Anambra State v Attorney-General of the Federation & Ors*, 2005). There were no consequences on Ralph Ige, the Assistant Inspector General of Police (AIG), who led the governor's kidnap (Awhefeada & Esavwede, 2022). In June 2017, one Kester Edwin, a bus driver was arrested by the police during police routine exercise of stop-and-search. Substances suspected to be Indian hemp and cocaine were found on a commuter in his bus. The police alleged that Mr. Edwin was a cultist and so chained him to the back of the police patrol van, dragging him along the street. Police manhandled civilian interveners who protested this indignity against a citizen (Vanguard, 2017). Akinsulore (2020) observes the violent approach of the NPF and its attitude of impunity to citizens which paints the picture of "you are guilty until you prove yourself innocent". Thus, the Nigeria Police has been revealed as highhanded, corrupt and a dependable tool to political actors in a most recent survey (SERAP, 2019).

Right to Personal Liberty

The CFRN (1999) guarantees the personal liberty of every individual and prohibits deprivation of such individual liberties except in circumstances permitted by law. Consequently, no person shall be deprived of his liberty or freedom by confinement in custody or otherwise except in accordance with the rule of law (Adegbite et al., 2019). The Nigerian legal system did not outlaw police detention of anybody in outright terms. Such detention is a reasonable mechanism in all liberal democracies. It however, regulates and limits the duration of such 'lawful' restrictions or detentions to engender quick and diligent prosecution and disposition of cases (CFRN, 1999; *Ariori v Elemo*, 1953). To this end, an accused person has the right to be tried within a reasonable time. What constitutes 'reasonable time' may vary between

one day and two days depending on the distance between the facility of the detaining authority and the courts. The Police may grant administrative bail where it is not expedient to confine the suspect any further prior to trial (AJCA, 2015).

Bail is a right of the accused person (Okoronye & Okeyim, 2013). In *Dogo v Police* (1980), the Supreme Court stated in unequivocal terms that bail for non-capital offences is a right and ought not be withheld to punish a suspect. The law prescribes a period of two months and three months for the arraignment of a suspect who is on administrative bail or in custody, respectively beyond which such suspect is entitled to be released unconditionally or upon terms (CFRN, 1999). The constitutional guarantee of bail to persons suspected of having committed any offences is of antiquity and underscores the principles of presumption of innocence of the accused person. In *Obekpa v Commissioner of police* (1982), the Court conceived the benefits of bail to 'suspects' in the Nigerian Legal System as follows:

It allows those who might be wrongly accused to escape punishment which any period of imprisonment would inflict while awaiting trial, to stay out of prison guarantees easy accessibility to counsel and witnesses to ensure unhampered opportunity for preparation of defence. Of much further advantages in this regard is this fact that unless the right to bail or freedom before conviction is preserved, protected and allowed, the presumption of innocence constitutionally guaranteed to every individual accused of a criminal offence would lose its meaning and force (*Obekpa v Commissioner of Police*, 1982).

The breach of fundamental right to personal liberty and general abuse of the bail mechanism accounts for the series of litigations against the NPF in Nigeria. The NPF has not shown discipline in this aspect of policing so much so that they find it unthinkable to let a suspect go after obtaining statements which reveal that such suspect has committed no offences. This is the aspect of investigation which the police in Nigeria find extremely difficult to adhere to (*Umolo v IGP and 6 Ors*, 2015). The Police always insist on suspects meeting the 'illegal monetary' bail conditions before any detainee may be allowed some freedom. Bail should be freely granted and not be set up as a conduit of extortion of the suspect by the detaining agency as experience has revealed. Where such 'unlawful' bail conditions are not met, the police would either keep the suspect in excess of the constitutionally permitted detention period or charge the suspect to court even when no offence is disclosed. In *Witshire v Barret* (1965), Lord Denning, MR stated the law rightly in the following words:

... since that time it has been settled law that if, after arrest a man is found on inquiry to be innocent or at any rate that there is no sufficient case for detaining him, he should at once be set free. There is no obligation to take him to the Magistrate (*Witshire v Barret*, 1965)

Be that as it may, the law recognises situations when the right to personal liberty may be derogated from in Nigeria. In *Ekwenugo v Federal Republic of Nigeria* (2001), the Court of Appeal by Fabiyi, JCA observed that no citizen's freedom or liberty is absolute. The freedom or liberty of a citizen ends where that of other man starts. Consequently, Section 35 of the CFRN (1999) admits of exceptional circumstances in which a citizen may be deprived of the right or liberty unlawfully. These circumstances are: (i) in execution of the sentence or order of court in respect of an offence of which the accused has been convicted (ii) failure to comply with orders of courts or to secure the fulfilment of a lawful obligation (iii) for the purpose of his education and welfare where the detainee is a minor (iv) for medical reasons and security where a person suffers infections or contagious disease or is of unsound mind (v) for the purpose of bringing individual before a court on the orders of the court or upon reasonable suspicion of having committed a criminal offence (*Ekwenugo v F.R.N*, 2001). The proviso creating an 'exception' to detain a person upon reasonable suspicion of having committed a criminal offence has been used as a shield by the

Nigeria Police for too long. The suspicion can only be reasonable if it relates to infringement or offences known to law in Nigeria (AJCA, 2015). In *Agunbi v Commissioner of Police* (2013), the Court of Appeal rightly stated the law in these words:

By the provisions of Sections 35(1) – (7), 340 and 341 of the Criminal Procedure Code, personal liberty of a person shall not be deprived until the person is shown to have violated or infringed a known law and secondly, the procedure for interfering with the person's personal liberty must be permitted by the law or the constitution.

The court has construed the law strictly against the police and other law enforcement agencies where they use the law as shield to pursue private vendetta (*Ajao v Ashiru*, 1973), enforce partisan interests (*Agbaje v COP*, 1969), criminalise commercial transactions (*Akudo v Guinness (Nig) Plc*, 2012) or are used as agents of coercion (*A. S. E. S. A v Ekwenem*, 2007). Consequently, the practice of the police to hound a debtor into detention for not fulfilling a civil obligation to his creditor is a bizarre and brazen breach of fundamental rights in Nigeria. Thus, in *Omman v Ekpe* (2000), the Court of Appeal rejected a document seeking to establish the existence of a contractual relationship which took place under the watchful eyes of the Police to whom a purely civil matter is brought for the purpose of enforcement or coercing the other side as lacking in consensus and voidable. The Police in such civil transaction acted without lawful justification. Similarly, in *Eze v IGP* (2007), the Court stated the law that 'where a person has been arrested and detained without lawful justification, the right to personal liberty has been invaded'.

The statutory provisions and judicial authorities, notwithstanding, the NPF have continued to treat individuals' right to personal liberty with levity. The case of one Sylvester Ihejirika is still fresh. In November 2017 Mr. Ihejirika bought a Toyota Siena vehicle from a car dealer in Port Harcourt leaving a balance of Ten Thousand Naira only. Upon his neglect to pay up the balance monies, the car dealer got him arrested with the police which detained him for two weeks. He was coerced and made to transfer the sum of N170,000 to some police officers with the fictitious name of 'scorpion'. He was never allowed to see his lawyers or relatives (Ezeamalu, 2017). He was released after two weeks in custody without apologies and without refund of such monies illegally obtained from him by the police.

Mr. Iwuala's case is more pathetic (Ezeamalu, 2017). Mr. Iwuala received a strange alert of monies paid into his bank account. He reported himself to the police and offered to return the money to the owner upon proof of ownership after his account was frozen without court order. He was detained for weeks at Asaba, Delta State after which he was charged to court. The Magistrate after taking evidence found no case against him and ordered his release. The police re-arrested him in court and detained him for several weeks until he met their illicit financial demands. The police procedure of meddling with cases that do not fall within criminal schedules like the cases of Ihejirika and Iwuala warrant Nigerians to continue to clamour for police reforms (Nwanze, 2023). Amnesty International (2021a) reported the fate of one Chinedu Mba who was arrested by the police in Enugu on the allegation of his belonging to some unlawful society. Neither his lawyer nor his family members have seen him since his purported arrest on 3 April 2016.

Right to fair Hearing

The right to fair hearing is central to judicial determination of cases in modern societies. The CFRN provides for the right to fair hearing in the following words:

In the determination of his civil rights and obligations including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a

reasonable time by a court or other tribunal established by law constituted in such a manner as to secure its independence and impartiality (CFRN, 1999; ACHPR, 1986).

The twin pillars of natural justice are encapsulated in the provision for fair hearing. Malemi (2009, pp. 67–68) posits that natural justice means fair hearing in all its ramifications. Thus, the right to fair hearing may safely be broken down into a number of ‘constituent’ fundamental human rights in the following order:

1. The right to be tried in public and have decisions of the tribunal pronounced in public (CFRN, 1999).
2. The right to state one’s own case or make representations before the tribunal or any administering authority, personally or by a choice legal practitioner (CFRN, 1999).
3. The right of appeal to a higher authority in the event of perceived miscarriage of justice (CFRN, 1999).
4. The right to be tried within a reasonable time (CFRN, 1999).
5. The right to presumption of innocence until proved guilty (CFRN, 1999).
6. The right to be adequately informed of the nature offence for which one is arrested or stands trial (CFRN, 1999).
7. The right to be given enough time to prepare for defence of the charge (CFRN, 1999).
8. The right to examine the witnesses called by the prosecution and the liberty to call witnesses in defence or rebuttal (CFRN, 1999).
9. The right to be charged or tried under a known law by an impartial tribunal (CFRN, 1999).
10. The right not to be tried twice for the same offence (CFRN, 1999).

The right to fair hearing relates primarily to judicial proceedings. However, the NPF in their interactions with the civil populace infringe on the right to be tried within a reasonable time and the right to presumption of innocence until proved guilty. The result is that the police would keep an arrested person for several weeks before release or arraignment under the guise, of ‘ongoing’ investigation. Uwadineke (2009) argues that the unfortunate trend accounts for over-crowding and unhealthy congestions in police cells across Nigeria. The length of time that the NPF may detain a suspect varies with the pleasure of the police boss unless the court intervenes. Some of the numerous cases would suffice.

In *Sambo v State* (1989), the suspect was arrested in July 1976. He remained in police custody until June 1977 when he was arraigned for the first time. In May 2016, Chubuik Edu died in police custody. He was arrested for burglary by the SARS in Enugu and detained for two weeks without trial (Amnesty International, 2016). Mr. Oluwaseyi Adesuyi was paraded by the police to the public as a suspect in some kidnapping case. His lawyers were told to wait for him in court on a named date for his arraignment. He disappeared thereafter as there was no arraignment ever neither were he released till date (Ibekwe, 2018b).

The approach of NPF to criminal investigations also violate the citizens’ right to presumption of innocence (CFRN, 1999). It has become the police culture to parade criminal suspects before the media despite constitutional presumption of innocence in favour of such suspects at that stage of investigations. The police argue that such parades were meant to inform the public of police activities and to win the trust and confidence of the citizenry. They further argue that no specific law prohibits them from parading suspects upon arrests (Madubuike-Ekwe & Obayemi, 2019). The arguments by the police fly in the face of several court decisions which have declared such parades of criminal suspects as unconstitutional. In *Obono v IGP* (2011) Ottoh Obono was on 7 October 2009 paraded by the Commissioner Police before the public through the print and electronic media before suspect was arraigned in court. Ottoh Obono was

alleged to be a member of an organised criminal gang of armed robbers which specialised in car-snatching. The news and pictures of the suspect was part of news items aired on Network News Programme of the National Television and also published in the Punch, a well-circulated national tabloid on the 8 October 2009. Obono spent about ten months at Kirikiri Maximum Prisons while he awaited the legal opinion of the Lagos State Director of Public Prosecutions (DPP). The DPP's opinion eventually absorbed him of any wrong doing.

The Nigeria police appears to enjoy the glamour associated with parade of suspects in the media against constitutional safeguards. This has become rampant in cases involving LGBTQ+ persons (Aloamaka & Kore-Okiti, 2023). In *Commissioner of Police v Maxwell Ohwonohwo & 68 Others* (2023) defendants were arrested on 29 August 2023 at a Hotel near Warri while having an award party. The police alleged that defendants were celebrating gay and same-sex marriage. Defendants were subjected to series of inhuman treatments, including forced anal inspection and denial of access to counsel. Defendants were eventually paraded before the print and electronic media with Police exposing such privacies as the status of the suspects' anuses to the public (Tolu-Kolawole, 2023). Three months later, the Delta State DPP is yet to return an opinion as to whether defendants were indeed reasonably suspected to have committed any offence. Media trial has become a weapon in the hand of the police against the citizens' right to presumption of innocence (Kingimi, 2023).

Right to Privacy and Family Life

The right to privacy of homes, correspondences, telephone conversations, media chats and telegraphic communications is guaranteed by the CFRN (1999). By this guarantee, the police is prohibited from tapping a private telephone line, conducting searches on one's residence or personal effects without warrant or seizure of such properties used privately by a suspect. In the course of carrying out their statutory functions, the police enter private residences without search warrants and ransack such homes without restraints. In 2017, the police invaded the home of Mrs. Ann Okpara, a breast-feeding mother and wife of an alleged accomplice to Evans, the alleged notorious billionaire kidnapper (Dania, 2023). The woman was arrested by proxy, that is, *in lieu* of her husband. She was detained for about two weeks. The police mulct her various sums of money with a promise to release her on bail. They also carted away her personal valuables (Madubuike-Ekwe & Obayemi, 2019). The law prohibits arrests by proxy. In *ACB v Okonkwo* (1997), Niki Tobi, JCA condemned arrest by proxy in all ramifications when he stated the law clearly in the following words:

I know of no law which authorises the Police to arrest a mother for an offence committed or purportedly committed by the son. Criminal responsibility is personal and cannot be transferred...As a matter of fact, it bothers us so much for the Police operating the law of arrest after three decades of Nigeria's independence to arrest and detain innocent citizens of this country for offences committed by their relations. That is a most uncivilised conduct and one that any person with democratic mind should thoroughly detest and condemn. I detest and condemn the uncouth practice (*African Continental Bank Plc (ACB) v Okonkwo*, 1997).

The greatest victims of this onslaught against the fundamental right to privacy in contemporary times are the Nigerian youths. Every encounter between the police and young persons in Nigeria would see the police invading the privacy of such youth's mobile phones. In Nigeria where all personal data such as the National Identification Number (NIN), the Bank Verification Number (BVN) and other codes are inextricably linked to the individual's assigned mobile phone numbers, nothing can be more private to a person than the person's mobile phone handset.

Personal data may be defined as any information relating to an identified or identifiable natural person (Nigerian Data Protection Regulation, 2019; Aloamaka, 2023). Jacdonmi et al (2020) conceive an identifiable natural person to be one who can be identified directly or indirectly in particular, by reference to an identification number, location data, an online identifier or to one or more factors specific to physical physiological, genetic mental, economic, cultural or social identity of that natural person (Jacdonmi et al., 2020). From the foregoing, a telephone handset which no doubt has an identification number and may be held to a natural person's social identity is protected under privacy provisions of Section 37 of the CFRN (1999). The Nigerian courts have held in *MTN Communication Limited v Barr. Godfrey Nya Eneye* (n.d.) and *Bar Ezugwu Anene v Airtel* (Anene v Airtel, 2016; Lopez Ribalda v Spain, 2019; Barbulescu v Romania, 2016), that a network subscriber's privacy is constitutionally guaranteed. Thus, no police officer may search a citizen's phones except where such phones have been submitted and marked as exhibit by a competent court, without being in breach of the phone-owner's right to privacy (Sahara Reporters, 2022).

Right to Freedom of Assembly

The CFRN (1999) guarantees the right of every person in Nigeria to assemble freely and associate with other persons. The CFRN (1999), particularly provides for right to form or belong to any political party, trade union or any other association for the protection of one's interests. Nigeria is a state party to ICCPR (1966) and ACHPR (1981) which abundantly provide for rights to peaceful assembly. The Right of Peaceful Assembly Worldwide, a non-governmental organization, contends that the right of peaceful assembly is not respected in Nigeria especially in cases of protests against the government (Peaceful Assembly Worldwide, n.d.). Nigeria has deliberately not enforced restrictions on use of firearms during protests and such other assemblies in accordance with international law thereby resulting in casualties at the wake of police repression of the right to assemble. In January 2012, the Nigerian masses protested against fuel subsidy removal policy of the government. The protest was violently disrupted by the police, particularly in Rivers State. The Rivers State Commissioner of Police claimed that the protesters did not obtain police permit prior to their protest (Public Order Act, 2004).

The statutory requirement for police permit has a colonial origin which Nigeria shares with Ghana. In *New Patriotic Party v Inspector-General of Police, Accra* (1992-1995), the Supreme Court of Ghana held that, "Statutes requiring such permits for peaceful demonstrations, processions and rallies are things of the past. Police permit is the brain child of the colonial era and ought not to remain in our statute books." Similarly, Nigerians challenged the obnoxious law requiring police permit to hold peaceful assemblies as a violation of the fundamental right to free assembly. In *All Nigeria People's Party v Inspector-General of Police* (2006), the plaintiffs which were registered political parties wrote to the Inspector-General of Police for permit to hold unity rallies to protest the alleged mindless rigging of the 2003 general elections in Nigeria. The defendant turned-down the request. Plaintiffs proceeded with their rallies and the police violently disrupted the gathering in Kano on 22 September 2003 upon the justification that no police permit was obtained by plaintiffs before the gatherings. In consigning the requirement for police permit to the dustbin of history, the court held as follows:

In my view, the provision in Section 40 of the Constitution is clear, direct and unambiguous. It is formulated and designed to confer on every person the right to assemble freely and associate with other persons. I am therefore persuaded by the argument of Mr. Falana that by the combined effect of Sections 39 and 40 of the 1999 Constitution as well as Article 11 of the African Charter on Human and Peoples Rights, the right to assemble freely cannot be violated without violating the fundamental right to peaceful assembly and association. I agree with Mr. Falana that violation can only be done by the procedure permitted by law, under Section 45 of the Constitution, in which case

there must be a state of emergency properly declared before these rights can be violated (*All Nigeria Peoples Party v Inspector-General of Police*, 2006).

The appeal against the judgement of the trial court was dismissed. The court of appeal was persuaded by the pronouncement of the Supreme Court of Ghana when it held:

The right to demonstrate and the right to protest on matters of public concern are rights which are in the public interest and that which individuals must possess and which they should exercise without impediment as long as no wrongful act is done ... A rally or placard carrying demonstration has become a form of expression of views on current issues affecting government and the government in a sovereign state – it will not only be primitive but also retrogressive if Nigeria continues to require a pass to hold a rally. We must borrow a leaf from those who have trekked the rugged path of democracy and are now reaping the dividend of their experience (*Inspector General of Police v All Nigeria Peoples Party*, 2008).

Allegations of excessive use of force against demonstrators in Nigeria abound. In August 2015, and November 2016 about 150 members and supporters of the Indigenous People of Biafra (IPOB) were killed by security operatives during operation Python Dance. The IPOB members were unarmed and non-violent (Freedom House, 2019). In December 2015, about 350 supporters of Islamic Movement in Nigeria were killed on the excuse that the members of the movement blocked the road against a military convoy. Soldiers again opened fire and killed 45 persons who threw pebbles at them in protest against the continued detention of Ibrahim El-Zakzaky (Freedom House, 2019). It is a fact that the continued use of deadly force against protesters and unionists in Nigeria is unlawful and a violation of constitutionally guaranteed rights in Nigeria. The role of the police in rallies, meeting and peaceful protests in Nigeria is limited to the provision of adequate security as provided in the PA (Tolu-Kolawole et al., 2023).

Criminal Justice System and Nigeria Police Force (Establishment) Act 2020 (PA).

The ACJA was enacted to redefine patterned roles of the police in the criminal justice delivery system by introducing definite checks and balances to curtail police excesses. Some of the innovations introduced by ACJA have been enacted in the 'new' PA (Ole & Akinleye, 2022). The Police Act, (2020) has introduced some novelties that are worthy of note as measures to enhance police efficiency and civility. Most of these measures are mere codification of series of judicial pronouncements against police incivility.

1. Police officer who is not a legal practitioner cannot prosecute. This is a departure from the practice of non-lawyer police officers prosecuting charges in courts, particularly Magistrate Courts across Nigeria (Police Act, 2020). The strict implementation of this provision would cripple rather than strengthen the criminal justice system because the prosecutor work of the NPF overwhelms the available legal personnel. The challenge of ensuring that those who prosecute cases in court are well grounded in law could be handled by ensuring periodic training of prosecutors as well as a policy framework to enlarge the capacity of police legal officers.
2. The police are under obligation to report findings of its investigations to the Attorney-General of the Federation or the State as applicable. This makes for quality assurance and accountability (Police Act, 2020; Effiong et al., 2022). However, this provision could introduce political twists into police functions as the Attorney-General is a foremost politician who is expected by Party members to always play politics. The NPF as an institution should be insulated from political interventions for it to discharge its duties dispassionately. The new Ghana Police Service Reform 'manifesto' promises to depoliticised the Ghana Police in order to empower the police to do their job without political interference. (Dzokoto, 2024)

3. Police is prohibited from arresting anyone based on a breach of contract or meddling with civil transactions or wrong (Police Act, 2020). The practical difficulty in the implementation of this provision is that the NPF hierarchy largely acts on petitions, sometimes well-crafted by lawyers to give a civil transaction a semblance of criminality. It takes police reports at the end of investigations to unravel the civil nature of the petition at which time arrests and detentions must have been made. The police could be intentional in extracting an undertaking from lawyers or such other petitioners on petitions sent to the police indemnifying the victim in any events that the petition turns out to be civil in nature.
4. Police is prohibited from arresting a person *in lieu* of another. Arrests by proxy has been completely outlawed (Police Act, 2020).
5. The police is mandated to accord humane treatment to suspects devoid of torture, cruelty, inhuman and degrading treatments (Police Act, 2020). There should be a deliberate state policy to ensure that suspect's statements are extracted under a close circuit camera which record would be transmitted with the particulars of offence for judicial scrutiny. Such recordings would, at the trial, help the just determination of the fact whether the statements were obtained under inhuman circumstances, particularly with regards to confessional statements.
6. Police or anyone effecting arrest has a duty to inform the suspect of his rights to: (i) remain silent or refuse to answer any questions put to him as well as have consultation with a legal practitioner or any other person of his choice; (ii) consult a legal practitioner of his own choice before volunteering, endorsing or making any statement or answering any questions put to him while under arrest; (iii) free legal representation by the Legal Aid Council of Nigeria or other organisations as may be appropriate (Police Act, 2020).
7. It is mandatory for the police to notify the next of kin or relative of the suspect immediately after the arrest (Police Act, 2020). The law failed to provide sanctions for failure to comply with these provisions. Failure may be a *prima facie* evidence of police impunity.
8. The suspect may volunteer statement at his own pleasure and as he wishes. No compulsion is required (Police Act, 2020).
9. Statement of the suspect may be taken in the presence of a legal practitioner or any other persons or organisations of his choice (Police Act, 2020). The police honour this provision more in breach. By seeing an average legal practitioner as a threat to endemic procedural malpractices, the police deny citizens this statutory benefit with impunity.
10. The lawyer or relative of a suspect can notify any court exercising jurisdiction over the police district (which can also try the alleged offences) of the detention of the suspect beyond twenty-four (24) hours where the allegation is not a capital offence (Police Act, 2020).
11. The court to whom such report is made may direct that suspect be released on bail after enquiring into the matter (Police Act, 2020).
12. Police is mandated to take finger print impressions and photograph of any suspect in their custody (Police Act, 2020). There is a central police laboratory for finger-print analyses in Nigeria. The state is encouraged to provide machines for the workability of the section. Major police challenge in this area is poor funding and corruption.
13. The police is obligated to make a comprehensive report to the nearest Magistrate of all arrests made without warrant within the jurisdiction at the end of every month (Police Act, 2020; ACJA, 2015).

The failure of the police officer in charge of a police contingent to abide by the provisions of submitting the record of detention for monthly inspections by a Judge or Magistrate is a misconduct under the relevant police regulations (ACJA, 2015). The failure may warrant a disciplinary complaint to be made to the Police Service Commission (PSC) which exercises supervisory and disciplinary powers over police personnel other than the Inspector-General of police. A community reading of the ACJA (2015) and the PA (2020) shows that the Nigeria Police is now fortified with better legal framework to function and exhibit best policing practices in the twenty-first century.

Police Impunity: A Comparative Assessment

Policing has become a universal phenomenon, visible in all modern societies. The police have persistently trampled upon the rights of persons within their sphere of operations under the guise of law enforcement. This is often by way of use of lethal or excessive force and other manifestations of highhandedness as a result of racial or ethnic targeting, lack of accountability and corruption. Police actions beyond the legal safeguards in whatever form may be generally termed as police impunity or brutality.

The right to life, liberty and security is guaranteed under the American Declaration of the Rights and Duties of Man (1948). The Declaration has been strengthened by the Right to Life Act (2005-2006) passed by the 109th Congress (Life at Conception Act, 2021). Police impunity in the United States of America is pervasive and has made light the constitutional right to life. In 2022, the mapping police violence database shows at least one thousand, one hundred and ninety-two (1,192) persons killed by the police (CAMPAIGN ZERO, 2022). Most of the victims were unarmed (Marks, 2023). In January 2023, five Memphis - Tennessee officers pummelled Tyre Nicholas who died three days later from the injuries he sustained (Marks, 2023). On 3 January 2023, Police in Los Angeles, California killed Anderson, a high school teacher for flagging down an officer for help after being involved in a traffic accident (Marks, 2023). On 18 January 2023 the police in Texas shot Jackson Lieber who reportedly trespassed on someone's property (Marks, 2023). In 2020, George Floyd a Forty-Six-Year old African American was killed by a police officer during arrest in Minneapolis. Police officer Derek Chauvin pinned Floyd to the ground under his knee while Floyd gasped for breath. Floyd died helplessly under the weight of Chauvin (The New York Times, 2022). Floyd's death sparked off protests across the country birthing pressure groups like the 'Black Lives Matter Movement' (Beckett, 2020). Silverstein (2021) argues that the murder of Floyd sparked the largest racial justice protests in the United States of America since the Civil Rights Movement. New Mexico has the highest rate of police brutality with ten people killed by the police for every one million inhabitants (Haddad, 2021). Regrettably, the government of the United States of America excuses most of the obvious cases of police impunity by the philosophy of reasonable use of force (Triola, 2022).

In the United Kingdom (UK), human rights are guaranteed by the Human Rights Act (HRA, 1998; Mugabi, 2023). The right to life is particularly guaranteed under Article 2 of the HRA (1998) and the UK is under obligation to give effect to it. However, the Police in the UK have not fared any better in the promotion of the right to life. Dalian Atkinson a former footballer died following the brutality of a West Mercia Police officer at Telforce (Vernalls & Dalton, 2023). The officer had hit Atkinson three times with her police-issued baton on 15 August 2016. He was neither armed nor resistant to police arrest to warrant such brutality. Misconduct tribunal found that the three times hit on Atkinson after the arrival of a police back-up were unnecessary, disproportionate and unreasonable in all circumstances and therefore unlawful (Vernalls & Dalton, 2023). The statistics of fatalities following police contact in England and Wales in 2022/2023 reveal an astounding number of two hundred and seventeen (Statista, 2023). On 5

September 2022, Chris Kaba was killed by officers of the Metropolitan Police Force in South London without any alleged provocation (Fero, 2022). In March 2019, Trevor Smith was killed by a police officer in his bedroom while the police raided his flat in Lee Bank, Birmingham (Akpan, 2020). Fero (2022) posits that of all police highhandedness and brute force resulting in deaths after David Oluwale (Farrar, 2017) only three have been successfully investigated in England (Fero, 2022).

The law provides for the right to life in the Philippines like in most Asian Countries (Constitution of the Republic of the Philippines, 1987; Mendoza, 2018). The law enforcement agencies in the country observe the right to life more in breach. Recently, a waiter was alleged to have been murdered by three police officers from the Zamboanga City Police after an altercation with a retired police major (Daguno-Bersamina, 2023). Jorhodie Baltazar, a seventeen-year-old unarmed boy was shot severally by six police officers in Manila in August 2023 (Guinto, 2023). The police said that he was mistaken for a murder suspect. Human Rights Watch observes the link between the police and extra-judicial killing of Thirty-thousand (30,000) drug suspects since President Rodrigo Duterte's war on drugs (Calleja, 2022). Diego Lafuente, Spanish businessman was killed by three police officers in 2020 during police drug operations in General Luna municipality in Siangao. Lafuente's murder is one of the first batch of fifty-two cases out of the three hundred cases which the United Nations Human Rights Council has pressured the Philippines government to review (Bolledo, 2023). Philippines police has a penchant for 'shooting-to-kill' suspects and not just to incapacitate them even without any threat to the life or limb of the police officer (Kreuzer, 2018). In *Hadji Hamid Japalali v The Philippines* (2019), complainant had by way of Communication to the United Nations Human Rights Committee sought remedies for his deceased brother and wife who were shot repeatedly by some law enforcement agents on 8 September 2004. It was found that extra-judicial killing in the Philippines constituted arbitrary deprivation of life and violation of the right to effective remedy. It is so even in extreme circumstances.

The statistics of extra-judicial killings and torture in Indonesia shows police complicity in human rights violations, particularly in the aspect of the right to life. This is against the crystal provisions of the statute (Indonesian Constitution, 1945). Article 17 of the Indonesian Human Rights Act (1999) makes violation of human rights redress-able. The police impunity has been generally held to be an unfriendly contributor in the violence on human rights recorded in Papua (Wenda, 2023). At least fifty-two cases of violence against protesters were perpetuated by the police in which a hundred and twenty-six people were injured and some two hundred and seven persons arrested between 2020 and 2023 (Afifa, 2023). On 8 July 2022, twenty-seven-year-old Hutabarat was killed at the home of Ferdy Sambo, one of Indonesia's most decorated police officers (Llewellyn, 2023). Sambo alleged that Hutabarat had sexually assaulted his wife. A few other police officers who were implicated in the blue murder were sentenced along with Sambo in a manner unusual with police generals in Indonesia. Also, on 1 October 2022, three police officers caused a stampede at a football match in Malang. A hundred and thirty-five persons died in the stampede caused by the police firing tear gas into the stands (Wee, 2022; Wahono & de Bortoli, 2023). The Indonesia Police has continued to deploy excessive force in its dealings with the civilian populace (Baker & Nasrudin, 2023).

Similarly, in the African country of South Africa, the recent assault on three occupants of a car by security personnel assigned to Deputy President Paul Mashatile has renewed discourse on police impunity in post-apartheid South Africa (Princewill, 2023). In 2021, in contravention of the right to life enshrined in the Constitution of the Republic of South Africa (1996), Mthokozisi Ntumba was killed by the Police. Earlier in 2011, Audries Tatane and then the Maikana massacre in 2012 (Bruce, 2023). In all of these, no consequences have been meted out to the police personnel involved. The reflection of the level of abuses

to which the South Africans are subjected is weighed against the humongous budget of the R.2.3 billion set aside between 2018 and 2022 to settle claims against police brutality (Bruce, 2023). In November 1999, the general public was shocked by a video of some alleged illegal immigrants being dehumanised by the South African Police of the North East Rand Dog Unit (Bezuidenhout & Kempen, 2023). The helpless victims, Gilberb Ntimeme, Alexander Ntimane and Sylvester Khosa had police Alsatian dogs set on them near Springs on the East Road in a clearly demeaning manner which showed the six police officers-actors as racists. On 27 April 2000, Andries Ndou was murdered by two police officers in the Messina Area of Northern Province (Bezuidenhout & Kempen, 2023). Similarly, on 16 May 2000, Michael Makhabane, an undergraduate student was shot dead on the campus of the university of Durban Westville during students' protest by the operatives of the Durban Public Order Police Unit (Bezuidenhout & Kempen, 2023). Ghana is a West African country which share so much values with Nigeria in terms of police brutality (Sogah, 2023). The Ghana Police Service has is fair share of loss of public trust and confidence (Boadi, 2021). Ghana Police Service has introduced two novel modules to shore up the waning disapproval of its operational procedures among the citizenry. Police Service has created a Community Policing Unit (CPU) which has absorbed able and capable civilians to strengthen the police force (Ateku & Bawa, 2024). The CPU has given a better understanding of the workings of the police to the civilian populace and has augmented the police shortage of manpower and improved intelligence gathering (Acquah, 2023).

In Australia, police brutality is experienced more by the aborigines. The Australian Constitution provides for equality of rights (Australian Constitution, sec. 117). Aboriginal people in Australia are among the most jailed people on earth. On 29 December 2015, David Dungay died in New South Wales prison cell where he was restrained by five police guards while he screamed 'I can't breathe' twelve times before he died (Cunneen, 2020). Twenty-Nine-year old Joyce Clarke was shot dead in front of her home in Geraldton, Western Australia in 2020. Also, in 2021, nineteen-year-old Kumunjayi Walker was killed by the police in his home in Yuendumu, Northern Territory (Cunneen, 2020). The deaths of Clarke and Walker led to national protests. Cunneen (2020) contends that the police are rarely charged in cases of deaths of the Aborigines and no convictions have been secured against the police in the past ten years. However, the assault of sixteen years old indigenous boy in inner Sydney in 2020 by Ryan Barlous, a New Southern Wales police officer drew the ire of the public so much so that the police act was declared unlawful by Magistrate Rami Attia (Rose, 2023).

CONCLUSION

This paper has examined the statutory safeguards for the promotion and protection of human rights in Nigeria under the Police Force (Establishment) Act 2020. It has discussed policing within the confines of fundamental human rights guaranteed under the CFRN bringing to the fore the diverse breaches of these rights by the police in their highhandedness. The failure of the police to comply with salient provisions of the Act such as the requirement of finger-prints and electronic recordings of confessional statements could be excused on paucity of funds. The Nigerian government is encouraged to adequately fund the police to give no room for lapses. Furthermore, the requirement for electronic recording of confessional statements should apply across board to all criminal investigations. Petitioners/complainants to the police should be made to execute an undertaking which would negate deliberate involvement of the police in civil matters and obviate all suspicions of police collusion with alleged complainants to violate a citizen's rights. There should be a deliberate policy to enlarge the workforce of the police legal department. It is not sufficient to proscribe criminal prosecutions by police officers who are not lawyers.

The paper has put in perspective the attempt to re-position policing in Nigeria by the enactment of the ACJA and PA showing that the innovations are departures from the old approach and very welcome developments. Because police impunity and brutality has assumed the status of a worrisome phenomenon of human rights abuses globally, the paper did a comparative highlight of police brutality revealing infringements upon the rights of the civil populace through use of brute force and sheer indiscretion. The police failure to operate within the confines of the law has resulted in series of protests in Nigeria, USA, Australia and other countries. This, no doubt is what ACJA and the PA strive to achieve. Admittedly, the NPF, like similar organisations around the world, is far from being perfect. It is posited that the statutes under review have provided formidable safeguards which, if rigorously implemented, would enhance human rights credits of the Nigeria Police and restore the trust and confidence of Nigerians in particular and the international community at large in the NPF.

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