

Police Brutality and Lawlessness in Nigeria

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The world was awakened to the issue of police brutality in Nigeria when it saw peaceful protesters being gunned down at Lekki toll gate by Nigerian security officers.¹ Police brutality in Nigeria has been an issue long before the Lekki toll gate massacre, and it continues to be an issue long after. The use of torture and ill-treatment by Nigerian law enforcement officials is widespread and is common practice in criminal investigations.² Illegal detention centers run by the Special Anti-Robbery Squad (SARS) employed torturous acts such as hangings, beatings, and simulated executions.³ Law enforcement officers and armed forces members enjoy impunity for their actions, and the authorities regularly ignore judicial instructions.⁴ The secessionists are often on the receiving end of violence and brutality from Nigerian security forces.⁵

Due to many issues and concerns with the country's government, some Nigerians are interested in seceding. As a result, many groups have risen to pursue this aim.⁶ However, instead

¹ Tunde Osunfemi *World Leaders Condemn Lekki Tollgate Massacre*, NEWSRAND, Oct. 23, 2020, available at <https://newsrand.com/2020/10/23/world-leaders-condemn-lekki-tollgate-massacre/>; Ben Ezeamalu *Nigerian Army Killed Unarmed Protesters, Report Finds*, THE NEW YORK TIMES, Nov. 16, 2021, available at <https://www.nytimes.com/2021/11/16/world/africa/nigeria-protest-report-massacre.html>.

² U.N. CAT, 72nd Sess., 1852nd mtg. at 16, U.N. Doc. CAT/C/SR.1852 (Nov. 16, 2021).

³ *Id.*

⁴ *Id.* at 29

⁵ *Black Sunday In Enugu As Police Kill 21 IPOB Members*, THE NIGERIAN VOICE, Aug. 24, 2020 available at <https://www.thenigerianvoice.com/news/291107/black-sunday-in-enugu-as-police-kill-21-ipob-members.html>; *Nigeria: New clashes after security forces break up meeting of Biafran separatists*, THE OBSERVERS, Aug. 26, 2020 available at <https://observers.france24.com/en/20200826-nigeria-clashes-security-forces-biafra-separatists>.

⁶ John Campbell & Nolan Quinn *What's Behind Growing Separatism in Nigeria?* COUNCIL ON FOREIGN RELATIONS, Aug. 3, 2021, available at <https://www.cfr.org/article/whats-behind-growing-separatism-nigeria#:~:text=Separatism%20has%20bedeviled%20Nigerian%20governance%20since%20the%20colonial,divided%20among%20more%20than%20three%20hundred%20ethnic%20groups;Jideofor%20Adibe%20Separatist%20agitations%20in%20Nigeria%20Causes%20and%20trajectories>; Jideofor Adibe *Separatist agitations in Nigeria: Causes and trajectories*, BROOKINGS, July 12, 2017, available at <https://www.brookings.edu/blog/africa-in-focus/2017/07/12/separatist-agitations-in-nigeria-causes-and-trajectories/>.

of working with these groups to calm their fears and make sure that the citizens of Nigeria do not feel neglected by the government, the Nigerian government has taken a different approach of using forceful language when addressing this issue.⁷ While referencing the country's civil war period, the Nigerian president essentially promised to treat South-Eastern secessionists "in a language they understand."⁸ The Nigerian civil war was also triggered by the desire of some Nigerians' to secede.⁹

In the mid-1960s, economic and political instability and ethnic division plagued Nigeria.¹⁰ After a successful coup led by Major-General Johnson Thomas Ummakwe Aguiyi-Ironsi, which resulted in the death of several Northern leaders, Major-General Aguiyi-Ironsi was named the military head of state.¹¹ Major Aguiyi-Ironsi's new position aroused some suspicions among the Hausa-Fulani in the north and the Yorubas in the west that the Igbos could politically dominate the country.¹² In June 1966, some Northern army officers revolted against the government and killed Aguiyi-Ironsi.¹³ The financial prosperity of Igbos who lived in the Northern part of the country was another cause of conflict.¹⁴ It created some resentment amongst the Hausa and Fulani communities who were natives of the area.¹⁵ In September 1966, some 10,000 to 30,000 Igbo people were massacred in the Northern Region, and about 1,000,000 Igbo

⁷ Ruth Maclean *Nigeria Bans Twitter After President's Tweet Is Deleted* THE NEW YORK TIMES, June 5, 2021, available at <https://www.nytimes.com/2021/06/05/world/africa/nigeria-twitter-president.html> (Buhari tweeted: "Many of those misbehaving today are too young to be aware of the destruction and loss of lives that occurred during the Biafra war. Those of us in the fields for 30 months, who went through the war, will treat them in the language they understand").

⁸ *Id.*

⁹ *Biafra: secessionist state, Nigeria*, BRITANNICA, available at <https://www.britannica.com/place/Biafra> [Hereinafter: Biafra: secessionist state, *supra*].

¹⁰ Biafra: secessionist state, *supra*.

¹¹ *Id.*

¹² Ryan Hurst, *Nigerian Civil War*, BLACKPAST, May, 20, 2009 available at <https://www.blackpast.org/global-african-history/nigerian-civil-war-1967-1970/> [Hereinafter: Nigerian Civil War, *supra*].

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Biafra: secessionist state, *supra*.

people fled as refugees to the Igbo-dominated east.¹⁶ Following the massacre, non-Igbos were expelled from the Eastern Region.¹⁷ After failed attempts by representatives of all regions of the country to come to an agreement, Lieutenant Colonel (later General) Odumegwu Ojukwu, with the authorization of a consultative assembly, declared the region a sovereign and independent republic under the name of Biafra.¹⁸ This declaration led to the Nigerian Civil War, which started in July 1967 and ended in January 1970.¹⁹ During the war, federal forces pressed Biafra's boundaries inward from the south, west, and north, Biafra shrank to one-tenth of its original size.²⁰ By 1968 Biafra had lost its seaports and had become landlocked; food and other necessary supplies could only be brought in by air.²¹ During this civil war, an estimated 3,000 to 5,000 people died daily in Biafra, many of them were children, from the starvation caused by the naval blockade.²² The total casualty of the war is unknown, but it is estimated to be well over one million.²³ With the death toll rising due to the inadequate access to food, medical supplies, weapons, and other necessities, Biafran soldiers surrendered.²⁴

Nigerians who advocate for or speak favorably of secession often find themselves looking down the barrel of a gun.²⁵ On August 23, 2020, there was a clash between members of the Nigerian security forces and members of the separatist group known as the indigenous people

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Biafra: secessionist state, *supra*.

²⁰ *Id.*

²¹ *Id.*

²² Nigerian Civil War, *supra*; Chibuike Nebeokike *Famine Conditions Worsen in Biafra*, RADIO BIAFRA, Mar. 21, 2018, available at <https://radiobiafra.co/uknc-o-history-lesson-famine-conditions-worsen-in-biafra>.

²³ *Id.*

²⁴ Ragged Biafran Soldiers Wait in Line to Surrender, The New York Times, Jan. 17, 1970, available at <https://www.nytimes.com/1970/01/17/archives/ragged-biafran-soldiers-wait-in-line-to-surrender.html>.

²⁵ Ndubuisi Christian Ani *Nigeria's military approach against separatists stokes more tension* INSTITUTE FOR SECURITY STUDIES, Sept. 25, 2017, available at <https://issafrica.org/iss-today/nigerias-military-approach-against-separatists-stokes-more-tension>; *Nigerian Military Operatives Launch Offensive Against IPOB/ESN Members In Anambra* SAHARA REPORTERS, Jan. 18, 2022, available at <http://saharareporters.com/2022/01/18/nigerian-military-operatives-launch-offensive-against-ipobesn-members-anambra>.

of Biafra (IPOB).²⁶ Nigerian security officers came to a school where IPOB members were meeting.²⁷ An altercation occurred between the groups that left at least twenty-one civilians and two officers dead.²⁸ The images captured from the event showed the civilians armed themselves with sticks.²⁹ One wonders why Nigerian security forces would use guns and live ammunition against civilians who were only armed with sticks. Clearly, the threat of a stick is not comparable to that of a loaded gun.

There are several instances of citizens being detained, held at gunpoint, or killed by Nigerian security forces because of their affiliations, real or imagined, with a separatist group in the country. According to Amnesty International, at least 115 civilians were killed by Nigerian security forces between March and June 2021 while attempting to control the secessionists in the South-Eastern part of the country.³⁰ The security forces claimed that twenty-one of their officers were killed by members of the Eastern Security Network (ESN).³¹ However, the relatives of the victims told Amnesty International that their deceased family members were not part of the militants that attacked the security agents.³² The instances of police brutality in Nigeria are not

²⁶ *Nigeria: New clashes after security forces break up meeting of Biafran separatists*, THE OBSERVERS, Aug. 26, 2020 available at <https://observers.france24.com/en/20200826-nigeria-clashes-security-forces-biafra-separatists>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Nigeria: At least 115 people killed by security forces in four months in country's Southeast*, AMNESTY INTERNATIONAL August 5, 2021, available at <https://www.amnesty.org/en/latest/news/2021/08/nigeria-at-least-115-people-killed-by-security-forces-in-four-months-in-countrys-southeast/> [Hereinafter: Nigeria- 115 killed in four months].

³¹ *Id.*; *Nigerian Soldiers Resigned To Join Kanu's Eastern Network – Military Sources*, SAHARA REPORTERS, Jan. 22, 2021, available at <http://saharareporters.com/2021/01/22/nigerian-soldiers-resigned-join-kanu%E2%80%99s-eastern-network-%E2%80%93-military-sources>; *If you're against Eastern Security Network, Receive sense' - Nnamdi Kanu* LINDA IKEJI'S BLOG, Jan 31, 2021, available at <https://www.lindaikejisblog.com/2021/1/if-youre-against-eastern-security-network-receive-sense-nnamdi-kanu.html> (The Eastern Security Network (ESN) is a non-state regional force and the paramilitary wing of the Indigenous People of Biafra (IPOB). It was created by Nnamdi Kalu with the aim of protecting people in the eastern part of Nigeria from Fulani raiders).

³² Nigeria- 115 killed in four months, *supra*

limited to alleged affiliations with separatist groups; other encounters such as those at checkpoints and routine arrests can also turn deadly.

In 2020, Nzube Obiechina, a schoolteacher, was held for twenty-two days in police custody and lost her two-month-old pregnancy during police torture.³³ Nigerian security officers slapped and beat her, and they also threatened to “force the baby out” of her.³⁴ On May 7, 2021, Omolola Ejioye Rotimi died in police custody after being arrested.³⁵ According to the pathologist, the cause of death was “asphyxia, smothering, and blunt force trauma with cerebral [edema].”³⁶ The Officers claimed that Rotimi died of an underlining illness and was not tortured while in custody.³⁷ On June 1, 2021, Oguchi Unachukwu died after a member of the Nigerian security forces shot him in the head at a military checkpoint.³⁸ Nnamdi Ohanekwurum died in police custody on August 24, 2021, after Nigerian security officers arrested him without cause.³⁹ The Officers claimed that Ohanekwurum died after another inmate bit him.⁴⁰ However, the pathologist denied any evidence of a human bite on Ohanekwurum’s remains.⁴¹

Kubiat Akpan, a recent architecture graduate, died in police custody on August 29, 2021.⁴² The pathologist who carried out the autopsy said there were visible bruises on Akpan’s

³³ *Nzube Obiechina: How I Spent 22 Days In Sars Custody Lost My Pregnancy*, THE AFRI GIST, Nov. 2, 2020, available at <https://www.theafrigest.com/nzube-obiechina-how-i-spent-22-days-in-sars-custody-lost-my-pregnancy/>.

³⁴ *Id.*

³⁵ *Deji Lambo Family kicks as murder suspect dies in police custody*, PUNCH, Oct. 27, 2021, available at <https://punchng.com/family-kicks-as-murder-suspect-dies-in-police-custody/>.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Nigeria- 115 killed in four months, supra; Nigerian Soldier Allegedly Shot Germany-based Man Dead In Imo*, SAHARA REPORTERS, June 1, 2021, available at <http://saharareporters.com/2021/06/01/nigerian-soldier-allegedly-shot-germany-based-man-dead-imo>.

³⁹ *Deji Lambo South African returnee dies in Imo police custody, family demands justice*, PUNCH, Oct. 27, 2021, available at <https://punchng.com/south-african-returnee-dies-in-imo-police-custody-family-demands-justice/>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Edidiong Udobia, Nigerian student, who died in police custody, was tortured, autopsy reveals*, PREMIUM TIMES, Sept. 6, 2021, available at <https://www.premiumtimesng.com/news/headlines/483404-nigerian-student-who-died-in-police-custody-was-tortured-autopsy-reveals.html>.

body, showing torture.⁴³ Earlier this year (2022), Nigerian security officers allegedly took Sixtus Terfa Akure away, and the next day, his lifeless body was found by the roadside.⁴⁴ He was allegedly beaten to death by Nigerian security officers.⁴⁵ Also, this year Shedrach Ochoche was arrested by Nigerian security officers.⁴⁶ He died in police custody on January 17, 2022, after being “severely tortured.”⁴⁷ These are just a few recent cases that show that Nigerian security officers’ culture of violence and brutality persists.

⁴³ *Id.*

⁴⁴ *Outrage as suspected military personnel abduct, murder Benue tax official*, VANGUARD, Jan. 16, 2022, available at <https://www.vanguardngr.com/2022/01/outrage-as-suspected-military-personnel-abduct-murder-benue-tax-official/>; *Benue Government Kicks As Nigerian Army Personnel Torture Worker To Death*, SAHARA REPORTERS, Jan. 17, 2022, available at <http://saharareporters.com/2022/01/17/benue-government-kicks-nigerian-army-personnel-torture-worker-death>.

⁴⁵ *Benue Government Kicks As Nigerian Army Personnel Torture Worker To Death*, SAHARA REPORTERS, Jan. 17, 2022, available at <http://saharareporters.com/2022/01/17/benue-government-kicks-nigerian-army-personnel-torture-worker-death>.

⁴⁶ *Senate probes Shedrach Ochoche’s murder in police custody*, PULSE, Jan. 27, 2022, available at <https://www.pulse.ng/news/local/senate-probes-shedrach-ochoches-murder-in-police-custody/089cj40>.

⁴⁷ *Id.*