

# “HUMAN RIGHTS MADE IN NIGERIA”



*(A Handbook On Regional And International Human Rights And Humanitarian Instruments Signed And Ratified Or Domesticated By Nigeria And Constitutionally Guaranteed And Protected Human Rights Provisions And Democratic Free Speeches And Expressions For All Democracy And Rule Of Law Stakeholders Including Lawyers, Rights Activists, Media Practitioners, Academicians And Members Of Other Professional Bodies, Members Of Occupational Groups, Members Of The General Population And Vulnerable Groups(Including PWDs); Corporate Bodies, Members Of Diplomatic Corps And The State Actors Including Heads And Personnel Of The Military, The Police, The Secret Police, The Paramilitaries, The Sub-State Actor Vigilante Groups; And The Judicial, The Executive And The Legislative Public Office Holders In Nigeria Or Any Part Thereof)*

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# SECTION ONE:

## About The Handbook

**“Human Rights”**, as defined by **the United Nations Office of the High Commissioner for Human Rights**: “are rights we have simply because we exist as human beings — they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. They range from the most fundamental — the right to life and freedom of conscience and worship — to those that make life worth living, such as the rights to food, education, work, health, shelter, and liberty. While all people have human rights regardless of the legal system in which they live, many documents have enshrined human rights so that all can develop rules and processes for the realization of human rights. The foundational document doing so is the Universal Declaration of Human Rights of 1948, which provided the basis for more than Seventy (70) human rights treaties. Domestic laws in many countries also enshrine human rights so that people can seek remedies for harms done at the national level using domestic judicial, legislative, executive and advocacy means or mechanisms”.

“We hold these truths to be self-evident, that all men (human beings) are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men (members of the Human Family), deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to positively impact their Safety and Happiness”. **The American Declaration of Independence, July 4, 1776.**

By “**Civil Liberties**”, they are guarantees and freedoms that governments commit or undertake not to abridge, either by constitution, legislation, or judicial interpretation, without due process. Civil Liberties include the freedom of conscience, freedom of press, freedom of religion, freedom of expression, freedom of assembly, the right to security and liberty, freedom of speech, the right to privacy, the right to equal treatment under the law and due process, the right to a fair trial, the right to life, right to defend oneself and right to bodily integrity and the right to own property, etc.

By “**Due Process**”, it is a requirement that legal matters be resolved according to established rules and principles and individuals and group-citizens involved be treated fairly. Due Process applies to both civil and criminal matters including in dispute between government or any of its coercive establishments and individual or group-citizens.

By “**Democratic Free Speeches**”, they are circumstances under which people have the right to freely and securely choose their leaders and freedom to express views and right to organize and protest. The principle of free speech, a cornerstone of democratic societies and a crucial component of individual liberty, fundamentally means right to be allowed to engage in the expression of diverse opinions and open exchange of ideas, resulting to the development of well-informed citizenry, checks and balances between the governed and leaders and clear separation of powers and duties among those holding executive, legislative and judicial powers.

By “**Fundamental Freedoms**”, they include freedom of thought, freedom of belief, freedom of opinion and freedom of expression subsuming freedom of press and other media communications, freedom of peaceful assembly, association and peaceful movement and residency. The “Four Fundamental Freedoms” under UN System include **Freedom of Speech, Freedom of Worship, Freedom from Want** and **Freedom from Fear**.



**The “Justiciable” or “Fundamental” Human Rights** are those that have legal sanctity and can be challenged in a court of law in the event of violation and harms done or inflicted on victims remedied by judicial award of sanctions or penalties. This is in accordance with Section 46 of Nigeria's 1999 Constitution, as amended.

All the above is to say that the Handbook, “[Human Rights Made In Nigeria](#)” was pricelessly put in place to deepen democracy and its cardinal components of **civil liberties, democratic free speeches, due process** and **rule of law** in Nigeria or any part thereof, with particular reference being the South-East and the South-South parts of the Eastern Nigeria. Such civil liberties, democratic free speeches and assemblies and due process are also a critical embodiment of the rule of law.

The Handbook was also brought about by our recent research findings during the compilation and computation of our principal Report: “Ocean Of Innocent Bloods Flowing In Eastern Nigeria” whereupon an important discovery was made, strongly indicating that many, if not most Nigerians are yet to be properly informed and fully grasped with the country's regionally and internationally acceded human rights and humanitarian instruments and their counterparts; guaranteed and protected or safeguarded in the country's 1999 Constitution and its auxiliaries. Mass ignorance over the above has resulted to reckless and indiscriminate abuses and violations of human rights and fundamental freedoms of Nigerians particularly citizens of the East since August 2015.

It was further found that greater number of the educated and the rich class are ignorant of their internationally protected and constitutionally guaranteed (fundamental) human rights and fundamental freedoms and their limitations thereto. Such fundamental freedoms ignorant of, include freedom of speech, freedom of worship, freedom from want and freedom from fear.

It must clearly be pointed out that natural limitations to citizens' human rights and fundamental freedoms occur under the circumstances of “where your rights end, those of others including your neighbors begin, having been born with us from the beginning and inherent in all of us”.

Therefore, in citizens' relationships with others, enjoyment of their human rights must not be absolute or without limitations.

The worst-case scenario is among those with limited education and members of the downtrodden and the vulnerable citizens including women, children, infants, the old and those living with disabilities (PWDs) who constitute about 65% of Nigerian population.

Targeted for State brutality and general infringement on their fundamental human rights and fundamental freedoms with reckless abandon and impunity are members of the male population in their productive age-brackets particularly in Eastern Nigeria; targeted by armed State actors on the grounds of their sex, ethnicity and religion (depopulation). It was further observed that the most difficult challenge facing about 90% of the country's vulnerable population is widespread ignorance regarding these internationally guaranteed and constitutionally protected human rights and fundamental freedoms, which has given room for their abuses with impunity and recklessness by members of the country's security forces (military, police and secret police).

The Nigerian Army and various crack and tactical squads or departments of the Nigeria Police Force are the worst violators of these human rights and fundamental freedoms, followed by DSS and other branches of the Armed Forces (Navy and Air Force) and sub-State actor vigilantes and the paramilitaries. It is therefore the target of the Handbook to bring the country's coercive institutions and their handlers under strict scrutiny, focusing on checkmating their draconian law enforcement provisions and general misconducts in the line of their sworn duties during law enforcement operations particularly in Eastern Nigeria. The Handbook specifically aims at exposing obnoxious law enforcement provisions and their operational fields' gross misconducts and conduct-atrocities or atrocity crimes.

The Handbook was also put in place free of charge to be used by media practitioners especially members of the print, electronic, visual and audio-visual media to track down and expose human rights abuses and violations by the drafted military and police officers and personnel and their high commands in the East.

Greater number of media practitioners in Nigeria are still not able to be fully grasped with the available regional, international and local human rights and humanitarian instruments and provisions. The above is also worsened by the quality of reports filed and published by a cross section of the Nigerian media in recent times which is nothing to write home.

It was further observed that such reports have aided the massacre of unarmed and defenseless citizens and false-flag operations including situations where attacks on security personnel receive widest media attention and publicity particularly in the South-East than when dozens or hundreds of defenseless citizens are attacked and killed by armed State actors or armed non-State actors. Such widest media publicity goes silent in the North especially when security personnel and their commanders are attacked and killed by members of armed criminal entities.

The Handbook is therefore put in place to aid or assist media practitioners, lawyers, human rights, democracy and anti-graft activists in checkmating the unchecked corrupt practices of the drafted security forces in Eastern Nigeria. For instance, through accessibility and availability of the Handbook (**“Human Rights Made In Nigeria”**), media practitioners, lawyers and human rights activists and professional and occupational bodies are expected to easily track down military personnel and their officers seizing naira and dollar notes from helpless Nigerians at gunpoint and roadblocks (extortion). This is more so when Section 108 of the Armed Forces Act of 2004 forbids and criminalizes forceful seizure and collection of naira and dollar notes with assigned AK-47s and other assault rifles at military roadblocks or checkpoints. It is not only that Section 108 of the Armed Forces Act of 2004 criminalizes “extortion”, but it prescribes fourteen years imprisonment for any military personnel or officer involved via court-martial.

It is also criminally liable and punishable for senior military officers to aid and abet criminal act of extortion especially where their attentions are drawn, or they are found to be conspiratorially or directly or vicariously involved. Same goes to officers and personnel of the Nigeria Police Force, DSS and the Paramilitaries and sub-State actor Vigilantes and their leaders.

Extortion is specifically outlawed and criminalized by Section 99 of the Criminal Code Act of 2004 (applicable in Southern Nigeria) which also prescribes three years imprisonment and above. Section 408 of the Penal Code Act of 2004 (applicable in Northern Nigeria) similarly outlaws and criminalizes extortion and prescribes three years to fourteen years imprisonment for any public officer (including police, spy police, paramilitary, sub-State actor vigilante and army, navy and air force officer) caught, or any senior officer caught aiding and abetting such.

It was also observed that large number of legal practitioners in Nigeria have not been impacted by their knowledge of human rights and fundamental freedoms contained or spread across various books of law. This is more so when “no matter how good a law and a human rights provision is, it can never enforce and operationalize itself, unless activated by its beneficiary”. The matter is generally made worse going by believe by many citizens that “law is not working or there is no law in Nigeria”; thereby hindering their chances and opportunities of locating their human rights and fundamental freedoms in written laws and have them regularly recited, activated and enforced. A major loophole also abounds whereby advocacy for human rights and rule of law in Nigeria is found to have declined badly and diverted to money-making and praise-singing activity particularly since July 2015. Members of the country's political class and the authorities of security establishments are also found to have relegated respect and protection of human rights and rule of law to the background particularly since June 2015 when Retired Major General Muhammad Buhari became the country's civilian president.

# BENEFICIARIES OF THE HANDBOOK:

With the central aim of the Handbook being to improve the country's human rights and rule of law record, presently at alarming state of abuses and violations, the beneficiaries of the Handbook are drawn from “State actor and non-State actor democracy stakeholders” in Nigeria or any part thereof including Lawyers, Rights Activists, Media Practitioners, Academicians and Members of Other Professional Bodies, Members of Occupational Groups, Members of the General Population and Vulnerable Groups(Including PWDs); Corporate Bodies, Members of Diplomatic Corps and the State Actors including Heads of the Military, the Police, the Secret Police, the Paramilitary, the Sub-State Actor Vigilante Groups and their Personnel; and the Judicial, the Executive and the Legislative Public Office Holders in Nigeria or any part thereof.

The armed and unarmed State actors above mentioned are expected, using this Handbook and seizing its availability opportunity, to reverse the current horrendous human rights and rule of law abusive patterns and trends in the country's law enforcement operations particularly in Eastern Nigeria and ensure that the country is put back on human rights and rule of law path. The era of impunity, “repeat-atrocities” and Hobbesian “State of Nature” must be done away with. All members of the country's security establishments (army, navy, air force, police, secret police, paramilitaries and sub-State actor vigilantes) and their headships must be trained and retrained on models for respecting and protecting human rights and fundamental freedoms.

Apart from being targeted for massive human rights and fundamental freedoms' awareness and operationalization, the “activist citizens”, their groups and leaders are expected to strongly rise in defense of the human rights and fundamental freedoms of ordinary Nigerian citizens by activating various justice and accountability methods and mechanisms including initiating human rights and public interest litigations, letter writings, petitions, local and international campaigns including interfaces with Nigeria's international development partners by calling on them to hold Government of Nigeria and the country's Security Forces and their heads accountable and compel them to reverse the current dangerous trend of reckless and indiscriminate rights abuses and breaches of the principles of the rule of law during their law enforcement operations in Eastern Nigeria.

The perpetrators, both State actors and non-State actors, must also internationally be spotlighted, blacklisted and put behind iron bars of international prisons. There shall also be other local, regional and international justice actions. Activist citizens are further called upon to go into further research and investigation to unmask egregious and grisly violations and abuses of human rights going on in the East and the Middle-Belt, etc. With the Handbook, international rights groups and research organizations and members of the diplomatic corps will find it easier to understand and be better equipped with the true “State of Human Rights and Rule of Law in Nigeria” and help them in the unbiased evaluation or assessment of the state of human rights and rule of law in the country or any part thereof particularly in the East.

## SECTION TWO: International Legal Frameworks And Human Rights Instruments

### Universal Human Rights Devoid Of 'Permissible Derogation' Under UN:

**W**hat Are Human Rights? As defined by the United Nations Office of the High Commissioner for Human Rights: “Human rights are rights we have simply because we exist as human beings — they are not granted by any state. These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. They range from the most fundamental — the right to life and freedom of conscience and worship — to those that make life worth living, such as the rights to food, education, work, health, shelter, and liberty. While all people have human rights regardless of the legal system in which they live, many documents have enshrined human rights so that all can develop rules and processes for the realization of human rights. The foundational document doing so is the Universal Declaration of Human Rights of 1948, which provided the basis for more than Seventy (70) human rights treaties. Domestic laws in many countries also enshrine human rights so that people can seek remedies for harms done at the national level using domestic judicial, legislative, executive and advocacy means or mechanisms”.

### THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) (DEC 1948)

**Why It Was Created:** The Universal Declaration of Human Rights (UDHR) is a document that acts like a global road map for freedom and equality – protecting the rights of every individual, everywhere. It was the first-time countries agreed on the freedoms and rights that deserve universal protection for every individual to live their lives freely, equally and in dignity. The UDHR was adopted by the newly established United Nations on 10 December 1948, in response to the “barbarous acts which outraged the conscience of mankind” during the Second World War.

Its adoption recognized human rights to be the foundation for freedom, justice, and peace. Work on the UDHR began in 1946, with a drafting committee composed of representatives of a wide variety of countries, including the USA, Lebanon, and China.

The drafting committee was later enlarged to include representatives of Australia, Chile, France, then Soviet Union, and the United Kingdom, allowing the document to benefit from contributions of states from all regions, and their diverse religious, political and cultural contexts. The UDHR was then discussed by all members of the UN Commission on Human Rights and finally adopted by the General Assembly in 1948. The Declaration outlines 30 rights and freedoms that belong to all of us and that nobody can take away from us. The rights that were included continue to form the basis for [international human rights law](#). Today, the Declaration remains a living document. It is the most translated document in the world.

**The future of the UDHR:** The UDHR legacy [challenges us to go on the offensive](#). It demands that we **resist** the globalized, transnational, and localized attacks against rights. But it also tells us this won't be enough. It asks of us too that we **disrupt** the building of world orders that reproduce historical privileges and injustices, violate rights and silence defenders; and that we **transform** global governance by re-imagining, innovating, leading. We can, we must – build bold, visionary leadership, institutions, and systems – that can protect our planet, for future generations, and from all that torments us. The UDHR is a milestone document. For the first time, the world had a globally agreed document that marked out all humans as being free and equal, regardless of sex, color, creed, religion, or other characteristics. The 30 rights and freedoms set out in the UDHR include the right to be [free from torture](#), the right to [freedom of expression](#), the right to [education](#) and the right to [seek asylum](#). Included are the civil and political rights, such as the rights to life, liberty, and privacy; likewise, the economic, social and cultural rights, such as the rights to [social security, health and adequate housing](#).

**Knowing The Human Rights In The UDHR: Article 1.** All human beings are born free and equal. **Article 2.** Everyone is equal regardless of race, color, sex, language, religion, politics, or where they were born. **Article 3.** Everyone has the right to life (and to live in freedom and safety).



**Article 4.** Everyone has the right to be free from slavery. **Article 5.** Everyone has the right to be free from torture. **Article 6.** Everyone has the right to be recognized before the law. **Article 7.** We are all are equal before the law.

**Article 8.** Everyone has the right to seek justice if their rights are violated. **Article 9.** Everyone has the right to freedom from arbitrary arrest, detention, or exile. **Article 10.** Everyone has the right to a fair trial. **Article 11.** Everyone has the right to be presumed innocent until proven guilty. **Article 12.** Everyone has the right to privacy and freedom from attacks on their reputation. **Article 13.** Everyone has the right to freedom of movement and to be free to leave and return to their own country. **Article 14.** Everyone has the right to seek asylum from persecution. **Article 15.** Everyone has the right to a nationality. **Article 16.** Everyone has the right to marry and to have a family. **Article 17.** Everyone has the right to own property. **Article 18.** Everyone has the right to freedom of thought, conscience, and religion.

**Article 19.** Everyone has the right to freedom of opinion and expression. **Article 20.** Everyone has the right to freedom of peaceful assembly and association. **Article 21.** Everyone has the right to take part in government and to have equal access to public service. **Article 22.** Everyone has the right to social security. **Article 23.** Everyone has the right to work, to equal pay, to protection against unemployment and the right to form and join trade unions. **Article 24.** Everyone has the right to rest and leisure. **Article 25.** Everyone has the right to a decent standard of living, including food, clothing, housing, medical care, and social services. **Article 26.** Everyone has the right to education. **Article 27.** Everyone has the right to participate in and enjoy culture, art, and science. **Article 28.** Everyone has the right to a social and international order where the rights in this Declaration can be fully realized. **Article 29.** We have a duty to other people, and we should protect their rights and freedoms. **Article 30.** Nobody can take away these rights and freedoms from us. **Source: Amnesty International 2024.**

**Drafters Of The UDHR:** In February 1947, a group consisting of Eleanor Roosevelt, Pen-Chun Chang and Charles Malik began drafting the International Bill of Human Rights. With assistance of the UN Secretariat, the task of formulating a preliminary draft was given to John Humphrey, Director of the UN Secretariat's Division for Human Rights. Following a letter from the Chairman of the Commission on Human Rights to the President of the Economic and Social Council, dated 27 March 1947, ([E/383](#)), this Drafting Committee was enlarged and increased to 18. It was then composed of the members of the Commission on Human Rights for Australia, China, Chile, France, Lebanon, the United States, the United Kingdom, and the Union of Soviet Socialist Republics. It must be included here that the UDHR, together with the International Covenant on Civil and Political Rights of 1966 (which came into force in 1976) and the International Covenant on Economic, Social and Cultural Rights of the same 1966 (which came into force in 1976) are today jointly referred to as “the International Bill of Rights”.

Among the Six Organs of the United Nations (formed in 1945), “the UDHR-led International Bill of Human Rights” is placed under the Economic and Social Council Organ and managed by the Office of the United Nations High Commissioner for Human Rights and the UN Human Rights Council. The UDHR is also the modern foundation of 'the International Human Rights Law'. While International Law is categorized into: 'International Public Law, International Private Law and Supranational Law', there are also 'International Human Rights Law (consist of international treaties and customary international law) and Customary International Humanitarian Law'. The latter's example includes the 1951 UN Statute on Refuge and First, Second, Third and Fourth Geneva Conventions or Laws of the Armed Conflicts of 1949 and their Three Protocols of 1977 and 2005 (First Protocol was ratified by Nigeria in 1961 regarding the treatment of prisoners of war and Second Protocol in 1988 regarding protection of civilian persons in time of war or armed conflict). By Nigeria having become a Member-State of the United Nations since Oct 7, 1960, it is automatically bound by the Four Geneva Conventions of 1949.

## Domesticated Human Rights Provisions Under African Charter (1981)

Nigeria as a key Member-State of the African Union is legally and morally bound by its key treaties and obligations especially the African Charter on Human and Peoples Rights of 1981, which came into force on Oct 21, 1986.

The African Rights Charter, a fully part and parcel of Nigeria's body of laws is comprehensively in agreement with the Chapter Four (Fundamental Human Rights) of Nigeria's 1999 Constitution (as amended). The African Rights Charter, ratified on July 22, 1983, and domesticated by Nigeria on 26th June 1983 in accordance with Section 12 of Nigeria's 1999 Constitution, is presently cited as African Charter on Human and Peoples Rights Ratification and Enforcement Act, Cap A9, Laws of 2004. The Charter in its Section 20 guarantees right to self-determination using nonviolence or through peaceful democratic assemblies. The Charter also provides for rights to ethnic or indigenous existence and identity and Freedom of Religion or Belief. Specifically, the Charter had in its Article 8 provided for 'Freedom of Conscience and Profession and Free Practice of Religion'. The operability and enforceability of the African Rights Charter in Nigeria's municipal laws or legal system was decided affirmatively by the country's Supreme Court in *Gen Sani Abacha and Others v. Chief Gani Fawehinmi* (2000) 4 FWLR 533.

The **African Charter on Human and Peoples' Rights** (also known as the Banjul **Charter**) is a regional and international **human rights** instrument, designed to promote and protect **human rights** and fundamental freedoms in the **African** continent. Its Civil and Political Rights version recognizes most of what is regarded as universally accepted civil and political rights. The civil and political rights recognized in the Charter include the right to freedom from discrimination (Article 2 and 18(3), equality (Article 3), life and personal integrity (Article 4), dignity (Article 5), freedom from slavery (Article 5), freedom from cruel, inhuman or degrading treatment or punishment (Article 5), right to due process of law regarding arrest and detention (Article 6), right to a fair trial (Article 7 and 25), freedom of religion (Article 8), freedom of information and expression (Article 9), freedom of association (Article 10), freedom to assembly (Article 11), freedom of lawful movement (Article 12), freedom to political participation (Article 13), and the right to property (Article 14). The Charter also recognizes certain economic, social, and cultural rights, and overall, the Charter is considered to place considerable emphasis on these rights. It recognizes right to work (Article 15), right to health (Article 16), and right to education (Article 17).

Through a decision by the African Commission on Human and Peoples' Rights, *SERAC v Nigeria* (2001), the Charter is also understood to include a right to housing and a right to food as "implicit" in the Charter, particularly considering its provisions on right to life (Art. 4), right to health (Art. 16) and right to development (Art. 22).

In addition to recognizing the individual rights mentioned above, the Charter also recognizes collective or group rights, or peoples' rights and third-generation human rights (environmental rights). As such, the Charter recognizes group rights to a degree not matched by the European or Inter-American regional human rights instruments. The Charter awards family protection by the State (Article 18), while "peoples" have right to equality (Article 19), right to self-determination (Article 20), right to freely dispose of their wealth and natural resources (Article 21), right to development (Article 22), right to peace and security (Article 23) and right to "a generally satisfactory environment" (Article 24).

### **Legally Binding Human Rights Provisions Under ICCPR And ICSEC 1966 (Ratified In 1976)**

**T**he International Covenant on Civil and Political Rights was adopted and opened for signature, ratification, and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. It took another 10 years before the necessary 35 States became parties to it and it formally entered into force for those States on 23 March 1976, in accordance with Article 49. This covenant and the [ICESCR](#) build on the rights in the Universal Declaration of Human Rights. Together, the Universal Declaration and these two Covenants form the [International Bill of Human Rights](#).

The ICCPR aims to ensure the protection of civil and political rights including: Freedom from discrimination, Right to equality between men and women, Right to life, Freedom from torture, Freedom from slavery, Right to liberty and security of person, Right to be treated with humane in detention, Freedom of movement, Freedom of non-citizens from arbitrary expulsion, Right to fair trial, Right to recognition before the law, Right to privacy, Freedom of religion and belief, Freedom of expression, Right of peaceful assembly, Freedom of association, Right to marry and found a family, Right of children to birth registration and a nationality, Right to participate in public affairs, Right to equality before the law and Minority rights.

Parties to the Covenant may also become parties to either or both of its two Optional Protocols. The first Optional Protocol came into force on 23 March 1976. It sets out a system by which the Human Rights Committee can receive and consider complaints from individuals who allege that their human rights have been violated. As its name makes clear, the Protocol is not compulsory, but once a State party to the Covenant also becomes a party to the Protocol, any person subject to the jurisdiction of the State party may lodge a written complaint with the Human Rights Committee (subject to any permissible reservations). The Second Optional Protocol came into force on 11 July 1991. The second Optional Protocol abolishes the death penalty for States parties.

Therefore, Nigeria as a key Member-State of the United Nations which it voluntarily joined Oct 7, 1960, is bound by key international treaties and obligations under UN System. Specifically, Nigeria is State-Party to the International Covenant on Civil and Political Rights (**ICCPR**) and the International Covenant on Economic, Social and Cultural Rights (**ICESCR**), adopted by UN in 1966 and entered into force in 1976, having signed and ratified them in 1993. The two Covenants are also legally binding international instruments. The **International Covenant on Civil and Political Rights** in its **Part 1** (Article 1) recognizes the right of all indigenous peoples including the Igbo People of Nigeria to self-determination through nonviolence, including right to "freely determine their political status, pursue their economic, social and cultural goals, and manage and dispose of their own resources".

All the fundamental freedoms or civic rights and some group rights contained in the African Charter are also provided in the International Covenant on Civil and Political Rights (ICCPR). Specifically, Article 18 of the ICCPR guarantees 'Right to Freedom of Religion or Belief'.

The **International Covenant on Social, Economic and Cultural Rights (ICESCR)**, also signed and ratified by Nigeria in 1993, in its **Part 1** (Article 1) recognizes the rights of all peoples to self-determination, including the right to "freely determine their political status, pursue their economic, social and cultural goals, and manage and dispose of their resources".

The [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#) was adopted by the [United Nations General Assembly \(Resolution 2200 A \(XXI\)\)](#) on 16 December 1966. As one of two international treaties that make the 'International Bill of Human Rights' (along with the Universal Declaration of Human Rights), the ICESCR provides the legal framework to protect and preserve the most basic economic, social and cultural rights, including rights relating to work in just and favorable conditions, to social protection, to an adequate standard of living, to the highest attainable standards of physical and mental health, to education and to enjoyment of the benefits of cultural freedom and scientific progress.

For this reason, most of the rights contained in the ICESCR are related to tackling VAW (Violence against Women), given that VAW is a cause and consequence of women's enjoyment of their human rights on a basis equal to men. Some of the ICESCR's articles most relevant to tackling VAW include: Article 2: right to non-discrimination and the right to an effective remedy, Article 3: equal right of men and women to the enjoyment of economic, social and cultural rights in the ICESCR, Article 6: right to work, Article 7: right to just and favorable conditions of work, Article 10: protection of the family, mothers, children and young persons, Article 11: right to an adequate standard of living, including adequate food, Article 12: right to health, Article 13: right to education, Article 14: right to primary education and Article 15: right to participate in cultural life. The [Optional Protocol to the International Covenant on Economic, Social and Cultural Rights \(OP-ICESCR\)](#) was adopted by the United Nations General Assembly (Resolution A/RES/63/117) on 10 December 2008 and entered into force on May 5, 2013.

It establishes mechanisms for bringing violations of economic, social, and cultural rights before the UN Committee on Economic, Social and Cultural Rights, specifically: an individual complaints mechanism, an inter-state complaint mechanism and an inquiry procedure.

## STATUS OF INTERNATIONAL VICTIMS OF HEINOUS HUMAN RIGHTS CRIMES OR ABUSES UNDER UN

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**A**ccording to **the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Office (1985)**, “Victims of Crime are persons, who, individually or collectively, have suffered harm including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member-States of the United Nations, including those laws prohibiting abuse of power. The victims include, where necessary, the immediate family or defendant of the direct victim and persons (. i.e. human rights defenders) who have suffered harm in intervening to assist people in distress or to prevent victimization”.

### United Nations Declaration On Rights Of Human Rights Defenders (1998)

**T**he United Nations Declaration on human rights defenders was adopted by consensus by the General Assembly including Nigeria as a UN Member State in 1998, on the occasion of the fiftieth (50<sup>th</sup>) anniversary of the Universal Declaration of Human Rights (UDHR), after 14 years of negotiations, through the instrumentality of the UN General Assembly Resolution [A/RES/53/144](#) adopting the Declaration on human rights defenders.

A collective effort by several human rights non-governmental organizations and some State delegations helped to ensure a strong, useful, and pragmatic final text. Whereas the Declaration is not a legally binding instrument, it contains principles and rights that are based on human rights standards enshrined in other legally binding international instruments that are legally binding. Moreover, the adoption of the Declaration by the General Assembly by consensus represents a very strong commitment by States to its implementation. The declaration:

- Identifies human rights defenders as individuals or groups who act to promote, protect, or strive for the protection and realization of human rights and fundamental freedoms through peaceful means.

- Recognizes the key role of human rights defenders in the realization of the human rights enshrined in the Universal Declaration of Human Rights and legally binding treaties and in the international human rights system.
- Represents a paradigm shift: it is addressed not just to States and to human rights defenders, but to everyone. It emphasizes that there is a global human rights movement that involves us all and that we all have a role to fulfil in making human rights a reality for all.

The Declaration's full name is the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms". However, it is often abbreviated to "The UN Declaration on Human Rights Defenders of 1998".

## **Human Rights Declarations, Charters And Conventions In World's Regions:**

Continently, Citizens of Nigeria residing outside the country and those of other countries found within and outside Africa including in places like the African, European Union, the Asian, the North American and the South American (inclusive of the Caribbean) Continents; fourteen counties in the Oceania; the Countries of the former Soviet Republics or Commonwealth of the Independent States (CIS); the Association of Southeast Asian Nations (ASEAN) and the Arab Countries including the Middle East and the Gulf Cooperation Council (GCC: Bahrain, Kuwait, Iraq, Oman, Qatar, Saudi Arabia and the United Arab Emirates); etc., also have their human rights and fundamental freedoms protected under various Regional Human Rights Declarations, Charters and Conventions.

These include: the African Charter on Human and People's Rights of 1981 (Banjul Charter), etc.; the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR: 1950), the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (1987), etc.



There are also the Inter-American Convention on Human Rights (ACHR: 1969), the Inter-American Convention to Prevent and Punish Torture (1985), etc.; the Association of Southeast Asian Nations Human Rights Declaration of 2012, the Asian Human Rights Charter of 1998, the Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms of 1995 (CIS Convention), the Arab Charter on Human Rights (ACHR) of 2004, and the Cairo (Egypt) Declaration of Human Rights in Islam of 1990. There are also the European Court of Human Rights of 1959, the Inter-American Court of Human Rights of 1979 and the African Court on Human and Peoples' Rights of 1998, which came into force in 2004; etc.

It must further be noted that citizens of those countries under a regional bloc without with regional or continental Human Rights Declarations or Charters or Conventions, are protected under the United Nations' 'International Bill of Rights' (. i.e. UDHR, ICCPR and ICESCR) and the International Customary Law provisions. Also protected under the above are the 2022 United Nations High Commissioner for Refugees estimated 4.4m “Stateless Persons in the world or Persons of undetermined nationalities”.

## **SECTION THREE:**

### **International Humanitarian Instruments For Management Of Disputes In Democratic Societies**

#### **General Human Rights And Humanitarian Treaty Laws Binding On Nigeria:**

**B**y 'a State-Party', it involves being legally or morally bound by any international treaty agreement willingly entered into by a Member-State of the United Nations through two internationally mandatory processes of 'signing and ratification'. Every Member-State of the United Nations or a Regional Grouping (.i.e. AU or EU) is also expected to optionally undertake the process of 'Protocol Ratification' or 'Domestication' of any International Treaty it has willingly signed and ratified. The latter is in accordance with Section 12 of Nigeria's 1999 Constitution. However, internationally, or under United Nations System, a non-domestication of a legally binding International Human Rights or Humanitarian Treaty is not 'a permissible derogation' so long as such treaty is signed and ratified by UN Member-State. Similarly, non-ratification of the ICC's Rome Statute of 1998 by a UN Member-State is also not 'a permissible derogation' or a legitimate excuse or a license to commit the four heinous crimes recognized and criminalized by the ICC Statute (.i.e. crimes against humanity, war crimes, genocide and crimes of aggression). Specifically, under Chapter Seven (V11) of the United Nations Charter of 1945 and Article 13b of the 1998 ICC Statute, "a non-ratification of the Rome Statute by a UN Member-State is not 'a permissible derogation' under the United Nations Security Council referral powers".

Under the UNSC 'referrals', the UNSC can refer or direct the ICC Chief Prosecutor to open an investigation against a UN Member-State (its head of government and others) that is not a State-Party to the ICC Statute of 1998 for perpetrating the Four ICC Heinous Crimes in part or in whole. A clear case in point was the United Nations Security Council Resolution 1593 of 2005 on Sudan, indicting and referring for investigation against the country's maximum ruler, General Omar Hassan el-Bashir and some of his top officials over suspicion of war crimes and crimes against humanity in the country's Dafur Region.

On the other hand, the International Criminal Law's 'Principle of Complimentarity and Zero Impunity' or 'inability and unwillingness' of a State-Party to the ICC's Rome Statute to effectively tackle and stop Crimes against Humanity and War Crimes perpetrated in its country using its own judicial mechanisms; is a clear invitation to the ICC to expressly exercise its international criminal jurisdiction against the affected perpetrator State-Party. Under this, no 'permissible derogation' is allowed or granted.

Therefore, by available statistics or records, Nigeria has signed, ratified and become 'a State-Party' to the following legally binding international Human Rights and Humanitarian Treaties or Charters or Statutes or Conventions: UN Covenant on Civil and Political Rights of 1976, UN Covenant on Economic, Social and Cultural Rights of 1976; UN Genocide Convention of 1948, UN Convention against Torture of 1985, UN Convention for Protection of All Persons from Enforced Disappearance of 2009, UN Convention on the Elimination of All Forms of Discrimination against Women of 1984, UN Child Rights Convention of 1990, UN Convention against All Forms of Racial Discrimination of 1969, UN Statute on Refuge of 1951, UN Framework Convention on Climate Change ('Rio Convention') of 1992 and its Kyoto Protocol (ratified by Nigeria in 1994 and 2004), Four Geneva Conventions or Laws of the Armed Conflicts of 1949 and their Three Protocols of 1976 and 2005 (for regulation of inter-State and intra-State armed conflicts including treatment of non-combatants such as refugees and IDPs not directly involved), Rome Statute of the International Criminal Court of 1998, UN Convention on the Rights of Persons with Disabilities of 2009 (ratified by Nigeria in 2010), African Charter on Human and Peoples' Rights of 1981, Moputo Protocol to the African Charter on the Rights of Women of 2003 (ratified by Nigeria on June 26, 2004), and African Charter on the Rights and Welfare of the Child of 1999 (ratified by Nigeria on July 23, 2001); etc.

Nigeria is also morally bound by the following important International Human Rights Management Declarations or Principles or Rules or Guidelines or Codes of Conduct: Universal Declaration of Human Rights of Dec 10, 1948, UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted via Resolution 36/55 by the UN General Assembly on Nov 25, 1981, UN Code of Conduct for Law Enforcement Officials of 1979, UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990, UN Declaration on the Rights of Indigenous People of 2007, UN Declaration on the Rights of Human Rights Defenders of 1998, UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Office of 1985, UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions of 1989, UN Minimum Rules for the Treatment of Prisoners and other prison inmates and custodial detainees of Dec 2015, UN Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law of Dec 2005, International Rules of Engagement under the Geneva Conventions or Laws of the Armed Conflicts of 1949, and the 2001 Law Enforcement Oath of Honor, Code of Ethics, Code of Conduct and Canons of Police Ethics, issued by the International Association of the Chiefs of Police; etc. It must further be reminded that as at this 2024, Nigeria is signatory to at least 310 international organizations and a State-Party to more than 90 international rights and humanitarian treaties.

## **The Four Geneva Conventions Of 1949 And Their Three Protocols Of 1977 And 2005**

**T**he Four Geneva Conventions of 1949 and their Protocols of 1977 and 2005 originally came from the three modern war doctrines of Jus Ad Bellum (justification and ground for going to war); Jus In Bellum (ethical rules of conduct during war including ethical standards expected of soldiers or combatants in wartime or rules of engagement); and Jus Post Bellum (regulations on how wars are ended and facilitation of transition from war to peace including war crimes tribunals or permanent war and atrocity crimes courts such as ICC).

The Geneva Conventions are also called the Standard Rules for the People of the War or parties in the conflict who occupy the conflict areas such as fighting parties, non-combatants, or civilians or IDPs and refugees and other third parties directly or indirectly participating or affected by the armed conflict. **The First Geneva Convention** "for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field" was the fourth update of the original 1864 convention and replaced the 1929 convention on the same subject matter. **The Second Geneva Convention** "for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea" replaced the Hague Convention (X) of 1907. It was the first Geneva Convention on the protection of the victims of maritime warfare and mimicked the structure and provisions of the First Geneva Convention.

**The Third Geneva Convention** "relative to the Treatment of Prisoners of War" replaced the 1929 Geneva Convention that dealt with prisoners of war. In addition to these three conventions, the conference also added a new elaborate **Fourth Geneva Convention** "relative to the Protection of Civilian Persons in Time of War". It was the first Geneva Convention not to deal with combatants, rather it had the protection of civilians as its subject matter. The 1899 and 1907 Hague Conventions had already contained some provisions on the protection of civilians and occupied territory. Article 154 specifically provides that the Fourth Geneva Convention is supplementary to these provisions in the Hague Conventions. The third protocol of 2005 emblem became known as [the Red Crystal](#). Considering these developments, two Protocols were adopted in 1977 that extended the terms of the 1949 Conventions with additional protections. In 2005, a third brief Protocol was added establishing an additional [protective sign](#) for medical services, the [Red Crystal](#), as an alternative to the ubiquitous [Red Cross and Red Crescent](#) emblems, for those countries that find them objectionable.

## **The Customary International Law Devoid Of Permissible Derogation**

The UN's new concept of **sovereignty as a responsibility or citizens' sovereignty** and **maintenance of international peace and security** as the core foundation of the Purposes of the 193-Member Organization; is inviolably binding on Nigeria as a key Member-State of the United Nations.

Nigeria is also bound by the Customary International Law under UN System particularly those that are inviolable under their doctrine of “substantial uniformity by a substantial number of States”. The UN and the International Law Principle of *Opinio Juris* binding on its 193-Member States including Nigeria, literally means a general belief binding on all Member-States that a non-treaty (including supranational law) is legally binding on States; in addition to another essential Principle of UN and the International Law called “*Jus Cogens*” (meaning compelling law in which no derogation is permitted). The latter is means absolute rules of general international law binding on all United Nations Member-States for which no derogation is permitted. It designates norms from which no derogation is permitted by way of agreements and stems from the idea already known in Roman law that certain legal rules cannot be contracted out, given the fundamental values they uphold. Most states and authors agree that *jus cogens* exists as the foundation of the International Law.

Examples of the '*Jus Cogens*' include laws or rules prohibiting and punishing “*mala in se*” or universal criminal offenses and offenders of violent crimes against persons and properties such as use of deadly force on vulnerable and unarmed citizens during democratic assemblies or free speeches in a UN Member-State; laws or rules prohibiting and punishing '*heinous mala in se*' offenses and offenders of genocide, war crimes and crimes against humanity in situations of intra state or interstate armed conflicts; laws or rules prohibiting and punishing “*mala in se*” offenses and offenders of defenseless civilian massacre in non-war provoked or peaceful protest situations; laws or rules prohibiting and punishing “*mala in se*” offenses and offenders of slavery, mass rape, torture, depopulation, forced migration, '*domicide*' (wanton burning down or destruction of civilian homes and sacred places of worship), abductions and disappearances in circumstances of national or regional promotion of policies of '*structural violence*', '*cultural violence*' and '*physical violence*' against members of a particular ethnic or religious grouping; and laws or rules prohibiting and punishing “*mala in se*” offenses and offenders of other internationally prohibited acts or conducts.

Generally, there are: **Public International Law or 'Laws of the Nations', Private International Law or 'Conflict of Laws', Supranational Law or 'Limitations of Sovereignty Rights Law' and International Customary Law (including International Human Rights Law and International Humanitarian Law)**. By 'Supranational Law', it is an international or regional morally and legally binding agreement whereby a set of international Member-States agreed to transfer or limit their sovereignty rights to a supranational organization such as United Nations or International Criminal Court for **purposes of promoting international or regional peace and security and ensuring international justice for victims of heinous State crimes and punishment of their perpetrators; etc.** By **Supranational Organization**, it is a multinational union or association in which Member-States or Member-Countries cede authority and sovereignty on key internal matters of public-interest to the association or union, whose decisions are binding on its member-countries.

The 'Customary International Law, on the other hand, consists of rules that come from a general practice accepted as law and made to be independent of treaty law. Supranational Law also incorporates treaty laws. The Hague Conventions of 1899 and 1907 on land warfare are considered as embodying rules of the International Customary Law.

### **Specific Human Rights Management Laws For Policing Democratic Assemblies**

**N**igeria as a key Member-State of the United Nations and the African Union is bound by Basic Standards, Procedures and Processes of International Human Rights and Humanitarian Laws or Principles. Under UN and African Union founding Charters and their principles, Nigeria will not be allowed to exist and operate like a zoo especially in matters of the country's public governance by political actors and exercise of policing and defense responsibilities by its Armed Forces, Police, Paramilitaries and Intelligence Agencies.

Specifically abound are the Ten International Rules for Policing and Managing Violent and Peaceful Assemblies by Armed and Political State Actors; which expressly recognize the rights of the citizens of all Member-States of the UN and the African Union including Nigeria to peaceful assemblies and expressions such as democratic free speeches. Under the provisions of International Human Rights and Humanitarian Laws and Principles, these guaranteed rights include: (1) everyone is entitled to equal protection of the law without discrimination on any ground especially against violence or threat of same; (2) treat all victims of crime with compassion and respect, and protect their safety and privacy; (3) do not use force except when strictly necessary and to the minimum extent required under the circumstances (use of crude or deadly force forbidding during free speeches or democratic assemblies), (4) avoid using force when policing unlawful but nonviolent assemblies; (5) when dispersing violent assemblies, use force only to the minimum extent necessary (i.e. in line with proportionate use of force and avoidance of application of excessive force on unarmed or those not bearing automatic rifles or firearms or aggressive or angered assemblies); and provoked violent assemblies do not amount to insurrection, mutiny or armed struggle, (6) lethal force should not be used when arresting nationals suspected of committing simple offenses, misdemeanors and nonviolent criminal offenses.

Use of deadly force is forbidden to be applied in the case of suspected violent criminals who are not armed and offensive with corked rifles when being placed under arrest.



When arresting offensive violent criminals on rampage, shooting them at terminal and sensitive parts of their bodies is forbidden and outlawed, (7) arrest no person unless there are legal wounds to do so and ensure that the arrest is carried out in accordance with lawful arrest procedures; (8) ensure that all detainees have access, promptly after arrest to their families and legal representatives and any necessary medical assistance, (9) all detainees must be treated humanely and avoid infliction, instigation or toleration of any act of torture in any circumstance and refuse to obey order to do so; and (10) do not carry out order or cover up extrajudicial executions or disappearances of the arrested or the detained and refuse to obey any order to do so; and report all breaches of these basic standards to your senior officers and to the office of the public prosecutor and do everything within your powers to ensure steps are taken to investigate these breaches.

Relatedly, in policing or managing such democratic assemblies and free speeches, particularly if they become uncontrollable, capable of breaching public peace and safety; policing agencies and their officers must apply or use the following modern crowd control and personal safety kits: tear gas, rubber bullets, pepper spray, electric tasers (minimum use), batons, whips, water cannons, long-range acoustic devices, aerial surveillance, police dogs, etc. Approved personal and body protective or safety kits for crowd controllers include: anti-crowd helmets, face visors, body armor (i.e. vests, neck protectors, knee pads, etc), gas masks and anti-crowd shields, police dogs, etc.

## **International Rules Of Engagement Guiding Intra State Armed Conflicts**

**U**nder the situation of internal armed conflict, the roles of the military and policing authorities are strictly monitored and regulated in accordance with internationally laid down rules in the Member-State's acceded international human rights and humanitarian instruments. Specifically, Nigeria is bound by the provisions of the UN Statute on Refuge of 1951 on the treatment of the internally displaced persons or IDPs and those that are found in borders between Nigeria and its neighbors.

As a State Party to the Rome Statute of the International Criminal Court of 1998 and the 1949 Geneva Conventions' Rules of Engagement, Nigerian armed forces and the police (. i.e. NPF, SSS, NIA and the Paramilitaries) are strictly bound and regulated by the country's human rights and humanitarian management provisions; likewise, the provisions of the United Nations' Convention against Genocide of 1948 and the United Nations' Convention against Torture of 1985; all which Nigeria has signed and ratified.

The country's Security Forces are also bound and regulated by the provisions of the United Nations' Code of Conduct for Law Enforcement Officials of 1979 and the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials of 1990.

Under the Four Geneva Conventions or Laws of Armed Conflict of 1949 and their Three Protocols of 1977 and 2005, the Nigerian Security Forces (NSFs) are strictly bound by the principles of use of force and proportionality of the same; 'military necessity', lawful or legitimate self-defence and others. The Nigerian Security Forces are also prohibited by the referenced international human rights and humanitarian instruments and operational ethics and codes of conduct from using or resorting to the use of globally outlawed 'Cultural Violence' of 'class criminalization', 'mass criminalization', 'false labeling and criminalization', 'ethnic and religious profiling', and killing, maiming, torturing, abducting and disappearing unarmed and defenseless citizens on account of their ethnicity and religion. The Nigerian Security Forces are also strictly restricted and prohibited from heavy reliance on 'false labeling' and 'hearsay conclusions' as excuses to perpetrate mass murder and related conduct-atrocities against defenseless citizens of the country or any part thereof.

Specifically, under International Law, there are ten key features of the Rules of Engagement applicable in situations of armed conflicts.

They are (1) legitimate use of force, (2) proportionality of use of force, (3) legitimate self defense, (4) treatment of prisoners of war or armed conflict, (5) avoidance of attacks on non-military necessity or civilian targets or properties, (6) avoidance of attacks on civilians or non-combatants, (7) treatment of the wounded, (8) avoidance of attacks on culture symbols or places of worship, (9) avoidance of attacks on humanitarian agencies and personnel, human rights activists and journalists; and (10) legitimate or lawful treatment of other people of the war (i.e. spies, journalists, wounded and surrendered members of the fighting parties, etc.).

Under Article Seven of the International Covenant on Civil and Political Rights (ICCPR): 'no one shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment'.

The UN Convention against Torture similarly requires Nigeria as a State-Party to 'prevent acts of torture and other ill-treatments by State agents and ensure that there is a prompt and impartial investigation into such acts and those involved by direct involvement, complicity or participation are punished with criminal penalties'.

The 'domesticated version' of the above is unambiguously provided in Section 34 (1) (a) of the 1999 Constitution, as amended; which provides as follows: "every individual is entitled to respect for dignity of his or her person, and accordingly- no person shall be subjected to torture or to inhuman or degrading treatment; and no person shall be held in slavery or servitude". By Section 8 of Nigeria's Anti-Torture of 2017, "torturing of a citizen under whatever guise or disguise is an offense punishable with 25 years' imprisonment, and if murder is committed from such torture, the torturer will be liable for offense of murder".

## SECTION FOUR:

### Scholarly Look Into Three Major Violence Types, State Terrorism And Conduct-Atrocities

**E**mpirical Definition Of: **State-Actor and Non-State Actor Physical Violence:** By the account of the United Nations Disaster Risk Reduction (UNDRR: 2024): “Violence (both state actor and non-state actor originated)” refers to the intentional (*mens rea*) use of force by the State or a dominant entity; whether physical or psychological, threatened or actual, against individual-citizens or a group of people or a community or an ethnic or religious grouping. State Violence can either be targeted or indiscriminate, motivated by certain aims, including political, religious, social, economic, ethnic, racial, or gender-based, and can be initiated with the aim to directly or indirectly inflict harm, injury or death (Krug et al., 2002). Under the above are different types of violence by state-actors and non-state actors, categorized and defined as follows: **political violence**, defined as hostile, aggressive or violent acts motivated by political objectives or a desire to directly or indirectly affect political change or change in governance. As a phenomenon, political violence includes a range of (genocidal) political acts from mass protest, (state repression and terrorism to reactionary) riots, rebellions, uprisings and terrorism (as well as other) violent acts committed by state and non-state actors; (with capacity to snowball into) pogroms, ethnic cleansing, and genocide (Kalyvas, 2013; Balcells, 2015).

Reprisal Radicalism, which can snowball into widespread violence, by definition, does not involve the use of violence from the beginning of it. Reprisal Radicalism refers to a process, often a multidimensional, complex and long-term process, by which individuals are introduced to extremist ideologies that motivate them to defy and challenge the status quo. This often leads to the eventual adoption of violence or 'violent extremism', which on its own refers to the “the willingness of the repressed and suppressed to use or support the use of violence as appropriate means to achieve ideological, social, religious or political objectives (Elshimi, 2018; Mansour-Ille, 2019: additions by the Intersociety's Author-in-Chief: Oct 2024).

The term: **Religious Violence** refers to violent acts committed by either state or non-state actors and motivated by religious convictions, ideologies or belief systems. Religious violence is closely associated with religious radicalism or extremism (. i.e. Nomadic Jihadism in Nigeria under National Jihadism Project introduced by the Buhari Government in July 2015) and it further refers to acts ranging from inciting violence against particular religious groups, discrimination or segregating certain religious groups, persecution, genocide, random physical aggression, gang or mob violence and defaming or injuring verbal abuse or violence (Clarke, 2011: additions by the Intersociety's Author-in-Chief: Oct 2024). **Ethnic or Racial Violence** refers to violence between different groups of people or Government sponsored violence using a non-state actor group against another based on ethnic or racial differences or differences in culture, religion or language motivated by ethnic or racial diversity. Violent acts motivated by ethnic or racial differences take many forms, ranging from segregation and institutionalized discrimination to genocide, ethnic cleansing, pogroms, rebellions, violent self helps organized by violent separatist movements (Bergmann and Crutchfield, 2009; Rutherford and Bar-Yam, 2010: additions by the Intersociety's Author-in-Chief: Oct 2024).

**Social Violence (also referred to as Societal Violence)** refers to any type of violence employing physical or emotional acts of aggression committed by individuals or a community of individuals with the aim to have a social or societal impact or cause serious physical and emotional harm to a group of people or to society. These acts can be direct or indirect and can take various forms across countries varying from targeted social discrimination, segregation, terrorism, physical aggression to gang violence. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979) refers to various forms of discriminatory acts based on gender, which may impair or nullify “the recognition, enjoyment or exercise by women” of their basic human rights and fundamental freedoms equal to men “in the political, economic, social, cultural, civil or any other field” (Art. 1). Social violence can also be politically motivated (Kelly, 2014).

**Gender-based Violence** is defined as acts or threats of acts intended to cause harm, injury, physical, sexual or psychological suffering to women based on their gender or acts affecting women disproportionately (Krantz and Garcia-Moreno, 2005). It is defined by the UN Declaration on the Elimination of Violence against Women (1993) as “any act of gender-based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (Art. 1). Gender-based violence is also used in the context of domestic violence or intimate partner violence and can result in various forms of abuse and exploitation, including economic exploitation. A form of gender-based violence is sexual violence and exploitation, which refers to any form of abuse or exploitation that is sexually motivated targeting vulnerable groups, particularly women and children. Convention C190 of the ILO (2019) defines gender-based violence as violence and harassment “directed at persons because of their sex or gender or affecting persons of a particular sex or gender disproportionately and includes sexual harassment” (Art. 1b).

**Child Abuse, Violence and Exploitation** refer to acts of violence, cruel or harmful treatment of a minor for profit, labor, sexual gratification, vengeance or other personal or financial gains (Legal Dictionary, 2015). The Convention on the Rights of the Child (CRC) (1989) explicitly prohibits “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child” (Art. 19.1). **Terrorism** refers to acts – either politically or religiously motivated – that aim to instill fear and/or the intimidation of fear in society (i.e. mass terror). Terrorism includes acts of aggression or violence that causes either directly or indirectly physical or psychological harm or injury to a group of people. Terrorism can both be perpetrated by as well as against the State (Teichman, 1989).

Acts of terrorism perpetrated by the State is referred to as “State Terrorism”. While there is no global communities' agreement one central definition of terrorism, one of the most widely used definitions of terrorism in the current world is that of the US Department of State, which in 1983 defined terrorism as “premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents, usually intended to influence an audience” (Sinai, 2008). 'Non-combatants' refer to both civilian and military personnel, who neither armed nor on duty. The definition, however, excludes state terrorism (Sinai, 2008: additions by the Intersociety's Author-in-Chief: July 2024).

**Psychological Violence** refers to any intentional or unintentional conduct that aims to cause serious emotional or psychological harm to another person (European Institute for Gender Equality, 2017). The Istanbul Convention (2011) outlines examples of such acts to include verbal aggression, coercive threats and intimidation, control, harassment or stalking, insults, humiliating and defaming conducts as well as acts that render another person isolated from family, friends and any sort of support. Such acts mainly occur in interpersonal relationships, such as familial, parental or intimate partner relationships (Chapter V of the Istanbul Convention: 2011 or the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence). **Torture** is defined in the Convention against Torture (CAT) (1984) as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity” (Art. 1.1). The Convention, however, excludes pain or suffering arising from the enforcement of lawful sanctions.

The prohibition against torture and other forms of ill-treatment are embodied in several international human rights treaties and declarations, including: the Universal Declaration of Human Rights (UDHR) (Art. 5, 1948), the International Covenant on Civil and Political Rights (ICCPR) (Art. 7, 1966), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). Several regional human rights treaties also uphold and reaffirm the prohibition against torture and other forms of ill-treatment, including:

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (Art. 3, 1950), the American Convention on Human Rights (ACHR) (Art. 5, 1969), the African Charter on Human and Peoples' Rights (ACHPR) (Art. 5, 1981), the Inter-American Convention to Prevent and Punish Torture (1985), and the European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (1987).

**Cruel, Inhumane and Degrading Treatment** refers to ill-treatment, which is premeditated and applied for prolonged periods of time that amounts to be cruel, inhumane and violating human dignity aimed at causing bodily injury, harm or intense physical and mental suffering (European Court of Human Rights, 2000). **Gang-related Violence** refers to violence that is perpetrated by a group of people who associate themselves to what can be referred to as a 'gang' – a relatively well-defined, durable and predominately street-based group of young people dominating a particular territory and known to the wider community (UK Government, 2016). **Organized Crime**, on the other hand, refers to violent crimes or criminal activities committed by a group of people in an organized manner for profit, using coercion, retaliation and extortion (UK Department of Justice, 2020). Organized crimes are not confined to territories or borders and can be 'state actor' or 'non-state actor' originated. The unchecked extortionist activities of military personnel or soldiers of the Nigerian Military (Army, Navy and Air Force) and personnel of the Nigeria Police Force on Nigerian roads are a typical example of “Organized Crimes”.



## **Structural Violence And Its State Actor Deployment In Nigeria:**

**S**tructural or Indirect Violence is a form of [violence](#) wherein key [social structures](#) and public [institutions](#) are discriminatorily structured, skewed and controlled in such a way as to exclude and harm people of a particular ethnic or religious grouping by preventing them from collectively meeting their [basic needs](#) and being protected of their fundamental human rights including freedom of worship or belief and right to ethnic identity; as well as their social, economic and political emancipation through popular political process participation or involvement.

Structural Violence is built on oppression, suppression, discrimination, exclusion and segregation; perpetrated in “industrial scale” against any vulnerable or defenseless ethnic or religious grouping on the grounds of their ethnicity and religion. Structural Violence arises from politico-economic exclusion, discrimination and segregation such as sectionalization of the distribution of key public offices and discrimination arising from national or regional creation of political constituencies. The term, “Structural Violence” was originally coined by Norwegian sociologist [Johan Galtung](#) in his 1969 article "Violence, Peace, and Peace Research".

In Nigeria, while Structural Violence is historically found to have originated from the “Anti-Igbo Sentiments” traced back to the 1937 “Ant-Igbo Railway Riots” in Katsina (present Katsina State), the Structural Violence against members of the Christian Faith across the country is traced to the promotion of “Anti-Christian Sentiments” as a State policy since July 2015 when a group of intolerant Islamists led by Retired Major Gen Muhammad Buhari rose to the State Power and took over the control of the country's political and coercive establishments. Examples of Structural Violence in Nigeria are lopsided promotions and postings in the Nigerian Army, the Air Force, the Navy, the Police Force, the SSS, the NIA and the Paramilitaries.

Others are inequitable, imbalanced and discriminative creation of political constituencies such as Electoral Polling Units, Electoral Wards, Local Government Areas, States and Federal Constituencies; promotions and postings in the Federal Public and Civil Services including top juridical and non-juridical Offices; and lopsided allocation and distribution of key federal infrastructures and economic resources.

Structural Violence in Nigeria is so deepened, recklessly and indiscriminately promoted and implemented that the Christian-held areas in Northern Nigeria have been gravely discriminated against in matters concerning creation of polling units, electoral wards and appointments into public offices and distribution of economic resources. The former Government of Nasiru el-Rufai in Kaduna State, for instance, in 2015 abolished the State's "Charter of Equity" including scrapping the age-long zoning of the post of Deputy Governor and Deputy State Assembly Speaker to Christians, among others.

Other examples of Structural Violence perpetrated on the grounds of ethnicity and religion in Nigeria are electoral or political process manipulations such as skewed and discriminatory 'Continuous Voters' Registration (CVR) and Issuance of Permanent Voters' Cards' (PVCs) whereby Christian and Igbo controlled areas or communities across Nigeria are systematically discriminated against while members of Northern and Southern Muslims are optimally captured in the 'Continuous Voters' Registration and issuance of the Permanent Voters' Cards.

It also involves creation of more voters' registration centers in Muslim areas across Nigeria and its borders with neighboring West and Central African countries than those created in non-Muslim held areas. Another clear case of Structural Violence being promoted across the South-East or Igbo Land is elevation of externally recruited puppets and surrogates to key elective and appointive positions of authority reserved for Igbo-Christian Easterners at Federal and State levels. Structural Violence is a key 'Genocide-Enabler' which can lead to perpetration and perpetuation of heinous crimes including mass killings, ethnic cleansing or ethnocide, pogrom, forced migration, depopulation, domicide, mass rape, trafficking in persons, abductions, enforced disappearances, under circumstances of 'extra jus, extra-legal and extrajudicial under 'Heinous Physical Violence'.

## **Cultural Violence And Its State Actor Deployment In Nigeria:**

**C**ultural violence occurs when a group of persons or members of an ethnic or religious grouping are harmed or targeted for harm as a result of practices that are part of their culture, religion or tradition through systematic and consistent use or promotion by politically or religiously or culturally organized violent another, of foul language, falsehood and propaganda to gain suppression and dominance; with intent to blackening the victim-group and putting them in fear and danger of ethnoreligious cleansing or genocide or mass killings and other internationally prohibited acts or conducts. Cultural Violence is built on Structural Violence, which if not stamped out or constructively managed, can snowball into “Heinous Physical Violence”.

Cultural Violence can be promoted or sponsored against individual or group members of an ethnic or religious grouping, by a national or regional government or authority; or by a larger ethnic or religious grouping that has access to political power and coercive institutions.

Example of Cultural Violence was the ethnic cleansing policy of the Hutu-led Government of Late Gen Juvenal Habyarimana of Rwanda (in office between July 5, 1973, and April 4, 1994) and its Interahamwe genocidal militias which ran a genocidal cultural violence policy of operation “nettover” or “cleanup the Tutsis” dubbed “cockroaches”. The anti-Tutsi ethnic cleansing policy and its operation was executed using the Hutu-led Government funded Radio Station: “Radio Télévision Libre des Mille Collines”. The then Genocidal Government in Kigali had armed the Hutus (about 85% of the Rwandan population) to “kill all cockroaches (defenseless Tutsi civilians and moderate Hutus) seen or sighted anywhere around the country”. The Government-level promotion and sponsorship of such genocidal arming and incitement immediately paid off, leading to the massacre of over 800,000-1000,000 defenseless Tutsis and moderate Hutus in three months (between April 6 and July 21, 1994). In Nigeria, 'Cultural Violence' has been responsible for fueling the 'Anti-Igbo Sentiments' since 1937, starting with the 'Anti-Igbo Railway Riots' in Katsina and had since then metamorphosed into different dimensions and was particularly extended to members of Christian and Traditional Religious Faiths since mid-2015.

A cross section of local and international observers also estimated that more than \$700m was squandered in international propaganda campaigns against the People of the South-East and general Igbo civilian population under the former Government of Retired Major Gen Muhammad Buhari and has been continued and deepened till date. The illicitly channeled public fund was spent to lobby key international actors to label members of the Igbo Ethnic Nationality as “members of terrorist ethnic nationality”. To achieve this, several academicians of a particular ethnic nationality in Nigeria were recruited within and outside the country and paid to promote in their books, seminars and reports an international falsehood and propaganda campaign against members of the Igbo Ethnic Nationality.

Several attempts were also reported to have been made to coerce or influence some international actors including parliamentarians and diplomats in places like UK Government and Parliament, US State Department, ICC, UN bodies, etc., to spearhead the international falsehood and propaganda campaigns against members of the Igbo Ethnic Nationality during which some of their citizens were also installed as puppets and surrogates in places like the International Criminal Court, Nigeria's National Rights Commission, or appointed as image makers of the country's national security establishments to cover their conduct-atrocities perpetrated against their fellow Ethnic Nationality defenseless civilian population. The international Presidency of the International Criminal Court was occupied for three years (2018-2021) by a Nigerian of Igbo extraction, yet nothing was done about the unchecked conduct-atrocities captured and catalogued by this Special International Report despite being perpetrated against members of the Igbo South-East and South-South defenseless civilian population.

Other Examples of Cultural Violence against the People of the South-East include the Nigerian Security Forces' indiscriminate application of ethnic and religious profiling, class criminalization, false labeling, mass stigmatization, frameups, phantom allegations, hearsay conclusions, etc., and general use of “IPOB/ESN/Biafra Terrorism” as a pretext.

Innocent and defenseless citizens of the Igbo South-East and South-South are also indiscriminately rounded up and openly killed or taken into detention and custodially killed or tortured to death or permanently disappeared as “criminal class” including tagging them “IPOB members”, “ESN combatants”, “ESN sympathizers”, “IPOB supporters” or “ESN and IPOB spouses, relatives and girlfriends” or “ESN/IPOB charms suppliers and herbalists”; etc. The Nigerian military, police crack squad and secret police personnel are also found to have severally launched ferocious attacks on thousands of members of the African Instituted Churches (“White Garments”) and their Synagogues (churches) and Sanctuaries of the Traditional Religionists during which many of them were shot and killed and their sacred places of worship burned down or wantonly destroyed.

As a matter of fact, under the Government of Retired Major Gen Muhammad Buhari and the present Government of Senator Ahmed Bola Tinubu, 'Cultural Violence' has been used as a major policy direction, leading to ceaseless and countless massacre of Christians and wanton destruction of their properties including farmlands, churches, schools and dwelling houses. Another stark instance of 'Cultural Violence' at the State level promotion in Nigeria are systematically organized religious killings and property violence covered under the so-called: “Farmers-Herders Clashes”- which has been responsible for Government inaction, inability and unwillingness regarding the massacre of Christians and destruction of their sacred places of worship, learning and dwelling homes and confiscation of farmlands and other properties belonging to Christians and non-Muslim others. Investigations into the above are hardly carried out, not to talk of arresting, investigating and prosecuting their perpetrators and providing adequate compensations to the victims including rebuilding their burned down or destroyed homes and rehabilitating and restoring them back to their communities.

As a matter of fact, the Nigerian Government, in addition to promotion of Cultural Violence, is widely believed to be tacitly providing supports to the country's Islamic Jihadists as well as protecting them and aiding and abetting their genocidal activities.

The present Tinubu-led Nigerian Government has recently gone to the extent of creating the “Federal Ministry of Livestock Development”; in other words, the “Ministry of Nomadic Jihadism Development”.

The former Nigerian Government of Retired Major General Muhammad Buhari had between 2016 and 2021, “Fulanized” Federal Ministry of Agriculture and key federal security, defense and policing establishments and others and made them rooted in 'Nomadic Jihadism'. Among them are: “RUGA (Government settlement of armed Fulani Jihadists and extremist others among Nigeria's indigenous Christian and other non-Muslim communities)”, “Waterway Control”, “National Livestock Transformation Plan”, “Nigerian Military (Army) Ranching”, “Fulani Settlements near military formations” in the South-East, South-South, Christian parts of South-West and Christian dominated parts of the old Middle-Belt, the North-West and the North-East. There are also “National Cattle Ranching and Fulani Settlement on Lands under Trunk A or Federal lands, roads and facilities” across the East.

There are also indiscriminate invasion, seizure and confiscation of Igbo communal lands including forests, bushes and farmlands by Jihadist Fulani Herdsmen and their patrons on one hand and authorities of the Nigerian Army on the other as elaborately captured in this Special International Report. Governments of various States across the East are also being remotely forced or coerced by Government of Nigeria under Tinubu to deceitfully grab community farmlands and fallow others from their indigenous owners for onward remote transfer for permanent Nomadic Fulani settlements. As a matter of fact, the Nigerian Governments since 2015 have earned notoriety in the use of 'Cultural Violence' as major security, defense and law enforcement strategies including recent times' elevation of the lives of Fulani cows, their owners and herders beyond those of natural non-Muslim citizens of Nigeria particularly Igbo citizens of the East.

The above is to the extent that presently, lives and properties of Muslims in Nigeria particularly in the North look much more protected in the hands of the country's Security Forces than those of their Christian and other non-Muslim counterparts.

In the area of law enforcement operations, Muslims are much more likely to be overlooked in matters of perpetration of violent and non-violent crimes than their non-Muslim counterparts particularly members of the Igbo Ethnic Nationality and Christians in the North.

It has been investigated and found that estimated 90% of those killed, arrested and detained in the East are members of unarmed and innocent civilian population who are also victims of class criminalization, false labeling, ethnoreligious profiling and hearsay conclusions. Cultural Violence was also the order of the day against Igbo residents and other Christian citizens in Lagos State during the 2023 Presidential and Governorship Elections-during which key top functionaries of the Government of Lagos State directly or indirectly spearheaded the campaign that made Igbo residents in the State terrified and unsafe during which hundreds of millions of naira worth of their properties and scores of lives were lost.

### **The Crime Of Aggression Under The International**

**Criminal Court:** Under the Rome Statute, as amended in the 2010 Kampala Review Conference, the Crime of Aggression "means the planning, preparation, initiation or execution, by a person in a position effectively to exercise control over or to direct the political or military action of a State, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations". A Crime of Aggression, also called "Crime against Peace", is further described as "planning, initiation, or execution of a large-scale and serious act of aggression using state military force against another sovereign State". It is generally accepted that the crime of aggression exists in International Customary Law. The definitions and the conditions for the exercise of jurisdiction over this crime by the International Criminal Court were adopted in 2010 at the Kampala Review Conference by the State Parties to the Court. Aggression is criminalized according to the Statute Laws of some countries and can be prosecuted under Universal Jurisdiction. Aggression is one of the core crimes in the ICC, alongside Genocide, Crimes against Humanity, and War Crimes.

## SECTION FIVE:

### International Standardization Of Law Enforcement Operations And Their Legal Limitations

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#### Terminological Definition Of Conduct-Atrocities:

**Extrajudicial Executions:** they are defined by international law as unlawful and deliberate killings carried out by policing and other security agents including soldiers by order of a government or with its complicity or acquiescence. See African Rights Charter of 1981 (ratified in 1983) and Int'l Covenant on Civil and Political Rights of 1976, ratified by Nigeria in 1993.

**Unlawful Killings:** they involve killings resulting from excessive use of force by law enforcement officials, which violate right to life guaranteed by Nigeria's 1999 Constitution (S.33), the International Covenant on Civil and Political Rights (Article 6.1) and the African Charter on Human and Peoples' Rights (Article 4), ratified and domesticated by Nigeria in 1983.

**Enforced Disappearance(s):** it is a situation where a person or persons are arrested, detained, abducted or otherwise deprived of liberty by the authorities or their agents, or people acting with their authorization, support or acquiescence, but the authorities do not acknowledge this or conceal the abducted persons' fate or whereabouts, placing them outside the protection of the law. These are provided in the UN Convention for the Protection of All Persons from Enforced Disappearance, signed and ratified by Nigeria on 27<sup>th</sup> July 2009.

**Summary Or Arbitrary Executions:** they are executions in which persons are accused of a crime or crimes and immediately killed outside conclusive criminal investigations and without benefit of a full and fair trial. See African Rights Charter of 1981 (ratified in 1983) and International Covenant on Civil and Political Rights of 1976, ratified by Nigeria in 1993. **All forms of** killings and maiming contrary to or in gross breach of the above international due processes and laws are technically or legally referred to as extra jus (beyond the law), extra-legal (beyond what the written criminal law provides) and extrajudicial (beyond court or judicial pronouncement or verdict).



**Torture:** it is any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. These are defined by the International Convention against Torture of 1985, signed and ratified by Nigeria in 2001.

**Offences Against Properties:** they are international criminal offences that affect another person or a group of persons' rights of ownership of properties including possession and control and are criminal by way of premeditated infliction of damage or destruction or unlawful possession of such properties by the attacking person or persons including members of the security establishments who perpetrate such conduct-atrocities in the course of their law enforcement operations and management; or malicious attacks on such properties by armed or unarmed non-state actors.

Internationally, violent attacks targeted at destruction of homes or dwelling houses or properties including centers of worship or learning are referred to as “domicide”, which, simply, is destruction of dwelling places or violently rendering an area uninhabitable. Property offences are also domestically categorized under 'violent street crimes' including theft, fraud, deception and making off without payment, criminal damage, arson, forgery, burglary, forcible entry or housebreaking, armed robbery, carjacking, kidnap-for-ransom, sea piracy, aircraft hijacking, etc. The genocidal offense of 'domicide', is presently placed under the United Nations Special Rapporteur on the Right to Adequate Housing, Balakrishnan Rajagopal (Mr.), a Professor of International Law and Development. In Nigeria, 'offences against properties' are a serious breach of the fundamental human right of any Nigerian citizen to acquire and own immovable property and to be adequately compensated, if maliciously or legitimately destroyed or dispossessed by public officials; or unlawfully destroyed or dispossessed by malicious non-state actors.

These are provided under Sections 43 and 44 of the 'Chapter Four' of Nigeria's 1999 Constitution as amended.

**Perpetrators Of Conduct-Atrocities:** They are a group of state actors or non-state actors involved in perpetrating and perpetuating heinous crimes against humanity; involving heinous offenses against persons, properties and society. There are also single perpetrator and a group of perpetrators. Perpetrators are further divided into “punished perpetrators” and “unpunished perpetrators”. Also abound are vicarious perpetrators and direct perpetrators; and “direct and indirect responsibility perpetrators”.

**Direct Responsibility Perpetrators:** They are perpetrators or atrocity criminals that ordered, supervised and executed the heinous crimes or conduct-atrocities who also facilitated or attempted to facilitate the destruction of evidence-and colluded in protecting the command structure and rank and file culprits of the culpable coercive establishments-resulting in their culpable officers and personnel not being fished out and brought to justice.

**Vicarious (Indirect) Responsibility Perpetrators:** They are identified as those superior officers or heads of coercive establishments or senior political actors vicariously responsible for the acts of their subordinates or, third parties that have the "right, ability or duty to control the activities of a violator, but failed or declined to do same". Vicarious liability or responsibility is also a liability assigned to an employer or other principal for his agent's or employee's acts performed in the course of employment or other duty. In the case of premeditated homicide, for instance, such employer may be arrested and charged for “manslaughter” while his employee who committed the act goes in for murder.

**Criminal Persons:** A **Criminal Person** is anybody that has globally attained 18 years of age who violates criminal laws generally categorized under 'mala in se' and 'mala prohibita' applicable and enforceable in his or her country or state or province of birth or naturalization or residency and has been procedurally subjected to the processes of **suspicion**, investigation, arrest and detention within prescribed timeframe, indictment, prosecution, fair trial and fair hearing; conviction and custodial or monetary penalty or community service sentencing.

## Strict Exceptions Under Which A Criminal Person Can Prejudicially Lose His/Her Life:

Exceptions to the above are strictly applicable when a suspected criminal person is violently on rampage with firing assault rifle or detonating explosives (i.e. improvised explosive devices) in the case of a suspected armed robber or armed abductor (kidnapper) or armed murderer or armed insurrectionist or armed terrorist or armed sea pirate or armed aircraft hijacker and their likes. Under the circumstances above, lawful or professional force (minimum) or that maximally proportionate to that use by any of the above categorized violent criminal persons may be applied by armed state actor(s) in order to stop the violent crime, apprehend the rampaging offender and restore sanity and safety to the affected environment.

It must, however, be noted that the intent (not to kill or destroy life or property) of the application of maximum proportionate force by armed state actor(s) must be different from that of any of the categorized violent criminal persons: to kill and destroy life and property or seize them. In other words, it is atrocious and severely punishable for armed state actor(s) to terminally shoot or kill a reasonably suspected violent criminal person who is unarmed at the time of his or arrest or attempted arrest. It is also an atrocious criminal act or conduct for armed state actor(s) to terminally shoot or kill any of the categorized suspected criminal persons who has been taken into custody; using “escape” or “attempted escape from the custody” as an excuse.

Strict exception applies only when there is organized armed jail break in a maximum security prison during which use of maximum force is strictly applied. The digitalization of criminality processes involving determination of the status of a 'criminal person', offense gravity and procedures for processing him or her has been made easy through electronic tracking and management devices. It must be noted that the overall aim of international standardization of the above highlighted procedures is to protect and preserve **the sanctity of human life and ensure freedom from torture and other inhuman or degrading treatments or punishments.**

**Criminal Persons Categorized:** Being 'a Criminal Person' locally and globally is irrespective of the gravity of offence he or she is alleged to have been committed or reasonably suspected to be committing; whether misdemeanor: including individual cybercrimes, property cybercrimes, criminal assaults, wandering, etc.,... attracting up to three years imprisonment in Nigeria; or treason, treasonable felony and felony: including government cybercrimes, arson, burglary, housebreaking, rape, murder, attempted murder, armed robbery, kidnapping, terrorism, insurrection, etc.,...attracting more than three years and life imprisonment on conviction in Nigeria. It must be globally noted that criminal persons under 15 years of age including in Nigeria are categorized and processed under Juvenile Delinquency Laws applicable and enforceable in different countries. In Nigeria and many UN Member-States, a child under seven years and a person of insanity, are incapable of committing criminal offenses-owing to absence of a mandatory coherence between guilty act (actus reus) and guilty mind (mens rea). Directors of corporate bodies indicted for criminal homicides in Nigeria, for example, are liable for offense of manslaughter; likewise, perpetrators of road, aviation and marine accidents.

In Strict and Statutory Liability Offenses such as road traffic and safety offenses, etc.; other than road accidents, they are categorized under "Simple Offenses" in Nigeria and, generally, 'coherence of actus reus and mens rea' (physical action or act and mental mind) are not required as a condition for prosecution. **'Strict Liability Offenses'** are a civil or criminal circumstance whereby a defendant is held accountable for behavior regardless of intentions or 'mens rea'. **'Statutory Liability Offenses'**, on their part, exist both in tort and criminal law and, criminally, they exist when a defendant is liable for committing an action, regardless of what his or her intent or mental state was when committing the action.

**Offense of 'Manslaughter'** is a crime of killing a human being without malice afterthought, or in circumstances not amounting to murder. A clear case of 'Manslaughter' is a killing arising from a road accident.

Generally speaking, **offenses of 'mala in se'** (i.e. murder, terrorism, rape, insurrection, kidnapping, armed robbery, sea and air violent crimes, etc.) are simply a set of criminal laws with universal applicability and enforceability while **offenses of 'mala prohibita'** (i.e. gay crimes, drug-related offenses, gambling, sexual profligacy: adultery, harlotry, etc.) are simply a set of criminal laws without universal applicability and enforceability; differing from one country to the other.

**Victims Of Heinous Humanity Crimes Under UN:** According to the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Office (1985), they are “persons, who, individually or collectively, have suffered harm including harms arising from physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental human rights, through acts or omissions that are in violation of criminal laws operative within Member-States of the United Nations including those laws prohibiting abuse of power. The victims include, where necessary, the immediate family or dependant of the direct victim and persons who have suffered harm in intervening to assist people in distress or to prevent victimization”.

**Other Internationally Prohibited Acts Or Conducts:** They include unlawful imprisonment, unlawful killings, unlawful executions, extrajudicial killings, abduction and disappearance of slain victims' bodies, sexual violence including mass rape, persecution against an identifiable group on the grounds of tribe or ethnicity and religion; enforced disappearance of persons, torture and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health and acts of propagation and promotion of radical ethnicity or religion (i.e. Nomadic Jihadism or Radical Islamism in Nigeria) leading to ethnic or religious cleansing or ethnocide or 'religocide'; etc. Widespread and unchecked perpetration and perpetuation of the above can snowball or lead any of the three out of the Four ICC Crimes: Crimes against Humanity or War Crimes or Genocide. In the Rwandan Genocide of April-July 1994, all the internationally prohibited acts or conducts listed above were brazenly manifested, perpetrated and perpetuated.

## **Understanding Of “Positive Peace” In Place Of Structural, Cultural And Physical Violence:**

**A**bsence of 'Physical Violence' brings about “Negative Peace” while absence of the trio of 'Structural Violence, Cultural Violence and Physical Violence' brings about “Positive Peace” including stability, development and great transformations. Typical cases in point are recent years' great developments and transformations recorded in the Republics of Malaysia, Singapore, South Korea, Hong Kong, Taiwan and China from their turnarounds in 1980s and 1990s. For the record, Taiwan was formerly known as “the Republic of China (ROC)” under the leadership of Chiang Kai-shek (born Oct 31, 1887 and died on April 5, 1975) and represented the People of China as foundational Member-State of the United Nations until Oct 25, 1971 when it was replaced by the “People's Republic of China (PRC)” via Resolution 2758 adopted by the 26<sup>th</sup> Session of the United Nations General Assembly. Flowing from the above, the People's Republic of China's socioeconomic 'Great Reforms and Opening Up' of 1980s is attributed to one of its famous leaders: Deng Xiaoping (born on August 1904 and died on Feb 19, 1997)-also reputed as “Architect of Modern China”. Today, China is the world's most populous country substantially devoid of 'provincial, ethnic and religious cleavages and soaked in 'structural, cultural and physical violence'. Before the Chinese turnarounds of 1980s through 1990s, the country experienced “Great Leap Forward” and “Great Chinese Famine” arising from structural, cultural and physical violence.

## **Understanding The Preeminence Of “Positive Peace” In Place Of Structural, Cultural And Physical Violence:**

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## Historic Construction Of China's “Great Hall Of The People” Of Sept 1959 Through Direct Labor

**B**efore the Chinese turnarounds of 1980s through 1990s, the country had experienced “Great Leap Forward” and “Great Chinese Famine” arising from unchecked promotion and escalation of structural, cultural and physical violence. After the first [Five-year plans of China](#) was completed ahead of schedule in 1956, the [CPC Central Committee](#) began to consider about building a larger auditorium in Beijing. At the [Beidaihe meeting in late August 1958](#), the CPC Central Committee decided to build a number of major architectural projects in Beijing including the Great Hall of Ten Thousand People, and requested that it be put into use in October 1959 before the tenth anniversary of the founding of the People's Republic of China. Since the decision to build to be completed in just over a year and a month, time is very intensive. On September 5, 1958, [Wan Li](#), the vice mayor of Beijing, conveyed the central government on the preparations for the [10th Anniversary](#).

Beijing immediately set up by [Feng Peizhi](#) responsible for the project and headed by [Zhang Bo](#) as the chief architect of the Great Hall Design Group, in a very short period of time selected the design of the Great Hall of the eight programs, and in a wide range of opinions on the basis of [Tsinghua University](#), [Beijing Municipal Bureau of Planning Administration Design Institute](#) (President Shen Bo), [Beijing Municipal Bureau of Planning Administration](#), to draft a comprehensive program respectively.

In early September 1958, the Beijing Municipal Planning Bureau determined that the Great Hall of Ten Thousand People and the Museum of Revolutionary History would be located on both sides of Tiananmen Square. In the early morning of September 9, 1959, Mao Zedong, Chairman of the Central Committee of the Communist Party of China, visited the construction site. During the visit, Wan Li, the vice mayor of Beijing, suggested that the Great Hall of the People had not yet been officially named. After some discussion, Mao finalized the name "Great Hall of the People". In that night, the Great Hall was fully completed and put into use, and Mei Lanfang performed the Drunken Beauty in the 10,000-strong auditorium to show his condolences to the construction troops.

The Great Hall of the People was opened in September 1959 as one of the "Ten Great Constructions" completed for the 10th Anniversary of the PRC. The decision to build the Hall was made by the politburo in August 1958. Zhou Enlai believed the final design should give the message that "the people are the masters of the country". After design proposals were submitted, a group of architects from across the country chose the winning design by Zhao Dongri and Shen Qi. Zhang Bo was appointed as the chief architect. The construction took 10 months, 7,785 workers and was fashioned with military-like strategies that emulated the Great Leap Forward.

Designed to symbolize the national unity and ethnic equality of the nation, the Great Hall embodied the new Chinese character of time in its features, proportion and details. The building covers 171,801 square meters (1,849,250 sq ft) of floor space, it is 356 meters (1,168 ft) in length and 206.5 meters (677 ft) in width.

The center's highest point reaches 46.5 meters (153 ft). At the eaves of the main gate hangs the national emblem of the PRC. The Great Hall of the People consist of three sections.

1. The central section principally includes the Great Auditorium, the Main Auditorium, the Congress Hall (Standing Committee of SCPPC meets in conference), the Central Hall, the Golden Hall and other main halls.
2. The northern section consists of the State Banquet Hall, the Salute State Guest Hall, the North Hall, the East Hall, the West Hall and other large halls.



3. The southern part is the office building of the Standing Committee of the [People's Congress of China](#).

Among them, the central hall covers an area of 3,600 square meters. The retaining walls and floor are paved with colored marble. There are 20 white marble pillars around. There is a 12-meter (39 ft 4 in)-wide corridor on the middle floor. There are 6 main entrances leading to the Great Hall of Ten Thousand. Each province, special administrative region, autonomous region of China has its own hall in the Great Hall, such as Beijing Hall, Hong Kong Hall and Hainan Hall. Each hall has the unique characteristics of the province and is furnished according to the local style. Upon its completion, the Great Hall became China's largest auditorium which had previously been the [Sun Yat-sen Auditorium](#). [The Great Auditorium, with volume of 90,000 cubic meters \(3,200,000 cu ft\), seats 3,693 in the lower floor, 3,515 in the balcony, 2,518 in the gallery and 300 to 500 on the dais. Government leaders make their speeches; and the representatives do much of their business. It can simultaneously seat 10,000 representatives.](#)

The ceiling is decorated with a galaxy of lights, with a large red star is at the center of the ceiling, and a pattern of a water waves nearby represents the people. Its facilities equipped with audio-visual and other systems adaptable to a variety of meeting types and sizes. A simultaneous interpretation system is also provided with a language booth. The State Banquet Hall with an area of 7,000 square meters (75,000 sq ft) can entertain 7,000 guests, and up to 5,000 people can dine at one time (as was done when Richard Nixon visited China in 1972). Smaller gatherings can be held in the Main Auditorium, with larger groups having the use of one or more of the conference halls, such as Golden Hall and North Hall, and the smallest assemblies accommodated in one or more of the over 30 conference halls that are named after provinces and regions in China. The above not only marked the turning point in China's politico-socio-economic transformation but also marked the first invention of direct labor approach to nation's building.

## SECTION SIX:

### Justiciable Fundamental Human Rights Provisions In Nigeria

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The 'Justiciable' Fundamental Human Rights are contained in the Chapter Four of Nigeria's 1999 Constitution from Section 33 to Section 46 and they include guaranteed rights to life (s.33), dignity of human person (s.34), personal liberty (s.35), fair hearing (s.36), privacy and family (s.37); freedom of worship (s.38), expression (s.39), assembly and association (s.40), lawful movement (s.41), freedom from discrimination (s.42); and rights to acquisition and ownership of immovable properties (s.43). Fundamental Human Right to compensation over property dispossession and destruction by state actors, sub-state actors and non-state actors is contained in Section 44 while limitations to the exercise of rights to privacy and family, worship, expression, assembly, association and movement are contained in Section 45 while citizens' rights to 'judicial safeguards and remedies' are guaranteed under Section 46 of Nigeria's 1999 Constitution or in 'Section 46 of the justiciable Chapter Four'.

**Fundamental Liberties:** By Section 35 (4) of the justiciable Chapter Four of the 1999 Constitution: “any person who is arrested and detained in accordance with subsection 1(c) of this Section shall be brought before a Court of Law within a reasonable time and if he is not tried within a period of- (a) two months from the date of his arrest or detention in the case of a person who is in the custody or is not entitled to bail (in the case of a person arrested and detained over capital offenses of treason, treasonable felony, terrorism, insurrection, armed robbery, abduction, murder, etc.); or (b) three months from the date of his arrest or detention in the case of a person who has been released on administrative bail, he (or she) shall (without prejudice to any other further proceedings that may be brought against him (or her) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he (or she) appears for trial at a later date”.

It must further be stated that other than the circumstances highlighted above for purposes of subsection 4, an arrested person in Nigeria is not liable to be arrested and detained beyond 24 hours or 48 hours without fair trial and fair hearing.

Relatedly, by Section 36 (8) of the justiciable Chapter Four of the 1999 Constitution, “no person shall be held to be guilty of a criminal offense on account of any act or omission that did not at the time it took place, constitute such an offense, and no penalty shall be imposed for any criminal offense heavier than the penalty in force at the time the offense was committed”. By Section 36 (12), “subject as otherwise provided by this Constitution, a person shall not be convicted of a criminal offense unless that offense is defined and the penalty therefor is prescribed in a written law; and in this subsection, a written law refers to an Act of the National Assembly, or a Law of a State, and any subsidiary legislation or instrument under the provisions of a law (subject to the provisions of the 1999 Constitution)”. Similarly, by Section 4 (8) of the 1999 Constitution, “save as otherwise provided in this Constitution, the exercise of legislative powers by the National Assembly or a State House of Assembly shall be subject to the jurisdiction of courts of law and of judicial tribunals established by law; and accordingly the National Assembly or a State House of Assembly shall not enact any law, that ousts or purports to oust the jurisdiction of a court of law or of a judicial tribunal established by law”.

By Section 4(9), “notwithstanding the following provisions of this Section, the National Assembly or a State House of Assembly, shall not, in relation to any criminal offense whatsoever, have power to make any law which shall have retrospective effect”. By Section 315 (1) “subject to the provisions of this Constitution, an existing law shall have effect with such modifications as may be necessary to bring it into conformity with the provisions of this Constitution and shall be deemed to be- (a) an Act of the National Assembly to the extent that it is a law with respect to any matter on which the National Assembly is empowered by this Constitution to make laws; and (b) an Law made by a House of Assembly to the extent that it is a law with respect to any matter on which a House of Assembly is empowered by this Constitution to make laws”.

In other words, Sections 4 (8) and 315 (3) of the 1999 Constitution forbid the National Assembly or a State House of Assembly from making laws that oust the jurisdiction of courts over all laws made in Nigeria or any part thereof.

## **Citizens' Rights To Self Defense In The Criminal Code And The Penal Code Acts Of 2004**

**U**nder Sections 286-293 of the Criminal Code Act of 2004 for Southern Nigeria and Sections 59-67 of the Penal Code Act of 2004, private citizens or civilians have rights to self-defense. Right to Self-Defense applies: “when a person is unlawfully assaulted, and has not provoked the assault, it is lawful for him to use such force to the assailant as is reasonably necessary to make effectual defense against the assault: Provided that the force used is not intended, and is not such as is likely, to cause death or grievous harm. If the nature of the assault is such as to cause reasonable apprehension of death or grievous harm, and the person using force by way of defense believes, on reasonable ground, that he cannot otherwise preserve the person defended from death or grievous harm, it is lawful for him to use any such force to the assailant as is necessary for defense, even though such force may cause death or grievous harm”.

## **Invalidity Of 'Ouster-Clause' On Constitutional Right To Life**

**T**he smuggled in of an 'ouster clause' by insertion of subsection 2 into the Constitutional Right to Life in Section 33 of the 1999 Constitution is impracticable especially for those in security-intelligence, defense and policing establishments who have wrongfully and unlawfully taken refuge in the subsection 2 as a 'license to kill at will' and on the basis of 'hearsay conclusions' or 'hate, crude and unprofessional policing or soldiering'.

The erroneously understood and misinterpreted subsection 2 provides: “a person shall not be regarded as having been deprived of his life in contravention of this section (s.33) if he dies as a result of the use to such and in such circumstances as are permitted by law, of such force as is reasonably necessary- (a) for the defense of any person from unlawful violence or for the defense of property; (b) in order to effect a lawful arrest, or to prevent the escape of a person lawfully detained; or (c) for the purpose of suppressing a riot, insurrection or mutiny”. The Principal Section 33 has guaranteed as follows: “every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offense of which he has been found guilty in Nigeria”.

### **Clear And Unambiguous Meaning Of The Subsection 2 Of Section 33:**

It must be noted that the inserted subsection 2 is not 'a permissible derogation' or license to kill at will any member of the unarmed civilian population in Nigeria including unarmed protesters or picketers or an unarmed and defenseless detainee or inmate or a group of unarmed and defenseless detainees or inmates running for safety in the event of armed confrontation between law enforcement agents and invading armed non-state actors. Rather, the subsection 2 is a failed defense for relatives or families of members of the Nigerian security forces including military, police, secret police and paramilitary personnel who may have claimed that their family members in the security forces have been 'killed unlawfully' by armed non-State actors in defense of persons or properties. The subsection 2 is also a failed defense for relatives or families of armed non-State actors killed while violently armed during exchange of gunfire with members of the drafted security forces during law enforcement operations. The two, though morally reprehensible, but they technically represent “legitimate killings” in the eyes of international humanitarian law and its international rules of engagement and principles of use of force and its proportionality.

It therefore follows the constitutional subsection 2 of Section 33 is strictly restricted to killings arising from verified armed confrontations between armed State actor and armed non-State actor fighting parties during law enforcement operations and allied circumstances.

Hiding under the pretext of “the subsection 2” to open fire at unarmed citizens with live bullets, shoot them at close range and terminal body parts and instantly kill them, is a clear case of mass murder and not within the literal contemplation of the subsection 2; likewise rounding up or mass-arresting unarmed citizens alive and taking them alive into detention where they are shot and killed or tortured to death in custody. The above is also irrespective of the gravity of offense under allegation.

The intendment of the 1999 Constitution on subsection 2 under is therefore clear and unambiguous going by the 'literal rules of interpretation' under which the 1999 Constitution and its wordings are strongly believed to have been framed and worded.

The 'literal rules of interpretation' prescribes that “words should be given their ordinary meaning when statutes are being interpreted'. The application or enforcement of the subsection 2 of Section 33 is also strictly regulated by Seven Elements of Crime or Criminal Behavior: (a) harm, (b) legality, (c) actus reus, (d) mens rea, (e) causation, (f) concurrence and (g) punishment. The provision of subsection 2 is similar to those under Sections 286-293 of the Criminal Code Act of 2004 and Sections 59-67 of the Penal Code Act of 2004, under 'Citizens' Rights to Self Defense'; which respectively provide: If the nature of the assault is such as to cause reasonable apprehension of death or grievous harm, and the person using force by way of defense believes, on reasonable ground, that he cannot otherwise preserve the person defended from death or grievous harm, it is lawful for him to use any such force to the assailant as is necessary for defense, even though such force may cause death or grievous harm. The above is strictly in line with the International Criminal Law's Principle of Use and Proportionality of Force.

## **Right To 'Personal Firearms' In Aid Of Right To Self Defense In Nigeria**

In Nigeria, except 'personal defense weapons' or “personal firearms”, others including pistols, revolvers, submachine guns, shotguns, battle rifles, assault rifles, sniper rifles, machine guns, carbines, designated marksman rifles, multiple-barrel firearms, grenade launchers, underwater firearms, anti-tank rifles, anti-materiel firearms, improvised explosive devices and other variants; other than personal defense weapons, are classified as “prohibited firearms”.

The above is according to the Firearms Act of 2004. 'Light Weapons' such as small caliber cannons, improvised explosive devices, light support weapons, combat grenades, anti-personnel landmines, mortars, anti-tank weapons, anti-tank mines, machine guns, grenade launchers, submachine guns, anti-tank rifles, under-water firearms, etc., are also categorized under "Prohibited Firearms" by Nigeria's Firearms Act of 2004.

According to Section 3 of the Firearms Act of 2004, "No person shall have in his possession or under his control any firearm of one of the categories specified in Part I of the Schedule to this Act (in this Act referred to as a "Prohibited Firearm") except in accordance with a license granted by the President acting in his discretion.

On the other hand, the use of "unprohibited firearms" or personal defense weapons (for self-defense, hunting, gaming and other domestic uses) in Nigeria mandatorily requires a renewable license issued by the Inspector General of Police while the special use of Prohibited Firearms is subject to issuance of a license directly by the President of Nigeria. Unprohibited or personal firearms include pump action, single barreled, double barreled, Dane guns and their likes and allied ammunitions. By Section 4 of the Act, " No person shall have in his possession or under his control any firearm of one of the categories specified in Part II of the Schedule to this Act (in this Act referred to as a "Personal Firearm") except in accordance with a license granted in respect thereof by the Inspector-General of Police, which license shall be granted or refused in accordance with principles decided upon by the President". Penalties for breach of the two are stipulated under Section 27 of the Act, attracting Five Years to Ten Years Imprisonment on conviction.

## **Law Enforcement Provisions Subjected To Human Rights Laws In Nigeria**

**A**ll Law Enforcement operations in Nigeria or any part thereof, by law, are strictly regulated by the country's 'justiciable' Fundamental Human Rights provisions or laws and provisions of Nigeria's ratified or domesticated regional and international human rights instruments; otherwise called "Human Rights and Humanitarian Treaty Laws of the Federation 2004".

These Fundamental Human Rights Provisions are contained in the 1999 Constitution of Nigeria as amended. This is by virtue of 'the Chapter Four' of the Constitution. Other 'morally binding' Collective or 'Social Contract' Human Rights provisions are contained in the 'Chapter Two' of Nigeria's 1999 Constitution. Going by Section 1(3) of the Constitution, these Constitutional human rights in the Chapter Four and the Chapter Two solidly maintain their supremacy over all the law enforcement provisions in the Nigerian Criminal Laws, enacted or deemed to have been enacted by National Assembly of Nigeria and Houses of Assembly of the country's 36 States.

By order of seniority and superiority, the country's law enforcement provisions are under the strict regulation of Nigeria's regional and international human rights and humanitarian instruments including the African Charter on Human and People's Rights of 1981 (ratified and domesticated by Nigeria in 1983) and the UN Covenant on Civil and Political Rights of 1976 (ratified by Nigeria in 1993). Others are the UN Statute on Refugees of 1951, the Rome Statute for International Criminal Court of 1998 and the Four Geneva Conventions of 1949 and their Three Protocols of 1977 and 2005, etc. Specifically, by Section 4 (5) of the 1999 Constitution, "if any law enacted by the House of Assembly of a State is inconsistent with any law validly made by the National Assembly, that made by the National Assembly shall prevail, and that other law shall to the extent of the inconsistency be void".

It also follows that by order of seniority and superiority, the provisions of the 1999 Constitution including the Fundamental Human Rights and the 'Collective or Group Human Rights' provisions are supreme and above all law enforcement provisions in Nigeria. The second most supreme in this category are Nigeria's Human Rights and Humanitarian Treaty Laws. The third supreme laws in Nigeria are the Laws of the Federation or Acts of the National Assembly; enacted or deemed to have been enacted; after which; the Laws made by Houses of Assembly of the country's 36 States follow; followed by laws of the Local Governments or Local Government Areas' Bylaws.

The supremacy and seniority status of the Fundamental Human Rights provisions in the Chapter Four of the Constitution are so grounded and fundamental that several draconian provisions in the likes of the Terrorism Prevention Act of 2013 (and its 2022 amended versions), the EFCC Act of 2004, the Cybercrime (Stalking) Act of 2015 including Section 24 of the Act and obnoxious others; can never invalidate Section 35 and its subsection 4 of the 1999 Constitution or Personal Liberty provisions.



## **'Social Contract' Or 'State Responsibility' Human Rights Provisions In Nigeria**

**T**he Constitution of Nigeria, 1999; the country's subsisting 'Mother-Law' grandly provides for 'Social Contract' or 'State Responsibility' Human Rights in which the country's elected and appointed public office holders, numbering about 17, 500, are charged with their protection, implementation and enforcement responsibilities.

The Nigeria's Constitutional 'State Responsibility Human Rights' are provided in the 'Chapter Two' under Fundamental Objectives and Directive Principles of State Policy or 'Social Contract Chapter' (Sections 13-24); and according to Section 13 of the Constitution: "it shall be the duty and responsibility of all organs of government, and all authorities and persons, exercising legislative, executive or judicial powers or duties, to conform to, observe and apply the provisions of this Chapter (Two) of this Constitution."

Observed was an attempt to legally neutralize the Chapter Two with an 'ouster clause'. This is by insertion of Section 6 (6) (c) into the Constitution, otherwise called 'the Chapter Two Ouster Clause'; which attempted to bar the Judiciary from litigating or enquiring on matters containing in the Chapter Two including judicial declarations, compensatory justice and punishment of any erring member of the country's 17, 500 elected and appointed public office holders over the breaches of the Constitutional 'State Responsibility Human Rights' provisions and their implementations under the Chapter Two. It must however be noted that the militarist provision of Section 6, (6) (c) is a serious affront to Sections 4 (8) and 315 (3) of the 1999 Constitution which recognize the powers of the Judiciary to assume jurisdiction or take jurisdictional charge of all the constitutional provisions and other legislative activities of Federal, State and Local Government Legislatures and their Executive Arms including passage of Acts of National Assembly and their Subsidiary Legislations; Laws of the 36 States and their Subsidiary Legislations; Byelaws and Legislative Actions of Nigeria's 774 constitutionally recognized Local Government Areas and all the Executive Actions of the Federal, the State and the Local Government Executives Arms of Government in Nigeria.

However, the undemocratic intents of the smugglers of the 'Chapter Two Ouster Clause' into the 1999 Constitution have been dealt a heavy blow by virtue of the provisions of the Chapter Two having strong moral binding effect on the country's elected and appointed public office holders. The above is also on account of the fact that many, if not most of the Chapter Two's 'Collective and State Responsibility Human Rights' are substantially 'justiciable' or litigable going by the provisions of the country's Human Rights Treaty Laws or international human rights instruments which Nigeria is signatory to; with most important of them being the provisions of the African Charter on Human and People's Rights of 1981 (ratified and domesticated by Nigeria since 1983). Also going by the universally standardized "Principle of Indivisibility and Indesolubility of Human Rights", the (justiciable) Fundamental Human Rights Provisions in Sections 33-46 has made it compelling for Superior Courts of Record to enquire or litigate on the Civil and Political Rights, the Economic, Social and Cultural Rights; the Environmental Rights (Third Generation Human Rights) and the Group Rights (Fourth Generation Human Rights; i.e. Rights to Self Determination, Development and Ethnic Identity). The above is more so when Superior Courts of Record in Nigeria cannot competently enquire or litigate on the breaches of citizens' Fundamental Human Right to life without inclusion of their human rights to safety, shelter, clothing, work, food, health and standard education and right to information.

**The 'Social Contract' Or 'State Responsibility Human Rights' in the Constitutional Chapter Two and their protection and enforcement mechanisms**

as a morally mandatory governance duty for the country's elected and appointed public office holders are provided as follows: Section 13 of the Constitution: “it shall be the duty and responsibility of all organs of government, and all authorities and persons, exercising legislative, executive or judicial powers or duties, to conform to, observe and apply the provisions of this Chapter (Two) of this Constitution”, Section 14(1), “the Federal Republic of Nigeria shall be a State based on Principles of Democracy and Social Justice”; 14 (2) “it is hereby declared that sovereignty belongs to the People of Nigeria from whom government through this Constitution derives all its powers and authority”; 14 (2) (b) “the security and welfare of the People (human-security) shall be the primary purpose of the Government”; 14 (2) (c) “the participation by the People in their Government shall be ensured in accordance with the provisions of this Constitution”; Section 14 (3), “the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that Government or any of its agencies”; Section 15 (1), “the motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress”; 15 (2) accordingly, “national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited”.

Others: Section 15 (3): “for the purpose of promoting national integration, it shall be the duty of the State to-(a) to provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation; (b) secure full residence rights for every citizen in all parts of the Federation; (c) encourage intermarriages among persons from different places of origin, or of different religious, ethnic or linguistic associations or ties; and (d) promote and encourage formation of associations that cut across ethnic, linguistic, religious or other sectional barriers; 15 (4) the State shall foster a feeling of belonging and of involvement among the various peoples of the Federation, to the end that loyalty to the nation shall override sectional loyalties; 15 (5) the State shall abolish all corrupt practices and abuse of power.” It must also be pointed out that the establishment of the ICPC Act of 2000, the EFCC Act of 2004 and the Money Laundering Act of 2022 was predicated on Section 15 (5) of the 1999 Constitution, which “abolishes all forms of corrupt practices and abuse of office in Nigeria”. The Code of Conduct Act of 2004 is also a creation of Sections 15 (5), 153 (1) (a) and 315 of the 1999 Constitution as amended. Corruption, generally, is concisely defined as “the abuse of entrusted power or influence for private gain”. Further, Section 16 of the Constitutional Chapter Two charges the State on citizens’ inclusion in its economic policies including empowerment and balanced distribution. By Section 17 “the State Social Order is founded on ideals of Freedom, Equality, and Justice”; 17(2) (a) “in furtherance of this social order: (a) every citizen shall have equality of rights, obligations, and opportunities before the law”; 17 (2) (b) “the sanctity of human person shall be recognized and human dignity shall be maintained and enhanced”; 17 (2) (c) “government actions shall be humane”. Section 17 (2) (d) “exploitation of human and natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented”; 17 (2) (e) “the independence, impartiality, and integrity of courts of law, and easy accessibility thereto shall be secured and maintained”. By Section 18 (1) “Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels; 18 (2) Government shall promote science and technology; (3) Government shall eradicate illiteracy; and to this end, Government shall as and when practicable provide: (a) free, compulsory and universal primary education, (b) free university education and (c) free adult literacy program”.

By Section 20 of the Chapter Two: “the State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria”. By Section 21 “the State shall (a) protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the Fundamental Objectives as provided in this Chapter; and (b) encourage development technological and scientific studies which enhance cultural values”.

By Section 22 “the press, radio, television and other agencies of the mass media shall all times be free to uphold the Fundamental Objectives contained in this Chapter and uphold the responsibility and accountability of the Government to the People.” By Section 23 “the national ethics shall be Discipline, Integrity, Dignity of Labor, Social Justice, Religious Tolerance, Self-Reliance and Patriotism”.

By Section 24 “it shall be the duty of every citizen to-(a) abide by this Constitution, respect its ideals and institutions, the National Flag, the National Anthem, the National Pledge, and legitimate authorities; (b) help to enhance power, prestige and good name of Nigeria, defend Nigeria and render such national service as may be required; (c) respect the dignity of other citizens and rights and legitimate interests of others and live in unity and harmony and in the spirit of common brotherhood; (d) make positive and useful contribution to the advancement, progress and well-being of the community where he resides; (e) render assistance to appropriate and lawful agencies in the maintenance of law and order; and (f) declare his income honestly to the appropriate and lawful agencies and pay his tax promptly”.

Relatedly, by Section 10 of the 1999 Constitution, “the Government of the Federation or of a State shall not adopt any religion as State Religion” and its Section 1 (3), “if any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall to the extent of the inconsistency be void”.

It must clearly be pointed out that **“the indivisibility and indissolubility” of the Federation of Nigeria as contained in Section 2 (1) of the 1999 Constitution is strictly dependent on strict compliance with the above explained provisions of the Chapter Two by the country’s elected and appointed public office holders exercising legislative, judicial and executive powers and duties: presently numbering about 17,500. In other words, their non-substantial compliance cannot and will never secure Nigeria to the extent of its ‘indivisibility and indissolubility’.** Apart from the Constitutional Fundamental Human Right to “SPEAK OUT” or right to freedom of expression granted to Democracy and Human Rights Advocacy CSOs such as **the Intersociety, people of the mass media or media practitioners** and others including Nigerian individual or group citizens; guaranteed under Sections 22 and 39 of the 1999 Constitution; Section 1A (f) of the Terrorism Prevention Act of 2013 and its amended 2022 version also empower Civil Society Organizations (CSOs) by directing the Government “to partner with them and the Nigerian Public to provide necessary education, support, information, awareness and sensitization towards the prevention and elimination of acts of terrorism”.

## **SECTION SEVEN:**

### **Management And Regulation Of Criminal Offenses And State Actor Misconducts In Nigeria**

#### **Laws And Procedures Checkmating Law Enforcement Excesses**

**C**riminal offenses in Nigeria are defined according to penalties or punishments attached and their regulatory and punishment laws are enacted in mandatory conformity with the provisions of the 1999 Constitution and the country's Human Rights and Humanitarian Treaty Laws. There are 'Statutory Criminal Laws' and 'Decided Case Criminal Laws', put in place to identify and process criminal offenses and their offenders; and to regulate and curtail the excesses of the Law Enforcement Agencies, Agents and their operations and other official conducts in Nigeria or any part thereof. Criminal offenses in Nigeria are contained in the Criminal Code Act of 2004 (for the South) and the Penal Code Act of 2004 (for the North) and are the creation of the 1999 Constitution by amendment or retention in accordance with the provisions of Section 315 of Nigeria's 1999 Constitution. Their processing or management procedures are contained in the recently unified 'Administration of Criminal Justice Act of 2015', replacing the Criminal Procedure Act for the South and the Penal Procedure Act for the North. The Code of Conduct Act of 2004 is another key statutory law in Nigeria put in place to checkmate public officers corrupt and other criminal conducts or criminal excesses of the elected and appointed public office holders in the country.

It must be pointed out that By Section 287 (1) of the 1999 Constitution, “judicial decisions or pronouncements arising from the Supreme Court of Nigeria shall be enforced in any part of the Federation by all authorities and persons, and by any court with subordinate jurisdiction to that of the Supreme Court”.

By Section 287 (2), “the decisions of the Court of Appeal shall be enforced in any part of the Federation by all authorities and persons, and by courts with subordinate jurisdiction to that of the Court of Appeal”; and by Section 287 (3), “the decisions of the Federal High Court, a State High Court and of all other courts established by this Constitution shall be enforced in any part of the Federation by all authorities and persons, and by other courts of law with subordinate jurisdiction to that of the Federal High Court, a State High Court and those other courts, respectively”. It must also be noted that no judgment of any of these courts mentioned in subsections 1, 2 and 3 of the Constitutional Section 287 shall make pronouncements or give decisions that are not in conformity with the provisions of the 1999 Constitution or interpret any of its provisions out of context or vaguely outside the literal meaning of the wordings of the Constitution; using the Literal Rule of Interpretation upon which the provisions of the 1999 Constitution are worded or framed.

The Evidence Act of 2011 with amendments carried done and completed in Sept 2023; is a key statutory Act of the National Assembly, amended to bring its provisions in conformity with global technological advancements in evidence and in tandem with human rights provisions in Nigeria's 1999 Constitution and the country's International Human Rights and Humanitarian Treaty Laws. The amended Evidence Act of 2023 is mandatorily applicable to all judicial proceedings in or before courts in Nigeria. In matters of criminal investigation and prosecution under the Evidence Act, the Administration of Criminal Justice Act of 2015 and the Police Act; a prosecutor including a 'police-lawyer prosecutor' is allowed to file before a trial court a criminal complaint arising from any prosecutorial offense which investigation has been concluded. Such a prosecutor including 'a police-lawyer prosecutor' is allowed to continue with the investigations into other allegations connected to the main criminal offense under investigation by approaching the same trial court by way of 'amendment of charges' when their investigations are completed. The above is to forestall delayed trial and delayed justice including denial of speedy trial, fair hearing and endless criminal investigations.



By the provisions of the Administration of Criminal Justice Act of 2020 (ACJA) and the Police Act of 2020, 'Police Lawyers or Police-Lawyer Prosecutors' in Nigeria are empowered to prosecute criminal cases at all levels of courts include Magistrate, State High Court, Federal and FCT High Court and form part of appellate “prosecuting legal teams” or “defense legal teams” before the Court of Appeal and the Supreme Court. By Section 174 (b) of the 1999 Constitution, the Attorney General of the Federation “can take over and continue any such criminal proceedings that may have been instituted by any other authority or person; and (b) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted by him or any other authority or person”. The Attorney General of a State is granted the same constitutional powers in Section 211 (b) (c) of the 1999 Constitution. Law enforcement provisions in Nigeria are contained in the Nigeria Police Act, the EFCC Act, the ICPC Act, the Money Laundering Act, the National Agency for Trafficking in Persons Act, the NDLEA Act, the Terrorism Prevention Act, etc.

The Nigeria Police Act of 2020 and the Armed Forces Act (for Army, Navy and Airforce) of 2004 are also a creation of the 1999 Constitution. This is by virtue of Sections 214 (for the NPF) and 217 (for the Armed Forces) of the 1999 Constitution. The National Security Agencies Act of 1986 as amended (for the Defense Intelligence Agency, the National Intelligence Agency and the State Security Service) is also a creation of the 1999 Constitution and its Section 315 (5). By Sections 4 (1) and 315 (1) of the 1999 Constitution, the Federal Road Safety Act of 2004, the Terrorism Prevention Act of 2013, the ICPC Act of 2000, the EFCC Act of 2004, the NDLEA Act of 1989 as amended, the National Agency for the Prohibition of Trafficking in Persons Act of 2003, the Money Laundering (Prevention and Prohibition) Act of 2022, the Firearms Act of 2004, the Armed Robbery Act of 1986 as amended, the Nigerian Security and Civil Defense Act of 2007, the Nigerian Customs Service Act of 2004, the Nigerian Immigration Act of 2004, the Nigerian Fire Service Act of 2004, the Nigerian Correctional (Prisons) Service Act of 2019, etc.; are the creation of the 1999 Constitution. The operations and enforcement of these federally enacted law enforcement laws in Nigeria are primarily subject to the provisions of the Criminal Code Act of 2004, the Penal Code Act of 2004 and their unified Administration of Criminal Justice Procedure Act of 2015.

Included in the list above are Procedural Rules of States' High Courts, Federal and FCT High Courts, Court of Appeal and Supreme Court. These Rules of Courts are also created or made according to the dictates of the Fundamental Human Rights provisions in the 1999 Constitution, and Nigeria's municipally incorporated African Charter on Human and Peoples' Rights provisions and other international human rights and humanitarian instruments in the country's International Treaty Laws. The Laws of the 36 States are existentially made to be obedient to or bow before the Acts of the National Assembly and their Subsidiary Legislations while the Local Government Bylaws are existentially created to be obedient to or bow before the Laws of the 36 States and their Subsidiary Legislations including Procedural Court Rules of the States' High and Magistrate Courts. Created under Section 153 of the 1999 Constitution are 'certain federal executive bodies' including Code of Conduct Bureau, Council of State, Federal Character Commission, Federal Civil Service Commission, Federal Judicial Service Commission, Independent National Electoral Commission, National Defense Council, National Economic Council, National Judicial Council, National Population Commission, National Security Council, Nigeria Police Council, Police Service Commission and Revenue Mobilization, Allocation and Fiscal Commission. They are jointly called "Oversight Federal Executive Bodies" and are subject to the dictates of the provisions of the 1999 Constitution and its Fundamental and Collective Human Rights provisions in the Chapter Two and the Chapter Four.

For purpose of further clarity, criminal offenses in Nigeria are classified into: 'Crimes against the State' such as treason, treasonable felony, terrorism and insurrection; 'Crimes against Persons' such as murder, rape, abduction; 'Crimes against Properties' such as armed robbery, kidnap-for-ransom, cybercrimes and attacks on dwelling houses and facilities; and 'Offenses against Environment' such as environmental pollution, bush burnings, deforestation, etc. Nigeria is under international justice jurisdiction and jurisprudence regarding the international heinous crimes against persons or group of persons, properties and environment such as crimes against humanity, war crimes, genocide, crimes of aggression, depopulation, forced migration, pogrom, carnage, ethnocide, infanticide, domicide and other internationally prohibited acts or conducts clearly defined in regional or international written criminal laws.

## SECTION EIGHT:

### The Good, The Bad And The Ugly In Nigeria's Law Enforcement Establishments' Laws

#### Evaluation Of The Recently Amended Nigeria Police Act Of 2020 Grounded In Human Rights Accountability:

**B**y the provisions of the re-enacted Nigeria Police Act 2020, with additional (dictatorial) amendments carried out in July 2024; the Act has the Fundamental Human Rights provisions in the justiciable Chapter Four of Nigeria's 1999 Constitution and the African Charter on Human and People's Rights (Ratification and Enforcement) Act of 2004 as foundation of the Nigeria Police Force powers and duties. The Police Act of 2020 was signed into law on September 16, 2020. In Section 1 of the Part 1 of the Act (General and Specific Objectives of the Nigeria Police Force), the NPF 'general objectives' are: “to provide for a more efficient and effective police service that is based on principles of: (a) accountability and transparency; (b) protection of human rights and fundamental freedoms; and (c) partnership with other security agencies”. By Section 2 (b) and 2 (h) of the Act (Specific Objectives of the Nigeria Police Force): they include: “reposition the police to uphold and safeguard the fundamental human rights of every person in Nigeria in its operations”.

The functions or duties of the Nigeria Police Force as outlined in Section 4 under Part 11 of the NPF Act are: “(a) prevent and detect crimes, and protect the human rights of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights and any other law, (b) maintain public safety, law and order; (c) protect the lives and property of all Nigerians; (d) enforce all laws and regulations without any prejudice to the enabling Acts of other security agencies; (e) discharge such duties within and outside Nigeria as may be required of it under this Act or any other law; (f) collaborate with other agencies to take any necessary action and provide the required assistance or support to the persons in distress, including victims of road accidents, fire disasters, earthquakes, and floods; (g) facilitate the free passage and movement on highways, roads, and streets open to the public; (h) adopt community partnership in the discharge of its responsibilities under this Act or any other law; and (i) vet and approve the registration of private detective schools and private investigative outfits”.

Section 5 (1) of the Nigeria Police Act (2020) further provides: “the Police is responsible for promoting and protecting the fundamental human rights of persons in police custody as guaranteed by the Constitution”. Section 5 (2) further states “for the purpose of subsection (1), the Police Force shall collaborate with and maintain close working relationships with any government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons or detainees in police custody in the need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of Chapter 1V of the Constitution”. Section 5 (3) “in addition to the provisions of subsections (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 Peoples Rights (Ratification and Enforcement) Act and other international legal instruments on human rights to which Nigeria is a signatory”.

Under 96 (2) of the Police Act 2020, “a police officer shall not, in discharging his duty; (a) discriminate against a person in Nigeria, based on the person's- (i) place of birth, (ii) gender, (iii) socio-economic status,(iv) ethnic, political or religious afflictions, or (v) any form of disability; and (b) use a language, or act in such a way that suggests a bias towards a particular group”. The Nigeria Police Force is also rooted in the 1999 Constitution as amended-which in Section 214 provides: “there shall be a police force for Nigeria, which shall be known as 'the Nigeria Police Force'; and subject to the provisions of this Constitution, no other police force shall be established for the Federation or any part thereof”. By Section 104 of the Act: “Persons acquitted by the Court cannot be tried for the same offense under this Act”.

The Police Code of Conduct and Regulations provisions also outlaw and prohibit officers and personnel of the Force from demanding and accepting bribes or engaging in acts of extortion (use of force to extort money or other valuable item) and other immoral and dishonest conducts in the line of their official duties or operations. Prescribed penalties range from harsh disciplinary measures: demotion and dismissal to judicial conviction and imprisonment.

## 14 Ranks In The Nigeria Police Force

- 1) Inspector General of Police
- 2) Deputy Inspector General of Police
- 3) Assistant Inspector General of Police
- 4) Commissioner of Police
- 5) Deputy Commissioner of Police
- 6) Assistant Commissioner of Police
- 7) Chief Superintendent of Police
- 8) Superintendent of Police
- 9) Deputy Superintendent of Police
- 10) Assistant Superintendent of Police
- 11) Sergeant Major
- 12) Sergeant
- 13) Corporal
- 14) Constable

## Scholarly Analysis Of The Key Provisions Of The Police Act Of 2020

According to “the Nigeria Police Act 2020: Emerging Challenges and Opportunities”: June 2023, scholarly Joe Augustus-Ddadie, Ph.D., Ashiegbu, Victor Iheanyichukwu, Ph.D., and Okoro Issabela N. (Mrs.), (The Nigerian Police Act, 2020: An analysis of some key issues and opportunities), “The Police Force in any nation-state is seen as the enforcement and regulatory body which help in crime management, prosecution and investigation. In a bid to support the police in their duties various laws and regulations have been enacted to assist the police in carrying out their duties of protecting citizens’. One of such legislation is the Nigerian Police Act, 2020 which came into existence in September 2020.

Reasoning a priori, it is obvious that the Act is expected to enthrone and accountable, dedicated and even more civilized Nigerian Police Force. As earlier noted in this study, Adediran (2020) avers that while the repealed Police Act had 11 parts and 69 sections, the new Nigerian Police Act has 17 parts and 145 sections: with 76 new sections. However, this study shall be discussing some sections, their provisions and how they are interpreted.

Section 1 and 2: States clearly the General Objectives of the Act, which include the provision of an efficient and effective police service based on the principles of accountability and transparency, protection of human rights, respect for the dignity of all people, and safeguarding of the Constitution's fundamental rights. According to the Policy and Legal Advocacy Centre (PLAC) (2020), the Nigerian Police Force over the years have suffered from lack of well-articulated vision and mission which has being highlighted as a huge gap by police reform experts. This omission can be attributed to the background and history of the Police, which was set up in colonial times to protect colonial interests, thus the new Act sets in to correct the anomaly”.

They further informed that “Section 3 and 4: Section 3 of the Act establishes the Nigeria Police Force while Section 4 sets out the general duties of the Police which include among others: the protection of the rights and freedom of every person in Nigeria as provided in the Constitution, provision of required assistance for citizen(s). These sections are or are in line with Section 214 of the 1999 Nigerian Constitution which recognizes the Police and at same time clarifies its duties and responsibilities. Section 9: Section 9 (e) of the Act makes it mandatory for the IGP to make sure the mental and psychological needs of police officers are catered for. It is important that officers of the Police Force undergo regular mental and psychological checkup to always regulate their fitness.

Section 19(4): This clause requires all police personnel to regularly retrain in both fundamental policing and law enforcement courses and specialized law enforcement courses, investigation and gathering of evidence, human rights, gender issues, prosecution and defense. But in Nigeria today, public service officers are said to be lacking some of the required policing and technical skills.

Section 20 and 21: Stipulates that police officers shall not be police officers shall not be paid a salary below what is payable to officers in other security agencies. Section 21(4) establishes that Police Officers who are sent to watch or secure individual property, administrative duties on police premises, and to act as orderlies.

Their salaries, allowances, entitlements, cost of uniform, accoutrements and ceremonial dress of the supernumerary officer are to be paid by the private company or government department requesting the service of such officer. Section 26 and 27: These sections cover the general funding for the Police that includes annual budgetary allocations and states contribution for the effective management of the police. Section 27(1) creates a general fund for the Police that include annual budgetary allocations, contributions from States, aid from international bilateral and multilateral organizations as well as sums generated by the Police. (This is different from the Police Trust Fund) and compels states to keep records of their contributions. Section 27 further states that the funds should be used for cost of administration and operations, payment of salaries, allowances, pensions and other retirement benefits, investments and trainings.

Section 31, 32 and 34: Gives the Police powers to investigate and section 32 empowers them to arrest. By virtue of section 34, a suspect may not be handcuffed, bound or subjected to restraint except on (a) there is reasonable apprehension of violence, (b) the restraint is considered necessary for the safety of the defendant or court order and (c) except on court order. Thus, making it unlawful for officers to subjugate or manhandle any suspect. Section 35(3) & 36: Section 35(3) establishes that an agency or police officer having custody of a suspect shall notify the next of kin or relative of the suspect at no cost. More so Section 36 states that a person cannot be arrested in place of a suspect. This is one of the Act's most important sections because it discusses how police powers compare to protections for human rights and due process. The former law's authority to search and arrest was vague and lacked any procedural protections The Act goes further to provide that were a warrant has been gotten it must be shown to the suspect within 24 hours of their arrest (section 78).

Section 38: Provides that a police officer can arrest a suspect without a warrant on certain grounds e.g. where there are reasonable grounds of suspecting the person committed an offence, the person has committed the offence in the presence of the officer, or obstructs the officer's ability to execute their duty, etc. It expressly states that if none of the stated conditions are met, a person cannot be arrested without a warrant. Section 43 and 44:

States that an arrested person must be taken to a police station immediately and the police officer should complete the record of the person's arrest including the offence, contact details, details of identification etc. Section 44 (1) establishes that were a suspect is arrested with or without warrant and taken to a police station or any security effecting such arrest, the officer making the arrest must take record of the time and place of arrest, the reason for the arrest, full name, address and occupation of the offender amongst others.

Sections 50 (2) (3): Contains provisions on search warrant safeguards, i.e., requirements that must be met before a search warrant can be obtained, such as the warrant's grounds, the premises to be searched, and so on. Section 50 stipulates that a police officer must be in uniform and carry a visible Police identity card before conducting a search, as well as advise the person in charge of the vehicle of his or her name, police station, object, and search grounds. Section 62: Provides for a person arrested to be brought before a court within 24 hours. A suspect may be discharged on entering a recognizance or bail bond, with or without sureties for a reasonable amount. The revers is most times the case in some police stations, as offenders are held and detained against their will.

Section 92(a)(b) (c): Introduces a new clause on recognizing and praising valorous and exceptional service. This is for police officers who have excelled at carrying out their tasks, distinguishing themselves in the process. The Police Force shall honor and formally recognize them for their valiant and exceptional service, either by suggesting that they be given national honors or by publicly presenting them with awards and certificates of commendable service from the communities.

In addition to improving police morale, this will go a long way toward solidifying service delivery and dedication on the part of public officials. Section 93, 95 & 99: Section 93 makes it illegal for a police officer to be in debt while on the job. Creditors can now file for earnings attachment, which will cause the debt to be withdrawn directly from the officer's monthly compensation (up to 30% of total salary) until the debt is paid in full.



According to Section 95 of the Act, serving officials are not permitted to engage in any business other than farming. It is now an offence under Section 99 of the Act if a police officer requests for your assistance after being assaulted and you fail to provide it. This is punishable by three months in prison or a fine of N100,000.

Section 100: Section 100 makes it illegal to supply an intoxicating substance to a police officer or to enable a police officer to remain in your home after ingesting an intoxicating substance. A minimum fine of N50,000 is imposed for this offense. Section 103: Very importantly, this section provides that police officers are not exempted from the ordinary course of law or other laws, meaning that officers can still be prosecuted for offences not listed in this Act. This is a good development as hitherto; police officers have been seen disrespecting laws and acting as though they are above the law. According to Policy and Legal Advocacy Centre (PLAC) (2020), Police Officers are by this Act expected to abide by all laws of the land and can be prosecuted for offences in other laws. In essence, it mandates that police officers to be law abiding citizens and enshrines the rule of law principle of no one being above the law. The Challenges of the Nigerian Police Act, 2020: The new Act's overall goal is to create an effective police force based on the principles of accountability and openness, human rights protection, and collaboration with other security authorities. The Act improved on the provisions of the previous Act, but also contains new provisions and if religiously implemented, the Act has the capacity of entrenching good and effective policing reforms which will strengthen the police operations in Nigeria. No doubt the provisions of the new Act are beautiful, its implementation has faced a lot of challenges.

According to Section 19, all police personnel must regularly complete training and retraining in fundamental law enforcement and policing skills as well as specialized courses related to law enforcement, evidence gathering and investigation, human rights, gender issues, prosecution, and defense. It appears this section has not been achieved reasons being that over time some police officers seen performing or enforcing their duties below expectation and this is because some lack the required law enforcement skills and training.

Babalola (2017) in a Vanguard report reveals that the deplorable nature of our training institutes all over the country affects the efficiency of police officers. This is because they lack required policing skills. More so, paucity of the funds contributes to this challenge. When officers lack training, they will find it difficult to carry out their constitutional functions and responsibilities. Wilson and Asiegbu (2020) reveals that due to the global dynamics and changing organizational demands, it is imperative for organizations to improve their human capital by adopting programs and trainings that will help them to sustain targets of the organizations and take advantage over their competitors in the industry. Thus, lack of training affects the brightness of the new Police Act and therefore hinders its progress.

More so, Section 35(3) further states that when an officer arrests a suspect, the relatives or family members of such a suspect must be contacted. This is a good development, as it requires the police to without any financial attachment contact the family of the suspect. But this is most times not the case as suspects is kept in custody for days without their family members knowing their way about. In line with the above, Onanuga (2020) states that the Act prohibits a police officer to torture a suspect or melt upon such any inhumane force and as well the respect for the fundamental human right of every citizen. The right to human dignity is a fundamental right guaranteed by the Constitution of 1999. This right must also be extended to someone who has been arrested. He must not be tortured or subjected to any cruel, inhumane, or degrading treatment. In Lagos, Lambo (2021) reports that family members and acquaintances of a murdered suspect (Omolola Ejioye) were seen protesting the circumstances surrounding their brother's murder while in the custody of the Lagos State Police Command leading to a peaceful protest by some friends and family members of the deceased against police violence.

Furthermore, Section 46 of the Act states that when officers visit a crime scene or go for arrest, there should be a detailed record of the recovered items from the house of the victim and after which unrelated items be returned to the owner. However, it has being noted that police officers are accused of taking items and belongings of suspects who are seen to be indigents and who have no legal counsel.

Again, section 54 of the Act states that police force should not because of a person's color, age, hairstyle or manner of dress; previous conviction for possession of an unlawful article; or stereotyped images of certain persons or groups make any arrest. But this is not the case as officers are recorded to have arrested many youths because of the above. Egbas (2019) reports that young men have been on the receiving end of brutality at the hands of men of the police force because of how they look. Egbas further informs how men of the Police Special Anti-Cultism Squad (SACS) arrested young Nigerians around Sabo, Yaba in Lagos states on March 21, 2019, because of his hairstyle and how boys are picked up because they carry laptop bags. It is believed that with the new Act, all of these will be reduced.

Section 38 grants a police officer the power to arrest a suspect without a warrant on certain grounds e.g. where there are reasonable grounds of suspecting the person committed an offence, the person has committed the offence in the presence of the officer, or obstructs the officer's ability to execute their duty, etc. It expressly states that if none of the stated conditions are met, a person cannot be arrested without a warrant. But the problem now is some officers because of bias, ethnic connotation, religious affiliation and creed arrest their perceived enemies because of the enormous powers given to them to make arrest without warrant. Lack of awareness on the side of the citizens about the content of the Act and their fundamental human rights in general is a major challenge to achieving the provisions of the Act. As rightly noted by Epelle and Asiegbu (2021), majority of citizens are not informed about existing government policies and laws, and this is because of weak government-citizen relationship and communication over time. It therefore becomes necessary that the government communicates its policies and laws to the citizens to get them informed.

More so, section 36 of the Act, state that a person shall not be arrested in place of a suspect. But most citizens do not know their rights as contained in the Act and the constitution of the Federal Republic of Nigeria with regards to the above section of the Act thus giving some officers the room to abuse their rights.

Akpuke (2017) states that the bureaucratic condition of most public officers as well as the widespread corruption in most public institutions affects the implementation of the Act. Sometimes, police officers are seen extorting citizens and collecting bribes while on duty. Ukpon (2019) reports how an officer identified as Onuh Makedomu, a non-commissioned officer, with Force No.431625, who was caught on camera collecting bribe from a motorist was arrested by the Nigerian Police Force for collecting bribe. The corruption cases reported against some members of the Nigerian Police Force have over time reduced citizens confidence and trust on police officers. No doubt the Nigerian Police Act 2020 is a veritable tool for a better policing and citizen management, but the Nigeria Police Force is still bedeviled by some challenges all of which hinders the realization of the Act”.

## **Extortion By Public Officers Defined And Criminalized**

**B**y Section 99 of Nigeria's Criminal Code Act (applicable in Southern Nigeria, under “Extortion By Public Officers”, it provides “Any person who, being employed in the public service (including personnel and officers of the Nigeria Police Force), takes or accepts from any person, for the performance of his duty as officer, any reward beyond his proper pay and emoluments, or any promise of such reward, is guilty of felony and is liable to imprisonment for three years and above”. It further follows that using the standard practice in differentiation of “robbery” and “armed robbery”, if such criminal reward is solicited under the use of force such licensed assault rifles, the perpetrator-public officer such as armed police and military personnel at roadblock, shall be charged for offense of “armed robbery” and its prescribed imprisonment or jail sentence.

Similar provisions are contained in Section 408 of the Penal Code Act (for Northern Nigeria) where not only that extortion, such as police or military roadblock/checkpoint extortion, by public officers is outlawed but also punishable by three years to fourteen years imprisonment depending on the gravity of harms involved. Section 108 of the Nigerian Armed Forces Act of 2004 specifically prescribes fourteen imprisonment via court-martial for any military officer or personnel caught.

## **Dictatorial Alteration Of The Police Act (2020) To Extend The Tenure Of IGP**

**T**he glaring odd side of the Fundamental Human Rights-grounded Nigeria Police Act of 2020 was the recent (July 23, 2024) strongly condemned dictatorial and militarist alteration of the Act to now read as “the Amended Police Act of 2024”. The Nigerian Presidency, headed by Senator Ahmed Tinubu has controversially forwarded 'a Presidential Bill' to the National Assembly (Senate and House of Reps), seeking to extend the tenure of his kinsman, IGP Kayode Agbetokun, who he appointed as Nigeria Police Inspector General in June 2023. The Presidential Bill, without debate and inputs from Nigerians including Civil Society Organizations and credible representations at the plenary session; was hurriedly passed by both Senate and House of Reps, guaranteeing a four-year tenure for IGP Agbetokun who was statutorily supposed to retire from the Force in next month of Sept 2024. The hurriedly passed Presidential Bill also controversially and dictatorially raised the retirement age of police officers from 60 to 65 years and extend their tenure of service from 35 to 40 years. There are strong allegations that the Presidential Bill on extension of IGP's tenure and years of service from 60 years to 65 years and 35 years to 40 years, respectively, was heavily influenced by the office of IGP Agbetokun and the Nigeria Police High Command. It is therefore conclusively correct to say that the way and manner the Presidential Bill was passed into law is nothing short of a serious threat to the principal provisions of the Police Act including Fundamental Human Rights and Fundamental Freedoms' provisions upon which the Act was popularly re-enacted in 2020. As expected, the IGP was in September 2024 given a four-year tenure and is expected to leave office by June 19, 2027, at age of 64 years.

## **Roguish Enforcement Of The Provisions Of The Armed Forces Act Of 2004**

**T**he Nigerian Armed Forces Act was enacted on July 6, 1994, and presently known as 'the Armed Forces Act of 2004'. The Armed Forces Act is also a creation of the 1999 Constitution as amended, which in Section 217 provides: “there shall be an armed forces for the Federation, which shall consist of an army, a navy, an air force and such other branches of the armed forces of the Federation as may be established by an Act of the National Assembly”.

Section 217 (3) of the 1999 Constitution further provides: “the composition of the officer corps and other ranks of the armed forces shall reflect the Federal Character of Nigeria”. The Armed Forces Act of 2004 has 292 sections. The Act provides for the command, maintenance and administration of the Armed Forces of the Federation of Nigeria. According to Section 1 (1) of Part 1 of the Act under: “Establishment and Composition of the Armed Forces”, “there is hereby established for the Federation an Armed Forces which shall be maintained and administered as set out in this Act and comprise the Nigerian Army, the Nigerian Navy and the Nigerian Air Force (in this Act referred to as the "Army", "Navy" and "Air Force") respectively. 1 (2) The Armed Forces shall consist of such- (a) establishments and number of equipment; (b) officers and non-commissioned officers; and (c) soldiers, ratings and aircraftmen, .... as the President may, in consultation with the National Assembly, determine. 1 (3) The Armed Forces shall be charged with the defense of the Federal Republic of Nigeria by land, sea and air and with such other duties as the National Assembly may, from time to time, prescribe or direct by an Act”.

It must be noted that provisions of the Nigerian Armed Forces have been and are still being observed in gross breach. Having thoroughly searched the whole of the 292 sections of the Armed Forces Act, we never came across any section or subsection that links the Act to members of the civilian population as being subject to the Act. In other words, the Act is strictly for members of the Armed Forces, from Private (Recruit) to Commanding Officers or highest rank (field marshal in the Army and its equivalent in the Navy and Air Force).

The power of arrest and detention granted to members of the Armed Forces by Section 121 of the Act, is strictly restricted to be used against members of the Armed Forces alone. That is to say that the Act does not empower members of the Armed Forces (Army, Airforce and Navy) to arrest and detain, investigate and prosecute members of the civilian population, whether unarmed or defensively armed or criminally armed or unarmed. It is in accordance with the above that a landmark judgment was delivered by Hon Justice Taiwo Taiwo of the Abuja Division of the Federal High Court on 17<sup>th</sup> Feb 2021 who held that “Nigerian Army (as an embodiment of the Armed Forces) lacks power to arrest, detain, (investigate) and prosecute citizens who are not subject to the Armed Forces Act of 2004 or any other Military law”.

“Citizens who are not subject to the Armed Forces Act” are members of the Nigerian civilian population irrespective of whether they are unarmed or defensively armed or criminally unarmed or criminally armed. There are also several 'Decided Cases' to that effect.

For those civilians or non-military citizens caught or reasonably suspected by a member or members of the Armed Forces to have breached criminal laws, the members of the Nigerian Armed Forces that caught or reasonably suspected them can arrest and immediately transfer them to the Nigeria Police Force for proper investigation and prosecution or discharge and acquittal. The general power of arrest provided in the Nigerian Criminal Laws and their Procedures is granted to every lawful Nigerian citizen including policing, military, intelligence, paramilitary, private security, vigilante and civilian citizen. However, strict restrictions or limitations are imposed barring or banning such members of the Armed Forces or private guards or vigilantes or civilians, forbid them from holding or detaining them in their custodies or torturing and killing them under captivity. In other words, the arrested civilians or non-military persons must be transferred to the Nigeria Police Force within 24 hours of their arrest. Right to Arrest is contained in several Criminal Laws in Nigeria including the Criminal Code Act of 2004, the Penal Code Act of 2004 and the Access to Criminal Justice Act of 2015. It must further be noted that none of the 292 sections of the Armed Forces Act of 2004 was found to have empowered members of the Nigerian Armed Forces; as presently is the case, to abduct, torture and kill in detention or on transit; disappear those abducted; and disappear dead bodies of those killed in their unlawful custodies or the shot and wounded civilian persons who died on transit or in unlawful military custodies.

The 'ouster-power' of arrest by members of the Nigerian Armed Forces over members of the Nigerian civilian population is holistically applicable in matters involving simple offenses, misdemeanors, violent street crimes, and treason and treasonable felony other than mutiny and war-like insurrection or military uprising or other circumstances in which the perpetrators “are subject to the Armed Forces Act of 2004 or any other Military Law”.

The provisions of the Armed Forces Act of 2004 are found to have also contained criminal offenses and punishments against erring or unlawful members of the Nigerian Army, Airforce and Navy (Armed Forces of the Federation of Nigeria) who engage in gross misconducts or conduct-atrocities and other misconducts in the line of their official or operational duties. Specifically, members of the Armed Forces are forbidden from irregular arrest of those citizens that are subject to the provisions of the Armed Forces Act who are not members of the Nigerian civilian population. The above is contained in Section 84 of the Armed Forces Act-attraction punishment on 'court-martial' conviction of not less than 2 years jail term. Section 77 of the Act forbids military personnel from engaging in offenses of rape and carnal knowledge which attracts 14 years jail term on court-martial conviction. Others are: Section Defilement, 14 years jail term via court-martial; Sodomy (sex against order of nature), 7 years jail term via court-martial; Section 104, Assault with bodily harm (under 'Civil Offense'), 7 years jail term via court-martial; Section 105, Manslaughter, life imprisonment via court-martial; Section 106, Murder, death penalty via court-martial; Section 107 (1), Stealing (with threats of violence or use of same other than armed robbery), 14 years jail term via court-martial; Section 107 (2), Armed Robbery, death penalty via court-martial; Section 108, Extortion (use of force to extort money or other valuable item), 14 years jail term via court-martial; Section 109, Burglary, 14 years jail term via court-martial; Section 110, Housebreaking (invasion of dwelling house, building or structure of another person with intent to steal, rob, destroy, rape, wound or kill), 14 years jail term (if perpetrated at night) or 7 years jail term (if perpetrated in the day) via court-martial (excluding other crimes against persons and properties perpetrated therein); 111, Arson, Life Jail via court-martial; Section 112, Forgery, 21 years jail term via court-martial; Section 113, Cheating, 5 years jail term via court-martial; etc.



## Ranks In The Nigerian Armed Forces

### (1) 12 Ranks In The Armed Forces Services Rank Structure (Officers) Under Section 289 Of The Act

S/No (a)	Army (b)	Navy (c)	Air Force (d)
1.	Field Marshal	Admiral of the Fleet	Marshal of the Nigerian Air Force
2.	General	Admiral	Air Chief Marshal
3.	Lieutenant General	Vice-Admiral	Air Marshal
4.	Major General	Rear Admiral	Air Vice-Marshal
5.	Brigadier	Commodore	Air Commodore
6.	Colonel	Captain	Group Captain
7.	Lieutenant Colonel	Commander	Wing Commander
8.	Major	Lieutenant Commander	Squadron Leader
9.	Captain	Lieutenant	Flight Lieutenant
10.	Lieutenant	Sub- Lieutenant	Flying Officer
11.	Second Lieutenant	Acting Sub-Lieutenant	Pilot Officer
12.	No equivalent	Mid-Shipman	No equivalent

**Note:** The highest senior ranks such as 'Field Marshal' in the Nigerian Army, 'Admiral of the Fleet' in the Nigerian Navy and 'Marshal of the Air Force' in the Nigerian Air Force are not yet in the country.

### (2) Armed Forces Services' Corresponding Rank Structure For Soldiers, Ratings And Aircraftmen

S/No (a)	Army (b)	Navy (c)	Air Force (d)
1.	No equivalent	Warrant Chief Petty Officer	Air Warrant officer
2.	Warrant officer Class I	Chief Petty Officer	Master Warrant officer
3.	Warrant officer Class II	Petty Officer	Warrant officer
4.	Staff Sergeant	Leading Rating	Flight Sergeant
5.	Sergeant	As above	Sergeant
6.	Corporal	No Equivalent	Corporal
7.	Lance-corporal	Able Rating	Lance-corporal
8.	Private	Ordinary Rating	Aircraftman
9.	Recruit	Trainee	Recruit

## **Roguish Enforcement Of The Provisions Of The National Security Agencies (SSS, NIA) Act Of 1986**

**T**he National Security Agencies Act was enacted in 1986 as a replacement to “National Security Organization”. The National Security Agencies Act is presently known as “the National Security Agencies or NSA Act of 2004”. The NSA Act is also a creation of Nigeria's 1999 Constitution and is subject to its Fundamental Human Rights Chapters and acceded Regional and International Human Rights Charters and Instruments. The NSA Act is a creation of the 1999 Constitution by virtue of Section 315 (5) (c) of the Constitution. It is saddening to note that the provisions of the National Security Agencies Act of 1986 (NSA Act of 2004) are also observed in reckless in breach with reckless abandon particularly by the personnel and officers of the State Security Service or DSS who have left their mandates as clearly stipulated by Section 3 of the NSA Act. By Section 1 of the Act: “Establishment of National Security Agencies: there shall, for the effective conduct of national security, be established the following National Security Agencies, that is to say- (a) the Defense Intelligence Agency; (b) the National Intelligence Agency; and (c) the State Security Service”. Section 1 (1): “General Duties of the Defense Intelligence Agency: (a) prevention and detection of crime of a military nature against the security of Nigeria; (b) protection and preservation of all military classified matters concerning the security of Nigeria, within and outside Nigeria; and (c) such other responsibilities affecting defense intelligence of a military nature, within and outside Nigeria as the President or the Chief of Defense Staff...may deem necessary”.

2: “the National Intelligence Agency shall be charged with responsibility for- (a) the general maintenance of the security of Nigeria outside Nigeria, concerning matters that are not related to military issues; and (b) such other responsibilities affecting national intelligence outside Nigeria as the National Defense Council or the President ...may deem necessary”.

3: “the State Security Service shall be charged with responsibility for- (a) the prevention and detection within Nigeria of any crime against the internal security of Nigeria; (b) the protection and preservation of all non-military classified matters concerning the internal security of Nigeria; and (c) such other responsibilities affecting internal security within Nigeria as the National Assembly or the President...may deem necessary”. On a general note, it must be informed that Nigeria's general security handlers are divided into five categories: (a) general policing in Nigeria: the Nigeria Police Force, Paramilitaries and States' Vigilante Groups; (b) non-military intelligence security in Nigeria: the State Security Service; (c) non-military intelligence security outside Nigeria: National Intelligence Agency; (d) defense and military intelligence security within and outside Nigeria: the Defense Intelligence Agency; and (e) internal and external defense of the Nigerian territory: the Nigerian Armed Forces (Army, Air Force and Navy).

**Sixteen Ranks In The State Security Service (SSS/DSS):** It must be observed that the senior ranks in the SSS are openly and operationalized into 'Director General, Deputy Director General and Assistant Director General' at national level and 'Director, Deputy Director and Assistant Director' at State Level'. However, the 16 ranks in the secret police are bureaucratically categorized into the equivalents of:

<b>Non-Officers</b>	<b>Junior Officers</b>	<b>Senior Officers</b>	<b>High-Ranking Officers</b>
Recruit	Second Lieutenant	Major	Brigadier General
Private	Lieutenant	Lieutenant Colonel	Major General
Lance Corporal	Captain	Colonel	Lieutenant General
Corporal			General
Sergeant			
Staff Sergeant			

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## **Draconian Provisions In The Terrorism Prevention Act Of 2013 As Amended (2022)**

**T**he **Terrorism Prevention Act (2013) And Its 2022 Amended Version:** The Nigeria's Terrorism Prevention Act of 2013 (with additional amendments in 2022) is the most draconian statutory law in the country since the country's return to civil rule on May 29, 1999. Attempts to amend such obnoxious provisions by way of amendments contained in “the Terrorism Prevention and Prohibition (amendment) Act of 2022” ended up achieving little or nothing as most of the draconian provisions from the Principal Act of 2011 and its 2013 amended version were retained in the latest 2022 amended Act. Apart from terrorism being loosely, vaguely, ambiguously and strangely defined and dotted with several draconian and obnoxious provisions in the Principal Act, over 22 sections (s.3-s.25) were also dedicated in the 2013 amended version for “persons involved in offenses of terrorism” including offenders' categories or parties to offenses of terrorism”. In the latest amended version of 2022, a total of 36 Sections (s. 11-s.47) were additionally dedicated for “persons involved in offenses of terrorism”. “Hearsay Conclusions” under “reasonable suspicion of commission of offense of terrorism or intent to commit same” were also smuggled into the 2022 amended Terrorism Prevention Act; in total disregard to the provisions of the 1999 Constitution, its Fundamental Human Rights Provisions and Provisions of the country's International Human Rights and Humanitarian Treaty Laws.

## **Recriminalized Provisions In The Amended Terrorism Prevention Act Of 2022**

“The amended Terrorism Prevention and Prohibition Act of 2022” loosely, widely and obnoxiously contains 99 principal sections and several hundreds of subsections and paragraphs. The Act can best be described as nothing short of “recriminalized” Criminal Code Act of 2004 and Penal Code Act of 2004, dubbed “Terrorism Prevention and Prohibition Act of 2022 as amended”. The above is to the extent that almost all the provisions of the Criminal Code Act of 2004 and the Penal Code Act of 2004 are criminalized and terrorized into “offenses of terrorism”. Truthfully speaking, the Criminal Code Act of 2004 and the Penal Code Act of 2004 are much better than the Terrorism Prevention and Prohibition Act of 2022.

In other words, while the Criminal Code Act and the Penal Code Act contain proper categorization of offenses and punishments, involving: (1) simple offenses which attract a day to six months imprisonment, (2) misdemeanors which attract six months to three years imprisonment, and (3) felonies which attract three years imprisonment to life imprisonment or death sentence; in the case of the Terrorism Prevention and Prohibition Act of 2022 (as amended), all the three categories of offenses, in addition to common assault and civil conducts including financially related matters are terrorized and lumped into “offenses and related offenses of terrorism”. Internationally, “offenses of terrorism” are strictly and literally defined in “black and white” to avoid abuse and victimization.

It is also alarming and shocking that among the least punishment for “any terrorism related offense in Nigeria or aiding the offense of terrorism” under the “Terrorism Prevention and Prohibition (amended) Act of 2022” is 20 years imprisonment or jail term, in addition to “maximum or absolute use of force” especially that involving death and grievous bodily harm giving to law enforcement officers and other security agencies against citizens or anyone, rightly or wrongly suspected or accused.

The above is to generally say that under the country's Terrorism Prevention and Prohibition (amended) Act of 2022, most of the sections and subsections are worded and written in grave breach and violation of the citizens' fundamental rights to life, dignity of human person, personal liberty, privacy and family, fair hearing and fair trial; and their freedom of assembly, association, information, expression, movement, conscience, thought and religion.

## **Comparative Understanding Of International Terrorism And Its Three Key Elements**

**Conceptual Definition:** Terrorism refers to acts – either politically or religiously motivated – that aim to instill fear and/or the intimidation of fear in society (i.e. mass terror). Terrorism includes acts of aggression or violence that causes either directly or indirectly physical or psychological harm or injury to a group of people.

Terrorism can both be perpetrated by as well as against the state (Teichman, 1989). One of the most widely used definitions of terrorism is that of the US Department of State, which in 1983 defined terrorism as “premeditated, politically motivated violence perpetrated against non-combatant targets by subnational groups or clandestine agents, usually intended to influence an audience” (Sinai, 2008). 'Non-combatants' refer to both civilian and military personnel, who neither armed nor on duty. The definition, however, excludes state terrorism (Sinai, 2008).

**State Terrorism:** State terrorism refers to acts of terrorism which a state conducts against another state (interstate terrorism) or against its own citizens (intrastate terrorism arising from tyrannical state terror or genocidal police state). 'State Terrorism' is like non-state terrorism in that it involves politically or ideologically or religiously inspired acts of violence against individuals or groups outside of an armed conflict. The key difference is that agents of the state are directly carrying out the violence or indirectly doing so through state-armed-and-protected proxies. Under International Criminal Law, 'State Terrorism' amounts to crimes against humanity or war crimes or genocide or crime of aggression.

**Terrorism Under United Nations System:** It must internationally be explained that while there are no universal agreements over a common definition of 'terrorism' or 'acts of terrorism' under UN System, the 193-Member States of the UN including Nigeria and other international bodies or groupings had agreed that 'terrorism mandatorily involves three fundamental elements of crime of international nature or character'. The above also formed the basis of the 2011 Findings by the UN Special Tribunal for Lebanon (STL) over the Feb 14, 2005, terrorist bomb attack that killed former Lebanese Prime Minister, Rafiq Hariri and 22 others. On reaching its findings, the Tribunal relied primarily upon relevant United Nations policies, practices, and norms, including those of the General Assembly, as well as upon national and international jurisprudence. It was stated by the UN Special Tribunal for Lebanon that the necessary substantive (objective and subjective) elements for two other classes of terrorist criminal conduct also existed within international law.

Although there is no current global agreement regarding a universal legal definition of terrorism, but three elements within which terrorism originated could be found in the Customary International Law (. i.e. transnational terrorism). To this extent, several treaties, UN resolutions, and the legislative and judicial practices of States evince or clearly indicate the formation of a general opinio juris in the international community, accompanied by a practice consistent with such opinio, to the effect that a customary rule of international law regarding the international crime of terrorism, at least in time of peace, has indeed emerged.

**Three Elements Of Terrorism Under UN:** The three international elements that define terrorism under Customary International Law are: (i) the perpetration of a criminal act (such as mass murder, kidnapping, hostage-taking, arson, and so on), or reasonably threatening such an act; (ii) the intent to spread fear among the population (which would generally entail the creation of public danger) or directly or indirectly coerce a national or international authority to take some action, or to refrain from taking it; and (iii) when the act involves a transnational element (see Interlocutory Decision of STL, 2011, para. 85).

## **Recriminalized Sections 27 And 66 Of Terrorism Prevention Act: 2013/22**

**C**ontradictory **Section 27(1) Of Terrorism Prevention Act 2013:** “the court (magistrate court mostly in use) may, pursuant to an ex-parte application, grant an order for the detention of a suspect under this Act for a period not exceeding 90 days subject to renewal for a similar period until the conclusion of the investigation and prosecution of the matter that led to the arrest and detention is dispensed with”. Section 27 (3), “a person found on any premises or place or in any conveyance may be detained by relevant law enforcement officer of any agency (. i.e. a member of police crack squad or secret police) until the completion of search or investigation under the provisions of this Act”.

Section 28 (4), “where a person arrested under this Act is granted bail by a court within 90 days (or more) detention period stipulated by this Act, the person may, on the approval of the Head of the relevant law enforcement be placed under a house arrest and shall- (a) be monitored by its officers; (b) have no access to phones or communication gadgets; and (c) speak to his counsel until the conclusion of the investigation”.

**Contradictory Section 66 (1) Of The Amended Terrorism Prevention Act 2022:** “Notwithstanding provisions in any other law, the Court (magistrate court mostly in use) may, pursuant to an ex-parte application, grant an order for the detention of a suspect under this Act for a period not more than 60 days, subject to renewal for a similar period, until the conclusion of the investigation and prosecution of the matter that led to the arrest and detention is dispensed with provided that in the case of renewal, the relevant agency shall involve the Attorney-General”. Section 66 (2), “a person found on any premises or place or in any conveyance may be detained by relevant law enforcement officer of any agency (. i.e. a member of police crack squad or secret police) until the completion of search or investigation under the provisions of this Act”.

### **Contradictions With Constitutional Section 35 (4) Under Fundamental Human Right To Personal Liberty:**

**B**y Section 35 (4) of the justiciable Chapter Four of the 1999 Constitution: “any person who is arrested and detained in accordance with subsection 1(c) of this Section shall be brought before a Court of Law within a reasonable time and if he is not tried within a period of- (a) two months from the date of his arrest or detention in the case of a person who is in the custody or is not entitled to bail (in the case of a person arrested and detained for capital offenses of treason and treasonable felony such as terrorism and insurrection; or violent crimes of armed robbery, abduction, murder, etc.); or (b) three months from the date of his arrest or detention in the case of a person who has been released on administrative bail, he (or she) shall, without prejudice to any other further proceedings that may be brought against him (or her) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he (or she) appears for trial at a later date (.i.e. conditional release such as seizure of his or her international travel documents”.



It is observed that under Section 27 of the Terrorism Prevention Act of 2013, a person can be arrested and detained in police or secret police or abusively in military custody without trial for ten years using endless renewal of remand order by a court via ex-parte at the end of every 90 days. Also, under Section 66 (1) of the Terrorism Prevention and Prohibition Act (Amended) 2022, “not less than 60 days indefinite detention was prescribed in addition to its endless renewal for same or similar number of months of detention via order ex-parte by a Court (Magistrate Court) granted to a law enforcement or detaining officer, acting through the Attorney-General”. The two provisions above are gravely abusive and unconstitutional and amount to impeachment and coupist abuse of Sections 35 (4), 1(1) and 1 (3) of the 1999 Constitution of Nigeria as amended. Relatedly, the obnoxious Section 28 (4) of the Amended Terror Act of 2013 is replicated in Section 66 (2) of the 2022 Amended version of the Terror Act; both are also offensively unconstitutional and must be expunged or deleted from the latter amended Act of 2022.

## **Draconian Section 24 Of The Cybercrime (Stalking) Act Of 2015**

**B**y the abusive Section 24 (1): “Any person who knowingly or intentionally sends a message or other matter by means of computer systems or network that -(a) is grossly offensive, pornographic or of an indecent, obscene or menacing character or causes any such message or matter to be so sent; or (b) he knows to be false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another or causes such a message to be sent: commits an offence under this Act and shall be liable on conviction to a fine of not more than N7,000,000.00 or imprisonment for a term of not more than 3 years or to both such fine and imprisonment”.

Section 24(2): “Any person who knowingly or intentionally transmits or causes the transmission of any communication through a computer system or network -(a) to bully, threaten or harass another person, where such communication places another person in fear of death, violence or bodily harm or to another person; (b) containing any threat to kidnap any person or any threat to harm the person of another, any demand or request for a ransom for the release of any kidnapped person, Cyberstalking: to extort from any person, firm, association or corporation, any money or other thing of value; or (c) containing any threat to harm the property or reputation of the addressee or of another or the reputation of a deceased person or any threat to accuse the addressee or any other person of a crime, to extort from any person, firm, association, or corporation, any money or other thing of value: commits an offence under this Act and shall be liable on conviction- (i) in the case of paragraphs (a) and (b) of this subsection to imprisonment for a term of 10 years and/or a minimum fine of N25,000,000.00; and (ii) in the case of paragraph (c) and (d) of this subsection, to imprisonment for a term of 5 years and/or a minimum fine of N15,000,000.00.”

Section 24 (3): “A court sentencing or otherwise dealing with a person convicted of an offence under subsections (1) and (2) may also make an order, which may, for the purpose of protecting the victim or victims of the offence, or any other person mentioned in the order, from further conduct which-(a) amounts to harassment; or (b) will cause fear of violence, death or bodily harm; prohibit the defendant from doing anything described/specified in the order.”

Section 24 (4): “A defendant who does anything which he is prohibited from doing by an order under this section, commits an offence and shall be liable on conviction to a fine of not more than N10,000,000.00 or imprisonment for a term of not more than 3 years or to both such fine and imprisonment.”

Section 24 (5): “The order made under subsection (3) of this section may have effect for a specified period or until further order and the defendant or any other person mentioned in the order may apply to the court which made the order for it to be varied or discharged by a further order.”

Section 24 (6): “Notwithstanding the powers of the court under subsections (3) and (5), the court may make an interim order for the protection of victim(s) from further exposure to the alleged offences.”

### **Note The Provisions Amended In The New Cybercrimes Act of 2024:**

By the amendments carried out in the Act, now known as “the Cybercrimes (Prohibition, Prevention, Etc.) (Amendment) Act, 2024, Section 24 (1) of the Principal Act was amended by substituting for paragraph (a) and (b), with new paragraphs “a” and “b” to read as follows: “(a) pornographic; or (b) he knows it to be false, for purpose of causing a breakdown of law and order, posing a threat to life, or causing such message to be sent.” It must be noted and appreciated that the following underlined threatened human rights to life, personal liberty and against torture and freedom of conscience, thought and expression have been deleted in the newly amended Act of 2024:-

(a) is grossly offensive, pornographic or of an indecent, obscene or menacing character or causes any such message or matter to be sent; or (b) he knows it to be false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will or needless anxiety to another or causes such a message to be sent. However, several human rights lawyers and other social pundits have strongly kicked against the retention in the amended Act the phrase: “for purpose of causing a breakdown of law and order”; as it is capable of generating and escalating police brutality and other custodial gross human rights abuses including indiscriminate and arbitrary arrests and long detention without trial by various police crack squads and secret police or SSS and abusive and lawless military personnel. Many stakeholders, therefore, have called for immediate deletion of the phrase from the amended version of the draconian Cybercrimes (Stalking) Act of Feb 2024.

## SECTION NINE:

### Political And Security Sector Reckless Abuse And Violation Of Human Rights In Nigeria

Going by the practice, the enforcement and the implementation of the above highlighted Human Rights Provisions in Nigeria or any part thereof, they have been observed in gross breach by the country's political, defense, security, policing and paramilitary actors as well as members of the armed opposition groups and violent and intolerant non-state actor others including some, if not many of the country's corporate bodies. As a matter of fact, both the 'Social Contract' or 'State Responsibility' Human Rights and Duties provisions in the Chapter Two (s.13-s.24) of Nigeria's 1999 Constitution, for the country's elected and appointed public office holders, numbering about 17,500; and the Fundamental Human Rights Provisions in the Chapter Four (s.33-s.46) have faced and are still facing serious abuses and violations across the country. It must be reminded that while the 'Chapter Two' Human Rights provisions are morally and substantially legally binding on Nigeria's elected and appointed public office holders, the 'Chapter Four' Human Rights provisions are both morally and legally binding on the country's Executive, Judicial and Legislative actors and the general population including individual citizens and corporate bodies. In other words, the breach, violation and abuse of these two sets of constitutional rights and their accompanied Treaty Rights Laws offers zero room for “permissible derogation” or valid defensive excuses. Going by the United Nations Office of the High Commissioner for Human Rights definition: Human rights are rights we have simply because we exist as human beings — they are not granted by any state. They are universal rights inherent to us all as members of the Human Family, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status.

It must however be noted that 'no matter how good or socially friendly a law is, including a human rights provision; it can never enforce itself'.

In other words, friendly human rights provisions are not only written to guard and guide organized social climate but also practicalized or put into practice and strongly defended, promoted and advanced. Sadly in Nigeria or any part thereof, despite the clearly laid-down provisions of these two sets of human rights in the 1999 Constitution and their accompanied Nigeria's Human Rights Treaty Laws, Decided Cases and Law Enforcement Provisions; setting limits or restrictions on use of force and other law enforcement approaches by law enforcement agencies and their officers during their law enforcement operations; these human rights provisions and related rules and regulations or procedures have been breached and abused with reckless abandon; no thanks to the country's security, defense, policing, intelligence and paramilitary practitioners or their state actor providers including officers and personnel of the Nigerian Army, the Nigerian Air Force and the Nigerian Navy; and officers and personnel of the Nigeria Police Force including various police crack squads; officers and personnel of the SSS, the NIA and the DMI (defense intelligence agency); and officers and personnel of Nigerian Paramilitaries and sub-state actor vigilantes. It is therefore totally correct to say that Nigeria's Human Rights Provisions are in a sorry state, facing reckless and indiscriminate abuses and violations.

## **800 Government-linked Fake Human Rights NGOs Aiding State Rights Abuses Since July 2015**

**O**ne of the greatest challenges facing the practice, enjoyment and advancement of human rights in Nigeria or any part thereof is infiltration, adulteration and corruption of the human rights defenders and their organizations in Nigeria particularly since July 2015. The Nigerian Human Rights Community has also suffered a major setback since July 2015 till date. The above is to the extent that between July 2015 and end of 2021, “there have been more than 360 Government-linked fake Human Rights, Rule of Law or Democracy NGOs indirectly linked and sponsored by Nigeria's Federal and State Government political actors”.

The above was according to detailed research conducted by the Carnegie Endowment for International Peace, USA, which in July 2021, published a shocking and an eye-opener research-report, stating that “Nigeria's top powerbrokers have cultivated a new generation of pro-government NGOs, which masquerade as authentic civil society groups, singing praises of top government officials and attacking their critics”. The research report was released on July 28, 2021; titled “the Rise of Pro-Government NGOs in Nigeria” and was authored by Mathew Page, an associate fellow with the Africa Program at Chatham House, United Kingdom.

As if that was not enough, from then (July 2021) till now (October 2024), a period of more than three years, more than 440 Government-linked fake NGOs have additionally been created or formed; with their stock in trade being faking and doctoring or counterfeiting the activities of credible local and international NGOs and laundering images of atrocious and corrupt Government officials including defending them locally and internationally in matters of their conduct-atrocities and corrupt practices perpetrated by high ranking police, military (including army, air force and navy), intelligence and paramilitary officers in the country or any part thereof. There are also other Government-linked NGOs and their leaders holding brief for the Presidency, Ministers and other departmental and parastatal heads; and heads of boards at Federal and State levels including State Governors, their commissioners and so on.

Included in the list are Government-registered or linked fake NGOs holding brief for ethnic and religious cleansing groups and their patrons through press conferences and protests in defense of their atrocities and corrupt practices. The Nigerian Government under Retired Major Gen Muhammad Buhari even went to the extent of defacing and staining the corporate image of the National Human Rights Commission and infiltrating the ranks of Amnesty International (Nigeria Section), a world leading and highly respected human rights watchdog. Under his government, too, the advocacy attention of the Human Rights Watch on Nigeria (particularly in the East and Middle-Belt) was also diverted till date.

The highly respected international human rights watchdog based in the United States, was very active and engaging in those part of the country until 2016 when a certain Nigerian lady was appointed as the 'Researcher on Nigeria' and later moved to the 'African Division as head till date.

As if that was not enough, the National Human Rights Commission, under his government, was also widely seen as a conformist on critical human rights issues, with a particular case in point being the controversial role of the Commission during and after the Dec 2015 Army massacre of unarmed and defenseless Shiite Muslims. The NHRC was widely suspected to have organized a kangaroo panel of enquiry on the massacre and ended up indicting “the victims as the perpetrators” and “the perpetrators as the victims”. The so-called “Kaduna State Government Judicial Panel of Enquiry” later toed the same line by “exonerating the perpetrators” and “indicting the victims” in the end. The Zaria Shiite Muslims massacre took place between Dec 12 and Dec 15, 2015, during which independent sources noted that about 1000 unarmed and defenseless Shiite Muslims were massacred and over 800 others wounded on orders of then Army Chief, Lt Gen Tukur Yusuf Buratai, in which the Government of Kaduna State (via SSG) was forced by public outcries to admit that “348 Shiite Muslims were killed”. The massacre had occurred during the Shiite Muslims' annual religious procession (Ashura) in Zaria. The then atrocious Army Chief later claimed that “his convoy was violently blocked and attacked by Shiite Islamists during their violent procession”. The Retired Major Gen Muhammad Buhari-led Government of Nigeria, in its desperation to cover up, vindictively declared the group as “a terrorist organization” in July 2019. Till date, the perpetrators including Retired Lt Gen Tukur Yusuf Buratai and the then General Officer Commanding, 1 Mechanized Division of the Nigerian Army, Kaduna; among others, are still on the prowl.

International Flight tickets were offered under Buhari's Government to Government paid fake Human Rights NGO activists to key international organizations and institutions to submit petitions and letters that sing praises of key political and security actors seriously indicted in several human rights reports over their horrendous and grisly rights abuses and violations.

Hundreds of such Government-linked and fake NGOs were also recruited and paid to organize protests including mock burials and picketing at key foreign missions in Nigeria and major streets in major foreign capitals against the works of credible human rights groups and their leaders including those of the Amnesty International. More than 100 Government-linked and fake NGOs have been recruited and paid since 2015 till date to hold press conferences across the country or any part thereof against the leaders of the Intersociety over its reports on deteriorating state of human rights, democracy, rule of law and citizens' security and safety across Nigeria or any part thereof.

The official website of the Intersociety have been attacked for more than 50 times and shutdown at least ten times since 2017. Government hired NGOs and their leaders have been routinely sponsored to embark on trips to key international justice and human rights monitoring bodies including UN Human Rights bodies and ICC during which the former Government of Retired Major Gen Muhammad Buhari, with worst poor human rights record, reportedly influenced the election of one of its surrogates as “President of the ICC between 2018 and 2021”. Not forgotten were similar Government sponsored trips by Government-linked fake NGO leaders to key international diplomatic scenes to submit counter-petitions or organize international press conferences in foreign lands to praise-sing the abusive actions and conducts of high ranking Government figures and counter and doctor credible reports, petitions or letters from credible Human Rights, Rule of Law and Security and Safety NGOs from Nigeria and others from outside the country.

## **Roguish Enforcement Of NSA Act Of 2004 Turning Nigeria Into “A State Of Terror”**

**T**he reckless abandon with which clear provisions of the National Security Agencies Act of 1986 (NSA Act of 2004) as it relates particularly to core duties of the State Security Service (SSS) is flouted and abused; is dangerously turning Nigeria or any part thereof into 'a Police State'. The above is to the extent that officers and personnel of the SSS have left their core duties and adopted the following auxiliaries as “their core duties”: such other responsibilities affecting internal security within Nigeria as.... the President...may deem necessary. The above is supplementarily provided in Section 3 (c) of the NSA Act.



It must further be noted that in the case of officers and personnel of the SSS, they have abusively cashed in on the vague and undefined supplementary duties placed at the discretion of the President or Presidency to wreak havoc on human rights and fundamental freedoms of Nigerian citizens particularly their 'custodial liberties' and 'pre-custodial fundamental human rights' and those of other citizens accused of having gone against or going against the country's criminal laws. It is also horrifying and shocking that during such unlawful incarcerations, several lives of the detainees are lost to torture including physical and mental torture, starvation and other acts of depravities.

As if that was not enough, officers and personnel of the SSS have also delved into areas outside their core mandates including those traditionally and statutorily allotted to officers and personnel of the Nigeria Police Force and other matters involving 'simple offenses and non-criminal others' upon which human rights and fundamental freedoms of defenseless citizens are being brazenly abused or trampled upon with reckless abandon and unchecked impunity. As a matter of fact, officers and personnel of the SSS have been recklessly going about engaging more in supplementary "law enforcement operations" than their core mandate of "prevention and detection by way of intelligence gathering within Nigeria of any crime against the internal security of Nigeria" and sharing of the same, in addition to interfaces and cooperations with other security agencies through "inter-agency cooperations and collaborations". Shocking, too, is the fact that at mere suspicion of citizens (usually without prima facie evidence) of having committed or about to commit crimes against the State such as treason and treasonable felony offenses like "insurrection and terrorism or being parties to them" as well as street violent crimes like abduction-for-ransom, armed robbery and the like of cybercrimes (i.e. Cyberstalking and Advance Fee Fraud Offenses); suspected citizens are arrested and clamped into indefinite detention during which they are subjected to hourly or daily torture and other cruel, inhuman and degrading treatment or punishment in a bid to force into admitting committing such offenses or drop dead or fainted.

Those who fainted in torture are revived and subjected to the same torture until they confess under duress or drop dead. At death, bodies of the victims are rarely lawfully located, not to talk of availability of information about them being communicated to their family members and lawyers who are never informed or furnished with detailed credible information explaining the circumstances of their arrest or abduction, detention, death in custody and whereabouts of their dead body persons. Pre-investigation killings are also routinely the case with the SSS intelligence gathering and law enforcement operations as have been severally observed by independent observers and investigators; during which victim-citizens are “condemned to death” once accused of offenses of “terrorism” or “abduction” or “armed robbery” or “IPOB/ESN/Biafra Terrorism”. All the above clearly amounted to extra jus (beyond the law), extra-legal (beyond what the written criminal law provides) and extrajudicial (beyond court or judicial pronouncement or verdict). The SSS has also earned notoriety in delving into matters exclusively reserved for anti-graft agencies like EFCC and ICPC and other anti-money laundering and cybercrimes' agencies; to the extent that between 2016 and 2019, the secret police was widely accused of being abusively used by the Presidency and other powers that be in raiding official residences and quarters belonging to serving judges of state and federal high courts and justices of the appellate and the apex courts and other targeted public figures across the country including places like Abuja, Port Harcourt, Enugu, Lagos, Sokoto, Kano, Gombe, etc.

Such raids were infamously carried out in the dead of the night or at unofficial hours in circumstances widely believed to be “money (both dollars and naira notes) planting and recovery operations”. The targeted victim-jurists were those seen or perceived then as “enemies of the state or establishment”. The then Nigerian Presidency under Retired Major Gen Muhammad Buhari was also widely believed to have used SSS to carry out high profile politically and ill-motivated arbitrary arrests and indefinite detention of suspected political opponents of the Government. Not only that such operations ended up being witch-hunting but also the victim-judges had won all their cases against the Nigerian Government in courts.

Transfer of 'Criminal Responsibility or Liability', prohibited by Section 7 of the Administration of the Criminal Justice Act of 2015, as SSS modus operandi, has also been rampant; whereby those not linked to offenses rightly or wrongly alleged to have been committed are violently attacked usually in the hours of the blue law, arrested and clamped into indefinite detention (if survived arrest scene attacks including deadly shootings) for offenses they know nothing about simply because they are found to have communicated or associated with citizens under accusation. Such defenseless and innocent victims included parents, children (including infants and under-age), relatives, spouses, fiancées, girlfriends, landlords, landladies, yard-chairmen and friends of those taken into custody or on 'wanted list'.

There has also been a high rate of mass labeling, class criminalization, false labeling and ethnic and religious profiling, hearsay conclusions and prosecutorial vindictiveness in SSS (State Security Services) “law enforcement” and “intelligence gathering and briefing” exercises. A typical case in point was “the Killing of 14 Awomama Returning Wedding Youths” on July 17, 2022, who the DSS falsely labeled “ESN/IPOB terrorists killed during exchange of gunfire in their hideout”. It is also expertly surprising that a well-trained spy security agency like SSS and its sister NIA, still resort to use of torture and other crude methods including “hearsay conclusions” and “prosecutorial vindictiveness” (perpetual detention via endless exparte remand orders) in their intelligence gathering and processing as well as law enforcement operations. It is shocks the Intersociety the more going by the fact that the SSS and the NIA in Nigeria are one of the best trained criminal intelligence detection agencies, followed by the FCID and FIB of the Nigeria Police Force. It is rather disappointing that despite officers and personnel of the SSS and the NIA being the highest recipients of international best intelligence and crime detection trainings in best rated countries using Nigeria's public funds and services, they have remained largely crude and unprofessional.

The above is also against the backdrop of the evolution of digitalization and digitizing of criminal intelligence including its gathering, procession and investigations; and the crime detection and prevention techniques and skills including tracking and monitoring devices like drones, secret cameras and wired face caps, wrist watches, cloths, bangles, eyeglasses, car keys and car cameras, pasting devices, flashes, etc.; all of which have been made possible by the evolution of “man-mental-machine” intelligence skills, techniques and technologies. It is so shocking and unbelievable that as affordable and available as these technologically advanced devices and their skills are anywhere in the world including Nigeria, they have continued to elude various security agencies and their agents in the country or any part thereof; even when they have capacity to reduce intelligence gathering and law enforcement-induced human rights abuses by 90% in accordance with their legitimate limitations under friendly laws and related provisions and practices.

## SECTION TEN:

### **Evaluation Of Modern Intelligence The Defense, Police And Intelligence Agencies Never Have**

**Defining Intelligence And Its Three Dimensions:** By Intelligence, “it is a refined, analyzed and evaluated information or data gathered through either overt or open sources; or covert or secret means; or both”. It is also “an information ingrained with added value through analytical and evaluative instrumentation”. Intelligence as ‘a heartbeat of security in modern time’, is further defined by “the Dictionary of the United States Military Terms Joint Usage”, as “the product resulting from the collection, evaluation, analysis, integration and interpretation of all available information which concerns one or more aspect of foreign nations or areas of operation which immediately or potentially is significant for planning”.

**Three 'Dimensions of Intelligence'** are “Intelligence as a Process” involving evaluation and procession; “Intelligence as a Structure”, involving agencies and institutions (intelligence services) charged with intelligence services; and “Intelligence as a Product” using the analyzed and evaluated intelligence for purpose of meeting short term and long-term goals.

**Seven Types Of Intelligence:** The seven categories or types of Intelligence are: Security Intelligence which involves collecting, collating, analyzing, evaluating and disseminating information than can protect a nation or its part against internal threats or violence. Security Intelligence is specifically behind the police function such as knowledge and activity which defensive police forces must have before they take specific action against suspected criminal individual citizen or suspected a group of suspected criminal citizens. Other types of intelligence are: Criminal Intelligence for purpose of providing watertight evidence in aid of criminal investigation and prosecution; Home Security or National Intelligence, involving dissemination of security intelligence for effective management of national security; Foreign Intelligence, involving intelligence gathered or obtained from outside the country to ward off a saying that “what happens abroad can kill us at home”.

'Strategic Intelligence' involves gathering, analyzing, and evaluating about the capabilities, vulnerabilities and aims of foreign countries. Strategic Intelligence specifically involves ascertaining the "SWOT" or 'Strengths, Weaknesses, Opportunities and Threats" of another country or armed opposition groups; Tactical Intelligence, involving devolution of intelligence responsibility among the hierarchy of personnel in an intelligence service such that pieces of information collected, collated, analyzed and evaluated can be used by the leadership or top management for short term policy agenda; and Counter-intelligence, involving measures to counter any foreign intelligence activities or to counter the intelligence gathering capabilities of members of the armed opposition groups, constituting a serious threat to national security or any part thereof.

## Intelligence Collection, Disciplines And Means Of Collection:

**By Intelligence Collection:** It is a process of collecting information for intelligence purposes. **Intelligence Disciplines** are divided into two major categories of: 'Technical and Non-Technical Intelligence Disciplines'. Types of **Technical Intelligence** are Signals Intelligence or 'SIGINT', Imager of Intelligence or 'IMINT'; and Measurement and Signatures Intelligence or 'MASINT'. **Non-Technical Intelligence** is made up of: Human Intelligence or 'HUMINT' and Open-Source Intelligence or 'OSINT'. Several Forms of **Measurement and Signatures Intelligence (MASINT)** include: Radar Intelligence or 'RADINT', Acoustic Intelligence or 'ACOUSTINT', Nuclear Intelligence or 'NUCINT', Radio Frequency/Electromagnetic Pulse Intelligence or 'RF/EMPINT', Electro-optical Intelligence or 'ELECTRO-OPINT', Laser Intelligence or 'LASINT', Material Intelligence, Unintentional Radiation Intelligence or 'RINT', Chemical and Biological Intelligence or 'CBINT', Directed Energy Weapons Intelligence or 'DEWINT', Effluence/Debris Collection Intelligence, and Spectroscopic Intelligence.

**Means of Modern Intelligence Collection** include: **Espionage** (collection of information for intelligence purposes through covert or secret means; **Agents or Assets** (spies who gather intelligence information); **Case Officers** (grouping of spies into small or cell units and assignment of intelligence gathering duties); **Courier** (support personnel who assist the spies); **Black Bag Operations** (gaining entrance into information facility for strategic intelligence gathering purposes through lockpicking, safecracking, fingerprinting, electronic surveillance, etc.); **Interrogation** (through the use of 'man-mental-machine skills' and other civilized and mentally intelligent methods such as Suggestibility, Reid, Deception and other information extractive and tracking devices and methods other than torture which is universally outlawed).

Other **Modern Means of Intelligence Collection** are: **Number Station** (use of covert short wave radio stations); **A One Way Voice Link (OWVL)**; **Steganography** (sending information to the recipient in a hidden way for intelligence purposes); **Cryptography**; **Concealment Devices**; **Diversion Safe**; **Eavesdropping**; **Surveillance**; **Biometric Surveillance**; **Natural Surveillance**; **Pseudo Operations**; **Political Campaigns** (through the use of Straw-Men); **Sex and Honey Pots** (considered illegitimate in some countries and regions); and **Walk-Ins** (art of voluntarily giving useful information to law enforcement and security agencies or agents which must pass through process of thorough verification to avoid abuse and victimization).

## **Criminological Dimension To Management Of Criminal Offenses And Their Offenders In Nigeria:**

**T**here are different scholarly accounts on Field of Criminology or Study of Crimes and Criminal Persons and their Management and Regulations. Criminology is divided into various branches, including but not limited to: Penology, Victimology, Forensic Science, Criminal Justice, Juvenile Delinquency, Criminal Behavior Systems (influences of nurture and nature), Sociology of Law, Criminal Statistics and Criminalistics. Penology is the study of the management and punishment of criminals including sentences.

Victimology examines the victims of crime, patterns of offence, place of incident, characteristics of and relationship between victim and offender and the like and focuses on the victims of crime and roles played by other parties in criminal activity.

Juvenile Delinquency concentrates on the participation of children, juveniles or youth in criminal behavior and activity. Criminal Statistics is based on recorded offences gotten from official agencies such as the police and courts; and often interpreted with caution and it also means gathering valid crime data, measuring crime patterns and trends to control crime. Criminal Behavior system is concerned with carrying out research on specific criminal types and patterns. For example, organized criminals, disorganized criminals, armatures, terrorists, etc. Forensic Science is the study of the various scientific methods of criminal investigation and techniques to discover the perpetrators of crime and gather convincing evidence for court use. Criminalistics is the study of crime detection, which is related to the field of Forensic Science. Sociology of Law and Legal Studies involving the study of the origin of law and measurement of forces that can change laws and society regarding management of crimes and their offenders.

## **Evaluation Of Modern Methods Of Scientific Criminal Investigation Lacking In Police, DSS, Others**

**T**he Nigerian Security Forces (**NSFs**) charged with law enforcement operations and criminal investigation and crime prosecution particularly the Nigeria Police Force and the Department of State Security Services are fundamentally lacking modern tools and techniques of crime detection and prevention and criminal investigation and crime prosecution. The above is despite the recent times scientific aids and provisions in that direction. Such scientific provisions include examining firearms, serological and toxicological tests, examining hairs and fibers, mineralogical and metallurgical tests, and document examination. For instance, in firearms examinations, offensively used firearms are identified through microscopic imperfections that are inadvertently in gun barrels during manufacture. Subsequent use and tear contribute further to a weapon's individuality.



A bullet fired from a pistol or rifle, therefore, has impressed on its surface the individual characteristics of the barrel through which it was fired. Other parts of the gun also possess individual characteristics. The firing pin, breech face, extractor and ejector meet cartridge, hence, cartridge cases may be scored with distinctive markings that can be identified with a particular gun.

In serological investigations, it is first understood that serology is the study of body of fluids in relation to sickness and its treatment. In crime detection, serological procedures are applied to the identification of a bloodstain, that is, to determining its human or animal origin and its blood-group classification. Suspects in violent crimes often claim that bloodstains on their clothing, weapons or automobiles have no connection or link to the crime. Serological tests on dried bloodstains can ascertain whether the blood in question could have come from the suspect or the victim. DNA fingerprinting (deoxyribonucleic acid), using chemical analysis investigator, can determine if blood or other fluids found at a crime scene match a genetic profile.

In toxicological investigations, which have to do with science of poisons, special methods of analytical chemistry have been developed for use in toxicological examinations. The problem of separating poison from other materials and of identifying them recurs constantly in a crime laboratory. The specimen ordinarily examined in cases of suspected poisoning are tissue samples from vital organs, blood or urine, food, drink, and suspected poison itself. In hairs and fibers, a piece of hair or a few strands of fiber when compared with known specimens may prove valuable in solving a case. For example, a fiber found on a cut screen at the scene of a burglary may be associated with a suspect jacket, or hair found on a suspected car in a hit-and-run case may help prove that a car struck the victim. An examination of hair may reveal whether it is of human or animal origin. If of human origin, it can be compared with hairs from a particular person's head or body.

In mineralogical examinations, involving science of mineralogy, they are also used in crime detection. The mineralogist studies soil, plaster, cement, brick, concrete and glass for any evidence. Mineral analyses have shown that differences may be detected in soil composition.

Soil and dust found on a suspect clothing and determined to be comparable to that at crime scene help to prove the person's presence in that locality. In metallurgical investigations, they make it possible to identify the source of an item whether made of metal, plastic, ceramic, or other material-found at a crime scene, and further, to determine if two similar items were fractured from each other, the nature of the force causing the fracture, the direction from which the force came from, and the time when the fragments became separated.

Metallurgical examinations can also determine how a metal item was manufactured, and whether items found in different locations were made at the same time and by the same manufacturer. Such identification helps trace the evidence to its owner. The metallurgist can in some cases restore obliterated or altered on metal objective. Document examination, on its part, traditionally consisted largely of comparing questioned handwriting with known handwriting to determine the writer's identity. It also includes the examination of hand-printing, email and other digital documents, forgeries, typewriting, inks, paper, indented and eradicated writing, rubber-stamp impressions, charred paper, and related items. Under the above, no two persons write exactly like. The writing process is so complex that personal peculiarities always persist in the handwriting of any given individual. Detailed examinations reveal these hidden characteristics, which can then form the basis for an expert's opinion. **Reference: CSS 341: Policing And Law Enforcement, National Open University of Nigeria (NOUN).**

## **SECTION ELEVEN:**

### **Summary Of Field Atrocity Conducts Fueling Military Siege, Terror And Corruption In Eastern Nigeria**

#### **Reckless Abuses Of The Armed Forces Act (2004) Majorly Fueling Military Siege And Terror In The East:**

**T**he reckless abandon with which the clear provisions of the Nigeria Armed Forces Act of 1994 (Armed Forces Act of 2004) as they relate particularly to core duties of the Nigerian Armed Forces (Army, Air Force and Navy) is flouted and abused; has dangerously turned Nigeria particularly the South-East and Igbo parts of the South-South into military siege, killing fields and dens of extortionist military organized crimes. The above is to the extent that the Nigerian Armed Forces particularly soldiers and commanding officers of the Nigerian Army and other military personnel and their officers drawn from their High Commands and formations located in the South-East and the South-South have left their core duties as clearly provided in the Armed Forces Act and the 1999 Constitution and adopted “auxiliary or supplementary duties” as their existential or formatively sworn duties or responsibilities. The officers and personnel of the Nigerian Armed Forces particularly those that are federally drafted to Eastern Nigeria have cashed in on such clearly constitutionally undefined “auxiliary or supplementary” duties to wreak havoc on innocent and defenseless citizens and their constitutionally guaranteed and protected fundamental human rights and fundamental freedoms by turning Eastern Nigeria into killing fields and unstopably swimming in the bloods of innocent Easterners since August 2015; which have further heightened since January 2021. The above military conduct-atrocities in Eastern Nigeria have also incurably brought about corruption and high indiscipline among the officers and personnel of the Armed Forces and their High Commands situated in Abuja, Nigeria's Capital City.

## Highlights Of Discovered 50 Sources Of Military Corruption And Killing Fields In Eastern Nigeria

**T**here are 50 sources of military corruption and killing fields in the South-East and Igbo part of the South-South. They reared their ugly heads and transformed into dens of military corruption or unchecked extortion roadblocks since August 2015. These 50 sources of State's 'Crimes against Persons' and 'Crimes against Properties'; perpetrated by the drafted military officers and personnel in the two Regions have been responsible for an array of corruption and killings and other atrocious acts or conducts, using military formations in the two Regions. The offensive activities of the drafted officers and personnel of the military including aiding and abetting by their high commands such as the Army and the Defense Headquarters have maddeningly been responsible for killings, grievous bodily harms, body lacerations and maiming; abductions and disappearances including decimation and disappearance of dead bodies of the unarmed and defenseless citizens of those arrested or abducted alive and killed or tortured to death in the Nigerian military facilities; indiscriminate and unlawful arrests and detentions using false labeling and mass or class criminalization, hearsay conclusions and ethnoreligious profiling, etc. Included in the list are custodial torture and other inhuman or degrading treatments or punishments and 'domicide' or indiscriminate and wanton destruction of defenseless civilian properties such as dwelling houses, household properties, automobiles, market stores stocked with goods and haulage vehicles and their goods, etc.

It is also our finding that these 50 sources of military corruption and killing fields are maximally exploited and used by the drafted officers and personnel of the Nigerian Armed Forces, particularly Nigerian Army to falsely mass label, stigmatize and criminalize those arrested and abducted as “perpetrators of, or parties to ESN/IPOB/Biafra Terrorism”.

Victims of the above include parents, children (including infants and under-age), relatives, spouses, fiancées, girlfriends, landlords, landladies, yard-chairmen, friends, motorists, etc., arrested or abducted through violent attack using assault rifles and other instruments of death to shoot them at close range—resulting to their instant death or sustenance of terminal injuries; from where they are clamped into indefinite detention, if alive or dumped in undisclosed locations, if shot and killed. Bodies of those shot and injured who died on their way to military barracks and other undisclosed military locations; are disposed like dead fowls by being thrown into the river or swamp or gully site or bush or forest to evade traces and dodge accountability.

The most shocking of it all is that such military conduct-atrocities are brazenly perpetrated using constitutionally outlawed 'transfer of criminal responsibility' (prohibited and criminalized by Section 7 of the ACJA Act of 2015). It must be noted that such military conduct-atrocities using “transfer of criminal responsibility or liability” are also forbidden by Section 36, subsections 8 and 12 of the 1999 Constitution under 'Right to Fair Hearing’.

### **Military Dabbling Into Civil Matters, Usurping And Taking-Over Police Functions Since August 2015:**

It must technically be informed that officers and personnel of the Nigerian Armed Forces are never trained for management of democratic civic spaces including democratic assemblies and regulation of civil conducts of members of the civilian population. Apart from being restricted to art of war and its international regulations under the Geneva Conventions of 1949 and their Three Protocols of 1977 and 2005, the Nigerian Armed Forces know nothing about approved and unapproved ways of life of members of the civilian population. Legally speaking, unapproved ways of life of members of the civilian population are classified in written or codified criminal and civil laws as “criminal offenses” and “civil deviances or wrongs”. Further noted is the fact that it is not every social or civil deviance or wrong that amounts to “criminal offense”. All the above, therefore, explain the reasons why the Nigeria Police Force and other police forces or services around the world are traditionally charged with the responsibility of policing members of the civilian population through democratic law enforcement operations and their regulations clearly laid down in written laws.

Such traditional duties of the Police include apprehension of suspected unarmed criminal civilians and suspected armed criminal persons and deviant members of the Armed Forces, the Paramilitaries and sub-state actors like members of state vigilante groups, etc. In other words, traditional duties of the Police are incontestably extended to lawfully detaining, investigating and prosecuting deviant members of the general population whether military or civilians.

The Armed Forces of Nigeria are empowered by their own law and regulations to regulate and checkmate their conscripted or sworn officers and personnel and others who are subject to the Armed Forces Act of 2004 and any other military law. Under democratic dispensation, members of the Nigeria Police Force are also put in place and authorized by the country's criminal and law enforcement laws to police and regulate the deviant conducts of officers and personnel of the Nigerian Armed Forces especially as it affects their hostile and deviant relationship with members of the civilian population and other members of the public. Powers of the Police in that regard are exercised through constitutional and statutory 'powers' of arrest, detention, investigation and prosecution. The Nigerian Armed Forces are incapable by law, of “arresting, detaining, investigating and prosecuting” members of the Nigeria Police Force. The Armed Forces Act of 2004 also inherently disempowers officers and personnel of the Military (Army, Air Force and Navy) from “arresting, detaining, investigating and prosecuting” members of the Nigerian civilian population who are not subject to the Armed Forces Act or any other military law.

Also investigated and discovered was the fact that most of those recently announced by the Defense Headquarters as “arrested” and “neutralized (killed)” citizens of South-East extraction are most likely to be victims of false labeling and mass or class criminalization and crude use of force including its disproportionality. Not minding these clear-cut or watertight constitutional and statutory provisions, members of the Armed Forces, particularly since August 2015, have dangerously and gravely dabbled into areas of the policing laws and regulations which they know nothing about by their induction, training and establishment law. They have, as a result, become a 'meddlesome interloper', and in gross breach of the clear provisions of the 1999 Constitution, the Armed Forces Act (and any other military law), the Criminal Code Act, the Penal Code Act and the Administration of Criminal Justice Act, etc.

The above, therefore, explains the brazenness and reckless abandon with which officers and personnel of the Armed Forces have continued, particularly in the South-East and the South-South, to swim in the ocean of innocent bloods, corruption and related acts of indiscipline particularly since August 2015.

It is also shocking to note the way and manner officers and personnel of the Nigerian Armed Forces have illiterately dabbled into civil matters and militarily usurped and taken over the constitutional and statutory duties of the members of the Nigeria Police.

The Nigerian Armed Forces had not only dabbled into professional and technical areas they existentially knew nothing about but have also recklessly deployed “jungle justice methods” in dealing with such constitutional and statutory 'no-go areas'. These, they do by abducting, unlawfully detaining, torturing, killing and disappearing members of the civilian population, instead of having them lawfully transferred to the Nigeria Police Force which is equipped with technical and legal know-how in matters of reasonable suspicion of commission of criminal offense, arrest, detention, investigation and prosecution or discharge and acquittal of such arrested civilian citizens if the contrary is established. Apart from usurping and taking-over traditional police duties, officers and personnel of the Nigerian Armed Forces now see and treat every civil conduct or deviant behavior and three major categorized criminal offenses in the Criminal Code Act, the Penal Code Act and their procedurally unified Administration of Criminal Justice Act of 2015 as “act of insurgency or terrorism”, further heightened and recriminalized in the South-East and South-South as “IPOB/ESN/Biafra Terrorism”. The above is gravely the case, to the extent that civil conducts and 'street crimes' including simple, misdemeanor and felony offenses; or civil deviant acts or wrongs not amounting to criminal offenses are now militarily criminalized and treated by the drafted military officers and personnel as “acts of terrorism or insurrection or insurgency”; or worse still, “IPOB/ESN/Biafra Terrorism”.

Serious damages to civilian properties or burning down or destruction of dwelling houses and other properties by officers and personnel of the Armed Forces are also inclusive-with over 6000 of such razed in the East since August 2015.

Police, EFCC and ICPC (operationally led by the NPF) Duty-Offenses and others given to Paramilitary outfits like the Nigerian Security and Civil Defense Corps (for offense of vandalism) and the Federal Road Safety Corps (for statutory and strict liability offenses involving road traffic violations), etc., and other matters relating to civil conducts including social deviances or civil wrongs have been dabbled into by officers and personnel of the Nigerian Armed Forces and criminalized and recriminalized as “acts of terrorism or insurrection or insurgency” attracting instant death or death code”. Officers and personnel of the Armed Forces have not only dabbled into such offenses and civil matters but have also been severally involved in perpetrating and perpetuating many of them with impunity and in the line of their operational duties. Such offenses and civil matters militarily dabbled into include cultism, cybercrimes, (computer and internet fraud); money-laundering, vandalism, criminal assaults including aggravated assault, pickpockets, touting, road traffic offenses, inter-personal quarreling, manslaughter, indebtedness, property disputes including land matters; domestic disputes (husband-wife disagreements) and domestic violence including wife battering and sexual violence; housebreaking, burglary, arson, damages to properties, civil protests including sit-at-home; solid mineral theft and illicit mining or excavation; roadway corruption including roadblock extortion; community leadership matters including street, market association and town union matters; robbery and armed robbery; stealing, abductions such as military abductions, abduction-for-ransom and abduction-against-religious belief; trafficking offenses including trafficking-in-persons, trafficking-in-illicit drugs and trafficking-in-illicit arms; carjacking, revenue touting, students union and university matters, etc.



Apart from crudely and extrajudicially lumping the above and labeling them “acts of terrorism, insurrection or insurgency”, they are also mass-labeled in Eastern Nigeria by the Military as “acts of ESN/IPOB/Biafra Terrorism”; leading to thousands of innocent and defenseless citizens of the Region being massacred, hundreds of billions of naira being illicitly extorted and pocketed; and billions of naira worth of defenseless properties wantonly destroyed.

It must be pointed out that most of the persons publicly disclosed by the military authorities in Nigeria (by their numbers only) as having been “arrested and killed” during the military's law enforcement operations are most likely to be victims of military recriminalization and jungle justice or conduct-atrocities arising from civil matters and criminal offenses that have nothing to do with military matters or jurisdiction. It is also strongly suspected that those civilian citizens publicly announced by military authorities as “arrested and detained” are likely to have been killed and disappeared after being publicly announced. Possibilities are also very high that there are others that are not publicly mentioned whose numbers belong to “military dark figures of crime or conduct-atrocities” and who must have been killed extrajudicially and their dead body persons disposed like dead fowls.

## **Unanswered Questions Over Abductions, Killings And Disappearances By The Military In The East:**

**T**he indiscriminate “military dark figures” in their operational abductions, killings and enforced disappearances across South-East and South-South had arisen following their woeful failure to publicly disclose the victims' identities and circumstances of their killing, abduction and disappearance. Such circumstances have never been made public; thereby raising the following unanswered questions: “what are the full identities including names, gender, photographs, age-bracket, marital status, occupation, and towns, LGA and State of origin of those arrested and “detained” or abducted, killed or disappeared or seized under circumstances only known to their military captors?; when were they arrested or killed?, where were they arrested or killed?, how were they arrested or killed?, why were they arrested or killed?, where are the bodies of those killed?

What are the present locations of those arrested and held and why were they not transferred to the police?, under what circumstances were the slain killed?, what are the present conditions of those injured or wounded during or after their arrest?; where are the evidence (if any) gathered from the crime scenes involving the victims?, what are the legal sources of the military personnel's power to kill civilian citizens arrested or abducted unarmed in Nigeria or any part thereof, etc.?"

It is our further finding that the conversion of civil conducts into "act of insurgency or insurrection or terrorism" by military officers and personnel in South-East and South-South has become their stock-in-trade; to the extent that 'wearing a bangle or a faze cap or having a body tattoo or bearing a stylist hairstyle or responding to security questions at military roadblocks or wearing an Igbo red cap and Igbo identity wrist and neck bangles, etc., have been seized as an opportunity to instantly false-label and falsely accuse such victims as "as IPOB/ESN insurgents"; or "herbalists or combatants or relatives or wives or girlfriends or parent(s) or friends or collaborators of ESN/IPOB insurgents, terrorists, hoodlums", etc. All the militarily seized "unprohibited firearms" across South-East and South-South such as Dane Guns and Single Barreled and Double Barred Guns are also labeled by Nigeria's military authorities as "firearms or weapons recovered from IPOB/ESN/Biafra terrorists or insurgents or hoodlums".

Till date, no single prohibited firearm or assault rifle has been recovered from any member of the widely suspected State-protected Jihadist Fulani Herdsmen wreaking havocs across the South-East and the South-South. The above highlighted false labeling and class or mass criminalization are more reckless and dangerous at night at military checkpoints; or during military raid or invasion of communities, civilian homes and other facilities; labeled "ESN/IPOB/Biafra Terrorism/Terrorist hideouts or training camps". Such civilian places include students' hostels, nightclubs, liquor and eating joints, sports entertainment arenas, meeting venues, palaces of traditional rulers, Christian and Traditional religious worship centers, passengers discharged from their commercial vehicles and rounded up particularly at night and wee hours of morning, etc.

Persons abducted or arrested at such scenes, especially those unable to pay through their noses to regain instant freedom, if given such opportunity; run the high risk of being rounded up and publicly labeled, dead or alive, as “IPOB/ESN/Biafra terrorists or insurgents” with little or zero chances of them returning to their families alive.

Conclusively, it is most likely correct to say that roughly 90% of those killed or publicly announced as “having been arrested” by the military authorities including the Defense and the Army Headquarters are those belonging to the categories of the victims above mentioned. The patterns and trends of the above further indicate that such military conduct-atrocities heighten during the reports of the killing of military personnel under which officers and personnel of the Nigerian Armed Forces seize as an opportunity to engage in massive crackdown on members of the unarmed and defenseless civilian population under circumstances of revenge or reprisal attacks using ethnic and religious profiling, false labeling, mass criminalization and stigmatization. The not less than N265billion illicitly collected and pocketed by military officers and personnel in the South-East Region alone in nine years and four months (August 2015-December 2024) is strongly believed to have arisen from the 50 sources of military corruption and killing fields scattered unmasked and untracked across the South-East and the South-South Regions.

## SECTION TWELVE:

### Scholarly Definition Of Jihadism

Jihadism is commonly used to differentiate between violent and nonviolent Muslims or Islamists. The Jihadists aim to reorder Government and society in accordance with Islamic Law or Shariah. They see violent struggle as necessary to eradicate obstacles to restoring Allah's rule on Earth and defending the Muslim community or Ummah against the infidels (Christians, Traditionalists, Jewish Religionists, etc.) and apostates. If Ummah or Muslim community is threatened by aggressors or any, the jihadists held that Jihad is not just a collective obligation (fard kifaya) but an individual duty (fard ayn) that must be fulfilled by every able Muslim, just like ritual prayer and fasting during Ramadan. Jihadists are also referred in some climes as “Deviants”.

Jihad aims at changing the social and political organization of the State, by establishing sovereignty on a territory perceived as occupied or dominated by non-Muslims, defending the Ummah or Muslim community from external non-Muslim -threats-focusing on what they call “near-enemies” or “far-enemies”. Jihad also aims at correcting other Muslims' behavior, intimidating and marginalizing other Muslim sects. Jihadists also divide the world into “the realm of Islam” (dar al-Islam) or lands under Muslim rule where Shariah prevails, and “the realm of war” (dar al-harb) or lands not under Muslim rule and where under certain circumstances, war in defense of the faith can be sanctioned. Muslim rulers and Governments who Jihadists believe have abandoned the prescriptions of the Shariah are considered by them to be outside “dar al-Islam” or lands no longer under Muslim rule and therefore legitimate targets for Jihadist attacks.

## SECTION THIRTEEN:

### Torture And Prosecutorial Vindictiveness

#### Torture Attracts 25 Years Imprisonment In Nigeria And Trial For Murder If Tortured To Death In Custody:

**U**nder Section 8 of the Nigeria's Anti Torture Act of 2017, under "Penalties"; "a person (law enforcement official or armed opposition group's fighter or combatant or a criminal civilian torturer) who commits offense of torture shall be liable on conviction to imprisonment to a term of 25 years and if death occurs because of the torture, the person involved will be charged with murder".

**...Prosecutorial Vindictiveness:** According to the 2009 Edition of the Black's Law Dictionary, "Prosecutorial Vindictiveness" is understood to mean arbitrary directive of the Attorney General of a country or its sub-national unit (. i.e. State or Region or Province) or other State authorities such as the NSA, in the case of Nigeria, to clamp unarmed and defenseless citizens of a particular region or religion in their large or individual numbers into indefinite detention usually without official or public records such as the victims' biometrics. Victims under circumstances of the above are further denied custodial liberties including access to their families and lawyers, doctors or medical treatments, fair hearing, etc. Such citizens are also made victims of 'Prosecutorial Vindictiveness' by being spuriously accused of committing crimes or offenses attracting capital and other severe punishments on triable conviction.

Such spuriously levelled offenses include "insurgency", "terrorism", "terrorism financing" and "insurrection" as well as "kidnapping", "armed robbery", "murder", "arson", "burglary", "arms trafficking", etc. The coercive State actor authorities know that such spuriously levelled offenses are un-prosecutable due to zero presence of investigative and indictable evidence, yet they go ahead to level them with intent to inflict severe pretrial custodial punishments of lethal proportions on the victims.

The central motive behind such State authorities leveling such spurious accusations against the victim-citizens is to hold them in indefinite detention with no access to regular court trials and legal representations of their choice. The above is also fueled by “endless criminal investigations” brought about by lack of professional skills and techniques and lack of prima facie evidence needed to stimulate such criminal investigations.

Part of “prosecutorial vindictiveness” is reckless resort to “remand orders” usually issued through “order ex parte (one sided)” by court magistrates. Court Magistrates and their Courts in Nigeria are perpetually and statutorily barred from adjudicating or presiding over criminal court trials including high profile criminal offenses mentioned above; yet they are allowed to issue remand orders; formerly known as “Holden Charge”; designed to keep citizens in perpetual detention without regular and proper court trials. It must further be explained that under the above circumstances, the principal aim of such culpable State authorities is not to secure court convictions against the perpetually detained citizens through diligent prosecution and fair trial but to extrajudicially punish them including remotely killing or permanently disappearing them in custody using abusive power of investigation and its endlessness.

Dangers of “prosecutorial vindictiveness” include reckless use of obnoxious and draconian provisions that are gravely inconsistent with Fundamental Human Rights Provisions in Nigeria's 1999 Constitution and acceded Regional and International Human Rights and Humanitarian Treaties as methods of processing civilian citizens accused of offending criminal offenses of felonious nature or character. Heavy reliance on the above has resulted to detention without trial of the detained defenseless citizens and denial of access to their families and lawyers; likewise, fair hearing and fair trial including their presumption of innocence until the contrary is established by law courts. “Prosecutorial vindictiveness” in Nigeria has also led to degradation of the rule of law, crime detection and prevention and criminal investigation and prosecution processes in Nigeria or any part thereof particularly in the South-East and the South-South since August 2015 till date.

The inability and unwillingness of the law enforcement and prosecutorial authorities to follow due process of the law and their maddening recourse to “short cuts” such as “prosecutorial vindictiveness” have further hindered successful criminal prosecution and due process judicial convictions against those accused of such crimes—as cases of judicial convictions against those accused of “IPOB/ESN terrorism” or “parties to IPOB/ESN terrorism” have been very rare, if not totally unavailable in Eastern Nigeria since August 2015. The above explains the authorities of the Nigerian Armed Forces' crude and maddening resort to ongoing “exparte court-martial” to clamp members of the Eastern Nigerian civilian population into extrajudicial jail terms at all costs after having been abducted and held for years in secret military custodies.

Statistically, there are more than 6000 victims of “prosecutorial vindictiveness” under the authorities and custodies of the Nigerian Armed Forces alone, covering August 30, 2015, and Dec 31, 2024, who are likely to still be alive and languishing in different secret military facilities across Nigeria including hundreds or above inhumanly languishing in “WAWA Military Cantonment” in New Bussa/Kanji part of Niger State. The not less than 6000 civilian detainees did not include those who must have been shot and killed in custody or starved or tortured to death and permanently disappeared by the military. Estimated thousands of others are strongly suspected to be languishing in different open and secret DSS and Nigeria Police Force facilities across the country particularly in detention centers located in Abuja, Ogoni in Rivers State, Niger State, etc.; among whom hundreds must have secretly been moved to military facilities from their former captors. Apart from DSS, the culpable police departments are the Force Intelligence Bureau (FIB) and the Force Criminal Investigations Department (FCID) and their subordinate facilities across the country's 36 States where such victims are detained for several months or one year and above without trial.

A clear case in point was the arrest of six young females working as “salesgirls” in 2022 in Owerri, Imo State.

The six young girls were arrested by the operatives of the Department of State Security Services (DSS), Imo State Directorate and randomly accused of “being girlfriends of the wanted IPOB/ESN fighter or combatant” leading to them being tortiously held for more than five months without trial or March 14 to August 19, 2022. Their sudden release was prompted by impregnation in DSS custody of one of them which leaked to the media, forcing the authorities of the DSS to hurriedly free them weeks after. Despite wielding enormous investigative and prosecutorial powers under the law; coupled with skillful expertise and techniques, officers and personnel of the Nigeria Police Force and the DSS have rampantly engaged in long detention of unarmed citizens without trial using “prosecutorial vindictiveness” and abusive powers of detention and criminal investigation.

## **Thankful Position Of Chief Femi Falana, SAN On Gross Abuses Of Rights And Rule Of Law In Nigeria:**

**Titled:** “Falana urges Nigerian lawyers to end illegal arrests, detentions”.

**H**uman rights lawyer and Senior Advocate of Nigeria, Femi Falana, has called on Nigerian lawyers to take decisive action against the illegal arrest and detention of citizens. In a statement issued on Sunday (August 25, 2024), commemorating the 2024 Annual Conference of the Nigerian Bar Association (NBA), Falana urged the association to implement a robust mechanism for enforcing the Administration of Police Establishment Act and the Criminal Justice Act, both of which have been adopted by all 36 states of the Federation. Falana emphasized the need for Nigerian lawyers to lead the charge in ending the violation of citizens' rights by police and other law enforcement agencies.

He stated, “The NBA should take advantage of the conference to put in place a comprehensive mechanism for the implementation of the Administration of Police Establishment Act and the Criminal Justice Act, which have been adopted by all the 36 states of the Federation.



Despite the laws that prohibit the arrest and detention of individuals for civil wrongs and breaches of contract, and mandate legal representation, humane treatment of suspects, and conditional or unconditional bail, Falana lamented that these rights continue to be violated. “Even though both laws have abolished arrest and detention of citizens for civil wrongs and breaches of contract and made provisions for legal representation of suspects in police stations, the police and other law enforcement agencies have continued to breach the fundamental rights of suspects to personal liberty, dignity, and fair hearing,” he said.

He urged the NBA to direct its Human Rights Committees across 128 branches to accompany Chief Magistrates during their monthly visits to police stations, which would help curtail the unlawful detention of suspects. “The NBA should direct the members of the Human Rights Committee of the 128 branches to accompany Chief Magistrates during the monthly visits to all police stations in the country,” Falana suggested. “Such visits will end the incessant arrest and detention of suspects and others, as the Magistrates are empowered to grant bail to suspects, order their release, or direct their arraignment in appropriate courts.” Falana also called on the NBA leadership to pressurize the Chief Judge of the Federal High Court to designate judges for monthly visits to detention facilities operated by the Armed Forces, Economic and Financial Crimes Commission, Independent Corrupt Practices and Other Related Offences Commission, National Drug Law Enforcement Agency, Customs, and the State Security Service, as mandated by law. “Let the NBA leadership pressurize the Chief Judge of the Federal High Court to designate judges to conduct monthly visits to the detention facilities of various law enforcement agencies in line with the provisions of the Administration of Criminal Justice Act and the Police Establishment Act,” he urged.

Furthermore, he urged NBA leaders, who are official visitors to all correctional centers under the Nigerian Correctional Service Act 2019, to conduct regular visits to ensure that the rights of inmates are respected.

“The NBA leadership should visit the nation's correctional centers regularly and ensure that the rights of convicts and other inmates are respected in line with the provisions of the Nigerian Correctional Service Act and the Constitution,” he said. Falana also stressed the importance of applying the Anti-Torture Act, 2017, to eliminate the torture of suspects, reminding law enforcement officers that those who torture suspects to death are liable to be tried for murder, and that victims of torture have the right to seek compensation. “Nigerian lawyers should apply the provisions of the Anti-Torture Act, 2017, to end the torture of suspects and others in Nigeria,” Falana stated. “The police and other law enforcement officers must be made aware that the penalty for subjecting suspects to torture is 25 years imprisonment without any option of fine.”

He also advocated for state attorneys-general to ensure that only legal practitioners prosecute criminal offences, as seen in Delta and Kano States, which have abolished the practice of police officers without legal qualifications handling criminal cases. Falana urged lawyers to provide pro bono legal services to indigent citizens with genuine complaints. “State Attorneys-General should ensure that the prosecution of criminal offences in all courts is conducted by legal practitioners,” he advised. “Nigerian lawyers are urged to provide pro bono legal services to indigent citizens with genuine complaints.”

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Reference: <https://www.vanguardngr.com/2024/08/falana-urges-nigerian-lawyers-to-end-illegal-arrests-detentions/>

## SECTION FOURTEEN:

### Law Enforcement Operations In The East Zero Scientific, Rights And Intelligence-Driven

It is important to point out that the Intersociety's advocacy activities including monitoring and policing the law enforcement operations of the military, the police and the secret police in Eastern Nigeria since August 2015 are strictly geared towards ensuring that such law enforcement operations are scientific, human rights and intelligence driven and generally carried within the ambit of the law. Sadly, reverse is the case! The Intersociety also has zero sympathy for members of the general population lawfully found to be conflict with criminal laws clearly written and defined. Our zero sympathy for non-state actor criminal entities is extended to those that have taken up arms against the State, persons and properties; provided they are not being checkmated and punished outside the law. These we do in accordance with international laws and Nigeria's obligations devoid of permissible derogation under UN System.

Therefore found totally condemnable and unacceptable in Eastern Nigeria since August 2015 (worsened since January 2021) are the fact that in the operational eyes of the drafted security forces including officers and personnel of the Nigerian Armed Forces and various crack and tactical squads of the Nigeria Police Force and the DSS: (1)“out of every fifteen citizens accused of being “seriously involved in Biafra Matters”, fourteen are most likely to be innocent or falsely labeled (note that no law in Nigeria or any part thereof permits security personnel or any of them to kill unarmed citizens under the rule of use of force and proportionality of same); (2) out of every fifteen citizens arbitrarily arrested and detained without trial in connection with “Biafra Matters”, fourteen are most likely to have been arbitrarily arrested and detained outside the law without trial; (3) out of every fifteen persons killed in the open by the military or police crack squads in connection with “Biafra Matters”, thirteen are most likely to be defenseless and unarmed;

(4) out of every fifteen unarmed citizens arrested alive, detained and tortured or starved to death in detention over “Biafra Matters”, the same number (fifteen) are most likely to be defenseless, innocent and unarmed.

(5) Out of every fifteen unarmed citizens abducted outside their family knowledge and official records by soldiers or military personnel over “Biafra Matters”, fourteen are most likely not going to come back alive and; if arrested by DSS and their likes, ten run the high risk of being tortured and killed in custody; (6) out of every fifteen unarmed citizens arrested by police crack squads over “Biafra matters”, seven run the high risk of not returning to their families alive; (7) out of every fifteen civilian houses or homes burned down or wantonly destroyed by military personnel or police crack squads, the same number (fifteen) are most likely not linked to 'military necessity'; (8) out of every fifteen criminal allegations such as “involvement in ESN/IPOB terrorism”; leveled against members of indigenous South-East and Igbo South-South civilian population, fourteen most likely do not to have anything in connection with the so called “ESN/IPOB-terrorism”; out of which, fourteen are most likely not linked to 'military matters'; nine are most likely to be spuriously accused or linked; three are likely to be street violent crimes-related and two others linked to non-capital punishment offenses. All the above is more so when it has also long been established that 95% of police or military or spy police-issued security intelligence information and law enforcement operations' reports in the South-East and the South-South are highly questionable and most likely to have been concocted or twisted or falsified.

Found to be lacking in the arrest or abduction, custody and shooting and killing of Igbo civilians in the East are availability of their full identities including names, gender, photographs, age-bracket, marital status, occupation, and towns, LGA and State of origin of those arrested and “detained” or abducted, killed or disappeared or seized under circumstances only known to their military captors.

Their military captors also hide required lawful information regarding when they were they arrested or killed, where they were they arrested or killed, how they were they arrested or killed, why they were they arrested or killed, locations of the bodies of those killed, present locations of those arrested and still held and why they were not transferred to the police. Others are the circumstances under which the slain were killed (.i.e. whether they were offensively or violently armed when shot and killed or shot and killed when unarmed or nonviolently armed), present condition of those injured or wounded during or after having been arrested or abducted alive, availability or unavailability of credible indictable evidence (if any) gathered from the crime scenes linked to the victims; and legal sources or power of the military personnel to kill civilian citizens arrested or abducted unarmed in Nigeria or any part thereof, etc.”

It is therefore our submission that the military authorities deployed in Eastern Nigeria, particularly the South-East and the Igbo South-South have abandoned the following core constitutional duties: “(a) defending Nigeria from external aggression” (see Section 217 (2) (a) of the 1999 Constitution); and (b) “maintaining its territorial integrity and securing its borders from violation on land, sea or air” (see Section 217 (2) (b) of the 1999 Constitution. These, the Nigerian Armed Forces have abandoned and taken refuge in the “supplementary duties” of: “suppressing insurrection and acting in aid of civil authorities to restore order when called upon to do so by the president, but subject to such conditions as may be prescribed by an Act of the National Assembly” (see Section 217 (2) (c) of the 1999 Constitution; and “performing such other functions as may be prescribed by an Act of the National Assembly” (see Section 217 (2) (d) of the 1999 Constitution. As underlined above, these “supplementary duties” have not only been grossly abused but also performed outside terms and conditions clearly prescribed by the 1999 Constitution as “no conditions and other functions in written law have been prescribed by the National Assembly of Nigeria” to regulate them. The above is more so when the Nigerian Armed Forces Decree of 1994 (now cited as “Armed Forces Act of 2004”) is yet to be fully democratized in accordance with Section 315 of the 1999 Constitution as amended.

It must further be internationally noted that by induction and training, members of the Nigerian Armed Forces are strictly trained in the art of war particularly interstate and intrastate armed conflicts upon which their operations are strictly regulated by several international treaties and obligations including the Geneva Conventions of 1949 and their Three Protocols of 1977 and 2005. It is a forbidden and severely punishable act in a situation of international armed conflict including a war crime offense to kill prisoners of war (POWs) and surrendered and wounded combatants taken alive into custody; how much more killing members of the civilian population including infants, children, underage, women, the elderly and men under situations of war-grade or non-war grade insecurity or regulation of democratic assemblies. It must also be pointed out that other social climates have since modified their armed forces and made them humanitarian, science and intelligence based or driven including involving them in disaster rescue and resettlement operations. In matters of policing and management of members of the civilian populations in non-war situations or regulation of democratic assemblies; members of the armed forces are kept off due to their zero professional trainings, technical know-hows and lack of establishment legal provisions in policing members of the civilian population.

## SECTION FIFTEEN:

### Over 2.7m Illicit SALWs Flooded Eastern Nigeria In Ten Years, 9m Proliferated Across Nigeria

#### Estimated 9m Illicit SALWs In Nigeria On: “One Illegal Firearm In 25 Citizens” And 2.7m In The East:

Going by several checks carried out by the Intersociety since 2015 regarding the number of Illicit Small Arms and Light Weapons (SALWs) in Nigeria including the South-East and the South-South Regions, there is likely to be estimated 9m SALWs across the country's six geopolitical zones of the North-East, the North-West, the North-Central, the South-East, the South-South and the South-South. Using the United Nations (“Worldometer”) projected population of Nigeria, estimated to be 234million citizens as of October 2024, out of every 25 citizens, there is 1 illicit SALW (1-25). It is further projected that the number of illicit SALWs in Nigeria is likely to have risen to estimated 9million in 2024 from estimated 5m illicit SALWs as of 2018; an additional increase of 4m. The South-West has been checked and found to likely to have the least number of illicit SALWs in Nigeria with 500,000 illicit small arms and light weapons in wrong hands, followed by North-Central with estimated 1m, South-South 1.2m, South-East 1.5m, North-West 2m and North-East 2.5m. Excluded are 'licit' Small Arms and Light Weapons in Government possession across Nigeria and properly licensed others in individual hands. Small Arms and Light Weapons in Nigeria are classified under the Firearms Act of 2004 as “Prohibited” and “Unprohibited Firearms”.

For clarity, “Illicit Small Arms and Light Weapons (SALWs)” are “non-armament weapons” in possession of wrong hands who also use them offensively and unlawfully. “Licit Small Arms and Light Weapons” are those in “the right hands” or in possession of the country's security, defense, intelligence, policing and paramilitary establishments. It must, however, be stated that many of the small arms and light weapons in the hands of the State actors and sub-State actors in Nigeria are abusively and offensively used or deployed. SALWs are further divided into 'War-Grade' or “Light Weapons” and non-War-Grade or “Small Arms”.

To the extent of them being possessed by wrong hands distinguished them as 'illicit SALWs'. When possessed and lawfully used or deployed by military and other security forces, they are distinguished as 'licit SALWs'.

It must further be explained that “War-Grade SALWs” or “Light Weapons” are weapons that are man-portable or transportable by light vehicles which do not require much in terms of service or logistical backup training and they include small caliber cannons, improvised explosive devices, light support weapons, combat grenades, anti-personnel landmines, mortars, anti-tank weapons, anti-tank mines, machine guns, grenade launchers, submachine guns, anti-tank rifles, under-water firearms, etc. “Non-War-Grade SALWs” or “Small Arms” include assault rifles, multiple-barrel firearms, revolvers, pistols, AK-47s, AK-49s, Pump Action Guns, Single Barreled Guns, Double Barreled Guns, Dane Guns and allied others and their ammunitions.

#### ...Available International Statistics:

According to the Economic Community of the West African States (ECOWAS Commission) in a statement issued on Tuesday, September 18, 2018, “there are estimated 100m illicit small arms and light weapons in circulation in wrong hands in Africa, out of which the West African subregion accounts for 10m (with estimated 4.5m-5m in Nigeria)”. The ECOWAS Commission's position was made known on Tuesday, 18th September 2018 in the meeting of the organizations in the Sahel region held at the ECOWAS parliament in Abuja. The statistics was given by then ECOWAS Commissioner for Political Affairs, Peace and Security, Francis Behanzin while fielding questions to journalists during which he stood in for then President of the ECOWAS Commission, Jean-Claude Brou. The ECOWAS Commission further disclosed that out of the estimated 100million illegal small arms and light weapons in Africa, over 800million were in circulation around the world.

Several seminal criminological and security studies' accounts have shown that the radical Islamic Republic of Afghanistan leads the world with estimated 13million illicit SALWs while the Arab Republic of Egypt leads others with highest number of anti-personnel landmines estimated at 6million, dating back to 1948 during the Israeli war of independence with her Arab neighbors including Egypt.



Alarming, with shocking and whopping 9million illicit SALWs in circulation and in wrong hands, Nigeria has become the second largest 'illicit SALWs' dumping site' in the world after Afghanistan. It must also be informed that illicit and licit small arms and light weapons in their hundreds of million are mainly manufactured by Five Permanent Members of the UN Security Council including USA (majority), Russia, China, France and UK; followed by other non-permanent UNSC Member-States such as Germany, Italy, Brazil, Ukraine, Japan, North Korea and some defunct Member-States of the Union of the Soviet Socialist Republics and Eastern European countries. As a matter of fact, as of 2017, there were not less than 1000 small arms and light weapons manufacturing companies in 98 countries with majority belonging to the United States and four other Permanent Members of the United Security Council (UNSC). Shockingly noted is that SALWs have been responsible for 500,000-700,000 civilian and other non-combatant deaths every year around the world, with 80% of the victims being women and children.

According to the United Nations' Small Arms Survey, published on June 19, 2018, “over 500,000 civilians and other noncombatants are killed every year by small arms and light weapons involving revolvers, pistols, assault rifles, machine guns and other similar weapons”. This was disclosed by UN Chief de Cabinet, Maria Viotti, who added that “there are over one billion legal and illicit firearms in the world as of December 2017 including 857million illicit SALWs in wrong hands. Out of the over one billion SALWs, 133million are held by government militaries around the world and 22.7million in the hands of law enforcement agencies while 857million are in the hands of civilians including over 390million held legally in civilian hands in USA.

Similarly, Small Arms are weapons that can be carried by a single person either for military or civilian use and are relatively cheap, available in abundance, highly portable, long lasting and easy to carry or operate, such as anti-armored car explosives, improvised explosive devices, revolvers, submachine guns, battle rifles, assault rifles, machine guns, carbines, multiple-barrel firearms, grenade launchers, underwater firearms, anti-tank rifles, etc.

Light Weapons, on their part, are weapons that are man-portable or transportable by light vehicles and do not require much in terms of service or logistical backup training; and they include small caliber cannons, light support weapons, combat grenades, anti-personnel landmines, mortars, anti-tank weapons, anti-tank mines, etc. Small Arms and Light Weapons when wrongfully deployed or used against a mass of defenseless people, especially targeting and killing them on the grounds of their ethnicity and religion can snowball into 'Complex Humanitarian Emergencies', resulting in large number of defenseless civilian deaths or generated and systematic hunger, diseases and displacement or homelessness arising from wanton domicile or genocidal property destructions including dwelling house burnings.

Relatedly, it must be added that Disarmament is the collection, documentation, control and disposal of small arms, ammunition, explosives and light and heavy weapons of combatants and those in the hands of violent civilian population. Demobilization, on its part, is the formal and controlled discharge of active combatants from armed forces or members of the armed opposition groups for purpose of ending violent armed conflict and accompanied rehabilitation and reintegration. Arms Control are efforts through interstate or sub regional or regional or international agreements or arrangements to limit or reduce the war weapons' making capabilities by restricting the influx and quantity of such weapons (arms and armaments) in the areas of their deployment to avoid arm race or conflict escalation.

### **...Military Channels, Arms Traffickers And Border Porosity As Major Sources Of Illicit SALWs In Nigeria:**

It must be clearly stated that illicit small arms and light weapons in Nigeria are those sourced or procured or purchased through sources not approved and processed by the country's Ministries of Defense, Interior, Police Affairs and Office of the National Security Adviser empowered by law to approve, process, purchase and distribute 'licit' weapons or legally purchased small arms and light weapons to Armed Forces (Army, Navy and Air Force), DSS, NIA, Police and the Paramilitaries.

Small Arms and Light Weapons that are procured outside the confines of the above are technically referred to as “Illicit Small Arms and Light Weapons (SALWs)”. They are “illicit” because they are illegally procured or purchased through illegal or 'black market' channels. 'Licit' or legally procured small arms and light weapons for right hands and legitimate use can also be proliferated into wrong hands if porously warehoused or managed and offensively used by their custodians.

Consequently, further investigations by the Intersociety have identified military channels, traffickers of small arms and light weapons as well as border and boundary porosities as major sources of the influx and proliferation of illicit small arms and light weapons in Nigeria particularly in the South-East and the South-South. The South-South Region has become prone to illicit small arms and light weapons' proliferation through “arms-for-oil” deals of the Niger Delta criminal politicians and oil warlords from 2000s till date. Despite 'the Disarmament, Demobilization, Rehabilitation and Reintegration Program' or 'Niger Delta Amnesty Program' of the President Late President Umaru Musa Yar'Ardua in 2009, large quantities of 'War-Grade' and 'Non-War-Grade' illicit arms and light weapons are strongly believed to still be in large circulation and in wrong hands in the Region.

The above is to the extent that such illicit SALWs have been dangerously deployed for sundry violent criminalities including cross boundary organized economic and political crimes perpetrated by the Niger Delta criminal persons in places like Abia and Ogbaru part of Anambra State. They have also been deployed for pro-jihadist attacks including killings, sexual offenses, abductions and burnings targeted at defenseless Eastern Christians and their properties. Not forgotten is the fact that such Niger Delta-bound illicit Small Arms and Light Weapons are often deployed for 'Government coordinated subversive and other State terror activities across the country including in the South-East and the Middle-Belt Regions. Many of the Niger Delta-bound illicit SALWs are also strongly believed to have been smuggled into Nigeria from the Republic of South Africa, a country with largest private military firms and services including influx and proliferation of illicit small arms and mercenaries in black Africa.

Some of such illicit arms are also produced and transited from South Africa while others manufactured in Europe and North America found their way into Nigeria via the same South Africa and others.

The Nigerian military operations (terror) in the Niger Delta and the South-East Regions have further become a breeding ground for the proliferation of illicit small arms and light weapons in Eastern Nigeria. Rabid corruption and absence of accountability in the military and its brutal and discriminatory soldiering have made it possible for “returned war or violence” and aided increase in the influx and proliferation of illicit and licit small arms in Eastern Nigeria including porosity of the military arms control channels. For instance, there is little or no verifiable data showing the whereabouts of illicit SALWs “recovered” by the military in the Niger Delta and the South-East Regions since August 2015. There are also big question marks regarding the safety and accountability of all the Government-procured “licit Small Arms and Light Weapons” in the hands of the military deployed for the ongoing military operations in the East since August 2015; to the extent that it is feared that hundreds of thousands of them have escaped from the possession of the military and other security forces and ended up in criminal hands in the East where they have become “illicit Small Arms in wrong hands and in wrong use”.

'State Jihadism Project', initiated and promoted under the former Government of Retired Major General Muhammad Buhari, has also been identified as another source of influx and proliferation of illicit and licit small arms and light weapons in the South-East and the South-South. The then Nigerian Government's secretly backed and protected Jihadist Fulani Herdsmen's movement towards the South, coupled with seizure and occupation of the Eastern forests, bushes and farmlands which started since 2016 also came with hundreds of thousands of illicit small arms in their possession till date. The above is to the extent that it is independently and conservatively estimated that there are 20,000 Jihadist Fulani Herdsmen and allied others secretly deployed and protected in Eastern Nigeria (South-East and South-South) forests, bushes, farmlands and South-East and South-South Triangles since 2016 during which they were allowed till date by Government of Nigeria and the country's military and other security forces to be in possession of AK-47s, numbering about 400,000, translating to average of 20 AK-47s per Jihadist Fulani Herdsman or his like".

Tens of thousands of illicit small arms and their ammunitions are also in the hands of Counterfeit Biafra Agitators and Eastern Security Network operating in the East.

The about 400,000 illicit Small Arms in possession of the drafted Jihadists in Eastern Nigeria are part of millions of such illegally proliferated weapons by the regionally assembled Islamic Jihadists from different parts of Africa including former “licit” Small Arms in Libya and other Maghreb countries, now in wrong hands, from where they are illicitly couriered into Nigeria for purposes of spreading and consolidation of Islamic Jihadism. Such illicit SALWs of Islamic Jihadism stock were first allowed into Nigeria by former Government of Retired Major General Muhammad Buhari and his security chiefs between 2016 and 2022 and spread and amassed by Government-protected Fulani Jihadists and allied others in areas dominated by Igbo and non-Igbo Christians and indigenous Hausa Muslims and Christians. Niger Delta Region is also a breeding ground for illicit procurement of illicit Small Arms such as AK-47s, AK-49s and other offensive weapons presently in use by criminal civilians and sub-state actors in the perpetration of sundry violent criminal activities against persons and properties in South-East. Such offensive weapons are assembled and distributed from Niger Delta Region after having been illicitly couriered from nearby African criminal sources including South Africa, Equatorial Guinea, Cameroon and nearby roadways and waterways from their original countries of manufacturing in Europe, North America and Asia.

Sub-State actor security arrangements or centralized State Government and decentralized Community vigilantism arrangements have further been identified as another major source of proliferation of illicit Small Arms in Nigeria particularly in the East. Not forgotten is the fact that, today, there are 1,940 Communities in the five Mainland Igbo States of Abia, 771; Anambra 183; Enugu 190; Ebonyi 96; and Imo 700 and in each of them, there is at least one community vigilante group with unspecified number of unprohibited firearms, procured through unofficial sources which have been swelling the proliferation of small arms under reference.

Presently in the South-East and some parts of the South-South, there are hundreds of thousands of illicitly procured Pump Action Guns and some quantities of offensive or prohibited weapons like AK-47s, found to have been procured by various State Governments through “black markets” and unlawful others. Such Pump Action Guns and allied others, though, classified as “unprohibited firearms” are found not to have followed due processes of procurement. Illicit Small Arms in the South-East are further proliferated by leading arms traffickers and transporters through roadway sources from the likes of Republics of Togo, Ghana, Cameroon, Ivory Coast, Benin, Angola, Burkina Faso, Sierra Leone, Liberia, etc. Others are illicitly couriered through inter-state channels including the Cross River-Cameronian regional border, the Ebonyi-Benue boundary, the Enugu-Kogi boundary, the Anambra-Imo boundary, the Anambra-Rivers boundary, the Anambra-Delta boundary and the Anambra-Kogi boundary, etc.

Generally, most of the illicit Small Arms in Nigeria are proliferated and moved to their final destinations through roadways at night, with about 85% of them “successfully” transited under the watchful eyes or conspiracy of the country's military and other security forces including the 'marine and border police', the military and the customs and the immigration services. Lagos-Seme and Lagos-Cotonou borders are major illicit Small Arms trafficking routes in the South-West. In the North, Yobe, Borno and Taraba States are major border areas where illicit Small Arms and Light Weapons are proliferated owing to their closeness to the Republic of Chad, the Republic of Niger and the Republic of Cameroon. They are also proliferated using Nigeria's Four Transnational Highways and 4000 navigable waterways. It has been observed that the Government of Nigeria and the country's security forces have been swelling the number of illicit Small Arms in circulation and in wrong hands by way of arms custody and control porosity. The above is aided by corruption and State actor subversive activities remotely aimed at undermining the country's general or collective security and safety. This, the Nigerian criminal State actors do by secretly arming the sobriquet “Janjaweed” to unleash unspeakable physical violence or wanton destruction of lives and properties targeted at defenseless and vulnerable citizens of Nigeria.

Weak regulations by statutory agencies responsible for arms control and safety have also been identified as one of the triggers of the influx and proliferation of illicit Small Arms and Light Weapons in Nigeria or any part thereof particularly in Eastern Nigeria.

Nigeria's proneness to rising influx and proliferation of illicit Small Arms and Light Weapons in wrong hands and use is further fueled by the fact that the following seventeen of the country's 36 States and the FCT (Abuja) share borders with four West and Central African countries of Benin Republic, Republic of Niger, Republic of Cameroon and Republic of Chad: Adamawa State - is in the North-East and shares a border with Cameroon. Akwa Ibom State - is a South-South State and shares a border with Cameroon. Benue State - is in the North-Central and shares a border with Cameroon. Borno State - is another North-East State but shares a border with 3 countries - Cameroon, Niger Republic and Chad. Cross River State - is a South-South State and shares a border with Cameroon. Jigawa State - is a North-West State and shares a border with Niger Republic. Katsina State - is another North-West State that shares a border with Niger Republic. Kebbi State - is also a North-West State and shares a border with Niger Republic and Benin Republic. Kwara State - is in the North-Central and shares a border with Benin Republic. Lagos State - is a South-West State and shares a border with Benin Republic. Niger State - is a north-central state and shares a border with Benin Republic Ogun state - is in the south-west and shares a border with Benin Republic. Oyo State - another South-West State that shares a border with the Benin Republic. Sokoto State - is in the North-West and shares a border with Niger Republic and Benin Republic. Taraba State - is a North-Central State and shares a border with Cameroon. Yobe State - is a North-Eastern State and shares a border with Niger Republic. Zamfara State - is in the North-East and shares with Niger Republic.

## **Possessors Of 'War-Grade' And 'Non-War-Grade' Illicit SALWs In Eastern Nigeria:**

**G**reater number of those bearing illicit arms in Eastern Nigeria are from bearers of 'non-War-Grade' illicit arms such as the likes of AK-47s, AK-49s, revolvers, assault rifles, multiple-barrel firearms, pistols, Pump Action Guns, Single Barreled Guns, Double Barreled Guns, Dane Guns and allied others and their ammunitions. Unlawful possessors of the above particularly in the South-East include Government-linked killer squads, Counterfeit Biafra Agitators, Eastern Security Network of IPOB, MACBAN Vigilante Group, Igbo Land born and bred Hausa-Fulani Jihadist Muslim recruits and subversive elements within the deployed security forces in the East and sub-State actor security vigilantes. Others are non-State actor violent criminal entities such as kidnapers, hijackers, highway and other roadway armed robbers and violent cybercriminals. In the list, too, are murderers (offenders of civil homicides and manslaughters), arsonists, communal warlords, criminal vigilantes, anti-communal crude oil and other solid mineral mining armed agitators, etc.

Possessors of “War-Grade Small Arms” and “War-Grade Light Weapons” in Eastern Nigeria, on the other hand, are majorly drawn from members and leaders of the pseudo-demobilized and disarmed Niger Delta Militants including remnants of the Niger Delta People's Volunteer Force of Alhaji Asari Dokubo, now “private security and pro jihadism mercenaries” secretly operating in places like Anambra, Imo and Ebonyi in the South-East and different parts of Niger Delta Region including Rivers State. Also in this list are remnants of the former Movement for the Emancipation of the Niger Delta loyal to one of their former commanders, named “Boyloaf”; as well as remnants of the former Niger Delta Vigilante Group, a former Ijaw militia in Niger Delta; loyal to Tom Ateke, their former leader. Others are those loyal to “Tompolo”, another former top commander of the Movement for the Emancipation of the Niger Delta and chief priest of Egbesu deity.



Not forgotten in the list are leading sea pirates in major waterways in the South-East and the South-South. There is also a possibility that Counterfeit Biafra Agitators and 'crossed-over' ex Niger Delta Militants have access to pockets of these “War-Grade” illicit Small Arms and Light Weapons in their possession in the South-East. For further clarity, “War-Grade illicit Small Arms” in possession of the unlawful bearers above mentioned include anti-armored car explosives, improvised explosive devices, submachine guns, machine guns, carbines, multiple-barrel firearms, grenade launchers, underwater firearms, anti-tank rifles, RPGs, etc.; while “War-Grade Light Weapons” in their hands and use include small caliber cannons, light support weapons, combat grenades, anti-personnel landmines, mortars, anti-tank weapons, anti-tank mines, etc.

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Reference:

<https://www.legit.ng/nigeria/1549050-list-nigerian-states-share-borders-countries/>

## SECTION SIXTEEN:

### **Abandonment Of Good Governance Model Remotely Fueling Military Terror In The East**

“We hold these truths to be self-evident, that all men (human beings) are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men (members of the Human Family), deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness”.

The above was the foundation upon which the American democracy and civil liberty was founded and has remained a model for modern democratic governance across the world particularly in African countries of Botswana, Zambia, Tanzania, Liberia and majority of EU countries and those of the North and the South American Continents. Though, the Chapter Two of the Nigeria's 1999 Constitution was worded and modelled after the US Independence Declaration of 1776 and the current Constitution of the United States, but the Chapter Two's provisions have been observed in gross breach and abuses.

**Limited Government Founded On 'Social Contract':** The “Concept of Social Contract” was developed to avoid the modern societies relapsing into “the State of Nature” “where every person has a natural right to do anything one thinks necessary for preserving one's own life”; thereby making life “miserable, solitary, poor, nasty, brutish, and short”. The above was according to Prof Thomas Hobbes (April 5, 1588-Dec 4, 1679), a 17<sup>th</sup> Century English Philosopher, in his Leviathan (Chapters XIII XIII XIV: published in 1651) and his earlier work, “De Cive” (1642, 1647).

Hobbes further described this natural condition in the State of Nature with the Latin phrase ([bellum omnium contra omnes](#)) meaning "[war of all against all](#)". He developed the way out of the state of nature into political society and government by way of mutual contracts or "Social Contracts". Prof Thomas Hobbes' "Social Contract" work later inspired and influenced the United States and the French Revolutions of 1776 (USA) and 1789-1794 (France).

Through the combined efforts of Thomas Jefferson, John Adams, Franklin Benjamin, Roger Sherman and Robert Livingston, the famous United States Independence Speech, drawn from the works of the likes of Thomas Hobbes and John Locke, was written and delivered on July 4, 1776. Prof Thomas Hobbes "Social Contract" connotes sacred and inviolable agreement between the Governed and the Governors, which fundamentally contains "the Dos and the Don'ts" and the "Social Contract Obligations" of the elected and the appointed public office holders exercising executive, legislative and judicial functions. It must be reminded that Section 13 of Nigeria's 1999 Constitution clearly provides: "it shall be the duty and responsibility of all organs of government, and all authorities and persons, exercising legislative, executive or judicial powers or duties, to conform to, observe and apply the provisions of this Chapter (Two) of this Constitution." Section 14 (2) of the 1999 Constitution (under Chapter Two) also provides: "it is hereby declared that sovereignty belongs to the People of Nigeria from whom government through this Constitution derives all its powers and authority".

## **Social Contract's Priceless Services Required Of State, Citizens And Social Entities**

Principles of 'Social Contract Obligations and Services to Humanity' are divided into "State Social Responsibilities" and "Citizens' Services to Humanity or Society". Priceless duties or responsibilities of those in charge of the State to the Governed are called "Social Contract Obligations", which are devoid of any permissible derogation.

On the other hand, “Citizens' Services to Humanity or Society are further divided into Five including: those in Social Enterprises Entities (example, Churches and other charity entities), called “Community and Humanitarian Services”; those in Legal Profession (example, Lawyers), called “Pro Bono Services”; those in other Professions (i.e. Researchers and Academicians), called “Donation of In-Kind Resources”; those in charge of Companies and Allied Others, called “Corporate Social Responsibilities”; and others involving Individual/Group-Citizens (example, private-citizens, human rights and pro-democracy activists and their organizations), called “Services to Humanity or Society”.

For those in Government exercising Judicial, Legislative and Executive Powers, their 'Social Contract' obligations include ensuring steady availability of commonwealth and common good; equal access to public resources and public facilities; safe and secured environment; ensuring equality before the law including periodic civil and criminal justice reforms and human rights and rule of law-compliant legislations and judicial pronouncements; provision of security and safety of lives and properties; ensuring popular participation in political and electoral processes; provision of public mobility such as roads, water and air transports; access to good public healthcare, safe water, food and shelter; and public accountability and morality.

The honoring or strict adherence to all the above by Government is strategically called “subsidization of human and societal needs provisions”. This is because through the humane dispensation of public funds, such needs are quantitatively and qualitatively provided at subsidized rates or costs. Citizens' equal access to them is also ensured and made possible through their procurement or provision using public funds and experts trained using public funds or trade, investment and services exchanges between two countries or among countries. In the above, dearth or paucity of public funds is never a permissible excuse for the Government in place as such needs can still be provided using “direct labor and direct expertise”. A typical example of the use of 'direct labor' for purpose of providing critical public human needs was the construction of the China's “Great Hall of the People” (presently world's largest parliamentary building); started in Sept 1957 and completed in July 1959 ahead of the country's Revolutionary Tenth Anniversary in Sept 1959; involving the deployment and use of 7,785 workers including architectural and civil engineering experts.

For those in legal and other professions and private-citizens and group-citizens, theirs are such contributions made from their 'expert-knowledge' and donated free of charge or at subsidized costs for the good of the Humanity and the Society. For those in social enterprises, theirs are such contributions made to assist the needy in the Society or for the development of the Humanity and the Society for purposes of ensuring societal good including peace and orderliness. For Companies and Multinational Companies, theirs are primarily to ensure safe and protected environment including positive environmental impartment and general good of the Humanity and the Society.

### **...A Critical Look At UNDP's 'Human Security' Dimension To Good Governance Of 1994**

To ensure 'democracy, good and accountable governance, human rights, rule of law and citizens' security and safety-ruled society in accordance with the United Nations' formative Purposes of International Peace and Security, Human Rights, Rule of Law and Development; the United Nations Development Program (UNDP) in 1994 put in place a 'Good Governance Handbook' for all developing countries at various stages of democratic dispensation as a guide towards ensuring freedom from want, hunger, disease and threat of the same; unemployment, under-development, crime, social conflict, political repression, bad governance, 'structural, physical and cultural violence'; corruption and abuse of power; leadership failure, environmental hazards and absence of basic necessities of life. The UNDP's Good Governance Handbook of 1994 is called "Human Security Development"; to be used by the elected public office holders and appointed public departments' administrators; particularly those exercising executive and legislative duties at National, State, Regional, Province, County and Local Government levels. The UNDP's Handbook is called "New Dimensions of Human Security".

The 'Human Security' is defined by the UNDP as follows: "The concept of security has for too long been interpreted narrowly: as security of the territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of a nuclear holocaust.

It has been related more to nation-state than people.... forgotten were the legitimate concerns of ordinary people.... for many of them, security symbolized protection from the threat of disease, hunger, unemployment, crime, social conflict, political repression and environmental hazards”. **UNDP Human Development Program; 1994: 22. According to the South African Department of Defense; 1996:** “Security is an all-encompassing condition in which individual citizens live in freedom, peace and safety; to participate fully in the process of governance; enjoy the protection of the fundamental human rights; have access to resources and the basic necessities of life; and inhabit an environment which is not detrimental to their health and well-being”. **Source: South African Department of Defense 1996.**

There are essentially seven dimensions associated 'Human Security'. These are **economic security, food security, health security, environmental security, personal security, community security, and political security**. Some of the criteria associated with economic security include insured basic income and employment, and access to such social safety net. Food security is simply access to basic nutrition and food supply. Health security covers many different issues such as access to safe water, living in a safe environment, access to health services, access to safe and affordable family planning and basic support during pregnancy and delivery, prevention of HIV/AIDS and other diseases, and basic knowledge to live a healthy life. Environmental security covers such issues as prevention of water and air pollutions, prevention from deforestation, irrigated land conservation, prevention of natural hazards such as droughts, floods, cyclones, earthquakes etc.

Community security on the other hand covers conservation of traditions and cultures, languages and commonly held values including religious freedoms, abolishment of ethnic discrimination, prevention of ethnic conflicts, and protection of indigenous people. Political security is concerned with protection of human rights and well-being of all people; protection against people from state repression such as freedom of press, freedom of speech, and freedom of voting; abolishment of political detention, imprisonment, systematic ill treatment, and disappearances. Personal Security aims to protect people or persons from physical violence, whether from the State or external States, from violent individuals and sub-state actors, from domestic abuse, or from predatory adults. Four major sources of personal insecurity are crimes, government repression, disease and hunger.

## SECTION SEVENTEEN:

### About The Intersociety

**T**he International Society for Civil Liberties and Rule of (InterSociety), Corporate Author of this Special International Report, was founded by Emeka Umeagbalasi and launched in July 2008. The launch of the Intersociety followed its successful registration at the Part C of Nigeria's Corporate Affairs Commission in April 2008. Since then, the Intersociety has become a leading Democracy, Rule of Law, Fundamental Human Rights and Citizens' Security and Safety Advocacy Voice in Nigeria and beyond. The Intersociety was brought into existence through inspirations and field advocacy experiences gathered by its Founder (Emeka Umeagbalasi) when he variously held sway as a top-notch grassroots Human Rights and Democracy Campaigner. Emeka Umeagbalasi who founded the Intersociety was inspired by the success stories of Amnesty International (UK), founded by Peter Benenson and his colleague in March 1961; Human Rights Watch (USA), founded in 1978 as "Helsinki Watch" by Robert L. Bernstein and two others; and Civil Liberties Organization (CLO), Nigeria's premier Human Rights and Pro-Democracy Group, founded in 1987 by Olisa Agbakoba, SAN, and others.

The Intersociety, since formation, has uncompromisingly campaigned for promotion, respect and advancement of Human Rights, Rule of Law, Democracy and Citizens' Security and Safety in Nigeria or any part thereof. Our Human Rights advocacy jurisdiction also covers international borders or boundaries including stateless enclaves under UN System populated by at least 4.4m as at end of 2022 (UN Higher Commissioner for Refugees: 2023). Our Four Thematic Areas are: **Democracy, Good and Accountable Governance; Fundamental Human Rights (civil liberties) and other UN recognized Human Rights; Rule of Law including periodic Judicial and Electoral justice and process reforms; and Citizens' Security and Safety including Policing the Police and holding perpetrators accountable.**

The Intersociety is governed by an assemblage of powerful and mutually bonded group of experts drawn from key university disciplines including law, criminology, security studies, peace studies and conflict resolution; mass communications, etc., who freely, pricelessly, and willingly put together their respective expertise ("donated in-kind resources") for purpose of ensuring democracy, rule of law, human rights and citizens' security and safety-ruled society.

We are 'multiple merit awards' winners and recipients of several local and international 'Human Rights, Rule of Law, and Democracy Education Certificates', etc.

**Authored By:**

**Emeka Umeagbalasi (Criminologist), BSc., CSS, M.Sc., PCR**

- Emeka Umeagbalasi, Author-in-Chief of this Special International Report, is an Ezinifite-Aguata, Anambra State of Nigeria's born astute, dogged, and consistent Human Rights and Democracy Campaigner since 1994 when he joined the Civil Liberties Organization (CLO), Nigeria's premier Human Rights and Pro-Democracy advocacy organization, formed in 1987 and had held several elective positions at the State and Zonal Levels of the Organization. He also became a volunteer-member of Amnesty International (Nigeria) in 1995 and later served as its Group Coordinator of Onitsha Pre-Group. From 1996 to 1998, Umeagbalasi was an international Associate Member of Human Rights Watch (USA). Born in Feb 1969 and married; Emeka Umeagbalasi is a Criminologist and Graduate of Security Studies with a Second-Class Upper Division from the National Open University of Nigeria (NOUN) where he also obtained a master's degree in Peace Studies and Conflict Resolution.

Emeka Umeagbalasi has held various positions in different Human Rights and Pro-Democracy movements and belongs to several local and international NGOs and bodies of experts from where he gathered experiences, expertise, courage, inspirations, and aspiration to form the International Society for Civil Liberties and Rule of Law (InterSociety) in 2008.

He has written, authored and co-authored several reports and articles bordering on human rights abuses and violations, security sector corruption, religious intolerance and persecution, rule of law, terrorism and security and safety and has secured the release of thousands of victims of arbitrary arrest and detention and saved thousands of others from being falsely labeled and needing to be arrested, incarcerated, extrajudicially killed, tortured and bodily lacerated. The Intersociety Leader (Umeagbalasi) is a multiple 'merit awards' winner' with over twenty merit awards and recognitions in Nigeria and has obtained several Human Rights and Democracy Education Certificates, including but not limited to: "a Certificate of Participation" in the International Visitor Leadership Program (IVLP) of the United States



Department of State (DoS)'s Educational and Cultural Affairs on “NGO Management in the U.S.” (Class of June 10–28, 2013).

### **Our Vision**

**O**ur Human Rights and Democracy Campaign envisions a world where all people: women, children, men, the elderly and the vulnerable are free to enjoy all their human rights equally as enshrined in the 1948's Universal Declaration of Human Rights and codified statutes of the UN Member-States under popular and credible democratic and rule of law setting as a driving force for realizing their full potentials and living in peace and dignity including protection of life, property, liberty, and the pursuit of happiness.

### **Our Mission**

**O**ur mission is to support, protect, promote, and advance democracy, rule of law and human rights; expose perpetrators of heinous crimes (state actors and non-state actors) and bring them to accountability; and seek compensations for their victims. These we vigorously pursue by supporting and conscientizing individuals, organizations, and nations through research, investigation, documentation, publication, and campaign to realize their civil, political, economic, social, democratic, environmental, and cultural rights and responsibilities as laid down in the Universal Declaration of Human Rights of 1948, a growing body of public international law and codified statutes of the UN Member-States.

### **Our Four Thematic Areas**

- Democracy, Good and Accountable Governance
- Fundamental Human Rights (civil liberties) and other UN recognized Human Rights
- Rule of Law including periodic Judicial and Electoral justice and process reforms
- Citizens' Security and Safety including Policing the Police and holding perpetrators accountable

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