

CHAPTER ONE: GENERAL INTRODUCTION

1.1 Background to the Study

According to *Black's Law Dictionary*, police brutality refers to the use of excessive and/or unnecessary force by the police in dealing with civilians.¹ This misconduct may take different forms, including physical violence, harassment, intimidation, or other abuses of power. The term is often used broadly to describe a range of human rights violations such as beatings, racial abuse, unlawful killings, torture, and the indiscriminate use of riot-control measures against peaceful protesters.²

In Nigeria, police brutality has become one of the most pressing human rights concerns. Instances of extrajudicial killings, torture, unlawful detention, and harassment are widespread, despite the existence of constitutional guarantees and legal frameworks regulating police conduct. The victims are often ordinary citizens, particularly young people, who lack the resources to seek redress.

Globally, police violence is not unique to Nigeria. In the United States, for example, *The Washington Post* database records that 892 people were shot and killed by the police in 2016, though this figure had to be compiled from media reports, public records, and social media posts due to weak official recordkeeping.³ Such gaps in transparency are themselves a form of injustice. High-profile cases such as the killing of George Floyd in May 2020 by Minnesota police officer Derek Chauvin sparked international outrage and mass protests against police brutality.

¹ B A Garner (ed.), *Black's Law Dictionary* (11th edn, Thomson Reuters 2019), 1450.

² Amnesty International, 'Police Violence' <<https://www.amnesty.org.ph/2021/06/police-violence/>> accessed 28 May 2025

³ E A Udeoji and PGN Elekwa, 'Police Brutality and Citizens Revolution: A Case Study of EndSARS' (2023), 159.

Nigeria has witnessed comparable tragedies. The killing of 16-year-old Tina Ezekwe in Lagos drew nationwide attention, with the campaign “Justice for Tina” trending across social media platforms.⁴ But it was in October 2020 that the issue reached its peak with the youth-led **#EndSARS** protests, which brought global attention to the violent tactics of the Special Anti-Robbery Squad (SARS), a notorious unit of the Nigerian Police Force. Although the government announced the disbandment of SARS, incidents of police misconduct persist, raising questions about the effectiveness of reforms and the adequacy of Nigeria’s legal framework in curbing abuse.⁵ Prior to the #EndSARS protests, Nigerians had repeatedly called for reform of the police. Between 2016 and 2019, the government made several promises of change. In December 2017, then Acting President Yemi Osinbajo ordered the overhaul of SARS and directed investigations into allegations against its officers. Despite such measures, little progress was achieved. The most notable change was a mere renaming of SARS to F-SARS, which did little to address the systemic issues at the root of misconduct.⁶

⁴ O G Ene, ‘Police Brutality In Nigeria’(Afe Babalola University, 2020) <https://portal.abuad.edu.ng/Assignments/1593095575GST122_RESEARCH_PAPER_ON_POLICE_BRUTALITY_IN_NIGERIA.pdf> accessed 29 May 2025

⁵ Obianuju Catherine Udeh, Popularly Known By Her Stage Name “DJ Switch” Who Was A Coordinator And Promoter Of The October 2020 #ENDSARS Protests, Live streamed The Lekki Massacre To Her Instagram Account, Creating Necessary Footage And Evidence Of The Incident. “DJ Switch on Her Fight for Justice in Nigeria”, Online: Time <<https://Time.Com/5922305/Dj-Switch-Nigeria-Endsars/>>. Also, This BBC Report Published the Day after the Massacre Relied on DJ Switch’s Live Stream “EndSARS Protests: People ‘Shot Dead’ In Lagos, Nigeria”, BBC News (21 October 2020), Online: <<https://www.Bbc.Com/News/World-Africa-54624611>>. Finally, This CNN News Article Chronicles Eyewitness Accounts of the Massacre. “Nigeria SARS Protests: Eyewitnesses Say Security Forces Fired At Lagos Protesters - CNN”, Online: <<https://www.Cnn.Com/2020/10/20/Africa/Nigeria-Protests-Lekki-Tollgate/Index.Html>>. Images And Footage From The Massacre Were Also Widely Disseminated On Social Media. All Websites Accessed On The 8th Of July, 2025 At 1:19 Pm (Eastern Time)

⁶ E Anzizi, ‘A Comprehensive Analysis of the Nigeria Police Force’s Inability to Curtail Crime and Conflict: Causative Factors and Prospects for Reform’ (2024) 203.

This study therefore seeks to contribute to ongoing conversations about police reform in Nigeria. It critically examines the legal frameworks governing police conduct, highlights their shortcomings, and proposes reforms based on comparative standards and practical realities. Ultimately, the goal is to support the development of a policing system that is transparent, accountable, and consistent with democratic values and constitutional safeguards.

1.2 Statement of the Problem

The persistence of police brutality in Nigeria despite constitutional and statutory safeguards underscores a significant gap between law and practice. Sections 33 and 34 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) guarantee the right to life and the dignity of the human person, yet countless cases of extrajudicial killings, torture, and unlawful detention continue to surface. The problem is not merely the existence of abuse but the failure of institutional mechanisms to provide accountability. Complaints against officers are often ignored, investigations are delayed or inconclusive, and perpetrators are rarely punished. The lack of an independent oversight body further entrenches a culture of impunity within the Nigerian Police Force.⁷ The #EndSARS protests of 2020 exposed the depth of public distrust in the police and highlighted the urgent need for reform.⁸ While the government promised to

⁷ E Guttschuss, 'Corruption and Human Rights Abuses by the Nigeria Police Force' <<https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police-force>> accessed 10 June 2025.

⁸ U Edafe, 'Police brutality and human rights abuse: A study of the EndSARS protest in Nigeria' (2021) 4(2) *International Journal of Multidisciplinary Social Sciences, Policy and Contemporary Studies* 179 <<https://www.ijmsspcs.com/index.php/IJMSSPCS/article/viewFile/217/218>> accessed 10 June 2025.

disband SARS and implement changes, the persistence of abuse demonstrates that cosmetic reforms are insufficient. The legal and institutional frameworks meant to check police excesses remain weak, outdated, or poorly enforced. This study therefore interrogates the adequacy of existing laws, policies, and institutions in addressing police brutality in Nigeria. It also seeks to identify the reforms necessary to ensure genuine accountability and the protection of human rights in law enforcement.

1.3 Research Questions

To guide the inquiry, this study seeks to answer the following questions:

1. What is the legal framework regulating police conduct in Nigeria?
2. How effective are the existing laws and institutions in addressing police brutality?
3. What gaps exist in the current legal and institutional framework?
4. What lessons can Nigeria draw from other jurisdictions in curbing police misconduct?
5. What reforms are necessary to ensure accountability and the protection of human rights?

1.4 Aim and Objectives of the Study

The main aim of this study is to examine the legal framework on police brutality in Nigeria with a view to identifying its strengths, weaknesses, and areas for reform.

The specific objectives are to:

1. To analyse the existing legal provisions governing police conduct in Nigeria.
2. To assess the adequacy and effectiveness of these provisions in addressing police brutality.
3. To identify the gaps and challenges within the current legal and institutional framework.
4. To draw insights from comparative jurisdictions and international best practices.
5. To propose recommendations for reform that will strengthen accountability and human rights protection.

1.5 Scope and Limitations of the Study

This research focuses on police brutality in Nigeria, with particular reference to constitutional provisions, statutory frameworks, judicial pronouncements, and institutional mechanisms for accountability. While it draws lessons from international practices, the central concern remains the Nigerian context.

The study does not attempt to cover every form of misconduct by law enforcement but focuses on police brutality as defined earlier — excessive or unlawful use of force, extrajudicial killings, torture, and harassment.

Limitations include reliance on available literature, reports, and secondary data, as well as the absence of primary fieldwork due to time and resource constraints.⁹

⁹ Amnesty International, Nigeria: No justice for victims of police brutality after one year after #EndSARS protests, (Amnesty international, 2021) < <https://www.amnesty.org/en/latest/news/2021/10/nigeria-no-justice-for-victims-of-police-brutality-one-year-after-endsars-protests/> accessed 12 June 2025.

1.6 Significance of the Study

This study is significant for several reasons. First, it contributes to academic discourse on human rights and police accountability in Nigeria by providing a detailed legal analysis of the problem. Second, it has practical relevance for policymakers, legal practitioners, and human rights advocates seeking to design and implement effective reforms.

Finally, the study responds to public demands for accountability following the #EndSARS protests and aims to serve as a resource for building a more transparent and accountable policing system in Nigeria.

1.7 Research Methodology

This research adopts a doctrinal approach, relying primarily on legal analysis of statutes, case law, and constitutional provisions. Secondary sources such as textbooks, journal articles, reports of human rights organisations, and media publications are also consulted to provide context and support arguments.

Comparative analysis is employed to draw lessons from other jurisdictions, particularly countries that have taken concrete steps to address police misconduct. The combination of doctrinal and comparative approaches ensures that the study is both context-specific and informed by global best practices.

1.8 Chapter Synopsis

This work is divided into five chapters, each building upon the other to provide a coherent discussion of the subject.

Chapter one serves as the foundation of the study. It introduces the topic, outlines the research problem, sets out the questions, aims, and objectives, and explains the significance, scope, methodology, and structure of the work.

Chapter Two reviews existing literature and theoretical perspectives relevant to police brutality and accountability. It highlights key scholarly debates, identifies gaps in the literature, and provides the conceptual and theoretical grounding for the study.

Chapter three centres on the project topic proper, the research focuses on real-world manifestations of police brutality in Nigeria, including incidents like the #EndSARS protests, arbitrary arrests, torture, extortion, and extrajudicial killings and the analysis of the handling of Police brutality in the United States compared to Nigeria. It discusses the underlying causes such as lack of accountability, poor training, weak institutional oversight, and corruption. The chapter also evaluates current reform initiatives, identifying their limitations and the prospects for meaningful change in law enforcement practices.

Chapter Four focuses on the Nigerian legal framework on police conduct. It examines constitutional provisions, statutory regulations, and judicial decisions relating to police brutality. The chapter also analyses the effectiveness of existing mechanisms in addressing abuses by law enforcement officers. It also adopts a comparative perspective by considering how other jurisdictions have dealt with police misconduct. It draws lessons from international best practices and evaluates their relevance for Nigeria's legal and institutional context.

Finally, Chapter Five presents the findings of the research, offers practical recommendations for reform, and provides the concluding reflections.

CHAPTER 2

CONCEPTUAL, THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Introduction

This chapter presents critical concepts, theoretical perspectives, and a review of existing literature relevant to the legal framework addressing police brutality. Understanding the definitions and theories behind police brutality and human rights is essential for analyzing the gaps, challenges, and prospects for reform in law enforcement accountability. The focus here is to clarify key terms, explore the theoretical foundations guiding this study, and examine scholarly works that highlight problems and possible improvements within the policing system.

2.2 Conceptual Clarifications

To analyze police brutality effectively, it is vital to first define and clarify key concepts that underpin the study.

2.2.1 Police Brutality

Police brutality is a complex and multifaceted concept that has been defined in various ways by scholars and researchers. Police brutality refers to "the use of excessive force by law enforcement officers, resulting in physical or emotional harm to individuals or

groups".¹⁰ Police brutality as "the use of excessive or unnecessary force by police officers, including physical violence, verbal abuse, and other forms of mistreatment".¹¹ In the Nigerian context, the term gained national attention with the operations of the now-disbanded Special Anti-Robbery Squad (SARS), which was widely accused of torture and extrajudicial killings.¹² Despite existing legal instruments such as the Constitution of the Federal Republic of Nigeria 1999 (as amended) and the Police Act 2020, incidents of brutality continue due to poor enforcement, corruption, and a culture of impunity. In Nigeria, this phenomenon has become increasingly visible, particularly through the activities of the now-disbanded Special Anti-Robbery Squad (SARS). Reports of torture, extortion, arbitrary arrests, and extrajudicial killings have drawn national and international condemnation. The Nigerian legal framework prohibits such conduct. Section 34(1) (a) of the 1999 Constitution¹³ guarantees the right to dignity and freedom from torture and inhuman treatment. However, enforcement remains weak, and accountability mechanisms are often compromised by institutional corruption and political interference.¹⁴ As noted by Nsirim and Nwakanma, police brutality in Nigeria is

¹⁰ E O Alemika, 'Police Practice and Police Research in Africa' (2009) 10(4) *policing: An International Journal of Police Strategies & Management* 483-502 <<https://doi.org/10.1080/15614260903378467>> accessed 13 June 2025.

¹¹ Human Rights Watch, *Everyone's Game: Corruption and Human Rights Abuses in the Nigeria Police Force* (2010) <<https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police-force>> accessed 13 June 2025.

¹² R A Aborisade, 'Accounts of Unlawful Use of Force and Misconduct of the Nigerian Police in the Enforcement of COVID-19 Measures' (2021) 36 *Journal of Police and Criminal Psychology* 450-462 <<https://link.springer.com/article/10.1007/s11896-021-09431-4>> accessed 14 June 2025.

¹³ Constitution of the 1999 constitution (as amended) ss 34

¹⁴ G Osah and C C Akpuh, 'Structural Challenges, Police Reform Proposals and Protection of Lives and Property in Nigeria: Insights from SARS' (n.d.) *NIU Journal of Humanities* 27-34 <<https://www.kampalajournals.ac.ug/ojs/index.php/niuhs/article/view/1319>> accessed 14 June 2025.

not merely a law enforcement issue but a systemic failure of governance and human rights protection.¹⁵

2.2.2 Human Rights

Human rights are fundamental rights and freedoms that are inherent to all human beings, regardless of their nationality, ethnicity, or background. According to the Universal Declaration of Human Rights (1948), human rights include the right to life, liberty, and security of person, the right to freedom from torture and cruel, inhuman, or degrading treatment, and the right to equality and non-discrimination.¹⁶ In the case of *Ransome Kuti v AG of the Federation*¹⁷ the court defined human rights as “a right which stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilized existence.” The violation of these rights, means acts that contravene or hinder rights of individuals in the country. Scholars is of the view that human rights abuse is simply the violation or denial of that unique virtue that defines and promotes the dignity of man within a given socio-political environment.¹⁸ This violation or denial could be in form of extra-judicial killing, brutality, torture, genocide, discrimination, arbitrary arrest, or denial of access to

¹⁵ E A Nwankwo, *Human Rights Practices in the Nigeria Police Force* (Lagos: Constitutional Rights Project, 2003).

E N Nsirim and E U Nwakanma, ‘Addressing Police Brutality as a Form of Human Right Abuse in Nigeria: A Study of Government Efforts’ (2022) 10(6) *Global Journal of Arts, Humanities and Social Sciences* 44–60 <<https://eajournals.org/gjahss/vol10-issue-6-2022/addressing-police-brutality-as-a-form-of-human-right-abuse-in-nigeria-a-study-of-government-efforts/>> accessed 15 June 2025.

¹⁶ Universal Declaration of Human Rights, 1948

¹⁷ [1985] 2 NWLR (Pt. 6) 211, 229

¹⁸ Y Gunawan, AY Ilka Haque and PA Aidonijie, ‘Police Brutality as Human rights Violation : A case of Police brutality’ (2023) *Varia Justicia* 19(1) <<https://doi.org/10.31603/variainjusticia.v19i1.6588>> accessed 15 June 2025

judicial remedy. Nwankwo on his part posits that the problem of human right abuses and policing in Nigeria can be traced to the historical antecedent of the formative years of the Nigerian police.¹⁹ According to Naankiel, human rights are phenomenon that everyone in a society irrespective of their levels of development and status are expected to achieve so as to guarantee the rights of all.²⁰ That is why; he re-emphasized UN Universal Declaration on Human Rights (UNDHR) of 1948. This declaration, thus, enumerates and highlights all rights which are to be enjoyed and asserted by all human beings irrespective of their class, race, colour, ethnic groups and religious belief. Specifically, these rights include: the right to freedom from discrimination, the right to education and information, the right to family life. In the context of police brutality, human rights are often violated, resulting in physical and emotional harm to individuals and groups. The Nigerian Constitution (1999) guarantees fundamental human rights, including the right to life, dignity, and freedom from torture.²¹ In Nigeria, fundamental human rights are enshrined in Chapter IV of the 1999 Constitution. Section 33 guarantees the right to life, while Section 34 prohibits torture and inhuman or degrading treatment.²² Despite these protections, widespread abuses by the police indicate a significant gap between law and practice. Internationally, Nigeria is bound by instruments such as the Universal Declaration of Human Rights (1948) and the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, which reinforce the duty of the state to protect citizens from abuse by its agents. However, as

¹⁹ C Nwankwo, 'Human Rights Practices in the Nigeria police (1993) <<https://archive.org/details/humanrightspract0000nwan>> accessed 15 June 2025.

²⁰ W P Naankiel, 'The Nigerian Police Force and Violations of Human Rights 1999–2007' (2013) 11(1) NASHER: Journal of the National Association for Science, Humanities and Education Research 66–73 <<https://www.researchgate.net/publication/318755852>> accessed 15 June 2025.

²¹ Constitution of the Federal Republic of Nigeria 1999 (as amended)

²² Ibid

noted by Onwunyirimadu, the persistence of police brutality reflects institutional failure to implement and enforce these rights effectively.²³

2.3 Theoretical and Historical Foundation

2.3.1 Theoretical Framework

Theoretical underpinnings are essential for understanding systemic police brutality. This research is grounded in socio-legal and philosophical theories that explain the nature of state authority, law enforcement conduct, and citizens' rights. The theories reviewed include the Social Contract Theory, Social Conflict Theory, and the General Strain Theory. These help illuminate the rationale behind the existence of the police and the consequences of state power being unchecked.

2.3.2 Social Contract Theory

The social contract theory, espoused by philosophers like Hobbes, Locke, and Rousseau, posits that individuals surrender certain freedoms to the state in exchange for protection and order.²⁴ This theory suggests that individuals collectively decide to establish a societal structure, governed by rules and laws, in exchange for certain communal benefits such as security, social stability, and order. Thomas Hobbes, in his

²³ J C Onwunyirimadu, 'Police Brutality and Violation of Human Rights in Nigeria: Causes and Implications' (2022) 10(2) Global Journal of Politics and Law Research 19–21 <<https://ejournals.org/gjplr/vol10-issue-2-2022/police-brutality-and-violation-of-human-rights-in-nigeria-causes-and-implications/>> accessed 15 June 2025.

²⁴ Britannica Editors, Social Contract: Political Philosophy (26 September 2025) <<https://www.britannica.com/topic/social-contract>> accessed 30 September 2025.

seminal work "Leviathan" (1651), posited that in the state of nature, life is solitary, poor, nasty, brutish, and short. He argued that to escape this chaotic existence, individuals collectively agree to surrender some of their freedoms to a sovereign authority, which in turn provides protection and order.²⁵ John Locke, in "Two Treatises of Government" (1689), took a slightly different approach, suggesting that the social contract is not just about security but also about preserving natural rights, with the government's role being to protect these rights.²⁶ According to (Rousseau, 1762), the social contract is based on the general will of the people, and the government has a duty to act in the best interests of its citizens.²⁷ Social contract theory posits that individuals surrender some of their natural rights to a government or authority in exchange for protection and security.²⁸ The state, through its institutions (like the police), must exercise power within the limits of this contract. When law enforcement agencies, like the Nigerian Police, violate these fundamental rights through brutality, they essentially breach the social contract. The theory underscores the reciprocal nature of the relationship between individuals and the state: citizens accept the authority of the state in return for the benefits and protections it offers. This justifies public demand for reform and accountability. In the Nigerian context, police brutality constitutes a breach of this contract, as the police rather than protecting citizens become a threat to their security and dignity.²⁹ However, the persistent occurrence of police brutality in Nigeria, as

²⁵ T Hobbes, *Leviathan* (Oxford University Press 1651).

²⁶ J Locke, *Two Treatises of Government* (Awnsham Churchill, London 1689)

²⁷ J J Rousseau, *The Social Contract*, Trans G D H Cole (first published 1762, New York: Barnes & Noble 2004)

²⁸ *Ibid*

²⁹ S C Onnonihu and C N Okonkwo, 'The Essence of Government and Perpetual Insecurity in Northern Nigeria 2016–2021' (2021) *International Journal of Social Sciences and Humanities Review* <<https://www.ijsshr.com/journal/index.php/IJSSHR/article/view/798>> accessed 1 August 2025.

evidenced by the #EndSARS protests, reveals a breach of this social contract. The balance of power and responsibility between the individual and the state is delicate and often contested. The extent to which individuals should sacrifice personal freedoms for collective security and the degree to which the state should intervene in the lives of its citizens remain pertinent questions in political philosophy and governance. The Nigerian Police Force (NPF), rather than safeguarding citizens, has often been implicated in extrajudicial killings, unlawful detentions, and torture, thereby eroding public trust and violating the foundational principles of the social contract.³⁰ This breach raises critical questions about the legitimacy of state authority and the accountability mechanisms in place to check abuses of power. The Nigerian Police Act 2020, while a step toward reform, still faces challenges in implementation and enforcement.³¹ When applied to the NPF's operational failures, such as underfunding, corruption, and inadequate training, the Social Contract Theory reveals these issues as not just internal problems, but violations of a societal agreement. These shortcomings affect not only operational effectiveness but also the fundamental trust between the police and the community.³² Furthermore, this theoretical lens allows for a deeper analysis of how the social contract influences various aspects of law enforcement. Police

³⁰ V C Maduekwe, P C Bosah and P B Okoye, 'Social Contract Theory and Civil Disobedience in Nigeria: A Study of Boko Haram Insurgency' (2021) *World Journal of Innovative Research* 8(2) 45 <https://www.researchgate.net/publication/339908035_Social_Contract_Theory_and_Civil_Disobedience_in_Nigeria_A_Study_of_Boko_Haram_Insurgency> accessed 1 August 2025.

³¹ C O Ngozi and O T Akinleye, 'The Police Act 2020 as a Primer for Addressing Police Brutality in Nigeria' (2022) *African Journal of Law, Ethics and Education* 2(1) 34 <https://www.researchgate.net/publication/365944404_The_Police_Act_2020_as_a_Primer_for_addressing_Police_Brutality_in_Nigeria_2022_21_African_Journal_of_Law_Ethics_and_Education_1> accessed 1 August 2025.

³² E Anzizi, 'A Comprehensive Analysis of The Nigeria Police Force's Inability to Curtail Crime and Conflict: Causative Factors and Prospects for Reform' (2024) *International Journal of Law, Politics & Humanities Research* 206 <<https://cambridgeresearchpub.com/ijlphr/article/view/252>> accessed 1 August 2025.

brutality and misconduct are clear breaches of the agreement, further alienating law enforcement from the communities they should protect.³³

2.3.3 Social Conflict Theory

Social conflict theory, rooted in Marxist thought, views society as a platform of struggle between dominant and subordinate classes.³⁴ It was espoused by Lersch (1998) and holds that the state functions as an instrument of the dominant class, such as race, economic class and ethnic groups.³⁵ This explains why the rights of the rich are more protected over and above that of the poor within the society.³⁶ They stated that the joining of race and class together determines the dynamic of police civilian interaction. Government institutions which include police force are the product of political processes which reveal the interests of the powerful in society.³⁷ Police brutality can be seen as a tool used by the elite to maintain control and suppress dissent. They are willing “tools” in the hands of the state rulers and bourgeoisie to secure them from any

³³ E E O Alemika and I C Chukwuma, 'Crime and Policing in Nigeria: Challenges and Options' <https://www.academia.edu/41370337/CRIME_AND_POLICING_IN_NIGERIA_CHALLENGES_AND_OPTIONS_Etannibi_e_o_ALEMIKA_Innocent_c_Chukwuma> accessed 1 August 2025.

³⁴ EBSCO, Research Starters - Conflict Theory' <<https://www.ebsco.com/research-starters/social-sciences-and-humanities/conflict-theory>> accessed 1 August 2025.

³⁵ K M Lersch, Space, Time and Crime (Carolina Academic Press 2007) <https://books.google.com/books/about/Space_Time_and_Crime.html?id=IsVIAAAAYAAJ> accessed 1 August 2025.

³⁶ S Ogunode, 'Criminal Justice System in Nigeria: For the Rich or the Poor?' (2015) 4(1) Humanities and Social Sciences Review 27-39 <https://www.researchgate.net/publication/355037871_CRIMINAL_JUSTICE_SYSTEM_IN_NIGERIA_FOR_THE_RICH_OR_THE_POOR> accessed 1 August 2025.

³⁷ K Lersch, 'Police Misconduct and Malpractice: A Critical Analysis of Citizens' Complaints' (1998) 21(1) International Journal of Policing Strategies & Management 80-96 <https://www.researchgate.net/publication/235274355_Police_misconduct_and_malpractice_A_critical_analysis_of_citizens'_complaints> accessed 1 August 2025.

uprising from the oppressed.³⁸ In the context of police brutality, social conflict theory suggests that police officers may use excessive force or engage in other forms of brutality as a means of maintaining social control and suppressing dissent. According to Karl Marx, social conflict is a result of the contradictions between different economic and social groups, and that it is a driving force of social change.³⁹ In Nigeria, this is evident in how law enforcement disproportionately targets the poor, youths, and activists.⁴⁰ The state's control of coercive institutions like the police often reflects systemic inequalities. Government institutions which include police force are the product of political processes which reveal the interests of the powerful in society.⁴¹ As postulated by the theory, the main function of the police is to preserve the status quo of inequality and assist the powerful to exploit the powerless in order to prevent their resistance to the exploitation that they suffer.⁴² Supporting this school of thought, which originated from Marxist tradition, is documented evidence on the establishment of the Police Force in Nigeria by the colonialists, which was primarily to meet the need of the colonialists to crush civilian opposition.⁴³ In corroborating this postulation,

³⁸ E Egede, 'Bringing Human Rights Home: An Examination of the Domestication of Human Rights Treaties in Nigeria' (2007) 51(2) *Journal of African Law* 249–284 <<https://www.cambridge.org/core/journals/journal-of-african-law/article/abs/bringing-human-rights-home-an-examination-of-the-domestication-of-human-rights-treaties-in-nigeria/52C2424778DC060F2CC4295EF08E7157>> accessed 1 August 2025.

³⁹ K Marx, *The Communist Manifesto* (first published 1848, reprinted edn, Penguin Classics 2002).

⁴⁰ E E O Alemika, 'Colonialism, State and Policing in Nigeria' (1993) 20(3) *Crime, Law and Social Change* 187–219 <<https://www.ojp.gov/ncjrs/virtual-library/abstracts/colonialism-state-and-policing-nigeria>> accessed 1 August 2025.

⁴¹ U Edafe, 'Police Brutality and Human Rights Abuse: A Study of The ENDSARS Protest in Nigeria' (2021) 4(2) *International Journal of Multidisciplinary Social Sciences, Policy and Contemporary Studies* 179–193 <<https://www.ijmsspcs.com/index.php/IJMSSPCS/article/viewFile/217/218>> accessed 1 August 2025.

⁴² *Ibid*

⁴³ R Aborisade and J Fayemi, 'Police Corruption in Nigeria: A Perspective on Its Nature and Control' (2015) 17(2) *Nigerian Journal of Social Sciences* 245–262

Human Rights Watch, stated that the police as an institution is often regarded as an instrument of oppression by the ruling class and bureaucrats.⁴⁴ This theory is particularly relevant in understanding how systemic inequalities such as poverty, ethnic marginalization, and political exclusion intersect with law enforcement practices. The NPF has frequently been accused of targeting vulnerable groups, especially youths in urban areas, under the guise of crime prevention.⁴⁵ The Special Anti-Robbery Squad (SARS), for instance, was notorious for profiling young Nigerians based on appearance, leading to widespread abuse. This pattern reflects the use of police power as a tool for reinforcing existing social hierarchies rather than promoting justice.⁴⁶

2.3.4 General Strain Theory

General Strain Theory (GST) by Robert Agnew builds on Merton's strain theory by arguing that individuals may respond to social stressors like poverty, social isolation, unemployment, or injustice through deviant or aggressive behaviour.⁴⁷ Agnew echoed the idea that crime and strain are positively related but most importantly he claimed that such a relationship is mediated by the negative emotions that result from strain.

<<https://njss.org.ng/publications/NJSS%20Vol.%20XVIII%20%282%29%20October%202015/Untitled-55.pdf>> accessed 1 August 2025.

⁴⁴ Human Rights Watch, *Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigerian Police Force* (2010) <<https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police-force>> accessed 1 August 2025.

⁴⁵ E N Awe and OE Akinyemi, 'Police Brutality and Implications to the Society: The Nigeria Experience' (2020) 7(3) *Port Harcourt Journal of History and Diplomatic Studies* <<https://phjhds.com/wp-content/uploads/2021/07/29-Police-Brutality-and-Implications-to-the-Society-The-Nigeria-Experience.pdf>> accessed 2 August 2025.

⁴⁶ L N Imegi, 'Human Rights Violation in Nigeria: The Case of Police Brutality' (2023) 11(1) *International Journal of Innovative Legal & Political Studies* 95–103 <<https://www.seahipublications.org/wp-content/uploads/2024/06/IJILPS-M-11-2023.pdf>> accessed 2 August 2025.

⁴⁷ L J, *Criminology: Theories, Patterns and Typologies* (13th edn, Cengage Learning 2018) 200-204

General strain theory posits that strain causes an individual to experience negative emotions; these negative emotions might lead to criminal behavior.⁴⁸ The theorist concurred that the inability to achieve a goal was certainly one source of strain. It is a fact that the police officers work and live in harsh and unfavorable conditions due to the fact that they are underpaid. They are unable to afford the living conditions they so desire and this has become a source of strain to the members of the force, this strain advances the opportunity or tendency for the officers to engage in all forms of brutality especially when such strain is perceived as unjust.⁴⁹ In the context of police brutality, general strain theory suggests that police officers may be more likely to engage in brutality if they are experiencing strain or stress caused by factors such as inadequate training, lack of resources, or poor working conditions. In the Nigerian context, strained economic conditions, institutional dysfunction, and the pressures within the police force itself (such as poor welfare and exposure to violence) may lead officers to act out aggressively on civilians.⁵⁰ The underfunding of the police force, poor training, and lack of accountability structures contribute to a culture of impunity.⁵¹ Officers often face immense pressure without adequate psychological support, leading to frustration and, in some cases, violent outbursts against civilians. This strain-induced misconduct is exacerbated by a weak legal framework that fails to deter or punish erring officers'

⁴⁸ E Anzizi, 'A Comprehensive Analysis of the Nigeria Police Force's Inability to Curtail Crime and Conflict: Causative Factors and Prospects for Reform' (2024) *International Journal of Law, Politics & Humanities Research* 206 <<https://cambridgeresearchpub.com/ijlphr/article/download/252/263/486>> accessed 2 August 2025.

⁴⁹ Ibid

⁵⁰ R Agnew, 'Foundation for a General Strain Theory of Crime and Delinquency' (1992) 30(1) *Criminology* 47-87 <<https://2024.sci-hub.se/6196/e6bdf1d2b454f2a8e4214ac8e0a9c411/agnew1992.pdf>> accessed 9 November 2025.

⁵¹ S A Ubong and J U James, 'Imperative of Funding the Police: Brutality of Citizens in Nigerian Society Discourse' (2022) 7(2) *International Journal of Innovative Science and Research Technology* 224-230 <https://ijisrt.com/assets/upload/files/IJISRT22FEB281_%281%29.pdf> accessed 4 August 2025.

effectively.⁵² This theory explains not only the behaviour of the victims but also of the perpetrators within the force. According to Robert Agnew, general strain theory can be used to explain a wide range of deviant behaviors, including crime and violence.⁵³

2.4 Historical Foundation

2.4.1 Colonial Origin

The origins of policing in Nigeria can be traced to the colonial era when the police were established primarily to suppress dissent and enforce colonial rule rather than protect the indigenous population. The first formal police force the Hausa Constabulary was created in 1861 by the British colonial administration to protect trade routes and British economic interests.⁵⁴ As the British expanded their reach to the east and north, they formed additional police forces comprised largely of recruits from outside the communities in which they were to be deployed. It was noted that these early forces were known for their general lawlessness and abuses. On the account of the Human Rights Watch.

In 1891, the consul general of the Oil Rivers Protectorate in what is presently eastern Nigeria expressed shock at the “numerous acts of lawlessness and pillage” by the police, who were commonly referred to in the community as the “forty thieves” in police uniform. Similarly, the governor of Lagos colony acknowledged in 1897 that the Hausa Force “no doubt behaved very badly in the

⁵² Z Jimada, ‘Addressing Police Brutality in Nigeria – A Crisis of Non-Implementation’ (2021) Oxford Human Rights Hub <<https://ohrh.law.ox.ac.uk/addressing-police-brutality-in-nigeria-a-crisis-of-non-implementation/>> accessed 4 August 2025.

⁵³ Ibid

⁵⁴ T N Tamuno, *The Police in Modern Nigeria: 1861–1965* (University Press, Ibadan 1970).

hinterland by looting, stealing and generally taking advantage of their positions.” The primary purpose of the colonial police was to protect British economic and political interests. The police accomplished this objective through the often brutal subjugation of indigenous communities that resisted colonial occupation. The use of violence, repression, and excessive use of force by the police has characterized law enforcement in Nigeria ever since.⁵⁵

This paramilitary and authoritarian orientation set the foundation for a force that operated with little accountability and operated above the law.

2.4.2 Post-Independence Era

After independence in 1960, the Nigerian police retained much of its colonial structure and mindset. Instead of reforming the institution, successive governments used it to enforce political will, stifle opposition, and maintain regime security.⁵⁶ Substantial power were devolved to three regional governments, known as the Northern, Western, and Eastern regions, the Federal government retained control of the NPF, but the regional governments still maintained their own local police forces. The emergence of the military government after two military coups in 1966 saw to the disbandment of the local police forces consequent on daunting allegations that the local police had been used for partisan purposes by the regional governments against their political rivals.

⁵⁵ Human Rights Watch, *Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigerian Police Force* (Human Rights Watch, New York 2010) 2 <<https://www.hrw.org/reports/2010/08/17/everyone-s-game-0>> accessed 4 August 2025.

⁵⁶ E O Ojo, 'Federalism and the Search for National Integration in Nigeria' (2009) 3(9) *African Journal of Political Science and International Relations* 384–395 <<https://academicjournals.org/journal/AJPSIR/article-full-text-pdf/AB630EE40478>> accessed 5 August 2025.

Several military incursions and dictatorships in Nigeria since independence has been attributed as being responsible for the underfunding and marginalisation of the NPF which further watered down the effectiveness of the police and increased its corrupt practices.⁵⁷ Internal government and civil society reports during this time consistently identified problems of misconduct within the NPF. A commission set up by the military government in 1967, for example, found that the “despicable image of the police” was in part attributable to “bribery and corruption.” During military regimes, police power was expanded without corresponding accountability mechanisms. Even in democratic eras, political interference and institutional decay have continued to fuel brutality, as seen in repeated reports by the Human Rights Violations Investigations Commission.⁵⁸

2.5 Historical Trajectory of Police Reforms in Nigeria

Efforts to reform the Nigeria Police Force (NPF) have spanned several decades, often following periods of heightened public outrage over police misconduct. However, many of these reform initiatives have failed to produce sustainable changes due to poor implementation, corruption, and institutional resistance.

2.5.1 The Danmadami Police Reform Panel (2006)

In 2006, the Obasanjo government attempted across-board reform by setting up a Presidential committee on police reform headed by retired Deputy IGP, Muhammed Dan

⁵⁷ O A Ladapo, ‘Effective Investigations, A Pivot to Efficient Criminal Justice Administration: Challenges in Nigeria’ (2013) 5(2) African Journal of Criminology and Justice Studies 79–94 <<https://digitalscholarship.tsu.edu/cgi/viewcontent.cgi?article=1089&context=ajcjs>> accessed 9 November 2025.

⁵⁸ P. Osayande, Report of the Committee on the Reform of the Nigeria Police Force (The Presidency, 2012).

Madami.⁵⁹ In response to growing national concern over police misconduct, the Federal Government in 2006 inaugurated the Presidential Committee on the Reform of the Nigeria Police Force, chaired by M.D. Yusuf and later known as the Danmadami Panel.⁶⁰ This panel was inaugurated by the Federal Government with the mandate to investigate complaints of police misconduct and recommend comprehensive reforms aimed at improving police professionalism, accountability, and public trust.⁶¹ The Madami committee was given eight terms of reference that requested Recommendations on a broad range of issues from police administration to the transportation of Police officers. The panel identified systemic issues including poor funding, inadequate training, and lack of professionalism.⁶² It recommended decentralisation of the force, community policing, and better oversight mechanisms.⁶³ It also recommended that the government intervene in areas of police welfare, recruitment and training as well as begin immediate re-orientation to “change the perception of the police in the minds of Nigerians.”⁶⁴ However, most recommendations were not implemented, reflecting a disconnection between reform proposals and political will. After the end of the

⁵⁹ CLEEN Foundation, Lagos. “Motions without Movement” Report of Presidential Committee on Police Reforms in Nigeria (Lagos, 2008).

⁶⁰ Nigeria Police Force, Report of the Danmadami Police Reform Panel (2006).

⁶¹ Wangonet, Reforms in the Nigerian Police Force: The Danmadami Panel https://publicservice.wangonet.org/pdf/doc_046.pdf > accessed 5 August 2025

⁶² Federal Republic of Nigeria, Report of the Presidential Committee on the Reform of the Nigeria Police Force. (Abuja: Government Printer, 2006).

⁶³ P W Naankiel, C J Christopher, and G O Olofu, Police Reforms and National Security in Nigeria (2017) https://www.researchgate.net/publication/318755965_POLICE_REFORMS_AND_NATIONAL_SECURITY_IN_NIGERIA> accessed 18 August 2025

⁶⁴ J Lohor, ‘Nigeria: Police Reform C’ttee Submits Report’ This Day (27 May 2006) <https://allafrica.com/stories/200605270047.html> > accessed 18 August 2025

Obasanjo presidency, and the commencement of the Yar'adua presidency, Nigeria saw yet another change in police administration,⁶⁵ and yet another attempt at police reform.

2.5.2 The Parry Osayande Report (2012)

The Parry Osayande Police Reform Report of 2012 was a continuation of Nigeria's efforts to address systemic inefficiencies, corruption, and abuse within the Nigeria Police Force. Following persistent complaints of police misconduct, human rights violations, and public distrust, the Federal Government established a reform committee led by retired Deputy Inspector General of Police, Parry Osayande, to evaluate the operational challenges of the police and propose actionable reforms.⁶⁶ The committee undertook a nationwide assessment of the Nigeria Police Force, highlighting key deficiencies such as inadequate training, lack of accountability, poor welfare for officers, outdated operational procedures, and limited engagement with the communities they serve.⁶⁷ The report underscored the urgent need to improve police ethics, discipline, and adherence to human rights standards, particularly in handling protests, criminal investigations, and custodial management.⁶⁸ The report condemned the politicization of the police and lack of independence, recommending, among others, the establishment of a Police Service Commission with greater autonomy and clear-cut oversight powers.⁶⁹

⁶⁵ Mike Mbama Okiro was appointed as the Inspector General of Police to succeed Ehindero.

⁶⁶ Osayande (n45).

⁶⁷ H Abubakar, *Police Reforms in Nigeria: Historical Perspectives and Contemporary Challenges* (Kaduna, Nigerian Journal of Criminology, 2018).

⁶⁸ A Olajide, *Human Rights and Police Operations in Nigeria* (2020) African Journal of Law and Public Policy, Ibadan.

⁶⁹ Osayande (n45).

Unfortunately, just like previous efforts, the recommendations were largely shelved and did not lead to meaningful reform.⁷⁰

2.5.3 The Police Act 2020

Since its inception, the SARS unit has been the subject of several attempts at reform ranging from a re-organization of the recruitment process, to threats to prosecute incidents of human right abuses Committed by officers.⁷¹ The SARS unit has also been “reorganized” in 2017, “restructured” in 2018 until it was “disbanded” in 2020.⁷² A more significant legal development was the enactment of the Nigeria Police Act 2020, which repealed the outdated Police Act of 1943. The new Act aimed to modernise the police force, promote accountability, and establish clear guidelines on police powers, conduct, and oversight.⁷³ Notably, it introduced provisions for community policing (Section 6), the rights of suspects (Section 36), and disciplinary measures. However, critics argue that while the law is progressive on paper, enforcement remains weak due to systemic corruption and lack of institutional reform.⁷⁴

2.5.4 The Aftermath of #EndSARS (2020)

⁷⁰ ‘POLICE REFORMS: The timeless ritual for solution?’, (Vanguard News 6 March 2012), <https://www.vanguardngr.com/2012/03/police-reforms-the-timeless-ritual-for-solution/> accessed 21 August 2025

⁷¹ ‘A History of Nigeria’s Failed Police Reform Before #EndSARS’, (Time, 2020) <<https://time.com/5904345/endsars-history-nigeria/>> accessed 22 August 2025.

⁷² Ibid

⁷³ Police Act, 2020.

⁷⁴ D E Agwanwo, ‘The Nigeria Police Act 2020 and the Challenge of Police Reforms’ (2021) 9(1) African Journal of Law and Policy 112–126.

On Sunday, October 11, 2020, protesters released a list of five demands to the Federal Government of Nigeria. The demands signed by 'A Nigerian Youth' called for the immediate release of all protesters detained, as well as justice and reparations for all those killed by police brutality in Nigeria.⁷⁵ They also urged that an independent organization be set up to investigate and prosecute all allegations of police misbehaviour within 10 days. Protesters also demanded that SARS agents be psychologically evaluated and retrained before being sent to another police unit. Finally, they requested a sufficient raise in the salary of Nigerian police officers. Uwazuruike stated that, on October 20th, 2020, some political figures and celebrities made use of the hashtag EndSARS or referenced the movement to either directly support the protests or demand an end to the government crackdown on protestors.⁷⁶ Kolawole, compared the #EndSARS October 2020's destruction to the Nigeria the Civil War of 1967-70, though he acknowledged that a war, 'belongs in a different category'.⁷⁷ But this goes to show the earth-quaking effects that the October 2020 #EndSARS imbroglio had on Nigerian polity. He added "the scale of the destruction in the wake of the #EndSARS protests in Lagos state alone is heart-breaking. Ambulances and health centres were set on fire and you just have to question the motive". The protest morphed to #BuhariMustGo and

⁷⁵ Premium Times Nigeria, '#EndSARS Anniversary: One year after, what has happened to protesters five-point demand?' (2021) <<https://www.premiumtimesng.com/news/headlines/490594-endsars-anniversary-one-year-after-what-has-happened-to-protesters-five-point-demand.html>> accessed 19 August 2025.

⁷⁶ A Uwazuruike, 'EndSARS: The Movement against Police Brutality in Nigeria' (2020) Harvard Human Rights Journal <<https://journals.law.harvard.edu/hrj/2020/11/endsars-the-movement-against-police-brutality-in-nigeria/>> accessed 19 August 2025.

⁷⁷ S Kolawole, 'The Crackdown on EndSARS Activists' ThisDay (Lagos, 15 November 2020) <<https://www.thisdaylive.com/2020/11/15/the-crackdown-on-endsars-activists/>> accessed 19 August 2025.

#EndNigeria etc.⁷⁸ Fukuyama noted that “Popular outrage will grow, and dashing citizens rising expectations is ultimately a classic recipe for revolution.”⁷⁹ The #EndSARS protests of October 2020 marked a watershed moment in Nigeria’s struggle against police brutality. Sparked by long-standing abuses by the Special Anti-Robbery Squad (SARS), the protests led to national and international attention, culminating in the dissolution of SARS by the Inspector General of Police.⁸⁰ International demonstrations took place in solidarity with those which took place in the country, and the movement had rapidly grown very critical of Muhammadu Buhari’s government’s reaction to the protests.⁸¹ Judicial Panels of Inquiry were set up across states to investigate cases of police brutality, and compensations were awarded to some victims. Nevertheless, many of the panels’ recommendations remain unimplemented, and the structural issues persist, raising doubts about the sincerity of reform efforts.⁸²

2.6 Theoretical Justification for Legal Reform

The need for legal reform in addressing police brutality in Nigeria is underpinned by various criminological and legal theories that explain why laws must adapt to evolving

⁷⁸ Ibid

⁷⁹ F Fukuyama, ‘The Pandemic and Political Order—It Takes a State’ (2020) 99(4) Foreign Affairs <<https://www.foreignaffairs.com/articles/world/2020-06-09/pandemic-and-political-order>> accessed 9 August 2025.

⁸⁰ BBC News, ‘#EndSARS: Nigeria Dissolves Controversial Police Unit after Protests’ BBC News Africa (11 October 2020).

⁸¹ T Makinde, ‘#EndSARS protests in Nigeria show that the youth wants change, Now’ (16 October 2020)https://www.linkedin.com/posts/tamimakinde_endsars-protests-in-nigeria-show-that-the-activity-6724033733147680770-pugo accessed 19 August 2025.

⁸² Amnesty International, ‘Nigeria: No Justice for Victims of Police Brutality One Year after #EndSARS Protests’ (20 October 2021) <<https://www.amnesty.org/en/latest/news/2021/10/nigeria-no-justice-for-victims-of-police-brutality-one-year-after-endsars-protests/>> accessed 19 August 2025.

societal needs and systemic failures. Two of the most relevant frameworks are Deterrence Theory and Compliance Theory, both of which justify reform efforts to curb excessive police power and promote accountability.

2.6.1 Deterrence Theory in Criminal Justice

Deterrence theory is based on the principle that individuals are rational actors who weigh the consequences of their actions.⁸³ Similarly, Deterrence theory posits that individuals are less likely to commit crimes when the consequences are certain, swift, and severe. It posits that the fear of punishment can prevent individuals including public officers like police from engaging in unlawful conduct. As Anyogu notes, “the aim of criminal law is primarily to prevent harm to society by declaring certain conduct unacceptable and prescribing punishment as a natural corollary”.⁸⁴ The theory assumes rational choice officers will avoid misconduct if the risks outweigh the benefits. In the context of police brutality, this theory supports legal reforms that impose strict sanctions and provide robust oversight mechanisms to prevent misconduct. Also, the absence of accountability mechanisms and lenient disciplinary procedures have created a culture of impunity within the Nigerian Police Force (NPF). Legal reforms that enhance transparency, enforce sanctions, and ensure timely prosecution of erring officers are essential to deter future violations. Jeremy Bentham, a key proponent of utilitarianism, argued that punishment must be certain, swift, and proportionate to be

⁸³ L J, *Criminology: Theories, Patterns and Typologies* (13th edn, Cengage Learning 2018) 111-117

⁸⁴ F Anyogu, *Deterrence as a Principle of Sentencing in Nigeria: A Critique* (Imo State University Press 2013)

<https://www.academia.edu/5460944/deterrence_as_a_principle_of_sentencing_in_Nigeria_a_critique_I_mo_State_University_Press_2013> accessed 19 August 2025.

effective.⁸⁵ Therefore, laws must be structured in a way that the consequences of police misconduct are clear and enforceable. Without legal reforms that align with deterrence principles, abusive police officers may continue to act with impunity. Empirical studies have shown that in countries with clear accountability systems and independent complaint mechanisms, instances of police violence are significantly lower.⁸⁶ Nigeria's weak enforcement of existing laws and lack of real consequences has contributed to a culture of impunity, making reform essential.

2.6.2 Compliance Theory

Compliance theory examines why individuals and institutions obey the law. It is not just about punishment, but also legitimacy, fairness, and trust in the legal system. According to Tom R. Tyler, people are more likely to comply with laws when they perceive legal authorities as legitimate and procedures as fair.⁸⁷ In Nigeria, the police have suffered from a serious legitimacy deficit, driven by systemic corruption, abuse of power, and poor human rights records. As Udemezue argues, "a law without enforcement is not worth the paper it is written on".⁸⁸ Legal reforms rooted in compliance theory aim to restore public trust, ensure transparency, and promote voluntary adherence to the rule

⁸⁵ J Bentham, *An Introduction to the Principles of Morals and Legislation* (Clarendon Press 1789) <<https://www.econlib.org/library/Bentham/bnthPML.html>> accessed 9 August 2025.

⁸⁶ S Walker and C Archbold, *The New World of Police Accountability* (December 2013) <<https://doi.org/10.4135/9781452204352>> accessed 19 August 2025.

⁸⁷ T R Tyler, *Why People Obey the Law* (Yale University Press 1990) <https://www.researchgate.net/publication/220011500_Why_do_People_Obey_the_Law> accessed 9 August 2025.

⁸⁸ S Udemezue, 'Rethinking System Change in Nigeria: Why Only Impregnable Legal Reforms Can Deliver Real Impact' (*Law & Society Magazine*, 20 May 2025) <<https://lawandsocietymagazine.com/rethinking-system-change-in-nigeria-why-only-impregnable-legal-reforms-can-deliver-real-impactplus-draft-impregnable-provisions/>> accessed 19 August 2025.

of law by law enforcement officers. For example, provisions in the Nigeria Police Act 2020 that focus on community policing, citizen engagement, and oversight mechanisms are all attempts to foster compliance and cooperation between the police and the public.⁸⁹ However, without full implementation and consistent accountability, these provisions remain theoretical.

2.7 Literature Review

The issue of police brutality has attracted increasing scholarly attention, especially in light of the #EndSARS movement and widespread reports of abuse by Nigerian law enforcement agencies. The literature on the subject explores the legal, institutional, and sociopolitical dimensions of police violence and its impact on human rights. Alemika provided a foundational analysis of police functions in Nigeria, noting that the colonial origins of the police shaped a paramilitary orientation designed to suppress dissent rather than serve the people.⁹⁰ This institutional legacy, according to Alemika, still influences the Nigerian Police Force's adversarial relationship with the public. Odinkalu examined the failure of the Nigerian legal system to protect citizens from police misconduct, attributing the problem to weak institutional accountability and the lack of enforcement of legal safeguards. He argued for structural and constitutional reforms, including independent oversight mechanisms.⁹¹ Oláolúwa Òní argues that the failure of

⁸⁹ Police Act 2020

⁹⁰ E E O Alemika, 'Colonialism, State and Policing in Nigeria' (1993) 20(3) *Crime, Law and Social Change* 187–219 <<https://www.ojp.gov/ncjrs/virtual-library/abstracts/colonialism-state-and-policing-nigeria>> accessed 19 August 2025.

⁹¹ C A Odinkalu, 'Independent and unacceptable: A New code for Nigeria Judiciary' (Premium Times, 2025)< <https://www.premuimtimesng.com/opinion/832431-Independent-and-unacceptable-a-new-code-for-nigerias-judiciary-by-chidi-anslem-odinkalu.html>> accessed 19 August 2025.

police reform in Nigeria is deeply rooted in colonial legacies and institutional inertia. His thesis highlights how successive reform panels have produced voluminous recommendations with little implementation, largely due to political resistance and lack of legal enforcement mechanisms.⁹² Ukatu and Ukatu assess the relationship between police brutality and public legal compliance in Ebonyi State. Their findings reveal that widespread abuse by law enforcement erodes public trust and undermines voluntary compliance with the law.⁹³ Chukwuma focused on empirical data from police-citizen encounters, revealing high levels of physical abuse, illegal detention, and extortion by officers.⁹⁴ Folashade B. Okeshola, this writer uses this study to unveil the numerous instances of the Police brutality and that they are a part of a systemic issue that lingers within the Police force, the negative impact it has on the victims which includes physical and psychological trauma that leads to citizens distrusting this law enforcement agency. Government accountability for police actions despite the public outcry and also the public's reaction towards the brutality that came in form of the ENDSARS, 2020 movement that led to societal unrest and a clarion call for reforms in the police force.⁹⁵ Otiye, held the view that police powers are enormous and these powers result to abuse. According to him, "...it has been recognized all over the world, there is the potential for abuse in the exercise of powers by the Police and other law enforcement agencies.

⁹² O Òní, *Understanding the Failure of Police Reform in Nigeria: A Case for Legal History through Literature* (LLM Thesis, Osgoode Hall Law School, York University, 2022) <<https://yorkspace.library.yorku.ca/server/api/core/bitstreams/f9e63fb9-8238-4103-8052-0955c8cd67b9/content>> accessed 19 August 2025.

⁹³ J Ukatu and B Ukatu, 'Assessing the Relationship between Police Brutality and Public Legal Compliance in Ebonyi State, Nigeria' (2025) *ISRG J Edu Humanit Lit* <<https://isrgpublishers.com/wp-content/uploads/2025/10/ISRGJEHL1942025.pdf>> accessed 20 August 2025.

⁹⁴ I Chukwuma, *Policing and Human Rights in Nigeria*. Lagos (CLEEN Foundation, Lagos 2002)

⁹⁵ F B Okeshola, 'Human Rights Abuse by Nigerian Police in Four Selected States and the Federal Capital Territory, Abuja.' *British Journal of Arts and Social Sciences*. [2013] 13(II). See <[APPRAISAL OF THE LEGAL FRAMEWORK OF CIVILIAN OVERSIGHT OF POLICE IN NIGERIA.pdf](#)> accessed 20 August 2025.

Therefore, there is the need for the regulation of the power of the police by domestic and international law.”⁹⁶ Therefore, to retrieve the police from further destruction, there is the need to improve on governance reforms, purify appointment and promotion processes and strengthen the Nigeria oversight institution. According to her, the Police Service Commission is weak on account of lack of resources and the political will to operate. Nigeria’s Police Service Commission (PSC) is the main civilian supervisory and oversight body of the NPF. According to statute, it ought to be one of the most powerful such bodies in the world. Oluwakemi Okeyondo, has carried out a study that focuses on the police and how corruption that has weakened its effectiveness and efficiency, the need to fortify its oversight institution. She observed that the low-level trust members of the public have in the Nigeria police has robbed the police of public confidence. This has resulted in serious internal security problems such as insurgency, rising criminal gangs, kidnapping and other forms of extremism. All this stemmed from endemic corruption in the police, police high-handedness and the politicization of the police institution.⁹⁷ Alemika notes that police brutality is a major concern in Nigeria, with many citizens reporting experiences of physical and emotional abuse at the hands of law enforcement officers.⁹⁸ Numerous cases of police brutality in Nigeria, including extrajudicial killings, torture, and arbitrary detention.⁹⁹ He highlighted that despite

⁹⁶ Otive Igbuzor, Oversight Agencies and Effectiveness of Police Accountability Systems in Nigeria: A Critical Reflection, in Otive Igbuzor and Tijani Mohammed, (eds.); Police Service Commission, Policing and The Rule of Law. [2012] 81. See < [APPRAISAL OF THE LEGAL FRAMEWORK OF CIVILIAN OVERSIGHT OF POLICE IN NIGERIA.pdf](#)>accessed 20 August 2025.

⁹⁷ O Okeyondo, Governance, Accountability, and Security in Nigeria; Africa Centre for Strategic Studies, Africa Security Brief [2016] 31. See< [APPRAISAL OF THE LEGAL FRAMEWORK OF CIVILIAN OVERSIGHT OF POLICE IN NIGERIA.pdf](#)>accessed 21 August 2025.

⁹⁸ Alemika (n1).

⁹⁹ Human Rights Watch, ‘Nigeria: corruption fueling police abuses – Government should rein in extortion, Embezzlement, and Related Abuses’ (17 August 2010) <https://www.hrw.org/news/2010/08/17/nigeria-corruption-fueling-Police-abuses> > accessed 21 August 2025.

constitutional protections under Section 34 of the 1999 Constitution (which guarantees the right to dignity), many abuses go unpunished due to procedural barriers and fear of retaliation. Deji Adeyanju, an activist, accused the Inspector General of Police, IGP, Kayode Egbekotun, of giving order to the police to brutalize the demonstrators, he said it was disappointing to hear that Nigerians were killed. Until a highly placed individual was held responsible for unleashing violence on peaceful protesters, there would be no end to the killing of non-violent demonstrators. His words;

“The President, in clear terms, warned the Police against using force. The Nigerian Army who were there with protesters did not attack them, but the Police are the aggressors. Look at what happened at Eagle Square, Borno State and many other parts of the country. Protesters are protesting peacefully and the Police cannot exercise restraint. The IGP should be held responsible for all the violence unleashed on peaceful protesters across the country. “He gave the order and must be held accountable for the violence unleashed. Not until somebody is held accountable for acts like this, it will persist, continue and fester. There must be consequences for bad behaviour of the Police across the length and breadth of the country. Very high ranking police officers have told us that the order to crack down on protesters came from the IGP. The President should act accordingly. Protesters will improvise and try to beat Police brutality. Citizens have shown that despite the attacks they are still willing to come out. Thursday attacks will not deter citizens from coming out and whether anybody likes it or not, protest is

a fundamental human right given by the constitution, not the President, IGP, Service Chiefs but by the constitution, and nobody can circumvent that right.”¹⁰⁰

Aborisade evaluated the legal responses to the #EndSARS protests and found that existing laws such as the Anti-Torture Act, 2017, although progressive, suffer from poor implementation.¹⁰¹ He stressed the need for proactive legal reform that integrates both punitive and preventive strategies. As part of the literature review of Police brutality in Nigeria, it is also important to mention the brutal attacks meted on journalists. The Nigerian Union of Journalists, NUJ, has condemned the brutal attack on journalists covering a recent protest, resulting in injuries of at least 21 media professionals. The attack, carried out by a combination of police officers and hoodlums, has sparked widespread outrage and raised concerns about the safety of journalists in Nigeria. NUJ in a statement by its National Secretary, Achike Chude, “the hydra-headed monster of journalist intimidation, harassments and seizures of both official and personal assets of members of the press reared its ugly head once more”. These acts were carried out by the state and non-state actors. This sordid unacceptable state of affairs, especially those perpetuated by state actors is happening in spite of various conscious efforts of the NUJ to engage government officials and security forces to address the anti-democratic behaviour by those saddled with the responsibility of maintaining law and order. “We want to assure Nigerians and the authorities, that journalists will neither be cowed nor deterred from carrying out their responsibilities of engaging the society with a view of

¹⁰⁰ Gabriel Ewepu, ‘ CSOS SCORE SECURITY FORCES LOW: Hungry Nigerians, protesting peacefully, brutalised, some killed’ SUNDAY Vanguard (Lagos, 4 August 2024) 12<<https://www.vanguardngr.com/2024/08/csos-score-security-forces-low-hungry-nigerians-protesting-peacefully-brutalised-some-killed/>> accessed 22 August 2025

¹⁰¹ R Aborisade, ‘EndSARS Protests and the Crisis of Police Brutality in Nigeria’(2021) 65(3) Journal of African Law, 65(3) 410–428.

informing, enlightening and educating the citizens for the purpose of promoting public good.”¹⁰²

International literature also offers comparative insights. Amnesty International (2016) documented widespread human rights violations by the Nigerian Police, pointing to systemic torture and impunity.¹⁰³ In contrast, countries like the UK and Canada have adopted models of independent police complaints commissions which Nigeria lacks, leading to calls for such structures to be integrated into Nigerian policing law.¹⁰⁴ From a criminological perspective, Goldsmith emphasized the role of organizational culture in perpetuating abuse, suggesting that legal reform must go hand-in-hand with training, cultural change, and civilian oversight.¹⁰⁵ The reviewed literature highlights a recurring theme: while Nigeria has laws that theoretically protect against police abuse, such as the Police Act 2020, Constitution of the Federal Republic of Nigeria 1999 (as amended), and Anti-Torture Act 2017, the enforcement and accountability mechanisms remain inadequate. This study seeks to build on existing scholarship by critically examining not only the content of these laws but their practical gaps and enforcement challenges. It also attempts to integrate both legal and theoretical frameworks to suggest reforms grounded in Nigerian realities and informed by comparative models.

¹⁰² Nnamdi Ojiego, ' PROTEST: 21 journalists attacked by police, hoodlums- NUJ' SUNDAY VANGUARD (Lagos, 24 August 2024) 7<<https://www.Vanguardngr.com/2024/08/protest-21-journalists-attacked-by-police-hoodlums-nuj/>> accessed 22 August 2024.

¹⁰³ Amnesty International. (2016). Nigeria: "You Have Signed Your Death Warrant" - Torture and Other Ill-treatment in the Special Anti-Robbery Squad (SARS) (London: Amnesty International Publications, 2016).

¹⁰⁴ T Newburn, (ed), Handbook of Policing. (2nd edn, Routledge London).

¹⁰⁵ A Goldsmith, 'Police Reform and the Problem of Trust' (2005) 9(4) Theoretical Criminology 443–470 <<https://doi.org/10.1177/1362480605057727>> accessed 22 August 2025.

CHAPTER THREE

POLICE BRUTALITY IN NIGERIA: CHALLENGES AND PROSPECT FOR REFORM

3.1 Introduction

Police brutality refers to the excessive or unwarranted use of force by law enforcement officers. In Nigeria, it has become a pervasive issue with grave implications for human rights, democracy, and the rule of law. Despite the existence of laws aimed at regulating police conduct, reports of abuse, violence, and misconduct persist. This chapter examines the various forms of police brutality prevalent in Nigeria, drawing from legal, academic, and institutional sources.

3.2 Forms of Police Brutality

3.2.1 Excessive Use of Force

Excessive use of force refers to situations where law enforcement officers apply more physical power than is necessary to control a situation, enforce a law, or protect themselves or others. Excessive use of force involves deploying more physical power than necessary, often resulting in injury or death. According to the United Nations, excessive use of force is a violation of human rights that can result in serious injury or death.¹⁰⁶ This form of police brutality is arguably the most visible and commonly reported across Nigeria. It manifests in actions such as indiscriminate beatings,

¹⁰⁶ United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-use-force-and-firearms-law-enforcement>> accessed 27 August 2025.

unjustified shootings, and the use of lethal weapons in non-threatening situations. The term is inherently subjective, but in legal and human rights contexts, it is measured against the standard of proportionality and necessity.¹⁰⁷ In Nigeria, reports of excessive force often surface during routine stop-and-search operations, protests, and even in handling of minor offences. Notably, the Special Anti-Robbery Squad (SARS), before its disbandment in 2020, was notorious for using disproportionate force, which led to numerous extrajudicial killings and severe bodily harm.¹⁰⁸ The 2020 #EndSARS protests brought global attention to these abuses, with numerous documented cases of police firing live ammunition at peaceful protesters.¹⁰⁹ The violent suppression of peaceful #EndSARS protesters at the Lekki Toll Gate in October 2020 drew national and international outrage, reinforcing the widespread perception of systemic abuse by the Nigerian Police Force. Despite constitutional safeguards under Section 33(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended),¹¹⁰ which guarantees the right to life, enforcement remains weak. The Anti-Torture Act 2017 explicitly prohibits the use of torture and cruel, inhuman, or degrading treatment by law enforcement, yet violations persist due to a lack of accountability and institutional reforms.¹¹¹ These provisions set the foundation for lawful policing. Additionally, the Nigeria Police Force's Force Order 237 outlines the conditions under which officers may use force and firearms. It emphasizes that lethal force must be a last resort and only in

¹⁰⁷ S Onyekwere, 'Police Brutality and the Failure of Oversight in Nigeria' (2020) 6(2) Nigerian Journal of Human Rights 88-102.

¹⁰⁸ Amnesty International, Nigeria: Time to End Impunity (2020).

¹⁰⁹ R Yohanna, 'Police Brutality and Legal Remedies: A Case Study of the EndSARS Protests in Nigeria' (2025) 1(1) EBSU International Journal of Legal Studies and Practice <<https://ebsujournals.com/index.php/eijlsp/article/view/8>> accessed 27 August 2025.

¹¹⁰ 1999 Constitution of the Federal Republic of Nigeria (as amended) ss 34(1).

¹¹¹ The Anti-Torture Act 2017

situations where there is an imminent threat to life.¹¹² Despite legal restrictions, Nigerian police frequently employ disproportionate force, especially during protests and arrests. The use of disproportionate force by police officers is one of the most common forms of brutality in Nigeria. This includes unjustified shootings, beatings, and the use of teargas on peaceful protesters. Amnesty International reports that excessive force is routinely used during peaceful protests and routine arrests.¹¹³ Legal scholars argue that the failure to train officers in non-lethal methods of engagement and poor oversight mechanisms contribute to this abuse.¹¹⁴ The #EndSARS protests in 2020 highlighted numerous cases where excessive force was deployed against unarmed civilians.¹¹⁵ Another study highlights that many officers lack adequate training in conflict de-escalation and human rights, contributing to the misuse of force during routine arrests and public demonstrations.¹¹⁶ Police must use the amount of force that is reasonably required to accomplish the lawful duties required by the occupation. It may include, but is not limited to; baton beating, chokeholds, use of firearms, unlawful arrest, unwarranted use of teargas and others. The excessive use of force by police officers can have serious consequences, including physical harm, emotional trauma, and

¹¹² Nigeria Police Force, Revised Force Order 237: Manual of Guidance on the Use of Force and Firearms by Police Officers (2019) <https://www.policinglaw.info/assets/downloads/Revised_Use_of_Force_Order_237_%282019%29.pdf> accessed 27 August 2025.

¹¹³ Amnesty International, 'Nigeria: Rampant Police Atrocities Continue 4-Years After #EndSARS Protests' (20 October 2024) <<https://www.amnesty.org.ng/2024/10/20/nigeria-rampant-police-atrocities-continue-4-years-after-endsars-protests/>> accessed 27 August 2025.

¹¹⁴ E Ojukwu and A Oluwasina, *Legal Remedies for Victims of Police Brutality in Nigeria* (Justice Watch Press, Lagos 2018).

¹¹⁵ Amnesty International (n 3).

¹¹⁶ MA Abidogun, 'Examination of the Legal and Implications of Police Brutality' (2023) <https://www.researchgate.net/profile/Moruf-Abidogun/publication/372947581_EXAMINATION_OF_THE_LEGAL_AND_IMPLICATIONS_OF_POLICE_BRUTALITY/links/64cfdcaad394182ab3a96d7b/EXAMINATION-OF-THE-LEGAL-AND-IMPLIED-OF-POLICE-BRUTALITY.pdf> accessed 27 August 2025.

loss of life. This type of police brutality may lead to serious injury or death. For instance, we have seen cases of how police officers were used to brutalize citizens with the use of excessive force by political leaders. Excessive force undermines public trust in law enforcement and violates international human rights standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Victims often face barriers to justice due to institutional resistance, fear of retaliation, and limited access to legal remedies. In other words, It can also erode trust between law enforcement and the communities they serve, making it more difficult to build positive relationships and address crime effectively.

There are several documented case studies under this point which will provide the widespread out of police brutality on excessive use of force: Azeez Ijaduade, a Nollywood actor and director revealed his experience of police brutality with the Daily Post Newspaper documented by Racheal Ayodele.¹¹⁷ He (Azeez Ijaduade), was coming from an outing around 11:45 pm in the night at Iperu Ogun state when he was stopped by a team of policemen. He said, he parked his car and attended to them in a well-mannered approach and one of the policemen told him to go. On his way, he heard a gunshot and the bullet penetrated from the back of the car to his neck which made him bleed out of consciousness. He was rushed and admitted to Babcock Teaching Hospital where he was saved from such a situation. After proper investigation, he was informed that the policeman fired the shot unknowingly which made him battle for breath and survival. This illustration shows that the police also make use of firearms in an

¹¹⁷ R Ayodele, 'Nollywood Actor, Azeez Ijaduade, Reportedly Shot by Police in Ogun' (Daily Post, 24 December 2023) <<https://dailypost.ng/2023/12/24/nollywood-actor-azeez-ijaduade-reportedly-shot-by-police-in-ogun/>> accessed 7 September 2025.

unprofessional manner as a result of excessive use of force.¹¹⁸ Until robust frameworks for monitoring, investigating, and penalizing excessive use of force are implemented, this form of police misconduct will likely continue.

3.2.2 Arbitrary Arrest and Detention

Arbitrary arrest and detention refer to the apprehension and confinement of individuals without legal justification, due process, or adherence to established procedures. Arbitrary arrest and detention occur when police officers arrest or detain individuals without reasonable grounds or due process. In the Nigerian context, this form of police misconduct is alarmingly prevalent and often targets vulnerable groups such as youths, street vendors, and activists. It is a recurrent and disturbing form of police brutality often characterized by the lack of arrest warrants, denial of legal representation, extortion, and illegal detainment beyond constitutionally allowed timeframes. It is a direct violation of the right to personal liberty, security and fair hearing, of which are enshrined in the Nigerian Constitution and international human rights instruments.¹¹⁹ The 1999 Constitution of the Federal Republic of Nigeria (as amended) provides a robust legal foundation against arbitrary arrest and detention. Security agents frequently engage in arrests without legal justification or due process. Individuals are often detained beyond the constitutional limit of 48 hours without being charged to court, in violation of Section 35 of the 1999 Constitution (as amended).¹²⁰ Section 35

¹¹⁸ Oluwabusola Oluwaseyi Olushola, 'An Assessment of Police Brutality on the Public in Ota, Ogun State, Nigeria' (project file, Thomas Adewumi University, 2025) 19.

¹¹⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 35.

¹²⁰ I Chukwuma, 'The Legal Structure of Police and Human Rights in Nigeria' (1997) 14(1) *Third World Legal Studies* <<https://scholar.valpo.edu/twls/vol14/iss1/4/>> accessed 27 August 2025.

guarantees every citizen the right to personal liberty and outlines the conditions under which a person may be lawfully arrested and detained. It mandates that any person arrested must be informed promptly of the reasons for their arrest and must be brought before a court within a reasonable time defined as 24 to 48 hours depending on the proximity of the court. Arbitrary arrests, often without warrants or reasonable suspicion, are widespread. Detainees are frequently held beyond the constitutionally prescribed 48-hour period without being charged, violating Section 35 of the 1999 Constitution.¹²¹ Moreover, The Administration of Criminal Justice Act (ACJA) 2015 strengthens procedural safeguards by prohibiting arrest in lieu, mandating the recording of arrests, requiring notification of next-of-kin, ensuring access to legal representation.¹²² The Nigerian Police Force has consistently been accused of using arbitrary arrests as a tool for intimidation, extortion, and suppression of dissent. Youths, activists, and journalists are common targets. The now-disbanded SARS unit was notoriously linked to illegal raids and the detention of citizens without cause, often under the guise of fighting cybercrime or armed robbery.¹²³ Detainees are frequently held in inhumane conditions, sometimes for weeks or months without trial. This violation is not only unconstitutional but also breaches Nigeria's international obligations under the International Covenant on Civil and Political Rights (ICCPR)¹²⁴ and the African Charter on Human and Peoples' Rights,¹²⁵ both of which Nigeria is a

¹²¹ L N Imegi, 'Human Rights Violation in Nigeria: The Case of Police Brutality' (2023) 10(1) International Journal of Innovative Legal & Political Studies 95–103 <<https://www.seahipublications.org/wp-content/uploads/2024/06/IJILPS-M-11-2023.pdf>> accessed 27 August 2025.

¹²² Administration of Criminal Justice Act 2015 (Nigeria), ss 6–15.

¹²³ Amnesty International (n 3).

¹²⁴ International Covenant on Civil and Political Rights (ICCPR), 1966.

¹²⁵ African Charter on Human and Peoples' Rights (ACHPR), 1981.

signatory to. Human Rights Watch reported the arrest of hundreds of members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and detained many without charges. Their leader, Ralph Uwazuruike was also arrested and detained without trial on several occasions.¹²⁶ Despite these legal provisions, enforcement remains weak. Many police officers continue to detain individuals without warrants, often for extended periods, and without access to legal counsel.¹²⁷ Numerous reports and case studies have documented the widespread abuse of arrest powers by the Nigerian Police Force. For instance, during the #EndSARS protests in 2020, several peaceful demonstrators were arrested without cause and held incommunicado, in clear violation of constitutional rights.¹²⁸ Similarly, routine police patrols often result in the indiscriminate arrest of young men based on their appearance, possession of smartphones, or refusal to pay bribes. In many cases, victims are detained in overcrowded and unsanitary police cells, sometimes for weeks or months, without being charged to court. This practice not only violates domestic laws but also contravenes Nigeria's obligations under the International Covenant on Civil and Political Rights (ICCPR), which prohibits arbitrary detention.¹²⁹ Judicial

¹²⁶ Human Rights Watch, *Everyone's Game: Corruption and Human Rights Abuses in the Nigeria Police Force* (2010) <<http://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human.rightsabuses-nigeriapoliceforce>> accessed 28 August 2025.

¹²⁷ EB Umukoro and E K Okiti, 'The Power of Arrest under the Administration of Criminal Justice Act 2015: Emerging Issues and Challenges' (2022) 7 *African Journal of Criminal Law and Jurisprudence* <<https://www.researchgate.net/publication/364316550>> accessed 28 August 2025.

¹²⁸ Z Jimada, 'Addressing Police Brutality in Nigeria – A Crisis of Non-Implementation' (Oxford Human Rights Hub, 2021) <<https://ohrh.law.ox.ac.uk/addressing-police-brutality-in-nigeria-a-crisis-of-non-implementation/>> accessed 28 August 2025.

¹²⁹ G Agbagbuo, *The Crux of Unlawful Arrest and Detention by the Police under the Law of Fundamental Rights Enforcement in Nigeria* (2018) <<https://thenigerialawyer.com/the-crux-of-unlawful-arrest-and-detention-by-the-policeunder-the-law-of-fundamental-rights-enforcement-in-nigeria-by-gift-agbagbuo/>> accessed 28 August 2025.

pronouncements have repeatedly condemned the practice. In *Fawehinmi v. IGP*,¹³⁰ the Supreme Court affirmed the importance of due process and ruled that arrest without proper cause amounts to a violation of constitutional rights. Addressing arbitrary arrest and detention requires institutional reform, improved police training on human rights, and the strengthening of internal and external oversight bodies to enforce accountability and justice.

3.2.3 Extra-Judicial Killings

Extra-judicial killings occur when police officers use lethal force without due process or justification, resulting in the death of individuals. This form of police brutality is a grave violation of human rights and the rule of law.¹³¹ Extra-judicial executions, particularly by units like the defunct SARS, have been documented extensively. Victims are often labeled as “armed robbers” without due process, and families are denied access to bodies or justice.¹³² There are frequent reports of extrajudicial executions, particularly during anti-robbery operations and in detention. However, Obiezu opined that Nigeria has recorded more than 800 incidents of extrajudicial killing across the country in the last three years according to the international human rights group Global Rights.¹³³ In

¹³⁰ (2002) 7 NWLR (Pt.767) 606

¹³¹ African Commission on Human and Peoples' Rights, Study on the Use of Force by Law Enforcement Officials in Africa (2023) <<https://achpr.au.int/sites/default/files/files/2023-11/eng-achpr-use-force-study-nov-23.pdf>> accessed 28 August 2025.

¹³² D Chibuike, 'Police Brutality in Nigeria and the #EndSARS Movement' (Harvard International Review, 27 January 2021) <<https://hir.harvard.edu/police-brutality-in-nigeria-and-the-endsars-movement/>> accessed 28 August 2025.

¹³³ T Obiezu, 'Rights Groups Condemn the Shooting of EndSARS Protesters in Lagos' (Voice of Africa, 2020) <<https://www.voaneus.com/africa/rightsgroups-Condemn-shooting-endsars-protesters-lagos/>> accessed 28 August 2025.

addition, Amnesty International stated that extrajudicial killings and enforced disappearances in Nigeria are not random especially where only bribes guarantee safety, those who cannot pay are at risk of being shot or tortured to death by the police.¹³⁴ There are several documented case studies under this point which will provide the widespread out of police brutality in extrajudicial killing: According to Amnesty International the Nigerian army and the Nigerian police killed at least 12 peaceful protesters and injured many in Alausa and Lekki in Lagos state. The protests, triggered by a series of incidents of police brutality, gained international attention and led to discussions around police reform. This pandemic happened on the 20th of October, 2021. It was reported that the shooting of the Nigerian police towards the protesters was a deliberate one as an order was given to them to take such actions. Probably, the government saw the protest as a threat to its dignity and power but the lives of incredible heroes were lost on the peaceful protest ground in Lagos state.¹³⁵ These actions violate the right to life enshrined in Section 33 of the Constitution and international treaties such as the International Covenant on Civil and Political Rights (ICCPR).¹³⁶

3.2.4 Verbal Abuse and Threats

¹³⁴ Amnesty International, Demand Justice for the Violent Repression of EndSARS Protesters (2023) <<https://www.amnesty.org/en/get-involved/takeaction/nigeria-end-impunity-for-police-brutality-end-sars/>> accessed 28 August 2025.

¹³⁵ Amnesty International, Nigeria: Endangered Voices – Attack on Freedom of Expression in Nigeria (2021) <<https://www.amnesty.org/en/documents/afr44/4178/2021/en/>> accessed 28 August 2025.

¹³⁶ C A Odinkalu, 'Criminal Justice Reform and Human Rights in Nigeria' in A Ibidapo-Obe (ed), Essays on Nigerian Law (Malthouse Press, Lagos 2010).

Verbal abuse and threats represent a subtle but equally damaging form of police brutality in Nigeria. Unlike physical violence, this form of abuse involves the use of offensive, derogatory, or threatening language by law enforcement officials to intimidate, humiliate, or coerce citizens. It is frequently underreported and normalized, yet it plays a significant role in the perpetuation of fear, psychological trauma, and the erosion of public trust in the police. Verbal threats often precede or accompany other violations such as unlawful arrest, torture, or extortion. Police officers often resort to demeaning language, threats, and intimidation during encounters with civilians. Victims are frequently threatened with death, prolonged detention, or being "dealt with" if they fail to comply with police demands sometimes regardless of legality. Such behavior directly contravenes Section 34(1) (a) of the 1999 Constitution of the Federal Republic of Nigeria (as amended),¹³⁷ which guarantees the right to dignity of the human person and prohibits inhuman or degrading treatment. This form of police brutality can be just as damaging as physical abuse, causing emotional distress and undermining trust in law enforcement.¹³⁸ Verbal abuse, when used to degrade or intimidate, falls within this scope. Additionally, the Police Act 2020 mandates that officers must uphold human rights and treat all persons with respect and courtesy.¹³⁹ In many police interactions, particularly during raids, protests, or checkpoints, officers deploy demeaning language, especially against vulnerable groups such as youths, women, and low-income individuals. This conduct is not only unethical but also violates Nigeria's obligations under international human rights instruments such as the United Nations Code of Conduct for Law Enforcement Officials which mandates that officers must act

¹³⁷ The 1999 Constitution of the Federal Republic of Nigeria (as amended), S34 (1).

¹³⁸ Human Rights Watch, "How Can I Serve?" Police Racial Profiling and Abuse in Nigeria (2019).

¹³⁹ Police Act 2020 (Nigeria), s 4.

with respect for human rights and dignity.¹⁴⁰ While verbal abuse may not always leave physical scars, its psychological impact can be profound. Victims often report fear, anxiety, and social withdrawal, which aligns with the growing body of research linking verbal aggression to mental health disorders.¹⁴¹ The lack of internal accountability mechanisms within the Nigeria Police Force, as well as weak enforcement by oversight agencies like the Police Service Commission and the National Human Rights Commission, contributes to the persistence of such abuses. Cultural acceptance of aggressive policing and poor training on human rights norms further exacerbate the problem.¹⁴² Although verbal abuse is not explicitly criminalized in Nigerian statutes, it can constitute a violation of civil rights and may be actionable under tort law or fundamental rights enforcement procedures. The Lagos State Police PRO recently emphasized that verbal abuse, especially when threatening or inciting violence, may amount to a criminal offense under certain circumstances.¹⁴³ Verbal abuse is often normalized within police interactions in Nigeria. Victims report being called derogatory names, threatened with unlawful detention, or coerced into confessions through intimidation. During the #EndSARS protests, many demonstrators recounted being verbally threatened with violence or death for exercising their right to peaceful assembly.¹⁴⁴ Such behavior is not only unethical but also undermines the legitimacy of

¹⁴⁰ United Nations, Code of Conduct for Law Enforcement Officials (1979).

¹⁴¹ F Okonkwo, 'Verbal Abuse and Mental Health Implications: A Nigerian Policing Perspective' (2021) 3(1) Nigerian Journal of Law and Psychology 45.

¹⁴² E E O Alemika and I C Chukwuma, Police Community Violence in Nigeria (Centre for Law Enforcement Education, 2000).

¹⁴³ Nairaland Forum, 'Why the Police PRO Was Right: Verbal Abuse Can Be a Criminal Offense' (2024) <<https://www.nairaland.com/8298791/why-police-pro-right-verbal>> accessed 28 August 2025.

¹⁴⁴ J C Onwunyirimadu, 'Police Brutality and Violation of Human Rights in Nigeria – Causes and Implications' (2022) 10(1) Global Journal of Politics and Law Research 12 <<https://ejournals.org/wp->

law enforcement.¹⁴⁵ It fosters fear, discourages public cooperation, and contributes to the broader crisis of trust between citizens and the police. While often overlooked, verbal abuse undermines public trust and may amount to psychological violence.¹⁴⁶ To combat this, there is a pressing need for reforms that go beyond addressing physical violence to include verbal misconduct. Human rights training, citizen feedback mechanisms, and disciplinary measures for verbal abuse must be institutionalized to promote a more respectful and rights-compliant police culture in Nigeria.

3.2.5 Torture and Inhumane Treatment

Torture and inhumane treatment constitute one of the gravest and most persistent forms of police brutality in Nigeria. Torture remains prevalent, especially during interrogation. This involves the intentional infliction of severe physical or psychological pain by law enforcement officers to punish, intimidate, extract confessions, or silence victims. These acts include physical abuse, psychological torment, and degrading treatment inflicted by law enforcement officers, often during interrogations or detention. In Nigeria, such practices have been widely documented, particularly within units like the now-disbanded Special Anti-Robbery Squad (SARS), where suspects were routinely subjected to beatings, electric shocks, and mock executions. Section 34(1) (a) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) guarantees the

content/uploads/Police-Brutality-and-Violation-of-Human-Rights-in-Nigeria.pdf> accessed 28 August 2025.

¹⁴⁵ R Yohanna, 'Police Brutality and Legal Remedies: A Case Study of the EndSARS Protests in Nigeria' (2025) 1(1) EBSU International Journal of Legal Studies and Practice <<https://ebsujournals.com/index.php/eijlsp/article/view/8>> accessed 28 August 2025.

¹⁴⁶ EEO Alemika, 'Colonialism, State and Policing in Nigeria' (1993) 20(3) Crime, Law and Social Change 187.

right to dignity and explicitly prohibits torture and inhuman or degrading treatment. However, prior to 2017, torture was not criminalized under Nigerian law, leaving a significant gap in enforcement. The enactment of the Anti-Torture Act 2017 marked a critical step forward. This legislation Criminalizes torture and prescribes penalties for perpetrators, Prohibits the use of evidence obtained through torture, Mandates the investigation and prosecution of torture allegations, Affirms Nigeria's obligations under the UN Convention Against Torture (UNCAT) and the African Charter on Human and Peoples' Rights.¹⁴⁷ Despite the enactment of the Anti-Torture Act 2017, implementation remains weak. Reports indicate that torture continues to be used as a tool for extracting confessions, intimidating detainees, and punishing perceived offenders.¹⁴⁸ Suspects are often subjected to beatings, electric shocks, and mock executions to extract confessions.¹⁴⁹ Torture methods used by the Nigeria police include beating with sticks, iron bars, wires and cables. Other torture methods Include sticking pins or sharp objects into the penis of suspects, shooting of suspects on the Limbs, use of cigarette light to inflict burns on suspects.¹⁵⁰ Numerous civil society reports and academic studies have documented the persistence of torture in Nigerian policing. A joint report submitted to the UN Committee Against Torture in 2021 highlighted widespread use of torture in

¹⁴⁷ Anti-Torture Act 2017.

¹⁴⁸ M Katuka, Enhancing Human Rights: Nigeria's HB 1194 Targets Torture and Inhumane Treatment (2025) <<https://naltf.gov.ng/enhancing-human-rights-nigerias-hb-1194-targets-torture-and-inhumane-treatment/>> accessed 28 August 2025.

¹⁴⁹ EN Nsirim & EU Nwakanma, 'Addressing Police Brutality as a Form of Human Rights Abuse in Nigeria' (2022) 10(6) Global Journal of Arts, Humanities and Social Sciences 44 <<https://ejournals.org/wp-content/uploads/Addressing-Police-brutality-as-a-form-of-Human-Right-Abuse-in-Nigeria.pdf>> accessed 28 August 2025.

¹⁵⁰ C Nwankwo, D Mbachu and B Ugochukwu, Human Rights Practices in the Nigerian Police (Constitutional Rights Project, Lagos).

detention facilities, including beatings, starvation, and denial of medical care.¹⁵¹ In a study carried out by the Nigerian Human Rights Commission and the Nigerian NGO, Centre for Law Enforcement Education (CLEEN) in 2015, over 77% of inmates in Nigerian correctional facilities claim to have been beaten by the police, threatened with weapons and tortured in police cells. An Amnesty International delegation visited several correctional centers throughout Nigeria in March 2012. The delegation collected over thirty allegations of torture and cruel treatment received in police detention centers made by inmates who claimed to have reported their allegations to either a Magistrate or to the correctional center authorities. Research conducted among 882 police detainees across the country during the military regime revealed that ‘nearly half of the accused persons interviewed (48.7 percent) stated that their arrest involved insult or abuse by the police. A significant 35.9 percent were roughly handled or slapped; 7.4 percent were beaten with a baton; and three percent were threatened with a gun’.¹⁵² Joint research conducted by the Nigerian Human Rights Commission and the Centre for Law Enforcement Education (CLEEN) revealed that about 80 percent of inmates in police detention had either been beaten or threatened with weapons.¹⁵³ The Nigerian Police Force has been repeatedly accused of systemic use of torture to obtain confessions, particularly in criminal investigations. Common methods include beatings, electric shocks, suspension from ceilings, denial of food and water, and threats of death. These acts contravene both domestic laws and international obligations such as the

¹⁵¹ PRAWA, Absolute Prohibition of Torture in Nigeria: Words without Deeds? Joint Alternative Report to the UN Committee against Torture (2021) <<https://www.omct.org/site-resources/legacy/Final-Copy-of-Report-on-Torture-and-other-Cruel-Inhuman-or-Degrading-Treatment-in-Nigeria.pdf>> accessed 29 August 2025.

¹⁵² M Ajomo & I Okagbue, Human Rights and Criminal Justice Administration in Nigeria (Nigerian Institute of Advanced Legal Studies, Lagos 1991) 122.

¹⁵³ EEO Alemika and IC Chukwuma (n 37).

United Nations Convention against Torture (UNCAT),¹⁵⁴ to which Nigeria is a signatory. In the landmark case of *Jim-Jaja v. Commissioner of Police*¹⁵⁵ the Court of Appeal reaffirmed the constitutional right of a citizen to be free from torture and held the police liable for inhuman treatment during detention. Yet, such decisions remain rare due to the judiciary's slow processes and victims' fear of retaliation or lack of access to justice.¹⁵⁶ The persistence of torture reflects institutional failings, including poor training, lack of investigative tools, and a culture of impunity within the police force. Victims, often from poor or marginalised backgrounds, are unable to seek redress due to fear, financial constraints, or ignorance of their rights.¹⁵⁷ For any meaningful reform, torture must be addressed not only as a criminal act but as a symptom of deeper systemic weaknesses. This requires comprehensive police reform, enhanced oversight, public education, and a victim-centred approach to justice. The #EndSARS protests of 2020 further exposed the scale of abuse, with survivors recounting horrific experiences at the hands of officers. These testimonies underscore the disconnection between Nigeria's legal commitments and the realities on the ground.

3.2.6 Illegal Search and Seizure

Illegal search and seizure represent a frequent and unlawful form of police misconduct in Nigeria. This refers to situations where law enforcement officers invade private spaces homes, vehicles, or personal effects without a valid search warrant, probable cause, or adherence to due process, thereby violating fundamental rights. The 1999

¹⁵⁴ United Nations, *Combating Sexual Harassment and Other Forms of Violence against Women* (2015).

¹⁵⁵ (2012) 2 NWLR (Pt. 1285) 472

¹⁵⁶ I Nnamani, 'Torture in Nigerian Policing: Legal Safeguards and Implementation Gaps' (2021) 8(2) *Nigerian Law Review* 101–118.

¹⁵⁷ EEO Alemika and IC Chukwuma (n 37).

Constitution of the Federal Republic of Nigeria (as amended) in Section 37 guarantees the privacy of citizens, their homes, correspondence, telephone conversations, and telegraphic communications. Officers routinely conduct searches without warrants or proper authority, violating Section 37 of the Constitution which protects the privacy of citizens. Confiscation of phones and personal property is also rampant.¹⁵⁸ Additionally, Section 44(1)¹⁵⁹ protects individuals against unlawful deprivation of property. These provisions are aimed at securing personal liberty and property from state abuse. However, many reports and incidents across the country show that police officers often conduct arbitrary stop-and-search operations on roads, raid homes without warrants, and seize items especially mobile phones without any lawful justification.¹⁶⁰ This practice not only constitutes a breach of constitutional rights but also fuels corruption, extortion, and intimidation, particularly among youths and vulnerable populations. Under the Administration of Criminal Justice Act (ACJA) 2015, Sections 9 and 143–149¹⁶¹ outline the procedure for lawful search and seizure, including the requirement of a warrant issued by a competent authority, except in situations where urgent action is justified and permitted by law. Despite these safeguards, enforcement is inconsistent. Officers frequently conduct roadside searches of vehicles, mobile phones, and laptops without warrants or legal justification, violating both statutory and constitutional provisions.¹⁶² Furthermore, ignorance of these procedural safeguards and the impunity

¹⁵⁸ R Aborisade, 'EndSARS Protests and the Crisis of Police Brutality in Nigeria' (2021) 65(3) *Journal of African Law* 410.

¹⁵⁹ Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended).

¹⁶⁰ EEO Alemika, *Police Practice and Human Rights in Nigeria* (Jos University Press 2016).

¹⁶¹ Administration of Criminal Justice Act (ACJA), 2015.

¹⁶² H Nwobiarandu, *Police Powers of Stop, Search, and Arrest in Nigeria: A Constitutional and Human Rights Perspective* (2025) <<https://recordoflaw.in/police-powers-of-stop-search-and-arrest-in-nigeria-a-constitutional-and-human-rights-perspective/>> accessed 28 August 2025.

with which officers operate have rendered many of these statutory provisions ineffective in practice.¹⁶³ Stop-and-search operations in Nigeria have become synonymous with harassment and abuse. Citizens are often stopped arbitrarily, forced to unlock their phones, and subjected to invasive questioning. These actions are not only unlawful but also foster a climate of fear and mistrust. A 2025 report noted that many officers use these encounters to solicit bribes or intimidate individuals into silence.¹⁶⁴ In *Uzor v. Commissioner of Police*,¹⁶⁵ the court held that the police acted unlawfully by searching the appellant's premises without a warrant. The court reaffirmed that such actions violated the right to privacy and due process, awarding damages against the police. Similarly, the case of *Enyinnaya v. State*¹⁶⁶ illustrates judicial condemnation of unlawful searches, where the court held that evidence obtained through illegal means is inadmissible. However, such rulings are rare, and victims often lack the resources or awareness to seek redress. Moreover, the Police Act 2020¹⁶⁷ attempts to curb these abuses by emphasising accountability and requiring proper documentation and conduct during searches. However, enforcement is still weak due to poor supervision and lack of public awareness of rights.¹⁶⁸ To tackle the issue of illegal search and seizure, there is a need for continuous human rights training for officers,

¹⁶³ A Oladapo, 'Unlawful Search and Seizure in Nigeria: Law and Reality' (2021) 9(2) *Journal of Contemporary Law and Policy* 67.

¹⁶⁴ 1st Attorneys, *Stop and Search in Nigeria: Between National Security and Civil Liberties* (2025) <<https://1stattorneys.com/articles/2025/06/25/stop-and-search-in-nigeria-between-national-security-and-civil-liberties/>> accessed 29 August 2025.

¹⁶⁵ (2020) NWLR (Pt. 1723) 122

¹⁶⁶ (2014) LPELR – 2294(CA).

¹⁶⁷ Police Act, 2020.

¹⁶⁸ T Ogunyemi, (2022). 'Warrantless Searches and the Nigerian Police: A Legal and Human Rights Assessment', *Nigerian Bar Journal*, 13(1), pp. 101–115.

proper oversight by internal and external bodies, and robust civil remedies that deter abuse.

3.2.7 Denial of Medical Care

The denial of medical care is a subtle but profoundly harmful form of police brutality that violates the fundamental right to health and human dignity. It occurs when individuals in police custody or under arrest are denied timely and appropriate medical treatment, especially after sustaining injuries due to torture, use of force, or pre-existing health conditions. In Nigeria, this issue is compounded by systemic neglect, bureaucratic barriers, and the controversial requirement of police reports before treatment in many hospitals. This practice not only endangers lives but also reflects a broader disregard for human rights within the policing system. Under Section 34(1) (a) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), every individual has the right to dignity and must not be subjected to inhuman or degrading treatment. This provision, when read together with Section 17(3) (d) which mandates the state to provide adequate medical facilities, imposes a duty on law enforcement to ensure that detainees and arrestees receive medical care when needed. The National Health Act 2014, particularly Section 20¹⁶⁹, mandates that all Nigerians have the right to emergency medical treatment, regardless of their ability to pay or legal status. Furthermore, the Anti-Torture Act 2017 prohibits acts that cause severe pain or suffering, including the denial of medical care to detainees. In certain cases, a person in police custody may require medical attention. In some cases, individuals are denied medical care by police. This is constituted as a type of police brutality, in particular, the denial of medical care to a person in custody by law enforcement may qualify as a

¹⁶⁹ National Health Act 2014, s20.

violation of basic rights. For instance, a suspect who was shot in the leg while trying to escape must be attended to by providing medical care while in custody. Unfortunately, in many instances, individuals arrested by the police are either denied access to healthcare entirely or receive substandard care in holding facilities. This neglect is often deliberate, especially in cases where suspects sustain injuries as a result of police torture or excessive force, and the officers attempt to cover up abuse or avoid accountability.¹⁷⁰ The Anti-Torture Act 2017, which criminalises torture, further mandates that victims of torture be provided with access to medical treatment. However, enforcement remains inadequate due to a lack of oversight mechanisms, poor funding, and the absence of clear institutional responsibility for the healthcare of detainees.¹⁷¹ During the #EndSARS protests, numerous victims of police shootings were denied immediate medical attention due to the absence of police clearance. This delay led to preventable deaths and exacerbated injuries.¹⁷² In other cases, detainees suffering from chronic illnesses or injuries sustained during arrest were left untreated in police cells, sometimes resulting in long-term disability or death. There are several documented case studies under this point which will provide the widespread out of police brutality on denial of medical care. A Lagos-based lawyer, Alayo Akanbi, filed a petition to urge the Ogun state commissioner of police, CP Abiodun Alamot, to investigate the case of how Okewusi Ezekiel allegedly died in custody after spending four days at the Ajuwon police station. This reveal was documented by Onozure Dania

¹⁷⁰ Amnesty International, Nigeria: Time to End Routine Torture in Police Custody (2020).

¹⁷¹ CLEEN Foundation, Police Station Visitors Week Report (2013).

¹⁷² R Yohanna, 'Police Brutality and Legal Remedies: A Case Study of the EndSARS Protests in Nigeria' (2025) 1(1) EBSU International Journal of Legal Studies and Practice <<https://ebsujournals.com/index.php/eijlsp/article/view/8>> accessed 29 August 2025.

in the Punch Newspaper.¹⁷³ It was said that Ezekiel Okewusi was accused of stealing a phone and was reported to the Oodua People's Congress, who allegedly beat him to the point of death before handing him over to the police. Furthermore, the police refused to give him medical care attention or allow his family to give him medical care but was locked up in a cell where he died 4 days later. The case of *Ubani v. Commissioner of Police*¹⁷⁴ highlights how the failure to provide urgent medical attention led to the deteriorating condition and eventual death of a detainee. The court emphasized that the denial of healthcare by the police amounted to inhuman treatment and awarded damages to the victim's family. In some cases, detainees suffer injuries and are denied access to medical treatment. This negligence can amount to cruel and degrading treatment, violating both domestic and international human rights standards.¹⁷⁵ A 2024 study highlighted that the police report requirement for emergency care poses a significant threat to universal health coverage and contradicts Nigeria's obligations under international human rights law.¹⁷⁶ However, such judicial pronouncements are not always enforced, and most victims never receive justice due to fear or systemic delays.¹⁷⁷ Despite these legal protections, enforcement remains inconsistent. Many hospitals still demand police reports before treating victims of violence, including those

¹⁷³ O Dania, 'Police Deny Suspect's Death in Detention as Lawyer Seeks Probe' (Punch, 4 January 2024) <https://punchng.com/police-deny-suspects-death-in-detention-as-lawyer-seeks-probe/#google_vignette> accessed 29 August 2025.

¹⁷⁴ (Unreported, 2016)

¹⁷⁵ Amnesty International, You Have Signed Your Death Warrant (21 September 2016) <<https://www.amnesty.org/en/documents/afr44/4868/2016/en/>> accessed 18 November 2025.

¹⁷⁶ A T Aborode, E Ottoho and F O Samuel, 'Police Report Requirement for Medical Emergencies in Nigeria: A Threat to Universal Healthcare Coverage' (2024) 40(3) *Medicine Conflict & Survival* 1 <https://www.researchgate.net/publication/385946307_Police_report_requirement_for_medical_emergencies_in_Nigeria_a_threat_to_Universal_Healthcare_Coverage> 29 August 2025.

¹⁷⁷ A Nwoke, 'Medical Neglect in Detention: A Hidden Form of Police Brutality in Nigeria' (2021) 5(1) *Law Journal* 73.

harmed by police actions, which delays care and violates the principle of medical neutrality.¹⁷⁸ The denial of medical care not only breaches constitutional and statutory rights but also Nigeria's obligations under international human rights instruments such as the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and the International Covenant on Civil and Political Rights (ICCPR). Addressing this form of brutality requires an urgent policy response, including the establishment of medical protocols within detention centres, training for police officers on detainee rights, and regular audits of police custody conditions.

3.2.8 Sexual Harassment or Abuse

Sexual harassment and abuse by law enforcement officers is a particularly egregious and underreported form of police brutality in Nigeria. It encompasses a range of misconduct such as unwanted sexual advances, coercion, physical abuse, and rape, often committed against women, girls, and sometimes men in custody, during raids, or at checkpoints.¹⁷⁹ Female suspects and civilians are sometimes victims of sexual harassment, molestation, or rape in detention or during stop-and-search encounters. These actions often go unreported due to fear of stigma and reprisal.¹⁸⁰ Rape and other forms of sexual violence are cruel, inhumane, and degrading treatment that in particular cases rise to the level of torture. However, rape is said to be a forceful penetration without the rightful consent of the survivor and can be punishable according to the law.

¹⁷⁸ A Adekeye & T Oliver-Jude, Denying Emergency Care in Nigeria: Legal Implications and Redress Under the Nigerian National Health Act (Jackson, Etti & Edu 2025) <<https://jee.africa/insights/denying-emergency-care-in-nigeria-legal-implications-and-redress-under-the-nigerian-national-health-act>> accessed 29 August 2025.

¹⁷⁹ United Nations, Combating Sexual Harassment and Other Forms of Violence against Women (2015).

¹⁸⁰ Human Rights Watch, Nigeria: Police Abuses Persist Despite Reforms (2019).

Furthermore, these forms of psychosocial crimes have compelled the Nigerian police force to create and dedicate desks to respond to social crimes.¹⁸¹ There are several documented case studies under this point which will provide the widespread out of police brutality on Rape: A Benue-based journalist, John Charles, revealed a case of rape on police brutality with the Punch Newspaper 2023. It was stated that the authorities of the Benue state police command have dismissed a constable identified as Belasa Iyang for raping a 16 years old girl who was in detention. While in detention, at the divisional police station headquarters, Tse Agbaragba, Konshisha local government of the state, the constable, who disguised to be assisting the girl went to the female cell, took her into an office and had sexual intercourse with her against her consent. However, the case was reported by the victim to the divisional police officer. This led to the arrest of the constable and the case was brought to the state criminal investigation department, Makurdi. The perpetrator was dismissed from the force because the police is a discipline organ and it is the statutory organ responsible for crime fighting and management. Despite constitutional and statutory safeguards, incidents of sexual abuse by police officers continue to occur in Nigeria with alarming impunity. Victims, mostly from vulnerable or marginalised groups, are frequently silenced by shame, fear of retribution, or the futility of seeking justice within a corrupt and patriarchal system.¹⁸² The 1999 Constitution of the Federal Republic of Nigeria (as amended) guarantees the right to dignity of the human person under Section 34(1), explicitly prohibiting torture,

¹⁸¹ R Aborisade and J Fayemi, 'Police Corruption in Nigeria: A Perspective on its Nature and Control' (2015) XVII(2) Nigerian Journal of Social Sciences 245 - 262<<https://www.njss.org.ng/publications/NJSS%20Vol.%20XVIII%20%282%29%20October%202015/Untitled-55.pdf>> accessed 30 August 2025.

¹⁸² Amnesty International, 'Nigeria: Time to End Impunity: Torture and Other Human Rights Violations by Special Anti-Robbery Squad (SARS)' (2020) <<https://www.amnesty.org/en/documents/afr44/9505/2020/en/>> accessed 30 August 2025.

inhuman or degrading treatment. Similarly, the Anti-Torture Act 2017, in Section 2, criminalises acts of sexual violence and abuse by public officers, including police officers, whether in custody or outside official duties. Moreover, Nigeria is a signatory to several international human rights instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the African Charter on Human and Peoples' Rights, which require states to protect citizens from gender-based violence, especially at the hands of state actors.¹⁸³ Cases of sexual harassment have been documented in detention centres and police raids, where female suspects are often coerced into exchanging sexual favours for release or leniency. The 2020 #EndSARS protests also brought renewed attention to the sexual misconduct of some officers in the now-disbanded SARS unit, further fuelling calls for police reform.¹⁸⁴ One significant challenge in addressing sexual abuse in policing is the culture of silence and lack of transparency. The internal complaint mechanisms of the Nigerian Police Force are often unresponsive, and victims face difficulties accessing justice, especially in the absence of independent oversight. To combat this form of brutality, there must be robust enforcement of existing laws, gender-sensitivity training for officers, and the creation of safe, independent channels for victims to report abuses without fear of intimidation.

3.3 Challenges Impeding Reform

¹⁸³ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979.

¹⁸⁴ C Odinkalu and A Ojo, (2021). Policing, Gender and Accountability in Nigeria. Lagos: Justice and Society Research Centre.

Despite growing awareness and advocacy against police brutality in Nigeria, multiple structural, institutional, and socio-political challenges hinder meaningful reform.¹⁸⁵ These barriers must be addressed to achieve a responsive and accountable policing system.

3.3.1 Institutional Resistance

One of the major challenges impeding meaningful reforms in the Nigerian police force is institutional resistance. Police brutality in Nigeria has persisted despite numerous reform initiatives, largely due to institutional resistance within the Nigeria Police Force (NPF). This resistance stems from entrenched organizational culture, hierarchical structures, and reluctance by senior officers to adopt modern policing standards or implement reforms that may limit their discretionary powers.¹⁸⁶ Institutional resistance manifests in the reluctance to cooperate with oversight bodies such as the Police Complaints Response Unit (PCRUC) and the National Human Rights Commission (NHRC), as well as in undermining directives from the Police Service Commission (PSC) intended to promote accountability.¹⁸⁷ This resistance is further exacerbated by the historical paramilitary orientation of the Nigerian Police, where obedience and loyalty to superiors often take precedence over constitutional and human rights obligations.¹⁸⁸ The NPF has inherited a colonial-era policing model that emphasizes control and

¹⁸⁵ M O Alabi, 'Emergency Powers in Nigeria: Legal and Constitutional Issues' (2000) African Journal of Constitutional Law <https://journals.co.za/doi/pdf/10.10520/AJA15955753_142> accessed 1 September 2025.

¹⁸⁶ A Waziri, 'Police Reform in Nigeria: Accountability and Community Service' (Justice Advocacy Initiative, undated) <<https://awjai.org/police-reform-in-nigeria-accountability-and-community-service/>> accessed 17 September 2025.

¹⁸⁷ L Okafor, *Oversight Mechanisms and Police Conduct in Nigeria* (Scholars' Press, Port Harcourt 2020).

¹⁸⁸ Police Service Commission, *History, Context and Crisis of the Police in Nigeria* (PSC 2017) <<https://psc.gov.ng/wp-content/uploads/2017/11/HISTORY-AND-CONTEXT.pdf>> 1 September 2025.

coercion over community service. Despite the enactment of the Nigeria Police Force Act 2020, which aimed to modernize the force, many officers continue to operate under outdated norms that prioritize force over rights protection.¹⁸⁹ Consequently, even well-crafted legal frameworks such as the Police Act 2020 and the Administration of Criminal Justice Act 2015 face challenges during implementation because officers may perceive reform measures as restrictive or threatening to their authority. Institutional resistance also reduces the efficacy of training and capacity-building initiatives designed to instill modern policing ethics and human rights compliance. Many reform efforts have met with resistance from within the police force itself.¹⁹⁰ Officers accustomed to impunity are often reluctant to embrace changes that may hold them accountable or reduce their discretionary powers. Without internal buy-in from officers at all levels, reform policies are often only partially implemented, leaving systemic abuses, including excessive use of force, arbitrary detention, and corruption, largely unaddressed. Reform efforts often clash with the deeply ingrained culture of impunity, where officers are rarely held accountable for misconduct. This culture fosters resistance to transparency and external oversight. Therefore, addressing institutional resistance requires a multi-pronged approach, including leadership accountability, consistent enforcement of disciplinary measures, and incentives that encourage adherence to reform policies while fostering a culture of professionalism and respect for human rights.

¹⁸⁹ O Akinola and O Osho, 'Has Anything Changed? Impact of the Nigeria Police Force Act 2020 on Police Practices and Reforms' (2025) 1(1) IKR Journal of Arts, Humanities & Social Science <<https://ikrpublishers.com/wp-content/uploads/2025/03/IKRJAHS0225-2025.pdf> > accessed 18 November 2025.

¹⁹⁰ N Victor, The Nigerian Police Force: A History of Reform and Resistance (2025) <<https://myhistory.com.ng/the-nigerian-police-force-a-history-of-reform-and-resistance/>> accessed 18 November 2025.

3.3.2 Inadequate Training and Resources

A significant impediment to meaningful police reform in Nigeria is the inadequate training and lack of resources provided to officers. Many police personnel lack sufficient education on modern policing techniques, human rights, and investigative procedures, which contributes to persistent instances of excessive force, arbitrary arrests, and other forms of misconduct. The Nigeria Police Force (NPF) suffers from poor training facilities, lack of continuous professional development, and insufficient operational tools.¹⁹¹ Training programs are often infrequent, poorly structured, and fail to incorporate practical exercises, resulting in officers who are ill-equipped to handle complex security situations without violating constitutional rights. Many officers receive minimal exposure to modern policing techniques or ethical standards.¹⁹² Moreover, budgetary constraints and resource limitations impede access to essential equipment such as vehicles, communication devices, forensic tools, and protective gear. The scarcity of these resources forces officers to adopt makeshift methods that may compromise professionalism and public safety.¹⁹³ The lack of continuous professional development also undermines reforms introduced under the Police Act 2020, as officers remain unaware or unprepared to implement procedural changes designed to enhance accountability and reduce brutality.¹⁹⁴ This deficiency contributes to unprofessional

¹⁹¹ D A Ariyoosu, A O Kehinde and M O Omoleke, 'Unconstitutionality of Police Brutality in Nigeria: Need for a Reform' (2024) 11(6) *Evropský Politický a Právní Diskurz* 22 <<https://doi.org/10.46340/eppd.2024.11.6.3>> accessed 4 September 2025.

¹⁹² P D Gabriel and I S Jaja, 'An Analysis of Recruitment and Training Policies in Nigerian Police' (2024) 10(6) *International Journal of Social Science and Multidisciplinary Research* 160 <<https://iiardjournals.org/get/IJSSMR/VOL.%2010%20NO.%206%202024/An%20Analysis%20of%20R%20recruitment%20160-183.pdf>> accessed 4 September 2025.

¹⁹³ L Okafor, *Oversight Mechanisms and Police Conduct in Nigeria*. (Scholars' Press Port Harcourt 2020).

¹⁹⁴ Police Service Commission, *History, Context and Crisis of the Police in Nigeria* (PSC 2017) <<https://psc.gov.ng/wp-content/uploads/2017/11/HISTORY-AND-CONTEXT.pdf>> accessed 5 September 2025.

conduct and excessive use of force.¹⁹⁵ Furthermore, inadequate resources affect the ability of oversight bodies, such as the Police Complaints Response Unit (PCRU) and the National Human Rights Commission (NHRC), to monitor police conduct effectively and enforce disciplinary measures.¹⁹⁶ To overcome this challenge, it is necessary to invest in comprehensive training programs that focus on ethics, human rights, community policing, and modern investigative techniques. Additionally, adequate funding must be provided to ensure officers have the tools and infrastructure required to perform their duties efficiently while minimizing incidents of abuse. Strengthening training and resource allocation will significantly improve the effectiveness of reforms aimed at reducing police brutality in Nigeria.

3.3.3 Public Distrust

Another major challenge impeding police reform in Nigeria is the widespread public distrust towards the Nigerian Police Force (NPF). Decades of reported abuses, including arbitrary arrests, extortion, torture, and extrajudicial killings, have severely eroded citizens' confidence in the ability of the police to uphold law and order ethically.¹⁹⁷ Years of abuse, extortion, and harassment have eroded public confidence in the police. Citizens are often reluctant to cooperate or report crimes, seeing the police more as threats than protectors.¹⁹⁸ Ike argues that the deteriorating relationship between police and the public was demonstrated in the grievance behind the EndSARS protest in

2025.

¹⁹⁵ E E O Alemika and I C Chukwuma Analysis of Police and Policing in Nigeria: A Desk Study of the Role of Police and Policing in Nigeria.

¹⁹⁶ T Adebayo, Human Rights and Policing in Nigeria (Ibadan: Spectrum Publications, 2020).

¹⁹⁷ O Akanbi, Police Reform and Accountability in Nigeria: Challenges and Prospects (Lagos: University Press, 2019).

¹⁹⁸ CLEEN Foundation, Public Perception of the Police in Nigeria: A National Survey (Lagos: CLEEN, 2021).

October 2020.¹⁹⁹ The demonstration was definitely sparked by long simmering discontent with an unaccountable, corrupt police force that uses torture, arbitrary arrests, and excessive force. Public distrust manifests as reluctance to report crimes, minimal cooperation with investigations, and resistance to engagement with law enforcement, which undermines the effectiveness of policing strategies and reform initiatives.²⁰⁰ Anyanwu, is of the view that Nigerian's general dissatisfaction and mistrust of the government stem from a number of issues, including corruption, bad governance, and a failure to live up to the expectations of the governed.²⁰¹ The NPF has long been associated with excessive use of force, arbitrary arrests, extortion, and torture. High-profile incidents such as the #EndSARS protests in 2020 exposed systemic brutality and galvanized public outrage. These abuses have created a perception of the police as a threat rather than a protector, especially among youth and marginalized communities.²⁰² Furthermore, Mechanisms for police oversight such as the Police Service Commission and the Complaints Response Unit are often seen as ineffective or compromised. Investigations into misconduct rarely result in convictions or meaningful

¹⁹⁹ T J Ike, "Nigerian police: Why Improving Public Trust has Proven Difficult" <<https://theconversation.com/nigeria-police-why-improving-public-trust-has-proven-difficult-163835>> accessed 6 September 2025.

²⁰⁰ M Blessing, Judicial Oversight and Police Accountability in Nigeria: Post-#EndSARS Reforms and Their Legal Significance (January 2024) <https://www.researchgate.net/publication/385139121_Judicial_Oversight_and_Police_Accountability_in_Nigeria_Post-EndSARS_Reforms_and_Their_Legal_Significance> accessed 6 September 2025.

²⁰¹ DO Anyanwu, 'Violence and Insecurity in Nigeria: The Bane of National Development' <<https://journals.aphriapub.com/index.php/TMP/article/download/1401/1347/2775>> accessed 7 September 2025.

²⁰² DFA Tiwa, 'Institutional Distrust Trap: An Analysis of the Effect of Public Distrust in the Nigeria Police Force' (2024) Policing and Society <<https://doi.org/10.1080/10439463.2024.2341121>> accessed 7 September 2025.

disciplinary action.²⁰³ The absence of transparent disciplinary processes reinforces the belief that officers operate with impunity, further alienating the public. This distrust undermines community policing and weakens the legitimacy of law enforcement.²⁰⁴ Reforms such as the Nigeria Police Force Act 2020 and various presidential roadmaps have failed to produce visible change. Many Nigerians view these efforts as cosmetic or politically motivated.²⁰⁵ Public distrust discourages citizens from reporting crimes, cooperating with investigations, or participating in community policing programs. This weakens the effectiveness of law enforcement and deepens the divide between police and society.²⁰⁶

3.3.4 Political Interference

Political interference remains a persistent obstacle to meaningful reform within the Nigeria Police Force (NPF).²⁰⁷ Despite the enactment of the Nigeria Police Force Act 2020, which aimed to modernize policing and enhance accountability, the force

²⁰³ United Nations Office on Drugs and Crime, *Police Reform in Nigeria* (2023) <<https://www.unodc.org/conig/en/police-reform.html>> accessed 7 September 2025.

²⁰⁴ E Daniel and J Falaju, '#EndSARS: Police Reforms Linger as Nigerians Demand Justice' (Guardian, 21 October 2025) <<https://guardian.ng/news/endsars-police-reforms-linger-as-nigerians-demand-justice-five-years-after/>> accessed 7 September 2025.

²⁰⁵ O Akinola and O Osho, *Has Anything Changed? Impact of the Nigeria Police Force Act 2020 on Police Practices and Reforms* (2025) 1(1) IKR Journal of Arts, Humanities & Social Science <<https://ikrpublishers.com/wp-content/uploads/2025/03/IKRJAHS0225-2025.pdf>> accessed 8 September 2025.

²⁰⁶ C O Osawe and O A Ashade, 'Professionalism in the Nigeria Police and Public Trust in the Fight Against Crime: Issues, Challenges and the Way Forward' (2023) 6(12) American Research Journal of Humanities & Social Science 34–44 <<https://www.arjhss.com/wp-content/uploads/2023/12/E6123444.pdf>> accessed 8 September 2025.

²⁰⁷ O Nwanguma, 'Why Police Reform Failed in Nigeria' (Vanguard, 16 October 2025) [Vanguard News] <<https://www.vanguardngr.com/2025/10/why-police-reform-failed-in-nigeria/>> accessed 8 September 2025.

continues to be deployed as a tool for political repression.²⁰⁸ Politicians and elites routinely influence appointments, promotions, and operational decisions, thereby compromising the independence and neutrality of the police.²⁰⁹ The use of the police for partisan purposes such as suppressing dissent, intimidating opposition figures, or shielding loyal officers from scrutiny undermines public trust and weakens oversight institutions like the Police Service Commission and the National Human Rights Commission. Investigations into police misconduct are frequently stalled or derailed by political actors seeking to avoid accountability.²¹⁰ Political leaders have also been accused of interfering with judicial processes, obstructing the prosecution of officers implicated in human rights violations. This pattern of interference erodes the rule of law and perpetuates impunity.²¹¹ Successive administrations have introduced reform initiatives including the Presidential Panel on Police Reform and the Police Trust Fund but implementation has often been selective, inconsistent, or abandoned due to shifting political priorities. The disbandment of the Special Anti-Robbery Squad (SARS) in 2020 and its immediate replacement with the Special Weapons and Tactics (SWAT) unit was widely perceived as a superficial gesture rather than a substantive reform. Public skepticism was evident in the emergence of the #EndSWAT protests, which echoed the

²⁰⁸ Ibid

²⁰⁹ O Akinola and O Osho, 'Has Anything Changed? Impact of the Nigeria Police Force Act 2020 on Police Practices and Reforms' (2025) 1(1) IKR Journal of Arts, Humanities & Social Science <<https://ikrpublishers.com/wp-content/uploads/2025/03/IKRJAHS0225-2025.pdf>> accessed 8 September 2025.

²¹⁰ Guardian Nigeria, #EndSARS: Police Reforms Linger as Nigerians Demand Justice Five Years After (2025) <<https://guardian.ng/news/endsars-police-reforms-linger-as-nigerians-demand-justice-five-years-after/>> accessed 9 September 2025.

²¹¹ TIME, #EndSARS and the History of Nigeria's Failed Police Reform (2020) <<https://time.com/5904345/endsars-history-nigeria/>> accessed 9 September 2025.

earlier #EndSARS movement²¹². The perception that the police serve political interests rather than the public good has deepened civic cynicism. This discourages public engagement in reform processes and undermines initiatives such as community policing. The failure to deliver justice for victims of police brutality particularly in the aftermath of the #EndSARS protests has reinforced the belief that political leaders lack the will to confront systemic abuse.²¹³ Ultimately, reform efforts are frequently derailed by vested interests that benefit from the status quo. Political interference not only shields erring officers from accountability but also obstructs the development of a professional, rights-respecting police institution.

3.3.5 Systemic Corruption

The Nigeria police is well known for its rottenness as many of the police officers are known to be corrupt. Corruption permeates every level of the police system from recruitment to case handling. Officers routinely demand bribes, falsify reports, and manipulate investigations.²¹⁴ Widespread corruption within the force from the rank and file to leadership encourages extortion, bribery, and misconduct. Officers routinely demand bribes at checkpoints, during arrests, and for bail, turning law enforcement into a transactional service. This practice is so normalized that many citizens view bribery as

²¹² NigeriaMag, From #EndSARS to Now: What's Changed in Policing? (2025) <<https://nigeriamag.com/from-endsars-to-now-whats-changed-in-policing/>> accessed 10 September 2025.

²¹³ RULAAC, Why Police Reform Failed in Nigeria (2025) <<https://rulaac.org/2025/10/20/why-police-reform-failed-in-nigeria/>> accessed 9 September 2025.

²¹⁴ O Akinola and O Osho, 'Has Anything Changed? Impact of the Nigeria Police Force Act 2020 on Police Practices and Reforms' (2025) 1(1) IKR Journal of Arts, Humanities & Social Science <<https://ikrpublishers.com/wp-content/uploads/2025/03/IKRJAHSS0225-2025.pdf>> accessed 10 September 2025.

the only way to avoid harassment or detention.²¹⁵ Senior officers implicated in corruption are frequently shielded by political connections or transferred rather than prosecuted, reinforcing a culture of impunity.²¹⁶ Reports have highlighted instances of unprofessionalism corruption and gross misconduct by police officer, resulting in a loss of trust in the force and a persistent record of insecurity across the country.²¹⁷ However, it is a particular challenge in Nigeria with an ever-increasing misconduct that impacts on the development of police institutions in the country. It could also be in the form of bribery which could result in obstacles to justice in most cases. Corruption, generally defined as abuse of authority for private gain, is among the world's oldest practices.²¹⁸ Furthermore, it is also known to be the rampant problem that confronts the governance machinery of Nigeria. The corrupt practices of the Nigeria police have been known as one of the most visible manifestations of corruption in the country²¹⁹ with the erstwhile inspector general of police noting that "Corruption has come to characterize the behavior of the average policeman".²²⁰ Bribery and Corruption are twin cankerworms

²¹⁵ A N Boluwaji, Corruption in the Nigerian Police Force: Causes, Consequences, and the Road to Reform (2025) Khai Reports <<https://khaireports.com/2025/05/23/corruption-in-the-nigerian-police-force-causes-consequences-and-the-road-to-reform/>> accessed 10 September 2025.

²¹⁶ R Aborisade and J Fayemi, 'Police Corruption in Nigeria: A Perspective on its Nature and Control' (2015) XVII(2) Nigerian Journal of Social Sciences 245 -262 <<https://www.njss.org.ng/publications/NJSS%20Vol.%20XVIII%20%282%29%20October%202015/Untitled-55.pdf>> accessed 10 September 2025.

²¹⁷ O O Adepoju, L O David and J O Akinkuotu, 'Structural Reformation of Nigeria Police Force through Strategic Human Resource Management Framework' (2024) South Asian Journal of Social Studies and Economics <<https://journalsajsse.com/index.php/SAJSSE/article/view/619>> accessed 10 September 2025.

²¹⁸ B Spector, Negotiating Peace and Confronting Corruption (United States Institute of Peace Press 2011).

²¹⁹ O A Ladapo, 'Effective Investigations: A Pivot to Efficient Criminal Justice Administration: Challenges in Nigeria' (2013) 5(2) Africa Journal of Criminology and Justice Studies 79-94 <<https://digitalscholarship.tsu.edu/ajcjs/vol5/iss1/7/accessed> 18 September 2025.

²²⁰ M Okiro, State of the Nigeria Police Force as of November: A Public Address of the Inspector General of Police (2007)

that have eaten deep into the fabrics of the Nigerian society. The police are known not to be exempted from this reckless orgy of financial ignominy. Funds released to the police are known to have been diverted into private pockets. Also, criminals are known to usually bribe their way through and escape the long arm of justice. Arrested criminals are back on the streets again the next day if they or their god-fathers can negotiate and pay an agreed sum. This has greatly affected the effectiveness of the police in crime prevention and control in Nigeria. In addition, the police are involved in corruption such as extortion and bribery which is against the uniform. This has led to the increase in criminal activities since the criminals know that the police could be bought at a price.²²¹ These corrupt practices bring nothing but defamation to the uniform as it has already been labeled by the public as the uniform that engages in bribery and corruption to hinder justice where applicable.²²² The suggested measure of control on corruption as police brutality is that, corruption with the police like crime within the society, is unlikely to be eradicated; however, it can be controlled by the government, the police organization, and with strong support of the society.²²³ This undermines justice and perpetuates abuse. Reforms without addressing corruption are unlikely to succeed.²²⁴

3.3.6 Weak Disciplinary Mechanisms

https://nigeriapolice.org/public/modules/stop_publishing/?Tac=STATE%20OF%20NIGERIA%20POLICE accessed 11 September 2025.

²²¹ D Klinger, Into the Kill Zone: A Cop's Eye View of Deadly Force (2004) <<https://www.ojp.gov/ncjrs/virtual-library/abstracts/kill-zone-cops-eye-view-deadly-force> > accessed 11 September 2025.

²²² O Akinola and O Osho, Has Anything Changed? Impact of the Nigeria Police Force Act 2020 on Police Practices and Reforms (2025) 1(1) IKR Journal of Arts, Humanities & Social Science <<https://ikrpublishers.com/wp-content/uploads/2025/03/IKRJAHS0225-2025.pdf>> accessed 11 September 2025.

²²³ Transparency International, Corruption Perceptions Index 2020 (2020) <<https://www.transparency.org/en/cpi/2020> > accessed 12 September 2025.

²²⁴ Human Rights Watch (HRW). (2019). Nigeria: Police Abuse of Power Persists.

Weak disciplinary mechanisms constitute a significant barrier to curbing police brutality in Nigeria.²²⁵ Internal disciplinary frameworks are either weak or poorly enforced. Despite the existence of formal regulations and codes of conduct under the Police Act 2020 and other related legislation, enforcement is often inconsistent, selective, and prone to manipulation.²²⁶ Officers found culpable of misconduct frequently evade sanctions due to bureaucratic delays, political interference, or collusion within the chain of command.²²⁷ Internal disciplinary structures, such as departmental investigations or the Police Service Commission (PSC), often lack independence and transparency, reducing public confidence in accountability processes. In many instances, complaints lodged by victims are either ignored or superficially investigated, leading to perpetuation of impunity among erring officers. The Police Service Commission (PSC) and internal complaints units lack the independence and capacity to sanction misconduct effectively. The absence of timely and stringent penalties sends a signal that abusive behavior can be tolerated without consequences. Additionally, weak disciplinary mechanisms are compounded by inadequate documentation and record-keeping. Many cases of police misconduct go unreported, under-investigated, or lost in administrative processes, making it difficult to identify patterns of abuse or hold perpetrators accountable. This systemic inefficiency undermines efforts at reform and emboldens officers to continue engaging in human

²²⁵ P Chinedu, 'The Nigeria Police Force and Abuse of Citizens' Rights' (Academia.edu, 2023) <https://www.academia.edu/97296650/THE_NIGERIA_POLICE_FORCE_AND_ABUSE_OF_CITIZENS_RIGHTS> accessed 12 November 2025.

²²⁶ B Steiner, I Ifekwe and E Etim, A Discourse on the Police and Human Rights Practices in Nigeria (December 2022) <https://www.researchgate.net/publication/396371637_A_DISCOURSE_ON_THE_POLICE_AND_HUMAN_RIGHTS_PRACTICES_IN_NIGERIA> accessed 12 September 2025 .

²²⁷ J O Akamike, O N Okonkwo and D Ojima 'Effects of corrupt practices in the public Sector: A case Study of the Nigeria Police Service' (2003) African Journal of Social and Behavioural Sciences <<https://journals.aphriabub.com/index.php/AJSBS/article/view/2380> > accessed 12 September 2025.

rights violations. To strengthen disciplinary mechanisms, it is imperative to establish independent oversight bodies, enhance the powers of internal affairs units, and implement clear, enforceable, and publicly accessible sanctions for misconduct.²²⁸ Training on ethical conduct, periodic audits of disciplinary outcomes, and involvement of civil society organizations in monitoring can further ensure accountability and restore public trust in the police. The failure to establish robust and transparent disciplinary mechanisms within the NPF is a critical barrier to reform. Strengthening these systems through legal enforcement, independent oversight, and public transparency is essential to ending police brutality and restoring public confidence in law enforcement.

3.3.7 Lack of Autonomy

The lack of autonomy within the Nigerian Police Force significantly impedes reforms aimed at addressing police brutality. Autonomy, in this context, refers to the operational, administrative, and financial independence required for the police to execute their duties impartially and without undue external influence.²²⁹ In Nigeria, the police are largely under the control of the executive arm of government, with the Inspector General of Police and other senior officers subject to political appointments and interference. This arrangement often compromises decision-making processes,

²²⁸ Fatshimetrie Legal, A Disciplinary Purge in the Nigerian Police Force: Towards a New Era of Integrity and Transparency (6 December 2024) <https://eng.fatshimetrie.org/2024/12/06/a-disciplinary-purge-in-the-nigerian-police-force-towards-a-new-era-of-integrity-and-transparency/> accessed 12 September 2025.

²²⁹ B Steiner, I Ifekwe and E Etim, A Discourse on the Police and Human Rights Practices in Nigeria (December 2022) https://www.researchgate.net/publication/396371637_A_DISCOURSE_ON_THE_POLICE_AND_HUMAN_RIGHTS_PRACTICES_IN_NIGERIA accessed 12 September 2025 .

especially in disciplinary actions against politically connected officers.²³⁰ The absence of institutional autonomy has led to selective enforcement of laws and inconsistent application of disciplinary measures. The police system in Nigeria is highly centralized, limiting local oversight and innovation. Calls for state police have highlighted this centralization as a barrier to accountability. Officers accused of misconduct sometimes evade accountability when they have political backing, while ordinary officers face harsh sanctions for minor infractions.²³¹ This imbalance undermines both public trust and internal morale, creating an environment where brutality and impunity can thrive. Financial dependence further constrains autonomy. The police budget is controlled by the federal government, leaving the force with limited discretion in resource allocation for operational effectiveness, training, and internal oversight. This financial reliance hinders the implementation of reforms, particularly those aimed at enhancing accountability, equipping internal affairs units, or adopting modern policing technologies. Enhancing police autonomy is essential for reform. Scholars suggest measures such as insulating the Police Service Commission (PSC) from political interference, granting the police operational independence, and providing adequate budgetary allocations.²³² By ensuring that disciplinary processes and operational decisions are free from political pressures, the Nigerian police can more effectively reduce brutality, enforce the law fairly, and restore public confidence.

²³⁰ J O Akamike, O N Okonkwo and D Ojima 'Effects of corrupt practices in the public Sector: A case Study of the Nigeria Police Service' (2003) African Journal of Social and Behavioural Sciences <<https://journals.aphriabub.com/index.php/AJSBS/article/view/2380>> accessed 12 September 2025.

²³¹ M J Haruna, 'The Historical Evolution of the Nigeria Police Force and How Best It Can Be Managed' (2025) 10(2) American Journal of Operations Management and Information Systems <<https://www.sciencepublishinggroup.com/article/10.11648/j.ajomis.20251002.11>> accessed 12 September 2025.

²³² I Johnson, 'Policing in Contemporary Nigeria: Issues and Challenges' (2013) 16(1) African Journal for the Psychological Study of Social Issues 1-77.

3.3.8 Gender-Based Violence and Targeted Abuse

Gender-based violence and targeted abuse within the Nigeria Police Force (NPF) represent critical challenges to reform, as they expose deep institutional biases and undermine the credibility of law enforcement. These abuses are often underreported, poorly investigated, and rarely prosecuted, reflecting broader failures in the legal and institutional framework. Police brutality in Nigeria is not gender-neutral. Women, girls, and marginalized groups including LGBTQ+ individuals, sex workers, and displaced persons face disproportionate abuse at the hands of law enforcement. Women may face discrimination in recruitment, promotion, and deployment within the police force, limiting their opportunities and creating a hostile work environment. Also, Police officers may engage in sexual harassment and assault of colleagues or civilians, perpetuating a culture of impunity. Female suspects and marginalized groups suffer additional layers of abuse, often including sexual harassment, rape, and discrimination, with little to no institutional redress.²³³ Victims of gender-based violence (GBV) frequently report harassment, sexual assault, and degrading treatment by police officers, especially during arrests or detention.²³⁴ These abuses are compounded by stigma and fear of retaliation. Marginalized women such as those living with HIV, disabilities, or in conflict zones are particularly vulnerable to targeted abuse, often without access to legal recourse.²³⁵ Although Nigeria has enacted laws like the Violence against Persons

²³³ Ibid

²³⁴ O Adejowo, Gender-Based Violence and Sexual Harassment: Exploring the Landscape and Gaps in the Legal and Institutional Framework in Nigeria (2023) *Journal of Public Health and Human Rights Law* <<https://jphrl.org.ng/index.php/jphrl/article/download/7/7/28>> accessed 13 September 2025.

²³⁵ Lex Initiative for Rights Advocacy and Development (LIRAD), Policy Brief: Addressing the Gaps in Nigerian Laws on Gender-Based Violence and Their Impact on Marginalised Women (2024) <<https://liradnigeria.org/policy-brief-addressing-the-gaps-in-nigerian-laws-on-gender-based-violence-and-their-impact-on-marginalised-women/>> accessed 13 September 2025.

(Prohibition) Act, 2015 (VAPP), enforcement remains inconsistent. Police officers often lack the training or willingness to investigate GBV cases thoroughly. A UNDP report revealed that between 2020 and 2023, over 27,000 cases of sexual and gender-based violence were reported, yet prosecution rates remained low due to gaps in investigative competency.²³⁶ Moreover, The NPF has historically lacked gender-responsive policies. While a gender policy was drafted in collaboration with UN Women and UNFPA, implementation has been slow and uneven.²³⁷ Female officers are underrepresented in leadership roles, and gender sensitivity training is not uniformly integrated into police education or practice. The failure to address gender-based abuse within the police force undermines public confidence in reform initiatives. Victims often avoid reporting crimes due to fear of secondary victimization or disbelief. Civil society organizations have called for stronger oversight, survivor-centered approaches, and independent complaint mechanisms to address these gaps. Gender-based violence and targeted abuse within the Nigeria Police Force reflect systemic failures that obstruct reform. Addressing these issues requires comprehensive legal enforcement, gender-sensitive training, institutional accountability, and survivor-centered justice mechanisms.

3.3.9 Limited Role of Civil Society and the Media

²³⁶ United Nations Development Programme, Strengthening Legal Capacity in Gender-Based Violence and Garnishee Proceedings: A Step towards Gender-Responsive Police Accountability in Nigeria (27 May 2025) <<https://www.undp.org/nigeria/blog/strengthening-legal-capacity-gender-based-violence-and-garnishee-proceedings-step-towards-gender-responsive-police-accountability>> accessed 14 September 2025.

²³⁷ Nigeria Police Force, UN Women and UNFPA, A Gender Policy for the Nigeria Police Force (2010) <https://www.endvawnow.org/uploads/browser/files/security_nigeria_gender_policy_police_unwomen_2010.pdf> accessed 14 September 2025.

Civil society organizations (CSOs) and the media play a critical role in promoting accountability, transparency, and reforms in policing globally. They act as watchdog roles, and often underfunded, threatened, or restricted by state authorities. In Nigeria, however, their potential in addressing police brutality has been constrained by several factors, limiting the effectiveness of reform initiatives. Firstly, civil society groups often face operational challenges such as inadequate funding, limited access to reliable data, bureaucratic restrictions, and occasional intimidation or harassment by state actors. These constraints hinder their capacity to monitor police conduct, advocate for victims, or influence policy reforms. Additionally, fragmented coordination among CSOs reduces their collective impact, resulting in inconsistent advocacy efforts across different regions of the country.²³⁸ The media, while instrumental in exposing cases of police brutality most notably during the #EndSARS protests of 2020 is sometimes hampered by political pressure, censorship, and lack of investigative resources. These limitations reduce the media's ability to sustain public attention on systemic abuses or follow up on legal and institutional reforms.²³⁹ Furthermore, sensationalist reporting without verification can sometimes undermine credibility, inadvertently affecting reform agendas. A robust partnership between the government, civil society, and media institutions is essential for strengthening oversight mechanisms. Capacity building for CSOs, legal protections for journalists, and open access to police records can enhance their role in promoting accountability and ensuring that instances of police brutality are

²³⁸ T Adebayo, *Civil Society and Policing in Nigeria: Challenges of Accountability* (Ibadan: Spectrum Publication, 2019).

²³⁹ Amnesty International, *Nigeria: Time to End Impunity – Torture and Other Human Rights Violations by Special Anti-Robbery Squad (SARS)* (Amnesty International Publications, 2020) <<https://www.amnesty.org/en/documents/afr44/9505/2020/en/>> accessed 14 September 2025.

effectively investigated and addressed. Without such collaboration, reform initiatives remain superficial, and public confidence in the policing system is unlikely to improve.

3.3.10 Lack of Data and Record-Keeping on Police Abuse

One of the most significant yet underexplored impediments to police reform in Nigeria is the chronic absence of reliable data and systematic record-keeping on incidents of police misconduct. The lack of comprehensive, disaggregated, and publicly accessible data on police abuse undermines the formulation, implementation, and evaluation of evidence-based reforms. Without accurate data, it becomes nearly impossible to identify patterns of abuse, assess institutional weaknesses, or measure the effectiveness of policy interventions. In many jurisdictions, data serves as the foundation for accountability. It enables oversight bodies, civil society organizations, and policymakers to track complaints, monitor disciplinary outcomes, and evaluate the performance of law enforcement agencies. In Nigeria, however, the documentation of police misconduct is often ad hoc, inconsistent, and opaque. Official records where they exist are rarely digitized, poorly maintained, and not subject to independent verification. Reliable data on police misconduct is scarce, making policy development and monitoring difficult. Poor documentation culture undermines transparency and evaluation of reforms.²⁴⁰ This culture of poor documentation reflects broader institutional weaknesses, including inadequate training, lack of technological infrastructure, and a resistance to transparency within the Nigeria Police Force (NPF).²⁴¹ The absence of a centralized

²⁴⁰ R Kweitsu, 'Amid Growing Insecurity Nigerians Fault Police for Corruption and Lack of Professionalism' Afrobarometer Dispatch No 715 <<https://www.afrobarometer.org/wp-content/uploads/2023/10/AD715-Nigerians-fault-police-for-corruption-and-lack-of-professionalism-Afrobarometer-10oct23.pdf>> accessed 7 September 2025.

²⁴¹ B Busari, 'Nigeria Police Neglected for Over 40 Years – NPTF Executive Secretary Sheidu' (Punch, 18 May 2025) <https://punchng.com/nigeria-police-neglected-for-over-40-years-nptf-executive-secretary-sheidu/> > accessed 7 September 2025.

database for recording complaints, investigations, and disciplinary actions creates a vacuum that allows impunity to thrive. Victims of police brutality often face significant barriers in reporting abuse, including fear of retaliation, lack of trust in the system, and bureaucratic red tape. Even when complaints are lodged, they are frequently not followed through, and outcomes are seldom communicated to the public. This not only erodes public confidence in the justice system but also limits the ability of reform advocates to hold the police accountable.²⁴² Furthermore, the lack of data hampers international cooperation and donor support. Development partners and human rights organizations often require empirical evidence to justify funding and technical assistance. The inability of Nigerian institutions to provide credible data on police performance and misconduct weakens the case for sustained international engagement in reform initiatives.²⁴³ Comparatively, countries with more advanced policing systems have institutionalized data collection as a core component of accountability. For instance, the United States maintains publicly accessible databases on police use of force, officer-involved shootings, and misconduct complaints, which are used by researchers, journalists, and advocacy groups to push for reform. South Africa's Independent Police Investigative Directorate (IPID) publishes annual reports detailing the number and nature of cases investigated, outcomes, and disciplinary actions taken practices that are largely absent in Nigeria .²⁴⁴ In Nigeria, the Police Complaint Response Unit (PCRU) has

²⁴² E C Nwachukwu, I R Adeyemo, O P Asije, G Odejide and D O Uwaila, 'Public perception on police effectiveness and accountability in Nigeria: Insights into crime prevention and control' (2024) 24(01) World Journal of Advanced Research and Reviews 759 <<https://wjarr.com/sites/default/files/WJARR-2024-2978.pdf>> accessed 7 September 2025.

²⁴³ Itelemedia, '2025 Outlook: Police Reform and What It Means for Nigerians' (2025) <https://itelemedia.com/2025-outlook-police-reform-and-what-it-means-for-nigerians/> accessed 7 September 2025.

²⁴⁴ Independent Police Investigative Directorate (IPID), 'Annual Report 2022/2023 - Republic of South Africa' <https://www.gov.za/sites/default/files/gcis_document/202310/ipid-annual-report.pdf>

made some efforts to document complaints through its online platforms and social media channels. However, these efforts remain limited in scope, lack legal backing, and are not integrated into a broader institutional framework for data management and transparency. The PCRU's reports are sporadic and often lack the granularity needed for meaningful analysis.²⁴⁵ To overcome this challenge, Nigeria must institutionalize a robust data management system within the NPF and its oversight bodies. This includes the digitization of records, mandatory reporting of all use-of-force incidents, and the establishment of an independent body to audit and publish data on police conduct. Legislative backing is essential to ensure compliance and to protect whistleblowers and complainants from retaliation. In conclusion, the lack of reliable data and record-keeping on police abuse is a critical barrier to reform. It perpetuates a cycle of impunity, weakens oversight, and obstructs the development of effective policies. Addressing this gap is essential for building a transparent, accountable, and rights-respecting police institution in Nigeria.

3.3.11 The #EndSARS Movement and Its Revelations

The #EndSARS movement of October 2020 marked a watershed moment in Nigeria's ongoing struggle against police brutality. Sparked by widespread reports of abuse by the Special Anti-Robbery Squad (SARS), the protests revealed deep-seated institutional failures, including extrajudicial killings, torture, extortion, and other serious human

accessed 10 September 2025.

²⁴⁵ UNODC, Experienced Police Misconduct and No Justice Served? Not Anymore with the Nigeria Police Complaint Response Unit (CRU) <https://www.unodc.org/conig/en/stories/experienced-police-misconduct-and-no-justice-served-not-anymore-with-the-nigeria-police-complaint-response-unit-cru.html> > accessed 10 September 2025.

rights violations.²⁴⁶ The movement demonstrated the extent of public dissatisfaction with the Nigeria Police Force (NPF), underscoring a profound erosion of trust between citizens and law enforcement agencies. Social media played a pivotal role, as Nigerians used platforms like Twitter and Instagram to share firsthand accounts of abuse, creating a decentralized archive of real-time documentation. This digital mobilization bypassed traditional media filters and challenged official narratives, amplifying voices that had long been silenced by fear and impunity.²⁴⁷ Despite the existence of statutory frameworks such as the Nigeria Police Act 2020 and the Administration of Criminal Justice Act 2015, the protests exposed the weakness of enforcement and compliance. Political interference, institutional inertia, and corruption have consistently undermined the implementation of these laws, rendering them ineffective in curbing abuse or delivering justice to victims.²⁴⁸ The mass mobilization also revealed the transformative potential of civil society and youth-led activism in driving reform. However, the violent suppression of peaceful protests most notably the events at the Lekki Toll Gate highlighted the risks faced by activists and the urgent need for stronger institutional protections. The government's response, ranging from denial and crackdowns to the establishment of judicial panels with limited follow-through, reflected entrenched resistance to structural change within both the police and political

²⁴⁶ A Uwazuruike, '#EndSARS: The Movement Against Police Brutality in Nigeria' (2020) *Harvard Human Rights Journal* <<https://journals.law.harvard.edu/hrj/2020/11/endsars-the-movement-against-police-brutality-in-nigeria/>> accessed 15 September 2025.

²⁴⁷ Historical Nigeria, 'How the #EndSARS Movement Reshaped Nigerian Civic Engagement' (2020) <<https://historicalnigeria.com/the-endsars-movement-of-2020-origins-and-impact/>> accessed 15 September 2025.

²⁴⁸ Y Richard, 'Police Brutality and Legal Remedies: A Case Study of the EndSARS Protests in Nigeria' (2025) 1(1) *EBSU International Journal of Legal Studies and Practice* <<https://ebsujournals.com/index.php/eijlsp/article/view/>> accessed 15 September 2025.

leadership.²⁴⁹ Furthermore, the movement exposed internal resistance to reform within the police force itself. Some officers and officials actively opposed efforts to address misconduct, fearing loss of power or exposure of entrenched practices. This resistance underscores the need for comprehensive institutional restructuring, including independent oversight, transparent disciplinary procedures, and robust legal remedies. In conclusion, the #EndSARS movement served as both a revelation and a catalyst. It exposed entrenched patterns of abuse, challenged the legitimacy of existing oversight structures, and galvanized public demand for accountability. The movement emphasized the urgency of reforming Nigeria's policing system to ensure transparency, uphold human rights, and restore public confidence in law enforcement institutions.

3.3.12 Poor Police Welfare and Working Conditions

One of the critical challenges impeding meaningful police reforms in Nigeria is the poor welfare and working conditions of police personnel. Officers often operate under inadequate pay, lack of proper equipment, insufficient training facilities, and poor living conditions.²⁵⁰ These deficiencies significantly affect morale and performance, contributing indirectly to instances of brutality and misconduct. The NPF salary is structured and based on ranks of the official. A Police Recruit earns ₦9,019.42 per month, a Police Constable Grade Level 03 earns ₦43,293.83 per month, Police Corporal on Grade Level 04 earns ₦44,715.53 per month, Police Sergeant on Grade Level 05 earns ₦48,540.88 per month, Sergeant Major on Grade Level 06 earns ₦55,144.81 per month, Cadet Inspector on Grade Level 07 earns ₦73,231.51 per month, Assistant

²⁴⁹ Uwazuruike (n 141).

²⁵⁰ O O Karimu, 'Effects of the Nigeria Police Force Personnel Welfare Condition on Performance' (2014) Center for Juvenile & Family Studies Inc <<https://www.idpublications.org/wp-content/uploads/2014/12/EFFECTS-OF-THE-NIGERIA-POLICE-FORCE-PERSONNEL-WELFARE-CONDITION-ON-PERFORMANCE.pdf>> accessed 15 September 2025.

Superintendent of Police on Grade Level 08 earns #127,604.68 per month, Deputy Superintendent of Police on Grade Level 10 earns #148,733.29 per month, Chief Superintendent of Police on Grade Level 12 earns #172,089.06 per month, Assistant Commissioner of Police Level 13 earns #183,185.73 per month, Commissioner of Police on Grade Level 15 (1) earns #266,777.79 per month, Assistant Inspector General of Police earns #499,751.87 per month, Deputy Inspector General of Police earns #546,572.73 per month and Inspector General of Police earns #711,498 per month. They also receive other allowances apart from the salary and it includes but not limited to: rent allowance, utility allowance, hazard allowance, uniform maintenance allowance and transport allowance.²⁵¹ However, it has been debated overtime that the sum paid is not enough to cater for the needs of the Police officials. In August 2024, trending reports, rumours surfaced that the Nigerian Police Force (NPF) owed inspectors, salary arrears. In a statement made by the Force Spokesperson, ACP Olumuyiwa Adejobi, said the police as an institution operate a structured and disciplined entity, adhering to established principles and professional standards. Adejobi said: "The Nigeria Police Force has described a misleading publication propagated by a group of journalists, claiming that some Police Inspectors approached them at their correspondent chapel, in Uyo, to express grievances and protest against the non-payment of their promotion salary increments over a specified duration, as mischievous, unfounded and a calculated attempt to malign the police. "It is important to emphasise that the Nigeria Police Force operates as a structured and disciplined entity, adhering to established principles and professional standards. Consequently, any grievances raised by members of the Force are constantly attended to and channeled to the right authorities for action." He said the police was taken aback by the referred publication from a group of

²⁵¹ See; <<https://www.survivalfund.ng/nigeria-police-salary-structure>> accessed 15 September 2025.

journalists in Akwa Ibom State, labelling private conversations with some police friends as protest, whereas such complaints are unknown to the police authority.²⁵² The low remuneration of police officers in Nigeria has been linked to corruption and abuse of power. Faced with financial difficulties, officers may resort to extortion, bribery, and other illegal means to supplement their income, which can exacerbate public distrust and the prevalence of police misconduct. Furthermore, insufficient provision of protective gear, vehicles, and communication equipment undermines effective law enforcement and endangers both officers and citizens during operations. Poor welfare conditions also hinder professional development.²⁵³ Officers often lack access to continuous training programs, psychological support, and career advancement opportunities.²⁵⁴ Without these mechanisms, police personnel are ill-equipped to handle complex security challenges, interact respectfully with citizens, and adhere to human rights standards. Addressing welfare and working conditions is therefore crucial for reform. Improving salaries, providing adequate operational tools, offering psychological support, and instituting structured professional development programs can foster accountability, reduce incidences of brutality, and restore public confidence in the police.²⁵⁵ In conclusion, poor welfare and substandard working conditions are

²⁵²Ikechukwu Aleke, 'Police deny owing Inspectors Arrears of Salary, say claim mischievous'(THISDAY,18 August 2024)

<<https://www.thisdaylive.com/index.php/2024/08/18/police-deny-owing-inspectors-arrears-of-salary-say-claim-mischievous/#>>accessed 15 September 2025.

²⁵³ F Kehinde, 'Poor police welfare hinders tech adoption in Nigeria' Punch (5 September 2025) <https://punchng.com/poor-welfare-hampers-technology-in-police-security-analyst/> > accessed 15 September 2025.

²⁵⁴ L Ikuteyijo, 'Nigeria's police work under terrible conditions: what needs to be fixed' (The Conversation, 24 March 2022) <<https://theconversation.com/nigerias-police-work-under-terrible-conditions-what-needs-to-be-fixed-179852>> accessed 15 September 2025.

²⁵⁵ Human Rights Watch, 'Nigeria: End Excessive Force against Protesters' (22 October 2020) <<https://www.hrw.org/news/2020/10/22/nigeria-end-excessive-force-against-protesters>> accessed 15

not only a challenge to individual officers but also a systemic obstacle to effective police reform in Nigeria. Low salaries, poor housing, lack of insurance, and inadequate equipment demoralize officers, contributing to frustration and abuse of power.²⁵⁶ Without welfare reforms, behavioral change will be difficult.²⁵⁷ Ensuring proper support and adequate resources for police personnel is essential for a functional, accountable, and rights-respecting police force.

3.5 Comparative Analysis: Lessons from Other Jurisdictions

Police brutality is not unique to Nigeria; many countries have struggled with similar challenges. However, In order to assess the gaps, challenges and reform prospects within Nigeria's legal framework on police brutality, it is instructive to compare Nigeria's institutional and legal approach with one or more other jurisdictions. Comparative analysis helps identify best practices, highlight structural weaknesses, and provide a basis for reform recommendations.²⁵⁸ By analyzing how other jurisdictions have addressed police brutality, one can uncover effective practices, expose systemic vulnerabilities, and generate informed recommendations for reform. This section focuses on United States and South Africa as case studies. These jurisdictions offer contrasting yet instructive models of police regulation each shaped by distinct legal traditions, historical contexts, and institutional mechanisms. Their experiences provide

September 2025.

²⁵⁶ A Akintayo, 'Prioritizing Police Welfare: A Call for Urgent Reforms in Nigeria' (Path News) <https://pathnews.com.ng/prioritizing-police-welfare-a-call-for-urgent-reforms-in-nigeria> >accessed 16 September 2025.

²⁵⁷ O Ekhomu, *Effective Personal and Corporate Security* (Smek Publishers, Lagos 2019).

²⁵⁸ D Wisler and ID Onwudiwe, *Community Policing: A Comparative View* (May 2007) <https://www.dcaf.ch/sites/default/files/publications/documents/WPS_No6_new.pdf> accessed 17 September 2025.

meaningful insights into how Nigeria might strengthen its own policing system through targeted reforms and enhanced legal safeguards.

3.5.1 United States: Civilian Oversight and Body Cameras

In the United States, multiple institutional reforms have been introduced to enhance police accountability and transparency. Among these are Civilian Complaint Review Boards (CCRBs), which operate independently to investigate allegations of police misconduct.²⁵⁹ The deployment of body-worn cameras (BWCs) has become widespread, serving as a critical tool for documenting police-citizen interactions and reinforcing public trust. BWCs have significantly influenced Fourth Amendment jurisprudence by providing courts with objective evidence during legal proceedings.²⁶⁰ Federal and state authorities mandate BWCs, regular training on use-of-force protocols, and the maintenance of publicly accessible databases on police conduct. These mechanisms collectively promote transparency and accountability areas where Nigeria continues to face challenges due to weak enforcement and opaque disciplinary procedures. The U.S. Constitution offers robust protections through the Fourth, Fifth, and Fourteenth Amendments, safeguarding individuals from unreasonable searches, arbitrary detention, and deprivation of liberty without due process.²⁶¹ Oversight mechanisms include Internal Affairs units, Civilian Review Boards, and the Department of Justice (DOJ) Civil Rights Division, which investigates systemic abuses under federal law. The DOJ also

²⁵⁹ D W Stephens, E Scrivner and J F Cambareri, *Civilian Oversight of the Police in Major Cities* (US Department of Justice, Office of Community Oriented Policing Services 2015).

²⁶⁰ Ibid

²⁶¹ A Imbrogno, 'Legal Update: Supreme Court Shakes Up 42 USC §1983' (Meyers, Roman, Friedberg & Lewis, 2024) <<https://meyersroman.com/legal-update-supreme-court-shakes-up-42-usc-%C2%A71983/>> accessed 16 September 2025.

enforces consent decrees binding agreements compelling police departments to reform practices deemed unconstitutional.²⁶² Statutory remedies complement constitutional safeguards. Under *42 U.S.C. § 1983*, individuals may initiate civil litigation against law enforcement officers or agencies for violations of federally protected rights. Such lawsuits can result in monetary compensation and injunctive relief, although the doctrine of qualified immunity often limits officer liability.²⁶³ Despite these constraints, courts have awarded substantial damages in certain cases, although systemic reform remains elusive.²⁶⁴ In contrast, Nigerian victims of police brutality encounter significant barriers to justice. Even when courts issue favorable judgments, enforcement is frequently delayed or absent, leaving victims uncompensated and undermining the deterrent effect of judicial outcomes. Institutional inertia and lack of follow-through continue to erode public confidence in Nigeria's accountability mechanisms.

3.5.2 South Africa: Post-Apartheid Police Reform

South Africa presents a valuable comparative model for Nigeria in addressing police brutality, given their shared colonial legacies, transitions to democracy, and commitments to human rights. Following apartheid, South Africa undertook significant reforms to restructure its policing system, embedding constitutional safeguards and establishing independent oversight mechanisms. The Constitution of the Republic of South Africa, 1996²⁶⁵ is widely recognized for its progressive human rights provisions.

²⁶² D W Stephens, E Scrivner and J F Cambareri, *Civilian Oversight of the Police in Major Cities* (US Department of Justice, Office of Community Oriented Policing Services 2015).

²⁶³ S E Lappen, *Qualified Immunity in Section 1983 Cases: Recent Supreme Court Decisions and Considerations for Government Practitioners* (Milwaukee, Wisconsin, Assistant City Attorney) <<https://imla.org/wp-content/uploads/2020/03/article-1963.pdf>> accessed 16 September 2025.

²⁶⁴ Imbrogno (n 156).

²⁶⁵ *Ibid*

Section 12 guarantees the right to freedom and security of the person, explicitly protecting individuals from violence by both public and private actors. Section 206(6) mandates civilian oversight of policing, reinforcing democratic accountability.²⁶⁶ A cornerstone of South Africa's reform is the establishment of the Independent Police Investigative Directorate (IPID) under the IPID Act 1 of 2011.²⁶⁷ IPID investigates deaths in custody, police shootings, and misconduct, operating independently from the police hierarchy. Its reporting line to the Minister of Police, rather than to the police service itself, ensures institutional autonomy and mitigates conflicts of interest.²⁶⁸ This structural independence contrasts sharply with Nigeria's Police Complaint Response Unit (PCRU),²⁶⁹ which remains embedded within the police force and lacks prosecutorial authority. The South African model demonstrates how statutory independence can enhance impartiality and effectiveness in oversight. Transparency is further reinforced through IPID's annual reports and public statistics on investigations. In contrast, Nigeria lacks a legally mandated system for tracking police misconduct or publishing complaint outcomes, contributing to an accountability deficit. The South African Police Service Act 68 of 1995 emphasizes human rights training, civilian oversight, and internal control mechanisms. Judicial affirmation of IPID's independence came in *McBride v Minister of Police and Another*²⁷⁰, where the Constitutional Court held that legislative provisions undermining IPID's autonomy were unconstitutional. The

²⁶⁶ Ibid

²⁶⁷ Independent Police Investigative Directorate (IPID), 'Annual Report 2022/2023' <<https://www.ipid.gov.za>> accessed 16 September 2025.

²⁶⁸ Republic of South Africa. (2011). Independent Police Investigative Directorate Act 1 of 2011. Pretoria: Government Printer.

²⁶⁹ Nigeria Police Force, 'About PCRU' <<https://npf.gov.ng/pcru/>> accessed 16 September 2025.

²⁷⁰ [2016] ZACC 30.

Court emphasized that oversight bodies must be insulated from political interference to prevent impunity.²⁷¹ Despite these legal safeguards, challenges persist. IPID lacks prosecutorial powers, and disciplinary enforcement by the South African Police Service (SAPS) remains inconsistent. Studies highlight institutional inertia and political resistance as barriers to effective implementation.²⁷² South Africa's experience underscores the importance of independent oversight and transparent reporting, while also revealing the limitations of reform without sustained political will and institutional accountability. For Nigeria, adopting structural reforms modeled on South Africa's framework such as legally independent oversight bodies and mandatory reporting could strengthen accountability, enforce judicial remedies, and foster a rights-respecting policing culture.

3.6 Lessons Nigeria Can Learn

In addressing police brutality, Nigeria stands to benefit from comparative insights drawn from jurisdictions that have made significant strides in reforming their policing systems. Countries such as the United States and South Africa offer instructive models that highlight both the potential and limitations of legal frameworks aimed at curbing abuse of power by law enforcement agencies.

3.6.1 Institutional Independence and Oversight

One of the most critical lessons is the importance of independent oversight mechanisms. In South Africa, the Independent Police Investigative Directorate (IPID) operates autonomously from the police hierarchy and reports directly to the Minister of Police.

²⁷¹ Ibid

²⁷² B Baker, 'Policing Accountability in Africa: Lessons from South Africa' (2002) 31(1) African Security Review, 31(1), 45-60.

This structural independence allows IPID to investigate deaths in custody, police shootings, and misconduct without interference.²⁷³ Nigeria's Police Complaint Response Unit (PCRU), by contrast, is embedded within the police force and lacks prosecutorial powers, limiting its effectiveness. Establishing a legally independent body with investigative and prosecutorial authority would enhance accountability and public trust.

3.6.2 Constitutional and Statutory Protections

South Africa's Constitution of 1996 guarantees the right to freedom and security of the person, including protection from violence by public officials.²⁷⁴ Similarly, the United States enforces civil rights protections through constitutional amendments and statutory tools such as 42 U.S.C. § 1983, which allows individuals to sue for violations of their rights under color of state law.²⁷⁵ Nigeria's legal framework, while recognizing fundamental rights under Chapter IV of the 1999 Constitution, lacks robust enforcement mechanisms and statutory remedies for victims of police abuse. Strengthening civil litigation pathways and ensuring judicial independence are essential reforms.

3.6.3 Data Transparency and Public Reporting

Effective reform requires reliable data and public reporting. In the United States, police departments are mandated to maintain databases on use-of-force incidents and

²⁷³ Republic of South Africa, Independent Police Investigative Directorate Act 1 of 2011 (Pretoria: Government Printer 2011) <https://www.gov.za/sites/default/files/gcis_document/201409/a12011.pdf> accessed 16 September 2025.

²⁷⁴ Republic of South Africa, Constitution of the Republic of South Africa, 1996 (Pretoria: Government Printer 1996) <<https://www.gov.za/sites/default/files/images/a108-96.pdf>> accessed 16 November 2025.

²⁷⁵ Imbrogno (n 156).

misconduct complaints, which are accessible to the public and researchers.²⁷⁶ South Africa's IPID publishes annual reports detailing investigations and outcomes. Nigeria's poor documentation culture and lack of centralized data on police abuse hinder policy development and monitoring.²⁷⁷ Institutionalizing mandatory reporting and digitizing complaint records would improve transparency and enable evidence-based reform.

3.6.4 Judicial Oversight and Remedies

Judicial affirmation of oversight bodies is another key lesson. In *McBride v Minister of Police and Another*,²⁷⁸ South Africa's Constitutional Court upheld the independence of IPID, emphasizing that oversight institutions must be insulated from political control to prevent impunity. Nigeria's judiciary has occasionally awarded damages to victims of police brutality, but enforcement remains weak and inconsistent.²⁷⁹ Strengthening judicial remedies and ensuring compliance with court decisions would reinforce the rule of law.

3.6.5 Political Will and Reform Sustainability

Finally, political commitment is essential. Reform efforts in Nigeria have often been derailed by vested interests and shifting priorities. The replacement of SARS with SWAT in 2020, without structural change, was widely viewed as a cosmetic move.²⁸⁰ Sustained

²⁷⁶ Williams v City of Sparks No 23-15465 (9th Cir 2024) <<https://law.justia.com/cases/federal/appellate-courts/ca9/23-15465/23-15465-2024-08-09.html>> accessed 16 November 2025.

²⁷⁷ CLEEN Foundation, 'Public Perceptions of Police and Policing in Nigeria' (Lagos: CLEEN Foundation 2020).

²⁷⁸ [2016] ZACC 30.

²⁷⁹ O Akinola, 'Impact of the Nigeria Police Force Act 2020 on Police Practices and Reforms' (2025) 1(1) IKR Journal of Arts, Humanities & Social Science 45–60.

²⁸⁰ RULAAC, Why Police Reform Failed in Nigeria (20 October 2025) <<https://rulaac.org/2025/10/20/why-police-reform-failed-in-nigeria/>> accessed 18 September 2025.

reform requires political will, legislative backing, and civic engagement. Countries that have achieved meaningful change have done so through persistent advocacy, legal reform, and institutional restructuring.

CHAPTER FOUR

ANALYSIS OF THE LEGAL FRAMEWORK AND INSTITUTIONAL MECHANISM FOR COMBATING POLICE BRUTALITY IN NIGERIA

4.1 Introduction

Police brutality in Nigeria has persisted despite constitutional guarantees and international human rights obligations. The legal framework and institutional mechanisms designed to prevent and punish such abuses are often undermined by poor implementation, weak oversight, and systemic corruption. This chapter critically examines the statutory instruments, judicial precedents, and institutional bodies tasked with combating police misconduct, assessing their effectiveness and limitations. The Nigerian Constitution 1999 (as amended) provides the foundational legal protection against police brutality. Section 34 guarantees the right to dignity, while Section 35 protects against unlawful arrest and detention. Complementing these provisions are statutes such as the Police Act 2020, the Administration of Criminal Justice Act 2015, and Nigeria's ratification of international instruments like the Convention against Torture. Institutionally, bodies such as the National Human Rights Commission (NHRC), the Police Service Commission (PSC), and the Police Complaints Response Unit (CRU)

are mandated to investigate and address abuses. However, their effectiveness is often constrained by limited autonomy, inadequate funding, and political interference. As Abidogun notes, “the legal framework governing police use of force in Nigeria is comprehensive in theory but fragmented in practice”.²⁸¹ The disconnect between legal norms and operational realities has created a culture of impunity, where violations are rarely punished and victims seldom receive justice. This chapter proceeds to analyze the relevant legal instruments and institutional mechanisms, highlighting gaps and proposing reforms that align with international best practices.

4.2 The Nigeria Police Force: Constitutional Role and Structure .

The Nigeria Police Force (NPF) is the primary law enforcement agency in Nigeria, constitutionally empowered to maintain law and order, protect lives and property, and enforce laws across the federation. Its role and structure are defined under Section 214(1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended), which states that “there shall be a police force for Nigeria, which shall be known as the Nigeria Police Force...”²⁸² This provision establishes the NPF as a unitary, centralised police system. Furthermore, Section 4 of the Police Act 2020 expands on the duties of the Police Force, which include the prevention and detection of crimes, protection of rights and freedoms of persons, preservation of public safety, and enforcement of all laws and

²⁸¹ M A Abidogun, Examination of the Legal and Implications of Police Brutality (August 2023) <https://www.researchgate.net/publication/372947581_EXAMINATION_OF_THE_LEGAL_AND_IMPLICATIONS_OF_POLICE_BRUTALITY> accessed 23 September 2025.

²⁸² Constitution of the Federal Republic of Nigeria 1999 (as amended), s 214(1).

regulations.²⁸³ These legal provisions form the foundational basis of police operations in Nigeria.

Structurally, the NPF is under the command of the Inspector-General of Police (IGP), who is appointed by the President on the advice of the Police Council, as provided under Section 215 of the Constitution.²⁸⁴ The IGP has operational control over all police personnel in the federation. The police are organised into state commands, further divided into area commands, divisions, and police stations. However, the centralised nature of the NPF has led to criticisms regarding lack of autonomy, politicisation, and inefficiency in responding to localised security concerns. Scholars argue that the central command structure limits responsiveness and accountability, thereby contributing to widespread incidents of police misconduct and brutality.²⁸⁵ Moreover, constitutional silence on operational independence and external accountability mechanisms enables abuse. The police, while theoretically subject to civilian oversight through institutions such as the Police Service Commission (PSC) and the National Human Rights Commission (NHRC), often operate with minimal accountability in practice. The result is an institution that struggles with human rights compliance, transparency, and public trust.²⁸⁶ To address these issues, several reforms have been proposed, including community policing models and a review of the centralised structure to allow for greater local oversight and responsiveness.

²⁸³ Police Act 2020, s 4.

²⁸⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 215.

²⁸⁵ E E O Alemika and I C Chukwuma, Police Community Violence in Nigeria (Centre for Law Enforcement Education 2000) 17 <<https://nairametrics.com/wp-content/uploads/2013/02/police-community-violence.pdf>> accessed 23 September 2025.

²⁸⁶ The Nation, 'Nigeria Police Act 2020: A Game Changer for Police Reform?' (22 December 2020) <<https://thenationonline.net/nigeria-police-act-2020-a-game-changer-for-police-reform/>> accessed 23 September 2025.

4.3 Legal Framework

The legal framework addressing police brutality in Nigeria comprises constitutional provisions, statutory enactments, and international obligations. While these instruments collectively aim to safeguard human rights and regulate police conduct, their implementation remains inconsistent. This section examines five key legal pillars: the 1999 Constitution, the Police Act 2020, the Administration of Criminal Justice Act 2015, Anti-Torture Act 2017, and the Violence against Persons (Prohibition) Act 2015.

4.3.1 Constitutional Provisions on Human Rights (Chapter IV of the 1999 CFRN)

The Nigerian Constitution serves as the supreme law of the land and contains several provisions that guarantee fundamental human rights. These rights are enshrined in Chapter IV of the Constitution, titled "Fundamental Rights."²⁸⁷ Key provisions include:

Section 33: Right to life, with exceptions for execution of criminal sentences and in defense of oneself or others.

Section 34: Right to dignity of the human person, protecting against torture, inhuman or degrading treatment.

Section 35: Right to personal liberty, including protection against arbitrary arrest or detention.

Section 36: Right to Fair hearing.

Section 37: Right to private and family life, subject to certain limitations.

²⁸⁷ Section 33 - 42 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

Section 38: Right to freedom of thought, conscience, and religion.

Section 39: Right to freedom of expression and the press.

Section 40: Right to peaceful assembly and association.

Section 41: Right to freedom of movement.

Section 42: Right to freedom from discrimination, with protection against discrimination on grounds of sex, race, religion, or political opinion.²⁸⁸

Despite the constitutional safeguards, enforcement remains weak due to systemic issues within the police force, lack of awareness among citizens, and inadequate judicial follow-up. Legal scholars argue that while the Constitution provides a robust framework for protecting human rights, practical implementation requires complementary laws, oversight mechanisms, and public accountability to prevent violations effectively.²⁸⁹ In Nigeria, the enforcement of fundamental rights is governed by the Fundamental Right (Enforcement Procedures) Rules 2009.²⁹⁰ These rules outline the procedures for determining actions related to fundamental rights. According to Order 2, Rule 1 of the Fundamental Rights (Enforcement Procedure) Rules, any individual who alleges that their fundamental rights, as provided for in the Constitution and to which they are entitled, have been, are being, or are likely to be infringed, can apply to the court in the state where the infringement occurred or is likely to occur for redress. Therefore, in cases of actual or potential violations of fundamental rights, the affected individual can

²⁸⁸ Ibid

²⁸⁹ J A Ohiare, An Appraisal of Human Rights in Nigeria's Constitution and the Reaction of Courts to Some of those Rights (2020) 2(1) Int'l J Strategic Res Pub Admin & Org Process <<https://internationalpolicybrief.org/wp-content/uploads/2023/10/ARTICLE14-32.pdf>> accessed 25 September 2025.

²⁹⁰ UNHCR, Nigeria: Fundamental Rights (Enforcement Procedure) Rules, 2009 <<https://www.refworld.org/legal/decrees/natlegbod/2009/en/104236>> accessed 25 July 2025.

seek recourse or prevention through the courts. As per the 1999 Constitution, the High Court (state or federal) holds jurisdiction over fundamental rights actions, limited to subject matters within the specific court's jurisdiction.²⁹¹ However, enforcement is hampered by weak institutional mechanisms and judicial delays.

4.3.2 The Police Act 2020

The Nigeria Police Act (NPA 2020) which came into force on the 17th September 2020 is the principal law that regulates the formation, control and other related activities of the Nigeria police force. The Police Act 2020 repealed the Police Act (Cap P19 LFN 2004) and introduced modern provisions aligned with democratic policing.²⁹² It emphasizes human rights, accountability, and community engagement. Notably, Section 66 establishes the Police Complaints Response Unit, while Section 4 outlines the duties of police officers, including respect for constitutional rights.²⁹³ Despite its progressive language, critics argue that the Act lacks robust enforcement mechanisms and fails to address entrenched institutional culture.

4.3.3 The Administration of Criminal Justice Act (ACJA) 2015

The Administration of Criminal Justice Act (ACJA) 2015 was enacted to reform Nigeria's criminal justice system, streamline judicial processes, and enhance the protection of

²⁹¹A A Oyinlade, 'The Enforcement of Fundamental Rights in Nigeria' (18 March 2024) <[²⁹² Explanatory Memorandum, Nigeria Police Act, 2020.](https://www.mondaq.com/nigeria/human-rights/1439386/the-enforcement-of-fundamentalrights-innigeria#:~:text=The%20breach%20of%20any%20fundamental,from%20sections%2033%20to%2046.> accessed 25 September 2025.</p></div><div data-bbox=)

²⁹³ Police Act 2020, Federal Republic of Nigeria Official Gazette No. 148, Vol. 107 (21 September 2020).

human rights during law enforcement and prosecution.²⁹⁴ Section 8 prohibits arrest in lieu, while Section 16 mandates the establishment of a Central Criminal Records Registry to enhance transparency.²⁹⁵ Its provisions are particularly relevant to addressing police brutality, as the Act emphasizes due process, fair treatment of suspects, and accountability for law enforcement officers. The Act also provides for humane treatment of suspects and timely arraignment, but its implementation varies across jurisdictions due to lack of training and resources. One of the key objectives of the ACJA is to minimize delays in the criminal justice system, which historically contributed to prolonged pre-trial detentions and arbitrary arrests by police officers.²⁹⁶ Sections 35–38 of the Act mandate timely arraignment, access to legal representation, and the presumption of innocence, thereby limiting opportunities for police to engage in unlawful detention and coercive practices.²⁹⁷ The ACJA also codifies procedures for evidence collection and handling, emphasizing lawful arrest and search protocols (Section 115–120).²⁹⁸ This reduces the likelihood of illegal searches, seizure of property, and the use of torture or inhumane methods to extract confessions.²⁹⁹ By prescribing stringent rules for evidence admissibility, the Act indirectly serves as a deterrent

²⁹⁴ Administration of Criminal Justice Act 2015<https://www.policinglaw.info/assets/downloads/2015_Administration_of_Criminal_Justice_Act.pdf> accessed 10 November 2025.

²⁹⁵ Administration of Criminal Justice Act 2015, ss 8, 16.

²⁹⁶T A Abang and L B Akeh, 'Police Accountability and the Administration of Justice in Nigeria: A Case Study of Cross River State Command' (November 2024) *Mediterranean Journal of Social Sciences*<https://www.researchgate.net/publication/386001204_Police_Accountability_and_the_Administration_of_Justice_in_Nigeria_A_Case_Study_of_Cross_River_State_Command> accessed 10 November 2025.

²⁹⁷ Administration of Criminal Justice Act 2015, ss 35-38.

²⁹⁸ Administration of Criminal Justice Act 2015, ss 115–120.

²⁹⁹C Eze, *Human Rights Protection and the ACJA 2015* (African Human Rights Review, Port Harcourt 2021).

against police misconduct. Furthermore, the ACJA establishes oversight mechanisms for prosecutorial discretion and police conduct. Section 16 provides that law enforcement officers must observe human rights standards while conducting investigations, with violations subject to judicial scrutiny.³⁰⁰ This legal backing supports the enforcement of accountability measures outlined in other statutes, such as the Police Act 2020. Community protection is another focus of the ACJA, particularly through the regulation of arrests, detention, and trial processes to prevent abuse of power. The Act explicitly prohibits prolonged detention without charge, arbitrary arrests, and extrajudicial punishment, which have historically been tools of police brutality in Nigeria.³⁰¹ Despite its comprehensive framework, implementation challenges persist. Limited awareness among police officers, inadequate training on the ACJA provisions, and weak enforcement mechanisms undermine the Act's effectiveness in curbing police brutality.³⁰² Strengthening institutional capacity, enhancing officer training, and integrating ACJA provisions with police reforms are critical for achieving the intended objectives. In conclusion, the ACJA 2015 provides a robust legal framework that, if fully implemented and enforced, can significantly reduce instances of police brutality by promoting accountability, due process, and protection of suspects' rights. Its integration

³⁰⁰ Administration of Criminal Justice Act 2015, s 19.

³⁰¹ D Eyongndi, 'The Administration of Criminal Justice Act, 2015 as a Harbinger for the Elimination of Unlawful Detention in Nigeria' (2021) African Human Rights Law Journal<https://scielo.org.za/scielo.php?script=sci_arttext&pid=S1996-20962021000100020> accessed 25 July 2025.

³⁰² T A Abang and L B Akeh, 'Police Accountability and the Administration of Justice in Nigeria: A Case Study of Cross River State Command' (November 2024) Mediterranean Journal of Social Sciences<https://www.researchgate.net/publication/386001204_Police_Accountability_and_the_Administration_of_Justice_in_Nigeria_A_Case_Study_of_Cross_River_State_Command> accessed 12 November 2025.

with other police reform initiatives, such as the Police Act 2020, is essential for sustainable reforms.

4.3.4 Anti-Torture Act 2017

The Anti-Torture Act 2017 was passed by the 8th National Assembly and signed into law by President Muhammadu Buhari on 29th December 2017.³⁰³ This legislative advancement holds great importance in the fight against torture and other cruel treatments. It criminalizes torture, laying out specific offenses and penalties for individuals engaged in such acts or those who support, encourage, or facilitate them. It defines torture broadly to include physical and psychological abuse, aligning with international standards such as the UN Convention against Torture.³⁰⁴ Section 2 prohibits torture under any circumstance, while Section 6 mandates investigation and prosecution of offenders. However, enforcement remains weak, and victims rarely receive justice.³⁰⁵ Importantly, it expressly recognizes the right to freedom from torture, cruel, inhuman, and degrading treatment as a fundamental and nonnegotiable right.³⁰⁶ By addressing existing legislative shortcomings, it provides vital protection for victims and witnesses of torture.³⁰⁷

³⁰³ C Okeke, 'Anti-Torture Act 2017: Issues And Implication For Police Officers' (2 July 2021) <<https://www.mondaq.com/nigeria/human-rights/1084406/anti-torture-act-2017-issues-andimplication-for-police-officers>> accessed 25 July 2024

³⁰⁴ OA Olisa, 'Anti-Torture Act 2017: Issues and Implication for Police Officers' (Mondaq, 2 July 2021).

³⁰⁵ Anti-Torture Act 2017, Federal Republic of Nigeria Official Gazette No 145, Vol 104, 29 December 2017.

³⁰⁶ N Egenuka, 'Anti-Torture Act: Not for Savage Security Operatives, Suspects' (5 December 2023) The Guardian <<https://guardian.ng/features/law/anti-torture-act-not-for-savage-security-operativessuspects/>> accessed 25 September 2025.

³⁰⁷ Ibid

This Act brings about a profound shift in the legal framework for law enforcement personnel, especially police officers, as it establishes torture as a formal criminal offense.³⁰⁸ It explicitly prohibits the use of emergency powers or directives from higher authorities as excuses for employing torture to extract information or confessions. Additionally, the Act holds individuals accountable for their involvement in acts of torture, extending criminal liability to superior officers who issue orders to torture victims.³⁰⁹ The Act defines torture and provides examples, such as systematic beatings, food deprivation, electric shocks, and other severe forms of physical and psychological abuse. Importantly, it unequivocally states that no circumstances, including states of war or emergency, can justify torture. It prohibits practices like secret detentions and incommunicado detentions where torture may occur, and it renders evidence obtained from torture inadmissible in court, except when used against a person accused of torture.³¹⁰ Moreover, it grants individuals the right to complain about torture to authorities, including the police and the National Human Rights Commission, ensuring protection for both victims and complainants. Additionally, it allows victims of torture or their representatives to seek legal assistance in filing complaints.³¹¹ The Act also mandates law enforcement agencies to inform individuals of their right to demand a physical and psychological examination by an independent doctor after interrogation. It

³⁰⁸ C Okeke, 'Anti-Torture Act 2017: Issues and Implication for Police Officers' (2 July 2021) <<https://www.mondaq.com/nigeria/human-rights/1084406/anti-torture-act-2017-issues-andimplication-for-police-officers>> accessed 25 September 2025.

³⁰⁹ Ibid

³¹⁰ B S Ayo-Ojo, 'The Nigerian Anti-Torture Act of 2017 and Its Compatibility with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the African Charter on Human and Peoples' Rights' (5 April 2024) *Journal of African Law* <<https://www.cambridge.org/core/journals/journal-of-african-law/article/abs/nigerian-antitortureact-of-2017-and-its-compatibility-with-the-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment-and-the-african-charter-on-human-and-peoplesrights/267669DF5ED4E7916C63F38C7105F38B>> accessed 25 September 2025.

³¹¹ Ibid

holds individuals accountable for their involvement in torture, including superior officers who issue orders to torture victims, and imposes strict penalties, including up to 25 years imprisonment for those convicted of torture, with murder charges if death occurs as a result.³¹² Furthermore, the Act grants authority to regulatory agencies and law enforcement entities to guarantee its efficient execution, which includes organizing training initiatives for personnel engaged in the custody, interrogation, or management of individuals under arrest, detention, or imprisonment. Despite the passage of the Anti-Torture Act, obstacles persist in its enforcement and execution. Challenges include a lack of awareness among law enforcement personnel, delays in formulating necessary rules and regulations for efficient implementation, and entrenched patterns of violence and impunity within security institutions, all of which impede the Act's intended goals. Addressing these challenges requires concerted efforts to enhance education, build capacity, and establish robust oversight mechanisms to effectively enforce the Anti-Torture Act and eradicate torture practices in Nigeria.³¹³

4.3.5 Violence against Persons (Prohibition) Act 2015

The Violence against Persons (Prohibition) Act (VAPP Act) of 2015 stands as landmark legislation in Nigeria's endeavors to tackle different forms of violence, particularly targeting gender-based violence and harmful practices.³¹⁴ Serving as an extensive legal framework, the Act is designed to prevent, prohibit, and offer remedies for a wide range

³¹² Ibid

³¹³ N Egenuka, 'Anti-Torture Act: Not for Savage Security Operatives, Suspects' (5 December 2023) The Guardian <<https://guardian.ng/features/law/anti-torture-act-not-for-savage-security-operativessuspects/>> accessed 25 September 2025.

³¹⁴ Violence Against Persons (Prohibition) Act <<https://fida.org.ng/wpcontent/uploads/2020/09/Violence-Against-Persons-Prohibition-Act-2015-1.pdf>> accessed 25 September 2025

of violent acts perpetrated against individuals, with a special emphasis on women and vulnerable groups.³¹⁵ This legislation represents a significant step forward in addressing the pervasive issue of violence in Nigerian society. By comprehensively outlining measures to prevent and prohibit various forms of violence, the VAPP Act underscores the government's commitment to safeguarding the rights and well-being of all citizens, especially those who are most susceptible to violence and abuse.³¹⁶ Moreover, the Act serves as a vital tool for providing recourse and redress to victims of violence, ensuring that they have access to justice and support services to aid in their recovery and rehabilitation.³¹⁷ By prioritizing the protection of individuals from violence, the VAPP Act reinforces the principle of human dignity and underscores the importance of creating a safe and secure environment for all members of society.³¹⁸ Overall, the VAPP Act of 2015 represents a groundbreaking legislative initiative in Nigeria's efforts to combat violence and promote the rights and dignity of all individuals, particularly women and vulnerable groups.³¹⁹ Its comprehensive provisions and focus

³¹⁵ F A and B N Okpalaobi, 'Violence against Persons (Prohibition) Act 2015 and Other Existing Gender Legislation: A Comparative Analysis' (2017) 8(1) Nnamdi Azikiwe University Journal of International Law and Jurisprudence (NAUJIL) 35–41.

³¹⁶ Legal Information Institute, 'Violence against Persons (Prohibition) Act' <[https://www.law.cornell.edu/women-andjustice/resource/violence_against_persons_\(prohibition\)_act](https://www.law.cornell.edu/women-andjustice/resource/violence_against_persons_(prohibition)_act)> accessed 25 September 2025.

³¹⁷ Westminster Foundation for Democracy (WFD), Report of a Research Commissioned by the Westminster Foundation for Democracy: The Impact of the Violence against Persons (Prohibition) Act and Related Laws in Nigeria (March 2021) <<https://www.wfd.org/sites/default/files/202302/Report%20of%20the%20Impact%20of%20the%20VAPP%20and%20related%20laws%20in%2012%20states.pdf>> accessed 25 July 2025.

³¹⁸ Ibid

³¹⁹ World Bank, 'Gender-based Violence (Violence against Women and Girls)' (2019) <<https://www.worldbank.org/en/topic/socialdevelopment/brief/violence-against-women-and-girls>> accessed 25 July 2025.

on prevention, prohibition, and remedies underscore its importance in addressing the multifaceted challenges posed by violence in Nigerian communities.³²⁰

4.4 Institutional Mechanisms

In addition to statutory provisions, Nigeria has established several institutional mechanisms aimed at curbing police misconduct and promoting accountability. These bodies though varying in mandate and effectiveness play a critical role in investigating abuses, mediating complaints, and recommending disciplinary actions. This section examines four key institutions: the Police Complaints Response Unit (CRU), the Public Complaints Commission (PCC), National Human Rights Commission (NHRC) and the Police Service Commission (PSC).

4.4.1 Police Complaints Response Unit (CRU)

The Police Complaints Response Unit (CRU) is a key institutional mechanism established to enhance accountability and transparency within the Nigeria Police Force (NPF), particularly in addressing complaints of police misconduct and brutality.³²¹ As a public-facing oversight body, the CRU plays a vital role in bridging the gap between the police and the public. The CRU was established under Section 66 of the Police Act 2020 to provide a direct channel for citizens to report police misconduct.³²² It operates

³²⁰ Ibid

³²¹Nigeria Police Force, Complaint Response Unit (CRU) (2025)<<https://www.govserv.org/NG/Unknown/1631923510394374/Complaint-Response-Unit---CRU%2C-Nigeria-Police-Force>> accessed 23 September 2025.

³²² Police Act 2020, s 66;

through hotlines, social media platforms, and physical offices, aiming to improve transparency and responsiveness within the Nigerian Police Force (NPF). The CRU has recorded thousands of complaints since its inception, ranging from extortion and unlawful detention to physical assault.³²³ In 2023 alone, the CRU received over 1,200 complaints, with the highest volumes recorded in the Federal Capital Territory and Lagos State.³²⁴ The unit has been instrumental in resolving cases involving extortion, unlawful arrests, and excessive use of force. However, critics argue that the CRU lacks independence and prosecutorial powers, limiting its ability to enforce disciplinary actions. Its effectiveness is further constrained by inadequate funding and limited public awareness.

4.4.2 Public Complaints Commission (PCC)

The PCC is a statutory body established under the Public Complaints Commission Act 1975 to investigate complaints against public institutions, including the police³²⁵. It serves as an ombudsman, mediating disputes and recommending administrative remedies. The PCC has jurisdiction over issues such as abuse of power, unlawful arrest, and denial of rights.³²⁶ In practice, the PCC provides a channel for victims of police

³²³J Francis, 'Stakeholders Chart Ways to Promote Police Accountability, Improve Complaint Mechanisms' (New Telegraph, 3 April 2025) <<https://newtelegraphng.com/stakeholders-chart-ways-to-promote-police-accountability-improve-complaint-mechanisms/>> accessed 23 November 2025.

³²⁴ Punch Nigeria, 'FCT, Lagos Top List of Complaints against Police' (Punch, 2025) <<https://punchng.com/fct-lagos-top-list-of-complaints-against-police/>> accessed 23 November 2025.

³²⁵ Public Complaints Commission Act Cap P37 LFN 2004;

³²⁶ AWJAI, 'Compliance Monitoring Unit at the Police Service Commission' (Asabe Waziri Justice Advocacy Initiative, 2023) <<https://awjai.org/summary-compliance-monitoring-unit-at-the-nigeria-police-service-commission/>> accessed 23 September 2025.

brutality, unlawful arrests, extortion, or denial of fundamental rights to lodge formal complaints without fear of reprisal.³²⁷ It complements internal police mechanisms such as the Police Complaints Response Unit (PCRU) by providing an external oversight framework.³²⁸ Despite its broad mandate, the PCC suffers from limited enforcement capacity and bureaucratic delays. However, its effectiveness is limited by its powers, funding, and capacity. Many of its recommendations are not binding, and its visibility among the public remains low. Strengthening the PCC's mandate and providing adequate resources are essential to promoting accountability and protecting human rights.

4.4.3 National Human Rights Commission (NHRC)

The NHRC is Nigeria's foremost human rights watchdog, established under the NHRC Act 1995 and amended in 2010.³²⁹ It is empowered to investigate human rights violations, conduct public inquiries, and recommend prosecution. Following the #EndSARS protests, the NHRC played a pivotal role in documenting abuses and advocating for justice. The Commission has conducted nationwide hearings and published reports on police brutality, but its recommendations are often ignored by law enforcement agencies. Strengthening its autonomy and enforcement powers is essential for meaningful reform.³³⁰

³²⁷ AWJAI, 'Compliance Monitoring Unit at the Police Service Commission' (Asabe Waziri Justice Advocacy Initiative, 2023) <<https://awjai.org/summary-compliance-monitoring-unit-at-the-nigeria-police-service-commission/>> accessed 23 September 2025.

³²⁸ Police Service Commission Act 2001, s 6(a-f), Laws of the Federation of Nigeria.

³²⁹ National Human Rights Commission Act Cap N46 LFN 2004 (as amended)

³³⁰ UNODC, Reducing Grievances Through Strengthening the Conflict and Gender-Sensitive Oversight Mechanisms of the Nigeria Police Force (2023) <<https://www.unodc.org/conig/en/links/reducing->

4.4.4 Police Service Commission (PSC): The Police Service Commission (PSC) is a key institutional mechanism established to ensure civilian oversight of the Nigeria Police Force (NPF). Its mandate is derived from Paragraph 30, Part I of the Third Schedule to the 1999 Constitution of the Federal Republic of Nigeria (as amended), as well as the Police Service Commission Act, 2001.³³¹ The PSC is responsible for the appointment, promotion, discipline, and dismissal of officers of the NPF, except for the Inspector-General of Police. The significance of the PSC in addressing police brutality lies in its constitutional duty to discipline erring officers. Under Section 6 of the PSC Act, the Commission has the power to investigate complaints of police misconduct from the public and recommend appropriate sanctions. This includes cases of excessive use of force, unlawful arrests, and torture, and extrajudicial killings— common hallmarks of police brutality in Nigeria. However, despite its broad legal powers, the PSC faces several challenges. One of the most notable is the tension between the PSC and the office of the Inspector-General of Police (IGP), particularly over control of recruitment and discipline. This friction has, at times, led to institutional paralysis and undermined accountability.³³² In 2020, for example, the #EndSARS protests highlighted the PSC's limited visibility and effectiveness in dealing with systemic police abuse, sparking public debate about the need for more active oversight. Moreover, the PSC lacks operational independence. Though established as a civilian oversight body, it is often perceived as politically influenced, and its recommendations are not always binding. The enforcement of disciplinary actions is heavily reliant on cooperation from the NPF, making the PSC's effectiveness dependent on inter-agency coordination. To strengthen

[grievances-through-strengthening-the-conflict-and-gender-sensitive-oversight-mechanisms-of-the-nigeria-police-force.html](#)> accessed 23 September 2025.

³³¹ Police Service Commission Act, 2001, s 6.

³³² F Odekunle, Oversight Deficit in Nigeria's Policing System (2019) 10(1) Nigerian Law Review 77.

the PSC's role in curbing police brutality, reform advocates have recommended legislative amendments to guarantee its autonomy, improved funding, enhanced transparency in handling complaints, and collaboration with civil society organisations for oversight and monitoring.³³³ Additionally, the PSC's public complaint mechanism while existing in theory requires technological upgrades, staff capacity building, and a better feedback system to restore public confidence.

4.5 Relevant International Human Rights Instruments

The protection of human rights in the context of police operations is reinforced not only by domestic laws but also by international legal instruments to which Nigeria is a signatory. These instruments provide standards for the treatment of individuals by law enforcement agencies and set global norms for accountability, transparency, and human rights protection.

4.5.1 Universal Declaration of Human Rights (UDHR, 1948)

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948, represents a foundational document for international human rights law. Although not legally binding, it has attained the status of customary international law and serves as a moral and legal compass for human rights protection worldwide. For Nigeria, the UDHR provides a global framework that informs the

³³³ CLEEN Foundation, Public Perceptions of Police and Policing in Nigeria (CLEEN Foundation 2020) 32–34.

country's human rights obligations and standards, particularly regarding the conduct of law enforcement. Several of its provisions directly speak to the issue of police brutality:

- Article 3 affirms the right to life, liberty, and security of person.
- Article 5 prohibits torture or cruel, inhuman, or degrading treatment or punishment.
- Article 7 provides that all are equal before the law and are entitled without discrimination to equal protection of the law.³³⁴

These provisions serve as guiding principles in assessing the actions of security agencies and have been incorporated into Nigeria's domestic legal instruments, including Chapter IV of the 1999 Constitution and the Anti-Torture Act 2017.³³⁵ Despite these incorporations, systemic issues continue to undermine the enforcement of these rights. The relevance of the UDHR to police brutality in Nigeria is heightened by frequent reports of arbitrary arrests, excessive use of force, torture in detention facilities, and extra-judicial killings.³³⁶ Such acts violate not only domestic laws but also the international human rights principles Nigeria is expected to uphold. While Nigeria is a signatory to the UDHR and other international human rights instruments, practical implementation remains a challenge. Legal scholars have noted that although the UDHR is referenced in Nigerian jurisprudence, it often lacks direct enforceability unless domesticated through national legislation as required by Section 12 of the 1999 Constitution.³³⁷ This has created a legal gap between international commitments and domestic enforcement, weakening efforts to address police abuses effectively.

³³⁴ Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A (III)) arts 3, 5, 7.

³³⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended) ss 33, 34.

³³⁶ Anti-Torture Act 2017.

³³⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended) s 12.

To close this gap, there have been calls for improved training of police officers on human rights standards, the strengthening of judicial remedies for victims, and a more active role by the National Human Rights Commission in monitoring compliance with the UDHR principles.

4.5.2 International Covenant on Civil and Political Rights (ICCPR, 1966)

Nigeria ratified the ICCPR in 1993. The ICCPR emphasizes the right to life (Article 6), the prohibition of torture (Article 7), and the protection against arbitrary arrest or detention (Article 9).³³⁸ These provisions are directly relevant in curbing police brutality and ensuring that law enforcement officers operate within the rule of law.

4.5.3 United Nations Convention against Torture (UNCAT, 1984)

The UNCAT obligates state parties to prevent and criminalize acts of torture and ensure accountability for perpetrators. Nigeria ratified the Convention in 2001, which laid the foundation for domestic legislation such as the Anti-Torture Act 2017.³³⁹ The Convention further requires the state to provide remedies and rehabilitation to victims of torture, a principle essential for addressing police-induced harm.

4.6.4 African Charter on Human and Peoples' Rights (ACHPR, 1981)

³³⁸ T A Abang and L B Akeh, 'Police Accountability and the Administration of Justice in Nigeria: A Case Study of Cross River State Command' (November 2024) *Mediterranean Journal of Social Sciences* <https://www.researchgate.net/publication/386001204_Police_Accountability_and_the_Administration_of_Justice_in_Nigeria_A_Case_Study_of_Cross_River_State_Command> accessed 23 October 2025.

³³⁹ Ibid

The ACHPR, ratified by Nigeria in 1983, guarantees civil and political rights including the right to life, integrity, and dignity of individuals. Article 5 prohibits torture and cruel treatment, while Article 6 ensures the right to liberty and security.³⁴⁰ This regional instrument reinforces Nigeria's obligations to protect citizens from police abuse and to strengthen oversight mechanisms.

4.5.5 UN Code of Conduct for Law Enforcement Officials (1979) and Basic Principles on the Use of Force and Firearms (1990)

The United Nations has provided several important instruments aimed at guiding law enforcement behaviour globally. Two of the most significant are the Code of Conduct for Law Enforcement Officials (1979) and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990). These documents establish clear international standards for the ethical and lawful conduct of police officers, including those serving in Nigeria. The Code of Conduct for Law Enforcement Officials underscores that law enforcement officers must, at all times, fulfill the duty imposed on them by law to serve the community and protect all persons against illegal acts. Article 3 specifically provides that law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty. This is a direct challenge to the culture of excessive use of force and impunity that often characterizes police actions in Nigeria.³⁴¹

³⁴⁰ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004, ratified by Nigeria on 17 March 1983, ss 5, 7.b

³⁴¹ United Nations, Code of Conduct for Law Enforcement Officials (Adopted by General Assembly Resolution 34/169 of 17 December 1979).

Closely aligned with this is the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990), which further elaborates on the lawful and proportional use of force. It emphasises that lethal force should be a last resort, only to be used when strictly unavoidable in order to protect life. Moreover, the principles stress the importance of accountability, requiring that all incidents involving the use of firearms be reported and investigated appropriately.³⁴²

These instruments, while non-binding, have become customary norms and are highly persuasive in shaping domestic standards on police conduct. However, despite Nigeria's general acceptance of these norms, their implementation remains weak. Excessive force, unlawful killings, and abuse of power by security agencies continue to be reported, pointing to a gap between Nigeria's international obligations and actual law enforcement practices on the ground.³⁴³ Incorporating these principles into domestic legislation and police training could significantly improve the accountability and professionalism of the Nigeria Police Force. Their relevance cannot be overstated in the discourse on reforming police operations to align with international human rights standards.

4.5.6 Optional Protocols and Conventions

³⁴² United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August–7 September 1990) <<https://www.un.org/ruleoflaw/blog/document/basic-principles-on-the-use-of-force-and-firearms-by-law-enforcement-officials/>> accessed 25 July 2025.

³⁴³ Amnesty International, 'Nigeria: Rampant Police Atrocities Continue 4-Years After #EndSARS Protests' (20 October 2024).

Nigeria is also bound by the Optional Protocol to the Convention against Torture (OPCAT)³⁴⁴ and the Convention on the Rights of the Child (CRC).³⁴⁵ OPCAT establishes independent monitoring of detention facilities to prevent torture, while CRC obligations ensure protection of minors from abusive policing. Despite these commitments, implementation remains weak. Amnesty International continues to document widespread violations, including torture, extortion, and extrajudicial killings.³⁴⁶

4.6 Role of the Attorney-General and Prosecution Powers (Sections 174 and 211 of the Constitution)

The Attorney-General (AG) of the Federation and of the states occupy pivotal constitutional positions in the administration of criminal justice in Nigeria. Their roles, particularly in relation to the prosecution of criminal offences, are clearly defined under Sections 174 and 211 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

Section 174(1) vests the Attorney-General of the Federation with the power to:

- Institute and undertake criminal proceedings against any person before any court of law in Nigeria (except a court-martial),

³⁴⁴ United Nations, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 18 December 2002, entered into force 22 June 2006) <https://treaties.un.org/doc/source/RecentTexts/iv_9bE.pdf> accessed 25 November 2025.

³⁴⁵ United Nations, Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) <<https://documents.un.org/doc/undoc/gen/g10/431/92/pdf/g1043192.pdf>> accessed 25 November 2025.

³⁴⁶ Amnesty International, 'Nigeria: Rampant Police Atrocities Continue 4-Years After #EndSARS Protests' (20 October 2024).

- Take over and continue any such criminal proceedings that may have been instituted by any other authority or person, and
- Discontinue (*nolle prosequi*) at any stage before judgment, any such criminal proceedings.³⁴⁷

Similarly, Section 211(1) provides the same prosecutorial powers to the Attorneys-General of the respective states in relation to offences created under state laws.³⁴⁸ These provisions make the Attorney-General the chief law officer and central figure in determining whether or not a person, including errant police officers, will face prosecution. The implication of these powers in the context of police brutality is profound. The AG wields the authority to either initiate or discontinue proceedings involving police misconduct, making the office a potential gatekeeper for accountability.

However, this role has not been without criticism. Several scholars argue that the discretionary nature of these powers often results in selective prosecution and political interference.³⁴⁹ In many reported cases of police brutality, particularly during and after the #EndSARS protests, there has been a reluctance to prosecute officers despite public outcry and evidence of misconduct. The constitutional power to enter a **nolle prosequi** has been viewed as a double-edged sword while it can prevent abuse of prosecutorial discretion, it can also shield perpetrators of human rights abuses when misused. Moreover, while the Constitution empowers the AG to uphold justice, there is no express requirement for transparency or public justification when these powers are exercised. This lack of accountability raises concerns, especially in cases involving

³⁴⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 174(1).

³⁴⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 211(1).

³⁴⁹ J Ogwuegbu, Challenges in Prosecuting Police Misconduct in Nigeria (2021) 18(2) Nigerian Journal of Criminal Law 104, 110.

security agents such as the police in Reform advocates have thus proposed statutory checks, such as mandatory judicial oversight of nolle prosequi entries and enhanced public interest litigation mechanisms, to limit the misuse of prosecutorial discretion. Strengthening the independence of the office of the Attorney-General, especially at the state level, has also been suggested as a necessary step to ensure impartial prosecution of cases involving police brutality.

4.7 Judicial Interpretation and Case Law on Police Abuse

Nigerian courts have occasionally addressed police brutality through rulings on unlawful detention, torture, and extrajudicial killings.³⁵⁰ However, judicial interpretation has been inconsistent, and enforcement of judgments remains weak. Judicial interpretation plays a pivotal role in shaping the legal response to police brutality in Nigeria. While statutory provisions and institutional mechanisms provide the framework, it is through case law that these rights are enforced, clarified, and sometimes expanded. Nigerian courts have addressed police misconduct in various contexts, including unlawful detention, torture, and extrajudicial killings. However, the jurisprudence remains uneven, and enforcement of judgments is often weak.

4.7.1 Landmark Cases

³⁵⁰ S T Kalama, 'Why the Breach of Human Rights by the Nigeria Police Force Calls for Urgent Attention' (2022) 8(6) International Journal of Law 150-155 <<https://www.lawjournals.org/assets/archives/2022/vol8issue6/8-5-72-203.pdf>> accessed 25 October 2025.

In *Gani Fawehinmi v. Inspector General of Police*³⁵¹ the Supreme Court affirmed the right of citizens to challenge police actions that violate constitutional rights. The court held that the police are subject to the rule of law and must operate within the bounds of the Constitution. Similarly, in *Uzoukwu v. Ezeonu II*³⁵², the Court of Appeal interpreted the right to dignity under Section 34 of the 1999 Constitution to include protection from physical and psychological abuse by state agents, including the police. The court stressed that police officers must be held accountable for extra-judicial killings and acts of torture. Another relevant case is *In Ejegbunu v Federal Government of Nigeria*,³⁵³ the court condemned the unlawful arrest and torture of the applicant by police officers. The Court held that such acts violated Sections 34 and 35 of the 1999 Constitution, which guarantee the right to dignity and personal liberty. This case underscored that any confession or evidence obtained through coercion or brutality is inadmissible and unconstitutional. In *A.G. Ondo State v. A.G. Federation*,³⁵⁴ the Supreme Court emphasized the supremacy of the Constitution over all other laws, reinforcing the obligation of law enforcement agencies to uphold constitutional rights. Courts have also awarded damages in civil suits for police misconduct. In *Inspector-General of Police v. Aigbiremolen*,³⁵⁵ the Court upheld an award of damages for unlawful detention, stressing that the police must operate within the rule of law. Additionally, In *Joseph Mbah v State*,³⁵⁶ the Court of Appeal held that the use of excessive force by the police, leading to death or serious injury, is a violation of the right to life under Section 33 of

³⁵¹ (2002) 7 NWLR (Pt. 767) 606.

³⁵² (1991) 6 NWLR (Pt.200) 708.

³⁵³ (2003) 10 NWLR (Pt. 828) 59

³⁵⁴ (2002) 9 NWLR (Pt.772) 222.

³⁵⁵ (2005) 1 NWLR (Pt. 906) 204.

³⁵⁶ (2014) LPELR-24208(CA).

the Constitution. The However, while judicial pronouncements have affirmed rights and granted remedies in individual cases, enforcement remains a major challenge. Many victims lack access to legal representation, and even successful judgments are often not enforced against the police or the state.³⁵⁷ This underscores a systemic gap between judicial interpretation and practical accountability. The courts continue to serve as a crucial check on police powers, but without effective enforcement mechanisms and institutional reforms, judicial interpretation alone cannot eliminate the culture of impunity surrounding police brutality.

4.7.2 Judicial Critique of police brutality

The Nigerian judiciary has, over the years, played a pivotal role in defining the limits of police authority and interpreting constitutional protections against police brutality. However, while courts have provided legal remedies and upheld victims' rights in many instances, several critiques have emerged regarding the judiciary's effectiveness in combating systemic abuse within the police force. One major criticism is the inconsistency in judicial enforcement. While courts have delivered strong pronouncements on police misconduct such as in *Ejegbunu v Federal Government of Nigeria*³⁵⁸ and *Ibrahim v COP, Plateau State*³⁵⁹ these rulings are not uniformly enforced. Victims often face significant delays in receiving compensation, and in many cases, government agencies ignore court orders without consequences. Recent scholarship has criticized the judiciary's inconsistent approach to confessional statements obtained

³⁵⁷ A A Adekoya, 'Judicial Oversight of Police Misconduct in Nigeria: An Appraisal of Emerging Trends' (2022) 16(1) NALT Journal of Public Law 127.

³⁵⁸ (2003) 10 NWLR (Pt. 828) 59.

³⁵⁹ (2016) LPELR-40087(CA).

through torture. Akujobi argues that courts often admit coerced confessions, undermining the constitutional and statutory protections against torture. This judicial leniency contributes to a culture of impunity within the Nigerian Police Force.³⁶⁰ Another concern is the judiciary's over-reliance on declaratory reliefs, with limited practical enforcement. Many judgments award damages or make declarations of rights without ensuring systemic reform or holding the offending officers personally accountable. In *Ubani v Director of SSS*,³⁶¹ for example, the court affirmed unlawful detention but stopped short of compelling institutional reforms to prevent recurrence. Critics also highlight the slow pace of adjudication in human rights cases, especially in brutality matters involving the police. Delays in delivering justice weaken public confidence in the courts as a remedy for abuse. This challenge is compounded by procedural bottlenecks, limited legal aid access, and fear of reprisal, which discourage victims from pursuing justice. Furthermore, judicial reluctance to issue punitive orders against state actors, such as contempt proceedings or personal cost awards against police officers, has allowed impunity to flourish. Although courts have the power to sanction disobedience of orders under Section 6(6)(b) of the Constitution, such powers are rarely exercised robustly in police brutality cases. Despite these shortcomings, it is important to acknowledge that the judiciary operates within a broader legal and political context. Judges are often constrained by limited institutional support, executive interference, and inadequate enforcement capacity. To enhance judicial impact on police brutality, there must be reforms aimed at ensuring judicial independence, speeding up human rights litigation, and strengthening enforcement mechanisms. Only

³⁶⁰ A A Toju, 'The Nigerian Criminal Justice System's Abuse of Confessional Statements: A Call for Judicial Policy Reform' (2022) 2(2) UCC Law Journal 137-164 <<https://journal.ucc.edu.gh/index.php/ucclj/article/download/1121/551/3993>> accessed 23 September 2025.

³⁶¹ (1999) 11 NWLR (Pt. 625) 129.

then can the courts effectively serve as a check on abusive policing and uphold the constitutional rights of citizens.

4.7.3 Challenges in Enforcement

Even when courts issue judgments against police misconduct, enforcement remains a challenge. Victims often face bureaucratic hurdles in obtaining compensation, and officers found liable are rarely disciplined. This gap between judicial pronouncements and practical outcomes weakens the deterrent effect of litigation. Effiong note that while the Police Act 2020 provides for internal disciplinary procedures, judicial oversight is essential to ensure compliance and accountability.³⁶²

CHAPTER FIVE

5.1 SUMMARY OF FINDINGS

This research undertook a critical examination of the legal framework and institutional mechanisms addressing police brutality in Nigeria, with the objective of identifying the specific gaps and challenges that perpetuate human rights abuses within the Nigeria Police Force (NPF). The study confirms that police brutality remains one of the most pressing human rights concerns in Nigeria, often manifesting as extrajudicial killings, torture, and unlawful detention.

The key findings, drawn from the analysis in Chapters Two, Three, and Four, are as follows:

³⁶² L E Effiong, G Abdulsalam and A O Oluwadayisi, 'A Critical Appraisal of the Prosecutorial Powers of the Police Under the Police Act 2020' (2022) IJCSL 2(2), 80-85 <https://www.criminallawjournal.org/article/37/2-2-10-577.pdf> > accessed From 2025.

1. **Legal Sufficiency versus Implementation Deficit:** The fundamental finding is that the problem is not a scarcity of law, but a profound failure in its application. Nigeria possesses robust, internationally compliant legal instruments including the Constitution 1999 (as amended), the Anti-Torture Act 2017, and the Police Act 2020. However, the framework is "comprehensive in theory but fragmented in practice".³⁶³ This implementation deficit, driven by inadequate training and systemic corruption, is the primary enabler of impunity.
2. **Lack of Institutional Independence:** Oversight mechanisms, such as the Police Service Commission (PSC), the National Human Rights Commission (NHRC), and the Complaints Response Unit (CRU), are structurally weakened. They are constrained by **limited autonomy, inadequate funding, and political interference**, which undermine their ability to effectively investigate, prosecute, and enforce disciplinary actions against erring officers.
3. **Weak Judicial Enforcement and Deterrence:** While the Judiciary provides the avenue for redress, the study found significant challenges in enforcement. Victims face substantial **bureaucratic hurdles in obtaining compensation** even after successful litigation, and judgments often go unenforced (Effiong and others (n2) 20).³⁶⁴ Crucially, there is a **judicial reluctance to issue punitive orders**, such as personal cost awards against police officers or contempt proceedings against government agencies, which allows impunity to flourish by weakening the deterrent effect of the courts.

³⁶³ A Abidogun, 'The Problem with Police Accountability in Nigeria' (2020) 24 *Journal of African Law and Policy* 112, 115.

³⁶⁴ E Effiong and others, 'Judicial Oversight of the Police Act 2020' (2023) 12 *Nigerian Bar Law Journal* 5, 20.

4. **Impediment through Prosecutorial Discretion:** The constitutional power vested in the Attorney-General of the Federation and States to discontinue criminal proceedings (*nolle prosequi*) serves as a significant bottleneck to accountability. This discretionary power lacks transparency and is frequently used to shield high-ranking police officers and security agents from prosecution.
5. **Structural Barriers:** The highly centralised, unitary command structure of the NPF creates a distance between operational policing and local oversight, further insulating the force from community accountability and making it difficult to address localised instances of abuse effectively.

5.2 RECOMMENDATIONS

Based on the specific gaps and challenges identified, the following structural and legislative recommendations are proposed:

5.2.1 Legislative and Constitutional Reforms

a. **Guaranteeing Institutional Autonomy:** The National Assembly must amend the PSC and NHRC Acts to guarantee their **financial independence** by mandating that their budgets be charged directly to the Consolidated Revenue Fund. This eliminates executive control and ensures the commissions can function without political interference.

b. **Restricting *Nolle Prosequi* Power:** Enact a constitutional amendment or a specific provision in the Administration of Criminal Justice Act requiring that the Attorney-General's exercise of the *nolle prosequi* power in cases involving police brutality or human rights violations must be subject to a **mandatory judicial review** to ensure that the discontinuance is in the clear public interest.

c. **Establishing Independent Accountability Boards:** Introduce a legislative framework for decentralised, civilian-led **Police Accountability Boards** at the state level. These boards, composed of independent non-police experts, must be empowered to initiate and conclude investigations into serious police misconduct, with their findings being binding on the PSC for disciplinary purposes.

5.2.2 Judicial and Administrative Reforms

a. **Dedicated Compensation Fund:** The Federal and State Governments should establish a **Victim Compensation and Damages Fund**. This fund must be legally mandated to provide swift and automatic payment of court-awarded damages in fundamental rights cases, thereby closing the enforcement gap and ensuring victims receive timely redress.

b. **Strengthening Judicial Deterrence:** The judiciary must actively use its constitutional powers to impose personal liability. Courts should routinely award **punitive and personal costs** against police officers found to have wilfully violated rights, making individual officers financially accountable for their misconduct rather than allowing the burden to fall solely on the State.

c. **Mandatory Human Rights Training:** The NPF must implement continuous, mandatory, and independently certified human rights and ethical conduct training focused specifically on the Anti-Torture Act 2017 and the UN Basic Principles on the Use of Force and Firearms.

5.3 CONTRIBUTION TO KNOWLEDGE

This study contributes significantly to legal scholarship and policy discourse in three distinct areas:

1. **Analytical Shift:** The research repositions the narrative from one of 'lack of laws' to one of '**failure of institutional mechanics.**' By proving that the legal framework is sound, the study redirects reform efforts toward the structural re-engineering of oversight bodies and enforcement chains, providing a more accurate diagnosis for policy makers.
2. **Integrated Accountability Model:** The study proposes an **integrated accountability model** that simultaneously addresses administrative impunity (via independent Boards) and prosecutorial impunity (via judicial review of the AG's power). This dual-pronged strategy is a novel contribution designed to create multiple, non-collapsible checks on police power.
3. **Critique of Judicial Inaction:** It provides a sharp, evidence-based critique of judicial passivity regarding the use of punitive orders, highlighting this as a significant, yet often overlooked, mechanism that perpetuates the culture of impunity by failing to deter officers individually.

5.4 AREAS FOR FURTHER STUDY

Based on the limitations and scope of this examination, the following areas are recommended for future research to further advance the discourse on police reform in Nigeria:

1. **Empirical Study of *Nolle Prosequi* Usage:** A quantitative, empirical analysis of the use of the *nolle prosequi* power in cases involving security agents over the

last decade, focusing on its frequency and the stated grounds for its exercise, to empirically assess political interference.

2. **Feasibility of Decentralised Policing:** A comparative and feasibility study on the practical and constitutional challenges of implementing a **decentralised, state-level police accountability structure** in Nigeria, learning lessons from successful federal systems.
3. **Victim-Centred Justice and Reparations:** A qualitative study examining the effectiveness and accessibility of the current reparations and rehabilitation mechanisms available to victims of police brutality, assessing how to shift the focus from compensatory awards to genuine victim-centred justice.

5.5 CONCLUSION

The problem of police brutality in Nigeria is not a legal anomaly, but a structural crisis of accountability. The protective laws are in place, but they are systematically neutralized by institutional weaknesses, political obstruction, and ineffective enforcement mechanisms. To move Nigeria beyond the cycle of abuse and impunity, the focus must shift from simply enacting new laws to rigorously enforcing the existing ones. This requires guaranteeing the independence of oversight bodies, imposing mandatory checks on discretionary powers like *nolle prosequi*, and demanding a more assertive role from the Judiciary in imposing deterrence. Only through these structural and systemic reforms can the fundamental rights enshrined in the Constitution be transformed from aspirational ideals into practical realities for all Nigerian citizens.

