

**POLICE CORRUPTION AND EXTORTION IN NIGERIA: A CASE STUDY OF
ARBITRARY ARREST AND DETENTION**

**BY
OGHOSA VICTOR OSAWARU**

ART2004906

**DEPARTMENT OF HISTORY AND INTERNATIONAL STUDIES
FACULTY OF ARTS
UNIVERSITY OF BENIN
BENIN CITY**

FEBRUARY, 2025

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**A PROJECT SUBMITTED TO THE DEPARTMENT OF HISTORY AND
INTERNATIONAL STUDIES, FACULTY OF ARTS UNIVERSITY OF BENIN,
BENIN CITY IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
AWARD OF BACHELOR OF ARTS DEGREE IN INTERNATIONAL STUDIES
AND DIPLOMACY.**

FENRUARY, 2025

CERTIFICATION

This is to certify that the project was carried out by **OGHOSA VICTOR OSAWARU**
of the Department of History and International studies, faculty of Arts, University of Benin
under my supervision

MR. DANIEL OROBATOR
Project supervisor

DR. FRAN IPKONMWOSA
Acting Head of Department

Date

Date

DEDICATION

This work is dedicated to God for his mercies and grace who mercy never end. With a deep sense of gratitude, I also dedicate this work to my phenomenal and supportive parents and siblings for their love and support they have given to me throughout my study years.

ACKNOWLEDGEMENTS

My unreserved appreciation goes to God almighty for his infinite mercy, guidance, love and undeserved kindness upon my life throughout the course of study. All these made my project to be successful and able to run the race till the end.

Equally deserving of my heartfelt acknowledgement is my indefatigable supervisor, Mr Daniel Orabator, who is a man of great intellect and calmly corrected me throughout the period of this project work despite his busy schedule. May God bless you.

I also want to express my gratitude to my lecturers, who has worked towards my growth as a student and as a person from the very beginning of my degree in university of benin. Dr Charles Osarumwese, Dr William Orukpe, Mr Bismarck esediafe and Prof Eddy Erhagbe. May God continue bless you all.

Also too my heartfelt gratitude to my parents Mr and Mrs Osawaru whom God has use to be a blessing to me, for their financial support and making my course of study in the university a success. Also to my beautiful siblings Mr Kenneth, Mrs Okhire, Miss Constance and Miss Bridget, for their love and financially support. And also to my lovely Uncle Charles who has being a great support to my years of study and also call to check up on me. I deeply pray may God bless u all.

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CHAPTER ONE

INTRODUCTION

Background to the Study

The word right in the noun form means that to which a person has a just and valid claim, whether it be land, a thing, or a privilege of doing something or saying something ¹ The concept of Human Rights can be traced to the ancient Greece and Rome, where it was closely tied to the doctrine of the stoics, who held that human

conduct should be judged according to and brought into harmony with the law of nature ²

The law of nature are the universal moral standards that are inherent in human kind throughout all time and these standards should form the basis of a just society ³. Human beings are not taught natural law but rather we discover it by consistently making choices for good instead of evil. The universal declaration of human rights by the United Nations in 1948 marked the birth of the recognition of human rights, since its declaration it has become fashionable for most countries of the world to entrench it in their national constitution

Human rights are the rights that aspire to protect all people from several political, legal and social abuses. Human rights are rights that belong to an individual simply for being human⁴ these are rights that belong to every person from birth to death. It refers to the wide collection of values to improve human agency or to protect human interest. Human rights are the articulation of the need for justice, tolerance, mutual respect and human dignity in all of our activities ⁵ speaking of rights allows us to express the idea that all individuals are part of the scope of morality and justice. To protect human rights is to make sure that people receive some degree of decent and kindly treatment

In Nigeria the rights are protected under the 1999 constitution of the federal republic of Nigeria. The constitution guarantees fundamental human rights although Nigeria has been active in signing international human rights treaties, the problem is in implementing the treaties within the country. Nigeria operates a dualist system. Dualism is the existence of two separate systems of law existing in two

different spheres⁶. So in signing of an international treaty is not directly applicable until the ratification and domestication of the house of assembly.

To violate human rights is to deny individual their fundamental and moral entitlement. it is therefore to treat them as less human and under deserving of respect and dignity. Human right violation cut across all sphere of man's existence and the Nigeria security service have been one of the greatest violators of the said rights in Nigeria.⁷The security service of a nation are the integral part of the society that cannot be dispensed with, their responsibilities include the securing lives and properties, preservation of law and order, detection of any crime within Nigeria, maintenance of law and order

Section 214(1) of the 1999 constitution of the federal republic of Nigeria state thus: there shall be the police force of Nigeria which shall be known as the Nigeria police force and subject to the provision of this section; no other police force shall be established for the federation or any part therefor.⁹The Nigeria Police Force is the principal law enforcement and lead security agency in Nigeria, they are mandated to protect people's lives and property, prevent detect and investigate crime and prosecute offenders ¹⁰ the police is seen as the paramilitary and a department of the executive arm of government. The Nigeria police is under the control of the president of the country

The Special Anti-Robbery Squad (SARS) is a unit under the Nigeria police force unit created in 1992 to deal with crime associated with robbery motor vehicle theft kidnapping, cattle rustling and firearm.

Regrettably in Nigeria, Nigeria security forces are frequently alleged to carry out arbitrary arrest, torture, forced disappearance, assassinations and extrajudicial executions. Infarct Nigeria experience has shown the level at which people integrity and dignity are not respected and protected in the society

Aim and Objectives

The aim of this work is examine human rights in Nigeria using the Special Anti-Robbery Squad (SARS) as a case study, Lagos command from 2015- 2020; while the specific objectives this work/research seeks to cover are

1. To examine human rights in Nigeria
2. To examine the violation of Human Rights by law enforcement agencies
3. To examine the Special Anti-Robbery Squad and it failure in protecting human rights in Nigeria

Scope of Study

The scope of the work is to critically examine the rights of Individual in Nigeria, the violation of these rights by the institution created to protect and safeguard them from 2015-2019

Methodology

The credibility and authenticity of any research depend on the method used. This work will therefore adopt a historical research methods while for data collection this work s(hall rely on both primary and secondary source. The use of Libraries; The Nigeria Institute of International Affairs Lagos, John Harris Library University of Benin, Edo state Library Text book, Articles, Journals Newspaper and Online publication will be relied on

Literature Review

Clement Nwankwo wrote in his book on human rights litigation in Nigeria that it is a serious human right problem that the government institution are not in place and "the bull has not yet been trackled by the horn" that the government still permit human rights violation and that the government structure are suffering from shortcomings especially regarding regulations of police investigation into I'll treatment harassment committed by the authorities¹¹

Thomas Hobbes in his book The Leviathan argued that every man in the primitive society is born with an inmate natural right to self-preservation.¹²Nnamdi J Aduba, in his article on Human Rights practice on Nigeria past, present and future, defined human rights as those rights that are in the very nature of human person. They define and affirms humanity and injustice are prevented is redressed ¹³

According to Amnesty international report Nigeria 2019 human right report , in 2016 it was reported that SARS agent regularly tortured detainees in custody as a means of extracting confessions and bribe. In response to Amnesty international findings , the inspector general of police (IGP) reportedly admonished SARS commanders and announced broad reforms to correct SARS unit use of excessive force and failure to follow due process in 2017 citizen began a social media campaign to (EndSARS) to document physical abuse and extortion by SARS officers and demanded SARS unit be disbanded. The government failed to publicly release information on investigation and punishment of a majority of misconduct cases

Professor OsitaEze in his book Human Rights in Africa defined human rights as demands or claims which individuals or group make on society, some of which are

protected by law and have become part of the *lex lata* (the law as it is) while others remain aspiration to be attained in the future ¹⁴

Chapterization

To ensure that the aim and objectives of the research work is achieved, this research work will be divided into five chapters

Chapter One; Background to the study

This is the foundation of the entire research work .it contains introduction aim and objectives, scope of study, methodology, literature review etc

Chapter Two: Human rights law in Nigeria

This chapter examines the place of various Human rights law in Nigeria. The chapter traces the various international human rights law that Nigeria are signatory to

Chapter Three: Overview of the special Anti-Robbery Squad

This chapter seek to chapter seek to examine the origin of SARS, the general view of SARS it aim and objectives, it achievement and failures

Chapter Four: SARS and Human rights violation in Nigeria Lagos command 2015_2020

This chapter seeks to examine when and how SARS has violated people within Lagos during the time frame stated above

Chapter Five: Conclusion

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CHAPTER TWO

THE ISSUE OF HUMAN RIGHT LAW IN NIGERIA

Human rights means the freedom, immunities and benefit that according to modern value all human should be able to claim as a matter of right in the society which they live in¹

Nigeria is a federal republic with 36 states divided into 768 local government with an estimated population of 206 million Individuals provision have been made

under the 1999 constitution of the federal republic of Nigeria to regulate right that are prominent to citizens of the country²

They are different categories of rights which are relevant to the existence of human being some are considered as important while others are meditative of the values of the communities

Human are basically classified into three categories or generations which include

1 Civil and Political Right

2 Social, Economic and Cultural Rights

3 Solidarity Rights³

2.2 Civil and Political Rights

Civil and political rights are a class of rights that protect individuals' freedom from infringement by governments, social organizations and private individuals, and which ensure one's ability to participate in the civil and political life of the society and state without discrimination or repression.

These rights are referred to the first generation rights because it is a shield that safeguards individuals alone and in association with others against the abuse of political authority. Civil rights have played an important role in the advancement of human dignity, respect for the ways of diverse cultures and individuals, and democratic forms of government. These rights are core value featured in the constitution of almost every country in the world and dominating the majority of international declarations and covenants adopted since World War They include

2.2.1 Right to Life

The right to life is obviously the most important of all human rights because all other rights can be carried out by a person who is alive ⁴. Section 33 (1) of the 1999 constitution of Nigeria which guarantees the right to life provides as follow

Every person has a right to life and no one shall be deprived intentionally of his life, save in execution of a sentence of a court in respect of a criminal offence of which he has been found guilty ⁵

Article 4 of the African charter also guarantees the right to life in the following terms

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person no one may be arbitrarily deprived of his rights.⁶ This means that nobody, including the Government, can try to end your life. It also means the Government should take appropriate measures to safeguard life by making laws to protect you and, in some circumstances, by taking steps to protect you if your life is at risk. Public authorities should also consider your right to life when making decisions that might put you in danger or that affect your life

2.2.2 Right of Human Dignity

The right to dignity of the human person is a guaranteed under section 34(1) of the 1999 constitution in the following terms Every individual is entitled to respect for the dignity of his person⁷ Section 34(1) (a, b, c) also provide for the right of protection against slavery, right against torture and right against forced labor. Human dignity means that every human being is uniquely valuable and therefore ought to be accorded the highest respect and care for their own sake

2.2.3 Right to Personal Liberty

Article 6 of the African charter on human and people's right also guarantees the right to liberty as follow. Every individual shall have the right to liberty and the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law in particular no one may be arbitrarily arrested and detained.⁸This rights focuses on protecting individuals' freedom from unreasonable detention, You have a right to your personal freedom. This means you must not be imprisoned or detained without good reason. If arrested human rights provide that you be told in a language you understand the reason for your arrest, and taken to court within for trial within a reasonable period.

2.2.4 Right to Privacy

Section 37 of the 1999 constitution; guarantee the right to private life. This right protects their telephone conversation, their home privacy.⁹The right to privacy often means the right to personal autonomy, or the right to choose whether or not to engage in certain acts or have certain experiences. However, the protections have been narrowly defined and usually only pertain to family, marriage, motherhood, procreation and child rearing. Privacy is a right not to be disturbed emotionally by conduct designed to subject the victim to great tensions by baring his intimate life and affairs to public view or by humiliating and annoying invasions of his solitude The right to privacy often means the right to personal autonomy, or the right to choose whether or not to engage in certain acts or have certain experience.

2.3 Social, Economic and Cultural Rights

Economic, social and cultural rights are the freedom privileges and entitlement that individuals and communities requires to live a life of dignity they include the right to food, housing, health, education, work, cultural identity etc¹⁰

Economic, social and cultural rights are recognized and protected in international and regional human rights instruments. Member states have a legal obligation to respect, protect and fulfill economic, social and cultural rights and are expected to take "progressive action" towards their fulfillment. These rights are called the Second generation rights because they require governments to take affirmative action they have a direct financial bearing upon the provision of government services. Nigeria ratified the united international convention economic, social and cultural rights on the 29th July 1993 the rights under this category include:

2.3.1 Right to Housing

The United Nations identify adequate housing as a fundamental human right defining it as the right to live somewhere in security, peace and dignity it further clarifies these rights to include security of tenure adequate conditions protection against forced evictions and access to affordable housing according to the United Nations international convention on economic social and cultural rights,¹¹

2.3.2 Right to Food

Right to food is an important right, food must be available and obtainable individuals should be able to have an adequate diet without compromising on the other diet, it should be safe for human consumption and it should be accessible for both present and future generation¹²

2.3.3 Right to Education

The right to education has been recognized as a human right in different convention including the international convention on economic, social and cultural right which Nigeria happens to be a signatory to but the federal republic of Nigeria state otherwise because the Constitution has not expressly provide for fundamental right to education in Nigeria rather it consider education as a privilege and a right that is not justifiable ¹³

2.4 Solidarity Rights

The right to international solidarity is a human right by which individual and people are entitled on the basis of equality and non-discrimination. It is the expression of a spirit of unity among all individuals, people state and international organization encompassing the union of interest, purpose and actions and the recognition of different needs and rights to achieve common goals .The principle of solidarity is based on justice, equality, non-interference, self-determination mutual respect and accountability in international relations

In this category we can identify the so called solidarity rights, rights which cannot be exerted only by an individual, but only collectively, like:

1. The right of people to self-determination;
2. The right to peace;
3. The right to development;
4. The right to humanitarian assistance;
5. Environmental law;
6. The right of sexual minorities, ethnic, religious, linguistic, etc.

These rights have a positive consecration, generally in international law. The rights in this category cannot be exerted individually, but only by groups or collectivities of people. ¹⁴

2.4.1 Convention That Nigeria Belong To

Nigeria is a signatory to different convention related to human right in international level some of the convention Nigeria are signatory to include

1. International Covenant on Civil and Political Rights (ICCPR) 29 July, 1993.
2. International Covenant on Economic, Social and Cultural Rights (ICESCR) 29 July, 1993.
3. Optional Protocol on ICCPR concerning individual petition.
4. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 28 June, 2001.
5. International Convention on the Elimination of all Forms of Racial Discrimination (CERD) 16 October, 1967.
6. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 23rd April, 1984.
7. Optional Protocol on the Elimination of all Forms of Discrimination Against Women (22nd November, 2004).
8. Convention on the Rights of the Child (CRC) 19th April, 1991. ¹⁵.

Nigeria is also a signatory to convention related to human right in the regional level. Nigeria is a member state of the African union and has also ratified several regional human right treaties which include

1. African charter on human and people's rights ratified in 1983

2. African charter on the right and welfare of the child ratified in 2001
3. Protocol to the African charter on human and people's rights on the establishment of the African court on human and people's right ratified in 2004
4. Protocol to the African charter on human and people right on the right of women ratified in 2004 ¹⁶

The Nigerian constitution outlined in its provisions fundamental human rights and the United Nations in 1948, in her Universal declaration of human rights itemized those rights of human. The problem is not that the leaders do not know about the law, it is the problem of implementation. For any development to take place government should find a way to marry democracy, rule of law and human rights. The inherent rights and liberty of citizens as a constitutive work-force and human capital of the nation must of necessity be adequately protected and guarantee before democracy and development can be realized. For democracy to flourish, the human rights of individuals must be protected. Institutions of government saddled with the promotion of these rights must be functional and pro-active in maintaining and safeguarding of these basic rights. ¹⁷

Despite Nigeria's overwhelming ratification of human rights treaties and commitments at international and regional level Nigeria continue to face disturbing human rights crisis across the country. The Nigerian government has clear national and international obligations to promote, protect, respect, and fulfill human rights The government must demonstrate its commitment to human rights by taking concrete actions on the proposed recommendations made as a matter of priority and ensuring that human rights are not suppressed.¹⁸

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CHAPTER TREE

AN OVERVIEW OF THE SPECIAL ANTI-ROBBERY SQUAD

SARS is one of the Nigeria Police Force units that is saddled with the responsibility of fighting crime in the society; specifically, robbery and kidnapping. It was founded by Simon Danladi Miden a commissioner of the police. It was one of the fourteen units in the Force Criminal Investigation and Intelligence Department, of the Police Force and was established to detain, investigate, and prosecute those involved in violent crimes such as armed robbery and kidnapping¹.

While it was credited with having reduced lawlessness in its initial years, the Special Anti-Robbery Squad was later accused of becoming a criminal enterprise that acts with impunity.

Before the establishment of the Special Anti-Robbery Squad, Anti robbery was the responsibility of the Nigerian Police Force generally although, from 1984, Anti robbery units existed separately as part of different states' criminal investigation departments².

The Nigeria Police was first established in 1820 but it was in 1930 that the northern and southern police forces merged into the first national police force; called the Nigeria Police Force. The colonial state established a police force as a means of solely enforcing its will and not to protect its subjects from any form of resistance and violence. The colonial state was also deemed to be above the law. It had a monopoly of deadly arms and force which it could apply at will and the power to crush and criminalize those that disagree. The colonial state failed to view any of its acts of

suppression, violation and violence as unlawful. However, any act of resistance to its will was deemed as terrorist³.

At Nigeria's 1960 independence, the major political question regarding policing was whether the three regions that formed the country at the time should have their own police forces or if the federation should direct the police. Anxieties from this period motivated the current structure of the Nigerian Police Force, which is controlled by the federal government. The organization also stemmed from the widespread fear that regional leaders would deploy police forces against their political enemies.

The Special Anti-Robbery Squad is a federal police force created during Nigeria's long military dictatorship. Military rule in Nigeria lasted from 1966 to 1999 with two brief interruptions, punctuated by the Nigerian Civil War from 1967 to 1970. After the war, economic volatility and a glut of leftover firearms contributed to a spike in property crime.⁴

One major incident that prompted the creation of SARS was when Col. Rindam, a military officer from Plateau State met his death at the hands-off police operatives at a check point in Lagos. Upon discovery of that, the army took to the streets in Lagos in search of policemen. As a result, policemen abandoned the streets in Lagos and withdrew to barracks. Robbers then had a field day in Lagos, operating with impunity. It took two weeks of talks before the military and police authorities succeeded in convincing the army chaps to return to barracks and for the police to come back to the roads. By that time, it was too late. Armed robbers were in control in Lagos⁵

Nigeria's military rulers responded to a national crisis of armed robbery by imposing martial law and making robbery a capital offense. SARS was established in 1992 as part of one such crackdown. But it endured after Nigeria returned to a civilian-led democracy in 1999.

Special Anti-Robbery Squad is a dreaded anti-crime unit of the Nigeria Police Force founded in 1992 by Simeon Danladi Miden, a retired commissioner of police who added the word "special" to the already existing Anti Robbery Squad Department. Its mandate included arrest, investigation and prosecution of suspected armed robbers, murderers, kidnappers, hired assassins and other suspected violent criminals⁶

3.2 Duties of Special Anti-Robbery Squad

However, the duties of the Special Anti-robbery Squad (SARS) are:

1. To reduce armed-robbery that has become so rampant in our today-society.
2. To deal with crimes associated to armed robbery, car snatching, kidnapping, cattle rustling, and crimes associated to fire arms.
3. To secure lives and properties, prevent, detect crimes and apprehend offenders

It was discovered that, most of them lacks orientation on human relation which is a big gap the Nigeria Police Force need to cover by re-orienting them. Again, it was discovered that some of the personnel smoke and drink. They are often intoxicated while on duty, wielding sophisticated guns. Commission need to often re-orient these officers on human relations⁷

One other distinctive feature about the unit at its initial stage, was that the operatives never stood on the road looking for robbers. Rather, they met the robbers

on their beds and hideouts. Gradually, they were able to dislodge the terror gangs and restored calm in the state.

SARS only grew in aggression and power, In the early 2000s, as cybercrime became more common in Nigeria, SARS devoted its energy to finding the perpetrators but, rather than investigating crimes digitally, SARS officers began profiling people on the street, openly harassing and extorting those they seemed suspicious. In 2002, SARS spread from Lagos to other states. Its mandate was to arrest, investigate, and prosecute suspected armed robbers, murderers, kidnappers, hired assassins, and other violent criminals.

They were also known to mount illegal road blocks, conduct unwarranted checks and searches, arrest and detain without warrant or trial, rape women, and extort young male Nigerians for driving exotic vehicles and using laptops and iPhones.

SARS officers have moved on to targeting and detaining young men for cybercrime or being “online fraudsters”, simply on the evidence of their owning a laptop or smartphone, and then demanding excessive bail fees to let them

Reports of human rights violations committed by SARS have continued to increase despite repeated promises of reform and accountability by the Nigerian government and the police authority the police authorities created a Complaint Response Unit (CRU) in November 2015, through which the police could process complaints from the public. To date, no SARS officer has been found responsible for torture, ill-treatment of detainees or unlawful killing⁸.

Findings also show in the study that arrested persons who are detained by SARS have lots of complaints leveled against them. Arrested persons alleged that they

do not read them their rights to remain silent, but subject them to torture, starvation and difficult conditions to make confession to accusations. Many persons have accused SARS of not allowing their lawyers to have a discussion with them in private and to even give them legal counsel while in police custody. Also, in police cells, detainees complain of ill-treatment, overcrowding and infestation of diseases

The Special Anti-Robbery Force is not only responsible for failing to respect human rights; the poor performance of SARS to tackle on crime, the high level of corruption reported within their ranks and the constant human rights violations being committed by the security forces also pose a serious threat to the peace and stability of the country and foster an ever higher level of mistrust and suspicion towards the police among Nigerians. This act of irresponsibility by SARS is traceable to illiteracy, poor job orientation and lack of supervision which is hostile to the overall interest of the citizen. No single individual is above the law and the law has spelled out the rights of the citizens which must be accorded with utmost respect and negligence ⁹

The mandate of SARS went beyond patrolling and investigating. It also made judgments about guilt and meted out punishment, just as policemen and soldiers had done during military rule. That punishment could entail torture, and even death, SARS officers also tormented Nigerians with more mundane harassment. They set up checkpoints to search cars and phones for “evidence” to find incriminating things in order to demand bribe and serve penalty to those who do not submit to their request.

The Nigerian authorities have failed to prosecute a single officer from the notorious Special Anti-Robbery Squad (SARS), despite anti-torture legislation passed in 2017 and evidence that its members continue to use torture and other ill-treatment

to execute, punish and extract information from suspects, The systemic use of torture and other ill treatment by SARS officers for police investigations and the continued existence of torture chamber within the Nigerian Police Force points to an absolute disregard for international human rights laws and standards¹⁰

The Special Anti-Robbery Squad was created to combat crimes but in the reverse, they rather commit crimes, subjecting innocent civilians to inhumane treatments and extra-judicious killing. And this has birthed a number of agitations by the public for either a reform or a disband of the said unit

August 2015, in an effort to address persistent complaints about human rights violations by SARS officers, the then IGP announced a major reorganization. Two separate units were to be set up, covering operations and investigations respectively. Additionally, in early July 2015, the IGP ordered a review of police regulations, known as Force Order 237. These regulations permit officers to shoot suspects and detainees who attempt to escape or avoid arrest, whether or not the detainee poses a threat to life. This is a violation of the right to life, and of international standards on the use of force.¹¹

Nigerian Police Force Order 237 (Rules for guidance in use of firearms) provide for much wider scope for the use of force than is permissible under international law and standards. This provision is being abused by some police officers to commit, justify and cover up acts of torture and other forms of ill-treatment, as well as extrajudicial executions. However, these reforms have so far not translated into any significant improvement in practice for SARS officers in the field. Out of

nine police officers interviewed by Amnesty International, eight were not aware of these reforms.

On 14 August 2018, the Nigerian Vice-President ordered an immediate reform of SARS, citing the widespread public outcry against their conduct, as the basis for the order. He also directed the National Human Rights Commission (NHRC) to set up a judicial panel to investigate SARS alleged unlawful activities. Hours later, the police authority announced a list of reform measures aimed at increasing SARS' public accountability for its actions. The measures include the change of name from Special Anti-Robbery Squad (SARS) to Federal Special Anti-Robbery Squad (FSARS), the appointment of high-ranking police officer to supervise the operation of FSARS and the restriction of FSARS operations to the prevention of armed robbery and kidnapping. He also directed the IGP to ensure that all operatives in the emerging Unit conduct their operations in strict adherence to the rule of law and with due regard to International Human Rights Law and the constitutionally guaranteed rights of suspects. The operatives should also bear proper identification anytime they are on duty.¹²

Despite these promises of reform and accountability for violations, this report shows that SARS officers continue to subject detainees in their custody to torture and other forms of ill-treatment with total impunity.

With the disreputable legacy they have garnered over the years, they are nothing less than the villain they have been asked to fight against. Many Nigerians feel that the unit has deliberately profiled and targeted young people, especially those with tattoos, dreadlocks, and visible possessions such as phones and laptops. Over the years,

Nigerian authorities have repeatedly promised to reform SARS and ensure accountability for abuses by its officers, but with few results

In 2017, Nigerian activists, youth and celebrities across the nation took to the streets in a peaceful protest to spread awareness of SARS brutality and extortions and to demand its disbanding. The protests also moved to social media using the hash tag EndSARS

End SARS started as a call for the disbandment of Nigeria's Special Anti-Robbery Squad (SARS), a unit of the Nigerian Police Force that has earned notoriety for its brutality and human rights violations. The hash tag was first used in 2017 to raise awareness of allegations of violence and exploitation by SARS officials.¹³

Many of the protesters were young, aged between 18-24. They are deeply dissatisfied by an education system regularly disrupted by striking lecturers, unstable electricity and poor job prospects¹⁴

The protesters' demands were straightforward: The federal government should abolish SARS, provide justice to victims of police brutality, and reform the police. Youth are demanding more respect for human rights and a deepening of democracy. The protesters are also demanding a revival of the educational and health systems and stronger efforts toward job creation

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CHAPTER FOUR

A CRITIQUE OF HUMAN RIGHTS VIOLATION BY THE POLICE

Human Rights Abuse: in the Oxford Advanced Learners Dictionary (6th Edition) defined abuse as unfair, cruel or violent treatment of somebody.¹ Along the same view, Longman Dictionary of Contemporary English described it as the act of using something in a way that it should not be used. Human right abuse is a violation of human right. It also means denying human his fundamental human rights as it involves treating man in a cruel, unfair and violent way or less human. In the recent past, human rights violations and abuses in Nigeria had held people down and devalued the nation²

Despite more than a decade of democratic governance and endorsement of universal declaration of human rights charter, Nigerians still face a lot of human rights abuses. This is because contrary to democratic values, the state is still largely authoritarian in leadership and security operations. Cases of human rights violations is described as becoming a culture of impunity in the country they includes extrajudicial illegal killings, detention, destruction of property by security forces etc. The obvious violation of human rights in democratic Nigeria by so many governmental agencies casts doubt on the provision of real democratic practice in Nigeria. Respect for human rights enriches democracy and makes it the best option among many others. The Nigerian democracy is stripped of its one of its beauties, (upholding human of rights), by the rulers and their groups³

Special Anti-Robbery Squad (SARS) in Nigeria was established to address insecurity and crimes in the nation. Rather than achieve their stated objective, they

began profiling and harassing young people which led to wrongful arrests, brutalization and loss of innocent lives

SARS officers have been alleged to view young Nigerians, mostly males, based on fashion choices, tattoos and hairstyles. They were also known to mount illegal road blocks, conduct unwarranted checks and searches, arrest and detain without warrant or trial, rape women, and extort young male Nigerians for driving exotic vehicles and using laptops and iPhones. SARS was controversial for its links to extrajudicial killings, forced disappearances, extortion, torture, framing, blackmail, kidnapping, illegal organ trade, armed robbery, home invasions, rape of men and women, child arrests, the invasion of privacy, and polluting bodies of water with the illegal disposal of human remains. SARS was investigated several times in response to protests, but without results; reforms were promised in 2016 2017, 2018

2016 report by Amnesty International, indicted SARS maintaining that the squad was responsible for human rights abuses, cruelty, degrading treatment of Nigerians in their custody, and other widespread torture. Some of the human rights abuses by SARS include the shooting of their detainees in the leg, mock executions and threats of execution, hanging and physical assault

Consequently, If an organization established with the sole responsibility of keeping Nigerians safe is not living up to expectation, then of what use is this agency? Stories of how individuals were unlawfully beaten, thrown into jail or arrested are being retold in all corners, people no longer feel safe walking the street .The government failed to promptly, thoroughly and effectively investigate allegations of human rights violations and abuses or bring suspected perpetrators to justice. In particular, no

genuine steps were taken to investigate or prosecute crimes committed by the so called officers

According to the 2016 budget the police got 7.2billion Naira, so it couldn't have been an issue of underfunding it has become a norm that need to be put to an end ⁴

SARS officials have violated so many rights of individuals and groups which would be outlined and discussed in this chapter these rights include

4.1.1 Violation of Right to Life

SARS officers have been accused of committing arbitrary unlawful killings or extrajudicial killings of citizens of the country⁵ they also use excessive force to apprehend criminal and suspect which is on the high side because it might not only lead to the death of the citizen but it is also a threat to their life according to section 33(1) of the 1999 constitution of the federation it states "that no one shall be deprived intentionally of his life " it further stated that when a person has not been found guilty of a criminal offence he should not be treated as one.

4.1.2 Violation of the Right of Privacy and Family Life

It is common for SARS to stop and search individuals in broad day light and forcefully extort money from them they even collect their phones to scroll through all messages, pictures, videos, and even social media chats.⁶ some would argue that they are doing their jobs to keep citizens safe it should be noted that there is something called privacy (Right to privacy) that has been provided for expressly under section 37 of the 1999 constitution of Nigeria this section guarantee the rights of citizens to protect their phone conversation which SARS often violate .SARS officers have also been accused of breaking into homes of suspect without their permission and without

a warrant which is also a violation of their family life and privacy both in the Constitution and in the international level

4.1.3 Wrongful Detention or Arbitrary Arrest of Citizen

Although the Constitution and law prohibit arbitrary arrest and detention ,the police, security and even SARS employ this service in order to collect bribe, parent for bail that not necessary. I'm the prosecution of case SARS officials fail to follow due process and arrest suspects without appropriate arrest and search warrant. They also detain suspect without telling them the reason for their arrest which is contrary to the provision of the Constitution they also deny them access to counsels, lawyers family members and friends . They make families pay huge amount of money before realizing the victim sometimes they even withdraw and empty account of victims before realizing them.

4.1.4 Torture and other Inhuman or Degrading Treatment or Punishment

It is a very common attribute of the special Anti-Robbery squad to torture their victims. They make people go through physical emotional and physiological torture , they do so in order to inflict fear on their victims so that they can carry out their evil agenda they go as far as beating victims mercilessly using sticks and different object to hit them like machetes, gun butts, boots, fists, electrical wires, animal hides, and other instruments sing electric to torture them they even go as far as teeing them then turning them upside down in other to force out incrementing words out of their mouth they also use technique commonly referred to as “parading” of arrestees, which involved walking arrestees through public spaces and subjecting them to public

ridicule and abuse. All these are clear cut violation on the right of citizens that have been provided for in the Constitution and also in Anti torture act passed in 2017

4.1.5 Denial of Trial and Trial Procedures

According to constitutional or statutory provisions, defendants are presumed innocent and enjoy the rights to: be informed promptly and in detail of charges ; receive a fair and public trial without undue delay; be present at their trial; communicate with an attorney of choice (or have one provided at public expense); have adequate time and facilities to prepare a defense; confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal. Authorities and SARS officers did not always respect these rights, most frequently due to a lack of capacity and resources. Insufficient numbers of judges and courtrooms, together with growing caseloads, often make trial impossible and in place of trial they suggest bail on which they charge for it instead of making bail free.⁷Not too long, a new trend of harassment was added to the list, as Nigerian youths were routinely arrested for frivolous reasons such as wearing dreadlocks, driving posh cars or having expensive phones. These youths would be arrested on allegation of being internet fraudsters and at the end, forced to part with cash.

All these and many more Rights violated by the special Anti Robbery Squad has led to protest and a call to EndSARS.

End SARS is a decentralized social movement, and series of mass protests against police brutality in Nigeria. The protests which takes its name from the slogan started in 2017 as a Twitter campaign using the hash tag #EndSARS to demand the disbanding of the unit by the Nigerian government The public responded positively to

the hash tag by documenting abuses by SARS officers and demand the end of impunity for those human rights violations. An anti-torture law was adopted which established torture as a criminal act and provided penalties for cruel and inhumane treatment. At the end of that year, broad reforms of SARS were again proposed to tackle the issue of excessive use of force. However, members of the unit were still enjoying impunity.⁸

In 2018, then acting president, Prof. Yemi Osinbajo, ordered the reform of SARS amidst a growing outcry over the abuses of the unit, but its members were never held accountable for their unlawful activities. A Presidential Commission of inquiry was formed to investigate the unit activities and findings were submitted to the government. The public was kept in the dark about the outcome of their findings

In recent years, the Nigerian authorities made promises to take care of the issue and disband SARS. However, the members of SARS continued to extort, rape, torture, and kill.

Past Inspector General of police Ibrahim Idris, had centralized operations of SARS into FSARS at the force headquarters and placed it under the Deputy Inspector-General of Police as part of the reforms of the squad. The decentralization has since generated controversies because it was just a change of name and it committed more crimes this reform was not successful therefore, The immediate past Inspector General of police Muhammed Adamu, ordered the immediate decentralization of operations of the Federal Special Anti-Robbery Squad (FSARS) unit. He said that the Federal Special Anti-robbery Squad (FSARS) was decentralized to correct the abnormality in the squad and restore order in the country.⁹

Frank Mba, the Force PRO, disclosed that the decentralization of FSARS will bring the police close to the people according to him “What we are doing now is to correct the abnormality, restore order and bring the Police closer to the people, but Mba said the reform will be holistic, noting that the “reforms on SARS is not going to be cosmetic.” “We are not going to deal with just nomenclature issues. We are going to carry out deep-rooted reforms that are designed to make not just SARS operatives but the entire officers and men of the Nigeria Police Force to become citizen-centered in the discharge of their duties. ”After all that was said the and done SARS brutality still continued

4.2 The EndSARS Protest

The EndSARS protests became a symbol for broader resentment and opened the path for marginalized Nigerian youths to vent bottled-up grievances against the government, starting with the excesses of SARS, which the government has failed to address after several promises of reform. Problems with SARS are not new, in fact: Protests against its brutality date back to 2010, and announcements on disbanding it were first made in 2014, then again in 2015, 2016, and 2019¹⁰

Efforts to ban SARS increased in October 2020 after a SARS police officer shot a young Nigerian man in front of the Wetland Hotel in Ughelli, Delta State. Video of the incident trended on social media, leading to nationwide protests within a few days. The protests quickly expanded from an online hash tag to widespread street protests in days. Few days later, protests erupted across Nigeria on Monday 5 October 2020, another report surfaced of SARS officers killing a 20-year-old upcoming musician named Daniel Chibuike, popularly called Sleek in his neighborhood.

On Thursday 8 October 2020, nationwide protests on ENDSARS started after weeks of outrage and anger with videos and pictures showing police brutality, harassment and extortion in Nigeria. The protests were led predominantly by young Nigerians in different cities alongside many activists and celebrities. The End SARS protests were largely decentralized with no actual leaders. In Lagos, protestors marched to the Lagos State House of Assembly to demand an end to SARS. The following morning, an emergency session of the Lagos House of Assembly was held as lawmakers allowed some protestors into the building to observe proceedings.¹¹ A motion was passed and agreed on by legislators who voted in favour of the protestors to end the rogue police unit SARS. While the protest continued on Saturday 10 October 2020, the Nigerian police started dispersing the youths with tear gas and water.

On 11 October, the Inspector-General of Police Mohammed Adamu announced the disbandment of SARS on live television and said a new tactical team would be unveiled shortly. But it was the 5th time since 2015 that the Nigerian authorities pledged to reform the police and disband SARS. However, protests continued as Nigerians believed the announcement was just "audio talk" (Nigerian slang used to describe something that is said but not implemented). The new hashtags EndSWAT and SARSMUSTEND went international as protestors called for the new unit to be scrapped as they thought several members of the defunct SARS would be integrated into the new unit.¹²

On Sunday, 11 October 2020, the protestors made a list of five demands to be met by the Federal Government of Nigeria. The demands which were signed by 'A

Nigerian Youth' demanded for the immediate release of all arrested during the protests as well as justice and compensation for all who died through police brutality in Nigeria. They also demanded that an independent body be set up within 10 days to investigate and prosecute all reports of police misconduct and the protesters also asked for the psychological evaluation and retraining of SARS operatives before they are deployed to any other police unit. Lastly, they asked for adequate increase in the salaries for officers of the Nigerian police.

As the protests gained more momentum and exposure Plans were then put in place to prosecute some former SARS members for extortion, rape, and murder.¹³ Several reports on international news outlets, including BBC Africa and Al-Jazeera, showed federal police tear-gassing protestors, shooting live ammunition, and using water cannons on them.²⁰ October, between 6:45 pm and 9:00 pm, the Nigerian army and police reportedly killed at least 12 peaceful protesters and left several injured in Lekki and Alausa in the cosmopolitan city of Lagos. The security forces, without warning, opened fire on thousands of people who were peacefully calling for good governance and an end to police violence as part of the EndSARS movement. On that day alone, 38 people allegedly died across Nigeria.

Authorities did not deny carrying out a crackdown, but refused to claim the deaths as of 21 October 2020. Brutality by the police forces made the protesters angrier intensifying the scale of the protests. Those considered as financial backers or leaders of the #EndSARS movement by authorities have been targeted. Some had their bank accounts frozen or their passports seized to keep them in the country.

Three of the country's prominent news agencies were fined for broadcasting social media footage of the EndSARS protests and security forces shooting protesters.¹⁴ However, the following rights listed below were breached by the Nigerian security personnel's and the government had little or nothing to say about the incident but rather insisted that the protest be put to a stop without fully meeting the demands of the protesters.

1. Section 40 of the Nigerian 1999 constitution which gives the freedom of citizens of Nigeria to assembly freely and associate with one another, to form or join any association of people in Nigeria in support of his interest.¹⁵

Section 39 of the Constitution these provisions grant every Nigerian the freedom to receive and express their opinion, ideas and information. It also grants the right to establish and operate any medium used in disseminating information in Nigeria subject to the regulations of wireless broadcast.¹⁶

2. Freedom of expression is one of the fundamental rights, which are universally recognized and protected. Freedom of peaceful assembly enables individuals to express themselves as part of citizens of a state by engaging in public marches, protests, pickets and demonstrations. Assemblies can be platforms to advocate for change and for people to raise awareness about the issues that matter to them, whether it relates to human rights or otherwise

3. Section 33 of the Constitution that guarantee right of life of citizens

4 section 34 of the Constitution that guarantee dignity of human person

5 right to personal liberty

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CHAPTER FIVE

CONCLUSION

Human rights are the rights that aspire to protect all people from several political, legal and social abuses. Human rights are rights that belong to an individual simply for being human these are right that belong to every person from birth to death. It refers to the wide collection of value to improve human agency or to protect human Interest

Human right violation cut across all sphere of man's existence and the Nigeria security service have been one of the greatest violators of the said rights in Nigeria SARS is one of the Nigeria Police Force units that is saddled with the responsibility of fighting crime in the society; specifically, robbery and kidnapping. It was founded by Simeon Danladi Midena a commissioner of the police

The mandate of SARS went beyond patrolling and investigating. It also made judgments about guilt and meted out punishment, just as policemen and soldiers had done during military rule. That punishment could entail torture, and even death, SARS officers also tormented Nigerians with more mundane harassment. They set up checkpoints to search cars and phones for “evidence” to find incriminating things in order to demand bribe and serve penalty to those who do not submit to their request

The need for this government to be proactive around security issues cannot be over-emphasized. It needs to start listening to public opinion when the governed says we don't want this agency or this agency has outlived its usefulness then get up and do

something. In a democracy setting, the rule of law protects the rights of citizens, maintains order and limits the power of government.

In this case, SARS operative and the Police should be protecting Nigerians not robbing them. Let us also remember that Institutions are part of what makes a country democratic, the earlier the government begins the reformation of the earlier the government begins the reformation of police force and ending SARS operations; the easier it will be to regain the confidence of the citizenry. The law that established these security agencies need to be revisited and see how these new developments could be included.

In a developed and some developing countries the police, SARS inclusive are meant to wear a body camera this is something the government needs to consider. Headcount and clocking in for duty and off duty should be introduced.² Their superiors should stop asking for returns, Nigerians are not their clients. Legislators should push for more stringent laws and set an example of defaulters. All SARS operatives should be in their uniform and conform to the guiding rules that established it.

The fact is if we don't stand up against SARS' brutality and abuse of human rights in Nigeria, soon it will be an ill wind that is stronger than hurricane and windstorms combined and it could carry you or your family too, Until there are checks and balances, killing and maiming citizens as they go about their business will continue to happen; it also means that public safety is not in the presidency's bucket list.

Firstly, there is the need to address the systemic abuse of civil and political rights by the police and other government agencies. The government needs to commence intensive human rights training for all law enforcement officers. Officers should also be regularly appraised on their human rights compliance and erring officers prosecuted. In order to effectively protect the rights to life and freedom from torture, the government must ensure that it treats reports of violence, torture, and extrajudicial killings with the gravity they deserve. Such reports must be duly investigated through transparent means such as public inquiries and inquests, and victims should be adequately compensated. On the right to fair trial, the government must also initiate reforms to ensure that suspects are not detained without trial. The right to privacy can also be better protected by the government taking a clear stand on routine stop and search operations which appear to be an avenue for extortion by the police.

In view of this tragic development, it is important to us that we create awareness of the human rights that protect Nigerians as contained in the Constitution of the Federal Republic of Nigeria 1999, the African Charter on Human and Peoples' Rights and the United Nation's Universal Declaration of Human Rights and its enforcements

EndSARS is rejecting notions of unnecessary hierarchy. They are fighting for a systems change. They are fighting for their lives – and for justice over the killings of their peers, some of whom died while asking not to be killed. EndSARS is a demand for existence, a chance for Nigerians to reset their nation. Meanwhile, it was observed that some of the public attacks on civilians are carried out by operatives of other

tactical units who wear black jackets like the SARS. Most times, conventional policemen would wear their black vests and take to the streets arresting Nigerian youths, who would conclude they were SARS operatives. At other times, criminals, some who were later discovered to be dismissed policemen, wear these black vests to extort civilians, only for the victims to tag them SARS operatives. For proper identification of SARS personnel, a new jacket where the name SARS officers should be boldly spelt behind in addition to names and of personnel sewn on it, was produced. Operatives digressed from Special Anti-Robbery Squad (SARS) to Specialized Acts of Robbery Squad due to lack of monitoring mechanisms in the unit as well as the service in general. So therefore they should be proper check in their activities

There should also be regular medical checks for SARS operatives “to identify those with mental issues, psychological challenges, drug addiction and others, in order to prevent unnecessary provocations, intimidations and oppression”

The leaders should institute public enquiry on the extra-judicial activities, killings, maiming and dehumanization of our youths by the Anti- Robbery Squad ensure they should also ensure that the victims are duly compensated while erring officers’ sanctioned appropriately all SARS cells across Nigeria should be opened for an independent investigator to look into cases of detainees.

We call on all leaders to take steps to lower tensions, engage young people to give them assurances that their cause is not lost, and close ranks to stop subversives from plunging the nation into deeper crises. EndSars was birthed by gross human rights violations and sheer disregard for human life. It is only reasonable that future

policies make room for effective human rights protection to address the many problems the campaign has highlighted.

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