

Assessing Police Brutality, Accountability, and Human Rights in Nigeria's Rule of Law

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CERTIFICATION

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APPROVAL

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DEDICATION

This work is dedicated to Almighty God, whose mercy, grace, wisdom and strength carried me through my academic journey. I also dedicate this project to my Dad and Mum for their love, unwavering support, which remained my greatest source of motivation.

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TABLE OF STATUTES

International

- ❖ Universal Declaration of Human Rights 1948
- ❖ The International Covenant on Civil and Political Rights 1966

Regional

- ❖ African Charter on Human and Peoples' Rights 1981

Domestic

- ❖ Police Act 2020
- ❖ Evidence Act 2011
- ❖ Anti-Torture Act 2015
- ❖ Constitution of the Federal Republic of Nigeria 1999(as amended)
- ❖ Administration of Criminal Justice Act 2015

TABLE OF CASES

- ❖ *Lagos State v. Ojukwu (1986) 1 NWLR (Pt 18), 621 at 647*
- ❖ *State v. saluwa (2011) 18 NWLR (pt.1279) 580*
- ❖ *Jimoh v. The state (2014) LPELLR-224646(CA)*
- ❖ *Chukwuma v. Commissioner OF POLICE (2006) 1 NWLR (Pt. 962) 504*
- ❖ *Ezeadukwa v. Maduka(1997) 8 NWLR (Pt. 518) 635*
- ❖ *Ogugu v. The State (1998) HRLRA 167 at 187*
- ❖ *Abacha v. Fawehimi (2000) 6 NWLR (Pt. 660) 228 (SC)*
- ❖ *Odafe & Ors v. Attorney General of the Federation (2004) AHRLR 205*
- ❖ *Ransome-Kuti v. Attorney-General of the Federation*

LIST OF ABBREVIATIONS

- ❖ NHRC- National Human Rights Commission
- ❖ EHRC- Equality and Human Rights Commission
- ❖ ICCPR- International Covenants on Civil and Political Rights
- ❖ ICESCR- International Covenant on Economic, Social and Cultural Rights
- ❖ CLEEN- Center for Law Enforcement Education

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ABSTRACT

In Nigeria, there has been incessant abuse of its citizens' rights by the Special Anti-robbery Squad(SARS) which led to popular EndSARS protest. SARS was controversial for its connection to extrajudicial killings,unlawful arrest, torture, lackmail, framing, extortuion, rape etc. Police brutality has resulted to resistance to police orders and activities by the citizens leading to legitimacy crisis.Victims of this harsh treatment are afraid to seek redress in court because they rarely receive justice. Even after the well-known 'End SARS' protest, citizens continue to complain about the police force's violent behavior. Moreover, the accused (police) often go free and are not apprehended for their crimes. This ongoing brutality has weakened the legal system and rendered it ineffective.The constitution of the Federal Republic of Nigeria, the Nigeria Police (Establishment)Act, international conventions, professional ethics and other statutes, regulate as well as constrain the use of force by police.Despite these regulations, the police in many societies resort to using extreme force beyond limits as permitted by law in discharging their duties and in the process grossly disregard of the rule of law. Hence,this work critically examines police brutality and the rule of law by assessing its legal framework, accountability mechanisms, and human rights implications resulting from the use of excessive force by the Nigeria Police Force. The research evaluates the effectiveness and sufficiency of existing laws in regulating police conduct and preventing human rights violations. Additionally, the study assesses the human rights consequences of police brutality, particularly violations of rights to life, liberty, dignity, and movement. Using doctrinal analysis, the research identifies institutional weaknesses that undermine adherence to the rule of law. The findings emphasize the importance of comprehensive reforms, better oversight, and increasing public trust to ensure

lawful and accountable policing. The study ends with practical suggestions for enhancing accountability measures and safeguarding human rights within democratic governance.

CHAPTER ONE

GENERAL INTRODUCTION

1.1 BACKGROUND OF THE STUDY

The Nigerian police force is designated by *Section 214 of the 1999 Constitution*¹ as the national police with exclusive jurisdiction in Nigeria. The Nigerian police force (NPF) started with a thirty-member consular guard in Lagos colony in 1861, under the British colonial government.² The colonial government joined Lagos colony and the Southern and Northern protectorates in 1913 and named the colony Nigeria. In 1930, the separate police forces of the northern and southern regions were merged to create the first unified Nigerian Police Force (NPF).³ The establishment of the Nigerian police force is further codified in *Section 1 of the Nigeria Police (Establishment) Act*, while *Section 4* of the same legislation outlines the duties of the Nigerian Police Force, which include maintaining law and order, protecting lives and property in the country, amongst others.⁴

¹ Constitution of the Federal Republic of Nigeria 1999 as amended

² <https://irp.fas.org/world/nigeria/npf.htm> accessed 31st July, 2025

³ Nigeria Police Watch: Policing Your Police <https://www.nigeriapolicewatch.com/resources/ab> accessed 31st July, 2025.

⁴ Nigeria Police (Establishment) Act 2020

Globally, police brutality is a persistent issue in law enforcement cycle. It is a frequent phenomenon for armless civilians to be brutalized by law enforcement officers. Globally, respect, protection for human rights and the preservation of civil liberty are the distinguishable hallmark of liberal democracy. Police brutality runs contrary to upholding these rights freely entrenched in the constitution of different countries and regions. Police officers are sworn to protect and serve the public, they maintain law and order on behalf of the state. It is an important institution of the state. However, Police brutality has emerged as one of the pressing social issues in Nigeria. Globally, there have been cases of police brutality, but the frequency and intensity of such incidents in Nigeria are alarming. This is so because the daily reports detailing how the police subject the masses to various forms of abuse are worrisome.⁵ To fully grasp the concept of ‘police brutality,’ it's imperative to define its components. A police officer is a member of a law enforcement agency, empowered by the state to maintain law and order, protect lives, and property. Brutality, on the other hand, means the use of excessive physical force, often in the form of violence. It can also be seen as extreme cruelty, violent treatment, or behavior. Hence, police brutality is the illegal and excessive use of force by law enforcement agents against an individual or a group of persons.

The popular slogan ‘*police is your friend*’ has been undermined, particularly due to the actions of the Special Anti-Robbery Squad (SARS), a now disbanded unit of the Nigerian police force. SARS became notorious for its involvement in torture, extra-judicial killings, harassment, and rape against citizens of the state. Over the years, there have been several cases of police brutality, such as the unlawful killings at the Lekki toll gate in Lagos, during the ‘End SARS Protest’, which underscores the systematic nature of this problem. Despite the constitutional guarantees of

⁵ Mike Akpa Ajanwachuku, Augustine k.Mgbolu, Nomeh Innocent Chikodile, ‘Of The Effects Of Police Brutality and Abuse Of Human Rights In Nigeria’ *Nnamdi Azikiwe University, Awka Journal Of Commercial And Property Law* (2024) 11(2) <https://journals.unizik.edu.ng/jcpl/article/view/3875> accessed 24th July, 2025.

the rule of law and the protection of human rights, police brutality is still prevalent in the state. Amnesty International claims that since the 8th of October 2020, the Nigerian police force has successfully suppressed non-violent demonstrators and subjected them to live ammunition firing, beating, and apprehension.⁶ The violent nature of the police has severely damaged the police-citizens relationship and also instilled fear in the minds of those who intend to uphold their right by employing a lawful and peaceful protest.⁷

The rule of law denotes the supremacy of law over all individuals and institutions, implying that all actions must be guided and constrained by law. Professor A.V. Dicey, in his seminal lecture, provided a legal perspective on the term ‘rule of law’. He explained that the rule of law signifies the absolute supremacy or dominance of regular law over the influence of arbitrary powers. In this context, various laws have been enacted to check the excesses of the Nigerian police force and ensure accountability. Notable among these are *the Nigerian Police (Establishment) Act 2020*, *the Administration of Criminal Justice Act (ACJA) 2015*, *the Evidence Act 2011*, and *the Anti-torture Act*, among others. These legal instruments aim to regulate police operations and ensure accountability for their actions.

The emergence of the ‘END SARS’ protest and its devastating effects highlighted the issue of police brutality in Nigeria. Against this backdrop, this study aims to critically examine the legal and institutional mechanisms that regulate police conduct, the use of force, and the effectiveness of existing frameworks in protecting the rights of citizens.

⁶ Mike Akpa Ajanwachuku, Emmanuel Ibiam Aman, Innocent Chikodile Nomeh, ‘Review on the consequences of human rights abuse by the Nigerian police’ *Nnamdi Azikiwe University Journal Of International Law And Jurisprudence* (2024) 15(2) <https://www.ajol.info/index.php/naujilj/article/view/278488>? Accessed 24th July, 2025.

⁷ Jude Chikadibia Onwunyirimadu, Police Brutality and Violation of Rights In Nigeria-Causes And Implications: *Global Journal of Politics and Law Research* (2022) 10(2) pp.12-22<https://ejournals.org/gjplr/vol10-issue-2-2022/police-brutality-and-violation-of-human-rights-in-nigeria-causes-and-implications/> assessed 24th July, 2025.

1.2 STATEMENT OF THE PROBLEM

The Nigerian police force has repeatedly been accused of brutality and violations of citizens' rights. Several reports of extra judicial killings, extortion, arbitrary arrests, unlawful detention, and torture continues to surface, reflecting a gap between legal standards and police activities. These abuse has undermine public trust in the criminal justice system not to mention its contravention with domestice laws and international human irghts obligations. This ongoing brutality has weakened the legal system and rendered it ineffective. As a result,victims of police always face significant obstacles in seeking redress and perpetrators are seldomly held accountable fostering a prattice of impunity.

The prevalence of police brutality has serious implications for the protection of human rights and the consolidation of the rule of law in Nigeria. It weakens citizens' confidence in state authority, discourages cooperation with law enforcement agencies, and poses a risk to democratic governance and social stability. This challenge necessitates a critical assessmentof the causes of police brutality, the effectiveness of existing accountability frameworks, and a crtical evaluation on the extent to which current legal and institutional arrangements uphold human rights and the rule of law in Nigeria.

1.3 OBJECTIVE OF THE STUDY

- i. To examine the roles, responsibilities, and functions of the police force in maintaining law and order.
- ii. To analyze the existing legal frameworks that govern and regulate police conduct

- iii. To evaluate the effectiveness of the current accountability mechanisms in addressing and mitigating police misconduct.
- iv. To assess the impact of police misconduct on human rights violations.
- v. To propose legal reforms that enhance police accountability and protect human rights.

1.4 RESEARCH QUESTIONS

- a) What legal frameworks and statutes currently govern the conduct of the Nigerian police force?
- b) How effective are the existing accountability mechanisms in regulating police conduct in Nigeria?
- c) To what extent has police brutality in Nigeria contributed to the violation of citizens' fundamental human rights?
- d) What legal reforms are needed to strengthen existing laws and better protect citizens from police brutality in Nigeria?

1.5 SCOPE OF THE STUDY

This research will focus on the Nigerian police force and critically examine the legal frameworks established to regulate its conduct. Key instruments that will be analyzed include *the Constitution of the Federal Republic of Nigeria, 1999 as altered, the Nigeria Police (Establishment) Act 2020, the Administration of Criminal Justice Act 2015, the Evidence Act 2011, Anti-Torture Act 2017.*

The study will also explore major incidents of police brutality in Nigeria over the past decade, highlighting how these incidents have resulted in the violation of citizens' fundamental human rights.

1.6 METHODOLOGY

The method that will be adopted in this study is the narrative doctrinal legal research approach, relying on primary and secondary sources.

The primary sources will include domestic statutory and judicial authorities, such as *the Nigerian Police Act 2020, the Administration of Criminal Justice Act, the Evidence Act 2011, the Anti-Torture Act, etc.*

Secondary sources will include journal articles, textbooks, legal commentaries, and scholarly publications that provide a critical outlook on police conduct, human rights, and legal accountability.

1.7 SIGNIFICANCE OF THE STUDY

Considering Nigeria's long-standing challenges, one of the most pressing is police brutality. This has sparked a growing need to assess the effectiveness of the existing legal frameworks regulating police conduct. To this effect, this study aims to critically examine these legal frameworks in the light of the widespread impact of police brutality in Nigeria.

In addition, it will also serve as a resort for policymakers, law students, and legal practitioners.

1.8 CHAPTER ANALYSIS

This study will be made up of five (5) chapters. Chapter One will provide the general introduction, which includes background to the study, statement of the problem, objectives of the study, research questions, scope of the study, significance of the study, methodology, and the structure of the study.

Chapter Two is centered on conceptual clarification and theoretical frameworks related to police brutality, including control balance theory, symbolic interactionism, and others. It also includes a review of relevant literature and scholarly perspectives.

In Chapter Three, this study will examine legal frameworks regulating police conduct in Nigeria. It explores constitutional provisions, *the Nigeria Police (Establishment) Act* and its practical implications, *the Administration of Criminal Justice Act (ACJA) 2015*, and other pertinent statutes and codes. Additionally, the chapter also examines international treaties and human rights instruments to which Nigeria is a signatory.

Chapter Four examines the accountability mechanisms and human rights implications. This chapter covers Internal Disciplinary Procedures within the Nigerian police force, the role of relevant bodies such as the Police Service Commission, etc, analysis of case studies, human rights violations, and their impact.

Chapter Five will provide a summary of findings, recommendations, suggested areas of further study, and concluding remarks.

CHAPTER TWO

CONCEPTUAL AND THEORETICAL FRAMEWORK

2.0 INTRODUCTION

Police brutality is not just a major problem in Nigeria; it also represents one of the greatest threats to individual rights in society. International human rights organizations like Amnesty International (AI) have documented numerous cases of police brutality in Nigeria, including extrajudicial killings, rape, torture, physical assault, illegal extortion, abduction, unlawful arrest, and more.⁸ To effectively address this issue, it is essential to begin by clarifying the fundamental concepts, theories, and relevant literature on police brutality. Therefore, this section aims to analyze the core concepts involved, clarifying their meanings and purposes. The goal is that this definitional and theoretical framework will help guide the following discussions in this discourse.

2.1 CONCEPTUAL CLARIFICATION

The hallmark of every conceptual clarification is an apt, albeit holistic, definition of terms recurrently employed in the research work. According to Prof. Chianu, “words are ambivalent in

⁸ Amnesty International, 2020 ‘Nigeria: Time to End Impunity, Torture, and Other Violations By Special Anti-Robbery Squad (SARS)’

nature and are susceptible to multifarious interpretations depending on the context wherein they are used.” Conceptualization is an essential element in research studies because it serves as the foundation for interpreting and understanding the phenomena under study.⁹ Ogugua has made it clear without equivocation that any concept that can be misunderstood is likely to be misunderstood. This is because concepts that are not properly analyzed and placed within their correct parameters are often misunderstood; as such, to minimize such occurrences and avoid semantic distortions, we must carefully define and delineate the meaning of concepts.

2.1.1 POLICE BRUTALITY

There has been a long history of police brutality in Nigeria and other African states. There is no widely accepted definition of police brutality. In other words, the perception of police brutality varies across populations, regions, and states. Abramson & Denenberg define police brutality as the application of excessive or unwarranted force against civilians by police officers. It encompasses acts such as racial abuse, beatings, torture, manhandling, indiscriminate deployment of riot control items at protests, and, in extreme cases, murder.¹⁰

Albert J Reiss defines police brutality as any practice that degrades citizen status, “that restricts their freedom, and that annoys or harasses them,” or that uses unnecessary and unwarranted physical force. Police brutality or the excessive use of force can also be deemed to be a legally recognized violation of civil rights.¹¹ It is played out when officers use force beyond necessity

⁹ Rafiu Oyesola Salawu, Aina-Obe Shamsuddin Bolatitio, and Safina Masibo ‘Theoretical And Conceptual Frameworks In Research: Conceptual Clarification’ https://www.researchgate.net/profile/Aina-Obe-Shamsuddin/publication/374081258_THEORETICAL_AND_CONCEPTUAL_FRAMEWORKS_IN_RESEARCH_CONCEPTUAL_CLARIFICATION/links/650c631a82f01628f0361553/THEORETICAL-AND-CONCEPTUAL-FRAMEWORKS-IN-RESEARCH-CONCEPTUAL-CLARIFICATION.pdf Accessed on the 26th of August 2025.

¹⁰ Abramson & Denenberg ‘Protecting Rights and Pursuing Justice’ <https://abramsondenenberg.com/2023/12/what-is-the-definition-of-police-brutality/> accessed 27th of August 2025.

¹¹ Afeez A. Soladoye, Adeolo Ojo ‘Impact of social media on police brutality awareness in Nigeria’ *International Journal of Management and Modern Education* vol 1 no1 (2020) 14-27 https://www.researchgate.net/profile/Afeez-Soladoye/publication/348280106_International_Journal_for_Management_and_Modern_Education_Impact_of_Soci

against citizens; such practices include torture, unlawful killings, arbitrary violations of human rights, etc.¹² This challenge has become so horrific in the methods employed by the Nigerian police force in the fight against crime over the past two decades. The activities of the police force as an institution are meant to be supervised both regionally and internationally. However, despite various prohibitions against police misconduct, several cases have been reported involving the misconduct of the Nigerian police force.

The inappropriate approach of the Nigerian police force in curbing crimes has been deemed illegal and unconstitutional in several Nigerian cases. In the case of *Ibikunle v State*, Walter Samuel Nkanu Onnoghen J.S.C. expressed deep concern about the unlawful killings of individuals by certain members of the Nigerian police force. He expressed that the occurrence of extrajudicial killings carried out by a member of the Nigerian police force is an excessive occurrence. The appellant not only demonstrated a failure to fulfill his obligations as a law enforcement officer to safeguard the public but also exhibited a lack of respect for the inherent value and inviolability of human life. Also, in the case of *Agbo v the state*, the appellant, a police officer, argued with the deceased and immediately shot the deceased, who died on the spot. The Appeal Court agreed with the judgment of the High Court. Relying on the decision in *Okonkwo v Ezeonu & Others*, it condemned the police's attitude with respect to the fundamental right to dignity of persons in their custody, describing it as barbaric and unconstitutional. The nature of police work sometimes requires the use of force to subdue suspects. However, where excessive force is used more than is needed, it has crossed the line from justifiable force to police brutality. Scholars and police do juxtapose between necessary and unnecessary force, excessive

[al Media on Police Brutality Awareness in Nigeria/links/5ff6169445851553a0262480/International-Journal-for-Management-and-Modern-Education-Impact-of-Social-Media-on-Police-Brutality-Awareness-in-Nigeria.pdf](https://www.researchgate.net/publication/355555555/links/5ff6169445851553a0262480/International-Journal-for-Management-and-Modern-Education-Impact-of-Social-Media-on-Police-Brutality-Awareness-in-Nigeria.pdf)
accessed September 3rd 2025.

¹² Ibid.

force, and brutality. Necessary force is the force that is needed to effectuate arrest or perform official duties of policing. Unnecessary force refers to the use of force when a situation does not necessitate it. Excessive force occurs when force is used more than necessary, thereby overlapping with brutality, which is a conscious and venal act by officers who take great pains to conceal their misconduct.

Consequently, the police brutality evident in Nigeria has instigated a sour relationship between the police and the people, which has further heightened the security dilemma in all its ramifications.¹³ The lives of several young and adult Nigerians, such as students, private and commercial drivers, and some other innocent citizens, have been cut short in the name of policing in Nigeria. The violation of basic human rights, such as the right to dignity and the right to life, occurs when law enforcement agencies' police forces disregard legal limits, wrongly believing themselves to have power and authority beyond the law, or when they perceive themselves as exempt from being held accountable by society. This situation erodes the public's trust in the law enforcement agencies. There is a regrettable notice that certain government officials are not adhering to the prescribed oaths of office as outlined in the legislation that establishes their positions.¹⁴

The activities of the Nigerian police force are meant to be guided at both the national and international levels by conventions, standards, and treaties. Article 5 of the code of conduct for

¹³ Henry Ebuka Anaekwe & Nneka Perpetua 'Oil Prevalence and Effects of Police Brutality In Nigeria' Department of Sociology and Anthropology, Nnamdi Azikiwe University, Awka, Anambra State, Nigeria <https://journals.aphriapub.com/index.php/SSR/article/view/2630/2431> accessed October 2nd, 2025.

¹⁴ Ariyoosu, D. A., Kehinde, A. O., & Omoleke, M. O. (2024). Unconstitutionality of Police Brutality In Nigeria: Need For Reform. *Evropsky Politicky' A Pravni Diskurz*, DOI: [10.46340/eppd.2024.11.6.3](https://doi.org/10.46340/eppd.2024.11.6.3) accessed October 2nd, 2025.

law enforcement officials adopted by the General Assembly of the United Nations, resolution 1979:

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Constant reports are received from lawyers, human rights activists, social analysts, and journalists about police regularly demanding bribes, extorting money, and engaging in different forms of misconduct and human rights abuse.

The ENDSARS protest in Nigeria highlighted issues of police brutality and human rights abuses, encouraging calls for government action. The widespread protest against police brutality and the call for reform that reverberated throughout Nigeria, particularly in the aftermath of the ENDSARS movement, encapsulated a complex interplay between governance, citizenry, and the persistent quest for the protection and realization of human rights. In response to the EndSARS protest, the Nigerian government announced various measures, including the notable dissolution of the Special Anti-Robbery Squad (SARS) and the commencement of police reform efforts.¹⁵ In all, Police brutality continues to pose a critical challenge in Nigeria, intensified by systematic flaws and entrenched impunity within the law enforcement agencies. Confronting the issue requires concerted efforts across legal, institutional, and societal domains. It's only through

¹⁵ Otodo Ifeanyichukwu, Otigbuo 'Patience, Bako Ambrose Tal, Aaron Dimas, Police Brutality and EndSARA Saga: The Implication of Government's Efforts on Human Rights Protection in Nigeria' *EAS Journal of Humanities and Cultural Studies*, East African Scholars Publisher, Kenya, vol 6, 2024. DOI: 10.36349/easjhcs. 2024.v06i02.002 accessed October 3rd, 2025.

comprehensive reforms and sustained commitment to human rights that Nigeria can uphold the principles of justice, accountability, and democracy for all its citizens.

2.1.2 HUMAN RIGHTS

It is worthwhile to begin a discussion on human rights with a critical examination of the concept. Universally, it is generally recognized that every human has a definite civil, economic, social, and political right, which are fundamental to his or her dignity and personhood. The term Human Rights does not reside in a specific definition. There is no unanimity in the definition of Human Rights among legal and political writers. General definitions are avoided, as it is a concept that is best described rather than defined.¹⁶

The United Nations defined human Rights as rights intrinsic to all human beings, irrespective of race, sex, nationality, ethnicity, language, religion, or any other status.¹⁷ Everyone is entitled to these rights, without discrimination. Similarly, the EHRC¹⁸ sees human rights as basic rights and freedoms that belong to every person in the world, from birth until death. Human rights are legally guaranteed by human rights law, protecting individuals and groups against actions that interfere with fundamental freedoms and human dignity.¹⁹ The fact that human rights have gained recognition, prominence, and significance in our world of culturalism, diversity, and plurality arises from their very nature.

Additionally, according to Cranston, a human right is something that should never be violated, such as certain freedoms that must remain inviolable, and some supremely sacred things.

¹⁶ Ajomo, M. A. 'Man in Quest of Himself: The Challenges of Human Rights' The 18th Convocation Lecture, Ilorin, 25 October 1985.

¹⁷ United Nations <https://www.un.org/en/global-issues/human-rights> accessed September 4th 2025.

¹⁸ EHRC means Equality and Human Rights Commission.

¹⁹ Human Rights: A Basic Handbook for UN Staff issued by the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Staff College Project, 1999, p.3.

Human rights are therefore eminently qualified as such. Although Cranston's definition of human rights seems idealistic and lacks precision, it was still adopted by the Supreme Court in the case of ***Ransome-Kuti v. Attorney-General*** of the Federation. In that case, the court defined human rights as

“A right that supersedes the ordinary laws of the land and is in fact before the inception of the political society. It constitutes a fundamental condition for civilized existence, and our constitution, since independence, has aimed to have these rights entrenched in it so that rights could be immutable to the extent that the constitution itself is non-immutable.

Bringing it down to Nigeria. Several Nigerian jurists and scholars gave their views and perceptions on the concept of human rights. G. Ezejiiofor, in his book titled “Protection of Human Rights under the Law,” defines the concept of human rights thus:

*Human or fundamental rights are the modern term for what has been called natural rights. These can be defined as moral rights that every human being, everywhere, at all times, should have simply because, unlike other beings, he is rational and moral.*²⁰

Human rights, when recognized and respected, enable individuals to fully develop and utilize all their human qualities, intelligence, talents, and conscience to fulfill both spiritual and material needs. To support this idea, it is important to understand the rights of citizens as outlined in the Constitution. ***Chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria***, as altered, enumerates the fundamental human rights of citizens, such as the Right to life (*section 33*), the Right to the dignity of the human person (*section 34*), the Right to personal liberty (*section 35*), the Right to a fair hearing (*section 36*), the Right to freedom from discrimination, the Right to

²⁰ Gaius Ezejiiofor ‘Protection of Human Rights under the law’ 1964

freedom of thought, the Right to freedom of expression at the press (*section 39*), the Right to private and family life (*section 37*), the Right to freedom of movement (*section 41*), and others. Human rights are not pure, its embellished. The conceptual basis and approaches to human rights have varied over time and space, depending on the prevailing ideology and the changing concept of law in a society. Right does not exist in a vacuum; it's clothed by the changing ideology of law.

The African Charter on Human and Peoples' Rights (ACHP), though, does not provide for a single definition of human rights. However, it outlines them through the lists of rights and freedoms it guarantees, covering individual civil and political rights, economic, social, and cultural rights, as well as collective “peoples’ rights”; such as Right to life, dignity, and person integrity (Articles 4 and 5), Freedom from torture, cruel, and inhuman treatment (Article 5), Right to a fair trial, right to health (Article 16) etc.

The notion of human rights universality serves as the foundation of international human rights legislation. This fact was first acknowledged in the 1948 Universal Declaration of human rights (UDHR), has been reaffirmed in some international covenants on civil and political rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). All governments have ratified at least one, if not more, of the basic human rights treaties, indicating state assent that testifies to their legal responsibilities for them and gives a real form of universality.

2.1.3 RULE OF LAW

The conceptualization of the rule of law has been debated for a very long time. Prominent philosophers like Karl Marx, A.V. Dicey, Lord Bingham, and Joseph Raz have provided their

perspectives on the idea of the rule of law. Despite all the definitions, Jeremy Waldron proposed that the rule of law is an “essentially contested concept.”

The rule of law may be defined either as a philosophy or political theory that lays down fundamental law requirements or as a procedural device by which those who govern rule under the law.²¹ The rule of law is the bedrock for the development of peaceful, equitable, and prosperous societies. It comprises several principles of a formal and procedural character, addressing the way in which a community is governed. The formal principle is centered on the generality, clarity, publicity, stability, and prospectively of the norms that govern a society.

Dicey proposed his perspective on the Rule of Law and summarized it into three (3) postulates in the introduction to the study of the law of the constitution. He commented, “When we say that the supremacy of the rule of law is a characteristic of the English constitution, we generally include under one expression at least three distinct kindred conceptions.”²² There are three conceptions of the rule of law which had been highlighted by A.V. Dicey.

The first indicates that no man can be made to suffer unjustly except for a distinct breach of law which has been enacted ordinarily and applied by an ordinary court. There’s also an absolute supremacy of regular law over arbitrary power, and the state could not act in an arbitrary and unlawful manner.²³

²¹ Dave Eng Soon Lee ‘Rule of law’ https://www.academia.edu/18282115/Rule_of_law accessed 23rd September 2025

²² Ibid

²³ Dicey and the Rule of Law <https://www.lawteacher.net/free-law-essays/constitutional-law/dicey-rule-of-law-8355.php#:~:text=According%20to%20Dicey%2C%20in%20line,the%20law%20is%20above%20you.%E2%80%9D> accessed 23rd September, 2025.

The second conception indicates that in the context of equality before the law, all persons, irrespective of rank or status, are equally subject to the ordinary law and the jurisdiction of the ordinary tribunals.

The third aspect is the dominance of the legal spirit or the general principle of the constitution, which results from judicial decisions that determine the rights of private individuals in specific cases before the court. According to Mowoe, from Dicey's three meanings, it can be inferred that in any society, before the Rule of Law can be said to exist, the following must be in place:

- a) Supremacy of written regular law made by the lawmakers;
- b) Certainty and regularity of law
- c) Absence of arbitrary powers of governments or their agencies
- d) Equality before the law
- e) Administration of the law by the ordinary law courts; and
- f) Enforcement of some minimum rights

In the case of *Governor of Lagos State v. Ojukwu*²⁴, Oputa Jsc (as he then was) conceptualized the rule of law in the following words:

The rule of law presupposes that the state is subject to the law, that the judiciary is a necessary agency of the rule of law, that the Government should respect the right of individual citizens under the rule of law and the judiciary, is assigned both by the rule of the law and by our constitution the determination of all actions and proceedings relating to matters in disputes between persons, Governments or authority.

²⁴ (1986) 1 NWLR (Pt 18), 621 at 647

2.1.4 ACCOUNTABILITY

Given the potential for abuse, police encounter various external and internal controls. Police accountability focuses on holding officers responsible for their actions and in actions, ensuring effective performance of their main duties of crime prevention and control, while also treating individuals fairly and within the law. Accountability is crucial to policing worldwide, which is why accountability procedures are vital for police agencies to achieve legality and legitimacy, and to maintain effective community relations. A government cannot govern effectively unless the state agencies are accountable. Accountability encompasses both what police do and how they do it. Agency-level accountability pertains to how law enforcement agencies perform in controlling crime and disorder and serving the public, while individual-level accountability relates to police officers' conduct, ensuring lawful, respectful, and equal treatment of citizens.²⁵

Effective police accountability involves identifying and chastising those who have committed crimes, misconduct, and ensuring enforcement after the act. Because police officers act based on directives, accountability includes responsibility for direction, control, or diligence exercised before and during operations to ensure observance of the law and policies and of human rights.²⁶

Police accountability is a broad and multifaceted phenomenon. On one level, it refers to holding law enforcement agencies accountable for the services they deliver: crime control, order maintenance, and miscellaneous services to people and communities. Similarly, it also refers to holding individual officers accountable for how they treat individual citizens, particularly about the use of force, equal treatment of all groups, and respect for the dignity of individuals.²⁷

²⁵ Samuel Walker 'Police Accountability: Current Issues and Research Needs' accessed 24th October, 2025.

²⁶ Dr Motsamai John Modise M 'Police Accountability, Oversight and Integrity to Enhance Professionalism In The Police Service' *International Journal of Innovation Science and Research Technology*, accessed 24th October, 2025

²⁷ Samuel E. Walker, Carol A. Archbold, *The New World of Police Accountability* edition.

2.2 THEORETICAL FRAMEWORK

The concept of police brutality has garnered significant scholarly attention over the past few decades. However, many scholars argue that theory-based research only recently started to specifically explain this police behavior. To critically understand and explicate the causes of police brutality and violation of human rights, and for a serious prescription for controlling it rests on some theories of police behavior.

2.2.1 SOCIAL CONTRACT THEORY

“ A social contract theory can be defined as a theory which grounds the legitimacy of political authority and the obligations of rulers and subjects on a premised contract or contracts relating to these matters”.²⁸ Michael Lessnoff posited a social contract theory in the definition, which came to life after the need to surmount the issues caused by the lawlessness in society, was realized.²⁹ The theory tries to clarify the development of social orders and states and it predominantly centers on the deliberate assent that individuals provide for the arrangement of the public authority. Thomas Hobbes, John Locke, and Jean Jack Rousseau are deemed to be the main exponents of the social contract theory.

Thomas Hobbes' theory of social contract first appeared in *Leviathan*, published in 1651 during the civil war in Britain. According to him, before the social contract, man lived in a state of nature. Man existed in a chaotic condition of constant fear, and life in the state of nature was solitary, poor, nasty, brutish, and short.³⁰ Man has a natural desire for security and order. To this effect, man entered into a contract to secure self-protection and self-preservation, and to avoid

²⁸ Bhavna Dahiya ‘Social Contract Theory’

²⁹ Michael Lessnoff ‘Social Contract Theory’, 1990, published by New York: New York University Press

³⁰ Rana S Iqbal ‘Social Contract Theory’

misery and pain.³¹ Hobbes argued that for a society of common good, we need a common fear which is stronger than the fear that we feel towards each other, and only then will we achieve long-lasting peace. Hence, men must develop into principles of civil government to live in a state of common good, and for an authority coming to power, confer all their power and strength upon one man that may reduce all their wills by plurality of voices unto one will.³²

John Locke came up with a conversational approach to the social contract theory that it's different from that of Thomas Hobbes. Locke's view of the state of nature is not as miserable as that of Hobbes. It was reasonably good and enjoyable, but the property was not secured; he considered the state of nature as “ **A Golden Age**”.³³ Though Locke accepted much of Hobbes' social contract theory, but argued that sovereignty resided in the people for whom governments were trustees and that such government could be legitimately overthrown if they failed to discharge their functions to the people.³⁴ He argued that sovereignty did not reside in the state but with the people, and that the state was supreme, but only if it was bound by civil and natural law.³⁵

On the other hand, Rousseau's social contract, the state was formed to ensure and guarantee rights, liberties, freedom, and equality. The essence of his theory is that the state and laws are products of the general will of the people. The general will for all purposes was the will of the majority of citizens, to which blind obedience was to be given.³⁶

³¹ Vardhman Singh Kothari 'Thomas Hobbes: Social Contract' 2018

³² Thomas Hobbes 'Leviathan, Revised Student Edition, Cambridge University Press, Aug 28, 1996: 120

³³ Ibid at 23 ‘

³⁴ Daudi Mwita Nyamaka 'Social contract theory of John Locke in the contemporary world' 2011

³⁵ John Locke”, Microsoft ® Student 2007[DVD]

³⁶ Vedprakash Saini's Analysis of the theory of social contract theory, Thomas Hobbes, John Locke, and Jean Jacques Rousseau.’

To social contract theorists, the reason for establishing the government is to better protect the rights that are inherent to humans: those of life, liberty, and property. Citizens enter a bargain in which they agree to surrender their power to enforce their own rights to the government and trust that the government will use this power to benefit the public. If a government proves to be ineffective at protecting these rights, the citizens owe no allegiance to it.³⁷

From the foregoing, the police force as an agent of the government are bound by this social contract. The power held by the police force is a public trust. Hence, they are informed on the general expectations of the public about their occupation and attitude to exhibit while performing their duties.³⁸

2.2.2 CONFLICT THEORY

The conflict theory championed by Karl Marx views power as being concentrated in the hands of the wealthy minority, and is utilized to harass and intimidate the powerless. This theory highlights the fact that due to the immense political influence, institutions like the police force are being used as a tool to oppress the public and orchestrate the dehumanization of people's dignity in favor of the ruling class. The relevance of this theory to this study rests on the fact that there is an exploitative ideology from the colonial history of the force which points to a system of governance that favors the interests of the dominant class over the common man, it is thus imperative to consider the Nigeria Police (Establishment) Act of 2020 and what measures it sets out to correct this.³⁹

³⁷ Nwadike-Fasugba, Chinenye Martha 'Developing Accountable Security Institutions: Assessing The Roles Of The Nigeria Police Force In Controlling The Trend Of Kidnapping In Anambra, Nigeria' <https://journals.aphriapub.com/index.php/IJHSI/article/view/1182/1136> accessed 28th October, 2025.

³⁸ Ibid.

³⁹ Ayevbosa Uwujaren 'Curbing Police Brutality in Nigeria: The Function of The Nigeria Police Act 2020 and its Challenges' <https://www.researchgate.net/publication/394853013> accessed 10 November 2025

2.2.3 ACCOUNTABILITY THEORY

Police around the world are becoming more accountable for their actions and use of force against civilians. Scholars have contributed to this movement by developing the field conceptually and collaborating with officials to model specific accountability mechanisms.⁴⁰ Accountability explains the continuous concern for checks and oversight, surveillance, and institutional constraints on the exercise of power and authority.⁴¹ The questions: what happened? Who was responsible? How can the situation be remedied? How can a recurrence be prevented? Are both internal and external mechanisms to hold the police accountable.⁴² Enhancing police accountability and integrity is primarily meant to establish, restore, or enhance public trust and build legitimacy, a condition for effective policing. Despite the importance of ensuring the police's responsiveness to the republic, several current high-profile scandals have strained this relationship and brought into focus the need for strengthened accountability.

2.3 HISTORICAL FRAMEWORK

The police are the most visible government agency through which the attitude of the government and political system can be assessed.⁴³

The police were first established in 1820. A 1,200-member armed paramilitary Hausa Constabulary was formed. A similar force was created in Calabar in 1894 and named "The Niger Coast Constabulary." It was established under the new proclamation of the Niger Coast

⁴⁰ Christopher Stone 'Tracing Police Accountability In Theory And Practice: From Philadelphia To Abuja And Sao Paulo' <https://doi.org/10.1177/1362480607075850> accessed 28th October, 2025

⁴¹ Olusola Karimu, Osunyokami, Adebukola Foluke, 'A Comparative Analysis of Police Accountability in Nigeria and the United States', *International Journal of Humanities and Social Science*, vol 2, 2012

⁴² Iruebafa Lili Oyakhirome 'Police Accountability: The Role of Police Complaint Response Unit, Nigeria.' <https://doi.org/10.1177/0032258X251357474> accessed 28th October, 2025

⁴³ Etannibi EO Alemika 'History, Context and Crises of the Police in Nigeria' <https://psc.gov.ng/wp-content/uploads/2017/11/HISTORY-AND-CONTEXT.pdf> accessed 7th November, 2025

Protectorate. The recruitment of Hausa officers was part of the colonial policing policy, which suggested using strangers to police communities to ensure distance between the police and the community. In 1869, the colonial administrators faced a recruitment challenge and had to modify their policy to allow reforms. These reforms were extended to both the Northern and Southern protectorates, and over time, the whole of Nigeria after amalgamation in 1914.

In 1986, the Nigerian police force was reorganized into seven commands, each representing a state in Nigeria. A police commissioner led each command, which was further divided into police provinces and divisions overseen by rural officers. The NPF headquarters supervised and coordinated the other area commands. Later, these area commands were consolidated into Zone commands. In mid-1989, the NPF was reorganized again following the AFRC's approval of a report by Rear Admiral Murtala Nyako. Also, in 1989, the Nigerian police force established a quick intervention force in each state, separate from the mobile police units.⁴⁴ In February 1989, Ibrahim Babangida abolished the Police Service Commission and created the Nigeria Police Council. The new council was chaired by the president.

The Nigerian Police (NP) is designated by the 1999 constitution as the national police of Nigeria with exclusive jurisdiction throughout the country. Constitutional provision also exists, however, for the inception of separate NPF branches "forming part of the armed forces of the Federation or for their protection of harbors, waterways, railways, and airfields."

⁴⁴ ⁴⁴ Nigeria Police Force 'History of the Nigeria Police' <https://www.npf.gov.ng/history/display> accessed 7th November 2025

CHAPTER THREE

LEGAL AND INSTITUTIONAL FRAMEWORK GOVERNING THE POLICE

3.0 INTRODUCTION

States established police institutions to carry out their core responsibility of providing security. Being the agency empowered to enforce the law, the police are authorized to use force in discharging their duties. However, in an attempt to discharge these duties and functions, the use of force is often abused, thereby resulting in the violation of human rights. Hence, in an effort to minimize this abuse, national constitutions, international conventions, police codes, oversight institutions, and other institutional and structural mechanisms are employed to regulate and govern the conduct of the police force.⁴⁵

More often than not, police incompetence has run afoul of the law, due to either the excessive use of force for selfish reasons or a display of lack of knowledge about the law. This gives rise to opposition to police orders and activities by the citizens, leading to legitimacy crises.⁴⁶

The frameworks put in place to regulate and govern the conduct of the police are both domestic and international. They include the Constitution of the Federal Republic of Nigeria 1999 as

⁴⁵ L Amusan, L Saka 'The Nigerian police force and the task of policing democratic Nigeria: issues and problems' <https://doi.org/10.1080/09720073.2018.1439782> accessed 30th October, 2025

⁴⁶ Oromareghake, Patrick & Oluka, Nduka Lucas, Adishi, Eric 'The Nigerian Police and Legitimacy Crises: Focus in The Human Rights Abuses and Protection in Contemporary Nigeria.' <https://iiardjournals.org/get/JPASWR/VOL.%203%20NO.%202%202018/The%20Nigerian%20Police.pdf> accessed 30th October 2025.

tered, the Nigeria Police (Establishment) Act, the Administration of Criminal Justice Act, the Evidence Act, etc.

3.1 DOMESTIC LEGAL FRAMEWORK

A range of legislative instruments govern the operations and conduct of the Nigerian police force, beginning from the constitution of the Federal Republic of Nigeria 1999 (as altered), which serves as the nation's grundnorm. This is complemented by other laws enacted by the legislature to further define, guide, and oversee police powers and responsibilities.

3.1.1 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS ALTERED)

The 1999 Constitution is widely regarded as the basic law, providing the foundation from which other laws are derived. It holds the highest authority and is obligatory for all authorities and powers throughout Nigeria.⁴⁷ The current Nigerian constitution acknowledges the role of law enforcement agencies in Nigerian society by establishing the Nigerian police force as the primary law enforcement agency in Nigeria, responsible for maintaining law and order in the country.⁴⁸

Section 214 of the Constitution of the Federal Republic of Nigeria 1999 (as altered) provides that

⁴⁷ Dauda Adeyemi Ariyoosul, PhD; Adeola Olufunke Kehinde², PhD; Muslim Olujide Omoleke³, PhD, Unconstitutionality of police brutality in Nigeria: need for a reform. DOI: 10.46340/eppd.2024.11.6.3 accessed 30th October 2025

⁴⁸ Mike Akpa Ajanwachuku, Augustine K. Mgbolu, Nomeh, Innocent Chikaodili, An Appraisal of the Legal Framework for Law Enforcement in Nigeria <file:///C:/Users/USER/Downloads/6+AN+APPRAISAL+OF+THE+LEGAL+.pdf> accessed 30th October 2025.

(1) There shall be a police force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section, no other police force shall be established for the Federation or any part thereof.

(2) Subject to the provisions of this Constitution

(a) The Nigeria Police Force shall be organized and administered in accordance with such provisions as may be prescribed by an act of the National Assembly;

(b) The members of the Nigeria Police shall have such powers and duties as may be conferred upon them by law;

(c) The National Assembly may make provisions for branches of the Nigeria Police Force forming part of the armed forces of the Federation or for the protection of harbors, waterways, railways, and airfields.⁴⁹

The position of the constitution is such that it forms the basis for the definition and allocation of governmental powers and the modus operandi for exercising the same. Hence, the police affairs are under the jurisdiction of the federal government, as it is an item on the exclusive legislative list of the Constitution.⁵⁰

3.1.2 THE NIGERIA POLICE (ESTABLISHMENT) ACT 2020

This act outlines the overarching powers of the Nigerian police force. It was enacted with the aim of having an effective and contemporary policing system that is based on the principles of

⁴⁹ 1999 Constitution of the Federal Republic of Nigeria (as altered)

⁵⁰ Ndubuisi J. Madubuike-Ekwe, Olumide K. Obayemi, 'Assessment of the Role of the Nigerian Police Force in the Promotion and Protection of Human Rights in Nigeria' vol 23,1 2019 <https://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1211&context=annlsurvey> accessed 30th October 2025

accountability, transparency, and protection of human rights in Nigeria. The act repeals the erstwhile Police Act 2004 and introduces its own novel provisions.

Section 3 of the Nigeria Police (Establishment) Act 2020 establishes the Nigeria police Force.

3.--(I) There is established for Nigeria the Nigeria Police Force (in this Act referred to as "the Police Force") which shall, subject to the provisions of the Constitution of the Federal Republic of Nigeria-

(a) be organized and administered in accordance with the provisions of this Act; and

(b) have such powers and duties and carry out such responsibilities as are conferred on it under this Act or any other law.

(2) The Police Force shall consist of- (a) all persons who, immediately before the commencement of this Act, were members of the Police Force; (b) the Inspector-General of Police; (c) persons appointed to offices in the Police Force by the Police Service Commission under Part IV of this Act; (d) Special Constables appointed under this Act; and (e) such other persons that may be appointed under this Act (3) The hierarchy of the Police Force is as specified in the Schedule to this Act.⁵¹

The Nigeria police act structures the Nigeria police force hierarchically, the command structure, the administrative structure, and the Organizing structure.

THE COMMAND STRUCTURE

⁵¹ The Nigeria Police (Establishment) Act 2020.

The command structure, also referred to as authority structure, is based on the regimental nature of the force and conducted along the force badges of ranks.⁵² The command structure is as follows:

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

15. Constable⁵³

Section 7 of the Nigeria Police (Establishment) Act provides that the Nigerian Police Force shall be under the command of the Inspector-General of police, who shall, subject to *sub-section 2*, be a senior police officer not below the rank of an Assistant Inspector-General of Police with the requisite academic qualifications of not less than a first degree or its equivalent in addition to professional and management experience.⁵⁴ This means that orders, directives, and instructions to carry out the duties with which the police is charged must emanate from the Inspector General of Police by virtue of the chain of command, to any officer positioned to perform such orders.⁵⁵

ADMINISTRATIVE STRUCTURE

The Nigerian police is administratively structured and divided into seven departments, each department charged with peculiar duties.

a) Department-Administration

This department is saddled with the responsibility for the direction, supervision and co-ordination of the various department within the directorate; it is charged with the standardization of policies and procedure of administration and finance of the force; it periodically reviews all standing force orders, regulations and other relevant instruments.⁵⁶

b) Department of Operations

⁵³ Darlynton Okiemute Ofekeze, 'The Police in Nigeria- Recruitment, Formation and Responsivity- legal instruments to improve the role of the police to establish security' <https://www.nomos-elibrary.de/document/download/pdf/uuid/1b0ded02-9968-30e4-a03e-b1040b8662d2> accessed 30th October 2025

⁵⁴ Ibid at 7

⁵⁵ Njoku Donatus Ikechukwu and Elom-Obed Favor Ozioma, 'A Critical Review of the Powers of the Nigerian Police under the Act'. Volume 26, Issue 3, Series 4 (March 2021) DOI: 10.9790/0837-2603040925 accessed 1st November, 2025

⁵⁶ Ann I. Ogbo, O. Obi-AnikeHappiness, E.K. Agbaeze, Wilfred I. Ukpere, 'Strategic restructuring for effective police system in Nigeria' file:///C:/Users/USER/Downloads/JGR_Volume_3_Issue_4_2014_Continued1las.pdf accessed 1st November, 2025

This department is responsible for planning and organizing internal security measures and monitoring their execution during emergencies; use of force animals. It also monitors the force communication network and conducts periodic inspections of various units to ensure the effective implementation of police policies.⁵⁷

c) Department of logistics and supply

This department is in control of the purchase of stores, clothing, and accouterments; construction, renovation, and maintenance of police buildings. It is also charged with the responsibility of determining the cost of all police equipment and the procurement of all technical equipment.⁵⁸

d) Department of the Force criminal investigation

Matters handled by this department include:

- I. Keeping records of crime
- II. Implementing crime prevention policies
- III. Narcotics
- IV. Interpol
- V. Prosecution of offenders
- VI. Investigating crimes
- VII. antiquistics⁵⁹

e) Department of Training and Command

⁵⁷ Nigeria Police Force <https://www.npf.gov.ng/force/display> accessed 1st November 2025

⁵⁸ Ibid at 12

⁵⁹ Ibid at 13

This department is responsible for supervising and coordinating the activities of the police and its staff colleges, establishing an effective staff development program, preparing the annual budget for the directorate, and liaising, coordinating, and interacting with other directorates within the Nigeria police force.⁶⁰

- f) Department of research, planning, inspectorate division, management information, organization and method
- g) ICT Department

Given the importance of technology, it must be used effectively to ensure that agencies saddled with the duty of law enforcement harness it to the advantage of society. To this effect, the ICT department was established.

ORGANIZATIONAL STRUCTURE

The organizational structure basically deals with the structuring of the Nigerian police force in line with the geopolitical structure of Nigeria, while generating provision for supervisory formation.

POWERS AND DUTIES OF THE NIGERIAN POLICE FORCE

The scope of the police powers lies in the prevention and detection of crimes. The powers and duties of the Nigerian police force are duly provided for in *sections 4 and 5* of the Nigeria Police (Establishment) Act 2020.

Section 4 provides thus:

⁶⁰ The Structure of The Nigeria Police <https://nairametrics.com/wp-content/uploads/2012/10/THE-STRUCTUREOF-THE-NIGERIA-POLICE.pdf> accessed 1st November 2025

The Police Force shall:

(a) prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights and any other law;

(b) maintain public safety, law and order;

(c) protect the lives and property of all persons in Nigeria

; (d) enforce all laws and regulations without any prejudice to the enabling Acts of other security agencies;

(e) discharge such duties within and outside Nigeria as may be required of it under this Act or any other law;

(f) collaborate with other agencies to take any necessary action and provide the required assistance or support to persons in distress, including victims of road accidents, fire disasters, earthquakes, and floods;

(g) facilitate the free passage and movement on highways, roads, and streets open to the public; and

(h) adopt community partnership in the discharge of its responsibilities under this Act or under any other law; and (i) vet and approve the registration of private detective schools and private investigative outfits.

Section 5:

. (1) The Police Force is responsible for promoting and protecting the fundamental rights of Duty of Police persons in police custody as guaranteed by the Constitution.

(2) For the purpose of subsection (1), the Police Force shall collaborate with and maintain close working relationships with any government agency or relevant private initiatives in the establishment of schemes or mechanisms offering legal services to accused persons, detainees or accused persons in police custody in need of legal services to ensure that they have full access to justice as laid down under the relevant provisions of Chapter IV of the Constitution.

(3) In addition to the provisions of subsections (1) and (2), the Police Force is also charged with the responsibility for promoting and protecting the fundamental rights of all persons as guaranteed under the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act and other international legal instruments on human rights to which Nigeria is a signatory.

3.1.3 THE ADMINISTRATION OF CRIMINAL JUSTICE ACT (ACJA) 2015

The Administration of Criminal Justice Act (ACJA) 2015 portrays a landmark reform in Nigeria, formulated to harmonize the country's criminal procedure laws and ensure a fair, more effective, and efficient justice system.⁶¹ ACJA provides a strong framework to improve and regulate the conduct of the Nigerian police force. This is evident in its emphasis on human rights protection, efficiency, and accountability.

Based on the aforementioned, ACJA 2015 provides procedural safeguards against abuse, which include the Prohibition of unlawful arrest. Humane treatment of suspects, recording of arrest, etc.

⁶¹ [A Imosemi, N Abangwu, D Darlington](#) 'An Assessment Of The Administration Of Criminal Justice Act (ACJA) 2015 And Its Effect On Unlawful Arrest And Detention By The Police In Ogun State, Nigeria'

The procedures are duly provided for in section 3-34 of the Administration of Criminal Justice Act 2015.⁶² The powers of the police are also outlined in the act, they include; prevention of offenses and injury to public property, arrest to prevent offenses, power to dispense with personal attendance, inquiry as to truth of information, order to give security, discharge of suspect informed against, etc. (sections 51-64)⁶³

3.1.4 THE EVIDENCE ACT 2011

The Evidence Act 2011 (as amended in 2023) primarily governs the admissibility and relevance of evidence in Nigerian courts, which influences police conduct both directly and indirectly, especially during investigations. In the circumstances of coerced confessions, unlawful detention, and police brutality, the Act is deemed to be a legal safeguard that strengthens the rule of law and the protection and preservation of human rights.

One of the key provisions of the Evidence Act 2011 is section 29, which states that confessions obtained through torture, duress, or oppression are not admissible in court. Therefore, police officers must follow proper procedures for arrest, search, interrogation, and seizure. The provisions of this section align with the principles of Chapter IV of the 1999 Constitution, which safeguards human rights such as the right to human dignity, the right to liberty, and the right to a fair hearing. In the case of *State v. Salawa*,⁶⁴ the Supreme Court held that any confession obtained involuntarily is inadmissible. Similarly, in the case of *Jimoh v. The State*,⁶⁵ the Court of Appeal restated that when an accused person alleges that his confession was obtained through torture, the prosecution must prove voluntariness before such a statement can be admitted. The

⁶² Administration of Criminal Justice Act 2015.

⁶³ Ibid

⁶⁴ *State v. saluwa* (2011) 18 NWLR (pt.1279) 580

⁶⁵ *Jimoh v. The state* (2014) LPELLR-224646(CA)

above decisions made by the courts demonstrate that the police must, at all times, obtain statements through lawful means. Any variation exposes the case to collapse in the court and subjects the officer to disciplinary or criminal liability.

The Evidence Act also champions the right to a fair trial and the reliability of evidence. Sections 83-90 provide that such evidence be genuine, relevant, and obtained legally. Police officers who wreck, manipulate, or falsify evidence violate the provisions of the act and the constitutional right guaranteed in section 36 of the 1999 Constitution of the Federal Republic of Nigeria (as amended).

Furthermore, the Act also operates in agreement with constitutional and international human rights instruments to uphold the rule of law in police operations. The ostracism of forced confessions, for example, reflects Nigeria's responsibility under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),⁶⁶ ratified by Nigeria in 2001. It also aligns with the African Charter on Human and Peoples' Rights.⁶⁷ Through these coactions, the evidence act enshrines accountability by guaranteeing that courts do not become accomplices in the rights of the citizens.

3.1.5 THE ANTI-TORTURE ACT 2017

The law is crucial to the subject of police brutality or misconduct as it criminalizes torture in its entirety, pursuant to section 1⁶⁸It imposes on the government the responsibility to ensure the

⁶⁶ UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, United Nations, Treaty Series, vol. 1465, p.

⁶⁷ African Charter on Human and Peoples' Rights (Cap. A9 LFN 2004)

⁶⁸ Anti-torture, Act section 1.

prohibition of torture. It equally provides several acts of torture that are prohibited in section 2 of the Act.

Section 3 ensures that there is no justification for torture and that no confessional statement obtained through torture shall be admissible in evidence. Victims of torture are also accorded a right to complain according to section 5, in the event of any torturous or degrading treatment. This will aid in preventing impunity and enable victims of police brutality to get justice. The act also allows a victim to seek legal assistance in the proper handling and filing of a complaint, from the Human Rights Commission as provided in section 6.

Section 8 of the Anti-torture Act provides for the liability of anyone who directly tortures another and the vicarious liability of a superior officer under whose negligence his subordinates tortured others, as well as the principal liability of anyone who directs one to torture another. The Act substantially punishes the crime of torture to the effect that anyone liable for the offence will be convicted to imprisonment of not more than twenty-five years in prison.⁶⁹

3.1.6 INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS 1966

The International Covenant on Civil and Political Rights (hereinafter referred to as the ICCPR) also addresses police brutality by protecting these rights that it often violates. The ICCPR in article 6(1) states that no one shall be arbitrarily deprived of his life.¹²⁷ This indicates that the law opposes extrajudicial killings. The ICCPR also, in article 7, prohibits any form of torture. Therefore, it discourages arbitrary detention, and according to the ICCPR, no one should be subjected to arbitrary detention. The ICCPR in article 10 guarantees humane treatment of prisoners.¹³⁰ This means that, in addition to protecting the right to liberty and discouraging

⁶⁹ Ibid, section 9.

arbitrary detention, the ICCPR also safeguards detainees from torture or degrading treatment when they are lawfully detained. Finally, under article 19 of the ICCPR, the right to freedom of expression is protected.¹³¹ This implies that the ICCPR condemns the suppression of this right, including actions like peaceful protests by police officials.

3.2 INSTITUTIONAL FRAMEWORK

According to UNODC, institutional frameworks regulating police conduct are systems made up of internal police mechanisms and external oversight bodies, all working with a wider system of national and international human rights standards.⁷⁰

3.2.1 THE POLICE SERVICE COMMISSION

The Police Service Commission is the body authorized by the Constitution of the Federal Republic of Nigeria to manage appointments, dismissals, and disciplinary control over officers of the Nigeria Police Force. The commission is one of the executive federal bodies established by virtue of section 153(1) of the Constitution⁷¹ and section 1 of the Police Service Commission (Establishment) Act 2001.⁷² The role of PSC in our emerging democracy is significant as it helps to guarantee police accountability, obedience to the rule of law, promotes transparency and professionalism of police personnel.⁷³

⁷⁰ United Nations Office on Drugs and Crime

⁷¹ 1999 Constitution of the Federal Republic of Nigeria (as amended)

⁷² Police Service Commission (Establishment) Act, 2001.

⁷³ CLEEN Foundation “External Police Accountability and the Police Service Commission”

https://www.academia.edu/4541621/External_Police_Accountability_and_the_Police_Service_Commission
accessed 3rd November 2025

3.2.2 NATIONAL HUMAN RIGHTS COMMISSION

The national human rights commission is empowered to regulate human rights violations by organizations in the state. Since its establishment, in the 90's, the commission has persistently drawn attention to a wide range of human rights violations by the law enforcement agencies in the country.⁷⁴ The mandate of the commission is to exercise the following:

- a) Handle matters relating to the protection of human rights as guaranteed by the Constitution of Nigeria, the African Charter, and other instruments to which Nigeria is a party.⁷⁵
- b) Monitor and investigate all alleged cases of human rights violations in Nigeria and make appropriate recommendations to the Federal Government for the prosecution and such other actions as it may deem expedient in each circumstance;⁷⁶
- c) Assist victims of human rights violations and seek appropriate redress and remedies on their behalf;⁷⁷
- d) Undertake studies on all matters relating to human rights and assist the Federal Government in the formulation of appropriate policies on the guarantee of human rights⁷⁸;
- e) Publish regularly reports on the state of human rights protection in Nigeria;⁷⁹

⁷⁴ Ibid at 27

⁷⁵ Section 5(a) National Human Rights Commission Act Cap N46 LFN, 2004

⁷⁶ Ibid

⁷⁷ Ibid

⁷⁸ Ibid

⁷⁹ Ibid

- f) Organize local and international seminars, workshops, and conferences on human rights issues for public enlightenment;⁸⁰
- g) Liaise and cooperate with local and international organizations on human rights for the purpose of advancing the promotion and protection of human rights;⁸¹
- h) Participate in all international activities relating to the promotion and protection of human⁸²
- i) Maintain a library, collect data, and disseminate information and materials on human rights generally;⁸³
- j) Carry out all such other functions as are necessary or expedient for the performance of these functions under the Act ⁸⁴

Since the inception of the national human rights commission, its areas of concern have been on corruption and good governance, police, prisons and other detention centers, torture, Arbitrary executions, extra-judicial killings, etc.⁸⁵

The commission's mandate is broad, encompassing all fundamental human rights outlined in the constitution as well as those protected by international treaties.⁸⁶ Its jurisdiction extends to all persons and institutions in Nigeria, including the executive, the legislature, the judiciary, and

⁸⁰ Ibid

⁸¹ Ibid

⁸² Ibid

⁸³ Ibid

⁸⁴ Ibid

⁸⁵ NS Amalu, MO Adetu 'The Role of the National Human Rights Commission (NHRC) in Post-Conflict Situations in Nigeria''

⁸⁶ Muhammed Tabium' National Human Rights Commission of Nigeria'
https://doi.org/10.1163/9789004481930_036 accessed 4th November 4, 2025

non-state actors. Hence, the NHRC has remained dependable in training personnel of the Nigeria Police Force on the principle of human rights, which is a necessity for potent policing.⁸⁷

3.2.3 THE JUDICIARY

According to Black's Law Dictionary, the judiciary is defined as the branch of government responsible for interpreting laws and administering justice, comprising a system of courts and a body of judges.⁸⁸ The judiciary has always been recognized as a part of government, be it in primitive, colonial, or modern society. By virtue of *section 6* of the Constitution of Nigeria, the judiciary was established. It provides thus:

(1) The judicial powers of the Federation shall be vested in the courts to which this section relates, being courts established for the Federation.

*(2) The judicial powers of a State shall be vested in the courts to which this section relates, being courts established, subject as provided by this Constitution, for a State.*⁸⁹

The role of the judiciary cannot be overemphasized. The judiciary guarantees that the other organs of government, which include the legislature and the executive, exercise powers in accordance with the dictates of the rule of law. In the case of the military Governor of Lagos State v. Ojukwu⁹⁰ The Nigerian Judiciary upheld the rule of law in this manner;

⁸⁷ National Human Rights Commission 'Human Rights, a Necessity for Effective Policing' <https://www.nigeriarights.gov.ng/nhrc-media/news-and-events/374-human-rights-a-necessity-for-effective-policing-nhrc.html> accessed 4th November 2025

⁸⁸ Black's Law Dictionary, 10th Edition.

⁸⁹ Section 6 of the Constitution of the Federal Republic of Nigeria (as altered)

⁹⁰ (1986) 1 NWLR (Pt. 18) 621

The Nigerian constitution is based on the rule of law, which mainly means that everything must be done according to law.

One of the major roles of the judiciary is to safeguard the rights of the citizens of Nigeria. The judiciary leverages institutional frameworks such as the National Human Rights Commission (Amendment) Act, 2010, which serves as a backbone for the National Human Rights Commission (NHRC).⁹¹

The judiciary, the third arm of government, uses a mechanism for the regulation of the conduct of the police. The mechanism is known as judicial oversight. Judicial oversight is the means by which the judiciary assesses the legality and constitutionality of conduct or actions taken by other branches of government, guaranteeing its consistency with the law and the Constitution.

Judicial oversight is a fundamental bedrock of democratic governance, serving as a check on the exercise of power by law enforcement agencies.⁹²

In addition, the judiciary serves as a check on the activities or conduct of the Nigerian police force. It ensures that the rights of citizens are not violated through acts like brutality, torture, extrajudicial killing, unlawful detention, etc. It also guarantees that confessions are not obtained by torture or coercion. More so, police conduct is subject to judicial review, especially through the rights enforcement proceedings under Order 11 of the Fundamental Rights (Enforcement Procedure) Rules, 2009. By virtue of the interpretative power of the judiciary, which is its major

⁹¹ Christian Iheanyi Alozie 'Role Of The Judiciary in Shaping Policy and Upholding The Rule Of Law in Nigeria' <https://journals.aphriapub.com/index.php/SS/article/view/2979> accessed 4th November 2025

⁹² Moses Blessing 'Judicial oversight and police accountability in Nigeria: post-End SARS reforms and their legal significance' https://www.researchgate.net/publication/385139121_Judicial_Oversight_and_Police_Accountability_in_Nigeria_Post-EndSARS_Reforms_and_Their_Legal_Significance accessed 4th November 2025

function, the limits of lawful or legal police conduct are defined, and decisions are made that guide both police officers and prosecutors.

The judiciary also provides redress and remedies for victims. **Section 46(1)** provides

Any person who alleges that any of the provisions of this Chapter has been, is being or is likely to be contravened in any State in relation to him, may apply to a High Court in that State for redress.

Some of the remedies granted by the court are monetary compensation, declaratory judgments, order of injunction. For example, in the case of *Chukwuma v. Commissioner of Police*⁹³ The court held that unlawful detention by the Nigeria Police Force violated the applicant's right to liberty. Similarly, in the case of *Ezeadukwa v. Maduka*⁹⁴ the court stresses that the police have no right whatsoever to detain citizens indefinitely without a charge. These cases and many others illustrate the judiciary's proactive role in curbing police excesses and promoting accountability.

3.3 INTERNATIONAL AND REGIONAL LEGAL FRAMEWORKS

The conduct of the Nigerian police force is also regulated by international and regional legal instruments that have been adopted and domesticated in Nigerian law.

3.3.1 UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

The Universal Declaration of Human Rights (UDHR) was the first instrument of the Bill of Rights that provides for the fundamental rights of humans.⁹⁵ It was proclaimed by the United

⁹³ (2006) 1 NWLR (Pt. 962) 504

⁹⁴ (1997) 8 NWLR (Pt. 518) 635

⁹⁵ Uche Chukwu Uguru, Moses C. UMOBONG 'The Exercise of Police Powers and Enforcement Of International Human Rights Norms in Nigeria: An Appraisal' <http://univagora.ro/jour/index.php/aijjs> accessed 5th November

Nations General Assembly in Paris on the 10 December 1948. By virtue of section 12 of the Constitution of the Federal Republic of Nigeria 1999(as altered), international instruments to which Nigeria is a party must be domesticated to ensure applicability.⁹⁶ The UDHR is domesticated in chapters 2 and 4 of the Constitution.⁹⁷

Thirty (30) rights and freedoms are outlined in the UDHR, which include the right to be free from torture, the right to freedom of expression, the right to education, the right to life, liberty, and privacy, the right to seek asylum, etc.⁹⁸

OBJECTIVES OF THE UDHR

- a) To work with the vision of fulfillment of pledges mentioned in the UN charter
- b) Ensuring justice, peace, and freedom in the world by recognizing the inalienable rights of humans
- c) Creating a universal standard of human rights
- d) Recognition of human dignity and equality, etc.

SIGNIFICANCE OF THE UDHR

- i. It's an imperative document of the United Nations
- ii. It is an apolitical and secular document superseding all embargoes based on culture, religion, gender, and political ideologies
- iii. It is the foundation for fundamental rights and liberty for humankind in different national constitutions and regional and multilateral agreements

2025

⁹⁶ Ibid

⁹⁷ Ibid at 5

⁹⁸ Amnesty International 'Universal Declaration of Human Rights' <https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/> accessed 4th November 2025

- iv. The widespread utilization of the concept “Rule of Law” implies that all humans are equal before the law ⁹⁹

Based on the fact that the Universal Declaration of Human Rights has been domesticated and incorporated into the constitution, it is therefore enforceable, and any violation thereof will be addressed by the court of law.

3.3.2 AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

The African Charter on Human and Peoples' Rights (also known as the Banjul Charter) was adopted on June 27, 1981. The charter laid out several rights and duties that should always be upheld and respected. The provisions of the charter are implemented by the African Commission of Human and Peoples' Rights. However, the commission is not a judicial body, and it can only make recommendations.¹⁰⁰

The directive for the promotion and protection of human rights is entrusted to the African Commission on Human and Peoples' Rights.¹⁰¹ Some of these rights are the right to life, dignity, liberty, etc., which are directly violated by the incidents of police brutality.

⁹⁹ Textbook ‘Universal Declaration of Human Rights, Background, Provisions and Significance’ <https://testbook.com/ias-preparation/universal-declaration-of-human-rights> accessed November 5, 2025

¹⁰⁰ Amnesty International “ A Guide to the African Charter on Human and Peoples Rights” <https://www.amnesty.org/es/wp-content/uploads/2021/08/ior630052006en.pdf> accessed 6th November 2025

¹⁰¹ N.S Rembe, ‘The System of Protection of Human Rights under the African Charter on Human and Peoples' Rights’, First published 1991

Nigeria ratified the African Charter and subsequently domesticated it through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004. Hence, the Charter carries the force of law in the Nigerian Court. The enforceability of the charter has been confirmed in several notable judicial decisions. In the case of *Ogugu v. The State*,¹⁰² the Supreme Court held that the provisions of the African Charter on Human and Peoples' Rights, having been enacted into domestic law, are binding in the Nigerian legal framework. Similarly, in the case of *Abacha v. Fawehimi*,¹⁰³ the Supreme Court held that although international treaties generally require domestication to have legal recognition in Nigeria, the charter, having been domesticated, is enforceable by the court.

The African Charter on Human and Peoples' Rights has been successfully applied in the Nigerian court on matters relating to police brutality, in the case of *Odafe & Ors v. Attorney General of the Federation*.¹⁰⁴ The court relied on the ACHPR to hold that the protracted detention of inmates awaiting trial without medical attention violates Articles 5 and 6 of the Charter. Without doubt, it's seen that the charter strengthens the court's ability to enforce, promote, and protect the rights of Nigerian citizens.

3.3.4 EVALUATION OF THE LEGAL AND INSTITUTIONAL FRAMEWORKS

An effective legal and institutional framework is imperative for guaranteeing that the Nigerian police force operates within the rule of law and respects the rights of citizens in Nigeria. Despite these frameworks, as stated in the aforementioned, implementation remains the primary issue. Police officers most time act outside the rule of law due to poor training, weak oversight, and

¹⁰² (1998) HRLRA 167 at 187

¹⁰³ (2000) 6 NWLR (Pt. 660) 228 (SC)

¹⁰⁴ (2004) AHRLR 205

corruption. Institutional bodies such as the police service commission, national human rights commission, etc., are established to guarantee discipline and accountability of the police force; however, their impact is limited by interference, underfunding, and lack of political will.

These frameworks are basically strong on paper but fail to achieve their aims and objectives due to systemic weakness in enforcement, institutional inefficiency, and impunity.

To solve police brutality and strengthen the rule of law in Nigeria, there is a need for the operative enforcement of existing laws and reform of the Nigerian police institution. The Nigerian police force should be engaged with human rights training, while oversight bodies like the Police Service Commission and, National Human Rights Commission should be empowered, free from interference, and well-funded to ensure accountability.

CHAPTER FOUR

ACCOUNTABILITY MECHANISM AND HUMAN RIGHTS IMPLICATION

4.0 INTRODUCTION

From violent extremism and insurgency to piracy, kidnapping, robbery, trafficking, etc., Nigeria encounters a range of complex security challenges. Many of these security threats are domestic in nature; hence, the Nigerian police force is often the main security interface with the public.¹⁰⁵ Over time, the public has requested more personal attention from the police, while the police also recognize that their effectiveness is primarily dependent on the amount of cooperation and support received from the community.¹⁰⁶

The concept of accountability cannot be overstated, as it places a responsibility on the Nigerian police force to acquire the necessary skills to carry out their operations without any form of abuse or violation of human rights.

This chapter assesses the various accountability mechanisms available in Nigeria for regulating and addressing police misconduct and human rights violations, evaluating their effectiveness in

¹⁰⁵ Oluwakemi Okenyodo ‘Governance, Accountability, and Security in Nigeria’ a publication of the African Center for Strategic Studies <https://www.jstor.org/stable/pdf/resrep19052.pdf?acceptTC=true&coverpage=false&> accessed 8th November 2025

¹⁰⁶ Olusola Karimu Osunyikanmi, Adebukola Foluke ‘A Comparative Analysis of Police Accountability in Nigeria and United States’ *International Journal of Humanities and Social Science*, Vol. 2 No. 11; June 2012 https://d1wqtxts1xzle7.cloudfront.net/89892411/28-libre.pdf?1660848900=&response-content-disposition=inline%3B+filename%3DA_Comparative_Analysis_of_Police_Account.pdf&Expires=1762628009&Signature=UsY2-95ctvarnSdLuK7-JfBigK2H-pCRnc2uLgoLfBS-M accessed 8th November 2025

guaranteeing justice and promoting institutional reform. It also examines human rights implications and the impact of police brutality.

4.1 ACCOUNTABILITY MECHANISM

Although police accountability differs across states and regions, accountability has become an indispensable element in the discourse of ground rules for the governance of nations and corporate entities.¹⁰⁷

¹⁰⁷ Ibid

In Nigeria, the police have often been criticized for extrajudicial killing, brutality, torture, corruption, rape, and hostility towards the citizens. But there are diverse institutions in the police sector meant to guarantee police accountability.¹⁰⁸ These include the National Assembly, the Nigeria Police Council, and Ministry of Interior, The police Service Commission, and the Nigeria Police Force.

The most evident mechanism of police control in Nigeria is the internal control exercise conducted by supervisors, commandants, the Office of the Inspector General of Police, the Public Complaints Bureau (PCB) in the Police-Public Relations Department of each state command, as well as the provost department of each state command and at the Force Headquarters. Citizens generally do not have full confidence in the police's internal control. This is because, on many occasions, they have proven to be ineffective and non-operational. Most of the time, it's only when the press vilifies the police for misconduct that news about the internal disciplinary systems comes to light.

The abuse of human rights depicts the operations of the form of extra-judicial killings, summary execution of suspects, torture to extract confessions and information, illegal detention, kick-back, disobedience of court orders, and all manner of violations. In a bid to curb these issues, the Nigerian government enacted the Human Rights Commission of Nigeria to advocate for the

¹⁰⁸Otite Igbuzor ‘ Strategies for Effective Oversight and Police Accountability in Nigeria’ <https://psc.gov.ng/wp-content/uploads/2017/11/Dr.Otitepapers-Strategies.pdf> accessed 9 November 2025.

plight of the common man and the entire citizens.¹⁰⁹ In a study carried out by the Nigerian Human Rights Commission and the Nigerian NGO, Center for Law Enforcement Education (CLEEN) in 2015, over 77% of prisoners in Nigerian correctional centers claim to have been beaten by the police, threatened with weapons, and tortured in the police cells.

The Public Complaint Commission has wide powers to inquire into complaints by members of the public concerning the administrative action of any public authority and companies, or their officials and others. The Act equally provides that in every case where a commissioner of the commission discovers that a crime may have been committed by any person, he shall report his findings to the appropriate authority or recommend that the person on his own part, the Truth and Reconciliation Commission was originally established in 1999 by the administration of Olusegun Obasanjo to look into the human rights abuses perpetrated by the military regime of Sani Abacha from 1993 to 1998. It was later broadened to include the activities of the past military regimes in connection with human rights abuses.

The National Human Rights Council, despite its contributions to regulating the conduct of officers, its impact is limited as a result of its advisory and non-binding decisions. Hence, implementation of its recommendations depends solely on the political will of the executive, which most times remains weak.

The Judiciary remains the bedrock for external accountability, where victims of police brutality whose rights have been violated or abused may apply for redress. However, justice has been delayed and hindered for victims of police brutality due to judicial delays, procedural technicalities, and high litigation costs.

¹⁰⁹ Amnesty International, *Police Inhumane Treatment of Citizens in Nigeria* (London: Amnesty International Limited 2013)

4.1.1 CHALLENGES OF ACCOUNTABILITY MECAHNISM

When police officers are not held accountable for misconduct, the use of excessive force, false coercion, or any other misbehavior, it creates the impression that such actions are not only tolerated but acceptable. There are numerous challenges to police accountability in Nigeria. Institutional weaknesses, corruption, impunity, inadequate training, and judicial bottlenecks combine to create a dysfunctional system.

The management mechanisms in place for the Nigerian police suffer from bureaucratic overlap and poor implementation of statutory mandates. Oversight bodies like the PSC and the Ministry of Police Affairs lack the autonomy and resources to enforce meaningful accountability. Internal disciplinary systems are often opaque, leading to perceptions of leniency and ineffectiveness. Allegations of corruption within the force further compound these problems, as impunity for misconduct-which includes extortion, extrajudicial killings, and unlawful detention, continues to erode public confidence. Political interference frequently undermines investigations and disciplinary actions, reinforcing a culture of mistrust. There is also legislative oversight, which is very important in every democracy. However, in Nigeria, due to political interference issues and the Nigerian state's prebendal nature, that aspect of oversight is very often underplayed.¹¹⁰

The command structure of the Nigeria Police Force is highly centralized, despite operating within a diverse federal system. While this makes cooperation between states easier compared to decentralized police systems, it also tends to weaken state-level commands, hinder service delivery, cause bottlenecks, and disconnect citizens from "their" police. It can also lead to

¹¹⁰ Policy Weekly 'Police Accountability: Bridging the Gap Between Public Trust and Law Enforcement in Nigeria' Volume 11, Issue 4 2024 https://thenexttier.com/wp-content/uploads/2024/12/20241213-Nextier_SPD_Policy_Weekly_Police-Accountability-in-Nigeria.pdf accessed 14th November 2025.

politicization and a lack of professionalism. Centralized leadership directs human resources and assets toward the center, leaving many front-line units at the state level underfunded and only nominally supervised. Although the NPF has a five-tier command structure, many decisions originate and end with the top commander, the Inspector General of Police (IGP). This reduces responsiveness and limits police engagement with communities. Deputy inspectors general, who are supposed to work with lieutenants and the police management team, only nominally serve as department heads. The offices of the 12 zonal assistant inspectors general, tasked with providing leadership and strategic direction to state-level commissioners, struggle even more to fulfill their statutory roles. Accountability is also centralized and primarily “upward looking.” For example, instead of working closely with district commanders, local citizens, and municipal officials, police leadership mainly answers to the presidency (which oversees the Ministry of Interior, the Police Service Commission, and the Police Council).¹¹¹

The accountability system of regulating and governing the conduct of police in Nigeria faces numerous issues. Interdisciplinary processes are often undermined by corruption, bias, making it herculean to hold officers responsible. Institutional weakness, systematic corruption, inadequate resources, and entrenched impunity make it difficult to effectively investigate misconduct, sanction offenders, and protect human rights.

4.2 HUMAN RIGHTS IMPLICATIONS OF POLICE BRUTALITY

Basically, Human rights have become a global subject, with a global appeal, especially after the Second World War. The fact that human rights have acquired remarkable attention, prominence,

¹¹¹ Oluwakemi Okenyodo ‘Governance, Accountability, and Security in Nigeria’ A PUBLICATION OF THE AFRICA CENTER FOR STRATEGIC STUDIES <https://africacenter.org/wp-content/uploads/2016/06/ASB31EN-Governance-Accountability-and-Security-in-Nigeria.pdf> accessed 14th November 2025.

and significance in the world of pluralism, diversity, and interdependence stems from their nature. In a democratic society, police agencies are typically tasked with the challenging job of enforcing laws and protecting lives and property. Evidence strongly suggests that police performance in Nigeria is often arbitrary, which undermines the principles of the Rule of Law.¹¹² Globally, there have been matters of police brutality in one form or another.

Human rights are the articulation of the need for justice, tolerance, mutual respect, and human dignity in all activities. The word violation is used interchangeably with the term abuse which denotes to denial of individuals their fundamental moral entitlements.¹¹³ Hence, the need to protect, promote, and preserve human rights is indispensable. Human rights are rooted in the principle of non-discrimination. Everyone is entitled to human rights without any form of violation. All human rights are indivisible and interdependent. Oftentimes, these rights have been

¹¹² Okemini Peter Chinedu 'The Nigeria Police Force and Abuse of Citizens' Rights'

https://www.academia.edu/97296557/THE_NIGERIA_POLICE_FORCE_AND_ABUSE_OF_CITIZENS_RIGHTS

accessed 10 November 2025

¹¹³ Ulo, Edefe 'POLICE BRUTALITY AND HUMAN RIGHTS ABUSE: A STUDY OF THE END SARS

PROTEST IN NIGERIA ' *International Journal of Management, Social Sciences, Peace and Conflict Studies*

(IJMSSPCS), Vol.4 No.2 June, 2021 [https://d1wqtxts1xzle7.cloudfront.net/75953315/217_830_1_PB-libre.pdf?1639010477=&response-content-](https://d1wqtxts1xzle7.cloudfront.net/75953315/217_830_1_PB-libre.pdf?1639010477=&response-content-disposition=inline%3B+filename%3DPOLICE_BRUTALITY_AND_HUMAN_RIGHTS_ABUSE.pdf&Expires=1762916267&Signature=YC5zql-qmP0UM5BawyhRs6E1fk1ZccaYsCaxoD5kUQZ0rkB5LCg~Qk2ET-XKlwRwqIdG0g2k-XfkvycSao8GzDL1c8w7dW5yZMOIID9Tshw3m1ktzts3Rx9ALS4KL-DonWqujwTF21whbH~yGLsEAg4vYmnpdk5EAYeOznyqte2nwwuYhFPzSEKftz358wkf5ILJ0zgeZnKkZ4pbE7ii07pvkVG4kvgFGGa0Bqi~Ggp3C8hZZAQKmQQvm8TEKM5UFqY2N6ueqPVg6Gv-mfhREVNHBlggqK2G5fp57eI9X9zdu81za6tU1j7-pcu6UO~aHghMGIIpMI9X8r2uAh9PEQ__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA)

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[Id=APKAJLOHF5GGSLRBV4ZA](https://d1wqtxts1xzle7.cloudfront.net/75953315/217_830_1_PB-libre.pdf?1639010477=&response-content-disposition=inline%3B+filename%3DPOLICE_BRUTALITY_AND_HUMAN_RIGHTS_ABUSE.pdf&Expires=1762916267&Signature=YC5zql-qmP0UM5BawyhRs6E1fk1ZccaYsCaxoD5kUQZ0rkB5LCg~Qk2ET-XKlwRwqIdG0g2k-XfkvycSao8GzDL1c8w7dW5yZMOIID9Tshw3m1ktzts3Rx9ALS4KL-DonWqujwTF21whbH~yGLsEAg4vYmnpdk5EAYeOznyqte2nwwuYhFPzSEKftz358wkf5ILJ0zgeZnKkZ4pbE7ii07pvkVG4kvgFGGa0Bqi~Ggp3C8hZZAQKmQQvm8TEKM5UFqY2N6ueqPVg6Gv-mfhREVNHBlggqK2G5fp57eI9X9zdu81za6tU1j7-pcu6UO~aHghMGIIpMI9X8r2uAh9PEQ__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA) accessed 12th November 2025.

violated by components of the criminal justice system. These violations can take any form and occur in any part of the world.

4.3 THE NIGERIA POLICE AND HUMAN RIGHTS VIOLATION

The police are the department of government concerned with maintaining public order. Section 4 of the police act vests power in the Nigerian Police in the following words;

The Police Force shall be employed to:

- (a) prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights, and any other law;
 - (b) maintain public safety, law and order;
 - (c) protect the lives and property of all persons in Nigeria;
 - (d) enforce all laws and regulations without any prejudice to the enabling Acts of other security agencies;
 - (e) discharge such duties within and outside Nigeria as may be required of it under this Act or any other law;
 - (f) collaborate with other agencies to take any necessary action and provide the required assistance or support to persons in distress, including victims of road accidents, fire disasters, earthquakes, and floods;
 - (g) facilitate the free passage and movement on highways, roads, and streets open to the public;
- and

(h) adopt community partnership in the discharge of its responsibilities under this Act or under any other law; and

(i) vet and approve the registration of private detective schools and private investigative outfits.

The powers of the Nigerian Police Officers cover from the power to arrest suspects with or without a warrant, to search premises and persons, and to seize property suspected to be stolen. Suffice to say that the police are a vital tool of government and they wield enormous powers in the administration of justice to the extent of infringing the fundamental rights of citizens if unchecked.¹¹⁴

Section 214 of the Constitution of the Federal Republic of Nigeria specifically establishes the Nigeria Police Force and assigns it the role of maintaining public order and safety, as deemed necessary. The importance and relevance of the police are recognized worldwide.

There is absolutely no skepticism that the Nigerian Police Force (NPF) is the internal key law enforcement agency in the state. However, it unfortunately has to deal with many allegations and counter-accusations of violations and disrespect for human rights.

4.3.1 NATURE OF HUMAN RIGHTS VIOLATION IN NIGERIA

A. Torture and Brutality

¹¹⁴ Jadesola O. Lokulo-Sodip 'The Role of the Nigerian Police and the Protection of Citizens' Rights to Life and Human Dignity in Nigeria' *University of Ibadan Journal of Private and Business Law*, Vol. 6, 2011

<https://repository.ui.edu.ng/server/api/core/bitstreams/aea85cd0-6785-465c-9039-334552f721c4/content> accessed

12th November 2025.

Human rights abuses done by virtue of torture and brutality have rendered many people injured physically, mentally, and psychologically, as they go through experiences in their day-to-day living and in police custody. Brutality is centered on both physical and mental assaults, harassment, and restraints on the exercise of constitutional rights.¹¹⁵

Article 1 of the Convention against Torture and other cruel, inhuman or degrading treatment or punishment provides that;

For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such

purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.

¹¹⁵ U. Uguru, M. C. Umobong 'The Exercise Of Police Powers And Enforcement Of International Human Rights Norms In Nigeria: An Appraisal', *AGORA International Journal of Juridical Sciences* No. 1 (2022), pp. 46-56
<file:///C:/Users/USER/Downloads/7.+EPPEI120224656.pdf> accessed 12th November 2025

Brutality also occurs in the form of extrajudicial killings. Several cases of shootings of individuals, especially for political reasons, have occurred since late 1995.¹¹⁶ In the course of a criminal investigation, human rights are often abused when the investigator resorts to torture to extract a confession. several methods used include beating with sticks, iron bars, wires, and cables; sticking pins or sharp objects into the private parts of suspects; shooting of suspects on the limbs, and the use of cigarette lights to inflict burns on suspects. Other practices include arresting a relation as a substitute for wanted suspects. These practices create an unforgettable negative impression of the police among victims and the society in its entirety.

B. Arbitrary Arrest and Illegal Detention

According to Black's Law Dictionary, detention is the act or instance of holding a person in custody, confinement, or compulsory delay.¹¹⁷ Arbitrary arrest occurs when law enforcement officers detain someone without legal justification. By virtue of section 35¹¹⁸ of the Nigerian constitution,

Every person has a right to his personal liberty, and no person shall be deprived of such liberty...

Despite the constitutional provision, illegal or wrongful detention persists in the country. Correctional centers and detention centers are usually congested, leading to prolonged

¹¹⁶ 'Current Violations of Human Rights in Nigeria' <https://www.hrw.org/news/1998/03/13/current-violations-human-rights-nigeria> accessed 12th November 2025

¹¹⁷ Black's Law Dictionary, 10th Edition.

¹¹⁸ Ibid at

incarceration even for minor offenses.¹¹⁹ Over 70 percent of Nigeria's correctional centers' population is filled with pretrial detainees, and nearly a quarter of them have been held for at least one year, reflecting an overburdened justice system. The Nigerian police constantly face allegations and accusations of arbitrary arrest and unlawful detention.¹²⁰

C. Custodial Violence and Persecution in Police Cells

Nigeria uses the accusatorial criminal justice system under which a suspect is presumed innocent until proven guilty by a court of competent jurisdiction. Hence, the police should also presume a person in their custody innocent until proven guilty by the court.

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. Article 11 Universal Declaration of Human Rights¹²¹

Article 7 African Charter on Human and People's' Rights (ACHPR)¹²²

Every individual shall have the right to have his cause heard. This comprises:

¹¹⁹ Asabe Waziri Justice Advocacy Initiative 'Rights of Persons Unlawfully Detained in Nigeria' <https://awjai.org/rights-of-persons-unlawfully-detained-in-nigeria/> accessed 12th November 2025.

¹²⁰ Open Society Justice Initiative, *Alade v. The Federal Republic of Nigeria* <https://www.justiceinitiative.org/litigation/alade-v-federal-republic-nigeria> 12th November 2025.

¹²¹ Universal Declaration of Human Rights (UDHR)

¹²² Article 7 African Charter on Human and People's' Rights (ACHPR)

1. *The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;*
2. *The right to be presumed innocent until proved guilty by a competent court or tribunal;*
3. *The right to defense, including the right to be defended by counsel of his choice;*
4. *The right to be tried within a reasonable time by an impartial court or tribunal.*

Section 36(5) of the Nigerian Constitution, 1999(as altered)

Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved guilty: Provided that nothing in this section shall invalidate any law by reason only that the law imposes upon any such person the burden of proving particular facts.

Police may impose only those conditions and restrictions that will ensure the appearance of the accused person at trial, preclude their interference with evidence, and prevent the commission of a likely offence on bail.¹²³ However many allegations abound on police maltreatment of suspects ranging from detaining suspects illegally, beating, hanging, mock execution, beating, punching and kicking, burning with cigarettes, water boarding, near-asphyxiation with plastic bags, forcing detainees to assume stressful bodily positions and sexual violence, torture, detaining beyond permitted period, not permitting to wear proper cloths, and not providing food.¹²⁴ This significantly affects the rights of suspected offenders in Nigeria.

4.3.2 CASES OF POLICE BRUTALITY IN NIGERIA

¹²³ Ibid at 9

¹²⁴ Amnesty International

The human rights situation in Nigeria continues to deteriorate, undermining democratic governance since 1999. Over the years, there have been established cases of police brutality in Nigeria.

The National Human Rights Commission (NHRC) has revealed that it received a total of 406,088 complaints on human rights violations and monitored over 160 incidents across Nigeria in October 2025.¹²⁵

One of the most prominent cases of police brutality is the End SARS movement (2020), especially the Lekki Toll Gate Shooting that occurred on October 20, 2020. End SARS began 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 abuse. It was first utilized in 2018 to raise awareness of allegations of violence and exploitation by SARS officials,¹²⁶ and fight all forms of violent crimes, such as armed robbery, kidnapping.

However, SARS started to abuse its powers by arresting those who are alleged to be involved in non-violent crimes. It has also been recorded that SARS officers mount illegal roadblocks, arrest and detain people without a warrant or trial, and extort youths for driving exotic cars.¹²⁷

The End SARS protest, which started on October 8th, 2020, began as a peaceful demonstration to disband a special unit in the Nigeria Police Force (NPF) called the Special Anti-Robbery

¹²⁵ Lagos Television 'NHRC Records 406,000 Human Rights Violation Complaints, Monitors 160 cases in October' <https://lagostelevision.com/2025/11/10/nhrc-records-406000-human-rights-violation-complaints-monitors-160-cases-in-october/> accessed 13th November 2025.

¹²⁶ Uwazuruike, Allwell Raphael #EndSARS: The Movement Against Police Brutality in Nigeria' *Harvard Human Rights Journal* 2020 <https://knowledge.lancashire.ac.uk/id/eprint/35527/3/35527%20EndSars%20%281%29.pdf> accessed 13th 2025.

¹²⁷ Victor Chidubem Iwuoha, Ernest Tooichi Aniche 'Protests and Blood on the Streets: Repressive State, Police Brutality and #EndSARS Protest in Nigeria' doi: [10.1057/s41284-021-00316-z](https://doi.org/10.1057/s41284-021-00316-z) accessed 13th November 2025.

Squad (SARS), following a viral video of a SARS officer allegedly killing a young man in Delta state. The protest gained popularity on social media through the hashtag #EndSARS. People took to the streets in cities across Nigeria, with the Lekki Toll Plaza in Lagos State becoming a focal point because it's the economic capital. Despite the government's responses to the protesters' demands, the protest grew more intense and spread throughout the country.¹²⁸ Subsequently, the government made efforts to quell the peaceful protest through the use of tear gas, water cannons, and even live bullets. It empowered thugs and recruited hoodlums to infiltrate and discredit the peaceful protest to make it appear violent to fulfill the principles of engagement, as various states imposed a justification for the application of force and a twenty-four-hour curfew.¹²⁹ It effectively came to a bloody end on the evening of 20 October 2020. A squad of soldiers opened fire at the Lekki Toll Gate in Lagos, the commercial capital, [killing at least 15](#) peaceful protesters, part of a wider crackdown on what the government termed [“anarchists”](#).¹³⁰ After the ‘massacre’ at Lekki, the protest turned into a more violent one. Several police stations were burnt down, and many security agents were killed. The specific aim of the protest was to put an end to police brutality, harassment, extortion, torture, and extrajudicial killing. The protest sought to ensure accountability and transparency of the police as well as the disbandment of the Special Anti-Robbery Squad (SARS) as a result of the widespread reports of police brutality. In November 2021, a nine-member panel established by Lagos State Government to investigate the alleged

¹²⁸ Ernest Tooichi Aniche, Victor Chidubem Iwuoha ‘How the #EndSARS protest turned violent, and what can be done to prevent recurrence’ 2024 <https://blogs.lse.ac.uk/africaatlse/2024/02/07/how-the-endsars-protest-turned-violent-and-what-can-be-done-to-prevent-recurrence/> accessed 13th November 2025.

¹²⁹ Ibid

¹³⁰ The New Humanitarian ‘Nigeria’s #EndSARS Struggle Endures’ 2022 <https://www.thenewhumanitarian.org/opinion/first-person/2022/10/19/Nigeria-EndSARS-police-brutality> accessed 14th November 2025.

killing of peaceful #EndSARS protesting youths in October 20, 2020 found that there were 48 casualties of which nine were confirmed dead (Punch Newspaper, 22 November, 2021). Though the Nigerian government through its Minister of Information and Culture, Lia Mohammed faulted the panel's report saying it was full of errors. This finding agreed with Global Glow (2020) when it stated that there have been cases of victims who have experienced sexual assault, injuries and death, often the result of stray bullets and possible mistake identities.¹³¹

Apart from the End SARS protest, several persons have been victims of police abuse. The Sun news reported the case of a reality TV star who is a victim of police abuse. Adekunle Olopade claims that he was a victim of police abuse. He revealed that he was unjustly harassed and kidnapped after taking a night ride in his mother's car.¹³²

Furthermore, on February 25, 2025, the police in Imo state, south-east Nigeria, launched an investigation into the alleged extortion and assault of a couple by police operatives in the state. In a clip, the woman, Mrs. Kingsley, claimed that in February, while on her way to pick up her child from school, she and her husband were assaulted by some unidentified police officers on patrol in Amakohia, Owerri. She also stated that in the course of the assault, the perpetrators allegedly extorted one hundred and fifty thousand naira from her.¹³³

Similarly, two years after the End SARS protest incident, police brutality still continues. In Ilorin, Nigeria, Theophilus Blamoh and two of his friends were walking to buy food for their dinner on the evening of September 6, 2022, when a black pickup truck stopped beside them, and someone

¹³¹ Jude Chikadibia Onwunyirimadu 'Police Brutality and Violation of Human Rights in Nigeria – Causes and Implications' *Global Journal of Politics and Law Research*, Vol 10, No.1, pp.12-22, 2022

¹³² The Sun News ' Adekunle shares update on alleged police brutality case' 2025 <https://thesun.ng/adekunle-shares-update-on-alleged-police-brutality-case/> accessed 13th November 2025.

¹³³ Premium Times News

shouted at them to get into the truck. It was a police officer. When they refused to enter the truck, two officers jumped out of the vehicle and cocked their guns. The three friends, now scared, decided to enter the truck. The police officers searched their phones, checked their account balance, but didn't find anything incriminating.¹³⁴

In addition, the death of one Buraimoh was traced to the cops attached to the Ajah Police Division. Buraimoh, a resident of Happy Estate in Ajah, was reportedly struck by a stray bullet around 10 p.m. on December 7, 2022, as he exited Sky Mall.

It was revealed that the shooting that resulted in Buraimoh's death occurred during a police raid on sellers of black-market fuel at the Ajiwe gas station. However, the situation escalated when the officers tried to impound a black marketer's fuel, but he allegedly resisted. "His resistance angered the officers who started shooting indiscriminately," narrated Buraimoh's brother, Muyideen.

Commenting on the event of the incident, the spokesperson for the state police, SP Benjamin Hundeyin, said, "At about 2330hrs (11:30 p.m.) of Tuesday, December 6, 2022, a shooting incident involving men of Ajah Division, resulted in the unfortunate death of Gafaru Buraimoh of Happy Land Estate, Ajah. "The officer behind the shooting, an inspector of police, was immediately disarmed and has been detained as a full-scale investigation has commenced." However, the identity of the cops was not revealed.¹³⁵

A slogan used by the Nigerian police force, 'Police are your friend,' has become a contradiction. Tina Ezekwe, a 16-year-old secondary school pupil, died after being struck down by a police

¹³⁴ ALJAZEERA 'Two years after # EndSARS, police brutality in Niger goes on'
<https://www.aljazeera.com/features/2022/10/20/in-nigeria-police-brutality-on-two-years-after-endsars-protests>
accessed 13th November 2025.

¹³⁵ Punch Newspapers 2022 <https://punchng.com/10-victims-of-senseless-police-shootings-in-2022/> accessed November 14, 2025

bullet in Iyana-Oworo of Lagos state. The teenager was reportedly killed by a police officer who shot to disperse a crowd that gathered after the incident of shooting of a commercial bus driver who refused to pay a bribe.¹³⁶ Over the years, there have been so many cases of police brutality and mindless ‘massacre’ of innocent victims.

4.3.3 EFFECTS OF POLICE BRUTALITY IN NIGERIA

Police brutality has led to several losses of lives, exploitation, rape, torture, and other inhumane treatments meted out to the victims.¹³⁷ It affects public safety and leads to loss of public confidence.

The activities of the Nigerian Police Force are as annoying as it is characterized by prolonged pretrial detention, which remains an issue of human rights abuse in Nigeria. These habits of human rights abuse and persistent brutality by the police have been evident from the days of colonial rule and have extended to the democratic era. This anomaly has left the citizens with a sense of distrust, as the police are now seen as anything but friends. Evidence of this can be traced to the ENDSARS protest of 2020. Nigerians now resort to other unofficial means to protect and safeguard their properties and surroundings, which is why a total reform of the police force is not only necessary but should be promptly implemented.¹³⁸

The increasingly violent conduct of some police officers during peaceful protests has instilled fear in the masses who are willing to express their disagreement with unpopular government policies. This situation has infringed on the fundamental rights of the people to protest freely and

¹³⁶ Global Girls Glow ‘Police Brutality in Nigeria: An Unending Nightmare’ 2020

<https://globalgirlsglow.org/police-brutality-in-nigeria-an-unending-nightmare/> accessed 14th November 2025.

¹³⁷ R Aborisade and J. Fayemi, ‘Police Corruption in Nigeria: A Perspective on its Nature and Control’ [2015] Nigerian Journal of Social Sciences (17)(2) 245-262.

¹³⁸ Henry Ebuka Anaekwe1 & Nneka Perpetua Oli ‘Prevalence and Effects of Police Brutality in Nigeria’, *Social Sciences Research*, <https://journals.aphriapub.com/index.php/SSR/article/view/2630/2431> accessed November 14, 2025

also to peaceful assembly. There have been documented cases of police clampdown on members of the now-proscribed Indigenous People of Biafra (IPOB), Islamic Movement of Nigeria, and the #End SARS protesters, etc. The use of teargas and other weapons against demonstrators has different medical implications for the victims, which pose significant medical risks.

The violation of human rights perpetrated by the Nigerian police has also significantly dented the image of the Nigerian Police in the International Community. For instance, the United States of America's Government, on multiple occasions, refused to sell arms to Nigeria, citing persistent human rights violations committed by those security agencies whose duty is to protect the life and property of the people, not to use those weapons against them. Over the years, the Nigerian Police Force has been ranked among the least operative and effective police forces when compared to the best global practices on policing and respect for human rights. The inability of the Nigerian Police Commission to adequately sanction men of the force who violate suspects' rights has led some of those officers to act with impunity, believing that nothing will happen, as the saying goes. This finding agrees with Global Glow (2020), which notes that police brutality has led to an insatiable feeling of distrust as cases like this keep occurring. Consequently, relationships between the Nigerian police and Nigerians are largely characterized by suspicion, prejudice, brutality, and violence.¹³⁹

Furthermore, police brutality can lead to a financial burden on the victims and their families. From loss of wages to the cost of medical bills, all as a result of injuries received during an incident of police brutality.¹⁴⁰

¹³⁹ Ibid

¹⁴⁰ Tera S. Person's 'The Effects Of Police Brut S Of Police Brutality Upon Marginalized Communities: An Exploratory Study' <https://scholarworks.lib.csusb.edu/cgi/viewcontent.cgi?article=3441&context=etd> accessed 17th November 2025.

The aftermath of police brutality deeply impacts the mental health of victims and their loved ones. The sudden shock and ongoing fear resulting from such encounters cause significant psychological and emotional scars. Victims may feel trapped in a cycle of anxiety, nightmares, and a pervasive sense of insecurity. This emotional distress can lead to conditions like post-traumatic stress disorder, making it harder to maintain personal relationships, succeed at work, or even handle everyday tasks. The sense of betrayal by those expected to protect us complicates the healing process, often requiring professional help to move forward.¹⁴¹

When instances of police brutality and misconduct come to the forefront, they often act as a spark for widespread social unrest and division. The mobilization for justice that follows such incidents reflects deep-seated frustrations with systemic inequalities and a hunger for change.

Demonstrations and protests serve as platforms for communities to express their grievances and call for action, highlighting the urgent need for transparency and reform in law enforcement practices. However, these movements can also unintentionally widen societal divides, as they often become situations where the police overreach their authority and escalate tensions rather than de-escalate them.¹⁴²

In conclusion, Police brutality as a form of human rights abuse is not unique to Nigeria, as it occurs in many other countries, but its persistent occurrence in Nigeria is concerning. The issue of police brutality has long been part of police operations. However, police involvement in corruption, coercion, brutality, and other abuses has resulted in the loss of many lives, torture of suspects, rape, blackmail, and extortion. This has rendered policing efforts ineffective and inefficient, leading to public distrust of the police. As a result, citizens are less likely to

¹⁴¹ Dale K. Galipo ‘Fighting Police Misconduct’ <https://www.galipolaw.com/what-are-the-effects-of-police-brutality-on-society/> accessed 18th November 2025.

¹⁴² Ibid

cooperate with authorities to solve crimes for fear of being victimized, especially since many complaints and evidence against officers have gone unpunished, and victims of police brutality have not received proper compensation.

CHAPTER FIVE

CONCLUSION: SUMMARY OF STUDY, MAJOR FINDINGS, RECOMMENDATIONS, AND FINAL REMARK

5.1 SUMMARY OF THE STUDY

In exploring the complex issue of police brutality, along with the search for effective accountability mechanisms and the protection of human rights, our analysis begins with the fundamental concepts of police brutality, the rule of law, accountability, and human rights. It has been demonstrated that the police institution worldwide bears the responsibility of ensuring public safety and safeguarding the human rights of citizens in Nigeria. However, the recent excessive use of force by police officers has sparked global condemnation.¹⁴³

To fully grasp the issue, Police brutality was elucidated as “a violation of rights, where law enforcement officers utilize excessive or unnecessary force against individuals.”¹⁴⁴ On the other hand, it was observed that the concept of police brutality is concerned with the practices that degrade citizens' status, that restrict their freedom, and that harass them, or that use unnecessary and unwarranted physical force.¹⁴⁵

¹⁴³ Jimoh Buhari Edun, Edun, Abdulkareem Jimoh & Akoji, Solomon John ‘Unveiling the Phenomenon of Police Brutality in Nigeria: A Sociological Discourse’ [file:///C:/Users/USER/Downloads/JJSMS+DRAFT+1-29-40%20\(1\).pdf](file:///C:/Users/USER/Downloads/JJSMS+DRAFT+1-29-40%20(1).pdf) accessed 15th November 2025.

¹⁴⁴ Ibid

¹⁴⁵ Henry Ebuka Anaekwe1 & Nneka Perpetua Oli ' Prevalence and Effects of Police Brutality in Nigeria', social science research <https://journals.aphriapub.com/index.php/SSR/article/view/2630/2431> accessed 15th November 2025.

Nigeria, like many other countries, faces significant challenges of police brutality and human rights violations or abuse.

Chapter Three focused on the extant legal frameworks for addressing police brutality were reviewed. This includes domestic legal frameworks: the constitution of the Federal Republic of Nigeria, Nigeria Police (Establishment) Act, the Administration of Criminal Justice Act, the Evidence Act, the Anti-Torture Act, international covenants, and civil and political rights 1966. The institutional framework: the police service commission, the national human rights commission, and the judiciary. International and regional framework: Universal Declaration of Human Rights, African Charter on Human and Peoples' Rights. And it was discovered they had a general challenge and compliance.

Furthermore, Chapter Four explored the accountability mechanisms available in Nigeria. It found that these include the Nigerian Police Council, the National Assembly, the Police Service Commission, the Nigeria Police Force, and the Public Complaint Commission. Additionally, the chapter reviewed the challenges related to police accountability. It also analyzes human rights implications by discussing cases of police brutality, their nature, and the impact of human rights violations.

5.2 MAJOR FINDINGS

This study reveals several significant findings on the nature of police brutality in Nigeria, the accountability mechanism, and human rights implications. These major findings are summarized below:

a) The Prevalence of Police Brutality Amidst Legal Frameworks:

Acts like torture, unlawful arrests, extortion, excessive use of force, and extra-judicial killing occur frequently across the country, notwithstanding the existence of established legal frameworks designed to govern police conduct.

b) Weak Enforcement of The Rule of Law

- c) Protections provided for by statute and the constitution are only paperwork and are rarely enforced effectively. Abuse of human rights such as the right to life, dignity, liberty, and fair hearing occurs with limited or no consequences. Inadequate enforcement has created a tradition of impunity within the Nigeria Police Force, weakening the legitimacy of the criminal justice system.

d) Ineffective Accountability Mechanism

This research discovered that internal and external accountability mechanisms are inoperative and inconsistent in manner. Consequentially, complaints are poorly investigated, delayed or dismissed.

e) Inaccessibility And Delay of Judicial Remedies

The judicial system, which is deemed to act as an agent of ensuring accountability, is hindered by procedural delays, high litigation costs, an overburdened court. Many victims of police brutality lack legal representation, while others are discouraged from relying on the judiciary due to intimidation, prolonged trial, or disbelief in the system.

f) Severe And Systematic Violation of Human Rights

This research also revealed far-reaching human rights implication which includes the abuse of rights to life, dignity, personal liberty, etc. these violations or abuse have a prolonged impact on their victims emotionally, psychologically, and physically. Hence, there's a deepened public distrust and hostility towards the law.

g) Lack of Modern Policing

The absence of body-worn cameras, digital tracking systems, CCTV infrastructure, and forensic tools serves as a leverage for officers to conduct operations without adequate documentation or monitoring.

5.3 RECOMMENDATIONS

Having examined the activities of the Nigeria Police Force in recent times, considering the gravity of brutality in the so-called exercise of their duties, it is hereby recommended as follows:

1. There is an urgent need to improve police training regarding human rights observance. Human rights education should be made mandatory at all levels of schooling in the country, especially in Police Colleges and their academies. Police authorities should emphasize teaching human rights during training of Constable recruits, who are often responsible for human rights violations.
2. Officers also need to be sensitized periodically over the rights of citizens and human rights issues generally. Better and improved conditions of service should be made for the police force. The welfare of the police needs to be enhanced to minimize some of their excesses and their involvement in corrupt and criminal activities.

3. The Special Weapons and Tactics (SWAT) replacing the old SARS officials should be well trained to understand that while discharging their official duties, civility and respect for the fundamental human rights of the citizens should not be neglected. Also, there should be a clear-cut stated sanction for non-conforming officers.
4. There is a need to urgently overhaul the force to ensure that members of the force operate within the ambit of the law, thus, the bad eggs among them must be painstakingly identified and be eliminated from the force.
5. After, their elimination from the force, there is a need to ensure that they are made to face the full wrath of the law to serve as a deterrent to others who may want to behave similarly in the future.
6. There is a constant need to train officers on the importance of following the law. In other words, seminars, conferences, talks, and similar events should regularly be organized to ensure the personnel are well-informed about the importance of obeying laws.

5.3 FINAL REMARK

For the advancement of democracy, justice, and Human rights in Nigeria, addressing police brutality is imperative. Nigeria can build a good policing system only through reforms, strong accountability mechanisms, respect for the rule of law, and unwavering commitment to human rights.

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