

EXTORTION OF ROAD USERS BY SOME SECURITY AGENTS IN NIGERIA: NO REMEDY FOR HUMAN RIGHTS INFRACTIONS?

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Abstract

Corruption has affected nearly every facet of human endeavors and is threatening the existence of developing countries by weakening control institutions, undermining the rule of law and good governance and destroying the economy. It significantly affects state security, democratic governance, citizens' rights, and national development. Rather, it has merely adjusted and adapted to developments in Nigerian society. There is no gainsaying the fact that Nigerian security agencies like the Armed Forces, Police, Civil Defence Corps, National Drug Law Enforcement Agency and a host of other agencies have turned out to be a menace to society and the people living therein, by being drafted into a situation whereby they become chief abusers of fundamental human rights of citizens. The lives of innocent citizens were and are still constantly in danger and most times terminated by these security personnel. The abuse of human rights by the security agents has become rampant in the last few years. The Nigerian security forces have consistently been implicated in gross human rights abuses, including arbitrary arrests, extortion, use of excessive force and extra-judicial killings during roadblocks. This paper will expose the sad reality regarding the provision of adequate remedies for victims of human rights abuse by law enforcement agents.

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1. INTRODUCTION

The corrupt practices of some law enforcement agents have been identified as an obvious manifestation of corruption in Nigeria. It is a common sight in the country for police officers to be seen collecting money from private and commercial motorists at checkpoints mounted across the country.¹ Also, that of the military personnel on the road seems to be a norm in recent times. However, beyond the checkpoints, officers of the police are in the habit of displaying their corrupt tendencies in criminal investigations and other duties.

According to a recent Human Rights Watch report ², officers of the Nigerian Police often commit crimes against the very citizens that they are mandated to protect. On several occasions, Nigerians that are only making efforts to make ends meet are accosted on a daily basis by armed police officers who demands bribes, threatening those that refuse with arrest or physical harm. On a good number of occasions, the level of police brutality has been exposed through the killing and maiming of those that refuses to 'settle' police officers when they make such demands.

When a roadside barrier or barricade is erected, a checkpoint is created. Law enforcement personnel stop vehicles for inspection such as illegal drugs checkpoints and border checks. Cars are halted at these obstacles so that authorities can search the inside for weapons,

¹ Ladapo, O. A. (2013) Effective Investigations, A Pivot to Efficient Criminal Justice Administration: Challenges in Nigeria, *African Journal of Criminology and Justice Studies*, 5 (2) 79-94.

² www.hrw.org/reports/2010/08/17/everyone-s-game-0. Human Rights Watch, *Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigerian Police Force* (New York: Human Rights Watch, (2012), 2

narcotics, and paperwork.³ They check the driver and other passengers, to look out for fugitives, and missing persons. Such checkpoints may be used for border security, public safety, or the advancement of an investigation into a crime. For instance, to locate a missing child, police can set up a roadblock on the motorways leading out of a city.

However, extortion has consistently been referred to as corruption and truly so. The police extorting money from motorists at checkpoints while brandishing a gun and acting in the service of the government is undeniable corruption.⁴

Based on the behaviour of police personnel at checkpoints, it appears that extortion is an organised levy collected at toll gates in Nigeria. Depending on the victim at the time, extortion frequently takes place in public view and involves both threats and flattery. Drivers are required to pay a token or run the risk of being pulled over repeatedly, subjected to rude questions, suffering injuries, or even losing their lives. This happens even when the vehicle's paperwork is forged or the cargo is loaded with illegal goods which highlights the fact that some security personnel enable crime in Nigeria.

The police frequently extort money from the public at taxi stands, in market places, or while going about their daily lives. However, the most common venue for extortion occurs at road blocks created by security agents, ostensibly put in place to combat crime. In practice, these checkpoints have become lucrative criminal ventures for these security agents who routinely demand bribes from drivers and

³ Otodo I et al, Security Check Points and Polices Extortion: A Study of Road Transport Corridors in Imo State Nigeria, Scholars International Journal of Law, Crime and Justice, Middle East Publishers Dubai, 2023 524

⁴ Ibid

passengers alike, in some places enforcing a de facto standardized toll. Motorists frequently endure harassment and threats until they or their family members part with a certain sum. Extortion related confrontations between security agents and motorists often escalate into more serious human rights abuses. The Police and Nigerian Army have on numerous occasions severely beaten, or shot to death ordinary citizens who failed to pay the bribes demanded.

Police brutality and consequent violation of the fundamental rights of Nigerians in all spheres of life counts innumerable and it's not a surprise. However, in recent times, what has become a surprise is the collective or joint violation of the rights of Nigerians by the Security Agencies. This highlights once again the cases of brutality, extortion, harassment, extra-judicial killing, human rights abuses and the extent of the remedies accruable to Nigerian citizens.

2. FUNDAMENTAL HUMAN RIGHTS

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. According to the United Nations, human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Professor M.A Ajomo describing the nature of human right stated that human rights are those rights which human beings enjoy by virtue of their humanity, whether black, white, yellow or red, the deprivation of which would constitute a grave affront to one's natural sense of justice.⁵ Men are born with these rights, that is, God gives them to man. These rights are not given

⁵M A Ajomo, 'The Development of Individual Rights in Nigeria's Constitutional History: Individual Rights under the 1989 Constitution' (eds, Nigeria Institute of Advanced Legal Studies 1993) 59

by government but by God. The only duty of the government is to serve as a bulwark against its infringement through its judicial arm. Human rights are also fundamental. They are crucial to a peaceful co-existence of members of a community. The supreme sacredness of human rights was emphasized by Justice Kayode Eso, JSC in the case of *Saude v. Abdullahi* that those rights are not just mere rights; they are fundamental. In *Ogba v. The State*, the Supreme Court declared that, “a fundamental human right cannot be waived by the government or any form of legislation”.⁶ Human rights are commonly understood as being those rights which are inherent in the mere fact of being human. The concept of human rights is based on the belief that every human being is entitled to enjoy her/his rights without discrimination.⁷ All persons hold human rights equally, universally, and forever.⁸ Human rights are inalienable, as these rights cannot be lost, it is also indivisible; that is, human beings cannot be denied a right because it is less important or non-essential.⁹ Human rights in the Virginia Declaration of Rights in 1776 proclaim that “all men are by nature born equally free and independent and have certain inherent rights, of which, when they enter a state or society, they cannot, by any compact, deprive or divest their posterity.”¹⁰ Professor Yemi Akinseye-George opined that “human rights exist irrespective of whether or not they are recognized by a given society or legal system”.¹¹ Indeed, it is trite that human rights existed before any human society or legal system. Thus, any human society or legal system, which fails to recognize them, is patently unjust and unsustainable. It is a notorious fact that human rights violations still

⁶[1992] 22 NWLR 1642

⁷ Definitions and Classifications. www.humanrights.is accessed 10 May 2024

⁸ Human rights fundamentals. www.hrlibrary.umn.edu accessed 6 May 2024

⁹ Ibid

¹⁰ Human rights. www.businessdictionary.com accessed 9 May 2024

¹¹ Y Akinseye-George, ‘Improving Judicial Protection of Human Rights in Nigeria’ (Centre for Foreign Legal Studies, 2011) 1

occur across the globe with disturbing frequency, regularity, and gravity.

Fundamental rights are the basic rights of citizens. In other words, they are fundamental because they are crucial to the attainment of an individual's freedom in society. According to Garner¹² a fundamental right is a right derived from fundamental law, for example, the Constitution.

In *Ransome-Kuti v. Attorney General of the Federation*¹³ the Supreme Court observed that a fundamental right is a right which stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. Fundamental rights are inborn in human beings. Even when man was in the state of nature, according to some political scientists, these rights have been with man and were at no time alienable.

To grant political succor to the fundamental rights provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended), section 46 (1)¹⁴ provides that: "Any person who alleges that any of the provisions of this Chapter has been, is being or likely to be contravened in any state in relation to him may apply to a High Court in that State for redress". In the same vein, Article 8¹⁵ provides that: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

¹²B A Garner, Black's Law Dictionary,

¹³ 1985 7 NWLR Pt 6, 221

¹⁴ 1999 Constitution of Nigeria

¹⁵ Universal Declaration of Human Rights 1948

Paragraph 3(c)¹⁶ provides that: “For the purpose of advancing but never for the purpose of restricting the applicant’s rights and freedoms, the court may make consequential orders as may be just and expedient.” In the same vein, the courts are enjoined to proactively pursue enhanced access to justice for all classes of litigants, especially the poor, the illiterate, the uninformed, the vulnerable, the incarcerated and the unrepresented. In *Idris v. Agumga*¹⁷ The Court of Appeal held that access to court implies approach or means of approach to court without constraint. One of the constraints to access to court in fundamental rights cases under discourse is poverty and lack of time for some motorists, particularly commercial drivers.

Fundamental Human Rights are values based on the legal and political traditions of each country, which are incorporated into, and expressly stated in the constitution of a country. According to Wright, these rights include the right to life, the right to an adequate standard of living, freedom from torture and other maltreatment, freedom of religion and of expression, and freedom of movement.

Answering the question, what are fundamental rights in the case of *Ransome Kuti v. A.G. Federation*, Kayode Eso, and JSC said: “It is a right which stands above the ordinary laws of the land and which, in fact, is antecedent to the political society itself. It is a primary condition to a civilized existence.” Sections 33-44¹⁸ specifically make provisions for Fundamental Human Rights.

Among these rights enshrined are:

¹⁶ Ibid

¹⁷ [2015] 13 NWLR Pt (1417) 441 at 463

¹⁸ 1999 Constitution of the Federal Republic of Nigeria

- i. Right to Life: no one shall be deprived, intentionally, of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria;
- ii. Right to Dignity of Person: Every individual is entitled to respect for the dignity of his person and accordingly, no person shall be subjected to torture or to inhuman or degrading treatment nor held in slavery or servitude, nor required to perform forced or compulsory labor except in accordance with the law;
- iii. Right to Personal Liberty: No person shall be deprived of such liberty save as provided by the Constitution or in accordance with a procedure permitted by law;
- iv. Right to Freedom of Movement: Every person is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom.

Fundamental rights remain within the realm of domestic law. They are fundamental because they have been guaranteed by the fundamental law of the land. They are as inalienable as they are immutable, as immutable as they are imprescriptible, as imprescriptible as they are enforceable in National Courts.

The atrocities committed against the Jews by Nazi Germany caused a revulsion against the gross abuse of human rights; hence, the avowed determination by the United Nations to ensure their protection and promotion as a fundamental aspect of post-war governance for all peoples without discrimination. The United Nations Declaration of 1st January 1942, signed by Britain, China, USA, USSR, and twenty-one other states, therefore, recognized the obligation of members to preserve human rights and ensure justice in their own as well as in other lands. It gave rise to the Declaration of Human Rights, such as;

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood.¹⁹ Everyone has the right to life, liberty, and security of person.²⁰ No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.²¹

No one shall be subjected to arbitrary arrest, detention or exile.²² Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including his own, and to return to his country.²³

In the same vein, the African Charter on Human and Peoples' Rights, also referred to as the Banjul Charter, came into effect on 21st October 1986. It is an International human rights instrument that is intended to promote and protect human rights and basic freedoms in the African Continent with the following provisions. Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person.²⁴ No one shall be arbitrarily deprived of his rights.

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.²⁵

¹⁹ Article 1 Universal Declaration of human Rights 1948

²⁰ Article 3 UDHR 1948

²¹ Article 5 UDHR 1948

²² Article 9 UDHR

²³ Article 13 UDHR

²⁴ Article 4 African Charter on Human and People's Rights 2004

²⁵ Article 5 ACHPR 2004

Every individual shall have the right to liberty and the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested.²⁶

Every individual shall have the right to freedom of movement and residence within the borders of a state, provided he abides by the law.²⁷ This entails that:

- i. Every individual shall have the right to leave any country, including his own, and to return to his country. This right may only be subject to restrictions, provided for by law, for the protection of national security, law and order, public health or morality.
- ii. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.
- iii. A non-national legally admitted in a country of a state party to the present charter may only be expelled from it by virtue of a decision taken in accordance with the law
- iv. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious.

It is to be noted that the Federal Government of Nigeria has since passed the Charter into law, now known as the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, 2004. It is binding, and our courts must give effect to it like all other Laws falling within the judicial powers of the courts. As an international law, its provisions override municipal or local laws of Nigeria but are

²⁶ Article 6 ACHPR

²⁷ Article 12 ACHPR

subject to the Constitution. The Charter, therefore, reinforces the Fundamental Rights Provision under Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria.

3. SECURITY AGENCIES AND TRACES OF CORRUPTION

The Nigerian Police Force

The Nigerian Police Force derives its legal existence from the Constitution of the Federal Republic of Nigeria, 1999²⁸ and the Police Act 1943²⁹.

The Longman Dictionary of Contemporary English³⁰ defines police as an “official body of men and women whose duty is to protect people and property; to make everyone obey the law and to catch criminals”. The Police Act and the Criminal Procedure Act (Criminal Procedure Code) were also specific in their definitions.

Thus, section 4³¹ provides that:

The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or without by or under the authority of this or any other Act.

The need for policing started with the regulation of welfare, security, good government, and maintenance of law and order in the City States

²⁸ Section 214

²⁹ Section 3

³⁰ Procter P, 2013, 5th Edn, Longman, England, 1105

³¹ Police Act 2023

in the interest of the public.³² It later developed into cooperation and goodwill among the people to ensure law and order in the community.

The Police and the public law officers wield a considerable influence in the prosecution of crimes. Therefore, a free and democratic society cannot survive without police to maintain law and order, provide security, facilitate movement, resolve conflicts, and protect processes and rights such as free and fair elections, freedom of speech, freedom of assembly, and freedom of movement on which continuance of a free society is predicated.

Primarily, in our legal system, the primary purpose of the police is to deal with the criminal in action through routine patrol of the community, detection of crime, apprehension of offenders, accumulation of evidence from investigation, and recovery of stolen property. The intervention of the police in society positions her as a major catalyst in the progress of a nation. Besides being involved in the enforcement of the Law, the force determines how the human rights enshrined in both the international and municipal laws of each nation are violated or protected.

Afe Babalola commented that: “The conception of the idea of police is noble. It is in line with what obtains all over the world. The sole purpose is to achieve a saner, regulated and orderly society”.

Babalola concluded that the efficiency of the police is determined by how effectively they carry out these duties with minimum complaints from the public. The effectiveness of police in dealing with crime is inextricably intertwined with the level of cooperation they receive from the public and the operations of other agencies of the criminal

³² E U Nwakanma, *Contemporary Issues in Policing*, Lagos, Naphtali Prints Nigeria Ltd, 2023, 15

justice system. Effective controls must be employed to preclude corruption or abuse of office.

The primary aim of the Nigeria Police Code is to provide all members of the force with a set of guiding principles and standards of behavior that would enhance internal discipline and uphold International best practices in all police operations. The Code highlights ethical standards of performance of a Police Officer irrespective of rank and defines acceptable standards of behavior for Police Officers and men in the performance of their duties. It also contains contemporary International best practices in Law Enforcement as available in United Nations Conventions, the Nigerian Constitution, sections 353-368 of Part XV of the Police Act and Regulations, as well as other domestic statutes.

The code is designed to promote the efficiency and effectiveness of Police services by promoting transparency, accountability and a deeper sense of civilian oversight on police activities.³³ According to the code, the vision of the Nigeria Police Force is to make Nigeria safer and more secure for economic development and growth; to create a safe and secure environment for everyone living in Nigeria. Hence, the Mission of the force include:

To partner with other relevant security agencies and the public in gathering, collecting, and sharing information and intelligence with the intention of ensuring the safety and security of Nigeria. The code states the values of the Nigeria Police as: working together with people irrespective of religion, political, social, or economic affiliation to:

³³ Okoro B C, *The Police, Law and Your Rights with Police Act and Regulation, Code of Conduct*, Lagos, Princeton Publishers, 2013

- a) Deliver quality police service that is accessible to the generality of the people.
- b) Build lasting trust in the police among members of the public.
- c) Protect and uphold the rights of persons, and be impartial and respectful in the performance of police duties, among others. The Code fundamentally asserts that a police officer must enforce laws appropriately and courteously, and in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public.

The Police officer should conduct himself both in appearance and composure, in such a manner as to inspire confidence and respect for the position of public trust in them. A Police Officer must also use responsibly the discretion vested in his position and exercise it within the law.

On the use of Force, the Code prescribes that a Police Officer should not employ unnecessary force or violence but may use only such force in the discharge of duty as is reasonable in all circumstances. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and should never engage in cruel, degrading, or inhuman treatment of any person.³⁴

On corruption and integrity, the Code provides that a Police Officer should not engage in acts of corruption or bribery, nor will an officer condone such acts by other Police Officers. The public demands that the integrity of Police Officers be above reproach/board. Police officers must therefore avoid any conduct that might compromise their

³⁴ Ibid

integrity and thereby undercut the confidence reposed by the public in the Police.

These are the most daring, daunting, disrespectful, and overwhelming extortionists on the road. The corruption of the police affects virtually every Nigerian, though at a disproportionate level, as the impact weighs more on the poor people.³⁵ Those who are not in a vantage economic position within the society, especially those who are day-to-day scrapping for a living, are more susceptible to police extortion because of the profound effects that unlawful detention, or the mere threat of arbitrary arrest, has on their livelihoods. Considering the ways and manners in which the police operate on Nigerian roads, questions have been raised as to the level of conscience and professional ethics possessed by the institution.

The constitutional infraction of the right to freedom of movement also occurs. In most cases, the motorist is treated with indignity as his/her personality is degraded by keeping him or her standing on the road for hours. The history of extortion and intimidation did not just start in the South East. In 2009, the residents of Ajeromi sent Save Our Souls messages to the Inspector General of police, Lagos State, to save them from illegal raids, checkpoints and extortions by policemen in the area.

In October 2002, nine policemen were arrested for allegedly extorting money from motorists along the Lagos-Ibadan expressway. On January 3, 2003, the Olusosun, Ojota motor park chapter of minibus Drivers' Association stormed the office of the Governor of Lagos State to protest incessant harassment by members of the police force. In September 2003, the Lagos State command dismissed thirty-two of

³⁵ R A Aborisade, J A Fayemi, Police Corruption in Nigeria: A Perspective on Its Nature and Control, 2019, Nigerian Journal of Social Studies, Ogun State, Nigeria, 254

its men found guilty of extorting a total of #18,280.00 from members of the public. Between January and August 2005 alone, 256 policemen were caught extorting money in traffic from motorists.

In March 2005, 20 policemen were arrested by the anti-corruption squad in Lagos for allegedly extorting money from motorists during Easter festivals. On March 1, 2005, some policemen from Delta State command were arrested with #16,520 in squeezed notes believed to have been extorted from motorists on Niger Bridge.

On 30 July, 2019, three Police Officers in Anambra State were arrested for allegedly extorting money from three residents. On December 22, 2021, at Area 11 Federal Capital Territory, Abuja 4 Police Officers extorting money from a commuter were caught and detained.

The senior police leadership, for the most part, denies the existence of the corrupt system of returns in the Nigeria Police Force. In an interview with Human Rights Watch in May 2009, the Lagos State police commissioner strenuously refuted that police officers “make returns” to superior officers: “That is not true.... Nobody does that. If I get such reports, that DPO [divisional police officer] is finished. We have human rights sections and a provost here. No junior officer has ever reported to me that they are asked to give money.”³⁶ Similarly, the chairman of the Police Service Commission told Human Rights Watch, “I have heard of this but have not received any complaints.”³⁷ Whether due to the difficulty of establishing such cases or the leadership’s willful blindness to these corrupt practices, the police most times fail to hold senior officers accountable for demanding or accepting returns from their subordinates.

³⁶ www.hrw.org

³⁷ Ibid

In a recent publication,³⁸ The Chairman of the Police Service Commission, Hashimu Argungu, has raised an alarm during the Southeast stakeholders' summit on Peace and Security in Enugu. He made comments concerning the incessant extortion of road users and abuse of office by officers who put up roadblocks in the Southeast region. He also emphasized other issues like human rights violations and manipulations perpetrated by corrupt officers. "The Commission will not hesitate to invoke its disciplinary processes against any officer engaging in corruption and human rights violations".³⁹ The Chairman invited the Nigerian Bar Association, Civil Society organizations, and other relevant stakeholders for a collaborative effort to restore peace and security in the South East region.

4. THE MILITARY AND TRACES OF CORRUPTION

The Constitution of the Federal Republic of Nigeria in Chapter A20, Part 1, provides for the Armed Forces as follows:

There is hereby established for the Federation an Armed Forces which shall be established and maintained and administered as set out in this Act and comprise the Nigerian Army, the Nigerian Navy, and the Nigerian Air Force (in this Act referred to as the "Army", "Navy" and "Air Force") respectively.

The Armed Forces shall be charged with the defense of the Federation by land, sea and air and such other duties the National Assembly may from time to time prescribe or direct by an Act.⁴⁰

³⁸ <https://afnews.ng/security-operatives-turning-southeast-roadblocks-into/>

³⁹ *ibid*

⁴⁰ Section 3 1999 Constitution of Nigeria

Thus, the Fundamental Duties of the Nigerian Army, which is by far the largest component of the Nigerian Armed Forces, include:

- a. To follow the provisions of the Constitution
- b. To maintain the territorial integrity of Nigeria
- c. To defend the country from external aggression
- d. To protect the country's borders
- e. To restore the order needed in cases of insurrection
- f. To perform any other duty mentioned in the National Assembly's Act or as directed by the President.

Gleaned from the above duties, the presence of the Nigerian Army on roads where there is no border or insurrection is an aberration. From the constitutional provisions of the armed forces, is the army, which is the largest of the armed forces, supposed to constitute the road marshals? Are we in a state of war? Is there any insurrection in some states, such as the Southeast? Or was there a presidential order redefining the role of the army to include road marshalling? Or has the National Assembly reassigned any other duty to the army from time to time? These are potent questions that need answers.

Flooding the Nigerian army, which is the most combative and respected force in Africa, onto the highways is the greatest disservice to the Nigerian armed forces. The intermingling of the armed forces with the police has led to the corruption of the most respected combative armed force in Africa. It is a sorry sight to see the army at checkpoints to either collect money from motorists or use young boys as conduit pipes to collect or extort motorists. Their actions have drawn the attention of lawmakers, who decided to speak out, yet the problem persists. The House of Representatives member said: "I have spoken to the General Commander, 14 Brigade of the Nigerian Army, to ensure that we can stop this, and he said it had stopped since last

week. “But I am still receiving calls every day from all and sundry concerning the level of humiliation and harassment they are being subjected to by these security agents.”⁴¹

The lawmaker alleged that a situation where his constituents, including pregnant women, breastfeeding mothers and the sick, among other vulnerable persons, were often subjected to coming down from vehicles and walking a distance even in the rain by security personnel, was depressing.⁴²

5. NATIONAL DRUG LAW ENFORCEMENT AGENCY (NDLEA)

There is hereby established a body to be known as the National Drug Law Enforcement Agency (in this Act referred to as “the Agency”). An Act to establish the National Drug Law Enforcement Agency to enforce laws against the cultivation, processing, sale, trafficking and use of hard drugs and to empower the Agency to investigate persons suspected to have dealings in drugs and other related matters.

1. The Agency shall have power:

(a) To cause investigation to be conducted as to whether any person has committed an offence under this Act; and

(b) With a view to ascertaining whether any person has been involved in offences under this Act or in the proceeds of any such offences, to cause investigations to be conducted into the properties of any person if it appears to the Agency that the person’s lifestyle and

⁴¹ <https://newtelegraphng.com/stop-extortion-intimidation-of-motorists-rep-tells-security-agencies> accessed on 17th September 2024

⁴² <https://newtelegraphng.com/stop-extortion-intimidation-of-motorists-rep-tells-security-agencies> accessed on 17th September 2024

extent of the properties are not justified by his ostensible source of income.

2. For the purpose of inquiring into and ascertaining whether an offence under paragraph (b) of subsection (1) of this section has been committed, the Agency may, by notice in writing, call upon any person to furnish to it within a time specified in the notice, such information, returns, accounts, books or other documents in the custody of such person as the Agency may consider fit and proper within the circumstances.

3. The Agency shall not exercise the power conferred upon it by paragraph (b) of subsection (1) of this section without first obtaining the approval of the Attorney-General of the Federation.

4. For the purpose of carrying out or enforcing the provisions of this Act, all officers of the Agency involved in the enforcement of the provisions of this Act shall have the same powers, authority and privileges (including power to bear arms) as are given by law to members of the Nigerian Police.

The agency may at its discretion pay reward to any person, not being a person employed by the Agency, in respect of any information or service rendered to the Agency which may be of assistance to the Agency in the performance of its duties under this Act.

The National Drug Law Enforcement Agency (NDLEA) has advised motorists and road users in Nigeria to report unwholesome activities by its officials. The NDLEA spokesperson, however, insisted that the agency staff are not known for extorting motorists on Nigerian roads because they understand the enormity of engaging in corrupt acts, which attracts both sack and prosecution according to the law.

Additionally, agency officials deployed at various checkpoints across Nigeria are trained to do their job professionally.⁴³“When you see officers of the agency on the highway, their responsibility is purely to check for drugs and not anything else, and so if you’re not trafficking or carrying drugs, you have no business with them.”⁴⁴ This statement was made concerning an allegation made against officers in Maiduguri.

2. THE QUALITY OF REMEDY GRANTED TO VICTIMS OF HUMAN RIGHTS ABUSE BY SECURITY AGENTS

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions found in 2006 that police checkpoints provide the occasion for a large number of extrajudicial executions by police.⁴⁵ The vast network of checkpoints that exists in Nigeria leads to numerous confrontations between the police and motorists who refuse to pay the bribes demanded. All too often these confrontations escalate into fatal shootings by the police.

Human Rights Watch requested information from the Inspector General of police on a total of 16 incidents of alleged extrajudicial killings associated with extortion by the police at checkpoints, either documented by Human Rights Watch or credibly reported in the media.⁴⁶ The force's public relations officer responded in a letter to Human Rights Watch on March 26, 2010, stating that the Nigeria Police views every such case as a case of Murder for which the offending officers are investigated and dealt with in line with extant laws. In reality, convictions of Nigerian police officers implicated in capital crimes, including the extortion-related extrajudicial killings

⁴³ www.newsturf.com

⁴⁴ Ibid

⁴⁵ Corruption and Human Rights Abuses by the Nigeria Police Force, 2010.

www.hrw.org

⁴⁶ www.hrw.org 2010

noted above, are very rare. In one such case, a high court in Ondo State convicted a police officer in March 2009 for killing Alexandra Aroloye at a police checkpoint in September 2004. The court found that the police officer shot and killed Aroloye, a motorcycle rider, after the victim refused to pay the police a ₦20 bribe. The judge rejected the police officer's claim that the gun had accidentally discharged, asserting, "Unless the courts make it abundantly clear to our policemen that never again will such plea or defence be available to any of them accused of murder, Nigerians will continuously be sprayed with bullets from the police who hide on the plea 'he was killed by stray bullets or accidental discharge'." ⁴⁷

Often these victims barely get justice, or none at the end of the day. What is publicized in the media is a court-martial being set up, the demotion of the officers involved, or imprisonment. All these actions are taken without consideration of what becomes of the victims and their families. Nothing is done to ease their suffering and loss. This recurring situation raises a pertinent question: whether the government is supportive of the illegal activities of these security agents destroying the lives of citizens? Whether the rights of citizens are non-existent when security agents are involved. The answer to these questions should be reflected in the attitude of the established authorities, to ensure that the rotten eggs in the system are removed and adequately dealt with.

7. CONCLUSION

Those charged with police oversight, discipline, and reform have for years failed to take effective action, thereby reinforcing impunity for police officers of all ranks who regularly perpetrate crimes against the citizens they are mandated to protect.

⁴⁷ *ibid*

It is appalling that law enforcement agents mount roadblocks on the road, yet other motorists will be robbed a few meters from the location of the roadblock. This has happened countless times, which makes citizens fear for their lives and have no faith in law enforcement agents, especially the police. There are many reasons for the commission of crime once caught, but how justifiable is it for a deviant to decide to operate against the laws of the land? Notwithstanding the continuous denial of bad eggs in the system by the security agencies, the problem persists because the government has turned a blind eye to it.

There is no doubt that police, like every other agency in Nigeria, are underfunded. However, the most important reason is that even the little funds do not trickle down. Consequently, they lose the moral authority to discipline the deviant officers who now go to the road to make money to buy uniforms and other accessories needed. They also insist on extorting the masses because of the settlement required from the senior officials. This also makes it difficult to put an end to the systematic crime.

In the shadows, high-level police officials embezzle staggering sums of public funds meant to cover basic police operations. Senior Officers also enforce a perverse system of “returns” in which rank-and-file officers are compelled to pay up the chain of command a share of the money they extort from the public.

For the criminals, they prefer for police or road marshals to collect bribes rather than to do the right thing, which is to prosecute them in court. However, there are motorists or commercial drivers who are law-abiding, yet the security agents will intimidate or harass them with guns as if they have committed a criminal offence. The gun that is

supposed to protect is turned into a weapon of intimidation and extortion.

8. RECOMMENDATIONS

Having discussed the infractions perpetrated by some unscrupulous elements in Nigeria's security agencies, this paper makes the following recommendations;

- i. There should be training and retraining of officers through seminars for proper enlightenment. This should be done twice annually to ensure they operate according to international standards in discharging their duties to the state and the citizens.
- ii. The welfare package, as well as an effective insurance policy, of the security agents who are assigned to the highways should be increased and always provided. This will boost their morale in their duties.
- iii. The police should provide a clear and identifiable roadblock for easy detection and to avoid the creation of illegal roadblocks.
- iv. The disciplinary measures provided in the police act for erring officers should always be applied impartially.
- v. There should be an expeditious disciplinary procedure for police officers who extort money from road users and infringe on their human rights. This will serve as a deterrent to others.