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THE POLICE, EXTRAJUDICIAL KILLINGS AND IMPERATIVES FOR REFORMS IN THE NIGERIAN FOURTH REPUBLIC

Extrajudicial killings attributed to personnel of the Nigerian Police in the conduct of their constitutional duties and responsibilities have become prevalent in recent times. They have been accused of human rights violations, torture, brutality, and unlawful killings of varying proportions. This palpable, yet injurious trend has become a strain on effective policing and security in Nigeria. This paper examines the role of the Nigeria Police Force in extrajudicial killings in the course of discharging their duties since the return to civilian rule in 1999 and how Police reforms can help increase police accountability. The paper was anchored on the organizational theory of police behavior and adopts a qualitative approach by reviewing the literature on extrajudicial killings by the Nigerian police as available in peer-reviewed journal articles, government reports, media reports, newspapers, and international agencies reports. The findings show that the Nigerian Police have been largely complicit in extrajudicial killings. It also shows that organizational deficits such as corruption, lack of investigative infrastructure, lack of human rights training, poor working conditions, poor internal control, and the often-abused Order 237 are major factors that enhance the perpetuation of the incidence of extrajudicial killings by the Police. The study concluded that without a sincere approach toward reforming the Police, extrajudicial killings might become a dominant narrative. Therefore, the paper recommends that a comprehensive security reform of the Nigerian Police should be carried out in conjunction with the private sector and Civil Society Organizations in Nigeria.

Keywords: EndSARS; Extrajudicial killings; Police reform; Nigeria Police Force; SARS

INTRODUCTION

Extrajudicial killing, otherwise, extralegal killing, refers to the unlawful deprivation of life without recourse to judicial or legal processes. It is, by all means, illegal and directly impinges on a victim's fundamental human rights in its entirety (Igbo 2017). As used in this paper, extrajudicial killing is the overt or covert termination of human life against constitutional provisions to satisfy unjustifiable reasons. Extra-judicial killing in Nigeria is a serious issue that haunts the operational practice of different security agencies in the country. Thus, the killings of innocent citizens and suspected criminals by officers of the security agencies are considered extrajudicial, extralegal and unlawful. This however seems to be prevalent among the Nigeria Police Force (hereafter NPF) (Odunaike, Lalude & Odusanya 2021) whose recent activities are in recurring stark contrast to its basic mandate – to protect life and property.

Having ratified the African Charter on Human and People's Rights as well as the International Covenant on Civil and Political Rights, it is the primary responsibility of the Nigerian state to safeguard the citizens' right to life and right to fair hearing – among others. Contrarily, the Nigerian police – an agent of the government, is responsible for the incessant deprivation of life in the most violable way owing to its extensive powers. The police in Nigeria have been accused of corruption, brutality, violation of human rights, gross misconduct, enforced disappearance and extrajudicial killings. Thus, the incidence of extrajudicial killings by the Nigerian police is a recurring phenomenon since the inception of the Nigerian Fourth Republic in 1999. As Akinsanmi (2020) argues, the cases of extrajudicial killings in Nigeria remain a contemporary challenge to grapple with as the cases of arbitrary detainment, human rights violation, torture, enforced disappearances and unlawful killings by the security forces; police inclusive, have continued unabated in Nigeria (Amnesty International 2021).

The New Humanitarian (2010) alleges that the police in 2004 killed 2,987 people while 329 robbers were also reported killed in 2006. In 2009, several hundreds of innocent civilians were killed in the crackdown on Boko Haram in Maiduguri while several others were illegally detained. As a case in point, rather than being interrogated and prosecuted according to the law, Mohammed Yusuf, the leader of Boko Haram was unlawfully killed on July 30 2009 while in police custody – although authorities claimed he was caught in a crossfire while trying to escape. Therefore, it remains incontrovertible that the police promote extrajudicial killing. It is believed that the agency has a penchant for violence. Substantiating this assertion, Igbo (2017)

contends that the law guarantees the police enormous powers which it uses without caution, while Akinyetun (2022) opines that the NPF is an excessively militarized parastatal with a checkered history of violence, brutality, human rights violation and corruption spanning its pre-colonial, colonial and post-colonial epochal existence. This view is supported by Amnesty International (2021) that the police; particularly the Special Anti-Robbery Squad (SARS), often acted as an agent of abuse against citizens. For context, security agents shot five members of the Islamic Movement of Nigeria during a protest to demand the release of their leader, Sheikh Ibraheem El-Zakzaky in Abuja. Meanwhile, during the enforcement of the COVID-19 lockdown measures, no fewer than 18 people were killed between March 30 and April 13 by the police, military and the Nigerian Correctional Service. There was also general excessive use of force in several states of the federation. It was in protest against the extrajudicial killings and high-handedness of officers of the squad that Nigerian youths staged nationwide mobilization and protests in October 2020 to demand for the disbandment of SARS using the #EndSARS (Akinyetun 2021a).

The Network on Police Reform in Nigeria (2010) claims that the NPF is enmeshed in illegal acts due to an avalanche of obstacles including the lack of investigative infrastructure which makes it rely on torture as a means of extracting a confession from suspects, over-centralization and poor accountability, corruption, lack of human rights training, poor working conditions, pro-elite orientation and political interference, poor internal control and the absence of reforms.

This paper makes no effort to downplay the prevalence of extrajudicial killings in other parts of the world or to assume that the incidence is peculiar to Nigeria. Indeed, police-executed extrajudicial killing is a global phenomenon. Countries with high incidences of extrajudicial killings in the world, including Nigeria, are Bangladesh, the Philippines, Ethiopia, Colombia, Honduras, Syria, Sudan and the United States of America – among others (Early Warning Project 2017; World Organization Against Torture 2019; US Department of State 2021). The US Department of State (2021) in its latest report note that between 2018 and 2020, 606 cases of extrajudicial killings were recorded in Bangladesh; 28 in Colombia; 15 in Honduras; 217 in South Africa; 1,116 in Syria; and 180 in the Philippines. Concerning Nigeria, the Centre for Democracy and Development (2021) submits that about 13,241 lives were lost to extrajudicial killings between 2011 and 2021. Fair Trials (2020), maintains that by claiming to enforce the lockdown protocols occasioned by the coronavirus pandemic, the police in Nigeria, Kenya and South Africa engaged in human rights violations and extrajudicial killings. The report further notes that as of May 2020, a total of 209 complaints were in Nigeria

while 29 extrajudicial killings were recorded; 87 complaints were received in Kenya while 15 killings were recorded; and in South Africa, at least 10 unlawful killings were recorded. Meanwhile, in the Philippines, the war on drugs campaign launched by President Rodrigo Duterte in 2016 and intensified in 2018 has increased the prevalence of extrajudicial killings in the country. About 4948 suspected drug dealers and users are reported to have died during police operations between 2016 and 2018. The President has however vowed to protect the police officers fighting the drug war and to continue the campaign till the end of his term in 2022 (Human Rights Watch 2018).

More so, the police in India exercise unrestrained power and as such assume a supererogatory role. Like in Nigeria, Kenya and the Philippines, the police in India engage in extrajudicial killings and can deploy unlimited force due to its strong presence. Meanwhile, in the United States, the cases of extrajudicial killings by the police abound. A case in point is the killing of George Floyd by police officer Derek Chauvin on May 25 2020 – which led to a spiral protest against police brutality around the world (Bhargava 2021).

It is against this backdrop that this paper is deemed timely and important as it addresses extrajudicial killings by the NPF. This paper is significant because it advances the discussion and understanding of police brutality and extrajudicial killings in Nigeria since the return to civil rule in May 1999. More so, this paper addresses the need for comprehensive and practical reforms to rid the police of the persistent cases of extrajudicial killings by paying attention to the challenges that give impetus to the phenomenon. The paper also reviews the role of SARS in promoting extrajudicial killings as well as the relevance of Police Force Order 237 in the discourse on extrajudicial killings in Nigeria.

The paper adopts a qualitative approach by reviewing secondary data on extrajudicial killings by the Nigerian police as available in peer-reviewed journal articles, government reports, media reports, newspapers and international agency reports. To facilitate comprehension, the paper has been carefully organized into several rubrics. This introduction is followed by the theoretical framework which explores the organizational theory of police behaviour. The third section presents a detailed discussion on the Nigerian police and extrajudicial killings followed in succession by subsections on the Special Anti-Robbery Squad, forms of police extrajudicial killings in Nigeria, Police Force Order 237, failed police reforms and the way forward, while the last section of the paper features concluding thoughts on the discourse.

ORGANIZATIONAL THEORY OF POLICE BEHAVIOUR

Several theories have been advanced to explain the incidence of police brutality in different parts of the world. The theories have been classified as sociological theory – that police behaviour is influenced by social dynamics of police-citizen encounters, psychological theory – that the personality trait and behavioural differences such as race, educational background and gender determine officers' behavioural disposition and organizational theory – that the features of the organization where the officer works influences behavioural patterns (Worden 1996). Of these theories, the approach with the greatest potential is the organizational theory because organizational factors are easily altered thus resulting in varying behaviours among police officers. More so, the theory stresses the influence of organizational structure, incentives and disincentives on police behaviour (Worden 1996). Armacost (2016) notes that it is easy to blame a police officer and not the organization when in fact the organization fails to reprimand the erring officers thus allowing brutality to continue with impunity. Yet again, the organizational legal rules which permit the use of force in dealing with a criminal suspect encourage brutality by officers. In the case of Nigeria, the police have been empowered by the Police Act 1990 and Force Order 237 to apply force during arrest should the suspect attempt to escape arrest or from custody.

Research suggests that perceptions of organizational justice are linked to work-related behaviours by employees. That is, employees, conceive fairness from the organizational work environment and respond based on such judgements. This suggests that behavioural patterns are shaped by the perception of fairness in the workplace and not by the individual's personality and characteristics (Reynolds and Helfers 2019). The police, like other organizations, are not immune from these work-related behaviours by employees. When officers perceive they are not treated fairly, they are more likely to engage in anti-social behaviours. Reynolds and Helfers (2019) opine that employees who feel mistreated by their organization may act arbitrarily to engender a state of equitable balance or simply to get even. In other words, when organizational injustice is observed, employees may engage in counterproductive work behaviours (CWB). Such CWB among the police in Nigeria includes abuse of authority, corruption, brutality, excessive use of force and extrajudicial killings – most of which arises from the enormous authoritative powers bestowed on it.

Worden (1996) contends that the use of deadly force by the police is correlated to the lack of administrative control and poor enforcement of the rules guiding the police. Furthermore, formal controls such as operating procedures, rewards, rules and

regulations, punishment and availability of equipment have a significant impact on police behaviour and culture – autonomy to handle situations. As Armacost (2016: 1) submits, “the organizational culture of policing — the set of informal, cultural norms that are unique to the occupation of law enforcement — is the most important determinant of police behaviour”. Armacost (2016) argues that police reforms often fail to produce lasting results because they erroneously focus on the criminal prosecution of aggressive police officers, who are usually immune from punishment and often shielded by the institution. A pragmatic mechanism for addressing police brutality will prioritize a mechanism of a top-down, systemic reform of the police organization itself. Such re-organization will emphasize training, human rights, non-lethal tactics, community policing, de-escalation skills, transparency and accountability. This paper finds the theory suitable because it emphasizes the poor organizational structure of the Nigeria Police Force such as poor incentives, poor oversight, poor working conditions, lack of investigative infrastructure, corruption and poor training that increases frustration and the chances of anti-social practices among the officers. Armacost (2016: 1) concludes that “for reforms to stick, however, police departments need to understand and address the underlying issues that stand in the way of learning and change. By stepping up to focus on what the organization can do, police departments have a better chance of saving more lives”.

THE NIGERIAN POLICE AND EXTRAJUDICIAL KILLINGS

The Nigeria Police was established under Section 214 of the 1999 Constitution and its functions as contained in the Police Act (1990: 4) are:

“...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 outside Nigeria as may be required of them by, or under the authority of this or any other Act.”

Despite being primarily responsible for protecting life and property, the police often exhibit high-handedness while the people generally have low confidence in, and respect for the institution. The police have been accused of being pro-elite and mainly serving the interest of the state to oppress, suppress and repress. Truly, it is the responsibility of the police to enforce law and order, but the Nigerian police frequently carry out this duty without recourse to justice. The police often resort to bru-

tality and in some cases, unlawful killings to deal with suspects accused of resisting arrest or disrespecting authority. This is often done in a way that threatens the peace of the country (Odunaike, Lalude & Odusanya 2021; Ojo 2010). To be sure, extrajudicial killing is not limited to the Nigerian police, as other security agencies (Nigerian Army, Customs and the Nigerian Correctional Service) have also been accused of wanton unlawful killings (Igbo 2017), yet the focus of this paper is the Nigerian police due to its proximity to the people compared to other agencies.

The jubilations that heralded the outset of the Fourth Republic included the projection that the cases of extrajudicial killings experienced under the military regime will reduce in the civilian administration. However, the reality shows the opposite as the police have continued the tradition of brazen killings of suspected criminals and unarmed civilians, undeterred. The cases of extrajudicial killings became so incessant during the first term of the Fourth Republic that the United Nations sent a Special Rapporteur to investigate the killings (Ojo 2010). As expected, the findings of the report indicted the police and bemoaned the prevalence of unwarranted shootings, extortion and illegal classification of people as robbers. NOPRIN (2010) notes that Mike Okiro, the Acting Inspector-General of Police admitted in 2007 that the Nigeria Police Force (NPF) had killed 785 people in his 100 days in office. The police would execute its detainees and dispose of their bodies in unmarked graves whilst denying their families access to information about them and threatening the ones that intend to seek redress.

Ilo (2004) avers that extrajudicial killings are common among the police because the powers of the police are widely discretionary and are subject to the officer's interpretation in dealing with a suspect. The police can arrest a suspect without a warrant if he is suspected of a crime.¹ More so, the officer can apply force to ensure the safety of the suspect during an arrest. It is this policy of personal interpretation that the police exploit to kill suspects under the guise that they are refusing arrest. Igbo (2017) claims that the victims of police unlawful killings extend beyond the criminal spectrum. In addition to killing suspected terrorists, armed robbers and kidnappers, many innocent citizens have been caught in police crossfires in what is loosely referred to as 'accidental discharge' while many others have been shot for refusing to pay a bribe at police checkpoints, refusing arrest, supposedly wanting to harm the police, or for allegedly attempting to escape from police custody.

¹ Section 24, PART IV of the Police Act 1990 in compliance with section 10 of the Criminal Procedure Act, confers on the police the powers of arrest without warrant.

Extrajudicial killings and prevalent brutality by the police have been blamed on social factors and institutional failures which increases the vulnerability to social degradation and vices. These failures include the lack of investigative infrastructure, poor working conditions, corruption, lack of human rights training and a pro-elite orientation. These organizational or institutional challenges have also been classified as socioeconomic, ecological and socio-cultural limitations (Akinyetun 2021a). Odunaike, Lalude & Odusanya (2021) submit that the NPF favours torture, false detention and indiscriminate arrest.

NOPRIN (2010) add that the NPF is incapacitated in conducting a proper investigation and instead adopts torture to extract a confession from detainees. In most cases, it begins with roadside extortion, unwarranted detention, the infliction of torture and eventually extrajudicial execution. Some of the torture methods adopted include rape, being shot in the leg, stretched bodily positions, mid-air suspension and the infliction of pain through kicking, gun butts, machetes, boots, animal hides, electrical wires, fists and other dangerous tools. This was supported by Amnesty International (2009) that the Nigerian police largely depends on luck and ill-treatment rather than facts, evidence, scientific knowledge or intelligence in dealing with crime. Since the police lack the capacity for forensic investigation, they often rely on confessions which in most cases are obtained under duress using torture. This becomes the basis for which many suspects are summarily executed. For emphasis, about 60 per cent of prosecutions are secured with forced confessions (Amnesty International 2009).

Extrajudicial killing by the police in Nigeria is given impetus by institutional rot, lack of accountability, poor leadership and ineffective reforms (Odunaike, Lalude & Odusanya, 2021). Akinyetun (2016, 2022) aver that the brazen indulgence of the Nigeria Police in extralegal actions is rooted in its socioeconomic, ecological and socio-cultural challenges. Socio-economically, the police are fraught with poor funding, corruption and embezzlement while poor training, shoddy recruitment and politicization are among its ecological challenges. Socio-culturally, inadequate personnel, inefficiency and poor intelligence gathering techniques are among the challenges of the NPF. These problems taken together not only fuel frustration but also make administrative oversight and accountability impossible, thus giving impetus to misconduct such as extortion and extrajudicial killings.

Amnesty International (2009) maintains that the challenge of inadequate resources has deprived the police of access to sophisticated gadgets required for forensic investigation. The Nigerian police lack a database of criminal offenders' fingerprints while the operations and filing system of the several police stations in Nigeria are ar-

chaic and entirely manual. There are generally unpalatable working conditions in the police whereby their vehicles are poorly maintained, the offices are not conducive, basic equipment such as bullet-proof vests are not adequate, there are no provisions for medical care or insurance, while the accommodation spaces in the police barracks are limited and mostly in a deplorable state. The police often rely on complainants to fund the expenses incurred during an investigation thus increasing the chances of bribery, extortion and corruption. Corruption among the police has also been attributed to poor salaries and unpalatable working conditions. Indeed, these aforementioned issues have contributed in no small measure to the police's poor public image as the people generally mistrust the police thus straining police-community relations. Ojo (2010) corroborates that the reasons why many people are killed by the police revolve around bribes and extortion, emphasizing the role of corruption as a motive that drives police brutality.

The Nigerian police flagrantly undermine the provisions of the Nigerian constitution and other international laws concerning life. Akinsanmi (2020) argues that the police suffer from the lack of adequate training compliant with international and human rights laws, poor oversight by the Police Service Commission and the lack of enforcement of the 2017 Anti-Torture Act which advocates for an independent, prompt and thorough investigation in dealing with criminal suspects. Ojo (2010) opines that the disrespect for human life, particularly by the police and by extension the government suggests that the various charters, treaties and declarations that African leaders signed (i.e. African Charter on Human and Peoples Rights; Banjul Charter, and the United Nations 1948 Human Rights Declaration) were simply done to secure legitimacy and advance political networking as evidenced in their intentional disregard for the provisions of these charters. This is compounded by the inherent weakness of the charters and lack of political will by the leaders for proper implementation which gives room for the increase in the incidence of extrajudicial killings by the police.

Another factor that gave rise to extrajudicial killings is the government's creation of rapid response units such as 'operation wipe-out', 'operation smash', 'operation fire-for-fire' and 'operation storm' in the police force to combat armed robbery (Igbo 2017). These units have increased the chances of the use of lethal force, brutality, ruthlessness and unlawful killings by the police. This is because these units are set up as 'operations' needed to conquer a clandestine armed group rather than to promote police-community relations or improve police legitimacy. In addition to the causes of extrajudicial killings discussed above, a plethora of other several reasons have

been identified in the literature. According to Prisoners' Rehabilitation and Welfare Action [PRAWA] (2013), extrajudicial killings by the police are attributable to poor arrest and detention practices, lack of adequate human rights training, lack of internal control of the police force, lack of external oversight of the police force, poor documentation of cases of torture and extrajudicial killings, lack of reform in the police force, lack of adequate documentation of tortured suspects, lack of a comprehensive database of detention centres and lack of treatment for torture victims. For Nnadozie (2020), nepotism, maladministration, delayed promotion, poor office accommodation, depletion of scarce manpower and delay in payment of insurance and death benefits are among the common causes of police-sponsored extrajudicial killings in Nigeria.

Although the reported cases of extrajudicial killings are staggering, there is little data to support these claims. The dearth of data on the extrajudicial killings by the Nigerian police is attributable to several factors. Firstly, only a handful of people report the cases of unlawful killings by the police due in part to illiteracy, ignorance, lack of funds to secure legal support and fear of being victimized by the police. In addition, the government has failed to take these matters seriously by dedicating an institution to this task, rather it has left such responsibilities to various Non-Governmental Organizations (NGOs) whose data are often unreliable, contradictory and insufficient for empirical analysis. This is so because the police have adapted to carrying out the extrajudicial killings discreetly to dissuade public uproar. Meanwhile, Akin-sanmi (2020) avers that between January and October 2020, harassment and extortion by trigger-enthusiastic officers and SARS operatives resulted in about 122 cases of extrajudicial killings in Nigeria (see figure 1).

The trend of extrajudicial killings has not only called into question the legitimacy of the police and its procedural justice, but it has also led to a strain on effective policing and security in Nigeria thus necessitating a public outcry. Evidence of citizens' disenchantment with the police is the calls for the disbanding of the Special Anti-Robbery Squad (SARS) unit of the Nigerian police which led to nationwide protests in October 2020.

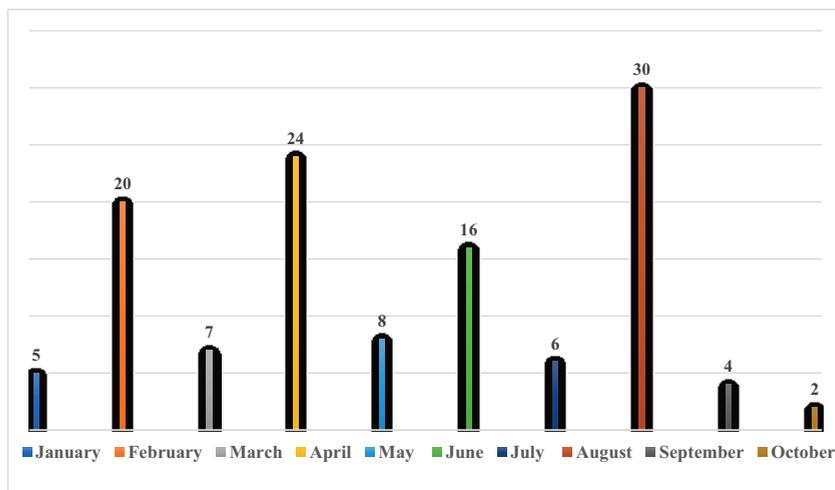


Figure 1: Reported cases of extrajudicial killings between January and October 2020

Source: Akinsanmi (2020) | Computation by authors

THE SPECIAL ANTI-ROBBERY SQUAD

The Special Anti-Robbery Squad (SARS) was a unit of the Nigerian Police established to combat the rising wave of armed robbery, kidnapping and assassination in the Southern parts of Nigeria in the 1990s. Due to the successes it recorded, it was extended to other parts of the Federation and soon failed in its mandate in the 2000s due to poor supervision and oversight. Akinyetun (2021a) observes that SARS became the emblem of brutality by the Nigerian police perpetrating heinous acts such as extortion, sexual abuse, hanging, starvation, forcing detainees to sit on sharp objects, mock execution, beatings, burning with cigarettes, forcing detainees to assume stressful bodily positions, hanging, waterboarding etc. The unit is dreaded for its penchant for brutality and extrajudicial killings.

According to Oduah (2021: 2), a hotel manager in Anambra state, Justin Nwankwo was arrested at his workplace in 2013 along with other staff and the hotel owner had found a gun and two human skulls in one of the guest rooms, alleging that sacrificial killings are being committed in the hotel. Nwankwo recounted his ordeal in SARS custody – which he referred to as a “human abattoir” with an inscription “Welcome to Hell Fire” written on the entrance. Nwankwo, who spent 81 days in Awkuzu SARS,

claimed that the head of the unit, James Nwafor is a “pathological killer”. In his words “He’s nearly insane... He cannot bring out his pistol and [have] it returned without sounding”. Nwankwo submitted that the location had a torture hall and different cells for women while the detainees of some of the cells are usually asked to clean up the blood in the torture hall. Nwankwo also recalled his experience of torture and the killings around him. In his words “I was hanged. I was beaten. Guns were sporadically shot around me ... they used their boots to hit my scrotum”. After Nwankwo was released, a medical report showed that he had internal bleeding, a ruptured scrotum and infections (Oduah 2021: 2).

Amnesty International (2020) submits that between January 2017 and May 2020, a total of 82 victims have been brutalized by SARS. The activities of the unit became public knowledge when they started going after youths illegally; claiming that they are involved in cybercrime and other illegal activities. Nnadozie (2020) attributes this change in orientation to frustration due to poor investigative infrastructure, politicized recruitment process, corruption, delayed promotion and poor salaries. Nnadozie (2020: 2) quoted a retired Commissioner of Police, Ibezimako Aghanya saying:

“My salary as a Commissioner of Police on retirement in 2009 was below N80,000² after deductions of tax and Contributory Pension. My gratuity with PENCOM was N15million. I was paid N7.5m while PENCOM retained N7.5m through my PFA [Pension Fund Administrator]. My pension for 9 years after my retirement was N66,000 as a Commissioner of Police after 35 years of meritorious service. It was just increased to N109,000 two years ago.”

According to NOPRIN (2010), SARS has various euphemisms such as ‘confirmed’, ‘escorted’, ‘errand’, or ‘transferred to Abuja’ to refer to summary execution or disappearance of victims. When ‘confirmed’ denotes the torture of a victim, ‘escorted’ or ‘transferred’ means summary execution or disappearance. Despite these atrocities, SARS operatives are rarely punished, rather get transferred to another location to dissuade public outcry. The disenchantment against the unit became rife leading to nationwide protests demanding its disbanding. In what was tagged #Endsars, Nigerian youths occupied the streets of major cities in the country in October 2020 protesting against police brutality and extrajudicial killings by the SARS. The mass protests were fueled by several factors such as exclusion, prevailing socio-economic realities and grievances. The exclusion of youth from governance processes coupled with unemployment and poverty occasioned by the COVID-19 pandemic as

² Using the present exchange rate, i.e. \$1=N510, this would be \$157

well as the grievance against the NPF; particularly SARS, accused of extortion, harassment and brutality of Nigerians became propelling factors in the call for an end to SARS (Akinyetun 2021a, 2021b). Indeed, the activities of the SARS and the Nigerian police as reported in this paper is a pointer to the imperatives for police reform in the country.

FORMS OF POLICE EXTRAJUDICIAL KILLINGS IN NIGERIA

According to Amnesty International (2009), extrajudicial killing by the Nigerian police often takes different forms viz: killings during police operations, killings at check-points, killings in a shoot-out with robbers and killings after arrest; otherwise known as ‘he-tried-to-escape’ killing. Igbo (2017) added that extrajudicial killings by the police could also take the form of mistakes and looking the way.

Killings during police operations

According to Amnesty International (2009), Christian Ugwuoke was killed on January 27 2009 while attending a wake and procession service. As substantiated by about 50 eyewitnesses, the police from Suleja Area Command reportedly shot at the crowd from a patrol vehicle. Two others were seriously injured from the sporadic shootings while Ugwuoke died. The people could not tell why the police shot at them while the police refused to offer explanations. Ojo (2010) corroborates the above that a police officer named Danjuma Ibrahim stopped six individuals in Apo, Abuja on June 7 2005 whilst they were returning from a visit to a friend. The police demanded a bribe from the occupants of the vehicle which was resisted by one of them named Ozor. As a result of the confrontation, Ozor was killed in cold blood while the other occupants were shot dead and the female among them was strangled to death to cover up the act. The police then paraded the victims as armed robbers. This attempted cover-up and change of narrative was resisted by the people of Apo who went to great lengths to prove the innocence of the victims in court and establish that they were extra-judicially killed by the police. The government responded by setting up a judicial commission of inquiry which found the police guilty. The government, represented by the Minister of Police Affairs, Broderick Bozimo, formally apologized to the family. Five of the indicted officers were arraigned in court while the sixth Othman Abdulsalam escaped from police custody.

A 30-year-old shoe guy, Chijioke Iloanya was out on November 29 2012 in Anambra to celebrate with his friend when the police (SARS) raided the party where he was arrested alongside his friends. When the family visited the detention centre, they were told the young man had been killed. His sister, Obianuju was quoted saying:

“...SARS is a terrible place, it’s a very scary place to be. Awkuzu SARS is known for killing young people. It’s very rare for a young person to be arrested by Awkuzu SARS and they’ll be out alive or still complete. You can lose a limb or something before you’re out” (Oduah 2021: 2).

Killings at checkpoints

It is not uncommon to find a police officer at checkpoints demanding bribes from commercial drivers. Amnesty International (2009) reports that a 39-year-old motorcycle rider in Enugu state, Aneke Okorie was shot in the stomach over the failure to pay the bribe. The police claimed that he was an armed robber while the eyewitness to the scene and the community leaders petitioned the Inspector General of Police over his death. Inquiry into the event showed that the young man was innocent and the three officers involved were arrested. Ojo (2010) buttresses that a businessman, Peter Osimiri was killed by the police in Kwale, Delta state in 2008 over his refusal to pay the bribe of N20 demanded at a police checkpoint. The same was the fate of another commercial driver, Joseph Onu, who was killed in December 2008 in Imo state for refusing to pay a bribe at the police checkpoint. Amnesty International (2009: 9) gave an account of a driver thus: “They [the police] stop all vehicles and collect money according to weight. Cars pay less than buses. Trailers pay most. If anyone moves, they shoot”. It is also reported that the police also shoot when there is disagreement about the amount to be paid as a bribe, while in some cases, bystanders get hit accidentally. A case in point was the accidental shooting of a two-year-old girl at a checkpoint on April 5 2009 in Lagos state.

Killings in a shoot-out with robbers

The police have been accused of hiding under the term ruse of a suspect being an armed robber to commit extrajudicial killings (Ojo 2010). Amnesty International (2009) submits that the police in Abia State arrested and paraded 12 men as armed robbers on August 10 2006 with some having gunshot injuries. However, in an unprecedented move, the 12 men were killed by the next day. The police reported that:

“Upon sighting the police, the suspected robbery gang opened fire and police responded in self-defence. During the fierce exchange of gunfire, three of the armed robbery suspects died on the spot while nine others sustained various degrees of injury from the shootout. Before they could be given medical attention, the remaining nine suspects, who survived the shootout died as a result of the injuries they sustained” (Amnesty International 2009: 10).

The above explanation by the police is an unconvincing attempt by the police to justify the unlawful killings of the men as they were earlier on paraded alive.

Ojo (2010) also reports the case of Funmilayo Abudu; a mother of three children and an employee of Demirs Poultry Farm, who was sent to purchase fuel for her company in Sagamu in 2008. While at the fuel station she heard the sound of a gun duel and went into hiding. When the sound of the battle subsided and she came out, she was immediately shot by the police and paraded as the head of an armed robbery gang until her employer identified her as an employer who sent on an errand. Meanwhile, in the same year, the police killed Modebayo Awosika and claimed he was involved in an accident that was proven wrong by the autopsy report which showed that he died from a gunshot. Ojo adds that after the Governor of Plateau State Jonah Jang ordered a shoot-on-sight directive in 2008, 118 cases of unlawful killings were recorded in a day.

Killings after arrest

In what is often referred to as a ‘he-tried-to-escape’ shooting, the police – by presuming an accused guilty – have been accused of killing suspects while in their custody and awaiting trial, claiming that they tried to escape. A case in point is the killing of the founder of the Boko Haram insurgence group, Mohammad Yusuf, whom the police claimed was killed while attempting to escape (Amnesty International 2009; Ojo 2010). Amnesty International (2009) claims that Ken Niweigha who was arrested on May 26 2009, paraded before the media in Yenagoa, and who had agreed to show the police his hideout was killed by the police who alleged that he tried to escape. To complicate matters, he was buried in an undisclosed location while the police went to his house to destroy his laptop and documents. There is also the case of five men arrested in Enugu state for suspected armed robbery and paraded before the media. Two months later, the police claimed they were shot dead while trying to escape – having been allowed to go to the toilet at the same time.

Olaitan Oyerinde, the private secretary to the Governor of Edo State Adams Oshiomole was allegedly killed by the police while in their custody in 2003.

According to Igbo (2017: 93), Oshiomole was quoted in his keynote address of the launching of the Code of Conduct for the Nigeria Police Force saying:

“...the man who murdered my secretary was in police custody. The gun was in police custody and these are the findings of the police. The only conclusion that can be reached is that the police ordered the killing of my private secretary...”

Killings by mistake

The police also increase the incidence of extrajudicial killings through their claim of accidental discharge. A notable case was that of Abu Abolaji, a Corporal, who claimed he fired seven gunshots that killed three men by mistake. Igbo (2017: 94) gives an account of the prosecution witness thus:

“On October 1, 2009, I was at Adekunle Police Station when we received a distress call, informing us about a robbery at Alagomeji after which four of us, including the defendant, signed for ammunition and went on patrol. When we got there, we saw three men who ran into a car and locked themselves up immediately they saw us. I got down from the patrol van with CPL Abolaji and asked him to go and find out why the men ran into the car when they saw us. After a while, I started hearing gunshots and I moved to the scene to ask the defendant why he was shooting. Immediately I got there, he said it was a mistake and the gun was collected from him by another police officer, who later discovered that seven of the bullets had been fired.”

There is no gainsaying that the above case was not by mistake given that the report showed that he fired the shots at close range and that he shot each person two times on average.

Killings by looking the other way

The police also look the other way when extrajudicial killing is being committed by a mob – thence supporting the menace. In such a scenario, the police stand by and do nothing but look on. A case in point was that of Kazeem Onayemi and Ifechukwudi Nwaikpor who were suspected of armed robbery and beaten to death by a mob on July 21 2013. Whilst the mob committed this dastardly act, six uniformed police officers were reported to have stood by, watched and done nothing. Igbo (2017: 95) quoted the Lagos State Commissioner of Police saying:

“I watched the video clip of how the two students were clubbed to death most terrifically, it was too gory. The Divisional Police Officer did not tell us the true position of the matter until I watched the video clip. When we started asking questions, we discovered that the two persons who were killed were not armed robbers as we were initially told. So we told ourselves that we would be failing in our duties if we failed to bring everyone involved in the murder to justice.”

The father of one of the victims was also quoted saying:

“My only son was killed in cold blood and labelled an armed robber... I’m sad because the police that one should run to when in distress, stood and did nothing to stop his lynching... I have lost faith in the Nigerian Police”

The above crime although not committed by the police, indicts the police of its failure in maintaining law and order, protecting life and property as well as preventing crime. It also suggests that the police are stylishly complicit in, or approve of the act. True to this, Igbo (2017) avers that investigation showed that the police decided to look away and allow a mob to mete out jungle justice as one of the policemen, an Inspector, was reported to have interviewed the victims as they were being beaten.

Killing by other means

The police have also been accused of engaging in other barbaric acts such as ritual killings. This was substantiated by Ilo (2004) that the Divisional Police Officer in Nsukka, Mr Gambo, arrested two teenage boys for an undisclosed offence. The boys were later found dead with vital organs of their bodies missing in a fashion that suggested they had been used for rituals. The incident which was confirmed by fellow police officers as perpetuated by the police is yet to be properly investigated and the culprit(s) prosecuted.

According to Amnesty International (2009), even though the Nigerian laws do not forbid the treatment of persons with gunshot wounds and accident victims, the police have encouraged a practice whereby medical practitioners will not treat victims without a police report. The police commit systematic extrajudicial killing by denying torture and gunshot victims life-saving medical treatment. Such was the case of a commercial driver, Femi Enyi who was shot by the police in Lagos on August 6 2008 for arguing with his colleague. The police refused to let him be taken to the hospital by his family till he died. Another victim, Samson Adekoya was arrested in Lagos in

February 2008 for robbery and detained at SARS without medical care which led to his death. Yet again, a 28-year-old Onuigbo Christian was shot by the police in Abuja on March 19, 2009, and refused to be admitted to the hospital for treatment. Onuigbo eventually died on March 21 2009.

POLICE FORCE ORDER 237

Force Order 237 (reviewed 2019) is a ten-section guidance on the use of force and firearms by police officers. This paper argues that the order is usually exploited by the police to commit brutality and extrajudicial killings (The Nigeria Police Force 2019). The area commonly abused is Section two which details the circumstances when the use of firearms by the police is authorized. Although 2.5 of the Order claims compliance with the rules of the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and People's Rights and the Nigerian 1999 constitution, the section remains the Achilles heel of the Order. To be sure, Part B of Section 2 recognizes the right of self-defence in compliance with Sections 286 and 287 of the Criminal Code. 2.2 reads "if an unprovoked assault is reasonably anticipated to cause death or grievous injury then S.286 of the Criminal Code would allow the use of force, which may be fatal in response" (The Nigeria Police Force 2019: 11). When the emphasis is placed on 'anticipated', it means the police are expected to predict the likelihood of a provocation. In other words, the police should find grounds to determine if an assault will be committed and use 'force' to quell it (The Nigeria Police Force 2019).

More so, Part C of Section 2 contains the power to use force in making an arrest. It rests on the provisions of Section 31 of the Criminal Procedure Code that a person making an arrest may use "all means necessary to affect the arrest" and the silence of the Administration of Criminal Justice Law on the matter. Sections 271, 272 and 273 of the Criminal Code cover situations under which force may be used by a police officer in the performance of his duties. When Section 271 of the Criminal Code Act empowers a police officer to use force to prevent escape during the arrest, Section 272 provides a similar power for any person arrested to use force to prevent escape (The Nigeria Police Force 2019).

Sub-section 2.3, Part C, Section 2 of Order 237 "permits the use of force to prevent a suspect escaping". It also reads:

“If the arrest of the suspect is for perpetrating a particularly serious crime involving grave threat to life, then, the Police Officer may use lethal force ‘if he/she cannot by any means otherwise’ arrest a suspect escaping from lawful custody, provided the escapee constitutes an imminent threat of death or serious injury. This is extremely important.” (p. 14)

Meanwhile, Section D contains the power to use force in preventing escape. It reads thus:

“Here a Police Officer or any other person may use such force which is, on reasonable (proportional) grounds necessary to prevent the escape or rescue, including, provided the offence for which the person has been arrested is one for which a power of arrest without a warrant exists.

Again, lethal force is only acceptable to protect against the imminent threat of serious injury or death posed by the escapee.” (p.15)

The above is problematic in several ways. First, it mentions ‘any other person which can be interpreted broadly and can be used by an unauthorized person to commit brutality. Secondly, it prescribes the use of lethal force to prevent the escape of a suspect who is yet to be convicted of a crime. This explains why the police bully their victims by threatening to shoot them, and in some cases, they are shot and alleged to be armed robbery suspects who are trying to resist arrest or escape. Thus, a police officer is justified for extra-judicially killing a suspect once he can claim that the latter is attempting to flee a crime scene. This further emphasizes the imperatives for a reform of the Police force.

FAILED POLICE REFORMS AND RECOMMENDATIONS FOR THE WAY FORWARD

Police reform refers to the transformation of the practices, policies, values and culture of the police organization in conformity with rule of law, human rights and democratic values. The overall aim of any reform is to improve the performance of the police in discharging its duties and enhancing police-community relations whilst advancing interaction with other parts of the justice and security sector (International Security Sector Advisory Team [ISSAT], 2021). Many attempts have been made toward police reform in Nigeria. These efforts have either been shoddy or the recommendations made thereof are not implemented (Akinyetun 2021a). As Otika (2019) notes, Presidents Olusegun Obasanjo, Umaru Musa Yar’Adua, Goodluck Jonathan and Muham-

madu Buhari all made frantic efforts to reform the policing institution in Nigeria without noteworthy progress. The Obasanjo administration inaugurated a 12-man committee headed by a retired Deputy Inspector General of Police; Alhaji Mohammad Dan Madami, in January 2006 to investigate the allegation against the Nigeria Police Force. Having engaged in country-wide research where police officers were interviewed in different parts of the country for 5 months, the report of the committee was never made public. This report was inherited by the Umaru Musa Yar'adua administration in 2007 who jettisoned it and set up a 16-man committee headed by former Inspector General of Police; Muhammadu Dikko Yusuf, in 2008 to drive police reforms as part of his 7-point manifesto. The committee recommended that the sum of N2.8 trillion should be spent in the course of 5 years to train and improve the welfare of the police. The recommendations however became shrouded by the health challenges faced by the president (Otika 2019).

Like the previous presidents, President Goodluck Jonathan also constituted another committee headed by Parry Osayande; a retired Deputy Inspector General of Police. The committee in its report submitted in August 2012 recommended that a sum of N1.5 trillion should be used to revamp the police force in 5 years – out of which only N10 billion was released. It also recommended that state police should not be considered as a solution to the challenges faced by the institution. The recommendations were not implemented till President Buhari took over office in 2015. His administration also ignored the recommendations and has come under pressure for police reforms given the penchant of the SARS for brutality. Akinyetun (2021a) notes that the Vice-President, Prof. Yemi Osinbajo, directed that SARS should be reformed in 2018, and like the previous findings, the committee report shows that the police force is embattled by organizational challenges such as lack of equipment, lack of forensic apparatus, inadequate personnel and limited capacity – among others thus recommending decentralization, improved welfare and accountability. Therefore, this paper argues that a sustainable police reform will be that which focuses on improving the accountability of the police force. This is because according to the United Nations Office on Drugs and Crime [UNODC] (2011: 9):

“Accountability involves a system of internal and external checks and balances aimed at ensuring that police perform the functions expected of them to a high standard and are held responsible if they fail to do so. It aims to prevent the police from misusing their powers, to prevent political authorities from misusing their control over the police, and most importantly, to enhance public confidence and (re-)establish police legitimacy.

...enhancing accountability can improve police legitimacy and increase public confidence, which, in turn, will reinforce the integrity of the system.”

According to UNODC (2011: IV),

“For the police to be able to take responsibility for actions and wrongdoings, they need to receive proper direction. They also need to be well-prepared and equipped to carry out their functions in a professional way and need to be assured of proper working conditions.

Effective accountability requires a proper complaints system that is easily accessible to the public and that can effectively investigate allegations and recommend disciplinary sanctions or refer cases for criminal prosecution.

Effective police accountability involves many different actors representing the different layers of modern-day democracies, including government representatives, the parliament, the judiciary, civil society actors and independent oversight bodies such as national human rights institutions. Primarily, it involves the police themselves.”

The key elements of an effective police accountability system include:

1. Legislation (in line with international human rights law) specifying the functions and powers of the police
2. Practical instructions based on the legislation that reflects both the spirit and the letter of the law
3. Opportunities for the public to voice their concerns
4. Policies that set priorities on how to deploy police capacity
5. Adequate police training, both basic and ongoing
6. Equipment that is adequate for prescribed police functions
7. Proper reporting procedures and facilities
8. Adequate supervision that supports officers in carrying out their duties professionally and reporting these correctly
9. A working culture that promotes transparency and evaluation
10. Monitoring of police actions and operations by both police leadership and external organs
11. Complaints procedures, both for making complaints to the police directly and to independent bodies
12. Fair and effective procedures and policies on how to deal with misconduct, including both disciplinary and criminal codes, adequate investigative capacity, procedures for punishment and appeal procedures

13. An independent body to oversee such procedures
14. Scrutiny and oversight involving feedback to the police to improve future activities and prevent future wrongdoings
15. Evaluation and complaints procedures that contribute to the development of new policies, procedures and instructions
16. Reliable statistics on police performance, related both to effectiveness in dealing with crime and public order, as well as to their integrity and public confidence
17. Procedures for overseeing the feedback, evaluation and complaints procedures and statistics (UNODC 2011).

CONCLUSION

This paper explored the role of the Nigeria Police Force in brutality, violation of rights, misconduct and extrajudicial killings in the Nigerian Fourth Republic. It was discovered that the police are responsible for the deprivation of life in the most violable way owing to their extensive powers. The powers of the police are widely discretionary and are subject to the officer's interpretation in dealing with a suspect. This is because the organizational legal rules which permit the use of force in dealing with a criminal suspect encourage brutality by officers. The Police Act 1990 and Force Order 237 empower an officer to arrest a suspect without a warrant and to apply force during the arrest should the suspect attempts to escape arrest or from custody. This has been used as a cover by the police to perpetrate the heinous crime of extrajudicial killings. The paper also found out that police brutality is a result of institutional failures which increases the vulnerability to social vices. These failures include poor working conditions, inadequate personnel and the lack of investigative infrastructure. As a result, this paper recommends that the government should carry out a comprehensive police reform that will focus on accountability as espoused by the UNODC. This reform should be carried out in conjunction with the private sector and the Civil Society Organizations in Nigeria to ensure that the people are involved in the process and to encourage objectivity.

Attention must equally be paid to the organizational structure of the NPF to provide timely and appropriate incentives and disincentives for police behaviour. In this way, officers will be motivated to act in the interest of the organization for positive rewards while dissidents will be discouraged by the fear of being reprimanded. In the same manner, the legal framework that empowers the police must be urgently re-

viewed to guide the use of firearms during an arrest. In addition, the socioeconomic, ecological and socio-cultural challenges of the police such as corruption, poor training, politicization, inadequate personnel and poor intelligence gathering techniques and equipment must be addressed to shape positive work-related behaviours. More importantly, the organizational culture of policing in Nigeria must be improved through the conscious emphasis on human rights training, transparency, equity, fairness, non-lethal tactics and de-escalation skills.

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POLICIJA, SAMOVOLJNA UBISTVA I NUŽNOST REFORMI U ČETVRTOJ NIGERIJSKOJ REPUBLICI

Sažetak

U posljednje vrijeme sve su brojnija samovoljna ubistva koja se pripisuju pripadnicima nigerijske policije u vršenju njihovih ustavnih dužnosti i nadležnosti. Optužuju se za kršenja ljudskih prava, mučenje, brutalnost i protupravna ubistva različitog stepena. Ovaj očigledan ali štetan trend postao je teret za efikasan rad policije i sigurnost u Nigeriji. U ovom radu razmatramo ulogu policijskih snaga Nigerije u samovoljnim ubijanjima tokom izvršavanja dužnosti od ponovne uspostave civilne vlasti 1999. godine, te način na koji reforma policije može unaprijediti odgovornost policije. Rad se temelji na organizacionoj teoriji ponašanja policije i primjenjuje kvalitativni pristup analizirajući literaturu o samovoljnim ubistvima koja čini nigerijska policija, a koja je dostupna u recenziranim člancima, izvještajima Vlade i medija, u štampi i izvještajima međunarodnih agencija. Nalazi pokazuju da je nigerijska policija u značajnoj mjeri sudjelovala u samovoljnim ubistvima, te da organizacioni nedostaci kao što su korupcija, nepostojanje infrastrukture za provođenje istraga, nepostojanje edukacije o pitanjima ljudskih prava, loši radni uslovi, loše interne kontrole i često zloupotrebljavana Uredba 237, predstavljaju glavne faktore koji doprinose sve većem broju samovoljnih ubistava koja vrše pripadnici policije. U radu zaključujemo da bi samovoljna ubistva mogla postati dominantan narativ ukoliko izostane iskren pristup reformi policije. Stoga preporučujemo temeljitu sigurnosnu reformu nigerijske policije u saradnji sa privatnim sektorom i organizacijama civilnog društva u Nigeriji.

Ključne riječi: EndSARS; samovoljna ubistva; reforma policije; policijske snage Nigerije; SARS

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