

Review Seminar

Crime: Managing Public Order in Countries in Transition

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CRIME AND HUMAN RIGHTS IN NIGERIA

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INTRODUCTION

1. In many societies undergoing transition from authoritarian forms of government to democracy, the perception of rise in violent crime and increasing social disorder is widespread. Participants at a seminar on crime and policing in transitional societies, organised by the South African Institute of International Affairs (SAIIA) in 2000 echoed this concern when they observed that

even though democratic transitions in Eastern Europe, Latin America and some parts of Africa have renewed hope among the peoples of the regions, it has also brought in its wake a surge in crime and disorder before it has the opportunity to germinate and bear fruits (Chukwuma 2001: 15).

2. Similarly, Rachel Neild (1999) in a paper entitled "From National Security to Citizens Security" that draws from her experience of working in Latin America stated:

Almost all new democracies manifest an overwhelming increase in common crime and delinquency, including homicide, giving rise to a generalised feeling of fear and insecurity amongst the population. The result, in many cases, is a groundswell of popular sentiment in favour of a return to authoritarian modes of governance and repressive approaches to crime (1999: 1).

3. Nigeria's experience in the past three years of transitional democracy is not different from this emerging trend. In spite of the government's promises to tackle crime, the rate of armed robbery, political assassinations, ethno-religious killings and other violent crimes remains extremely high (Carina, 2002). The then Minister for Police Affairs, General David Jemibewon, admitted this much in a paper delivered on his behalf at the South African seminar:

When Nigeria ... shifted from autocratic military rule to democratic rule on May 29, 1999, Nigerians heaved a sigh of relief. Regrettably, our new-found democracy has, to some extent, become a source of insecurity and lawlessness, as these rights were construed and exercised restraint. The past one year

¹ With research assistance from Austin Agugua.

under this administration has therefore seen an increase in crime waves in various parts of the country (Jemibewon, 2001: 31).

4. The government's response — at both federal and state levels — has come in the form of increasing policing capacity, enactment of draconian laws such as extension of Sharia laws to criminal matters and legalisation of the activities of vigilante groups and reintroduction of militarised approaches to law enforcement. Similarly, the Nigeria public has not only welcomed repressive approaches to crime control by law enforcement agents but has also resorted to self-help measures. These measures, which included the formation of vigilante groups, have made lynching of criminal suspects their stock in trade, because of their frustration at the inability of the public service police to bring down the level of crime.
5. This development places human rights organisation in Nigeria in front of a difficult dilemma. Should the organisations pursue the classical due process model of criminal justice by focusing exclusively on the treatment of suspects and offenders or swing full scale to inquisitorial model where the main concern would be seeking justice for the victims of crime even if it means violating the human rights of the suspects? Whatever alternative they choose has implications for their work and relationship with the public.
6. This study looks at how human rights groups in Nigeria have responded to the challenge of increasing public tolerance of repressive approaches to crime control occasioned by the perception of rise in crime and disorder, and what strategies (if any) they have developed to deal with the situation.
7. The methodology used for the study involved face-to-face interviews of representative human rights activists and groups in Nigeria, drawn from the six geographical zones, using a standardised interview schedule. Twenty activists were interviewed. Their names and the groups they belong to are provided in the appendix. The views of the respondents were complemented by extensive review of literature on the subject both within and outside Nigeria.
8. The study is divided into five sections. The first section takes a critical look at transition and crime and perceptions of increase in crime in Nigeria. Section two examines the responses to increase crime by government at both federal and states levels. Section three focuses on various types of self-help measures introduced by sections of the public in response to growing dissatisfaction at the inadequacies of the police. Section four interrogates the attitude of human rights organisations to rise in crime and their responses to it. The final section provides conclusions and offers some recommendations.

CRIME AND TRANSITION IN NIGERIA

9. Upsurge in crime during periods of political and related economic and social transition is a complex phenomenon, relatively difficult to analyse. Statistical data on levels of crime before and after the transition are difficult to come by, and when available, their accuracy may be open to question.² For instance, activities that are criminalised under authoritarian regimes might become decriminalised during and after a transition, which renders comparison a difficult enterprise. The situation in Nigeria is further compounded by the fact there exists no standardised data collection process as statistics on crime are still collected and collated manually. As a result, different crime figures are given out by the police depending on the period of the year the request is made. If a request were made in February, when only a few state police commands have filed their annual reports on crime for the previous year, certain figures would be given. If

² See Mark Shaw (2000) *Crime and Policing in Transition: Comparative Perspectives*, Johannesburg: South African Institute of International Affairs.

one inquires anew in June, when more states would have filed, different figures would be given. If yet again one were to inquire in September, when most of the state police commands are expected to have filed their reports, they would still be given a different set of figures. This makes it difficult to compare crime situation during the period of military and the present democratic dispensation on the basis of available data.

10. Another problem that confronts attempts to link rise in crime to political transition is the question of whether transitions only give visibility to crimes that were previously in existence or actually give rise to new forms of crime.³ Have levels of crime such as armed robbery and assassination not always been high but because they are now increasingly reported, appear higher and due to the transition? Added to the above is the issue of displacement of criminal activity from poor neighbourhoods to rich ones or from one part of the country to another where the media have access to them?
11. Cases that come close to mind here are the series of high profile killings and robbing of the homes of influential people that followed the inauguration of the Obasanjo government in 1999 and the media attention to them. It is tempting to argue that the high media attention to crime in this new dispensation has something to do with the personalities that were involved, instead of an actual rise in crime. Examples that come to mind are the killing of Anthony Ikhazabour and Lai Balogun, the shooting of the business magnate, Chris Ogunbajo, and the near assassination of Don Etiebet, a former presidential candidate in Lagos and Abuja respectively. In all these cases, media reports on them lasted for weeks.
12. These and other issues make definitive conclusions on the link between rise in crime and transition difficult to reach. However, there are certain features of political transition that are conducive to criminal activity. The first, which is so fundamental as to be taken for granted, is *change* and its management.
13. Peter Blau and W. Scott observed in their book *Formal Organisation: A Comparative Approach* that change whether due to new external developments impinging on the organisation or to internal modifications, produces situations without precedents. Besides, some exigencies that may arise cannot be anticipated.⁴ The sudden change from military rule to civilian rule in Nigeria was not only unanticipated but also not prepared for. Hence, criminal groups among others took advantage of it. Major General David Jemibewon, former Minister of Police Affairs, corroborated this view when he stated in an opening address he presented to the South African conference mentioned above:

The sudden change that the transition from the long years of military rule to a democratic dispensation brought on the country (Nigeria) was so monumental and managing it was daunting...The Nigeria Police Force that we inherited could be said to have suffered gravely from lack of such regulatory institutions and lack of focus... Our new-found democracy became to some extent a source of insecurity and lawlessness, as rights were misconstrued and exercised without restraint. Views which were considered anti-government and hitherto suppressed out of fear under the military, were now freely expressed and often times violently too. Militant groups that were agitating for one thing or the other, often times armed, sprang up in some parts of the country. The police, who were not adequately prepared for the violent and criminal eruptions that heralded our democratic rebirth, was therefore stretched to the maximum of their capability (2001: 30).

14. Another feature of transition, which makes it susceptible to increase in crime, is the demobilisation or reform of security apparatuses that were used by previous repressive

³ Op.cit

⁴ Quoted in D. M. Jemibewon, Opening Address at the Conference on Crime and Policing in Transition: Comparative Perspectives, Johannesburg, South Africa, August 30 - September 1, 2000: 5.

government to control crime and their replacement by formal agencies which lack the capacity to cope due to neglect by the ousted government. The gap that is created between the legitimate effort to reform and the capacity to cope in the new situation is often exploited by criminal elements in the society.

15. In the case of Nigeria, one of the first things the Obasanjo government did on assumption of office was to disband the various military-led anti-crime taskforces and tribunals and hand over their roles to the regular police. Some of these anti-crime taskforces went by such militaristic names as: Operation Sweep (Lagos State), Operation Wedge (Ogun State), Operation Hot Chase (Osun State), Operation Zaki (lion) (Borno State), Operation Gbale (chase) (Oyo State), Operation Wipe (Edo State), Operation Storm (Imo State), Operation Watch (Kwara State), Operation Flush (River State), Operation Keep Away Criminals (Kebbi State), Operation Scorpion (Adamawa State), and so forth.
16. Naturally, the military left the scene with their superior guns, bullet-proof vests, high-performance vehicles, life insurance and better motivation. The police that succeeded them did not have half of these and the government was not in a haste to fully equip them. It did not take long for the consequence to be noticed on the streets; namely, an increase in crime.
17. Another factor is the ongoing economic liberalisation and privatisation programme, which the government has made a cardinal policy. Economic liberalisation throws up multiplicity of actors and creates new wealth opportunities that are not accessible or open to all. It also bring in its waken massive layoff of workers in state monopolies, which are being privatised, thereby leading to increase in social crime. According the Mark Shaw (2000):

Post-authoritarian and post-conflict societies are increasingly subject to structural changes in their economies. While a number of approaches are followed in this regard, transitional societies tend to share the experience of changes in the ownership structure (privatisation), the multiplication of economic actors and influences of globalisation. Many transitional societies also seek to redefine the role of the state by reducing or altering its role in economic activity. In such states, the access to newly created opportunities is not equal for all. This factor...creates contradictory pressures.⁵

18. All the respondents interviewed for the study were of the view that crime, especially violent forms, is on the increase when compared to periods of military rule. According to Etannibi Alemika, a professor of criminology at the University of Jos and board member of the Centre for Law Enforcement Education in Lagos,

in terms of the level of criminality...one can say the incidents have increased. It has also become violent.... In my perception, armed robbery appeared to have been generalised as a form of crime. So, when people are talking about crime, they are talking about armed robbery and assassination.

19. Corroborating the views of Alemika, Hussain Abdu of the Centre for Human Rights and Investigatory Journalism, based in Kaduna, argues that

during the period of military rule, soldiers were all over the place, in fact by 8:00 p.m. you could hardly see people on the street of Abuja because they believe that Al Mustapha (the chief security officer of the late military head of state, General Abacha) moves up and down with his boys to picking up people and throwing them into detention. So many people were disappearing. So, the level of crime was not as high then as it is now because there is democracy.

20. Similarly, Chima Ubani of the CLO stated:

⁵ Shaw (2000), *Crime and Policing*, p.6.

Although one has not conducted any systematic research to be able to come to a scientific conclusion on rise in crime, the general impression one gets is that there has been an upswing in the rate of crime since the advent of civil rule. An indication of this will be the frequency of media reports of major cases of criminal activities. Especially those of the violent nature, i.e. those involving loss of life, and so many cases of daredevil armed robbery, has been reported within this period of civil rule. From such indices, one has been able to get the clear feeling that more criminal activities has been taking place since the advent of this dispensation.

21. Even though police statistics on crime were unavailable for a comparison with the views of our respondents, studies on fear of crime and how the Nigerian society has responded to it corroborates the perception that violent crime is on the increase. In a study entitled "Architecture of Fear", which looks at building designs and construction strategies in residential neighbourhoods in Nigeria, Tunde Agbola (1997) argues that

looking around Nigerian cities, one will notice the general trend towards the construction of high walls around residential units, which have become so high that they obstruct the visual beauty of such buildings, sometimes concealing them altogether; erection of houses which are intricately shielded with burglary proofing; construction of lighting facilities at every corner of the residential environment; and a host of other protective devices, all of which give credence to the assertion that city architecture in Nigeria today is governed by the fear of incursion by robbers (1997:5).

22. Another indication of the perception that crime is on the rise is to look at its impact on social behaviour. In major cities, there is growing absence of nightlife and collapse of a host of businesses that depend on it. In Lagos, for instance, about five to ten years ago almost every street corner had a night club or drinking parlour which opened for business in the evenings, but today many of them have been forced to close down either because of lack of patronage, robbery attacks or police orders, following complaints by residents that they provided hideouts for criminal elements waiting to prey on their victims.
23. Returning to the respondents, there is a consensus that that most of the people involved in crime are young people and increasing number of them are educated. According to Festus Okoye of the Human Rights Monitor:

There is a police station they call *Gidan Kaya* (in kaduna). Why they call it *Gidan Kaya* is because most of the people they arrest there are youths who are involved in criminal activities... the only change I see is that previously, most people who commit these crimes are illiterate. But now if you look at the statistics on the ground you find out that most of these robbery cases and those who engage in violent crimes are university graduates.

24. Corroborating this view, Jiti Ogunye, a human right lawyer and former General Secretary of the Committee for the Defence of Human Rights, based in Lagos, remarks:

Looking at armed robbery, many students of tertiary institutions have been arrested among robbers...when students of tertiary institutions who are supposed to be learning also get involved in this kind of act, the situation is much more serious.

GOVERNMENT RESPONSES TO THE RISE IN CRIME

25. Most countries that experience a transition to democracy pass through a period that might be described as *democratic euphoria*. During this period, public expectations and rating of the new government are usually so high that even government functionaries begin to make promises that may not be fulfilled (Shaw 2001). In Nigeria, the period between May 29 and December 31, 1999, may pass as the country's period of democratic euphoria. In his inaugural speech, President Obasanjo addressed all the major concerns the Nigeria public had with previous military

government and promised that his government would not be “business as usual”. He followed it up with the establishment of the Oputa Commission, the Kolade Panel for review of contracts, trials of key functionaries of Abacha government accused of human rights abuse, among other positive acts (Chukwuma 2001). At the law enforcement level, all military-led anticrime security task forces were dismantled and replaced by the regular police. The government promised to reform the police, provide them with more logistics for their operation and sought training assistance for them from the government of United States and Britain.

26. However, the euphoria soon began to fade with the rise in violent crime and civil disorder around the country and the feeling that the government was not responding adequately to the safety and security needs of the people. From the Niger Delta, where restive youths fighting environmental despoliation and decades of neglect had perfected the act of abduction and hostage-taking of oil company workers, to the Southwest, where ethnic militia from Odua Peoples Congress (OPC) swore to defend Obasanjo whom they did not elect, the commonest language spoken was violence in its goriest form. The north and eastern parts of the country were not left out as Sharia violence in Kaduna and its reprisals in Aba and Umuahia, left hundreds, if not thousands, dead (Chukwuma 2001). In one sentence, safety and security became very scarce commodities.
27. Naturally, the government had to respond, since democracy requires stability and order to thrive. However, the response of governments — at federal and state level — to the rise in criminality and civil disorder have remained ad hoc and have come in the form of Increasingly policing capacity, militarisation of law enforcement, and enactment of anti-crime draconian laws.
28. On increasing policing capacity and remilitarisation of law enforcement, there has been a massive increase in recruitment into the police, deployment of soldiers to quell civil unrests, importation of sophisticated guns for the security agencies and reintroduction of ad hoc security taskforces, such Rapid Response Squad and Operation Fire-for-fire⁶ — all in a bid to arrest rise in crime and armed banditry. The argument appears to be that since armed criminals now use sophisticated weapons in their operations, to counter them you have to use superior fire power and deploy more personnel to deal with them.
29. However, indications show that the more weapons and police personnel deployed to counter crime, the more crime and sectarian violence soar. The best that has been achieved appears to be crime dispersal from one state or region to another. According to Kemi Rotimi (2000: 3), “increment in the number of police personnel deployed to the streets simply appears to be a desperate game of catch-up that has no effect on the rate of increase in crime.”
30. Draconian laws such as the legalisation of the activities of vigilante groups in the eastern part of Nigeria and the extension of Sharia to criminal matters in some states in northern Nigeria form partial extension of the panicky responses of the state to increase in crime. In Anambra State, for instance, a Vigilant Service Act was enacted in 2000 to “provide for the registration of vigilante groups in communities and for related purposes.” The section of the Act that provides powers for vigilante groups reads:
 - The groups shall have powers to:
 - arrest any person who commits a crime before them;
 - patrol the streets or villages at any time of the day and especially at night;
 - maintain security barricades at night in appropriate places;

⁶ Operation Fire for Fire is part of an eight-point strategy launched by the new chief of police in Nigeria in to crackdown on violent crime.

- question and hand over to the police, any person of questionable character or of a suspicious movement; and
 - enter and search any compound into which a questionable person runs while being pursued.
31. As we will see below, in the section on vigilante groups, these wide powers have been used to commit all kinds of atrocities in the name of tracking down suspects, with the full support of the state government (Tertsikian 2002). Similarly, the Sharia laws in some states of the north give powers of life and death to the Sharia judges over matters that at best would constitute minor offences in other parts of the country. For instance, the punishment for theft under Sharia is amputation.
32. In spite of these draconian measures, crime continues to rise and people's confidence in the criminal justice system continues to recede. Respondents to the study scored the criminal justice system very low. From Stella Amadi and Legborsi Pyagbara in the East, to Josephine Effah-Chukwuma and Jiti Ogunye in the West, as well as Malam Zakari Ya'u and Professor Etannibi Alemika in the North, all regard the justice system as ineffective, inefficient and corrupt.
33. According to Stella Amadi, of the Institute of Human Rights and Humanitarian law (IHRHL), Port Harcourt, the criminal justice system cannot be relied upon to deliver justice. In her words: "First you take the courts where delays are constant, practitioners' fees are exorbitant and judges are corrupt." With reference to the police, she opened her statement by noting: "If I start talking about police, I will put you to sleep. When you see a uniform, you think of death, you think of extortion, you think about N20 notes. The police think that policing is about getting money from people". Similarly, Pyagbara of the Movement for the Survival of Ogoni People (MOSOP), Port Harcourt, argues:
- The criminal justice system (CJS) has not improved because we have not shifted from the militarised orientation that we had. The CJS can be influenced and manipulated. If a person has money or influence in society then he may remain above the law. The police instead of checking vehicles, will ask for a "green" (20 Naira note) and that will be the end of the transaction".
34. From Kano, the Northern part of the country, Mallam Zakari Ya'u, President of the Community Action for Popular Participation (CAPP) concurred:
- The justice system in this country is very expensive. Secondly, the judicial administration in the country is corrupt. You have a legal system that is deeply in fraud, which can lead to a fraudulent criminal system in the country. My perception of the criminal justice system is that it is corrupt, inefficient and not justice oriented.
35. With the foregoing as a background, it becomes easier to appreciate the response of non-state actors and why the public applauds self-help measures such as vigilantism.

PUBLIC RESPONSE TO CRIME IN TRANSITION

36. In many transitional societies, public dissatisfaction with the efforts of the state in dealing with rising crime and disorder have gone hand in hand with increased public tolerance of repressive approaches to crime control by law enforcement agencies and in extreme cases resort to self-help measures, which have in turn laid to violation of human rights.⁷ Explaining the root of this development, Shaw (2001) argues:

⁷ Innocent Chukwuma, *Vigilantes and policing in Nigeria*, in Law Enforcement Review, Lagos, September 2000: 15.

Establishment of liberal democracy brings paradoxical forces into play in most transitional societies. On the one hand, the conditions for the growth of crime are enhanced, on the other, citizens look (as they have never done before) to the state for protection. Given the very real constraints on the post-transition state in delivering effective systems of criminal justice (such as low skill levels, lack of representative institutions and poor resourcing) citizens are likely, over time, to seek alternative forms of protection such as vigilantes and for the wealthy (including the business sector), the increases privatisation of policing and crime prevention.⁸

37. The Nigeria situation is not different. Public disenchantment with the criminal justice system and particularly the failure of the police to bring down the level of crime has led to high public patronage of security devices and establishments of bodies that challenge the monopoly of violence by the states. Some of the measures that have been introduced to boost feeling of safety include:
 - high-walled fences and gated streets in what has been described as “architecture of fear”;
 - the proliferation of private security outfits and their purchase by wealthier segments of the citizenry; and
 - the emergence of a plethora of vigilante organisations across the country;
38. Almost every house in middle and upper class residential neighbourhoods in most cities of Nigeria is fenced round with high concrete wall, shielded with burglary proofing, and a host of other security devices. The streets are not left out as many of them are gated and locked at certain periods of the nights, usually between 10:00 p.m. and 5:00 a.m. All these measure according to Agbola (1997), “give credence to the assertion that city architecture in Nigeria today is governed by the fear of incursion by robbers” (1997: 5).
39. Similarly, patronage of private security companies by businesses and the wealthier section of the population is now the order of the day. A conservative estimate puts the ratio of private guards to the police at 3 to 1. The ratio might increase to 5 to 1, if we include in their numbers, night-watchmen popularly called *maiguards* (Chukwuma 2001). The sector, to use the words of a crime reporter, has become a ‘gold-mine’. Even personnel directors of companies are not left in the mad rush for quick money by hook or crook. Rather than contract out the business of providing security guards for their companies to established private security firms, they now sew their own uniforms and recruit all kinds of people straight from the streets to security jobs the next day (Chukwuma 2001).
40. Besides the activities of private security companies, the most troubling aspect of community response to the upsurge in crime and the loss of confidence in public service police is the emergence of militant and violence prone vigilante groups in certain parts of the country with open or tacit approval of some state governments. From O’dua People’s Congress (OPC) in the Southwest to the Bakassi Boys in the South East, the point is made that with the enthronement of democracy in 1999 and the discontinuation of military — led anti-crime outfits, many state governments, which were disenchanting with the activities of the police in the face of rising crime wave in their states and could not invite the military without the approval of the federal government, openly encouraged the formation of militant vigilante groups or surreptitiously supported the activities of existing ones.
41. Responding to this development, Bari-ara Kpalap, of the Movement for the Survival of Ogoni People (MOSOP) observed: “If we had a government that functioned correctly we would have no need for vigilante groups. They arise from lack of government involvement.”
42. Buttressing the view, Mallam Zakari Ya’u, an activist based in Kaduna, argues:

⁸ Op. cit, p.8

Non state actors have become prominent over the years because state securities have failed to curb the problems. People in the area have to organise themselves, set up vigilante groups because they do not rely on the police. As a result, the security industry is a booming industry now.

43. He further stated that the introduction of Sharia in some states of the North could be linked to the same reasons that informed the establishment of the vigilante groups in the South. According to him:

They (the people) want justice. Government for them has failed in the area of justice and they want alternative means. They lack civic education. Sharia is a rural-based phenomenon.... It is different responses to failure of states to meet the basic needs of the citizen.

44. Of all the vigilante groups that operate in Nigeria, two groups stand out in their notoriety. These are Bakassi Boys, active in the eastern part of the country and Odua's People, Congress (OPC), which dominate the southwestern part of Nigeria. The Bakassi boys, who straddle four states in eastern part of Nigeria like a colossus, trace their history to Aba, a commercial city in the region, which witnessed an explosion of violent crime between 1997-1999. According to eye witness accounts, robbery and extortion by armed gangs were a daily routine and began to affect more than just the population of Aba, as traders from all over the country, who used to go to Aba to transact business in, began to stay away out of fear of crime (Tertsakian, 2002).
45. The Bakassi was said to have routed the suspected criminals and gangs that held the city to ransom through unorthodox methods, including amputation, lynching, roasting and torturing them. Soon after, their 'success' and mythical invincibility spread to other cities in the region, such as Umuahia, Owerri and Onitsha. It did not take long for the residents of these cities to invite them (Tertsakian, 2002). Presently, three states in eastern Nigeria have enacted legislation backing the activities of Bakassi Boys. These are the Imo, Anambra and Ebonyi states. The Anambra Vigilance Services Act of 2000, which was quoted earlier shows the kind of brazen powers of intrusion into people's privacy and restraint on liberty that are given to the group in the region.
46. The OPC had a different route to vigilantism. According to Kayode Ogundamisi, the National Secretary, the OPC came into existence as a platform to champion Yoruba interests, promote Yoruba cultural values, Yoruba heritage and to champion the campaign for an emergence of either an autonomous south western region in a friendly Nigeria or an independent Oduduwa republic out of an unfriendly Nigeria. (Interview granted to the Centre for Law Enforcement Education). According to him:

The emergence of the OPC became an historical necessity considering the many years of deprivation and outright restriction of political power to regions outside the Southwestern part of Nigeria. The annulment of the June 12, 1993 presidential election alleged to have been won by chief MKO Abiola was another factor that gave impetus to the formulation of the OPC. The OPC therefore came into existence on the twenty-fourth of August 1994 with an immediate agenda of sending the military out of political power by all means necessary and the convocation of a sovereign national conference that would lead to the restructuring of Nigeria.

47. On why the OPC ventured into crime fighting, Ogundamisi attributed it to the failure of the police to discharge their duties. In his words:

The Nigerian police can be described as a corrupt, ineffective and weak organisation. This is born out of the fact that over the years the police have failed to perform its constitutional and legitimate role of protecting the lives, property of citizens, prevent crimes and prosecute offenders. It is also noteworthy to say that the police force in Nigeria lack adequate manpower, fire power, motivation

and will to confront the menace of increasing crime rate in a society with an astronomical increase in unemployment and poverty (LER, 2000:22-23).

48. The method of operation of vigilante groups in Nigeria often violates international treaties that has been ratified by Nigeria, as the following experiences of the victim's detail. The experience Mr. Ifeanyi Ibegbu, the minority leader in the Anambra State House of Assembly, at the hands of the Bakassi Boys is chilling. He was arrested by the Bakassi boys in Onitsha, Anambra State, on August 20, 2000 with his personal aide and driver. His pleas that he was an elected representative of Onitsha people and subsequent production of his identity card did not help matters. His captors took him to their Headquarters in Onitsha main market where in his words: "they ripped my clothes from my body and stripped me completely naked, tied my hands behind my back, bound my feet together and gagged me with rope". Mr. Ifeanyi Ibegbu was held at the torture chambers of the Bakassi boys for a day till the Commissioner of Police in Anambra state, Osarentin Bakare, arrived on the orders of the Inspector General of Police then, Alhaji Musuliu Smith, before he was released. For Mr. Ifeanyi Ibegbu, it was a narrow escape.
49. Others — too numerous to mention — were not so lucky. They include Ebuka Okereke, a student of the Federal Polytechnic Nekede Imo State, Okechukwu Maduekwe and Chukwudozie Nwachukwu killed by the Bakassi boys on July 9, 1999. Until his death Okechukwu Maduekwe was a police corporal attached to Elf oil in Port Harcourt Rivers State. His colleague, Chukwudozie Nwachukwu, was until his death a graduate of Zoology from the Rivers State University of Science and Technology and a staff of a fishing company in Lagos. It is on record that the Abia state government was seriously fingered in the death, of the duo (Tertsakian, 2002).
50. On Tuesday, July 11, 2000, members of the OPC invaded Fatey Street, Lagos Island, and burnt down twenty-eight houses, alongside destroying properties, worth millions of Naira. They claimed that the street was a hide-out for armed robbers. Besides such similar incidents, the OPC did not restrict their war against crime to noted cases of armed robbery. They also extended their searchlight to corruption in government agencies which often brings them into direct confrontation with law enforcement agencies. One of such instances was the events of July 10, 2000, when a long-standing rift between customs officials and clearing agents came to the surface at the Cargo Shed of Murtala Mohamed International Airport. A clearing agent, Tolani Subomi was allegedly shot dead by a Customs Officer for his refusal to pay a bribe of N50, 000.00 to the customs men. Violence erupted and at the end of the day, two men lay dead and the customs long room was set on fire.
51. The incidents narrated above raise the question of the implication of vigilante activities in a fragile democracy like Nigeria. Thus from point of view of people's perception of the non security actors in the country from the vigilantes to Sharia implementation, a lot of dissenting opinions were discerned in the course of this study. Mallam Zakari Ya'u of CAPP said: "the point is that Sharia is supposed to bring development, more honesty and more transparency. Certain societal environmental conditions have made many people to have the tendency of criminal activities. Sharia has not solved these problems. They are killing people in Sharia states. He added, "psychologically, because of the way Sharia is being debated in the media, those who identified with Sharia are happy they are implementing Sharia. But they are not happy deep down because Sharia is not delivering what they want it to deliver. You have a situation of imbalance in the sense that there is disappointment. Sharia has not brought justice or development..." he opined.
52. In the words of Chima Ubani of CLO, Lagos, "these vigilantes at first, were popularly seen as civil intervention to check criminal activities, but over time, these outfits degenerated and they began to commit so many atrocities against the populace, embarking on wholesale and summary execution of people suspected of one crime or another, in essence usurping the functions of not only the police, but also the judiciary in one breath — doing away with a number of innocent

people on mere suspicion, thus returning us to a state of jungle justice or mob justice which were also some of the things we campaigned against during military rule”.

53. He pursued: “Ironically, with the advent of civil rule, we now saw an upsurge in jungle justice where groups like Bakassi boys in the East, the OPC in the west, and the community specific ones like the Offa in Kwara, who now took it upon themselves in the name of law enforcement to begin to visit violence on fellow citizens. We then saw that while the focus had essentially been on the police in terms of human rights violation, in the context of law enforcement, in the last three years, we have also been forced to focus on outfits like vigilantes as primary violators of human rights in the self assigned duty of law enforcement.”
54. Next, we look at how human rights groups in Nigeria have dealt with or plan to deal with upsurge in crime and attendant repressive measures used by both state and non state actors in respond to the situation.

CIVIL SOCIETY GROUPS AND CRIME IN TRANSITION

55. A discussion of how human rights groups in Nigeria have dealt with upsurge in crime and growing public support for draconian measure will not be complete without an understanding of emergence of the human rights movement in the country and the role they played during the rather endless transition to civil rule programs of successive military regimes in Nigeria, which began in 1986 and culminated in the inauguration of the present government on May 29, 1999.
56. The first striking issue to note is that in spite of the achievements of civil society groups in Nigeria, notably in the area of ending military rule in the country and making human rights an issue that the government of the day could not escape from addressing, the movement has a recent history. According to Etannibi Alemika of the University of Jos, “Until 1989, human rights defence had been individualistic and restricted to lawyers approach (filing cases in court).”
57. The beginning of institutional human rights work in the country is traceable to the activities of the military government of General Ibrahim Badamosi Babangida, which came to power in a palace coup of August 27, 1985. In his maiden address Babangida, declared that his government would “uphold fundamental human rights.”⁹ Even though previous military regimes, in trying to get public support pledged to uphold the fundamental rights section of the Nigerian Constitution,¹⁰ it was his administration that first “made the observation of human rights a platform on which to stake the legitimacy of a military government” (Gahia, 1993). The military ruler pledged that criticisms of the actions of his government “will be given necessary attention, and where necessary, changes made in accordance with what is expected of us (Gahia, 1993).
58. Just as rapidly as the promises were made, the government was to squander all the public goodwill Babangida’s rhetoric generated. Within a year of assumption of office, his self-proclaimed adherence to human rights principles clashed with the cold fact of a full-blown military dictatorship characterised by wide arbitrary powers that circumscribed virtually every civil right and aborted dissent to a frightening scale. The resulting absence of legal restraints on agents of the regime gave a free rein to human rights violations.
59. Responding to the contradictions that existed between the respect for human rights rhetoric of the regime and the egregious violations of rights by its officials, a group of Lawyers and Journalists founded the Civil Liberties Organisation (CLO) in October 1987, to challenge the

⁹ Ibrahim Babangida, (1992) *Selected Speeches of IBB*, Lagos: Precision Press.

¹⁰ As a matter of fact no military government lasts long in power without promising to respect human rights and organising a transition program that would culminate in handing over to an elected civilian government.

Babangida regime's human rights record. Beginning with litigating and documenting cases of human rights abuse by the police and military officials, and exposing the conditions in prisons and police jails, the group's successes and challenges laid the foundation for the growth of the Nigeria's human rights movement.

60. Following the footsteps of the CLO, the last fifteen years has witnessed the establishment of over two hundred human rights organisations in various parts of Nigeria. At the initial stage the focus of most of the groups was on traditional human rights concerns such Police abuse, prison condition, campaign against torture, long detention without trial, extra judicial killing and general litigation on specific cases of human rights violation. However, as the military government of General Babangida became more vicious in response to exposures of its atrocities and growing public disenchantment with the inability of the government to adhere to its transition time table for a hand-over to an elected civilian government, human groups began to make forays into agitation for an end to military rule in Nigeria.
61. This could be regarded as the second phase of the work of human rights groups in Nigeria and began in 1991 with the formation of the Campaign for Democracy (CD), which was a coalition of human rights groups in Nigeria, specifically established to campaign against military rule and enthronement of democracy. This development did not go down with the government of the day, which unleashed a reign of terror against dissent, whether imagined or real and began to clamp into detention many human rights and political activists, including student and labour leaders. The harvest of arrests and detention that followed the crack down and the attendant pressure on the services of the human rights groups around the country to work for the freedom of detained activities, compelled them to focus more on victims of political detainees and victims of states crimes. Speaking on why human rights groups focused more on victims of state crime at the time, Chima Ubani of the CLO argues:

In the time of IBB (General Ibrahim Babangida) and Abacha (General Sani Abacha), the predominant pattern of crime was state sponsored and the victims were opposition politicians, human rights advocates, and people you could categorise as the opposition i.e. political opponents. Those were the high profile victims of state sponsored crimes at the time. So human rights groups had to pay more attention to their cases than that of ordinary criminal suspects.
62. The forceful exit of Babangida's regime in 1993, following his annulment of June 12, 1992, presidential elections, adjudged to be the freest elections in Nigeria (Gahia, 1993) did not refocus the direction of human rights work in Nigeria back to what you could call traditional concerns. Instead, it is sharpened it as the succeeding regime of General Sani Abacha which came into power on November 17, 1993, was even worse than the previous one in the area of hostility to dissent and repression of human rights activists and political opposition.
63. The regime dismantled all the structures of transition to civil rule put in place by the preceding government and went to run the most brutal government in the history of Nigeria, were many human rights activists and the political opposition were either detained, driven underground or forced into involuntary exile abroad. Under this kind of environment, end to military rule campaign was identified as the major plank of the work of civil society rule as it was argued that "unless the military were forced out of power any discussion of respect for human rights in Nigeria would be academic (Abdul Oroh, 1996)."
64. This perception guided the work of human rights groups under the General Abacha regime. Even though the regime unfolded its own transition to civil rule program in 1995, civil society groups did not have confidence in the process and the government did not do much to change that perception as the five registered political parties went ahead and adopted General Sani Abacha their sole candidate. It was only his death on June 8, 1998, under mysterious circumstances, that saved Nigeria the cost of his impending transformation to a civilian dictator.

65. The above forms the background for civil society response to the transition program of the succeeding government of General Abdul Salami Abubakar in 1998, which culminated in the inauguration of the present elected government on May 29, 1999. Needless to say, human rights groups were sceptical about the sincerity and ability of the military to midwife democracy in Nigeria. There was a big division within the mainstream human rights organisation in Nigeria, between those who took a hard-line position against working within the framework of the transition program and those who preferred to work within it in order to encourage the military to hand over to whoever won the election. The first group organised under Joint Action of Nigeria (JACON), while the second group formed the Transition Monitoring Group (TMG).
66. With the foregoing as a background to the emergence of the human rights movement in Nigeria and the direction of their activities under the military and its transition programs, we shall now examine how they have responded to the upsurge in crime and violence that have followed the coming of elected civilian government. The first issues that arises from the views of respondents to the study, is that even though there is a consensus among them that crime and violence have risen dramatically under the new democratic government, it has not had any significant influence on the direction of their work, apart from the changes that the process of transition from an authoritarian regime has compelled them to make. Secondly, the emergence of non-state actors in crime control poses more threat to the work of human rights groups in Nigeria than the formal agencies such as the police. We now turn to these issues in detail.
67. When asked whether increase in crime had in any way influenced the direction of his organisation, Segun Jegede, the director of the Lagos-based Committee for the Defence of Human Rights (CDHR) said: “Largely no. Apart from the general requirement of being security conscious, which every residence of Lagos has come to imbibe, our work has not been affected by concerns about crime.”
68. This view was shared by many of the respondents. According to Mallam YZ Yau, “the change is not direct.” Similarly, Abdul Oroh of the CLO argues:
- We believe it (the change) is basically in the contest of the transition because we were never involved in crime fighting or prevention but we believe that a properly trained police force will be better to deal with crime.
69. Corroborating Abdul, Festus Okoye of the Human Rights Monitor, Kaduna opined:
- We do not really go out of our way to look for individual cases of ordinary criminal suspects to defend unless people bring them to us. Our main area of focus under the new dispensation is to work for the reform of criminal justice system, believing that if the justice system is transformed it would adequately deliver justice to both the victim and the suspects. This was a conscious decision we took immediately the new government came. It was not informed by rise in crime.
70. A number factors might account for why human rights groups in Nigeria appear not have responded in any significant way to the challenges that the increase crime waves have thrown up to their work. Firstly, most of the groups do not handle on a routine basis the defence of cases of ordinary criminal suspects, which might have led them on a collusion course with the public’s tolerance for militarised approaches to crime control. None of the human rights leaders interviewed for this study included the defence of the due process safeguards of criminal suspects in their areas of focus, apart from mere condemnation of the brutal methods employed by both the security forces and the vigilantes in dealing with suspects through press statements. This reluctance to take up cases of ordinary criminal suspects might be informed by the groups’ history of concentrating on cases of victims of political crime under the military and since victimisation by the state has not totally disappeared, they have not felt the need to fundamentally alter the focus of their work.

71. Secondly, even though human rights groups in Nigeria make issues out of the government perceived failure to make an attitudinal transition from military style of governance to democratic ethos, many of the groups themselves have obviously not carried out an evaluation of the program direction and the strategies they used under the military, which might have informed identification of new issues to focus on and strategies for dealing with them. Part of the reason for this state of affairs, of course, is the nascent nature of the democratic transition in the country and the fact the government at both the state and federal level behave as if nothing has changed in terms of repressing the citizens.
72. Thirdly, and perhaps most importantly, funding for activities that criticise government human rights record have become scarce since the inauguration of the government. Many of the donor agencies (especially government sources) that fund human rights work now focus on funding activities that build partnership between civil society groups and government agencies. The reason for this development, which is understandable, is that such partnerships were intended to empower government agencies to ultimately take over the delivery of services on a sustainable basis. However, the consequence is that there are fewer resources available for NGOs in Nigeria to focus on playing their watchdog role of monitoring activities of government including their treatment of criminal suspects and protecting their due process safeguards of criminal suspects. As a result, many of the old human rights groups, which fought military rule such as the Civil Liberties organisation (CLO) and the Constitutional Rights Project (CRP) are currently struggling because of lack of resources to continue some of the advocacy work they were doing under the previous regimes, while many of the new groups that focus on partnership work with government agencies are expanding. All these might account for the relatively low influence rise in crime has on the work of human rights groups in Nigeria.
73. However, the greatest threat facing the future direction of the work of human rights groups in some parts of the country is the activities of militant vigilante groups, which openly challenge the state monopoly of violence and operate with the support of some state governments and tolerance of the general public. Even though human rights groups in Nigeria recognise the dangers posed by the activities of vigilante groups to the nascent democratic experiment in the country and condemn such occasionally, there is an absence of consensus on a strategy to deal with the situation. Opinion is divided between those who call for their outright disbandment and trial of their operatives on the one hand, and those who argue that their activities should be regulated in such a way that they would eschew their crude methods and made to work under the close supervision of the national police on the other hand.
74. While this piece is appreciative of the fact that groups which take delight in judging potential offenders (often without trial) as well as administering brutal punishment threaten the development of democracy, it is also a fact that the public police alone (at least in Nigeria) cannot adequately provide safety and security services without the involvement of the community groups.
75. Furthermore, it is doubtful if the Nigeria Police Force as presently constituted and organised can fully enforce the disbandment of every group that is identified as a vigilante formation in the thirty-six states of Nigeria and bring their operatives to trial. Moreover, assuming without conceding that the police are able to disband all of them, it would be tantamount to telling inner city communities and rural areas that are not often covered by police patrols that they have no right to organise and protect themselves against criminal attacks.
76. The situation, therefore, calls for critical analyses of the vigilante phenomenon in Nigeria and careful handling of the issues that arise from their activities by human rights groups in such away that due process safeguards of criminal suspects would be protected and the rights of the communities to organise and protect themselves against crime criminal elements respected.

CONCLUSIONS AND RECOMMENDATIONS

77. This study focused on how human rights groups in Nigeria have responded to the challenge of increasing public tolerance of repressive approaches to crime control occasioned by the perception of rise in crime and disorder, and what strategies (if any) they have developed to deal with the situation.
78. The study was divided into five sections. Section one examined the arguments on both sides of the debate on crime and transition and surmised that even though upsurge in crime during periods of political and related economic and social transition is a complex phenomenon difficult to analyse, there is an overwhelming perception in Nigeria that violent crime has been on the rise since the inauguration of an elected government in Nigeria.
79. Section two focused on the responses of government — at the federal and state levels — to the surge in violent crime. It established that the response of government had been ad hoc and restricted to increasing policing capacity and repressive approaches to crime control, which had little effect on rate of crime increase.
80. Section four dwelt on the public response to crime increases, which has come in the form of patronage of private security companies by the wealthier section of the community and formation of vigilante groups by the poor; all of which challenges the monopoly of violence by the state.
81. Finally, section five discussed how human rights groups have dealt with the crime situation and concluded that even though there is a consensus among human rights groups in Nigeria that crime and violence have increased since the new government was inaugurated, it has not had any significant influence on the direction of their work and they have not particularly reflected deeply the challenge posed by non-state actors (especially vigilante group) to the future of human rights work in Nigeria,

RECOMMENDATIONS

82. Human rights groups in Nigeria need to carry out an evaluation of their work and some of the strategies that they adopted under the military era. They need to do so with a view to developing new strategies for dealing with rise in crime in the country in such a way that both the due process safeguards for criminal suspects and the concerns of the community for safety and security are addressed.
83. Nigerian human rights groups need to take seriously the challenge posed by the activities of vigilante (in the light of growing state support to them) in their work.
84. There is a need for a national research on the activities of vigilante groups in Nigeria, with a view to disaggregating the typologies of the phenomenon of vigilantism in the country and determining if there are group whose mode of operations could be tolerated under a democratic dispensation.

REFERENCES

- Agbola T. (1997) *Architecture of Fear*, Ibadan: African Book Publishers
- Gahia C. (1993) *Human Rights in Retreat: A report on the Human Rights Violation of the Military Regime of General Ibrahim Babangida*, Lagos: Civil Liberties Organisation;
- Odinkalu C. (2002) Ed. *Hope Betrayed: A report on Impunity and State-Sponsored Violence in Nigeria*, Geneva; World Organisation Against Torture and Centre for Law Enforcement Education;
- Tertsakian C. (2002) *The Bakassi Boys: The Legitimation of Murder and Torture*, New York: Human Rights Watch and Centre for Law Enforcement Education;
- Omagbehin F. N. (2001) *Licensed Killers: A blowing tide of Extra-judicial and other Killings Under the Obasanjo Administration, 1999 – 2001*, Lagos: Access to Justice,
- Akinyele R.T. (2001) “Ethnic Militancy and National Stability in Nigeria: A case Study of the Odua Peoples’ Congress”, *African Affairs*, 100, 623-640, London: Royal African Society;
- Haskel, M.R., and Yablonsky (1978, 3rd. ed.): *Crime and Delinquency*. Boston: Houghton Mifflin and Co.
- Opara Anthony, 2000. “Organised Crime and Democracy In Nigeria.” In *Law Enforcement Review*, April-June, 2000 (LER) Lagos: Centre for Law Enforcement Education (CLEEN)
- Chukwuma Innocent, 200. “Vigilantes and Policing in Nigeria,” in *Law Enforcement Review*, July-September, 2000. Lagos: CLEEN.
- Nwanguma Okechukwu, 2000. “Human rights Abuses by Vigilantes”, in *Law Enforcement Review*, July-September, 2000. Lagos: CLEEN.
- Shearing .C. and Kempa Michael.2000. “Rethinking the ‘Governance of Security in Transitional Democracies’”, in *Law Enforcement Review*, July-September, 2000. Lagos: CLEEN.
- Shaw M.T and Maclean J.S, 1996. “Civil Society Political Economy in Contemporary Africa: What prospects for sustainable Democracy?” in *Journal of Contemporary African Studies*, 14.2.1996.
- Diamond, L. et al (eds.), 1988. “Development Alternatives: ‘The Challenge for NGO,’ *World Development*, Special Issue, 15.1.261
- Foroler, A. 1991. “The Role of NGOs in changing State-Society Relations: Perspectives from Eastern and Southern Africa,” *Development Policy Review*.
- Lewis, P. 1992. “Political Transition and “The Dilemma of Civil Society in Africa”, *Journal of International Affairs*.
- Rothchild, D. and Chazan. N. (Eds) 1988. *The Precarious Balance: State and Society in Africa*. Boulder: West view press.
- Ayode, J., 1988. “States without citizens: an emerging African Phenomenon” in Rothchild, D. and Chazan, N.(eds.) *The Precarious Balance: State and Society in Africa*. Boulder: Westview press.

Fowler. A., 1993. Non-Governmental Organizations As agents of democratization: An African Perspective,” in *Journal of International Development* Vol.5, No.3

Chukwuma Innocent, 2001. “Police Transformation in Nigeria: Problems and Prospects”, in *Crime and Policing in Transitional Societies*, Seminar Report, Johannesburg. RSA: Konrad Adenauer Stiftung.

Shearing C.D and Kempa.M., 2001. “The Role of Private Security in Transitional Democracies” in *Crime and Policing in Transitional Societies*. (Seminar Report). Johannesburg. RSA: Konrad Adenauer Stiftung.

Simpson Craeme, 2001. “The Politics Fits the Crime”: Competing Interpretations of Victim Empowerment in South Africa,” in *Crime and Policing in Transitional societies*. (Seminar Report). Johannesburg. RSA: Konrad Adenauer Stiftung.

Guelke Adrian, 2001. “Crime, Justice and the Legacy of the Past,” in *Crime and Policing in Transitional Societies*. (Seminar Report). Johannesburg. RSA: Konrad Adenauer.

Shaw. M. 2001 “Crime and Policing in Transitional Societies-Conference Summary and overview” in *Crime and Policing in Transitional Societies*. (Seminar Report). Johannesburg. RSA: Konrad Adenauer Stiftung.

Shaw M. 2001. “Crime and Policing in Transitional Societies-Conference Summary and Overview” in *Crime and Policing in Transitional Societies*. (Seminar Report). Johannesburg. RSA: Konrad Adenauer Stiftung.

Jemibewon. D. 2001. “The Nigerian experience” in *Crime and Policing in Transitional Societies*. (Seminar Report). Johannesburg. RSA. Konrad Adenauer Stiftung.

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