

RIGHT TO LIFE: TACKLING THE ‘LITTLE FOXES THAT SPOIL THE VINE’***Abstract**

The article critically discusses the notion of the right to life as constitutionally protected in Nigeria. It argues that the right to life is the prerequisite for the total attainment of human dignity and the effective exercise of all human rights. Thus, as the article articulates, the protection of the right to life is not just a matter of national concern as the recognition and protection of this right is also fundamental to the global human rights system. Notwithstanding the national, regional or global flavour enjoyed by the right to life, it was discovered in the article that there are some factors which, like the ‘little foxes that spoil the tender vine,’ may impede the full actualisation of this protected right by an individual. The identified endangering elements include, but not limited to, the practice of jungle justice system, terrorism/kidnapping, sicknesses/diseases, automobile crashes, extra-judicial killings through rascality by overzealous government security operatives, domestic violence and environmental pollution. The article concludes with some suggestions and recommendations towards the amelioration of the identified problems so as to render the right to life meaningful to the citizens.

Keywords: Abortion, Euthanasia, Freedom of Worship, ‘Jungle Justice’ System, Right to Life

1. Introduction

Life is inviolable and it is the foundation of human existence. The inalienable right to life of any citizen of Nigeria is fundamental and ought not to be unreasonably truncated by another private citizen or an agent of the government. In other words, the right to life implies a duty not to take the life of another but to safeguard it and in the event that a life is taken in a manner that is not recognised or permitted by law, then there must be an appropriate sanction against the person responsible for the violation of the right to life.¹ However, the Nigerian extant Constitution recognises that an intentional killing may be defensible in certain situations. Outside the constitutional exceptions, it is not only unlawful but morally despicable for anyone to kill another. It is this attitude that has provoked the debates on issues like abortion, suicide, ‘jungle justice’ system and euthanasia, which would also be discussed in this article. Moreover, aside from the limitations excused by law, other factors like accidents, diseases, domestic violence, terrorism/kidnapping and environmental pollution are agents of death and consequently are serious threats and barriers to person’s enjoyment of the right to life.

2. The Right to Life

The right to life is perhaps the most vital right guaranteed in the clan of human rights by national, regional and international instruments. This is so because other rights can only be achievable or enjoyed by a living person. The right to life has received a stamp of global recognition as it is protected under the Universal Declaration of Human Rights,² the International Covenant on Civil and Political Rights,³ and the foremost regional human rights instruments such as the African Charter on Human and Peoples’

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¹ See *Olabode v. State* (2007) All FWLR (Pt. 389) 1301 at p. 1326. See also Terrence Williams, *Safeguarding the Right to Life: Issues from Investigations of Jamaica’s Security Forces in 2012* (Independent Commission of Investigations’ Report, Jamaica, 2013), p. iii.

² Adopted by the General Assembly of the United Nations on 10 December, 1948, Article 3.

³ Adopted by the General Assembly of the United Nations Resolution 2200A (XXI) of 16 December 1966 on 19 December, 1966. It entered into force on 23 March 1976. See 999 U.N.T.S. 171, see Article 6.

Rights,⁴ and the European Convention on Human Rights.⁵ The right to life of the child and to survival is equally expressly secured by the Convention on the Rights of the Child.⁶

It is noteworthy that the right to life is also recognised as a fundamental right of internally displaced persons (IDPs). According to Principle 10 of the Guiding Principles on Internal Displacement,⁷ every human being has the inherent right to life which shall be protected by law. Hence, no one shall be arbitrarily deprived of his or her life. By this Principle, IDPs are to be protected in particular against genocide, murder, summary or arbitrary executions, and enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death. Thus, threats and incitement to commit any of the foregoing acts is prohibited.⁸

At the national level, section 33 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides for the right to life in qualified terms. It asserts that every person has a right to life and that no person shall be denied deliberately of this inherent right except such is done in implementing a judgment pronounced by the court of law regarding a criminal offence of which the person had been found guilty in Nigeria. Acceptable restrictions on the right to life are further stipulated in section 33(2) of the 1999 Constitution, which posits that a person shall not be considered as having been denied his right to life in violation of the section, if the death of the person occurred by reason of the use, to such degree and in such conditions as are allowed by law, of such force as is reasonably required:

- a) for the defence of any person from unlawful violence⁹ or for the defence of property;¹⁰

⁴ Adopted by the African Heads of States and Government during their 18th Ordinary Assembly at Nairobi, Kenya in June 1981. See also 1520 U.N.T.S. 217 (June 26, 1981), Article 4.

⁵ Article 2.

⁶ Adopted and opened for signature, ratification and accession by the United Nations General Assembly Resolution 44/25 of 20 November 1989. Entered into force on 2 September 1990. See Article 6 thereof.

⁷ UN Document E/CN.4/1998/53/Add.2 (11 February 1998). The international community, confronted with the monumental duty of ensuring protection for persons forcibly removed from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries, developed some Guiding Principles on Internal Displacement aimed at protecting the rights of IDPs and forestalling their further sufferings, severe deprivation, hardship and discrimination. The Principles identify the rights and guarantees relevant to the protection of the internally displaced in all phases of displacement. They provide protection against arbitrary displacement, offer a basis for protection and assistance during displacement, and set forth guarantees for safe return, resettlement and reintegration. Although they do not constitute a binding instrument, these Principles reflect and are consistent with international human rights and humanitarian law and analogous refugee law.

⁸ *Ibid*, Principle 10(2).

⁹ It is worthy of note that this constitutional limitation is equally recognised as a defence in a charge of murder. Under sections 286, 287 and 288 of the Criminal Code Act, Cap. C38, Laws of the Federation of Nigeria, 2004, the killing of a person in self-defence against unprovoked assault; self-defence against provoked assault; and aiding in self-defence are acceptable defences. For instance, under section 288 of the Criminal Code, whenever it is legitimate for any person to use any amount of force with the aim of defending himself against an assault, it is lawful for any other person acting in good faith in his aid to adopt a similar amount of force with the objective of defending the person assaulted. Thus, in *State v. Agbo* (1973) E.C.S.L.R. 4, it was held that this defence was available to an accused person who, while witnessing the deceased inflict a deadly matchet cut on one of the accused person's sons and cut the other on the knee with the matchet, to snatch the matchet from the deceased and kill him. See also *Musa v. State* (1993) 2 NWLR (Pt. 277) 550. However, if the accused person had rendered the help after the assault had stopped, the defence would have been unavailable- see *R. v. Adi* (1953) 15 W.A.C.A. 6. See also *Chukwu v. State* (2007) All FWLR (Pt. 389) 1224 at pp. 1257-1258 for conditions which a person must satisfy in a plea of self-defence.

¹⁰ See also section 282 of the Criminal Code, *ibid*, which permits a peaceable possessor of a dwelling-house and anybody legitimately assisting him or acting by his authority to apply such force as he believes, on reasonable grounds to be relevant in order to avert the forcible breaking and entering of the dwelling-house with intent to commit a crime. See also *R. v. Ebi* (1936) 3 W.A.C.A. 36.

- b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;¹¹
- c) for the purpose of suppressing a riot, insurrection or mutiny.¹²

However, in the wordings of the African Charter,¹³ there are no express permissible limitations on the right to life. The Charter, in its Article 4 recognises the fact that ‘[h]uman beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.’ The import of this provision of the Charter, it would appear, is that the right to life could be restricted in certain situations as determined by national laws, though such killings must not be carried out arbitrarily.¹⁴

In the case of *Forum of Conscience v. Sierra Leone*,¹⁵ the complainant alleged that 24 soldiers were tried and sentenced to death by a court martial for their alleged roles in a coup d’etat which toppled the elected government of President Tijan Kabah. The convicts who were later executed publicly were denied a right of appeal to a higher court. While frowning at the Sierra Leonean government’s action, the African Commission noted thus:

[t]he right to life is the fulcrum of all other rights. It is the fountain through which other rights flow, and any violation of this right without due process amounts to arbitrary deprivation of life...The Commission consequently finds their execution as an arbitrary deprivation of their rights to life provided for in Article 4 of the Charter. Although this process cannot bring the victims back to life, it does not exonerate the government of Sierra Leone from its obligations under the Charter.¹⁶

A similar incident had earlier occurred in the Nigerian case of *Aliyu Bello & 13 others v. Attorney-General of Oyo State*.¹⁷ In that case, an accused person was found guilty of the offence of armed robbery. His appeal against the conviction was dismissed by the Court of Appeal. He further appealed to the Supreme Court. However, before his appeal was heard at the apex court, he was hastily hanged while in prison. This negligence gave rise to a case for compensation by dependants of the deceased since he was said to be their breadwinner. On a subsequent appeal to the Supreme Court filed by the deceased’s relatives, the apex court held that the hurried execution of the accused facing a death sentence during the pendency of his appeal was a ‘reckless disregard for the life and liberty of the subject and the principle of the rule of law’¹⁸ and therefore was ‘unconstitutional and unlawful’.¹⁹

¹¹ See also generally sections 271, 272 and 273 of the Criminal Code which justifies the killing of a person in the course of preventing escape or rescue of a person after a lawful arrest. Similarly, under section 261 of the Criminal Code, it is lawful for a person who is engaged in the lawful execution of any sentence, process or warrant, or in making any arrest, and for anyone legitimately helping him, to apply such reasonable force as is vital to surmount any force used in resisting such execution or arrest. From these provisions, it is obvious that the adoption of force which leads to death is lawful provided that the conduct of the accused person was reasonable under the situation. However, as a means of curtailing the abuse of these provisions, section 298 of the Criminal Code, asserts that in any situation in which a person is empowered by law to apply force, he is criminally liable for any excess, according to the nature and quality of the act which constitutes the excess.

¹² Killing resulting from suppression of riot is a recognised defence under the statute. For instance, see sections 73 and 276-280 of the Criminal Code.

¹³ Which has been domesticated in Nigeria through the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, Cap. A9, Laws of the Federation of Nigeria, 2004.

¹⁴ Osita Nnamani Ogbu, *Human Rights Law and Practice in Nigeria* (2nd Revised Edition, Enugu: Snaap Press Ltd., 2013), p. 138.

¹⁵ (2000) AHRLR 293; Communication 223/98, decided by the African Commission on Human and Peoples’ Right at the 28th Session, October/November 2000, 14th Annual Activity report.

¹⁶ *Ibid*, ACHPR, 2000, para. 19.

¹⁷ (1986) 5 NWLR (Pt. 45) 828.

¹⁸ *Ibid*, at p. 860, per Aniagolu, JSC.

¹⁹ *Ibid*, at p. 851, per Bello, J.S.C..

It is submitted that the executions of the victims, both in the cases of *Forum of Conscience* and *Aliyu Bello*, were arbitrarily carried out and in further brazen disregard of the requirement imposed on State Parties under the African Charter to the effect that every individual shall enjoy the right of having his cause heard, inclusive of the ‘right to an appeal to competent national organs against acts violating his fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force’²⁰ as a person is ‘presumed innocent until proved guilty by a competent court or appeal.’²¹

Provisions on the right to life have received expansive interpretations in some other jurisdictions. For instance, in dealing with the provision of Article 6 of the International Covenant on Civil and Political Rights (ICCPR) which guarantees the right to life, the Human Rights Committee of the United Nations rejected the restrictive interpretation of the provision. In the view of the Committee, the right extends to the obligation to safeguard the elimination of infertile mortality, the eradication of malnutrition to stop epidemic and to eliminate weapons of mass destruction.²²

Specifically, the Committee affirmed that State responsibilities with respect to Article 6 of the ICCPR transcended a variety of issues that related to the right to health.²³ In this connection, States are enjoined to adopt constructive measures under the said Article to protect vulnerable persons from risks to their lives and health, such as the homeless,²⁴ women and girls at risk of pregnancy and child associated deaths,²⁵ as well as prisoners who are in need of health care and medical treatment.²⁶ The right to life recognised under the ICCPR has also been considered by the Committee to have a link with the right to personal security protected under Article 9(1) thereof, mainly in relation to injuries or severe cases of detention that are life-threatening.²⁷ Not only has the linkage between the right to life and the right to health been recognised by the Human Rights Committee but other United Nations treaty bodies,²⁸

²⁰ African Charter on Human and Peoples’ Rights, *op. cit.*, Article 7(1) (a).

²¹ *Ibid*, Article 7(1) (b). Such presumption can only be terminated after a final appeal by the apex court, where there is a pending appeal, or in the absence of an appeal, after the statutory duration for the filing of an appeal by the convict.

²² Human Rights Committee, *General Comment 6, Article 6 (Right to Life)*, para. 5. Cited in Amnesty International, *The UN Human Rights Committee’s Proposed General Comment on the Right To Life: Amnesty International’s Preliminary Observations* (London: Amnesty International Publications, 2015), Index: IOR 40/1644/2015, p.7.

²³ *Ibid*.

²⁴ See Human Rights Committee, *Concluding Observations on Canada*, CCPR/C/79/Add.105, para. 12.

²⁵ See Human Rights Committee, *General Comment 28, Article 3 (The Equality of Rights between Men and Women)*, CCPR/C/21/Rev.1/Add.10, paras. 10 and 20.

²⁶ See Human Rights Committee, *Yekaterina Pavlovna Lantsova v. The Russian Federation*, Communication No. 763/1997, CCPR/C/74/D/173/1997, para. 9.2; Human Rights Committee, *Carlos Cabal and Marco Pasini Bertran v. Australia*, Communication No. 1020/2001, CCPR/C/78/D/1020/2001, para. 7.7; Human Rights Committee, *Titianhonjo v. Cameroon*, Communication No. 1186/2003, para. 6.2; Human Rights Committee, *Fabrikant v. Canada*, Communication No. 970/201, para. 9.3; Human Rights Committee, *Concluding Observations on Moldova*, CCPR/CO/75/MDA, para. 9

²⁷ See Human Rights Committee, *General Comment 35, Article 9 (Liberty and Security of Person)*, CCPR/C/GC/35, para. 55.

²⁸ For instance, the Committee on Economic, Social and Cultural Rights, has stressed that ‘[h]ealth is a fundamental human right indispensable for the exercise of other human rights,’ including and especially the right to a dignified life. See Committee on Economic, Social and Cultural Rights, *General Comment 14, The Right to the Highest Attainable Standard of Health*, E/C.12/2000/4, para. 1. See also Committee on the Rights of the Child, *General Comment 15, Right of the Child to the Highest Attainable Standard of Health (Article 24)*, CRC/C/GC15, paras. 16-18.

Special Procedures,²⁹ regional human rights bodies³⁰ and some national courts³¹ have similarly affirmed that ‘meeting positive obligations with respect to the right to life will require the provision of appropriate resources.’³²

With regard to the import of ‘arbitrary deprivation’ of life, the UN Human Rights Committee has accentuated the fact that the concept of arbitrariness is not to be associated merely with ‘against the law,’ but must be widely interpreted to encompass the elements of inappropriateness, injustice, absence of predictability and due process of law in addition to the elements of reasonableness, necessity and proportionality.³³ The Inter-American Commission on Human Rights has equally held that discriminatory practices render the denial of the right to life arbitrary.³⁴ Thus, the obligation by States to ensure that equality of enjoyment of rights without any discrimination as well as the removal of necessary roadblocks and to act against discriminatory practices by public and private agencies in all facets are equally applicable to the satisfaction of the right to life.³⁵

Moreover, regarding the right to life under the European Convention on Human Rights, in *Oneriyildiz v. Turkey*,³⁶ the European Court of Human Right held that the Convention had to be construed in such a way as to mandate States to adopt ‘appropriate steps’ to safeguard the lives of those within their jurisdiction no matter what the endangering activity, while in *Osman v. UK*,³⁷ the Court speculated as to the extent of these ‘appropriate steps’ where the risk derived from *inter alia*, disease or environmental factors. The court expressed its opinion that:

the extent of the obligation to take preventive steps may however increase in relation to the immediacy of the risk to life. Where there is a real and imminent risk to life to an identified person or group of persons, a failure by State authorities to take appropriate steps may disclose a violation of the right to protection of life by law.³⁸

²⁹ For instance, it has been asserted that access to health care was a vital requirement for the enjoyment of the right to life. See the *Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health*, A/69/299, para. 2.

³⁰ See for example Inter-American Court of Human Rights, *Case of the ‘Juvenile Reduction Institute’ v. Paraguay*, judgment of 2 September 2004, paras. 149, 159, 168 and 172. See also Inter-American Court of Human Rights, *Yakye Axa Indigenous Community v. Paraguay (Merits, Reparations and Costs)*, Judgment of 17 June 2005, paras. 161-167; European Court of Human Rights, *Cyprus v. Turkey*, Application No. 25781/94, para. 219; European Court of Human Rights, *Nitecki v. Poland*, Application No. 65653/01, para. 1; European Court of Human Rights, *D. v. United Kingdom*, Application No. 146/1996/767/964, para. 59.

³¹ See for instance the Indian position in *Francis Coralie Mullin v. The Administrator, Union* (1981) AIR 746, para. 6.

³² Amnesty International, *The UN Human Rights Committee’s Proposed General Comment on the Right to Life: Amnesty International’s Preliminary Observations*, *op. cit.*, p.7.

³³ See Human Rights Committee, General Comment 35, *Article 9 (Liberty and Security of Person)*, CCPR/C/GC/35, para. 12. See also, Human Rights Committee, *Mukong v. Cameroon*, Communication No. 458/1991, para. 9.8; Human Rights Committee, *Mikhail Marinich v. Belarus*, Communication No. 1502/2006, para. 10.4; Human Rights Committee, *Kulov v. Kirghizistan*, Communication No. 1369/2005, para. 8.3; Human Rights Committee, *Fongum Gorji-Dinka v. Cameroon*, Communication No. 1134/2002, para. 5.1; Human Rights Committee, *A v. Australia*, Communication No. 560/1993, para. 9.2; Human Rights Committee, *Van Alphen v. The Netherlands*, Communication No. 305/1988, para. 5.8. See also, in relation to the deprivation of life, Inter-American Court of Human Rights, *Gangaram Panday v. Suriname*, Judgment of 21 January 1994, paras 47, 62.

³⁴ See, Inter-American Commission on Human Rights, *William Andrews v. United States* (11.139), Report 57/96, Judgment of 6 December 1996, para. 177.

³⁵ Human Rights Committee, General Comment 35, *Article 9 (Liberty and Security of Person)*, CCPR/C/GC/35, para. 17. See also Amnesty International, *The UN Human Rights Committee’s Proposed General Comment on the Right to Life: Amnesty International’s Preliminary Observations*, *op. cit.*, p.9.

³⁶ *Oneriyildiz v. Turkey* (2005) 41 EHRR 20.

³⁷ *Osman v. UK* (1998) EHRR 245

³⁸ *Ibid*, at p. 305

It worthy of note that a Nigerian court has also extended the frontiers of denial of right to life to include a situation where parents, based on religious sentiments, deny a minor of having blood transfusion aimed at saving the child's life.³⁹ It is submitted that the position adopted by the court in the case, though no reference was made to it in the judgment, was in accord with the requirement of section 13 of the Child's Right Act 2003 which protects a child's right to health and health services.⁴⁰ As a matter of fact, in every action concerning a child, the best interest of a child is to be of paramount consideration⁴¹ as every child has the right to survival and development.⁴²

Admittedly, from the language of our extant 1999 Constitution, the right to life is a qualified right.⁴³ Though generally the courts have stood solidly in defence of a right to life in Nigeria, the extensive derogations from the right in issues associated with self-defence or defence of property and killings of a suspect who resists arrest needs to be reviewed in the face of current realities in the country, as these blanket defences are open to abuses.⁴⁴

3. Right to Life from the African Cultural Perspective

Under the African culture, the right to life is of great value. It is regarded as an abominable and morally despicable thing for a person to kill another human being. As a matter of fact, the Africans have been described as a race of men that 'prize life above every other thing.'⁴⁵ It is not surprising that this position is re-echoed in the regional human right treaty, the African Charter on Human and Peoples' Rights. The Charter reaffirmed that human beings are inviolable and that every human being is entitled to respect for his life and the integrity of his person.⁴⁶

Achebe's *Things Fall Apart*⁴⁷ provides vivid illustrations of the African position regarding the sanctity of human life under the Ibo culture. According to Achebe, after an Umuofia woman was killed in Mbaino, rather than having her aggressors killed or sentenced to death, they were made to recompense Umuofia with a young man and a virgin girl. While the young girl was given to the widower, Ogbuefi Udo, as a replacement for the murdered wife, the male child, Ikemefuna, was retained by the Umuofia clan as compensation.⁴⁸ In another scenario during the funeral ceremony in honour of Ezeudu, Okonkwo fired a gun which accidentally led to the death of a sixteen year old son of the deceased.⁴⁹ Rather than

³⁹ *Esabunor v. Faweya* (2009) All FWLR (Pt. 478) 380. Compare: *Medical and Dental Practitioners Disciplinary Tribunal v. Okonkwo* (2001) FWLR (Pt. 44) 542-which relates to an adult patient who similarly rejected blood transfusion on religious grounds.

⁴⁰ See generally Child's Right Act No. 6 of 2003.

⁴¹ *Ibid*, sections 1 and 2.

⁴² *Ibid*, section 4.

⁴³ *Kalu v. State* (1998) 12 SCNJ 1 at pp. 30, 37.

⁴⁴ M. A. Ajomo, 'Human Rights and the Nigerian Judiciary in T.O. Elias and M. I. Jegede (eds.), *Nigerian Essays in Jurisprudence* (Lagos: MIJ Publishers Limited, 1993), p. 359. See for example a reported case of extra judicial killing by military officers who attacked protesting residents who had gone to the premises of an oil company to register their displeasure over alleged unfair treatment by the management of the company in Rumuji community, Port Harcourt, Rivers State: Taiwo Ojoye and Friday Amobi (2017, September 7), 'One Feared Killed as Soldiers Attack Protesting Youths, *The Punch*. Available at <<http://punchng.com/one-feared-killed-as-soldiers-attack-protesting-youths/>>. Accessed on 6 September 2017.

⁴⁵ O. A. Onwubiko, *African Thought, Religion and Culture* (Enugu: Snaap Press Nigeria Ltd, 1991), p. 23.

⁴⁶ Article 4.

⁴⁷ C. Achebe, *Things Fall Apart* (London/Ibadan/Nairobi: Heinemann Educational Books, 1981, Reprinted).

⁴⁸ *Ibid*, pp. 7-11.

⁴⁹ *Ibid*, pp. 86-87.

securing a death penalty from the community, he was banished from the community for a period of seven years and his properties destroyed.⁵⁰

To further demonstrate the abhorrence with which the Ibo culture, and indeed the African culture, treats a person that disregards the inviolability of human life, Achebe again illustrated it with the death of Okonkwo. Okonkwo had tried to incite Umuofia to act as one in the face of betrayal and cultural violations by the church and the colonial government. He failed as nobody followed him. Disappointed, he committed suicide. Notwithstanding his prominence in the community, he was buried like a dog in the evil forest. According to Okonkwo's clansman, '[w]e cannot bury him. Only strangers can. We shall pay your men to do it. When he has been buried we will do our duty by him. We shall make sacrifices to cleanse the desecrated land.'⁵¹ The response given by Okonkwo's clansman to the question posed by the District Commissioner on why the community people could not bury the deceased offers a clear indication of the African cultural jurisprudence towards the crime of suicide: '[i]t is against our custom...It is an abomination for a man to take his own life. It is an offence against the Earth, and a man who commits it will not be buried by his clansmen. His body is evil, and only strangers may touch it.'⁵²

4. Clogs to the Enjoyment of the Right to Life

Notwithstanding the various idealistic clauses recognising the right to life under both global treaties and national laws, there are some factors or dynamics, that though not constitutionally identified, may still pose serious threats to the actual enjoyment or continued enjoyment of the right to life. The focus of this section of the article is to examine some of the obstacles that can curb the enjoyment of the right.

Practice of 'Jungle Justice' System

'Jungle justice' system is a practice that is widespread in different parts of Nigeria. It is a practice whereby an alleged criminal suspect is seriously beaten, stripped naked, humiliated, and in some cases, brutally tortured to death without recourse to criminal justice procedure. Indisputably, the practice of jungle justice is a clear disregard of the rule of law and in a resultant occurrence of the demise of the victim, the victim's right to life is violated. There is a reported case of a woman who was suspected of being a witch. Her assailants in a mob action ruthlessly stoned her to death and her lifeless body burnt with fire with the help of abandoned motor tires and petrol.⁵³ The extrajudicial killings of four undergraduate students of the University of Port Harcourt by a mob action on the spurious allegations of theft in Aluu, a community in Port Harcourt, Rivers State, sometime in October 2012 is another unfortunate example of the of jungle justice system.⁵⁴

The case of *Olabode v. State*⁵⁵ is likewise another Nigerian case that exemplifies the barbaric nature of the jungle justice system. The synopsis of the evidence adduced at the trial was that the appellant arrived at his workshop and discovered that the deceased, who was an apprentice mechanic at a workshop next

⁵⁰ This was considered as an act of cleansing the land which Okonkwo had inadvertently 'polluted with the blood of a clansman'- see *Ibid*, p. 87.

⁵¹ *Ibid*, p. 147.

⁵² *Ibid*.

⁵³ See Tayo Ogunbiyi (2017, August 4), 'Jungle Justice as a Time Bomb. *Vanguard*. Available at <<https://www.vanguardngr.com/2017/08/jungle-justice-time-bomb/>>. Accessed on 31 August 2017.

⁵⁴ Some of the suspects were later prosecuted in the court of law. See Jimitota Onoyume and Davies Iheamnachor (2017, August 1), 'Police Sergeant, 2 Others Sentenced to Death over Murder of 4 Unipoint Students,' *Vanguard*. Available at <<https://www.vanguardngr.com/2017/08/aluu-four-police-sergeant-2-others-sentenced-death-2/>>. Accessed on 31 August 2017.

⁵⁵ (2007) All FWLR (Pt. 389) 1301.

to the appellant's, had siphoned petrol from one of the vehicles parked at the workshop. Ostensibly believing that the deceased had stolen the patrol, he collected the fuel, poured same on the deceased and set him ablaze. The deceased was rushed to the hospital where he died after 14 days. On a subsequent murder charge against the accused person, the Court of Appeal in outright condemnation of the practice of jungle justice system stated thus:

...let me state once again that no matter how one feels about the acts of another, it is wrong to try to redress an unlawful or seemingly unlawful act with another unlawful act. This will amount to jungle justice. We cannot afford that now. I believe that we had since past that stage. Nobody, and the appellant inclusive, should reverse the hand of the clock in this regard. The 1999 Constitution of the Federal Republic of Nigeria recognizes the sanctity of human life and no one will be allowed to take the life of another without due process no matter how brave he thinks he is. If he does, the full weight of the law will be brought to bear on him. This should serve as a clear message to those who, at the slightest provocation, on hearing that person is either a witch or has stolen something; decide to set such person ablaze. The law frowns at and will certainly punish such criminal and irresponsible act when proven as in this case.⁵⁶

It is rather sad and worthy of condemnation that in this 21st century, such barbaric acts and lack of respect for the sanctity of human life still persist.

Sickness and Disease

Sickness and disease constitute another source of curtailment of the right to life. There have been cases of death occurring through diseases and sicknesses like Lassa fever, Ebola, cancer, cardiovascular and respiratory diseases, diabetes, kidney, liver and lung malfunctioning, etc. Recently it was alleged that a strange disease, which was later discovered to be gastroenteritis, killed about 62 persons in Kogi State.⁵⁷ Even though the deceased persons were constitutionally entitled to the right to life and their rights were not denied through any of the constitutionally recognised permissible means, yet through sicknesses and diseases their continued enjoyment of that right was truncated.

Terrorism/Kidnapping

The twin crimes of terrorism and kidnapping are already rampant threats to the Nigerian society.⁵⁸ Act of terrorism has been defined as act which is intentionally carried out with malice aforethought and which, *inter alia*, involves or causes as the case may be, an attack upon a person's life which may cause serious bodily harm or death; kidnapping of a person; or destruction to government or public facility, a transport system, an infrastructure facility, including an information system and capable of endangering human life or result in major economic loss.⁵⁹ It is an open secret, for example, that violent terrorist

⁵⁶ *Ibid*, at pp. 1323-1324.

⁵⁷ See Gbenga Odogun, 'Disease that Killed 62 in Kogi Identified as Gastroenteritis,' *The Punch*, 21 August 2017. Available at <<http://punchng.com/disease-that-killed-62-in-kogi-identified-as-gastroenteritis/>>. Accessed on 21 August 2017. See also NAN, 'Strange Disease Kills 50 People in Kogi,' *The Punch*, 17 August 2017. Available at <<http://punchng.com/strange-disease-kills-50-people-in-kogi/>>. Accessed on 17 August 2017.

⁵⁸ Such terrorist and militant groups in Nigeria include the Boko Haram, Movement for Emancipation of Niger Delta (MEND), Niger Delta Force (NDA), Movement for Actualisation of Sovereign State of Biafra (MASSOB), Indigenous People of Biafra (IPOB), etc.

⁵⁹ Terrorism (Prevention) Act 2011 (as amended), section 1(2) (c). On the other hand the Ondo State Anti-Kidnapping and Anti-Abduction Law 2010 defines 'kidnapping or abduction' as the unlawful removal or exportation of a person from any place where he or she is, to another place from the vicinity where he or she is found, or the unlawful confinement of a person in any place without his or her consent with any of the following intention or purposes: (i) to hold for ransom or reward; (ii) a shield or hostage; (iii) to facilitate the commission

attacks by the radical Islamic fundamentalist group, Boko Haram, have claimed several lives since it started in Nigeria. Instances of such attacks include, but not limited to the June 2011 Boko Haram suicide attack at the national Police Headquarters, Abuja,⁶⁰ the August 2011 United Nations' building bombing at Abuja,⁶¹ the 2011 Christmas day church bombings at Suleija, near Abuja⁶² and the kidnapping of about three hundred female students from the Chibok Government Secondary School.⁶³ Similarly, according to the Armed Conflict Location and Event Data Project (Acled), fighting connected with the Boko Haram insurgency killed about 6,347 civilians in 2014 in Nigeria and its neighbouring countries.⁶⁴ In 2016, it was also estimated that the group was responsible for the killing of about 6,006 people from 270 attacks.⁶⁵ In February 2017, Governor Kashim Shettima of Borno State also declared that Boko Haram insurgency had resulted in deaths of almost 100, 000 persons in the State going by the estimates of community leaders.⁶⁶

In addition, the violent attacks by the Fulani herdsmen constitute another serious threat to the enjoyment of the right to life by citizens. For instance, in February 2016, suspected Fulani herdsmen allegedly attacked a village in Agatu, Benue State and reportedly killed about 300 persons. In April of the same year, about 40 persons were reported to have been attacked and killed by suspected herdsmen in Nimbo in Uzo-Uwani Local Government Area of Enugu State. Still in May of the same year, two persons were

of a felony; (iv) to inflict bodily injury on or terrorise the victim or another; (v) to interfere with the performance of governmental or political function; or (vi) to interfere with the person's business or business of another. The said statute prescribed a death sentence by hanging for the offender whose conduct resulted in the death of his victim; life imprisonment without option of fine where there is no loss of life of the kidnapped or abductee; while an attempted offence of kidnapping attracts a 20 years' imprisonment without an option of fine. The law also sanctions a victim who arranges his or her own pseudo-kidnap or abduction - see generally sections 2, 3(ii) (a) and (b) and section 6 of the extant Ondo State statute. See also the *Holy Bible* in the Book of Exodus Chapter 21: 16 which states thus, '[a]nyone who kidnaps someone is to be put to death, whether the victim has been sold or is still in the kidnapper's possession,' (The New International Version).

⁶⁰ See BBC News (2011, June 17), 'Nigeria's Boko Haram Islamists 'bombed Abuja police HQ.' Available at <<http://www.bbc.com/news/world-africa-13805688>>. Accessed on 20 June, 2011.

⁶¹ It may be recalled that on 26 August 2011 the United Nations' building in Abuja suffered a bomb attack by the Boko Haram and reportedly killing over twenty-one persons with close to about sixty others wounded. See BBC News, 'Abuja Attack: Car Bomb Hits Nigeria UN Building.' Available at <<http://www.bbc.com/news/world-africa-14677957>>. Accessed on 30 August, 2011.

⁶² A chain of bombings were executed by Boko Haram at a church on 25 December 2011. These resulted in the reported killings of about 41 worshippers. See, BBC News, 'Nigeria Churches Hit by Blasts during Christmas Prayers.' Available at <<http://www.bbc.com/news/world-africa-16328940>>. Accessed on 13 January 2012. Boko Haram group is not the only terrorist group that attacks places of worship. Recently it was reported that gunmen stormed a church in Anambra State and wreaked havoc resulting in the death of some worshippers. See Tony Okafor, 'Anger, Shock as Gunmen Kill 11 in Anambra Church.' *The Punch*. Available at <<http://punchng.com/anger-shock-as-gunmen-kill-11-in-anambra-church/>>. Accessed on 7 August 2017.

⁶³ About 276 school girls were abducted by Boko Haram from the Government Secondary School in Chibok town, Borno State on 14 April 2014. See BBC News, 'Chibok abductions in Nigeria: 'More than 230 seized.' Available at <<http://www.bbc.com/news/world-africa-27101714>>. Accessed 2 June 2014. While the administration of President Buhari had secured the release of some of the kidnapped girls, others are still in the captivity of Boko Haram.

⁶⁴ See Mark Anderson, 'Nigeria Suffers Highest Number of Civilian Deaths in African War Zone.' *The Guardian*. Available at <<https://www.theguardian.com/global-development/2015/jan/23/boko-haram-nigeria-civilian-death-toll-highest-acled-african-war-zones>>. Accessed on 15 September 2017.

⁶⁵ See Kevin Uhrmacher and Mary Beth Sheridan (2016, April 3), 'The Brutal Toll of Boko Haram's Attacks on Civilians.' *The Washington Post*. Available at <<https://www.washingtonpost.com/graphics/world/nigeria-boko-haram>>. Accessed on 15 September 2017.

⁶⁶ See Sani Tukur (2017, February 13), 'Shocking Revelation: 100, 000 Killed, Two Million Displaced by Boko Haram Insurgency, Borno Governor Says.' *Premium Times*. Available at <<http://www.premiumtimesng.com/news/headlines/223399-shocking-revelation-100000-killed-two-million-displaced-boko-haram-insurgency-borno-governor-says.html>>. Accessed on 15 September 2017.

also killed in Oke-Ako, Ikole-Ekiti Local Government Area of Ekiti State by cattle herdsmen.⁶⁷ The case of *Yusuf v. State*⁶⁸ is another clear demonstration of how kidnapping can seriously threaten the right to life of the victim. In that case, the appellant, along with two other accused persons, were alleged to have lured an 8-year old girl, Omobolanle Moses, with biscuit, kidnapped her to a nearby bush, strangled her to death and severed her head from her body with a cutlass and taken away to a moneymaking ritualist. The appellant and his co-accused persons were arraigned in the High Court of Kwara State on a 4-count charge of criminal conspiracy to kidnap, criminal conspiracy to commit culpable homicide, kidnapping and culpable homicide. The trial court convicted the accused persons. On appeal by the appellant, Ogbuinya, JCA, in affirming the lower court's conviction regrettably admitted thus:

It is unfortunate, tragic and heartbreaking that the innocent girl, Omobolanle Moses, was sent to her untimely grave by the appellant's insatiable greed for money and opulence... The idea of using human parts for moneymaking, which usually turns out a phantom one is already an endemic menace to the Nigerian society. The appellant, on the premise of the avalanche of evidence against him, deserves to march to the gallows if only to deter other youths from nursing such phoney ideas.⁶⁹

In his contribution to the judgment, Agube, JCA was more forthright when he condemned the barbaric act of the accused persons in the following words:

It is disheartening that in this 21st Century, persons of the appellant's ilk can still be engaged in such nefarious and primitive acts of mindless and dastardly termination of an innocent girl's life just for filthy lucre, in this case, money. This is a classic case for those religiously and feverishly advocating for the abolition of death penalty in this country; which for some of us, is not only untimely and uncalled for in our present level of civilization, social condition and development. Can any person in his right senses and possessed of the milk of humaneness, under the guise of human rights advocacy, condone this wanton killing of this innocent girl...? I think not. Surely the spirit of this unfortunate and harmless angel whose life has been prematurely terminated... will not rest until her blood and gruesome murder which are now crying to high heavens have been avenged by the instrumentality of law... The appellant who has connived with his other confederate... must not only incur the wrath of God, but must pay the supreme price of death under the laws of the land for his impunity and heartless act.⁷⁰

If the appellate court in the *Yusuf* case had thought that the decision in the case would serve as deterrence to 'other youths from nursing such phoney ideas' then the recent kidnapping and killing of another eight year old girl in Elioizu area of Port Harcourt, who was sexually abused, strangled to death and had her vital organs removed by a suspected ritualist who abducted her⁷¹ has not validated that 'judicial opinion' by the court at all.

⁶⁷ See Sahara Reporters, 'More than 3000 People Died under Buhari from Boko Haram, Herdsmen.' Available at <<http://sharareporters.com/2016/05/28/more-3000-people-died-under-buhari-boko-harm-herdsmen>>. Accessed on 15 September 2017.

⁶⁸ (2012) All FWLR (Pt. 641) 1478.

⁶⁹ *Ibid*, at p. 1511.

⁷⁰ *Ibid*, at pp. 1511-1512.

⁷¹ See Chukwudi Akasike, 'ICYMI: man kills eight-year-old girl, removes organs, *The Punch*, 20 August 2017. Available at <<http://punchng.com/ritualist-kills-eight-year-old-girl-removes-organs/>>. Accessed on 21 August 2017. At the time of writing this article, the matter was still under police investigation and had not been charged

Road Accidents

It has been reported by the Federal Ministry of Health that automobile accidents constitute the second major cause of violent deaths in Nigeria.⁷² This assertion was also confirmed by the National Bureau of Statistics (NBS) which stated that between January and June 2017, about 2, 673 lives were lost in Nigeria through car accidents,⁷³ while about 5,053 people died through road accidents in 2016.⁷⁴ A 2015 report by the World Health Organisation (WHO) also indicated that one in every four car accident deaths in the African continent happened in Nigeria. According to the WHO report, ‘car crash deaths have a higher toll than malaria.’⁷⁵ These figures are rather worrisome and could even be higher as there may be instances where some accidents may not have been reported to the appropriate government agencies for documentations. At times too, accident victims with life-threatening injuries who may not have died at the spot end up losing their lives within a couple of weeks or months thereafter.

Environmental Pollution

Admittedly, industrialisation has its own negative impact on the environment. One of such negative consequences is that pollution from the industries or industrial activities more often than not pose serious health hazards on the human life and invariably result in the loss of life. For instance, in *E.P.H. v. Canada*,⁷⁶ Canadian residents had alleged that radioactive waste that remained at the various dumpsites constituted serious health hazard and thus amounted to a grave violation of Article 6 of the International Covenant on Civil and Political Rights for the present and future generations.⁷⁷ Though the Committee held the case to be inadmissible,⁷⁸ it nonetheless pointed out that the case raised serious concerns regarding the responsibility of State parties to protect human life.⁷⁹ Similarly, in *Jonah Gbemre v. Shell Petroleum Development Company Nigeria Ltd*,⁸⁰ a Nigerian court in an unprecedented manner held that the continued gas flaring in Iwherekan community in Delta State, Nigeria was a gross violation of the constitutionally protected rights to life and dignity which included the right to a clean

to the court. The suspect who was alleged to have escaped from the police custody was later rearrested at Jos, Plateau State and taken back to Port Harcourt for further investigations and possible arraignment in court.

⁷² See Editorial (2017, August 13), ‘High Road Accident Deaths Upsetting.’ *The Punch*. Available at <<http://punchng.com/high-road-accident-deaths-upsetting/>>. Accessed on 18 August 2017,

⁷³ *Ibid*.

⁷⁴ By the NBS report of 2016, speed violation was reputed as the major cause of road accident in the year (representing about 33.86% of the cumulative road accidents reported in the year) while loss of control and dangerous driving followed closely accounting for 15.43% and 8.53% of the aggregate road crashes recorded in that year. See National Bureau of Statistics/ Federal Road Safety Corps, ‘Road Transport Data, 2016.’ A Report Released in March 2017. Available at <https://www.google.com/url?q=http://brandspurng.com/wpcontent/uploads/2017/03/Road_Transport_Data-_2016_min.pdf&sa=U&ved=0ahUKEwjEv9ri1q_WAhWDL8AKHTa3CpwQFggPMAI&usq=AFQjCNE8ReKWntuaHZD-NipxL9jLHbJg>. Accessed on 18 February 2017.

⁷⁵ Quoted in Editorial (2017, August 13), ‘High Road Accident Deaths Upsetting,’ *op. cit*.

⁷⁶ See *E.P.H. v. Canada*, Communication No. 67/1980, Reported in 2 *Selected Decision of the Human Rights Committee under the Optional Protocol* (1990) 2. The case is also available online at: <<http://www1.umn.edu/humanrts/undocs/html/67-1980.htm>>. Accessed on 26 July, 2014.

⁷⁷ The International Covenant on Civil and Political Rights (ICCPR) was adopted on 16 December 1996. Article 6(1) states that: ‘every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.’

⁷⁸ The Communication was declared inadmissible as a result of the failure of the Claimant and the persons she represented to exhaust all available domestic remedies as required by Articles 2 and 5 (2)(b) of the Optional Protocol to the International Covenant on Civil and Political Rights prior to instituting the matter before the Human Rights Committee. A text of the Optional Protocol to the ICCPR is available at <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCCPR1.aspx>>. Accessed on 26 July, 2014.

⁷⁹ The Committee noted that the Claimant could similarly invoke *inter alia*, the Canadian Charter of Rights and Freedoms, especially section 7 thereof, which guarantees the right to life, liberty and security of the person.

⁸⁰ Suit No. FHC/B/CS/53/2005 (Unreported) decided on November 14, 2005; (2005) AHRLR 151.

poison-free, pollution-free healthy environment. As Klaus Toepfer rightly cautioned at the 57th Session of the Commission on Human Rights in 2001:

Human rights cannot be secured in a degraded or polluted environment. The fundamental right to life is threatened by soil degradation and deforestation and by exposures to toxic chemicals, hazardous wastes and contaminated drinking water. Environmental conditions clearly help to determine the extent to which people enjoy their basic rights to life, health, adequate food and housing, and traditional livelihood and culture. It is time to recognise that those who pollute or destroy the natural environment are not just committing a crime against nature, but are violating human rights as well.⁸¹

The decision of the African Commission in *Social and Economic Rights Action Centre (SERAC) and the Centre for Economic and Social Rights (CESR) v. Nigeria*⁸² equally demonstrated that there is a relationship between environmental degradation and human rights. The Commission, in plotting a 'blueprint for merging environmental protection, economic development, and guarantees of human rights,'⁸³ did not only recognised the existence of a right to a healthy environment as protected under Article 24 of the African Charter on Human and Peoples' Rights, but also stressed that 'an environment degraded by pollution and defaced by the destruction of all beauty and variety is as contrary to satisfactory living conditions and development as the breakdown of the fundamental ecologic equilibria is harmful to physical and moral health.'⁸⁴

Domestic Violence

A couple of years ago, domestic violence was not considered as an issue worthy of national, talk less of regional or global, attention or concern. Victims of domestic or family violence suffered in silence with little public acknowledgment of their plights, particularly women and children. However, in recent times, issues of domestic violence have now gained currency across the globe. Domestic violence is both a human right violation⁸⁵ as well as a public health hazard.⁸⁶ It does not only violate the rights to inherent dignity and worth of all members of the human family as the foundation of freedom, justice and peace in the world, the inherent right to freedom from fear and want, and the equal rights of men

⁸¹ Quoted in Dinah Shelton, 'Human Rights, Health & Environmental Protection: Linkages in Law & Practice,' (2002) *Health and Human Rights Working Paper Series No.1* (World Health Organisation,), p.4. Available at <http://www.who.int/hhr/Series_1%2520%2520Sheltonpaper_rev1.pdf&sa=U&ved=OahUKEwiwspTT_ofOAhUqL8AKHc1QB9cQFggYMAM&usg=AFQjCNHI3i2ANFm_qJ3AOm0k7JBXGPn0g>. Accessed on 22 July 2016.

⁸² Also known as 'The Ogoni Case,' See Communication 155/96. Available at <<http://www1.umn.edu/humanarts/africa/comcases/155-96b.html>>. The decision in the case was given at the 30th Ordinary Session of the African Commission of Human and Peoples' Rights, held in Banjul, The Gambia on 13th - 27th October 2001. The PDF text of the petition may be consulted at <<http://www.cesr.org/text%20files/nigeria>>.

⁸³ Dinah Shelton, 'Decision Regarding Case 155/96,' (2002) 96 *American Journal of International Law* 937 at p.942.

⁸⁴ *SERAC's case, op. cit.*, para. 51.

⁸⁵ See Dorothy Q. Thomas and Michele E. Beasley (1993), *Domestic Violence as a Human Rights Issue*, 15 (1) *Human Rights Quarterly*, p.62. See also United Nations, *Handbook for Legislation on Violence against Women* (New York: United Nations Publication, 2012), p. 13.

⁸⁶ Claudia Garcia-Moreno & Charlotte, 'Violence against Women: An Urgent Public Health Priority,' *Bulletin of the World Health Organisation*, January 2011. Available at <<http://www.who.int/bulletin/volumes/89/1/10.085217>>. Accessed on 31 August 2017.

and women⁸⁷ but also poses a serious threat to the right to life. Men, women and children alike can be victims of domestic violence.⁸⁸

In Nigeria, several accounts describe a raging epidemic of domestic violence. For instance, in Ibadan, one Mrs. Yewande Oyediran, a female lawyer with the Oyo State Ministry of Justice was alleged to have stabbed her husband, late Lowo Oyediran, to death claiming that the deceased husband had a child with another woman through adulterous acts. The accused person was subsequently arraigned before the State High Court, Ibadan on a charge of murder.⁸⁹ There is also the case of one Akolade Arowolo who was found guilty and sentenced to death for the gruesome murder of his wife, Titilayo Akolade, through domestic violence.⁹⁰ These are just to mention but a few.⁹¹

In an attempt to address this problem, the Federal Government of Nigeria enacted the Violence against Persons (Prohibition) Act (VAPPA) 2015. The Act *inter alia*, addresses the issue of domestic/intimate partner violence such as spousal battery,⁹² rape,⁹³ physical abuse, emotional or psychological abuse,⁹⁴ and attack with harmful substances, such as acid-bath.⁹⁵ It considers domestic violence as ‘any act perpetrated on any person in a domestic relationship⁹⁶ where such act causes harm or may cause imminent harm to the safety, health or well-being of any person.’⁹⁷ Statutes on domestic violence are

⁸⁷ See the Preamble to the Universal Declaration of Human Rights 1948.

⁸⁸ See, Cheluchi Onyemelukwe (2016), ‘*Intersections of Violence against Women and Health: Implications for Health Law and Policy in Nigeria*,’ 22(3) *Williams & Mary Journal of Women and the Law* pp. 609, 610. Also available at <<http://scholarship.law.wm.edu/wmjowl/vol22/iss3/6>>. Accessed on 31 August 2017.

⁸⁹ See Yejide Gbenga-Ogundare (2017, June 5), ‘Lowo Oyediran: Baby Mama’s Call Precipitated our Last Fight-Yewande,’ *Nigerian Tribune*. Available at <<http://www.tribuneonlineng.com/lowo-oyediran-baby-mamas-call-precipitated-last-fight-yewande>>. Accessed on 31 August 2017. See also, Gbenro Adesina, ‘Yewande: Husband Killing Case Moves to High Court,’ *The News*. Available at <<http://thenewsnigeria.com.ng/2016/02/yewande-husband-killing-case-moves-to-high-court/>>. Accessed on 31 August 2017. As at the time of writing this article, the case was still pending before Hon. Justice Munta Abimbola of Oyo State High Court, Ibadan.

⁹⁰ See Abdulwahab Abudulah and Onozure Dania (2014, February 22), ‘Court Sentences Arowolo to Death for Killing Banker Wife,’ *Vanguard*. Available at <<https://www.vanguardngr.com/2014/02/court-sentences-arowolo-to-death-for-killing-banker-wife/>>. Accessed on 31 August 2017.

⁹¹ There is also another reported case of one late Onyinye Eze, an employee of Globacom Nig. Ltd., who was allegedly strangled with cords of a pressing iron before being stabbed to death by her supposed Australia returnee husband, Mr. Stephen Apata, over arguments on suspicious text messages. See Simon Utebor (2017, September 9), ‘My Sister met Killer ‘Husband’ for the First Time in June-Brother.’ *The Punch*. Available at <<http://punchng.com/my-sister-met-killer-husband-for-the-first-time-in-june-brother/>>. Accessed on 10 September 2017. See also Gibson Achonu, ‘Imo Woman Bathes Husband to Death with Acid.’ *The Punch*. Available at <<http://punchng.com/imo-woman-bathes-husband-to-death-with-acid/>>. Accessed on 10 October 2017.

⁹² The VAPPA 2015 defines ‘spousal battery’ as ‘the intentional and unlawful use of force or violence upon a person, including the unlawful touching, beating or striking of another person against his or her will with the intention of causing bodily harm to that person,’ section 46.

⁹³ *Ibid*, section 1.

⁹⁴ *Ibid*, section 14.

⁹⁵ *Ibid*, sections 21 and 22.

⁹⁶ The scope of domestic relationship has been expanded under the VAPPA 2015 to include relationship between husband and wife, persons cohabiting together in a relationship in the nature of marriage, parents/child relationship, family members related by consanguinity, affinity or adoption, persons in courtship or intimate/sexual partners, and persons who share the same residence – see *ibid*, section 46.

⁹⁷ *Ibid*, section 46

also available in some few States, such as Lagos,⁹⁸ Cross River,⁹⁹ Ekiti,¹⁰⁰ Jigawa,¹⁰¹ and Ebonyi.¹⁰² At the international scene, Article 4 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP) 1999¹⁰³ provides that every woman is entitled to respect for her life and the integrity and security of her person.¹⁰⁴

Extra-Judicial Killings by Government Security Agents

As earlier noted the sanctity of human life is constitutionally and judicially recognised unless it is taken in pursuance of legitimate process.¹⁰⁵ The Nigerian experience has been such that the agencies of the government take undue advantage of the extensive permissible limitations to the right to life to render its real meaning insignificant.¹⁰⁶ One of the most infamous cases of extrajudicial killings by security officers in the country's history is the widely reported case of the brutal murder of six traders ('Apo Six') in Abuja in June 2005 while returning from a night party. The police initially tried to cover up the killings on false allegations that the deceased were armed robbers. But an earlier judicial panel of inquiry set up by the government refuted the allegations and instead recommended the criminal prosecution of the policemen involved in the killings. In a subsequent conviction of the policemen involved in the killings, the learned trial judge was quoted as saying, 'the two defendants have no regard for the sanctity of human lives....They are not only overzealous but also extremely reckless.'¹⁰⁷

In a decided case, *Agbo v. State*,¹⁰⁸ the appellant who was a police constable escorted the driver of a Magistrate he was attached to as an orderly, to deliver some bags of cement. After the delivery, on their way back, at a place where the road was narrow, the deceased parked his taxi cab on the left side of the road, but on the appellant's right side in order to discharge some of his passengers. The driver of the van in which the appellant was travelling slowed down to enable him pass the said taxi cab. At this stage, the appellant jumped down from the van and went to deceased and asked him why he blocked the road with his car. In the course of an argument which ensued between the appellant and the deceased, the appellant shot the deceased with his pistol and killed him. Commenting on the need to prevent

⁹⁸ Protection Against Domestic Violence Law No. 15 of 2007.

⁹⁹ Domestic Violence and Maltreatment of Widows (Prohibition) Law No. 10 of 2004.

¹⁰⁰ Gender-Based Violence (Prohibition) Law No. 21 of 2011.

¹⁰¹ Domestic Violence and Other Related Matters Law No. 6 of 2006.

¹⁰² Protection Against Domestic Violence and Related Matters Law No. 3 of 2005.

¹⁰³ Adopted on 6 October 1999 by the United Nations General Assembly Resolution 54/4 and opened for signature on 10 December 1999. It entered into force on 22 December 2000. Nigeria ratified the Protocol on 22 November 2004.

¹⁰⁴ It is submitted that although CEDAW itself has no direct provisions with specific mention of violence against women, however, Articles 2, 5, 6 and 16 mandate State parties to adopt all relevant steps, including enactment of laws to modify or repeal extant laws, regulations or abolish customs and practices amounting to discrimination against women.

¹⁰⁵ *Amoshina v. State* (2011) All FWLR (Pt. 597) 601 at p. 618.

¹⁰⁶ Akin Ibidapo-Obe, *Essays on Human Rights Law in Nigeria* (Lagos: Concept Publications Limited, 2005), p. 287. See also generally the United Nations' Economic and Social Council, 'Civil and Political Rights, Including the Question of Disappearances and Summary Executions: Extrajudicial, Summary or Arbitrary Executions,' Report of the Special Rapporteur, Mr. Philip Alston's Mission to Nigeria, E/CN.4/2006/53/Add.4 dated 7 January 2006, which noted that in Nigeria, the 'label of "armed robber" is very often used to justify the jailing and/or extrajudicial execution of innocent individuals who have come to the attention of the police for reasons ranging from a refusal to pay a bribe to insulting or inconveniencing the police....,' p. 2.

¹⁰⁷ See BBC News (2017, March 9), 'Apo Six Murder: Nigeria Sentences Two Policemen to Death.' Available at <<http://www.bbc.com/news/world-africa-39219494>>. Accessed on 31 August, 2017. See also Ebuka Onyeji, 'Apo Six Killings: Court Sentences Two Police Officers to Death,' *Premium Times*, 9 March 2017. Available at <<http://www.premiumtimeng.com/news/headlines/225646-breaking-apo-six-killings-court-sentences-two-police-officers-officers-death.html>>. Accessed on 31 August 2017.

¹⁰⁸ (2006) All FWLR (Pt. 309) 1380.

innocent lives from being wasted by rash use of guns by security operatives, the Nigerian Supreme Court in the instant case noted thus:

Situations like this whereby policemen rashly bring out their guns, (albeit to merely threaten or frighten citizens) is rapidly becoming rampant. They are meant to use the guns to safeguard the lives of the citizenry they are paid to protect, but the reverse is the case. A policeman will not hesitate to pull the trigger of his gun at the slightest provocation and would indeed do that with relish and reckless abandon, not caring whether the consequence of his act will be fatal....I believe such rash acts must be stopped to prevent innocent human lives from being wasted.¹⁰⁹

Thus, the law does not permit or license any person, be he a policeman or soldier or otherwise to be the complainant, investigator, judge and executioner all at the same time. It is within the province of government security operatives therefore, to preserve lives and properties of the citizenry.¹¹⁰

5. Conclusion and Recommendations

The article has investigated the concept of the right to life in Nigeria and calls for a renewed commitment towards the protection of this right as constitutionally protected. It has also identified some 'little foxes' which can operate as serious impairments to the actual enjoyment of the guaranteed right. The crucial question is, what must be done to effectively combat the identified challenges and therefore, render this right more meaningful to the citizenry?

Tackling the challenges of accidents in Nigeria, would need the joint efforts of the government, the motorists and other road users. The government must be willing to repair roads across the country as most Nigerian roads are 'death traps' and in deplorable conditions. There is also need for regular education and awareness campaigns for road users and motorists regarding the dangers of not complying with traffic safety rules and engaging in other forms of distractions while driving, like answering phones, texting, eating as well as driving under the influence of drugs and alcohol. The introduction of speed limit devices are a welcome development and if successfully implemented can help in reducing road accidents considerably. To this end, the Federal Road Service Corps (FRSC), for instance, must ensure that motorists strictly comply with all relevant road traffic and safety rules and where they default, the culprits should be booked and sanctioned when necessary.

Regarding terrorism and kidnapping, there is need for proper funding of the country's security organisations by the government as well as adequate training and total strengthening of these institutions towards effective co-ordinated counter-terrorism mechanism. This does not rule out a possibility of the

¹⁰⁹ *Ibid* at pp1418-1419. See also *Ibikunle v. State* (2007) All FWLR (Pt. 354) 209, at pp. 240-241, where Onnoghen, JSC also made a notable pronouncement on the need for the Nigeria Police to eschew extra-judicial killings of criminal suspects. See also *Oyakhere v. State* (2006) All FWLR (Pt. 305) 703 at p.720, where the court recommended regular psychiatric examination for police officer to checkmate their incessant extrajudicial killings.

¹¹⁰ See generally *Ibikunle v. State* (2006) All FWLR (Pt. 354) 209 at pp.239-241.

government engaging in dialogue with some militant groups like IPOB¹¹¹ and Boko Harm¹¹² with a view to addressing their grievances. This method was adopted by late President Umaru Musa Yar’Adua and President Goodluck Jonathan’s respective regimes in addressing the Niger Delta agitations by the various Niger Delta militant groups. The recent release of some of the Chibok girls through negotiations between the government and the Boko Haram militant group also bear credence to the fact that dialogue at the end of the day may be a better option than engaging in costly endless war with the militant groups.

Furthermore, as a means of addressing most of the tensions over marginalisation, inequality and insecurity in the country, there is need for the Nigerian government to summon enough political determination to restructure the country to reflect true federalism, where there would be proper decentralisation and democratisation of power in a way that could go a long way to address the national question in a more all-inclusive manner.

The work has also identified extrajudicial killings and arbitrary executions of suspects by security operatives as a problem challenging the enjoyment of the right to life. It is suggested here that rather than engaging in such nefarious activities, security operatives should promote the adoption of thorough investigations of criminal suspects, using modern day forensic and technological facilities to assist them in fishing out the real suspects who must be made to face criminal prosecutions in the court of law. No doubt, to carry out such investigations and proper prosecutions may sometimes require time and money. The government must be willing to make funds available.

In addition, to address the recurrent confrontations between farmers and herdsmen, which more often than not result in loss of lives, it is suggested that the Nigerian government should prohibit open grazing practices and in its place introduce the establishment of ranching. This is why the recent positions adopted by States like, Ekiti State and Benue State, which have put in place anti-open grazing laws, is highly commendable.¹¹³

Health, it is often said, is wealth. It is therefore expedient that the incessant problems confronting the Nigerian health sector should be fully addressed by the government and the key players in the sector. A well-equipped health sector can go a long way in minimising avoidable deaths caused by diseases and sicknesses.¹¹⁴ Regular resorts by top government officials and members of their family, including

¹¹¹ The Indigenous People of Biafra (IPOB) has recently been proscribed as a terrorist group *vide* a court order. See *Attorney-General of the Federation v. Indigenous People of Biafra (IPOB)*, Suit No. FHC/ABJ/CS/871/2017 (unreported), a Federal High Court, Abuja decision dated 20 September 2017. By the order, the activities of the group constitute acts of terrorism. See also John Alechenu *et. al.* (2017, September 21), ‘Court Proscribes IPOB, FG says group gets Fund from France. *The Punch*. Available at <<http://punchng.com/court-proscribes-ipob-fg-says-group-gets-funds-from-france/>>. Accessed on 21 September 2017.

¹¹² The activities of this group was outlawed and received a judicial backing *vide* a Federal High Court, Abuja decision in the *Attorney-General of the Federation v. ‘Jamaatu Ahlis-Sunna Liddaawati Wal Jihad (otherwise known as ‘Boko Haram Sect) & Anor.*, Suit No. FHC/ABJ/CS/368/2013 (unreported).

¹¹³ For instance, the Ekiti State government enacted the Prohibition of Cattle and other Ruminants Grazing in Ekiti State Law 2016. According to the law, no person shall cause or permit any cattle or other ruminants belonging to him or under his control to graze on any land in which the Governor has not designated as ranches. The law also prohibit the movement or grazing of cattle or other ruminants by any means at night. The statute prescribed sanctions for herdsmen found in possession of firearms.

¹¹⁴ A recent public revelation by the Nigerian president’s wife, Mrs. Aisha Buhari, that even at the State House Medical Centre (‘Aso Rock’ Clinic), established to cater for the presidency, was in a poor state of health facilities, to the point of lacking even syringe and functioning x-ray machine, is a serious indictment of those in charge of our healthcare system in this country. She lamented how she was compelled in the circumstances to use a private clinic owned by foreigners in the country. See Olalekan Adetayo, ‘No Single Syringe, others in Villa Clinic-Aisha

the Nigerian presidents, for medical treatments abroad are clear indications that all is not well with our health sector. At the individual level, it is suggested here that regular bodily exercises and medical check-ups would go a long in reducing sudden death syndromes caused by diseases like heart attacks and high blood pressure.

Finally, the decision of the African Commission in the above cited *SERAC* case is a clear endorsement that there is a link between environmental contamination and human right *vis-a-vis* the obligation of the government to safeguard people from such environmental damage. It is therefore incumbent on the Nigerian government to ensure that oil companies and others engaged in the extractive industries in the country comply with extant anti-pollution statutes. This would help in protecting the host communities from untimely deaths caused by pollution-related diseases and sicknesses.

If the suggestions and recommendations made in this article are carried out, they will greatly help in tackling the ‘little foxes’ that directly or indirectly hamper the enjoyment of the right to life as constitutionally guaranteed.

Buhari.’ *The Punch*. Available at <http://punchng.com/no-single-syringe-others-in-villa-clinic-aisha-buhari/>>. Accessed on 10 October 2017.