

**ADDRESSING THE HUMAN RIGHTS ABUSES OCCASSIONED BY THE CORONAVIRUS
LOCK DOWN ***

Abstract

The security service of any nation is an integral part of the society that cannot be dispensed with, and their responsibilities in regard to securing lives and properties cannot be overemphasized. It is discouraging and an impediment to a nation when the ones that are bound to protect her citizens turn around to be a threat to their safety. This paper discusses some of the constraints on efforts to formulate comprehensive approach required to discourage human rights abuses and extra-judicial killing by Nigeria Security Operative, using the period of Coronavirus lockdown as a case study. The paper aim at emphasizing the salient point concerning lacuna created by the newly amended Nigeria Police Act and Constitution of Federal Republic of Nigeria 1999 (as amended) on issues of human rights protection. Doctrinal method was adopted in data collection and analytical approach used in reviewing the extant laws, and judicial decision and opinion of experts on human rights abuses in text books, articles and internet source. Through research findings, the matters of extra-judicial killings by Nigeria police is slowly becoming a yearly tradition that need to be eradicated.

Keywords: ‘Human Rights’, ‘Extra-Judicial Killing’, ‘Justice’, ‘Abuse of Rights’

1. Introduction.

Human rights are ontological, inherent and intrinsic to all human beings in as much as they are human, irrespective of nationality, sex, ethnicity, origin, colour or any other status. These rights can be protected in a functional democratic setting that anchors its foundation on the rule of law.¹ It has been posited that fundamental human rights are attaches to every human being by virtue of that very fact of being human. They are rights inherent in the essence of man.² It is a notorious fact that human rights violations still occur across the globe with disturbing frequency, regularity and gravity.³ In Nigeria, the picture is not less disturbing and has escalated to the maximum point especially during the enforcement of lockdown due to coronavirus (covid-19) pandemic in order to maintain the sanctity of public health, which was why a learned author was constrained to lament that ‘at one time or the other in our national history, we had observed the tenets of human rights more on paper than in practice’.⁴ The Nigerian security forces have consistently been implicated in gross human rights abuses including arbitrary arrests, extortion, illegal detention, and use of excessive force, including in large gatherings such as processions and protests for which there has been little or no accountability.⁵ Therefore, the authority need to ensure that

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¹J A Dada ‘Human Rights under the Nigerian Constitution: Issues and Problem’, *International Journal on Humanities and Social Science* (2012) (2) (12) p 2.

² O Ikenga, ‘A Jurisprudential Critique of Human Right situation in Nigeria’, Nigeria Democracy and Global Democracy (ed) I K Odimegwu, (2007) (3) World Philosophy Day, 222

³Amnesty International reveals the 10 worst attacks on human rights across the world last year (<https://www.independent.co.uk/news/world/politics/amnesty-international-reveals-the-100worst-attacks-on-human-rights> accessed 09 August 2020

⁴ M Ajomo, ‘The Rudiments of Human Rights’, (1999) *op cit.* at 105 [www.ajol.info>index.php>naujilli>article>view](http://www.ajol.info/index.php>naujilli>article>view), accessed 09 August 2020

⁵A Ewang, ‘Nigerian Security Forces to Enforce Social Distance’, (2019) 1 (2) <https://www.hrw.org/news/2020/03/26nigeria-security-forces-social-distancing> >accessed 10 August 2020

security forces do not commit abuses when enforcing the new measures, and any member of the security forces that does should be held accountable.⁶

A cluster of patients with pneumonia of unknown cause was observed in Wuhan, China. A novel coronavirus was identified as the causative pathogen,⁷ provisionally named as 2019 novel coronavirus (2019 – nCov) by the World Health Organization (WHO). On 11th day of February 2020, WHO named this novel coronavirus pneumonia as ‘‘COVID -19’’ (coronavirus diseases 2019).⁸ On the basis of phylogeny, taxonomy, and established practice, the coronavirus study group of the International Committee on Taxonomy of viruses formally recognizes this virus as a sister to severe acute respiratory syndrome coronavirus (SARS-COV) and renamed it as SARS-COV.⁸ Covid-19 rapidly triggered a global health emergency alert and spread to 216 countries including Nigeria.⁹ SARS-COV-2 is the seventh member of the family of coronavirus that infects humans. Like SARS- COV and Middle East respiratory syndrome lower respiratory infection and can cause acute respiratory distress syndrome (ARDS).

Other human coronavirus (HCOV 229E, NL63, OC 43, and HKU1) are responsible for upper respiratory infection and common cold. Coronavirus disease (Covid-19) can transmit from person to person through coughs, sneezes or speaks they spray small liquid droplets from their nose or mouth which may contain virus when too close to the carrier, and body contact from the infected person like handshake and hug etc.,¹⁰ while the possible symptoms are headache, fever, cough and difficulty in breathing.¹¹ Owing to the wild spread of covid- 19 in the world, the Federal Ministry of Health confirmed a coronavirus disease (COVID-19) case in Lagos State, Nigeria.¹² The case which was confirmed on the 27th day of February, 2020, is the first case to be reported in Nigeria since the beginning of the outbreak in China in January 2020.¹³ The case is that of an Italian citizen who works in Nigeria after returning from Milan, Italy to Lagos, Nigeria on the 25th of February 2020. He was confirmed by the Virology Laboratory of the Lagos University Teaching Hospital.¹⁴

Since the inception of coronavirus (COVID -19) pandemic in Nigeria, the country’s economy has been drastically affected to a large extent.¹⁵ While the approach federal government adopted to curtail the spread of coronavirus by issuing a stay at home order to the citizens has resulted to abuse of human rights and extra – judicial killing without any compensation to the victims. The effort by the security

⁶ Police Act, Cap 19, Laws of the Federation of Nigeria (LFN) 2004, section 341.

⁷ D Zang D, W Wang , et al, ‘A Novel Coronavirus from patients with Pneumonia in China’, (2019), *N Engl J. Med* 382 (8) 727 -733)

⁸ L F W Chan , Yuans, K H Kok, et al, ‘A Family Cluster of Pneumonia Associated with the 2019 Novel Coronavirus Person- to- Person Transmission: A Study of a Family Cluster’, *Lancet* (2020), 395 (10223) 514-523

⁸ International Committee on Taxonomy of Viruses (<https://talk.ictvonline.org>) accessed 28 September 2020

⁹ World Health Organization Data Report (<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answer-hub>) accessed 28 September 2020

¹⁰ <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public> accessed 29 September 2020

¹¹ *ibid*

¹² <https://www.grad.com/crisis24/news-alerts/318381/nigeria-first-coronavirus-case-confirmed-in-nigeria-february> accessed 02 October 2020

¹³ <https://www.ncdcv.ng/news/227/first-case-of-corona-virus-disease-confirmed-in-nigeria> accessed 02 October 2020

¹⁴ <https://ncdc.gov.ng/news/234/29th-february-2020-public-health-advisory-to-nigerian-on-novel-coronavirus> Report of National Center for Disease Control <accessed 03 October 2020

¹⁵ <https://www.brookings.edu/blog/africa-in-focus/2020/04/08/understanding-the-impact-of-the-covid-19-outbreak> accessed 10 October 2020

agencies to enforce the stay at home order issued by President Muhammadu Buhari (the President of Federal Republic of Nigeria) resulted in the extra-judicial killing of eighteen (18) innocent Nigerians, between the months of March 30th to 13th day of April 2020, a figure higher than the documented toll inflicted by the disease as of 15th day of April 2020.¹⁶ The cases of violations were higher in Lagos, the country's commercial hub, the capital Abuja, and some few South West, South East and South-South states respectively.¹⁷ According to The National Human Rights Commission, it received and documented 105 complaints of incidents of human rights violations perpetuated by security forces in 24 of Nigeria's 36 States and Abuja, the capital as of time of writing.¹⁸ These have resulted to abuse of right to dignity of human person and right to life as provided in the Constitution.¹⁹

In conscious effort of Nigerian government to stop the incessant spread of covid-19, the President issued a public statement²⁰ detailing new regulations and measures to be followed by all her citizens as well as foreign nationals in order to ameliorate the spread of covid-19. Prior to this, there had already been existing executive order issued by the President of Nigeria, ranging from closure of borders, ban of flights coming from already affected countries, to the ban of large gathering of persons. In accordance with the guidelines stipulated by quarantine act,²¹ Lagos State, Ogun State, Kano State and Federal Capital territory Abuja were placed on total lockdown by the President, due to exponential rate of spread and rise in cases.

This study will focus on the acts of Human Right abuses through brutality, torture, unnecessary use of excessive force, the use of firearms including extra-judicial killing of innocent citizens by the Nigerian police during the covid-19 lockdown, and a little insight on the legality or otherwise of the executive order issued by the President of Nigeria in respect to covid-19 lockdown.

2. Human Rights Issues

Human rights have been classified into two main categories namely, the Civil and Political Rights, and the Economic and Social Rights, otherwise referred to as the First and Second generation rights respectively.²² Under the Civil and Political rights are such rights as the right to life, right to the dignity of human person, right to fair hearing, right to freedom of association, right to private and family life, right to freedom of thought, conscience and religion and freedom of movement.²³ The Economic and Social Rights on the other hand comprise of such rights as the right to education, the right to food and shelter, right to employment, right to security in the event of unemployment.²⁴

The first and second generations rights are all important for human existence, however, the concentration of the article are mainly on right to life, right to dignity of human person and right to personal liberty. They are all basically under Civil and Political rights. These rights are fundamental because they are basic to the dignified enjoyment of other rights and further guaranteed by the Nigerian

¹⁶ <https://www.bbc.com/news/world-africa-52317196> accessed 11 October 2020

¹⁷ *ibid*

¹⁸ <https://www.aljazeera.com/news/2020/04/nigeria-security-forces-kill-18-curfew-2004161425> accessed 12 October 2020

¹⁹ The Constitution of Federal Republic of Nigeria, as amended 1999, sections 33 and section 34

²⁰ <https://nairametrics.com/2020/04/27/fill-speech-of-president-buhari-on-covid-19-pademic/> (accessed 25 October 2020, the speech of President of federal Republic of Nigeria, delivered on a life broadcast on 29th day of March, 2020.

²¹ QA 1926 S4

²² www.lincoln.edu/criminaljustice/hr/Classification.htm <accessed 20 October 2020

²³ CFRN 1999 as amended Chapter 4

²⁴ UNDHR 1948 A 24

Constitution. In addition, the first generation rights are fundamental to human existence, and not subject to political bargain. Also, the second generational rights are much needed for human survival mostly during unforeseen situation example, natural disaster, in time of war and disease pandemic etc. For better understanding, the article will have a close narration and comprehensive discussion on Civil and Political rights in connection to human rights abuses as a result of the enforcement of coronavirus lockdown and a call for justice of the deceased person.

In strict legal sense, the closure of borders, ban of flights from and to affected countries, total lockdown of some States and suspension of passenger aircraft both commercial and private jets all directly affect citizens' right to personal liberty. However, none of the above mentioned are within the confine of the exception of section 35 of the Constitution of Federal Republic of Nigerian (as amended). In addition, International Covenant on Civil and Political Rights (ICCPR) seems to have a consolidated ground on a clear exception on issues bothering on rights to personal liberty as specified in accordance to Article 12 of ICCPR:

1. Everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above- mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (order public), public health or morals or rights and freedoms of others, and are consistent with the other rights recognized in the present covenant.

It's quite clear from the position of Article 12 (3) of ICCPR; that a State actor has the absolute power to infringe the rights of movement of an individual on issues concerning public health. That is to say, the placement of ban by Nigeria state actor on international flights and movement of persons is in accordance with the above mentioned provision. Furthermore, Quarantine Act of 1926 gave the President of Nigeria the power to impose restriction of movement of people, goods and movement of property when needs arises. For a better understanding, Article 4 of Quarantine Act states as follows:

The President may make regulation for all or any of the following purposes as specified by law:

- a. Prescribing the steps to be taken within Nigeria upon any place, whether within or without Nigeria, being declared to be an infected local area.
- b. Prescribing the introduction of any dangerous infectious disease into Nigeria or any part thereof from any place without Nigeria, whether such place is an infected local area or not.
- c. Preventing the spread of any dangerous infectious disease from any place within Nigeria, whether an infected local area or not, to any other place within Nigeria.
- d. Preventing the transmission of any dangerous infectious disease from Nigeria or from any place within Nigeria, whether an infectious local area or not, to any place within Nigeria.
- e. Prescribing the powers and duties of such officers as may be charged with carrying out such regulations.
- f. Firing the fees and charges to be paid for any matter or thing to be done under such regulations, and prescribing the persons by whom such fees and charges shall be paid, and the persons by whom the expense of

- carrying out any such regulation shall be borne, and the persons from whom any such expenses incurred by the government may be recovered.
- g. Generally, for carrying out the purposes and provisions of this Act.

In accordance with the provisions of the Act stated above, it is evident from the above description that the President has the power conferred on him by the Quarantine Act to impose any restriction of movement provided is within the ambit of the laid down laws. That is to say the Presidential order for total lockdown which resulted to compulsory sit at home was properly made within the periphery of Quarantine Act.²⁵ However, the Act seems to be in contradiction with the provision of the Constitution which emphasized that ‘every person shall be entitled to his personal liberty and no person shall be deprived of such liberty, save in connection with any of the exceptions contained thereof in the provision.’²⁶ In addition, there is a constitutional restriction that specified the derogation from fundamental rights provision in any matter concerning the interest of the defence, public health and for the purpose of protecting the freedom of the citizens. Section 45 (1) of the Constitution buttresses the circumstances of derogation as follows:

- (1) Nothing in section 37, 38, 39, 40 and 41 of this Constitution shall invalidate any law that is reasonably justifiable in a democratic society: -
- (a) In the interest of defence, public safety, public order, public morality or public health, or
- (b) For the purpose of protecting the rights and freedom of other persons.

From the foregoing constitutional provision, the duties of the government are to provide the necessary mechanism to encourage and further ensure the adequate free movements of people, goods and services in all parts of the federation, however, such duties can be derogated from if need be provided it's for the wellbeing of the citizens and in accordance with the aforementioned provision of the Constitution. On the other hand, it will be right to say that the Presidential order was totally in accordance with the law.²⁷

A close perusal and further consideration of the above settled and established principle of law indicates that it is absolutely correct to state that Mr. President was not acting on his own frolic. However, the war – like responses to the enforcement of the sit-at-home order carried out by the security agencies in Nigeria have been characterized by the taking of measures severely limiting the enjoyment of right to life, and dignity of human person as enshrined in the Constitution,²⁸ and to an extent the actions of security agencies was totally out of order in a democratic country in the time of peace. While different countries seem to have adopted the same strategic means for curtail of the dreaded virus, the measures adopted by Nigeria government broadly aim at enforcing social distancing among the population in order to minimize the human –to- human transmission of the new coronavirus which causes the Covid-19 is totally obsolete and out of place, and the unjust killing without adequate compensation to the victims are repugnant to natural justice, equity and good conscience.

The drastic measure applied by the security agencies to the enforcement of the lockdown order resulted to the death of 18 Nigerians; these numbers of persons are more than people that have died of dreaded

²⁵ Quarantine Act of 1926, article 4.

²⁶ The Constitution of the Federal Republic Nigeria 1999 as amended section 35 (1) paragraph (a) (b) (c) (d) (e) (f)

²⁷ The Constitution of the Federal Republic Nigeria 1999 as amended; Section 45 (1) paragraph (a) (b) CFRN 1999 as amended

²⁸ Chapter 4 of the 1999 constitution, as amended

coronavirus as of 16th day of April 2020.²⁹ As a consequence, millions of people around the country lost their jobs due to the total lockdown of business.³⁰ In addition, concerns about the impact of such measures on human rights have been raised by the United Nation High Commissioner for Human Rights and other human rights experts.³¹ Such concerns are not unfounded, as measures restricting the enjoyment of human rights and the war rhetoric that accompanies them can open the way to the abuse of emergency regulations and the over reach of executive powers. Both the pandemic and the responses to it are putting to test to human rights and not only in Nigeria per se but to the whole world in general.

Inhuman Treatment and Extra- Judicial Killing by Security Operatives As a Result of COVID - 19 Lockdown Enforcement

Several African government have been praised for their decisive actions in response to the coronavirus pandemic, which has already been responsible for more than 1.21 million deaths worldwide as of the time of writing,³² and more than 68,138 reported cases in Africa, while Nigeria has recorded 1,083 death as of time of writing.³³ However, the strict imposition of curfew and lockdowns have also raised a number of concerns, one of the main criticism has been the extra- judicial killing and constant human rights abuses by the Nigerian Police Force while carrying out the sit- at-home order issued by the President of the Federal Republic of Nigeria and in addition with the fact that strategies used in wealthier nations may not work in Nigeria,³⁴ especially in countries where the average citizen lacks the personal savings and access to food that may ultimately be needed to see out the period of coronavirus lockdown.

It's quite unfortunate that the COVID -19 related restrictions especially the enforcement of sit-at-home order issued by different heads of states are now being used to undermine human rights, especially rights to life. Leaders in some nations responded so rapidly that critics fear they are manipulating the crisis to consolidate their own political power. Most notably, government in Malawi³⁵ and Uganda banned public gatherings and hence opposition rallies and civil society protests before their countries recorded a single case. Their counterparts in Guinea³⁶ and Zambia³⁷ are using the cover of the coronavirus to advance their authoritarian agenda in order to prolong their time in office. At the same time, efforts to enforce restrictions in the continent's most influential States including Kenya, Nigeria³⁸

²⁹ www.bbc.com/news/world-africa-52317196 accessed 16 April 2020

³⁰ H Davidson, 'Around 20% of Global Population under Coronavirus Lockdown', the *Guardian* (24 March 2020) <https://www.theguardian.com/world/2020/mar/24/nearly-20-of-global-population-under-coronavirus-lockdown> accessed 16 April 2020

³¹ 'Coronavirus: Human rights need to be front and center in response say Bachelet' (OHCHR) (6 march 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25668&LangID=E> accessed 16 April 2020

³² <https://coronavirus.jhu.edu/map.html> accessed 30 October 2020

³³ <https://www.africanews.com/2020/06/26/nigeria-coronavirus-covid-19-updates-june-2020> accessed 27 June 2020

³⁴ <https://kenopalo.com/2020/04/13/some-policy-lessons-from-covid-19-against-coronavirus-11586> <accessed 12 July 2020

³⁵ <https://mg.co.za/africa/2020-03-18-ignoring-coronavirus-fears-malwi-concentrates-on-its-political-crisis/> <accessed 12 July 2020

³⁶ <https://www.aljazeera.com/news/2020/04/guinean-president-alpha-conde-enacts-constitution-2004071010001> Aljazeera News <accessed 02 April 2020

³⁷ <https://diggers-news/lifestyle/2020/04/11/lungus-strategic-march-to-2021-the-shutdown-of-prime-tv/> diggers News <accessed 02 April 2020

³⁸ O Kola, 'Nigeria Human Rights Commission Claims 18 killed in Virus Lockdown' (<https://www.aa.com.tr/en/africa/nigeria-commission-claiims-18-killed-in-virus-lockdown/1806639> <accessed 26/04/2020)

and South Africa³⁹ have resulted in widespread human rights abuses by security forces, which have a history of exploiting rather than protecting civilians.

Coming nearer home, the measures taken to tackle the spread of COVID-19 is taking a toll on Nigerians; exacerbating the impacts in the attitude of Nigeria Police Force in enforcing social distancing measures, sit-at-home order issued by the President and unjust killing of the innocent Nigerians while carrying out the order. Just immediately after the national broadcast by President Buhari on the total lockdown of some part of the country and complimentary order issued by different State Governments, the unprofessional conduct by the security operatives resulted to the death of eighteen Nigerians,⁴⁰ to mention but a few are Praise God John who died on the 15th day of April 2020. The cause of his death was linked to police torture and brutality while in police custody during the enforcement of sit-at-home order.⁴¹ The killing of Amobi Igwe within the tollgate area of the Umuahia –Aba Expressway in Umuikwa, Isialangwa South Local Government Area of Abia state, Nigeria, by an officer of the Nigerian Security and Civil Defence Corps on 15th day of April 2020.⁴² The further killing of Ifeanyi Arunsi by Assistant Superintendent of Police on 17th day of April 2020 in Abia State and the shooting of two innocent civilians by police officers in Anambra State on the 14th day of April 2020.⁴³ Aside from those that were killed, National Human Rights Commission of Nigeria (NHRC) was reported to have received One Hundred and Five (105) complaints of human rights violations against law enforcement officers within this period. Meanwhile, prior to its engagement in enforcing lockdown orders, wanton abuse of human rights has been identified as one of the major flaws of the Nigerian Police Force.⁴⁴

The avalanche of reports of extra- judicial killings by the police and other violations of human rights has led to the questioning of the protocols and rules of engagement for police officers, their efficiency level, and capacity to deal with the civil population.⁴⁵ At the commencement of deploying measures to combat the spread of COVID-19, local and international human rights organizations advised the Nigerian government to adopt a rights respecting approach and give clear instructions to security agencies not to abuse their powers.⁴⁶ However, police authorities issued guidelines for officers enforcing the lockdown,⁴⁷ detailed information in regards to protection of human rights in the discharge of enforcement responsibilities were not included. The issue for determination is how then should the police personals expected to approach and enforce the unseen, unprecedented and insecure COVID-19 reality in Nigeria.

³⁹ P J Heijmans, B Pradham, & P Bax, 'Locked in Cages, Beaten and Shamed: Virus Laws Lead to Abuse', *Bloomberg* (hereinafter virus laws), <https://www.msn.com/en-us/news/world/locked-in-cages-beaten-and-shamed-v...> < accessed 02 April 2020

⁴⁰ <https://www.reuters.com/> accessed 27 April 2020

⁴¹ <https://saction.org/human-rights-violations-during-covid-19-lockdown-in-nigeria/> accessed 29 April 2020

⁴² <https://punchng.com/bribe-seeking-abia-nscdc-officer-shoots-dead-commercial-driver/> Punch Newspapers <accessed 13 May 2020

⁴³ Nigerian Security Forces Kill at least 18 over virus lockdown, <https://www.trtworld.com/africa/nigeria-security-forces-kill-at-least-18-over-virus-lockdown-35465> (News/Africa, 16 April 2020) accessed 17 April 2020

⁴⁴ O M Akinlabi "Citizens Accounts of Police Use of Force and its Implication for Trust in the Police" (*Journal of Crime and Justice*, page 145- 160) 10 September, 2019

⁴⁵ <https://www.transparency.org/en/blog/in-nigeria-covid-19-brings-the-need-for-effective-criminal-justice-complaintchannels> accessed 26/04/2021

⁴⁶ <https://www.amnesty.org/en/latest/news/2020/04/nigeria-covid-19/> accessed 26/04/2021

⁴⁷ https://www.unodc.org/documents/Nigeria/NPF_COVID-19_Guidance_Booklet_Final.pdf (Nigeria Police Force (2020) Guidelines for policing during the COVID-19 emergency Lagos: European Union and United Nations Office on Drugs and Crime)

In the enforcement of the COVID- 19 measures, the already over – militarized police in Nigeria apparently became even more militarized, moving further away from the community.⁴⁸ The concept of militarization of the police is not about the equipment that are deployed by the police, but how the police interact with the Civil population with a “warrior” mind- set, which usually negates community relationships.⁴⁹ In Nigeria, the police are often perceived to be unjust in their procedures, or to lack compassion in their interactions with the civilian population⁵⁰ which may have resulted in a state of reduced legitimacy, especially with regard to the enforcement of COVID-19 measures.

If Nigerian Police Force is to get its rights with what is obtainable in western world, there must be a total reformation and structuring of police and security agencies in the country. The constant abuse of human rights mostly by police, Nigerian Security and Civil Defence Corps are simultaneously and constantly turning into our ways of life. The Police Act specifically made provision for the duties and responsibilities of the police to her citizens. Section 4 of the Police Act states as follows:

4. The Police Force shall:

- (a) Prevent and detect crimes, and protect the rights and freedom of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights and any other law,
- (b) Maintain public safety, law and order,
- (c) Protect the lives and property of all persons in Nigeria.

For the avoidance of doubt, the sentence *prevention and detection of crime, the preservation of law and order, and the protection of life and property*, specifically further buttresses the position of the Act in regards to police duties to her citizens and misconducts on issues concerning torture, brutality, intimidation, extra-judicial killing, and indecent conduct. It is the duty of the police officer to take every reasonable care to avoid an act or omission which he might reasonably foresee that are likely to course breach of law and order of which they are directly charge to do within the ambit of the Police Act. A police officer is assumed to have the necessary skills required of a person of his standard to protect life, to detect crime and with adequate measures to prevent it from happening without inflicting bodily harm to the said person or suspect as the case may be, and his fundamental duty is to protect the life and property of her citizens. In addition, it is a cemented principle of law to state that police are duty bound to apprehend offenders within the confine of the Act.⁵¹ Provided they are matters within the peripheral of arrest with and without warrant respectively.⁵²

From the forgoing provision, the duties and limited power police officer can exercise while on duty becomes crystal clear, and while exercising those powers it must not be on the contrary of the aforementioned provision. To a large extent, the COVID- 19 pandemic has brought the Nigeria State into uncharted territory on a number of fronts. Despite the fact that the steps the Federal and State governments have taken to curtail the spread of the viral infection are presumably taken in the best interest of public health, government actions and State actors must strictly and scrupulously adhere to

⁴⁸ R A Aborisade, ‘Accounts of Unlawful use of Force and Misconduct to the Nigerian Police in the Enforcement of COVID -19 Measures’, (*Journal of Police and Criminal Psychology*) 2021

⁴⁹ R Balko, ‘Rise of the Warrior Cop: The Militarization of Americas Police Forces’. *Public Affairs*, New York, US (2013)

⁵⁰I Enweremadu, ‘Understanding Police Corruption and its Effect on Internal Security in Nigeria’’, (<https://doi.org/10.1007/978-981-13-8215-416>) accessed 26/04/2021

⁵¹ Police Establishment Act 2020, s38 (1) (2) (3)

⁵² CPL s 25, s27, ACJL of Lagos State S22, CPCL S58 (Northern Nigeria) all give the power of arrest with warrant to police officers, while section 38 Police Act, Section 10 ACJL of Lagos state, Section 10, 11 of CPL, Section 26 CPCL provides a condition for an arrest without warrant by the police.

the supremacy of the Constitution and recognition of municipal laws. Some public health measures, such as stay-at-home orders and method of its enforcements restrict the exercise of personal freedom, abuse of right to life and dignity of human person respectively. The enforcement of these public health orders falls to police through the directives of the executive arms of government, however, the police whose main job is to protect life and property seems to be working on the contrary by intentionally sniffing life out of eighteen innocent civilians who they are bound to protect.⁵³

Furthermore, extra-judicial killing and other cruel and inhuman treatments constitute offence under the Anti – Torture Act 2017, Criminal Code Act⁵⁴ and Penal Code⁵⁵ of Nigeria. Anti – Torture Act is applicable to all part of Nigeria, while the Criminal Code Act is applicable in the Southern part and the Penal Code is applicable in the Northern part of the country. Extra – judicial killings carried out by security officers in Nigeria during the enforcement of the lockdown directives, constitute the offence of murder (also known as culpable homicide) under the Criminal Code Act and Penal Code.

Extra – judicial killings are not authorized, justified or excused by law and are therefore punishable with death.⁵⁶ Under Criminal Code Act, assault is an offence⁵⁷ and punishable with three (3) years imprisonment.⁵⁸ In addition, causing grievous harm is an offence,⁵⁹ and punishable with a term of seven (7) years imprisonment.⁶⁰ Wounding is an offence and punishable with an imprisonment term of three (3) years.⁶¹ Similarly, under the Penal Code, causing grievous hurt is an offence punishable with an imprisonment term that may extend to fourteen (14) years and a fine.⁶²

In addition, acts of torture and other cruel, inhuman and degrading treatment carried out by security officers are prohibited by the Anti –Torture Act, 2017 and Nigeria Police Act, 2020.⁶³ The various forms of torture include physical torture, cruel, inhuman or degrading treatment which causes pain, exhaustion, disability or dysfunction of one or more parts of the body, such as –systematic beatings, wad-hangings, punching, kicking, striking, with rifle butts and jumping, on the stomach,⁶⁴ being tied or forced to assume fixed and stressful bodily positions,⁶⁵ rape and sexual abuse,⁶⁶ and harmful exposure to the elements such as sunlight and extreme cold.⁶⁷ The punishment for committing the offence of torture is imprisonment for a term not exceeding twenty five (25) years.⁶⁸ However, torture resulting in loss of life of a person is considered as murder and will be tried and punished under Criminal Code Act and Penal Code respectively.

Having a close perusal of the above mentioned relevant laws and punishment prescribes in any circumstances as a result of breach, it is clear that our laws are not adequately enforced for the purpose

⁵³ *Ibid*

⁵⁴ Criminal Code Act Cap C38, Laws of the Federation of Nigeria (LFN) 2004

⁵⁵ Penal Code Laws of the Federation of Nigeria, 2004

⁵⁶ Criminal Code Act (LFN) 2004, section 315, 319 (1)

⁵⁷ Criminal Code Act (LFN) 2004, section 253

⁵⁸ Criminal Code Act (LFN) 2004, section 355

⁵⁹ Criminal Cod Act (LFN) 2004, section 335

⁶⁰ Criminal Code Act (LFN) 2004, sect 335

⁶¹ Criminal Code Act (LFN) 2004, section 338

⁶² Penal Code, section 348

⁶³ Nigeria Police Act, 2020, section 37 (a) (b)

⁶⁴ Anti –Torture Act 2017, section 252,

⁶⁵ Anti – Torture Act 2017, section 2 (2) (a) (vi),

⁶⁶ Anti –Torture Act 2017, section 2 (2) (a) (vii),

⁶⁷ Anti –Torture Act 2017, section 2 (2) (a) (xi)

⁶⁸ Anti –Torture Act, 2017, section 8

of justice delivery to the victims of human rights abuses. Moreover, none of the police officers who were alleged to have in one way or the other engaged into human rights abuses during COVID-19 lockdown enforcement have been prosecuted talk less of being jailed. The body language of the government is indirectly passing a wrong message to the public on the sanctity of the human life, the rule of law and its enforcement.

It is pertinent at this juncture, to say that inefficiency of the Federal Government to compensate the victims of extra- judicial killings and inhuman treatment as a result of enforcement of coronavirus lockdown by the Nigerian Police, has totally place them to be on the wrong side of the law and until justice is done to the victims of extra- judicial killings, Nigeria government is in the wrong side of history. In strict legal sense, no exceptional circumstances whatsoever, not even a public emergency can be invoked as justification for torture.⁶⁹ Thus in Nigeria, the excuses of trying to enforce COVID-19 regulation and lockdown directives is unjustifiable reason for cruelty. However, some people who were arrested for non – compliance with the Governmental directive were subjected to inhuman treatment. This violates their rights as prescribed under Administration of Criminal Justice Act,⁷⁰ which states as follows that a suspects shall:

- (a) Be accorded humane treatment, having regards to his rights to the dignity of his person, and
- (b) Not be subjected to any form of torture, cruel, inhuman or degrading treatment.

From the foregoing provision of the Administration of Criminal Justice Act, is crystal clear without iota of doubt that Nigeria Police Force has little or no regards for the provision of the law and no consequences therefore as a result of its breach.

4. Statutory Provision of Police Ethics and Code of Conduct in Nigeria

The use of violence by the police against citizens has been recognized as a widespread and persistent problem in the country by the government, public and even the police authority.⁷¹ As a result, senior government and police officials at various times warned against the practice. But they fail to acknowledge the fact that police violence thrives due to inadequate orientation, training and proper observation of statutory provision of police ethics towards the people, in addition to undemocratic political structure and unjust economic relations in the country.⁷² If the police are to abide by the rule of law, if they are to respect orders of the court and the sanctity of human life, the problem of social instability and extra-judicial killing will never see the light of the day. However, in a situation where a police officer takes laws into his hands while in discharge of his duties, he will be personally held liable for the misuse of his power. In such situations, the provision of the Act prescribed as follows will be in force:

In the individual exercise of his powers as a police officer, every police officer shall be personally liable for any misuse of his powers, or any act done in excess of his authority.⁷³

⁶⁹ Anti –Torture Act 2017, section 3 (1)

⁷⁰ Administration of Criminal Justice Act, 2015 section 8 (1)

⁷¹ F Odekunle, ‘The Nigeria [1979] (61 -83)p. 2

⁷² E O Etannibi C Innocent C. Chukwuma, ‘*Police-Community Violence in Nigeria*’, (Lagos : Center for Law Enforcement Education and National Human Rights Commission, 2000, p.21

⁷³ PA 2004, S 341 CAP 359 of the LFN 2004

That is to say that it is the responsibility of every member of the police to exercise the power conferred on them by the Police Act (PA) accordingly, and to be individually held responsible if misused deliberately. However, it is quite unfortunate that the new amended Nigeria Police Act of 2020 intentionally erased this particular provision. The new Act also provides that every police officer is required to use his best endeavor to uphold the good name of the force, and to further relations with the public.⁷⁴ Consequently, the Act prescribes that a police officer shall be determined and incorruptible in the exercise of his police duties and shall have a strict regard to the correctness of his general behaviors.⁷⁵ Furthermore, the position requires Nigeria police officers to develop the following attributes while in discharge of their duties:

- a. Efficiency and thoroughness through meticulous attention to details in the performance of his duties.
- b. Courtesy, forbearance and helpfulness in his dealing with members of the public.
- c. Tact, patience and tolerance, and the control of his temper in trying situation.
- d. Integrity in refusing to allow religious, racial or personal feelings or other consideration to influence him in the exercise of his duties.
- e. Impartiality, the avoidance of feelings of vindictiveness towards offenders.
- f. Strict truthfulness in his handling of investigations and in the giving of evidence.⁷⁶

The above mentioned provisions has specifically explained what the ethic of the professional conducts requires from every member of Nigerian police, however, it generally seems that the regulation is mostly recognized only on the pages of newspapers, textbooks and adopt substantively as an academic exercise, rather than being applied procedurally.

The worst of it all is that, the provisions of the above mentioned section been systematically removed in the new amended Nigeria Police Act of 2020 that is now in force. Police work is often received with ambivalence and ambiguity by the people of Nigeria. The police represent to them alternately and simultaneously, civil order and civil repression at one and same time. The police are greeted variously with fear, respect, warmth and hatred and the perception of the police as a baton-wielding organization still persists in the country.⁷⁷ It is the responsibility of police officers and other security agencies to build a cordial relationship with the citizen, by so doing, a friendly and easy avenue will be created during interaction or investigation of crime within the neighborhood community, or when carrying out an executive order like lockdown enforcement.

Going by the rule of operation of the new Nigeria Police Act of 2020 with specific reference to arrest, is the reasonable expectation of the Nigeria Police to discharge their duties in accordance with the rule of law. The Act provides as follows:

- 1.) A suspect or defendant alleged or charged with committing an offence established by an Act of the National Assembly or under any other law shall be arrested, investigated and tried or dealt with according to the provisions of this Act, except otherwise provided under this Act:
- 2.) A person shall not be arrested merely on a civil wrong or breach of contract.

⁷⁴ PA 2020, S2 as amended

⁷⁵ Section 339 Police Act and Regulation Police Act

⁷⁶ The Police Act and Regulation CAP P.19 (LFN) 2004 section 340

⁷⁷ P E Igbinoia, 'Police Misconduct in Nigeria', (Hein online article of Alabama State University, April 21st 1985) <https://heinonline.org/HOL/LandingPage?handle=hein.journals/police&div=&page=> accessed 27th June 2020

3.) A suspect shall be brought before the court as prescribed by this Act or any otherwise released conditionally or unconditionally.⁷⁸

In strict legal sense, section 32 subsection (2) of the Nigeria Police Act 2020 made a clear emphasis on the issue bothering on arrest based on civil wrong. In connection to the issue in question, should an arrest based on enforcement of coronavirus lockdown be classified as a civil or criminal wrong within the ambit of the law? Going by the case of *Elephant Group Plc. v. National Security Adviser & Anor*,⁷⁹ an executive order is a regulation or an administrative authority under the direction of President or Governor for the purpose of implementing and giving an administrative effect to a provision of the Constitution or of some of the treaty. It is indeed an effective instrument or tool for good governance, not a criminal offence in disobedience rather a civil wrong.⁸⁰

The Nigeria Police Act and Regulation of 2020 provides a code of conduct to guide the activities of policemen in Nigeria. The code has neither been reviewed to incorporate the provisions of the United Nations Code of Conduct for Law Enforcement Officials (UNCCLEO)⁸¹ nor has it been observed and effectively enforced in practices. The provision of the Police Act covers a number of areas: what a policeman should do if he feels wronged by another officer,⁸² the conduct of the police officers in their official duties,⁸³ prohibition on receiving gifts (except from close personal friends or relatives),⁸⁴ petition writing⁸⁵ and institution of legal proceedings in their personal capacity.

There are several important areas that are not considered or covered by the Nigeria Police Act and Regulations, such areas are as follows: the requirement to uphold the sanctity of human rights,⁸⁶ guideline on the use of force,⁸⁷ maintenance of the confidentiality of certain information in their possession,⁸⁸ and the full protection of the health of person in their custody⁸⁹ as provided in U.N Code of Conduct for Law Enforcement Officials. Careful perusal and observance of Nigeria's obsolete code of conduct reveals that they are not within the international best practices. Studies summarized that section 2 of UNCCLEO showed the clear inadequacy of Nigeria Police Act of 2020 and a need for urgent reforms.

The average Nigerian police officer constantly abuse human rights while in the discharge of their respective duty and has little or no regards for the dignity of individuals they come in contact with while on and off duty. The Nigerian police and their regulatory bodies are not particularly known to discipline police officers accused of human rights violations. However, the Nigeria Police Act of 2020 specify disciplinary processes to be followed where human rights abuses are alleged against police officers but failed to provide adequate punishment against the officers that went contrary to the provisions of the Act.⁹⁰

⁷⁸ Nigeria Police Act, 2020, section 32 (1) (2) (3)

⁷⁹ (2018) LPELR – 45528 (CA)

⁸⁰ *Mustapha v. Governor of Lagos State & Anor* (1987) LPELR 1931 (SC)

⁸¹ United Nations Code of Conduct for Law Enforcement Officials, adopted by General Assembly Resolution 34/169 of 17, December 1979).

⁸² P A 2004, S353, CAP P.19 Law of the Federation of Nigeria (LFN) 2004

⁸³ P A 2004, S353 LFN

⁸⁴ P A 2004, S354 LFN

⁸⁵ P A 2004, S365 LFN

⁸⁶ United Nations Code of Conduct for Law Enforcement Officials (UNCCLEO) of 1979, Article 2

⁸⁷ UNCCLEO 1979, A3

⁸⁸ UNCCLEO 1979, A4

⁸⁹ UNCCLEO 1979, A6

⁹⁰ NPA2020, S134

On occasions, Police Authorities have set up internal police boards to investigate allegations that their men have used excessive force. These investigations have never resulted in the disciplining of any police officer accused of violating human rights,⁹¹ except the recent dismissal of thirty seven (37) police officers by the Police Service Commission due to recent protest of an end to Police brutality.⁹² The failure of police authority to do the needful violates the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement officials.⁹³

The use of internal boards of inquiry by the police in Nigeria is a typical strategy to sweep away the events of inhuman treatment by the police under the rug. They create the impression that the Police Authorities are conducting a proper investigation about human rights abuses engaged by their colleague, while in real sense; they are intentionally buying time for citizens to forget about the heinous crime committed by their fellow officers, and officers guilty of these atrocities are walking majestically in the street of the country and not likely to be reprimanded. It is of no surprise and may not be in doubt if the eighteen (18) Nigerian citizens recently killed through extra-judicial means are forgotten without holding any officer accountable for the breach of code of conduct as enshrined in the police Act.⁹⁴ A call for justice of the deceased person who died on the hands of security agencies as a result of covid - 19 lockdown enforcement are not only to be done, but legally bound to be done and seen to be done.

5. Constitutional Standpoint on Right to Life and Dignity of Human Person

Constitutional standpoint on human rights violation in regards to extra – judicial killing, made it clear on the consequence of such breach when the need arises. A close perusal of the position of section 33 subsection 1 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 as amended, will further buttresses the purview of the law. The section states as follows:

Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.⁹⁵

In accordance with the cemented principle of law stipulated above, it's clearly within the jurisdiction of the competent court of law to sentence one to death in consideration of the offence committed by him of which he has been found guilty of. However, the content of the right to life cannot be pinned to one easily delineated sphere, it encompasses a wide variety of other rights which are dependent on the existence of life for their enjoyment, and it is the nucleus of all other rights. Basically, the traditional approach to the right to life view the right in a very parochial sense to cover only occasions where the government was directly involved in the arbitrary deprivation of life.⁹⁶ As a corollary, the government will not be held liable for the failure to protect the life of her citizens. This constitutional position is not only obscure, obsolete and inept; it's totally repugnant to natural justice, equity and good conscience and in urgent need of reform. It is very unfortunate that there is no constitutional remedies for victims of extra – judicial killing. Rather, the Constitution deem

⁹¹ C Innocent, 'The Legal Structure of the Police and Human Rights in Nigeria,' *The World Legal Studies*, (1997) Vol.14, Article 4, <https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1024&context=twls> =accessed 28 June 2020

⁹²A Odotola, <https://nairametrics.com/2020/10/16/breaking-endsars-police-commission-recommends-dismissal-of-37-ex-sars/>, nairametrics (Lagos October 28, 2020)

⁹³UNPUFFLEO (7TH September 1990)

<https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx> < accessed <November 30, 2020

⁹⁴NPA 2020, S5 as amended

⁹⁵CFRN 1999 as amended, S33 (1)

⁹⁶A O Enabulele, 'The Right to Life or The Right to Compensation upon Death: Perspective on An Inclusive Understanding of the Constitutional Right to Life in Nigeria, (*Journal of Sustainable Development and Policy*, 2014) 3:1

it noteworthy to exonerate the law enforcement agencies in most circumstances that might result to the death of the citizens while exercising their duties. For a better comprehension of the above mentioned section, it will be apposite to have an in-depth analysis on the position of section 33(2) of the CFRN 1999 as amended, bothering on exoneration of security agencies on the death of a citizen and his right to life. The section states as follows:

- (2) A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as a result of the use, to such extent and in such circumstances as are permitted by law, of such force as in reasonably necessary:
- a. For the defence of any person from unlawful violence or for the defence of property.
 - b. In order to effect a lawful arrest or to prevent the escape of a person lawfully detained, or
 - c. For the purpose of suppressing a riot, insurrection or mutiny.

From the above proviso, it is crystal clear that the drafters of the Constitution seem to have little or no regards to the life of the citizen the security agencies are bound to protect. In the light of the above, the phrase ‘*of such force as in reasonably necessary*’ the question becomes, of what extents should a force be deemed to be reasonable? And why should the law permit killing in defence of a mere property? Or is property more valuable than a human life? Furthermore, seemingly the provision of section 33 (2) (b) of the CFRN 1999 as amended clearly exonerates the person that causes the death of another (i.e. an innocent person hit by stray bullet) while exercising his lawful duty from preventing the escape of another person legally detained.⁹⁷ In addition, having a close perusal of section 33 (2) (c) of CFRN 1999 as amended, the implication of this provision is, once reasonable force is used to suppress a riot or disperse rioters, the facts that death results therefore is immaterial and any police officer or other person using the force is exonerated.

Following this approach, the right to life becomes actionable in court only upon the occurrence outside the peripherals of the above mentioned provision of the Constitution. In other words, litigants cannot go to court to enforce the right to life while they are still alive. This was the category of *Nasiru Bello v. Attorney General of Oyo State*;⁹⁸ a convicted felon was executed by the respondent while his appeal to a higher court was pending. At the suit of the deceased family, the Supreme Court of Nigeria held that the Respondent violated the deceased right to life and ordered compensation to his family. In addition, the finding of the African Commission for Human and People’s Rights in Organization *Mondiale Conte La Torture* and Association International *Des Juristes (C.I.J) Union Inter africaine des Droits de l’Homme/ Rwanda*, where the Commission found that the massacre of a large number of Rwanda villagers by the Rwanda Armed Forces and the many reported extra- judicial executions for reasons of their membership of the right to life in Article 4 of the African Charter on Human and Peoples Rights.⁹⁹

In the recent time, there has been a movement away from this traditional approach to a more liberal and expansive approach that does not consider the breach of the right in terms of the occurrence of death. The position of the law will be clearly digested with a few cases, in the case of *Makaratzis v. Greece*,¹⁰⁰ the European Court of Human Rights held that the use of a potentially lethal force against the applicant by the police was a violation of his right to life, notwithstanding that he survived the injuries, for which the Greek government was liable. Also, in World Organization against Torture, Lawyers Committee for Human Rights,

⁹⁷ *Mitn v. Commissioner of Police Bayelsa State & Ors* (2017) Law Pavillion Electronic Law Report (LPELR) 43064

⁹⁸ (1986) 5 NWLR (PT.45) 828

⁹⁹ Communication 27/89, 46/91, 49/91, 99/93

¹⁰⁰ Application Number 50385/99

Jehovah Witnesses, Inter – African Union for Human Rights/ Zaire,¹⁰¹ the African Commission on Human Rights declared that arbitrary arrests, detention and torture were a violation of the right to life in Article 4 of the African Charter on Human and Peoples Rights.¹⁰² Furthermore, court has held that even the Turkish Government was in breach of the right to life of the deceased for failure to effectively investigate the cause of death.¹⁰³

In consideration of the provision of section 33 (2) of the Constitution¹⁰⁴ that specified the exception to the general rules, and in connection to the extra-judicial killing of innocent citizens during the enforcement of stay-at-home order by the security personnel, is obviously clear that their actions and inactions are contrary to the ambit of the law and they should be held liable of such breach. Furthermore, it will be a welcome development if the Nigeria legal system, the Constitution precisely, should move away from the traditional approach to the liberal and expansive approach that does not consider the breach of the right to life until occurrence of death. This will help foster the sanctity attached to human life, and security agencies are duty bound to exercise such rights with care and absolute dignity.

Furthermore, the Right to dignity of human person is a universal and fundamental human right recognized in both the international bill of right and regional human rights instruments.¹⁰⁵ The right is also recognized and protected under the Constitution of the Federal Republic of Nigeria.¹⁰⁶ The importance of this right for achievement of dignity of human person in the present day Nigeria cannot be over- emphasized. The consequence of its breaches by security agencies in Nigeria while exercising their duties should drastically need not to be neglected. It suffices to say that the number of people assaulted by Nigeria police and security agencies during enforcement of COVID -19 lockdown, shows that the violation of human rights and dignity of person are not a matter of an enforcement of social distancing and lockdown, since death and injuries resulted directly from excessive use of force being reported in many African countries including Nigeria.¹⁰⁷ Moreover, the recent protest by Nigerian youths to put an end in police brutality, and also a permanent disbarment of a security unit in Nigeria Police Force known as Special Anti- Robbery Squared Units (SARS) is an eye opener on the high rate of an abuse to the dignity of human person by Nigeria police force.¹⁰⁸ Apart from right to life, right to dignity squares up as one of the most important rights that human beings are entitled to enjoy in Nigeria.¹⁰⁹ The Universal Declaration of Human Rights (UDHR) emphasized that all human beings are born free and equal in dignity and rights.¹¹⁰ It is the responsibility of every government in Nigeria to protect the rights of her citizens¹¹¹ and also to hold anyone that goes contrary to it accountable and in accordance with the laid down rules.

Conclusion / Recommendation

Torture has been an issue and a subject of major concern in the 21st century Nigeria. The prevalence of extra –judicial killings in recent times has drastically taken an upward swing in our National history. The majority of cases go un-investigated and unpunished. The families of the victims usually have no recourse to justice or redress, and to the extent many do not even get to find out what exactly happened to their loved ones. The

¹⁰¹ Communication 25/89, 47/90, 56/91, 100/93

¹⁰² *ibid*

¹⁰³ *Tanrikulu v. Turkey*, Application No. 23763/94 of July 8, 1999

¹⁰⁴ CFRN 1999 as amended.

¹⁰⁵ Universal Declaration of Human Rights 1948 (UDHR 1948), International Covenant on Civil and Political Rights (ICCPR) 1966, and the International Covenant on Economic Social and Cultural Rights (ICESCR 1966)

¹⁰⁶ CFRN 1999, as amended, section 34

¹⁰⁷ Human Right Watch 2020 <https://www.hrw.org/news/2020/04/02/governments-should-respect-covid-19-surveillance/> accessed 07/11/2020

¹⁰⁸ <https://www.bbc.com/news/world-africa-54575219> accessed 01/11/2020

¹⁰⁹ N K Akani , ‘A Critical Appraisal of the Right to Human Dignity Vis- A – Vis the Rights of Women in Nigeria’, (<https://www.researchgate.net>) accessed 01/11/2020

¹¹⁰ UDHR 1948, Article 1

¹¹¹ The CFRN as amended, section 13

Nigerian Police arrest and detention practices and the absence of institutional control over them are central to the pattern of abuse and impunity perpetrated by them.

It is possible and may further be argued that upon recruitment, the police officers are not strictly and adequately trained on the importance of human rights laws, dignity of human person and the consequences of its breach thereof.

In its drive to increase the size of the force, the Nigerian Police Force has virtually abandoned its recruiting standards, with disastrous results. A presidential committee in 2008 submitted that the Nigeria Police Force ‘‘grossly compromised standards which resulted in widespread abuse of established procedure and become saddled with ‘a very large number of unqualified under –trained and ill –equipped officers in sum an undesirable workforce.’¹¹²

It is of great importance that Nigeria police and other security agencies must have a cordial relationship with her citizens, understand each way of life, respect their culture and tradition and most importantly human rights. They are to so do in the bound of unity and faith, peace and progress of Nigeria State. By so doing, friendly and enabling environment will be created among citizens, Nigeria police and other security units, making it much easier to enforce any order or gather intelligence in a crime scene event as case may be.

Reluctance and inadequacy of the Police Service Commission to prosecute police officers and service men who have allegedly abuse human rights and extra – judiciously killed innocent citizen in their line of duties during COVID -19 lockdown enforcement, is not only discouraging but indirectly make one to lose hope on the sanctity of human life and dignity attached to it in Nigeria.

It is the primary duty of Nigeria police and other security agencies to be a watch dog over her citizens and to protect life and property, and respect to the rule of law.

Inhuman treatment and extra – judicial killing by Nigeria Police Force are to be discourage, and the offenders need to be punished in accordance with the provision of the relevant laws of the State. The victims are to be compensated in commensurate measure with the level of damages sustained, and by so doing, justice is served equitably.

On that note, I call for the immediate prosecution of all the police officers and other service men that were allegedly involved in matters of extra- judicial killing of innocent citizens while in discharges of their duties during the enforcement of coronavirus lockdown in the country.

In addition, there should be a proper orientation and mental health examination of every Nigerian policeman and other security agencies once in every year. This should serve as a basis for consideration for their promotion.

Furthermore, it would be a welcome development for Nigeria police to embark on academic studies once in every three (3) years of service, the curriculum and the examination of studies should be strictly monitored by National University Commission of Nigeria (NUC), and while the examination should serve as a prerequisite for promotion.

In case of any future occurrence of pandemic as a result of deadly disease outbreak, it is necessary to have a synergy and intelligent sharing between Nigeria police and Nigeria Center for Disease Control (NCDC) for

¹¹² <https://www.hrw.org/report/2010/08/17/everyones-game/corruption-and-human-rights-abuses-nigeria-police> accessed 12/05/2021

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better understanding of how well to manage the situation and still protect the rights of citizens in face of a total lockdown of the system in the future. These will help to ameliorate the high rate of human rights abuses in our country Nigeria.