

Police Brutality and the Quest for Justice in Nigeria: The Role of the Legal System

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1.0 Introduction

Police brutality has long been a pervasive issue in Nigeria, deeply rooted in a system marred by corruption, inadequate training, and a lack of accountability. From routine harassment to extrajudicial killings, countless Nigerians have experienced or witnessed abuse of power by those tasked with protecting them.

The #EndSARS movement, which gained international attention in October 2020, served as a tipping point. It revealed the depth of public frustration over years of unchecked police misconduct. While the protests led to the dissolution of the infamous Special Anti-Robbery Squad (SARS) and promises of reform, questions remain: Have these changes translated into justice for victims? And has the Nigerian legal system effectively addressed the systemic issues enabling police brutality?

This article explores the historical context of police brutality in Nigeria, examines the legal frameworks in place, and highlights the barriers to justice. By understanding the root causes and failures of the current system, we aim to shed light on the path toward meaningful reform and accountability.

2.0 Historical Context of Police Brutality in Nigeria

To understand the prevalence of police brutality in Nigeria, one must trace its roots to the colonial era. The Nigerian police force, established by the British colonial administration, was designed primarily as an instrument of oppression and control. Its primary role was to protect colonial interests, enforce taxes, and suppress dissent rather than serve the local populace. This foundation of coercion and militarized policing created a culture of brutality that persists to this day.

Following Nigeria's independence in 1960, the structure and philosophy of the police force remained largely unchanged. Successive military regimes further entrenched the use of the police as a tool for suppressing opposition, silencing dissent, and enforcing the will of the ruling elite. During this period, human rights abuses by the police became widespread, with little to no accountability.

The transition to civilian rule in 1999 brought hope for reform, but systemic issues continued to plague the Nigerian Police Force. Units like the Special Anti-Robbery Squad (SARS),

initially established to combat violent crime, became infamous for extortion, torture, and extrajudicial killings (Human Rights Watch, *Nigeria: SARS Officers Kill, Torture, Extort*, 2010). Public trust in the police eroded further as Nigerians experienced routine harassment and brutality, often targeted at the most vulnerable members of society.

The #EndSARS protests of 2020 marked a watershed moment. Spurred by years of frustration, young Nigerians mobilized to demand an end to police brutality and systemic reform. The protests brought global attention to the issue and forced the government to disband SARS (BBC News, *Nigeria's #EndSARS protests: A timeline*, 2020). However, incidents of police misconduct continue to surface, raising questions about the effectiveness of reforms and the commitment of authorities to address the underlying issues.

2.1 Notable Cases Highlighting Police Brutality in Nigeria

➤ The Apo Six Killings (2005)

Six young Nigerians were extrajudicially executed by police officers in Abuja after being falsely accused of armed robbery. Despite public outrage, the case dragged on for years before convictions were secured.¹

➤ #EndSARS Lekki Toll Gate Incident (2020):

During the height of the protests, security forces allegedly opened fire on peaceful demonstrators at the Lekki Toll Gate in Lagos. Multiple investigations, including the Lagos State Judicial Panel, confirmed the excessive use of force. However, accountability for the incident remains elusive.²

➤ Ejikeme Joy Case (2018):

A young woman was assaulted and detained by police officers in Enugu State for filming their extortion activities. This incident symbolized the everyday abuses faced by Nigerians and the impunity of law enforcement.³

These historical examples illustrate the deep-seated issues within the police force and the broader justice system. Reform efforts have been slow, with public confidence in the judiciary and law enforcement eroding over time.

¹ *The Guardian Nigeria*, *Apo Six Killings: Justice at Last?*, 2017

² *Premium Times*, *Lekki Shooting: What Judicial Panel Said in Its Report*, 2021

³ *Amnesty International*, *Police Abuse and Impunity in Nigeria*, 2018

3.0 The Legal Framework for Addressing Police Brutality

Nigeria's legal system provides a framework for addressing police misconduct and ensuring accountability. While these laws and policies exist, their enforcement and effectiveness remain questionable. This section examines the legal instruments aimed at curbing police brutality and explores their strengths and limitations.

3.1 Constitutional Provisions

The 1999 Constitution of the Federal Republic of Nigeria (as amended) guarantees fundamental human rights, which police brutality frequently violates:

- **Section 34(1):** Protects the right to dignity, prohibiting torture, inhuman or degrading treatment.
- **Section 35:** Guarantees personal liberty and sets the conditions under which an individual may be lawfully detained.
- **Section 36:** Enshrines the right to a fair hearing, which is often denied to victims of police misconduct.

Despite these constitutional safeguards, enforcement remains a significant challenge. Victims often face intimidation, prolonged legal battles, or are unable to afford legal representation to pursue justice.

3.2 The Police Act 2020

The Police Act 2020 was a major step toward reforming Nigeria's police force. It introduced several measures aimed at professionalizing the force and curbing misconduct, including:

- A requirement for police officers to respect human rights during arrests, searches, and detentions.
- The establishment of the Police Complaints Response Unit (CRU) to handle cases of misconduct.
- Provisions for community policing as a means of bridging the gap between law enforcement and citizens.⁴

However, implementation has been inconsistent. Reports indicate that the CRU remains underfunded and understaffed, limiting its ability to address complaints effectively.⁵

⁴ Police Act 2020, Federal Republic of Nigeria

⁵ Amnesty International, *Police Brutality and Impunity in Nigeria*, 2021

3.3 The Administration of Criminal Justice Act (ACJA) 2015

The ACJA was enacted to ensure the smooth administration of criminal justice in Nigeria. Its provisions include:

- Section 8 prohibits the use of torture or coercion to obtain confessions.
- Mandating the humane treatment of detainees and suspects.
- Requiring the recording of police interviews with suspects to prevent abuse.

While the ACJA is commendable on paper, its impact is undermined by poor implementation, a lack of awareness among citizens, and resistance from some law enforcement officers.

3.4 Judicial Oversight and Remedies

The judiciary plays a critical role in addressing police brutality through its oversight functions. Courts have occasionally held police officers and institutions accountable, awarding damages to victims in civil suits. For example:

- **Gani Fawehinmi v. IGP (2002):** The court held that the police were liable for violating Fawehinmi's fundamental rights during his unlawful detention.⁶
- **Ijeoma v. Commissioner of Police (2014):** A victim of police brutality was awarded compensation for injuries sustained during an unlawful arrest.⁷

However, such cases are exceptions rather than the rule, and victims often face obstacles like judicial delays, high costs, and intimidation.

3.5 Weaknesses in the Legal Framework

Despite these provisions, several challenges persist which are,

- **Lack of Independence:** The police often investigate their own officers, raising concerns about impartiality.
- **Delays in Justice:** Court cases related to police misconduct frequently drag on for years, discouraging victims from pursuing legal action.
- **Corruption:** Allegations of judicial corruption further erode public trust in the system.

The legal framework exists, but its effectiveness hinges on robust enforcement, independent oversight, and genuine political will to reform the system.

⁶ All Nigeria Law Reports [2002] 7 NWLR 606

⁷ Nigerian Weekly Law Reports [2014] 8 NWLR 310

4.0 Barriers to Justice for Victims of Police Brutality

Despite the existence of a legal framework aimed at curbing police misconduct, victims of police brutality in Nigeria face numerous obstacles in their pursuit of justice. These barriers stem from systemic inefficiencies, corruption, and a lack of accountability within the justice system. Below, we examine the most significant challenges.

➤ **Intimidation and Retaliation**

Victims of police brutality often face threats, harassment, and even further violence from the police when they attempt to seek justice. In some cases, officers responsible for the abuse may use their authority to intimidate victims or witnesses, deterring them from filing complaints.

For instance, reports from Amnesty International indicate that whistleblowers or victims who expose police misconduct are frequently targeted for reprisals.⁸

➤ **Corruption and Impunity**

Corruption within the police force and the broader justice system remains a major barrier to justice.

Many officers accused of misconduct are shielded by a culture of impunity, with their superiors often reluctant to take disciplinary action.

Victims are sometimes required to pay bribes to have their cases investigated or heard in court, further victimizing them.

For instance, the failure to prosecute officers involved in the 2020 Lekki Toll Gate shootings has been widely criticized as evidence of systemic impunity.

➤ **Cost of Litigation**

Pursuing justice through the courts is often expensive and time-consuming. Many victims cannot afford the legal fees required to file a lawsuit or sustain prolonged legal battles. Additionally, delays in the judicial process can mean that cases take years to be resolved.

⁸ Amnesty International, *Police Abuse in Nigeria*, 2021

According to reports by the **Nigerian Bar Association (NBA)**, delays in the justice system often discourage victims from seeking redress.⁹

➤ **Lack of Awareness and Education**

Many Nigerians are unaware of their rights or the legal remedies available to them. This lack of awareness is particularly acute in rural areas, where victims may not know how to file complaints or access legal aid services.

For instance, a study conducted by the Open Society Justice Initiative revealed that over 60% of Nigerians are unaware of the Police Complaints Response Unit (CRU), a mechanism designed to address misconduct.

➤ **Inadequate Oversight Mechanisms**

Although mechanisms like the Police Service Commission (PSC) and the Police Complaints Response Unit (CRU) exist to handle cases of police misconduct, they are often underfunded, understaffed, and lack the independence needed to function effectively.

The PSC has been criticized for its limited capacity to investigate and discipline erring officers, while the CRU's reach remains minimal.¹⁰

➤ **Delays in Investigations and Prosecution**

Cases involving police brutality often suffer from protracted investigations and delayed prosecution, allowing perpetrators to evade justice.

For instance, the case of the **Apo Six killings** in 2005, where six young Nigerians were extrajudicially executed by police officers, took over a decade to secure partial justice.¹¹

➤ **Weak Protection for Whistleblowers and Witnesses**

The lack of robust witness protection programs discourages individuals from testifying against police officers accused of brutality. Without guarantees of safety, witnesses are unlikely to come forward, further weakening the prospects for justice.

➤ **Limited Access to Legal Aid**

Although organizations like the Legal Aid Council of Nigeria exist to assist indigent citizens, their capacity is limited by inadequate funding and resources. This leaves many victims without access to competent legal representation.

⁹ NBA Annual Report on Justice in Nigeria, 2022

¹⁰ Human Rights Watch, *Reforming Nigeria's Police Force*, 2022

¹¹ The Guardian Nigeria, *Apo Six Killings Timeline*, 2017

4.1 The Impact of These Barriers

These challenges create a vicious cycle where victims of police brutality are left disillusioned and distrustful of the justice system. The lack of accountability also emboldens officers to continue their abusive practices, perpetuating the culture of impunity.

To address these issues, there is a pressing need for:

- Strengthening oversight bodies and ensuring their independence.
- Expanding access to legal aid and public awareness campaigns.
- Implementing robust whistleblower and witness protection programs.
- Committing to the swift investigation and prosecution of police misconduct cases.

5.0 Recommendations and Reform Strategies

To address the systemic issues enabling police brutality and restore faith in Nigeria's justice system, a multi-pronged approach is essential. This section outlines actionable recommendations aimed at fostering accountability, protecting citizens, and transforming the Nigerian police force into a trusted institution.

➤ Strengthening Oversight and Accountability Mechanisms

Oversight bodies like the Police Service Commission (PSC) and the Police Complaints Response Unit (CRU) must be strengthened to ensure independent and transparent investigations into cases of police misconduct.¹²

Action Steps:

Grant financial and operational independence to the PSC.

Expand the CRU's presence across all 36 states and ensure it is adequately funded.

Establish an independent civilian oversight board to review cases of police brutality.

➤ Judicial Independence and Expediency

¹² Human Rights Watch, *Reforming Nigeria's Police Force*, 2022.

The judiciary must be empowered to handle cases of police misconduct with greater efficiency and impartiality. Judicial delays erode public confidence in the justice system and discourage victims from seeking redress.¹³

Action Steps:

Establish specialized courts or tribunals to expedite cases of police misconduct.

Train judges and lawyers on human rights law and its application in cases involving police abuse.

Digitize court processes to minimize delays caused by manual operations.

➤ Robust Legal Protections for Victims and Witnesses

Introducing and implementing strong whistleblower and witness protection programs is crucial for encouraging victims and witnesses to come forward without fear of retaliation.

Action Steps:

Enact legislation providing anonymity and relocation for witnesses in cases involving police brutality.

Collaborate with NGOs and international organizations to fund and manage protection programs.¹⁴

➤ Improving Police Training and Welfare

A poorly trained and underpaid police force is more likely to resort to unethical practices. Reforms should focus on improving recruitment, training, and welfare for officers.¹⁵

Action Steps:

Revise police training curriculums to emphasize human rights, conflict resolution, and community policing.

¹³ International Bar Association, *Judicial Reforms in Africa: A Focus on Nigeria*, 2021

¹⁴ Open Society Justice Initiative, *Witness Protection Programs in Africa*, 2020.

¹⁵ CLEEN Foundation, *Police Reform in Nigeria: Bridging the Gap Between Policy and Practice*, 2022.

Increase police salaries and benefits to reduce corruption and improve morale.

Regularly evaluate officers through performance reviews and psychological assessments.

➤ **Public Awareness and Legal Literacy Campaigns**

Educating citizens about their rights and the legal avenues available to address police misconduct is critical for empowering the populace.¹⁶

Action Steps:

Launch nationwide campaigns to raise awareness about the Police Complaints Response Unit and other redress mechanisms.

Partner with civil society organizations to provide free legal clinics in underserved communities.

➤ **Leveraging Technology for Accountability**

Technology can play a significant role in monitoring police activities and ensuring accountability.¹⁷

Action Steps:

Mandate the use of body cameras for police officers during operations.

Implement a centralized digital system for tracking complaints against officers.

Encourage citizens to use mobile apps and platforms to report police misconduct.

➤ **Redefining the Role of the Police in Society**

The police force must transition from a militarized approach to one that prioritizes community engagement and trust-building.¹⁸

Action Steps:

Implement community policing initiatives to bridge the gap between law enforcement and the public.

¹⁶ Amnesty International, *Promoting Legal Awareness in Nigeria: A Guide for Advocates*, 2021.

¹⁷ World Bank, *The Role of Technology in Policing: Lessons from Global Practices*, 2020.

¹⁸ United Nations Office on Drugs and Crime, *Handbook on Police Accountability, Oversight, and Integrity*, 2018.

Involve community leaders and stakeholders in policing strategies to ensure inclusivity.

➤ **Political Will and Legislative Action**

For any reform to succeed, there must be a commitment from political leaders to prioritize justice and human rights.¹⁹

Action Steps:

Pass legislation criminalizing police misconduct and imposing harsher penalties for offenders.

Allocate sufficient budgetary resources to fund reforms and oversight mechanisms.

➤ **Regular Audits and Public Reporting**

Transparency is key to rebuilding public trust in law enforcement. Regular audits and public reporting on the performance of the police force can serve as a deterrent to misconduct.²⁰

Action Steps:

Publish annual reports on police activities, including statistics on misconduct cases and their outcomes.

Involve independent auditors and civil society organizations in reviewing police performance.

5.1 The Role of Citizens in Driving Change

While these reforms require systemic changes, citizens also have a crucial role to play. Reporting misconduct, advocating for justice, and holding leaders accountable are steps that can collectively lead to a more just society.

6.0 Conclusion: A Call for Justice and Accountability

¹⁹ Transparency International, *Political Will and Governance Reforms in Nigeria*, 2022.

²⁰ Global Integrity, *Public Accountability Mechanisms in Law Enforcement*, 2021.

The fight against police brutality in Nigeria is not merely about addressing individual cases of abuse; it is a struggle to reform an institution that wields immense power over citizens' lives. The judiciary plays a critical role in this process, as its decisions shape not only the outcomes of individual cases but also the broader culture of accountability and justice in society.

The systemic challenges—ranging from corruption and intimidation to inadequate oversight—underscore the urgent need for comprehensive reforms. However, these reforms require more than policy changes; they demand a collective commitment from the government, the judiciary, civil society, and citizens alike.

As history has shown, progress is only possible when all stakeholders are united in their demand for justice. Judges must rise to the occasion, setting aside political pressures and prioritizing the principles of fairness and equity. Policymakers must demonstrate the political will to implement meaningful changes, while citizens must remain vigilant, vocal, and engaged in holding institutions accountable.

This article serves not as a condemnation of Nigeria's judiciary or law enforcement but as a wake-up call. The purpose is to inspire introspection, accountability, and action. Posterity will remember the judges, leaders, and citizens who stood for justice during challenging times. They will be remembered not only for the verdicts they delivered but for the principles they upheld and the lives they impacted.

In the end, the goal is clear: a Nigeria where justice prevails, where the rule of law is upheld, and where no citizen is above or beneath the law. Achieving this vision requires us to act now, to speak truth to power, and to build a legacy of justice and accountability for generations to come.