

An Appraisal of the Nature and Extent of Human Rights Violation by the Nigeria Police in Gboko Local Government Area of Benue State, Nigeria (2016-2017)

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Abstract

The paper appraised Police human rights violation in Gboko Local Government Area of Benue state, Nigeria. The study is an empirical study. The survey method was used in the study, questionnaire and interview was adopted as method of data collection, conflict theory was the adopted theory for the study; data was presented using simple percentage distribution. The study established the following: the Nigeria police violate the fundamental human rights of the Nigeria citizens with impunity, It was found that the Nigeria Police do not treat members of the society fairly and equally irrespective of social classes, it was established that the poor citizens in Nigeria are mostly affected by police brutality, it was also ascertained that, the police maltreat and brutalize crime suspects. It was found that the nature and extent of human rights violation by the Nigeria police is notoriously noticeable. The extent of such violations include, detention without trial, physical and psychological torture of suspects, unlawful restriction of movement, unlawful arrest and unlawful restriction of freedom of association. The Nigeria police use electric gadgets on suspect, use of tear gas on suspects, clamping or congestions of crime suspects in unhygienic cells, extra-judicial killings, and infliction of pains to suspects' genital organs. The study recommended thus; Human rights protection units manned by lawyers should be established at the zonal level of police commands supervised by the national Human rights commission. The police Service Commission should strengthen legal education for the men and officers of the police. Public enlightenment of the Nigeria citizenry on their fundamental human rights specification as contained in the constitution should be enhanced by the National Orientation Agency. Punitive sanctions should be imposed on appropriately on police officers who violate human rights. Government should reform the Nigeria Police Force by enlisting only the educated members of the society into the Nigeria Police Force. For the dignity of human person to be preserved, it is necessary to improve on the health conditions in our cells. In that wise, government should build more prisons to decongest the police cells, adequate medical facilities should be made available for the prevention and cure of contagious diseases in the police cell.

Keywords: Police, Human Rights, Violation

1.1 Introduction

Prior to the establishment of the Nigeria Police Force in 1889 by the British colonial administration, there were various groups performing the role of policing the communities of what is today known as Nigeria. In some cases like Igbo pre-colonial societies, policing was the responsibility of the entire community even though it was facilitated by the age grade and masquerade societies. It was this model of community policing that colonial police supplanted with the colonial police in 1889 to provide quasi-military assistance to the British colonial administration in Nigeria. According to Tamuno:

By far the most crucial factor in understanding the existence in Nigeria of semi military police lay in the nature of Nigerian opposition to British jurisdiction and rule. These sources of friction... emphasized the need for troops and police as ready

instrument of enforcing government orders when peaceful overtures failed... In the circumstances, the police formed the frontline of the defense in Britain's attempts to maintain law and order both soldiers and the police; the distinction was meaningless (1970).

Similarly, Ahmed (2012) notes that the idea of the modern Nigerian police was a creation of colonial rule in which its history and function began in serving the interest of the British colonial rule. It was organized as a quasi-military squad by the colonial government as an instrument of riot control, oppression and suppression. In other words, the colonial police was established neither as agent for promoting the rule of law, human rights, community safety nor for delivering social service. Rather, the police was used in primitive expedition to further the goal of colonial annexation of territories and to quench protests as well as opposition

powerless in order to protect the interest of the rulers. The police roles, therefore, include standing as a "buffer between elite and masses and to perform "the essential holding operations against the mal-contents until military force could be applied in a punitive and salutary manner. Brodgen (1982), puts this view more forcefully, averring that "Police forces are structured, organizationally and ideologically to act against the marginal strata." The above views explain why the poor and the powerless are more likely to be victims of police violence than the elite are. But police role is not limited to repression.

The more realistic view is to see the police forces as repressive and service organizations. Police repress and at the same time serve the public. The priority attached to repressive and service functions vary across societies and even governments within a society. As has been argued by Institute for the Study of Labour and Economic Crises (1982):

...Police work embodies ironies. Police are instruments of oppression and exploitation in totalitarian and unjust social systems. Yet they are essential to the preservation of justice and democracy...the police are guardiance of social order. As an institution, the police force, helps to preserve, fortify and reproduce the prevailing social order, and are hardly catalysts for its change. Thus when a social order is oppressive, exploitative and unjust, the police preserve it by suppressing and defusing demand for democracy and elimination of oppression and injustices. Similarly, in a democratic, just and equitable society, police have greater chances of serving as vanguard for social democracy, human rights and Socio-economic justice.

It is against the background that this paper seeks to examine the activities of the Nigeria police against the human rights of Nigerians which contravene the ideal and universally acclaimed essence for the establishment of the police institution world over.

1.2 Statement of the Problem

Exercise of the police discretionary powers on the citizens and their property and by extension their fundamental human rights is more often and more directly affected by police activities than by those of

other institutions involved in the administration of criminal justice. The abuse of these powers invariably reflects the violation of one or the other of the fundamental rights of the citizens. The right to personal freedom seems the worst affected because wrongful arrest and detention without trial and the accompanying allegations of torture by the Nigeria Police abound. All these constitute injustice against the fundamental human rights of the people and there is a need for it to be investigated and addressed. Consequently, this research intends to investigate the following: what is the nature and extent of human rights violation by the Nigeria police? Which category of the citizens is most violated? What are the implications of human rights violation to stability and social order in the society? What are the possible ways of safeguarding human rights of the people? These issues would be examined by this study. The objectives of the study are thus; to examine the nature and extent of human rights violation by the Nigeria police, to determine which category of the society is mostly violated by the Nigeria police; to suggest possible ways of safeguarding human rights of the people.

1.3 Conceptual and Theoretical Framework

This segment of the study dwells on the clarification of concept and the adopted theoretical frame work for the study. The following concepts form this section of the study. Police, Human rights, and Violation while Conflict theory is the adopted theoretical strand for this discourse.

Police: this is an institution statutorily established by the state and empowered by the law to enforce all laws of the state by detecting, apprehending crime suspects prosecuting same, and preventing the occurrence of crime in the society. Their broad mandate is public order maintenance through the protection of life and property of the citizenry for enhanced stability.

Human Rights: Rights is derived from the Latin word *rectus* which means correct, straight, right as opposed to wrong. It may also mean in accordance with law, morality and justice. Right as a noun taken in an abstract sense means justice, ethical correctness, or in consonance with the rule of law or the principles of morals. To have a right is to have a claim to something and against someone, the recognition of which is called for legal rules or in the case of moral right by principles of enlightened conscience. Human rights are those rights which all human beings enjoy by virtue of their humanity; that every human being is entitled to a right by virtue of the fact of being human and rational. Human rights are inherent in man, they arise from the very nature of man; they are those rights

against colonial exploitation.

In the same vein, Policing in the colonial Nigeria has been described as anti-people (Rotimi & Ikuteyijo, 2012). In fact the establishment of the colonial police was more to serve and protect the commercial interest of the colonial masters. This pitched the police against the people they were meant to protect and there were series of clashes between both parties. So, right from the beginning, the purpose of the Nigeria Police Force (NPF) was to protect government functionaries sometimes against "natives" (Ekeh, 2002). The post-colonial Nigeria Police Force (NPF) is a carryover from the colonial epoch (Rotimi, & Ikuteyijo, 2012). In this respect, the character of the Nigeria Police Force (NPF) has not changed. Military rule only emboldened the military character of the Nigerian police. As in the colonial period, the Nigeria Police Force (NPF) has deliberately been designed to appear tough before the civilians, thus, alienating or disconnecting the people from the police more (Ekeh, 2002).

The history of community-police relations in Nigeria, thus, has been described as frosty as the idea of policing imposed on the country by the colonial masters promoted antagonism between the policed and the police (Rotimi, & Ikuteyijo, 2012). In a totalitarian and economically inequitable society, police role will be more to defend the status quo of political oppression and economic injustice. In contrast, in a democratic society the police are more likely to provide services that will enhance development and democracy (Alemika, 1993). The Nigeria police force has not met the minimum demands of democratic policing which cardinal elements are "Justice, equality, accountability, and efficiency" (Law Commission of Canada, 2002). The stated elements of policing in a democratic setting are ingredients of the principle of the rule of law which the Nigeria Police must respect.

Historically and universally, the police have been charged with numerous and diverse functions. As a result, there are divergent views on the nature and significance of different police roles. Functionalist perspective in social theory portrays state laws as products and expression of consensus among the disparate classes and social groups in society over norms governing their social, political and economic institutions. According to this school of thought, the police being law enforcers are responsible for the enforcement of laws that promote the common interests of these different classes and groups. Alderson advocates that in a democratic setting the police should:

Contribute towards liberty and

fraternity...help reconcile freedom with security and to uphold the rule of law...facilitate human dignity through upholding and protecting human rights and pursuit of happiness...provide leadership and participation in dispelling criminogenic social conditions...contribute towards the creation and reinforcement of trust in communities...strengthen the security of persons and property and the feeling of security of persons...investigate, detect and activate the prosecution of offences, within the rule of law...facilitate free passage and movement on highways and roads and on streets avenues open to public passage...curb public disorder...deal with major and minor crises, help and advice those in distress. (1979).

This is an idealistic vision of police roles, which is characteristic of the consensus perspective of state and law as supra-class, mediating and integrating forces for harmonious existence in society.

Social conflict perspective postulates that society is divided into groups and classes with common interest in some areas and conflicting interest in many fundamental areas, including the organization, mobilization and distribution of economic and socio-political resources. It has therefore been argued, that, the police were not created to serve "society" or the "people" but to serve some parts of society and some people at the expense of others. The variation in attitudes towards the police reflects the differential services rendered by the police to different segments of the society. Police roles vary across societies with different political and economic organization. The Institute for the Study of Labour and Economic Crises argued that in capitalist societies:

The main function of the police has been to protect the property and well being of those who benefit most from an economy based on the extraction of private profit. The police were created primarily in response to rioting and disorder directed against oppressive working and living conditions (1982).

According to Bowden (1978), the roles of the police include the repression of the poor and the

which all human beings enjoy by virtue of their humanity.

Violation: here simply refers to transgression, infringement and abuse of one's freedom or right. Consequently, human rights violation is the distortion of one's attainment of his/her rights in the society.

Theoretical Framework

Conflict theory is rooted in the work of Karl Marx and other social critics of the 19th century. Conflict theory sees society as constantly responding to the dynamics of social conflict. For the conflict theorists, social change as necessitated by social conflict is the normal state of affairs. Conflict theorists believe that social order results from dominant groups ensuring that subordinate groups are loyal to the institutions that are the sources of wealth, power, and prestige for the dominant groups. There are two broad types of conflict school in criminology. These are Marxist theory and group conflict theory or non-Marxist conflict theory in criminology. The latter is what is referred to as Marxist criminology and the former is called conflict criminology. Scholars such as Dahrendorf (1958) and Vold (1979) made significant pioneering contributions to the development of the group conflict theory in criminology which is the adopted strand for this paper.

Conflict writings in the 1960s and early 1970s sought to explain why some people and their activities have the greater chance of being labeled criminal than others; and why the rights of the downtrodden members of the society are mostly violated with impunity by the state institution of social control-police, the theorists emphasized the conflict that arise when interest clash, and roles that power and authority play in legislation, adjudication and enforcement processes that results in the imposition of criminal labels. The dominant groups uses coercion, constraint and even force to help control those people who are not voluntarily loyal to the laws and rules they have made. When this order cannot be maintained and the subordinate groups rebel, then change occurs.

Conflict theorists assumed that there is a specific class 'the ruling class' who benefit from particular social arrangement and how those in power maintain their positions and continue to reap benefit from them. The ruling class is seen as a group that spreads certain values, beliefs, and social arrangement in order to enhance its power and wealth; that social order reflects the outcome of the struggle among those with unequal powers and resources. It also assumes that, in every society the elite ideology dominates the society. Finally, the conflict theory assumes that the society is in unending state of conflict.

Conflict theorists hold that the police force established in response to threat to the social order other to preserve the dominant interest of the dominant hegemony. Police functions entail defending the interest of the elite while undermining the interest of some groups. The police relationship with different segments of the society is influenced to the extent to which the interest that is the ruling class interest is incorporated in the definition of the interest to be defended by the police. From the foregoing, the police are organized against the large population in a nation with gross socio-economic and political inequalities between a minority ruling clique and the oppressed majority (Yebo, 2005 citing Alemika, 1993). This explains why police are disposed to violation of the fundamental rights of the downtrodden population against the protection of such rights and prevention of crime which is their statutory mandate.

In their contention conflict/Marxist scholars (Quinney, 1973-1977; Lea and Young, 1993) see the police in a capitalist society as agents of the corrupt social order who are ready made instruments in the hands of the ruling class. Capitalism is viewed as a breeder of all vices humans' rights violation inclusive. To this extent they believe that no institution in such a society will be an island of honesty in the sea of corruption. They opine that police discretion is skewed in advance in such a way as to place certain groups at a more advantageous point than others. The so-called discretionary decisions he takes at any point in time are preconceived in advance and intended to serve particular interest of particular groups.

Applying the theory to the purpose of this study, it can be said that the law which the police are called upon to enforce are instruments fashioned by the ruling class in suppressing the masses and those that are occupying the marginal strata of the society. Therefore, the Nigeria police resort to repressive, coercive, brutish and unlawful ways of dealing with the public which invariably results to the violation of the fundamental human rights of the downtrodden citizens.

However, the theory is criticized based on its assumption that the poor and the powerless are more likely to be the victims of police violence than the elite. But police role is not limited to repression. No government governs by repression alone; this renders government unstable, expensive, and unacceptable. Consequently, rulers also enforce compliance, law and order by means of persuasion, indoctrination and incorporation of diverse interest into public crime control and law enforcement policies. In many societies, such as the United States of America, Canada, Britain and other European nations, the police

spend more than one-half of their working hours attending to non-crime-related needs and concerns of citizens or providing social services. The theory concentrates too much on conflict and change but too little on what produces stability in the society. The major strength of the conflict theory as adopted for this study, is that it has exposed the group or class of people the police defend or represent in the social system, and while the police resorts to violation human rights of the less-privilege with impunity.

1.4 The Nature and Extent of Human Rights Violation by the Police in Nigeria

Human rights themselves are not new phenomenon. They have a history dating back to antiquity. That rights of man as expressed by political philosophers are traceable to the writings of early naturalist, Thomas Paine, Thomas Hobbes, John Locke, Baron de Montesquieu, J.J Rousseau, and William Kante to mention but a few. There were the times when the writings of publicist had great impact on law and the society within which the law operates. According to these philosophers, every individual within the society possesses certain rights which are inherent and which cannot be wantonly taken away and for which man is beholden to no human authority. The major reason for individuals coming together to form a government is to enable these rights to be protected and fostered, social contract to which is traceable to the origin of society itself is based on the concept of natural law to the effect that certain principles of justice are natural that is-rational and unalterable and that the rights conferred by the natural law is something to which every being is entitled to by virtue of the fact of being human and rational (cited in Hwande, & Kwahar, 2003).

Before the advent of English law, there was in existence and practices the African pattern of human rights, the only significant issue to note is that the expression of such rights differed from place to place in view of the absence of political and cultural homogeneity. Human rights in Nigeria as in other parts of Africa were collectivized. This is to the effect that the whole community was the focus of rights and privileges coupled with duties. The community was interested in maintaining the sanctity of family life as well as ensuring its continued existence. The individual was entitled to life and any derogation from the rights to life must be in accordance with the established norms of the society. Any abuse of the rights of the people was accordingly punished (Hwande, & Kwahar, 2003).

The colonial period rather truncated the practice of human rights in Nigeria and other parts of

Africa. The colonial masters never gave any room to those people "The colonized" to seek redress of any infringed rights. Slaves were regarded as chattels and had no right of freedom of association and their destiny was absolutely in the hands of their masters. In other words, colonialism ended human rights temporarily hence the colonized people lost their civil and political rights. African countries including Nigeria after the slave trade era had to contend with both their own notion of human rights as well as those imposed on them by their erstwhile colonizers; the attempt to balance at times these conflicting dispensation, there were sometimes severe crises that had substantially affected even the basis of the state. The confusion has contributed and attributed to the poor showing of African countries in the field of human rights. However, the Lagos conference of 1963 resulted in the drafting of a charter that addresses the human rights question from this perspective: thus...

The African charter represents an amalgam of both the traditional and contemporary formulation on human rights; the African charter therefore recognizes the theoretical trends in the development of human rights regimes (Gye-Wado, 1991:2)"

Basically, the evolution of human rights has gone through three stages of generations; the first generation of human rights relates to civil and political rights. These right are expressed by both the universal declaration of human rights 1984, and the international covenant on civil and political rights which declares: thus...

The recognition of the inherent dignity and of the equal and inalienable rights of all member of the human family is the foundation of freedom, justice and peace whereas, disregard and contempt for human rights have resulted into barbarous acts which have outraged the conscience of mankind and the advent of a world in which human beings shall enjoy freedom of speech, belief and freedom from fear has been proclaimed as the highest aspiration of the common people (Arat, 1991: 102).

The individual is thus entitled to participate in the political process of his country; the second type of rights relates to the socio-economic and cultural rights. The third type of rights is called solidarity rights and it does embrace the rights to good environment, the right to development amongst others. Nowadays, the issue of fundamental human rights has gone beyond mere concerns of the national sovereignty and have manifested into international obligations. The police must exercise restraint and caution in the exercise of their powers of arrest, detention, and seizure in a democratic setting else they lose the protection of the law. What they could do and go scot-free in the military regime, they cannot do in a democratic setting. The reality of constitutional democratic environment is that such infringements will lead to the arrest of those police officers to be prosecuted in court with the citizens rights violated being entitled to compensation. Human right is about life and living, therefore to understand human rights is to obtain a clear understanding of life in all its practicality.

Police in Nigeria are counter-balanced by constitutional guarantee of Human rights in the country's successive constitutions. In chapter 4 of the 1979 and 1999 Constitution and under the criminal procedure statutes, the following fundamental rights are guaranteed:

- i. Right to life, human dignity (freedom from inhuman and degrading treatment, torture) personal liberty, and privacy.
- ii. Right to be presumed innocent until proven guilty.
- iii. Right to remain silent during criminal investigation and trial processes.
- iv. Right to notice of charges within a reasonable period.
- v. Right to be arraigned before a court within or tribunal and to a judicial proceeding in language (s) understood by the suspect (including interpretation of proceeding in language understood by the suspect).
- vi. The right to be arraigned before a court within a reasonable period.
- vii. Right to be represented by a counsel of one's own choice provided one is able to pay for the legal services (and to state legal aid for indigent persons in cases of capital offences).
- viii. The right to bail.
- ix. Rights to cross examine prosecution's witnesses and present witnesses.
- x. Right to speedy trial.

- xi. Right against self-incrimination and compulsion to testify against or for oneself.
- xii. Right to fair, open and impartial judicial process.
- xiii. Right against unduly long detention without trial.
- xiv. Right against retroactive laws.
- xv. Right against double jeopardy-(multiple trials for the same offences).
- xvi. Right to an appeal in respect of the decision of a court of first instance.

In spite of these provisions, these rights are frequently breached at all phases of criminal justice administration in Nigeria. This is due to several factors, including a legacy of the colonial arbitrariness, excesses of politicians and their manipulation of the judiciary and police, as well as police and judicial corruption (Police exercise of discretionary powers). The most important source of the infringement of these rights is protracted military rule experienced in Nigeria. Under previous military regimes, the subsisting constitutions were suspended, retroactive legislations and ouster clauses were introduced. Special (military) Tribunals which composition, processes and rule of evidence fall below the standard prescribed by these rights were established. This generally resulted into atmosphere of persecution and repression. Police violence, brutality and corruption were more common under the military regimes, which promoted and condoned it. The above affronts to the fundamental rights of Nigerian still persist in the post-military rule.

The police are state officials charged with responsibility for law enforcement and order maintenance in society. To discharge these twin responsibilities, the police are empowered to use force, indeed violence. National constitutions and statutes, international conventions and rules; as well as police departmental orders and professional ethics regulate the use of force or violence by police. But despite these provisions, the police in most societies use force beyond the limits permissible by law. Thus:

Law enforcement officials shall not use firearms against persons except in self defense or defense of others against imminent threat of death or serious injury, to prevent the perpetration of a particular serious crime involving grave threat to life; to arrest a person presenting such danger and resisting their authority or prevent his or her escape and only when less extreme means are insufficient to achieve these objectives. In any event, intentional

lethal use of firearms may only be made when strictly unavoidable in order to protect life (UN, 1990).

There are two dimensions of police violence. These are police use of violence against the citizens and citizen use of violence against the police. The incidence, extent and pattern of both forms of violence in different communities are determined by social, political, economic and institutional factors. Police violence is generally conceived in terms of police brutality, torture, and homicide. The study focused on acts of brutality, torture, unnecessary use of force, lethal use of firearms including extra-judicial executions of suspects, and sometimes-innocent citizens by the Nigeria police. In Nigeria, police violence is widespread. Its manifestation include beating and kicking citizens, unnecessary use of restraints such as handcuffs, and leg chains, unnecessary use of lethal firearms on suspects and members of the public, torture of suspects in order to extract confession or extort gratification.

Human rights violation is an area the police have been seriously criticized, tried and found guilty in the people's court for the performance of their duties. The police are given more powers under the police Act, the Criminal procedure Act (CPA) and the Criminal Procedure Code (CPC). These powers include the power to arrest which may be with or without warrant of arrest, search, seizure, detention and the power to use force in some certain instances and circumstances. The exercise of each of these powers on the citizens or his/her property and therefore the fundamental rights of the citizens are more often and more directly affected by the police activities than by those of the other institution involved in the administration of criminal justice. Abuse of Police powers invariably

circumstances? The answer to this question is No. The Nigeria Police use crude methods that are alien to the law and rules of the constitution to obtain information and confession from suspects. The unconstitutional crude methods include physical torture, electrocution "electric shocks" of the suspects, use of tear gas on the suspects.

1.5 Methodology

Methodology is a vital component of any scientific research. This is anchored on the basic fact that it provides an avenue for ascertaining the validity and reliability of the empirical finding of the research. The paper is empirical in nature; Survey method was adopted for this study. Survey is the most appropriate method of gathering and measuring data relating to demographics, attitude, opinion and perception. The study made use of 136 respondents, drawn from members of the public and six police officers were interviewed. Questionnaire and interview guide is adopted as the methods of data collection. More so, the study utilized frequency tables and simple percentage distribution as method of data presentation and analysis.

1.6 Results and Discussion of Findings

This section of the study deals with presentation of data and discussion of findings. The tables below are indicative of police activities against the fundamental human rights of the people.

Responses on table one shows that 62.5% (85) agreed that is true the Nigeria Police violate the fundamental human rights of the citizens with impunity while 37.5% (51) disagreed that police do not violate human rights of the Nigerian citizens.

Respondents were unanimous in their responses when the question on the nature and extent

Table 1: Responses on whether the Nigerian Police violate the fundamental human rights of the citizens

Responses	Frequency	Percentage (%)
Violated	85	62.5
Not Violated	51	37.5
Total	136	100

Source: Field Survey, 2017.

results to the violation of one on the other of the fundamental rights of the citizen. The right to personal freedom seems the worst affected because wrongful arrest and detention without trial and the accompanying allegations of torture by the Nigeria police abound.

Consequently, is the effect of section 27 and 28 of the evidence act realized at all times and

of human rights violation was raised. In this regards 100% of the respondents agreed that the nature of human rights violation is grossly associated with the Nigeria Police. The nature of such violation ranges from detention without trial, torture of suspects, unlawful restriction of public movement, unlawful arrest, and unlawful restriction of the people's

Table 2: The nature and extent of human rights violation by the Nigerian Police

Responses	Frequency	Percentage (%)
Detention without trial	25	18
Torture of suspects	26	19
Unlawful restriction of public movement	30	22
Unlawful arrest	35	26
Unlawful restriction of freedom of association	20	15
Total	136	100

Source: Field Survey, 2017.

Table 3: Responses on whether the police treat members of the society fairly and equally irrespective of their social class

Responses	Frequency	Percentage (%)
Yes	48	35
No	88	65
Total	136	100

Source: Field Survey, 2017.

Responses shows varying opinions when the issue on whether the Nigeria police treat members of the society fairly and equally. 65% (88) disagree that the police do not treat members of the society fairly and equally irrespective of social classes while 35% (48) agreed that the police treat members of the society fairly and equally irrespective of their social class. Respondents who disagreed with this view explain that the police are partial in their dealings with members of the society (public).

Respondents were almost unanimous in their responses when the question on which class of the society is mostly affected by police brutality. 88% (120) responded that the poor are mostly affected by police brutality while 9.5% (13) do not know which class mostly affected by police brutality. There is a clear indication that the poor class is mostly affected by police brutality.

Table 4: Responses on whether the police maltreat/brutalize suspects

Responses	Frequency	Percentage (%)
Yes	100	74
No	36	26
Total	136	100

Source: Field Survey, 2017.

From the above table, out of 136 respondents who returned responses to this question, 74% (100) agreed with the view that police maltreat/brutalize suspects while 26% (36) disagreed. Those who agree with the view explain that the Nigeria police maltreat and brutalize suspects with impunity.

Table 5: Determining which class of the society is mostly affected by police brutality

Responses	Frequency	Percentage (%)
Rich	3	2.2
Poor	120	88
Don't Know	13	9.5
Total	136	100

Source: Field Survey, 2017.

Table 6: Responses on how to safeguard the fundamental human rights of the Nigerian citizens

Responses	Frequency	Percentage (%)
Free legal aid should be given to the citizens by National Human Rights Commission	28	21
Sanctions should be imposed on the violators of human rights	26	19
The public should be enlightened on their human rights	30	22
The Nigeria Police should carry out their functions as defined by law	25	18
Legal education should be strengthened in the in the police force	27	20
Total	136	100

Source: Field Survey, 2017.

The above responses shows varying suggestions on how to safeguarding the fundamental human rights of Nigeria citizens. 22% (30) respondents suggested public enlightenment on human rights. 19% (26) opined that appropriate sanctions should be imposed on police (violators), 21% (28) advocated for free legal aid services for the Nigerian citizens by National Human Rights Commission. Also, 18% (25) suggested that, the Nigeria police force should carry out their functions as defined by the law, while 20% (27) posits that legal education should be strengthened in the Nigerian police force.

Responses on the In-depth Interview for Police Officer/Men of the Police

At B Division, Gbata-Mkar Police Station, Gboko-East, an inspector of police responded that the Nigeria Police Force was created for the maintenance of law and order and prevention of crime. That the police carry out arrest with/without warrant of arrest. That the nature of the relationship between police and members of the public was cordial. That the police do not violate fundamental human rights of suspects with impunity. The respondent opined that the lower class of the society is mostly violated by the Nigeria police.

From the Gboko Main Market Police Station, Gboko-Central a police sergeant asserted that the Nigeria police force was established for the protection of life and property that the police actually carry out their functions as defined by the law. That the relationship of police and members of the public was not good. Also, that the police do not violate fundamental human rights of Nigerian citizens; that the Nigeria Police Force does not take cognizance of the social class to which a suspect belong.

At the Area Command Police Station, GRA, Gboko West, a deputy superintendent of the police (DSP) responded that Nigeria Police Force was created for the

maintenance of law and order in the society; that the police do carry out their functions as defined by the law; that the nature of the relationship between police and members of the public is very friendly. Also, the police treat both the rich and poor classes of the society equally, that the Nigeria Police Force does not violate the human rights of Nigerian citizens.

From A Division Police Station, Gboko, a Chief Superintended of Police (CSP) responded that the Nigeria Police Force was established for the maintenance of law in the society. That the officers of the force carry out their functions partially as against the legal definition of their functions. Also, that the nature of the relationship between police and members of the public was very unfriendly. The respondent asserted that the poor class of the society is mostly violated by the Nigeria Police. That the Nigeria Police Force does not violate the fundamental human rights of the Nigerian citizens.

The responses gathered from the interview brought forth the finding that the Nigeria Police was created for the maintenance of law and order/prevention of crime and that they carry out their functions as defined by the law. However, 56% (76) of views drawn from the questionnaire disagreed that the police do not carry out their functions as defined by the law; it was observed that the Nigeria Police perform their functions against legal prescription of their functions. Also, both instruments have proven that the police arrest suspects with/without warrant of arrest. The interview found that the police do not violate human rights of Nigerian citizens. However, responses on the questionnaire indicated on table 1 proved that 62.5% (85) responded that the Nigeria Police Force violate the fundamental human rights of the citizens with impunity. Similarly, it was observed that the police violate fundamental human rights. Findings on the questionnaire proved that the lower class of the society is mostly violated by the

Nigeria Police Force.

Overall, it was found that the Nigeria police violated the fundamental human rights of the Nigeria citizens with impunity. It was found that the Nigeria police did not treat members of the society fairly and equally irrespective of social classes, it was established that the poor citizens in Nigeria are mostly affected by police brutality. It was also ascertained that, the police maltreated and brutalized crime suspects. It was found that the nature and extent of human rights violation by the Nigeria police was notoriously noticeable. The extent of such violations include, detention without trial, physical and psychological torture of suspects, unlawful restriction of movement, unlawful arrest and unlawful restriction of freedom of association. The Nigeria police used electric gadgets on suspect, use of tear gas on suspects, clamping or congestions of crime suspects in unhygienic cells, extra-judicial killings, and infliction of pains to suspects' genital organs.

1.7 Conclusion/Recommendations

Globally, the comity of nations is at the vanguard campaigning for the protection of the inalienable rights of the populace against wanton violation especially in a democratic setup. The police as institution of the state saddled with the mandate of law enforcement and safeguard of these rights is constantly accused of human rights abuse. Abuse of police powers reflects the violation of the fundamental human rights of the Nigeria citizens by the Nigeria police force. The right to life, right to dignity of human person, and right to personal freedom are mostly violated by the Nigeria police. Nigeria police violate the fundamental rights of the of Nigeria citizens with impunity through the exercise of police discretionary powers on the citizens life and their property. All these constitute injustice and gross violation of fundamental human rights of the Nigerian citizens by the police and there is every need for it to be addressed. Based on the drawn conclusion, the study brought forth the following recommendations, thus:

A. The exceptions provided in the constitution under which a person's life could be deprived are too numerous, the constitution has employed the words "such force as reasonably necessary," which is imprecise and vague words capable of being manipulated to suit the prevailing circumstances of justice. It is therefore recommended that such exceptions as contained in section 33(12)(b) of the Nigerian constitution should be removed since many of the extra-judicial killings by the Nigeria police are justified on the ground that, the victims were suspected armed robbers, and that, they were escaping lawful custody.

B. Human rights protection units manned by lawyer should be established at the zonal level of police commands supervised by the national Human rights commission.

C. The police Service Commission should strengthen legal education for the men and officers of the police.

D. Public enlightenment of the Nigeria citizenry on their fundamental human rights specification contained in the constitution should be enhanced by the National Orientation Agency.

E. Punitive sanctions should be imposed appropriately on police officers who violate human rights.

F. Government should reform the Nigeria Police Force by enlisting only the educated members of the society into the Nigeria Police Force.

G. For the dignity of human person to be preserved, it is necessary to improve on the health conditions in our cells. In that wise, government should build more prisons to decongest the police cells, adequate medical facilities should be made available for the prevention and cure of contagious diseases in the police cell.

H. Nigeria Police should uphold the principles of justice, equity, and fairness which are the essentials of the rule of law. This will enable the service overcome the public outcry against police partiality in the treatment of social classes.

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