

# THE SARS PROTEST IN NIGERIA FREEDOM OF EXPRESSION AND POLICE REFORM

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## ABSTRACT

This paper showcases the application of the freedom of expression during the end Special Anti-Robbery Squad (SARS) protest in Nigeria. The paper examines the independent variables of freedom and expression. It goes further to explain the freedom of expression and the concept of protest within the Nigerian legal system. Most crucial insights into the SARS in Nigeria is delved into. It was noted that this particular arm of the police has become quite notorious for its malpractice and brutal treatment of the youth of Nigeria.

This body has become overpowered and out of control and with the recent development in the nation i.e. the SARS killings. This work posits that the actions by the Nigerian government gave rise to the SARS riots and further that vast number of human rights were infringed by the government.

This article aims not only to examine the Police and its functions but also expose the various infringements of human rights they are guilty of, why they act the way they do and may even proffer some solutions and recommendations for reform. The paper concludes by recommending that the Nigerian government should ensure that social and economic rights of the people are catered for.

**Keywords:** SARS, Human Rights, Freedom of Expression, Nigerian Police, Media,

## INTRODUCTION

A recent example of media censorship was made known during the ENDSARS protest in Nigeria. The protest began in 3 October 2020.<sup>i</sup> This was due to the killing of a man by an officer of the defunct Special Anti-Robbery Squad of the Nigeria Police at a hotel. Instead of focusing on the wrongs suffered by the people during the protest, the government channeled its resources towards silencing the citizens in form of media censorship, which is a vital universal issue.<sup>ii</sup> The Lagos State House of Assembly took the unfortunate initiative of proposing an anti-social media bill which would totally place in the handle of the government full control of the social media operations in the State. However, this assertion was debunked by Desmond Elliot, the Lagos House of Assembly member representing Surulere, stating that no legislative house has the power to make such law.

The freedom of expression upholds promotion of personal liberty in a democratic setting.<sup>iii</sup> It is imperative to note that the right to freedom of expression is a fundamental right in Nigeria under section 39 of the Nigeria constitution.<sup>iv</sup> The freedom of expression sprung up as opposed to censorship that occurred over the years in certain climes of the world.<sup>v</sup> There is a popular saying that ‘you are entitled to your personal opinion but not to your own facts’. This may have been the basis why the government failed to hear the cries of its citizens. The citizens were only expressing themselves with word of mouth without any cogent evidence. And it is trite that in law, he who asserts must prove.<sup>vi</sup>

The freedom of expression has been fraught with many hindrances. Major issues surrounding the constant abuse and minimal enforcement of fundamental rights in Nigeria are bad governance, corruption, nonchalant government official attitudes, selfish interest, neglect of public interest and so on. These are the common problems surrounding anything that goes wrong or that is not going the right way in Nigeria.

## A BRIEF HISTORY OF SARS

To truly grasp the concept of this paper, one must first understand the origin of the SARS and Police force in Nigeria. In 1820, the Nigeria Police was first established to serve as peace

keeping unit for the country, however, it was only about a century later that the northern and southern police units united and became what is now known the Nigerian Police Force.

The Special anti-robbery squad or SARS was then created in the year 1992 under the supervision of the then Superintendent of Police, Mr. Simeon Danladi Midenda. At the time, Lagos state and a handful of other Nigerian states were being ravaged by violent criminals who committed armed robberies and threatened the security and the welfare of the Nigerian citizens.<sup>vii</sup> Thus, he created a squad that would apprehend violent criminals inconspicuously and this squad was to operate independently. Midenda believed that by making the officers wear plain clothes, they were hiding in plain sight making it to catch the offenders.<sup>viii</sup> In its earlier stages, the SARS was only based in Lagos, but after about ten years in the year 2002, SARS had spread across the thirty six states of the Republic including its Capital. It was counted and recognized as one of the 14 units under the Nigerian Police Force Criminal Investigation and Intelligence Department and its jurisdiction included the arrests, “investigations and prosecutions of suspected armed robbers, murderers, kidnappers, hired assassins and other suspected violent criminals”.<sup>ix</sup>

The facelessness of the body was supposed to make it difficult for criminals to identify them and associate them with any security organization or body and this facelessness had been an attribute to their early success. In 1993, just a year after the squad’s creation, one of the first cases of SARS brutality was reported. Ayotunde Adesola, who at the time was a graduate of Computer science from UNILAG<sup>x</sup>, was plucked from the streets and accused of being part of a gang. In a bid to make him admit his crime, officers of the squad poured some acidic powder on his face, all the while beating him.<sup>xi</sup>

## **FREEDOM OF EXPRESSION**

These rights have been defined by U.O. Umozurike as “claims that are invariably supported by ethics and which should be supported by law, made on society, especially on its official managers, by individuals or groups on the basis of their humanity.”<sup>xii</sup> In the case of *Ransome Kuti v. Attorney-General of the Federation*<sup>xiii</sup> the Supreme Court defined it as “a right which

stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilized existence.”

Empowering humans with rights that cannot be limited or restricted would create problems in society. Given that humans cannot be trusted with unlimited freedom, the law makes provisions for a reasonable exercise and protection of these rights. This serves as the basis for the popular saying ‘your rights end where my rights begin’. Thus, the recognition and exercise of one’s human right should not infringe upon another’s right and the exercise of one’s rights should not offend or put the society at risk.

Freedom refers to when one is free, devoid of restraint, analogous to liberty and self-determination which secures civil liberty for citizens of a country.<sup>xiv</sup> Freedom refers to the ability to act at will, without any form of control or restriction or limitation while acting. The ability to think freely, speak out the mind, act legally, etc. all fall under the sphere of freedom. The idea of freedom is part of political philosophy.<sup>xv</sup> Thomas Hobbes posited that the nature of a human being is focused on self-interest and reasoning rationally and this can only be made certain under a democratic and independent government legitimized by the citizenry.<sup>xvi</sup> This implies that for the freedom of persons to be protected and attained in the society, it can only be done where the citizens authorize the state to do so.

This can be connected to the social contract theory. This social contract theory posits that there is a form of contract or agreement between the people and the state where the people or citizens surrender certain powers, while the state in exchange of that surrender protects the rights of the people and provide security for them.<sup>xvii</sup> The founders of the social contract theory are Thomas Hobbes, John Lock and Jean Jacques Rousseau.<sup>xviii</sup> A more appropriate way of viewing the concept of freedom and the social contract theory is from the perspective of Jean Jacques Rousseau. According to him, a state was formed after people who lived in a state of nature (which was brutish, short and nasty) decided to enter into a social pact and surrender all their rights to the state in exchange for certain rights allowed by the state through what is known as the General Will (or simply law).<sup>xix</sup> Such rights allowed under the general will included the freedom (though it is limited to acting within the legal confines of the state).

The concept of freedom is premised on the fact that man is rational and independent and should be given the opportunity to express that rational thinking ability and independence of thought,

as freedom is synonymous to free will. This concept is upheld irrespective of the notion that no man is an island unto himself. In as much as this is true, human beings still have that innate desire to act freely and independent from any input from anyone. A limitation here is ensuring that such acts of free will do not go contrary to the stipulations or provisions of the law. Freedom is very essential because it gives human beings the ability to be part of the social process whose result would be societal development.<sup>xx</sup> This is so because having the freedom to act at will can relate to having the free will to partaking in societal activities that can boost the image of the society and add to its periodic development. A major part freedom covers is the freedom to religion.<sup>xxi</sup> In as much as this is not the focus of this work, it is worthy of mention due to its sensitive nature. The reality is that the freedom of expression cuts across a whole lot. But the focus of this work will be on protest.

The concept of expression is regarded as one of the basic rights prevalent in a democracy.<sup>xxii</sup> It usually goes hand in hand with freedom because the essence of freedom is to be able to express the mind of an individual in thoughts, words or in action. One cannot talk about freedom without the ability to express such freedom. Expression is the beauty of freedom. It cuts across many areas including cultural practices or expressing cultural rights.<sup>xxiii</sup>

The freedom of expression, as the name connotes is the liberty or free will to express or display outwardly through speech or actions the ideology or beliefs of a person. This freedom is essential in terms of communication, interaction and with reference to the law.<sup>xxiv</sup> This freedom is so essential that it is provided for and protected under international, regional and domestic laws.<sup>xxv</sup> The reference to these laws in terms of examples will be noted later on in this work. The freedom cover doing what one says, writing down his or her thoughts in print form, and join any organization of association of choice.<sup>xxvi</sup> Under domestic law, it is usually protected under the provisions of the constitution. Nigeria, just like many other countries, is one of the signatories to many international and regional laws.<sup>xxvii</sup> In these international and regional laws, there are provisions that cover freedom of expression. The freedom of expression is very important because it adds to the development of a person.<sup>xxviii</sup> This is so because when an individual expresses himself, the ideal thing is to be constructively criticized. Such an individual learns from such constructive criticism and builds him or herself up.

The right to freedom of expression is one of the strongholds of a democratic institutions.<sup>xxxix</sup> The general idea of a democratic society or setting is to give citizenry the desired stage or forum where their pleas can be heard and where the government of the day will take cogent actions to actualize the desired need of the people. The only way the citizenry can let the government know what they feel and how they feel is if they truly express themselves without coercion or restriction. Due to the importance human rights are generally, many democratic countries employ the services of the judiciary to ensure that these rights are successfully enforced.<sup>xxx</sup> It should be noted that the International Covenant on Civil and Political Rights is the most significant instrument when it comes to the freedom of expression.<sup>xxxi</sup>

## **HUMAN RIGHTS AND THE MEDIA**

Noting that the concept of media has been explained, this work seeks to point out that whenever the media or mass media is mentioned, there are certain Human Rights that should come to mind. They include the Right to Freedom of Expression, Right to Information and Press Freedom. This is so because information made or posted through the media is usually a form of expression of what a person feels or a position or view held by such a person. And the media houses should be able to spread such views without undue alteration. Additionally, apart from being a medium of expressing the ideas and feelings of an individual, the media is also a major source of information. Therefore, it is for this reason that it has been noted that the right to information is founded or has its basis in the right to freedom of the opinion and expression of an individual.<sup>xxxii</sup> Furthermore, the right to freedom of information is a major feature of the right to freedom of expression.<sup>xxxiii</sup>

The freedom of expression upholds promotion of personal liberty in a democratic setting.<sup>xxxiv</sup> When recourse is made to the freedom of expression, the International Covenant on Civil and Political Rights is of utmost significance and importance.<sup>xxxv</sup> It is imperative to note that the right to freedom of expression is a fundamental right in Nigeria under section 39 of the Nigeria Constitution.<sup>xxxvi</sup> The freedom of expression sprung up as opposed to censorship that occurred over the years in certain climes of the world.<sup>xxxvii</sup> There is a popular saying that “you are entitled to your personal opinion but not to your own facts.” This may have been the basis why the government failed to hear the cries of its citizens. The citizens were only expressing themselves

with word of mouth without any cogent evidence. And it is trite that in law, he who asserts must prove.<sup>xxxviii</sup>

Just as the name portrays, the freedom of expression is the leeway or unrestricted freedom to portray or exhibit publicly with the aid of spoken words or actions the line of thought or view of an individual. This liberty is made critical with reference to interacting and communicating with a number of people, and with regards to the provisions of the law.<sup>xxxix</sup> This right is so vital to the extent that it has legal stipulations under various domestic, international, and regional laws.<sup>xl</sup> The right extends to having in print form the thoughts and views of a person.<sup>xli</sup> Looking at most domestic laws of many countries, this right is most enshrined under the Constitutional provisions of the country. With reference been made to its international affiliation, Nigeria is one of the parties to numerous international and regional instruments.<sup>xlii</sup> A perusal at the international and regional instruments, reveals are stipulations specifically on the freedom of expression, as well as other fundamental human rights. This right is so vital because it aids with the development of an individual.<sup>xliii</sup> This is so because such expressed views are usually open to any form of criticism; preferably constructive criticism. This enables a person build or search for more backing to his or her views in order to properly defend them. A downside to this is in terms of destructive criticism which aims at bringing down the confidence of a person. Nevertheless, in terms of development of a person and the media, the development is mainly mental due to the form of information that the media releases to the public.

The right to freedom of expression is one of the major features of a democratic society. The main ideology of a democratic society or setting is to provide the citizenry with the desired arena or venue where their plight can be made known, and where the authorities can take strategic measures and actions towards ensuring that the ample need of the public is met. The freedom and liberty to display or express one's self without any restriction or limitation is the most efficient way the public can let the government know their mindset on the happenings in the society. Such expression is usually done through the media. This is so because every individual has direct access to this media, especially social media.

The freedom of information stems from the freedom of expression as earlier stated. This information freedom guarantees access to and use of information.<sup>xliv</sup> It is important to stress that individual need access to necessary information before ascertaining a view on it. This

ensures good governance and proper practice of democracy.<sup>xlv</sup> Freedom of expression is key to freedom of expression, and a feature of a functioning democracy by extension.<sup>xlvi</sup> This is what led to the creation of the Information Act in Nigeria.<sup>xlvii</sup> Therefore, it should be noted that the mass media is very vital in the exercise of the right to information.<sup>xlviii</sup> This is due to the fact that the mass media is the largest carrier of all forms of information.

For press freedom, this has been regarded as the liberty to publish, with good intentions and justifiable grounds, any information whether it concerns the government or any other party in a society.<sup>xlix</sup> The press freedom connotes the unhindered freedom to write and distribute information for public use.<sup>l</sup> When press freedom is mentioned, the liberty for journalists to write and publish their views without fear of being abused by the government should be the next line of thought.<sup>li</sup> Press freedom is also tantamount to freedom of the media, and freedom of corruption to an extent.<sup>lii</sup> The freedom of the press is vital in determining the role of the media in every facets of every society.<sup>liii</sup>

## **THE ROLE OF THE MEDIA IN PROMOTING HUMAN RIGHTS IN NIGERIA**

In a democratic setting or society, one of the requirements which the media is meant to fulfil is depicting the principles or features of democracy in a society.<sup>liv</sup> It is popular knowledge that one of the features of a democratic society is the promotion and protection of Human Rights.<sup>lv</sup> Every democracy upholds respect for these rights.<sup>lvi</sup> Noting that there are many factors that aid in the promotion of Human Rights in Nigeria. It is important to note that journalists play a major role in sourcing and publishing information on any media platform they operate with; which could be print like newspapers, or online platforms for those that have blogs or social media handle.<sup>lvii</sup>

The essence of the mass media in promoting and safeguarding Human Rights in every society cannot be exaggerated.<sup>lviii</sup> In this light, a major role the media plays is the “agenda-setting role”. By this, it is meant that the media has an idea or an agenda it desires to give a solid ground in the society. This is done by displaying information or news focusing on that agenda it seeks to drive which registers in the mind of the public.<sup>lix</sup> In this case, the agenda could be pushing for

the acknowledgement and safeguarding of Human Rights by the government following cases of constant violations. This agenda-setting could be in the form of a campaign to affirm human rights protection. As part of the agenda-setting role, the media can be regarded as agents of social change. This is so because the essence of pushing or promoting an agenda to the public is to effect a positive change that will benefit every individual within the society.<sup>lx</sup>

The media showcases or reports instances of Human Rights Abuses. The media is a key factor in the realization of these human rights in every society.<sup>lxi</sup> In an ideal democratic setting, the media is meant to serve as the watchdog of the public for the sake of reporting any and every form of Human Rights infringements.<sup>lxii</sup> The media must have the ability to freely survey the environment and give their reports on daily occurrences without hindrance.<sup>lxiii</sup> All journalists and media handlers or career persons have the duty to properly utilize the media.<sup>lxiv</sup> In this case, by reporting prevalent Human Rights issues in Nigeria. They can also partner with Human Rights non-governmental institutions. There are Human Rights Organizations who also use the media to campaign against Human Rights abuses. A good example is the Amnesty International. This is a globally recognized Human Rights institutions that investigates and reports prevalent Human Rights issues all over the world. They stand firmly against all forms of abuses and they do not fail to report the abuses people suffer in different parts of the world.

The media is there to give the true story behind an occurrence or an event.<sup>lxv</sup> Therefore, the media stands at the forefront on news coverage. It is the duty of the media is to investigate into the truth of every story. It is trite that there is many false information. The duty of the media here lies towards exposing hidden truths. For instance, in Nigeria during the End Special Anti-Robbery Squad protest,<sup>lxvi</sup> while other news channels failed to report the true situation, Arise TV stood against all odds and reported most of the occurrences which the government tried to hide. This is the true nature of a media house with integrity. The media serves as a watchdog against the activities of the government. And on activities of other societal actors that may in any manner grossly affect human rights.

It is the role media to publish information in hard or soft copy.<sup>lxvii</sup> It could be in hard copy such as any physical or print form and it could be soft copy such as online or electronic format. Making available information to people gives them the necessary information they require. By extension, the media plays the role of educating people on vital happenings within the vicinity.

The media also reports the effects of globalization on Human Rights.<sup>lxxviii</sup> In this vein, reference is made to actions that affect the environment, which falls under socio-economic rights. Through the media, there is the successful creation of awareness on any issue,<sup>lxxix</sup> one of them being Human Rights violations and the need for safeguarding it. Through the media, the public is constantly made aware of their Constitutional and fundamental rights.<sup>lxxx</sup>

## CONCEPT OF PROTEST

Protest is a form of outright declaration by an affected individual or group of people on an act yet to be done or already done, where the concerned individual or individuals show their utmost disapproval of that act.<sup>lxxxi</sup> The essence of the protest is to bring to the notice of the authorities the rights that are in violation or would be violated if that act is left to continue.<sup>lxxxii</sup> It is a form of demonstration to show disdain or disapproval of a particular status quo in the society. Every protest has a goal, which are the substantive political reasons for conducting a protest.<sup>lxxxiii</sup> In the case of the protest that took place in October 2020, the goal was a radical one targeted towards criticizing the government and their inability to call the police to order and to push for a total overhauling of the Special Anti-Robbery Squad unit of the Nigeria Police Force.

People protest to express their plight or grievances caused by deprivation, frustration or denied justice.<sup>lxxxiv</sup> Unfortunately, all these caused the protest. Nigerian youths were deprived their right to defend themselves since they were accused of being fraudsters for the reason that they looked too wealthy at such a young age. Nigerians were frustrated with the constant abuse of the legal powers of police officers and the fact that nothing was being done about it by the government. Those whose dignity or life or any other rights were deprived of them got no justice because the agency they were meant to report to were the ones abusing these rights at will. The essence of protest is to push for a reform either in the government or the society as a whole.<sup>lxxxv</sup>

On the issue of protest, the freedom of expression is linked to the freedom of choice.<sup>lxxxvi</sup> It was the choice of the protesters to come out and exercise their constitutional rights. If they did not deem it worthy of doing, they would not have bothered. No protester can come out and say that he or she was coerced into joining the protest. In a protest, those who could not speak up

individually or were afraid to do so now have a choice of a forum where they can collectively air their queries to the ‘deaf ears’ of those in authority. The right to protest falls under the right to freedom of expression.<sup>lxxvii</sup> Also in line with the protest, the freedom of expression can be connected to freedom of association.<sup>lxxviii</sup> This is so for the reason that since the freedom involves that of choice, every individual has the choice of what association to join. In this case, a protest will be regarded as a form of association.

## **HUMAN RIGHTS INFRINGEMENTS AND THE SARS UNIT**

From the year 1993 till date the SARS unit has been associated with many human rights violations. However, before exploring the various human right violations the body is guilty of, one must first understand what the human rights are and what rights are available under Nigerian law.

As earlier discussed, “human rights are rights that stand above the ordinary laws of the land and which in fact is antecedent to the political society itself”.<sup>lxxix</sup> They are a primary condition to a civilized existence, that is, they are an accompaniment with human existence and there is no alienating them. Amongst these rights, there exists a hierarchy; categories and subcategories of rights that are accorded to a human. Although human rights applies to all individuals, “not all human rights are regarded as fundamental rights or fundamental human rights under our classification unless they are entrenched in the constitution”.<sup>lxxx</sup>

All these rights have been entrenched in the Nigerian constitution and are described as the Fundamental Human Rights of the Nigerian people. Thus, the government is tasked with the upholding and recognition of these rights as well as their protection. For the purpose of this paper, not all of the rights would be discussed. Only rights that pertain to the subject matter would be discussed in detail.

## HUMAN RIGHTS VIOLATED DURING THE PROTEST

Special Anti-Robbery Squad (SARS) was created in 1992 to combat violent crimes such as armed robbery because there was an increase in serious crimes in Lagos and other Southern states at that time.<sup>lxxxii</sup> In order to act in plain sight, the officers wore plain cloths, moved with non-official or non-governmental vehicles and carried no weapons in public. Their main job then was to investigate and promote successful arrests after tracking the suspects in covert operations. As at 2002, the unit spread to every other state in Nigeria. Overtime this unit started going contrary to what they were first created for. The protest started on the 3<sup>rd</sup> of October 2020.<sup>lxxxiii</sup> Over the years, the unit has been connected with different forms of police brutality such as extrajudicial killings, extortion, rape, inhuman treatment, etc.<sup>lxxxiii</sup>

The SARS operatives have been seen to violate the right to life, right to dignity of human person, right to fair hearing and right to personal liberty. These rights are protected under section 33, section 34, section 36 and section 35 of the Nigerian constitution respectively.<sup>lxxxiv</sup> Unfortunately, the violations of these rights remain rampant in the Nigerian society. For the right to dignity of human person, the officials beat people to a pulp, they torture people and jail unlawfully. For the right to life, they kill at will. In respect to the right to personal liberty and fair hearing, people are kept in prisons against their will and treated as if they are criminals already without giving them the opportunity to defend themselves.

## FREEDOM OF EXPRESSION AND THE SARS PROTEST IN NIGERIA

Flowing from the aforementioned fact that freedom is related to the social contract theory, this work posits that the Nigerian government has failed in holding up its end of the bargain. The social contract theory is a form of mutual contract between the governed and the governors. In Nigeria, while the citizens have surrendered some of their rights to the government, the government has failed in protecting them and securing the rights allowed in Nigeria, of which freedom of expression is one of them. For a while now, the social contract theory has been regarded or termed as an ideal model for the reconstruction of Nigeria into a proper state and a true Nigerian state.<sup>lxxxv</sup> The Nigerian government completely falls short of the tenets of the social contract theory.<sup>lxxxvi</sup> The government has turned this mutual contract theory into a one-

sided contract theory where the government through its institutions has failed in performing their primary functions to the Nigerian citizens. This work will not be blind to the fact that some government or official personnel try to diligently perform their functions to the citizenry, but the larger percent of the officials would rather be selfish than perform their office functions. This issue has been with the Nigerian government for as long as time can tell.

The Arab spring can be used as a clear example of the effect of freedom of expression in form of protests and demonstrations.<sup>lxxxvii</sup> The Arab spring started in Tunisia and spread to other countries like Egypt and countries of the Middle East, and it was against autocratic rule.<sup>lxxxviii</sup> The same way that the failure of the government to adhere to the plight of the people and protect their rights and freedoms in the affected Arab countries,<sup>lxxxix</sup> that is the same thing that led the citizens in Nigeria to carry on the protest in October 2020 due to the failure of government to protect their rights and freedoms. If Nigeria claimed to be the democratic country it is, the government should have seen to the fact that the right to freedom of expression is achieved and implemented.<sup>xc</sup>

Rather than focus on the concerns of the people, the focus of the government was on media censorship which is a major global issue.<sup>xcii</sup> This is seen in the proposed bill in Lagos State that seeks to solely place social media control on the government. This way the government will be able to filter any information posted on social media which the government would not like to be leaked. This will be done by tagging any unwanted information as fake news which will affect the Nigerian society. This will inadvertently hamper the freedom of the citizens of Nigeria.<sup>xciii</sup> Several attempts have been made to raise bills that will give the government the sole power to control social media. Fortunately, they all suffer defeat as they come up for hearing in the legislative houses.<sup>xciiii</sup> This shows that the country is still aware of the harm that solely controlling social media by the government in Nigeria will cause.

In relation to the protest, two expressions were made clear; physical demonstration and word of mouth (speech). As protesters carried placards and cardboards papers, they shouted with one voice; End SARS. The protesters moved round certain areas to protest where the heat of the protest was made clear to everyone around. Also, freedom of expression is also synonymous to freedom of opinion.<sup>xciv</sup> The opinion during the protest is as clear as the hash tag that was used by a majority of people, #EndSars. The tag says it all. The aim of the protest was to get

rid of that part of the police who had no remorse for their wicked acts against humanity. People became tired of the incessant and unwarranted killing and general police brutality targeted to the Nigerian youths specifically. Also, freedom of expression involves freedom to gain access to news and information.<sup>xcv</sup> The social media was very vital in this regard. Reports of continuous police brutality was made known to us through social media platforms. Examples of social media platforms are Facebook, WhatsApp, Twitter, Instagram, etc.<sup>xcvi</sup> These platforms were used to ask for help, pass around vital information such as precautionary tips and so on.<sup>xcvii</sup> The social media served a vital purpose in this regard and showed its significance. Though social media is very important in tertiary institutions for academic purposes,<sup>xcviii</sup> it served a precautionary purpose as stated earlier. Effective communication was not an issue at all.<sup>xcix</sup> Noting that this protest occurred in different parts of Nigeria (Mostly the Southern part of the country), distance would have been an issue in communication. But due to social media platforms, people were able to pass out information far and near.<sup>c</sup> This showcases that the use of platforms of social media has gone beyond simple interactions or getting to know people.<sup>ci</sup> In other words, it has evolved.<sup>cii</sup> This evolution shows that nothing is ever static or remains in the same spot as when it was first founded. As the common saying states, the only thing that is constant is change. Though social media is a recent innovation, its vitality keeps showing itself as the years runs by,<sup>ciii</sup> of which its use in the protest is one of them. In as much the social media is used for both good and bad purposes,<sup>civ</sup> its use during the protest was a commendable one. In other words, it was for a good purpose.

Apart from physically going out to protest which many Nigerians were involved in, those who could not go out physically stayed at home to protest online by posting fliers with the captions, #EndSars and #EndPoliceBrutality. Using the social media created a forum where the government could not have immediate control to tamper with the information posted.<sup>cv</sup> The online protest was almost as much as the physical protest. The protest generally was to express the plight of citizens against the existing corruption in the Nigeria Police Force.<sup>cvi</sup> The protest initially started as one against police excesses, but then it spread into general corrupt practices of the government as issues of hidden palliatives for the covid-19 pandemic came up alongside other issues. The protest again was to express the grievances of the Nigerian youth on their marginalization from the colonial era till date.<sup>cvii</sup>

## LEGAL FRAMEWORK

The laws to be mentioned here will be on freedom of expression and the Police Act. Apart from the obvious reason of mentioning the laws on freedom of expression, the section of the Police Act that talks about the protection of the rights of citizens will also be discussed. For the laws on freedom of expression, some international laws and regional laws will be given. The law in Nigeria as well will be mentioned.

For the International laws, Article 19 of the Universal Declaration of human rights generally provides that all individuals have the “...right to freedom of opinion and expression...”<sup>cviii</sup> Article 19 of the International Covenant on Civil and Political Rights provides that every person has the right without interference to hold opinions and for the limitation of freedom of expression in terms of protecting the rights of other individuals, national security and so on.<sup>cix</sup> The limitation here is premised on the popular assertion that the right of one stop when that of another begins.

For Regional laws, article 9 (2) of the African Charter on Human and Peoples’ Rights 1986 provides that every person has the right to express and spread opinions within the legal scope.<sup>cx</sup>

In Nigeria, section 39 of the Nigerian constitution provides that all Nigerian citizens are entitled to freedom of expression and to have opinions without interference.<sup>cx</sup> As a form of restriction, section 39 (3) (a) provides that any justifiable law in a democratic society that allows prevention of information disclosure being received in confidence, etc. is permissible.<sup>cxii</sup>

## THE NIGERIA POLICE

There are many factors that contribute to the failure of the SARS unit and the Police force at large. As with all problem-solving techniques, the first step would be to identify the source of the problem and so we would start with the origin of the Police Force.

The Police force is a creation of the Colonial period of Nigeria and as such were trained and set up by the colonial masters who despised the Nigerian citizenry. The capacity that a police officer has to protect his duty posts is dependent on the training and education he received to become a Police officer. Unfortunately, the police syllabus and educational program was

designed by colonial masters who wanted to forever oppress the Nigerian citizenry and it seems that the Police officers have not departed from this horrid philosophical template.<sup>cxiii</sup> Thus, the police still view the citizens as their enemies; people to be oppressed and pacified, without rights. This colonial template is still being adopted by the NPF and in turn the cycle of hostility between the citizens and the police officers is still heavily in motion.

Another factor that contributes to the failure of the Police force is corruption. Since the NPF views its citizens as people to be oppressed, they do not treat them with respect and exploit them. The Police Officers extort money from the civilians, either through harsh means like torture, unlawful detention or even going as far as planting implicating evidence on a civilian's person to implicate him and force him to conform to their demands. This lust for gratification actually stems from many factors such as the low literacy levels of the officers as well as the inadequacies of their salaries and welfare packages. Thus, many of the low ranked officers, i.e. the officers who are usually in contact with the public, view their jobs and these extortion deals and gratifications as a means of surviving and feeding themselves and families.<sup>cxiv</sup>

The Government continuously ignores and neglects the police force. This is exhibited through many things like the dilapidated Police Stations, worn out Police Uniforms and poor physical appearance of the Police officers. Apart from these failures on the part of the government is the more remuneration methods as well as the nonchalance towards their general wellbeing. Their barracks are overcrowded and poorly maintained. There is also the lack of facilities which would aid in the administration of their duties, computers and cabinets for recording and storage, ventilation for the stations, newer and increased amount of holding cells for those in custody etc. The government treats the police like domesticated animals, calling on them based on their whims and caprices and reconstructing and deconstructing their structures and hierarchies at will.<sup>cxv</sup>

Other factors which contribute to the police failure here in Nigeria would be the presence of nepotism, tribalism, inadequate manpower etc. all these constraints contribute to the wear and tear of the Police officers' discipline over time since things are not gotten on merit and there exists no means in which you can challenge the flawed system, police officers have no choice but to rot to conform to their broken system. There is also a lack of accountability within the Police force. For instance, when the police officers violate the human rights of the citizens

there seems to be no way to seek redress for these crimes, since the police are the first step in criminal justice administration.

It should be noted that multiple bodies have been set up to perform many of the police's functions leaving them almost obsolete and useless. For example, neighbourhoods set up their own group of watchmen and vigilantes which help in communal policing. The state has their own traffic agencies that help in the management of traffic, the Economic and Financial Crimes Commission (EFCC) handles economic crimes, The Department of State Services (DSS) handles intelligence gathering, and The Military handles internal aggression. Thus, the existence of all these external bodies then begs the question, what is the police meant to do?

Individual police personalities also contribute to the failure of this organ. Many police men and women are improperly screened and tested before being recruited and as such many who are not mentally, and psychologically qualified to be police officers. These and the other factors such as unconducive work environment, poor disciplinary control, lack of accountability etc. all contribute to the poor policing in Nigeria.<sup>cxvi</sup>

All these problems contribute to the problems and inadequacies of the SARs and the Police force. This is not to say that these officers are not at fault but rather it is to simply establish the rationale behind many of their infringements and violation of human rights.

Section 4 (a) of the current Police Act stipulates that as part of the main functions of the police, they are meant to "... protect the rights and freedoms of every person in Nigeria as provided in the Constitution, the African Charter on Human and Peoples Rights and any other law".<sup>cxvii</sup> This section is not specific on the right to promote. In other words, it can be deduced that it had all the rights under the legal instruments mentioned in the section to protect. Unfortunately, the police have gone contrary.

Section 33 (2) (c) of the constitution provides that no person or Nigerian citizen will be said to have his right arbitrarily taken away if it was done to suppress a riot. This was the section that the security operatives used to justify the killing of unarmed protesters who came out to exercise their freedom of expression. The excuse was that what was a peaceful protest turned out to be an area for hoodlums. At some point in the protest, some citizens came out to disrupt

what was meant to bring about a cogent change in the country. Unfortunately, what ones had meaning, because unpleasant.

## CONCLUSION

This paper recommends that the Nigerian government should always endeavour to protect the rights of Nigerian citizens. Rather than bring up ways to frustrate the effort of citizens, such efforts should be channeled towards listening to the plea of the people. Nigeria cannot claim to be a democratic state when it still behaves like an autocratic setting. Using the police as a force to obstruct protests is common practice in Nigeria. This should end because the police were established to protect the lives and properties of citizens and not to be used as instruments of oppression.

The government should always connect with the citizens. One of the major causes of civil unrest or civil disobedience is failure of the government to listen to the plight of citizens. If care is not taken, such civil disobedience may spread into a full-blown rebellion which will lead to loss of innocent lives and properties. It may even lead to armed conflicts within the country if care is not taken. Nigeria has the resources to take care of the plight of people, they should use it.

The SARS protest in Nigeria showed the extent of the excesses of the police and the extent to which the Nigerian government does not care about the grievances of the public. The saddest part was as citizens were expressing themselves that they should not be killed or treated inhumanely, the police still continued such treatment. Stray bullets killed more people than live bullets. It was as if the protest fell on deaf ears because nothing cogent has been done till date. The freedom of expression of citizens alongside other rights were gravely violated. The government seems to put more effort in oppressing the citizens that giving them an ability to make their opinion known. A simple expression against a part of the government can become a death sentence.

The protest showed the resolve of citizens to speak their mind about the government irrespective of what they face. This shall forever remain highly commendable. No matter how hard the government tries, people will find a way to express themselves even if it kills them.

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