

## A post-mortem assessment of the #EndSARS protest and police brutality in Nigeria

*Bonnievolò E Ecoma\**

Legal Practitioner, Asterley Attorneys, Abuja, Nigeria

<https://orcid.org/0000-0001-8213-0316>

**Summary:** *In October 2020 many Nigerians took to the streets to protest against the illicit and inhumane activities and brazen brutality of the Special Anti-Robbery Squad (SARS), a special unit of the Nigerian police force renowned for the most unethical, illegal, corrupt and dehumanising practices. With significant global reach and support, the protesters demanded, among others, the disbandment of the police unit and justice for all deceased victims of police brutality. These and other demands, which were all geared towards ending police brutality, were well received by the federal government, with promises of full compliance. A first step was the actual disbandment of SARS. With successive demands tilting towards a silent revolution, the protest was truncated by military repression, leaving many in doubt as to whether or not the government would fulfil its promises in respect of the demands. This article undertakes an assessment of the protest in its context in a bid to ascertain whether or not the post-protest period has witnessed an end to or reduction in the level of police brutality. It examines the culture of police brutality, precursors to the protest, the demands by protesters as well as the responses and promises by government, and appraises the extent to which such promises and proposed policy reforms by the federal government have translated into significant and sustainable changes in policing.*

\* BSc (Hons) (Calabar) LLB (Hons) (Okada) BL (Abuja); [ecomabonnie@gmail.com](mailto:ecomabonnie@gmail.com)

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## 1 Introduction

The year 2020 will always be remembered as a remarkable year in the annals of Nigerian history for many reasons. Apart from the infiltration of the corona virus into the country with its attendant impacts, the year witnessed an event, the magnitude and global impact of which arguably are unmatched in respect of similar events in the country's history. That event is the #EndSARS protest. First starting off as a subtle call to action, subsequently metamorphosing into a revolutionary behemoth, the protest shook Nigeria to its very foundations and left a profound message: Nigerian youths were more than ready to initiate and sustain positive and unusual change in the country. While it lasted, the protest garnered unprecedented support in and outside the country and rejuvenated traditional values such as unity, integration, communality and nationalism, which were either chequered or missing. The protest, which was organised and sustained by Nigerian youths, quickly morphed into a social movement that went beyond the primary demand for an end to police brutality in Nigeria, to demands for good governance. For over a century, the country had been ravaged by brutality from security forces that was constantly meted out to citizens, but the primary and, indeed, prominent culprit in the scheme of brutality in the post-independence period was the Special Anti-Robbery Squad (SARS), a unit of the Nigerian police force renowned for unprecedented police brutality and brazen violation of human rights.<sup>1</sup> For decades SARS operated with brutish reckless abandon and without regard for the rule of law or national, regional and international human rights guarantees. The unit meted out the worst forms of brutality to innocent and vulnerable Nigerians with unprecedented impunity. The immediate and complete disbandment of the dreaded SARS, therefore, was top on the list of demands by the #EndSARS protesters who were mostly victims of brutality. The demand was essentially aimed at uprooting the deeply-entrenched culture of brutality. With resilience, valour and a unified voice, the protesters presented their demands to the federal government, whose immediate response was the disbandment of SARS. Although the government pledged full compliance with other demands and indeed initiated subtle

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<sup>1</sup> BE Ecoma 'The subsidence of the criminal justice system and extrajudicial killings in Nigeria' (2020) 5 *Miyetti Quarterly Law Review* 78-79; T Ajayi 'Nigeria's #EndSARS struggle endures' 19 October 2022, <https://www.thenewhumanitarian.org/opinion/first-person/2022/10/19/Nigeria-EndSARS-police-brutality> (accessed 25 October 2022).

moves to make good its promise, the protesters did not back down. However, the protest was violently repressed in its prime before the subtle moves could translate into paradigm-changing and sustainable reforms. Against this background, this article evaluates the #EndSARS protest and the demands that were made, with a view to ascertaining whether or not the protest achieved its primary goal of putting an end to police brutality in Nigeria. As a prelude, the article clarifies the terms 'endSARS' and 'police brutality', and delves into an analysis of the culture of police brutality in Nigeria as well as the heinous acts perpetrated by SARS. It proceeds with a consideration of the #EndSARS protest, demands and responses by government, a performance evaluation of the demands, and an analysis of sundry issues. The central objective is to ascertain whether police brutality has ceased, waned or increased during the post-protest period.

## 2 Terms of discourse

In its traditional sense, the phrase 'EndSARS' is quite unequivocal in meaning at a literal glance. However, for clarity it may be defined or analysed in three ways, all of which communicate the same message: a demand for an end to police brutality in Nigeria. The phrase may thus be analysed as a call to action, as a hashtag, and as a protest or social movement.

As a call to action, the phrase reflects the height of discontent with the sinister practices of SARS, and thus represents a call for an end to the existence of the unit and all its heinous practices. It thus is a call for the attention of government, civil society organisations, the youths and the general public to the inhumane and barbaric practices and activities of SARS, which include harassment; corruption; extra-judicial killings; extortion; impunity; disrespect for human rights; torture; unlawful arrest and detention; and trumped-up charges.<sup>2</sup> It is a distress, yet bold call that has lasted for many years without requisite answers. It is a call for human rights-based law enforcement, respect for the rule of law, an end to the profiling of young Nigerians, and policing based on integrity, accountability, professionalism and service.

The #EndSARS hashtag was created by young Nigerians on Twitter in 2017 to serve as a medium for amplifying the call to action, and for transforming that verbal or written national call to a virtual and

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2 A Uwazuruike 'EndSARS: The movement against police brutality in Nigeria' (2020) *Harvard Human Rights Journal* <https://harvardhrj.com/2020/11/endsars-the-movement-against-police-brutality-in-nigeria/> (accessed 15 March 2021).

globally-publicised campaign. The hashtag thus served as a medium for creating awareness on police brutality in Nigeria, reporting incidents and experiences of police brutality, and rallying support for the disbandment of SARS, which had become a terror to vulnerable Nigerian youths.<sup>3</sup> Using the hashtag, many Nigerians relived their horrid experiences at the hands of SARS and other police officials, either while in custody or in public. While the hashtag generated a community of like-minded youths and thus provided some succour to victims of police brutality who knew others understood their plight and could offer some assistance where possible, it served as a constant reminder of the fact that the malfeasance of SARS was bad for Nigerian society and that something had to be urgently done to preserve the lives and properties of teeming Nigerian youths.

Regarding the third aspect, EndSARS is regarded as a decentralised social movement and a series of mass protests against police brutality in Nigeria.<sup>4</sup> The protest derived its name from the 2017 Twitter hashtag and was triggered by the extra-judicial killing of a young man by an officer of SARS in October 2020. The incident evoked mass demonstrations across major cities in Nigeria, solidarity protests overseas, and outrage on social media platforms.<sup>5</sup> The protest has been described as an incomplete, half-hearted or failed revolution<sup>6</sup> that expanded to include demands for good and accountable governance, and was notable for its patronage by a demographic that is made up entirely of young Nigerians.<sup>7</sup>

Police brutality is an extreme form of police misconduct, violence and civil rights violations, which consists in the deployment of excessive and unwarranted force against an individual or group in the form of physical or verbal harassment, physical or mental injury, damage to property, death, and so forth.<sup>8</sup> It also refers to the excessive use of force by a police officer against a victim or victims that is deemed to go beyond the level required to sustain

3 F Eleanya '#ENDSARS hits No 1 top trending hashtag globally' 9 October 2020, <https://businessday.ng/amp/news/article/endsars-hits-no-1-top-trending-hashtag-globally/> (accessed 10 November 2020).

4 Uwazuruike (n 2).

5 As above.

6 D Anele 'The anatomy of EndSars protests as an incomplete revolution (1)' 1 November 2020, <https://www.vanguardngr.com/2020/11/the-anatomy-of-endsars-protests-as-an-incomplete-revolution-1/amp/> (accessed 1 December 2021); Ajayi (n 1).

7 AC Levan & P Ukata 'How the #EndSARS protest movement reawakened Nigeria's youth' 26 November 2020, <https://blog.oup.com/2020/11/how-the-endsars-protest-movement-reawakened-nigerias-youth/> (accessed 2 December 2021).

8 RB Hill 'Understanding five different types of police brutality' 2 March 2017, <https://criminallaw.com/lawyer/rhonda-b-hill-chicago-il/blog/understanding-five-different-types-of-police-brutality> (accessed 10 November 2021).

life, avoid injury or control a situation,<sup>9</sup> and equally refers to various human rights violations by the police which might include beatings, racial abuse, unlawful killings, torture, or the indiscriminate use of riot control agents at protests.<sup>10</sup> Police brutality causes significant physical and psychological harm to victims, entails considerable financial costs to communities, and undermines the legitimacy of the institution of policing.<sup>11</sup> Traditional perspectives locate the causes of police brutality primarily in the institution of policing, whereas conflict perspectives maintain that police brutality reflects racial/ethnic divisions of the larger society.<sup>12</sup>

Scholars categorise the underlying factors that lead or contribute to police brutality into two: individual-level factors and organisational-level factors. Individual-level factors are those that originate from the offending officer and include personal problems and mental health issues such as post-traumatic stress disorder (PTSD) from job-related stressors and trauma, and antisocial personality disorder (APD), all of which may result in the use of excessive force.<sup>13</sup> Organisational-level factors, on the other hand, include policies of the police department or the general working environment.<sup>14</sup> Cuncic explains that if a police department sets vague or lenient limits for the use of force that indirectly allow police officers to use their own discretion, the likelihood that officers will use excessive force increases. In addition,

if the general working environment of the police department is such that excessive use of force is not punished or reprimanded, that sends the message to the police force that it is an acceptable part of their job description – thus, the use of force becomes legitimised because everyone does it and nobody says anything about it.<sup>15</sup>

### 3 Background to police brutality in Nigeria

Whether as an expression, a demand, hashtag or protest, the phrase ‘EndSARS’ bespeaks utmost discontent with the way and manner in which policing is carried out, and voices a call for an end to all forms of police brutality perpetrated by the SARS unit, in particular, and by

9 A Cuncic ‘The psychology behind police brutality’ 17 January 2021, <https://www.verywellmind.com/the-psychology-behind-police-brutality-5077410> (accessed 7 January 2022).

10 Amnesty International ‘Police violence’ nd, [www.amnesty.org/en/what-we-do/police-brutality/](http://www.amnesty.org/en/what-we-do/police-brutality/) (accessed 8 January 2022).

11 MD Holmes ‘Police brutality’ in AJ Trevino (ed) *The Cambridge handbook of social problems* (2018) 412.

12 As above.

13 Cuncic (n 9).

14 As above.

15 As above.

the Nigerian police force, in general. To further appreciate the history, hashtag and protests of EndSARS, an examination and understanding of the culture of brutality leading up to the establishment of SARS are necessary.

### 3.1 Culture of police brutality in Nigeria

Police brutality is not a nascent phenomenon in Nigeria. Its history and the call for its discontinuance are respectively traceable to the colonial and post-colonial eras of the police force. Brutality was adopted as the *modus operandi* of the colonial police force primarily because colonialism itself was an instrument of brutality, enforced through brutality. As Blakemore notes, the history of colonialism is one of brutal subjugation of indigenous peoples.<sup>16</sup> Ajomo and Okagbue note that the colonial police force was conceived as a force to serve the interests of the colonial master in its dealings with the citizen, and so the use of force to subjugate the citizen and ensure enforcement of colonial measures and policies was a major feature of the police system. Thus, 'from inception, the force was neither social service-oriented nor populist; it was not a force given by the people to themselves to serve and protect them'.<sup>17</sup> The CLEEN Foundation corroborates this view by noting that the colonial police was not accountable to the colonised but to the colonisers, and so their excesses were not checked, thus resulting in their behaviour as an 'army of occupation', killing, maiming and looting.<sup>18</sup>

The coercive and anti-populist orientation of the police endured throughout the independence and post-independence eras of the country and became part and parcel of the operational framework of the police or its default setting. This, together with the violence, brutality and wanton destruction perpetrated by the military during the various military regimes in Nigeria, left pungent traditions of brutality in the atmosphere of law enforcement and military operations that have been sustained by gross impunity, nepotism and corruption. Capturing the ignoble mode of operation of the police and the general distrust of the citizens for the police way back in 1990, a *Daily Champion* newspaper editorial stated the following:<sup>19</sup>

<sup>16</sup> E Blakemore 'What is colonialism?' 19 February 2019, [https://www.nationalgeographic.com/culture/article/colonialism?cmpid=int\\_org=ngp::int\\_mc=website::int\\_src=ngp::int\\_cmp=amp::int\\_add=amp\\_readtherest](https://www.nationalgeographic.com/culture/article/colonialism?cmpid=int_org=ngp::int_mc=website::int_src=ngp::int_cmp=amp::int_add=amp_readtherest) (accessed 10 January 2022).

<sup>17</sup> MA Ajomo & I Okagbue (eds) *Human rights and the administration of criminal justice in Nigeria* (1991) 127.

<sup>18</sup> CLEEN Foundation *Analysis of police and policing in Nigeria* (nd) 8-9.

<sup>19</sup> *Daily Champion* 27 January 1990 4, cited in Ajomo & Okagbue (n 17) 127.

Sadly, many of the men and officers in the police force who are supposed to be in the forefront of the battle against crime are, ironically, neck deep in crime. Where they do not barter arms for cash with robbers, they give vital security leads to their cronies in the underworld. And when they are not extorting money from motorists on the highways, they are busy harassing innocent traders and civilians. The fallouts from the worsening security situation have included mounting cases of police brutality, 'accidental' bullet discharges, often leading to the untimely deaths of innocent road users.

Notably, the above statement about the gross malfeasance of the police was made in 1990, two years before the establishment of SARS. The irresistible conclusion, therefore, is that the culture and practice of police brutality had been deeply entrenched in the police force right from colonial times and long before the establishment of SARS. By default, it was naturally transferred to SARS as part of its scheme of operation and metamorphosed into something worse. Evidently troubled by the activities of the police, Ajomo and Okagbue noted the following in 1991: 'It is ironical that while the police exist for the protection of the citizens, the problem now is how to protect the citizen from the police, somewhat of a *quis custodes ipsos custodiet* (who will guard the guards themselves) situation.'<sup>20</sup> In 1993, a year after the establishment of SARS, Professor Alemika noted the following about the police:<sup>21</sup>

The Nigeria Police Force is still largely vicious and corrupt. Political opponents of governments and military administrations – usually workers, students, radicals and human rights activists – continue to suffer excessive and recurrent waves of brutalities, abductions, unwarranted searches and violations of privacy and private family life, extra-judicial killings, bodily injury, intimidation, harassment and loss of personal liberties in the hands of the police and sundry state 'intelligence' and security agencies in the country.

Sadly, the picture painted in the editorial and by Professor Alemika worsened over the years. Amongst other forms of brutality, extra-judicial killings or executions became the order of the day. The police force, and especially its worst unit, SARS, became tools for the extra-judicial execution of factually innocent citizens and suspects who had not been subjected to trial. SARS was renowned for operating an abattoir where suspects and factually innocent individuals were unduly and unlawfully detained without trial, subjected to the worst forms of torture, and gruesomely murdered, all of which were constantly done with impunity. Other units of the police were

<sup>20</sup> Ajomo & Okagbue (n 17) 128.

<sup>21</sup> EEO Alemika 'Colonialism, state and policing in Nigeria' (1993) 20 *Crime, Law and Social Change* 208.

equally renowned for killing citizens at will, mostly at checkpoints, subsequently labelling them as armed robbers. In 2006 the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions noted the following:<sup>22</sup>

Police put forth various pretexts to justify extrajudicial executions. When a victim is killed in custody, an attempted escape may be cited. When the victim is killed before being taken into custody, his status as an armed robber may be cited. While armed robbery plagues much of Nigeria, the label of 'armed robber' is very often used to justify the jailing or extrajudicial execution of innocent individuals who have come to the attention of the police for reasons ranging from a refusal to pay a bribe to insulting or inconveniencing the police. Extrajudicial executions are also facilitated by the impunity the police force enjoys.

A 2007 Report by Human Rights Watch estimated that the Nigerian police had killed over 10 000 people between 2000 and 2007.<sup>23</sup> It noted that the figures were suggestive of the fact that the police routinely resorted to the disproportionate and illegal use of lethal force and may have committed multiple extrajudicial killings in the course of police operations. It noted further that such indicators were especially worrying in light of numerous well-documented cases of deaths of detainees in police custody and that almost as disturbing as the numbers themselves was that leading police officials appeared to regard the grim statistics as indicators of effective police work rather than as a scandal. In closing, the report pointed out that Nigeria's police force remains mired in deeply entrenched patterns of torture, corruption, murder, and other forms of human rights abuse, and that torture remains an intrinsic part of how law enforcement services operate in Nigeria.

In its 2019 Report on Human Rights Practices in Nigeria, the United States Department of State noted that significant human rights issues included unlawful and arbitrary killings, including extra-judicial killings, forced disappearances, torture, and arbitrary detention, while impunity remained widespread.<sup>24</sup> A study conducted by TheCable after reviewing media reports, data from the Council on Foreign Relations, and statements from various groups and affected persons revealed that between March 2019 and February 2020, the

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22 UNCHR 'Civil and political rights, including the question of disappearances and summary executions: Extrajudicial, summary or arbitrary executions' Mission to Nigeria, report by Special Rapporteur Mr Philip Alston 7 January 2006 UN Doc E/CN.4/2006/53/Add.4 2.

23 Human Rights Watch 'Nigeria: Investigate widespread killings by police' 18 November 2007, <https://www.hrw.org/news/2007/11/18/nigeria-investigate-widespread-killings-police> (accessed 30 January 2022).

24 United States Department of State 'Country reports on human rights practices for 2019: Nigeria' (2019) Bureau of Democracy, Human Rights and Labour 1-2.



Nigerian police force had killed 92 persons in different locations across the country.<sup>25</sup> Data showed that killings were recorded every month and that most of the extra-judicial killings occurred during protests, many of which were unprovoked. Some of the most prominent reasons for such killings included a refusal to give a bribe, an argument, 'accidental discharge', and an attempt to disperse protests.<sup>26</sup> Condemning the spate of police brutality in the country and the subsidence of the criminal justice system, Ecoma<sup>27</sup> noted that brutality by the police violates the rights of citizens, suspects and even defendants, and that there appears to be no scintilla of respect for human rights enshrined in the Nigerian Constitution and other statutes, especially given the fact that the police seem to have the unbridled right to kill at will without prior inquiry as to the guilt or innocence of a suspect.

### 3.2 The many sins of SARS

SARS was established in 1992 as a special undercover unit of the Nigerian police force to combat armed robbery, kidnapping and allied crimes. Until its disbandment in 2020, it had a country-wide reach as it operated in each state and the federal capital territory. In each state, it was domiciled in the Criminal Investigations Department of the State Police Command. At the federal level, it operated as the Federal Special Anti-Robbery Squad (FSARS) domiciled in the Federal Criminal Investigation Department, Abuja. At both levels, SARS was under the leadership of senior police officers and its mandate was to arrest, investigate and prosecute suspected armed robbers, murderers, kidnappers, hired assassins and other violent criminals.<sup>28</sup> Almost immediately after its establishment, it abandoned its mandate and became the worst example of what it was set up to checkmate. It became the most brutal subdivision of the Nigerian police force renowned for extra-judicial executions in outrageous proportions;<sup>29</sup> extortion; human rights violations; profiling of young men; and disproportionate use of force.<sup>30</sup> It was responsible for widespread

25 C Asadu 'In detail: Police "kill 92" Nigerians in one year – and justice delayed for victims' 30 June 2020, <https://www.thecable.ng/in-detail-police-kill-92-nigerians-in-one-year-and-justice-delayed-for-victims/amp> (accessed 25 January 2022).

26 As above.

27 Ecoma (n 1) 79-80.

28 Amnesty International '#EndSARS movement: From Twitter to Nigerian streets' 2021, <https://www.amnesty.org/en/latest/campaigns/2021/02/nigeria-end-impunity-for-police-violence-by-sars-endsars/> (accessed 27 November 2021).

29 Ecoma (n 1) 78.

30 J Egbas "'How SARS killed Remo Stars footballer" – Friend of Tiya miyu Kazeem shares his story' 24 February 2020, <https://www.pulse.ng/news/local/how-sars-killed-remo-stars-footballer-friend-of-tiyamiyu-kazeem-shares-his-story/6x40f50> (accessed 27 March 2020).

torture and other cruel, inhuman and degrading treatment or punishment of detainees who were subjected to various forms of torture and ill-treatment (including severe beating, hanging, starvation, shooting in the legs, mock executions, and threats of execution) in order to extract information and 'confessions'.<sup>31</sup> Youths were the usual targets, primarily because of their naiveté, ignorance of their human rights, and stereotypes held by the police – tagging them as criminals, internet fraudsters, or armed robbers because of dreadlocks, ripped jeans, tattoos, flashy cars, or ostensibly expensive gadgets such as smartphones and laptops.<sup>32</sup> In 2010 an editorial by Sahara Reporters exposed how, in just 18 months, SARS and other police units had raked in N9,35 billion (€51 million/\$60 million) from mounting roadblocks and extorting residents.<sup>33</sup> Notably, the heinous acts perpetrated by SARS were almost always directed at poor, young and vulnerable Nigerian youths and were curiously perpetrated mainly in the southern part of Nigeria as a slew of reports, complaints and incidents of brutality were primarily traceable to towns, cities and states in Southern Nigeria.

### 3.3 Why police brutality persists

Although the practice of police brutality has received global condemnation, it continues to rage. In Nigeria, the practice has accounted for the destruction of several lives and properties from colonial times to date. In spite of the prevalence of constitutional and statutory provisions that guard against brutality, the practice has continued to thrive and has gone beyond a practice solely attributable to the police, to one which now is general practice for law enforcement, military and paramilitary organisations. The intractable question in light of all the human rights guarantees is why the practice continues to thrive unabated. What sustains the scale and intractability of ending police brutality in Nigeria? The factors responsible are individual, organisational, systemic and governmental in nature.

At the individual level, it certainly cannot be ruled out that some police officers suffer from mental health issues such as post-traumatic stress and anti-social personality disorders. Additionally, some have

31 Amnesty International *Nigeria: 'You have signed your death warrant': Torture and other ill treatment in the special anti-robbery squad* (2016) 5.

32 Africa Centre for Strategic Studies '#EndSARS demands Nigerian police reform' 10 November 2020, <https://africacenter.org/spotlight/endsars-demands-nigerian-police-reform/> (accessed 30 November 2021).

33 C Mwakideu 'Unease as Nigeria marks one year after #EndSARS protests' 16 October 2021, <https://amp.dw.com/en/nigeria-end-sars-protests-one-year-unease/a-59521109> (accessed 30 November 2021).

been found to be intoxicated while on duty.<sup>34</sup> These individual or personal issues, which have been left unchecked, combine to grossly affect the manner in which they discharge their duties and largely account for why they brutalise innocent citizens. These personal problems of police officers in Nigeria have gained notoriety, so much so that they formed the basis for one of the #EndSARS demands: that in line with the new Police Act, SARS officials should be subjected to psychological evaluation and retraining before their redeployment.<sup>35</sup>

At the organisational or institutional level, the police force has always been given to violence and brutality right from colonial times when it was established. The colonial vestiges of brute force and abuse of human rights, among others, remain very firmly imprinted in the police force. This has been worsened by institutional support for brutality, impunity and lack of adequate reforms. The Police Force Order 237 (Rules for Guidance in the Use of Force and Firearms by the Police), for instance, permits officers to shoot suspects and detainees who attempt to escape from custody or avoid arrest.<sup>36</sup> Amnesty International notes that the abuse of the Order has resulted in numerous unlawful killings and facilitated extra-judicial executions, while police officers go largely unpunished, using it as a justification as well as cover-up for the use of lethal force.<sup>37</sup> Although there is training on human rights in the police,<sup>38</sup> human rights-based policing or law enforcement has almost never been practised. Officers, therefore, act with reckless abandon in the discharge of their duties, thereby violating several rights guaranteed to citizens in statutes, the Nigerian Constitution, as well as in applicable regional and international instruments. Police officers are also known to coerce or extract confessions from suspects and innocent civilians using the most brutal and horrific forms of torture. There usually is little or no sanction from superior officers; instead, there appears to be support and encouragement for the apprehension, parading and killing of supposed criminals, most of whom are factually innocent.

34 GE Abikoye & RG Awopetu 'Drug use and multidimensional work performance in a sample of policemen in Nigeria' (2017) 16 *African Journal of Drug and Alcohol Studies* 64-66; E Usman 'Why police killings persist – Investigation' 7 January 2023, <https://www.vanguardngr.com/2023/01/why-police-killings-persist-investigation/> (accessed 2 February 2023).

35 B Edokwe 'Five demands from #EndSARS protesters' 12 October 2020, <https://barristerng.com/five-demands-from-endsars-protesters/> (accessed 10 November 2020).

36 Usman (n 34).

37 Amnesty International *Killing at will: Extrajudicial executions and other unlawful killings by the police in Nigeria* (2009) 17.

38 See *The Nigeria police force human rights practice manual* (2014); *The Nigeria police force human rights desk officers manual of guidance* (2014); sec 19 Police Act 2020.

Although some initiatives have brought about the enactment of statutory provisions, such as section 70 of the Police Act 2020 and section 34 of the Administration of Criminal Justice Act 2015, which seek to bring about effective monitoring of the police and its activities through regular inspection visits to police stations by judges and magistrates, the police have found ways to circumvent and frustrate the operation of such provisions. For instance, a recent inspection visit to a police station in Lagos by a chief magistrate and some lawyers under the aegis of the Duty Solicitors Network (DSN) revealed startling details. The DSN found that policemen across Lagos engage in the practice of kidnapping citizens and detaining them in police stations without the knowledge of their families and the judiciary, and that arrests are randomly made on suspects of all ages, charged with no particular offence, without being informed of the reason for their arrest, and picked up while going about their normal private lives.<sup>39</sup> Among other irregularities, the DSN found the following: (a) the police left the cells empty and kept suspects in rooms in different parts of the police facility so as to hide them away from the magistrate and lawyers; (b) most of the suspects discovered in the rooms were minors and had been in detention for months without being charged to court; (c) there was no record of the suspects detained nor statements obtained at the time of their arrest; and (d) most regrettably, the secret detentions were at the instance of the Commissioner of Police who directed that the detainees should be neither released nor charged to court.

At the level of the criminal justice system, there is a general system failure that has resulted in the abuse of process, a disregard for the rule of law and impunity, among others. This has made accountability and discipline in its components, such as the police, extremely difficult. As Ecoma notes,

the system is at the brink of collapse drawing from unethical practices which it developed and continues to exude as traits. Such systemic practices which are highly prejudicial and constitutionally offensive include impunity, contempt for the rule of law, and a general disregard for fundamental rights. With corruption, inept officials and a general systemic failure, the components of the system appear to function at cross-purposes, thus tilting the system further away from achieving its fundamental objectives and ultimately branding it as an assemblage of uncoordinated institutions, a 'criminal' justice system, and a conveyor belt of injustice, from beginning to end. Consequently, the system in

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<sup>39</sup> C Unini 'Police secretly detaining suspects without the knowledge of families of the detainees – Akinlade led group raises alarm' 15 January 2022, <https://thenigerialawyer.com/police-secretly-detaining-suspects-without-the-knowledge-of-families-of-the-detainees-akinlade-led-group-raises-alarm/> (accessed 16 January 2022).

its subsidence erodes public confidence, fosters impunity, and lends credence to resort to self-help and the perversion of justice, all of which challenge its legitimacy and credibility.<sup>40</sup>

As a result of such systemic failure, there is an absence of effective monitoring or checks and balances. Accordingly, some of the components of the system tend to operate on their own terms and without regard for the rule of law, human rights and accountability.

At the governmental or state level, there is tacit support for brutality and repression. This has been the case right from colonial times, through the independence and post-independence eras. As such, the police force has always been an instrument of the state for purposes of domination, oppression and repression. As Strong<sup>41</sup> notes, two days after the massacre that occurred during the #EndSARS protest, the President of Nigeria in his first televised address in response to the protest called for an end to the protest, stating that the government would not 'allow anybody or groups to disrupt the peace of the nation'. Strong further notes that 'even without directly acknowledging the killings, the message was clear: The Nigerian government is prepared to continue to use force to put down the #EndSARS movement.' There also is the issue of a lack of sincerity or political will on the part of government to end brutality. There have been countless promises to initiate reforms, prosecute erring officers, put an end to brutality in all respects and bring about accountability, but all these have amounted to empty promises. By its wilful and unusual reluctance, refusal and neglect to change the narrative in policing and law enforcement generally, government is complicit.

Another factor is poor funding and training of the police. Human Rights Watch finds that Nigeria's police force generally lacks the capacity to deal with the challenges they face as officers are poorly trained, ill-equipped and poorly remunerated. It also finds that some human rights abuses carried out by the police are partly in response to public pressure to reduce the high levels of violent crime. Thus, as investigations have revealed, lacking the means to carry out effective criminal investigations, some police officers extract confessions through torture, or murder suspects in their custody who they believe to be guilty.<sup>42</sup> There is also the issue of unbridled disrespect for court judgments and the rule of law. Over the years, there

40 Ecoma (n 1) 60.

41 K Strong 'The rise and suppression of #EndSARS' 27 October 2020, <https://www.harpersbazaar.com/culture/politics/a34485605/what-is-endsars/> (accessed 30 November 2021).

42 Human Rights Watch (n 23).

have been several judgments by national and regional courts that have found law enforcement officers and their agencies liable for violating the rights of citizens.<sup>43</sup> The enforcement of such judgments, which usually award costs in favour of the victims, has always been frustrated by government and its appointees, thus leaving victims and their families with half justice.<sup>44</sup>

The foregoing issues in addition to the ‘Nigerian factor’<sup>45</sup> account for why police brutality continues to thrive in Nigeria. These issues have lasted unresolved for decades. The #EndSARS protest, therefore, presented an opportunity for bringing these issues and many more to the fore for urgent attention and lasting solutions.

#### 4 #EndSARS protest, demands and responses

With unabated and unpunished heinous crimes committed by SARS officials, as well as repeated calls on and off-line for the disbandment of SARS, and constant but unfulfilled promises by the federal government to disband same, the final straw was the surfacing on 3 October 2020 of a video clip online that showed a SARS officer driving off in the Lexus SUV of a young man in Delta State after shooting him and pushing his body out of the car.<sup>46</sup> Within days,

43 SaharaReporters ‘Civic group, SERAP lists six court judgments disobeyed by Buhari-led Nigerian government’ 8 December 2021, <https://saharareporters.com/2021/12/08/civic-group-serap-lists-six-court-judgments-disobeyed-buhari-led-nigerian-government> (accessed 2 March 2022); F Falana ‘Why human rights abuse has continued unabated in Nigeria, by Femi Falana’ 13 December 2021, <https://www.premiumtimesng.com/opinion/500654-why-human-rights-abuse-has-continued-unabated-in-nigeria-by-femi-falana.html> (accessed 24 December 2021); S Ogunlowo ‘Special report: How billion naira court judgments have failed police brutality victims’ 2 October 2022, <https://www.premiumtimesng.com/news/headlines/557298-special-report-how-billion-naira-court-judgements-have-failed-police-brutality-victims.html> (accessed 14 November 2022).

44 Falana (n 43); Ogunlowo (n 43).

45 The term is one that is quite versatile but may be viewed in two principal ways: positively and negatively. The term is used in the negative sense in this article. In this context, Dr Floribert Endong asserts that the term is used to describe the intense moral decay or mental corruption that has seriously affected Nigerian society to the extent that what is ‘universally’ viewed as reprehensible is paradoxically accepted in the Nigerian context as working and efficacious; in other words, it is the tendency of believing that anything – morally good or bad – can go in Nigeria, because the country is in a severe state of social malady. See FPC Endong ‘The effects of the “publish or perish syndrome” on research and innovation in Nigerian universities: Insights from recent research and case studies’ in A Sandu, A Frunza & E Unguru (eds) *Ethics in research practice and innovation* (2019) 95. Prof Munzali Jibril asserts that the term has come to mean unfortunately, corruption, nepotism, dishonesty, fraud and anything that is negative in our national life. See M Jibril ‘The Nigerian factor and the Nigerian condition’ *The Guardian* (Nigeria) 2 October 2003 8.

46 Human Rights Watch ‘Nigeria: A year on, no justice for #EndSARS crackdown’ 19 October 2021. <https://www.hrw.org/news/2021/10/19/nigeria-year-no-justice-endsars-crackdown/> (accessed 24 November 2021).

Nigerian youths took to the streets to express their grave displeasure at the spate of police brutality, impunity and extra-judicial killings, among others, and to call once again for the disbandment of SARS. The #EndSARS hashtag was even more prominently used during the protest, not just in Nigeria but globally. On 9 October 2020 the #EndSARS hashtag was the top trending hashtag in the world with over 2 million tweets.<sup>47</sup>

While the immediate cause of the protest was the viral video of the young man who was shot and killed in Delta State, the remote causes were the following: the economic crisis sparked by the fall in global oil demand (and compounded by the outbreak of the COVID-19 pandemic); institutionalised corruption; state profligacy resulting in poverty; the eight months' closure of universities due to strikes; staggering unemployment; worsening economic conditions; bleak projections for the future;<sup>48</sup> and decades of brutality by and impunity for SARS, among others. The #EndSARS protest, therefore, became a symbol for broader resentment and opened the path for marginalised Nigerian youths to vent bottled-up grievances against the government, starting with the excesses of SARS that the government failed to address after several promises of reform.<sup>49</sup> The protest, which started in Lagos on 8 October 2020, spread to other cities across the country and received support nationally and internationally.

On 11 October 2020 the protesters released a five-point demand (styled #5for5) that centred on tackling the scourge of police brutality. The demands were (i) the immediate release of all arrested protesters; (ii) justice for all deceased victims of police brutality and appropriate compensation for their families; (iii) the setting up of an independent body to oversee the investigation and prosecution of all reports of police misconduct (within 10 days); (iv) in line with the new Police Act, psychological evaluation and retraining (to be confirmed by an independent body) of all disbanded SARS officers before they can be redeployed; and (v) an increase in police salaries so that they are adequately compensated for protecting the lives

47 V Obia 'EndSARS, a unique Twittersphere and social media regulation in Nigeria' 11 November 2020, <https://blogs.lse.ac.uk/medialse/2020/11/11/endsars-a-unique-tittersphere-and-social-media-regulation-in-nigeria/> (accessed 27 November 2021).

48 O Ojewale 'Youth protests for police reform in Nigeria: What lies ahead for #EndSARS' 2020, <https://www.brookings.edu/blog/africa-in-focus/2020/10/29/youth-protests-for-police-reform-in-nigeria-what-lies-ahead-for-endsars/> (accessed 3 December 2021).

49 As above.

and property of citizens.<sup>50</sup> The demands were accepted by the federal government and, as part of an immediate response, SARS was disbanded but quickly replaced with a new unit called the Special Weapons and Tactics (SWAT) Unit. State governments were directed to set up judicial panels to investigate human rights abuses by SARS and compensate victims, and many detained protesters were released. The Inspector-General of Police announced plans to subject SARS officials to psychological evaluation, among other reforms. There were also indications that the salaries of police officers would be increased as promised. However, the protesters rejected the establishment of SWAT, regarding it as only a change of name for SARS. Possibly elated by the rapid acceptance and response, or merely adamant that the time to reform Nigeria had come, the protesters subsequently tabled before the federal government a seven-point demand (#7for7) aimed at correcting the many ills in governance and society. The subsequent demands were (i) institutional reforms (security); (ii) cost of governance; (iii) constitutional reforms; (iv) education reforms; (v) health reforms; (vi) youth development reforms; and (vii) public office reforms.<sup>51</sup>

During the course of the protest, hoodlums suspected to be sponsored by the government hijacked the protest across cities in Nigeria.<sup>52</sup> The hoodlums wreaked havoc on protesters, public buildings and private businesses, and orchestrated several jailbreaks, all in a bid to deter the protesters and disrupt the protest. Undeterred by the attacks, the protesters continued with the protest, but before the #7for7 demands could be officially accepted or rejected, the protest was terminated by military repression on 20 October 2020, a day now referred to as 'Black Tuesday'.<sup>53</sup> On Black Tuesday, hundreds of protesters gathered as usual at the Lekki tollgate in Lagos to stage a peaceful sit-in. The State Governor, Babajide Sanwo-Olu, announced a state-wide curfew starting at 16:00, but later rescheduled to start

50 T Daka 'FG okays #EndSARS protesters' "5for5" demands' 13 October 2020, <https://guardian.ng/news/fg-okays-endsars-protesters-5for5-demands/> (accessed 6 November 2020).

51 PM News Editor '#EndSARS protesters widen demands: It's now #7for7' 16 October 2020, <https://pmnewsnigeria.com/2020/10/16/endsars-protesters-widen-demands-its-now-7for7> (accessed 7 November 2020).

52 SaharaReporters 'Breaking: Again, government-sponsored thugs attack #EndSARS protesters in Lagos' 15 October 2020, <https://saharareporters.com/2020/10/15/breaking-again-government-sponsored-thugs-attack-endsars-protesters-lagos> (accessed 20 November 2020); S Mbamalu 'Nigerian government accused of hiring hoodlums to attack protesters' 15 October 2020, <https://thisisafrica.me/politics-and-society/endsars-nigerian-govt-hires-hoodlums-to-attack-protesters/> (accessed 27 December 2020).

53 CB Okoye 'Democracy and right to freedom of expression: A case study on the Nigerian youth protest on police brutality' (2021) 11 *Open Journal of Political Science* 35.



at 21:00.<sup>54</sup> Between 18:30 and 19:00, military officials arrived at the scene in about five trucks, surrounded the protesters, and fired live ammunition at peaceful, unarmed and defenceless protesters who were singing the Nigerian anthem and waving the Nigerian flag.<sup>55</sup> At least 15 people were said to have been killed and their bodies taken away by the military. A few moments after the military left, approximately 15 police officers reportedly arrived at the scene and shot at some of the remaining protesters.<sup>56</sup> This incident on Black Tuesday is usually termed the 'Lekki massacre'. The Nigerian army initially categorically denied the allegation of firing live ammunition at the protesters, but subsequently claimed that only blank bullets were fired and no death was recorded.<sup>57</sup> However, a CNN investigative report and the report of the Lagos State Judicial Panel of Inquiry revealed otherwise. Both reports confirmed that the military had fired live ammunition at unarmed protesters and killed many of them.<sup>58</sup>

Although the federal government almost immediately accepted the #5for5 demands of the protesters and initiated moves to fulfil its promises,<sup>59</sup> its response to the protest and the demands was not entirely positive. Before the military repression, which reportedly had the backing of government, the announcement of government's commitment towards justice and accountability during the protest was simultaneously followed by attacks on peaceful protesters by security forces. Between 8 and 20 October 2020 security forces

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- 54 I Adediran 'EndSARS: Lagos imposes 24-hour curfew' 20 October 2020, <https://www.premiumtimesng.com/news/headlines/421807-endsars-lagos-imposes-24-hour-curfew.html> (accessed 7 November 2020).
- 55 A Ukomadu, A Akwagyiram & L George 'Fires burn in Lagos after Nigerian soldiers shoot anti-police protesters' 21 October, 2020 <https://www.reuters.com/article/ozatp-uk-nigeria-protests-idAFKBN2761DM-OZATP> (accessed 7 November 2020); J Augoye 'Lekki shooting: 15 people killed, soldiers took their bodies away – DJ Switch' 23 October 2020, <https://www.premiumtimesng.com/news/headlines/422689-lekki-shooting-15-people-killed-soldiers-took-their-bodies-away-dj-switch.html> (accessed 7 November 2020).
- 56 N Ibekwe 'Investigation: Bullets, blood and death: Untold story of what happened at Lekki toll gate' 31 October 2020, <https://www.premiumtimesng.com/news/headlines/423823-investigation-bullets-blood-death-untold-story-of-what-happened-at-lekki-toll-gate.html> (accessed 9 November 2020).
- 57 A Olufemi 'EndSARS: Despite contrary evidence, Nigerian army denies shooting at protesters' 21 October 2020, <https://www.premiumtimesng.com/news/headlines/422021-endsars-despite-contrary-evidence-nigerian-army-denies-shooting-at-protesters.html> (accessed 6 November 2020); N Elbagir et al 'Nigerian army admits to having live rounds at Lekki toll gate protests, despite previous denials' 21 October 2020, <https://cnn.com/cnn/2020/11/21/africa/nigeria-shooting-lekki-toll-gate-intl/index.html> (accessed 9 November 2020).
- 58 Lagos State Judicial Panel of Inquiry on Restitution for Victims of SARS-Related Abuses and Other Matters 'Report of Lekki incident investigation of 20th October 2020' 301-303; S Busari et al 'Nigerian judicial panel condemns 2020 Lekki toll gate shooting as "a massacre"' 16 November 2021, <https://edition.cnn.com/2021/11/15/africa/lekki-tollgate-judicial-panel-report-intl/index.html> (accessed 15 December 2021).
- 59 Daka (n 50).

repeatedly and unjustifiably responded with excessive force and arrested dozens of protesters, held them incommunicado for many hours or days, denied them access to lawyers, and filed trumped-up charges against them.<sup>60</sup> The bank accounts of individuals and groups who donated to, received or disbursed funds for the protest were frozen, travel restrictions were placed on supporters, and media houses were fined for using footage from social media in their coverage of the protest.<sup>61</sup>

## 5 Post-protest review of the #EndSARS demands

An evaluation of the #EndSARS demands and responses thereto is necessary in order to ascertain whether there have been significant and sustainable reforms in policing in Nigeria after the protest. This will reveal the effectiveness or otherwise of the protest, and whether or not the goals of the protest have been achieved. Given that the #7for7 demands were neither officially accepted nor rejected, the analysis will be made in respect of the #5for5 demands.

The first demand was for the immediate release of all arrested protesters. On 13 October 2020 the President of Nigeria directed the unconditional release of all detained protesters as well as investigations into human rights violations by former SARS officials. Approximately a month thereafter and following a recommendation by the state Attorney-General, the Lagos state government announced the release of 107 persons who had been taken into custody in police facilities and correctional centres over the #EndSARS protest in the state.<sup>62</sup> In the same month, however, the federal government targeted those who played key roles in the protest by freezing their bank accounts, seizing their travel documents, and carrying out arrests. In February 2021 several youths were arrested while protesting against the reopening of the Lekki toll gate. Years after the protest and in spite of promises by government, several #EndSARS protesters are still languishing in detention.<sup>63</sup>

60 Human Rights Watch (n 46).

61 As above.

62 N Ayitogo 'Analysis: #EndSARS: Five months after, is the Nigerian govt meeting protesters' demands' 17 April 2021, <https://www.premiumtimesng.com/news/headlines/455674-analysis-endsars-five-months-after-is-the-nigerian-govt-meeting-protesters-demands.html> (accessed 26 November 2021); Amnesty International 'Nigeria: Two years on, more than 40 #EndSARS protesters still languishing in jail' 20 October 2022, <https://www.amnesty.org.ng/2022/10/20/nigeria-two-years-on-more-than-40-endsars-protesters-still-languishing-in-jail> (accessed 30 December 2022).

63 E Nnadozie et al 'One year after #EndSARS protest, over 300 still in detention' 19 October 2021, <https://www.vanguardngr.com/2021/10/one-year-after-endsars-protest-over-300-still-in-detention/amp/> (accessed 30 November 2021).

In respect of the second and third demands, state governments set up judicial panels of inquiry to investigate cases of police brutality and compensate victims. However, five states in the north-west region (Sokoto, Zamfara, Kano, Kebbi and Jigawa) and two states in the north-east (Adamawa and Yobe) did not set up panels.<sup>64</sup> Most of the petitioners alleged human rights violations through extra-judicial killings, torture, extortion, harassment, sexual and gender-based violence, illegal and indiscriminate arrests, illegal detention, and abuse of power by the police and other security agencies.<sup>65</sup> While questions about the competence of some panels have arisen, most of the panels limited the number of petitions to be received and heard, some have been inconsistent in their duties, some have been frustrated by security officials who dishonour subpoenas to appear before the panels, others have relied heavily on legal technicalities to the disadvantage of petitioners, and some have entertained petitions in the absence of legal counsel amidst general distrust by the citizenry.<sup>66</sup> While some states have paid or initiated processes to pay compensations to victims of police brutality, others are yet to do the same. Although the steps towards compensation are commendable, the fact remains that compensation cannot make up for the lives lost, injuries sustained, trauma experienced, and properties destroyed at the hands of SARS and other police officers, irrespective of the amount awarded or paid.

The fourth demand was the psychological evaluation and retraining of all disbanded SARS officers before their redeployment. Two days after the disbandment, officers who served under the defunct SARS unit were directed by the Inspector-General of Police to report to the force headquarters, Abuja, for debriefing and psychological examination. The National Economic Council subsequently recommended psychiatric evaluation and drug tests for recruits into arms-bearing security agencies before and after enlistment. Years later, these recommendations appear to be mere wishes as there is no evidence of implementation. Reports indicate that while police vehicles and personnel are no longer seen in public with the SARS inscription, many believe that members of the defunct unit have been redeployed without any evaluation or sanction where necessary.<sup>67</sup>

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64 Ayitogo (n 62).

65 As above.

66 As above.

67 N Ayitogo & K Yusuf 'EndSARS anniversary: One year after, what has happened to protesters' five-point demand?' 20 October 2021, <https://www.premiumtimesng.com/news/headlines/490594-endsars-anniversary-one-year-after-what-has-happened-to-protesters-five-point-demand.html> (accessed 30 November 2021)

The last demand was an increase in police salaries. The rationale for this demand was that adequate compensation of the police would forestall bribery and the commission of crimes by the police. Thus, in June 2021 President Buhari ordered an increase in the salaries and benefits of the police in an attempt to reform the police force, a policy move that aligned with the #5for5 demand for better funding and welfare for the police.<sup>68</sup> However, an interview with several police officers revealed that nothing had changed in terms of their remuneration and welfare since the #EndSARS protest.<sup>69</sup> The salary structure that was last reviewed in 2019 puts officers' salaries as low as N9 000 for new police recruits, and between N48 000 and N56 000 for police sergeants.<sup>70</sup> On 15 December 2021 the Federal Executive Council approved a 20 per cent salary increase and other incentives for police officers. Although the increment was to take effect from January 2022, as at September 2022 the increment was yet to go into full effect, with many police officers complaining that the 20 per cent raise made little or no difference.<sup>71</sup>

The review has revealed the existence of a common thread that plagues police reforms in Nigeria – a lack of political will to implement and sustain reforms. Pre-EndSARS reform efforts failed primarily due to a lack of political will on the part of government to ensure that recommendations of several constituted committees were effectively considered and applied. The #EndSARS #5for5 demands, which were geared towards extensive police reforms just like previous reform efforts, inevitably suffered the same fate. As the review has shown, although there were initial moves to implement the #5for5 demands, these moves were primarily sustained by the protest. The post-protest period has witnessed lethargy on the part of government to follow through.

## 6 Somersaults, repression, and unabated brutality

Events since the #EndSARS protest have illustrated that there has been no positive change in the way and manner in which policing or

68 T Ibirogba 'EndSARS: One year later, where are we now?' 20 October 2021, <https://culturecustodian.com/endsars-one-year-later-where-are-we-now/> (accessed 30 November 2021)

69 Ayitogo & Yusuf (n 67).

70 D Bamidele 'EndSARS: 1 year after, the Nigerian government is yet to implement its 5 for 5 promises' October 2021, <https://technext.ng/2021/10/21/endsars-1-year-after-the-nigerian-government-is-yet-to-implement-its-5-for-5-promises/> (accessed 30 November 2021).

71 A Adebayo 'FG begins police pay rise implementation, dashes hope on percentage' 1 September 2022, <https://punchng.com/fg-begins-police-pay-rise-implementation-dashes-hope-on-percentage> (accessed 30 November 2022).

law enforcement is carried out in Nigeria. Although the name SARS may no longer be found in the structure or lexicon of the Nigerian police force, its heinous and inhumane practices remain very much alive in the police force, bearing in mind, of course, that officials of the defunct SARS unit have clearly been subsumed into other units of the police and, therefore, are still on the prowl.

20 October 2021 marked the first anniversary of the #EndSARS protest, especially the Lekki massacre. The memorial was marked by a car procession at the Lekki toll gate in honour of those who died on Black Tuesday and as a result of police brutality. Attendees were advised by the organisers to come out in groups and stay in cars for safety purposes.<sup>72</sup> The Lagos State Commissioner of Police, Hakeem Odumosu (as he then was), had earlier warned against the organisation of any protest to mark the anniversary. He cautioned, without deference for the constitutionality of peaceful protests, that the police 'will use all legitimate means within their constitutional power to suppress the planned protest'.<sup>73</sup> The protesters defied the warning and were met with stiff resistance even though they were peaceful. After having arrested a handful of protesters, especially those who arrived early at the venue for the rally, heavily armed police officers swooped on protesters who converged on the scene, trying to get hold of as many as they could while firing tear gas to disperse hundreds of others.<sup>74</sup> Several journalists who were at the venue to cover the memorial were beaten, harassed and arrested.<sup>75</sup>

In its assessment of the state of affairs a year after the #EndSARS protest, Amnesty International noted that no one has been brought to justice for the torture, violence and killings of peaceful protesters, while reports of human rights violations by the police continue. It further noted that despite the gravity of these human rights violations, not a single member of the security forces has been prosecuted.<sup>76</sup> Even worse is the hostility that trailed the report of the Lagos State Judicial Panel of Inquiry as exhibited by the federal government. The

72 A Alade et al 'Anxiety as EndSARS promoters insist on memorial protest' 20 October 2021, <https://dailytrust.com/anxiety-as-endsars-promoters-insist-on-memorial-protest> (accessed 23 November 2021).

73 News24 'Nigeria police warn over new Lagos #EndSARS protests' 11 October 2021, <https://www.news24.com/amp/news24/africa/news/nigeria-police-warn-over-new-lagos-endsars-protests-20211011> (accessed 3 December 2021).

74 D Yusuf 'Nigeria: A police clampdown on #EndSARS protest shows nothing has changed, activists say' 20 October 2021, <https://www.theafricareport.com/138766/nigeria-a-police-clampdown-on-endsars-protest-shows-nothing-has-changed-activists-say/amp/> (accessed 30 November 2021).

75 International Press Centre 'IPC decries attack on journalists and #Endsars activists at one-year anniversary protests' 20 October 2021, <https://www.ipcng.org/2021/10/20/ipc-decries-attack-on-journalists-and-endsars-activists-at-one-year-anniversary-protests/> (accessed 30 November 2021).

76 Yusuf (n 74).

federal government rejected the findings of the Panel by denying the killing of protesters and describing the Report as fake, and one based on social media ‘tales by moonlight’.<sup>77</sup>

In the days, weeks and months leading up to the 2021 #EndSARS memorial, Nigerians were inundated with several reports of police brutality, which confirmed the fears of many that nothing had actually changed in policing since the protest. In February 2021 the police beat up and arrested protesters who gathered at the Lekki toll gate to protest against its reopening.<sup>78</sup> In July police officers attached to the Force Criminal Investigation Department Annex, Alagbon Close, Lagos forcibly extorted N22 000 000 worth of Bitcoin from two young real estate developers.<sup>79</sup> A few months to the memorial, the police in Akwa Ibom state were accused of illegally arresting and beating to death a recent university graduate in a police cell.<sup>80</sup> The police claimed that he died from natural causes, but an autopsy report revealed that the young man had been tortured and had sustained a blunt head injury. About 72 hours to the memorial, a video of police brutality surfaced online. In the viral video, police officers were seen harassing passengers of a commercial vehicle in Kogi state. The officers illegally gained access to a student’s mobile phone, forced him onto a motorcycle, and extorted N25 000 from him at a nearby shop simply because he was in possession of a laptop computer.<sup>81</sup> When questioned by other passengers about their illegal acts, they assaulted the passengers and threatened to ‘spill blood’.

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- 77 BC Onochie, J Baba-Yesufu & S Olumide ‘FG: Lagos #EndSARS report recycled fake news, tales by moonlight’ 24 November 2021, <https://guardian.ng/news/fg-lagos-endsars-report-recycled-fakes-news-tales-by-moonlight/> (accessed 20 December 2021); T Iyare ‘EndSARS: Lagos judicial panel report is tales by moonlight ... Lai Mohammed’ 24 November 2021, <https://www.ndr.org.ng/endsars-lagos-judicial-panel-report-is-tales-by-moonlight-lai-mohammed/> (accessed 15 December 2021).
- 78 A Ukomadu & S Sanni ‘Nigerian police beat, arrest protesters at site of Lekki shootings, witnesses say’ 13 February 2021, <https://torontosun.com/news/world/nigerian-police-beat-arrest-protesters-at-site-of-lekki-shootings-witnesses-say/wcm/fb4c33d3-8370-4505-b914-dff5d2846281/amp/> (accessed 1 December 2021).
- 79 SaharaReporters ‘How Nigerian policemen extorted N22 million worth of Bitcoin from young men at gunpoint in Lagos’ 18 December 2021, <http://saharareporters.com/2021/12/18/how-nigerian-policemen-extorted-n22million-worth-bitcoin-young-men-gunpoint-lagos> (accessed 15 January 2022).
- 80 SaharaReporters ‘Police illegally arrest, beat young Nigerian graduate to death in custody’ 3 September 2021, <https://www.saharareporters.com/2021/09/03/police-illegally-arrest-beat-young-nigerian-graduate-death-custody> (accessed 4 December 2021).
- 81 E Uti ‘Video: Kogi policemen beat passengers for challenging them, threaten to spill blood’ 17 October 2021, <https://fij.ng/article/video-kogi-policemen-beat-passengers-for-challenging-them-threaten-to-spill-blood/> (accessed 15 December 2021).

After the memorial, there were still reports of police brutality and, even worse, of robbery by the police. In December 2021 the Foundation for Investigative Journalism reported how police officers attached to the Igando police station in Lagos state robbed a 21 year-old student of N51 000. The student, who was in possession of a large sum of money, was asked if he was 'aware of how some Nigerian police officers have wasted the lives of many innocent youths'<sup>82</sup> when he resisted the extortion. The Foundation also reported how police officers cumulatively stole N2 487 000 from several Nigerians across the country in December 2021 alone.<sup>83</sup> In its report the Foundation further noted that some police officers, operating as rogues, often make unjustifiable arrests, unlawfully search phones, and plant incriminating items on unsuspecting individuals in order to rob them under the guise of granting bail after their arrest. There also is a report on a criminal team led by a Deputy Superintendent of Police running riot all over Lagos, seizing, framing and extorting innocent citizens, including extorting N32 000 000 worth of Bitcoin from two young men.<sup>84</sup> In 2022 there were several reports of police brutality, including the use of point-of-sale machines by police officers for extortion.<sup>85</sup> On 25 December 2022 a police officer, Drambi Vandí, attached to the Ajiwe police division in Ajah area, Lagos, fatally shot an unarmed and pregnant lawyer, Mrs Omobolanle Raheem. Earlier in the month, a young man who was on his way to buy petrol was also shot dead by an officer from the same police division.<sup>86</sup>

The foregoing accounts, in addition to earlier accounts contained in this article, indubitably reveal a new vista or transmutation from the usual forms of police brutality (such as extra-judicial killings, assault and battery, unlawful detention, coerced confessions, trumped-up

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- 82 E Uti 'Lagos police "rob" student of N50,000 at gunpoint, say they can waste innocent lives' 11 December 2021, <https://fij.ng/article/lagos-police-rob-student-of-n50000-at-gunpoint-say-they-can-waste-innocent-lives/> (accessed 15 January 2022).
- 83 D Ojukwu 'In armed robbery fashion, how police stole over N2.4m from Nigerians in December' 30 December 2021, <https://fij.ng/article/in-armed-robbery-fashion-how-police-stole-over-n2-4m-from-nigerians-in-december/> (accessed 15 January 2022).
- 84 SaharaReporters 'Exclusive: How under fire police officers in Lagos allegedly extorted N32 million worth of Bitcoin from another set of young men at gunpoint' 27 December 2021, [http://saharareporters.com/2021/12/27/exclusive-how-under-fire-police-officers-lagos-allegedly-extorted-n32million-worth?utm\\_source=headtopics&utm\\_medium=news&utm\\_campaign=2021-12-27](http://saharareporters.com/2021/12/27/exclusive-how-under-fire-police-officers-lagos-allegedly-extorted-n32million-worth?utm_source=headtopics&utm_medium=news&utm_campaign=2021-12-27) (accessed 15 January 2022).
- 85 B Abe & J Olaoluwa [Special report] 'Despite EndSARS protest, police harassments persist, use POS for extortion' 21 November 2022, <https://www.icirnigeria.org/special-report-despite-endsars-protest-police-harassment-persist-use-pos-for-extortion/> (accessed 10 January 2023).
- 86 O Adelagun 'Christmas day tragedy: Police officer kills lawyer in Lagos' 26 December 2022, <https://www.premiumtimesng.com/news/top-news/572407-christmas-day-tragedy-police-officer-kills-lawyer-in-lagos.html> (accessed 10 January 2023).

charges, and so forth) to outright armed robbery. This is plausible in view of strong claims to the effect that armed robbers have found their way into the police force and police recruitment camps.<sup>87</sup> Cumulatively, the detailed acts run foul of provisions of the Police Act, such as sections 5(2) and 9(2)(a), which require the compulsory provision of legal services to suspects, accused persons or detainees, and sections 4, 5 and 37 which require the police to respect the rights of suspects, to protect lives and properties of citizens, and to promote and protect fundamental rights.

## 7 Need for reform

The analysis in this article essentially is only a snapshot of the state of affairs in policing and law enforcement in Nigeria. It is clear that the system of policing, law enforcement and even the criminal justice system are in dire straits. Effective and sustainable reforms therefore are pivotal to addressing the issues and challenges identified in the article. An apt starting point would be the de-politicisation and democratisation of policing, law enforcement and the criminal justice system. It has been reiterated that the police in particular have often been used as instruments of state domination, repression and control, and this has been evident in many respects. To enable the system to function properly and also to restore confidence, there must be independence of the police, and non-interference by government. Additionally, it is necessary to decentralise the police force to allow for state policing. This will go a long way towards ensuring that true federalism in terms of policing is practised.

Second, there must be extensive oversight of law enforcement agencies. This would require efficient and effective oversight activities by relevant agencies, the Bar and the bench, and the legislature. Accordingly, stakeholders such as the Police Service Commission (PSC), the Nigerian Bar Association (NBA), the Federal and State Ministries of Justice, the National Human Rights Commission (NHRC), and the Legal Aid Council (LAC), among others, must be alive to their respective responsibilities. Each police station should have a human rights desk manned by officials from the Office of the Public Defender and NBA, and charged with the responsibility of co-processing arrestees and entering their records into a digital

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87 See F Ndubuisi & O Olawale 'Nigeria: Obasanjo: Police recruit armed robbers' 8 March 2004, <https://allafrica.com/stories/200403080753.html> (accessed 5 January 2022); 'K Akinlade 'Like Obasanjo, PSC Chair, Smith confirms armed robbers recruited into Nigeria police' 2 February 2022, <http://crimeworld.com.ng/2022/02/02/like-obasanjo-psc-chair-smith-confirms-armed-robbers-recruited-into-nigeria-police/> (accessed 5 February 2022).



database accessible to the Ministry of Justice, the NBA, judges, and chief magistrates within the jurisdiction.

Transparency, accountability and effective discipline, which are critical to the success of any organisation, clearly are lacking in the Nigerian police force. To ensure that the police force does not degenerate beyond its current state, there is an urgent need to strengthen and sustain internal and external mechanisms for transparency, accountability and discipline. One such mechanism is the adoption of a collective responsibility system in which senior police officers across divisions will be held responsible for the acts of junior officers they supervise. Utilising this approach will go a long way towards stemming the tide of police brutality and recklessness. Every bullet must be accounted for, and police officers must, while on duty, be compulsorily made to wear uniforms with sewn-in names and force numbers (except when on authorised discreet operations), in order to aid easy identification. Orderly room trials of errant police officers should be made to have the mandatory attendance of officials from the NBA, the Ministry of Justice, and other stakeholders so as to guarantee the integrity of proceedings. The reporting system of the police is often marred by bottlenecks and compromises. As the main supervisory and oversight body of the police, the PSC must be alive to its responsibilities in receiving, investigating and dealing with reports/complaints against erring officers. It should create multiple channels for complaints submission, including a nationally accessible toll-free short code, and also set up a national database with detailed reports of police misconduct, geographic location of incidents, the result of investigations, and sanctions enforced. There also is a need for the National Assembly to revisit the Police Act 2020 and to properly clarify the roles and functions of the Police Complaints Response Unit established under the Act.

In addition to the above, the following are also recommended: (a) regular random psychological evaluation and opium tests for police officers; (b) updated police training curriculum, with the emphasis on human rights-based law enforcement; (c) compulsory promotion examinations for police officers based mostly on human rights-based policing, set and graded by the PSC; (d) regular unscheduled visits by the NBA, NHRC and the LAC to police stations across the country; (e) effective implementation of the #5for5 and #7for7 #EndSARS demands; (f) regular retraining and proper funding of the police; (g) consideration of an officer's record of service as criteria for promotion; (h) provision of adequate facilities for policing; and (i) revised police guidelines that should, among others, emphasise human rights-based policing, clearly define what excessive force is,

and authorise excessive force as a last resort and only where there is an imminent threat to life. These recommendations should be enforced across all law enforcement, military and paramilitary organisations in the country, with modifications where necessary. In the final analysis, these recommendations can only be effectively activated and sustained by government's firm and sincere commitment to an improved system of law enforcement.

## 8 Conclusion

Police brutality is a cancer that has eaten deep into the fabric of Nigerian society and has been sustained primarily by impunity and a lack of political will to reform the system of policing, law enforcement and criminal justice. There also is the challenge of a lack of respect for the rule of law and human rights. This article undertook a post-mortem assessment of the #EndSARS protest and police brutality in Nigeria with a view to ascertaining whether or not there has been an end to, a reduction or an increase in the spate of brutality by the Nigerian police since the protest. The article found that there has been no paradigm-changing reform years after the protest, and further found as disturbing the fact that police brutality has continued without let or hindrance. These findings call into question the impact the #EndSARS protest had in terms of putting an end to police brutality in the country. It has been shown that there are a number of potent factors that sustain the heinous practice, government complicity inclusive. It may thus be stated that while the protest expressed beautiful aspirations for the country, the very actors and factors that sustain brutality and other maladies in the country ensured that no significant gains were recorded. These notwithstanding, the protest may be hailed for giving a snapshot of what a united, peaceful and progressive Nigeria looks like, a picture or image that has been the lifelong dream of many. While the task of dealing with the menace of brutality in the police and other security agencies is intractable, it is not insurmountable.