

The state, End SARS protests and human rights violation in Nigeria

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Abstract

In November 2017, there was an online protest against police brutality and highhandedness in Nigeria. By October 2020, the citizens' discontent and dissatisfaction with the activities of the police led to a mass revolt against the institution, specifically against the Special Anti-Robbery Squads (SARS) of the force. The response of the Nigerian state to the protest was total repression and subjugation of the demonstrators. Given the scale of the protest and the government's response, this momentous event has attracted scholarly attention. The extant literature has identified governance deficit, illiteracy of police officers, the dynamics of the political economy and youth activism as factors that fueled the protest. The present study, therefore, explores the character of the state in the post-colonial society as a link towards the understanding of the fundamental issues that triggered the protests. Through the use of

secondary sources of data collection and content analysis, the work found out that there is a trend and pattern of authoritarian governance and violation of human rights by the Nigerian state, which seems to have emanated from the long years of military rule and colonisation. The implication of the foregoing is that the state ought to imbibe democratic ethos as a condition for upholding the fundamental human rights of its citizens.

Keywords: State, EndSARS Protest Theory of state in Post-Colonial Society, human rights.

Introduction

At the beginning of the 21st century, there was the optimism that the century belongs to Africa, having lost the 20th century to rudderless political leadership, worsening economic crisis, corruption, conflicts and failed state syndrome (this was known as Afro-optimism). However, this optimism was diluted with circumspection given different predictions that Africa would still contend with state-induced violence against its citizens in the new millennium. It was predicted that "it is unlikely that Africa will be able to silence the guns by 2020 or by 2023" and that "a high level of riots and protests will continue to be witnessed in Sub-Saharan Africa" (Colliers, 2018: 2). This has been the case in so many African countries, such as the Democratic Republic of the Congo, Central African Republic, Libya, South Africa, Egypt, Nigeria and many others. Ever since the Arab Spring of the 2010s, there has been a reoccurrence of deafening riots and

protests in different African countries. Most of these riots spring up as a result of citizens' discontent with policy implementation and the desperate attempts by political leaders to defend themselves from the authoritarianism of their governments.

Between 2017 and 2020, there were mass protests against police brutality and impunity in Nigeria. Amnesty International notes that there is abundant evidence of police torture of civilians, denying people arrested by the police access to the justice system, the partiality of the judges when administering justice, the inability of the police to address the complaints of the arrested and extrajudicial killings. Worse still, the relevant authorities have refused to investigate and bring to book the police officers who perpetrate these 'crimes' against the people (Amnesty International, 2020). The police also profile and

dehumanize ordinary citizens who they see as criminals simply because they belong to certain groups (e.g., musicians, footballers and those in possession of modern gadgets like phones and cars) (Amuta, 2020). Amid these atrocities, there has been a public outcry against the excesses of police on social media, and by 2017, there was an online protest where about 28 million individuals from home and in the diaspora tweeted with the hashtag #ENDSARS to demand the disbanding of the unit of the police known as Special Anti-Robbery Squads (SARS), which is notorious for its brutality against the people.

The EndSARS protest is equally contextualized within the deteriorating material conditions of life in Nigeria owing to how the government responded to the Covid-19 pandemic. Nigeria confirmed its first positive case of Covid-19 in February 2020 and responded to the global lockdown, which started from Lagos and Abuja, without adequate social provisions. There was an announcement of palliatives, but it was characterized by outright lopsidedness and deliberate mismanagement such that most of the vulnerable people were shortchanged (Eranga, 2020). It is not difficult to imagine the negative impacts of ill-

treatment on the people, given that the Nigerian economy thrives in the informal sector. By the time the news filtered that the SARS had brutalized an individual in Ugheli, Delta State, people began to unleash their anger on the police on social media. As the protest started, many other young Nigerians, especially those from the tech-oriented community, musicians, and other celebrities, shared their own ugly, lamentable experiences from SARS on Twitter, Facebook, WhatsApp and other social media platforms.

The protesters demanded the abolition of SARS, immediate release of all arrested protesters, provisions of appropriate compensation for the families of the victims of police brutality, the establishment of an independent panel of inquiry on police brutality both at the federal and state levels and increasing the salary of police officers. The federal government swiftly had a meeting with the leadership of the National Assembly, the police and the Human Rights Commission and resolved to dissolve, with immediate effect, the notorious police unit and replace it with Special Weapons and Tactics Team (SWAT). It was also resolved that various panels of inquiry should be established at the states and the federal level to investigate people's

complaints against SARS. Some of the panels, like the Lagos state panel, paid some compensation to the victims of police brutality (Vanguard, 12 October 2020). In light of this background, the focus of the analysis is to examine the repercussions of police brutality and impunity, which triggered the recent #EndSARS protest. This work is categorised thus: introduction, conceptualization and theoretical framework, the origin of police in Nigeria, institutional mechanisms of human rights protection, graphic presentation of human rights abuse by SARS in the past and during the #EndSARS protests and concluding remarks.

Conceptual and theoretical considerations

Traditionally, the conceptualization of state has always been seen as either from the liberal or the radical perspective. Generally, liberal scholars assert that the state is a neutral umpire in social class competition. According to Adam Smith (1776, cited in Appadorai (1974), the purpose of the state is to protect society from external violence, injustice and the erection of impartial institutions that moderate human conflicts. Similarly, Lin (1993), cited in Okolie (2008:74), defines the state as a territorial human society

that exercises influence through a government's supreme coercive power over individuals and groups within the state in order to regulate and maintain a general hierarchy of social values and institutions. Ake captured the generic character of the liberal state when he observed that the state is "a specific modality of class domination, a modality in which class domination is autonomized," arguing that the "institutional mechanisms of class domination are constituted in a way that they enjoy independence from society" (Ake, 1985: 105-106,108-109). By this definition, Ake doubted the appropriateness of the notion of the modern state in Africa. He rather saw African states as states in the process of formation. This means that these states have not transcended the peculiar character of traditional societies and have limited penetration of capitalism (Ake, 1985). However, Ibeanu (1993) has refuted Ake's view of autonomy as an essence of the state. He rather sees domination as the essence of the state.

On the other hand, the Marxian mode of analysis arose in opposition to the Anglo-American narrative that the state is a neutral and impartial entity, especially regarding the struggles of the social

classes. Marxism-oriented scholars have essentially seen the state from three different perspectives, namely the instrumentalists, the independents and the institutionalists (Onuoha, 1992). The instrumentalist perspective conjures the idea of state as a tool for accomplishing the interest of the ruling class while the independents view the state as a neutral arbiter in the social class contestation and the institutionalists believe that the state cannot be touched but can be felt by the existence of various organs of the state like the legislature, the executive, the judiciary, the armed forces and education. This idea is driven by Marx's description of the executive of the modern state but as a committee for managing the common affairs of the whole bourgeoisie. However, scholars of third world countries like Alavi (1972), Ake (1985), Ekekwa (1986), amongst others, have expanded this theory of the state. Their assumptions have illuminated the basic characteristics of the state in post-colonial societies and have equally provided enlightenment regarding the state's human rights violations. The basic assumption of the theory is that post-colonial states are products of colonialism and, as such, have followed the developmental patterns dictated by the interest of the imperial masters and their local partners rather

than the interests of the majority of the indigenous population.

At this juncture, it is imperative to examine what causes the state to infringe on the human rights of its citizens, which has been examined in extant literature. In the literature, there are two broad views regarding why the state infringes on the human rights of its citizenry: the natural law view and the positivist view. The natural law view believes that human rights are rights enjoyed by a man which guarantees their humanity. According to this perspective, these rights are intrinsic to man. Implicit in this view is the idea of the universalization of human rights because it is a derivative of the natural law. The doctrine presupposes that there is a point of convergence in various cultures of humanity. In other words, some interrelated norms and conventions bind the human race together no matter their geographical locations (Garcia, 2017). Mehmet (2015) noted that its major assumptions are: that there is a higher law above human law and that it exists whether discovered by man or not. Implicit in the above assumptions is that violations of human rights, whether by state actors or its agents, spring from illiteracy or improper education.

This perspective is best represented by Nzarga's (2014) argument that what causes the police to infringe on the human rights of Nigerians is the illiteracy of the citizens and the police. According to him, many Nigerians are uneducated and do not even know when their rights are being violated, and policemen and military men, owing to corruption and illiteracy, do not even know that some citizens are entitled to some rights. Some policemen and the military entered the force through questionable processes such as forging entry certificates (Nzarga, 2014). Oromareghake, Oluka and Adishi (2018) also argued that the consistent abuse of power by the police is a result of ineptitude and lack of knowledge of the law. Maduka (2014), on his part, conducted a case study of the impact of training on police jobs, using Zone 9, Umuahia, as a unit of analysis. He found out that the police personnel are not adequately trained, while the few who are trained are rarely deployed to their areas of expertise and competency (Maduka, 2014). But the question is, how much knowledge is enough, and to what extent can knowledge (alone) salvage the situation? The Nigerian government's response to the #ENDSARS protests suggests that the SARS brutality is a manifestation of the poor training of the officers. The federal government proposed the retraining of the officers of SWAT, the new department to replace SARS. Several voices (e.g., Aborishade and Obileye, 2018; Maduekwe-ekwe and Obayemi, 2019;

Amnesty International, 2020) believe that the root causes of human rights violations in Nigeria are a combination of wide-ranging factors, namely lack of capacity to conduct criminal investigations, low level of education among police officers, poverty, inadequate manpower and lack of equipment. While the enumerated factors may account for why the security apparatus infringe on the fundamental rights of Nigerians, they appear insufficient in explaining the persistent and reoccurring incidence of authoritarian governance by the Nigerian state.

The second view is the positivist view, otherwise known as the realist view of the law, which is championed by John Austin. According to this view, the law is the order of a sovereign backed by a threat of sanctions in the event of non-compliance (Mehmet, 2015). It sees law as a coercive order created by human communities to protect people from one another and rights as entitlements granted by the law (O'manique, 1992). This notion implies that sanction is attached to the non-compliance of law and that law emanates from the will of the sovereign. It equally gives the impression that the sovereign is above the law since it emanates from him. Expanded further, this view of the law champions the relativity and sociology of law and human rights. Writing on this

matter, Troper (2011, cited in Invernizzi-Accetti, 2017:2) observed that "If the expression 'human rights are meant to designate rights that human beings would possess and exercise independently of the state, or even against it, then from a strictly positivist point of view the question is easily resolved: there are no human rights." Similarly, Dyzenhaus (1992: 83) maintains that "[P]ositivism's slogan 'law is law' is the legal expression of the authoritarian ideology which states that judges have a moral obligation to apply, and citizens to obey, the law whatever its content." This realist interpretation of the law can jeopardize and justify human rights violations. Brodgen (2002, cited in Oromareghake, Oluka and Adishi, 2018) also noted that the "police force is structured organizationally and ideologically to act against the marginal strata."

The Nigerian constitution contains such positivist elements. For instance, the 1999 constitution of Nigeria, section 33, (a), (b) and (c) posits that *a person shall not be regarded as having been deprived of his life if he dies as a result of the use of force to defend any person from unlawful violence, to prevent the escape of a person lawfully detained and suppressing of a riot, insurrection or mutiny.* This

constitutional provision implies that the government has the discretion to determine when the human right has been abused and when it has not. They can kill people in the course of riots and protests and explain that they are relying on the above constitutional provision. Similarly, Kania and Mackey, 1977, cited in Lyle and Esmail, 2016) observed that the use of force by the police might be considered necessary or excessive depending on the police's interpretation.

The same strands of thought are also observed in Idowu (2013) and Amusan and Luqman (2020), who maintain that the roles of the police include serving "as a "buffer between [the] elite and masses" and performing the essential task of operation against the mal-contents of the populace using coercive style and regimentation of social life in suppressing behaviours, actions and orientations that threaten the prevailing social order. Olukayode (2015) also argued that, given the increased spate of terrorism and violence across the globe, countries like Nigeria have resorted to the enforcement of domestic laws to regulate protests and riots in public places, which, as he acknowledged, threatens the basic tenets of democracy. Citing the Public Order Act, which makes it mandatory "for individuals or groups to apply for, and obtain police permit or approval to hold rallies and peaceful assemblies," he submitted that "[W]ith this law, the police commissioner

in a state, acting on the instruction of the governor, is empowered to decide whether a group of people can hold protest demonstrations at all" (Olukayode, 2015:p. 37).

His analysis implies that the violation of human rights in Nigeria is a derivative of the constitution of the land since it is the police officers who decide when the Public Order is flouted or not. In other words, whether people should be allowed to protest is an entitlement that the law confers, and the police officers are allowed to decide the situations that should necessitate protest. If this view is accepted hook, line and sinker, then the future of human rights in Nigeria is very bleak.

In opposition to these prevailing analyses, we maintain that human rights abuse in Nigeria, before, during and after the #ENDSARS protests by the state security services, is a result of the nature of the post-colonial character of the Nigerian state. Post-colonial states are the new nation-states that emerged out of the process of decolonization that intensified after the Second World War. Nigeria came into the orbit of British colonial domination between 1900 and 1960. Colonialism began as a result of the changes in the mode of production in Europe; for example, the emergence of the

industrial revolution, which necessitated the search for commodity goods and the market for refined commodities. As a result of direct political and economic domination by Britain, the Nigerian economy began to reflect the western capitalist economies. Ake (1981) explained how the Nigerian economy became absorbed into the global capitalist enterprise through the monetization of the Nigerian economy, the introduction of a tax system, confiscation of lands from the indigenous populations, disarticulation of the pre-colonial economy and the dependence of the local economy on the metropolitan economy. As a result of this development, many Nigerians, both in the urban and the rural areas, protested the harsh colonial policies. A typical example is the Aba Women Riot of 1929, which was crushed with all the imaginable repression and brutality from the Europeans. There were other pockets of riots and protests against the colonial policies, championed chiefly by a few Nigerians who had travelled abroad to study. Before long, they started to advocate independence. Granted, there was independence in 1960, but it did not amount to a fundamental liberation of Nigerians from the clutches of tyranny. This is because the nationalist petit bourgeoisie who fought for independence

preferred political independence to a fundamental restructuring of the colonial economy (Ake, 1981). The reason is that these nationalists had no recognizable economic base before ascendancy to the political post; and so, they perceived "access to the state and its patronage resources" as the key to their prosperity (Berman, 1998: 330).

Similarly, Alavi (1972) contended that the post-colonial state exhibits many features of the colonial states. According to him, the post-colonial states have a weak and underdeveloped indigenous bourgeoisie. This is because the post-colonial states were not established by the ascendant native bourgeoisie and, as a result, became relatively autonomous, mediating the interest of the metropolitan bourgeoisie, indigenous bourgeoisie and the landlords (Alavi, 1972). Furthermore, since the nationalist petit bourgeoisie are dependent on the superstructure (i.e., politics) to beef up their economic base, the state has become a means of production (Ekekwa, 1986). As a result of this excessive interventionist character of the Nigerian state in the economy, it has limited its autonomy (Ake, 1985), leading the state to inefficiency, wastefulness and misappropriation of the funds entrusted in its care for the citizens. The post-colonial

state thrives in corruption (Beckman, 1988).

What then accounts for the authoritarianism of the Nigerian state, which the police and Nigerian army personify? It is the summation of the characteristics of the post-colonial state. This colonial spirit of the Nigerian state undermines its capacity to discharge the fundamental obligation of the state, which includes guaranteeing the fundamental human rights of its citizenry. Since the nationalist petit bourgeoisie that inherited power from the colonialists see politics as their preeminent profession, there is a "do or die" struggle for political power. The struggle for political power is so fierce that it is likened to war. Even when the political power is secured, it is characterized with "a winner-takes-all situation in which the losers lose everything, and the winner wins everything" (Mbah, Nwangwu and Edeh, 2017: 177). Since preeminent attention is given to using the state institution to acquire wealth, the state security services entrusted with the responsibility of protecting lives disregard their primary duties and see arresting individuals as a means of enriching themselves. This orientation is responsible for the impunity of the dissolved SARS. SARS extorted money from individuals and motorists who

they arrest without a cause to the point that people could no longer bear with it, hence the protests.

Since the Nigerian state is corrupt, inefficient, non-productive, authoritarian, and embezzles money, it follows that the institutions of the state entrusted with the power to protect the lives of people and property would compromise in doing so. Since these institutions are corrupt, it follows that they will likely not arrest the real offenders. As a result, there is a high amount of impunity and a general breakdown of law and order.

In order to intimidate, subjugate and pacify the seemingly belligerent ethnic groups and to fast-track the gains of the indirect rule system, the colonial government adopted the police system as a means of reducing the cost of running the colonial bureaucracy. According to the Police Act of 1943, Section 4 provides five broad functions of the Nigeria Police Force, namely a) crime prevention, b) detection and apprehension of offenders, c) preservation of law and order, d) protection of life and property, and e) enforcement of all laws and regulations with which they are directly charged. These roles cover laws and regulations made by the federal, state and local governments (Nigeria Police Act, 1943) as

cited in (Mmadubike and Obayemi,2019) Apart from these regulatory mechanisms, the 1999 constitution, which ought to serve as the people's document regulating police affairs, is a military manual and contains the seed of police violation of the fundamental human rights of Nigerians (Okonkwo, 2020). In the Police Act, emphasis is placed on the implementation of law and order at the detriment of the citizens' welfare. Until 2020 when the Nigeria Police Act was repealed by the National Assembly, little attention was paid to the authoritarian aspect of the Police Act, which the Nigeria Police inherited from the colonial regimes.

Nigerians perceive the entrenchment of police in the administration of the country as a strong source of force meant to grab the will and the desire of the government in power by force and not to exclusively protect laws and orders and legitimate fundamental human rights as contained in the 1999 constitution of the Federal Republic of Nigeria. Given this, Alemika and Chukwuma (2000,p.3) opined that:

the public regard colonial police forces as their enemy, and as an instrument of violence and subjugation; as extortionists and harbingers of bad news and trouble. The perceptions of police

by the people were grounded in their experience of the use of the military and constabulary forces during the earlier phase of the colonial campaign in various areas of the country."

The Europeans used them to crush all the revolts against their unpopular policies (Zumve, 2020). For instance, there was brutal repression of tax resistance in Lagos in 1903, 1908 and 1915; in Sapele in 1916; in Latok in 1917 and in Aba (i.e., the Aba Women Riot) in 1929 in which 50 women were killed and many more injured (Nnoli, 2011). As Nigeria got its independence, the petit bourgeoisie that replaced the colonial masters continued using the police to suppress people's resistance to harsh post-colonial policies (Nnoli, 2011).

The intensification of the use of force and the violation of the fundamental human rights of the people of Nigeria came to a head during the long years of military rule. This is understandable given that the nature and character of the military as an institution is in dialectical opposition to the institution of democracy under which human rights thrive. While the military addresses an extreme situation and serves as a tool of violence, democracy thrives on consensus and negotiation (Nnoli, 2011).

Given this scenario, the military in government will likely encroach on human rights. The Murtala/Obasanjo regime sacked senior civil servants without due process and threatened people with detention. It also promulgated the Land Use Decree of 1978 that gave the control of the land to the government instead of the people. The regime equally constrained people's right to assembly and banned labour unions from embarking on strikes. In addition, the military regimes of Ibrahim Badamasi Babangida and Sani Abacha performed woefully on the human rights index (Nnoli, 2011). Since the return of Nigeria to democratic practice, the police are alleged to have been involved in the torturing of suspects, extrajudicial killings—there is an almost complete absence of victims protection and a sense of justice (Muller, 2020). Amnesty International (2009) equally reported that the Nigerian police killed about 7,198 armed robbers and injured 575 individuals without proper trial in the year 2000.

Institutional mechanisms of human rights protection in Nigeria

It should be stated that over the years, the fundamental human rights of people have been protected and preserved through various institutional mechanisms. This is because, human rights are rights inherent

to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status", deprivation of which amounts to a denial of justice (<https://www.un.org/en/global-issues/human-rights>). Sagay (2010) observed that there are three great historical antecedents that condition the practice of human rights in various countries of the world, namely the Magna Carta of 1215 in England, the declaration of independence by thirteen American colonies in 1776 and the French Revolution in 1789. The Magna Carta provided that "no freeman shall be taken or imprisoned or deposed or outlawed except by the laws of the land." In England, it is seen as a sacred text against the voices of oppression and tyranny. The same principle is equally found in the preamble of the American constitution, which states that all men are created equal and have certain inalienable rights that the government can protect.

The French Revolution of 1789 differed from the English and American ones because it was aimed at the demolition of an old absolutist system of government and the establishment of a democratic order within the system. Apart from these old documents, there is in recent times the Universal Declaration of Human Rights (UDHR) as a global institutional check

against tyranny (Madubuike-Ekwe & Obayemi, 2019). Its evolution owes much to the desire of humanity not to repeat the barbarism and horrors committed by Nazi Germany against the Jews. The horrors of the international community found expression in the first statements of the UDHR, which recognized the inalienable rights of all members of human families as the foundation of freedom and justice. As a result of this development, fundamental human rights are incorporated into various constitutions of members of the United Nations (UN). For instance, Article 4 of the Constitution of the Federal Republic of Nigeria provides for different kinds of wide-ranging fundamental human rights. And in Article 8 of the constitution, the court is empowered to defend these fundamental human rights as enshrined in the constitution.

Apart from the constitution serving as a bulwark against the abuse of fundamental human rights, there are other agencies, such as the National Human Rights Commission (NHRC), the Public Complaints Commission and the Truth and Reconciliation Commission, established to create an enabling environment for the recognition, promotion and enforcement of human rights, treaty obligations and providing a forum for public

enlightenment and dialogue on human rights issues. These platforms help to limit controversies and confrontations. The NHRC is mandated "to deal with all matters relating to the protection of human rights as guaranteed by the Constitution of the Federal Republic of Nigeria, African Charter, the United Nations Charter and the Universal Declaration on Human Rights and other international treaties on human rights to which Nigeria is a party to its treaty" (Nnamani, 2011).

The Public Complaint Commission has wide powers to inquire into complaints by members of the public concerning the administrative action of any public authority and companies or their officials and others. The Act equally provides that in every case where a commissioner of the commission discovers that a crime may

have been committed by any person, he shall report his findings to the appropriate authority or recommend that the person be prosecuted (Nnamani, 2011). On its own part, the Truth and Reconciliation Commission was originally established in 1999 by the administration of Olusegun Obasanjo to look into the human rights abuse perpetrated by the military regime of Sani Abacha from 1993 to 1998. It was later broadened to include the activities of the past military regimes in connection with human rights abuse. The commission was headed by Chikwudifu Oputa. Before the commission was established, virtually all the agencies of security services in Nigeria were scored low on the issue of human rights. In the same way, all the above-mentioned agencies failed Nigerians on the day they sought help regarding the brutality of police SARS against innocent Nigerians (Amnesty International, 2020).

Table1: Constitutional fundamental human rights that were violated before and during the #EndSars protest

Freedom of Expression	Section 39 CFRN; art 9 ACHPR art 19 UDHR	These provisions grant every Nigerian the freedom to receive and express their opinions, ideas and information. It also grants them the right to establish and operate any medium used in disseminating information in Nigeria subject to the regulations of wireless broadcast.
Right to Life	Section 33 CFRN; art 4 ACHPR; art 3 UDHR.	Everyone has a right to life, and no one must be deprived of his life intentionally. The exceptions to this right are: 1) a valid death sentence by a court of law; 2) where a person dies during the use of reasonable force while engaging in self-defence, and 3) where a person dies while affecting a lawful arrest or suppressing a riot, mutiny or insurrection provided reasonable force is used.
Freedom of Association	Section 40 CFRN; art 10 and 11 ACHPR; art 17 and 20 UDHR.	Every Nigerian is entitled to form or join any association of people in Nigeria in support of his interest.
Right to Dignity of Life	Section 34 CFRN; art 4 ACHPR; art 1, 4, 5 and 6 UDHR	Every individual is entitled to dignity and respect. He is entitled to be free from slavery and torture
Right to Liberty	Section 35 CFRN	Every Nigerian has the right to personal liberty, and no person should be deprived of this right except 1) in the execution of a criminal sentence by a court of law; 2) for failure to comply with an order of a court; 3) in bringing him before a court; 4) in preventing him from committing an offence; 5) where he is reasonably suspected of committing an offence; and 6) for care and treatment for persons with infectious disease, unsound mind or addictions.
Freedom of Movement	Section 41 CFRN; art 12 ACHPR; art 13 UDHR.	Every Nigerian has the right to move anywhere in Nigeria. This right, however, does not apply where a person has been lawfully sentenced to imprisonment or restricted by a court of law.

Source: Adopted from Chisom (2021)

Empirical incidences of SARS brutalities on Nigerians before the #EndSARS protest

As can be observed from Table 1 above, everyone has a right to life, and no one must be deprived of his life intentionally. Table 2 also contains records of so many deaths, ranging from those dying in the custody of police in various police stations to those who died by stray bullets from the police without any compensation from the police authority.

The data in the table also reveal that it was

the youthful population that participated in the #EndSARS protest. All of the casualties were the young ones who were still in the bloom of their youth. The protest participants had the belief that it is their age bracket that bore the most attack from the SARS, and so a fight for the dead was a fight for their protection. And most tellingly, the data reveal a southern geographical bias, thus amplifying the rationale behind northern lethargy against the #EndSARS protest.

Table 2: Victims of SARS and Human Rights Abuse before the #EndSARS Protest

Names of Victims	Age	State	Date Killed	Nature of Death
Daniel Adewuyi Tella	27	Lagos	07/02/2006	Graduate of Banking and Finance arrested on his way home in FESTAC. Died in police custody
Godgift Ferguson Ekerete	24	Rivers	03/07/2008	Killed in Mile One Police Station in Port Harcourt
Tony Oruama	21	Rivers	03/07/2008	Killed in Mile One Police Station in Port Harcourt
Harry Ataria	26	Rivers	03/07/2008	Killed in Mile One Police Station in Port Harcourt
Mbakwe Oruama	20	Rivers	03/07/2008	Killed in Mile One Police Station in Port Harcourt
Emmanuel Egbo	15	Enugu	25/09/ 2008	Playing with his fellow children and was unarmed when killed by SARS
Chika Ibeku	29	Rivers	09/04/2009	First arrested and detained at Omoku Police station, then transferred to Port Harcourt. To date, their whereabouts is unknown
Gabriel Ejoor	23	Rivers	09/04/2009	Arrested with Chika Ibeku
Precious Odua	21	Rivers	09/04/2009	Arrested with Chika Ibeku
Owoicho	29	Rivers	09/04/2009	Arrested with Chika Ibeku
Christian Onuigbo	28	Abuja		Shot by the police while parking his car in Jiwa
Kolade Johnson	22	Lagos	31/03/2019	Killed by police stray bullet
Mus'ab Sammani	22	Kano	4/12/2019	Shoot by the police over an argument between him and a Keke driver that bashed his car
Chima	N/A	Rivers	23/12/2019	Arrested by the police in Port Harcourt and was tortured to death
Kazeem Tiamiyu	21	Ogun	22/02/2020	Assistant Captain of Remo Stars Football Club harassed and killed by SARS

Tina Ezekwe	16	Lagos	14/05/2020	Secondary school student that was shot and killed by two police officers at the Iyana-Oworo area of Lagos State
Chibuike Daniel Ikeaguchi	20	Rivers	19/09/2020	Upcoming music artiste. Went to visit his friend at Elemenwo area of Obio Akpor Rivers State but was killed by SARS on his return

Source: Adopted from the reports of Amnesty International (2006, 2008, 2009, 2018, 2019 & 2020) and prepared by the authors.

Table 3: Victims of #EndSARS Protest and Abuse of Human Rights during the Protest

Names of Victims	Source	State	Date Killed	Nature of Death
Unnamed	Harvard Human Right Review	Delta	3/10/20	Report of the unprovoked shooting of a boy on the street of Delta State, whose care was snatched by SARS official
Jimoh Isiaka	Human Right Watch	Oyo	10/10/20	He was killed by a stray bullet while the police were dispersing protesters in Ogbomosho
Unnamed	Vanguard Newspaper	Ondo	11/10/20	The police shot tear gas and live bullets to disperse protesters, killing about 4 persons
Unnamed	Amnesty International	All	12/10/20	Amnesty International reported that the police killed about 10 persons in one week during the protest
Unnamed	Nairametrics	Abuja	12/10/2020	As the protesters were heading towards Force HQ, the police attacked them using teargas, water cannons and gunshots,

				slashing car tyres, seized phones and arrested others
Unnamed	Nairametrics	Rivers	12/10/20	The banning of protest by Governor Nyesom Wike, thus stopping the planned protest on Tuesday of that week
Unnamed	Nairametrics	Lagos	13/10/20	As the police dispersed protesters in Surulere, 1 person was killed, and others were arrested and kept in police stations
Unnamed	ThisDay Newspaper	Abuja	14/10/20	An order from the CBN to various banks not to allow their platforms to be used for raising funds
Unnamed	ThisDay Newspaper	Abuja	15/10/20	The announcement by the Federal Capital Territory Administration that all demonstrations have been banned after a wave of #EndSARS protests in various cities
Unnamed	Nairametrics	Lagos	20/10/20	Peaceful protesters were allegedly shot at by the Nigerian military at the Lekki Tollgate, in which 49 persons were alleged to be killed
Unnamed woman	Human Rights Watch	Oyo		A woman was severely beaten by a stick by the police, fracturing her skull
Ikechukwu Ilohamauzo	HRW		12/10/20	Police opened gunfire to disperse protesters, killing 55-year-old IK
Unnamed	HRW		12/10/20	Police arrested dozens of protesters, who were refused access to their

				lawyers but were released following the intervention of some prominent political office holders
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The data in Table 3 show that what triggered the protest was the report of the unprovoked shooting of a boy in Delta State and the snatching of his car by the SARS official. The table also reveals the application of live bullets by the police to disperse protests in contradistinction to various human rights principles and rules of engagement between the police and the people. And as in the cases of SARS brutalities before the 2020 protests, the youthful population bore the larger consequences of the brutalities. During the protests in Lagos State, the protesters were at Lekki Toll Gate, demanding the dissolution of SARS when the military came and opened fire on the demonstrators. There are different accounts regarding the number of people that died (*Premium Times*, 27 November 2020). Apart from the brutalization of the protesters at Lekki, it has been established that the police used live bullets to quell the crisis. According to General Ahmad Taiwo, Commander of 81 Military Intelligence, Victoria Island, the majority of bullets used by the soldiers during the protest was live bullets. There was also the killing of Jimoh Isiaka in Oyo state and

others in various states by the police, as reported by Human Rights Watch (2020). As the above tables have shown, the constitution bequeaths on the citizens the right to freedom of association, freedom of movement, freedom of expression, right to life, right to dignity of life and right to liberty, but the government trampled upon them before, during and even after the #EndSARS protests.

Conclusion

We have demonstrated that the brutality of the Nigerian police, or specifically the Special Anti-Robbery Squads (SARS), is not a spur of the moment action or a spontaneous event; rather, it is a pattern and routine that is traceable to the colonial orientation of the Nigerian police and the nature of post-colonial character of the Nigerian state. We highlighted how the contents of the Nigeria Police Act and the Public Order Act infringe on the fundamental human right of the citizens, who decided to express their dissatisfaction with the situation through protests. In addition, the study demonstrated the ignoble role of the police in wasting the lives of some youths,

which triggered the #EndSARS protests, a situation that, ironically, continued during the protest. The study was a departure from extant analyses of the #EndSARS protest because through the theory of the state in a post-colonial society, with its major assumption of state's interventionist character, weak economic base, corruption and embezzlement of funds and dependency, the study narrowed the explanation down to the action and inaction of the government functionaries, especially those wielding the apparatus of force whose quest for the material gains compromise their constitutional job specifications as agents for the protection of people's fundamental human rights.

There is, therefore, the need to reorient the police about their job specifications and

the inalienable entitlements of all humanity to these rights despite their race, geography, material wealth and the disposition of those at the helm of affairs. The government can start this by recruiting those who have a passion for humanity into the police force and establishing a retraining process that periodically appraises the state of human rights compliance among police officers. There is the need also for the youth to develop a different negotiating skill other than protests and to apply restraint under provocation, given that the greater percentage of those who have lost their lives before, during and after the protests are the youth. Finally, when those who govern the masses follow the spirit and letters of the constitution, it will lessen the antagonism between the governors and the governed.

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