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## **#EndSARS: The movement against police brutality in Nigeria**

Since the start of October, demonstrators in the thousands have thronged Nigerian cities, calling for an end to police brutality in the country and demanding justice for victims of police violence and extrajudicial killings. The #EndSARS protests have elicited global sympathy and support, with world leaders such as United Nations Secretary-General António Guterres and United States Secretary of State Mike Pompeo tweeting in support. Other political figures and celebrities have also used the hashtag or referenced the movement to either support the protests or demand an end to the government crackdown on protestors. These include former United States Secretary of State Hillary Clinton, U.S. president-elect Joe Biden, boxing heavyweight champion Anthony Joshua, Arsenal footballer Mesut Ozil, and American rapper Kanye West. For several days in October, the hashtag #EndSARS was the number one trending topic on global Twitter with Twitter CEO Jack Dorsey launching a special emoji for the movement.<sup>1</sup>

### **What is #EndSARS?**

#EndSARS started as a call for the disbandment of Nigeria's Special Anti-Robbery Squad (SARS), a unit of the Nigerian Police Force that has earned notoriety for its brutality and human rights violations. It was first used in 2018 to raise awareness of allegations of violence and exploitation by SARS officials.<sup>2</sup> The government announced structural changes to SARS but the alleged human rights violations and exploitation continued. In October 2020, reports of an unprovoked shooting of a boy in the streets of Delta State by SARS operatives were shared on social media.<sup>3</sup> Although the Nigerian Police denied the shooting in this particular case, it was not enough to quell public anger as more videos of police shootings were shared across social media platforms. Celebrities and activists rallied for support on Twitter, Instagram, and Facebook and, in a matter of days, protesters lined the streets of Lagos and Abuja demanding an end to SARS. Pressured by the publicity that the protests had generated, the Nigerian government swiftly announced the disbandment of SARS. This move, however, was not enough to appease the protesters in light of similar pronouncements made previously by the government. For instance, in December 2017, the Inspector General of Police (IGP) announced that SARS had been banned from conducting stop and search operations following several reports of harassment. This ban was publicly re-announced by the IGP in 2018 and 2020, reflecting the ineffectiveness of previous orders. Similarly, in 2018, Nigeria's acting president announced an overhaul of SARS, stating that the National Human Rights Commission would investigate cases of abuse. This statement was followed shortly by the announcement of a centralised FSARS (Federal Special Anti-Robbery Squad) which would come under the supervision of the Inspector General of Police as opposed to the previous version which was under state Commissioners of Police. Mere weeks later, the IGP announced the disbandment of FSARS, stating that the unit would go back to being decentralised and under the command of state commissioners.<sup>4</sup> In light of past practices and disappointments, protestors added to their list of demands, calling for compensation of victims of SARS brutality, retraining of police officers, and trials of indicted SARS officials.

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<sup>1</sup> Magdalene Larnyoh, *Twitter unveils emoji in support of #EndSARS protests*, Business Insider Africa (October 16, 2020), <https://africa.businessinsider.com/local/lifestyle/twitter-unveils-emoji-in-support-of-endsars-protests/7emvggn>.

<sup>2</sup> *End Swat: Nigerians reject police unit replacing hated Sars*, BBC News (October 14, 2020), <https://www.bbc.co.uk/news/world-africa-54531449>.

<sup>3</sup> *End Sars: How Nigeria's anti-police brutality protests went global*, BBC News (October 16, 2020), <https://www.bbc.co.uk/news/world-africa-54575219>.

<sup>4</sup> See Jacob Olatunji et al., *For fourth time in four years IGPs ban SARS*, Daily Tribune (October 5, 2020), <https://tribuneonline.ng.com/for-fourth-time-in-4-years-igps-ban-sars>; *Nigeria: Authorities repeatedly failing to tackle impunity enjoyed by notorious SARS police unit*, Amnesty International (October 6, 2020), <https://www.amnesty.org/en/latest/news/2020/10/nigeria-authorities-repeatedly-failing-to-tackle-impunity-enjoyed-by-notorious-sars-police-unit/>.

## Human Rights Violations by SARS

SARS was created in 1992 as a response to violent crime, particularly armed robbery. However, the police unit has come to be known for its high-handed tactics and gross violations of human rights.<sup>5</sup> Transgressions cut across a range of human rights including the right to life, freedom from torture, right to a fair trial, right to privacy, and freedom of assembly, all of which are rights protected by the Nigerian constitution.

### a. Right to Life

Violations of the right to life have come in various forms such as extrajudicial killings, shooting of protesters, and other random, unprovoked killings. The Open Society Justice Initiative (OSJI) found in a 2010 report that extrajudicial executions are a routine feature of policing in Nigeria.<sup>6</sup> Human Rights Watch estimates that over 10,000 people were killed by the Nigerian police in the eight years spanning 2000 through 2007.<sup>7</sup> The head of the Enugu State division of SARS allegedly told a researcher of the Network on Police Reform in Nigeria that he ordered the extrajudicial executions of only persons whom he knew to be guilty.<sup>8</sup>

These killings do not always happen secretly, hidden away in police cells and dungeons. In August 2019, videos surfaced showing men of the Nigerian police force executing arrested suspects in the streets of Lagos.<sup>9</sup> The suspects were alleged to belong to a criminal ring that disguised themselves as phone buyers to lure and rob unsuspecting victims. The police arrested two of the suspects, only to have their summary execution recorded shortly after. Amateur clips of the police shooting the victims in the full glare of the public went viral. In reaction, the Nigerian police announced the arrest of the officers involved.<sup>10</sup>

### b. Freedom from torture

SARS personnel have also been known to routinely torture suspects for “confessions.” The OSJI report states that the practice is so common that many police stations have a person on staff who oversees the torture of detainees and a room set aside for the practice; police personnel even have their own slang for various methods of torture.<sup>11</sup> Amnesty International has also documented cases of torture, most of which emanate from detainees in SARS custody.<sup>12</sup> The police use various forms of brutality, including sexual violence, against detainees and suspects.<sup>13</sup> Some former detainees report having been bound and suspended mid-air in painful positions, kicked and beaten with machetes, gun butts, boots, fists, electrical wires, animal hides, and other instruments.<sup>14</sup> Others describe being shot in limbs, assaulted by police officers while in custody, suffering multiple fractures, or being forced to perform painful

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<sup>5</sup> See *Criminal force: Torture, abuse, and extrajudicial killings by the Nigerian Police Force*, Open Society Justice Initiative (2010), <https://www.justiceinitiative.org/uploads/8063279c-2fe8-48d4-8a17-54be8ee90c9d/criminal-force-20100519.pdf>; *You have signed your death warrant’: Torture and other ill treatment by Nigeria’s SARS*, Amnesty International (2016), <https://www.amnesty.org/download/Documents/AFR4448682016ENGLISH.PDF>

<sup>6</sup> Open Society Justice Initiative, *supra* note 5.

<sup>7</sup> *Nigeria: Investigate Widespread Killings by Police*, Human Rights Watch (November 18, 2007), <https://www.hrw.org/news/2007/11/18/nigeria-investigate-widespread-killings-police>.

<sup>8</sup> Open Society Justice Initiative, *supra* note 5 at 22.

<sup>9</sup> Samson Folarin, *Policemen shoot dead suspected phone thieves in Lagos*, Punch Newspaper (August 20, 2019), <https://punchng.com/sars-operatives-shoot-dead-suspected-phone-thieves-in-lagos/>.

<sup>10</sup> *Id.*

<sup>11</sup> Open Society Justice Initiative, *supra* note 5 at 12.

<sup>12</sup> *You have signed your death warrant’: Torture and other ill treatment by Nigeria’s SARS*, Amnesty International (2016), <https://www.amnesty.org/download/Documents/AFR4448682016ENGLISH.PDF>.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

calisthenics. Sex workers in particular report being rounded up by the police to be raped.<sup>15</sup> Acknowledging the routine nature of sexual violence by police, one police officer referred to it simply as a “fringe benefit” of certain patrols.<sup>16</sup>

In February 2020, BBC Africa published a damning documentary on the use of torture techniques by Nigerian security forces.<sup>17</sup> The video focused on the wide and uniform use of a technique known as Tabay. The technique involves binding detainees in a crude and painful fashion: the arms are forced back and tied at the elbows, cutting circulation to the hands and immobilising the victim. The feet are then tied back, arching the spine and contorting the body into a triangle. Victims can be suspended, forcing the full weight of the body onto the arms. A heavy block, usually wood or concrete, is often placed on the victim’s back to intensify the pain. The documentary implicated several arms of the Nigerian security forces including the Nigerian Army, the Nigerian Mobile Police, the Nigerian Air Force, the Nigerian Security and Civil Defense Corps and, of course, the notorious Special Anti-Robbery Squad. In the documentary, a man identified as a Nigerian police officer gives a harrowing account of the use of Tabay by SARS: “They call it ‘Hawan Keke’ (bicycle ride). I have witnessed it often. The room is dark. Your hands are tied up from behind. If it is not tight enough, the elbows are tied in a way that stops the blood from circulating. Your legs are tied to a chair so you cannot move. Then they torture you in whatever way they want [either by beating or electrocution] ... wherever you go in Nigeria, if there’s a SARS office in that state, then they have that kind of room.”

### **c. Right to Liberty**

SARS, as well as other units of the Nigerian Police, routinely lock up suspects, sometimes for years, without trial. The average length of pre-trial detention in Nigeria is three years and ten months.<sup>18</sup> Such prolonged detentions are usually done through the use of a “holding charge,” whereby the police bring a charge against an accused before a lower court lacking jurisdiction to try the offence, pending advice from the Director of Public Prosecutions. The Nigerian Court has held this practice to be unconstitutional, though the practice persists.<sup>19</sup>

### **d. Right to privacy and family life**

SARS personnel, ironically hired to tackle violent crimes, have recently assumed the mandate of fishing out so-called “Yahoo boys” (internet fraudsters). This they do by stopping mainly young men in the streets and demanding to go through their phones. Mere ownership of an iPhone is enough to make one a suspect. Victims have reported being arrested for owning iPhones and laptops or for refusing to grant the police access to their phones.<sup>20</sup>

## **The government’s response**

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<sup>15</sup> Abraham Achirga, Reuters, Nigerian police accused of abusing prostitution suspects (May 6, 2019) <https://www.reuters.com/article/us-nigeria-police-women-idUSKCN1SC1KD>.

<sup>16</sup> Open Society Justice Initiative, *supra* note 5 at 22.

<sup>17</sup> BBC News Africa, The Torture Virus: Tabay 'rampant' among Nigeria’s security forces - BBC Africa Eye documentary <https://www.youtube.com/watch?v=AzqP7z62iIU&t=26s&bpctr=1603329234>.

<sup>18</sup> Open Society Justice Initiative, *supra* note 5 at 7.

<sup>19</sup> *See* Shagari v Commissioner of Police, 5 NWLR 275 (Appeal Court:2007).

<sup>20</sup> Peace Hyde, Forbes Africa, Nigeria dissolves SARS but the youth demand justice (Oct. 13, 2020) <https://www.forbesafrica.com/current-affairs/2020/10/13/nigeria-dissolves-sars-but-the-youth-demand-justice/>.

In response to the #EndSARS protests, the government swiftly announced that it was disbanding SARS and replacing it with a new Special Weapons and Tactics (SWAT) team. This announcement further provoked protestors who were concerned that SARS personnel would simply be drafted into the new SWAT team. Rather than ending the protests, the announcement intensified public demonstrations across several states in Nigeria. On October 20, 2020, the Nigerian government cracked down on the protesters. The crackdown was preceded by the declaration of curfews in nine states across the country. One of these states was Lagos, the commercial hub of Nigeria. At nightfall, the Nigerian army opened fire on peaceful protesters at Lekki Toll Gate, Lagos, the symbolic centre of the protest. Videos of soldiers shooting and protesters trying to revive fallen compatriots were broadcast on Instagram Live and viewed in real time by hundreds of thousands. Forty-nine persons were reported to have died in clashes across the country.<sup>21</sup>

### **Immediate aftermath**

The police crackdown was followed by riots in Lagos with government structures razed and shops looted.<sup>22</sup> The violence and looting soon spread to other parts of the country, causing several states to declare curfews. Media outlets reported that “hoodlums” had hijacked the protests and were looting stores and malls.<sup>23</sup> Several warehouses across the country housing COVID-19 relief materials were raided.<sup>24</sup> The looting of stores for food again brought to the forefront the economic plight of many Nigerians—in 2018, Nigeria was reported to have overtaken India as the poverty capital of the world with an estimated 90 million people (about 50% of the population) living in extreme poverty, i.e. on less than \$1.90 a day.<sup>25</sup> Critics faulted the government for simply storing relief materials and failing to distribute them to the needy.<sup>26</sup>

### **A human rights solution**

#EndSARS has morphed from a protest against police brutality to a movement for social justice and government reforms. Indeed, the protests have been described as a “vector” for broader dissatisfaction with Nigeria’s political class.<sup>27</sup> Protests and riots have continued unabated for weeks. The important issue moving forward is how to adequately address the issues raised by the protesters as well as those that have unravelled during the protests. The disbandment of SARS and restitution of victims are necessary starting points. The people, as shown through their dissatisfaction with the mere disbandment of SARS, are calling for more. The government needs to develop a human rights policy approach to

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<sup>21</sup> Punch Newspaper, Black Tuesday: 49 killed as protests turn bloody (Oct.21, 2020) <https://punchng.com/black-tuesday-49-killed-as-protests-turn-bloody/>.

<sup>22</sup> Timilehin Omilana, Independent, I pretended I was dead (Oct. 23, 2020) <https://www.independent.co.uk/news/world/africa/nigeria-protests-end-sars-lagos-riot-looting-b1228242.html>.

<sup>23</sup> Taiwo-Hassan Adebayo, Premium Times, Looting across Nigeria as arsonists, hoodlums, thieves, take control (Oct. 25, 2020) <https://www.premiumtimesng.com/news/headlines/422994-looting-across-nigeria-as-arsonists-hoodlums-thieves-take-control.html>.

<sup>24</sup> Vanguard Newspaper, #EndSARS: Looting spree in nine states (Oct. 25, 2020) <https://www.vanguardngr.com/2020/10/endsars-looting-sprees-in-nine-states/>.

<sup>25</sup> Bukola Adebayo, CNN, Nigeria overtakes India in extreme poverty ranking (June 26, 2018) <https://edition.cnn.com/2018/06/26/africa/nigeria-overtakes-india-extreme-poverty-intl/index.html>.

<sup>26</sup> Olorunwa Lawal, News Central, SERAP Asks ICPC To Probe Alleged Hoarding Of COVID-19 Palliatives In Nigeria, (Oct. 26, 2020) <https://newscentral.africa/serap-asks-icpc-to-probe-alleged-hoarding-of-covid-19-palliatives-in-nigeria/>.

<sup>27</sup> Chris Ogunmodede, World Politics Review, How the #EndSars movement upended politics as usual in Nigeria (Oct. 28, 2020) <https://www.worldpoliticsreview.com/articles/29170/how-the-endsars-movement-upended-nigerian-politics>.

addressing these issues. Firstly, there is the need to address the systemic abuse of civil and political rights by the police and other government agencies. The government needs to commence intensive human rights training for all law enforcement officers. Officers should also be regularly appraised on their human rights compliance and erring officers prosecuted. In order to effectively protect the rights to life and freedom from torture, the government must ensure that it treats reports of violence, torture, and extrajudicial killings with the gravity they deserve. Such reports must be duly investigated through transparent means such as public inquiries and inquests, and victims should be adequately compensated. On the right to fair trial, the government must also initiate reforms to ensure that suspects are not detained without trial. The right to privacy can also be better protected by the government taking a clear stand on routine stop and search operations which appear to be an avenue for extortion by the police.

This human rights approach may also be extended to address calls for social justice that have trailed the protests, especially in the aftermath of massive lootings across the country. The Nigerian government can respond to these calls by working to protect basic socioeconomic rights. As things stand, the oil-rich Nigerian state is shielded from any form of judicial accountability by the provision in Chapter II of the country's constitution which states that socioeconomic rights are mere "objectives" and "directive principles."<sup>28</sup> Indeed the Nigerian Court of Appeal has interpreted this provision as meaning that socioeconomic rights are not legally enforceable and that the "arbiter" for any breach would be the legislature or the electorate.<sup>29</sup> It has been suggested in the aftermath of the protests that the government prioritise "pro-poor policies" such as investments in education and youth empowerment to engage the country's teeming youths (aged below 30 years) that account for 70% of the total population.<sup>30</sup> #EndSars was birthed by gross human rights violations and sheer disregard for human life. It is only reasonable that future policies make room for effective human rights protection to address the many problems the campaign has highlighted.

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<sup>28</sup> Constitution of the Federal Republic of Nigeria, 1999.

<sup>29</sup> Archbishop Okogie v The Attorney-General of Lagos State, 2. NCLR 350 (Appeal Court:1981) (paras 7-8).

<sup>30</sup> Funke Fayehun and Uche Isiugo-Abanihe, The Conversation, #EndSARS: How Nigeria can tap into its youthful population (Oct. 25, 2020) <https://theconversation.com/endsars-how-nigeria-can-tap-into-its-youthful-population-148319>