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Binoculating the Nigerian Army, Police and the Militias in the Trench-hold of Human Rights (1999Upwards)

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Abstract:

This study focused on the activities of the police, army and the militias with regards to the human rights of the Nigerian citizens from 1999 upwards. It examined and juxtaposed both their positive and negative contributions to the safeguarding of human rights in the country. Since its independence in 1960 and up until the democratization of the country, the situation of human rights in Nigeria has been a serious issue and major concern. This is common in most states of the world drama stage as the idea of inalienable right of man predates political systems; as such most countries are concerned about how to safeguard the rights of its citizens. The study which is drawn on secondary sources of data concludes that the police, army and the militia have contributed more negatively to human rights than in the positive sense. Some policy recommendations that might be of great assistance in the course of the two government agencies (police and the army) discharging their duty diligently, with the aim of positively impacting on their human rights record were made. It is hoped that such would serve as harbinger to reduce the activities of militia groups and become a boost to the democratic process in the country.

Keywords: Nigeria citizens, Nigeria police, Nigerian army, the militia groups and human rights

1. Introduction

The thought about 'human right is as old as humanity itself. In fact, the expression 'human rights' as a term or art is of recent origin, but the idea of the inalienable rights of man predates the very political system, which produces the law-making institutions as we know them today.' (Ojo, 2003: 15). Drawing majorly on countries' reports about Human Rights practices according to the United States Bureau of Democracy, Human Rights and Labour report from 1999 upwards, Nigeria government's Human Rights record is still poor. Even though there were considerable improvements in certain areas, especially since the democratic dispensation, enormous problems still abound in several areas (Young Jr., 2000). In retrospect, with regard to the integrity of person, plus freedom from political and other extra-judicial killings, the national police, army and security force orchestrated extra-judicial killings and deployed excessive force to cause civil unrest under past military regimes. Record has it that the police and the army applied excessive and sometimes deadly measures to tackle civic demonstrations, property vandalization, and inter-ethnic violence; especially in the oil and gas regions of Lagos, Abia and Kaduna States, thereby infringing on their Human Right (Ojo, 2003: 23).

The most disturbing situation in the country at the moment has been the insurrections by several militia groups who at different times had through their activities infringed upon the Human Rights of the citizens in the entire nation; the most current and preponderant of this militia group is the Boko Haram sect which has its base in the northern part of Nigeria. The situation in the country portrays the failure in performance of the police and the army to safeguard Human Rights. In terms of proper funding of the police and the army, the Nigerian government is very much lacking. This has pushed the poverty level to the roof. Consequently, the failure to provide basic amenities in the country has led to proliferation of various militia groups.

It is amidst this situation that the country is in dire for a legal framework to secure the basic Human Rights of the people in the hands of law enforcement agencies such as the Nigeria police, the army and to a very large extent the circumstantial militia group. The fallout of the Boko Haram terrorism alone is giving the strategic partners of Nigeria, for instance, the United States of America reasons for concern (Foster, 2012). The paper is organized into three section; the first deals on the police and Human Rights while the third section tackles the Militias and Human Rights, before a concluding note. This paper was largely drawn on secondary sources of data which included journals, articles, text books, internet resources and other sources. The period covered in the study is 1999 to 2012.

2. The Nigeria Police and Human Rights

As far back as the period before colonialism, there had existed traditional police systems in various villages, towns and cities that is now combined into Nigeria. These mostly were used for the protection of the rulers and in waging war against other kingdoms as this was a common occurrence during this period. Mostly also, during this period, the youths were used in guarding the societies. For instance, in the pre-colonial Igbo community, the age grades were used in the prevention and control of crime and disorder in their various societies (Tamuno, 1970; Nwanko et al., 1993).

Modern policing therefore in Nigeria is an institution which had its origin in the pre-colonial era. In his pioneering work on the police in modern Nigeria, Tekena Tamuno (cited from Omotola, 2007) alluded to this fact. According to him the importance of state policing arose due to the fact that Nigerians had the nature of opposing British jurisdiction and rule. In order to suppress all forms of local opposition and uprising against British hegemony, the colonial government gave importance to the need for troops and police as ready instrument of enforcing government orders when peaceful approaches fail (Tarnuno, 1970; cited from Omotola, 2007: 620-63 1).

As concerning human rights therefore, modern policing as instituted by the colonialist in Nigeria was more of an institution of compliance rather than that one that would help to safeguard the human right of its people. This origin of modern policing in Nigeria has eventually affected the attitude of policing in Nigeria up till date. With the few years of civilian rule that Nigeria has enjoyed, which is the most convenient government atmosphere for people to enjoy human rights before the military took over, for over 10 years, the country under military control which perpetuated maximum abuse of human rights. The situation made the Nigeria police more militant in its character. Since the assumption of office by General Olusegun Obasanjo in 1999 as a democratic president, his regime has taken steps to improve human rights situation in the country (Sonny Onyegbula, 2001). Thus, a number of organizational mechanisms were put in place to safeguard the inalienable rights of the people and this is so for virtually all the political systems (Ojo, 2003).

The Nigeria constitution of 1999 was therefore produced and in it was a section that contained the fundamental human rights of the Nigerian citizens. The police are buttressed as another institution of the state established to protect human rights. The police though had existed before the democratic dispensation in Nigeria, with the inauguration of the democratic regime in 1999, the Nigeria police took up a new look of democracy and a lighter character as compared to its former military character, though the Nigeria police is still lacking in most areas. The police are instruments of the state established for the maintenance of order and enforcement of law (Alemika and Chukuma 2003). Precisely,

The Nigeria Police is involved with an array of functions including controlling the society and maintaining order, preventing crime and restoring order and the use of required instrument of persuasion to assist in these roles (Bakers, 2002 b).

In the course of doing these, adequate preventive measures must be taken so as not to violate the basic rights of the citizens in the name of maintaining law and order (Omotola, 2003). Thus, since the democratic regime the police has contributed in a number of ways in protecting human rights in Nigeria, ranging from protection and saving of lives and properties, thereby safeguarding the citizens' right to life and ownership of properties etc. The police have also been able to participate effectively in carrying out investigations on some criminal cases. For instance, the police were instrumental to the investigation of the allegation of certificate forgery and perjury against the first speaker of the Federal House of representatives, Aihaji Salisu Buhari (Omotola, 2003). The speaker was eventually tried and convicted of forgery and perjury and sentenced to jail on 3 August 1999 by Abuja Chief Magistrate Court (The News, 2nd August, 1999; Tell, June 2000). Through the activities of the police, that is, in investigating the issue, the speaker was given a fair hearing court, thus his right to fair hearing before the court was granted. Also was the case of the senate president who was accused of a questionable past, which should have prevented him from being given the privilege of becoming the third most important man in the hierarchy of public office holders (Ojo, 2003 a, b, Omotola, 2004 b). With Police investigation, he was eventually removed from the office. The police have also been very useful in the area of maintaining law and order, in a society where law and order are not in place, the people of such society cannot enjoy their salient rights such as right to life, right to freely own properties, right to freedom of movement and speech etc.

Perhaps the most invisible role of the Nigeria police in the protection of human rights is the area of electoral politics. Its involvement here is multidimensional. Besides offering security services during the various stages of the electoral process- voters' registration, campaign and rallies; conduct of election, collation of results, it also helps a great deal in the maintenance of law and order. There is no gainsaying to the fact that the presence of security services helps to reduce the specter of violence during the 2003 elections (Omotola, 2004a) for instance. A very vital role of the police during the 2003 elections was its project on monitoring police conduct during election (MPCDE). With this activity of the police during the election, people were free to vote for any candidate they wished without being threatened or oppressed. Their right to make choices was being protected.

The Nigeria police have in these cases helped to protect human rights and create an atmosphere of order. Nevertheless, this is not to say that the Nigeria police have not violated human rights in its operations.

3. The Nigeria Police and Human Rights Violation

According to the human rights watch (HRW) of between January 2009 and June 2010; it was alleged that the Nigeria police is extremely high in corruption, extortion, brutality and rights abuses. Within 18 months, it had extorted 20.3 billion naira nationwide (Human Rights Watch Report on the Nigeria Police 2010). Bribery and corruption in fact is synonymous to the Nigeria police. It has become abnormally a recurring feast for the Nigeria police men to extort road pliers. Furthermore, according to the Human Rights report of January 2009-June 2010 (HRWR, 2010), the erection of check points which do not significantly help in curbing crimes but serve as an avenue for extortion by the police, is not

only an established fact, but a daily occurrence on Nigerian roads. Also real is the claim that hardly does a week pass without one ugly incident or another in which the police indiscriminately shoot at citizens that refuse to pay bribe (HRW, 2010). A report by the Civil Liberties Organisation (CLO) (*Tell*, August 1, 2005: 28-29) chronicles series of the extrajudicial killings with impunity of no fewer than 307 people between April 14, 2002 and October 31, 2004 by law enforcement agencies in Nigeria (especially the police and the army). This activity of bribery and corruption by the Nigeria police infringes on the citizen's right to freedom of movement and sometimes their right to life.

Furthermore, on the in protection of life and properties, the Nigeria police is lacking. During the January 27, 2002 Ikeja (Lagos) Cantonment bomb blast for instance, in the confusion that was caused by the bomb blast — as people ran helter skelter, shops and stores were raided by street hoodlums and thugs, especially around the areas of the bomb blast (Ikeja, Isolo, Oke-Affa, Ejigbo, Ijeshatedo etc.) and the policemen around at those places could do nothing to protect the lives and properties of the citizens and dwellers of the area. Continually, the Nigeria police are known for indiscriminate imprisonment of citizens without trial as well as harsh treatment of such prisoners. These actions impinge upon the citizens' rights to free hearing by a court. Actually, the failure of the police in protecting human rights in Nigeria is being compounded by a number of issues: the lack of provision of adequate needs for running the police, particularly among the junior rank is an issue. Here, the welfare needs of the junior ranks in terms of salaries, accommodation, kits etc. are not only shockingly bad, but pathetic and yet no one seems to be interested (Abubakar, 2002). A police sergeant attached to the mobile police unit in Lagos laments about the unfair treatment they are being subjected by their superiors thus:

Even when we are on leave, we are not paid our leave allowances; when we are posted to outside stations, no provision for accommodation and you are talking of stamping out corruption. How can that be? Even these officers that are accused of collecting bribes make a particular percentage to their superiors who sit in the office and who do not share from this humiliation at the end (*This day*, 31st August 2003: 14; cpl Abdulkarim 2004).

Another issue that has affected the Nigeria police since the democratic regime is the fact that most of those recruited into the Nigeria police force are either illiterate or drop outs from school with no adequate training required for policing. This low quality of Nigeria police human resource has affected their disposition to human rights as some of them do not know the demands of the Nigerian constitution as regards human rights.

In sum, it is evident that the Nigeria police have done more harm than good as regards the protection of the citizen's rights since democratic dispensation in 1999. According to the Human Rights Report of 2010, the Nigeria Police has been described as a predator rather than being a protector.

4. The Nigerian Army and Human Rights

The Nigerian Army had existed before Nigeria had its independence in 1960. It is an arm of the Nigerian Armed Forces whose origin lies in the elements of the Royal West African Frontier Force that became Nigerian when independence was granted in 1960. It is the land branch and the largest of the Nigerian Armed Forces or Military and its major role is the defending of the country from external aggression, maintaining its territorial integrity and securing its borders from violation on land, sea or air. This function of the Nigerian Army is a safeguard to the citizens' human rights, though not as direct as that of the Police. But a country whose territorial integrity is not safe and which is always under attack of any kind puts the lives of its citizens in danger and therefore their human rights also will definitely be infringed upon.

The Army is also very functional in suppressing insurrection and act in aid of civil authorities to restore order when called upon to do so by the president. With the independence of Nigeria in 1960, it only enjoyed few years of democracy before the military took over and as such throughout the military regime, the army were more active than the police in terms of ensuring law and order in the country and as such, the military regime which was very brutal in its dealings with its use of the army did not assure the protection of human rights.

The Battlestar Galatica (2004-2009) Commander William Adama argues that: 'There's a reason you separate military and the police. One fights the enemies of the state, the other serves and protects the people' (Ellington, 2012). The onus being that, 'When the military becomes both, then the enemies of the state tend to become the people,' Adama avers. This is the scenario already created in the Nigeria polity, which has impacted negatively on public confidence in the police force whose handling of its mandate to protect the people raises questions.

The mentality of brutality, harassment, abuse of human rights that was inherent in the Nigerian Army during the military regime is still evident till this moment. As a result, stories of how some army personnel rated themselves superior citizens than other Nigerians created enmity between them and the people they were supposed to protect (Omonobi, 2011). It is as a result of this situation that the Chief of Army Staff, Lt. General Oyeabor Azubuike Ihejirika on assumption of office established the Department of Civil-Military Affairs which was meant to mend the cracked relationship between the Army and the civil populace (Omonobi, 2011). Though the army has had/made some successes in terms of protecting the territorial integrity of the Nigeria state, it has been used to commit a lot of atrocities against human rights in the country.

5. The Nigerian Army and Human Rights Violation

On attainment of a successful election that launched Nigeria into a democratic regime after several years of military autocracy, in less than a year of the new democratic regime, the army committed a great atrocity in Bayelsa on the 20th of November 1999. According to Onyegbula:

On this date, the federal government of Nigeria in a swift move to track down some irate youths who had earlier in November 1999 alleged to have kidnapped twelve policemen, declared a state of emergency on Odi community after a 14-day ultimatum that was yet to expire. On November 20, thousands of combined military

personnel invaded the community and unleashed a heavy bombardment of artillery, aircraft, grenade, launchers etc. in replication of a typical invasion of an enemy's territory in real warfare. The military invasion of Odi Community resulted in the loss of lives of many people and properties were looted, and virtually all the infrastructures in the community were either destroyed or torched (Onyegbula 2001).

This action was a gross abuse of human rights as the offence of few people led to the death of many innocent ones who had nothing to do with the situation.

Also, on October 28, 2001, the Nigerian soldiers also committed another atrocity in a small village in Benue state in response to the killing of 19 soldiers that took place earlier that same month in the village. This killing was carried out by some youths in the village, the number of which do not constitute up to 10% of the population. As a result, the Nigerian army launched a massive attack on the village killing over 5000 innocent souls, thereby denying them of their basic right to life (Onishi 2002). Likewise, earlier in the year 2012, the country witnessed a situation of national strike which affected all states of the country. This was as a result of the indiscriminate increase in fuel price caused by the removal of oil subsidy. Thus, there were a number of protests and rallies in various areas of the country. The Nigerian army was therefore used in quelling the protesters, especially those that were violent. In the process of ensuring the maintenance of law and order, the army infringed upon the people's human rights by violently treating some protesters which led to the death of some of them.

Furthermore, the joint task forces on the Niger Delta 'Operation Restore Hope' which has about 4000 military personnel been deployed to the region against the youth militias and the resource wars (Ikelegbe, 2005). Though the task force was deployed to this region to stop the aggressive acts of the militias in the region, they had indirectly infringed on the right to free movement of the citizens that reside in these areas. They have been accused of increased recklessness, ruthlessness, brutality and excessive force. They have been known to attack and indiscriminately shoot into towns and villages, burn properties and raze down communities. They also kill, torture, flog and rape civilians and protesters (Human Rights Watch 1 999a; 1 999b). The region has thus been made more insecure by the activities of the security agencies. Peaceful youth protests and even travelers on the waterway that sail too close to oil installations have been victims of military shootings. Others have been mistaken for sea pirates and shot at (Oyadongha 2004).

6. The Militias and Human Rights

Militia group in Nigeria had existed for close to three decades. In fact, it is like they have become more active during the democratic regime. These militants consist of vibrant youths in Nigeria; they capture divergent thoughts of fantasies and provide popular counter-narratives to the legitimacy of the Nigerian state. These groups represent pro-sharia interests in the north (Boko Haram), ethnic nationalism in the west (OPC i.e. Oodua People's Congress), state sponsored vigilante movement in the east (Bakassi Boys) and autonomous resource control in the oil-producing Niger Delta region of the south (Pruthem, 2005). The activities of these militia groups are in sometimes to protect human rights but the methodology in which they often use in carrying out their operations most often undermine their objectives. Also, in most cases, their acquisition of arms and ammunitions run contrary to legal permit. Thus, they own arms and ammunitions unlawfully.

The Niger Delta militias for instance make use of sophisticated weapons in carrying out their activities. These militia groups though they are fighting for the rights of the occupants of their regions, they have caused a lot of atrocities too. The Niger Delta militants demand development of social amenities in their region as the activities of the multinational companies (MNCs) that are in this region affect the environment. For instance, in the process of drilling oil, there is oil spillage which at times flows into the streams, rivers and also affects crops in farm lands. Thus, the people are left with contaminated water and affected soil. The militants therefore requested development of their society by the multinational companies (MNCs) in compensation for the damage done to their environment which they inhabit. Decades of oil exploitation, environmental degradation and state neglect has created an impoverished, marginalized and exploited citizenry which after more than two decades produced a resistance of which the youth has been a vanguard (Ikelegbe, 2005).

The Niger Delta militants soon turned their aggression to the traditional rulers, local elites etc., who having received the benefits from the MNCs do not use the money in developing the region, and rather they squander it. The challenge of creating and ensuring access to these benefits has fueled a deadly struggle among the ethnic and community leaderships, the elites, businessmen and politicians, youths, women and various other groups in the region. It has fueled deadly violent conflicts as each group struggles to prove their relevance and capacity to disrupt the oil economy.

Furthermore, individuals and groups struggle to control and dominate access and actuate opportunities and benefits. The emerging greed, corruption and distributive conflicts underpin numerous incidents of community disturbances and criminal violence in the region. In such a situation, there is always the gross abuse of human rights due to the state of instability in the region (Ikelegbe, 2005). Ibeanu describes the situation as a 'matrix of concentric circles of pay offs and rewards built on blackmail and violence' (Ibeanu, 2002: 165). The situation has led to the intensification of the conflict and as such widened the strategies and actors. There is no more involvement by prominent ethnic and community leaders.

Furthermore, youths, militant youth groups and militias have become more active at the communities and in community leadership. In many communities, the youths have sidelined, subdued or even driven into exile erstwhile traditional rulerships and have taken over community leaderships and particularly the liaison with the oil companies. Along with more youth and militant group involvement has been the fierce and pervasive entry of violence as an instrument of compulsive appropriation (Ikelegbe, op cit). These conflicts have at different times escalated so much as to

generate a reign of insecurity, oil production disruptions and violence. Thousands have lost their lives and several thousands have been displaced.

As a result, the entire region has been militarized. The joint task forces on the Niger Delta, 'Operation Restore Hope' have about 4000 military personnel deployed to the region. The Amphibious Battalion at Warri has been strengthened. The military and other security agencies have been massively deployed against the youth militias and the resource wars. Even youth occupations and abductions are met with military forces. Since June 2001, there has been a crackdown on the militias, piracy, bunkering and illegal arms in the region. This has involved massive military operations, combining the creeks and condoning off and searching riverine communities, which are suspected hideouts of pirates (Omonobi 2004).

The Nigeria politicians have contributed more to the human rights abuses perpetuated by these Niger Delta militants as the politicians use them as thugs during electioneering campaign. In 2003 for instance, they were armed for political campaigns and the violence of September and October 2004 represented a falling out among and between the gangs and their former political sponsors over the failure of patrons to redistribute the spoils of their offices. The newly pronounced militia group which has committed a lot of atrocities across the country is the Boko Haram (Attu & Yusuf, 2015) with its base in northern Nigeria. This new militia group is a pro-sharia group and as such has destroyed different institutions, establishments or gatherings which try to stand as opposition to it. These destructions range from church buildings, state institutions, e.g., Police Headquarters at Abuja (*This day live* online), the United Nations' building (*The Star*2011; *The Telegraph*2018), newspaper companies etc. Within the few years of its operation, this sect has committed enormous violence in different states of the country and has also infringed maximally on the citizens' human rights. In some states in the northern part of the country, people can no longer move freely as they please or hold political gathering because they are not sure of what could happen in the next minute.

People's right to freedom of movement, association and even life has been greatly tampered with by the Boko Haram sect. In 2011 for instance, the group was responsible for 450 killings in Nigeria, spanning through various states of the country. And within the first six months of 2012, the group has also been responsible for over 1000 death in the various states of the country, especially in the northern states (Ochereome 2011; <http://www.vanguardngr.com>). This situation has dealt a great blow on the human rights situation of the country as the Nigerian government has not been able to proffer any solution, talk less of a lasting solution to the situation.

7. Conclusion

The state of human rights in Nigeria since the democratic dispensation - 1999 to date has not been in anyway encouraging. This is as a result of a number of issues going on in the country both politically and economically. Also, the fact that the country was under military dictatorship for over a decade had its indelible effects on human rights. Thus, part of the constraints the country has faced as regarding the safeguarding of the inalienable rights of its citizens is that: first, the rate of illiteracy in the country is very high which has resulted to the safeguard of human rights unrealistic. The literates in Nigeria are between 39% and 51% while the remaining 49% to 50% falls within the illiteracy bracket. This situation has its toll on events in state's agencies that are established to protect human rights.

The police and the army for instance have majority of its junior officers as illiterates, and it is those in the illiterate category that are closer to the Nigerian citizens and that can easily protect their rights. The fact is that some of these police or army personnel do not even know all the rights stipulated in the Nigerian constitution. Therefore, they sometimes act indiscriminately due to lack of knowledge. Also is the situation where citizens are not aware of these rights, how then can they claim them? Even when these rights are infringed upon, the institutional processes for redress is unknown to them. It is for this reason the masses of people do resort into spontaneous violent reactions, venting their anger on the polity to seek redress (Ojo, 2003). This is also part of what leads to the establishment of militants by frustrated youths whose rights have been infringed upon and who does not know the institutional process for redressing it.

Education must be given a prioritized funding by government at all levels. The country must aspire to leverage with at least the 36% minimum of annual budgetary allocation from the federation appropriation account to the education sector instead of the less than 20% recurring practice of successive administration the Nigeria state ever had. This will enhance education and therefore have a multiplier effect on the literacy level in the country. At least, the human rights awareness level of the police will get a boost.

Furthermore, the scourge of poverty in Nigeria is high that the majority of the citizens live below one dollar per day. The reference to the adage which says, 'a hungry man is an angry man' is a true reflection of what goes on in various segments of the country. The state of poverty has made the citizens easily prone to violence. This also affects the police and the army, hence, the tendency for the creation of more militia groups in the country has increased.

Though the Nigerian government created agencies and institutions to safeguard human rights, these agencies have not been equipped adequately and treated fairly as to be able to perform its duty maximally. The police for instance are not well paid by the Nigeria government. This is not because the inability to pay is due to lack of money but as a result of corruption that has eaten deep into the fabric of the Nigerian government. Successive administration in the country has denied the police its due of the fiscal allocation, especially at the point of execution; hence the police has been led to transfer its aggression to the people whom it is supposed to protect.

Essentially, for the human rights situation in Nigeria to be given the human face it deserves, it is important that corruption is adequately tackled both at the individual, political and at the government levels. For comfortable living of its citizens as it is obtainable in other developed economies, the Nigerian government should provide basic amenities such as good road, pipe borne water, electricity etc. Likewise, employment opportunities must be created specially to absorb

young graduates as soon as their schools turn them out into the labour market as this will reduce the incidence of violent youth groups being created in the country. In addition, agencies that have been established by government to safeguard human rights, especially the police, should be well taken care of and well equipped with the basic necessities for easy operation. When all these are put in place, there would be a significant boost in the human rights situation of the country.

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