

EXTRA-JUDICIAL KILLINGS AND POLITICAL CRISIS IN NIGERIA'S FOURTH REPUBLIC

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Abstract

Extra-judicial killings are the unlawful termination of people by the government or its agencies without the sanction of any judicial proceeding. This has been happening consistently in Nigeria's Fourth Republic, and the situation is heart breaking considering that the primary purpose of government is to safeguard lives and property. Unfortunately, it appears that the more the government or its agencies operate this way, the more the country run into political crisis. Worried by this situation, the general objective of the paper is to study extrajudicial killings and the roles they play in creating political crisis in Nigeria's 4th Republic. The specific objectives are to determine whether extrajudicial killings were a primary cause of political crisis in Nigeria's 4th Republic, and to find out if an end to extrajudicial killings can prevent political crisis in Nigeria's 4th Republic. The theory of democratic policing and constitutionalism guides the study. The findings reveal that extrajudicial killings are anti-democratic; amounts to lack of respect for the constitution and therefore is a primary cause of political crisis in Nigeria's 4th Republic. The paper concludes that an end to extrajudicial killings could avert political crisis in future and recommends that the acclaimed "Supremacy of the Constitution" should be practiced, and that Nigerian security agencies should be subjected to constitutional regulation.

Keywords: Constitution, Democratic policing, Extrajudicial killings, Joint task force, Nigeria, Political crisis.

Introduction

Nigeria's Fourth Republic, has from its inception witnessed numerous terminations of peoples' lives by the government or/and its agencies unconstitutionally (herein after referred to as 'Extra-judicial Killings'). The agencies herein referred to are those of security forces, whose operations are sometimes led by the army, sometimes solely by the police, sometimes are executed by the combination of the forces, and are altogether called, the "Joint Task Force", or, "Joint Military Task Force". The study of the unlawful operations of these forces which appeared to have become endemic to the system and its role in the political crisis of the Nigeria's 4th Republic is the main concern of this paper. 'Extrajudicial killings' have been defined as government sponsored acts against a person or persons it

perceives as its enemy or enemies; they are unlawful and deliberate terminations of peoples' lives carried out by order of a government or with its complicity or acquiescence.

The term unlawful killings include extrajudicial executions, as well as other types of killing, such as those resulting from excessive use of force by law enforcement officials (Amnesty International, 2009). They are "the intentional slaying, undertaken with explicit governmental approval, of a specific individual or group of individuals belonging to political, armed, or terrorist organizations" (Schmahl 2010, p. 233). The act wholesomely violates the right to life, enshrined in Nigeria's Constitution, the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights to which Nigeria is a signatory. Extrajudicial killing includes where, "a person is subjected to enforced disappearance when he or she is arrested, detained, abducted or otherwise deprived of liberty by the authorities or their agents, or people acting with their authorization, support or acquiescence, but the authorities do not acknowledge this or conceal the person's fate or whereabouts, placing them outside the protection of the law" (Amnesty International, 2009).

In this study, extra-judicial killings have been defined as the unconstitutional termination of a person's life by the government or its agencies of many perceived opponents of government. This being the case in Nigeria, the situation is heart-bleeding considering that the primary purpose of government is to safeguard lives and property especially in an acclaimed democracy. From all indications, of all the agencies of the executive government, those of the security force whether in their joint form or in sundry are undoubtedly the most threatening to the liberties of the Nigerian people. More often the security agents would embark on self-justification by claiming (that is where they ever admit killing anyone) that the people are either "kidnappers", "Terrorists", "Men of the underworld" "Obstructers of the peace" or other criminals. This kind of claim by security agencies have been the order of the day in the Nigeria's 4th Republic. It is mostly hurting as the perpetrators of this act are the very people instituted to safeguard lives and property.

Unfortunately, it appeared that the more the government and its agencies operate that way the more the state runs into crisis. Worried by this situation, the general objective of the paper was to study extrajudicial murders and their roles in creating political crisis in Nigeria's 4th Republic. The specific objectives were: (1) To determine whether extrajudicial killings were a primary cause of political crisis in Nigeria's 4th Republic (2) To find out if an end to extrajudicial killings could prevent political crisis in Nigeria's 4th Republic. The rest of the paper dwelt on the implication of extrajudicial killings, the root causes of extrajudicial murders and so on.

Theoretical Framework

It is without doubt that Nigeria's fourth republic has witnessed several extra-judicial killings by the state and its security agencies whose operations are sometimes led by the army, sometimes solely by the police, sometimes are executed by the combination of the

forces, and are altogether called, the “Joint Task Force”, or, “Joint Military Task Force”. Sadly, these gross violations of human rights by the state or its security agencies are committed with impunity, and contrary to the stipulations of the constitution and principles of police practice in real democracies. It is quite discouraging that while most countries that were almost at the same political level with Nigeria in the Sixties are working hard daily through its security agencies to protect the rights and liberties of its citizens, the Nigerian state and its security agencies work acidulously on daily bases to violate the rights and liberties of her own acclaimed citizens. While the citizens of most of the countries that started with Nigeria almost at the same period are today enjoying their fundamental rights, including rights to life; expression; dignity of the human person; fair hearing; associations; assembly, to mention only a few, the citizens of Nigeria so claimed are on daily basis being abused, forced into disappearance; tortured; extra-judicially killed; incarcerated, and so on, by the state and her agencies notwithstanding the stipulations of the constitution of Nigeria acclaimed to be “Supreme”; several international law and covenants on human rights; the African Charter on Human and Peoples’ Rights to which Nigeria is a signatory and the principles of police practices in democratic settings.

From all indications, of all the agencies of the executive government, those of the security force whether in their joint form or sundry are undoubtedly the most threatening to the liberties of the Nigerian people. More often the security agents would embark on self-justification by claiming (that is where they ever admit killing anyone) that the people are either “kidnappers”, “Terrorists”, “Men of the underworld” “Obstructers of the peace” or other criminals. This kind of claim by security agencies have been the order of the day in the Nigeria’s 4th Republic. Most heart crushing is the fact that, when a citizen is subjected to “enforced disappearance; arrested detained; abducted or otherwise deprived of liberty by the authorities or their agents, or people acting with their authorization, support or acquiescence, but the authorities do not acknowledge this or conceal the person’s fate or whereabouts, placing them outside the protection of the law” (Amnesty International, 2009). It is mostly hurting as the perpetrators of this act are the very people instituted to safeguard lives and property. The Nigerian internal law enforcement and security system have been designed in such a way that the maintaining of law and order is the purview of the police, even though over the years, the Nigerian army and sometimes with the combination of the air force and the rest of them, have been regularly deployed to assist the police in law enforcement and internal “security” operations.

This practice results largely from the belief that the presence of the security forces is sufficient to guarantee internal security. Data from the Nigeria Watch database, however, indicates that the intervention of the security forces in violent incidents often exacerbates the situation. Their findings show that between June 2006 and May 2014 the security forces caused fatalities in 59% of the lethal incidents where they intervened. Secondly, the more the security forces intervene, the more people are killed and killings by the police are more

prevalent... (Super O. AFENO, 2014, p.1). Omeiza (2016, p. 11) declared that the Nigerian security agents especially the police commit extrajudicial killings. He claimed that "Nigeria recorded over 40 extra-judicial killings in 2016". So bestial is the government gross violations of human rights that Pelumi-Olajengbesi, lamented, "We are worried today that the Nigerian Police Force tend to use this power that is vested in them by the law in a very reckless manner that is why we are calling on the government and the leadership of the police to tame all of these officers who are abusing the fundamental rights of Nigerians across the country" (Pelumi-Olajengbesi, 2017, p.1). It is as a consequence of this that the Sir, Robert Peel's democratic policing theory becomes the most appropriate framework in tackling the Nigerian condition. This theory is built around the principle of policing in a democratic setting.

Research has been done by experts in the field of the subject under study, among who are Al-Parreno (2010), IPON (2010), Lanfer (2010), UNO (2009), Ojo (2009); Melo (2007), Madunagu (2006), Elechi (2003), Osita Eze (2000); HRVIC (1999), Eskor Toyo, (1998), Nsirimovu cited in Umozurike, (1997), Kayode, (1994); Umozurike (1994) Claude Ake (1987), Dorwick, (1979); etc.

This paper finds the works of the above named researchers of immense usefulness in the subject under discuss, hence, pauses to consider their takes on extra-judicial killings: Lanfer (2010, pp.1-2), agrees that extrajudicial killings are always an alarming sign of a massive human rights crisis within any governance system. The term "massive" designates how imposing, bulky or solid such killings outside the constitution can be. In confirmation of the usage of this term, Anne, et al (2010, p.2) explains that the term 'extrajudicial killing' in its original meaning refers to homicides that are committed outside the legal system with no prior judgment of a court. In his opinion, Elechi, was vehement that, extra-judicial killing is contrary to the proclamation of the Nigerian constitution and the international law that all suspects have the right to be presumed innocent until proven guilty by a court of law (Elechi, 2003, p.18). At the global level, Khan, noted that, "article 3 of the Universal Declaration of Human Rights states, emphatically, that, *"everyone has the right to life, liberty, and security of persons"* (Khan, 1998, p.16)

Beside this general description of extrajudicial killings, there exist other predominant descriptions of the term that differ in that they claim extrajudicial killings to be politically motivated acts. According to this description, the state has to be involved in or at least tacitly accept the commission of the killings. It is noteworthy that extrajudicial killings differ from "political killings". Political killings can be committed with or without state involvement. Politically motivated killings usually have in common that they are intended and well-organized murders that give the victim no chance to defend it and that the perpetrator remains unidentified; "this is achieved by either wearing face covering masks or by committing the acts swiftly with an immediate escape after the murder is committed, possibly during night time or in a lonely surrounding. There can even be the attempt of the

perpetrators to make the killing look like a suicidal act" (Melo,2007, p. 9). Applying the narrower definition of extrajudicial killings, victims are most likely political activists and journalists. Due to their call for change, political activists are usually at odds with individuals or groups that are interested in maintaining the political Status Quo. (UNO, 2009). However, "in the real sense of the term extrajudicial killing implies some degree of state involvement at all times" (Melo et al, 2007, p.11). Extrajudicial killings in its narrow and specific version imply government involvement in the act. To qualify as extrajudicial killings, it must carry "state involvement on the side of the perpetrator. (Supreme Court Administrative Order No. 25-2007). There is a whole spectrum of possible state involvement. "It can mean that a state member actually acts as the executing person but can also comprise phenomena such as the state being the client of an assassin or the acquiescence of state agents in the commission of a killing; unless the executor is an identified member of a state institution, it is usually very difficult to prove involvement of the state" (U.S. legal definition, 2009). According to the Supreme Court of the Philippines, for a killing to be considered extrajudicial, state actors like military or police have to be involved (IPON, 2010, p.7).

Unfortunately, it has been observed that 99% of these extrajudicial killings go unaccounted for. In this regard, Al Parreno (2010, pp. 1-2) posits that, "only 1% of all extrajudicial killings resulted in a conviction", majority of the extra-judicial killings go unaccounted for, while the victims and their families cry their hearts to the grave. The Human Right Watch notes that "the police force takes advantage of the people by putting up roadblocks that require a fee to pass and taking money for no legal reason. Within the police force, there is no equal protection under the law" (Human Right Watch, 2010). In a report replete with innumerable examples of extra-judicial killings, the Committee for the Defense of Human Rights (CDHR) reckons that, "innocent Nigerians are killed and maimed, while errant policemen go unpunished. For instance, policemen from the Delta state command beat one business man, named Peter Osimiri, and left him dead in June, 2008, when he refused to pay a 20 Naira bribe at a police checkpoint in Kwale. The policemen who committed the heinous crime, according to the CDHR, are yet to be brought to book" (*Newswatch*, 2009). The police in Nigeria could be characterized as authoritarian. The police also lack legitimacy. The Nigerian police do not enjoy the confidence, respect, and support of the people. Sensitivity, respect, responsiveness, and service are central to effective social control, which the Nigerian police are not capable of. The police, to all intent and purposes, exist to service the state, rather than the people.

Conceptually and functionally, though, the police and the government is one and the same thing, and enforcing the law and maintaining order is their responsibility. "The police view it as their responsibility to quell and conduct all that threatens order in society, regardless of the justness of the prevailing order" (Elechi, 2003, p. 25). In the author's view, extra-judicial killings must be so referred especially where they fall outside judicial

procedures and are carried out by the state or its security agents whether in joint or in sundry, and must be accepted in whole as constituting nuisance and contrary to the rule of law, and are therefore capable of causing instability in a state.

This study is anchored on the Sir Peel's theory of democratic policing. Peel was the founder of London's Metropolitan Police Force in 1829 and his Principles of Law Enforcement remain justly celebrated to this day. Others who have leveraged on this theory included U.S law enforcement leaders, U.S Policing Project at New York University School of Law and the Laura and John Arnold Foundation. The idea of Democratic Policing follows from the famous dictum of Sir Robert Peel that "the police are the public and the public are the police." Peel, explained that "the police [are the] only members of the public who are paid to give full-time attention" to the duties of policing, among which are those of safeguarding members of the community, protecting properties of the members of the communities and their likes. In applying the theory of democratic policing, Peel (1829) explained that the idea that "the police are the public and the public are the police" implies certain important principles, including: a) There should be robust engagement between police departments and the communities they serve around the policies and priorities of policing. b) (When possible) policing practices should be guided by rules and policies that are adopted in advance of action, are transparent, and are formulated with input from the public. c) Police departments should develop and use sound metrics of success that encompass all of the goals of policing, including community trust. Peel also explained that community engagement means that there should be interactions between individual officers and members of the public and that this interaction would be essential in top decision making as to how best to safeguard the people.

Democratic policing according to Peel means that the operations of the security outfit should be made to conform to the rules practicable in democratic governance. "This means that so far as possible, the actions of government officials are guided by rules and policies that are adopted before official's act, are transparent, and are formulated with input from the public. By giving communities a voice in making policy, democratic rulemaking improves the quality of government decision making and lends greater legitimacy to the rules and policies that agencies adopt" (Peel, 182)). One of Peels worries was that, it may be argued that at present police departments already operate with many rules, but, explained that these rules "are found in department manuals and standard operating procedures, as well as court decisions and directives from external oversight bodies, but that the public rarely is involved in the formulation of these rules, and the rules themselves sometimes are not public", therefore these security officers manhandle the people with rules that the people are not part of even sometimes against the same rules, resulting in series of casualties each time. Democratic policing is transparent, guided with rules and therefore build trust and legitimacy between police departments and the communities they serve (PP, JAF, 2015, pp.2-3). Democratic policing requires that

“many issues of public concern, from policing technology to the use of force, department policies can be made public and publicly debated without sacrificing public safety or putting officers at risk. It is important to draw clearer lines between what must be secret and what should be transparent” (Peel, 1829). One of Peel’s primary suppositions is that the operations of the police and indeed the embodiment of security outfit, should go beyond “crime and arrest”, to encompass that which equity permits in its entirety.

In short, Peel’s (1829) theory which was re-echoed by PP & JAF (2015, pp. 2-3) at its core, posits that “It is necessary to also develop a set of metrics that capture the intangible aspects of policing, like equity and community trust” (Peel, 1829); (PP, & JAF, 2015, pp.3-4). Because metrics drive performance, developing these new metrics is essential both at the level of the individual officer, and for the department as a whole. “For individual officers, it may mean shifting the emphasis from *outputs*—like stops and arrests (and such inhuman act as shooting lawlessly)—to *outcomes*, including public safety, safeguarding of lives, protection and community satisfaction”.

In the author’s view, democratic policing must be that which is built on the rule of law and must therefore be primarily concerned with operating in such a manner and system that would respect and protect the fundamental rights of citizens as entrenched in various international instruments. It presupposes that the operations of security agencies must be based on the rule of law and these operations cum operators must be made subject to constitutional regulations. From the foregoing, we can observe the relevance or applicability of the theory of democratic policing to the study. It deals on that which the doctrine of equity allows.

Description of Extrajudicial Murders

Many Scholars including Lanfer (2010, pp.1-2) agree that extrajudicial killings are always an alarming sign of a massive human rights crisis within any governance system. The term “massive” designates how imposing, bulky or solid such killings outside the constitution can be. In confirmation of the usage of this term, Anne, et al (2010, p.2) explains that the term ‘extrajudicial killing’ in its original meaning refers to homicides that are committed outside the legal system with no prior judgment of a court. In this sense, the term comprises a large amount of violent acts with different motives, victims and perpetrators. For instance, acts that are predominantly seen as vigilante killings or lynching, carried out by privately organized groups can be called an extrajudicial killing as well as homicides that are committed by the state without legal proceedings. Beside this general description of extrajudicial killings, there exist other predominant descriptions of the term that differ in that they claim extrajudicial killings to be politically motivated acts. According to this description, the state has to be involved in or at least tacitly accept the commission of the killings.

It is noteworthy that extrajudicial killings differ from “political killings”. Political killings can be committed with or without state involvement. Politically motivated killings usually have in common that they are intended and well-organized murders that give the victim no chance to defend it and that the perpetrator remains unidentified. This is achieved by either wearing face covering masks or by committing the acts swiftly with an immediate escape after the murder is committed, possibly during night time or in a lonely surrounding. There can even be the attempt of the perpetrators to make the killing look like a suicidal act. (Melo,2007, p. 9). Applying the narrower definition of extrajudicial killings, victims are most likely political activists and journalists. Due to their call for change, political activists are usually at odds with individuals or groups that are interested in maintaining the political Status Quo. (UNO, 2009). However, in the real sense of the term extrajudicial killing implies some degree of state involvement at all times. (Melo et al, 2007, p.11).

It has been observed and sadly too, that 99% of these extrajudicial killings go unaccounted for. In this regard, Al Parreno (2010, pp. 1-2) posits that only 1% of all extrajudicial killings resulted in a conviction. The definition and description of extrajudicial killings in its narrow and specific version implies government involvement in the act. To qualify as extrajudicial killings, it must carry “state involvement on the side of the perpetrator. (Supreme Court Administrative Order No. 25-2007). There is a whole spectrum of possible state involvement. It can mean that a state member actually acts as the executing person but can also comprise phenomena such as the state being the client of an assassin or the acquiescence of state agents in the commission of a killing. Unless the executor is an identified member of a state institution, it is usually very difficult to prove involvement of the state. (U.S. legal definition, 2009) According to the Supreme Court of the Philippines, for a killing to be considered extrajudicial, state actors like military or police have to be involved (IPON, 2010, p.7).

Root Causes of Extrajudicial Murders

Several scholars have written severally on the possible causes of extrajudicial killings in Nigeria’s 4th Republic. These scholars and their opinions can be categorized into four:

The first category of scholars has attributed the root causes of extrajudicial murders to government deliberate determination both in intent and actions to infringe on the fundamental rights of the citizens mostly with flair of authoritarianism notwithstanding the embodiments of the state’s constitution in this regard. The scholars in this category included: Dorwick, (1979); Claude Ake (1987); Kayode, (1994); Umozurike (1994); Nsirimovu cited in Umozurike, (1997); Eskor Toyo, (1998); Osita Eze (2000); Madunagu (2006); Ojo (2009).

Condemning the rate at which the Nigeria’s 4th Republic infringes on the fundamental rights of the citizens demonstrable through various extrajudicial killings, Ojo, (2009, p.13)

posits that, “the current democratic experiment, since 1999, is yet to sufficiently put off the toga of authoritarianism, not only in terms of abuse of the inalienable rights of man, but also that of groups’ rights as obtained in Odi and Zaki-Biam, which was glaring manifestation of state abjection during the administration of Chief Olusegun Obasanjo, between 1999 and 2007”.

According to the U.S. Department of State, “the most serious human rights problems during ... [2011] were those committed by the security services with impunity, including killings, beatings, arbitrary detention, and destruction of property; and societal violence, including ethnic, regional, and religious violence. Other serious human rights problems included sporadic abridgement of citizens' right to change their government, due to some election fraud and other irregularities; politically motivated and extrajudicial killings by security forces, including summary executions; security force torture, rape, and other cruel, inhuman, or degrading treatment of prisoners, detainees, and criminal suspects; harsh and life-threatening prison and detention centre conditions; arbitrary arrest and detention; prolonged pre-trial detention; denial of fair public trial; executive influence on the judiciary and judicial corruption; infringements on citizens' privacy rights; restrictions on freedom of speech, press, assembly, religion, and movement”.

On his part, Osita Eze in Ekot, noted that, “human rights represent demands or claims which individuals or groups make on society, some of which are protected by law and have become *lex lata*, while others remain aspirations to be attained in the future” (Ekot, 2000, p.234). In one of his essays, Claude Ake drew attention to the fact that “the idea of human rights is quite simple. It is that human beings have certain rights simply by virtue of being human, and these rights are a necessary condition for the good life. Because of their singular importance, according to him, individuals are entitled to, indeed, required to claim them and society is enjoined to allow them – otherwise the quality of life is seriously compromised” (Ake, 1987, p.5). Ake, however, in weighing the extreme individualism and self-centeredness characteristic of western conception of human rights which, he observed, contrasts with what obtained in traditional African society. As he stated;

The values implicit in all this are clearly alien to those of our traditional societies. We put less emphasis on the individual and more on the collectivity; we do not allow that the individual has any claims which may override that of the society. We assume harmony, not divergence of interests, competition and conflict; we are more inclined to think of our obligations to other members of our society rather than our claims against them (Ake, 1987, p.5).

In his own analysis, Eskor Toyo points out that, “human rights are not whatever the United States and West European propagandists are prepared to regard as human rights to the disregard of whatever does not fit their bill. He observes that human rights include the rights to life, liberty and the pursuit of happiness as well as the right to equality with others

and fraternity (that is, to non-discrimination due to class, racial, sex, religious or status privileges)" (Toyo,1998,p.9). According to Toyo, "among bourgeois liberals generally, human rights include the right to private property and to be governed by representation, the right to defend oneself, to seek knowledge, to propagate it, and to hold and express one's own opinion. But among all the world's patriots, human rights include the right to self-liberation against foreign rule, exploitation, violence or hegemony. Among all the revolutionaries of the world from time immemorial, human rights include the right to rebel against exploitation or domination and to take up arms in such a rebellion" (Toyo, 1998, pp.10-11).

In his own argument, Madunagu (2006, pp. 539-540) contends that, "strictly speaking, one is not born with human rights, although one can be born into human rights". He points out that, "one acquires human rights as a human being, and that human rights are rights acquired over time through the strivings and struggles of human beings: struggles against the exploitations of some segments of humanity by other segments or the impositions of some sections of humanity on other sections". Madunagu also states that, "human rights are not static in any society, and are not uniform across national boundaries.

Moreover, they are historically determined". However, Madunagu also acknowledges the fact that although human beings are not born with rights, at certain stages in their lives they declare certain rights as theirs – as products of their past struggles for the development of their societies. They then initiate new struggles to defend these rights. However, Nsirimovu cited in Umzurike, (1997, pp. 4-5), posit that, "the term "human rights" means the conditions of life which men have right to expect by virtue of being human beings". The concept involves not only a statement of fact but rather a yardstick against which conditions in practice may be measured. Nor does the supposed existence of rights necessarily imply the existence or even possibility of laws to enforce or protect rights, though in practice this may sometimes be the case. Rights are the ideals and distinguishing marks of a civilized society. The fundamental concepts embraced in the over-arching concept of rights may be identified as justice, equality, freedom and self-determination.

For Dorwick, cited in Umzurike, (1997), human rights are defined as, "those claims made by men, for themselves or on behalf of other men, supported by some theory which concentrates on the humanity of man, on man as human being, a member of humankind" (Dorwick, 1979, p.64). He added that they are tenets that dominate the natural instinct, making man a social rather than a "natural" animal, and crystallize rules of behavior to be respected by all persons and all nations. Coker and Obo (2012, pp.65-6) decried Nigeria's deliberate and wanton gross infringement on the rights of the citizens which according to him, "Became rife in Nigeria during Obasanjo's government as the civilian President after the military dictatorship of several years by the Sanni Ahmed led Zamfara State government in October 1999 signing into law the introduction of the Shari'a effective January, 2000".

According to Coker and Obo, (2012, pp.65-7) this was promptly emulated by some northern states. The forceful applications of the Sharia law on 'non-faithfuls' generated disaffection, suspicion, hostility, frustration and outright conflict and violence. This had resulted in wanton destruction of lives and properties as well as pose potential threat to continued unity and stability of Nigeria. Such truly speaking is symptomatic of bad governance. It has to be said that the abuse of the Nigerian people and the gross violations of their fundamental and essential rights under the despotic Obasanjo presidency can be meaningfully examined if some form of historical excursion is undertaken. This would bring to the fore the fact that all the post-colonial regimes in Nigeria have always violated the basic rights of the Nigerian people.

In confirmation, Toyo (2007, p.iii) lucidly highlighted the significance of history in social discourses when he reminded us that "the historical student of society is easily fooled by the 'common-sense' of surreptitious vested interests", and that "any student of society whose epistemology is fundamentally a historical is myopic". This assertion reinforces the contention that; "the disadvantage of men not knowing the past is that they do not know the present. History is a hill or high point of vantage, from which alone men see the town in which they live or the age in which they are living" (Chesterton, cited in Garba, 2003: *xix*). Coker and Obo (2012, pp.67-8) regretted that, "the violations of the essential rights of the Nigerian people have been part of the attributes of all the regimes the country has had since the departure of the British colonialists. Of course, under colonialism, Nigerians did suffer brutalities and ruthless violations. But with political independence, the violators of the rights of Nigerians were now fellow compatriots, occasionally with the connivance of external interests". They recounted that, "From the Balewa-led administration of the First Republic, through the years of ruinous and despotic military rule, to the civil plutocracy of the Fourth Republic, the basic rights of the Nigerian people have always been violated. This was more imponderable and traumatizing during the long period of military dictatorships".

Earlier, Claude Ake, had applied this assertion when he clearly showed that democracy and military rule are completely at variance with each other. In his words; "the military and democracy are in dialectical oppositions". (Ake, 1995, pp. 35-7). Ojo (2006:15) clarifying the differentiation noted: "The military is a taut chain of command; democracy is a benign anarchy of diversity. Democracy presupposes human sociability; the military presupposes its total absence, the inhuman extremity of killing the opposition. The military demands submission, democracy enjoins participation; one is a tool of violence, the other a means of consensus building for peaceful co-existence". Where the military presupposes the inhuman extremity of killing the opposition (Ojo 2006, p.15),

with the end of military rule and the emergence of a civilian regime in May 1999 in Nigeria – which heralded the Fourth Republic, thought Coker, many had

hoped that good governance would be enthroned in the country, with the respect for, and promotion of the fundamental rights of the people as its hallmarks (Coker and Obo, 2012:67).

Clarifying on the fundamental rights of Nigerians, David Kaluge, explains that “Human Rights” has been defined as the “inalienable rights of people”. They are the legal entitlements which every citizen should enjoy without fear of the government or other fellow citizens. They are said to be the rights which cannot be said to have been given to man by man but are earned by man for being a human because they are necessary for his continuous happy existence with himself, his fellow man and for participation in a complex society (Kaluge, 2013, p.36). He further explained that Chapter IV of the 1999 Constitution of the federal Republic of Nigeria lists out the basic Fundamental Human Rights that should be enjoyed by citizens of the country to include:

The Right to Life Under the Constitution, every person has a right to life and no one shall be intentionally deprived of his life. The Constitution, however, provides exceptions where violation of this Right is acceptable: Where the taking of the life is in execution of a sentence of a court in respect of a criminal offence in which the person has been found guilty in Nigeria; Where the loss of life is as a result of the use of such force as is reasonably necessary and in such circumstances as permitted by law: for the defence of any person from unlawful violence or defence of property; or, in order to make a lawful arrest or prevent the escape of a person lawfully detained; or for the purpose of suppressing a riot, insurrection or mutiny; aside from the above circumstances, any violation of a person’s right to life is an abuse of that person’s fundamental rights and is usually found in torture and extra-judicial killings. A good example is the activities of the terror group, Boko Haram, involving the rootless attacks and murder of civilians.

The Right to Dignity of Human Person Every person is entitled to respect of his/her dignity. No person shall be subjected to torture or inhuman treatment, be held in slavery or servitude or be required to perform forced or compulsory labour. Examples of abuse and violation of this right can be found in modern day slavery and torture and brutality by law enforcement officers. An example of an abuse of this right can be found in 2013, when one Lawal Ganiyu, 50 years old, was arrested and tortured by the Police over an alleged fraud. As a result of the brutal treatment, he was comatose in a hospital for over a week. This act was a gross violation of his right to dignity of human person under the Nigerian Constitution

Right to Personal Liberty Under the Constitution, every person shall be entitled to his personal liberty and no person shall be deprived of this right except in special circumstances and in accordance with a procedure permitted by law. It is the right not to be subjected to imprisonment, arrest and other physical coercion in any manner that does not have legal justification. The right is the freedom to live as one chooses without too many

restrictions or constraints from the government or its agencies. It also assures a person of the freedom to stay or move about at his own will, direction and time. This right has also been defined as freedom from bodily restraint and the right of the person to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry to establish a home and bring up children, to worship God according to the dictates of his own conscience and generally enjoy those privileges recognized as being essential to the orderly pursuit of happiness.

Example of violation of this right can be found in cases of unlawful arrest and detention by Nigeria's law enforcement agencies. The National Human Rights Commission's Prison Audit for the year 2012 released in May 2013, showed that out of 173 prisons audited in Nigeria, the number of Awaiting Trial Inmates stood at 35,889. He explained that, "one of the factors that result in the large number of Awaiting Trial Inmates in Nigerian Prisons is the practice of *holding Charge*- where the police charge an accused person usually before a magistrate who does not have jurisdiction to hear and determine the charge against the accused. The Magistrate makes an order for the accused person to be detained in a prison and for the case file to be transferred to the Director of Public Prosecution for advice. The police may fail to transfer the file to the DPP. If the file is transferred, the DPP may fail to proffer advice and formally charge the accused to the court that has jurisdiction or recommend his release. There have even been cases where the case file goes missing. All the while, the accused person is sitting in prison without formally being charged for any offence" (Kaluge, 2013, p.36). He noted that the Nigerian Supreme Court has held that Holding Charge is unknown to Nigerian law and an accused person detained under it is entitled to be released on bail within a reasonable time before trial especially in non-capital offences. Unfortunately, despite this, the practice has persisted and there are currently people who have been in prison for months and even years for offences they have yet to be formally charged with.

Right to Fair Hearing The Constitution of the Federal Republic of Nigeria guarantees a person the right to fair hearing within a reasonable time by a court or other tribunal established by law in determination of his/her civil rights and obligations including a question or determination by or against any government or authority. The Constitution also provides that the court or tribunal shall be constituted in a manner as to secure its independence and impartiality in determining the said civil rights and obligations. The law goes on to provide that civil proceedings of the court or tribunal shall be held in public and where a person is charged with a criminal offence, he/she shall, unless the charge is withdrawn, also be entitled to fair hearing in public within a reasonable time by the court or tribunal and be presumed innocent until proven guilty. The Right to Fair Hearing is the cornerstone of justice.

Right to Private and Family Life This guarantees and protects the right to the privacy of citizens, their homes, correspondence, telephone conversations and telegraphic

communications. This right has been described as recognition of the saying that “a man’s home is his castle”. The right guarantees that security agencies should not tap one’s phone lines or subject one’s house to unwarranted searches or seizure of one’s property. According to him however, “There have been instances of violation of this right, particularly cases of police entering people’s homes in the course of arrest of a suspected criminal or investigation of criminal matters without obtaining the proper search warrants”.

Right to Freedom of Thought, Conscience and Religion The Constitution provides for secularity in Nigeria, guaranteeing the people’s entitlement to religious freedom including freedom to change religion or belief and manifest and propagate one’s religion or belief in worship, teaching, practice and observance. The law also provides: a) No person attending any place of education shall be required to receive religious instruction or to take part in any religious ceremony relating to a religion not his own. b) No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination. c) Nothing in the provision of the Constitution shall entitle any person to form, take part in the activity or be a member of secret society. He however, noted that “Despite the constitutional provision, however, there have been frequent reports of rights human abuses ...”

Right to Freedom of Expression at the Press Every person shall be entitled to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference.

Right to Peaceful Assembly and Association Every person shall be entitled to assemble freely and associate with other persons and form or belong to any political party, trade union or any other association for the protection of his interest. For him disruption of peaceful anti-government rallies by police is a violation of this right to peaceful assembly. He noted that the violent disruption of the “Occupy Nigeria mass protests against the removal of fuel subsidy in January 2012 by the police and armed personnel is an example of the violation and infringement of the right to peaceful assembly. He believes, however, that to hold a peaceful assembly, one must obtain the appropriate permit. The law on public meetings, the Public Order Act, vests the power to regulate public meetings, processions and rallies in any part of Nigeria in the governors of the respective states of the Federation. By virtue of the Act, the police cannot issue a license or permit any meeting or rally without the consent of the governor of the state. They also have no power to cancel any such public meeting or rally without the governor’s consent.

Right to Freedom of Movement Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof and no citizen of Nigeria shall be expelled from Nigeria or refused entry or exit. He explained that the Constitution provides exceptions for the violation of this right: a) Any law imposing restrictions on the residence or movement of any person who has committed a criminal offence in order to prevent him

from leaving the country. b) Any law providing for the removal of any person from Nigeria to another country to be tried outside Nigeria for any criminal offence or to undergo imprisonment outside Nigeria in execution of the sentence of a court of law in respect of a criminal offence he has been found guilty of provided that there is a reciprocal agreement between Nigeria and the other country. c) According to him, another exception to this right is the environmental sanitation laws which restrict the movement of people before a certain time during the monthly environmental sanitation exercises. He insisted that apart from the above exceptions, any restriction on the movement of a person, such as kidnapping, is a violation of that person's right.

Right to Freedom from Discrimination Every citizen shall not be subjected to any form of discrimination, disability or deprivation by reason of to his/her community, ethnic group, place of origin, circumstances of birth, sex, religion or political opinion.

Right to Acquire and Own Immovable Property Anywhere in Nigeria Every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria. In his observation, Ogbunife cited in Ifeoluwa (2015, p.38) was emphatic when he said, "To be honest with you all, many of us knows our fundamental rights, and can debate it to any length, except in the presence of security operatives. That is because of the fact that the security operatives don't observe –most times- human rights when it comes to arrest of suspects, they subject them to torture, starting from the instance they were arrested".

Attempting to clarify more on the issue of human rights, Justice Kayode Eso pointed out that, "right is that which stands above the ordinary laws of the land and which in fact is antecedent to the political society itself. It is a primary condition to a civilized existence, and what has been done by our (Nigerian) constitution since independence is to have these rights enshrined in the constitution so that the rights could be immutable to the extent of the non-immutability of the constitution itself" (Kayode, 1994, p.13). Speaking more on human rights, Umzurike (1994, pp.62-68) identified the various kinds of human rights to include: civil and political rights; which according to the African Charter on Human and Peoples' Rights are the "first generation of rights. "These are rights so firmly established and for so long that no serious government can claim to be unwilling or unable to enforce them. These consist of two categories: those that may be restricted and those that must not, Umzurike maintained. The unrestricted rights according to him are 'rights' that must be respected in all circumstances. It must safeguard the right of non- discrimination, whether based on "race, ethnic, group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status".

The second category is the economic, social and cultural rights; provided for both in the 1948 United Declaration on Human Rights Charter and 1966 International Covenant on Economic, Social, and Cultural Rights as an aspiration for all states. These rights are legal and binding on all member states, and it is provided that states should through international-cooperation and subject to the maximum attainable under available

resources, achieve progressively the full realization of the rights. Nevertheless, it has been noted that while the first generation rights generally require governments to abstain from interference with the liberty of the subject, the second generation calls for definite action to ensure its realization (Umozurike, 1994, p. 32). These rights include among others the right to enjoy the best attainable physical and mental health and to medical attention in the case of sickness; the right to unlimited education up to any level; and, the right to participate in the cultural life of the community.

For these rights to be consummated there must be a reasonable level of performance, transparency and accountability in the conduct of public affairs Umozurike argues. He further identified group rights as provided for in the African Charter. Through this right the Charter affirms the “unquestionable and inalienable right to self-determination whereby a people shall freely determine their political, economic and social development”. This particular right often observed in the breach than in reality. Opposition to the wide acceptance of this right stems from its imminent consequences on the unity and stability of states. To some extent some leaders view self-determination as a call for the breaking up, secession of units that are not satisfied with the current predicament in existing states arrangements. Consequently, we witness the use of extrajudicial means to extract compliance, loyalty, and even war of genocide and ethnic cleansing. The adverse activities infringe upon the peoples’ Right to Development, economic, social and cultural matters; which make it mandatory to ensure the exercise of the right to development and creation of a favourable environment for it.

From the foregoing views, it is without doubt that human rights denote the primary and fundamental freedoms and liberties accrued to individuals and which an individual is expected to enjoy by reason of him/her being a human being, and which the society-through its leaders and/or managers being democratic is expected to safeguard and uphold with doggedness.

The second category of scholars believe that the root causes of extrajudicial murders in the state can be associated with the government’s little or less interest in **protecting the citizens** of the state irrespective of what her constitution stipulates. The scholars in this category included: Kubudi (2011); Human Right Watch, (2010). Talking about protecting the citizens and the citizens’ rights, as an element of good governance Kubudi (2011, pp.11-2) points out that, “good governance encompasses a broad agenda that includes effective government policies and administration, respect for the rule of law, protection of human rights and an effective society”. He added that, “it is not only confined to the political and social issues but also includes proper management of the economy as well as transparency and fair competition in business. The third category of scholars are of the firm belief that the root causes of extrajudicial murders in the state are attributable to lack of accountability and representativeness of the government or/and its agencies including its security agencies. For them this contradicts the principles of democratic governance.

Causes of Political Crisis

The fourth category of scholars are completely of different view, as they were more concerned about the root causes of political instability in Nigeria, which they placed on the weakness of international laws and covenants and their inability to understand early enough that the African leaders who signed them did so for political reasons and not that they were ready to observe them. They believed that these leaders simply signed the treaties, covenants with conventions for the purposes of buying legitimacy in the comity of nations. Deep in their hearts, it is difficult to observe the dictates of the charters, while events, too, have shown that they lack the required commitment to the charters and treaties they signed. Okunade (1997, p.59) wrote that “cautions, or qualified optimism, if not outright scepticism, heralded the signing, ratification, and the eventual coming into force of the African charter on Human and People’s Rights. The pessimists (which certainly excluded African’s political executives) informed by an understanding of the Banjul charter viewed the African experiment in regional human rights promotion and protection system as potentially ineffective” (Eze, 1984; Okunade, 1987; Shivji, 1989; Welch (Jr.), 1991).

Logs of Extrajudicial Killings in Nigeria’s 4th Republic

Statistics have shown that there are long lists of extrajudicial killings committed by the Nigerian government in the 4th Republic. Starting from the massacre of Odi people of Bayelsa state in 1999 to the bloody massacre of members of the indigenous people of Biafra (IPOB) in various places in Nigeria but much more in Biafra Land, referred to as “South East”, from 2014 till date, are more than pen can write down. Then talk of the popular Apo-six victims, who were, summarily executed by the police in 2005, to the killing of the leader of Boko Haram in 2009.

One instance of extra-judicial killings that people in Nigeria may not forget in a hurry was the extra-judicial killing of six persons, including five males and a female, all of Igbo origin. These were killed by the police in the Apo Area of Abuja - Federal Capital Territory (FCT) - in June 2005 on the pretext that they were armed robbers. The six of them, who were of Igbo extraction, had, on June 7, 2005, gone out to visit friends. They were stopped by the police, while returning home. An argument ensued over bribe demanded by one of the policemen and Ozor. The policeman shot Ozor, who died on the spot. In a bid to cover the dastardly act, the remaining five occupants were killed by the police at different locations a few hours later (Emmanuel, 2010, pp. 53-56).

The most pathetic killing was the case of the only female among the six who was strangled to death (Mathew, 2009). The evidence before the court, and which the court admitted, was that Danjuma Ibrahim had made sexual advances to the female among the six persons, but when the girl turned down his sexual advances, he strangled the girl and ordered his colleagues to shot the rest that were yet alive. The following day, their bodies

were paraded before newsmen as armed robbers killed by the police in a shoot-out. But the stiff resistance of other traders at the Apo mechanic village, as well as the determination of the solicitor hired, who was able to prove in court that the victims were extra-judicially killed by the police, exposed the antics of the police force to cover their misdemeanour.

Another instance involved Izuchukwu Ayogu and Nnaemeka Nwoke, who were students of Nsukka High School, in Nsukka Area of Enugu state were arrested by the police in 2007 and, later, detained at the Nsukka police station for “wandering”. When their parents got to know that they were in the police custody in the evening, they went back home to raise money to bail out the boys. But by the time they returned to the station the following day, their whereabouts could no longer be ascertained. After a search party was raised, their remains were found in a shallow grave in a neighbouring community. The Civil Liberty Organization (CLO) took up the matter and went to court. The court later convicted 15 police officers, who were connected to the extra-judicial killings of these two young men, and awarded 30 million Naira cost to the parents of the victims. “Till date, the police in Nigeria have not paid the N30 million, neither are the indicted police officers serving any jail terms” (Mathew, 2009).

Effects of Extrajudicial Killings

Scholars are of the belief that extrajudicial killings are always a sign of a major human rights crisis within a society. When the state itself is involved in extrajudicial killings, it is quite clear that this act directly violates the state’s duty to protect its citizen’s right to life. “The fact that state officials circumvent their own structures for legal punishment is evidence of a serious structural problem within a government. Usually, state officials deny any involvement in extrajudicial killings” (Observer, 2010, pp. 11-12); “Impunity also has a deteriorating effect on a civil society’s outfit and can massively hamper a working democratic civil society” (UNO, 2009/10). In times of peace, the police are the only public organ to legally hold the monopoly of force in order to protect the life of every individual within the state’s territorial boundaries. Lethal use of force in form of a “final rescue shot” (Schmahl , 2010, p.239) is only admissible under the rule of law as a last resort to save a police officer’s own life (self-defence) or to protect the lives of innocent victims who are directly threatened by an offender (assistance in an emergency). Any use of force by state authorities exceeding these narrow conditions would constitute an act of “extrajudicial execution” (Kendall 2002, p.1071) and would violate the principle of due process. Scholars are of the opinion that these extrajudicial killings of the youths would limit the life-line of the state because “the youth are the future of every country”.

Empirical Verification of Extra-judicial killings in Nigeria’s 4th Republic

The figure is staggering. This is because almost on a daily basis extra judicial killings take place in the state, and getting the actual number of people killed yearly by the police and

other security agencies through extra-judicial killings is pretty difficult, simply because of lack of good record keeping. But in an in-depth study, Stone (2007, pp. 9-11) discovered that, “the police in Nigeria kill hundreds annually and, in recent years, it has been thousands killed annually”. According to Emmanuel, (2010, pp.56-8) “most of the extra-judicial killings were not reported to the National Human Rights Commission (NHRC)”. For lack of space, the researcher has displayed some of the reported killings in table form, as shown below:

Table 1 SOME RECORDED EXTRA-JUDICIAL KILLINGS IN NIGERIA’S 4TH REPUBLIC

S/N	Extrajudicial Killings	Year	Leader of Killings
1	ODI Community Massacre	1999	Military Led Forces
2	Mushin Killings	2000	Police
3	Zaki- Biam Massacre	2001	Military Led Forces
4	Afromedia, Alaba killings	2001	The police,
5	Owo, Ondo, massacre	2002	The police
6	Awka C.P.S. Massacre of innocent detainees	2004	By SARS
7	APO –Abuja massacre	2005	The Police
8	Okwe, Imo massacre of MASSOB	2006	Military lead forces
9	Nsukka High School, Near Nsukka	2007	The Police
10	Gbaramatu massacre, Kaleri	2009	Joint Force
11	Maiduguri massacre	2009	Joint military force
12	Onitsha Massacre of IPOB	2015	Joint force
13	Aba massacre of IPOB members,	2016	Joint forces,
14	Aba-PortHarcourt road massacre of IPOB members,	2016	Joint forces
15	Massacre of IPOB members in a School compound, Aba.	2016	Joint forces
16	Afara Ukwu Ibeku massacre of IPOB members	2017	Joint Forces

Source: HJI (2004); *News Express* (2013); *NMW* (2006) *News Watch* (2006) etc, Compiled, designed and tabulated by the Researcher.

Victims of extra-judicial killings were denied that right of being heard. This, no doubt, is a glaring infringement of their right to life (Ojo, 1995, p. 26)

Table 2 EXTRAJUDICIAL KILLINGS: YEAR, LOCATION; VICTIMS, AND NUMBER KILLED

S/N	Location	Year	Victims	No. Killed
1	ODI community in Bayelsa	1999	Men, women, children, aged	4,000
2	Mushin, Lagos	2000	OPC members	20
3	Zaki-Biam Benue	2001	Men, women, children, aged	Over 200
4	Afromedia, Alaba killing	2001	people suspected to be OPC members	Over 11
5	Owo, Ondo	2002	OPC members	40
6	Awka C.P.S., Anambra	2004	innocent detainees	20
7	APO –Abuja	2005	5 Male and 1 Female	6
8	Okwe, Imo	2006	People suspected to be MASSOB Members	5,000
9	Near Nsukka	2007	Nsukka High School Students	2
10	Gbaramatu, Kaleri,	2009	Men, women, children, aged	100
11	Kaleri, Maidugur	2009	Men, women, children, aged	Ovr. 25
12	Kuru Karama, near Jos	2010	Men, women, children, aged	150
13	Zaria at ZakZaky's.	2015	the Shiites	Ovr 20
14	Onitsha	2015	IPOB members	200
15	Aba, Feb 9-13	2016	IPOB members	Over 300
16	Afara Ukwu Ibeku & Aba	2017	IPOB member	28+

Source: HJI (2004); *News Express* (2013); NMW (2006) *News Watch* (2006) etc, Compiled, designed and tabulated by the Researcher.

Some of the tabulated extrajudicial killings in tables 1 & 2 are briefly discussed below:

ODI Community Massacre, 1999

The ODI massacre was an attack carried out on November 20, 1999, by the Nigerian military on the predominantly Ijaw town of ODI in Bayelsa State; the attack came in the context of an ongoing conflict in the Niger Delta over indigenous rights to oil resources and environmental protection. "Prior to the massacre, twelve members of the Nigerian police were murdered by a gang near ODI, seven on November 4 and the remainder in the following days. In revenge, the military decided to invade the village but there are reports that the army was ambushed close to the village thus tensions soared, they broke through the ambush and exchanged fire with armed militias in the village who were believed to be using the civilian population as cover this and the "ambush" provocation led to the attack on civilian population and the town's buildings. Every building in the town except the bank, the Anglican Church and the health centre were burnt to the ground. All of this happened in President Olusegun Obasanjo's reign (HRW, 1999). The invasion was called operation Hakuri II by the Minister of Defence, General T.Y. Danjuma. So deadly was the

killing that Nwosu (SAN) the lead counsel to ODI Community was quoted as lamenting, “A situation where you turn guns and artillery purchased with taxpayers’ money against the taxpayers, is a call for sober reflection and a matter of serious concern. It calls for atonement for the dead and compensation for the living, for the trauma and loss they have been made to suffer as refugees and loss of their precious homes, loved ones, friends and objects of reverence” (CLO, December 8, 1999).

Zaki Biam Massacre, 2001

The extra-judicial murders of the people of Zaki Biam brought so many woes on the state under the Obasanjo presidency and attracted international rebuke to the state. The sad event took place at Zaki Biam, in the year 2001, as reported by several international media, including the Human Right Watch. The onslaught destroyed so many lives beside those that were wounded, arrested, forced to disappear. A few of the number murdered by Nigerian government on this fateful day is shown in table 2 above. From New York, Human Rights Watch “condemned the massacre of more than 100 civilians by Nigerian soldiers in several villages in Benue State”. It urged President Olusegun Obasanjo to set up an independent investigation into the military operation in Benue since October 22 and to bring to justice those found responsible (HRW, New York, and October 25, 2001).

Trevor Johnson and Barbara Slaughter, revealed that the strategy used by the Nigerian soldiers on the Zaki Biam, was simple, “as soon as the villagers were gathered, the troops asked all the women and children to leave and then opened fire on the men, killing 100. At another village, the village head, a blind old man who is uncle to the former army chief, General Victor Malu, was killed alongside his wife. Their bodies were burnt inside the house (Trevor Johnson and Barbara Slaughter, 2001). Dan (2001) Laments, “they have destroyed every single building. Everything is burned out—walls are still standing but everything has been gutted. They came in and shelled buildings. They shot buildings with rocket propelled grenades—there are bullet holes all around.” Unfortunately, no member of the armed forces is known to have been prosecuted for the events in ODI (Takirambudde, 2001, p.1-2). Human Rights Watch warned that these killing of people by the Nigerian security would create and aggravate tension and cause disorder in the system (HRW, 2001).

Massacres of MASSOB Members

From 2003, Nigerian government under the Obasanjo presidency extra- judicially wasted the members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB). Some of the massacres recorded and reported by several media, are shown in tables 1 above. These massacres took place at various spots including: En-route Aba to P/H High way as reported by (*Vanguard* 29 February 2003), during a peaceful meeting at Lagos as reported by Endad (2003, p.4), Umulolo, Football field, OKWE, etc. In the case of

Anambra, the order was that of “shoot-on-sight”. The death toll during these attacks is uncertain.

However, Nigeria Master-Web quoted Madu, as saying that the massacre gulped about 2,000 MASSOB members. But MASSOB spokesperson put the figure at 5,000. A MASSOB member reported that “Thousands of our members were killed, including a pregnant woman and 65 others still missing,” (NMW, 2006). The Human Rights watch believes that the number of people killed by the Nigerian government in each case could be more in figure than the ones shown (HRW, 2001).

Extrajudicial Killings of IPOB Members

It is no longer news that members of the Indigenous people of Biafra, have been victims of extrajudicial killings at various spots in Nigeria, and largely in Biafra land, referred to as “South East”. Emmanuel Mavah cited in (Premium Times June 8, 2016) narrates how the Nigerian security agents massacred the members of the Indigenous People of Biafra in just one instance; “It happened in quick successions. The day was December 17, 2015. News had just come over the radio of a court ruling in favour of the release of Nnamdi Kanu, the detained leader of the Indigenous People of Biafra (IPOB). Jubilant crowds poured out into the streets of Onitsha, the commercial capital of Anambra State. A group of soldiers stationed at the Head Bridge Market opened fire on one of the crowds. By the time the smoke cleared, three people laid dead with over a dozen sprawled on the ground with gunshot wounds. The soldiers fled the scene but not without taking with them the three corpses. Later in the afternoon, five more bodies were discovered meters away from the scene bringing to eight the number of people killed on the spot; of wounded victims taken to hospitals, four later died, bringing to 12 the total number of victims who perished in the fatal shooting. Three of the dead men were identified as Michael Nweke, 37; Peter Chukwuma Nwankwo, 26; and Mathew Ndukwe Kanu, 25.

Massacre in a School Compound

One massacre of the members of IPOB that may not erode peoples mind easily was the massacre in a school compound at Aba in Abia state, on 9 February 2016, in which 22 people were executed instantly while several others were left dangerously wounded during a prayer meeting of the people. The killing has been tagged “an Execution” by human rights activists. Nmezu, (cited in Premium Times 9 February 2016), explained that “to avoid unprovoked attacks of the type witnessed on December 2015 at the Onitsha Head Bridge, members of IPOB were advised to keep their activities off the road, following the advice, over 100 IPOB supporters had on the fateful day assembled for a prayer meeting at the National High school along Port Harcourt road Aba ; survivors said that about 30 minutes later, at noon, the group was singing when a detachment of soldiers, policemen and naval personnel from a joint task force stormed the school compound and without much

altercation began to shoot into the crowd, twenty two people were shot dead on the spot, over 30 others were left with various degrees of gunshot wounds, among whom were Uche Friday (30), from Asa, Emeka Ekpemadu (35) from Owerri, Chiavoigh Chibuikem, and others. Survivors accounts that the soldiers who came from 144 Battalion of the Nigerian Army, located at Asa in Ukwa West local government area of Abia state, also took away those they killed...Four days after the killings at National High School, scavengers on 13 February 2016 raised an alarm upon finding 13 dead bodies in a borrow pit located along Aba Port Harcourt road. , the dead bodies were known IPOB members who were also present in prayer meeting but were never seen again after the killing at the National High School on that fateful day...". The IPOB spokesman lamented that "the Nigerian government is yet to investigate these killings of their members".

Conclusion

The paper set out to study extrajudicial killings and political instability in Nigeria's 4th Republic. It examined if whether extra-judicial killings were a primary cause of political instability in Nigeria's 4th Republic, and also sought to find out if an end to extra-judicial killings could promote political stability. The findings showed that apparently, the manner in which the government wasted lives neither tallied with the stipulations of the state Constitution, the principles of constitutionalism nor conformed to the principles of police practices in democracies. Obviously, this act resulted in instability in governance in Nigeria's 4th Republic. More worrisome is that the more the government wastes the lives of the people, the more the country experience political instability. To that extent, we upheld our hypotheses that extra-judicial murders were a primary cause of political instability in Nigeria's 4th Republic because of the revenge violations, chaos, destruction of government installations, properties etc it inspires. Needless to say that the aftermath of each massacre in Nigeria has always left the country more disastrous than ever: a) It results in great violence in various parts of the country. b) It creates little or less trust in the government, including the ones yet to come. c) It goes to confirm the fears among the youths that there is no hope for them in the system now and as always, thereby creating room for restiveness among them. d) The money that would have been invested in either developing the state or creating jobs for the jobless in the state, is spent in paying for the errors of the government, the case of the 37.6b naira for ODI Community; 3M naira for each of the APO SIX, courtesy of romantic advances. e) It creates unprecedented suspicion everywhere including, among the political class. f) The worst of it all is that, it creates uncertainty among the people, including the supposed illiterates in the villages, about the weight and functionality of the State's constitution. It was also found out that, the end to extra-judicial killings is possible and can promote political stability in Nigeria's 4th republic. The position of the paper is that beyond infringing on the fundamental rights of the people, extra-judicial

killings inspires the desire for revenge killing, and amount to gross disrespect to the constitution which are capable of creating crisis in the state.

From its findings, the paper recommends that the use of force in addressing domestically legal matters should be prohibited completely, giving the fact that such use of force has always culminated to extra-judicial killings which in turn results in political instability at the long run. The paper also recommends that if of a truth the constitution is supreme, it should be practical, to the extent of having the capacity and competence to prosecute the executive arm of government whenever it flouts its orders and stipulations, and of importance is that the security agencies should be subjected to constitutional regulations at all times.

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