



Interrogating The Occurrences Of Human Rights Abuses In Endsars Protests In Nigeria

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ABSTRACT

This paper discusses the EndSARS (Special Anti-Robbery Squad) protest in Nigeria and the associated cases of abuses of human rights, including the right to life, the freedom of movement, the right to liberty, and the right to respect for one's own dignity. While the protest was ongoing, the military and Nigerian police personnel committed these atrocities against protesters in different parts of Nigeria. This paper considers the crucial part that online media played in igniting the movement. It questions whether the freedom to demonstrate is still protected by Nigeria's current legal framework. It denounces the killing of EndSARS demonstrators at the Lekki toll gate. It concludes that the military and police forces flagrantly violated the right to protest and right to life and that those who are found guilty should be arraigned for trial before a competent court of law.

Keywords:- Interrogating, occurrences, human rights abuses, EndSARS protests, Nigeria.

1. INTRODUCTION

The Special Anti-Robbery Squad (SARS), a specialized division of the Nigerian Police Force, was established in 1992 as a unit of the Force's Criminal Investigation and Intelligence Department (Akinyetu, 2021). SARS was primarily established to combat violent robberies and kidnapping, but it has now gained a reputation for preying on defenceless civilians who are frequently targets due to their appearance (growing dreadlocks) and possessions (owning iPhones, computers, and sports utility vehicles). Despite numerous instances of these abuses being reported, the government's responses have not been seen as effective, and numerous investigations are to no avail. SARS's disbandment has been advocated for in both traditional and online Nigerian communities. Segun Awosanya, better known as Segalinks, was credited with organizing protests, in 2017 which gained traction both inside and outside of Nigeria. He gathered 10,195 signatures at the time for a petition to the National Assembly calling for the dissolution of the police unit. As a result, many Nigerians began voicing their displeasure and sharing their personal accounts of their interactions with SARS, leading to Twitter activism in both December 2017 and October 2020 in response to recordings of suspected extrajudicial murders by its personnel. On October 3, 2020, a tweet from the @AfricaOfficial handle restarted the #EndSARS Campaign.

The tweet detailed the shooting of a boy in Ughelli, Delta State, Nigeria, by members of the Special Anti-Robbery Squad (SARS). According to the tweet, the EndSARS personnel took his car and then left his lifeless body on the road. Scholars examined the dynamics of symbolic activism (also known as clicktivism) and substantive action, which includes public mobilization,

during the two weeks of protests that took place all over the world, which was quite instructive in regards to the discussion on digital activism and its efficacy in the age of the internet of things. Although the protests were non violent, the Nigerian Police started firing and using tear gas on the unarmed protestors. As a result, some demonstrators in various places around the nation suffered severe injuries and even passed away (Oshinnaike, 2020).

The Special Anti-Robbery Squad (SARS), which has a long history of abuses, was to be disbanded in response to ongoing extrajudicial executions and extortion, and the protest's main demands were for good and accountable administration in the nation (Okon, 2020).

In lieu of all the aforementioned, this paper explores the EndSARS demonstrations in Nigeria and the violations of human rights that state agents committed against the demonstrators. This paper asserts that Nigerian law upholds the right to life. It concludes that all state representatives must always uphold fundamental rights to life, personal liberty, and human dignity, as well as freedom of movement.

2. POLICE ACTION AND HUMAN RIGHTS VIOLATIONS IN ENDSARS PROTEST

Protest is defined as "contentious politics" or "contentious acts," depending to some part on non-institutional means of engagement with elites, opponents, or the State (Charles,1996). In an effort to change public opinion, it is also described as "public group operations that use conflict politics to apply friction to a certain aim" (Tercheck,1974). Protesting is an unconventional form of political engagement. They continue by suggesting that citizens are criticizing politicians more frequently and that this criticism frequently manifests itself in protest, which may help to explain why there is currently a deluge of research and theory purporting to address the problem (Hollander and Einwohner, 2004).

The Nigerian Police was not initially intended to foster such trust in terms of police in Nigeria because its roots are in the colonial era (Mrabure, Akatugba,2021). The NPF's history can be traced back to one of colonialism's initial phases in 1861 and is distinguished by the weaponization of its state agents against indigenous communities who opposed British colonial control in acquired territory (Ikuteyijo, Rotimi 2014).

The culture of impunity among Nigeria Police personnel during the post-independence era resulted from the Force being used by despotic regimes, primarily those controlled by the military, to persecute opponents and dissidents while the organization was underfunded, underequipped, and demoralized. In its findings from 2006, 2008, 2009, 2018, and 2019, Amnesty International, Nigeria, described the impunity (See Table 1) with which SARS personnel tortured suspects. The Nigerian Police violated people's rights both before and after they were arrested, frequently leaving its victims with serious wounds and post-traumatic stress disorder (PTSD).

They came to the conclusion that the use of various sorts of torture to extract confessions during investigations had an impact on almost every Nigerian.

Suffice it to say that the widespread protests in Nigeria against the disbandment of SARS are not just a result of police brutality (See Table 2) but also a direct effect of the country's inadequate sustainable development policies and the country's style of governance (Onuoha et al,2021). The demonstrations highlight the need for sustainable development and free speech, which are crucial for democracy and effective government (Aidonojie, Odojor, and Agbale,2021).

Table 1: Victims of SARS and Human Rights Abuse before the #EndSARS Protests

Names of Victims	Age	State	Date Killed	Nature of Death
Daniel Adewuyi Tella	27	Lagos	07/02/2006	Graduate of Banking and Finance arrested on his way home in FESTAC. Died in police custody
Godgift Ferguson Ekerete	24	Rivers	03/07/2008	Killed in Mile One Police Station in Port Harcourt
Tony Oruama	21	Rivers	03/07/2008	Killed in Mile One Police Station in Port Harcourt
Harry Ataria	26	Rivers	03/07/2008	Killed in Mile One Police Station in Port Harcourt
Mbakwe Oruama	20	Rivers	03/07/2008	Killed in Mile One Police Station in Port Harcourt
Emmanuel Egbo	15	Enugu	25/09/ 2008	Playing with his fellow children and was unarmed when killed by SARS
Chika Ibeku	29	Rivers	09/04/2009	First arrested and detained at Omoku Police station, then transferred to Port Harcourt. To date, his whereabouts is unknown
Gabriel Ejoor	23	Rivers	09/04/2009	Arrested with Chika Ibeku
Precious Odua	21	Rivers	09/04/2009	Arrested with Chika Ibeku
Owoicho	29	Rivers	09/04/2009	Arrested with Chika Ibeku
Christian Onuigbo	28	Abuja		Shot by the police while parking his car in Jiwa
Kolade Johnson	22	Lagos	31/03/2019	Killed by police stray bullet
Mus'ab Sammani	22	Kano	4/12/2019	Shot by the police over an argument between him and a Keke driver that bashed his car
Chima	N/A	Rivers	23/12/2019	Arrested by the police in Port Harcourt and was tortured to death
Kazeem Tiamiyu	21	Ogun	22/02/2020	Assistant Captain of Remo Stars Football Club harassed and killed by SARS
Tina Ezekwe	16	Lagos	14/05/2020	Secondary school student that was shot and killed by two police officers at the Iyana-Oworo area of Lagos State
Chibuike Daniel Ikeaguchi	20	Rivers	19/09/2020	Upcoming music artiste. Went to visit his friend at Elenwo area of Obio Akpor Rivers State but was killed by SARS on his return

Source: Adopted from the reports of Amnesty International (2006, 2008, 2009, 2018, 2019 & 2020) and prepared by the authors Asogwa,, Edeh, Ajah, Omeh, Asadu, Chimezie, Ngwuh, Ikenga Journal of Institute of African Studies Vol. 22, No.2, June 2021 <http://www.ikengajournal.com.ng/> 73

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

Names of Victims	Source	State	Date Killed	Nature of Death
Unnamed	Harvard Human Right Review	Delta	3/10/20	Report of the unprovoked shooting of a boy on the street of Delta State, whose car was taken by SARS official
Jimoh Isiaka	Human Right Watch	Oyo	10/10/2020	He was killed by a stray bullet while the police were dispersing protesters in Ogbomosho
Unnamed	Vanguard Newspaper	Ondo	11/10/2020	The police shot tear gas and live bullets to disperse protesters, killing about 4 persons
Unnamed	Amnesty International	All	12/10/2020	Amnesty International reported that the police killed about 10 persons in one week during the protest
Unnamed	Nairametrics	Abuja	12/10/2020	As the protesters were heading towards Force HQs, the police attacked them using teargas, water cannons and gunshots, slashing car tyres, seized phones and arrested others
Unnamed	Nairametrics	Rivers	12/10/2020	The banning of protest by the Governor Nyesom Wike, thus stopping the planned protest on Tuesday of that week
Unnamed	Nairametrics	Lagos	13/10/2020	As the police dispersed protesters in Surulere, 1 person was killed, and others were arrested and kept in police stations
Unnamed	This Day Newspaper	Abuja	14/10/2020	An order from the CBN to various banks not to allow their platforms to be used for raising funds
Unnamed	This Day Newspaper	Abuja	15/10/2020	The announcement by the Federal Capital Territory Administration that all demonstrations have been banned after a wave of #EndSARS protests in various cities
Unnamed	Nairametrics	Lagos	20/10/2020	Peaceful protesters were allegedly shot at by the Nigerian military at the Lekki Tollgate, in which 49 persons were alleged to be killed
Unnamed woman	Human Rights Watch	Oyo	Unknown	A woman was severely beaten with a stick by the police, fracturing her skull

Ikechukwu Ilohamauzo	HRW		12/10/2020	Police opened gunfire to disperse protesters, killing 55-year-old IK
Unnamed	HRW		12/10/2020	Police arrested dozens of protesters, who were refused access to their lawyers but were released following the intervention of some prominent political office holders

Source: Adopted from the reports of Amnesty International (2006, 2008, 2009, 2018, 2019 & 2020) and prepared by the authors Asogwa,, Edeh, Ajah, Omeh, Asadu, Chimezie, Ngwuh, Ikenga Journal of Institute of African Studies Vol. 22, No.2, June 2021 <http://www.ikengajournal.com.ng/>

From tables 1 and 2 above, some fundamental rights of individuals were grossly abused by SARS personnel. Freedom of expression provided under section 39 was abused by SARS personnel. Every Nigerian has the right to receive and express their opinions, ideas, and information under this provision of the law. Additionally, it gives them permission to set up and run any form of information dissemination throughout Nigeria, subject to wireless broadcast rules. According to section 33 of the Constitution, everyone has the right to life, and no one may have their life purposefully taken away. The only circumstances in which this right is not applicable are: 1) when a person is given a valid death sentence by a court of law; 2) when a person uses reasonable force in self-defence; and 3) when a person dies while making a lawful arrest or suppressing a riot, mutiny, or insurrection as long as reasonable force is used. SARS personnel abused the right to free association as granted by section 40, which stipulates that any Nigerian has the right to establish or join any group of individuals in Nigeria to further his interests. Right to human dignity under section 34, states that each and every person has a right to respect and dignity. Rights to liberty under section 35 and that of freedom of movement under section 41 were also violated by SARS personnel. Everyone has a right to be free from slavery and torture. SARS appears to have given up on its mission to protect people and property.

Here are some of the people that were subjected to these atrocities. Serving Corps member Linda Angela Igwetu, 23, was killed in Abuja, Nigeria, on July 4, 2018, by a Nigerian police officer. On July 5, 2018, she worked till after midnight with a small group of friends before they graduated from the National Youth Service Corps. According to reports, she was driving while enjoying music in her open-roof car when a policeman by the name Benjamin Peters shot her at the checkpoint just after Ceddi Plaza. She was shot by the policeman in her belly, and just before she died, she began to bleed out and her heart beat slowly. Tiamiyu Kazeem played for the National League team Remo Stars before being killed by the Nigerian SARS (Ohia and Salawu 2020). On February 22, 2020, SARS agents stopped them in Sagamu, and they enquired about their means of living. The deceased and his companion were verbally harassed and accused of being con men due to the way they were dressed; they quickly responded by pointing out that they were footballers, dispelling the accusation. Sadly, one of the officers pushed the deceased out of the van when he became agitated, and a car coming from the rear instantaneously crushed him. A police officer shot Tina Ezekwe, 16, on May 26, 2020 in Lagos State. (Fattore & Mason, 2020). Two days later, Tina passed away. In the course of shooting a driver who refused to offer them a #200 bribe, the police officer, who was allegedly inebriated, shot Tina Ezekwe. Nigeria's EndSARS protest has had a huge impact on the brutalization, abuse, and extrajudicial death of the country's bright young people by the Special Anti-Robbery Squad (SARS). The cases cited above are only a few examples of this.

2. IMPACT OF SOCIAL MEDIA ON THE RIGHT TO PROTEST DURING THE ENDSARS PROTESTS

The Latin word "*rectus*" which means "correct," "straight," or "the opposite of wrong," is where the English word "right" originates (Oputa, 1989). It may also imply that something is righteous, moral, or legal. The term "right" can also refer to a possession that an individual has, such as a legitimate claim to property, an item, or the capacity to act or speak. A right is an advantage or interest that is recognized by law (Salmond, 1973). When one aspect of a person's right is sufficient to impose a duty on another person or people, that right exists. When someone is referred to as "human," it means that they are of the same nature as mankind or share its traits. Since humans are mortal, intelligent beings, they therefore have the right to certain protections everywhere and at all times (Raz, 1986). These rights span a broad range of civil, political,

economic, social, cultural, group solidarity, and developmental requirements that are deemed necessary for a purposeful existence for humans (Ogbu, 1991). They are demands or claims made on society by people or groups, some of which are legal and fall under *ex lata* while others are aspirations that will be fulfilled in the future (Eze, 1984).

The Magna Carta of 1215, the English Bill of Rights of 1689, and the French Declaration on the Rights of Man and Citizen of 1789 are just a few examples of the documents that served as the foundation for many contemporary human rights laws¹. The United States of America's Declaration of Independence states² that "life" is one of the inalienable rights, which implies that everyone has the right to exist and that governments are obligated to safeguard their citizens' inherent rights. Everyone has the right to life, liberty, and the security of their person, according to article 3 of the Universal Declaration of Human Rights, which was approved by the United Nations General Assembly in 1948. The European Convention on Human Rights was ratified by the Council of Europe in 1950, and article 2 of the document declares that "everyone has the right to life, liberty, and the security of person." Similarly, the African Charter on Human and Peoples' Rights (ACHPR)³ and the United Nations Convention on the Rights of the Child (UNCRC) affirmatively provide for the right to life in articles 4 and 6(1)⁴ and (2),⁵ respectively. Any person in every nation has the right to demand good governance. It is crucial to recognize that good governance and strong leadership are the main obstacles to progress in a nation like Nigeria since the results will demonstrate authentic leadership (Nwabuoku, 2020).

Social media can be seen as the vehicle for rapid information dissemination and public mobilization for direct action protests (Carty, 2015). Internet usage is often used by social movement organizations to improve coordination and mobilization for large-scale street protests (Van Laer and Van Aelst, 2010). According to Anderson *et al.*, social media has become a significant forum for political discourse and occasionally serves as a platform for civic engagement. Similar to this, hashtags can be used on social media to draw attention to certain causes and openly target specific populations (Tayebi, 2013). This was especially true during the #EndSARS protests when celebrities were criticized for not supporting the demonstrators. It is sufficient to say that in the twenty-first century, social media has played a key role in mobilizing demonstrators, undermining the legitimacy of governments, and drawing attention to their misdeeds on a local and global scale. Undoubtedly, the emergence of social media has contributed to the decline in power and monopoly of the media in Nigeria. These "digital media, new kinds of grassroots public relations, including those carried out by social action networks, have evolved" as a result of them (Hon, 2016). Social media can be considered a tool for quick information dissemination and crowd sourcing support for direct action protests (Carty, 2015). Social movement organizations frequently use the internet to enhance coordination and mobilization for massive street protests (Van Laer and Van Aelst, 2010). Similar to this, hashtags can be used on social media to promote specific causes and openly criticize specific demographic groups (Tayebi, 2013). This was particularly true during the #EndSARS protests, when celebrities came under fire for not supporting the protesters. In many countries, social movements use social media as a communication channel and a real-world intervention tool (Murthy, 2018). Many public analysts assert that the demonstration's early level of popularity was largely due to the intense usage of twitter and other social media platforms. Online and

¹ 'A Short History of Human Rights' (2021)

<http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>

² 13a. The Declaration of Independence and Its Legacy' (2021)

<https://www.ushistory.org/us/13a.asp>

³ African Charter on Human and Peoples' Rights, art. 4, June 27, 1981, O.A.U. Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 [hereinafter ACHPR] 'Every person has the right to have his life respected. This right shall be protected by law and in general from the moment of conception. No one shall be arbitrarily deprived of his life.'

⁴ Convention on the Rights of the Child, G.A. Res. 44/25, art. 6(1) (Nov. 20, 1989) ('mandating States parties to "recognize that every child has the inherent right to life.')

⁵ Art. 6(2) ('States Parties shall ensure to the maximum extent possible for the survival and development of the child.')

offline participants in the EndSARS protest tracked the protest's progression on social media (Sandoval-Almazan and Ramon Gil-Garcia, 2014). The stages involved the communication and mobilization on social media, triggering events, media response, viral organization, physical response, and physical protest. These demonstrations used an online political agitation that functioned as a major catalyst for physical protest, much like what happened when the hashtags #EndBadGovernment and #EndCorruption in Nigeria were used together (Towner, 2013). Some researchers have questioned whether online or social media protests actually result in physical demonstrations. While some said that online activism does not foster a sense of community among social media users and that it swiftly dissipates, others claimed that the social media just serves as a forum for ideological discussion and does not compel people to join actual mass movements (Stewart & Schultze, 2019). The usage of social media, on the other hand, influences people's intentions to join social groups and gives such intentions the required impetus, according to research by Gerbaudo and Trer'e (2015). They supported this by making the case that people using social media who are connected to individuals who pay close attention to communications on social movement engagement have higher intents to participate in a physical mass action, resulting in a larger bridging social capital (Hwang and Kim,2015).

However, it is equally important to remember that the Federal Republic of Nigeria's Constitution⁶ has a significant section upholding the people's unalienable right to protest in Nigeria. The right of the people to protest or participate in any peaceful processions is protected by sections 39 and 40 of the Nigerian Constitution. It acknowledges that everyone has the right to openly associate, congregate, and express their opinions for the purpose of defending their interests. Given this, the Nigerian constitution guarantees the right to peaceful protest, which cannot be restricted unless done so in accordance with section 45 (Ofo, 2011). The right to peaceful protest has been given judicial affirmation in the case of *Inspector General of Police v All Progressive Peoples Party & Ors*⁷. The section states that each state's government must protect the safety of the state and anybody participating in a peaceful demonstration and organize a procession and assembly in a public place or route within the state (Idowu,2013). While the Public Order Act (2004)'s section 1 guarantees the right to a peaceful demonstration in Nigeria, section 2 leaves the exercise of that right up to the whims and caprices of the Governor of the State where the demonstration is to be held (Olutola,2020). Section 2 mandates that demonstrators first seek a protest license while granting the Governor the authority to do so; in the absence of such a permission, any protest is deemed illegal. It's interesting to note that the Nigerian Constitution's recognition of the right to peaceful protest has led to the court declaring this subsection 2 null and void. The right to protest guaranteed by section 40 of the Constitution shall not be subject to approval, the court said, as this is against the letter of the provision. In this context, the Public Order Act cannot be used to uphold law and order by denying Nigerian citizens their right to free speech (Mugwanya.2003).

Affirming that some international communities also uphold the right to demonstrate is crucial. This is so because Nigeria is a signatory to various international conventions and treaties that recognize the freedom to protest. One such international document that acknowledges the freedom to protest in Nigeria is the Universal Declaration of Human Rights (1981). Everyone is guaranteed the right to freedom of thought, the right of self-expression, and the right to peaceful assembly and association under articles 18, 19, and 20 of the Universal Declaration of Human Rights. The exercise of rights, however, must comply with the legitimate need of public order, decency, and the welfare of a democratic society, according to article 29 of the Declaration (Ekoh,George,2021). The International Covenant on Civil and Political Rights, or ICCPR also recognizes the right to protest in a peaceful manner. Every state party is required under the covenant to ensure that the civil and political rights of the people are respected, including the freedoms of expression, life, religion, and assembly. On July 29, 1993, Nigeria signed the ICCPR, which has the clear consequence that the covenant is now enforceable and legally binding in Nigeria against any person(s), government, or organisation. Article 21 of the ICCPR, which provides that a person or group of people has the right to freedom of peaceful assembly to the extent that it does not interfere with the rights of others, public order, public safety, or morals,

⁶ Constitution of the Federal Republic of Nigeria (as amended) 2010.

⁷ (2007) 12 WRN 65.

confirms the people's right to protest (Keith,1999). In addition, the African Charter on Human and Peoples' Rights is a regional international human rights treaty that aims to promote and defend basic freedoms and human rights across the African continent. The treaty has become legally binding and enforceable in Nigerian courts as a result of the Nigerian government's acceptance of it in 1983 (Ekhaton,2015). According to article 11 of the African Charter, the freedom to protest is a fundamental and unalienable human right that cannot be arbitrarily restricted, save in cases of national security (Viljoen,1999).

Due to the influence of social media, the United Nations replied on October 21 to the senseless slaughter of Nigerian young demonstrators on October 20, 2020, by the army and police. The Secretary-General of the UN demanded an immediate end to police violence and the unjust killing of Nigerian youngsters who were protesting peacefully within their legal rights because they were fed up with the harassment. The Nigerian government was urged by the U.N. to immediately stop this heinous act. Joe Biden, the president-elect of the United States, shared the sentiment in a speech, urging the Nigerian leader and the army to put a stop to the violence and work towards creating a more inclusive and sustainable nation for its people. The profound act of using online channels to call for the dissolution of the #EndSars campaign and increase awareness of it sparked huge protests, which in turn sparked a violent response from the Nigerian government. The brutality of the Nigerian government's response and its harsh treatment of non violent protestors was appalling and highly condemnable. The End SARS campaign highlighted the critical and comprehensive role social media can play in fostering social change, social mobilization, and advocacy for respect for human rights in Nigeria and other parts of the globe.

4. CONCLUSION

This paper investigated the EndSARS protest in Nigeria while considering the human rights abuses committed against demonstrators by state agents. It denounces the wrongdoing and draws the conclusion that government officials should always uphold rights like the right to life, freedom of movement, personal liberty, and human dignity. Those found culpable in the flagrant abuse of human rights violations during the EndSARS protests in Nigeria should be arraigned before a court of competent jurisdiction as a deterrent for further occurrences of such dastardly acts perpetrated by agents of the state.

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