Regular Training on Guidelines for Operations to Curb Vigilante Groups’ Excesses in Nigeria

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ABSTRACT
In Nigeria, there are wall to wall kidnappings, armed robberies and other social vices among other violent crimes. The police has failed in its constitutional responsibility of protecting lives and property and it is accused of bribery, extortion of motorist, illegal road blocks, extra judicial killings, intimidation, the use of excessive force on innocent and law abiding citizens, selling and giving arms and ammunitions to armed robbers, mass and illegal arrest among others. We perused at the formation of vigilante groups in Nigeria through the Microscope of “social contract theory”. This paper studied carefully the need for vigilante groups in Nigeria, operations of the groups and the excesses that characterized vigilante groups in Nigeria. Findings in the study showed that inadequacy and incompetence of the Nigeria police to confront the geometric progression of violent crimes and criminalities in Nigeria, perceptions of the public as un cooperative, unsupportive and antagonistic towards the police and non availability of state police in Nigeria among others, the formation of vigilante groups are inevitable in Nigeria with a view to rendering all lawful help and assistance to the police. Having formed the vigilante groups, they become hydra and virtually uncontrollable and unmanageable by the community that established them. Based on the unruliness of the vigilante groups, it was recommended that regular seminars and workshops should be organized for members of vigilante groups in Nigeria on their roles, limitations and how to construct effective and efficient synergy with the police and members of the community among others.

Keywords Crimes and criminalities, Confront, geometric progression, synergy, police, law and order.

INTRODUCTION
Section 14 (2)(b) of the Constitution of the Federal Republic of Nigeria, 1999, as amended provides that “The security and welfare of the people shall be the primary purpose of government. The government in turn delegated the responsibilities of protection of lives and property and maintenance of law and order in the society to the police. The Nigerian police is inadequate and incompetent to stand up to their constitutional and statutory responsibilities to confront crimes and criminalities head on. The incessant and wall to wall kidnappings, armed robberies and other social vices among other criminal activities all appear to overwhelm the Nigerian police which by many standards have not been able to live up to their responsibilities.
Also, as a result of corruption in the police, the suspected criminals easily find their way back in the streets terrorizing people and even in extreme cases unleashing vengeance on those people that handed them over to the police or master minded their arrest by the police. The police is also accused of revealing the identity of their informants to the suspected criminals after being released by the police in questionable circumstance who later go after the informants.
The News Magazine of August 20th, 2001, reported that “when people gave them [police] information about robbers, they turned back and divulged the source of the information to the same robber (for a price). The robber would then visit the informant.
The police fail on many occasions to redeem the price tag it put on suspected criminals at large. The police have been accused of bribery, extortion of motorists, illegal road blocks, extra-judicial killing, intimidation and the use of excessive force on innocent and law abiding citizens, selling and giving arms to armed robbers involvement in armed robbery, mass and illegal arrest and inability to confront robbers. Despite the fact that the strength of Nigerian police is about 370,000 as at 2015, Daily Post, 2015) which is not sufficient to police about 170 million Nigerians, some police officers are sometimes used as private body guards and thugs by rich politicians and help to rig elections and for election violence. All these reasons made citizens of Nigeria to disconnect from the police.

Citizens no longer looked to the Nigerian police for the protection of lives and property. Instead, they have resorted to other means like self-help or mob action for their own protection including unregulated and often violent reprisals against suspected sources of their collective endangerment. (Ekeh, P. 2002) White, Cox and Base Hart (1991) observe that police culture abounds with perceptions of the public as un-cooperative, un-supportive and antagonistic towards the police. The bottom line is that it was the love lost between the police and the community that resulted to the emergence of the vigilante groups in Nigeria.

This paper examined the need for vigilante groups in Nigeria, their operations, the excesses that characterized the groups and make recommendations with a view to strengthening vigilante groups in Nigeria.

Theoretical Framework
The theoretical framework we applied for this paper is the social contract theory. The most notable proponents of the theory were Thomas Hobbes (1588-1679), John Locke (1632-1704) and Jean Jacque Rousseau (1712-1778), the central piece of this theory is that according to Thomas Hobbes, in the state of nature, man lived without a government. In that state of nature, the situation was called warre and in such a warre situation every man was against every man. It was not war in the real sense, but a perpetual struggle of all against all, competition, diffidence and love of glory being the three main causes of war. Also, in such a situation, law and order were absent. The situation was a lawless situation. Hobbes says the life of a man is “solitary, poor, nasty, brutish and short”. Hobbes also says that in a state of nature, there are some laws of nature. These laws of nature are for self preservation and peace. The only way to peace is for men to give up so much of their natural rights as are in consistent with living in peace. A government is formed. The contracting parties are subject and subjects.

There are differences of opinion among the exponents of social contract theory. It is interesting to know that all the exponents agreed that the state is human creation through contract. The period before the state was created was the period in our society where the police is inadequate and incompetent to face their responsibilities to confront crimes and criminalities. Incessant kidnappings, armed robberies, and other social vices among other criminal activities were the order of the day before the emergence of vigilante group in Nigeria.

The period after the state was created was the period in our society where vigilante groups augment the maintenance of security in the society, render all lawful helps and assistance to the police. Also, it was the period where vigilante groups prevent, detect crimes, make available relevant information on criminals, ensure that hoodlums do not operate in the society and protect lives and properties. The power vigilante groups have to operate, the trust and confidence they enjoy came from members of the society and police whom vigilante groups support in crime prevention. Against this backdrop, the existence of vigilante groups in Nigeria is a product of social contract, to protect the citizenry from all forms of social abuse. Citizens oversee the operation of the vigilante groups. The contracting parties are citizens and citizens and the product of the contract is vigilante groups. Vigilante groups derive their credibility and authority from the community.
The Need for Vigilante Groups in Nigeria

The need for vigilante groups in Nigeria is not easily separated from the origin of vigilante groups in Nigeria. The origin of vigilante groups in Nigeria is predicated upon the following reasons. Fundamentally, the exit of the military and the institutionalization of a liberal democratic government witnessed dramatic increase in security problems and the emergence of vigilante groups in Nigeria. The increased incidence of crimes since the end of military rule in Nigeria has resulted to the proliferation of heavily armed vigilante groups in Nigeria. As a result of collapse of confidence in the police by the people and mutual mistrust on distrust between the police and emerging vigilante groups, vigilante group stopped handling over suspected criminals to the police and instead began to carry out extra judicial executions of killing of suspected criminals. The bottom line is that it was a love lost between the police and the community that resulted to the emergence of the vigilante groups in Nigeria.

Besides, the perception of the people of the police worsened to the extent that community members perceive as police informants are derided. Under this state of affairs, many Nigerian communities no longer looked to the Nigeria Police for protection from violent criminals. The corruption of the Nigeria Police over the years heightened consequently the Nigeria Police is perceived as the most corrupt government institution both locally and internationally worsening community – police relation. Under this state of affairs, the Nigeria Police has been unable to fight crime let alone prevent it. Historically, in Nigeria, night guards and vigilante groups have emerged in response to theft and armed robberies. (Pratten, 2008).

Some state governments in Nigeria as a result of the inability of the Nigeria Police to tackle the security problems confronting the country, have resorted to self-help by sponsoring vigilante groups. The government of Anambra State, Nigeria officially established the vigilante group in the state known as “The Anambra State Vigilante Service”. In a real federal setting, states are allowed to own their own police but in Nigerian federalism, states are not constitutionally allowed to own their police. This makes the work cumbersome for the police in Nigeria to check crimes and criminality and protect over 170 million people in Nigeria.

Item 45, Second Schedule, Part 1, Constitution of the Federal Republic of Nigeria, 1999 as amended, provides for police and other government security services. In all federalisms over the world, both the federal and state governments have their own police force. In the United States of America, the Federal Government has the Federal Bureau of Investigations (FBI) and the state governments have their own state police force. In Nigeria, the police belongs to the federal government. The argument in support of the federal police in Nigeria has been the fear that state governments will use the state police as instrument of oppression of political opponents and of minority nations within their states (Sanubi and Agiri, 2015:164).

There is only one federal police for the whole Nigeria and this make it stressful for the police in Nigeria to police the country. Also, Nigeria has not been able to meet up with the standard of United Nations which recommends that 222 policemen per 100,000 citizens. The strength of Nigeria police, as at 2015 is 370,000 to about 170 million Nigerians (Daily post 2015). Supra.

In addition, in Nigeria, police have been found wanting in their responsibility of maintaining law and order especially as regards combating criminal activities. The police has been accused of extortion of road users and illegal road blocks. Despite the order given by the Inspector-General of Police, charging all commissioners of police across the country to ensure strict compliance with the ban on police road blocks, Vanguards gathered in recent times illegal check points have been resurfacing across major roads in the Lagos suburbs and metropolis, usually during the evening periods from 6:00pm to as late 11:pm some policemen defied this order. Lagos residents, especially commercial motorist tri-cyclists and motor cyclists have continued to lament the increasing numbers of police illegal check points resurfacing in major roads across the state. Policemen collected N100.00(One Hundred Naira) from bus drivers and gave them number tags ranging between one and more for easy identification of drivers that paid (Asomba, 2015:44).
Another fundamental reason for the establishment of the vigilante group has been to complement the police in identifying and handing over criminals suspects to the appropriate judicial authorities. Because of communication gap between the police and the people, the people are not interested in reporting crimes to the police and or testifying against criminals in law courts because the people have the impression that the police will not defend them in situation of revenge from the criminals.

As a result of geometric progression steady increase in violent crimes in Nigeria, exacerbated by ineffectiveness, and inefficiency of the Nigeria police, formation of vigilante groups in Nigeria is inevitable. Throughout the mid-1990s, state governments, the police and traditional rulers called upon villages to set up vigilante patrols (The legitimate of murder and Torture publication). As a gist of fact, all over the world, in the face of police inability to stem surging crime waves, community members are turning from constitutional law enforcement agents to various self-help initiatives and this situation is not peculiar to Nigeria. For instances, Acqueteau (1988) states that in France, vigilante groups were sponsored by the Semi-Fascist National Front and were usually patronized by poorer people who were attracted to this alternative because of the prohibitive cost of insurance and private security. (Trojanowickz and Bucqueroux 1990:131). Also, within the United States, there were almost twice as many people employed in private security as there were public police.

The immediate reason why vigilante groups was introduced to Nigeria was the success of Bakassi Boys eliminating robberies in Ariaria market in Abia State. The origin of vigilante group in Nigeria could be traced back to the explosion of crimes in Aba, in Abia state in the late 90’s. Aba which hosts the large Ariaria market was enveloped in insecurity and lawlessness as armed robbery and other forms of violent crime reached unprecedented levels. There were robberies and extortions by armed gang in Aba. The most prominent of the armed gang was known as the “Mafias”. Robberies and extortions became a daily routine and began to affect more than just the population of Abia, as traders from all over the country and neighbouring countries who used to come to Aba to transact business in Ariaria market began to stop coming to Aba because of fear. Armed robbery activities came to the climax when armed robbers killed a pregnant woman near Ariaria market in Aba in October, 1999.

Traders in Ariaria market mobilized people to hunt down the perpetrators and the traders clashed with the alleged criminals for three days. This incident prompted the Shoe Makers Association to organize a vigilante group to defend themselves against criminals. The vigilante group then unleashed its own killing spree, unprecedented in the history of Aba, killing and burning suspected criminals and their accomplice tracking some of them down in their home towns and villages.

After this revenge by the Shoe Makers Association in Ariaria market, robbery in Aba reduced. Commercial activities resumed and customers began patronizing the Ariaria market once again. Having defeated the armed robbers, the traders in Ariaria turned the Shoe Makers Association Vigilante group into a more permanent institution. They provided them with a building to use as their headquarters and began paying them regular salaries.

The vigilante abandoned their normal means of livelihood to become full-time members of the vigilante group which became known as the Bakassi Boys. The success of the Bakassi Boys eliminating robbery in Ariaria market of criminals led to clamours for Bakassi Group in other States of Nigeria. On the 27th day of April, 2004. Community policing was formally launched throughout Nigeria. (The Dawn Newspaper, 2011).

The Roles and Regulations of Vigilante Groups in Nigeria
The roles of vigilante groups in Nigeria cannot be over stressed. To keep society free of crimes, encourage members of the community to live in harmony and make society safe from anything that disturbs the peace of the society. The government of Anambra State introduced to Anambra State House of Assembly and ensured the adoption of a law in August, 2000 which officially established the vigilante group in the state known as the Anambra State Vigilante Services (AVS) the law outlines the functions and powers of the vigilante group as follows, effectively making them a full fledged law enforcement agency (Anambra state official Gazette, 2000).
The vigilante group shall augment the maintenance of security in their various community and shall in particular render all lawful help and assistance to the police in:-

- the prevention and detection of crime
- making available relevant information on criminals
- taking measures to ensure that hoodlums do not operate in their communities.
- preserving law and order.
- protecting lives and properties.

The groups shall have the power to:

- arrest any person who commits a crime before them.
- patrol the streets or villages at anytime of the day and especially at night.
- maintain security barricades at nights in appropriate places
- question and hand over to police any person of questionable character or of suspicious movement and
- enter and see any compound into which a questionable person runs while being pursued.

The functions of the Anambra State Vigilante Group as provided by the law establishing it is constitutional. It is instructive to note that Section 24(e) of the Constitution of the Federal Republic of Nigeria, 1999, as amended, provides that it shall be the duty of every citizen to render assistance to appropriate and lawful agencies in the maintenance of law and order.

In the same vein, the power of the vigilante to arrest has a statutory provision. Section 12 of the Criminal Procedure Act provides that a private person may arrest without warrant.

- Any person who commits an indictable offence in his presence, or
- Any person whom he reasonably suspects of having committed a felony, or
- Any person who commits a misdemeanor by night.

Section 28 (d) of the Criminal Procedures Code also empowers a private person to effect an arrest without warrant in the following circumstances:

- Any person whom he is directed to arrest by a Justice of Peace or a superior police officer.
- Any person who has escaped from his lawful custody.
- Any person required to appear by public summons published under Section 67 of the Criminal Procedure Code and
- Any person who commits an offence in his presence for which the police are authorized to arrest without a warrant.

Having reasoned from the above, when a private person is empower to arrest without warrant any threat by him to effect the arrest is not unlawful. The bottom line is that any threat used by vigilante group to effect arrest is lawful. Under this circumstances, vigilante group is not liable for assault and such threat cannot amount to provocation as defined in section 283 of the Criminal Code. Beside, any person who resists by force on attempt by vigilante group to arrest him cannot claim the benefit of self defence.

It is pertinent to adumbrate that where vigilante group arrests a criminal, it must proceed with immediate effect to hand over the arrested criminal to a police officer. Where vigilante group is unable to immediately hand over the criminal to a police officer, it must take the arrested criminal to the nearest police station. If there is no sufficient reason to suspect that the arrested person committed the alleged offence he shall be released by the police.

Where the vigilante group arrest and fails to handover the criminal without unnecessary delay the vigilante may render itself liable to damages for false imprisonment.

**The Excesses of Vigilante Group**

The vigilante groups, when they were set up, they promised to deal ruthlessly with armed robbers and general criminals. As time goes on, they became hydra and they no longer accountable to the community that set them up. They breached the social contract they entered with the community. They also became virtually impossible to be directed, managed, controlled and supervised. Vigilante groups arrest people
arbitrarily on the basis of little or no evidence, torture them and sometime summarily execute them in public.

The Bakassi boys killed five members of Onistha Traders Association and beheaded them in the market, close to their headquarters. An eye-witness said the Bakassi boys cut off the legs of their victims and made a fire under their bodies, blood was gushing from their heads; a crowd of onlookers clapped. The police were reportedly present but only watched and did not intervene. The Bakassi Boys claimed that they had killed five men because they were armed robbers masquerading as members of Onitsha Traders Association (Human Rights Watch/Clean Interview in Onitsha (2001).

In another story, one of the four-man armed robbery gang that had been terrorizing Ihiagwa in Owerri West Local Government Area of Imo state has been lynched by angry youths. The deceased who was identified as Mr. John Nkocha, was beaten mercilessly into a coma by youth in the community but was later rushed to a nearby hospital where he eventually died. Although, the villagers expressed happiness that the bad boys in the community had been reduced by one, he however said the police had stepped into the matter (Nkwopara, 2015:6). Also, Vigilante Group of Nigeria, in Ughelli, Delta State, Nigeria, killed three alleged innocent persons. They were allegedly killed at Iwhrekpokpo, Ughelli on the 1st day of March 2016.

It was reported that the three were playing whot card game before the vigilante team swooped on them. When the vigilante came, they rounded up the boys who were five in number, while others escape. One of the boys raised up his hands in order to identify himself as a Navy Cadet, but before he could do so the vigilante members shot him on his right leg. Even as he groaned from pains caused by the gun shot, he managed to bring out his identity card for identification, but it was taken and thrown away by the vigilantes. They called him criminal and shot him again, leading to his death. Immediately after his death, a gun and cutlass were allegedly placed on him to tag him as an armed robber. Of the three victims left, two were arrested, taken away and were shot dead behind a popular Hotel in Ughelli. Also, matchet and short gun were placed on their corpses as criminals. The surviving victims escaped and later revealed the vigilantes misdeed (Grandball, 2016:2).

Another problem that characterized the operations of vigilante groups in Nigeria is that community leaders and some person used vigilante members as they have been using police for intimidating their enemies in business and land disputes as well as against the debtors to enforce payment of loans, and even landlords against their tenants for quit. This causes mutual distrust between the police and vigilante groups.

In addition, vigilante groups have been criticized for getting too involved in politics. The chairman of the Abia Vigilante Service told journalist who asked him about their relationship with the Abia state government “We have a cordial relationship. It is just a father and son business (……). we have a very good relationship with the governor (……) we always obey him because he who pays the piper dictates the tune. He pays us and we always try to obey him (Post Express, 2001).

Many powerful politicians who constitute most of the membership of vigilante group often use their position in the society to shield criminals who are loyal to their cause. Most of these miscreants, who are used by politicians during electioneering campaign and as body guards and thugs are often shielded from the arm of the laws by these politicians. It is very wrong for vigilante group to be armed. It should hand over every suspect it arrest straight over to the police. The Anambra Vigilante Service had reportedly been accused of carrying out extra-judicial execution of suspected criminals and also political opponent of state government.

It is said that vigilante groups maintain illegal detention centres. In August & September, 2002, police found five illegal detention centres in Ihiala, Nnewi, Onitsha, Awka and Ekwuleibia on August 8, 2002 and also freed 46 illegal prisoners held in cells by vigilante groups in Abia state. Vigilante members extort money and or take bribe from members of the public or crime suspects to do their work. There is high level of delinquency in vigilante groups. They use violence and torture tactics such as encouraging an angry mob to attack a crime suspects. They also use torture and violence to make arrest or get
information from suspects. This is unlawful. Members of Vigilante groups steal and have been implicated in theft, robbery and kidnapping incidents. Vigilante group member share the information gathered from its patrol activities with criminals and persons who are not members of the vigilante group without the approval of the group. Vigilante group members subject erring members of the public to dehumanizing treatment such as corporal punishment, fines, lynching and flogging. They as well harass female members of the community. Vigilante group members have hijacked the work and duty of police who are trained in the skill to carry out a thorough and effective investigation. They lack regular training on relevant tactics about the growing trends and sophistication in crime. They also lack the knowledge on observance of guidelines on human rights and policing. Vigilante groups lack finance to carry out its work and duty of crime prevention. They lack the resource to buy patrol tools such as torches, raincoat, batons, recharge cards for making urgent and distress calls, uniforms, identity cards printing, stationary and logistics.

CONCLUSION
The thrust of vigilant group in Nigeria is synergy between the police, vigilant members and members of the community because vigilant group is a creation of the community. Vigilantism does not imply that police is no longer charged with the responsibility of protecting lives and property in the society, rather the primary duty of maintaining law and order in the community is a collective responsibility, with a view to creating a safe and secured environment for everyone.

RECOMMENDATIONS
- Regular seminars and workshops should be organized for members of vigilante group on their roles as well as their limitations and how to build effective and efficient synergy with the police and community members.
- Individuals, private organizations and government at all levels should make positive and useful contribution to the advancement, progress and well-being of the members of the vigilante group in their community.
- Prospective members of vigilante group should be thoroughly screened by the police and members of the community with a view to eliminating ex-convicts, people with doubtful character from vigilante group.
- Accurate records of all members of the vigilante group should be kept with the police and community members.
- Vigilante group should be charged with the responsibility of identifying black spots in the community, criminal elements, kidnappers dens/drugs dealers hide outs and secret cult hangouts.
- Vigilante groups’ financial unit should ensure that all its records of money it receives and what it spends is accurate all the time.
- There should be fund raising activities approved by the community for vigilante group. The only time vigilante member can use force to arrest a suspected criminal is when his safety is in doubt and he needs to protect himself.
- Any reported incident and complaint proven against any member of vigilante group should lead to suspension for first offender and a repeat of the offence if proven should lead to dismissal and such member of vigilante in addition would bear the cost of rehabilitation of the battered victim/suspect.

REFERENCES
Criminal Procedure Act.
Criminal Procedure Code.
Guidelines for the Voluntary Policing Sector (Vigilante Groups)