

KEEPING VIGIL OVER VIGILANTE GROUPS

BY

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INTRODUCTION

In any given society, security of lives and property of the citizens, coupled with respect to their fundamental rights are sine qua non for full self-actualization and meaningful development. Policing role is geared towards monitoring the citizenry, being pro-active in detecting and nipping crimes, even at inchoate stage, in the bud for a peaceful and orderly society. The cardinal role of the police force in Nigeria is to this effect. However, as a result of near failure of the police in this regard, coupled with cases of police-extra-legal killings, torture and abuse of citizens' fundamental rights, harassment and intimidation of the citizenry, the need for setting up some other para-military security outfits, including community policing or the Vigilante Group of Nigeria (VGN) became inevitable.

On 27th April, 2004, Community Policing or the Vigilante Group of Nigeria was inaugurated by the late President Umaru Yar'Adua to complement the services of the Nigerian Police force in combating crime on the principle that in a democratic society, the police are entrusted by their fellow citizens to protect and serve the public's fundamental rights, liberty, equality and justice under the law.¹

In the light of the above/ this paper shall explain the relevant terms, examine the objective of setting up vigilante bodies, the enabling or applicable laws; and make an overview of some frightening actions of the group to show that it has fallen into the same problems with the police force. Thereafter, recommendations on how to keep vigil on the group shall be made and finally, conclusion.

Explanation of Relevant Terms

For the purpose of better appreciation of the discourse, the following terms will be explained namely, "vigil", "vigilant", "vigilante", "complement" and "policing", "Vigil" has been defined as a period of time when people stay awake, especially at night, in order to watch a sick person, say prayers, protest, etc.²

"Vigilant" means being very careful to notice any signs of danger or trouble.³

"Vigilante" is a member of a group of people who try to prevent crime or punish criminals in their community, especially because they think the police are not doing this.⁴

"Complement" means to add to something in a way that improves it or makes it more attractive ... thing that adds new qualities to something in a way that improves it or

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¹The Nation, Sunday, July 10, 2011, p. 55

² Oxford Advanced Learner's Dictionary, 6th edn., p.1331

³ Ibid

makes it more attractive.⁵

"Policing" is the activity of keeping order in a place with police ... to make sure that people obey the rules.⁶

It is deducible from the above explanations that the roles of vigilant bodies or groups in policing the society is to complement those of the regular police by improving upon them or adding new qualities to them in terms of modus operandi in order to be more effective and successful.

Objectives of forming the vigilante group of Nigeria

The purpose and objective of forming vigilante body in Nigeria will be seen from the statement of the commandant General of Vigilante Group of Nigeria, Usman Mohammed Jahun, during a formal training of over 400 members of the Enugu state command. Jahun explained the objective as follows:

Vigilante group in Nigeria is an informal Community policing entity registered with the Corporate Affairs Commission (CAC) 1999 to complement or supplement the effort of Nigerian Police and all other security agencies in the country ... the workshop was organized to sensitize members of the organization on issues of national security.⁷

It is obvious from the proceeding statement that the purpose and objective of forming vigilante group in Nigeria include, in the main, complementing the police roles in combating crimes, and assisting other security agencies in crime fighting. In order to do this, vigilante members receive training and orientation on issues relating to crimes in order to be combat ready and effective.

The Enabling or Applicable Legislations

There is no federal legislation on the body that formally created it as to define its nature, scope, powers and limitations. The only federal legal document behind the body is the registration at Corporate Affairs Commission referred to above which is meant to give it formal recognition.

However, at state level, various state governments that set up the body passed laws formally to establish it with clear definition of scope, roles, powers and limitations.

In this regard, Enugu state will be used as example. Enugu state established its own vigilante group otherwise called "watch group" under section 13.⁸

The functions of the watch group were provided for under section 14 as hereunder stated:

S. 14(1) The watch group shall perform the following functions

- a. to work in partnership with the Nigerian Police Force, Justice of the peace, town union and other agencies as may be appropriate in any of the following:
 - i) Prevention of commission of crime in the neighbourhood;

⁴ Ibid

⁵ Ibid at 229

⁶ Ibid at 899

⁷ The Nation, Friday, June 8, 2012, p.47

⁸ Vide Enugu State Neighbourhood Association and Watch Group Law, 2007.

- ii) Apprehension of offenders;
 - iii) Preservation of law and order;
 - iv) Protection of life and property
- b. To reduce crime and fear of crime through:
- i) awareness campaigns, and
 - ii) encouragement of mutual assistance and concern among neighbourhoods.

The law in section 29 provides for the use of force in the following terms:

- S.29(1) A member of the watch group shall in appropriate cases use reasonable force in discharging of his duties.
- 2) A member of the watch group shall use force under the following conditions:
 - a) in self defense or to prevent the commission of a crime,
 - b) to arrest or prevent the escape of a person presenting danger and risk to public order and security within the neighbourhood.
 - 3) The force used shall be proportionably commensurate with the circumstances leading to the use of such force.

Schedule II to the law on Code of Conduct outlined such conducts that should characterize the conduct of members as alertness, non-intoxication, approachability, professionalism, integrity, non-violence, identification, confidentiality, and punctuality. Specifically, paragraph 6 sub paragraph 2 to the schedule on non-violence provides:

It is unlawful for any neighbourhood watch group member to use any form of torture, brutality and use of violence of any form in the discharge of his duties in the course of obtaining confessional statement from a suspect.

Lastly, section 2, the interpretation section of the law defines "abuse of power" to mean:

any act or circumstance in which a member of a neighbourhood association or watch groups takes undue advantage of his position under this law to oppress, abuse, defraud, victimize, intimidate, molest, or unleash inhuman treatment to a resident, neighbourhood member or to a member of the public in the course of discharging his duties. It includes any act, by any organ established under this law, intended to injure, insult, trespass upon the dignity of any person or manifest feelings of inferiority or violate the legal right of any person within or outside the neighbourhood.

The above law as outlined in some relevant sections in this work, admittedly is good and quite helpful for effective functioning by the watch group to achieve desired result. It is the opinion of this writer that other state laws on the subject would have similar contents and provisions.

Overview of some Frightening Activities of Vigilante Groups in Nigeria

We have already seen that the objective of setting up the vigilante group of Nigeria is to complement the policing role of the regular police force by improving or adding new qualities to make the act of policing attractive and effective. One would

expect that since the police have become notorious in the abuse, torture, and violation of the fundamental rights of the citizens including extra-legal killings, the members of the vigilante groups would avoid such atrocities. But events, as we shall soon see, show that they have fallen into the same human rights abuse with the police, and perhaps, may have sunk deeper. Such events and activities of the vigilante groups, as frightening and odious as they were, include the following:

Use of Excessive Force occasioning Harm

Vigilante group members now employ excessive force, even to the point of occasioning harm on the victim, in the course of discharging their duties against the provisions of law and all civilized norms. An illustrative case was what befell Mrs. Blessing Uchechukwu Odanwu, a widow, in the hands of vigilante group, camp, Eha-Amufu in Enugu State in the course of collecting monthly levies from residents. Irked by the brazen use of force occasioning harm against his mother by the vigilante members led by the secretary, Mr. Dennis Nnaji, the victim's son, Evang. John Odanwu in a petition to the Commissioner of Police, Enugu State, dated 1st June, 2011 complained of "Conspiracy and malicious use of force occasioning harm on my mother, Mrs. Blessing Uchechukwu Odanwu (widow)", among other grounds. The said petition reads in part:

On 27th May, 2011 between 12 mid night and 1 a.m. as my mother Mrs. Blessing Uchechukwu Odanwu lay asleep on her bed with my younger sister. Miss Chineme Odanwu, four members of vigilante group, camp, Eha-Amufu came in and knocked, and my mother came out. She noticed that almost all members of the premises were outside. She was surprised. On sighting my mother, they shouted pointing at my mother that she was the one they were looking for; that she was a liar who fraudulently went and collected a covering note from Mr. Edwin Okwor meant to exempt widows from paying monthly dues/levy for vigilante services... They could not even allow my mother to explain herself or say anything as she was still feeling sleepy. They immediately descended on her by flogging her all over her body with wire cable ...As other members of the premises were pleading ...my mother told her co-tenants to allow them because they had already said they were sent. On hearing this comment from my mother, they rushed on her and gave her real beating that made her unconscious. Some fellow Christians of my mother who were among those that came out and saw the severity of her pain took my mother to Christ the King Hospital, Camp, Eha-Amufu. The fellow Christians that took my mother to the hospital included Evangelist Joseph Odoeze and Israel Ikechukwu.

The above petition tells the whole story of this reckless and brazen how of power upon vulnerable members of the public, constituting serious violation of right to human dignity.

Seizure of Citizen's Property

In the event of any resident defaulting in payment of monthly dues, which is supposed to be voluntary, for the vigilante member who are doing the work on voluntary understanding, such a defaulter risks having his/her property seized and perhaps,

auctioned. Again, reference will be made to the case of Mrs. Blessing Uchechukwu Odanwu and the vigilante group, Camp, Eha-amufu. To cite the preceding petition just quoted in support, the relevant portion stated:

They told my mother that she is the woman said to own some goats and that Mr. Dennis Nnaji sent them to come and get one other goats on the basis that she has goats and cooks and sells local delicacy called "okpa", and therefore has money ... They pursued two of her goats and caught them. As they were doing all these, one of them went into her room and took the sum of five thousand naira (N5,000.00) earmarked for payment of those who did farm work for her. They also took away four plastic chairs, put them in a barrow together with the goats and went away. As they made away with those items, other members of her premises brought the sum of one thousand two hundred naira (N1,200) and went after them to plead with them to release the items. They accepted the money, released the two goats and the four plastic chairs. However, afterwards, we could not see the two goats as time of my writing this petition.

Such was the case and similar cases may exist in many states of the Federation that equates with compulsory acquisition of a citizen's property contrary to the law.

Resort to Crude and Corporal Punishment

It is inconceivable that members of the neighbourhood watch have gone back to the ancient days in terms of the crudity, barbarity and severity of punishment inflicted on suspects in the name of punishment and "shaming" the individual. Such crude and corporal punishments include parading a victim round the community stark-naked and administering outrageous number of strokes of the cane. A case in point happened in the recent past. The chairman of the Neighbourhood watch group,⁹ who granted interview to a student in the course of her studies was quoted as saying:

Well, let me start by highlighting this case which was a case of rape. This was a case where a woman in her early 50 was raped by a 25 year old boy. The woman who was alone in her house was violently raped by the boy. The victim was taken to Parklane Specialist Hospital, ESUT college of Medicine for treatment. The accused (rather suspect) was stripped naked and he was taken round the community naked, and on reaching the village square, he was given a corporal punishment as they gave him about 500 lashes of cane.¹⁰

Nothing could be more degrading and dehumanizing than the above measures. It amounted to serious affront to the fundamental rights of the victim.

Banishment of Suspects and Ex-convicts

Banishment as a form of punishment has become the stock-in-trade of some vigilante groups imposed upon suspects and ex-convicts alike. Undoubtedly, this is a

⁹Enugu-Agu Achi, Oji-River Local Government Area, Enugu State, Mr. Sunday Umeh.

¹⁰ Omire-Oluedo, Chigozirim "The **Importance** of Neighbourhood Watch Services in my Community Over Criminal Activities and other civil Wrongs" (Unpublished Paper, Faculty of Law, ESUT, May, 2011) p. 20

most worrisome measure illegally visited upon helpless citizens in the guise of sanitizing the society. This radical eviction of a citizen from one's ancestral and traditional origin does great violence to the fundamental right of right to private and family life under the constitution.

Unthinkable as this may sound in our contemporary society, a concrete case will only help to drive it home. In this case, the suspect Mr. Chikodi Mgbe was alleged to have stolen another's property and in accordance with the community's law, he was adjudged liable to be banished for two years besides other measures. In the words of the chairman of the neighbourhood watch group:¹¹

According to "our Criminal law" that prescribes punishment to such crimes, which states that 'anybody found or caught and after some investigations found to have committed such crimes, such a person or group of persons will carry that particular stolen property or material on his head, and will be paraded around the whole community and will latter (sic) be handed over to the police; and after serving his prison tenure (sic), will be banished out of the community for a period of two years' ...As I'm talking to you now, he is still under the police net. And the neighbourhood watch is still watching over for him to be released anytime, any moment, to be banished for a period of two years.¹²

There is no doubt that the issue of banishing the fellow after serving a formal penalty imposed legally would amount to double jeopardy, moreso when our law does not permit such kind of punishment. It is simply ignorance of the law at work or sheer reckless bravado.

Intrusion into Private Homes

Another irksome conduct of some vigilante group members is their unpermitted entrance into people's homes in the course of discharging their duties in the guise of collecting monthly dues or levies and moreso, at very odd hours.

Nevertheless, if one dares to challenge them on such occasions, they would try to harass and intimidate the one on the false ego that "we are government, and nothing would happen". The fact of Mrs. Blessing Uchechukwu Odanwu earlier cited is instructive where her living room was barged in at very unholy hours of between 12 midnight and 1a.m. This practice is also obtainable in the outskirts of Enugu city like Abakpa area.

Extra-Legal Killing

The act of committing extra-legal killing of innocent citizens, no doubt, is the height of brazen and naked show of power by vigilante members. Like under the regular police force, the citizens' right to life is endangered once more from those, who might appropriately be described as crude and unprofessional. A concrete case will be helpful. Writing under the caption: Vigilance Group Kills one in Anambra, The Nation¹³ reported:

A vigilance group yesterday shot and killed a 27 year old man in Onitsha,

¹¹of Mbaogu Kingdom Achi, Oji-River Local Government Area, Mr. Benjamin Madu (a.k.a Action)

¹²Eze, Obiajulu Emmanuel "The importance of Neighbourhood Watch Services in my Community Over

¹³Friday, October 22, 2010, p.10..

Anambra State. The incident occurred at St. Joseph's Catholic Church during the harvest bazaar sales. The victim was identified as Onyebuchi, alias Magic Fingers. He was a Disc Jockey (DJ). Sources said the Parish Priest Rev. Fr. Dennis Sokei and the executive of Dum-Omodi street had invited the vigilance group to provide security during the bazaar sales. They said the late Onyebuchi was on his way out of the parish when men of the vigilance group ordered him to raise his hands up.

Eye witnesses said an argument ensued and a member of the group, now at large, shot the victim in the waist, killing him on the spot. A source said: "When magic finger refused to raise his hands as directed by the group, one of them told him that he would shoot him, but Onyebuchi asked the man to try it and the man shot him in the waist". One of the executives of Dum-Omodi street, Mr. Emeka Oko, said the vigilance group was contracted from Zion security company. Oko regretted the incident".¹⁴

Recommendations

In the light of the preceding discourse, it is quite glaring that members of the vigilance groups have been acting ultra vires their powers outside the pale of legality; resulting in flagrant disrespect, abuse and violation of citizens' fundamental liberties in a most frightening dimension that may surpass, those of the regular police in Nigeria if not monitored and checked.

Therefore, in order to keep vigil on these 'vigilante members' meant to combat crime in our various communities, and thus, keep them accountable and functioning within the confines of law, the under mentioned measures are hereby recommended for implementation:

Introduction of Uniform Code

In order to stem the tide of various vigilance groups having their respective "criminal laws" guiding their operations, the relevant supervisory authority - the Nigerian Police Force should formulate a national uniform code of conduct guiding the operation of vigilante groups nationwide, explicitly and unambiguously defining roles, powers and limitations, like what to do when any suspect is caught irrespective of the type of offence or wrong allegedly committed and consequences of breach of this code.

Joint patrol between Police and Watch Groups

For meaningful vigilance on vigilante groups by the police, there should be effective joint patrol of the neighbourhood between the police and watch group members at least thrice a week. Divisional Police Officers should assign duties in this regard to various officers in turns and not occasionally as it is currently the situation. This effective joint patrol will actually keep the watch members on their toes in terms of what to do and how to do it whenever a suspect is caught. This will expectedly reduce the heightening

¹⁴Emphasis mine.

incidence of abuse of citizens fundamental rights as earlier shown.

Constant Retraining of Members

It is unarguable that vigilante group members are not regular crime-fighting personnel that received full and regular training. Therefore, in order to get the best out of them, members should undergo training and retraining regularly under the tutelage of the police. Even though there exist this partnership with the police where training is offered to watch members periodically, this training and retraining should be regular during which best practices in policing roles is imparted. Even regular police officers undergo retraining to keep up with the current trends often termed "refresher courses", how much more an irregular and informal policing body like the watch group members.

Lagos State Government appeared to have taken the lead in this direction by announcing plan to establish an academy in that respect. According to Newspaper report:

The Lagos state government has announced plans to establish a training academy for the retraining of neighbourhood watch officials to ensure effective grassroot security. Commissioner for Rural Development, Cornelius Ojeiabi disclosed this during the monthly interactive session of the ministry with leaders of Community Development Committees in the 20 Local Governments and 37 Local Council Development Authorities and Chief Watchers of Neighbourhood Watch in the state. He said the plan was in furtherance of government's commitment to strengthening Neighbourhood watch personnel to meet the challenges of community policing. The academy will be open for both graduates and other personnel who will be employed and trained in various acts of policing".¹⁵

This is a laudable plan and Lagos government is encouraged to realize it, as other states are urged to emulate it for efficient community policing.

Sensitization and Orientation on Work Ethics

Besides regular training and retraining, effective sensitization and orientation of neighbourhood watch members on work ethics in our contemporary society based on professionalism must be vigorously inculcated into members. Adherence to primordial and

traditional belief systems as standard of practice must be done away with. This is moreso when such belief system has no evidential value under our Evidence Act. Every evidence claimed must be verifiable and proved under Nigerian Evidence Law and procedure, Neighbourhood watch members, perhaps, largely on account of their traditional belief background, and insufficient training and orientation, still cling to unorthodox ideas and superstition as standards of judgment. Effective sensitization and orientation by the appropriate authorities will make them see reason and abandon such beliefs and embrace modern and acceptable evidential rules with scientific basis. The contrary will spell doom.

A newspaper editorial depicted this problem and the need for sensitization and orientation of vigilance members on work ethics in the following piece:

Vigilante and OPC are peopled by men (and possibly women) whose

¹⁵The Nation, Monday, July 2, 2012, p. ii.

criminal records nobody has ascertained while their modus operandi has no scientific basis. They don't test for literacy, they don't test for drug use, and they are not evaluated for mental or psychological fitness ... with all their abuses, it is a given that there are ways to hold the police to account. OPC, vigilante and other such groups, however, are inherently a law unto themselves and are therefore not accountable to constituted authorities. You can therefore not effectively deploy such forces to fight crimes... The dangers of involving vigilante in crime control is even becoming very evident in Kwara given the current controversy between them and the state police command over what to do with a sheep. The 'car snatching' sheep which is stiff in the custody of the police was said to be a 'robbery suspect' which turned into a sheep to avoid arrest when the suspect met a brick wall as he was being pursued by the vigilante. The head of the team, Prince Omoniyi Nasirudeen maintains that the 'suspected car thief we wanted to apprehend turned to that sheep'. He further explained that the armed robbers who attempted to steal the car were actually two and that when they beamed torchlight on them with the intention of apprehending them, they ran away and they were chased until one of them disappeared while the second suspect turned to a sheep. Now, how does the Kwara State Police Command work with such a superstitious group without endangering the lives of the very people it wants to protect?¹⁶

Prosecution of Errant Members

Of course, in addition to other measures to these ones already mentioned, enforcement of the law and prosecution of erring members of the watch groups remains the last option in the process of keeping vigil on vigilante bodies in ensuring working within the law, and those found culpable adequately punished in order to deter others where enforcement of the relevant laws against violators, and the corresponding penalty are left out or ineffectually done, it will serve as catalyst for more and more impulsive and audacious conducts by these groups. Ultimately, it would amount to double tragedy for the citizenry as they are now sandwiched between the regular police forces and this irregular and informal body in being buffeted and "enslaved once more", this time, by indigenous internal powers,

Conclusion

Looking at the realities on ground in which watch groups have almost caught up with the police in being a terror body to the citizenry in so short a time as evidenced in the light of this discourse; and the suggestions and recommendations proffered in salvaging the situation, it is hoped that if they are carried out, the act of keeping vigil on vigilante bodies would be achieved to a very high degree. This paper strongly urges that these measures be put into effect, in addition to others that might be evolved in tackling and redressing this anomaly.

¹⁶Thisday Editorial page, Thursday, December 8, 2011 captioned; OPC, Vigilante and the Kwara Police (emphasis mine).