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Liberty and Justice for all: A Case Study of Lekki Tollgate Killings

by

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Abstract

Human rights violations and the vigor in delivering justice as the constitution demands have been a significant issue in Nigerian history as a Nation, because of its history as a Nation that has had different kinds of military rule and dictatorship in its past system of government. The creation of the Special Anti-Robbery Squad (SARS), as a sub-division of the Nigerian police force that has the most technical tactics and training to handle severe crimes that are gang crimes, robbery related crimes had over the years had violated and had neglected its job in curbing crimes. This has led to the arrest of innocent citizens with no criminal records and violations of their fundamental human rights by coerced confessions to crimes that they did not commit. Most of these human rights abuses that have been mainly on the Nigerian youth, because of these human rights violations from the SARS department of the Nigerian police, witnessed a mass protest against the Nigerian police force operations in the country at the Lekki Tollgate, and with no little concern by the Nigerian government is solving the issue of human rights abuses and in probing for justice for the Lekki tollgate killings by the Nigerian police force.

Introduction

The main function of a government is the protection of its citizens, as well as protecting the rights of the citizens that is clearly written in the constitution of the country. ¹According to

¹ Nkechinyere Omumu Anyadike, Stephen Tochukwu Nwachukwu, and Joseph O. Wogu, "Human Rights in Nigeria and the Implications of Human Rights Education for Resource Collection by Libraries," *Library Philosophy and Practice*, no. Journal Article (2021): 1–21.

the tenants of constructing a constitution, which the people gave consent to be governed by these rules, that gives the government the responsibility in enforcing rules and to arrest anyone in violation of the constitution that pose a danger to the entire community. This with the accordance with the constitution gives the police the right to enforce these laws and to protect the innocent, giving the violators an equal opportunity within the law. These have not been the case for the Special Anti-Robbery Squad (SARS), as a sub-division of the Nigerian police force, that has led to the misuse of power being diverted to harm innocent youth in Nigeria by crime profiling the weak and the vulnerable in the society, with incessant use of force, coerced confessions and the forceful admit to crimes that was not committed by the suspect. when all these done in by the government that are supposed to be chief custodian of the law, brings uncertainty and distrust on the government in protecting its citizens.

Research Question

The research question holds so much value as to what extent has America has influenced a major decision as a major economic power in its current position and past actions. This also bears a major concern of how the Nigerian government have been seen regarding foreign influence and how has the Nigerian government been able to handle human rights abuses, that has shaped its disposition on social justice and liberty for all?

Methodology

The researcher does a comparative analysis of the books and reviews relevant to the topic. The study looks at articles and books on justice, human rights, and Nigerian's history in terms of human rights and upholding a stance of justice as one of the prevailing factors in any society. This creates a compelling case for the United States of America's involvement in its disposition of justice and influence on global issues.

Literature Review

Justice

There are conflicting ideas surrounding the concept of justice, as to what role justice plays in a society. This is as it regards to society and individual convictions of justice. One definition is the maintenance or administration of that which is just and right without the infliction of personal view.² This definition suggests outcomes consistent with socially contracted moral values. Justice is also defined as the establishment or determination of rights according to what it stands in the rules of law.³ The assumptions about how justice should be defined, and they tend to assume that everyone else is using the same definition. In fact, the public's perception of justice is often not the same as that of the legal community, and within those two groups more disagreements can be found.

In 1971, John Rawls posited a philosophy whereby society has a moral imperative to ensure that all of its members have a guaranteed access to a just society where both individual

² Amartya SEN and Inc Journal of Philosophy, "What Do We Want from a Theory of Justice?" *The Journal of Philosophy* 103, no. 5 (2006): 215–38, <https://doi.org/10.5840/jphil2006103517>.

³ Vanessa Vallejos, "YOUTH VOICES: Life, Liberty, and Justice for All," *Harvard Educational Review* 81, no. 3 (2011): 548–50, <https://doi.org/10.17763/haer.81.3.k8773p1v6525274v>.

and collective liberty prevails.⁴ He asserted that to accomplish this goal, each member of society must accept a basic set of principles that affords individuals the opportunity to enjoy equality and justice that are not susceptible to politics or the greater interests of society at large. These principles are described as inalienable as they supersede the individual and collective interests of society. Justice is about fairness, in Rawls contemplation of justice, he goes into detail regarding understanding justice as fairness. He acknowledged that people are, by nature, disinterested in the interests of others. That is to say, not every stakeholder has the same level of access to justice.⁵

Since societies are complicated conglomerations of individuals and groups with their own stated ideas, interests, and purposes, definitions of what is considered right or unjust are sometimes fraught with disagreement.⁶ However, it is maintained in his description that the ideals of social justice are a fundamental motivator in how people of society conduct their lives and the amount to which they can expect to have the same possibilities as everyone else. This is not to argue that there will not be disparities.

Human Rights

In so many ways in upholding the basic human rights, such as the right to life, right to religion, right for free movement, right to speech etc.⁷ These are crucial rights of every person in a society and is one of the greatest values of a modern society. Human rights are rights that everyone should regardless of race, ethnicity, sex, language, nationality, and religion. Everyone is entitled to these rights. Human rights are in general, rights that all human beings have by virtue of their humanity, and they include the right to life, personal liberty, fair hearing, and human dignity, as well as freedom of thought, conscience, and religion. These rights provide shared standards of behavior among humans and are natural, inviolable, rational, and unchangeable, as their denial would be grievous crimes to people's sense of justice.⁸ They are the rules, conventions, and standard expectations aimed at protecting all peoples and every individual from brutal and unrelenting political, legal, and social abuses.⁹ They include the right to religious freedom, the right not to be tortured, the right to a fair hearing/trial when charged with a crime, and the right to an education.

Special Anti-Robbery Squad (SARS)

The Special Anti-Robbery Squad is a branch of the Nigeria Police force under the State Criminal Investigation and Intelligence Department (SCIID), established in 1992 to combat

⁴ David Lewis Schaefer, "PROCEDURAL VERSUS SUBSTANTIVE JUSTICE: RAWLS AND NOZICK," *Social Philosophy & Policy* 24, no. 1 (2007): 164–86, <https://doi.org/10.1017/S0265052507070070>.

⁵ Schaefer.

⁶ Sir John Laws, "The Rule of Law: The Presumption of Liberty and Justice," *Judicial Review* 22, no. 4 (2017): 365–73, <https://doi.org/10.1080/10854681.2017.1407068>.

⁷ Emilie M. Hafner-Burton, Kiyoteru Tsutsui, and John W. Meyer, "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties," *International Sociology* 23, no. 1 (2008): 115–41, <https://doi.org/10.1177/0268580907084388>.

⁸ Anyadike, Nwachukwu, and Wogu, "Human Rights in Nigeria and the Implications of Human Rights Education for Resource Collection by Libraries," 2021.

⁹ Anyadike, Nwachukwu, and Wogu.

crime and equipped with the capacity in withstanding any forms of criminal activities across different states in Nigeria.¹⁰ Former police commissioner Simeon Danladi Midenda established the Special Anti-Robbery Squad (SARS) in late 1992. The death of Colonel Ezra Dindam Rimdan of the Nigerian Army by police officers at a checkpoint in Lagos in September 1992, their arrest, a police strike in reaction, and a subsequent crime wave were the motivating events that led to the founding of SARS. When the army learned of Rimdan's killing and the police's involvement, soldiers were ordered into Lagos' streets to seek for all police officers. The Nigerian police withdrew from checkpoints, security areas, and other criminal hotspots; some police officers allegedly resigned, while others fled for their lives. The crime rate soared due to the lack of police for two weeks. SARS was founded in response, with an initial unit of fifteen men and two Peugeot station wagons.¹¹ Three police anti-robbery squads were already operational at the time, the first of which was established in 1984, therefore Midenda wanted to separate his squad from the others. The Special Anti-Robbery Squad was the name given to Midenda's squad. The Nigerian Army and the Nigeria Police Force reached an agreement after two weeks of talks, and formal police responsibilities in Lagos were restored. The SARS unit was formally commissioned in Lagos in November 1992.¹²

Lekki Tollgate

The Lekki Tollgate Bridge was built by Julius Berger Nigeria and is the first cable-stayed bridge in Nigeria. To accommodate for the movement of marine traffic, the bridge features a 9-metre headroom above ocean level. It is a cable-stayed bridge in Lagos State that spans 1.36 kilometers (0.84 miles). It connects Lekki's Phase 1 area with Lagos' Ikoyi district. Babatunde Raji Fashola, the former Governor of Lagos State, inaugurated the bridge on May 29, 2013. The Lagos State administration, on the other side, has maintained that toll collection is necessary not just to maintain the bridge but also to raise funding for the construction of more bridges to connect different regions of Lagos. The Federal Government of Nigeria owns and controls the river across which the bridge is erected. The bridge also functions as a leisure facility in addition to automotive traffic. The broad curbs of the bridge are used by fitness-conscious inhabitants of Lekki phase 1 and Ikoyi for jogging and running, generally in the early mornings and nights.

SARS Police Brutality

Nigeria is the world's most populous black nation and the sixth most populous country, with a population of over 206 million people, 70 percent of whom are youth, who are the primary target of police violence as well as being legally profiled by their appearance.¹³ These teenagers are the primary victims of these acts, which may be attributed to a variety of causes such as owning pricey electronics such as phones, computers, and, most notably, Apple devices.

¹⁰ Anyadike, Nwachukwu, and Wogu.

¹¹ Laws, "The Rule of Law: The Presumption of Liberty and Justice."

¹² Tamar Haruna Dambo et al., "Office of the Citizen: A Qualitative Analysis of Twitter Activity during the Lekki Shooting in Nigeria's #EndSARS Protests," *Information, Communication & Society*, no. Journal Article (2021): 1–18, <https://doi.org/10.1080/1369118X.2021.1934063>.

¹³ Ogwezy Michael C, "Violation of Human Rights in Nigeria: An Appraisal of the Activities of the Transnational Oil Corporations in the Niger Delta Region," *Christ University Law Journal* 2, no. 1 (2013): 1, <https://doi.org/10.12728/culj.2.1>.

When a young person drives costly automobiles, he or she is profiled as a criminal and coerced to confess to a crime they did not commit.

The State of Justice in Nigeria

Justice have not in any way played its role in the governance of Nigeria government, a lot of human rights violations have taken its cause. The Nigerian state's human rights and in delivering justice record has been continually low and unimpressive, and the situation has not greatly improved." In other words, even in the twenty-first century, the Nigerian state's human rights record has been persistently average and unimpressive. ¹⁴In Nigeria, the history of military governments is intertwined with the history of impunity, repression, suppression, use of violence, and brazen violation of fundamental human, which has influenced its conduct as a Nation notwithstanding the democratic system of government which she practices today as means of governance. However, in Nigeria, these rights/freedoms are historically intertwined with deformity. Since the colonial era, the Nigerian state's human rights record has been continually low and unimpressive, and the situation has not greatly improved. In other words, even in the twenty-first century, the Nigerian state's human rights record has been persistently average and unimpressive. In Nigeria, the history of military governments is intertwined with the history of impunity, repression, suppression, use of violence, and brazen violation of fundamental human rights. This is as a result in maintaining law and order by the military government during the past military regime.¹⁵ Taking a historical approach to the issues at hand, compared to the colonial and post-colonial human rights conditions in Nigeria, there is a scenario of deteriorating human rights breaches after independence compared to the colonial era. This is as an effect its position as return of power to democratic system of government.¹⁶

The Special Anti-Robbery Squad is a branch of the Nigeria Police force under the State Criminal Investigation and Intelligence Department (SCIID), established in 1992 to combat crime and equipped with the capacity in withstanding any forms of criminal activities across different states in Nigeria. SARS was fully equipped to investigate, detain, and prosecute people involved in all forms of criminal activities, like robbery, cybercrime, kidnapping and any violent crimes that comes within its jurisdiction.¹⁷ The squad was formed as a masked police force to conduct covert operations against violent crimes such as armed robbery, car snatching, kidnapping, livestock rustling, and illegal guns possession and use. SARS had been accused of a number of human rights breaches, including illegal stop and searches, illegal arrests and detentions, extrajudicial killings, sexual harassment of women, and brutalization of young male Nigerians.¹⁸ Human rights violations that have occurred for many years after its establishment.

¹⁴ Dambo et al., "Office of the Citizen: A Qualitative Analysis of Twitter Activity during the Lekki Shooting in Nigeria's #EndSARS Protests."

¹⁵ Nkechinyere Omumu Anyadike, Stephen Tochukwu Nwachukwu, and Joseph O. Wogu, "Human Rights in Nigeria and the Implications of Human Rights Education for Resource Collection by Libraries," *Library Philosophy and Practice*, no. Journal Article (2021): 1–21.

¹⁶ Anyadike, Nwachukwu, and Wogu.

¹⁷ Kelechukwu Iruoma, "EndSARS Protests Hit Nigeria's Insurance Companies," *African Business*, no. 479 (2020): 38–39.

¹⁸ Kelechukwu Iruoma, "EndSARS Protests Hit Nigeria's Insurance Companies: The Damage Caused during Nigeria's Recent Protests Has Left Many Insurance Companies Overexposed to Claims, but the Need for

This misuse of power had witnessed a lot of complains from the people, and in violation of human rights, unexplained arrest of youth, that also led to unexplained disappearance of persons in custody under investigation of crimes committed or alleged crimes committed, without any prove or legal grounds for arrest. Harassment became a normal norm against innocent citizens, who were arrested with just no cause, prove for being in SARS custody.¹⁹ The unlawful arrest and harassment of innocent citizens proved violation of basic human rights, with no legal basis from the accused to probe for a legal consolidation. SARS had been charged with son many human rights violations, in 2016 on charges of human rights violations, cruelty, degrading treatment of Nigerians in their custody, and other widespread torture. SARS human rights violations include shooting captives in the leg, mock executions, and threats of execution, hanging, and physical assault.²⁰ They also engage in mistreatment and extrajudicial deaths of innocent citizens by SARS between January 2017 and May 2020. The continuous violations of basic human rights by SARS in Nigeria have been because of poor management of the problem by Nigerian government in delivering justice for the innocent lives lost by the cruel hands of SARS.²¹

On Saturday 3 October 2020 witnessed another killing by Special Anti-Robbery Squad of another innocent citizen, these witnessed a public outcry and a massive protest all over the country and a major concentration of protesters at Lekki tollgate, against the increase killings and its operations of SARS police force.²² The EndSARS protester which comprises of young youth protesting against the constant violations of their human rights and abuses, in one of the major commercial cities in Africa, Lagos state, Nigeria.²³ List of demands were made by the protesters to the federal government of Nigeria, which one of the demands was a total disbandment and shutdown of all SARS operations across the country. During the EndSARS demonstration, the watchword was 'soro soke' (open your mouth), which trended across all social media platforms. It essentially means standing out for the rights of innocent individuals who have been detained by SARS officers and denied fundamental human rights and counsel. The demand for justice for the lives of innocent citizens that had been lost in the custody of SARS operations. On Saturday, October 10, 2020, while the demonstration was still going on, Nigerian police began dispersing the youths with tear gas and water. The EndSARS rally at Lekki Tollgate got violent, with the Nigerian military allegedly injuring seven demonstrators and killing innocent civilians during the event.²⁴

Cover against Future Disturbances Could Strengthen the Sector, Says Kelechukwu Iruoma,” *African Business*, no. 479 (2020): 38.

¹⁹ Iruoma, “EndSARS Protests Hit Nigeria’s Insurance Companies.”

²⁰ Dambo et al., “Office of the Citizen: A Qualitative Analysis of Twitter Activity during the Lekki Shooting in Nigeria’s #EndSARS Protests.”

²¹ Dambo et al.

²² Iruoma, “EndSARS Protests Hit Nigeria’s Insurance Companies: The Damage Caused during Nigeria’s Recent Protests Has Left Many Insurance Companies Overexposed to Claims, but the Need for Cover against Future Disturbances Could Strengthen the Sector, Says Kelechukwu Iruoma.”

²³ Anyadike, Nwachukwu, and Wogu, “Human Rights in Nigeria and the Implications of Human Rights Education for Resource Collection by Libraries,” 2021.

²⁴ Dambo et al., “Office of the Citizen: A Qualitative Analysis of Twitter Activity during the Lekki Shooting in Nigeria’s #EndSARS Protests.”

External Influence

Nigeria has a mixed record when it comes to preserving human rights standards and taking a stand against outside influence.²⁵ Taking a historical approach to the issues at hand, Nigeria's record on imbed on international influence has always had some constraints in her dispositions as a country, contrasted to the colonial and post-colonial of Nigeria's record on imbed on international influence, that have put a contradiction in affairs of foreign policy.²⁶ Receiving international help in solving some domestic issues have not yielded a positive light, this none-welcoming actions are proven with the Boko Haram issue in the Northeastern Nigeria, the rejection of international community is one major example, as adoption of innocent Chibok girls in Northeastern part of Nigeria in April 2014, has been of a great misfortune of Nigerian government.

United States Values and World Influence

The Declaration of Independence, which states that every man has the right to free will and choice, and that all men have the right to life, liberty, and prosperity, is held by the United States of America.²⁷ The United States' fundamental values have influenced its laws and practices, which place some emphasis on human rights.

Because of its economy, advancements, and technology, the United States of America is a key powerhouse in the United Nations. This puts America in an excellent position in terms of global politics. In matters of human rights violations or any other issue, America has been able to establish a clear stance in its foreign affairs.²⁸ The American stands on the issue of Israel, On December 6, 2017, then U.S. President Donald Trump declared the United States' declaration of Jerusalem as Israel's capital and ordered the relocation of the U.S. Embassy in Tel Aviv to Jerusalem. The decision was warmly received, and the announcement was lauded. This is as a result of the global impact she wields as a major economic powerhouse.

Research Findings

The Nigerian government has not acknowledged the military's role in the deaths at the Lekki tollgate despite its own attempts. Following the commission established by the Nigerian government to examine the crime's demand for petitions against police brutality, multiple victims put in devastating reports of torture, deaths, and other human rights violations by the police. The panel discovered discarded bullet rounds during a visit to the Lekki Toll Gate atrocity site. The panel was refused entrance to a military hospital suspected of storing the victims' remains for nearly 30 minutes, but when it did get access, it discovered the building was under construction and vacant. The Nigerian Army revealed on November 30, 2020, that its soldiers were armed with live ammunition when they opened fire on protestors in Lagos.

The United State of America in its position as the strongest economic country in the world's affairs play a major role in advocating for a fair government in all human disposition and

²⁵ Morse H. Tan, "Upholding Human Rights in the Hemisphere: Casting down Impunity through the Inter-American Court of Human Rights," *Texas International Law Journal* 43, no. 2 (2008): 243.

²⁶ Hafner-Burton, Tsutsui, and Meyer, "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties."

²⁷ J. Reed, "Healing for a Broken World," *The Video Librarian*, no. Journal, Electronic (2009), <https://go.exlibris.link/v3B4n8cs>.

²⁸ Hafner-Burton, Tsutsui, and Meyer, "International Human Rights Law and the Politics of Legitimation: Repressive States and Human Rights Treaties."

in different countries which that violated human rights and basic rights. The declaration of independence poses the fact for the right of all people no matter the race, ethnicity and culture suggest a solid ground for solidarity of human rights abuses in Nigeria and fight for justice for the innocent lives killed at Lekki tollgate in Lagos, Nigeria. As a significant economic international power, the United States of America has expanded its power and influence. On December 6, 2017, the United States of America recognized Jerusalem as the federal capital territory, under Donald Trump administration that proved their capacity as an economic power of the world, these are different ways that they have been able mediate in different issues that have been a global issue.

Conclusion

There is no denial of the fact of what the United States will in terms intervening and mediating in some issues that have gone for a while, because of its values on human life, seeking justice for the innocent lives killed at the Lekki Tollgate should be investigated by the United States in other to bring to justice for the lives and human right violation that has been going on in Nigeria. Justice and liberty for all has been amongst the major values that has made United States of America a core advocate of human rights abuse and justice.²⁹ This is also because of her presence in the world, as a major economic power, military might and in the declaration of independence that hold so much value on human rights, equality, and fairness. However, these guiding principles have influenced its laws and constitution as well as its foreign policies and its position in the cause of upholding human rights and social justice. Meanwhile these basic human rights have been one major issue that Nigeria government has failed to uphold, these human rights abuses are shown in her current position as a Nation.³⁰ As a country with a large population and significant potential, it has not been able to uphold justice and human rights as a leading African country. These violations of basic human rights, such as the right to freedom of expression, the right to life and liberty, and the right to equality before the law, have not yet reached their full extent in the country.

²⁹ Damion Waymer, "Liberty and Justice for All? The Paradox of Governmental Rhetoric," *Communication Quarterly* 57, no. 3 (2009): 334–51, <https://doi.org/10.1080/01463370903107170>.

³⁰ Tan, "Upholding Human Rights in the Hemisphere: Casting down Impunity through the Inter-American Court of Human Rights."

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