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### WORKSHOP ON INCESSANT KIDNAPPINGS AND KILLINGS IN NIGERIA: THE ROLE OF GOVERNMENT VIS-À-VIS THE NIGERIAN CONSTITUTION



Kwara State  
University

The Department of Jurisprudence and  
Public Law, Faculty of Law, KWASU

# ***PROCEEDINGS OF WORKSHOP ON INCESSANT KIDNAPPINGS AND KILLINGS IN NIGERIA: THE ROLE OF THE GOVERNMENT VIS-À-VIS THE NIGERIAN CONSTITUTION***

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## MISSION STATEMENT

Globally, debates on human rights protection and enforcement occupy utmost discourse. The reason being that, the very essence of protecting and guaranteeing human rights is to accord the natural and needed dignity to man. Of the inexhaustible list of fundamental human rights recognised universally, the right to life appears to be fulcrum and the most important of all. In fact, without right to life, all other fundamental rights become meaningless.

The growing and recurrent global debates are thus shifting attention towards the fact that protection of right to life is inadequate without enjoyment of basic amenities of life that come forth through the Economic, Social and Cultural Rights (ESCRs). Thus, despite the recognition of right to life the world over, the issue of incessant kidnappings and killings across the country has deprived one the enjoyment of the right to life and its amenities.

It is in the spirit of contributing to effective policy formulation and proffering solutions on the issue of insecurity that has plagued Nigeria as a country that the Department of Jurisprudence and Public Law, KWASU, organised a one-day workshop to create a platform to facilitate and harness robust solutions towards curbing insecurity in the country. Also, to enlighten the relevant security and government agencies saddled with the responsibility of protection of lives and properties on possible solution against recurrent kidnappings and killings across the country and general public at large.

In attendance were heads of security agencies (Deputy Commissioner of Police, Kwara State Police Command, Controller of Corrections, Kwara State Command, Commandant NSCDC, Chief Security Officer, KWASU etc ), members of the Judiciary (Hon Judge of the High Court and Chief Magistrate, Kwara State Judiciary), members of academia, legal practitioners (including the Chairman NBA, Ilorin Branch), University Community (Staff and students of KWASU and neighboring Institutions), Office of the Public Prosecution and the general public.

The workshop addresses practical issues on insecurity and insurgency in Nigeria as a whole with particular focus on the objective of the workshop which is to come up with plausible and implementable recommendations and way out. Several recommendations proposed include; the use of Artificial Intelligence AI, government overhaul of the security agencies and independence of the judiciary. This proceedings is a must read!

We must acknowledge those who supported the realisation of the workshop. These are individuals who take every opportunity to invest in platforms that advance the society. The Department is particularly grateful to Prof. Yusuf Olaolu Ali, SAN, Mallam K.K Eleja and Mr S.M.H Kosemani for their financial support towards the success of the workshop. We must also appreciate Prof. Abiodun Amuda-Kannike, SAN, for his exceptional leadership and role as the Chairman, Organising Committee; the Dean of Law, Prof. Y.D.U Hambali; the University Librarian represented by Dr. Florence Ajani; our speakers; staff and students of the Faculty. Finally, a special appreciation goes to the game-changers, all members of the Department, you are the best!

Dr. Khafayat Yetunde Olatinwo  
Ag. Head of Department  
Department of Jurisprudence and Public Law, KWASU  
December 2025

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## **CAMPUS SECURITY MEASURES TO PREVENT KIDNAPPING AND KILLINGS; STRATEGIES AND CHALLENGES**

**By**

**S.F. Ambali\***

### **• Introduction**

Kidnapping: to offer a definition, it is the unlawful act of taking or detaining a person against his or her will by force, threat or deception and thereafter demand a ransom for the release of the victim

Nowadays in the country kidnapping appears to be the most lucrative crime that appeal to the violent criminals surpassing armed robbery, although armed robbers can also kidnap immediate family members to divulge all round information about whoever is their target

In recent times, Boko haram, bandits, terrorists and herdsmen as well as previous armed robbers now turn to kidnappers

### **• Criminals indulge in kidnapping for various reasons such as:**

1. Political kidnapping
2. Marital kidnapping
3. Ritual kidnapping
4. Monetary kidnapping

Ordinary citizens apart from the ones mentioned earlier participate in kidnapping to fill their pockets

### **• Modus Operandi**

Kidnapping is highly organized crime consisting of financial, operation group, camp zoned, and the guards, tax force team to negotiate with the family of victims regarding the ransom. Camp zone is usually a lonely area around the town or in deep forest.

Kidnappers make extensive use of phones as their transactions is through cell phones before and during negotiations.

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\* Chief Security Oficer, Kwara State University, Malete. 08033906840

- **Effect of Kidnapping on Educational System in The Country**

**We have seen schools closed for fear of kidnapping:** It makes the school environment not conducive for learning due to fear by students, teachers and staff of the schools

**Ways kidnappers operate:**

- 1) Ploy of parties
- 2) Roadblocks
- 3) Disguising as church or mosque members
- 4) Isolated ATM points
- 5) Fake job interviews
- 6) Using neighbors as baits
- 7) Luring children with gifts
- 8) Switching off generators
- 9) Pretending as relatives
- 10) Offering lifts

- **Prevention**

- 1) Screen your household staff and employees
- 2) Access your risk status
- 3) Live simple life style
- 4) Be careful of revealing personal data on social media
- 5) Instruct households staff and employees no to give out info
- 6) Be vigilant at all times
- 7) Install CCTV in your home and work places
- 8) Teach children not to talk or go with strangers
- 9) Keep emergency numbers
- 10) Monitor local news always
- 11) Research your destination before travelling

- **Measures to Prevent Kidnapping and Killings (Government and Management)**

- 1) Strict laws and harsh penalties for kidnappers
- 2) Extension of patrols to the campus and community by anti-kidnapping unit
- 3) Surveillance systems
- 4) Rapid response by security agents
- 5) Sensitizing community on safety and vigilance
- 6) Education for students, children on “stranger danger” (Run!)
- 7) Use of university distress number
- 8) Personal safety apps with emergency alert features
- 9) Avoid isolated or poorly lit areas especially at night
- 10) Be cautious with personal information especially online

### **Challenges**

- Inadequate security men (Police, Civil Defense, DSS etc.)
- Inadequate hostels for students on the campus leading to many of them living far into the bush isolated private hostels
- Inadequate number of guards on the campus
- CCTV coverage on the campus and hostels

### **Preventing kidnapping on campus:**

- 1) Awareness, vigilance and proper safety measures.

- **Conclusion**

*The following measures would help:*

- Secure campus access, restrict entry points and monitor them with security personnel and cameras. All visitors should be registered and wear identification badges
- Student identification card (ID): ensure all students carry ID cards and know not to leak campus with strangers even if they claim to be relatives

- Awareness programs- educate students about dangers of kidnapping and teach them how to react if approached by a stranger
- parent communication: Keep close communication with parents' cooperation between students, staff and parent can reduce risk of kidnapping.

## COMMUNITY-BASED INITIATIVES FOR PREVENTING KIDNAPPING AND KILLINGS: THE ROLE OF CIVIL DEFENCE IN SENSITIZATION AND VIGILANCE

**Umar J.G. Mohammed\***

### • Introduction

The safety of our communities is being tested daily by rising cases of kidnappings and senseless killings across Nigeria. These acts are not just crimes they are direct attacks on our collective peace, freedom, and development.

In several parts of Kwara State and beyond, lives are being disrupted by violent actors who thrive in silence and ignorance. But if insecurity grows in silence, then security must grow through awareness and action.

The nefarious activities of kidnappers and armed criminals continue to dominate discussions among security stakeholders. For example, in April 2025, approximately 10 armed men believed to be kidnappers ambushed a Toyota Sienna vehicle along the Obbo-Ajegunle/Osi road in Ekiti Local Government Area, abducting seven passengers travelling from Abuja to Offa.

Barely days later, another kidnapping incident occurred along the Illofa/Ilorin road involving senior local government officials. These cases underscore the audacity of non-state actors and the vulnerability of communities. Although security agencies are making efforts to ensure safety, the growing insecurity calls for a more collective and community-rooted approach. It is imperative that all stakeholders including security agencies, community leaders, and traditional rulers collaborate to find sustainable solutions.

### • The Role of the Nigeria Security and Civil Defence Corps (NSCDC)

The Nigeria Security and Civil Defence Corps (NSCDC) is a product of necessity, birthed during the Nigerian Civil War in 1967. Initially established in Lagos as the Lagos Civil

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\* Ph.D, Commandant of NSCDC Kwara State Command.

Defence Committee, its core mission was community protection, public sensitization, and the rehabilitation of war victims.

The foundation of the Corps is deeply embedded in community-based operations. Its very name Civil Defence emphasizes its closeness to the civil population. This background positions the NSCDC as a vital stakeholder in addressing security threats at the grassroots level through sensitization and vigilance.

#### **\* How NSCDC Uses Sensitization and Vigilance to Prevent Kidnapping and Killings**

##### **1. Strategic Expansion and Presence across the State**

As part of efforts to strengthen grassroots security, the Kwara State Command of the NSCDC has established a physical presence in all 16 local government areas. The Command now operates 123 offices, including 15 Area Commands, 48 Divisions, and 60 Outposts spread across the state.

This widespread presence enables closer interaction with communities and facilitates the timely gathering of information, which is processed into actionable intelligence for crime prevention.

##### **2. Organization of Neighborhood Watch Programmes**

The NSCDC collaborates closely with community leaders, traditional rulers, local vigilantes, and hunter groups to establish Neighborhood Watch initiatives. These programs are intelligence-driven and aim to preempt security breaches. By creating feedback channels and encouraging real-time information sharing, the Corps is often able to prevent or contain threats before they escalate.

##### **3. Town Hall Meetings for Security Sensitization**

Town hall meetings serve as platforms for the NSCDC to engage with community members, sensitizing them on how to identify threats and report suspicious activities. These meetings are interactive and foster mutual trust between security agencies and the public, enabling timely interventions and strengthening communal resilience.

#### **4. Training and Re-training of Vigilante and Hunter Groups**

One of the statutory roles of the NSCDC is the training, registration, and supervision of private security outfits, including local vigilante and hunter groups. These actors are often the first responders to community threats due to their proximity and familiarity with local terrain. The Corps emphasizes intelligence gathering, surveillance, and early warning systems in its capacity-building efforts, thus strengthening community safety nets.

#### **\*Specialized Units of the Corps Contributing to Security**

In addition to community engagement, the NSCDC operates several specialized units that play crucial roles in preventing crime and safeguarding national infrastructure:

- Mines and Steel Monitoring Unit – Ensures protection and regulation of mining activities.
- Counter-Terrorism Unit – Trains and responds to high-level terror threats.
- Anti-Vandalism Unit – Protects critical national assets and infrastructure.
- Agro Rangers Unit – Safeguards farmers and agricultural investments in rural areas.
- Peace and Conflict Resolution Unit – Mediates disputes through alternative dispute resolution (ADR).
- Tracking Unit – Monitors, investigates, and supports intelligence-based operations.

#### **\*Conclusion**

The persistent insecurity in our communities calls for more than just armed response. Community-based initiatives, led by institutions like the NSCDC, are indispensable tools in addressing the root causes and manifestations of insecurity.

Through sensitization, vigilance, and active collaboration with the people, the NSCDC continues to play a pivotal role in the prevention of kidnappings and killings. However, the success of these initiatives depends on the collective commitment of all stakeholders' government, traditional institutions, civil society, and, most importantly, the communities themselves.

Together, we can build safer, more resilient societies where peace and development can thrive.

## COMPARATIVE ANALYSIS OF NATIONAL SECURITY STRATEGIES OF OTHER JURISDICTIONS: LESSONS FOR ENHANCING SECURITY MANAGEMENT IN NIGERIA

**Khafayat Yetunde Olatinwo,\* Abiodun Amuda-Kannike SAN,\*\* Halimat Tope Akaje,\*\*\*  
Shuaib Oniye,\*\*\*\* Ganiyu Yahaya,\* Bilikis Ayinla – Ahmad,\*\*\*\*\* Abdulfatai  
Abdulkareem,\*\*\*\*\* & Khairat Eletu\***

### **Abstract:**

*Undermining the extent to which insecurity has become endemic in Nigeria currently would be tantamount to denial syndrome or refusal to accept reality. It has become a plague in which individuals' solace for the restoration of peace and security is no longer rested in the government. In other words, citizens do not have confidence in the security system in place in Nigeria for protection of lives and properties. Whilst this is the reality, the bane of ensuring security in Nigeria hugely rests on the government. The Constitution places the duty of ensuring security on the government, and to ensure this, there are several federal security outfits and agencies (Nigeria Police, Army, Air force, NSCDC, SSS, etc.), the State Policing system (like the Amotekun in the south-west zone), and other policies put*

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*in place. The questions are, why are these efforts not yielding positive outcomes? Why do the citizens still sleep with an eye open? Why is the level of insecurity still higher than in some other countries when Nigeria is known as the giant of Africa? It is the intention of this paper to analyse and compare the security strategies of some countries with a rather low level of insecurity (having in mind the peculiarity of Nigeria as an African country) with that of Nigeria. The analysis is to reveal whether Nigeria, as a country, can learn from such strategies for the protection of lives and properties in the country. Appropriate recommendations on the better approach by the Nigerian government to curb the incessant killings and kidnappings shall be made.*

**Keywords:** *Nigeria, National Security, Security Strategies, Security Management, and Comparative Analysis.*

## **1.0 INTRODUCTION**

In the contemporary international system, national security is no longer narrowly construed as the protection of territorial boundaries through military means alone. It has evolved into a multifaceted concept encompassing a broad spectrum of concerns, including political stability, economic resilience, public health, environmental safety, technological integrity, and human security. The post-Cold War global security architecture, especially in the wake of the 9/11 terrorist attacks and the proliferation of non-state actors, has drastically reshaped the traditional Westphalian notion of sovereignty and the role of the state in ensuring national security<sup>1</sup>.

Globalization, while fostering economic integration and intercultural exchange, has simultaneously exposed nations to transnational threats ranging from cyberattacks and terrorism to climate change and pandemics<sup>2</sup>. In this context, the concept of "security" must be dynamic, integrative, and responsive to the changing nature of threats. In essence,

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<sup>1</sup>Buzan, B. (1991). *People, States, and Fear: An Agenda for International Security Studies in the Post-Cold War Era*. London: Harvester Wheatsheaf.

<sup>2</sup>Nye, J. S. (2004). *Soft Power: The Means to Success in World Politics*. New York: Public Affairs.

national security now requires a synergy of military, economic, environmental, technological, and sociopolitical strategies a fact that has been acknowledged in most advanced and emerging economies.

Nigeria, Africa's most populous nation and largest economy, has become emblematic of the complex challenges that face developing countries in the realm of national security. The Nigerian security landscape is marked by protracted insurgency in the North-East, armed banditry and kidnapping in the North-West, communal and herder-farmer conflicts in the Middle Belt, separatist agitations in the South-East, militancy in the South-South, and urban criminality across the major cities<sup>3</sup>. These multifaceted threats are further compounded by weak institutions, porous borders, ethnic and religious tensions, economic inequality, and a fragmented security architecture.

Given the gravity and multiplicity of threats, there is an urgent need to reexamine and possibly reengineer Nigeria's national security strategy. The central thrust of this paper is therefore to explore how selected jurisdictions; the United States, the United Kingdom, Saudi Arabia, and South Africa have conceptualized, structured, and operationalized their national security frameworks and what Nigeria can learn from them.

## 2.0. METHODOLOGY

This paper makes use of a doctrinal and comparative research methodology, suitable for examining national security strategies across selected jurisdictions and identifying adaptable best practices for Nigeria.

The doctrinal legal research involves a detailed examination of primary sources and secondary sources. The primary sources information makes use of the Constitution of the Federal Republic of Nigeria 1999 (as amended), statutes (e.g., Police Act 2020, Terrorism (Prevention) Act 2011), and judicial decisions, while the secondary sources are scholarly

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<sup>3</sup>Adebanwi, W., & Obadare, E. (2010). *Democracy and Prebendalism in Nigeria*. Journal of Contemporary African Studies, 28(3), 259–277.

articles, books, policy papers, reports from security agencies, and international legal instruments. All the sources are integrated to do justice to the study.

Secondly, the comparative research methodology employed to study and contrast national security strategies from selected jurisdictions, such as the United Kingdom, United States, Saudi Arabia, and South Africa – the selection based on similar federal structure or post-colonial context (e.g., Nigeria, South Africa), advanced national security infrastructure (e.g., the USA, UK, and Saudi Arabia), and African regional relevance (e.g., South Africa).

### **3.0 OBJECTIVES AND SIGNIFICANCE OF THE STUDY**

The primary objective of this paper is to conduct a comparative analysis of national security strategies in selected countries to derive actionable lessons for Nigeria. Specific goals include:

- To analyze the structural and policy components of national security in the U.S., U.K., Saudi Arabia, and South Africa
- To identify the strengths and weaknesses of Nigeria's current security framework
- To offer evidence-based recommendations for reforming Nigeria's national security strategy

The significance of this study lies in its potential contribution to policy discourse, academic literature, and practical governance. In an era of increasing insecurity, Nigeria requires a paradigm shift in how it conceptualizes and manages security. This article offers a strategic lens through which such a transformation can be envisioned.

### **4.0 DEFINITIONAL CONSTRUCTS: WHAT IS NATIONAL SECURITY?**

The term “national security” has been defined variously by scholars and practitioners, yet there is consensus that it fundamentally refers to the safeguarding of a state's survival, sovereignty, and strategic interests from both internal and external threats<sup>4</sup>. According to

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<sup>4</sup>Rothschild, E. (1995). “What is Security?” *Daedalus*, 124(3), 53–98.

Harold Brown, a former U.S. Secretary of Defense, “national security means the ability of a nation to protect its internal values from external threats”<sup>5</sup>. Barry Buzan, a key figure in the Copenhagen School of Security Studies, expands the concept by introducing sectors of security; military, political, economic, societal, and environmental thus providing a broader analytical lens<sup>6</sup>.

For Nigeria, this definition must be contextualized to reflect the nation’s specific vulnerabilities and historical trajectory. Since gaining independence in 1960, Nigeria has witnessed a civil war, numerous military coups, periods of ethnic and religious violence, and more recently, non-state actor-led insurgency. Thus, national security in Nigeria must include both the protection of the state and the safety and wellbeing of its citizens.

## 5.0 HISTORICAL EVOLUTION OF SECURITY GOVERNANCE IN NIGERIA

The historical evolution of national security in Nigeria is instructive in understanding its present security dilemmas. During the colonial era, the British government focused on quelling resistance to imperial rule through policing mechanisms rather than national defense. The military was primarily a tool of internal suppression rather than external defense. Upon independence, Nigeria inherited a security structure designed more for control than protection<sup>7</sup>.

The post-independence era saw the rapid expansion of the military, culminating in its dominance over the political landscape following a series of coups from 1966 to 1999. This militarization of governance led to a centralization of security institutions and the politicization of security intelligence. National security during military rule was often used as a justification for repression, censorship, and human rights abuses<sup>8</sup>.

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<sup>5</sup>Brown, H. (1983). *Thinking About National Security: Defense and Foreign Policy in a Dangerous World*. Boulder, CO: Westview Press.

<sup>6</sup>Buzan, B. (1991). *People, States, and Fear*.

<sup>7</sup>Osaghae, E. E. (1998). *Crippled Giant: Nigeria Since Independence*. Bloomington: Indiana University Press.

<sup>8</sup>Ayoade, J. A. A. (2008). *The Role of the Military in Nigerian Politics*. Ibadan: Spectrum Books.

The return to democratic governance in 1999 offered a chance to reform the security sector. However, the early 2000s witnessed the emergence of violent non-state actors, notably the Niger Delta militants, and by 2009, the rise of Boko Haram signaled a turning point in Nigeria's internal security crisis. Despite democratic reforms, the security apparatus remained largely reactive, underfunded, and fragmented, with little emphasis on inter-agency collaboration, strategic planning, or preventive measures.

## 6.0 CURRENT STATE OF NATIONAL SECURITY IN NIGERIA

Nigeria today is grappling with one of the most complex security crises in its history. The threat environment is not only diverse but also geographically dispersed and asymmetrical in nature. Key issues include:

- **Insurgency and Terrorism:** Boko Haram, and its offshoot Islamic State West Africa Province (ISWAP), continue to carry out deadly attacks, especially in the North-East. Their objectives include the establishment of an Islamic caliphate, disruption of governance, and control over territory<sup>9</sup>.
- **Banditry and Kidnapping:** In the North-West and North-Central regions, loosely organized armed groups engage in cattle rustling, mass abduction, and extortion. These groups are often better armed than local law enforcement agencies and have created zones of ungoverned space<sup>10</sup>.
- **Communal Conflicts and Ethno-Religious Violence:** Herder-farmer clashes have escalated due to climate change, desertification, and demographic pressures. In the South-East, the Indigenous People of Biafra (IPOB) has led renewed secessionist movements<sup>11</sup>.

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<sup>9</sup>Onuoha, F. C. (2014). "Why Do Youth Join Boko Haram?" *Special Report*. United States Institute of Peace.

<sup>10</sup>International Crisis Group. (2020). *Violence in Nigeria's North West: Rolling Back the Mayhem*. Africa Report No. 288.

<sup>11</sup>Okonta, I., & Douglas, O. (2003). *Where Vultures Feast: Shell, Human Rights, and Oil in the Niger Delta*. San Francisco: Sierra Club Books.

- **Cybercrime and Economic Sabotage:** With increasing internet penetration, cyber fraud (locally termed "Yahoo Yahoo") has burgeoned. Similarly, oil theft in the Niger Delta undermines economic security and finances criminal enterprises<sup>12</sup>.
- **Police Brutality and Civil Unrest:** The #EndSARS protests of 2020 exposed the deep-seated distrust between the public and security forces, particularly the police, who are perceived as corrupt, abusive, and unprofessional<sup>13</sup>.

These challenges expose fundamental flaws in Nigeria's national security architecture, including poor funding, corruption, weak intelligence, poor inter-agency coordination, lack of strategic foresight, and inadequate training and welfare for security personnel.

## 7.0 THEORETICAL FRAMEWORKS FOR ANALYZING NATIONAL SECURITY

Several theoretical paradigms can be employed in analyzing national security. The realist paradigm, which focuses on state-centric, power-based approaches, has traditionally dominated the discourse. However, the inadequacies of this model in addressing contemporary, non-conventional threats have led scholars to adopt more inclusive frameworks.

The human security paradigm, as articulated by the United Nations Development Programme (UNDP), shifts the focus from the state to the individual and identifies seven key dimensions of security: economic, food, health, environmental, personal, community, and political security<sup>14</sup>. This model is particularly relevant for Nigeria, where poverty, inequality, and environmental degradation are key drivers of conflict.

Another important framework is the securitization theory from the Copenhagen School, which posits that issues become security concerns when they are framed as existential

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<sup>12</sup>UNODC. (2021). *Organized Crime and Trafficking in Nigeria: Patterns and Trends*. Vienna: UNODC Press.

<sup>13</sup>Amnesty International. (2020). *Nigeria: Time to End Impunity for Police Brutality*. London: Amnesty International Publications.

<sup>14</sup>UNDP. (1994). *Human Development Report*. New York: Oxford University Press.

threats to a referent object, justifying extraordinary measures. This theory is useful in understanding how the Nigerian state prioritizes certain threats over others and the implications of such prioritization on civil liberties and democratic governance<sup>15</sup>.

## 8.0 NATIONAL SECURITY AND ITS COMPONENTS IN NIGERIA

National security occupies the highest level of priority in the hierarchy of interests, is the concern of the government to see that the country is stable and safe for its citizens. It is one of the core values that states cherish as nonnegotiable, and that do not admit compromises. In this sense politicians and policy makers tend to define and conceptualise national security in a highly militarized terms by emphasizing the building of nation's military capabilities.<sup>16</sup> National security seems a wholesome wide umbrella under which lie various forms of security like human security, economic security, financial security, institutional security, educational security, food (agricultural) security, health security, environmental security, personal security, community security, political security and the security of all aspects of human living and endeavour. These and many more are all points of interest that affects the people, thus they are a consideration by the people especially in times and terms of governance.<sup>17</sup>

In Nigeria, National Security is taken as a germane issue and as a result of that the Government has provided different mechanisms to enhance its stability. It is against this backdrop that the National security strategy was formulated in 2014. The Strategy of Nigeria outlines the major security concerns of the nation for which policies and strategies have been articulated and how the government plans to deal with them<sup>18</sup>. The Strategy reflects how the Nigerian Government seeks to protect the Nigerian people and territory<sup>19</sup>

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<sup>15</sup>Wæver, O. (1995). "Securitization and Desecuritization." In R. D. Lipschutz (Ed.), *On Security*. New York: Columbia University Press.

<sup>16</sup> Isiaka Alani Badmus NIGERIA'S NATIONAL (IN)SECURITY: THE THREAT ANALYSIS Peace Research 37:1 (2005), P. 87

<sup>17</sup> A. O. D. Okoro GOVERNMENT BY THE PEOPLE AND NATIONAL SECURITY IN NIGERIA: A STRATEGIC PANACEA FOR GOOD GOVERNANCE NILDS Journal of Democratic Studies Vol. 3, No. 1, P. 37

<sup>18</sup> See The National Security Strategy of Nigeria,

<sup>19</sup> Chapter 4 of the National Security Strategy of Nigeria.

as well as outlines the strategies to promote Nigeria's prosperity and sustainable development<sup>20</sup>.

In a nutshell, Nigeria's security architecture is overly centralised, with multiple agencies operating under the control of the Federal Government. These include the Nigeria Police Force, Department of State Services, Nigerian Army, and others. Although the Police Act 2020 introduced reforms aimed at improving service delivery and accountability,<sup>21</sup> challenges such as inadequate funding, poor training, lack of modern equipment, and distrust between the police and citizens persist.<sup>22</sup> State-based security networks like Amotekun, though operational, lack federal legislative backing and face institutional resistance. Additionally, the overlap in mandates among various agencies leads to poor coordination.<sup>23</sup>

It is pertinent to note that in Nigeria, national security is made up of many components, these components can be classified into two, namely: Traditional components and non-traditional components.

a. Traditional Components

Military Defense, Territorial Integrity and Sovereignty: This can be described as the ability to defend a country against external threats and protect its borders (land, sea, and airspace boundaries). It encompasses organized protection and security of a nation's sovereignty, territorial integrity, and interests against external aggression or threats. It encompasses a range of strategic, operational, and tactical activities carried out primarily by the armed forces, which typically include the army, navy, air force, and sometimes specialized units like cyber defense or space command.

The power and authority of Nigeria to govern itself independently is also a traditional component of the national security.

b. Non-Traditional Components of Nigeria's National Security.

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<sup>20</sup> Chapter 5 of the National Security Strategy of Nigeria.

<sup>21</sup> Nigeria Police Act 2020.

<sup>22</sup> Abiodun J. O, 'Internal Security in Nigeria: Issues and Challenges' (2022) 5(1) Journal of Security Studies and Global Politics 45-58.

<sup>23</sup> Nnam M. U. and others, 'Insecurity and National Development in Nigeria: The Role of the State' (2020) 13(1) African Journal of Criminology and Justice Studies 1-20.

- Economic Security: This entails the strategies that Nigerian Government put in place to ensuring economic stability, diversification, and growth to prevent economic crises and protect national interests. Government across all levels have policies and programmes to enhance economic stability. Some of these programmes relates to entrepreneurship training, skill development, and start-up capital access designed to lower youth unemployment and boosts economic activities.<sup>24</sup>
- Social Security: Government provide the mechanisms to enhance the social security of its citizens. This entails the protection of citizens' well-being, including their safety, health, and access to basic services.
- Environmental Security: Protecting the environment from pollution, degradation, and climate change to ensure long-term sustainability. This is to enhance the conservation of biological sustainability and facilitate the protection of the Nigerian environment for the citizens.
- Human Rights and Fundamental Freedoms: one of the hallmarks of national security is the guaranteeing of the rights of all citizens, including freedom of speech, assembly, and religion. Citizens rights should be adequately protected in such a way that they should be able to ventilate their grievances. Their voices must not be subdued and they should be able to make recourse to court whenever their rights are being violated.
- Cybersecurity: In recent times, the advancement of Information and telecommunication technology has necessitated the transition of many of our nation's critical infrastructure and data from analogue to digital platform. This also brings with it the attendant problem of such infrastructure being susceptible to

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<sup>24</sup> Law Mefor “Tackling economic security challenges in south east through pise-p project” The Cable 1 December, 2023 <https://www.thecable.ng/tackling-economic-security-challenges-in-south-east-through-pise-p-project/>.

attacks. Therefore, the protection of critical infrastructure and data from cyberattacks are also germane to national security in Nigeria.

**Food Security:** Ensuring a stable food supply to prevent famine and malnutrition. This is to ensure that the citizens have access to nutritious varieties of food in order to enable them function effectively

**Energy Security:** Ensuring a stable and reliable energy supply, by enhancing the provision of renewable energy sources for the purpose of running critical governmental, economic and social activities etc.

## **8.0 SECURITY CHALLENGES IN NIGERIA**

Nigeria is facing numerous security challenges that impact all regions of the country. Some of the most significant threats include:

### **a. Terrorism/Violent Extremism**

Boko Haram insurgency emanated from the North-Eastern part of the country in the year 2002.<sup>25</sup> Boko Haram simply means “Western education is a sin or forbidden”.<sup>26</sup> The issue started as an insignificant agitation of sect with a strange commitment to non-conformist standards of social organization in Muslim-dominated State in the North East. This group started with a leader called Mohammed Yusuf with a view of opposing western education with his followers. However, the killing of the leader Mohammed Yusuf escalated Boko Haram insurgency in the North-East, Nigeria. The threat of terrorism orchestrated by Boko Haram continues to carry out relentless attacks on both soft and high-profile targets in the North East with an ultimate aim of disrupting the government of the day.

These militant groups continue to be Nigeria's notorious security threats, particularly in the North-East. They have been responsible for displacing millions and killing thousands of

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<sup>25</sup>F Onuoha. “Porous borders and Boko Haram’s arms smuggling operations in Nigeria”, (2013). Al-Jazeera Centre for Studies. Retrieved from [www.studies.aljazeera.net](http://www.studies.aljazeera.net).

<sup>26</sup>A Abubakar. Reports: “Boko Haram village raids kill hundreds in Nigeria”, (2014, June). CNN-World. Retrieved from <https://edition.cnn.com/2014/06/05/world/africa/boko-haram-village-raids/> See also, Internal Displacement Monitoring Centre Nigeria: Fragmented Response to Internal Displacement amid Boko Haram attacks and Flood Season, Oslo: Norwegian Refugee Council, 2013.

people. Recent attacks include a devastating assault on a military base in Damboa, Borno State, and kidnappings in Zamfara State.<sup>27</sup>

### **b. Armed Banditry**

The criminal activities of armed bandits and militia groups is arguably second to terrorism. Their major activities include kidnapping and cattle rustling which is on the increase due to the high economic pay off in terms of ransom money. There is a correlation between armed banditry, militia groups, kidnapping and cattle rustling, in what appears to be a convergence of various illegal networks. It is pertinent to note that underlying factors such as poverty, illiteracy, unemployment and other socio-economic factors particularly in the North West Zone have continued to give way for youths to be lured into illicit activities including banditry. Some state governments have engaged the armed bandits in a reconciliatory peace meeting with varying levels of success. It is on record that some major bandit leaders have embraced the reconciliatory efforts which have led unconditional release of scores of kidnap victims. This notwithstanding, attacks still occur, an indication of the diffused nature of the problem, due to the presence of multiple bandit groups operating in the North West Region and the need to evolve an enduring political-military-economic strategy.<sup>28</sup>

### **c. Farmers-Pastoralists Clashes**

Clashes between farmers and herders over land have spurred the formation of ethnic militias, vigilante raids, and extrajudicial killings, particularly in the Middle Belt and North West states.<sup>29</sup> Climate shifts, exclusionary land policies, and population growth have driven these dynamics. Farmers and herdsmen conflicts remain the most predominant ‘resource-use’ conflict and a growing concern to national security.

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<sup>27</sup> *ibid.*

<sup>28</sup> Dauda, S. M. (2019). Impact of government intervention on various crises in Nigeria. *Societal issues*, 8(1)102-109.

<sup>29</sup> S Kanu, “Kidnapped Nigerian Methodist Church Leader Freed”. BBC News 2022-05-30. Retrieved 14-8-2023.  
see also Arise Exclusive: The Kidnappers Threatened to Us as we Negotiated Ransom – Samuel KanuUche, retrieved 14-08-2023.

Analysis of the situation has revealed the spread of the conflict in the North West, North Central and Southern regions, especially in Kaduna, Benue, Taraba, Adamawa, Cross-River, Niger, Kwara, Enugu, Delta and Edo States. It is worthy to note that there has been a significant reduction in reported cases of conflict between herdsmen and sedentary farmers in recent times. This notwithstanding, the conflict has demonstrated a high potential to exacerbate food crisis, particularly in rural communities where most of the conflicts are localized, with reverberating repercussions nationwide.<sup>30</sup>

#### **d. Increasing Spate of Secessionist Agitations**

Groups like the Indigenous People of Biafra (IPOB) and the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) are advocating for greater autonomy or secession, leading to violent clashes with Nigerian security forces in the South East. These calls for agitation are intrinsically linked to the persistent agitation for secession by the Indigenous People of Biafra (IPOB) and Pro-Oduduwa Republic group of Nigeria. The activities of these groups continue to raise security concerns in recent times. The IPOB for instance have taken arms against the State and continue to attack security forces, government institutions, democratic infrastructure as well as law abiding citizens.<sup>31</sup>

#### **e. Drugs, Explosives and Chemicals Abuse**

The abuse of drugs and other psychosocial substances are major motivators for most domestic and violent crimes including extremism. Results obtained from samples from the cadaver of some detonated suicide bombers in the NE indicated trace of such substances in the corpse, indicating that most of them were under the influence of the substances while carrying out the violent extremist act. In the same vein long time irresponsible use of dual

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<sup>30</sup>S. Oniye, A.H Hanafi “Effect of climate change on pastoralists transnational Economic Activities and the need for sustainable mechanism in West Africa” Al-Hikmah University Law Journal, vol 3, (2020) page 161-175

<sup>31</sup>S. Oniye “ IPOB Agitation for self Determination under International Law and Domestic Criminal Responsibility in Nigeria” vol 1, (2021) pages 120-134

use chemicals, fertilizers and explosives items have led to their proliferation and availability for perpetrating crimes and violent extremism.<sup>32</sup>

#### **f. Maritime Crimes**

Crude oil theft, oil pipeline vandalism, operations of Illegal oil refineries, illegal fishing, piracy and kidnapping remain the major threats to maritime security in the country. However, the menace of pipeline vandalism and operations of illegal oil refineries has witnessed a downward trend and is responsible for the Nigeria's stable crude oil and gas exports.<sup>33</sup>

### **9.0 COMPARATIVE ANALYSIS OF NATIONAL SECURITY STRATEGY IN SELECTED COUNTRIES**

#### **United Kingdom**

The national security approach in the United Kingdom (UK) is cast with a dynamic and integrated strategic framework, which ensures a prompt response to a complex array of domestic and global threats. In the UK, the National Security Strategy (NSS) and its complement, the Strategic Defence and Security Review (SDSR) serve as the core instruments through which the UK encapsulates its security priorities, resource allocation, and institutional response mechanisms, all in a bid to tackle security threats. In this vein, these strategies are more often than not reviewed and updated to reflect evolving threat landscapes, especially in the context of terrorism, cyber threats, geopolitical instability, pandemics, and climate change.<sup>34</sup>

Moreover, the UK's national security governance and institutional framework is the National Security Council (NSC), established in 2010 and charged with cohesive and coordinated decision-making across government departments. The NSC is all

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<sup>32</sup>Ibid

<sup>33</sup>PW Tappan. "Criminology and Police Science", Journal of Criminal Law, (1947), vol. II, pt. 3, pp. 1007 - 1030

<sup>34</sup> UK Government, National Security Strategy and Strategic Defence and Security Review 2015: A Secure and Prosperous United Kingdom (London: HM Government, 2015)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/478933/52309\\_Cm\\_9161\\_NSS\\_SD\\_Review\\_web\\_only.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/478933/52309_Cm_9161_NSS_SD_Review_web_only.pdf) accessed 22 April 2025.

encompassing of the efforts of the Ministry of Defence (MoD), the Home Office, the Foreign, Commonwealth & Development Office (FCDO), and the intelligence community, including MI5, MI6, and GCHQ (under the strategic leadership of the Prime Minister).<sup>35</sup> It is pertinent to underscore that this NSC, as an institutional framework, represents a significant shift towards centralised security governance, offering a platform for rapid response and strategic coherence in the UK.

A most iteration of the strategy in the recent time is 'titled Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy (2021)'.<sup>36</sup> This highlights the UK's commitment to remain a global power in an era marked by great-power competition and technological transformation. The strategy underscores four key priorities, including sustaining strategic advantage through science and technology, shaping the international order, strengthening domestic and world security, and building resilience to crises.<sup>37</sup> Adverse to the earlier versions of the NSS, the 2021 version (Integrated Review) moves beyond traditional military threats to emphasize economic security, cyber resilience, and climate change as core components of national security.<sup>38</sup>

A notable insight of innovation in the UK's strategy generally is its emphasis on resilience and adaptability. The establishment of the Civil Contingencies Secretariat and the institutionalisation of the National Risk Register under the UK's strategy underscore a comprehensive approach to risk management, anticipating both acute shocks and chronic stresses.<sup>39</sup> In this vein, the UK has integrated its development and diplomatic strategies with its security visions, recognizing that instability abroad often begets insecurity at home.

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<sup>35</sup> Hennessy, P., *The Secret State: Preparing for the Worst 1945–2010* (London: Penguin Books, 2010).

<sup>36</sup> Cabinet Office, *Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy* (London: HM Government, 2021)  
<https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy> accessed 22 April 2025.

<sup>37</sup>*ibid.*

<sup>38</sup> Chalmers, M., 'The Integrated Review: Defence in a Competitive Age' (2021) RUSI Commentary  
<https://rusi.org/explore-our-research/publications/commentary/integrated-review-defence-competitive-age> accessed 22 April 2025.

<sup>39</sup> Civil Contingencies Secretariat, *National Risk Register 2020* (London: Cabinet Office, 2020)  
<https://www.gov.uk/government/publications/national-risk-register-2020> accessed 22 April 2025.

In addition, the Fusion Doctrine initiative of the UK's strategy introduced in the 2018 National Security Capability Review further cements the UK's integrated approach. This is done by encouraging collaboration across the government of the UK and leveraging the capabilities of civil society, the private sector, and academia in the pursuit of national security goals.<sup>40</sup> It is significantly pertinent to emphasize that this doctrine reflects a shift from siloed institutional responses to a more holistic and multi-sectoral engagement.

In all, this paper presumes that the UK's National Security Strategy is characterized by a proactive, adaptive, and integrative model of governance that aligns domestic resilience with global engagement. Thus, for countries like Nigeria facing multidimensional security challenges, the UK's model provides deep valuable insights into the benefits of institutional coherence, foresight planning, and strategic adaptability which can be emulated.

### **United States**

Just like the UK, the national security strategy of the United States is a comprehensive and institutionalized framework blocked out to safeguard the US in terms of its sovereignty, territorial integrity, and global interests. In no doubt, it is constitutionally anchored in the powers of the President as Commander-in-Chief, to take charge of the National Security Strategy (NSS) –the principal document that designs and outlines the executive branch's security priorities, guiding the formulation of policies by defence, diplomatic, and intelligence agencies of the US.<sup>41</sup> Thus, the NSS is published periodically by the Executive Office of the President, more often than not in sequel to significant geopolitical developments or changes in administration.<sup>42</sup>

The National Security Strategy of 2022, during the Biden Administration, marks a notable evolution in the US recognized as strategic thinking. It underscores the defence wrapped up for a democratic value, the strengthening of alliances, the confrontation of strategic

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<sup>40</sup> Cabinet Office, National Security Capability Review 2018 (London: HM Government, 2018) <https://www.gov.uk/government/publications/national-security-capability-review-nscre> accessed 22 April 2025.

<sup>41</sup> White House, National Security Strategy of the United States of America (Washington DC: White House, 2022) <https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf> accessed 22 April 2025.

<sup>42</sup>ibid.

competitors<sup>43</sup>, and addressing transnational challenges such as climate change, pandemics, cyber threats, and terrorism.<sup>44</sup> It departs from previous iterations by navigating hard power with soft power through a strategic emphasis on diplomacy, development, and economic statecraft.<sup>45</sup>

Aside the power vested in the President of the US, the institutional framework responsible for the formulation and implementation of the NSS is the National Security Council (NSC). The NSC as a body was established in 1947 by the National Security Act to advise the President and integrate inputs from the Department of Defense, Department of State, Central Intelligence Agency (CIA), Department of Homeland Security, and other security-related agencies.<sup>46</sup> Hence, the NSC plays a critical role in fostering interagency cooperation and ensuring coherence across foreign, defence, and domestic security policies.

Moreover, another unique strategy is peculiar to the United States' NSS, as it operates through a stratified institutional structure that enables a rapid and multidimensional response to both the domestic or global threats. For instance, the Department of Homeland Security (DHS), created in the aftermath of the attacks of the 11th of November 2001, has played a pivotal role in safeguarding the homeland from terrorism, natural disasters, and cyber threats. Secondly, there are integrating efforts from agencies, including the Federal Emergency Management Agency (FEMA), US Customs and Border Protection (CBP), and the Cybersecurity and Infrastructure Security Agency (CISA).<sup>47</sup> In this vein, an essential feature of the US strategy is its whole-of-government approach that does leverage military and intelligence capabilities and encapsulates health, environmental, technological, and economic domains into national security strategy.<sup>48</sup> For illustration, the US's strategy

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<sup>43</sup> Namely, China and Russia.

<sup>44</sup> White House, National Security Strategy of the United States of America (Washington DC: White House, 2022) <https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf> accessed 22 April 2025.

<sup>45</sup>ibid.

<sup>46</sup> U.S. Congress, National Security Act of 1947, Pub. L. No. 80-253, 61 Stat. 495 (26 July 1947).

<sup>47</sup> Department of Homeland Security, Strategic Framework for Countering Terrorism and Targeted Violence (Washington DC: DHS, 2019) <https://www.dhs.gov/publication/strategic-framework-countering-terrorism-and-targeted-violence> accessed 22 April 2025.

<sup>48</sup> Office of the Director of National Intelligence, Annual Threat Assessment of the U.S. Intelligence Community 2023 (Washington DC: ODNI, 2023)

recognizes climate change as a threat multiplier and calls for the incorporation of climate resilience into defence and infrastructure strategic planning.<sup>49</sup>

Furthermore, the US steadily maintains a global force posture with a standby military installation in strategic regions, which is often supported by a robust alliance system, including NATO, the Quad, and AUKUS. These alliances enhance deterrence and project power, while also facilitating intelligence sharing, joint training, and technological innovation.<sup>50</sup>

In all, the United States' national security strategy showcases an evolving, multidimensional framework for national security. The security strategy is one that encompasses traditional defence imperatives with emerging non-traditional threats. It is pertinent for this paper to note that the periodic review and public release of the NSS in the US ensure strategic transparency, democratic oversight, and adaptability to a rapidly changing global environment.

## **Saudi Arabia**

The Kingdom of Saudi Arabia adopts a centralized and proactive security strategy, heavily reliant on intelligence and technology. The General Intelligence Presidency (Al-Mabahith) shoulders the responsibility for internal security and counter-terrorism operations in the Kingdom.<sup>51</sup> In this vein, surveillance technologies, including but not limited to AI-driven facial recognition, biometric data, and electronic border monitoring, are being utilized by the Kingdom to obviate threats before they become materialized.<sup>52</sup> For illustration, Saudi

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<https://www.dni.gov/files/ODNI/documents/assessments/ATA-2023-Unclassified-Report.pdf> accessed 22 April 2025.

<sup>49</sup>ibid.

<sup>50</sup> Nye, J.S., *Do Morals Matter? Presidents and Foreign Policy from FDR to Trump* (Oxford: Oxford University Press, 2020).

<sup>51</sup> Al-Rasheed M, 'The Kingdom and the Glory: Saudi Arabia's Approach to Internal Security' (2020) 42 Middle East Journal 6.

<sup>52</sup> Al-Harbi K, 'Digital Surveillance and Security Infrastructure in Saudi Arabia' (2021) 28(2) Middle East Policy 123-135 <https://doi.org/10.1111/mepo.12500>.

Arabia established the National Cybersecurity Authority in 2017 to safeguard critical infrastructure and coordinate national cyber policy.<sup>53</sup>

Furthermore, one of the key strengths of Saudi Arabia's security model is that it aligns its intelligence gathering with rapid deployment, thereby forming a sophisticated synergy for security advancement within the Kingdom. No doubt, the preventive nature of the Kingdom's counterterrorism strategy has led to the dismantling of several terrorist cells, with a strong reliance on data analytics.<sup>54</sup>

## **South Africa**

South Africa's security architecture and strategy is designed and premised around a decentralized policing and community participation. The operations of the South African Police Service (SAPS) are with provincial administrations and community policing forums (CPFs).<sup>55</sup> These forums promote synergy between local communities and the police for the purpose of identifying and addressing security challenges from the grassroots. For emphasis, the 2016 White Paper on Policing highlights community-oriented policing as a centrepiece of democratic policing in South Africa.<sup>56</sup> In addition, oversight institutions, such as the Independent Police Investigative Directorate (IPID), play a pivotal role in promoting accountability and public trust expected of law enforcement.<sup>57</sup>

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<sup>53</sup> Al-Harbi K, 'Digital Surveillance and Security Infrastructure in Saudi Arabia' (2021) 28(2) Middle East Policy 123-135 <https://doi.org/10.1111/mepo.12500>.

<sup>54</sup> Gause F. G, 'Kings for All Seasons: How the Middle East's Monarchies Survived the Arab Spring' Brookings Doha Center (2011) 8 [https://www.brookings.edu/wp-content/uploads/2016/06/02\\_arab\\_spring\\_gause.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/02_arab_spring_gause.pdf) accessed 15 May 2025.

<sup>55</sup> Burger J, 'Strategic Perspectives on Crime and Policing in South Africa' (Institute for Security Studies 2007) 30-35.

<sup>56</sup> Republic of South Africa, 'White Paper on Policing' (2016) <https://www.gov.za/documents/white-paper-policing-2016-0> accessed 15 May 2025.

<sup>57</sup> Bruce D, 'A Police Oversight Body without Teeth? IPID's Role in Tackling Police Corruption' (2017) 60 South African Crime Quarterly 21-30 <https://doi.org/10.17159/2413-3108/2017/v0n60a1737>.

### 9.1 Rationale for Comparative Analysis

Why compare Nigeria's national security strategies with those of the U.S., U.K., Saudi Arabia, and South Africa? The answer lies in the diversity and relevance of these countries' approaches.

- The **United States** exemplifies a high-tech, intelligence-driven model with robust inter-agency coordination and proactive counterterrorism strategies.
- The **United Kingdom** demonstrates how democratic norms and civil liberties can be balanced with security imperatives through coherent policy frameworks like CONTEST.
- **Saudi Arabia**, although autocratic, offers insights into ideological counter-extremism and the role of centralized state control in mitigating threats.
- **South Africa**, like Nigeria, is a post-colonial, multi-ethnic society with a turbulent past. Its focus on democratic policing, socioeconomic reform, and human rights provides useful contrasts and parallels.

By studying these jurisdictions, this paper seeks to uncover adaptable strategies and best practices that Nigeria can integrate into its security architecture.

### 9.0 LESSONS FOR ENHANCING SECURITY MANAGEMENT IN NIGERIA

1. Proactive, Adaptive, and Integrative model: UK's National Security Strategy is characterized by a proactive, adaptive, and integrative model of governance that connects domestic resilience with global engagement. Thus, underdeveloped countries like Nigeria facing multidimensional security challenges, can adopt and learn from the model to keep valuable insights into the benefits of institutional coherence, foresight planning, and strategic adaptability for excellent security strategies.
2. Intelligence-Driven Security: Nigeria should replicate Saudi Arabia's model by strengthening central intelligence coordination and integrating modern surveillance tools.

Nigeria can emulate Saudi Arabia's investment in digital surveillance and intelligence-led operations. A centralized intelligence system that effectively shares data across agencies on security strategies and operations will address the current gaps in Nigeria's security strategy tagged as a presumed fragmented security framework.

3. Community Policing: South Africa's CPFs provide a viable template for inclusive and accountable policing at the local level. Thus, learning from South African Strategies, Nigeria should be able institutionalise state policing systems and invest in intelligence sharing across agencies. Effective collaboration, rather than duplication of duties, will enhance operational efficiency.

4. Decentralisation: Security should not be exclusive to the federal government. States should be empowered through legal and institutional reforms.

5. Oversight and Accountability: Establishing independent oversight agencies like South Africa's IPID will reduce human rights violations by law enforcement in Nigeria, if taken into cognizance for policy strategy.

6. Periodic review and transparency. US ensure strategic transparency, democratic oversight, adaptability, etc in its security strategies which Nigeria can adopt for enhancing security performance.

## 10.0 RECOMMENDATIONS

Considering the lessons from the selected jurisdiction, the following are recommended:

1. Community Policing and Communal Engagement: Empowering local communities through community-based security initiatives can bridge the trust gap between citizens and law enforcement. By training local leaders and volunteers in conflict prevention and response, communities can play an active role in their own security, fostering a collaborative environment for crime prevention.
2. Decentralizing the Police Force: Establishing state police forces in Nigeria is essential for addressing the country's security challenges vis-à-vis the incessant kidnappings and killings. By decentralizing law enforcement, Nigeria can improve security responsiveness, strengthen community policing, enhance accountability,

and allocate resources more effectively, ultimately leading to safer and more secure communities across the country. For instance, each State should be allowed to develop its police under the leadership of its Governors, who would appoint the Chiefs of Police, individual leaders who are knowledgeable about their culture, customs, language, theology, rules and principles, to serve the communities and their local security concerns.

3. Integrating Artificial Intelligence in Surveillance: Nigeria's insecurity problem has evolved. Bandits use encrypted messaging apps. Kidnappers change locations faster than police can respond. Meanwhile, we rely on reactive, analogue tools to chase after crimes instead of preventing them. Thus, if AI intelligent surveillance adopted, it will definitely align with the South Africa strategy thereby enhancing effective national security in Nigeria.
4. Ensuring Comprehensive Legal Reforms: The government should review and amend existing laws to provide clearer definitions and impose stiffer penalties for kidnapping and related offenses. Special courts can also be established to handle such cases in an expeditious manner. This will ensure swift justice and serve as a deterrent to potential offenders.
5. Judicial/Institutional reform and accountability: The various institutions should be strengthened by way of reform and accountability should be enhanced. Trials should speed up and ensure fair prosecutions, security personnel should be held responsible for abuses.
6. Border security and regional cooperation: There should be tightened border control and collaboration with other countries and regional bodies like ECOWAS.
7. Public-Private-Partnership (PPP): Encourage Public-Private-Partnership to leverage resources, expertise and technology in enhancing effective security management in Nigeria. This is similar to the initiatives in South Africa, especially urban safety and crime prevention.
8. Addressing Socio-Economic Root causes: Implement targeted economic development Programs in vulnerable regions, focusing on job creation and education. The issue of poverty, inequality, and unemployment should be addressed as they are contributing factor to insecurity in Nigeria. Drawing lessons from the selected jurisdictions, Job creation increases human security and reduces security risk and criminal behaviours.

## 11.0 CONCLUSION

In conclusion, the pervasive state and nature of the insecurity situation in Nigeria are systemic flaws in the country's security architecture and strategy, ranging from institutional inefficiencies to legal inadequacies. No doubt that Nigeria has put in place various security agencies, policies, and strategies to tackle insecurity; the results have been far from satisfactory. The comparative analysis with jurisdictions such as the United Kingdom, United States, Saudi Arabia, and South Africa reveals that security management requires not just strong institutions but also a strategic coordination, intelligence-led operations, and citizen-centred approaches.

A key takeaway from this paper is the imperative of decentralization and robust legislative oversight for assurance of security accountability and effectiveness. Therefore, Nigeria must urgently embrace reformative lessons from these jealously selected jurisdictions by enhancing institutional capacity, promoting inter-agency cooperation, investing in modern security infrastructure, and reinforcing community trust in security operatives. Thus, to restore the sanctity of lives and property and reclaim the people's confidence in the state, a paradigm shift in national security strategy is essential. Nigeria must move from a reactive approach to a proactive approach, from centralized to coordinated, from coercive to intelligence-based security governance, and from primitive to AI based surveillance for assurance of security of life and property as enshrined in Section 14 (2)(b) of the Constitution.

## EXAMINATION OF THE ROLE OF MAGISTRATE IN OFFENCES OF KIDNAPPING AND KILLING

**Bilikis.A. Baraje\***

### • Introduction

For Magistrate, offenses of killing and kidnapping certainly falls within the criminal shade of our law. Indeed, here in our own jurisdiction these two offenses are grave offenses and carries high degree of punishment known to law particularly the offence of killing which attract the punishment of death upon conviction.

In Nigeria, criminal laws and procedures derives his source from various sources of law namely:

1. The 1999 constitution (groundnum)
2. The penal code law (applicable in the north)
3. The Evidence Act
4. Administration of criminal justice Act
5. The state of criminal laws of various states

We have some other specific law, for example:

- a. Armed forces Act
- b. The child right acts
- c. The child right laws (applicable in some states)
- d. Violence against person
- e. The EFCC Acts

It is noteworthy to state that these are also courts of criminal jurisdiction in Nigeria, they are divided into two:

- i. Courts of special criminal jurisdiction
- ii. Courts of general criminal jurisdiction

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\* Ph.D, Chief Magistrate, Kwara State Judiciary. 08038551258

Courts of special criminal jurisdiction are courts that are set up to try particular type of offences e.g., the family court, while courts of general criminal jurisdiction are courts that try all types of criminal offenses and classes of offenses.

Courts of general criminal jurisdiction can be divided into two (2)

1. Courts of original criminal jurisdiction e.g. Magistrate courts and High courts
2. Court of Appellate criminal jurisdiction e.g. Court of Appeal and the Supreme Court.

- **Magistrate Courts**

Magistrate courts are established by the various magistrate courts laws of states in Nigeria. The laws establishing the magistrate courts in the state creates the grades of the magistrate courts with each grade having its maximum penalties of imprisonment or fine or any other statutory sanction that each magistrate can impose from magistrate grade two up to the chief magistrate each has its maximum penalties which the court can though give less than its authority but cannot go beyond the maximum limit created by the enabling law.

Please note that no grade of magistrate court can try capital offences

- **Magistrate Court in Kwara State**

Establishment of Magistrate courts in Kwara State is devoid of any known specific date but certainly predate the establishment of the state itself in 1967 see sections 5(1) of ACJL.

The present magistrate jurisdiction situates in the Administration of criminal justice law of Kwara State of 2018. See section 1,2, (3) and most particularly section 4 5(2) of the law.

While section 5(1) operate as the establishing provision of magistrate courts in Kwara State section 3(a-i) thereof makes provision for the classes of magistrate court to give effects to the provision of section 1(1) (2) and section 2 of the law.

“Section 3 clearly states as follows:

- (b) Courts of Chief Magistrates of the first grade
- (c) Court of the Chief Magistrates of the second grades
- (d) Courts of the Senior Magistrates of the first grade
- (f) Courts of magistrates of the 1<sup>st</sup> grade
- (g) Courts of magistrates of the 2<sup>nd</sup> grade

See also section 7 (1) (2) (3) on the appointment of magistrates in the states.

The jurisdiction of magistrates as earlier said has been strictly spelt out under the provision of Administration of criminal justice law of state to with section 5(2) of the law which state thus:

*“A magistrate court shall have such jurisdiction as is conferred upon it by this law or any other law.”*

Refer to the provision of section 6(1) (b) of the same law which prevented magistrate from exercising any jurisdiction or powers in excess of these conferred upon him by his appointment

- **The Role of Magistrate in Offences of Kidnapping and Killing**

Except for offences that attracts capital sanctions, rape, and some other complex or aggravated offences, most of the offences created in our penal codes are first taken to the magistrate courts for adjudication. This fact therefore, underscore, the importance of magistrate court in the administration of our criminal justice system. The range of criminal offences often come to the magistrate court on daily basis.

kidnapping has been an endemic crime in Nigeria which can be said to have assumed prominence since the insurgency of the militant groups in the Niger Delta as the most potent way to realize their demands them.<sup>58</sup>

The incidence of kidnapping began as a high profile of criminal Act from 2005 with the kidnapping of foreign oil workers by the Niger Delta militants to press their agitations.

Since then, the offence of kidnapping has assumed like National Virus a national outlook and targeted at any person irrespective of tribal, social, religious and economic standing.

In fact, the wave of kidnapping in Nigeria has reached a degree where nobody living in any part of the country can be said to be absolutely free or safe from being a victim.

Kidnapping in Nigeria has become a National Phenomenon attracting stiffer punishment almost of capital offences each state is empower to make laws on this offence of kidnapping

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<sup>58</sup> Kwara State kidnapping Law, Sections 2 3 & 15.

and prescribe punishment there. The Kwara State prohibition of kidnapping law No 6, of 2010 is the primary legislation addressing kidnapping in Kwara State.

It is not out of place to state that some states have prescribe death sentence upon conviction on any person who committed the offence of kidnapping. Without delving into whether the states have the authority to so do hasten to see the role of magistrate court in the offence of kidnapping.

Criminal offences are instituted in several ways and in Kwara State, criminal cases are instituted pursuit to the law<sup>59</sup> and magistrate are empowered to assume jurisdiction in certain minor cases and proceedings there on.<sup>60</sup>

No magistrate court particularly in Kwara State has been immed with the jurisdictional power(s) to tried kidnapping or similar offences which carried life imprisonment or death penalty.<sup>61</sup>

- **Offence of Killing**

Killing is an offence classified as capital offence in which case, the offender earn the punishment of death upon conviction by a court of competent jurisdiction.

Killing is the general name for the commission of either the offence of murder as it relates to the offence in the southern parts of Nigeria or culpable homicide as used in the northern part of Nigeria.

Killing is the act heavily criminalized in the Nigeria criminal codes and the penal code when the act result in the deprivation of life of another person. It may be killing with outright intention or one done accidentally<sup>62</sup>

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<sup>59</sup> See section 116 of Kwara State kidnapping law.

<sup>60</sup> See section 117 of Kwara State kidnapping law.

<sup>61</sup> Section 4 (6) (7) of the 1999 constitution.

<sup>62</sup> Sec Section 221 and section 224 of the penal code law P.A Lawal

With the gravity of the offence of killing there is no paying saying the fact that the offence falls out of the jurisdictional competence of a magistrate of any grade to throughout the country.<sup>63</sup>

### • The Role of Magistrate in The Offences Kidnapping and Killing

It is an elementary knowledge now that the first point of contact in most criminal trials is the magistrate court. However, in capital and serious offences the magistrate courts are robbed-off of any jurisdictional authority to take any significant steps from the arraignment to the judgment stage of the trial.

A critical perusal of the criminal jurisdiction of magistrate courts in Nigeria makes it imperative to examine “Jurisdiction”. The black’s law Dictionary<sup>64</sup> defines jurisdiction as:

The power of the court to decide a matter in controversy and presupposes the existence of a duly constituted court with control over the subject matter and the parties.... The power of courts to inquire into facts, apply the law, make decisions and declare judgment; the legal rights by which judges exercise their authority.

Jurisdiction is much important that it can be raise at any stage of trial or proceeding either of the Supreme Court for the first time. Suffice to say that it can also be raised at the court of first instance. In fact, the judge sitting on a matter can raise the issue of jurisdiction *suo motu* even if the litigant failed to raise and objection to same.

The fact that magistrate court cannot assume jurisdiction over criminal offences which carries death punishment and life imprisonment like the two offences under references here it does not entirely, mean that magistrate play no roles in the offences of kidnapping and killing.

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<sup>63</sup> Criminal jurisdiction of magistrate court in Nigeria” perspective on criminal law and criminal justice (pp. 475-491

<sup>64</sup> 6<sup>th</sup> Edition, 1990

## 1. Role of cognizance

The first major role of the magistrate when a suspect is brought before it is to take cognizance of the offence and where the offence falls within its jurisdiction, proceed to arraign the offender by recording his plea and thence proceed to trial. In the case of killing and kidnapping, and some other offences where the magistrate is bereft of jurisdiction, the court cannot take further step except to take cognizance of the offence.

## 2. Remand role

Where a suspect is to be remanded in custody, a warrant shall be issued by the remitting court and that warrant shall be sufficient authority to any person to whom it is directed to.

This provision empowers the court to issue a remand warrant authority prison officials or to any person to whom it is directed to receive and detain the suspect named in the warrant and to produce.<sup>65</sup>

Section 299(1) provides as follows:

*“A suspect arrested for an offence shall be brought before a court within reasonable time of the arrest and the court may order the remand of the suspect in custody notwithstanding that it has no jurisdiction to try the offence”<sup>66</sup>*

Recourse must however be made to the provide made in respect of the section to the effect that the court shall not be order the remand of a suspect in custody under part XXXI<sup>67</sup> unless it is satisfied by evidence before it that the original case file has been transmitted to the Attorney General for legal advise.

Sub section 2, of the above provision of Administration of criminal Justice law provided for an ex parte application which shall:

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<sup>65</sup> Section 100 of ACJA

<sup>66</sup> Section 299(1) Administration of Criminal Justice Law of Kwara State 201

<sup>67</sup> Ibid

(a) be made in the prescribed “Report and request for remand form” as contained in Appendix D.

(b) for his appearance when required before the court or such officer as the court appoints in that behalf<sup>68</sup> him to court to which the suspect charged was remitted. This warrant to be issued under section 100 enable the suspect to be kept or remanded in the custody pending when he will be produced before the court where the charge is remitted, remand order or warrant (3) may be made after magistrate court takes cognizance of an offence and whenever the defendant jumps bail. Also a remand order may be made against a surety who failed to comply with his promise or bond.

In **Fadeju V Johnson**,<sup>69</sup> the Supreme Court has this to say on remand

*“What is remand? It means to send to prison or send back to prison from further inquiries have been made often in phrase “remanded in custody”.*<sup>70</sup>

This order is often made when one court without Jurisdiction transfer the case to a court which has Jurisdiction to try the offence such as the offences of killing and kidnapping.

- **Challenges to the Implementation of Administration of Criminal Justice Law of Kwara State and Best Practice**

The Administration of Criminal Justice law of Kwara State is a bi-product of the Administration of Criminal Justice Act enacted to address the fundamental challenges posed by the formal Criminal Codes viz-a-viz, the Criminal Procedure Act and the Criminal Procedure Code.

The has its origin traced to 2018 following the enactment of the Administration of Criminal Justice Act of 2015, which has the objective of promoting efficient management of criminal Justice institutions speedy dispensation of Justice, protection of the society from crime and protection of the rights and interests of the suspects, the defendant and victims.<sup>71</sup>

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<sup>68</sup> Section 299(2) Ibid

<sup>69</sup> (2007) 8 NWLR (Pt 1037) 535 (a) 526

<sup>70</sup> R. JACOBS – Criminal Procedure (3) Analysis of the administration of Criminal Justice Act.

<sup>71</sup> J.A. Mumini: Arrest to Arraignment innovations from ACJL Kwara State. A day workshop on Kwara Administration of Criminal Justice Law 2018

However, the elegance and the very needful nature of the law is not without a certain critical challenges most especially as it relates to the magistrate courts.

Therefore, a review of some of these challenges will include but not exhaustive the following.

i. Restriction on the Jurisdiction of the magistrate courts: The law has certainly pegged the jurisdiction of the magistrate courts in certain offences designated as capital and grave offences e.g. Killing, Kidnapping, Armed Robbery, Rape, cultism, fraud, unlawful possession of fire-arms, receiving stolen property etcetera, as no go area for even for a Chief Magistrate who must not have been less than 15years post-call is restricted and rob-off jurisdictional competence to adjudicate on the offences mention above but funny enough, a lawyer of coordinate and coordinate and cognate year of call to bar can automatically hear all criminal cases without any Jurisdictional restriction upon appointment to the High Court bench.

The attendant effects of this restriction on the magistrate multifaceted. These include, but not limited to

(a) Delay in the dispensation of Justice. The 1999 constitution <sup>(2)</sup> is unequivocal its provision for speedy and underlay dispensation of criminal justice in criminal trials.

*“Whenever any person is charged with a criminal offence, he shall, unless the charge is withdrawn, be entitled to fair hearing in public within a reasonable time by a court or a tribunal”*

The attendant challenge that is linked to the problem discussed above is that some of these so designated grievous offence which have been heard by the magistrate courts are left to linger in the courts for so long a time than necessary all in the name of awaiting the Attorney General’s legal advice.

The provisions of the law are often rendered helpless to rescue the delay occasioned by the commissioner of police or the Attorney General. It is should be bore in mind that, the

entire gaunt of the provision of section 302, of ACJL Kwara State of 2018 are crafted to abolish all undue delays in the administration of criminal justice.<sup>72</sup>

It is unfortunate however that, it has no significant effect on cases that are listed and considered as grievous and those coded capital offences such as killing and kidnapping.<sup>73</sup>

A computation of 49 days granted to courts to keep the suspect in custody under section 302<sup>74</sup> upon the application of the Attorney General or the commissioner of police as the case may be have an implication of delay in the trial of the suspect which could have been used to commence the trial of the suspect if magistrate courts are jurisdictionally clothed to try such cases certainly.

This could not have been the purpose of the provision section 36 (4) of the constitution of the federal republic of Nigeria 1999 which envisages “reasonable time”<sup>75</sup>

Within which a person charged with criminal offence presented before a court of competent jurisdiction is given fair learning in public.

The Supreme Court in Arori VELEMO (4), posited as follow:

“Reasonable time must mean the period of time which, in the search for justice, does not wear out parties and their witnesses, and which is required to ensuring that justice is not only done but appears to a reasonable person to be done”.

Concept of “reasonable time” was more amplified in the case of DANLADI USDANGIRI (6) by his Lordship Ngwuta JSC thus.

“In my view, the phrase “within reasonable time” implies that the time for the determination of the matter should not be too short or too long, depending on the nature and fact of the case.

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<sup>72</sup> section 302, of ACJL Kwara State of 2018

<sup>73</sup> Ibid

<sup>74</sup> See Section 36(4)

<sup>75</sup>Section 301, 302 (1) (2) (3) (4) of Administration of Criminal Justice Law of Kwara State 2018.

EKO JSC extensively explained the concept of speedy trial of page 341-342 in the case of DASUKI vs FRN<sup>76</sup>

- The essence of the emphasis on the challenge under reference in this paper is that, the period of time within which the magistrate court is made to bonly take cognizance of offence which it has no jurisdiction can be <sup>77</sup>deployed to hearing of the case.

And reasonably reduce the delay in the trial of the suspect as proposed by the constitution.

- Secondly, the evil concept of “Holden charge” which are severally condemned in our legal jurisprudence and criminal system by our courts can be seen to have practically faded out considerably. As it is now, it cannot be said that magistrate courts, with no jurisdiction to entertain(i) trials of certain criminal offences but can only take cognizance of such offences brought before it, it in cobweb of Holden charge.
- Section 302 (6) which empowers the magistrate court taking cognizance of capital and grevious offences to discharge a suspect after the extended period under subsection (5) cannot stand the test of the reality of our circumstance as the invocation of the provision may occasion a miscarriage of justice.

Holding charge is the tactic where a suspect is arraigned in a magistrate court lacking jurisdiction primarily to secure their remand in custody and proper arraignment in a court with the authority to try the alleged offence. It is widely considered unconstitutional and an infringement on the right of the accused person (1) see Akinoye V. cop. (2006) 2 NWLF (Pt 965) page 427 (a) 442. However in Josiah v State <sup>(2)</sup> <sup>78</sup>

## **ISLAMIC PERSPECTIVE ON KIDNAPPING AND KILLING: ETHICAL AND MORAL IMPLICATIONS**

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<sup>76</sup> (1983) / SCNLR / at 24

<sup>77</sup> The 1997 constitution of Nigeria.

<sup>78</sup> 1. (2006) 2 NWLR (Pt 965) page 427 at 442

**Abdul-razzaq Abdul-Majeed Alaro\* & M.K. Imam-Temim\*\***

## **1. Introduction**

The sanctity of human life and dignity is a core value in Islam as the preservation of life (*hifz al-nafs*) is one of the five essential objectives of Islamic law (*maqāṣid al-Sharī‘ah*). Both kidnapping and killing are violent and unjust acts violating these sacred principles. These crimes afflict many societies, including Muslim-majority regions, and are perpetuated by Muslims who claim religious justification for their sadistic acts while citing textual authorities. Foremost among such egregious groups is the ISWAP (nicknamed Boko Haram) terrorising the northern region of Nigeria. Thus, it becomes critical to explain the Islamic ethical, legal, and moral responses to such offenses and the responsibilities entrusted to the state to curb and prevent them.

This discussion explores Islamic teachings on kidnapping and killing, examines the moral and legal implications of such crimes, and highlights the central role of the Islamic state in preserving security, justice, and order through just governance.

## **2. Definitions and Conceptual Clarifications**

### **2.1 Kidnapping (*al-Ikhtitāf*)**

Although the criminal act of kidnapping was not recognised as a distinct offence in Islamic criminal jurisprudence, but due to its contemporary prevalence, it is now categorised as a major crime. It is thus broadly understood as the forceful or deceptive seizure and confinement of a person against their will,<sup>79</sup> often for ransom, exploitation, or political purposes.<sup>80</sup> Though the term “kidnapping” is modern, Islamic jurisprudence addresses similar actions under *al-ikhtitāf*, *ikrah*, or as part of *hirābah* (armed robbery or banditry).<sup>81</sup>

### **2.2 Killing (al-Qatl)**

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<sup>79</sup> Al-Ashbib, M. S. & Shasho, I., “Al-Khatf li ajli al-mal: Dirasatu Fiqhiyyatu Tatbiqiyah [Kidnapping for money: Applied Jurisprudence Study]” (2021) Vol. 4 (2) *Idlib University Journal*, 348-349.

<sup>80</sup> Onwuatuegwu, I. N., “Human life versus the Culture of Death: Kidnapping, Boko Haram and Fulani Herdsmen (A Case Study in Nigeria)” (2020) 25 (5) *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* 33-41

<sup>81</sup> Ali Muhammad, *Majallatul Buhuthi al-Qanuniyyati wal Iqtisadiyyah*, 11.

Killing refers to the unjustified taking of human life. Islamic law recognizes several categories:<sup>82</sup>

- Intentional murder (*qatl al- 'amd*)
- Semi-intentional (*shibh al- 'amd*)
- Mistaken killing (*khata'*)

Only certain forms of killing, such as capital punishment through due process, are lawful in Islam.

### 3. The Sacredness of Life under the Shari'ah

The Qur'an and Sunnah consistently uphold the inviolability of human life. Allah says:

Whoever kills a soul—unless for a soul or for corruption [done] in the land—it is as if he had slain mankind entirely. And whoever saves one—it is as if he had saved mankind entirely.<sup>83</sup>

This verse underscores the enormity of unjust killing and the collective responsibility to safeguard life. Similarly, the Prophet Muhammad (peace be upon him) emphasised:

A believer remains within the scope of his religion as long as he does not kill another person unlawfully.<sup>84</sup>

The Qur'an also warns:

Do not kill the soul which Allah has made sacred except by right.<sup>85</sup>

These verses show that Islam not only prohibits murder but views it as an attack on the moral fabric of society.

### 4. Legal Framework of Punishments for Crimes under the Islamic Law

Islamic legal tradition provides a structured response to crimes such as kidnapping and killing through three key categories of punishment:

#### 4.1 *Hudūd* (Fixed Punishments)

These are divinely prescribed penalties. For certain severe crimes like *hirābah*, which encompasses kidnapping with elements of violence, fear, or disruption of public safety, the Qur'an provides clear penalties:

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<sup>82</sup> Anwarullah, *The Criminal Law of Islam*, 3rd ed (Malaysia: A.S Noordeen, 2008), p. 56.

<sup>83</sup> Qur'an 5:32

<sup>84</sup> Sahih al-Bukhari

<sup>85</sup> Qur'an 17:33

The recompense of those who wage war against Allah and His Messenger and strive upon earth [to cause] corruption is none but that they be killed or crucified or that their hands and feet be cut off from opposite sides or that they be exiled from the land...<sup>86</sup>

#### **4.2 *Qisās* (Retribution) and *Diyah* (Blood Money)**

Where the kidnapping causes or leads to the death of the victim, the kidnapper will also be liable to the punishment of intentional killing. Intentional killing is punishable by *qisās* (retaliation) – “life for life” – unless the victim’s family forgives the killer or accepts the *diyah*.<sup>87</sup> This allows for justice while opening the door for mercy.

#### **4.3 *Ta’zīr* (Discretionary Punishments)**

Crimes that do not fall under either the *hudūd* or *qisās* categories may be punished at the discretion of the judge, depending on severity and societal impact.<sup>88</sup>

### **5. Kidnapping in the Islamic Legal Tradition**

Although kidnapping is hardly listed as a separate offence in classical Islamic legal texts, it is often treated under related offences such as *hirabah* and *riqab* (hostage-taking). *Hirābah* is the use of arms to attack and intimidate others such as it occurs in many cases of armed kidnapping, especially with violence. *Hirābah* carries severe punishments due to the threat it poses to society.<sup>89</sup> *Riqāb* in Islamic jurisprudence is an act of aggression and betrayal, particularly when used for extortion or political pressure.<sup>90</sup>

### **6. Ethical and Moral Implications of Kidnapping and Killing under Islamic Law**

#### **6.1 Violation of Human Dignity**

Islam views every human as honoured by Allah:

“We have certainly honoured the children of Adam...”<sup>91</sup>

Kidnapping and killing constitute a gross devaluation of human worth. The victim’s dignity is violated, and their families are emotionally devastated.

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<sup>86</sup> Qur’ān 5 v. 36.

<sup>87</sup> Mohammad Hashim Kamali, *Crime and Punishment in Islamic Law: A Fresh Interpretation* (Oxford University Press, 2009) 201.

<sup>88</sup> Mohammad Hashim Kamali, *Crime and Punishment in Islamic Law: A Fresh Interpretation* (Oxford University Press, 2009), 186-194.

<sup>89</sup> Salman, K. O., “Towards Finding Suitable Punishment for Kidnapping in Islamic Jurisprudence: Case Study of Hirabah” (2022) 11 *Benue State University Law Journal*, 296-307.

<sup>90</sup> Seyyed Hossein Hashemi, Abolfath Khaleghi & Mohammad Rahim Asghari, “The Nature and Elements of the Crime of Hostage-Taking in Islamic Jurisprudence, International Documents, and Afghan law” (2025) 12 (1) *International Journal of Multicultural and Multireligious Understanding* 750-764.

<sup>91</sup> Qur’ān 17:70

## 6.2 Disruption of Social Trust

A society plagued by kidnapping and murder becomes one where trust, safety, and peace, which are hallmarks of an Islamic society are eroded.

## 6.3 Breach of Divine Trust

Human life is a trust (*amānah*) given by Allah. Violating this trust is a rebellion against the Allah's design.

## 6.4 Accountability in the Hereafter

Unjust killing leads to eternal consequences unless repented:

“And whoever kills a believer intentionally—his recompense is Hell, wherein he will abide eternally...”<sup>92</sup>

## 7. Role of the State in Addressing Kidnapping and Killing

The state (*dawlah*) in Islam plays a central role in establishing justice, safeguarding lives, and preventing societal decay. Its mandate is derived from Qur'anic injunctions and Prophetic tradition.

### 7.1 Ensuring Rule of Law

A legitimate Islamic government must ensure the implementation of Islamic criminal law to deter crime and protect public safety. The Prophet (SAW) said:

“The Imam is a shield. He is to be obeyed in what is good and behind whom the Muslims fight.”<sup>93</sup>

### 7.2 Administering Justice Without Bias

Justice (*al-‘adl*) is a core Islamic value. The state must investigate and prosecute kidnapping and murder cases impartially. No immunity exists for the rich, powerful, or politically connected:

“O people, those before you were destroyed because they used to let off the noble when they stole, but punished the weak...”<sup>94</sup>

### 7.3 Security and Intelligence Operations

The state must maintain an efficient security apparatus to prevent crime proactively. The Qur'an recognizes the role of organized authority:

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<sup>92</sup> Qur'an 4:93

<sup>93</sup> Sahih Muslim, Hadith 1841.

<sup>94</sup> Sahih al-Bukhari 6787

“Obey Allah and obey the Messenger and those in authority among you...”<sup>95</sup>

An Islamic state is duty-bound to monitor high-risk areas, gather intelligence, and intervene early to prevent kidnapping rings and violent killings.

#### **7.4 Social Justice and Poverty Alleviation**

Many crimes arise from economic desperation. Islam encourages the state to combat poverty through *zakah*, public welfare, and job creation. By fulfilling *maqāṣid al-Sharī‘ah*, especially *hifz al-māl* (protection of wealth) and *hifz al-nafs* (protection of life), the state removes incentives for criminality.

#### **7.5 Moral and Religious Education**

The Prophet (SAW) changed the most barbaric of societies through education. An Islamic government must invest in Islamic education for children and youth. It must also develop mosques and scholars who preach against violence, and establish reform programs for ex-offenders. Allah says:

Verily, Allah does not change the condition of a people until they change what is within themselves.”<sup>96</sup>

#### **7.6 Victim Protection and Rehabilitation**

An Islamic government must offer support to victims of kidnapping and their families, and rehabilitate those affected by violence. Psychological, financial, and legal support aligns with Islamic compassion.

### **8. Contemporary Reflections and Challenges**

Many Muslim societies today struggle with security breakdowns and justice system inefficiencies. Kidnapping for ransom, ritual killings, and political assassinations persist.

#### **8.1 Corruption and Weak Justice**

When enforcement agencies are corrupt or underfunded, criminals act with impunity. Islam strongly condemns bribery and partiality:

“Do not consume one another’s wealth unjustly or send it [in bribery] to the rulers...”<sup>97</sup>

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<sup>95</sup> Qur’ān 4:59

<sup>96</sup> Qur’ān 13:11

<sup>97</sup> Qur’ān 2:188

## **8.2 Politicization of Security**

Using security forces for political vendettas or ignoring violence from politically protected groups undermines justice.

## **8.3 Need for Institutional Reform**

Islamic societies must revisit early Islamic models where the judiciary, law enforcement, and political leadership were accountable and effective. The Prophet (SAW) and his rightly-guided caliphs serve as timeless models of justice.

## **9. Conclusion and Recommendations**

The crimes of kidnapping and killing, if unchecked, corrode the very soul of society. Islam leaves no ambiguity in its condemnation of these acts and provides a comprehensive moral, legal, and ethical framework to address them. The Islamic state's role is critical. It must be proactive, just, and sincere in its pursuit of security, justice, and reform.

### **Recommendations:**

- i. Strengthen Islamic legal and judicial systems with integrity and fairness.
- ii. Invest in security and intelligence to prevent and combat crime.
- iii. Launch comprehensive moral education programs for the youth.
- iv. Implement socio-economic policies that remove the root causes of criminality.
- v. Ensure fair trials and swift justice for perpetrators of violent crimes.
- vi. Collaborate with religious leaders to educate communities on the sacredness of life.

## PROSECUTORIAL STRATEGIES, CHALLENGES IN KIDNAPPING AND KILLING CASES: ENHANCING EFFECTIVE PROSECUTION AND JUSTICE DELIVERY

**Ayoola Idowu Akande\***

### • Introduction

Kidnapping and killing cases represent some of the most complex and high stakes prosecutions within the criminal justice system. These crimes are often characterized by intricate factual scenarios, evidentiary hurdles, and heightened public scrutiny. This paper examines the prosecutorial approaches employed in such cases, along with the multifaceted challenges that hinder successful outcomes as well as how effective prosecution and justice delivery can be enhanced. The analysis integrates doctrinal principles with practical prosecutorial concerns.

Before dwelling on the prosecutorial strategies and challenges in kidnapping and killing cases and the possible ways to enhance effective prosecution and justice delivery. It is imperative to know the essential elements or ingredients of the offences and the punishment in the event of conviction for kidnapping and homicide.

### • Kidnapping

The most appropriate statute to define the offence of kidnapping in Kwara State is **Section 1 of the Kwara State Prohibition of Kidnapping Law, 2010** which provides thus:-

“Whoever unlawfully seizes, confines, inveigles, decoys, instills fears, tricks, abducts or carries away and holds for ransom or reward or otherwise any person commits the offence of kidnapping.”

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In the case of **OKASHETU V STATE, (2016) 6 SC (PT II) 155 @ 177 or (2016) LPELR – 40611 (SC)**, the Supreme Court stated the essential ingredients or elements of the offence of kidnapping as follows:

“In order for the prosecution to succeed under this count it has to prove the following facts beyond reasonable doubt:

- i. That the victim was seized, and taken away by the accused person;
- ii. That the victim was taken away, against his consent;
- iii. That the victim was taken away without lawful excuse;
- iv. The offence of kidnapping is complete when the victim is carried away against his wish. **See the case of R V. CORT (2004) 4 ALL ER 137.**”

The punishment for the offence of kidnapping in Kwara State is life imprisonment, see **Section 15 of the Kwara State Prohibition of Kidnapping Law, 2010.**

#### • **Killing**

Killing is said to be an act of causing death of another while, the term ‘killing’ has various names or terminologies in various parts of Nigeria. The act of deliberately causing death of another human in Northern Nigerian states is an offence known as culpable homicide, while in the Southern Nigerian states, it is known as murder. See **Section 221 of the Penal Code, CAP. P4, Laws of Kwara State** and **Section 223 of the Criminal Law of Lagos State, 2015.** In the case of **AKPAN V. STATE (2016) 9 NWLR (PT. 1516) 110 AT P. 120, PARAS. C – E**, the Supreme Court held as follows:

“The essential ingredients of the offence of murder which conviction have to be proved to sustain a charge of murder are: (a) the death of the victim; that the death of the victim was caused by the unlawful act or omission of the accused person; (b) and that the act or omission of the accused that resulted in the death of the deceased was intentional and was such an act that would (c) result in death or grievous bodily harm. In the instant case the three essential ingredients were proved.”

- **Prosecutorial Strategies**

Prosecutorial strategies refer to the techniques and approaches that prosecutors use to effectively pursue criminal cases and secure convictions or appropriate legal outcomes. These strategies can vary depending on the type of crime, evidence available, and legal environment, but generally include the following:

**PRE – HEARING STAGE:**

**1. Early Case Assessment/Collaboration with Law Enforcement**

Effective prosecution begins at the investigative stage before the commencement of criminal trial. Prosecutors work/collaborate closely with law enforcement from the outset to guide evidence collection, secure timely warrants, chain – of – custody protocols and ensure the preservation of key digital and physical evidence (for example the extra judicial statement of the suspect/defendant, forensics, CCTV footage, digital data, etc.). This proactive involvement is essential in establishing a coherent evidentiary framework from the outset.

Investigation of crime in Nigeria, most especially in killing and kidnapping cases are within the statutory powers of the Nigeria Police, the Department of State Services, Nigerian Security and Civil Defence Corps and so on, while the prosecuting powers of these crimes reside with the Attorney General of the State.

It is worthy of note that the first challenge faced in the prosecution of killing and kidnapping cases in Nigeria is the lack of adequate or accurate synergy between the police which is the major investigative security agency and the Ministry of Justice, the governmental ministry responsible for public prosecutions. Unlike some specialized Federal investigative and prosecution agencies in Nigeria (like EFCC, ICPC, NAFDAC, NDLEA and so on) with in – house investigative and prosecuting departments. Killing and kidnapping cases, particularly at State levels are been investigated and prosecuted by two distinct organizations.

The practice is that after the Police have concluded the investigation of culpable homicide and kidnapping cases, the file will be sent to the Ministry of Justice for prosecution. At this point it becomes difficult for the Ministry of Justice, particularly the Office of the Director of Public Prosecutions to ensure compliance with some investigative procedures which might have been omitted by the police in the course of investigation of the case. There are often mistakes or vital omissions done by the police while recording the extra judicial statements of the suspects which could have been corrected or rectified if legal advice was sought before the conclusion of investigation. It is unfortunate to note that conviction of some cases were lost due to the none observance of the strict procedures or requirement of law in recording the extra judicial statements of the suspects by the police.

## **2. Strategic Charging Decisions**

Prosecutors frequently adopt layered or overlapping charges (e.g., kidnapping, homicide, unlawful restraint, conspiracy) to create leverage for plea negotiations or to ensure multiple avenues to conviction. One of the key prosecutorial strategies and challenges is to determine the appropriate penal statute under which the suspect should be charged. This is the stage where the prosecution will apply the statement of facts in the case file to the relevant position of law to determine the number counts (offences and punishments) to be contained in the charge sheets. The principle of prosecutorial discretion is to be exercised here with the objective of both legal sufficiency and tactical advantage. Public interest is also paramount at this crucial pre – hearing stage.

## **3. Emphasis on Forensic and Circumstantial Evidence**

Given the potential absence of direct witnesses, especially in murder – kidnapping cases, forensic science assumes a critical role. DNA profiling, cell site analysis, surveillance footage, and autopsy reports often constitute the core of the prosecution's case. Circumstantial evidence is marshaled to construct a logical and compelling narrative of guilt beyond reasonable doubt. In the case of **DURWODE V. STATE (2000) 15 NWLR (PT. 691) 467 at P. 483, PARAS. C – D**, the Apex Court (Supreme Court of Nigeria) made a notable pronouncement on the importance and accuracy of circumstantial evidence over other types of evidence, as follows:

“Where direct evidence of a fact in issue is not available, evidence of facts surrounding the establishment of the fact is acceptable and is very often the best evidence. It is said to be evidence of surrounding circumstance is capable of proving a proposition with mathematical accuracy. It is no derogation to the evidence that it is circumstantial. [Lori v. State (1980) 8 – 11 SC 81 referred to].

## TRIAL STAGE:

### 4. Victim and Witness Management

Witness availability, reliability and safety are pivotal to diligent prosecutions. Prosecutors may seek protective orders or relocation for witnesses at risk of intimidation or retaliation. Victim impact statements and close collaboration with victims' families also help in strengthening the human dimension of the case before the Court.

One of the most challenging aspect of public prosecution in Kwara State in particular and Nigeria in general is the management of prosecution witnesses during criminal trial. By the virtue of the **1999 Constitution of the Federal Republic of Nigeria (as amended)** security matters – particularly those involving defence, the military, police, and national security falls under the Exclusive Legislative List (see **items 17, 38, 45 and 68 of the Exclusive List under 1999 Constitution**).

Therefore, the sole responsibilities of investigation of killing and kidnapping cases in Nigeria (particularly in Kwara State) falls on the Federal Government and its security agencies. However, there are many situations whereby policemen who investigated cases of culpable homicide or kidnapping in Ilorin, Kwara State maybe have been transferred to Borno State (which is over 1000 kilometers away from Ilorin) before the commencement of trial.

The present situation where by only federal security apparatus are solely in charge of investigation of state offences (including culpable homicide and kidnapping) has created witness drought and unnecessary delay in public prosecution. Other challenges include funding and other human factors.

## 5. Narrative Framing and Judicial Psychology

Understanding judicial psychology, prosecutors tailor case presentation to evoke empathy, demonstrate premeditation or malice, and underscore the depravity of the offense. Use of visual aids, expert testimony, and coherent timelines are integral to persuading judges. This goes to the saying that a good lawyer/prosecutor must understand the judge who is adjudicating over his criminal case.

Judges are also humans, and they are not totally exempted from human psychological problems or disorder which are conditions that affects their thinking, feelings and behaviours. A prosecutor should be conscious and exercise patience during the trial. Judges are masters of their courts and the success or otherwise of public prosecution also lies on the prosecutor's attitude towards judges in court.

- **Prosecutorial Challenges**

Prosecutorial challenges are the difficulties prosecutors face when trying to bring a criminal case to a successful conclusion. These challenges can significantly impact the ability to secure convictions, especially in complex or sensitive cases like kidnapping and homicide. Common challenges include:

### 1. Evidentiary Gaps and Inadmissibility

In cases where the victim's body is missing or key forensic evidence is compromised, the prosecution may struggle to meet the burden of proof. Additionally, procedural violations may render vital evidence inadmissible, invoking the exclusionary rule.

### 2. Witness Intimidation and Reticence

Witness cooperation is often undermined by threats or community pressure, particularly in cases involving organized crime or familial perpetrators. Reluctance to testify can severely weaken the prosecution's narrative cohesion.

### 3. Defense Counterstrategies

Defense counsel may challenge the integrity of evidence, highlight investigative lapses; question police procedures (especially how confessional statements were obtained), challenge the admissibility of key materials under exclusionary rules or employ alternative

theories of the crime to generate reasonable doubt. Allegations of prosecutorial misconduct or suggestive identification procedures may also arise.

#### **4. Media Influence and Public Pressure**

High-profile cases attract media attention, which can influence public opinion and complicate jury selection. Prosecutors must navigate the tension between transparency and safeguarding the integrity of the judicial process.

#### **5. Ethical and Legal Constraints**

Prosecutors are bound by ethical duties, including the obligation to disclose exculpatory evidence, ensure due process, and avoid prejudicial conduct. The pursuit of justice, rather than conviction at all costs, remains the guiding principle. A prosecutor has powers and privileges in the course of prosecution of criminal cases. A prosecutor is expected to live above board and be conscious of the fact that he is a legal practitioner. Particularly, prosecutors in security agencies should be conscious of their calling as a legal practitioner and abstain from directives that can constitute professional misconducts. In the case of **IJEOMA V. UHUMWANGHO (2024) 2 NWLR (PT. 1922) 429**, particularly at **PP. 450 – 451, PARAS. H – A**, the Legal Practitioner Disciplinary Committee of the Body of Benchers held thus:

“If it is the practice of the police to lodge proceeds of crime which is subject matter of litigation in personal account of prosecutors, such prosecutors being lawyers who know the legal implications ought to decline such instructions as it is contrary to the ethics of the profession.”

In the case of **Brady v. Maryland** the Court ruled that withholding evidence favorable to the defense violates due process when the evidence is material either to guilt or punishment.

- Enhancing Effective Prosecution and Justice Delivery**

The successful prosecution of kidnapping and killing cases is contingent upon not only the capabilities of individual prosecutors but also the structural integrity of the broader criminal justice system. To address the aforementioned challenges and improve justice delivery, several strategic reforms and capacity-building measures are essential.

### **1. Strengthening Investigative-Prosecutorial Collaboration**

Early engagement between prosecutors and law enforcement agencies ensures that evidence is lawfully acquired and properly preserved. Institutionalizing joint case assessments and developing standardized investigative protocols can enhance the legal viability of collected evidence and streamline case preparation.

### **2. Investment in Forensic Capacity**

Given the critical role of forensic evidence in cases lacking direct witnesses, robust investment in forensic science infrastructure is paramount. This includes not only the modernization of forensic laboratories but also the training of prosecutors to effectively interpret and present technical evidence in court. In resource-constrained settings, regional forensic networks can support the pooling of expertise and equipment.

### **3. Witness Protection and Support Mechanisms**

Witness intimidation remains a persistent barrier to justice. Legislative and administrative measures—such as witness anonymity, relocation programs, and psychosocial support—must be institutionalized. Moreover, courts should be empowered to allow remote testimonies or closed-court proceedings in sensitive cases to safeguard witness integrity and safety.

### **4. Ethical Oversight and Professional Development of Prosecutors**

Maintaining prosecutorial integrity requires continuous education on evolving legal standards and ethical obligations. Ethics oversight boards, peer reviews, and regular capacity-building workshops can promote a culture of accountability. Specialized training in trauma-informed practices can further enhance the sensitivity and effectiveness of prosecution, particularly in cases involving child or female victims.

### **5. Managing Media and Public Expectations**

Media narratives can inadvertently influence jury pools and pressure prosecutors into premature actions. Prosecutorial offices should designate trained legal communicators to manage public disclosures responsibly. Simultaneously, public legal education campaigns can help align societal expectations with the realities of due process and evidentiary requirements.

## **6. Systemic Judicial and Policy Reforms**

Efficiency in prosecution is closely tied to the functionality of the broader judicial system. Case backlogs and procedural delays can derail even the most robust prosecutorial efforts. Introducing case management systems, increasing judicial personnel, and updating substantive laws on kidnapping and homicide can provide critical support to prosecutorial efficacy.

### **• Conclusion**

Prosecuting kidnapping and killing cases requires a delicate balance between strategic legal maneuvering and adherence to constitutional safeguards. While advancements in forensic science and victim support services have strengthened prosecutorial capacity, significant obstacles persist, especially in evidentiary sufficiency and witness management. A nuanced understanding of these dynamics is essential for both legal practitioners and scholars.

Also, Prosecutors confronting kidnapping and killing cases operate under immense pressure, often with limited resources and amidst legal and procedural uncertainties. Strategic approaches ranging from forensic utilization to narrative persuasion can enhance case outcomes. However, persistent challenges such as evidentiary gaps, witness intimidation, and systemic inefficiencies hinder the realization of justice. By implementing targeted reforms that promote collaboration, capacity building, and ethical integrity, criminal justice systems can strengthen both the effectiveness of prosecution and the fairness of justice delivery.

## REHABILITATION AND REINTEGRATION OF KIDNAPPERS AND TERRORIST: CHALLENGES AND STRATEGIES FOR CORRECTIONAL FACILITIES.

*Oyeniran Famuwagun\**

- **Introduction and Objectives of the Lecture**

The general objective of this lecture is to examine the effectiveness of Rehabilitation and Reintegration Programmes in the Nigerian Correctional Service to Deradicalize Violent Extremist Offenders (VEOs, Kidnappers, Terrorists, Abductors etc. as inmates of the institution).

- **The specific objectives are as follows:**

- i. To identify rehabilitation programme provided for the inmates of Nigerian Correctional Service;
- ii. To identify the problems with rehabilitation of inmates;
- iii. To identify the problem with reintegration of inmates;
- iv. To determine the relevance of both rehabilitation and reintegration programmes of inmates.

- **Background of The Topic: ‘Rehabilitation and Reintegration’**

The aim of imprisonment according to part 1 section 10 (d-f) of the Nigerian Correctional Act (2019) is to endeavor to identify the reason(s) for anti-social behavior of the offenders; to train, rehabilitate and reform them to be good and useful citizens. It is therefore expected that the recidivism will decrease if the objective of imprisonment is achieved by planning and providing proper rehabilitation of prisoners. This will enable them to be law abiding citizens of the society and engage in productive activities of their daily living on release from custody (Prison/ Custodial Centre).

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Colonial prisons in Nigeria were not designed for reformation or rehabilitation but rather prisons were intended to punish offenders. Hence, inmates were used mainly for public works and other jobs for the Colonial Administrators as a form of punishment (Investigating Human Right 176-184)

At the end of the Second World war (1939-1945), there was a remarkable shift in Penal Philosophy, particularly in Colonial Territories.

The emphasis was no longer primarily on the punishment but also concern for their reformation and rehabilitation.

Officially, it is claimed that the role of Nigerian Correctional Service is tripartite in nature.

- Firstly, the service is responsible for the safe custody of persons legally interned.
- Secondly, it provides treatment to them and
- Thirdly, it seeks to rehabilitate them.

The philosophy of the Nigerian Correctional Service is that treatment and rehabilitation of offenders can be achieved through carefully designed and well-articulated administrative, reformative and rehabilitative programmes aimed at inculcating discipline, respect for the rule of law and regards for the dignity of honest labour (Nigerian Correctional Service 2009).

An inmate without adequate rehabilitation opportunity through skills training and capacity building usually returns to the society as hardened enemy of that society. Such an ex-convict is often full of desire for vengeance because he or she sees himself as victimized rather than corrected.

In addition, such an ex-convict is likely perceived as an oppressive system.

This condition explains to a very extent why many Nigerian ex-inmates end up as recidivists (Jail Birds) (Ugwuoke 1994).

The rehabilitation of inmates (Sentence planning) should begin from the very day inmates are admitted into the custody/prison to the last day they are discharged (Igbo 2007). This is to ensure that they utilize the skills they acquired in the course of rehabilitation to live a law-abiding life in the society.

- **Strategies:**

There are many ways and programmes put in place meant to divert offenders from crime to useful pursuits that make crime unattractive or condemnable such as: -

- ✓ Moral or Religious Institutions;
- ✓ Education
- ✓ Vocational Training etc.

Base on the fact that efforts on the Correctional Authority is equipping the inmates with skills are faced with various problems / challenges.

The Deradicalizations Programmes took group of class of inmates who are violent Hostage takers, extremist offenders (ranging from the under listed)

Kidnappers

Terrorists

Abductors, etc. intervention programmes in the treatment of VEOs.

- **The Intervention Programmes in the Treatment of Violent Extremist Offenders (VEOs)**

Intervention may be general, which will involve providing an enabling or a supportive and transformative environment that is conducive for rehabilitation activities.

Intervention may also be **specific** which will focus on delivery structured and carefully planned interventions to facilitate desistance, disengagement and rehabilitation of VEOS on one hand and on the other hand prepare them for reintegration in the event of release.

There are Four (4 broad interventions in the Deradicalization programme of VEOs (Kidnappers, Terrorist, Hostage Taker, Abductors etc.).

- Psychological Interventions
- Religious Interventions
- Interventions by Specialists / Experts and Correctional Services Officers.
- Incentives and Recognition Intervention Programme.

- **Operational definition of Terms**

- **Rehabilitation:** is the action of restoring someone to health or normal life through training and therapy after imprisonment, addiction or illness.

- **Reintegration:** is to combine other programmes to become or make to become accepted as a member of a social group, society
- **Prisoners and inmates:** refer to anyone who has been deprived of his liberty or freedom against his wishes and is confined due to forcible restraints and capacity.
- **Rehabilitation Programme:** this refers to the various skills that are taught in the rehabilitation programs to enable the inmates to be able to read, write and learn skills that will be of benefits to them.
- **NCoS:** Nigerian Correctional Service.

- **Summary**

Many findings showed that rehabilitation programmes exist in Custodial Centers and they include carpentry, adult literacy, arts/crafts, tailoring and welding. These findings are in agreement with the observation of Inciardi (2009) that Correctional programmes include a variety of activities, all of which can have an impact either directly on the rehabilitation of offenders and their successful reintegration into the community after release.

However, the lecture revealed that the rehabilitation programmes have been fairly successful. The major obstacle to rehabilitation was identified as lack of fund/inadequate funding. The finding is in agreement with Prison Annual Report (2001/2002) which indicated that inadequate funding was a major constraint which hampers both rehabilitation and after of offenders.

- **Recommendations**

Based on the findings, the following recommendations were made:

- The Correctional Service should review the earning schemes for inmates to enhance their effective reintegration and rehabilitation into the society,
- The Custodial Centres should be adequately funded to acquire state of the arts equipment to enhance effective rehabilitation of inmates.
- Welfare unit should create awareness on the need for every convicted inmate to be involved in one rehabilitation programme or the other Social Workers, NGOs and FBOs among others be fully involved in rehabilitation of inmates.

Further lectures could be carried out on assessment of the non-governmental organizations in rehabilitation of inmates

• Conclusion

The lecture examined the effectiveness of rehabilitation programme in the custodial centres. It was discovered that the rehabilitation programmes were not very successful due to lack of fund, inadequate rehabilitation equipment, lack of trained personnel, manpower and poor management of rehabilitation programmes among others. The findings showed that correctional service have not successfully achieve their objective according to the Nigerian Correctional Service Act of (2019) which is to reform and rehabilitate offenders to be good and useful citizens.

Therefore, rehabilitation programmes in the view of inmates are not very effective but available.

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## **SOCIO-ECONOMIC FACTORS CONTRIBUTING TO KIDNAPPING AND KILLINGS IN NIGERIA: A CRITICAL ANALYSIS**

Maryam Bayero-Jimoh\*

### **1. Introduction**

This begins with issues of challenges to peace and security in Nigeria: Insurgency (Boko-Haram) in the northeast, banditry in the northwest, unknown gunmen in the southeast, kidnapping for rituals in the southwest and commercial kidnapping.

The use of kidnapping and hostage taking became prevalent in Nigeria starting from 1999 when the military handed over power to civilians. The Niger Delta militants saw the political transition as an opportunity for them to renew their pressure of getting the Nigerian state to listen to their grievances.

### **2. Discussion of the concepts, which is Rituals Kidnapping and Commercial Kidnapping**

- \* Ritual kidnapping for economic reasons (For making money, rituals, selling parts for fetish purpose)
- \* Fake life style (Parents should be warned, your child using iphone and parental care poor, Children living above their means, stolen money lavished especially on children making them to live unsustainable life style, Financing atrocities due to political ambition or just to cause unrest)
- \* Commercial kidnapping (Need for high life style, Lucrative easy money making (Example of Chukwudumeme Onwuamadike known as Evans. The notorious Nigerian kidnapper referred to as “The Billionaire Kidnapper” due to the large sums of money he earned from his crimes.

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### **3(i). General Causes:**

- \* Lack of socio-economic justice. The social and economic system do not cater for the masses; it is survival of the rich and their cronies, the rich continued to be richer while the poor continued to be poorer.
- \* Lack of welfare and security. The Constitution provides in section 14 that security and welfare of the people shall be the primary purpose of government. Although the constitution does not define the concepts of security and welfare. The concepts should be understood from the perspective of socioeconomic rights and good governance. So, there is need for socioeconomic rights guaranteed by the constitution. These rights include right to education, food, water, shelter, employment and free medical care.
- \* Lack of good governance. With this it is meant poor political leadership and this would necessitate poor economic policies that stagnate human capital development and employment opportunities. To measure good governance, we must look at the level of employment, food security, security of lives and property, availability of affordable housing, sustainable free medical care, sustainable free qualitative education, etc.

Certainly, where all the above are lacking there will be challenges to peace and security as Nigeria is going through since the return of democracy to the country in 1999 and more particularly since 2009.

### **3(ii) Specific causes:**

\*Rituals kidnapping

\*Poverty

\*Unemployment

\*Political Issues

### **4. Conclusion:**

\*Weak law enforcement system

\*Connivance/Set-up (Informant are vulnerable using them as instrument)

\*As a way out of kidnap debacle, it is argued that peace building will stem the increasing wave of violent crimes through Peace Education which will instill a culture of peace in citizens; peace communications through the mass media and ICT to reinforce peace building, strategic management of information, etc. Again, the general public should go back to the olden days of securing not only your home but neighbours homes. These collective methods helped our forefathers in safeguarding the community as a whole.

## STRATEGIES FOR PREVENTING AND RESPONDING TO KIDNAPPINGS AND KILLINGS: A REVIEW OF POLICE TACTICS AND OPERATIONAL EFFECTIVENESS

IDA CHABA FRIDAY ADAMU\*

### • Introduction

Let me begin with this hypothetical quote;

*“Kidnapping causes a long-term rupture in the psyche of those kidnapped and of those who wait for their return. It doesn’t end”.*

This poignant reality, which is not known to our culture as a people in this part of the world, underscores the gravity of kidnappings and killings, which have become pressing security concerns in Nigeria, and Kwara State is no exception. Kidnapping, defined as the unlawful taking away of someone by force or threat, often for ransom or other motives, disrupts lives and communities. Similarly, Killings (causing the death of a person), whether intentional or accidental, exacerbate the crisis, necessitating effective policing strategies. The Nigeria Police Force employs various tactics to combat these crimes, but their effectiveness in preventing and responding to kidnappings and killings warrants examination. This paper will review police strategies, assessing their operational effectiveness and exploring potential areas for improvement.

### \*Proactive Strategies

**1. Intelligence Gathering** – Access to accurate information is crucial for achieving success in any endeavour. Effective policing relies heavily on timely and accurate information. Utilising community informants, surveillance and collaboration with local vigilantes and community leaders can provide early warning signals, enabling proactive measures to prevent crimes before they occur.

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**2. Visibility Policing** – A visible police presence can effectively deter criminal activity. Regular police patrols, checkpoints and rapid response teams in high-risk areas like roads, schools and rural zones are essential deterrence measures.

**3. Community Engagement** – By embracing the mantra “security is everyone’s business”, the police foster strong relationships with locals through sensitization campaigns, neighbourhood watch initiatives and trust-building efforts. This empowers communities to partner with law enforcement, providing critical insights that will make it harder for kidnappers to operate undetected (**Babalola, 2024**).

**4. Border and Highway Monitoring** – Preventing kidnappings requires a multi-agency approach. Coordination between the police, customs, immigration, military and other law enforcement agencies is crucial to monitor entry and exit routes potentially used by kidnappers.

**5. Technology and Surveillance** – The police should optimize where available, the use of modern intelligence gathering and surveillance technologies, including:

**I) AI-Powered Drones** – For aerial surveillance, crowd monitoring and search operations.

**II) Advanced Closed-Circuit Television (CCTV) Systems** – Equipped with facial recognition, digital recording, motion detection and night vision capabilities.

**III) Call Tracking Devices** – To monitor and respond to suspicious calls cum activities.

Additionally, establishing police SMS hotlines or emergency mobile apps would enable locals to report all suspicious activities efficiently.

**6. Training and Accountability** – Ensuring officers are trained to use these technologies responsibly and ethically, with built-in accountability mechanisms (**Kevin, 2025**)

**\*Reactive Strategies: Police Response Tactics to Kidnapping and Killings.**

**1. Incident Response Planning** – The police develop and regularly review and update incident response plans to ensure swift and effective action in cases of kidnappings or killings.

**2. Hostage Negotiation** – The police have trained specialized teams in hostage negotiation to safely resolve situations without harming victims or innocent bystanders, especially in cases where the use of force is adjudged to be too risky.

**3. Rapid Deployment** – Establish rapid deployment protocols to quickly respond to incidents and minimize harm. Special forces or tactical units are trained to handle hostage rescue, ambushes and armed confrontations.

**4. Tracking and Rescue Operations** – To locate kidnapper hideouts and facilitate swift rescues, the following response tactics can be employed:

- i) **Telecom Tracking** – Utilize mobile network tracking to pinpoint suspect's locations.
- ii) **Vehicle Tracing** – Leverage GPS tracking and surveillance to monitor suspect vehicles.
- iii) **Drone Mapping (where available)** – Deploy drones equipped with GPS and surveillance technology to map potential hideouts and track suspects.

To ensure effective operations across state lines, emplace Joint Task Forces (JTF) to coordinate efforts between agencies, and foster inter-agency collaboration for intelligence sharing and best practices (**FlySight, 2024**)

**5. Public Alerts and Road Closures** – In cases of ongoing operations, it is important to issue warnings and traffic advisories to prevent civilians from entering high-risk zones.

**6. Aftercare for Victims** – After being safely rescued and debriefed, victims should receive psychological counselling and medical care before being reunited with their families (**Pete et al, 2017**).

**\*Operational Effectiveness: How Well Do These Strategies Work?**

## Strengths

- There are records of some successful rescue missions and arrest of kidnappers, or syndicate leaders.
- Public awareness about kidnapping is on the rise.
- There is a noticeable improvement in police-community relations in certain areas.
- Law enforcement agencies are increasingly recognising the importance of inter-agency synergy, acknowledging that success depends on collaboration.

## Weaknesses

- Funding and logistical concerns – Many police units face significant resource constraints, including inadequate vehicles, weapons and tracking technologies, hindering their ability to perform their duties effectively.
- Slow response time – Victims often complain of delays in police responses to distress calls.
- Corruption and internal leaks - In some cases, kidnappers have an insider within police formations, due to some corrupt officials.
- Low conviction rate –This underscores the need for stricter penalties in our laws. There are growing advocacy for harsher punishments for kidnappers, but the political will is lacking. Furthermore, many arrested suspects are not effectively prosecuted, weakening deterrence.
- Fear and mistrust –Some communities or individuals avoid working with police due to past abuses or experiences.

## \*Recommendations for Improvement

1. Invest in training and equipment for tactical and intelligence units.
2. Strengthen community policing, especially in rural and underserved areas.
3. Improve coordination between police, other law enforcement agencies and local security outfits.
4. Establish forensic and digital tracking units in all states.

5. Create stronger laws and speedy courts for kidnapping-related crimes.
6. Build trust through accountability and transparency in police operations.

***\* Conclusion***

Kidnapping and killings are not just crimes, they threaten the fabric of our national security, undermine development and leads to a loss of public trust. Despite police efforts, limited resources, inadequate training and systemic flaws hinder progress. To effectively combat these crimes, police need more than just manpower. They require a substantial and transformative shift towards smarter strategies rooted in intelligence-led policing, community-driven solutions, cutting-edge technology and a foundation built on public trust. The stakes are high, but with the right approach, we can collaboratively turn the tide. The future of this great nation depends on it.

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## THE ROLE OF THE JUDICIARY IN ADDRESSING KIDNAPPINGS AND KILLINGS: CHALLENGES AND PROSPECTS IN PROSECUTION AND ADJUDICATION

**Hammed Aliyu Gegele\***

### • Introduction

Crimes such as banditry, terrorism, armed robbery, kidnapping, and extra-judicial killings have increasingly dominated Nigeria's internal security landscape<sup>98</sup>. Among these, kidnapping has emerged as one of the most pressing security challenges currently confronting the country. Nigeria has witnessed a dramatic surge in kidnapping cases, affecting individuals across all strata of society.

This disturbing trend is driven by multiple factors, including the pursuit of quick financial gain, widespread unemployment, political motives, and systemic corruption. Consequently, both Nigerians and foreign residents now live in constant fear, uncertain of who might become the next victim<sup>99</sup>.

Nigeria has grappled with widespread kidnapping for over two decades, a crisis that has attracted global concern due to the loss of countless innocent lives, including foreign nationals, security personnel, and ordinary citizens. The phenomenon gained significant momentum around 2006, when Niger Delta militants began abducting expatriates working in the oil sector as a form of protest against the perceived marginalization of their oil-producing region<sup>100</sup>.

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<sup>98</sup>Ngwama, J. C. (2014). Kidnapping in Nigeria: An Emerging Social Crime and the Implications for the Labour Market. International Journal of Humanities and Social Sciences, 4, 133-145. See [http://www.ijhssnet.com/journals/Vol\\_4\\_No\\_1\\_January\\_2014/15.pdf](http://www.ijhssnet.com/journals/Vol_4_No_1_January_2014/15.pdf) accessed through the internet on 09/05/2025 at 3:15pm

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<sup>100</sup>Townsend J 2008. Poverty and Energy: Natural Resource Nationalism and the Natural Resource Curse. Regions No. 271. The Newsletter of the Regional Studies Association, 11-12 see <http://www.tandfonline.com/doi/abs/10.1080/13673882.2008.8629639> accessed through the internet on 09/05/2025 at 3:33pm

What initially appeared to be a politically motivated act of resistance soon evolved into a widespread criminal enterprise. Over time, the scope of kidnappings in Nigeria expanded dramatically, with high-profile individuals such as politicians, their relatives, and religious leaders frequently targeted<sup>101</sup>. Most of these victims were eventually released after ransom payments. Between 2014 and 2017, the rate of kidnapping increased at an alarming rate, with reports indicating that over 2,000 individuals including the Chibok schoolgirls, political figures, government officials, traditional rulers, and other prominent individuals were abducted across the country. The incident of the kidnap of Dapchi school girls was later reported in 2018 as well<sup>102</sup>.

In recent times, kidnapping for ransom has escalated into a pervasive crisis across Nigeria, affecting both urban and rural communities. This alarming trend has been extensively reported by various news outlets and media houses, highlighting the widespread nature of the threat. The National Bureau of Statistics (NBS) reported that between May 2023 and April 2024, Nigeria recorded over 2.2 million kidnapping incidents, with rural areas accounting for approximately 1.67 million cases and urban areas about 567,850<sup>103</sup>.

Understanding the nature of kidnappings and killings in Nigeria is one aspect; addressing how perpetrators are brought to justice is another critical concern. This is where the judiciary (court) comprising of esteemed jurists plays a pivotal role.

The court has long been regarded as the last hope of the common man, and as such, the role of judges in the process of adjudication cannot be overemphasized. This paper aims to examine the role of the judiciary in combating kidnappings and killings in Nigeria. It further explores the challenges judges encounter during prosecution and adjudication, prospects and proposes practical recommendations to address these challenges.

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<sup>101</sup> Ibid

<sup>102</sup> Umego, Chidimma, (2019) Offence of Kidnapping: A Counter to National Security and Development . Available at SSRN: <https://ssrn.com/abstract=3337745> or <http://dx.doi.org/10.2139/ssrn.3337745> accessed through the internet on 09/05/2025 at 4:48pm

<sup>103</sup> A fresh look at NBS data on kidnapping in Nigeria 27/12/2024 The punch. See **A fresh look at NBS data on kidnapping in Nigeria** access through the internet on 09/05/2025 at 5:00pm

### • The Concept of Kidnapping

Kidnapping as a concept must be understood from multiple perspectives. At its core, it involves the unlawful abduction of an individual by taking someone against their will, often to a remote location with the intent of demanding a ransom for their release or subjecting them to various forms of servitude that violate human dignity.

In a broader legal sense, kidnapping can also be equated with false imprisonment, as it entails the illegal confinement of a person in a manner that infringes upon their fundamental right to freedom of movement.

The United Nations Office of Drugs and Crime ((UNODC)<sup>104</sup> cited in Mohamed<sup>105</sup>) has categorized kidnapping as follows: kidnapping for extortion (for ransom, to influence business decisions or to obtain commercial advantage); kidnapping between or within criminal groups (for debt recovery or to secure advantage in a criminal market); kidnapping for sexual exploitation; kidnapping linked to domestic or family disputes (spouse or child abduction); revenge kidnapping; and kidnapping for political or ideological purposes<sup>106</sup>.

Based on this categorization, it can be seen that kidnapping is orchestrated for criminal, political and economic reasons. The criminal reasons for kidnapping envisages a situation where hostages are killed by their captors if ransom demands are not met; political reasons in order to settle political scores by political rivals, an example was when the father of the gubernatorial candidate of a political party was kidnapped by an aggrieved opponent of the same party who felt marginalized by the party<sup>107</sup>.

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<sup>104</sup>UNODC 2003. International Cooperation in the Prevention, Combating and Elimination of Kidnapping and Providing Assistance to the Victims. [http://www.unodc.org/pdf/crime/commissions/12\\_commission/7e.pdf](http://www.unodc.org/pdf/crime/commissions/12_commission/7e.pdf), (Retrieved on 11/08/2005).

<sup>105</sup>Mohamed MKN 2008. Kidnap for Ransom in South East Asia: The Case for a Regional Recording Standard.

Asian Criminology, 3: 61-73. See <http://research-portal.najah.edu/migrant/37687/> accessed through the internet on 10/05/2025 at 4:00pm

<sup>106</sup>Ibid

<sup>107</sup>Turner, M., (1998). Kidnapping and Politics; International Journal of the Sociology of Law, 26: 145-160. See <https://www.sciencedirect.com/science/article/abs/pii/S0194659598900612?via%3Dihub> accessed through the internet on 10/05/2025 at 4:15pm

- **Causes of Kidnapping in Nigeria**

Several factors contribute to the surge in kidnapping incidents:

- **Poverty and Unemployment:** High levels of poverty and unemployment have driven many individuals, particularly youths, to engage in criminal activities such as kidnapping as a means of economic survival<sup>108</sup>.
- **Leadership Failures and Corruption:** Ineffective governance and systemic corruption have eroded public trust and weakened institutions responsible for ensuring security and justice<sup>109</sup>.
- **Militancy and Armed Conflicts:** Regions plagued by militancy and armed conflicts provide fertile ground for kidnappers to operate, often with little resistance<sup>110</sup>.
- **Porous Borders:** Nigeria's porous borders facilitate the easy movement of criminals and illegal arms, exacerbating the kidnapping crisis<sup>111</sup>.
- **Delayed Judicial Processes:** Slow and inefficient judicial proceedings hinder the timely prosecution of kidnappers, reducing the deterrent effect of legal consequences<sup>112</sup>.
- **Weak Security Systems:** Inadequate security infrastructure and personnel limit the capacity to prevent and respond to kidnapping incidents effectively.

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<sup>108</sup> Denis E.A. (2024) KIDNAPPING FOR RANSOM IN NIGERIA: CONSEQUENCES AND THE SEARCH FOR PERMANENT SOLUTION see [https://soscedj.eksu.edu.ng/wp-content/uploads/2024/05/SOSE\\_Journal\\_2024\\_A1-92-99.pdf](https://soscedj.eksu.edu.ng/wp-content/uploads/2024/05/SOSE_Journal_2024_A1-92-99.pdf) accessed through the internet on 10/05/2025 at 5:20pm

<sup>109</sup> Ibid

<sup>110</sup> Ibid

<sup>111</sup> Ikezue, C. E (2023).The Past, Present and Future of Kidnapping in Nigeria; Historical Analysis. ZIK Journal of Multidisciplinary Research: Volume 6: see [http://www.bing.com/search?q=Ikezue%2C+C.+E+\(2023\).+The+Past%2C+Present+and+Future+of+Kidnapping+in+Nigeria%3B+a+Historical+Analysis.+ZIK+Journal+of+Multidisciplinary+Research%3A+Volume+6%3A+14-35&cvid=cbd2dd74eba1469186ad721c62892eec&gs\\_lcrp=EgRIZGdlKgYIABBFGDkyBggAEEUYOdIBCDI5MjZqMGo5qAIIsAIB&FORM=ANAB01&PC=U53114-35](http://www.bing.com/search?q=Ikezue%2C+C.+E+(2023).+The+Past%2C+Present+and+Future+of+Kidnapping+in+Nigeria%3B+a+Historical+Analysis.+ZIK+Journal+of+Multidisciplinary+Research%3A+Volume+6%3A+14-35&cvid=cbd2dd74eba1469186ad721c62892eec&gs_lcrp=EgRIZGdlKgYIABBFGDkyBggAEEUYOdIBCDI5MjZqMGo5qAIIsAIB&FORM=ANAB01&PC=U53114-35) accessed through the internet on 10/05/2025 at 5:30pm

<sup>112</sup> Ibid

<sup>16</sup> Nigerians Spent ₦2.23tn As Payment For Ransom In One Year — NBS (December, 2024) Channels Television see [http://www.channelstv.com/2024/12/17/nigerians-spent-%202.23tn-as-payment-for-ransom-in-one-year-nbs/?utm\\_source](http://www.channelstv.com/2024/12/17/nigerians-spent-%202.23tn-as-payment-for-ransom-in-one-year-nbs/?utm_source) accessed through the internet on 10/05/2025 at 6:00pm

Victims of kidnapping often endure severe trauma. While some are released after ransom payments, others suffer physical and psychological abuse, including rape, or are tragically killed. The NBS report indicates that approximately 12.8% of kidnapped individuals were killed, and 3.3% remained in captivity during the reporting period<sup>113</sup>.

The recurrent nature of kidnapping in Nigeria underscores the urgent need for effective strategies to address the root causes and strengthen the nation's security and judicial systems.

**• Legal Framework and the Role of Judiciary in the Fight Against Kidnapping**

Kidnapping is criminalized under various Nigerian laws, including the Criminal Code Act, Penal Code, and specific state legislations. Each state is empowered to enact laws prescribing penalties for kidnapping, leading to variations in punishments across the federation.

**\*KWARA STATE**

Under Section 1 of the Kwara State Prohibition of Kidnapping Law No. 6 of 2010, kidnapping is defined as:

"Whoever unlawfully seizes, confines, inveigles, decoys, instills fears, tricks, abducts or carries away and holds for ransom or reward or otherwise any person commits the offence of kidnapping."

This definition cuts across what is provided in various laws of other states as what constitutes kidnapping. However, Section 15 of the same law stipulates life imprisonment upon conviction.

**\*LAGOS STATE**

Section 2 and 3 of the Lagos State Kidnapping Prohibition Law (2017) prescribes:

- Death penalty if the victim dies in captivity.
- Life imprisonment if the victim is released without harm.
- Twenty (20) years imprisonment for conspiracy to kidnap.
- Life imprisonment for attempts or threats to kidnap.

**\*OYO STATE**

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The Oyo State Kidnapping (Prohibition) Law (2016) provides:

- Death penalty if the victim dies in captivity.
- Life imprisonment and refund of ransom if the victim is released unharmed.
- Similar penalties for individuals who aid or provide information leading to kidnapping.

## \*OSUN STATE

The Osun State House of Assembly passed a law prescribing:

- Death penalty if the kidnapped victim dies.
- Life imprisonment and refund of ransom if the victim is released.
- Fifteen (15) years imprisonment for individuals who allow their premises to be used for holding kidnapped persons.

Although it has been argued severally that death penalty for convicted kidnappers may not be in line with global human rights trends.

### • **Judiciary's Role in Combating Kidnapping**

The judiciary is pivotal in the fight against kidnapping, ensuring that justice is served through fair trials and appropriate sentencing.

- **Interpretation and Enforcement:** Courts interpret and enforce anti-kidnapping laws, ensuring that offenders are held accountable<sup>114</sup>.
- **Fair Trial Guarantees:** Section 36(4) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) guarantees an accused person's right to a fair hearing within a reasonable time by an impartial court<sup>115</sup>. The need to uphold constitutional safeguard for litigants is of paramount importance.
- **Adjudication:** Judges assess evidence presented by prosecution and defense, ensuring that verdicts are based on facts and legal provisions<sup>116</sup>.

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<sup>114</sup>Nasiru Tijani (2023) The Effective Prosecution of the Crime of Terrorism and Terrorism Related Offences in Nigeria: Challenges and Prospects. See <https://www.scirp.org/reference/referencespapers?referenceid=3444594> accessed through the internet on 10/05/2025 at 6:10pm

<sup>115</sup>Ibid

<sup>116</sup>Christian Wigwe (2015) An Examination Of Some Aspect Of The Criminal Justice System In Nigeria see [www.Academia.Edu/38725842/AN\\_EXAMINATION\\_OF\\_SOME\\_ASPECT\\_OF\\_THE\\_CRIMINAL\\_JUSTICE\\_SYSTEM\\_IN\\_NIGERIA](http://www.Academia.Edu/38725842/AN_EXAMINATION_OF_SOME_ASPECT_OF_THE_CRIMINAL_JUSTICE_SYSTEM_IN_NIGERIA) accessed through the internet on 10/05/2025 at 7:00pm

- **Sentencing:** Upon conviction, courts impose penalties as stipulated by law, which may include death sentences, life imprisonment, or other sanctions depending on the circumstances and state laws<sup>117</sup>.

The judiciary's impartiality and adherence to constitutional mandates are essential in upholding the rule of law and deterring kidnapping offenses<sup>118</sup>.

- **Challenges of The Judiciary in Prosecution and Adjudication of Kidnapping Cases**

In ensuring that perpetrators of kidnappings and killings do not go unpunished, the judiciary is faced with some impediments that hinder the effective and efficient dispensation of justice. Some of these challenges include;

**\*Issue of delays in trials.**

In the Judicial process, the notorious issue of delays in trials may not necessarily be caused by the court itself, but by several other factors. For example, incessant adjournment sought for by either the prosecutor or the defence counsel for unavoidable reasons like inability to get and bring witnesses to commence trial, some perpetrators might have been released on bail and jumped same to avoid trial and thereby undermining deterrence. In the case of Yunusa Dahiru, accused of abducting Ese Oruru, the trial spanned over four years before a verdict was reached<sup>119</sup>.

**\*Insufficient evidence and poor prosecution:**

Poor investigation and weak prosecution in kidnapping and killing cases especially when the kidnappers are organized gangs often lead to the discharge and acquittal of the defendants, as the criminal law procedure still remains that an accused's guilt must be proved beyond reasonable doubt<sup>120</sup>. There is also the presumption of innocence where no guilt has been proven due to poor prosecution or insufficient evidence, the court is

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<sup>117</sup>Udosen Jacob, (2018) Sentencing and the Administration of Criminal Justice in Nigeria see [http://www.researchgate.net/publication/347452115\\_Sentencing\\_and\\_the\\_Administration\\_of\\_Criminal\\_Justice\\_in\\_Nigeria](http://www.researchgate.net/publication/347452115_Sentencing_and_the_Administration_of_Criminal_Justice_in_Nigeria) accessed through the internet on 10/05/2025 at 7:20pm

<sup>118</sup>Ikenga Oraebunam, Judicial Independence: A Recipe for True Democracy in Nigeria. See [http://www.academia.edu/26326029/Judicial\\_Independence\\_A\\_Recipe\\_For\\_True\\_Democracy\\_IN\\_NIGERIA](http://www.academia.edu/26326029/Judicial_Independence_A_Recipe_For_True_Democracy_IN_NIGERIA) accessed through the internet on 10/05/2025 at 7:30pm

<sup>119</sup>Ese Oruru's abduction: Police would've killed the matter, says Ese's father". *Vanguard*. 1 March 2016. Retrieved 7 March 2016. See [https://en.wikipedia.org/wiki/Kidnapping\\_of\\_Ese\\_Oruru?utm\\_source=.com](https://en.wikipedia.org/wiki/Kidnapping_of_Ese_Oruru?utm_source=.com) accessed through the internet on 10/05/2025 at 9:00pm

<sup>120</sup> Section 135 of the Evidence Act 2011 (as amended)

constrained to let the accused go. For instance, in 2024, a court ordered the release of 313 individuals suspected of Boko Haram affiliation due to insufficient evidence<sup>121</sup>.

**\*Ineffective law enforcement:**

In situations where the police and other law enforcement agencies are not able to make arrest timeously, which may be due to lack of adequate resources or training. Kidnapping and killings case are not able to reach the court and the menace continues.

Despite numerous challenges, the Nigerian judiciary has made significant strides in prosecuting high-profile kidnapping cases, notably that of Chukwudumeme Onwuamadike, popularly known as Evans<sup>122</sup>.

In February 2022, the Lagos High Court in Ikeja sentenced Evans and two of his accomplices, Uche Amadi and Okwuchukwu Nwachukwu, to life imprisonment for the kidnapping of Donatus Dunu, the Managing Director of Maydon Pharmaceuticals Ltd<sup>123</sup>.

• **Prospects**

**\*Strengthening law enforcement:**

This should be done by improving the capabilities of law enforcement agencies through better training, resources and technology to enhance their ability to investigate and prosecute kidnapping and killing cases.

**\*Strengthening legal institutions:**

This can be achieved by reforming the Legal System to reduce trial delays, improve judicial efficiency, training for legal practitioner mostly prosecutors in such cases to enhance efficiency and expertise in that regard.

**\*Public education:**

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<sup>121</sup><https://www.reuters.com/world/africa/nigeria-free-313-suspected-boko-haram-insurgents-lack-evidence-2024-03-28/> accessed through the internet on 10/05/2025 at 9:55pm

<sup>122</sup> Evans, 2 others sentenced to life imprisonment for kidnapping Vanguard 16 February 2022.

See<https://www.vanguardngr.com/2023/02/evans-to-refund-233000-euros-ransom-taken-from-kidnap-victim/> accessed through the internet on 10/05/2025 at 10:00pm

<sup>123</sup> Ibid

A form of awareness should be done in our environment to encourage citizens to report such crimes timeously in order to avoid evidence destruction.

• **RECOMMENDATIONS**

- \* In combating the menace of kidnapping and killings in Nigeria, Artificial Intelligence (AI) tools can be integrated in judicial processes to streamline court procedures by assisting in case management, legal research, and ensuring timely adjudication, thereby reducing delays in the justice system.
- \* Establishment of Special Courts to handle kidnapping and related offenses can expedite the judicial process and ensure focused attention on such cases.
- \* Organizing workshops and training programs to enhance the skills of judges and prosecutors in handling kidnapping cases, with emphasis on evidence collection and legal procedures.
- \* Providing technical assistance and resources to law enforcement agencies can improve their capabilities in investigating and prosecuting kidnapping cases effectively.
- \* Public enlightenment campaigns to educate citizens on preventive measures and the importance of reporting suspicious activities of kidnapping.

• **CONCLUSION**

Kidnapping in Nigeria has evolved into a lucrative criminal enterprise, with perpetrators emboldened by the substantial ransoms paid by desperate families. This alarming trend has transformed kidnapping into a nationwide menace, affecting individuals across all regions and socioeconomic backgrounds with no one immune against this threat.

The judiciary plays a pivotal role in this fight. Swift and effective prosecution of kidnapping cases is essential to deter potential offenders and restore public confidence in the justice system. However, challenges such as delayed trials, insufficient evidence, and systemic inefficiencies often hinder the delivery of justice. Addressing these issues is crucial to ensuring that kidnappers are held accountable and that the rule of law prevails.

## THE ROLE OF LAWYERS IN PROTECTING HUMAN RIGHTS AND ENSURING JUSTICE FOR VICTIMS OF KIDNAPPING AND KILLING IN NIGERIA

**Kosemani Sulyman Muhammed Hassan\***

### *Abstract*

*This paper investigates the vital function of legal practitioners in safeguarding human rights and seeking justice for those affected by abductions and murders in Nigeria. The increase in kidnappings for ransom, which often end fatally, has created an urgent demand for effective legal measures. Serving as the first line of defense for these victims' rights, lawyers must chart a path through a convoluted legal environment characterized by systemic corruption and socio-political instability.*

*This research highlights the complex duties of legal practitioners by examining pertinent case law, statutes, and the current socio-legal context. This encompasses offering legal representation to victims, championing policy changes, and participating in public interest litigation aimed at tackling the fundamental causes of violence and impunity. In addition, the article emphasizes the difficulties that attorneys encounter, such as endangerment of their security, insufficient access to materials, and a necessity for ongoing legal training related to human rights legislation.*

*The study underscores the necessity of a strong legal framework to enable lawyers to fulfill their duties as defenders and champions of human rights. The results endorse improved cooperation among legal practitioners, civil society groups, and governmental bodies to establish a more effective reaction to the human rights crises caused by kidnappings and murders in Nigeria. This paper ultimately advocates for a greater acknowledgment of lawyers' vital roles in promoting justice and maintaining the rule of law a midst of widespread violence.*

## INTRODUCTION

Kidnapping has become a prevalent and disturbing crime in Nigeria, posing a significant threat to national security, economic stability, and the fundamental rights of citizens. The alarming rise in abductions for ransom, political motives, and terrorism has created a climate of fear and impunity. Lawyers, as custodians of the rule of law, defenders of human rights, and as key stakeholders in the administration of justice, have a critical role in protecting human rights, advocating for victims, and ensuring that perpetrators are held accountable. This paper explores the responsibilities of lawyers in addressing kidnapping,

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the legal frameworks in place, challenges faced, and actionable recommendations to strengthen justice delivery.

## HUMAN RIGHTS FRAMEWORK

International legal instruments provide a foundation for protecting individuals from abusing their fundamental human rights.<sup>124</sup> The Universal Declaration of Human Rights (UDHR)<sup>125</sup> guarantees the right to life,<sup>126</sup> liberty and security of the person,<sup>127</sup> and freedom from torture or cruel, inhuman, or degrading treatment.<sup>128</sup> Similarly, the International Covenant on Civil and Political Rights (ICCPR)<sup>129</sup> reaffirms these rights and obliges state parties to prevent violations and provide remedies.<sup>130</sup>

The protection of human rights in Nigeria is enshrined in the 1999 Constitution as amended, specifically in Chapter IV, which outlines Fundamental Human Rights. These rights includes Right to Life<sup>131</sup>, Right to Dignity of the Human Person<sup>132</sup>, Right to Personal Liberty<sup>133</sup>, Right to Fair Hearing<sup>134</sup>, Right to Private and Family Life<sup>135</sup>, Right to Freedom of Thought, Conscience, and Religion<sup>136</sup>, Right to Freedom of Expression and the Press<sup>137</sup>,

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<sup>124</sup> United Nations. (1966). International Covenant on Civil and Political Rights. UN Treaty Series, Vol. 999, p. 171.

<sup>125</sup> United Nations. (1948). Universal Declaration of Human Rights. UN General Assembly Resolution 217 A (III).

<sup>126</sup> Article 3 of the United Nations Convention, 1948

<sup>127</sup> Ibid, Article 9

<sup>128</sup> Ibid, Article 5

<sup>129</sup> International Covenant on Civil and Political Rights (ICCPR), 1966

<sup>130</sup> United Nations Convention, 1966

<sup>131</sup> Section 33 of the 1999 Constitution as amended

<sup>132</sup> Ibid Section 34

<sup>133</sup> Ibid Section 35

<sup>134</sup> Ibid Section 36

<sup>135</sup> Ibid Section 37

<sup>136</sup> Ibid Section 38

<sup>137</sup> Ibid Section 39

Right to Peaceful Assembly and Association<sup>138</sup>, Right to Freedom of Movement<sup>139</sup> and Right to Property<sup>140</sup>

The Universal Declaration of Human Rights acknowledges that limitations on rights can be necessary in a democratic society.<sup>141</sup> However, the said rights and freedoms can be subject to limitations determined by law, solely for securing due recognition and respect for others' rights and freedoms, and meeting the just requirements of morality, public order, and general welfare.<sup>142</sup>

In Nigeria, these principles are reflected in the 1999 Constitution, which allows for limitations on fundamental rights in the interest of public safety, order, or morality and while human rights are constitutionally guaranteed, there are instances where these rights may be limited or derogated from.<sup>143</sup> These instances includes Public Safety and Order where restrictions can be placed on rights in the interest of public safety, order, or morality.<sup>144</sup> Measures can be taken during periods of national emergency or for national security purposes might limit certain rights.<sup>145</sup> Also restrictions may be imposed to protect public health, such as during health crises or outbreaks.<sup>146</sup> Another instances is where the rights to personal liberty of a person can be limited during lawful arrest or detention following due process.<sup>147</sup> In the interest of Defence, certain rights of individual might be restricted for reasons of defence or public interest.<sup>148</sup>

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<sup>138</sup> Ibid Section 40

<sup>139</sup> Ibid Section 41

<sup>140</sup> Ibid Section 43

<sup>141</sup> Henkin, L. (1999). The Universal Declaration at 50 and the Challenge of Global Markets. *Brooklyn Journal of International Law*, 25(1), 17–25

<sup>142</sup> Article 29 of United Nations. (1948). Universal Declaration of Human Rights. UN General Assembly Resolution 217 A (III), Art. 29(2).

<sup>143</sup> Ojukwu, E. (2017). *Human Rights Under the Nigerian Constitution: Principles and Practice*. Princeton & Associates.

<sup>144</sup> Section 45, 1999 Constitution

<sup>145</sup> Lawan v. Federal Republic of Nigeria (2013) 6 NWLR (Pt. 1366) 433

<sup>146</sup> Nwogugu, E. I. (2014). *Family Law in Nigeria*. Heinemann Educational Books.

<sup>147</sup> Azinge, E. (2019). *The Nigerian Constitution and Human Rights*. Nigerian Institute of Advanced Legal Studies.

<sup>148</sup> National Human Rights Commission (NHRC). (2020). *Annual Report on Human Rights in Nigeria*.

## THE LEGAL FRAMEWORK ON KIDNAPPING

It is a legal requirement that any defendant accused of a capital offence must be provided with legal representation and that the prosecution must follow proper criminal procedures as laid down by law. This principle is similar to how, although God permits us to eat meat, with a prescribed specific guidelines, such as slaughtering the animal properly before it can be consumed. Nigeria has several laws that criminalise kidnapping and protect human rights, but enforcement remains inconsistent. The Criminal Code,<sup>149</sup> applicable in Southern Nigeria and the Penal Code<sup>150</sup> which also applicable to the Northern part of Nigeria. Though both codes prescribe punishments for abduction and unlawful detention<sup>151</sup>, but not severe enough.<sup>152</sup>

The law has been given the favour of the High Court of Kwara State, where in December 2023, Justice Akinpelu in a High-Profile case, convicted the **Sarkin Fulani of Kwara**, his brother, and an accomplice and they were each sentenced to **life imprisonment** for kidnapping and conspiracy to kidnap.<sup>153</sup> Kwara State currently enforces a stringent law against kidnapping, mandating life sentences for offenders. I have the privilege to state that, there is a move to amend the said law seeking even tougher measures, expanding penalties, reclaiming assets used in crimes, and ensuring faster trials. The legislature is actively considering these changes in response to rising security concerns.

Additionally, the Terrorism (Prevention) Act 2011 (as amended) categorises kidnapping as a terrorist act when ransom demands are involved, imposing stricter penalties. There is

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<sup>149</sup> Criminal Code Act (Cap. C38, Laws of the Federation of Nigeria 2004).

<sup>150</sup> Northern Nigeria Penal Code (1960, adopted from Sudan Penal Code). Laws of Northern States (1963).

<sup>151</sup> Ezekwesili, O. (2018). \*"The Inadequacy of Nigeria's Criminal and Penal Codes on Kidnapping." Nigerian Journal of Legal Studies, 12(2), 45-60

<sup>152</sup> Alemika, E. (2021). "Criminal Justice and Kidnapping in Nigeria: The Need for Stiffer Penalties." University of Lagos Press. Section 360 of the Criminal Code defines Kidnapping/Abduction and provides Punishment of Imprisonment for 10 years on conviction. Section 273 of the Penal Code defines Abduction with Punishment of imprisonment for 7 years + fine.

<sup>153</sup> The Serikin Fulani, and two others with the offence of kidnapping one Abubakar Ahmad and collected a ransom of N1m before his eventual release after spending 20 days with them in the bush.

also Kwara State prohibition of Kidnapping law, 2010. Upon enactment, it made kidnapping—or attempting to kidnap a criminal offense punishable by life imprisonment without the option of a fine. The offence of kidnapping has a judicial interpretation when the court held in the case of **ABANOBIA V. STATE** that, "**The offence of kidnapping is complete, I hold, when the victim is carried away against his or her wish**".<sup>154</sup> The Administration of Criminal Justice Act (ACJA) 2015 seeks to expedite trials and reduce delays in the justice system.

Despite the above-mentioned laws that are enacted to prevent kidnapping, weak enforcement, corruption, and investigative failures have allowed kidnappers to operate with little consequence.<sup>155</sup>

## **CHALLENGES FACED BY NIGERIAN LAWYERS IN PROSECUTING KIDNAPPING CASES**

Kidnapping has become a major security and legal concern in Nigeria, with incidents escalating across states and affecting individuals from all walks of life. The Nigerian government has enacted laws to combat this menace, and the judiciary plays a crucial role in ensuring justice is served. However, prosecuting kidnapping cases remains a highly complex task. Nigerian lawyers, particularly public prosecutors, face a multitude of challenges that hinder the effective prosecution of offenders. These challenges span legal, institutional, societal, and procedural dimensions and often result in delays or outright failure of justice delivery.

One of the most pressing issues facing prosecutors is the lack of credible and sufficient evidence.<sup>156</sup> Successful prosecution of kidnapping requires solid evidence such as witness testimonies, forensic reports, and digital tracking data to prove guilt beyond a reasonable doubt. Unfortunately, Nigerian police and security agencies often conduct investigations that are poorly coordinated and lack professionalism.<sup>157</sup> Crime scenes are frequently

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<sup>154</sup> See also the case of Okashetu v. The State (2016) 15 NWLR Part 1534 page 126 at 148 - 149, Para G-A per Ogunbiyi J.S.C."

<sup>155</sup> Okagbue, I. (2016). "Gender-Based Abductions and Nigeria's Outdated Penal System." \*African Journal of Criminology, 9(1), 112-130

<sup>156</sup> FRN v. Mohammed Bello (2020) LPELR-50789(CA)

<sup>157</sup> Nigerian Bar Association (NBA). (2022). "Report on Law Enforcement Failures in Kidnapping Cases

compromised, and forensic evidence is rarely gathered or properly analysed.<sup>158</sup> As a result, prosecutors are left with weak cases that cannot stand up in court. The case of *State v. Emmanuel Eze & Ors*<sup>159</sup> where the defendants were arrested and charged with the kidnapping of a prominent businesswoman in Enugu. Following their arrest, the police presented a confession allegedly made by one of the accused persons. However, during the trial, the defence argued that the confession was obtained under duress and not recorded in the presence of a lawyer or magistrate, as required by the Administration of Criminal Justice Act (ACJA). The court eventually ruled that the confession was inadmissible and that the prosecution had failed to discharge its burden of proof. All accused persons were acquitted

Kidnapping cases often involve violent criminal gangs or individuals with dangerous networks. Victims and witnesses are regularly subjected to threats, intimidation, or even physical harm. Fear for personal safety or reprisal leads many to refuse to testify, recant statements, or avoid involvement altogether. In the absence of reliable witness testimonies, prosecution becomes extremely difficult.<sup>160</sup> The lack of witness protection programs in Nigeria exacerbates this challenge, leaving both victims and witnesses vulnerable and unprotected. In the case of *Okeke v. State*<sup>161</sup> it was held that "Justice is perverted when witnesses are terrorised into silence. The State must shield them."

Also in the case of *The State v. Kabiru Isyaku & Ors*<sup>162</sup> the defendants were charged with kidnapping a 14-year-old schoolgirl in Kano and demanding a ransom from her family. After an intensive police operation, the girl was rescued, and three suspects were arrested and arraigned in court.

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<sup>158</sup> Alemika, E. "Justice Delayed: Nigeria's Overburdened Courts." African Law Review 8, no. 1 (2021): 33–50.

<sup>159</sup> (2019) unreported case of High Court of Enugu State

<sup>160</sup> Twemlow, S. W., & Sacco, F. C. (2012). "Preventing Bullying and School Violence." American Psychiatric Publishing

<sup>161</sup> (2003) 15 NWLR (Pt. 842) 25

<sup>162</sup> (2021) unreported case of the Kano State High Court

Despite repeated court summons and police assurances of protection, the key witnesses failed to reappear. With the absence of direct testimony from the victim and her parents, the prosecution's case collapsed. The judge criticised the system for failing to provide adequate protection to witnesses and subsequently struck out the case for lack of diligent prosecution.

Kidnapping crimes often occur across multiple jurisdictions, sometimes involving abduction in one state and ransom collection or detention in another. Prosecutors frequently encounter jurisdictional conflicts, particularly when state and federal security agencies fail to coordinate effectively. Poor communication between the police, the Department of State Services (DSS), and the Ministry of Justice creates procedural gaps and delays in case preparation and filing. In the case of *AG Lagos State v. AG Federation*,<sup>163</sup> **the Court held that Jurisdictional conflicts between federal and state agencies must not frustrate justice. Prosecutors must align charges with the proper authority.**

While many states in Nigeria have enacted anti-kidnapping laws with severe penalties, inconsistencies in these laws across jurisdictions hinder uniform prosecution. In some cases, outdated laws or conflicting statutory provisions complicate the trial process. Additionally, some prosecutors face procedural technicalities that delay or derail cases, especially in the absence of consistent legal reforms and harmonised criminal codes across states. **The case of A.G. Lagos State v. A.G. Federation.**<sup>164</sup>

The question that begs for answer is whether the federal government have exclusive power to criminalise kidnapping. The answer is in negative. Kidnapping is primarily a state offence under the Criminal Code/Penal Code. However, if linked to terrorism or ransom demands via telecoms, it becomes a federal crime under the Terrorism (Prevention) Act (as amended).

The Nigerian judicial system is plagued by delays and an overwhelming backlog of cases. Prosecutors often struggle to obtain court dates or face multiple adjournments that prolong

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<sup>163</sup> (2013) 16 NWLR (Pt. 1380) 394

<sup>164</sup> *supra*

trials for years. *A.G. Lagos State v. A.G. Federation*.<sup>165</sup> It was held that prolonged and unreasonable delays without trial violate the constitutional rights of the defendant.<sup>166</sup>

***“Justice delayed is justice denied. The state cannot hold accused persons indefinitely without trial.”***

Kidnapping cases, being capital in nature, are handled by higher courts with already congested dockets. These delays weaken the prosecution's case, as evidence may deteriorate over time, and witnesses may relocate or become unavailable.

Corruption within the justice system remains a serious obstacle to effective prosecution. Bribery and undue influence can result in the suppression of evidence, the release of suspects, or the manipulation of case outcomes. In high-profile kidnapping cases, political interference can also lead to the withdrawal of charges or pressure on prosecutors to abandon cases. These practices undermine the integrity of the justice system and erode public confidence.

The prosecutorial arm of the justice system is often underfunded. Prosecutors lack access to modern tools, research support, case management software, or technical expertise such as forensic analysts and cybercrime investigators. Many operate without sufficient logistical support, making it difficult to pursue complex kidnapping cases that require expert evidence and cross-jurisdictional collaboration. **Attorney-General of the Federation v. Ubakanwa**.<sup>167</sup> The Court of Appeal acknowledged that prosecutorial delays often occur due to poor funding, lack of forensic tools, and inadequate legal resources, which weaken the state's ability to secure convictions in serious crimes like kidnapping.

Prosecuting kidnapping effectively requires specialised knowledge of criminal law, forensic science, and digital evidence. However, many Nigerian lawyers working in the public prosecution sector lack continuous training or exposure to modern investigative

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<sup>165</sup> *supra*

<sup>166</sup> Section 36(1) (right to fair hearing within reasonable time).

<sup>167</sup> (2014) LPELR-23667(CA)

techniques. Without proper capacity building, prosecutors may fail to identify critical issues or make procedural errors that benefit the defence.

## CHALLENGES FACED BY NIGERIAN LAWYERS IN DEFENDING KIDNAPPING CASES

While much focus is placed on the prosecution of kidnappers, the role of defence lawyers is equally vital in upholding the principles of justice, particularly the constitutional right of every accused person to a fair trial. However, lawyers who take up the defence of individuals accused of kidnapping face a range of professional, legal, ethical, and personal challenges. These challenges compromise the effectiveness of legal representation and raise critical concerns about the integrity of the criminal justice process.<sup>168</sup>

One of the foremost challenges Nigerian defence lawyers face in kidnapping cases is hostile public perception. Defending individuals accused of such a heinous crime often attracts societal stigma. The public frequently assumes guilt, driven by media narratives and the emotional weight of the offence. Defence lawyers are commonly viewed as sympathisers of criminals, which may lead to loss of social standing, harassment, and even threats to personal safety.<sup>169</sup> This negative perception can influence the lawyer's motivation and willingness to mount a vigorous defence. In the case of *Pam & Anor v. Mohammed & Ors.*<sup>170</sup> The Court affirmed that negative public perception cannot override constitutional guarantees of fair hearing, including the right to legal representation of choice. The case of Abdulrahman, who killed Afusat in Ilorin, is another typical example.

Access to clients in kidnapping cases is often fraught with difficulty. Many suspects are detained in remote locations or maximum-security prisons under tight security protocols. In some cases, law enforcement agencies restrict or delay access to detainees, especially during the early stages of investigation.<sup>171</sup> This undermines the right of the accused to

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<sup>168</sup> Alemika, E. O., & Chukwuma, I. C. (2020). Crime and Criminal Justice in Nigeria: Challenges and Prospects. Centre for Law Enforcement Education (CLEEN).

<sup>169</sup> Ojukwu, E., & Eze, C. (2019). "Prosecution and Defense of Kidnapping Cases in Nigeria: Legal and Logistical Hurdles." Nigerian Journal of Criminal Law and Justice, 12(2), 45-62.

<sup>170</sup> (2008) LPELR-2945(CA)

<sup>171</sup> Nigerian Bar Association (NBA). (2022). Annual Report on the State of Legal Practice in Nigeria.

adequate legal consultation and hinders the lawyer's ability to prepare a solid defence. In the case of **Dikko v. FRN**,<sup>172</sup> the Court ordered the DSS to grant lawyers immediate access to detained suspects.

Kidnapping suspects frequently face violations of their constitutional rights. It is not uncommon for suspects to be detained beyond the legally permitted timeframe without charge. Additionally, forced confessions obtained through torture or coercion are sometimes used as primary evidence by the prosecution. Defence lawyers often struggle to prove these violations in court, especially in the absence of medical records, witness testimonies, or audiovisual documentation.<sup>173</sup> Such challenges impair efforts to uphold due process and the presumption of innocence.

Another recurring problem is the difficulty in obtaining complete and timely case files from the prosecution. Essential documents such as witness statements, forensic reports, and other evidentiary materials are often withheld or released at the last minute.<sup>174</sup> This delay affects the lawyer's ability to prepare a comprehensive defence strategy and undermines the principle of equality of arms in criminal trials.

Given the seriousness of kidnapping as a capital offense, courts sometimes approach such cases with a predisposed bias toward the prosecution.<sup>175</sup> Judges may be less receptive to bail applications, citing the gravity of the offence and public interest. Even where bail is constitutionally permissible, it is routinely denied, contributing to prolonged pretrial detention. The emotional nature of kidnapping cases can also influence judicial impartiality, making it harder for defence lawyers to advocate effectively for their clients. The Court in the case of **Chief Gani Fawehinmi v. Nigerian Bar Association (NBA)**<sup>176</sup> held that, *"The legal profession would be destroyed if lawyers shy away from cases due to public odium. The most despised accused deserves vigorous defence."*

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<sup>172</sup> (2015) LPELR-24337(CA)

<sup>173</sup> Okeke, V. O. S. (2018). "Ethical Challenges in Defending Alleged Kidnappers in Nigeria." African Journal of Criminology and Justice Studies, 11(1), 78-94.

<sup>174</sup> Alemika, E. O., & Chukwuma, I. C. (2020). Crime and Criminal Justice in Nigeria: Challenges and Prospects. Centre for Law Enforcement Education (CLEEN).

<sup>175</sup> Akinwale, A. (2023, June 15). "Why Nigerian Lawyers Avoid Defending Kidnapping Cases." The Punch.

<sup>176</sup> (1989) 2 NWLR (Pt. 105) 558

Lawyers defending kidnapping suspects may be subjected to threats and intimidation from victims' families, vigilante groups, or even law enforcement officers. In high-profile or politically sensitive cases, defence attorneys may find themselves under surveillance or pressure to withdraw from the case. Such threats not only endanger the lawyer but also compromise the independence of legal representation. In the case of *Chief Gani Fawehinmi v. Nigerian Bar Association (NBA)*<sup>177</sup> The Supreme Court affirmed that lawyers must be free to defend clients without fear of persecution. Any intimidation of counsel violates the right to fair hearing and the legal profession's independence.

Defending kidnapping suspects presents significant ethical challenges. Where there is overwhelming evidence or confessions suggesting the client's guilt, the lawyer may struggle with moral questions about continuing the defence.<sup>178</sup> However, professional ethics require lawyers to ensure that the accused receives a fair trial, regardless of public opinion or personal beliefs. Balancing these demands can be mentally and emotionally taxing. It was held by the Supreme Court that "*The legal profession is not a moral tribunal. Lawyers defend, not endorse, their clients' actions.*" See the case of *Chief Gani Fawehinmi v. Nigerian Bar Association (NBA)*<sup>179</sup>

Most individuals accused of kidnapping cannot afford competent legal representation. While the Nigerian Legal Aid Council exists to assist indigent defendants, it remains grossly underfunded and understaffed. As a result, defence lawyers may take on such cases with little or no financial compensation, affecting the quality and commitment of representation. Many capable lawyers avoid such cases altogether due to the risks and poor remuneration involved.

The Nigerian judiciary is plagued by systemic delays. Adjournments are frequent, and cases can drag on for years, during which time defendants remain in custody. These delays frustrate both defence lawyers and their clients, eroding confidence in the justice system.

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<sup>177</sup> *supra*

<sup>178</sup> Ezeamalu, B. (2022, September 8). "Inside Nigeria's Kidnapping Trials: Delays, Corruption, and Fear." Premium Times.

<sup>179</sup> (1989) 2 NWLR (Pt. 105) 558

Preparing for cases over such long periods becomes challenging, especially when evidence degrades or witnesses become unavailable.<sup>180</sup> **A.G. Lagos State v. A.G. Federation**<sup>181</sup> the Court held that *A justice system that keeps accused persons in perpetual pre-trial detention is no justice system at all.*

In many kidnapping cases, the prosecution presents technical evidence such as phone call records, tracking data, or forensic reports. Defence lawyers often lack the resources to hire independent experts to challenge such evidence. The absence of forensic, psychological, and investigative support limits the ability of the defence to rebut the prosecution's claims or present alternative narratives. The prosecution cannot monopolise forensic facilities while leaving the defence impoverished. Equality of arms is fundamental. See the case of **Gani Fawehinmi v. Inspector-General of Police**<sup>182</sup> Where the Supreme Court held that denying access to necessary defence resources violates.<sup>183</sup>

## RECOMMENDATIONS

To enhance the ability of lawyers to protect human rights and ensure justice for victims:

1. Governments and bar associations must implement protective mechanisms for human rights lawyers.
2. Capacity-building programs should be expanded to provide technical and financial support.
3. Legal aid services must be strengthened to reach marginalised populations.
4. Judicial independence and enforcement of legal judgments must be prioritised.
5. Public legal education campaigns should be promoted to empower citizens.
6. Lawyers should work closely with civil society, the judiciary, and security agencies to improve case handling and ensure coordinated responses.

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<sup>180</sup> Ojukwu, E., & Eze, C. (2019). Prosecution and defense of kidnapping cases in Nigeria: Legal and logistical hurdles. Nigerian Journal of Criminal Law and Justice, 12(2), 45–62.

<sup>181</sup> (2013) 16 NWLR (Pt. 1380) 394

<sup>182</sup> (2002) 7 NWLR (Pt. 767) 606

<sup>183</sup> Section 36(6)(b)&(c) of the 1999 Constitution (right to facilities for defense) and Article 7(1)(c) of the African Charter (right to call expert witnesses)

7. Regular training on human rights litigation, counter-terrorism laws, and forensic evidence will equip lawyers with the necessary skills.
8. Digital tools for evidence gathering, virtual court proceedings, and secure communication can improve efficiency and safety.
9. Educating communities on legal rights, reporting mechanisms, and preventive measures can reduce vulnerability to kidnappings.

## CONCLUSION

The scourge of kidnapping in Nigeria demands a robust legal response centered on human rights protection and justice. Lawyers must go beyond traditional courtroom roles to become active advocates, reformers, and defenders of the vulnerable. Through strategic litigation, policy advocacy, and collaboration with stakeholders, the legal profession can help dismantle kidnapping networks, ensure justice for victims, and restore public confidence in Nigeria's justice system.