

# Policing Africa, Human Rights Issues and Gaps to be Filled with Alternative Public Policy

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## Abstract

Police in Africa, like other developed climes of the globe, is expected not only to maintain laws and orders but safeguard and enforce people's fundamental rights. Unfortunately, it is daily accused of abuses and brutalities which negatively affect their integrity. In view of the above, this paper examines human rights abuse by police in Africa which ranges from torture, extortion, unlawful arrests and detentions, harassment and intimidation of members of the public to accidental discharges. This study equally examines the changing roles of the police in Africa which are propelled by current socio-economic and political realities and how they have infringed on the rights of the people. These were with the view to pointing out the effects of violation of human rights by the police so as to improve on them. Secondary data was used and analyzed by content analysis. The paper concludes that the situation is not irredeemable and recommends public policy measures such as use of subtle legislation, capacity building, more watchdog roles on police activities by members of the public, and more trials of police officers for human rights abuse.

**Keywords:** police, fundamental human rights, abuse, changing roles of the police, alternative public policy

## 1. Introduction

Police officers have broad powers to carry out their duties. The constitutions and other relevant laws also limit the extent police can go in enforcing the laws. This is because, every human being is entitled to certain rights which are not expected to be deprived arbitrarily. Africa ought to have passed the era of educating the police that the people are entitled to certain rights from them. The trend in developed countries is that police educates members of the public on what their rights are, and how to safeguard them (Ahmadu, 2001). Findings by Amnesty International, Human Rights Watch, International Commission of Jurists, International Federation of Human Rights, World Organization against Torture, and Independent Police Investigation Directorate among others confirmed that police abuse human rights in Africa than elsewhere (Human Rights Watch, 2016; Amnesty International, 2009; Jodie, 2013; Androx, 2016; and Nnenna, 2016). According to Amnesty International (2009), the rights of the people in Africa are often violated by the police who are meant to protect and guarantee such rights. Thus, abuse of human rights by the police is in the form of torture, extortion, unlawful detention, extra judicial killing, and use of excessive force, sexual violence, harassment and intimidation. There are widespread brutalities by police during investigations, crime control operations and management of protests.

Police abuse occurs during searches, arrests, interrogation, and detention. The police in Africa equally use torture to carry out investigation (Bruce, 2009). As pointed out by Civil Rights Defenders (2015), crude methods such as beating with sticks, iron bars, wires and cables, sticking pins or sharp objects into private parts of suspects, shooting of suspect on the limbs, use of cigarette lights to inflict burns on suspect, and arrest of a suspect's relations are practical ways of police torture in Africa (Simeon, 2001; Adeleye, 2015). These infringements on human rights by the police have mentally, physically, and psychologically injured many citizens.

Unlawful detention of suspects without charging them to court is also common. Suspects are maltreated and released by the police without making any statement or charge them to court on the long run (Darnace, 2014). Police disobeyed court orders many times (Amnesty International, 2009). They also engage in monetary extortion. Common place of extortion, according to Human Rights Watch (2010), is police roadblocks. On daily basis, motorists, traders, and motorcyclists are victims of extortion at roadblocks (Femi, 2015). According to Charles (2014), the checkpoints are originally put in place to combat rising crimes but have become lucrative business centers for the police.

Most human right abuses are committed against Africans who are poor, uneducated, and unable to enforce their rights. As reported by Civil Rights Defenders (2015) and Darnace (2014), when the identities of police human-rights violators are known, little is done to hold them accountable and most investigations that are undertaken rarely lead to conviction. Non- governmental organizations have been relentless in the crusade to protect and safeguard the rights of men and in some cases the governments but a lot is still expected to be done in the continent by employing alternative public policies, and hence this study.

## 2. Conceptualizations

Police is an institution of government that is conferred with law enforcement and a wide range of powers such as

arrest, search, seizure, prosecution and others. According to Ehindero (1998), the police is expected to protect the rights of the people when carrying out the above mentioned duties. Beitz (2009) and Kehinde (2015) note that the power of the police to prosecute offenders in most African states is subject to the powers of the Attorney – General who decides who is to prosecute a crime, and whether to prosecute or not to do so. In African states, the police often prosecute civil offences while it is the office of the Attorney-General that is responsible for prosecution of criminal cases such as murder, rape, and armed robbery in court of law. However, the police engage in a number of human rights abuses in the course of discharging its constitutional duties.

Fundamental rights are constitutional freedoms, liberties or inalienable benefits to which all human beings are entitled. They are rights which can be enforced by the court (Kehinde, 2015). According to Gani (1992), human rights are potent weapons that are capable of sensitizing the populace, weakening the autocrat and put the citizenry on the path of freedom from the shackles of oppression. As view by Falana (2015), fundamental rights are masses weapon against unnecessary harassment. Thus, fundamental rights are instruments of self guide, the absence of which made an individual a spineless citizen. Without these rights, life becomes dull, endangered and uninteresting. The rights include right to life, freedom of speech, assembly and movement, ownership of property, education, association, religion; and of voting and being voted for. Violations of any of the rights are prosecutable in courts.

By human rights abuse, we mean all direct and indirect acts of showing disrespect to, or violations of fundamental rights and freedoms of others. According to Moshood (1999), it entails all cruel ways of treating fellow human beings. In this study, it entails use of force, maltreatment and other means by the police without regard to establish whether they are lawful or not. Some police behaviours that constitute abuse are mentioned in Table 1 below. It is therefore the deliberate unlawful handling of human rights by the police that is termed human rights abuse.

**Table 1: Human Rights Offences against Police Officers across the World**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Assault, illegal arrest, not charging case to court, infanticide, sex crime, rape, false imprisonment, insider trading, parading suspects, torture, detention for sex, wrong use of ammunition, assault with intent to commit sexual offence, careless or dangerous driving, conspiracy to inflict injury or culpable of death, delay entry, destruction of evidence, robbery on duty, extortion with threat to destroy property or kill, falsification of statement, getting funds to, from or for a terrorist organization, improper driving of police van, excessive force, failure to intervene or comply with statutory duties, perverting the course of justice, public nuisance, sabotage, and willful destruction of records. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Source:** Betty, K. Z. (2017)

Changing roles of the police are other duties assigned to a police officer which are not statutorily within the purview of police establishment. They include all duties assigned to the police as a result of the socio-economic changes of the state. Examples of such roles include assigning police to expatriate, business mogul, politician, monitoring, and voting materials.

### 3. Origin of Human Rights

The history of human rights is dated, part and parcel of traditional African setting, and traceable to the aftermath of the Second World War. The adoption of human rights by Universal Declaration of Human Rights was a response to Holocaust. Besides the challenge of war, genocide, institutional slavery, the Nazi (Germany) attitude towards the Jews and other inhuman treatments of men to men gave rise to human rights struggle (Kehinde, 2014). Thus, consequences of slavery, inhuman treatment and abuse of power led to the pre-eminence of human rights advocacy. However, the 18<sup>th</sup> century human rights movement was only to expand the recognition of those rights for everybody. The 18<sup>th</sup> century human rights gave rise to the American Declaration of Independence and French Declaration of rights of man. The movements led to the adoption of the 1948 Universal Declaration Human Rights, UDHR (United Nations, 2014).

The UDHR is a product of Economic and Social Council of the United Nation’s Commission on Human Rights. The draft was adopted by the UN General Assembly resolution 217 (iii) of 10<sup>th</sup> December, 1948 in Paris (United Nations General Assembly, 1948). The Declaration was passed by a vote of 48 in favor and none against except 8 abstentions and has 375 languages and dialects, making it the most widely translated document in the world. Every 10<sup>th</sup> December is known as Human Rights Day or International Human Rights Day. The Day is always observed by individuals, communities, religious groups, human rights organizations, parliaments, governments and the United Nations. The UDHR has thirty (30) Articles. *Articles 1 to 21* contain natural, civil and political rights. *Articles 22 – 27* retain economic, social and cultural rights. Its *Articles 28 – 30* provide for social responsibilities of individuals and government otherwise called duties and obligations.

### 4. Conceptual Cases of Police Abuse

The police in Africa extort the people when granting bail to the accused. Whereas it is only a court of competent jurisdiction that should determine conditions for bail, police officers hardly grant bail in deserving cases without

collecting money (Moshood, 1999 and Jodie; 2013). Except in criminal cases such as murder, armed robbery, and treason that may require court's stringent bail conditions, bail for other offences are free. But, according to Sunday (2014), police have severally been found guilty of extorting suspects before granting them bail on minor offences.

Police also engage in wanton arrest of people without trial (Jerry, 2004). As noted by Zimbabwe Human Rights Forum (2016), there are illegal detentions that often last more than twenty-four hours under the pretence of inconclusive investigations. The law requires that a detained person be informed in writing the reason for his arrest and detention, and in addition bring the person before a court within twenty-four or forty-eight hours depending on the location of the court. Civil Rights Defenders (2015) equally notes that the law grants an offender the right to have his trial commenced within two or three months from the time of his arrest, unless the offence committed is a capital one, but unfortunately, people are detained as long as police wished in Africa. Many police officers are fond of arresting innocent people because of minor misunderstanding between such people and their siblings, relatives or girl friends (Human Rights Watch, 2016). According to Kehinde (2015), it is unlawful to arrest or detain any other person in lieu of a person who is being wanted in connection with an offence. In other words, arrest by proxy is wrong. Unfortunately, it is a regular practice by African police. Suspects should also be deemed innocent until they are proved guilty by competent court. But in Africa, the reverse is the case. As viewed by Charles (2014); Falana (2015); Amnesty International (2009) and African Court on Human and People's Rights (2011), presumption of innocence is often abused by police who frequently parade suspects before the media as if they have been found guilty.

Police are fond of accidental discharges resulting in deaths of several innocent people (Sunday, 2014). A lot of police check points are mounted on African and inter-boarder roads where money is extorted. Questioning of such illegalities has led to extra-judicial killings of many people (Moshood, 1999 and Jodie, 2013). There is also police torture to ensure that the accused confessed to a crime. As narrated by Clark (1998) and Darnance (2014), many suspects are forced to make confessions under duress. It was added by Falana (2015) that suspects are sometimes coerced into making self incriminating statements which are difficult to deny in court of law. In the past, a lot of human rights activists have to seek asylum in other countries for openly criticizing a repressive regime. There is also frequent clampdown on the media and destruction of their publications or studios on allegation of subjective reportage or broadcast. Many chief media executives have been illegally arrested without trial or payment of compensation (Civil Rights Defenders, 2015).

Police equally abuse the power of search. As argued by Kehinde (2014), when a person's premises are to be searched by the police in relation to an offence, a search warrant must be shown to the occupier of such premises. It is also mandatory, according to him, for the police officer who wants to conduct a search to subject him to search first. Funny enough, African police play the role of a boss and do not often submit to this aspect of suspect's rights.

Prostitutes are frequently raided and abused by the police as well. The police take advantage of the silence of the law on prostitution in most African countries to rape victims. According to Ahmadu (2001) and Charles (2014), unlike in Brazil and France where rights to prostitution is recognized by registration, issuance of license, designation of certain places, and age limits, the fate of prostitutes is not certain in African states. Except in Saudi Arabia, laws appear silent on prostitution while it is a crime to maintain a brothel where prostitutes work. It is also a crime for ladies to stand on road sides at odd hours in a manner suggestive of soliciting for male patronage (Aduba, 2012). It is documented by Fagbohun (2014) and Darnance (2014) that police in African states explore the ambiguity of the laws to abuse victims. It was added by Darnance (2014) that female Internally Displaced Persons (IDPs) are frequently abused as well.

It is a crime to abort in most African countries unlike in United States of America, United Kingdom, France, Germany and Italy (Clark, 1998). Any medical personnel including a pregnant woman who causes a pregnancy to be aborted is liable to imprisonment (with variation from one African state to another). This made induced abortion to be frowned upon except when it is to save the woman's life. Laws are also silent in most African states on pregnancy that occurs as a result of rape or causes physical, physiological, mental or emotional trauma for the woman? The issue of how abortion constitutes abuse in Africa remains contentious and police hide under this legislative imperfection to abuse victims.

## **5. Empirical Cases of Police Abuse and Brutality**

### **5.1 Police Notoriety in South Africa**

According to Bruce (2009), South African police indulge in excessive force, torture, abuse of prisoners, beating and rape, arbitrary arrests, prolonged pre-trial detention, forceful dispersal of demonstrators, abuse of refugees and asylum seekers, corruption, accidental shootings, extra-judicial killings over arguments and domestic disputes, violence against women and children, attacks on foreigners and so on. According to Amnesty International (2009), there are also politically motivated killings of the opposition party members. Charles (2014) reports that there are 20 to 30 severe cases of torture a year that are reported in South Africa but many more

incidents are not reported. According to Independent Police Investigative Directorate, IPID (2016), Andre Ferreira, a Hout Bay police officer shot dead a suspect, Dumisane Zwane on 11 May, 1999 while he was lying injured on the ground. It was alleged that Ferreira shot Zwane six times after he had fallen on his back. The suspect was alleged to be fleeing when the police responded to apprehend him for stolen R1million pension payouts. But, unfortunately, the police officer failed to attend court hearing for his trial as he was said to be “under psychiatric treatment for stress and depressive illness” when he was charged in August, 2000. On 16 May 2000, a second year student of the University of Durbar, Micheal Makhabane was also shot dead by the Durban Public Order Police Unit during the protest action regarding the deregistration of 540 students who had not paid university registration fees. According to IPID report (2016), the bullet that killed the student was fired by police personnel who was using live ammunition, even when the students were running away and pleading not to be shot. As revealed by United Nations (2016), between April 2014 and May 2016, 2174 people have died as a result of police brutality in South Africa. Specifically, the number of people who died as a result of torture was 1548 while 626 died due to other unlawful police actions.

According to IPID (2016), 706 persons died in police custody due to police negligence and only nine SAPS members were charged and found guilty. On 26 February, 2016, a taxi driver from Mozambique, Mido Macia, was arrested for causing a traffic jam and resisting arrest. He was later incapacitated, handcuffed to the back door of SAPS van and dragged to a police station where he later died. A post – mortem report conducted by IPID on Macia revealed that he died in police detention from head injuries and internal bleeding. The incident became a national discourse in South Africa such that South African government described it as “horrific” and “unacceptable”. As a result, nine police officers were arrested and charged for murder but unfortunately, their trial at Benoni Magistrate Court were suspended due to funding problem associated with court costs. On 10 August, 2016, Makhosonke Msibi, the African National Congress, ANC branch chairman in Ulundi was shot and killed in his home by the police (IPID, 2016).

Incidents of foreigners’ harassment by police have been recorded in South Africa. Refugee and Migration Advocacy Organization (2015) reports that police confiscated legal documents of foreign nationals. They are sometimes threatened with arrest on spurious charges and forced to pay bribes. According to United Nations High Commission (2012), there were reports that police requested for bribes to protect businesses of foreigners and people threatened by xenophobic attack. In a report by Refugee and Migration Advocacy Organization (2015), one of the two men arrested in connection with June 2016 murder of Major General Tirhani Maswanganyi, Mr Nditshemi Nefolovhodwe remarked:

*...I was suffocated with a plastic bag, strangled with a plastic tube, beaten and tied. I did not receive any medical treatment while in police custody.*

In a similar vein, United High Commission (2012), reported that Chinenye Jehu Onueghu, a Nigerian citizen was tortured by five SAPS by attaching electrodes to his ears while interrogating him but that the Southern Gauteng High Court awarded \$18,010 about #180,828 to him for his wrongful arrest and torture in 2010). According to IPID (2016), South African police stations ranked high in critical cases of abuse between 2004 and 2016 as seen in Table II below. The table shows stations in South Africa where people are mostly assaulted, tortured, raped, or killed in custody. The cases according to IPID (2016) are reported to it.

**Table II: The Most Brutal Police Stations in South Africa**

| S/N | Provinces and Total Abuse Cases | Police Stations and Specific Abuse Cases |
|-----|---------------------------------|------------------------------------------|
| 1   | Western Cape (3644)             | Delft (179)                              |
| 2   | Gauteng (2848)                  | Sunnyside (141)                          |
| 3   | Free State (2125)               | Park Road (193)                          |
| 4   | Kwazulu-Natal (1838)            | Phoenix (129)                            |
| 5   | Eastern Cape (1804)             | Mahatma (94)                             |
| 6   | Northern Cape(1440)             | Kimberley (281)                          |
| 7   | Limpopo(1387)                   | Sapsago (194)                            |
| 8   | Mpumalanga(1180)                | Nelspruit (80)                           |

**Source:** Independent Police Investigative Directorate (2016)

## 5.2 The Case in Nigeria

Section 214 of the 1999 constitution (as amended) provides for the establishment of the Nigeria Police Force to protect the lives and properties of the citizen and maintain law and order. As reported by United Nations (2014), in 2007, a three year old girl was raped by a policeman in Gwagwalada, Abuja. Similarly, on 31 March, 2011, Mrs Nonye Okeke, a banker who lived at Mpape, a suburb of the Federal Capital Territory, Abuja was shot dead by a police guard at Zenith Bank inside a cab on her way Nnenna, 2016). Hannatu (2014) also reported that one Lawal Ganiyu, a 50 years old man was arrested and tortured by the police over alleged four million naira fraud. As a result, he lost his memory and remains unconscious on his hospital bed since 25 April, 2013. In the same

vein, Human Rights Watch (2015) reported that the Association of Tanker/ Trailer Drivers protested in 2014 over the shooting of one of their members by the police when he was coming from Maiduguri to Kano. The report noted that the driver got to a check point after University of Science and Technology, Wudi, Kano where he gave the policeman #100 bribes. It was reported that trouble started when the officer demanded that he should add #200 to the already parted #100 to make it #300, which the driver refused. The report noted that the driver was shot by the police but was hospitalized for close to eight months before he was discharged on Tuesday, 7 May. 2013. According to Timothy (2017), in July 20, 2017, a late tanker driver in Lagos was heading towards Warf when he was accosted by a police officer who demanded for money. The driver gave him #50 which the police officer rejected. The police officer lost his temper and shot the man. The police officer was later traced to a nearby police station by the late tanker driver's colleagues who threatened to set the station ablaze until the military later intervened. The resumption or resign protest led by Charley Boy in Abuja against President Muhammadu Buhari who has been away in London on medical vacation was met with severe disruption by the police (Sunday, 2017).

### 5.3 The Situation in Ghana

The police in Ghana are under the Ministry of Interior. The military, however, continue to participate in law enforcement activities. The Bureau of National Investigation, BNI handles cases considered of much national security to the state and is answerable directly to the Ministry of National Security. Police in Ghana maintains specialized units for homicides, forensics, domestic violence, trafficking of persons, visa fraud, narcotics, and cybercrimes. Such services are unavailable nationwide due to lack of office space, vehicles, and other equipments outside the state capital. According to United Nations (2014), police brutality, corruption, negligence, and impunity are problems of Ghanaian police. There are delays in prosecution of suspects and sometimes police collaborate with criminals and compromised investigations. Human Rights Watch (2016) remarked that extortion is common as well as arrest of citizen in exchange for bribes while police in Ghana also act as private debt collectors

According to Darnace (2014), in August, 2012, police in Bayview station in Accra arrested and assaulted four teenage boys in connection with robbery. One died within 24 hours of his arrest. The police allegedly hit him with broom handles, kicked and punched them in the station parking lot, before transferring them to Chatsworth police station, where they were locked in freezing and filthy cell. Although, the detainees pleaded for medical treatment, the police allegedly refused. Police officials allegedly shot and killed a suspected thief in the city of Kumasi in 10 October, 2015. The police, according to the report claimed the victim was armed with an axe and a machete, and he resisted arrest. But, the residents in the area, according to report, claimed the victim was innocent and unarmed. The report also indicated that the residents protested the unprofessional shooting in Kumasi. In 20 April, 2016, the Western Regional Police Command arrested five Ghana Police Service officers for extortion. In a report by Fagbohun (2014), the police dressed in uniform and armed with AK - 47 rifles, the officers allegedly forced their way into the home of a foreign businessman, threatened to arrest him, and demanded a payment of 10,000 cedis (\$4,555) in exchange for not taking him to jail. The officers, whose actions were captured on a closed-circuit security camera, though were arrested several days later, but never prosecuted (Adeleye, 2015).

### 5.4 The Police and Human Rights in Zimbabwe

Women in Zimbabwe have been victims of police violence since 1970s when the Liberation War began. Literature on the Liberation War showed large percentage of women as victims of police torture and brutality. A retrospective study of violations against women indicated that women from Matabeland have significantly experienced gross human violations in the 1980s than their Mashonaland counterparts (Zimbabwe Human Rights Forum, 2016). Even during the Food Riots in 1998, women were the targets of the police assault, torture and unlawful detention. The same report revealed that since 2000, women have continuously been victims of political violence in the hands of Zimbabwean police officers, particularly during elections. According to Women of Zimbabwe Arise (2014), women are equal targets to men, because of their political affiliation and the affiliation of their husbands or family members. As reported by Amnesty International (2009), the Presidential Re-run election in 2008 is replete with women as targets in their homes because of their perceived support for the Movement for Democratic Change. The report indicated that women were assaulted, tortured and their possessions stolen and their homes burnt. They were raped, dehumanized, and taken as sexual slaves to service the troops.

## 6. The Changing Roles of the Police and Abuse

The roles of the police in Africa are changing as a result of the socio-economic and political situations in the continent with far reaching abuse on people's rights. Police surveillance on oil pipelines to arrest vandals has made many people, especially farmers to be frequently raided (United Nations, 2014 and Darnace, 2014). Many

innocent residents are arrested for not confronting or reporting vandals in their localities to law enforcement agents (Human Rights Watch, 2015).

In addition, police abuse communities when they are deployed to quench insurgence. They extort motorists; harass ladies and women. Civil Rights Defenders (2015) reported that farm products, such as maize, oranges, sugar cane, and cashew are harvested without permission, while anybody who dare such police excesses are beaten or gruesomely murdered. Goats, fowls, sheep and rams are killed by the military or mobile police (Charles, 2014).

The use of police as security-outfit by local or foreign business moguls' daily abuse rights of the people. Commitment to bring investors to Africa and encourage them to stay made most African states to approve police escort for some of them. This becomes necessary because of the reported cases of kidnapping and demand for ransom. But, United Nations High Commission (2012) remarked that many of these officers abuse people's rights at social engagements and on public roads.

Police are also used by politicians to harass members of the opposition parties. Incumbent political office holders wrongfully use police to harass opponent especially during political crisis. Politicians are reported to have used police to disrupt election processes particularly party primaries (Jodie, 2013 and Darnace, 2014).

### 7. Roles of Governments and Non-Governmental Organizations (NGOs) to Stem Human Rights Abuse in Some Selected African States

The following efforts have been made by governments of African states and NGOs to address the challenge of human rights abuse by the police.

**Table III: Roles Played by Selected Governments and NGOs in Africa to address Police Abuse**

| S/N | African States | Roles Played                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | Nigeria        | The Nigeria government has dismissed many police officers found guilty of human rights abuse. The National Human Rights Commission has sought remedies and justice for many victims. There is also Police Service Commission and Police Complaints Commission that oversight the police to stem the tide of indiscipline, extortion, extra judicial killings and excessive use of force. A review of police Act initiated in 2004 is to ensure that the law governing the police is in line with international standards, particularly the inclusion of code of conduct that prohibits the use of torture. Police Community Relations Committee (PCRC) has been initiated and being nurtured to ensure cordial relations between civilians and police personnel.                                                                            |
| 2   | South Africa   | South African Human Rights Commission has played significant roles by embarking on inspection of police-custody facilities. It has also followed up petitions on deaths in police custody. Independent Complaints Directorate also ensured that complaints against members of SAP are investigated. There is also Community Police Forums that promote accountability and transparency of the police service. There is Independent Police Investigative Directorate that monitors police violence, killings and related cases. There have been introduction of a new code of conduct, revision of the training curriculum, introduction of a human rights training curriculum for existing members. There is implementation of Special Service Order on the use of force to effect arrest as well as the development of ant-torture policy. |
| 3   | Zimbabwe       | The Zimbabwe government has adopted UN principles to respect human rights. Included in this obligation is the right to prevent, investigate, and take appropriate action against violators. Also included in the principle is access to justice, reparations for harm suffered which should be adequate, effective and prompt. The Zimbabwean government is using UN principles of restitution, compensation, rehabilitation, satisfaction and guarantee of non-repetition as guide for its police service and human rights issues. Zimbabwe Lawyers and Non-governmental Human Rights are relentlessly pursuing cases of human rights abuses by the police, demanding compensation for pain suffered and have received favorable judgments in most cases.                                                                                  |
| 4   | Ghana          | The government of Ghana is taking steps to prosecute and punish police offenders, who committed abuses. There is training and re-training of officers on human rights. There are several government awareness campaigns and internal disciplinary actions against offending security officials. Government enlightens the public, religious and traditional rulers on their rights and how to seek redress when they are violated. Government and GNOs enforce laws that ensure protection and promotion of human rights. There is legal aid by NGOs in this regard.                                                                                                                                                                                                                                                                        |
| 5   | Kenya          | Kenya has adopted a new constitution since 27 August, 2010 to address police abuse. The government also adheres to the monist legal system of international treaties on human rights. It is also a party to international treaty such as African Charter and People's Rights. The Human Rights Defenders in Kenya is working hard to fight human rights abuse.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**Source:** Compiled by the author from secondary source

**Table IV: Numbers of Police Officers Convicted of Murder between 2015 and 2017**

| S/N | Countries    | Number Convicted |
|-----|--------------|------------------|
| 1   | Argentina    | 10               |
| 2   | Zimbabwe     | 11               |
| 3   | Ghana        | 08               |
| 4   | Kenya        | 14               |
| 5   | South Africa | 04               |
| 6   | Nigeria      | 12               |

Source: <https://en.wikipedia.org/wiki/category> of offices convicted of murder in some African countries.

**Table V: Officers Dismissed in Some African Countries in the Last Three years**

| S/N | Countries    | Number of Police Dismissed |
|-----|--------------|----------------------------|
| 1   | Tunisia      | 223                        |
| 2   | South Africa | 118                        |
| 3   | Ghana        | 211                        |
| 4   | Nigeria      | 228                        |
| 5   | Tanzania     | 186                        |
| 6   | Kenya        | 115                        |
| 7   | Zimbabwe     | 104                        |

\*Records in other African countries are inconsistent

Source: Stulky, G. M. (2017)

**Table VI: Records of Police Abuse won by NGOs in some African Countries between 2015 and 2017**

| S/N | Countries    | Number of Cases Won |
|-----|--------------|---------------------|
| 1   | Zimbabwe     | Over 68 cases       |
| 2   | South Africa | More than 45 cases  |
| 3   | Nigeria      | 211                 |
| 4   | Nigeria      | 228                 |
| 5   | Tanzania     | 186                 |
| 6   | Cameroon     | 32                  |
| 7   | Liberia      | 12                  |
| 8   | Togo         | 16                  |

Source: Human Rights Watch (2017)

### 8. Challenges against Effective Check of Police Abuse

Most government commissions are incapacitated by political leadership, inadequate resources and resistance from the police (Ehindero, 1998). Falana (2015) is of the opinion that judicial action against the police is difficult to achieve, because judges often rely on investigations conducted by the same police whose personnel are being prosecuted. This is why most investigations of police abuse rarely result in conviction.

According to Beitz (2009), two - third of the population in Africa are in abject poverty. It takes strong determination for such people to pursue case of abuse against a public institution. Litigation is also very costly to pursue. Most Legal Aid Councils in Africa have been categorized as ineffective, poor, corrupt and unassertive (Charles, 2014 and United Nations High Commission, 2012). Ehindero (1998) and Civil Rights Defenders (2015) are of the view that the police themselves are underfunded and result to self help. Also, salaries of police officers, especially the junior ones are not good enough. For instance, the monthly pay of a typical junior police officer in Africa cannot sustain him let alone to take care of his family (Bruce, 2009). Hence, a typical African police can misbehave because of transfer of aggression of poor conditions of service.

Illiteracy and poor level of education are issues that have not been fully addressed in Africa. According to United Nations High Commission (2012) and Civil Rights Defenders (2015), the adult illiteracy rate is almost 50% in Angola, Burkina Faso, Chad, Liberia and the Sudan while women illiteracy level is about 60%. The poor level of education has reflected in the poor number of police abuses that are being reported for prosecution. Poor education equally made many not to understand what their rights are or go to court to prosecute their abused rights.

In addition, tribalism in countries with diverse cultures also influences police abuse. This mentality, according to United Nations (2014) tends to make police officer to be brutal and biased to a particular individual from other ethnic group other than his own. There is also religious intolerance which has crept into the police (Moshood, 1999). Studies have revealed that an extreme Christian police officer is likely to hate extreme Muslim civilian and vice versa. Such religious intolerance often results in police assault, use of violence and extra-

judicial killing.

Absence of democratic rule in some African countries is also responsible for police abuse. According to Zimbabwe Human Rights Forum (2016), many civilian leaders are yet to embrace the nuances of democracy which reflect in the way they encourage police impunity. Also, because of poor democratic culture on the part of such leaders, the judiciary is more or less a mere institution that can only bark but cannot bite.

### 9. Implications of Violation of Human Rights by the Police

The effects of violation of human rights by the police are multi-folds. Police abuse causes erosion of public trust and confidence in the police. The slogan “police is your friend” has been derided by the wrong attitude of the police to people’s rights. Abuse of people’s rights by the police has led to isolation from the community and exacerbation of civil unrest. There have been several cases of police stations burnt down on account of evil done members of the public by the police. Police abuse equally hampers effective prosecution in courts. There has been miscarriage of justice. In other words, justice has been denied victims and their families. It makes the police to be reactive, rather than preventive in their approach to crime. It subjects the police to local and international criticisms and makes the law enforcer to be law breaker.

### 10. Concluding Remarks

Police is yet to safeguard human rights in Africa. Rather, it is violating the rights provided by the constitutions of most African countries and this accounted for the public hostility against it. The foregoing challenges notwithstanding, there is prospect for change of police attitude to human rights if the re-orientation of the police is entrenched on adequate human right training. There should also be more proactive ways of institutionalizing police-public relationship to foster unity, understanding and cooperation. Constant training of the police personnel is more needed to let them understand reasons for public hostility against them and re-launch them into the warm embrace of the public. The police should equally be made to imbibe the idea of using less force. It is important that police institutions recruit personnel that are worthy in character.

In addition, there should be improved welfare conditions for police personnel across Africa. Their salaries, allowances, accommodation and other entitlements should be improved to make them more professional. Improved welfare conditions will reduce frustration, extortion, physical and other assaults. Effort should be committed to prompt investigation of unethical police behaviors by appropriate authority. Members of the public who made complaints against the police should be saved from harassment, intimidation or reprisal attack. Existing human rights violations that have been established against the police should be promptly prosecuted to serve as deterrence to others.

Government should embark on massive human right enlightenments of members of the public through appropriate institutions. It is important to overhaul the judiciary in order effectively tackle human rights abuse by the police. This can be in areas of adequate funding, zero-corruption, and quick dispense of justice. This is because the judiciary is the last hope of the common man and needs to be imbued against any form of manipulation.

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