

Armed Banditry, Kidnapping and Human Rights Abuse: An Ethical Analysis

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Introduction

The frequent acts of violent crimes have grown to form a major threat to Nigeria's national security. These include instances of militancy, insurgency and banditry. Banditry includes cattle rustling, armed robbery and kidnapping for ransom. The US Department of State's Overseas Security Advisory Council (OSAC) report on Nigeria indicates that kidnapping for ransom occurs throughout the country. There is hardly a part of the country which has not experienced kidnapping and armed banditry in recent times and most disturbing is the hard fact that there does not appear to be a conscious and concerted effort to arrest the situation. Kidnapping has remained the most virulent form of banditry in Nigeria. It has become the most pervasive and intractable violent crime in the country. It can be targeted at individuals or at groups. School children have been kidnapped in groups in various parts of Nigeria. Usually, the prime targets of kidnapping for ransom are those considered to be wealthy enough to pay a fee in exchange for being freed.

Kidnapping is the unlawful detention of a person through the use of force, threats, fraud or enticement. The purpose is an illicit gain; economic or material, in exchange for liberation. It may also be used to pressure someone into doing something – or not doing something. Nigeria has one of the world's highest rates of kidnap-for-ransom cases. Other countries high up on the list include Venezuela, Mexico, Yemen, Syria, The Philippines, Iraq, Afghanistan and Somalia, etc.

From the foregoing preamble, the writer would like to address the topic with reference to the following questions: what are the causes of armed banditry and kidnapping especially in Nigeria? How do they affect human rights? What are the punitive measures given to these vices? In what ways have these issues affected the government and individuals and what are the possible solutions to these problems? These and many other related issues are discussed in this paper.

Definition of Terms

Armed Banditry

Armed banditry means occurrence or prevalence of armed robbery or violent crime. It involves the use of force or threat to that effect, to intimidate a person with the intent to rob, rape or kill. Banditry is a crime against persons. It has been a common genre of crime as well as the cause of violence in contemporary societies (Nigeria Watch).

Kidnapping

Kidnapping and abduction are used interchangeably to describe the forceful taking or confinement of another against their will for several illegal purposes (Web).

Human Rights

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education and many more. Everyone is entitled to these rights without discrimination (www.UN.org).

A Brief History of Armed Banditry and Kidnapping in Nigeria

History of Armed Banditry

In different parts of Nigeria, bandit is used to describe different variants of outlawry. In reality, the usage conflates two underlying problems – ineffective law enforcement in Southern Nigeria and the crisis of ungoverned spaces in Northern Nigeria. Since independence, successive governments have had to confront variants of these trends. The evidence over time suggests a link between governance, its failures and banditry. In *This Present Darkness*, the history of organised crime in Nigeria, Stephen Ellis traces post-independence banditry in Nigeria to “shortly before the civil war, when government broke down in some parts of the Western Region and there was a blurred line between political violence, crime, and organised insurgency. At the end of the war, the military regime of Gowon failed to manage demobilization. As demobilized combatants from the war returned home to nothing, to do outlawry became appealing.

In southern Nigeria, which comprises a mere 29% of Nigeria’s nearly 924,000 km² of landmass, urban banditry ensued. Unsurprisingly, armed robbery in built-up areas of the country was an early manifestation. An early exponent of this was Ishola Oyenusi, a high-school drop out who chose to be called “the Doctor” and terrorized Lagos at the end of the Civil War. In response, the military government introduced mandatory death by firing squad

for convicted armed robbers. The first set of public executions took place in front of Bar Beach, in Victoria Island, Lagos on April 26, 1971. Less than four and a half months later, on September 8, 1971, Oyenusi was executed at the same location.

Urban banditry was not confined to southern Nigeria; in April 1970, three armed men robbed a bank in Kano of £27,750. The pace of public executions quickly escalated and by 1976, over 400 armed robbers had been publicly executed by firing squad. In 1984 alone, under the regime of Major-General Muhammadu Buhari, there were at least 338 executions. In 12 years between 1984 and 1996, over 1,200 of such executions took place. Around the same time, drug trafficking emerged as a major factory in outlawry in Nigeria. It appeared that each succeeding decade saw an intensification of urban outlawry in different parts of southern Nigeria. In the 1980s, the poster-boy was Lawrence Anini, another school drop-out who concatenated indiscriminate violence with a touch of the Robin Hood marinated in advocacy for the downtrodden. Anini's reign of terror in the then Bendel State and surrounding states was facilitated by the complicity of some senior police personnel who helped to provide his gang with intelligence and made evidence against them to disappear. When two members of his gang were convicted in mid-1986 following effective police work, Anini turned his guns against the police in an intense rampage of mass killing, during which 10 police officers in Bendel State died between August and October 1986. That would prove to be his undoing. Military President, Ibrahim Babangida turned up the heat on the then Inspector-General of Police, Etim Inyang, famously asking him during a meeting of the then ruling military council in October 1986: "Where is Anini"? Two months later, in December 1986, the police arrested Anini and dismantled his gang, which included Monday Osunbor, a Police Superintendent. In March 1987, they were executed.

In the 1990s, Shina Rambo terrorized parts of South-West Nigeria with similar escapades. In South-East Nigeria, the Otokoto case in Owerri, Imo State, in 1996 revealed a netherworld of ritualized human sacrifice. By the 2000s, commercial kidnapping, political violence and assassinations would emerge as dominant forms of outlawry. The best-known exponents included a man known as Osisikankwu (Obioma Nwankwo) in Abia State and resource militants in the Niger Delta. In Abia State and parts of the South-East Nigeria, government broke down and security was taken over by a bandit, vigilante horde, known as Bakassi Boys (Chidi).

History of Kidnapping

Kidnapping has now become a generic word both in public and private discourse going by its prevalence in the country. Literarily, the word, which has become notorious, putrid and nauseating to the ears of virtually everyone is derived from "kid" meaning; child and "nab" which means; to

snatch. Adewale pointed out that kidnapping now appears to be an emerging concern in Nigeria though it is not a new phenomenon. It is as old as the world itself, but the motive may vary from country to country (no page). Since 1967, the unfriendly world has been used to the practice of stealing of children for use as servants or labourers in the American colonies, so it has come to mean any illegal capture or detention of a person or people against their will, regardless of age. The kidnappers, who can be very erratic, have been found to engage in the criminality for several complex motives ranging from unemployment, idleness, vengeance, rituals, monetary gains and political reasons.

The first act of kidnapping in Nigeria started 2006 when the militants of the Niger-Delta took total hostage to protest the inequality in the region. According to the militants, Nigeria is built at the expense of the region which serves as the cash cow for the whole country. The action which started from the kidnapping of government expatriates has moved to men of God and their children, Nigerian politicians and their children, and religious leaders.

Previous Statistics and Incidents of Kidnapping in some States in Nigeria

Statistics appear to support the views of the analyst. In December 2009, Police Affairs Minister disclosed that 512 cases of kidnapping had been recorded from January 2008 to June 2009 against 353 recorded in 2008. Rundown of the statistics indicates that Abia State led the pack with a total of 110 kidnapping incidents; Imo: 58,109 arrests, 41 prosecutions and one death, while Akwa Ibom recorded 40 kidnap cases, 418 arrests and 11 prosecutions. The report added that between July/September 2008 and July 2009, over 600 million naira was lost to kidnappers. Beyond statistics being available however, it is a known fact that the most kidnap cases are never reported to the police authority for the fear of murder of the victims, hence most families prefer to pay ransom to losing one of its own. In Kano for instance, N80 million ransom was allegedly paid to kidnappers for the release of a Kano-based multi-millionaire businessman, without recourse to the police authorities; an industrialist in Nnewi paid 70 million naira to regain his freedom from his captors; another multi-millionaire businessman was kidnapped and released after he allegedly paid a ransom without recourse to the police (Umejei, no page). The Associated Press in its report of August 27, 2008 stated that “more than 200 foreigners have been kidnapped in two years of heightened violence across Nigeria” restive South; the victims are normally released unharmed after a ransom is paid, although several have been killed during botches seizures or rescue attempts. “Victims are maimed, raped and malhanded in such a manner that the stigma remains almost perpetually. The families and associates are knocked down by intractable trauma”. On Sunday, July 11, 2010, four journalists and a driver travelling in a convoy of buses from a conference in Uyo, Akwa-Ibom State, were kidnapped in Abia State

on their way back to Lagos. From their hideout, the abductors demanded a ransom of ₦250 million and later reduced it to ₦30 million. A torrent of protests, condemnations and threats greeted the action of the kidnappers and they were forced to let go of their victims. The police did not however make a clear statement whether ransom was paid or not. In Kogi State, the mother of the former President of Nigeria Football Federation (NFF) was also abducted. In Kano, a businessman was forcibly abducted in the presence of his family, to mention but few.

Factors that cause armed Banditry and Kidnapping in Nigeria

There are several factors that have contributed to the menace of armed bandits and kidnapping. Among these are:

Loss of Societal Values

Looking at Nigeria today, we have mortgaged our culture of respect, love for human lives, hard work, friendliness and receptiveness to strangers in exchange of the Western culture an ostentatious orientation. These have given birth to the modern crime and social evil destroying the core value of our society. The writer attributed the rising crime in the different regions to the celebration of fraudsters by leaders, and also frowned at the appointment of individuals indicted of corruption as heads of parastatals and various ministries. This explains the absence of clear direction on those in the corridors of power who are preoccupied with self-aggrandizement rather than pursuing policies that would benefit the society. In addition, there is need to condemn the practice in the country, where people who embezzled or misappropriated public funds are celebrated by religious and traditional rulers. Celebrating people of questionable character is an indictment on the societal and moral values which such rulers should represent. Again, one of the obvious reasons which encourages kidnapping to thrive, is that people who celebrate such criminals end up encouraging them to do more.

Unemployment

Every year, Nigerian universities graduate millions from higher institutions of learning. Since this administration/government came into existence, how many jobs has it created in the Federal Civil Service? The thing boils down to unbridled unemployment in the country. If people are empowered, if people are given jobs to do, if you provide one million jobs in this country, most of these crimes would be reduced. Even at times when one wants to be creative, there is no government incentive to empower them. The Nigerian government lacks vision and that is why the country has so degenerated that nobody is interested in the welfare of the citizens. It is no longer news that the unemployment factor in Nigeria with its alarmingly increasing rate is among the country's top five headaches; neither is it news

that this evil monster, unemployment, has succeeded massively in pouring into the minds of its victims, bright but negative thoughts and ideas on how to make fat cash, by ignoring all cautions.

Insecurity

The Free Online Dictionary (2019) defines insecurity as the state of being predisposed to impairment or injury. This definition is applicable to a country like Nigeria where legitimate and illegitimate wealthy persons are vulnerable to insecurity majorly from the commonalities that lack the means of sustenance, having satisfied all the conditions that engender a successful life without any positive result. Akpan argues that such persons usually explore the advantage of porous security network in Nigeria to unleash terror on their victims through kidnapping (37). Apart from that – the huge resources budgeted to security at Federal, State, Local and personal levels, studies have shown the persistence of insecurity across Nigeria (Emanemua and Akinlosotu 20-27). Probably, the measures hitherto taken against its escalation were not enough or properly executed, or the resources channelled at security were siphoned by the stakeholders like the case of Dasuki and his cohorts who embezzled the funds meant for arms procurement to confront the menace of Boko Haram (Agbugah).

Poverty

Any person who lives below \$1.25 a day is living below the poverty line. Poverty can propel people toward crime as a way to make ends meet. Sometimes, a person who is poor might believe that kidnapping or other illegal acts could provide the necessary money to start a new life – a life that would no longer involve crime.

Illiteracy

Illiteracy is the inability to read or write. When people know how to read and write, they can gain the skills they need in order to become educated, get a job and live a productive life. Literacy and education can also be an important foundation upon which to build a deeper understanding of moral judgement and decision making. The kidnappings and bombings perpetrated by Boko Haram, the militant Islamic group in Nigeria, are caused by illiteracy; at least in part. The leaders of this group feed their men with false information, which they cannot disprove by reading outside sources. Boko Haram fighters engage in suicide bombings, killings and kidnappings. They are told that if they die while carrying out their mission, they will inherit the kingdom.

Greed

Some people are not contented with what they have and wish they could buy more and more things – whether it relates to clothes, cars, houses or jewelry. These persons may turn to crime to make more money. A wicked businessman can kidnap his business rival for a large ransom to become richer.

Politics

Corrupt politicians may arrange for the kidnapping of their opponents. Sometimes, they do this so that their opponents would make concessions or change their votes on the issue.

Negative Implications of Armed Banditry and Kidnapping

Workplace Insecurity

Indeed, while workers move about their daily chores constantly watching their back, it is regarded as sour grape in the mouth for an employer to post employees to where kidnapping is rampant. Such actions negatively affect the productivity of diligent workers as it raises fear concerning the working place. Whether at work or in leisure, all Nigerians are entitled to their fundamental human rights including the right to movement, which the kidnappers have now curtailed.

Threat to Industrial Harmony and Unemployment

The threat of kidnapping to the workforce in Nigeria no doubt constitutes threat to industrial harmony which has a ripple effect worsening the current unemployment problem in the country. It is estimated that 874 companies have left Nigeria since last year (Punch, November, 2010, 1, 2). Okolo (2010) notes that the ugly development is scaring away both local and foreign investors and portends grave danger for South-East and South-South survival as a people, stressing that “if industries are closing shops and investors are not forthcoming because of insecurity and other attendant problems faced by businesses, then the future, particularly that of children should agitate us.

Economic Implications

Studies have shown that economy is the bedrock of national development. Akpan and Famoye mention in their work the role of manpower in any developing economy. In whatever way, before manpower could offer the best of their capabilities, their safety must be secured. In that wise, security could be regarded as the main pillar of national development. It is under a secured atmosphere that all machinery of development can function effectively to achieve desirable results (33-42 and 179-191). Since kidnapping

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is a major issue of insecurity, its economic implications are briefly discussed below.

The negative effects of kidnapping on manpower that produces good and services for home consumption and exportation cannot be overemphasized. More often than not, it has resulted in the closure of companies/establishments, most of which are oil and gas companies. Parenthetically, the sector is the mainstay of the national economy, as no other sector generates foreign exchange and local revenue for Nigeria than the sector and other allied services. With this development, the Gross Domestic Product (GDP) of Nigeria could reduce drastically. Apart from that, the negative effect could deter the growth of industrialization, most especially tourism, which has the capacity of attracting employment opportunity for the jobless and a huge resource for the nation's socio-economic development (Dode 162-179).

Social Implications

Apart from the economic implication of the menace of kidnapping, its sociological effect cannot be overruled. The importance of Sociology is hinged on social interaction or relationship in the society. Social interaction could be positive or negative; the positive aspect could lead to a successful life while the negative aspect could lead to a life of frustration. The tendency of kidnapping creates a high level of mistrust among people; trust among mankind could be secured in the way people interact with one another. A faithful interaction should engender trust and since studies have shown that perpetrators of kidnapping usually engage friends, relations, neighbours, co-workers, house helps, etc, to solicit relevant information which can be used to abduct victims, there could be a high level of mistrust and strain in social interactions among family members. In such a situation, some persons may want to stop interacting freely and openly discuss with others, within and outside the family. As a consequence, people may begin to withhold reasonable information.

An Ethical Analysis of Armed Banditry and Kidnapping

Ethics has to do with the rightness or wrongness of an action. From the above discourse, it is obvious that no society will dare any act of banditry and kidnapping although some have taken these measures to fight for freedom such as the case of Niger-Delta. Others have taken to this action as a solution to the problems of unemployment in the country and for political interest. Whatever be the aims of this menace, it cannot be justified under Nigerian judiciary system, it is punishable even in line with the international human rights, therefore, this "necessary evil" should be mentioned among societies so as to have a peaceful nation.

Human Rights and Abuse in the Country

As we have discussed earlier, human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education and many more. Unfortunately though, we are living in a country where all the opposite arrived considering the provinces of armed banditry and kidnapping in Nigeria.

Human Rights and Cases of Armed Banditry and Kidnapping in Nigeria

According to a UNICF report, Boko Haram abducted more than 1,000 children between 2013 and 2018, including the 276 Chibok school girls. More than 100 Chibok girls are yet to be recovered (18). According to the U.S. Department of State, the most serious human rights problems in 2011 were the abuses committed by the militant sect known as Boko Haram, which was responsible for killings, bombings and other attacks throughout the country, resulting in numerous deaths, injuries and the widespread destruction of property; abuses committed by the security services with impunity, including killings, beatings, arbitrary detention and destruction of property as well as social violence including ethnic, regional and religious violence, etc (37). Human Rights Watch said in a release of its World Report 2019, that the government's failure to ensure adequate protection for citizens and accountability for attacks is a clear indication of huge gaps in security.

Human Rights and Poor Judicial System

The problem at the heart of the unabated state of the menace is the lack of political will and seriousness in prosecuting suspected or alleged offenders. A report in the Punch Newspaper of March 9, 2013 had notably stated that “political observers” had noted that “no meaningful convictions” for kidnapping had been served even in states with laws prescribing capital punishment for kidnapping and related offences. Also, the All Africa Congress of November 4, 2013 quoted the then Edo State Governor as stating that the challenge is the enforcement of laws on kidnapping. It is in this regard that a lot of political observers and commentators as well as members of the public do not seem to absolve the role of the present government in the state of insecurity in the country. At the same time as most peg their reason for the blame on the utterances of high profile government officials, others cite the docile attitude and near-inactions as clear evidence of collusion.

The problem of complicity of government or political office holders and law enforcement agents however raises suspicion. Several cases of armed bandits abound during elections in Nigeria. There is also the problem of poor handling of prosecution by the law offices or those from the appropriate authorities. Allied to this is the poor state of the judiciary with incompetent and compromised officers besides the usual issues associated with protracted trials.

The Legal Mandate to Punish Armed Bandits and Kidnappers – HURIWA

A prominent of pro-democracy and civil rights advocacy group – Human Rights Writers Association of Nigeria (HURIWA) has condemned the Katsina State Governor, Alhaji Aminu Bello Masari for negotiating with armed kidnappers and bandits just as the Rights group said the action was an affront to the Constitution of Nigeria and all relevant laws which oblige the government to legally punish felons and hoodlums. HURIWA in a position paper sent to the media and signed by the National Coordinator of HURIWA state that: “It is said the culture of violence brings with it a class of cruel people who believe they are entitled to determine the value of other humans.” This is a reality which dawns on a society with a weak criminal justice system where crime is not only prevalent and under-reported and officially rarely documented but also seldom meted with sanctions. This state of affairs breeds a most vile, oppressive and daring criminal sects like kidnappers and armed bandits. The point is that, at the violation of a law, the organ of government with powers to adjudicate is the judiciary.

Also, the present prevalent state of armed criminality is direct affront on the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended) and undermines her territorial integrity, national unity and nationhood. Section 1 (3) of the Constitution of the Federal Republic of Nigeria provides that “The Federal Republic of Nigeria shall not be governed nor shall any person or group of persons take control of the government of Nigeria or any part thereof, except in accordance with the provisions of this Constitution.” The history of rebellion and revolution all over the world began with proliferation of arms and unbridled state of crime associated with such arms as in the present state. Nigeria therefore cannot afford to treat the present state of crime and insecurity lightly under any guise; to do so will be a clear decision to ignore history and tear its path.

Possible Solutions/Recommendations to Armed Banditry, Kidnapping and Human Rights Abuse

- (1) **Right Attitudes of Righteousness:** According to the Word of God, “righteousness exalts a nation; but sin is a reproach to any people”, thus, the best solution to the problem of kidnapping associated with injustice is the enthronement of justice in all spheres of life by those in places of authority, the elite class and the masses. Wisdom from the Holy Scriptures again (Proverbs 11:16) states that; “when the righteous controls power, the people rejoice; but when the wicked rules, the people lament”. Given this, Nigerians are experiencing hard times due to systemic failure of leadership (Hallary). As a result, the elite class in their capacities in every institution that makes the whole

should ensure fairness in the allocation of national resources and political appointments. They should desist from siphoning the resources of the state to the detriment of the masses and always have the interest of the masses at heart. More importantly, the act of selfishness among them should be replaced with altruism and service to humanity which was corroborated by Danjuma (36-40).

- (2) **Training Anti-Kidnapping Agents:** Any country that wants to fight kidnapping successfully must hire and train capable agents to combat the issue. When law enforcement agencies are actively involved, the incidence of this crime would be lessened. Public security agents in Nigeria should be exposed (by way or periodic training) to the globally tenable best practices and know-how of counter-banditry in order to boost their operational efficiency. Above all, a Private-Public-Partnership (PPP) framework, involving also area vigilantes and public security agents should be put in motion to ensure a better result in anti-robbery campaigns.
- (3) **Job Creation:** As part of measures to tackle the rising lawlessness in the country, the federal and state governments should frontally address the problem of unemployment and attendant poverty in the country. There is no doubt that unemployment and poverty must have largely contributed to the escalation of the security challenges in the country. In order to save the country from the looming total anarchy, government must strive to generate jobs for citizens, especially for the youth; an action which can have a huge impact in the fight against crime. When people are gainfully employed, they do not need to commit crimes.
- (4) **Decentralization of the Police:** The rising insecurity has made the call for state police more imperative now than ever before. It is generally believed that the decentralization of the police will go a long way in curbing most of the crimes in the country. In the United States, the police is decentralized along the various federal, state and country authorities. In Britain, there are over 20 police jurisdictions. The situation is not different in France, Canada and many other countries.
- (5) **Monitoring the Police:** Reports show several indexes of police involvement in kidnappings due to notable news from some of the surviving victims. Eliminating the criminals from within the ranks of law enforcement is key.

- (6) **Stringent Punishment for Offenders:** Mold punishment does nothing to deter criminals. When the government metes out harsher treatment to perpetrators, less abduction would be recorded.
- (7) **Sincerity of Politicians and other Government Officials in Giving Priority to Security Matters:** Owing to the fact that the primary duty of the government as enshrined in Section 14 (2) (b) of the 1999 Constitution (as amended) is to ensure the security and welfare of the people, government should not abdicate this constitutional responsibility. The home truth is that many states in the country are under siege by criminals. Without security, there will be no peace and development, therefore, the politicians and other government officials should eschew their political differences and treat the growing insecurity as a national problem. Without security, the nation's nascent democracy will be threatened; insecurity will also threaten foreign investors.

In the light of the above, I urge President Muhammadu Buhari to tackle the nation's security problems by coming with a plan of action to defeat the menacing bandits and kidnappers. It is sad that the 2018 Global Terrorism Index (GTI) ranked Nigeria third among countries worst hit by terrorism and other criminal activities.

It is regrettable that the modest achievements made by the present government in the war against insurgents might be diminished by the raging insecurity across the country. The government should do everything possible to quickly tackle banditry, kidnapping and other insecurity challenges.

- (8) **Judicial Measures against Kidnapping and Armed Banditry:** A lot of the states of the South have passed laws criminalizing kidnapping and abduction. According to Section 1 of the Kidnapping (Prohibition) Laws of Lagos State 2017, the term "kidnap" includes the act of unlawful removal or abduction of person(s) from a place to another against the person(s)' will, either by force or use of offensive weapons, fire arms or deception or the act of holding somebody hostage with or without the person's consent with the intent to demand ransom for ritual killing or for any other unlawful purpose. By Section 2 of the law, the punishment for abduction is life imprisonment but where death results from the kidnapping, the punishment is a death sentence. In order to instill fear in another for the purpose of kidnapping through coercion or by any other means against the person's will with intent to demand ransom, a person commits an offence and is liable on conviction to life imprisonment.

Where death occurs as a result of the commission of the offence of kidnapping however, the offender(s) shall be liable to conviction to death sentence under the Penal Code Law (PCL) which applies in the states of the North including the FCT.

Conclusion

This paper observed the problems of armed banditry, kidnapping and human rights as social scourges in the country and the attempt by government to initiate legislative and punitive measures to curb the threat in the country so as to protect and safeguard Human Rights as it is written in the Constitution. These actions will not only minimize the cases of armed banditry but also give enough security to the citizens to invest, develop and live peacefully in the country.

Finally, there is every reason to condemn armed banditry and kidnapping as evil businesses and call on these robbers and abductors to channel their energies into productive ventures that would benefit them, their families and society as a whole.

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