

Expert-Statement By Intersociety Nigeria

Focus On Anambra State (1): Security & Crime Under Review

(Onitsha- Nigeria, 7th November 2012)-The leadership of **International Society for Civil Liberties & the Rule of Law** having reviewed the issues foregoing as they concern Anambra State of Nigeria in particular and Nigeria in general, wishes to observe and take the following position:

Security & Crime: Fundamentally and criminologically speaking, Anambra State as one of Nigeria's six blue-collar unit-societies (States) is crime-prone, particularly as it concerns crimes against person and property. Other Nigeria's blue-collar unit-societies are Lagos, Ogun, Abia, Kano and Borno States. Semi unit blue-collar societies such as Warri and Port Harcourt also abound in Nigeria. Blue-collar society is synonymous with a society with high commercial activities where high cash carriage abounds. In such societies, high incidences of bribery and extortion on the part of public security agencies and administrative establishments are routine. In the process of committing these crimes, properties and persons are destroyed in the form of **extra-judicial killing**, etc. They can be described as **public crimes against persons and properties**. On the other hand, **private crimes against persons and properties** such as robbery, armed robbery, carjacking, shoplifting, stealing, arson, burglary/house-breaking, and kidnapping, assassination/willful homicide, ritual killing, rape ,aggravated battery/assault and trafficking in persons are common features of the blue-collar/commerce-prone societies. Some white-collar crimes like fraud and kick-backs are also found in blue-collar societies. Traditionally, white-collar crimes are features of the **white-collar** or **civil service** societies and can be described as **cancerous crimes against members of the public by public officials**. The two sets of crimes so described are found in every society with one dominating the other according to the blue-collar or white-collar nature of such society. There are also **crimes against the State** and **crimes by the State** such as Boko-Haram insurrection and government hash responses toward same, which are prevalent in the northeast and northwest regions of Nigeria. Cyber crimes also abound. Generally speaking, white-collar crimes are major contributors to other forms of crime in both societies, while law and economic development are their two major antagonists.

Public Crimes Against Persons & Properties In Anambra State: These **official** crimes are higher in the State Police Command and the local establishments of the Power Holding Company of Nigeria all controlled by Federal Government of Nigeria. On the part of the Nigeria Police Force, Anambra State Command, it may most likely be correct to say out of every five suspected crime incidents reported, four are subjected to bribery and extortion. The saying that **he who pays the piper dictates the tune** is a norm in matters of criminal complaints, investigations and prosecutions within the Command. It is widely believed in the State that ninety-nine percent of complainants bear the total costs of filing criminal complaints, arrest of the suspects including **logistics for the arrests**; investigations, obtainment of autopsies/medical reports, writing of police reports, procurement of human and material witnesses and arraignment/prosecution of the suspects/defendants, yet huge overheads go into the hands of the Command's top echelon monthly. The accused and their relatives/associates are routinely extorted and made to process their defense/innocence through bribery. As a result, the records of **dark figures of**

crime (crimes not reported to police) and **grey figures** (those reported but not recorded by same) are very high in the Command.

Further, instead of complying fully with the **IGP's** directive, effected from 30th January 2012, banning mounting of road blocks on Nigerian roads; various divisions of the State Command especially those in urban areas have devised other dastardly means to subvert it, such as going on mufti and stationing at strategic urban locations, arresting, impounding and extorting persons and properties with alacrity. One of the urban divisional commands indulging in the dastardly acts is Okpoko Police Station, which routinely stations over twenty of its mufti personnel between Chisco Park and Aba Park/Ogbaru Relief Market areas of Onitsha Upper Iweka. Another culpable-Police Station is Fegge Police Station, which adamantly stations its uniformed personnel permanently at some commercially busy routes such as Creek Road Roundabout, Niger Street by Zik's Avenue, St. Jude Cath. Church by Port Harcourt Road and Iweka Flyover all in Fegge, Onitsha. Its personnel also arrest, impound and extort daily dozens of Okada riders before dawn at various locations in Fegge including Zik's Avenue. Those who cannot afford bribery and extortionist sums are dumped in cells or charged to magistrate courts on trumped-up charges. For instance, on Sunday, November 4, 2012, the extortionist personnel of the Fegge Division were sighted at the afore-said roadblock joints including St. Jude by Port Harcourt Road, Fegge, Onitsha, extorting motorists and motorcyclists. One of those sighted by Intersociety on Port Harcourt Road by St. Jude extortion joint is Corporal Michael Orji. Awada and Ogidi Police Stations as well as the Onitsha Central Police Station and Onitsha Area Command are also very corrupt and defiant to the **IGP's** directive. The motorized patrols ordered by the **IGP** have been abandoned and extortionist approaches adopted and sustained by these divisions of the Anambra State Command. These sharp practices also have tacit backing of their divisional, area and State commanders.

On part of the Power Holding Company of Nigeria-the Federal Government-controlled electricity provider, all its local Business Units in Anambra State particularly Onitsha, Ogbaru, Ogidi, Nnewi and Ekwulobia Business Units are corruptively and bribery disposed. They are also very incompetent and fraudulent. Within Onitsha and Ogbaru Business Units, bribery and extortion are a routine. They institutionalize roguish billing system by abandoning meter-based reading to outright imposition of N5, 000 flat rates for every flat apartment in their Business Units, not minding that 98% of the affected flat apartments operate with consumer-meters. They also create artificial scarcity for new digital pre-paid meters and deny consumers access to them. Few ones they made available were fraudulently sold to the **highest bidders** with their proceeds unknown to the official **PHCN** financial records. Pre-paid electricity meters make consumers to pay accurately what they consume and eliminate substantially bribery and extortion against consumers by corrupt **PHCN** officials. They also make the **PHCN** officials solely responsible for round-the-clock management and maintenance of distribution transformers and save the consumers from the agony of shouldering same responsibilities owing to near-total abdication of same by the **PHCN** officials.

But the said officials prefer the use and retention of analog meters, which reading they refuse to pick, and outrageously estimated billing system because of their proneness to sharp practices such as extortions arising from power line disconnection owing to non-payment, late payment or part-payment of outrageously imposed bills, and replacement, reinforcement and maintenance of distribution

transformers and their accessories, which the Onitsha, Ogidi and Ogbaru Business Units' power consumers are forced to bear. Out of every five new distribution transformers installed in the said areas, four are installed at the expense of the consumers; out of every five existing distribution transformers serviced, five are serviced at the expense of the consumers; and out of every accessory replaced, it is the consumers that bear the cost, yet statutory overheads for such works are collected and pocketed by the Business Units' Business Managers and their Managers in-charge of Distributions at every month end. It may most likely be correct to say that 60% of outrageous sums generated at every month end in Onitsha, Ogidi and Ogbaru Business Units from the imposed N5, 000 flat rates for every flat apartment is not remitted into the official **PHCN** accounts. In all, the case of new 250KVA Abazuonu distribution transformer located at Iyiowa Layout, Ogbaru LGA, Anambra State, installed in June 2012 by its consumers at a whopping cost of over N2Million is a case in point. The transformer brought by a member of the House of Reps in 2011, from Federal Constituency Project, without its accessories had to be installed by the affected consumers when the top officials of the Onitsha and Ogbaru **PHCN** turned down the consumers' request and directed them to a **NEPA contractor** after being forced to write and sign an under-taking-assisting **NEPA (PHCN)**. When the transformer developed multiple faults in September 2012, two months after its installation owing to shoddy jobs done on it, the Ogbaru Business Unit through its **SMD (Senior Manager for Distribution)** again referred the consumers to another **NEPA** contractor, **GAESHON ELECTROTECT NIG. LTD.** of No.1B Gayius Ezeh Street, Awada by Onitsha-Owerri Road, Obosi, Anambra State, who gave them another bill of N463.000 for its **repair**. The Business Manager for the Ogbaru Business Unit, carved out of Onitsha Business Unit recently, is Engineer E.C. Anyaelesi. Instances such as the foregoing abound in the **PHCN** establishments in Anambra State, Southeast Nigeria.

Private Crimes Against Persons & Properties In Anambra State: Crimes of kidnapping, assassination, stealing, robbery, armed robbery, pick-pocket, snatching of personal effects, assault/aggravated assault and battery/aggravated battery are Anambra's leading headache- crimes as a traditional blue-collar society, while crimes of shoplifting, carjacking and political violence are on steady decrease. Crime of torture is still very alarming and routine among the operatives of over 1000 registered and unregistered armed vigilante groups in the State and the personnel of the Nigeria Police Force, Anambra State Command, particularly the operatives of its Special Anti Robbery Squad and the State Criminal Investigation Department. Torture remains the sole source of obtaining confessional statements among them. The only exception to this is the personnel of the State Security Services, Anambra State Directorate, who apart from applying tortuous methods on their suspects from time to time; also apply some modern methods of intelligence gathering in their intelligence gathering network. Extra-judicial killing is still high among the **SARS** and **vigilante operatives** in the State, but not as alarming as it used to be seven to ten years ago. In **SARS**, it is now substantially restricted to violent criminals like fleeing and detained armed robbery and kidnapping suspects, including those who are unable to buy their lives and freedoms.

There also exists **pre-judicial** handling of the **properties of crime (crime proceeds)** by the executive arm of the Government of Anambra State led by Governor Peter Obi, particularly properties belonging to the kidnapping suspects, whereby such properties (residential houses) are demolished by the government before commencement and conclusion of judicial enquiries and pronouncements into the suspected dastardly acts. This is clearly synonymous with extra-judicial execution of violent crimes suspects, be they kidnapping or armed robbery culprits. The legitimization of such blundered practice by the Anambra State House of Assembly via a Law of Anambra State is inexcusable, as such is a typical example of **bad laws**. Following international best practices and the Constitution of Nigeria 1999 as amended; such properties can be sealed and placed **under criminal investigations** on the orders of the State Chief Security Officer (i.e. governor) and confiscated afterwards through judicial applications and pronouncements after **the persons of crime** must have been criminally tried and convicted. Criminal Justice in the world over abhors **pre-judicial** destruction of properties and **extra-judicial killing** of persons by **State actors** or **Pseudo State actors** whether they are caught in the **act** or outside the **act**. The sealing and confiscation of properties (not demolition) that linked to the infamous **Otokoto Ritual/Advance Fee Fraud Saga** of the late 90s in Imo State, Southeast Nigeria, is a case in point. While the untiring determination of Governor Peter Obi to reduce to the barest minimum the high incidence of violent crimes particularly crimes of armed robbery and kidnapping for ransom/political reasons in Anambra State, Southeast Nigeria, through constructive governance and effective securitization is highly appreciated, but such securitization methodology must be thoroughly subjected to sound judicial processes and rule of law.

Proliferation Of Vigilante Groups/ Illicit Small Arms As A Major Threat To Security & Crime In Anambra: The saying that **if you want to know how State Police would be abused and mismanaged in Nigeria, go and study the activities of motley of armed vigilante groups in Anambra and Abia States and government policy/attitudes towards them**, has become a popular saying in Nigeria especially in criminology, securitization, arms control and rights communities. While it is widely believed in the security, crime and anti-arms proliferation communities that about, if not over 5million illicit small arms are in wrong hands in Nigeria including the country's uncoordinated and poorly managed armed vigilante groups, the State of Anambra may account for over 6% or 300.000. A former Nigeria's defense minister, retired Gen. Theo Danjuma acknowledged this years back when he said that over 1million **illicit small arms** might be in circulation in the country. **Illicit small arms**(machine guns, AK-47s, rocket launchers, double/multi-barrel guns, hand grenades, APCs, pistols, pump-action guns etc) are those **weapons of death** procured from **black market** or illegal sources, which end up in the hands of wrong bearers including armed vigilante groups and ethnic militias. Just like there are four million hidden security cameras currently in the UK for protective security, conversely speaking, there may be over 16million machetes/daggers/axes in Nigeria, on average of one for 10 Nigerians, which have substantially been converted from domestic/peaceful use to violent use. They are best described as **dangerous weapons**. Their negative use has skyrocketed Nigeria's homicidal and social militancy index. **Illicit small arms** are believed to originate from **dark spots** in Togo, Ghana and Benin Republics and discharged/sold in Lagos, Onitsha, Aba and Kano **black markets** with smooth passage through the country's dry and water borders. With 5million **illicit small arms** believed to be in circulation and in

wrong hands in Nigeria, it may most likely be correct to say that one out of every 30 Nigerians bears **same**. In the early 2000, **the BBC** reported that one out of every 20 Africans had **illicit small arms**.

In Anambra State proper, one out of every 20 residents is in possession of **illicit small arms**, no thanks to **monstrous vigilantism** fed by **Onitsha arms black markets**. Continuing proliferation of armed vigilantes and **illicit small arms** is a time bomb and government patronage to its disastrous system for political reasons amounts to a **suspension of catastrophic war from within for another day**. Today, the number of armed vigilante groups in Anambra State, Southeast Nigeria, both registered and unregistered, and illegal arms in their hands is still swelling, reaching over 1000 uncoordinated groups. The government of Peter Obi is not helping matters too, as it may have carried out its planned recruitment of more 5,240 armed vigilante operatives (**tomorrow's assassins, kidnappers and armed robbers**) into existing vigilante groups scattered in its 177 communities and dozens of urban and semi-urban centers. The militancy culture is steadily being entrenched in the State. Apart from clear porosity of the government management of these armed groups, their source of arms is **black market oriented**, which is very dangerous for present and future security of the State and the country. The government inventory for their members and arms is utterly shallow and poorly managed. Guns and machetes use by members of the groups **freely appear and disappear** unchecked because of poor government control and management. Character impeccability, basic secondary education qualification, surety and basic biometrics/computer literacy tests as basics for modern security works are strange and unknown to their recruiters and managers. Effective national and State legislation for their conducts and regulation is either poor or non-existent. The Nigeria's Private Guards Act of 1986 and the Anambra Vigilante Services amended Law of 2007 are both archaic and poorly legislated and regulated. Most members of these armed vigilante groups are **street urchins, ex convicts and indicted, ruffians, primary/secondary school drop-outs, thugs, touts and ex murderers**. Public security cannot be entrusted in the hands of the **black sheep of the society-akin to social deviants securing the deviant society**. Above all, the policy of arms recovery, demobilization, rehabilitation and reintegration that usually accompanies such quasi security arrangement is totally absent in the social lexicon of the Government of Anambra State. This explains why militant youth groups are springing up from left, right and center within the State with alacrity. Today, even though banned, there still are militant/deviant MASSOB elements, **Obosi Youth, Ogbaru Youth, Odekpe Youth, Nsugbe Youth, Onitsha Ado Youth, Fegge Youth, Oba Youth, Nkpor Youth, Awka Youth, Nkwere Youth, Ekwuluobia Youth, Nnewi Youth** ,etc, with their stock-in-trade being extortion and other militant activities. In all, homicidal and militant culture is on steady increase in Anambra State. Illegal arms and their illegitimate bearers are flooded at every nook and cranny of the State. Also, armed police personnel and vigilantes are at every corner of the State, yet every corner of the State remains insecured.

Position: We call on the Nigerian authorities concerned to take firmly the social notice of this expert-public statement on Security and Crime, though centered on Anambra State, with a view to addressing frontally and immediately the relevant issues so raised. The over-reliance on manual and arms-and-ammunition concept (AK-47 driven) of security should be deemphasized and global concept of human and intelligence securities fully embraced. Concrete steps should be taken by the Nigeria Police High Command and its supervisory agencies to tackle endemic commercialization of criminal

enquiries in the Force particularly in its Anambra State Command as well as to curb some of bribery and extortion. The express attention of the Inspector General of Police, Mr. M.D. Abubakar is also drawn to the clear flouting of his ban on unwarranted roadblocks on Nigerian roads by his Anambra State Command particularly the divisional and area commands so mentioned. Efforts should immediately be made to curb Nigeria of proliferation of illicit small arms and other dangerous weapons of death as well as to effect the amendment of the anachronistic Private Guards Act of the Federation 1986 to ensure proper control of proliferated armed vigilantes in Nigeria including their use of arms. The authorities of the PHCN and the Federal Ministry of Power as well as the Nigerian Electricity Regulatory Commission should beam their searchlights on perceived criminal conducts of their subordinates in Anambra State particularly their Onitsha and Ogbaru Business Units so as to address the misconducts complained of, especially the criminal imposition of outrageous bills outside existing consumer-meters and subsisting tariffs; and abdication of their statutory duties of installing and maintaining distribution transformers. The Peter Obi government in Anambra State should, as a matter as of immediacy and public importance, expertly formulates far reaching policies towards the sound management of its motley of armed vigilante groups and tens of thousands of illicit small arms and other dangerous weapons in their possessions . Other related issues so raised should be tackled as well.

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