

## **IMPORTANT RIGHTS BENEFICIAL TO EVERY NIGERIAN TO BE AWARE OF**

It is without a doubt that every Nigerian has certain rights and not just basic rights, fundamental rights. That is, they are to be enjoyed by every citizen, without fear of the Government, its agencies or fellow citizens. It has been stated clearly in the 1999 Constitution, which is supreme as it has the greatest power of authority that these guaranteed rights are justiciable in Courts of law in Nigeria.

A person(s) can bring an application in the High Court for enforcement of their fundamental rights when it has been violated as directed by the Constitution. Also, persons other than those affected by the violation or infringement are now capable of applying for the enforcement of these rights. Those who can apply are (a) a person acting in his own interest (b) a person acting on behalf of another person (c) a person acting as a member of, or in the interest of a group or class of persons (d) a person acting in the public interest and an association acting in the interest of its members or other individuals or groups.

In view of this, recently, there have been series of reports on the gross violation of human rights by the Nigerian Police Force and certain agencies. Reports of police brutality on innocent individuals, women being forced to have non-consensual sexual intercourse in order to gain their freedom, and most inmates of the Nigerian Prisons have been held behind bars without trial for years with no hope of being released anytime soon etc. this has led to questions on the importance of an individual's fundamental right and how to know if they are being violated.

The Fundamental Rights of every Nigerian under Chapter IV of the 1999 Constitution are therefore:

### **❖ THE RIGHT TO LIFE**

Under the Constitution, every person has a right to life and nobody shall be deprived intentionally of his or her right to life. It then provided exceptions where a violation of this right is permissible which is

- a. The execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.
- b. Where the loss of life is as a result of the use of such force as is reasonably necessary and in such circumstances as permitted by law.
- c. For the defence of any person from unlawful violence or for the defence of property.
- d. In order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- e. For the purpose of suppressing a riot, insurrection or mutiny.

A recent example of this violation can be found in the recent video circulated on social media which displayed officers of the Nigerian Police Force intentionally killing two suspected phone thieves without due process after they had been arrested, handcuffed and were in no way attempting to escape or cause harm.

This was a breach of their right to life. If they were suspects of armed robbery, the proper procedure would have been to bring them before a court of competent jurisdiction for trial. We should always remember that a person should be presumed innocent until proved guilty to the court.

#### ❖ **THE RIGHT TO DIGNITY OF HUMAN PERSON**

Every person is entitled to respect for the dignity of his or her person and shall not be subjected to torture, inhumane or degrading treatment, be held in slavery or be required to perform forced or compulsory labour.

It is a shame how this right is being violated daily by Nigerians and also its agencies. Torture has been normalized in the country. In order to get a suspect to confess to a crime, they are usually tortured, including innocent individuals. Some months ago, women were forced and raped to have non-consensual sex with pure water sachets being used as "*protection*" in order to gain their release from bodies mandated with the authority to protect them. That was a gross violation of their right and terribly inhumane.

#### ❖ **THE RIGHT TO PERSONAL LIBERTY**

This provides that every person shall be entitled to his personal liberty and shall not be deprived of such liberty except in some special cases permitted by law. It further states that an individual has the right to remain silent when arrested until after due consultation with a legal practitioner and be brought before a court of competent jurisdiction within a reasonable time (within a radius of forty kilometers).

It further provides that any person unlawfully arrested or detained shall be entitled to compensation and a public apology from the appropriate authority. It is basically the rights of a person to live as he/she chooses without too many restrictions or constraints from the Government or its agencies. It is also a right to move without fear.

This right has been time and again been violated by the security officers in Nigeria. Individuals are being arrested daily and are forcefully thrown into cells. A quick visit to the Nigerian Prisons provides a better explanation of this. According to Allwell Okpi in his research, found out that the Nigerian Prisons Service statistics show the country's prisons held 72,277 people as of 16 April 2018. Of these, only 23,048 were convicted prisoners. The remaining 49,229 – 68.1% of the prison population – were awaiting trial.

This is because innocent individuals are everyday being picked up, thrown into a van and carted away to various cells within Nigeria.

The apex court in Nigeria has also gone further in *In Bayo Johnson vs. A.G of Lagos State (1997)* where it held unequivocally that Section 236(3) of the Lagos State Criminal Procedure Law, which permitted the use of remand order was unconstitutional. In laying down the law, the court made the following monumental statement:

***“Before an accused is brought before the court, it should be assumed that the case is ripe for hearing, not for further investigation. He must not be there on mere suspicion which cannot be regarded as reasonable suspicion under section 35 of the Constitution.”***

This is a gross violation as their rights as citizens of Nigeria. Citizens have been forced to keep silent and endure untold pain and hardship in the hands of bodies authorized and paid to protect them.

#### **❖ RIGHT TO FAIR HEARING**

The Constitution provides that a person shall be entitled to a fair hearing within a reasonable time by a court or other tribunal established by law and constituted in such a manner as to secure its independence and impartiality. The decision of the court or tribunal is to be held publicly and within a reasonable time. It further provides that every person charged with a criminal offence shall be presumed to be innocent until he is proved guilty. A person shall be informed in a language he understand and have the assistance of an interpreter if he cannot understand the language used at the trial of the offence.

A brief example of this can be taken from a case I observed in court. A man had been brought in, he did not understand English language and had to be spoken to in Hausa after which he pleaded “Not Guilty”. He narrated that he had just arrived Lagos and was walking when he was picked up by the police and was not informed of his crime. At the beginning of the trial, the Magistrate asked the police officers his offence and no one could state clearly what the man had done. She then discharged and acquitted him.

Assuming there had been no interpreter and he was never given a fair hearing. He may be in a prison somewhere for a crime he never committed as the case of many Nigerians in society today.

#### **❖ RIGHT TO A PRIVATE AND FAMILY LIFE**

The privacy of every citizen, their homes, and telephone conversations are guaranteed and protected. There have however scenarios of where this has been violated like police officers barging into houses sometimes in the middle of the night without an appropriate search warrant or arrest. This is a violation of an individual right to private and family life as provided under the Constitution.

#### **❖ RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION**

This allows every person to be entitled to freedom of thought, conscience and religion and includes their desire to change religion or belief as they so please and freedom to display the religion in worship, teaching and practice.

This is however not the case in some places within Nigeria, Citizens are being killed, kidnapped and forced into another religion etc because of religion differences.

#### **❖ RIGHT TO FREEDOM OF EXPRESSION AND THE PRESS**

The right to freedom of expression and the press has been grossly violated. Journalists are being thrown into cells and kept away from the public because they spoke against the Government or had a different view. The Constitution provides that every person shall be entitled to hold opinions, to receive and impart ideas and information without interference and also establish any medium to pass across information, ideas and opinions.

❖ **RIGHT TO PEACEFUL ASSEMBLY AND ASSOCIATION**

All person shall be entitled to assemble and associate freely with other person and also belong to any political party, trade union or association for the protection of his interest.

❖ **RIGHT TO FREEDOM OF MOVEMENT**

Every citizen shall have the right to move and reside in any part freely within Nigeria and no person shall be expelled or refused entry from and into Nigeria except to prevent those who have committed a criminal offence from leaving the country or to be tried or undergo imprisonment for a criminal offence he has been found guilty of.

❖ **RIGHT TO FREEDOM FROM DISCRIMINATION**

Though it is provided in the Constitution that no citizen of Nigeria shall be subjected to any form of discrimination be it ethnic group, place of origin, circumstances of birth, gender, religion or even political opinion. An example of a violation of this right is how the disabled in Nigeria are being discriminated upon. They barely are ever employed; there is no easy access of walkway for those on the wheelchairs etc.

❖ **RIGHT TO ACQUIRE AND OWN IMMOVABLE PROPERTY ANYWHERE IN NIGERIA**

So just like freedom of movement allows for movement to any place within Nigeria, the right to acquire and own immovable property anywhere in Nigeria is provided for every citizen of Nigeria.

These are the fundamental rights to be enjoyed by all citizens of Nigeria without fear. The more people become and are educated on their rights as citizens, the less ignorance and fear. The security operatives in the Country should also learn to take adequate care in abiding to their duty and protecting its citizens.