"Constitutional Promises vs. Societal Realities: Examining Human Rights and Governance in Imo State, Nigeria (2019-2024)"

By

Ibeh, Chukwuemeka Emmanuel PhD
Department of Political Science, Faculty of Social Science,
Alex Ekwueme University, Ikwo, Ebonyi State, Nigeria.
Email: mekibeh74@gmail.com

Ngene Innocent Aja,
Department of Political Science,
Alex Ekwueme Federal University, Ndufu Alike, Ikwo
Email: ajangenefunai@gmail.com
&
Onele Sunday
Department of public administration
AEFUNAI
Alex Ekwueme Federal University
Email, onelesunday76@yahoo.com
Sunday.Onele@ funai.edu.ng@ yahoo.com

Abstract

Since the advent of Nigeria's Fourth Republic in 1999, the nation has struggled with the dichotomy between constitutional promises and societal realities. This study delves into the human rights guaranteed by the 1999 Constitution (as amended) and juxtaposes them against the backdrop of ongoing violations that threaten the fabric of democracy and governance in Imo State. Through the lenses of natural law, deliberative democracy, and relative deprivation theories, this paper critically examines the impact of these violations on peace, security, and governance. Employing an ex-post facto research design and documentary analysis, the study reveals a pattern of rights abuses, including unlawful detentions, torture, and extrajudicial killings, exacerbated by political desperation and regional disenfranchisement. The rise of movements like the Indigenous People of Biafra (IPOB) is analyzed as both a symptom and a catalyst of the unrest. The paper underscores the disconnect between the government and its citizens,

highlighting the urgent need for reforms. It concludes with actionable recommendations, including the release of political prisoners, infrastructural investment, and the initiation of inclusive dialogues to bridge the gap between constitutional ideals and the current state of human rights and governance in Imo State.

Keywords: **Human Rights; Imo State; Insecurity; Legal Consequences; Rights Violation**

Introduction

Nigeria's journey towards constitutional democracy has been a complex and tumultuous one, marked by a series of political transitions, constitutional reforms, and the interplay of diverse socio-political forces. Upon gaining independence from Britain on October 1, 1960, Nigeria adopted a federal constitution that established a parliamentary system of government[4]. This initial step towards self-governance was soon overshadowed by military coups, leading to prolonged periods of authoritarian rule. The return to civilian rule in 1999 marked the beginning of the Fourth Republic and the adoption of a new constitution, which aimed to rectify the shortcomings of past governance systems and lay the foundation for a stable democratic future. The 1999 Constitution, despite its aspirations, has faced criticism for being a product of the outgoing military regime, lacking the full legitimacy that comes from a truly participatory drafting process.

Nigeria's constitutional democracy is structured around the separation of powers among the executive, legislature, and judiciary, with a federal system that acknowledges the country's ethnic and cultural diversity. However, the reality of Nigeria's democracy has often fallen short of its constitutional ideals. Issues such as corruption, electoral malpractices, and the suppression of civil liberties have been persistent challenges. The quest for a legitimate fundamental norm continues, with calls for constitutional reviews and amendments that reflect the will of the Nigerian people.

Despite these challenges, Nigeria's constitutional democracy remains a work in progress, with the potential to evolve into a more inclusive and representative system. The resilience of the Nigerian people, their enduring calls for reform, and their commitment to democratic principles are the driving forces behind the

nation's continued pursuit of a more perfect union. The protection of human rights has become increasingly challenging across nations. In Nigeria, since transitioning back to civilian governance, the conduct and results of elections have adversely affected the populace, exacerbating the pre-existing issue of marginalization in the South-East. This has sparked protests from separatist movements, with Imo State emerging as a focal point for dissent, electoral fraud, and violence, resulting in human rights abuses by law enforcement. Post-2015, the political sidelining of the area has stunted its growth due to a reduced federal presence, characterized by a lack of infrastructure and federal job-creating establishments. Onyemaobi, Zakariah, Ngwu, and Ugbagu (2023:181) suggest that the high unemployment rate has led to widespread movements, uprisings, rallies, demonstrations, and minor assaults on security structures. To quell these forms of activism, the government and its security forces have resorted to using excessive force (Tamuno, 1970; Ibeanu et al., 2016; Oyetunde, 2021; Oyebode, 2022). Incidents of police brutality by the Special Anti-Robbery Squad (SARS), and joint operations by military, police, and paramilitary units have been reported, inflicting harm on the youth and other residents under the guise of combating crime in Imo State. Measures to counteract the Indigenous Peoples of Biafra's (IPOB) enforced sit-at-home orders have led to numerous human rights violations by governmental and non-governmental entities, severely disrupting governance in areas like Orlu, Okigwe, and Mbaise. This, coupled with the targeting and injuring of security forces and civilians, has been documented by Ijioma and Ibeh (2023). The control exerted by these groups over certain regions and the enforcement of sit-at-home orders have had an immeasurable impact on commerce, farming, and the tourism sector in Imo State.

The government of Imo State and its security forces have been unable to safeguard the populace from a range of violations occurring throughout the state. These violations have predominantly affected young people, rural inhabitants, notable figures, and individuals deemed adversaries by the state authorities due to their criticism of governmental policies. The repercussions have been severe: numerous lives lost, communities abandoned due to relentless captures and detentions, extrajudicial killings of young people, arson, torment, abductions, and the extortion of young individuals driving luxury cars, who are coerced at gunpoint to pay large sums via the POS devices of security operatives (Ebere, 2024).

The Tiger base has gained infamy as a site of severe torture and detention, where numerous young individuals from Imo State are subjected to inhumane treatment and compelled to confess to crimes they did not commit. Reports suggest that while some detainees are released after their relatives pay substantial sums, others are disposed of. These actions constitute blatant human rights violations, and the ongoing turmoil and maltreatment have plunged the state into disorder, with certain areas falling under the sway of non-state actors. The educational process is disrupted, with students unable to sit for national exams on Mondays, businesses are engulfed in trepidation, and farmers are cut off from their lands as abductions turn into a lucrative illicit business. This study aims to document these infringements of rights and examine their legal and societal implications on peace, security, and effective governance.

Statement of the Problem

Violation of human rights has become an increasing phenomenon in Imo State in the last Nine years and many of these acts have threatened the peaceful existence and development of the people. several factors have intensified security breaches such as electoral manipulation and violence, and the activities of the separatist agitations. These are attributed to state failure to protect its citizens from malfeasance. To checkmate insecurity in the state, various security agencies have committed violations resulting in restrictions of free speech; arbitrary arrest and torture of people especially youths; unlawful detention, enforced disappearances and unlawful killings and violence. There is also restriction on movements by non-state actors, particularly the IPOB/ESN and that of the security agencies. These violations are largely suppressed and poorly reported. It is against the above position that this research tries to catalogue some of the rights violations and its legal and social consequences on good governance in Imo State.

The primary objective of this research is to document instances of human rights infringements and examine their legal and societal repercussions on peace, security, and the governance quality in Imo State from 2015 onwards. The specific goals include:

1. To examine the factors that led to insecurity in Imo State and what led contributed violations/abuses of human rights;

2. To report cases of violations of human rights in Imo State since 2015; and
3. To highlight the legal and social impact it has on good governance in Imo State.

Conceptual Framework

Constitutional Guarantees on Human Rights and their Violations

While fundamental rights and human rights are terms often used synonymously, they have distinct origins and implications. Human rights are inherent to all individuals by the mere fact of being human. These encompass a broad spectrum, including the right to life and freedom of conscience. On the other hand, fundamental rights are specific rights acknowledged and protected by a state or nation. These rights are not only recognized but are also enshrined in the nation's supreme law, making any infringement upon them a legal violation, which may be severe depending on the nature of the breach.

Fundamental rights can be considered a subset of human rights that a state formally guarantees. They are held in such high regard that there is a dedicated enforcement mechanism, known as the Fundamental Rights Enforcement Procedure Rules (FREP Rules).

The 1999 Constitution of the Federal Republic of Nigeria, as amended, provides detailed provisions on these rights and the circumstances that may constitute their gross violation. Citizens' fundamental rights are embedded in Chapter IV, Sections 33-43 of the Constitution. It is important to note that these rights are not without limitations and may be restricted under specific critical conditions (refer to Section 45 of the Constitution). Section 46(1) empowers citizens to seek legal redress from a High Court if they believe there has been, is, or is likely to be an infringement of their rights.

Section 33 of the Constitution safeguards the right to life, stating that no one shall be intentionally deprived of life except as a punishment for a crime where the individual has been duly convicted in Nigeria. However, this right is not absolute and allows for certain exceptions where the use of force is legally justified.

Section 34 of the Constitution ensures the right to human dignity, prohibiting torture, inhuman treatment, slavery, servitude, and forced labor. Exceptions to this include labor resulting from a court sentence or duties required of the police or armed forces.

The Constitution acknowledges the necessity of these rights while also recognizing the potential need for their lawful derogation under specific circumstances. It upholds the principles of accessible, independent, and impartial judicial processes as stated in Section 17(2)(e), ensuring the courts' role in the protection of these rights.

Section 35 of the Constitution of the Federal Republic of Nigeria (CFRN) safeguards the right to personal liberty. As per A.V. Dicey's definition, personal liberty means freedom from unlawful detention, arrest, or any form of physical coercion without proper legal basis. Any action that deviates from this constitutes a serious breach of personal liberty. The circumstances under which this right may be lawfully limited are detailed in Section 35(1), paragraphs (a-f), which include situations such as compliance with a court order, lawful arrest on suspicion of criminal activity, public health concerns, and immigration control. Violations outside these parameters are considered severe misconduct against personal liberty, further elaborated in Sections 35(2) to (7).

Section 36 of the CFRN enshrines the right to a fair hearing, ensuring that no one is judged without being given an opportunity to be heard. This principle is supported by two fundamental tenets: 'nemo judex in causa sua' (no one should be a judge in their own case) and 'audi alteram partem' (listen to the other side). Exceptions to these principles are limited and clearly defined by law. Any action contrary to Section 36 is deemed a significant infringement of the right to a fair hearing.

Section 37 of the CFRN guarantees the right to privacy in personal and family life, including the protection of communication privacy. This right may be restricted for reasons of national defense, public safety, order, and morality as specified in Section 45. Any breach outside these exceptions constitutes a severe violation of privacy rights.

Section 38 of the CFRN establishes the right to freedom of thought, conscience, and religion. This includes the freedom to change religion or belief and to express and practice these beliefs openly. While this right can be limited as per Section 45, it does not extend to compulsory participation in religious activities or membership in secret societies, and any contravention of this would be a serious violation of the right to freedom of thought, conscience, and religion.

SEC 39 CFRN provided for the Right to Freedom of expression at the press. This right provides that everyone has a right to freedom of expression, including the freedom to hold opinions, receive and impart ideas, and information without interference. But such a right does not entitle one to make slanderous, libelous against persons or seditious statements against the state in order to incite the citizens against the state, because in such a situation, such rights can be derogated. Or as outlined in sec 45 CFRN and Sec 39 (3) par (a and b). Contrary to these derogations, anything done to prevent the freedom of expression and restrict one from having access to the press would lead to a gross violation of one's right as entrenched in Sec 39 CFRN. SEC 40 provides for the Right to Peaceful Assembly and Association. It stipulates that every person shall be entitled to assembly freely and associate with other persons, and he may form or belong to any political party, trade union, or any association for the protection of his interest. See the case of AGBAI VS OKOGBUE (1991) 1NWLR (Pt. 204) 391. It would be a gross violation of one's right to peace assembly and association if one is restricted from associating freely with another person of his choice, as well as from belonging to any political party, trade union, or any association for the protection of his interest. However, this does not entail political parties to which the Independent National Electoral Commission does not accord recognition. Such an Association must also not be to the detriment of the state or join any secret society that the state forbids.

SEC 41 Right to freedom of movement. Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit there from. Anything done without justification to restrict the citizens from movement would lead to a gross violation of one's right. However, because where one's right ends is where another person's right starts, this right can be derogated based on the following grounds. See sec 41 (2) par (a -b): A person who has committed a crime

or suspected to have committed a crime can be restricted from movement to prevent him from leaving Nigeria. Or a person can be removed from Nigeria to any other country to be tried outside Nigeria for any criminal offence or undergo imprisonment outside Nigeria in execution of the sentence of a court of law in respect of a criminal offense of which he has been found guilty. SEC 42 Right to freedom from discrimination. This entails that every citizen of Nigeria, no matter the sex, religion, creed, or tribe, etc. must not be discriminated against. And no citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth. This was further buttressed by the Supreme Court in the celebrated cases of UKEJI VS UKEJI and MOJEKWU VS MOJEKWU. However, this right can be derogated in certain instances, going by Sec 42 (3). It will not lead to discrimination if a particular law expressly imposes restrictions with respect to the appointment of any person to any office under the state or as a member of the armed forces of the Federation or a member of the Nigerian Police Force or to an office in the service of a body corporate established directly by law in force in Nigeria.

Theoretical framework

The study utilizes the natural law, deliberative democracy, protest theories of human rights and the relative deprivation theories.

Natural law theory of human rights posits that certain rights are inherent by virtue of human nature and can be understood universally through human reason. This theory is rooted in the philosophy that all humans possess intrinsic values that provide them with certain rights by nature, not by man-made laws or beliefs (**Angier, Benson, & Retter, 2022, Tollefsen, 2021**).

The concept of natural law has evolved over time, with early formulations dating back to Aristotle, who distinguished between what is "just by nature" and what is "just by law" **(Editors of Encyclopaedia Britannica, 2024).** The Stoics further developed this idea, proposing a law of nature in line with the inherent human reason or *logos*. Roman jurists and early Christian thinkers like St. Paul and St. Augustine also contributed to the concept, with Augustine asserting that humans lived freely under natural law before the fall from grace. Natural law has significantly influenced the development of human rights. For example, the

United Nations' Universal Declaration of Human Rights (UDHR) can be seen as a modern reflection of natural law principles, asserting that all humans have fundamental rights regardless of any law or state. In contemporary times, philosophers like Jacques Maritain have argued that while human rights declarations are crucial, they must evolve with the moral consciousness of society [2].

The Universal Declaration of Human Rights (UDHR) adheres to the naturalist perspective, ensuring these rights are safeguarded without conditions. While the right to freedom of thought, conscience, and religion is not directly restricted, the manifestation of this right is subject to limitations (Swaine, 2016). Swaine notes that since freedom of thought is intertwined with freedom of expression, it is reasonable to place restrictions on the latter. Deliberative school proponents view human rights as political objectives that liberal societies strive to achieve. According to Dembour, these deliberative principles emerged from societal consensus. Miller and colleagues maintain that this school acknowledges the right to freedom of thought, conscience, and religion as integral to societal norms. From the protest school's perspective, the pursuit of human rights is continuous, addressing the needs of the impoverished and oppressed (Dembour, 2010), and should not lead to the marginalization or harm of others. This school contends that advocating for human rights is an ongoing endeavor to safeguard individual and collective rights. People's fundamental rights extend beyond freedom of expression, thought, and religion, encompassing the freedom of movement and professional pursuit. To elucidate citizens' fundamental rights, the study employs Runciman's (1966) Relative Deprivation theory to shed light on rights denial in Imo State. In southeastern Nigeria, Imo State experiences recognized rights deprivation through marginalization. Post-civil war, the South-East has faced exclusion from Nigeria's political apex, deteriorating infrastructure, and biased Federal Government employment, leading to a surge in unemployed youth. This disenchantment has spurred the creation of separatist groups like MOSSOB and IPOB/ESN. In response to non-violent calls for equity, justice, and political integration, the national government initiated 'operation python dance' and outlawed these once peaceful movements. Compounded by flawed political primaries and elections, the region has seen escalating insecurity, terrorism, killings, kidnappings, and organ harvesting, resulting in widespread rights

violations, and adversely affecting legal frameworks, societal welfare, and governance. These theories are crucial for the study as it examines the repercussions of these infringements on the state's stability and administrative integrity.

Previous Empirical Studies

Anderson, & Murdie, (2017) in their studies titled What Helps Protect Human Rights: Human Rights Theory and Evidence explores the reasons behind human rights abuses and the effectiveness of various strategies to prevent them. The authors discuss three generalized statements from empirical international relations (IR) theory about why human rights abuses occur:

1. **State Power**: Abuses are a method for an unrestrained state, particularly the executive branch and its agents, to control individuals and maintain power.
2. **International Norms**: Respect for human rights is an international norm, and international socialization and pressure regarding this norm can influence state behavior in certain situations.
3. **Human Rights Treaties**: The codification of human rights norms into international treaties can impact state behavior. However, like other treaties, states bind themselves weakly to these norms, and specific conditions are necessary for treaties to affect human rights.

It also examines the role of international non-governmental organizations (INGOs) and advocacy in promoting human rights and the challenges that persist despite global efforts to curb abuses (). The study is significant for its comprehensive analysis of the complex factors contributing to human rights abuses and the mechanisms that can potentially protect against them. It draws on a wealth of human rights-related scholarship and offers insights into the effectiveness of international treaties and the influence of global advocacy networks. The study is a valuable resource for understanding the dynamics of human rights protection and the ongoing struggle against violations worldwide.

The article "Democratic Governance and Human Rights Violations: A Focus on Nigeria" by Abah, Eze, and Nduba(2023) delves into the persistent issue of human rights violations within Nigeria's democratic framework. The study scrutinizes the actions of those in authority and security agencies, highlighting how their

arbitrary use of power has led to significant breaches of socio-economic and political rights of Nigerian citizens (Abah, Eze, and Nduba, 2023).

The authors employ a qualitative approach and utilize descriptive research design, underpinning their analysis with John Locke's Natural Rights Theory. This theory posits that individuals inherently possess rights such as life, liberty, and property, which should be protected by the government. The study reveals that, contrary to this principle, the Nigerian government and security forces have often acted in violation of these rights (Abah, Eze, and Nduba, 2023). The paper also reflects on historical perspectives, tracing the roots of democratic governance back to the ancient Greeks and the European Enlightenment era. It discusses the evolution of governance from monarchial to democratic systems, emphasizing the principles of liberty and equality as fundamental to democracy (Abah, Eze, and Nduba, 2023). Considering the findings, the study recommends that Nigerian citizens intensify local and international campaigns against what is termed 'civilian-dictatorship.' It also suggests the establishment of a new, independent, and impartial institution tasked with addressing all cases of human rights violations in Nigeria[1].

This study is particularly relevant for its in-depth examination of the Nigerian context, providing insights into the complex relationship between democratic governance and human rights, and proposing actionable solutions to address the challenges identified.

The study by Onyemaobi et al. (2023) focuses on the conflict between the Indigenous Peoples of Biafra (IPOB) and Nigerian security agencies anchored on Ruciman's Relative deprivation theory 1966, which suggests that perceived injustice and inequality can lead to collective discontent and social unrest. The paper argues that southeastern Nigerian youths' loss of confidence in the Central Government has led to agitations, which have been met with force by security agencies, further violating human rights. The study highlights the use of excessive force by security agencies to suppress IPOB protests, resulting in brutality, arrests, illegal detentions, and extrajudicial killings. The study stress the need for a more humane and law-abiding approach by security agencies and the importance of addressing the underlying causes of the IPOB agitations to prevent further human

rights abuses and restore peace. The authors recommend that the government should conduct thorough investigations into human rights abuses and hold both state and non-state actors accountable for their actions.

The study "Neo-Biafra Separatism and State Repression" Nwangwu (2023), delves into the complex dynamics of the separatist movement in South-East Nigeria by examining the resurgence of Biafra separatism, attributing it to ethnic nationalism. The study posits that the feeling of ethno-national superiority and the perceived failure of the Nigerian state in equitable nation-building have reignited separatist sentiments. It avers that the violent response and brutal military response to separatist activities has been counterproductive, escalating tensions and insecurity. In other words, the paper suggests that the state's repressive tactics have led the Indigenous People of Biafra (IPOB) to transition from a non-violent movement to an armed struggle. The paper observes that the IPOB's strategic shift to armed resistance is a direct consequence of state repression. While the study provides valuable insights, there are areas where it could be critiqued:

In a related study by Ijioma, E. C. and Ibeh, C. E (2023) titled "Intractable IPOB political defiant sit-at-home strategy and its grave consequences on the political economy of South-East Nigeria since 2021" assess the socio-economic and political effects of IPOB's sit-at-home orders in South-East Nigeria which were initially intended to create awareness and secure the release of their leader. It highlights the negative impact on the South-East economy, including the devastation of local businesses, the decline in foreign investments, and the increase in unemployment and underdevelopment. The article also notes that the sit-at-home order was hijacked by hoodlums, leading to further insecurity and violence in the region.

Methodology: Ex-Post Facto Research and Documentary Analysis
Methodology

Based on the nature of this study, ex-post factor research design and a documentary method of data collection would be adopted. This is because some of the events have taken place already while others are currently being observed. Relevant data would be gathered from secondary sources such as internet, articles, Non-Governmental Organizations (NGOs), publications while oral interviews

based on personal observations and from victims supported these materials. The method of data analysis is content analyses.

Findings and Discussion

Triggers of violations/abuses of human rights in Imo State since 2015

Chapter four of the Nigerian constitution, beginning from sections 33 to 46, defined the rights of Nigerian citizens as applicable to all democratic societies. These rights include civil, political, economic, and socio-cultural rights and those of other persons within the territory of Nigeria. These rights must be respected, protected, and promoted. The state owes its citizens these rights while citizens are obliged to carry out their duties to the state. If citizens perform their duties to the state and their fellow citizens, but their rights particularly the fundamental ones such as the rights to life, and personal liberty, right to freedom of expression, right to dignity of human person, and right to freedom of movement. These rights are expected to be sacrosanct, but since 2015, several violations of these rights have made life unbearable for citizens in southeastern, Nigeria, particularly, Imo State. The period 2015 to 2024, has witnessed unprecedented trampling of people's rights by both state and non-state actors. These have been attributed to violent political behaviour of some citizens and their followers. These political actors have flouted all electoral and civil rules through imposition of candidates during election primaries and the main election. Primaries and election results are manipulated with impunity. For example, the All-Progressive Congress (APC) primaries in 2018 in the state, was poorly managed because of the inordinate ambition of the then sitting Governor and those opposed to his attempt to impose his son-in-law. After the election there was uneasy calm, but violence intensified when the elected governor was disqualified by the Supreme Court and Senator Hope Uzodimma was inaugurated.

Even after the main elections, a key actor who presided over the primaries was gruesomely murdered while on a visit to the state. This was attributed to IPOB/ESN and later the unknown gun men. This violence intensified when the correctional centre and the police headquarters in Owerri, few metres away from the Imo State Government House was attacked and inmates released. Since then, police stations and personnel have been attacked and their men gruesomely killed and in retaliation, the unknown gun men and those deemed to be sympathetic to

them including innocent citizens are dehumanized, killed and their property destroyed men of the security agencies. On Mondays of every week, non-state actors enforce the political defiant strategy that has paralyzed both economic and social activities in Imo State and other South-East states (Ijioma and Ibeh, 2023).

Human rights violations/abuse include enforced disappearances, torture, arbitrary detention, unlawful killings, and restrictions on freedom of expression, right to freedom of peaceful assembly and movement. Both the state and non-state actors are guilty of these gross abuses. The level of impunity by law enforcement agents and state sponsored Ebubeagu and IPOB/ESN and unknown gun men has astronomically increased and many of these acts have not been investigated, and the perpetrators go free without condemnation and punishment. Villages are targeted by both state and non-state actors, and these youths have abandoned their communities due to several disappearances of people, unlawful arrests, torture, and unlawful killings. Okechukwu Nwanguma, the Executive Director of Rule of Law and Accountability advocacy Centre (RULAAC), the National Human Rights Commission (NHRC) and other human rights activists gathered on December 2022, in Lagos to discuss human rights and security issues, argued that they received information concerning arbitrary arrests, unlawful detention, torture, and extrajudicial killings and enforced disappearances by the police in Imo State. He added that:

> Young people have become endangered species in Imo state because of the predatory activities of unscrupulous police officers. Imo state is unarguably the centre of the most coordinated attacks by sundry criminal groups, unknown gun men and other criminal gangs masquerading as separatist groups. They mainly target the police, other security agencies, and offices of INEC. The police should be empowered to defend themselves and others under any form of threat. But the response of law enforcement agencies to attacks by criminal gangs has been mainly predatory, vindictive, and indiscriminate, targeting, and victimizing innocent and law-abiding citizens.

Nwanguma condemned the barbaric and dehumanizing treatment, torture, and butchering of military couple in Imo State simply because they were military personnel. There were other reported cases of security agencies attacking a whole

community, burning down houses, shops vehicles and killing of some community members in retaliation for attacks or killing of police officers. Most of those targeted are innocent citizens by Anti-kidnapping Unit of Imo State police command, arresting young people, detaining them incommunicado without trial, torturing them to self-incriminate, and extorting money from their families, when they eventually trace them to the facility of the Tiger Base. Political opponents have been threatened, arrested, detained, tortured and the state-owned unconventional security, called Ebubeagu, has been alleged to have engaged in mass atrocities in different parts of Imo State especially Orsu, Oguta, Agwa, Orlu axis, Ogbaku, Okigwe, Mbaise, Obowo, Mbano, and most rural areas in the state. These were most times invaded by security operatives.

Whereas arbitrary arrests, detention and torture contravenes section 33 and 34 of the constitution of the Federal Republic of Nigeria, which guarantee the right to life and the right to dignity of human person, as well as sections 35 and 36, which provide for the right to personal liberty and the right to fair fairing. Moreover, Nigeria is a signatory to the United Nations Convention against torture, and other cruel inhuman, or degrading treatment, or punishment, as well as the International Covenant on Civil and Political Rights. The Centre for Social Awareness, Advocacy and Ethics, advocates for the protection of the rights of Imo citizens.

Reports on some of the violations of human rights in Imo State since 2015

One of the major abuses of human rights in Imo State since 2015 is disruption of peaceful assembly in the state, whereas this a fundamental right of citizens. When you deny people of their right to gather and sort out their challenges or articulate issues, you are invariably stifling their existence. Members of the defunct MOSSOB were brutally dispersed and several of their members were killed at their headquarters at Okwelle, in Okigwe Local Government during former governor Achike Udenwa rule and when IPOB was established, they were just flag carrying members expressing grievances against federal government marginalization of the South-East, they were brutally dispersed, with several youths disappeared till date. In 2020 due to the State government's dismissal of many civil servants who had served the State between 30 and 32 years but were described as 'ghost' workers. Added to this is the deprivation of the pension of retirees, and the salaries

of the so-called ghost workers. The attempt to make government redress this injustice has led to unlawful beatings and dispersal of their assembly. This includes the maltreatment of pensioners, many of whom are physically challenged. The Nigeria Labour Congress election of state execute was dispersed by alleged state sponsored thugs and the effort of the national headquarters led by Mr. Joe Ajaero, resulted in his brutal maltreatment and abduction for several hours, which led to a national strike. All these gross violations have created a lawlessness environment Such violations constitute the deprivation of rights to dignity of life.

Table 1: Cases of Disruption of Peaceful Assembly and movement

S/N	Date	Place and incident	Number of victims	Source
1.	2015	Brutal dispersal of IPOB members in Owerri	Several youths were brutalized	
2.	2021	Owerri	Several disengaged civil servants were dismissed and beaten during protest	
3.	2022	Owerri	Pensioners were maltreated during protest	
4.	2023	Owerri	NLC members were brutalized by alleged state sponsored thugs	
5.	July, 2023	Owerri	NLC President, Joe Ajaero was abducted and brutalized	Premium Times, Nov. 1, 2023.
6.	January -30 April, 2021	Imo State-13 cases of violence against	Resulted in 59 deaths	ACLED Report, 2021

		civilians and 4 incidents of riots		
7.	2020	Imo State – 38 security incidents with 16 cases of violence against civilians in the 27 local governments in the state	Resulted in 18 deaths	ACLED Report, 2020
8.	2021-2023	Onitsha road is blocked, and citizens are force to trek kilometres	Related to torture and restriction of movement	

As shown on the table above, several cases of disruption of lawful assembly, thus denying citizens their right to associate and belong to groups, even those constitutionally approved like the Nigeria Labour congress. Pensioners and youths were perceived as enemies of government and accused of being sponsored by opposition. The disruption of these lawful assemblies have resulted in brutality and death of 77 citizens (ACLED Report, 2020). These actions have militarized Imo State as security agencies act on the orders of government.

Table 3: Cases of Gruesome killings

S/N	Date and	Place and incident	Number of victims	Source
1.	May 25,2021	Orji Owerri – attack on police facility	1	Victim's relation
2.	June 20, 2021	Opposite Imo Government House- a citizen was killed	1	Observers
3.	May 8,2021	Private residence/death of female NSCDC officer	1	Victim's relation

4.	April 22, 2021	Eziama-Obiato-a mother of four was killed	1	Victim's relation
5	May 31, 2021	Nigerian Airforce toll gate- a man was killed in front of his wife	1	An observer
6.	February 23, 2023	Ejemekwuru Oguta-killing of a court judge	1	
7.	July 23, 2023	Orsu Obodo and Obidi Agwa Oguta	4	
8.	September, 2023	Death of police personnel at Ngor Okpala	3	
9.	September 2023	Umugama Okwu Ogbaku-death of citizens	3	
10.	November 27, 2023	Ahiara Mbaise- police and citizen killed at a fuel station	3	
11.	July 16, 2023	Ogbaku – murder of citizen	1	
12.	June 2023	Obibi Ogbaku- death of citizens	3	
13.	October, 2023	Amakohia Ubi – gun men enforcing sit-at-home killed a citizen	1	
14.	November 25, 2023	Utulu Ezinihitte Mbaise – murder of Eze Joe Achulor	1	Daily Post.ng 2023/11/26
15.	January 14, 2023	Attack on CUPP spokesperson's house-death	1	

From the table above, the number of deaths listed above is just underestimated due to difficulty in accessing victim's relations. Moreover, some of these incidents

are poorly reported. Prominent citizens including indigenes on holiday and visitors have fallen to the gruesome attacks of both state and non-state actors.

Table 3: Cases of Arbitrary Arrests and Disappearances

Date	Place and Incident	Number of victims	Reason for arrest/detention/disappearance	Duration
August 17,2018	Owerri	114 women suspected to be IPOB members/supporters	Protesting for the whereabouts of IPOB leader	1 week
January 7, 2021	Orlu, Imo State	7 suspected IPOB members	Alleged illegal possession of firearms	Unspecified
June 17, 2021	Owerri	A girlfriend of a suspected IPOB member	Conspiracy	7 months
2021 - 2023	Imo State	300 disappearances without a trace	Alleged to be members of IPOB	29 months
2021	Owerri	106 youths were arrested and detained	On the allegation of planning to overthrow President Buhari and Imo State governor	
July 27, 2023	Owerri	Arrest of a journalist, Chinonso Uba	Using Oziza radio to attack government policies	4 months at Abuja
2022	Owerri	A journalist with the State-owned radio was arrested	For playing an offensive music against the sitting Governor	Unspecified

From table 3 above, Imo recorded a total of 530 victims between August 2018 and December 2023. This number may just be short of the actual number because many families and communities have not reported some of the cases involving their

people. Moreover, rights activists are hardly allowed into the notorious Tiger Base where several of these youths and other older ones are locked up and dehumanized.

The legal and social impact of human rights violations on good governance in Imo State

In Imo State, people's rights are being violated, causing a lot of trouble for everyone. The government and the people are at odds, with the people feeling that the government isn't looking out for them anymore. Young people are especially in danger from both the police and groups like IPOB/ESN and unknown gunmen. They're being arrested, attacked, and sometimes they just vanish. This has made people lose trust in the police, who are supposed to protect them but aren't doing their job. Because of this, there's a lot of fear and violence, and it's getting in the way of things like fixing roads, running schools, and doing business.

The constant arrests and violence have left many people hurt or missing, and this has had a big impact on everyone's mental health. It's also hurt the economy, especially tourism, and made it hard for people to enjoy life. Even simple things like going to weddings or visiting family have become difficult and costly. People are on edge and see each other as threats, which is making things worse. The bad economy is making politics feel like a battle for survival.

Farming and business have been hit hard, leading to more poverty and crime. The government is struggling to keep control, and officials need heavy security to move around. This focus on security is taking away from money that could be used to improve things like infrastructure. As a result, living costs are going up, but people's pay isn't keeping up, and there's a lot of blame going around without really solving the problems.

Human Rights in the Nigeria 1999 Constitution as Amended: Expectations vs. Reality

The Nigeria 1999 Constitution, as amended, enshrines a comprehensive bill of rights in Chapter IV, Sections 33-46, which outlines the fundamental human rights guaranteed to all citizens. These rights include the right to life, dignity, personal liberty, fair hearing, and freedom from discrimination. The expectation is that

these constitutional provisions would safeguard the citizens against abuses and ensure the state's accountability in upholding these rights.

However, the enforcement and actualization of these rights have faced challenges. Issues such as judicial delays, detention without trial, lack of awareness among citizens about their rights, and inadequate mechanisms for enforcement have been barriers to the full realization of constitutional human rights in Nigeria. Moreover, socio-economic factors, political instability, and corruption have further complicated the landscape, leading to a gap between the constitutional promises and the lived experiences of many Nigerians. For instance, despite the constitutional prohibition against torture and inhumane treatment, there have been reports of police brutality and extrajudicial killings. The right to a fair trial is also often hampered by systemic delays and limited access to legal representation, particularly for the indigent population. To bridge the gap between expectations and reality, there have been calls for judicial reforms, better human rights education, and stronger institutions to monitor and enforce human rights standards. Civil society organizations have also played a crucial role in advocating for the rights of citizens and holding the government accountable.

Implications on Peace, Security and Governance

The study's findings have significant implications for peace, security, and governance in Imo State, because persistent human rights violations can lead to a profound erosion of trust between the citizens and the government, potentially destabilizing the state's peace and security. While the documented abuses and the government's inability to protect constitutional rights may result in governance challenges, including difficulties in implementing policies and maintaining law and order.

Human rights violations can have a profound impact on democracy. They can undermine the rule of law, erode public trust in government institutions, and limit the freedoms necessary for a democratic society to function effectively. When human rights are not upheld, the essential elements of democracy, such as free and fair elections, freedom of expression, and the right to participate in government, are compromised. This can lead to a decrease in political

participation, an increase in social unrest, and the potential for authoritarianism to take hold as public freedoms and democratic spaces are restricted.

Moreover, human rights violations can exacerbate tensions among different groups within a society, leading to polarization and conflict. When the government is not transparent or accountable, and when decision-making is not participatory, the legitimacy of the government is compromised. This can result in a democratic backslide, where the principles of democracy are weakened or reversed.

Conclusion

The study has revealed that since 2015, rights of citizens have been grossly abused as result of the violent attitude of politicians and the marginalization of the South-East by the Federal Government in employment and provision of infrastructure. This led to the separatist movement, IPOB whose non-violent tactic changed when agencies of state brutalized and killed many of them. They had to introduce the sit-at-home political defiance which has resulted in clashes between state security agencies and non-state actors. Kidnapping, unlawful arrest, detention, torture, and death of citizens. Constitutional rights are violated in the effort to curtail the activities of non-state actors. Study revealed that 530 unlawful arrests and disappearances have taken place; deaths have occurred with restraints and lawful assemblies are not tolerated. Finally, study revealed that insecurity and rights violations have pitched the state against the citizens and they no longer trust government. Governance has been hindered because resources meant for development is channeled towards security while some non-state actors have occupied some parts of the state preventing elections and governance.

Recommendations

The study identified several cases of violations of rights and its social and legal impact on good governance. Against this, the study recommends that non-kinetic approach should be adopted since kinetic strategy has failed; Mazi Nnamdi Kanu should be released unconditionally to restore peace to Imo State. State security agencies should be retrained on the international standard of respect for rights of citizens. Finally, there should be dialogue with the separatist IPOB organization

and the Federal Government in conjunction with the State government should develop infrastructure that boost development.

Reference

Ahmed, Uddin Jalal (2021). An analysis on different theories of human rights. Rights Watch

Dembour, Marie-Benedicte (2010) What are Human Rights? Four Schools of Thought. *Human Rights Quarterly*, John Hopkins University Press, Volume 32, Number 1(1-20).

Dollard, J., Miller, N.E., Doob, L.W., Mowrer, O.H., and Sears, R.R. (1939). *Frustration and aggression*. New Haven, CT: Yale University Press.

Daily Post (2023)

Federal Republic of Nigeria (1999) Constitution of the Federal Republic of Nigeria (As amended).

Ibeanu, O; Orji, N. and Iwuamadi, , C.K. (2016). *Biafra Saparatism, Causes, Consequences and Remedies.* Enugu: Institute for Innovations in Development, Nigeria.

Igbuzor, Olive (2011). Peace and security education: A critical factor for sustainable peace and national development. *International Journal of Peace and Development Studies*, vol. 2 (1:1-7), January.

Ijioma, E. C. and Ibeh, C. E (2023). Intractable IPOB political defiant sit-at-home strategy and its grave consequences on the political economy of South-East Nigeria since 2021. *Nigeria Political Science ASSOCIATION, South-East Zonal Annual Conference, Nnamdi Azikiww University, Awka,* 6 – 9 June, 2023.

Nwanegbo, C.J. and Odigbo, J. (2013) Security and National development in Nigeria: The threat of Boko Haram. Retrieved 22.07.2014 from www.ijhssnet.com/.../vol...29pdf

Nwangwu, Chikodiri (2023). Neo-Biafra Separatist Agitations, State Repression and Insecurity in South-East, Nigeria.

Nwanguma, Okechukwu (2023). The Executive Director of Rule of Law and Accountability advocacy Centre (RULAAC), the National Human Rights Commission (NHRC)

Onyemaobi, M.C., Zachariah, J.O., Ngwu, E.C., and Ugbagu, I.U. (2023). Separatist Aditations and Human Rights Violations in South-East Nigeria, 2015 –

2022. *FUWUKARI Journal of Politics and Development (FUWJPD)* Vol. 7 No. 1, July.

Oyetunde, O.S. (2021). Nigeria: Power-sharing and the resurgence of separatist agitation. The prospect of a constitutional model. *Conflict Studies Quarterly*, 37, 54-74. doi: 10.24793/csq.37.4.

Premium Times (2023).

Swaine, Lucas (2016) Freedom of Thought as a Basic Liberty. *Political Theory* 46 (3): 405-425.

Tamuno, T.N. (1970). Separatist agitations in Nigeria since 1914. *The Journal of Modern African Studies*, 8 (4), 563 – 568.

In summary, the protection and realization of human rights are fundamental to the maintenance and strengthening of democracy. Without a firm commitment to human rights, the stability and effectiveness of democratic governance are at risk[123].

Source: Conversation with Bing, 3/23/2024
(1) About democracy and human rights | OHCHR.
https://www.ohchr.org/en/about-democracy-and-human-rights.
(2) Human Rights are the Key to Democracy | Human Rights Watch.
https://www.hrw.org/news/2021/12/14/human-rights-are-key-democracy.
(3) OHCHR and democracy | OHCHR - UN Human Rights Office.
https://www.ohchr.org/en/democracy.
(4) The impact of disinformation on democratic processes and human rights ....
https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653635/EXPO_STU%282021%29653635_EN.pdf.

Source: Conversation with Bing, 3/23/2024
(1) Constitutionalism - Part 5: The case for parliamentary democracy in Nigeria. https://guardian.ng/opinion/constitutionalism-part-5-the-case-for-parliamentary-democracy-in-nigeria/.
(2) Democracy in Nigeria - International Affairs Think Tank. https://www.chathamhouse.org/2022/06/democracy-nigeria.

(3) Nigeria's constitutional review: the continuing quest for a legitimate .... https://constitutionnet.org/news/nigerias-constitutional-review-continuing-quest-legitimate-grundnorm.
(4) The Legacy of Nigeria's 1999 Transition to Democracy. https://www.cfr.org/blog/legacy-nigerias-1999-transition-democracy.
(5) Constitutional Democracy: Definition, Features and Advantages. https://nigerianfact.com/constitutional-democracy/.

References

Britannica, T. Editors of Encyclopaedia (2024, February 28). *natural law*. *Encyclopedia Britannica*. https://www.britannica.com/topic/natural-law

Angier, T., Benson, I. T., & Retter, M. D. (Eds.). (2022). *The Cambridge Handbook of Natural Law and Human Rights*. Cambridge University Press. This handbook provides an overview of the relationship between natural law and human rights, discussing the philosophical foundation for human rights and its significance for contemporary debates

Tollefsen, C. (2021). God, New Natural Law Theory, and Human Rights. *Religions*, 12(8), 613. This article explores the role of the divine in the New Natural Law theory's account of human rights, arguing for the necessity of God's creative activity in the ontological and motivational dimensions of human rights

Anderson, J., & Murdie, A. (2017, May 24). What Helps Protect Human Rights: Human Rights Theory and Evidence. *Oxford Research Encyclopedia of Politics*. Retrieved 24 Mar. 2024, from https://oxfordre.com/politics/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-513.