

JUSTICE ON RECESS: TRADERS AND ARMED ROBBERS IN ONITSHA, SOUTH-EASTERN NIGERIA, 1979-2002¹

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Abstract

At the onset of Nigeria's Fourth Republic in 1999, the problem was how to consolidate the democratic dispensation so as not to give room again for military intervention. The security situation in the country was precarious at the time. The sixteen years of military rule after the Second Republic and the Third Republic diarchy perhaps have instilled lawlessness and all other forms of criminality in Nigerians. Thus, the greatest problem challenging the consolidation of democracy in the 4th Republic was insecurity. Perhaps, this convinced the Anambra State Government to adopt an unorthodox security outfit – Bakassi to take care of the security situation in the state against calls on the contrary by the Federal Government of Nigeria and Civil Rights groups. It was, however, not the first time unorthodox ways were sought to free the city of Onitsha from the grip of robbers. In the 1970s, Onitsha, the commercial nerve centre of Southeastern Nigeria, was overrun by armed bandits. Then, Nigeria was recovering from a 30-month civil war, and the situation appeared to be part of the effects of the war. Even, the promulgation of the Armed Robbery and Firearms Decree of 1970 that stipulated death sentences by firing squad for armed robbers did not deter prospective robbers. By mid 1979, the security situation was so tense, especially in Onitsha, as armed robbers held the city at the juggler, and was only to be freed by a common resolve of the residents, mostly traders who took the laws into their own hands and descended on the robbers, lynching most of them and their accomplices. The study will examine the situation in Onitsha between 1979 and 2002, while making a panoramic view of such incidences in Nigeria that had spurred the society to rise above the law to decide for themselves on matters of their security when it became obvious that the security agencies have failed in this regard.

Key words: Lynching; Criminal; Arson; Violence; Punishment

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Introduction

Onitsha is an inland port town in Igboland and is home to the biggest market in West Africa. Apart from the early advent of the colonial authorities and the establishment of colonial offices, Onitsha has been very important in evangelization activities in Igboland. The position of the town at the bank of River Niger had made its market attract large fairs from within and outside Igboland – the Niger Delta area, Nupe, Igala and Hausa traders - were attracted to the Onitsha market before the introduction of the modern transport system. Across the Niger at Onitsha, a bridge was built in the 1960s to link Western and Eastern Regions of Nigeria. Thus, Onitsha became the gateway to the West as well as the gateway to the East. The rise in population of the city is evident given the huge economic activities that went on there. Since the early years of independence, Ghanaians, Sierra Leoneans, Gambians, Cameroonians and many other African nationals have found Onitsha as a place to be.

Characteristic of urbanization are vices of all forms - the presence of the good, the bad, and the ugly. The different categories of individuals that thronged into Onitsha were all categories of thieves, prostitutes, swindlers, as well as people of good character. As business thrived in the city, so was thievery. In the rural areas, tales about the city were prominent, especially those which had to do with the various dimensions of criminal activities. The thieves were perhaps attracted by the huge business opportunities ready to absorb the unskilled and skilled – wheel barrow pushers, artisans, petty traders and international businessmen. There was also the concentration of small scale and big scale industries employing thousands of staff.

The above situation was the case in Onitsha at the onset of the 30-month Nigeria/Biafra War in 1967. At the end of the war, many came out with nothing. They met dilapidated structures as well as hardship occasioned by poverty. The modern state is a social contract between government and the people with each party of the contract working in tandem with the provisions of the contract. Robbers were known and feared by their neighbors who kept sealed lips for fear of being the next victim. They moved around and collected *tolls* from traders in the town recklessly.¹

One may wonder what the police were doing at this time. There was a general belief that the robbers made returns to the police after each robbery operation; that some Policemen even hired out guns to them for their crime. After each robbery operation, the police arrived on the scene minutes later to arrest passers-by, claiming they will help them in investigations. Those arrested will be released later after extorting some money from them as bail fees.² Yet, it is clearly written in the police station that bail is free. If the case was taken to court, the prosecuting police officer may frustrate the complainant to the extent that the case may be quashed after undue adjournments, thus making him more vulnerable to robbery attacks than he was before his report to

the police. As a consequence of this unbearable situation, most traders in Onitsha relocated to their villages.³

However, those traders who did not leave eventually reacted to the failure of governmental institutions, especially the police, by forming a vigilante movement that employed lynching and arson to rid their towns of the robbers. The case of Onitsha demonstrates that when society loses faith in the government's ability to protect their lives and property, that society is at the brink of collapse. In southeast Nigeria, as elsewhere in Nigeria, recourse to extralegal punishments by the local community has been employed since the introduction of the modern state system whenever people were in doubt of governments' willingness and ability to perform its proper constitutional roles. Thus, mob action and lynching have become the answers to the collusion between a corrupt judicial system, government agencies and criminals. As this essay will show, they have been invoked in different periods of Nigerian history as remedies for social evils, sometimes with official approval. For example, the Anambra State Government of Nigeria in 2002 endorsed it to rid Onitsha urban of criminals. The Federal Government of Nigeria objected to this decision by the state government as it highlighted its own failure to guarantee the security of lives and property of Nigerian citizens living at Onitsha. The state government ignored the objections and invited a private security outfit, the Bakassi, known for their unorthodox ways of dealing with criminals.⁴

A case study of Nigeria promises to enhance our understanding of societies that resort to lynching and mob violence when government agencies fail to live up to their duties. Government in Nigeria serves as an example of a state that has no effective claim to a monopoly of legitimate violence; a state where citizens have lost all trust in a criminal justice system that is inefficient and utterly corrupt. The failure of the Nigerian system of criminal justice has its roots in the negligence of the government in finding a synergy between the indigenous legal traditions and the Western legal framework. Therefore, the present researcher puts the events in Onitsha urban in a broader Nigeria historical perspective. The account is based on published sources as well as on interviews conducted with officials of the Onitsha Market Amalgamated Traders Association (OMATA) and private individuals' resident in Onitsha during the period. The following case study will demonstrate that no society folds its arms when the lives and property of its members are in danger.

Historical Glimpses

Lynching and mob violence have been as old in Nigeria as the Western civilization. Prior to this, the traditional form of judicial system held sway and the people had confidence in it. The following are instances where the people employed lynching as a way to express their rejection of a representative of the Western civilization. First, the case of Oba Onjo, the ruler of Okeho in Western Nigeria in 1916 is to be

examined. The Okeho people resented Oba Onjo, who ruled in the early twentieth century, for his arbitrariness. Even worse, they accused him and his son of abducting children whom they allegedly killed in rituals. At first, the people appealed to the Alafin, the overlord in Yorubaland, and to the colonial authorities to restrain the Oba, but to no avail. Instead, Oba and his henchmen visited revenge on the complainants. Then, on October 16, 1916, the news spread that a young peddler girl had been lured into the palace. In the dead of night, the palace guards tried to dispose of the girl's body. On the next day, the town's people resolved to put an end to Oba Onjo's misdeeds. Led by the most influential men of the community, they burnt down the palace and slaughtered the Oba before he could escape.⁵

In 1929, participants in the Aba Women Riot attempted to lynch Chief Oloko, who escaped for safety for allegedly being a stooge of the colonial officials who were *nursing the plan* to tax women in Igboland.⁶ Before this period, the tax demand of the colonial masters in the Eastern part of Nigeria was high as they tried to come out of the economic depression that bedeviled *their world*.⁷ Perhaps, they did not believe the colonies had a feel of the depression. However, men nursed their wounds personally while the rumor of taxing women galvanized them to fight this colonial policy of exploitation – burning and destroying property, as a way of showing their anger.

Between 1960 – 1961, Mazi Darius Ubakala Maduwotu and his gang held the reins of power as men of the underworld in the Nigerian cities of Aba and Port Harcourt. The local people feared their power and refused to talk about them. The gang murdered, stole property and money; it was suspected that they shared their proceeds with the police. At times, they even wore police uniforms when going out to steal and murder law-abiding citizens.⁸ On November 16, 1961, Mazi Darius and his accomplices left Aba for Port Harcourt Wharf to loot. However, the local traders had a wink of it and made arrangements to combat the looting on their property. They did not alert the police as this had not worked before. Rather they armed themselves and waited for the robbers in their hideout. As the gang arrived with their loot concealed in two pick-up vans, the traders apprehended them and administered “jungle justice”: Each of the thugs had a six-inch nail hammered into his skull while Mazi Darius was forced to drink a cement solution. The traders then left their prisoners to die.⁹

Apart from the activities of some of traditional rulers and the government in over-heating the polity, they also were found to have helped hoodlums who worked to preserve their political position, escape the wrath of the law. In Nigeria, during the first republic (1960-1966) as in the present republic (1999-date), political parties trained political thugs to unleash mayhem on their opponents. Notorious among them in Western Nigeria was Mr. Lawani Oluwo, a.k.a., Omopupa. Omopupa was a household name in Western Nigeria. A discharged soldier of the Second World War, Omopupa's ruthlessness and bravery was not faulted. His base was Mushin, near Lagos and he was known to carry out his reckless crimes mostly during the day. He burnt cars and houses of non-compromising politicians or people who refused to pay

homage to them. Perhaps, because he was a known supporter of the government in power he was always shielded from the arms of the law. At the end of the 1964 elections in Western Nigeria, perhaps because of its characteristic rigging, the people rose up against the election results in what became known as "Operation Wet E". This involved arson and lynching of politicians who supported other parties outside the Action Group and were believed to have rigged the elections. They were dragged out of their houses and set ablaze.¹⁰ Here, the society was divided between the government and her allies on one hand, and the citizens on the other.

In 1969, the Shoun of Ogbomosho in Western Nigeria, Oba Olajide Olayode was beheaded by his subjects and his head and dismembered body were displayed in procession round the city. The reason for their action was to protest the Western Nigerian tax policy. The citizens protested that the tax was too "high" for them to pay and the government felt it was not the duty of the citizens to dictate the amount of tax they pay. In several towns in Western Nigeria, there were demonstrations against the tax policy but the Ogbomosho case turned out the climax of it all. In matters like this, the chiefs were viewed as collaborators of the government and perhaps that was why Oba Olajide was dragged out on the street and hacked to death with machetes.¹¹

In the Abakaliki area of Igboland, the lynching of tax collectors was frequent cases. Nwiboko Obodo unleashed mayhem on government officials who came to Mkpume Akpatakpa to collect taxes in 1971.¹² One significant thing about these tax riots was that during the preceding inquiry into the cause of the riots, the complaint was that the people lack basic amenities to life and had been paying taxes for years with no effect on the society. In other words, they tended to indict the government for negligence in the provision of these amenities and therefore had no moral justification to ask them to pay taxes. Taxes, the government claims helps her provide and service the basic amenities of life to her citizens.

Between 1974 and 1975, it was unsafe to live anywhere around Fadeyi, off Ikorodu Road, Lagos. This was because a group of robbers had the area as their fief. They robbed at night, came back early in the morning to drink. Their leader, Mighty Joe, operated around the area and robbery incidents were a daily affair as not a single night passed without an incident. Reports to the Police yielded no prosecution. The general feeling was that either the police were afraid of the area or were aiding or abetting the criminals as occasionally some of them were seen drinking together. The leader of the robbers moved about town as king as he and his boys terrorized the area. Sometime around May 1975, the robbers invaded the house of one Lebanese businessman, strangling him to death after robbing him. Although some people saw them, nobody dared to come forward to testify against them because the police may not be able to protect the person. They were arrested, tried and released for want of evidence.¹³ Some months later, the robbers attacked a family in the suburb at night and the man shouted for help begging all the neighbors to come out and fight the robbers. "In our villages we have neither police nor Army. We are used to defend

ourselves. Why should a few robbers hold us to ransom in this area?"¹⁴ As if people were waiting for these words, the neighborhood rose to defend the household with clubs, pieces of planks and iron rods and moved to the scene of the attack. The robbers, not expecting any counter attack, were caught pants-down. Six of them were killed immediately. It did not stop there as the angry mob then moved to the homes of the criminals, rushed them out and lynched them. The following day, the police came with ambulance and picked up the dead bodies littering the streets.

On April 21, 1981, the traditional ruler of Obollo Afor, Igwe James Abangwu narrowly escaped being lynched by Obollo Afor women who were angry for his collusion in the stoppage of water supply to the rest of the community. The king had to appease the women with some money and gifts plus a promise to work hard to resuscitate the borehole to supply water to all parts of the community.¹⁵ Here, the Igwe was luckier than the Ogbomosho, Oba who was beheaded as he was able to buy his freedom from the women. He had to pay "homage" to the women rather than receiving homage from them.

At the end of the governorship elections in Ondo State, Nigeria on August 13, 1983, Chief Akin Omoboriowo of the National Party of Nigeria was declared winner by the Federal Radio Corporation of Nigeria while the Ondo State Radio declared Chief Michael Ajasin of the Unity Party of Nigeria, winner. The tension that followed these declarations was tremendous and made the Agbekoya riots¹⁶ of the 1960s a child's play. In Akure, people defied all the orders by the law enforcement agencies and boldly confronted them. They moved about in multiples like a swarm of bees; killing, maiming, looting and destroying property. Several houses were burnt and hundreds of persons killed among whom were three eminent sons of the state who were sympathetic to the National Party of Nigeria (NPN). They were: Chief Agbayewa, a successful businessman; Mr Olaiya I'agbamigbe, a renowned publisher and politician, and Mr Agunbiade, a former Speaker of the Ondo State House of Assembly. These men were set ablaze in broad-daylight for their collusion with the government-in-power at the federal level, the National Party of Nigeria, to ridicule the franchise exercised by the citizens.

Punishment

Since the end of the Nigeria/Biafra War of 1967 – 1970 armed robbery has posed a threat to national development. In the pre-war years, there were some cases of stealing and armed robbery. However, after the civil war, the tempo of armed robbery increased and robbers began to operate in broad daylight. It does appear that most of the soldiers that fought the war were not properly demobilized as many of them absconded with their guns to *fend for themselves*. The result was that the society became unsafe. With the rising tide of robbery cases, the federal military government enacted the Armed Robbery and Firearms Decree of 1970, introducing capital punishment for armed robbery, to salvage the society from the savaged situation of

robbers. The opinion poll differed on what crimes should be punished by death as well as the methods of imposing the death penalty. As one journalist contends,

The concept of punishment stands at the core of moral thinking and as a result its analysis necessarily affects a great many other moral concepts like mercy, praise, reward, responsibility, blame, justice, charity, obligation, forgiveness...¹⁷

Punishments, from all ramifications, are not palatable actions to the receiver. It is inflicted on the offender because of an offence committed. They are deliberately imposed by an agent authorized by the system of rules against which an offence has been committed. In this regard, lynching is not a standard case of punishment. Punishment may have been an off-shoot of the Hammurabic laws – “an eye, for an eye; a tooth for a tooth”. If this law is implemented to the letter in Nigeria, the country may turn a country of blind men.

In some dispensations in Nigeria, when homicide is committed, the strength of the case was usually determined by the relatives of the victim. Most often the police require their consent in either settling out-of-court or in-court.¹⁸ One may ask: why do people engage in crime, even when they know that if they are caught, they had to face the law? Or, why has legal punishment been unable to instill fear and deter people from engaging in crime?

A dying criminal, Nelson Diefal attempted to justify his actions, as a loyal soldier, I am not permitted to be engaged in any other business including smuggling, but I do it like many other Nigerians to make both ends meet. The economic condition of the society is perilous.¹⁹

This robber attempts to justify his criminality by ascribing the impetus to the socio-economic conditions of Nigeria at that time. However, every punishment aims at preventing the re-occurrence of an offence by same offender and its imitation by others. The only punishment that will prevent the repetition of a crime by the offender is capital punishment, unfortunately also, it does not guarantee the non-repetition by others. Sometimes, cars and motorcycles were snatched at gun-points at the ‘firing ranges’ where criminals were executed. This tends to lend credence to the argument that capital punishment has not stopped armed robbery in Nigeria. This paper does not intend to be an apology for death penalty as punishment for crime. However, if the security agencies of Nigeria should do their job and bring every criminal to pay for his/her crime, then it may serve as deterrent as ‘there will be no hiding place for them’. The problem has been corruption among government agencies that have provided criminals opportunities to get away with their crime.

The Onitsha Case in 1979

In 1979, I was a class three student in one of the secondary schools in Onitsha metropolis. Since I entered the school in 1976, I was able to understand the level of

criminality in the town from the stories that fly about town and from the sound of rifles that disturb the night. The gossip of who was a criminal was a regular thing. Sometimes, fingers were pointed at some fellows as criminals. When we went to any of the three movie theaters in town – Broadway, Central and Garmount – some of the criminals could be seen in person. For the survival of the movie theaters in the town, the owners employed some of them as bouncers and guards. Onitsha was a safe haven for the criminals. In broad daylight, they accosted their victims, even without mask, demanding ransom from them. Sometimes, if they liked the cloth people wore, they stopped their victims and took what they wanted. Shops were looted and ransom demanded by the looters. To erect a building, people had to pay *protection money* to these robbers or else they might come to the building site and cart away building materials or, worse, destroy the building. The criminal slang was “*machie m akpa*” (put something in my bag). Even little boys accosted people on the streets. If the victim resisted, the whole gang would come to his aid, accusing the victim of maltreating the little boy because of his size and demanding compensation.

One may wonder the role the police played in ensuring the security of the people during this period. Most of the cases that were reported to the police never saw the light of the day which made the people believe that the police were accomplices in the crimes. The robbers used to welcome every new Divisional Police Officer posted to Onitsha with fanfare. The robbers may have had an understanding with the police not to interfere with their business operations for a sum. After such operations, the police will appear in their vehicle to arrest passers-by in attempt to get at the robbers, but ostensibly to understand the worth of the loot and give the robbers time to escape.

Reporting crimes and criminals to the police became a serious problem for Onitsha residents as those who did experienced to their regret. Mr Vincent Ogbuagu, a taxi driver, had his old rickety Peugeot 403 car stolen and burnt the following day because he corroborated evidence of the registration number of a vehicle that came to loot a supermarket in town.²⁰ Mr James Okafor nearly lost his life because his wife caught the admiration of a robber. To get rid of him, the husband was harassed in his business by those working for the robbery kin-pin. One day when a group of robbers were arrested, they falsely named James Okafor as an accomplice. Okafor was arrested and incarcerated for several months before he was released²¹. Chief Elias Eze bought a piece of land at the Odoakpu area. When he wanted to develop it, he received a note from the robbers demanding ten thousand naira (\$10,000)²², if the building was a bungalow and twenty thousand naira (\$20,000), if it was a storey building. Angered by the letter, he took it to the Divisional Police Office to give report. Later in the day, he got a second letter asking for twice the amount of money as a penalty for talking to the police. The following day, about 1000 blocks at the building site were destroyed. Eze promised to pay as the police could not help him. Such was the situation and it put the society at the brink of collapse.

Police officers bribed their way to be posted to Onitsha, the economic nerve-centre of southeastern Nigeria. A land of opportunity, Onitsha is viewed as a place where anything can happen. The poor can become rich and the rich, poor overnight. While many conscientious policemen had lost their lives in their line of duty fighting criminals, others preyed on ordinary citizens. Reportedly, the police killed one trader who carried about one hundred thousand naira (\$150, 000)²³ in cash in his car, stole the money, and then branded their victim a criminal. Other policemen allegedly acted as agents for ritualists. Police officers often killed suspects in their custody on the pretense that they wanted to escape and then sold the victims' body parts to their paymaster. These stories undermined whatever confidence the people of Onitsha had in the police who were widely seen as accomplices to crime. A Divisional Police Officer in Nsukka Division, Mr. Gambo was arrested for complications in the killing of two teenagers and dismembering their bodies. He escaped from detention and has not been arrested ever since²⁴.

For years, Onitsha was terrorized and cowed into submission by gangs of criminals who created the impression that they were the law themselves. Such a situation when outlaw take over and the populace cannot do anything about it represents a failure of government institutions. Indeed, although the city hosted several police stations and a military cantonment, Onitsha had reached this point by the end of the 1970s when local traders began to hold clandestine meetings to discuss ways to wrest the city from the robbers.

On Wednesday June 27, 1979, the traders received word that the robbers had seized several truck loads of textiles destined for the Onitsha market.²⁵ This brazen act fueled the wrath of the businessmen. Early in the morning leading traders went out on the Onitsha market and called upon their colleagues to take action against the robbers. Citizens from all walks of life, including teachers, market women, civil servants, and even school children, marched through the streets, singing war songs and declaring war on the criminals who terrorized their city. The following day, June 28, 1979, became a red-letter day for Onitsha. The traders armed themselves, took to the streets, and invaded the hotels and homes where the notorious robbers resided. Policemen tried to stop them but to no avail. While the police tried to maintain order, the traders perceived their actions as one of those moves they make to protect their accomplices. The ambivalence nature of their actions made them suspect as some of them lost their lives in the attempt. By the second day of the uprising, the neighborhoods of Okpoko, Odoakpu, Fegge, Inland Town, Nkpor, and Obosi had all been ransacked in search of the criminals most of whom were well known because they had felt so secure that they rarely wore masks. One journalist described the reasons why the people of Onitsha ran out of patience:

The brazen effrontery of bandits operating both in daylight and at night time, seizing lorry load of goods in transit, preventing people from building on legitimately acquired plots of land and demanding unlawful gratification

from people for doing nothing, raised a violent and spontaneous reactions from the populace, many of whom had fallen victims to the bandits.²⁶

Another journalist reported how the crowd visited revenge on their tormentors:

The traders in a bid to rid the town of robbers, sacked and burnt suspects' houses, destroying many cars and setting fire on large quantities of household appliances.²⁷ (Verbatim)

It was a gory sight to behold some of the robbers who were caught during the rampage. They were tied and placed on top of used motor tyres and set ablaze. At several road junctions in Onitsha, decomposing corpses littered the streets. On Iboku Street the traders circled the three-storey building of one man called Banquo and set it on fire. A team of policemen came to the scene and rescued the owner of the house, whom the people suspected to be a robber. In the same vein, the vigilantes destroyed many brothels where the criminals lived with the prostitutes, their wives. In the course of the riots the Victoria, Morocco, Gwomos, and Atlantic Hotels were vandalized and prostitutes beaten and chased out. Afterwards, the proprietors of the hotels had to change their line of business.

Eventually, the military administration of Anambra State dispatched police and military forces to stop the rampage. All the same, in the aftermath of the traders' uprising, Onitsha enjoyed unprecedented peace and tranquility. For the first time in years people could move about the streets day and night without being molested by robbers.

Twenty-three years later, in 2002, robbers again seized power in Onitsha. There was no option other than the replay of the events of 1979. This time, however, the traders were not the only ones who took action. The state government invited a vigilante outfit, *Bakassi Boys*, to help restore public safety. Governor Chinwoke Mbadinuju of Anambra State, after appreciating the job the *Bakassi Boys* had done in the neighboring state of Abia, called them to the rescue. The organization was known for its "spiritual" method of determining the guilt of a suspect. When the Bakassi raised a machete over a suspect and the blade appeared to turn red, it was proof that the "defendant" was a criminal. In essence, the Bakassi did in 2002 what the traders did in 1979. They overpowered and then lynched the criminals without trial in a court of law. The sentence was passed and carried out by a "people's court"²⁸ in defiance to the normal judicial system which they believed have failed them.

Bakassi is the name of a private security outfit that was established in the year 2000 at Aba, Abia State, Nigeria. This organization got its name from the embattled Bakassi peninsula, then under contention between Nigeria and Cameroon. The way they restored order in Aba endeared them to the government and people of Anambra State who had found the police incompetent to checkmate the robbers. This may appear ridiculous, for someone outside the Nigeria scene, but it was true of the situation. These groups of young men were employed by the government and the people of Anambra State and were paid for the job which entailed killing of robbery

'suspects'. Several rumors surrounded their modes of operation which appeared mythical.

The rise in armed banditry in Nigeria has been attributed to party politics. Political parties and politicians enlisted unemployed youths to serve them as bullies to strong-arm voters and rig elections. Not surprisingly, these young thugs used the weapons they received to engage in robbery. As a result, many Nigerians have acquired guns and other small weapons to protect themselves against the constant threat of crime.²⁹ Moreover, Nigerians have responded to the failure of the postcolonial criminal justice system by reverting to traditional forms of justice. For example, the Igbo of southeastern Nigeria practice various forms of trial by jury with indigenous roots. The juries are composed of members of the village council in which all family lineages are represented by their eldest. Truth is deciphered by traditional methods, especially by ordeals based on the belief that the outcome will reflect the judgment of the supernatural. Although fatal consequences often attend an ordeal, its purpose is not punitive.³⁰ For instance, defendants, especially witchcraft suspects, are made to drink a sasswood soup containing deadly ingredients. The guilty ones, it is believed, will die. Another type of ordeal is aimed at determining the guilt or innocence of murder suspects, in particular of widows accused of having killed their husbands. The accused have to drink the residue of a bath in which the corpse of the victim had been plunged. Suspects were made to swear to some deities to prove their innocence. At times, deities were invoked on suspects and despite belief in Christianity the people are not oblivious of the potency of these invocations. Should the suspect refuse to take the ordeal he or she may be executed, as was the customs in the days of yore. These are however historical practices but once in a while the people resort to them when they feel they could not obtain justice through the modern state system.

Conclusion

In modern state systems, lynching is considered unacceptable because it challenges the claim of the state to a monopoly of legitimate violence, including the monopoly to prosecute and punish criminals. Typically, the modern state has established legal procedures and mechanisms to administer criminal justice. Most constitutions of the modern world guarantee fundamental human rights and due process of law, including that of fair trial. Defendants are presumed innocent until convicted by a duly authorized court. However, some societies have found this model of criminal justice clumsy and unworkable. Why should the people take the time and trouble to convict a criminal caught in the act? Why should legal trickery be allowed to frustrate clear-cut cases that courts then dismiss on technical grounds? In Nigeria, the police, instead of protecting society, have been more effective frustrating efforts to rein in criminals and bring them to justice. Arguably, the failure of state institutions and the law has been the major reason why many Nigerian communities have run out of patience and employed lynching in communal self-defense. Historically, there is no tradition of

lynching among the Igbo, of which Onitsha urban is a part of. Lynching has resulted because of the 'clumsy' nature of the modern state system of justice.

In Nigeria, the modern state has proved incapable of solving the problem of rampant crime. In fact, it has aggravated the problem. Politicians make use of criminals during their election campaigns providing them with arms they use to commit robbery and violent crimes. There is no effective separation of powers and no independent judiciary. Phone calls from friends in high places, including the police, will shield criminals from prosecution. The police itself are implicated in crimes and have assisted armed robbers. Even worse, the police have perpetrated numerous killings of ordinary citizens they are supposed to protect. It is no wonder that the Nigerian people have grown tired of the incompetence and corruption of government agencies and taken the law into their own hands. In addition to the cases described in this essay, lynching has become a regular occurrence in Nigerian communities. In 2002, for example, an incident in the capital city, Abuja, attracted considerable attention. Members of the Nigeria Police extra-judicially killed six Nigerians -Ekene Isaac Mgbe, Ifeanyi Ozor, Chinedu Meniru, Paulinus Ogbonna and Anthony and Augustina Arebu suspected to be armed robbers in Apo village, Abuja, Nigeria sometime in June, 2005. The Federal Government White Paper on this issue confirmed that the victims were not armed robbers as claimed by the police and awarded \$20,300 compensation to each of their families on November 9, 2005.³¹

In 2010 truck drivers in Onitsha burnt two policemen whom they accused of incessantly extorting money from them. Unfortunately, such events are in the increase in Nigeria and in some other African states too.

On October 5, 2012, at Omuokiri Aluu in Ikwere Local Government Area of River State, four students of the University of Port Harcourt were lynched in circumstances casting aspersion on both the community and the police. The young men were accused of stealing and were gruesomely murdered. This and many more such news have adorned the Nigerian media as circumstances leading to their death, by jungle justice, are yet to be unraveled.

Lynching may be a heinous crime but its roots are to be found in the failure of the modern state. In 2003, after the second lynching episode in Onitsha, several state governments in southeast Nigeria implemented community policing and neighborhood vigilantes to help combat crime. Clearly, this was a nod to the people that law enforcement agencies could not live up to their expectations and that they were justified in employing lynching to protect themselves.

Be these as they may, what the above essay attempted to do is an exposition of relationship between the police and the people whom they are supposed to protect. It has not been an attempt to indict the Western system of criminal justice as the problem has not been with the system but with the operators. Lynching is only employed when the operators of the Western style fail and the people are left with no other option than to take the laws into their hands. This happens when the opinions of

the people appeared suspended as politics in Nigeria has turned to warfare where weapons of different magnitudes are used to intimidate the electorates and the opposition. Political opponents are brutally killed in some circumstances as what happened in January 2011 during the election primaries in Bayelsa, Oyo, Plateau states of Nigeria where many lives were lost. Continuous recall of the traditional judicial system has been the action of a group of confused people; confused by the very people that are supposed to inform them. As a result of the confusion the society now grope for ways and this has led to the reapplication of the discarded forms of justice. Lynching is a reaction to some helpless circumstances and has been a reoccurring decimal in urban cities of Nigeria due to corruption among the law enforcement agencies and the judiciary.

NOTES AND REFERENCES

1. Mr. Lawrence Ike, Aged 60, 4 Old Cemetery Road, Onitsha, December 27, 2010. He said that robbers moved about in broad daylight attacking their victims.
2. In Nigeria, bail by law is free but in Police Stations across the country there may be some fiscal strings attached to it.
3. The Directorate of Public Prosecutions is in-charge of prosecuting criminal cases on behalf of the State. The clumsy manner most of the cases are handled is frustrating and most of the time unyielding to justice.
4. Okey Anyichie, "Anambra Security: Mbadinuju Okays Bakassi" *Daily Mirror*, (February 2, 2002), p.1.
5. Ade Odusanya, "Limits of Royal Excesses" *Headlines*, (September, 1993), p. 16. There is no doubt that such crime could be taking place in the palace without the Oba knowing.
6. See J. Okoro Ijoma, *Igbo History and the Battle for Survival*, (Nsukka: Great AP Express Publishers Ltd, 2010), pp. 60-67.
7. It was their world because the Igbo had nothing to do with Europe and found themselves fighting a war without knowing the cause. Moreover, their economy was not dependent on any external influence but was made to bear the shock of an economic problem emanating from the depression.
8. Marshal Kebby, "Mazi Darius Maduwotu: the Ali Baba of Aba" *Headlines*, (September, 1992), p. 5.
9. Mazi Eze Nwoko, 78 years, 28 Church Road, Aba, November 25, 2009. He was living in Aba at the period of the 'reign' of the robbers.
10. Edmund C. Obiezuofu-Ezeigbo, *The Biafran War and the Igbo in Contemporary Nigerian Politics*, (Lagos: Genius Press, 2007).
11. Olarenwaju Sodimu, "How Anti-tax Rioters Beheaded their Oba" *Headlines*, (October 1990), pp. 2-3.
12. Simon Apeh, 94 years, he worked in the Veterinary Section but was at different time co-opted for some tax drive activities during the period, Enugu Ezike, April 13, 2010.
13. Eze Onyebuchi, 80 years, Nsukka, January 13, 2010. He was a driver in Lagos during the period.

14. Marshal Kebby, "Lynching Operation that claimed 12 Lives" *Headlines*, (December, 1990), p. 6.
15. Dele Odebiyi, "Women Drive Traditional Ruler out of palace" *Headlines*, (May 1991), centre spread.
16. These were the several tax riots in the late 1960 Yorubaland that claimed quite a number of lives.
17. Dons Eze, "Is Capital Punishment Solution to Armed Robbery?" *Weekly Star*, (July 1, 1979), p. 8.
18. Settling out-of-court means to remove or negate all principles of legal justice by all the parties to a case while in-court means to follow the said principles.
19. Dons Eze, "Is Capital Punishment...." Reported an interview he had with a condemned criminal before his final execution, P. 8.
20. Vincent Ogbuagu, 60years, Umuagama, Enugu Ezike, May 6, 2009. I left Onitsha as I was afraid that they might come for my life at the long run as they were granted bail.
21. William Ezeoke, 50 years, March 13, 2010. A professional driver during the period and Mr Okafor's neighbour at No. 3 Old Cemetery Road, Onitsha.
22. The exchange rate in 1979 of the Naira to Dollar was about ₦1 to \$1.
23. *Ibid*
24. www.nigerianbestforum.com/index.php?topic. The DPO Mr Seriki Gambo was absolved by the Police to evade justice. See also Emma Nnadozie, "Apo killings: Govt must order police to produce missing DPO at all costs, say angry Nigerians" *Online Nigeria*. Saturday July 2, 2005.
<http://nm.onlinenigeria.com/templates/default.aspx>
25. G. Okeke, a trader and executive member of the Onitsha Market Amalgamated Traders Association (OMATA), interviewed over the phone, February 2, 2010.
26. Joe Akpoh, "Onitsha Traders Declare War on Criminals", *Daily Star*, (July 2, 1979), p. 1.
27. *New Nigerian*, "Onitsha Riot: Police Arrest 100 Persons" (July 5, 1979), p. 13.
28. Johnson Eze, 40 years, No. 4 Dumomodu Lane, Odoakpu, Onitsha, January 20, 2011.
29. C.U. Ugwoke, 45 years, Lecturer in Sociology, University of Nigeria, Nsukka. See also, C.U. Ugwoke, *Criminology: Explaining Crime in the Nigerian Context*. Nsukka: Great AP Express Publishers Ltd, 2010.
30. "Ordeal." Encyclopædia Britannica. *Encyclopædia Britannica 2009 Student and Home Edition*. Chicago: Encyclopædia Britannica, 2009. The main types of ordeal are ordeals by divination, and physical test. Ordeal by divination involves the services of a diviner, divining which party was right or wrong. It may take the form of swearing to a deity for clemency. In the case of physical test ordeal it involves the parties to a case being subjected to a soup of sasswood. If after taking the soup and one survives, then one is not guilty.
31. Kingsley Omonobi, "Nigeria: Apo Killings: White Paper Okays ₦3m for Each Victim" *The Vanguard*, November 24, 2005, p. 1