



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA

**THE ROLE OF SOCIAL ACTIVISM IN PURSUING ACCOUNTABILITY FOR POLICE  
ABUSE OF POWER IN AFRICA**

**NAME: IRUEBAFA LILY OYAKHIROME**

**STUDENT NUMBER: U17285268**

**A thesis submitted in fulfilment of the requirements for the degree of  
Doctor of Laws (LLD) In the Faculty of Law, University of Pretoria**

**Supervisor: Professor Christof Heyns, Centre for Human Rights, University of Pretoria**

**Co-Supervisor: Dr. Thomas Probert, Centre for Human Rights, University of Pretoria**

**November 2024**

## DECLARATION

---

I declare that this thesis, 'The Role of Social Activism in Pursuing Accountability for Police Abuse of Power in Africa,' which I hereby submit for the degree of Doctor of Laws (LLD) at the Faculty of Law, University of Pretoria, is my work and has not been previously submitted by me for a degree at this or any other tertiary institution.

**Name: Iruebafa Lily Oyakhirome**

**Student Number: u17285268**

**Date 21 October 2024**

## DEDICATION

---

To  
*everyone who asked, 'How is your PhD going?'. Glad to be able to finally answer, 'It is completed ooo'. God bless you all. Amen*

To  
*Ajituewun Ashama, I am so blessed to have you and to hold you until death do us part.*

## ACKNOWLEDGEMENTS

---

While it is impossible to remember all the people from whom I have received unwavering support, assistance, and inspiration while undertaking this journey, I would like to recognise a few, with extra thanks to those not mentioned here.

I would like to express my deepest gratitude to my supervisors and other academic staff at the Freedom from Violence Programme, Faculty of Law, University of Pretoria, Prof. Christof Heyns, Dr. Thomas Probert, and Prof. Stuart Maslen. What started as a rough idea was polished into this thesis due to the insight and detailed guidance of my supervisors Prof. Christof Heyns and Dr. Thomas Probert. Sadly, Prof. Christof Heyns passed away while this thesis was being written. As a supervisor, Prof. Heyns was encouraging, kind and respectful with his corrections. I hope he is proud of how this thesis turned out.

I also acknowledge the input and support – both academic and moral – of my friends from the University of Pretoria such as Alero Fenemigho (PhD), Joe Kilonzo (PhD), Ayo Sogunro (PhD), Beryl Orao (PhD), Brenda Mwale (PhD), Dumisani Gandhi (PhD), and others. I thank them for their unwavering support and encouragement throughout the highs and lows of this journey. Indeed, ‘if you want to go far, go together’. I am glad to have undertaken this journey with you all.

I was fortunate to meet many brilliant minds during this journey that helped improve various aspects of my research. I am grateful to Louise Edwards (APCOF), Meetali Jain, Yvonne Oyieke, Dr. Adebayo Okeowo (WITNESS), Dr. Mutuma Ruteere (CHRIPS), Patrick Mutahi (CHRIPS), and Brian Kimari (CHRIPS). Thanks for making time to book a Zoom meeting with a stranger, polishing my ideas and linking me up with prospective research participants.

I am also thankful to the examiners of this thesis for their time and input towards getting this thesis into its final form.

I would also like to acknowledge the brave volunteers who agreed to share their stories with me. Thank you all for taking out time to answer my questions and for trusting me with your answers. I hope this thesis conveys your struggles and triumphs.



Finally, words are not enough to convey my love and appreciation to my family. To my siblings, Onosen, Okhae, Okaima, Yami, Orji, Onoa, Mimi, Ibukun, Amiofu and Osemobor, thanks for your love and support. To my parents, Hon. Justice (Rtd) James A. Oyakhirome, Helen Oyakhirome (PhD) and Gladys Ashama, thanks for covering me in prayers and unending support.

To my husband, Ajituewun Ashama, we did it babe!!! To my daughter, Amere who arrived just after I submitted this thesis for examination, thank you for being an easy passenger.

## ABSTRACT

---

Reports of police abuse of power, such as extrajudicial killings and torture are widespread in Africa. When these occur, the public expects the state to hold its agents accountable. Police accountability in human rights is crucial, as it develops a culture of human rights and enhances police effectiveness which can (re-)establish legitimacy and restore public confidence in the police. Though formal mechanisms of police accountability are tasked with holding the police accountable, they sometimes fail to do this effectively. Although there have been several studies on the role and importance of formal mechanisms of police accountability, few qualitative studies exist in Africa that assess the role of social activism in police accountability. This study investigates the role of social activism campaigns in pursuing police accountability for abuse of power in Africa, by examining the #EndSARS campaign in Nigeria, the Khayelitsha police inefficiencies campaign in South Africa, and the Social Justice Centres campaign in Kenya. Using empirical, case study, and doctrinal research methods, this study examines how these campaigns pursue investigations, remedies, and reforms in the process of accountability. This study finds that social activism campaigns pursue police accountability through the socialisation and reinforcement of norms, transnationalisation of issues across borders, and materially contributing to the accountability process, thereby applying pressure on the state and formal mechanisms of accountability to hold the police accountable.

## LIST OF ACRONYMS

---

---

<b>ACHPR</b>	Africa Charter of Human and Peoples' Rights
<b>ALIU</b>	Anti-land Invasion Unit
<b>APS</b>	Administration Police Service
<b>BPDLP</b>	Basic Police Development Learning Programme
<b>CBOs</b>	Community-Based Organisations
<b>CIC</b>	Complaints Intake Committee
<b>CIPEV</b>	Commission of Inquiry into the Post-Election Violence, Kenya
<b>CoSA</b>	Constitution of South Africa
<b>CPF</b>	Community Policing Forums
<b>CRU</b>	Complaint Response Unit
<b>CSOs</b>	Civil Society Organisations
<b>CSPS</b>	Civilian Secretariat for Police Service
<b>DCI</b>	Directorate of Criminal Investigations
<b>DoCS</b>	Department of Community Safety
<b>DPP</b>	Director of Public Prosecution
<b>ECM</b>	Enterprise Content Management
<b>EE</b>	Equal Education
<b>EJE</b>	Extrajudicial Executions
<b>eKLR</b>	Electronic Kenya Law Report

<b>FCS Unit</b>	Family Violence, Child Protection and Sexual Offence Unit
<b>HRW</b>	Human Rights Watch
<b>IAU-K</b>	Internal Affairs Unit, Kenya
<b>ICD</b>	Independent Complaints Directorate
<b>IGP</b>	Inspector General of Police
<b>IHL</b>	International Humanitarian Laws
<b>IHRL</b>	International Human Rights Law
<b>IMLU</b>	Independent Medico-Legal Unit
<b>IPID</b>	Independent Police Investigative Directorate
<b>IPOA</b>	Independent Police Oversight Authority
<b>KCOI</b>	Khayelitsha Commission of Inquiry into Allegations of Police Inefficiency and Breakdown in Relations Between SAPS and the Community of Khayelitsha
<b>KDF</b>	Khayelitsha Development Forum
<b>KNCHR</b>	Kenya National Commission on Human Rights
<b>KPS</b>	Kenya Police Service
<b>LPELR</b>	Law Pavilion Electronic Law Report
<b>LSJPI</b>	Lagos State Judicial Panel of Inquiry and Restitution for victims of SARS Related Abuses and other Matters
<b>MEC</b>	Member of the Executive Council
<b>MSJC</b>	Mathare Social Justice Centre

<b>NAPC</b>	National Assembly Portfolio Committee (South Africa)
<b>NCP</b>	National Commissioner of Police
<b>NPM</b>	National Preventive Mechanism
<b>NGOs</b>	Non-Governmental Organisations
<b>NHRC</b>	National Human Rights Commission
<b>NOPRIN</b>	Network on Police Reform in Nigeria
<b>NPC</b>	Nigeria Police Council
<b>NPF</b>	Nigeria Police Force
<b>NPS</b>	National Police Service
<b>NPSC-K</b>	National Police Service Commission Kenya
<b>NPSDC</b>	National Police Service Disciplinary Committee
<b>ORP/ORT</b>	Orderly Room Proceeding/Orderly Room Trial
<b>PCC</b>	Public Complaint Commission
<b>PCP</b>	Portfolio Committee on Police
<b>PLAC</b>	Policy and Legal Advocacy Centre
<b>PSC</b>	Police Service Commission
<b>SAPS</b>	South African Police Service
<b>SARS</b>	Special Anti-Robbery Squad
<b>SDC</b>	Subordinate Disciplinary Committee
<b>SIAF</b>	Social Intervention Advocacy Foundation

<b>SJC</b>	Social Justice Coalition
<b>SWAT</b>	Special Weapons and Tactics
<b>TAC</b>	Treatment Action Campaign
<b>ToR</b>	Terms of Reference
<b>THRR</b>	Theoretical Human Resource Requirement
<b>UN OHCHR</b>	United Nations Office of the High Commissioner on Human Rights
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>WCPO</b>	Western Cape Police Ombudsman
<b>ZACC</b>	Constitutional Court, South Africa
<b>ZAWCHC</b>	Western Cape High Court, South Africa

## LIST OF FIGURES

---

<b>Figure 1</b>	Illustrative Examples of Tweets by Nigerians on their Encounter with Operatives of the SARS.
<b>Figure 2</b>	#EndSARS Protesters holding ‘we have no leader banner’ during a street protest in Lagos, Nigeria, on 15 October 2020. (Photo: Associated Press Photo – Sunday Alamba).
<b>Figure 3</b>	Posters used by the Safer Khayelitsha campaign to raise awareness for court hearings and marches.
<b>Figure 4</b>	Community Dialogues held in Mathare in 2017.
<b>Figure 5</b>	<i>Saba Saba</i> #MarchForOurLives protest 2020.
<b>Figure 6</b>	Wilfred Olal getting arrested during the 2021 <i>Saba Saba</i> #MarchForOurLives protest.
<b>Figure 7</b>	The attempted arrest of Wanjira during the 2020 <i>Saba Saba</i> #MarchForOurLives protest. She avoided arrest and continued the protest screaming, ‘when we lose our fear, they lose their power!’
<b>Figure 8</b>	Tweets showing participants tagging Jack Dorsey the former CEO of Twitter, and some results.
<b>Figure 9</b>	Tweets showing the Justice Centres tagging other organisations like Haki Africa, and Amnesty International.
<b>Figure 10</b>	Tweets detailing protest locations in Nigeria and the United Kingdom.
<b>Figure 11</b>	Tweets communicating safety tips, emergency helplines and shelter for protesters.

## TABLE OF CONTENTS

DECLARATION.....	i
DEDICATION.....	ii
ACKNOWLEDGEMENTS.....	iii
ABSTRACT.....	v
LIST OF ACRONYMS.....	vi
LIST OF FIGURES .....	x
TABLE OF CONTENTS.....	xi
<b>CHAPTER ONE: INTRODUCTION.....</b>	<b>1</b>
1.1. Introduction.....	1
1.2. Background .....	5
1.3. The Socio-legal Context for Case Studies .....	10
1.4. Research Problem .....	13
1.5. Research Questions .....	18
1.6. Conceptual Literature Review .....	19
1.7. Theoretical Framework .....	30
1.7.1. <i>Social Activism as a Form of Political Participation.....</i>	<i>30</i>
1.7.2. <i>Struggle Approach to Human Rights .....</i>	<i>33</i>
1.8. Methodology .....	36
1.8.1. <i>Research Method .....</i>	<i>36</i>
1.8.2. <i>Empirical Qualitative Research: Recruitment and Sampling.....</i>	<i>37</i>
1.8.3. <i>Empirical Qualitative Research: Data Collection and Data Analysis.....</i>	<i>38</i>
1.9. Research Limitations and Challenges.....	39
1.10. Thesis Structure.....	40
<b>CHAPTER TWO: UNDERSTANDING POLICE ACCOUNTABILITY FROM A HUMAN RIGHTS PERSPECTIVE.....</b>	<b>42</b>
2.1. Introduction.....	42
2.2. Human Rights Obligations of States .....	42
2.3. Significance of Accountability in Human Rights – Reinforcing Human Rights Norms	45
2.4. Contents of Accountability.....	49
2.4.1. <i>Investigation.....</i>	<i>50</i>
2.4.2. <i>Remedy.....</i>	<i>55</i>



2.4.3. Reforms .....	60
2.5. Conclusion .....	63
<b>CHAPTER THREE: POLICE ACCOUNTABILITY MECHANISMS IN NIGERIA, SOUTH AFRICA, AND KENYA.....</b>	<b>64</b>
3.1. Introduction .....	64
3.2. Police Accountability Mechanisms in Nigeria .....	65
3.2.1. Complaint Response Unit (CRU).....	66
3.2.2. The Force Provost Marshal and the Orderly Room Trial (ORT)/Orderly Room Proceedings (ORP).....	68
3.2.3. Police Service Commission (PSC) .....	70
3.2.4. Nigeria Police Council (NPC).....	73
3.2.5. National Human Rights Commission (NHRC).....	74
3.2.6. Courts .....	76
3.3. Police Accountability Mechanisms in South Africa.....	77
3.3.1. National Commissioner of Police (NCP) and Supervisors.....	77
3.3.2. The Independent Police Investigative Directorate (IPID).....	80
3.3.3. Civilian Secretariat for Police Service (CSPS).....	84
3.3.4. South African Human Rights Commission (SAHRC).....	86
3.3.5. Provincial Oversight .....	88
3.3.6. Courts .....	89
3.4. Police Accountability and Oversight Mechanisms in Kenya.....	91
3.4.1. Office of the Inspector General of the National Police Service.....	92
3.4.2. Internal Affairs Unit Kenya (IAU-K).....	92
3.4.3. The National Police Service Commission (NPSC-K).....	94
3.4.4. The Independent Policing Oversight Authority (IPOA).....	96
3.4.5. Kenya National Commission on Human Rights (KNCHR).....	98
3.4.6. Courts .....	100
3.5. Conclusion .....	101
<b>CHAPTER FOUR: #EndSARS ACTIVISM.....</b>	<b>102</b>
4.1. Introduction .....	102
4.2. Background to the #EndSARS Activism .....	104
4.2.1. The First Wave .....	106
4.2.2. The Second Wave.....	110

4.3.	Modalities of the #EndSARS Activism .....	116
4.3.1.	<i>Objectives of the #EndSARS Activism</i> .....	116
4.3.2.	<i>Target Audience</i> .....	119
4.3.3.	<i>Structure of the #EndSARS Activism</i> .....	120
4.3.4.	<i>Participation in the #EndSARS Activism</i> .....	123
4.3.5.	<i>Tactics of the #EndSARS Activism</i> .....	126
4.4.	Reaction of the Police Accountability Mechanisms to the #EndSARS Campaign	132
4.5.	Challenges Faced by the #EndSARS Activism .....	138
4.6.	Role of the #EndSARS Activism in Pursuing Accountability.....	142
4.6.1.	<i>Investigation</i> .....	143
4.6.2.	<i>Remedies</i> .....	148
4.6.3.	<i>Reforms</i> .....	150
4.7.	Conclusion .....	156
<b>CHAPTER FIVE: CAMPAIGN FOR A SAFER KHAYELITSHA.....</b>		<b>158</b>
5.1.	Introduction .....	158
5.2.	Understanding Khayelitsha .....	159
5.3.	Background to the Campaign for a Safer Khayelitsha .....	161
5.3.1.	<i>Early Court Cases and Protests</i> .....	164
5.3.2.	<i>Formation of the Social Justice Coalition (SJC)</i> .....	166
5.3.3.	<i>The Need for a More Systemic Solution</i> .....	167
5.3.4.	<i>Submission of the Formal Complaint and the Demand for a Commission of Inquiry</i>	169
5.4.	Modalities .....	172
5.4.1.	<i>Objectives</i> .....	172
5.4.2.	<i>Structure</i> .....	176
5.4.3.	<i>Target Audience</i> .....	177
5.4.4.	<i>Participation</i> .....	178
5.4.5.	<i>Tactics</i> .....	181
5.5.	Challenges .....	188
5.6.	Reaction of the Police Accountability Mechanism.....	191
5.7.	Role of the Activism in Pursuing Accountability.....	198
5.7.1.	<i>Investigation</i> .....	198
5.7.2.	<i>Remedies</i> .....	200

5.7.3. <i>Reforms</i> .....	202
5.8. Conclusion .....	207
<b>CHAPTER SIX: SOCIAL JUSTICE CENTRES KENYA .....</b>	<b>210</b>
6.1. Introduction .....	210
6.2. Background to the Establishment of the Social Justice Centres.....	210
6.3. Modalities .....	219
6.3.1. <i>Structure</i> .....	219
6.3.2. <i>Objectives</i> .....	220
6.3.3. <i>Target Audience</i> .....	223
6.3.4. <i>Participation</i> .....	223
6.3.5. <i>Tactics</i> .....	227
6.4. Challenges .....	235
6.5. Reaction of the Police Accountability Mechanisms .....	239
6.6. Role of the Activism in Pursuing Police Accountability.....	244
6.6.1. <i>Investigation</i> .....	244
6.6.2. <i>Remedies</i> .....	246
6.6.3. <i>Reforms</i> .....	248
6.7. Conclusion .....	249
<b>CHAPTER 7: THE USE OF SOCIAL MEDIA IN SOCIAL ACTIVISM FOR POLICE ACCOUNTABILITY .....</b>	<b>251</b>
7.1. Introduction .....	251
7.2. Background .....	253
7.3. Use of Social Media for Public Mobilisation .....	257
7.4. Use of Social Media for Organising .....	268
7.5. Use of Social Media for Engagement with Political Leaders.....	273
7.6. Conclusion .....	281
<b>CHAPTER EIGHT: CONCLUSION.....</b>	<b>283</b>
8.1. Socialisation of Norms .....	283
8.2. Contributing to the accountability process.....	286
8.2.1. <i>Contributing to Investigations into Allegations of Police Abuse of Power...</i>	287
8.2.2. <i>Contributing to the Pursuit of Effective Remedies</i> .....	288
8.2.3. <i>Contributing to Reforms</i> .....	290
8.3. Building of Coalitions.....	291

8.4. Transnationalisation of Issues.....	293
8.5. Final thoughts.....	296
<b>BIBLIOGRAPHY .....</b>	<b>299</b>



## CHAPTER ONE: INTRODUCTION

---

*...enhancing accountability can improve police legitimacy and increase public confidence, which, in turn, will reinforce the integrity of the system.<sup>1</sup>*

### 1.1. Introduction

When a tweet on Twitter by a young man alleging that he had witnessed an officer of the now defunct Special Anti-Robbery Squad (SARS) of the Nigerian Police Force (NPF) shoot a man in the head went viral on 2 December 2017, the NPF might have assumed the uproar would die down after a few hours of outrage on social media platforms. However, this single tweet led to a stream of videos, pictures, and tweets from various parts of the country, across Twitter, Facebook, and other social media platforms, narrating gruesome encounters with operatives of the SARS and calling for an end to the SARS and police brutality in Nigeria. This incident which led to the emergence of the internationally recognised #EndSARS campaign, as will be examined in this thesis spurred numerous protests in waves, national discussions on the excesses of the police, and several investigative panels.

The situation above is not peculiar to Nigeria. Similar occurrences of police abuse of power resulting in campaigns seeking to curtail human rights abuses and hold the police accountable have emerged in other countries – both globally and in Africa. Such campaigns include The BlackLivesMatter protests in the United States of America, the United Kingdom, and Australia, campaigns against the national police force in Chile, Argentina, Hong Kong, South Africa, and Kenya.<sup>2</sup> This study examines three social activism campaigns against police abuse of power in Africa and the role these campaigns played in pursuing police accountability. These campaigns are the #EndSARS campaign in Nigeria, the campaigns on police inefficiency in Khayelitsha in South Africa, and the campaigns by the Social Justice Centres in Kenya.

---

<sup>1</sup> United Nations Office on Drugs (UNODC), *Handbook on Police Accountability, Oversight, and Integrity* (Vienna: United Nations Office, 2011), 9.

<sup>2</sup> Aleem Maqbool, “Black Lives Matter: From Social Media Post to Global Movement”, *BBC News*, July 9, 2020, <https://www.bbc.com/news/world-us-canada-53273381> (accessed 15 October 2024).

The police, one of the state's most visible agents, are endowed with extensive legitimate powers that are usually not available to ordinary citizens. For instance, the power to use legitimate force even in times of peace to maintain order, unlike ordinary citizens who may, in some circumstances, only use force in self-defence.<sup>3</sup> However, this power puts the police in a delicate position as such power can be abused and used to violate human rights, which can have a far-reaching effect on the public. Hence, it is expedient for states to put in place adequate control measures, such as human rights laws, regulations, policies, and accountability mechanisms, to govern police conduct and prevent the abuse of such power.

Despite such measures to control police conduct, police abuse of power still occurs. When such abuses occur, the public expects the state to hold its agents accountable. Nevertheless, this expectation of holding the police accountable is sometimes not met, which creates the perception that formal police accountability mechanisms – where they exist – are weak and inefficient or that the state is uninterested in holding its agents accountable. As will be explored in this study, this occasionally brings about the need for social activism whereby activists – individuals and groups – come together to speak against police abuse and apply pressure on the state to hold its agents accountable.

Accountability in human rights, as will be addressed in detail in this study, involves the state asking and answering important questions such as what happened? Who are the victims? Who was responsible? How can the abuse be remedied? How can a future reoccurrence of such abuse be prevented? These vital questions are described as constituting the three interlinked core components of human rights accountability – investigation, remedy, and reform.<sup>4</sup>

Therefore, this study examines the role of social activism in holding the police accountable for the abuse of power. This study achieves this by conducting a qualitative assessment of the role of three social activism campaigns in Africa in pursuing accountability for police abuse of power. First, the #EndSARS campaign in Nigeria advocated for the government to hold the SARS of the NPF, famed for brutality, extortion, and extrajudicial killings,

---

<sup>3</sup> Anneke Osse, *Understanding Policing: A Resource for Human Rights Activists* (Netherlands: Amnesty International Nederland, 2007), 42-43; UNODC, *Handbook on Police Accountability*, 5.

<sup>4</sup> Thomas Probert, "The Concept of accountability and its Importance for the Protection of the Right to Life", in *National Commissions of Inquiry in Africa: Accountability Mechanisms for Violations of the Right to Life?* eds. Christof Heyns and Thomas Probert, (Pretoria: PULP Publishers, 2020), 31.

accountable by dissolving it, alongside other measures. This campaign was decentralised and leaderless, with many individuals and organisations acting on the same objectives in diverse ways. Second, the Khayelitsha police inefficiency campaign in South Africa advocated for the establishment of a Commission of Inquiry to investigate the situation of policing in Khayelitsha – a township in Cape Town. Unlike the #EndSARS campaign, this was a centralised campaign in Khayelitsha with many already established Civil Society Organisations (CSOs) coming together to campaign. Lastly, the activities of Social Justice Centres in Kenya, community-based activism groups that emerged out of the need to document and expose police abuse of power in marginalised communities in Kenya. This campaign by the Justice Centres in Kenya is mostly an organised grassroots campaign in informal settlements.

In assessing the role played by each campaign in pursuing police accountability, this study examines the role of the campaigns during the process of accountability, taking into consideration the three interlinked components of accountability mentioned above – investigations, effective remedies, and reforms.

This study posits that social activism campaigns complement formal accountability mechanisms in holding the police accountable for abuse of power by playing different roles such as the socialisation and reinforcement of norms, the transnationalisation of issues, and contributing to the accountability process. Through the case study campaigns, this study will demonstrate how these roles are executed through public sensitisation and education on human rights, the nationalisation and transnationalisation of issues of police brutality and the building of coalitions which potentially pressure the state into holding the police accountable.

In addition, this study posits that social activism campaigns materially contribute to the process of police accountability in different ways. For instance, in the pursuit of investigation by identifying abuses, crowdsourcing information on allegations of police abuse of power, such as what happened, where it happened, and who was involved. The information is typically collected directly from complainants or via an aggregation of eyewitness content from multiple sources, including social media. These can be useful during investigations into allegations of police abuse. Furthermore, in gathering information and publicising allegations, social activism campaigns create avenues for accountability mechanisms to



become aware of cases without victims battling the usual bureaucratic process associated with filing a complaint against the police.

Concerning remedies, this study posits that social activism campaigns facilitate access to effective remedies by victims by enabling victims (be it individuals or groups, immediate family or dependants of the direct victims, 'good' or 'bad' victims) to first be aware of their rights and the resources available when the police have violated such rights. Campaigns use various methods to achieve remedies for victims, including organising events, townhall meetings, home visits, distributing flyers, writing articles and social media posts informing people of their rights and how to seek remedies when such rights have been violated. Furthermore, social activism campaigns educate the public on the various mechanisms available in the state to obtain remedies. These mechanisms could be formal, judicial, administrative, disciplinary, or extraordinary mechanisms such as commissions of inquiry. Additionally, social activism campaigns support victims financially and emotionally throughout the process of obtaining remedy by engaging in diverse activities, including organising fundraisers, hiring lawyers, providing victim support services such as emotional support groups, funding the burial of a loved one lost to police violence, offering pro bono services, and paying for medical bills of the individuals or groups seeking remedies. In addition, social activism campaigns sometimes act as a bridge between the victims and the accountability mechanisms by helping victims file complaints with various accountability mechanisms, follow up on such complaints, and provide information on the progress of such complaints to the victims.

Social activism campaigns set the agenda for reforms within the police system by identifying loopholes and applying pressure on the state to bring these reforms to life. Social activism campaigns achieve these by bringing together different stakeholders to offer suggestions on ways to prevent the recurrence of abuse of power. They also submit reform proposals to the state – via letters, reports, and proposals –, organise protests to pressure the state to implement reforms, and occasionally resort to the courts to enforce recommendations.

This research is significant because it examines the link between two essential concepts – social activism and police accountability – and sheds light on the role played by social activism in the accountability process using case studies from Africa. This study contends that social activism significantly contributes to the broader police accountability discourse.

Notably, in the socialisation of norms which facilitates the involvement of ordinary people in contributing to police accountability. This is essential, as police accountability, which is at the core of democratic policing, is crucial in enhancing human rights. Furthermore, through semi-structured interviews with activists (including direct participants in the case study campaigns, and other human rights defenders), and members of police accountability mechanisms, aimed at understanding the role of social activism in pursuing police accountability in Africa, this study brings into the growing discourse on police accountability in Africa, the voices of ordinary people. Though the role of the collective voice of the people through social activism in police accountability has largely gone under-emphasised in Africa, as this study will show, by closely monitoring police activities and campaigning against police abuse of power, the people can claim a certain level of influence and exert pressure on the state for police accountability. This study explores this largely uncharted terrain on the role of social activism in pursuing accountability for police abuse of power in Africa.

## 1.2. Background

Historically, the police forces in most African countries are said to be the offspring of colonialism created with the main aim of promoting and defending the interests of executive power at the expense of the public.<sup>5</sup> This situation where the police protect and answer to the interest of the ruling elite or regime rather than the public has been referred to as ‘regime policing’.<sup>6</sup> This history of regime policing contributes – in part – to police abuse of power and the mistrust between citizens and the police as most police forces in African countries to date still have a ‘militarised, brutal and uncivil character’.<sup>7</sup>

Despite this history of regime policing, as agents of the state, it is well established that the police are responsible for both the negative and positive functions of the state towards

---

<sup>5</sup> Etannibi E. O. Alemika, “Police and Human Rights in Africa”, in *Police and Human Rights in Africa*, eds. APCOF and The Danish institute for Human Rights, Vol. 14, (Cape Town: APCOF, October 2020), 2. [https://www.achpr.org/public/Document/file/Any/14th%20Newsletter%20SEPT%202020%20EN\\_FR\\_AR.pdf](https://www.achpr.org/public/Document/file/Any/14th%20Newsletter%20SEPT%202020%20EN_FR_AR.pdf); Etannibi E. O. Alemika, “Police Internal Control Systems in West Africa: An Introduction”, in *Police Internal Control Systems in West Africa*, eds. Etannibi E. O. Alemika and Innocent C. Chukwuma, (Lagos: CLEEN Foundation, 2011), 8.

<sup>6</sup> Romi Sigsworth, *Harnessing Public Engagement for Police Accountability in Africa*, Africa Report 21, (Pretoria: Institute of Security Studies, December 2019), 3.

<sup>7</sup> Alemika, “Police Internal Control Systems in West Africa”, 8, 9.

human rights.<sup>8</sup> The *United Nations' Code of Conduct for Law Enforcement Officials* provides that in performing their duties, law enforcement officials must 'respect and protect human dignity and maintain and uphold the human rights of all persons'.<sup>9</sup> Hence the police are required to use their power while 'promoting, protecting and upholding the human rights obligations of the state they represent.'<sup>10</sup>

Speaking on the negative and positive functions of the state towards human rights, which the police are also responsible for, the African Commission in the landmark case of the *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria* noted that all rights produce a minimum of four duties for a state to uphold. These duties are to respect, protect, promote, and fulfil all rights. Particularly concerning the duties to respect and protect, the African Commission stated:<sup>11</sup>

At a primary level, the obligation to **respect** entails that the State should refrain from interfering in the enjoyment of all fundamental rights; it should respect right-holders, their freedoms, autonomy, resources, and liberty of their action.

At a secondary level, the State is obliged to **protect** right-holders against other subjects by legislation and provision of effective remedies. This obligation requires the State to take measures to protect beneficiaries of the protected rights against political, economic and social interferences.

The duty to *respect* human rights connotes a negative obligation on the state and its agents to refrain from taking any actions that directly interfere with the enjoyment of human rights; therefore, the laws of the state should not violate any right, neither should agents of the state take actions that violate human rights. On the other hand, the duty to protect connotes a positive obligation on the state and its agents to take adequate steps to prevent third-party interference with the rights of the public. For instance, when the police fail to investigate alleged crimes reported, the police violate the obligation to protect human rights.

---

<sup>8</sup> Osse, *Understanding Policing*, 45, 49; Bahame T. M. Nyanduga has also noted that in carrying out their duties of the proper administration of justice, law and order the police create a safe environment that guarantees the respect of basic rights of law citizens. African Police Civilian Oversight Forum (APCOF), *An Audit of Police Oversight in Africa* (Cape Town: African Minds, 2008), vii.

<sup>9</sup> Adopted by the General Assembly in its resolution 34/169 (1979); art. 2.

<sup>10</sup> Jo-Anne Prud'Homme *et al.*, *Legal Study on Policing and Human Rights Standard: Internationally and in Three Countries of the Global South (South Africa, Philippines and Liberia)* (Copenhagen: Danish Institute against Torture, 2017), 14.

<sup>11</sup> African Commission, *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria*, 155/96, para 45 and 46.

In a nutshell, the abuse of police power violates the obligations to respect and protect human rights hence the need for accountability.

The term ‘accountability’ is used in various contexts such as governance, the public sector, the corporate sector, and human rights. Andreas Schedler, a professor of political science, notes that the attractiveness of accountability is in its comprehensive breadth.<sup>12</sup> Schedler opines that accountability in governance prevents the abuse of powers in three dimensions: first, it subjects power to sanctions; second, it obliges power to be exercised in transparent ways; and third, it forces power to justify its acts. The first dimension, Schedler terms ‘enforcement’ and the last two dimensions, ‘answerability’.<sup>13</sup> Schedler’s view is reflected in the definition of accountability as the ‘justification of an actor’s performance vis-à-vis others, the assessment or judgement of that performance against certain standards, and the imposition of consequences if the actors fail to meet applicable standards’.<sup>14</sup> Mark Bovens’ triptych of accountability as the relationship between an actor, accounting forum and the possibility of consequences further reflects this view of accountability.<sup>15</sup> According to Bovens, the actor’s actions are justified before the accounting forum, and the forum has the power to question and hold the actor answerable for conduct and mete out consequences if necessary.<sup>16</sup>

In human rights, accountability and oversight over the police are fundamental elements in democratic policing.<sup>17</sup> Accountability for police abuse of power is crucial, as it enhances police effectiveness which can (re-)establish legitimacy and restore public confidence in the police. Accountability also develops a culture of human rights and reinforces human rights norms such as the violations of human rights by the state and its agents should have

---

<sup>12</sup> Andreas Schedler, “Conceptualizing Accountability”, in Andreas Schedler, Larry Diamond, and Marc F. Plattner, eds. *The Self-Restraining State – Power and Accountability in New Democracies* (Colorado and London: Lynne Rienner Publishers, 1999), 14.

<sup>13</sup> Schedler, “Conceptualizing Accountability”, 14-16.

<sup>14</sup> Jutta Brunnée, “International Legal Accountability through the Lens of the Law of State Responsibility,” *Netherlands Yearbook of International Law* 36, no.1 (2005): 21.

<sup>15</sup> Mark Bovens, “Two Concepts of Accountability: Accountability as a Virtue and as Mechanism”, *West European Politics* 33, (2010), 955-957.

<sup>16</sup> *Ibid.*, 955-957.

<sup>17</sup> Romi Sigsworth, *Harnessing Public Engagement for Police Accountability in Africa*, Africa Report 21, (Pretoria: Institute of Security Studies, December 2019), 3.

consequences and the failure to attach consequences makes light of the importance of such rights. These norms reinforced by accountability can have a broad and narrow meaning.

In the narrow sense, the accounting forum and the consequences for violation of human rights involve legal accountability, which primarily involves three components: investigations, provision of remedies and reforms. The processes of these core components are usually carried out by various formal mechanisms of accountability as discussed in Chapter Three. However, this study argues that social activism campaigns complement these accountability mechanisms and play important roles in pursuing these core components, potentially leading to legal accountability.

In a broader sense, social activism campaigns recourse to various tools in the pursuit of the consequences such as social and political costs imposed on the state or the government in power.<sup>18</sup> Such social and political costs can include loss of public trust, political leaders deliberately voted out of office, loss of political and social goodwill internationally and nationally, and international chastisement because of human rights violations. For example, the failure of states to take measures of accountability and hold their agents accountable for violations of the right to life has been held to constitute a violation of the right to life, especially where there is a culture of impunity.<sup>19</sup> Where social activism campaigns are unsuccessful in bringing about accountability in the narrow sense, the activities of social activism include raising awareness about human rights abuses by the police and the absence of governmental response, which could potentially bring about social and political costs. This could take different forms such as exerting pressure on the government into making concessions it may not have ordinarily reached, including setting up commissions of inquiry or investigative panels to ensure police accountability. It could also take the form of influencing public opinion and political agenda on matters relating to the contested issue. For instance, the #BlackLivesMatter Movement impacted the political landscape leading to

---

<sup>18</sup> Thomas Probert and Christof Heyns, "Introduction: The Role of National Commissions of Inquiry in Securing the Supreme Human Right", in *National Commissions of Inquiry in Africa: Accountability Mechanisms for Violations of the Right to Life?* eds. Christof Heyns and Thomas Probert, (Pretoria: PULP Publishers, 2020), 13.

<sup>19</sup> African Commission on Human and Peoples' Rights, "*General Comment no.3 on the African Charter on Human and Peoples' Rights: The Right to life*", (2015), para 15; UN OHCHR, *The Minnesota Protocol on the Investigation of Potentially Unlawful Death* (2016), para 8, 17; UN HRC; *General Comment no.36 on Article 6 of the International Convention on Civil and Political Rights: The Right to Life* (2018)", para 25, 27, 28, 29.

the discussion of policing in political dialogue, and the election of individuals who supported the cause of the movement.<sup>20</sup>

As will be expanded upon in Chapters Two and Three, ordinarily police accountability is achieved by a conglomerate of laws and oversight and accountability mechanisms, including commissions of inquiry or investigative panels set up by the state in response to pressure from the public. This understanding of accountability as involving a conglomerate of laws and mechanisms is reflected in the definition of police accountability by the United Nations Office on Drugs and Crime's *Handbook on Police Accountability* as 'a system of internal and external checks and balances aimed at ensuring that police perform the functions expected of them to a high standard and can be held responsible if they fail to do so.'<sup>21</sup> In addition, the UNODC further states that the police are open to being questioned about their actions and decisions and accept the consequences of misconduct – sanctions.<sup>22</sup> Effective police accountability is not essentially punitive but involves both corrective and preventive measures, which entail the engagement of players representing different groups from within and outside the police force.<sup>23</sup> The objective of police accountability is to prevent abuse of power by the police, to prevent those with political power from abusing their control over the police, and most importantly, to enhance police effectiveness which can (re-)establish police legitimacy and restore public confidence in the police.<sup>24</sup>

Therefore, accountability is a form of procedural obligation on states to respect and protect human rights by holding its agents – in this instance, the police – accountable. It acknowledges the vital role the police play in protecting the rights of people and so must be held answerable for their actions or inactions in the performance of their duties. It connotes more than police officers upholding the law, respecting human rights, and avoiding misconduct or corrupt behaviours while carrying out their duties, but it also means

---

<sup>20</sup> Frank Leon Roberts, "How Black Lives Matter Changed the Way Americans Fight for Freedom", *ACLU*, July 13, 2018, <https://www.aclu.org/news/racial-justice/how-black-lives-matter-changed-way-americans-fight> (accessed 9 August 2023); Jamilah King, "How Black Lives Matter has Changed US Politics", *New Internationalist*, 5 March 2018, <https://newint.org/features/2018/03/01/black-lives-matter-changed-politics> (accessed 8 August 2023).

<sup>21</sup> UNODC, *Handbook on Police Accountability*, 9.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, 7.

<sup>24</sup> *Ibid.*, 9.

that the quality of policing matches the priorities of the public to whom they deliver public service.<sup>25</sup>

### 1.3. The Socio-legal Context for Case Studies

Having examined the background to the major concepts framing this study in the section above, this section, using major historical moments involving the police in the case study countries – Nigeria, South Africa and Kenya – provides a socio-legal context to the case studies. These states where the campaigns evolved from each operate national police systems, with constitutions which guarantee human rights, specific laws that govern police conduct, and are parties to various international human rights treaties.<sup>26</sup> In addition, the relationship between the police and the public in these states is subject to social and political debates due to incessant allegations of police abuse and ineffective police accountability.

In Nigeria, allegations of police brutality, corruption, lack of transparency, and accountability, taint the image of the NPF. From the colonial government to the post-colonial governments – both democratic and military rule – the police in Nigeria have been used as a tool by the ruling elites to oppress the public and suppress opposition.<sup>27</sup> The transition to democratic rule over time has witnessed the establishment of different measures to reform the police and ensure accountability. These measures include the establishment of the Police Service Commission (PSC), Police Council, several Committees, Panels and Commissions of Inquiry. Some of these include the Human Rights Violation Investigation Commission of 1999, the Justice Olasumbo Goodluck Commission of Inquiry of 2005, the Muhammad Danmadami

---

<sup>25</sup> Chemonics International Inc., *Effectiveness of Police Accountability Mechanisms*, (Washington, D.C. United States Agency for International Development (USAID), 2016), 6.

<sup>26</sup> The constitution of each country contains a Bill of Rights (*Constitution of the Republic of South Africa*, 1996, Chapter 2; *Constitution of the Federal Republic of Nigeria*, 1996, Chapter IV; *Constitution of Kenya*, 2010, Chapter Four (Part Two) Furthermore, these countries have ratified several human rights treaties such as the *African Charter on Human and Peoples' Rights*, the *International Covenant on Civil and Political Rights*, and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT) However while Nigeria and South Africa have ratified the *Optional Protocol of the CAT*, (OPTCAT) Kenya is yet to do so.

<sup>27</sup> Tekena N. Tamuno, *The Police in Modern Nigeria* (Ibadan: University Press, 1970); Olori Abimbola Ojomo, "Historical Reflections on Internal Control Systems in the Nigeria Police Force", in *Enhancing Police Accountability Systems in Nigeria*, Monograph session (8) (2010) (Lagos: CLEEN Foundation), 25-26; Open Society Justice Initiative and NOPRIN, *Criminal Force – Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force* (New York: Open Society Justice Initiative, 2010), 30; Etannibi E.O. Alemika, "Policing and Perceptions of Police in Nigeria", *Police Studies: The International Review of Police Development* 11, no.4 (Winter 1988): 165-168; Lere Amusan and Luqman Saka, "The Nigerian Police Force and the Task of Policing Democratic Nigeria: Issues and Problems", *Anthropologist* 31, no.1-3, (2018): 107-109.



Presidential Committee on Police Reform of 2006, the M.D Yusufu Presidential Committee on the Reform of 2008, and the Parry Osayande Presidential Committee on the reorganisation of the NPF of 2012.<sup>28</sup> However, most of the recommendations by the different committees were not implemented.<sup>29</sup> The relationship between the police and the public in Nigeria has continued to worsen and climaxed into several protests on police brutality, such as the #EndSARS Campaign, which this study examines in Chapter Four. The #EndSARS activism, which evolved due to public outcry against police brutality by members of the NPF, particularly by operatives of the now defunct SARS, also led to a national commission of inquiry and state judicial panels of inquiry which also offered recommendations on how to reform the NPF. Against this backdrop of constant reform attempts, including the recent introduction of a new police act – the *Police Act* of 2020 – remain constant allegations of police abuse of power by individuals and CSOs, which has contributed to public mistrust in members of the NPF.<sup>30</sup>

Historically, the apartheid police in South Africa operated a racial policing system and were notorious for using brutal force in dealing with non-white members of the public. Hence during the transition to democratic government, police reform was central to rebuilding trust between the public and the police and disassociating from the abusive nature of policing during apartheid.<sup>31</sup> Some of the reforms included the creation of the South African Police Service (SAPS), the creation of an independent oversight agency, the Independent

---

<sup>28</sup> Executive Summary and Recommendations of the Alhaji M.D. Yusuf Presidential Committee on the Reform of the Nigeria Police (2008), para 38.0, as reproduced in Chukwuma Innocent, *Motions Without Movements – Report of the Presidential Committees on Police Reforms in Nigeria*, (Lagos: CLEEN Foundation, 2018): 8-54; Safer Nigeria, “Police Reorganisation Committee Inaugurated by Vice President Sambo”, 18 February 2012, <https://saferaficagroup.wordpress.com/2012/02/18/police-reorganisation-committee-inaugurated-by-vice-president-sambo/>, (accessed 14 October 2022).

<sup>29</sup> Nneka Otika, “The Long Arduous Road Leading to Nigerian Police Reform”, *Culture Custodian*, 1 April 2019, <https://culturecustodian.com/nigerian-police-reforms/>, (accessed 19 December 2023).

<sup>30</sup> Human Rights Watch, “*Rest in Pieces*” – *Police Torture in Custody in Nigeria*, (USA: Human Rights Watch, 2005 Vol. 17(11A)); Human Rights Watch, “*Everyone is on the Game*” – *Corruption and Human Right Abuses by the Nigeria Police Force*, (USA: Human Rights Watch, 2010); Amnesty International Nigeria, *You Have Signed Your Death Warrant – Torture and Other Ill-Treatment by Nigeria’s Special Anti-Robbery Squad*, (Index: AFR 44/4868/2016), (Abuja: Amnesty International Nigeria, 2016); Emmanuel U.M. Igbo, “The Use and Abuse of Police Powers and Extrajudicial Killings in Nigeria”, *African Journal of Criminology and Justice Studies* 10, no.1, (2017); Amnesty International Nigeria, *Nigeria: Time to End Impunity – Torture and Other Violations by Special Anti-Robbery Squad*, (Index: AFR 44/9505/2020) (Abuja: Amnesty International Nigeria, 2020).

<sup>31</sup> Andrew Faull, “Oversight Agencies in South Africa and the Challenge of Police Corruption”, ISS Paper 227 (November 2011), 1; Civilian Secretariat for Police Service, “2016 White Paper on Policing”, Government Gazette no.41082, 1 September 2017.



Complaints Directorate (ICD) – later reconstituted into the Independent Police Investigative Directorate (IPID) and the enactment of the *Police Act of 1995*. Despite these reforms, there is still dissatisfaction with policing in South Africa, as seen in several protests involving service delivery, for instance, the Khayelitsha campaign, which this study addresses in Chapter Five, and the failure of the police to respond professionally in managing assemblies which often resulted in the violation of human rights by the police. One such fatal incident was the Marikana incident of August 2012 at the Marikana platinum mine compound, where police actions resulted in the death of forty-four people and injuries to over seventy people. The Judicial Commission of Inquiry – The Marikana Commission – which investigated this incident, exposed the inadequacies within the SAPS and the need for more accountable police service.<sup>32</sup> South Africa continues to map proposals to ensure a professional police service and a modernised and efficient criminal justice system. Some of these proposals are contained in the National Development Plan of 2012, which is the country’s blueprint for reducing inequality and eliminating poverty by 2030, the 2016 White Paper on Policing and the 2016 White Paper on Safety and Security aimed at promoting integrated approaches to crime and violence reduction and building safer communities.

In Kenya, the post-election violence of 2008 led to the death of 1,133 people and injuries to more than 3,500 as noted by the Commission of Inquiry into Post-Election Violence (Waki Commission) which was set up to investigate the post-election violence.<sup>33</sup> The Waki Commission also found that the response of the police in managing the protest jeopardized the lives of citizens and resulted in the ‘senseless death of scores of innocent citizens’.<sup>34</sup> This led to a systemic reform of the police, facilitated by the National Taskforce on Police Reform (Philip Ransley Taskforce).<sup>35</sup> Some reform initiatives undertaken included enacting new legislation in 2011 – the *National Police Service Act*, the *National Police Service Commission Act*, and the *Independent Policing Oversight Authority Act*. Furthermore, it also resulted in the creation of police oversight and accountability mechanisms, the Independent Oversight

---

<sup>32</sup> Marikana Commission of Inquiry, *Report on Matters of Public, National and International Concern Arising Out of the Tragic Incidents at the Lonmin Mine in Marikana, in the Northwest Province*, (Pretoria: Marikana Commission, 2015).

<sup>33</sup> Commission of Inquiry into Post-Election Violence (CIPEV), *Report of the Commission of Inquiry into Post-Election Violence*, (Nairobi: CIPEV, 2008), 308 – 335.

<sup>34</sup> CIPEV, *Report of the Commission of Inquiry into Post-Election Violence*, 417.

<sup>35</sup> The Republic of Kenya, National Task Force on Police Reforms, *Report of the National Task Force on Police Reforms*. (Nairobi: National Task Force on Police Reforms, 2009), 82.

Authority (IPOA) and the National Police Service Commission (NPSC-K).<sup>36</sup> Despite these reforms, the relationship between the public and the National Police Service (NPS) in Kenya remains characterised by distrust, allegations of police abuse, and ineffectiveness of the bodies charged with overseeing the police. Over time this distrust has resulted in the emergence of different civil society watchdogs and initiatives that monitor and record police misconduct, such as the Deadly Force database<sup>37</sup> and the Social Justice Centres, which this study examines in Chapter Six.

As highlighted above, the three jurisdictions have different mechanisms for overseeing police conduct and ensuring police accountability. However, different challenges plague these mechanisms. Some of these challenges, examined in the subsequent chapters, include lack of resources, lack of cooperation from the police, and lack of powers to enforce recommendations.

#### 1.4. Research Problem

Human rights abuses by the police can occur at all points of police interaction: during searches, in custody, arrests, interrogations, and in policing assemblies.<sup>38</sup> They can also occur when the police fail to play their part in the state's obligation to protect human rights. Commenting on the police in Africa, Bahame T.M. Nyanduga, a former commissioner of the African Commission, stated:<sup>39</sup>

Police forces in Africa are a reflection of the African state. Their history is closely linked to the evolution of the African state and its institutions. The post-independence political history of Africa has been one of authoritarian regimes and institutions, ranging from military dictatorships to the ubiquitous one-party state. Police forces have operated within that political culture. Only in the early 1990s, when many African states embraced democratic reforms, did some begin human rights training within police forces. But draconian police methods and brutality continue; particularly when

---

<sup>36</sup> Anneke Osse, "Police reform in Kenya: a process of 'meddling through'", *Policing and Society* 26, iss. 8, (2014), 901-924; Amnesty International, "Police Reform in Kenya: 'A Drop in the Ocean'", (Amnesty International: London, 2013).

<sup>37</sup> The Deadly Force database by Nation Newsplex, records data on deaths resulting from encounters with the police in Kenya since 2015. *Deadly Force – People Killed by the Police in Kenya*. Available at: <https://newsplex.nation.co.ke/deadlyforce/about.php>.

<sup>38</sup> Aliyu M. Kolawole, Egbetola Olusegun, and Adeowu A. Wasiu, "Policing Africa, Human Rights Issues and Gaps to be filled with Alternative Public Policy", *Public Policy and Administration Research* 7, no.11 (2017): 59.

<sup>39</sup> APCOF, *An Audit of Police Oversight in Africa*, vii.

suppressing political demonstrations, but also in handling cases of regular crime. These practices have resulted in deaths and injuries.

Beyond this history of draconian police methods, other factors such as limited financial resources, inadequate training, poor working conditions, and corruption continue to impede effective policing in Africa.<sup>40</sup> These have led to the failure of the police to comply with human rights standards.

To ensure compliance with human rights standards by the police, states often put in place a system of police oversight and accountability mechanisms to ensure control over the police. In Africa, most states have established some form of police accountability architecture, which includes procedures for policing and law enforcement, internal administrative review, judicial mechanisms, social investigation commissions and civilian complaints review boards.<sup>41</sup> For instance, the African Policing Civilian Oversight Forum (APCOF), in an audit of police accountability mechanisms in fifty-three African countries, found that each country had a form of accountability mechanism. However, it should be noted that APCOF's description of accountability mechanisms in this audit cast a wide net on what constitutes police accountability mechanisms to include general mechanisms such as parliamentary committees, and administrative mechanisms such as the Office of the Auditor General; specific mechanisms such as those established specifically for police oversight; and hybrid mechanisms which have broad human rights mandate like National Human Rights Commissions.<sup>42</sup>

Despite the presence of these accountability mechanisms in the face of constant reports of police abuse of power, the effectiveness of accountability mechanisms in African states is often questioned. Etannibi Alemika, a professor of criminology and sociology, asserts that properly ensuring 'effective deterrence against police misuse of their enormous powers' is one of the most challenging problems faced in the political and administrative management of the police especially considering that most police work involves a high level of invisibility

---

<sup>40</sup> African Commission on Human and Peoples' Rights, *Resolution on Police and Human Rights in Africa*, ACHPR/RES.259(LIV) 2013.

<sup>41</sup> Etannibi E.O. Alemika, "Police Accountability in Nigeria: Framework and Limitations", in *Civilian Oversight and Accountability of Police in Nigeria*, eds. Etannibi E.O. Alemika and Innocent C. Chukwuma, (Lagos: CLEEN and Abuja: Police Service Commission, 2003), 47-48.

<sup>42</sup> APCOF, *An Audit of Police Oversight in Africa*.

and discretion.<sup>43</sup> As will be shown in this study, most of these accountability mechanisms are weakened due to challenges – sometimes deliberately created by the state to undermine their effectiveness and independence. Other factors weakening the accountability mechanism in African states include a lack of capacity and resources, weak institutional capacity, lack of appropriate normative and legal framework, and insufficient powers to enforce decisions.<sup>44</sup>

The effect of this seeming reign of police abuse of power combined with a lack of police accountability in most African states can be seen in several ways. Firstly, abuse of police power usually violates human rights such as the right to dignity, the right to life, and the right not to be subjected to torture, cruel, inhuman, and degrading punishment. Secondly, it breeds deep mistrust between the people and the police, as the police are no longer trusted to use their power to maintain law and order or safeguard human rights, and neither is the state trusted to hold the police accountable for their actions. One of the indicators of goal 16.3 of the Sustainable Development Goals (SDGs) is the proportion of victims of violence who reported their victimisation to competent authorities or other officially recognised conflict resolution mechanisms. The rationale behind this indicator is that reporting crimes by the public is the first step in accessing justice. Nonetheless, reporting crimes becomes low when the public perceives that the competent authorities are not trustworthy or doubts the ability and interest of the police in carrying out proper investigations or providing redress. South Africa in its *2023 Country Report on the SDGs*, reporting on SDG indicator 16.3.1D stated that the proportion of victims of assault who reported to the police declined from 50% in 2018/2019 to 41.4% in 2019/2020. Though the report provides no statistics for 2020/2021 and 2021/2022, the percentile for 2022/2023 is at 61%.<sup>45</sup> However, the 2022/2023 statistics show 61 per cent. The decline in reporting of assault to the police has been attributed to factors including a decline in trust in the police to adequately investigate and prosecute perpetrators.<sup>46</sup> Additionally, findings from AfroBarometer's surveys in about thirty countries in Africa reveal an overwhelming lack of trust in the police. 66% of respondents in South Africa (in 2018) stated that they 'had little or no trust in the police'.

---

<sup>43</sup> Ibid., 1.

<sup>44</sup> Ibid., 3.

<sup>45</sup> Statistics South Africa, *Sustainable Development Goals: Country Report 2023*, (Pretoria: Statistics Africa, 2023) 211.

<sup>46</sup> Statistics South Africa, *Sustainable Development Goals: Country Report 2019*, (Pretoria: Statistics Africa, 2019) 225.

78% and 68% of respondents in Nigeria (in 2015) and Kenya (in 2011), respectively, stated that they also ‘had little or no trust in the police’.<sup>47</sup>

Thirdly, the reign of police abuse of power and lack of police accountability cause people to resort to ‘self-help’ in safeguarding their rights by establishing vigilante groups or acts of ‘jungle justice’.<sup>48</sup> These vigilante groups end up abusing their ‘powers’ and engage in quick trial and execution of ‘suspects’ with citizens applauding them for being more effective than the police force.<sup>49</sup>

Lastly, members of the public – individuals and civil society – might come together and engage in social activism to air their grievances concerning the actions and outcomes of police in utilising their powers and pressure the state to carry out measures to reform the police. Social activism, as will be seen in the case study campaigns can take different forms, including demonstrations, sit-ins, letter writing, lobbying, petitions, and other online methods such as e-petitions, online activism via various platforms, or even investigative websites. In addition, social activism can pursue police accountability by pressuring the state to hold its agents accountable and create an atmosphere for police accountability to become more effective, equitable and impactful.

Africa is home to a myriad of social activism targeting various causes and utilising various tactics. For instance, activism against government policy, such as the Soweto Electricity Crisis Committee in South Africa; activism against environmental pollution, such as the environmental activism in the Niger Delta in Nigeria; activism against deprivation, rights denial and injustice, such as Anti Privatisation Forums in Ghana, Zambia and Zimbabwe; the Arab Spring protest across North Africa, activism against colonialism in various parts of Africa and the movements against apartheid across Africa (particularly in South Africa).

---

<sup>47</sup> AfroBarometer, *Round 6: Summary of Results: Nigeria* (2015), 27. [https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/nig\\_r6\\_sor\\_en.pdf](https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/nig_r6_sor_en.pdf) (accessed 17 October 2024); AfroBarometer, *Round 5: Summary of Results: Kenya* (2011), 48, [https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/ken\\_r5\\_sor.pdf](https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/ken_r5_sor.pdf) (accessed 17 October 2024); AfroBarometer *Round 6: Summary of Results South Africa* (2018), 33, [https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/saf\\_r7\\_sor\\_13112018.pdf](https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/saf_r7_sor_13112018.pdf) (accessed 17 October 2024).

<sup>48</sup> Nnneka Luke, “When the Mob Rules: Jungle Justice in Africa”, *DW.com*, 26 July 2016, <https://www.dw.com/en/when-the-mob-rules-jungle-justice-in-africa/a-19426438>, (accessed 17 October 2024).

<sup>49</sup> APCOF, *An Audit of Police Oversight in Africa*, 3.

Several studies examining diverse social movements in Africa showcase the heterogeneous nature of social movements in Africa.<sup>50</sup> Adam Habib and Paul Opoku Mensah posit that the heterogeneous landscape of social movement in Africa is exhibited in terms of the issues addressed or the activities and the various strategies adopted by such social movements.<sup>51</sup> Habib and Opoku-Mensah further state that social movement mobilisation in Africa is ‘a product of, and responds to, a concrete context of deprivation, rights denial and injustice’.<sup>52</sup> As will be noticed in the various chapters addressing the three campaigns in this study, the three factors identified by Habib and Opoku-Mensah – deprivation, rights denial, and injustice – often characterise the broader context of these social activism campaigns.

Regardless of the broader context, or tactics adopted by a campaign, the force behind social activism remains the social activists, people – in loosely organised groups or well-organised groups or individuals – at grassroots levels or national context, all acting in a collective struggle for one social change or another. Through social activism, civil society actors play a vital role in serving as a watchdog over the state and its agents, pursuing accountability and generally advocating for the fulfilment of human rights.<sup>53</sup>

Against this background, this study examines the role of social activism in exerting pressure on states to hold the police accountable in furtherance of states’ obligations to respect and protect human rights. This study presents some answers to the role played by the three campaigns in pursuing accountability and causing states to ask some or all the following vital questions: what happened? Who was responsible? Who suffered or is suffering? How can it be remedied? How can we prevent future occurrences?<sup>54</sup>

---

<sup>50</sup> Stephen Ellis and Ineke van Kessel, eds., *Movers and Shakers: Social Movements in Africa* (Leiden: Brill, 2009); Miles Larmer, “Social Movement Struggles in Africa”, *Review of African Political Economy* 37, no.125. (2010): 251-262; Nikolai Brandes and Bettine Engels, “Social Movements in Africa”, *Stichproben - Wiener Zeitschrift für kritische Afrikastudien* 11, no.20 (2011): 1-15.

<sup>51</sup> Adam Habib and Paul Opoku-Mensah, “Speaking to Global Debates through a National and Continental Lens: South African and African Social Movements in Comparative Perspective”, in *Movers and Shakers: Social Movements in Africa*, eds. Stephen Ellis and Ineke van Kessel (Leiden: Brill, 2009), 55.

<sup>52</sup> Habib and Opoku-Mensah, “Speaking to Global Debates”, 48.

<sup>53</sup> Pablo de Greiff and Adama Dieng, *Joint Study on the Contribution of Transitional Justice to the Prevention of Gross Violations and Abuses of Human Rights and Serious Violations of International Humanitarian Law, Including Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity, and their Recurrence*, A/HRC/37/65, (6 June 2018), para 58 and 64.

<sup>54</sup> Heyns and Probert opine that accountability involves asking and answering these vital questions. Christof Heyns and Thomas Probert, “Introduction: The Role of National Commissions of Inquiry in Securing the Supreme Human Right”, in *National Commissions of Inquiry in Africa: Accountability Mechanisms for Violations of the Right to Life?* eds. Christof Heyns and Thomas Probert, (Pretoria: PULP Publishers, 2020), 4.

## 1.5. Research Questions

Ultimately, this study answers the question: *What is the role of social activism in pursuing accountability for police abuse of power in Africa?* To answer this main question, this study addresses the following sub-questions:

- i. How is police accountability understood in human rights framework?
- ii. How is the understanding of police accountability in human rights reflected in the demands of social activism campaigns?
- iii. How does social activism affect investigation, remedies, and reform during the accountability process?
- iv. How do formal mechanisms of police accountability respond to social activism campaigns around issues of police abuse of power?
- v. How can social media be used to empower social activism aimed at pursuing police accountability? Are there particular pitfalls?

The first sub-question provides clarity on police accountability which is a fundamental concept behind this thesis. It examines the components of police accountability, highlighting its importance in human rights. The second sub-question examines the demands of the various social activism campaigns and whether these demands reflect an understanding of police accountability in human rights. These first two sub-questions provide a background for the thesis.

The third sub-question dives into the core of this study by using the three case studies to examine the role of social activism in pursuing investigation, remedies, and reforms, which as noted above are essential components in the process of accountability.

The fourth sub-question investigates the dynamics between social activism campaigns and the formal mechanisms of accountability. Are formal mechanisms of accountability receptive to social activism campaigns or do they consider such campaigns as hindrances to their roles as accountability mechanisms?

For the last sub-question, in the last decade, the enabling effect of social media on social activism campaigns and the power they have in democratic states has been a prominent topic of research. Therefore, when examining the role of social activism in pursuing



accountability for police abuse of power, this thesis considered it essential to discuss the use of social media by social activists pursuing police accountability.

## 1.6. Conceptual Literature Review

This section will shed light on three concepts which frame this study – police abuse, police accountability, and social activism.

Concerning police abuse, Tom Barker, a professor of criminology, states that policing is a 'morally dangerous occupation' as the nature of the duties of police entails close contact with the public, control of vice activities, discretion and low visibility in decision-making. The police could, therefore, become either the defenders of the people or their oppressors.<sup>55</sup> Furthermore, the powers bestowed on the police have been described as a 'double-edged weapon' as the exercise of such powers, on the one hand, can be used in promoting the law, order, rights, and security of persons. However, on the other hand, such power can undermine the freedom, safety and rights of citizens and other persons within the state's territory.<sup>56</sup> Barker defines police abuse as:

any action by a police officer without regard to motive, intent or malice that tends to injure, insult, trespass upon human dignity, manifest feelings of inferiority and/or violates an inherent legal right of a member of the police constituency in the course of performing police work.<sup>57</sup>

Barker identifies three forms which police abuse of authority can take: physical abuse, which includes police violence and police brutality; psychological abuse, which encompasses verbal assaults, and harassment; and legal abuse involving a violation of human rights.<sup>58</sup>

This study builds on Barker's definition of abuse of power by including inactions by the police. Therefore, police abuse of power, as used in this study, means any action or inaction by police officers, irrespective of intent, that tends to injure, insult, and violate the human rights of the public. As noted above, when there is police abuse of power, the state is expected to hold the police accountable.

---

<sup>55</sup> Tom Barker, *Police Ethics: Crisis in Law Enforcement*, 3<sup>rd</sup> ed. (Illinois, USA: Charles C. Thomas Publishers Ltd, 2011), 9, 10.

<sup>56</sup> APCOF, *An Audit of Police Oversight in Africa*, 1.

<sup>57</sup> Barker, *Police Ethics*, 107.

<sup>58</sup> Ibid.



Regarding holding the police accountable, some scholars have identified three broad levels of police accountability.<sup>59</sup> These levels of police accountability are neither mutually exclusive nor competing; instead, they overlap and are complementary.<sup>60</sup> This is why UNODC describes effective accountability as involving ‘a conglomerate of processes’.<sup>61</sup> These levels are internal or departmental control, state or governmental control and social control/control by civil society.<sup>62</sup> Internal or departmental control involves mechanisms within the police department such as line commanders, line supervisors, rules, ethics and administrative discipline used to guarantee obedience to rules and investigate and determine the liability of police officers.<sup>63</sup> State control connotes accountability to state agencies, including legislative, judicial and executive bodies. Furthermore, this involves rules, institutions and processes the government uses to hold police accountable over various issues.<sup>64</sup> The third level, social control over the police, is exerted by civil society.<sup>65</sup> It involves groups within society that ‘monitor the actions, performance, conducts and resource utilisation by the police’, such as the media and human rights organisations.<sup>66</sup> Stone and Ward identify institutions of social control over the police, including the media, civilian review boards, advocacy, research organisations, and community-based organisations (CBOs).<sup>67</sup>

A study commissioned by the United States Agency for International Development (USAID) titled *Effectiveness of Police Accountability Mechanisms*,<sup>68</sup> on the other hand, identifies four dimensions in which accountability in any institution, including the police, can be exercised. The first dimension, horizontal, is an integral part of the state's governance system, which involves accountability by parliament, ministries of justice, finance, prosecutors,

---

<sup>59</sup> Etannibi Alemika, “Enhancing Police Accountability Systems in Nigeria: The Missing Links”, in *Enhancing Police Accountability Systems in Nigeria*, Monograph session (8) (2010) (Lagos: CLEEN Foundation), 10; Christopher E. Stone and Heather H. Ward, “Democratic Policing: A Framework for Action”, *Policing and Society* 10, iss. 1 (2000): 16.

<sup>60</sup> Stone and Ward, “Democratic Policing”, 13.

<sup>61</sup> UNODC, *Handbook on Police Accountability*, 12-13.

<sup>62</sup> Stone and Ward, “Democratic Policing,” 16; Alemika, “Enhancing Police Accountability Systems in Nigeria”, 10.

<sup>63</sup> Stone and Ward, “Democratic Policing”, 17, Alemika, “Enhancing Police Accountability Systems in Nigeria”, 10.

<sup>64</sup> Stone and Ward, “Democratic Policing”, 30-35.

<sup>65</sup> *Ibid.*, 36.

<sup>66</sup> Alemika, “Enhancing Police Accountability Systems in Nigeria”, 10.

<sup>67</sup> Stone and Ward, “Democratic Policing”, 36.

<sup>68</sup> Chemonics International Inc., *Effectiveness of Police Accountability Mechanisms*.

ombudsperson office, anti-corruption offices, the law and its provisions. The second dimension, vertical, is part of 'the police's own internal managerial systems', comprised of the police service mission's statement, and protocol on the use of force and arms. The third dimension, external, involves independent organisations distinct from the official state governance system, which involves human rights commissions, citizens' complaints, non-governmental organisations (NGOs), research centres, think tanks, and the media, while the fourth dimension, social accountability is 'from and involves local grassroots initiatives'.<sup>69</sup>

Though the focus of this study is not on the different dimensions of accountability, the third and fourth dimensions in the categorisation by USAID can be merged as constituting the level of social control over the police identified by Alemika, and Stone and Ward. This dimension of social control over the police comparatively receives less attention in discussions around police accountability when compared to the other two levels. Consequently, one of the aims of this study is to illuminate the potential of this level to materially advance the process of police accountability.

This study examines the role of social activism in this conglomerate of processes needed to ensure effective police accountability. The term 'social activism' has been described as shrouded in 'definitional ambiguity'.<sup>70</sup> Social activism is a marriage of two words – social and activism. The first word 'social' generally refers to society, encompassing human interactions, norms, and collective well-being.<sup>71</sup> Activism is defined in different ways. To Atkinson, activism is the 'collaborations by people in order to advocate for a position, nurture conflicts in society, or violate or transgress laws or norms in society'.<sup>72</sup> To Luis Urrieta Jr., an expert in social movements relating to education, activism in a broad sense is the 'active participation, in various ways, of people advocating a particular set of issues'.<sup>73</sup> Across various definitions of activism, one finds an emphasis on the participation of people

---

<sup>69</sup> Ibid., 17-18.

<sup>70</sup> Jennifer W. Reynolds, "The Activist Plus: Dispute System Design and Social Activism", *University of St. Thomas Law Journal* 13, no.2 (Winter 2017): 339.

<sup>71</sup> Cambridge Dictionary, s.v. "social (adj)," <https://dictionary.cambridge.org/dictionary/english/social> (accessed 16 October 2024); Merriam Webster, s.v. "social (adj)," <https://www.merriam-webster.com/dictionary/social> (accessed 16 October 2024).

<sup>72</sup> Joshua D. Atkinson, *Journey towards Social Activism: Qualitative Approaches*, (New York: Fordham University Press, 2017), ix.

<sup>73</sup> Luis Urietta, "The Social Studies of Domination: Cultural Hegemony and Ignorant Activism", *The Social Studies* 96, 189.

and a cause, position or issues in the society worth struggling for. Scholars view social activism broadly as any activity which seeks to address a problem by ‘the indirect action of influencing others, such as governments.’<sup>74</sup> Others take a narrower approach and see social activism as a critical component of the broader transformational agent, the social movements,<sup>75</sup> or in a more instrumental way, as a tactic used by such movements which show how people can organise themselves and how they can protest.<sup>76</sup> Social activism, as used in this study, refers broadly to the involvement/engagement of individuals or/and organised groups in a broad range of activities to advocate for a cause to bring about positive change(s) in society without the intention of resorting to violent measures. This study uses social activism and campaign interchangeably. Furthermore, though the term activist(s) is sometimes used in this study to refer generally to participants in activism, this study acknowledges that not everyone who takes part in social activism desires to be identified as an activist but simply consider themselves as people who were interested in the cause and participated.<sup>77</sup>

Generally, social activism can be seen as an expression of social control by the public in pursuing accountability. This study focuses specifically on social activism seeking accountability for police abuse of power. A study by the World Bank identifies modern and traditional actions of social control that can be carried out by communities, citizens, CSOs and independent media in holding public officials accountable.<sup>78</sup> Traditional examples of such actions include citizen or civil society-led actions such as protests, demonstrations, advocacy campaigns, investigative journalism, and public interest lawsuits. However, modern practices emphasise practices that involve a ‘solid evidence base and direct interaction with government’, such as citizen monitoring and evaluation of public service delivery and participatory public policymaking.<sup>79</sup> Public and citizen participation in exerting pressure on the government for accountability has been identified as the hallmark of this

---

<sup>74</sup> Reynolds, “The Activist Plus”, 338.

<sup>75</sup> Atkinson, *Journey towards Social Activism*, 25.

<sup>76</sup> *Ibid.*, 84.

<sup>77</sup> Chris Bobel examines this concept of identity within a social movement in Chris Bobel, “I’m not an activist, though I’ve done a lot of it’: Doing Activism, Being Activist and the ‘Perfect Standard’ in a Contemporary Movement”, *Social Movement Studies: Journal of Social, Cultural and Political Protest* 6, no.2, (2007): 147-159.

<sup>78</sup> Carmen Malena, Reiner Forster, and Janmejay Singh, *Social Accountability: An Introduction to the Concept and Emerging Practice*. Social Development Papers, no.76, (Washington, DC: World Bank, 2004), 3.

<sup>79</sup> *Ibid.*, 3.

level of social control.<sup>80</sup> Stone and Ward contend that social control over the police is an enduring feature of democratic police.<sup>81</sup>

Building on Stone and Ward's conceptualisation of the dimensions of police accountability, Romi Sigsworth describes public engagement in exercising social control over the police as the most effective means of achieving and developing democracy.<sup>82</sup> Further stating that public engagement is how 'the voices of individual members of the public can be channelled into engaging with – and holding to account – public officials and government institutions, thereby acting as a crucial counterweight to state-administered accountability.'<sup>83</sup> According to Sigsworth, some mechanisms for public engagement for police accountability include civilian complaint reviews, external auditors, human rights monitors, policing research and policy institutes, the media, neighbourhood safety councils, and community-based organisations. Though Sigsworth does not expressly mention social activism as a way of social control, Sigsworth refers to activities that individuals and organisations undertake during social activism that play a role in police accountability, such as awareness raising, targeted advocacy, organising protest actions, and advocacy campaigns.<sup>84</sup>

Such campaigns can form different coalitions which provide access to various tactics and tools ranging from very low-key such as printing t-shirts with slogans and door-to-door awareness-raising, to more sophisticated tools such as gathering electronic signatures for a petition. As will be explored in detail in Chapter Seven, social media is another vital tool used in some social activism. Scholars have observed the growing use of social media in social activism as an avenue for disseminating information, fostering communication, amplification, and mobilisation of domestic and international citizens.<sup>85</sup> The use of social

---

<sup>80</sup> Chemonics International Inc., *Effectiveness of Police Accountability Mechanisms*, 25.

<sup>81</sup> Stone and Ward, "Democratic Policing", 36.

<sup>82</sup> Sigsworth, *Harnessing Public Engagement for Police Accountability in Africa*, 4.

<sup>83</sup> *Ibid.*, 5.

<sup>84</sup> *Ibid.*, 7-11.

<sup>85</sup> Elongué and Nwazee, *Social Movement: A Vital Instrument for Social Accountability in Africa*; Romi Sigsworth, *#SpeakUp Using Social Media to Promote Police Accountability in Kenya, Tanzania, and Uganda*, East Africa Report 31, (Pretoria: Institute of Security Studies, December 2019); Bruce Mutsvairo, ed. *Digital Activism in the Social Media Era: Critical Reflections on Emerging Trends in Sub-Saharan Africa* (Cham: Palgrave Macmillan, 2016); Rajesh Kumar and Devam Thapa, "Social Media as a Catalyst for Civil Society Movements in India: A Study in Dehradun city", *New Media & Society* 17, no.8 (2015): 1300; Ting Chen, Sun Ping, and Gan Chen, "Far from Reach but Near at Hand: The Role of Social Media for Cross-National Mobilization", *Computers in Human Behaviour* 53, (2015), 443; Kara Alaimo, "How the Facebook Arabic Page 'We Are All Khaled Said' Helped Promote the Egyptian Revolution", *Social Media + Society* 1, iss. 2

media in activism has created a longstanding debate on the effect of the use of social media on the success of a social movement. This has divided researchers into techno-optimists, techno-pessimists, and even techno-ambivalent.<sup>86</sup>

The optimists argue that social media can be used to bring about a revolution and cause social change. As a result, scholars such as Larry Diamond have described the Internet, mobile phones, social media and other forms of Information Communication Technologies (ICTs) as 'liberation technology' which can expand political, social, and economic freedom.<sup>87</sup> Clay Shirky, an expert on the social and economic effects of Internet technologies, popularly known for his optimistic views on the power of social media, describes social media as coordinating tools for nearly all of the world's political movements.<sup>88</sup> Shirky credits these tools with making lives easier, transaction costs lower, and communication faster which increases the speed of group actions. Due to this, group forming has gone 'from hard to ridiculously easy.'<sup>89</sup> Caroline Dadas, a researcher on civic participation and digital environments, posits that social media today, due to its fluidity and informal setting, holds the potential for easy circulation of messages to a sizeable audience in very little time.<sup>90</sup> This inevitably helps hashtags quickly circulate among Twitter users in no time. This 'circulatory potential' of tweets is aided by the brevity of tweets and the retweet function, which allows a message to go beyond the immediate network of the Twitter user.<sup>91</sup> It has also been argued that social media and other technological platforms have allowed young people and 'ordinary citizens' to consider themselves activists and organise themselves with little or no costs, unlike traditionally, where activism has been reserved for 'activists'.<sup>92</sup>

---

(July – December 2015): 1-10; Manuel Castells, *Networks of Outrage and Hope: Social Movements in the Internet Age*, 2<sup>nd</sup> ed. (Cambridge, MA: Polity Press, 2015).

<sup>86</sup> Dustin Kidd and Keith McIntosh, "Social Media and Social Movements", *Sociology Compass* 10, iss. 9 (2016): 785-794.

<sup>87</sup> Larry Diamond, "Liberation Technology", *Journal of Democracy* 21, no.3 (2010) 70-71.

<sup>88</sup> Clay Shirky, "The Political Power of Social Media", *Foreign Affairs*, 20 December 2010, 2. <https://faculty.cc.gatech.edu/~beki/cs4001/Shirky.pdf>.

<sup>89</sup> Clay Shirky, *Here Comes Everybody*, (London: Penguin Group, 2008), 54, and 161.

<sup>90</sup> Caroline Dadas, "Hashtag Activism: The Promise and Risk of 'Attention'", in *Social Writing/Social Media: Publics, Presentations and Pedagogies*, eds. Douglas M. Walls and Stephanie Vie (Colorado: WAC Clearinghouse and University Press of Colorado, 2017), 17, 20.

<sup>91</sup> *Ibid.*, 20-21.

<sup>92</sup> Amanda Rohr Lopes, "The Impact of Social Media on Social Movements: The New Opportunity and Mobilising Structure", *Journal of Political Research* 4, no.1 (2014): 2; María-Carmen García-Galera, Mercedes Del-Hoyo-Hurtado, Cristóbal Fernández-Muñoz, "Engaged Youth in the Internet. The Role of Social Networks in Social Active Participation", *Comunicar* 22, no.43 (2014); Noriko Hara, "The Internet Use for Political

Malcolm Gladwell, one of the earliest critics of crediting social media as the future of the revolution, argued that social media platforms are built on weak ties which are not suitable for revolutionary actions as strong ties are needed for political actions.<sup>93</sup> Gladwell also describes social media movements as rarely involving high-risk activism but are only useful for low-intensity activism like ‘click like to save the whales, which does not get much done’.<sup>94</sup> Gladwell argues that activism using online tools ‘makes it easier for activists to express themselves, and harder for that expression to have any impact’.<sup>95</sup> Similarly, Evgenyi Morozov describes online/digital activism as an ‘ideal type of activism for a lazy generation’.<sup>96</sup> Morozov argues that it is ‘slacktivism’ which is a ‘feel-good activism that has zero political or social impact,’ but it creates an illusion of having a meaningful impact on the ‘world without demanding anything more than joining a Facebook group’.<sup>97</sup> These techno-pessimist views of the effect of social media on social movements have led to terms like ‘slacktivism,’ ‘clicktivism,’ or ‘fickle activism’ which suggest that online participation in activism are shallow actions and requires little effort or commitment.<sup>98</sup> The ambivalent approach does not take a binary position on the power of social media or technology in social movements but rather acknowledges the possible role technology can play in social movements rather than ascribing social media with causing or not causing the movement.<sup>99</sup> For the techno-

---

Mobilization: Voices of Participants”, *First Monday* 13, no.7 (2008), <http://www.uic.edu/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/2123/1976> (accessed 15 October 2024).

<sup>93</sup> Malcolm Gladwell, “Small Change – Why the Revolution will not be Tweeted”, *The New Yorker*, 27 September 2010, <https://www.newyorker.com/magazine/2010/10/04/small-change-malcolm-gladwell>.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Evgeny Morozov, “The Brave New World of Slacktivism”, *Foreign Policy*, 19 May 2009; <https://foreignpolicy.com/2009/05/19/the-brave-new-world-of-slacktivism/>.

<sup>97</sup> Ibid.

<sup>98</sup> Zeynep Tufekci, *Twitter and Tear Gas*, (New Haven and London: Yale University Press, 2017), xxvi; Christoff Heyns “Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Use of Information and Communications Technologies to Secure the Right to Life,” Human Rights Council, A/HRC/29/37, (25 April 2015), para 48; Ilona Lodewijckx, “Slacktivism: Legitimate Action or Just Lazy Liking?”, CitizenLab, 20 May 2020, <https://www.citizenlab.co/blog/civic-engagement/slacktivism/>; Morozov, “The Brave New World of Slacktivism”.

<sup>99</sup> Kidd and McIntosh, “Social Media and Social Movements,” 792; Sherif H Kamel, “Egypt’s Ongoing Uprising and the Role of Social Media: Is there Development?” *Information Technology for Development* 20, (2014): 78-91; Zeynep Tufekci and Christopher Wilson, “Social Media and the Decision to Participate in Political Protest: Observations from Tahrir Square,” *Journal of Communication* 62, iss. 2, (2012): 363-379, Paolo Gerbaudo, *Tweets and the Streets: Social Media and Contemporary Activism*, (London: Pluto Press, 2012).



ambivalent, while willing to acknowledge the possibility afforded by social media, they also acknowledge the limitations of using such technology.<sup>100</sup>

Ella McPherson, a researcher on human rights in the digital age whose views can be categorised as techno-ambivalent, highlights both the advantages and dangers of using social media by human rights practitioners engaged in advocacy. On the advantages, McPherson states that firstly, social media provides a range of communication formats which enable the development of new and captivating ways to represent human rights information. Secondly, the quantification metrics of social media platforms, such as the number of shares, tweets and views, allow human rights actors to track user engagement with their messages. Lastly, social media allows for amplifying messages to people without depending on mainstream media, whose human rights coverage might be constrained by censorship, norms of worthiness and commercial imperativeness.<sup>101</sup> On the dangers, McPherson warns that there is in reality, no ‘direct-to-anyone’ content on social media. This is because the visibility of social media posts to the target audience depends on different factors such as the logic of the target audience fields, the political fields, and the social media field in which communication takes place.<sup>102</sup> Regarding the logic of social media field, McPherson explains that social media platforms are commercial and aim to promote popular content while suppressing problematic content to make more profit by maximising user engagement. Hence, a combination of algorithmic and human decisions affects how visible social media content is, as a ‘content moderation system’ deals with content that is deemed problematic.<sup>103</sup>

Likewise, Summer Harlow, a researcher on alternative media, digital communication, and activism, and Lei Guo, a researcher on e-media effects theories, also derive the following disadvantages of using social media for activism from a qualitative study of a focus group discourse of ten participants working in immigrants’ organisations.<sup>104</sup> Firstly, sometimes

---

<sup>100</sup> Kidd and McIntosh, “Social Media and Social Movements”, 789.

<sup>101</sup> Ella McPherson, “Risk and the Pluralism of Digital Human Rights Fact-Finding and Advocacy”, in *New Technologies for Human Rights Law and Practice*, eds. Molly K. Land and Jay D. Aronson (Cambridge: Cambridge University Press, 2019), 199.

<sup>102</sup> Ella McPherson, “Social Media and Human Rights Advocacy”, in Howard Tumber, and Silvio R. Waisbord, (eds.) *The Routledge Companion to Media and Human Rights*. (London: Routledge, 2017), 279.

<sup>103</sup> *Ibid.*, 282.

<sup>104</sup> Ella McPherson, “Social Media and Human Rights Advocacy”, in Howard Tumber, and Silvio R. Waisbord, (eds.) *The Routledge Companion to Media and Human Rights*. (London: Routledge, 2017), 279.

people who identify and engage with a cause online do not take part physically. Secondly, using digital communication tools fails to create the sense of community needed within activism. Thirdly, it tends to lead to the ‘spectacle-ization’ of activism while burying the issues. Fourthly, it also raises the issue of ‘real’ and ‘perceived’ activism. What amounts to activism online? A like or a share? Or a comment? Hence the Internet has become a mixed blessing: on the one hand, it enhances communication and makes the dissemination of information easier. On the other hand, it leads to pacification that makes people believe they are causing more difference than they are.<sup>105</sup>

Other scholars have also noted the issue of the digital divide created between those who have access to social media and those who do not.<sup>106</sup> Various factors, including lack of Internet skills, computer illiteracy, lack of interest and out-of-date infrastructures, can cause this divide.<sup>107</sup>

Having the above different views of social media use in activism in mind, Chapter Seven reflects on the use of social media in the three campaigns examined in this study. This study considers social media as a tool for social activism participants in three broad ways. These are – public mobilising, organising, and engagement with leaders. This list is not exhaustive. This study in examining the use of social media as a tool for activism, also highlights the challenges that the activists might potentially encounter in using social media, such as failure in communication with the intended audience due to interference by social media algorithms and interference by social media policies and guidelines. Another challenge discussed is online surveillance by the government of social activism participants.

---

<sup>105</sup> Harlow, and Guo, “Will the Revolution be Tweeted or Facebooked?”, 470-474.

<sup>106</sup> Romi Sigsworth, *#SpeakUp Using Social Media*, 7; Carmen Steele, “What is the Digital Divide?”, Digital Divide Council, 22 February 2019, <http://www.digitaldividecouncil.com/what-is-the-digital-divide/>; Christof Heyns “Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Use of Information and Communications Technologies to Secure the Right to Life”, Human Rights Council, A/HRC/29/37, (25 April 2015), para 100; Ella McPherson, *ICTs and Human Rights Practice – A Report Prepared for the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*, (Cambridge: Centre of Governance and Human Rights, University of Cambridge, 2015) 36; Rajesh Kumar, and Devam Thapa, “Social Media as a Catalyst for Civil Society Movements in India: A Study in Dehradun city”, *New Media & Society* 17, no.8 (2015): 1300; Samuel C. Kamau, “Engaged Online: Social Media and Youth Civic Engagement in Kenya”, in *Digital Activism in the Social Media Era: Critical Reflections on Emerging Trends in Sub-Saharan Africa*, ed. Bruce Mutsvairo, (Cham: Palgrave Macmillan, 2016), 123-124.

<sup>107</sup> Harlow and Guo, “Will the Revolution be Tweeted or Facebooked?”, 466.



More broadly on the role of social activism, findings have shown that such struggles from below – advocacy by citizens, social movements, and other domestic civic actors – are crucial in providing an enabling environment for human rights by translating universal human rights into the local context. Furthermore, domestic activism is critical to mitigating the immediate impact of human rights violations, providing redress, and deterring future rights violations.<sup>108</sup>

In Africa, scholars have contended that social movement activism is a vital instrument for social accountability and has greatly impacted social changes.<sup>109</sup> Christian Elongué and Daniel Nwazee argue that social movement in Africa is a prerequisite for a healthy and prosperous society and could potentially lead to greater government responsiveness and accountability gains.<sup>110</sup> Elongué and Nwazee further state that the fluid existence of social movements is a force to be leveraged as it enables spontaneous action and sporadically arouses attention and interest in citizens. It also enables them to massively mobilise key stakeholders who suffer most from the social injustices perpetrated by duty-bearers.<sup>111</sup> For Sigsworth, public engagement for police accountability is essential, as it gives the public several mechanisms to engage with the police, monitor police performance in providing public safety, hold the police to account for misconduct and unacceptable behaviour, to signal public satisfaction with the services provided by the police, and to provide the police with information about the concerns of the public or problems in the community.<sup>112</sup>

However, there is a dearth of qualitative research on the exact role of social activism in pursuing police accountability, especially within Africa. Globally, some scholars have explored the impact of social campaigns in various fields but not within the context of policing. For instance, Shaazka M. Beyerle, an expert on non-violent actions, using twelve case studies from around the globe, examined how non-violent campaigns and movements

---

<sup>108</sup> Erica Chenoweth *et al.*, *Struggles from Below: Literature Review on Human Rights Struggles by Democratic Actors*, (Research and Innovation Grants working papers series), (Colorado: University of Denver Institute of International Education, 2017).

<sup>109</sup> Christian Elongué and Daniel Nwazee, *Social Movement: A Vital Instrument for Social Accountability in Africa*, WACS, Op-ed no.9, (Accra: West Africa Civil Society Institute, 2020); Christian Elongué and Charles Kojo Vandyck, *Social Movements and Social Change in Africa*. WACS Op-ed no.3, (Accra: West Africa Civil Society Institute, 2019).

<sup>110</sup> Elongué and Nwazee, *Social Movement: A Vital Instrument for Social Accountability in Africa*, 1 and 7.

<sup>111</sup> *Ibid.*, 5.

<sup>112</sup> Sigsworth, *Harnessing Public Engagement for Police Accountability in Africa*, 7.

have demanded accountability for corruption within the government.<sup>113</sup> Another impressive work on the impact of citizen engagement is the study by John Gaventa and Gregory Barrett, which examined 100 cases of citizen engagement from around the globe and the resulting outcomes from such citizen engagement. The 100 case studies cut across different areas, including health, education, food, water, and housing, and reflected four different types of citizen engagements: participation in local associations; participation in social movements and campaigns; participation in formal participatory governance spaces; and multiple approaches, which employ several of these strategies.<sup>114</sup>

Studies on social movements in Africa, such as the volume edited by Ellis and Ineke Van Kessel, and its complementary study by Larmer, examine various social movements in Africa but none on police accountability. These studies generally address and examine the nature of social movements in Africa, considering the historical origins, mobilisation, framing and relationship to other social movements.<sup>115</sup> The study, *'Social Accountability in Africa – Practitioners' Experiences and Lessons'*<sup>116</sup> is another collection of case studies on the role of citizens and civil society organisations in promoting accountability in different African countries using a myriad of initiatives such as social movements, civil society using media, and communities tracking government expenditure. However, the cases in this research do not include one on accountability within the police; instead, it covers accountability in areas such as the aftermath of election violence, government expenditure, social issues, land rights, discrimination against persons with HIV/AIDS, and corporal punishments.

This study is, therefore, vital due to the dearth of studies assessing the role of social activism in pursuing police accountability in Africa and because of the underemphasised role of people through social activism or community-based/grassroots activism in the accountability discourse.<sup>117</sup> This study adds to this growing literature on the role of the public in pursuing

---

<sup>113</sup> Shaazka M. Beyerle, *Curtailing Corruption: People Power for Accountability*, (Colorado: Lynne Rienner, 2014).

<sup>114</sup> John Gaventa and Gregory Barrett, *So What Difference Does it Make? Mapping the Outcomes of Citizen Engagement*, Institute of Development Studies Working Paper 347, (Brighton: Institute of Development Study, 2010), 47.

<sup>115</sup> Ellis and van Kessel, eds., *Movers and Shakers: Social Movements in Africa*; Larmer, "Social Movement Struggles in Africa", 251-262.

<sup>116</sup> Mario Claasen, Carmen Alpín-Lardies and Victoria Ayer, eds., *Social Accountability in Africa – Practitioners' Experiences and Lessons*, (Cape Town, IDASA and ANSA-Africa, 2010).

<sup>117</sup> Brendan Halloran and Walter Flores, "Mobilizing Accountability: Citizens, Movements and the State", *Transparency and Accountability Initiative*, 15 May 2015,

accountability. This study also fills the gap by focusing on the role of social activism in pursuing accountability within the police in Africa. In carrying out an in-depth study of three cases of police-focused social activism in Africa, this study examines the role each of these social activism movements played in pursuing investigations into allegations of police abuse of power, pursuing remedies for victims, and pursuing reforms within the police organisation. In doing this, this study delves into these campaigns by first looking into critical areas such as the background to the activism, the participants, the demands made, the tactics used during the campaign, and the reaction of the state and formal mechanisms of police accountability to the campaigns.

This study will be potentially significant to members of the public engaging in social activism, the police, the state, police accountability mechanisms, and researchers interested in these cut-crossing areas.

## 1.7. Theoretical Framework

Having reflected on the various concepts and literature review, this section distils that into a more focused theoretical framework guiding this study. The first theory considers social activism as a form of political participation wherein people seek to make changes by drawing the attention of those in public. The second theory – the struggle approach to human rights – sees social activism as a struggle against the illegitimate use of power by the state and its agents, using the revolutionary power of human rights. These two theories are examined in detail below.

### *1.7.1. Social Activism as a Form of Political Participation*

The concept of political participation is perceived in various ways. For instance, it is seen by Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady as affording ‘citizens in a democracy an opportunity to communicate information to government officials about their concerns and preferences and to put pressure on them to respond’.<sup>118</sup> Sidney Verba and Norman Nie, two of the earliest political and social scientists, describe political participation

---

<https://taicollaborative.org/mobilizing-accountability-citizens-movements-and-the-state> (accessed 16 October 2024).

<sup>118</sup> Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality. Civic Voluntarism in American Politics*. (Massachusetts and England: Harvard University Press, 1995), 37.

as ‘activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the actions they take.’<sup>119</sup> From these two definitions, one can infer two features of political participation. Firstly, it involves actions by individuals – distinct from those in political offices (political elites); secondly, the aim is to bring about change by drawing the attention of those in authority to a concern and eliciting a positive response.

Daniel Stockemer, a political scientist, states that through political participation, citizens also enhance the accountability of the government and make leaders more responsive. According to Stockemer, political participation can be divided into conventional and unconventional political participation. Activities that make up conventional participation primarily influence governance through the electoral arena, for instance, voting, running for office, and joining a political party. On the other hand, unconventional political participation seeks to wedge influence through ‘non-institutionalised’ means such as holding a demonstration, boycotting, and signing a petition.<sup>120</sup> Further stating that unconventional political activities include ‘all sorts of protest behaviours that do not deliberately involve physical force.’<sup>121</sup>

Therefore, activism, which usually involves protests and demonstrations, is a form of unconventional political participation. The growing importance of community groups, and the need for direct contact between citizens, public officials and government characterised this method of political participation.<sup>122</sup>

This study notes that other writers have deviated from this distinction between conventional and unconventional political participation. Joakim Ekman and Erik Amna, political science professors, explain that most of what is termed ‘unconventional’ political participation is no longer unconventional.<sup>123</sup> They instead divide manifest political participation into formal

---

<sup>119</sup> Sidney Verba and Norman H. Nie, *Participation in America: Political Democracy and Social Equality*, (Chicago and London: University of Chicago Press, 1972), 2.

<sup>120</sup> Daniel Stockemer, “What Drives Unconventional Political Participation? A two-level study”, *The Social Science Journal* 51, (2014) 202.

<sup>121</sup> Ibid.

<sup>122</sup> Jan W. van Deth, “Studying Political Participation: Towards a Theory of Everything?”, Paper delivered at the Joint Sessions of Workshops of the European Consortium for Political Research: *Electronic Democracy: Mobilisation, Organisation and Participation via new ICTs*, Grenoble, 6-11 April 2001, 6.

<https://ecpr.eu/Filestore/PaperProposal/c8b57aab-51d9-4aca-b65d-4510ccfc19a3.pdf>

<sup>123</sup> Joakim Ekman and Erik Amna, “Political Participation and Civic Engagement: Towards a New Typology”, *Human Affairs* 22, (2012): 290.

political participation and extra-parliamentary political participation – which can manifest in individual and collective forms. In the individual form, formal political participation includes voting, deliberate acts of not voting or blank voting, running for political office, and funding political parties. In a collective form, it includes organised political participation, including being a political party or trade union member. Extra-parliamentary political participation includes activities such as signing or collecting petitions, boycotting, political consumption in individual form, and involvement in loosely organised networks, new social movements, demonstrations, strikes, and protests in collective forms.<sup>124</sup>

Irrespective of what name it takes – unconventional or extra-parliamentary political participation – this study considers activism as a political activity that allows non-state actors to participate in governance to affect change in society indirectly by coming together to speak against police abuse of power. This ‘coming together’ in social activism in Africa might be attributed to the spirit of *ubuntu*, which unites individuals to pursue communal wellness even when not directly affected by the problems. There are various understandings of the term *ubuntu* but it is usually captured by, ‘I am because we are, and because we are, therefore I am’.<sup>125</sup> It captures other ideas such as humaneness and humanity.<sup>126</sup> Hence survival based on the African perspective of *ubuntu* is not about an individual's survival but the entire community's survival.<sup>127</sup> This study theorises that this emphasis on communal and not individual well-being might lead people – including individuals whose rights have not been violated by the police – to step out in solidarity with a person whose rights have been violated by the police and collectively participate in pursuing police accountability. This is so because for *ubuntu* the starting point is not the individual but the whole group, including the living and the dead.<sup>128</sup>

---

<sup>124</sup> Ekman and Amna, “Political Participation”, 289, 290, 292, 295.

<sup>125</sup> Other Variations Include: ‘A Person Is a Person Through Other Persons’; ‘A Human Being Is A Human Being Through (*The Otherness Of*) other Human Beings’. Marai Berghs, “Practices and Discourses of Ubuntu: Implications For an African Model Of Disability?”, *African Journal of Disability* 6 (2017) <https://doi.org/10.4102/ajod.v6.292>.

<sup>126</sup> Christof Heyns, “Commissions of Inquiry and Social Solidarity in the African Context”, in *National Commissions of Inquiry in Africa: Accountability Mechanisms for Violations of the Right to Life?* Eds. Christof Heyns and Thomas Probert, (Pretoria: PULP Publishers, 2020), 78.

<sup>127</sup> Josian A.M. Cobbah, “African Values and the Human Rights Debate: An African Perspective”, in *Human Rights, Peace and Justice in Africa: A Reader*, eds. Christof Heyns and Karen Stefiszyn, (Pretoria: PULP Publishers, 2006), 35.

<sup>128</sup> *Ibid.*, 37.

In summary, adopting this broad theory of social activism as a form of political participation in this study connotes the following: First, the primacy of participation associated with social activism gives room for more people outside the state's 'hand-picked' members of the accountability mechanism to participate in pursuing accountability. Secondly, it avails people from below who are not in government to bring their grievances with the police to the attention of those at the 'top' – giving room for accountability for police abuses in informal settlements and in the slums, which ordinarily might not have gotten any attention. Thirdly, it allows ordinary people – outside of government – to directly struggle for actualising their rights and even bring new areas to the table, for example, the struggle for the realisation of minority rights. Finally, this also speaks to the constituent power that rests in the peoples' voices to participate in the social and political discourse that can shape their societies. It emphasises the spirit of *ubuntu*, which calls for communal well-being and brings more people into the arena to speak against issues affecting the community even without being personally affected. This is vital for the advancement and transformation of societies and getting rid of dangerous practices such as police misconduct and the entrenchment of positive practices such as a human rights culture of police accountability.

### ***1.7.2. Struggle Approach to Human Rights***

Another theory that this study adopts is the 'struggle approach' to human rights advanced by Christof Heyns, a leading authority in human rights with an interest in accountability and questions of civil reliance/disobedience as social power. Heyns advanced the theory that human rights and legitimate resistance are two sides of a coin. For Heyns, human rights is a 'potentially revolutionary concept' which serves as a guiding factor to action and triggers opposition if power, particularly state power, is used illegitimately.<sup>129</sup>

Heyns points out that this 'struggle' is not anarchical as it does not necessarily challenge the notion of the institution of the state but seeks to hold the state accountable to its primary obligation, which is the protection of rights. If everything fails, this struggle validates the use of self-help in protecting human rights.<sup>130</sup> Notably, Heyns states that the meaning of struggle in this instance does not only involve violent self-help but also non-violent illegal actions, as

---

<sup>129</sup> Christof Heyns, "A 'Struggle Approach' to Human Rights", in *Human Rights, Peace and Justice in Africa: A Reader*, eds. Christof Heyns and Karen Stefiszyn, (Pretoria: PULP Publishers, 2006) 15-34.

<sup>130</sup> *Ibid.*, 16-17.

used by Gandhi and Martin Luther King. Other forms of struggle according to Heyns include activism, advocacy, protest marches, and even continued reinforcement through education.<sup>131</sup>

An important part of the struggle approach to human rights is the role played by ordinary people. According to Heyns, history records the creative roles of ordinary people, activists, artists, creatives and martyrs in establishing human rights.<sup>132</sup> Involvement in the struggle is open to everyone and can be asserted by those whose interests are at stake or indirectly by an outside party.<sup>133</sup> Specifically concerning Africa, Heyns posits that human rights, as used in Africa today, are firmly rooted in the struggle – struggle against colonialism and the relics of colonialism.<sup>134</sup> Sharing similar views, Bience Gawanas, a former commissioner at the African Union, in tracing the evolution of human rights within the African Union argues that the ‘struggle for human rights and the establishment of a human right system [in Africa] are products of a concrete social struggle’. Gawanas further notes that the collective voices in Africa – African peoples – in shaping the continent’s human rights architecture, drew upon human rights standards to justify the struggle.<sup>135</sup>

Still, on the vital role played by ordinary people in historical struggles, E.P. Thompson was one of the earliest historians to highlight this. In his book *The Making of the English Working Class*, Thompson highlighted ordinary working people's activities and struggles from 1780 to 1832 in bringing about the Industrial Revolution.<sup>136</sup> Thompson’s approach to history focused on the voices of the ‘ordinary people’ in the struggle, which was threatening when loudly and effectively voiced.<sup>137</sup>

Though Thompson focuses on the Industrial Revolution and Heyns on human rights, they share a common idea: the importance of ordinary people's participation (struggle) in realising a revolution. Thus, ordinary people have a say when the state fails in its obligation. However,

---

<sup>131</sup> Ibid., 32-33.

<sup>132</sup> Ibid., 16, 34.

<sup>133</sup> Ibid., 30-32.

<sup>134</sup> Ibid., 17-19.

<sup>135</sup> Bience Gawanas, “The African Union: Concepts and Implementation Mechanisms Relating to Human Rights”, in *Human Rights in Africa: Legal Perspectives on their Protection and Promotion*, eds. Anton Bosl and Joseph Diescho, (Windhoek: Macmillan Education Namibia, 2009) 135-163.

<sup>136</sup> Edward Palmer Thompson, *The Making of the English Working Class*, (New York: Vintage Books, 1963).

<sup>137</sup> Ibid., 254.



as pointed out by Heyns, this expression may be by way of violent actions and sometimes non-violent actions.

On non-violent actions, Gene Sharp – the founder of the Albert Einstein Institution, an institution dedicated to the study of non-violent actions – describes them as a technique by which people who view struggle as essential can ‘wage their conflict without violence’.<sup>138</sup> For Sharp, this technique is not passive nor an inaction, but rather, it is an action that is non-violent.<sup>139</sup> Sharp further classifies non-violent actions into three main types. The first involves symbolic actions, including speeches, letters, petitions, rallies, mock awards, vigils, teach-ins and renunciation of honours.<sup>140</sup> The second category refers to methods of non-cooperation, such as ostracism, suspension of sports activities, stay-at-home, rent strikes, peasant strikes, general strikes, the boycott of elections, administrative stalling, and mutiny.<sup>141</sup> The last category involves intervention methods such as fasting, sit-ins, alternative communication systems, occupation of work sites, alternative markets and parallel government.<sup>142</sup>

On why non-violent actions succeed, Erica Chenoweth, an expert in public policy, and Maria J. Stephan, a strategic planner and expert in non-violent conflict, using case studies and statistical analysis, argue that non-violent resistance produces successful results in achieving political goals such as regime change due to different factors. One factor identified is the participation advantage of non-violent actions over violent ones due to lower moral, physical, informational, and commitment barriers. In addition, this higher level of participation contributes to other factors necessary for success, such as enhanced resilience.<sup>143</sup> Individuals and groups involved in this struggle have engaged in persistent activism, utilising various methods such as strike actions, demonstrations, negotiation, dialogue, legal challenges in the courts, and transnational advocacy networking.<sup>144</sup>

---

<sup>138</sup> Gene Sharp, *How Nonviolent Struggle Works*, (USA: Albert Einstein Institution, 2013): 18.

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*, 25-28.

<sup>141</sup> *Ibid.*, 29-41.

<sup>142</sup> *Ibid.*, 43-46.

<sup>143</sup> Erica Chenoweth and Maria J. Stephan, *Why Civil Resistance Works – The Strategic Logic of Nonviolent Conflict*, (New York: Columbia University Press, 2011): 25 – 26.

<sup>144</sup> Joseph Asomah, “The Importance of Social Activism to a Fuller Concept of Law”, *Western Journal of Legal Studies* 6, no.1 (2015): 15.



This study uses this 'struggle' approach to explain the revolutionary power of human rights in bringing about accountability. Human rights are not just abstract concepts but are 'guides to actions and triggers of opposition' to the illegitimate use of power by the state and its agents.<sup>145</sup> Hence, when an agent of the state, for instance, the police, illegitimately uses their powers and abuses rights, the presence of human rights presents a trigger to oppose such abuse of power and push for the actualisation of rights. Furthermore, this approach also highlights the role played by ordinary people who use established human rights standards in educating the people about their rights and demand accountability for police abuse of power in their various communities.

## **1.8. Methodology**

This study utilises a qualitative methodology to conduct an in-depth analysis of the role played by the three social-activism campaigns in pursuing accountability for police abuse of power. In addition, it analyses primary and secondary source documents such as international and national laws, policies, documentaries, reports of CSOs and newsletters to understand the research context better.

### ***1.8.1. Research Method***

This research utilises empirical, case study, and doctrinal research methods. This research is a study of the role of social activism in pursuing accountability of police abuse of power, using three social activism campaigns in Africa. However, this study is not designed to be representative of the continent, in fact as will be seen in this study the different characteristics of the three case studies make them deliberately unrepresentative of the continent. The three case studies emerged from countries in the West, South and East of Africa: #EndSARS from Nigeria, the campaign for a Safer Khayelitsha from South Africa, and the Social Justice Centres from Kenya, mainly common law countries.<sup>146</sup> These campaigns were selected because the countries they originated from have some form of police accountability and oversight mechanism. The presence of formal mechanisms of police accountability was vital to enable the assessment of the role of social activism from the

---

<sup>145</sup> Heyns, "A Struggle Approach", 16.

<sup>146</sup> Unfortunately, no case study from a civil law country is considered as I do not have the linguistic capabilities to do an in-depth study.

perspectives of both social activists and states' accountability mechanisms. In selecting case studies, peculiar features of the different campaigns were considered. Such features include the manner of police abuse being campaigned against, such as actions or inactions of the police; the origin of the campaign – local level or national; and the type of participants – individuals or organisations or a mix.

This study used semi-structured interviews to conduct qualitative empirical research. The sub-sections below provide more detail on the recruitment, sampling, and data collection of the empirical research.

The doctrinal research utilises both primary data and secondary sources. Primary data was obtained through laws, case laws, government documents, documentaries, and extensive social media research by the researcher. Secondary data sources used comprised mainly of reports and newsletters of human rights organisations, scholarly writings on social activism, police accountability, and other areas of research. Reliance is also placed on social media sources, YouTube videos and illustrative tweets sourced by the researcher and other quantitative analyses carried out by organisations such as NENDO, a digital consultancy firm in Kenya.

This study answered the research and sub-questions using combined doctrinal and empirical methods. The first sub-question is answered principally through a doctrinal research method. The other sub-research questions are answered using data from empirical qualitative research using semi-structured interviews with direct participants in the campaigns, members of human rights organisations and members of accountability mechanisms. In addition, reports and documentaries from the media, human rights organisations, and scholarly writings on the campaign are utilised.

### ***1.8.2. Empirical Qualitative Research: Recruitment and Sampling***

After selecting the three case studies, preliminary research was conducted by analysing primary and secondary documents about the case studies. The researcher also identified three categories of respondents to be interviewed across the three case studies: direct participants in the campaign – both individuals and members of CSOs; indirect participants – members of CSOs that were broadly aware of the campaign; and members of the police accountability mechanisms.

For interviews across the three categories, the researcher used a purposive non-random sampling of experts – which involved a strategic decision about whom to interview based on experience and expertise in the selected case studies.<sup>147</sup> As the interview process progressed, the researcher also adopted the snowball sampling technique, which involved identifying and facilitating access to other vital respondents based on recommendations from previous interviewees.<sup>148</sup>

The resulting overall sample size for the interviews across the three countries is thirty-five persons comprising thirteen from the #EndSARS campaign, eight from the Safer Khayelitsha campaign, and fourteen from the Social Justice Centres' Campaign.

The participation of officers from the Internal Affairs Unit, Kenya (IAU-K), Independent Police Investigative Directorate South Africa, and South African Human Rights Commission could not be secured as the researcher received no response despite several interview requests.

### ***1.8.3. Empirical Qualitative Research: Data Collection and Data Analysis***

The questions were arranged based on pre-identified themes. The themes were: the background/origin of the activism, organisation of the campaign, demands of the campaign, the state's response to the campaign, and the role of the campaign in pursuing police accountability in investigations, remedies, and reforms. Unfortunately, due to the COVID-19 pandemic and the resulting lockdown from mid-2020 – 2021, the researcher was unable to travel to Kenya and South Africa, and movement within Nigeria was highly restricted. Hence, most of the interviews were conducted remotely over Zoom meetings or telephone calls.

Prior to interviews, a consent form was distributed to respondents. This consent form had received the prior approval of the University of Pretoria ethics committee. The consent form amongst others sought permission for the interviews to be recorded and for an accurate transcript of interviews to be used for this study. It also afforded individuals the opportunity to choose to have their names referenced in the study or to remain anonymous. For

---

<sup>147</sup> Kristina Simion, *Practitioner's Guide – Qualitative and Quantitative Approaches to Rule of Law Research*, (Washington DC: Interpol Network to Promote the Rule of Law, 2016), 32.

<sup>148</sup> Mary Ellsberg and Lori Heise, *Researching Violence Against Women – A Practical Guide for Researchers and Activists*, (Washington DC: World Health Organisation and PATH, 2005), 106.

individuals who opted to remain anonymous, category descriptions of their roles have been used to maintain confidentiality.

After transcription, themes were identified across the case studies. Then, guided by the research sub-questions, codes were assigned to the relevant information in each case study. This enabled the researcher to generate data across the three campaigns in answering the sub-questions.

### **1.9. Research Limitations and Challenges**

*Scope:* Though this study addresses the role of social activism in pursuing accountability for police abuse of power in Africa, this study only focuses on three social activism campaigns on police abuse. Therefore, this study should not be taken as evidence for the whole of Africa, as findings might differ from campaign to campaign.

Still, on the scope, a study which utilises case studies from three countries is a broad research area. Hence this study only provides a limited study on different aspects of the case studies. However, this study can be a sturdy foundation for upcoming researchers to build on in researching similar social activism campaigns in other countries.

*Interviewees:* Due to the qualitative methodology used in this study, reliance is placed on the views expressed by the interviewees. However, the views expressed by the interviewees were what they believed to be true at the relevant times to the best of their knowledge or recollection. However, this challenge was mitigated by the use of media reports to corroborate and fill in the gaps of the interviewees.

*Topic Restraints:* discussing issues around policing in most African countries is considered a sensitive topic. Especially when it is in a negative light. Furthermore, it is well-recorded how activists and human rights defenders are often at the receiving end of government retaliation and backlash. Hence many activists were reluctant to participate, while others expressly refused to participate significantly in Nigeria, in the wake of the #EndSARS protests in October 2020. However, this challenge was mitigated by ensuring confidentiality and informing them of the option of remaining anonymous. Furthermore, in addition to information derived during interviews, media reports, videos, and documentaries were used.

*COVID-19 Pandemic:* Despite receiving ethical clearance to proceed with interviews in 2020, the COVID-19 pandemic and the resulting lockdowns and travel restrictions worldwide resulted in the researcher's inability to travel to the countries where the campaigns emerged and have in-person interviews with respondents. However, this challenge was mitigated by leveraging online technology to communicate with respondents, sign consent forms, and conduct interviews.

### 1.10. Thesis Structure

The thesis has eight chapters. Chapter One is the '**Introduction**' to the study which gives an insight into the study. It covers different areas, such as the background of the study, the problem statement, the research questions, and the methodology used in answering the questions.

Chapter Two is titled '**Understanding Police Accountability from a Human Rights Perspective**'. This chapter partly answers the first research sub-question (*How is police accountability understood in human rights framework?*). It analyses the legal framework of accountability in human rights by examining the provisions of international human rights laws. It notes that the process of police accountability in human rights involves three main components – investigations, effective remedies, and reforms. Investigations are vital in establishing whether a violation has occurred, identifying the victim(s), the perpetrators, witnesses, and other necessary evidentiary materials. Effective remedies seek to alleviate the harm suffered by the victims, and reforms are necessary to prevent the recurrence of such violations.

Chapter Three is titled '**Police Accountability Mechanisms in Nigeria, South Africa and Kenya**'. This chapter concludes the answer to the first research sub-question (*How is police accountability understood in human rights framework?*). It provides an overview of crucial police accountability and oversight mechanisms in the countries where the case studies emerged. This chapter notes that despite several mechanisms of police accountability in these jurisdictions, these mechanisms face various challenges which hamper their effectiveness in holding the police accountable. These challenges include the unwillingness of internal mechanisms to hold the police accountable, a lack of cooperation from the police service during investigations, and the enforcement of recommendations.

Chapter Four is titled '**#EndSARS Activism**', Chapter Five is titled '**Campaign for a Safer Khayelitsha**', and Chapter Six is titled '**Social Justice Centres Kenya**'. These chapters each address a case study using the findings from field research and other secondary sources. These chapters provide an in-depth study of each case study and answer the second research sub-question (*How is the understanding of police accountability in human rights reflected in the demands of social activism campaigns?*), third research sub-question (*How does social activism affect investigation, remedies, and reform during the process of accountability?*), and fourth research sub-question (*How do formal mechanisms of police accountability respond to social activism campaigns around issues of police abuse of power?*). These chapters discuss, among others, the background of the activism, the demands made in each campaign, the tactics used, the role played in the accountability process – in pursuing investigations, remedies, and reforms – and the reaction of the accountability mechanisms.

Chapter Seven is titled '**Use of Social Media in Activism against Police Abuse of Power**'. It answers the final research sub-question (*How can social media be used to empower social activism aimed at pursuing police accountability? Are there particular pitfalls?*). It weighs in on three broad ways social media can be used by activists in the activism against police abuse of power, using examples from the case studies in this study. This chapter considers social media as an activist tool used by participants in social activism to carry out several tasks. This chapter addresses three of these tasks – public mobilisations on policing issues like police abuse of power; organising various activities during the campaign such as meetings, demonstrations, and fundraising; and directly engaging with government leaders. This chapter also addresses the potential challenges and risks activists face in social media. These risks include interference by the government using measures and interference by social media platforms.

Chapter Eight, titled '**Conclusion**', concludes this research by summarising key findings along major roles observed from the case studies that social activism plays in pursuing police accountability. These roles include socialisation of norms, transnationalisation of issues of police abuse of power and materially contributing to the pursuit of investigations, remedies and reforms in the process of police accountability.

## CHAPTER TWO: UNDERSTANDING POLICE ACCOUNTABILITY FROM A HUMAN RIGHTS PERSPECTIVE

---

*[...]no official status justifies persons who may be accused of responsibility for such violations being held immune from legal responsibility.<sup>1</sup>*

### 2.1. Introduction

As established in the previous chapter, states have the duty to respect, protect, promote and fulfil human rights. States are to take both prospective and retrospective steps in fulfilling these duties. Such prospective steps, which include the enactment of laws, the establishment of institutions, and the training of police officers, are aimed at preventing the occurrence of human rights violations. Retrospective steps, such as investigations into the alleged violation of human rights, effective remedies to victims and reforms, become vital when a violation has occurred – or might have occurred. These retrospective actions to be taken by the state constitute the accountability process which is the focus of this chapter.

This chapter partly provides answers to the first research sub-question, how is police accountability understood in human rights framework? It answers this by highlighting the human rights obligations of states to pursue accountability for violations of human rights as provided in regional and international human rights laws. This chapter then addresses the significance of accountability in reinforcing human rights norms. Finally, it elaborates on three interlinked components of accountability for the violation of human rights (that is, investigation, effective remedy, and reforms).

### 2.2. Human Rights Obligations of States

The duties of the state to respect, protect, promote, and fulfil human rights run through core human rights instruments. The duty to *respect* human rights requires the state and its agents to refrain from taking any actions that interfere with the enjoyment of human rights. On the other hand, the duty to *protect* connotes a positive obligation on the state and its agents to

---

<sup>1</sup> United Nations Human Rights Committee, *General Comment 31 – Nature of the General Legal Obligation on States Parties to the Covenant*, CCPR/C/21/Rev.1/Add.13 (2004), para18.

take adequate steps to prevent third-party interference with the rights of rights holders. The duty to promote requires the state to take steps to ensure the enjoyment of all human rights. This duty is intertwined with states' duty to protect and fulfil human rights.<sup>2</sup> Finally, the duty to *fulfil* requires states to take proactive steps that create an enabling environment for the enjoyment of human rights, such as public enlightenment of rights and training security agents on human rights.

The duties to protect and respect carry both preventative and remedial dimensions.<sup>3</sup> States are to take preventive steps such as setting up a legal framework to prevent the violation of human rights by the state and third parties. States are also obligated to investigate and remedy the violation of human rights – by providing and ensuring access to effective remedies when a violation has occurred.

This duty of states to investigate human rights violations and provide effective remedies for victims of such violations is found in human rights treaties.<sup>4</sup> The presence of a right to remedy in International Human Rights Law (IHRL) connotes that states must have mechanisms to monitor human rights, receive complaints of human rights violations and a means to conduct a proper investigation and provide a remedy.<sup>5</sup>

*The International Covenant on Civil and Political Rights* (ICCPR) in article 2(3) provides thus:

Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

---

<sup>2</sup> African Commission, *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria*, 155/96, para 45 and 47.

<sup>3</sup> Thomas Probert, "The Concept of accountability and its Importance for the Protection of the Right to Life", in *National Commissions of Inquiry in Africa: Accountability Mechanisms for Violations of the Right to Life?* eds. Christof Heyns and Thomas Probert, (Pretoria: PULP Publishers, 2020), 18-22.

<sup>4</sup> Universal Declaration of Human Rights, art. 8; International Covenant on Civil and Political Rights (ICCPR), art. 2; International Convention on the Elimination of All Forms of Racial Discrimination, art. 6; UNCAT, art. 14, Convention on the Rights of the Child, art. 39; African Charter on Human and Peoples' Rights (ACHPR), art. 7; and International Convention for the Protection against Enforced Disappearances (CPED), art. 24 (4).

<sup>5</sup> This right to remedy and the obligation of states to investigate is also written in International Humanitarian Law treaties.



- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

*The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UNCAT) also provides that states are to carry out prompt and impartial investigations whenever there are reasonable grounds to believe that an act of torture has occurred in any territory under its jurisdiction.<sup>6</sup> An individual who alleges acts of torture has the right to complain and to be heard promptly and effectively by competent authorities.<sup>7</sup> States are also to ensure that victims of torture obtain redress such as fair and adequate compensation and means of full rehabilitation.<sup>8</sup> *The International Convention for the Protection against Enforced Disappearances* (CPED) provides for the right of victims to obtain reparation and prompt, fair and adequate compensation.<sup>9</sup>

Apart from core human rights treaties, soft law instruments have emerged to provide valuable guidelines for states in fulfilling this legal obligation. These instruments include the *1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*,<sup>10</sup> the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*,<sup>11</sup> the *United Nations Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity* (Impunity Principles)<sup>12</sup> and the *United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (UN Remedy and Reparation Principles).<sup>13</sup> Though these soft law instruments do not provide for new legal obligations towards human rights, they nonetheless set out modalities, procedures and guides to help states implement these obligations in core treaties.<sup>14</sup>

---

<sup>6</sup> UNCAT, art. 12.

<sup>7</sup> UNCAT, art. 13.

<sup>8</sup> UNCAT art. 14.

<sup>9</sup> CPED art. 24(4).

<sup>10</sup> UN General Assembly, Resolution 40/34, November 1985.

<sup>11</sup> Adopted 07 September 1990.

<sup>12</sup> (2005) E/CN.4/2005/102/Add.1.

<sup>13</sup> (2006) [A/RES/60/147] March 21, 2006.

<sup>14</sup> UN Remedy and Reparation Principles, preamble.

The Remedy and Reparation Principles and Impunity Principles, though nominally concerned with gross and serious violations under international law, are still relevant to this study on accountability for police abuse of power. These documents are relevant because, while not all matters of police abuse of power rise to the threshold of what we might consider gross violations or serious violations, some do. For instance, arbitrary arrests and detention, torture and other cruel, inhuman, or degrading treatment, extrajudicial killings, and excessive use of force by the police against protesters. The Impunity Principles in defining serious crimes under international law refers to violations of internationally protected human rights such as torture, enforced disappearance, and extrajudicial execution.<sup>15</sup> In addition, the Human Rights Committee and the African Commission have, on different occasions, described the excessive use of force by security forces in policing demonstrations as amounting to serious and massive human rights violations.<sup>16</sup> Furthermore, the Remedy and Reparation Principle includes a principle on non-derogation which states that the principles are ‘without prejudice to the right to a remedy and reparation for victims of all violations of international human rights and international humanitarian law’.<sup>17</sup>

These core human rights treaties and instruments, as will be discussed in detail subsequently, provide valuable insights into the components of accountability. They also create obligations for police accountability and set standards for policing. Before diving into the broad components of accountability in human rights, there is a need to first review the significance of accountability in human rights.

### **2.3. Significance of Accountability in Human Rights – Reinforcing Human Rights Norms**

As highlighted in the introduction above, part of states’ duty to respect, protect and fulfil human rights involves taking prospective and retrospective steps. Prospective steps such as establishing laws and institutions to promote human rights are to ensure that state actors and non-state actors do not violate human rights. However, despite these prospective steps, human rights violations will sometimes occur. When this violation happens – or it is alleged

---

<sup>15</sup> *Impunity Principles*, definitions, para b.

<sup>16</sup> United Nations Human Rights Committee, *Concluding Observations: Cameroon*, (CCPR/C/CMR/CO/4, 4 August 2010), para 18; ACtHPR, *African Commission on Human and Peoples’ Rights v. Great Socialist People’s Libyan Arab Jamahiriya*, App. 004/2011, Order for Provisional Measures, 25 March 2011, para 2-3.

<sup>17</sup> *UN Remedy and Reparation Principles*, principle 36.

to have occurred – the retrospective obligation of the state kicks in.<sup>18</sup> The retrospective obligation of the states includes undertaking retrospective measures such as investigations into the alleged violation, provision of effective remedies for victims, and implementation of reforms.<sup>19</sup>

These three retrospective measures – investigation of the alleged violation; provision of effective remedy; and the implementation of reform to prevent a recurrence – have been argued by Thomas Probert as broadly constituting the components of accountability processes in human rights and therefore form the objectives of accountability mechanisms.<sup>20</sup> These components are addressed in detail below. These retrospective measures, which constitute the accountability process, are essential in restoring human rights standards and reinforcing the notion that there ought to be consequences when there has been a violation of human rights.

However, beyond the processes and mechanisms of accountability, accountability, as noted by Bovens in the field of public administration, can be a ‘mechanism and a ‘virtue’.<sup>21</sup> According to Bovens, accountability as a virtue refers to a normative concept – the desired standard or behaviour of public officials. In this instance, accountability is a positive quality that public officials/organisations ought to have.<sup>22</sup> Though Bovens addresses this in the field of public administration, different human rights instruments and national police laws provide desired standards that police officers ought to be willing to uphold to develop a culture of accountability. The *United Nations’ Code of Conduct for Law Enforcement Officials*, for instance, provides standards that law enforcement officials ought to abide by, which includes carrying out their imposed duties in a manner ‘consistent with the high degree of

---

<sup>18</sup> The scope of the state’s obligation is provided for in the *UN Remedy and Reparation Principles* in para 3 as the ‘obligation to respect, ensure respect for and implement international human rights law and international humanitarian law’. This can be described as equivalent to the retrospective and prospective nature of states obligation discussed here. Expatiating on this scope, the *UN Remedy and Reparation Principles* provides for the state to take measures such as ‘appropriate legislative and administrative and other appropriate measures’ which can prevent violations. Para 3(a).

<sup>19</sup> *UN Remedy and Reparation Principles*, para 3(b)(c)(d).

<sup>20</sup> Thomas Probert, “The Concept of Accountability and its Importance for the Protection of the Right to Life”, in *National Commissions of Inquiry in Africa – Vehicles to Pursue Accountability for the Violations of the Right to Life?* Eds. Thomas Probert and Christof Heyns, (Pretoria: PULP Publishers, 2020), 31.

<sup>21</sup> Mark Bovens, “Two Concepts of Accountability: Accountability as a Virtue and as Mechanism”, *West European Politics* 33, (2010), 946-967.

<sup>22</sup> *Ibid.*, 949-950.

responsibility required by their profession'.<sup>23</sup> Another norm which requires the police to be accountable is the duty of law enforcement officials to report to a superior officer. This includes reporting the violation or intended violation of a code<sup>24</sup> or reporting the use of firearms or use of force.<sup>25</sup> This reporting obligation of police officers, if followed, develops accountability within individual police officers. The willingness of police officers to be transparent, answerable, and responsible for their actions is crucial in providing legitimacy to the police and creating a culture of accountability within the police, where officers are accountable regardless of whether an abuse of power has occurred.

Therefore, the entire spectrum of accountability – as a virtue or as a mechanism engaged in the processes of investigation, effective remedies, and reforms – is a cornerstone of human rights as it enables states to reinforce the importance of human rights norms. It is a long-established principle in the human rights system that states are responsible for protecting human rights. The *UN Charter* captures this in providing that states have agreed 'to take joint and separate actions' in cooperation with the United Nations to achieve, amongst others, 'universal respect for, and observance of human rights and fundamental freedoms for all'.<sup>26</sup> Should human rights be violated with no consequence, it might lead to the emergence of a wrong impression that human rights are mere aspirations and violations have no effect. The Impunity Principles define impunity as:<sup>27</sup>

the impossibility, de jure or de facto, of bringing the perpetrators of violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to make reparations to their victims.

---

<sup>23</sup> Article 1.

<sup>24</sup> Article 8 of the *Code of Conduct for Law Enforcement Officials* provides law officers to report to their superior authorities or other appropriate authorities where there is a reason to believe the violation of the code has occurred or about to occur.

<sup>25</sup> *The Basic Principles on the use of Force and Firearms*, requires all law enforcement officials to promptly report any incident which involves the use of firearms, and any incident resulting in injury or death caused by police use of force, Principle 6, 11(f). Similar mandate to promptly report the use of force or firearms to commanding officers is contained in the ACHPR's *Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa* (2017), para 21.2.2.4; ACHPR's *Study on the Use of Force by Law Enforcement Officials in Africa*, para 41; and the UN's *Human Rights Guidance on Less-Lethal Weapons in Law Enforcement* (2020), s. 3.3, 3.4 and 3.5.

<sup>26</sup> *UN Charter*, art. 55I and 56.

<sup>27</sup> *Impunity Principles*, Definition.

Hence impunity can be described as the opposite of accountability in the face of human rights violations. The language of other human rights documents embeds this understanding of impunity as arising from states' failure to conduct effective investigations, prosecute human rights violators, and provide an effective remedy for victims.<sup>28</sup>

States, under international law, are viewed as responsible for the furtherance of domestic accountability for human rights and are required to investigate and provide effective remedies and reforms even when the violations are by the state vis-à-vis its agents, such as the police. In performing their duties, law enforcement officials are to 'respect and protect human dignity and maintain and uphold the human rights of all persons'.<sup>29</sup> Regional human rights courts have found the state liable for the actions of law enforcement officials that violate human rights and for failure to investigate its agents properly. The African Commission in *George Iyanyori Kajikabi v. The Arab Republic of Egypt*<sup>30</sup> found the state liable for the violation of the Applicant's right to life, right to dignity, and right to assemble, amongst others, due to the actions of the state's agents – the riot police – in breaking up a peaceful sit-in protest which led to the death of about thirty protesters and injuries to many others. In holding the state liable for violating the right to life, the African Commission emphasised the state's duty to protect life and prevent its agents' excessive use of force, in this instance, the police. Also, noting that the failure to hold officers accountable for violations allows 'total impunity to ensue, and violations to go unpunished'.<sup>31</sup> Likewise, the European Court of Human Rights has also noted the importance of proper investigation by states when the actions of its agents result in death, as this will ensure accountability.<sup>32</sup> The Inter-American Court of Human Rights in *Myrna Mack-Chang v. Guatemala* noted the

---

<sup>28</sup> Fabián Salvioli, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence – Accountability: Prosecuting and Punishing Gross Violations of Human Rights and Serious Violations of International Humanitarian Law in The Context of Transitional Justice Processes*, A/HRC/48/60, (9 July 2021), para 21; Agnes Callamard, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution – Investigation of, Accountability for and Prevention of Intentional State killings of Human Rights Defenders, Journalists and Prominent Dissidents*, A/HRC/41/36, (4 October 2019), para 74; Christof Heyns, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution*, A/HRC/26/36, (1 April 2014), para 83; *United Nations General Assembly Resolution 63/182*, A/RES/63/182, (18 December 2008).

<sup>29</sup> *The Code of Conduct for Law Enforcement Officials*, art. 2.

<sup>30</sup> Communication 344/07, African Commission on Human and Peoples' Rights (2020).

<sup>31</sup> Para 178 and 187.

<sup>32</sup> *Kelly and others v. The United Kingdom*, (Application no.30054/96), Judgment, 4 August 2001, para 94, 134; *McCann and Others v the United Kingdom*, European Court of Human Rights, application no.18984/91 (27 September 1995) para 169.

importance of states investigating extra-legal executions and punishing the perpetrators 'especially when state agents are involved, as not doing so would create within the environment of impunity, conditions for this type of facts to occur again, which is contrary to the duty to respect and ensure the right of life'.<sup>33</sup>

In summary, accountability in human rights can be described as cyclic in reinforcing human rights, having both a corrective and preventive function to it. Corrective by making it possible for the state to remedy grievances and hold perpetrators responsible, and preventive by implementing reforms to avoid a recurrence.<sup>34</sup>

## 2.4. Contents of Accountability

As stated above, the process of human rights accountability can be understood as having three interlinked components: investigations into violations of human rights, provision of victims with effective remedies for violations suffered, and necessary steps (reforms) to prevent future recurrence. The United Nations *Impunity Principles* provide that the failure of the state to carry out these core components – investigating violations, providing victims with effective remedies, and taking steps to prevent a recurrence – leads to impunity. Principle 1 provides:

Impunity arises from a failure by States to meet their obligations to investigate violations; to take appropriate measures in respect of the perpetrators, particularly in the area of justice, by ensuring that those suspected of criminal responsibility are prosecuted, tried and duly punished; to provide victims with effective remedies and to ensure that they receive reparation for the injuries suffered; to ensure the inalienable right to know the truth about violations, and to take other necessary steps to prevent a recurrence of violations.

This understanding of human rights accountability as constituting various components has similarly been noted by the African Commission, as requiring investigation, criminal prosecution, independent commissions of inquiry or truth commissions where necessary, disciplinary actions, effective remedies, and reforms, among others.<sup>35</sup> These accountability

---

<sup>33</sup> IACtHR, Judgment 25 November 2003, para 156.

<sup>34</sup> UN OHCHR and Centre for Economic and Social Rights, *Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda* (Geneva: UN OHCHR, New York: Centre for Economic and Social Rights, 2013), 10.

<sup>35</sup> African Commission, *General Comment no.3*, para 17. Similar components were identified by the special rapporteur, Pablo de Greiff in *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/HRC/30/42, (7 September 2015), para 18.

components reflect Bovens' definition of accountability noted above as involving an actor, an accounting forum and the possibility of consequences. For example, in police accountability, the actor can be individual police officers or the police agency. The accounting forum can be a specific person, such as superior officers, or other agencies and mechanisms such as coroners, public prosecutors, courts, parliament, routine police oversight mechanisms, and extraordinary mechanisms like investigative panels or commissions of inquiry. These accounting forums have the power to interrogate the actor's conduct, assess the sufficiency of the actor's explanation, receive testimony and evidence from other sources, and pass judgment – including consequences where necessary.<sup>36</sup> This might involve the forum asking all or one of the main questions mentioned above: what happened, and who was responsible (investigation)? Who suffered from the actions, and how can this be remedied (effective remedies)? How can future occurrences of such violations be prevented (reform)?

This section will use relevant international and regional instruments to examine these three core components of accountability processes – investigation, effective remedies, and reforms.

#### ***2.4.1. Investigation***

Several human rights instruments emphasise the importance of investigation in guaranteeing human rights. For example, the *UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* provides for investigations into all suspected cases of extra-legal, arbitrary, summary executions and reports of unnatural death.<sup>37</sup> In 1991, the *Minnesota Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* (Minnesota Protocol) was adopted to provide an international legal standard for the duty to investigate unlawful deaths and practical steps for an effective investigation.<sup>38</sup> Other relevant instruments include the *Manual on Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (Istanbul Protocol),<sup>39</sup> the *African Commission's General Comment*

---

<sup>36</sup> Bovens "Two Concepts of Accountability", 955-957.

<sup>37</sup> Principle 9.

<sup>38</sup> This was revised and updated as the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016).

<sup>39</sup> Office of the United Nations High Commissioner for Human Rights, Professional Training Series no. HR/P/PT/8/Rev. 1 (2004).



*no.3 on the Right to Life* and the recent *Study on the Use of Force by Law Enforcement Officials in Africa*.<sup>40</sup> Although these instruments address investigation in a specific context, such as the use of force by law enforcement officials in Africa, arbitrary deprivation of the right to life, unlawful death or summary executions or torture and other cruel, inhumane or degrading treatment, the principles of investigation contained in them are relevant to investigations into violation of any human rights.

Proper investigations are fundamental to the process of accountability. The state's failure to 'investigate effectively, impartially, independently, in good faith and promptly' has been considered a key driver for impunity.<sup>41</sup> In some circumstances, such failure to investigate human rights violations can be a violation of human rights by the state.<sup>42</sup> Furthermore, effective investigations can be likened to the foundation upon which the other components – effective remedies and reforms – rest. For example, Christof Heyns, a former Special Rapporteur on extrajudicial, summary or arbitrary executions, has noted that an effective remedy for victims is dependent on an effective investigation.<sup>43</sup> This is because exhaustive and impartial investigations help to establish the circumstances surrounding the violation, the identity of the victims, those responsible for the violation, and the extent of the damage suffered by the victim, which are essential in ensuring effective remedies for the victims and identifying measures of reform.

The Minnesota Protocol makes it clear that, at minimum, investigations must take reasonable steps to identify the victim(s), and the perpetrator(s), identify possible witnesses, obtain evidence, and recover and preserve all probative material, among others.<sup>44</sup> Similarly, the Istanbul Protocol notes that effective investigation aids in the clarification of facts; determines if there was a violation; the extent of such violations; identifies the perpetrator(s) and gathers evidence to be used for prosecution of the perpetrator(s) and remedies for victims.<sup>45</sup>

---

<sup>40</sup> African Commission, *Study on the Use of Force by Law Enforcement Officials in Africa* (2023).

<sup>41</sup> Callamard, A/HRC/41/36, para 74.

<sup>42</sup> Salvioli, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/HRC/48/60, para 21; Heyns, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution*, A/HRC/26/36, para 79; African Commission, Gc. no.3, para 15.

<sup>43</sup> Heyns, A/HRC/26/36, para 83.

<sup>44</sup> *Minnesota Protocol*, para 25-27.

<sup>45</sup> See *Istanbul Protocol*, Principle 1 for purposes of an investigation.



The duty to investigate a violation of human rights is triggered when the state knows or should have known of any violation. On the violation of the right to life, for instance, the state's duty is triggered where it knows or should have known of any potentially unlawful death.<sup>46</sup> It is, therefore, immaterial whether a formal complaint has been made by the victim and received by the state; the duty to investigate remains. This also entails a form of reporting mechanism for the state to know of a violation. As mentioned above, the requirement for law enforcement officers to immediately report to superiors whenever death or injury occurs due to the use of force and firearms is necessary for superiors to become aware of possible violations and routinely investigate and review the actions of police officers.<sup>47</sup> States are also to create complaint mechanisms that are accessible to the public and empowered to receive complaints from the public. For instance, national human rights institutions have broad human rights mandates which also enable them to receive, investigate and respond to human rights complaints from the public.<sup>48</sup>

The duty to investigate is applicable wherever the state has to respect, protect, and fulfil any human rights.<sup>49</sup> This duty includes the investigation of all allegations of human rights violations by the state and its agents and by individuals within the state's territory or subject to the jurisdiction of the state – including detainees.<sup>50</sup> In furtherance of this duty towards detainees, states are to put in place specific measures, such as establishing complaint mechanisms for detainees to report allegations of human rights violations by state agents. Likewise, states are to guarantee detainees the right to access such complaint mechanisms without fear of reprisals or punishment.<sup>51</sup> Such complaint mechanisms are to be independent of the detention and enforcement authorities and be empowered to receive and investigate

---

<sup>46</sup> *Minnesota Protocol*, para 15; also, para 27 of the *General Comment no.36* (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the Right to Life. (United Nations Human Rights Committee, CCPR/C/GC/36 (2018)); Heyns, A/HRC/26/36, para 81.

<sup>47</sup> *The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, 1990, principle 6.

<sup>48</sup> *The Principles Relating to the Status of National Institutions*, Adopted by General Assembly Resolution 48/134 of 20 December 1993, (popularly known as the Paris Principles) provides for the status, modalities, and responsibilities of National institutions to promote and protect human rights. The *Paris Principles* states that those institutions should have a broad mandate set clearly in the constitution or by a legislative text (paras. 1 and 2).

<sup>49</sup> *UN Remedy and Reparation Principles*, para 3(b).

<sup>50</sup> *Minnesota Protocol*, para 16, 19.

<sup>51</sup> *Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa 2014*, part 8, para 37.

allegations of torture, cruel, inhuman, or degrading treatment or punishment.<sup>52</sup> The *Luanda Guidelines* also provide for the establishment of oversight and monitoring mechanisms for places of arrest and detention.<sup>53</sup> Generally, states have a heightened level of diligence in protecting the rights of detainees in police custody and pre-trial detention as such detainees are in the state's custody.<sup>54</sup>

For an investigation to be effective, it must be prompt, thorough, independent, impartial and transparent.<sup>55</sup> Promptness entails that the necessary authorities are to carry out investigations as soon as possible without unreasonable delays.<sup>56</sup> For investigations to be carried out promptly, the state must be made aware of such alleged violations. Hence states need to have open and accessible complaints channels for the public. For example, in *Zongo and Others v. Burkina Faso*,<sup>57</sup> one of the contributing factors to the African Court of Human and Peoples' Rights finding the state guilty of the violation of the Applicants' rights to have their case heard before a competent national court was the duration of the investigation by the state and the failure to explore different areas of investigation which showed a lack of due diligence on the part of the state to seek out, investigate and prosecute the perpetrators.<sup>58</sup> However, the requirement for a prompt investigation into human rights violations does not justify rushed or unduly hurried investigations, which might lead to error. Therefore, investigations must be effective and thorough in accordance with good practice.<sup>59</sup>

Mechanisms of investigation are vital to an effective investigation. States are to put in place mechanisms to carry out investigations, such as the police investigation, independent police oversight body, national human rights institutions, or special mechanisms such as a Truth

---

<sup>52</sup> *Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa* 2002 (Robben Island Guidelines), art. 40.

<sup>53</sup> *Luanda Guidelines*, part 8, para 41 and 42.

<sup>54</sup> Philip Alston, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution*, A/61/311, (5 September 2006), para 50.

<sup>55</sup> *Impunity Principles*, principle 19; UN HRC, *General Comment no.36 on article 6 of the ICCPR, on the Right to Life*, (2018), para 28; *UN Remedy and Reparation Principles*, para 3(b), 4; and African Commission, *General Comment no.4*, para 7.

<sup>56</sup> *Minnesota Protocol*, para 23.

<sup>57</sup> *Beneficiaries of late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo and Blaise Ilboudo and the Burkinabe Movement for Human and Peoples' Rights v. Burkina Faso*, Judgment, Application O13/2011, 28 March, 2014.

<sup>58</sup> *Ibid.*, para 152, 153, and 199.

<sup>59</sup> Christof Heyns as Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, likewise noted, that the duty of states 'to conduct diligent investigations should not lead to rushed or unduly hurried investigations.' Christof Heyns, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution*, A/70/304, (7 August 2015), para 19.

Commission or a Commission of Inquiry.<sup>60</sup> On the use of such special mechanisms, the UN and African Commission have noted that such mechanisms, when used, should be independent, impartial, and properly constituted.<sup>61</sup> As will be seen in subsequent chapters, commissions of inquiry were used in Nigeria and South Africa to investigate the allegations against the police by the social movements.

Whatever mechanism of investigation is adopted by the state, the mechanism and investigators should be and must be seen to be independent, free from undue influence or bias.<sup>62</sup> For instance, the need for independent investigations into violations of human rights by the police without undue influence from the police led to the push for establishing civilian oversight mechanisms with the power to investigate the police.<sup>63</sup> The African Commission has held that leaving grave violations such as killings to only be investigated internally ‘does not provide the required guarantees of impartiality and independence of process’.<sup>64</sup>

The investigation process and outcomes must be made known to the victims and the general public, as transparency breeds trust and prevents a possible recurrence of such events.<sup>65</sup> Victims and their families have the right to know the truth about the violations (including the fate of disappeared victims) and information about the underlying causes of the violation.<sup>66</sup> However, transparency is not absolute and might be limited where facts disclosed might cause further harm to the victim or threaten the safety and interest of the victim and relatives, witnesses or persons who have intervened to assist the victims or affect the integrity of the investigation.<sup>67</sup>

Though investigations have been considered retrospectively after a violation, an investigation can also be conducted as a form of oversight into various aspects of policing, even where no violation has occurred. For instance, a National Human Rights Commission, a police oversight body, or a parliamentary oversight committee could launch an

---

<sup>60</sup> *Minnesota Protocol*, para 38-39.

<sup>61</sup> African Commission, *General Comment no.3*, para 17; de Greiff, A/HRC/30/42, para 18.

<sup>62</sup> *Minnesota Protocol*, para 28-31.

<sup>63</sup> Philip Alston, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Study on Police Oversight Mechanisms*, United Nations Human Rights Council, A/HRC/14/24/Add.8 (28 May 2010), para 24-25.

<sup>64</sup> *George Iyanyori Kajikabi v. The Arab Republic of Egypt*, Communication 344/07 [2021] ACHPR 520, 20 October 2021, para 189.

<sup>65</sup> *Minnesota Protocol*, para 32.

<sup>66</sup> *Impunity Principles*, principle 4; *UN Remedy and Reparation Principles*, para 24.

<sup>67</sup> *UN Remedy and Reparation Principles*, para 22; *Minnesota Protocol*, para 32-33.

investigation into recruitment into the police, the use of police funds or civil claims settled by the police yearly. In addition, the African Commission provides for the obligation of states to establish systems of investigations and accountability mechanisms, including independent police oversight mechanisms.<sup>68</sup> These sorts of investigations are also crucial in ensuring the police are answerable and fixing gaps in the police system even before a violation occurs.

#### **2.4.2. Remedy**

States are to ensure that victims have access to effective remedies. In human rights, the concept of victims has widened to cover not only the direct victims but, where appropriate, indirect victims, for example, immediate family members or dependents of the direct victim, communities, and persons who have suffered harm as a result of intervening.<sup>69</sup>

An effective remedy must: i) be available without impediment, ii) offer victims a prospect of success, and iii) be sufficient to repair the harm suffered by the victims.<sup>70</sup> To be effective, remedies must also be prompt, as failure to provide prompt remedies might amount to a de facto denial. Promptness entails both promptness in the hearing process and promptness in the enforcement of decisions of domestic, regional, and international judicial and quasi-judicial mechanisms.<sup>71</sup> Finally, enforcement of decisions is essential to the completeness of remedies, as remedies cannot be said to have been provided where decisions are yet to be enforced, and neither is the state showing any sign of an intention to enforce remedial awards.

Remedies for violations of human rights according to the *UN Remedy and Reparation Principles* include the victim's right to i) 'equal and effective access to justice'; ii) 'adequate, effective and prompt reparation for harm suffered'; and iii) 'access to relevant information regarding violations and reparation mechanisms'.<sup>72</sup> On the other hand, the *African Commission's General Comment no.4* describes an effective remedy as one which must be

---

<sup>68</sup> African Commission, *General Comment no.3*, para 16.

<sup>69</sup> *UN Remedy and Reparation Principles*, para 8; *Robben Island Guidelines*, art. 50; and African Commission, *General Comment no.4*, para 17.

<sup>70</sup> African Commission, *General Comment no.4*, para 23.

<sup>71</sup> African Commission, *General Comment no.4*, para 26.

<sup>72</sup> *UN Remedy and Reparation Principles*, para 11. The African Commission in its *General Comment no.4*, para 8 provides for the right to redress which can be considered as a broader concept, encompassing the right to an effective remedy, and adequate, effective and comprehensive reparations.

available without impediment, offer victims a prospect of success and be sufficient to repair the harm suffered by the victims.<sup>73</sup>

The provisions of the *UN Remedy and Reparation Principles* and the *African Commission's General Comment no.4* on what constitutes a remedy or effective remedy overlap. For instance, the requirements of a 'remedy that is available without impediment' and 'offer victims a prospect of success' contained in the *African Commission's General Comment no.4* is covered by the *UN Remedy and Reparation Principles* first requirement – 'equal and effective access to justice'. Also, the requirement that remedies should be sufficient to repair the harm suffered, as used by the *African Commission's General Comment no.4*, falls squarely under the second requirement of adequate, effective, and prompt reparations for harm suffered provided by the *UN Remedy and Reparation Principles*.

The third requirement for an effective remedy, as provided in the *UN Remedy and Reparation Principles* – access to relevant information regarding the violations and reparations, cannot strictly be considered as the last chronological component. This is because the need for information on the violation and reparation mechanisms remains relevant throughout the remedial process. The public first needs to be aware of their rights, how such rights can be violated and the reparation mechanisms in place. Therefore, for equal and effective access to justice to be achieved, states must develop avenues of informing not just the victims but also the public of judicial mechanisms such as courts, civil, administrative, disciplinary mechanisms, and other proceedings recognised under the domestic laws.<sup>74</sup> States are also to domesticate laws on remedies and enlighten the public on their rights under such laws, including mechanisms and processes to enforce such rights before competent mechanisms both domestically and internationally.<sup>75</sup> As will be addressed in the chapters on the three social activism campaigns, social activism participants play an intuitive role in this regard by engaging in constant public sensitisation on human rights and the processes and mechanisms available to seek redress when such rights are violated. This role of social

---

<sup>73</sup> African Commission, *General Comment no.4*, para 23.

<sup>74</sup> *UN Remedy and Reparation Principles*, para 12, *Impunity Principles*, principle 32; African Commission, *General Comment no.4*, para 9, 21.

<sup>75</sup> The African Commission's *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa* lay out the modalities for states to ensure a fair trial for victims. Access to justice also involves the state taking into cognisance the needs of persons with disabilities, and children, by removing all structural and procedural barriers. (*Convention on the Rights of Persons with Disabilities*, art. 9 and art. 13).

activism is crucial as sometimes laws and the process for obtaining such mechanisms are overly complicated and not easily understood by the public.

These other two requirements of effective remedies – equal and effective access to justice and reparations as provided by the *UN Remedy and Reparation Principles* are closely intertwined. Access to justice can be considered as the process for obtaining desired outcomes (reparation) when violations occur.<sup>76</sup> The right to reparation for the victim or beneficiaries arises from any violation of human rights.<sup>77</sup> States are to provide reparations where violations can be attributed to the state, such as when security agents violate detainees' right to bodily integrity. Non-state actors can also be held responsible for reparations where violations are caused by their acts and omissions.<sup>78</sup> Reparations have been linked to recognition and trust – recognition by the state that the victims' fundamental rights have been violated, which can foster public trust in the state as reparations demonstrate the seriousness of the state in handling human rights violations.<sup>79</sup>

Reparation for acts or omissions that violate human rights should be adequate, effective, and prompt with the intention of promoting justice by redressing violations.<sup>80</sup> Reparations should also be proportional to the gravity of the violations and harm suffered. Pablo de Greiff, a former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, states that for a benefit to count as reparation and be understood as a measure of justice, such benefit must be accompanied by an acknowledgement of responsibility by the state and initiatives aimed at achieving truth, criminal prosecutions and guarantees of non-recurrence.<sup>81</sup>

Reparations – described above as the desired outcomes from accessing justice – can take the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of

---

<sup>76</sup> Put in another way, Salvioli, states that 'Remedies include the right of victims to claim that violations of their rights have taken place and to request reparation for the harm suffered.' Fabián Salvioli, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/HRC/42/45, (11 July 2019), para 38.

<sup>77</sup> *Impunity Principles*, principle 31.

<sup>78</sup> Non-state actors are 'individuals, organisations, institutions, and bodies acting outside the State and its organs.' (African Commission, *General Comment no.4*, para 72).

<sup>79</sup> Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/HRC/21/46, (9 August 2012), para 30 and 34.

<sup>80</sup> *UN Remedy and Reparation Principles*, para 14, and 15; *Impunity Principles*, principle 32.

<sup>81</sup> Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/69/518, (14 October 2014), para 83.

non-repetition.<sup>82</sup> In addition, for cases of enforced disappearance, families of direct victims have the right to be informed of the fate and whereabouts, including the return of the body in the event of death.<sup>83</sup>

*Restitution* should, where possible, restore the victim to the ‘original’ situation before the violation took place. Some examples of acts of restitution include the restoration of liberty, employment, citizenship, and return of property.<sup>84</sup> For example, in the *Egyptian Initiative for Personal Rights and Interights v. Egypt*,<sup>85</sup> a case brought on behalf of three victims sentenced to death for alleged acts of terrorism in Egypt, the African Commission held that the trial, which led to the imprisonment was unfair and violated article 7 of the ACHPR. Hence it called on the Egyptian government to release all victims, thus restoring them to the position they were in before the violation of their rights occurred. The African Commission has also ordered the recognition of citizenship and the restoration of national identity documents.<sup>86</sup>

On the other hand, *compensation* is monetary, for damages that can be assessed economically on a case-by-case basis. Compensation should be appropriate and proportional to the gravity of the damage caused – physical or mental harm, lost opportunities, material damages, moral damages or costs required for legal, medical, and social services.<sup>87</sup>

*Rehabilitation* refers to the ‘restoration of function or the acquisition of new skills required by the changed circumstances of a victim’. It is aimed at restoring the victim to become self-sufficient and possibly independent.<sup>88</sup> Rehabilitation should include specialised services such as medical, psychological, legal, and social services required because of the damages caused by the violation.<sup>89</sup>

---

<sup>82</sup> *UN Remedy and Reparation Principles*, para 19; African Commission, *General Comment no.4*, para 10; *Impunity Principles*, principle 34; UN HRC, *General Comment no.36*, para 28.

<sup>83</sup> *Impunity Principles*, principle 34.

<sup>84</sup> *UN Remedy and Reparation Principles*, para 19.

<sup>85</sup> African Commission, Communication no.334/06.

<sup>86</sup> In *John K. Modise v Botswana*, the Commission asked the government of Botswana to take measures to recognise the complainant as a citizen of Botswana. (*John K. Modise v Botswana*, Communication 97/93 [2000] ACHPR 25, (6 November 2000)); in *Malawi Africa Association and others v Mauritania*, the government of Mauritania was asked to replace the national identity documents of thousands of Mauritanian citizens that were taken from them at the time of the expulsion from Malawi. (*Malawi African Association and others v Mauritania*, (Communication no.54/91, 61/91, 98/93, 164/97, 196/97, 210/98). [2000] ACHPR 19; (11 May 2000).

<sup>87</sup> *UN Remedy and Reparation Principles*, para 20; African Commission, *General Comment no.4*, para 39.

<sup>88</sup> African Commission, *General Comment no.4*, para 40.

<sup>89</sup> *UN Remedy and Reparation Principles*, para 21; African Commission, *General Comment no.4*, para 41-43.



*Satisfaction* involves a range of measures, including measures aimed at stopping continuing violations, the verification of facts and full public disclosure of the truth, public apology, tributes and commemorations to the victims, and inclusion of an accurate account of the violations in IHRL and international humanitarian law training and educational material at all levels.<sup>90</sup> The African Court, in the reparation judgment of the *Zongo case*,<sup>91</sup> for instance, ordered the following as measures of satisfaction: i) publication of the summary of the judgment in French once in the Official Gazette and once in a widely read national Daily; ii) publication of same judgment summary for a year on the website of the state, all to be done by the Burkinabe government within six months.<sup>92</sup> In addition, judicial prosecution of perpetrators of human rights violations within institutions, including the police, followed by sentencing, such as fines and incarceration, provides a measure of satisfaction to the victims. This could be due to the perpetrator's punishment or public acknowledgement of the wrong done.

It has been well established that states should take a victim-centred approach in providing remedies for the violation of rights.<sup>93</sup> A victim-centred approach to remedies ensures that victims have a say in what remedies are given and protects the dignity and safety of victims during the remedial processes.<sup>94</sup> States are required to take measures to minimise the inconvenience of the victims or representatives and ensure their safety by protecting them from unlawful interference, intimidation, and retaliation. This right to protection extends to the victims, witnesses, relatives, members of the communities, investigators, lawyers, healthcare personnel, human rights defenders, monitoring bodies and other persons or institutions that assist victims in accessing redress.<sup>95</sup> Including victims in mapping out

---

<sup>90</sup> *UN Remedy and Reparation Principles*, para 22.

<sup>91</sup> *Beneficiaries of late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo and Blaise Ilboudo and the Burkinabe Movement for Human and Peoples' Rights v Burkina Faso*, Reparations, Application O13/2011, 5 June 2015.

<sup>92</sup> Para 62, 87, 93-94, 100, 109 and 111.

<sup>93</sup> African Commission, *General Comment no.4*, para 18; de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/HRC/21/46, para 54; Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/69/518, para. 74-76, and 92; A/74/147 para 49, A/76/180 para 72.

<sup>94</sup> African Commission, *General Comment no.4*, para 18.

<sup>95</sup> *Ibid.*, para 29.



effective remedies contributes to recognising the victims as rights holders and generally leads to cohesion between the violation, the expectation of the victims and the remedy.<sup>96</sup>

As discussed above, states are to ensure that victims can seek remedies. In fulfilling this obligation, states establish legislation, processes, and mechanisms to ensure victims can seek remedies and educate the public about such mechanisms. Some of these mechanisms include courts, national human rights institutions, ombudsperson, and police accountability mechanisms which are discussed extensively in Chapter Three. However, the procedures associated with these mechanisms tend to be cumbersome, bureaucratic, and time-consuming. Furthermore, these mechanisms face challenges, such as a lack of funds or technical competence to perform their duties effectively. The demand and pressure on the states in all three case studies discussed in subsequent chapters to set up commissions of inquiries or special investigative panels indicates the loss of public confidence in the routine mechanisms of seeking remedies.

The three campaigns examined in this study will show the different forms of reparations sought for victims of police abuse of power. In the Khayelitsha police inefficiency campaign, which involved many victims, satisfaction – the need to get an official decision recognising and acknowledging the problems with policing in Khayelitsha – was a crucial factor. The demands of the #EndSARS campaign included the demand for restitution – the release of arrested protesters and compensation for victims of police brutality. The Social Justice Centres in Kenya continue to seek rehabilitation for victims of police abuse of power. In the absence of government aid, the Justice Centres resort to forming support groups where victims provide psychological and emotional support to each other.

### **2.4.3. Reforms**

Ordinarily, guarantees of non-recurrence (reforms) are part of reparations.<sup>97</sup> However, as argued by Probert, reforms should be considered distinctly due to the vital role of reforms in preventing the repetition of violations.<sup>98</sup> The core function of reforms is preventive – reforms not only prevent the repetition of violations but also prevent accountability from

---

<sup>96</sup> De Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/69/518, para 92; de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/HRC/21/46, para 54.

<sup>97</sup> *Impunity Principles*, principle 35; *UN Remedy and Reparation Principles*, para 24.

<sup>98</sup> Probert, “The Concept of Accountability and its Importance for the Protection of the Right to Life”, 36.

being just a process of establishing violations and prosecuting perpetrators but one which goes a step further by putting in place measures to reinforce human rights norms.<sup>99</sup>

Therefore, reforms seek to ensure respect for the rule of law, foster and sustain a culture of human rights, restore or establish public trust, and ensure that victims do not again have to endure violations of their rights.<sup>100</sup> The African Commission has noted that when there is an observable pattern of mob justice, gender-based violence, femicide, or harmful practices, states are to take appropriate measures that not only respond to such violations but measures that ‘prevent and eliminate such patterns or practices’.<sup>101</sup> The Human Rights Committee has also noted that the entire purpose of the ICCPR would be defeated without an integral obligation of states to take measures to prevent a recurrence of a violation of the ICCPR.<sup>102</sup>

Reforms can be through various measures such as ratification of human rights treaties, establishing oversight mechanisms, legal reforms, judicial reforms, constitutional reforms, strengthening of civil society and education of the public.<sup>103</sup> It is pertinent that states take measures to review and reform laws that contribute to or allow the violation of human rights as a means that guarantees non-repetition of violations.<sup>104</sup> Other reform measures that states can adopt include effective civilian control of the military and security forces, strengthening the independence of the judiciary, providing international human rights and international humanitarian law education on a continued and priority basis in all sectors, including the training of law enforcement officials, military and security forces, promoting the observance of code of conduct and ethical norms by public servants including law enforcement officials.<sup>105</sup>

Institutional reforms that states can undertake include i) dismissal of public officials and employees involved in gross violation of human rights from service in state institutions, particularly the military, security, police, intelligence and judicial sectors; ii) ensuring the

---

<sup>99</sup> *Ibid.*, 36-37.

<sup>100</sup> *Impunity Principles*, principle 35.

<sup>101</sup> African Commission, *General Comment no.3* para 39.

<sup>102</sup> United Nations, Human Rights Committee, *General comment no.31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, para 17.

<sup>103</sup> See generally, de Greiff, A/HRC/30/42, part IV-VI.

<sup>104</sup> *UN Remedy and Reparation Principles*, para 23(h); *The Impunity Principles* in principle 38 also provide that those laws, regulations that contribute to human rights violations must be repealed or abolished.

<sup>105</sup> *UN Remedy and Reparation*, principles, para 23.

independent, impartial and effective operations of the courts; iii) comprehensive and ongoing training in human rights for public officials and employees, particularly those involved in military, security, police, intelligence and judicial sectors.<sup>106</sup>

The reform measure to be adopted by a state depends on the circumstances. Furthermore, social activism campaigns play an important role in identifying areas needing reforms within the police, mapping out reform agendas and advocating for implementing various reform measures. For instance, the #EndSARS campaign, examined in Chapter Four, called on the state to disband a police unit SARS due to violations of rights by officials of that unit and advocated for a new Police Act to be passed into law. Hence institutional and legislative forms. In addition, the Campaign for a Safer Khayelitsha campaign as will be discussed in Chapter Five, called for police reforms such as visible policing in informal settlements. Likewise, activists from the Justice Centre in Kenya, as is discussed subsequently in Chapter Six, have repeatedly called for institutional reforms – through the dismissal of certain police officers notorious for the violation of human rights of residents of informal settlements.

Judicial prosecution and sentencing of perpetrators could also be reformative. This is because of the deterrent effects punishments might have on the specific offender and generally on other police officers who have not yet violated human rights.<sup>107</sup> For example, the Kenyan High Court, in sentencing a police officer after a guilty conviction on the charge of murder, in the case of *Republic v. Titus Ngamau Musila Alias Katitu*, stated:<sup>108</sup>

In sentencing the convict this court is called upon to answer one big question: What is the objective to be achieved? .... I have concluded that any sentence passed ought to be a stern warning and act as deterrence to the convict and fellow officers against unlawful use or misuse of firearms on unarmed civilians and must reflect the society's condemnation of the same.

Establishing oversight mechanisms or strengthening already existing oversight mechanisms for the police, such as civilian oversight mechanisms and national human rights institutions, are also measures to be adopted to prevent a violation in the first instance or prevent a possible recurrence. Furthermore, concerning security sector reform, for instance, within the

---

<sup>106</sup> *Impunity Principles*, principle 36; The African Commission's, *General Comment no.4*, in para 46-49 also contain examples similar reformative measures that can guarantee non-repetition.

<sup>107</sup> Deterrence is one of the theories of punishment. See Abdulrahman Bello Dambazau, *Criminology and Criminal Justice* (Ibadan: Spectrum Books Limited, 2007), 305-308.

<sup>108</sup> [2018] eKLR, para 22 and 25.

police, it is vital that victims are consulted in the reform process as they have first-hand experience with the defects in the system and can provide valuable recommendations.<sup>109</sup>

## 2.5. Conclusion

This chapter has partly answered the first sub-research question – how is police accountability understood in human rights framework? By examining regional and international human rights instruments, it finds that police accountability in human rights can be understood as comprising of the three components, investigation, effective remedies, and reforms. As discussed above, effective investigation of alleged human rights violations is vital in establishing whether a violation has occurred, identifying the victim(s), the perpetrators, witnesses, and other necessary evidentiary materials. Furthermore, this chapter also described proper investigations as the foundation for building the other two components of human rights accountability. In providing an effective remedy to victims, which could take various forms, the state, among other things, acknowledges the violation of victims' rights and takes steps to alleviate the harm suffered by the victims. Finally, reforms are states' way of putting measures in place to fix the cause(s) of the violation in order to guarantee non-recurrence. It is vital to note that states must adopt a victim-centred approach when carrying out these three components. This could be by way of informing the victims and the public of the process of investigation and outcomes, consulting victims about remedies, and possible reform measures.

As alluded to in this chapter, mechanisms play an essential role in police accountability, and states are required to establish accountability and oversight mechanisms to receive and investigate complaints against the police. The next chapter concludes the answer to the first research question as it extensively explores various mechanisms of police accountability and oversight – internal (within the police organisation) or external (outside the police organisation) – in Nigeria, South Africa, and Kenya.

---

<sup>109</sup> Pablo de Greiff, *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/HRC/34/62, (27 December 2016), para 63.

## CHAPTER THREE: POLICE ACCOUNTABILITY MECHANISMS IN NIGERIA, SOUTH AFRICA, AND KENYA

---

*Noting that accountability and the oversight mechanisms for policing forms the core of democratic governance and is crucial to enhancing rule of law and assisting in restoring public confidence in [the] police, to develop a culture of human rights, integrity, and transparency within the police forces; and to promote a good working relationship between the police and the public at large.<sup>1</sup>*

### 3.1. Introduction

As established earlier, scholars such as Alemika, Stone and Ward, have identified three levels of police accountability, internal or departmental control, state or governmental control and social control/control by civil society. Given this background, this chapter carries out an in-depth examination of the first two levels of police accountability mechanisms, internal and external in Nigeria, South Africa and Kenya. The third level – social control – is examined in subsequent chapters by way of the case studies. As mentioned above, this level has not received as much attention as the other levels of police accountability. Hence the aim of this study to remedy this by an in-depth analysis of some case studies to highlight the material contribution of social activism to police accountability. Accountability and oversight mechanisms for policing in states are critical to developing a culture of human rights and building transparency and integrity within the police systems. Furthermore, it is essential in building the relationship between the public and the police and restoring public confidence.<sup>2</sup>

On internal police accountability mechanisms, Philip Alston, former UN Special Rapporteur on extrajudicial, summary or arbitrary executions, notes that internal mechanisms are advantageous as they have the expertise to investigate and potentially resolve complaints swiftly. However, Alston states that these internal mechanisms are often vulnerable to bias,

---

<sup>1</sup> African Commission on Human and Peoples' Rights, *Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa*, Resolution 103a/November 2006, 40<sup>th</sup> Ordinary session, <https://achpr.au.int/en/adopted-resolutions/103a-resolution-police-reform-accountability-and-civilian-police-oversight-afr>

<sup>2</sup> Ibid.

especially where there is minimal respect for the law and widespread corruption, which makes it easy for police officers to cover up abuse.<sup>3</sup> Hence the importance of external accountability mechanisms to complement the internal police mechanisms to provide an independent check on internal actions.<sup>4</sup> In addition, according to Alston, oversight mechanisms must have certain elements to operate effectively and with impact. These elements include adequate powers to investigate, financial independence, and operational independence from the government and the police.<sup>5</sup>

This chapter provides a concluding answer to the first sub-research question, how is police accountability understood in human rights framework? As established in the previous chapter, police accountability in human rights is comprised of three interlinked components, investigation, effective remedies and reforms. Accountability mechanisms are essential to these processes. This chapter carries out an in-depth review of internal and external accountability mechanisms for policing in Nigeria, South Africa, and Kenya.<sup>6</sup> This chapter takes into consideration some of Alston's criteria of accountability mechanisms, such as powers to investigate, independence from the police and political interference, and accessibility of such mechanisms to the public.

### 3.2. Police Accountability Mechanisms in Nigeria

The NPF operates as a centralised police force under the command of the Inspector General of Police (IGP) and operates at different levels – Zonal commands, State commands, Area Commands, Police Division, police districts, and police stations.<sup>7</sup>

The NPF is responsible for maintaining law and order; preventing and detecting crimes; protecting life and property; apprehending offenders and enforcing all laws and regulations.

---

<sup>3</sup> Philip Alston, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Study on Police Oversight Mechanisms*, United Nations Human Rights Council, A/HRC/14/24/Add.8 (28 May 2010), 24 – 25.

<sup>4</sup> *Ibid.*, para 26, 28.

<sup>5</sup> *Ibid.*, para 30.

<sup>6</sup> It should be noted that in addition to the police accountability mechanisms considered in this chapter, there are a whole host of other institutions in these jurisdictions that play some role in holding the police accountable. For instance, parliament, and anti-corruption commissions. However, this chapter focuses on the main mechanisms responsible for directly holding the police accountable for abuse of powers in these jurisdictions.

<sup>7</sup> *Nigeria Police Regulation 1968*, Reg. 4 and 5; Nigeria Police Force, 'History of Nigeria Police Force', <https://npf.gov.ng/history/display> (accessed 19 October 2024).

These duties and powers of the NPF are contained in the *Nigeria Constitution of 1999*, the *Nigeria Police Regulations of 1968*, the various Criminal statutes of Nigeria and the *Police Act of 2020*, which was not in force at the beginning of this study.<sup>8</sup> The *Police Act of 2020* was not in force during the first wave of the #EndSARS campaign discussed in the subsequent chapter. The passage of the Amendment Bill constituted one of the campaign's demands. The passage of the *Police Act 2020* is a vital step towards reforming the NPF as it contains notable standards of policing which were not in the previous Police Act of 1943. For instance, the *Police Act of 2020* charges the NPF to protect the rights and freedom of every person in Nigeria, including persons in police custody, as provided by the Constitution, the African Charter on Human and Peoples' Rights and any other law.<sup>9</sup>

Specialised units within the NPF are responsible for the internal discipline of police officers. Such specialised units include the Complaint Response Unit (CRU) and the Provost Force Marshal. External institutions that monitor police conduct include the Police Service Commission (PSC), the Police Council, the National Human Rights Commission (NHRC), and the Courts. This section examines these bodies.

### **3.2.1. Complaint Response Unit (CRU)**

The Police Complaints Response Unit (CRU), a mechanism used by the NPF to receive and process complaints on police abuse and provide feedback, was launched on 13 November 2015.<sup>10</sup> At the launch, the then IGP, Solomon E. Arase, stated that the unit aims to entrench police accountability values into the system and stimulate citizens towards actively participating in policing.<sup>11</sup> The new *Police Act of 2020* provided legislative backing to the CRU by formalising its establishment and setting its mandates and processes.<sup>12</sup> The CRU is established in the NPF headquarters and operates in each state and the Federal Capital

---

<sup>8</sup> Despite the new *Police Act of 2020*, the Police Regulations are still yet to be reviewed. The 2020 Act in sec. 138 (2) instructs the Minister over the police to regularly review the regulations. Hopefully a reviewed NPF Regulation is being considered.

<sup>9</sup> *Nigeria Police Act 2020*, sec. 4, sec. 5(1)(3).

<sup>10</sup> The CRU was later renamed PCRRU and in 2019, it went back to its former name- CRU. Channels Television, "IGP orders change of 'Public Complaint Rapid Response Unit' to 'Complaint Response Unit'", March 1, 2019, <https://www.channelstv.com/2019/03/01/igp-orders-change-of-public-complaint-rapid-response-unit-to-complaint-response-unit/>. (accessed 5 March 2024).

<sup>11</sup> Nigeria Police Force, PCCRU, "IGP Solomon E. Arase, fdc, NPM, During the Launch of the NPF Complaint Response Unit (CRU) on the 13 November 2015 at the Force Headquarters Abuja", <https://www.npf.gov.ng/complaint1/>.

<sup>12</sup> *Nigeria Police Act 2020*, sec. 1 and 2.



Territory.<sup>13</sup> The CRU is composed of representatives of the Federal or State Intelligence Bureau, police Provost Marshal and any other unit of the NPF as the IGP considers fit.<sup>14</sup>

The CRU is empowered to receive the following complaints: complaints alleging that the officer's conduct resulted in death, serious injury or gross human rights violations; complaints showing criminal offence and any complaint showing acts constituting professional misconduct.<sup>15</sup> Such complaints can be from the public and within the NPF. The CRU receives complaints through several channels – phone calls, WhatsApp, BlackBerry Messenger, emails, Short Messages Service, Twitter and Facebook.<sup>16</sup>

The CRU via its Twitter page urge individuals to report complaints by tagging them with full details of occurrence such as when, what, where, who, and why, to make resolving the complaints easier.<sup>17</sup> Such complaints are acknowledged by the CRU and a tracking number is assigned. In some instances, an update on the complaint is issued on social media by the CRU.<sup>18</sup> The social media presence of the CRU is advantageous for reporting complaints as social media serves to amplify complaints when complaints are retweeted and monitored by members of the public and human rights organisations on social media. Furthermore, complainants can attach videos or pictures to their complaints. This promotes increased transparency for the police and creates an avenue for increased communication between the police and the people.<sup>19</sup> Furthermore, the online platforms prevent the complainant from physically going to the police station, which prevents the likelihood of intimidation by officers or some police officers demanding money before investigating the complaints.<sup>20</sup>

---

<sup>13</sup> *Nigeria Police Act, 2020*, sec. 131.

<sup>14</sup> *Nigeria Police Act, 2020*, sec. 132.

<sup>15</sup> *Nigeria Police Act, 2020*, sec. 133.

<sup>16</sup> NPF, *Complaint Response Unit 2019 Report*, (Abuja: CRU – NPF, 2020), 9.

<sup>17</sup> Police Complaints (@PoliceNG\_CRU) "Make resolving your complaints easier...", Twitter Post, August 29, 2019, [https://twitter.com/PoliceNG\\_CRU/status/1167012885706563589](https://twitter.com/PoliceNG_CRU/status/1167012885706563589), (accessed August 14, 2023).

<sup>18</sup> Police Complaint (@PoliceNG\_CRU), Twitter Post, April 27, 2021, [https://twitter.com/PoliceNG\\_CRU/status/1387061529854492680](https://twitter.com/PoliceNG_CRU/status/1387061529854492680), (accessed August 14, 2023); Oluwapelumi (@ZondMan01), "Thanks to everyone...", Twitter Post, April 24, 2021, <https://twitter.com/ZondMan01/status/1385999420433567749>, (accessed August 14, 2021).

<sup>19</sup> Temitayo Isaac Odeyemi and A. Sar Obiyan, "Digital Policing Technologies and Democratic Policing: Will the Internet, Social Media and Mobile Phone Enhance Police Accountability and Police-Citizen Relations in Nigeria?", *International Journal of Police Science and Management* 20, no.2, (2018): 100.

<sup>20</sup> Sahara Reporters, "Corruption, Extortion at Police Stations Push More Nigerians To Use Online Police", 6 May 2021, <http://saharareporters.com/2021/05/06/corruption-extortion-police-stations-push-more-nigerians-use-%E2%80%99online-police%E2%80%99>, (accessed 16 October 2024).



In investigating complaints, the CRU works closely with the NPF X-Squad, a Squad responsible for arresting, investigating, disciplining and prosecuting erring police officers.<sup>21</sup> The CRU is required to conclude its investigations within twenty-one days of receiving the complaints. The head of the CRU, through the NPF Public Relations Officer, forwards the investigation report and recommendations to the IGP.<sup>22</sup>

As will be discussed in Chapter Four, during the first wave of the #EndSARS campaign in 2017, the CRU partnered with some key campaign organisers to resolve complaints of police brutality. One such organiser, Segun Awosanya, noted that the partnership between the CRU and the campaign aided in promptly resolving complaints.<sup>23</sup> The CRU also released posters urging the public to report complaints against the SARS.<sup>24</sup> Despite this seeming cooperation by the CRU, the then head of the CRU – Abayomi Shogunle, downplayed and mocked the complaints against operatives of SARS and the NPF and tagged the campaign as ‘a scam’.<sup>25</sup> By the second wave of the #EndSARS campaigns in 2020, while the CRU continued to receive complaints from the public, there was no apparent partnership between the CRU and participants, as participants chose to protest until their demands were met. The rise of a second wave of the #EndSARS protest can be attributed to the loss of public trust in the CRU and other mechanisms of police accountability due to the failure to hold the police accountable despite continuous police abuse of power.

### ***3.2.2. The Force Provost Marshal and the Orderly Room Trial (ORT)/Orderly Room Proceedings (ORP)***

The Force Provost Marshal is responsible for maintaining discipline in the NPF by investigating complaints and conducting the Orderly Room Trial (ORT), also called Orderly Room Proceedings (ORP).<sup>26</sup> The Force Provost Marshal investigates where force has been

---

<sup>21</sup> Police Complaint Response Unit, *Fourth Quarter Report- October- December 2016*. (Abuja: PCRRU, January 2017), 2.

<sup>22</sup> *Nigeria Police Act, 2020*, sec. 133(5); sec. 134.

<sup>23</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation), 4 August 2020

<sup>24</sup> Punch, “SARS: Police Response Unit Announces Complaint Channels”, 2 December 2017, <https://punchng.com/sars-police-response-unit-announces-complaint-channels/>. (accessed 15 October 2024).

<sup>25</sup> Demola Adeduwon, “Nigerians Attack ACP Abayomi Shogunle Over #EndSars Tweet”, *QED* 27 July 2018, <https://www.qed.ng/nigerians-attack-acp-abayomi-shogunle-over-endsars-tweet/>. (accessed 16 October 2024); Ifreke Inyang, “Assistant Commissioner of Police, Shogunle says #EndSARS is a Scam”, *Daily Post*, 12 June 2018, <https://dailypost.ng/2018/06/12/assistant-commissioner-police-shogunle-says-endsars-scam/>. (accessed 16 October 2024).

<sup>26</sup> Nigeria Police Force [https://www.npf.gov.ng/departments/admin\\_dept.php](https://www.npf.gov.ng/departments/admin_dept.php).; Chukwuma Innocent “Internal Disciplinary Systems as Important Complement to External Oversight of Police in Nigeria”, in *Civilian*

used by a police officer in all serious or potentially serious cases.<sup>27</sup> Furthermore, all incidents involving the discharge of firearms, including accidental discharges, are investigated by the Force Provost Marshal or criminal investigation.<sup>28</sup> In October 2020, in the wake of the #EndSARS protest, the IGP ordered the Force Provost Marshal, in collaboration with the X-Squad and IGP monitoring team, to compile all recent cases of abuse of power and violations of citizens' rights by members of the various tactical units of the NPF including SARS for further action.<sup>29</sup>

An ORT, as mentioned above, is a disciplinary procedure conducted by the Force Provost Marshall to summarily try junior police officers (Inspector, Non-commissioned Officer, or Constable) for offences against discipline.<sup>30</sup> However, several studies have criticised the ORP for various reasons. Firstly, there is a lack of transparency concerning the ORP as it is ordinarily not open to the public, except where there are good grounds to admit persons. Furthermore, there are no reports produced on the ORP. This lack of transparency creates public distrust. Secondly, these proceedings are discriminatory and used when a victim is a prominent person or to douse public outrage quickly. Most critically, as an internal process, the blue wall of silence might protect the erring police officer. Also, the sternness of the officer in charge of the proceeding largely determines the effectiveness of the process. There is a tendency for officers accused of misconduct to be pardoned with mere caution by their superiors.<sup>31</sup> On his visit to Nigeria, Philip Alston described Nigeria's internal accountability system as weak. Further stating that the NPF itself is the greatest impediment in bringing police officers to justice, as the NPF systemically hampers investigations and gives room for

---

*Oversight and Accountability of Police in Nigeria*, ed. Alemika, Etannibi and Innocent Chukwuma, (Lagos/Abuja: CLEEN Foundation and Police Service Commission, 2003), 64.

<sup>27</sup> Nigeria Police Force: Revised Order 237 on the Use of Force (2019), sec. 2(F) (2.5).

<sup>28</sup> Nigeria Police Force: Revised Order 237 on the Use of Force (2019), sec. 10I (10.1).

<sup>29</sup> Kingsley Omonobi, "IGP Orders arrest of SARS officers who violate citizen's rights", *The Vanguard*, 7 October 2020, <https://www.vanguardngr.com/2020/10/igp-orders-arrest-of-sars-who-violators-of-citizens-rights/>, (accessed 17 October 2024).

<sup>30</sup> *Guidelines on Appointment, Promotion and Discipline in the Nigeria Police Force, 2018*, Guideline 3.3.

<sup>31</sup> Emmanuel U.M. Igbo, "The Use and Abuse of police Powers and Extrajudicial Killings in Nigeria", *African Journal of Criminology and Justice Studies* 10, no.1, (2017): 95; Jeffrey Isima, "Police Internal Control System in Nigeria", in *Police Internal Control Systems in West Africa*, eds. Etannibi E.O. Alemika and I.C. Chukwuma, (Lagos: CLEEN Foundation, 2011), 47, 48 and 53; Innocent Chukwuma, "Internal Disciplinary Systems as Important Complement to External Oversight of Police in Nigeria", in *Civilian Oversight and Accountability of Police in Nigeria*, eds. Etannibi E.O. Alemika and I.C. Chukwuma, (Lagos: CLEEN Foundation and Abuja: Police Service Commission, 2003), 64.

the suspected officer to flee.<sup>32</sup> Almost 20 years later, it appears as though there has been only minimal improvement, as the accountability mechanism is still accused of being weak and the NPF is still accused of shielding suspected officers.

### **3.2.3. Police Service Commission (PSC)**

The Police Service Commission (PSC) is mandated to formulate policies and guidelines for the appointment, promotion, and discipline of officers of the NPF.<sup>33</sup> The PSC, on the other hand, is comprised of a chairman (Chief Executive officer); a secretary; a retired justice of the supreme court or court of appeal; a retired police officer not below the rank of commissioner of police; and representatives for women's interests, the Nigerian press, non-governmental human rights organisations, and organised private sector.<sup>34</sup>

The PSC is responsible for exercising disciplinary control over persons holding any office in the NPF except the IGP. In addition, other functions of the PSC include, the appointment, promotion, and dismissal of police officers except for the IGP; identifying factors undermining discipline in the NPF; implementing policies aimed at instilling efficiency and implementing discipline in the NPF; and formulating policies and guidelines for appointment, promotion, discipline, and dismissal of the NPF.<sup>35</sup> The PSC also receives quarterly reports from the IGP on the number and identity of persons detained all over Nigeria; charged and prosecuted in courts; killed or wounded during police operations across Nigeria, and who died in police custody.<sup>36</sup> The requirement for submitting quarterly reports by the IGP to the PSC is a recent provision of the *Police Act of 2020* to enable the PSC to have better oversight over the NPF. However, whether the IGP has begun to fulfil this provision is unknown.

Though the PSC is often extolled as a civilian oversight,<sup>37</sup> compared to independent civilian oversight mechanisms such as South Africa's IPID, and Kenya's IPOA, the PSC falls behind. For instance, no provision in the *PSC (Establishment) Act 2001* gives the PSC the power to investigate. Furthermore, the word 'investigate' is not used throughout the *PSC Act*, even

---

<sup>32</sup> Philip Alston, *Mission to Nigeria – Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions - Nigeria*, E/CN.4/2006/53/Add.4 (7 January 2006), para 56.

<sup>33</sup> *Nigeria Police Act, 2020*, sec. 16; *PSC (Establishment) Act, 2001*, sec. 6(1) (c).

<sup>34</sup> *PSC (Establishment) Act, 2001*, sec. 2(1).

<sup>35</sup> *PSC (Establishment) Act, 2001*, sec. 6(1); *Constitution of Nigeria*, sec. 30 part 1, 3<sup>rd</sup> schedule.

<sup>36</sup> *Nigeria Police Act, 2020*, sec. 89(5).

<sup>37</sup> M.A. Araromi and S.A. Oke, "A Critical Review of the Regulatory Frameworks for Police Accountability in the Nigeria's Justice System", *Nigerian Law Journal* 17, (2014): 193.

though the PSC is mandated to discipline the police and the *PSC Act* provides for the establishment of an investigation department. However, unlike the *IPID Act* for instance, the *PSC Act* fails to provide for appointment of investigators or the powers of investigation of the PSC. In addition, a Federal High Court in 2006 ruled that the PSC could not investigate a police officer when the disciplinary misconduct involves the commission of a crime because the duty to investigate crimes, regardless of the perpetrator, lies with the NPF, not the PSC, as the NPF are trained to carry out such investigations.<sup>38</sup> This judgment further undermined the powers of the PSC. These limitations to the investigative power of the PSC constrain its role as an independent civilian oversight mechanism over the police. Amongst other features, UNODC has noted that, at the minimum, an independent oversight body should have the capacity to start an investigation on its own and have enough investigative powers to subpoena, obtain information, compel the presence of witnesses, and obtain witness protection to be effective.<sup>39</sup>

Concerning challenges, the PSC is hindered by similar challenges facing IPID and IPOA. For instance, the PSC struggles with a lack of cooperation from the NPF, as the leadership of the NPF appears to undermine the powers of the PSC over the police constantly.<sup>40</sup> In addition, the PSC has no functional state offices but only its headquarters in Abuja, the Federal Capital Territory (FCT).<sup>41</sup> This is problematic as it means that all complaints from the other thirty-six states have to be transferred to Abuja.

Despite these challenges facing the PSC, it has improved from its state when Alston visited in 2006 and recommended the overhaul and reform of the PSC to equip it with the capacity to collect and disseminate information on police misconduct, to be independent of the NPF, and to carry out its investigation.<sup>42</sup> Currently, according to the PSC, it has a functional

---

<sup>38</sup> *Theophilus Uwalaka v. Police Service Commission*, Suit No., FHC/ABJ/M/570/2005, Unreported judgment of Kuewumi J., (14 December 2006), 6; Network on Police Reform in Nigeria (NOPRIN) and Open Society Justice Initiative (OSJI), *Criminal Force - Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force*. (New York: Open Society Institute, 2010), 93.

<sup>39</sup> United Nations Office on Drugs and Crime (UNODC), *Handbook on Police Accountability, Oversight and Integrity* (Vienna: United Nations Office, 2011), 53.

<sup>40</sup> Network on Police Reform in Nigeria (NOPRIN) and Open Society Justice Initiative (OSJI), *Criminal Force - Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force*. (New York: Open Society Institute, 2010), 98.

<sup>41</sup> Rommy Mom, "The Police Service Commission and Relevance of Oversight in Nigerian Policing", *Premium Times*, 6 June 2020, <https://opinion.premiumtimesng.com/2020/06/06/the-police-service-commission-and-relevance-of-oversight-in-nigerian-policing-by-rommy-mom/?tztc=1>, (accessed 16 October 2024).

<sup>42</sup> Alston, E/CN.4/2006/53/Add.4, para 106.

investigation department which is charged with monitoring the conduct of police personnel and investigating all cases assigned to the department by the PSC Chairman and Permanent Secretary.<sup>43</sup> The investigation department has two divisions – Police investigation and Public investigation.<sup>44</sup> The Police investigation division is responsible for internal NPF investigation such as investigation into the background of applicants to the NPF and all alleged acts of indiscipline and abuse of office by the police. The Public Investigation Division among others, is charged with receiving, processing, and investigating complaints of police misconduct from members of the public and institutions.<sup>45</sup> Yet little is known of the activities of the investigation department. According to data from the PSC’s last publicly available report – the *2019 Annual Report*, during the period under review, the investigation department had thirteen cases – eleven of which were referred and the remaining two were picked up from the media.<sup>46</sup> Four of those cases were concluded – two of which involved complaints by police officers against the NPF, while the other two involved complaints of misconduct against officers by members of the public.<sup>47</sup> This amount of cases received and concluded by the PSC investigation department raises questions about the capacity and resources available to the department, and public awareness of the PSC. In addition, it has been reported the PSC has delegated the power to discipline junior officers – rank and file to the IGP. The IGP investigates and sends disciplinary recommendations to the PSC.<sup>48</sup> The delegation of powers to the IGP to discipline junior police officers undermines the powers of the PSC and creates a system of police investigating itself, which opens the window for police cover-up among others.

In addition to relying on the IGP to discipline junior officers, the broad discretionary power of the president over the PSC weakens its position as an independent oversight body. First, the president can prescribe any additional function for the PSC and give ‘directives of a general nature or relating generally to matters of policy with regard to the performance by the PSC’.<sup>49</sup> Not forgetting that the president is also in charge of the appointment and

---

<sup>43</sup> Police Service Commission, *2019 Annual Report*, (Abuja: Police Service Commission, 2020) 56

<sup>44</sup> *Ibid.*, 57.

<sup>45</sup> *Ibid.*, 57-58.

<sup>46</sup> *Ibid.*, 59.

<sup>47</sup> *Ibid.*, 59-60.

<sup>48</sup> Mom, “The Police Service Commission and Relevance of Oversight in Nigerian Policing”.

<sup>49</sup> *PSC (Establishment) Act, 2001*, sec. 19.

dismissal of members of the PSC.<sup>50</sup> Taking these into consideration, it is argued that the disciplinary control the PSC has over the NPF is weakened by its questionable investigatory powers, excessive discretionary powers of the president over it and the unwillingness of the NPF to accept the oversight authority of the PSC.

Looking ahead, the PSC has potential for improvement due to the possibility of a new PSC Act. In 2020, *A Bill for an Act to Repeal the Police Service Commission Act and Enact the Police Service Commission Bill, 2020 to strengthen the Commission to be more Functional in its Operations; and for Related Matters*<sup>51</sup> was introduced. Among other provisions, the *Bill* seeks to create PSC offices in all states to receive and investigate complaints against the police. In addition, the *Bill* grants the PSC powers to set up panels to investigate and recommend sanctions including the prosecution of police officers.<sup>51</sup> Little is known about the current state of the *Bill*, other than as of 15 December 2020, it had scaled through the first and second readings at the House of Representatives and had been referred to the House Committee on Police Affairs.<sup>52</sup>

### **3.2.4. Nigeria Police Council (NPC)**

The Nigeria Police Council (NPC) comprises the topmost political officers in the country: the president as chairman, the Governors of the thirty-six states, the chairman of the PSC and the IGP. It is the ‘highest policy-making body in matters relating to the Police Force’.<sup>53</sup>

The NPC generally supervises the NPF and advises the president on the appointment of the IGP, the organisation and administration of the NPF and all other matters relating to it except ‘matters on the use and operational control of the Force or the appointment, disciplinary control and dismissal of members of the force’.<sup>54</sup> Additionally, the *Police Act 2020* expands the functions of the NPC to include receiving and deliberating on reports of policing matters and security concerns across the country and advising the president or IGP accordingly.<sup>55</sup>

---

<sup>50</sup> *PSC (Establishment) Act, 2001*, sec. 4(2), 5(1).

<sup>51</sup> Udora Orizu, “Police Service Commission Reform Bill Passes Second Reading”, *ThisDay*, 16 December 2020, <https://www.thisdaylive.com/index.php/2020/12/16/police-service-commission-reform-bill-passes-second-reading>. (accessed 09 March 2024).

<sup>52</sup> PLAC, Billstrack – HB 1118: Police Service Commission Act (Repeal and Re-enactment) Bill, 2020”, <https://placbillstrack.org/view.php?getid=7792#>. (accessed 10 March 2024).

<sup>53</sup> *Nigeria Police Act 2020*, sec. 6(1) (2); *Constitution of Nigeria*, 1999, sec. 27 and 153, Part 1, 3<sup>rd</sup> schedule.

<sup>54</sup> *Constitution of Nigeria*, 1999, sec. 28, Part 1, 3<sup>rd</sup> schedule; *Police Act 2020*, sec. 6(3).

<sup>55</sup> *Nigeria Police Act 2020*, sec. 6(3)(d).



One of the glaring weaknesses of the NPC as a police oversight institution is its composition. Of its thirty-nine members, thirty-seven are political office holders, while the remaining two – the chairman of the PSC and the IGP – as earlier mentioned, are appointed by the president, who is also the chairman of the NPC. This composition makes the NPC nothing more than a political institution and leaves the NPF vulnerable to political control, to be used by the president and the governors as instruments.<sup>56</sup> This vulnerability to political control is worsened by the power of the president or an authorised minister to give the IGP lawful directions regarding ‘the maintenance and securing of public safety and public order as he may consider necessary’, which the IGP must follow.<sup>57</sup> It is therefore not surprising that in 2008, the Presidential Commission on the reform of the electoral system in Nigeria reported that members of the NPF were involved in criminal conduct during elections, such as ‘brutality, intimidation, facilitating the snatching and destruction of ballot boxes, under-age voting, mass thumb-printing of ballot papers, forgery of results in exchange for bribes’.<sup>58</sup>

The NPC exercises more of a supervisory control over the NPF as it is excluded from disciplinary matters. Alemika is of the view that the NPC has the potential to be more than a supervisory body and become an essential organ of accountability by holding the police accountable for policies and programmes they ought to implement, but it appears there is no political will to act.<sup>59</sup>

### ***3.2.5. National Human Rights Commission (NHRC)***

The National Human Rights Commission (NHRC) is generally mandated to deal with all matters relating to the promotion and protection of human rights as guaranteed by the Nigeria Constitution; and international instruments that Nigeria is a party.<sup>60</sup> The NHRC is equipped with the powers to conduct investigations into various aspects of human rights, including violations by the police, determine damages or compensation following the

---

<sup>56</sup> Isim, “Police Internal Control System in Nigeria”, 41; Araromi and Oke, “Critical Review”, 192.

<sup>57</sup> *Constitution of Nigeria*, sec. 215.

<sup>58</sup> Electoral Reform Committee Nigeria, *Report of the Electoral Reform Committee*, Main Report, Vol. 1, (Abuja: Electoral Reform Committee: 2008), para 5.6.6.4.

<sup>59</sup> Etannibi E.O. Alemika, “Police Accountability in Nigeria: Framework and Limitations”, in *Civilian Oversight and Accountability of Police in Nigeria*, eds. Etannibi E.O. Alemika and I.C. Chukwuma (Lagos: CLEEN Foundation and Abuja: Police Service Commission, 2003), 52.

<sup>60</sup> *NHRC (Amendment) Act*, 2010, sec. 5(a).

violation of human rights, institute civil actions, and visit prisons and police detention centres.<sup>61</sup>

In a bid to enhance police accountability, between February and November 2022, the NHRC in collaboration with CSOs such as the CLEEN Foundation, NOPRIN, and the Mac-Arthur Foundation, launched a project focused on improving police accountability. This project included the training of police personnel, visitation to selected police stations and the presentation of human rights awards to police officers it deemed deserving.<sup>62</sup>

In addition, the NHRC has set up investigative panels into allegations of police misconduct. As will be discussed further in Chapter Four, the Federal Government in 2018 assigned the NHRC to set up an investigative panel – the Presidential Panel on the Reform of the Special Anti-Robbery Squad (PPRS) – to investigate the numerous complaints of alleged human rights violations by operatives the SARS.<sup>63</sup> The NHRC also organises public hearings, where victims of the violation of human rights by the police are given an avenue to air their grievances with the hope of getting a remedy.<sup>64</sup>

It appears that concerning holding the police accountable, the NHRC has yet to fully exercise its powers under the *NHRC (Amendment) Act 2010*. For instance, although the NHRC has the power to institute civil actions in the exercise of its duties<sup>65</sup>, there is no record that the NHRC has utilised this power in furtherance of its duties or specifically on behalf of victims of police abuse. Instead, the NHRC appears to have settled for a more supportive role by issuing press statements condemning police abuse of power, encouraging victims of police abuse to seek redress in courts, organising human rights training workshops for police officers, and setting up investigative panels into police abuse.<sup>66</sup> While these measures are commendable, more robust measures are needed from the NHRC. Additionally, the awards

---

<sup>61</sup> *NHRC (Amendment) Act*, 2010, sec. 6(1).

<sup>62</sup> National Human Rights Commission, *2022 Annual Report*, (NHRC: Abuja, 2023), 54-58.

<sup>63</sup> Channels Television, “Osinbajo orders overhaul of SARS”, published 14 August 2018, <https://www.channelstv.com/2018/08/14/breaking-acting-president-osinbajo-orders-immediate-overhaul-of-sars/>, (accessed 10 March 2024)..

<sup>64</sup> National Human Rights Commission (NHRC), *National Human Rights Commission at 20* (NHRC: Abuja, 2015), 34, 48.

<sup>65</sup> *NHRC (Amendment) Act*, 2010, sec. 6(1)(a).

<sup>66</sup> National Human Rights Commission, *Annual Report 2022*, 54; National Human Rights Commission, *Annual Report 2021*, (NHRC: Abuja, 2022), 19-23; and National Human Rights Commission, *Annual Report 2019*, (NHRC: Abuja, 2021), 37.



and recommendations of the NHRC are binding on parties, and the NHRC has the power to apply to a High Court or Federal High Court for enforcement of its awards and recommendations.<sup>67</sup> However, this does not appear to be so in practice. For instance, the NHRC's PPRS recommendations were not implemented, and the NHRC did not exercise this power to apply to the court for enforcement of these recommendations. As will be discussed in detail in Chapter Four, the failure to implement the recommendations of the NHRC's PPRS further fuelled the second wave of the #EndSARS campaign.

Another weakness of the NHRC is that public awareness of the existence of the NHRC or the modalities for filing complaints with it is low, even though the NHRC has offices in every state in Nigeria.<sup>68</sup> CSOs focusing on human rights issues play an essential role in educating the public about different avenues to report complaints and guiding victims through the process. Also, individuals and CSOs collaborate with the NHRC to organise human rights sensitisation and training for the members of the public and the police. For instance, the Network on Police Reforms in Nigeria (NOPRIN) and the CLEEN Foundation have partnered with the NHRC to train members of the police on various aspects of human rights in a bid to mainstream human rights into police operations.<sup>69</sup>

Other organisations, such as the Public Complaint Commission (PCC), which serves as the ombudsman in Nigeria, can also receive and investigate complaints from members of the public against any administrative action in any Government establishment in the Federal, State and Local Government.<sup>70</sup> However, it appears the PCC forwards complaints against members of the NPF to the PSC.<sup>71</sup>

### **3.2.6. Courts**

The Courts are vital in holding police officers responsible for the abuse of power, as police officers are 'personally liable for any misuse of his powers, or any act done in excess of his

---

<sup>67</sup> *NHRC (Amendment) Act*, 2010, sec. 22.

<sup>68</sup> Araromi and Oke, "Critical Review", 196.

<sup>69</sup> NHRC, *National Human Rights Commission at 20*, 33; NHRC, *Annual Report 2016*, (Abuja: NHRC, 2016), 14-15, 92, 95.

<sup>70</sup> *Public Complaints Commission Act*, Cap p.37 LFN 2004.

<sup>71</sup> Human Rights Watch, *Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force*, (New York: Human Rights Watch, 2010), 88; Canada: Immigration and Refugee Board of Canada, *Nigeria: Complaints Mechanisms Available for Cases of Police Misconduct, Including Effectiveness (2013-October 2014)*, 7 November 2014, NGA104979.E, <https://www.refworld.org/docid/54816ad04.html> (accessed 12 October 2024).

authority'.<sup>72</sup> Hence police officers who abuse powers have been found liable through criminal proceedings, civil proceedings or enforcement of fundamental human rights proceedings.<sup>73</sup> An enforcement of fundamental human rights proceeding can be initiated before the Federal High Court of a state or State High Court in Abuja by anyone acting in his/her interest, anyone acting on behalf of another person, anyone acting as a member of an interest group or class of persons, anyone acting in the public interest, and an association acting in the interest of its members/other individuals or groups.<sup>74</sup>

### **3.3. Police Accountability Mechanisms in South Africa**

The South African Police Service (SAPS), headed by a National Commissioner of Police, is structured to function at the national, provincial, and local levels of government where necessary.<sup>75</sup> SAPS is mandated to 'prevent, combat, and investigate crime, to maintain public order; to protect and secure the inhabitants of the country and their property, and to uphold and enforce the law'.<sup>76</sup> One of the founding principles of the *SAPS Disciplinary regulation* is that discipline within SAPS is a 'line management function'.<sup>77</sup> Hence the National Commissioner of Police (NCP) and supervisors are essential in the internal discipline. In addition, other external institutions such as IPID, the Human Rights Commission, Civilian Secretariat for Police Service (CSPS) are involved in police accountability. These institutions are discussed below.

#### ***3.3.1. National Commissioner of Police (NCP) and Supervisors***

The NCP is to manage and exercise control over the SAPS in line with the national policing policy and the directions of the minister of police.<sup>78</sup> The NCP or a designated representative is responsible for organising disciplinary proceedings into alleged police misconduct. The

---

<sup>72</sup> Nigeria Police Regulations 1968, sec. 340.

<sup>73</sup> *Solomon Adekunle v. The State* (2006) LPELR-107(SC), *Adegboyega Ibikunle v. State* (2007) LPELR-8068(SC), *Mrs Baby Justina Luna V. Commissioner of Police Rivers State Police Command and Ors.* (2010) LPELR- 8642(CA), para F-A.

<sup>74</sup> *Fundamental Rights (Enforcement Procedure) Rules*, 2009, Preamble, para 3 (e).

<sup>75</sup> *Constitution of South Africa*, sec. 205.

<sup>76</sup> *Constitution of South Africa*, sec. 205(3).

<sup>77</sup> *SAPS Disciplinary Regulations 2016*, reg. 4 (c).

<sup>78</sup> *Constitution of South Africa*, sec. 207 (2).

disciplinary procedure followed is determined after an evaluation of the seriousness of the alleged misconduct by the NCP or the designated representative.<sup>79</sup>

Supervisors are responsible for initiating disciplinary hearings over complaints involving officers under their command. Such hearings for less serious allegations occur within sixty days from commencement or thirty days for more serious offences or as fast as practicably possible.<sup>80</sup> The findings of such disciplinary hearings are forwarded to the NCP, which can vary the sanction by reducing it or setting it aside before informing the charged officer of the final decision in writing.<sup>81</sup>

However, the internal disciplinary process in the SAPS has been severely criticised for its reluctance to discipline officers. An investigative report by Viewfinder – an accountability journalism project in South Africa, revealed that supervisors often fail to initiate disciplinary proceedings for officers accused of serious misconducts such as murder, rape, and torture using the excuse that such offences are to be investigated by IPID. While IPID investigates, such accused officers remain on active duty and have the opportunity to re-offend.<sup>82</sup>

The SAPS have also been criticised for reinvestigating cases already investigated and closed by IPID rather than implementing disciplinary measures recommended by IPID.<sup>83</sup> SAPS justifies this by interpreting the legal obligation of the NCP to initiate disciplinary proceedings in terms of IPID's recommendations to mean reinvestigating IPID's recommendations.<sup>84</sup> Furthermore, the *SAPS Disciplinary Regulations* also provide for the independent investigation of misconduct by SAPS, irrespective of any other investigations.<sup>85</sup> Not only is this act of reinvestigating IPID's closed cases duplicative and a waste of resources, but it allegedly provides the opportunity for SAPS investigating officers, who are also police officers, to intimidate witnesses and cast doubt on IPID's initial investigation.<sup>86</sup> This reinvestigation by SAPS defeats the entire purpose of IPID's existence as an independent

---

<sup>79</sup> *SAPS Disciplinary Regulations 2016*, reg. 5(2).

<sup>80</sup> *SAPS Disciplinary Regulations 2016*, reg. 11(14), reg. 8(1).

<sup>81</sup> *SAPS Disciplinary Regulations 2016*, reg. 14.

<sup>82</sup> Daneel Knoetze, "Above the law – How SAPS Protects the Killers within its Ranks", *Viewfinder*, 11 May 2021, <https://viewfinder.org.za/how-saps-protects-the-killers-within-its-ranks/>.

<sup>83</sup> *Ibid.*

<sup>84</sup> *IPID Act (no. 1 of 2011) 2011*, sec. 30.

<sup>85</sup> *SAPS Disciplinary Regulations 2016*, reg. 4(m).

<sup>86</sup> *Ibid.*

accountability body over the police, especially as the findings from this new investigation supersede the findings of IPID.<sup>87</sup>

When confronted by the damning findings of Viewfinder by the Parliament, the NCP, General Khehla Sitole, admitted that the internal discipline management needs to be reformed, further stating that SAPS needs an independent discipline unit within SAPS to handle police internal discipline.<sup>88</sup> This reflects the finding by the panel of experts on policing and crowd management commissioned by the police minister after the Marikana massacre. The panel recommended the need for adequately trained, skilled or experienced officers to deal specifically with disciplinary matters to avoid inconsistent disciplinary standards and sanctions.<sup>89</sup>

SAPS have recently responded to this criticism by releasing a circular reiterating the importance of discipline within the SAPS and the role of supervisors/commanding officers in ensuring discipline according to SAPS regulations. It further noted that failing to obey SAPS Regulations by promptly instituting disciplinary proceedings ‘constitutes misconduct by the supervisor’.<sup>90</sup>

Beyond the flawed internal disciplinary measures of SAPS, its overall leadership suffers from a ‘serial crisis of top management’ according to the National Planning Commission of South Africa. The National Planning Commission recommended that the appointment of the NCP and the deputy NCP should be on a competitive basis following laid-out objective criteria.<sup>91</sup> CSOs continue to closely monitor the appointment of persons into the leadership position

---

<sup>87</sup> IPID, “Challenges IPID Recommendations”, Presentation to the Portfolio Committee on Police, 19 November 2014, 13. [https://www.documentcloud.org/documents/20584239-141119presentation\\_for\\_pcp\\_-\\_recommendations\\_-\\_19\\_november\\_2014\\_final\\_-\\_2014-11-13#document/p13/a2026772](https://www.documentcloud.org/documents/20584239-141119presentation_for_pcp_-_recommendations_-_19_november_2014_final_-_2014-11-13#document/p13/a2026772); Knoetze, Above the law.

<sup>88</sup> Parliament of the Republic of South Africa, “Portfolio Committee on Police, 26 May 2021”, YouTube, 3:01:317, <https://www.youtube.com/watch?v=ozYtFhA9WMc&t=6895s>; Daneel Knoetze, “Police Commissioner Sitole Admits that SAPS Discipline needs Overhaul”, *Viewfinder*, 1 June 2021, <https://viewfinder.org.za/police-commissioner-sitole-admits-that-saps-discipline-needs-overhaul/>.

<sup>89</sup> Panel of Experts on Policing and Crowd Management, *Panel of Experts Report on Policing and Crowd Management*, (Cape Town: Panel of Experts on Policing and Crowd Management, 2018), 121.

<sup>90</sup> SAPS, “Non-Compliance with the Provisions of South African Police Service Discipline Regulations, 2016”, 8 October 2021, para 14. <https://www.documentcloud.org/documents/21091147-saps-disciplinary-regs-circular-10Oct2021>

<sup>91</sup> National Planning Commission, *National Development Plan 2030: Our Future- Make it Work*, (Pretoria: National Planning Commission, 2012), 391.

of SAPS and have repeatedly called on the government to implement these recommendations.<sup>92</sup>

### ***3.3.2. The Independent Police Investigative Directorate (IPID)***

IPID is the independent complaints body established to investigate ‘alleged misconduct of, or offence’ committed by a member of the SAPS.<sup>93</sup> IPID investigates the following specific offences/misconducts: a) deaths in police custody; (b) deaths as a result of police actions; (c) any complaint of discharge of an official firearm by any police officer; (d) rape committed by a police officer, whether on duty or not; (e) rape of any person in police custody; (f) torture or assault by a police officer in the execution of his or her duties; (g) corruption matters within the police initiated by the Executive Director, or a member of the public, or referred to the Directorate by the Minister; (h) any other matter referred to by the Executive Director, or the Minister, a Member of the Executive Council (MEC) or the Secretary of Police Service as the case may be, in the prescribed manner and (i) systematic corruption involving the police.<sup>94</sup> Other criminal matters which fall outside the scope of IPID are referred to the appropriate authority for investigation.<sup>95</sup> Though corruption within the police is outside the scope of this study, it is necessary to discuss it briefly for a proper understanding of the scope of IPID’s mandate. IPID investigates two categories of corruption. These are corruption ‘within the police’ and ‘systematic corruption involving the police’.<sup>96</sup> David Bruce, a specialist in policing and criminal justice, opines that corruption within the police might be individual cases of criminality; however, when individual cases are considered a manifestation of ‘pervasive organisational problems’, it might fall under systematic corruption in the system.<sup>97</sup>

Generally, the mandate of IPID is relatively narrow compared to Kenya’s IPOA, whose mandate, as discussed below, covers all police misconduct complaints – both disciplinary and criminal offences.

---

<sup>92</sup> Institute of Security Studies Africa, “Top Cop Appointment Leaves SA at the Mercy of Zuma’s Judgement”, 23 November 2017, <https://issafrica.org/about-us/press-releases/top-cop-appointment-leaves-sa-at-mercy-of-zumas-judgement>. (accessed 09 March 2024).

<sup>93</sup> *Constitution of South Africa*, sec. 206(6), operationalised by *IPID Act no. 1 of 2011*.

<sup>94</sup> *IPID Act (no. 1 of 2011) 2011*, sec. 28(2).

<sup>95</sup> *IPID Act (no. 1 of 2011) 2011*, sec. 7(10).

<sup>96</sup> *IPID Act (no. 1 of 2011) 2011*, sec. 28 (1)(g) and sec. 28(2).

<sup>97</sup> David Bruce, *Are South Africa’s Cops Accountable? Results of Independent Police Investigative Directorate Investigations*, APCOF Research Paper, no.25 (Cape Town: APCOF, 2020), 11.

IPID is empowered to carry out its mandates as its investigators have the same powers as peace officers or police officers – for instance, the power to arrest, execute warrants, and compel the attendance of an accused person in court.<sup>98</sup> The SAPS are statutorily required to cooperate with IPID fully. This cooperation can be by way of the police being available to give evidence or produce any document relating to the matter being investigated.<sup>99</sup> Also, the station commander or any member of SAPS or Metropolitan Police service are mandated to immediately notify IPID of the occurrence of any offence within the mandate of IPID and submit a written report of the incident to IPID.<sup>100</sup> It is an offence for members of the NPS to breach this notification obligation to IPID.<sup>101</sup> This notification obligation backed by sanctions is an important feature of an external accountability mechanism. As observed by Alston, the police must be required to report serious matters to the external accountability mechanism. Furthermore, such a reporting requirement is only effective where there are sanctions for failure to adhere.<sup>102</sup> It is also an offence for any person or private entity to hinder, interfere or disrupt IPID in the exercise of its functions.<sup>103</sup>

Though these provisions have given teeth to IPID in carrying out its duties, the modalities for the implementation of its recommendations are not promising. As discussed above, disciplinary recommendations still need to be referred to SAPS.<sup>104</sup> The NCP or the appropriate Provisional Commissioner are to initiate disciplinary proceedings regarding the disciplinary recommendations made.<sup>105</sup> As pointed out above, IPID struggles with the failure of the SAPS to implement such disciplinary recommendations. For example, in 2020/2021, IPID reported that of the 686 cases recommended to SAPS for disciplinary actions, SAPS finalised disciplinary steps on 550, of which 229 were classified as having no prima facie evidence of wrongdoing despite IPID's recommendations for sanctions.<sup>106</sup>

---

<sup>98</sup> *IPID Act*, sec. 24(2).

<sup>99</sup> *IPID Act*, sec. 29(2).

<sup>100</sup> *IPID Act*, sec. 29(1).

<sup>101</sup> *IPID Act*, sec. 33(3)(4).

<sup>102</sup> Alston, A/HRC/14/24/Add.8, para 32.

<sup>103</sup> *IPID Act*, sec. 33(1).

<sup>104</sup> *IPID Act*, sec. 7(6).

<sup>105</sup> *IPID Act*, sec. 30.

<sup>106</sup> IPID and SAPS, "Joint Presentation on Implementation of IPID's Recommendations", Presentation to the Portfolio Committee on Police, 17 August 2021, <https://s3.documentcloud.org/documents/21052120/pcop-presentation-saps-ipid-final.pdf>.

Making the NCP its enforcement mechanism limits the powers and independence of IPID, as IPID becomes a mere spectator after making recommendations. Alston, in his report on external police oversight, noted that having powers to investigate and make findings means little if there is no corresponding capacity to ensure that the police/executive /prosecutors act based on the findings.<sup>107</sup>

The Minister of Police oversees the activities of IPID and receives regular reports on IPID's activities.<sup>108</sup> However, IPID being accountable to the Minister of Police and not directly to the parliament puts IPID in a precarious situation, as SAPS also reports to the Minister of Police. These can raise questions of undue influence and threaten the independence of IPID.

In 2016 the power of the Minister of Police over IPID's Executive Director was subject to judicial deliberation when the Minister of Police single-handedly suspended and instituted disciplinary proceedings against IPID's Executive Director. In the suit that followed, *McBride v. Minister of Police and Another*,<sup>109</sup> the Constitutional Court held that section 6 of the *IPID Act*, which gave the Minister the power to remove the Executive Director of IPID without parliamentary oversight, was antithetical to the entrenched independence of IPID envisaged by the Constitution. Further stating that it gave the Minister enormous, invasive political powers and control over IPID, which might lead to IPID becoming politicised and manipulated.<sup>110</sup> Accordingly, the Court set aside the decision to suspend the Executive Director of IPID and declared as invalid the provisions of the *IPID Act* (section 6(3)(a) and 6(6)); *Public Service Act*, Proclamation 103 of 1994 (sections 16A(1), 16B, 17(1) and 17(2)) and *IPID Regulation for the Operation of the IPID* (Regulation 13) that authorised the Minister of Police to remove, suspend, or take any disciplinary steps regarding the suspension of the Executive Director of the IPID.<sup>111</sup>

This decision resulted in the amendment of the *IPID Act*. The *IPID Amendment Act of 2019* now provides parliamentary oversight over IPID's Executive Director's removal, suspension, or discipline.<sup>112</sup> With the amendment, the Executive Director can only be removed from office

---

<sup>107</sup> Alston, A/HRC/14/24/Add.8, para 42-43.

<sup>108</sup> *IPID Act (no. 1 of 2011) 2011*, sec. 7(5) (7).

<sup>109</sup> [2016] ZACC 30.

<sup>110</sup> *Ibid.*, para 38 and 43.

<sup>111</sup> *Ibid.*, para 58.

<sup>112</sup> *Independent Police Investigative Directorate Amendment Act 27 of 2019* was signed into law by the president on 26 May 2020.



on the grounds of misconduct, incapacity, or incompetence after a finding by national assembly resolution and by the adoption of a resolution by the National assembly calling for such removal.

However, this amendment to the *IPID Act* has been criticised as insufficient, as the minister of police still plays a significant role in appointing the Executive Director.<sup>113</sup> For example, the Minister of Police is still responsible for the nomination of a suitable candidate for the Executive Director of IPID and the decision to renew the term of the Executive Director.<sup>114</sup>

The power of the Minister of Police over the renewal of the term of IPID's Executive Director led to more contention in 2019, this time concerning the decision of the Minister of Police not to renew the term of the Executive Director without recourse to the Portfolio Committee on Police (PCP). The Executive Director of IPID alleged that this decision did not rest with the Minister of Police but with the PCP. The parties – the Executive Director, the Minister of Police, and the PCP – eventually reached a settlement which was entered as a court order.<sup>115</sup> According to the settlement reached, the decision to renew the contract of the Executive Director of IPID, according to section 6(3) of the *IPID Act*, rests with the PCP, as the minister's decision was subject to confirmation or rejection by the PCP.<sup>116</sup> However, the Helen Suzman Foundation, an NGO that was *amicus curiae* in the initial case, appealed against this interpretation of section 6(3) for compromising the independence of IPID as it placed the power of renewal in the hands of politicians.<sup>117</sup> The HSF appeal was unsuccessful, as the Supreme Court of Appeal (SCA) held that the settlement reached by the parties which formed the court's order was a proper interpretation of section 6(3) of the *IPID Act*.<sup>118</sup>

These contentions over the power to dismiss, suspend, and renew the terms of the Executive Director of IPID show how important the independence of a police civilian oversight body is.

---

<sup>113</sup> Helen Suzman Foundation, "A Missed Opportunity: President Ramaphosa Signs the IPID Amendment Bill into Law", 8 June 2020, <https://hsf.org.za/publications/hsf-briefs/a-missed-opportunity-president-ramaphosa-signs-the-ipid-amendment-bill-into-law>, (accessed 09 March 2024); Mercedes Besent, "IPID Amendment Bill another Step Towards its Independence: CASAC", *SABC News*, 7 June 2020, <https://www.sabcnews.com/sabcnews/ipid-amendment-bill-another-step-towards-its-independence-casac/>, (accessed 10 March 2024).

<sup>114</sup> *IPID Act (no. 1 of 2011) 2011*, sec. 6(1)(3).

<sup>115</sup> *Helen Suzman Foundation v. Robert McBride and Others* (1065/2019) [2021] ZASCA 36 (7 April 2021); para 22.

<sup>116</sup> *Ibid.*, para 22, 27.

<sup>117</sup> *Ibid.*, para 23-24.

<sup>118</sup> *Ibid.*, para 60.



The independence of an institution like IPID involves a wide range of factors, such as the removal of the Executive Director from office, security of tenure, method of appointment, method of reporting, and disciplinary proceedings.<sup>119</sup> Political interference in any of these processes has the potential to hamper their independent functioning.

### ***3.3.3. Civilian Secretariat for Police Service (CSPS)***

The Civilian Secretariat for Police Service (CSPS)<sup>120</sup> is a department at the national level charged with exercising civilian oversight over the SAPS.<sup>121</sup> In addition, the CSPS serves as a technical adviser to the Minister of Police giving strategic advice to the Minister of Police on developing and implementing policies and monitoring the implementation of policies by the police service.<sup>122</sup>

Some of the policy documents crafted by the CSPS include the White Paper on Policing and the White Paper on Safety and Security. The White Paper on Policing focuses on measures to develop a professional, well-resourced, and accountable police service. One recommendation of the White Paper on Policing is establishing a national single police service with uniform standards and regulations.<sup>123</sup> The White Paper on Safety and Security recognises the role of other factors besides policing in crime and violence prevention and building safer communities.<sup>124</sup> It emphasises the need to forge partnerships with role players across government, business, CSOs and academia.<sup>125</sup> As will be addressed in Chapter Five, the lack of safety and the intertwined causes in Khayelitsha were core components of the campaign. In drafting the white paper, several organisations, including the Social Justice

---

<sup>119</sup> Ibid., para 31.

<sup>120</sup> The South Africa constitution in section 208 provides that a Civilian Secretariat of Police Service which should function under the cabinet minister for policing, should be established by a national legislation. The *Civilian Secretariat for Police Service Act 2 of 2011* was enacted in 2011 to give effect to this.

<sup>121</sup> *CSPS Act (no.2 of 2011)*, sec. 4(a), 5(a).

<sup>122</sup> *CSPS Act (no.2 of 2011)*, sec. 6(1)(a)(b)(h)(i).

<sup>123</sup> Civilian Secretariat for Police Service, “2016 White Paper on Policing”, Government Gazette no.41082, 1 September 2017, 29-31, [https://www.gov.za/sites/default/files/gcis\\_document/201709/41082gon914.pdf](https://www.gov.za/sites/default/files/gcis_document/201709/41082gon914.pdf). (accessed 11 October 2024).

<sup>124</sup> CSPS, *White Paper on Safety and Security* (Pretoria: CSPS, 2016), 7-8. [https://www.gov.za/sites/default/files/gcis\\_document/201709/41082gon915.pdf](https://www.gov.za/sites/default/files/gcis_document/201709/41082gon915.pdf). (accessed 11 October 2024).

<sup>125</sup> Ibid., 9.

Campaign (SJC) and the Ndifuna Ukwazi – two organisations that participated in the Khayelitsha campaign – submitted submissions to the CSPS.<sup>126</sup>

Particularly regarding police conduct, the CSPS monitors the performance of the police service, recommends corrective measures, and makes recommendations to the SAPS on disciplinary procedures.<sup>127</sup> In addition, the CSPS assesses and monitors the SAPS's ability to receive and handle complaints about its members.<sup>128</sup> The CSPS also receives complaints from the public on the failure of SAPS officers to comply with an obligation imposed in terms of the *Domestic Violence Act* or the National Instructions, as this amounts to misconduct as contemplated under the *SAPS Act*.<sup>129</sup>

However, the CSPS has been described as ‘an accounting agency, rather than an accountability mechanism’ because it appears unable to compel the SAPS to provide information about officers’ misconduct or influence the disciplinary actions taken against them.<sup>130</sup> Regardless, the CSPS as technical adviser to the Minister of Police, is strategic in police reforms and can potentially push for and implement structural reforms. For instance, the CSPS continues to push for legislation to improve policing, such as the SAPS Amendment Bill and the IPID Amendment Bill. The CSPS is further involved in improving the capacity of the Community Police Forums (CPFs) by reviewing the policy of the CPFs.<sup>131</sup> The CPFs, are to be ‘broadly representative’ of the community, including station commanders or designated members of the station.<sup>132</sup> They function at the local level to improve police transparency and accountability to the community and promote cooperation between the community and SAPS.<sup>133</sup> Historically, post-apartheid, CPFs were a crucial component in South Africa’s transition to democracy in the 1990s. Reform of the police service was necessary to address the legitimacy and credibility crisis that arose from the previous dispensation of

---

<sup>126</sup> Parliamentary Monitoring Group, “White Paper on Policing & White Paper on Safety and Security; DPCI Hawks Office Accommodation”, March 8, 2017, <https://pmg.org.za/committee-meeting/24115/>. (accessed 11 November 2022).

<sup>127</sup> *CSPS Act*, sec. 6(1) (a) (d).

<sup>128</sup> *CSPS Act (no.2 of 2011)*, sec. 6(1) (a) (j).

<sup>129</sup> *Domestic violence Act*, no.116 of 1998, sec. 18(4) (a) (as amended by *IPID Act (no.1 of 2011)*, sec. 36; *CSPS Act (no.2 of 2011)*, sec. 6(1) (c).

<sup>130</sup> Lisa Vetten, “Aluta Continua! Police Accountability and the Domestic Violence Act 1998”, *South Africa Crime Quarterly* no.59, (March 2017): 15. 7-18.

<sup>131</sup> CSPS, *Annual Report 2019/2020*, (Pretoria: CSPS, 2020); 27-28, 51-52.

<sup>132</sup> *SAPS Act*, sec. 19(1) (3).

<sup>133</sup> *SAPS Act*, sec. 18.

police before SAPS, which served to protect the apartheid regime rather than the people. The establishment of the CPFs was therefore in response to the need for improving police-community relations and promoting police legitimacy and accountability as part of the democratic regime.<sup>134</sup> Consequently, the Interim Constitution (Act No 200 of 1993) provided for the establishment of the CPFs by an Act of Parliament, which was done by the *SAPS Act* of 1995.

### **3.3.4. South African Human Rights Commission (SAHRC)**

The SAHRC promotes respect for human rights and monitors and assesses the observance of human rights.<sup>135</sup> Based on this human rights mandate, the SAHRC can receive and investigate complaints of human rights abuses against the police. The SAHRC further has a designated commissioner responsible for civil and political rights, including issues relating to policing and human rights. This commissioner supervises the implementation of the *OPCAT* in South Africa.<sup>136</sup>

The SAHRC can initiate investigations into human rights violations on its own or on receipt of a complaint.<sup>137</sup> If the SAHRC finds substance to the complaint after investigation, it can secure redress for the victims or provide financial assistance to enable the victims to seek relief in a competent court of law or appropriate forum.<sup>138</sup> SAHRC can also bring proceedings in a competent court of law on behalf of a person or a group.<sup>139</sup> Apart from investigations, the SAHRC can also carry out mediation, conciliations or negotiation to resolve any dispute or act or omission 'emanating from or constituting a violation or a threat to any human right'.<sup>140</sup>

---

<sup>134</sup> Phumlani Tyabazayo, "Community Policing in South Africa: Progress, Problems and Prospects," *African Journal of Law & Criminology* 13 (no.1) (2023): 51-52; Johan Burger, "Are South Africa's Community Police Forums Losing their Impartiality?", 1 November 2021, *ISS Africa*, <https://issafrica.org/iss-today/are-south-africas-community-police-forums-losing-their-impartiality>, (accessed 09 March 2024); Eric Pelsler, *The Challenges of Community Policing in South Africa*, ISS occasional Paper (42) (September 1999), <https://issafrica.s3.amazonaws.com/site/uploads/paper42.pdf>.

<sup>135</sup> *Constitution of South Africa*, sec. 184(1); *SAHRC Act* of 2013, sec. 2.

<sup>136</sup> OPCAT, "Biographical Data Form of Candidates to the Subcommittee on Prevention of Torture (SPT)", <https://www.ohchr.org/sites/default/files/documents/hrbodies/spt-opcat/elections2022/2022-08-26/nissen.pdf>, (accessed 10 March 2024).

<sup>137</sup> *SAHRC Act*, sec. 13, 15.

<sup>138</sup> *SAHRC Act*, sec. 13(3a).

<sup>139</sup> *SAHRC Act*, sec. 13(3b).

<sup>140</sup> *SAHRC Act*, sec. 14.

The SAHRC uses its position to organise dialogues concerning different issues of policing, such as arbitrary arrest, policing assemblies, and the use of force. One example is the annual National Police Dialogue organised with the APCOF.<sup>141</sup> These dialogues bring together vital role players in policing, including the police, the government, civil society practitioners, oversight community, academics, and lawmakers, aiming to build and promote human rights in policing in South Africa.<sup>142</sup>

The SAHRC in 2019 was designated to lead the multiple-body National Preventive Mechanism (NPM) in South Africa. Other institutions to be included in the NPM by the SAHRC are the Judicial Inspectorate for Correctional Service (JICS), the Independent Police Investigative Directorate (IPID), the Military Ombudsman, and the Health Ombudsman.<sup>143</sup> As noted above, South Africa is a state party to the UNCAT and the OPCAT.<sup>144</sup> Accordingly, the NPM is in fulfilment of the obligations of state parties under the OPCAT to establish a system of regular visits to all places where persons are deprived of their liberty to prevent torture and other cruel, inhuman or degrading treatment, among others.<sup>145</sup>

Though the SAHRC-NPM is still in its early phase, it has so far begun carrying out its mandates by visiting correctional centres, police stations, secure care facilities and psychiatric institutions.<sup>146</sup> The SAHRC-NPM in its first report noted the need to have the cooperation and assistance of state officials like the members of SAPS and correctional services to enable it to carry out its mandate.<sup>147</sup> Furthermore, though the SAHRC is an independent institution, with legislation mapping out its mandates and power, the multi-body NPM still has no legal instrument guaranteeing its operational independence and mapping out its mandates.<sup>148</sup> For the newly formed NPM to be effective in its mandate, the

---

<sup>141</sup> APCOF, *Report on the National Dialogue on Police and Human Rights – arbitrary arrest in south Africa*, (Cape Town: APCOF, 2022).

<sup>142</sup> SAHRC, “Media Advisory: SAHRC and APCOF to Host the 3rd Annual Police and Human Rights Dialogue”, 11 September 2019, [https://sahrc.org.za/index.php/sahrc-media/news-2/item/2105-media-advisory\\_sahrc-and-apcof-to-host-the-3rd-annual-police-and-human-rights-dialogue](https://sahrc.org.za/index.php/sahrc-media/news-2/item/2105-media-advisory_sahrc-and-apcof-to-host-the-3rd-annual-police-and-human-rights-dialogue).

<sup>143</sup> SAHRC-NPM, *Report of the SAHRC – The Implementation of the OPCAT in South Africa 2019/2020*, (Braamfontein: SAHRC, 2020), 14.

<sup>144</sup> South Africa signed the *OPCAT* on 20 September 2006 and deposited the instrument of ratification with the Secretary General of the UN on 20 June 2019. The *OPCAT* came into effect for SA on 20 July 2019.

<sup>145</sup> *OPCAT*, art. 3, 17.

<sup>146</sup> SAHRC-NPM, *Report of the SAHRC*, 26-44.

<sup>147</sup> *Ibid.*, 5, 45.

<sup>148</sup> *Ibid.*, 6.

state needs to put in place measures to guarantee its financial independence, its funding and sufficient powers to access places, persons and information, power to report, make recommendations and comment on policy and legislation, and protection for persons deprived of liberty and others.<sup>149</sup> The UN Committee against Torture has instructed South Africa to provide information on the NPM's powers, functions, and allocated budget and resources.<sup>150</sup>

Nevertheless, the presence of the NPM in South Africa opens another avenue for human rights advocates and campaigns to engage on issues of police abuse of power. Promisingly, the SAHRC has expressed interest in collaborating with CSOs, professionals and experts via proposed working groups on areas such as corrections, police detentions, and administrative detention.<sup>151</sup>

### ***3.3.5. Provincial Oversight***

Unlike the other jurisdictions, Provinces in South Africa have some powers of oversight and accountability over the police. For example, each province has the power to monitor police conduct, oversee the effectiveness and efficiency of the police service, and promote good relations between the community and the police.<sup>152</sup> Based on this, a province 'may investigate, or appoint a commission of inquiry into any complaints of police inefficiency or breakdown in relations between the police and any community.'<sup>153</sup> As will be seen in Chapter Five on the Khayelitsha Campaign, participants in the campaign relied on these powers of provincial oversight to pressurise the then Premier of Western Cape, Helen Zille, to establish the Khayelitsha Commission of Inquiry (KCOI) in August 2012 to investigate policing inefficiencies in Khayelitsha and the breakdown of the relationship between the community and the police.

---

<sup>149</sup> *OPCAT*, art. 17-20.

<sup>150</sup> UN Committee against Torture, "List of Issues Prior to the Submission of the Third Periodic Report of South Africa", (CAT/C/ZAF/QPR/3), 30 August 2022, para. 4.

<sup>151</sup> SAHRC, *Annual Performance Report*, (Braamfontein: SAHRC, 2021), 58; SAHRC-NPM, "Role of Civil Society in the Work of the NPM: Draft Discussion Paper", 8 October, 2020, <https://www.sahrc.org.za/home/21/files/DISCUSSION%20PAPER%20ON%20CIVIL%20SOCIETY%20ENGAGEMENT.pdf>, (accessed 08 March 2024).

<sup>152</sup> *CoSA*, sec. 206(3).

<sup>153</sup> *CoSA*, sec. 206(5).

This provincial oversight power in the Western Cape is now embedded in the Western Cape Police Ombudsman (WCPO) under the Western Cape Department of Community Safety (DoCS).<sup>154</sup> The WCPO is to receive and investigate complaints alleging inefficiency of the police and/or breakdown between the police and any community; and any other functions assigned under the *Western Cape Community Safety Act*.<sup>155</sup> In addition, the ombudsman receives complaints from the public against the SAPS in Western Cape and the Cape Town Metro Police Department (CTMPD) for issues such as poor service delivery, poor communication, poor investigation, failure to act fairly or properly, failure to follow correct procedures, failure to respond to correspondence and lack of communication with the complainant/victim.<sup>156</sup>

### **3.3.6. Courts**

Through criminal and civil proceedings, the Courts also play a role in holding the police accountable for misconduct. The Executive Director of IPID is to refer all complaints which reveal a criminal offence during investigations to the NPA for criminal prosecution. The NPA, in turn, notifies IPID if it intends to prosecute.<sup>157</sup>

SAPS is currently subject to many civil claims for damages due to the conduct of its officials, such as unlawful arrests and detention, and assault.<sup>158</sup> In its 2020/2021 report, SAPS reported that it had received 10,689 new civil claims valued at almost 17 billion Rand (approximately 1.13 billion USD). The total pending civil claims from previous financial years amounted to 52,203 worth almost 60 billion Rand (approximately 4 billion USD).<sup>159</sup>

Despite these civil claims and the amount spent settling them, SAPS, as noted above, still fails to institute disciplinary measures against its officers and enforce IPID's

---

<sup>154</sup> *Western Cape Community Safety Act 2013 (Act no.3 of 2013)*, sec. 10 and 11.

<sup>155</sup> *Western Cape Community Safety Act 2013 (Act no.3 of 2013)*, sec. 15.

<sup>156</sup> Western Cape Police Ombudsman and APCOF, *Your Guide to the Complaints Process*, para 7.6, page 12-13, [https://www.westerncape.gov.za/police-ombudsman/files/atoms/files/301245\\_APCOF%20WC%20Ombuds%20WEB.pdf](https://www.westerncape.gov.za/police-ombudsman/files/atoms/files/301245_APCOF%20WC%20Ombuds%20WEB.pdf).

<sup>157</sup> *IPID Act (no.1 of 2011) 2011*, sec. 7(4) (5) (10).

<sup>158</sup> SAPS, *Annual Report 2020/2021*, (Pretoria: SAPS, 2021),105; SAPS, *Annual Report 2017/2018*, (Pretoria: SAPS, 2018), 77; Gwen Dereymaeker, "Making Sense of the Numbers: Civil Claims against the SAPS", *SA Crime Quarterly* no.54 (2015).

<sup>159</sup> SAPS, *Annual Report 2020/2021*, 105.

recommendations.<sup>160</sup> However, according to the SAPS, it has initiated measures to identify and address the root causes of civil claims to establish accountability to prevent incidents leading to such claims.<sup>161</sup> Such measures include the Management Intervention Project of 2016 and the Workstream on Contingent Liability and Civil Claims of 2020.<sup>162</sup> The Management Intervention Project of 2016 focused on areas including the development and review of policy, procedures, directives and processes, including assessment and inspection of police stations.<sup>163</sup> The Workstream on Contingent Liability and Civil Claims of 2020 seeks to develop integrated approaches to down-manage civil claims by changing the attitudes and behaviours of SAPS employees to prevent unlawful actions that give rise to civil claims.<sup>164</sup> The CSPA is also mapping out measures to reduce civil claims against the SAPS, such as instituting studies on the management of litigation by the SAPS.<sup>165</sup>

The constitutional court was opportune to restate the rights of the people in the enforcement of the coronavirus lockdown regulations. In the case of *Khosa and Others v. Minister of Defence and Military Defence and Military Veterans and Others*<sup>166</sup> brought by the family of Collins Khosa, who died due to injuries he sustained after being beaten and tortured by members of the SA Security forces (South African National Defence Force and the Johannesburg Metropolitan Police Department) while enforcing the COVID-19 Lockdown Regulations. The other applicants were also beaten and tortured on the same occasion. The Court, while condemning the actions of the security agents, also noted the failure of investigative bodies – IPID and the Office of the Military Ombud – to properly investigate the actions of the security agents before the Court hearing. The Constitutional Court noted that the investigative bodies were not committed or competent to comply with article 12 of the *UNCAT* despite being a signatory.<sup>167</sup> Article 12 of the *UNCAT* requires state parties to ensure prompt and impartial investigations of acts of torture by competent authorities. The

---

<sup>160</sup> Knoetze, “Above the law”; Edwin Naidu, “Big Payouts, Little Sanctions in SAPS Wrongful Arrest Cases”, *IOL*, 18 October, 2020, <https://www.iol.co.za/sundayindependent/news/big-payouts-little-sanction-in-saps-wrongful-arrest-cases-09b45ef6-df6c-44bb-a5f0-360a92a7450e>. (accessed 11 October 2024).

<sup>161</sup> SAPS, *Annual Report 2017/2018*, 77.

<sup>162</sup> SAPS, *Annual Report 2020/2021*, 105-106.

<sup>163</sup> SAPS, *Annual Report 2020/2021*, 106; SAPS, *Annual Report 2019/2020*, (Pretoria: SAPS, 2020), 98-99; SAPS, *Annual Report 2017/2018*, 77-78.

<sup>164</sup> SAPS, *Annual Report 2020/2021*, 106.

<sup>165</sup> CSPA, *Annual Report 2020/2021*, (Pretoria: CSPA, 2021): 28.

<sup>166</sup> (21512/2020) [2020] ZAGPPHC 147.

<sup>167</sup> *Ibid.*, para 136-140.



Constitutional Court held that regardless of the national disaster, members of the public are entitled to non-derogable rights, including the right to life, the right to dignity, and the right not to be subjected to torture, cruel, inhuman, and degrading punishment.<sup>168</sup>

### 3.4. Police Accountability and Oversight Mechanisms in Kenya

As mentioned above, the 2007/2008 post-election violence in Kenya led to the systemic reform of laws and institutions in Kenya, including the police. The reform of the police was vital, as the Waki Commission established to investigate the incident found that the police had 'weak systems and approaches to investigating incidents where police officers are involved'.<sup>169</sup> Hence the Waki Commission called for extensive reform of state security mechanisms and the establishment of a 'well researched, legally based, professional and independent Police Conduct Authority' outside the police structure.<sup>170</sup> On his visit to Kenya, in the wake of the post-election violence, Alston strengthened the findings of the Waki Commission by also recommending the establishment of an internal and independent external accountability mechanism.<sup>171</sup>

The Inspector General heads the National Police Service of Kenya (NPS), which operates at the national and county levels. The human rights-centred 2010 *Constitution of Kenya* which emerged after the transformation, codified some of the recommended reforms, including the establishment of accountability bodies such as the Office of the Inspector General, National Police Service Commission (NPSC-K), and the Independent Police Oversight Authority (IPOA). Other accountability mechanisms currently in place include the Internal Affairs Unit (IAU-K), the Kenya National Commission on Human Rights (KNCHR) and the judiciary. This section examines each of these mechanisms.

---

<sup>168</sup> Ibid., para 146.

<sup>169</sup> Commission of Inquiry into Post-Election Violence (CIPEV), *Report of the Commission of Inquiry into Post-Election Violence*, (Nairobi: CIPEV, 2008), 420.

<sup>170</sup> Ibid., 439.

<sup>171</sup> Philip Alston, *Mission to Kenya – Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, A/HRC/11/2/Add.6, (26 May 2009), para 92.



### **3.4.1. Office of the Inspector General of the National Police Service**

The Office of the Inspector General exercises independent command and control over the NPS and the Directorate of Criminal Investigation (DCI).<sup>172</sup> This means that the Inspector General is responsible for matters relating to the command and discipline of the NPS.<sup>173</sup>

The Inspector General has the power to convene a court of inquiry to enquire into any matters relating to the NPS, including the conduct of any police officer.<sup>174</sup> Furthermore, the Inspector General is responsible for establishing and devolving services of the IAU-K to conduct investigations of police misconduct.<sup>175</sup> Lastly, the Inspector General is responsible for cooperating with and implementing the decisions of the IPOA and acting on the IPOA's recommendations, including compensating victims of police misconduct.

In a bid to protect the independence of the Inspector General, the Constitution of Kenya prohibits any person from giving direction to the Inspector General regarding the investigation into specific offences, enforcement of the law against particular persons, or directions about the employment, assignment, promotion, suspension or dismissal of any member of the NPS.<sup>176</sup> The exceptions to these are directions from the cabinet secretary responsible for the NPS on any policy matters for the NPS and directions from the Director of Public Prosecution (DPP) to investigate an alleged police criminal conduct.<sup>177</sup>

### **3.4.2. Internal Affairs Unit Kenya (IAU-K)**

The IAU-K is the internal accountability mechanism of the NPS.<sup>178</sup> The Internal Affairs Unit (IAU-K) is mandated to receive and investigate complaints against the police and recommend proper actions after conducting its investigations.<sup>179</sup> Some of the disciplinary actions that IAU-K can recommend are suspension or interdiction of an officer, severe reprimand or reprimand to control pay or allowances or any other lawful action.<sup>180</sup>

---

<sup>172</sup> *Constitution of Kenya*, art. 245(2b); *NPS (as amended through 2016) Act 2011*, sec. 8 and 28.

<sup>173</sup> *NPS (as amended through 2016) Act 2011*, sec. 8A(1).

<sup>174</sup> *NPS Serving Standing Orders*, chp. 26, sec. 2(1).

<sup>175</sup> *NPS (as amended through 2016) Act 2011*, sec. 10(1).

<sup>176</sup> *Constitution of Kenya*, art. 245(4).

<sup>177</sup> *Constitution of Kenya*, art. 157(4), 245(4) (5); *NPS (as amended through 2016) Act 2011*, sec. 8A(5).

<sup>178</sup> Established by virtue of *NPS (as amended through 2016) Act 2011*, sec. 87.

<sup>179</sup> *NPS Serving Standing Orders*, chp. 5, sec. 3(1); *NPS (as amended through 2016) Act 2011*, sec. 87(2) (2A).

<sup>180</sup> *NPS (as amended through 2016) Act 2011*, sec. 87(6).

The IAU-K can initiate investigations on its initiative or due to complaints from members of the public, the NPS, at the direction of a senior officer, or at the request of the IPOA.<sup>181</sup> However, the IAU-K is strictly responsible for investigations where the complaint against a police officer is brought by a police officer from another service, such as an officer from the APS bringing a complaint against a KPS officer.<sup>182</sup>

The public, including participants in social activism, can report police misconduct directly to the IAU-K, as the IAU-K receives complaints through diverse channels, including social media, office walk-ins, letters, emails, Anonymous Reporting Information System (ARIS), mobile numbers; WhatsApp and media.<sup>183</sup> Complaints are lodged on any of the following grounds: that the police officers' actions contravened any written law, misconduct of the police officer and any other lawful and sufficient ground.<sup>184</sup>

IAU-K forwards very serious complaints against police officers to IPOA, while complaints involving criminal conduct are forwarded to the office of the DPP through the Inspector General.<sup>185</sup> If the investigation discloses an offence against discipline, the records are forwarded to the National Police Service Disciplinary Committee (NPSDC) and Subordinate Disciplinary Committee (SDC) to commence hearing proceedings.<sup>186</sup> The NPSC-K establishes the NPSDC or SDC on a case-by-case basis. The NPSDC is utilised for hearing disciplinary cases of officers of the rank of assistant superintendent and above, while the SDC is for officers of the rank of Chief Inspector and below.<sup>187</sup> All recommendations by the NPSDC are forwarded to the NPSC-K for confirmation and approval, while the recommendations by the SDC are forwarded to the Inspector General or any authorised officer.<sup>188</sup>

Though, in theory, the IAU-K is not subject to the control, command or direction of the NPS, the director of the IAU-K is, however, from the NPS.<sup>189</sup> Furthermore, all procedural issues on

---

<sup>181</sup> NPS Serving Standing Orders, chp. 5, sec. 3(2).

<sup>182</sup> NPS Serving Standing Orders, chp.30, sec. 9(3).

<sup>183</sup> IAU-K *Annual Report*, 2018, 4.

<sup>184</sup> National Police Service Internal Affairs Unit, *Operations Manual* 14.

<sup>185</sup> IAU-K, *Operations Manual*, 17; *NPSC-K (Discipline) Regulations, 2015*, reg. 13(9); NPS Serving Standing Orders, chp. 30, sec. 10(4).

<sup>186</sup> *NPSC-K (Discipline) Regulations, 2015*, reg. 4(5); NPS Serving Standing Orders, chp. 30, sec. 11(3).

<sup>187</sup> *NPS (as amended through 2016) Act 2011*, sec. 95A(2)(4)(5); *NPSC-K (Discipline) Regulations, 2015*, reg. 7(1); NPS Serving Standing Orders, chp. 30, sec. 12(1) (2) and sec. 14(1).

<sup>188</sup> *NPSC-K (Discipline) Regulations, 2015*, reg. 9(9) (10).

<sup>189</sup> *NPS (as amended through 2016) Act 2011*, sec. 87(11).

receiving and investigating complaints not covered by the operational manual of the IAU-K are left to the discretion of the senior investigating officer through the guidance of the Director of the IAU-K, who is also a police officer.<sup>190</sup> The police officers assigned to the IAU-K are approved by the Inspector General and vetted by the NPSC-K.<sup>191</sup> In light of these, it is difficult to maintain that the IAU-K is, in reality, not under the NPS's control, command or direction.

### **3.4.3. The National Police Service Commission (NPSC-K)**

The NPSC-K is responsible for the human resource aspect of the NPS, which includes recruitment and making policies, regulations and procedures for recruitment and appointment.<sup>192</sup> The functions of the NPSC-K can be divided into three broad categories: employment, training and monitoring, and disciplinary functions.<sup>193</sup> However, this study focuses on the NPSC-K's disciplinary mandate.

In exercising disciplinary control over persons within the NPS, the NPSC-K can develop and prescript fair and clear disciplinary procedures and mechanisms; monitor compliance by the Inspector General with the disciplinary procedures and guidelines; monitor compliance with due process in disciplining members of the NPS; receive regular reports on disciplinary matters; review or ratify disciplinary actions taken by the Inspector General, and hear and determine appeals on disciplinary matters from members of the NPS.<sup>194</sup> In addition, the NPSC-K can receive civilian complaints and then refer such complaints to institutions such as the IPOA, the KNCHR, the DPP or the Ethics and Anti-Corruption Commission where necessary.<sup>195</sup>

From the above disciplinary functions of the NPSC-K, it appears that the 'disciplinary control' conferred on NPSC-K by the Constitution merely involves overseeing, reviewing, and monitoring compliance with disciplinary procedures rather than actively investigating and disciplining members of the NPS.

---

<sup>190</sup> IAU-K, *Operations Manual*, 5.

<sup>191</sup> *Ibid.*, 6.

<sup>192</sup> *NPSC-K Act*, sec. 11, 28; *NPSC-K (Recruitment and Appointment) Regulations*, 2015, reg. 3(1); National Police Service Standing Orders chapter, 60, sec. 4(1).

<sup>193</sup> *Constitution of Kenya*, art. 246(3); *NPSC-K Act*, sec.10.

<sup>194</sup> *NPSC-K Act*, sec. 10(4).

<sup>195</sup> *NPSC-K Act*, sec. 10(1) (f-h), (k)(o).

The NPSC-K was responsible for sanitising the NPS in 2012 when it was tasked with vetting officers of the NPS to assess their suitability and competence to remain in the service.<sup>196</sup> This exercise became necessary after the 2007/2008 post-election violence to promote peace and reconciliation in the country and to prevent a recurrence of the human rights violations that occurred during the elections. The objectives of the vetting were: to build public confidence and trust in the NPS and ensure that the NPS complies with the values and principles of public services, such as accountability for administrative acts; transparency; responsive, prompt, effective services, and high standards of professional ethics.<sup>197</sup> In furtherance of this, the NPSC-K, between 2012 and 2018, conducted an extensive vetting process of 5993 officers, removing 445 of them.<sup>198</sup> However, this process which was an opportunity for the NPSC-K to rid the NPS of ‘bad eggs’, was considered dissatisfactory by CSOs who noted that the process was marred by shortcomings and failures such as allegations of corruption within the NPSC-K, inability to vet top officers implicated in violations, lack of public engagement with the process. CSOs also allege that officers who were vetted out were subsequently reinstated, hence defeating the entire purpose of the vetting exercise.<sup>199</sup>

The activities of the NPSC-K are closely monitored by parliament, IPOA, the Kenya National Commission on Human Rights (KNCHR), and CSOs. Though the NPSC-K is one of the Independent Commissions, subject only to the constitution and the law and not to any authority or person,<sup>200</sup> it is difficult to conclude that the NPSC-K is independent of police interference. This is considering that five out of the nine members of the NPSC-K are connected to the NPS – the Inspector General, the two deputy Inspectors General and two retired police officers.<sup>201</sup> The composition of the NPSC-K may increase doubt in the NPSC-K’s ability to impartially exercise disciplinary control over members of the NPS. Police

---

<sup>196</sup> NPSC Act sec. 7(2) gives the NPSC-K powers to vet officers.

<sup>197</sup> *NPSC-K (Vetting) Regulations*, 2013, reg. 3; *Constitution of Kenya*, art. 232 and chp. 6.

<sup>198</sup> National Police Service Commission Kenya, *Inaugural Commissioners’ Exit Report October 2012 – 2018*. (Nairobi: NPSC-K, 2018), 102.

<sup>199</sup> Christopher Gitari Ndungu, *Failure to Reform – A Critique of Police Vetting in Kenya*, (Nairobi: International Center for Transitional Justice, 2017); Human Rights Watch, “Kenya: Police Impunity Raises Election Risk”, 1 August 2022, <https://www.hrw.org/news/2022/08/02/kenya-police-impunity-raises-election-risk>.

<sup>200</sup> Constitution of Kenya, art. 249(2).

<sup>201</sup> Constitution of Kenya, art. 246(a).

oversight institutions must be and be seen by the public as being free from political and police interference to build public trust.<sup>202</sup>

#### ***3.4.4. The Independent Policing Oversight Authority (IPOA)***

IPOA is the external civilian oversight body over the NPS. Its objective, among others, is to hold members of the NPS accountable to the public in their functions and ensure independent oversight of the handling of complaints by the NPS.<sup>203</sup> IPOA investigates deaths and serious injuries caused by police actions, including those in custody and all complaints involving police misconduct.<sup>204</sup> The IPOA defines misconduct as<sup>205</sup>

...any action, or failure or refusal to act, which although it may not necessarily constitute a contravention of law, does not meet— (a) the requirements or norms of policing contained in any regulation or official document, charter, standing orders or policy providing for standards of discipline, behaviour or ethics, rules of engagement, rules on the use or abuse of power or rules and regulations on the use of equipment, applicable to members of the Service; (b) the values and norms applicable to policing in a democratic society and in particular those laid down in Articles 10, 232 and 244, of the Constitution and any law relating to ethics and leadership; or(c) applicable norms and standards provided for in international instruments applicable to Kenya.

As seen from the above definition of misconduct, IPOA's investigative mandate is broad as it covers misconduct in general – which could be disciplinary or criminal offences. However, its mandate is not limited to specific offences, as is the case for its counterpart in South Africa – IPID discussed above. The advantage of having a broad mandate is that it allows the civilian oversight mechanisms to hold the police accountable for all forms of misconduct, though the mandate should not be overly broad that it fails to be realistic and feasible.<sup>206</sup>

IPOA can initiate investigations into misconduct on its motion or complaints lodged by police officers or a member of the public.<sup>207</sup> These complaints can be made orally, online, in writing, by email, telephone or with the ombudsperson.<sup>208</sup> As will be seen in the chapter on Social Justice Centres, the Justice Centres make use of this avenue to submit complaints on police

---

<sup>202</sup> UNODC, *Handbook on Police Accountability*, 41, 113; Alston, A/HRC/14/24/Add.8, paras 25, 26, 55.

<sup>203</sup> *IPOA Act of 2011*, sec. 5.

<sup>204</sup> *IPOA Act of 2011*, sec. 25.

<sup>205</sup> *IPOA Act of 2011*, sec. 2.

<sup>206</sup> Amnesty International, *Police Oversight*, Police and Human Rights Program-Short Paper series no.2, (Amsterdam: Amnesty International, 2015): 14.

<sup>207</sup> *IPOA Act of 2011*, sec. 6(a), 7(a).

<sup>208</sup> *IPOA Act of 2011*, sec. 24.

misconduct in informal settlements on behalf of residents of informal settlements where the Justice Centres operate, as any member of the public can lodge a complaint with IPOA, whether related to the victim or not. Concerning police reporting complaints to IPOA, IPOA, at its discretion, can refer such complaints to the IAU-K for redress.<sup>209</sup> However, IPOA can monitor, review and audit investigations and actions taken by IAU-K. IPOA can also take over ongoing investigations by IAU-K if the investigations are inordinately delayed or manifestly unreasonable.<sup>210</sup> IPOA can refuse to investigate a complaint if it considers it vexatious or frivolous.<sup>211</sup> IPOA cannot investigate matters already subject to proceedings before the court or judicial tribunal.<sup>212</sup>

After investigations, IPOA makes recommendations such as compensations, prosecution, internal disciplinary action or any other relief to the relevant authority, such as the DPP or the Inspector General, for implementation.<sup>213</sup> In addition, IPOA can apply to a court to enforce its recommendations.<sup>214</sup>

One major weakness in the structure of IPOA is that it relies on other authorities, such as the Inspector General, to enforce its recommendations. As earlier mentioned, one of the responsibilities of the Inspector General is to cooperate with and implement the decisions of the IPOA and act on the IPOA's recommendations. However, it is unclear what happens in instances when the Inspector General does not support the disciplinary recommendations, or if the Inspector General is the subject of the disciplinary recommendations. On a somewhat positive note, the *IPOA Act* gives it the power to apply to a court for enforcement of its recommendations,<sup>215</sup> but this again might further lead to delay and give room for interference in the disciplinary process.

A significant challenge to the effectiveness of the IPOA is the lack of cooperation from members of the NPS. Though failure to cooperate with IPOA is an offence under section 31 of the *IPOA Act*, this has not prevented the non-cooperation from some members of NPS

---

<sup>209</sup> *IPOA Act of 2011*, sec. 24(10).

<sup>210</sup> *IPOA Act of 2011*, sec. 6(d), sec.7(b).

<sup>211</sup> *IPOA Act of 2011*, sec. 24(8).

<sup>212</sup> *IPOA Act of 2011*, sec. 10.

<sup>213</sup> *IPOA Act of 2011*, sec. 6(a).

<sup>214</sup> *IPOA Act of 2011*, sec. 29(2).

<sup>215</sup> *IPOA Act of 2011*, sec. 29(1)(2).

during investigations and the failure to notify IPOA of death or serious injury.<sup>216</sup> KNCHR and the Centre for Human Rights and Peace state that there is an alleged perception amongst the NPS that IPOA has pre-judged the police as criminals, which affects the officers' willingness to collaborate with IPOA.<sup>217</sup> In a 2021 report to the Senate Committee on Justice, Legal Affairs and Human Rights, the DPP expounded on some challenges faced in prosecuting cases involving police brutality. According to the DPP, these challenges included evidence tampering, intimidation of witnesses and victims, and interference with investigations by police officers.<sup>218</sup> As observed by Alston, the cooperation of the police is essential to a civilian oversight mechanism, as a lack of cooperation and hostility will limit the oversight mechanism's power to investigate complaints.<sup>219</sup>

IPOA also struggles with the accessibility of its offices to members of the public, as IPOA currently has its head office in Nairobi and eight regions. As a result, due to the cost and inconvenience of getting to these eight offices, the public, especially in informal settlements, struggle with locating them when they have a complaint about the police.<sup>220</sup> As will be examined in Chapter Six, this is one area where the Social Justice Centres play a role in pursuing accountability because they serve as a bridge between complainants and IPOA by receiving complaints from the public and forwarding them to IPOA for investigation.

### ***3.4.5. Kenya National Commission on Human Rights (KNCHR)***

The KNCHR is the primary organ of the state in ensuring compliance with obligations to human rights treaties and conventions.<sup>221</sup> The functions of KNCHR include: receiving and investigating complaints about alleged human rights abuses and taking steps to secure redress where human rights have been violated; investigating complaints of abuse of power,

---

<sup>216</sup> IPOA, *Performance Report January – June 2019*, (Nairobi: IPOA, 2020), 28.

<sup>217</sup> KNCHR and Centre for Human Rights and Peace, *Audit of the Status of Police Reforms in Kenya*. (Nairobi: KNCHR and CHRP, 2015), 36.

<sup>218</sup> Betty Njeru, "Evidence Tampering a Barrier in Prosecution of Police Brutality Cases – DPP Haji", *The Standard*, 8 September 2021. <https://www.standardmedia.co.ke/national/article/2001422945/evidence-tampering-a-barrier-in-prosecution-of-police-brutality-cases-haji> ; Mary Wambui, "Kenya: Why Rogue Police Officers are Getting Away with Murder", *AllAfrica*, 29 October 2021, <https://allafrica.com/stories/202110290320.html>.

<sup>219</sup> Alston, A/HRC/14/24/Add.8, para 39.

<sup>220</sup> Isaac.O. Amuke, "Who is Policing the Police? Kenya's Lame Duck Oversight Mechanism", *The Elephant*, 5 December 2019, <https://www.theelephant.info/features/2019/12/05/who-is-policing-the-police-kenyas-lame-duck-oversight-mechanism/>, (accessed 15 October 2024).

<sup>221</sup> The KNCHR is established under article 59 of the 2010 Constitution of Kenya operationalised via the *KNCHR Act* no.14 of 2011.



unfair treatment, manifest injustice, unfair or unresponsive official conduct and offering recommendations.<sup>222</sup> In addition, the KNCHR can investigate all human rights-related matters in a public office, private institution, or an agency of the state, on its initiative, on a complaint from the public, or a referral from the NPSC-K.<sup>223</sup>

Based on its mandates and functions, KNCHR exercises oversight and accountability over the police as part of its broader mandate by acting as a watchdog over the NPS, receiving complaints, conducting investigations, and writing reports. One such report was on the recruitment exercise of police constables, which KNCHR described as a disservice to the police service as irregularities marred it.<sup>224</sup>

The KNCHR, after investigations, makes reports containing investigations and recommendations to the state organ or public organisation the investigation concerns. Where such recommendations are flouted, the KNCHR is to submit a written report to the National Assembly of the refusal or failure to implement its recommendations and trust the National Assembly to take appropriate action.<sup>225</sup>

In carrying out oversight over the NPS, the KNCHR cooperates and works closely with IPOA, IAU-K, the court system and the NPSC-K to maintain a human rights observant police service. The KNCHR receives complaints from the IPOA, the IAU-K, and the NPSC-K. KNCHR also conducts training of members of the NPS on various aspects of human rights, such as the rights of detainees.<sup>226</sup> In addition, the KNCHR has also collaborated with other local and international organisations to carry out studies on the police. One such study was on the use of lethal force during 2021 by the NPS. It was led by Ignacio Cano of the *Laboratório de Análise da Violência*, State University of Rio de Janeiro, APCOF and Network of African National Human Rights Institutions (NANHRI), in collaboration with KNCHR, IPOA, IMLU and MSJC.<sup>227</sup> These sorts of collaborative studies between formal state institutions like the KNCHR and IPOA, and NGOs like IMLU and MSJC are necessary in the fight against police

---

<sup>222</sup> KNCHR Act, sec. 26-28.

<sup>223</sup> KNCHR Act, sec. 29, 32; NPSC Act, sec. 10(1) (O).

<sup>224</sup> KNCHR, *DisService to the Service: Report of the Monitoring of the 2016 Recruitment of Police Constables to the National Police Service*. (Nairobi: KNCHR, 2016).

<sup>225</sup> KNCHR Act, sec. 42.

<sup>226</sup> IPOA, *Performance Report January-June 2019*, 37.

<sup>227</sup> Ignacio Cano, *The Use of Lethal Force by the Police in Kenya (2021)*, (Cape Town: APCOF, 2022).



abuse of power as they can lead to the sharing of perspectives and information on police abuse incidents.

### **3.4.6. Courts**

The courts, as the administrators of justice and protectors of human rights, also hold the police accountable for misconduct. Other accountability mechanisms use the court as a vehicle to achieve accountability. For instance, the NPSC-K is to recommend all cases of misconduct that reveal a civil or criminal offence during investigation for prosecution by the courts.<sup>228</sup> IPOA is also to recommend cases for prosecution to the DPP.<sup>229</sup> Police officers who commit criminal offences are liable for criminal prosecutions in a court of law.<sup>230</sup> A criminal or civil action against a police officer does not stop a disciplinary action by the NPSC-K or the Inspector General from continuing against that same officer.<sup>231</sup> A case illustrating the use of the court as a vehicle of accountability by the accountability mechanisms is the *Law Society of Kenya v Hillary Mutyambai Inspector General National Police Service and 4 others*.<sup>232</sup> The petition among other orders sought to have the COVID Curfew Order of 2020 declared unconstitutional and prohibit the police from using unreasonable force. The KNCHR and the IPOA participated as interested parties, supported the petition, and submitted evidence of the unreasonable use of force by the police in enforcing the COVID-19 Curfew Order. The court in declaring the order unconstitutional, also held that the unreasonable use of force by the police in enforcing the curfew order was unconstitutional.<sup>233</sup>

Though an important mechanism for police accountability, the criminal justice system in general often faces multiple challenges in the attempt to prosecute and sentence officers. Such challenges include difficulty in obtaining evidence especially when the victim is deceased, reluctance of people to testify against police officers for fear of retribution, lack or outright scarcity of witness protection programmes, and slow pace of investigations by agencies.<sup>234</sup>

---

<sup>228</sup> NPSC-K Act, sec. 10(g) (i) (ii).

<sup>229</sup> IPOA Act of 2011, sec. 6(a). 29(1) (a).

<sup>230</sup> NPS (as amended through 2016) Act 2011, sec. 88(3).

<sup>231</sup> NPSC-K Act, sec. 10(g) (ii).

<sup>232</sup> [2020] eKLR.

<sup>233</sup> Ibid. para 154.

<sup>234</sup> Cano, *The Use of Lethal Force*, 5.

### 3.5. Conclusion

This chapter provides a concluding answer to the first research question on the understanding of police accountability in human rights framework. It posits that accountability mechanisms are vital to police accountability, as they act as instruments in carrying out the core components of accountability, investigations, remedies and reforms. Against this background, it critically examined mechanisms of police accountability in Nigeria, South Africa and Kenya. These mechanisms face challenges that hamper their effectiveness in holding the police accountable. Internal mechanisms in these jurisdictions are criticised for the secrecy of the internal proceedings, unwillingness to discipline police officers and even cover-up of police misconduct. The main external accountability mechanisms in South Africa and Kenya – IPID and IPOA – struggle with a lack of cooperation from the police service during investigations and in the enforcement of recommendations. Though the PSC in Nigeria is extolled as an independent civilian oversight, this chapter has shown that the PSC’s powers of investigation leave much to be desired due to lack of express provisions in the *PSC Act* among others. These challenges hamper the effectiveness of these mechanisms in holding the police accountable.

As will be shown in the subsequent three chapters, which examine the three social activism campaigns which function in the third level of police accountability, these social activism campaigns fill the gaps left by these flawed accountability mechanisms in many ways. For instance, participants in social activism not only act as a watchdog over the police and the accountability mechanism but also play a role in the accountability process by bringing cases of misconduct to the public sphere, crowdsourcing information on allegations of police misconduct, demanding reforms, and continually applying pressure on the state and demanding accountability. Additionally, these social campaigns as will be discussed further in this study materially contribute to the socialisation of human rights norms in the society. This socialisation of norms creates the right environment for these formal – more legalistic mechanisms – described in this chapter to function more effectively.

## CHAPTER FOUR: #EndSARS ACTIVISM

---

.... *sòrò soke*<sup>1</sup>

### 4.1. Introduction

In Nigeria, the relationship between the police and the public is marred with distrust and suspicion, as allegations of police brutality have tainted the image of the Nigeria Police Force (NPF). Police brutality in Nigeria is not new; it is as old as colonial rule, where the police enforced the will of the colonial leaders over the people. The now-defunct Special Anti-Robbery Squad (SARS), a specialised unit within the NPF, epitomised police brutality and the issues between the police and the public in Nigeria.

There are varying accounts of the origin of the SARS. Amnesty International reports that SARS more or less evolved ‘from a special outfit created by different state commands’.<sup>2</sup> In another account, SARS was created in 1986 by the then IGP - Etim Inyang, at the instruction of the then president, President Ibrahim Babangida, to search for a robbery kingpin – Lawrence Nomanyagbon (alias Anini) and his gang.<sup>3</sup> In yet another account, Retired Police Commissioner Simeon Danladi Midenda claims to have established SARS in 1992 in Lagos with fifteen specially selected officers and two unmarked Peugeot station wagons.<sup>4</sup> Midenda stated that three other anti-robbery squads were already operational in Lagos before this. However, there was a need for a ‘special unit’ to combat the rising occurrence of armed robbery in Lagos state.<sup>5</sup> According to Mike Okiro, a former IGP of the NPF, in yet another

---

<sup>1</sup> A Yoruba phrase which means ‘speak up or speak louder’. It became the mantra of the ENDSARS protests encouraging everyone to join in the struggle and speak up against police brutality and bad governance.

<sup>2</sup> Amnesty International Nigeria, *You Have Signed Your Death Warrant – Torture and Other Ill-Treatment by Nigeria's Special Anti-Robbery Squad*, (Index: AFR 44/4868/2016), (Abuja: Amnesty International Nigeria, 2016), 8.

<sup>3</sup> Excerpts of the executive summary of the Report of the Presidential Panel on the Reform of the Special Anti-Robbery Squad (PPRS), (2019), 34; shared by Abdulrahman Ayinde Yakubu. (Interview with Abdulrahman Ayinde Yakubu (NHRC), Telephone Call, 8 October 2020.

<sup>4</sup> Emma Nnadozi, “How I founded SARS in the Police - RTD CP Midenda”, *The Vanguard*, 23 December 2017, <https://www.vanguardngr.com/2017/12/founded-sars-police-rtd-cp-midenda/> (accessed 13 October 2024).

<sup>5</sup> Afamefuna Samuel Ogbette, MacblOtu Idam, and Akeem Olumide Kareem, “An Overview of the Impact of Special Anti-Robbery Squad (SARS) in Nigeria”, *International Journal of Human Resource Studies* 18, no.1 (2018): 181.

account, ‘the unit started with him as the Deputy Commissioner of Police Operations in Ikeja, Lagos when the infamous armed robber called Shina Rambo was having a field day in 1991’.<sup>6</sup> The varied origin stories begin to align when examining the SARS’s modus operandi. The creation of the SARS in the NPF was in response to serious crimes like armed robbery and kidnappings. The unit was to operate as an undercover, faceless unit, with operatives in plain clothes, hidden weapons, and using unmarked vehicles for covert operations.<sup>7</sup>

Despite the good intentions behind the origin of the SARS, the #EndSARS activism emerged due to increased public outcry on social media by members of the public about their experiences of abuse by members of the NPF and particularly the operatives of the SARS, which had gone on for years without repercussions. Though the massive public outcry on social media gained significant momentum in 2017 with the emergence of the hashtag #EndSARS, before that, human rights organisations had begun reporting on the atrocities committed by operatives of the SARS.<sup>8</sup>

This chapter uses findings from interviews and media reports to provide an in-depth analysis of the #EndSARS campaign. This chapter and the next two chapters seek to answer the second to fourth research sub-questions, how is the understanding of police accountability in human rights reflected in the demands of social activism campaigns? How does social activism affect investigation, remedies, and reform during the process of accountability? How do formal mechanisms of police accountability respond to social activism campaigns around issues of police abuse of power?

The chapter is divided into five substantive parts excluding the introduction and conclusion. The first part examines the background of the #EndSARS activism in what this study has chosen to categorise two main waves, the first wave of public outcry in 2017/2018 and the second wave in October 2020. Despite the categorisation into two waves, both waves are

---

<sup>6</sup> Abdulkareem Baba Aminu, Umoru Faruk Salifu and Nathaniel Bivan, “How, why we created –AR– - Ex-IGP Mike Okiro,” *Daily Trust*, 16 December 2017, <https://dailytrust.com/how-why-we-created-sars-ex-igp-mike-okiro>. (accessed 10 October 2024).

<sup>7</sup> Nnadozie “How I founded SARS in the police - RTD CP Midenda”.

<sup>8</sup> Human Rights Watch, *Everyone’s in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force*, (New York: Human Rights Watch, 2010); Amnesty International Nigeria, *Welcome to Hellfire: Torture and Other Ill-Treatment in Nigeria*, (London: Amnesty International, 2014); and Amnesty International Nigeria, *You Have Signed Your Death Warrant: Torture and Other Ill-Treatment in the Special Anti-Robbery Squad (SARS)* (London: Amnesty International, 2016).

part of the same continuum of the #EndSARS campaign, even though some key actors and tactics differed. The chapter proceeds to examine the modalities of the #EndSARS activism, such as the objectives, and the diverse participants involved which enabled it to employ various tactics. Thereafter it explores the interaction between the various police accountability mechanisms in Nigeria and the campaign. It proceeds to examine the challenges faced by the campaign which includes state-sponsored suppression and intimidation of participants. Finally, it explores the role played by the #EndSARS activism in pursuing investigations, remedies and reforms for police abuse of power.

#### 4.2. Background to the #EndSARS Activism

The #EndSARS activism can be said to be a convergence of years of allegations of abuse by the operatives of the SARS met with the failure of the government to act. As stated above, the SARS at its establishment primarily operated within Lagos until the unit spread into every state command in Nigeria.<sup>9</sup> The spread of the SARS to other states outside Lagos marked a new era for the unit. Operatives of the SARS diverted from the initial purpose of formation and began more direct involvement with the public, mounting roadblocks and settling petty disputes.<sup>10</sup> Operatives of the SARS were accused of various forms of human rights violations such as torture, extortion, killings, and stereotyping of young Nigerians as criminals based solely on external features like tattoos, dreadlocks, and piercings.<sup>11</sup> These accusations were corroborated by a former IGP of the NPF, Mohammed Abubakar who once lamented that ‘our [SARS] have become killer teams, engaging in deals for land speculators and debt collection’.<sup>12</sup>

---

<sup>9</sup> Interview with Dr. Solomon Arase (former IGP, NPF), Benin City, Nigeria, 15 August 2020. Dr. Arase was subsequently appointed as the Chairman of the PSC in March 2023.

<sup>10</sup> Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty), Zoom, 16 July 2020; and Interview with Dr. Solomon Arase (former IGP, NPF).

<sup>11</sup> Interview with Nelson Olanipekun (Team Lead, Citizens’ Gavel), Zoom, 30 July 2020; interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty); Channels Television, “#EndSARS: Do not Hurt our Children because of their Looks – Lagos Deputy Governor”, 9 October 2020, <https://www.channelstv.com/2020/10/09/endsars-do-not-hurt-our-children-because-of-their-looks-lagos-deputy-governor/>, (accessed 12 October 2024); and Etinosa Yvonne, “We need to Live: Young Nigerians on Why they are Protesting”, *Al Jazeera*, 14 October 2020, <https://www.aljazeera.com/gallery/2020/10/14/in-pictures-protests-in-nigeria-2/>, (accessed 15 October 2024).

<sup>12</sup> Vanguard, “Our plan to build a responsive police force – IGP”, 3 March 2012 <https://www.vanguardngr.com/2012/03/speech-delivered-by-the-inspector-general-of-police/>, (accessed 15 October 2024).

Eventually, stories about the public's encounters with operatives of SARS began to emerge. Human rights organisations such as Amnesty International and Human Rights Watch, as noted above, began releasing reports on the abuse carried out by operatives of the squad, which included torture, kidnapping, extortion, and unlawful arrest.<sup>13</sup> Social media eventually became an outlet for individuals to document and rage about their encounters with operatives of the SARS using the hashtag #EndSARS and other related hashtags such as #endPoliceBrutality.<sup>14</sup> The preponderance of stories of terrifying abusive encounters with operatives of the SARS eventually climaxed into the #EndSARS activism. Ayo Sogunro, one of the participants in the #EndSARS activism, explained that the activism against the SARS was brought about by a convergence of different accounts of people's experiences showing a thread of abuse of power and human rights violations by operatives of SARS.<sup>15</sup>

The interviews carried out for this study identified two factors as the root cause of the problem of the SARS. Firstly, the lack of effective supervision of the SARS when the unit spread across the country and secondly, government neglect in terms of welfare. When interviewed, Dr. Solomon Arase, a former NPF IGP, reflected that at the beginning, when the SARS was just a small unit within Lagos, it was effectively supervised by the commissioner of police. However, when the SARS spread to other states, the problem of proper supervision arose. Arase also noted the absence of proper welfare for operatives, such as scholarships for their children and sufficient funding.<sup>16</sup> In the same vein, Segun Awosanya – who credits himself and his organisation Social Intervention Advocacy Foundation (SIAF) as the pioneer of at least the first wave of the #EndSARS activism – identified these issues of governmental neglect and lack of supervision. Awosanya stated as follows:<sup>17</sup>

...the SARS that we were talking about, they were not created to be bad. They were created to curb a problem, but because the government neglected them after their creation, they [didn't] take care of

---

<sup>13</sup> Human Rights Watch, *Everyone's in on the Game*; Amnesty International Nigeria, *Welcome to Hellfire*; and Amnesty International Nigeria, *You Have Signed Your Death Warrant*.

<sup>14</sup> Usman A. Ojedokun, Yetunde O. Ogunleye, Adeyinka A. Aderinto, "Mass Mobilization for Police Accountability: The Case of Nigeria's #EndSARS Protest", *Policing: A Journal of Policy and Practice* 15, iss. 3 (2021): 1896-1897; Chiemezie Chukwuka Ugochukwu, "The Influence of Social Media Framing on Audience Perception of EndSARS Agenda Protest", *Nnamdi Azikiwe Journal of Communication* 2, no.1 (2021): 3, <http://dx.doi.org/10.47851/naujocommed.v2i1.119>; Ogbette, Idam, and Kareem, "An Overview of the Impact of Special Anti-Robbery Squad (SARS)", 183.

<sup>15</sup> Interview with Dr. Ayo Sogunro (Human rights advocate), 8 December 2020.

<sup>16</sup> Interview with Dr. Solomon Arase (former IGP, NPF).

<sup>17</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation), 4 August 2020.

them...., they [didn't] supervise them. They kept the guns in their hands, gave them the power to kill, and they just felt, 'why are we poor when we have guns?' so they started taking laws into their hands and justifying it.

As mentioned above, the #EndSARS activism occurred in what this study describes as two main waves, the 2017/2018 wave and the 2020 wave. Speaking on this categorisation, Sogunro opined that the events that happened earlier in 2017/2018 were more of a campaign to raise awareness of the problems and give the government time to make amends. However, the government's failure to make amends is what contributed to the protests of October 2020.<sup>18</sup> This study nonetheless maintains this categorisation, noting that both waves, as discussed below, are part of the same activism with differences in tactics and key players.

#### **4.2.1. The First Wave**

On 2 December 2017, a tweet by a young man stating he had just witnessed 'a SARS officer' shoot a man in the head, though unverified, got over 5,000 retweets.<sup>19</sup> In no time, Twitter became filled with tweets of users recounting inhumane treatment they or someone they knew had experienced during an encounter with operatives of SARS.<sup>20</sup> See illustrative examples of these tweets below (figure 1). The allegations of police brutality in figure 1 below typify the three forms of police abuse identified by Barker above, physical, psychological and legal abuse.<sup>21</sup>

---

<sup>18</sup> Interview with Dr. Ayo Sogunro, (Human rights advocate).

<sup>19</sup> Al Jazeera English, "Why are Police Brutality Stories Going Viral in Nigeria? – The Stream", YouTube video, 24.53, 7 December 2017, <https://www.youtube.com/watch?app=desktop&v=nK5I94fpDys&feature=youtu.be>.

<sup>20</sup> David I. Adeleke "The people vs SARS: The Case against Nigeria's Special Anti-Robbery Squad", *Ventures Africa*, 4 December 2017 <http://venturesafrica.com/the-people-vs-sars-endsars/>. (accessed 12 October 2024).

<sup>21</sup> Tom Barker, *Police Ethics: Crisis in Law Enforcement*, 3<sup>rd</sup> ed. (Illinois, USA: Charles C. Thomas Publishers Ltd, 2011) 107.



**Figure 1: Illustrative Examples of Tweets by Nigerians on their Encounter with Operatives of the SARS.**

**@GameXsole** @LanaAkintola · Dec 2, 2017 ...

In Nigeria its now a crime to use good fragrances and dress well. It is punishable by forced **ATM** withdrawals or getting killed by SARS. **#EndSARS** now!!! If you cant tweet the hashtag atleast dont scroll past it without retweeting **#EndSARS**

14 4,235 805

**Olájùmòkè** @ruqqayyah\_ · Dec 3, 2017 ...

Sars stopped us on our way to ilorin. Pulled out my bras and pants and asked why I had g-string if I wasn't an ashewo. Hit my friend in the head 6 times with their guns. They took us to the **ATM** with my friend's bloody head to collect 40k and never returned our phones.

**#endsars**

159 3,764 1,058

**Oke Umurhoh...** @OkeSt... · Dec 2, 2017 ...

The funny thing about SARS is that they operate day and night on Mufti, and with unofficial vehicles.

They take innocent citizens to **ATM** to withdraw money under duress because they have guns.

This is kidnapping, this is robbery, this is harassment. **#EndSARS** now

15 1,839 498

**Oluwaseun Ayod...** @Ayo... · Dec 3, 2017 ...

In 2015, SARS official asked for my Laptop receipt. Said it's in NY. He said I must go to NY to bring it or pay 50k. I refused. He called his guys to say he's found a criminal & they came w/ cuffs & **guns**. Called my uncle, an Asst Comm & was released. Could've been jailed. **#EndSARS**

16 702 215

**Jon Ogah** @Jonogah · Dec 3, 2017 ...

**#EndSARS** I remember when SARS operatives forcefully took my friend and I to the station. They threatened to plant **guns** in the car and make sure we go to jail. I was shocked when the officer said it with confidence. Imagine how many people are in jail for crimes they never did?

53 3,197 1,392

**ObongOwo** @itzotuky · Dec 2, 2017 ...

SARs killed a friend in Eket. They later planted a **gun** on him to make him look like an armed robber. He was the only child **#EndSARS**

29 1,616 453

**Uche** @nnabros · Dec 2, 2017 ...

I was in the car driving my Mum and 2 year old son. SARS guys flagged me to stop but I kept on bcos I clearly didn't fit the profile of an armed robber. 1 of them raised his **gun** and forced me to stop. He then told me he will waste me and nothing will happen **#ENDSARS**

60 1,176 317

**F. SHA...** @FshawKingFish... · Dec 3, 2017 ...

You just have to be "good-looking" enough to be accosted. Had **guns** pointed at me more times than I care to recount...this cannot be normal. Holding a weapon brings the feeling of incredible power. That power should mean protection of/service to citizens. **#EndSARS**

15 1,769 745

**Simi** @SympLySimi · Dec 3, 2017 ...

Their boss had to talk him down! Pointing a **gun** at 3 ladies because of your insecurities is incredibly frightening! Policemen need to be mentally evaluated and checked before being handed **guns**. And they need to be accountable!! Otherwise, they can get away with anything. **#EndSARS**

36 1,522 881


**Ebuka Obi-Uche...** @Eb... · Dec 4, 2017 ...

Can never forget November 2005, driving in Abuja with @sommbonu and @IAMOfem. Stopped by a plain clothes officer with a **gun**, chased and actually being shot at for being "suspected armed robbers". Ofem still has the bullet scars on his shoulder. **#EndSARS**

79 3,058 1,198

**ARCHITECT OLAMIGE...** @O... · Dec 3, 2017 ...

A video of SARS officials obtaining money from an innocent citizen in broad daylight just because they carry a **gun** 😞 **#EndSARS #DaylightRobbery**



1:04 18.4K views



Five days after this initial tweet, Al Jazeera reported that over one million tweets were posted with the hashtag, #EndSARS.<sup>22</sup> This hashtag also received international attention as only eight days after the initial tweet, the United Nations Secretary-General, through a representative, Edward Kallon, on International Human Rights Day in 2017, weighed in on the #EndSARS movement, stating that there was indeed a need for an investigation into the alleged atrocities of the SARS.<sup>23</sup>

For Awosanya, the decision to begin advocacy against the culture of impunity in the SARS and the NPF was intentional and planned. He had begun using the hashtags #EndBadSARS and #ReformPoliceNG on Twitter in July 2017 and sharing news on the activities of the operatives of the SARS in a bid to raise awareness. Awosanya shared that before this, he had carried out some background studies and analysis of the underlying problem, the causes, and possible solutions to the culture of impunity within the SARS and the police at large.<sup>24</sup> For Awosanya, the advocacy he envisaged for #EndSARS was one to serve as a bridge between the public and the NPF and advocate for the rights of the public and the police.<sup>25</sup> However, contrary to Awosanya's view, another respondent described the #EndSARS activism as more of a reactionary one by the people, borne out of years of being victims or knowing someone who has been a victim of abuse by operatives of SARS and the NPF.<sup>26</sup>

In reaction to this first wave, the NPF initially denied all allegations. However, directives were issued soon after for the re-organisation of SARS, including limiting its operations. Thereafter, on 14 August 2018, after the president received the letter, the presidency ordered an overhaul of the management and activities of the SARS. Furthermore, the NHRC was instructed to set up a Presidential Panel on the Reform of the Special Anti-Robbery Squad (PPRS) to investigate the allegation.<sup>27</sup>

---

<sup>22</sup> Al Jazeera English, "Why are Police Brutality Stories Going Viral in Nigeria - The Stream", YouTube video, 24.53, 7 December 2017, <https://www.youtube.com/watch?v=nK5I94fpDys&feature=youtu.be>.

<sup>23</sup> TVC News Nigeria, "#EndSARS: UN wants Allegations against Police Unit Investigated", YouTube video, 2.43, 11 December 2017, <https://www.youtube.com/watch?v=-p5L4tmyAxY&feature=youtu.be&t=63>.

<sup>24</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>25</sup> Ibid.

<sup>26</sup> Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty).

<sup>27</sup> The Vanguard, "Breaking: IGP Bows to #EndSARS, Orders Immediate Re-organization of SARS", 4 December 2017, <https://www.vanguardngr.com/2017/12/breaking-igp-bows-endsars-orders-immediate-re->

The PPRS began sitting across the geopolitical zones in October 2018 and concluded in February 2019. The PPRS is examined in more detail in the section on the reaction of the police accountability mechanisms to the campaign. However, the #EndSARS activism appeared to have slowed down online after the establishment of the PPRS as Awosanya explained that the offline work, such as advocating for the passing of the new police Act, continued. Furthermore, SIAF working with Citizens' Gavel and other organisations involved in the campaign continued to receive complaints from victims of police brutality and helped them seek redress from the police.<sup>28</sup>

This first wave of activism continued to receive attention from the United Nations. In 2019, Agnes Callamard, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, conducted an official visit to Nigeria and noted that the situation gives cause for extreme concern. Further noting that the report of the PPRS was still not made available to the public.<sup>29</sup> This has not changed, as the report of the PPRS is still not available to the public.

This decline in online protests after the establishment of the PPRS was not total, as occasionally, a particular event would again ignite public rage. For instance, the death of Kolade Johnson on 31 March 2019, due to a gunshot by alleged members of the SARS, resurrected online activism and physical protests in many states in Nigeria.<sup>30</sup> The police immediately swung into action, investigated, and conducted an Orderly Room Trial (ORT) of

---

[organization-sars/](#). (accessed 13 October 2024); "Osinbajo Orders Overhaul of SARS", Channels Television, 14 August 2018, <https://www.channelstv.com/2018/08/14/breaking-acting-president-osinbajo-orders-immediate-overhaul-of-sars/>. (accessed 13 October 2024).

<sup>28</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>29</sup> Agnes Callamard, UN Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions, "End of visit statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her visit to Nigeria", 2 September 2019, <https://www.ohchr.org/en/statements/2019/09/end-visit-statement-special-rapporteur-extrajudicial-summary-or-arbitrary>, (accessed 13 October 2024).

<sup>30</sup> Vanguard, "Nigerians Protest, Denounce Killing of Kolade Johnson by Police", 1 April 2019, <https://www.vanguardngr.com/2019/04/nigerians-protest-denounce-killing-of-kolade-johnson-by-police/>, (accessed 13 October 2024); Bukola Adebayo, "The Fatal Shooting of a Nigeria Man Brings More Demands to Shut Down a Controversial Police Unit", *CNN World*, 2 April 2019, <https://edition.cnn.com/2019/04/02/africa/nigeria-police-shooting-outrage-intl/index.html>, (accessed 13 October 2024); "Kolade Johnson's Killing: Youths, Groups Take Protest to Police HQ in Abuja (photos)", Channels Television, 5 April 2019, <https://www.channelstv.com/2019/04/05/photos-kolade-johnsons-killing-youths-groups-take-protest-to-police-hq-in-abuja/>. (accessed 13 October 2024).

the officers who were members of another tactical unit – the Anti-Cultism Unit – and not the SARS.<sup>31</sup>

Though it is uncertain why Kolade Johnson’s death triggered such a massive public outcry which led to a considerably swift response by the authorities, Kolade Johnson can be described as a ‘good or ideal victim.’<sup>32</sup> A victim the public could easily relate with; a 36-year-old father of one who was engaged in a regular activity – watching a football match with friends. A newspaper publication described him as a university graduate, a sports lover who was the only son of his family and had a wife and a child<sup>33</sup> – all admirable attributes in Nigerian society. Furthermore, it represented the fear that the average Nigerian might die at the hands of the police during a regular life activity like watching a football match at a viewing centre.<sup>34</sup> Whatever the case, Kolade’s death was an activist moment for reminding the government of the issues of police brutality that persisted despite the PPRS.

On 17 September 2020, one of the demands of this first wave was met, as the *Police Act 2020* was enacted.

#### **4.2.2. The Second Wave**

The second wave of the #EndSARS activism emerged in October 2020. Sogunro, who participated in a peaceful march to the Nigeria Embassy in South Africa during this wave,

---

<sup>31</sup> Presidency Nigeria (@NGRPresident), “Deepest condolences to the family and friends of Kolade Johnson...”, Twitter Post, 1 April 2019, <https://twitter.com/NGRPresident/status/1112827398058360832>, (accessed 11 February 2023); Samuel Ogundipe, “What We Know About Kolade Johnson’s Killing – Police”, *Premium Times*, 1 April 2019, <https://www.premiumtimesng.com/news/headlines/323512-what-we-know-about-kolade-johnsons-killing-police.html>, (accessed 08 March 2024); Mojeed Alabi, “Police Dismiss Cop who Killed Kolade Johnson”, *Premium Times*, 4 April 2019, <https://www.premiumtimesng.com/news/headlines/324000-breaking-police-dismiss-cop-who-killed-kolade-johnson.html>, (accessed 08 March 2024).

<sup>32</sup> Catrine Christiansen, Steffen Jensen, and Tobias Kelly in “A Predisposed View: State Violence, Human Rights Organisations and the Invisibility of the Poor in Nairobi,” *African Human Rights Law Journal* 19, (2019): 738. <http://dx.doi.org/10.17159/1996-2096/2019/v19n2a8>, note that ‘[g]ood victimhood is more than a set of moral criteria. It also requires holding attributes that can be recognised by appropriate structures, above all human rights organisations and legal institutions’.

<sup>33</sup> *Vanguard Nigeria*, “Facts to know about Kolade Johnson”, 2 April 2019, <https://www.vanguardngr.com/2019/04/facts-to-know-about-kolade-johnson/>, (accessed 13 October 2024).

<sup>34</sup> Though the public blamed SARS for the death, further police investigations identified the cop who killed Kolade Johnson as a member of another tactical unit – the Special Anti-Cultism Squad – not SARS. This again might point to the assumption that SARS, as used by the activism, might be symbolism for bad policing in general not members of the SARS specifically. Samson Toromade, “Kolade Johnson a Victim of the Tainted Rise of Lagos Police’s Anti-Cultism unit” *Pulse Nigeria*, 4 March 2019, <https://www.pulse.ng/news/local/kolade-johnson-a-victim-of-the-tainted-rise-of-lagos-anti-cultism-police/wl98kty>, (accessed 13 October 2024).

reflected that nothing new led to the October 2020 protests. To Sogunro, all ‘ingredients’ were already in place. For instance, Sogunro recalled that the government’s failure to reform the NPF was glaring because the PPRS’s recommendations had not been implemented.<sup>35</sup> The PPRS finished sitting in February 2019 and submitted its report to President Muhammadu Buhari in June 2019. President Muhammadu Buhari then issued a directive to the IGP, NHRC and the Ministry of Justice to work out the modalities for implementing the recommendations in the PPRS report within the next three months.<sup>36</sup> However, more than a year later, the report was never released to the public, and there was no evidence that anything was done based on the submitted report.

Beyond the lack of implementation of the recommendations by the PPRS, this study notes that other ingredients might have contributed to the emergence of this second wave of mass physical protests. Firstly, 2020 had generally witnessed a global uprising against police brutality due to the death of George Floyd in police custody in the United States of America on 25 May 2020. The death of George Floyd led to renewed #BlackLivesMatter protests on police brutality in the United States of America, spreading across several continents, including Africa.<sup>37</sup>

Another factor which this study contends came into play was the social and economic situation at that time in Nigeria. Nigeria celebrated the 60<sup>th</sup> anniversary of its independence on 1 October 2020 amid intense economic hardship. The coronavirus pandemic had resulted in hardship due to business closures in compliance with lockdown orders, job losses, and a general increase in the cost of living with no corresponding increase in income. The celebration of the 60<sup>th</sup> anniversary of independence left a sour taste as there appeared to be nothing to celebrate. To worsen the situation, the Academic Staff Union of Universities

---

<sup>35</sup> Interview with Dr. Ayo Sogunro (Human rights advocate).

<sup>36</sup> “Buhari Orders IGP, Justice Minister to Work Out Implementation of Report on SARS Reform”, *Premium Times*, 3 June 2019, <https://www.premiumtimesng.com/news/headlines/333204-buhari-orders-igp-justice-minister-to-work-out-implementation-of-report-on-sars-reform.html>, (accessed 08 March 2024).

<sup>37</sup> Ray Sanchez, “Black Lives Matter Protests Across America Continue Nearly 2 Months After George Floyd’s Death”, 23 July 2020, <https://edition.cnn.com/2020/07/23/us/black-lives-matter-protests-continue/index.html>, (accessed 08 March 2024); Erika D. Smith, “2020 was the Year America Embraced Black Lives Matter as a Movement, not Just a Moment”, *Los Angeles Times*, 16 December 2020, <https://www.latimes.com/california/story/2020-12-16/black-lives-matter-protests-george-floyd-coronavirus-covid-2020>, (accessed 08 March 2024).

began an industrial action on 9 March 2020 which was still ongoing as of October 2020.<sup>38</sup> University students in public universities had been home for six months with no option for online classes due to the strike. It was, therefore, not surprising that during this second wave, though the focus remained on the police, some protesters also expressed frustration about the nation's state. A protester's statement captured this; '...[t]he roads are bad, no light, education zero, and we are just asking for you to stop killing us, we just want to live...'.<sup>39</sup>

These harsh social and economic conditions created a charged environment, further ignited by videos once again showing acts of police brutality. One such video on Twitter allegedly showed operatives of the SARS killing a young man and speeding off with the victim's car in Delta state.<sup>40</sup> The next day, the NPF in Delta State called the allegation false and misleading. The NPF claimed that the young man was neither shot nor dead, and the operatives were not operatives of SARS but rather members of another squad of the NPF operating in Delta (Safe Delta Squad).<sup>41</sup> Subsequently, the police arrested the young man who recorded the video.<sup>42</sup> Shortly after this incident, another Twitter user, on October 8, 2020, shared a gruesome video of a woman who had her mouth shattered by a gunshot from a mobile police officer in Lagos.<sup>43</sup> However, unlike the previous incident, the police admitted that a policeman on the run was responsible and promised justice.<sup>44</sup> All these led to continuous online protests and calls by different users on Twitter including popular

---

<sup>38</sup> Emmanuel Egobiambu, "ASUU Suspends Nine Month - Old Strike", Channels Television, 23 December 2020, [ASUU Suspends Nine-Month-Old Strike – Channels Television \(channelstv.com\)](https://www.channelstv.com/news/asuu-suspends-nine-month-old-strike), (accessed 08 March 2024).

<sup>39</sup> HipTv (@HipTv), "Nigerians are angry, and they have every right to be...", Twitter Post, 12 October 2020, <https://twitter.com/HipTv/status/1315745997981704192>, (accessed 6 April 2023).

<sup>40</sup> Ugochukwu, "The Influence of Social Media Framing", 3.

<sup>41</sup> TVC News Nigeria, "He is alive - Police Dismiss Alleged Killing of Man in Delta by SARS operatives", YouTube video, 1.52, 5 October 2020, <https://youtu.be/c4T3A3zFCME>.

<sup>42</sup> Perez Brisibe, "Police Arrest Videographer Behind Delta Viral SARS video", *Vanguard Nigeria*, 6 October 2020, [https://www.vanguardngr.com/2020/10/police-arrest-videographer-behind-delta-viral-sars-video/?utm\\_source=dvr.it&utm\\_medium=twitter](https://www.vanguardngr.com/2020/10/police-arrest-videographer-behind-delta-viral-sars-video/?utm_source=dvr.it&utm_medium=twitter), (accessed 08 March 2024).

<sup>43</sup> Ibrahim Standard (@abba\_kamselem), "This lady was shot on the mouth...", Twitter Post, 8 October 2020, [IBRAHIM STANDARD on Twitter: "This lady was shot on the mouth at salvation bust stop opebi road by a mobile police officer https://t.co/f3Nk"pU4rB" / Twitter](https://t.co/f3Nk), (accessed 10 February 2023).

<sup>44</sup> Ifeoluwa Adediran, "EndSARS: Police Officer Shoots Woman", *Premium Times*, 9 October 2020, <https://www.premiumtimesng.com/news/more-news/419404-endsars-police-officer-shoots-woman.html>, (accessed 10 March 2024).

celebrity figures like Falz (Folarin Falana), and Runtown (Douglas Jack Agu) for physical protests over the atrocities committed by operatives of SARS.<sup>45</sup>

This second wave of the #EndSARS campaign was characterised by continuous online and physical protests lasting over two weeks across Nigeria and the diaspora. Using Brandwatch, a company that provides tools for the monitoring and analysis of social media data – NENDO – analysed conversations around #EndSARS involving hashtags like #EndSARS, #EndSARSnow, #endpolicebrutalityinnigeria, #SARSmustend, and #EndSARSprotests on Twitter alone.<sup>46</sup> NENDO observed that over the course of the ten days from 5-14 October 2020, conversations on the protests against SARS received 48 million mentions on Twitter; this increased to 99 million mentions a week later.<sup>47</sup> The top ten countries driving the conversation on Twitter were Nigeria, the United States of America, the United Kingdom, Ghana, Indonesia, Canada, South Africa, the United Arab Emirates, Germany and Ireland.<sup>48</sup>

During this wave, physical protests were held in almost all states in Nigeria and outside Nigeria – this will be discussed in detail below. Speaking on the mass turnout of people on the streets during the second wave, Sogunro stated that since the government did nothing in two years after the 2017/2018 online protests, there was no need to raise more awareness of the atrocities of the SARS as it was clear the government already knew and were not willing to do anything. Hence, the people were prepared to remain on the streets in protest until their demands were met.<sup>49</sup> Eventually, the peaceful demonstrations ended when the protests were used as a cover to vandalise police stations and other commercial properties. As a result, states imposed curfews, and the Lagos State Government called in

---

<sup>45</sup> Victor Ogunyinka, “Runtown, Falz Take #EndSARS Protest to Streets of Lagos”, *Vanguard*, 8 October 2020, <https://www.vanguardngr.com/2020/10/runtown-falz-take-endsars-protest-to-streets-of-lagos/>, (accessed 09 March 2024).

<sup>46</sup> Nendo, “#EndSARS: Analyzing 48 million tweets in 10 Days Using Brandwatch”, 16 October 2020, <https://www.nendo.co.ke/post/endsars-analyzing-48-million-tweets-in-10-days-using-brandwatch>, (accessed 08 March 2024).

<sup>47</sup> Ibid; Nendo, “Breaking down the #EndSARS conversation increase from 48M to 99M Tweets”, 23 October 2020, <https://www.nendo.co.ke/post/breaking-down-the-endsars-conversation-increase-from-48m-to-99m-tweets>, (accessed 09 March 2024).

<sup>48</sup> Nendo, “Breaking down the #EndSARS conversation increase from 48M to 99M Tweets”.

<sup>49</sup> Interview with Dr. Ayo Sogunro (Human rights advocate).



the military to restore peace in Lagos; this resulted in the killing of protesters at the Lekki toll gate on October 20, 2020.<sup>50</sup>

Awosanya, the convener of the first wave, categorically distanced himself from this wave. Awosanya was against using physical protests as a strategy, due to the possible risk of such physical protests being co-opted by disruptive elements. Awosanya preferred a more organised advocacy of identifying problem areas and approaching those with the power to make reforms in such areas to discuss ways of implementing the reforms while keeping the public informed.<sup>51</sup> In addition, Awosanya stated that the hashtag #EndSARS was ‘illegally deployed’ without recourse to the #EndSARS #ReformPoliceNG advocacy he was personally involved in under SIAF.<sup>52</sup> Awosanya’s assertion gives the impression that the #EndSARS advocacy, as he calls it, belongs to SIAF, therefore SIAF should have been responsible for dictating the use of the hashtag #EndSARS and the tactics of the campaign. However, this study asserts that the #EndSARS campaign grew too massive to be spearheaded by a single NGO, as the public chose to deploy various means and tactics without relying on an individual to serve as the campaign’s mouthpiece or determine the tactics employed by the campaign.<sup>53</sup>

Another feature of this second wave was that it was a decentralised and leaderless campaign as the protesters refused to provide representatives/leaders to negotiate with the government even when asked by the government. Even those involved in some form of coordination refused to identify or be identified as leaders of the protests.<sup>54</sup> Movements with this leaderless feature have become a notable phenomenon. Scholars have noted that this sort of leaderless, horizontal structured movements are often a response to collective class

---

<sup>50</sup> Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20 October 2020*, (Lagos: Judicial State Panel, 2021): 294-298, <https://lagosstatemoj.org/wp-content/uploads/2021/12/Report-of-Judicial-Panel-of-Inquiry-on-Lekki-incident-investigation-of-20th-October-2020.pdf>; Nicholas Ibekwe, “Investigation: Bullets, Blood & Death: Untold Story of What happened at Lekki Toll Gate”, *Premium Times*, 31 October 2020, <https://www.premiumtimesng.com/news/headlines/423823-investigation-bullets-blood-death-untold-story-of-what-happened-at-lekki-toll-gate.html>, (accessed 08 March 2024).

<sup>51</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>52</sup> *Ibid.*

<sup>53</sup> Awosanya’s assertion also raises questions outside the scope of this thesis like whether an individual/or organisation can lay claim to a hashtag and determine the use of such hashtag.

<sup>54</sup> Interview with Dr. Ayo Sogunro (Human rights advocate).



consciousness and a desire to appear different from states' representative government in power.<sup>55</sup>

Following this October 2020 wave of activism, the police again issued directives to better control the SARS and define their activities. IGP M.A. Adamu appealed to the public 'not to allow the misconduct by a few personnel of the Force to negatively impact their belief, confidence, and trust in the Police'.<sup>56</sup> However, this appeal was unsatisfactory to the public as the IGP had issued similar directives in 2017, which were unproductive. Finally, the IGP announced the immediate dissolution of the SARS across the thirty-six states on 11 October 2020. Subsequently, the National Economic Council (NEC) directed all states to immediately establish a state-based judicial panel of inquiry to investigate complaints against the SARS and the NPF.<sup>57</sup> One such state-based judicial panel was the Lagos State Judicial Panel of Inquiry and Restitution for Victims of SARS-Related Abuses and Other Matters (LSJPI), which will be examined subsequently in this chapter.

The background to the #EndSARS activism spotlight years of ongoing allegations of police brutality by the operatives of SARS and a general failure to hold said operatives accountable which led to continuous public outcry spanning two waves of protest by the public. Despite the awareness raised by the campaign in the first wave, the promises to rein in the SARS and the recommendations by the PRRS set up to investigate the allegations, the government failed to implement the recommendations. This increased public distrust of the police and the government, and inevitably led to the second wave of the #EndSARS campaign. The failure to hold operatives accountable created an avenue for the rise of impunity. As mentioned above, the *Impunity Principles* define impunity as arising due to the state's failure to investigate, provide effective remedies, and take steps to avoid a recurrence.<sup>58</sup> This element of failure of the state to hold its agents accountable after public outcry giving rise

---

<sup>55</sup> Soumya Shankar, Can I speak to Your Leader? The Afterlife of Digitally Networked Protest Movements, Observer Research Foundation Special Report no.176, (New Delhi: Observer Research Foundation, December 2021), 4, 15; Judy Lubin, "The Occupy' Movement: Emerging Protest Forms and Contested Urban Spaces," *Berkely Planning Journal*, vol 25 (2012): 192.

<sup>56</sup> NPF, "IGP Bans FSARS, Other Police Tactical Squads from Routine Patrols", 4 October 2020, [https://www.npf.gov.ng/information/pressdetails.php?news\\_id=475](https://www.npf.gov.ng/information/pressdetails.php?news_id=475), (accessed 11 February 2023).

<sup>57</sup> Johnbosco Agbakwuru, "#EndSARS: NEC Directs Governors to Set up Judicial Panels of Inquiry," *Vanguard*, 16 October 2020, <https://www.vanguardngr.com/2020/10/endsars-nec-directs-governors-to-set-up-judicial-panels-of-inquiry/> (accessed 29 March 2023).

<sup>58</sup> Principle 1.

to the activism is also identified in the other two case studies – Safer Khayelitsha and the Justice Centres in Kenya.

### 4.3. Modalities of the #EndSARS Activism

#### 4.3.1. Objectives of the #EndSARS Activism

On the surface, the hashtag #EndSARS conveys an overly simplistic objective of the campaign – the end of the SARS unit within the NPF. However, beyond this simplistic interpretation, some activists who participated in the campaign stated that the hashtag carries a deeper objective to push for a holistic reform of the NPF.<sup>59</sup> Most representatives of the NHRC interviewed for this study, commenting on the campaign’s objective, argued that while the issues of police brutality were valid, rather than dissolving SARS, the campaign should have been for the SARS to be reformed/overhauled to conform with human rights standards.<sup>60</sup> Abdulrahman Ayinde Yakubu from the NHRC described dissolving the unit as ‘throwing the baby away with the bathwater’.<sup>61</sup>

Beyond the simplistic interpretation of the hashtag, the campaign’s demands in both waves provide insight into its overall objectives and show a demand for positive changes within the NPF. During the first wave, Awosanya and representatives of five NGOs – Citizens’ Gavel, Network on Police Reform in Nigeria (NOPRIN), Social Justice Advocate (SERVE), the now-defunct *Our Mumu Don Do* and Public Interest Lawyers League (PILL) – on 25 August 2018, sent a letter to President Muhammadu Buhari on behalf of the #EndSARS campaign. Attached to the letter were corroborating documentary evidence of abuses by operatives of the SARS and a petition signed by 49,099 citizens titled ‘Demand for public inquiry into the activities of the Special Anti-Robbery Squad (SARS) and the Reformation of the Nigerian Police’.<sup>62</sup> The letter expressed the problems with the SARS, the frustration at the response

---

<sup>59</sup> Interview with Oluwafemi Ajibade (Human rights advocate, Citizens’ Gavel), Phone call, 20 August 2020; Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation); Interview with Dr. Ayo Sogunro (Human rights advocate); Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty); and Interview with Nelson Olanipekun (Team Lead, Citizens’ Gavel).

<sup>60</sup> Interview with Lucas Koyejo (Zonal coordinator South-West, NHRC), Phone call, 20 July 2020; and Interview with Sani Momodu (NHRC Edo State coordinator), Benin City, 6 October 2020.

<sup>61</sup> Interview with Abdulrahman Ayinde Yakubu (NHRC), Phone call, 8 October 2020.

<sup>62</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation); Njideka Agbo, “Nigerian Presidency Has Received the #EndSARS Petition - Segun Awosanya”, *The Guardian*, 11 August 2018, <https://guardian.ng/life/nigerian-presidency-has-received-the-endsars-petition-segun-awosanya/> (accessed 07 March 2024).

of the government to the campaign so far, and five demands. According to Awosanya, these demands did not originate from SIAF or other organisations, but the demands were derived from the various complaints people had expressed online.<sup>63</sup> The demands in this letter were:<sup>64</sup>

1. An independent panel of inquiry be established to investigate the operations and activities of the SARS.
2. All operatives of the SARS found to have abused their powers be brought to book swiftly.
3. The President contributes and assents to the removal of constitutional impediments to the holistic reform of the Nigeria Police for effectiveness.
4. The President contributes (and assents) to the Police Act Amendment Bill if not sponsoring the same.
5. The panel also investigates the police promotion scandal and makes the findings on the irregularities public.

During the second wave, the first major demand was for the disbandment of the SARS, protesters in the streets across various states carried signs with these demands – ‘EndSARS’, ‘EndSARNow’ and ‘End police brutality’.<sup>65</sup> However, the announcement that SARS had been dissolved was not enough to satisfy the protesters as the government had previously made promises to re-organise, overhaul, disband and dissolve the SARS with no results.<sup>66</sup> This led to the emergence of a 5for5 demand, which trended across various social media platforms.<sup>67</sup> The origin of these demands remains a mystery especially as this second wave characterised itself as leaderless and no one claimed ownership of these demands. Just like Awosanya

---

<sup>63</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>64</sup> Agbo, “Nigerian Presidency Has Received the #EndSARS Petition”.

<sup>65</sup> “Nigeria’s End Sars Protests, in Pictures”, *BBC News*, 21 October 2020, <https://www.bbc.com/news/in-pictures-54632065>, (accessed 6 March 2024).

<sup>66</sup> Niji Ademoroti, “What it Means When the Police Say they are Dissolving SARS”, *Bellanaija*, 11 October 2020, <https://www.bellanaija.com/2020/10/what-it-means-when-the-police-say-they-are-dissolving-sars/>, (accessed 9 March 2024).

<sup>67</sup> Oluwadara Abimbade *et al.*, “Millennial Activism within Nigerian Twitterscape: From Mobilization to Social Action of #EndSARS Protest”, *Social Sciences & Humanities Open* 6, iss. 1 (2022): 3; Inobemhe, Kelvin, and Tsegyu Santas, “#EndSARS Protest”, *Galactica Media: Journal of Media Studies* 4, no.4 (2022): 100-124, <https://doi.org/10.46539/gmd.v4i4.241>.

attributed the demands in the first wave to complaints by the public, Sogunro opined that public opinion and complaints determined these demands as the #EndSARS activism was public-driven.<sup>68</sup> Despite the mystery of the origin of these demands, it can be said that these demands enjoyed legitimacy as it was shared widely on social media, printed on placards during physical protests and were recognised by the government as the demands of the campaign.<sup>69</sup> The 5for5 demands were:

1. Immediate release of all arrested protesters.
2. Justice for all deceased victims of police brutality and appropriate compensation for their families.
3. Setting up an independent body to oversee the investigation and prosecution of all reports of police misconduct within ten days.
4. In line with the new Police Act, psychological evaluation and retraining (to be confirmed by an independent body) of all disbanded SARS officers before they can be redeployed.
5. Increase police salaries so that they are adequately compensated for protecting the lives and property of citizens.

Woven into both sets of demands is the call for investigation, remedies, and reforms – the three components of the process of police accountability established in Chapter Two. First, the demands made called for investigations into allegations – setting up an independent panel/body of inquiry to investigate the alleged atrocities committed by the SARS and the police promotion scandal. Secondly, there is a call for remedies which include bringing to book SARS operatives found to have abused their powers, the release of illegally detained protesters, compensating families of deceased victims of police brutality, and prosecution of cases of police misconduct. Lastly, there is a call for reforms such as holistic reform of the NPF, assent to the Police Act Amendment Bill, psychological evaluation and retraining of

---

<sup>68</sup> Interview with Ayo Sogunro (Human rights advocate).

<sup>69</sup> Citizen New Hub, “Text of the Press Conference Addressed by the Hon. Minister of Information and Culture, Alhaji Lai Mohammed, in Abuja on Thursday, 19 Nov. 2020 on the EndSARS Protest and its Aftermath”, 19 November 2020 <https://citizennewshub.wordpress.com/2020/11/19/text-of-the-press-conference-addressed-by-the-hon-minister-of-information-and-culture-alhaji-lai-mohammed-in-abuja-on-thursday-19-nov-2020-on-the-endsars-protest-and-its-aftermath/>. (accessed 4 March 2024).

operatives of the disbanded SARS before any redeployment, and the increase in the salary of members of the NPF.

Beyond these demands for accountability, a poll of 1,114 interviews conducted by Africa Polling Institute (API), an Abuja-based opinion research think-tank, found that 60% of respondents who supported #EndSARS activism saw it as an outcry for better governance while only 27% saw it as a fight against police brutality. In addition, 10% saw it as a demand for respect for civil rights, and 3% did not have a reason for supporting it.<sup>70</sup> That 60% of the respondents saw the activism after the second wave as a cry for better governance is not surprising; as mentioned above, the country's socio-economic condition was one of the factors that ignited the second wave of the #EndSARS activism. This response also reflects how the #EndSARS issues are enmeshed in the politics of Nigeria.

These objectives buttress one of the theories underlining this study that social activism is a form of political participation. As pointed out above, from the definition of scholars such as Verba, Scholzman, and Brady, and Verba and Nie, political participation is aimed at individuals expressing their concerns to government officials and putting pressure for change. These demands made by the #EndSARS activism and the other case studies as will be discussed in subsequent chapters corroborate this as their objectives were geared toward drawing attention to concerns and making demands with the hope of a positive response.

#### ***4.3.2. Target Audience***

The #EndSARS activism aimed its demands at the government and its agents, including the PSC, IGP and presidency, which have the power to effect reforms within the NPF.<sup>71</sup> An example is the letter written to the president during the first wave of the #EndSARS protests. Aside from the president, copies of the letter were sent to the senate president, the speaker of the House of Representatives, state governors, the Minister of Interior, the Director-

---

<sup>70</sup> Africa Polling Institute, "The #EndSARS Protest: Beyond Police Brutality in Nigeria", 29 October 2020, 3. <https://africapolling.org/2020/10/29/the-endsars-protest-beyond-police-brutality-in-nigeria/>. (accessed 9 March 2024).

<sup>71</sup> Interview with Tijani Mohammed (Director of Investigation, PSC), Phone call, 20 August 2020; Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty); Interview with Nelson Olanipekun (Team Lead, Citizens' Gavel), and Interview with Lucas Koyejo (Zonal coordinator South-West, NHRC).

General Department of the State Security Services, and the PCC. Targeting the three government organs was to make them step up and perform their roles.<sup>72</sup>

Beyond making demands of the government, sharing stories on social media platforms encouraged other survivors of police brutality and supportive individuals to join their voices and speak up. These stories on social media of police misconducts provided what Justin Ellis describes as the ‘corroborative force of social media’, which not only validates the experience of people but can show a broader pattern of systemic dysfunction, shifting people’s neutral or positive views of the police.<sup>73</sup> Sogunro noted that the sharing of stories on social media made victims of police brutality realise that they were not alone and that others had experienced something similar.<sup>74</sup> The #EndSARS activism urged the public to speak up without fear and lend their voices to making the demands heard. Hence the use of *sòrò soke* as the catchphrase of the second wave, a phrase from the Yoruba language in Nigeria which means speak louder or speak up. It was a call for everyone to lend their voices to activism.

#### **4.3.3. Structure of the #EndSARS Activism**

Some members of human rights organisations interviewed for this study described it as a coalition/alliance of individuals and organisations born out of necessity to stand against police brutality.<sup>75</sup> During the first wave, the campaign’s activities were designed by SIAF, Awosanya’s organisation. For Awosanya, the structure adopted for the advocacy was about ‘building blocks in an accountable manner’. Therefore, actions had to be based on trust, accountability, and transparency to carry the public along and give them ownership.<sup>76</sup> According to Awosanya, he sought to create a movement to bridge the gap between the people and the government. Hence, in conjunction with other NGOs, they acted as liaisons between the people and the police, taking up people’s complaints against the police and finding ways to resolve them amicably. In addition, he aimed to push for legislative and institutional reforms without resorting to physical protests, which he stated could easily be

---

<sup>72</sup> Interview with Emmanuel Ikule (National Co-Ordinator, NOPRIN), phone call, 29 July 2020; and Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>73</sup> Justin Ellis, *Policing Legitimacy: Social Media, Scandal and Sexual Citizenship*, (Cham: Springer, 2021), 89.

<sup>74</sup> Interview with Ayo Sogunro (Human rights advocate).

<sup>75</sup> Interview with Oluwafemi Ajibade (Human rights advocate, Citizens’ Gavel); Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty); and Interview with Nelson Olanipekun (Team Lead, Citizens’ Gavel).

<sup>76</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

hijacked.<sup>77</sup> As noted by another respondent, not all activists were ‘boardroom activists’ like Awosanya, who engage in organised advocacy; others like himself are street activists who believe in street protests.<sup>78</sup>

Unlike the first wave, the second wave of the #EndSARS campaign as noted above had two distinct features. Firstly, it went beyond online activism and utilised massive physical demonstrations throughout Nigeria. Secondly, it was highly decentralised and declared it had no leaders.<sup>79</sup> This second wave can be described as leaderless, involving individuals and organisations participating in various ways from various parts of the world to speak against police brutality and call for reforms. Speaking on this, Sogunro stated that #EndSARS activism was a public protest by the people and not a protest carried out by associations or organisations with established leaders who speak on their behalf. For the #EndSARS movement, there was no need for any intermediary as, amongst other reasons, there is a history of protest leaders being swayed or threatened by the government into surrendering. Furthermore, in an information technology-centred era with the democracy of information, there was no need to have a spokesperson; the public had enough information to speak for themselves.<sup>80</sup>

---

<sup>77</sup> Ibid.

<sup>78</sup> Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty).

<sup>79</sup> Ruth Olurounbi, “Nigeria: #EndSARS Movement Avoids Pitfalls of Leadership”, *The Africa Report*, <https://www.theafricareport.com/46106/nigeria-leaderless-movement-endsars-may-be-missing-ingredient-to-end-police-brutality/>, (accessed 8 March 2024); Hafsa Abubakar Matazu and Anita Eboigbe, “There is No Leader for #EndSARS Protests”, HumAngle, 11 October 2020, <https://humanglemedia.com/there-is-no-leader-for-endsars-protests-nigerians/>, (accessed 9 March 2024).

<sup>80</sup> Interview with Ayo Sogunro (Human rights advocate).



*Figure 2: An #EndSARS Protesters holding 'we have no leader banner' during a street protest in Lagos, Nigeria, on 15 October 2020. (Photo: Associated Press Photo – Sunday Alamba).*



However, having no leader should not be mistaken for not having coordinators, as different private individuals and organisations volunteered during the campaign to organise demonstrations in their city, coordinate fundraising, and provide medical and legal aid for protesters. For instance, the Feminist Coalition, a group of young Nigerian feminists formed in July 2020, coordinated the collection and disbursement of funds during the second wave. However, despite the involvement of different people and organisations in the campaign, it was clear that the campaign had no leader and expected the government to address the entire nation rather than negotiate with a selected individual. As previously mentioned, this sort of leaderless movement has gained prominence in the past decade and attracted considerable scholarly attention. Scholars contend that such movements offer advantages such as rapid mobilisation and tactical versatility, which foster inclusivity by accommodating diverse voices and perspectives. Furthermore, their adaptability allows them to respond promptly to changing circumstances. It has been noted that such leaderless and geographically spread movements are difficult for the government to easily suppress.<sup>81</sup>

---

<sup>81</sup> Shankar, Can I speak to Your Leader?, 9-13; John Eligon and Kimiko de Freytas-Tamura, "Today's Activism: Spontaneous, Leaderless, but Not Without Aim," *The New York Times*, 3 June 2020, <https://www.nytimes.com/2020/06/03/us/leaders-activists-george-floyd-protests.html>. (accessed 19 October

However, alongside these strengths, leaderless movements grapple with inherent weaknesses. The absence of clear objectives, stemming from the absence of a designated spokesman can hinder the articulation of a unified message which can lead to the movement's risks of losing control of its messaging and momentum. Additionally, such movements are susceptible to infiltration by opportunistic elements or disruptors who seek to co-opt the movement for their purposes.<sup>82</sup>

Some of these weaknesses might have affected the #EndSARS campaign, as a representative of NOPRIN noted that though the #EndSARS campaign was a massive outcry, it, however, lacked proper coordination and had no plan for sustainability.<sup>83</sup>

A critical examination of both waves of the campaign, reveals that the structure of the #EndSARS campaign appears to have evolved from a structured campaign organised by an identifiable convener who had a certain vision of how the campaign should be run, to a more decentralised, spontaneous campaign with no leader, involving a wide range of participants with diverse tactics. This structure contrasts with the structure of the two other case studies. For instance, the Safer Khayelitsha campaign was centred geographically within the Western Cape and not the entire country. Furthermore, from the onset the campaign was centralised, driven by organisations that mobilised people to join in. Similarly, the campaign by the Justice Centres is driven by the Justice Centres across low-income communities in Kenya.

#### **4.3.4. Participation in the #EndSARS Activism**

The #EndSARS campaign attracted a diverse array of participants such as private individuals, CSOs, and corporations. The diversity of participants was effective in being able to reach different categories of people across demographics such as economic status, age and gender. It also enabled participation in various ways from street protests to protesting on social media.

---

2024); Melissa de Witte, "Leaderless, Decentralized Protest is a Strength and a Weakness, Warns Civil Rights Scholar Clayborne Carson," *Stanford*, 4 June 2020, <https://news.stanford.edu/2020/06/04/leaderless-protest-strength-weakness/> (accessed 18 October 2024).

<sup>82</sup> Gideon Rachman, *et al.*, "Leaderless Rebellion: How Social Media Enables Global Protests," *Financial Times*, 25 October 2019 <https://www.ft.com/content/19dc5dfe-f67b-11e9-a79c-bc9acae3b654> (accessed 2 March 2024); Abimbade *et al.*, "Millennial Activism within Nigerian Twitterscape", 7; de Witte, "Leaderless, Decentralized Protest is a Strength and a Weakness.

<sup>83</sup> Interview with Emmanuel Ikule (National Co-Ordinator, NOPRIN).

Participants in the #EndSARS campaign interviewed for this study described participation in various ways. For example, being committed to a cause and deciding, 'when it comes to this issue, I am willing to give my resources to it, and I am willing to lend my voice to it'.<sup>84</sup> Others agreed that the #EndSARS activism was people-centred, so everyone participated in different capacities, ranging from making a single tweet or multiple tweets, joining street protests, donating funds and other resources, signing an online petition, operating in the background and even designing banners.<sup>85</sup>

Sogunro noted that participation was diverse, but the most basic form of participation was tweeting. As persons dedicated their time retweeting every single news that involved #EndSARS. Sogunro identified other forms of participation, including contributing resources, like money, legal aid, health care aid and knowledge.<sup>86</sup> Nelson Olanipekun, the team lead of Gavel, which provides legal representation for victims of police brutality, noted that participation was at different levels: those at the forefront of the activism and those waiting for directives to obey.<sup>87</sup> These views expressed by Sogunro and Olanikpekun recognise that participation can be at different levels, including tweeting. As mentioned earlier, scholars like Morozov have criticised digital activism as mere feel-good activism that yields no social or political impact, but this is not always so. As will be further discussed subsequently, simple actions like tweeting and sharing posts on social media platforms about the activism were successful in the transnationalisation of such issues. As pointed out above, Dadas, a techno-optimist argues that the circulatory potential of tweets allows for the message to extend beyond the immediate network of the Twitter user. However, as cautioned by McPherson and Harlow, social media use in activism comes with some risk. This is examined in detail in Chapter Seven.

The Feminist Coalition, though formed to champion equality for women in Nigeria, became a principal organiser of the second wave, responsible for raising and distributing funds. According to a report released by the Coalition, the reason for participating in the activism was three-fold: first, to strategise; and find ways for Nigerians to remain safe while using

---

<sup>84</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>85</sup> Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty), and Interview with Oluwafemi Ajibade (Human rights advocate, Citizens' Gavel).

<sup>86</sup> Interview with Ayo Sogunro (Human rights advocate).

<sup>87</sup> Interview with Nelson Olanipekun (Team Lead, Citizens' Gavel).

their voices. Second, to organise; encourage Nigerians to exercise their civil rights and, lastly, to sustain and support the peaceful #EndSARS protests until the demands were met.<sup>88</sup>

Awosanya contends that it is impossible to motivate anyone as motivation can only come from within. For Awosanya, various organisations felt the need to join the protest because they saw that:<sup>89</sup>

...for the first time, Nigerians who are different, who have been divided for many years are now speaking one language, we are now agreeing on the fact that police brutality must not be allowed to continue in our society.

Another participant in the #EndSARS activism interviewed for this study opined that though many individuals and organisations needed no form of motivation before participating, there was a need to cajole high-profile influencers on social media to use their platforms to speak about the issues and lend their voices to the movement.<sup>90</sup> For other organisations like NOPRIN and Gavel, the activism was part of their routine work, as they were already involved in issues of police brutality in the past, so there was no need to be motivated to participate. However, uniting under the #EndSARS campaign was a great advantage as it amplified their voices.<sup>91</sup>

The participation of individuals and several organisations is important in social activism. As emphasised by Heyns in the struggle approach to human rights theory which guides this study, the participation of ordinary people in holding the government and its agents accountable is vital to the struggle.<sup>92</sup> However, some organisations were wary of joining in the activism for fear of being seen as fighting the government in power, while some individuals considered it an attack on the presidency and the ruling party.<sup>93</sup> This highlights one of the challenges of the struggle approach to human rights where the struggle can be misconstrued and falsely labelled as an attempt to overthrow the government. However as pointed out by Heyns, the struggle does not challenge the institution of the state but seeks

---

<sup>88</sup> Feminist Coalition @feminist. Co, "Progress report – 15 October 2020", Instagram photo, 15 October 2020, [https://www.instagram.com/p/CGWEVOxDs\\_y/?utm\\_source=ig\\_web\\_button\\_share\\_sheet](https://www.instagram.com/p/CGWEVOxDs_y/?utm_source=ig_web_button_share_sheet).

<sup>89</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>90</sup> Interview with Ayo Sogunro (Human rights advocate).

<sup>91</sup> Interview with Oluwafemi Ajibade (Human rights advocate, Citizens' Gavel), and Interview with Abdulrahman Ayinde Yakubu (NHRC).

<sup>92</sup> Christof Heyns, "A 'Struggle Approach' to Human Rights", in *Human Rights, Peace and Justice in Africa: A Reader*, eds. Christof Heyns and Karen Stefiszyn, (Pretoria: PULP Publishers, 2006) 16,32.

<sup>93</sup> Ibid.

to hold the state accountable in the protection of human rights.<sup>94</sup> This misconstrual of social activism struggles can also be seen in the Khayelitsha campaign discussed in the next chapter.

When interviewed for this study, most participants in the activism agreed that there was no form of motivating people to join as the cause was one most Nigerians could readily identify with, as most people had been victims or knew someone who had been a victim of police brutality. Furthermore, there was the realisation that they could be victims. Hence it was time to speak out in the interest of society.<sup>95</sup> The involvement of those whose rights have been violated by the police and individuals whose rights have not been violated by the police, characterise all the case studies. This is the spirit of *ubuntu* which according to Cobbah seeks the entire community's survival and not just an individual, hence people seek communal wellness even when not direct victims.<sup>96</sup>

A participant interviewed for this study noted that broadcasting stories of abuse and the process of helping a victim obtain one form of remedy also encouraged people to come forward.<sup>97</sup> This view expressed by participants interviewed for this study presents a contrasting view to the API poll above which revealed that the majority of participants in the #EndSARS campaign rather saw the #EndSARS campaign as a cry for better governance, while only 20% saw it as a call to end police brutality.<sup>98</sup> However, this difference in reason for supporting the #EndSARS campaign ultimately emphasises the interconnectedness of policing, socio-economic conditions and good governance. This level of interconnectedness might have contributed to ensuring a high level of participation as evidenced by the wide-ranging support the campaign received.

#### ***4.3.5. Tactics of the #EndSARS Activism***

Every campaign utilises multiple tactics to achieve its objectives. David Meyer, an expert in social movements, defines a tactic as a method of expressing a position or making a

---

<sup>94</sup> Interview with Ayo Sogunro (Human rights advocate).

<sup>95</sup> Interview with Oluwafemi Ajibade, Interview with Ayo Sogunro (Human rights advocate); Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty); and Interview with Nelson Olanipekun (Team Lead, Citizens' Gavel).

<sup>96</sup> Josian A.M. Cobbah, "African Values and the Human Rights Debate: An African Perspective", in *Human Rights, Peace and Justice in Africa: A Reader*, eds. Christof Heyns and Karen Stefiszyn, (Pretoria: PULP Publishers, 2006), 35.

<sup>97</sup> Interview with Oluwafemi Ajibade (Human rights advocate, Citizens' Gavel).

<sup>98</sup> Africa Polling Institute, "The #EndSARS Protest: Beyond Police Brutality in Nigeria".

demand.<sup>99</sup> Due to the collaboration and diversity of participants involved, the #EndSARS campaign utilised diverse tactics including legislative advocacy tactics, institutional liaison tactics, resource deployment, physical demonstrations, leveraging popular personalities and international solidarity. Some of these tactics will be addressed below.

During the first wave, the *Police Act of 1943*, which Awosanya reflected positioned the police for oppression and not service was targeted.<sup>100</sup> Hence the campaign adopted a legislative advocacy tactic by pushing for a new Police Act. Prior to the campaign, numerous drafts of bills to reform the Police Act of 1943 had been presented before the legislature since 2004.<sup>101</sup> However, the ‘Bill for an Act to Repeal The Police Act Cap P19 Laws Of The Federation Of Nigeria, 2004 and Enact the Nigeria Police Act, 2018 to Provide for the Framework for the Police Service and Ensure Cooperation and Partnership between The Police and Host Communities in Maintaining Peace and Combating Crime; and For Related Matters’, which eventually became the *Police Act of 2020*, was sponsored by Senator Bala Ibn Na’Allah in 2018 and referred to the Committee on Police Affairs in July 2018.<sup>102</sup> Participants in the first wave of activism actively lobbied members of the National Assembly to pass the Bill into law. This was one of the demands contained in the letter to the president. In addition, some participants in the campaign took part in public hearings on the *Bill* as they considered legislative reforms essential in reforming the NPF.<sup>103</sup>

Another tactic utilised by the campaign was an institutional liaison tactic as activists sought to create liaison with the police to enable the campaign to act as a bridge between the public and the NPF. This tactic was mainly utilised during the first wave, as organisers like Awosanya partnered with the CRU, which, as mentioned above, receives, and investigates complaints about members of the NPF. Partnering with the CRU was in line with the CRU’s

---

<sup>99</sup> David S. Meyer, *The Politics of Protest*, 2<sup>nd</sup> ed. (New York: Oxford University Press, 2015), 104.

<sup>100</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation) and Interview with Oluwafemi Ajibade (Human rights advocate, Citizens’ Gavel).

<sup>101</sup> Policy and Legal Advocacy Centre (PLAC), “Legislative Brief on Police (Repeal and Re-enactment) Bill, 2018”, December 2018, <https://placng.org/i/wp-content/uploads/2019/12/legislative-brief-on-police-bill-2018-1.pdf>.

<sup>102</sup> PLAC, “Summary of Key Provisions in the Senate Bill to Repeal and Re-enact the Nigeria Police Act”, November 2018, <https://placng.org/i/wp-content/uploads/2019/12/Summary-of-key-provisions-in-the-Senate-Bill-to-repeal-and-re-enact-the-Nigeria-Police-Act-2.pdf>; PLAC, “Police (Repeal and Re-enactment) Bill”.

<sup>103</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation); Interview with Oluwafemi Ajibade (Human rights advocate, Citizens’ Gavel), Interview with Nelson Olanipekun (Team Lead, Citizens’ Gavel), and Interview with Adebayo Raphael.



motive behind its establishment. Former IGP Arase, who launched the CRU, explained that it was established as there was a need to facilitate contact with the members of the public, receive feedback on their services and deal with such feedback.<sup>104</sup> Going into partnership with the CRU enabled organisers like Awosanya to directly receive complaints on police brutality from members of the public and hand such complaints over to the police for resolution.<sup>105</sup> As recalled by Awosanya, complaints received were often investigated and verified before being taken to the police for resolution. As a result, the NPF responded faster when complaints came from them.<sup>106</sup>

In addition to building bridges between the public and the NPF, online protest across different social media platforms such as Twitter, Facebook, YouTube and WhatsApp, was another tactic utilised in both waves. As will be examined in Chapter Seven, these various social media platforms served as effective tools for raising awareness, mobilisation and organising demonstrations.<sup>107</sup> Twitter and Facebook were used to share information on the campaign – the issues, demands to amplify the issues and give it a domestic and international voice –, map out modalities for physical protests, and share real-time images and progress of physical protests.<sup>108</sup>

The hashtag #EndSARS was reportedly used in over one million tweets between 2 and 6 December 2017.<sup>109</sup> In an analysis of the second wave of #EndSARS online activism, NENDO observed that from an average of one million tweets daily by Nigerians as of 2019, this increased by over ten times more during the peak of the #EndSARS activism in 2020.<sup>110</sup> As mentioned above, NENDO analysis also showed that the online conversations on the campaign across Twitter were driven not just by Nigeria but other countries including the

---

<sup>104</sup> Interview with Dr. Solomon Arase (former IGP, NPF).

<sup>105</sup> Interview with Oluwafemi Ajibade (Human rights advocate, Citizens' Gavel).

<sup>106</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>107</sup> Ojedokun, Ogunleye, and Aderinto, "Mass Mobilization for Police Accountability", 1898.

<sup>108</sup> Oshua Aghogho Erubami *et al.*, "Generational Dichotomies in Public Perception of Social Media Coverage of the Nigerian #EndSARS Protests: Implication for Networked Communication", *Cogent Arts & Humanities* 8, iss. 1 (2021), DOI: [10.1080/23311983.2021.1988192](https://doi.org/10.1080/23311983.2021.1988192); Vincent A.Obia, "#EndSARS, A Unique Twittersphere and Social Media Regulation in Nigeria", *The London School of Economics and Political Science*, 11 November 2020, <https://blogs.lse.ac.uk/medialse/2020/11/11/endsars-a-unique-tittersphere-and-social-media-regulation-in-nigeria/>, (accessed 5 March 2024).

<sup>109</sup> Al Jazeera English, "Why are Police Brutality Stories Going Viral in Nigeria? – The Stream".

<sup>110</sup> Nendo, "#EndSARS: Analyzing 48 million tweets in 10 Days Using Brandwatch".



United States of America, the United Kingdom, Ghana, Indonesia, Canada, and South Africa.<sup>111</sup>

In addition to campaigning on various social media platforms, both waves used online petitions. The first wave had online petitions calling for the Nigerian government to dissolve SARS. The second wave had other online petitions, including one addressed to the United Kingdom seeking sanctions against Nigerian government officials and members of the NPF for human rights violations.<sup>112</sup> The e-petition, addressed to the United Kingdom, was created by one Silas Ojo. Not much is known about Silas Ojo or his participation in the #EndSARS activism other than he created this petition which was shared across social media platforms for signing. The Petition was for Nigerians in the United Kingdom or other concerned individuals as it could only be signed by British Citizens or United Kingdom residents. At the close of the debate, though no sanction was imposed, Theresa Villiers, leading the debate, noted that there was a strong case for putting some sanctions in place and urged the Foreign, Commonwealth and Development Office to continue pushing for sanctions.<sup>113</sup> The #EndSARS campaign's reach to the UK parliament shows that the involvement of the Nigerians in the diaspora heightened the reach of the #EndSARS campaign. As noted by NENDO, the conversation on Twitter was also driven by international news outlets and individuals, including TIME, Reuters, Washington Post, Guardian, The Daily Show, Hillary Clinton, Bill Clinton, and Twitter CEO Jack Dorsey.<sup>114</sup>

The transnationalisation of issues beyond the shores of Nigeria is peculiarly predominant in the #EndSARS campaign. As will be seen in the subsequent chapters, the Safer Khayelitsha campaign remained predominantly within Western Cape. Similarly, the issues of the Justice Centres are predominantly advocated within low-income communities in Kenya. However, the activities of the Justice Centres have gradually begun to receive international recognition.

---

<sup>111</sup> Nendo, "Breaking down the #EndSARS conversation increase from 48M to 99M Tweets".

<sup>112</sup> At the time of hearing by the UK parliament on 23 November 2020, it had received 220, 304 signatures. (Petitions UK Government and Parliament, <https://petition.parliament.uk/petitions/554150>, (accessed 13 October 2024); UK Parliament Research Briefing, "E-petition 554150, Relating to Nigeria and the Sanctions Regime", 19 November 2020, <https://commonslibrary.parliament.uk/research-briefings/cdp-2020-0148/>, (accessed 13 October 2024); UK Parliament, "E-Petitions Relating to Nigeria and the Sanctions Regime", 1.19.35, 23 November 2020, <https://youtu.be/MTKMUEpHWoE>, (accessed 13 October 2024).

<sup>113</sup> UK Parliament, "Nigeria: Sanctions Regime, volume 684: Debated on Monday 23 November 2020", <https://hansard.parliament.uk/Commons/2020-11-23/debates/OA7DEC6C-F408-46E8-BD71-D87E0C07A30E/NigeriaSanctionsRegime>, (accessed 13 October 2024).

<sup>114</sup> Nendo, "Breaking down the #EndSARS conversation increase from 48M to 99M Tweets".

This is discussed more in Chapter Six. The ability of the #EndSARS campaign to nationalise and also transnationalise issues can be attributed to three factors. First the predominant use of social media platforms, the decentralised nature of participation, and lastly the nationalised nature of the issues leading to the #EndSARS campaign. This allowed for diverse tactics to be utilised and allowed interested participants to independently organise actions in furtherance of the cause.

Beyond online protests, peaceful physical protests within and outside Nigeria essentially characterised the second wave. Celebrity figures like Donjazzy (Michael Collins Ajereh), Falz (Folarin Falana), and Runtown (Douglas Jack Agu) called for citizens to come out for peaceful protests.<sup>115</sup> These peaceful protests were staged at strategic locations like the Lagos State House of Assembly, the Lekki-Epe toll gate, the roads leading to the international airports in Lagos and Abuja, and the NPF headquarters in Abuja.<sup>116</sup> Some of these protests, such as the Lekki Tollgate protests, lasted day and night, with protesters coming in shifts to continue the protests.<sup>117</sup> During the protests, protesters carried placards expressing their grievances and demands. In addition, a festival of lights was held to honour the young people killed by the NPF while singing songs about police brutality and hope for a better Nigeria. In addition, religious organisations also organised protests tagged ‘prayer walks’.<sup>118</sup> Internationally, physical protests were organised in countries such as Canada, Germany, the United Kingdom, and South Africa, even when physical protests had ended in Nigeria due to the Lekki Massacre on 20 October 2020.

---

<sup>115</sup> Benjamin Njoku, “#EndSARSNOW: Peter Okoye, Falz Call for the End, Runtown Set to Lead protest”, *Vanguard*, 5 October 2020, <https://www.vanguardngr.com/2020/10/endsarsnow-peter-okoye-falz-call-for-end-runtown-set-to-lead-protest/>, (accessed 13 October 2024).

<sup>116</sup> Frank Eleanya, “EndSARS Protest Cripples Movement, Business in Lagos”, *Business Day*, 12 October 2020, <https://businessday.ng/news/article/endsars-protest-cripples-movement-business-in-lagos/>, (accessed 13 October 2024); “More #EndSARS Protests Rock Lagos, Osogbo, Ilorin, Abuja”, *Vanguard Nigeria*, 13 October 2020, <https://www.vanguardngr.com/2020/10/more-endsars-protests-rock-lagos-osogbo-ilorin-abuja/>, (accessed 13 October 2024); Stephanie Busari, “Nigeria’s Youth Finds its Voice with #EndSARS Protest Movement”, *CNN World*, 25 October 2020, <https://edition.cnn.com/2020/10/25/africa/nigeria-endsars-protests-analysis-intl/index.html>, (accessed 13 October 2024).

<sup>117</sup> Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20 October 2020*, 281.

<sup>118</sup> Olawale Olaniyan, “Photos + video: Youths hold #EndSARS, #ENDSWAT Prayer Rally in Ibadan”, *Nigerian Tribune*, 16 October 2020, <https://tribuneonlineng.com/photos-video-youths-hold-endsars-endswat-prayer-rally-in-ibadan/>, (accessed 13 October 2024); “#EndSARS: Pastor Enenche Leads Hundreds of Christians on Prayer Walk for Nigeria in Abuja”, *Sahara Reporters*, 19 October 2020, <http://saharareporters.com/2020/10/19/endsars-pastor-enenche-leads-hundreds-christians-prayer-walk-nigeria-abuja>, (accessed 13 October 2024).

The physical protests were funded by donations from numerous Nigerians and organisations, including technology companies, law firms and even restaurants.<sup>119</sup> The Feminist Coalition received nearly 148 million naira (approximately 390,000 USD at the exchange rate of October 2020) in donations in fourteen days of the #EndSARS protests. These funds were deployed to provide food, water, face masks, medical, and legal aid for protesters in twenty-three states. After it stopped receiving funds, the Feminist Coalition distributed the remaining funds to various response groups that were formed during the campaign, such as the #EndSARSresponse (medical), the Legal Aid Network, Relief for victims of police brutality and families of the deceased, memorial for the fallen and #EndSARSMentalHealthSupport.<sup>120</sup>

Other tactics utilised included the provision of various services such as legal and medical. For instance, both waves had a network of pro bono lawyers that offered legal representation throughout the country to assist victims of the SARS and arrested protesters. Citizens' Gavel and the Legal Aid Network facilitated the pro bono legal representation by providing lawyers willing to offer free legal services in various parts of the country.<sup>121</sup> In addition, during the second wave, helplines were introduced to enable protesters to seek legal and medical aid, such as requesting an ambulance or reporting emergencies.<sup>122</sup> Also, an online radio named *sòrò soke* coordinated the protests and shared information on the campaign's demands.<sup>123</sup>

Generally, diverse tactics were employed during the campaign including seamlessly transitioning between online and offline protests, fundraising, and petitions as various participants brought peculiar skills and strategies to further the objectives of the activism. This collaboration between private individuals and organisations speaking with one voice

---

<sup>119</sup> Samuel Okoruwa, "How Nigeria Businesses Have Supported the #EndSARS Movement in Nigeria", *Connect Nigeria*, 17 October 2020, <https://articles.connectnigeria.com/how-nigerian-businesses-have-supported-the-endsars-movement-in-nigeria/>, (accessed 13 October 2024).

<sup>120</sup> Feminist Coalition (@feminist.co), Instagram photo, 21 November 2020, [https://www.instagram.com/p/CGnkgqZDH-E/?utm\\_source=ig\\_web\\_button\\_share\\_sheet](https://www.instagram.com/p/CGnkgqZDH-E/?utm_source=ig_web_button_share_sheet); Feminist Coalition (@feminist.co), "A Statement From the Feminist Coalition (22 October 2020)", Instagram photo, 23 October 2020, [https://www.instagram.com/p/CGqdix\\_DbsW/?utm\\_source=ig\\_web\\_button\\_share\\_sheet](https://www.instagram.com/p/CGqdix_DbsW/?utm_source=ig_web_button_share_sheet).

<sup>121</sup> Interview with Oluwafemi Ajibade (Human rights advocate, Citizens' Gavel); Interview with Nelson Olanipekun (Team Lead, Citizens' Gavel), and Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation); #EndSARS Legal, <https://endsarslegalaid.co/>.

<sup>122</sup> FK (@fkabudu), "We have a helpline now as well! 017001755", Twitter Post, 17 October 2020, <https://mobile.twitter.com/fkabudu/status/1317403478516506625>.

<sup>123</sup> Adejayan Gbenga, "EndSARS Protesters Launch Online Radio, Soro Soke", *Within Nigeria*, 18 October 2020, <https://www.withinnigeria.com/2020/10/18/endsars-protesters-launch-online-radio-soro-soke/>, (accessed 13 October 2024).

was effective in raising awareness and applying pressure on the government to make changes. In this campaign, the participation of individuals and organisations in various activities aimed at bringing about change lends credence to the theorisation of social activism as a form of political participation. Stockemer identifies this as unconventional political participation<sup>124</sup> which is also referred to as extra-parliamentary political participation by Ekman and Amna.<sup>125</sup> As noted earlier, this type of political participation employs diverse tactics to wedge influence through non-institutionalised means such as demonstrations, and protests.<sup>126</sup>

#### **4.4. Reaction of the Police Accountability Mechanisms to the #EndSARS Campaign**

As established in Chapter Three, the police accountability mechanisms in Nigeria comprise various mechanisms within and outside the NPF, including the NPC, the PSC, the NHRC and the NPF avenues for receiving complaints, investigating, and disciplining defaulting officers such as the CRU, the Force Provost Marshal, X-squad, the FDC and the ORT. It also includes extraordinary mechanisms like presidential investigative panels and states' judicial panels. This section will analyse some of these mechanisms' reactions to #EndSARS activism, beginning with the general response of the NPF and the government.

At the start of the first wave in 2017, the NPF initially denied all allegations against the SARS. After denial, the NPF called for a re-organisation of SARS but still refused to disband the SARS as demanded. The then Inspector General of Police (IGP) Idris Kpotun Ibrahim called for the immediate re-organisation of the SARS to operate based on the International Core Value of Policing with integrity and the rule of law. The new arrangement contained the following directives:<sup>127</sup>

1. The instant investigation of all allegations and complaints levelled against the SARS by the IGP X- squad of the Nigerian Police Force.
2. Federal Anti-Robbery Squad (FSARS) was to exist and operate in State and Zonal Commands under the Commissioner of Police at the Police Headquarters.

---

<sup>124</sup> Daniel Stockemer, "What Drives Unconventional Political Participation? A two-level study", *The Social Science Journal* 51, (2014) 202.

<sup>125</sup> Joakim Ekman and Erik Amna, "Political Participation and Civic Engagement: Towards a New Typology", *Human Affairs* 22, (2012): 290.

<sup>126</sup> Stockemer, What Drives Unconventional Political Participation?, 202.

<sup>127</sup> The Vanguard, "Breaking: IGP Bows to #EndSARS, Orders Immediate Re-organization of SARS".

3. Furthermore, a FSARS Commander of the Rank of Chief Superintendent of Police (CSP) and not below Superintendent of Police (SP) was to be in charge of FSARS in State and Zonal Commands across the country.
4. All state Commissioners of Police were directed to immediately comply with this new directive and warn their personnel to no longer pose as SARS operatives.
5. A Commissioner of Police was made the overall head of FSARS nationwide under the Department of Operations, Force Headquarters Abuja.
6. Anti-crime Units, Crime Prevention, and Control squads would continue to be operational in police Zonal Commands and State Commands and Divisions.
7. A new training program was to be organised by the Nigerian Police Force in collaboration with Civil Society Organisations (CSOs) and local and international Non-Governmental Organisations (NGOs) on core police duties, observance of human rights, and handling, care, and custody of suspects for all FSARS personnel nationwide.

The NPF invited aggrieved individuals to submit complaints to the NPF about past and present violations by SARS operatives. After these directives, the presidency was sent a formal letter of demand on 5 August 2018. Thereafter, the Vice President, Professor Yemi Osinbajo, serving as the Acting President at the time, on 14 August 2018, instructed the then IGP, Ibrahim Idris, to overhaul the management and activities of the SARS. In addition, the NHRC was instructed to set up the PPRS to conduct investigations into the allegations and afford members of the public the opportunity for redress.<sup>128</sup>

In response to the Acting President's directives, the then IGP Ibrahim Idris issued more directives to be undertaken in compliance with the Acting President's directives. Some of the directives included the immediate establishment of a Human Rights Desk Officer for FSARS in every state to receive complaints from the public and forward such complaints to the police headquarters; the immediate introduction of new uniforms with name tags for FSARS Personnel and the immediate stop of stop-and-search duties by FSARS operatives except on unique distress calls to respond to armed robbery and kidnappings.<sup>129</sup>

---

<sup>128</sup> "Osinbajo orders overhaul of SARS".

<sup>129</sup> Joseph Erunke, "Acting on Osinbajo's order, IGP Overhauls, Renames SARS FSARS", *The Vanguard*, 14 August 2018, <https://www.vanguardngr.com/2018/08/acting-on-buharis-order-igp-overhauls-renames-sars-fsars/>. (accessed 13 October 2024).

In a surprising development on 21 January 2019, the new Acting IGP of Police, Mohammed Adamu, at his inaugural conference, reversed the earlier directives issued by IGP Ibrahim. Due to this reversal, the FSARS was no longer centralised under the state and zonal commands but was decentralised, and SARS was reinstated across the 36 states of the country under the control of the Commissioners of Police.<sup>130</sup> Despite this, the PPRS, headed by the chairman of the NHRC, was inaugurated on 15 August 2018. However, Awosanya distanced himself from the PPRS, stating the formation was conveniently a political one as it failed to appoint representatives of the #EndSARS activism to participate.<sup>131</sup>

In response to the second wave, the IGP M.A. Adamu once again tried to reorganise the operations of the SARS by banning all tactical units from routine patrol on the streets and from engaging in low-risk duties like stop and search, checkpoint, and traffic checks. He also stated that tactical units should respond only to violent crimes like armed robbery and kidnapping. Commissioners of Police in charge of SARS were reminded of their responsibilities to supervise SARS operatives effectively and warned that they would henceforth be held liable for the misconduct of operatives within their jurisdiction.<sup>132</sup>

This attempt to reorganise appeared not to satisfy the #EndSARS activism as both physical and online protests continued. The IGP then announced other reforms, including the immediate dissolution of the SARS across the thirty-six State Police Commands '[in] the finest spirit of democratic, citizen-centred and community policing.'<sup>133</sup> Furthermore, following section 18 (10) of the *Police Act of 2020*, the IGP ordered all operatives of the defunct SARS to undergo debriefing and psychological and medical examination at the NPF headquarters before being redeployed into other mainstream policing duties. Also, a new tactical unit – the Special Weapons And Tactics (SWAT) was created to replace SARS. This new unit was to be strictly intelligence-driven and constituted to respond to robberies, weapon-related crimes, rescue operations and special operations involving high-profile criminals. Prospective

---

<sup>130</sup> Dennis Erezi, "New IGP Mohammed Adamu Orders Disbandment of FSARS", *The Guardian*, 21 January 2019, <https://guardian.ng/news/new-igp-mohammed-adamu-orders-disbandment-of-fsars/>, (accessed 11 October 2024); Channels Television, "Police Reforms: Acting IGP Orders disbandment of FSARS", YouTube video, 2.30, 21 January 2019, <https://www.youtube.com/watch?v=HrNEgBwS7UY>.

<sup>131</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>132</sup> NPF, "IGP Bans FSARS, Other Police Tactical Squads from Routine Patrols", 4 October 2020, [https://www.npf.gov.ng/information/pressdetails.php?news\\_id=475](https://www.npf.gov.ng/information/pressdetails.php?news_id=475), (accessed 11 February 2023).

<sup>133</sup> Nigeria Police Force (@PoliceNG), "In the finest spirit of democratic, citizen-centred and community policing ...", Twitter Post, 11 October 2020, <https://twitter.com/PoliceNG/status/1315277850891649024>



operatives of SWAT were to undergo psychological and medical examinations and training in the various police colleges.<sup>134</sup> However, the creation of SWAT was considered in bad faith as it failed to address the culture of police brutality prevalent in the NPF and neither were defaulting operatives of SARS punished to serve as a deterrent, so the protests continued.<sup>135</sup> API's snap poll found that 77% of the respondents expressed disbelief that establishing SWAT to replace SARS would end the incidence of police brutality, while 8% noted that it was too early to determine the performance of SWAT.<sup>136</sup>

Beyond these attempts to reorganise the SARS and the eventual emergence of SWAT, as the campaign progressed, police officers appeared to become more open to working with the campaign organisers. For instance, the NPF, primarily via members of the CRU, began working with some organisers of the first wave to investigate complaints and punish identified police officers. In a bulletin on helplines to call to report cases of abuse by SARS officials, the NPF included the details of Awosanya.<sup>137</sup> The NPF also began proactive public relations activity aimed at drawing attention to SARS officials or other police officers disciplined in one form or the other.<sup>138</sup> The assertion by the operatives of the NPF interviewed for this study follows this same tactic to show that the NPF takes discipline seriously. They stated that the NPF has always been a disciplined organisation, and errant police officers were disciplined even before the emergence of the #EndSARS activism.<sup>139</sup> However, these NPF operatives admitted that the #EndSARS campaign created a need to notify the public to prevent the assumption that nothing was being done about the complaints of police abuse.<sup>140</sup> Generally, they observed that activism against the police is always welcome as it is the right of individuals in a democratic society to express their views.

---

<sup>134</sup> Nigeria Police Force (@PoliceNG), "IGP dissolves the Special Anti-Robbery Squad...", Twitter Post, 11 October 2020, <https://twitter.com/PoliceNG/status/1315277838371749889>; Nigeria Police Force (@PoliceNG), "IGP Orders all defunct SARS personnel...", Twitter Post, 13 October 2020, <https://twitter.com/PoliceNG/status/1316094536612032522>; Nigeria Police Force (@PoliceNG), "#NewTacticalTeamMandate", Twitter Post, 14 October 2020, <https://twitter.com/PoliceNG/status/1316421275980623873>.

<sup>135</sup> Interview with Ayo Sogunro (Human rights advocate).

<sup>136</sup> Africa Polling Institute, "The #EndSARS Protest: Beyond Police Brutality in Nigeria".

<sup>137</sup> Interview with Tijani Mohammed (Director of Investigation, PSC).

<sup>138</sup> NPF, "Ebem Ohafia Incident: IGP Sets up Special Investigation Panel, Redeploys CP", 21 April 2020, [https://www.npf.gov.ng/information/pressdetails.php?news\\_id=425](https://www.npf.gov.ng/information/pressdetails.php?news_id=425), (accessed 11 February 2023); NPF, "Further Update on Viral Video - all Four Persons Implicated Arrested", 24 July 2020, [https://www.npf.gov.ng/information/pressdetails.php?news\\_id=451](https://www.npf.gov.ng/information/pressdetails.php?news_id=451), (accessed 11 February 2023).

<sup>139</sup> Interview with a Superintendent and Assistant Superintendent of the NPF, Benin city, 5 October 2020.

<sup>140</sup> Ibid.



Furthermore, such activism enables the police to assess areas that need improvement, so long as the criticism is healthy and not exaggerated, malicious, defamatory, or libellous.<sup>141</sup>

Contrary to this assertion by its operatives, the NPF is not known for welcoming criticism of its affairs; people often fear reporting to the police for fear of retaliation. Operatives of SARS have detained even journalists in the past. For instance, Tim Elombah was detained for weeks for publishing an article that the police considered defamatory against the former IGP, Ibrahim Idris. Another journalist, Samuel Ogundipe, was also detained by SARS operatives for failing to disclose the source of a story he wrote on the same former IGP.<sup>142</sup> The NPF also attempted to get a court order to stop the state judicial panels of inquiry into SARS. However, the IGP Mohammed Adamu eventually ordered a withdrawal of the suit as he claimed this was done without his knowledge.<sup>143</sup> Ultimately criticism by the public of the actions of police officers can be met with varied responses ranging from denial and acceptance to intimidation and retaliation.

Beyond the reaction of the NPF to the #EndSARS campaign, the subsequent paragraphs will address the reaction of other mechanisms, such as the NPC, PSC, and the NHRC. As earlier discussed, the NPC and the PSC are the two primary oversight and accountability bodies over the police.

Though some NPC members, in their capacity as governors, responded in various ways, such as meeting with protesters, there was no response from the NPC as a mechanism. The lack of response from the NPC to the #EndSARS campaign is surprising as the NPC is supposed to be a vital oversight body over the NPF in Nigeria. Furthermore, the decision to set up State Judicial Panels of Inquiry during the second wave, as mentioned above, came from the NEC and not the NPC or the PSC. The NEC advises the president on the country's economic

---

<sup>141</sup> Interview with Dr. Solomon Arase (former IGP, NPF); interview with a Superintendent and Assistant Superintendent of the NPF.

<sup>142</sup> Joseph Onyekwere, "Tim Elombah Still in Illegal Detention, Says Brother", *The Guardian*, 16 January 2018, <https://guardian.ng/features/tim-elombah-still-in-illegal-detention-says-brother/>, (accessed 11 October 2024); Kingsley Obiejesi, "Police Arrest, Detain Premium Times Reporter for Failing to Disclose Source", *International Centre for Investigative Reporting*, 14 August 2018, <https://www.icirnigeria.org/police-arrest-detain-premium-times-reporter-for-failing-to-disclose-source/>, (accessed 14 October 2024).

<sup>143</sup> Ade Adesomoju, "EndSARS: Police Ask Court to Stop Judicial Panels' Probes", *Punch*, 3 December 2020, <https://punchng.com/endsars-police-ask-court-to-stop-judicial-panels-probes/>, (accessed 15 October 2024); Nasir Aytogo, "EndSARS: IG Orders Withdrawal of Police Suit Seeking to Stop Judicial Panels", *Premium Times*, 4 December 2020, <https://www.premiumtimesng.com/news/top-news/429445-endsars-ig-orders-withdrawal-of-police-suit-seeking-to-stop-judicial-panels.html>, (accessed 11 October 2024).

affairs. It comprises thirty-six state governors and the Central Bank of Nigeria governor, with the vice president as the chairman.<sup>144</sup> Therefore, it is unclear why the directive to set up State-based Judicial Panels of Inquiry came from this economic body while the NPC and the PSC exist.

On the reaction of the PSC to the campaign, the PSC representative interviewed for this study noted that as the chief police oversight agency, it was involved in devising a response to the #EndSARS activism as they served on the PPRS, but beyond this, the PSC has always carried out its mandate to deal with police misconducts. However, what the #EndSARS campaign did was to put the PSC on 'further alert'.<sup>145</sup> Generally, the PSC representative described the impact of the #EndSARS activism as both positive and negative. Positive because social activism helps to ensure the PSC is acting in line with its mandate by raising issues and drawing the attention of the PSC to lapses. However, sometimes, the activism comes with exaggerations which the PSC did find comfortable.<sup>146</sup>

Representatives of the NHRC interviewed for this study agreed that citizens have rights which should be respected, and social activism is a way for citizens to participate in governance by engaging those in authority to bring about change. Furthermore, social activism makes the mandate of the NHRC to promote and protect human rights easier, as it brings issues of police abuse of power to the public space, putting those in authority on notice.<sup>147</sup> However, they noted that even without the #EndSARS activism, the NHRC, as part of its routine activities, was involved in investigating abuse of power by the NPF, including setting up public hearings and panels on its own or in collaboration with NGOs like the CLEEN Foundation and organising human rights seminars for operatives of the NPF. Also, the NHRC has a department of public affairs and human rights monitoring that monitors the human rights situation in the country.<sup>148</sup>

---

<sup>144</sup> *Constitution Federal Republic of Nigeria, 1999*, sec. 153(1) (h) and para 18 and 19 of part 1 of the 3<sup>rd</sup> schedule.

<sup>145</sup> Interview with Tijani Mohammed (Director of Investigation, PSC).

<sup>146</sup> *Ibid.*

<sup>147</sup> Interview with an employee of the NHRC, Phone call, 19 July 2020; Interview with Lucas Koyejo (Zonal coordinator South-West, NHRC); and Interview with Abdulrahman Ayinde Yakubu (NHRC).

<sup>148</sup> Interview with Abdulrahman Ayinde Yakubu (NHRC); Interview with an employee of the NHRC; and Interview with Sani Momodu (NHRC Edo State coordinator).

The NHRC, as described by its representatives, makes an effort to monitor Nigeria's human rights situation, and the NHRC now has the power to approach the Federal High Court to make its awards or recommendations binding.<sup>149</sup> However, it has been contended that the NHRC is not easily accessible to Nigerians as public awareness of the NHRC or the modalities for filing complaints with it is low, even though the NHRC have offices all over Nigeria.<sup>150</sup>

From examining the reaction of the different accountability mechanisms to the #EndSARS Campaign in the preceding paragraphs, it is evident that the response of the various accountability mechanisms to the #EndSARS campaign ranged from denial of the allegations against the SARS to various attempts to pacify the public by partially meeting some demands. Eventually, several collaborative investigative forums, involving representatives from different accountability mechanisms and CSOs were set up at different phases of the campaign to investigate allegations and offer solutions. For instance, the PPRS and the LSJPI – discussed further below – had representatives of the NHRC and the NPF. Furthermore, during the second wave, the stakeholders' meeting to map out ways to implement the recommendation of the PPRS was attended by representatives of the police, the NHRC, the PSC, CSOs and members of the #EndSARS activism.<sup>151</sup>

#### **4.5. Challenges Faced by the #EndSARS Activism**

Despite the best efforts of the campaign, victims were reluctant to confront the police or take the case to court. The reasons for this reluctance included fear of retaliation, distrust of the court process, and the length of time spent in the judicial process. Also, religion played a role as some victims preferred to 'leave it to God' even after CSOs had spent resources attempting to build up a case.<sup>152</sup> This limited the ability of the campaign to pursue judicial actions against police officers.

---

<sup>149</sup> *NHRC (Amendment) Act*, 2010 sec. 22.

<sup>150</sup> Solomon Ehigiator Arase, *Law on Prevention and Detection of Crimes by the Police in Nigeria*, (Lagos: Malthouse Press Limited, 2017), 191; M.A. Araromi and S.A. Oke, "A Critical Review of the Regulatory Frameworks for Police Accountability in the Nigeria's Justice System", *Nigerian Law Journal* 17, (2014): 196.

<sup>151</sup> NHRC and the NPF, "Communique of Stakeholders' Meeting on the Implementation of the Recommendations of the Presidential Panel on the Reform of the Special Anti-Robbery Squad (SARS)", 12 October 2020, [https://media.premiumtimesng.com/wp-content/files/2020/10/SARS\\_Communicae\\_mini.pdf](https://media.premiumtimesng.com/wp-content/files/2020/10/SARS_Communicae_mini.pdf), (accessed 15 October 2024).

<sup>152</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation) and Interview with Nelson Olanipekun (Team Lead, Citizens' Gavel).

Other challenges included the resistance from the NPF, as they covered up for accused officers, sometimes transferring officers subject to allegations to other locations.<sup>153</sup> Also, a group of pro-SARS protesters emerged to counter the demand to end the SARS.<sup>154</sup> However, the pro-SARS protests gained little traction and were dismissed as thugs hired by the government to attack and disrupt the #EndSARS protesters physically.<sup>155</sup>

A more significant challenge faced was the clampdown by the government in various ways. During the second wave, which relied majorly on financial contributions from the public, the government blocked the bank accounts of the Feminist Coalition, the organisation that helped collate and disburse funds. Subsequently, through the Central Bank of Nigeria, the government obtained an ex-parte court order to freeze the accounts of twenty participants in the #EndSARS campaign for an initial 90 days, claiming questionable financial transactions that needed investigation.<sup>156</sup> Beyond trying to stop the money flow, the government allegedly put key participants on a blacklist, as individuals had their international passports seized at the point of travel or had their passport renewal applications denied.<sup>157</sup>

---

<sup>153</sup> Interview with Oluwafemi Ajibade (Human rights advocate, Citizens' Gavel).

<sup>154</sup> Ojedokun, Ogunleye, and Aderinto, "Mass Mobilization for Police Accountability", 1897; Abudlkareem Haruna, "Pro-SARS Rally Holds in Maiduguri", *Premium Times*, 13 October 2020, <https://www.premiumtimesng.com/news/top-news/420393-just-in-pro-sars-rally-holds-in-maiduguri.html>, (accessed 14 October 2024).

<sup>155</sup> Mike Ebonugwo *et al.*, "#EndSARS, Pro-SARS Protesters Clash in Abuja", *Vanguard*, 20 October 2020, <https://www.vanguardngr.com/2020/10/endsars-pro-sars-protesters-clash-in-abuja/>, (accessed 14 October 2024); Good Governance (@ojhordelP) "A #ProSARS protester explained on Monday how...", Twitter Post, 19 October 2020, [https://twitter.com/ojhordelP/status/1318422595100958721?s=20&t=8d-dGN38\\_5m6OFuoPzzWsw](https://twitter.com/ojhordelP/status/1318422595100958721?s=20&t=8d-dGN38_5m6OFuoPzzWsw); Corporate Fish (@good-pikinn), "We were at Berger, protesting peacefully when Hausa/Fulani thugs attacked us...", 14 October 2020, Twitter Post, [https://twitter.com/good\\_pikinn/status/1316361351758049280?s=20&t=HVmIW5k4XD2sNlyGQTVwA](https://twitter.com/good_pikinn/status/1316361351758049280?s=20&t=HVmIW5k4XD2sNlyGQTVwA).

<sup>156</sup> *Governor, Central Bank of Nigeria v. Bolatitio Rachael Oduala and 19 Ors.* (Federal High Court, Abuja Judicial Division, suit no: FHC/ABJ/CS/1384/2020); Ikechukwu Nnochiro, "CBN Secures Order to Freeze Accounts of 20 #EndSARS Protesters," *The Vanguard*, 6 November 2020, <https://www.vanguardngr.com/2020/11/cbn-secures-order-to-freeze-accounts-of-20-endsars-protesters/>, (accessed 11 February 2023); Pulse.ng "CBN Froze #EndSARS Promoters' Accounts 2 Weeks Before Court Order, Lawyer Tells Court", 9 December 2020, <https://www.pulse.ng/news/local/cbn-froze-endsars-promoters-accounts-2-weeks-before-court-order-lawyer-tells-court/ty0k6ze>, (accessed 11 February 2023).

<sup>157</sup> Iyameto Food & Events (@Mosopemie), "First it was @cenbank locking up all my bank accounts, now it is @nigimmigration not issuing my passport...", Twitter Post, 16 December 2020, <https://twitter.com/Mosopemi/status/1339202731479855106>; Moe Odele, one of the participants of the #EndSARS protest had her passport seized at the airport while trying to travel out of Nigeria. (Fikayo Olowolagba "End SARS: Who Ordered Seizure of my Passport – Moe to Immigration", *Daily Post*, 6 November 2020, <https://dailypost.ng/2020/11/06/end-sars-who-ordered-seizure-of-my-passport-moe-to-immigration/>, (accessed 11 February 2023); Moe (@Mochievous), "So shocking that this people stopped me again and took my passport for 'secondary clearance' again...", Twitter Post, 31 December 2020, <https://twitter.com/Mochievous/status/1344454325326794753>.

Furthermore, the campaign was used as an opportunity by unidentified persons to loot numerous government warehouses and burn down government properties, including police stations. As a result, most parts of the country descended into civil unrest and curfew orders were issued in thirteen states, including Lagos.<sup>158</sup> However, some protesters at the Lekki tollgate maintained their position on October 20, 2020, when the curfew began in Lagos. Eventually, officers of the Army were deployed to various parts of Lagos to forestall violence and restore peace.<sup>159</sup> Unfortunately, this deployment of the Army to the Lekki tollgate led to the Lekki tollgate massacre.

However, the Army during the LSJPI testified that they only fired blank ammunition into the air to disperse the protesters at the Lekki Tollgate, and no fatalities were recorded.<sup>160</sup> Contrary to this, the LSJPI, based on the evidence gathered, including expert testimony, found that live ammunition was shot directly at peaceful protesters at the Lekki tollgate by both Army and NPF officials.<sup>161</sup> Furthermore, ambulances were prevented from coming into the scene to render first aid by the soldiers.<sup>162</sup> The LSJPI held that this led to several casualties, including the death of nine protesters.<sup>163</sup> However, in response to the LSJPI's report, the Lagos State government's White Paper rejected the findings that nine people were killed at the Lekki tollgate. The White Paper further stated that the LSJPI had no sufficient evidence to support the number nor establish arbitrary and indiscriminate killings of protesters.<sup>164</sup>

The police responded to the peaceful protests using extreme measures like tear gas, water cannons, live ammunition, violence, and imposing sanctions on media houses.<sup>165</sup> For

---

<sup>158</sup> Adam Abu-bashal, "Nigeria Imposes Curfews in 4 More States Amid Protests", *Anadolu Agency (AA)*, 26 October 2020, <https://www.aa.com.tr/en/africa/nigeria-imposes-curfews-in-4-more-states-amid-protests/2018958>, (accessed 14 October 2024).

<sup>159</sup> Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20 October 2020*, 21.

<sup>160</sup> *Ibid.*, 22-23.

<sup>161</sup> *Ibid.*, 286-287, 291-293.

<sup>162</sup> *Ibid.*, 295.

<sup>163</sup> *Ibid.*, 296-298.

<sup>164</sup> Lagos State Government, *White Paper on the Lagos State Judicial Panel of Inquiry on the Report of Lekki Incident Investigation on 20 October 2020*, (November 2021), 22, 16.

<sup>165</sup> Niyi Oyedeji, "#EndSARS: Security Operatives Assault Arise TV crew, Seize Camera in Abuja", *International Centre for Investigative Reporting*, 13 October 2020, <https://www.icirnigeria.org/endsars-security-operatives-assault-arise-tv-crew-seize-camera-in-abuja/>, (accessed 14 October 2024); Human Rights Watch, "Nigeria: Crackdown on Police Brutality Protests", 16 October 2020, <https://www.hrw.org/news/2020/10/16/nigeria-crackdown-police-brutality-protests>, (accessed 14 October 2024); Channels Television, "Police Tear Gas at

instance, an unidentified number of peaceful protesters, including journalists, were arrested for participating, and some remain unaccounted for to date. So far, the #EndSARS Legal aid group has recorded that it has received over 352 cases of arrested peaceful protesters.<sup>166</sup>

Another challenge faced by the campaign was the government's clampdown on traditional media by limiting the use of information derived from social media platforms. On 20 October 2020, shortly after the second wave of the protest began, the National Broadcasting Commission (NBC), released guidelines on the coverage of the crisis. The NBC Guidelines reminded broadcasters of certain broadcasting rules, which included restraint when using user-generated materials so as not to embarrass individuals, and the government or incite panic in society. NBC also urged broadcasters that they have to promote the co-operate existence of Nigeria.<sup>167</sup> Six days after this release, NBC imposed financial sanctions on three television stations for violating the broadcasting code because they transmitted unverified footage from 'unauthenticated social media sources', which 'heightened the violence witnessed during the #EndSARS crisis.'<sup>168</sup> Thereafter most traditional media houses appeared to be more cautious in covering the campaign.<sup>169</sup> This challenge supports one of McPherson's advantages of social media use in advocacy, as pointed out above. McPherson posits that social media enables the amplification of messages without dependence on mainstream media which might be constrained by censorship.<sup>170</sup> The #EndSARS campaign was predominantly covered by various social media platforms in the face of state clampdown on traditional media.

---

#EndSARS Protesters in Abuja", 19 October 2020, <https://www.channelstv.com/2020/10/19/breaking-police-fire-teargas-at-endsars-protesters-in-abuja-2/>, (accessed 14 October 2024).

<sup>166</sup> #EndSARS Legal Aid is made up of a network of 800 volunteer lawyers working to help secure the release of arrested protesters and helping with filing petitions before judicial panels of inquiry. <https://endsarslegalaid.co/>; Oluwatosin Adeniji (@callmerahila), "Great to be back after being detained in Suleja Prison...", Twitter Post, 12 November 2020, <https://twitter.com/callmerahila/status/1326923518144032768>.

<sup>167</sup> National Broadcasting Commission, "Reminder of Rules on Coverage of Crises", 20 October 2020, <https://twitter.com/nbcgovng/status/1318630417566715912?s=20>.

<sup>168</sup> The stations sanctioned were AIT, Channels, Arise TV, "EndSARS: NBC Imposes N3m Sanction Each on AIT, Channels, Arise TV", *Premium Times*, 26 October 2020, <https://www.premiumtimesng.com/news/more-news/423162-endsars-nbc-imposes-n3m-sanction-each-on-ait-channels-arise-tv.html>, (accessed 14 October 2024).

<sup>169</sup> Ivie Ani, "Nigeria's #EndSARS Movement and Media Suppression", *Columbia Journalism Review*, 2 November 2020, <https://www.cjr.org/analysis/nigeria-endsars-press-freedom.php>.

<sup>170</sup> Ella McPherson, "Risk and the Pluralism of Digital Human Rights Fact-Finding and Advocacy", in *New Technologies for Human Rights Law and Practice*, eds. Molly K. Land and Jay D. Aronson (Cambridge: Cambridge University Press, 2019), 199.



A significant challenge faced by the campaign was the violence that became associated with it though it set out to be peaceful physical protests. For instance, the NPF reported the deaths of 51 civilians and 22 police officers and injury to 37 civilians and 26 police officers. The NPF also recorded 205 properties, including police stations, corporate facilities, and private properties, were attacked, burnt or vandalised.<sup>171</sup> On the other hand, Amnesty International reported that 56 persons had died across the country since the second wave of the #EndSARS campaign began.<sup>172</sup>

Campaigning against the police, especially in a country like Nigeria with a history of police abuse, is a highly perilous endeavour as activists encounter various challenges such as repression and intimidation. As examined above some of the challenges faced by the #EndSARS campaign included fear of police retaliation, government clampdown on protesters and traditional media, and police violence against protesters. As observed by a participant in the campaign interviewed for this study, ‘when you are running a movement like this, you have backlash from the authorities that are involved in the police brutality, and you feel unsafe...’.<sup>173</sup> However this is not peculiar to Nigeria, as will be discussed subsequently in other case studies, activists have also faced varying levels of state oppression and violence.

#### **4.6. Role of the #EndSARS Activism in Pursuing Accountability**

As discussed above, the demands of the #EndSARS campaign included calls for independent investigations into the allegations against SARS, justice for victims, appropriate compensation and legislative reforms. Using the various tactics addressed above, the campaign was effective in pressuring the government to pursue some form of investigation, remedies, and reforms. Ultimately, the effectiveness of the campaign in achieving these elements was marred by an apparent lack of political will. This section takes a deep dive into the role of the #EndSARS campaign in pursuing these three components of accountability.

---

<sup>171</sup> Nigeria Police Force (@PoliceNG), “Recall that in the wake of the...”, Twitter Post, 7 November 2020, <https://twitter.com/PoliceNG/status/1324999198497001478>.

<sup>172</sup> Amnesty International Nigeria, “#EndSARS: Investigate Killings of Protesters”, 26 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/>. (accessed 14 October 2024).

<sup>173</sup> Interview with Nelson Olanipekun (Team Lead, Citizens’ Gavel).



#### **4.6.1. Investigation**

The #EndSARS activism, as already noted above, led to the establishment of panels at the federal and state levels to receive complaints and investigate the alleged atrocities. These panels were open to the public and members of these panels were representatives from civil society organisations, the police accountability mechanisms, the judiciary and in some instances religious leaders. The NHRC also constituted its panel into the allegations against SARS. In addition to these panels, some participants in the #EndSARS campaign carried out private investigations to verify complaints received on social media platforms before taking their findings to the police.

The first wave saw the inauguration of the PPRS on 15 August 2018. The PPRS consisted of the chairman of the NHRC, representatives from the PSC, PCC, Civil Society Organisations (CSOs), the Nigerian Bar Association, Academia, the Public from a police background and a secretary who was from the NHRC. The IGP also sent a senior police officer as a representative to support the work of the PPRS.<sup>174</sup> The Terms of Reference (ToR) of the PPRS were:<sup>175</sup>

1. Investigate the veracity of allegations of human rights abuses and abuse of power made against the SARS within the last two years.
2. Independently review and render advice on any value added by SARS from a public safety and public security perspective.
3. Make recommendations to the government on:
  - The steps that may be taken to reform or restructure SARS,
  - Measures to be taken in respect of operatives of SARS, if any found in violation of the human rights of citizens,
  - Remedial steps that may enhance the professional conduct of SARS operatives and other members of the NPF,

---

<sup>174</sup> Excerpts of the executive summary of the Report of the Presidential Panel on the Reform of the Special Anti-Robbery Squad (PPRS), (2019), 34; shared by Abdulrahman Ayinde Yakubu, NHRC, in an interview with the author, 8 October 2020.

<sup>175</sup> Ibid.

- Any recommendations that may be considered appropriate.

The PPRS invited members of the public via announcement both in print and electronic media to submit complaints against operatives of SARS that fell within the 2-year timeframe. Complaints were to be made in person within two weeks of the announcement at the offices of the NHRC in various states, through postal or courier services or email. As a result, the PPRS received 113 complaints and 22 memoranda on the reform and restructuring of SARS and the NPF.<sup>176</sup> After receiving complaints, the PPRS proceeded to organise public hearings across geopolitical zones in the country.<sup>177</sup>

The report of the PPRS, which was submitted to the president ten months after its inauguration, identified police operatives responsible for human rights violations during the timeframe considered, it recommended the dismissal of thirty-seven SARS operatives and the prosecution of twenty-four operatives.<sup>178</sup> Apart from identifying human rights violators, the PPRS also identified several human rights violations, including arbitrary arrest and detention, extortion, confiscation of property, torture and inhuman treatment, extra-judicial killings, sexual; exploitation, refusal to release the corpse of victims and biased investigation.

These recommendations were never acted upon, and this failure to implement the recommendations, as noted above, contributed to the emergence of the second wave of the #EndSARS protests. It was after the second wave of the #EndSARS activism resumed that the NHRC submitted the recommendations of the PPRS to the PSC and organised a stakeholder meeting to map out steps for immediate implementation.<sup>179</sup>

---

<sup>176</sup> “#EndSARS: Presidential Panel recommends dismissal of 37 SARS Operatives”, Channels Television, 16 October 2020, <https://www.channelstv.com/2020/10/16/endsars-presidential-panel-recommends-dismissal-of-37-police-officers/>. (accessed 14 October 2024).

<sup>177</sup> The public hearing for the North Central took place at Abuja from the 22 to 25 October 2018; for the Southwest the public hearing took place from the 13 to 17 November 2018 at Lagos; for the North East at Gombe from the 5 to 7 December 2018; for the South East and South-South the public hearing held at Owerri between 27 November 2018 to 1 December 2018, and a second public hearing in Abuja from the 14 to 26 January 2016. Further sittings were also held at the NHRC in Abuja from the 31 January to 22 February 2019. (Derived from excerpts of the executive summary of the report of the Presidential Panel on the Reform of the Special Anti-Robbery Squad (PPRS)).

<sup>178</sup> Channels Television, “Four Major Recommendations by the Special Panel on SARS”, 3 June 2019, <https://www.channelstv.com/2019/06/03/four-major-recommendations-by-the-special-panel-on-sars/>. (accessed 14 October 2024).

<sup>179</sup> National Human Rights Commission, “Press Release: Police Reform: NHRC Submits Panel’ Report to PSC, Seeks Immediate Implementation”, <https://nigeriarights.gov.ng/nhrc-media/press-release/145-police-reform-nhrc-submits-panel-s-report-to-psc-seeks-immediate-implementation.html>. (accessed 14 October 2024).

During the second wave of the #EndSARS, following the directives of the NEC for all states to set up judicial panels of inquiry to investigate complaints of police brutality, most states set up Judicial Panels. Representatives from the judiciary, the police, the NHRC, religious bodies, CSOs and youths constituted these state panels.<sup>180</sup>

The LSJPI, one such Judicial panel was inaugurated on 19 October 2020, and concluded proceedings twelve months later – though it had an initial tenure of six months.<sup>181</sup> It had the power to receive memoranda from members of the public and compel and summon witnesses to appear before it.<sup>182</sup> The LSJPI's ToRs included the following: identification of victims of abuse, brutality and extrajudicial killings by officers of the disbanded SARS and officers of the NPF; investigation of petitions/Memoranda received on police brutality and extrajudicial killings in Lagos state; evaluation of the evidence and conclusions on the validity of such petitions and memoranda; interrogation of serving or dismissed officers of the disbanded SARS and officers of the NPF, responsible for the abuse of victims and recommendation of prosecution; investigation of the October 20, 2020 incident at the Lekki Toll Gate and determination and recommendation of compensation for verifiable/deserving victims and their dependents.<sup>183</sup>

Meanwhile, constitutional law scholars doubted the validity of state panels constituted by the governors to make binding decisions on matters involving the NPF. They viewed the state-based panels as the Federal Government merely abdicating its responsibilities to the state governments. This doubt on the powers of the state panel is because the police are under the exclusive list in the constitution, and hence all matters involving the police should be decided by the Federal Government and not states.<sup>184</sup> Hence state governors do not have

---

<sup>180</sup> CLEEN Foundation, "Details of EndSARS State Judicial Panels of Inquiry in Nigeria", <https://cleen.org/details-of-endsars-state-judicial-panels-of-inquiry-in-nigeria/>, (accessed 14 October 2024); CLEEN Foundation, "State Judicial Panels of Inquiry on Police Brutality in Nigeria", <https://cleen.org/state-judicial-panel-of-inquiry-on-police-brutality-in-nigeria/>, (accessed 14 October 2024).

<sup>181</sup> Lagos State, *White Paper on Lagos State Judicial Panel of Inquiry*, 5.

<sup>182</sup> Babajide Sanwo-Olu (@jjidesanwoolu), "The Judicial Panel after listening to victims or their families would determine whether...", Twitter Post, 18 October 2020, <https://twitter.com/jjidesanwoolu/status/1317945206939975681>.

<sup>183</sup> Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20 October 2020*, 3.

<sup>184</sup> The Nation, "#EndSARS: How Panels of Enquiry can Get Justice for Victims", 6 October 2020, <https://thenationonlineng.net/endsars-how-panels-of-enquiry-can-get-justice-for-victims/>, (accessed 15 October 2024); Chukwudi Nweje, "EndSARS: States' Judicial Inquiry Designed to Fail – Odinkalu, Ex-NHRC

the powers to implement the decisions of the various state-based panels of inquiries into SARS except as instructed by the Federal Government.

In addition to the state judicial panels, the NHRC also inaugurated an eleven-member Independent Investigative Panel (IPP) to complement the work of the state judicial panels by probing allegations of human rights violations against the defunct SARS and other units of the NPF. A retired justice heads the IPP, and other members include representatives of the PSC, the NPF, and CSOs.<sup>185</sup> The IPP began sitting in November 2020, abruptly stopped sitting in March 2021, resumed in October 2021, and adjourned sitting again on 23 December 2021, due to challenges, including a lack of funds.<sup>186</sup> The NHRC's IPP again resumed sitting in March 2022. It has so far recorded 297 petitions from across the country alleging misconduct by operatives of the defunct SARS.<sup>187</sup>

Though these types of investigative panels are mechanisms used by states in investigating human rights violations, the effectiveness of these panels to properly conduct such investigations is questionable. An effective investigation should aid in clarifying facts, determining the occurrence of a human rights violation, identifying any perpetrator(s) and gathering evidence for prosecution. The ToR of both the PPRS and the LSJPI mandated the panels to investigate, but it appears the role of the panels was primarily judicial – hearing both sides and considering the evidence brought before them. For instance, one of the criteria for petitions to be submitted before the LSJPI was for the petitioner to identify the accused police officer(s) and the police station/division involved in the abuse.<sup>188</sup> This criteria put the burden of some parts of the investigation on the victim or the NGO helping the

---

Chair”, *The Sun*, 3 November 2020, <https://www.sunnewsonline.com/endsars-states-judicial-inquiry-designed-to-fail-odinkalu-ex-nhrc-chair/>, (accessed 14 October 2024).

<sup>185</sup> NHRC Nigeria (@NhrcNigeria), “NHRC inaugurates Independent Investigative Panel...”, Twitter Post, 22 October 2020, <https://twitter.com/NhrcNigeria/status/1319164407063171072?s=20>; Premium Times, “EndSARS: Nigeria’s Human Rights Commission Inaugurates Probe Panel on Violations”, 21 October 2020, <https://www.premiumtimesng.com/news/top-news/422180-endsars-nigerias-human-rights-commission-inaugurates-probe-panel-on-violations.html>, (accessed 15 October 2024).

<sup>186</sup> Friday Olorok, “EndSARS Panel Resumes Sitting Today as NHRC Secures Funding”, *Punch*, 1 March 2022, <https://punchng.com/endsars-panel-resumes-sitting-today-as-nhrc-secures-funding/>, (accessed 14 October 2024); NHRC, “NHRC Panel Bounces Back, Resumes Sitting Monday”, 17 October 2021, <https://www.nhrc.gov.ng/nhrc-media/news-and-events/218-nhrc-sars-panel-bounces-back-resumes-sitting-monday.html>, (accessed 14 October 2024).

<sup>187</sup> Olorok, “EndSARS Panel Resumes Sitting Today as NHRC Secures Funding”.

<sup>188</sup> Judicial Panel on SARS (@LagosSarsPanel), “Format required to submit petitions...”, Twitter Post, 30 October 2020, <https://twitter.com/LagosSarsPanel/status/1322040422617780224>, (accessed 11 February 2023).

victims as most victims do not know the name of the police operative either because they did not take note while the alleged abuse occurred or the said police operative was not wearing any form of identification. The difficulty of these panels in identifying police operatives in Nigeria when abuse has occurred can be gleaned from the report of the PPRS, which included a recommendation for the NPF to reveal the identities of twenty-two SARS operatives involved in human rights violations which the PPRS was unable to identify.<sup>189</sup> However, this study was unable to confirm if this was done.

Aside from the PPRS and the Judicial Panels in states, the NPF in response to both waves of the #EndSARS also announced investigations into the allegations and complaints. In December 2017, during the first wave, IGP Ibrahim ordered the ‘the instant investigation of all allegations and complaints levelled against the SARS by the IGP X-squad of the NPF.’<sup>190</sup> In October 2020, during the second wave, the NPF again announced the establishment of an investigation team in collaboration with CSOs and human rights bodies.<sup>191</sup>

Beyond these special investigative panels, some of the participants of the #EndSARS activism interviewed for this study also stated that they had to conduct some investigation to verify the complaints received on social media before taking their findings to the police. They investigated to verify the claims and identify the police officers or units involved. According to Awosanya, this made seeking justice easier and faster. Therefore, when such evidence was presented, they would sometimes receive feedback from the police within forty-eight hours, unlike the regular route of reporting to the police station, which could sometimes take two to three years.<sup>192</sup> Beyond this, Awosanya reflected that private preliminary investigations were necessary as there was the need for incontestable evidence showing police brutality to prevent any excuse or cover-up by the NPF. Awosanya noted that the political nature of appointment into the NPF, wherein some key officers are specially appointed by some political ‘godfathers’ contributes to impunity, as these officers often feel

---

<sup>189</sup> Channels Television, “Four Major Recommendations by the Special Panel on SARS”.

<sup>190</sup> The Vanguard, “Breaking: IGP Bows to #EndSARS, Orders Immediate Re-organization of SARS”.

<sup>191</sup> Nigeria Police Force @PoliceNG, “advise on police activities as they affect the general public. In addition, the Force is constituting and Investigation Team...”, Twitter Post, 11 October 2020, <https://twitter.com/PoliceNG/status/1315280212209340416>. (accessed 25 March 2023).

<sup>192</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

untouchable, and even the IGP will be reluctant to take disciplinary actions against such officers without incontestable evidence which will leave no wiggle room.<sup>193</sup>

#### **4.6.2. Remedies**

The #EndSARS campaign led to several promised remedies at the state and federal levels. In a bid to stop the protests and a possible show of transparency, leaders made various performative statements and actions for instance publishing pending court cases against police officers, setting up trust funds to compensate victims of police abuse, and publicising disciplinary steps taken against officers by the NPF. In the long run, the buzz of remedies eventually died down, and some leaders, like the Lagos State government, reneged on such promises and passed on the responsibility to the Federal Government. However, as will be further examined in this section, some participants in the campaign appeared to be more successful in obtaining some form of remedy by working directly with the police.

In the aftermath of the second wave of the #EndSARS activism, the Ministries of Justice in Lagos State and Ogun State released lists of pending criminal prosecutions against police officers for various offences in violation of human rights. The offences ranged from murder, armed robbery, and involuntary manslaughter.<sup>194</sup> It is impossible to draw a direct link between the #EndSARS activism and the filing of these cases, especially in Lagos state, as some cases were filed before the activism began and others as recently as 2018 and 2020. However, the release of these lists of pending criminal prosecutions, which contained additional information such as judges' names and the state of the case, can be argued to be a result of the activism. As stated by the Governor of Lagos – Babajide Sanwo-Olu –, the list showed the government's commitment to ending police brutality.<sup>195</sup> Though criminal cases against errant officers are positive steps, the court processes in Nigeria can go on for years, some of the cases against police officers in Lagos state were filed as far back as 2012 and 2013 and are still ongoing. This slow judicial process is an additional burden to victims seeking judicial remedy, hence many Nigerians' apathy towards court cases.

---

<sup>193</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>194</sup> Ministry of Justice, Ogun state @MOJ\_Ogun, "A statement from the Attorney-General and Commissioner for Justice...", Twitter Post, 22 October 2020, [https://mobile.twitter.com/MOJ\\_Ogun/status/1319189774926663682](https://mobile.twitter.com/MOJ_Ogun/status/1319189774926663682), (accessed 11 February 2023).

<sup>195</sup> Babajide Sanwo-Olu @jidesanwoolu, "Good morning Lagos, Today seems like a good day to get on to the work of rebuilding Lagos...", Twitter Post, 23 October 2020, <https://mobile.twitter.com/jidesanwoolu/status/1319528224699912192>, (accessed 11 February 2023).

Beyond prosecuting operatives in court, some police officers were also subjected to disciplinary actions due to the #EndSARS protests. For example, the operative responsible for the death of Kolade Johnson was dismissed from service after an ORT where he was found guilty of ‘...discreditable conduct by acting in a manner prejudicial to discipline and unbecoming of members of the Force by shooting and killing Kolade Johnson; unlawful and unnecessary exercise of authority by using unnecessary violence with an AK-47 rifle on the deceased in total neglect of the provisions of Force Order 237b on the use of Firearms’.<sup>196</sup> However, the Lagos State government rejected the LSJPI’s recommendation of disciplinary actions and criminal prosecution against certain officers of the NPF. As the government contended that the LSJPI did not have enough evidence to establish arbitrary and indiscriminate killing of protesters; hence it will request further investigations by the NPF on the allegations.<sup>197</sup>

In addition, Awosanya stated that they had recorded success in helping victims of police extortion get back their money from the police, and some victims obtain compensation directly from the police. This was possible in cases they were able to get evidence such as pictures of the incident, and bank statements showing the transfer of money to the account of the officer.<sup>198</sup> Also, lawyers involved in the #EndSARS activism successfully obtained the release of persons from detention.

The #EndSARS activism also brought about promises of compensation. For instance, Babajide Sanwo-Olu stated during the second wave of the #EndSARS activism that a trust fund of 200 million naira (approximately 527,000 USD as of the October 2020 exchange rate) was set up to compensate victims of police brutality.<sup>199</sup> As noted above, one of the ToRs of the LSJPI was to determine and recommend compensation for verifiable/deserving victims and their dependents. The LSJPI recommended the award of 237 million naira (Approximately 570,000 USD at the exchange rate of November 2021) in damages to twelve

---

<sup>196</sup> Mojeed Alabi, “Police Dismiss Cop Who Killed Kolade Johnson”, *Premium Times*, 4 April 2019, <https://www.premiumtimesng.com/news/headlines/324000-breaking-police-dismiss-cop-who-killed-kolade-johnson.html>, (accessed 14 October 2024).

<sup>197</sup> Lagos State, *White Papper on Lagos State Judicial Panel*, 16.

<sup>198</sup> Awosanya was unwilling to provide documents on this due to privacy and confidentiality between the parties involved.

<sup>199</sup> Babajide Sanwo-Olu @jidesanwoolu, “6. Compensation for victims of police brutality...”, Twitter Post, 15 October 2020, <https://twitter.com/jidesanwoolu/status/1316823274781904896>, (accessed 11 February 2023).



petitioners and one witness and ordered the prompt disbursement.<sup>200</sup> The Panel also recommended setting up a trust fund to compensate victims of the Lekki tollgate incident and other proven human rights abuse.<sup>201</sup> Though the Lagos State government had previously stated it had set up a trust fund to compensate victims of police brutality, it promised to forward this recommendation to the Federal Government and the NEC.<sup>202</sup> According to the NHRC, the IPP paid out a total of about 439 million naira (approximately 1.04 million USD at the exchange rate of 2022) as compensation to 100 petitioners.<sup>203</sup>

Most of the remedial recommendations by the LSJPI, such as the appropriate disciplinary action against specific officers of the NPF and the Army, including prosecution of police officers from a particular police station for the arbitrary and indiscriminate shooting and killing of protesters,<sup>204</sup> were met with the same response from the Lagos State government – a promise to forward the recommendation to the appropriate authority like the NPF, the Army, Federal Government, or the NEC citing lack of powers to implement such recommendations.<sup>205</sup> This response of the Lagos state government gives credence to the critique by constitutional lawyers on establishing State-based Judicial Panels discussed above. Moreover, since the NPF is within the ambit of federal powers, it provided states with an easy cop-out for failing to implement the state Judicial Panel's recommendations.

However, when one considers the failure to implement the earlier recommendations by the PPRS established by the presidency and spearheaded by the NHRC, this points to a broader issue, which is the lack of political will to implement recommendations by investigative panels and not whether the recommendations are coming from the state-based panel or a federal panel.

#### **4.6.3. Reforms**

Reforms are essential in the process of accountability to guarantee that human rights violations do not recur. Reforms, as earlier discussed, involve a myriad of measures such as

---

<sup>200</sup> Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20 October 2020*, 304.

<sup>201</sup> *Ibid.*, Recommendation 29 and 30, 308

<sup>202</sup> Lagos State, *White Paper on Lagos State Judicial Panel*, 24.

<sup>203</sup> National Human Rights Commission, *2022 Annual Report*, (Abuja: NHRC, May), 60.

<sup>204</sup> Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20 October 2020*, Recommendations 2, 3, 9, 305-306.

<sup>205</sup> Lagos State, *White Paper on Lagos State Judicial Panel*, 13.

legislative reviews, enactment of new laws, training of officers in human rights, and even judicial prosecution. In this case, the call for reforms went beyond the immediate demand by the campaign for the government to permanently disband the SARS, to calling for specific reform measures such as a new *Police Act*, prosecution and discipline of officers and an increase in salary of police officers.

The immediate reform that the #EndSARS activism demanded was an end to the SARS. However, there was a general reluctance on the part of the government to do this as they felt a few bad apples within the SARS should not lead to a total shutdown of the squad. As mentioned above, in 2017, the government first tried to reorganise SARS by issuing directives that would put the SARS under the control of Commissioners of Police in various states and give SARS operatives proper uniforms for easy identification and human rights training should be conducted.<sup>206</sup> However, these made no difference over the years as the abuse by the SARS operatives continued. With the second wave in 2020, another attempt was made to reorganise the operations of the SARS by removing them entirely from random street patrol, but this was not satisfactory to the #EndSARS activism either. Finally, on October 11, 2020, the SARS was disbanded, and immediately, another unit – SWAT – was introduced to take over the activities of SARS and focus on major crimes. Prospective operatives of this new unit immediately began training before deployment.<sup>207</sup> In addition to the disbandment of SARS, some participants in the campaign interviewed for this study also linked the NPF's disbandment of other tactical units such as the Special Tactical Squad and Intelligence Response Squad to the #EndSARS activism.<sup>208</sup> As mentioned above, the immediate creation of SWAT was considered superficial by the public, as it did not address the culture of police brutality prevalent in the NPF and neither were defaulting operatives of SARS punished to serve as a deterrent, so the protests continued.<sup>209</sup> API's snap poll found that 77% of the respondents expressed disbelief that establishing SWAT to replace SARS

---

<sup>206</sup> The Vanguard, "Breaking: IGP Bows to #EndSARS, Orders Immediate Re-organization of SARS".

<sup>207</sup> Channels Television, "Operatives of Newly Formed SWAT Begin Training", YouTube Video, 2.46, 2 November 2020, [https://www.youtube.com/watch?v=X16R\\_GOcoFg&feature=emb\\_err\\_woyt](https://www.youtube.com/watch?v=X16R_GOcoFg&feature=emb_err_woyt).

<sup>208</sup> Interview with Emmanuel Ikule (National Co-Ordinator, NOPRIN); Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation); Interview with Nelson Olanipekun (Team Lead, Citizens' Gavel), and interview with a Superintendent and Assistant Superintendent of the NPF.

<sup>209</sup> Interview with Ayo Sogunro (Human rights advocate).

would end the incidence of police brutality, while 8% noted that it was too early to determine the performance of SWAT.<sup>210</sup>

Another significant reform was the signing into law of the *Police Trust Fund Act 2019* on 24 June 2019, and the *Police Act of 2020* on 17 September 2020, after the first wave of the #EndSARS. As previously mentioned, Awosanya and other participants in the activism interviewed for this study credited the campaign as a contributory force in advocating for the passage of these laws.<sup>211</sup>

The *Trust Fund Act* aims to source funds from sources other than the federal allocation, to ameliorate the challenges of funding the police. The Trust Fund is dedicated to specifically funding the training and retraining of members of the NPF; purchase of equipment, machinery, provision of security equipment and other facilities for the enhancement of skills of the members of the NPF in the handling of operational equipment and machinery, and to generally equip the NPF in the performance of their duties.<sup>212</sup> The Police Trust Fund is to be funded from various sources including 0.5% of the total revenue accruing to the Federation Account; monies appropriated by the National Assembly in the budget to meet the objective of the Act; aids, grants and assistance from international agencies, NGOs and the private sector; grants, donations, endowments, bequests and gifts (whether of money or property) from any source.<sup>213</sup> The Trust Fund is to operate for only 6 years from the commencement of the Act (subject to extension by an Act of the National Assembly).<sup>214</sup>

Some notable provisions of the *Police Act 2020* are on the powers of the police to search and arrest. The *Police Act 2020* forbids stereotyping based on physical appearance, physical attributes, or previous conviction as reasonable grounds for arrest or search.<sup>215</sup> Furthermore, it prohibits the arrest of any person like a family relative in place of a suspect; and makes it mandatory for the next of kin or relative of an arrested suspect to be immediately notified

---

<sup>210</sup> Africa Polling Institute, “The #EndSARS Protest: Beyond Police Brutality in Nigeria”.

<sup>211</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation), Interview with Oluwafemi Ajibade (Human rights advocate, Citizens’ Gavel); Interview with Nelson Olanipekun (Team Lead, Citizens’ Gavel), and Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty).

<sup>212</sup> *Nigeria Police Trust Fund (Establishment) Act*, sec.1, 5.

<sup>213</sup> *Nigeria Police Trust Fund (Establishment) Act*, sec.4

<sup>214</sup> *Nigeria Police Trust Fund (Establishment) Act*, sec. 2(2).

<sup>215</sup> *Police Act 2020*, sec. 54.

after an arrest.<sup>216</sup> In addition, the IGP and states' Commissioners of Police are to submit a quarterly report of arrests and searches to the Attorney General of the Federation and the Attorney General of states.<sup>217</sup> These provisions are essential and address some of the issues of police abuse of powers raised during the #EndSARS activism. The Police Act 2020 also gives the CRU legislative formalisation, laying down the mandate of the CRU.<sup>218</sup> However, Sogunro, speaking on the new *Police Act of 2020*, expressed less enthusiasm stating that the *Police Act 2020* established the NPF as it is and reiterates things already in the Nigerian constitution.<sup>219</sup> Despite Sogunro's lack of enthusiasm for the *Police Act 2020*, for some participants in this activism, the laws governing the NPF are essential to police accountability. This is gleaned from the definition of police accountability given by some participants in this activism when interviewed for this study. For Olanipekun, police accountability is holding the police to the enabling laws and citizens they are meant to protect.<sup>220</sup> Similarly, Awosanya stated that accountability is ensuring adherence to the principles and protocols for which the police or police unit was created.<sup>221</sup> For some others, police accountability includes ensuring the police fulfil their constitutional obligations.<sup>222</sup> A similar definition of police accountability was given by the representative from the PSC interviewed for this study who reflected that police accountability means the police operating per the law in all aspects of their duties.<sup>223</sup>

Another reform credited to the campaign by a participant interviewed for this study is the issuance of a practice direction by the then CJN – Walter Onnoghen – on 20 June 2018, to all magistrates to conduct inspections of police stations and other places of detention except prisons within their territory.<sup>224</sup> Though this was not a direct demand by the campaign, the CJN, however, stated that he had 'observed and received several complaints' of police brutality, inordinate arrest and extortion of Nigerians across the country; hence there was a

---

<sup>216</sup> *Police Act 2020*, sec. 36, and sec. 35(3).

<sup>217</sup> *Police Act 2020*, sec. 47 and sec. 53(13) (14).

<sup>218</sup> *Police Act 2020*, sec. 131, 132, 133.

<sup>219</sup> Interview with Ayo Sogunro (Human rights advocate).

<sup>220</sup> Interview with Nelson Olanipekun (Team Lead, Citizens' Gavel).

<sup>221</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>222</sup> Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty).

<sup>223</sup> Interview with Tijani Mohammed (Director of Investigation, PSC).

<sup>224</sup> Interview with Nelson Olanipekun (Team Lead, Citizens' Gavel).

need to curb these excesses through the statutory powers of the courts.<sup>225</sup> This practice direction was given legislative formalisation in the *Police Act 2020*. The *Police Act 2020* mandates magistrates to conduct monthly inspections of detention facilities except for prisons. The magistrate is to examine the records of arrest and bail, the applications and decisions on bail and any other records the magistrate needs to exercise this power.<sup>226</sup>

In addition, as noted earlier, some of the directives given by the police in response to the activism in both waves contained plans for training programs for the police in areas such as core police duties, handling of suspects in custody and observance of human rights. For instance, after the disbandment of the SARS, the IGP M.A. Adamu announced other reforms, including establishing a Police Counselling and Support Unit (PCSU) for psychological management, re-orientation, and training of police officers. In addition, the IGP introduced a Citizens' and Strategic stakeholders' forum to advise on the activities of the police as they affect the general public as a measure to prevent the re-occurrence of the issues that gave rise to the dissolution of SARS.<sup>227</sup>

Another reform was the increase in police salaries. Nearly a year after the second wave of the protest, the police affairs minister announced that a new salary structure for the NPF, which featured a 20 per cent increase in take-home pay for police personnel had been approved by the government. According to the police minister, this increase was in fulfilment of the president's promise during the #EndSARS protests to review the salary of the police as demanded by the campaign.<sup>228</sup>

Generally, while the campaign was effective in motivating the government into making some reforms such as legislative changes, a closer look at some of these actions such as the disbandment of SARS, appear to be merely performative. In addition, despite the recommendations made by the different investigative panels, the recommendations have

---

<sup>225</sup> Paschal Njoku, "CJN Orders Magistrates to Inspect Police Stations, Detention Facilities", *Independent*, 29 June 2018, <https://independent.ng/cjn-orders-magistrates-to-inspect-police-stations-detention-facilities/>, (accessed 14 October 2024).

<sup>226</sup> *Police Act 2020*, sec. 70(1) (2) (3).

<sup>227</sup> Nigeria Police Force (@PoliceNG), "IGP Dissolves the Special Anti-Robbery Squad...", Twitter Post, 11 October 2020, <https://twitter.com/PoliceNG/status/1315277838371749889>, (accessed 11 February 2023).

<sup>228</sup> Nasir Aytogo, "Updated: #EndSARS: FEC approves salary Increase for Nigerian Police Personnel", *Premium Times*, 15 December 2021, <https://www.premiumtimesng.com/news/headlines/501001-endsars-fec-approves-salary-increase-for-nigerian-police-personnel.html>, (accessed 13 October 2024).

gone unimplemented. The Nigerian government has generally shown a lack of political will to reform the NPF or implement the recommendations of the PPRS and the LSJPI. For instance, the PPRS recommended the periodic screening of operatives of SARS, training and refresher training on human rights, specialised training to enhance police methods and procedures, enhancing police budget and accountability, disciplinary measures for human rights violations and overall, a ten-year police intervention plan for extensive reforms. The LSJPI made similar recommendations, such as training NPF and other security agencies on crime scene management and management of protests. The Lagos government, in response, promised to forward the recommendations to the Federal Government. However, the Minister of Information described the findings of the LSJPI as ‘nothing but the triumph of fake news’.<sup>229</sup> While the president, in reaction to the LSJPI’s report, stated that the Federal Government was waiting for states that set up the Judicial Panels to take the needed steps.<sup>230</sup>

However, despite the failure of the government to implement the recommendations of the investigative panels, the campaign was successful as it led to legislative reforms, an increase in police salaries, increased scrutiny of the NPF and served as a light deterrent to the police. In addition, participants interviewed for this study observed that a fundamental role the activism played was to create a level of consciousness/awareness among the citizens, creating active citizens who demanded a change within the NPF, thus propelling the change-makers who had powers over the police to step up and do their jobs.<sup>231</sup> Another participant in the #EndSARS campaign interviewed for this study observed that the #EndSARS activism might not have led to accountability as complaints were still being received; however, it brought SARS to the spotlight, which cautioned operatives to a large extent.<sup>232</sup>

---

<sup>229</sup> Rejoice Ewodage, “#EndSARS Panel Report a Waste of Time, Taxpayers Money – Lai Mohammed”, Channels Television, 23 November 2021, <https://www.channelstv.com/2021/11/23/endsars-report-a-waste-of-time-taxpayers-money-lai-mohammed/>, (accessed 13 October 2024).

<sup>230</sup> Ben Ezeamalu, “#EndSARS Report: We Will Wait for Lagos Government’s Reaction – Buhari”, *Premium Times*, 18 November 2021, <https://www.premiumtimesng.com/news/top-news/496076-endsars-report-we-will-wait-for-lagos-govts-reaction-buhari.html>, (accessed 14 October 2024).

<sup>231</sup> Interview with Dr. Solomon Arase (former IGP, NPF); Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation); Interview with Oluwafemi Ajibade (Human rights advocate, Citizens’ Gavel); Interview with Nelson Olanipekun (Team Lead, Citizens’ Gavel), Zoom, 30 July 2020; Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty); Interview with Member of NHRC; Interview with Sani Momodu (NHRC Edo State coordinator); and Interview with an Assistant Superintendent of the Nigerian Police Force.

<sup>232</sup> Interview with Lucas Koyejo (Zonal coordinator South-West, NHRC).

#### 4.7. Conclusion

This chapter has shown that the #EndSARS activism created a domino effect which ultimately led the authorities to begin the process of accountability for police abuse of power – or at least show an intention to hold the police accountable for police abuse of power – which is still ongoing. In conclusion, the following can be gleaned from the #EndSARS campaign.

Beyond demonstrations and legislative reforms, the #EndSARS movement became a forum for receiving complaints of police abuse from the public, verifying such complaints by some form of preliminary investigation before forwarding such complaints to the police for investigations and continuous follow-up. The movement also provided legal services, and medical services, amongst others, to protesters.

The #EndSARS campaign recorded some wins, such as successfully pushing for special investigative panels on police brutality at the federal and state levels. These investigative panels served to investigate complaints and made recommendations including remedies for victims and police reforms. In addition, the campaign led to reforms such as better policing legislation – the enactment of the *Police Trust Fund Act of 2019* and the *Police Act of 2020*. The *Police Act 2020* is a vast improvement on the previous act which was enacted in 1943. It recognises the importance of human rights in policing and charges the NPF to protect the rights and freedom of every person in Nigeria, as provided by the Constitution, the African Charter on Human and Peoples' Rights and any other laws. The activism also led to an increase in the salaries of police officers. This is significant as while most times the activism against police abuse is seen as a battle between the public and the police, this campaign advocated for an increase in salaries of police officers to ensure officers are adequately compensated for protecting the lives and property of citizens and potentially prevent incidents of officers collecting bribe or seeking monetary compensation from the public for their services.

This activism awakened a sense of community amongst Nigerians. As noted above, one of the participants interviewed for this study stated that for the first time, the diversity of Nigerians which often led to divisions was put aside and the populace was awakened to their power to speak up in one voice to call out police abuse and demand accountability. This activism also showed that collaboration between citizens, CSOs and corporate organisations speaking in one voice and using all available resources could have a far reach



and bring about both national awareness and the transnationalisation of issues like police brutality.

However, raising awareness on issues of brutality and successfully pushing for special investigative panels does not automatically lead to accountability, especially when dealing with a government that lacks the political will to hold the police accountable. This chapter highlighted how despite measures of remedy and reforms recommended by the PPRS and the LSJPI, the implementation of most findings remains a mirage.

The disbandment of the SARS can hardly be described as a win for the campaign or a reform of the NPF, as another unit – SWAT – immediately replaced it, while officials from SARS were absorbed back into the NPF with the promise of further training – the same bad apples in a still diseased orchard. Ultimately the violence faced by the #EndSARS protesters and the general lack of political will by the government to take substantive steps to hold the police accountable further increased the distrust between the public on the one hand and the NPF and the accountability mechanisms on the other hand.

The subsequent chapter examines the Safer Khayelitsha Campaign. Unlike the #EndSARS campaign which evolved due to actions by the police, this campaign emerged due to allegations of police inefficiency – failure to act in the face of growing crime and violence. In addition, unlike the #EndSARS campaign, as will be discussed below, the campaign for a Safer Khayelitsha was more localised to certain parts of South Africa, mainly in Western Cape.

## CHAPTER FIVE: CAMPAIGN FOR A SAFER KHAYELITSHA

---

*All inhabitants of South Africa are entitled to a police service that will protect and secure them. The task may be hard, but the obligation is clear.*<sup>1</sup>

### 5.1. Introduction

According to the Constitution of South Africa, the state is to respect, protect, promote, and fulfil rights in the Bill of Rights.<sup>2</sup> One such right is the right to freedom and security of the person, which ‘includes the right to be free from all forms of violence either from public or private sources.’<sup>3</sup> As agents of the state, the SAPS have the constitutional duty to ‘...prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the [South African] Republic and their property, and to uphold and enforce the law.’<sup>4</sup> As noted in *The State v. Walters and anor.*, the fulfilment of these duties is not left to the discretion of the police officers, as ‘... it is their duty to do so. They are always entitled and often obliged to take all reasonable steps... to carry out their duties.’<sup>5</sup> The duty of the state and its organs to uphold these rights comes with a positive obligation to prevent and, where necessary, remedy third-party interference with these rights. This duty applies to everyone in South Africa regardless of ethnicity, colour, economic status or area of residence.

Khayelitsha, the second largest township in South Africa, has battled the lack of essential services, infrastructures, and violence since its establishment. Since the early 2000s, several organisations and individuals in Khayelitsha have claimed that the SAPS were inefficient in carrying out its basic duties to prevent, combat and investigate crimes and to create a safer community for the inhabitants of Khayelitsha despite the preponderance of crime. The combination of these factors – lack of essential services, violence and allegations of police inefficiency – evolved into a protracted campaign over several years. This led to the establishment of the Khayelitsha Commission of Inquiry (KCOI) in August 2012 by the then

---

<sup>1</sup> KCOI, *Towards A Safer Khayelitsha: Report of The Commission of Inquiry into Allegations of Police Inefficiency and A Breakdown in Relations Between SAPS and the Community of Khayelitsha* (Cape Town: Khayelitsha, 2014), Summary, para 12, (*KCOI Report*).

<sup>2</sup> *Constitution of South Africa*, sec. 7(2).

<sup>3</sup> *Constitution of South Africa*, sec. 12(1) (c).

<sup>4</sup> *Constitution of South Africa*, sec. 205(3).

<sup>5</sup> [2002] ZACC 6; 2002 (4) SA 613, para 48.

Premier of Western Cape, Premier Helen Zille. The KCOI was mandated to investigate the allegation of police inefficiency and break down in relations between the community and the police in Khayelitsha. However, years after the finalisation of the KCOI, activists continue to campaign for the implementation of the KCOI's recommendations.

This chapter will examine this more-than-a-decade-long campaign concerning policing inefficiencies in Khayelitsha. This chapter examines the second social activism campaign. It seeks to answer the second to fourth research sub-questions, how is the understanding of police accountability in human rights reflected in the demands of social activism campaigns? How does social activism affect investigation, remedies, and reform during the process of accountability? How do formal mechanisms of police accountability respond to social activism campaigns around issues of police abuse of power? In examining the campaign in this chapter, the KCOI looms large. This is because the KCOI is the most significant result of the movement's demand. Furthermore, the KCOI report which can be described as an outcome of the campaign, provides formal documentation of the history of the campaign, and the issues raised by the campaign. This chapter will briefly provide context into the home of this campaign, Khayelitsha. It will then provide a detailed background to the activism. Based on this background, it will then narrow in on the campaign's modalities, including the objectives, target audience, structure, participation, tactics used, and challenges. This chapter then examines the reaction of the police accountability mechanisms in South Africa to the campaign. Finally, this chapter examines the role played by the campaign in pursuing police accountability, by analysing it in light of the three components of police accountability – investigation, remedies, and reforms – established in Chapter Two.

This chapter utilises information from semi-structured interviews conducted by the author with individuals who took part in the campaign directly or knew about the campaign. Newspaper reports, articles, reports, case laws, and documentaries on this campaign supplement this information.

## **5.2. Understanding Khayelitsha**

Khayelitsha is located on the outskirts of Cape Town, approximately thirty kilometres from the centre of the City of Cape Town. Khayelitsha, meaning new home, consists of formal

suburbs like Graceland and Ikwezi Park and informal settlements like Endlovini, Site C and Enkanni.<sup>6</sup>

Khayelitsha was established in 1983, after years of struggle for African people to win the right to live in Cape Town during apartheid. In March 1983, parliament announced the establishment of a high-density township for African residents in line with the now-repealed *Native Urban (Areas Act) 1923*. Despite opposition to this development, this marked the beginning of what is known as Khayelitsha. Unfortunately, violence and conflict, which the police were party to, marred the early years of Khayelitsha and sowed the seeds of distrust between the police and the residents of Khayelitsha.<sup>7</sup>

Khayelitsha has the largest single concentration of informal settlements in Cape Town with a preponderance of shacks – which continue to increase at approximately 10,000 shacks per annum.<sup>8</sup> The initially planned population for Khayelitsha was 200,000 people divided into four towns of four villages each.<sup>9</sup> However, this planned population has doubled in size. The 2011 census put the population of Khayelitsha at approximately 392,000<sup>10</sup> but these figures might have grown significantly considering population growth due to births and migration. For instance, in 2013, the Constitutional Court in *Minister of Police and Others v. The Premier of Western Cape and Others* approximated the population of Khayelitsha as 750,000 residents.<sup>11</sup>

Khayelitsha consists of at least twenty-two settlements that fall under three police precincts. These precincts are Khayelitsha Site B police station, Harare Police Station and the Lingeletu West Police Station. All sub-areas within the boundaries of the police precincts refer to the 'Greater Khayelitsha'.<sup>12</sup> The state since 2004 promised a fourth police station at Makhaza, but it is yet to be established.<sup>13</sup> Khayelitsha is also home to three Community Policing

---

<sup>6</sup> *KCOI Report*, chp. 4, para 5.

<sup>7</sup> *KCOI Report*, chp. 4, para 13-19.

<sup>8</sup> Sikhula Sonke, "Khayelitsha the New Home", <https://www.sikhulasonke.org.za/about-khayelitsha.html>, (accessed 16 October 2024).

<sup>9</sup> *Ibid.*

<sup>10</sup> Department of Statistics South Africa, "Khayelitsha".

<sup>11</sup> *Minister of Police and Others v. Premier of the Western Cape and Others* [2013] ZACC 33, para 2.

<sup>12</sup> Western Cape Government, *Policing Needs and Priorities (PNP): 2017/2018 Report for the Greater Khayelitsha, Inclusive of Harare, Lingeletu West and Khayelitsha Police Precinct*, (2017), 9.

<sup>13</sup> Mary-Anne Gontsana, "Still no Police Station Five Years After Khayelitsha Commission of Inquiry into Policing", *Ground Up*, 26 August 2019, <https://www.groundup.org.za/article/still-no-police-station-five-years-after-khayelitsha-commission-inquiry-policing/>, (accessed 14 October 2024).

Forums (CPFs): Lingeletu West CPF, Harare CPF, and Khayelitsha Site B CPF. Provincial Commissioners are to establish CPFs at police stations in the province.<sup>14</sup> These CPFs are to act as a liaison between the community and SAPS with a view to:<sup>15</sup>

- (a) establishing and maintaining a partnership between the community and the Service;
- (b) promoting communication between the Service and the community;
- (c) promoting cooperation between the Service and the community in fulfilling the needs of the community regarding policing;
- (d) improving the rendering of police services to the community at national, provincial, area and local levels;
- (e) improving transparency in the Service and accountability of the Service to the community; and
- (f) promoting joint problem identification and problem-solving by the Service and the community.

The CPFs are to carry out activities/functions deemed necessary to fulfil the assigned objectives above.<sup>16</sup> In addition, CPFs are to be ‘broadly representative’ of the community, including station commanders or designated members of the station.<sup>17</sup>

Khayelitsha is one of the poorest communities in South Africa, with an unemployment rate of 38% (of people aged fifteen and above) as of 2011.<sup>18</sup> The population in Khayelitsha is relatively young and predominantly black, with over 98.6% identifying as black and about 62.4% of the population under thirty years old.<sup>19</sup> Khayelitsha struggles with the issues of violence, insecurity, and a myriad of other socio-economic challenges such as poverty, unemployment, inadequate sanitation, lack of electricity, and inadequate housing.

### 5.3. Background to the Campaign for a Safer Khayelitsha

Once called ‘South Africa’s most trouble-prone area’ and the ‘murder capital of South Africa’, crime has always been an issue in Khayelitsha.<sup>20</sup> According to SAPS crime statistics of

---

<sup>14</sup> *SAPS Act*, sec. 19(1).

<sup>15</sup> *SAPS Act*, sec. 18.

<sup>16</sup> *SAPS Act*, sec. 22(1). The Western Cape has a Uniform Constitution for CPFs and Boards in Western Cape to ensure the proper running of CPFs within the province.

<sup>17</sup> *SAPS Act*, sec. 19(1) (3).

<sup>18</sup> *KCOI Report* chp. 4, para 26.

<sup>19</sup> Department of Statistics South Africa, “Khayelitsha”, [http://www.statssa.gov.za/?page\\_id=4286&id=328](http://www.statssa.gov.za/?page_id=4286&id=328), (accessed 14 October 2024).

<sup>20</sup> Donwald Pressly “Khayelitsha is SA’s Worst Trouble spot”, *Mail and Guardian*, 24 May 2004, <https://mg.co.za/article/2004-05-25-khayelitsha-is-sas-worst-trouble-spot/>, (accessed 14 October 2024); Azarrah Karrim, “Watch Crime Statistics: Delft, Khayelitsha Replace Nyanga as SA’s Murder Capital”, *news24*, 31 July 2020, <https://www.news24.com/news.com/news24/southafrica/news/watch-crime-statistics-delft-khayelitsha-replace-nyanga-as-sas-murder-capital-20200731>, (accessed 14 October 2024).

2011/2012, 6,196 contact crimes were reported in the three Khayelitsha police stations, of which there were 359 murders. As of 2021/2022, of the three police stations in Khayelitsha, two of them – Khayelitsha site B and Harare – are among the top ten stations for reported murders in South Africa and the top twenty for reported contact crimes.<sup>21</sup>

Khayelitsha residents have lamented that they do not feel safe in their homes due to persistent attacks on the rights to life, dignity, and security of persons and a severe limitation on the freedom of movement to access essential services like education and public toilets.<sup>22</sup> According to Social Justice Coalition (SJC), one of the key organisations involved in the campaign for a safer community, every day in Khayelitsha, at least one person is murdered, two people are raped, and five are assaulted with intent to commit grievous harm.<sup>23</sup>

These claims by the SJC were later corroborated by the Mthente Research and Consulting Service Survey, which the KCOI commissioned to survey community perception of policing in Khayelitsha by determining community members' experience of crime, investigating reporting patterns to the SAPS, and reasons for not reporting, amongst others. The Mthente survey carried out interviews with 1,836 Khayelitsha residents.<sup>24</sup> The Mthente survey found that due to crime in Khayelitsha, 61.9% of respondents did not feel safe at home during the day, and this increased to 77.7% at night. The reasons for this included the frequency of robbery and the feeling that the police were not concerned and did not care about residents.<sup>25</sup>

Amid the occurrences of violent crimes and insecurity in Khayelitsha were the accusations of 'widespread inefficiencies, apathy, incompetence and systemic failures of policing' and the criminal justice system at large.<sup>26</sup> For instance, a Khayelitsha resident observed that while criminals in Khayelitsha were effective, the police and the courts were ineffective, and it was as though they had no police in Khayelitsha. Further stating that the police did not patrol

---

<sup>21</sup> SAPS, *Annual Statistics 2021/2022* <https://www.saps.gov.za/services/crimestats.php>.

<sup>22</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice in Khayelitsha: The O'Regan-Pikoli Commission of Inquiry into policing in Khayelitsha* (Cape Town: Ndifuna Ukwazi, 2014), 15, [https://za.boell.org/sites/default/files/uploads/2014/03/our\\_struggle.pdf](https://za.boell.org/sites/default/files/uploads/2014/03/our_struggle.pdf), (accessed 14 October 2024).

<sup>23</sup> SJC, *Annual Report 2014/2015*, (Khayelitsha: SJC, 2015), 6.

<sup>24</sup> *KCOI Report*, chp. 8, para 3.

<sup>25</sup> *Ibid.*, chp. 8, para 9, figure 3 and 4.

<sup>26</sup> *Ibid.*, chp. 2, para 13.

visibly and mostly just chased gangsters without attempting to arrest or charge them.<sup>27</sup> This campaign was caused by underpolicing, basically the inaction of the police to respond to crime in Khayelitsha. This is a peculiar feature of this campaign when compared to the background of the other two case studies – the #EndSARS campaign and the Justice Centres campaign which evolved due to allegations of police brutality.

Further elaborating on the issues in Khayelitsha, some of the participants in this campaign interviewed for this study stated that these issues included: failure to provide feedback to complainants, people accused of serious crimes being released and proceeding to commit more crimes, missing case dockets, failure to properly collate evidence, improper handling of complaints involving violence against vulnerable groups like women, children and LGBTI.<sup>28</sup> Jean Redpath, whom the KCOI commissioned to analyse the system used by SAPS to allocate resources and other documents submitted by SAPS, revealed that the data showed that Khayelitsha faced not only insufficient police officers but also ‘bad’ police officers as there was a tendency for the worst officers to be sent to Khayelitsha. Thus, Khayelitsha had several serial offenders, which Redpath states could have been curbed with better policing.<sup>29</sup>

According to Phumeza Mlungwana, who worked for the SJC for several years and led numerous marches during the campaign, all these led to people no longer reporting crimes to the police as the residents no longer trusted the police. Recalling the genesis of the campaign, Mlungwana explains that:<sup>30</sup>

We found that a lot of people were just saying ‘this happened to me, but I never reported it.’ And we started asking why? [they’re] like ‘because nothing’s [gonna] happen or the perpetrators have been arrested or the police are not [gonna] do anything or the courts are not [gonna] to do anything’.

This lack of trust in the efficacy of the police led to the emergence of alternative security/justice techniques by individuals such as taxi associations, street patrols, self-organised hyper-local justice committees, NGO-led community projects and mob justice. Mob justice became rampant in Khayelitsha. A study on vigilantism in the Western Cape identified

---

<sup>27</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 23.

<sup>28</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), 2 June 2021; Interview with Joel Bregman, (Civil Society Expert), 17 May 2021; and Interview with Funeka Soldaat, (Founder Free Gender, member TAC, Chairperson Harare CPF), 17 June 2021.

<sup>29</sup> Interview with Jean Redpath, (Expert in criminal justice statistics and policing issues), 8 July 2021.

<sup>30</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).



Khayelitsha as one of the hotspots of vigilantism in the Western Cape, as the principle of ‘an eye for an eye’ still existed.<sup>31</sup> Within a year of recording vigilante activities in Khayelitsha, the Khayelitsha Police Crime Intelligence Analysis Centre recorded 78 vigilante activities.<sup>32</sup> Community courts also heard cases and passed punishments from banishment from the community to even death sentences. A former chairperson of the community court would later explain to the KCOI ‘...If a person is caught for a less serious crime, he or she is hit with a Sjambok [a heavy leather whip]. A more serious crime such as rape or murder would result in the accused being killed by the mob.’<sup>33</sup> The downside to these alternative security/justice techniques was the violation of human rights on the altar of justice.

The campaign for a Safer Khayelitsha has spanned over a decade with pivotal moments, which this study examines below. These pivotal moments include following up on specific court cases and protests around such cases, the formation of the Social Justice Coalition (SJC), realising the need to push for a more systemic solution, and the demand for a commission of inquiry.

### ***5.3.1. Early Court Cases and Protests***

The rise in crime, inefficient policing, and increasing vigilantism led to protests by the Treatment Action Campaign (TAC) as far back as 2003, after the rape and murder of Lorna Mlofana, a TAC activist, on 13 December 2003. Lorna was gang-raped and murdered in Khayelitsha Town Two.<sup>34</sup> Fully aware of the shortcomings of the criminal justice system in Khayelitsha and the difficulties victims face in getting justice, TAC made a commitment to stand against gender-based violence and pursue justice for Lorna to ensure the case was not forgotten. To fulfil this commitment, TAC organised workshops at Town Two, where Lorna was murdered, mobilised Lorna’s friends and family, and organised protests around Khayelitsha.<sup>35</sup> One such protest was held less than two weeks after Lorna’s death; then, the police had arrested only two suspects. TAC handed a memorandum to the station

---

<sup>31</sup> Department of Community Safety, Western Cape (compiled by Benjamin Haefele), “Vigilantism in the Western Cape”, (2006), 4-5,

[https://www.westerncape.gov.za/Text/2006/4/vigilantism\\_in\\_the\\_western\\_cape.pdf](https://www.westerncape.gov.za/Text/2006/4/vigilantism_in_the_western_cape.pdf).

<sup>32</sup> Ibid., 5.

<sup>33</sup> Adams Armstrong, “Will the Cars be Safe?”, *Ground Up*, 23 January 2014, <https://www.groundup.org.za/article/will-cars-be-safe-here/>, (accessed 16 October 2024).

<sup>34</sup> Treatment Action Campaign (TAC), *Annual Report 2005/2006*, (Johannesburg: Treatment Action Campaign, 2007), 11.

<sup>35</sup> Ibid., 11.

commander of the Khayelitsha Police Station, in which TAC demanded that the police make it a priority to apprehend the rest of Lorna's murderers by 7 January 2004 and, more generally, to guarantee the safety of women and children living with HIV/AIDS in Khayelitsha.<sup>36</sup> TAC continued to mount pressure on the police and the courts to ensure justice was attained by organising marches in Khayelitsha and holding sit-outs outside the court during the trial. During one of the court sittings for the murder of Lorna Mlofana, TAC led a protest of over 1,000 people at the high court. TAC also submitted memoranda to the police highlighting the issues of gender-based violence in Khayelitsha. TAC continued to monitor and campaign around Lorna's case even though the case was postponed over fifteen times until the accused persons were sentenced on 16 February 2006.<sup>37</sup> On 13 December 2004, TAC in collaboration with Doctors Without Borders, organised a march of over 1,000 people in commemoration for Lorna. A memorandum was then delivered to the SAPS Cluster Commander for Khayelitsha and the Western Cape HIV/AIDS Director on 13 December 2004. The memorandum highlighted the issues of crime, especially gender-based violence in Khayelitsha, and demanded establishing an additional rape counselling centre in Khayelitsha.<sup>38</sup>

While Lorna's case was ongoing, more gender-based violence cases emerged – the murder of Nandipha Makeke on 16 December 2005 and the brutal beating and murder of Zoliswa Nkonyana on 4 February 2006.<sup>39</sup> Funeka Soldaat, the founder of the Free Gender, recalled that they had to always be present in court to engage with the prosecutors and even the police to follow up on the investigations of the cases.<sup>40</sup> Therefore, TAC mobilised the victims' families, friends, and the entire community to protest gender-based violence in Khayelitsha and demanded that the police justice system effectively protect against gender-based violence and deliver justice. TAC designed posters and pamphlets and released press statements calling the community to stand with friends. Other organisations, such as Triangle Project, Equal Education, Western Cape Provincial Council of Churches, and Commission for

---

<sup>36</sup> Independent Online, "Do We Have to be Murdered for Having HIV?", 23 December 2003, <https://www.iol.co.za/amp/news/south-africa/do-we-have-to-be-murdered-for-having-hiv-119756>, (accessed 13 October 2024).

<sup>37</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 35.

<sup>38</sup> SJC, *The History of The O'Regan–Pikoli Commission of Inquiry*, 5.

<sup>39</sup> SJC, *Annual Report 2014/2015*, (Khayelitsha: SJC, 2015), 9.

<sup>40</sup> Interview with Funeka Soldaat, (Founder Free Gender, member TAC, Chairperson Harare CPF), 17 June 2021.

Gender Equality (CGE) under a campaign 07-07-07, joined in the activism around the trials and, more broadly, in demanding a solution to gender-based violence.<sup>41</sup> The organisations involved mobilised the community to demand justice by distributing posters and pamphlets, releasing press statements, and calling on community members to join in protests and sit-ins at the court.<sup>42</sup>

### ***5.3.2. Formation of the Social Justice Coalition (SJC)***

By June 2008, some members of TAC and community members formed the SJC in response to the xenophobic attacks in Khayelitsha. Unlike TAC, whose original mandate was specifically to advocate for the rights of persons living with HIV/AIDS, SJC was established to have a broader mandate of advancing constitutional rights and advocating concerning issues of xenophobic attacks, service delivery and crime in communities.<sup>43</sup> After its formation, the SJC continued mobilising and following up on cases in the Khayelitsha Magistrate Court and the Cape Town High Court.<sup>44</sup> Despite the monitoring by various organisations, the problems with the SAPS in Khayelitsha contributed to unnecessary delays during the trials. For instance, in Lorna's case, the police failed to collect forensic evidence at the scene, delayed in photographing the scene, misplaced critical evidence, and failed to adequately communicate with the victim's family.<sup>45</sup> The Zoliswa trial was postponed on more than 40 occasions due to delays such as the escape of four of the accused persons from the cell with the help of a police sergeant and the police obtaining confessions unlawfully from two defendants.<sup>46</sup>

---

<sup>41</sup> TAC, "Memorandum on Gender Based Violence for March in Cape Town on 23 May 2008", 23 May 2008, <https://www.tac.org.za/news/memorandum-on-gender-based-violence-for-march-in-cape-town-on-23-may-2008/>, (accessed 12 October 2024); Ingrid Lynch and Mikki Van Zyl, *Justice Delayed: Activist Engagement in the Zoliswa Nkonya Murder Trial*, (Cape Town: Triangle Project, 2012), 23.

<sup>42</sup> TAC, "Nandipha Makeke Case Resumes in Khayelitsha Magistrate Court on 5 March", 5 March 2008. <https://www.tac.org.za/news/nandipha-makeke-case-resumes-in-khayelitsha-magistrates-court-on-5-march/>, (accessed 14 October 2024).

<sup>43</sup> TAC, "Public Launch of the Social Justice Coalition", 20 June 2008, <https://www.tac.org.za/news/public-launch-of-the-social-justice-coalition/>, (accessed 12 October 2024).

<sup>44</sup> Interview with Dalli Weyers, (Member of the SJC 2005-2012), 20 May 2021.

<sup>45</sup> Mandla Majola affidavit in *Minister of Police and Others v. Premier of the Western Cape and Others* (21600/12) [2013] ZAWCHC 216 (14 January 2013), para 16(3), <https://collections.concourt.org.za/bitstream/handle/20.500.12144/3708/08Ninth%20Respondent%27s%20Answering%20Affidavit.pdf?sequence=41&isAllowed=y>, (accessed 13 October 2024).

<sup>46</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 39-41; Ingrid Lynch and Mikki Van Zyl, *Justice Delayed*, 1.

### **5.3.3. The Need for a More Systemic Solution**

Mlungwana recalls that while following up on cases, victims of crime in Khayelitsha kept approaching the SJC to help monitor their complaints with the police to ensure they would be taken seriously, and justice would be served. According to Mlungwana, the SJC could not meet all these demands to follow up on individual cases due to resource constraints. Furthermore, SJC realised that following up on individual cases would not be sufficient in promoting a Safer Khayelitsha. Mlungwana recounts that they realised the problem was bigger than just a conviction or just an isolated case but rather systemic issues within the police. Mlungwana explains that:<sup>47</sup>

[W]e saw a lot of systemic issues, that missing dockets was a norm, like where a case goes and then docket is missing. We saw another issue where evidence [was not] collated properly, a person would rape or gender-based violence or murder but evidence [is not] collected properly. We saw systemic issues where the murders were happening in Khayelitsha, but forensic evidence [was not] collected as it should. We saw postponement after postponement in the criminal court, where there were just so many delays.

Similar sentiments were expressed by Joel Bregman, who worked with SJC as the Research Manager and was tasked with getting statements from community members in 2010. Bregman recalls that in taking statements from community members who were victims of crime, it became more evident that the issues were not isolated incidents but systemic as people 'were being exposed to extra dangers because of an overwhelming lack of police support and infrastructure in the area'.<sup>48</sup> For Axolile Notywala, who worked with the SJC for eight years, the systemic issues were not just policing but also the lack of essential services in Khayelitsha, which contributed to crime. So, beyond the campaign for safer communities, SJC also advocated for service delivery and better infrastructure. According to Notywala:<sup>49</sup>

when people [do not] have toilets, when people [do not] have taps, when people [do not] have lights and electricity, having to walk in the dark..., that contributes to them not being safe. [That is] when they get attacked, sexually assaulted, raped and killed, all those things.

Despite these broad systemic issues, the issues with policing inefficiencies and the breakdown of relations between the community and the police became the campaign's focus.

---

<sup>47</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>48</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>49</sup> Interview with Axolile Notywala (former Secretary General of SJC).

According to Chumile Sali, a member of the Harare CPF during the campaigns leading to the KCOI and later a member of the SJC, the campaign's focus on the police was due to the vital role of the police in the criminal justice system. Sali explains that a lack of investigation or poor investigation affects the entire criminal justice system as it leads to delays in court cases and increases the possibility of the case being withdrawn in court.<sup>50</sup> Also, a representative of TAC in a documentary about the KCOI echoed this assertion, stating that when they began to question the constant postponement of cases in court, they found out that the police did not do enough in preparation for their cases.<sup>51</sup>

At this point, SJC, TAC, and other community-based NGOs began highlighting these systemic issues, organising the community to demand better safety, security, and policing and demanding investigations into the criminal justice system in Khayelitsha. Soldaat recalls that Zoliswa's murder and the campaign to get justice for her brought many of these organisations together.<sup>52</sup> Mlungwana recalls that they had to unify the various organisations and members of communities by informing them when they were organising protests and marches. For instance, when they arrived at a community in Khayelitsha, they would link up with churches, Early Child Development (ECD) Centres and other NGOs in that community.<sup>53</sup> Then educational drives such as workshops and public meetings were organised to inform the public of their rights and the role of the police and courts.<sup>54</sup> While mobilising the communities, several memoranda were submitted; meetings were held with SAPS leaders and representatives of the government (these included the Ministers of Police, Justice, Health, and Social Development, and MEC for Community Safety), and press statements were released to the media calling for mass actions to demand a Safer Khayelitsha.<sup>55</sup> More tactics

---

<sup>50</sup> Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC), 6 May 2021.

<sup>51</sup> Social Justice Coalition, "People's Power | The Khayelitsha Commission of Inquiry", YouTube video, 28.10, 17 August 2017, <https://youtu.be/he35ffrgRJE>.

<sup>52</sup> Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

<sup>53</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), and interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

<sup>54</sup> Ibid.

<sup>55</sup> TAC, "Memorandum on Gender Based Violence for March in Cape Town on 23 May 2008"; SJC, "Press Release – Khayelitsha Demands Safety, Security and Equal Access to Justice For All", 23 September 2010, <https://sjc.org.za/posts/khayelitsha-community-demands-safety-security-and-equal-access-to-justice-for-all>, (accessed 14 October 2024); Equal Education, "Protest for Justice and Safety in Khayelitsha", 3 October 2011, <https://www.equaleducation.org.za/2011/10/03/protest-for-justice-and-safety-in-khayelitsha/> (accessed 14 October 2024); SJC, "Press Release - Protest for Justice and Safety in Khayelitsha", 2 October

employed to mobilise the residents of Khayelitsha to pursue investigations, remedies and police reforms will be addressed later in this chapter.

#### **5.3.4. Submission of the Formal Complaint and the Demand for a Commission of Inquiry**

During the campaign, numerous memoranda were submitted, including the September 2010 memorandum and the November 2011 official complaint. Eight Khayelitsha Community-Based Organisations (CBOs), on 23 September 2010, wrote a memorandum to the then MEC for Community Safety, Western Cape (Albert Fritz); then Minister of Justice (Minister Jeff Radebe); then Minister of Police (Minister Nathi Mthetwa); and the then City of Cape Town Mayoral Committee Member for Safety and Security (Councillor JP Smith). In the memorandum, the organisations observed that crimes such as assaults, robbery, murder, and gender-based violence were prevalent in Khayelitsha and that justice had become a privilege, not a right. They demanded real and sustainable actions to build safer communities and ensure justice for victims of crime.<sup>56</sup>

Eventually, six organisations lodged a formal complaint with the Western Cape Provincial government through Premier Helen Zille on 28 November 2011.<sup>57</sup> The complainant organisations were the TAC, SJC, Equal Education, Free Gender, Triangle Project, and Ndifuna Ukwazi. This 2011 complaint raised the same issues of lack of safety, inefficiency in policing and breakdown in relations between the police and the community earlier raised in the 2010 memorandum. The 2011 complaint, like the 2020 memorandum, also contained sample cases that the organisations used to highlight the problems with policing in Khayelitsha.

Beyond these similarities, these memoranda were different. First, the 2011 complaint was addressed directly to the Premier – a higher authority than the MEC – and other officials to whom the 2010 memorandum was addressed. Secondly, the 2011 complaint strategically laid down the legal framework in which the complaints were made. This legal framework included fundamental rights as granted by the CoSA and other legislation and the duties of the police as provided for in the *SAPS Act* and the *Criminal Procedure Act of South Africa*.

---

2011, <https://sjc.org.za/posts/protest-for-justice-safety-in-khayelitsha>, (accessed 14 October 2024); SJC, *Annual Report 2014/2015*, 11-12.

<sup>56</sup> TAC, “Khayelitsha Community Organisations Demand Safety, Security, and Equal Access to Justice for All”, 23 September 2010, <https://www.tac.org.za/news/khayelitsha-community-organisations-demand-safety-security-and-equal-access-to-justice-for-all/>, (accessed 14 October 2024).

<sup>57</sup> The complainant organisations were the TAC, SJC, Equal Education, Free Gender, Triangle Project, and Ndifuna Ukwazi.

The 2011 complaint also established the provincial powers to set up a commission of inquiry to investigate complaints of police inefficiency or breakdown in relations between the police and any community.<sup>58</sup> Furthermore, the complaint demanded the establishment of a formal commission of inquiry by the Premier to investigate the alleged inefficiencies in policing by the SAPS, including the City of Cape Town Metropolitan Police (CTMPD), and the breakdown of relations between the community and the police in Khayelitsha.<sup>59</sup>

On receiving the complaints, Premier Zille forwarded it to the then Provincial Commissioner of Police for the Western Cape – Lieutenant General Arno Lamoar –, with the then minister of Police – Mr Nathi Mthethwa –, and the then acting National Commissioner of Police in copy.<sup>60</sup> The Premier requested the Provincial Commissioner to comment on the complaint and the best method to address it no later than 30 January 2012.<sup>61</sup> This marked the beginning of numerous letters by the Premier with no substantive replies from the functionaries other than letters acknowledging receipts or demanding an extension of time from the Premier.<sup>62</sup> Meanwhile, the initial complainant organisations submitted supplementary complaints to the premier. The Women’s Legal Centre on 4 April 2012 also submitted additional complaints with allegations against the CTMPD.<sup>63</sup>

On 29 June 2012, the newly appointed National Commissioner, Victoria ‘Riah’ Phiyega, requested some time, informing the Premier that she intended to assess the issues in Khayelitsha. The Premier agreed to wait till 20 July 2012 before deciding on the complaint.<sup>64</sup> On 7 August 2012, the National Commissioner informed the Premier of the efforts undertaken to resolve the issues since 29 June 2012. These efforts included visits to the province and meetings with SAPS leadership and other stakeholders. However, the Premier

---

<sup>58</sup> *Constitution of South Africa*, sec. 206(5) (a) and *Constitution of Western Cape*, sec. 66(2) (a).

<sup>59</sup> *KCOI Report* chp. 1, para 1.

<sup>60</sup> *Ibid.*, chp. 1, para 2.

<sup>61</sup> *Minister of Police and Others v. Premier of the Western Cape and Others* (ZAWCHC), para 12.

<sup>62</sup> *Ibid.*, para 13-16, 18-21.

<sup>63</sup> *Ibid.*, para 17; Founding Affidavit of Phumeza Mlungwana, in *SJC and Ors. V. Minister of Police and Ors* (Equality Court of South Africa, Western Cape Division, Cape Town/ECO3/2016), [https://sjc.org.za/wp-content/uploads/2019/02/SJC\\_Founding\\_Affidavit.compressed\\_final.pdf](https://sjc.org.za/wp-content/uploads/2019/02/SJC_Founding_Affidavit.compressed_final.pdf), para 42, (accessed 14 October 2024).

<sup>64</sup> *Minister of Police and Others v. Premier of the Western Cape and Others* (ZAWCHC), 22.



felt that this letter did not address the complaints nor provide methods to deal with the complaints adequately.<sup>65</sup>

Unknown to the Premier, the National Commissioner had mandated the late Lieutenant General Sean Tshabalala to investigate the complaints. A task team was established in July 2012 for this, and a report was produced. However, the Premier was never informed about the task team, nor was the task team's report handed over to the Premier or the complaint organisations.<sup>66</sup>

Eventually, Premier Zille and her Cabinet instituted the KCOI on 15 August 2012 to investigate the allegations of policing inefficiencies within Khayelitsha SAPS and the breakdown of relations between the community and the police in terms of section 206(3)(5), read with section 127(2)(e) *South Africa Constitution* and section 1(1) *Western Cape Provincial Commissions Act*.<sup>67</sup> The Minister of Police subsequently wrote to the Premier on 27 August 2012, stating that the Premier failed to discuss with him before establishing the KCOI. The Minister of Police further requested that the Premier postpone the KCOI to discuss some issues. The Premier, however, refused to postpone the work of the KCOI.<sup>68</sup>

The establishment of the KCOI did not put an end to the activism. The minister of police launched a proceeding on 5 November 2012 at the High Court to stop the KCOI from issuing subpoenas and suspending the activities of the KCOI pending a review of the application to set aside the premier's decision to establish the KCOI.<sup>69</sup> The constitutional court eventually ruled in favour of the Premier's powers to establish the KCOI.<sup>70</sup> The section on challenges faced by the campaign will shed more light on these cases.

During the court battles, organisations and individuals in Khayelitsha continued to hold numerous marches and raise awareness. On 27 March 2013, the University of Cape Town launched a campaign for safer communities.<sup>71</sup>

---

<sup>65</sup> Ibid., para 27.

<sup>66</sup> *KCOI Report*, chp.1, para 2.

<sup>67</sup> This was published in the Government Gazette of 24 August 2012.

<sup>68</sup> *Minister of Police and Others v. Premier of the Western Cape and Others* (ZAWCHC), para 29-31.

<sup>69</sup> Ibid.

<sup>70</sup> *Minister of Police and Others v. Premier of the Western Cape and Others* (ZACC).

<sup>71</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 44.

The KCOI's final report, while noting the challenge in policing Khayelitsha due to poor infrastructures and very high crime rates, concluded that there was indeed a wide range of policing inefficiencies at the three Khayelitsha police stations and the Khayelitsha Family Violence, Child Protection and Sexual Offence Unit (FCS Unit). The KCOI also found a breakdown in relations between SAPS members in Khayelitsha and the Khayelitsha community.<sup>72</sup>

## 5.4. Modalities

### 5.4.1. Objectives

The numerous petitions/memoranda written by the organisations involved in the campaign provide insights into the campaign's objectives. For instance, as mentioned above, the 23 September 2010 memorandum stated that the organisations were protesting '...the incompetence, inefficiency and injustice of the agencies charged with ensuring the safety and security of all people in South Africa.'<sup>73</sup> The Memorandum contained the following seven demands:<sup>74</sup>

- i. Visible policing in informal settlements and throughout the townships.
- ii. Improved communication between SAPS, courts, and the victims.
- iii. Prompt investigation into four specific cases mentioned in the memorandum.
- iv. Expeditious access to justice through the courts for victims.
- v. Plan to prevent crime which should include the provision of basic amenities like lights, safer toilets, and education on hate crimes in informal settlements.
- vi. A one-person commission headed by a judge should be set up by MEC Albert Fritz in support of the minister of justice to carry out a rapid assessment of the systemic problems in the Khayelitsha magistrate court.
- vii. A meeting with MEC Fritz and other stakeholders to discuss these demands.

---

<sup>72</sup> *KCOI Report*, chp. 13 and 14.

<sup>73</sup> Treatment Action Campaign, "Khayelitsha Community Organisations Demand Safety, Security, and Equal Access to Justice for All".

<sup>74</sup> *Ibid.*

In another letter written to MEC Fritz and others on 26 November 2010, the organisations again complained about inadequate communication between Khayelitsha's various safety and security departments. The letter also reminded MEC Fritz of the agreement in principle to establish an investigation into the justice system in Khayelitsha.<sup>75</sup> In 2011, MEC Fritz was replaced by MEC Dan Plato, and the campaign again repeated the demand for a commission of inquiry into policing in Khayelitsha through a press statement on 3 October 2011 and a memorandum on 4 October 2011.<sup>76</sup> Eventually, the 28 November 2011 complaint to Premier Zille made a formal demand for a commission of inquiry to investigate the allegations of police inefficiency within the Khayelitsha SAPS and the CTMPD and break down of relations between the community and the police in Khayelitsha.<sup>77</sup>

When asked about the campaign's aim even before the push for a commission of inquiry, Bregman states that they hoped for more equitable access to justice, from policing to other essential services. Bregman further explains that:<sup>78</sup>

...the way that the courts, as well as the police, were severely understaffed, people were delayed for years, people accused of serious crimes were being released on bail and were back and victimised victims again.

Bregman further states that they hoped the campaign and resulting KCOI would have far-reaching recommendations and a long-term impact not just in SAPS but also on the CTMPD, the courts, and the Department of Justice.<sup>79</sup> Corroborating this, Dalli Weyers notes that the campaign wanted to hold the government accountable not just in Khayelitsha but in other communities. The hope was that pushing for one response in one geographical space could have a broader implication in other places.<sup>80</sup> The end goal was to advocate for a safer community. For Mlungwana, this involved three main elements: 'how do we make lives better?', 'how do we support people once they have experienced different cases of crime?' and 'how do we make sure that the system is healthy enough to offer justice?'<sup>81</sup>

---

<sup>75</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 40.

<sup>76</sup> SJC, *The History of The O'Regan–Pikoli Commission of Inquiry History: 10 Years' Struggle for Safer Communities*, (Khayelitsha: SJC, 2013), 19.

<sup>77</sup> *KCOI Report*, chp. 1, para 1.

<sup>78</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>79</sup> *Ibid.*

<sup>80</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>81</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

It was in furtherance of this goal for a safer community, that the complainant organisations pushed for the inclusion of the CTMPD and ALIU in the KCOI ToRs, as they played an integral role in Khayelitsha.<sup>82</sup> The initial complaint alleged that the CTMPD had become part of the problems of policing in Khayelitsha, as the CTMPD officers, amongst others, assisted the Anti Land Invasion Unit (ALIU) in carrying out illegal eviction and demolition of homes.<sup>83</sup> However, the Premier stated that including the CTMPD would have been unlawful as the *SAPS Act* gives the power to investigate the municipal police to the MEC of community safety.<sup>84</sup>

In this case study, the demand for safety – a Safer Khayelitsha – is a consistent theme in the campaign. This prompts the question about the relationship – if any – between accountability in policing and the safety of residents. Though they do not have the same meaning, this study asserts that when residents no longer feel safe due to increased crime and distrust for the police, the question of accountability, ensuring the police are meeting the required standards and that systems exist to ensure the police perform their duties effectively might arise. This assertion is reflected in the definition of police accountability given by some participants in this activism interviewed for this study. They defined police accountability in terms of service delivery by the police. For Soldaat, police accountability is reflected in SAPS properly investigating, giving feedback to the communities and keeping communities safe.<sup>85</sup> For Mlungwana, police accountability among others, involves the police performing their duties effectively, which includes the police properly responding to complaints calls, properly investigating cases, keeping communities safe and asking themselves why residents no longer report crimes but resort to mob justice instead.<sup>86</sup> Sali noted that police accountability starts with service delivery in the police station, how the police attend to complaints,

---

<sup>82</sup> SJC, “SJC and Partners Welcome Announcement of Commission of Inquiry”, 22 August 2012, <https://sjc.org.za/posts/sjc-and-partners-welcome-announcement-of-commission-of-inquiry>, (accessed 12 February 2023); Tessa Gooding, “Shutdown Over Police Inquiry”, *Ground Up*, 7 November 2012, <https://www.groundup.org.za/article/showdown-over-police-inquiry/>, (accessed 14 October 2024).

<sup>83</sup> Politics Web, “Zille Must Appoint Inquiry into Khayelitsha Policing - SJC”, (Initial Complaint), 30 November 2011, <https://www.politicsweb.co.za/politics/zille-must-appoint-inquiry-into-khayelitsha-polici>, (accessed 14 October 2024).

<sup>84</sup> Tessa Gooding, “Shutdown Over Police Inquiry”; Moses Mackay, “Zille Refuses to Expand Police Probe”, *Sowetan Live*, 16 October 2012, <https://www.sowetanlive.co.za/news/2012-10-16-zille-refuses-to-expand-police-probe/>, (accessed 14 October 2024).

<sup>85</sup> Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

<sup>86</sup> Interview with Phumeza Mlungwana. (Former Secretary General SJC - February 2013-June 2017).

investigate the complaints and provide updates on the progress of the investigation to the complainant.<sup>87</sup>

From the above, the components of police accountability are present in the demands made during the activism and in the definition of accountability given by participants of the campaign interviewed for this study. First, the demand for investigation is captured in the campaign's demand for an extraordinary mechanism, a commission of inquiry, to investigate the problem with policing in Khayelitsha. Second, the demand for remedies can be seen in the demand for expeditious access to justice. Lastly, some reforms were demanded, including visible policing in informal settlements, improved communications with victims, and a plan to prevent future crimes that should involve providing some basic amenities. However, it would be remiss to limit the overall demand for a safer community in Khayelitsha to police accountability. Though the campaign demanded an investigation into policing inefficiencies in Khayelitsha and the breakdown in police-community relations, the KCOI addressed broader issues which can affect safety in the community, like the devastating effects of the absence of lights, toilets, proper roads, and housing on safety.

Furthermore, like the #EndSARS campaign, the overall aim of the campaign was to bring about change, eliciting a positive response from the government concerning the issues raised. This confirms the theory of social activism as a form of political participation discussed in Chapter Two which includes unconventional political participation. Unconventional political participation as described by Stockemer seeks to pursue influence through 'non-institutionalised' means such as holding a demonstration, boycotting, and signing a petition.<sup>88</sup> Political participation provides the opportunity for participants to engage with government officials, raise their concerns, and apply pressure on the state to respond. Through this, accountability is enhanced.<sup>89</sup>

---

<sup>87</sup> Interview with Chumile Sali, (former member of the Harare CPF, and former campaigns manager, SJC).

<sup>88</sup> Daniel Stockemer, "What Drives Unconventional Political Participation? A two-level study", *The Social Science Journal* 51, (2014) 202.

<sup>89</sup> Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality. Civic Voluntarism in American Politics*. (Massachusetts and England: Harvard University Press, 1995), 37; Daniel Stockemer, "What Drives Unconventional Political Participation? A two-level study", *The Social Science Journal* 51, (2014) 202.

#### **5.4.2. Structure**

As mentioned above, the key organisations that submitted the formal complaint to Premier Zille were the SJC, Equal Education (EE), TAC, Triangle Project, Ndifuna Ukwazi, and Free Gender.<sup>90</sup> The mandates of the organisations will be discussed briefly below.

The TAC, which can be described as the pioneer of this activism, was established in 1988 in Cape Town, and campaigns for the rights of Persons Living with HIV.<sup>91</sup>

SJC focuses on two major programmes: the Local Government Programme and the Safety and Justice Programme. The Local Government Programme focuses on infrastructure and service delivery campaigns in informal settlements, while the Safety and Justice Programme leads campaigns on policing and the criminal justice system.<sup>92</sup>

Equal Education is a membership-based organisation focusing on quality and equal education in South Africa. Its membership consists of parents, learners, and teachers.<sup>93</sup>

The fourth and fifth organisations – the Triangle Project and the Free Gender –, advocate for human rights for LGBTQI+ persons. Free Gender focuses on the community in Khayelitsha and, more broadly, in the wider Cape Town area.<sup>94</sup>

Ndifuna Ukwazi (Dare to Know) promotes awareness of human rights and facilitates engagement in human rights issues by organising seminars, lectures, and leadership training for young activists.<sup>95</sup>

While only the SJC's mandate directly involves policing, all these organisations came together on this campaign. They worked together to raise awareness around the issues of police inefficiency in Khayelitsha because they were all impacted by the insecurity in Khayelitsha. When interviewed, activists from some of the organisations recalled that they worked collaboratively and made individual contributions through their diverse platforms.<sup>96</sup> There was no formal structure in place other than the ability of the organisations to work together

---

<sup>90</sup> Politics Web, "Zille Must Appoint Inquiry into Khayelitsha Policing - SJC" (Initial Complaint).

<sup>91</sup> *KCOI Report*, chp. 7, para 100.

<sup>92</sup> SJC, *Annual Report 2018/2019* (Khayelitsha: SJC, 2019), 2.

<sup>93</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 9.

<sup>94</sup> *Ibid.*, 9, *KCOI Report*, chp. 7, para 72.

<sup>95</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 9.

<sup>96</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017); Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC), and Interview with Joel Bregman, (Civil Society Expert).

and make critical decisions.<sup>97</sup> Mlungwana recollects that they made collaborative decisions on aspects like the contents of memorandums and press statements and the overall decision to target the province and demand a commission of inquiry. Also, all organisations agreed on the evidence needed to justify establishing a commission of inquiry into policing.<sup>98</sup>

Concerning individual contributions, the SJC, for instance, engaged the community via mass community meetings, door-to-door campaigns, and pop-up activities, while Ndifuna Ukwazi contributed legal expertise and offered legal advice to fulfil the aim of the campaign. These organisations also reached out in their various spheres. For example, the TAC used its work with hospitals to spread the message within hospitals, while Equal Education used its work with schools to influence that sphere. In addition, SJC and TAC had a presence with the community and used this to mobilise people to attend protests.<sup>99</sup>

The structure of this campaign wherein it was mainly representative – driven by key organisations – is different from the #EndSARS campaign, particularly the second wave of the campaign. Unlike the first wave which was largely led by Awosanya and his organisation SIAF, the second wave of #EndSARS was decentralised in structure as explored above, and leaderless, driven horizontally by individuals and organisations. The activities and tactics utilised during the second wave of the campaign were decided independently with no one organisation or voice deciding where or how protests should be held for instance. The structure of the Khayelitsha campaign which was organisation-led is like the Justice Centres' campaign, discussed in the subsequent chapter.

#### ***5.4.3. Target Audience***

Every activism has a target audience. The audience usually is the authorities – who have the power to meet the demands of the campaign –, then bystanders, other activists, and the media – that the campaign hopes to mobilise to spread the campaign's message. This campaign was no different as it used its tactics to reach out to these categories of audience and made demands specifically of the authorities (at the province, city, and national level) that they felt could bring about change in Khayelitsha.

---

<sup>97</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>98</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>99</sup> Ibid.



Hence protests were held at the police stations, the courts, and the parliamentary building. In addition, Memoranda were written to MEC on community safety, the premier, National and Provincial SAPS, the Department of Justice and Constitutional Development, the Department of Correctional Services, and the National Prosecuting Authority.

At first, the campaigners targeted the National Government because they assumed it was the focal point on policing issues. However, when the National Government failed to respond satisfactorily, the organisations began to research and discovered that the CoSA also gives Provinces the power of oversight over the police. Hence the focus of the campaign shifted to the provincial government.<sup>100</sup>

Beyond the political elites, the campaign also targeted members of the public – bystanders, other activists, and the media. The residents of Khayelitsha needed to join in to help spread the campaign’s message because they were all affected or potentially could be affected by the issues. Activists involved recalled that they engaged in house-to-house visits to talk to community members, to get their views on policing and to raise awareness of the planned steps. For instance, Bregman recalls that his task was going into the community to get the people’s stories.<sup>101</sup> This mobilisation of community members and getting statements eventually paid off as the resulting KCOI, described as the ‘people’s commission,’ had over 100 witnesses and admitted 170 individual complaints.<sup>102</sup>

#### **5.4.4. Participation**

As mentioned above, this activism involved individuals and CSOs including religious organisations. These organisations all had different campaign areas and soon realised that the issue of safety affected their various campaigns. Equal Education learners, for instance, were victims of crimes within the school and in the communities. TAC had members who were victims of crimes, and even the offices of some of the organisations were burgled.<sup>103</sup>

---

<sup>100</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>101</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>102</sup> Meetal Jain, “The Rose that Grew from Concrete: The Commission of Inquiry into Policing in Khayelitsha, South Africa”, in *National Commissions of Inquiry in Africa – Vehicles to Pursue Accountability for the Violations of the Right to Life?* eds. Thomas Probert and Christof Heyns, (Pretoria: PULP Publishers, 2020), 254; *KCOI Report*, summary, para 3; chp. 7 para 62.

<sup>103</sup> Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC).

For some other activists, participation was due to both personal experience with crimes as a resident of Khayelitsha and witnessing vigilantism in Khayelitsha. Mlungwana also participated on a professional level due to her association with SJC. Mlungwana states:<sup>104</sup>

I joined SJC because I felt like it was the one organisation that allowed me to be part of a collective that was working to advance human rights in my community. So, the SJC allowed me to start understanding it and analysing the issue. So, I was part of it from personal interest but also because of SJC.

Sharing similar sentiments, Soldaat explains that she participated in the activism because she had previously experienced violence and the police did not properly handle her case. Soldaat recalls that years after her experience with the police, she realised things had not changed as black lesbians were still assaulted and ill-treated at the police stations in Khayelitsha. This led her to join the TAC's activism and eventually form the Free Gender.<sup>105</sup>

The campaign also earned massive participation from Khayelitsha residents. Sali described the communities as 'the backbone of the campaign'.<sup>106</sup> Weyers recalls that the campaign enjoyed massive support from Khayelitsha residents, as evidenced by the number of individuals who walked into the KCOI independently to provide evidence. Weyers attributes this to the fact that the residents understood the issues and had first-hand experience with policing inefficiencies in the face of violent crimes.<sup>107</sup> In addition, Weyers recalls that beyond protests organised via these organisations, some individuals organised protests individually, like an individual who protested on the issues of vigilantism directly to the premier.<sup>108</sup>

Mlungwana opines that not much needed to be done to convince people to join the campaign because the campaign grew from within Khayelitsha. The SJC, for instance, was birthed in the Community Hall in Khayelitsha – church leaders, members of various community groups, community leaders, street committee leaders, and elders in the community were involved in the formation –, as a result, the community had a sense of

---

<sup>104</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>105</sup> Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

<sup>106</sup> Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC).

<sup>107</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>108</sup> Ibid., (Nkwame Cedile was famous for his solo campaign on vigilantism - including engaging in a fast to raise awareness and provoke a discussion around vigilante killings. (Mary-Anne Gontsana, "Night Vigil against Mob Justice", *Ground Up* 4 July 2012, [https://www.groundup.org.za/article/night-vigil-against-mob-justice\\_225/](https://www.groundup.org.za/article/night-vigil-against-mob-justice_225/). (accessed 16 October 2024).

ownership and involvement in the movement.<sup>109</sup> Furthermore, most of the key organisations involved in the campaign were membership-based, in that they required people to register to become members, who were expected to participate in activities such as meetings and, awareness raising. Having members from the community also led to building a good rapport with the residents of Khayelitsha.<sup>110</sup> However, Mlungwana recalls that it was necessary to educate residents of Khayelitsha on the law and strategies used by the activism. For instance, the SJC had a non-violence strategy which had to be conveyed to interested participants.<sup>111</sup> For Notywala, there was a need to organise community members but not to motivate them ‘because everyone understood the issues, and they are affected by the issues.’<sup>112</sup>

Despite the significant acceptance in Khayelitsha, activists admitted that the campaign faced opposition from organisations like the Khayelitsha Development Forum (KDF) that directly opposed the campaign and the demands for an inquiry into policing.<sup>113</sup> Mlungwana describes these organisations as organisations that saw themselves as the ‘super gatekeepers of Khayelitsha issues’.<sup>114</sup> According to Bregman, the KDF was aligned with the national ruling political party, so their opposition might have been politically motivated.<sup>115</sup> This view was corroborated by other participants interviewed for this study.<sup>116</sup> For Sali, beyond political stance, another reason for the opposition to the KCOI by the KDF was because they saw the NGOs involved as being sponsored by foreigners and, therefore, not representing the people of Khayelitsha.<sup>117</sup> However, KDF eventually participated in the KCOI and subsequently joined in the push to implement the recommendations of the KCOI.<sup>118</sup>

---

<sup>109</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>110</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017); Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>111</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>112</sup> Interview with Axolile Notywala (former Secretary General of SJC).

<sup>113</sup> Pharie Sefali, “Khayelitsha Development Forum Boycotts Policing Inquiry”, *Ground Up*, 20 November 2013, <https://www.groundup.org.za/article/khayelitsha-development-forum-boycotts-policing-inquiry/>, (accessed 14 October 2024).

<sup>114</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>115</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>116</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), Interview with Axolile Notywala (former Secretary General of SJC), Interview with Amanda Dissel, (Secretary of the KCOI, and current Director of Policy and Research, Department of Community Safety, Western Cape), 30 April 2021; and Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC).

<sup>117</sup> Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC).

<sup>118</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), Interview with Axolile Notywala.

Beyond the different organisations and individuals that participated in the campaign, participation was at different levels and stages. Defining participation, Mlungwana states that:<sup>119</sup>

Participation can be defined in different ways, but obviously, it is participation. Because if you decide to leave your house and go to an action, that is participation. It might be at a different level to people who started the campaign from the beginning, but you also participated at a particular level.

According to Bregman, the first was the work that needed to be done to bring about the KCOI, then the work during the KCOI to ensure community members were involved in the proceedings, and then the third stage was after the KCOI to enforce the recommendations. All these required different forms of participation, like attending an action, a media engagement, or participating in door-to-door education and workshops in the community, creating posters, meeting with experts and lawyers, and daily reporting to the community.<sup>120</sup> Notywala, corroborating Bregman, recalls that as the campaign evolved, forms of participation changed, and more stakeholders – ward councillors, researchers, and universities – joined in.<sup>121</sup>

The campaign for a Safer Khayelitsha involved participation from various organisations and individuals. Though it had key organisations that led the complaint it also involved different levels of individual participation from residents.

#### ***5.4.5. Tactics***

Diverse tactics were employed throughout the campaign. These tactics included monitoring court cases, community mobilisation and education, meetings, use of memoranda, physical protests and the instruments of the law.

One of the tactics used was to involve members of Khayelitsha in the campaign. Hence community meetings were held to get people to talk about the issues in the community, education drives were held, and radios, posters and newsletters were used to raise awareness. For instance, while following up on court cases, organisations used posters and newsletters to raise awareness and gather friends and relatives of the victims and community members to show up for court hearings and protests. These posters and newsletters were

---

<sup>119</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>120</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>121</sup> Interview with Axolile Notywala (former Secretary General of SJC).

distributed in Khayelitsha or uploaded on the websites of the organisations. One of the posters distributed during the Nandipha Makeke trial read, ‘support the Nandipha Makeke court case, enough is enough, let justice prevail!’<sup>122</sup> The poster further contained the trial date and time. Another poster distributed in Khayelitsha during the Zoliswa Nkonyana case read ‘a woman was murdered because she was a lesbian, we have seen 21 court appearances, 20 postponements, more than 3 years of inaction!’<sup>123</sup> The poster called for a march to the Provincial legislature on 7 August 2009.<sup>124</sup> See the posters below (figure 3).

*Figure 3: Posters used by the Safer Khayelitsha campaign to raise awareness for court hearings and marches.*



According to participants interviewed for this study, it was essential to involve the people of Khayelitsha in the campaign as they understood the issues and were the ones affected by the issues. So, having them speak for themselves and make choices such as days protests

<sup>122</sup> TAC, “Nandipha Makeke Case Resumes in Khayelitsha Magistrate Court on 5 March”, 5 March 2008. <https://www.tac.org.za/news/nandipha-makeke-case-resumes-in-khayelitsha-magistrates-court-on-5-march/>, (accessed 14 October 2024).

<sup>123</sup> Ingrid Lynch and Mikki Van Zyl, *Justice Delayed*, 11.

<sup>124</sup> *Ibid.*, 11.



should be organised and agree to where protests should be held gave the campaign legitimacy in the community.<sup>125</sup>

The organisations involved also mobilised support locally by raising awareness in different communities in Khayelitsha. Mlungwana recalls a need to unify organisations and residents across Khayelitsha to support the campaign.<sup>126</sup> This was done in diverse ways, such as organising workshops and public meetings. During such public meetings, residents expressed grievances about the problems in Khayelitsha and made plans to further the campaign. The organisations also conducted education drives to educate residents on the provisions of the law, their rights, the court's role, and the government's duties, amongst others.<sup>127</sup> Notywala recollects that people had lost hope about the possibility of a change, so they had to encourage and educate people on their rights and how they have the power to change things if they continued putting pressure on the government on these issues.<sup>128</sup>

Other tactics employed in raising awareness included using pamphlets, t-shirts, posters, local radio stations, national broadcasters, direct contact with people, community meetings, and one-on-one home visits to mobilise communities and pass the campaign's message. They also used pop-up acts like singing and drama showcasing challenges faced in Khayelitsha.<sup>129</sup>

The campaign also acted as a bridge between the people and the authorities. Residents of Khayelitsha trusted the organisations involved and were more open to revealing information about pending investigations to the activists rather than the police. Then the organisations collected information on crimes from the community and passed it on to the management of SAPS.<sup>130</sup> The campaign also offered support to affected victims and families.<sup>131</sup> When the KCOI began, the campaign also ensured that community members were involved in the day-

---

<sup>125</sup> Interview with Axolile Notywala (former Secretary General of SJC), Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC), and Interview with Joel Bregman, (Civil Society Expert).

<sup>126</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>127</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), and Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

<sup>128</sup> Interview with Axolile Notywala (former Secretary General of SJC).

<sup>129</sup> Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC) and Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>130</sup> Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

<sup>131</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

to-day proceedings of the KCOI. This meant organising transportation, providing food, and daily reports on the events of the KCOI to Khayelitsha residents.<sup>132</sup>

Another tactic the campaign employed was linking various spheres of the community, such as community groups, CBOs, religious organisations, Early Child Development (ECD) Centres, and even academia. Hence the decision to launch the official campaign for safer communities at the University of Cape Town on 27 March 2013. For Mlungwana, taking this campaign to the university was a way of saying, 'look, an issue of safety in Khayelitsha is an issue of a university student [who is] from Khayelitsha'.<sup>133</sup>

The use of protests, pickets, and sit-ins continued throughout the campaign. Activists as far back as 2003 held sit-ins in the courts during the hearing of court cases and continually followed up on these cases by liaising with the detectives and prosecutors involved.<sup>134</sup> The effect of these marches and sit-ins during court hearings was that they kept the cases in the public eye and helped to put pressure on the police and the court system to perform their duties effectively and ensure justice without any of the shortcomings usually associated with the criminal justice system in Khayelitsha. For Notywala, who worked with the SJC for eight years, this was useful as it kept the police on their toes and motivated the magistrate to speed up cases to at least stop the 'shouting and singing outside the magistrate all the time'.<sup>135</sup>

These direct actions grew beyond Khayelitsha and into Cape Town as the organisation mobilised more community members. For instance, TAC, on 30 October 2004, organised a protest of 400 people in Khayelitsha when a seven-year-old girl was raped.<sup>136</sup> On 13 December 2004, they organised a march of about 1,000 people in honour of Lorna Mlofana.<sup>137</sup> TAC also led a march of over 5,000 people on 23 May 2008 to parliament demanding justice for rape survivors and improved policing in Khayelitsha.<sup>138</sup> On 23 September 2010, they also held a picket of more than 500 people at the Western Cape

---

<sup>132</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>133</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>134</sup> Interview with Funeka Soldaat (former Secretary General SJC - February 2013-June 2017).

<sup>135</sup> Interview with Axolile Notywala, (former Secretary General of SJC), 9 June 2021.

<sup>136</sup> SJC, *The History of The O'Regan-Pikoli Commission of Inquiry*. 5.

<sup>137</sup> Mandla Majola's affidavit in *Minister of Police and Others v. Premier of the Western Cape and Others* (ZAWCHC), para 16(2) (5).

<sup>138</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 16.



provincial legislature. Another picket of 600 people was held again on 4 October 2011 outside the provincial legislature. SJC also held a vigil on 28 June 2012 for those killed due to vigilante violence and mob justice in Khayelitsha.<sup>139</sup> In organising protests, the campaign had to make strategic decisions based on the availability of funds. For instance, the segregated nature of Cape Town, and the cost of transporting people from Khayelitsha to the city, limited the number of people who could go for actions from Khayelitsha to the city. So, they resolved to organise frequent local actions and a few massive actions in the city.<sup>140</sup>

Another tactic utilised was the submission of memoranda/petitions to the authorities detailing the issues and demands. For instance, SJC records that TAC alone submitted more than eight memoranda. Some of these memoranda already mentioned above include the December 2004 memorandum in collaboration with Doctors Without Borders which demanded an additional rape counselling centre in Khayelitsha; and the 20 May 2008 memorandum to the state prosecutor which demanded witness protection, access to information, a speedy trial, and investigation into hate crimes. A march to Cape Town on 23 May 2008 organised by TAC also ended with submitting a memorandum to the Ministers of Police, Justice, Health and Social Development.<sup>141</sup> As mentioned above, on 23 September 2010 eight CBOs submitted a memorandum to the then MEC for Community Safety, the city of Cape Town Mayoral Committee Member for Safety and Security, the Minister of Police, and the Minister of Justice.<sup>142</sup>

The organisations held meetings with the authorities – including SAPS. A meeting between SJC and the MEC for Community Safety, the City of Cape Town Mayoral Committee Member for Safety and Security was held on 25 October 2010. During the meeting, they resolved to hold several discussions between the organisations involved in the campaign and stakeholders of criminal justice in Khayelitsha.<sup>143</sup> A meeting was also held on 13 October 2011 with MEC Dan Plato and Premier Helen Zille to discuss a memorandum previously submitted by the organisations. It was at this meeting that Premier Zille indicated that the

---

<sup>139</sup> SJC, *Annual Report 2014/2015*, 9-10.

<sup>140</sup> Interview with Phumeza Mlungwana (former Secretary General SJC- February 2013-June 2017).

<sup>141</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 32; SJC, *The History of The O'Regan-Pikoli Commission of Inquiry*, 18.

<sup>142</sup> SJC, *The History of The O'Regan-Pikoli Commission of Inquiry*, 18.

<sup>143</sup> *Ibid.*, 19.

organisations had to lodge a formal complaint. The organisations ran with this and eventually lodged the 28 November 2011 complaint.<sup>144</sup> According to the complainant's organisations, in demanding the establishment of a commission of inquiry, the intention was not to assign blame to a particular department or target individuals working in Khayelitsha but rather one that would focus on investigating the 'nature and the extent of the problems that are undermining the ability of these organs to function optimally'.<sup>145</sup> Mlungwana clarifies that the main interest of the campaign was to have a healthy system in Khayelitsha and not single out any individual or department.<sup>146</sup> This portrays a demand for institutionalised and not individualised accountability as the campaign did not seek to hold a particular officer accountable but rather to examine the entire policing institution in Khayelitsha in a bid to identify problems and then map out solutions. This study notes that the strategy of pursuing institutionalised accountability is sometimes the better option in situations of widespread ineffectiveness within the police to cleanse the entire orchard and not single out a few bad apples.

As mentioned above, education was a vital and effective tactic utilised by this campaign. According to Weyers, 'understanding of the law and an appreciation of the law' were effective tactics employed by the campaign, as Activists had to educate themselves on the provision of the law to realise that the law granted powers to a premier to institute a commission of inquiry into policing.<sup>147</sup> Corroborating this, Mlungwana recalls that Ndifuna Ukwazi had the legal capacity and expertise to educate and advise the campaign on the oversight powers of a Province over the police.<sup>148</sup> This knowledge led the campaign to make a strategic decision to direct the demand for a commission of inquiry to the province's premier.

The media was an essential part of the campaign. The different organisations involved enabled the campaign to have a broad media reach.<sup>149</sup> Though social media was not popular in the beginning, the organisations used their newsletters, major newspapers, online platforms, television, and radio to reach out to a broader audience on what precisely the

---

<sup>144</sup> SJC, *Annual Report 2014/2015*, 13.

<sup>145</sup> Ndifuna Ukwazi, *Our Struggle for Safety and Justice*, 43.

<sup>146</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>147</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>148</sup> Interview with Phumeza Mlungwana (former Secretary General SJC- February 2013-June 2017).

<sup>149</sup> Interview with Joel Bregman, (Civil Society Expert).

campaign involved, to show support for other organisations involved in the struggle, and to enhance the call for accountability.<sup>150</sup>

Though Free Gender actively participated in the activities leading up to the KCOI and its founder testified before the KCOI, Free Gender withdrew from the official complaint as it subsequently secured a direct working relationship with SAPS through the Deputy Minister of Police.<sup>151</sup> In an interview with Soldaat, the founder of Free Gender, Soldaat explains that Free Gender succeeded in setting up a forum with SAPS. The forum served as an avenue to follow up on outstanding cases involving gender-based violence against lesbians in the community. Free Gender also organised training and a conference for SAPS officials to train them on the challenges facing black lesbians in townships.<sup>152</sup>

According to Bregman, the most successful campaign tactic was bringing together people's experiences and linking them powerfully to the issues with policing in Khayelitsha.<sup>153</sup> It was essential to the campaign to project the voice of Khayelitsha residents as they carried the weight of the issues with policing. Some of the memoranda written to the authorities included the stories of people in Khayelitsha and the challenges they faced trying to get justice.<sup>154</sup> In preparation for the KCOI, Ndifuna Ukwazi directed SJC and Equal Education to gather more than 70 community affidavits and data on the issues in Khayelitsha, which were submitted at the KCOI.<sup>155</sup> Sali describes the direct testimonies of Khayelitsha residents as the 'most powerful weapon' that led to the establishment of the KCOI. Further stating that:<sup>156</sup>

[The] testimonies kept the campaigners going. The testimonies, they kept the campaigns going, and... they carried weight for convincing the Premier, even in the constitutional court, for approving the establishment of the Khayelitsha Commission of Inquiry.

As with the #EndSARS campaign, this campaign utilised several tactics which can be categorised into symbolic actions and intervention methods. According to Sharp, symbolic

---

<sup>150</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), and Interview with Joel Bregman, (Civil Society Expert).

<sup>151</sup> *KCOI Report*, chp. 7, para 71.

<sup>152</sup> Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

<sup>153</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>154</sup> TAC, News, "Memorandum on Gender Based Violence for March in Cape Town on 23 May 2008"; SJC, "Press Release - Khayelitsha Demands Safety, Security and Equal Access to Justice For All"; Equal Education, "Protest for Justice and Safety in Khayelitsha".

<sup>155</sup> SJC, *Annual Report 2014/2015*, 8.

<sup>156</sup> Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC).

actions include rallies, petitions, letters, and vigils, while intervention methods include sit-ins.<sup>157</sup> These diverse tactics are also utilised in the activism by the Justice Centres, discussed in the next chapter. Though both campaigns utilised mostly similar tactics, two differences can be pointed out. First, the major use of online activism via social media platforms such as Twitter and Facebook present in the #EndSARS campaign is absent in the Khayelitsha campaign. This could be due to the time when the Khayelitsha campaign began some of these social media platforms were not yet popular or even in existence, and mobile phones were not readily available. As stated above, the use of social media platforms for the #EndSARS campaign contributed to the transnationalisation of issues, unlike the Safer Khayelitsha which was localised. The second difference is that the use of the tactics in the Khayelitsha campaign appeared to be better strategic and organised compared to the #EndSARS campaign. This can be due to the campaign being led by specific organisations that co-ordinated the tactics used, deciding where protests should be held and to whom letters and petitions should be directed.

## 5.5. Challenges

The activists interviewed identified some of the challenges that faced the campaign. One reoccurring challenge which the campaign had to navigate was the political terrain in South Africa.<sup>158</sup> Since 2009, The Western Cape has been governed by the party which, at the national level, has been the primary opposition party. As a result, the request to have the police investigated was construed by some supporters of the ruling party as a ploy to oppose the ruling party, and according to respondents to this study, SJC was considered a tool of the opposition party to discredit the ruling party.<sup>159</sup> For Weyers, the politics of the Western Cape had a double-edged effect. On the one hand, it helped to set up the KCOI because the violence in Khayelitsha and, by extension Cape Town reflected severely on the ruling party.<sup>160</sup>

---

<sup>157</sup> Gene Sharp, *How Nonviolent Struggle Works*, (USA: Albert Einstein Institution, 2013): 25-28.

<sup>158</sup> Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF); interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017); Interview with Dalli Weyers (Member of the SJC 2005-2012); Interview with Joel Bregman, (Civil Society Expert); interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC); and Interview with Axolile Notywala (former Secretary General of SJC).

<sup>159</sup> Interview with Axolile Notywala (former Secretary General of SJC); and Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>160</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

However, on the other hand, it limited the participation of people before the KCOI as it became politicised and seen as the ‘Helen Zille Commission’.<sup>161</sup>

Another challenge was the lack of response from SAPS despite the numerous memoranda submitted to SAPS. This could have been due to the frequent change in SAPS leadership – the minister of police and national commissioners of police – during the campaign for the KCOI. Notywala states that this frequent change in leadership was a challenge because every new person had a different attitude, and the campaign had to restart campaigning with that office from scratch.<sup>162</sup> Beyond the change in leadership, the failure of SAPS to engage with the campaign could also be due to the general resistance of the police to entertain complaints involving them. This conclusion can be drawn because SAPS also failed to engage with the Premier when the Premier received the formal complaint from the organisations. The High Court in *Minister of Police and Others v. The Premier of Western Cape and Others* provides a chronology of approximately eight months of failed communication between the Premier Zille and SAPS leadership, the Minister of Police (Mr Nathi Mthethwa), the Western Cape Provincial Commissioner of Police, and the National Commissioner of Police.<sup>163</sup>

Eventually, after the Premier granted the campaign’s demand for an inquiry, another major challenge was the legal battle mounted by the leadership of SAPS opposing the establishment of the KCOI. After the KCOI issued a subpoena on top SAPS leadership to appear before the KCOI, the Minister of Police filed an application against the Premier and others on 5 November 2012 at the Western Cape High Court.<sup>164</sup> The application was to restrain the KCOI from issuing subpoenas on any members of SAPS and, more generally, restrain the activities of the KCOI in any form until the review of the final application to set aside the Premier’s decision. The applicants requested an order setting aside the Premier’s decision, claiming that the decision was irrational and inconsistent with the constitution; it was unlawful and unconstitutional, and finally, that it failed to give effect to the principles of cooperative government and inter-governmental relations in section 41 of the

---

<sup>161</sup> Ibid.

<sup>162</sup> Interview with Axolile Notywala (former Secretary General of SJC).

<sup>163</sup> *Minister of Police and Others v. Premier of the Western Cape and Others* (ZAWCHC), para 12-31.

<sup>164</sup> Ibid.

constitution.<sup>165</sup> In the judgment, the court dismissed the applicants' claims.<sup>166</sup> The Minister of Police and others further applied for leave to appeal the decision at the Constitutional Court.<sup>167</sup> The Constitutional Court on 1 October 2013 refused the leave to appeal the High Court's judgment. The Constitutional Court also dismissed the application to declare the Premier's actions inconsistent with the constitution and invalid.<sup>168</sup>

The resistance of SAPS to participate in the inquiry and the resulting court battles delayed the KCOI from holding public hearings for about eleven months.<sup>169</sup> Eventually, Notywala recalls that the police became stakeholders and participated in the KCOI because they were affected by the issues in Khayelitsha.<sup>170</sup> Corroborating this, Amanda Dissel – who served as the Secretary of the KCOI – recalls that the members of SAPS who presented at the KCOI spoke about the problems they encountered policing Khayelitsha, including insufficient number of human resources, inadequate level of support, and inadequate training.<sup>171</sup> Beyond this, the eventual participation of members of SAPS can also be attributed to the fact that the KCOI made it clear that it was not apportioning blame but seeking solutions. However, the members of SAPS who testified before the KCOI were from the leadership sphere, and rank-and-file officers from the three Khayelitsha Police stations did not testify.<sup>172</sup>

Generally, the challenges faced by this campaign such as navigating the political terrain, the resistance of the SAPS, frequent change of SAPS leadership and the opposition of the minister of police to the Premier granting the campaign's request for an inquiry, point to the problem with campaigning against the police. From these challenges, it can be inferred that the state is often hesitant to investigate the police. Furthermore, leaders often fear the political ramifications of acknowledging the issues within the police as this might have negative consequences on their future political ambitions.

---

<sup>165</sup> *Minister of Police and Others v. Premier of the Western Cape and Others* (ZAWCHC), para 7 and 8.

<sup>166</sup> *Ibid.*, para 85 and 86.

<sup>167</sup> *Minister of Police and Others v Premier of the Western Cape and Others* (ZACC), para 15.

<sup>168</sup> *Ibid.*, para 73.

<sup>169</sup> *KCOI Report*, chp. 1, para 11.

<sup>170</sup> Interview with Axolile Notywala (former Secretary General of SJC).

<sup>171</sup> Interview with Amanda Dissel, (Secretary of the KCOI, and current Director of Policy and Research, Department of Community Safety, Western Cape), 30 April 2021.

<sup>172</sup> *KCOI Report*, chp. 11.

## 5.6. Reaction of the Police Accountability Mechanism

As discussed above, several mechanisms carry out oversight and accountability functions over SAPS. Some of these mechanisms are internal, and others external, like the IPID and the SAHRC. This section will briefly examine the reaction of ICD-IPID, the Civilian Secretariat of Police Service (CSPS), the Department of Community Safety (DoCS) of the Western Cape, the CPFs, SAHRC, government, the courts, and SAPS leadership in the face of the campaign.

IPID, as discussed above, exercises independent oversight over the police in South Africa. However, before the operationalisation of IPID in April 2012, ICD carried out this function. ICD's mandate did not expressly cover complaints involving lack of service delivery of SAPS, nor does IPID's mandate. The mandate of ICD was to investigate any misconduct or offence allegedly committed by members of SAPS and, where necessary, refer such investigations to the concerned SAPS Commissioner.<sup>173</sup>

Though ICD's mandate did not expressly include complaints concerning lack of service delivery, the definition of what connotes 'misconduct' can be said to cover this. SAPS's former Disciplinary Regulation of 2006 defined misconduct to include failure to comply or contravene an Act, Regulation, or legal obligation and a SAPS official while on duty acting in an improper, disgraceful, and unacceptable manner.<sup>174</sup> The extant *SAPS Disciplinary Regulation of 2016* states that it amounts to misconduct when a SAPS employee performs an act or fails to perform an act with the intention 'not to comply with his or her duties or responsibilities'.<sup>175</sup> Therefore, the failure of a SAPS official to, for instance, take a victim's statement, open a docket, or properly investigate a report will fall under the definition of misconduct.

In the official complaint of November 2011, the organisations included two cases of police brutality that were previously reported to ICD, but ICD's response after seven months absolved SAPS of all wrong even though one of the cases involved SAPS officer opening fire in a crowded space.<sup>176</sup> The KCOI extensively criticised the number of complaints marked 'unsubstantiated' by ICD, noting that the way ICD handled complaints against SAPS in

---

<sup>173</sup> *SAPS Act* 68 of 1995, sec. 53(2) (a) (now repealed).

<sup>174</sup> Regulations for the South African Police Service 2006, Reg. 20(a) (p).

<sup>175</sup> Regulations for the South African Police Service 2016, Reg. 5(3) (bii).

<sup>176</sup> Politics Web, "Zille Must Appoint Inquiry into Khayelitsha Policing - SJC" (Initial Complaint) para 32-42.



Khayelitsha probably contributed to the breakdown in relations between the community and SAPS.<sup>177</sup>

Generally, ICD's effectiveness in responding to complaints expressly within its mandate was affected by several challenges. These included a lack of resources and an absence of legislative obligation on SAPS to enforce ICD's recommendations, which resulted in ICD's lack of authority to compel the police to implement recommendations or provide feedback for non-implementation.<sup>178</sup> The effect of this was evident in Mr Thabo Leholo's (ICD Provincial Head Western Cape until disestablishment and the Acting head of IPID) testimony before the KCOI. According to Mr Leholo, when ICD received a complaint, it reviewed and referred the file to SAPS to deal with as provided in the now repealed section 53(a) *SAPS Act 1995*. Subsequently, ICD closed the file and marked it as 'unsubstantiated'. Mr Leholo noted that even when ICD asked SAPS for reports on such files, such reports were not always furnished.<sup>179</sup>

Unlike ICD, its successor IPID has specific offences it is mandated to investigate without referring to SAPS. As mentioned above, these include deaths in police custody, deaths due to police action, complaints as to the discharge of an official firearm by a member of SAPS, rape by a member of SAPS, rape by any person while in police custody, and torture, or assault by members of SAPS.<sup>180</sup>

However, like ICD, IPID's mandate does not expressly cover complaints involving a lack of service delivery of SAPS. Furthermore, IPID has faced almost the same challenges as its predecessor. For instance, IPID still depends on other agencies for its outcomes. IPID, after investigation, makes recommendations to other agencies, like the National Prosecuting Authority (NPA), the NCP, or the Provincial Commissioners, for criminal charges to be filed or disciplinary steps to be taken. The NPA, for instance, refuses to prosecute more than 70% of the cases referred to it by IPID, and the police, in some instances, take no disciplinary

---

<sup>177</sup> *KCOI Report*, chp. 14, para 53.

<sup>178</sup> Johan Burger, and Cyril Adonis, "A Watchdog Without Teeth? The Independent Complaints Directorate", *South Africa Crime Quarterly*, 24 (2008): 29-34; Julie Berg, "Civilian Oversight of Police in South Africa: From the ICD to the IPID", *Police Practice and Research* 14, no.2 (2013): 144-154.

<sup>179</sup> *KCOI Report*, chp. 9, para 35.

<sup>180</sup> *IPID Act*, sec. 28(1).

action in cases referred to it.<sup>181</sup> Furthermore, IPID in its 2017/2018 Annual Report, stated that despite its recommendation of disciplinary actions, the management of SAPS had taken no disciplinary actions when it involved very senior police officers.<sup>182</sup>

IPID is also faced with financial and human resource constraints to enable it to handle the number of complaints within its complex mandate. The investigative arm of IPID is also ‘severely underfunded, understaffed, and lacking in certain specialised skills.’<sup>183</sup> As a result, IPID relies on SAPS directly or indirectly for investigations, which can potentially undermine the independence and credibility of its investigations.<sup>184</sup>

Aside from ICD-IPID, the body specifically mandated to monitor the service delivery of SAPS is the CSPA. The CSPA, amongst others, is mandated to monitor and assess the performance of SAPS, identify problem areas, and recommend steps to improve service delivery and police effectiveness.<sup>185</sup> In addition, the CSPA is to mobilise stakeholders and role players to strengthen service delivery by police to ensure the safety and security of communities. IPID also refers service delivery complaints to the CSPA.<sup>186</sup> The *CSPA Act* provides for the establishment of provincial secretariats to ‘monitor and evaluate police conduct in the province’ and ‘promote community-police relations.’<sup>187</sup>

It appears there was no engagement between the campaign and the CSPA. This could have been for several reasons. First, the CSPA was only operationalised by the *CSPA Act* in May 2011; at this point, the campaign was already directly engaging with the Premier and pushing for a commission of Inquiry. Second, the *CSPA Act* does not give the CSPA the power to investigate the police. Its powers are to monitor, assess, and make recommendations.<sup>188</sup> Therefore, even if the CSPA had existed during the earlier phase of the campaign, it does not have the power to investigate the systemic issues raised by the complainant organisations. This was also noted by the High Court in the case challenging the

---

<sup>181</sup> David Bruce, “*Are South Africa’s Cops Accountable? Results of Independent Police Investigative Directorate Investigations?*”, (Cape Town: APCOF, 2020), 3-4, 16.

<sup>182</sup> IPID, *IPID Annual Report 2017/2018 Financial Year* (Pretoria: IPID, 2018), 11.

<sup>183</sup> Dumisani Gandhi *et al.*, *Towards a Lethal Force Monitor: South Africa and Kenya*, (2021), <https://lethal-force-monitor.org/downloads/toward-lethal-force-monitor.pdf> 32 and 33.

<sup>184</sup> *Ibid.*

<sup>185</sup> *CSPA Act (no.2 of 2011)*, sec. 5(a) and 5(e).

<sup>186</sup> *IPID Act (no.1 of 2011) 2011*, sec. 35(6) (b).

<sup>187</sup> *CSPA Act (no.2 of 2011)*, sec. 17(a) (ii), 17(2) (b) (i).

<sup>188</sup> *CSPA Act (no.2 of 2011)*, sec. 6.

establishment of the KCOI, in which the CSPS was one of the applicants that ‘...the mandate of the Civilian Secretariat ...does not make provision for the investigation of complaints against the police’.<sup>189</sup>

There also appeared not to be any engagement between the campaign and the SAHRC. This is surprising as the SAHRC’s broad human rights mandate placed it in a position to receive and investigate the complaints of lack of service delivery by the police which affected human rights in Khayelitsha.<sup>190</sup> The lack of engagement between SAHRC and the campaign could be attributed to the strategy adopted by the campaign after mobilising around individual court cases, to focus its resources on getting the Premier to establish a broad inquiry into policing. However, during the KCOI, the SAHRC submitted a report which focused on the intersection between socio-economic conditions and violence in a community.<sup>191</sup> Subsequently, the SAHRC has engaged with the SJC on other issues in Khayelitsha such as the socio-economic conditions in Khayelitsha. For instance, the SAHRC in response to a complaint by the SJC in 2013, investigated the supply and service of chemical toilets by the city in various parts of Cape Town including Khayelitsha.<sup>192</sup>

Another vital accountability forum in building relations between the community and SAPS are the CPFs. As noted above, Khayelitsha has three CPFs that were in existence during the campaign. The CPFs are broad representations of the community and act as liaisons between the community and SAPS. They also play a critical role in building relations between the police and the communities where they exist. However, despite the CPFs’ vital role in building relations between the police and the communities, the CPFs in Khayelitsha did not engage with the campaign. Sali, who worked briefly with the Harare CPF before the KCOI, recalls that the CPFs distanced themselves from the campaign. For Sali, the reason for this was that the CPFs were politically aligned with the ruling party and saw the demand for a KCOI by

---

<sup>189</sup> *Minister of Police and Others v. Premier of the Western Cape and Others* (ZAWCHC), para 68.

<sup>190</sup> As noted earlier, one of the challenges faced during this study was the lack of response from the SAHRC for an interview despite several attempts.

<sup>191</sup> *KCOI Report*, Appendix A.

<sup>192</sup> SJC, “SAHRC Finds City of Cape Town’s Lack of Sanitation Plan Unreasonable and Racially Discriminatory”, 16 July 2014, <https://sjc.org.za/posts/sahrc-finds-city-of-cape-towns-lack-of-sanitation-plan-unreasonable-and-racially-discriminatory>; SAHRC, “Investigative Report: Western Cape and Social Justice Coalition”, 9 July 2014, <https://www.sjc.org.za/wp-content/uploads/2014/07/Investigative-Report-Western-Cape-Social-Justice-Coalition-9-July-2014.pdf>.

the campaign as an investigation of the ruling party's minister and the CPF themselves.<sup>193</sup> Similarly, some participants during the KCOI also testified that the CPFs in Khayelitsha had become politically dominated and considered largely ineffective in building police-community relations in Khayelitsha. For example, Mlungwana of the SJC told the KCOI that she had attended several CPF meetings, but it was fruitless, so the SJC ceased attending.<sup>194</sup> Also, Bregman of the SJC told the KCOI that though the SJC accepted some responsibilities for not actively engaging the CPFs, he had personally attended several CPF meetings, and his impression was that the CPF did not consider it was the relevant forum to consider policing issues. For instance, in one such meeting on 19 November 2010, the issue to be considered was the violent service delivery protests that were ongoing, the Khayelitsha CPFs responded that the issue should be taken forward by the KDF – an NGO.<sup>195</sup>

The KCOI observed that the CPFs in Khayelitsha had not played any significant role in effectively building relations between SAPS and the Khayelitsha community. This was due to several reasons including the under-resourcing of the Khayelitsha CPFs, and the political contestation in Khayelitsha had infected the operation of the CPFs, especially the Harare and Khayelitsha CPFs.<sup>196</sup>

The Western Cape DOCs is another vital department to consider as in the fulfilment of its civilian oversight mandate, it monitors police conduct by visiting police stations and receiving complaints on service delivery.<sup>197</sup> In monitoring SAPS service delivery, the DoCS have faced challenges accessing information from SAPS due to a lack of cooperation. For instance, in 2010, SAPS station commanders were instructed not to provide any information to the DoCS except as instructed by the SAPS Provincial Commissioner, the Provincial Commissioner also instructed that all complaints should be submitted to the office of the Provincial Commissioner for investigation.<sup>198</sup> As noted above, the campaign initially wrote memoranda and letters to MEC for Community Safety and other stakeholders highlighting the issues with service delivery by the police in Khayelitsha. Meetings were also held between

---

<sup>193</sup> Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC).

<sup>194</sup> *KCOI Report*, chp. 17, para 18.

<sup>195</sup> *Ibid.*, chp. 17, para 19.

<sup>196</sup> *Ibid.*, chp. 14, para 29-31.

<sup>197</sup> The core functions of the DoCS are derived from the provincial power of oversight in sec. 206(3) CoSA.

<sup>198</sup> Department of Community Safety, Western Cape, *Submission of the Annual Report to the Minister - 2010/2011*, (Cape Town: DoCS, 2011): 35-36.

the complainant organisations and MEC for Community Safety to discuss the issues raised by the complainant organisations. It was in one such meeting between the complainant organisations and MEC of Community Safety, with the Premier in attendance, that the Premier indicated that the organisations lodge a formal complaint.

The climax of the campaign can be said to be the reaction of the Premier in exercising the provincial power of oversight over the police by setting up the KCOI. This was the first time in South Africa that a Province had used such powers to set up a commission of inquiry into the systematic challenges facing policing within the province. At about the time the KCOI was established, the Marikana Commission was established.<sup>199</sup> However, the KCOI was different from the Marikana Commission. Beyond the fact that a Provincial government set it up, the KCOI had a more far-reaching mandate to investigate SAPS, it was not limited to a specific incident like the Marikana Commission. The Premier setting up the KCOI was a victory for the campaign, even though it limited its scope by excluding the CTMPD and the ALIU. One of the activists opines that while the Western Cape Provincial government supported the campaign as they considered themselves opening their mandate of oversight over the police, the national government, in Bregman's opinion, did not show goodwill towards the campaign, as it was hesitant to accept any criticism.<sup>200</sup>

In general, Weyers does not consider the provincial and national response to the campaign as successful due to the lack of political will to implement the KCOI recommendation. Weyers explains that while the province set up the KCOI, which was successful in considering its mandate, the KCOI is limited as it is not a court with powers to enforce the implementation of its recommendation. The duty to recommend ultimately rests with the government.<sup>201</sup>

The courts also play a vital role in holding the police accountable. IPID Annual Reports contain several cases forwarded to NPA for prosecution and the number of criminal convictions secured against police officers.<sup>202</sup> Specifically, regarding this campaign, the courts played a salient role as the venue for the formative early parts of the campaign. As

---

<sup>199</sup> Marikana Commission of Inquiry, *Report on Matters of Public, National and International Concern Arising Out of the Tragic Incidents at the Lonmin Mine in Marikana, in the Northwest Province*, (Pretoria: Marikana Commission, 2015).

<sup>200</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>201</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>202</sup> For instance, the 2020/2021 Annual Report of IPID recorded 22 criminal convictions on cases it investigated. (IPID, *Annual Report 2020/2021*, (Pretoria: IPID, 2021), 79. [IPID's Annual Report 2020\\_21.pdf](#).)

organisations, family members and friends of victims mobilised around court hearings and assembled at court venues during trials. Subsequently, when the Premier granted the campaign's demands to set up the KCOI, the courts stepped in to enforce the Premier's power to set up a commission of inquiry to investigate complaints of policing inefficiency and the breakdown in relations between the Khayelitsha community and the police. The court further helped highlight that the responsibility for policing is not exclusively a national power. However, some areas of policing are borne concurrently by the national and provincial legislature, to the extent that the provisions of Chapter 11 of the Constitution confer upon the provincial legislature's legislative competence.<sup>203</sup> Reading the judgment on behalf of the unanimous court, Deputy Chief Justice Dikgang Moseneke held that the constitution had established a general framework and specific mechanisms such as a Commission of Inquiry through which a Province can exact accountability.<sup>204</sup>

The Police, as noted above, failed to respond to the campaign and actively opposed the KCOI for a while but eventually participated. According to the KCOI estimation, it received over 50,000 pages of documents from SAPS and 400 police dockets.<sup>205</sup> Furthermore, twenty-three SAPS witnesses – local, provincial, and national testified before the KCOI.<sup>206</sup>

The various oversight and accountability mechanisms had a diverse range of reactions to the campaign. The police failed to engage with the organisations' complaints despite numerous memoranda sent to the Minister of Police. Subsequently, the Minister of Police attempted to stop the Premier from granting the campaign's demand for an Inquiry and resisted the eventual establishment of the KCOI. Some organisations like ICD and CPFs which existed during the campaign were ineffective in responding to the issues raised by the campaign due to different challenges such as lack of resources. In addition, ICD did not have the express mandate to investigate complaints involving lack of service delivery of SAPS, it however failed to effectively investigate individual complaints of police abuse which fell within its mandates. Other organisations like the DoCS held meetings with the complainant organisations and attempted to bring different stakeholders together to discuss the issues. However, these meetings yielded no results until a formal complaint was sent to the Premier

---

<sup>203</sup> *Minister of Police and Others v. Premier, Western Cape, and Others*, (ZACC), para 31.

<sup>204</sup> *Ibid.*, paras 41 and 52.

<sup>205</sup> *KCOI Report*, chp. 10, paras 1, 9.

<sup>206</sup> *Ibid.*, chp. 11, para 2.

which resulted in the Premier meeting the campaign's demand for an inquiry into policing in Khayelitsha. The Premier's reaction in setting up the inquiry, was significant as the KCOI became the avenue for these different mechanisms to come together and address the complaints of the organisations and people of Khayelitsha.

## 5.7. Role of the Activism in Pursuing Accountability

### 5.7.1. Investigation

The campaign contributed to the prosecution of some individual cases by applying pressure on the police and court to effectively investigate and prosecute. These cases, as mentioned above, include that of Lorna Mlofana, Nandipha Makeke and Zoliswa Nkonyana. Due to the mobilisation carried out in the initial cases of Lorna and Nandipha when Zoliswa got murdered, Zoliswa's mother approached TAC to help bring the killers to justice.<sup>207</sup> In addition to applying pressure, Soldaat recalls that residents in Khayelitsha were more open to revealing information about pending investigations to the activists rather than the police. Therefore, the organisations were able to collect information about some of these cases from community members which were then passed on to SAPS.<sup>208</sup> An examination of these cases during the KCOI revealed that four out of the eight cases resulted in convictions after considerable delays, the shortest period being three years to prosecute.<sup>209</sup> The KCOI remarked that court proceedings for several of these cases only came to fruition after the campaign by the complainant organisations. Though the KCOI was not willing to state on record that the campaign led to the successful but slow prosecution of these cases, it stated that it should not be 'necessary for members of the community to have to launch protest campaigns to obtain justice.'<sup>210</sup>

Beyond applying pressure to ensure effective investigations in specific cases, as earlier noted, the activism resulted in the KCOI, which served as an extraordinary accountability mechanism. The KCOI's ToR was framed in line with the Provincial power of oversight in section 206(3) of the *CoSA*. The mandates were as follows: Firstly, to investigate complaints received by the Premier concerning the allegations of SAPS inefficiency in the three

---

<sup>207</sup> SJC, *The History of The O'Regan–Pikoli Commission of Inquiry History*, 17.

<sup>208</sup> Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

<sup>209</sup> *KCOI Report* chp. 6, para 45.

<sup>210</sup> *Ibid.*, chp. 6, para 46.



Khayelitsha police stations and any other units of SAPS operating in Khayelitsha. Secondly, to investigate complaints about the allegations of breakdown in relations between the Khayelitsha community and members of SAPS stationed in the three police stations or operating in Khayelitsha. Lastly, to investigate the reasons for and causes of the inefficiency and breakdown in relations, if any were found to exist.<sup>211</sup> The investigation carried out by the KCOI was not focused on specific complaints of police misconduct but on broader systemic issues that led to policing inefficiencies and breakdown in relations between SAPS and the Khayelitsha community. However, some cases brought before the KCOI received speedy resolution by SAPS.<sup>212</sup>

During the KCOI, the campaign assisted in the investigation carried out by the KCOI in various ways. First members of the complaint organisations presented evidence and testified before the KCOI.<sup>213</sup> Second, the complainant organisations aside from the initial eight complaints submitted to the Premier and investigated by the KCOI, also collected complaints from community members which were submitted before the KCOI. The KCOI's report records about 75 community statements filed by complainant organisations.<sup>214</sup> Third, in addition to statements from community members, the campaign also solicited experts to testify before the KCOI on various issues such as policing, criminology, vigilantism, police corruption and criminality.<sup>215</sup> Lastly, during the investigations and hearings by the KCOI, the complainant organisation facilitated the transportation of community members to the daily hearing of KCOI, provided food, and were also present during the commission's visit to the police stations in Khayelitsha.<sup>216</sup>

The continuous participation of the campaign in the investigation by the KCOI showed the commitment of the campaign to the course. In addition, it was essential in helping the commission reach its findings of inefficiencies at the three police stations and the FCS Unit in Khayelitsha. Some of these findings of inefficiency included a lack of established guidelines for patrols; failure to properly investigate crimes when reported; failure to provide feedback

---

<sup>211</sup> *Ibid.*, chp. 2, para 1.

<sup>212</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>213</sup> *KCOI Report* chp. 7, para 63-107.

<sup>214</sup> *Ibid.*, chp. 7, para 14; Appendix D, Part C.

<sup>215</sup> *Ibid.*, chp. 12, para 31-61, 90-112.

<sup>216</sup> Interview with Joel Bregman, (Civil Society Expert).

to complainants or bereaved family members on the progress of criminal investigations; and poor crime scene management due to environmental difficulties and lack of basic equipment and training.<sup>217</sup> In addition, the KCOI concluded that there was a breakdown in relations between the community and SAPS Khayelitsha. These findings proved the issues raised by the campaign. Accordingly, the KCOI proceeded to make twenty recommendations, some of which are examined in the subsection below on reforms.

The role of the campaign in investigation evolved from mobilising around specific cases and applying pressure on the police to properly investigate those cases, to mobilising and applying pressure on the premier for a broad investigation into policing in Khayelitsha, which led to the KCOI. In addition, during the KCOI which ensued due to the campaign's effort, participants in the campaign continued to assist the investigation by the KCOI by testifying and presenting evidence before the KCOI, collecting statements from the community, and facilitating their attendance during the proceeding and providing experts to testify before the KCOI.

### **5.7.2. Remedies**

In this instant case study, though the campaign had complaints about specific instances of police inefficiencies, like failure to investigate a reported crime or provide feedback to victims, the end goal of the campaign was not to apportion blame to specific officers but rather to seek an investigation into the systemic issues with policing in Khayelitsha. As noted by O'Regan, the resulting KCOI was not adversarial; it was not to determine the liability of anyone, and neither did the KCOI necessarily resolve conflicts in particular incidents. Instead, the KCOI was to identify 'patterns of failures, weakness and find solutions to those'.<sup>218</sup> This is a major difference between the KCOI, and the investigative panels – PPRS and the state panels such as the LSJPI – constituted as a result of the #EndSARS campaign. While the KCOI did not determine the liability of any police officer, both the PPRS and the LSJPI determined the liability of certain police officers, recommending dismissal and prosecution and also awarded damages to some petitioners.<sup>219</sup> This difference between the KCOI and the

---

<sup>217</sup> *KCOI Report*, Summary, para 7.

<sup>218</sup> Johan Burger, "On the Record: Interview with Judge Kate O'Regan", *South African Crime Quarterly* 53, (2015), 61.

<sup>219</sup> Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20 October 2020*, 304-306; Channels Television, "Four Major Recommendations by the Special Panel on SARS", 3 June 2019,

#EndSARS could be due to the heterogeneous nature of issues addressed by both campaigns, with the #EndSARS dealing with allegations of police brutality while the Safer Khayelitsha campaign dealt with allegations of police inefficiency and break down in relationships.

Considering this, remedies such as restitution, compensation, and rehabilitation did not necessarily arise, but the campaign brought about some measures of satisfaction. As discussed above, satisfaction can include a public apology and official apology, acknowledgement of the facts and acceptance of responsibility, verification of the facts and full and public disclosure of the truth.<sup>220</sup>

When asked what role the campaign played in pursuing remedies, Mlungwana noted that remedy is subjective as it will differ from person to person. Mlungwana further explains that most families did not obtain justice and might never, but they received the platform to tell their stories, which might help address the more significant systematic issues.<sup>221</sup> Sharing the same view, another activist stated that the campaign gave voices to survivors of crime who had been ignored for a long time.<sup>222</sup>

Weyers stated that there is dignity to be found in a struggle, and the simple act of victims sitting before a commander to share their experiences and subsequent re-victimisation by police officers and having those police officers listen was empowering.<sup>223</sup> Weyers further stated:<sup>224</sup>

... allowing for people to be seen and to be heard, there is benefit in that alone. So, of course, you want justice in the full sense of the word, but simply allowing a community and its struggles to be seen, for those struggles to be understood, for those struggles to be kind of framed and contextualised and then kind of be put into a format that becomes a tool for that community is useful.

Aside from the empowerment of community members, the KCOI created a safe place for residents of Khayelitsha to express their grievances and question top SAPS officials. It also

---

<https://www.channelstv.com/2019/06/03/four-major-recommendations-by-the-special-panel-on-sars/>, (accessed 12 October 2024).

<sup>220</sup> *UN Remedy and Reparation Principles*, para 22.

<sup>221</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>222</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>223</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>224</sup> *Ibid.*

created an avenue for SAPS officials to share their challenges with policing Khayelitsha, thereby creating a dialogue between the people and those policing them. Mlungwana states that:<sup>225</sup>

So, on the one hand, residents are saying, 'we want you to make us safe', and the police are saying, 'we are trying everything that we can,' and no one is talking to each other. And for the first time, we had a dialogue between the different role players and for me that was an important start.

A highlight during the KCOI was Lieutenant General Arno Lamoer – the then Provincial Commissioner – stating: 'I am prepared to apologise for the lack of services rendered to address the crime problems in the Khayelitsha area'.<sup>226</sup> According to activists, the police admitting their wrongs and expressing willingness to apologise was a high point for Khayelitsha residents, and this was seen on the front pages of the newspapers by residents of Khayelitsha.<sup>227</sup>

The KCOI also led to public disclosure as it collated substantial information on different aspects of SAPS management and policies. For instance, the method of resource allocation (THRR), which was previously not publicly available nor open for debate, was made public and open for scrutiny. This eventually led to the challenges of the THRR in court. In addition, most of the KCOI documentary records from SAPS, IPID, the Western Cape DoCS, the complainant organisation and transcripts of testimonies and cross-examination were made available for free access to the public via the KCOI official website.<sup>228</sup>

Through the campaign, victims in specific cases eventually had their cases heard in court and perpetrators sentenced. More broadly, the campaign presented victims with a platform to tell their stories and have the police and government listen.

### **5.7.3. Reforms**

The establishment of the KCOI was a form of reform brought on by the campaign. As previously mentioned, the province's power to set up a commission of inquiry on receipt of complaints had previously not been used in South Africa. Weyers states that the

---

<sup>225</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>226</sup> *KCOI Report*, chp.11, para 247.

<sup>227</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), and Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>228</sup> [www.khayelitshacommission.org.za](http://www.khayelitshacommission.org.za). (However, the website as of when the researcher first noticed in 2020 till date, is no longer in operation).

constitutional court's backing of the KCOI and a Province's power gave formal recognition to the powers of a premier regarding policing in Khayelitsha. The long-term effect of this is that another means of holding the police accountable was unlocked at the provincial level.<sup>229</sup> Bregman sharing the same view, described the campaign as ground-breaking because it led to the KCOI, which managed to shine a spotlight on policing not just in Khayelitsha but the entire country.<sup>230</sup> Subsequently, the WCPO, which has the powers of the KCOI was established in 2015 in terms of the Western Cape Community Safety Act 2013.<sup>231</sup> The WCPO's mandate just like the KCOI is to investigate allegations of policing inefficiencies and breakdown in relations with SAPS in the Western Cape.<sup>232</sup> The role of the WCPO is vital in the accountability framework as the category of complaints the WCPO handles does not fall within IPID's mandate. The WPCO is an expression of the province's oversight powers over the police, which is limited to investigating policing inefficiencies, and relations breakdown. For Soldaat, one of the reforms brought about by the campaign was the improvement in communication and accessibility between community members and SAPS, and even the role of the CPFs as a link between the people and police improved. Soldaat, however, notes that the local CPFs' roles are limited when it comes to the significant issues plaguing policing in Khayelitsha, stating that the intervention of the national CPF is necessary as they have access to the national SAPS leadership and the minister of police.<sup>233</sup>

Some reforms have also resulted from the recommendations made by the KCOI. The KCOI made twenty recommendations, including the issuance of guidelines for visible policing in informal neighbourhoods; the adoption of a community policing commitment with Khayelitsha residents; the establishment of a multi-sectoral task team on youth gangs by the DoCS; the establishment of a monitoring and oversight team to ensure the eradication of inefficiencies in the three police stations and the FCS unit and the revision of the SAPS system for determining Theoretical Human Resource Requirement (THRR) – the policy used

---

<sup>229</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>230</sup> Interview with Joel Bregman, (Civil Society Expert).

<sup>231</sup> Western Cape Government, "Khayelitsha Commission: Steady Progress in Implementing Recommendations", 21 August 2017, <https://www.westerncape.gov.za/news/khayelitsha-commission-steady-progress-implementing-recommendations>.

<sup>232</sup> *Western Cape Community Safety Act 2013* sec. 16.

<sup>233</sup> Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

by SAPS to allocate human resources to police stations throughout the country which led to structural understaffing of the police stations in Khayelitsha.<sup>234</sup>

In mid-2015 – a year after the KCOI’s report was submitted – the SAPS and the Western Cape government announced the formation of a joint task team to work through the KCOI’s report and map out the way forward in implementing the recommendations.<sup>235</sup> Though the Western Cape Government has noted, that several of the recommendations are to be implemented by SAPS and not the DoCS.<sup>236</sup> Between 2016 and 2018, they released yearly online updates on the implementation of the recommendations of the KCOI. From their updates, they claim several reforms have been made in Khayelitsha based on the recommendations by the KCOI, such as the allocation of more human resources such as detectives to the police stations in Khayelitsha, support by the Western Cape cabinet of the national Anti-Gang Strategy and subsequent deployment of an Anti-gang unit to the province.<sup>237</sup> Furthermore, in November 2018, an Anti-gang unit was deployed to Western Cape Province.<sup>238</sup>

However, despite the claim by the government, participants in the campaign interviewed stated that these reforms carried out in reaction to the KCOI’s recommendations were merely surface reforms as there is still no improvement in Khayelitsha. Mlungwana stated that only the ‘low-hanging fruits’ were addressed, and the far-reaching recommendations were not implemented.<sup>239</sup> As addressed below, the SJC has continued to advocate for the urgent implementation of some recommendations they consider essential. These are the urgent development of guidelines for visible policing in informal neighbourhoods and revisiting the SAPS system for determining the THRR and the reallocation of human resources at each

---

<sup>234</sup> *KCOI Report*, chp. 13, para 159.

<sup>235</sup> Western Cape Government News, “Khayelitsha Commission of Inquiry Joint Task Team to be Established”, 25 August 2015, <https://www.westerncape.gov.za/news/khayelitsha-commission-inquiry-joint-task-team-be-established>, (accessed 12 October 2024).

<sup>236</sup> Western Cape Government, “Media Statement: Khayelitsha Commission of Inquiry Progress Report”, 29 August 2016, <https://www.westerncape.gov.za/news/media-statement-khayelitsha-commission-inquiry-progress-update>, (accessed 12 October 2024).

<sup>237</sup> Western Cape Government, “Media Statement: Khayelitsha Commission of Inquiry Progress Report”; Western Cape Government, “Khayelitsha Commission: Steady Progress in Implementing Recommendations”; Western Cape Government, “Anti-gang Unit Welcomed, Will There Be More”, 2 November 2018, <https://www.westerncape.gov.za/news/anti-gang-unit-welcomed-will-there-be-more>, (accessed 12 October 2024).

<sup>238</sup> Western Cape Government, “Anti-gang Unit Welcomed, Will There Be More”.

<sup>239</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

Khayelitsha police station.<sup>240</sup> So far, these recommendations have not been implemented. No guidelines on visible patrolling of informal settlements have been issued, and neither has the THRR been revisited. Unfortunately, the failure to implement recommendations of extraordinary investigative panels is present also in the PPRS and the LSJPI. Generally, the implementation of the recommendations of these extraordinary investigative mechanisms is often subject to political discretion. For instance, as discussed above, the recommendations of the LSJPI have been rejected by the state government. Implementation of the recommendations leads to reforms, which are an essential component of accountability. Reforms as earlier established are vital in the accountability framework as it helps to guarantee non-repetition of violation of human rights.

#### ***5.7.3.1. Further Campaign for Reforms***

In a bid to push for reforms based on the recommendations of the KCOI, the SJC and other organisations tried to engage directly with the Minister of Police and the National Commissioner through letters, emails, and meetings, but all these yielded no results. On 25 August 2015, the organisations led a 500-people march, including members of the organisations and Khayelitsha residents. The march was from the Western Cape Provincial Parliament to the National Parliament in Cape Town. A memorandum was handed to the Ministry of Police demanding equitable allocation of SAPS resources.<sup>241</sup>

Eventually, the SJC, Equal Education, and the Nyanga CPF decided to explore another tactic to push for a specific reform – equitable allocation of SAPS resources – by resorting to the judiciary. In April 2016, an application was submitted at the Equality Court under the *Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000* against the Minister of Police, the National Commissioner of Police, the Western Cape Police Commissioner, and the Minister for Community Safety, Western Cape – *SJC v. Minister of Police and others*.<sup>242</sup> The applicants challenged the THRR system utilised by SAPS to allocate resources across the country. The KCOI stated that the THRR ‘appears to be systematically biased against poor black communities’.<sup>243</sup> Jean Redpath, who testified before the KCOI, described the THRR as irrational and unfair as it resulted in socially disadvantaged

---

<sup>240</sup> Founding Affidavit of Phumeza Mlungwana, *SJC and Ors. V. Minister of Police and Ors*, para 61.

<sup>241</sup> *Ibid.*, para 65.

<sup>242</sup> *SJC and Ors. V. Minister of Police and Ors*.

<sup>243</sup> *KCOI Report*, chp.13, para 160.



populations having the lowest police per-population ratio.<sup>244</sup> Relying on the expert analyses of Redpath on police to population ratio in Western Cape and KwaZulu Natal, the applicants claimed that the THRR indirectly resulted in discrimination on the basis of race and poverty against Black people in the Western Cape.

Accordingly, the applicants sought various orders, including an order declaring that the allocation of police human resources in the Western Cape and the system used by SAPS in determining the allocation of police human resources unfairly discriminate against Black and poor people on the basis of race and poverty.<sup>245</sup> Relying on Redpath's evidence, the court ruled that there was discrimination as the THRR system considered demographics such as environmental, social, and economic facts in informal areas, leading to skewed allocations and in favour of privileged and historically white neighbourhoods.<sup>246</sup> Finding for the applicants, the Equality Court declared that the system used by SAPS in determining resource allocation unfairly discriminates against black and poor people on the basis of race and poverty.<sup>247</sup> During the court case, the SJC continued to organise marches to parliament and delivered the court papers to the Portfolio Committee on Police.<sup>248</sup>

Considering the above, though satisfied with the KCOI, participants in the campaign remain dismayed at the lack of political will to implement the recommendations fully.<sup>249</sup>

The Western Cape currently has a safety plan, introduced by Premier Alan Winde, to run from 2019 to 2024. The Safety Plan intends to increase the capacity of law enforcement in the least safe neighbourhood and address the root causes of crime through data-led enforcement and evidence-driven policing.<sup>250</sup> Expressing doubt on the impact of the Western Cape's Safety Plan in Khayelitsha, Weyers describes the safety plan as 'more of the same

---

<sup>244</sup> Ibid., chp.12, para 113-118.

<sup>245</sup> *SJC and Ors. V. Minister of Police and Ors*, para2.

<sup>246</sup> Ibid., para 75.

<sup>247</sup> Ibid., para 94.

<sup>248</sup> Bernard Chiguvare, "SJC March for Equitable Allocation of Policing Resources", *Elitsha*, 22 November 2017, <https://elitshanews.org.za/2017/11/22/sjc-march-for-equitable-allocation-of-policing-resources/>, (accessed 10 October 2024); SJC, *Annual Report 2017/2018*, (Khayelitsha: SJC, 2018), 16.

<sup>249</sup> Interview with Phumeza Mlungwana (former Secretary General SJC- February 2013-June 2017); Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF); and Interview with Joel Bregman, (Civil Society Expert).

<sup>250</sup> Western Cape Government, "Western Cape Safety Plan: Working Document", (2019), [https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/assets/departments/premier/western\\_cape\\_government\\_safety\\_plan.pdf](https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/assets/departments/premier/western_cape_government_safety_plan.pdf). (accessed 10 October 2024).

kind of platitudes.<sup>251</sup> For Weyers, the Safety Plan though showing some promise by clearly identifying the issues and relying on data-driven insights fails to proffer new solutions as the outlined solutions in the Safety Plan appear to be a repackaging of older, primarily unsuccessful initiatives without reflecting on lessons or mistakes made.<sup>252</sup>

According to Amanda Dissel, the Director of Policy and Research of the Western Cape DoCS, the province is working with the police to improve safety and policing. The province's goal is to deploy police and law enforcement officers to areas where they are most needed. In addition, the DoCS is trying to address social inequalities, develop social cohesion and look at urban design and management. However, some issues are challenging, such as the availability of illegal guns in Khayelitsha. According to Dissel, 70% of murders in Khayelitsha are gun-related. Furthermore, the lack of resources has made improving safety more challenging as the budget for policing has been cut nationally, affecting police stations in particular.<sup>253</sup>

Pending the potential impact of the Western Cape Safety Plan, Khayelitsha remains in a dire state. Commenting on the success of the campaign, Sali states that the first half of the campaign, which led to the setting up of the KCOI, was successful, but nothing has changed in Khayelitsha.<sup>254</sup>

## 5.8. Conclusion

The campaign on policing inefficiency in Khayelitsha was unexpected in many ways. It emerged from the underdogs of society and has remained resilient for nearly two decades. The campaign emerged in an atmosphere of high crime rates and distrust between the community and the police. It evolved from organising protests and engagement around specific criminal cases to ensure the proper investigations and effective prosecution to mobilising residents of Khayelitsha to speak up about their experience with crime and the police to show the systemic issues with policing in Khayelitsha. In the true spirit of *ubuntu*,

---

<sup>251</sup> Interview with Dalli Weyers (Member of the SJC 2005-2012).

<sup>252</sup> Dalli Weyers, "Winde's Western Cape Safety Plan Requires a Break with the Past", *Daily Maverick*, 5 December 2019, <https://www.dailymaverick.co.za/opinionista/2019-12-05-windes-western-cape-safety-plan-requires-a-break-with-the-past/>, (accessed 12 October 2024).

<sup>253</sup> Interview with Amanda Dissel, (Secretary of the KCOI, and current Director of Policy and Research, Department of Community Safety, Western Cape), 30 April 2021.

<sup>254</sup> Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC).

the campaign succeeded in forming a coalition and broadly unifying the voices of Khayelitsha residents to speak against the systemic issues with policing in Khayelitsha and demand better policing.

The campaign employed various avenues to mobilise, such as workshops, town meetings, pop-up drama and choir presentations, posters, pamphlets, and marches. Most notably, the campaign provided an avenue for the people to tell their stories; as noted by some participants, this was one of the most effective campaign tactics.

Though the campaign's language demanded a safer community, this chapter has shown that in demanding safety, the campaign sought accountability by demanding that SAPS in Khayelitsha function effectively according to the set standard.

This case study also shows how a social movement can utilise different tracks to pursue its aim. The organisations in this case study applied pressure on the authorities by organising protests, submitting memoranda, and having meetings. In addition, the knowledge of the law also came into play as it formed the backbone of the campaign's demand for the premier to set up the KCOI. The campaign could only demand this when they realised the law gave the premier such powers. Finally, in pushing for reforms, the campaign also resorted to utilising the judiciary to challenge the resource control method utilised by SAPS across South Africa.

Though the participants interviewed in this study expressed dissatisfaction with the government's response to the campaign, the campaign, in some ways, played a role in pursuing police accountability. First, it contributed to investigations by ensuring some specific cases were properly investigated and prosecuted by constantly following up on such cases, organising protests during court cases, and ensuring such cases remained in public discussion. Furthermore, the campaign more broadly led to an investigation into policing in South Africa by way of an extraordinary mechanism – the KCOI. The KCOI put a spotlight on extensive areas of policing in South Africa. This investigation aimed to bring about institutional accountability – to fix the entire bad orchard, and not just pluck out specific bad apples.

Second, the campaign pursued remedies as it created room for the previously ignored voices of victims to be heard through the KCOI. In addition, it facilitated the prosecution of individual cases in courts.

Third, the campaign brought about reforms. Though the participants in the campaign are still displeased at the state of Khayelitsha because far-reaching reforms like better resource allocations to the police stations in Khayelitsha have not been implemented, a significant win for the campaign remains the Equality Court's declaration. The Equality Court declared that the resource allocation utilised by SAPS in the Western Cape unfairly discriminates against black and poor people on the basis of race and poverty. This judgment can potentially change the method of resource allocation used by SAPS.

The campaign also led to unlocking the provincial oversight power in South Africa. Before the campaign, this was previously unclear to the people and the government, however after the campaign and the KCOI, the WPCO was established to carry out this provincial power of police oversight. It also led to a blueprint of what needs to be done to achieve police efficiency and better relations between the community and SAPS in Khayelitsha through the KCOI Report.

The next chapter examines the third case study, the campaign by the Justice Centres in Kenya which originated from Mathare – an informal settlement in Kenya. Like the Safer Khayelitsha campaign, the campaign by the Justice Centres in Kenya is localised in scope to informal settlements. However, unlike the campaign for Safer Khayelitsha campaign, this campaign evolved due to allegations of police brutality and over-policing.

## CHAPTER SIX: SOCIAL JUSTICE CENTRES KENYA

---

*We [Social Justice Centres] are the watchdog of the police in the community, and we are not afraid to call them out on their mistakes.<sup>1</sup>*

### **6.1. Introduction**

The Social Justice Centres (Justice Centres) since the establishment of the first Justice Centre – the Mathare Social Justice Centre (MSJC) – in 2015 have increasingly spearheaded the struggle for human rights in low-income communities in Kenya. The Justice Centres have quickly become a civic space for low-income communities to report and document complaints and organise themselves to protest the brutality of police officers in their communities.

This chapter examines the third social activism campaign. It seeks to answer the second to fourth research sub-questions, how is the understanding of police accountability in human rights reflected in the demands of social activism campaigns? How does social activism affect investigation, remedies, and reform during the process of accountability? How do formal mechanisms of police accountability respond to social activism campaigns around issues of police abuse of power? This chapter has five main sections excluding the introduction and the conclusion. It begins by examining the background of the Justice Centres. It then examines various aspects of the Justice Centres' activism against police brutality, such as its objectives, structure, participation, and tactics. It proceeds to examine the challenges faced by the Justice Centres. It then reviews the reaction of the state and the police accountability mechanisms to the Justice Centres' campaign. Lastly, it discusses the role of the Justice Centres in pursuing the investigation of police misconduct, remedies for victims, and police reforms.

### **6.2. Background to the Establishment of the Social Justice Centres**

The first Justice Centre was established in 2015 in Mathare, followed by ten others in Dandora, Githurai, Kamukunji, Kariobangi, Kayole, Kiambu, Kibera, Korogocho, Madakara

---

<sup>1</sup> Interview with Juliet Wanjira (Justice Centres Representative), 27 July 2021.

and Mukuru.<sup>2</sup> In accounting for the background to the establishment of the Justice Centres, it is necessary to consider the wider context of human rights in informal settlements in Kenya. Mathare, where the first Justice Centre was established, is one of the largest informal settlements in Kenya. It is densely populated, with over 206,564 residents in a space of 3 sq. km, according to the 2019 official census reports.<sup>3</sup> In its over 100 years of existence, Mathare's history is linked to resistance, struggle, and violence. For example, it formed part of the headquarters of the Kenyan Land and Freedom Army (*Mau Mau*), which opposed the colonial government, and the Mungiki, an infamous criminal organisation.<sup>4</sup> Like most informal settlements, Mathare is plagued by the lack of essential services and amenities, unemployment, forced evictions, violence, and crime.<sup>5</sup> As pointed out in the previous chapter, Khayelitsha the centre of the activism also faces similar social issues. In addition to these vulnerabilities, most low-income communities experience rampant incidences of police abuse of power.<sup>6</sup>

---

<sup>2</sup> Peris Sean Jones and Gacheke Gachihi, "Decolonising Human Rights: The Rise of Nairobi's Social Justice Centres", in *Urban Politics of Human Rights*, eds. Janne E. Nijman *et al.*, (New York: Routledge, 2022), 164.

<sup>3</sup> Kenya National Bureau of Statistics, "2019 Kenya Population and Housing Census Volume 1: Population by County and Sub-County", (November 2019, Nairobi), 20, <https://www.knbs.or.ke/?wpdmpromo=2019-kenya-population-and-housing-census-volume-i-population-by-county-and-sub-county>, (accessed 13 October 2024).

<sup>4</sup> Naomi van Stapele, "'We are not Kenyans': Extra-Judicial Killings, Manhood and Citizenship in Mathare, a Nairobi ghetto", *Conflict, Security and Development* 16, no.4 (2016): 312-314; Gathanag Ndung'u, "Mathare: Urban Bastion of the Struggle against Oppression in Kenya", *Elephant*, 12 November 2021, <https://www.theelephant.info/reflections/2021/11/12/mathare-urban-bastion-of-the-struggle-against-oppression-in-kenya/>, (accessed 13 October 2024).

<sup>5</sup> Several reports have recorded these vulnerabilities faced by the residents of Mathare, for instance: Jacob Omondi, "Why Does Youthful and Dynamic Energy Lead to Crime in Mathare", *Arise*, 18 November 2021, <https://www.ariseconsortium.org/why-does-youthful-and-dynamic-energy-lead-to-crime-in-mathare/>, (accessed 12 October 2024); UNODC (UNDOCity), *Report on the Urban Safety Governance Assessment in Mathare, Nairobi City*, (Nairobi: UNODC, 2019); Siegfried Modola, "Tales of Crime and Struggle in Nairobi's Bustling Slums", *Reuters*, 25 November 2015, <https://www.reuters.com/article/uk-kenya-crime-widerimage-idAFKBNOTE1H920151125>, (accessed 13 October 2024); Kayla Chobotiuk, "Photographer Documents Life Inside One of Africa's Largest Slum", *Feature Shoot Media*, 28 April 2015, <https://www.featureshoot.com/2015/04/photographer-documents-life-inside-one-of-africas-largest-slums/>, (accessed 13 October 2024); Muungano Support Trust, Slum Dwellers International (SDI), University of Nairobi - Dept. of Urban and Regional Planning, and University of California, Berkeley - Dept. of City and Regional Planning, *Mathare Valley Kenya- Collaborative Upgrading Plan*, (2011), [http://healthycities.berkeley.edu/uploads/1/2/6/1/12619988/matharevalley\\_report\\_ucb\\_2\\_25\\_2012\\_final.pdf](http://healthycities.berkeley.edu/uploads/1/2/6/1/12619988/matharevalley_report_ucb_2_25_2012_final.pdf).

<sup>6</sup> Portraits of Resilience, Hope and Solidarity, "Ghetto Justice", YouTube video, 13.39, 13 January 2021, <https://www.youtube.com/watch?v=tAKnnT7URg8&t=58s>; Human Rights Watch, "Kenya: Nairobi Police Executing Suspects – Dozens Killed in Low-Income Areas", 2 July 2019, <https://www.hrw.org/news/2019/07/02/kenya-nairobi-police-executing-suspects>, (accessed 13 October 2024); Julius Otieno and Isaac Akeo, "Dandora Police Killings Spark Outrage", *The Star*, 31 October 2018, <https://www.the-star.co.ke/news/2018-10-31-dandora-police-killings-spark-outrage/>, (accessed 7 March 2024).

Members of CSOs including the Justice Centres interviewed for this study, contend that residents of low-income communities in Kenya are subject to a range of abuses by the Kenya National Police Service (NPS). These include extrajudicial executions by ‘killer cops’, torture, enforced disappearances, trumping up charges, arbitrary arrests, extortion of Boda Boda and Matatu riders, and police harassment.<sup>7</sup> Lucy Wambui and Jennifer Omae from the Justice Centres explained that the police in informal settlements do not wear uniforms nor drive the official police cars but instead use small vehicles, called ‘probox’, to arbitrarily apprehend young men.<sup>8</sup>

In addition, members of CSOs, including the Justice Centres, also mentioned the use of Facebook by alleged unknown police officers to profile and kill alleged ‘gangsters’ in the communities.<sup>9</sup> In 2017 different Facebook pages emerged under pseudonyms such as ‘Hessy wa Kayole’, ‘Hessy wa Dandora’, ‘Hessy wa Huruma’, and ‘Nairobi Crime Free Closed Group’.<sup>10</sup> These pages profiled suspected gangsters in low-income communities such as Kayole, Dandora and Huruma and issued warnings. Subsequently, the profiled individuals turned up dead, and pictures of the scene were posted on these different Facebook pages with a further warning to other gangsters. While members of civil society pointed fingers at the NPS, the NPS denied the involvement of any officer with such accounts.<sup>11</sup>

---

2024); BBC, “Inside the World of Kenya’s Killer Cop”, YouTube Video, 27.55, 10 September 2018, <https://www.bbc.com/news/av/world-africa-45450400>; DW Documentary, “Police Brutality in Nairobi’s Slums”, YouTube video, 12.06, 5 February 2018, <https://www.youtube.com/watch?v=Jh7Owgvlu0Y>; MSJC, *Who Is Next? A Participatory Action Research Report Against the Normalization of Extrajudicial Executions in Mathare*, (Nairobi: MSJC, 2017); and PBINederland, “Police Violence in the Slums of Kenya: I learned that he Had Been Shot Down by a Police Officer”, YouTube video, 4.09, 13 October 2017, <https://www.youtube.com/watch?v=h2Pt9sOXvDI&t=54s>.

<sup>7</sup> Interview with Wangui Kimari (Justice Centres Representative), 27 July 2021; Interview with Salome Nduta (CSO Representative), 22 July 2021; Interview with Wilfred Olal (Justice Centres Representative), 24 June 2021, Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives) 30 November 2021 and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>8</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>9</sup> Interview with Brian Kimari (CSO Representative), 12 November 2021; and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>10</sup> Meaning ‘Hessy from Kayole’, ‘Hessy from Dandora’, ‘Hessy from Haruma’.

<sup>11</sup> Amina Wako, “Hessy wa Dandora Gone: Facebook Deletes Page of Crime Buster”, *Nairobi News*, 29 April 2019, <https://nairobi.news.nation.co.ke/facebook-deletes-page-of-crime-buster-hessy-wa-dandora/>, (accessed 7 February 2023); Dickens Olewe, “How Facebook is Being Used to Profile and Kill Kenyan ‘Gangsters’”, *BBC News*, 17 April 2019, <https://www.bbc.com/news/world-africa-47805113>, (accessed 7 February 2023); Gordon Osen, “Killer Squad Hessy Targets Gangsters Freed on Bond, says Police Sources”, *The Star*, 21 March 2019, <https://www.the-star.co.ke/counties/nairobi/2019-03-21-killer-squad-hessy-targets-gangsters-freed-on-bond-say-police-sources/>, (accessed 7 February 2023); “Mystery Deepens over ‘Hessy’ in Facebook



However, Police abuse of power in Kenya is not peculiar to low-income communities. Philip Alston, the United Nations Special Rapporteur on extrajudicial, summary, or arbitrary executions, in 2009 observed that; 'killings by the police [in Kenya] are widespread. Some killings are opportunistic, reckless, or personal. Many others are carefully planned'.<sup>12</sup> Alston also noted the presence of death squads within the police, operating on the orders of senior officers.<sup>13</sup>

Speaking about the patterns of extrajudicial killings and disappearances in Kenya, Otsieno Namwaya from Human Rights Watch (HRW) states that the patterns between 2013 and 2016 were in the context of counterterrorism, which was not confined to low-income areas. However, the second pattern of disappearances and killings in the context of crime-fighting is more prominent in informal settlements and rural areas.<sup>14</sup> This assertion is consistent with several reports detailing police abuse of power in Kenya in the context of counter-terrorism operations, elections, and crime fighting.<sup>15</sup> For instance, during the COVID-19 pandemic, Kenyans witnessed excessive use of force by the NPS in enforcing the COVID-19 Guidelines.<sup>16</sup> KNCHR, as of June 2020, recorded 222 human rights complaints during COVID-19 enforcement, with the NPS named in 91 of such complaints.<sup>17</sup> In addition, IMLU

---

War against Gangs", *Nation*, 20 May 2017, <https://nation.africa/kenya/news/mystery-deepens-over-hessy-in-facebook-war-against-gangs--400080?view=htmlamp>. (accessed 13 October 2024).

<sup>12</sup> Philip Alston *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, (26 May 2009) [A/HRC/11/2/Add.6] para 5.

<sup>13</sup> Alston, A/HRC/11/2/Add.6, para 10.

<sup>14</sup> Interview with Otsieno Namwaya, CSO Representative, 24 June 2021.

<sup>15</sup> Stapele, "We are not Kenyans": 303-304; HRW, *Deaths and Disappearances*, (USA: HRW, 2016); Kris Jepson, "Kenya Police: Killing with Impunity", *Al Jazeera*, 14 January 2015, <https://www.aljazeera.com/features/2015/1/14/kenya-police-killing-with-impunity>. (accessed 13 October 2024); Amnesty International, *Somalis are Scapegoats in Kenya's Counter-terror Crackdown*, (London: Amnesty International, 2014); The Truth, Justice, and Reconciliation Commission of Kenya, *Final Report*, Vol. IIA, (2013), <https://digitalcommons.law.seattleu.edu/tjrc-core/6>. (accessed 12 October 2024); and KNCHR, *The Cry of Blood: Report on Extra-Judicial Killings and Disappearances*. (Nairobi: KNCHR, 2008). The Nation's Newsplex also keeps a database on deaths from police encounters in Kenya since 2015, <https://newsplex.nation.co.ke/deadlyforce/>.

<sup>16</sup> Independent Medico-Legal Unit (IMLU), *Twin Crises: Police Brutality During COVID-19 Pandemic in Kenya*, (Nairobi: IMLU, 2021), 26; KNCHR, "Pain and Pandemic: Unmasking the State of Human Rights in Kenya in Containment of the COVID-19 Pandemic", (Nairobi: KNCHR, 2020); Human Rights Watch, "Kenya: Police Brutality During Curfew", 22 April 2020, <https://www.hrw.org/news/2020/04/22/kenya-police-brutality-during-curfew>. (accessed 13 October 2024); Police Reform Working Group – Kenya, "Police Must Stop the Use of Excessive Force While Enforcing the Curfew Order", 27 March 2020, [Police must stop the use of excessive force while enforcing the curfew law](https://www.defenderscoalition.org/kenya-police-must-stop-the-use-of-excessive-force-while-enforcing-the-curfew-law) « [Defenders Coalition](https://www.defenderscoalition.org/). (accessed 13 October 2024).

<sup>17</sup> KNCHR, *Pain and Pandemic*.

recorded twenty-five complaints of extrajudicial killings and forty-three complaints of ill-treatment by the NPS between 16 March and 30 October 2020.<sup>18</sup>

However, the peculiarity of police abuse in low-income settlements in Kenya like Mathare, Dandora, and Kayolo – where the Justice Centres exist – is the alleged criminalisation of residents, especially young men, due to the economic and physical circumstances prevalent in such areas. Wilfred Olal and Wangui Kimari, from the Justice Centres, state that there appears to be hyper-policing of the poor in Kenya combined with the absence of dignity in policing the poor.<sup>19</sup>

This criminalisation of residents in low-income communities has led to rampant police abuse of power in the context of crime fighting, especially for the youths. Youths in low-income settlements are more at risk of police brutality as they are considered more likely to belong to gangs or terrorist groups.<sup>20</sup> As a result, they are often stereotyped as ‘thugs’, ‘gang members’, ‘suspected criminals’, and a ‘threat to public safety’.<sup>21</sup> According to Joseph Kimani from Slum Dwellers International Kenya, there is a perception within the police that the youths in informal settlements are criminals, and the youths have to prove themselves not to be.<sup>22</sup> Similarly, Jacob Omondi from the Ghetto Foundation, another CBO, stated that the phrase ‘innocent until proven guilty’ applies only to the rich in Kenya, whereas in places like Mathare, it becomes ‘guilty until proven innocent’.<sup>23</sup> However, generally, it should be clarified here that stereotyping by the police is not peculiar to residents of low-income communities. As seen in the #EndSARS campaign previously examined, this issue arose even in areas that

---

<sup>18</sup> IMLU, *Twin Crises*, 26.

<sup>19</sup> Interview with Wilfred Olal (Justice Centres Representative), and Interview with Wangui Kimari (Justice Centres Representative).

<sup>20</sup> Nanjala Nyabola, “Kenya’s Vicious War against Its Youth”, *Foreign Policy*, 14 March 2016, <https://foreignpolicy.com/2016/03/14/kenyas-vicious-war-against-its-youth/>, (accessed 13 October 2024).

<sup>21</sup> Stapele, “We are not Kenyans”: 314-315.

<sup>22</sup> Interview with Joseph Kimani (CSO Representative), 22 July 2021.

<sup>23</sup> Mathare Social Justice Centre – MSJC, “Saba Saba 2018 Documentary: Social Justice Centre’s Working Group, Kenya”, YouTube video, 16.29, 1 April 2019, <https://youtu.be/f1ssKGbEcnk>; Participants in a collaborative research project on the role of CBOs and the Official Development Aid System in Nairobi Kenya, described it as “*Evidence ni wewe kijana*” which means “your youth incriminates you”. (Grace Wambui and Edwin ‘Jeep’ Odhiambo, “Policing Our Community: The Normalisation of Crime and Extrajudicial Killings in Mathare”, in *Narratives that Matter: Community Led Research, Activist CBOs & Development Aid in Nairobi – Life as a Youth in Mathare*, Vol. 2, ed. Edwin Kibui Rwigy, (2019), 29, <https://includeplatform.net/wp-content/uploads/2019/11/Volume-B-Narratives-that-Matter-Mathare-Youths-Community-Led-Research.pdf>, (accessed 13 October 2024).

were not low-income. Youths were still being profiled as criminals based on outfits, hairstyles and possessions.

This stereotyping of youths from low-income communities in Kenya as criminals is consistent with the findings from a previous study where the MSJC documented police killings in Mathare and other low-income areas.<sup>24</sup> The victims were all young men, with an average age of approximately twenty.<sup>25</sup> The report also contained a tally of 803 reports of extrajudicial killings from independent newspapers in Kenya between 2013 and 2015.<sup>26</sup> This pattern is more troubling considering the ‘shoot-to-kill’ orders often issued to the NPS in response to insecurity in Kenya.<sup>27</sup>

Corroborating this, Brian Kimari, a researcher at the Centre for Human Rights and Policy Studies, Kenya (CHRIPS) and a volunteer with the Justice Centres, traces the peculiarity of police brutality in low-income areas in Kenya for several reasons. First, residents receive blame for the state of their neighbourhood. For instance, Mathare is still associated with its history of violence due to the presence of the *MauMau* resistance and later the Mungiki violence.<sup>28</sup> The subsequent government’s violent crackdown on the Mungiki sect led to the killing of many young men not connected to the sect.<sup>29</sup> Kimari noted that this history makes it easy to paint a negative picture of this area and its residents and justify the state of the community, including police brutality and killings.<sup>30</sup>

In addition, the public responds nonchalantly to extrajudicial killings due to normalisation. Members from the Justice Centres recalled that no one was speaking against it or

---

<sup>24</sup> MSJC, “*Who is Next?*”.

<sup>25</sup> *Ibid.*, 13, 16-33.

<sup>26</sup> *Ibid.*, 46, Appendix.

<sup>27</sup> Fred Mukinda, “IPOA Warns Police on Shoot-to-Kill Order”, *Nation*, 31 March 2014, <https://nation.africa/kenya/news/ipoa-warns-police-on-shoot-to-kill-order-967666?view=htmlamp>. (accessed 13 October 2024); Stanley Mwangi, “Police Issue Shoot to Kill Order on Terrorism Suspects”, *The Standard*, 26 March 2014, <https://www.standardmedia.co.ke/coast/article/2000107870/police-issue-shoot-to-kill-order-on-terrorism-suspects>. (accessed 13 October 2024); Joseph Muraya, “Armed Thugs will Be Met with Firepower,” *Capital News*, 13 September 2013, <https://www.capitalfm.co.ke/news/2013/09/armed-thugs-will-met-firepower-kimaiyo/>. (accessed 13 October 2024); Fred Mukinda, “Police Get Greenlight to Shoot When Threatened”, *Nation*, 18 August 2012, <https://nation.africa/kenya/news/police-get-greenlight-to-shoot-when-threatened-885574?view=htmlamp>. (accessed 13 October 2024); “Fury at Kenya Shoot-to-kill Order”, *BBC News*, 23 March 2005, <http://news.bbc.co.uk/2/hi/africa/4374649.stm>. (accessed 14 October 2024).

<sup>28</sup> Interview with Brian Kimari (CSO Representative).

<sup>29</sup> Stapele, “We are not Kenyans”: 313; Alston, A/HRC/11/2/Add.6, para 9-12.

<sup>30</sup> Interview with Brian Kimari (CSO Representative).

investigating the killings or disappearances of young people in low-income areas.<sup>31</sup> Furthermore, such killings were sometimes met with approval by many Kenyans because the victims were deemed criminals and thugs deserving of it.<sup>32</sup> This public approval of the unlawful killings of alleged criminals is consistent with the findings of the BBC exposé on an NPS officer – Ahmed Rashid – who was captured on video with other plain-clad officers, executing an alleged gangster in cold blood in Eastleigh, another low-income community.<sup>33</sup> Mixed reactions trailed the officer’s action, with sections of society disapproving and others approving of his actions in fighting crime in the community.<sup>34</sup> Even with murder charges being brought against Officer Rashid by the office of the DPP he continues to garner massive support from different sections of the community including the Eastleigh Business Community, some religious leaders and student organisations. These different organisations are advocating for IPOA and the Office of the DPP to drop the charges.<sup>35</sup>

As observed by Peris Jones, Wangui Kimari, and Kavita Ramakrishnan:<sup>36</sup>

Apparently, the narrative of ‘thugs’, ‘thieves’, ‘criminals’ and ‘gang members’ and, increasingly, ‘terrorists’ alone is sufficient for the public to explain why these young men are treated in either such a cruel and degrading manner and, ultimately, ‘hunted’, ‘disappeared’ and even ‘finished’ by the police. To a large extent, a divisive public sentiment exists.

In addition to the normalisation and approval by some members of the public of these police killings, Kimani states that most residents of low-income settlements had not only internalised the injustice but also had other priorities due to the economic situation. For

---

<sup>31</sup> Interview with Juliet Wanjira (Justice Centres Representative), and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>32</sup> Abdi Latif Dahir and Lily Kuo, “Kenyan Police Reportedly Killed Two Teenagers in Broad Daylight and Much of the Public Approved”, *Quartz Africa*, 4 April 2017 <https://qz.com/africa/948491/kenyan-police-killed-two-teenagers-in-broad-daylight-in-eastleigh-and-much-of-the-public-approved/>. (accessed 13 October 2024).; Stapele, “We are not Kenyans”, 304, 314; Nyabola, “Kenya’s Vicious War against Its Youth”.

<sup>33</sup> BBC News Africa, “Hunting Down Gangsters with Kenya’s Ahmed Rashid”.

<sup>34</sup> Ibid.

<sup>35</sup> Annette Wambuwa, “I am not on the Run from Murder Case, Rashid Tells Court”, *The Star*, 26 January 2023, <https://www.the-star.co.ke/news/2023-01-26-im-not-on-the-run-from-murder-case-rashid-tells-court/>. (accessed 12 October 2024); Citizen Digital, “Eastleigh Residents Now Want IPOA, DPP to Drop Murder Charges against Ahmed Rashid”, 30 November 2022, <https://www.citizen.digital/news/eastleigh-residents-now-want-ipoa-dpp-to-drop-murder-charges-against-ahmed-rashid-n310301>. (accessed 13 October 2024).

<sup>36</sup> Peris Jones, Wangui Kimari, and Kavita Ramakrishnan, “Only the People can Defend this Struggle: the Politics of the Everyday, Extrajudicial Executions and Civil Society in Mathare, Kenya”, *Review of African Political Economy* 44, iss. 154, (2017): 2, <https://doi.org/10.1080/03056244.2016.1269000>.

example, residents would rather think of how to get food than about the killing of a young person by the NPS.<sup>37</sup>

Members of the Justice Centres recalled that the people were also unwilling to speak up about the abuse by NPS due to fear of retaliation from the police. Furthermore, most community members felt that there was no safe place to file complaints as they did not know what other avenues aside from the police station to file a complaint of police abuse.<sup>38</sup> Olal recalled that most activism against police brutality by CSOs in Kenya was concentrated at the national level and not in informal settlements and rural areas.<sup>39</sup> So there was a need for activism against police brutality at the grassroots level from within these affected communities to prevent misrepresentation by formal NGOs.<sup>40</sup>

It is against this background that the MSJC began. The MSJC sought to begin the discussion about police abuse at the grassroots level, document cases of police abuse, educate the community on their rights, and create a safe place where community members could report incidents of police brutality.<sup>41</sup> The background of the Justice Centres campaign and the background to the other case studies discussed earlier corroborate Habib and Opoku-Mensah's assertion that the mobilisation of social movements in Africa is often in response to deprivation, rights denial and injustice.<sup>42</sup>

According to members of the MSJC, the MSJC had existed even before its registration in February 2015, but there was no formal name, just individuals who came together due to the rampant occurrence of police abuse in Mathare.<sup>43</sup> For instance in 2014, when some youths were killed in Huruma, the first community dialogue was held in Mathare to discuss the issues of extra-judicial killings. The meeting was organised by some existing human

---

<sup>37</sup> Interview with Joseph Kimani, (CSO Representative).

<sup>38</sup> Interview with Wilfred Olal (Justice Centres Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>39</sup> Interview with Wilfred Olal (Justice Centres Representative).

<sup>40</sup> Interview with Wangui Kimari, (Justice Centres Representative).

<sup>41</sup> Mathare Social Justice Centre - MSJC, "Mathare Social Justice Centre History".

<sup>42</sup> Adam Habib and Paul Opoku-Mensah, "Speaking to Global Debates through a National and Continental Lens: South African and African Social Movements in Comparative Perspective", in *Movers and Shakers: Social Movements in Africa*, eds. Stephen Ellis and Ineke van Kessel (Leiden: Brill, 2009), 48.

<sup>43</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

rights defenders from the *Bunge la Mwananchi* – Peoples’ parliament<sup>44</sup> but attended by young local activists in Mathare with no human rights experience. Subsequently, they decided to meet every Saturday to have a space in Mathare to discuss issues of extrajudicial killings.<sup>45</sup> This was corroborated during an interview with Juliet Wanjira, one of the founding members of the MSJC. Wanjira stated that the MSJC was started by a group of young high school graduates in Mathare, who teamed up with existing human rights defenders.<sup>46</sup> Wanjira recalled that:<sup>47</sup>

We teamed up with the existing human rights defenders, defenders [who have] been there before us, because we [did not] know much about human rights and social justice, but we could tell that this normalisation of police killings is insanity.

In registering the name MSJC, Wanjira explained that they decided on the name MSJC, not Mathare Human Rights Centre, because the more they researched and interacted with the community, the more they realised that Mathare was plagued with other issues beyond just human rights, such as a lack of basic services and infrastructure. Hence the name MSJC was settled on because Mathare needed social justice.<sup>48</sup>

Subsequently, after the MSJC, other Justice Centres were formed in other informal/low-income communities.<sup>49</sup> Currently, over forty Justice Centres are collectively organised under the Social Justice Centre Working Group (SJCWG).<sup>50</sup> The development of the Justice Centres across other communities was necessary as these communities faced similar challenges as Mathare like lack of basic services to police abuse of power.<sup>51</sup> Unlike the Safer Khayelitsha campaign which remained geographically about the issues in Khayelitsha, the Social Justice

---

<sup>44</sup> The *Bunge la Mwananchi* is a grassroots social movement that addresses issues of social inequalities. It was formed in 2003 by a group of activists including Gacheke Gachihi, who became a co-founder of the MSJC. (Jones and Gachihi, “Decolonising Human Rights”, 167-168.)

<sup>45</sup> Jones and Gachihi, “Decolonising Human Rights”, 168.

<sup>46</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>47</sup> Ibid.

<sup>48</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>49</sup> MSJC, “About MSJC”, <https://www.matharesocialjustice.org/about-msjc/>. (accessed 12 October 2024).

<sup>50</sup> Interview with Wilfred Olal (Representative of the Justice Centres); and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>51</sup> Joseph Muraya, “IPOA Probing 243 Killings By Police in Twelve Months”, *Capital News*, 5 October 2018, <https://www.capitalfm.co.ke/news/2018/10/ipoa-probing-243-killings-by-police-in-twelve-months/>. (accessed 12 October 2024); Human Rights Watch, “Kenya: Nairobi Police Executing Suspects”.



Centre campaign though started in Mathare has expanded to these other communities. This is because of the similarity of issues faced by these communities.

### 6.3. Modalities

#### 6.3.1. Structure

The Justice Centres have grown into a significant movement, with about forty communities launching their own Justice Centres in Kenya and one in Uganda, the Lubanga Social Justice Centre.<sup>52</sup> One of the founders of the MSJC, and a current member of the Dandora Justice Centre, sums up the relationship between the various Justice Centres as ‘interlinked but also independent’.<sup>53</sup> Each Justice Centre independently handles routine operational matters like fixing meetings and organising community events.<sup>54</sup> However, the Justice Centres often collaborate to address substantive issues, raise funds, and organise significant campaigns like the annual 7 July *Saba Saba* march. Wangui notes that the Justice Centres are not all on the same power level, hence the need for collaboration.<sup>55</sup> For instance, the MSJC, the oldest Justice Centre, is more established and has gained community trust and a more extensive network than upcoming Justice Centres.<sup>56</sup>

The structure of this campaign is similar to the campaign for a Safer Khayelitsha as both campaigns are representative – driven by organisations. This is unlike the #EndSARS which was largely leaderless, driven independently by interested individuals and organisations.

As mentioned above, the Justice Centres are all organised under an umbrella body – the SJCWG. The SJCWG comprises two representatives from each Justice Centre and a steering committee which heads it.<sup>57</sup> The SJCWG is the ‘spokesperson of the [Justice Centres]’<sup>58</sup> as it represents the Justice Centres when there is a need to meet government officials. Furthermore, the SJCWG is an avenue for the various Justice Centres to deliberate on joint

---

<sup>52</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>53</sup> Interview with Wilfred Olal (Justice Centres Representative).

<sup>54</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>55</sup> Interview with Wangui Kimari (Justice Centres Representative).

<sup>56</sup> Ibid.

<sup>57</sup> Lena Anyuolo, “Reflections on Social Justice Centres”, *Awaaz Magazine*, Vol. 16, iss. 2, 2019, 8-11; Gacheke Gachihi, “Reflections on Working with the Community: Experience from 15 Years of Social Justice Work in Kenya”, MSJC, <https://www.matharesocialjustice.org/social-justice-centres-working-group/reflections-on-working-with-the-community-experience-from-15-years-of-social-justice-work-in-kenya/>, (accessed 13 October 2024).

<sup>58</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).



programmes, fundraising, and joint advocacy on cross-cutting issues such as police brutality and enforced disappearances.<sup>59</sup>

Beyond collaborating between themselves, the Justice Centres are also members of different coalitions speaking against and documenting police abuse in Kenya, like the Missing Voices and the Police Reform Working Group Kenya.<sup>60</sup>

### **6.3.2. Objectives**

At the onset, the core aim of the Justice Centre was the documentation of cases of police brutality and, in particular, killings by the police.<sup>61</sup> However, as observed by members of the Justice Centres interviewed for this study,<sup>62</sup> the campaigns of the Justice Centres have broadened to include other areas such as governmental neglect, lack of essential services and infrastructure, unemployment, education, land grabbing, horizontal violence, domestic violence, and rights of people with disability.<sup>63</sup> This expanding scope is not surprising, because as noted above the first Justice Centre decided to go with the name Justice Centre and not just human rights because the idea was that the phrase ‘social justice’ encompassed other issues beyond human rights like lack of basic infrastructures which was also a problem in Mathare. Though outside the scope of this thesis, it is worth stating briefly that the relationship between the lack of basic amenities in communities, policing and safety has been explored in other studies, including the KCOI Report as this was considered by the KCOI of the Safer Khayelitsha campaign.<sup>64</sup>

---

<sup>59</sup> Interview with Wilfred Olal (Representative of the Justice Centres).

<sup>60</sup> The PRWG-K was established in November 2011 to bring together organisations in Kenya working on reforming the police in Kenya. (‘The Police Reform Working Group – Kenya’), IMLU, <https://www.imlu.org/index.php/pages/2017-10-13-20-22-22/2013-12-15-10-44-14>; Missing Voices, “Our Partners”, <https://missingvoices.or.ke/about-uspartners/>, (accessed 10 February 2023).

<sup>61</sup> MSJC, “*Who is Next?*”, 9.

<sup>62</sup> Interview with Joseph Kimani (CSO Representative); Interview with Juliet Wanjira (Justice Centres Representative); Interview with Wilfred Olal (Justice Centres Representative); Interview with Brian Kimari (CSO Representative); Interview with Ben Nyabira (CSO Representative), 4 August 2021; Interview with Jeremiah Arodi (former Director of Investigations IPOA), 17 August 2021; and Interview with Samson Omondi (Representative of KNCHR), 15 September 2021.

<sup>63</sup> The scope of the Justice Centres objectives keeps expanding., Members of the Justice Centres recalled that the COVID-19 pandemic introduced another trajectory to the Justice Centres objectives as in addition to monitoring increasing human rights violations due to the enforcement of curfew orders by the police, the Justice Centres had to fundraise to meet the demand for food, soap, water, facemask, and sanitizers in the communities.

<sup>64</sup> Polycarp Ngufor Forkum, “Policing of Urban Peripheries in Cameroon: the Yaoundé Urban Municipality”, in *Policing the Urban Periphery in Africa – Developing Safety for the Marginal*, ed. Simon Howell (Cape Town: APCOF, 2019), 64-79; *KCOI Report*.

Despite this expanding scope, the campaign against police brutality remains paramount, as noted by Charles Maina from IJM-Kenya, ‘we cannot complain of other things if we are dead’.<sup>65</sup> Members of the Justice Centres interviewed for this study stated that the Justice Centres have expanded the civic space to the grassroots levels by community members mobilising themselves and intruding into the civic space.<sup>66</sup> A space they felt was occupied by big formal NGOs who were not in touch with the issues affecting their communities. Ben Nyabira, who also worked closely with the Justice Centres, recalled that the Justice Centres felt that the more formal CSOs were not in touch with what was happening in low-income communities, and it was important for the Justice Centres that low-income communities have a voice in the civic space to speak against the issues affecting their communities.<sup>67</sup> Nyabira stated that:<sup>68</sup>

Whenever we invited them to meetings in these ‘big hotels’ in Nairobi, they [members of the Justice Centres] could come and say, ‘You people just conduct meetings in big hotels, and you [do not] come down to where citizens are’. So, they founded them [Justice Centres] to give an alternative to existing big civil society organisations.

The expansion of the civic space to grassroots levels has promoted engagement by being a place for social justice and community organising, where people always felt safe to report human rights violations by the NPS.<sup>69</sup> Kimari summarises the objective of the Justice Centres as promoting safety and accountability.<sup>70</sup>

The objectives of the Justice Centres’ campaign against police brutality can be gleaned from some of their past demands. For example, the MSJC, in the *Who is Next Report* of 2017, made the following demands: compensation for the families of victims of extrajudicial executions (EJE),<sup>71</sup> a people’s inquiry into EJE and enforced disappearances, counselling for

---

<sup>65</sup> Interview with Charles Maina (CSO Representative), 2 July 2021.

<sup>66</sup> Interview with Wilfred Olal (Justice Centres Representative), and Interview with Wangui Kimari (Justice Centres Representative).

<sup>67</sup> Interview with Ben Nyabira (CSO Representative), 4 August 2021.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Interview with Brian Kimari (CSO Representative).

<sup>71</sup> CSOs working on policing issues in Kenya, like the Justice Centres, IMLU, PRWG-Kenya; the media and the KNCHR frequently use the term Extrajudicial Executions/Extrajudicial Killings to describe all killings by the police (KNCHR, “Press Release – A police Service Gone Rogue: Torture, Extra Judicial Killings and Enforced Disappearances”, 18 May 2021, <https://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/743-a-police-service-gone-rogue-torture-extra-judicial-killings-and-enforced-disappearances.html>, (accessed 8 March 2024); Missing Voices, “About Us,” <https://missingvoices.or.ke/about-us/>). However the state appears

the victims' families and community members, revisiting of the dozens of cases referred to IPOA by MSJC and other human rights organisations, and establishing political accountability forums including protests and memorials to raise political awareness on the extent of EJE.<sup>72</sup>

The Justice Centres, in a petition to the president in 2018, made some new demands and reiterated some demands from the 2017 report. Some of the new demands made in this petition include an end to extra-judicial killings and investigation and prosecution of 'killer cops', respect for the constitution and the treatment of suspects in accordance with the law, formation of a national working committee against EJE and enforced disappearances; and long-term engagements with the Justice Centres including community dialogues and economic justice strategies.<sup>73</sup>

These demands were reiterated in a 2020 petition, also addressed to the president. The 2020 petition also included new demands, such as a stop to the practice of transferring rogue police officers from one police station to another instead of properly investigating, disciplining, and prosecuting officers according to law. Furthermore, the Justice Centres demanded an end to the criminalisation of youth and poverty in low-income communities and called for respect for the Bill of Rights without exceptions.<sup>74</sup> The Justice Centres have also demanded the arrest and prosecution of specific officers like officer Ahmed Rashid of the BBC documentary discussed above and other plain clothes police officers they call 'killer cops' who operate in low-income areas and have become notorious for police brutality.<sup>75</sup>

---

to push back on this phrase and rather refer to such killings as 'unlawful killings by the police', or 'death from police action', as used in IPOA's annual reports (IPOA, <https://www.ipoa.go.ke/annual-reports/>). In 2019, the Director of Criminal Investigations, George Kinoti in a community dialogue with members of the Justice Centres and other CSO stated 'there is no word like extrajudicial killings, but we have unlawful killings by police officers'. In that same meeting, Director of Public Prosecution (DPP) Noordin Haji is reported to have stated, 'when we call it extrajudicial killing, it means these are state sanctioned by the government. But there is no order like that from the government'. Pauline Kairu, "DCI Boss George Kinoti Fights Back Tears in Kayole, Nairobi", *Nation*, 28 February 2019, <https://nation.africa/kenya/news/dci-boss-george-kinoti-fights-back-tears-in-kayole-nairobi-143664?view=htmlamp> (accessed 13 October 2024).

<sup>72</sup> MSJC, "Who is Next?", 40-41.

<sup>73</sup> SJCWG, "Petition against Systemic Police Violence and Extrajudicial Executions", MSJC, <https://matharesocialjustice.org/wp-content/uploads/2018/08/Justice-Centres-Working-Group-Saba-Saba-Petition.pdf>; SJCWG (@UhaiWetu), "On July 7 2018, during the 'Saba Saba March for Our Lives' peaceful protest", Twitter Post, 26 August 2019, <https://twitter.com/UhaiWetu/status/1166000014990151681>.

<sup>74</sup> MSJC, "SJCWG: Citizen's Demand", 8 July 2020, <https://www.matharesocialjustice.org/wp-content/uploads/2020/07/Citizens-Demands-1.pdf>.

<sup>75</sup> SJCWG, "Kenya's 3rd Cycle UPR Review: SJCWG Submission on Systematic Extra-Judicial Execution, Protection of Human Rights Defenders (HRD) and Poor Water and Sanitation", 19 July 2019, para 8-9, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7287&file=EnglishTranslation>; PRWG-Kenya –

These demands in the 2017 report and other subsequent petitions amount to a demand for police accountability. The demands incorporate a call for investigation of specific police officers and, more broadly, a people's enquiry into EJE. In addition, the demands call for remedies such as the prosecution of police officers, compensation, and counselling of victims, and a call for reforms. Furthermore, the definition of police accountability given by some members of the Justice Centres and other human rights organisations interviewed for this study reflects components of police accountability. For instance, Otsieno Namwaya noted that aside from investigating complaints against the police either administratively or within the police or by the court, accountability should also lead to ensuring justice for the victims.<sup>76</sup> According to Jennifer Omae, police accountability is being held responsible for the role one plays as a police officer and being held responsible for failure in performing such roles or violating human rights.<sup>77</sup>

### ***6.3.3. Target Audience***

The Justice Centres' activities target both the public and the government – national and local – who can bring about the desired change in the communities. Olal stated that some issues, like arbitrary arrests, can be addressed at the local level – within the communities –, by engaging with the Officer in charge of the police station in the community. However, matters involving extrajudicial killings and enforced disappearances can only be addressed at the national level.<sup>78</sup> Therefore, the Justice Centres use different tactics to present petitions, release press statements or hold meetings with stakeholders like the community, the President, Parliament members, the Director of Public Prosecution (DPP), the Inspector General of Police, IPOA, KNCHR, and the international human rights community. These tactics will be examined in detail below.

### ***6.3.4. Participation***

Participation in the campaigns organised by the Justice Centres is open to all community members who are willing to learn about human rights and are dedicated to the cause.<sup>79</sup>

---

Press Release, "A Police Service Gone Rogue: Torture, Extrajudicial Killings and Enforced Disappearances", KNCHR, 18 May 2021, <https://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/743-a-police-service-gone-rogue-torture-extra-judicial-killings-and-enforced-disappearances.html>, (accessed 9 February 2023).

<sup>76</sup> Interview with Otsieno Namwaya (CSO Representative) 24 June 2021.

<sup>77</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>78</sup> Interview with Wilfred Olal (Justice Centres Representative).

<sup>79</sup> Interview with Wilfred Olal (Justice Centres Representative); Interview with Brian Kimari (CSO Representative); and Interview with Juliet Wanjira (Justice Centres Representative).

Participants can be volunteers, interns and registered members of the Justice Centres, and members of other CSOs.

Some Justice Centres, like the MSJC, run a three-month internship programme that allows interns to participate in the activities of the MSJC.<sup>80</sup> Jennifer Omae noted that she started her journey with the Justice Centre as an intern. After her internship, she remained a volunteer until she became a member.<sup>81</sup> To become a member of the Justice Centre, one must have volunteered actively for some time, showing passion and commitment.<sup>82</sup> Other Justice Centres members corroborating this stated that a certain level of commitment to campaigns and participation in membership meetings is needed to become a member.<sup>83</sup> Members are also required to pay a quarterly fee.<sup>84</sup> In addition, depending on the Justice Centres, members have specific membership memorabilia like shirts and identification cards.<sup>85</sup>

However, not all members begin as interns like Omae. Some members came to the Justice Centres as victims of police brutality who sought help. For example, Lucy Wambui recalled that she came to MSJC after the murder of her husband by the police in February 2017. The Justice Centres documented the case and supported her effort to get justice. Wambui is currently a co-leader of the Mothers of Victims and Survivors Network (The Mothers Network).<sup>86</sup> The Mothers Network, launched in 2018, comprises women from low-income settlements whose family members, usually young men, were killed by the police.<sup>87</sup>

Despite the different avenues to join the Justice Centres or participate in their campaigns, the Justice Centres find motivating people to believe in and join the campaign against police

---

<sup>80</sup> MSJC, “MSJC Internship Programme”, MSJC, <https://www.matharesocialjustice.org/mathare-social-justice-centre-internship-programme/>. (accessed 13 October 2024).

<sup>81</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>82</sup> Ibid.

<sup>83</sup> Interview with Wangui Kimari (Justice Centres Representative); and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>84</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); Interview with Juliet Wanjira (Justice Centres Representative); Interview with Wangui Kimari (Justice Centres Representative).

<sup>85</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>86</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); Wangui Kimari, “Kenyan Mothers Take on Police Violence”, *Sapiens*, 5 August 2021, <https://www.sapiens.org/culture/police-violence-kenya/>. (accessed 13 October 2024).

<sup>87</sup> Wangui Kimari, “Mathare, Kenya Launches Network of Mothers of Victims and Survivors of Police Violence”, *RioOnWatch*, 3 April 2020, <https://rioonwatch.org/?p=58071#prettyPhoto>. (accessed 12 October 2024).

brutality in their communities challenging as people are reluctant to join. The reluctance of people to join in the campaign appeared in all case studies. However, it is more pronounced here and has its peculiar reason. For the #EndSARS and Khayelitsha campaign, there was little effort put into direct mobilisation as people willingly participated. Though participants interviewed for this study from both the #EndSARS and Safer Khayelitsha campaign noted that some people refused to join or outright opposed the campaign for political reasons. However, in this instance, the Justice Centres have had to dedicate considerable time to mobilising people via education.

In addition, according to members of the Justice Centres, the reluctance by more people in the communities to join the campaign was not political but due to different factors. First, most people are afraid to protest against the police due to fear of retaliation by the police or arrest during the process.<sup>88</sup> Secondly, the economic situation in most of these communities prevents people from engaging as people have other priorities, they are more focused on daily survival.<sup>89</sup> Wanjira recalled that during the first dialogue organised in Mathare, they had to offer refreshments to incentivise community members to attend the dialogue.<sup>90</sup> Thirdly, as noted above, some residents instead support the NPS due to the prevalence of crime in the communities. They believe that when an alleged criminal is killed, the problem has been solved, and the community is better for it.<sup>91</sup>

However, it is important to the Justice Centres to get members of the communities involved in the cause as they believe 'the best weapon against the perpetrator is the victim's word'.<sup>92</sup> The Justice Centres are then tasked with educating the public on human rights and the responsibility of the police to follow due process even when a criminal is involved. As stated by Omae:<sup>93</sup>

For sure... crime is here, and we do not justify that it is right for them to do wrong. The main thing that we try and push for is if someone has been caught on the wrong side of the law, why [do not]

---

<sup>88</sup> Interview with Wangui Kimari (Justice Centres Representative); Interview with Otsieno Namwaya, CSO Representative; and Interview with Joseph Kimani (CSO Representative).

<sup>89</sup> Interview With Joseph Kimani (CSO Representative).

<sup>90</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>91</sup> Interview with Juliet Wanjira (Justice Centres Representative; Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives) and Interview with Brian Kimari, (CSO Representative).

<sup>92</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>93</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

you arrest the person, let the person be taken to court and then let the court decide on what the sentence is.

The Justice Centres have therefore deployed various tactics to motivate the community, such as political education – informing them of their human rights and the duties of the police –, holding community dialogues to discuss issues affecting the community and, in that process, introducing the issue of police brutality. In addition, organising social events such as reggae for justice and sports competitions to bring community members together to discuss the issues in the community.<sup>94</sup> The section below examines these various tactics.

In addition to these tactics, Salome Nduta, from Defenders Coalition, observed that success has also been a good motivator for community members. For example, when the Justice Centres successfully facilitate the release of someone arrested arbitrarily, this builds confidence within the community and gets more people interested in the Justice Centres' activities.<sup>95</sup>

Other CSOs are also vital participants in the activities of the Justice Centres. The Justice Centres collaborate with other CSOs in various aspects of their activities, such as research, training of members, and providing legal representation.<sup>96</sup> The activities of Organisations such as the Justice Centres and the organisations involved in the other two case studies fall into Stone and Ward's third level of accountability, social control.<sup>97</sup> This level described as an enduring feature of democratic police involves public engagement by civil society which Sigsworth states is a vital counterweight to state-administered accountability.<sup>98</sup>

---

<sup>94</sup> Interview with Wilfred Olal (Justice Centres Representative); Interview with Wangui Kimari (Representative of the Justice Centre); Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); Interview with Brian Kimari (CSO Representative); and Interview with Charles Maina (CSO Representative).

<sup>95</sup> Interview with Salome Nduta (CSO Representative).

<sup>96</sup> Interview with Ben Nyabira (CSO Representative) and Interview with Joseph Kimani (CSO Representative).

<sup>97</sup> Christopher E. Stone and Heather H. Ward, "Democratic Policing: A Framework for Action", *Policing and Society* 10, iss. 1 (2000): 36; Etannibi Alemika, "Enhancing Police Accountability Systems in Nigeria: The Missing Links", in *Enhancing Police Accountability Systems in Nigeria*, Monograph session (8) (2010) (Lagos: CLEEN Foundation), 10.

<sup>98</sup> Romi Sigsworth, *Harnessing Public Engagement for Police Accountability in Africa*, Africa Report 21, (Pretoria: Institute of Security Studies, December 2019), 4.



### 6.3.5. Tactics

The tactics employed by the Justice Centres include community dialogues, political education, research, documentation and publication of findings, peace protests, and media and art. Some of these tactics will be examined below.

*Community dialogues:* The Justice Centres often organise dialogues within communities.<sup>99</sup> The purpose of these dialogues is to find out the communities' needs and educate residents on human rights and, in the process, change some of the mindsets – for instance, the normalisation of police brutality in the communities and assuring them that their rights are realisable. The dialogues often lead to action points in addressing the various issues discussed.<sup>100</sup> In addition, these dialogues are used to connect the different issues faced in the community (see figure 4 below). Nyabira explained that 'not every community member will buy into the idea that this is police brutality. People have completely divergent beliefs, but everyone [however] understands oppression'.<sup>101</sup>

The Justice Centres sometimes invite government officials to these community dialogues. For instance, in 2019, the DPP, Police Representatives, and the Director of the Directorate of Criminal Investigations (DCI) attended a community dialogue hosted by the Kayole Justice Centre.<sup>102</sup> Kimari, who attended the dialogue, described it as impressive as it provided an avenue for the community and members of the Justice Centres to raise several complaints

<sup>99</sup> MSJC, "Mlango Kubwa Community Dialogue against Police Killings and How to Report to the Internal Affairs Unit", 24 April 2017, <https://www.matharesocialjustice.org/eje-campaign/mothers-of-victims-survivors-network/mothers-of-victims-and-survivors-network-exhibition/mlango-kubwa-community-dialogue-against-police-killings-how-to-report-to-the-internal-affairs-unit-iau/>, (accessed 13 October 2024).

<sup>100</sup> Interview with Brian Kimari (CSO Representative); Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); Interview with Charles Maina (CSO Representative); Interview with Wangui Kimari, (Representative of the Justice Centre); and Interview with Wilfred Olal (Justice Centres Representative).

<sup>101</sup> Interview with Ben Nyabira (CSO Representative).

<sup>102</sup> Office of the Director of Public Prosecutions (@ODPP-KE) "@ODPP-KE to lead community Dialogues at Kayole Social Hall aimed at encouraging...", Twitter Post, 27 February 2019, [https://twitter.com/ODPP\\_KE/status/1100745990531936256](https://twitter.com/ODPP_KE/status/1100745990531936256); PBI-Canada, "PBI-Kenya and Social Justice Working Group Bring Security Concerns of Communities to Meeting with Peace Cop Kenya", PBI-USA, <https://pbiusa.org/content/pbi-kenya-and-social-justice-working-group-bring-security-concerns-communities-meeting-peace>, (accessed 9 February 2023). Some reports of the community Dialogues can be found here: "Community Event Reports", MSJC, <https://www.matharesocialjustice.org/community-event-reports/>; Dandora Community Justice Centre, (@Dandora Community Justice Centre), "Community organising is all about building grassroots support. It's about identifying...", Facebook Post, 8 November 2021, [https://www.facebook.com/dandorajustice/posts/2032340256913647?\\_cft\\_\\_\[O\]=AZUfj8jqHWYbMioFE894lzFMY9thEWN7rVmOazr5lncF\\_k-bodb-IBKoVeYfHIALHQyhMPS-r-zXmqmRnVu8www-nUbTWsV-uUHGrJWTAfpi1L5u1o7grap-lujq3zuKwK7Cr5dpOW\\_gQ1cpJFTYEB15&\\_tn\\_=%2C0%2CP-R](https://www.facebook.com/dandorajustice/posts/2032340256913647?_cft__[O]=AZUfj8jqHWYbMioFE894lzFMY9thEWN7rVmOazr5lncF_k-bodb-IBKoVeYfHIALHQyhMPS-r-zXmqmRnVu8www-nUbTWsV-uUHGrJWTAfpi1L5u1o7grap-lujq3zuKwK7Cr5dpOW_gQ1cpJFTYEB15&_tn_=%2C0%2CP-R).

about the police to these authority figures.<sup>103</sup> The opportunity to address a ‘big government official’, according to Nduta, motivated the communities and increased their confidence in the Justice Centres.<sup>104</sup> During this Dialogue, the DCI and DPP assured the community that Hessay – the Facebook vigilante – and other reported rogue police officers would be investigated and prosecuted.<sup>105</sup>

**Figure 4: Community Dialogues held in Mathare in 2017.**



Photo: MSJC.<sup>106</sup>

*Documentation:* One of the earliest tactics employed by the Justice Centre was the documentation of police killings and disappearances in informal settlements. Olal, a co-founder of the MSJC, recalled that they started with documenting and ‘just making noise’ about police killings, police misconduct, police abuse of power and forced disappearances.<sup>107</sup> Documentation of these happenings was necessary as no one else was documenting police abuse and killings in informal settlements, and as advocates, they needed evidence to back up their advocacy on these issues.<sup>108</sup> This need to document was the motivation behind the publication of the *Who is Next?* Report. Beyond the report, the Justice Centres continue to document cases of killings and disappearances in informal settlements and collate evidence

<sup>103</sup> Interview with Brian Kimari (CSO Representative).

<sup>104</sup> Interview with Salome Nduta (CSO Representative).

<sup>105</sup> Kairu, “DCI Boss George Kinoti Fights Back Tears in Kayole, Nairobi”; Denis Mwangi, “DCI George Kinoti Moved to Tears by Women Narrating 2 Husbands’ Murders”, *Kenyans.co.ke*, 1 March 2019, <https://www.kenyans.co.ke/news/37417-dci-kinoti-teary-after-residents-narrate-brutal-murders>. (accessed 13 October 2024).

<sup>106</sup> MSJC, “Mathare Youth Dialogue on Extrajudicial Killings - Post Event Report”, <https://matharesocialjustice.org/wp-content/uploads/2017/03/MSJCYouthDialogueReport.pdf>.

<sup>107</sup> Interview With Wilfred Olal (Justice Centres Representative).

<sup>108</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

such as names of witnesses and identification of the police involved, which they refer to IPOA for further investigation.<sup>109</sup> The Justice Centres are also part of Missing Voices – a coalition dedicated to documenting cases of killings by the NPS.

*Participatory research:* The Justice Centres engage in research involving data collection by community members.<sup>110</sup> As noted by participants in this study, this is essential as it prevents the Justice Centres from making assumptions about the problems of the communities and ensures they are speaking about what affects them.<sup>111</sup> For example, this has led to research on different issues like police killings, the right to water, the rights of persons with disabilities, and life under curfew.<sup>112</sup>

*Peaceful Demonstrations:* The Justice Centres, over the years, have organised and participated in numerous peaceful demonstrations on police brutality and other causes.<sup>113</sup> The annual *Saba Saba* march for our lives is the most popular, organised every 7 July, which brings together the Justice Centres and other interested CSOs.<sup>114</sup> The *Saba Saba* March has had different themes, including #AllLivesMatter, #StoptheBullets, and ‘*Tekeleza Katiba*’ – loosely translated as ‘implement the Constitution’.<sup>115</sup> The *Saba Saba* March usually involves different CSOs marching from various communities to convene at a predetermined location

---

<sup>109</sup> Interview with Brian Kimari (CSO Representative); and Interview with Otsieno Namwaya (CSO Representative).

<sup>110</sup> Interview with Ben Nyabira (CSO Representative); Interview with Brian Kimari (CSO Representative); Interview with Wilfred Olal (Representative of the Justice Centres); and Interview with Charles Maina (CSO Representative).

<sup>111</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); and Interview with Salome Nduta (CSO Representative).

<sup>112</sup> MSJC, Reports, <https://www.matharesocialjustice.org/#>; SJCWG, “Data Visualisation in Dandora”, <https://www.sjc.community/community-under-threat>, (accessed 17 October 2024); SJCWG, “Life Under Curfew”, <https://www.sjc.community/life-under-curfew>, (accessed 13 October 2024).

<sup>113</sup> Interview with Brian Kimari (CSO Representative); and Interview with Wangui Kimari (Representative of the Justice Centre).

<sup>114</sup> The *Saba Saba march for our lives* derives its name from the historical 7 July 1990, public rally held at the Kamukunji Grounds in Kenya to protest undemocratic rule and push for constitutional reforms like the reintroduction of the multiparty system amongst others. (Yash Ghai, “Saba Saba: Comparing the Past and Present in its Celebrations”, Katiba Institute, 7 July 2018, <https://katibainstitute.org/saba-saba-comparing-the-past-and-present-in-its-celebrations/>, (accessed 17 October 2024).

<sup>115</sup> Winifred Gakii, “The Right to Protest in Poor Kenyan Urban Neighbourhoods”, art. 19, 22 March 2021 <https://www.article19.org/resources/blog-the-right-to-protest-in-poor-urban-neighbourhoods/> (accessed 17 October 2024); MSJC, “2019 Saba Saba Launch Press Statement by the Social Justice Centres Working Group (SJCWG)”, 14 June 2019, <https://www.matharesocialjustice.org/social-justice-centres/2019-saba-saba-launch-press-statement-by-social-justice-centres-working-group-sjcwg/>, (accessed 17 October 2024).

while carrying placards.<sup>116</sup> Before the day of the *Saba Saba* March, the Justice Centres often engage in various activities such as press conferences, national congresses, dialogues, and submission of petitions to the authorities.<sup>117</sup> See the images below (figure 5) from the *Saba Saba* March in 2020.

**Figure 5: Saba Saba #MarchForOurLives protest 2020.**



Photo: MSJC<sup>118</sup>

<sup>116</sup> See documentary of the Saba Saba 2018 March for Our Lives: Mathare Social Justice Centre - MSJC, "Saba Saba 2018 Documentary: Social Justice Centre's Working Group, Kenya", YouTube Video, April 2019, 16:29, <https://youtu.be/f1ssKGbEcnk>; MSJC, "Saba Saba Day: #MarchForOurLives on 7 July 2018", 17 July 2018, <https://www.matharesocialjustice.org/eje-campaign/saba-saba-day-marchforourlives-on-july-7-2018/>, (accessed 16 October 2024).

<sup>117</sup> Interview with Salome Nduta (CSO Representative); Interview With Ben Nyabira (CSO Representative); Interview With Brian Kimari (CSO Representative); Interview With Charles Maina (CSO Representative); Dandora Community Justice Centre (@Dandora Community Justice Centre), "Today the social justice movement held a national congress as a build up activity...", Facebook Post, 5 July 2021, [https://www.facebook.com/dandorajustice/posts/1933814736766200?\\_cft\\_\\_\[O\]=AZUvOogJ6vVzxxm3Zv-KsjNijfbIODNHck\\_iMs7FqiMhpBFwtIVKg2BdKIUrLRB2OSphxCHY3DMrW7KzMeGFkxXR4dq\\_A5LAROlPWPZNwnTKnLnotQ4MVDBhzkyBBUEYQMtUHdjafvmk76nklhNngbpO&\\_tn=%2CO%2CP-R](https://www.facebook.com/dandorajustice/posts/1933814736766200?_cft__[O]=AZUvOogJ6vVzxxm3Zv-KsjNijfbIODNHck_iMs7FqiMhpBFwtIVKg2BdKIUrLRB2OSphxCHY3DMrW7KzMeGFkxXR4dq_A5LAROlPWPZNwnTKnLnotQ4MVDBhzkyBBUEYQMtUHdjafvmk76nklhNngbpO&_tn=%2CO%2CP-R); MSJC, "Press Release - Saba Saba March for Our Lives: Tekeleza Katiba", 30 June 2020, <https://www.matharesocialjustice.org/solidarity/press-release-saba-saba-march-for-our-lives-tekeleza-katiba/>, (accessed 17 October 2024); MSJC, "2019 Saba Saba Launch Press Statement by the Social Justice Centres Working Group (SJCWG)", 14 June 2019, <https://www.matharesocialjustice.org/social-justice-centres/2019-saba-saba-launch-press-statement-by-social-justice-centres-working-group-sjcwg/>, (accessed 17 October 2024); MSJC, "Saba Saba Dialogues @ Pawa254", 28 June 2018, <https://www.matharesocialjustice.org/eje-campaign/saba-saba-dialogue-june-28th-pawa254/>, (accessed 17 October 2024); MSJC, "Saba Saba Day #7/7MarchForOurLives Press Briefing", 19 June 2018, <https://www.matharesocialjustice.org/eje-campaign/saba-saba-day-7-7marchforourlives-press-briefing/>, (accessed 17 October 2024).

<sup>118</sup> MSJC, "Saba Saba #MarchForOurLives on 7 July 2018", 17 July 2018, <https://www.matharesocialjustice.org/eje-campaign/saba-saba-day-marchforourlives-on-july-7-2018/>, (accessed 17 October 2024).



*Use of the Media:* The Justice Centres have used various media channels such as local and national radio stations, television stations, websites and newspapers to inform the public of their demands and upcoming events like marches and community outreaches.<sup>119</sup> In addition, they also use these media channels to publish petitions, letters and press statements.<sup>120</sup> The Justice Centres also use social media platforms such as YouTube, Twitter and Facebook to provide information, amplify issues, mobilise people, and directly engage with political leaders.<sup>121</sup> For instance, when a community member is unlawfully arrested and taken away in a police probox, it is immediately posted on Twitter or Facebook. This helps to amplify the cry for help, as it soon becomes a public discourse by other CSOs and individuals outside Kenya.<sup>122</sup> Maina stated that using Twitter is effective as it provides the opportunity for people ordinarily removed from the communities – people living outside the communities and people in the Diaspora –, to get involved in the campaign.<sup>123</sup> According to Kimari, Twitter is also used to engage directly with the Inspector General of Police (IGP) via the IGP’s Twitter conversation called #engagetheIGP.<sup>124</sup>

*Collaborating and networking.* The Justice Centres often partner with other NGOs within Kenya, and internationally. Some aspects of collaboration and support include financial support, research, political education of community members, training of Justice Centre

---

<sup>119</sup> Interview with Brian Kimari (CSO Representative); and Interview with Wangui Kimari (Justice Centre Representative).

<sup>120</sup> MSJC, “Police Reform Working Group (PRWG) Statement on the Disappearances of our Comrades: Michael Njau, Adan Mohammed Saibu & Samuel Mungai”, 2 May 2020, <https://www.matharesocialjustice.org/social-justice-centres/police-reforms-working-group-statement-on-the-disappearances-of-our-comrades-michael-njau-adan-mohammed-saibu-samuel-mungai/>, (accessed 17 October 2024); MSJC, “Open Letter to the DPP - Unlawful Detention, Injury to and Charges against Mathare Residents”, 2 November 2020, <https://www.matharesocialjustice.org/police-brutality/open-letter-to-the-dpp-unlawful-detention-injury-to-and-prosecution-of-mathare-residents/>, (accessed 17 October 2024).

<sup>121</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>122</sup> MSJC (@MathareSJustice), “Urgent alert\*: Kelvin Irungu (22) & friend, both from Mlango Kubwa, have been taken by killer cop Baraza...”, Twitter Post, 29 May 2021, <https://twitter.com/MathareSJustice/status/13986324541901578252>; Amnesty Kenya, (@AmnestyKenya), “#AmnestyBreakingAlert @PoliceKE Officer Baraza...”, Twitter Post, 29 May 2021, <https://mobile.twitter.com/AmnestyKenya/status/1398685532083924995>; MSJC (@MathareSJustice), “Collins, a witness to the killing of Dominis Kulema...”, Twitter Post, 29 April 2021, <https://twitter.com/MathareSJustice/status/1387748203701932035>; SJCWG (@UhaiWetu), “ALERT: Pinchez, 19 years from Mlango Kubwa, has just been shot in...”, Twitter Post, 14 October 2020, <https://twitter.com/UhaiWetu/status/1316430163220017152>.

<sup>123</sup> Interview with Charles Maina (CSO Representative).

<sup>124</sup> Interview with Brian Kimari (CSO Representative).

members in data collection, human rights and advocacy, litigation, and support to victims.<sup>125</sup> Collaboration strengthens the capacity of the Justice Centres to help victims and extends the reach of the Justice Centres beyond the communities.<sup>126</sup> For instance, the Justice Centres have partnered with the Peace Brigade International-Kenya (PBI-Kenya) in several projects such as ‘*Mwema Kwa Usalama*’ – ‘Good relationships for safety’, and project ‘Increased Capacities, Stronger networks’.<sup>127</sup> These projects involved training grassroots human rights defenders from the Justice Centres and other CBOs in various areas, including human rights, documentation, participatory research, advocacy, networking, and digital security.<sup>128</sup> The Justice Centres also collaborate with other NGOs through the Police Reform Working Group-Kenya and the Missing Voices. The Justice Centres have also had the opportunity to engage internationally with the Office of the High Commissioner for Human Rights (UN OHCHR). In 2017, the UN OHCHR began working with the SJCWG, which helped to increase the visibility of the Justice Centres. In addition, in 2019, they made a submission to the Human Rights Council’s Universal Periodic Review of Kenya.<sup>129</sup>

*Meetings:* The Justice Centres organise and participate in meetings with the police and government officials.<sup>130</sup> Unlike community dialogues that are held with the public, these meetings are between members of the Justice Centres and state actors. For instance, some Justice Centres like the Kimaiiko Community SJC have organised meetings with Police Stations

---

<sup>125</sup> Interview with Brian Kimari (CSO Representative); Interview with Ben Nyabira (CSO Representative); Interview with Joseph Kimani (CSO Representative); Interview with Otsieno Namwaya (CSO Representative); and Interview with Samson Omondi (Representative of KNCHR).

<sup>126</sup> Jones and Gachihi, “Decolonising Human Rights”.

<sup>127</sup> Carolyn Njihia, “Creating Spaces for Difficult Conversations”, in *Every Voice Matters – An Ushirikiano Mwema Kwa Usalama Publication*, (2020), 4, [https://pbi-kenya.org/sites/pbi-kenya.org/files/20.02.20%20PUBLICATION%20EVERY%20VOICE%20MATTERS\\_1.pdf](https://pbi-kenya.org/sites/pbi-kenya.org/files/20.02.20%20PUBLICATION%20EVERY%20VOICE%20MATTERS_1.pdf); PBI-Kenya, “Increased Capacities, Stronger Networks”, PBI-Kenya, 26 June 2020, <https://pbi-kenya.org/news/2020-06/increased-capacities-stronger-networks>, (accessed 17 October 2024); “Ushirikiano Mwema Kwa Usalama Project”, PBI-Kenya, <https://pbi-kenya.org/our-partners/ushirikiano-mwema-kwa-usalama-project> (accessed 16 October 2024). The SJCWG have also partnered with Katiba Institute enhancing prevention and response to gender-based violence, and other research. “Katiba Institute, Social Justice Centres to Implement a project on Gender Based Violence”, Katiba Institute, 11 February 2021, <https://katibainstitute.org/katiba-institute-social-justice-centers-to-implement-a-project-on-gender-based-violence/>, (accessed 15 October 2024).

<sup>128</sup> PBI-Kenya, “Increased Capacities, Stronger Networks”.

<sup>129</sup> “Kenya’s Social Justice Movement Expands its Reach”, UN OHCHR, 31 December 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/SocialjusticemovementinKenya.aspx>, (accessed 16 October 2024).

<sup>130</sup> Otsieno Namwaya (CSO Representative); Interview with Ben Nyabira (CSO Representative); and Interview with Wilfred Olal (Justice Centres Representative).

in a bid to build partnerships.<sup>131</sup> In addition, meetings were held with the Peace Corp Kenya – a program by APS Kenya – to discuss the concerns of the communities and improve the relationship between the police and members of the communities.<sup>132</sup> Wanjira stated that building such relationships with the police has helped get faster results, such as securing the release of arrested persons. However, Wanjira remains distrustful of the police as she lost her brother to a police killing.<sup>133</sup> In addition to meeting with the police and other government officials in Kenya, the Justice Centres have met with representatives from the OHCHR and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and presented their findings from the *Who is Next?* Report.<sup>134</sup>

*Art and social events:* The Justice Centres have deployed art to express the different issues in the informal settlements. Some expressions of art used by the Justice Centres include murals, plays that portray police violating rights, and songs – reggae for justice.<sup>135</sup> In addition, the Justice Centres organised a photo exhibition, ‘As We Lose Our Fear’, to portray the victims of police brutality in Mathare and other informal settlements. It also contained a book of interviews with people who have lost loved ones to police brutality.<sup>136</sup> Some Justice

---

<sup>131</sup> MSJC, “Meeting with Huruma Police Station OCS”, 5 June 2021, <https://www.matharesocialjustice.org/social-justice-centres/meeting-with-huruma-police-station-ocs/>, (accessed 17 October 2024).

<sup>132</sup> Brent Patterson, “PBI-Kenya and Social Justice Working Group Bring Security Concerns of Communities to Meeting with Peace Cop Kenya”, PBI-Canada, 18 August 2020, <https://pbicanada.org/2020/08/18/pbi-kenya-and-social-justice-working-group-bring-security-concerns-to-meeting-with-peace-cop-kenya/> (accessed 17 October 2024).

<sup>133</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>134</sup> MSJC, “Social Justice Centre Working Group (SJCWG) meeting with Andrew Gilmour: Assistant Secretary-General for Human Rights”, 11 August 2019, <https://www.matharesocialjustice.org/solidarity/social-justice-centre-working-group-sjcwg-meeting-with-andrew-gilmour-assistant-secretary-general-for-human-rights/>, (accessed 17 October 2024); MSJC, “War Against the Poor and Youth: Video of UN Special Rapporteur Agnes Callamard Solidarity Visit to Mathare”, 2 May 2020, <https://www.matharesocialjustice.org/eje-campaign/war-against-the-poor-and-youth-video-of-un-special-rapporteur-agnes-callamard-solidarity-visit-to-mathare/#:~:text=In%20February%202020%2C%20Agnes%20Callamard,of%20the%20poor%20in%20Nairobi>, (accessed 17 October 2024).

<sup>135</sup> Interview with Wilfred Olal (Justice Centres Representatives); Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>136</sup> Ed Ram, “As We Lose Our Fear”, <https://www.edram.org/as-we-lose-our-fear#0>, (accessed 17 October 2024); MSJC, “As We Lose Our Fear: Photography Exhibition on Police Brutality”, 19 July 2021, <https://www.matharesocialjustice.org/eje-campaign/mothers-of-victims-survivors-network/mothers-of-victims-and-survivors-network-exhibition/as-we-lose-our-fear-photography-exhibition-on-police-brutality/>, (accessed 16 October 2024).



Centres also have a kids club that engages the kids in sports and theatre and provides mentorship sessions for schools and teenagers.<sup>137</sup>

Wanjira captures the importance of using art in their advocacy by stating:<sup>138</sup>

Sometimes art speaks more than the community dialogues we hold. By using art, the intention is to mirror to the community what happens so [that] they can stop the normalisation.

*Support to victims:* The Justice Centres serve as a support group for the victims of police abuse. The Justice Centres' offices are open to receiving complaints from the communities. People feel safer filing complaints with the Justice Centres than going to the police stations. Also, the Centres are in the communities – making them closer than the IPOA or the KNCHR. Furthermore, victims are confident that the Justice Centres will provide support throughout the process of seeking justice. This support includes accompanying them to make an official complaint to IPOA, or KNCHR, interacting with the police, connecting them to other NGOs better placed to help, providing information on the progress of the complaint, calling for the release of detained persons, and providing solidarity during the court process.<sup>139</sup> Wambui recalled that the Justice Centre helped her document her husband's killing and introduced her to other CSOs like IMLU and Amnesty International to assist her further.<sup>140</sup> In addition, participants in this study noted that the Mothers Network is an avenue for women who have lost relatives to meet regularly, have discussions, sing songs, and strengthen each other while seeking justice.<sup>141</sup> The tactic of offering support to victims is prominently used by the Justice Centre and the #EndSARS campaign. As noted above, the #EndSARS provided legal

---

<sup>137</sup> Interview with Wilfred Olal (Representative of the Justice Centres); MSJC, "MSJC Kids Club Theatre", 19 June 2021, <https://www.matharesocialjustice.org/the-msjc-kids-social-justice-club/msjc-kids-club-theatre/>, (accessed 17 October 2024).

<sup>138</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>139</sup> Interview with Salome Nduta (CSO Representative); Interview with Otsieno Namwaya (CSO Representative), Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives). The MSJC for instance, called for solidarity during the court proceedings for the Nura Malicha case – which was documented in the *Who is Next* Report and reported to IPOA. The case was finally referred to court in 2018. (MSJC, "Court Solidarity Requested for Nura Malicha Case on Friday, 7 June 2019", 1 June 2019, <https://www.matharesocialjustice.org/eje-campaign/court-solidarity-requested-for-nura-malicha-case-on-friday-june-7-2019/>, (accessed 17 October 2024); and MSJC, "Urgent Solidarity Needed for MSJC's Kennedy Chindi (JJ) Detained at Juruma Police Station", 15 September 2017, <https://www.matharesocialjustice.org/organic-intellectuals-network/pio-gama-pinto/urgent-solidarity-needed-for-kennedy-chindi-jj-detained-at-huruma-police-station/>, (accessed 17 October 2024).

<sup>140</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>141</sup> Interview with Juliet Wanjira (Justice Centres Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

services to victims of police brutality. However, the support offered by the Justice Centre can be described as more personalised due to the grassroots nature of the campaign. This support is also successful in mobilising people to join in.

Wangui stated that the Justice Centres needed to employ these diverse tactics because when challenging the state, the best method is 'to diversify tactics to get a bigger audience and for people from different spheres to buy in'.<sup>142</sup> Wangui's statement could be applied to both the #EndSARS and the Safer Khayelitsha campaign. As discussed earlier, the participation of various individuals and organisations in the #EndSARS campaign led to different tactics being used which amplified the voice of the campaign. Similarly, the various organisations involved in the Safer Khayelitsha campaign brought tactics which benefited the campaign and enabled it to reach out to a diverse audience.

#### 6.4. Challenges

The Justice Centres face opposition, threats, and intimidation from the police during their activities. For instance, despite giving notice to the police before a peaceful demonstration, their demonstrations often end in the arrest of participants by the NPS (see figure 6 below).<sup>143</sup> Some participants in this study recall having to facilitate the release of activists arrested during the *Saba Saba* marches.<sup>144</sup> For example, Wanjira recalled battling her way out of getting arrested during a protest (see figure 7 below). Wanjira laments that the frequent arrest by the NPS makes it harder to convince other people to demonstrate. However, personally, Wanjira stated that she has lost her fear of the police and will continue to protest police brutality.<sup>145</sup>

---

<sup>142</sup> Interview with Wangui Kimari (Justice Centres Representative).

<sup>143</sup> Interview with Salome Nduta (CSO Representative); Interview with Juliet Wanjira (Justice Centres Representative); Interview with Brian Kimari (CSO Representative); Interview with Lucy Wambui and Jennifer Omai (Justice Centres Representatives); Ramadhan Rajab (@Rrajab), "SabaSabaMarchForOurlives #SabaSabaAt30 so far @NPSOfficial\_KE have arrested about 30 leaders of Social Justice Centres...", Twitter Post, 6 July 2020, <https://twitter.com/Rrajab/status/1280393334738104320>; Michael Musyoka, "Saba Saba Protestors Teargassed in Nairobi[video]", *Kenyans.co.ke*, 7 July 2020, <https://www.the-star.co.ke/news/2020-07-07-saba-saba-protests-end-in-tears-arrests-of-activists-in-nairobi/>, (accessed 11 October 2024); Akello Odenyo and Gordon Osen, "Saba Saba Protests End in Tears, Arrests of Activists in Nairobi", *The Star*, 7 July 2020 <https://www.the-star.co.ke/news/2020-07-07-saba-saba-protests-end-in-tears-arrests-of-activists-in-nairobi/>, (accessed 11 October 2024).

<sup>144</sup> Interview with Wangui Kimari (Justice Centres Representative); and Interview with Ben Nyabira (CSO Representative).

<sup>145</sup> Interview with Juliet Wanjira (Justice Centres Representative).

**Figure 6: Wilfred Olal getting arrested during the 2021 Saba Saba #MarchForOurLives protest.**



Photo: The Star, Kenya.<sup>146</sup>

Other participants in this study recalled the death of some activists under suspicious circumstances and how other activists had to relocate due to fear for their lives.<sup>147</sup> In addition, some activists had received threats from the ‘vigilante’ Facebook accounts for speaking out against extrajudicial killings in the communities.<sup>148</sup> Some infamous police officers had also visited the MSJC office – a visit the MSJC considered a ploy to intimidate them.<sup>149</sup>

Beyond the arrest of activists, Kimari states that the Kenyan government generally views Human Rights Defenders as ‘disruptors’ and has clamped down on Human Rights Defenders

<sup>146</sup> Tracy Mutinda, “[Photos] Police Disperse Saba Saba Protesters in CBD”, *The Star*, 7 July 2021, <https://www.the-star.co.ke/news/2021-07-07-photos-police-disperse-saba-saba-protesters-in-cbd/>, (accessed 11 February 2023).

<sup>147</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>148</sup> MSJC, “Urgent Alert: Profiling of MSJC Activist, MSO, By Vigilante “Nairobi Crime Free” Facebook Group”, 9 February 2020, <https://www.matharesocialjustice.org/eje-campaign/more-threats-to-social-justice-centre-activists-from-online-police-vigilante-groups/>, (accessed 17 October 2024); MSJC, “More Threats to Social Justice Centre Activists from Online Police Vigilante Groups”, 24 April 2019, <https://www.matharesocialjustice.org/eje-campaign/more-threats-to-social-justice-centre-activists-from-online-police-vigilante-groups/>, (accessed 17 October 2024).

<sup>149</sup> MSJC, “Mathare Social Justice Centre Strongly Condemns the “visit” of Known Killer Cop Rashid and Two Police Officers to Our Centre”, 30 June 2020, <https://www.matharesocialjustice.org/eje-campaign/mathare-social-justice-centre-strongly-condemns-the-visit-of-known-killer-cop-rashid-and-two-police-officers-to-our-centre-on-june-30-2020/>, (accessed 15 October 2024).

and referred to them as an ‘evil society’ over the years. Though the present government has taken a softer stance, it is still not interested in working with NGOs.<sup>150</sup>

**Figure 7: The attempted arrest of Wanjira during the 2020 Saba Saba #MarchForOurLives protest. She avoided arrest and continued the protest screaming, ‘when we lose our fear, they lose their power!’**



Photo: Ed Ram<sup>151</sup>

Kimari’s view on the clamp down on Human Rights Defenders in Kenya is consistent with different reports on the increasingly closing civic space in Kenya and the attempt by the government to curtail the activities of CSOs by legislation, arrest, bureaucratic targeting, and freezing of accounts.<sup>152</sup> More broadly, the attack by states on human rights defenders and

<sup>150</sup> Interview with Brian Kimari (CSO Representative). The term ‘evil society’ was used to describe CSOs by government officials for supporting the International Criminal Court during its case against then President Uhuru Kenyatta. HRW, “Kenya: Rights Defenders Under Attack”, 4 October 2013, <https://www.hrw.org/news/2013/10/04/kenya-rights-defenders-under-attack>, (accessed 11 October 2024); Kendall, Sara. “‘UhuRuto’ and Other Leviathans: The International Criminal Court and the Kenyan Political Order”, *African Journal of Legal Studies* 7, 3 (2014): 399-427, doi: <https://doi.org/10.1163/17087384-12342053>; CIVICUS and National Coalition of Human Right Defenders – Kenya, *Attacks on Civil Society Undermining Democracy and Development in Kenya*, (CIVICUS, Nairobi: 2015), <http://civicus.org/images/Kenya%20Policy%20Action%20Brief.pdf>. See also a Tweet by the then director of Digital Communication at the State House – Dennis Itumbi (@Oleltumbi), “The branch of Civil Society known as evil society have lost...”, Twitter Post, 26 November 2015, <https://twitter.com/Oleltumbi/status/669901783653814273>.

<sup>151</sup> Amanda Sperber, “Kenyan Police used COVID-19 Laws to rrest protesters, then put them in the same cell”, 7 July 2020, *Vice*, <https://www.vice.com/en/article/qj43a3/saba-saba-protest-kenya-police-brutality>, (accessed 11 October 2024).

<sup>152</sup> The Statute Law (Miscellaneous Amendments) Bill, 2013 sought to amend different laws including introducing a new article to the *Public Benefits Organisations Act* of 2013 which would have limited foreign funding of NGOs to 15% of the NGO’s total budget. The Bill also sought to give the government powers to



restriction of the civic space has become a matter of concern in Africa. The ACHPR has passed a resolution which calls on states to ‘refrain from any form of victimisation, harassment, intimidation and attack on human rights defenders and journalists, through the arbitrary use of the police and security forces’.<sup>153</sup>

Another challenge comes from members of the communities who do not believe in the activism of the Justice Centres. As mentioned above, some members of the communities believe that crime is a problem and that eliminating alleged criminals helps to fight crime. Participants in this study noted that some members of the community benefit from the high-handed methods of the police. For instance, some community leaders use the police to punish people who offend them. Also, the business community in Eastleigh – next to Mathare – uses the police to eliminate alleged criminals to deter crimes which are harmful to their business interest.<sup>154</sup>

The Justice Centres are also faced with financial constraints to meet the logistics associated with the campaigns, such as transportation, communication, hiring lawyers and providing psychological support for victims and members.<sup>155</sup>

Participants in this study also noted the negative impact of activism on their mental health as it is an emotionally draining task. Kimari observed that the work of the SJC is quite traumatic, as it feels like the members are holding the entire community on their shoulders, which is an onerous burden to bear.<sup>156</sup> In addition, it has become increasingly discouraging

---

set conditions for granting certificate of registrations and permits of operation to public benefit organisations. The Bill was eventually rejected by the National Assembly. “Kenya: Rejection of Bill Capping NGO Foreign Funding and Giving Spy Agency Broadened Surveillance Powers”, Library of Congress, <https://www.loc.gov/item/global-legal-monitor/2013-12-12/kenya-rejection-of-bill-capping-ngo-foreign-funding-and-giving-spy-agency-broadened-surveillance-powers/>, (accessed 11 October 2024); Jennifer N. Brass, “Kenya’s Clampdown on Civil Society is Against its Self-Interest”, *The Conversation*, 11 July 2016, <https://theconversation.com/kenyas-clampdown-on-civil-society-is-against-its-self-interest-62019>, (accessed 11 October 2024); National Coalition of Human Rights Defenders - Kenya, *Double Edged Sword – A Trends Report and Case Digest on Human Rights Defenders and the Law in Kenya*, (NCHD-K, Nairobi:2016) <https://elibrary.defenderscoalition.org/reports/Double%20Edged%20Sword.pdf>; HRW, “Kenya: Police Threaten Activists Reporting Abuse”, HRW, 4 June 2018, <https://www.hrw.org/news/2018/06/04/kenya-police-threaten-activists-reporting-abuse>, (accessed 11 October 2024).

<sup>153</sup> ACHPR, *Resolution on the Need to Protect Civic Space, Freedom of Association and Assembly in Africa*, ACHPR/Res.569 (LXXVII), (09 November 2023).

<sup>154</sup> Interview with Joseph Kimani (CSO Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>155</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>156</sup> Interview with Brian Kimari (CSO Representative).

to see killer cops still in the communities after documenting police killings and gathering evidence for over five years. It feels like their efforts have yielded no results.<sup>157</sup> Wanjira noted that it is unbearable when people hail killer cops on social media. Further stating ‘we are trying to hold on and keep on fighting, but sometimes you feel helpless, you feel hopeless, but you have to keep on. [It is] not easy, [it is] hard, very hard...’<sup>158</sup>

### **6.5. Reaction of the Police Accountability Mechanisms**

As discussed in Chapter Three, the mechanisms for holding the NPS accountable in Kenya include the IPOA, IAU-K and KNCHR.

Members of IPOA and the KNCHR interviewed for this study described the Justice Centres as the first point of contact for information concerning police misconduct and promoting police accountability in the communities as they exist across many low-income communities.<sup>159</sup> This reach of the Justice Centres is unlike the IPOA and KNCHR, with head offices in Nairobi and only a few regional offices – eight for IPOA and four for KNCHR.

Samson Omondi from the KNCHR observed that the Justice Centres have an immense impact on the KNCHR. First, the Justice Centres serve as the first point of contact when human rights violations occur at the community level. Also, the Justice Centres have helped during litigation by providing witnesses against police officers. Secondly, the Justice Centres help mobilise community members when the KNCHR have activities in the community. Thirdly, the Justice Centres serve as community educators. The KNCHR passes information to the SJC, which they help circulate to community members. In return, the KNCHR has helped the Justice Centres engage nationally by connecting them with state and non-state institutions. Furthermore, the KNCHR has stepped in when the Justice Centres face challenges like intimidation from the police.<sup>160</sup>

Similarly, representatives from IPOA noted that the Justice Centres support IPOA in ensuring the accountability of police officers in the communities by referring complaints to IPOA,

---

<sup>157</sup> Interview with Wangui Kimari (Justice Centres Representative); and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>158</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>159</sup> Interview with Jeremiah Arodi (former Director of Investigations IPOA), 17 August 2021; Interview with Otsieno Namwaya (CSO Representative); and Interview with IPOA Investigator, 14 September 2021.

<sup>160</sup> Interview with Samson Omondi (Representative of KNCHR).

which IPOA further investigates and forwards those with merits to the Office of the DDP for prosecution. In addition, they help provide psychosocial support to the victims.<sup>161</sup>

According to Jeremiah Arodi, who worked with IPOA for eight years, the Justice Centres' practice of forwarding complaints and other helpful information, such as witnesses from the communities, to IPOA is beneficial due to challenges faced by IPOA in getting information from NPS when investigating an officer. For example, sometimes the documentation by the police that the IPOA ought to rely on is not recorded accurately, or it is difficult to access due to a lack of cooperation from the NPS.<sup>162</sup> The lack of cooperation by the NPS with IPOA's investigation is consistent with findings from a previous study on strengthening police oversight and investigations in Kenya.<sup>163</sup> The study reports that one of the central challenges faced by the IPOA is its relationship with the NPS. For instance, though the NPS is mandated to notify IPOA within twenty-four hours of death or serious injury resulting from police actions,<sup>164</sup> the police rarely make such notifications which contributes to incomplete investigations by IPOA.<sup>165</sup>

Most members from the Justice Centres and other CSOs described the relationship between IPOA and the Justice Centres as one-sided. They noted that though the Justice Centres constantly refer cases to IPOA, IPOA fails to engage the Justice Centres and provide updates to survivors and families of police brutality or protect witnesses.<sup>166</sup> As a result, the Justice Centres are left in the communities to face survivors and families of police brutality who demand updates on their cases.<sup>167</sup> Wanjira described IPOA as a 'toothless dog'.<sup>168</sup> In addition, other participants in this study noted that IPOA has only successfully prosecuted a

---

<sup>161</sup> Interview with Jeremiah Arodi (former Director of Investigations IPOA), and Interview with IPOA Investigator.

<sup>162</sup> Interview with Jeremiah Arodi (former Director of Investigations IPOA).

<sup>163</sup> Thomas Probert, Brian Kimari, and Mutuma Ruteere, *Strengthening Police Oversight and Investigations in Kenya – Study of IPOA Investigations into Deaths Resulting from Police Action* (Nairobi: Centre for Human Rights and Policy Studies, 2020).

<sup>164</sup> IPOA, *Investigations Unit Operation Manual*, 34.

<sup>165</sup> Probert, Kimari, and Ruteere, *Strengthening Police Oversight and Investigations in Kenya*, 25.

<sup>166</sup> Interview with Brian Kimari (CSO Representative); Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives) and Interview with Wangui Kimari (Representative of the Justice Centre).

<sup>167</sup> Interview with Brian Kimari (CSO Representative); and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>168</sup> Interview with Juliet Wanjira (Justice Centres Representative).



few cases despite the high number of complaints submitted.<sup>169</sup> Hence the Justice Centres appear to have lost faith in IPOA and KNCHR and instead rely more on other CSOs like the Katiba, International Justice Mission(IJM), PBI-Kenya, and Amnesty International.<sup>170</sup>

However, other participants in this study acknowledged the institutional challenges faced by the IPOA and the KNCHR, which affect their effectiveness. For instance, insufficient funding and human resources to carry out investigations, lack of cooperation from the NPS during investigations, interference with crime scenes and witnesses, and refusal to hand over documents.<sup>171</sup> These challenges affect these agencies' capacity and their relationship with the Justice Centres. However, according to Kimari, the Justice Centres do not understand this but view it as a deliberate attempt not to engage with the Justice Centres.<sup>172</sup> On the bright side, Kimari noted that the Justice Centres have allies within the IPOA who transitioned from civil society.<sup>173</sup> Kimari's view highlights the tension between social activism campaigns that expect more from the formal mechanisms of accountability and the often under-resourced police mechanisms. However, despite the challenges formal mechanisms of accountability might face, they should see social activism campaigns as complementary to their mandates.

IPOA, since its inception in May 2012, till 31 December 2021 has received 20,979 complaints, which IPOA's Complaints Intake Committee (CIC) processes.<sup>174</sup> The CIC assesses all complaints received by IPOA and determines their merits. The CIC decides if a complaint warrants an investigation, a preliminary investigation, or a full investigation.<sup>175</sup> When a full investigation is recommended, the CIC determines if the investigation should be carried out by IPOA or referred to other bodies like the IAU-K, the DCI, and the NPSC for investigations.<sup>176</sup> After investigation, if there is evidence to warrant prosecution, the lead investigator recommends this to the Deputy Director of Investigations. The Deputy Director

---

<sup>169</sup> Interview with Wangui Kimari (Justice Centres Representative); Interview with Charles Maina (CSO Representative) and Interview with Brian Kimari (CSO Representative).

<sup>170</sup> Interview with Brian Kimari (CSO Representative).

<sup>171</sup> Interview with Brian Kimari (CSO Representative); Interview with Jeremiah Arodl (former Director of Investigations); and Interview with Samson Omondi (Representative of KNCHR).

<sup>172</sup> Interview with Brian Kimari (CSO Representative).

<sup>173</sup> Interview with Joseph Kimari (CSO Representative).

<sup>174</sup> IPOA, *Performance Report* July-December 2021, (Nairobi: IPOA, 2022), 13, 32 [ipoa-performance-report-july-december-2021.pdf](#)

<sup>175</sup> IPOA, *Investigations Unit Operation Manual*, 30.

<sup>176</sup> *Ibid.*, 31.

and IPOA's Board then make the final decision to forward the case to the DPP for prosecution.<sup>177</sup>

As of 31 December 2021, of the 20,979 complaints received by IPOA since inception, the CIC marked 7,347 for investigation by IPOA. However, IPOA has only completed 3,437 investigations, of which just 531 have been submitted to the Office of the DPP for prosecution.<sup>178</sup> It is unclear if the low referral of cases to the DPP is due to insufficient evidence after investigations to warrant prosecution. However, IPOA has successfully recorded convictions in just seventeen cases.<sup>179</sup>

The low conviction rate is attributed to other factors outside IPOA. As mentioned above, one such factor is the lack of cooperation from the NPS, which affects both IPOA's investigation and successful prosecution by the DPP. For instance, the DPP, in a report to the Senate Committee on Justice, Legal Affairs and Human Rights, is reported to have accused the police of tampering with evidence when an officer is involved and intimidating victims and witnesses.<sup>180</sup> Another factor responsible for the low convictions is the slow judicial process. The courts are burdened with a lack of financial and human resources, resulting in a backlog of cases.<sup>181</sup> As of 31 December 2021, there were 141 cases of police misconduct before courts in Kenya, 118 of these were from investigations led by IPOA while the others were investigations led by the police. Some of these cases date as far back as 2014.<sup>182</sup>

Compared to the other case studies, the state's response to the activism of the Justice Centres has been less pronounced. For instance, the government in the #EndSARS campaign and the Safer Khayelitsha campaign can boast of meeting some of the demands of the

---

<sup>177</sup> Ibid., 319.

<sup>178</sup> IPOA, *Performance Report July-December 2021*, 33.

<sup>179</sup> Ibid., 14 and 15.

<sup>180</sup> Betty Njeru, "Evidence Tampering a Barrier in Prosecution of Police Brutality Cases – DPP Haji", *The Standard*, 8 September 2021, <https://www.standardmedia.co.ke/national/article/2001422945/evidence-tampering-a-barrier-in-prosecution-of-police-brutality-cases-haji>. (accessed 14 October 2024); Mary Wambui, "Kenya: Why Rogue Police Officers are Getting Away with Murder", *AllAfrica*, 29 October 2021, <https://allafrica.com/stories/202110290320.html>. (accessed 14 October 2024).

<sup>181</sup> Sarah Johnson, "The Wounds Won't Heal: Kenya's Agonising Wait for Justice on Killings by Police", *The Guardian*, 17 August 2021, <https://www.theguardian.com/global-development/2021/aug/17/the-wounds-wont-heal-kenyas-agonising-wait-for-justice-on-killings-by-police>. (accessed 14 October 2024); Maggie Fick, "Special Report: Amid Claims of Police Brutality in Kenya, a Watchdog Fails to Bite", *Reuters*, 28 February 2018, <https://www.reuters.com/article/us-kenya-police-watchdog-specialreport/special-report-amid-claims-of-police-brutality-in-kenya-a-watchdog-fails-to-bite-idUSKCN1G7178>. (accessed 14 October 2024).

<sup>182</sup> IPOA, *Performance Report July-December 2021*, 16 and 17.

movements, such as disbanding the SARS, and setting up investigative panels to investigate the allegations in response to the demands made. However, the state in Kenya has remained unresponsive to the specific demands of the Justice Centres such as a people's inquiry into EJE and enforced disappearance and the formation of a national working committee against EJE and enforced disappearances.

As mentioned above, the state has increasingly created an unhealthy atmosphere for Human Rights Defenders in Kenya, including members of the Justice Centres. Omondi described the relationship between the State and the Justice Centres as a 'hate-hate relationship' as the state has not welcomed their activities. Omondi recalls the KNCHR intervening on behalf of the Justice Centres due to threats by the state and arrests of some of their members on trumped-up charges.<sup>183</sup> Members of CSOs describe the government's attitude towards the Justice Centres as dismissive, condescending, hostile, intimidating, and even threatening.<sup>184</sup> In addition, the NPS, as discussed above, have targeted members of the Justice Centres and arrested members during protests.<sup>185</sup> In addition, Namwaya stated that the government considers issues involving security agencies as sensitive and national security matters and treats a campaign against the police as an infringement of national security.<sup>186</sup>

However, Respondents noted that the local government is more open to listening to the Justice Centres, unlike the national government. Also, they have some allies in government and within the police that support and share information with the Justice Centres.<sup>187</sup>

Despite the impact of the Justice Centres, some representatives from KNCHR and IPOA observed some shortcomings in working with the Justice Centres. Arodi alleged that Justice Centres sometimes manipulate or exaggerate information to give themselves more prominence in the community. Arodi further stated that the Justice Centres make over-the-top demands contrary to investigative results, like classifying violent gang killings as police

---

<sup>183</sup> Interview with Samson Omondi (Representative of KNCHR).

<sup>184</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); Interview with Charles Maina (CSO Representative); Interview with Otsieno Namwaya (CSO Representative); Interview with Juliet Wanjira (Justice Centres Representative); and Interview with Wilfred Olal, (Justice Centre Representative).

<sup>185</sup> Interview with Otsieno Namwaya (CSO Representative); Interview with Salome Nduta (CSO Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>186</sup> Interview with Otsieno Namwaya (CSO Representative).

<sup>187</sup> Interview with Wilfred Olal (Justice Centres Representative); and Interview with Ben Nyabira (CSO Representative).

killings.<sup>188</sup> Omondi also stated that the Justice Centres sometimes make unrealistic demands, not considering organisational bureaucracy and due process within institutions.<sup>189</sup> Looking broadly at the impact of social activism on the role of the police accountability mechanism, Arodi observed that social activism plays both a positive and negative role. In a positive sense, they help to raise awareness of police brutality and educate the community about their rights; however, Arodi states that CSOs are ‘egocentric organisations’, and this becomes problematic.<sup>190</sup> This position of Arodi on the positive and negative impact of social activism is similar to the response by a representative of the PSC in Nigeria, who stated that sometimes social activism exaggerated issues which was not helpful to the PSC.<sup>191</sup>

Despite criticism from both sides – IPOA/KNCHR and CSOs, some participants in this study stated that collaboration and engagement are vital to combat police misconduct and hold the police accountable effectively.<sup>192</sup>

## **6.6. Role of the Activism in Pursuing Police Accountability**

The Justice Centres are described as the ‘voice of the voiceless’,<sup>193</sup> ‘hub for access to justice and human rights in the community’, ‘focal point’, and ‘safe space’<sup>194</sup> for victims of police brutality in low-income/informal communities. This section examines the role played by the Justice Centres in pursuing investigations into police abuse, remedies for victims, and reforms.

### ***6.6.1. Investigation***

The Justice Centres play a role in pursuing investigations into police abuse of power by receiving and documenting cases of police abuse in the communities. Namwaya described them as the ‘primary documenters ahead of IPOA’.<sup>195</sup> Similarly, IJM described the Justice Centres as a ‘one-stop-shop for convenient reporting of all human rights violations in

---

<sup>188</sup> Interview With Jeremiah Arodi (Former Director of Investigations, IPOA).

<sup>189</sup> Interview with Samson Omondi (Representative of KNCHR).

<sup>190</sup> Interview with Jeremiah Arodi (Former Director of Investigations, IPOA).

<sup>191</sup> Interview with Tijani Mohammed (Director of Investigation, PSC), Phone call, 20 August 2020.

<sup>192</sup> Interview with Salome Nduta (CSO Representative), and Interview with Wangui Kimari (Justice Centres Representative).

<sup>193</sup> Interview with Jeremiah Arodi (former Director of Investigations, IPOA).

<sup>194</sup> Interview with Charles Maina (CSO Representative).

<sup>195</sup> Interview with Otsieno Namwaya (CSO Representative).

communities'.<sup>196</sup> Other participants in this study corroborated these descriptions of the Justice Centres, noting that the Justice Centres monitor the police in the communities, document abuses, and report to IPOA or the IAU-K.<sup>197</sup> Unlike the other campaigns, the Justice Centres appear to have a more coordinated system of receiving and documenting complaints against the police in the different communities.

Explaining the documentation process, members from the Justice Centres state that it begins with direct complaints from victims/witnesses or via their Human Rights Monitors located in the communities.<sup>198</sup> The Justice Centres receive direct complaints from community members because the communities trust them to document accurately.<sup>199</sup> The task of the Justice Centres' Human Rights Monitors is to document and collect information concerning police abuse witnessed in the communities. The Human Rights monitors are to document 'who, what, where, and how'.<sup>200</sup> Corroborating this, Olal stated that before documenting an incident of police brutality, they must perform due diligence, which entails minimal investigation to help clarify 'who was involved', 'what happened', 'where it happened', 'when it happened', and 'how it happened'. This also involves getting witnesses.<sup>201</sup> After documentation, formal complaints are then forwarded to the police accountability mechanisms for further investigations.

In receiving complaints from community members, documenting and forwarding them to formal accountability mechanisms, the Justice Centres serve as the bridge between the communities and the police and accountability mechanisms. The Justice Centres not only receive complaints, but they also update families on the progress of the complaints and

---

<sup>196</sup> "Survivors and Justice Centres Unite to Demand End to Police Brutality in Kenya", IJM, <https://www.ijmuk.org/stories/survivors-and-justice-centres-unite-to-demand-end-to-police-brutality-in-kenya>, (accessed 14 October 2024).

<sup>197</sup> Interview with Charles Maina (CSO Representative); Interview with Otsieno Namwaya (CSO Representative); Interview with Joseph Kimani (CSO Representative); Interview with Wilfred Olal (Justice Centres Representative); Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); Interview with Salome Nduta (CSO Representative); and Interview with Brian Kimari (CSO Representative).

<sup>198</sup> Interview with Wilfred Olal (Justice Centres Representative); and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>199</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>200</sup> Ibid.

<sup>201</sup> Interview with Wilfred Olal (Representative of the Justice Centres).

provide a safe environment for witnesses. In addition, they help accountability mechanisms secure witnesses and provide other information needed during the investigation.<sup>202</sup>

The Justice Centres link the victims to other organisations that can support them during the investigative process. For example, Wambui recalled that the MSJC documented the killing of her husband in Mathare by a police officer and then connected her with IMLU, who helped with the post-mortem examination.<sup>203</sup>

The Justice Centres also highlight incidents of police abuse of power in the communities – putting the spotlight on the police and relevant agencies to act. This they do by raising the alarm via Twitter, Facebook, or press releases when people have been arrested illegally or shot. The Justice Centre ensures that the incident is not forgotten but investigated.<sup>204</sup> However, as noted by Kimani, there is a limit to what the Justice Centres can do, as investigating police misconduct ultimately lies with other agencies.<sup>205</sup>

### **6.6.2. Remedies**

The Justice Centres provide support to victims throughout the process of seeking justice. They help rehabilitate victims by providing – or helping them access psychological support and legal services.<sup>206</sup> For instance, they link victims with organisations that can provide psychosocial support, lawyers or protection for witnesses.<sup>207</sup> Wambui recalled that during her ordeal, the Justice Centres took her to Amnesty International Kenya, which offered her professional counselling.<sup>208</sup>

The Justice Centres also support the victims by accompanying them to courts, ensuring they get information like court dates and case progress. Olal stated that the cooperation of the Justice Centres with IPOA, and other CSOs, have resulted in the prosecution of some police

---

<sup>202</sup> Interview with Wilfred Olal (Representative of the Justice Centres); Interview with Brian Kimari (CSO Representative); Interview with Otsieno Namwaya (CSO Representative), and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>203</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>204</sup> Interview with Charles Maina (CSO Representative), Interview with Joseph Kimani (CSO Representative), and Interview with Ben Nyabira (CSO Representative).

<sup>205</sup> Interview with Joseph Kimani (CSO Representative).

<sup>206</sup> Interview with Charles Maina (CSO Representative), Interview with Salome Nduta (CSO Representative), and Interview with Wilfred Olal (Justice Centres Representative).

<sup>207</sup> Interview with Brian Kimari (CSO Representative), and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>208</sup> Interview with Juliet Wanjra (Justice Centres Representative).

officers.<sup>209</sup> Wanjira recalled the case of Martin Koome – who died from injuries sustained in police custody – and how the Justice Centres supported the family and attended court sessions diligently wearing shirts with ‘Justice for Martin Koome’.<sup>210</sup> As a result, the Officer in Charge of the police station was found guilty of killing Martin Koome and was sentenced to death.<sup>211</sup> In addition, in 2018, a class action suit was commenced by the IJM, on behalf of women who have lost relatives to police killings, against the IGP and Attorney General for failing to adopt measures to prevent police killings.<sup>212</sup> Participants from the Justice Centres stated they were essential in documenting some of those cases.<sup>213</sup>

The Justice Centres are also a safe and trusted place for victims. Over the years, the Justice Centres have earned the trust of the communities; people know they can report cases of police abuse to the Justice Centres and get the necessary assistance.<sup>214</sup> Wanjira described the Justice Centres as a healing platform where victims gather to sing songs of struggle, encourage each other, and become human rights defenders.<sup>215</sup> The Mothers Network is an example of an initiative to support victims.<sup>216</sup> Currently, the network, launched in the MSJC in 2018, is made up of 50 women, and other Justice Centres are taking steps to establish similar forums.

The Justice Centres have also set up memorials for victims of police brutality in the communities, such as the tree planting project for every victim of police killings in the communities.<sup>217</sup>

---

<sup>209</sup> Interview with Wilfred Olal (Justice Centres Representative).

<sup>210</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>211</sup> *Republic v. Nahashon Mutua* H.C.CR.C. no.84 of 2015); *Republic v. Nahashon Mutua* [2019] eKLR; *Republic v. Nahashon Mutua* [2020] eKLR.

<sup>212</sup> Maureen Kakah, “AG, Boinnet Sued Over Police Killings”, *Nation*, 22 November 2018, <https://nation.africa/kenya/news/ag-boinnet-sued-over-police-killings-111720>, (accessed 13 October 2024); Susan Muhindi, “Widows and Mothers of 22 Youths Slain by Police Sue Boinnet, AG”, *The Star*, 23 November 2018, <https://www.the-star.co.ke/news/2018-11-23-widows-and-mothers-of-22-youths-slain-by-police-sue-boinnet-ag/>, (accessed 13 February 2023).

<sup>213</sup> Interview with Wangui Kimari (Justice Centres Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>214</sup> Interview With Charles Maina (CSO Representative); Interview with Brian Kimari (CSO Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>215</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>216</sup> Interview with Wilfred Olal (Justice Centres Representative); and Interview with Juliet Wanjira (Justice Centres Representative).

<sup>217</sup> MSJC, “Mathare Social Justice Centre History”.



### 6.6.3. Reforms

Concerning the role played by the Justice Centre pursuing reforms, Namwaya stated that reforming the NPS is not for the Justice Centres or any CSOs; instead, 'they highlight the issues that need reforms; reform is the work of the government.'<sup>218</sup> One of the issues the Justice Centres have succeeded in highlighting is that of police brutality in informal settlements and pushing the conversation from the grassroots to the national and even international level.<sup>219</sup> Kimari stated that by putting light on police misconduct at the grassroots, police officers have become more careful in carrying out their duties because they know people are 'viewing, probably filming'.<sup>220</sup> It was, however, noted by some participants in this study that though Justice Centres have bravely called out and provided evidence of the misconduct of some particular officers, the officers have not been disciplined or terminated; instead, they were transferred and went underground.<sup>221</sup> Maina noted that rather than dismiss rogue officers; these officers are rather transferred to other police stations in a different community and remain in active service. He further described this as 'taking the problem from one place to another'.<sup>222</sup>

In addition, Maina observed that the Justice Centres ensure that whatever reforms the NPS announce at the national level are implemented at the grassroots.<sup>223</sup> For instance, the Justice Centres and other CSOs raised the alarm at the police using unofficial vehicles, called probox, in low-income communities to target and illegally arrest young men.<sup>224</sup> As a result, on October 7, 2021, Nairobi's NPS Commander issued a guideline banning the use of such

---

<sup>218</sup> Interview with Otsieno Namwaya.

<sup>219</sup> Interview with Wangui Kimari (Justice Centres Representative); Interview with Brian Kimari (CSO Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>220</sup> Interview with Brian Kimari (CSO Representative).

<sup>221</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); and Interview with Charles Maina (CSO Representative).

<sup>222</sup> Interview with Charles Maina (CSO Representative).

<sup>223</sup> Ibid.

<sup>224</sup> Joy Kyalo, "PRWG-Kenya Demands Swift Action to End Reign Terror on Kenyan Youths in Informal Settlements", *The Informer*, 3 May 2021, <https://theinformer.co.ke/32071/prwg-kenya-demands-swift-action-to-end-reign-terror-on-kenyan-youths/>, (accessed 12 October 2024); Haki Africa, (@HakiAfrica), "we demand swift action to end the reign of terror on Kenyan youth in Mathare...", Twitter Post, May 2, 2021, <https://twitter.com/HakiAfrica/status/1388793497642315782>; MSJC, "Open Letter to the DPP – Unlawful Detention, Injury to and Charges against Mathare Residents", 2 November 2020, <https://www.matharesocialjustice.org/police-brutality/open-letter-to-the-dpp-unlawful-detention-injury-to-and-prosecution-of-mathare-residents/>, (accessed 12 October 2024).

private vehicles by officers assigned general duties when conducting security operations.<sup>225</sup> The Justice Centres will subsequently monitor the implementation of this guideline in their various communities.

Some Justice Centres have also attempted to build alliances with the police to improve the relationship between the police and communities.<sup>226</sup> For example, the Justice Centres undertook a beautification project of Haruma Police station in Nairobi by planting trees outside.<sup>227</sup>

Though the Justice Centres might not have made giant strides in bringing about police reforms, they have succeeded in reforming their communities through the socialisation and reinforcement of norms that human rights are for everyone irrespective of status in society and such rights are to be respected by the police. This has been accomplished by educating the communities on human rights to equip them to speak against police abuse.<sup>228</sup>

## 6.7. Conclusion

The Justice Centres began with youths in low-income settlements who decided to fight against police brutality in their communities when nobody else was documenting. Since commencement, they have grown from just one community to several other communities in Kenya, forming a civic space for activism at the grassroots. Justice Centres are fighting for justice for the dead, those killed by the police, and for the living, those in the communities. For the dead, they demand such deaths to matter and not be normalised, for investigations into such deaths and the prosecution of rogue police officers. For the living, the Justice Centres are challenging the normalisation of police brutality in informal settlements in Kenya – they are fighting the narrative that criminalises the youths in such settlements. Through this the Justice Centres through education and awareness raising are socialising the

---

<sup>225</sup> Hudson Gumbihi, “Police in Nairobi Barred from Using Private, Unmarked Cars”, *The Standard*, 7 October 2021, <https://www.standardmedia.co.ke/nairobi/article/2001425547/police-in-nairobi-barred-from-using-private-unmarked-cars>, (accessed 12 October 2024).

<sup>226</sup> Interview with Wilfred Olal, (Justice Centres Representative).

<sup>227</sup> Interview with Brian Kimari (CSO Representative).

<sup>228</sup> Interview with Wilfred Olal (Justice Centres Representative); Interview with Juliet Wanjira (Justice Centres Representative); Interview with Wangui Kimari (Justice Centres Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

communities to understand basic human rights norms such as human rights are available to everyone and a violation of human rights even by the police should have consequences.

This chapter finds that in doing this, they are demanding accountability for police brutality. The Justice Centres take it upon themselves to receive complaints of police brutality and investigate them – by documenting when the incident occurred, what occurred, where it occurred, how it occurred, and who was involved. These documented complaints are forwarded to the appropriate investigative agencies for further action. The Justice Centres have also proved helpful in securing witnesses and convincing witnesses to aid the investigations.

The chapter also finds that the Justice Centres have become a haven for victims in the communities. Offering support, friendship, and help to victims of police brutality. The Justice Centres also connect victims with other CSOs who can offer more professional services such as legal aid, medical aid, and counselling.

Through their activism, the Justice Centres have put the police in communities on their toes. As noted by a participant in this study, the Justice Centres are the watchdogs, and the police know they are being watched.<sup>229</sup> In addition, one of the most remarkable reforms is challenging the narratives that stereotype youths in low-income/informal settlements and the normalisation of extrajudicial executions.

---

<sup>229</sup> Interview with Juliet Wanjira (Justice Centres Representative).

## CHAPTER 7: THE USE OF SOCIAL MEDIA IN SOCIAL ACTIVISM FOR POLICE ACCOUNTABILITY

---

*So, social media plays a huge magnifying role... we are highlighting our activities that we will be having in the community to rally people to come.<sup>1</sup>*

### 7.1. Introduction

Social media is a 'group of internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of User Generated Content'.<sup>2</sup> Social media platforms such as Facebook, Instagram, YouTube, TikTok, Twitter, WhatsApp, Telegram, and blogs have enabled the creation of user-generated content by ordinary citizens – at least those with access to the Internet and a mobile device. With the availability of different social media platforms and their peculiar features, individuals have a myriad of options and have found different ways to use the unique features of these social media platforms to meet their needs. From connecting with old friends, and building new relationships, to sharing information, and engaging in debates and activism, social media has something for everyone. Of particular interest in this chapter is the use of social media in activism.

This chapter answers the fifth research sub-question on the use of social media to empower social activism aimed at pursuing police accountability and highlights pitfalls. Having a chapter specifically on social media use in activism is vital in a thesis on the role of social activism. This is because, in the last decade, the affordances of social media on social activism campaigns have been a prominent topic of research. Furthermore, the use of social media platforms – to varying extent – was a reoccurring feature of the campaigns discussed in this study. Social media platforms were used by these campaigns in various ways such as, to raise awareness on the issues, mobilise individuals to speak with one voice, organise demonstrations and other activities, and directly engage with political leaders to demand change.

---

<sup>1</sup> Interview with Juliet Wanjira (Justice Centres Representative), 27 July 2021.

<sup>2</sup> Andreas M. Kaplan and Michael Haenlein, "Users of the World, Unite! The Challenges and Opportunities of Social Media", *Business Horizons* 53, (2010): 61.

Social media, and digital technology at large, have become an important tool in activism and a frontier for the exercise of fundamental rights such as freedom of expression, freedom of association and peaceful assembly.<sup>3</sup> The various features of social media like hashtags (#), likes, retweets, shares, and mentions have been said to further promote a sense of togetherness amongst users.<sup>4</sup> This can be seen in the coming together of people across social media to advance different causes such as democracy, women's rights, and police reform.

As discussed above, various scholars have observed that the use of social media for activism also opens the participants and the campaign to several risks. For instance, McPherson warns that the use of social media in activism is affected by interference from the logic of the various social media platforms which can affect the visibility of content among other issues.<sup>5</sup> Other risks include interference by the government by way of restrictive legislation and policies, state-sponsored surveillance, Internet shutdowns, social media bans, government-sponsored online harassment, and government-sponsored trolling which sometimes translate into physical harm to activists and protesters.<sup>6</sup> These actions infringe a myriad of human rights such as freedom of expression, right to association, right to peaceful assembly, right to privacy, and right to life.<sup>7</sup>

Taking into consideration the three case studies analysed in this study, this chapter examines social media as a tool that can be used by activists for public mobilising, organising, and engagement with political leaders in furtherance of the campaign. In doing this, this chapter also highlights different risks the activist might face in using social media to fulfil these various tasks.

---

<sup>3</sup> Clément Nyaletsossi Voule, "Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association", Human Rights Council, A/HRC/41/41, (17 May 2019): para 2.

<sup>4</sup> Manuel Castells, *Communication power*, (Oxford: Oxford University Press, 2013), xli; Dhiraj Murthy, "Twitter: Microphone for the masses?", *Media, Culture and Society*, 33 no.5, (2011), 779-789.

<sup>5</sup> Ella McPherson, "Social Media and Human Rights Advocacy", in Howard Tumber, and Silvio R. Waisbord, (eds.) *The Routledge Companion to Media and Human Rights*. (London: Routledge, 2017), 279.

<sup>6</sup> Voule, A/HRC/41/41, paras 3, 11 and 21.

<sup>7</sup> Hlengiwe Dube, Marystella A. Simiyu and Tomiwa Ilori, *Civil society in the Digital Age in Africa - Identifying Threats and Mounting Pushbacks*, (Pretoria: Centre for Human Rights and Kampala: Collaboration on International ICT Policy in East and Southern Africa (CIPESA), 2020), 10, [https://media.africaportal.org/documents/Civil\\_society\\_in\\_the\\_digital\\_age\\_in\\_Africa\\_2020.pdf](https://media.africaportal.org/documents/Civil_society_in_the_digital_age_in_Africa_2020.pdf).

## 7.2. Background

Accessibility to Information Communication Technologies (ICTs) has significantly altered the relationship between the police and the public. For instance, the public can now rapidly document and disseminate information on the activities of the police in real-time and engage directly in policing discussions without having to rely solely on the narrative of the police.<sup>8</sup> The public can record police officers in their daily interactions with the public and these videos can easily be uploaded on social media. These videos can spark activism or be used in supporting an already existing activism seeking to hold the police accountable.

The Internet has been said to have introduced a new dimension to activists' repertoire of contention – which are tactics available to social movements at a particular place and time.<sup>9</sup> This new dimension has been referred to as the 'repertoire of electronic/digital contention' which includes both Internet-based actions and Internet-supported actions.<sup>10</sup>

Social media is one of the most common ways of utilising this repertoire of electronic/digital contention. What constitutes social media keeps evolving as new social media platforms and new features keep emerging while other platforms have become defunct or eclipsed by newer ones. In 2010, Kaplan and Haenlein classified social media applications based on their characteristics into six different groups: collaborative projects (e.g. Wikipedia); blogs and microblogs (e.g. Twitter); content communities (e.g. YouTube); social networking sites (e.g. MySpace, Facebook, Flickr, LinkedIn, Tumblr); virtual game world (e.g. World of Warcraft); and virtual social worlds (e.g. Second Life).<sup>11</sup> However recent categorisation of social media sites by Hootsuite divides it into nine categories based on specific use: social audio platforms and formats (Twitter spaces, Spotify, clubhouse); video social media platforms and formats (YouTube, TikTok, Instagram Stories and Reels, Facebook Watch);

---

<sup>8</sup> Romi Sigsworth, *#SpeakUp Using Social Media to Promote Police Accountability in Kenya, Tanzania, and Uganda*, East Africa Report 31, (Pretoria: Institute of Security Studies, December 2019), 3.

<sup>9</sup> Charles Tilly, *The Contentious French: Four Centuries of Popular Struggle*, (Cambridge, MA: Harvard University Press, 1986), 4; Sidney Tarrow, "Cycles of Collective Action: Between Moments of Madness and the Repertoire of Contention", *Social Science History* 17, no.2 (1993): 281-307, <https://doi.org/10.2307/1171283>.

<sup>10</sup> Jeroen Van Laer, and Peter Van Aelst, "Cyber-protest and civil society: The Internet and Action Repertoires in Social Movements", *Handbook of Internet Crime*, eds. Jewkes, Yvonne and Majid Yar, (Abingdon: Routledge, 2009), 230-254; Sasha Costanza-Chock, "Mapping the Repertoire of Electronic Contention", in *Representing resistance: Media, Civil Disobedience, and the Global Justice Movement*, eds. Andrew Opel and Donnalyn Pompper, (Westport: Praeger Publishers, 2003), 173-191.

<sup>11</sup> Kaplan and Haenlein, "Users of the World, Unite!" 62-64.

disappearing content formats (Snapchat, Instagram stories, Facebook stories, LinkedIn stories); discussion forums (Reddit, Quora); shoppable social media platforms (Shopify, Taobao); social media live streams (Twitch, YouTube, Instagram Live, TikTok); business social media platforms (LinkedIn, Twitter); closed/private community social media platforms (Discourse, Slack); and inspirational social media platforms (e.g. Blogs, Pinterest, YouTube).<sup>12</sup> Though not reflected in Hootsuite's categorisation, this study considers WhatsApp a social media platform due to its features which include audio, video, and photo sharing, ability to create communities and make posts.

As discussed in Chapter One, there are various views on the transformative power of social media to social activism. These views have been divided into three broad groups, techno-optimists, techno-pessimists, and even techno-ambivalent. On one end of the spectrum, techno-optimists like Diamond and Shirky view social media as having the power to bring about a revolution and freedom.<sup>13</sup> On the other end, techno-pessimists like Gladwell and Morozov see social media as doing little to transform social activism.<sup>14</sup>

One of the problems with these approaches is that techno-optimists most times overstate the impact of social media in movements while neglecting the risk associated with these different social media platforms.<sup>15</sup> On the other hand, techno-pessimists tend to overly glorify the task of organising a movement before social media. They also underestimate the different ways social media can be used in a movement today and the effort it takes to do that.<sup>16</sup> Morozov for instance, in describing online activism as one for a lazy generation underestimates the effort it takes to effectively participate in online activism. In reality, individuals involved in campaigns delegate resources – manpower, time, and funds – to keep

---

<sup>12</sup> Laura Wong, "9 Types of Social Media and How Each can Benefit your Business", Hootsuite, 2 September 2021, <https://blog.hootsuite.com/types-of-social-media/>.

<sup>13</sup> Clay Shirky, *Here Comes Everybody*, (London: Penguin Group, 2008), 54, and 161; Clay Shirky, "The Political Power of Social Media", *Foreign Affairs*, 20 December 2010, 2 <https://faculty.cc.gatech.edu/~beki/cs4001/Shirky.pdf>; Larry Diamond, "Liberation Technology", *Journal of Democracy* 21, no.3 (2010) 70-71.

<sup>14</sup> Evgeny Morozov, "The Brave New World of Slacktivism", *Foreign Policy*, 19 May 2009; <https://foreignpolicy.com/2009/05/19/the-brave-new-world-of-slacktivism/>; Malcolm Gladwell, "Small Change – Why the Revolution will not be Tweeted", *The New Yorker*, 27 September 2010, <https://www.newyorker.com/magazine/2010/10/04/small-change-malcolm-gladwell>.

<sup>15</sup> Kidd and McIntosh, "Social Media and Social Movements", 792.

<sup>16</sup> Ibid.



campaigns at the front burner of the topics on the different social media platforms. As described by Ayodele Sogunro, who participated in the #EndSARS protests:<sup>17</sup>

...It became a kind of trend for people to say I am not doing anything today except retweeting every tweet that uses the #EndSARS hashtag. So, you will see that we were trending globally, we were trending continentally and nationally because of that. Because a lot of people put their time and energy [to] just retweeting every #EndSARS tweet that they come across and you'll see tweets going as far as tens of thousands of retweets on all issues around #EndSARS at the time.

The ambivalent approach does not take a binary position on the power of social media or technology in social movements but rather acknowledges the possible role technology can play in social movements rather than ascribing social media with causing or not causing the movement.<sup>18</sup> Paolo Gerbaudo, in his book *Tweets and the Streets*, rather than evaluate the suitability or not of social media in social movements pays attention to what activists often do with social media tools.<sup>19</sup> Gerbaudo sees social media as the contemporary equivalent of the role of the newspaper, posters, leaflets or direct mail in choreographing collective action.<sup>20</sup>

In the same way, this chapter does not adopt any binary position on the power of social media but seeks to analyse how social media can be used by activists in social activism. In doing this, this study will highlight how social media was used in the different case studies discussed in the chapters above. Drawing from interviews conducted with activists across the three case studies, this chapter creates a non-exhaustive list of tasks often undertaken during a campaign. These tasks are public mobilisation, organisation, and engagement with political leaders. These tasks are like findings from other studies on the use of social media in activism. For instance, Tanja Bosh finds that during the #FeesMustFall movement in South Africa, Twitter was used as a tool for mobilising, organising, raising awareness, and

---

<sup>17</sup> Interview with Dr. Ayo Sogunro, (Human rights advocate), 8 December 2020.

<sup>18</sup> Kidd and McIntosh, "Social Media and Social Movements", 792; Sherif H Kamel, "Egypt's Ongoing Uprising and the Role of Social Media: Is there Development?", *Information Technology for Development*, 20, (2014): 78-91; Zeynep Tufekci and Christopher Wilson, "Social Media and the Decision to Participate in Political Protest: Observations from Tahrir Square", *Journal of Communication* 62, iss. 2, (2012): 363-379; Paolo Gerbaudo, *Tweets and the Streets: Social Media and Contemporary Activism*, (London: Pluto Press, 2012).

<sup>19</sup> Paolo Gerbaudo, *Tweets and the Streets: Social Media and Contemporary Activism*, (London: Pluto Press, 2012): 9.

<sup>20</sup> Gerbaudo, *Tweets and the Streets*, 4.

coordinating meetings, marches, and sit-ins.<sup>21</sup> Scholars have held that social media was used during the Arab Spring as a tool to mobilise the public, communicate and collaborate, and document and organise the protests.<sup>22</sup>

Public mobilisation here connotes the process of bringing members of society together for the pursuit of social, political, and ideological change.<sup>23</sup> Public mobilisation involves creating awareness of the issues to be addressed and bringing to light neglected cases that might not be covered by the mainstream media in a bid to persuade people to believe in the cause, and/or join in solidarity.

Organising here connotes the coordinating of different tactics, resources, and interested participants in a bid to build activism and develop a collective voice in carrying out the tactics to pressure political leaders.<sup>24</sup>

Engagement with political leaders, who are often in the position to bring about changes being demanded by the activism, involves confronting and pressurising the leaders with the issues and demands for change. In the instance of police brutality, this could mean confronting the head of the police service or the minister in charge of the police with the demands of the campaign.

It should be noted that this list of tasks is not an exhaustive one, as different social activism campaigns might involve peculiar tasks depending on the circumstances. In addition, these tasks do not always occur in the order in which this chapter has listed them. For instance, activism primarily coordinated by already established CSOs might already have organised and mapped out tactics before looking to mobilise other members of the public to join in

---

<sup>21</sup> Tanja Bosch, "Twitter and Participatory Citizenship: #FeesMustFall in South Africa", in *Digital Activism in the Social Media Era: Critical Reflections on Emerging Trends in Sub-Saharan Africa*, ed. Bruce Mutsvairo, (Cham: Palgrave Macmillan, 2016), 166.

<sup>22</sup> Ahmed Hadji, "Breaking Boundaries: The Opportunities for using Social Media in Civil Society Networking, Activism and Civic Engagement", in *Reality Check: Assessing the Impact of Social Media on Political Communication and Civic Engagement in Uganda*, ed. Mathias Kamp, (Kampala: Konrad-Adenauer – Stiftung, 2016), 77; Stephanie Davison, "An Exploratory Study of Risk and Social Media: What Role Did Social Media Play in the Arab Spring Revolutions?", *Journal of Middle East Media* 11, (2015) DOI. 10.12816/0023480.

<sup>23</sup> Jonathan A. Obar, Paul Zube and Clifford Lampe, "Advocacy 2.0: An Analysis of How Advocacy Groups in the United States Perceive and Use Social Media as Tools for Facilitating Civic Engagement and Collective Action", *Journal of Information Policy* 2,2012, (2012): 3.

<sup>24</sup> Rodrigo Sandoval-Almazan and J. Ramon Gil-Garcia, "Towards Cyberactivism 2.0? Understanding the Use of Social Media and Other Information technologies for Political Activism and Social Movements", *Government Information Quarterly* 31, (2014): 369.

the cause. Meanwhile, decentralised activism like #EndSARS might mobilise and organise simultaneously as the activism is ongoing. As will be reflected below, using social media in these tasks also introduces risks that people participating in activism should be aware of.

### 7.3. Use of Social Media for Public Mobilisation

As stated above, the process of public mobilisation could be by creating awareness on issues such as police brutality like in #EndSARS, and the Justice Centres campaign, or lack of service delivery as in Khayelitsha. Mobilisation is also needed to raise funds, build networks, garner solidarity, and increase the visibility of issues not covered by the mainstream media.<sup>25</sup> The hope is to incite public outrage and get support in furtherance of the cause.

Social media can be an important tool in mobilising people to believe in a cause, through the socialisation of norms to have a change of opinion, join in and even mobilise people to join in the struggle – online and offline.<sup>26</sup> However, it is necessary to note that before the emergence of social media, the mobilisation of people to join in activism took place. Mobilisation occurred through in-person communication, such as door-to-door campaigns, and letters, and traditional media such as television, radio, newspapers, and magazines. People campaigning on issues have always needed the media to report on their concerns, and their activities, publicise the organisations – where organisations are involved – and convey a positive profile of the campaign.<sup>27</sup> However, what the traditional media reports on is not within the control of the activists, but rather the newsworthiness of an event depends on the newspaper’s economic, journalistic, and political aims.<sup>28</sup> Even where traditional media chooses to cover a campaign, the framing is largely outside the control of the activists.

Herein lies some of the strengths of social media in mobilising, it can serve as an effective way of raising awareness and mobilising the public to speak up for a cause. It can enable individuals to produce their news/reports – speedily communicating issues by documenting

---

<sup>25</sup> Ella McPherson, *ICTs and Human Rights Practice – A Report Prepared for the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*, (Cambridge: Centre of Governance and Human Rights, University of Cambridge, 2015), 28.

<sup>26</sup> Voule, A/HRC/41/41, para 21-23.

<sup>27</sup> David S. Meyer, *The Politics of Protest*, 2<sup>nd</sup> ed., (New York: Oxford University Press, 2015):127.

<sup>28</sup> Ella McPherson, “How Editors Choose Which Human Rights News to Cover: a Case Study of Mexican Newspaper”, in *Media, mobilization and Human rights: Mediating Suffering*, ed. Tristan Anne Borer, (London: Zed Books, London, 2012); Meyer, *The Politics of Protest*, 129-130.

and disseminating bystander videos, and images of police officers caught in questionable acts.<sup>29</sup> It can also grant access to a larger audience – within and across borders – thereby enabling the spread of information not only between individuals affected but to those that may not have been impacted – at least those on the social media platforms.<sup>30</sup> This can enable the mobilisation of individuals across borders, social statuses, and ages by giving direct access to a larger audience more efficiently, without having to solely rely on traditional media or the stress of a door-to-door method.

The use of social media for mobilisation is evidenced in the different case studies discussed in this research. Wilfred Olal from the Justice Centre explained that Facebook and Twitter are the most used social media platforms by the Justice Centres.<sup>31</sup> For grassroots campaigns like the one being carried out by the Justice Centres in Kenya, social media platforms are important in mobilisation for different reasons. First, incidents of police abuse occurred in marginalised societies, and the victims are often not ‘good victims’, and might not be considered newsworthy enough to be broadcasted by mainstream media. Second, ordinarily, the membership base of the Justice Centres consists mostly of people within the communities where they exist or people who previously lived in those communities. Social media has become an important tool for the Justice Centres to broaden their reach beyond the communities and mobilise people and other CSOs outside the communities where they exist. A member of the Justice Centres stated that putting up issues of police brutality in Mathare on social media enables other Kenyans who are removed from the reality of what is ongoing in Mathare – due to distance of economic status, to become aware.<sup>32</sup> Here social media can be seen as instrumental in giving a voice to news that might be or have been ignored by the mainstream media.<sup>33</sup>

---

<sup>29</sup> Corinthia A. Carter, “Police Brutality, the Law & Today’s Social Justice Movement: How the Lack of Police Accountability has Fuelled #Hashtag Activism”, *City University of New York Law Review* 20, iss. 2, (2017): 547.

<sup>30</sup> Tufekci, *Twitter and Tear Gas*, 138; Meyer, *The Politics of Protest*, 136; Hsuan-Ting Chen, Sun Ping, and Gan Chen, “Far from Reach but Near at Hand: The Role of Social Media for Cross-National Mobilization”, *Computers in Human Behavior*, 53, (2015):443-451.

<sup>31</sup> Interview with Wilfred Olal (Justice Centres Representative) 24 June 2021.

<sup>32</sup> Interview with Joseph Kimani (CSO Representative), 22 July 2021 and Interview with Charles Maina (CSO Representative), 2 July 2021.

<sup>33</sup> Hadji, “Breaking Boundaries:” 86.

Members of the Justice Centres revealed that social media platforms like Facebook and Twitter are often used to raise alarm when someone has been apprehended by the police in the community and mobilise towards demanding release.<sup>34</sup> Highlighting how this helps to magnify the happenings in their community, Juliet Wanjira, a member of the Justice Centre explains that social media plays a huge magnifying role. Wanjira explains that:<sup>35</sup>

It is through social media that we announce that a young man has been arrested and has been put in probox number [XXX] by this time by this police officer. And if nothing is done, we are going to find this person dead...And it is also creating awareness to Kenyans that these police excesses are not something we come up with, we document it as it happened, as it is happening in real-time. Sometimes we do have pictures of police bundling up, people in the probox, and the probox number. So, social media plays a huge magnifying role... we are highlighting our activities that we will be having in the community to rally people to come.

For a decentralised campaign like #EndSARS in Nigeria, social media served as an important tool that enabled ordinary social media users who might not have identified as activists to share videos and images of police brutality that happened to them directly or to someone else. According to Ellis, this digital abundance of social media provides a corroborative force by enabling complainants/victims the opportunity to see other stories of individuals who have suffered or witnessed police brutality and compare their experiences.<sup>36</sup> As explained by Sogunro, one of the participants in #EndSARS:<sup>37</sup>

when one person comes out and says something, it just looks like "oh this person probably had a problem, maybe they did not respond to an order that was given them by a police officer and that's why they suffered whatever they suffered" or maybe because they were guilty of something anyway... But by the time you had the advent of social media, we began to see that this wasn't just about individuals who are having issues with the police, it was now clear that this was the police itself behaving in this systematic fashion.

Both phases of the #EndSARS campaign were a result of social media interactions between survivors of police brutality and concerned individuals. Within two weeks of the #EndSARS protest during the second wave in October 2020, the protest had received over 99 million

---

<sup>34</sup> Interview with Juliet Wanjira (Justice Centres Representative); Interview with Wangui Kimari (Justice Centres Representative), 27 July 2021; Interview with Charles Maina, CSO Representative.

<sup>35</sup> Interview with Juliet Wanjira (Justice Centres Representative).

<sup>36</sup> Justin Ellis, *Policing Legitimacy: Social Media, Scandal and Sexual Citizenship*, (Cham: Springer, 2021): 88-89.

<sup>37</sup> Interview with Dr. Ayo Sogunro (Human rights advocate).

mentions with conversations driven from Nigeria, the USA, the UK, Ghana, Indonesia, Canada, South Africa, United Arab Emirates, Germany, and Ireland.<sup>38</sup>

Though the organisations involved in the Khayelitsha campaign for better service delivery in South Africa did not use social media for mobilisation as much as the other Kenyan and Nigerian case studies, Mlungwana noted that social media was just starting to be useful, and it eventually became important.<sup>39</sup> For instance, the organisations involved like the SJC used YouTube and websites to mobilise support for and document the journey of the KCOI.<sup>40</sup>

Social media can also expand the array of people and organisations activists can reach out to. Activists can vie for the attention of people or bigger organisations with more reach to hopefully get them interested in raising awareness for the campaign. For instance, the #EndSARS protest caught the attention of prominent/influential individuals like Bill and Hillary Clinton, Trevor Noah of The Daily Show, and a network of concerned individuals in the Diaspora.<sup>41</sup> Some of these persons were tagged directly to lend their voices. During the #EndSARS campaign, tweets were made tagging the then CEO of Twitter Jack Dorsey, who eventually brought awareness to the cause by soliciting funds for the campaign, donating bitcoins, introducing an emoji to represent the hashtag #EndSARS and verifying prominent participants on Twitter who were collecting funds on behalf of the campaign.<sup>42</sup> See the pictures below (figure 8).

---

<sup>38</sup> NENDO, "Breaking Down the #EndSARS Conversation Increase from 48M to 99M Tweets", 23 October 2020. <https://www.nendo.co.ke/post/breaking-down-the-endsars-conversation-increase-from-48m-to-99m-tweets>, (accessed 9 March 2024).

<sup>39</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), 2 June 2021.

<sup>40</sup> Interview with Joel Bregman, (Civil Society Expert), 17 May 2021.

<sup>41</sup> NENDO, "Breaking Down the #EndSARS Conversation Increase from 48M to 99M Tweets".

<sup>42</sup> Ohimai Amaize, "How Twitter Amplified the Divisions that Derailed Nigeria's #EndSARS Movement", Slate, 20 April 2021, <https://slate.com/technology/2021/04/endsars-nigeria-twitter-jack-dorsey-feminist-coalition.html>.



**Figure 8: Tweets showing participants tagging Jack Dorsey the former CEO of Twitter, and some results.<sup>43</sup>**



One of the strategies of the Justice Centres in Kenya on social media is to tag close contacts in government, and other NGOs that have close contact with the government, knowing that these people ‘sit with the government’.<sup>44</sup> See examples below (figure 9):

**Figure 9: Tweets showing the Justice Centres tagging other organisations like Haki Africa, and Amnesty International.<sup>45</sup>**



<sup>43</sup> Nefertiti (@firstladyship), “Jack just twitted #EndSARS...”, Twitter Post, 14 October 2020, <https://mobile.twitter.com/firstladyship/status/1316487106651475970> Jack Dorsey (@Jack), “Donate via #Bitcoin to help #EndSARS...”, Twitter Post, 14 October 2020, <https://twitter.com/jack/status/1316485283777519620?s=20>; JJ Omojuwa (@Omojuwa), “Twitter verified our #EndSars frontliners”, Twitter Post, 14 October 2020, <https://mobile.twitter.com/Omojuwa/status/1316510063524229126>.

<sup>44</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives) 30 November 2021.

<sup>45</sup> Mathare Social Justice Centre (MSJC)(@MathareSJustice), “Urgent alert: Kelvin Irungu (22) & friend, both from Mlango Kubwa, have...”, Twitter Post, 29 May 2021, <https://mobile.twitter.com/MathareSJustice/status/1398632454190157825>; Mathare Social Justice Centre (MSJC)(@MathareSJustice), “Collins, a witness to the killing of Dominic Kulema by killer cop Baraza...”, Twitter Post, 29 April 2021, <https://mobile.twitter.com/MathareSJustice/status/1387748203701932035> Social Justice Centres Working Group (@UhaiWetu), “ALERT: Pinchez, 19 years from Mlango Kubwa...”, Twitter Post, 14 October 2020, <https://mobile.twitter.com/UhaiWetu/status/1316430163220017152>.



From the above images, the Justice Centres often seek to engage more established organisations like Amnesty International and International Justice Mission by tagging them on Twitter to bring more attention to the issues.

The peculiar features in most social media platforms like characters such as the hashtag (#), and emojis, and quantification metrics – like the number of likes, shares, and retweets – are advantageous in a campaign as it helps evaluate the extent of the public’s engagement with the activism.<sup>46</sup> The hashtag (#) when used, allows for a conversation on a particular topic. This simply involves putting the symbol in front of a word or some words. By using the hashtag, an individual’s tweet becomes part of a larger conversation, which allows users worldwide to follow the conversation by simply searching out the hashtag or stumbling across the hashtag either because someone they follow uses the hashtag, or the algorithm on social media platforms classifies the hashtag as ‘trending’.<sup>47</sup>

Most activism movements seek catchy hashtags that attempt to convey the cause of the activism. For instance, from the case study discussed above, some hashtags used include #EndSARS, #StoptheBulletKE and #SabaSabaMarchforOurLives. Globally the Movement #BlackLivesMatter originated in 2013 as a social media hashtag after the acquittal of George Zimmerman in the death of Trayvon Martin.<sup>48</sup> The hashtag grew into a movement with chapters globally and has gained remarkable importance in the United States of America.<sup>49</sup>

However, a deeper look at social media platforms, reveals that though the dependency on traditional mass media might have been reduced, people who use social media for activism are once again faced with new gatekeepers – the algorithms, guidelines and policies of the

---

<sup>46</sup> Ella McPherson, “Risk and the Pluralism of Digital Human Rights Fact-Finding and Advocacy”, in *New Technologies for Human Rights Law and Practice*, ed. Molly K. Land and Jay D. Aronson, (Cambridge: Cambridge University Press, 2018), 199; McPherson, *ICTs and Human Rights Practice*, 28.

<sup>47</sup> Karen Zgoda and Kryss Shane, “Social Justice 280 Characters at a Time: The Role of Twitter in Social Action”, in *Technology, Activism Plus Social Justice in a Digital Age*, ed. John G. McNutt, (New York: Oxford University Press, 2018): 76.

<sup>48</sup> DeRay McKesson, “Ferguson and Beyond: How a New Civil Rights Movement Began and Won’t End”, *The Guardian*, 9 August 2015, <https://www.theguardian.com/commentisfree/2015/aug/09/ferguson-civil-rights-movement-deray-mckesson-protest>.

<sup>49</sup> BlackLivesMatter, “8 years Strong”, 13 July 2021, <https://blacklivesmatter.com/8-years-strong/>; John McNutt; Corinthia A. Carter, “Police Brutality, the Law & Today’s Social Justice Movement: How the Lack of Police Accountability has Fuelled #Hashtag Activism”, *City University of New York Law Review*, Vol. 20 (iss. 2) (2017), 547-550.

different social media platforms – which control users’ experience and determine what contents are visible to users.<sup>50</sup>

Algorithmic control of content by social platforms ultimately decides what gets seen, when and by whom. McPherson describes the communication risk due to the logic of social media as ‘inaudibility to intended audiences’ which wastes advocacy resources.<sup>51</sup> This happens on social media when communication is not audible to the intended audience due to the different algorithms, and platforms’ community standards which allow for the removal of content.<sup>52</sup> According to Meta, Facebook’s algorithm determines what content is relevant and informative to show in users’ feeds. Twitter however gives users a choice to switch between two timelines, one controlled by the algorithm (Home timeline), and another that appears chronologically (Latest Tweet).<sup>53</sup> The algorithmic systems have the power to promote a movement or silence the movement and prevent it from reaching a wider audience.<sup>54</sup> Ultimately, social media platforms are commercial and aim to promote engaging content to keep users longer on the platform.<sup>55</sup>

Social Media platforms also moderate content by taking down posts that violate community standards and guidelines. This also raises human rights concerns and can be problematic for social activism. Social media platforms rely on users to report violations of community policies or standards (a form of community policing). When users report a post for infringing the terms of the platform, the post is assessed against the community guidelines.<sup>56</sup> This method can become problematic for people taking part in social activism as this can easily be used to target activists by social media users who are opposed to the movement. This

---

<sup>50</sup> Tufekci, *Twitter and Tear Gas*, 137; McPherson, “Social Media and Human Rights Advocacy”, 281-283; McPherson, “Risk and the Pluralism of Digital Human Rights Fact-Finding”, 202.

<sup>51</sup> McPherson, “Risk and the Pluralism of Digital Human Rights Fact-Finding”, 200.

<sup>52</sup> *Ibid.*, 203-204.

<sup>53</sup> Christiana Nawberry, “How the Facebook Algorithm Works in 2022 and How to Make it Work for You”, Hootsuite, 28 February 2022, <https://blog.hootsuite.com/facebook-algorithm/>; Christiana Nawberry, and Katie Sehl, “How the Twitter Algorithm Works”, Hootsuite, 26 October 2021, <https://blog.hootsuite.com/twitter-algorithm/>; Meta, “Meta for Media”, <https://www.facebook.com/formedia/tools/feed>.

<sup>54</sup> Voule, A/HRC/41/41, para 60-62.

<sup>55</sup> McPherson, “Social Media and Human Rights Advocacy”, 282.

<sup>56</sup> Tufekci, *Twitter and Tear Gas*, 143; McPherson, “Social Media and Human Rights Advocacy”, 282.

exposes participants in activism to the risk of account suspension, account deactivation or having their contents deactivated.<sup>57</sup>

Social Media policies concerning acceptable content could be subject to different interpretations of what constitutes acceptable.<sup>58</sup> For instance, videos/images showing police brutality could contain violent or gruesome content, and this might lead them to be interpreted and reported as being graphic.<sup>59</sup> Though the platforms allow owners of removed content to contest and have the post reviewed, time is lost and in the world of social media, time is of the essence.

Another instance of interference by social media can be seen in the taking down of the Facebook page 'We Are All Khaled Said' by Facebook. This page was the central point for the agitation by Egyptians after the brutal murder of Khaled Said by the Egyptian Police. The page was suddenly deactivated by Facebook in November 2010 after it had garnered thousands of followers.<sup>60</sup> Facebook's official reason for this was that the creator of the page violated Facebook terms as it had used a pseudonym when opening the page.<sup>61</sup> The page was only reinstated when someone living outside Egypt (not the original creator) allowed her real name to be used to satisfy Facebook's terms.<sup>62</sup>

Ultimately, like traditional media, these platforms are outside the control of the activists though an activist can carefully frame its message, the ultimate decision on whether the content would be seen by the right audience, or by anyone at all rests with the platforms. However, unlike traditional media, social media users have little or no information on how this gatekeeping by social media platforms works, as the visibility of decisions by social media platforms are less transparent.<sup>63</sup> Even when such resources are available, they are often hard to understand by ordinary users. The algorithmic systems are sort of a black box

---

<sup>57</sup> Tufekci, *Twitter and Tear Gas*, 144; Voule, A/HRC/41/41, para 59.

<sup>58</sup> Voule, A/HRC/41/41, para 59.

<sup>59</sup> McPherson, "Risk and the Pluralism of Digital Human Rights Fact-Finding", 203.

<sup>60</sup> Tufekci, *Twitter and Tear Gas*, 138-142

<sup>61</sup> Danny O'Brien, "Facebook Gets Caught up in Egypt's Media Crackdown—Committee to Protect Journalists", *Committee to Protect Journalists*, 1 December 2010, <https://cpj.org/2010/12/facebook-gets-caught-up-in-egypts-media-crackdown-1/>, (accessed 14 October 2024). Despite this official explanation, O'Brien queries the timing of this deactivation, as the page was created months earlier using a pseudonym but was only deactivated a day before a planned protests and two days before the elections.

<sup>62</sup> Tufekci, *Twitter and Tear Gas*, 142.

<sup>63</sup> McPherson, "Social Media and Human Rights Advocacy", 282; McPherson, "Risk and the Pluralism of Digital Human Rights Fact-Finding", 202; Tufekci, *Twitter and Tear Gas*, 146.

and are obscure, activists are ultimately on the outside, and unable to understand how it all operates or what might work to maximise exposure to their campaign.<sup>64</sup> It is no surprise there is an increasing push for transparency and accountability of social media algorithms.<sup>65</sup>

The interference by social media platforms leaves campaigns against police brutality that rely on social media in a vulnerable position as well-crafted content might never be given enough visibility or might be taken down after being reported by opponents or flagged for being graphic. The solution to avoid these includes paying to boost/amplify the campaign on these profit-oriented platforms.<sup>66</sup> Or a campaign must carefully moderate its content to be in line with most social platforms' expectations.<sup>67</sup>

Images and videos on social media often tell a better story and attract more attention. However, making videos or taking pictures of police officers comes with its risks of punishment including arrest by police officers that are against being recorded.<sup>68</sup>

Activists must also be aware that social media has opened avenues for the fast and effective spread of unverified, manipulated, miscontextualised and recycled information.<sup>69</sup> Websites like TweetGen exist to generate fake tweets.<sup>70</sup> For decentralised campaigns like #EndSARS that make use of civilian videos portraying police abuse to drive home their point and hopefully stir up more outrage, such a movement is vulnerable to manipulated digital information. Even movements that are made up of already established organisations have to be careful before spontaneously sharing civilian videos/imagery that members of the

---

<sup>64</sup> Voule, A/HRC/41/41, para 60; David Kaye, "Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression", United Nations General Assembly, A/73/348, 29 August 2018, para 32.

<sup>65</sup> Jutta Williams and Rumman Chowdhury, "Introducing our Responsible Machine Learning Initiative", Twitter, 14 April 2021, [https://blog.twitter.com/en\\_us/topics/company/2021/introducing-responsible-machine-learning-initiative](https://blog.twitter.com/en_us/topics/company/2021/introducing-responsible-machine-learning-initiative); Kelley Cotter, "Shadow Banning is Not a Thing: Black Box Gaslighting and the Power to Independently Know and Credibly Critique Algorithms", *Information, Communication & Society*, (2021), DOI: 10.1080/1369118X.2021.1994624; Frederick Mostert and Alex Urbelis, "Social Media Platforms Must Abandon Algorithmic Secrecy", *Financial Times*, 16 June 2021, <https://www.ft.com/content/39d69f80-5266-4e22-965f-efbc19d2e776>; Voule, A/HRC/41/41, para 82-91; Nicholas Diakopoulos, *Algorithmic Accountability Reporting: On the Investigation of Black Boxes*, (New York: Tow Center for Digital Journalism, Columbia University, 2013) <https://academiccommons.columbia.edu/doi/10.7916/D8ZK5TW2>.

<sup>66</sup> Meta, "Amplify your Reach with Facebook ads", <https://socialimpact.facebook.com/ads/amplify-reach/>.

<sup>67</sup> McPherson, "Social Media and Human Rights Advocacy", 282-283.

<sup>68</sup> Adebayo Okeowo, "The Right to Record in Africa – Law Versus Reality", Witness, 2019, <https://blog.witness.org/2019/10/right-to-record-africa-law-reality/>.

<sup>69</sup> Witness Nigeria, *Truth Tellers*, (Report of a Two Day Mis/Disinformation West Africa Cross Disciplinary Convening", (Abuja: Witness, 14 -15 September 2021), 7-12.

<sup>70</sup> [Tweetgen - The Realist Fake Tweet and Twitter Screenshot Generator](#).

organisation did not personally witness or film.<sup>71</sup> This digital information might be distorted or manipulated through outrightly staging content or doctoring of the metadata.<sup>72</sup> Social media information can also be difficult to verify by activists due to a lack of expertise to do so, and this information is often characterised by unknown sources and a dearth of metadata.<sup>73</sup> A popular image that flooded social media during the #EndSARS campaign of an individual being carried wrapped in a blood-stained Nigerian Flag was said to be a recent picture taken at the Lagos Lekki tollgate after the shooting of unarmed protesters. However, it was later revealed that this picture was taken from a stage play before the Lekki Tollgate incident.<sup>74</sup>

The risk of misinformation and/or disinformation on social media was expressed by an Assistant Superintendent of the Nigerian Police Force who stated that information on social media is not verified, assessed, or reviewed, and anyone can post any exaggerated or purely fabricated story. According to the ASP, for instance ‘when a person was slapped by the police, they say police has killed them on some social media’.<sup>75</sup>

Campaigns using social media to mobilise must be careful not to join in the spread of disinformation or misinformation as this can make a campaign lose credibility which is a fundamental asset to a campaign in achieving its aims.<sup>76</sup> Furthermore, the government is always looking for such mishaps to discredit a campaign.

For instance, the Twitter live broadcast of the shooting of unarmed protesters by the Nigerian military and police was described as ‘fake news’ and the individual who live-streamed the said event using Instagram Live was called ‘one of the purveyors of fake news’ even though it was a live stream.<sup>77</sup> Though the Lagos State Judicial Panel set up by the

---

<sup>71</sup> McPherson, “Risk and the Pluralism of Digital Human Rights Fact-Finding”, 197.

<sup>72</sup> McPherson, *ICTs and Human Rights Practice*, 15-16; McPherson, “Risk and the Pluralism of Digital Human Rights Fact-Finding”, 197.

<sup>73</sup> McPherson, *ICTs and Human Rights Practice*, 15.

<sup>74</sup> Witness Nigeria, *Truth Tellers*, 22.

<sup>75</sup> Interview with a Superintendent and Assistant Superintendent of the NPF, Benin city, 5 October 2020.

<sup>76</sup> Witness Nigeria, *Truth Tellers*, 14; McPherson, “Risk and the Pluralism of Digital Human Rights Fact-Finding”, 198; Sonia Livingstone, “How to Tackle the Spread of Misinformation and the Problems it Causes”, London School of Economics and Political Science, 1 December 2018; <https://blogs.lse.ac.uk/businessreview/2018/12/01/how-to-tackle-the-spread-of-misinformation-and-the-problems-it-causes/>.

<sup>77</sup> AllAfrica, “Full Text of Press Conference Addressed by the HMIC, Alh. Lai Mohammed on the #EndSARS Protest and its Aftermath”, 19 November 2020, [Nigeria: Full Text of the Press Conference Addressed by the HMIC, Alh. Lai Mohammed on the EndSARS Protest and It's aftermath - allAfrica.com](https://www.allafrica.com/stories/2020111901.html).

government to investigate the events found that a massacre occurred on October 20<sup>th</sup> 2020,<sup>78</sup> Lai Mohammed the minister for information described the findings by the Lagos State Judicial #EndSARS Panel as ‘nothing but the triumph of fake news’.<sup>79</sup> The Nigerian government’s delegitimisation of the issues of police brutality raised by the campaign on social media as fake news was further given credence when Facebook and Instagram erroneously flagged posts referring to the protests as fake news/false information. The platforms later apologised stating it was incorrectly done by their systems and the issue had been resolved.<sup>80</sup>

Finally, it is worth stating clearly that the emergence of social media has not eradicated other means of mobilisation. Other means of mobilisation like door-to-door mobilisation, town hall meetings, or the use of flyers remain important, especially for grassroots activism like the campaign by the Justice Centres in Kenya and the Khayelitsha campaign in South Africa. Members of the Justice Centres while still using social media, observed that a huge part of their tactics involves talking with community members, organising meetings with youths, with women, home visits, organising drama and dance presentations and making use of local radio to first mobilise the people in the communities. The Khayelitsha campaign also deployed similar tactics in mobilising the community from local radio interviews to making posters, pamphlets, and pop-up activities.<sup>81</sup>

---

<sup>78</sup> Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters, *Report of Lekki Incident Investigation of 20 October 2020*, (Lagos: Judicial State Panel, 2021): 294-298, <https://lagosstatemoj.org/wp-content/uploads/2021/12/Report-of-Judicial-Panel-of-Inquiry-on-Lekki-incident-investigation-of-20th-October-2020.pdf>.

<sup>79</sup> Rejoice Ewodage, “#EndSARS Panel Report a Waste of Time, Taxpayers Money - Lai Mohammed”, Channels Television, 23 November 2021, <https://www.channels.com/news/2021/11/23/end-sars-panel-report-a-waste-of-time-taxpayers-money-lai-mohammed>.

<sup>80</sup> Instagram Communications (@InstagramComms), “Yesterday our systems were incorrectly flagging content in support of #EndSARS”, Twitter Post, 22 October 2020, <https://twitter.com/InstagramComms/status/1319278185289183236>; Tomiwa Illori, “Facebook’s Content Moderation Errors are Costing Africa too Much”, Slate, 27 October 2020, <https://slate.com/technology/2020/10/facebook-instagram-endsars-protests-nigeria.html>; Alexander Onukwe, “The BackEnd: How Facebook and Twitter Fact-check Information in Africa”, *Techcabal*, 22 October 2020, <https://techcabal.com/2020/10/22/the-backend-facebook-twitter-factcheck-africa/>.

<sup>81</sup> Interview with Phumeza Mlungwana (former Secretary General SJC – February 2013-June 2017); Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF), 17 June 2021, and Interview with Chumile Sali (former member of the Harare CPF, and former campaigns manager, SJC), 6 May 2021.

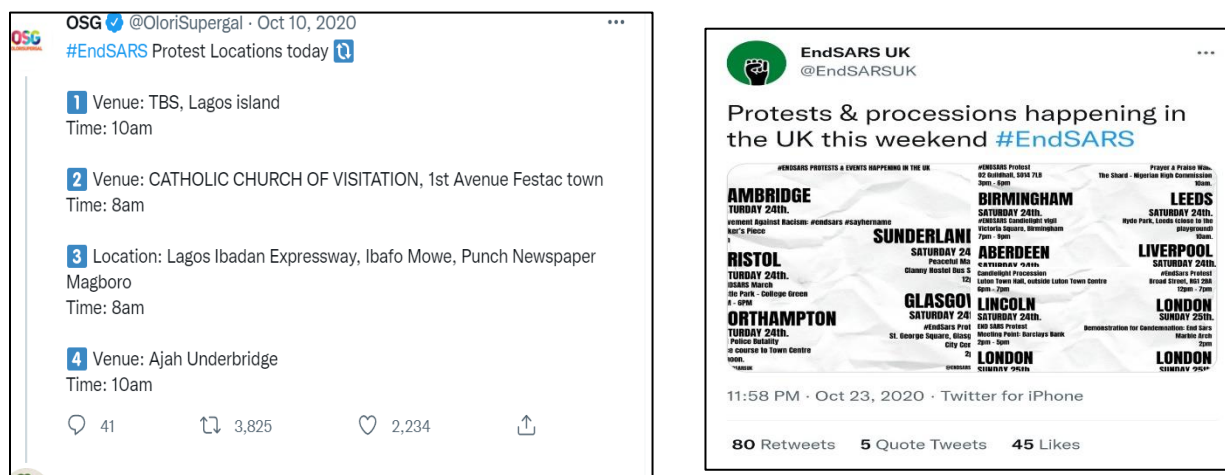


#### 7.4. Use of Social Media for Organising

There is a need for the ‘mobilised participants’ to work together and participate in various activities in furtherance of the objectives of the campaign. A successful campaign involves organising various tactics including meetings, fundraising, demonstrations, and media statements.

Social media can be used to organise people from different locations – nationally and globally without being in the same vicinity. As noted by the Special Rapporteur, Clément Nyaletsossi Voule, individuals can now virtually participate in civil society via digital spaces.<sup>82</sup> The #EndSARS protest witnessed the organisation of different protests in different states in Nigeria and globally. These protests were organised, and protest venues communicated on Twitter, Facebook, WhatsApp, and Instagram.<sup>83</sup> See some illustrative examples below (figure 10). Tufekci eloquently describes this by stating: ‘there is no need to spend six months putting together a single rally when a hashtag could be used to summon protesters into the streets’<sup>84</sup>

**Figure 10: Tweets detailing protest locations in Nigeria and the United Kingdom.**<sup>85</sup>



<sup>82</sup> Voule, A/HRC/41/41, para 23.

<sup>83</sup> Shayera Dark, “#EndSARS: How Nigerians Harness Social Media against Police Abuse”, *Al Jazeera*, 25 October 2020, <https://www.aljazeera.com/news/2020/10/25/endsars-how-nigerians-use-social-media-against-police-brutality>.

<sup>84</sup> Tufekci, *Twitter and Tear Gas*, xiii.

<sup>85</sup> OSG (@Olorisupergal), “#EndSARS protest locations today...”, Twitter Post, 10 October 2020, <https://mobile.twitter.com/OloriSupergal/status/1315171410571132928>; EndSARS UK, (@EndSARSUK), “Protests & processions happening in the UK this weekend...”, Twitter Post, 23 October 2020, <https://mobile.twitter.com/EndSARSUK/status/1319896040762474502?t=4H6bgMdgT5W8WRUtyAG5w&s=19>.



The Facebook page ‘We Are All Khaled Said’ mentioned above was used to organise and invite people to the mass protest at Tahrir Square in Egypt. Using the ‘Facebook event’, Wael Ghonim later revealed as the founder of the page, invited people to the Tahrir Square for a physical protest on 25 January 2011.<sup>86</sup>

Social media can also be used in organising offline activities – using the various platforms to inform people where to gather, at what time, safety instructions and others.<sup>87</sup> During the #EndSARS protests, social media platforms were used to organise medical, legal, food and emergency services for protesters.<sup>88</sup> See illustrative examples below (figure 11).

**Figure 11: Tweets communicating safety tips, emergency helplines and shelter for protesters.<sup>89</sup>**



Using social media and crowdfunding platforms like GoFundMe, campaigns can raise funds to finance their activities.<sup>90</sup> Though this can be done offline as well, fundraising on social media is advantageous as it helps increase the range of donors – anyone can contribute, no

<sup>86</sup> Tufekci, *Twitter and Tear Gas*, 22-23.

<sup>87</sup> Heba Elshahed, “Social Media Mobilization and Political Activism in Egypt”, *Global Media Journal* 18, no.34, (2020): 5, <https://www.globalmediajournal.com/open-access/social-media-mobilization-and-political-activism-in-egypt.pdf>.

<sup>88</sup> Usman A. Ojedokun, Yetunde O. Ogunleye, Adeyinka A. Aderinto, “Mass Mobilization for Police Accountability: The Case of Nigeria’s #EndSARS Protest”, *Policing: A Journal of Policy and Practice* 15, iss. 3 (2021): 1898.

<sup>89</sup> Kingpin (@Statiscian\_M), “Occupy Harambee Avenue...”, Twitter Post, 1 July 2020, [https://mobile.twitter.com/statiscian\\_M/status/1278469796724641799](https://mobile.twitter.com/statiscian_M/status/1278469796724641799); FK (@fkabudu), “We have a helpline now as well! 017001755”, Twitter Post, 17 October 2020, <https://mobile.twitter.com/fkabudu/status/1317403478516506625>; House on The Rock (@houseontherock), “To anyone in need of a place to shelter tonight”, Twitter Post, 20 October 2020, <https://twitter.com/houseontherock/status/1318682613876477953>.

<sup>90</sup> Voule, A/HRC/41/41, para 25.

matter how little and it can be done with ease.<sup>91</sup> This also helps in the independence of the campaign as it cannot be controlled by one major donor. Activists from the Justice Centres in Kenya recalled that they had had to recourse to raising funds via social media to secure the release of some of their members arrested during the #SabaSabaDayMarch, and this was done quickly.<sup>92</sup> During the #EndSARS protest, nearly 148 million naira (approximately 390,000 USD at the exchange rate of October 2020) was raised via social media fundraising.<sup>93</sup>

Organising on social media if done effectively is cost-effective, allows for flexibility, and increases accessibility to a broad range of participants.<sup>94</sup> This enables activists to avoid the tedious, burdensome aspects of organising traditionally such as the resources and time spent in reaching out to different people often in various locations.

While using social media for organising can benefit a campaign in several ways, it has been argued that the speed and ease which the internet affords the formation of movement could also prove detrimental as the group formed might not have developed some critical skills and attributes such as collective decision making, collective capacities and resilience.<sup>95</sup> Tufekci also notes that open participation does not mean equal participation, and though movements claim to be leaderless, some informal leaders with maybe huge followership on social media emerge. These can cause tension among others who do not support this de facto leader and might lead to cracks in the movement.<sup>96</sup>

Tufekci's assertion can explain some of the tensions within the #EndSARS campaign. During the first phase of the campaign, Segun Awosanya was largely known as the voice of the campaign. He credits his organisation, SIAF as the brain behind the campaign and the

---

<sup>91</sup> John G. McNutt, "Advocacy, Social Change and Activism: Perspectives on Traditional and Electronic Practice in a Digital world", in *Technology, Activism + Social Justice in a Digital Age*, ed. John G. McNutt, (New York: Oxford University Press, 2018), 17-18.

<sup>92</sup> Interview with Brian Kimari (CSO Representative) 12 November 2021.

<sup>93</sup> Feminist Coalition (@feminist.co), Instagram photo, 21 November 2020, [https://www.instagram.com/p/CGnkgqZDH-E/?utm\\_source=ig\\_web\\_button\\_share\\_sheet](https://www.instagram.com/p/CGnkgqZDH-E/?utm_source=ig_web_button_share_sheet), (accessed 8 March 2024); Feminist Coalition (@feminist.co), Twitter Post, 12 March 2021, [https://twitter.com/feminist\\_co/status/1370422979918757895?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etwetembed%7Ctwterm%5E1370422979918757895%7Ctwgr%5E%7Ctwcon%5Es1\\_&ref\\_url=https%3A%2F%2Fpunchng.news%2Fthe-feminist-coalition-provides-details-on-how-they-spent-87452553-28-e282a6-donation-endsars.html](https://twitter.com/feminist_co/status/1370422979918757895?ref_src=twsrc%5Etfw%7Ctwcamp%5Etwetembed%7Ctwterm%5E1370422979918757895%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fpunchng.news%2Fthe-feminist-coalition-provides-details-on-how-they-spent-87452553-28-e282a6-donation-endsars.html), (accessed 8 March 2024).

<sup>94</sup> McPherson, *ICTs and Human Rights Practice*, 27.

<sup>95</sup> Tufekci, *Twitter and Tear Gas*, xiii, xxiv.

<sup>96</sup> Tufekci, *Twitter and Tear Gas*, xxv, xxvi.

hashtag #EndSARS.<sup>97</sup> However, when the campaign broke out in 2020 – what in Chapter Three was described as the 2<sup>nd</sup> phase, the campaign declared it had no leaders, and wanted all negotiations with the government to be done publicly. Despite this stance, some individuals emerged as leaders, some due to the various roles they played in organising the different activities and their social media popularity. Furthermore, Twitter proceeded to verify some of these emerging leaders – giving them more credibility while Awosanya remained unverified.<sup>98</sup> Awosanya eventually denounced the campaign, claiming the hashtag was illegally deployed.<sup>99</sup> This tension between the ‘leaders’ of the two phases of the campaign led to cracks in the organisation campaign, and this might have led to the failure of #EndSARS to build a lasting structure beyond the social media-fueled activism.

For campaigns originating from marginalised communities like Khayelitsha and Mathare, it might be more effective to deploy other means of organising like using the radio or printing flyers, town meetings, or home visits. This is because not everyone from the communities might have access to social media. The Justice Centres and the CSOs involved in the Khayelitsha campaign recognise this and continue to use community meetings, and radio and television announcements to organise and plan events.

As in mobilisation, the risk of interference by social media platforms like Twitter, Facebook and Instagram which might prevent posts from being visible and reaching the intended audience remains.

Governments can and have often resorted to developing numerous means of utilising social media to neutralise social activism against the police. This includes shutting down the internet, social media ban/regulation, social media taxes, surveillance, and use of disinformation.<sup>100</sup>

The African Commission has noted that access to the internet and non-interference with access to the internet are components of the right to freedom of expression and access to information guaranteed by article 9 of the African Charter. *The Declaration of Principles on*

---

<sup>97</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation), 4 August 2020.

<sup>98</sup> Ohimai Amaize, “How Twitter Amplified the Divisions that Derailed Nigeria’s #EndSARS Movement”, *Slate*, 20 April 2021, <https://slate.com/technology/2021/04/endsars-nigeria-twitter-jack-dorsey-feminist-coalition.html>.

<sup>99</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation).

<sup>100</sup> Tufekci, *Twitter and Tear Gas*, 223-260; Kidd and McIntosh, “Social Media and Social Movements”, 793.

*Freedom of Expression and Access to Information in Africa* provides that states shall not ‘engage in or condone any disruption of access to the internet and other digital technologies for segments of the public or an entire population’.<sup>101</sup> However, months after the #EndSARS protests in Nigeria, Twitter was banned. The official reason for the ban according to the Nigerian government was due to ‘the persistent use of the platform for activities that are capable of undermining Nigeria’s corporate existence’.<sup>102</sup> This Twitter ban was in a long line of failed attempts to regulate social media through different bills at the National Assembly.<sup>103</sup> The motivation behind the government’s Twitter ban in Nigeria is similar to the Egyptian government’s move of disconnecting internet and mobile phone connections in response to the uprising in Egypt in 2011.<sup>104</sup> Another tactic employed by states is the imposition of social media taxes. African countries like Angola, Uganda, and Tanzania have imposed this tax. While the imposition of these taxes might be economically beneficial to the government, such taxes can affect people’s – especially low-income earners – ability to access such platforms and further widen the digital divide.<sup>105</sup> Ultimately, activists do not have ultimate control of social media and can suddenly be prevented from using that tool by repressive governments.

Governments and those against an activism have also attempted to use carefully planned disinformation campaigns on social media to discredit and disorganise the organisation of a campaign. This is done by hiring social media trolls to fill the online discussion with misinformation, accusations, and conspiracy theories about the campaign or the organisers. These statements made online are not to generate arguments but to cause upset. Thereby diverting attention from the main issue, drowning out the voice of the activists while amplifying the voice of the government, and rendering it impossible to have a discussion based on the facts at hand.<sup>106</sup>

---

<sup>101</sup> Principle 38(2).

<sup>102</sup> Federal Ministry of Information and Culture (@FMIC), “Press Release: FG Suspends @Twitter Operations in Nigeria”, Twitter Post, 4 June 2021, <https://twitter.com/FMICNigeria/status/1400843062641717249>.

<sup>103</sup> Onyedika Agbede, “Social Media Regulation: Between Failed Attempts and Buhari’s Current Move”, *The Guardian*, 26 June 2021, <https://guardian.ng/saturday-magazine/cover/social-media-regulation-between-failed-attempts-and-buharis-current-move/>.

<sup>104</sup> Elshahed, “Social Media Mobilization and Political Activism”, 5.

<sup>105</sup> Voule, A/HRC/41/41, para 54.

<sup>106</sup> Tufekci, *Twitter and Tear Gas*, 238-24; Voule, A/HRC/41/41, para 45.

### 7.5. Use of Social Media for Engagement with Political Leaders

Direct engagement in activism involves reaching out to people and/or organisations that have the power to make the desired change such as government leaders, the head of the police service, and the police accountability mechanism. Social media can enable engagement by granting activists access to people who ordinarily might be hard to reach. With many governments and political leaders having accounts on different social media platforms, campaigns on social media in theory can directly call attention to the demands and pressure them into meeting such demands by tagging them on posts.

For instance, the MSJC in addition to tagging prominent CSOs, also tagged the account of the NPS, the Inspector General and IPOA – the police oversight body. Examples of this are contained in the images above (figure 9). In an interview with some activists from Kenya by Romi Sigsworth, it was explained that when they tag government officials on social media and they fail to act, ‘it looks to the public as if they’re sleeping on the job’ – something the politicians and top government officials want to avoid.<sup>107</sup>

Social media can also be used to get users to sign e-petitions or send emails with demands to the leaders.<sup>108</sup> E-petitions were used during the #EndSARS campaigns, a petition was delivered to Nigerian President Buhari, and another petition as discussed in the previous chapter was considered internationally by the United Kingdom parliament.<sup>109</sup> This facilitated the diffusion of a movement’s demands in a cost-effective and faster manner.

The Police have also created social media forums to encourage public engagement. For instance, in Kenya, members of the Justice Centres mentioned that the IGP has introduced a forum on Twitter tagged #engagetheIG where individuals who might never be granted a direct audience with the IGP can directly tweet at the IGP in the hope of getting a response. The members of the Justice Centres make use of this opportunity to directly engage the IGP

---

<sup>107</sup> Romi Sigsworth, *#SpeakUp Using Social Media*, 30.

<sup>108</sup> Anita Breuer and Bilal Farooq, “Online Political Participation: Slacktivism or Efficiency Increased Activism”, (Prepared for delivery at ICA Annual Conference San Francisco, 24-28 May, 2012, Extended Session: What Do We (Really) Know About Online Political Participation?), 5, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2179035](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2179035).

<sup>109</sup> Interview with Segun Awosanya (Member, Social Intervention Advocacy Foundation); Njideka Agbo, “Nigerian Presidency Has Received the #EndSARS Petition - Segun Awosanya”, *The Guardian*, 11 August 2018, <https://guardian.ng/life/nigerian-presidency-has-received-the-endsars-petition-segun-awosanya/>; UK Parliament Research Briefing, “E-petition 554150, Relating to Nigeria and the Sanctions Regime”, 19 November 2020, <https://commonslibrary.parliament.uk/research-briefings/cdp-2020-0148/>.

and solicit public response to some of their concerns.<sup>110</sup> The Complaint Response Unit (CRU) of the NPF helps to facilitate engagement between the public and the police using social media platforms like Twitter, Facebook, and WhatsApp, to receive complaints about police conduct.<sup>111</sup> This method of reporting via these platforms is mostly preferred as it avoids the risk of going into the station to file a complaint which might lead to extortion by police officers before attending to complaints.<sup>112</sup>

Despite the opportunity offered by social media for directly engaging with target audiences such as government leaders and police officers, activists should not be quick to assume that they are engaging directly with the intended target. Beyond the algorithms of social media discussed above which might affect the visibility of social media posts, there is no guarantee that the President or IGP for instance are the people reading the tweets even though their accounts have been 'tagged'. The accounts might be managed on their behalf by an aide. What might be trending news on social media platforms might not have been brought to the notice of those who have the power to grant the demands of the campaigns.

Nonetheless, according to Sani Momodu, the effectiveness of using social media is that many people are connected on social media and one can never tell who will see a particular complaint. 'The president, or the governor or maybe a permanent secretary might see it and want to know if it is true, then from there action is taken'.<sup>113</sup> However, this study contends that a campaign should aim for virality beyond social media, and seek coverage by traditional media like newspapers, radio, and television. Members of the Justice Centres recalled that one of the most effective engagements they have had with their leaders was a face-to-face meeting between members of the Justice Centres, the communities, the DPP, Police representatives and the Director of the DCI. Which allowed not just members of the Justice

---

<sup>110</sup> Interview with Brian Kimari (CSO Representative).

<sup>111</sup> Solomon Ehigiator Arase, *Law on Prevention and Detection of Crimes by the Police in Nigeria*, (Lagos: Malthouse Press Limited, 2017), 171; NPF, "IGP Solomon E. Arase, fdc, NPM, During the Launch of NPF Complaint Response Unit (CRU) on 13 November 2015 at the Force Headquarters Abuja", <https://www.npf.gov.ng/complaint22/>.

<sup>112</sup> Sahara Reporters, "Corruption, Extortion at Police Stations Push More Nigerians To Use Online Police", 6 May 2021, <http://saharareporters.com/2021/05/06/corruption-extortion-police-stations-push-more-nigerians-use-%E2%80%98online-police%E2%80%99>.

<sup>113</sup> Interview with Sani Momodu (NHRC Edo State coordinator), Benin City, 6 October 2020.



Centres but also members of the communities to directly engage with these authority figures.<sup>114</sup>

In engagement and using hashtags, activists must be wary of coming up with a hashtag that though catchy may lead to the oversimplification of the context, issues, and demands of the campaign.<sup>115</sup> The #EndSARS hashtag though catchy did not fully capture the essence of the campaign. A look at the demands in both phases of the campaign reveals that the essence of the campaign was not just the disbandment of the unit SARS, but disciplinary actions taken against operatives of the SARS and broader systemic change in the NPF. Following the hashtag, the government disbanded the unit SARS in line with the hashtag but failed to effectively meet the other demands later enumerated by the campaign. For instance, the operatives of SARS are still within the NPF and have just been reshuffled into other units like SWAT – which replaced SARS. Another example is the #DefundthePolice hashtag by the #BlackLivesMatter movement in America which was largely interpreted on social media to mean a call to abolish the police or stop allocating funds to the police.<sup>116</sup> However, a statement by one of the founders of the #BlackLivesMatter explained that the hashtag was not a call to abolish police departments or to stop funding them but rather reallocate some of the resources to other aspects of society like education, healthcare, and housing.<sup>117</sup> Caroline Dadas, a researcher in public sphere theories, proposes that when engaging in hashtag activism, a campaign has to take into consideration the background to the issues which includes the political and historical perspectives, and possibly attach links to articles that present a more wholistic picture.<sup>118</sup>

Furthermore, a campaign cannot fully control the use of the hashtag. The hashtag can be used for totally unrelated matters or can be used in such a way that is detrimental to the

---

<sup>114</sup> Interview with Brian Kimari (CSO Representative), 12 November 2021; and Interview with Salome Nduta (CSO Representative), 22 July 2021.

<sup>115</sup> Caroline Dadas, "Hashtag Activism: The Promise and Risk of Attention", in *Social Writing/Social Media: Pedagogy, Presentation, and Publics*, eds. Stephanie Vie and Douglas Walls, (WAC Clearinghouse: Perspectives on Writing: 2017), 17-36.

<sup>116</sup> Brian Dickerson, "Defunding the Police hashtag has Good Intentions – but it's an awful Slogan", *Detroit Free Press*, 11 June 2020, <https://www.freep.com/story/opinion/columnists/brian-dickerson/2020/06/11/defund-police-slogan-police-brutality/5332534002/>; Joseph Lyttleton, "What does 'Defund the Police' Mean on a Practical Level", *The Mill Source*, 10 June 2020, <https://themillsource.com/2020/06/10/what-does-defund-the-police-mean-on-a-practical-level/>

<sup>117</sup> BLM, "What Defunding the Police Really Means", 6 July 2020, <https://blacklivesmatter.com/what-defunding-the-police-really-means/>.

<sup>118</sup> Caroline Dadas, "Hashtag Activism: The Promise and Risk of Attention", 31-36.



cause of the campaign. Atoye Ariyo-Dare one of the participants in the #EndSARS campaign stated that not everyone who used the hashtag was part of the campaign. Some used it mischievously, and some used it to take political shots at the ruling party thereby detracting from the original intention which was to push for police reforms.<sup>119</sup> During the #EndSARS campaign, some individuals using the hashtag called for the removal of the president from office. It is not surprising that during a live broadcast months after the protest, President Buhari chose to interpret the #EndSARS activism as a march by young people to remove him from office.<sup>120</sup>

Social media activism does not immunise activists from governmental retaliation. Whether on social media or physically, challenging the government comes with risk. Organising campaigns against police brutality as pointed out by many participants interviewed for this study is often interpreted by the police as a threat. Participants from each case study detailed the different ways they have faced retaliation by the state in a bid to silence or discredit the campaign.

With all the possibilities of the internet, governments have also seen the opportunity to use the internet and social media as an avenue for surveillance.<sup>121</sup> The UN General Assembly noting that the rights people have offline must also be protected in the digital space, has often condemned arbitrary and unlawful surveillance by states of human rights CSOs and activists which violate rights such as the right to privacy and freedom of opinion and expression.<sup>122</sup> The African Commission and the United Nations have both stated that states

---

<sup>119</sup> Interview with Atoye Ariyo-Dare and Adebayo Raphael (Human rights activists, Centre for Liberty), Zoom, 16 July 2020.

<sup>120</sup> Arise News, "Arise News Exclusive Interview with Nigeria's President Buhari", YouTube Video, 44.04, 10 June 2021, <https://youtu.be/1IKTSdpcOgo>, Fikayo Olowolagba, "#EndSARS Protest was not to Overthrow Govt – Nigerians Counter Buhari", *Daily Post*, 10 June 2021, [EndSARS protest was not to overthrow govt - Nigerians counter Buhari - Daily Post Nigeria](#).

<sup>121</sup> Kidd and McIntosh, "Social Media and Social Movements", 793; Tufekci, *Twitter and Tear Gas*, 251.

<sup>122</sup> David Kaye, "Surveillance and Human Rights – Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression", Human Rights Council, A/HRC/41/35, (28 May 2019), para 5-20; United Nations General Assembly, *Resolution on the Right to Privacy in the Digital Age*, A/RES/73/179, (21 January 2019), para 3; United Nations General Assembly, *Right to Privacy in the Digital Age*, A/RES/71/199, (25 January 2017); United Nations General Assembly, *Right to Privacy in the Digital Age*, A/RES/68/167, (21 January 2014).

should not engage in the indiscriminate and untargeted surveillance of people exercising the right to peaceful assembly and association in both digital and physical space.<sup>123</sup>

A human rights approach to framing laws and policies on surveillance should be adopted which should comply with human rights principles such as legality, legitimate aim, necessity and proportionality, transparency, and accountability.<sup>124</sup> Furthermore, states must ensure that laws on targeted communication surveillance must include safeguards for the right to privacy. Such safeguards include prior authorisation by an independent judicial authority, specific limitation on time, manner, place and scope of surveillance, notification of the decision authorising surveillance, transparency, and effective oversight.<sup>125</sup>

However, surveillance by the government remains rampant in many countries in Africa and is often justified on the basis of national security, public safety, and crime prevention.<sup>126</sup> Legislation such as interception of communication legislation, and anti-terrorism legislation, allow for surveillance. For instance, the *Nigerian Lawful Interception of Communications Regulations, 2019* and the *South African Regulation of Interception of Communications and Provision of Communication-Related Information Act 2002* allow for communication surveillance in these countries. Despite these Regulations, there is always the propensity for abuse by the government. Especially as some of these Regulations have provisions which

---

<sup>123</sup> Voule, A/HRC/41/41, para 57; *Declaration of Principles on Freedom of Expression and Access to Information in Africa*, principle 41.

<sup>124</sup> ICCPR, art. 17(1), and art. 19; Tomiwa Illori, "Framing a Human Rights Approach to Communication Surveillance Laws through the African Human Rights System in Nigeria, South Africa and Uganda", *African Human Rights Yearbook* no.5, (2021): 140-143; Lukman Adebisi Abdulrauf, "The Challenges for the Rule of Law Posed by the Increasing Use of Electronic Surveillance in Sub-Saharan Africa", *African Human Rights Law Journal* 18, (2018): 385-391; United Nations General Assembly, *Resolution on the Right to Privacy in the Digital Age*, A/RES/73/179, para 4; David Kaye, "Surveillance and Human Rights – Report of the Special Rapporteur", A/HRC/41/35, para 24; Voule, A/HRC/41/41, para 31-57; Electronic Frontier Foundation (EFF) & Article 19, *Necessary & Proportionate – International Principle on the Application of Human Rights to Communications Surveillance: Background and Supporting International Legal Analysis*, (May 2014), <https://www.article19.org/data/files/medialibrary/37564/N&P-analysis-2-final.pdf>.

<sup>125</sup> African Commission, "Declaration of Principles on Freedom of Expression and Access to Information in Africa", (2019), principle 41(3).

<sup>126</sup> Collaboration on International ICT Policy for East and Southern Africa (CIPESSA), *Mapping and Analysis of Privacy Laws and Policies in Africa: Summary Report* (Kampala: CIPESSA, 2021), 6, [https://cipesa.org/?wpfb\\_dl=454](https://cipesa.org/?wpfb_dl=454); Abdulrauf, "The Challenges for the Rule of Law Posed by the Increasing Use of Electronic Surveillance in Sub-Saharan Africa", 366-367; Jakob Wirth, Christian Maier & Sven Laumer "Justification of mass surveillance: a quantitative study" (2019), *14th International Conference on Wirtschaftsinformatik*, 24-27 February 2019, Siegen, Germany, <https://aisel.aisnet.org/cgi/viewcontent.cgi?article=1264&context=wi2019>, 1346-1348.

allow for interception of communication without a warrant.<sup>127</sup> Furthermore, these Regulations fail to meet some important human rights safeguards such as accountability, transparency, and public oversight.<sup>128</sup> For instance, the Nigeria Lawful Interception of Communications Regulations places oversight functions on the Attorney General of the Federation.<sup>129</sup> However, the human rights standard requires a more robust and independent oversight system in place regarding matters involving the rights issues on interception/surveillance.<sup>130</sup> Beyond laws, states are increasingly purchasing surveillance technologies from private companies and using them in questionable ways to target journalists, activists and human rights defenders.<sup>131</sup> It has been reported that the Nigerian government spent 127 billion naira (approximately 130 million USD) to purchase surveillance equipment between 2014 to 2017 and also invested in spyware and other intrusive technologies.<sup>132</sup> CitizenLab – a Canadian Research Organization – reported the presence of surveillance software which is likely used to target individuals in several countries including South Africa, Nigeria, and Kenya.<sup>133</sup> The United Nations has called for a moratorium on the export, sale, transfer, and use of privately developed surveillance technologies until there is evidence of a human rights-compliant standard in place to govern the use of such technology.<sup>134</sup>

---

<sup>127</sup> For instance, regulation 8 *Nigeria Lawful Interception of Communications Regulations* allows for this in instances such as where one party to the communication has given consent, and when it is required to record and monitor communications in the ordinary course of business.

<sup>128</sup> Ilori, “Framing a Human Rights Approach to Communication Surveillance”; CIPESSA, *State of Internet Freedom in Africa 2021*, 8; Abdulrauf, “The Challenges for the Rule of Law Posed by the Increasing Use of Electronic Surveillance in Sub-Saharan Africa”, 365.

<sup>129</sup> Nigeria Lawful Interception of Communications Regulations, reg. 19(4).

<sup>130</sup> African Commission, “Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019)”, principle 41(3) (f); ICCPR, “Concluding Observations on the sixth Periodic Report of Italy”, CCPR/C/ITA/CO/O, 1 May 2017; para 36 and 37.

<sup>131</sup> David Kaye, “Surveillance and Human Rights – Report of the Special Rapporteur”, A/HRC/41/35, para 15, para 48-49.

<sup>132</sup> Tomiwa Ilori, “Status of surveillance in Nigeria: refocusing the search beams” (2017), <https://paradigmhq.org/wp-content/uploads/2021/04/Policy-Brief-009-Status-of-Surveillance-in-Nigeria.pdf>; Bill Marczak *et al.*, “Running in Circles: Uncovering the Clients of Cyberespionage Firm Circles”, Citizen Lab Research Report no.133, (Toronto: University of Toronto, December 2020), 9-10, <https://tspace.library.utoronto.ca/bitstream/1807/106212/1/Report%23133--runningincircles.pdf>.

<sup>133</sup> Bill Marczak *et al.*, “Hide and Seek: Tracking NSO Group’s Pegasus Spyware to Operations in 45 Countries”, Citizen Lab Research Report no.113, (Toronto: University of Toronto, September 2018); Bill Marczak *et al.*, “Running in Circles”.

<sup>134</sup> David Kaye, “Surveillance and Human Rights – Report of the Special Rapporteur”, A/HRC/41/35, para 15 and 49.

By using surveillance technology combined with legislation with less than adequate oversight, the real identity, whereabouts, and other private information of activists can be gathered despite the use of pseudonyms on social media platforms. This not only violates the right to privacy but also makes activists vulnerable to physical retaliation. There have been reports of journalists subjected to surveillance by the government which led to their arrest by the police.<sup>135</sup> These reports corroborate the experiences of persons who emerged as faces of the #EndSARS campaign and reported having experienced surveillance which led to their bank accounts being frozen, homes monitored by police officers, passports confiscated and finally having to flee the country in disguise.<sup>136</sup> As mentioned in the previous chapter on the Justice Centres, members of the Justice Centres revealed how Facebook pages have been used by alleged members of the NPS to profile and threaten community members who speak against the police – with some of them ending up dead.<sup>137</sup> In Ethiopia, the aftermath of the online activism against the Ethiopian government before and after the 2005 election was the government’s attempt to silence online activists. This led to the arrest of some vocal journalists (the Zone 9 Bloggers) on terrorism charges and the closure of their newspapers; blogs and websites with dissenting opinions were also blocked.<sup>138</sup>

Finally, on using social media for direct engagement with political leaders, ICT has greatly increased the possibility/likelihood of police officers’ interaction with the public getting filmed and broadcasted on social media. Such films or pictures increase the capacity of human rights fact-finding, increase the visibility of questionable police misconduct and are often used to put pressure on the state to hold the police to account.<sup>139</sup> However, as correctly noted by Justin Ellis, there is a difference between ‘being pressured to account and actually being held to account’.<sup>140</sup> While social media can be used as a tool in organising social activism and putting pressure on the state for police accountability, this pressure as seen

---

<sup>135</sup> Johnathan Rozen, “How Nigeria’s Police Used Telecom Surveillance to Lure and Arrest Journalists”, Committee to Protect Journalists, 13 February 2020, <https://cpj.org/2020/02/nigeria-police-telecom-surveillance-lure-arrest-journalists/>.

<sup>136</sup> David Hundeyin, “1 Year After #EndSARS: Where are They Now?”, *West Africa Weekly*, 23 January 2022, <https://westafricaweekly.substack.com/p/1-year-after-endsars-where-are-they?s=r>.

<sup>137</sup> Interview with Salome Nduta (CSO Representative); and Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>138</sup> Iginio Gagliardone and Matti Pohjonen, “Engaging in Polarized Society: Social Media and Political Discourse in Ethiopia”, in *Digital Activism in the Social Media Era – Critical Reflections on Emerging Trends in Sub-Saharan Africa*, ed. Bruce Mutsvairo, (Cham: Palgrave Macmillan, 2016), 27-29.

<sup>139</sup> Justin Ellis, *Policing Legitimacy*, 18; McPherson, *ICTs and Human Rights Practice*, 13-14.

<sup>140</sup> Justin Ellis, *Policing Legitimacy*, 93.

from the three case studies might not always translate to police accountability – investigations, remedies, and reforms. The state might be pressured to act for a while by making grand gestures that portray intentions to hold the police accountable but eventually fail to follow through with long-lasting reforms when the pressure has subsided. This might leave activists in a state of unending activism over the same issues.

Generally, it is important to state that in whatever task a campaign in Africa seeks to use social media for, care should be taken not to forget that there are people not on social media. Though the use of social media has led to a degree of inclusivity of diverse voices and given such voices opportunities to share opinions on the police and report instances of police brutality, it has also created new lines of inclusion and exclusion – a divide between those on the internet, and those who do not have access to the internet, or the ability to use digital tools.<sup>141</sup>

The digital divide has been described as the gap between those with access and those without access to new technologies like the internet, computers, and mobile devices.<sup>142</sup> Beyond this divide due to ‘access’, the understanding of the digital divide has expanded to include gaps that prevent individuals from using new ICTs, due to various reasons including digital illiteracy, out-of-date infrastructure, income, education, language, geographical restrictions, and motivation, and general interest.<sup>143</sup>

This divide has been seen not just in individuals but also in human rights NGOs due to the increasing importance of technological expertise to human rights practices like fact-finding

---

<sup>141</sup> Christoff Heyns “Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Use of Information and Communications Technologies to Secure the Right to Life”, Human Rights Council, A/HRC/29/37, (25 April 2015), para 41; McPherson, *ICTs and Human Rights Practice*, 35.

<sup>142</sup> Jan van Dijk, *The Network Society. Social Aspects of New Media*, 2<sup>nd</sup> ed. (London: SAGE, 2006), 178; National Telecommunications and Information Administration (NTIA), *Falling Through the Net: Defining the Digital Divide*, (Washington, DC: US Department of Commerce, July 1999), xii  
[http://www.columbia.edu/itc/polisci/W3923/digital\\_divide.pdf](http://www.columbia.edu/itc/polisci/W3923/digital_divide.pdf).

<sup>143</sup> Carmen Steele, “What is the Digital Divide”, Digital Divide Council, 22 February 2019, <http://www.digitaldividecouncil.com/what-is-the-digital-divide/>; Samuel C. Kamau, “Engaged Online: Social Media and Youth Civic Engagement in Kenya”, in *Digital Activism in the Social Media Era: Critical Reflections on Emerging Trends in Sub-Saharan Africa*, ed. Bruce Mutsvauro, (Cham: Palgrave Macmillan, 2016), 123-124; McPherson, *ICTs and Human Rights Practice*, 36; Harlow and Guo, “Will the Revolution be Tweeted or Facebooked?”, 466.

and advocacy. NGOs must keep up with the ever-changing new technology, and diverse expertise to match, this can be expensive for NGOs that are not well funded.<sup>144</sup>

The impact of this digital divide in using social media for social activism is the risk of excluding people who are not online from being represented or able to take part in the activism. Furthermore, there is the risk of advocating for only human rights violations by the police in areas with greater online presence while ignoring abuses in other areas.

## 7.6. Conclusion

This chapter has examined the use of social media to empower social activism aimed at pursuing police accountability and the associated pitfalls. It considered social media as an additional tool in activists' repertoire of contention which can be used to carry out several tasks in furtherance of the social activism on police abuse of power. This chapter addresses three of those tasks. These are: first, creating awareness on policing issues like police abuse of power, and making stories of police misconduct which might not have been covered by mainstream media visible. Second, organising various activities in the course of the activism such as meetings, demonstrations, and fundraising amongst others. Lastly, directly engaging with government leaders especially as most leaders now have social media accounts. Social media affords activists the opportunity to express grievances and demands in a public space with the goal of rectifying the identified problems within the police. The use of social media in performing this task is cost-effective, and faster, and has led to increased participation by members of the public who find their experiences with the police validated by others on social media or simply join voices in solidarity to push for a cause they believe in.

However, this chapter also explored the possible risks attached to the use of social media in activism. These risks include interference by the government and interference by social media platforms. Just as activists have found creative ways to utilise social media in activism, governments are increasingly finding ways to also utilise social media to interfere with activism and silence the voices of the activists. Some of the measures addressed in this chapter include social media bans, internet shutdowns, social media regulations, social media

---

<sup>144</sup> Heyns, A/HRC/29/37, para 110; McPherson, *ICTs and Human Rights Practice*, 36.

taxes, use of state-sponsored trolls on social media, and state-sponsored surveillance which might sometimes translate to physical harm for the activists.

In addition, this chapter contends that ultimately the use of social media is outside the control of the activist as the social media sphere is largely controlled by the platforms' guidelines, policies, standards, and algorithms which decide the visibility or otherwise of the contents on social media. This has the potential to affect a campaign and prevent well-thought content from being seen or reaching the intended target.

Finally, this chapter acknowledges that social media is not the only tool available to activists. Other tools such as physical assemblies and petitions are still being used in activism. Furthermore, in whatever way social media is being used in activism, the activist should not fail to keep in mind the effect of social media in creating lines of inclusion and exclusion between people who have access to these platforms and people who do not.



## CHAPTER EIGHT: CONCLUSION

---

*'If people come together, they can even mend a crack in the sky'<sup>1</sup>*

As addressed in this study, police accountability for abuse of power is a vital element of democratic policing. Furthermore, it is critical in developing a culture of human rights and reinforcing human rights norms. Due to this importance, most states such as Nigeria, South Africa and Kenya have some form of accountability system. Nevertheless, the media remains filled with numerous accounts of human rights violations by the police and of social activism triggered by incidents of police abuse of power in Africa and the world at large. Despite the prevalence of social activism against police abuse of power, the role played by social activism in holding the police accountable has largely gone unresearched in Africa. In this regard, this thesis has sought to concretise the relationship between social activism and police accountability in Africa by conducting an empirical investigation using three case studies on the role of social activism in pursuing accountability for police abuse of power.

Using three social activism campaigns as case studies to examine the question, *what is the role of social activism in pursuing accountability for police abuse of power in Africa?* Certain themes emerged that provide an answer. Some of these themes are more prominent in some case studies than in others. These themes as will be discussed in this chapter are the socialisation of norms, contributory roles of social activism campaigns, the transnationalisation of issues, and the building of coalitions which can potentially exert pressure on the state to hold the police accountable.

### 8.1. Socialisation of Norms

Socialisation is the process through which individuals learn and internalise the norms, values and beliefs of their society.<sup>2</sup> As noted above in this study, accountability in human rights reinforces norms such as, the violations of human rights should have consequences and the failure to attach consequences to human rights violations by the state and its agents makes light of such rights. In pursuing accountability, social activism campaigns engage in the

---

<sup>1</sup> Somali Proverb.

<sup>2</sup> Nicki Lisa Cole, "Understanding Socialization in Sociology", January 30, 2020, *ThoughtCo.*, <https://www.thoughtco.com/socialization-in-sociology-4104466>.

socialisation of norms by interacting with and influencing the human rights ideas held in society. This can be seen in the activities of social activism campaigns in this study. By educating, communicating, and promoting public awareness of human rights, these social activism campaigns challenged misconceptions such as ‘criminals have no rights’, and ‘the police are above the law’. They educated the public about human rights norms such as human rights are for everyone, and that a violation of human rights even by the agents of states has consequences, and when this happens human rights should be reinforced by the state correcting such violations and preventing future violations.

It can be asserted that, unlike the formal, more legalistic mechanisms of accountability, social activism campaigns – belonging to the third level of accountability – appear better positioned for the socialisation of norms. Several factors contribute to this assertion. Firstly, social campaigns predominantly consist of ordinary individuals, which fosters a sense of ownership within the community and a willingness to listen and learn from each other. This contrasts with the formalistic mechanisms that are comprised of appointed government representatives and are targets of public grievances. Secondly, the participatory nature of social activism brings them closer to the community. Consequently, their efforts to socialise and reinforce norms tend to be more effective compared to the irregular sensitisation workshops organised by formal accountability mechanisms. As seen in this study, the social activism campaigns played a vital role in accountability by leveraging their grassroots solidarity and community engagement to socialise norms.

In the campaign for a Safer Khayelitsha, the organisations involved engaged in the socialisation of norms. Members of the organisations interviewed for this study recalled that Khayelitsha residents had lost hope in the possibility of change. Hence the organisations had to encourage and educate residents on the provisions of the law, their rights, the courts’ role, and the government’s duties, and how they could change things if they continued putting pressure on the government on these issues amongst others.<sup>3</sup> As mentioned above, education was a vital and effective tactic utilised by this campaign. According to Weyers, ‘understanding of the law and an appreciation of the law’ were effective tactics employed by

---

<sup>3</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017), 2 June 2021; Interview with Axolile Notywala, (former Secretary General of SJC), 9 June 2021; and Interview with Funeka Soldaat (Founder Free Gender, member TAC, Chairperson Harare CPF).

the campaign, as activists had to educate themselves on the provision of the law to realise that the law granted powers to a premier to institute a commission of inquiry into policing.<sup>4</sup>

Socialisation of norms is a prominent part of the Justice Centres' activism in Kenya. This is because as noted above, the activism arose in the context where youths in low-income settlements are more at risk of police brutality as they were often stereotyped as 'thugs', 'gang members', 'suspected criminals', and a 'threat to public safety'.<sup>5</sup> One of the activists from a human rights organisation interviewed for this study stated that the general perception within the police was that the youths in informal settlements are criminals.<sup>6</sup> In addition to this, members of the Justice Centres interviewed recalled that there was a general reluctance in the community to speak against extrajudicial killings and other abuses by the police due to different factors including fear of police retaliation and the belief that the victims as alleged criminals deserved to be killed by the police to cleanse the community of crime. Hence when an alleged criminal is killed, they approved, as they consider that a problem had been solved, and the community is better for it.<sup>7</sup>

The Justice Centres therefore educated and continue to educate members of their communities on their human rights irrespective of status, and basic norms such as the duty of the state to attach consequences to the violation of human rights by the police and the responsibility of the police to follow due process even when a criminal is involved.<sup>8</sup> As examined above, the Justice Centres accomplished this by carrying out events such as community dialogues and social events such as reggae for justice and sports competitions where issues of police brutality were discussed, and the people were educated on basic human rights principles, including the duties of the police.<sup>9</sup> By educating the communities, communities no longer normalised police brutality and have become increasingly in support

---

<sup>4</sup> Interview with Dalli Weyers, (Member of the SJC 2005-2012), 20 May 2021.

<sup>5</sup> Naomi van Stapele, "We are not Kenyans': Extra-Judicial Killings, Manhood and Citizenship in Mathare, a Nairobi ghetto", *Conflict, Security & Development* 16, no.4 (2016): 314-315.

<sup>6</sup> Interview with Joseph Kimani (CSO Representative), 22 July 2021.

<sup>7</sup> Interview with Juliet Wanjira (Justice Centres Representative); Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); and Interview with Brian Kimari (CSO Representative), 12 November 2021.

<sup>8</sup> Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives).

<sup>9</sup> Interview with Wilfred Olal (Justice Centres Representative), 24 June 2021; Interview with Wangui Kimari (Justice Centres Representative), 27 July 2021; Interview with Lucy Wambui and Jennifer Omae (Justice Centres Representatives); Interview with Brian Kimari (CSO Representative); and Interview with Charles Maina (CSO Representative).

of the campaign against police brutality. For example, Wanjira recalled that when 51-year-old James Mureithi was killed during the enforcement of COVID-19 guidelines in Mathare, the community came together without mobilisation by any CSOs to protest the extrajudicial killing.<sup>10</sup> Wanjira also recalled that in 2019, when 65 Justice Centres activists were arrested during a protest, the communities, within a few hours, raised about 5,000 USD to facilitate their release. She believes that before the Justice Centres began the socialisation of norms in communities, no one would have bothered about the murder or the arrest of activists speaking against police brutality.<sup>11</sup>

In conclusion, as seen by examples from this case study, social activism plays a crucial role in the actualisation of human rights by engaging in the socialisation of human rights norms. The socialisation of these norms is compatible with Heyns's struggle approach theory. As posited by Heyns, human rights serve as guiding principles for action and catalysts for resistance against the illegitimate exercise of power by the state or its agents.<sup>12</sup> Therefore by equipping the community with the requisite knowledge of human rights, the community is empowered to actively engage in the social and political discourse surrounding ongoing issues such as police abuse of power. This empowers individuals to not only speak up for their rights but also rights of others, potentially joining the activism in opposing impunity and contributing to the accountability process.

## 8.2. Contributing to the accountability process

Social activism campaigns materially contribute to the processes of investigating allegations of police abuse, providing effective remedies, and recommending reforms – all essential components of accountability. As theorised above, social activism is a form of political participation which gives the people an opportunity to enhance government accountability and bring about more responsive leaders. The role of social activism in facilitating these components will be examined below using examples from the three case studies.

---

<sup>10</sup> Interview with Juliet Wanjira (Justice Centres Representative); Andy Gregory, "Hundreds Protest Over Police Killings of Homeless Man Accused of Breaching Coronavirus Curfew in Kenya", *Independent*, 2 June 2020, <https://www.independent.co.uk/news/world/africa/kenya-protests-homeless-man-george-floyd-police-brutality-nairobi-embassy-a9545351.html> (accessed 12 October 2024).

<sup>11</sup> Interview with Wangui Kimari (Justice Centres Representative).

<sup>12</sup> Christof Heyns, "A 'Struggle Approach' to Human Rights", in *Human Rights, Peace and Justice in Africa: A Reader*, eds. Christof Heyns and Karen Stefiszyn, (Pretoria: PULP Publishers, 2006), 16.

### ***8.2.1. Contributing to Investigations into Allegations of Police Abuse of Power***

Social activism serves as a bulwark against impunity by materially contributing to investigations into allegations of police abuse of power. This is done in diverse ways such as by identifying abuses, amplifying complaints of police abuse, collecting, verifying, and transmitting complaints, and demanding investigations. This pressurises the state and formal mechanisms of accountability to take notice of these allegations and investigate them.

First, social activism campaigns amplify allegations of police abuse. Such allegations are usually by an individual victim or victims with limited reach. Complaints made by individual victims can be buried beneath several uninvestigated complaints or outright police cover-ups. Furthermore, several factors, such as fear of police reprisal, unfamiliarity with complaints mechanisms and the procedures to report such incidents or a lack of confidence that such complaints would be investigated, prevent the official reporting of incidents of police abuse of power from being officially reported to formal accountability mechanisms. The involvement of different participants in social activism campaigns increases the number of persons talking about allegations and raising questions for police or accountability mechanisms to answer. This strengthens the reach of complaints and gives other victims the boldness to speak of their experiences with the police. Furthermore, the involvement of more people leads to the use of various tactics at their disposal, for instance, catchy hashtags on social media, documenting complaints, memorandums of complaints to different authority figures in the state and releasing press statements. These help to amplify allegations of police abuse and the demand for a response from the police or accountability mechanism. Social activism campaigns take complaints from being just about the victim wanting answers to a bigger audience that has suddenly become interested in the allegations, including other victims wanting to share their experiences. Thus, potentially pressuring, or shaming the mechanisms of police accountability to become interested in the allegation and investigate such allegations.

Second, participants involved in social activism campaigns aid in crowdsourcing information about allegations of police abuse. Such information includes supporting evidence such as willing witnesses and bystander content (pictures or videos) of the incident, which can be used during an investigation by police accountability mechanisms. For example, participants in the #EndSARS campaign and members of the Justice Centres campaigns carried out some

preliminary investigations of allegations of police misconduct reported to them. The Justice Centres have a more organised system of preliminary investigation via its Human Rights Monitors in various communities that receive complaints of police misconduct from the public and gather details such as ‘who was involved’, ‘what happened’, ‘where it happened’, ‘when it happened’, and ‘how it happened’. These findings are often forwarded to the formal accountability mechanisms in the hope of further investigation. For example, this study noted that bystander videos and images, including a video created through Instagram’s live feature, were tendered as evidence during the LSJPI to show evidence of law enforcement brutality towards #EndSARS protesters. Participants of the Safer Khayelitsha campaign also crowdsourced information from members of the public, gathering witness statements which were tendered before the KCOI and aided the KCOI in reaching its decision.

Thirdly, social activism campaigns help pursue investigations by advocating for the establishment of special investigative panels. For instance, the PPRS and the State Judicial Panels in the #EndSARS campaign and the KCOI in the Safer Khayelitsha Campaign. While the State Judicial Panels, for instance, the LSJPI, investigated specific incidents of police abuse, the KCOI in the Safer Khayelitsha Campaign focused on the broader systemic issues affecting policing in Khayelitsha. A peculiar role played by the participants of the Safer Khayelitsha campaign in the KCOI was their direct involvement in the KCOI by submitting statements and providing evidence. There is no evidence of this clear and direct participation in the PPRS or the LSJPI, for instance. However, it is not far-fetched to conclude that the reason for the greater involvement by participants of the Safer Khayelitsha campaign in the KCOI was due to the centralised nature of the Safer Khayelitsha campaign, which established organisations spearheaded. This made it easier for these organisations to organise themselves and participate during the KCOI.

### ***8.2.2. Contributing to the Pursuit of Effective Remedies***

Social activism campaigns inspire the pursuit of effective remedies by offering support and knowledge to the victims in diverse ways. Firstly, an intuitive role social activism campaigns play in this regard is providing information and sensitising the public on the various avenues and procedures in the state for seeking remedies. Educating the public on avenues to obtain remedies is crucial as the knowledge of the existence of these mechanisms is the first step in seeking remedies. However, sometimes these avenues are available but unknown to the

public, or where known, the procedures involved often seem too complex. The Justice Centres in Kenya play a vital role in this regard by not only educating the public in informal settlements about the various avenues of reporting allegations against the police but also assisting victims through the process.

Secondly, the three campaigns resulted in the prosecution of cases and disciplinary measures against police officers. The Safer Khayelitsha campaign achieved this by constantly applying pressure on the police and the court systems and keeping such cases within the public sphere. In the Justice Centre Campaign, this was achieved by documenting complaints and providing information, which was used to begin formal investigations, begin criminal procedures, and instigate disciplinary measures against officers. Finally, in the #EndSARS campaign, this was done by online and offline protests to apply pressure on the state to disband a rogue police unit, and this led to disciplinary measures against a few officers. Generally, this study finds that the social activism campaigns led to the pursuit of accountability for police abuse cases that might have been ignored or slipped through the cracks due to location or the perception of the victim as blameworthy. However, this brings to light one of the limits of social activism, that is, victims of other incidents of police abuse which did not garner public attention and hence no pressure are often left without a remedy. This again suggests that a functional state-led system for police accountability is more desirous than a never-ending cycle of social activism for police accountability.

Thirdly, social activism can aid victims of police brutality in obtaining compensation – or the promise of compensation. For instance, the findings of the LSJPI in the #EndSARS Campaign recommended compensation for some victims. However, there is no evidence that such compensation has been paid yet, and the government's white paper in response to the LSJPI's report contests some of the proposed compensation.

Lastly, the three social activism campaigns directly enabled the rehabilitation of victims of police abuse in various ways – by providing financial, legal, and medical aid, victim support, and community solidarity. The Justice Centres in Kenya, for instance, provide community support and emotional healing for victims of police in different ways by providing avenues for victims to share their experiences, meet others with similar experiences, and engage in singing, creating memorials, and other activities. The Mothers Network by the Justice Centres



in Kenya is an example of such an avenue. Fundraising by campaigns also shows community solidarity, as these funds help victims pay for medical bills, bail payments or burial ceremonies of deceased victims. For example, the #EndSARS campaign witnessed members of the public from different fields, such as medical and legal fields, coming together to volunteer their services to help victims in need. This support was also exemplified in participants in social activism campaigns accompanying victims of police abuse to court or hearings at the commissions of inquiry. This solidarity and support by participants in social activism showcase the spirit of *ubuntu* in the struggle for the actualisation of human rights in Africa, which emphasises that the essence of humanity is in the togetherness and interconnectedness of the people and communal wellbeing. This support offered by social activism is vital to victims knowing that they are not alone in their quest to obtain remedies.

### ***8.2.3. Contributing to Reforms***

Social activism campaigns inspire reforms by identifying and highlighting problem areas within the police system that lead to the abuse of power by the police; and by mapping out reform agendas on how to rectify the identified problem areas.

Participants of social activism can identify these issues as they are on the receiving end of the services – good or bad – offered by the police and can identify the issues and areas that need improvement. For instance, participants of the #EndSARS Campaign were able to identify problems with the SARS, such as lack of uniforms or identity cards by operatives of the SARS which led to the inability of members of the public to know if they were being approached by armed robbers or members of a specialised police unit with arms. Furthermore, the diversity of participants in social activism campaigns helps craft nuanced measures to fix identified problems within the police system.

In instances where reform areas have already been identified but have not been implemented, social activism also serves to apply pressure for such reforms to be implemented. For instance, the organisations involved in the Safer Khayelitsha campaign, continue to use different tactics to apply pressure on the state to implement the recommendations of the KCOI. This included bringing a case before the Equality Court of South Africa to push for the equitable allocation of SAPS resources.

Though the campaigns examined in this study led to some reform measures, such as enacting new laws, disbanding the SARS in #EndSARS, and unlocking a new level of police accountability at the Provincial level in the Safer Khayelitsha campaign, two other points must be made concerning reforms. Firstly, pressure by way of social activism does not necessarily translate into reforms by the state, even when the state appears to be ‘doing something’. Sometimes states simply put in place performative measures to appease the public outcry in the interim without intending to enact lasting measures. For instance, though the demands for special investigative panels were granted in the #EndSARS campaign and the Safer Khayelitsha campaign, the recommendations of these panels have been mainly ignored by the states. This leaves activists in a never-ending cycle of activism to get the recommendations implemented. Also, even when reforms are carried out, the effectiveness of such reforms is questionable as they are more performative than adequate. For instance, the disbanded SARS unit was immediately replaced with another unit – SWAT – and the SARS operatives were merely incorporated into other NPF departments. The second point, which is a direct offshoot of the first, is that actual police reforms can only occur where the state is willing to implement effective measures to reform the police.

The contribution of social activism aids in the pursuit of investigations, providing remedies, and implementing reforms. By doing so, it reflects elements of political participation by bringing in individuals who are not part of the state’s ‘hand-picked’ members of the accountability mechanism to participate in this struggle which can result in political changes and foster more accountable and responsive leadership. Moreover, it empowers people to raise their concerns about police abuses in informal settlements to the attention of those in positions of power. This helps ensure accountability for such abuses, which might otherwise go unnoticed. Additionally, social activism underscores the essence of *ubuntu*, which promotes collective welfare and encourages broader community participation in addressing concerns, regardless of personal involvement.

### **8.3. Building of Coalitions**

Another theme that emerged in studying the role of social activism in pursuing accountability for police abuse is the importance of building coalitions horizontally. Building coalitions of participants from different sectors of society can open the activism to diverse expertise,

tactics and tools to help forward the calls for police accountability and apply pressure on the state to hold the police accountable.

The #EndSARS campaign attracted an array of organisations that brought with them expertise and contributed to the tactics utilised during the campaign. For instance, the Feminist Coalition which was principally formed to champion equality for women in Nigeria became an important part of the campaign by facilitating fundraising and distributing funds collected. Other organisations from the technology sector, legal sector and food sectors came together to offer various services including offering pro bono legal services to arrested protesters and providing refreshments during protests.

A clearer example of coalition building is seen in the campaign for a Safer Khayelitsha. As noted above in this study, the key organisations involved in the activism all had distinct campaign areas and not necessarily police accountability or policing issues. For instance, TAC's mandate is on the rights of persons with HIV, Equal Education's mandate is on quality and equal education, the Triangle Project and the Free Gender, advocate for human rights for LGBTQI+ persons, SJC's mandate focuses on service delivery, policing and criminal justice, and the Ndifuna Ukwazi generally promotes awareness of human rights. Hence, it was only the SJC that had a mandate specifically involving policing, all other organisations had distinct mandates but came together because they realised that the issues with the police affected their various campaign field.

By coming together, these organisations were able to form a strong coalition bringing diverse expertise and tactics which amplified their effectiveness. Ndifuna Ukwazi had the legal capacity and expertise to offer legal knowledge to the campaign on the oversight powers of a Province over the police.<sup>13</sup>

It also helped in the engagement with various spheres of the community. For instance, the TAC used its reach to spread the message of the activism within hospitals, while Equal Education reached individuals in schools. In addition, SJC and TAC had a presence with the community and used this to mobilise people to attend protests.<sup>14</sup> The coalition of

---

<sup>13</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017).

<sup>14</sup> Ibid.

organisations also enabled the campaign to have a broad media reach.<sup>15</sup> The organisations used their newsletters, major newspapers, online platforms, television, and radio to reach out to a broader audience on what precisely the campaign involved and to enhance the call for accountability.<sup>16</sup>

The building of alliances across different sectors is vital to social activism as it enhances public participation, hence increasing the reach of social activism. Furthermore, it brings diverse expertise, tools, and tactics which further the objectives of social activism – in this instance, applying pressure on the state to hold the police accountable.

#### **8.4. Transnationalisation of Issues**

Another theme that emerged in examining these case studies, is how social activism campaigns successfully amplify and extend issues of police brutality beyond national borders. Of the three case studies examined in this study, this is more prominent in the #ENDSARS campaign. The transnationalisation of issues provides interested parties in the diaspora with an opportunity to participate in activism by contributing their expertise, knowledge, and financial resources. Additionally, as issues become increasingly transnational, social activists at the national level can potentially learn and adopt methods and tactics from international actions and international movements with similar issues.

The Nigerian #EndSARS activism can be said to have been both a national and transnational campaign due to the reach of the campaign beyond national borders. This activism attracted participation from people outside the country as seen by the physical protest organised and continued in countries such as Canada, Germany, the United Kingdom, and South Africa, even when physical protests had stopped in Nigeria due to violence against protesters.

In addition, it became a subject of debate at the United Kingdom Parliament due to an e-petition signed by Nigerians or other concerned individuals in the United Kingdom. At the time of the hearing, the petition had received over 220,000 signatures. It sought sanctions

---

<sup>15</sup> Interview with Joel Bregman, (Civil Society Expert), 17 May 2021

<sup>16</sup> Interview with Phumeza Mlungwana (former Secretary General SJC - February 2013-June 2017) and Interview with Joel Bregman (Civil Society Expert).

against Nigerian government officials and members of the NPF for human rights violations.<sup>17</sup> Though no sanction was imposed after the debate, the reach of the activism to the UK parliament potentially served as a source of ‘international embarrassment’ for the Nigerian government, heightened the reach of the campaign and further gave credibility to the campaign.

As noted above, the ability of the #EndSARS campaign to transnationalise issues unlike the other campaigns can be attributed to three factors including the predominant use of social media platforms.

The availability of different tools in social activism, particularly social media aids in the transnationalisation of issues. Social media, as described in this research, is an additional tool in activists’ repertoire of contention, which is used to further the cause of the campaigns but can also be detrimental to the campaign and the activists involved due to challenges with social media use. As a tool, this study contended that social media, due to its remarkable features such as the hashtag (#), emojis, ability to tag people, retweets, and quantification metrics – like the number of likes, shares, and retweets – is advantageous to a social activism campaign in broad ways including for public mobilisation and for organising.

As part of public mobilisation, social media is used to create awareness about police brutality by documenting real-time stories of police abuse while interacting with citizens through bystander videos or pictures. It affords activists access to a global audience outside the activists’ geographical borders and provides the opportunity for a campaign to potentially go viral and feature prominently in national or international discourse. The use of social media for creating awareness to a global audience is particularly vital in situations where police abuse of power occurs in marginalised communities, where happenings in such communities are not usually the focus of mainstream media houses and where victims are not considered ‘good victims’. As noted by activists from Mathare, putting stories of police brutality on social media gave them a voice to speak out and further provided an opportunity to get more people outside the communities and people in the diaspora to get involved in

---

<sup>17</sup> Petitions UK Government and Parliament, <https://petition.parliament.uk/petitions/554150>; UK Parliament Research Briefing, “E-petition 554150, Relating to Nigeria and the Sanctions Regime”, 19 November 2020, <https://commonslibrary.parliament.uk/research-briefings/cdp-2020-0148/>.

the campaign.<sup>18</sup> Furthermore, using social media for public mobilisation during a decentralised campaign like the #EndSARS as noted above, helped in building participation, and solidarity in the struggle and motivated people outside Nigeria to join the campaign. According to NENDO's analysis of ten days of the #EndSARS activism, the Twitter conversations on the activism were driven not just by Nigeria but other countries. The top ten countries driving the conversation on Twitter were Nigeria, the United States of America, the United Kingdom, Ghana, Indonesia, Canada, South Africa, the United Arab Emirates, Germany and Ireland.<sup>19</sup> NENDO's analysis also revealed online conversations were driven by the participation of international news outlets and individuals, including TIME, Reuters, Washington Post, Guardian, The Daily Show, Hillary Clinton, Bill Clinton, and Twitter CEO Jack Dorsey.<sup>20</sup> This quick spread of the #EndSARS campaign beyond Nigeria would not have been possible without the use of social media.

In organising, social media can be used by 'mobilised participants' within and outside the country to virtually work together – organising and participating in different activities – including offline activities, in furtherance of the campaign. From mapping out tactics and demands and gathering stories of police abuse to organising fundraising, demonstrations, and press statements, this study finds that organising via social media, if done effectively, allows for flexibility, increases accessibility, and is cost-effective. For instance, during the #EndSARS protests, different social media platforms like Twitter and WhatsApp were used by participants across locations to organise demonstrations and emergency services.

Despite these important ways activists can use social media, social media also presents challenges. These challenges as discussed in this thesis include the spread of misinformation, and interference by the logic of the various social media platforms through algorithms, guidelines, and policies of different social media platforms, which control users' experience and determine what contents are visible to users. Other challenges faced by activists using social media include government interference through restrictive legislation and policies, social media taxes, state-sponsored surveillance, internet shutdowns, social media bans,

---

<sup>18</sup> Interview with Charles Maina (CSO Representative).

<sup>19</sup> Nendo, "Breaking down the #EndSARS conversation increase from 48M to 99M Tweets", 23 October 2020. <https://www.nendo.co.ke/post/breaking-down-the-endsars-conversation-increase-from-48m-to-99m-tweets>, (accessed 9 March 2024).

<sup>20</sup> Nendo, "Breaking down the #EndSARS conversation increase from 48M to 99M Tweets".

government-sponsored online harassment, use of disinformation, and government-sponsored trolling which sometimes translate into physical harm to activists.

Regardless of the challenges of using social media in activism, the advantages of social media use can aid in the transnationalisation of issues across borders. Social activism can pursue police accountability for abuse of power by expanding issues of police abuse of power across national borders, fostering solidarity and cooperation among diverse actors across borders, and mobilising people to pressure the state to hold the police accountable. Besides taking issues across borders, the collaboration between local and international activists assists with activism at the national level through the transmission of knowledge and strategies from international counterparts.

### **8.5. Final thoughts**

The ultimate question this study sought to answer is ‘What is the role of social activism in pursuing accountability for police abuse of power in Africa?’ The findings showed that social activism in Africa play vital roles in pursuing police accountability which this study grouped into four themes – socialisation of norms roles, contribution to the accountability process, building coalitions and transnationalisation of issues.

Social activism actors in Africa adopt various measures to speak out against police abuse of power and pressure the government to hold the police accountable. These measures include identifying and lobbying key actors within the state, for instance, politicians, the head of the police, or formal mechanisms of accountability that can bring about the desired changes and keeping the conversation on issues of police abuse of power ongoing. By keeping the conversation on police abuse of power ongoing, social activism can ensure that these issues become key political and election points that could potentially impact voting results and lead to reforms. Social activism against police abuse of power in Africa is commendable as it serves as a bulwark against impunity. An active civil society plays a crucial role in promoting human rights and empowering people through human rights sensitisation, including sensitising the police. Furthermore, this also contributes to bringing together the people to engage with leaders and demand the desired changes.

It is important to note that the study does not claim that social activism is solely responsible for police accountability. Instead, it highlights the vital, often overlooked role social activism



plays as one of many actors in the accountability process. As explored in this study, most formal mechanisms of accountability face challenges such as a lack of resources, and a lack of cooperation from the police during investigations and in the enforcement of recommendations, which hinder their effectiveness in holding the police accountable. Therefore, social activism campaigns tend to fill the gaps created by the ineffective formal mechanisms of accountability. Although social activism tries to fill these gaps created by the failures of the formal accountability mechanisms, it however remains the primary responsibility of the state and its established accountability mechanisms to hold the police accountable.

Considering all these, to ensure police accountability, states must allocate resources to the formal mechanisms of accountability, enhance their independence and ensure they have the tools and authority to effectively hold the police accountable for abuse of power. Also, states should adhere to the recommendations of these bodies on the various reforms that can ensure that accountability is the norm in society. In addition, formal police accountability mechanisms in Africa can adopt some of the roles played by social activism in pursuing police accountability. For example, formal police accountability mechanisms can transnationalise issues by leveraging international solidarity, seeking resources, and collaborating with international counterparts for learning, training, and development. These mechanisms can also do more in the socialisation of norms by educating the public about their rights and the different mechanisms available to them to report and seek redress in cases of police abuse of power.

For social activism actors pursuing police accountability for abuse of power, the following can be learned. Firstly, it is important to build networks with other individuals and organisations. Organisations and individuals from different fields can work together to achieve the objectives of a social activism campaign. As seen in the case studies examined in this thesis, building networks and leveraging national and international support was vital in enhancing the reach and impact of the campaigns. Furthermore, the involvement of various actors introduced tactics and expertise in various areas which helped the campaigns to pursue its objectives.

Secondly, it is essential for social activism actors to take advantage of the affordances of social media and traditional media to spread the issues and demands of the campaign to the target audience. These media channels can also expand the reach of the campaign beyond the localities where the issues are occurring and attract assistance from more experienced actors. However, social activism actors should continue to be cautious of the identified risks of social media.

Finally, a 'collaborative all-hands-on-deck' approach involving various stakeholders including social activism actors and the state is necessary to hold the police accountable. This approach involves not just specific mechanisms of police accountability and social activism but other mechanisms and agencies such as parliamentary committees, ministries of justice, the judiciary, national human rights institutions, and ombudsperson offices. As rightly observed by some activists interviewed in this study, collaboration, and engagement between stakeholders is essential in combatting police misconduct and holding the police accountable for abuse of power in Africa.

## BIBLIOGRAPHY

---

### BOOKS AND CHAPTERS IN BOOKS

- African Police Civilian Oversight Forum (APCOF). *An Audit of Police Oversight in Africa*. Cape Town: African Minds, 2008.
- Alemika, Etannibi E. O. "Police Internal Control Systems in West Africa: An Introduction". In *Police Internal Control Systems in West Africa*. Edited by Etannibi E. O. Alemika and Innocent C. Chukwuma, 7-18. Lagos: CLEEN Foundation, 2011.
- Alemika, Etannibi E.O. "Police Accountability in Nigeria: Framework and Limitations". In *Civilian Oversight and Accountability of Police in Nigeria*. Edited by Etannibi E.O. Alemika and Innocent.C. Chukwuma, 45-58. Lagos: CLEEN Foundation & Abuja: Police Service Commission, 2003.
- Alemika, Etannibi E.O. "Enhancing Police Accountability Systems in Nigeria: The Missing Links". In *Enhancing Police Accountability Systems in Nigeria*. Monograph session 8, 7-21. Lagos: CLEEN Foundation, 2010.
- Alemika, Etannibi E.O. "Police and Human Rights in Africa". In *Police and Human Rights in Africa*, eds. APCOF and The Danish Institute for Human Rights, Vol. 14. Cape Town: APCOF, October 2020. <https://cdn.penalreform.org/wp-content/uploads/2021/02/ACHPR-Newsletter-No-14.pdf>
- Arase, Solomon Ehigiator. *Law on Prevention and Detection of Crimes by the Police in Nigeria*. Lagos: Malthouse Press Limited, 2017.
- Atkinson, Joshua D. *Journey towards Social Activism: Qualitative Approaches*. New York: Fordham University Press, 2017.
- Barker, Tom. *Police Ethics: Crisis in Law Enforcement*. 3rd ed. Illinois, USA: Charles C. Thomas Publishers Ltd, 2011.
- Beyerle, Shaazka M. *Curtailling Corruption: People Power for Accountability*. Colorado: Lynne Rienner, 2014.
- Bosch, Tanja. "Twitter and Participatory Citizenship: #FeesMustFall in South Africa". In *Digital Activism in the Social Media Era: Critical Reflections on Emerging Trends in Sub-Saharan Africa*. Edited by Bruce Mutsvairo, 159-174. Cham: Palgrave Macmillan, 2016.
- Castells, Manuel. *Communication power*. Oxford: Oxford University Press, 2013.

- Castells, Manuel. *Networks of Outrage and Hope: Social Movements in the Internet Age*. 2nd ed. Cambridge, MA: Polity Press, 2015.
- Chemonics International Inc. *Effectiveness of Police Accountability Mechanisms*. Washington, D.C: United States Agency for International Development (USAID), 2016.
- Chenoweth, Erica and Maria J. Stephan. *Why Civil Resistance Works – The Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011.
- Chukwuma, Innocent. “Internal Disciplinary Systems as Important Complement to External Oversight of Police in Nigeria”. In *Civilian Oversight and Accountability of Police in Nigeria*. Edited by Alemika, Etannibi and Innocent Chukwuma, 59-74. Lagos/Abuja: CLEEN Foundation & Police Service Commission, 2003.
- Cobbah, Josiah A.M. “African Values and the Human Rights Debate: An African Perspective”. In *Human Rights, Peace and Justice in Africa: A Reader*. Edited by Christof Heyns and Karen Stefiszyn, 35-40. Pretoria: PULP Publishers, 2006.
- Costanza-Chock, Sasha. “Mapping the Repertoire of Electronic Contention”. In *Representing Resistance: Media, Civil Disobedience, and the Global Justice Movement*. Edited by Andrew Opel and Donnaly Pompper, 173-191. Westport: Praeger Publishers, 2003.
- Dadas, Caroline. “Hashtag Activism: The Promise and Risk of Attention”. In *Social Writing/Social Media: Pedagogy, Presentation, and Publics*. Edited by Stephanie Vie and Douglas Walls, 17-36. Colorado, WAC Clearinghouse and University Press of Colorado, 2017.
- Dambazau, Abdulrahman Bello. *Criminology and Criminal Justice*. Ibadan: Spectrum Books Limited, 2007.
- Dijk, Jan van. *The Network Society. Social Aspects of New Media*. 2<sup>nd</sup> ed. London: SAGE, 2006.
- Ellis, Justin. *Policing Legitimacy: Social Media, Scandal and Sexual Citizenship*. Cham: Springer, 2021.
- Ellis, Stephen and Ineke van Kessel, eds. *Movers and Shakers: Social Movements in Africa*. Leiden: Brill, 2009.
- Ellsberg, Mary and Lori Heise. *Researching Violence Against Women – A Practical Guide for Researchers and Activists*. Washington DC: World Health Organisation and PATH, 2005.
- Forkum, Polycarp Ngufor. “Policing of Urban Peripheries in Cameroon: the Yaoundé Urban

- Municipality". In *Policing the Urban Periphery in Africa – Developing Safety for the Marginal*. Edited by Simon Howell, 64-79. Cape Town: APCOF, 2019.
- Gagliardone, Iginio and Matti Pohjonen. "Engaging in Polarized Society: Social Media and Political Discourse in Ethiopia". In *Digital Activism in the Social Media Era: Critical Reflections on Emerging Trends in Sub-Saharan Africa*. Edited by Bruce Mutsvairo, 25-44. Cham: Palgrave Macmillan, 2016.
- Gawanas, Bience. "The African Union: Concepts and Implementation Mechanisms Relating to Human Rights". In *Human Rights in Africa: Legal Perspectives on their Protection and Promotion*. Edited by Anton Bosl and Joseph Diescho, 135-163. Windhoek: Macmillan Education Namibia, 2009. Gerbaudo, Paolo. *Tweets and the Streets: Social Media and Contemporary Activism*. London: Pluto Press, 2012.
- Habib, Adam and Paul Opoku-Mensah. "Speaking to Global Debates through a National and Continental Lens: South African and African Social Movements in Comparative Perspective". In *Movers and Shakers: Social Movements in Africa*. Edited by Stephen Ellis and Ineke van Kessel, 44-62. Leiden: Brill, 2009.
- Hadji, Ahmed. "Breaking Boundaries: The Opportunities for Using Social Media in Civil Society Networking, Activism and Civic Engagement". In *Reality Check: Assessing the Impact of Social Media on Political Communication and Civic Engagement in Uganda*. Edited by Mathias Kamp, 72-88. Kampala: Konrad-Adenauer – Stiftung, 2016.
- Heyns, Christof. "A 'Struggle Approach' to Human Rights". In *Human Rights, Peace and Justice in Africa: A Reader*. Edited by Christof Heyns and Karen Steffiszy, 15-34. Pretoria: PULP Publishers, 2016.
- Heyns, Christof and Thomas Probert. "Introduction: The Role of National Commissions of Inquiry in Securing the Supreme Human Right". In *National Commissions of Inquiry in Africa: Accountability Mechanisms for Violations of the Right to Life?* Edited by Christof Heyns and Thomas Probert, 1-17. Pretoria: PULP Publishers, 2020.
- Isima, Jeffrey. "Police Internal Control System in Nigeria". In *Police Internal Control Systems in West Africa*. Edited by Etannibi. E.O. Alemika and Innocent.C. Chukwuma, 38-56. Lagos: CLEEN Foundation, 2011.
- Jones, Peris Sean and Gacheke Gachihi. "Decolonising Human Rights: The Rise of Nairobi's Social Justice Centres". In *Urban Politics of Human Rights*, Edited by Janne E. Nijman, Barbara Oomen, Elif Durmuş, Sara Miellet and Lisa Roodenburg, 163-183. New York: Routledge, 2022.
- Kamau, Samuel C. "Engaged Online: Social Media and Youth Civic Engagement in Kenya". In *Digital Activism in the Social Media Era: Critical Reflections on Emerging Trends in Sub-Saharan Africa*. Edited by Bruce Mutsvairo, 115-140. Cham: Palgrave Macmillan, 2016.

- Laer, Jeroen Van and Peter Van Aelst. "Cyber-protest and Civil society: The Internet and Action Repertoires in Social Movements". In *Handbook of Internet Crime*. Edited by Yvonne Jewkes and Majid Yar, 230-254, Abingdon: Routledge, 2009.
- Martin, Brian. "Activism, Social and Political". In *Encyclopaedia of Activism and Social Justice*. Vol. 1. Edited by Anderson and Kathryn G. Herr, 19-27. Thousand Oaks, CA: Sage, 2007.
- McNutt, John G. "Advocacy, Social Change and Activism: Perspectives on Traditional and Electronic Practice in a Digital World". In *Technology, Activism + Social Justice in a Digital Age*. Edited by John G. McNutt, 9-21. New York: Oxford University Press, 2018.
- McPherson, Ella. "How Editors Choose which Human Rights News to Cover: a Case Study of Mexican Newspaper". In *Media, mobilization and Human rights: Mediating Suffering*. Edited by Tristan Anne Borer, 96-121. London: Zed Books, 2012.
- McPherson, Ella. "Risk and the Pluralism of Digital Human Rights Fact-Finding and Advocacy". In *New Technologies for Human Rights Law and Practice*. Edited by Molly K. Land and Jay D. Aronson, 188-214. Cambridge: Cambridge University Press, 2018.
- McPherson, Ella. "Social Media and Human Rights Advocacy". In *The Routledge Companion to Media and Human Rights*. Edited by Howard Tumber and Silvio Waisbord, 279-288. London: Routledge, 2017.
- Meetali Jain, "The Rose that Grew from Concrete: The Commission of Inquiry into Policing in Khayelitsha, South Africa". In *National Commissions of Inquiry in Africa: Accountability Mechanisms for Violations of the Right to Life?* Edited by Christof Heyns and Thomas Probert, 241-278. Pretoria: PULP Publishers, 2020.
- Meyer, David S. *The Politics of Protest*. 2<sup>nd</sup> ed. New York: Oxford University Press, 2015.
- Ojomo, Olori Abimbola. "Historical Reflections on Internal Control Systems in the Nigeria Police Force". In *Enhancing Police Accountability Systems in Nigeria*. Monograph session 8, 22-34. Lagos: CLEEN Foundation, 2010.
- Osse, Anneke. *Understanding Policing: A Resource for Human Rights Activists*. Netherlands: Amnesty International Nederland, 2007.
- Probert, Thomas. "The Concept of Accountability and its Importance for the Protection of the Right to Life". In *National Commissions of Inquiry in Africa: Accountability Mechanisms for Violations of the Right to Life?* Edited by Christof Heyns and Thomas Probert, 18-44. Pretoria: PULP Publishers, 2020.
- Prud'homme, Jo-Ann, Ernesto Anasarias, Themba Masuko, Malose Langa, Cara Casey Boyce, Kari Larsen, Steffen Jensen, and Russel Allen. *Legal Study on Policing and Human*

- Rights Standard: Internationally and in Three Countries of the Global South (South Africa, Philippines, and Liberia)*. Copenhagen: Danish Institute against Torture, 2017.
- Schedler, Andreas. "Conceptualizing Accountability". In *The Self-Restraining State – Power and Accountability in New Democracies*. Edited by Andreas Schedler, Larry Diamond, and Marc F. Plattner, 13-28. Colorado and London: Lynne Rienner Publishers, 1999.
- Sharp, Gene. *How Nonviolent Struggle Works*. USA: Albert Einstein Institution, 2013.
- Shirky, Clay. *Here Comes Everybody*. London: Penguin Group, 2008.
- Simion, Kristina. *Practitioner's Guide – Qualitative and Quantitative Approaches to Rule of Law Research*. Washington DC: Interpol Network to Promote the Rule of Law, 2016.
- Tamuno, Tekena N. *The Police in Modern Nigeria*. Ibadan: University Press. 1970.
- Thompson, Edward Palmer. *The Making of the English Working Class*. New York: Vintage Books, 1963.
- Tilly, Charles. *The Contentious French: Four Centuries of Popular Struggle*. Cambridge, MA: Harvard University Press, 1986.
- Tufekci, Zeynep *Twitter and Tear Gas*. New Haven and London: Yale University Press, 2017.
- United Nations Office on Drugs and Crimes. *Handbook on Police Accountability, Oversight, and Integrity*. Vienna: United Nations Office, 2011.
- Verba, Sidney, Kay Lehman Schlozman, and Henry E. Brady. *Voice and Equality. Civic Voluntarism in American Politics*. Massachusetts and England: Harvard University Press, 1995.
- Verba, Sidney and Norman H. Nie. *Participation in America: Political Democracy and Social Equality*. Chicago and London: University of Chicago Press, 1972.
- Wambui, Grace and Odhiambo Edwin 'Jeep', "Policing Our Community: The Normalisation of Crime and Extrajudicial Killings in Mathare". In *Narratives that Matter: Community Led Research, Activist CBOs & Development Aid in Nairobi – Life as a Youth in Mathare*. Vol. 2. Edited by Edwin Kibui Rwigi, 29-32. Leiden: INCLUDE, 2019.
- Zgoda, Karen and Kryss Shane. "Social Justice 280 Characters at a Time: The Role of Twitter in Social Action". In *Technology, Activism + Social Justice in a Digital Age*. Edited by John G. McNutt, 74-88. New York: Oxford University Press, 2018.



## JOURNAL ARTICLES

- Abdulrauf, Lukman Adebisi. "The Challenges for the Rule of Law Posed by the Increasing Use of Electronic Surveillance in Sub-Saharan Africa". *African Human Rights Law Journal* 18, no.1 (2018): 365-391.
- Abimbade, Oluwadara Philip Olayoku, Danielle Herro. "Millennial Activism within Nigerian Twitterscape: From Mobilization to Social Action of #EndSARS Protest". *Social Sciences & Humanities Open* 6, iss. 1 (2022): 1-9. <https://doi.org/10.1016/j.ssaho.2021.100222>.
- Alaimo, Kara. "How the Facebook Arabic Page 'We Are All Khaled Said' Helped Promote the Egyptian Revolution". *Social Media + Society* 1, iss. 2 (2015): 1-10.
- Alemika, Etannibi E. O. "Police and Human Rights in Africa". *Police and Human Rights in Africa* 14, (2020): 2-3. [https://www.achpr.org/public/Document/file/Any/14th%20Newsletter%20SEPT%202020%20EN\\_FR\\_AR.pdf](https://www.achpr.org/public/Document/file/Any/14th%20Newsletter%20SEPT%202020%20EN_FR_AR.pdf).
- Alemika, Etannibi E. O. "Policing and Perceptions of Police in Nigeria". *Police Studies: The International Review of Police Development* 11, no.4 (1988): 161-176.
- Amusan, Lere and Luqman Saka. "The Nigerian Police Force and the Task of Policing Democratic Nigeria: Issues and Problems". *Anthropologist* 31, no.1-3, (2018):105-116.
- Araromi M.A. and S.A. Oke. "A Critical Review of the Regulatory Frameworks for Police Accountability in Nigeria's Justice System". *Nigerian Law Journal* 17, (2014): 187-228.
- Asomah, Joseph. "The Importance of Social Activism to a Fuller Concept of Law". *Western Journal of Legal Studies* 6, no.1 (2015): 1-15.
- Berg, Julie. "Civilian Oversight of Police in South Africa: From the ICD to the IPID.". *Police Practice and Research* 14, no. 2 (2013): 144-154.
- Berghs, Maria. "Practices and Discourses of Ubuntu: Implications for an African Model of Disability?". *African Journal of Disability* 6, (2017): 1-8.
- Bobel, Chris. "'I'm not an activist, though I've done a lot of it': Doing Activism, Being Activist and the 'Perfect Standard' in a Contemporary Movement". *Social Movement Studies: Journal of Social, Cultural and Political Protest* 6, no.2, (2007):147-159.
- Brunnée, Jutta. "International Legal Accountability through the Lens of the Law of State Responsibility". *Netherlands Yearbook of International Law* 36, no.1 (2005): 21-56.
- Burger, Johan, and Cyril Adonis. "A Watchdog Without Teeth? The Independent Complaints Directorate.". *South Africa Crime Quarterly*, 24 (2008): 29-34.

- Burger, Johan. "On the Record: Interview with Judge Kate O'Regan." *South African Crime Quarterly* 53, (2015): 59-63.
- Carter, Corinthia A. "Police Brutality, the Law & Today's Social Justice Movement: How the Lack of Police Accountability has Fueled #Hashtag Activism". *City University of New York Law Review* 20, iss. 2 (2017): 521-557.
- Chen, Hsuan-Ting, Sun Ping, and Gan Chen. "Far from Reach but Near at Hand: The Role of Social Media for Cross-National Mobilization". *Computers in Human Behaviour* 53, (2015): 443-451.
- Christiansen, Catrine, Steffen Jensen, and Tobias Kelly. "A Predisposed View: State Violence, Human Rights Organisations and the Invisibility of the Poor in Nairobi". *African Human Rights Law Journal* 19, (2019): 721-742. <http://dx.doi.org/10.17159/1996-2096/2019/v19n2a8>.
- Cotter, Kelley. "Shadow Banning is Not a Thing: Black Box Gaslighting and the Power to Independently Know and Credibly Critique Algorithms". *Information, Communication & Society*. (2021): 1-18. <https://doi.org/10.1080/1369118X.2021.1994624>
- Davison, Stephanie. "An Exploratory Study of Risk and Social Media: What Role Did Social Media Play in the Arab Spring Revolutions?". *Journal of Middle East Media* 11, (2015): 1-33. <https://doi.org/10.12816/0023480>
- Diamond, Larry. "Liberation Technology". *Journal of Democracy* 21, no.3 (2010): 69-83. <http://dx.doi.org/10.5210/fm.v19i4.4961>.
- Elshahed, Heba. "Social Media Mobilization and Political Activism in Egypt". *Global Media Journal* 18, no.34 (2020): 1-8. <https://www.globalmediajournal.com/open-access/social-media-mobilization-and-political-activism-in-egypt.pdf>.
- Ekman, Joakim, and Erik Amna. "Political Participation and Civic Engagement: Towards a New Typology". *Human Affairs* 22, (2012): 283-300.
- Erubami, oshua Aghogho Emmanuel Ufuophu-Biri, Luke Ifeanyi Anorue, Uzoma Oluchukwu Nwabunze & Emeka S. S. Orekyeh. "Generational Dichotomies in Public Perception of Social Media Coverage of the Nigerian #EndSARS Protests: Implication for Networked Communication". *Cogent Arts & Humanities* 8, iss. 1 (2021): 1-17. <https://doi.org/10.1080/23311983.2021.1988192>.
- García-Galera, María-Carmen, Mercedes Del-Hoyo-Hurtado, and Cristóbal Fernández-Muñoz. "Engaged Youth in the Internet. The Role of Social Networks in Social Active Participation". *Comunicar* 22, no.43 (2014): 35-43.
- Hara, Noriko. "The Internet Use for Political Mobilization: Voices of Participants". *First Monday* 13, no.7 (2008).

- Harlow, Summer, and Lei Guo. "Will the Revolution be Tweeted or Facebooked? Using Digital Communication Tools in Immigrant Activism". *Journal of Computer-Mediated Communication* 19, iss. 3 (2014): 463-478. <https://doi.org/10.1093/police/paab001>.
- Igbo, Emmanuel U.M. "The Use and Abuse of Police Powers and Extrajudicial Killings in Nigeria". *African Journal of Criminology and Justice Studies* 10, no.1, (2017): 83-99.
- Ilori, Tomiwa. "Framing a Human Rights Approach to Communication Surveillance Laws through the African Human Rights System in Nigeria, South Africa and Uganda". *African Human Rights Yearbook*, no.5 (2021): 134-157.
- Inobemhe, Kelvin, and Tsegyu Santas. "#EndSARS Protest". *Galactica Media: Journal of Media Studies* 4, no.4 (2022): 100-124. <https://doi.org/10.46539/gmd.v4i4.241>.
- Jones, Peris, Wangui Kimari, and Kavita Ramakrishnan. "Only the People can Defend this Struggle: The Politics of the Everyday, Extrajudicial Executions and Civil Society in Mathare, Kenya". *Review of African Political Economy* 44, iss. 154, (2017): 559-576. <https://doi.org/10.1080/03056244.2016.1269000>.
- Kamel, Sherif H. "Egypt's Ongoing Uprising and the Role of Social Media: Is there Development?" *Information Technology for Development* 20, (2014): 78-91.
- Kaplan, Andreas M. and Michael Haenlein, "Users of the World, Unite! The Challenges and Opportunities of Social Media". *Business Horizons* 53, iss. 1 (2010): 59-68.
- Kendall, Sara. "'UhuRuto' and Other Leviathans: The International Criminal Court and the Kenyan Political Order". *African Journal of Legal Studies* 7, no.3 (2014): 399-427. <https://doi.org/10.1163/17087384-12342053>.
- Kidd, Dustin and Keith McIntosh. "Social Media and Social Movements". *Sociology Compass* 10, iss. 9 (2016): 785-794.
- Kolawole, Aliyu M., Egbetola Olusegun, and Adeowu A. Wasiu. "Policing Africa, Human Rights Issues and Gaps to be Filled with Alternative Public Policy". *Public Policy and Administration Research* 7, no.11 (2017): 59-67.
- Kumar, Rajesh, and Devam Thapa. "Social Media as a Catalyst for Civil Society Movements in India: A Study in Dehradun City". *New Media & Society* 17, no.8 (2015): 1299-1316.
- Larmer, Miles. "Social Movement Struggles in Africa". *Review of African Political Economy* 37, no.125 (2010): 251-262p.
- Lopes, Amandha Rohr. "The Impact of Social Media on Social Movements: The New Opportunity and Mobilising Structure". *Journal of Political Research* 4, no.1 (2014): 2-23.

- Lubin, Judy. "The Occupy Movement: Emerging Protest Forms and Contested Urban Spaces". *Berkely Planning Journal*, 25 (2012): 184 – 197.
- Murthy, Dhiraj. "Twitter: Microphone for the masses?". *Media, Culture and Society* 33, no.5, (2011): 779-789.
- Obar, Jonathan A., Paul Zube, and Clifford Lampe. "Advocacy 2.0: An Analysis of How Advocacy Groups in the United States Perceive and Use Social Media as Tools for Facilitating Civic Engagement and Collective Action". *Journal of Information Policy* 2, (2012): 1-25.
- Odeyemi, Temitayo Isaac, and A. Sar Obiyan. "Digital Policing Technologies and Democratic Policing: Will the Internet, Social Media and Mobile Phone Enhance Police Accountability and Police-Citizen Relations in Nigeria?". *International Journal of Police Science and Management* 20, no.2, (2018): 97-108.
- Ogbette, Afamefuna Samuel, Macben Otu Idam, and Akeem Olumide Kareem. "An Overview of the Impact of Special Anti-Robbery Squad (SARS) in Nigeria". *International Journal of Human Resource Studies* 18, no.1 (2018): 180-187.
- Ojedokun, Usman A., Yetunde O. Ogunleye, and Adeyinka A. Aderinto. "Mass Mobilisation for Police Accountability: The Case of Nigeria's #EndSARS Protest". *Policing: A Journal of Policy and Practice* 15, iss. 3 (2021): 1894-1903.
- Reynolds, Jennifer W. "The Activist Plus: Dispute System Design and Social Activism". *University of St. Thomas Law Journal* 13, no.2 (2017): 334-353.
- Sandoval-Almazan, Rodrigo, and J. Ramon Gill-Garcia. "Towards Cyberactivism 2.0? Understanding the Use of Social Media and Other Information Technologies for Political Activism and Social Movements". *Government Information Quarterly* 31, iss. 3 (2014): 356-378.
- Stapele, Naomi van. "'We are not Kenyans': Extra-Judicial Killings, Manhood and Citizenship in Mathare, a Nairobi ghetto". *Conflict, Security & Development* 16, no.4 (2016): 301-325.
- Stockemer, Daniel. "What Drives Unconventional Political Participation? A two-level study". *The Social Science Journal* 51, iss. 2 (2014): 201-211.
- Stone Christopher E., and Heather H. Ward. "Democratic Policing: A Framework for Action". *Policing and Society* 10, iss. 1 (2000): 11-45.
- Tarrow, Sidney. "Cycles of Collective Action: Between Moments of Madness and the Repertoire of Contention". *Social Science History* 17, no.2 (1993): 281–307. <https://doi.org/10.2307/1171283>.

- Tufekci, Zeynep and Christopher Wilson. "Social Media and the Decision to Participate in Political Protest: Observations from Tahrir Square". *Journal of Communication* 62, iss. 2 (2012): 363-379.
- Tyabazayo, Phumlani. "Community Policing in South Africa: Progress, Problems and Prospects". *African Journal of Law & Criminology* 13, no.1 (2023): 46-56.
- Ugochukwu, Chiemezie Chukwuka. "The Influence of Social Media Framing on Audience Perception of EndSARS Agenda Protest". *Nnamdi Azikiwe Journal of Communication* 2, no.1 (2021): 1-14. <http://dx.doi.org/10.47851/naujocommed.v2i1.119>.
- Urietta, Luis. "The Social Studies of Domination: Cultural Hegemony and Ignorant Activism". *The Social Studies* 96, iss. 5 (2015): 189-192.
- Vetten, Lisa. "Aluta Continua! Police Accountability and the Domestic Violence Act 1998". *South Africa Crime Quarterly*, no.59, (March 2017): 17-18.
- Vie, Stephanie. "In Defense of 'Slacktivism': The Human Rights Campaign Facebook Logo as Digital Activism". *First Monday* 19, no.4-7, (2014).

## REPORTS

- AfroBarometer. *Round 5: Summary of Results: Kenya*. Accra: AfroBarometer, 2011. [https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/ken\\_r5\\_sor.pdf](https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/ken_r5_sor.pdf).
- AfroBarometer. *Round 6: Summary of Results: Nigeria*. Accra: AfroBarometer, 2015. [https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/nig\\_r6\\_sor\\_en.pdf](https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/nig_r6_sor_en.pdf).
- AfroBarometer. *Round 6: Summary of Results South Africa*. Accra: AfroBarometer, 2018. [https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/saf\\_r7\\_sor\\_13112018.pdf](https://afrobarometer.org/sites/default/files/publications/Summary%20of%20results/saf_r7_sor_13112018.pdf).
- Amnesty International Nigeria. *Welcome to Hellfire: Torture and Other Ill-Treatment in Nigeria*. London: Amnesty International, 2014.
- Amnesty International Nigeria. *You Have Signed Your Death Warrant: Torture and Other Ill-Treatment in the Special Anti-Robbery Squad (SARS)*. London: Amnesty International, 2016.
- Amnesty International. *Police Oversight*. Police and Human Rights Program-Short Paper series no.2. Amsterdam: Amnesty International, 2015. [https://www.amnesty.nl/content/uploads/2017/01/ainl\\_police\\_oversight.pdf?x49297](https://www.amnesty.nl/content/uploads/2017/01/ainl_police_oversight.pdf?x49297).

- Amnesty International. *Somalis are Scapegoats in Kenya's Counter-terror Crackdown*. London: Amnesty International, 2014.
- Bruce, David. *Are South Africa's Cops Accountable? Results of Independent Police Investigative Directorate Investigations?* Cape Town: APCOF, 2020.
- Cano, Ignacio. *The Use of Lethal Force by the Police in Kenya (2021)*. Cape Town: APCOF, 2022.
- Chenoweth, Erica, Tricia Olsen, Kyleanne Hunter, Pauline Moore, Jonathan Pinckney, and Heidi Reynolds-Stenson. *Struggles from Below: Literature Review on Human Rights Struggles by Democratic Actors*. Research and Innovation Grants working papers series. Colorado: University of Denver Institute of International Education, 2017.
- CIVICUS and National Coalition of Human Right Defenders – Kenya. *Attacks on Civil Society Undermining Democracy and Development in Kenya*. Nairobi: CIVICUS, 2015. <http://civicus.org/images/Kenya%20Policy%20Action%20Brief.pdf>.
- Civilian Secretariat for Police Service. *White Paper on Policing*. Pretoria: CSPS, 2016. [https://www.gov.za/sites/default/files/gcis\\_document/201709/41082gon914.pdf](https://www.gov.za/sites/default/files/gcis_document/201709/41082gon914.pdf).
- Civilian Secretariat for Police Service. *White Paper on Safety and Security*. Pretoria: CSPS, 2016. [https://www.gov.za/sites/default/files/gcis\\_document/201709/41082gon915.pdf](https://www.gov.za/sites/default/files/gcis_document/201709/41082gon915.pdf).
- CLEEN Foundation. *Motions without Movement: Report of the Presidential Committees on Police Reform in Nigeria*. Lagos: CLEEN Foundation, 2008.
- Collaboration on International ICT Policy for East and Southern Africa (CIPESSA). *Mapping and Analysis of Privacy Laws and Policies in Africa: Summary Report*. Kampala: CIPESSA, July 2021. [https://cipesa.org/?wpfb\\_dl=454](https://cipesa.org/?wpfb_dl=454).
- David Bruce. *Are South Africa's Cops Accountable? Results of Independent Police Investigative Directorate Investigations*. APCOF Research Paper, no.25. Cape Town: APCOF, 2020.
- Department of Community Safety, Western Cape Government. *Submission of the Annual Report to the Minister - 2010/2011*. Cape Town: DoCS, 2011.
- Department of Community Safety, Western Cape Government. Compiled by Benjamin Haefele. *Vigilantism in the Western Cape*. Cape Town: DoCS, 2006. [https://www.westerncape.gov.za/Text/2006/4/vigilantism\\_in\\_the\\_western\\_cape.pdf](https://www.westerncape.gov.za/Text/2006/4/vigilantism_in_the_western_cape.pdf).
- Diakopoulos, Nicholas. *Algorithmic Accountability Reporting: On the Investigation of Black Boxes*. New York: Tow Center for Digital Journalism, Columbia University, 2013. <https://academiccommons.columbia.edu/doi/10.7916/D8ZK5TW2>.



- Dube, Hlengiwe, Marystella A. Simiyu and Tomiwa Ilori. *Civil Society in the Digital Age in Africa- Identifying Threats and Mounting Pushbacks*. Pretoria: Centre for Human Rights and Kampala: Collaboration on International ICT Policy in East and Southern Africa (CIPESA), 2020.
- Electoral Reform Committee Nigeria. *Report of the Electoral Reform Committee*. Main Report, Vol. 1. Abuja: Electoral Reform Committee, 2008.
- Electronic Frontier Foundation (EFF) and Article 19. *Necessary & Proportionate – International Principle on the Application of Human Rights to Communications Surveillance: Background and Supporting International Legal Analysis*. London: Article 19, 2014. <https://www.article19.org/data/files/medialibrary/37564/N&P-analysis-2-final.pdf>.
- Elongué, Christian and Charles Kojo Vandyck. *Social Movements and Social Change in Africa*. WACSeries Op-ed, no.3. Accra: West Africa Civil Society Institute, 2019.
- Elongué, Christian and Daniel Nwazee. *Social Movement: A Vital Instrument for Social Accountability in Africa*. WACSeries Op-ed, no.9. Accra: West Africa Civil Society Institute, 2020.
- Gandhi, Dumisani, Christoff Heyns, Beryl Orai, Iruebafa Lily Oyakhirome, Thomas Probert, Otto Adang, Jasper De Paepe, Marleen Easton, Abi Dymond, Brian Rappert and Stephen Skinner. *Towards a Lethal Force Monitor: South Africa & Kenya*. 2021. <https://lethal-force-monitor.org/downloads/toward-lethal-force-monitor.pdf>.
- Gaventa John and Gregory Barrett. *So, What Difference Does it Make? Mapping the Outcomes of Citizen Engagement*. Institute of Development Studies Working Paper 347. Brighton: Institute of Development Studies, 2010.
- Human Rights Watch (HRW). *Deaths and Disappearances*. USA: HRW, 2016.
- Human Rights Watch. *Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force*. New York: Human Rights Watch, 2010.
- Ilori, Tomiwa. *Status of Surveillance in Nigeria: Refocusing the Search Beams*. Policy Brief 009. Lagos: Paradigm Initiative, 2017. <https://paradigmhq.org/wp-content/uploads/2021/04/Policy-Brief-009-Status-of-Surveillance-in-Nigeria.pdf>.
- Independent Medico-Legal Unit (IMLU). *Twin Crises: Police Brutality During COVID-19 Pandemic in Kenya*. Nairobi: IMLU, 2021. <https://www.imlu.org/index.php/shortcode/reports/send/11-reports/108-twin-crises-police-brutality-during-covid-19-pandemic-in-kenya>.
- Independent Police Investigative Directorate (IPID). *Annual Performance Plan 2021/2022*. Pretoria: IPID, 2022.



- Independent Police Investigative Directorate (IPID). *Annual Report 2016/2017*. Pretoria: IPID, 2017.
- Independent Police Investigative Directorate (IPID). *Annual Report 2017/2018*. Pretoria: IPID, 2018.
- Independent Police Investigative Directorate (IPID). *Annual Report 2018/2019*. Pretoria: IPID, 2019.
- Independent Police Investigative Directorate (IPID). *Annual Report 2019/2020*. Pretoria: IPID, 2020.
- Independent Police Investigative Directorate (IPID). *Annual Report 2020/2021*. Pretoria: IPID, 2021.
- Independent Police Investigative Directorate (IPID). *Investigative and Firearm-Related Standard Operating Procedures*. Pretoria: IPID, April 1, 2019.
- Independent Policing Oversight Authority (IPOA). *End Term Board Report 2012-2018*. Nairobi: IPOA, 2018.
- Independent Policing Oversight Authority (IPOA). *Investigations Unit Operation Manual*. Nairobi: IPOA.
- Independent Policing Oversight Authority (IPOA). *Performance Report January-June 2019*, Nairobi: IPOA, 2020.
- Independent Policing Oversight Authority (IPOA). *Performance Report July-December 2021*. Nairobi: IPOA, 2022.
- Justice Delayed: Activist Engagement in the Zoliswa Nkonya Murder Trial*. Cape Town: Triangle Project, 2012.
- Kenya National Bureau of Statistics. *2019 Kenya Population and Housing Census Volume 1: Population by County and Sub-County*. Nairobi: Kenya National Bureau of Statistics, November 2019. <https://www.knbs.or.ke/?wpmpro=2019-kenya-population-and-housing-census-volume-i-population-by-county-and-sub-county>.
- Kenya National Commission on Human Rights. *Pain and Pandemic: Unmasking the State of Human Rights in Kenya in Containment of the COVID-19 Pandemic*. Nairobi: KNCHR, 2020.
- Kenya National Commission on Human Rights. *The Cry of Blood: Report on Extra-Judicial Killings and Disappearances*. Nairobi: KNCHR, 2008.

- Khayelitsha Commission of Inquiry (KCOI). *Towards A Safer Khayelitsha: Report of The Commission of Inquiry into Allegations of Police Inefficiency and a Breakdown in Relations Between SAPS and the Community of Khayelitsha*. Cape Town: KCOI, 2014.
- Lagos State Government. *White Paper on the Lagos State Judicial Panel of Inquiry on the Report of Lekki Incident Investigation on 20<sup>th</sup> October 2020*. Lagos: Lagos State Government, November 2021.
- Lagos State Judicial Panel of Inquiry on Lagos Restitution for Victims of SARS Related Abuses and Other Matters. *Report of Lekki Incident Investigation of 20<sup>th</sup> October 2020*. Lagos: Judicial State Panel, 2021. <https://lagosstatemoj.org/wp-content/uploads/2021/12/Report-of-Judicial-Panel-of-Inquiry-on-Lekki-incident-investigation-of-20th-October-2020.pdf>.
- Malena, Carmen, Reiner Forster, and Janmejaj Singh. *Social Accountability: An Introduction to the Concept and Emerging Practice*. Social Development Papers; no.76. Washington, DC: World Bank, 2004.
- Marczak, Bill John Scott-Railton, Siddharth Prakash Rao, Siena Anstis, and Ron Deibert. *Hide and Seek: Tracking NSO Group's Pegasus Spyware to Operations in 45 Countries*. Citizen Lab Research Report no.113. Toronto: University of Toronto, September 2018.
- Marczak, Bill, John Scott-Railton, Siddharth Prakash Rao, Siena Anstis, and Ron Deibert. *Running in Circles: Uncovering the Clients of Cyberespionage Firm Circles*. Citizen Lab Research Report no.133. Toronto: University of Toronto, December 2020. <https://tspace.library.utoronto.ca/bitstream/1807/106212/1/Report%23133--runningincircles.pdf>.
- Marikana Commission of Inquiry. *Report on Matters of Public, National and International Concern Arising Out of the Tragic Incidents at the Lonmin Mine in Marikana, in the Northwest Province*. Pretoria: Marikana Commission, 2015.
- Mario Claasen, Carmen Alpín-Lardies and Victoria Ayer, eds. *Social Accountability in Africa – Practitioners' Experiences and Lessons*. Cape Town, IDASA and ANSA-Africa, 2010.
- Mathare Social Justice Centre (MSJC). *Mathare Youth Dialogue on Extrajudicial Killings – Post Event Report*. Khayelitsha: MSJC, 2017. <https://matharesocialjustice.org/wp-content/uploads/2017/03/MSJCYouthDialogueReport.pdf>.
- Mathare Social Justice Centre (MSJC). *Who Is Next? A Participatory Action Research Report Against the Normalization of Extrajudicial Executions in Mathare*. Nairobi: MSJC, 2017.

- McPherson, Ella. *ICTs and Human Rights Practice – A Report Prepared for the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions*. Cambridge: Centre of Governance and Human Rights, University of Cambridge, 2015.
- Muongano Support Trust, Slum Dwellers International (SDI), University of Nairobi – Dept. of Urban and Regional Planning, and University of California, Berkeley – Dept. of City and Regional Planning, *Mathare Valley Kenya – Collaborative Upgrading Plan*. 2012. [http://healthycities.berkeley.edu/uploads/1/2/6/1/12619988/matharevalley\\_report\\_ucb\\_2\\_25\\_2012\\_final.pdf](http://healthycities.berkeley.edu/uploads/1/2/6/1/12619988/matharevalley_report_ucb_2_25_2012_final.pdf).
- National Human Rights Commission (NHRC). *Annual Report 2016*. Abuja: NHRC, 2016.
- National Human Rights Commission (NHRC). *Annual Report 2019*. Abuja: NHRC, 2021.
- National Human Rights Commission (NHRC). *Annual Report 2021*. Abuja: NHRC, 2022.
- National Human Rights Commission (NHRC). *Annual Report 2022*. Abuja: NHRC, 2023.
- National Human Rights Commission. *National Human Rights Commission at 20*. Abuja: NHRC, 2015.
- National Planning Commission. *National Development Plan 2030: Our Future – Make it Work*. Pretoria: National Planning Commission, 2012.
- National Police Service Commission Kenya. *Inaugural Commissioners' Exit Report October 2012-2018*. Nairobi: NPSC, 2018.
- National Police Service Kenya. *Information Pack- Policy Framework and Strategy for Reorganisation of the National Police Service and Provision of Decent and Affordable Housing for Police Officers and Integration with Communities and Neighborhoods*. Nairobi: NPS, 2018.
- National Telecommunications and Information Administration (NTIA). *Falling Through the Net: Defining the Digital Divide*. Washington, DC: US Department of Commerce. Washington D.C: Department of Commerce, July 1999. [http://www.columbia.edu/itc/polisci/W3923/digital\\_divide.pdf](http://www.columbia.edu/itc/polisci/W3923/digital_divide.pdf).
- Ndifuna Ukwazi. *Our Struggle for Safety and Justice in Khayelitsha: The O'Regan-Pikoli Commission of Inquiry into policing in Khayelitsha*. Cape Town: Ndifuna Ukwazi, 2014. [https://za.boell.org/sites/default/files/uploads/2014/03/our\\_struggle.pdf](https://za.boell.org/sites/default/files/uploads/2014/03/our_struggle.pdf).
- Ndungu, Christopher Gitari. *Failure to Reform – A Critique of Police Vetting in Kenya*. Nairobi: International Center for Transitional Justice, 2017.
- Nigeria Police Force – Public Compliant Rapid Response Unit. *Fourth Quarter Report- October-December 2016*. Abuja: PCRRU, January 2017.

- Njihia, Carolyne. *Creating Spaces for Difficult Conversations in Every Voice Matters – An Ushirikiano Mwema Kwa Usalama Publication*. Nairobi: Peace Brigades International, 2020. [https://pbi-kenya.org/sites/pbi-kenya.org/files/20.02.20%20PUBLICATION%20EVERY%20VOICE%20MATTERS\\_1.pdf](https://pbi-kenya.org/sites/pbi-kenya.org/files/20.02.20%20PUBLICATION%20EVERY%20VOICE%20MATTERS_1.pdf).
- NOPRIN and CLEEN Foundation. *Civil Society Panel on Police Reform in Nigeria: Final Report*. Lagos: CLEEN Foundation, Lagos: NOPRIN, 2012.
- Open Society Justice Initiative and NOPRIN. *Criminal Force – Torture, Abuse, and Extrajudicial Killings by the Nigeria Police Force*. New York: Open Society Justice Initiative, 2010.
- Policy and Legal Advocacy Centre (PLAC). *Legislative Brief on Police (Repeal and Re-enactment) Bill, 2018*. Abuja: PLAC, December 2018. <https://placng.org/i/wp-content/uploads/2019/12/legislative-brief-on-police-bill-2018-1.pdf>.
- Panel of Experts on Policing and Crowd Management. *Panel of Experts Report on Policing and Crowd Management*. Cape Town: Panel of Experts on Policing and Crowd Management, 2018.
- Pelser, Eric. *The Challenges of Community Policing in South Africa*. ISS Occasional Paper 42. Pretoria: Institute of Security Studies, 1999. <https://issafrica.s3.amazonaws.com/site/uploads/paper42.pdf>.
- Police Complaint Response Unit. *Fourth Quarter Report- October- December 2016*. Abuja: PCRU, January 2017.
- Police Service Commission. *2019 Annual Report*. Abuja: Police Service Commission, 2020.
- Probert, Thomas, Brian Kimari, and Mutuma Ruteere. *Strengthening Police Oversight and Investigations in Kenya – Study of IPOA Investigations into Deaths Resulting from Police Action*. Nairobi: Centre for Human Rights and Policy Studies, 2020.
- Republic of South Africa: National Planning Commission. *National Development Plan 2030: Our Future- Make it work*. Pretoria: National Planning Commission, 2012.
- SAPS - Corporate Communication. *SAPS Career Booklet*. Pretoria: SAPS, 2011.
- SAPS. *Annual Statistics 2020/2021*. Pretoria: SAPS, 2011. <https://www.saps.gov.za/services/crimestats.php>.
- Shankar, Soumya. *Can I speak to Your Leader? The Afterlife of Digitally Networked Protest Movements*. Observer Research Foundation Special Report no.176. New Delhi: Observer Research Foundation, December 2021.
- Sigsworth, Romi. *#SpeakUp Using Social Media to Promote Police Accountability in Kenya, Tanzania, and Uganda*. East Africa Report 31. Pretoria: Institute of Security Studies, December 2019.

- Sigsworth, Romi. *Harnessing Public Engagement for Police Accountability in Africa*. Africa Report 21. Pretoria: Institute of Security Studies, December 2019.
- Social Justice Coalition (SJC). *Annual Report 2014/2015*. Khayelitsha: SJC, 2015.
- Social Justice Coalition (SJC). *Annual Report 2015/2016*. Khayelitsha: SJC, 2016.
- Social Justice Coalition (SJC). *Annual Report 2016/2017*. Khayelitsha: SJC, 2017.
- Social Justice Coalition (SJC). *Annual Report 2018/2019*. Khayelitsha: SJC, 2019.
- Social Justice Coalition (SJC). *The History of The O'Regan–Pikoli Commission of Inquiry History: 10 Years' Struggle for Safer Communities*. Khayelitsha: SJC, 2013.
- Statistics South Africa. *Sustainable Development Goals: Country Report 2019*. Pretoria: Statistics Africa, 2019.
- The Truth, Justice, and Reconciliation Commission of Kenya. *Final Report*, Vol. IIA. Nairobi: The Truth and Reconciliation Commission, 2013.  
<https://digitalcommons.law.seattleu.edu/tjrc-core/6>.
- Treatment Action Campaign (TAC). *Annual Report 2005/2006*. Johannesburg: Treatment Action Campaign, 2007.
- UN OHCHR and Centre for Economic and Social Rights. *Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda*. Geneva: UN OHCHR, New York: Centre for Economic and Social Rights, 2013.
- UNODC (UNDOCity). *Report on the Urban Safety Governance Assessment in Mathare, Nairobi City*. Nairobi: UNODC, 2019.
- Western Cape Government. *Policing Needs and Priorities (PNP): 2017/2018 Report for the Greater Khayelitsha, Inclusive of Harare, Lingeletu West and Khayelitsha Police Precinct*. Cape Town: Western Cape Government, 2017.
- Western Cape Government. *Western Cape Safety Plan: Working Document*. Cape Town: Western Cape Government, 2019.  
[https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/assets/departments/premier/western\\_cape\\_government\\_safety\\_plan.pdf](https://www.westerncape.gov.za/sites/www.westerncape.gov.za/files/assets/departments/premier/western_cape_government_safety_plan.pdf).
- Western Cape Police Ombudsman and APCOF. “Your Guide to the Complaints Process”.  
[https://www.westerncape.gov.za/police-ombudsman/files/atoms/files/301245\\_APCOF%20WC%20Ombuds%20WEB.pdf](https://www.westerncape.gov.za/police-ombudsman/files/atoms/files/301245_APCOF%20WC%20Ombuds%20WEB.pdf).
- Witness Nigeria. *Truth Tellers*. Report of a Two Day Mis/Disinformation West Africa Cross-Disciplinary Convening. Abuja: Witness, September 14-15, 2021.

Wyk, Annelize van. *Parliamentary Oversight of the Police in South Africa: Lessons and Opportunities*. APCOF Research Paper, no.10. Cape Town: APCOF, 2004.

## WORKSHOPS, CONFERENCES AND PRESENTATIONS

Breuer, Anita and Bilal Farooq. [Online Political Participation: Slacktivism or Efficiency Increased Activism]. Conference, ICA Annual Conference, Extended Session: What Do We (Really) Know About Online Political Participation? San Francisco, 24-28 May 2012. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2179035](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2179035).

Christian Maier & Sven Laumer. [Justification of Mass Surveillance: A Quantitative Study]. Conference, *14th International Conference on Wirtschaftsinformatik, Siegen, Germany*, 24-27 February 2019. <https://aisel.aisnet.org/cgi/viewcontent.cgi?article=1264&context=wi2019>.

Deth, Jan W. van. [Studying Political Participation: Towards a Theory of Everything?] Workshop, European Consortium for Political Research: Electronic Democracy: Mobilisation, Organisation and Participation via new ICTs, Grenoble, 6-11 April 2001. <https://ecpr.eu/Filestore/PaperProposal/c8b57aab-51d9-4aca-b65d-4510ccfc19a3.pdf>.

Independent Police Investigative Directorate. [Challenges IPID Recommendations]. Presentation to the Portfolio Committee on Police. 19 November 2014. [https://www.documentcloud.org/documents/20584239-141119presentation\\_for\\_pcp\\_-\\_recommendations\\_-\\_19\\_november\\_2014\\_final\\_-\\_2014-11-13#document/p13/a2026772](https://www.documentcloud.org/documents/20584239-141119presentation_for_pcp_-_recommendations_-_19_november_2014_final_-_2014-11-13#document/p13/a2026772).

Independent Police Investigative Directorate and South African Police Service. [Joint Presentation on Implementation of IPID's Recommendations]. Presentation to the Portfolio Committee on Police, 17 August 2021. <https://s3.documentcloud.org/documents/21052120/pcop-presentation-saps-ipid-final.pdf>.

## REGIONAL AND INTERNATIONAL INSTRUMENTS

African Commission on Human and Peoples' Rights. *African Charter on Human and Peoples' Rights*. 01 June 1981.

African Commission on Human and Peoples' Rights. *Declaration of Principles on Freedom of Expression and Access to Information in Africa*. November 2019.

African Commission on Human and Peoples' Rights. *General Comment no.4 on the Africa Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment*. 04 March 2017.



African Commission on Human and Peoples' Rights. *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*. 29 May 2003.

African Commission on Human and Peoples' Rights. *Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa*. October 2002.

African Commission on Human and Peoples' Rights. *Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa*. Resolution 103a/November 2006, 40<sup>th</sup> Ordinary session. <https://achpr.au.int/en/adopted-resolutions/103a-resolution-police-reform-accountability-and-civilian-police-oversight-afr>.

African Commission on Human and Peoples's Rights. *Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa* 2014.

African Commission on Human and Peoples' Rights. *General Comment no.3 on the African Charter on Human and Peoples' Rights: The Right to Life, (Article 4)*. November 2015.

African Commission on Human and Peoples' Rights. *Resolution on Police and Human Rights in Africa*. ACHPR/RES.259 (LIV). 2013.

African Commission on Human and Peoples' Rights. *Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa*. ACHPR/RES.103a(XXXX)06. November 2006.

African Commission on Human and Peoples' Rights. *Study on the Use of Force by Law Enforcement Officials in Africa*. 20 October 2023.

Alston, Philip. *Mission to Nigeria – Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions - Nigeria*, E/CN.4/2006/53/Add.4. 7 January 2006.

Alston, Philip. *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution*. A/61/311. 5 September 2006.

Alston, Philip. *Mission to Kenya – Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*. Human Rights Council, A/HRC/11/2/Add.6. 26 May 2009.

Alston, Philip. *Study on Police Oversight Mechanisms – Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*. Human Rights Council, A/HRC/14/24/Add.8. 28 May 2010.

*Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. 07 September 1990.

Callamard, Agnes. *End of visit statement of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on Her visit to Nigeria*. 2 September 2019.



Callamard, Agnes. *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution – Investigation of, Accountability for and Prevention of Intentional State killings of Human Rights Defenders, Journalists and Prominent Dissidents*. A/HRC/41/36. 4 October 2019.

*Convention on the Rights of Persons with Disabilities*. 12 December 2006.

*Convention on the Rights of the Child*. 20 November 1989.

De Greiff, Pablo. *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*. A/HRC/21/46. 9 August 2012.

De Greiff, Pablo. *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*. A/69/518. 14 October 2014.

De Greiff, Pablo. *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*, A/HRC/30/42. 7 September 2015.

De Greiff, Pablo. *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*. A/HRC/34/62. 27 December 2016.

De Greiff, Pablo & Dieng, Adama. *Joint Study on the Contribution of Transitional Justice to the Prevention of Gross Violations and Abuses of Human Rights and Serious Violations of International Humanitarian Law, Including Genocide, War Crimes, Ethnic Cleansing and Crimes against Humanity, and their Recurrence*, A/HRC/37/65. 6 June 2018.

Heyns, Christoff. *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution*. A/HRC/26/36. 1 April 2014.

Heyns, Christoff. *Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions – Use of Information and Communications Technologies to Secure the Right to Life*. Human Rights Council. A/HRC/29/37. 25 April 2015.

Heyns, Christoff. *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution*. A/70/304. 7 August 2015.

*International Convention for the Protection against Enforced Disappearances*. 20 December 2006.

*International Convention on the Elimination of All Forms of Racial Discrimination*. 21 December 1965.

*International Covenant on Civil and Political Rights*. 16 December 1966.

Kaye, David. *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression*. United Nations General Assembly, A/73/348. 29 August 2018.

Kaye, David. *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression – Surveillance and Human Rights*. Human Rights Council, A/HRC/41/35. 28 May 2019.

Salvioli, Fabián. *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence*. A/HRC/42/45. 11 July 2019.

*United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law United Nations*. A/RES/60/147. 21 March 2006.

*United Nations Charter*. 26 June 1945.

United Nations General Assembly. *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. A/RES/40/34. 29 November 1985.

United Nations General Assembly. *Resolution on Extrajudicial, Summary or Arbitrary Executions*. A/RES/63/182. 16 March 2009.

United Nations General Assembly. *Resolution on the Right to Privacy in the Digital Age*. A/RES/73/179. 21 January 2019.

United Nations General Assembly. *Resolution on the Right to Privacy in the Digital Age*. A/RES/71/199. 25 January 2017.

United Nations General Assembly. *Resolution on the Right to Privacy in the Digital Age*. A/RES/68/167. 21 January 2014.

United Nations General Assembly. *Code of Conduct for Law Enforcement Officials*. Resolution 34/169. 17 December 1979.

United Nations General Assembly. *Principles Relating to the Status of National Institutions*, Resolution 48/134. 20 December 1993.

United Nations High Commissioner for Human Rights. *The Minnesota Protocol on the Investigation of Potentially Unlawful Death*. 2016.

United Nations Human Rights Committee. *Concluding Observations on the Sixth Periodic Report of Italy*. CCPR/C/ITA/CO/6. 1 May 2017.

United Nations Human Rights Committee. *Concluding Observations: Cameroon*. CCPR/C/CMR/CO/4. 4 August 2010.

United Nations Human Rights Committee. *General comment no.31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*. CCPR/C/21/Rev.1/Add.13. May 26, 2004.

United Nations Human Rights Committee. *General Comment no.36 on Article 6 of the International Covenant on Civil and Political Rights, on the Right to Life*. CCPR/C/GC/36. 3 September 2019.

United Nations Human Rights Committee. *General Comment no.37 on the Right to Peaceful Assembly (article 21)*. CCPR/C/GC/37. 17 September 2020.

United Nations Office of the High Commissioner for Human Rights. *Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. HR/P/PT/8/Rev.1. 2004.

*United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*. 24 May 1989.

*United Nations Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity*. E/CN.4/2005/102/Add.1. 8 February 2005.

*Universal Declaration of Human Rights*. 10 December 1948.

Voule, Clément Nyaletsossi. *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*. Human Rights Council, A/HRC/41/41. 17 May 2019.

## CASE LAW

*Adegboyega Ibikunle v. The State*. (2007) LPELR-8068(SC).

*African Commission on Human and Peoples' Rights v. Great Socialist People's Libyan Arab Jamahiriya*. Order for Provisional Measures. App. 004/2011. 25 March 2011.

*Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria*. (Communication no.155/96) [2001] ACHPR 34. 27 October 2001.

*Beneficiaries of late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo and Blaise Ilboudo and the Burkinabe Movement for Human and Peoples' Rights v Burkina Faso*, Judgment, Application 013/2011. 28 March 2014.

*Beneficiaries of late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo and Blaise Ilboudo and the Burkinabe Movement for Human and Peoples' Rights v Burkina Faso*. Reparations. Application 013/2011. 5 June 2015.

*Egyptian Initiative for Personal Rights and Interights v. Arab Republic of Egypt.* Communication 334/06 [2011] ACHPR 85, 16 December 2011.

*Helen Suzman Foundation v. Robert McBride and Others* (1065/2019) [2021] ZASCA 36 (7 April 2021).

*George Iyanyori Kajikabi v. The Arab Republic of Egypt.* Communication 344/07 [2021] ACHPR 520, 20 October 2021.

*Governor, Central Bank of Nigeria v. Bolatitio Rachael Oduala & 19 Ors.* Federal High Court, Abuja Judicial Division. Suit no: FHC/ABJ/CS/1384/2020.

*Independent Policing Oversight Authority & anor v. Attorney General & 660 Others.* [2014] eKLR.

*John K. Modise v Botswana.* Communication 97/93 [2000] ACHPR 25, 6 November 2000.

*Kelly and others v. The United Kingdom.* (Application no.30054/96), Judgment, 4 August 2001.

*Khosa and Others v. Minister of Defence and Military Defence and Military Veterans and Others,* (21512/2020) [2020] ZAGPPHC 147.

*Law Society of Kenya v. Hillary Mutyambai Inspector General National Police Service & 4 Others; Kenya National Commission on Human Rights & 3 others.* (Petition no.120 of 2020).

*Malawi Africa Association and others v Mauritania.* Communication no.54/91, 61/91, 98/93, 164/97, 196/97, 210/98. [2000] ACHPR 19, 11 May 2000.

*McCann and Others v the United Kingdom.* European Court of Human Rights, application no.18984/91, 27 September 1995.

*Minister of Police & Others v. Premier of the Western Cape & Others.* (21600/12) [2013] ZAWCHC 216.

*Minister of Police & Others v. Premier of the Western Cape & Others* [2013] ZACC 33.

*Mrs Baby Justina Luna v. Commissioner of Police Rivers State Police Command & Ors.* (2010) LPELR-8642(CA).

*Myrna Mack-Chang v. Guatemala.* Inter American Court of Human Rights, Judgment 25 November 2003.

*Republic v. Nahashon Mutua.* (H.C.CR.C. no.84 of 2015).

*Republic v. Nahashon Mutua* [2019] eKLR.

*Republic v. Nahashon Mutua* [2020] eKLR.

*Republic v. Titus Ngamau Musila Alias Katitu*, [2018] eKLR.

*SJC & Ors. V. Minister of Police & Ors.* Equality Court of South Africa, Western Cape Division. (Cape Town/ECO3/2016).

*Solomon Adekunle v. The State.* (2006) LPELR-107(SC).

*The State v. Walters and Anor.* [2002] ZACC 6; 2002 (4) SA 613.

## NATIONAL LEGISLATION AND DOCUMENTS

### Nigeria

*Constitution of the Federal Republic of Nigeria*, 1999.

*Fundamental Rights (Enforcement Procedure) Rules*, 2009.

*Guidelines on Appointment, Promotion and Discipline in the Nigeria Police Force*, 2018.

*National Human Rights Commission (Amendment) Act*, 2010.

*Nigeria Police Force Regulations*, 1968.

*Nigeria Police Force: Revised Order 237 on the Use of Force* (2019).

*Nigeria Police Trust Fund (Establishment) Act*, 2019.

*Police Act of 1943.*

*Police Act of 2020.*

*Police Service Commission (Establishment) Act*, 2001.

*Public Complaints Commission Act, Cap p.37 LFN*, 2004.

*The Nigeria Police (Establishment) Act of 2020.*

### South Africa

*Annual Report Guide for National and Provincial Departments, South Africa.* Updated March 2021.

*Civilian Secretariat of Police Service Act.* Act no.2 of 2011.

*Constitution of South Africa. Act no.108 of 1996.*

*Correctional Services Act. Act no.111 of 1998.*

*Domestic Violence Act. Act no.116 of 1998.*

*Public Audit Act. Act no.25 of 2004.*

*Regulations for the South African Police Service, 2006.*

*South African Human Rights Commission Act, 2013.*

*South African Police Service Act. Act no.68 of 1995.*

*South African Police Service Discipline Regulations, 2016.*

*South African Police Service Employment Regulation, 2017.*

*The Independent Police Investigative Directorate Act. Act no.1 of 2011.*

*Western Cape Community Safety Act, 2013. Act no.3 of 2013.*

*Western Cape Provincial Commission Act. Act no.10 of 1998.*

## **Kenya**

*Independent Police Oversight Authority. Act no.35 of 2011.*

*Kenya National Commission on Human Rights Commission. Act no.14 of 2011.*

*National Police Service Act. Act no.11A of 2011.*

*National Police Service Internal Affairs Unit Operations Manual, 2018.*

*National Police Service Standing Orders, 2017.*

*Public Benefits Organisations Act. Act no.18 of 2013.*

*The Constitution of Kenya, 2010.*

*The National Assembly Standing Orders, 4<sup>th</sup> ed. 2013.*

*The National Police Service Commission (Discipline) Regulations, 2015.*

*The National Police Service Commission (Recruitment and Appointment) Regulations, 2015.*

*The National Police Service Commission (Vetting) Regulations, 2013.*

*The National Police Service Commission Act. Act no.30 of 2011.*

## SOCIAL MEDIA POST

Al Jazeera English. "Why are Police Brutality Stories Going Viral in Nigeria?- The Stream". YouTube, 24.53. 7 December 2017. <https://www.youtube.com/watch?app=desktop&v=nK5I94fpDys&feature=youtu.be>.

Amnesty Kenya @AmnestyKenya. "#AmnestyBreakingAlert @PoliceKE Officer Baraza...". Twitter Post, 29 May 2021. <https://mobile.twitter.com/AmnestyKenya/status/1398685532083924995>.

Arise News. "Arise News Exclusive Interview with Nigeria's President Buhari". YouTube, 44.04. 10 June 2021. <https://youtu.be/1lKTSdpcOgo>.

Babajide Sanwo-Olu @jidesanwoolu. "6. Compensation for victims of police brutality...". Twitter Post, 15 October 2020. <https://twitter.com/jidesanwoolu/status/1316823274781904896>.

Babajide Sanwo-Olu @jidesanwoolu. "The Judicial Panel after listening to victims or their families would determine whether...". Twitter Post, 18 October 2020. <https://twitter.com/jidesanwoolu/status/1317945206939975681>.

Babajide Sanwo-Olu @jidesanwoolu. "Good morning Lagos, Today seems like a good day to get on to the work of rebuilding Lagos...". Twitter Post, 23 October 2020. <https://mobile.twitter.com/jidesanwoolu/status/1319528224699912192>.

BBC. "Inside the World of Kenya's Killer Cop". YouTube, 27.55. 10 September 2018. <https://www.bbc.com/news/av/world-africa-45450400>.

Channels Television. "Operatives of Newly Formed SWAT Begin Training". YouTube, 2.46. 2 November 2020. [https://www.youtube.com/watch?v=X16R\\_GOcoFg&feature=emb\\_err\\_woyt](https://www.youtube.com/watch?v=X16R_GOcoFg&feature=emb_err_woyt).

Channels Television. "Police Reforms: Acting IGP Orders disbandment of FSARS". YouTube, 2.30. 21 January 2019. <https://www.youtube.com/watch?v=HrNEgBwS7UY>.

Corporate Fish @good-pikinn. "We were at Berger, protesting peacefully when Hausa/Fulani thugs attacked us...". Twitter Post, 14 October 2020. [https://twitter.com/good\\_pikinn/status/1316361351758049280?s=20&t=HVmlWL5k4XD2sNlyGQTVwA](https://twitter.com/good_pikinn/status/1316361351758049280?s=20&t=HVmlWL5k4XD2sNlyGQTVwA).

Dandora Community Justice Centre @Dandora Community Justice Centre. "Today the social justice movement held a national congress as a build-up activity...". Facebook Post, 5 July 2021. [https://www.facebook.com/dandorajustice/posts/1933814736766200?\\_cft\\_\\_\[0\]](https://www.facebook.com/dandorajustice/posts/1933814736766200?_cft__[0])



[=AZUvOogJ6vVzxxm3Zv-KsjNiJfbIODNHCK\\_iMs7FqiMhpBFwtlVKg2BdKIUrLRB2OSphxcHY3DMrW7KzMeGFkxXR4dq\\_A5LAROlpWPZNwnTKnLnotQ4MVDDBhzkyBBUEYQMtUHdjafvmk76nklhNngbpO&tn=%2C0%2CP-R.](https://www.facebook.com/dandorajustice/posts/2032340256913647?_ft=Z&_fbclid=IwAR0pWPZNwnTKnLnotQ4MVDDBhzkyBBUEYQMtUHdjafvmk76nklhNngbpO&tn=%2C0%2CP-R)

Dandora Community Justice Centre, @Dandora Community Justice Centre. “Community organising is all about building grassroots support. It’s about identifying”. Facebook Post, 8 November 2021. [https://www.facebook.com/dandorajustice/posts/2032340256913647?\\_ft=Z&\\_fbclid=IwAR0pWPZNwnTKnLnotQ4MVDDBhzkyBBUEYQMtUHdjafvmk76nklhNngbpO&tn=%2C0%2CP-R](https://www.facebook.com/dandorajustice/posts/2032340256913647?_ft=Z&_fbclid=IwAR0pWPZNwnTKnLnotQ4MVDDBhzkyBBUEYQMtUHdjafvmk76nklhNngbpO&tn=%2C0%2CP-R)

Dennis Itumbi @Oleltumbi. “The branch of Civil Society known as evil society have lost...”. Twitter Post, 26 November 2015. <https://twitter.com/Oleltumbi/status/669901783653814273>.

DW Documentary. “Police Brutality in Nairobi’s Slums”. YouTube, 12.06. 5 February 2018. <https://www.youtube.com/watch?v=Jh7OwgvlU0Y>.

EndSARS UK @EndSARSUK. “Protests & processions happening in the UK this weekend...”. Twitter Post, 23 October 2020. <https://mobile.twitter.com/EndSARSUK/status/1319896040762474502/retweets>.

Federal Ministry of Information and Culture. @FMIC. “Press Release: FG Suspends @Twitter Operations in Nigeria”. Twitter Post, 4 June 2021. <https://twitter.com/FMICNigeria/status/1400843062641717249>.

Feminist Coalition @feminist.co. Twitter Post, 12 March 2021. [https://twitter.com/feminist\\_co/status/1370422979918757895](https://twitter.com/feminist_co/status/1370422979918757895).

Feminist Coalition @feminist.co. “Progress report – October 15, 2020...”. Instagram photo, 15 October 2020. [https://www.instagram.com/p/CGWEVOxDs\\_y/?utm\\_source=ig\\_web\\_button\\_share\\_sheet](https://www.instagram.com/p/CGWEVOxDs_y/?utm_source=ig_web_button_share_sheet).

Feminist Coalition @feminist.co. “A Statement From the Feminist Coalition (22<sup>nd</sup> October 2020) ...”. Instagram photo, 23 October 2020. [https://www.instagram.com/p/CGqdix\\_DbsW/?utm\\_source=ig\\_web\\_button\\_share\\_sheet](https://www.instagram.com/p/CGqdix_DbsW/?utm_source=ig_web_button_share_sheet).

Feminist Coalition @feminist.co. “Between October 20<sup>th</sup> and 21<sup>st</sup>, we have disbursed...”. Instagram photo, 21 November 2020. [https://www.instagram.com/p/CGnkgqZDH-E/?utm\\_source=ig\\_web\\_button\\_share\\_sheet](https://www.instagram.com/p/CGnkgqZDH-E/?utm_source=ig_web_button_share_sheet).

- FK @fkabudu. "We have a helpline now as well! 017001755...". Twitter Post, 17 October 2020. <https://mobile.twitter.com/fkabudu/status/1317403478516506625>.
- Good Governance @ojhordeLP. "A #ProSARS protester explained on Monday how...". Twitter Post, 19 October 2020. [https://twitter.com/ojhordeLP/status/1318422595100958721?s=20&t=8d-dGN38\\_5m6OFuoPzzWsw](https://twitter.com/ojhordeLP/status/1318422595100958721?s=20&t=8d-dGN38_5m6OFuoPzzWsw).
- Haki Africa @HakiAfrica. "We demand swift action to end the reign of terror on Kenyan youth in Mathare...". Twitter Post, 2 May 2021. <https://twitter.com/HakiAfrica/status/1388793497642315782>.
- HipTv @HipTv. "Nigerians are angry, and they have every right to be...". Twitter Post, 12 October 2020. <https://twitter.com/HipTv/status/1315745997981704192>.
- House on The Rock @houseontherock. "To anyone in need of a place to shelter tonight...". Twitter Post, 20 October 2020. <https://twitter.com/houseontherock/status/1318682613876477953>.
- Ibrahim Standard @abba\_kamselem. "This lady was shot on the mouth...". Twitter Post, 8 October 2020. [https://twitter.com/abba\\_kamselem/status/1314275742511968256/retweets](https://twitter.com/abba_kamselem/status/1314275742511968256/retweets).
- Instagram Communications @InstagramComms. "Yesterday our systems were incorrectly flagging content in support of #EndSARS...". Twitter Post, 22 October 2020. <https://twitter.com/InstagramComms/status/1319278185289183236>.
- Iyameto Food & Events @Mosopemie. "First it was @cenbank locking up all my bank accounts, now it is @nigimmigration not issuing my passport...". Twitter Post, 16 December 2020. <https://twitter.com/Mosopemi/status/1339202731479855106>.
- Jack Dorsey @Jack. "Donate via #Bitcoin to help #EndSARS...". Twitter Post, 14 October 2020. <https://twitter.com/jack/status/1316485283777519620?s=20>.
- JJ Omojuwa @Omojuwa. "Twitter verified our #EndSars frontliners...". Twitter Post, 14 October 2020. <https://mobile.twitter.com/Omojuwa/status/1316510063524229126>.
- Judicial Panel on SARS @LagosSarsPanel. "Format required to submit petitions...". Twitter Post, 30 October 2020. <https://twitter.com/LagosSarsPanel/status/1322040422617780224>.
- Kingpin @Statician\_M. "Occupy Harambee Avenue...". Twitter Post, 1 July 2020. [https://mobile.twitter.com/statician\\_M/status/1278469796724641799](https://mobile.twitter.com/statician_M/status/1278469796724641799).

Mathare Social Justice Centre – MSJC. “Saba Saba 2018 Documentary: Social Justice Centre’s Working Group, Kenya”. YouTube, 16.29. 1 April 2019.  
<https://youtu.be/f1ssKGbEcnk>.

Mathare Social Justice Centre @MathareSJustice. “Collins, a witness to the killing of Dominis Kulema...”. Twitter Post, 29 April 2021.  
<https://twitter.com/MathareSJustice/status/1387748203701932035>.

Mathare Social Justice Centre @MathareSJustice. “Collins, a witness to the killing of Dominic Kulema by killer cop Baraza...”. Twitter Post, 29 April 2021.  
<https://mobile.twitter.com/MathareSJustice/status/1387748203701932035>.

Mathare Social Justice Centre @MathareSJustice. “Urgent alert\*: Kelvin Irungu (22) & friend, both from Mlango Kubwa, have been taken by killer cop Baraza...”. Twitter Post, 29 May 2021. <https://twitter.com/MathareSJustice/status/13986324541901578252>.

Mathare Social Justice Centre @MathareSJustice. “Urgent alert: Kelvin Irungu (22) & friend, both from Mlango Kubwa, have...”. Twitter Post, 29 May 2021.  
<https://mobile.twitter.com/MathareSJustice/status/1398632454190157825>.

Ministry of Justice, Ogun state @MOJ\_Ogun. “A statement from the Attorney-General and Commissioner for Justice...”. Twitter Post, 22 October 2020.  
[https://mobile.twitter.com/MOJ\\_Ogun/status/1319189774926663682](https://mobile.twitter.com/MOJ_Ogun/status/1319189774926663682).

Moe Odele @Mochievous. “So shocking that this people stopped me again and took my passport for ‘secondary clearance’ again...”. Twitter Post, 31 December 2020.  
<https://twitter.com/Mochievous/status/1344454325326794753>.

Nefertiti @firstladyship. “Jack just twitted #EndSARS...”. Twitter Post, 14 October 2020.  
<https://mobile.twitter.com/firstladyship/status/1316487106651475970>.

NHRC Nigeria @NhrcNigeria. “NHRC inaugurates Independent Investigative Panel...”. Twitter Post, 22 October 2020.  
<https://twitter.com/NhrcNigeria/status/1319164407063171072?s=20>.

Nigeria Police Force @PoliceNG. “#NewTacticalTeamMandate...”. Twitter Post, 14 October 2020. <https://twitter.com/PoliceNG/status/1316421275980623873>.

Nigeria Police Force @PoliceNG. “advise on police activities as they affect the general public. In addition, the Force is constituting an Investigation Team...”. Twitter Post, 11 October 2020. <https://twitter.com/PoliceNG/status/1315280212209340416>.

Nigeria Police Force @PoliceNG. “IGP Dissolves the Special Anti-Robbery Squad...”. Twitter Post, 11 October 2020.  
<https://twitter.com/PoliceNG/status/1315277838371749889>.

Nigeria Police Force @PoliceNG. "IGP dissolves the Special Anti-Robbery Squad...". Twitter Post, 11 October 2020. <https://twitter.com/PoliceNG/status/1315277838371749889>.

Nigeria Police Force @PoliceNG. "IGP Orders all defunct SARS personnel...". Twitter Post, 13 October 2020. <https://twitter.com/PoliceNG/status/1316094536612032522>.

Nigeria Police Force @PoliceNG. "In the finest spirit of democratic, citizen-centred and community policing...". Twitter Post, 11 October 2020. <https://twitter.com/PoliceNG/status/1315277850891649024>.

Nigeria Police Force @PoliceNG. "Recall that in the wake of the...". Twitter Post, 7 November 2020. <https://twitter.com/PoliceNG/status/1324999198497001478>.

Office of the Director of Public Prosecutions @ODPP-KE. "@ODPP-KE to lead community Dialogues at Kayole Social Hall aimed at encouraging...". Twitter Post, 27 February 2019. [https://twitter.com/ODPP\\_KE/status/1100745990531936256](https://twitter.com/ODPP_KE/status/1100745990531936256).

Oluwatosin Adeniji @callmerahila. "Great to be back after being detained in Suleja Prison...". Twitter Post, 12 November 2020. <https://twitter.com/callmerahila/status/1326923518144032768>.

OSG @Olorisupergal. "#EndSARS protest locations today...". Twitter Post, 10 October 2020. <https://mobile.twitter.com/OloriSupergal/status/1315171410571132928>.

PBINederland. "Police Violence in the Slums of Kenya: I learned that he Had Been Shot Down by a Police Officer". YouTube, 4.09. 13 October 2017. <https://www.youtube.com/watch?v=h2Pt9sOXvDI&t=54s>.

Portraits of Resilience, Hope and Solidarity. "Ghetto Justice". YouTube, 13.39. 13 January 2021. <https://www.youtube.com/watch?v=tAKnnT7URg8&t=58s>.

Presidency Nigeria @NGRPresident. "Deepest condolences to the family and friends of Kolade Johnson...". Twitter Post, 1 April 2019. <https://twitter.com/NGRPresident/status/1112827398058360832>.

Ramadhan Rajab @Rrajab. "SabaSabaMarchForOurlives #SabaSabaAt30 so far @NPSOfficial\_KE have arrested about 30 leaders of social Justice Centres...". Twitter Post, 6 July 2020. <https://twitter.com/Rrajab/status/1280393334738104320>.

Social Justice Centres Working Group @UhaiWetu. "On July 7 2018, during the 'Saba Saba March for Our Lives' peaceful protest...". Twitter Post, 26 August 2019. <https://twitter.com/UhaiWetu/status/1166000014990151681>.

Social Justice Centres Working Group @UhaiWetu. “ALERT: Pinchez, 19 years from Mlango Kubwa, has just been shot in...”. Twitter Post, 14 October 2020. <https://twitter.com/UhaiWetu/status/1316430163220017152>.

Social Justice Centres Working Group @UhaiWetu. “ALERT: Pinchez, 19 years from Mlango Kubwa...”. Twitter Post, 14 October 2020. <https://mobile.twitter.com/UhaiWetu/status/1316430163220017152>.

Social Justice Coalition. “People’s Power | The Khayelitsha Commission of Inquiry”. YouTube, 28.10. 17 August 2017. <https://youtu.be/he35ffrgRJE>.

TVC News Nigeria. “#EndSARS: UN wants Allegations against Police Unit Investigated”. YouTube, 2.43. 11 December 2017. <https://www.youtube.com/watch?v=p5L4tmyAxY&feature=youtu.be&t=63>.

TVC News Nigeria. “He is Alive – Police Dismiss Alleged Killing of Man in Delta by SARS operatives”. YouTube, 1.52. 5 October 2020. <https://youtu.be/c4T3A3zFCME>.

UK Parliament. “E-Petitions Relating to Nigeria and the Sanctions Regime...”. YouTube, 1.19.35. 23 November 2020. <https://youtu.be/MTKMUEpHWoE>.

## WEBSITE

Abolade, Lukman. “10,000 Police Recruit: Court Rules in favour of IGP, Dismisses PSC’s suit”. International Centre for Investigative Reporting. 2 December 2019. <https://www.icirnigeria.org/10000-police-recruit-court-rules-in-favour-of-igp-dismisses-pscs-suit/>.

Abu-bashal, Adam. “Nigeria Imposes Curfews in 4 More States Amid Protests”. Anadolu Agency (AA). 26 October 2020. <https://www.aa.com.tr/en/africa/nigeria-imposes-curfews-in-4-more-states-amid-protests/2018958>.

Africa Polling Institute. “The #EndSARS Protest: Beyond Police Brutality in Nigeria”. 29 October 2020. <https://africapolling.org/2020/10/29/the-endsars-protest-beyond-police-brutality-in-nigeria/>.

Amaize, Ohimai. “How Twitter Amplified the Divisions that Derailed Nigeria’s #EndSARS Movement”. Slate. 20 April 2021. <https://slate.com/technology/2021/04/endsars-nigeria-twitter-jack-dorsey-feminist-coalition.html>.

Amnesty International Nigeria. “#EndSARS: Investigate Killings of Protesters”. 26 October 2020. <https://www.amnesty.org/en/latest/news/2020/10/killing-of-endsars-protesters-by-the-military-must-be-investigated/>.

Basic Police Development Learning Programme. [Basic Police Development Learning Programme | Careers | SAPS \(South African Police Service\)](#).

- BBC News. "Nigeria's End Sars Protests, in Pictures". 21 October 2020. <https://www.bbc.com/news/in-pictures-54632065>.
- Black Lives Matter. "What Defunding the Police Really Means". 6 July 2020. <https://blacklivesmatter.com/what-defunding-the-police-really-means/>.
- Black Lives Matter. "8 Years Strong". 13 July 2021. <https://blacklivesmatter.com/8-years-strong/>.
- Brass, Jennifer N. "Kenya's Clampdown on Civil Society is Against its Self-Interest". The Conversation. 11 July 2016. <https://theconversation.com/kenyas-clampdown-on-civil-society-is-against-its-self-interest-62019>.
- Burger, Johan. "Leadership Integrity and the Crisis in South Africa's Policing". Institute for Security Studies. 15 March 2021. <https://issafrica.org/iss-today/leadership-integrity-and-the-crisis-in-south-africas-policing>.
- Busari, Stephanie. "Nigeria's Youth Finds its Voice with #EndSARS Protest Movement". CNN World. 25 October 2020. <https://edition.cnn.com/2020/10/25/africa/nigeria-end-sars-protests-analysis-intl/index.html>.
- Canada: Immigration and Refugee Board of Canada. "Nigeria: Complaints Mechanisms Available for Cases of Police Misconduct, Including Effectiveness (2013-October 2014)". 7 November 2014. <https://www.refworld.org/docid/54816ad04.html>.
- Channels Television. "#EndSARS: Do not Hurt our Children because of their Looks – Lagos Deputy Governor". 9 October 2020. <https://www.channelstv.com/2020/10/09/endsars-do-not-hurt-our-children-because-of-their-looks-lagos-deputy-governor/>.
- Channels Television. "Four Major Recommendations by the Special Panel on SARS". 3 June 2019. <https://www.channelstv.com/2019/06/03/four-major-recommendations-by-the-special-panel-on-sars/>.
- Channels Television. "IGP orders change of 'Public Complaint Rapid Response Unit' to 'Complaint Response Unit'". 1 March 2019. <https://www.channelstv.com/2019/03/01/igp-orders-change-of-public-complaint-rapid-response-unit-to-complaint-response-unit/>.
- Channels Television. "Kolade Johnson's Killing: Youths, Groups Take Protest to Police HQ in Abuja (photos)". 5 April 2019. <https://www.channelstv.com/2019/04/05/photos-kolade-johnsons-killing-youths-groups-take-protest-to-police-hq-in-abuja/>.
- Channels Television. "Osinbajo Orders Overhaul of SARS". 14 August 2018. <https://www.channelstv.com/2018/08/14/breaking-acting-president-osinbajo-orders-immediate-overhaul-of-sars/>.

- Channels Television. "Osinbajo orders overhaul of SARS". 14 August 2018. <https://www.channelstv.com/2018/08/14/breaking-acting-president-osinbajo-orders-immediate-overhaul-of-sars/>.
- Channels Television. "#EndSARS: Presidential Panel recommends dismissal of 37 SARS Operatives". Channels Television. 16 October 2020. <https://www.channelstv.com/2020/10/16/endsars-presidential-panel-recommends-dismissal-of-37-police-officers/>.
- Channels Television. "Police Tear Gas at #EndSARS Protesters in Abuja". 19 October 2020. <https://www.channelstv.com/2020/10/19/breaking-police-fire-teargas-at-endsars-protesters-in-abuja-2/>.
- Chobotiuk, Kayla. "Photographer Documents Life Inside One of Africa's Largest Slum". Feature Shoot Media. 28 April 2015. <https://www.featureshoot.com/2015/04/photographer-documents-life-inside-one-of-africas-largest-slums/>.
- CLEEN Foundation. "Details of EndSARS State Judicial Panels of Inquiry in Nigeria". <https://cleen.org/details-of-endsars-state-judicial-panels-of-inquiry-in-nigeria/>.
- CLEEN Foundation. "State Judicial Panels of Inquiry on Police Brutality in Nigeria". <https://cleen.org/state-judicial-panel-of-inquiry-on-police-brutality-in-nigeria/>.
- de Witte, Melissa. "Leaderless, Decentralized Protest is a Strength and a Weakness, Warns Civil Rights Scholar Clayborne Carson". Stanford. 4 June 2020. <https://news.stanford.edu/2020/06/04/leaderless-protest-strength-weakness/>.
- Department of Statistics South Africa. "Khayelitsha". [http://www.statssa.gov.za/?page\\_id=4286&id=328](http://www.statssa.gov.za/?page_id=4286&id=328).
- Egobiambu, Emmanuel. "ASUU Suspends Nine-Month-Old Strike". Channels Television. 23 December 2020. <https://www.channelstv.com/2020/12/23/breaking-asuu-calls-off-nine-month-old-strike/>.
- Equal Education. "Protest for Justice and Safety in Khayelitsha". 3 October 2011. <https://www.equaleducation.org.za/2011/10/03/protest-for-justice-and-safety-in-khayelitsha/>.
- Ewodage, Rejoice. "#EndSARS Panel Report a Waste of Time, Taxpayers Money – Lai Mohammed". Channels Television. 23 November 2021. <https://www.channelstv.com/2021/11/23/endsars-report-a-waste-of-time-taxpayers-money-lai-mohammed/>.
- Gachihi, Gacheke. "Reflections on Working with the Community: Experience from 15 Years of Social Justice Work in Kenya". Mathare Social Justice Centre. <https://www.matharesocialjustice.org/social-justice-centres-working->



[group/reflections-on-working-with-the-community-experience-from-15-years-of-social-justice-work-in-kenya/](#).

Gakii, Winifred. “The Right to Protest in Poor Kenyan Urban Neighbourhoods”. Article 19. 22 March 2021. <https://www.article19.org/resources/blog-the-right-to-protest-in-poor-urban-neighbourhoods/>.

Gbenga, Adejayan. “EndSARS Protesters Launch Online Radio, Soro Soke”. Within Nigeria, 18 October 2020. <https://www.withinnigeria.com/2020/10/18/endsars-protesters-launch-online-radio-soro-soke/>.

Ghai, Yash. “Saba Saba: Comparing the Past and Present in its Celebrations”. Katiba Institute. 7 July 2018. <https://katibainstitute.org/saba-saba-comparing-the-past-and-present-in-its-celebrations/>.

Halloran, Brendan and Walter Flores. “Mobilizing Accountability: Citizens, Movements and the State”. Transparency and Accountability Initiative. 15 May 2015. <https://www.transparency-initiative.org/blog/408/mobilizing-accountability-citizens-movements-and-the-state/>.

Human Rights Watch. “Kenya: Nairobi Police Executing Suspects – Dozens Killed in Low-Income Areas”. 2 July 2019. <https://www.hrw.org/news/2019/07/02/kenya-nairobi-police-executing-suspects>.

Human Rights Watch. “Kenya: Police Brutality During Curfew”. 22 April 2020. <https://www.hrw.org/news/2020/04/22/kenya-police-brutality-during-curfew>.

Human Rights Watch. “Kenya: Police Impunity Raises Election Risk”. 1 August 2022, <https://www.hrw.org/news/2022/08/02/kenya-police-impunity-raises-election-risk>.

Human Rights Watch. “Kenya: Police Threaten Activists Reporting Abuse”. 4 June 2018. <https://www.hrw.org/news/2018/06/04/kenya-police-threaten-activists-reporting-abuse>.

Human Rights Watch. “Kenya: Rights Defenders Under Attack”. 4 October 2013. <https://www.hrw.org/news/2013/10/04/kenya-rights-defenders-under-attack>.

Human Rights Watch. “Nigeria: Crackdown on Police Brutality Protests”. 16 October 2020. <https://www.hrw.org/news/2020/10/16/nigeria-crackdown-police-brutality-protests>.

Institute of Security Studies Africa. “Top Cop Appointment Leaves SA at the Mercy of Zuma’s Judgement”. 23 November 2017. <https://issafrica.org/about-us/press-releases/top-cop-appointment-leaves-sa-at-mercy-of-zumas-judgement>.

International Justice Mission. “Survivors and Justice Centres Unite to Demand End to Police Brutality in Kenya.” <https://www.ijmuk.org/stories/survivors-and-justice-centres-uniteto-demand-end-to-police-brutality-in-kenya>.

- Katiba Institute. “Social Justice Centres to Implement a Project on Gender-Based Violence”. 11 February 2021. <https://katibainstitute.org/katiba-institute-social-justice-centers-to-implement-a-project-on-gender-based-violence/>.
- Kenya Human Rights Commission. “A Police Service Gone Rogue: Torture, Extrajudicial Killings and Enforced Disappearances”. 18 May 2021. <https://www.khrc.or.ke/2015-03-04-10-37-01/press-releases/743-a-police-service-gone-rogue-torture-extra-judicial-killings-and-enforced-disappearances.html>.
- Kimari, Wangui. “Kenyan Mothers Take on Police Violence”. Sapiens. 5 August 2021. <https://www.sapiens.org/culture/police-violence-kenya/>.
- Knoetze, Daneel. “Above the law – How SAPS Protects the Killers within its Ranks”. Viewfinder. 11 May 2021. <https://viewfinder.org.za/how-saps-protects-the-killers-within-its-ranks/>.
- Knoetze, Daneel. “IPID’s Cover-up of Police Brutality in South Africa”. Viewfinder. 7 October 2019. <https://viewfinder.org.za/kill-the-files/>.
- Knoetze, Daneel. “Police Commissioner Sitole Admits that SAPS Discipline Needs Overhaul.” Viewfinder. 1 June 2021. <https://viewfinder.org.za/police-commissioner-sitole-admits-that-saps-discipline-needs-overhaul/>.
- Library of Congress. “Kenya: Rejection of Bill Capping NGO Foreign Funding and Giving Spy Agency Broadened Surveillance Powers”. <https://www.loc.gov/item/global-legal-monitor/2013-12-12/kenya-rejection-of-bill-capping-ngo-foreign-funding-and-giving-spy-agency-broadened-surveillance-powers/>.
- Livingstone, Sonia. “How to Tackle the Spread of Misinformation and the Problems it Causes”. London School of Economics and Political Science. 1 December 2018. <https://blogs.lse.ac.uk/businessreview/2018/12/01/how-to-tackle-the-spread-of-misinformation-and-the-problems-it-causes/>.
- Lodewijckx, Ilona. “Slackivism: Legitimate Action or Just Lazy Liking?”. CitizenLab. 20 May 2020. <https://www.citizenlab.co/blog/civic-engagement/slackivism/>.
- Luke, Nneka. “When the Mob Rules: Jungle Justice in Africa”. DW.com. 26 July 2016. <https://www.dw.com/en/when-the-mob-rules-jungle-justice-in-africa/a-19426438>.
- Mathare Social Justice Centre. “Saba Saba Day: #MarchForOurLives on July 7, 2018”. 17 July 2018. <https://www.matharesocialjustice.org/eje-campaign/saba-saba-day-marchforourlives-on-july-7-2018/>.
- Mathare Social Justice Centre. “2019 Saba Saba Launch Press Statement by the Social Justice Centres Working Group (SJCWG)”. 14 June 2019. <https://www.matharesocialjustice.org/social-justice-centres/2019-saba-saba-launch-press-statement-by-social-justice-centres-working-group-sjcwg/>.

- Mathare Social Justice Centre. “2019 Saba Saba Launch Press Statement by the Social Justice Centres Working Group (SJCWG)”. 14 June 2019. <https://www.matharesocialjustice.org/social-justice-centres/2019-saba-saba-launch-press-statement-by-social-justice-centres-working-group-sjcwg/>.
- Mathare Social Justice Centre. “As We Lose Our Fear: Photography Exhibition on Police Brutality”. 19 July 2021. <https://www.matharesocialjustice.org/eje-campaign/mothers-of-victims-survivors-network/mothers-of-victims-and-survivors-network-exhibition/as-we-lose-our-fear-photography-exhibition-on-police-brutality/>.
- Mathare Social Justice Centre. “Court Solidarity Requested for Nura Malicha Case on Friday, 7 June 2019”. June 1, 2019. <https://www.matharesocialjustice.org/eje-campaign/court-solidarity-requested-for-nura-malicha-case-on-friday-june-7-2019/>.
- Mathare Social Justice Centre. “Mathare Social Justice Centre Strongly Condemns the “visit” of Known Killer Cop Rashid and Two Police Officers to Our Centre”. 30 June 2020. <https://www.matharesocialjustice.org/eje-campaign/mathare-social-justice-centre-strongly-condemns-the-visit-of-known-killer-cop-rashid-and-two-police-officers-to-our-centre-on-june-30-2020/>.
- Mathare Social Justice Centre. “Meeting with Huruma Police Station OCS”. 5 June 2021. <https://www.matharesocialjustice.org/social-justice-centres/meeting-with-huruma-police-station-ocs/>.
- Mathare Social Justice Centre. “Mlango Kubwa Community Dialogue against Police Killings and How to Report to the Internal Affairs Unit”. 24 April 2017. <https://www.matharesocialjustice.org/eje-campaign/mothers-of-victims-survivors->
- Mathare Social Justice Centre. “More Threats to Social Justice Centre Activists from Online Police Vigilante Groups”. 24 April 2019. <https://www.matharesocialjustice.org/eje-campaign/more-threats-to-social-justice-centre-activists-from-online-police-vigilante-groups/>.
- Mathare Social Justice Centre. “MSJC Kids Club Theatre”. 19 June 2021. <https://www.matharesocialjustice.org/the-msjc-kids-social-justice-club/msjc-kids-club-theatre/>.
- Mathare Social Justice Centre. “Open Letter to the DPP – Unlawful Detention, Injury to and Charges against Mathare Residents”. 2 November 2020. <https://www.matharesocialjustice.org/police-brutality/open-letter-to-the-dpp-unlawful-detention-injury-to-and-prosecution-of-mathare-residents/>.
- Mathare Social Justice Centre. “Open Letter to the DPP — Unlawful Detention, Injury to and Charges against Mathare Residents”. 2 November 2020. <https://www.matharesocialjustice.org/police-brutality/open-letter-to-the-dpp-unlawful-detention-injury-to-and-prosecution-of-mathare-residents/>.

- Mathare Social Justice Centre. "Petition against Systemic Police Violence and Extrajudicial Executions". <https://matharesocialjustice.org/wp-content/uploads/2018/08/Justice-Centres-Working-Group-Saba-Saba-Petition.pdf>.
- Mathare Social Justice Centre. "Police Reform Working Group (PRWG) Statement on the Disappearances of our Comrades: Michael Njau, Adan Mohammed Saibu & Samuel Mungai". 2 May 2020. <https://www.matharesocialjustice.org/social-justice-centres/police-reforms-working-group-statement-on-the-disappearances-of-our-comrades-michael-njau-adan-mohammed-saibu-samuel-mungai/>.
- Mathare Social Justice Centre. "Press Release – Saba Saba March for Our Lives: Tekeleza Katiba". 30 June 2020. <https://www.matharesocialjustice.org/solidarity/press-release-saba-saba-march-for-our-lives-tekeleza-katiba/>.
- Mathare Social Justice Centre. "Saba Saba #MarchForOurLives on July 7 2018". 17 July 2018. <https://www.matharesocialjustice.org/eje-campaign/saba-saba-day-marchforourlives-on-july-7-2018/>.
- Mathare Social Justice Centre. "Saba Saba Day #7/7MarchForOurLives Press Briefing". 19 June 2018. <https://www.matharesocialjustice.org/eje-campaign/saba-saba-day-7-7marchforourlives-press-briefing/>.
- Mathare Social Justice Centre. "Saba Saba Dialogues @ Pawa254". 28 June 2018. <https://www.matharesocialjustice.org/eje-campaign/saba-saba-dialogue-june-28th-pawa254/>.
- Mathare Social Justice Centre. "SJCWG: Citizen's Demand". 8 July 2020, <https://www.matharesocialjustice.org/wp-content/uploads/2020/07/Citizens-Demands-1.pdf>.
- Mathare Social Justice Centre. "Social Justice Centre Working Group (SJCWG) meeting with Andrew Gilmour: Assistant Secretary-General for Human Rights". 11 August 2019. <https://www.matharesocialjustice.org/solidarity/social-justice-centre-working-group-sjcwg-meeting-with-andrew-gilmour-assistant-secretary-general-for-human-rights/>.
- Mathare Social Justice Centre. "Urgent Alert: Profiling of MSJC Activist, MSO, By Vigilante 'Nairobi Crime Free' Facebook Group". 9 February 2020, <https://www.matharesocialjustice.org/eje-campaign/more-threats-to-social-justice-centre-activists-from-online-police-vigilante-groups/>.
- Mathare Social Justice Centre. "Urgent Solidarity Needed for MSJC's Kennedy Chindi (JJ) Detained at Juruma Police Station". 15 September 2017. <https://www.matharesocialjustice.org/organic-intellectuals-network/pio-gama-pinto/urgent-solidarity-needed-for-kennedy-chindi-jj-detained-at-huruma-police-station/>.
- Mathare Social Justice Centre. "War Against the 'Poor and Youth': Video of UN Special Rapporteur Agnes Callamard Solidarity Visit to Mathare". 2 May 2020.

<https://www.matharesocialjustice.org/eje-campaign/war-against-the-poor-and-youth-video-of-un-special-rapporteur-agnes-callamard-solidarity-visit-to-mathare/#:~:text=In%20February%2020%2C%20Agnes%20Callamard,of%20the%20poor%20in%20Nairobi.>

Meta. “Meta for Media”. <https://www.facebook.com/formedia/tools/feed>.

Morozov, Evgeny. “The Brave New World of Slacktivism”. Foreign Policy. 19 May 2009. <https://foreignpolicy.com/2009/05/19/the-brave-new-world-of-slacktivism/>.

Nanjala Nyabola. “Kenya’s Vicious War against Its Youth”. Foreign Policy. 14 March 2016, <https://foreignpolicy.com/2016/03/14/kenyas-vicious-war-against-its-youth/>.

National Human Rights Commission. “NHRC Panel Bounces Back, Resumes Sitting Monday”. 17 October 2021. <https://www.nhrc.gov.ng/nhrc-media/news-and-events/218-nhrc-sars-panel-bounces-back-resumes-sitting-monday.html>.

National Human Rights Commission. “Press Release: Police Reform: NHRC Submits Panel Report to PSC, Seeks Immediate Implementation”. <https://nigeriarights.gov.ng/nhrc-media/press-release/145-police-reform-nhrc-submits-panel-s-report-to-psc-seeks-immediate-implementation.html>.

National Police Service. “Information Pack – Policy Framework and Strategy for Reorganisation of the National Police Service and Provision of Decent and Affordable Housing for Police Officers and Integration with Communities and Neighbourhoods”. <https://www.nationalpolice.go.ke/downloads/category/22-nps-information-restructuring-pack.html?download=51:nps-information-pack>.

Nawberry, Christiana and Katie Sehl. “How the Twitter Algorithm Works”. Hootsuite. 26 October 2021. <https://blog.hootsuite.com/twitter-algorithm/>.

Nawberry, Christiana. “How the Facebook Algorithm Works in 2022 and How to Make it Work for You”. Hootsuite. 28 February 2022. <https://blog.hootsuite.com/facebook-algorithm/>.

NENDO. “#EndSARS: Analyzing 48 million tweets in 10 Days Using Brandwatch”. 16 October 2020. <https://www.nendo.co.ke/post/endsars-analyzing-48-million-tweets-in-10-days-using-brandwatch>.

NENDO. “Breaking Down the #EndSARS Conversation Increase from 48M to 99M Tweets”. 23 October 2020. <https://www.nendo.co.ke/post/breaking-down-the-endsars-conversation-increase-from-48m-to-99m-tweets>.

Nigeria Police Force. “History of Nigeria Police Force”. [https://npf.gov.ng/aboutus/History\\_Nigeria\\_Police.php](https://npf.gov.ng/aboutus/History_Nigeria_Police.php).

- Nigeria Police Force. "IGP Bans FSARS, Other Police Tactical Squads from Routine Patrols".  
4 October 2020.  
[https://www.npf.gov.ng/information/pressdetails.php?news\\_id=475](https://www.npf.gov.ng/information/pressdetails.php?news_id=475).
- Nigerian Police Force. "Ebem Ohafia Incident: IGP Sets up Special Investigation Panel, Redeploys CP".  
21 April 2020.  
[https://www.npf.gov.ng/information/pressdetails.php?news\\_id=425](https://www.npf.gov.ng/information/pressdetails.php?news_id=425).
- Nigerian Police Force. "Further Update on Viral Video- all Four Persons Implicated Arrested".  
24 July 2020. [https://www.npf.gov.ng/information/pressdetails.php?news\\_id=451](https://www.npf.gov.ng/information/pressdetails.php?news_id=451).
- Nigeria Police Force. "IGP Bans FSARS, Other Police Tactical Squads from Routine Patrols".  
4 October 2020.  
[https://www.npf.gov.ng/information/pressdetails.php?news\\_id=475](https://www.npf.gov.ng/information/pressdetails.php?news_id=475).
- Nigeria Police Force. "IGP Solomon E. Arase, fdc, NPM, During the Launch of NPF Complaint Response Unit (CRU) on 13<sup>th</sup> November 2015 at the Force Headquarters Abuja".  
<https://www.npf.gov.ng/complaint22/>.
- Obia, Vincent A. "#EndSARS, A Unique Twittersphere and Social Media Regulation in Nigeria". The London School of Economics and Political Science. 11 November 2020  
<https://blogs.lse.ac.uk/medialse/2020/11/11/endsars-a-unique-twittersphere-and-social-media-regulation-in-nigeria/>.
- Obiejesi, Kingsley. "Police Arrest, Detain Premium Times Reporter for Failing to Disclose Source". International Centre for Investigative Reporting. 14 August 2018.  
<https://www.icirnigeria.org/police-arrest-detain-premium-times-reporter-for-failing-to-disclose-source/>.
- O'Brien, Danny. "Facebook Gets Caught up in Egypt's Media Crackdown—Committee to Protect Journalists". Committee to Protect Journalists. 1 December 2010.  
<https://cpj.org/2010/12/facebook-gets-caught-up-in-egypts-media-crackdown-1/>.
- Okeowo, Adebayo. "The Right to Record in Africa – Law Versus Reality". Witness. October 2019. <https://blog.witness.org/2019/10/right-to-record-africa-law-reality/>.
- Oyedeji, Niyi. "#EndSARS: Security Operatives Assault Arise TV crew, Seize Camera in Abuja". International Centre for Investigative Reporting. 13 October 2020.  
<https://www.icirnigeria.org/endsars-security-operatives-assault-arise-tv-crew-seize-camera-in-abuja/>.
- Patterson, Brent. "PBI-Kenya and Social Justice Working Group Bring Security Concerns of Communities to Meeting with Peace Cop Kenya". PBI-Canada. 18 August 2020.  
<https://pbicanada.org/2020/08/18/pbi-kenya-and-social-justice-working-group-bring-security-concerns-to-meeting-with-peace-cop-kenya/>.

- PBI-Kenya. "Increased Capacities, Stronger Networks". 26 June 2020. <https://pbi-kenya.org/news/2020-06/increased-capacities-stronger-networks>.
- PBI-Kenya. "Ushirikiano Mwema Kwa Usalama Project". <https://pbi-kenya.org/our-partners/ushirikiano-mwema-kwa-usalama-project>.
- Police Reform Working Group – Kenya. "Police Must Stop the Use of Excessive Force While Enforcing the Curfew Order". 27 March 2020. [Police must stop the use of excessive force while enforcing the curfew law « Defenders Coalition](#).
- Politics Web. "Zille Must Appoint Inquiry into Khayelitsha Policing - SJC". 30 November 2011. <https://www.politicsweb.co.za/politics/zille-must-appoint-inquiry-into-khayelitsha-polici>.
- Ram, Ed. "As We Lose Our Fear". <https://www.edram.org/as-we-lose-our-fear#0>.
- Roberts, Leon Frank. "How Black Lives Matter Changed the Way Americans Fight for Freedom". ACLU. 13 July 2018, <https://www.aclu.org/news/racial-justice/how-black-lives-matter-changed-way-americans-fight>.
- Rozen, Johnathan. "How Nigeria's Police Used Telecom Surveillance to Lure and Arrest Journalists". Committee to Protect Journalists. 13 February 2020. <https://cpj.org/2020/02/nigeria-police-telecom-surveillance-lure-arrest-journalists/>.
- Sanchez, Ray. "Black Lives Matter Protests Across America Continue Nearly 2 Months After George Floyd's Death". 23 July 2020. <https://edition.cnn.com/2020/07/23/us/black-lives-matter-protests-continue/index.html>.
- Shirky, Clay. "The Political Power of Social Media". *Foreign Affairs*. 20 December 2010. <https://faculty.cc.gatech.edu/~beki/cs4001/Shirky.pdf>.
- Social Justice Centres Working Group. "Data Visualisation in Dandora". <https://www.sjc.community/community-under-threat>.
- Social Justice Centres Working Group. "Kenya's 3rd Cycle UPR Review - Submission on Systematic Extra-Judicial Execution, Protection of Human Rights Defenders (HRD) and Poor Water and Sanitation". 19 July 2019. <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=7287&file=EnglishTranslation>.
- Social Justice Centres Working Group. "Life Under Curfew". <https://www.sjc.community/life-under-curfew>.



- Social Justice Coalition. "Press Release - Khayelitsha Demands Safety, Security and Equal Access to Justice for All". 23 September 2010. <https://sjc.org.za/posts/khayelitsha-community-demands-safety-security-and-equal-access-to-justice-for-all>.
- Social Justice Coalition. "Press Release - Protest for Justice and Safety in Khayelitsha". 2 October 2011. <https://sjc.org.za/posts/protest-for-justice-safety-in-khayelitsha/>.
- Social Justice Coalition. "SJC and Partners Welcome Announcement of Commission of Inquiry". 22 August 2012. <https://sjc.org.za/posts/sjc-and-partners-welcome-announcement-of-commission-of-inquiry>.
- Steele, Carmen. "What is the Digital Divide". Digital Divide Council. 22 February 2019. <http://www.digitaldividecouncil.com/what-is-the-digital-divide/>.
- Treatment Action Campaign. "Khayelitsha Community Organisations Demand Safety, Security, and Equal Access to Justice for All". 23 September 2010. <https://www.tac.org.za/news/khayelitsha-community-organisations-demand-safety-security-and-equal-access-to-justice-for-all/>.
- Treatment Action Campaign. "Memorandum on Gender Based Violence for March in Cape Town on 23 May 2008". 23 May 2008. <https://www.tac.org.za/news/memorandum-on-gender-based-violence-for-march-in-cape-town-on-23-may-2008/>.
- Treatment Action Campaign. "Nandipha Makeke Case Resumes in Khayelitsha Magistrate Court on 5 March". 5 March 2008. <https://www.tac.org.za/news/nandipha-makeke-case-resumes-in-khayelitsha-magistrates-court-on-5-march/>.
- Treatment Action Campaign. "Public Launch of the Social Justice Coalition". 20 June 2008, <https://www.tac.org.za/news/public-launch-of-the-social-justice-coalition/>.
- UK Parliament Research Briefing. "E-petition 554150, Relating to Nigeria and the Sanctions Regime". 19 November 2020. <https://commonslibrary.parliament.uk/research-briefings/cdp-2020-0148/>.
- UK Parliament. "Nigeria: Sanctions Regime, volume 684: Debated on Monday 23 November 2020". <https://hansard.parliament.uk/Commons/2020-11-23/debates/OA7DEC6C-F408-46E8-BD71-D87E0C07A30E/NigeriaSanctionsRegime>.
- UK Parliament. "Petitions". <https://petition.parliament.uk/petitions/554150>.
- UN OHCHR. "Human Rights Committee Raises Concerns About Past and Upcoming Elections in Dialogue with Kenya". 11 March 2021. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26887&LangID=E>.

UN OHCHR. "Kenya's Social Justice Movement Expands its Reach". 31 December 2019. <https://www.ohchr.org/EN/NewsEvents/Pages/SocialjusticemovementinKenya.aspx>.

Western Cape Government. "Anti-gang Unit Welcomed, Will There Be More". 2 November 2018. <https://www.westerncape.gov.za/news/anti-gang-unit-welcomed-will-there-be-more>.

Western Cape Government. "Khayelitsha Commission of Inquiry Joint Task Team to be Established". 25 August 2015. <https://www.westerncape.gov.za/news/khayelitsha-commission-inquiry-joint-task-team-be-established>.

Western Cape Government. "Khayelitsha Commission: Steady Progress in Implementing Recommendations". 21 August 2017. <https://www.westerncape.gov.za/news/khayelitsha-commission-steady-progress-implementing-recommendations>.

Williams Jutta and Rumman Chowdhury. "Introducing our Responsible Machine Learning Initiative". Twitter. 14 April 2021. [https://blog.twitter.com/en\\_us/topics/company/2021/introducing-responsible-machine-learning-initiative](https://blog.twitter.com/en_us/topics/company/2021/introducing-responsible-machine-learning-initiative).

Wong, Laura. "9 Types of Social Media and How Each can Benefit your Business". Hootsuite. 2 September 2021. <https://blog.hootsuite.com/types-of-social-media/>.

## ONLINE NEWSPAPER AND MAGAZINE

Adebayo, Bukola. "The Fatal Shooting of a Nigeria Man Brings More Demands to Shut Down a Controversial Police Unit". *CNN World*, 2 April 2019. <https://edition.cnn.com/2019/04/02/africa/nigeria-police-shooting-outrage-intl/index.html>.

Adeleke David. I. "The People vs SARS: The Case against Nigeria's Special Anti-Robbery Squad". *Ventures Africa*, 4 December 2017. <http://venturesafrica.com/the-people-vs-sars-endsars/>.

Ademoroti, Niyi. "What it Means When the Police Say They are Dissolving SARS". *Bellanaija*, 11 October 2020. <https://www.bellanaija.com/2020/10/what-it-means-when-the-police-say-they-are-dissolving-sars/>.

Adesomoju, Ade. "EndSARS: Police Ask Court to Stop Judicial Panels' Probes". *Punch*, 3 December 2020. <https://punchng.com/endsars-police-ask-court-to-stop-judicial-panels-probes/>.

Agbakwuru, Johnbosco. "#EndSARS: NEC Directs Governors to Set up Judicial Panels of Inquiry". *Vanguard*, 16 October 2020.

<https://www.vanguardngr.com/2020/10/endsars-nec-directs-governors-to-set-up-judicial-panels-of-inquiry/>.

Agbedo, Onyedika. "Social Media Regulation: Between Failed Attempts and Buhari's Current Move". *The Guardian*, 26 June 2021. <https://guardian.ng/saturday-magazine/cover/social-media-regulation-between-failed-attempts-and-buharis-current-move/>.

Agbo, Njideka. "Nigerian Presidency Has Received the #EndSARS Petition – Segun Awosanya". *The Guardian*, 11 August 2018. <https://guardian.ng/life/nigerian-presidency-has-received-the-endsars-petition-segun-awosanya/>.

Alabi, Mojeed. "Police Dismiss Cop Who Killed Kolade Johnson". *Premium Times*, 4 April 2019. <https://www.premiumtimesng.com/news/headlines/324000-breaking-police-dismiss-cop-who-killed-kolade-johnson.html>.

AllAfrica. "Full Text of Press Conference Addressed by the HMIC, Alh. Lai Mohammed on the #EndSARS Protest and its Aftermath". 19 November 2020. [Nigeria: Full Text of the Press Conference Addressed by the HMIC, Alh. Lai Mohammed on the EndSARS Protest and It's aftermath - allAfrica.com](https://www.allafrica.com/stories/202011190101.html).

Amaize, Ohimai. "How Twitter Amplified the Divisions that Derailed Nigeria's #EndSARS Movement". *Slate*, 20 April 2021. <https://slate.com/technology/2021/04/endsars-nigeria-twitter-jack-dorsey-feminist-coalition.html>.

Aminu, Abdulkareem Baba Umoru Faruk Salifu and Nathaniel Bivan. "How We Created SARS-Ex-IGP Mike Okiro". *Daily Trust*, 16 December 2017. <https://dailytrust.com/how-why-we-created-sars-ex-igp-mike-okiro>.

Amuke, Isaac. O. "Who is Policing the Police? Kenya's Lame Duck Oversight Mechanism". *The Elephant*, 5 December 2019. <https://www.theelephant.info/features/2019/12/05/who-is-policing-the-police-kenyas-lame-duck-oversight-mechanism/>.

Anyuolo, Lena. "Reflections on Social Justice Centres". *Awaaz Magazine*, Vol. 16, iss. 2, 2019.

Armstrong, Adams. "Will the Cars be Safe?". *Ground Up*, 23 January 2014. <https://www.groundup.org.za/article/will-cars-be-safe-here/>.

Ayitogo, Nasir. "EndSARS: IG Orders Withdrawal of Police Suit Seeking to Stop Judicial Panels". *Premium Times*, 4 December 2020. <https://www.premiumtimesng.com/news/top-news/429445-endsars-ig-orders-withdrawal-of-police-suit-seeking-to-stop-judicial-panels.html>.

Ayitogo, Nasir. "Updated: #EndSARS: FEC Approves Salary Increase for Nigerian Police Personnel". *Premium Times*, 15 December 2021.

<https://www.premiumtimesng.com/news/headlines/501001-endsars-fec-approves-salary-increase-for-nigerian-police-personnel.html>.

BBC News. “Justice for Sreejith: Indian ends Protest after 782 days”. 1 February 2018. [Justice for Sreejith: Indian ends protest after 782 days - BBC News](#).

BBC News. “Fury at Kenya Shoot-to-kill Order”. 23 March 2005. <http://news.bbc.co.uk/2/hi/africa/4374649.stm>.

Bornman, Jan. “It’s Easier to Become SA’s Police Commissioner than a Constable”. *Times Live*, 21 September 2017. <https://www.timeslive.co.za/politics/2017-09-21-dodgy-top-cops-to-blame-for-saps-woes/>.

Brisibe, Perez. “Police Arrest Videographer Behind Delta Viral SARS video”. *Vanguard Nigeria*, October 6, 2020. [https://www.vanguardngr.com/2020/10/police-arrest-videographer-behind-delta-viral-sars-video/?utm\\_source=dlvr.it&utm\\_medium=twitter](https://www.vanguardngr.com/2020/10/police-arrest-videographer-behind-delta-viral-sars-video/?utm_source=dlvr.it&utm_medium=twitter).

Chiguvare, Bernard. “Phiyega Rejects Recommendations of O’Regan Inquiry”. *Ground Up*, 7 August 2015. [https://www.groundup.org.za/article/phiyega-rejects-recommendations-oregan-inquiry\\_3195/](https://www.groundup.org.za/article/phiyega-rejects-recommendations-oregan-inquiry_3195/).

Chiguvare, Bernard. “SJC March for Equitable Allocation of Policing Resources”. *Elitsha*, 22 November 2017. <https://elitshanews.org.za/2017/11/22/sjc-march-for-equitable-allocation-of-policing-resources/>.

Citizen New Hub. “Text of the Press Conference Addressed by the Hon. Minister of Information and Culture, Alhaji Lai Mohammed, in Abuja on Thursday, 19 Nov. 2020 on the EndSARS Protest and its Aftermath”. 19 November 2020 <https://citizennewshub.wordpress.com/2020/11/19/text-of-the-press-conference-addressed-by-the-hon-minister-of-information-and-culture-alhaji-lai-mohammed-in-abuja-on-thursday-19-nov-2020-on-the-endsars-protest-and-its-aftermath/>.

Dahir, Abdi Latif and Lily Kuo. “Kenyan Police Reportedly Killed Two Teenagers in Broad Daylight—and Much of the Public Approved”. *Quartz Africa*, 4 April 2017. <https://qz.com/africa/948491/kenyan-police-killed-two-teenagers-in-broad-daylight-in-eastleigh-and-much-of-the-public-approved/>.

Dark, Shayera. “#EndSARS: How Nigerians Harness Social Media against Police Abuse”. *Al Jazeera*, 25 October 2020. <https://www.aljazeera.com/news/2020/10/25/endsars-how-nigerians-use-social-media-against-police-brutality>.

Dickerson, Brian. “Defunding the Police hashtag has Good Intentions – but it’s an awful Slogan”. *Detroit Free Press*, 11 June 2020. <https://www.freep.com/story/opinion/columnists/brian-dickerson/2020/06/11/defund-police-slogan-police-brutality/5332534002/>.

- Ebonugwo, Mike. “#EndSARS, Pro-SARS Protesters Clash in Abuja”. *Vanguard*, 20 October 2020. <https://www.vanguardngr.com/2020/10/endsars-pro-sars-protesters-clash-in-abuja/>.
- Eleanya, Frank. “EndSARS Protest Cripples Movement, Business in Lagos”. *Business Day*, 12 October 2020. <https://businessday.ng/news/article/endsars-protest-cripples-movement-business-in-lagos/>.
- Erezi, Dennis. “New IGP Mohammed Adamu Orders Disbandment of FSARS”. *The Guardian*, 21 January 2019. <https://guardian.ng/news/new-igp-mohammed-adamu-orders-disbandment-of-fsars/>.
- Erunke, Joseph. “Acting on Osinbajo’s order, IGP Overhauls, Renames SARS FSARS”. *The Vanguard*, 14 August 2018. <https://www.vanguardngr.com/2018/08/acting-on-buharis-order-igp-overhauls-renames-sars-fsars/>.
- Etinosa, Yvonne. “We Need to Live: Young Nigerians on Why they are Protesting”. *Al Jazeera*, 14 October 2020. <https://www.aljazeera.com/gallery/2020/10/14/in-pictures-protests-in-nigeria-2/>.
- Ezeamalu, Ben. “#EndSARS Report: We Will Wait for Lagos Government’s Reaction – Buhari”. *Premium Times*, 18 November 2021. <https://www.premiumtimesng.com/news/top-news/496076-endsars-report-we-will-wait-for-lagos-govts-reaction-buhari.html>.
- Fick, Maggie. “Special Report: Amid Claims of Police Brutality in Kenya, a Watchdog Fails to Bite”. *Reuters*. 28 February 2018. <https://www.reuters.com/article/us-kenya-police-watchdog-specialreport/special-report-amid-claims-of-police-brutality-in-kenya-a-watchdog-fails-to-bite-idUSKCN1G7178>.
- Gladwell, Malcolm. “Small Change – Why the Revolution will not be Tweeted”. *The New Yorker*, 27 September 2010. <https://www.newyorker.com/magazine/2010/10/04/small-change-malcolm-gladwell>.
- Gontsana, Mary-Anne. “Night Vigil against Mob Justice”. *Ground Up*, 4 July 2012. <https://www.groundup.org.za/article/night-vigil-against-mob-justice-225/>.
- Gontsana, Mary-Anne. “Still no Police Station Five Years After Khayelitsha Commission of Inquiry into Policing”. *Ground Up*, 26 August 2019. <https://www.groundup.org.za/article/still-no-police-station-five-years-after-khayelitsha-commission-inquiry-policing/>.
- Gooding, Tessa. “Shutdown Over Police Inquiry”. *Ground Up*, 7 November 2012. <https://www.groundup.org.za/article/showdown-over-police-inquiry/>.
- Gregory, Andy. “Hundreds Protest Over Police Killing of Homeless Man Accused of Breaching Coronavirus Curfew in Kenya”. *Independent*, 2 June 2020.

<https://www.independent.co.uk/news/world/africa/kenya-protests-homeless-man-george-floyd-police-brutality-nairobi-embassy-a9545351.html>.

Gumbihi, Hudson. "Police in Nairobi Barred from Using Private, Unmarked Cars". *The Standard*, 7 October 2021.

<https://www.standardmedia.co.ke/nairobi/article/2001425547/police-in-nairobi-barred-from-using-private-unmarked-cars>.

Haruna, Abudlkareem. "Pro-SARS Rally Holds in Maiduguri". *Vanguard*, 13 October 2020.

<https://www.premiumtimesng.com/news/top-news/420393-just-in-pro-sars-rally-holds-in-maiduguri.html>.

Hundeyin, David. "1 Year After #EndSARS: Where Are They Now?". *West Africa Weekly*, 23 January 2022. <https://westafricaweekly.substack.com/p/1-year-after-endsars-where-are-they?s=r>.

Ibekwe, Nicholas. "Investigation: Bullets, Blood & Death: Untold Story of What Happened at Lekki Toll Gate". *Premium Times*, 31 October 2020.

<https://www.premiumtimesng.com/news/headlines/423823-investigation-bullets-blood-death-untold-story-of-what-happened-at-lekki-toll-gate.html>.

Ifeoluwa Adediran. "EndSARS: Police Officer Shoots Woman". *Premium Times*, 9 October 2020. <https://www.premiumtimesng.com/news/more-news/419404-endsars-police-officer-shoots-woman.html>.

Ilori, Tomiwa. "Facebook's Content Moderation Errors are Costing Africa too Much". *Slate*, 27 October 2020. <https://slate.com/technology/2020/10/facebook-instagram-endsars-protests-nigeria.html>.

Independent Online. "Do We Have to be Murdered for Having HIV?". 23 December 2003.

<https://www.iol.co.za/amp/news/south-africa/do-we-have-to-be-murdered-for-having-hiv-119756>.

Jepson, Kris. "Kenya Police: Killing with Impunity". *Al Jazeera*, 14 January 2015.

<https://www.aljazeera.com/features/2015/1/14/kenya-police-killing-with-impunity>;

Johnson, Sarah. "The Wounds Won't Heal: Kenya's Agonising Wait for Justice on Killings by Police". *The Guardian*, 17 August 2021. <https://www.theguardian.com/global-development/2021/aug/17/the-wounds-wont-heal-kenyas-agonising-wait-for-justice-on-killings-by-police>.

Kairu, Pauline. "DCI Boss George Kinoti Fights Back Tears in Kayole, Nairobi". *Nation*, 28 February 2019. <https://nation.africa/kenya/news/dci-boss-george-kinoti-fights-back-tears-in-kayole-nairobi-143664?view=htmlamp>.

- Kairu, Pauline. "DCI Boss George Kinoti Fights Back Tears in Kayole, Nairobi". *Nation*, 28 February 2019. <https://nation.africa/kenya/news/dci-boss-george-kinoti-fights-back-tears-in-kayole-nairobi-143664?view=htmlamp>.
- Kakah, Maureen. "AG, Boinnet Sued Over Police Killings". *Nation*, 22 November 2018. <https://nation.africa/kenya/news/ag-boinnet-sued-over-police-killings-111720>.
- Karrim, Azarrah. "Watch Crime Statistics: Delft, Khayelitsha Replace Nyanga as SA's Murder Capital". *News24*, 31 July 2020. <https://www.news24.com/news.com/news24/southafrica/news/watch-crime-statistics-delft-khayelitsha-replace-nyanga-as-sas-murder-capital-20200731>.
- Kimari, Wangui. "Mathare, Kenya Launches Network of Mothers of Victims and Survivors of Police Violence". *RioOnWatch*, 3 April 2020. <https://rioonwatch.org/?p=58071#prettyPhoto>.
- King, Jamilah. "How Black Lives Matter Has Changed US Politics". *New Internationalist*, 5 March 2018. <https://newint.org/features/2018/03/01/black-lives-matter-changed-politics>.
- Kyalo, Joy. "PRWG-Kenya Demands Swift Action to End Reign Terror on Kenyan Youths in Informal Settlements". *The Informer*, 3 May 2021. <https://theinformer.co.ke/32071/prwg-kenya-demands-swift-action-to-end-reign-terror-on-kenyan-youths/>.
- Lyttleton, Joseph. "What Does 'Defund the Police' Mean on a Practical Level". *The Mil Source*, 10 June 2020. <https://themilsource.com/2020/06/10/what-does-defund-the-police-mean-on-a-practical-level/>.
- Mackay, Moses. "Zille Refuses to Expand Police Probe". *Sowetan Live*, 16 October 2012. <https://www.sowetanlive.co.za/news/2012-10-16-zille-refuses-to-expand-police-probe/>.
- Matazu Hafsa Abubakar and Anita Eboigbe. "There is No Leader for #EndSARS Protests". *HumAngle*, 11 October 2020. <https://humanglemedia.com/there-is-no-leader-for-endsars-protests-nigerians/>.
- McKesson, DeRay. "Ferguson and Beyond: How a New Civil Rights Movement Began— and Won't End". *The Guardian*, 9 August 2015. <https://www.theguardian.com/commentisfree/2015/aug/09/ferguson-civil-rights-movement-deray-mckesson-protest>.
- Modola, Siegfried. "Tales of Crime and Struggle in Nairobi's Bustling Slums". *Reuters*. 25 November 2015. <https://www.reuters.com/article/uk-kenya-crime-widerimage-idAFKBNOTE1H920151125>.



- Mom, Rommy. "The Police Service Commission and Relevance of Oversight in Nigerian Policing". *Premium Times*, 6 June 2020, <https://opinion.premiumtimesng.com/2020/06/06/the-police-service-commission-and-relevance-of-oversight-in-nigerian-policing-by-rommy-mom/?tztc=1>.
- Mostert, Frederick and Alex Urbelis. "Social Media Platforms Must Abandon Algorithmic Secrecy". *Financial Times*, 16 June 2021. <https://www.ft.com/content/39d69f80-5266-4e22-965f-efbc19d2e776>.
- Muhindi, Susan. "Widows and Mothers of 22 Youths Slain by Police Sue Boinnet, AG." *The Star*, 23 November 2018. <https://www.the-star.co.ke/news/2018-11-23-widows-and-mothers-of-22-youths-slain-by-police-sue-boinnet-ag/>.
- Mukinda, Fred. "IPOA Warns Police on Shoot-to - Kill Order". *Nation*, 31 March 2014. <https://nation.africa/kenya/news/ipoa-warns-police-on-shoot-to-kill-order-967666?view=htmlamp>.
- Mukinda, Fred. "Police Get Greenlight to Shoot When Threatened". *Nation*, 18 August 2012. <https://nation.africa/kenya/news/police-get-greenlight-to-shoot-when-threatened-885574?view=htmlamp>.
- Muraya, Joseph. "Armed Thugs will Be Met with Firepower". *Capital News*, 13 September 2013. <https://www.capitalfm.co.ke/news/2013/09/armed-thugs-will-met-firepower-kimaiyo/>.
- Muraya, Joseph. "IPOA Probing 243 Killings By Police in Twelve Months." *Capital News*, 5 October 2018. <https://www.capitalfm.co.ke/news/2018/10/ipoa-probing-243-killings-by-police-in-twelve-months/>.
- Musyoka, Michael. "Saba Saba Protestors Teargassed in Nairobi[video]". *Kenya.co.ke*, 7 July 2020. [Saba Saba Protestors Teargassed in Nairobi \[VIDEO\] - Kenya.co.ke](https://kenya.co.ke/news/saba-saba-protestors-teargassed-in-nairobi-video).
- Mutinda, Tracy. "[Photos] Police Disperse Saba Saba Protesters in CBD". *The Star*, 7 July 2021. <https://www.the-star.co.ke/news/2021-07-07-photos-police-disperse-saba-saba-protesters-in-cbd/>.
- Mwahanga, Stanley. "Police Issue Shoot to Kill Order on Terrorism Suspects". *The Standard*, 26 March 2014. <https://www.standardmedia.co.ke/coast/article/2000107870/police-issue-shoot-to-kill-order-on-terrorism-suspects>.
- Mwangi, Denis. "DCI George Kinoti Moved to Tears by Women Narrating 2 Husbands' Murders". *Kenya.co.ke*, 1 March 2019. <https://www.kenya.co.ke/news/37417-dci-kinoti-teary-after-residents-narrate-brutal-murders>.

- Nation. "Mystery Deepens over 'Hessy' in Facebook War against Gangs". 20 May 2017, <https://nation.africa/kenya/news/mystery-deepens-over-hessy-in-facebook-war-against-gangs--400080?view=htmlamp>.
- Ndung'u, Gathanag. "Mathare: Urban Bastion of the Struggle against Oppression in Kenya". *Elephant*, 12 November 2021. <https://www.theelephant.info/reflections/2021/11/12/mathare-urban-bastion-of-the-struggle-against-oppression-in-kenya/>.
- Njeru, Betty. "Evidence Tampering a Barrier in Prosecution of Police Brutality Cases – DPP Haji". *The Standard*, 8 September 2021. <https://www.standardmedia.co.ke/national/article/2001422945/evidence-tampering-a-barrier-in-prosecution-of-police-brutality-cases-haji>.
- Njoku Benjamin. "#EndSARSNOW: Peter Okoye, Falz Call for the End, Runtown Set to Lead protest". *Vanguard*, 5 October 2020. <https://www.vanguardngr.com/2020/10/endsarsnow-peter-okoye-falz-call-for-end-runtown-set-to-lead-protest/>.
- Njoku, Paschal. "CJN Orders Magistrates to Inspect Police Stations, Detention Facilities". *Independent*, 29 June 2018. <https://independent.ng/cjn-orders-magistrates-to-inspect-police-stations-detention-facilities/>.
- Nnadozie, Emma. "How I founded SARS in the Police - RTD CP Midenda". *The Vanguard*, 23 December 2017. <https://www.vanguardngr.com/2017/12/founded-sars-police-rtd-cp-midenda/>.
- Nnochiro, Ikechukwu. "CBN Secures Order to Freeze Accounts of 20 #EndSARS Protesters". *The Vanguard*, 6 November 2020. <https://www.vanguardngr.com/2020/11/cbn-secures-order-to-freeze-accounts-of-20-endsars-protesters/>.
- Nweje, Chukwudi. "EndSARS: States' Judicial Inquiry Designed to Fail – Odinkalu, Ex-NHRC Chair". *The Sun*, 3 November 2020. <https://www.sunnewsonline.com/endsars-states-judicial-inquiry-designed-to-fail-odinkalu-ex-nhrc-chair/>.
- Ochami, David. "National Coroners Service Act Yet to be Implemented Three Years after Enactment". *The Standard*, 6 December 2020. <https://www.standardmedia.co.ke/counties/article/2001396413/chief-coroner-yet-to-be-named-three-years-on-over-legal-gaps>.
- Odenyo, Akello and Gordon Osen. "Saba Saba Protests End in Tears, Arrests of Activists in Nairobi". *The Star*, 7 July 2020. <https://www.the-star.co.ke/news/2020-07-07-saba-saba-protests-end-in-tears-arrests-of-activists-in-nairobi/>.
- Ogundipe, Samuel. "What We Know About Kolade Johnson's Killing - Police". *Premium Times*, 1 April 2019. <https://www.premiumtimesng.com/news/headlines/323512-what-we-know-about-kolade-johnsons-killing-police.html>.

- Okoruwa, Samuel. "How Nigeria Businesses Have Supported the #EndSARS Movement in Nigeria". *Connect Nigeria*, 17 October 2020. <https://connectnigeria.com/articles/2020/10/how-nigerian-businesses-have-supported-the-endsars-movement-in-nigeria/>.
- Olabimtan, Bolanle. "Appeal Court Nullifies Recruitment of 10,000 Constables by IGP". *The Cable*, 30 September 2020. <https://www.thecable.ng/appeal-court-nullifies-recruitment-of-10000-constables-by-igp>.
- Olaniyan, Olawale. "Photos + video: Youths hold #EndSARS, #ENDSWAT Prayer Rally in Ibadan". *Nigerian Tribune*, 16 October 2020. <https://tribuneonlineng.com/photos-video-youths-hold-endsars-endswat-prayer-rally-in-ibadan/>.
- Olewe, Dickens. "How Facebook is Being Used to Profile and Kill Kenyan 'Gangsters'". *BBC News*, 17 April 2019. <https://www.bbc.com/news/world-africa-47805113>.
- Olorok, Friday. "EndSARS Panel Resumes Sitting Today as NHRC Secures Funding". *Punch*, 1 March 2022. <https://punchng.com/endsars-panel-resumes-sitting-today-as-nhrc-secures-funding/>.
- Olowolagba Fikayo. "End SARS: Who Ordered Seizure of my Passport – Moe to Immigration". *Daily Post*, 6 November 2020. <https://dailypost.ng/2020/11/06/end-sars-who-ordered-seizure-of-my-passport-moe-to-immigration/>.
- Olowolagba, Fikayo. "#EndSARS Protest was not to Overthrow Govt – Nigerians Counter Buhari". *Daily Post*, 10 June 2021. [EndSARS protest was not to overthrow govt - Nigerians counter Buhari - Daily Post Nigeria](https://dailypost.ng/2021/06/10/endsars-protest-was-not-to-overthrow-govt-nigerians-counter-buhari/).
- Olurounbi, Ruth. "Nigeria: #EndSARS Movement Avoids Pitfalls of Leadership". *The Africa Report*. <https://www.theafricareport.com/46106/nigeria-leaderless-movement-endsars-may-be-missing-ingredient-to-end-police-brutality/>.
- Omondi, Jacob. "What Does Youthful and Dynamic Energy Lead to Crime in Mathare". *Arise*, 18 November 2021. <https://www.ariseconsortium.org/why-does-youthful-and-dynamic-energy-lead-to-crime-in-mathare/>.
- Omonobi, Kingsley. "ÍGP Orders Arrest of SARS officers who Violate Citizen's Rights". *Vanguard*, 7 October 2020. <https://www.vanguardngr.com/2020/10/igp-orders-arrest-of-sars-who-violators-of-citizens-rights/>.
- Onukwe, Alexander. "The BackEnd: How Facebook and Twitter Fact-check Information in Africa". *Techcabal*, 22 October 2020. <https://techcabal.com/2020/10/22/the-backend-facebook-twitter-factcheck-africa/>.
- Onyekwere, Joseph. "Tim Elombah Still in Illegal Detention, Says Brother". *The Guardian*, 16 January 2018. <https://guardian.ng/features/tim-elombah-still-in-illegal-detention-says-brother/>.

- Orizu, Udora. "Police Service Commission Reform Bill Passes Second Reading". *ThisDay*, 16 December 2020, <https://www.thisdaylive.com/index.php/2020/12/16/police-service-commission-reform-bill-passes-second-reading>.
- Osen, Gordon. "Killer Squad Hessa Targets Gangsters Freed on Bond, Says Police Sources". *The Star*, 21 March 2019. <https://www.the-star.co.ke/counties/nairobi/2019-03-21-killer-squad-hessa-targets-gangsters-freed-on-bond-say-police-sources/>.
- Otieno, Julius and Isaac Akeo. "Dandora Police Killings Spark Outrage". *The Star*. 31 October 2018. <https://www.the-star.co.ke/news/2018-10-31-dandora-police-killings-spark-outrage/>.
- Premium Times. "Buhari Orders IGP, Justice Minister to Work Out Implementation of Report on SARS Reform". 3 June 2019. <https://www.premiumtimesng.com/news/headlines/333204-buhari-orders-igp-justice-minister-to-work-out-implementation-of-report-on-sars-reform.html>.
- Premium Times. "Communique of Stakeholders' Meeting on the Implementation of the Recommendations of the Presidential Panel on the Reform of the Special Anti-Robbery Squad (SARS)". 12 October 2020. [https://media.premiumtimesng.com/wp-content/files/2020/10/SARS\\_Communicae\\_mini.pdf](https://media.premiumtimesng.com/wp-content/files/2020/10/SARS_Communicae_mini.pdf).
- Premium Times. "EndSARS: NBC Imposes N3m Sanction Each on AIT, Channels, Arise TV". 26 October 2020. <https://www.premiumtimesng.com/news/more-news/423162-endsars-nbc-imposes-n3m-sanction-each-on-ait-channels-arise-tv.html>.
- Premium Times. "EndSARS: Nigeria's Human Rights Commission Inaugurates Probe Panel on Violations". 21 October 2020. <https://www.premiumtimesng.com/news/top-news/422180-endsars-nigerias-human-rights-commission-inaugurates-probe-panel-on-violations.html>.
- Pressly, Donwald. "Khayelitsha is SA's Worst Trouble Spot". *Mail & Guardian*, 24 May 2004. <https://mg.co.za/article/2004-05-25-khayelitsha-is-sas-worst-trouble-spot/>.
- Pulse.ng. "CBN Froze #EndSARS Promoters' Accounts 2 Weeks Before Court Order, Lawyer Tells Court". 9 December 2020. <https://www.pulse.ng/news/local/cbn-froze-endsars-promoters-accounts-2-weeks-before-court-order-lawyer-tells-court/ty0k6ze>.
- Rachman, Gideon, Benedict Mander, Daniel Dombey, Sue-Lin Wong, Heba Saleh. "Leaderless Rebellion: How Social Media Enables Global Protests". *Financial Times*, 25 October 2019. <https://www.ft.com/content/19dc5dfe-f67b-11e9-a79c-bc9acae3b654>.
- Sahara Reporters. "#EndSARS: Pastor Enenche Leads Hundreds of Christians on Prayer Walk for Nigeria in Abuja". 19 October 2020.

<http://saharareporters.com/2020/10/19/endsars-pastor-enenche-leads-hundreds-christians-prayer-walk-nigeria-abuja>.

Sahara Reporters. "Corruption, Extortion at Police Stations Push More Nigerians to Use Online Police". 6 May 2021. <http://saharareporters.com/2021/05/06/corruption-extortion-police-stations-push-more-nigerians-use-%E2%80%99online-police%E2%80%99>.

Sefali, Pharie. "Khayelitsha Development Forum Boycotts Policing Inquiry". *Ground Up*, 20 November 2013. <https://www.groundup.org.za/article/khayelitsha-development-forum-boycotts-policing-inquiry/>.

Smith, Erika D. "2020 was the Year America Embraced Black Lives Matter as a Movement, not Just a Moment". *Los Angeles Times*, 16 December 2020. <https://www.latimes.com/california/story/2020-12-16/black-lives-matter-protests-george-floyd-coronavirus-covid-2020>.

Sperber, Amanda. "Kenyan Police used COVID-19 Laws to Protesters, then Put them in the Same Cell". *Vice*, 7 July 2020. <https://www.vice.com/en/article/qj43a3/saba-saba-protest-kenya-police-brutality>.

The Nation. "#EndSARS: How Panels of Enquiry can Get Justice for Victims". 6 October 2020. <https://thenationonlineng.net/endsars-how-panels-of-enquiry-can-get-justice-for-victims/>.

The Star. "{Speech} Changes aimed at streamlining police operations – Uhuru". 13 September 2018. <https://www.the-star.co.ke/news/2018-09-13-speech-changes-aimed-at-streamlining-police-operations-uhuru/>.

Toromade, Samson. "Kolade Johnson a Victim of the Tainted Rise of Lagos Police's Anti-Cultism Unit". *Pulse Nigeria*, 4 March 2019. <https://www.pulse.ng/news/local/kolade-johnson-a-victim-of-the-tainted-rise-of-lagos-anti-cultism-police/wl98kty>.

Vanguard. "Facts to know about Kolade Johnson". 2 April 2019. <https://www.vanguardngr.com/2019/04/facts-to-know-about-kolade-johnson/>.

Vanguard. "Breaking: IGP Bows to #EndSARS, Orders Immediate Re-organization of SARS". 4 December 2017. <https://www.vanguardngr.com/2017/12/breaking-igp-bows-endsars-orders-immediate-re-organization-sars/>.

Vanguard. "More #EndSARS Protests Rock Lagos, Osogbo, Ilorin, Abuja". 13 October 2020. <https://www.vanguardngr.com/2020/10/more-endsars-protests-rock-lagos-osogbo-ilorin-abuja/>.

Vanguard. "Nigerians Protest, Denounce Killing of Kolade Johnson by Police." 1 April 2019. <https://www.vanguardngr.com/2019/04/nigerians-protest-denounce-killing-of-kolade-johnson-by-police/>.

Wako, Amina. "Hessy wa Dandora Gone: Facebook Deletes Page of Crime Buster". *Nairobi News*, 29 April 2019. <https://nairobinews.nation.co.ke/facebook-deletes-page-of-crime-buster-hessy-wa-dandora/>.

Wambui, Mary. "Kenya: Why Rogue Police Officers are Getting Away with Murder". *AllAfrica*, 29 October 2021. <https://allafrica.com/stories/202110290320.html>.

Wanyama, Shadrack. "Activists Arrested in Saba Saba March". *The Mt. Kenya Times*, 7 July 2020. [Activists arrested in Saba Saba march – Mt.KenyaTimes \(mtkenyatimes.com\)](https://www.mtkenyatimes.com/activists-arrested-in-saba-saba-march).

Weyers, Dalli. "Winde's Western Cape Safety Plan Requires a Break with the Past". *Daily Maverick*, 5 December 2019. <https://www.dailymaverick.co.za/opinionista/2019-12-05-windes-western-cape-safety-plan-requires-a-break-with-the-past/>.