

An Analysis of the Legality and Challenges of Peaceful Protest in Nigeria: Matters Arising.

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Abstract

Peaceful protest is one of the lawful channels through which citizens register and express their discontent, dissatisfaction and sundry opinions on government policies, actions and inactions. The right to peaceful protest is one of the fundamental human rights which is recognized by both national and international legal instruments and judicial decisions. *The Constitution of the Federal Republic of Nigeria, 1999* (as amended) makes the security and welfare of the citizens the primary purpose of the government. Under the *Police Act, 2020*, the Nigerian Police has a duty to protect protesting citizens with adequate security and uphold the fundamental rights of all citizens under maximum safety. Despite these recognitions, the right to peaceful protest is not respected in Nigeria. In recent times, many protesters have been killed, others injured while a greater number have been unjustly detained. These and other factors are challenges which undermine the free exercise of the right to peaceful protest in Nigeria. This article therefore offers an appraisal of the legal framework for peaceful protest and the challenges associated with peaceful protest in Nigeria in recent times. It analyses both national and international legal frameworks for peaceful protest with a view to sensitizing the citizens on the position of the law as regards peaceful protest and proffers solutions to the identified challenges. The research method adopted is the doctrinal method of research whereof primary, secondary and tertiary sources such as law textbooks, journals, newspaper and internet materials etc were consulted. Findings show that the right to peaceful protest is not respected in Nigeria especially when the protest is against the government. This article recommends that government should curtail violent crack-down and illegal detention of innocent protesters during protests. The article also recommends that government should respect judicial pronouncements or decisions on the right to peaceful protest in Nigeria.

Keywords: Fundamental Human Rights, Peaceful Protest, Constitution, Government, Police.

1. Introduction

Prior to the present political dispensation, Nigerians have used peaceful protest to hold government accountable, express their grievances and demand change in governance¹. Peaceful protest plays a significant role in every government as it allows the citizens to freely express themselves for the collective good of the society. It is as a result of this that both national and international legal frameworks and the justice system acknowledge and guarantee the right to peaceful protest².

At the international level, the right to peaceful protest is enshrined in the *International Covenant on Civil and Political Rights*, 1966³. Under this instrument, the right to peaceful assembly including the right to peaceful protest is recognized and guaranteed. The *African Charter on Human and Peoples Rights*, 1981 (African Charter), also makes provision for peaceful assembly and protest⁴. Similar to the provision of the *ICCPR, Article 21* and the *African Charter* provides for the right to peaceful protest which is also articulated in other international and regional instruments and the content elaborated in the views, resolutions and interpretative guidelines of monitoring bodies⁵.

In Nigeria, the Fundamental Right of Citizens to peaceful protest for their rights and wellbeing is enshrined in the *Constitution of the Federal Republic of Nigeria 1999*⁶. As stated earlier, the Nigerian government is bound by the *African Charter* and *ICCPR*⁷. However, despite these legal backings,

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¹ O.U Adesoji, 'Protest in the Political History of Nigeria' <<https://www.qiraatafrican.com>> accessed on January 20th, 2025 by 4:10pm.

² *International Covenant on Civil and Political Rights*, 1966, the *African Charter on Human and Peoples Rights*, 1981. The *Constitution of the Federal Republic of Nigeria*, 1999 (as amended)

³ *International Covenant on Civil and Political Rights*, 1966, *Article 21*.

⁴ the *African Charter on Human and Peoples Rights*, 1981 *Article 11*.

⁵ A.C Ekeke, 'Right to Peaceful Protest in Nigeria and the Recurrent Syndrome of Brutalization, the End Sars Protest Debacle' *Journal of African Law* (2023) 67(2) 3-4. Also at <<https://www.cambridge.org.com>> accessed on January 14th, 2025 by 4:30 pm.

⁶ *CFRN 1999* (as amended), *section 40*.

⁷ A.C Ekeke, 'Right to Peaceful Protest in Nigeria and the Recurrent Syndrome of Brutalization, the End Sars Protest Debacle' *Journal of African Law* (2023) 67(2) 3-4. Also at <<https://www.cambridge.org.com>> accessed on January 14th, 2025 by 4:30 pm.

government has continued to harass and violently crack-down on protesters.

In 2020 and 2024 during the End SARS and End Bad Governance protests respectively, hundreds of protesters were killed, many injured and others detained⁸. This article intends to analyze the legal framework for peaceful protest, it will also highlight the challenges faced by protesters in recent times.

2. Incidents of Peaceful Protests in Nigeria Since Pre -Independence till Date The Aba Women Riot (1929)

The first recorded protest in Nigeria is the Aba Women Riot of 1929 also known as ‘Women’s War’⁹. In November 1929, thousands of Igbo women organized a massive protest against the British Colonial Administration’s policies, particularly the imposition of taxes on market women¹⁰. The protest took place in the streets of Aba, Calabar and Owerri provinces. The women boycotted markets, attacked native courts, chanted war songs and danced around the public arena. They demanded that the warrant Chiefs resign their positions and abolish taxation on the market women¹¹. Unfortunately, this protest was met with violent clampdown by the colonial masters resulting to the tragic death of more than 50 women and the wounding of others¹².

However, the Aba women’s riot yielded an impressive result as it prompted the colonial masters to address some of the women’s grievances including the removal of taxation on market women and the powers of the warrant chiefs were curbed.

⁸ BBC News ‘End Sars Protest: People Shot Dead in Lagos Nigeria’ <<https://www.bbc.com>> accessed on January 17th, 2025 by 2: 55pm. See also, Aljazeera, ‘SARS: Lagos Protesters Break Curfew Amid Gunfire, Chaos’ <<https://www.aljazeera.com>> accessed on January 20th, 2025 by 5pm. See also, Amnesty International, ‘Nigeria : Police used Excessive Force to Violently Quash #Endbadgovernance Protests’ <<https://www.amnesty.org>> accessed on February 2nd, 2025 by 6.30am. Timothy Obiezu, ‘Amnesty International Says Nigerian Police Killed 24 in Crackdown on August Protests’ <<https://www.voanews.com>> accessed on January 18th, 2025 by 9pm.

⁹ Azezat Okunlola, ‘Aba Women Riots: Women at the Frontline of Social Change’ <<https://www.documentwomen.com>> accessed on January 30th, 2025 by 5:12 am. See also, Language Conflict Encyclopedia ‘Women’s War of 1929, Aba Women’s Riots’ <<https://www.languageconflict.org>> accessed on February 3rd, 2025 by 3pm.

¹⁰ *ibid.*

¹¹ Toyin Falola and Adam Paddock, ‘the Women’s War of 1929, a History of Anti-Colonial Resistance in Eastern Nigeria’ <<https://www.cap-press.com>> accessed on January 10th, 2025 by 2:30 pm.

¹² *ibid.*

The Enugu Coal Miner Strike (1949)

On 18th November, 1949, the Iva valley massacre occurred after miners at the British- owned Iva Coal Mine Enugu went on strike¹³. The strike was triggered by the poor working conditions, unfair treatment and low salary of the coal miners¹⁴. The miners organized a peaceful protest. They demanded for better work condition and salary. Unfortunately, a British superintendent of police, F. S Philip, commanding a number of British and Nigerian police officers ordered the shooting of the unarmed protesting miners¹⁵. This resulted to the killing of twenty -one miners while thirty -one miners were injured¹⁶. It was indeed a sad day in the history of colonialism and labour liberation protest in Nigeria. The consequent reaction was spontaneous as the trade unions movement which was earlier on divided came together as a National Labour Committee¹⁷.

After the incident, the Governor appointed a commission to investigate the incident. Negotiations were also held between the trade union leaders and the native authorities

The Ali Must Go Protest (1978)

The Ali Must Go protest also referred to as ‘Students Crisis’ was a protest against the Federal Commissioner of Education Col Ahmadu Ali led by students from different universities across Nigeria¹⁸. The protest started when the then military government under General Olusegun Obasanjo increased the meal ticket of students in tertiary institutions from 50 kobo to 1.50 kobo and then to N2.00, citing the high cost of living in the country as the reason for the increment¹⁹. The decision was perceived as an oppressive move that disproportionately affected students from less privileged backgrounds. Apart from the complaint against the increment of fees, the students also decried that tertiary education was suffering because there were

¹³Agwu Akpala, ‘The Background of Enugu Colliery Shooting Incident in 1949’ *Journal of the Historical Society of Nigeria* (1965) 3(2) 335-363. See also, Paul Kelemen, ‘Planning for Africa: The British Labour Party’s Colonial Development Policy, 1920-1964’ *Journal of Agrarian Change* (2007) 7(1) 76-98.

¹⁴*Ibid.*

¹⁵ Editorial Board, ‘Iva Valley Massacre: The Blood Never Dried’ <https://www.socialistworkersleague.org> accessed on January 20th, 2025 by 12:43pm.

¹⁶*Ibid.*

¹⁷*Ibid.*

¹⁸Ankrah Shalom, ‘Ali Must Go: Historical 1978 Protest that Led to Deaths, Legitimized Power of Nigerian Students’ <<https://www.legit.ng>> accessed on January 20th, 2025 by 12:45pm

¹⁹*Ibid.*

very few federal government owned universities and no private or state - owned universities²⁰. As part of the protest, the students of tertiary institutions whose local unions were affiliated with National Union of Nigerian Students (NUNS) decided to boycott lectures. The protest was met with repression by the military government resulting in death of several students and numerous others injured in the peaceful protest²¹. The protest resulted in showcasing the power of student union activism in holding the government accountable to their programs and policies. The protest also helped to further mainstream student unionism in Nigeria.

The June 12 Protest (1993)

The annulment of the presidential election held on June 12, 1993 by the then president Ibrahim Babangida administration sparked a protest from those who believed that the election was won by MKO Abiola²². General Babangida annulled the elections citing electoral irregularities and no winner was officially declared²³. This annulment triggered protests and political turmoil. The protest started from Lagos and spread to other parts of the country. A general strike called by human rights groups also brought thousands of people into the streets braving a tropical thunderstorm²⁴. The police fired tear gas from helicopters and on the ground. The protest over the June 12 injustice and state brutality were climaxed by the assassination of Alhaja Kudirat Abiola²⁵.

The protest however, signified that ethnic factors remained the most potent threat not only to democracy but also to the continuous corporate existence of the Nigerian State. Another significance of the 1993 protest is that the protest eventually resulted to the end of military regime and the restoration of democracy in Nigeria in 1999²⁶.

Occupy Nigeria Protest (2012)

²⁰*ibid.*

²¹ S.O Akhaine, 'The Student Movement in Nigeria: Antinomies and Transformation' <<https://www.jstor.org>> accessed on January 20th, 2025 by 2:34 pm.

²² Damilola Olufemi, 'Aba Women Riot, #EndSARS, Five Other Major Protests Recorded in Nigeria Since 1929' <<https://www.businessday.ng>> accessed on February 5th, 2025 by 5:30 am.

²³*ibid*

²⁴ Kehinde Ogunyale, 'Hunger Protest: Timelines of Major Protests in Nigeria Since 1929' <<https://www.icirnigeria.org>> accessed on February 4th, 2025 by 6pm.

²⁵*ibid*

²⁶ 1st Attorneys, 'The Right to Protest and Freedom of Expression in Nigeria' <<https://www.istattorneys.com>> accessed on February 3rd, 2025 by 4pm.

This protest occurred as a result of the announcement of fuel subsidy removal by President Goodluck Jonathan in January 2012, which led to a sharp increase in the price of fuel and other commodities²⁷. The protest was an anti-subsidy removal campaign undertaken by some Nigerians to register their grievances over the high cost of living when the government abruptly ended fuel subsidy²⁸. Nigerians took to the streets of major cities in Nigeria such as Lagos, Abuja, Kano and Enugu to demand the reinstatement of the subsidy and more economic reforms.²⁹

The protest led to the reinstatement of the subsidy and a review of the federal government's expenditure and policies

End SARS Protest (2020)

In October 2020, Nigerians especially the youths came out en masse to protest against the activities of special Anti-Robbery Squad (SARS).³⁰ They called for the disbandment of the SARS on the reason that SARS had been violent, harassing members of the public and had extra judicially killed so many Nigerians. The protest erupted following a viral video showing a SARS officer allegedly shooting a man in Delta State before driving off³¹. This triggered a nation-wide protest which resulted in the killing of at least ten protesters at Lekki Toll Gate Lagos where the protesters converged³².

The protests were completely decentralized, comprising mainly of youths who utilized the power of social media to create global awareness³³. The protest caught the attention of many celebrities and Black Lives Matter activists who wrote letters to the then president Muhammed Buhari urging him to treat the protesters humanely and to release all illegally detained

²⁷*Ibid.*

²⁸ Kehinde Ogunyale, 'Hunger Protest: Timelines of Major Protests in Nigeria Since 1929' <<https://www.icirnigeria.org>> accessed on February 4th, 2025 by 6pm.

²⁹*Ibid.*

³⁰ Ian Cata, 'The End SARS Protests of 2020' <<https://www.thenonviolenceproject.wisc.edu>> accessed on February 5th, 2025 by 3:08pm.

³¹*Ibid.*

³² Kehinde Ogunyale, 'Hunger Protest: Timelines of Major Protests in Nigeria Since 1929' <<https://www.icirnigeria.org>> accessed on February 4th, 2025 by 6pm. See also, Amnesty International, '#ENDSARS Movement: From Twitter to Nigerian Streets' <<https://www.amnesty.org>> accessed on February 1st, 2025 by 10pm.

³³*Ibid.*

protesters³⁴. The End SARS protest became impossible to ignore as it spread across the country like an inferno. The protesters used various forms of peaceful protest to create disruptions and force government to accept their demands. Major highways were blocked, youths camped in front of government offices, while some marched peacefully through the streets of major cities. The resultant effect of the protest was the disbandment of SARS by the Federal government of Nigeria.

End Bad Governance Protest (2024).

On 1st August, 2024 a nation-wide protest erupted over the rising cost of living under the current administration³⁵. The reasons for the nation-wide protest ranged from the removal of fuel subsidy and hike in fuel prices, high cost of living, worsening economic situation and total dissatisfaction with certain government policies³⁶.

The protesters rallied under the hash tag *#Endbadgovernance#* which emanated from the social media and later spread physically across some parts of the country. The protesters demanded for economic relief, reinstatement of fuel subsidy, restoration of affordable electricity tariffs and the reduction of import duties to their previous rates.

As usual many protesters were injured and others lost their lives when the security agencies tried to repress the protesters. Lives were lost in some Northern parts of the country such as Kano, Kastina, Kaduna and Federal Capital Territory (FCT) Abuja³⁷. As at the time of writing this paper, none of the demands made by the protesters have been addressed by the government.

3. The Legal Framework for Peaceful Protest in Nigeria

International Covenant on Civil and Political Rights (ICCRR) 1966.

Nigeria is a State Party to the *International Covenant on Civil and Political Rights (ICCRR) 1966*, which provides as follows:

³⁴*Ibid.*

³⁵ Amnesty International, 'Nigeria: Bloody August: Nigerian Government's Violent Crackdown on End Bad Governance Protesters' <<https://www.amnesty.org>> accessed on February 11th, 2025 by 12pm. See also Flona Equere, 'End Bad Government Protest Show Anger and Hunger for Nigeria' <<https://www.bbc.com>> accessed on January 23rd, 2025 by 6pm.

³⁶*Ibid.*

³⁷ Adeyinka Salami, 'Takeaways from the #EndBadGovernance Protest' <<https://www.thisdaylive.com>> accessed on January 23rd, 2025 by 6pm.

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of their right other than those imposed in conformity with the law and which are necessary in democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others³⁸

However, Nigeria is not a party to the First Optional Protocol to the ICCPR, which permits individuals to write petitions to the Human Rights Committee if they believe the State has violated their human rights as enshrined under the Covenant³⁹. This proviso is the reason victims of law enforcement agents' brutality cannot petition to the Human Rights Committee of the ICCPR which Nigeria is a signatory to.

Similarly, Nigeria is also a State party to the *African Charter on Human and Peoples Right (African Charter) 1981*. The *African Charter* provides thus:

Every Individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, safety, health, ethics and rights and freedoms of others⁴⁰

Nigeria is a signatory to the Protocol on the African Court on Human and Peoples' Rights. However, individuals are also not allowed to petition the Court if their rights are violated⁴¹.

At the national level, the right to peaceful Protest is enshrined in the *Constitution of the Federal Republic of Nigeria, 1999* (as amended) which provides that:

³⁸*International Covenant on Civil and Political Rights (ICCRR) 1966, Article 21.*

³⁹ The Right of Peaceful Assembly, 'Laws on The Right of Peaceful Assembly Worldwide' <<https://www.rightofassembly.info>> accessed on February 3rd, 2025 by 8am.

⁴⁰*African Charter on Human and Peoples Rights, 1981, Article 11.*

⁴¹ The Right of Peaceful Assembly, 'Laws on The Right of Peaceful Assembly Worldwide' <<https://www.rightofassembly.info>> accessed on February 3rd, 2025 by 8am.

Every person shall be entitled to assemble freely and associate with other persons and in particular, he may form or belong to any political party, trade union or any association for the protection of his interests⁴²

The above legal frameworks undoubtedly show that the right to peaceful protest is to be enjoyed by all persons within the ambit of the law. Thus, the right to peaceful protest is not absolute, it must be enjoyed within the confines of the law and the law does not in any way support or provide for the use of force on the protesters.

As stated earlier, Nigeria is a State Party to the *ICCPR* as well as the *African Charter* which support the right to peaceful protests. Nigerian laws also recognize the right to peaceful protest. Strangely and sadly, the Nigerian government has continued to violate and disregard the provisions of both international and national laws as regards the rights to peaceful protest. Some of the laws in Nigeria indirectly, through government actions or inactions, restrict the right to peaceful protests.

Both international and national laws outline situations in which right to peaceful protest may be restricted such as on the ground of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedom of others⁴³. However, recent incidents of government clampdown on protesters were not based on any of the national situations. The restrictions have been at variance with the provisions of the law on peaceful protest. The government in connivance with the country's security agencies would always invoke the *Public Order Act, 1979* to restrict and crackdown on protesters. The said *Public Order Act, 1979* makes it mandatory for individuals or groups to apply for and obtain police permit or approval to hold rallies or peaceful protests⁴⁴. The security agencies have always used this provision against the protesters despite the court's pronouncement or decision in the case of *All Nigeria People's Party and*

⁴²*Constitution of the Federal Republic of Nigeria, 1999(as amended) Section 40.*

⁴³*African Charter on Human and Peoples Rights, 1981, Article 11.*

⁴⁴*the Public Order Act, 1979, Section 1(3).*

*others v Inspector General of Police*⁴⁵. In this case, the plaintiff (a registered political party) challenged the constitutional validity of a police permit under the *Public Order Act* and the police in the defence, contended that the plaintiffs had not obtained a police permit. In dismissing the Police contention, the court held that:

The requirement of Police permit or other authority for the holding of rallies or processions in Nigeria is illegal and unconstitutional as it violates section 40 of the 1999 Constitution and Article 11 of the African Charter on Human and Peoples' Right (Ratification and Enrichment) Act (Cap 10) laws of the Federation of Nigeria 1990⁴⁶

Not satisfied, the then Inspector General of Police appealed the decision of the lower court to the Court of Appeal in *Inspector General of Police v All Nigeria People's Party*⁴⁷. The Court of Appeal upheld the High Court's decision declaring Section 1 (3) of the *Public Order Act* to be unconstitutional.

With the above judicial decisions, no permit is required any longer before embarking on protest. What the protesters are required to do is to merely notify the authorities of their plans. It is however worrisome that this seasoned court's decision has not yet been reflected in our laws by way of amendment. Strangely, the Nigerian Police force still cite the provisions of *Public Order Act* in repressing peaceful protesters in total disregard to the decision of the court and the provisions of international and national frameworks on peaceful protests. A clear example is the way the security agents handled protesters in the August 2024 end bad governance peaceful protest in Nigeria⁴⁸.

⁴⁵ (2006) CHR 181.

⁴⁶ *Ibid.*

⁴⁷ (2008) 12 WRN 65.

⁴⁸ Timothy Obiezu, 'Amnesty International Says Nigerian Police Killed 24 in Crackdown on August Protests' < [https:// voanews.com](https://voanews.com)> accessed on January 29th, 2025 by 6:30 pm. See also, Channels, 'Police Tackle Amnesty on Protest Casualty Figure, Arrest 681 Suspects' < <https://www.channelstv.com>> accessed on January 29th, 2025 by 3pm. See also, Amnesty International, 'Nigeria: Police Used Excessive Force to Violently Quash #Endbadgovernance Protesters' <<https://www.amnesty.org.ng>> accessed on January 29th, 2025 by 6pm.

4.Challenges to Peaceful Protest in Nigeria

(a) Government Crackdown and Use of Excessive Force on Protesters

A run down through the history of peaceful protests in Nigeria since pre-independence till date shows that government crackdown or use of force to repress protesters has been a common challenge to all the peaceful protests that have taken place in Nigeria. Record has it that, at the first protest in Nigeria in 1929 (the Aba women riot), more than fifty women lost their lives and several others were injured. This has been a recurrent decimal in other subsequent protests, most recent being the #endbadgovernance# protest which took place in August 2024. The Nigerian police was reported to have used excessive force against the peaceful protesters which resulted to the tragic death of at least twenty- four persons⁴⁹.

(b) Flagrant Disrespect to Judicial Decision

Due to the recurrent tragic deaths of protesters orchestrated by the use of excessive force by the security agents over the years, the court waded in by making a pronouncement in the case of *All Nigeria People Party and Others v Inspector General of Police* (Supra) to the effect that the requirements of police permit or other authority for the holding of rallies or procession in Nigeria is illegal and unconstitutional. Unfortunately, the court's decision has been continually disregarded by the government through security agents. There is no adherence to decisions of the courts. The Nigeria government has continued to use the police and other security agencies to harass, intimidate, arrest and kill peaceful protesters. The Nigerian Police have continued to strictly follow the provisions of *section 1(3) of the Public Order Act* to harass and restrict Nigerians from peaceful protests. This has been a troubling situation for peaceful protesters in Nigeria.

(c) Police Brutality

Nigerian police has a chequered history of using excessive force on protesters. In other developed clime such as America, the police use technology in the control or monitoring of protesters during protest, but in Nigeria the story is usually different. In 2012, the police violently disrupted mass protests against the removal of fuel subsidy protesters⁵⁰. During the

⁴⁹*ibid*.

⁵⁰ Aljazeera, 'Nigeria Fuel- Price Protests Turn Violent' <<https://www.aljazeera.com>>accessed on January 29th, 2025 by 3pm. See also, Monica Mark, 'Nigeria Fuel Protests: Two Killed and Dozens Wounded as Police Open Fire' <<https://www.theguardian.com>> accessed on January 30th, 2025 by 11am.

End SARS protest in 2020 more than 10 protesters were shot by the police at the Lekki Lagos Toll Gate⁵¹. Other protesters were arrested and illegally detained. The Nigerian police lack the requisite skill or training in handling protesters.

(d) Lack of Accountability

In the past, peaceful protests were used to hold the government accountable to their policies and programs. However, these days, no matter the gravity of a protest the government pays deaf ears to the demand of the citizens even after promising to address the issues that triggered the protest in the first place. Hike of petroleum prices was one of the reasons for the end bad governance protest in August 2024. Unfortunately, since then, the price of fuel has even tripled. The attitude of government towards people's demands through peaceful protest is one of the challenges protesters face as nobody is ready to embark on a fruitless exercise.

(e) Non- Sanction of Those Who Violate the Right of Protesters

Despite the promises and assurances, the government fails to hold accountable or bring to book the perpetrators of police or other security agency brutality. After injuring or killing the protesters, nothing is done to punish or sanction the perpetrators. Once the protest period is over, the whole matter dies down. This unfortunate situation is one of the challenges faced by protesters in Nigeria.

(f) Counter Protesters

Another challenge faced by protesters in Nigeria is the activities of counter protesters or hijackers of protest. These activities sometimes stem from the social media. Hijackers make misleading posts or tweets on social media thereby triggering unnecessary tensions which spread like wild fire and subsequently snowball into physical actions and inactions. We have seen in the past where a peaceful protest suddenly turned violent. A group of people take undue advantage of the peaceful protest to hijack the peaceful protest and render havoc and damages to government property thereby giving protesters a very bad name often perceived as anti-government.

⁵¹ Stephanie Busari and Nima Elbagir, 'Nigerian Judicial Panel Condemns 2020 Lekki Toll Gate Shooting as 'A Massacre '<<https://www.edition.cnn.com>> accessed on January 30th, 2025 by 3:30 pm. See also, BBC NEWS, 'Nigerian Army Shot and Killed #EndSars Protesters' <<https://www.bbc.com>> accessed on January 30th, 2025 by 2pm.

5. Conclusion/ Recommendations

Peaceful protest has always been used to hold the government accountable to their policies and programs. Through peaceful protests the citizens drive home their demands and bring positive change in governance. History has also shown that peaceful protest can lead to positive and significant changes in government policies and programs. The right to peaceful protest enjoys both international and national legal recognition. None of these laws supports the use of force on protesters. In reality, these laws are not obeyed as we have witnessed the killing and unjust detention of peaceful and unarmed protesters in recent times. Application of excessive force, intimidation, harassment and unjust actions against peaceful protesters are against the tenets of the law. There is nowhere such is permitted by the law. Police brutality, crackdown, use of force on the protesters and other factors undermine the fundamental rights of Nigerians to peacefully protest against some of the government policies in Nigeria. To forestall future occurrences and put a check on all the unjust actions meted on protesters in Nigeria, this article therefore makes the following recommendations:

- i. Government should cease from unwarranted crackdown on peaceful protesters as such violates the constitutional rights of the protesters.
- ii. Government should respect court decisions on the right to peaceful protest in Nigeria especially in respect to the requirement of obtaining police permit before embarking on protest by ensuring that the laws are amended to reflect the court's decision.
- iii. The courts should at all times uphold the rights of protesters by dismissing frivolous and oppressive charges that may be trumped up on protesters who are unjustly arrested and perceived as enemies or anti-government.
- iv. There should be accountability for security breaches. Those who are found guilty of police brutality or any form of brutality against the protesters should be brought to book. This will serve as a deterrent to others.
- v. Government should always be ready to engage and foster peaceful dialogue with the protesters by addressing the needs of the citizens and taking steps toward safeguarding the rights of the citizens.

vi. The legal framework on peaceful protest should further be strengthened taking into consideration the modern social media engagements.