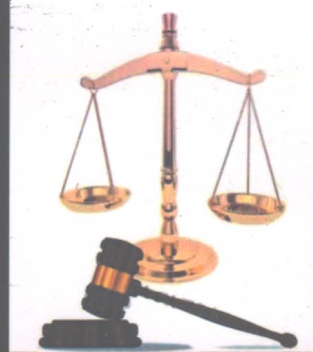




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# EXAMINATION OF THE LEGAL FRAMEWORK OF KIDNAPPING AND HOSTAGE-TAKING IN NIGERIA

BY  
Ibitoye T. R.\*

## ABSTRACT

*The crimes of kidnapping and hostage-taking in Nigeria have evolved from being means of calling the attention of the government towards the marginalization of Niger-Delta Region, to organised crime committed for ransom that violate the fundamental human right of liberty and freedom of movement of a person which pose vital challenge to the security of lives of Nigerian citizens. Hence, this study looks at the history, statistics/incidents, targets, causes and types of kidnapping. It goes further to examine the extant laws of kidnapping and hostage-taking in Nigeria and their lacunae. The study also discusses some challenges of kidnapping and recommends the necessity of making a new law or amending the existing one by filling up some lacunae particularly the punishment section. The government, security agents, and the Nigerian citizens are sensitized to be more proactive, vigilant and security conscious in combating kidnapping and hostage-taking for ransom in Nigeria.*

**KEYWORDS:** Kidnapping, Hostage-taking, Ransom, Crimes, Nigeria.

## 1.0. INTRODUCTION

According to Ngwama,<sup>1</sup> kidnapping is defined as false imprisonment in the sense that it involves the illegal confinement of individuals against his or her own will by another

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individual in such a way as to violate the confined individual's right to be free from the restraint of movement. Also, Uzorma&Nwanegbo-Ben, stated that kidnapping is the act of seizing and detaining or carrying away a person by unlawful force or by fraud, and often with a demand for ransom.<sup>2</sup>Therefore, kidnapping can be defined as the criminal act of abducting a person from his family, friends and immediate environment, and holding same as a hostage in a strange place against his wish, in violation of his fundamental human right of freedom of movement, with or without a demand for ransom, or to further the commission of another crime, for instance, murder.

Tzanelliviews kidnapping from an entirely different perspective. She opines that "kidnapping is the illegitimate counterpart of a legitimate exploitation system that has been around for centuries: that of capitalist exchange,"<sup>3</sup> that is, she sees kidnapping as an exchange. She further observes that kidnapping is "a form of transaction rooted in contemporary socio-economic and political structures of society."<sup>4</sup>The idea of exchange as implied in the foregoing is fundamental to any kidnapping situation. Exchange in kidnapping, however, does not follow the logic of open market transaction, whereof the terms are open and freely negotiable. Instead, exchange in kidnapping is forced and dictated by the illegitimate whims of the kidnapper(s). The exchange can take various forms, namely material, political, or symbolic.<sup>5</sup> Thus, the demand for ransom from a victim's relative(s) is an act of exchange or trade by barter, where the victim's life and freedom are exchanged in place of money.

Furthermore, Davidson<sup>6</sup>explained the style/method in which this act is being executed when he described, "a group of criminals armed with guns and cell phones apprehend unsuspecting victims and drag their victim into a secluded spot and begin to make phone calls to whomever and demand for a ransom."GboyegaAlaka further describes the level of expertise displayed during a recent kidnapping at FESTAC town Lagos State. He stated that:

It was a commando-like operation. About five gun-toting men in military uniform crossed a jeep on a certain evening somewhere as it negotiated its way into the Raji Rasaki Estate in Amuwo-Odofin Area of Lagos, ordered the occupant, an obviously well-to-do man out of the car, threatening to shoot if he as much as played any pranks, ordered him into their vehicle and drove off, shooting fiercely as they disappeared into the night. Eye-witnesses said everything happened in less than five minutes. Some said they actually thought it was some military team on an arrest mission.<sup>7</sup>

From the foregoing, kidnapping involves a high display of expertise and skills by a group of persons with a common interest of abducting a target, and sometimes, the kidnappers go as far as dressing like "security operatives, the police or the army or government vigilante, identify

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<sup>1</sup>Justice C Ngwama, 'Kidnapping in Nigeria: An emerging Social Crime and the Implications for the Labour Market' [2014] (4)(1) *International Journal of Humanities and Social Science*, 133- 145

<sup>2</sup>Protus N. Uzorma& John Nwanegbo-Ben 'Challenges of hostage-taking and kidnapping in the South Eastern Nigeria' [2014] (2)(6) *International Journal of Research in Humanities, Arts and Literature*, 131-142

<sup>3</sup>RodanthiTzanelli 'Capitalizing on Value: Towards a sociological understanding of kidnapping' [2006] (40)(5) *Sociology*, 933

<sup>4</sup>*Ibid*, 931

<sup>5</sup>*Ibid*

<sup>6</sup>Iriekpen Davidson, 'Nigeria: Stunting Economic Growth and Development in South East' *This Day* (June 13, 2010) <<http://allafrica.com/stories/201006140179.html>> accessed 5 July 2017

<sup>7</sup>GboyegaAlaka 'Unsung Kidnap Cases: A Case of Slow Police Reaction?' *The Nation* (March 13 2016)19 <<http://thenationonlineng.net/unsung-kidnap-cases-case-slow-police-reaction/>> accessed 5 July 2017



themselves with fake identity cards and persuade or threaten the victim to go with them.”<sup>8</sup> At other times, they may act as “a friend and walk into one’s office neatly dressed, quietly excuse anyone they find in ‘their target’s office,’ escort the victim past the unsuspecting staff/colleagues into their waiting vehicle (with a smile), having sufficiently threatened to hurt the victim with lethal weapons before coming out of his/her office.”<sup>9</sup> However, kidnapping could be more dramatic, such as when the perpetrators mask their faces, open fire sporadically into the air to cause panic or chaos, and then, they whisk the target away in ‘the commando style attack.’<sup>10</sup>

Hence, the crime can occur anywhere including- at one’s office, church, home, in front of the gate of the house, market, school, shopping mall; at any time- broad-day light, evening or night; and to anyone, irrespective of one’s socio-economic status. Therefore, based on the various methods used in carrying out this evil crime, kidnapping is often used interchangeably with similar words like abduction, hostage-taking, hijacking, capturing.

## 2.0.HISTORY OF KIDNAPPING IN NIGERIA

Historically, the word “kidnapping” evolved from two English words, specifically, “kid” (meaning infant) and “nap” (meaning sleep). The etymology of kidnap is dated back to the 17th century child abduction in Britain when the kids of the rich families were been abducted for “ransom while asleep (nap).”<sup>11</sup> The primitive pattern of kidnapping started as far back as 1874 in the form of child abduction when a four year old boy in Pennsylvania in United States was abducted for ransom.<sup>12</sup>

Kidnapping is not a new or emerging crime as some observers may claim,<sup>13</sup> the problem has been in existence as an essential part of criminal pathology in both old and recent times in human society.<sup>14</sup> It has transcended from the infant kidnapping into sophisticated organized pattern of crime with great deal of political and economic strategies. It has become a significant enterprise with human as a commodity.<sup>15</sup>

The act of kidnapping and hostage-taking as organised crimes for ransom in Nigeria started with the Niger-Delta crisis around 1999-2009, when militants took expatriate oil workers as hostage in order to protest the social and economic inequalities in the region. Raheem<sup>16</sup> reveals that

...people are agitating for a better socio-economic and infrastructural development of the oil-rich region. Media accounts showed that militant

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<sup>8</sup>K Okengwu ‘Kidnapping in Nigeria: Issues and Common Sense Ways of Survival’ [2011] (1)(1) *Global Journal of Educational Research*, 001–008

<sup>9</sup> Adebawale B. Emanemua, and Toyosi N. Akinlosotu ‘Kidnapping for Ransom in Nigeria: Implications and Quest for a Permanent Solution’ [2016] (5)(2) *International Journal of Arts and Humanities (IJAH)*, 20-28

<sup>10</sup>F Abugu ‘Kidnapping as National Pestilence, S/East Scourge’ *The Guardian* (July 4 2009) 11; and A Olagoke ‘A resolve to tackle Kidnapping’ *The Guardian* (May 18 2010) 17

<sup>11</sup>*Ibid*

<sup>12</sup>*Ibid*.

<sup>13</sup>Bryan Caplan ‘The Strange Political Economy of Kidnapping’ [2010] *Library of Economics and Liberty* <[http://econlog.econlib.org/archives/2010/06/the\\_strange\\_pol.html](http://econlog.econlib.org/archives/2010/06/the_strange_pol.html)> accessed 5 July 2017

<sup>14</sup>*Op. cit*, n. 3, 929-947

<sup>15</sup>Gilbert E. Ordu ‘Kidnapping, Security Challenges and Obstacles to the Control of Hostage Taking in Nigeria’ *Academic Excellence Society*

<[http://www.academicexcellencesociety.com/kidnapping\\_security\\_challenges\\_and\\_obstacles\\_to\\_the\\_control\\_of\\_hostage\\_taking\\_in\\_nigeria.pdf](http://www.academicexcellencesociety.com/kidnapping_security_challenges_and_obstacles_to_the_control_of_hostage_taking_in_nigeria.pdf)> accessed 5 July 2017

<sup>16</sup>Otunba Raheem ‘Political and Socio-Economic Implications of Kidnapping [2008]’ <<http://www.nigerianbestforum.com/index.php?topic=16881.0>> accessed 5 July 2017



youths of the region started kidnapping as a way of getting the international community to develop interest in the agitation...The idea was to kidnap an expatriate oil worker, get his company to negotiate his release and in the process, get the parent company either in Netherlands, America or France to develop interest in the agitation by the people for a better arrangement that will ease the burden of a damaged ecosystem which the people of the region have had to live with since oil was discovered in Oloibiri in 1956. So, it could be said that kidnapping was a form of protest. And the logic is simple...They started by protests, when that did not work, they resorted to other forms of violent action, including kidnapping...but the huge ransom paid to secure the release of the expatriates soon became bait. It became an energizer to the militants to go for more. Soon, it became a huge racket and money-making venture for both the abductors, and the negotiators...close relations of political opponents became targets, just to unsettle the opponents and make some money out of the process...

Thus, an agitation that started as a form of simple protest later degenerated into a terrible criminal act of kidnapping as a means of making some money in order to ameliorate the economic hardship of the indigenes in the community. Presently, however, this crime has evolved from the stage of Niger-Delta agitation to a bigger and more sophisticated stage of abduction and hostage-taking nationwide.

### **3.0. STATISTICS AND INCIDENCES OF KIDNAPPING IN NIGERIA**

Kidnapping in Nigeria is underreported because kidnappers usually warn their victim's relatives to keep it a secret and not to involve security officers about the incidence or else such victim will be murdered, thus, the affected relatives prefer to keep it secret and pay ransom instead of losing their loved one. However, available statistics reveal that kidnapping has been increasing alarmingly over the years. Alemika,<sup>17</sup> in 2006, for instance, reveals that a total of 189 cases of kidnapping were officially recorded in Nigeria. Furthermore, according to the UN Office on Drugs and Crime 2013 survey on global crime trends, the Nigerian police recorded the following number of kidnappings at the national level between years 2007-2012: 277 in 2007; 309 in 2008; 703 in 2009; 738 in 2010; NA in 2011; 600 in 2012.<sup>18</sup>

The CLEEN Foundation's 2013 National Crime and Safety Survey sampled 11,518 Nigerians who were interviewed, and found that nationally, 3% of respondents had been victims of kidnapping or attempted kidnapping. The survey further reveals that the south-west region and Lagos had the highest incidence-5%, followed by the south-east and south-south- 4%.<sup>19</sup>

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<sup>17</sup>EEO Alemika 'Corruption and Insecurity in Nigeria' in RA Dunmoye, EAUnobe and AR Sanusi (eds.), *Proceedings of the ABU@50 Humanities' International Conference*. Zaria: Ahmadu Bello University Press Ltd (2012), 35-50

<sup>18</sup>United Nations (UN), Office on Drugs and Crime (UNODC) 'Kidnapping at the National Level, Number of Police-recorded Offences' (15 May 2014) <[http://www.unodc.org/documents/data-and-analysis/statistics/crime/CTS2013\\_Kidnapping.xls](http://www.unodc.org/documents/data-and-analysis/statistics/crime/CTS2013_Kidnapping.xls)> accessed 5 July 2017

<sup>19</sup>CLEEN Foundation, 'Public Presentation of Findings of the National Crime Victimization and Safety Survey, 2013' (10 July 2014) 1-19 <<http://www.cleen.org/Text%20Report%20of%202013%20NCVS%20Findings.pdf>>



Freedom House reports that Nigeria recorded one of the highest rates of kidnapping in the world in 2013.<sup>20</sup> Nigeria was ranked as the number 1 country for "kidnap for ransom" incidents, based on open source news reports from the first half of 2014.<sup>21</sup>

Furthermore, the prevalence of kidnapping is reflected in few but recent real-life incidences cited below. The first incidence is the capture of Chibok girls by Boko Haram in 2014. The armed group seized 276 pupils from the Government Girls Secondary School in the town of Chibok on the night of April 14, 2014, with 57 of them managing to escape in the immediate aftermath of the abduction. Later on, more than 80, including 21 whose release was negotiated in October 2016, was set freed. Apart from this notorious incidence, on the average, about 2,000 girls and boys have been abducted by Boko Haram since 2014, with many used as sex slaves, fighters and even suicide bombers, according to Amnesty International.<sup>22</sup>

The second incidence is a personal one experienced by a relative. In December 2016, my father's cousin was kidnapped while supervising her workers on her farm land. She was abducted with her sister's four (4) months old baby, and two (2) of her workers. Unfortunately, they were carried away in broad day light while her other workers and neighbours went into hiding. The abductors were armed with AK-47 and were shooting into the air. At the end of the day, a huge ransom was paid to set them free, after they had spent about five (5) days in custody of their abductors. The most shocking part of the kidnap is that they were held hostage in her farm-land community while no one knew. At the point of taking them hostage, they were blindfolded and transported in a speed-boat, but unknown to her and other hostages, the abductors took them on a 360 degrees' journey, returned them and kept them in a known community.

The last incidence or case study to be discussed is that of a notorious and intelligent kidnapper named ChukwudiDumemeOnuamadike, alias Evans who was arrested by the Nigerian Police Force and men from the Intelligence Response Team (IRT) and the Technical Intelligence Unit (TIU) on June 10, 2017 at his house in Magodo in Lagos. WeeklyPostNG reports other members of his gang that were also arrested at different locations to include Felix Chinemerem, 36, from Arochukwu in Ohafia Local Government Area of Abia State, and Nwosu Chikodi Chukwuma, aka Sudo, 42, and is said to have over 20 years experience in armed robbery and about eight years experience in kidnapping. Others are Uchechukwu Amadi from Anambra State who the police described as the head of Evans' detention camp, a female, Ogechi Amadi, said to be the woman that rented the house and cooks for the kidnappers and their victims in the camp. The rest include Suoyo Paul, aka Nwana, 42, a native of Bayelsa State, and is said to be the one supplying the gang with rifles and ammunition, while Ikenna Emeka, 28, from Anambra State, said he participated in four kidnappings in Festac Town with Evans before Evans sacked him from the gang for stealing

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<sup>20</sup>Freedom House, 'Nigeria' *Freedom in the World 2014* (2014) <<http://www.freedomhouse.org/report/freedom-world/2014/nigeria-0>> accessed 5 July 2017

<sup>21</sup>NYA International, 'Global Kidnap for Ransom Update' (June 2014)2 <<http://www.nyainternational.com/downloads/email/NYA-Global-Kidnap-for-Ransom-Update-June-2014.pdf>> accessed 5 July 2017

<sup>22</sup>Aljazeera, 'Nigeria: 82 abducted Chibok girls freed by Boko Haram. Kidnapping of 276 schoolgirls in Nigeria's Chibok in 2014 spurred worldwide Bring Back Our Girls campaign' (May 7, 2017) <<http://www.aljazeera.com/news/2017/05/62-chibok-schoolgirls-kidnapped-boko-haram-freed-170506192733108.html>> accessed 17 July 2017



an expensive wrist watch and a ring from a victim without informing him.<sup>23</sup> The names and designations of his gang members disclose the high level of expertise with which they operated.

Furthermore, it was discovered by investigators that Evans had two Slim Vertu phones and a Thuraya which he used to evade arrest. The first Vertu phone is said to worth N2.6 million, while the second is valued at N2.4 million. The Thuraya is also said to worth N800,000. All phones made it impossible for the security agents to track him. Further, additional 36 phone lines to were traced to Evans, after earlier narrowing down to 126. This brings the suspect's phone lines, which he used for operation, to 162.<sup>24</sup> His Thuraya phone could get network signal and function anywhere, in the air, land, sea, or under the sea because it works with satellite and does not make use of SIM card while the other ones were capable of not being traced, even by the highest sophisticated gadgets of Nigerian security forces. No wonder he was trailed by the Nigerian Police for some years before he was eventually apprehended. Subsequently after his arrest, it took experts days before they could decode the workings of his phones.

Furthermore, Evans' made a confessional statement to the police while he gave a list of his successful kidnaps, the victims involved and the ransom paid by the latter:

1. In Edo and Lagos states, Mr. Mbarikatta William Uboma was kidnapped at Festac Town on June 16, 2012, where the sum of N20 million was collected as ransom before he was released.
2. Mr. Paul Cole from Ohafia in Abia State was also kidnapped by the gang on August 23, 2012, at Festac Town where N20m was also paid.
3. Mr. Mohammed Jamal, a Lebanese, who was kidnapped on August 19, 2012, at Ajah, paid N17m at Ojo area of Lagos to regain his freedom.
4. Mr. Kingsley Nwokentawa was also kidnapped on September 19, 2012, at Festac Town and he had to pay N15m, including the forfeiture of his black Toyota Venza car; and the gang also kidnapped Mr. Anthony Ozoanidobi on October 10, 2012, at Satellite Town, Lagos where N15m was paid before he was released.
5. Mr. Leo Abraham was also kidnapped in Lagos on August 20, 2012, and dumped at Badagry Road in Lagos after he paid N15m.
6. The owner of Uyi Technical who was kidnapped by Evan's gang in Benin City in 2013 paid N100m before he was released, while Tom, kidnapped in Benin in 2012, paid N100m.
7. The owner of Kings Paint was also kidnapped in Benin City in 2010 and paid N40m to regain his freedom while Mr. Randeki, was kidnapped in 2010 paid N30m for his release.
8. Mr. Ohunyon Ernest was also kidnapped in Edo State in November 2011 and he paid N85m, while Mr. Dan Odiete who was also kidnapped in Benin City in 2013, paid N100m.
10. However, Ojukwu Cosmas, who sells Toyota parts at Aspanda Trade Fair, who was kidnapped on January 21, 2016, at Festac Town had to pay \$1m to secure his release.

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<sup>23</sup>WeeklyPostNG, 'Full list of Evans the Kidnapper's Victims, Ransom they Paid' (June 15 2017)

<<http://www.weeklypostng.org/2017/06/full-list-of-evans-kidnappers-victims.html>>accessed 17 July 2017

<sup>24</sup>Anuoluwapo Adeseun '[REVEALED] Billionaire Kidnapper, Evans Used Phones Worth N5.8m, 162 Sim

Cards to Evade Arrest' *NigerianMonitor* (June 17, 2017) <<http://www.nigerianmonitor.com/evans-the-kidnapper-used-phones-worth-n5-8m-162-sim-cards-to-evade-arrest/>>accessed 17 July 2017



11. James Uduji who was kidnapped at Festac Town late last year paid \$1.2m after being held for six weeks while Chief Raymond Okoye Odu-Na-Ichida who was kidnapped in 2015 also paid \$1m to regain his freedom after two months in captivity.

12. Uche Okoroafor, a trader at Alaba International Market, Lagos, was kidnapped by the gang in 2015 and held captive for three months before he was released after paying \$1m, just as Elias Ukachukwu, who was kidnapped by the gang in November, 2015 also paid \$1m for his release.

13. Francis Umeh, a spare parts dealer at Aspanda, was kidnapped in July 2016, at Raji Rasaki Estate and released after paying \$1m to secure his release.<sup>25</sup>

The last known victim of the gang in Lagos before it was smashed is Mr. Donatus Dunu, a pharmacist and importer of drugs, who was kidnapped on February 14, 2017, in Elupeju area of Lagos. The sum of N150m was paid by the victim's family to secure his release, but Evans collected the money and refused to release the victim, insisting that an additional N300m must be paid. Fortunately for Dunu but regrettably for the gang, the former escaped from Evans' detention camp in Igando on May 12, 2017, without paying the additional ransom.<sup>26</sup> His escape also assisted the police in their previous investigations by providing them with sufficient information about the gang's operations, whereabouts and contact members. Little wonder he was apprehended roughly a month after the last incidence.

#### 4.0. TARGETS OF KIDNAPPING FOR RANSOM<sup>27</sup>

Although, presently in Nigeria, everyone and anyone is a possible target of kidnapping and hostage-taking, however, some groups of people that are major targets of kidnapping are political leaders, foreigners, and wealthy citizens. In addition, below is a list of possible targets for kidnapers; high-profile Nigerians, and their family members;<sup>28</sup> foreign nationals and expatriates;<sup>29</sup> wealthy families,<sup>30</sup> or people with "perceived" wealth<sup>31</sup> or "perceived high-value targets";<sup>32</sup> politicians; and their family members;<sup>33</sup> government officials;<sup>34</sup> relatives of

<sup>25</sup>Anita Oguni 'Here Is A Comprehensive List of Victims of Evans, The Notorious Kidnapper in Nigeria' *Stargist.com* (June 14, 2017) <<http://stargist.com/cover/names-of-evans-the-kidnappers-victims-in-nigeria/>> accessed 17 July 2017.

<sup>26</sup>*Ibid*. See also Al C. Okoli, and Fakumo T. Agada 'Kidnapping and National Security in Nigeria [2014] (4)(6) *Research on Humanities and Social Sciences* Appendix 1, 144-145 on 'Diary of Notable Incidents of Kidnapping in Nigeria, 2007-11'

<sup>27</sup>Immigration and Refugee Board of Canada (IRB) 'Nigeria: Kidnapping for Ransom, including Frequency, Profile of Victims and Kidnappers; Response by Authorities (2013-July 2014) [NGA104917.E]' 31. Juli 2014 (verfügbar auf [ecoi.net](http://www.ecoi.net)) <[http://www.ecoi.net/local\\_link/291494/426189\\_de.html](http://www.ecoi.net/local_link/291494/426189_de.html)> accessed 5 July 2017

<sup>28</sup>United States (US), Overseas Security Advisory Council (OSAC) 'Nigeria 2014 Crime and Safety Report: Lagos.' (9 June 2014) <<https://www.osac.gov/pages/ContentReportDetails.aspx?cid=15799>> accessed 5 July 2017; and Network on Police Reform in Nigeria (NOPRIN) 'Correspondence from a Representative to the Research Directorate' (15 July 2014.)

<sup>29</sup>*Op cit*, n. 21; United Kingdom (UK), Foreign and Commonwealth Office (FCO), 'Nigeria Travel Advice' (27 June 2014) <<https://www.gov.uk/foreign-travel-advice/nigeria>> accessed 5 July 2017; see also *ibid*. (US).

<sup>30</sup>Voice of America (VOA), Heather Murdock 'Civilian Armed Groups Fight Crime, Wreck Havoc in Niger Delta' (31 December 2012) <<http://www.voanews.com/content/civilian-armed-groups-fight-crime-wreck-havoc-in-niger-delta/1574577.html>> accessed 5 July 2017; and *ibid* (NOPRIN).

<sup>31</sup>*Op. cit*, n. 28 (UK).

<sup>32</sup>The US Department of State's *Country Reports on Human Rights Practices for 2013* (27 Feb. 2014)7 <<https://www.state.gov/j/drl/rls/hrrpt/2013/humanrightsreport/index.htm#wrapper>> accessed 5 July 2017; and *Op. cit*, n. 26.

<sup>33</sup>*Ibid*; see also *op. cit*. n. 19; and *Op. cit*, n. 26.

<sup>34</sup>*Ibid* (CLEEN Foundation)



celebrities;<sup>35</sup> businessmen,<sup>36</sup> foreign businessmen,<sup>37</sup> or staff of "influential" companies,<sup>38</sup> doctors, teachers, foreign residents,<sup>39</sup> and religious leaders.<sup>40</sup> The list is unexhaustive. What this implies is that with the sophistication of kidnapping, and the alarming rate at which it is evolving, if care is not taken, the security breach or insecurity in Nigeria may rise to the point in which any of our governors, or even the vice-president or president of the federation can be kidnapped or abducted.

## 5.0. CAUSES OF KIDNAPPING IN NIGERIA

Numerous reasons or causes are attributable to the occurrence of kidnapping in Nigeria. Prolonged persistence of unemployment, worsening political instability, internal grievances, get rich quick syndrome, and perceived weakness of the state security<sup>41</sup> are some of the discovered causes. Additionally, according to Uzorma and Nwanegbo-Ben, the major reasons have been: moral decadence, unemployment, inequitable distribution of developmental projects, inordinate amassment of wealth and looting of public funds by public office holders, abandonment of the masses, poverty, unrealisable expectations from children by their parents and relatives, societal pressures forcing adults who have come of age to be independent and to take care of the family. Others are fast means of make quick huge cash and wealth.<sup>42</sup> Some of them will be discussed below.

**5.1. Unemployment:** youth unemployment has been implicated as one of the strongest impediments for the solution of kidnapping behaviour.<sup>43</sup> In a study conducted by Adegoke,<sup>44</sup> unemployment was by a wide margin of 88% identified as the contributory factor for the youths engaging in kidnapping operation. Creation of jobs by the government is the best solution because an idle hand is the devil's workshop.

**5.2. Moral decadence, bribery and corruption:** in any nation where there is a high rate of money laundering and embezzlement of public funds, menaces like kidnappings and hostage-taking would be bound there because the minds/morals of the people would have become putrefied.

**5.3. Get Rich Quick Syndrome:** this is common among the youth. Generally, someone who is not contented with what he/she has may decide to acquire them through criminal means like kidnapping. The Nigerian society has encouraged this as people develop rich anyhow without the government or anyone asking questions on how they got their money, or the nature of their job/business.

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<sup>35</sup> *Op. cit.*, n. 31.

<sup>36</sup> *Op. cit.*, n. 31, p.21.

<sup>37</sup> *Op. cit.*, n. 28 (UK).

<sup>38</sup> *Op. cit.*, n. 19.

<sup>39</sup> *Op. cit.*, n. 31, p.21; and *Op. cit.*, n. 26.

<sup>40</sup> *Op. cit.*, n. 20.

<sup>41</sup> Ordu, 'Kidnapping, Security Challenges and Obstacles' in C.C Ezeibe, and M.O. Eze, 'Political Economy of Kidnapping in Nigeria- The South East Experience'[2012](15)(1)*Journal of Liberal Studies*,231; and *op. cit.*, n. 13

<sup>42</sup> *Op. cit.*, n. 2, p. 132-133.

<sup>43</sup> US Inyang 'Kidnapping: Who Can Deliver Nigeria?'[2009](1)(9) *News D. OR Magazine*, p. 11-15; and RO Dode, 'Incidents of Hostage Taking and the Niger Delta Crisis in Nigeria'[2007](9)(1) *South South Journal of Culture and Development*,162-179.

<sup>44</sup> N Adegoke 'Kidnapping, Security Challenges and Socio-Economic Implications to the Niger Delta Region of Nigeria'[2015](16)(2)*Asian Journal of Humanities and Social Sciences*, 205-216.



**5.4. Inequitable distribution of societal funds and marginalization:** these are the main reasons why the indigenes of Niger-Delta took to the crimes of kidnapping hostage-taking in order to protest to the government about their untold hardship, environmental hazards and underdeveloped. produced in their region. High level of poverty and socio-economic malaise can also encourage crimes like kidnappings and hostage-taking.

**5.5. Politics:** this has become a do or die affair. It is now a dirty game in which politicians can pay political thugs heavy sum to abduct their opponents or their relatives. Sometimes, they go to the extent of providing them with arms and ammunitions.

## 6.0. TYPES OR CATEGORIES OF KIDNAPPING<sup>45</sup>

Kidnapping is different from one locality to another based on some factors like reasons or aims for the kidnap, however, the commonest types of kidnapping and hostage-taking are: basic, bride, express, political, virtual, tiger kidnapping, and high net-worth individual.

**6.1. Basic Kidnapping:** This is the most common form of kidnapping. This can be accomplished in most parts of the world with minimal preparation, with a relatively low risk of failure. Kidnappers will generally target local businessmen or their families; those regarded as being 'well-off', without having sufficient resources to spend a great deal of money on security precautions. The kidnapper's goal is a fast, easy payoff. Generally, the ransoms requested are relatively easy for the victim's family or company to obtain.<sup>46</sup>

**6.2. Bride Kidnapping:** This is a form of forced-marriage in which the groom-to-be kidnaps his bride. In many cases the would-be couple has never met until the day of the kidnapping. This way of marriage is practiced in the Caucasus region, Central Asia, and some nations in Africa. In many cases bride is raped in order to convince her to stay with her husband, as in many traditional cultures the loss of virginity is harshly judged. In some cultures a bride price is customary, so the kidnapper may contact his victim's family to demand compensation.<sup>47</sup>

**6.3. Express Kidnapping:** it is one of the hottest forms of kidnapping in which a victim is typically an unsuspecting volunteer who gets into a taxi. The perpetrator then takes the unknowing passenger up a few blocks to pick-up the kidnappers. Victims are taken to several different banking or ATM locations and made to withdraw maximum limits. Many victims are held overnight and made to repeat the withdrawals so the kidnappers can capitalize on their gain. Occasionally, these victims are released unharmed, but typically most are robbed

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<sup>45</sup> About 15 categories of kidnapping were itemised by Word-Press as follows: (i) Hostage situation (ii) Domestic relation kidnapping (iii) Plot or abortive ransom kidnapping (iv) Developmental ransom kidnapping (v) Miscellaneous kidnapping (vi) Kidnapping for robbery (vii) Kidnapping for murder (or other non-sexual assault) (viii) White slavery (ix) Child stealing (x) Ransom skyjacking (xi) Romantic kidnapping (xii) Ransom kidnapping hoax (xiii) Ransom threat for extortion (xiv) Classic ransom (xv) Kidnapping for rape or sexual assault. These are available at Wordpress, 'Understanding Kidnapping' (2013) <<http://www.safetymedesimple.wordpress.com/2013/05/08/understanding-kidnapping/>>accessed 5 July 2017. Furthermore, two other categories were added by Okoli and Agada. One of this is 'kidnapping for hate' whereby a member of a 'target family' is kidnapped with a view to cause anguish and terror to the family. Another one is 'kidnapping for ritual' in which the victim is used for ritual purposes, dead or alive. Kidnapping for ritual is common amongst Nigerian youths who are in quest of money based on their get-rich-quick syndrome. See *op citn.* 25 (Okoli, and Agada)

<sup>46</sup>ThreatRate Risk Management, 'Types of Kidnappings' <<http://www.threatrate.com/pages/47-types-of-kidnappings>>accessed 5 July 2017

<sup>47</sup>*Ibid*



and assaulted, and some are held for longer if the kidnappers believe they may obtain financial gain by ransoming to family or an employer.<sup>48</sup>

**6.4. Political/Terrorist Kidnapping:** Terrorist organizations utilize kidnapping to make political statements, force political concessions, negotiate the release of political prisoners, better leverage their military and fund their organizations financially. These groups target Expatriates, national natives, Westerners, oil and gas workers, government and non-governmental workers, mid-level managers, aid workers, and journalists.<sup>49</sup> Examples of such terrorist organizations in Nigeria are the Niger-Delta militants and Boko Haram insurgents.

**6.5. Virtual Kidnapping:** this is not an actual abduction of an individual but a scam that capitalizes on panic, fear, and urgency. These acts are usually carried out by individuals or groups. A victim receives a call stating that their child or loved one has been kidnapped and demands immediate payment. These callers use scare tactics such as being watched, using a co-conspirator to scream and cry as well as making them believe they were specifically targeted to keep their victims on the phone and unable to verify the “abducted” individual’s whereabouts until a payment has been received.<sup>50</sup>

**6.6. Tiger Kidnapping:** Like the tiger that stalks its prey, watching and waiting patiently, so do the predators of tiger kidnapping. This is a multi-layered criminal activity. A tiger kidnapping is one that is strategically planned over a period, and the item or victim of the kidnapping is used as leverage to force an innocent 3<sup>rd</sup> party victim to commit an illegal act on behalf of the kidnappers. Due to the nature of these crimes, they are very rarely reported since the victim also becomes guilty of criminal activity.<sup>51</sup> The term was first used in the United Kingdom for crime against immigrants, (mostly illegal immigrants) from China and the Middle East, who were kidnapped by armed gangs; who then threatened their families back home with the death of the victim if ransom would not be paid.<sup>52</sup>

**6.7. High Net-Worth Individual Kidnapping:** this is the most recent and prevalent form of kidnap in Nigeria. A high-net-worth kidnapping is more strategically planned and requires a surveillance and intelligence gathering period. The perpetrators study the targeted victims to learn habits, discover security measures, and determine the prime opportunity for the kidnapping. Once they capture the target, the perpetrator gives ransom demands to the family or company. Typically, once the ransom has been paid the captive is released.<sup>53</sup> These types of kidnappings are executed by experienced or professional gangs like the notorious Evans group.

## 7.0. EXTANT LAWS ON KIDNAPPING IN NIGERIA.

### 7.1. 1999 Constitution of the Federal Republic of Nigeria, as amended in 2011.<sup>54</sup>

The primary law on kidnapping can be found in the 1999 Constitution of the Federal Republic of Nigeria, as amended in 2011.<sup>55</sup> Although there is no section expressly prohibiting

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<sup>48</sup>Universal Safety and Security Solutions, (USSS) ‘6 Common Kidnap and Ransom Scenarios.’ (February 11, 2016) <<http://www.usssinc.com/consulting-and-training/6-common-kidnap-and-ransom-scenarios/>> accessed 5 July 2017

<sup>49</sup>*Ibid*

<sup>50</sup>*Ibid*

<sup>51</sup>*Ibid*

<sup>52</sup>*Op. cit.* n. 2, p. 134

<sup>53</sup>*Ibid*

<sup>54</sup>The Constitution of the Federal Republic of Nigeria 1999, as amended 2011, cap. C23, Laws of the Federation of Nigeria, 2004

<sup>55</sup>*Ibid*



the crime of kidnapping, however sections 34 (1) and 41 (1) of the constitution protects the fundamental rights of the Nigerian citizens relating to personal liberty and freedom of movement respectively. Hence, every citizen has a right to move about freely within the walls of Nigeria without restriction, and nobody has the authority to retrain or detain anyone's movement or liberty, or hold anyone hostage safe on legal grounds, of which kidnapping is excluded.

## 7.2. The Criminal Code Act<sup>56</sup>

364. Any person who—
- (1) unlawfully imprisons any person, and takes him out of Nigeria, without his consent; or
  - (2) unlawfully imprisons any person within Nigeria in such a manner as to prevent him from applying to a court for his release or from discovering to any other person the place where he is imprisoned, or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned; is guilty of a felony, and is liable to imprisonment for ten years.

This section implies where a person is hindered of his movement, liberty or right to inform people, especially, his loved ones or security persons of his whereabouts, such person, according to the Criminal Code Act has been kidnapped. The Act further provides that a kidnap victim can be taken, that is, abducted and imprisoned or detained either within or outside of Nigeria, and anybody or group of persons responsible for this will be guilty of felony and imprisoned for ten years.

## 7.3. The Penal Code Act<sup>57</sup>

272. Whoever by force compels or by a deceitful means induces a person to go from a place, is said to abduct that person.
273. Whoever kidnaps or abducts a person shall be punished with imprisonment for a term which may extend to ten years and shall also be liable to fine.
274. Whoever kidnaps or abducts a person in order that the person may be killed or may be so disposed of as to be put in danger of being killed, shall be punished with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

The sections above are similar to Common Law definition of kidnapping, thus, from them, the House of Lords established four elements of kidnapping in the case of *R v. D*,<sup>58</sup> and they are:

- i) the taking or carrying away of one person by another;
- ii) by force of fraud;
- iii) without the consent of the person so taken or carried away; and

<sup>56</sup>The Criminal Code Act, Cap C39, Laws of the Federal Republic of Nigeria 2004

<sup>57</sup>The Penal Code (Northern States) Federal Provisions Act, Cap P3, Laws of the Federal Republic of Nigeria 2004

<sup>58</sup>*R. v. D.* [1984] AC 778



iv) without lawful excuse.

According to the case, the appellant was convicted of kidnapping three students, namely, John Atkinson, his girl friend Sarah Smith and another girl called Maria Hendy. He had a sexual affair with Maria Hendy. He falsely told John Atkinson that he was a secret agent investigating an IRA cell at the agriculture college. He said that as a result of his having uncovered the cell his life was in danger as were the lives of those associating with him, namely John Atkinson, Marian Hendy and Sarah Smith. He said that, for this reason, it was necessary for them all to leave Newport. He told John Atkinson not to disclose these matters, but to tell the girls that he, John Atkinson, was terminally ill, and persuade them to go together on a farewell tour of the country. The group settled in a flat in Sheffield. Maria Hendy became pregnant; the other three went out to work. The appellant took from them all the money that they earned and subjected them to humiliating house rules. He made them draw out and hand over to him money from their bank accounts. Maria Hendy's relationship with the appellant lasted until 2002. She had two children by him and continued to live in Sheffield, while the appellant travelled around the country. John Atkinson remained under the appellant's influence and acted in accordance with his directions until 1997, when he managed to extricate himself from the relationship and restructure his life. By then he had been induced to hand to the appellant substantial sums of money, much of which was obtained from his family. Sarah Smith remained under the appellant's influence until after he had been arrested by the police in 2003. She moved around the country, staying in a variety of accommodation under directions, often in some discomfort. The appellant would relieve her of money that she earned or obtained from other sources. On occasions, he had sexual intercourse with her.<sup>59</sup>

Subsequently, the defence asked the court, "does the defendant have to accompany the victim at the time of the alleged taking and carrying away?" The judge answered 'no', laid down the four elements and summarised that kidnap is a serious offence representing the deprivation of a victim's liberty.

In the case *R. v. Wellard*, the Court of Appeal established that the:

Taking and carrying away did not have to involve physical removal of the victim. It was enough if the defendant so acted as to cause the victim to feel that she was compelled to submit to his instructions and move a comparatively short distance from one place to another.<sup>60</sup>

Also, The English and Wales Court of Appeal in *R. v. Cort* held that:

The way in which the defendant caused the victim to move from one place to another did not have to involve coercion. It was enough if the defendant induced the victim to make that journey by fraud.<sup>61</sup>

Therefore, an offence of kidnapping mixes a variety of false imprisonment, that is, taking and carrying away of a person with deprivation of his or her personal liberty, whether by threat or fraud, accompanied or not, irrespective of the distance involved, and no matter the duration of being held hostage, that is, whether long or short.

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<sup>59</sup>John A. Arewa 'Core National Values as Determinant of National Security and Panacea for the Crime of Kidnapping and Abduction in Nigeria' [2014] *NIALS* <<http://www.nials-nigeria.org/journals/John%20Adebisi%20Arewa.pdf>> accessed 17 July 2017, 148-149

<sup>60</sup>*R. v. Wellard*, (1978) 67 Cr App R 364

<sup>61</sup>*R. v. Cort* [2003] EWCA Crim 2149; [2004] 1 Cr App R 18



#### 7.4. The Violence Against Persons (Prohibition) Act, 2015<sup>62</sup>

The closest provision to the offence of kidnapping under this act is the deprivation of a person of his or her liberty under its section 10.

- 10.(1) A person who deprives another of his or her liberty, except pursuant to a court order commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N500,000.00 or both.
- (2) A person who attempts to commit the offence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.
- (3) A person who incites, aids, abets, or counsels another person to commit an offence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.
- (4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N100,000.00 or both.

As mentioned earlier, the Violence Against Persons (Prohibition) Act, 2015 does not expressly prohibit the crime of kidnapping, but the act of depriving a person of his or her liberty. Anybody found guilty will be imprisoned for two years or liable to a fine not exceeding N500,000.00 or both. Fortunately, unlike other acts, this act does not only punish a kidnapper, but also involves a person who attempts to commit the offence, thus, a person is liable for *mens rea* (intention) of kidnapping. Additionally, anyone who aids or abets the crime, or a person who knowingly receives or assists a kidnapper, for instance, a person who supplies a kidnapper with guns and ammunitions, or the former's cook, will also be found guilty under the law.

#### 7.5. State Laws Proscribing Kidnapping in Nigeria

Several states have enacted diverse state laws prohibiting the offence of kidnapping in Nigeria. The various laws are similar in provisions, particularly, as each anti-kidnapping law attracts an imprisonment for life for any convicted offender. Instances of some of these states are Abia, Akwa Ibom, Anambra, Ebonyi, Enugu, Imo, Edo, Cross Rivers, Kogi, Lagos, Kano and Oyo states. The most recent of these laws is briefly discussed below.

##### 7.5.1. Lagos State

In 2017, Governor Akinwunmi Ambode gave his assent for a bill on the prohibition of the act of kidnapping to be passed into law in 2017. Few of the highlights of the Bill include the definition of kidnapping – forcibly taking, holding, abducting, detaining, capturing, amongst others. It also makes the offender liable for life imprisonment while the act of kidnapping

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<sup>62</sup>The Violence Against Persons (Prohibition) Act, 2015 (*VAPP*) (25 May 2015) <<http://lawnigeria.com/LawsOfTheFederation/Violation-Against-Persons-%28Prohibition%29-Act,-2015.html>> accessed 17 July 2017



resulting in death renders the offender liable on conviction to death sentence. Furthermore, where two (2) or more conspire to kidnap, they will, on conviction, be liable to twenty (20) years imprisonment. An attempt and threat to kidnap also attracts life imprisonment. Likewise, any person who by means of a letter, e-mail, SMS, telephone call or any other method of communication with intent to kidnap is convicted, he or she is liable to twenty-five (25) years imprisonment. A person who purposely fakes his own kidnap is also punished under the Act upon conviction fourteen (14) years imprisonment. Finally, any movable or immovable property used for or in connection with kidnapping activities shall be forfeited to the Government of the State.<sup>63</sup>

Hence, the provisions of this Act are topical and very relevant to present kidnapping activities in Nigeria, especially by including diverse means of kidnapping, such as, letter, e-mail, SMS, and telephone call in its sections. Furthermore, this provision brings Evans case squarely within the purport of the Act, as he is being tried in Lagos state, where kidnapping attracts an imprisonment for life.

## 8.0. CHALLENGES IN COMBATING KIDNAPPING AND HOSTAGE-TAKING IN NIGERIA

Conceptually, the kidnapping problem is not hard to solve. Kidnappers kidnap because the benefits exceed the costs. The obvious solution is to raise the costs by imposing harsher, surer punishments.<sup>64</sup> Unfortunately, Nigeria's national criminal laws discussed above, that is, the 1999 Constitution, the Criminal Code Act, the Penal Code Act, and the Violence Against Persons (Prohibition) Act are lenient in their areas punishment, because with the prevalence of this crime, it should have become a capital offence, so as to serve as a form of deterrence to other citizens, and also discourage them.

Thus, the New International Version of the Bible makes kidnapping a capital offence and provides that "Anyone who kidnaps someone is to be put to death, whether the victim has been sold or is still in the kidnapper's possession."<sup>65</sup> and in light of this, some Nigerian states have taken up the initiative by enacting stricter anti-kidnapping laws by amending the law from being a felony to a capital offence, however, the punishments range from life imprisonment to death. Examples of some of these states are Akwa, Anambra, Enugu, Imo, Cross Rivers, Lagos and Oyo states, as early as 2009, and some as recent as 2017. Sadly, no kidnapper has faced life imprisonment punishment or the ultimate death penalty. Also, there is no authentic evidence that since the inception of the laws in these states kidnapping activities have dwindled.

Happily, on a national level, the Nigerian Senate on Wednesday, May 4, 2016 resolved to enact a law prescribing death penalty for kidnappers to serve as deterrent and curb kidnapping in Nigeria. This followed the adoption of recommendations of the report of by the Joint Committee on Police Affairs, National Security and Intelligence on the "unfortunate reoccurrence of kidnapping and hostage taking." Although the report had only six recommendations, most of the senators sued for stringent punishment to serve as deterrent which prompted the addition and adoption of the recommendation for death penalty. The additional recommendation for capital punishment was proposed by Senator Adamu Alliero and adopted by the Senate. The Senate also adopted the recommendation that the funding of

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<sup>63</sup>A Bill for a Law to Provide for the Prohibition of the Act of Kidnapping and for Connected Purposes 2017. See also Segun Olulade 'Lagos State Anti Kidnapping Law' (2017) Eleniyani Blog <<http://eleniyancares.com/lagos-state-anti-kidnapping-law/>> accessed 17 July 2017.

<sup>64</sup>*Op. cit.* n. 13.

<sup>65</sup>Bible Hub, 'Exodus 21:16' <<http://biblehub.com/exodus/21-16.htm>> accessed 17 July 2017.



security agencies be taken as a priority project while efforts should be geared to create employment opportunity to our teeming unemployed youths. Senate also resolved that the security agencies should embark on training and retraining of their personnel while also urging state governments to enact laws to aid prosecution of kidnappers. The upper chamber of the legislature also advocated for more vigorous information sharing among security agencies while also encouraging heads of security agencies to do more in checking kidnapping.<sup>66</sup>

Furthermore, He noted that the security agencies knew the mode of operation of the kidnappers but were usually hampered by availability of funds. The report further noted that there was undue rivalry between security agencies which brought about lack of synergy. Some of the senators who spoke insisted that kidnapping had remained prevalent because there was no appropriate punishment meted out to kidnappers. Some insist that the practice of always paying ransoms rather than waiting for security agencies to apprehend the culprits had made the 'kidnapping business' profitable. Also, Senator Ovie Omo-Agege stressed that there was need for intelligence sharing between communities and the security agencies. He stressed that most times, members of a community know the criminal elements among them and could give such information to the police if there were adequate information sharing. Senator Dino Melaye (APC Kogi West) in his submission, recommended that kidnappers should be hung or made to face firing squad.<sup>67</sup> Although it is over a year since when the Senate resolved to enact a new law, but up till now, no law has been passed. Hopefully, very soon there will be the arrival of a new anti-kidnapping law for the federation.

On another note, apart from the lacunae in the national laws relating to leniency and inadequacy of punishments, another crucial aspect of the law relates to its enforcement and prosecution. The questions are: Are the present laws enforced at all? If yes, how, to what extent, and by whom? If no, how can they be enforced? Hope the laws are not toothless bull dogs? Furthermore, is there any need for a new law or should the present ones be properly enforced? Will the new law combat the crime of kidnapping in Nigeria? If yes, how will they be enforced, to what extent, and by whom?

It has been discovered about Nigeria that the existence of laws is not really the problem but their enforcements by law enforcement agents, especially, the police, and subsequent prosecution of apprehended kidnappers by the judiciary. The present national laws are not enforced properly by the security agents, particularly, the police. This is due to some facts. Firstly, security agents lack adequate information about when kidnapping incidents take place or when kidnappers have hideouts in their vicinities. Secondly, they also lack the necessary operational intelligence, that is, the ability to identify, infiltrate, recruit and gather actionable intelligence necessary for precise attack against kidnappers in Nigeria. Thirdly, the police do not have sophisticated equipment, like trackers, guns, to track down kidnappers quickly. Majority of their ammunitions are old-fashioned and no longer functional. Unfortunately, the police equipment cannot match the sophisticated weapons wielded by these criminals. Fourthly, there is lack of synergy among our security agents which also hinders successful apprehension of criminals. Furthermore, the government lacks proper and digitalized means of identification, for instance, the recording of births, deaths and migrations of its citizens by which security agents can keep track or gather information about their citizens, thus making criminal activities more difficult to carry out. Additionally, the insider information given by

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<sup>66</sup>ChinenyeUgonna, 'Just in: Senate approves Death Sentence for Kidnappers' *NAIJ.COM*(2016) <<https://politics.naij.com/819979-just-senate-approves-death-sentence-kidnappers.html>> accessed 20 July 2017

<sup>67</sup>*Ibid*



some unreliable elements among the Nigerian security agents makes investigation and tracking tough but provide kidnapers with sufficient information to carry out their operations.

## **9.0.RECOMMENDATIONS**

The citizens, government and all its agencies have a lot to do in curbing kidnapping. Firstly, citizens should be re-orientated to be their brother's keeper. They supply security agents with necessary information gathered in their environment and suspicious neighbours or kidnapers' hideouts.

Federal Laws regulating kidnapping should be amended and made stricter in terms of punishments imposed on offenders. In short, kidnapping should be made a capital offence with death penalty. The law should also extend to unsuccessful plots, that is, attempted kidnapping and appropriate punishment, preferably life imprisonment should be attached to it. There should also be provision for offences relating to aiding, counselling, abetting, procuring or conspiring with kidnapers. Accessories before and after the fact should be equally punished. Furthermore, State Governments that are yet to amend their laws on anti-kidnapping should do so as to provide for uniformity in law and also to ensure that no offender will be to escape the full wrath of law by hiding under any state law.

*Regarding law enforcement agents, there is a call to them to be more proactive, vigilant and responsive. A Special Anti-Kidnapping Squad should be created within the Police Force which will focus majorly on combating kidnapping and hostage taking. Security agents should be trained by the government on how to gather operational intelligence. They should also be empowered to use force and provided with sophisticated equipment higher than those used by criminals, in order to execute the arrest of criminals. Porous security agents should be discovered and grossly punished so as to discourage insider factor among them. Digitized models of identification should also be introduced so as to aid information and crime management.*

Lastly, on prosecution, Nigeria's judiciary system is slow in its operation. There is a need for the system to hasten its hearings and judgments because justice delayed is justice denied. Any arrested suspect should be immediately taken to the court for trial, and determination of his or her matter. This will boost citizen's confidence in the judiciary and the government at large.

## **10.0. CONCLUSION**

This paper has established that kidnapping and hostage-taking are criminal acts of abducting a person and holding same as hostage against his wish, in violation of his fundamental human right of freedom of movement and liberty. Both are prevalent violent acts in Nigeria. The paper continues by exploring the history, statistics, incidents, targets, causes, and types of kidnapping. A further perusal of the Federal Criminal laws in Nigeria reveal their inadequacies in terms of punishments, and a call has been made to amend those laws by making the act a capital offence, instead of felony. The challenges of kidnapping have been discussed and recommendations presented to the Nigerian citizens, law enforcement agents, particularly, the police, the judiciary and the government in ending these menaces called kidnapping and hostage-taking in Nigeria.