

## **COMMUNIQUE ON THE ROUNDTABLE ON LAWS RESPONSE TO GANGSTERISM**

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Gangsterism has been identified as the major factor responsible for the rising rate of violence and crimes in Nigeria and other parts of the world. It connotes being affiliated with, or belonging to criminal gangs who perpetuate acts of violence. Where such gangs become systematic, they are then described as gangs that commit organized crime. Gangsterism is divided into two broad categories i.e gangsterism in higher institutions and gangsterism in the larger society, for the purpose of defining the consequences of their actions. Those in high institutions manifest themselves in cultism albeit it not being cultism in the true sense of the word, while those in the larger society manifest in the form of armed robberies, human, drugs and arms trafficking, terrorism etc. Gang crimes are dynamic, change over time and become more sophisticated as can be seen in the nature of execution of armed robberies, financial crimes and terrorist attacks.

Gangsterism in high institutions in the form of cult groups are used as tools for committing atrocities such as rape, robbery, murder, examination malpractice and intimidation of students and lecturers. Such gangs are identifiable through their various initiation methods, modus operandi, and other manifestations. Students are generally lured into cultism via respective means including offers of false sense of security and superiority. Several factors have been attributed to young person's desires to be part of such gangs. Some of these include poor home training, lack of confidence and laziness on the part of children of the rich. Societal attitude towards gangsters has contributed to the increase and growth of cultism in Nigeria. This is especially so where parents of some members of cult groups facilitate the release of some of such members when they get arrested.

In the larger society today gangs comprise of persons who were previously members of cult groups in their Institutions of higher learning, hence the sophistication of current gang related crimes such as armed robbery, kidnapping, terrorist attack and financial crimes.

The prevalence of gang crime whether in an organized or unorganized form has been attributed to several factors including high levels of poverty, greed and idolisation of wealth among others. While challenges faced in containing it include lack of coherence in existing laws, lack of information sharing agency cooperation among security agencies, poor gathering/ utilization of intelligence by security agencies and using coercion to tackle some of those crimes.

It is in view of the prevalence of gang related crimes in Nigeria, its growing sophistication and lack of coherent legal framework for addressing this menace that the roundtable on Laws Response to Gangsterism was held by the Nigerian Institute of Advanced Legal Studies with a view to highlighting the problems and charting a course for a comprehensive legal framework. The outcome of deliberations at the roundtable are as follows:

## OBSERVATIONS

- 1 Gangsterism in whatever form be it organized or otherwise is a form of crime.
- 2 Social miscreants in the form of street urchins, area boys and more provide readily available foot soldiers for organized crimes such as human and drug trafficking, terrorism, etc.
- 3 Factors such as high level of poverty and unemployment which brought about, and made crime thrive in the country have not changed over time.
- 4 The University environment as it is today makes it conducive for cultism to thrive due to lack of amenities and infrastructure.
- 5 Lack of adequate amenities and infrastructure makes students carry cult activities outside the premises hence the difficulty in tackling cultism in Nigeria.
- 6 Increased reliance on certificates makes criminality thrive in Nigerian universities i.e demand for 2:1 and 1<sup>st</sup> class by the Nigerian Labour Market encourages that.
- 7 Excessive worship of money and decaying moral values also contribute to gangsterism
- 8 Children learn by example and some parents are not role models.
- 9 Lack of knowledge of the provisions of the Terrorism (Prevention) Act 2011, Money Laundering Act 2011 and other Laws may negatively affect the Law enforcement organizations in fighting gang related crimes.
- 10 Removal of moral and religious instructions from schools curriculum encourages gangsterism.
- 11 Negative influence of media and foreign movies has been described as predisposing factors to gangsterism.
- 12 Militarisation of the society has also been said to be factors that contribute to cultism in higher institutions.
- 13 Children of affluent and powerful persons in the society are attractive to cult groups due to initiation cost into the cult groups and requirements as to acquisition of dangerous weapons.
- 14 Lack of sufficient intelligence by security agencies hampers effective tackling of crimes.
- 15 Lack of information sharing within the intelligence community (Security Operatives) is a stumbling block against coordinated handling of crimes.
- 16 Lack of adequate forensic laboratory, data analysis and facilities hampers crime detection.
- 17 Lack of adequate database prevents proper investigation of crime.
- 18 Weak state police force is incapable of tackling crimes.
- 19 Acting without intelligence does not allow for successful crime fighting.
- 20 Too much visibility of military in internal security task is counterproductive.
- 21 Inability of the Nigerian Police to properly investigate heinous crimes in the past led to its prevalence in Nigeria.
- 22 The Nigerian Police has limited capacity to contain internal security threats.
- 23 Cultism and gangsterism is a reflection of lowering of moral values of the society and infiltration of negative ideology.
- 24 Politicians provide ready employment for cult members.
- 25 Many of the major contemporary social, political and economic crises in the country are either caused or aggravated by organized white collar crimes such as looting of public treasury, etc.

- 26 Non prosecution and non commensurate punishment of perpetrators of white collar crimes is attributable to its prevalence in the country.
- 27 Organised criminal enterprises in Nigeria include corruption, money laundering, oil bunkering, foreign exchange fraud, import of fake and substandard drugs, cannabis cultivation, processing, distribution and trafficking, human trafficking, forgery of travel documents, smuggling, property market fraud, armed robbery, false identities and kidnapping for ransome.
- 28 Whitecollar crimes in Nigeria include in addition to above, tax and duty evasion, deceptive advertisements, false accounting procedure, non compliance with applicable operational safety and welfare rules and regulations
- 29 Critical elements of organized crimes include establishment of enterprise, territorial structure and scale of operation, recruitment, socialization and deployment; code of conduct, enforcement of code of discipline and protection of business.
- 30 Organised crimes have serious negative consequences for individuals, communities and nations with capacities to inflict economic, physical, psychological and social harm.
- 31 The greater the capacity of an organized crime, the greater the danger they pose to the society.
- 32 Terrorism has several similarities with organized crimes, and they include: clandestine operation, network structure, frequently support criminality or illegality with legitimate actions, secrecy of identity of membership, use of modern information technology, infiltration or penetration of legislature, use of corruption and violence and division of labour/ employment of specialist tasks.
- 33 In Nigeria, legal response to white collar crimes is grossly inadequate, feeble, compromised and sabotaged or subverted.
- 34 Executive interference, political intimidation, economic inducement, calculated delays by counsel to accused members of organized crimes and insensitivity of the corrosive effect of organized crimes and white collar crimes destroy good governance, civil liberties and economic development and national security.
- 35 Laws relating to some aspects of gangsterism had been addressed by different legislations e.g Money Laundering Act, NDLEA Act, etc.
- 36 Some of our Laws are archaic and cannot clearly define offences that fall under gangsterism or terrorism.
- 37 Sometimes definitions that exist in legislation do not clearly define offences.
- 38 Institutional failure is a challenge to fighting crime in the society.
- 39 Lack of trust and confidence in the law enforcement agencies deprives the agencies of information which is vital to intelligence gathering and hinders crime fighting.

## **RECOMMENDATIONS**

- 1 Need to take a legal approach to tackling gangsterism (cultism) fro it is an aspect of crime.
- 2 Reintegrating social miscreants into the society and creating employment for them is important and can reduce access to information by organized gangs.
- 3 The University environment should be made more conducive for learning
- 4 When employing, emphasis should be more on attitudes of prospective employees, and not on class of degree.

- 5 Parents should take their responsibility of parenting seriously, and not raise a child via substituting discipline with money.
- 6 Need for parents of youngsters and the University management to inspect and sit down to find solutions to some of the infrastructure/ amenity problems faced by many Universities.
- 7 Need for reorientation of our moral values.
- 8 Need to balance the imperatives of crime prosecution and punishment within the dictates of human rights, dignity, and fairness in line with constitutional and international provisions.
- 9 Need to amend section 28 of the Terrorism (Prevention) Act (TPA) which restricts counsel and person of choice from visiting suspects while in detention.
- 10 Section 22(2) and (3) NDLEA Act, and section 25 Harmonized Trafficking in Persons Prohibition Acts 2003 and 2005 Act should be deleted.
- 11 Need to enforce section 7 TPA which provides for reporting of terrorist act and mass enlightenment of the Nigerian population on the provisions of the Act.
- 12 Cash rewards should be given to individuals who report crimes or other acts of terrorism to encourage whistle blowing.
- 13 Need for Federal Government to invoke the provisions of the Mutual Assistance in Criminal Matters within the Commonwealth.
- 14 Need to aggressively address the scourge of corruption in the country so as to successfully address other crimes.
- 15 Need for teaching of moral and religious instructions in at home, in schools and higher institutions to help curb gangsterism.
- 16 Need for coordinated intelligence action by security agencies should be ensured.
- 17 Need for intelligence led strategy as an approach to counter terrorism.
- 18 Need for coordinated and horizontal sharing of intelligence by security agencies for effective and efficient tackling of terrorism and crucial enhanced institutional capacity crime prevention.
- 19 Need to as a matter of urgency establish and maintain a modernized Forensic Science Laboratory with a DNA analysis unit to properly investigate crimes.
- 20 Need to improve increase capacity of the Nigerian Police to better contain internal security threats.
- 21 Nigeria should ratify the majority of international conventions on terrorism that have not yet been ratified.
- 22 Need for reorientation by the society as the whole to raise the moral values of the society.
- 23 Need to strengthen internal structures in institutions by firstly locking the cult idea through including same in matriculation.
- 24 University must fully publicize any disciplinary measures taken against cultists before handing them over to external forces.
- 25 Need to have sophisticated surveillance systems on campuses and infiltrating cult groups on campus.
- 26 Institutions should invest more in physical/ sporting activities to provide alternative energy outlet for students.
- 27 Need to strengthen the internal capacities of the institutions to contain crimes before handing them out to law enforcement agencies.

- 28 Urgent need for enlightenment and mobilization of citizens to reclaim Nigeria and entrench democracy, good governance, national sovereignty and human security.
- 29 Need to consolidate laws relating to various aspects of gangsterism and terrorism.
- 30 Need to reform existing laws to meet up with the present challenges.
- 31 Need to clearly define offences and link them properly when charging an accused person to court to avoid striking out such cases.
- 32 Urgent need for institutional reform and adequate financing for same in Nigeria.
- 33 Need to set minimum standard of expectations in every university.
- 34 Need to match punishment to crimes as they evolve.
- 35 Need to consider equipping police to work effectively in multi ethical and multi religious societies.
- 36 Need to have clearly defined legislation to address issues of gangsterism, cultism, youth deviance and other gang related crimes.

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