

# **NDLEA: A DECADE OF DRUG LAW ENFORCEMENT IN NIGERIA.**

*By Alabi Uwiagbo.*

There was a time in Nigeria when not much was known about narcotics, except perhaps, when it was meant to refer to the common neighbourhood Indian Hemp. Nigerians were largely ignorant of the names and potency of the other drugs in the narcotic family.

But when in 1984, three Nigerians, Benard Ogedegbe, Bathlomew Owoh and Akanni Ojuolape were publicly executed by the Buhari / Idiagbon military government for trafficking in hard drugs, the era of innocence among Nigerians in terms of exposure to drugs and knowledge of drugs began to vanish.

Today, Nigerians hear more about cocaine, heroine and other narcotics than they hear about common malaria drugs in the media. And today, the image of Nigeria has suffered for the menace of hard drugs than from anything else. Apart from the image problem, hard drugs have the potential to destroy social life, particularly among the nation's youth population. It is for the sake of protecting the country from the dangers of hard drugs that the National Drug Law Enforcement Agency (NDLEA) was established via Decree 48 of 1989.

Socio-economic reality in Nigeria, after the demise of the second Republic opened the country to several illegalities. There was an obvious absence of credibility in government, both in terms of policy formulation and actual implementation. Thus, the indices for a good and responsible leadership became bad and even scandalous. For instance, the economy became uncontrollable as inflation rose steadily. When the Babangida administration embarked upon the Structural Adjustment Programme (SAP) in 1986, it was clear that the average Nigerian was in for hard times.

This social environment actually encouraged the exposure of categories of Nigerians to the hard drugs business. For instance, a controversial case involving one Gloria Okon was reported in 1985 after she was arrested at the Aminu Kano International Airport. That incident was like an eye opener for other Nigerians who had similar business interests. Perhaps, it was the general absence of credibility in government that provided support for the illicit trade in hard drug. The Gloria Okon case was traced to people in government who provide security support for their couriers. Gloria Okon was said to have "died" in detention, whereas, report had it that she was sighted outside of the country. The cause of the "death" was kept secret, to the extent that Nigerians became convinced that she must be an agent of people very high up in government.

However, by 1989, The menace of illicit drugs had become too nauseating for government to sweep it under the carpet. That was when the NDLEA was established. Decree 48 of 1989 makes the NDLEA the sole agency for drug law enforcement in the country. The Decree charges the agency in section 3 (b,d,f,g,k,n and q) with the following functions.

- The co-ordination of all drug laws and enforcement functions conferred on any person or authority, including ministers in the government of the federation, by any such laws.
- Adoption of measures to eradicate illicit cultivation of narcotic plants and to eliminate illicit demand for narcotic drugs and psychotropic substances with a view to reducing human suffering and eliminate financial incentive for illicit traffic in narcotic drugs and psychotropic substances.
- Adoption of measures which shall include co-ordinated preventive and repressive action; introduction and maintenance of investigation and control techniques.
- Adoption of measures to increase the effect of eradication efforts;
- Enhancing the effectiveness of law enforcement to suppress illicit traffic in narcotic drugs and psychotropic substances;
- Taking such measures that may ensure the elimination and prevention of the root causes of the problems of narcotic drugs and psychotropic substances.
- Taking charge, supervising, controlling, co-ordinating all the responsibilities, functions and activities relating to arrest, investigation, prosecution of all offences connected with or relating to illicit traffic in narcotic drugs and psychotropic substances, notwithstanding any law to the contrary, all drugs units under existing institutions dealing with offenders or offence connected or relating to illicit traffic in narcotic drugs.

Section 11(2b) of the Decree provides a jail term of not less than 15 years for “any person who conspires with, aids, abets, counsels or attempts to council” any of these offences.

Though the agency was given legal instrumentation to operate, effective policing of drugs did not commence until 1990.

In common parlance, the agency was saddled with the responsibilities of controlling, interdicting and intercepting the trafficking, peddling and usage of hard drugs in and out of Nigeria. It was also to educate the public on the effects of hard drugs on the nation and on the people. It was also the responsibility of the agency to arrest both barons and couriers and help to rehabilitate addicts.

No doubt, this has been an enormous responsibility for the agency. To help pilot the activities it was agreed that fearless leadership was not to be compromised. Mr. Fidelis Oyakhilome, then a Police Commissioner and former Governor of Rivers State was assigned the privileged responsibility of becoming the agency's first chairman. Mr. Oyakhilome apart from being a law enforcement officer also had a doctorate degree in law.

He looked like the perfect man to burst the drug crime from the beginning. He began on a promising note as a noticeable drop in incidence of drug trafficking was recorded. His performance was brilliant, to the admiration of Nigerians and the international community. The link with the international community became necessary because Nigeria had acquired the status of a transit country. In the drug world, a transit country ultimately helps in the consumption chain and is as guilty as the consumer country. So, when the United States began to laud the progress recorded by Oyakhilome, Nigerians were elated.

But all that did not last for long. The man at the top of the NDLEA was soon smeared in a scandal from which he did not recover. Jennifer Madike, a Lagos socialite embarrassed Oyakhilome, the NDLEA and the entire country with tales of deals, friendship and accusations that linked the chairman to money and gratification from drug traffickers. It was such a damaging scandal that the agency that was trusted with such sensitive responsibilities could be so easily linked with fraud.

From that point, the battle against illicit drugs shifted focus from combating the menace outside the agency to that of rescuing the agency from the credibility crisis it had slugged itself. Oyakhilome was suspended from office and in his place, Mr. Fulani Kwajafa, another policeman was appointed.

Kwajafa equally made appreciable progress in his first six months in office. He spent that time trying to correct the damaged credibility and public loss of confidence in his agency. But after 31 months in office Kwajafa was removed in what the then Justice minister and Attorney General, Clement Akpamgbo described as a re-organization of the NDLEA. However, when Akpamgbo said that, "those who have worked tirelessly and honestly will have no fears of their jobs and those who have not soiled their hands will have no need to shiver", Nigerians did not need further explanation to know that Kwajafa had also failed.

Yet, another policeman Alhaji Bappa Jama'are was chosen to succeed Kwajafa. By this time, the pockets of NDLEA were leaking and reports of disappearance of already seized drugs became rampant. But it was Jama'are who announced the seizure of what was to be the single largest quantity of heroine estimated at 248.3 kilogrammes with a market value of N20.8 billion. The heroine was loaded in two containers and shipped into the country through Apapa Wharf. Even with that, the government had become uncomfortable with the ease with which drugs and arrested persons disappear from the agency's custody. For instance, in July 1992, the chairman of the Lagos zone of the Miscellaneous Offences Tribunal, Justice Funmilayo Oni-Okpaku accused the NDLEA of suppression of evidence

in drug cases. In August 1992, the agency paraded four of its men who allegedly aided drug suspects to escape from detention. In January 1993, a senior officer of the agency was suspended for allegedly masterminding the removal of 200 grammes of cocaine exhibits expelled from the bowels of a detained suspected drug courier. In February 1993, the nation was stunned with the disappearance of 40 tonnes of Indian Hemp impounded earlier during a raid in Ondo State. The weed was valued at N1.5 million. In May 1993, an Assistant Director of the Agency was sentenced to 10 years imprisonment for receiving a N100,000 bribe. In November 1993 massive corrupt practices were reported in Kano Zonal Command of the NDLEA.

One unnamed top command official area was said to have released four drug suspects including a baron on October 23. In December 1993, a master list of some 230 names of corrupt NDLEA officials was pencilled down for sack. Three out of the four zonal commanders were sacked. In February 1994, eight out of the 64 wraps of heroine recovered from Mr. Joe Brown Akubueze, now a convict were reported stolen from the Agency's custody. At that point, no one was in doubt that the Jama'are leadership of the NDLEA was due for a sack.

The United States of America reacted swiftly by placing Nigeria among list of countries whose drug-fighting capacity is next to nothing. This certification comes with the economic implication of loss of credibility and disqualification from certain financial assistance from the US government. Particularly, the United States frowned at the "inconsequential effort in the area of interdiction of culprits, enlightenment and large-scale corruption in high places. As far as the United States government is concerned, Nigeria has not done enough to pursue the drug war effectively.

Meanwhile, Nigeria's profile in the international narcotic market was rising. For instance, it was reported that by 1990, Nigerian segment of the international drug trade had grown significantly with national earnings from it estimated at about \$500 million. Although Nigeria is not a major producer of hard drugs, its position in the transit route had become prime, linking major suppliers of heroine in Asia (Pakistan, India, and Afghanistan) to the consuming centers of America and Western Europe.

This was the setting in which then Brigadier – General Musa Bamaïyi was appointed the fourth chairman of NDLEA, by the General Sani Abacha regime. That marked a phase in the life of the agency – an era of raw terror. A lot of calculation went into his appointment by General Abacha. Faced with hostilities both at home and abroad on account of its human rights record, the then military government sought to champion an issue through which it could garner international sympathies. What could endear him more to the West than an orchestrated war on narcotics, Abacha must have reasoned. Several decrees were churned out empowering the Agency to request from banks records of their customers deposits in excess of two million Naira, among several other repressive provisions.

Thus empowered, Bamaïyi went to town harassing imaginary and real enemies. He promised to restore the confidence of the people by, if necessary sacking all the Agency's staff, if that will be the remedy. He noted that it was disappointing to see that those charged with the responsibility of fighting drug trafficking are the culprits. He said, "NDLEA's contribution had been on negative side, it is your duty to redeem it now, he told his men. No institution or section of the society were left out. He disobeyed court orders for uncountable number of times, to an extent that high court judges threatened to jail him for contempt of court. Car dealers, bureau dechange operators, students, farmers, market women and even his operatives were not left out, in his war against drugs crusade. For an account of the human rights violations committed by Bamaïyi and his men, refer to the boxed story. In spite of his luquacious and brutal campaign, there was no reported major interception of narcotics or arrest of drug barons during his tenure. If anything, he was only successful in bursting the growth and sale of marijuana in Nigeria. For all his reported campaign against corruption in the NDLEA, stories coming out of the agency, have it that he compelled some of the car dealers whose vehicles were seized by his men to donate some of them to his personal use as a condition for releasing them from detention.

Mr. Ogbonnaya Onovo, Assistant Inspector General of Police (AIG) is now saddled with the responsibility of turning the agency around, from a militarised brute force of the Bamaïyi era, to a modern drug law enforcement agency. This obviously requires huge investment in technology and training on criminal intelligence for his men. The agency must also reorient its men and women from the mentality of viewing their job as drug war instead of drug law enforcement. The difference might not be obvious in theory but when considered against the background that the concept of war alienates these NDLEA from civil society whose cooperation is vital in the ultimate control of the drug trade in Nigeria, it begins to make sense. We are certainly not at the point of demanding for legislative initiatives, but we also know that when people become aware of the real impact of the drug war, the civil liberties issues, and especially the face that this policy seems to be egregiously failing in countries where it has been practiced for decades, they tend to get interested in discussing alternative strategies.

Mr. Onovo has started well, with the reorganisation taken place within the agency, recall of officers wrongly dismissed by Bamaïyi, and more importantly, the recent interception of the largest quantity of hard drugs ever brought into Nigeria. However, a lot still need to be done to rid our society of these killer drugs and the shame it brings to the Nigerian people around the world. He should also involve institutions of civil society in his declared programme on preventive drug education.

**Additional reports by Innocent Chukwuma and Tony Opara**