

THE NEED TO URGENTLY IMPROVE MILITARY AND CIVILIAN RELATIONSHIP ...*HURIWA.*

It has become necessary to remind the hierarchy of the Nigerian Military Institutions that the necessity for continuous dialogues to strengthen understanding between the military and civilians is not just an option but a legal obligation.

The HUMAN RIGHTS WRITERS ASSOCIATION OF NIGERIA (HURIWA) regrets to observe that since the last one year of the present government, the relevant departments within the institutions mandated to promote civil and military relations, have gone into dysfunctionality. HURIWA is of the position that the current service chiefs in the different segments of the armed forces of Nigeria, need to work out measures to get the department within their institution that originate dialogues and constant interfaces with credible Civil Rights groups and the civil society, to become very responsive, vibrant and open.

H U R I W A h e r e b y recommends to the Army, Naval and Air Force Service Chiefs, and significantly, HURIWA is asking the Chief of Defence Staff to galvanize the Military Chiefs to become more interested in reviving the obviously moribund departments that coordinate

mutual dialogues between civilians and the Military because since the last one year, there are signs that the civilians have become more apprehensive just as the cold relationship between the civilians and the Military has led to several disputes which in some instances have led to the unfortunate loss of lives. HURIWA which maintained that under no circumstances should the military troops be killed whilst doing their legitimate duties, however called on the service chiefs to do more by way of opening up pragmatic avenues for continuous mutual dialogues between civilians and the Military. There is the need to enlighten both the military troops about their duties and responsibilities towards the protection of national security interest and the civilians are to be educated about the constitutional responsibility as citizens to work in synergy with the military to protect democracy and promote rule of law.

Also, the Military high command, must as a matter of urgency, put modalities in place, to communicate to the troops the importance of strict adherence to the rules of engagements during all internal military operations as a way of promoting and protecting human rights and global best practices. The obedience of the military troops to the rules of engagement will reduce the frictions between the Military and the Civilians.

Section 217 (2) (c) of the 1999 Constitution and Section (8) (1)

and (3) of the Armed Forces Act, Laws of the Federation of Nigeria, (LFN) 2004 provide code of conduct and rules of engagement for the armed forces in internal security.

For instance, no officer or soldier must be found aiding or abetting any act of arson, vandalism or unprofessional conduct; and troops are duty bound to intervene in any situation to avoid a breakdown in peace, stability or law and order of an area where they are deployed.

Section 217 (2) (c) of the 1999 Constitution (as amended) provides that Nigeria's armed forces shall suppress insurrection and act in aid of civil authority to restore order when called upon to do so by the President, Commander-in-Chief reinforced by Sect (8) (1) and (3) of the Armed Forces Act, Laws of the Federation of Nigeria, (LFN) 2004, it stressed that this presupposes that troops have to use necessary force to quell

crisis resulting in deaths, injury and damages to properties. Under the Rule of Engagement the principle of minimum force and proportionality must be applied at all times; whenever operational situation permits, every reasonable effort shall be made to control the situation through measures short of using force,



including personal contact and negotiations; the use of lethal force shall only be resorted to if all other means to control the situation have failed or in case of unexpected attack or suspected Improvised Explosive Device (IED) attack during which a delay could lead to loss of life or serious injury to personnel; and that any force applied must be limited in its intensity and duration; it must also be commensurate with the level of threat posed. Force shall be used only when absolutely necessary to achieve an immediate aim; the decision to open fire shall be made only on orders and under the control of on-scene commander, unless there is insufficient time to obtain such order. Fire can however be opened if the life of a soldier, any law-abiding member of the public and/or property of which it is our duty to protect is in grave danger; fire must be aimed and controlled. Indiscriminate firing is not permitted. Fire may be opened to forcefully stop any vehicle that fails to stop at a checkpoint or road block when ordered to stop for search; automatic fire will only be opened as a last resort; avoid collateral damage; after fire has ceased, render medical assistance and record details of incident both in writing and using audio/visual equipment whether or not casualty has been recorded; and whenever in doubt, seek clarification from higher headquarters.