

**LEGAL REFLECTIONS ON THE DOWNSIDES OF GLOBAL SYSTEM  
FOR MOBILE COMMUNICATION AS A BOOST TO CRIME OF  
KIDNAPPING FOR RANSOM IN NIGERIA**

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**ABSTRACT**

The advent of global system for mobile communication otherwise called GSM is no doubt a mixed blessing to humanity. Just as the relevant security agencies are appropriating the benefits offered by the global system for mobile communication in the policing, detecting and preventing acts of criminality in the society, so also the criminal elements are beneficially misusing the communication device for criminal purposes. It is a known fact that crime is continually evolving and adapting. Kidnapping as a form of crime in Nigeria is not novel as there were reported cases of kidnapping even before the advent of colonialism for either rape, ritual or hostage taking during tribal conflicts among other reasons which then certainly excluded ransom payment. The current spate of crime of kidnapping for ransom is however one of the misfortunes unleashed on the citizenry through the advent of mobile communication device. Kidnapping for ransom in Nigeria would have been a fruitless criminal indulgence but for the advent of global system for mobile communication through which kidnappers are able to establish contact with relatives or family members of their victims to demand, for ransom payment. The diametrically opposing usage of this communication device as a handy tool in the hands of law enforcement agents towards checkmating crimes in the society and as a tool of criminal engagement for committing crime of kidnapping for ransom in Nigeria constitutes the thrust of this paper. This study concluded that despite the efforts of government in curbing this menace, it has remained a thorn in the flesh of victims and their relatives.

**Keywords:** Crime, Kidnapping, Global System for Mobile Communication, Ransom

**1.0 INTRODUCTION**

In any given society, one of the topical responsibilities of the government is to guarantee the security of lives and property of the citizenry and cultivate an enabling environment for meaningful existence and development.<sup>1</sup> Security of lives and properties contributes to the economic stability and development of any nation. Hence, its absence can stunt the growth of any nation irrespective of the enormity of human and natural resources such nation may be

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endowed with. Over the years, successive Nigerian governments have endeavoured to tackle insecurity through huge budgetary allocation for the procurement of weapon and other logistics. However, the efforts of the government to curb the incessant incidence of kidnapping have not yielded the desired results as the menace has remained unabated. Kidnapping has rendered a lot of people hopeless and has brought some of them into abject poverty in an attempt to save the lives of their loved ones from the custody of kidnappers through payment of ransom. It is seen as a money-making venture by its perpetrators. It is a criminal activity which permeates the entire country but more provincised in the North. Kidnapping for ransom in the North is often targeted at a vulnerable group of people such as secondary school students, villagers, travellers among others. Examples are the 278 Chibok girls who were kidnapped in Chibok on the 14<sup>th</sup> of April 2014,<sup>2</sup> 110 Dapchi girls who were kidnapped on the 19<sup>th</sup> day of February 2018, seven villagers who were abducted from Ngamma Community of Magumeri Local Government in Borno State, on the 2<sup>nd</sup> day of March 2023<sup>3</sup> the Kaduna-Abuja train attack and kidnapping on the 28<sup>th</sup> March 2022<sup>4</sup> among others.

One of the prevalent insecurities bedeviling Nigeria is kidnapping for ransom, this has become an embarrassment to the Nigerian government due to the increasing volume of cases being reported on daily basis. Kidnapping for ransom or financial gain originated from the Niger Delta youths who kidnapped expatriate oil workers as a result of alleged political marginalization and the need to press home their demands.<sup>5</sup> Kidnapping for ransom has however become a dominant phenomenon in Nigeria that has attracted both national and international intervention to stern the ugly trend but all to no avail. In order to curb this menace, some states have enacted laws to punish perpetrators of kidnapping by providing for a stringent mandatory death penalty as punishment for kidnapping most especially where the act leads to the death of the victim. The Global System for Mobile Communication (GSM) has worrisomely aided the spate of kidnapping despite its numerous benefits. The study will examine kidnapping, causes of kidnapping, benefits of Global System for mobile communication, nexus between mobile telecommunication and the crime of kidnapping, and measures adopted in combating kidnapping for ransom through Mobile telecommunication and its resultant effects.

## 2.0 THE CONCEPT OF KIDNAPPING AND ITS CAUSES

There is no generally acceptable definition of kidnapping across the globe because it means different thing to different people. In other words, its definition varies from one jurisdiction to another. However, some working definitions of kidnapping have been proffered: Kidnapping is an organized crime that occurs when a person abducts or confines another person without his consent or permission. Kidnapping is a criminal act that involves seizure, confinement, use

<sup>22</sup> I. Khalid and J. FitzGerald., Nigeria's Chibok Girls: Two Victims found Eight Years on *BBC News* 27 July 2022. <https://www.bbc.com/news/world-africa-62324294>.amp accessed 31 March 2023

<sup>3</sup> N. Musa., Boko Haram Abducts Seven Villagers in Borno *The Guardian* 06 March 2023. <https://guardian.ng/news/boko-haram-abducts-seven-villagers-in-borno/> accessed 31 March 2023.

<sup>4</sup> N. Ayitogo., Kaduna Train Attack: Timeline of Events Three Weeks after Incident without Decisive Action by Government *Premium Times* 29 April 2022 accessed 31 March 2023.

<sup>5</sup> C. U. Ugwuoke., 'Nigeria and the Menace of Kidnapping: The Way Forward' (2011) <https://www.globalacademicgroup.com/journals/nigeria%20journal%20of%20research%20and%20production%20/NIGERIA%20AND%29THE%20MENACE%20OF%20KIDNAPPING.pdf> accessed 17 March 2023.

of force, threats, terror and servitude.<sup>6</sup> It is an act of false imprisonment that involves illegal confinement of persons against their will and a violation of their right of freedom of movement.<sup>7</sup> It is a fraudulent or forceful abduction of a person or group of persons for economic, religious and political reasons.<sup>8</sup> It is an unlawful act of taking a person or group of persons without their consent to an undisclosed location in order to demand ransom or settle political differences before their release.<sup>9</sup> Section 364 of the Criminal Code provides that:

- a) Any person who imprisons any person and takes him out of Nigeria without his consent; or
- b) 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 liable to imprisonment for ten years.<sup>10</sup>

In the same vein, Section 273 of the Penal Code also provides that 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.<sup>11</sup>

The Terrorism (*Prevention and Prohibition*) Act 2022 defines kidnapping as the act of intentionally seizing, detaining or an attempt to seize or detain a person, property or facility in order to compel a third party to do or abstain from doing a lawful act or threatens to kill or injure or continue to detain a person in order to compel a third party to do or abstain from doing a lawful act, or gives an explicit or implicit condition for the release of the person held hostage, or the property or facility detained, commits an offence.<sup>12</sup> Where death does not occur as a result of kidnapping, the accused person will be liable to life imprisonment but when death occurs, the accused person will be sentenced to death.<sup>13</sup> Some States where the punishment for kidnapping is death penalty are Lagos State, Ogun State, Cross River, Anambra State and among others.

Kidnapping is an offence that must be proved by the prosecution beyond reasonable doubt before the accused or alleged kidnapper can be convicted. The Supreme Court in the Case of *Edokun v. State*<sup>14</sup> held that to ground a conviction on kidnapping, the prosecution must establish the following beyond reasonable doubt:

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<sup>6</sup> K. Goldberg., Kidnapping becomes growth industry (2007) <http://www.news.bbc.co.uk/1/hi/914448stm> accessed 12 March 2023.

<sup>7</sup> J. C. Ngwana., 'Kidnapping in Nigeria: An Emerging Social Crime and the Implications for Labour Market' (2014)4(1) *International Journal of Humanities and Social Science* 133-135.

<sup>8</sup> K. S Fage and D. O Alabi., *Nigerian Government and Politics* (Basfa Global Concept Ltd, 2017)

<sup>9</sup> M. U Nnam., 'Kidnapping in the South Eastern States of Contemporary Nigeria: An Empirical Investigation into the Social and Demographic Characteristics of Offenders' (2014)9(1) *International Journal of Development and Management Review* 62-75 at 63.

<sup>10</sup> Criminal Code Act LFN 2004

<sup>11</sup> Penal Code Act LFN 2004

<sup>12</sup> Terrorism (*Prevention and Prohibition*) Act 2022. s 24(1)

<sup>13</sup> Terrorism (*Prevention and Prohibition*) Act 2022. s 24(2)

<sup>14</sup> (2017) ALL FWLR (Pt 875) 2125 CA; *Okashetu v. State* (2016) ALL FWLR (Pt 861) 1262 SC; *Nzegbune v. State* (2021) ALL FWLR (Pt 982) CA

- a. That the victim was seized and taken away by the accused person;
- b. That the victim was taken away without his consent;
- c. That the victim was taken away without lawful excuse.
- d. That the victim was unlawfully detained or taken away.

The offence of kidnapping can be established when a person is unlawfully detained in a secret location. The Court in *Ewugba v. State*<sup>15</sup> held 'that where it is established that the co-accused persons bound and blindfolded the victim before driving off with her in the back seat of her car, the court held that the offence of kidnapping was proved beyond reasonable doubt'. The essence of kidnapping is to hold the victim as servant, terrorize the victim, inflict bodily harm or physically assault or sexually assault the victim for ransom or reward.<sup>16</sup> It is a menace that threatens the national peace and security of the State.<sup>17</sup> It has exposed Nigeria to insecurity among the nations of the world. Over the years, it has become a reoccurring event in Nigeria with its prevalence in South East, South-South and the Northern part of Nigeria.<sup>18</sup> Other parts of Nigeria are also not left out in this illicit act. Churches, mosques, schools, social gathering, markets, highway and homes are highly susceptible to kidnapping for ransom in Nigeria.<sup>19</sup> It violates the liberty and freedom of movement of victims, puts family member of victims in a state of dilemma and creates uncertainties as to the eventual release of victims.<sup>20</sup>

### 2.1.1 Causes of Kidnapping

Causes of kidnapping among the youths is a response to hopelessness, frustration, unemployment, poverty, moral decadence, corruption and religion.<sup>21</sup> The major factors responsible for kidnapping in Nigeria are the following:

**Unemployment and Poverty:** Given the level of the economic situation in Nigeria, unemployment is seen as one of the main causes of kidnapping.<sup>22</sup> Some unemployed youths engage in this heinous act as a means of survival. The lack of employment opportunities among Nigerian youths plays a fundamental role in the spate of kidnapping in Nigeria. The level of government neglect and insensitivity of the government birthed kidnapping without any sense

<sup>15</sup> (2019) ALL FWLR (Pt 989) 1164 SC

<sup>16</sup> R. Pirius., Kidnapping <https://www.criminaldefenselawye.2r.com/crime-penalties/federal/kidnapping.htm> accessed 12 March 2023.

<sup>17</sup> K. J Ani & E. N Nweke., 'Curbing Kidnapping in Nigeria : An Exploration of Strategic Peace Building Tools' (2014)2(1) *Africa's Public Service Delivery and Performance Review* 111-133 at 111.

<sup>18</sup> A. T Mahmoud, Z Ibrahim and A . Mustapha., A Historical Account of the Scourge of Kidnapping in Nigeria: Implication on National Security (2021)

[https://www.researchgate.net/publication/350158156\\_A\\_Historical\\_Account\\_of\\_the\\_Scourge\\_of\\_Kidnapping\\_in\\_Nigeria\\_Implication\\_on\\_National\\_Security](https://www.researchgate.net/publication/350158156_A_Historical_Account_of_the_Scourge_of_Kidnapping_in_Nigeria_Implication_on_National_Security) accessed 31 March 2023.

<sup>19</sup> *Ibid*

<sup>20</sup> *ibid*

<sup>21</sup> R. A Fadipe, J. C Uwadia and O. C Kayode., Causes and the Remedies for Curbing the Menace of Kidnapping in Nigeria (2021) *International Journal of Multidisciplinary and Current Research* 200-206 at 202.

<sup>22</sup> P. C., Ekechukwu, and S. D. Ossat., 'Kidnapping in Nigeria: A social Threat to Educational Institutions, Human Existence and Unity' (2021)4(1) *British Journal of Education, Learning and Development Psychology* 46-58 at 49; S. A.Olulowo, S. T. Babawale and K. M. Anini., 'An Examination of the Causes of Kidnapping and its Attendant Challenges in Ogun State. Nigeria.'(2021)13(1) *Journal of Religion and Human Relations* 133-177. at 142.

of remorse.<sup>23</sup> Poverty may lead to kidnapping where the perpetrators cannot afford the basic necessities of life.<sup>24</sup> In an attempt to meet their needs they engage in kidnapping for ransom. The continued search for jobs, poverty and frustration may lead to criminal activity such as kidnapping.<sup>25</sup> Poverty is the state of human being who are poor and have little or no means of survival.<sup>26</sup> They are financially incapacitated and lack the basic necessities of life.<sup>27</sup> The economic condition of the country has also contributed to their predicament. Many youths venture into kidnapping as a lucrative business due to the rising rate of poverty resulting from unemployment. Kidnapping may also be associated with political thugs who are abandoned after election activities. These thugs resort to kidnapping when they are no longer engaged by politicians after election.<sup>28</sup> The arms and ammunitions given to them by politicians to orchestrate electoral malpractices and violence during elections will now readily become handy in their new engagement of kidnapping operations.

**Corruption:** Corruption of Nigerian and security agencies leaders have prompted the incidence of kidnapping in Nigeria. Some of the successful kidnapping attacks are as a result of the cooperation or the ineffectiveness of the security agencies.<sup>29</sup> These security agencies are sometimes seen as perpetrators and collaborators of kidnapping and as a result of this, family members of victims rarely report to the police.<sup>30</sup> Lack of accountability among public officers and the desire to amass wealth may contribute to the crime of kidnapping because they believe those in the realm of affairs loot public treasury and have enough money to pay when kidnapped.<sup>31</sup>

**Religion:** Nigeria is one of the countries where religion is taken as a serious concern most especially among the Islamic States. Religion has contributed and still contributing to the rate of kidnapping in Nigeria. A significant number of kidnappings in Nigeria is carried out by the Islamic sect known as the Boko Haram during their terrorist attacks.<sup>32</sup> This involves the kidnapping of mostly women and children in the northern parts of the country.<sup>33</sup> Majority of kidnapping in the North has been significantly attached to this Islamic sect, in other words,

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<sup>23</sup> *Ibid*

<sup>24</sup> Y. K. Ibrahim and A. A. Ahmad., 'Causes of Kidnapping in Nigeria and Proposed Solutions' (2020)6(5) *Journal of Social Science Research* 512-517 at 514.

<sup>25</sup>H. K. Ibrahim and A. A. Ahmad., 'The Causes of kidnapping and its Implications in Nigeria' (2021) *Liberal Act and Social Science International Journal* 1-9 at 4.

<sup>26</sup> V. Ferraro., *Globalizing Weakness: Is Global Poverty a Threat to the Interest of States?* (Environmental Changes and Security Project 2003)

<sup>27</sup> N. Popola, G. Adeoye and J. Alagbe., 'Kidnapping: Schools Approach Insurance Companies for Secret Cover' (2016) *The Punch Newspaper* 17 June 2016.

<sup>28</sup> J. Wajim., *Proliferation of Kidnapping in Nigeria: Causes and Consequences* (2020) *International Journal of Research and Innovation in Social Science* 95-98 at 97.

<sup>29</sup> Ibrahim and Ahmad 'Causes of Kidnapping in Nigeria and Proposed Solutions' (2020)6(5) *Journal of Social Science Research* *op.cit*

<sup>30</sup> T. N. Akinlosotu., 'Kidnapping for ransom in Nigeria: Implications and Quest for a Permanent Solution' (2016) *International Journal of Arts and Humanities* 1-9 at 5.

<sup>31</sup> Fadipe, Uwadia and Kayode *op.cit*

<sup>32</sup> V. Y Gongs, V. G Famave, F. G Maxwell & A. D Annagu., 'Factors Influencing Kidnapping in Shendam Local Government Area of Plateau State, Nigeria' (2021) 4(2) *Gusau International Journal of Management and Social Sciences* 249-276 at 255.

<sup>33</sup> *Ibid*.



they have contributed to a large number of kidnapping in Nigeria. They venture into kidnapping to raise fund for insurgency and terrorism.<sup>34</sup>

**Moral Decadence:** This is an act of self-indulgence of the youths in an attempt to acquire wealth within the shortest period not minding the consequences. An extremely poor youth can become rich illegitimately in the space of hours or days.<sup>35</sup> The society is also not concerned about the sources of these riches and seem not to ask questions about it. They are given special recognition in the community due to their wealth and huge donations.<sup>36</sup>

**Insecurity:** This has exposed Nigeria to danger and criminal activities such as terrorism, armed robbery, assassination, kidnapping and among others. Government and security agencies have failed in providing adequate security for the people. The lapses in the security of Nigeria give kidnappers the avenue or opportunity to perpetrate their criminal acts. Virtually every State in Nigeria is not secured because they are all faced with one form of insecurity or another.<sup>37</sup>

### 3.0 Global System for Mobile Communication and its Accompanying Benefits

Global system for mobile communication (GSM) is otherwise known as mobile telecommunication. The development of GSM can be traced to the establishment of the Nigerian Communication Commission (NCC), a regulatory body that was established in 1992 to license and regulate private telecommunication of operators.<sup>38</sup> The deregulation of the telecommunication sector in Nigeria led to the issuance of licence to MTN and Econet wireless network to commence operation in Nigeria.<sup>39</sup> MTEL (which belongs to the Nigerian government), MTN and Econet were the first wireless networks to be licenced by the Nigerian government. Thereafter, in 2002, Globalcom joined the existing GSM networks as a way of providing alternative network to the existing ones.<sup>40</sup> Due to the level of preparedness of these telecommunication companies, they began operation within a very short time. Their operation was a welcome development that led to numerous subscriptions by Nigerians.<sup>41</sup> Global System for Mobile Communication (GSM) is one of the innovations of information technology that has made great impact in human communication across the globe. It is a product of civilization and globalization. Technology enables individual to communicate effectively across border<sup>42</sup> and without the need for the physical presence of parties in the same place. Technology is the application of scientific knowledge for a specific purpose.<sup>43</sup> It provides a reliable means of

<sup>34</sup> O. Audu 'How Boko Haram Truned to Kidnapping to Raise Funds in Borno' *Premium Times* (20 May 2013) <https://www.premiumtimesng.com> accessed 14 April 2023.

<sup>35</sup> Fadipe, Uwadia and Kayode *op.cit*

<sup>36</sup> *Ibid*;

<sup>37</sup> K. S Adebisi and D. N Olanrewaju., 'An Appraisal of Kidnapping and Death Penalty Imperative in Nigeria' (2020)25(9) *IOSR Journal of Humanities and Social Science* 58-65 at 62.

<sup>38</sup> B. Bakare, I. A. Ekanem, and I. O. Allen., 'Appraisal of Global System for Mobile Communication (GSM) in Nigeria' (2017) *American Journal of Engineering* 97-102 at 99.

<sup>39</sup> *Ibid*

<sup>40</sup> *Ibid*

<sup>41</sup> *Ibid*

<sup>42</sup> S. Ndungu and E. Maxion., What is GSM (Global System for mobile Communication?)

<https://www.techtarget.com/searchmobilecomputing.ng/definition/GSM> accessed 11 March 2023

<sup>43</sup> Prasanna, Advantages of technology: Modern Technology advantages and disadvantages (2023) <https://www.plusstopper.com> accessed 12 March 2023.

communication that is readily available anywhere in the World.<sup>44</sup> It is a cellular technology used for the transmission of data and communication.<sup>45</sup> It was developed by the European telecommunication Standard Institute.<sup>46</sup>

The evolution and establishment of GSM and the network provider provided job opportunities for a lot of Nigerians and experts in the telecommunication industry. GSM has been a source of wealth creation and has reduced the cost of business transactions (both local and international).<sup>47</sup> It has contributed to the economic well-being of many people and has been able to bridge the gap between urban and rural inhabitants and has provided job opportunities for them in like manner. It has enhanced business communication and transfer of fund through mobile banking, reduced cost and risk of travel for individuals and business owners, improved means of transportation through the introduction of mobile apps to order taxi, book flight and among others.<sup>48</sup> It has a wide coverage across national and international boundaries, it can be used all over the world, it performs almost the same function of a computer, led to the development of internet, revenue generation through regular payment of taxes by telecommunication companies and helps in automobile tracking. The most effectively utilized means of communication is the GSM, it makes use of sim card for the identification of users. The introduction of the GSM as a device for communication came with a lot of benefits. It makes social, political, and economic activities very easy and has improved communication between users to a large extent.<sup>49</sup> GSM has a high level of simplicity and accessibility that makes it easy for people to interact with one another across the globe.<sup>50</sup>

#### 4.0 The Nexus between Mobile Telecommunication and the Crime of Kidnapping

Despite the numerous benefits of global system for mobile communication otherwise known as mobile telecommunication, it is bedeviled with certain negativities. Some of which are distractions, health hazards, accident, fire outbreak, kidnapping and among others. GSM provides an avenue for the successful operation of kidnapping for ransom in Nigeria. It is a tool for perpetrating the dastardly act of kidnapping and a tool for contacting and negotiating with victims' families for payment of ransom.<sup>51</sup> Activities of kidnapping are recorded everyday as people report or narrate their ordeal to their friends and families how they were almost kidnapped or kidnapped. GSM is a useful tool for kidnappers and it is the major tool used for communicating with members of victims' family for payment of ransom. Without the Subscribers Identification Module (SIM) which enables GSM work effectively,

<sup>44</sup> *Ibid*

<sup>45</sup> Advantages of GSM <https://www.ecstuff4u.com/2018/04/advantages-and-disadvantages-of-gsm.html?m=1> accessed 12 March 2023.

<sup>46</sup> *Ibid*

<sup>47</sup> U. I., Girei., 'The Prospects and Challenges of Using GSM in Nigerian Society' (2020)19(6) *International Journal of Humanities & Social Science* 267-273 at 269.

<sup>48</sup> *Ibid*

<sup>49</sup> D. J. Micah, E. E Okafor & S. J. Orji., 'Benefits of Global System for Mobile Telecommunication (GSM) Services: Can it be Sustained?' (2015)3(3) *Journal of Global Research in Education and Social Science* 112-13 at 116.

<sup>50</sup> E. S. Chukwuemeka., Benefits of Technology to the Society (major advantages) 2022 <<https://bscholarly.com/benefits-of-technology-to-the-society/>> accessed 11 March 2023.

<sup>51</sup> F. A. Uyang, C. E Omono & J. A. Abanbeshie., 'Kidnapping and Socio-economic Implications for the Nuclear Family in Calabar Metropolis, Cross River State, Nigeria' (2019)10(11) *International Journal of Scientific & Engineering Research* 238-253 at 240

communication with families and payment of ransom would be difficult. Most of these kidnappers have more than one GSM and registered SIM which they use to perpetrate their unlawful act. This was revealed following the arrest of a notorious kidnap kingpin who was involved in series of kidnapping before his eventual arrest. It was reported that he had eleven GSM out of which three have anti-tracking features which made it difficult for him to be tracked and arrested.<sup>52</sup> He had a satellite phone which can be used anywhere in the world such as forest, bush, sea, dessert among others.<sup>53</sup> In carrying out his plans, he used 125 registered SIM cards with his GSMs to contact families of victims to demand for ransom in exchange for their release.<sup>54</sup> The number of SIM cards in his possession enabled him to frustrate all the attempts by the police at apprehending him before his eventual arrest.<sup>55</sup>

## 5.0 MEASURES ADOPTED IN COMBATING KIDNAPPING FOR RANSOM THROUGH MOBILE TELECOMMUNICATION AND ITS AFTERMATH

GSM has become a weapon in the hand of kidnappers most especially in the request and collection of ransom by kidnappers. Certain measures have been adopted by the Federal Government through the security agencies to combat this incessant crime ravaging the Country. Attempts were made in tracking the GSM of kidnappers, locating their hide outs and securing their arrest. This did not continue for a long time because the kidnappers also devised other means to evade arrest by the Police. They got sophisticated GSM like Turaya that could not be hacked easily and now use victims GSM to contact their family members so that communications on the registered SIM of victims would not be traced to them. The Federal Government through the National Communication Commission (NCC) also made effort to curb this menace though the compulsory SIM card and National Identification Number (NIN) registration.<sup>56</sup> Telecommunication operators were ordered by the NCC to register all SIM cards and link their NIN to the SIM card by providing the NIN during registration.<sup>57</sup> The essence of this NIN is to link each SIM card to an identifiable individual and be able to track criminal activities such as kidnapping, robbery, armed robbery and among others. Despite the linkage of NIN to SIM cards in Nigeria, negotiation for payment of ransom for kidnapped victim still continues. The security agencies have also relaxed in their duties to the citizen.

Due to the warrisome notoriety the menace of kidnapping, has assumed some States have also amended their laws on kidnapping and introduced deterrent and stringent punishment. States like Rivers State, Enugu State, Oyo State, Edo State, Imo State, Abia State, Ebonyi State, Lagos State etc have passed laws prohibiting kidnapping and prescribing capital punishment for perpetrators.<sup>58</sup> For instance, the Lagos State section 3(3) of the Kidnapping Prohibition Law

<sup>52</sup> Iyang, I., Billionaire Kidnapper: How Evans used N4.6million Phones, 125 SIM cards to Evade Arrest (2017) <<https://dailypost.ng/2017/06/16/billionaire-kidnapper-evans-used-n4-6million-phones-125-sim-cards-evade-arrest/?=1>> accessed 17 March 2023

<sup>53</sup> *Ibid*

<sup>54</sup> *Ibid*

<sup>55</sup> *Ibid*

<sup>56</sup> Iyang *op.cit*

<sup>57</sup> This is in compliance with Section 19 & 20 Nigerian Communications Commission (Registration of Telephone Subscribers) Regulations, 2011.

<sup>58</sup> Will the Senate's New Anti-Kidnapping Bill Make a Difference? (2020) <https://www.thisdaylive.com/index.php/2021/09/26/will-the-senates-new=anti=kidnapping=bill=make-a-difference/amp/> accessed 17 March 2023



2019 prescribed death penalty for kidnappers.<sup>59</sup> The National Assembly also proposed prohibition of ransom by victims' family who pay ransom to kidnappers.<sup>60</sup> This proposition was included in the Terrorism (Prevention) Act 2013 (Amendment) Bill, 2022. Despite the punishment (i.e. 15 years imprisonment) prescribed payment of ransom, family members have not restrained from this act in order to secure the release of their loved ones because the Nigerian populace have lost confidence in the police who do not respond promptly to cases reported to them.<sup>61</sup> They pay this ransom out of desperation and to prevent killing of the victims due to nonpayment of ransom. This act of the Nigerian Senate on the criminalization of payment of ransom is to prevent kidnapping but it has been condemned by various scholars and eminent professionals in Nigeria as a way of further punishing victims and their family members.<sup>62</sup> It has also been viewed as being wicked and insensitive.<sup>63</sup> Another attempt made by the government in curbing kidnapping in Nigeria is the recently introduced cashless policy and redesigning of the nation's currency by the Central Bank of Nigeria.<sup>64</sup> The essence of redesigning Nigerian currency is to reduce the volume of cash in the economy and encourage digital banking.<sup>65</sup> Apart from regulating the volume of cash in circulation, the Central Bank of Nigeria Governor stated that kidnapping will be reduced because it would be difficult to access cash to pay ransom to kidnappers.<sup>66</sup> At the commencement of this policy, kidnapping cases were brought to the barest minimum until the policy was altered and the old naira was brought back into circulation. Despite the innovative efforts of the Central Bank of Nigeria at curbing kidnapping, the menace still persists in the country on a daily basis.

## 6.0 CONCLUSION

Kidnapping for ransom is a criminal act that has subjected victims and their family members to untold hardship. It is a lucrative business for persons who engage in the heinous act. Nowhere in Nigeria is safe because this illicit act can be perpetrated in any state or location in Nigeria. Sometimes, family members lose both ways when ransoms are paid and victims are eventually killed before their release. In other words, sometimes despite payment of ransom, kidnappers may end up killing the victim when the victim identifies them or family members involve the police in rescue efforts. The major instrument used in perpetrating this act is the Global system

<sup>59</sup> D. Erezi 'Senate Passes Law Prescribing Life Imprisonment for Kidnappers' (2021) <https://guardian.ng/news/senate-passes-law-prescribing-life-imprisonment-for-kidnappers/> accessed 17 March 2023

<sup>60</sup> A. Onireti., 'Why Nigerian Kidnapping Law Banning Families from Paying Ransoms may do More Harm than Good' (2022) <https://theconversation.com/amp/why-nigeria-kinap-law-banning-families-from-paying-ransoms-may-do-more-harm-than-good-189427> accessed 17 March 2023.

<sup>61</sup> *Ibid*

<sup>62</sup> H. Umoru, D. Akinrefon and O. Dania., 'Kidnapping: Afenifere, SANs Fault Senate's Criminalisation of Ransom Payment.' <https://www.vanguardngr.com/2022/04/kidnapping-afenifere-sans-fault-senates-criminalisation-of-ransom-payment/amp/> accessed 17 March 2023.

<sup>63</sup> *Ibid*

<sup>64</sup> J. Ndukwe., 'Naira Redesign and Cashless Policy' (2023) [https://www.researchgate.net/publication/369013173\\_NAIRA\\_REDESIGN\\_AND\\_CASHLESS\\_POLICY\\_IN\\_NIGERIA](https://www.researchgate.net/publication/369013173_NAIRA_REDESIGN_AND_CASHLESS_POLICY_IN_NIGERIA) accessed 07 April 2023.

<sup>65</sup> S. Bella and O. Oguntuase., 'Naira Redesign and Cashless Policy: Wither the Role of Bank Neutral Cash Hubs?' <https://www.mondaq.com/nigeria/financial-services/1289540/naira-redesign-and-cashless-policy-wither-the-role-of-bank-neutral-cash-hubs> accessed 07 April 2023.

<sup>66</sup> C. Azubuike., 'Naira Redesign to Tackle Kidnapping-CBN' *Punch Newspaper* (10 January 2023) <https://punchng.com/naira-redesign-to-tackle-kidnapping-cbn/?amp> accessed 07 April 2023

for mobile telecommunication (GSM). The security agencies attempted to curb this menace by tracking the mobile numbers and phones used by the perpetrators. As a result of this, they were able to secure the release of victims and arrest some of these perpetrators. The prompt arrest and release of victims reduced kidnapping for a while until the perpetrators device another means of contacting families of victims through the use of the mobile phone of victims and using sophisticated GSMs that are not easily trackable.

## 7.0 RECOMMENDATIONS

For the menace of kidnapping to be brought to its barest minimum, Nigeria government should create job opportunities, empower the youths and provide a stable economy. Government in collaboration with various security agencies are to beef up security measures in all the States of the Federation, and guarantee the safety of lives and properties. The National Communication Commission in collaboration with all networks, security agencies and experts in international communities are to leverage on telecommunication technology and other logistics in locating the hideouts of kidnappers and effecting their timely arrest. Security agencies should be proactive and make use of all available intelligence gatherings in connection with any kidnapping incidence to secure the release of victims and arrest perpetrators. Security agencies and IT experts should be adequately trained by international experts on how to apprehend kidnappers and bring an end to this incessant act.

Collusion between the security agents and kidnappers should be given priority of attention for checkmating as instances abound where some security agents collude with kidnappers to carry out their nefarious activities and afterwards share their loots collected from the relatives of the kidnapped victims. These areas of collusion include but not limited to supplying kidnappers with operational police or military uniforms as well as providing them with arms and ammunition to operate at check point in disguise as legitimate security agents in the course of which they launch kidnapping attack on innocent and unsuspecting travellers. Besides, the rampancy of corruption among security agents constitutes another area of topical concern. Even in some cases where kidnappers are arrested and taken to custody for investigation and probable prosecution, investigations are compromised on the altar of financial inducement when the financiers of the kidnappers surface with their huge purse to secure the release of their "boys" from detention.

It is an open secret that some of these kidnappers have highly wealthy and influential people as their sponsors and through whom they have access to AK 47 and other weapons being used for their sinister operations. Equally, there should be synergy between network providers and, the security agents in timely release of data, information on kidnappers to the security agents to fast track relevant investigation whenever the need arises. On its part, the judiciary should not hesitate to impose maximum penal sanction on convicted kidnappers to serve as deterrent to others. These criminals who perpetrate acts of kidnapping are not ghosts and their identity is often known to the people in whose community they reside. The security agents should assure confidentiality to citizenry so that they can safely volunteer intelligence information and security tips that can aid the arrest of these culprits.