

NATIONAL OPEN UNIVERSITY OF NIGERIA  
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS  
FACULTY OF LAW  
DEPARTMENT OF PUBLIC LAW  
2017\_2 EXAMINATION QUESTIONS  
JANUARY 2018

**Course Code:** PUL241  
**Course Title:** HUMAN RIGHTS LAW I  
**Time Allowed:** 2½ HOURS  
**Instruction:** ANSWER QUESTION 1 (ONE) AND ANY OTHER 3 (THREE) QUESTIONS. NOTE: QUESTION 1 (ONE) ATTRACTS 25 MARKS

1. A Police officer (Sergeant Okrika) has been arrested and arraigned in a Magistrate's Court with a charge of murder of one Mr. Delle on October 4, 2016. The alleged incident took place in Odikpo Town around 10pm. Mr. Delle was suspected to be the local thief who goes out at night stealing people's yams, domestic animals and other belongings. On that fateful day, Delle went out as usual but when he was accosted by Sergeant Okrika and his team, he took to his heels in fear of being arrested. Meanwhile Sergeant Okrika did not hesitate to shoot Delle as soon as he took to his heels. Sergeant Okrika has pleaded not guilty to the charge of murder on the sole ground that he was performing his official duty in maintaining peace and order in the society.

(a) What is extra-judicial killing as it relates to the Police in the performance of their official duty and how does extra-judicial killing relate to the concept of human rights?

(b) Under what circumstance can the Police lawfully kill in the course of their duty?

2. (a) Define the term "Human Rights"

(b) According to Karel Vasak (1997), the classification of Human Rights can best be explained by way of the concept of generations of rights- First generation rights, second generation rights and third generation rights. Briefly discuss the classes of human rights based on these three generations.

3. Doctor Ojoko a medical practitioner in Orotu Specialist Hospital seems to be in serious danger and fear. He has been faced with a critical case involving Mrs. Elumelu (a pregnant mother) with various complications. Doctor Ojoko after applying all his medical expertise could not save the situation and so induced the death of the unborn child all for the mother's sake. Mrs. Elumalu's husband is now making serious plans to drag Doctor Ojoko to court for killing of their baby. Doctor Ojoko is seeking your legal advice as human rights lawyer and activist. Advise Doctor Ojoko with regards to when killing of an unborn child can become lawful constituting derogation from right to life.

4. Enumerate the derogations to rights to life and personal liberty under the 1999 Constitution of Nigeria.

5. Discuss and explain with relevant authorities how fundamental human rights are enforced through the instrumentality the courts in Nigeria.

6. Human Rights are not just products of 'positive law'. Discuss.