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## SOS to Ghana's and ECOWAS' Parliaments for the Promulgation of Victims Protection Act

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Received: Oct 27, 2025

Accepted: Nov 10, 2025

Online Published: Jan 05, 2026

### Abstract

**Background:** The United Nations Office on Drugs and Crime, (UNODC) by resolution 68/187 of 18<sup>th</sup> December 2013 recommended to member nations to provide “assistance to and support for victims of terrorism, including the role of victims in the criminal justice framework”. **Objective:** This paper calls on other Sub-Saharan nations and institutions, using Ghana's Parliament as the focal nation and entity, to provide as a matter of urgency *Ghana Victim Protection Act for Victims of Terrorism and Insurgency, Counterterrorism Measures* undertaken by government that hurts, injures or kills another, including election violence, extra-judicial killing by a member of the security agency or any agent of government as part of the rule of law and good emergency preparedness practice. **Method:** Case-study approach. **Methodology:** is qualitative literature review, relying on secondary data and information due to the nature of the subject matter under investigation. **Theoretical Framework:** The theories employed in this review include Realism, Constructivism, and the Concept of Human Security. The analysis covered meso-; macro-; and micro-levels to cover the organizational and systems role, and the intersectional relationships between the people and the phenomenon of interests. **Result:** Since the call and after multiple legislations on terrorism, security sector reforms and international protocols on human security such as the Sustainable Development Goals, many citizens of these nations are still exposed to harm with little or no provision of restoring victims to a more resilient status. The government of Ghana applies ad hoc approaches for citizens' compensation when State agents cause harm to the citizens, which is not consistent with legislative and best practices in cause-effect paradigm in risk management. Kenya has enacted the “*Victim Protection Act, No.17 (2014)*”, which seeks to give effect to Article 50 (9) of the Kenyan Constitution of 2010; “to provide for the protection of victims of crime (terrorism/Counterterrorism measures) and abuse of power (by government and its agents), and to provide them with better information and support services for reparation and compensation to victims; and special protection for vulnerable victims”. **Conclusion:** The enactment of victims' protection and care would benefit the population and the society as active partners in national security and related threats to the nations.

**Keywords:** Victim Protection Act, Terrorism, Counterterrorism, Abuse of Power, Tort, Victim Compensation, Human Flourishing

## **1. Introduction**

Ghana has many laws on terrorism but does not have one on victims' protection in the event of either terrorist act or government's counterterrorism measure that results in injury or death or maiming of by-standers, passers-by, or innocent persons in whatever circumstances they may find themselves to have suffered either collateral damage or death. The protection motivation of the citizens is not only the duty of the citizens but occurs in collaboration with government by analyzing the intersectional relationship between the citizens, organizational functions and state responsibilities imbedded in its municipal legitimacy and controls. A moment is taken to explain the concept of macro, meso, and micro levels of analysis in sociology where this paper belongs, due to the complexities of the issues in State and Subjective security. The issues include perceptions about citizens role in security approaches, the perceptions of the adequacy of State security services, issues of discrimination against ethnic minorities and women, the lack of social network support for victims of crime or State's agents abuse of power, which results in harm to the citizens. The entire analysis in this paper, manoeuvres through Macro; Meso; and, Micro levels of analysis, when it is appropriate to the aspects of the issue under discussion.

### **a. Macro Level of Analysis of State and Subjective Security**

In the interest of clarity of concept, macro level of analysis concerns intersectional relationships between the people in society and government, organizations or groups, the economic and political systems, and nations. The interactions simply mean the duties, responsibilities and rights of the ruler to the ruled and the reciprocal obligations of the ruled to the ruler to create a society governed by the rule of law, comity of understanding for individual and state sovereignty. This includes the responsible management of human security, protection of the citizens and defence of the nation, in addition to social assets, apportionment and the distribution of social wealth and economic opportunities, without consideration to partisanship or neopatrimonial grounds but driven by fairness, equity, equality and meritocracy. At the macro level, institutions, governments and systems are supposed to take the whole of society approach to State and Subjective security, not driven by individual or personal aspirations but the needs of the collective society. In Ghana and in most African nations, such intellectual aspirations remain to be sought after in the management of national security and citizens protection against harm, crimes or accidents.

### **b. Meso Level Analysis of State and Subjective Security**

At the meso level of analysis of State and Subjective security issues, one expects to experience the operational modalities of the groups, organizations, companies, occupations and political parties, and the intersectional dealings with the members of the society to promote the citizens sense of safety and freedom from harm. Positive outcome of such interactions with political parties, companies and organizations can be measured qualitatively and quantitatively over a period, to determine the effectiveness of the interactions. What are the motivations of the organization or the groups over an issue and how does society address the needs of the group or the individuals in the group. Meso level of analysis would lead to dissecting how females, for example, are treated in the society, compared to males when it comes to domestic violence or

street level violence, police handling of women suspects and so on, or how gender equity issues are being handled by Ghana government or the other governments in Africa (Jepperson et al., 2011).

**c. Micro Level Analysis of State and Subjective Security**

Security and safety issues are about the wellbeing of human beings. Due to the fact that, whether the activity is being performed by an organization or government, it is also by human beings and for human beings, makes the study of human interactions possible to analyze from any of the three levels of analysis (Frank, Camp & Boutcher, 2010, pp. 867-893; Georg Simmel, [1858-1918]). Simmel who is credited with developing formal sociology is also credited in saying that, “society exists where a number of individuals enter into interaction” (1903/1971). Micro level analysis considers the relationships between individuals, their dealings, communications, social etiquette, their sources of information and data, and how all these bring them together into a unit with commonality of interests (Marks & MacDermid, 1996, pp. 417-432). How inter-personal relationships are being regulated by the members of a given group at any given time to moderate their interactions in order to reduce conflict, confusion, misunderstanding and inter-personal violence or violence by State actors. A case in point is what happened on November 12, 2025, during the Ghana Armed Forces recruitment exercise for applicants for the 2024/2025 enlistment period. According to the hospital officials, twenty-eight (28) persons were rushed to the hospital as a result of the stampede with six (6) persons dead, five (5) admitted to the Intensive Care Unit, (ICU) and twelve (12) in critical conditions at the 37 Military Hospital, Accra with additional number of applicants injured, treated and discharged the same day. This led to the visitation of the high-level personalities to the hospital to console the injured and to sympathize with the relatives of the dead, including the President of Ghana, the Speaker of Ghana’s Parliament and so many other personalities. The culpability of this tragic event may lie with the organizer or convener of the recruitment exercise which places financial and social burdens on Ghana Armed Forces and the image of the military as well as financial responsibilities on the victims of what the public has unequivocally described as a negligent act on the part of the Ghana Armed Forces. This timely call in this paper is made in view of the rising tensions in the Economic Community of West Africa zone and the presence of terrorist groups in the Sahel as well as the accidents and incidents caused by State agents in the rendition of their mundane duties to the societies affected, and therefore, the citizens.

Counterterrorism measures can also destroy the reputation of a business entity either through wrongful labeling and prosecution, which are all tortuous crimes that could be committed against private citizens by the State or its agents which may be compensable at equity. Although the nations within the West African Economic Community are focused on terrorism prevention with counter-measures in readiness, there are still a lot more to be done to protect the citizens of these disparate nations against legitimate government interventions.

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## **II. Approach:**

This paper is a prospective piece advocating for better protections of the citizens of West Africa against injuries or harms resulting from State action in enforcing its laws against internal and external threats. It does not therefore engage in extensive literature review in calling for the protections but relies on both international, regional and national legislations that call for such protections. While the method is the case-study approach, the methodology is qualitative, purposive selection of literature and content analysis of the selected pieces with direct effect on the principal theme of this paper. Theoretical Frameworks employed in this review include Realism, Constructivism, and the Concept of Human Security. The analysis covered meso-, macro-, and micro-levels to cover the organizational and systems role, and the intersectional relationships between the people and the phenomenon of interests.

## **III. Outcome and Discussion:**

Researchers in Ghana conducted a mapping exercise of the legal framework on terrorism in Ghana in 2014 and identified 22 separate Acts and Legislative instruments that appeared to form the legal framework on AML and CFT as it then was and reported the outcome in their paper: *“The review of Ghana’s legislative preparedness to critical national risks: Terrorism and money laundering”* (2014). Those pieces of legislation were, and are: The 1992 Constitution of Ghana; Banking Act, 2004 (Act 673); Anti-Money Laundering Act, 2008 (Act 749); Anti-Money Laundering (Amendment) Act, 2014 (Act 874); Anti-Terrorism Act, 2008 (Act 762); Economic and Organized Crime Office Act, 2010 (Act 804) This repealed Serious Fraud Office Act, 1993 (Act 466); Economic and Organized Crime Office (Operations) Regulations, 2012 (L.I. 2183); Financial Administration Act, 2003 (Act 654); Narcotics Drugs (Control, Enforcement and Sanctions) Law, 1990 (P.N.D.C.L 236); Insurance Act, 2006 (Act 724); Borrowers and Lenders Act, 2008 (Act 773); Securities Industry Law, 1993 P.N.D.C.L. 333; Human Trafficking Act, 2005 (Act 694); The National Disaster Management Organization Act, 1996 (Act 517); The Emergency Powers Act, 1994 (Act 742); Ghana Investment Promotion Centre Act, 1994 (Act 478); The Consolidated Criminal Code, 1960 (Act 29) amended in (1973), (1985), (2003); Whistleblower Act, 2006 (Act 720); Electronic Communication Act, 2008 (Act 775); Home Mortgage Finance Law, 1993 P.N.D.C.L. 329; Home Mortgage Finance Act, 2008 (Act 770); Long-Term Savings Scheme Act, 2004 (Act 679) (Norman et al, 2014). Since then, additional regulations, acts of parliament and rules have been added to the already complex framework resulting from developments in the national and regional economies of Ghana and West Africa.

For example, in 2018, Ghana was placed on the Financial Action Task Force (FATF) List of countries with strategic Anti-Money Laundry (AML) deficiencies. In October 2020, the European Union added Ghana to its list of nations with strategic deficiencies on Anti-Money Laundering/Combating Financing of Terrorism (AML/CFT) regimes. Implications of such actions include a dip in the international reputation of the nation, difficulties in international money transfer and use of the bank “swift” system, among others. As counter-measures and to cure the deficiencies in the national legal framework on anti-money laundering and terrorism provisions, Ghana added to the already loaded legal framework on terrorism with more

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legislation. In December 2020, Ghana passed the Anti-Money Laundering Act, 2020 (Act 1044). In November 2021, Ghana published the Anti-Money Laundering/Combating the Financing of Terrorism & the Proliferation Financing Weapons of Mass Destruction Guidelines by the Security and Exchange Commission and Financial Intelligence Centre. In addition, the National Insurance Commission and Financial Intelligence Centre Anti-Money Laundering/Combating Financing of Terrorism and the Proliferation of Weapons of Mass Destruction Guidelines for Insurance Companies and Intermediaries in Ghana.

As a result of these new legislations, regulations and rules, in January 2022, EU removed Ghana from FATF list, and deemed the nation to have adhered to FATF rules. Cumulatively, these documents list financial transactions of Non-Profit Organizations, (NPOs) as “red flags” for terrorism financing. NPOs are also included as “high-risk customers” together with non-resident customers, political exposed persons and designated non-financial businesses and professions. The negative effect of these laws on NPOs is for another paper. But in the meanwhile, the laws on AML/CFT are too many for the technician-Banker to manage, due to the problems of conflict of laws, which increases the chances of frustrating the business purposes of an enterprise. The enforcement of such convoluted legislative framework could also lead to negative impact on businesses, which may require compensable damages at equity. The legal framework needs concerted effort on the part of all the stakeholders to marshal skills, resources, and intelligence to intercept activities under AML and CFT or, at least, minimize it (Norman, Udo-Udo, & Norman, 2023).

Good intentioned as these guidelines are, they are difficult to understand and operationalize and can limit and restrict the operations of businesses including NPOs, with implications on the civic space and humanitarian action as well as economic development. Hence the call for legislation to incentivize victims of government counter-measures against any aspect of anti-terrorism interventions as well as those who sustain direct terrorist injury or harm. This call is consistent with international best practices which are not only for physical damages or harm but also emotional hurt and harm. Kenya is a comparator nation to Ghana. Her legal readiness on victim protection appears superior to that of Ghana and other ECOWAS nations similarly situated, although Kenya has been an unfortunate victim to real terrorists’ activities, while Ghana has not so far experienced any such events. These are some of the terrorists’ acts experienced by Kenya: 1980 Norfolk Hotel Attack – PLO Follow up on IDF CT operation in Entebbe; 1998 US Embassy Nairobi; 2002 Paradise Hotel Kikambala Bombing; 2015 Garissa; Mandera 2014; Lamu 2014; Westgate 2013; Dusit 2018 (Allen Mulama/Huria, 2023).

The mechanism of injuries, fatalities, or morbidity could result from hot pursuit or even detonation of improvised explosive devices, and vehicular ramming incidents, all of which are plausible to expect in a terrorist or in an extremely agitated criminal stand-off with security agencies or hostage situation and which could potentially result in fatalities, and morbidities. Each government has the cardinal duty to protect its territory, including empowering its security and police agents to enforce the laws of the nation under the rule of law notions and practices. Social constructivism allows the nations, irrespective of international protocols on human

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security to fashion the values that are consistent with its internal culture, irrespective of a nation's adherence to cultural ethical relativism, moderating the impact on its citizens with considerations for human flourishing and well-being. The United Nations Office on Drugs and Crime, (UNODC) by resolution 68/187 of 18<sup>th</sup> December 2013 recommended to member nations to provide "assistance to and support for victims of terrorism, including the role of victims in the criminal justice framework". "These recommendations are aimed at assisting member States to establish and enhance policies, laws and institutional capacity to provide improved outcomes for victims, while fully respecting the rule of law and the rights of accused persons" (Yury Fedotov, 2014, p. iii). This call is in tune with the 1985 United Nations General Assembly's "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which contains 21 recommended measures aimed at ensuring access to justice and fair treatment, and ensures restitution, compensation, and social assistance for victims" (UNODC, 2014, p. 1). Although this declaration does not mention terrorism, it is assumed by international counsel, scholars and judges to be part of the anticipated harm to victims and therefore automatically claws under the policy, injuries or harm and tortuous act resulting from terrorism and counterterrorism as well as the abuse of power.

The Constitutions of Ghana, Nigeria, the Gambia and Sierra Leone, all of which are English Speaking and Common Law nations in the West-African Sub-region, contain expressed grants to Police organizations to use force in their own defence. This includes the use of deadly force, to cause arrest, effect investigative stop, in defence of others and to suppress riot or insurrection (1992 Constitution of Ghana, Article 13(2); 1999 Constitution of the Federal Republic of Nigeria, Article 33(2); 1997 Gambia Constitution, Article 18(4) (1-4), and the 1996 Sierra Leone Constitution with Amendments through 2006, Article 16(2) (Norman, 2021, pp. 342-344). In each of these nations' Police Administration has developed policies for the operationalization of the constitutional mandate, without any input from the broader civilian population against whose positive, civil libertarian rights the mandate is supposed to encroach. For brevity, the author will use Ghana as a case, although, where appropriate references to the other nations' law or cases would be made from time to time. The chapter dealing with the preservation of civil liberties in the 1992 Constitution of Ghana contains the use of force mandate. Clause (1) of Article 13 of the 1992 Ghana Constitution, deals with the sanctity of human life and the right to life and liberty in the exercise of the execution of a sentence of a court in criminal cases. The same topic is covered in Clause one of the various articles cited from the three other jurisdictions. Incidentally, the same language as the one below and quoted from the 1992 Ghana constitution, is dittoed in the Gambian, Nigeria and the Sierra Leone Constitutions at Articles 18, 33 and 16 respectively (ibid, pp. 343-345). Each nation appears to have left the determination of when (occasion or incident); and how (proportionality) or what type of force (depending on the severity of the crime or conduct) that needs to be used in a particular situation, to the Police Officer on the scene. Nigeria, however, repeated the constitutional mandate in another document called the "Force Order No. 236:280-282" requiring Police Officers to show that there was imminent harm to their persons before the use of force. This is irrespective of the officer's education, mental health, training and experience.

The use of force as an integral part of the standard operating procedure of national police administrations, has become a source of worry for ordinary citizens and subjects alike as well as for central government, particularly in Ghana recently and in the Sub-region generally. The use of force appears to have made it possible for Police Officers to shoot or kill civilians on the slightest provocation in some cases. An appreciable number of researchers attribute the increased spate of police brutality or the use of force, among other factors, to the organizational atmosphere of the Service. Alpert and Smith (1994-1995, p. 494) opined that “police subculture reinforces and provides encouragement for certain types of deviance and corruption, and discouragement for other types” citing the work of Skolnick & Fyfe (1993, pp. 38-42) to buttress the point (ibid, 2021, p. 345). On July 17, 2018, 21 members of the Ghana Police Patrol Team shot and killed 7 civilians they alleged to be armed robbers at Manso-Nkwanta, in the Amansie West District, Ashanti Region, Ghana. The 7 young men were residents of a predominantly Muslim *Zongo* community. Predominantly Muslim settlements in Ghana are called *Zongo*. Whether or not their being residents of this predominantly Muslim community was a significant factor or not, was not made evident in the after action report (Cho & Ho, 2018). The Police Administration went so far as to display the cache of weapons allegedly used by the suspects on the Police, without additional evidence such as dusting for gun-powder residue, and producing spent cartridges. A five-member Committee was established by the government to look into the circumstances surrounding the shooting and deaths of the seven young men. The Committee refuted the claim that the guns were in the possession of the 7 men at the time of the shooting. That is to say, the Police Administration concocted a cover story to reframe the narrative, which is the kind of deviancy described by Skolnick & Fyfe, (1993, p. 38-42) and cited in Alpert & Smith, (1994, p. 494). This was not the only event involving the use of force in Ghana in 2018. At any rate, the 21 Police Officers were interdicted on November 20, 2018 with recommendation by the Committee for criminal prosecution and, or disciplinary action (Ghanaiantimes.com.gh, 2018, p. 15, In Norman, 2021).

In the last several years, Ghana has experienced “abuse of power” cases by State agents in not only in places like Ashanti region where police gunned down seven citizens, but also in Ayawaso West Wuogon, Ejura, and Ashiaman, to mention but a few that arose from election violence, excessive application of State power to manage citizens right to public assemble and free speech, as well as criminal investigation of the murder of another that resulted in unintended consequences (Tankebe, 2009; Norman, 2021, 2016, 2019). These cases together with the nation’s legal preparedness for election violence, particularly in light of the 2024 parliamentary and presidential elections, as well as the existential threat faced by Ghana from terrorism, insurgents and bandits operating in the Sahel and other enclaves in Burkina Faso, Niger, Mali and Chad, juxtaposed with sporadic communal violence and killings in parts of the Upper East and Upper West Regions, place immediate demand on the Parliament of Ghana to enact such an act.

#### **IV. Conclusion:**

The enactment of such an act would help to manage the aftermath of police or military extra-judicial confrontation with the public, provide for the culpability of state actors in organizing

public events, such as military or security services recruitment that could result in stampede and death, provide a more systematic and objective way of assessing the value of injuries for compensation to be issued to victims as part of the requirements of good governance and the rule of law as well as the protections of human rights. Such a law would also ginger the public interests in supporting government efforts in the fight against terrorism. It may help to improve patriotic leanings of the public with the knowledge that, if they suffer occupational or job-related injury, or the state agents cause harm to them, they would be catered for and their families would also benefit from their lives.

**V. Recommendations:**

**(1). To the Parliamentary Select Committee on Defence and Security:**

This is perhaps, one of the most important legislations in the fight against terrorism, insurgency and counterterrorism measures that Ghana could add to its dossier of laws for the protection of citizens, particularly women and children in the event of terrorist act and government counterterrorist measures.

**(2). To the Ministry of National Security:**

The support of the ministry to such a legislation would enhance its image and its work. It would support its belief in the rule of law that, it is not reduced to mere slogans about actual substantive measures for the protection of the citizens, if, in fact, National Security is concerned about the ontological security of the people. A case in point is the recent stampede at El Wak Stadium in Accra, where (6) six young women applicants died at the Ghana Armed Forces organized recruitment exercise on Wednesday, November 12, 2025. From the same stampede, (5) five persons were admitted to the 37 Military Hospital's Intensive Care Unit, (ICU) due to injuries sustained, and some additional individuals were treated and discharged. Due to, perhaps, poor organizational arrangement for the exercise, there was a stampede that resulted in highly avoidable injuries and fatalities.

**(3). To Civil Society Organizations, Citizens and other Interests Groups**

This is one of those pieces of legislation that would surely cater to the care and sustenance of women and children in the event of a terrorist attack and would augur well in lending support by way of documentation, narrative presentation and other anecdotal information that could provide a better picture to the law makers on the need for such legislation. Such legislation also helps to create better social network support for all victims of either State actors or interventions in public emergencies.

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