

**Flygtningenævnets baggrundsmateriale**

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| <b>Land:</b>                           | Nigeria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Kilde:</b>                          | Immigration and Refugee Board of Canada (IRB)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Titel:</b>                          | Nigeria: Documents issued by the police during criminal investigations or in response to a complaint, including police reports and Special Police Gazette Bulletins; samples; procedures for an individual to obtain a copy of a police report within the country as well as from abroad; appearance of police reports, including variations across the country; the nature and extent of communications between police stations in the country, including the computer networks available to them and the information they share (2020–October 2024) |
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# Responses to Information Requests

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30 October 2024

## **NGA202060.E**

Nigeria: Documents issued by the police during criminal investigations or in response to a complaint, including police reports and Special Police Gazette Bulletins; samples; procedures for an individual to obtain a copy of a police report within the country as well as from abroad; appearance of police reports, including variations across the country; the nature and extent of communications between police stations in the country, including the computer networks available to them and the information they share (2020–October 2024)

Research Directorate, Immigration and Refugee Board of Canada

This Response to Information Request replaces NGA200340 of November 2020.

# 1. Documents Issued by the Police During Criminal Investigations or in Response to a Complaint

Section 35(3) of the Nigerian constitution provides the following:

Any person who is arrested or detained shall be informed in writing within twenty-four hours (and in a language that he understands) of the facts and grounds for his arrest or detention. (Nigeria 1999)

In correspondence with the Research Directorate, a Nigerian law firm that practices commercial law [1] provided the following information on three main documents available to persons who report a crime in Nigeria:

- Entry: a "complaint" document that captures the key information on the crime being reported by a victim or witness at a police station. Police officers responsible for "admission requests" will prepare the entry document, which is used by the police to decide how to proceed and to assign an investigating police officer (IPO) [2] for the case.
- Statement: a detailed "official statement" provided by the victim or witness before the IPO. The statement is "often" handwritten by the victim or witness "in the presence of the IPO," after an "informal interview."
- Police report: a document "prepared by the police following the conclusion of their official investigation," serving as the police's "official account" of what was done or intended to be done by the police concerning the case (Nigerian law firm 2024-09-30).

None of the three types of documents is available to victims or witnesses "from the onset" and only the police reports are available for victims or witnesses if requested for any reason, such as insurance claims (Nigerian law firm 2024-09-30).

Sources consulted in 2020 indicated that a victim or witness who reports a crime to the police gives a ["documented" (Senior Advocate of Nigeria 2020-10-21)] statement (Senior Advocate of Nigeria 2020-10-21; Principal Partner A 2020-10-22). In correspondence with the Research Directorate, a principal partner of a law firm with offices in Lagos and

Ekiti states, which provides pro bono legal services on human rights violations, added that when the police investigate the matter, a police report is generated (Principal Partner A 2020-10-22).

In correspondence with the Research Directorate in 2020, the Principal Partner of a Lagos-based law firm that provides legal and consultancy services to NGOs stated that the Nigeria Police Force (NPF), as a public institution, is mandated by law to keep the following records:

- petition by complainant or witnesses
- police report on the incident[t] reported
- witness statements
- medical report
- exhibits recovered
- record of all exhibits
- search warrant
- arrest warrant
- search report
- record of detainees' belongings
- detention orders
- bail application
- bail bond
- charge sheets, etc. (Principal Partner B 2020-10-23).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## **1.1 Other Records Issued by Police**

The *Nigeria Police Act, 2020* provides the following:

72. (1) A warrant of arrest issued under this Act, unless the contrary is provided under any other law, shall:

- a. bear the date of issue;
- b. contain all necessary particulars; and
- c. be signed by the issuing judge or magistrate.

(2) A warrant shall:

- a. state the offence or matter for which it is issued;
- b. name and describe the suspect to be arrested; and
- c. order the person to whom it is directed to arrest the suspect and bring him before the court.

...

78. A warrant of arrest may be executed notwithstanding that it is not in the possession of the person at the time of executing the warrant, but the warrant shall, on the demand by the suspect, be shown to him within 24 hours.

...

89. (1) Where a person appears in a police station in respect of an offence or an allegation of the commission of an offence either as an accused person or a witness, or as a relation or friend of an accused person or a witness, the duty officer or such other officer as may be authorised by the officer-in-charge of the police station shall enter in the official record book:

- a. the name of the person and his national identity number, if any;
- b. the date of birth of the person;
- c. the reason for the person's visits;
- d. the name and address of the person's next-of-kin;
- e. the exact time the person comes to the station and leaves, for everyday he visits; and
- f. any ailment or medical condition which the person has.

... (Nigeria 2020)

## **2. Content, Appearance, and Security Features of Documents Issued by the Police**

The information in the following two paragraphs was provided by the Nigerian law firm consulted in 2024:

A police investigation report in Nigeria "contains a brief fact of the case like the date and time of the offence, the location, the parties involved, the evidence available at the scene of the crime, and the narration of events by eyewitnesses, victim(s) and the perpetrator(s) of the crime." Police investigation reports are "always prepared by a police officer," and "sometimes include their observation at the scene of the crime." While the format of these reports is "mostly similar nationwide," each police station "has its own name, address, design, etc. endorsed on the face of the document." Police reports are "typically always on a letterhead paper with the police logo" and include "the stamp of the office issuing it and the signature of the named officer on the document." The "stamp and signature" of the Divisional Police Officer (DPO), who "oversees the police station," "must be present" on the front of a police report before it is issued to a requestor who in turn must "acknowledge receipt" of the report, "with their identification, date, and signature."

A charge sheet is a statement of offence that contains the name of the offender, the date of the offence, the place of the commission of the offence (within the jurisdiction of the court), the offence committed (along with a brief description), the name of the victim(s), the section of the law violated, the offence and the provided punishment and the signature of the drafting authority.

In southern Nigeria, a charge sheet of summary offences is drafted by the police, "oftentimes" by the investigating officer. Charge sheets "can take different forms" and can be modified by the official drafting them depending on circumstances (Nigerian law firm 2024-09-30). For additional information on charge sheets, see NGA202061 of November 2024.

In correspondence with the Research Directorate in 2020, a senior advocate of Nigeria and chartered arbitrator at a Lagos-based law firm whose practice areas include criminal law indicated that "the [police]

reports are issued on the regular police letterhead of the police division or office" (Senior Advocate of Nigeria 2020-10-21). The same source further stated that the police report format will differ from state to state and from station to station, depending on who writes the report and what its purpose is (Senior Advocate of Nigeria 2020-10-21). In contrast, the Principal Partner of the law firm with offices in Lagos and Ekiti states indicated that police reports have "a uniform standard nationwide" (Principal Partner A 2020-10-22). Similarly, the Principal Partner of the Lagos-based law firm reported that, as an agency of the federal government, the NPF is expected to have a standardized format for reporting, with possible small variations (Principal Partner B 2020-10-23). The same source specified that "[s]uch variations include the difference in the names of the [p]olice [d]ivision from which the report emanated; however, the content is substantially the same. There is a uniform letterhead paper on which such reports are to be documented" (Principal Partner B 2020-10-23).

Sources indicated that there are no security features on police reports (Nigerian law firm 2020-10-22; Principal Partner B 2020-10-23; Principal Partner A 2020-10-22), except "the stamp by the issuing office" (Principal Partner A 2020-10-22) or the signature "of the issuing officer and the stamp of office [along] with the stamp identifying the document as a certified true copy" (Principal Partner B 2020-10-23).

A sample of a 2019 police report issued by the Nigeria Police Divisional Headquarters in Ikenne-Remo in Ogun state, provided by the Senior Advocate of Nigeria, is attached to this Response (Attachment 1). A sample of a 2020 police investigation report issued by the State Criminal Investigation Department in Yaba in Lagos State, provided by the Nigerian law firm, is attached to this Response (Attachment 2).

Examples of police documents, including a "Police Interim Report" is provided by the Foundation for Investigative Journalism (FIJ), a Nigerian "independent, not-for-profit organisation" (FIJ n.d.), in an article



published in 2022 (FIJ 2022-07-23).

### **3. Procedure to Obtain a Copy of a Police Report**

Sources consulted in 2020 stated that since police statements, reports and court documents are considered public record, these documents are available to "any interested party" (Law firm 2020-10-22) or "any member of the public" (Principal Partner B 2020-10-23).

#### **3.1 Online Request**

The website of the Police Specialized Service Automation Project (POSSAP) indicates that it was created to seek "improvements in the efficiency" of the provision of fee-based services of the NPF (Nigeria n.d.a). Media sources from 2022 cite a statement from the NPF indicating that the POSSAP website was launched in June 2022 and that the police documents that can be processed on the website during the pilot phase include the police extract [3] and police character certificate (*The Nation* 2022-08-12; *This Day* [2022]). The POSSAP website indicates that members of the "public" can make a request to obtain a police investigation report through the website (Nigeria n.d.b). Further information on the online procedure to obtain a police report, including whether this service is currently being offered, as well as information on procedure, information required, and timelines could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### **3.2 Documents Issued to a Defendant**

The Nigerian law firm, when it was consulted in 2020, stated that "[i]f the suspect is charged to court, the charge sheet and the Proof of Evidence, which is a bundle of the statement[s] and all other documentary evidence obtained during the investigation, will be served on the defendant or his counsel (if any)" (2020-10-22). The Senior

Advocate of Nigeria similarly stated that when a case goes to court, the defendant or defendants are provided with the statements made by victims and witnesses as well as the documented statements and report of the IPO, which are collectively "known as the 'Proof of Evidence' or court documentation" (2020-10-21).

### **3.3 Documents Issued to a Victim or a Witness**

According to the Nigerian law firm consulted in 2024, victims or witnesses of a crime can only request a police report by sending a letter to the DPO, explaining "their interest in the incident" and reasons for their request (2024-09-30). The same source added that the DPO may "approve or deny the request," at "their discretion" (Nigerian law firm 2024-09-30). The same source mentioned that this service to provide copies of reports is free and, once approved by the DPO, a "physical copy" may be obtained within a week (Nigerian law firm 2024-09-30).

The Senior Advocate of Nigeria consulted in 2020 indicated that a victim or witness can obtain a copy of the police report by applying in writing with "sufficient" details for the police to retrieve the statement from their records and by paying a "small administrative fee" (2020-10-21). The Principal Partner of the law firm with offices in Lagos and Ekiti states, consulted in 2020, reported the following procedure to obtain the police report: "Information needed will be information concerning the complainant/applicant as to name, age, occupation and tribe/religion. It usually doesn't take much time, depending on the availability of the applicant to do the necessary follow up. There are no standard fees" (Principal Partner A 2020-10-22).

The Principal Partner of the Lagos-based law firm indicated that when the crime reported is "not yet a subject of litigation," complainants or witnesses can obtain the police record by applying in writing under the *Freedom of Information Act, 2011 (FOI Act)* (Principal Partner B 2020-10-23). The *FOI Act* provides the following:

1. (1) Notwithstanding anything contained in any other Act, law or regulation, the right of any person to access or request information, whether or not contained in any written form, which is in the custody or possession of any public official, agency or institution howsoever described, is established.

(2) An applicant under this Act needs not demonstrate any specific interest in the information being applied for.

(3) Any person entitled to the right to information under this Act, shall have the right to institute proceedings in the Court to compel any public institution to comply with the provisions of this Act.

...

4. Where information is applied for under this Act the public institution to which the application is made shall, subject to sections 6, 7, and 8 of this Act, within 7 days after the application is received-

- a. make the information available to the applicant
- b. Where the public institution considers that the application should be denied, the institution shall give written notice to the applicant that access to all or part of the information will not be granted, stating reasons for the denial, and the section of this Act under which the denial is made.

...

6. The public institution may extend the time limit set out in Section 5 or Section 6 in respect of an application for a time not exceeding 7 days if –

- a. The application is for a large number of records and meeting the original time limit would unreasonably interfere with the operations of the public institution; or
- b. Consultations are necessary to comply with the application that cannot reasonably be completed within the original time limit, by giving notice of the extension stating whether the extension falls under the circumstances set out in this section, which notice shall contain a statement that the applicant has a right to have the decision to extend the limit reviewed by the Court.

7. (1) Where the government or public institution refuses to give access to a record or information applied for under this Act, or a part thereof, the institution shall state in the notice given to the applicant the grounds for the refusal, the specific provision of this Act that it relates to and that the applicant has a right to challenge the decision refusing access and have it reviewed by a Court.

(2) A notification of denial of any application for information or records shall state the names, designation and signature, of each person responsible for the denial of such application.

(3) The government or public institution shall be required to indicate under subsection (1) of this Section whether the information or record exists.

(4) Where the government or public institution fails to give access to information or record applied for under this Act or part thereof within the time limit set out in this Act, the institution shall, for the purposes of this Act, be deemed to have refused to give access.

(5) Where a case of wrongful denial of access is established, the defaulting officer or institution commits an offence and is liable on conviction to a fine of N500, 000 [Naira (NGN)] [C\$421][.]

8. Fees shall be limited to standard charges for document duplication and Fees transcription where necessary.

...

12. (1) A public institution may deny an application for any information which contains-

- a. Records compiled by any public institution for administrative enforcement proceedings and by any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public institution, but only to the extent that disclosure would-
  - i. interfere with pending or actual and reasonably contemplated law enforcement proceedings

conducted by any law enforcement or correctional agency,

- ii. interfere with pending administrative enforcement proceedings conducted by any public institution,
  - iii. deprive a person of a fair trial or an impartial hearing,
  - iv. unavoidably disclose the identity of a confidential source,
  - v. constitute an invasion of personal privacy under Section 15 of this Act, except, where the interest of the public would be better served by having such record being made available, this exemption to disclosure shall not apply, and
  - vi. obstruct an ongoing criminal investigation
- b. information the disclosure of which could reasonably be expected to be injurious to the security of penal institutions. (Nigeria 2011)

Sources consulted in 2020 reported instances of police refusing to release their reports upon application by a requestor, because of vested interests (Nigerian law firm 2020-10-22; Principal Partner B 2020-10-23). The same sources explained that, upon the police's refusal, complainants or witnesses can apply for a court order to require the police to fulfill the demand for the requested documentation (Nigerian law firm 2020-10-22; Principal Partner B 2020-10-23).

### **3.4 Obtaining a Copy of a Police Report from Abroad or by Proxy**

In follow-up correspondence with the Research Directorate, the Nigerian law firm consulted in 2024 provided the information in the following paragraph:

There is no "official specialised international system of distributing and obtaining Nigerian police reports outside Nigeria" and documents are handed over physically. If the requestor is abroad, they would need to

send a letter to the DPO of the police station which carried out the investigation explaining the reasons for the request along with supporting documents. The letter must also indicate why the requester is assigning a proxy and identify "the person who will physically pick up and acknowledge" receipt of the report. "The police only physically hand over the report after it has been acknowledged (in writing) by the receiver," so a requestor would not be able to have the police mail a report to them; therefore, it is "preferable" if a local person is the requestor [instead of an international requestor designating a proxy] (2024-10-04).

The Principal Partner of the Lagos-based law firm consulted in 2020 stated that the police response to a request for a police report from an overseas requestor

may vary depending on their perception of the purpose for the request of such documents. ...

It is also possible, however, that the police in many instances may decide to turn down the request. ...

The *FOI Act* does not limit the persons that may request for information under the Act to Nigerian citizens, or persons based in Nigeria. Section 31 of the *FOI Act* describes an applicant as 'any person who applies for information pursuant to the Act'. This is wide and may cover persons making application from abroad. The said applicant does not need to demonstrate that he has any specific interest in information sought.

It is therefore my opinion that applicants for criminal records who are based outside Nigeria may make application for such records upon the authority of the *FOI Act*. (Principal Partner B 2020-10-23)

The Senior Advocate of Nigeria consulted in 2020 added that "the same procedure [as for an applicant in Nigeria] applies" to those applying from abroad and that the requestor can use an "agent or a third party" (2020-10-21). Similarly, sources indicated that overseas requestors can

apply for the police report through a lawyer (Principal Partner A 2020-10-22; Nigerian law firm 2020-10-22) or through "any individual" (Nigerian law firm 2020-10-22).

#### **4. *Special Police Gazette Bulletins***

In the wanted persons section of the NPF website, examples of wanted posters are available, including one that is entitled *Special Police Gazette Bulletin* (Nigeria 2024-07-20a) and another that is titled "Wanted" and does not include the words "Special Police Gazette Bulletin" (Nigeria 2024-07-20b). In the wanted persons section of the NPF Lagos Command website, examples of "wanted" posters that are entitled "*Special Police Gazette Bulletin*" are also available (Nigeria [2023]).

#### **5. Nature and Extent of Communication Between Police Stations**

The *Nigeria Police Act, 2020* provides the following:

44. (1) Where a suspect is arrested, whether with or without a warrant, and taken to a police station or any other agency effecting the arrest, the police officer making the arrest or the officer in charge shall cause to be taken immediately, in the prescribed form, the following record of the suspect arrested:

- a. the alleged offence;
- b. the date and circumstances of his arrest;
- c. his full name, occupation and residential address; and
- d. for the purpose of identification:
  - I. his height,
  - II. his photograph,
  - III. his full fingerprint impressions, or
  - IV. such other means of his identification.

...

47. (1) The Inspector-General of Police and head of every agency authorised by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to Federal offences within Nigeria.

(2) The Commissioner of Police of a State and the head of every agency authorised by law to make arrest within a State shall remit quarterly to the Attorney-General of that State a record of all arrests made with or without warrant in relation to State offences or arrests within the State.

(3) The report shall contain the full particulars of arrested suspects as prescribed under section 44 of this Act.

(4) A register of arrests containing the particulars prescribed under section 44 of this Act shall be kept in the prescribed form at every police station or agency authorised by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or officer in charge of the agency as soon as the arrested suspect is brought to the station or agency.

(5) The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level. (Nigeria 2020)

Section 16, on Central Criminal Records Registry, of Nigeria's *Administration of Criminal Justice Act, 2015* provides the following:

1. There shall be established at the Nigeria Police Force a Central Criminal Records Registry.
2. For the purposes of subsection (1) of this section, there shall be established at every state police command a Criminal Records Registry which shall keep and transmit all such records to the Central Criminal Records Registry.
3. The State or Federal Capital Territory (FCT) Police Command shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal



Records Registry within 30 days of the judgement.  
(Nigeria 2015)

According to the Nigerian law firm, "Nigeria's police force still relies on manual record keeping" (2024-09-30). The same source added that "[m]ost" of the police stations across Nigeria "operate independently" and do not possess any "effective system or technology" for information sharing across the country (Nigerian law firm 2024-09-30). An article by the Premium Times, a Nigerian online news source based in Abuja (Premium Times n.d.), which cites the Attorney General of the Federation and Minister of Justice, states that data collection represents one of the "major hurdles" in implementing the *Administration of Criminal Justice Act*; the Act's requirement of law enforcement to compile and provide quarterly reports on arrests and criminal activities to the Attorney General have "largely gone unfulfilled" (2024-09-24). The same article adds that the Central Criminal Records Registry is not "functional," which results in repeat offenders being treated as "first-time criminals" when they relocate from states where their offences were recorded (Premium Times 2024-09-24). An opinion article written by Murkthar Suleiman and Oluwatoyin Badejogbin, representatives of the International Institute for Democracy and Electoral Assistance (International IDEA) [4], notes that "[p]oor data management practices" and the lack of uniform requirements to record and share information among law enforcement agencies have led to weaknesses in the justice system; individuals are able to commit a crime, then "move to another state, assume a new identity with a clean record, or even retain the same identity and not be detected" (Suleiman & Badejogbin 2024-03-23). The same source adds that there is "[p]oor funding," "low technical know-how" and a "lack of agreement regarding data practices and utility and resistance to change among the actors within the [criminal justice] system" (Suleiman & Badejogbin 2024-03-23).

Sources consulted in 2020 provided the information in the following paragraphs:

According to the Nigerian law firm, the NPF "has a communication system whereby information is shared among the various units in the force. For example, if officers from a different division are to carry out an operation in another division, the divisional head of that division will be notified accordingly" (2020-10-22). Without providing further details, the Senior Advocate of Nigeria similarly noted that the police have "a way of sharing information and tracking persons of interest amongst their various formations where and when it is required" (2020-10-21).

The Principal Partner of the law firm with offices in Lagos and Ekiti states indicated that "[i]nformation sharing [between police stations] is not as robust as it should be" (Principal Partner A 2020-10-22). Without providing further details, the Principal Partner of the Lagos based law firm similarly stated that although "forensic departments exist in some police formations, tracking persons of interest [is] not yet as seamless as would be desirable" (Principal Partner B 2020-10-23). In correspondence with the Research Directorate, a senior lecturer at Northumbria University in the UK, who has conducted research on the Nigerian police, indicated that

[p]olice records are recorded and kept manually in hard copy, though some are kept electronically at the state commands or headquarters of the police. Police do not have a viable inter-state communication or information sharing system. Though, in rare cases, there could be information sharing on matters of national or political interest. In some situations, the police do work together to share information and/or assist another state to investigate or resolve crimes. (Senior Lecturer 2020-10-10)

The same source added that the "records of crimes are not up-to-date and most reported cases are [also] not recorded due to officers' fatigue and nonchalant attitude" (Senior Lecturer 2020-10-10).

## 5.1 Police Computer Database

Information on the Nigerian police computer database was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The Nigerian law firm, citing the Inspector General of the Police, stated that the NPF upgraded its Crime and Incident Database in 2022 (2024-09-30). Citing the same official, the same source indicated that the database aims to "support investigations and strategic operational and tactical planning" by providing "credible" information (Nigerian law firm 2024-09-30). According to the Nigerian law firm, the impact of the database is "yet to be seen" (2024-09-30). The same source added that "[m]ost" police stations in Nigeria possess "little resources" and "[m]ost times, the police force relies on other agencies to operate effectively, especially in high profile cases and cases of national interest" (Nigerian law firm 2024-09-30). Further and corroborating information on the current status of the police database could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

### Notes

[1] In Response to Information Request NGA200340 of November 2020, the Nigerian law firm that practices commercial law was described as a Nigeria-based law firm with branches in Lagos state, Edo state and Abuja, whose practice areas include criminal litigation.

[2] In correspondence with the Research Directorate in 2020, the Nigerian law firm stated that the Investigation Police Office (IPO) "reports to the team leader in charge of the case – usually the Division Crime Officer (DCO) of the police division" (2020-10-22).

[3] A police public relations officer with the Nigeria Police Special Fraud Unit explained, in correspondence with the Research Directorate in 2017, that a "police report as an extract from the crime diary is usually done for reports of loss or missing items and documents" (Nigeria 2017-10-31).

[4] The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization working to strengthen democratic political institutions and processes around the world (International IDEA n.d.).

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## **Attachments**

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