

**Flygtningenævnets baggrundsmateriale**

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| <b>Bilagsnr.:</b>               | <b>673</b>                                                                            |
| Land:                           | Nigeria                                                                               |
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## COI QUERY

|                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Country of Origin</b>                          | <b>Nigeria</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Title</b>                                      | <b>Resignation and desertion from the Nigerian Armed Forces and the Nigeria Police Force</b>                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Reference period</b>                           | July 2020 to 17 July 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Topic(s)</b>                                   | <ol style="list-style-type: none"> <li>1. Resignation <ol style="list-style-type: none"> <li>1.1 Legislation</li> <li>1.2 Procedure for resignation</li> <li>1.3 Treatment by the state of former members of the armed forces and the police who voluntarily resigned</li> </ol> </li> <li>2. Desertion <ol style="list-style-type: none"> <li>2.1 Legislation</li> <li>2.2 Treatment by the state of deserters from the armed forces and the police</li> </ol> </li> </ol> |
| <b>Date of completion</b>                         | 19 July 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Query Code</b>                                 | Q19-2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Contributing EU+ COI units (if applicable)</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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The information in the response does not necessarily reflect the opinion of EUAA and makes no political statement whatsoever. The target audience is caseworkers, COI researchers, policy makers, and decision-making authorities. Any event taking place after the reference period is not included in this query response.

## COI QUERY RESPONSE – Nigeria

### Resignation and desertion from the Nigerian Armed Forces and the Nigeria Police Force

#### 1. Resignation

##### 1.1. Legislation

###### 1.1.1 Nigerian Armed Forces

Military service in Nigeria is voluntary, and men and women can enlist in the army between the ages of 18 and 26.<sup>1</sup>

The Armed Forces Act of 2004 notes that the resignation ‘of an officer from any of the services of the Armed Forces shall be published in the Gazette’.<sup>2</sup> The same Act also indicates that an officer who was permitted to resign ‘may be recalled at any time during the currency of any term of reserve service in accordance with regulations made under this Act, and on the recall, shall be liable to serve until he is released or discharged’.<sup>3</sup> The Act grants the President discretionary power to ‘make regulations governing the commissioning of officers, their terms of service, promotion, retirement, resignation, dismissal and such other matters concerning officers of the Armed Forces as may seem to him necessary’.<sup>4</sup>

The website of the Nigerian National Pension Commission notes that, according to the Pension Reform Act 2004, a person can voluntarily retire before the age of 50 ‘on the ground of medical advice, permanent disability or due to particular terms and conditions of employment’.<sup>5</sup>

Information on the implementation of legislation regarding resignation from the Nigerian Armed Forces could not be found among the sources consulted by EUAA within the time constraints. However, the following information could be relevant.

Premium Times, a local news outlet, reported in January 2021 that 127 officers, all appointed to junior cadres of the army and in particular ‘one Master Warrant Officer, three Warrant Officers, 22 Staff Sergeants, 29 Sergeants, 64 Corporals, seven Lance Corporals and one Private’, resigned from the Nigerian armed forces.<sup>6</sup> According to the article, the ‘disengagement’ of the

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<sup>1</sup> US, CIA, The World Factbook – Nigeria, last updated 11 July 2023, [url](#)

<sup>2</sup> Nigeria, Armed Forces Act, 2004, [url](#), Sec. 24

<sup>3</sup> Nigeria, Armed Forces Act, 2004, [url](#), Sec. 25

<sup>4</sup> Nigeria, Armed Forces Act, 2004, [url](#), Sec. 26

<sup>5</sup> Nigeria, National Pension Commission, How is compulsory or voluntary retirement especially in the armed forces to be handled under the new scheme, if this happens before the age of 50 years?, n.d., [url](#). See also, Nigeria, Pension Reform Act 2004, 2004, [url](#), Sec. 3

<sup>6</sup> Premium Times, Exclusive: 127 Soldiers resign from Nigerian Army, 21 January 2021, [url](#)

officers was formally approved by the Chief of Army Staff and would take effect in May 2021.<sup>7</sup> According to the same source, these officers retired either voluntarily or on medical grounds, although the numbers are not clear.<sup>8</sup> In August 2022, Sahara Reporters reported the submission of resignation letters by 243 soldiers to the Chief Of Army Staff, which were formally approved with effect in February 2023, and classified as ‘voluntary and medical discharge’.<sup>9</sup> According to a January 2023 article by the same source, more than 500 soldiers, particularly from the North-East region, submitted requests for ‘voluntary retirement’ claiming, among other reasons, ‘loss of interest’, ‘corruption within the army’, and ‘low morale’.<sup>10</sup>

### 1.1.2 Nigeria Police Force

Regarding supernumerary police officers, the Police Act of 2020 indicates that ‘every supernumerary police officer is, on appointment, enlisted to serve in the Police Force from month to month, and a supernumerary police officer may, at any time, resign his appointment [...]’.<sup>11</sup> Regarding special constables, the same Act notes that they ‘may, at any time, give to the senior police officer in charge of the police area in respect of which he is appointed notice in writing to the effect that he desires to resign his appointment on a date (not being less than 30 days later than the date on which the notice is given) mentioned in the notice’.<sup>12</sup> Regarding traffic wardens, the Police Act of 2020 indicates that they ‘may at any time give to any senior police officer under whom he is serving, notice in writing of his intention to resign his appointment’.<sup>13</sup>

Information on the implementation of legislation regarding resignation from the Nigeria Police Force could not be found among the sources consulted by EUAA within the time constraints.

## 1.2. Procedure for resignation

### 1.2.1 Nigerian Armed Forces

Information concerning the procedure for resignation from the Nigerian Armed Forces could not be found among the sources consulted by EUAA within the time constraints.

### 1.2.2 Nigeria Police Force

According to the Police Act of 2020, a supernumerary police officer may, at any time,

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<sup>7</sup> Premium Times, Exclusive: 127 Soldiers resign from Nigerian Army, 21 January 2021, [url](#)

<sup>8</sup> Premium Times, Exclusive: 127 Soldiers resign from Nigerian Army, 21 January 2021, [url](#)

<sup>9</sup> Sahara Reporters, Exclusive: 243 Nigerian Soldiers Tender Resignation Letters To Chief Of Army Staff, Yahaya Over Corruption, Low Morale, Others, 19 August 2022, [url](#)

<sup>10</sup> Sahara Reporters, Exclusive: Nigerian Army Moves To Stop Soldiers From Resigning Over Low Morale, Loss Of Interest, Other Reasons, 6 January 2023, [url](#)

<sup>11</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 25(1)

<sup>12</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 107(1)

<sup>13</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 127(1)

‘resign his appointment by giving one month's notice in that behalf to his employer and senior police officer in charge of the police area in respect of which he is appointed, and his appointment may be determined by the appropriate authority on-

- (a) one month's notice in that behalf; or
- (b) on payment of one month's pay instead of such notice’.<sup>14</sup>

Concerning the procedure for resignation of special constables, the Police Act indicates that

‘a special constable appointed under Section 106 of this Act may, at any time, give to the senior police officer in charge of the police area in respect of which he is appointed notice in writing to the effect that he desires to resign his appointment on a date (not being less than 30 days later than the date on which the notice is given) mentioned in the notice.

(2) On receipt of a notice under subsection (1), the senior police officer in question shall refer it to the competent authority, and if the competent authority consents to the notice, the appointment of the special constable by whom the notice was given shall determine on the date mentioned in the notice or the date on which he is notified that the competent authority has given its consent under this subsection, whichever, is the later’.<sup>15</sup>

According to the same Act, a traffic warden may resign by submitting

‘to any senior police officer under whom he is serving, notice in writing of his intention to resign his appointment on a date mentioned in the notice not being less than 28 days later than the date on which the notice is given. (2) On receipt by the senior police officer of the notice referred to in subsection (1) of this section, the senior police officer shall immediately refer such notice to the Commissioner having control over him and the traffic warden and if the Commissioner consents to the notice having effect, the appointment of the traffic warden shall be terminated’.<sup>16</sup>

### **1.3. Treatment by the state of former members of the armed forces and the police who voluntarily resigned**

#### **1.3.1 Nigerian Armed Forces**

Information concerning the treatment by the state of former members of the Nigerian Armed Forces who voluntarily resigned could not be found among the sources consulted by EUAA within the time constraints.

#### **1.3.2 Nigeria Police Force**

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<sup>14</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 25(1)

<sup>15</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 107(1), (2)

<sup>16</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 127(1), (2)

Information concerning the treatment by the state of former members of the Nigeria Police Force who voluntarily resigned could not be found among the sources consulted by EUAA within the time constraints. However, the following information could be relevant.

In May 2023, local media sources reported the Nigeria Police Force detained Fauzziyah Isiak, a police officer of the Lagos State Police, following her resignation from the Force and accusing her of ‘absconding’ from duty.<sup>17</sup> According to Isiak, she was attempting to resign since 2022, but her requests were not approved.<sup>18</sup> Sources indicate that Lagos State Police issued an official statement noting that the officer did not follow the set procedure and that until a resignation is approved, the police officer ‘remains a serving member of the force bound by all extant rules and regulations of service’<sup>19</sup>, according to which ‘absence from duty for twenty-one days without leave or permission automatically results in your being declared a deserter’.<sup>20</sup> Sources also indicate that the statement by the police further mentions that Isiak would face trial for ‘offence against discipline’.<sup>21</sup> A local news source cited a statement published by the Campaign for Democratic and Workers’ Rights (CDWR), a local group advocating for workers’ rights, following the detention of the police officer, noting that ‘the administrative process of discharging police officers who want to willingly leave the Force “has been weaponized to keep them in the police force against their will”’.<sup>22</sup> Additional information on this case could not be found among the sources consulted by EUAA within the time constraints.

Further information could not be found among the sources consulted by EUAA within the time constraints.

## 2. Desertion

### 2.1. Legislation

#### 2.1.1 Nigerian Armed Forces

Desertion is considered a crime under the Armed Forces Act.<sup>23</sup> According to the Act,

‘a person subject to service law under this Act who  
(a) deserts; or

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<sup>17</sup> Punch Nigeria, Lagos cop accuses police of maltreatment for attempting to resign, 25 May 2023, [url](#); Premium Times, Police explain why female Lagos officer was detained, 25 May 2023, [url](#); Guardian (The), Why corporal was arrested after opting to resign – Lagos police, 25 May 2023, [url](#)

<sup>18</sup> Premium Times, Police explain why female Lagos officer was detained, 25 May 2023, [url](#)

<sup>19</sup> Punch Nigeria, Lagos cop accuses police of maltreatment for attempting to resign, 25 May 2023, [url](#)

<sup>20</sup> Punch Nigeria, Lagos cop accuses police of maltreatment for attempting to resign, 25 May 2023, [url](#); Guardian (The), Why corporal was arrested after opting to resign – Lagos police, 25 May 2023, [url](#)

<sup>21</sup> Punch Nigeria, Lagos cop accuses police of maltreatment for attempting to resign, 25 May 2023, [url](#); Premium Times, Police explain why female Lagos officer was detained, 25 May 2023, [url](#)

<sup>22</sup> Premium Times, Group knocks police for detaining female officer over resignation, 26 May 2023, [url](#)

<sup>23</sup> Nigeria, Armed Forces Act 2004, 2004, available at: [url](#), Sec. 60

(b) persuades or procures any other person subject to service law under this Act to desert,  
is guilty of desertion and liable, on conviction by a court-martial, to imprisonment for a term not exceeding two years or any less punishment provided by this Act'.<sup>24</sup>

The Act defines 'deserter' as a person who:

'(a) leaves any service of the Armed Forces or when it is his duty to do so, fails to join or rejoin the Armed Forces [...] with the intention of remaining permanently absent from his duty; (b) being an officer, enlists in or enters any of the other services of the Armed Forces [...] without having been discharged from his previous enlistment; (c) absents himself without leave with intent to avoid serving at any place outside Nigeria or to avoid service or any particular service when before the enemy.'<sup>25</sup>

## 2.1.2 Nigeria Police Force

The Nigeria Police Act states that a police officer who 'deserts or aids or abets the desertion of an officer from the Nigeria Police' [...] (i) shall be subject to appropriate disciplinary proceedings in accordance with the police disciplinary mechanisms, and (ii) if found liable, shall be recommended for dismissal and charged to court for prosecution in accordance with the relevant laws in force.'<sup>26</sup> The same Act specifies that 'a police officer may be proceeded against for desertion without reference to the time during which he may have been absent'.<sup>27</sup> The Act further indicates that a police officer will be convicted as a deserter only in the case 'the court is satisfied that there was an intention on the part of the officer either not to return to the Police Force, or to escape some particular important service.'<sup>28</sup>

## 2.2. Treatment by the state of deserters from the armed forces and the police

### 2.2.1 Nigerian Armed forces

Sources reported numerous officers and military personnel who were charged with offences such as 'desertion' and 'absence without leave'.<sup>29</sup> Reasons for deserting the Nigerian Armed Forces include 'general discontentment in the army, and against the leaders',<sup>30</sup> loss of

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<sup>24</sup> Nigeria, Armed Forces Act, 2004, available at: [url](#), Sec. 60(1)

<sup>25</sup> Nigeria, Armed Forces Act, 2004, available at: [url](#), Sec. 60(4)

<sup>26</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 96(1)

<sup>27</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 96(3)

<sup>28</sup> Nigeria, Nigeria Police Act, 21 September 2020, available at: [url](#), Sec. 96(4)

<sup>29</sup> Sahara Reporters, Nigerian Army Dismisses 300 Soldiers For Desertion, Absence Without Leave, 31 July 2020, [url](#); Punch Nigeria, Army dismisses 3,040 soldiers for desertion, murder, rape, drunkenness, 30 May 2021, [url](#); Cable (The), Why report of soldier conniving with Boko Haram demands attention, 5 May 2022, [url](#)

<sup>30</sup> Punch Nigeria, 356 soldiers tender resignation to Buratai, cite loss of interest, 12 July 2020, [url](#)



interest,<sup>31</sup> poor quality of fighting equipment and welfare,<sup>32</sup> poor intelligence and logistics, saboteurs within army, absence of a relief plan, corruption, and intimidation from military commanders.<sup>33</sup>

In an academic article published in 2021, Olasupo Thompson, a lecturer at the History and International Studies Department at the Federal University of Agriculture, Abeokuta (FUNAAB), indicated that the Nigerian State responds to mutiny and desertions 'through punishments by death, dismissals, reduction in ranks and imprisonment' and that most soldiers leaving the army do not have any other skill but fighting and remain unemployed.<sup>34</sup> In March 2021, local media reported that 12 officers and 89 soldiers who deserted the war front after an attack by insurgents were placed on the government's wanted list and military authorities ordered their arrest and the freezing of their bank accounts.<sup>35</sup> Between October 2021 and April 2022, the Nigerian Martial Court tried more than 277 officers and military personnel for various offences, including 30 officers who were sentenced to various terms of imprisonment, 4 who were dismissed from the service, 25 who were stripped of their seniority with reduction in rank, 20 who lost their payment, 17 who were placed on service reprimand, and 10 who were discharged and acquitted.<sup>36</sup>

In its General Country of Origin Information Report on Nigeria, covering April 2021 to December 2022, the Dutch Ministry of Foreign Affairs reported that confidential sources indicated that 'many convictions in the armed forces take place in secret and are therefore not known to the outside world.'<sup>37</sup> Additional and corroborating information could not be found among the sources consulted by EUAA within the time constraints.

## 2.2.2 Nigeria Police Force

Information on the treatment of deserters from the Nigeria Police Force by the state could be found among the sources consulted by EUAA within the time constraints.

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<sup>31</sup> Punch Nigeria, 356 soldiers tender resignation to Buratai, cite loss of interest, 12 July 2020, [url](#)

<sup>32</sup> Cable (The), Why report of soldier conniving with Boko Haram demands attention, 5 May 2022, [url](#)

<sup>33</sup> Thompson, O., Mutiny, Desertion and State Response in the Nigeria Armed Forces and its Implications, *Ife Social Sciences Review*, 30 June 2021, [url](#) p. 19-21

<sup>34</sup> Thompson, O., Mutiny, Desertion and State Response in the Nigeria Armed Forces and its Implications, *Ife Social Sciences Review*, 30 June 2021, [url](#) p. 25

<sup>35</sup> Premium Times, Army declares 12 officers, 89 soldiers wanted for deserting warfront (FULL LIST), 4 March 2021, [url](#)

<sup>36</sup> Leadership, Nigeria: Army Tried 227 Personnel in 7 Months, Begins Trial of 29 Others, 23 June 2022, [url](#)

<sup>37</sup> Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report - Nigeria, January 2023, [url](#), p. 50

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## **ADDITIONAL SOURCES CONSULTED**

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