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Nigeria: Police corruption and police protection.

A report by the *US Department of State* under the heading '2008 Human Rights Report: Nigeria' subheading 'Role of the Police and Security Apparatus' states:

"The Nigeria Police Force (NPF) is responsible for law enforcement. Internal security is the duty of the SSS, which reports to the president through the national security advisor. Due to the inefficacy of the police, who were often unable to control societal violence, the government continued to rely on the army in some cases. Each NPF state unit was commanded by an assistant inspector general. The constitution prohibits state- and local-level governments from organizing their own police forces. The NPF committed human rights abuses and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also was responsible for a variety of human rights abuses, particularly in limiting freedom of speech and press.

Corruption was rampant, most often at highway checkpoints. Police routinely stopped drivers who had committed no traffic infractions, refusing to allow a car to continue until the driver paid a bribe. The Inspector General of Police (IGP) made efforts to strengthen the Police Monitoring Unit which was supposed to visit police stations and search police officers for signs of accepting bribes. During the year, the unit visited six police stations in the FCT and reportedly arrested eight officers for extorting bribes from the public. In November, the IGP arrested seven officers for mounting illegal checkpoints at the border between Ogun and Oyo States."(US Department of State (25th February 2009) *2008 Human Rights Report: Nigeria* subheading *Role of the Police and Security Apparatus*)

It also states under the heading 'Arrest and Detention'

"Police and security forces were empowered to arrest without warrant based on reasonable suspicion that a person had committed an offense; they often abused this power. Under the law police may detain persons for 48 hours before charging them with an offense. The law requires an arresting officer to inform the accused of charges at the time of arrest and take the accused to a police station for processing within a reasonable time; and provide suspects with the opportunity to engage counsel and post bail. However, suspects were routinely detained without being informed of charges and denied access to counsel and family members. Detainees often were kept incommunicado for long periods. Provision of bail was often arbitrary or subject to extrajudicial influence. Conditions of bail set by judges often were too stringent to be met. At the November 2007 All Nigerian Judges Conference, President Yar'Adua reminded judges to respect the rights of citizens while implementing the law. At the same conference, Chief Justice of Nigeria Idris Kutigi called on judges to stop purposely setting bail with almost unattainable conditions. In many areas there was no functioning bail system, so suspects were held in investigative detention for prolonged periods. Numerous detainees alleged that police demanded bribes

before they were taken to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.”(ibid)

It also states under the heading ‘Women’

“Domestic violence was widespread and often considered socially acceptable. Reports of spousal abuse were common, especially wife beating. Police normally did not intervene in domestic disputes, which seldom were discussed publicly. The Penal Code, Northern Nigeria law 1963 cap 89, permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries. In more rural areas, courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse, if the level of alleged abuse did not exceed customary norms in the areas.”(ibid)

A report by *Human Rights Watch* under the heading ‘World Report 2009 Nigeria’ subheading ‘Torture and Policing’ states:

“Nigeria's poorly trained and under-resourced police force was in 2008 responsible for serious and persistent abuses, including extrajudicial killings of criminal suspects, torture, and extortion. In January 2006 the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions found that "the practice of summarily executing suspected criminals by the Nigerian Police is widespread and systematic." More than 10,000 Nigerians have been killed by the police since 2000.

The police routinely use torture as a tactic of interrogation and as a tool of extortion. Woefully under-equipped to carry out criminal investigations, the police often rely on confessions extracted by torture as the sole method of gathering evidence. Police also routinely extort bribes from ordinary Nigerians through the threat of arrest or violence, most commonly at checkpoints set up along Nigeria's roads. Meanwhile, thousands of people accused of common crimes continue to be detained without trial for months or even years in sub-standard conditions”(Human Rights Watch (14th January 2009) *World Report 2009 Nigeria* subheading *Torture and Policing*)

A report by the *UN Human Rights Council* under the heading ‘National Report Submitted In Accordance With Paragraph 15 (A) Of The Annex To Human Rights Council Resolution 5/1 Nigeria’ subheading ‘Extra-judicial killings and torture’ states: (pg 17)

“There are allegations of extra-judicial killings against members of the Nigerian Security Agencies, especially the Police. Government has promised to look into these allegations in accordance with the law. In this regard, there are positive developments which include: the conviction and sentence to death of three policemen for the killing of six persons whom the police described as armed robbers in Kogi State. The sentencing to death last year of three policemen by a Federal High Court in Abuja, for killing some traders in the Apo District of Abuja is also part of this effort to engender greater respect for the human rights of all Nigerians by law enforcement agents.”(UN Human Rights Council (5th January

2009) *National Report Submitted In Accordance With Paragraph 15 (A) Of The Annex To Human Rights Council Resolution 5/1 Nigeria subheading Extra-judicial killings and torture*)

It also states under the heading 'Citizens and human rights initiative' (pg14)

"Human rights desks have also been established in the various commands of the police, prison and other law enforcement agencies. The establishment of these desks is aimed at educating and enlightening law enforcement agents to their responsibility in the area of promotion and protection of human rights."(ibid)

A report by *Amnesty International* under the heading 'Nigeria: Police 'Disappear' Four In Port Harcourt' states:

"Amnesty International today warned that police in the Niger Delta region are increasingly using illegal and violent means to tackle suspected militants and criminals in the area – including enforced disappearances, torture, and illegal killings.

"We are seeing what appears to be a worrying rise in the use of extreme violence by the police in the Niger Delta – despite reported government suggestions of a gun amnesty as a way of trying to resolve some of the serious problems that have been plaguing the region for years," said Aster van Kregten, "Amnesty International's Nigeria researcher" (Amnesty International (16 April 2009)*Nigeria: Police 'Disappear' Four In Port Harcourt*)

It also states:

"The police's refusal to disclose the whereabouts of Chika Ibeku is deeply troubling – especially in light of the history of torture and unlawful killings by the police in the Niger Delta region," said Aster van Kregten. "This amounts to an enforced disappearance – a method usually used to cover up gross human rights violations, such as torture and murder."(ibid)

A report by the *UN Refugee Agency (UNHCR)* under the heading 'State failure and extra-legal justice: vigilante groups, civil militias and the rule of law in West Africa' subheading 'Nigeria and Sierra Leone' states: (pg5)

"It is within this context of the federal government's diminished sovereignty that its ability to provide security for its citizens has reduced. The Nigeria Police Force is a federal force, and this has created tension between state and federal governments; state governors have argued that 'they had the right to their own police forces' (Meagher, 2007, p. 95). Furthermore, the police force has committed countless human rights abuses and is seen widely throughout Nigeria as being ensconced in patron-client relationships between police officers, politicians and criminals which prevent it from reliably detecting and punishing crime (Baker, 2002a) (Harnischfeger, 2003). Even the Police Affairs Minister, D.M. Jemibowon, admitted in 2000 that the police 'can't guarantee [citizens'] safety' (Harnischfeger, 2003, p. 26). Thus the federal nature of the police force, and the police force's own inadequacies (a result of low salaries, inefficient

bureaucracy, and their origins as a colonial and repressive force (Jemibowon, 2003)) result in popular perception that the federal state has failed as a security guarantor.”(UN Refugee Agency (UNHCR) (10th October 2008) *State failure and extra-legal justice: vigilante groups, civil militias an the rule of law in West Africa subheading Nigeria and Sierra Leone*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Amnesty International (16 April 2009)*Nigeria: Police 'Disappear' Four In Port Harcourt*

[http://www.ein.org.uk/members/country/print.shtml?cmd\[113\]=x-113-257342](http://www.ein.org.uk/members/country/print.shtml?cmd[113]=x-113-257342)

(Accessed 5th May 2009)

Human Rights Watch (14th January 2009) *World Report 2009 Nigeria subheading Torture and Policing*

<http://www.hrw.org/en/world-report/2009/nigeria>

(Accessed 5th May 2009)

UN Human Rights Council (5th January 2009) *National Report Submitted In Accordance With Paragraph15 (A) Of The Annex To Human Rights Council Resolution 5/1 Nigeria' subheading 'Extra-judicial killings and torture*

http://www.ecoi.net/file_upload/1227_1238568701_nigeria-a.pdf

(Accessed 5th May 2009)

UN Refugee Agency (UNHCR) (10th October 2008) *State failure and extra-legal justice: vigilante groups, civil militias an the rule of law in West Africa subheading Nigeria and Sierra Leone*

<http://www.unhcr.org/research/RESEARCH/48f351722.pdf>

(Accessed 5th May 2009)

US Department of State (25th February 2009) *2008 Human Rights Report: Nigeria subheading Role of the Police and Security Apparatus*

<http://www.state.gov/g/drl/rls/hrrpt/2008/af/119018.htm>

(Accessed 5th May 2009)

Sources Consulted:

All Africa

Amnesty International

ECOI

EIN

Human Rights Watch

Google

Refugee Documentation Centre Database
UN Human Rights Council
UN Refugee Agency (UNHCR)
UNHCR Refworld
US Department of State