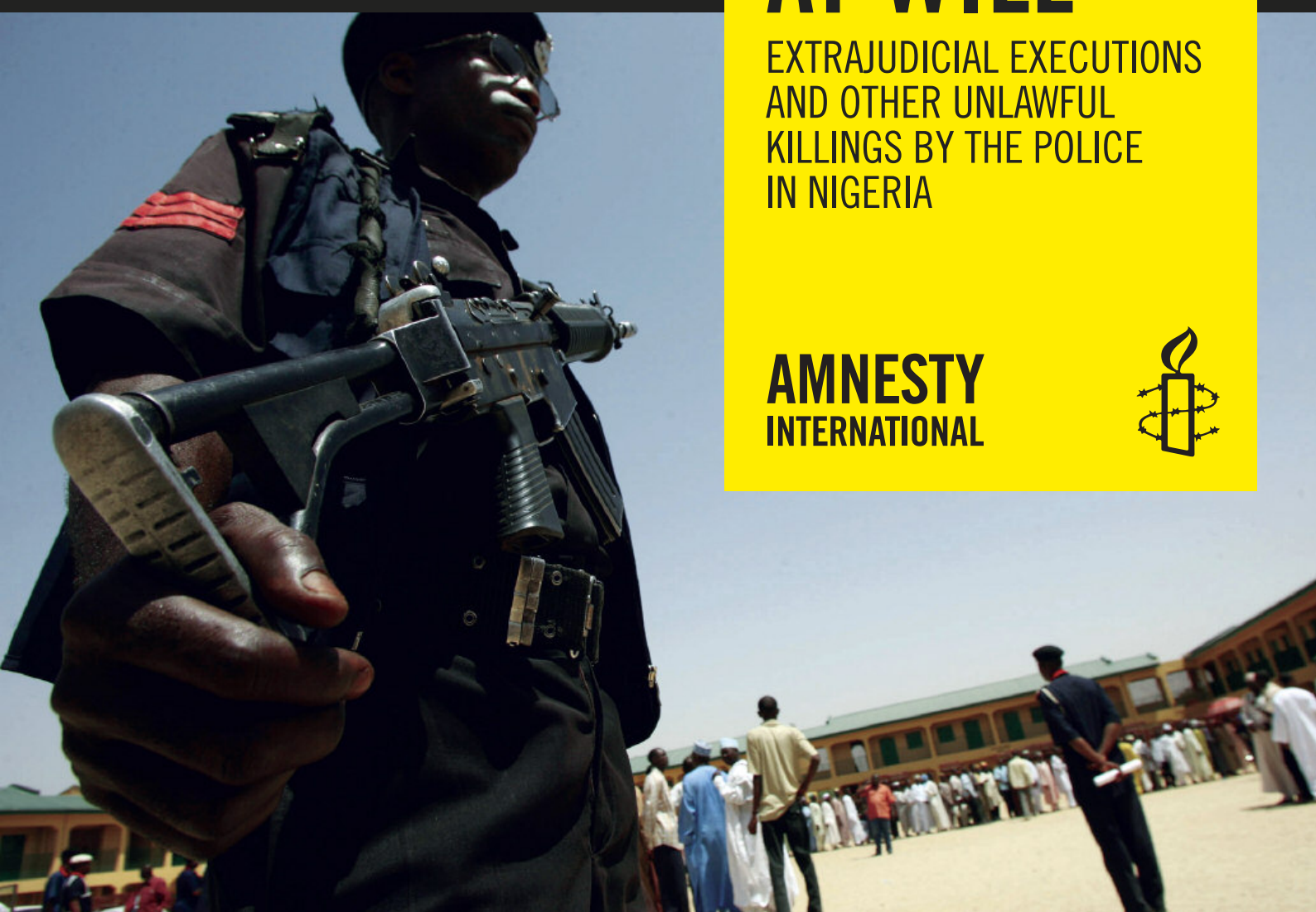


KILLING AT WILL

EXTRAJUDICIAL EXECUTIONS
AND OTHER UNLAWFUL
KILLINGS BY THE POLICE
IN NIGERIA

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

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Cover photo: Nigerian policeman in Katsina, 21 April 2007.

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ABBREVIATIONS

CID	Criminal Investigation Department
CLEEN	Centre for Law Enforcement
CLO	Civil Liberty Organisation
Convention against Terror	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CPA	Criminal Procedure Act
CPC	Criminal Procedure Code
DPO	Divisional Police Officer
DPP	Director of Public Prosecution
FCT	Federal Capital Territory, Abuja
FCID	Force Criminal Investigation Department
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IGP	Inspector-General of Police
IPO	Investigating Police Officer
LAC	Legal Aid Council
MOPOL	Mobile Police
NGO	non-governmental organization
NGN (₦)	Nigerian naira (currency)
NHRC	National Human Rights Commission
NOPRIN	Network on Police Reform in Nigeria
NPF	Nigeria Police Force
Presidential Committee	Presidential Committee of the Reform of the Nigeria Police Force
PSC	Police Service Commission
SIIB	State Investigation and Intelligence Bureau
State CID	Criminal Investigation Department at state level
SARS	Special Anti-Robbery Squad
SOS	Swift Operation Squad
SSS	State Security Service

1/INTRODUCTION

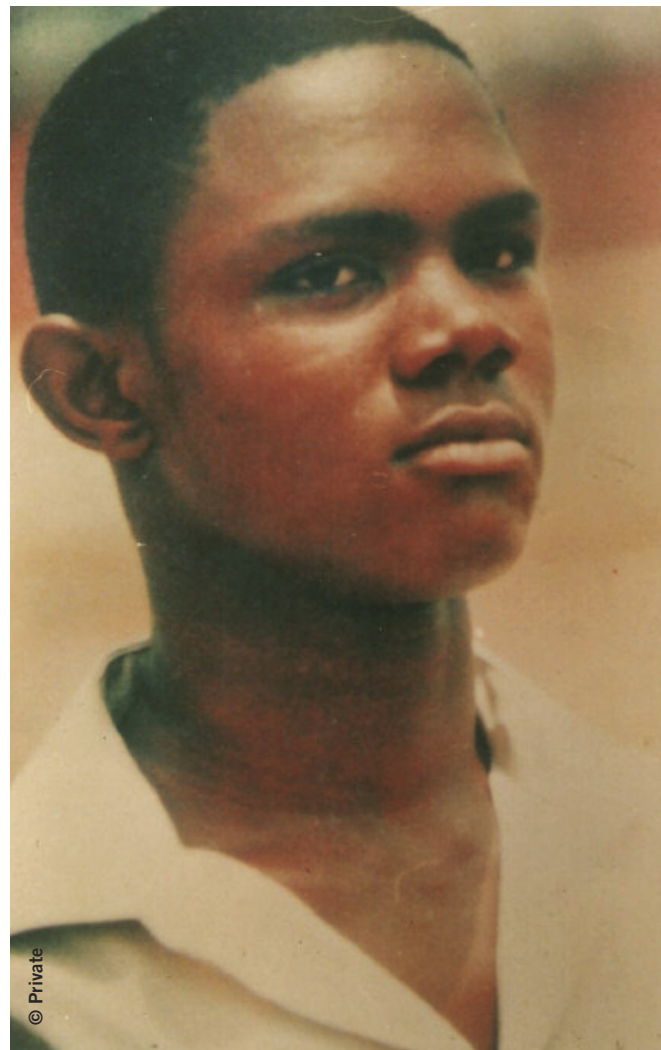
Student Chukwuemeka Matthew Onovo, aged 22, left his father's house in Enugu on the morning of 4 July 2008. When he failed to come home that afternoon, his father went to the police to report him missing. The next day, after neighbours told the father that there had been a shoot-out with the police near his house, he went looking for his son. "I went there and found his glasses on the ground", he told Amnesty International. Chukwuemeka Matthew Onovo had been shot and killed by the police.

The police claimed that Chukwuemeka Matthew Onovo was an armed robber, but an eyewitness said he was unarmed when he was killed. The autopsy, ordered by the court, confirmed that he had died of a gunshot wound, but the police did not make any further attempt to investigate his death. No one was held responsible. "I don't know who shot my son, till today", his father said. "It affected me so much. He was my first and only son."

The Nigeria Police Force (NPF) is responsible for hundreds of extrajudicial executions, other unlawful killings and enforced disappearances every year. The majority of cases go uninvestigated and unpunished. The families of the victims usually have no recourse to justice or redress. Many do not even get to find out what exactly happened to their loved ones.

The police exploit public anger at the high crime rates in the country to justify their actions. As in the killing of Chukwuemeka Matthew Onovo, they often claim that the victim was an armed robber killed in a shoot-out or while trying to escape police custody. Police Force Order 237 permits officers to shoot suspects and detainees who attempt to escape or avoid arrest. In practice, it lets the police get away with murder.

The police do not only shoot people. Amnesty International has recorded cases of suspects who were tortured to death while in detention. In other cases, people are victims of enforced disappearance; the police tell the families that that they were transferred to a different police station or released on bail, but have no documentation to confirm it.



Chukwuemeka Matthew Onovo

2 KILLING AT WILL

EXTRAJUDICIAL EXECUTIONS AND OTHER UNLAWFUL KILLINGS BY THE POLICE IN NIGERIA

In most instances, officers' accounts are unchallenged and complaints are unprocessed. Investigations are rarely carried out. When investigations do take place, they do not comply with international standards. The few police officers who are suspected of extrajudicial executions are sent on training or transferred to other states instead of being prosecuted.

Disregard for human rights is prevalent within the police force. Detainees are often denied their legal right to see a lawyer. Many have to pay for food or medical care, or to avoid being tortured or otherwise ill-treated. In many cases, detainees wait for weeks or months in police custody to be charged and brought before a court. Amnesty International documented 29 cases of victims of enforced disappearances and extrajudicial executions who had never appeared before a judge.

Extrajudicial executions, other unlawful killings and enforced disappearances in Nigeria are not random. In a country where bribes guarantee safety, those who cannot afford to pay are at risk of being shot or tortured to death by the police. The families of the victims often cannot afford to seek justice or redress, because they cannot pay for a lawyer or the court fees. In many cases, they cannot even afford to retrieve the body.

The police are also affected by a severe shortage of funds. Only a fragment of the NPF annual budget reaches state and local police stations and the lack of funding and resources contributes to many of the failures within the police force. Police officers work without basic equipment and sometimes make crime victims pay for petrol and stationery necessary to conduct the investigation. In these conditions, corruption quickly becomes the norm.

The Nigerian government has repeatedly expressed willingness to address the problems in the criminal justice system, improve access to justice and reform the NPF. Despite several review panels in recent years, which presented detailed recommendations for improvement, little has been done. A review of the Police Act (1990) began in 2004, but the draft bill has been pending since October 2006. Laws, regulations and codes of conduct to protect human rights are not enforced.

The difficulties of ending extrajudicial executions and other unlawful killings in Nigeria are considerable, but not insurmountable. Any plan to address the situation must focus on establishing a culture of respect for human rights within the NPF; it must ensure that victims and their families have access to justice, and put an end to impunity for police officers. This is the only way to guarantee that changes to the law are effective.

Amnesty International is calling on the Nigerian government to act immediately to end all extrajudicial executions and other unlawful killings. The government must repeal Police Force Order 237 and publicly announce that the use of lethal force is only allowed when strictly unavoidable to protect life. In addition, the authorities must set up a commission to investigate all cases of suspected unlawful killings by the police, many of which may have been extrajudicial executions, and enforced disappearances in police custody.

RESEARCH METHODOLOGY

This report is based on interviews and research carried out in July 2007, July 2008 and June/July 2009 in Nigeria. Amnesty International delegates visited the Federal Capital Territory Abuja, and Enugu, Imo Lagos and Kano States. In July 2007, Amnesty International visited prisons throughout the country and held interviews with prisoners about their experiences in police custody, among other issues. In July and October 2008, Amnesty International was not granted access to the prisons. In June 2009, Amnesty International was granted prison access, but did not visit the prisons as the delegates were not allowed to interview prisoners in private.

Delegates met with police authorities at state and federal level, the Federal Ministry of Police Affairs, the Police Service Commission (PSC) and the Senate Committees on Police Affairs and Judiciary, Justice and Human Rights. They spoke to judges, magistrates, state commissioners of justice and health, public defenders, lawyers and non-governmental human rights organizations (NGOs). They held detailed interviews with family members of people who had been extrajudicially executed by the police or disappeared in police custody and documented 39 cases of extrajudicial executions, other unlawful killings and enforced disappearances. Delegates also visited police stations in Lagos State in July 2008 and Federal Capital Territory in June 2009. To respect the confidentiality of the individuals concerned, Amnesty International has not used real names in some cases.

Research for the report also draws on court cases, coroner's inquests, judicial inquests, policy documents and the reports of the Presidential Commissions on Police Reforms (the Dan Madami report in 2006 and the Yusuf report in 2008). Amnesty International sought clarification and further information from the NPF on specific cases and the general findings as outlined in this report, but as of December 2009 no response has been received.

Amnesty International's researchers appreciate the co-operation of the Nigeria Police Force headquarters before and during the visit. The organization also thanks the Police Service Commission, state authorities, local NGOs, lawyers, the judiciary, doctors, and members of the National Assembly for their co-operation. In particular, Amnesty International is thankful to the relatives of victims of unlawful killings and enforced disappearances who agreed to speak to its delegates.

Extrajudicial executions are unlawful and deliberate killings carried out by order of a government or with its complicity or acquiescence. The term unlawful killings includes extrajudicial executions, as well as other types of killing, such as those resulting from excessive use of force by law enforcement officials. They violate the right to life, as guaranteed by Nigeria's Constitution, the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights.

A person is subjected to **enforced disappearance** when he or she is arrested, detained, abducted or otherwise deprived of liberty by the authorities or their agents, or people acting with their authorization, support or acquiescence, but the authorities do not acknowledge this or conceal the person's fate or whereabouts, placing them outside the protection of the law.

2/NIGERIA POLICE FORCE: A SYSTEM STARVED OF FUNDS

‘Crime detection has in recent years been based virtually on luck instead of the application of scientific facts and use of reliable intelligence.’

Presidential Committee of the Reform of the Nigeria Police Force, 2006¹

The Nigerian Police Force (NPF) is a federal organization. It employs approximately 371,800 staff with a ratio of one policeman for every 377 citizens. Approximately a quarter of the NPF staff perform personal protection and guard duties.²

The NPF was established under Section 214 of the 1999 Constitution. The Police Act (1990) describes the function, structure and operation of the NPF. The Act was originally drafted in 1943, and was last reviewed in 1967. The President of Nigeria holds operational control of the NPF and appoints the Inspector-General of Police (IGP), who is responsible for the command of the police “subject to the directive of the President” and for public safety and public order. The administrative, financial and logistic management of the NPF falls under the authority of the Federal Ministry of Police Affairs.

The NPF headquarters, 12 zonal commands and 36 state commands all have Criminal Investigation Departments (CIDs), responsible for criminal investigation. There are several Special Forces, such as the paramilitary Mobile Police (MOPOL), the Special Anti-Robbery Squad (SARS) and the Swift Operation Squad (SOS). The X-Squad is the body responsible for investigating police corruption.

CHRONIC LACK OF RESOURCES

The NPF has limited capacity for intelligence and scientific investigations. Police stations lack the resources to investigate complex crimes that require specialized skills, and although all police stations are obliged to keep records, many do not keep adequate documentation of their work. There is no database for fingerprints, systematic forensic investigation methodology, or sufficient budget for investigations. The forensic capacity is poor; there are only two forensic laboratory facilities in the country and limited numbers of forensic staff.

Without sufficient funding, the NPF is struggling to fulfil its duties. In 2006, the Presidential Committee of the Reform of the Nigeria Police Force (Presidential Committee) warned that the lack of resources was seriously damaging police work: "There is only one trained ballisticsian left in the Force and we were told he would soon go on retirement. There are no more fingerprint experts and the Forensic Laboratory has not taken off... This has resulted in the duplication of efforts and waste of scarce resources by various commands looking for one criminal who is perhaps dead or has been arrested by another command, or is even in jail."³ Insufficient funding, the Presidential Committee noted, meant that "[t]he intelligence and information gathering mechanism has virtually broken".⁴

In many cases, the police ask the public to pay for expenses incurred during an investigation, including paper, pens and petrol. The Nigerian government has acknowledged that "many police stations and posts have resorted to making the public to provide these facilities [books, guides and stationary] as a precondition for hearing their cases."⁵ Without adequate databases and records, the police tend to rely on confessions, which form the basis for an estimated 60 per cent of prosecutions.⁶

STAFF UNDERTRAINED AND UNQUALIFIED

In recent years, the NPF has vastly expanded its ranks. Nearly 40 per cent of staff have been recruited in the past seven years. After a recruitment freeze between 1991 and 1999, a yearly admittance policy of up to 40,000 was in force between 2000 and 2005 and the training institutions, with capacity for 14,000 recruits per year, could not handle the vast numbers. The Presidential Committee reported in 2006: "This sudden explosion, as a result of the mass recruitment exercise, turned the colleges more into concentration camps than training institutions."⁷ Two years later, the Presidential Committee noted the effects of the recruitment wave on the police: "The nation was therefore saddled with a very large number of unqualified, under-trained and ill-equipped officers and men many of whose suitability to wear the respected uniform of the Force is in doubt... the police are today stuck with this undesirable workforce."⁸

The NPF's training facilities are overstretched and under-resourced. There are four police colleges, in Lagos (Ikeja), Kaduna, Maiduguri and Oji-River. They all offer a six-month basic training programme as well as several refresher and promotion courses.⁹ Senior staff at the NPF headquarters told Amnesty International that recruits train using firearms twice a week for three months. Serving police officers train both in Nigeria and abroad. The Police Staff College in Jos prepares officers for management posts. Up to 1,000 officers attend courses there every year.

POOR WORKING CONDITIONS

Inefficiency and corruption in the NPF are usually linked to poor salaries and difficult working conditions.¹⁰ The low pay has undermined the social status, morale and self-esteem of police employees.¹¹ Despite significant salary increases in 2008 (the salary of a police constable, for example, increased from ₦8,000 [US\$52] to ₦26,159, [US\$170]),¹² wages are still very low.

Most police stations are badly maintained and poorly equipped. Officers do not have enough basic equipment such as bullet-proof vests or handcuffs.

NPF staff can get housing in the police barracks, but demand is higher than supply. Less than 10 per cent of police officers live in barracks. Although the conditions are very poor, housing is highly sought after and officers struggle to find accommodation elsewhere.¹³ If a police officer dies while working with the NPF, his family is almost immediately evicted from the barracks.

Policing in Nigeria is dangerous work. Police staff do not have the tools or the training to deal with the high crime rate in the country. One lawyer told Amnesty International about an incident where police officers were called in to arrest kidnappers: "There were five police officers, they did not have bullet-proof vests. The kidnappers finished them all." Around 110 police officers are killed in shoot-outs with criminals every year.¹⁴

Some civil society organizations claim that the pressure of work has led to high rates of drug and alcohol abuse among police officers, which is likely to affect their judgment. "Nobody gives the police any sort of assistance," one lawyer told Amnesty International. "No medical care, no psychological care. Some of them drink and take drugs. When you then confront them with the result of their actions, they themselves are even surprised."

INADEQUATE DISTRIBUTION OF BUDGET

Funding for the NPF makes almost 7 per cent of the national budget. Most of it is spent on wages. In 2009, 6 per cent of the NPF budget was allocated for capital expenditure, such as equipment and training facilities.

Around 70 per cent of the overhead and capital expenditure are spent at headquarters level. State commands are therefore forced to rely on state and local government authorities to finance their operations; the authorities often donate vehicles, fuel, allowances and communication materials to the police.

POOR PUBLIC IMAGE

The Nigerian public mistrust the police and are usually reluctant to co-operate with its staff. There is a sense that police are "a friend of the rich and the lawless", as one journalist told Amnesty International. "The police are not friendly" said a young man in Lagos. "The police come and shoot."

According to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the Nigerian public are unhappy about "the carrying of firearms in public by un-uniformed police,



Pictures of NPF officers killed in action, Abuja, July 2009.

the wearing of uniforms by police when they are off-duty, and the widespread practice of police requiring payment to ensure the safe delivery of goods.”¹⁵

According to a 2006 survey on policing by the NGO CLEEN Foundation, more than one third of respondents were stopped by the police in the previous 12 months. Half of them bribed the police in order to “get out of the problem”. People in Abia, Bayelsa, Ekiti, Imo, Jigawa, Lagos, Nasarawa, Ogun, Oyo and Rivers States were most likely to be stopped by the police. Three out of four respondents assumed they had to pay a bribe in order for the police to help them. Three out of 10 respondents do not consider the police to be helpful. Respondents were particularly unhappy about police services in Ekiti (73 per cent), Bayelsa (almost 70 per cent), Rivers (63 per cent), Oyo (46 per cent), Edo (43 per cent), Lagos (42 per cent), and Abia (40 per cent). In these states, many respondents thought that the police were not controlling crime. On a national level, more than half of the respondents thought the NPF were doing a good job in crime control.¹⁶

3/UNLAWFUL KILLINGS, ENFORCED DISAPPEARANCES AND TORTURE IN POLICE CUSTODY



Chibuike Anams

© Private

Unnecessary and unlawful use of firearms by the NPF is not a question of a few isolated cases, but of a widespread phenomenon. Many unlawful killings happen during police operations. In other cases, the police shoot and kill drivers who fail to pay them bribes at checkpoints. Some are killed in the street because, as the police later claim, they are “armed robbers”; others are killed after arrest, allegedly for attempting to escape. Many disappear in police custody – and are likely to have been extrajudicially executed.

Others die because they are denied life-saving medical treatment. In many of these cases, the police take advantage of flawed and inadequate legislation to cover up their actions.

UNLAWFULLY KILLED DURING POLICE OPERATIONS

Chibuike Anams, a student aged 23, was sitting with two friends at a guesthouse in Elingbu, Rivers State, on 24 July 2009. When the police raided the guest house, he attempted to escape and was shot and died on the spot. His friends were arrested and later released.

Chibuike Anams’ family reported him missing at the Police Headquarters in Port Harcourt after he failed to come home. They found out about his death almost a week later after they visited several police stations. The family do not know why the police shot Chibuike Anams, or what crime he was suspected of. There has been no investigation into his death. In the meantime, the police have refused to release the body – at the time of writing, it is still lying in the mortuary.

Christian Ugwuoke was attending a wake and procession for his late aunt when he was killed on 27 January 2009. According to eyewitnesses, a police officer in a police patrol vehicle from Suleja Area Command shot at the peaceful crowd of approximately 50 people without prior warning. He seriously injured two people and killed Christian Ugwuoke. Eyewitnesses could not tell why the police officer had fired into the crowd. Christian Ugwuoke was taken to the Suleja Area Commander's office. The police did not explain what happened, and did not let Christian Ugwuoke's family know who killed him.

UNLAWFULLY KILLED AT POLICE CHECKPOINTS

At police checkpoints, commercial drivers are often stopped and asked to pay a bribe. One driver described what happens: "They [the police] stop all vehicles and take money according to weight. Cars pay less than buses. Trailers pay most. If anyone moves, they shoot." The police often shoot drivers who refuse to pay. They also shoot when there is a disagreement about the price or when it is unclear whether a bribe has been paid. Bystanders sometimes get shot by mistake: on 5 April 2009, a two-year-old girl was accidentally shot by the police at a checkpoint in Lagos.

Aneke Okorie, a 39-year-old Okada (motorcycle taxi) rider and a father of four, failed to pay a bribe to the police at a checkpoint in Emene, Enugu State, on 15 May 2009. He was shot and later died on his way to the hospital. An eyewitness told Amnesty International that the police officer shot Aneke Okorie in the stomach and then hanged his gun around his neck, to suggest that the police officer was attacked by an "armed robber". "I realized the young man was innocent... I instructed the policemen to take the gun off his neck... The man was still alive; he was biting his fingers, he could not talk. He was in pain." The eyewitness was asked not to speak to the media. However, when radio reports in Enugu State claimed the police had killed an "armed robber", the eyewitness and community leaders wrote a petition to the IGP saying that Aneke Okorie was innocent and asking for the perpetrators to be brought to justice. Three police officers who were involved in the shooting were arrested as a result. In September, one police officer was dismissed and prosecuted; he is currently awaiting trial. The body was released to the family for burial in September, following a postmortem examination. The postmortem report has not been released to the family at the time of writing.

Joseph Onu (not his real name), a commercial driver, was killed by the police in Imo State on 15 December 2008 after he refused to pay a bribe at a roadblock. He drove off but police officers chased him, and he was stopped and shot. The police took him to the hospital, where he later died. An autopsy established that he had died of gunshots. The Imo State Commissioner of Police promised to dismiss the officer involved, but Joseph Onu's family is unclear whether this has actually happened.

UNLAWFULLY KILLED IN A ‘SHOOT-OUT WITH ARMED ROBBERS’

NPF officials often claim that victims were “armed robbers” killed in “shoot-outs” with the police. Amnesty International has reason to believe that many of those killed were extrajudicially executed. “Despite the fact that the scourge of armed robbery plagues much of Nigeria”, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated in 2006, “the label of ‘armed robber’ is very often used to justify the jailing and/or extrajudicial execution of innocent individuals.”¹⁷

On 10 August 2006, the police in Aba, Abia State, paraded 12 men labelled as “armed robbers” in front of the media. According to an official statement, four other suspects were killed “in a shoot-out” with the police during the arrests. The bodies of the 12 men were found at a mortuary a day later.¹⁸ The Nigerian government explained their deaths in a letter to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions:

“Upon sighting the police, the suspected robbery gang opened fire and police responded in self defence. During the fierce exchange of gunfire, three of the armed robbery suspects died on the spot while nine others sustained various degrees of injury from the shootout. Before they could be given medical attention, the remaining nine suspects, who survived the shootout died as a result of the injuries they sustained.”¹⁹

This explanation is unlikely as all 12 were paraded alive; some had gunshot injuries. To Amnesty International’s knowledge, no investigation was carried out into these deaths.

PARADING CRIMINAL SUSPECTS IN FRONT OF THE MEDIA

The police often parade “armed robbers” in their custody in front of the media. In most cases, the detainees have not yet been brought before a court. This contravenes the presumption of innocence as guaranteed by Nigeria’s Constitution and international human rights law.

Rule 45(1) of the UN Standard Minimum Rules for the Treatment of Prisoners provides that “[w]hen the prisoners are being removed to or from an institution, they shall be exposed to public view as little as possible, and proper safeguards shall be adopted to protect them from insult, curiosity and publicity in any form.”

The 2008 Presidential Committee noted that the NPF treat the numbers of “armed robbers” killed and injured by the police as indicators of success. “Instead of using statistics to measure their performance, they now resort to parading suspects in handcuffs and others killed by them extrajudicially, as ‘armed robbers’, to impress the general public that they are working, when, at that stage the innocence of the suspects should be presumed and their human rights protected by the police.”²⁰

On 4 September 2007 the then Inspector-General of Police, Mike Mbama Okiro, congratulated the NPF for the “determination, zeal and ferocity with which we have been prosecuting our anti-robbery operations within our country and beyond.” Mike Mbama Okiro announced that

between June and August 2007, 785 “armed robbers” were killed. The circumstances of these deaths remain unclear as no independent and impartial investigations were conducted into the exact circumstances of their deaths.²¹

‘HE TRIED TO ESCAPE’: SUSPECTS SHOT AFTER ARREST

Some NPF officers regard the killings of “armed robbers” in detention to be acceptable practice. Amnesty International interviewed a police official who suggested that by carrying arms, people put themselves at risk of being killed. Some police officers take justice into their own hands by killing “guilty” suspects. One lawyer told Amnesty International about a police officer in charge of the station where one of his clients had died: “The police officer said to me ‘I can swear that I have never killed any innocent man’.”

The police often claim that suspects were shot while trying to escape custody. Such claims are often highly implausible as it is unlikely that suspects indeed attempted to escape. Either way, such claims are irrelevant: the lethal use of force to prevent escape is prohibited under international standards unless there is an imminent threat to life.

Muhammad Yusuf, the leader of the Boko Haram Islamic group, was arrested on 30 July 2009 in Maiduguri, Borno State. He was filmed and interviewed while in custody. Later that day the police announced that he had been killed while attempting to escape. On 13 August 2009 the Attorney General of the Federation and Minister of Justice, Michael Kaase Aondoakaa, stated that Muhammad Yusuf had been “killed in police custody”. He also said that the Nigerian government “condemns in its entirety, the unfortunate circumstances that led to the death of Mohammed Yusuf in Police custody.”²² A committee was established to investigate the incident and an investigation is currently under way.

Ken Niweigha was arrested on 26 May 2009. He was brought to the State Criminal Investigation Department (State CID) in Yenagoa, and paraded in front of the media. According to the police, Ken Niweigha had agreed to show them his hideout and then tried to escape and was killed. Amnesty International’s research shows that it is unlikely Ken Niweigha was taken out of State CID detention. It is believed he died at the State CID. Eyewitnesses say that he was shot in the leg and in the ribs, and beaten in the neck area. His body was taken to the Federal Medical Centre in Yenagoa and was buried in an undisclosed location by the authorities. The day after his arrest, the police reportedly returned to his house and burned his documents and his laptop.²³

David Idoko, Stanley Okghara (not their real names) and three other men were arrested in April 2005 for suspected armed robbery. They were detained in Ogui Police Station and State CID in Enugu State. The five men were paraded in front of the media on 27 April 2005. At the end of June 2005, the police announced that the men tried to escape police custody after being allowed to go to the toilet at the same time – an extremely unlikely scenario. They were shot and killed. According to information received by Amnesty International, they died of gunshots to the head and the chest. The men had been in custody for almost two months. They were not brought before a judge, and their families were not informed of their detention or their deaths. As far as Amnesty International is aware, no investigation was carried out.

Armed robbery suspects are at serious risk of extrajudicial execution. Police officers are concerned for their safety when suspected armed robbers are released. "When the suspect is released by the court, he will kill the police," one human rights activist told Amnesty International. "That is why some don't want to present an armed robbery case to court; they handle it in their own." Police officers told researchers of the Network on Police Reform in Nigeria (NOPRIN) that they would kill armed robbers, "because of the supposed failure on the part of the justice system to 'cage' armed robbers."²⁴

A senior officer at the NPF headquarters said in an interview with Amnesty International in June 2009: "The police do not take any joy in killing people that escape from custody... It is better for them to show the people that committed the crime to the public. If you kill them, the public won't know you are working."

VICTIMS DENIED LIFE-SAVING MEDICAL TREATMENT

Amnesty International has received numerous reports of police officers preventing those they shot or tortured from getting medical help. Some victims go for hours, even days, without treatment. Many die in police custody as a result. Under international law, such cases are considered extrajudicial executions.

On 6 August 2008, Femi Enyi (not his real name), a commercial driver, was shot without prior warning by a police officer working as a security guard at a branch of UBA Bank in Lagos. Femi Enyi was shot while he was arguing with another driver. Both drivers were unarmed. Femi Enyi's wife and brother arrived at the scene and saw he was losing blood and was in pain. They told Amnesty international that the police did not allow them to come near the wounded man and refused to allow him to be taken to hospital. He later died.

Samson Adekoya was also denied medical care. He was arrested for robbery on 6 February 2008 and detained at the SARS in Lagos State. His family was allowed to see him during the first few days after his arrest. On 26 February 2008, the police informed the family that Samson Adekoya had fallen ill and died in hospital on 11 February 2008.

On 30 April 2008, the NGO Access to Justice petitioned the Commissioner of Police and Chief Judge of Lagos State and requested an inquiry into the death of Samson Adekoya. A coroner's inquest revealed that he had died while in police custody and that he was dead by the time he arrived at the Ikorodu General Hospital on 12 February 2008. As the Police failed to inform a coroner, no autopsy was carried out and the cause of death remained unclarified.²⁵ His body was not released to the family – Samson Adekoya was buried in a mass grave.

Christian Onuigbo, aged 28 and a father of one, died on 21 March 2009. Two days earlier, on 19 March, he was shot by the police while parking his car in Jiwa, Federal Capital Territory. He spent the night at Jiwa Police Station and was taken to hospital the next morning. Staff at the hospital refused to treat him without a police report, which was finally submitted at 4pm. Christian Onuigbo died the following day. Although his body is still in the hospital's mortuary at the time of writing, the authorities have not carried out an autopsy. In July 2009, the House of Representatives Committee on Public Petitions ordered an investigative hearing into the circumstances of his death. No date has yet been set for this hearing.

Hospitals often refuse to treat people with gunshot wounds because the police insist that doctors receive a police report before treatment. As far as Amnesty International could ascertain, there is no such provision in Nigerian law. According to the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, "police have systematically encouraged a practice whereby medical personnel will not treat individuals reporting with bullet or knife wounds before receiving police authorization. Since permission is often delayed or withheld, many casualties occur."²⁶ On 27 September 2009, the NPF reiterated: "the Police had on several occasions called on medical practitioners to treat accident victims and persons with gun-shot wounds, whether such persons are accompanied by Policemen or not."²⁷ Despite these repeated claims by the NPF, many hospitals still refuse victims access. One doctor told Amnesty International: "Many doctors do not want to touch an armed robber, because of the risks." Both armed gangs and police officers have attacked hospitals in Nigeria. The National Assembly is currently discussing a bill to make the treatment of gunshot victims compulsory in hospitals. In October 2009, the Federal Ministry of Health announced that hospitals must treat gunshot victims.



Christian Onuigbo



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THE ABATTOIR – SPECIAL ANTI-ROBBERY SQUAD, FEDERAL CAPITAL TERRITORY, ABUJA

The SARS detention centre in the Federal Capital Territory in Abuja is located in a disused abattoir on top of a hill outside the city.

Criminal suspects are held in a vast warehouse previously used for slaughtering cattle. Chains are still hanging from the ceiling. The gutters once used for washing away the blood are also still there.

When Amnesty International delegates visited the premises in June 2009, approximately 15 people were held in cells. Amnesty International delegates counted at least 30 empty bullet cases scattered on the ground.

A policeman unofficially told Amnesty International that many “armed robbers” are taken to the abattoir and shot. A former detainee described how he was tortured there: “They tied my hand with a rubber tube. I haven’t used my left hand since. They use very big metal to hit me. All over my body. I fainted immediately, then regained consciousness. [There was] no doctor, no lawyers.”



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Previous page and above:
The Abattoir, SARS police station,
Federal Capital Territory, July
2009.

POLICE FORCE ORDER 237

While the use of force and firearms may sometimes be permissible when making an arrest or preventing a person from escaping, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials make clear that firearms cannot be used unless certain additional requirements are met, including as a preliminary matter that there exists a grave or imminent threat of death or serious injury. Principle 9 of the UN Basic Principles on the Use of Force and Firearms states:

“Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”

Nigeria’s Constitution and the Nigeria Police Force Order 237 (Rules for guidance in use of firearms by the police), however, provide for much wider grounds for the use of lethal force than is permissible under international law and standards. These sections are being abused by some police officers to commit, justify and cover up extrajudicial executions.

Section 33 of Nigeria’s Constitution, which guarantees the right to life, also permits an overly broad exception for deprivations of life. Under this section, when force is used “to effect a lawful arrest or to prevent the escape of a person lawfully detained”, any consequent killing does not constitute a deprivation of life.²⁸

Sections 3(d)²⁹ and 3(e) of Police Force Order 237 permit police officers to shoot suspects and detainees who attempt to escape or avoid arrest. Under section 3(e) of Police Force Order 237, the police are allowed to use firearms to “arrest a person who takes to flight in order to avoid arrest, provided the offence is such that the accused may be punished with death or imprisonment for 7 years or more”. Escaping custody or resisting arrest is punishable with seven years imprisonment under Nigerian legislation. As such, the Constitution and Police Force Order 237 allow police officers to shoot with impunity anyone who flees.

The only limitations on the use of force in Police Force Order 237 are that “firearms must only be used as a last resort” and “if there are no other means of effecting [the suspect’s] arrest, and the circumstances are such that his subsequent arrest is unlikely”.³⁰ If a police officer shoots at an unarmed man, “it would be most difficult to justify the use of firearms.”³¹ These provisions are impermissibly broad and do not require the existence of an imminent or grave threat of death or serious injury and have a more lenient standard of necessity than what is required by international standards. The seriousness of the crime, or the sentence that the crime may carry, are not permissible considerations to justify the use of firearms. Under international law and standards, firearms may only be used by law enforcement officials to defend themselves or others against the imminent threat of death or serious injury; to prevent a crime involving a grave threat to life; to prevent the escape of a person presenting such a danger; “and only when less extreme means are insufficient to achieve these objectives.”³²

Section 6 of Police Force Order 237 instructs police officers that in situations of “riot”³³, “[a]ny ring-leaders in the forefront of the mob should be singled out and fired on”. Intentional use

of lethal force against particular individuals in a public order situation, based on suspicion of their role in organizing or co-ordinating public disorder, violates the right to life as guaranteed by Nigeria's Constitution, the ICCPR, and the African Charter on Human and Peoples' Rights.

The IGP and Deputy IGPs told Amnesty International that when using firearms, police officers always aim below the knee, although in Police Force Order 237, this provision is only included when shooting at rioters.³⁴ In any case, the use of firearms should be regarded as potentially lethal in all circumstances, and firing at a suspect, regardless of where an officer aims, is likely to result in death.³⁵ As such, firing at a suspect is permitted only where there is a legitimate reason and where necessary. Firearms should only be used when the use of lethal force is justified under international law and standards. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions expressed his concerns about Police Force Order 237 in his report in January 2006: "These rules practically provide the police carte blanche to shoot and kill at will." He therefore recommended that Police Force Order 237 "be amended immediately to bring it into conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials."³⁶

Police Force Order 237 has resulted in numerous unlawful killings and facilitated extrajudicial executions, while police officers go largely unpunished, using it as a justification as well as cover-up for the use of lethal force. As some of the cases included in this report show, police officers place weapons on their victims claiming they were attacked by an "armed robber", and they cover up extrajudicial executions by reporting that the suspect was shot while attempting to escape or in a shoot-out with armed robbers. Such cover-ups are rarely investigated and thus the perpetrators are rarely brought to justice. This impunity is one of the reasons extrajudicial executions continue.

VICTIMS TORTURED TO DEATH

On 15 December 2008 at around 4am, James Ute (not his real name) was brought home from Ketu Divisional Police Station by police officers from the Anti-Robbery Squad. He had been beaten all over his body, apparently with an iron bar and a rifle-butt. He was foaming at the mouth. Before losing consciousness, he told his family that the police had beaten him. He said he could not bear the pain and that he wanted to die. He died before his family could get him to hospital.

One of the community leaders where James Ute's family lives told Amnesty International that the police frequently come to the community. They arrest people and take them to the police station only to release them after they pay a bribe. "That night we were having a party for the community, end of year celebration. Around 9.30pm people started running for their lives. Some were shouting 'it is the police'. They came and started shooting sporadically, packing people into the police vehicles." According to eyewitnesses, the men who were arrested were asked to pay for their release; one person paid ₦2,000 (US\$13). James Ute was unable to pay. According to community leaders, the police officers involved in his death are still working in the same area and continue to visit the community.³⁷

Amnesty International documented numerous other accounts of torture in its 2008 report, *Nigeria: prisoners' rights systematically flouted*.³⁸

Various national and international organizations have accused the NPF of torture and other ill-treatment. The NGO Social Justice and Advocacy Initiative told Amnesty International: "Intimidation, torture and extortion of detainees are entrenched practices in the Nigerian criminal justice system." The National Human Rights Commission (NHRC) stated that torture is used "as official means of investigation of offences" and that "most cases in court are prosecuted by the police based on 'confessions' obtained under circumstances of torture from accused persons."³⁹

NOPRIN has shown that police officers torture suspects in order to "break the spirit of the suspect or detainee." NOPRIN researchers documented "an elaborate system of torture" and claim that every major police station has "torture chambers and an officer known as 'O/C (officer in charge) Torture'."⁴⁰ In November 2007, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment concluded that "torture and ill-treatment are widespread in police custody, and particularly systemic at CIDs. Torture is an intrinsic part of how the police operate within the country."⁴¹

International law prohibits torture in all circumstances. Article 7 of the ICCPR guarantees that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Moreover, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) explicitly requires states to prevent acts of torture and other ill-treatment by state agents and to ensure that there is a prompt and impartial investigation into such acts. It also requires them to ensure that acts of torture or complicity or participation in torture are punishable by criminal penalties which take into account their grave nature. Torture is also illegal under Nigeria's Constitution, but is not criminalized.

The Nigerian authorities and the NPF claim that they have addressed the issue of torture. In practice, the NPF have failed to end the use of torture and other ill-treatment during interrogations. Instead of taking effective and immediate measures to end the frequent use of torture, the Nigerian government has allowed police officers to torture with impunity.⁴²

At the UN Working Group on the Universal Periodic Review (UPR) in February 2009, the Nigerian authorities announced that "Nigeria is prepared to co-operate with the Council or any other stakeholder who is interested in finding out the facts regarding torture in Nigeria. As evidence that we have nothing to hide, Nigeria has just acceded to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment."⁴³

‘TRANSFERRED TO ABUJA’: ENFORCED DISAPPEARANCES

‘They said they have been transferred. I said to where. They couldn’t give me any answer. So it was one policeman that confided in me that they have killed them. Shot them. He said that they removed them in the night...’

The brother of a suspect killed by the police, June 2009

Uche Okoye⁴⁴ disappeared in police custody in June 2005. His family was told that he was “transferred to Abuja”. “He is not in Abuja. They killed him. When they say they have transferred to Abuja, it means they have killed you,” Uche Okoye’s brother said to Amnesty International. When the brother went to the police to find Uche Okoye’s whereabouts, he was arrested. During his four months in State CID custody, he saw several people being taken out of their cells: “Often at midnight or at 5 am, whoever they would call, you won’t see him again... They once took six people from my cell and they never came back.” He believes that these people were killed by the police.

Enforced disappearances in Nigeria are rife. In the first days or weeks following arrest, families are usually allowed to visit their relatives in detention. Later on, the police tell them their loved ones have been “transferred to Abuja”. Other times, the police simply deny any knowledge of their whereabouts.

Many NGOs, former detainees and family members told Amnesty International that “transferred to Abuja” is a euphemism for being killed by the police while in custody. In several cases, police officers unofficially told the families that their loved one was dead.

In the cases documented by Amnesty International, victims disappeared before being brought to court. This despite Nigeria’s national and international obligations to ensure that suspects are able to promptly challenge the legality of his or her detention before a court, and to hold a trial within a reasonable time.⁴⁵

On 7 April 2009 the police stopped the car of Chika Ibeku (aged 29), Gabriel Ejoor Owoicho (aged 29), Precious Odua (aged 27) and two others. They were arrested and detained at Omoku Police Station, Rivers State. They all informed their families of their arrest. On 8 April, Johnson Nnaemeka (aged 39), the owner of the car, was questioned at Omoku Police Station. He was arrested on 9 April and his house was searched. That same day, all six men were taken to the Swift Operation Squad (SOS) in Old GRA, Port Harcourt. Police officers at SOS confirmed their detention. Their families were not allowed to see them after their transfer. On 11 April, police officers at SOS claimed that the men were transferred to SARS. Officers at SARS denied this. At the time of writing, the whereabouts of the six men are still unknown.



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Chika Ibeku



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Gabriel Ejoor Owoicho



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Precious Odua



© Private

Johnson Nnaemeka

STEVEN AGBANYIM AND CHIDI ODINAUWA



Steven Agbanyim



Chidi Odinauwa

Steven Agbanyim, aged 29, and Chidi Odinauwa, aged 26, were arrested on 18 April 2009. The police confirmed to their relatives that the two men were in police custody in Borokiri Police Station, Port Harcourt. Steven Agbanyim was last seen by his family in detention at Borokiri Police Station on 27 April. On 7 May, SARS at Borokiri denied any knowledge of the whereabouts of the two men. "If Steven and Chidi have done a bad thing, let them charge them to court," said one of Steven Agbanyim's relatives. "If the police have killed him, we want the body." Police officers have informally told the families that the two men have been killed.

Some of the people interviewed by Amnesty International have been waiting to hear from their loved one for four or five years. Amnesty International is concerned that many of those missing have been extrajudicially executed: "They will take a suspect from the cell, put him in a vehicle, take him to a deserted site and shoot him", one lawyer told Amnesty International delegates.

According to lawyers and NGOs, the bodies of the victims are buried, dumped in waterways or brought to the mortuary. One lawyer said, "They might bring to the mortuary the corpses of people killed at roadblocks when there are eyewitnesses." Amnesty International was not able to verify the frequency of such killings.

This method of extrajudicial execution is particularly typical in SARS, SOS and CID detention centres. According to NOPRIN, "State Anti-Robbery Squads (SARS) and State Criminal Investigation Divisions (SCIDs) in all states have acquired notoriety for 'wasting operations' and torture."⁴⁶

AZUAMAKA VICTOR MADUAMAGO



Azuamaka Victor Maduamago (*pictured left*), aged 24, was arrested in Onitsha on 20 August 2008. He was handed over to SARS Awkuzu, Anambra State. Azuamaka Victor Maduamago was denied access to a lawyer, medical care and was not allowed to see his family. In October 2008, the family were informed that he had been transferred to Abuja, Force Criminal Investigation Department (FCID). FCID, however, denied that he was in their custody. To date, his whereabouts are unknown. The IGP ordered an investigation of his case in September 2009.⁴⁷

Enforced disappearances are serious violations of human rights and facilitate a range of other violations, including torture and extrajudicial executions. Enforced disappearances are prohibited under the International Convention for the Protection of All Persons from Enforced Disappearance, which has not yet entered into force, but was ratified by Nigeria on 27 July 2009.

According to the NHRC, “Cases of disappearances of persons in the custody of the police and other law enforcement agencies [in Nigeria] abound... Law enforcement agencies must account for all persons in their custody.” It recommended that the “government should set up a Judicial Commission of Enquiry to investigate all past cases of disappearances of persons in custody.”⁴⁸

EXTRAJUDICIAL EXECUTIONS AND OTHER UNLAWFUL KILLINGS: THE STATISTICS

It is difficult to determine the exact number of extrajudicial executions by the Nigerian police in recent years. The NPF only reports the number of “armed robbers” killed by the police every year: according to these figures, 3,014 “armed robbers” were killed between 2003 and 2008, and 575 were injured. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions reported that 2,402 “armed robbers” were killed between 2000 and 2005, again based on NPF figures.⁴⁹

22 KILLING AT WILL

EXTRAJUDICIAL EXECUTIONS AND OTHER UNLAWFUL KILLINGS BY THE POLICE IN NIGERIA

However, in July 2004 police authorities told the NGO Human Rights Watch that the police had killed 7,198 “armed robbers” in shoot-outs between January 2000 and February 2004.⁵⁰ The IGP showed Human Rights Watch a chart which indicated that 3,100 “armed robbers” were killed in 2003 alone. The NPF’s official figure for that year was 545 deaths.

The statistics in NPF annual reports are clearly inaccurate and incomplete. According to official figures, a total of 857 “armed robbers” were killed in 2008, mainly in Abuja (220 deaths – more than four suspects a week), Edo (142) and Lagos (137). Surprisingly, some of the states that typically have high rates of violence and armed robbery had low rates of killings: two “armed robbers” were killed in Plateau State, two in Ekiti, three in Bayelsa States and three in Cross Rivers. Sixteen “armed robbers” were killed in Rivers State and 25 in Delta State. According to the NPF 2008 annual report, the police in Akwa Ibom, Bauchi, Benue, Imo, Jigawa, Kaduna, Kano, Kebbi and Nasarawa States did not kill any “armed robbers” in 2008.

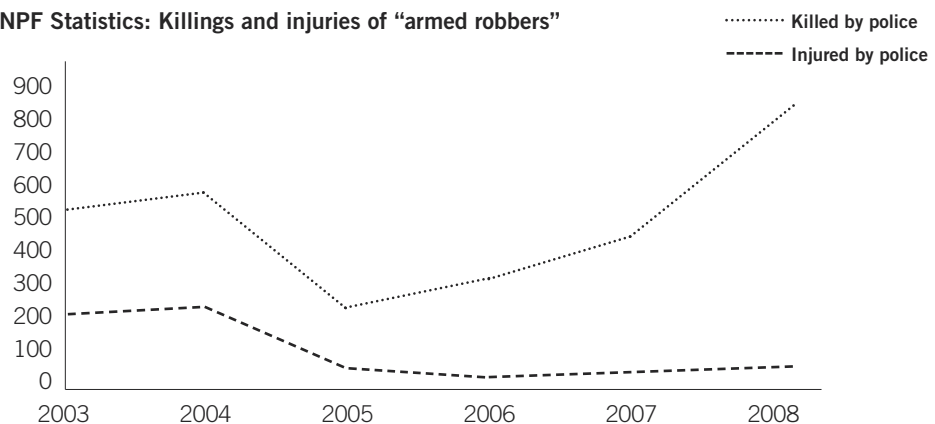
Unofficial figures obtained by Amnesty International tell a different story. In one notorious police station in Abuja, police kill five “armed robbers” a week – 265 deaths a year – according to one police officer’s estimate. The mortuary staff in a southern state claim that 150 bodies of “unknown robbers” were deposited by the police between August and October 2009. In another southern state, staff at a cemetery claimed that they received from the police on average two bodies a week. These findings indicate that the real numbers of killings by the police are likely to be much higher than the official figures published in NPF annual reports. Many of these killings may be unlawful and may amount to extrajudicial executions. NPF statistics show that the number of people reported to be killed by the police is over the years much higher than the number of people reported injured; the ratio between deaths and injuries in 2008, for example, shows that for each person wounded, sixteen people are killed by the police. This may point to a pattern of extrajudicial executions.

NPF Statistics: Armed Robbery

“ARMED ROBBERS”	2003	2004	2005	2006	2007	2008	total
Arrested	4,360	4,537	3,853	2,946	4,109	3,423	23,228
Prosecuted	1,046	300	117	135	715	2,026	4,339
Awaiting trial	1,049	338	379	303	14,42	2,026	5,537
Cases pending investigation	1,873	2,105	2,105	1,208	1,252	109	8,652
Killed by police	545	569	252	329	462	857	3,014
Injured by police	194	203	59	28	38	53	575

Source: NPF annual reports 2003-2008

NPF Statistics: Killings and injuries of “armed robbers”



BOMA AUGUSTINE FINGESI

**Rivers State Intelligence and Investigation Bureau**

On 15 October 2008, Boma Augustine Fingsi (*pictured left*) was arrested alongside 17 other men by police officers in Rivers State. The men were taken to the State Intelligence and Investigation Bureau (SIIB) in Port Harcourt. On the same day, the Joint Task Force raided Boma Augustine Fingsi's house, broke windows, doors and ceiling boards and took some property including cash. Two days after his arrest, a family member was contacted by a police officer. "This police officer asked me if I knew that he had been shot in the legs and said that he wanted to help him", she told Amnesty International. "I asked for whatever assistance the policeman could give. He asked for ₦50,000."

Family members saw images of Boma Augustine Fingsi in the newspapers and on television. "Most of the articles described him as a suspected kidnapper. On TV... pictures of him were broadcast and it was alleged that he is a kidnapper. All this happened at the police headquarters.

I saw how they humiliated, assaulted him in public and made him look like a criminal on television. I could not watch this. I was just crying."

On 24 November 2008, after more than a month in custody without seeing a judge, 16 suspects were released, but Boma Augustine Fingsi remained in custody. A police officer told the family that they "should wait and leave that matter for now." However, later the police said that Boma Augustine Fingsi was no longer in detention and that he had been released on bail. There was no document to confirm his release and the police could not say who had bailed him.

"The police then changed their story and said that he had never been brought to the police station," said a relative. "This is the big controversy. Earlier on, the police had said clearly that he was in their custody only to change the story later. They have forgotten that all the papers covered the story and there is no way they can deny knowledge of this case."

A bail application was filed and on 13 January 2009, the court granted him bail. However, the police did not release him. Even after the Rivers State Branch of CLO wrote a petition to the IGP on 23 February and 19 May 2009, no explanation was received. At the time of writing, there still is no sign of Boma Augustine Fingsi.⁵¹

NUMBERS OF KILLINGS AND INJURIES

The NPF's annual reports give no information on the circumstances surrounding the killings of "armed robbers". To Amnesty International's knowledge, there is no obligation in police regulations to investigate deaths in custody. The fact that the police are not legally required to provide such information encourages lack of accountability in cases of extrajudicial executions. International standards require that any use of force or firearms resulting in death or injury is investigated to ensure that the use of force was not arbitrary or abusive.

4/IMPUNITY FOR UNLAWFUL KILLINGS

'[T]he single greatest impediment to bringing police officers to justice for their crimes is the Nigeria Police Force itself. Evidence indicates that it systematically blocks or hampers investigations and allows suspects to flee.'

UN Special Rapporteur on extrajudicial, summary or arbitrary executions, January 2006 ⁵²

Under international law, governments are obliged to bring to justice people who have been identified as having participated in extrajudicial executions and other unlawful killings. Moreover, this applies not just to those who commit killings, but also to those superior officers who knew or should have known that their subordinates “are resorting or have resorted to the unlawful use of force and firearms, and they did not take measures in their power to prevent, suppress or report such use”.⁵³ Similarly, Principle 19 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions states: “Superiors, officers or other public officials may be held responsible for acts committed by officials under their authority if they had a reasonable opportunity to prevent such acts.”

The Nigerian government repeatedly claim that they “do not condone extra-judicial killing”.⁵⁴ However, the authorities are not doing enough to stop extrajudicial executions and bring suspected perpetrators to justice. In fact, the NHRC noted in 2007, “cases of extra-judicial, summary and arbitrary executions are hardly documented, investigated and prosecuted by the police.”⁵⁵ The police authorities carry out investigations only rarely, when the victim's family, the media, the court or NGOs put pressure on the NPF or other government agencies. Investigations that do take place suffer from delays and partiality and do not comply with international standards. When a police officer is prosecuted, he or she is often released on bail and sometimes even escapes custody.

UNLAWFUL KILLINGS COVERED UP

'They said my boy is an armed robber and a cultist member. My son is not a thief. He did not carry a gun or weapon. They know it is not the right thing, but they will find a way to cover themselves.'

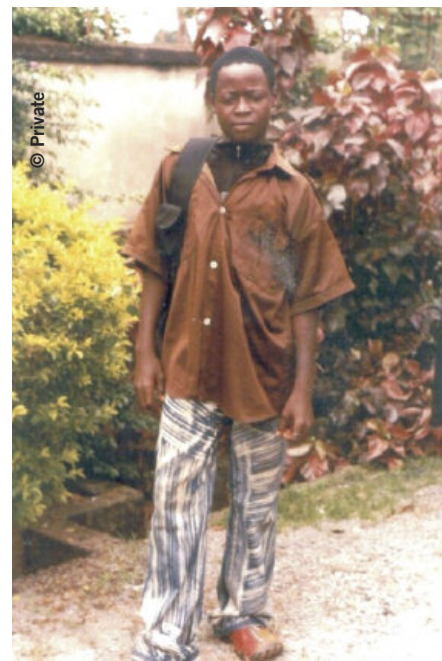
Father of man killed by the police, June 2009

Fifteen-year-old Emmanuel Egbo was extrajudicially executed by a police officer in Enugu in September 2008. According to eyewitnesses, he was playing with other children in front of his uncle's house when a police officer stopped to chat to the children. Two other police officers joined him; one of them pulled out his gun and shot the boy, claiming he was an armed robber. Eyewitnesses confirmed that Emmanuel Egbo was unarmed. The NGO Civil Liberty Organization wrote two petitions and his relatives visited the police station numerous times. After several visits, the family found out that the Investigating Police Officer (IPO) had moved to a new post. "The police officer told us that the boy was an armed robber and the case had been closed. It was a nightmare to us to learn of this development."⁵⁶ In August 2009, the family discovered that Emmanuel Egbo's body had disappeared from the mortuary; as of November 2009, the body is still missing.

Covering up the deaths of "armed robbers" is common practice. "Once a person is shot by the police and the police say the person was an armed robber, that is the end of the issue", one lawyer told Amnesty International. Already in 2001, the NGO Access to Justice warned that "absurd and made-up rationalizations of killings... by the police authorities not only constitute major barriers to accountability, they provide a needed and well-suited cover for impunity."⁵⁷

In many cases, police officers "with pending disciplinary matters or those who fall out of favour",⁵⁸ including those responsible for extrajudicial executions and other unlawful killings, are sent on training. Police officers therefore "consider their postings to training institutions as punishment."⁵⁹ After shop owner Sunday Nonso (not his real name) was tortured to death in police custody in August 2008 in Enugu, the officer in charge of the police station was sent on a six-month training course. No investigation has been carried out into the death of Sunday Nonso. The officer in charge returned to his post in 2009.

Some police officers implicated in extrajudicial executions and other unlawful killings are transferred to other states. "Faced with resulting inability to locate the affected police officers in the system", NORPIN states, "the investigating agencies often give up on the complaints."⁶⁰ Indeed, in many of the cases documented by Amnesty International, family members could not seek justice because the perpetrator was no longer posted at the police station. Often, police authorities claim ignorance as to the whereabouts of the officer responsible for the killing.



Emmanuel Egbo

Officers sometimes continue to kill at will after being transferred to new posts. The police officers who reportedly killed Michael Akpan (not his real name) a 21-year-old commercial driver in Imo State had been transferred to Owerri after being involved in an unlawful killing in Abuja. "They settled [the case] and transferred them to Imo. They used to shoot, kill and settle", one of Michael Akpan's relatives told Amnesty International. The officers shot Michael Akpan on 27 May 2008 at a highway checkpoint, after he seemingly failed to pay a bribe. Following his death, the NPF investigated the case and the officers were finally prosecuted. They are currently awaiting trial.

In some cases of extrajudicial executions, Amnesty International was told that the officers responsible were on "illegal duty", which implies that the NPF was not responsible for their unlawful behaviour. This kind of reasoning is unacceptable. According to Section 341 of the Police Act, a police officer is personally liable for the misuse of his powers.⁶¹ This, however, does not mean that the NPF is exempt from responsibility. The Federal High Court in Enugu also stated that this provision is unconstitutional.⁶²

FAILURE TO INVESTIGATE DEATHS

The Nigerian police often do not investigate the use of lethal force, deaths in custody and allegations of extrajudicial executions.

There is very little monitoring of firearms within the NPF, which clearly affects the high rate of extrajudicial executions. Police officers register their weapon and book ammunition. When they return to the police station, they have to account for the ammunition they have used. However, a police officer can avoid accounting for firearms and ammunition by paying a bribe.⁶³ Several Nigerian commissions recommended that NPF armouries should be updated and rebuilt and the control system should be modernized.⁶⁴

Effective and impartial investigation is an indispensable tool for establishing the truth about human rights violations, including extrajudicial executions, by assembling the evidence to hold perpetrators to account. International standards require that police institute a reporting system in order to account for every use of a firearm by an officer.⁶⁵ Any person affected by the use of force or firearms, including dependants or family of persons killed, or their legal representatives, is also entitled to an independent process, including judicial process.⁶⁶ To facilitate the reporting of police misconduct, the police must make complaint mechanisms available and known to the public.⁶⁷ Any use of force or firearms that results in death or serious injury, or any complaint by a relative suggesting the possibility of an extrajudicial execution having occurred, must be immediately reported in detail to a competent administrative or judicial body with jurisdiction over the matter.⁶⁸ The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials also require that when force and firearms are used, relatives of the shot, injured or affected person should be notified at the earliest possible moment.⁶⁹

DEAD BY THE END OF THE DAY



Godgift Ferguson Ekerete



Tony Oruama



Harry Ataria

The police authorities never investigated the deaths of Godgift Ferguson Ekerete (aged 24), Tony Oruama (aged 21), Harry Ataria (aged 26) and one other man (aged 20). According to the police, the four men were “armed robbers and cultists”, although their families believe that they were innocent. They were brought to Mile 1 Police Station in Port Harcourt on 3 July 2008 – all four were dead by the end of the day. The father of one of the men told Amnesty International that he had heard gunshots at the police station. The mother of one of the men said: “A boy ran to me and said ‘they have killed your son, they killed him.’ It was at the back of the police station, I saw four corpses.” The families have not received an official account of the events that led to the deaths of the four men. Their bodies have been in the mortuary for more than a year.

INVESTIGATIONS LACK INDEPENDENCE AND IMPARTIALITY

NPF internal investigations, which can lead to disciplinary action, lack independence and transparency. According to one lawyer, an internal investigation is “a trial by colleagues... It is very likely that the officers will know each other. It is not often that they are even dismissed. There is always room to protect them.” A police officer can be prosecuted for murder in a criminal procedure only after being dismissed from the police force.

The President or Attorney Generals on either state or federal level can appoint a Commission of Inquiry. The Justice Goodluck Commission, which looked into the extrajudicial executions of six youths in Apo, Federal Capital Territory in June 2005 is one such example. Five men and a woman were stopped on 8 June 2005 at a roadblock at Gimbiya Street, Abuja. Their car hit a police vehicle and the officer fired at least two shots. All six dead bodies were paraded in front of the media the next day. The police claimed that they were armed robbers who attempted to escape. The deaths led to violent clashes between the police and traders from Apo village.

The IGP then set up the Mike Okiro Panel to carry out an investigation into the cause of the clashes. Public outcry and the involvement of the police, led the Federal government to disband the panel and set up a Commission of Inquiry into the deaths.

In August 2005, the Commission concluded that “there was no threat to the lives of the policemen that warranted the shooting and killing of the six deceased persons.” One police officer and witness, Anthony Idam, was reportedly poisoned and died under suspicious circumstances on 18 June 2005. The Commission stated: “Anthony Idam was said to have seen and known the circumstances leading to the death of some of the six deceased persons... [He] indicated his readiness to spill the beans before the Mike Okiro Panel.” The Commission recommended that the eight police officers involved are prosecuted. It also called for an investigation into the death of Anthony Idam. The relatives of the six victims were rewarded ₦3 (US\$19,470) million each in compensation.⁷⁰

More than four years after the killings, and contrary to a statement by the Nigerian government in the UN UPR Working Group, the case is still open.⁷¹ The trial of the eight officers is ongoing. One senior police officer reportedly escaped from police custody and two others were released on bail.⁷²

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions referred to the deaths in his 2006 report: “If the Apo 6 were an isolated incident it would be a tragedy and a case of a few bad apples within the police force. Unfortunately, many of the ingredients – the false labelling of people as armed robbers, the shooting, the fraudulent placement of weapons, the attempted extortion of the victims’ families, the contempt for post mortem procedures, the falsified death certificates, and the flight of an accused senior police officer – are all too familiar occurrences.”⁷³

In cases where investigations are ineffective or lack impartiality, and if victims (including families) complain about the ineffectiveness of investigations, governments are required to institute alternative investigative mechanisms, such as commissions of inquiry, to whose findings the government is obligated to respond.⁷⁴

According to the UN Model Protocol for A Legal Investigation of Extra-legal, Arbitrary and Summary Executions, “The fundamental principles of any viable investigation in the causes of death are competence, thoroughness, promptness and impartiality of the investigation... one of the most important aspects of a thorough and impartial investigation of an extra-legal, arbitrary and summary execution is the collection and analysis of evidence. It is essential to recover and preserve physical evidence, and to interview potential witnesses so that the circumstances surrounding a suspicious death can be clarified.”⁷⁵ Authorities investigating suspected extrajudicial executions must have the capacity to do so independently and effectively and the power to secure all relevant evidence, including by compelling the testimony and co-operation of government officials.⁷⁶ Families of the victims have the right to information about the hearing and to participate in it, including by presenting evidence. Investigations of deaths in custody or deaths resulting from police use of force or firearms must include an autopsy. The body of the victims should not be disposed of until the completion of the autopsy, at which point, it must be returned to the family of the deceased.⁷⁷

WEAK OVERSIGHT MECHANISMS

Comprehensive internal and external accountability mechanisms are key to ensuring that the police become more professional and more respectful of human rights.

EXISTING OVERSIGHT MECHANISMS

Nigeria has a number of mechanisms to monitor police behaviour, such as the X Squad, PSC, and the Nigeria Police Council.

The X Squad is the internal police body responsible for detecting police corruption. The Police Council is responsible for overseeing the organization, administration and general supervision of the NPF and for advising the President on the appointment of the IGP and the Police code of conduct.⁷⁸

The PSC has the authority to appoint, discipline and dismiss all officers except the IGP.⁷⁹ The PSC also has the authority to formulate policies and guidelines concerning appointment, promotion, and discipline within the NPF. Finally, the PSC has the mandate to investigate human rights violations by the police and recommend disciplinary action. It cannot, however, refer cases to the courts for prosecution. In practice, the PSC refers complaints back to the police for further investigation.

Amnesty International's records shows that the internal command structure fails to prevent extrajudicial executions or bring perpetrators to justice. The chain of command should ensure that police officers comply with the Police Act, Police Regulations and the Code of Conduct, which in turn should reflect international human rights law and standards. Failure to comply should immediately lead to disciplinary proceedings.

Amnesty International documented several cases in which the police undertook an internal investigation, removed officers from service and arrested them for murder. However, research also revealed that these police officers often managed to escape.

In one case, a man told Amnesty International what happened to the police officer who shot his brother: "he escaped from the cell and ... the other police who were arrested were all released. All these police officers came back to the police station, the place where all this started and continued with their work as if nothing had happened."

None of the oversight institutions has sufficient authority or will to hold police officers to account. The PSC should be responsible for independent oversight; the PSC's mission statement is "[t]o change the Nigeria Police Force to the Nigeria Police Service through modern democratic policing ethics, performing with courage, diligence, honesty and impartiality as a highly motivated, professional, disciplined, efficient, accountable and 'corruption free' police service through the development of adequate institutional capacity in discharge of the central functions of the Commission".⁸⁰



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Nigerian police officers detain a man at a rally in support of Nigeria's Vice-President Atiku Abubakar, Abuja, 25 November 2006.

However, the PSC lacks financial and human resources and is not able to fulfil its mandate. The 2008 Presidential Committee stated that lack of manpower and funding within the PSC, and the lack of capacity to exercise its constitutional powers have “largely accounted for the lack of strict adherence to the extant guidelines and rules that govern recruitment and career management in the Police Force.”⁸¹

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has observed that the NPF’s mechanisms for investigating police misconduct are impressive – but only on paper:

“The system has rarely worked in cases in which police are accused of extrajudicial executions. In these instances genuine investigations are rare and referrals to the DPP for prosecution are even rarer. It is also not uncommon for the primary accused police officer to escape, for charges to be brought against others, and for the latter to be acquitted on the grounds either of insufficient evidence or of prosecution of the wrong officers. The result gives the appearance of a functioning investigative system, while in fact promoting the goal of de facto police impunity.”⁸²

DANIEL ADEWUYI TELLA

**Festac Police Station, Lagos State**

Daniel Adewuyi Tella (*pictured left*), a 27-year-old graduate in banking and finance, was about to start his national youth service. He was arrested on 7 February 2006 on his way home in Festac, Lagos. His family say that the police took the money he had for his youth service and might have tortured him in attempt to get more. He died in police custody.

The police later alleged that Daniel Adewuyi Tella sustained injuries all over his body when he jumped out of a moving police vehicle. Local NGOs and the family do not believe this story. “No one explained what happened on the fateful night”, one of his relatives told Amnesty International. “The police officers refused to come out and explain and say who was on duty.”

When the family went to identify Daniel Adewuyi Tella’s body at the police station, all his possessions were gone. “He did not have any shoes, wallet, phone, or money on him”, one relative told Amnesty International. “The deceased owned a gold chain which he was wearing on this day and this was also not found on him when I identified him at the police station. All valuables that he had had been stolen.”

Pictures of Daniel Adewuyi Tella’s body show his face and eyes swollen with several deep cuts, most likely from beatings. There were no bruises on his arms or legs. According to the autopsy, the cause of death was “tonsillar herniation secondary to multiple skull fractures”.

The family wrote several petitions to the Commissioner of Police in Lagos State, the Attorney General and Commissioner of Justice in Lagos State, the Governor of Lagos State and other officials. The family say that no inquiry was carried into Daniel Adewuyi Tella’s death.



Eke Nwoseh

NO ADEQUATE RESPONSE TO COMPLAINTS

Eke Nwoseh and his friend, both aged 17, were arrested on 15 March 2004 on their way home. Almost a year later, the police told the family that the two boys had been transferred to another undisclosed police station. Despite repeated enquiries from the families and a petition to the Commissioner of Police in Lagos State, their fate remains unclear. A relative told Amnesty International: “We are surprised that a boy at age 17 can go missing from police custody. If he committed a crime, we should know where he is. Five years we take this matter. It is very painful for us.”

Many other families struggle to reveal what happened to their loved ones. Some relatives continue to go to the police station on a weekly basis. The sister of a man who disappeared in police custody told Amnesty International that she continues to search for him: “Even yesterday I went there again, to go and look for him.” Even when NGOs or legal representatives petition the IGP, little action is undertaken. In a standard reply to petitioners, the IGP directs the Commissioner of Police to “investigate and furnish early comments”. However, nothing seems to happen after that. In the majority of cases recorded by Amnesty International, the petitioners are still waiting for information.

The NPF has a complaints mechanism in place, but most complaints against law enforcement officials are not processed. The public can report police misconduct to the Police Complaints Bureau, an internal investigation unit established in 2003. The Bureau is meant to have an office at every police station. In addition, police stations have human rights desks, which should also deal with complaints. The public can also lodge their complaints via telephone or via complaints boxes placed outside police stations. However, people have little confidence in the system. Many told Amnesty International that they were afraid to go to the police station; most of them, however, write to the IGP and PSC.



Modebayo Awosika

CORONER'S INQUESTS: AN OPPORTUNITY FOR JUSTICE

Police officers are required to keep records of all unnatural deaths in custody. Records must include the name of the deceased, date and cause of death, and the outcome of the coroner's inquest.⁸³ The Coroner's Law, which are in force in most Nigerian states, oblige the state authorities to investigate and determine the circumstances of all unnatural, sudden or violent deaths through an open, public inquiry.⁸⁴ Section 6 of the Coroner's Law requires a coroner of a district to investigate every death in custody.⁸⁵

Amnesty International records show that inquests occasionally take place in Lagos State, where the Coroner's Law was amended in May 2007.⁸⁶ They rarely happen elsewhere. Moreover, the police often do not accept the coroner's findings. In many cases, the police simply leave bodies at the mortuary, where no autopsies are performed or made available to the family of the deceased.

The coroner's inquest into the death of Modebayo Awosika uncovered police misconduct. On 1 October 2008, police officers of the Lagos State Rapid Response Squad shot Modebayo Awosika in the head and then set his car on fire. An autopsy showed that he had died of a gunshot. The police told the coroner that Modebayo Awosika's car hit the police patrol vehicle.



The police said that one of the police officers shot at the car as “the driver... was suspected to be a robber”. The police also claimed that the officer “is expected to use his weapon when someone has committed an offence and is escaping from being arrested or when one’s life or lives of fellow Policemen are in danger.”⁸⁷ According to the police, the vehicle crashed into a ditch and caught fire. The five police officers on duty that night were reportedly transferred to undisclosed locations. The coroner ordered the police to investigate the case. To Amnesty International’s knowledge, as of October 2009 no investigation has been carried out.

**Nigerian police officers in Kano,
northern Nigeria, 18 April 2007.**

The NGO Access to Justice believes that coroners’ inquests are a step towards accountability in the police force: “To end extra-judicial, summary and arbitrary killings, we have to attack the culture of impunity and invincibility, and dislodge whatever provides cover for persons who kill to go scot free. That is what the coroner inquest system seeks to do”.⁸⁸

CHINEDU ANI

**Anti-Robbery Squad, Ogui Road Police Station,
Enugu State**

On 1 August 2005, at 2pm, Chinedu Ani (*pictured left*) and his friend asked a politician for financial support for the friend's football career. According to a witness, the politician became angry and told the two that he "would deal with them seriously". Around an hour later, the two men were shot by police officers and taken to the police station in the boot of their car. They were kept in the boot for hours, driven to the state CID and back to Ogui Police Station, although no arms were found on them or in their car. After 5pm, a police officer decided the men should go to hospital. When they reached the hospital at 6.15pm, Chinedu Ani had already died; his friend was badly wounded.

The police case diary shows that at 2.45 pm, the politician made a complaint at Ogui Road Police Station, saying that he was attacked by "armed robbers" at Zennith Bank. He claimed that the

robbers attempted to steal his car keys and his money and were sent to assassinate him. When he saw Chinedu Ani and his friend driving by Ogui Road Police Station, he alerted the Anti-Robbery Squad, who followed the car and shot the two men without verifying the complaint.

Amnesty International has reason to believe that the police tried to cover up the case. According to a statement made by the police officer who witnessed the shooting, there were four suspects, two were shot and arrested and "the others escaped". He claimed that he shot Chinedu Ani's friend after he tried "to collect my rifle". According to the statement, "he had to fire [at] them to foil their escape bid". Chinedu Ani's friend testified that police opened fire as soon as they had opened the car door.

The complainant clearly used his power to influence police conduct. According to the DPO, he followed the police to the spot where the two men were shot and arrested. He continued to accompany the police as officers transferred the two men from Ogui Road Police Station to the state CID and back.⁸⁹ The DPO stated that "[t]he shooting incident, which could have been avoided, was, I believe, owing to the pressure mounted by [the complainant] on the Policemen of the Anti-Robbery Squad."⁹⁰

Chinedu Ani's family claim that the police prevented the two men from getting medical treatment. "My brother was losing blood fast. I demanded to see an officer to bring them to hospital. The police told me they don't give hospital aid to criminals."

On 9 September 2005, the Governor of Enugu State set up a Commission of Inquiry into the death of Chinedu Ani.⁹¹ The Commission finalized the inquiry in November 2005 and sent its report to the Governor of Enugu State. At the time of writing, the report or the government's whitepaper have not been made public, despite repeated requests by Chinedu Ani's family. No steps have been taken to prosecute those responsible for his death. Chinedu Ani's brother said of the one of the police officers involved: "After four years, he is still in the force; who knows how many people he has killed now."⁹²

5/BARRIERS TO JUSTICE AND REDRESS

‘[The case is] closed as far as we are concerned – because we can not do anything about it. You cannot get justice, so you have to let it be, so we just close the case like that.’

Family member of a man who was killed by the police, June 2009

Many families whose loved one was extrajudicially executed by the police are reluctant to talk about their experience. Some simply do not believe that coming forward can make a difference. Others fear the police. In the end, few people speak out. Those who do seek justice and redress, face numerous obstacles.

THE COST OF JUSTICE

Under international law, all victims of human rights violations have a right to a remedy. Article 2(3) of the ICCPR guarantees this right to victims of human rights violations, including extrajudicial executions, torture and enforced disappearances. Victims include relatives of those who suffered human rights violations. This right, as elaborated in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, includes the right to truth, justice, and reparation (which includes restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition).

In Nigeria, the Constitution guarantees the right to compensation. However, families of victims often cannot afford to seek remedy. Victims of extrajudicial executions and other unlawful killings in Nigeria are usually people who live in poverty. Those who are executed, unlawfully killed or disappear in custody are typically men aged between 15 and 45 years; they are often the breadwinners in their families. When they are killed, their families lose their primary source of income.



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Above and opposite page:
Embalmed bodies at a hospital
mortuary courtyard, southern
Nigeria. This is where families
come to identify the bodies of
their loved ones. Some pay to have
the bodies taken inside.



© Private

After the police killed Innocent Onovo, a commercial driver, in May 2006, they sent his wife a letter of condolence. But they did not investigate his death, and the police officer who shot Innocent Onovo has not been disciplined or prosecuted. "It is only justice I am seeking", his wife told Amnesty International. "The children have to go to school. Let me have justice for the education of the innocent children."⁹³ In October 2009, the court rewarded Innocent Onovo's wife ₦10 million (US\$64,900) in damages as compensation; a payment is yet to be made.

Those who can afford it pay the police if they are stopped or arrested. They can also afford to hire a lawyer. People of means are rarely victims of extrajudicial executions.

For others, poverty is a serious barrier to justice. "Because we are poor, there was nothing we could do. We have decided to leave everything in God's hands," one victim's relative told Amnesty International. The NPF do not automatically offer full reparation, including compensation, to relatives of victims of extrajudicial executions and other unlawful killings. Even court orders are not always enforced. Most families cannot pay a lawyer, the court fees or a percentage of the damages requested. The Legal Aid Council offers legal counsel to those who cannot afford it. However, it lacks funding and human resources and is therefore unable to take on compensation cases. Even when lawyers offer their services pro bono,⁹⁴ they still ask their clients to pay the court fees and travel expense and many families end up withdrawing their claims.

PROFITING FROM THE DEAD

"It is the way they run things here. They will take off your clothes; they take [everything], your phone, watch, shoes," said a man who came to identify his brother's body at the police station. The victim's personal possessions were all gone. Luckily, the family was able to retrieve his body.

In many cases, the police demands payment for releasing the body. Sometimes, the family need to pay a bribe just to make sure the body is not dumped in a mass grave. Some bodies stay in the mortuary for more than a year.

In cases of enforced disappearances, police officers sometimes offer information for money. One mother received a phone call two months after her son disappeared in police custody. An unidentified police officer claimed that her son was alive. "[He said] I should bring eight hundred thousand naira [US\$195] for his bail. Later he said I should pay four hundred thousand naira. But I insisted on fifty thousand naira and demanded to speak to my son before releasing any money. The calls ceased since he could not get my son to speak to me."

‘PAY AS YOU GO’: CORRUPTION IN THE NPF

“The average Nigerian knows the police are corrupt and they don’t get justice at the police station”, one human right activist told Amnesty International. Corruption within the NPF is rampant. Commercial drivers pay to go through police roadblocks; suspects pay to be released from custody; and detainees pay to improve the conditions of their detention. One lawyer said to Amnesty International: “The NPF has been reduced to a pay as you go system”.

In 2008, the Presidential Committee acknowledged the severity of the problem. “In the course of their duties, some Police officers harass and intimidate members of the public. They also go further to extort money from accused persons and complainants before they serve them. Those who do not cooperate usually suffer unlawful arrest and detention.”⁹⁵ However, in an interview with Amnesty International in June 2009, a senior officer at the NPF headquarters denied police officers would ask for bribes. “That is an excuse used by the public. It is not true. It used to happen, but not anymore. The force does not condone extortion.”

Amnesty International has also received reports that some police officers arbitrarily arrest groups of people and then ask them to pay up to ₦10,000 (US\$65) to be released. “The police can drive to any place where young people gather, arrest them and take them to their station”, one lawyer told Amnesty International researchers. “Then they will tell their families to pay or they will charge them with armed robbery.” Those who do not have the money risk being labelled “armed robbers”. Without money, suspects are less likely to get access to a lawyer, to family members and to receive medical treatment.

Police officers also bribe each other. “There is a hierarchy of paying bribes”, one lawyer said. “Patronage is a way of life and this is how the police force works. If you do not play ball, you will be frustrated out of the police.” Some junior police officers confirmed to NOPRIN researchers that they had to pay their superiors every day in order to avoid the risk of being transferred or even being made redundant.⁹⁶ The 2008 Presidential Committee noted: “The taking of bribes and their passage up in the rank structure has almost become institutionalized.”⁹⁷

Such practices contravene the UN Code of Conduct for Law Enforcement Officials, Article 7, which states that: “Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.” Article 8 states that: “Law enforcement officials shall respect the law.”

As this report shows, corruption in the law enforcement system seriously undermines the framework for the respect, protection and fulfilment of human rights and can directly lead to human rights violations.



© AP/PA Photo/George Osodi

Policemen guard the area of voting
in Katsina, 21 April 2007.

REFUSAL TO PAY COMPENSATION

Student Emeka Ugwoke, aged 17, and Izuchukwu Ayogu, aged 16, were extrajudicially executed by the police in Nsukka in March 2002. Their bodies were mutilated. After an investigation into their deaths, the DPO and several police officers were found guilty. The DPO was dismissed and transferred to Abuja, but escaped. In October 2006, the Federal High Court ordered the NPF to prosecute the police officer and pay ₦5 million (US\$32,450) in damages to the two families, yet nothing has been paid so far. Amnesty International research shows that the NPF regularly ignores court rulings of this kind.

The NPF occasionally tries to make the police officer involved in the case pay the damages. Police officers are sometimes forced to offer their pension as compensation, or to pay for the burial. In some cases, the police officer and the family decide to settle out of court. It is unclear whether the police officer faces prosecution in such instances.

Compensation for victims of human rights violations is a key component of the right to reparation. Principle 20 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions entitles families of victims to fair and adequate compensation within reasonable time. The UN Declaration on the Protection of All Persons from Enforced Disappearance similarly gives family members of victims the right to compensation. The Nigerian government owes reparation, including compensation, to victims and relatives of victims of extrajudicial executions, other unlawful killings, enforced disappearances and torture even in cases where no perpetrator can be identified.

Compensation involves monetary payment for “any economically assessable loss.”⁹⁸ Although the damage caused by the violation and the amount of compensation related to it has to be evaluated in economic terms, it does not mean that compensation only covers material damage. In fact, the UN Basic Principles defines damage quite broadly, including: “a) Physical or mental harm; b) Lost opportunities, including employment, education and social benefits; c) Material damages and loss of earnings, including loss of earning potential; d) Moral damage; e) Costs required for legal or expert assistance, medicine and medical services, and psychological and social services.”⁹⁹

FAMILIES AND ACTIVISTS INTIMIDATED

Some families of victims prefer not to seek justice publicly. “The police have a history of reacting violently against members of the public should they cry foul – they accuse the victim of cult and make all sorts of allegations”, one community leader told Amnesty International. Families who complain risk being stigmatized, intimidated and harassed by the police. Relatives who ask for information are sometimes arrested.

“I received many threats from the police,” one family member said. “We still live in the same area where the incident occurred and the police made it clear that we would face the consequences should we pursue this case and should the result be that one of them goes to prison as a result of this case. The police made it very clear that we would not report them and get away with it.”

Human rights activists, doctors and lawyers who work on cases of extrajudicial executions are also subjected to intimidation. According to one lawyer, “If you are suing the police, you will find yourself in a difficult situation. It is the police that will investigate and give report. They threaten us, they tear our clothes, they have pulled their gun at us but have not killed one of the lawyers yet.” Those who ask for information about suspects are beaten, harassed and intimidated by the police. “Doctors are reluctant to go to the police station because at police stations, the police detain and label doctors as accomplices and they beat up those who visit police stations to assist suspects”, one doctor told Amnesty International.

Under international law, police authorities must be transparent and facilitate redress for violations, including by following up on public complaints. People who do step forward to assert their rights as victims of human rights violations by police must be protected from retaliation by police or third parties, and suspected perpetrators must be removed from positions from which they could interfere with witnesses or investigations, so that violations can be effectively investigated and where appropriate, prosecuted.¹⁰⁰

6/NIGERIA'S INTERNATIONAL OBLIGATIONS

The Constitution of the Federal Republic of Nigeria (1999) recognizes the right to life (Section 33) and personal liberty (Section 35), freedom from torture (Section 34.1.a), and the presumption of innocence (Section 36.5). While extrajudicial executions, other unlawful killings and torture are prohibited in Nigeria, they are not included in the criminal and penal codes.

Nigeria has ratified several international and regional human rights instruments that contain human rights standards relevant to policing. These include the ICCPR; the Convention against Torture and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance and the African Charter on Human and Peoples' Rights.

The ICCPR, which Nigeria ratified in October 1993, provides that "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life" (Article 6.1). Further, as provided by Article 4 of the ICCPR, states cannot derogate from their obligations under this provision, even "in time of public emergency which threatens the life of the nation". Every person whose rights or freedoms are violated, has the right to a remedy (Article 2.3.a). The African Charter on Human and Peoples' Rights, ratified in June 1983, also includes the right to life (Article 4). In addition, the Charter prohibits torture and other ill-treatment (Article 5) and provides the right to liberty and security of person (Article 6) as does the ICCPR.

The Convention against Torture, to which Nigeria is a state party, explicitly requires states to prevent acts of torture or other ill-treatment by, or at the instigation of state agents, or with their consent or acquiescence; to ensure that there is a prompt and impartial investigation into such acts; and specifically, to ensure that acts of torture or complicity or participation in torture are punishable by criminal penalties which take into account their grave nature.

The International Convention for the Protection of All Persons from Enforced Disappearance, which has not yet entered into force, but was ratified by Nigeria on 27 July 2009, prohibits enforced disappearances and obliges the Nigerian authorities to ensure that enforced disappearance constitutes an offence under Nigeria's criminal law, punishable by appropriate penalties which take into account its extreme seriousness, and to investigate all cases of disappearances and bring those responsible to justice.

In particular, state parties to the Convention must take measures to hold responsible persons who commit, order, solicit, or induce an enforced disappearance; people who attempt to do so; and people who are accomplice to or participate in enforced disappearance. In addition, superiors are responsible if they knew or could have known that officers under their authority were committing an enforced disappearance; or if they failed to take measures to prevent an enforced disappearance or report to competent authorities.¹⁰¹

In addition to the broad provisions of general human rights treaties, the UN and other intergovernmental organizations have developed comprehensive standards including on the use of force, torture and extrajudicial executions. Such standards include the UN Principles on the Effective Prevention and Investigation of Extra-legal, Summary and Arbitrary Executions which prohibit all extra-legal, arbitrary and summary executions and require the criminalization of such executions. They also require the prevention and investigation of such executions and prosecution of perpetrators.

In 1996 the UN Special Rapporteur on extrajudicial, summary or arbitrary executions has reiterated the importance of investigations: "It is the obligation of Governments to carry out exhaustive and impartial investigations into allegations of violations of the right to life, to identify, bring to justice and punish the perpetrators, to grant compensation to the victims or their families and to take effective measures to avoid future recurrence of such violations."¹⁰²

States are responsible for all deaths in their custody, as the Special Rapporteur has stated in 2006: "With respect to the prevention of deaths in custody, States have heightened responsibilities for persons within their custody. In all circumstances, States are obligated both to refrain from committing acts that violate individual rights and to take appropriate measures to prevent human rights abuses by private persons."¹⁰³

The Special Rapporteur further stated: "All safeguards and due process guarantees, both at pre-trial stages and during the actual trial, must be fully respected in every case, as provided for by several international instruments."¹⁰⁴

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials include the obligation to use firearms only as a last resort when there is an imminent threat to life or serious injury. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law includes the rights to remedy, reparation and access to justice. These standards, if fully and effectively implemented, will significantly reduce the incidence of human rights violations by the police, and the failure to bring perpetrators to justice.

7/CONCLUSION AND RECOMMENDATIONS

Extrajudicial executions, other unlawful killings and enforced disappearances by the police are widespread and go largely un-investigated and unpunished. Provisions in the Constitution and Police Force Order 237 – which provide wide grounds for use of lethal force and which are exploited to cover up extrajudicial executions; corruption and a culture of impunity; and the public fear of rising crime rates all contribute to the problem. While there is no conclusive information on the actual scale of extrajudicial executions, hundreds of people, at least, are extrajudicially executed by the police every year.

Over the years, many national and international organizations have expressed their concerns about extrajudicial executions in Nigeria. In the past four years, the Nigerian government set up two committees to review the Nigeria Police Force (NPF) and present recommendations for possible reforms. However, their recommendations were never implemented.

Ending extrajudicial executions, other unlawful killings and enforced disappearances, require both a change in the culture of impunity and legal reform. The NPF must introduce a new rule of conduct, governed by a respect for human rights, throughout its chain of command – from the very top to the bottom.

Legal reform can only become a force for change once there is will and the commitment within NPF ranks. Police Force Order 237 must be brought in line with Nigeria's international obligations to ensure that police officers are only allowed to use firearms when it is strictly unavoidable to protect life.

Amnesty International urges the Nigerian government and the NPF to focus its reforms on the following eight areas:

Instruction on the use of force: The regulations on use of firearms should be amended to be brought into line with international human rights standards. Lethal force, including the intentional use of firearms, must only be allowed when strictly unavoidable to protect life, and only when less extreme means are insufficient to achieve this objective. All use of lethal force by the police should be investigated immediately.

Training: The NPF urgently needs to ensure that all police officers receive adequate initial and ongoing training. All training should include responsible use of force and firearms in line with international human rights standards.

Adequate resources and equipment: The government should provide the NPF with adequate resources and equipment for self-protection and for the differentiated use of force in order to reduce the use of lethal force.

Respecting the right to remedy: Families and dependants of people who were extrajudicially executed by the police or disappeared from police custody have the right to know what happened to their loved ones. They must get access to justice and be entitled full reparation, including financial compensation. All allegations of extrajudicial executions and enforced disappearances should be investigated by an independent body, which has the powers to investigate cases and refer them to the Director of Police Prosecution (DPP). Witnesses should be provided with adequate protection.

Fighting corruption: Due to the high level of corruption and impunity within the NPF, those who commit human rights violations can escape prosecution through bribery and the corrupt practices themselves are not prosecuted. Accountability is a basis of human rights protection, and essential to fighting corruption.

Reforming the criminal justice system, including the NPF: Nigerian presidential committees and working groups have in past years made many useful recommendations to the government on reforming the criminal justice system, including the Nigeria Police Force. The government should immediately reform the criminal justice system and bring it in line with Nigeria's international obligations. Amnesty International has previously addressed the need for such reform in its reports, *Nigeria: prisoners' rights systematically flouted* (AFR 44/001/2008) and *Nigeria: 'waiting for the hangman'* (AFR 44/020/2008).

Respect for human rights in police custody: to prevent other human rights violations in police custody, a suspect should be brought promptly before a court and have the opportunity to challenge the lawfulness of their detention. All detainees have the right to liberty, which includes a presumption against pre-trial detention, the right to be brought before a court within reasonable time, the right to information, the right to legal counsel, and the right to presumption of innocence until proved guilty. While these rights are guaranteed by international and Nigerian law, they are not enforced.

Ending impunity: Unless suspected perpetrators are brought to justice in accordance with international human rights standards, extrajudicial executions and other unlawful killings will continue. Comprehensive internal and external accountability mechanisms are critical. The Police Service Commission must have adequate financial and human resources to fulfil its mandate. In addition, investigations into complaints and reports of extrajudicial executions by the NPF should be conducted by an independent, transparent body; not by the NPF.

RECOMMENDATIONS

TO THE FEDERAL GOVERNMENT

Amend Section 33(2)(b) of the Nigerian Constitution which provides for more grounds for lethal force than those permitted by international human rights law.

Amend domestic law and regulations governing the use of force by police, including those sections of Police Force Order 237 which provide for more grounds for lethal force than those permitted by international human rights law and standards, and ensure that it is in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

Draft a Federal Coroner's law which requires an investigation to determine circumstances of unnatural, sudden or violent deaths, including all cases of death in custody.

Review the Police Act and Regulations, including those on conduct and discipline, so as to bring them fully into line with international human rights law and standards. In particular, they should include specific prohibition of the use of torture and other ill-treatment, and prohibit arbitrary and abusive use of force and firearms. There should be clear guidelines on the use of force, in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The guidelines should also include rules regarding training.

Establish safe and reliable mechanisms to guarantee the participation of witnesses in the legal process; the authorities should consider the creation of a permanent and effective system for witness protection.

Criminalize torture, extrajudicial executions and enforced disappearances, punishable by sanctions commensurate with the gravity of the practice.

Implement the Optional Protocol to the UN Convention against Torture, and establish an independent body to conduct unrestricted visits to all places of detention to monitor the conditions of detention and treatment of detainees.

Implement the International Convention for the Protection of All Prisoners from Enforced Disappearance and investigate all cases of enforced disappearance.

Implement the recommendations of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions (published in his report of January 2006) and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (published in his report of November 2007).

Set up an independent commission of inquiry to investigate allegations of extrajudicial executions and other unlawful killings and enforced disappearances by the police.

Condemn publicly all extrajudicial executions and other unlawful killings, including of suspected armed robbers, and announce that perpetrators will be brought to justice.

Ensure that every death or serious injury in police custody, and every alleged extrajudicial execution, other unlawful killing and enforced disappearance, including those reported by witnesses or family members, is adequately and impartially investigated by an independent body. Officers suspected of being responsible should be suspended pending investigation; those who use legitimate lethal force should be cleared and those who are implicated in extrajudicial executions should be dismissed and brought before a court and guaranteed the right to a fair trial in accordance with international standards without recourse to the death penalty.

Set up an independent police complaints mechanism to deal specifically with complaints involving the police. Such a body should be operationally independent of the government, any political influence and the police and have the power to compel co-operation and disclosure of evidence by government officials. It should be accessible to members of the public with an office in all states and required to report publicly on its activities. It should be authorized to receive complaints and other reports of human rights violations by police and to investigate incidents; provide any necessary protection to complainants, victims and witnesses; procure and receive evidence and examine witnesses as may be necessary to conduct an effective investigation; and refer matters to the DPP and/or to the police internal disciplinary body, as appropriate.

Establish procedures, develop expertise and procure equipment to facilitate professional investigations into unnecessary or excessive use of firearms, including for securing and examining (potential) crime scenes, ballistics and other forensic tests, and autopsies or medical examinations.

Finance and provide the NPF with adequate equipment and training for the responsible use of force and firearms in line with international human rights standards; and provide the NPF with adequate equipment for self-protection, and for the differentiated use of force, to reduce the use of lethal force.

Ensure that the salary of police officers provides a reasonable standard of living and reflects the important and sometimes dangerous job carried out by the police.

Improve access to legal aid, which should include providing resources to the Legal Aid Council in order to appoint more lawyers.

Abolish all court fees for cases handled on a pro bono basis when the applicant cannot afford the fees.

Ensure that families and dependants of victims of extrajudicial executions and enforced disappearances are entitled to obtain fair and adequate reparation from the state, including financial compensation.

Ensure that everybody in need of emergency medical help, including people with gunshot wounds, is provided with medical care without delay and without requirement of a police report.

TO THE NATIONAL ASSEMBLY

Ensure that Section 33(2)(b) of the Nigerian Constitution which provides for more grounds for lethal force than those permitted by international human rights law is amended.

Ensure that domestic law and regulations governing the use of force by police are amended, including those sections of Police Force Order 237 which provide for more grounds for lethal force than those permitted by international human rights law and standards, and ensure that it is in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

Ensure that every death or serious injury in custody, and every alleged extrajudicial execution and unlawful killing, including those reported by witnesses or family members, is adequately and impartially investigated by an independent body; those officers who are suspected of being responsible, including persons with command responsibility, should be suspended pending investigation; those who used lethal force in line with national law and international human rights law should be cleared and those who were implicated in extrajudicial executions should be dismissed and brought before a court and guaranteed a fair trial in accordance with international standards without recourse to the death penalty.

Ensure that a Federal Coroner's law is established which requires an investigation to determine circumstances of unnatural, sudden or violent deaths including all cases of death in custody.

Criminalize torture, extrajudicial executions and enforced disappearances, punishable by sanctions commensurate with the gravity of the practice.

Review the Police Act, and ensure that the treatment of detainees is in conformity with the Nigerian Constitution as well as with international law and standards, including the provisions of the ICCPR, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners.

Ensure that the Federal Government implements the reforms of the criminal justice system and bring it into line with Nigeria's international obligations. Amnesty International has addressed the need for such reform in its reports *Nigeria: prisoners' rights systematically flouted* (AFR 44/001/2008) and *Nigeria: 'waiting for the hangman'* (AFR 44/020/2008).

Ensure that the recommendations of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions (published in his report of January 2006) and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (published in his report of November 2007) are implemented.

Urge the Federal Government to set up an independent commission of inquiry to investigate extrajudicial executions and enforced disappearances by the police.

Ensure the NPF receives adequate resources, including funding.

TO STATE GOVERNMENTS

Criminalize torture, extrajudicial executions and enforced disappearances, punishable by sanctions commensurate with the gravity of the practice.

Draft a Coroner's law which requires an investigation to determine circumstances of unnatural, sudden or violent deaths, including all cases of death in custody.

Fully implement the relevant provisions of international instruments, including the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, and comply with the recommendations of intergovernmental organizations concerning these violations.

Establish safe and reliable mechanisms to guarantee the participation of witnesses in the legal process; the authorities should consider the creation of a permanent and effective system for witness protection.

Abolish all court fees for cases handled on a pro bono basis when the applicant cannot afford the fees.

Ensure that families and dependants of victims of extrajudicial executions and enforced disappearances are entitled to obtain fair and adequate reparation from the state, including financial compensation.

Condemn publicly all extrajudicial executions and other unlawful killings, including of suspected armed robbers, and announce that perpetrators will be brought to justice.

TO THE POLICE SERVICE COMMISSION

Amend those sections of Police Force Order 237 which provide for more grounds for lethal force than those permitted by international human rights law and standards and ensure that it is in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

Condemn publicly all extrajudicial executions and other unlawful killings, including of suspected armed robbers, and announce that perpetrators will be brought to justice.

Include the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted in an instruction on the use of firearms.

Establish procedures, develop expertise and procure equipment to facilitate professional investigations into unnecessary or excessive use of firearms, including for securing and examining (potential) crime scenes, ballistics and other forensic tests, and autopsies or medical examinations.

Ensure that there are clear guidelines requiring officers to report abuses, and that officers at all levels of the chain of command know about these guidelines and are held responsible for enforcing such guidelines, with penalties imposed for failing to report, or covering up, police misconduct.

Ensure that all police internal disciplinary procedures and mechanisms are clearly set out in publicly available documents and that information on internal investigation procedures, including how to make a complaint about police misconduct, is readily available to the public (including at police stations, through radio and television programmes and on the internet).

Ensure that where reasonable suspicion exists of misconduct and/or a criminal offence involving acts of corruption by a police official, there is a thorough and impartial investigation and that where appropriate, perpetrators are subjected to disciplinary and/or criminal proceedings in accordance with international standards, as set out in the UN Code of Conduct for Law Enforcement Officials. The person under investigation should be suspended from duty pending the investigation. Internal investigation and disciplinary procedures should ensure fairness and due process to both the complainant and police personnel.

Ensure that appropriate disciplinary measures are taken against law enforcement officials who harass or intimidate human rights activists, lawyers or people making a complaint about police misconduct.

TO THE NIGERIA POLICE FORCE

Ensure that procedures for storage and registration of weapons are enforced. Weapons should be stored in designated secure facilities and each should carry a registration number. When weapons are issued, the receiving officer, date, time, weapon registration number, type and number of munitions used should be accounted for. These details need to be checked when weapons and munitions are returned and any use should be reported following any operation.

Ensure that all use of firearms, intentional or accidental, will be reported. Procedures for reporting incidents as well as investigation following every incident should be appropriate and enforced throughout the chain of command. These procedures must be kept in the "Command Log/Incident Record" and be used for evaluating the operation in order to distil lessons for the future and as evidence in case an incident leads to any disciplinary or criminal action.

Ensure that adequate systems and mechanisms are put in place alongside training and regulations on the use of force and firearms to make sure that police officers apply the relevant UN standards in their daily work. This includes ensuring that police officers have access to a differentiated range of police equipment, including adequate self-protective equipment; and that they have adequate training on the use of a range of equipment for the differentiated use of force, and other tactical methods, including open hand techniques (using no equipment), to apply the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Ensure that anyone detained by the police is informed of his or her rights and brought promptly before a judicial authority. Relatives, lawyers and doctors should have prompt and regular access to them.

Ensure that police stations record the name of the suspect, the time of arrest, the reasons for arrest, precise information identifying the place of custody, and the identity of the law enforcement officials concerned.

Ensure that where reasonable suspicion exists of misconduct and/or a criminal offence involving acts of corruption by a police official, that the suspect is immediately suspended from duty and subjected to disciplinary and/or criminal proceedings, as set out in the UN Code of Conduct for Law Enforcement Officials

Ensure that police personnel, like anyone else, have the right to just and favourable working conditions, including adequate remuneration as provided for in international legal standards, including the International Covenant on Economic, Social and Cultural Rights.

TO THE NATIONAL HUMAN RIGHTS COMMISSION

Take a pro-active role in ensuring that relatives of victims of extrajudicial executions, other unlawful killings and enforced disappearances have access to justice.

Ensure that all suspected cases of extrajudicial executions, other unlawful killings and enforced disappearances are investigated.

TO THE INTERNATIONAL COMMUNITY

Promote the recommendations in this report during bilateral and multilateral forums and dialogues with the Nigerian government.

Encourage the Nigerian government to implement the recommendations of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions (published in his report of January 2006) and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (published in his report of November 2007).

Use all available channels to intercede with the Nigerian government and ensure that transfers of equipment, know-how and training for military, security or police do not contribute to human rights violations.

Provide technical support to Nigerian state authorities to assist them to review legislation.

Provide technical support to improve the investigation procedures of the NPF.

APPENDIX/ NIGERIA POLICE FORCE STATISTICS

TABLE 1: NPF BUDGET 2007-2009 (NGN#)¹⁰⁵

	2009	2008	2007
Police formation and command	195,358,792,301	199,041,565,934	95,500,000,000
Total Personnel Cost	172,778,887,043	163,948,246,582	73,225,756,647
Salary & Wages General	133,094,597,773	129,754,175,657	32,855,161,146
Training General	1,160,250,000	1,950,000,000	1,056,000,000
Total capital project	11,756,630,000	15,043,375,258	10,575,790,725
Staff quarters & barracks	2,000,000,000	2,000,000,000	2,965,000,000
Facilities police training institutions	700,000,000	700,000,000	120,000,000
Bullet proof vests and ballistic helmets	500,000,000	500,000,000	1,772,000,000
Office accommodation and police stations	800,000,000	800,000,000	1,036,000,000
Security Intelligence Equipment Force (CID)	300,000,000		
Fingerprint Identification System Force (CID)	100,000,000	420,392,646	
Indoor shooting ranges	100,000,000	100,000,000	
DNA test laboratory	250,000,000		
Force Headquarters dog section kennels	200,000,000		
Nigeria Police Central Store, Abuja	272,446,629		
Consulting and professional services – general		40,700,000	
Security vote (including operations)		1,530,000,000	
Arms and ammunition	356,285,894	350,000,000	297,500,000

Source: Budget office

TABLE 2: DISCIPLINE STATISTICS FOR INSPECTORS & RANK AND FILE 2003-2008

Number of police officers:	2003	2004	2005	2006	2007	2008
Defaulters ¹⁰⁶	2,428	4,356	3,083	3,374	3,524	3,201
Defaulters tried	2,325	3,802	2,809	3,954	3,374	2,438
Defaulters; Major entries	870	1,559	786	1,651	1,525	1,223
Defaulters; Minor entries	237	494	357	198	201	237
Defaulters reprimanded	93	306	73	123	119	129
Defaulters reduced in rank	227	541	173	316	330	230
Defaulters dismissed	487	847	920	1224	880	518
Defaulters discharged	39	50	26	80	141	79
Defaulters on suspension	2	6	27	-	1	-
Defaulters with pending cases	495	750	437	362	213	785

Source: NPF annual reports

TABLE 3: NIGERIA POLICE FORCE, STAFF AND DISMISSAL FIGURES 2007

State	Total police officers	Dismissed in 2007	Percentage of staff dismissed	Population	Number of people per police officer
Force headquarters	18,731	110	0.59%	-	-
ZONE	10,184	1	0.01%	-	-
ABIA	5,348	9	0.17%	2,833,999	530
ABUJA	12,060	46	0.38%	1,405,201	117
ADAMAWA	5,713	15	0.26%	3,168,101	555
AKWA IBOM	6,380	15	0.24%	3,920,208	614
ANAMBRA	7,428	40	0.54%	4,182,032	563
BAUCHI	5,726	46	0.80%	4,676,465	817
BAYELSA	734	10	1.36%	1,703,358	2,321
BENUE	6,698	12	0.18%	4,219,244	630
BORNO	6,307	13	0.21%	4,151,193	658
CROSS RIVERS	8,764	10	0.11%	2,888,966	330
DELTA	8,996	80	0.89%	4,098,391	456
EBONYI	2,269	10	0.44%	2,173,501	958
EDO	7,544	13	0.17%	3,218,332	427
EKITI	4,288	16	0.37%	2,384,212	556
ENUGU	4,060	20	0.49%	3,257,298	802
GOMBE	4,600	25	0.54%	2,353,879	512
IMO	4,775			3,934,899	824
JIGAWA	4,834	16	0.33%	4,348,649	900
KADUNA	11,397	20	0.18%	6,066,562	532
KANO	5,853	1	0.02%	9,383,682	1,603
KATSINA	6,062	8	0.13%	5,792,578	956
KEBBI	4,635			3,238,628	699
KOGI	4,251	10	0.24%	3,278,487	771
KWARA	5,512			2,371,089	430
LAGOS	15,934	94	0.59%	9,013,534	566
NASSARAWA	7,195	11	0.15%	1,863,275	259
NIGER	10,871			3,950,249	363
OGUN	8,985	22	0.24%	3,728,098	415
ONDO	7,312	22	0.30%	3,441,024	471
OSUN	6,076	23	0.38%	3,423,535	563
OYO	10,468	7	0.07%	5,591,589	534
PLATEAU	8,119	7	0.09%	3,178,712	392
RIVERS	10,907	93	0.85%	5,185,400	475
SOKOTO	4,654	17	0.37%	3,696,999	794
TARABA	5,054	4	0.08%	2,300,736	455
YOBE	4,585	18	0.39%	2,321,591	506
ZAMFARA	3,893	18	0.46%	3,259,846	837
PMF	31,971			-	-
TOTAL	10,177	880	0.28%	140,003,542	451

Source: NPF, Annual report 2007 and National census 2006

ENDNOTES

- 1 Report of the Presidential Committee of the Reform of the Nigeria Police Force, 2006, para 13.1.
- 2 Report of the Presidential Committee, 2008.
- 3 Report of the Presidential Committee, 2006, para 15.1.
- 4 Report of the Presidential Committee, 2006, para 13.0.
- 5 Government Whitepaper on the Report of the Presidential Committee on the Reform of the Nigeria, 2008, para 3.126.
- 6 Civil and political rights, including the question of disappearances and summary executions, Report of the Special Rapporteur, Philip Alston, UN Doc: E/CN.4/2006/53/Add.4, January 2006.
- 7 Report of the Presidential Committee, 2006, para 4.2, (ii)b.
- 8 Report of the Presidential Committee, 2008, para 2.5.2.
- 9 The basic training programme includes courses in sociology, psychology, policing and human rights, public relations and conflict resolution and management. The curriculum is currently under review.
- 10 Report of the Presidential Committee, 2006.
- 11 Report of the Presidential Committee, 2008.
- 12 Exchange rate 10 November 2009, ₦100 = US\$0.649.
- 13 Report of the Presidential Committee of the Reform of the Nigeria Police Force, 2008
- 14 The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials require that law enforcement officials are provided with “various types of weapons and ammunition that would allow for a differentiated use of force and firearms”, including less-lethal incapacitating weapons to reduce the necessary use of lethal force, and protective equipment such as shields, helmets, bullet-proof vests and vehicles, both to protect and to decrease the need to use weapons of any kind. Principle 2.
- 15 Civil and political rights, including the question of disappearances and summary executions, UN Doc: E/CN.4/2006/53/Add.4, January 2006.
- 16 CLEEN, *Criminal Victimization, Safety and Policing in Nigeria*, 2006.
- 17 UN Doc: E/CN.4/2006/53/Add.4.
- 18 Amnesty International, Civil Liberties Organization and Access to Justice, Nigeria: Abia State police kill 16 ‘armed robbers’, public statement, AFR 44/019/2006. Four suspected armed robbers were shot at arrest; the remaining twelve were shot after arrest.
- 19 Response of the Government of Nigeria dated 21 November 2006 to a letter of allegation from the Special Rapporteur on extrajudicial, summary or arbitrary executions dated 2 September 2006, <http://www.extrajudicialexecutions.org/communications/nigeria.html>, accessed 23 September 2009.
- 20 Report of the Presidential Committee, 2006, para 12.1
- 21 Nigeria Police Force, *100 Days of Pragmatic Policing in Nigeria*, 4 September 2007.
- 22 Statement by Nigerian delegation, UN Human Rights Council, Geneva, 13 August 2009.
- 23 Ken Niweigha and Sky Odo were arrested by the police in Odi, Bayelsa State. Sky Odo attempted to escape and was shot by the police; he died immediately.
- 24 NOPRIN, *Criminal Force: Torture, Abuse, and Extrajudicial Killings by Police in Nigeria*, 2008.
- 25 Coroner’s court, Ikeja Coronial District, in the matter of the death of Samson Adeleke Adekoy, Coroner’s inquest, Suit no. C/ID/105/01/2008. The Coroner recommended that the Commissioner of Police carry out an internal investigation into the death and charge the police officers for failure to report the death.
- 26 UN Doc: E/CN.4/2006/53/Add.4.
- 28 Constitution of Nigeria, Section 33 (2)(b).
- 27 NPF, The Nigeria Police urges Treatment of Accident Victims and Persons With Gun-Shot Wounds, 27 September 2009.
- 29 Section 3(d) gives the police the power to use firearms to “arrest a person who being in lawful custody escapes and takes the flight in order to avoid re-arrest; provided that the offence, with which he is charged or has been convicted of, is a felony or misdemeanor”.
- 30 Police Force Order 237, Sections 7 and 9.
- 31 Police Force Order 237, Section 4.
- 32 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principles 9 and 16.

- 33** "Riot" is described as a situation in which "12 or more people must remain riotously assembled beyond a reasonable time after the reading of the proclamation".
- 34** Amnesty International interview with IGP Mike Okiro, 30 June 2009.
- 35** According to statistics in the annual reports of the NPF, between 2003 and 2008 3,014 "armed robbers" were killed while 575 were injured by the police; in 2008, 857 "armed robbers" were killed while 53 "armed robbers" were injured by the police.
- 36** E/CN.4/2006/53/Add.4.
- 37** Several weeks after the incident, the police officer who was suspected of torturing James Ute to death offered to pay for the burial; the community rejected the offer and filed an official complaint. Amnesty International is not aware of any steps taken by the police to investigate the case; according to the community leaders, the police prefer to settle the case directly with the community.
- 38** Index: AFR 44/001/2008.
- 39** NHRC, *The State of Human Rights in Nigeria*, 2007.
- 40** NOPRIN, 2008.
- 41** Mission to Nigeria, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, UN Doc: A/HRC/7/3/Add.4, 22 November 2007.
- 42** See *The State of Human Rights in Nigeria 2005-2006*, 2007.
- 43** UN Working Group on the UPR, statement by the Nigerian delegation, February 2009.
- 44** Not his real name
- 45** Section 35 (4) and (5) of the Nigerian Constitution guarantee the right to be brought before a court of law within reasonable time. If there is a court of competent jurisdiction within 40km, a reasonable time is defined as one day; in all other cases "reasonable" is considered to be two days or longer, depending on the distances and circumstances.
- 46** NOPRIN, Criminal Force: Torture, Abuse, and Extrajudicial Killings by Police in Nigeria, 2008.
- 47** The International Human Rights Protection Initiative wrote a petition to the IGP on 29 July 2009.
- 48** NHRC, 2007.
- 49** UN Doc: E/CN.4/2006/53/Add.4.
- 50** Human Rights Watch, *Rest in pieces, Police Torture and Deaths in Custody in Nigeria*, 2005.
- 51** Amnesty International interview, June 2009.
- 52** UN Doc: E/CN.4/2006/53/Add.4.
- 53** Principle 24 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- 54** Statement by Nigerian delegation, UN Human Rights Council, Geneva, 13 August 2009.
- 55** NHRC, 2007.
- 56** Amnesty International is pleased to note that following the intervention of the Inspector-General of Police in July 2009, the case was reopened and is currently investigated by the Assistant Inspector-General of Police in charge of zone 9.
- 57** Access to Justice, *Licensed Killers: a blowing tide of extra-judicial and other killings under the Obasanjo Administration, 1999-2001*, 2001.
- 58** Presidential Committee, 2008, para 3.1.10.2.1.
- 59** Presidential Committee, 2008, para 3.1.10.2.1.
- 60** NOPRIN, 2008.
- 61** "In the individual exercise of his powers as a police officer, every police officer shall be personally liable for any misuse of his powers, or for any act done in excess of his authority.", Police Act, Section 341.
- 62** See Federal High Court of Nigeria, holden at Enugu, 20 October 2006, Suit No. FHC/EN/CS/108/2005.
- 63** The 2008 report of the Presidential Committee notes that "In some instances police weapons have been hired and used in armed robberies and assassinations".
- 64** See Justice Goodluck Judicial Commission of Inquiry, 2005 and Presidential Committees on Police Reform 2006 and 2008.
- 65** The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 11.
- 66** The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 23.
- 67** Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials, UN Economic and Social Council Resolution 1989/61, 24 May 1989, Paragraph 1.B.4.
- 68** UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 22 and UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 23.
- 69** UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 4(d).
- 70** Federal Republic Of Nigeria, *The Judicial Commission Of Inquiry On The Apo Six Killings By The Police Between 7th And 8th June 2005 In Abuja*, Volume 1, Main Report, August 2005.
- 71** The Nigerian government claimed that three policemen were sentenced to death. National Report Submitted In Accordance With Paragraph 15 (A) Of The Annex To Human Rights Council Resolution 5/1 Nigeria, A/Hrc/Wg.6/4/Nga/1.
- 72** NOPRIN, 2008.
- 73** UN Doc: E/CN.4/2006/53/Add.4.
- 74** Principles 11, 17 and 18 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Principle 17 requires the government to "either reply to the report of the investigation, or indicate the steps to be taken in response to it."

EXTRAJUDICIAL EXECUTIONS AND OTHER
UNLAWFUL KILLINGS BY THE POLICE IN NIGERIA

75 UN Model Protocol for A Legal Investigation of Extra-legal, Arbitrary and Summary Executions ("Minnesota Protocol").

76 UN Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 10.

77 UN Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principles 12 and 16.

78 The Police Council is chaired by the Nigerian President. Its members are the 36 governors, the Chairman of the Police Service Commission and the IGP.

79 The Constitution of Nigeria, Section 30 of Third Schedule and the Police Service Commission Act, Section 6.

80 Mission statement of the PSC, <http://www.psc.gov.ng/node/45>, accessed on 9 November 2009

81 Presidential Committee, 2008, para 4.9.2.

82 UN Doc: E/CN.4/2006/53/Add.4.

83 Police Act, Form 3, Sudden and unnatural deaths register.

84 In the southwest for example, the Coroner's Laws are based on the Laws of the Western Region of Nigeria, 1959 Cap 27; in the North, they are based on the Coroner's Law, Cap 27, Laws of Northern Nigeria, 1963.

85 Coroner's Law, cap 36, The Laws of Oyo State of Nigeria, 2000.

86 The Coroner's Law now requires that all cases of death in custody should be reported by the police, and investigated by a medical examiner. After the postmortem is concluded, the body must be released for burial.

87 Coroner's Inquest into the death of Modebayo Awosika, Lagos Magistral district, 17 June 2009.

88 Joseph Otteh at the Coroner Advocacy Workshop in Awka, Anambra State, 5 May, 2009.

89 Memorandum submitted by the DPO Ogui Road Police Station to the Judicial Commission of Inquiry.

90 Memorandum submitted by the DPO Ogui Road Police Station.

91 The commission of Inquiry was let by Hon Justice Ken Ezeike.

92 Amnesty International interview, June 2009; CLO wrote to the Commissioner of Police, Enugu State Command, on 17 August 2005.

93 Innocent Onovo was shot by the police in Lagos State on 12 May 2006. According to the police, he was taken on patrol to an area where a robbery had taken place and he was killed in cross fire.

94 The Nigerian Bar Association adopted a "Pro bono declaration" in which the members agree to offer at least 20 hours pro bono service a year to those who cannot afford a lawyer, effective from January 2009. See: www.hri.nigerianbar.org/images/PRO%20BONO%20.pdf, accessed on 9 November 2009.

95 Presidential Committee, 2008, para 5.10.1.

96 NOPRIN, 2008.

97 Presidential Committee, 2008, para 5.10.1.

98 The UN Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the UN General Assembly on 16 December 2005, Principle 20.

99 The UN Basic Principles and Guidelines on the Right to Remedy and Reparation, Principle 20.

100 UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, Principle 15.

101 International Convention for the Protection of All Persons from Enforced Disappearance, Article 6.

102 UN General Assembly, human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, <http://www.un.org/documents/ga/docs/51/plenary/a51-457.htm>, accessed 10 November 2009.

103 UN General Assembly, Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, September 2006, A/61/311, http://www.extrajudicialexecutions.org/reports/A_61_311.pdf#page=12, accessed 10 November 2009.

104 UN general Assembly, A/61/311.

105 Exchange rate 10 November 2009, ₦100 = US\$ 0.649.

106 A defaulter is an officer who violates the police regulations.



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KILLING AT WILL

EXTRAJUDICIAL EXECUTIONS AND OTHER UNLAWFUL KILLINGS BY THE POLICE IN NIGERIA

Hundreds of people are unlawfully killed by the police in Nigeria every year. Some people die because they fail to pay police officers a bribe. Others are killed because the police use excessive force during arrest. Some are simply in the wrong place at the wrong time. Many of the victims are killed by police officers in extrajudicial executions. Once in custody and away from the public eye, some people are tortured to death in police stations; others disappear in custody.

The police often claim that the victims were armed robbers or that they attempted to escape custody. Such claims are rarely challenged and very few of those who unlawfully kill are brought to justice. Inadequate legislation, failure to investigate and prosecute, and a widespread disregard for human rights and due process within the police force have bred a culture of impunity.

Victims' families are left with no remedy and no justice. Most likely to be poor, the families cannot afford legal counsel. Those who complain are ignored; those who persist are harassed.

The Nigerian government must act immediately to end all unlawful killings, bring perpetrators to justice and ensure that victims' families receive adequate reparation.

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

www.amnesty.org

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