

NETWORK ON POLICE REFORM IN NIGERIA

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CRIMINAL FORCE?:

AN INTERIM REPORT ON THE NIGERIA POLICE FORCE

A Progress Report by the
Network on Police Reform in Nigeria (NOPRIN)

10 December 2007

Overview

At his inauguration on 29 May 2007, Nigeria's new President, Umaru Musa Yar'Adua pledged that his "government is determined to strengthen the capacity of law enforcement agencies, especially the police. The state must fulfill its constitutional responsibility of protecting life and property."¹ In anticipation of the transition to the new government, and to inform strengthening of the institutions and infrastructure for public safety and security in Nigeria, the Network on Police Reform in Nigeria (NOPRIN) launched a project in January 2007 to monitor Police conduct. The findings from this monitoring have been collated and will be launched in 2008. This interim report highlights the patterns emerging from this project.

The evidence from NOPRIN's monitoring of police practices covering over 400 police stations in 14 States of Nigeria found a police institution whose work has been criminalized. Police personnel kill, torture, extort, and commit rape, safe in the knowledge that they are unlikely to suffer consequences for such misconduct. Such brutal police practices have thus become the routine of policing in Nigeria. Far from being a scourge to crime and its perpetrators, the NPF is now a danger to public safety and security and the conduct of its personnel could be the cause of a major public health and mortality emergency on a national scale.

NOPRIN's monitoring uncovered facts strongly indicating that the police in Nigeria have become a major source of death and ill-health for many people who come in contact with it. Custodial conditions in police cells are the cause of multiple ailments and infectious diseases.² Many detainees die outside police custody from injuries sustained during police torture. For instance, an ex-detainee, Ifezina, died in late 2005, several days after being released from the Garki Police Station in Abuja, where he endured prolonged torture that included the repeated insertion of un-sterilized needles into his urinary tract.³ Others leave police detention with injuries that maim them for life or condemn them to a life of physical destitution and ill-health. There is no way of estimating the numbers of such people. In addition, our interim findings suggest an unusually high incidence of insanity and psychiatric ailments among officers of the State CID in many States including Abia, Anambra, Enugu, Kaduna, and Lagos States. A

¹ Inaugural Address of President Umaru Musa Yar'Adua, President of the Federal Republic of Nigeria and Commander-In-Chief of The Armed Forces, May 29, 2007 available at <http://againstabangida.com/content/view/374/27/>

² See also, Access to Justice, *Breaking Point: How Torture and the Police Cell System Violate Justice in the Criminal Investigation Process in Nigeria*, p.24 (June 2005)

³ *Ibid*, p. 11

psychiatrist in Enugu suggested that this may be connected with the routine practices of torture and extra-judicial executions that these personnel have to carry out.

This interim report highlights an emerging pattern of acts that have come, in the public's mind, to define how the police in Nigeria operate. The incidents and acts highlighted in this report are not isolated occurrences. They are the daily routines of policing in Nigeria. Every incident described in this report reveals a crime or crimes under Nigerian law. In nearly all of them, the perpetrators enjoy impunity that inspires personnel of the NPF to repeat similar or worse misconduct in different parts of Nigeria. The routine nature of these acts has destroyed public confidence in the police and encourages vigilantism, police-for-hire, and do-it-yourself policing.

This report recommends urgent measures that must be implemented to ensure that the goal of creating a capable police agency in Nigeria is attainable.

Methodology

This interim report presents the findings of a nationwide investigation of police practices in Nigeria. It is based on an investigation undertaken in fourteen States and territories of Nigeria from January to November 2007. The States were selected on the basis of a representative sample of two States from each of Nigeria's six geo-political zones. The States and territories covered in this investigation are:

- North-East: Borno and Adamawa States
- North-West: Kaduna and Kano States
- North-Central: Abuja, Federal Capital Territory and Plateau State
- South-West: Lagos and Oyo States
- South-South: Delta and Rivers States
- South-East: Abia and Anambra States

The deployment of additional monitoring capability in Enugu State and Sokoto States brought the total number of States in which monitoring took place to 14. In all, NOPRIN researchers visited about 400 Police Stations in the 14 States and the Federal Capital Territory of Abuja. The information examined in this investigation covered the period from January 2004 to September 2007. NOPRIN co-ordinated the research team and managed the investigation.

During the field research, our investigators interviewed and spoke with users of police services and providers of complementary services to the police, including judges and magistrates, public prosecutors,

staff of judicial institutions and tribunals, suspects and detainees, ex-detainees and their families, medical and legal professionals, some police officers, as well as medical personnel, morticians and mortuary attendants.⁴

We supplemented the field investigation with three expert reviews respectively of patterns of police conduct towards women,⁵ medico-legal aspects of police conduct,⁶ and police forensics. We similarly reviewed all complaints of extra-judicial executions against personnel of the NPF lodged with the National Human Rights Commission from 1997 to 2005.⁷ Research for this report extended to a review of secondary literature, including newspapers and other previous reports by governmental, inter-governmental, and non-governmental organizations on police conduct in Nigeria published since 2004.

Context

The Justice Goodluck Commission established by then President Olusegun Obasanjo in 2005 to investigate the killing by the Police in Apo, Abuja, of six young persons falsely labeled as “armed robbers” documented overwhelming evidence of a Police Force widely seen to be “an unfriendly organization whose officers are generally high-handed and abrasive, always using their position to take unfair advantage of people in order to extort money from them.”⁸

The NPF is a federal institution. Nigeria’s 1999 Constitution prohibits the existence of State or other Police.⁹ There are currently about 360,000 personnel in the NPF.¹⁰ Notwithstanding its large size, the NPF has a centralized management, command and control structure, which lacks both the will and management capabilities to deliver policing resources to the points of need in the communities and thrives on diverting policing resources for private gain.¹¹ There is “a longstanding excessive hierarchical character of the

⁴ It has been necessary in some cases highlighted in this interim report to accord anonymity to our respondents because of their fears of police reprisals.

⁵ Project Alert & GAT, *Gendered Patterns of Police Abuse in Nigeria*, September 2007

⁶ Dr. Anthony Okwuosah & Dr. Matthew Izebu, *Medico-Legal Aspects of Police Torture and Extra-Judicial Killings in Nigeria*, June 2007 (hereafter recited as “Medico-Legal Aspects Report”)

⁷ There were 254 of such complaints

⁸ *Report of the Judicial Commission of Inquiry on the Apo Six Killings by the Police between 7th and 8th June 2005 in Abuja*, Main Report, Vol. 1, Chapter 3, para 1.2 (hereafter called “Goodluck Commission Report”)

⁹ Constitution of the Federal Republic of Nigeria, 1999, Section 214(1).

¹⁰ “Hundreds of Nigerian Robbers Shot”, BBC News, available at <http://news.bbc.co.uk/2/hi/africa/7096862.stm>. Human Rights Watch estimated the size of the NPF in 2005 at “approximately 325,000 officers.” See Human Rights Watch, *Rest in Pieces: Police Torture and Deaths in Custody in Nigeria*, Vol. 17, No 11(A), 17. Accurate figures on the size of the police in Nigeria are hard to come by. The Police Service Commission was reportedly undertaking a personnel audit of the NPF at the time of this report.

¹¹ Inspector-General of Police Tafa Balogun was forced to resign from his position in January 2005. On 23 November 2005, the Federal High Court in Abuja convicted and sentenced Mr. Balogun, a lawyer, to six months in prison after he pleaded guilty to eight counts of money laundering, corruption, theft of public resources, and unlawful enrichment. In all, the charges involved

Nigerian Police in which the Inspector-General of Police (IGP) single-handedly determines both policy and operational matters.”¹² The remuneration of police personnel, especially at the lower ranks, is below subsistence levels, leaving most of them in or on the margins of extreme poverty.¹³ The general welfare and living conditions of police personnel are inadequate. Police personnel thus carry out their functions chronically dehumanized by their own impoverishment.¹⁴ This contributes to the general climate of police abuses, especially police extortion, but does not excuse it.

The infrastructure for evidence-based policing is absent. The entire forensic infrastructure of the NPF comprises a comatose Forensic laboratory in Oshodi, Lagos, and two “Government Chemists” in Lagos Island and Kaduna. Police personnel lack the skills to preserve crime scenes or collect evidence from them. There are no facilities for storing or transporting evidence. Several State Directors of Public Prosecutions complained to NOPRIN researchers that police personnel lack even the most basic skills in interrogation or recording of evidence. This too may contribute to habitual resort to unlawful “investigative” practices.

Senior police personnel encourage third-degree policing, justify torture, and celebrate escalation in extra-judicial killings by the police as achievement. In a media briefing on 15 November 2007 marking his 100 days in office, acting Inspector-General of Police, Mike Okiro, reported as his principal achievement the extra-judicial killing of 785 persons labeled as “armed robbers” by the police.¹⁵ Four days later, on 19 November, the federal government confirmed Mr. Okiro in the position of Inspector-General,¹⁶ leaving the public with the impression that the government at the highest levels endorses extra-judicial executions by the police on this scale.

assets totaling 150 million US Dollars, and included money hidden in bank accounts, shares in blue chip companies and up to fourteen up-market properties. See “EFCC and Unfinished Celebrated Cases” available at http://www.efccnigeria.org/index.php?option=com_content&task=view&id=1704&Itemid=2

¹² Okechukwu Ibeanu, “Criminal Justice Reforms: Policing Services Delivery” in Access to Justice, *Reforming for Justice: A Review of Justice Sector Reforms in Nigeria, 1999-2007*, 20, p.28 (2007)

¹³ The gross annual salary of the Police Constable during the time of this report was 61,896 Naira, representing a monthly salary of 5,158 Naira or daily salary of 171.93 Naira. At the current Naira-US Dollar exchange rate of \$-124 Naira, this represents a daily remuneration of \$1.38 or a monthly remuneration of \$41.59.

¹⁴ A Presidential Committee on Police Reforms chaired by former Deputy-Inspector General Alhaji Muhammadu Danmadami, reported in February 2006 with recommendations for a radical overhaul of living conditions and remuneration of the police to achieve a living wage. Its recommendations included adjustments in basic police salaries ranging from a 350% increase for Police Constables to a 100% increase for the Inspector-General of Police. These recommendations had not yet been implemented at the time of this report. See *Report of the Presidential Committee on Police Reforms*, Vol.1 Summary and Recommendations, p. 22; Ben Agande, “FG Confirms Okiro; Police Arrest 300 over Kano Polls”, available at http://www.vanguardngr.com/index.php?option=com_content&task=view&id=1884&Itemid=43

¹⁵ *Saturday Thisday*, 17 November 2007, page 5.

¹⁶ Ben Agande, “Nigeria: FG Confirms Okiro; Police Arrest 300 Over Kano LG Polls”, *Vanguard*, 20 November 2007, available at <http://allafrica.com/stories/200711200270.html>

Other Reports on the Nigeria Police Force

The thirty months preceding this report have seen the publication of four authoritative reports on different aspects of police abuse in Nigeria issued respectively by a national non-governmental organization (NGO), an international human rights organization, a presidential commission, and the United Nations Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions. In June 2005, the Nigerian NGO Access to Justice issued a report titled *Breaking Point*, in which it presented compelling evidence to support the conclusion that “the use of torture is extremely widespread within the Nigeria Police Force and is an institutionalized and routine practice.”¹⁷ In its July 2005 report, *Rest in Pieces*, Human Rights Watch “found the use of torture and other cruel, inhuman, and degrading treatment by the Nigerian Police Force to be widespread and routine”, including “brutal acts of torture, dozens of which resulted in death perpetrated by and with the knowledge of senior police officers.”¹⁸ In its report submitted to the Government of Nigeria in August 2005, the Justice Goodluck Commission of Inquiry into the Apo Police Killings documented extensive evidence of a police force that had through “intimidation and oppression ... instilled fear into the residents”,¹⁹ arguably creating what Human Rights Watch had found to be “deeply engrained societal attitudes that accept police torture and other abuses as legitimate tools to combat crime.”²⁰ In his 2006 report based on a mission to Nigeria, the UN Special Rapporteur on Extra-Judicial, Summary, or Arbitrary Executions, Philip Alston, observed that torture was an intrinsic part of law enforcement methods in Nigeria and found a “largely unaccountable police force, a system that does little to deter police killings or deaths in custody, and impunity for those accused of associated misconduct.”²¹ All four reports found widespread evidence of “sexual assault, oppression, unwarranted arrests, intimidation, extortion” by the Police.²²

A criminalized institution

NOPRIN’s interim findings suggest a nation-wide use of brutal forms of torture, including rape and other sexual violence; extra-judicial and summary execution; extortion; and other patterns of corruption including the use or diversion of police resources for personal enrichment; and police harassment, intimidation of victims and destruction of evidence, including the bodies of victims of extra-judicial executions. In addition to those killed in encounters with the police, the project observed a chilling pattern

¹⁷ Access to Justice, *Breaking Point: How Torture and the Police Cell System Violate Justice in the Criminal Investigation Process in Nigeria*, June 2005, p. 5

¹⁸ Human Rights Watch, *Rest in Pieces: Police Torture and Deaths in Custody in Nigeria*, Vol 17, No 11(A), 3.

¹⁹ *Goodluck Commission Report*, Vol 1, chapter 3, para 1.6

²⁰ Human Rights Watch, *Rest in Pieces*, p. 5.

²¹ United Nations, Economic & Social Council, *Report of the Special Rapporteur, Mr. Philip Alston, Mission to Nigeria*, E/CN.4/2006/53/Add.4, 7 January 2006, para 100

²² *Goodluck Commission Report*, Chapter 3, para 1.3

of police-for-hire, mass killings, and burials in shallow graves, an institution that clearly condones torture, the maintenance of designated torture chambers and personnel in most police stations, and an institution some of whose officers practice and celebrate rape and sexual assault as “fringe benefits” of policing. These abuses are perpetrated with the knowledge, specific orders or acquiescence of superior police officers.

Ex-detainees report having been tied up and suspended mid-air in un-natural positions, kicked and beaten with machetes, gun butts, boots, fists, electric wires, animal hide, and other instruments. Others describe being shot in the leg while in custody or suffering multiple fractures in different parts of the body after being assaulted by police officers while in their custody. Some female ex-detainees report being subjected by police personnel to sexual abuse, including rape by non-biological objects such as batons, and having pepper spray used on their genitals. A police officer attached to the Police in Ikeja, Lagos State, described to our investigators their practice of raping professional sex workers, claiming that “this is one of the fringe benefits attached to night patrol.”²³ Many male suspects and detainees routinely reported having sharp objects being inserted into their genitals. The categories of violations overlap and are in many cases part of one continuum. What begins as a routine case of road-side extortion by the police could easily continue to unjustified detention, and end as torture and possibly extra-judicial execution.

An Epidemic of Police Killings

The number of people killed by the police is impossible to quantify. Mass killings are frequent. The evidence suggests that the police do not keep adequate records of encounter and other killings committed by its personnel or that figures of police killings are deliberately manipulated to produce artificially low statistics of killings. In April 2004, then Inspector-General of Police informed Human Rights Watch researchers that the NPF killed 7,198 “armed robbers” from 200 to March 2004.²⁴ This represents an average monthly killing rate of 141.37 persons or a daily average of 4.7.

For the same period, however, Mr. Balogun’s successor, Sunday Ehindero, reported much different statistics in a letter to the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions in July 2006. In this letter, Mr. Ehindero claimed that in the five years from 2000 to 2004, the

²³ Encounter with Police officer, Ikeja, Lagos State, May 2007

²⁴ Human Rights Watch, *Rest in Pieces*, p. 15. The breakdown of these killings was as follows: 2000- 834 killed; 2001-821 killed; 2002-2021 killed; 2003-3100 killed; January-March 2004-422 killed. Total – 7,198. During the same period, the Inspector-General reported that the NPF lost 314 men killed in encounters with “armed robbers”.

Nigeria Police Force killed 2,402 and arrested another 20,314 “armed robbers”,²⁵ representing an inexplicable difference of 4,796 killings between Mr. Balogun’s figures and Mr. Ehindero’s. Mr. Ehindero’s figures represent a killing-to-arrest ratio of 1:8.46 persons. In 2006, the Police officially reported that it killed 329 “robbery suspects”, of whom 100 were killed in Lagos alone. This compares with the official 252 “robbery suspects” killed in 2005.²⁶

In November 2007, Human Rights Watch estimated that the number of persons killed by the NPF in the eight years since 2000 to be in excess of 10,000.²⁷ Evidence gathered in the preparation of this report suggests that this estimate may even undercount actual killings. In 2004 alone, the Legal Defence and Aid Project (LEDAP) documented 2,987 cases of extra-judicial executions by law enforcement agencies.²⁸ This is roughly consistent with the most recent official police claims and figures on the official rate of Police encounter killings. In November 2007, Acting Inspector-General Mike Okiro reported that the police had killed 785 and arrested 1628 “armed robbers” in his first one hundred days in the office of Inspector-General.²⁹ This translates into a daily killing rate of 7.85 persons, a killing-to-arrest ratio of 1:2.07, or, in comparison to the very conservative statistics announced by former Inspector-General Ehindero, an increase of over 400% on the official Police statistics of encounter-related police killings for the years 2000-2004.

The admitted statistics for police killings in the three months preceding November 2007 exceeds the annual figures for any of the seven years from 2000 to 2006 admitted by former Inspector-General Ehindero and is more than the combined total of admitted killings from 2001 to 2002 as well as from 2005 to 2006. These figures suggest either that the Police under-counted the number of killings in other years or that there is now an alarming escalation in police killings. Whatever the explanation, extra-judicial executions appear to have become an acceptable tool of policing.

The daily execution rate of 7.85 persons admitted by Acting Inspector-General of Police Mike Okiro in November 2007 would produce an acknowledged annual killing rate of 2,865.25 killings from police

²⁵ Letter Ref. No. SR.001/IGP.SEC/ABJ/VOL.17/366 of 2 July 2005 by the Inspector-General of Police to Philip Alston, Special Rapporteur on Extra-Judicial, Summary or Arbitrary Executions. The yearly totals of killings admitted by the Inspector-General were as follows: 2000–595; 2001-376; 2002-317; 2003-545; 2004-569. According to the letter, 690 Police officers were killed in gun-related encounters during the same period.

²⁶ Nigeria Police Force, *Annual Report 2006*, p. 217-218

²⁷ Human Rights Watch, “Nigeria: Investigate Widespread Killings by Police”, Press Release, 19 November 2007, p. 1

²⁸ Dr. Anthony Okwuosah & Dr. Matthew Izegbu, *Medico-Legal Aspects of Police Torture and Extra-Judicial Killings in Nigeria*, June 2007, p. 16

²⁹ The acting Inspector-General also reported that the NPF lost 62 men during these encounters. See, Tashikalmah Hallah, “Nigeria: Police Kill 785 Armed Robbers in Three Months”, available at <http://allafrica.com/stories/200711150425.html>.

encounters alone. By comparison, the 3100 killings admitted by former Inspector-General, Tafa Balogun, in 2003, amounts a daily police killing rate of 8.49 persons. It may be difficult to extrapolate on the basis of these figures. They do, however, indicate that Police killings are pervasive. By comparison, any ailment that produces such high rate of mortality would in all likelihood be treated as a public health crisis.

Police personnel refer to detainees marked for execution as “rams” or “bush meat”. The State Anti-robbery Squads (SARS) and Criminal Investigation Divisions (SCIDs) in all States have acquired notoriety for wasting operations and torture. Certain locations are also well known to the public as sites of extra-judicial execution. The Police check-point at the Abuja Junction on the Abuja-Kaduna road is one such spot remarkable for its perennial stench of decomposing human remains. We found that there is an unwritten rule in Police formations in Nigeria that “confirmed” armed robbery suspects should be “escorted”, sent on an “errand”, or “transferred to Abuja”, all euphemisms for summary execution. “Confirmation” is secured through torture.

At the Lagos SCID in June 2005, a police officer warned an Army Corporal off the trail of his brother who had been detained at the station with the words: “Don’t you know what we do to ‘robbers’ here?”³⁰ Abdullahi, a local politician who survived particularly egregious torture at the Karfi Police post in Kano in September 2006, in a case arising from an intra-party dispute, narrated to our researchers how he was saved from certain death by the timely intervention of a Police Sergeant who called off his more enthusiastic colleague administering the torture with words to the effect that what he was about to do was “only reserved for robbers”. In one of the States north-western Nigeria, the Assistant Commissioner in charge of the State CID informed NOPRIN researchers that the Police do not charge to court persons who have killed in the course of robbery, nor are such people kept in Police cells. According to the Assistant Commissioner, such people are “dealt with according to the law of Moses.” He resisted any suggestion that it is for the courts to determine whether such crimes have been committed, and claimed the Police “have our way of making sure” that such persons have indeed committed the acts for which the Police exacts retribution.

Many detainees reported a high number of deaths in police custody. A youthful male detained at the SCID in Panti, Lagos in May 2005 told our investigators that he counted 15 bodies executed and disposed of from the station during the seven days that he was detained there. Another detainee held for over one month in the cells of the SARS in Awka, Anambra State between June and July 2006 reported that an

³⁰ Interview with victim, Lagos, March 2007.

average of four detainees died daily in the cells from torture, summary executions or the sub-human conditions in the cells.

The Lagos SCID in Yaba, better known as Panti Police Station, and the Adeniji-Adele Police Station in Lagos Island are particularly notorious for such violations. In Anambra State, the Ogidi Police Station, Area Command Police Station in Awka, and Central Police Station in Onitsha are similarly notorious. So also are the Dobeli and Area Command Police Stations in Yola, Adamawa State; Gabasawa and Tudun Wada Stations in Kaduna State; Gwagwarwa, No-Man's Land, and Zaria Road Police Stations in Kano; Mapo and Iyangaku Police Stations in Ibadan, Oyo State; and Katako and Nasarawa Police Stations in Jos, Plateau State.

A custom of cover-ups

Police personnel have evolved elaborate customs to cover up such summary executions and deaths in their custody. Mass burials are frequent. Staff of the Lagos State University Teaching Hospital, in Ikeja, Lagos, informed NOPRIN researchers that “the Police no longer bring dead bodies that they kill here. They now throw them inside the lagoon.”³¹ In other cases, the police would allow for the on-set of advanced autolysis before delivering the body up for a post-mortem.³² This creates maximum inconvenience for medical examiners, often forcing them to hurry certification of death without adequate examination. The aim, it seems, is to facilitate the quick removal of the bodies for mass burial, even without prior identification of the victims. Most police stations keep no or inadequate records of detainees and suspects in order to facilitate the elimination of suspects and the disposal of their bodies. For instance, at the State CID in Sokoto and Enugu respectively, senior police officers explicitly informed NOPRIN researchers that they did not keep or record suspects marked for elimination in the cells, declaring in each case: “you can quote me”. Many families reported being denied the opportunity to bury their people killed by or in police custody or having to pay significant sums of money in bribes in order to retrieve the bodies of their dead ones for burial.

...And Failure of Accountability

These violations have largely been aided by the failings and limitations of the medical profession and the institutions for legal accountability in Nigeria. An independent review of the role of Nigeria's medical profession in Police misconduct commissioned for this report concluded that “the Police have found a

³¹ Interview with NOPRIN researchers, June 2007

³² Autolysis is the destruction of tissues or cells of an organism by the action of substances, such as enzymes, that are produced within the organism.

compliant and uncaring Nigerian medical profession and have, therefore, found it unnecessary to intimidate or coerce doctors into complying.”³³ The police often deposit the remains of their victims in public mortuaries as cases of death from fatal road traffic accidents or “unknown armed robbery suspect”. These classifications are routinely reproduced by the attending medical examiners, even when a cover-up is obvious. As staff of the State Specialist Hospital in Yola told our investigators in May 2007:

When the police bring corpses like that, there is a way we know if the deaths are from their hand...When we are preparing bodies for embalming and you see traces of severe beating or bullets lodged in the legs or people who simply die because of starvation and maltreatment, you don't need to go far.

Police personnel mostly enjoy impunity for these acts. The Police appear to prefer the internal control mechanism of an Orderly Room Trial, the Police equivalent of a court martial to accountability through external oversight bodies, such as the Police Service Commission or the courts. At his November 2007 press briefing, then Inspector-General of Police, Mike Okiro, reportedly said:

As part of the anti-corruption crusade of the Inspector General of Police, 28 policemen were raided and arrested on the highways across Kogi, Edo, Nasarawa and Akwa Ibom states during which various sums of money extorted from drivers were recovered. They have all been tried in Orderly Room departmentally and dismissed from the Force.³⁴

The public does not participate in these internal police proceedings nor do the police produce any public report on Orderly Room Trials. Rather than keep them in station to clear their names, the management of the Police usually transfers out of station, police officers involved in serious cases of reported violations. Faced with resulting inability to locate the affected police officers in the system, the investigating agencies often give up on the complaints.

In all but five of the 254 complaints of extra-judicial execution lodged with the National Human Rights Commission since 1997, for instance, the complaints stalled in the face of a pattern of failure or refusal by the Police to acknowledge the entreaties of the Commission, unverified claims that they were investigating or repeated transfer of the officers against whom the complaints were made to other

³³ Okwuosah & Izegbu, *Medico-Legal Aspects Report*, 2

³⁴ Tashikalmah Halla, *ubi. sup.*

locations with no forwarding addresses. Almost invariably the complaints ground to a halt in the face of obvious lack of police co-operation compounded by a clear failure of will to hold them to account.

The crime of torture does not exist in Nigerian law but the Criminal Codes of the States include such offences against the person as assault, rape, and murder. Judicial oversight is ineffective. Successive recent Inspectors-General who disclosed information on police killings have not suggested that any of the killings resulted in any criminal proceedings. On the contrary, these killings have been counted as evidence of effective policing. None of the thousands of killings admitted by successive Inspectors-General of Police or reported by non-governmental organizations resulted in criminal prosecution. In any case, the police have statutory responsibility to investigate such cases for prosecution. The case of the officers who summarily executed six youths in Apo Village, Abuja in 2005 illustrates the difficulties with ensuring accountability for police abuses. The Justice Goodluck Presidential Commission into the Killings recommended the prosecution of the officers involved in the killings. Of the senior police officers who participated in the killing, one inexplicably escaped while in police custody.³⁵ The other two subsequently secured bail on specious grounds,³⁶ and a witness, Police Constable Anthony Idam, “lost his life in the attempt (by the culprits) to cover up the true situation.”³⁷

The Police Service Commission established in 2001 as the oversight body for the police is still institutionally weak. At the time of this report, the Council of the Commission remained to be constituted over one year after the last Council vacated office at the expiration of its statutory five-year tenure in October 2006. In the absence of the Council, the Commission is unable to consider or take any decisions on complaints of police abuse. The leadership of the Nigeria Police Force has been reluctant at best to cooperate with the Commission and, notwithstanding clear statutory provisions to the contrary, vigorously contests the standing of the Commission to investigate police misconduct. In February 2006, the Federal High Court in Abuja ruled that the PSC was precluded from undertaking its statutory functions wherever a disciplinary infraction involving the commission of crime is alleged against a police officer because “wherever crimes are alleged and investigation is required, the duty to carry out such an investigation is that of the Nigeria Police Force, which is trained to carry out such a function.”³⁸ The learned judge gave

³⁵ *Report of the Special Rapporteur*, para 10.

³⁶ *Federal Republic of Nigeria v. Danjuma Ibrahim & 5 Others*, Federal High Court, Charge No. FCT/HC/CR/79/2005, In Re: Motion No. M/4717/2005, Unreported Ruling of I. U. Bello J., 2 August 2006.

³⁷ Ministry of Police Affairs Abuja, Press Statement on the Apo Six Killings Issued by Alaowei Broderick Bozimo, Minister of Police Affairs, on Behalf of the Federal Government, *Saturday Thisday*, December 17 2005, p. 26

³⁸ *Theophilus Uwalaka v. Police/Police Service Commission*, Suit No., FHC/ABJ/M/570/2005, Unreported judgment of Kuewumi J., of 14 December 2006, p. 6.

no authority to support this conclusion; the facts observed during NOPRIN’s monitoring suggest that the Police have no such training.

Successive leaders of the Nigeria Police Force have paid lip service to the principle that the police should be bound by law. Current Inspector-General, Mike Okiro, has recently launched a “9-way Test”, the major highlights of which commit the NPF to transparency and accountability and to “improving the human rights record of the Police.”³⁹ NOPRIN’s interim findings from this project strongly suggest that the conduct and operations of the Nigeria Police dangerously depart from the requirements of Nigerian law. It is also an urgent call to policy action to return policing in Nigeria to the path of lawfulness and public confidence.

³⁹ Okechukwu Ibeanu, “Criminal Justice Reforms: Policing Services Delivery” in Access to Justice, *Reforming for Justice: A Review of Justice Sector Reforms in Nigeria, 1999-2007*, 20, p.28 (2007)

RECOMMENDATIONS

To the President and Federal Government

Measures Concerning Police Remuneration, Welfare, and Infrastructure

- Publish its White Paper and timetable for implementation of the recommendations of the Presidential (Danmadami) Committee on Police Reforms, especially as they apply to Police salaries, remuneration, appropriations, and management of Police funds .
- Ensure the existence of effective and adequate health and life insurance to cover incidents of death, injury, or permanent incapacitation of police personnel in line of duty.
- Prioritize investment in the creation of forensic capabilities for law enforcement in Nigeria. For this purpose, the Federal government should identify Nigerian Universities with which the government can establish partnership in establishing forensic investigation laboratories to serve the needs of law enforcement in the country.
- Ensure that Police personnel are adequately protected in line of duty and that the Police as an institution has adequate communications infrastructure for its work.
- Ensure nation-wide roll-out of the community policing strategy.
- Establish and maintain a central, electronically accessible, criminal justice information management system.

Police Accountability and Monitoring

- Re-constitute urgently, the Council of the Police Service Commission and increase political and budgetary support in support of the capacities of the Commission
- Work with the States, the judiciary, and the Bar to urgently reinvigorate the Administration of Justice Committees at both federal and State levels to reinvigorate Administration of Justice Committees and deploy effective monitoring of Police cells around Nigeria
- Ratify the Optional Protocol to the Convention against Torture and other Cruel Inhuman and Degrading Treatment, which establishes an international inspection system for places of detention, including Police cells and holding centres
- Require the Police to maintain adequate documentation and identification of all persons processed into Police custody and to file periodic reports of its detention records with the Chief

Justice of the Federation and the Federal Attorney-General at the federal level and, in the States, with the State Chief Judges and Attorneys-General.

- Require the Police to maintain a register of all deaths involving its personnel and to file quarterly reports of all such deaths with the Chief Justice of the Federation and the Federal Attorney-General at the federal level and, in the States, with the State Chief Judges and Attorneys-General.
- Increase political, budgetary, and personnel support to the Legal Aid Council.
- Direct the Federal Attorney-General to urgently work with the Nigerian Bar Association, the Legal Aid Council, and voluntary legal aid providers to work out modalities and roll out the deployment of duty solicitors in all State CID and SARS establishments in the Police.
- Establish a national register for missing persons and deaths involving the Police to be maintained by the offices of the Legal Aid Council in its offices all over Nigeria
- Work with the ECOWAS, neighboring countries, and Nigeria's international partners to ensure effective implementation of the ECOWAS Moratorium on the import, export, and manufacture of light weapons in West Africa.

Concerning Gender-specific Abuses

- Direct the Federal the relevant departments of government at the federal level, in collaboration with their counterparts in the States, to launch an inquiry into the incidence and prevalence of gender-specific abuses by personnel of the NPF
- Publish for consultation and implementation, protocols for the management of female detainees and suspects and their protection from sexual abuse in custody

Public Health Policy Measures

- Establish under the direction of a joint Cabinet Committee, including the Federal Ministries of Health, Justice, and Internal/Home Affairs, a public inquiry into the public health consequences of policing and law enforcement
- Direct the Medical Directors of all federally funded or supported medical centres, including University Teaching Hospitals, to file with the Ministries of Justice in the States in which they are located and monthly registers of all bodies deposited by the Police at their mortuaries, including details of the depositing Police officer, his or her Force number, and accompanied by a copy of the autopsy report

- Work with the Nigerian Medical Association to establish protocols and standards governing the role of medical personnel in the elimination of torture and extra-judicial executions

Legislative Measures

- Publicly support and commit to the amendment of the Constitution to remove the Police from the operational control of the President and entrench the operational autonomy of the Police and the independence of the Inspector-General of Police
- Review and update the Police Act to bring it into line with the legal obligations applicable under the Constitutional and international instruments ratified by Nigeria
- Prepare and transmit to the National Assembly as an executive measure a Torture Victims Protection Bill to domesticate the Convention against Torture, create a specific crime of torture, prescribe effective punishment for this crime and establish effective legal remedies for victims of Police abuse and torture
- Adopt measures requiring the Inspector-General of Police to report to the National Assembly annually on the performance of the Nigeria Police Force
- Assure the independence of the Police by ensuring that the Inspector-General of Police becomes a tenured position subject to confirmation by the Senate

To the Police

- Co-operate with institutions and mechanisms of oversight of Police conduct, including the Police Service Commission, State Ministries of Justice, Coroners, the courts, and the relevant committees of the National and State legislatures
- Ensure proper documentation and record keeping in all Police formations of arrests, detention, and custodial deaths and injuries
- In consultation with the Police Service Commission, publish and ensure effective implementation of procedures and standards for the protection of complainants in cases of Police abuse from intimidation and harassment
- Create and sustain through appropriate incentive systems in the Nigeria Police Force, a clear career track in forensic investigation
- Abrogate or review Force Order No. 237 containing the Rules for Guidance in Use of Firearms by the Police, to bring it in line with applicable constitutional and other international standards ratified by or applicable to Nigeria

To State Governments

- Work with the Federal Government to co-locate on the premises of the State CID in all State capitals and in Abuja, Magistrates and High Courts, as well as offices of the Director of Public Prosecutions and the Legal Aid Council.
- Update and reinvigorate the jurisdiction and role of the coroner
- Establish in the State Ministries of Justice, special prosecutorial teams to ensure accountability for complaints of criminal behavior by the Police

To the Judiciary

- Ensure the effective application of the exclusionary rule of evidence concerning evidence obtained by torture or physical coercion of suspects
- Ensure all cases in which evidence is excluded because of a finding of torture or other forms of physical coercion or oppression of suspects and detainees, are accompanied by orders directing identification, investigation, and prosecution of the erring Police personnel
- Undertake regular monitoring, inspection, and visitation of Police cells by judicial officers

To the Police Service Commission and the National Human Rights Commission

- Publish regularly, information on complaints against law enforcement agencies and encourage participation of the public in resolving all such complaints
- Report annually to the National Assembly on measures taken in all cases and complaints brought before them, especially, cases involving violations by the Police and other law enforcement agencies
- Establish and activate teams for investigating sexual abuse by Police and other law enforcement personnel

To the Nigeria's International Partners

- Support through appropriate programmes of technical assistance, the reform of Police and law enforcement in Nigeria
- Support the acquisition of effective forensic investigation capability by the Nigeria Police Force
- Support programmes for gun control and reduction of violent crime
- Share with the Nigerian judiciary and public prosecutions systems skills and jurisprudence for ensuring effective Police oversight and judicial accountability

ABOUT NOPRIN

The Network on Police Reform in Nigeria (NOPRIN), was established in July 2000, to:

- Advocate for reform in the Nigeria Police Force;
- Systematize civil society participation in the police reform process;
- Strategize on Police-community relations; and
- Create a platform for civil society involvement in safety and security issues in Nigeria

NOPRIN is a membership network and currently comprises 41 non-governmental organizations from all over Nigeria. NOPRIN's governance is overseen by a Co-ordinating Committee drawn from member organizations, currently chaired by Dr. Lydia Umar.