

Nigeria

Response to Information Request Number:	NIG99003.OGC
Date:	8 March 1999
Subject:	Nigeria: Information on whether or not a deportee with a past drug conviction in the United States will be tortured in prison upon return to Nigeria under the present interim government of Abubakar
From:	INS Resource Information Center
Keywords:	Nigeria / Corruption / Cruel treatment / Democratic development / Detention / Drug trafficking / Extradition / Forced removals / Imprisoned persons / Imprisonment / Police custody / Prison conditions / Prison personnel / Right to security of persons / Torture / Victims of abuse of power / Working conditions

Query:

1. How pervasive/widespread is torture in Nigerian prisons today?
2. Would a detainee with a past drug conviction overseas be tortured upon return to Nigeria under the present government of Abubakar?
3. Did the Abubakar government undertake any meaningful reforms of the prison system in its transitional period?

Response:

1.) How pervasive/widespread is torture in Nigerian prisons today?

Nigeria is known for having one of the worst prison systems in the world, resulting in a high proportion of inmates' deaths (*IPS* 6 Jan. 1999). A representative from Human Rights Watch (HRW) states that prison conditions are "...generally appalling/life threatening [and] torture of criminal suspects by the police is common," adding that torture is more common by police than prison officials (Manby 2 Mar 1999).

A representative from the Civil Liberties Organization says, "The nature of torture in most Nigerian prisons is fluid," encompassing not only physical torture but mental torture. For example, prisoners are offered all three meals between the hours of 8:00 a.m. and 2:00 p.m., meaning that dinner is served at 2:00 p.m. Another example is that condemned prisoners are chained to each other (Onyeisi 3 Mar. 1999).

In a September 1997 Amnesty International (AI) report, they state that, "There are regular reports of the torture and ill-treatment of prisoners, and prison conditions so harsh as to amount to cruel, inhuman and degrading treatment" (AI 22 Sept. 1997, 1). A report published recommends that the Abubakar government get rid of the "...relics and infrastructures of torture and oppression created by the dictatorship of Abacha that still remain in place..." (*IPS* 6 Jan. 1999).

Press reports of July 1998; allege that NDLEA (National Drug Law Enforcement Agency) officials in Borno State tortured to death a man accused of trafficking hemp. NDLEA officials admit that Mallam Mohammed Kachalla was in their custody but denied any mistreatment of Mr. Kachalla (*Country Reports* 1998). In April 1998, Anthony Ani also in

NDLEA custody was tortured to death in a secret cell run by General Bamaiyi. Mr. Ani was suspected of trafficking Indian hemp from Nassarawa State to Jos. NDLEA officials wanted to keep Mr. Ani's death a secret and even tried to connive a police officer into obtaining the police report by posing as an "Investigation Police Officer" (*PM News* 30 Sept. 1998).

2.) Would a detainee with a past drug conviction overseas be tortured upon return to Nigeria under the present government of Abubakar?

The government has not repealed Decree 33, so people convicted of drug related offenses are detained at the detention center (Hajj Camp) which is very close to the Murtala Mohammed International Airport. From these centers, detainees will be arraigned for trial on the grounds of bringing the name of Nigeria into disrepute (CLO 3 Mar 1999). A representative from HRW states that it is common of deportees with drug convictions to be detained indefinitely by the National Drug Enforcement Agency (NDLEA) on return to Nigeria, unless the detainee has the means to buy himself out (Manby 2 Mar 1999).

A representative of Amnesty International (AI) says that there are no signs of deportees being charged and sent to trial on Decree 33. Adding however, that since Nigeria has a political interest with the United States, they are more likely to be harsher towards a drug deportee (Pennington 10 Feb. 1999). AI states that torture of a deportee under Abubakar is "less likely opposed to when Abacha was in power" (Akwei 3 Feb. 1999).

A representative from Africa Fund, a non-governmental human rights organization based in Washington, DC said that decree 2, a law that holds individuals without trial is still in effect. Adding that 60% of Nigeria's prison population is still awaiting trial (Fleshman 3 Feb. 1999).

3.) Did the Abubakar government undertake any meaningful reforms of the prison system in its transitional period?

The United Nations Special Rapporteur for Nigeria, Soli Jahangir Sorabjee of India, said in a UN report that "...although Abubakar promised to undertake prison reform, torture and other inhuman treatment of prisoners was still reported..." (*AFP* 29 Oct. 1998).

In January 1999, the Ministry of the Interior claimed that the Presidential Committee on Prisons Decongestion released 2,433 prisoners after September. The Department of State (DOS) *Country Reports for 1998*, stated that those with money or whose relatives brought food regularly had sufficient food, but corruption among prison officials made it difficult for money provided for food to reach prisoners. Also stated that beds are not provided for many inmates, so many had to sleep on concrete floors often without blankets. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of medical treatment has led to many deaths in detention, mainly of prominent political detainees (*Country Reports 1998*).

In November 1998, a presidential task force on penal reform was established that has allowed human rights monitors to legally enter jails, talk to inmates, and secure the release of the sick, aged and those still held under false pretenses. Shina Loremikan, the secretary of the Committee for the Defense of Human Rights, said "...various institutions used to victimize, harass and kill Nigerians are still in place today, and are wreaking havoc at a more decent and slower pace." Loremikan adds that secret police and security forces still break up political gatherings and detain government critics without charge. Many activists praise Abubakar's efforts, but fear that his subordinates may hinder his good intentions (*LA Times* 10 Jan. 1999).

A representative from the CLO states that the Federal government set up the Presidential task force to decongest the prisons but the task force has not been effective due to bureaucratic reasons. Adding also that although prison visits are allowed they were not

started by the present regime. The government plans on spending approximately nine billion naira this year on reconstructing and renovating selected prisons. Whether or not this will be effective in improving prisons conditions is another issue (Onyeisi 3 Mar. 1999).

A representative from HRW concurred that there have been efforts to decongest the prisons by releasing those who have been held in pre-trial detention for longer periods than they could have been sentenced and also to release those who completed their sentences (Manby 2 Mar 1999).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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