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Responses to Information Requests

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5 November 2018

NGA106208.E

Nigeria: Update to NGA105999 of 6 November 2017 on documents issued by police during criminal investigations or in response to a complaint, including police reports; procedures for an individual to obtain a copy of a police report within the country as well as from abroad; appearance of police reports, including whether there are uniform characteristics or variance across the country (2015-October 2018)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

NGA105999 of 6 November 2017 was updated to include new information and samples of police reports provided on 21 October 2018 by a junior associate at a law firm in Nigeria with offices in Lagos and Abuja.

1. Documents Issued by Police

In correspondence with the Research Directorate, an associate, engaged in private law practice, of Dewpoint Legal Practitioners, a law firm in Lagos, stated that, during a criminal investigation, the police issues police investigation reports, search warrants, warrants of arrest, and "warrant[s] to release exhibit or dispose" (Associate 27 Oct. 2017). A police public relations officer with the Nigeria Police Special Fraud Unit explained, in correspondence with the Research Directorate, that investigation reports are issued at the end of investigations into criminal cases either for administrative purposes, or at the request of the complainant or the complainant's lawyer, by means of a letter (Nigeria 31 Oct. 2017). According to the same source, a "police report as an extract from the crime diary is usually done for reports of loss or missing items and documents" (Nigeria 31 Oct. 2017). The same source added that a report of complaint can also be issued by the police when a complaint is made about an incident documented in the crime diary, but that was not investigated by the police (Nigeria 31 Oct. 2017).

The police public relations officer added that the police can issue a medical report during an investigation in order to allow either the victim or the complainant injured, through an attack or an accident, to see a medical officer (Nigeria 31 Oct. 2017). Similarly, the associate indicated that the Nigerian police issues medical reports (Associate 27 Oct. 2017).

The associate indicated that when reporting an offence to the police, there are no written documents that are issued to the complainant by the police (Associate 27 Oct. 2017). Similarly, the police public relations officer indicated that "it is not usual practice" for police to give a written confirmation to the complainant after recording the complaint (Nigeria 31 Oct. 2017). According to the same source, an "interim police investigation report" can be issued by the police at the complainant's request after "some actions have been taken on the case" (Nigeria 31 Oct. 2017).

1.1 Records Issued by Police

The 2004 *Police Act* of Nigeria indicates that the Crime Prevention Records, which are "the police station records of all beats and patrols duties performed, and of special duties performed, for the prevention of crime, the preservation of law and order, and the protection of property" (Nigeria 1943, para. 252 (a)), are kept in the following registers:

- a. the Duty Roster;
- b. the Station Routine Diary;
- c. the Register of Habitual Criminals;
- d. the Register of Persons Sentenced to Police Supervision. (Nigeria 1943, art. 253)

According to the same source, criminal records are "police station records":

- i. of offences against the law (other than minor offences) reported to the police station;
- ii. of police action taken for the detection and apprehension of the offenders; and
- iii. of the judgments and sentences passed by the courts on such offenders; and
- iv. of acquittals and discharges. (Nigeria 1943, para. 252 (b))

The same source indicates that criminal records are kept in the following registers:

- a. the Station Crime and Incidents Diary;
- b. the Register of Arrests (Persons Newly Apprehended);
- c. the Register of Sudden and Unnatural Deaths;
- d. the Charge Register (of Felonies and Misdemeanours);
- e. the Register of Simple Offences (offences punishable with imprisonment for not more than six months);
- f. the register of Court Exhibits;
- g. the Register of Lost, Stolen, and Recovered Property;
- h. the Register of Warrants of Arrests;
- i. the Register of Court Processes;
- j. the Register of Missing Persons. (Nigeria 1943, art. 254)

Section 16, on Central Criminal Records Registry, of Nigeria's *Administration of Criminal Justice Act, 2015* provides the following:

16.

1. There shall be established at the Nigeria Police Force a Central Criminal Records Registry.
2. For the purposes of subsection (1) of this section, there shall be established at every state police command a Criminal Records Registry which shall keep and transmit all such records to the Central Criminal Records Registry.
3. The State or Federal Capital Territory (FCT) Police Command shall ensure that the decisions of the court in all criminal trials are

transmitted to the Central Criminal Records Registry within 30 days of the judgement. (Nigeria 2015)

The police public relations officer explained that records of cases (or case files) are kept by police for "some reasonable" amount of time, and that "records of progress of an investigation are usually kept intact" because they are returned each month "to the Police Central Criminal Registry and the Crime Statistics Office" (Nigeria 31 Oct. 2017). The same source added that "all police stations across the country work the same way" (Nigeria 31 Oct. 2017). The associate indicated that the police keeps records during an investigation and, "even when the case is closed, the file is kept for a period not lesser than 6 years" (Associate 27 Oct. 2017). According to the police public relations officer, prosecutors have in their possession the case files of cases that are in court, and they were obtained by prosecutors either from the police or from the Directorate of Public Prosecutions (Nigeria 31 Oct. 2017).

When asked if one could obtain a copy of the records kept at the police station, such as crime prevention or criminal records, the same source explained that the police records are not accessible to the victims, the complainants or any of their representatives, and that "all [they] can do is to apply for a police report on an incident they reported, and it will be issued to them" (Nigeria 31 Oct. 2017).

2. Procedures and Requirements to Obtain a Police Report

According to the associate, documents issued by the police during a criminal investigation, such as police investigation reports or warrants, can be obtained by parties other than police officers, namely the parties to a criminal complaint, lawyers of parties to a criminal complaint, judges and court officers (Associate 27 Oct. 2017). Similarly, the police public relations officer indicated that the police investigation reports, the police reports and the reports of complaint can be issued if requested by the complainant or by another person on their behalf (Nigeria 31 Oct. 2017). The police public relations officer further explained that the documents are "retained by the issuing authority" and the person to whom the documents were initially issued can, in case the documents are lost, apply either in person or by authorizing a third party to obtain a copy of the documents (Nigeria 31 Oct. 2017). According to the same source, police reports can be obtained only from the police station that

recorded the complaint or incident, and there are no fees incurred by requesting a police report (Nigeria 31 Oct. 2017). All requests for police reports "must be approved by the Commanding Officer of the station and must be signed if issued by the same officer" (Nigeria 31 Oct. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The associate indicated that, in order to obtain a police report for an investigation into stolen goods or missing properties, an individual has to "depose to an affidavit at the Magistrate or the High Court" stating the circumstances that warrant a police report, such as "loss of property or personal effects" (Associate 27 Oct. 2017). The same source stated that a passport-size photograph of the individual must be provided with the affidavit (Associate 27 Oct. 2017). According to the same source, when the affidavit is taken to the police station, a police officer records the affidavit's content into a "police incident sheet" and into the "crime diary" (Associate 27 Oct. 2017). The associate stated that "an extract of the police entry into the crime sheet is given to the applicant and it forms a police report" (Associate 27 Oct. 2017). Without providing further details, the same source indicated that "obtaining a police report regarding a crime is not initiated by an affidavit" (Associate 27 Oct. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

When asked whether a copy of a police report could be obtained from abroad, the associate stated that "a police report cannot be obtained in absentia" (Associate 27 Oct. 2017). The same source stated that the "affidavit must be deposed by the person who has direct knowledge of the content of the affidavit and not a third party" (Associate 27 Oct. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Appearance of Police Reports

The police public relations officer indicated that the appearance of police reports depends on the type of police reports (Nigeria 31 Oct. 2017). According to the same source, the police investigation report will contain a description of the offence, the name of the complainant, the name of the suspect and will be addressed

to the applicant (Nigeria 31 Oct. 2017). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the police public relations officer, all police reports are on letterhead paper with a police logo and the name of the police formation that issued the reports (Nigeria 31 Oct. 2017). The associate also said that a police report contains the Nigeria Police logo and Coat of Arms (Associate 27 Oct. 2017).

According to sources, the Nigerian Police logo remains the same across the country (Junior Associate 21 Oct. 2018; Associate 27 Oct. 2017; Nigeria 31 Oct. 2017), because "Nigeria operates a federal police system" (Junior associate 21 Oct. 2018) or because "there is no state or local police in Nigeria" (Nigeria 31 Oct. 2017). In correspondence with the Research Directorate, the junior associate explained that "minor discrepancies ... due to a decentralized material (uniform and letterheads, etc.) production process" could occur, but that the "core elements (elephant and eagle, etc.) of the logo remain the same" (Junior associate 21 Oct. 2018).

A sample of a 2010 police report issued by the Ikeja police station in Lagos state, provided by the junior associate, is attached to this Response (Attachment 1). Another sample of a police report issued in 2018 by the Nigerian Police in Osun state, provided by the junior associate, is attached to this Response (Attachment 2).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Associate, Dewpoint Legal Practitioners. 27 October 2017. Correspondence with the Research Directorate.

Junior associate, law firm in Nigeria. 21 October 2018. Correspondence with the Research Directorate.

Nigeria. 31 October 2017. Police Force, Special Fraud Unit. Correspondence from a police public relations officer to the Research Directorate.

Nigeria. 2015. __ *Administration of Criminal Justice Act, 2015*. [Accessed 30 Oct. 2017]

Nigeria. 1943 (amended 2004). __ *Police Act*. [Accessed 12 Oct. 2017]

Additional Sources Consulted

Oral sources: CLEEN Foundation; Committee for the Defence of Human Rights; International Human Rights Law Group in Nigeria; Law Offices in Toronto and Lagos; Nigeria – Nigeria High Commission in Ottawa, National Human Rights Commission, Police Offices in Abuja, Kano State, Kebbi State, Taraba State.

Internet sites, including: CLEEN Foundation; ecoi.net; International Centre for Nigerian Law; International Centre for the Prevention of Crime; Nigeria – Police Force; Nigeria Policewatch.com; Open Society Foundation; UN – Refworld; US – Department of State.

Attachments

1. Nigeria. [11 January 2010]. Nigeria Police Force, Ikeja Police Station. "Station Diary Extract." Sample provided by a junior associate at a law firm in Nigeria, 21 October 2018.
2. Nigeria. 13 October 2018. Nigeria Police. "Crime Diary Extract." Sample provided by a junior associate at a law firm in Nigeria, 21 October 2018.

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