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Nigeria: Structure and size of the police force; availability of complaint mechanisms; whether there is communication between the divisions and commands across the country; whether authorities in Sharia states can execute their warrants, make arrests and lay charges in non-Sharia states

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Structure of the police force

As outlined in Section 214 of the 1999 *Constitution of the Federal Republic of Nigeria*, the Nigeria Police Force (NPF) is a federal police force (Nigeria 1999, Sec. 214); state and local governments are not permitted to establish their own police forces (ibid.; SAS Dec. 2007, 31; US 11 Mar. 2008, Sec. 1.d; Last 1 Jan. 2008).

The NPF is headed by an inspector general of police (IGP) (CLEEN 9 July 2008; Nigeria 1999, Sec. 215), who is appointed by the country's president, after consultations with the Nigeria Police Council (ibid.). A deputy inspector general, who is second in command (*World Police Encyclopedia* 2006, 622; *World Encyclopedia of Police Forces and Correctional Systems* 2006, 700), assists the IGP in his or her work (ibid., 697). Assistant inspector generals are responsible for supervising staff operations in the various departments at the NPF's Lagos-based headquarters (ibid.). NPF police commands within each state are under the authority of a commissioner of police (ibid., 698; Nigeria 1999, Sec. 215).

The 2006 edition of the *World Encyclopedia of Police Forces and Correctional Systems* provides the following list of the seventeen ranks in the NPF, from highest to lowest rank: inspector general, deputy inspector general, assistant inspector general, commissioner of police, deputy commissioner, assistant commissioner, chief superintendent, superintendent, deputy superintendent, assistant superintendent, chief inspector, inspector, sergeant major, sergeant, corporal, constable and recruit (2006, 700).

According to a 2007 report on small arms and insecurity in Nigeria published by Small Arms Survey (SAS), "an independent research project located at the Graduate Institute of International Studies in Geneva, Switzerland with a mandate to provide information on small arms and light weapons" (SAS n.d.), the NPF is divided into 12 zones (ibid. Dec. 2007, 31). Each zone reportedly has between two and four state commands as well as a "series of area commands, divisions, police stations, and police posts under these commands" (ibid.). According to the *World Encyclopedia of Police Forces and Correctional Systems*, the size and complexity of the NPF's state police commands vary, depending on such factors as population density and the need for a police presence (2006, 698). Many police posts and stations are reportedly located along railway lines and highways of major urban centres (*World Encyclopedia of Police Forces and Correctional Systems* 2006, 698).

The headquarters of the NPF, located in Lagos, is reportedly divided into five departments (ibid., 697). These include: Department A, in charge of general administration; Department B, responsible for communications, including the supervision of a country-wide police radio network; Department C, responsible for finance and other resources; Department D, in charge of criminal records and investigations and which includes the Criminal Investigation Department (CID), which is the central agency responsible for "the collection, compilation, classification, and recording of information concerning crimes and criminals and the dissemination of such information as required"; and Department E, referred to as the "Special Branch," which is in charge of internal security and "countersubversive activities" (ibid., 697-698).

According to the *World Encyclopedia of Police Forces and Correctional Systems*, the CID investigates cases from all parts of Nigeria (ibid., 698). The CID is reportedly divided into several sections, which include, among others, the Crime Section, the Missing Persons Section, the Fraud Section, the "X" Squad Section, the Post and Telecommunication Fraud Section, the National Central Bureau (which includes the Interpol, Narcotics and Antiquities Units), and the Police Public Complaint Bureau (ibid., 698-699).

The NPF also has several section units, including the Mounted Branch, the Police Dog Section, the Nigeria Railway Police, the Port Authority Police, the force Signals Section (which operates radio communications), and the Central Motor Registry (ibid., 699-700). In addition, the NPF has an auxiliary force called the "Special Constabulary," which is involved in combating crime (ibid., 700).

In a 2007 report on the state of the NPF, the IGP announced the creation of several specialized NPF units, including an anti-terrorism squad with units deployed to Kano, Abuja, Lagos and Rivers State, and an anti-robbery squad with units deployed to Lagos, Abuja and the Niger Delta region (Nigeria Nov. 2007). The IGP also highlighted the importance of the "X" Squad, which was created to fight police corruption and handle and investigate official complaints against police officers (ibid.).

Size of the police force

Since 1999, the Nigerian Police Force has reportedly doubled in size from approximately 160,000 to over 300,000 officers (SAS Dec. 2007, 31; see also *The Economist* 5 June 2008; UN 7 Jan. 2006, Para. 39). The official NPF website indicates that on 1 June 2007, the police force comprised approximately 371,800 officers (Nigeria Nov. 2007). However, the NPF is still reportedly under-staffed, and is faced with shortages in other resources and equipment required to function effectively (SAS Dec. 2007, 31; UN 7 Jan. 2006, Para. 39; see also *The Economist* 5 June 2008).

Availability of complaint mechanisms

The 2007 *Mission to Nigeria* report of the United Nations (UN) Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides an overview of the complaint mechanisms available to victims of police abuse (UN 22 Nov. 2007, Para. 29-33). The report states that

[o]ral or written complaints of police misconduct by members of the public can be made to any superior police officer about acts of misconduct involving his or her subordinates, and if the complainant is dissatisfied with the response, he or she could complain in writing to higher officers, including the IGP [Inspector General of Police]. Complaints could also be sent to the police Public Complaints Bureau (PCB) located in the police public relations department of every state police command, or to the police Provost Department at the Force headquarters. In addition, Human Rights Desks for

receipt of complaints have been established in recent years for each state command. (ibid., Para. 29)

The report further notes that individuals may also make complaints about human rights violations, in writing or orally, to Nigeria's National Human Rights Commission (NHRC), which is mandated to investigate human rights violations (ibid., Para. 32).

Nevertheless, the UN report and other sources consulted by the Research Directorate indicate that these complaint mechanisms have not been effective and that the police commit abuses with impunity (ibid., Para. 41; Denmark Jan. 2005, 32-33; HRW July 2005, 56-58, 60; NOPRIN 10 Dec. 2007, 10-11). A 2005 report by Human Rights Watch (HRW) states that the NHRC is "acutely under-resourced, and lacks judicial power to enforce redress" (July 2005, 62). According to the Special Rapporteur, victims of police abuse lack confidence in the complaints mechanisms and the majority do not have access to these mechanisms (e.g., they cannot afford lawyers) (UN 22 Nov. 2007, Para. 41).

According to HRW, in cases where individuals, lawyers and human rights organizations have attempted to register complaints, the Nigerian police have created obstacles to prevent investigation or prosecution (e.g., by intimidating witnesses, bribing victims or their families to drop their complaint, or conspiring with judicial authorities to have cases dismissed) (July 2005, 57; see also UN 22 Nov. 2007, Para. 43). In its 2005 report, HRW notes that very few cases of police misconduct have been fully investigated (July 2005, 58).

Several sources cited in the 2005 British-Danish Fact-Finding Mission report similarly indicate that few cases of police misconduct are investigated and prosecuted (Denmark Jan. 2005, 33). Cases of police "brutality" are reportedly investigated only if the victims are well-connected or are considered "influential" individuals, or if the cases have received the attention of the media or of politicians, after being brought to light by non-governmental organizations (NGOs) or other observers (ibid.).

In his concluding remarks in his *Mission to Nigeria* report, the Special Rapporteur states that "[t]orture is an intrinsic part of the functioning of the police in Nigeria" (UN 22 Nov. 2007, Para. 63), and that Nigeria's current system is unable to "effectively investigate allegations, protect victims of serious human rights violations, and bring law enforcement officials in Nigeria to account" (ibid., Para. 64).

Communication between divisions and commands

In 9 July 2008 correspondence, the Executive Director of the CLEEN Foundation [formerly known as the Centre for Law Enforcement Education (CLEEN)], a Nigerian non-governmental organization (NGO) that works to promote "public safety, security and accessible justice" (CLEEN n.d.), stated that

Nigeria has a centralized national police force under one commander called the Inspector General of Police (IGP). Therefore there is regular communication, cooperation and collaboration between different divisions and commands in their criminal investigation and tracking down of ... criminal suspects. (ibid. 9 July 2008)

As noted in the *World Encyclopedia of Police Forces and Correctional Systems*, Department B of the NPF's Lagos headquarters is responsible for supervising a country-wide police radio network, linking the NPF state commands to the headquarters (2006, 697, 701). The publication also notes that although criminal investigations are generally carried out by the police station in the area in which the alleged crime occurred, the CID may be called upon for assistance in more serious cases, or in instances where investigations need to be made in other Nigerian states or in other countries (*World Encyclopedia of Police Forces and Correctional Systems*, 698).

Sharia authorities

Twelve of Nigeria's northern states are governed by Sharia law (Adamu 1 Jan. 2008; US 11 Mar. 2008, Sec. 2.c; Denmark Jan. 2005, 50). These states include Zamfara, Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno and Gombe (ibid.; US 11 Mar. 2008, Sec. 2.c). Adherence to Sharia provisions is said to be compulsory for Muslims in some of these states and not in others (ibid.). Non-Muslims generally fall under the jurisdiction of civil law, but may opt to be tried under Sharia law if the penalty for their crime is less severe under Sharia (ibid.).

Nevertheless, in February 2008, the Lagos-based newspaper *This Day* reported that Kano's Sharia police [also referred to as *Hisbah* Police] had attempted to enforce Islamic law in non-Muslim sections of the state (2 Feb. 2008). The Sharia police, reportedly armed with bows, arrows, sticks and cutlasses, attacked a brothel and several hotels and cafes in the non-Muslim Sabon Gari area (*This Day* 2 Feb. 2008). Cited in the article, a Hisbah representative stated that they had not been able to effectively impose Sharia law in all parts of the state because the NPF "still have [the] upper hand" (ibid.).

As previously noted, the NPF is the only police force permitted under Nigeria's constitution (Nigeria 1999, Sec. 214; Last 1 Jan. 2008); the Hisbah are not a police force (ibid.). However, the Hisbah are reportedly sanctioned by certain state governments to enforce Sharia law (US May 2008; Last 1 Jan. 2008; Jamestown Foundation 12 June 2008). Referred to by several sources as Islamic "vigilante" groups (ibid.; CLEEN 9 July 2008; Denmark Jan. 2005, 52; Adamu 1 Jan. 2008), the Hisbah are mainly composed of locally recruited young men and are led by traditional and religious leaders (ibid.; see also Last 1 Jan. 2008). Members of Hisbah reportedly arm themselves with whips and sticks (Adamu 1 Jan. 2008; Jamestown Foundation 12 June 2008), as well as knives (ibid.; *This Day* 2 Feb. 2008). Although the role of Hisbah groups has been to help detect crimes, make arrests, and hand over criminal suspects to the NPF (Adamu 1 Jan. 2008; Last 1 Jan. 2008), they are said to sometimes administer summary justice (Adamu 1 Jan. 2008; Denmark Jan. 2005, 52).

With respect to the enforcement of Islamic law in non-Sharia states, a 2008 article on security in Muslim northern Nigeria states that "without a shari'a police force with cross-state powers, absconding offenders cannot be retrieved" (Last 1 Jan. 2008). Cited in the 2005 report on a British-Danish fact-finding mission to Nigeria, a Nigerian imam similarly states that if a convict or an individual awaiting his or her trial before a Sharia court runs away, the individual would not be pursued and no action would be taken under Sharia law (Denmark Jan. 2005, 52). However, in his correspondence to the Research Directorate, the Executive Director of CLEEN stated the following:

Authorities in Nigerian sharia states are not officially and legally able to execute their warrants, make arrests and lay charges in non-sharia states. However, [there are] religious vigilante groups (*Hisbah*) in sharia states, which occasionally make forays into non-sharia states, especially in northern Nigeria, to carry out jungle justice such as lynching, stoning and brutalizing citizens alleged to have offended Islamic religion. In such acts, they usually go as a mob, overpower the police and carry out their nefarious activities. (CLEEN 9 July 2008, emphasis in original)

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.

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