



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

15 July 2008

NGA102904.E

Nigeria: Whether the police in Nigeria detain family members or friends of wanted persons and if so, the manner in which these persons are treated; length of time they may be detained; legal recourse available to them

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Several sources consulted by the Research Directorate indicate that the police in Nigeria have arrested and detained family members and friends of wanted persons (CLEEN 9 July 2008; AI Feb. 2008, 7; HRW July 2005, 32; US 8 Mar. 2006, Sec. 1.f; Denmark Jan. 2005, 61). 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

[t]hough it is illegal under Nigerian laws, police officials routinely arrest and detain relatives, friends and family members of wanted suspects in a bid to lure them to surrender for arrests. The favorite target for this kind of arrest and detention, which is popularly called *hostage taking* in Nigeria, are the wives, parents and children of wanted criminal suspects. (ibid. 9 July 2008, emphasis in original)

In February 2008, Amnesty International (AI) published a report on the situation of prisoners in Nigeria. In the report, AI notes that individuals who are not suspected of having committed a crime have been imprisoned, including individuals who "were arrested in place of a family member whom the police could not locate" (Feb. 2008, 7).

A 2005 report by Human Rights Watch (HRW) similarly indicates that, according to "[n]umerous victims, witnesses and local NGOs," the Nigerian police have arrested and detained friends and relatives in place of wanted persons whom they were unable to locate (HRW July 2005, 32). According to HRW, sometimes these individuals face "torture" or "ill-treatment" while in police custody (ibid., 33).

Citing an unpublished draft report by the NGO Prisoners Rehabilitation and Welfare Action (PRAWA), a 2005 report of a joint British-Danish Fact-Finding Mission to Nigeria indicates that many women are detained as "hostages" or "insurance" in place of their "relatives, friends, associates, or husbands," while the police search for the "absconded" suspects (Denmark Jan. 2005, 61). PRAWA is a West African NGO that "promotes human rights for people in prison while working to help those who have survived their prison term to successfully integrate into the community" (PRAWA n.d.). The organization has observer status with the African Commission on Human and Peoples Rights (ACHPR) (ibid.).

According to the United States (US) Department of State's *Country Reports on Human Rights Practice for 2005*, in 2005, the Nigerian police and security forces detained relatives and friends of wanted suspects to persuade the suspects to

surrender (US 8 Mar. 2006, Sec. 1.f). However, *Country Reports 2006* indicates that there were no reports of such detentions in 2006 (ibid. 6 Mar. 2007, Sec. 1.f), and *Country Reports 2007* makes no mention of arrests of family members or friends of wanted suspects in 2007 (US 11 Mar. 2008). Nevertheless, *Country Reports* for both 2006 and 2007 state that

[p]ersons who happened to be in the vicinity of a crime when it was committed were reportedly held for interrogation for periods ranging from a few hours to several months. After their release, those detained were frequently asked to return repeatedly for further questioning. (US 11 Mar. 2008, Sec. 1.d; ibid. 6 Mar. 2007, Sec. 1.d)

Length of detention

Under Nigeria's Constitution, an individual who has been arrested must be brought before a court within a period of one or two days, depending on the proximity of the court (Nigeria 1999, Sec. 35). In addition, if the individual is not tried within two or three months, he or she must "be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he [or she] appears for trial at a later date" (ibid.). However, several sources consulted by the Research Directorate indicate that in practice, individuals who are arrested are often detained for longer periods of time (AI 16 May 2008, 2; ibid. Feb. 2008, 8; US 11 Mar. 2008, Sec. 1.d). Based on interviews held with several prisoners in Nigeria, Amnesty International (AI) estimates that pre-trial detention of individuals charged with a crime "routinely exceeds one year, and three to four years is not unusual" (AI Feb. 2008, 8).

The 2005 HRW report cites a case of a woman in Nigeria who was interrogated and beaten by the police, so that they could obtain information concerning her husband's whereabouts (July 2005, 33). When the police were unable to locate her husband, the woman was reportedly held for five days and then remanded to a central prison to await a criminal trial for "breach of trust" (ibid.).

Legal recourse

The November 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 legal recourse 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 have committed abuses with impunity (ibid., para. 41; Denmark Jan. 2005, 32-33; HRW July 2005, 56-58, 60; NOPRIN 10 Dec. 2007, 10-11). In its 2005 report, 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 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).

Lagos State amendment to criminal procedures

In July 2008, the government of Lagos State amended its criminal procedure rules, making it illegal for police officers to arrest an individual, such as a family member, co-worker, or neighbour, in place of a suspect (*The Punch* 3 July 2008; *This Day* 3 July 2008). The amendment reportedly took effect immediately in July 2008 (*The Punch* 3 July 2008). It is said to be one of several reforms being implemented to improve efficiency and public confidence in Nigeria's criminal justice system (*This Day* 3 July 2008; see also *The Punch* 3 July 2008). Further information on the implementation of this legislation in Lagos State and on whether there have been moves to implement similar reforms in Nigeria's other states could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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

Amnesty International (AI). 16 May 2008. "Nigeria: 'Pragmatic Policing' Through Extra-Judicial Executions and Torture." (AFR 44/006/2008)
<<http://www.amnesty.org/en/library/asset/AFR44/006/2008/en/e171c9c9-25b2-11dd-8864-31715833fec3/afr440062008eng.pdf>> [Accessed 7 July 2008]

_____. February 2008. *Prisoners' Rights Systematically Flouted*. (AFR 44/001/2008)
<<http://www.amnesty.org/en/library/asset/AFR44/001/2008/en/4bd14275-e494-11dc-aaf9-5f04e2143f64/afr440012008eng.pdf>> [Accessed 7 July 2008]

CLEEN Foundation. 9 July 2008. Correspondence from the Executive Director.

_____. N.d. "About CLEEN." <<http://www.cleen.org/about.html>> [Accessed 9 July 2008]

Denmark. January 2005. Danish Immigration Service. *Report on Human Rights Issues in Nigeria: Joint British-Danish Fact-Finding Mission to Abuja and Lagos, Nigeria. 19 October to 2 November 2004.* <http://www.nyidanmark.dk/NR/rdonlyres/A12BB34C-56F3-4745-9977-E6332D1DAAC0/0/Nigeria2005_web2.pdf> [Accessed 9 July 2008]

Human Rights Watch (HRW). July 2005. *"Rest in Pieces": Police Torture and Deaths in Custody in Nigeria.* <<http://www.hrw.org/reports/2005/nigeria0705/nigeria0705.pdf>> [Accessed 7 July 2008]

Network on Police Reform in Nigeria (NOPRIN). 10 December 2007. *Criminal Force? An Interim Report on the Nigeria Police Force.* <<http://www.noprin.org/NoprinPoliceSummary-10Dec-07.pdf>> [Accessed 7 July 2008]

Nigeria. 1999. *Constitution of the Federal Republic of Nigeria.* <<http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>> [Accessed 7 July 2008]

Prisoners Rehabilitation and Welfare Action (PRAWA). N.d. "About." <<http://www.prawa.org/aboutprawa.html>> [Accessed 15 July 2008]

The Punch [Lagos]. 3 July 2008. Kayode Ketefe. "Lagos Bans Arrest of Suspects' Relatives." <<http://punchng.com/Articl.aspx?theartic=Art200807033295156>> [Accessed 7 July 2008]

This Day [Lagos]. 3 July 2008. Akinwale Akintunde. "'Police Can Only Arrest Suspect, Not Relations'." <<http://www.thisdayonline.com/nview.php?id=115869>> [Accessed 7 July 2008]

United Nations (UN). 22 November 2007. Human Rights Council. *Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development. Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak. Mission to Nigeria (4 to 10 March 2007).* (A/HRC/7/3/Add.4) <<http://daccessdds.un.org/doc/UNDOC/GEN/G07/149/66/PDF/G0714966.pdf?OpenElement>> [Accessed 7 July 2008]

United States (US). 11 March 2008. Department of State. "Nigeria." *Country Reports on Human Rights Practices for 2007.* <<http://www.state.gov/g/drl/rls/hrrpt/2007/100498.htm>> [Accessed 7 July 2008]

_____. 6 March 2007. Department of State. "Nigeria." *Country Reports on Human Rights Practices for 2006.* <<http://www.state.gov/g/drl/rls/hrrpt/2006/78751.htm>> [Accessed 7 July 2008]

_____. 8 March 2006. Department of State. "Nigeria." *Country Reports on Human Rights Practices for 2005.* <<http://www.state.gov/g/drl/rls/hrrpt/2005/61586.htm>> [Accessed 7 July 2008]

Additional Sources Consulted

Oral sources: The International Centre for Nigerian Law did not provide information within the time constraints of this Response.

Internet sites, including: African Police Resource Network (APRN), AllAfrica, British Broadcasting Corporation (BBC), CLEEN Foundation, European Country of Origin

Information Network (ecoi.net), Factiva, Freedom House, Legal Defence and Assistance Project (LEDAP), Network on Police Reforms in Nigeria (NOPRIN), Norway - Landinfo, Organisation Mondiale Contre la Torture (OMCT), Prisoners Rehabilitation and Welfare Action (PRAWA), United Kingdom Home Office, United Nations Integrated Regional Information Networks (IRIN).

The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.