



Home Office

# **Country Information and Guidance**

## **Nigeria: Background information, including actors of protection and internal relocation**

**Version 2.0**

**August 2016**

# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email [the Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

# Contents

<b>Guidance</b> .....	<b>4</b>
1. Introduction.....	4
1.1 Summary of issues.....	4
2. Consideration of Issues .....	4
2.1 Protection .....	4
2.2 Internal relocation.....	5
3. Policy summary .....	6
<b>Country Information</b> .....	<b>7</b>
4. History .....	7
5. Economy.....	7
6. Geography and demography .....	8
6.1 Geography.....	8
6.2 Demography.....	8
6.3 Transport infrastructure .....	9
6.4 Maps .....	9
7. Constitution.....	10
8. Political system .....	10
9. Security forces.....	11
9.1 Overview .....	11
9.2 Armed forces .....	12
9.3 Police and police reforms .....	14
9.4 Human rights violations .....	20
10. Judiciary .....	22
10.1 Structure.....	22
10.2 Independence.....	24
10.3 Fair trial .....	25
10.4 Sharia courts .....	26
11. Human rights bodies.....	28
11.1 Human rights groups .....	28
11.2 Government human rights bodies .....	28
12. Corruption.....	28
13. Freedom of movement.....	32
14. Forged and fraudulently obtained documents.....	34
15. Citizenship and nationality .....	36
<b>Version Control and Contacts</b> .....	<b>40</b>

# Guidance

Updated 17 August 2016

## 1. Introduction

### 1.1 Summary of issues

- 1.1.1 In general, are those at risk of persecution or serious harm able to seek effective protection and/or internally relocate to escape that risk?

[Back to Contents](#)

## 2. Consideration of Issues

### 2.1 Protection

- 2.1.1 The Nigeria Police Force (NPF) is the principal law enforcement agency comprising more than 350,000 men and women, covering all 36 Nigerian states and the federal capital territory (FCT), Abuja. It is widely seen as corrupt and inefficient. However, in 2015, the new Inspector General of Police launched a series of measures to address public concerns, including the establishment of a new Complaints Response Unit (CRU) to deal with complaints about police professional misconduct. It has been reported that between May and November 2015, 51 policemen were dismissed from the Nigeria Police Force over proven corrupt practices with 56 others given various punishments, including demotion (see [Police and police reforms](#)).
- 2.1.2 There are reports of Nigerian police officers being engaged in misconduct and abuses such as arbitrary arrests, use of excessive force, beatings, and extra-judicial killings (see [Human rights violations](#)).
- 2.1.3 The National Human Rights Commission (NHRC) investigates allegations of human rights abuses and publishes periodic reports detailing its findings. The law provides for recognition and enforcement of NHRC awards and recommendations as court decisions (see [Human rights bodies](#)).
- 2.1.4 The NHRC has, as one of its focus areas, responsibility for investigating reports of “torture and extrajudicial, summary, and arbitrary executions”. Private citizens and the government also reportedly bring charges against perpetrators of human rights abuses (see [Security forces: Overview](#)).
- 2.1.5 In some cases, the army supports police operations when the police need assistance, but was often unable to respond adequately to reports of violence especially against non- state armed groups such as Boko Haram (see [Armed forces](#) and the country information and guidance on [Nigeria: Fear of Boko Haram](#)).
- 2.1.6 Nigeria’s criminal justice system, with state and federal courts, is based on common or customary law systems and has achieved a degree of independence and professionalism. The constitution also recognizes Sharia courts for civil proceedings but does not state anything explicitly about whether their jurisdiction includes criminal proceedings. Sharia and

customary (traditional) courts of appeal function in 18 northern states and the Federal Capital Territory (FCT) (see [Judiciary](#)).

- 2.1.7 In practice, Sharia courts in the 12 northern states have authority to hear criminal cases where both the Muslim complainant and the Muslim defendant agree to the venue. It may pass sentences based on the Sharia penal code, including hadd offenses and punishments, such as caning, amputation, and death. Non-Muslims have the option for their cases to be heard in the Sharia courts if involved in civil disputes with Muslims (see [Sharia courts](#)).
- 2.1.8 The Hisbah – Sharia law enforcement groups – in northern states, are reported to enforce Sharia law inconsistently and sporadically (see [Police](#)).
- 2.1.9 If the person’s fear is of persecution or serious harm by the state, they will not be able avail themselves of the protection of the authorities.
- 2.1.10 Where the fear is from non-state agents (including rogue state agents), effective protection is in general likely to be available despite weaknesses in the system. However an assessment must be made in relation to the particular circumstances and profile of the person. The onus is on the person to demonstrate that the state is not willing and able to provide protection.
- 2.1.11 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.2 Internal relocation

- 2.2.1 Where the person’s fear is of persecution or serious harm at the hands of the state, they will not be able to relocate to escape that risk.
- 2.2.2 Where the person’s fear is of persecution or serious harm at the hands of non state agents (including rogue state agents), relocation to another area of Nigeria is likely to be generally viable depending on the nature of the threat from non-state agents and individual circumstances of the person, and as long as it would not be unduly harsh to expect them to do so.
- 2.2.3 Nigeria is a large country with a population of over 170 million, covering an area of over 900,000 sq km (around four times the size of the UK) in 36 states. Nigerians can freely travel within Nigeria, however, the authorities have restricted freedom of movement in certain areas - principally Borno, Adamawa and Maiduguri - states affected by sectarian violence or terrorist attacks. Freedom of movement is also influenced by Boko Haram’s control of parts of the country, particularly restricting women to move around freely or men to travel between towns (see [Geography](#) and [Freedom of movement](#) and the country information and guidance on [Nigeria: Fear of Boko Haram](#)).
- 2.2.4 For further information on considering internal relocation and the factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

### **3. Policy summary**

- 3.1.1 In general a person will be able to access state protection against persecution or serious harm from non-state actors (including rogue state actors) but this will depend on the particular facts of their case and profile of the person. Effective protection may not be available in all cases or areas, particularly in areas where armed insurgent/terrorist groups are active. Each person's individual circumstances will need to be considered.
- 3.1.2 Where the threat is from non-state agents internal relocation to another area of Nigeria to escape the risk is likely to be generally viable but will depend on the nature and origin of the threat as well as the individual circumstances of the person.

[Back to Contents](#)

# Country Information

Updated 17 August 2016

## 4. History

- 4.1.1 For a brief overview of Nigeria's recent history, see the BBC's [Nigeria profile - Timeline](#), updated on 12 June 2015.
- 4.1.2 Further background, including the country's history, can be found on [the website of the Washington DC Nigerian Embassy](#)

[Back to Contents](#)

## 5. Economy

- 5.1.1 The African Economic Outlook 2016 Nigeria Country Profile noted:

'The Nigerian economy has been adversely affected by external shocks, in particular a fall in the global price of crude oil. Growth slowed sharply from 6.2% in 2014 to an estimated 3.0% in 2015. Inflation increased from 7.8% to an estimated 9.0%. The sluggish growth is mainly attributed to a slowdown in economic activity which has been adversely impacted by the inadequate supply of foreign exchange and aggravated by the foreign exchange restrictions targeted at a list of 41 imports, some of which are inputs for manufacturing and agro-industry. This has resulted in cuts in production and shedding of labour in some sectors. However, with the increasing policy concern over the decline in growth, the central bank has moved to reduce the cost of borrowing for government and the private sector to stimulate the economy.'

<sup>1</sup>
- 5.1.2 The United States Central Intelligence Agency (CIA) 'World Factbook' chapter on Nigeria, updated 10 June 2016, stated:

'Following an April 2014 statistical "rebasings" exercise, Nigeria has emerged as Africa's largest economy, with 2015 GDP estimated at \$1.1 trillion. Oil has been a dominant source of income and government revenues since the 1970s. Following the 2008-9 global financial crises, the banking sector was effectively recapitalized and regulation enhanced. Nigeria's economic growth over the last five years has been driven by growth in agriculture, telecommunications, and services. Economic diversification and strong growth have not translated into a significant decline in poverty levels, however - over 62% of Nigeria's 170 million people still live in extreme poverty.

'Despite its strong fundamentals, oil-rich Nigeria has been hobbled by inadequate power supply, lack of infrastructure, delays in the passage of legislative reforms, an inefficient property registration system, restrictive trade policies, an inconsistent regulatory environment, a slow and ineffective judicial system, unreliable dispute resolution mechanisms, insecurity, and

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<sup>1</sup> African Economic Outlook – Nigeria Country Profile, 2016  
<http://www.africaneconomicoutlook.org/en/country-notes/nigeria>. Date accessed: 12 July 2016

pervasive corruption. Regulatory constraints and security risks have limited new investment in oil and natural gas, and Nigeria's oil production has contracted every year since 2012.

'Because of lower oil prices, GDP growth in 2015 fell to around 3%, and government revenues declined, while the nonoil sector also contracted due to economic policy uncertainty. President BUHARI, elected in March 2015, has established a cabinet of economic ministers that includes several technocrats, and he has announced plans to increase transparency, diversify the economy away from oil, and improve fiscal management. The government is working to develop stronger public-private partnerships for roads, agriculture, and power. The medium-term outlook for Nigeria is positive, assuming oil output stabilizes and oil prices recover.'<sup>2</sup>

[Back to Contents](#)

## 6. Geography and demography

### 6.1 Geography

- 6.1.1 The Encyclopaedia Britannica online guide to Nigeria noted: 'Nigeria: country located on the western coast of Africa... Nigeria is bordered to the north by Niger, to the east by Chad and Cameroon, to the south by the Gulf of Guinea of the Atlantic Ocean, and to the west by Benin.'<sup>3</sup>
- 6.1.2 Nigeria is comprised of thirty six states divided into six regions of the South, South West, South East, North East, North West and North Central. See [List of 36 Nigerian states](#) and [6 Regions of Nigeria](#).

[Back to Contents](#)

### 6.2 Demography

- 6.2.1 The CIA 'World Factbook', last updated 10 June 2016, stated that Nigeria had an estimated population of 177 million people...The religious makeup of Nigeria's population is around 50 per cent Muslim; 40 per cent Christian; and 10 per cent belong to indigenous religions.<sup>4</sup>
- 6.2.2 The US Library of Congress Nigeria Country Profile noted 'The official language is English. Other widely used languages are Edo, Efik, Fulani, Adamawa Fulfulde, Hausa, Idoma, Igbo (Ibo), Central Kanuri, Yoniba, and Yoruba.'<sup>5</sup>
- 6.2.3 The CIA Factbook noted:
- 'Nigeria has more than 250 ethnic groups. The most significant groups are Hausa and Fulani (29 percent), Yoruba (21 percent), Igbo (also seen as Ibo,

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<sup>2</sup> CIA World Factbook – Economy, last updated 10 June 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>. Date accessed: 13 July 2016.

<sup>3</sup> Encyclopaedia Britannica – Nigeria, undated <https://www.britannica.com/place/Nigeria>. Date accessed: 13 July 2016.

<sup>4</sup> CIA World Factbook – Economy, last updated 10 June 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>. Date accessed: 13 July 2016.

<sup>5</sup> US Library of Congress – Nigeria Country Profile, 2008, <https://www.loc.gov/rr/frd/cs/profiles/Nigeria.pdf>. Date accessed: 13 July 2016.



18 percent), and Ijaw (10 percent). Hausa and Fulani have traditionally dominated in the north, Yoruba in the southwest, Igbo in the east, and Ijaw in the Niger Delta. Rivalries among ethnic groups are a source of instability. Since 1991, questions about religion and ethnicity have not been included in the national census.’<sup>6</sup>

Two websites – [Nigerian tribes and people](#) and [complete list of ethnic groups in Nigeria](#) – provided details of different ethnic groups within the country.

[Back to Contents](#)

### 6.3 Transport infrastructure

#### 6.3.1 The ‘Commonwealth Yearbook 2014’ provided background on the transport infrastructure:

‘Transport: 193,200 km of roads, 15 per cent paved, link all main centres. Some secondary roads are impassable during the rains.

‘There are around 3,530 km of railway, the main routes running from Lagos to Kano, and from Port Harcourt to Maiduguri, with a branch line from Zaria to Gusau and Kaura Namoda. Much of the network is single-track, and the narrow gauge restricts speed and load-carrying capacity.

‘Main ports are at Apapa, Tin Can Island, Warri, Sapele, Port Harcourt and Calabar. Ferry services operate along the Niger and Benue rivers and along the coast.

‘Lagos international airport is 22 km north of Lagos; other main international airports are at Abuja (35 km from the city), Kano and Port Harcourt, and main domestic airports at Benin City, Calabar, Enugu, Jos, Kaduna, Lagos, Maiduguri, Sokoto and Yola.’<sup>7</sup>

[Back to Contents](#)

### 6.4 Maps

#### 6.4.1 For a map showing the names of Nigeria’s states, and also shows the location of the main cities and towns, main rivers, main roads, railways, and main airports – see [http://ialnigeria.com/home/index.php?option=com\\_content&view=article&id=108&Itemid=128](http://ialnigeria.com/home/index.php?option=com_content&view=article&id=108&Itemid=128),

#### 6.4.2 For other maps of Nigeria, see:

<http://www.ezilon.com/maps/africa/nigeria-road-maps.html> [road map of Nigeria]

<http://www.fragilestates.org/2012/01/29/nigerias-potential-for-sectarian-conflict/> [maps showing ‘Major ethnic groups’ and ‘Main religious divide’]

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<sup>6</sup> US Library of Congress – Nigeria Country Profile, 2008 <https://www.loc.gov/rr/frd/cs/profiles/Nigeria.pdf>. Date accessed: 13 July 2016.

<sup>7</sup> Commonwealth of Nations - ‘The Commonwealth Yearbook 2014 - Nigeria’, 1 June 2014 <http://www.commonwealthofnations.org>. Date accessed: 13 July 2016.

<http://reliefweb.int/country/nga> [collection of maps in relation to humanitarian and security situation]

[Back to Contents](#)

## 7. Constitution

7.1.1 The US Library of Congress Nigeria Country Profile noted:

‘Nigeria’s current constitution, the fourth since independence, went into effect on May 29, 1999. Modelled after the U.S. Constitution, it provides for a separation of powers among a strong executive, an elected legislature, and an independent judiciary. Critics of the constitution complain that the federal government retains too much power at the expense of the states. Although the constitution proclaims personal freedom and a secular state, it also permits Muslims to follow Sharia, or Islamic law.’<sup>8</sup>

See [Nigerian Constitution](#).

7.1.2 The 1999 Constitution has been altered in 2010 and 2011 by three substantive amendments to among other things- to provide for the financial independence of National Assembly and Independent National Electoral Commission; to provide new time-lines for the conduct of elections and to create a National Industrial Court with exclusive jurisdiction in labour and employment matters under the constitution.

See:

[1st Alteration Act 2010](#)

[2nd Alteration Act 2010](#)

[3rd Alteration Act](#)

[Back to Contents](#)

## 8. Political system

8.1.1 The US Library of Congress Nigeria Country Profile noted:

‘...Executive power is vested in the president, who is simultaneously chief of state and head of government. The president is eligible for two four-year terms. The president’s Federal Executive Council, or cabinet, includes representatives from all 36 states. The National Assembly, consisting of a 109-member Senate and a 360-member House of Representatives, constitutes the country’s legislative branch. Three senators represent each of Nigeria’s 36 states, and one additional senator represents the capital city of Abuja. Seats in the House of Representatives are allocated according to population. Therefore, the number of House members from each state differs. Members of the National Assembly are elected to a maximum of two four-year terms. The judicial branch comprises the Supreme Court, the Court

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<sup>8</sup> US Library of Congress – Nigeria Country Profile, 2008  
<https://www.loc.gov/rr/frd/cs/profiles/Nigeria.pdf>. Date accessed: 13 July 2016.

of Appeal, the Federal High Court, and, at the state level, high courts, Sharia courts, and customary courts. The president appoints members of the Supreme Court subject to confirmation by the Senate. [‘The FCT High Court as one of the judicial body of the Federal Capital Territory Judiciary is established by Section 255 of the Constitution of the Federal Republic of Nigeria, 1999.’<sup>9</sup>]

‘...Each of Nigeria’s 36 states has an elected governor and a House of Assembly. The governor is elected to a maximum of two four-year terms. The number of delegates to the House of Assembly is based on population (three to four times the number of delegates each state sends to the federal House of Representatives) and therefore varies from state to state within the range of 24 to 40. Nigeria’s states are subdivided into 774 local government areas, each of which is governed by a council that is responsible for supplying basic needs. The local government councils, which are regarded as the third tier of government below the federal and state levels, receive monthly subsidies from a national “federation account.”’<sup>10</sup>

[Back to Contents](#)

## 9. Security forces

### 9.1 Overview

#### 9.1.1 The US State Department 2015 Human Rights Practices Report, released April 2016, noted:

‘The Department of State Services (DSS) is responsible for internal security and reports to the president through the national security adviser. Due to police inability to control societal violence, the government turned to the army in many cases, as when military units deployed to Plateau State in response to indigene-settler violence after local police could not contain outbreaks of ethno religious violence. The military was often unable to respond adequately to reports of violence.

‘The police, DSS, and military reported to civilian authorities but periodically acted outside of civilian control. The government lacked effective mechanisms to investigate and punish security force abuse and corruption. The police and military remained susceptible to corruption, committed human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, and sometimes extrajudicial execution of suspects. In the armed forces, a soldier’s commanding officer determined disciplinary action, and the officer’s decision was subject to review by the chain of command under the Armed Forces Act. During the second half of the year, the NHRC provided some human rights training to the military. It also announced the creation of a hotline for citizens to report human right abuses by members of the armed forces.

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<sup>9</sup> Federal Capital Territory High Court – Website, undated <http://www.fcthighcourt.gov.ng/>. Date accessed: 14 July 2016.

<sup>10</sup> US Library of Congress – Nigeria Country Profile, 2008 <https://www.loc.gov/rr/frd/cs/profiles/Nigeria.pdf>. Date accessed: 13 July 2016.

'The DSS also reportedly committed human rights abuses, particularly in restricting freedom of speech and press. In some cases, private citizens or the government brought charges against perpetrators of human rights abuses, but most cases lingered in court or went unresolved after an initial investigation. The NHRC has, as one of its focus areas, responsibility for investigating reports of "torture and extrajudicial, summary, and arbitrary executions."' <sup>11</sup>

[Back to Contents](#)

## 9.2 Armed forces

### 9.2.1 The defenceWeb portal profile of Nigerian Armed Forces from 2103 noted:

'Nigeria's military is tasked with preserving the country's territorial integrity, contributing to national emergencies and security, promoting security in Africa and furthering Nigerian foreign policy, and contributing to global security. Since independence, Nigeria has experienced five military coups, as well as separatist and religious wars, and these years of military rule has negatively affected the equipment, morale and discipline of the armed forces. However, the Nigerian military has been undergoing a process of transformation since 2008 and has been expanding and re-equipping.

'A Joint Task Force (JTF) was established to respond to terrorism and other threats in the Niger Delta. Defence spending has been growing rapidly over the last several years, especially in response to the numerous security challenges the country is facing, notably the Boko Haram insurgency, piracy in the Gulf of Guinea and oil-related crime in the Niger Delta. Other security issues include civil insecurity and terrorism, religious and ethnic violence, drug trafficking and arms smuggling.

'The Nigerian Army is the largest of the three branches of service, with some 100 000 personnel, and is facing the brunt of the country's security challenges, notably the Boko Haram insurgency. A large portion of the Army's budget has been spent on improving military facilities and supporting internal security and foreign peacekeeping deployments. Nigeria has been trying to modernise its Army by making it more professional, more sustainable and more rapidly deployable.' <sup>12</sup>

### 9.2.2 An International Crisis Group report from June 2016 noted:

'Nigeria's military is in distress. Once among Africa's strongest and a mainstay of regional peacekeeping, it has become a flawed force. The initially slow, heavy-handed response to the Islamist Boko Haram insurgency raised serious concerns, and its human rights record underscores a grave

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<sup>11</sup> US State Department 2015 Human Rights Practices Report, released April 2016  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 14 July 2016.

<sup>12</sup> DefenceWeb – Nigerian Armed Forces, October 2013  
[http://www.defenceweb.co.za/index.php?option=com\\_content&view=article&id=32118:nigerian-armed-forces](http://www.defenceweb.co.za/index.php?option=com_content&view=article&id=32118:nigerian-armed-forces). Date accessed: 15 July 2016.

disconnect with civilians. President Muhammadu Buhari has taken some steps to reverse the decline and has recorded significant gains against Boko Haram, but ongoing prosecution of former chiefs for graft have further deepened the military's reputation as poorly governed and corrupt.

'...Until recently, the military was under-resourced, with comparatively low budgets, disbursed irregularly and unpredictably. From 2000 to 2008, its budget was less than 3 per cent of overall government expenditure. From 2009 to 2014, it increased to an average of 7.2 per cent of government spending (\$5-\$6 billion); but, as in the past, this was still allocated disproportionately to recurrent expenditures, leaving very little for crucial capital investment.

'Corruption is system-wide. Legislators often manipulate the appropriation process at the National Assembly to serve private business interests rather than benefit the armed forces. Dubious procurement practices, fraudulently bloated payrolls, poor financial management and weak auditing systems at the national security adviser's office, the defence ministry and armed services headquarters often mean funds are diverted to private or non-military purposes; arms, ammunition and other equipment are sometimes substandard and not always delivered. Inadequate funding, corrupt procurement and poor maintenance result in serious equipment and logistics deficits.

'...Since assuming office in May 2015, President Buhari has appointed new and more competent service chiefs, relocated the military command centre dedicated to the fight against Boko Haram to the north east and probed past weapons procurement.'<sup>13</sup>

### 9.2.3 A News24 report of 11 June 2016 noted:

'Nigeria's army says it is firing many senior officers accused of corruption and stealing billions of dollars meant to buy arms to fight the Boko Haram Islamic insurgency.

'[An] army spokesman says "quite a number" were sacked on Friday, mainly major generals, brigadier generals, colonels, lieutenant colonels and one major. He says some were handed over to the Economic and Financial Crimes Commission for allegedly diverting billions meant to buy weapons. He says others played partisan roles in the 2015 elections.

'...Among officers on trial for corruption is former chief of defence staff Alex Badeh.

'President Muhammadu Buhari has blamed corruption for the previous government's failures to curb the Boko Haram insurgency centred in the northeast.'<sup>14</sup>

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<sup>13</sup> International Crisis Group – 'Nigeria: The Challenge of Military Reform', 6 June 2016 [http://www.crisisgroup.org/~media/Files/africa/west-africa/nigeria/237-nigeria-the-challenge-of-military-reform.pdf](http://www.crisisgroup.org/~/media/Files/africa/west-africa/nigeria/237-nigeria-the-challenge-of-military-reform.pdf). Date accessed: 15 July 2016.

<sup>14</sup> News24 – 'Dozens of Nigerian army officers sacked', 11 June 2016 <http://www.news24.com/Africa/News/dozens-of-nigerian-army-officers-sacked-20160611>. Date

- 9.2.4 Amnesty International published a report in June 2015 concerning alleged human rights violations by the military in the north east of the country [War Crimes Committed by the Nigerian Military](#) .

[Back to Contents](#)

### 9.3 Police and police reforms

- 9.3.1 The Interpol website (accessed 15 July 2016), in a section on the Nigerian Police Force, noted:

‘Law enforcement services in Nigeria are provided principally by the Nigeria Police Force. With a strength of more than 350,000 men and women, this federal police force covers all 36 Nigerian states and the federal capital territory, Abuja.’<sup>15</sup>

- 9.3.2 The US State Department 2015 Country Report on Human Rights Practices noted:

‘The police report to the inspector general of police, appointed by the president and responsible for law enforcement operations. An assistant inspector general commands each state police unit. The constitution prohibits state and local governments from organizing their own police forces, but state governors may direct federal police in local emergency actions.’<sup>16</sup>

- 9.3.3 A ‘This Day Live’ (Nigerian newspaper) article by Chiemelie Ezeobi, ‘Nigeria police since 1960’, from October 2014, stated:

‘The NPF [Nigeria Police Force] is divided into the administration, anti-fraud section, central criminal registry, special anti-robbery squad, x-squad, general investigation, special fraud unit, legal section, forensic science laboratory, interpol liaison, homicide, anti-human trafficking, special branch (criminal and special investigation bureau) and the force CID investigation Kaduna annex.’<sup>17</sup>

- 9.3.4 The US State Department 2014 International Religious Freedom Report noted:

‘State governments in Bauchi, Gombe, Jigawa, Kaduna, Kano, Niger, and Zamfara funded sharia law enforcement groups called the Hisbah, which enforced Sharia law inconsistently and sporadically, sometimes targeting Christians or residents of other states. During the year, the Kano State

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accessed: 15 July 2016.

<sup>15</sup> Interpol – The Nigeria Police Force, undated <http://www.interpol.int/Member-countries/Africa/Nigeria>. Date accessed: 15 July 2016.

<sup>16</sup> US State Department 2015 Human Rights Practices Report, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 15 July 2016.

<sup>17</sup> ‘This Day Live’, <http://www.thisdaylive.com/>, ‘Nigeria Police Since 1960’, Chiemelie Ezeobi, 1 October 2014, <http://www.thisdaylive.com/articles/nigeria-police-since-1960/190287/>. Date accessed: 15 July 2016.

Hisbah periodically arrested residents for alcohol consumption, prostitution, and other reported violations of Sharia law.’<sup>18</sup>

9.3.5 An article in the Vanguard from February 2016 noted:

‘Upon assumption of office as the 18th indigenous Inspector -General of Police, on April 22, 2015, Mr. Solomon Ehijiator Arase, came up with a six-point strategic policy designed for what the police would be now and in future. Going by his intimidating resume and experience, ‘Crime Guard’ decided to put the performance of the scholar of police history on scale, with a view to ascertaining whether his words were matching with action.

‘Monday, February 22, 2016, was exactly ten months Arase came into the exalted office of the number one policeman in Nigeria. It would therefore not be out of place to use the template of his strategic policing plan to analyse the extent to which Arase and his management team have gone in the journey towards realigning the Nigeria Police Force to citizen’s expectations.

#### ‘Anti- Corruption Drive

‘Corruption which is identified as the most critical factor holding the Nigeria Police Force back from the path of quality and professional service delivery has been one of the main challenges bedeviling the force. For instance, practices such as payment for bail even when it is clearly stated on the bail bond that bail is free, as well as the brazen extortion of commercial bus drivers by policemen in the full glare of the populace, have dented the image of what ought to be a revered force. Many IGPs have had plans of curbing this shameless act to no avail.

‘Crime Guard’ investigation however revealed that this act is being frontally tackled by the current Force Management, with the adoption of a three-pronged approach. First was to target and ameliorate the root causes of official corruption by introducing a number of welfare programmes. Second, was to strengthen and make efficient, all anti-corruption enforcement modalities, with the aim of identifying, isolating and firmly imposing discipline on any officer linked with acts of corruption, in order to act as deterrence to others. Third, was the involvement of the social media to involve the citizens in the monitoring and accountability process.

#### ‘51 policemen dismissed

‘Interestingly (sic) , this strategy seems to have made head way , as statistics at Saturday Vanguard’s disposal showed that 51 policemen were dismissed from the Nigeria Police between May and November 2015, over proven corrupt practices while 56 others awarded various punishments which included demotion.

‘These practices are still ongoing in some police divisions and commands across the country. However, in his determination to bring it to the barest minimal, Arase has charged his Monitoring Unit, X-Squad and the Provost

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<sup>18</sup> US State Department 2014 International Religious Freedom Report, released June 2015 <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>. Date accessed: 15 July 2016.

Marshal to sustain the enforcement drive, while the Policy of holding Commissioners of Police, Area Commanders and Divisional Police Officers vicariously liable for such distasteful professional misconduct is still being reinforced.

#### 'Road Block

'Although road block was disbanded by former Inspector-General of Police, Mohammed Abubakar, four years ago, it was Arase who is trying to enforce the directive with Safer High Way Motorized Patrol Teams. Saturday Vanguard gathered that between May 18, 2015 when the initiative was formally launched and 30th November, 2015, over 600 patrol vehicles were procured and deployed under the Phase I and Phase II of the Scheme, with over 2,400 specially trained and well-equipped patrol officers deployed to the Scheme.

'In addition, Saturday Vanguard gathered that a welfare system has been emplaced for all personnel of this special national patrol outfit.

#### 'Complaint Response Unit

'The establishment of the Complaints Response Unit, CRU can be described as a positive and landmark initiative by the IGP, as it encourages citizens to monitor Policemen as well hold them accountable for their actions and inactions. Complaint[s] on policemen conduct are sent. The CRU unit is monitored by policemen at the Force headquarters, Abuja and personally supervised by Arase. At the last count, Saturday Vanguard discovered that close to two thousand complaints were received from members of the public on its online platform: [www.stopthebribe.com](http://www.stopthebribe.com). This platform has no doubt been an efficient mechanism for deterring some policemen from corrupt practices as well as for investigating erring officers, while communicating feedbacks to the complainants.

#### 'Welfare

'Poor welfare scheme for policemen has strongly been blamed for the corruption in the Police force. Since assumption, a total of 35,429 Rank and File policemen who had been stagnating on their ranks for several years, across all commands, have been promoted by the IGP and his management team, with the support of the Police Service Commission. A breakdown of this figure showed that 456 Police Constables were promoted to Corporals, 28,530 Corporals were promoted to the rank of Sergeant, while 6,443 Sergeants were promoted to the rank of Inspector.

'This figure according to Arase in a recent briefing, included personnel who have consistently risked their lives and courageously confronted insurgents in the North East.

'In addition, over 5,184 Traffic wardens said to have remained demotivated and agitated for years due to rank stagnation have also been promoted, while 995 senior officers from the ranks of Assistant Superintendent of Police, ASP to DIG also benefited from the promotion.

#### 'NPF Educational Scholarship Foundation



'In addition to further improve the welfare scheme of policemen; the IGP launched the NPF Educational Scholarship Foundation on Wednesday, December 16, 2016 at the Force headquarters Abuja. The Scholarship, he explained, was envisioned as an official intervention scheme that could support the attainment of the educational desires of children of junior cadre Officers while also reducing the temptation to engage in corrupt practices propelled by negative urge to meet the financial requirements for the provision of quality education for their children.

'Three hundred and twenty five (325) children received scholarships that memorable day for education from Primary School to University level.

### Housing Welfare Project

'Also, several housing projects have reportedly been undertaken by the present Force leadership to provide low cost houses for policemen. To achieve this, the Police in partnership with the NPF Mortgage Bank are reportedly helping officers acquire soft loans to purchase these houses. The NPF Property Development Company was also recently established to oversee the development of Police housing projects. At the moment, Saturday vanguard learned that the UN Habitat Shelter Afrique, an International company, is building 25,000 houses in different States of the country, while the Police Housing Project has kicked off with one hundred (100) units of houses to be built in Enugu, Katsina and Edo States with 50 units in Adamawa State.

### 'Human Rights/Intelligence -Led Policing

'Aside corruption, the abuse of Police powers has been a major issue facing the Force. Instances of extra-judicial killings, accidental discharges which have sent innocent and harmless Nigerians to unprepared graves and illegal undue detention have become a recurring decimal.

'In addressing this challenge, Arase has introduced a human right- driven, intelligence-led policing.

'This approach as explained by him "is designed to prevent custodial violence occasioned by the practice whereby arrest and detention of citizens are effected before evidence are adduced. ["] Under the new orientation, evidence-gathering precedes arrest. This approach places a maximum premium on non-custodial investigation and guarantees that arrested suspects are charged to court as quickly as possible.

'Lamenting recently that he inherited a Force that had often been accused by members of the public of extra-judicial killings, Arase attributed the resort to lethal weapons as a first line of response by the Police, as a major contributing factor. Consequently, in line with his vow that 'no Nigerian citizen will suffer any injustice on account of my actions or inactions ', he informed that the Force was currently in the process of migrating from the use of lethal weapons to electro-muscular disruption technology (Taser/Stun Guns).

'If this is achieved, it will be seen as a revolutionary and unprecedented initiative in the history of policing in Nigeria which in the long run will effectively reduce fatalities associated with Police actions.

### ‘Cutting-Edge Technology

‘In what could be described as a move to equipping the Nigeria Police with the use of technology in relation to crime detection and prevention, Arase announced the use of the state of the art vehicles which equipped with modern technology to provide forensic support at scene of crimes. These vehicles he said had been provided to Police Commands in every State of the federation and are currently being utilized.

‘But on whether Nigerians have begun to feel the impact of these equipment remains unclear. From the foregoing, Arase may be proud of his efforts so far. However, the challenges of the police force are still enormous and Nigerians appreciate the fact that the problems of the force cannot be solved overnight. Arase appears on course.’<sup>19</sup>

9.3.6 An Agence France-Presse (AFP) news report from November 2015 noted:

‘Nigeria's police force, widely seen as corrupt and inefficient, has launched a scheme to improve its negative image to address public complaints against bad cops, its spokesman said on Thursday.

‘The Complaints Response Unit (CRU), launched last Friday, is the first in the country's history and aims to use "cutting edge technology to combat crime and address complaints of citizens".

“CRU will deal with complaints against police professional misconduct,” national police spokesman Abayomi Sogunle said.

“It will open up a channel of communication between the police and the Nigerian community,” he told Nigeria Info radio.

‘Disgruntled members of the public can phone in their complaints or send them via email, social media platforms Twitter, Facebook or WhatsApp directly to the inspector general of police's inbox.

“Disciplinary action will be taken against any erring officer after investigation is carried out and the complainant will be given a feedback on the action taken,” Sogunle explained.

‘Nigeria's police are frequently criticised for being impolite, ill-trained and poorly-equipped. They have also been accused of bribe-taking and human rights abuses.

‘A September 2014 report by Amnesty International said torture had become so commonplace in Nigeria's criminal justice system that some police stations even have an officer in charge of the practice.

‘President Muhammadu Buhari has embarked on a wide-ranging anti-corruption campaign and an overhaul of the police service is expected.

‘Sogunle said the CRU, which will operate 24 hours a day, will ensure that "everybody (in the police) is doing what is expected of him".

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<sup>19</sup> Vanguard – Corruption in Police: Arase dismisses 51 officers, and demotes 56’, 27 February 2016 <http://www.vanguardngr.com/2016/02/corruption-in-police-arase-dismisses-51-officers-demotes-56/>. Date accessed: 15 July 2016.

'The scheme's objectives will be translated into local languages for as wide a reach as possible, he added.'<sup>20</sup>

9.3.7 A Sahara Reporters article from July 2016 noted:

'NOPRIN is a network of 46 civil society organizations spread across Nigeria, and committed to promoting police accountability and respect for human rights.

'...NOPRIN, the Network on Police Reform in Nigeria, has commended President Buhari for directing the new Inspector General of Police to reopen investigations into numerous unresolved political and other killings in the country.

'In a statement signed on Sunday by Okechukwu Nwanguma, its National Coordinator, the group said this indicates the President's determination to ensure that justice is attained in those lingering cases.

'NOPRIN said that one of the key sources of the grave damage to the image of the Nigeria Police, and which continue to portray the country in a very unfortunate light, is the failure by the police to fulfil one of their fundamental obligations to effectively investigate cases of politically-motivated and other controversial killings in the Nigeria to bring perpetrators to account and ensure redress and justice for the victims.

'It added that the intrigues that have attended the investigation and prosecution of suspects in the Bola Ige case have exposed the police and the judiciary to unspeakable ridicule.

"The contradictions and obfuscation in the different reports by the police and DSS in the case of the killing of Olaitan Oyerinde, Private Secretary to Edo State Governor, Adams Oshiomhole also did so much to create confusion and hinder the effort at unravelling the actual perpetrators of that dastardly killing and ensuring that they are brought to account," it said.

'The group pointed out that considering the political motive and the complex nature of some of those killings, and the fact that the Nigeria police remains under political control which denies the IGP operational independence and hinders police professionalism and effectiveness, it would be appropriate to set up a judicial panel of inquiry to independently and exhaustively inquire into these killings and make appropriate recommendations that would ensure justice for the victims, the perpetrators and the society.'<sup>21</sup>

9.3.8 A June 2016 Africa in Transition report noted:

'President Muhammadu Buhari has appointed new Acting Police Inspector General (AIG) Ibrahim Kpotun Idris. His predecessor has retired because he reached the age limit for the position. The new AIG has been an assistant

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<sup>20</sup> Yahoo News – 'Bad cop? Nigeria's police seeks to clean up its image', 19 November 2015 <https://www.yahoo.com/news/bad-cop-nigerias-police-seeks-clean-image-162110913.html?ref=gs>. Date accessed: 20 July 2016.

<sup>21</sup> Sahara Reporters – 'NOPRIN Commends President Buhari For Reopening Of Unresolved Killings In Nigeria', 19 July 2016 <http://saharareporters.com/2016/07/19/noprin-commends-president-buhari-ordering-reopening-unresolved-killings-nigeria>. Date accessed: 20 July 2016.

inspector general of police. While sketchy news reports do not indicate whether this appointment represents a housecleaning, one is sorely needed within the police. The police are a national, not local, body, comparable in some ways to the gendarmerie in France. They have been widely accused of human rights abuses which are a driver of public support or acquiescence for Boko Haram and the NDA [Niger Delta Avengers].'<sup>22</sup>

[Back to Contents](#)

## 9.4 Human rights violations

### 9.4.1 The US State Department Human Rights Practices Report covering events in 2015 noted:

'The government took few steps to investigate or prosecute officials who committed violations, whether in the security forces or elsewhere in the government, and impunity remained widespread at all levels of government. Although President Buhari's administration began initial steps to curb corruption, authorities did not investigate or punish the majority of cases of police or military abuse.

'...The government and its agents committed numerous arbitrary and unlawful killings. The national police, army, and other security services committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects as well as to disperse protesters. Authorities generally did not hold police, military, or other security force personnel accountable for the use of excessive or deadly force or for the deaths of persons in custody. State and federal panels of inquiry investigating suspicious deaths did not make their findings public.'<sup>23</sup>

### 9.4.2 The Freedom House 2016 Freedom in the World Report noted:

'Despite pressure from international human rights groups, torture has yet to be criminalized. There were numerous allegations of torture, extortion, bribe taking, and embezzlement within the police force in 2015. In June, the inspector general of police, in collaboration with an NGO specializing in security-sector reform, launched a social-media platform that allowed citizens to report police abuse and bribe taking.'<sup>24</sup>

### 9.4.3 A Global Observatory Report from July 2015 noted:

'The impunity with which the Nigerian police abuse citizens has, unsurprisingly, instilled a deep mistrust among the community. According to survey data, only half the country would report a crime to the police. Of those

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<sup>22</sup> Council on Foreign Relations/Africa in Transition – Nigerian Security Developments: Niger Delta Avengers, Boko Haram and New Police Inspector General, 22 June 2016  
<http://blogs.cfr.org/campbell/2016/06/22/nigerian-security-developments-niger-delta-avengers-boko-haram-and-new-police-inspector-general/#more-16065>. Date accessed: 18 July 2016.

<sup>23</sup> US State Department 2015 Human Rights Practices Report, released April 2016  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 18 July 2016.

<sup>24</sup> Freedom House – 2016 Freedom in the World Report, January 2016  
<https://freedomhouse.org/report/freedom-world/2016/nigeria>. Date accessed: 18 July 2016.

who would not, 31% said they avoided the police because they would have demanded a bribe to help.’<sup>25</sup>

9.4.4 The Amnesty International report, “Welcome to Hell Fire” - Torture and other ill-treatment in Nigeria’, published in September 2014, stated:

‘Amnesty International found that torture and other ill-treatment are routine practice in criminal investigations across Nigeria. Suspects in police and military custody across the country are subjected to torture as punishment or to extract ‘confessions’ as a shortcut to “solve” cases – particularly armed robbery and murder.

‘Many police sections in various states, including the Special Anti-Robbery Squad (SARS) and Criminal Investigation Division (CID), have “torture chambers”: special rooms where suspects are tortured while being interrogated. Often known by different names like the “temple” or the “theatre”, such chambers are sometimes under the charge of an officer known informally as “O/C Torture” (Officer in Charge of Torture).

‘The risk of torture and other ill-treatment is exacerbated by the endemic corruption in policing. Amnesty International’s research found that police often detain people, sometimes in large dragnet operations, as a pretext to obtain bribes, alleging involvement in various offences ranging from “wandering” (loitering) to robbery. Those who are unable to pay the bribes for their release are often tortured as punishment, or to coerce them to find the money for their release. They also risk being labelled as an “armed robber” and are then at further risk of being tortured to extract a “confession”. Suspects without money are also less likely to be able to access a lawyer, family members or medical treatment. Rape by police is a common method of torture inflicted primarily on women. Sex workers and women believed to be sex workers are particularly targeted by the police either for financial bribes or rape.

‘Reports of torture and other ill-treatment in the north of Nigeria have increased over the last few years as the conflict in the north-east of Nigeria has escalated. An estimated 5,000 to 10,000 people have been detained since 2009 as part of the military operations against the armed Islamist group Boko Haram. A large number of these detainees – accused of having links with Boko Haram – appear to have been subjected to torture and other ill-treatment. Almost all are held in extremely poor conditions that themselves amounts to ill-treatment.

‘A wide range of torture methods are used by both military and police, including beatings; shootings; nail and teeth extractions; and rape and other sexual violence.’<sup>26</sup>

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<sup>25</sup> Global Observatory – Nigeria’s Justice System needs Reform Not Expansion, 22 July 2015 <https://theglobalobservatory.org/2015/07/nigerian-justice-boko-haram-buhari/>. Date accessed: 18 July 2016.

<sup>26</sup> Amnesty International - “Welcome to Hell Fire” - Torture and other ill-treatment in Nigeria’, September 2014, <http://www.amnesty.ie/sites/default/files/report/2014/09/Welcome-to-hell-fire-torture-and-other-ill-treatment-in-Nigeria-Amnesty-International-report.pdf>,. Date accessed 18 July 2016

## 10. Judiciary

### 10.1 Structure

#### 10.1.1 US Library of Congress Nigeria Country Profile noted:

'Nigeria's legal system is based on a combination of statutory (legislative) law, English common law, customary law, and, in the north, Islamic law (Sharia). Nigeria's federal and state courts apply statutory and English common law, whereas local courts recognize the legitimacy of customary and Islamic law. Bribes paid to influence judges and delays in bringing cases to trial sometimes impair the fair and efficient administration of justice. These deficiencies partially explain the popularity of Islamic law in the 12 northern states. Nevertheless, Sharia is criticized for the imposition of draconian penalties, although no death penalties have been carried out in recent years. Testimony from women and non-Muslims also carries less weight in Islamic courts.'<sup>27</sup>

#### 10.1.2 Legal Practitioners, Babalakin and Co, in an undated document (accessed 18 July 2016), described the courts in the country:

##### 'The Supreme Court of Nigeria

'This is the apex court in the hierarchy of courts in Nigeria and is situated in the Federal Capital Territory, Abuja. The Chief Justice of the Federation heads the Judiciary of Nigeria and presides over the Court. The court has limited but exclusive original jurisdiction in any dispute between the Federation and a State or between States if and in so far as that dispute involves any question (whether of law or fact) on which the existence of a legal right depends. Its appellate jurisdiction is to determine appeals from the Court of Appeal and this is also to the exclusion of any other court. The court consists of the Chief Justice of Nigeria and such number of Justices not exceeding twenty one as may be prescribed by the National Assembly. Ordinarily, the Court is duly constituted if it consists of not less than five Justices of the Court, except where it is exercising its original jurisdiction or a matter involves a question as to the interpretation or application of the constitution or whether any provision relating to the Fundamental Rights provisions of the Constitution has been, is being or is likely to be contravened. In this regard, the Court is duly constituted if it consists of seven Justices of the Court.

'The decision of the Supreme Court on any matter is final and is not subject to an appeal to any other body or person. This is however without prejudice to the power of the President or Governor of a State's exercise of Prerogative of Mercy in appropriate cases. The decisions of the Court are binding on all other courts in Nigeria.

##### 'The Court of Appeal

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<sup>27</sup>US Library of Congress – Nigeria Country Profile, 2008  
<https://www.loc.gov/rr/frd/cs/profiles/Nigeria.pdf>. Date accessed: 18 July 2016.

'This is next in the hierarchy of courts in Nigeria and its decisions are binding on all other lower courts. It is composed of the President of the Court of Appeal and other Justices of the Court of Appeal not being less than forty-nine. The court has original and exclusive jurisdiction over questions as to whether a person has been validly elected to the Office of President or Vice President of the Federation or whether the term of office of such person has ceased or whether the office has become vacant. It also has appellate jurisdiction to hear appeals from decisions of the High Courts of the States and the Federal Capital Territory, Federal High Court, the Sharia Courts of Appeal of the States or of the Federal Capital Territory, Customary Courts of Appeal of the States or of the Federal Capital Territory as well as from decisions of a court martial or other tribunals as specified by an Act of the National Assembly. The court is duly constituted by not less than three Justices for the purpose of exercising any of its stated jurisdiction. For administrative convenience, the court is divided into Judicial Divisions which sit in various parts of the country namely, Abuja, Lagos, Enugu, Kaduna, Ibadan, Benin, Jos, Calabar, Ilorin and Port Harcourt.

#### 'The Federal High Court

'There is a Federal High Court for the country, comprising of a Chief Judge and such number of Judges as the National Assembly may prescribe. The court has limited but exclusive jurisdiction in civil and criminal causes or matters as set out in the Constitution. It however has no appellate jurisdiction. In exercising its jurisdiction, the Court is duly constituted by one Judge of the Court. Like the Court of Appeal, the Federal High Court is divided into Judicial Divisions for administrative convenience but has a wider geographical spread as these Divisions are currently situated in over seventeen states of the Federation with plans to establish a Division of the Court in all the States of the Federation.

#### 'The High Court

'There is a High Court in each State of the Federation and the Federal Capital Territory. Each Court is made up of a Chief Judge and such other number of judges as the State House of Assembly or the National Assembly (in the case of the High Court of the Federal Capital Territory) may prescribe. The High Courts of the various States have general original jurisdiction over civil and criminal matters except matters in respect of which any other court has been vested with exclusive jurisdiction, making them the courts with the widest jurisdiction under the Constitution. The court duly constitutes by one judge. Each High Court is divided into Judicial Divisions for administrative convenience.

#### 'The Sharia Court of Appeal

'There is a Sharia Court of Appeal for the Federal Capital Territory and any State that requires it. This Court has appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law, which the Court is competent to decide in accordance with the Constitution. The Court comprises of a Grand Khadi and other Khadis as the National Assembly or the State Houses of Assembly (as the case may be) may prescribe.

#### 'The Customary Court of Appeal

‘There is a Customary Court of Appeal for the Federal Capital Territory and any State that requires it. This Court has appellate and supervisory jurisdiction in civil proceedings involving questions of customary law and is comprised of a President and such number of Judges as the National Assembly or the State Houses of Assembly (as the case may be) may prescribe.

‘In addition to these courts created by the Constitution, there also exist Magistrate Courts, District Courts, Area Courts and Customary Courts established in various states by state laws. These courts are of limited jurisdiction as specified in their enabling laws and appeals from them lie to the High Court, Sharia Court of Appeal or Customary Court of Appeal as the case may be.’<sup>28</sup>

See links to websites for more information about court of appeal in the country: <http://9jalegal.com.ng/court-of-appeal-of-nigeria/#sthash.8AZOrUHB.dpuf> and <http://www.courtofappeal.com.ng/>.

[Back to Contents](#)

## 10.2 Independence

### 10.2.1 The US State Department 2015 Human Rights Practices Report noted:

‘Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches and the business sector. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption prevented the judiciary from functioning adequately. Judges frequently failed to appear for trials. In addition court officials were poorly paid and often lacked proper equipment, training.

‘There was a widespread public perception that judges were easily bribed and that litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and allegedly received requests from judicial officials for bribes to expedite cases or obtain favorable rulings.

‘Although the Ministry of Justice implemented strict requirements for education and length of service for judges at the federal and state levels, no requirements or monitoring bodies existed for judges at the local level, which contributed to corruption and the miscarriage of justice in local courts.

‘Sharia and customary (traditional) courts of appeal functioned in 12 northern states and the FCT. The constitution provides that states may establish courts based on common law or customary law systems. This allows states to use the Sharia penal code in their courts. The nature of a case and the consent of the parties usually determined if a Sharia court had jurisdiction. The impetus to establish Sharia courts stemmed at least in part from inefficiency, cost, and corruption in the other court systems.

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<sup>28</sup> Babalakin & Co – The Judicial System in Nigeria, undated <http://www.babalakinandco.com/resources/judicialsystem.html>. Date accessed: 18 July 2016.



‘Defendants have the right to challenge the constitutionality of Sharia criminal statutes through the common law appellate courts; however, no challenges with adequate legal standing reached the common law appellate system. The highest appellate court for Sharia-based decisions remained the Supreme Court, staffed by common law judges who are not required to have any formal training in the Sharia penal code.’<sup>29</sup>

10.2.2 An article in the Nigerian Guardian from January 2016 noted:

‘President Buhari recently charged the Nigerian judiciary to “go the extra mile to sanitise itself and improve its capacity to act independently, courageously and tirelessly” while stressing “the financial independence of the judiciary”. That policy pronouncement while propitious can’t be fustian; as Nigeria’s judiciary remains susceptible to manipulation, mostly at the state level. In view of Buhari’s expressed conviction “that law, law-makers, lawyers, law courts and the law enforcement agencies all have pivotal responsibilities to discharge, if the change we seek is ever to materialize,” the President should take the lead in guaranteeing judicial autonomy.

‘Judiciary Staff Union of Nigeria’s (JUSUN) protracted nationwide strikes speak to problems confronting Nigeria’s judiciary. JUSUN is pressing home its anxiety over the non-compliance by the Federal and State Governments to constitutional dictates on the judiciary’s financial autonomy. JUSUN’s strikes have lingered, because Government is inattentive, indifferent and intransigent. Government is also not evocatively engaged in a dialogue process; rather it seeks what mediators call “red space interaction” that is “mostly heated and adversarial”. There’s no question that the judiciary has its challenges; some systemic and others, self-inflicted. But there’s also no question that the ongoing impasse emanates from the Executive Branch tampering with judicial autonomy via fiscal fiats and subterfuge. State Governors deploy such fiscal control to orchestrate judicial outcomes of a political nature.’<sup>30</sup>

[Back to Contents](#)

### 10.3 Fair trial

10.3.1 The US State Department 2015 Human Rights Practices Report noted:

‘Defendants enjoy the following rights: to be presumed innocent; be informed promptly and in detail of charges (with free interpretation as necessary); receive a fair and public trial without undue delay; communicate with an attorney of choice (or to have one provided at public expense); have adequate time and facilities to prepare a defense; confront witnesses against them and present witnesses and evidence; not be compelled to testify or confess guilt; and appeal. The law grants defendants the right to apply directly or through a lawyer for access to government-held evidence.

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<sup>29</sup> US State Department 2015 Human Rights Practices Report, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 18 July 2016.

<sup>30</sup> The Guardian (Nigerian) – ‘Unbundling Nigeria’s Judiciary, 1 January 2016 <http://guardian.ng/opinion/unbundling-nigerias-judiciary-2/>. Date accessed: 18 July 2016.

'Authorities did not always respect these rights. Although accused persons are entitled to counsel of their choice, no law prevents a trial from going forward without counsel, except for certain offenses that carry the death penalty. Authorities held defendants in prison awaiting trial for periods well beyond the term allowed in the constitution.' <sup>31</sup>

#### 10.3.2 Amnesty International reported in May 2014 that:

'In order to obtain quick "confessions" pending investigation, the so-called "holding charge", officers often torture suspects and detain them in conditions that amount to ill-treatment: preventing people from seeking medical care and from contacting their families and lawyers... Moreover, the government funded Legal Aid Council, lacks both capacity and resources to fulfil their constitutional task. Nigeria repealed and re-enacted the Legal Aid Act in 2011. The new Act, according to the Minister of Justice, has broadened the scope of the mandate of the Legal Aid Council to utilize paralegals for service delivery at the grassroots level. However, thousands of people are still unable to access the services of the Legal Aid Centres due to various reasons including lack of knowledge, trust and a seeming unwillingness from lawyers to take up legal aid cases from poor victims.

'While numerous individuals have told Amnesty that they reported allegations of torture and ill-treatment to a magistrate or judge immediately after being transferred to prison, such claims are almost never investigated.

'The criminal justice system also moves very slowly, so detainees frequently wait weeks or months in police detention to be brought before a court for the first time. People are forced to pay for their food or medical care while they are detained. Sluggish court processes mean people often spend more time in prison awaiting trial than they would have done if swiftly convicted and given a typical sentence.

'Information and statements extracted during torture are also commonly accepted as evidence by courts, even though the prosecutor has a responsibility to prove that any statement relied upon in court has been made voluntarily... Despite this, however, such confessions are frequently the only "evidence" presented in court.' <sup>32</sup>

[Back to Contents](#)

## 10.4 Sharia courts

### 10.4.1 The US State Department 2015 Human Rights Practices Report noted:

'The constitution provides for state-level courts based on common or customary law systems, which have operated for centuries. The constitution specifically recognizes Sharia courts for "civil proceedings" but is silent on

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<sup>31</sup> US State Department 2015 Human Rights Practices Report, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 18 July 2016.

<sup>32</sup> Amnesty International, 'Stop Torture, Country Profile: Nigeria, A justice system that fails to prevent torture', 13 May 2014, [http://www.justice.gov/sites/default/files/eoir/legacy/2014/05/23/stop\\_torture.pdf](http://www.justice.gov/sites/default/files/eoir/legacy/2014/05/23/stop_torture.pdf). Date accessed 19 July 2016.

the use of such courts for criminal cases. In addition to civil matters, often involving issues related to marriage, inheritance, and other family matters, Sharia courts in 12 northern states also hear criminal cases if both complainant and defendant are Muslim and agree to the venue. Sharia courts may pass sentences based on the Sharia penal code, including hadd offenses (serious criminal offenses with punishments prescribed in the Quran) and prescribe punishments, such as caning, amputation, and death by stoning. Non-Muslims have the option to try their cases in the Sharia courts if involved in civil disputes with Muslims. Common law courts hear the cases of Muslims and non-Muslims who do not choose to use Sharia courts. Sharia courts do not have the authority to compel participation by non-Muslims, but in the past some non-Muslims took cases to Sharia courts, citing their speed and low cost. Aggrieved parties may appeal Sharia court judgments to three levels of Sharia appellate courts. Decisions by the state Sharia courts of appeal (the highest level of the Sharia courts) theoretically could be appealed to the Federal Court of Appeal and then to the Supreme Court, although none have been. Despite constitutional language supporting only secular criminal courts and the prohibition against involuntary participation in Sharia criminal courts, a Zamfara State law requires that a Sharia court hear all criminal cases involving Muslims.

‘Sharia courts usually accorded the testimony of women and non-Muslims less weight than that of men. Under common law, women and members of other groups could testify in civil or criminal proceedings and give testimony that carried the same weight as testimony of other witnesses. Some Sharia court judges allowed different evidentiary requirements to prove adultery or fornication for male and female defendants. Pregnancy, for example, was admissible evidence of a woman’s adultery or fornication in some Sharia courts. In contrast Sharia courts could convict men only if they confessed or there was eyewitness testimony regarding their crime. Sharia courts, however, provided women with certain benefits, including increased access to divorce, child custody, and alimony.’<sup>33</sup>

10.4.2 A Wilson Center report from 2011 focusing on Sharia law and women noted:

‘In the Sharia courts over the past twenty to thirty years, the Sharia courts have increasingly recognized and upheld women's rights to inherit (especially to inherit land), to divorce on demand (often without, or with only token payments), to custody of their children, to being able to hold their children's property in trust, against forced marriages, and so on.

‘...The provisions of the Penal Codes are generally gender-neutral. However there are some exceptions – with the exceptions generally being in favour of men. As in the 1960 (‘secular’) Penal Code, the Sharia Penal Codes continue to permit husbands to beat wives. Nor do they recognise marital rape (which is not recognised in general secular law in Nigeria either). Some of the Penal Codes (Niger, Kano, and Birnin Kebbi states) specify that men's

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<sup>33</sup> US State Department 2015 Human Rights Practices Report, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 19 July 2016.

testimony will be worth more than that of women. The diya (monetary compensation in cases of hurt, if the victim or his/her family are willing to accept this instead of the stated punishment) to be paid for Muslim men is higher than that of Muslim women (or non-Muslims), although qisas (retaliatory punishment) can be applied regardless of gender. In one instance, men are subject to harsher punishments than women – in Kano State, never married men convicted of zina may not only be lashed but also subject to one year's imprisonment (never-married women would liable for lashing only).'<sup>34</sup>

[Back to Contents](#)

## 11. Human rights bodies

### 11.1 Human rights groups

11.1.1 The US State Department 2015 Human Rights Practices Report, released April 2016, noted that “Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes cooperated and responded to their views.”<sup>35</sup>

[Back to Contents](#)

### 11.2 Government human rights bodies

11.2.1 The same source stated:

‘The law establishes the NHRC [National Human Rights Commission] as an independent nonjudicial mechanism for the promotion and protection of human rights. The NHRC monitors human rights through its zonal affiliates in the country’s six political regions. The NHRC investigates allegations of human rights abuses and publishes periodic reports detailing its findings, including torture and poor prison conditions. The law provides for recognition and enforcement of NHRC awards and recommendations as court decisions.’<sup>36</sup>

[Back to Contents](#)

## 12. Corruption

12.1.1 Former US ambassador in Nigeria, John Campbell, in his book ‘Nigeria: Dancing on the Brink’ (published in 2011), provided his personal

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<sup>34</sup> Wilson Center – Women, Muslim Laws and Human Rights in Nigeria, 7 July 2011 <https://www.wilsoncenter.org/publication/women-muslim-laws-and-human-rights-nigeria>. Date accessed: 19 July 2016.

<sup>35</sup> US State Department 2015 Human Rights Practices Report, released April 2016 Section 5. Alleged violations of human rights. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252715>. Date accessed: 14 July 2016.

<sup>36</sup> US State Department 2015 Human Rights Practices Report, released April 2016 Section 5. Alleged violations of human rights. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252715>. Date accessed: 14 July 2016.

interpretation of corruption in Nigeria based on his many years of service in the country:

'The wielding of power by oligarchs, 'big men', 'ogas', or 'king makers' is a West African tradition, and elsewhere it has not necessarily been associated with corruption. But, the Nigerian style of 'oga' domination fuelled by corruption emerged from the confluence of the militarization of governance during the Biafra war and immense, sudden amounts of oil wealth. Elite manoeuvring and bargaining have become nonstop to access ever-greater amounts of power based on oil wealth. Whoever is chief of state is the biggest 'oga' of all. Though 'oga' is a Yoruba word meaning 'master', it has entered common usage in Nigeria to describe the ruling oligarchs...In most parts of the country, a client will address his patron to his face as 'oga'. In the North, however, the word connotes being puffed up with pride or hot air, and would never be used by a client to his patron...Coterries of patron-client networks are interconnected at every level of society and government. Even the Lagos 'Area Boys', thugs involved in various extortion and protection rackets, have their 'oga'. So, too, do the 'rag pickers' working the Lagos refuse dumps. The system is based on mutual dependence and support.'<sup>37</sup>

#### 12.1.2 The Freedom House 2016 Freedom in the World Report noted:

'Corruption remains pervasive, particularly in the oil sector. However, the Buhari administration undertook a series of reforms aimed at reducing graft and improving transparency, among them a restructuring of the state-owned Nigerian National Petroleum Corporation. Buhari also assumed ministerial responsibility for the petroleum portfolio, prompting some concern that he aimed to keep Nigeria's oil industry under his personal control.

'Separately, corruption charges were brought against several high-ranking politicians in 2015. In September, newly elected Senate president Bukola Saraki was charged by Nigeria's Code of Conduct Tribunal with concealing assets and other offenses allegedly committed during his 2003–11 tenure as governor of Kwara State. At year's end the case had been suspended while Saraki appealed the charges at the Supreme Court. In December, former national security adviser Sambo Dasuki was arrested in connection with claims that \$2.1 billion in federal funds earmarked for the military had gone missing. Dasuki pleaded not guilty to embezzlement charges and alleged that some of the missing funds were used to pay for Jonathan's reelection campaign. Several other officials implicated in the scandal were also arrested, and the case remained open at year's end.'<sup>38</sup>

#### 12.1.3 The US State Department 2015 Human Rights Practices Report noted:

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<sup>37</sup> John Campbell's 'Dancing on the Brink', 2011, [https://books.google.co.uk/books?id=kHz3-yY162YC&pg=PA141&lpg=PA141&dq=ogas+nigeria&source=bl&ots=yHi9JhoOTk&sig=ayR1mmAXx6mhrAEE5M4waKHicKY&hl=en&ei=LVuITqLKNNonG8QOO\\_uDFBQ&sa=X&oi=book\\_result&ct=result&sqi=2#v=onepage&q=ogas%20nigeria&f=false](https://books.google.co.uk/books?id=kHz3-yY162YC&pg=PA141&lpg=PA141&dq=ogas+nigeria&source=bl&ots=yHi9JhoOTk&sig=ayR1mmAXx6mhrAEE5M4waKHicKY&hl=en&ei=LVuITqLKNNonG8QOO_uDFBQ&sa=X&oi=book_result&ct=result&sqi=2#v=onepage&q=ogas%20nigeria&f=false). Date accessed: 19 July 2016.

<sup>38</sup> Freedom House – 2016 Freedom in the World Report, January 2016, <https://freedomhouse.org/report/freedom-world/2016/nigeria>. Date accessed: 19 July 2016.

'Although the law provides criminal penalties for official corruption, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Massive, widespread, and pervasive corruption affected all levels of government and the security services. The constitution provides immunity from civil and criminal prosecution for the president, vice president, governors, and deputy governors while in office. There were numerous reports of government corruption during the year.

'Corruption: In July, President Buhari signed into law the Proceeds of Crime Act, which provides for the recovery of illegally acquired property through forfeiture, confiscation, or civil recovery. It also provides the powers to seize, freeze, and restrain criminals from having access to such property. In August the administration appointed a Presidential Advisory Committee Against Corruption to advise President Buhari on a strategy to fight corruption. The same month the president ordered the national security adviser to form a panel to investigate allegedly fraudulent defense procurement practices during the previous eight years.

'The Independent Corrupt Practices Commission (ICPC) holds broad authorities to prosecute most forms of corruption. The Economic and Financial Crimes Commission's (EFCC) writ extends only to financial and economic crimes. By November the ICPC had obtained 11 convictions, was prosecuting 29 cases, and had 295 open investigations. The EFCC had secured eight convictions by November, was prosecuting 18 cases, and had 60 open investigations.

'Although ICPC and EFCC anticorruption efforts remained largely focused on low- and mid-level government officials, following the national elections in March, both organizations started investigations into and brought indictments against various current and former high-level government officials.

'Among successful prosecutions, the EFCC convicted the brother of former Edo State governor, Lucky Igbiniedion, and an accomplice on an 81-count indictment for the laundering of 25 billion naira (\$125 million), misappropriation of funds, and abuse of office. In another high-profile prosecution, in December the EFCC indicted former national security adviser Sambo Dasuki on 22 counts of fraud and money laundering.

'Multiple press reports noted the ICPC investigated wealthy civil servants and had confiscated buildings ostensibly owned by civil servants whose salaries did not support such acquisitions. According to other reports, the ICPC set up a task force to investigate corruption allegations against eight former state governors: Rabi'u Kwankwaso of Kano, Rotimi Amaechi of Rivers, Ibrahim Shema of Katsina, Sullivan Chime of Enugu, Fashola of Lagos; Godswill Akpabio of Akwa Ibom, Martin Elechi of Ebonyi, and Sule Lamido of Jigawa.

'In June the police announced new measures to tackle rampant police corruption. Among the initiatives were the dismantling of roadblocks, establishment of public hotlines, and creation of inspector general monitoring teams to investigate allegations of corruption.

'In 2013 police released a code of conduct that includes provisions on officer integrity, but as of September there was no indication the police had brought any corruption charges against officers. According to the police, the code of conduct serves only as a reminder to officers of expected ethics and conduct.'<sup>39</sup>

12.1.4 The same US State Department 2015 Human Rights Practices Report noted:

'Financial Disclosure: The Code of Conduct Bureau and Tribunal Act (CCBTA) requires public officials--including the president, vice president, governors, deputy governors, cabinet ministers, and legislators (at both federal and state levels)--to declare their assets to the Code of Conduct Bureau (CCB) before assuming and after leaving office. The constitution calls for the CCB to "make declarations available for inspection by any citizen of the country on such terms and conditions as the National Assembly may prescribe." The law does not address the publication of asset information. Violators risk prosecution, but cases rarely reached conclusion.

'On September 3, the Office of the President announced President Buhari had declared his assets to the CCB, consisting of 30 million naira (\$150,000), five homes, two mud houses, two undeveloped plots of land, farms, an orchard, a ranch, 270 head of cattle, 25 sheep, five horses, and several cars. The same statement also indicated Vice President Yemi Osinbajo had similarly declared his assets to the CCB and briefly listed them. According to the Office of the President, the CCB would release all documents to the public once verified and validated.

'In late September the CCB brought charges before the Code of Conduct Tribunal (CCT)--a court created by the CCBTA to try violations of that act--against Senate President Bukola Saraki for false declaration of assets. The case went to trial in October, but the CCT had issued no ruling by year's end.

'Public Access to Information: The law allows any person to request information from a government office. The office must grant access to the information, explain why access was denied within seven days of receiving the request, or transfer the request to the appropriate office within three days. By law all public offices must keep records. The law provides immunity for public officers against any form of civil or criminal proceeding for "disclosure in good faith of any information" pursuant to the law. The law provides a 30-day window during which anyone denied access by any public institution may submit the matter to court for a judicial review. The law includes a fine of 500,000 naira (\$2,500) for any institution or public officer who wrongfully denies access to information or records. Destruction of records is a felony punishable by a minimum penalty of one year's imprisonment. Immunity from this law, however, is provided for the president,

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39 US State Department 2015 Human Rights Practices Report, released April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 19 July 2016.

the vice president, the senate president, the speaker of the House of Representatives, and all state governors.’<sup>40</sup>

12.1.5 A Premium Times article from January 2016 noted:

‘Nigeria’s Minister of Information and Culture, Lai Mohammed, has stated that 55 Nigerians have stolen over N1.34 trillion from the country’s treasury from 2006 to 2013.

‘...Out of the stolen funds, the minister said 15 former governors were alleged to have stolen N146.84 billion; while 4 former ministers stole N7 billion; 12 former public servants, both at federal and state levels, stole over N14 billion; 8 people in the banking Industry allegedly N524 billion; while 11 businessmen allegedly stole N653 billion.’<sup>41</sup>

12.1.6 An undated Nigerian Eye report detailed the [Top 20 Corruption Cases and Scandals in Nigeria 2011-2015](#) .

[Back to Contents](#)

## 13. Freedom of movement

13.1.1 The Freedom House 2016 Freedom in the World Report noted:

‘Freedom of internal movement and foreign travel are legally guaranteed. However, security officials frequently impose dusk-to-dawn curfews in areas affected by communal violence or the Islamist insurgency.’<sup>42</sup>

13.1.2 The US State Department 2015 Human Rights Practices Report noted:

‘The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, but security officials restricted freedom of movement at times by imposing curfews in areas experiencing terrorist attacks and ethnoreligious violence.

‘The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers through the National Commission for Refugees, Migrants, and Internally Displaced Persons.

‘In-country Movement: The federal, state, or local governments imposed curfews or otherwise restricted movement in Adamawa, Borno, and Yobe States in connection with operations against Boko Haram. Other states imposed curfews in reaction to various types of events such as ethnoreligious violence.

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<sup>40</sup> US State Department 2015 Human Rights Practices Report, released April 2016, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 19 July 2016.

<sup>41</sup> Premium Times – ‘55 Nigerians stole over N1.34 trillion in 8 years-Lai Mohammed’, 18 January 2016 <http://www.premiumtimesng.com/news/headlines/196981-55-nigerians-stole-over-n1-34-trillion-in-8-years-lai-mohammed.html>. Date accessed: 19 July 2016.

<sup>42</sup> Freedom House – 2016 Freedom in the World Report, January 2016, <https://freedomhouse.org/report/freedom-world/2016/nigeria>. Date accessed: 19 July 2016.



'In June, President Buhari ordered the immediate removal of military checkpoints across the country. In July the military re-established "snap checkpoints" in the Northeast and the Niger Delta. Shortly after assuming office, the inspector general of police, Solomon Arase, ordered permanent police checkpoints on the highways removed, but police continued to carry out stop-and-search operations on major highways to extort money from travel[er]s.

'...All citizens have the right to live in any part of the country, but state and local governments frequently discriminated against ethnic groups not indigenous to their areas, occasionally compelling individuals to return to a region where their ethnic group originated but where they no longer had ties. State and local governments sometimes compelled nonindigenous persons to move by threats, discrimination in hiring and employment, or destruction of their homes. Those who chose to stay sometimes experienced further discrimination, including denial of scholarships and exclusion from employment in the civil service, police, and military. For example, in Plateau State the predominantly Muslim and nonindigenous Hausa and Fulani faced significant discrimination from the local government in land ownership, jobs, access to education, scholarships, and government representation.

13.1.3 The Internal Displacement Monitoring Centre's 2016 Annual Global Report noted:

'In Nigeria, Boko Haram continued to launch attacks and commit atrocities throughout 2015. In the six years since the onset of its insurgency, the group and military operations against it have forced more than a million people to flee their homes and fuelled an unprecedented humanitarian crisis in the north-east of the country and the wider Lake Chad region.

'Displacement trends show that as the military pushed Boko Haram back during the year, people previously trapped by the militants moved to urban centres in search of humanitarian assistance. Inter-communal clashes fuelled by ethnoreligious feuds, criminality, cattle rustling, land disputes and tensions between pastoralists and farmers also continued to flare across the Middle Belt region, but were largely overlooked. There were 737,000 incidents of new displacement in the country during the year.'<sup>43</sup>

13.1.4 The Human Rights Watch 2016 Annual Global Report noted:

'The conflict in the northeast between the militant group Boko Haram and Nigeria's security forces grew more deadly in 2015. By the beginning of the year, Boko Haram had seized control of 17 local government areas (LGAs) across parts of the northeast in Adamawa, Bauchi, Borno, and Yobe states. LGAs are the third and lowest level, after federal and state levels, in Nigeria's administrative structure.

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<sup>43</sup> Internal Displacement Monitoring Centre – 2016 Global Report on Internal Displacement, May 2016 <http://www.internal-displacement.org/publications/2016/2016-global-report-on-internal-displacement-grid-2016>. Date accessed: 19 July 2016.

'Security forces from Nigeria and its neighbors have since regained control of most of the towns, but the rebels remained active in many rural areas. In July, the governors of Borno and Yobe states said that Boko Haram retained control of a total of five LGAs in their states. An estimated 3,500 died in the conflict in 2015, while most of the 2 million displaced people live with limited access to basic rights like food, shelter, and healthcare.'<sup>44</sup>

[Back to Contents](#)

## 14. Forged and fraudulently obtained documents

14.1.1 In a book by John Campbell (former US ambassador in Nigeria), published in 2011, 'Nigeria: Dancing on the Brink', he noted that '...many Nigerian immigrant and non immigrant visa applicants procure fraudulent documents to strengthen their case. Benin City is a center of the engraving industry, and practically any falsified document can be procured there, from birth certificates to diplomas.'<sup>45</sup>

14.1.2 A response to an information request, published by the Canadian Immigration and Refugee Board, dated 13 November 2013, stated:

'In correspondence with the Research Directorate, a representative of the Nigeria Police Force Special Fraud Unit indicated that the Penal Code and the Criminal Code are respectively used in Northern and Southern Nigeria to address issues of fraud and false documents (Nigeria 19 Oct. 2013). Chapter 31 of the Penal Code deals with fines and imprisonment that can result from using and producing false coin and notes (ibid. 1960). Chapters 43, 44 and 45 of Division 3, Part 6, of the Criminal Code deal with forgery, including of bank notes, documents and seals (ibid. 1990).

'Concerning the implementation of laws that deal with fraudulent documents, the representative of the Nigerian Police Special Fraud Unit indicated that the "laws [in the North and South of Nigeria] are there, but the interpretation has not been effective as the courts do not strictly go by the provision of the appropriate section"...Further, the representative noted that the Special Fraud Unit [and] the Police force [have] a legal section that effectively prepares charges using the appropriate sections of the law...The Special Fraud Unit and the Police do gain prosecution in various law courts...[but]...corruption has not allowed [the Nigerian] judicial system to function effectively."...The representative explains that "the courts are not effectively applying the measures as provided by the law due to corruption and tribal sentiments" (ibid. 17 Oct. 2013). He said that even if arrests are made and investigations are carried out by the Nigerian Police Special Fraud Unit "the guilty party/parties will walk away unpunished" (ibid.). The representative experienced first-hand that "the law enforcement officer will

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<sup>44</sup> Human Rights Watch – 2016 Annual Report, January 2016, <https://www.hrw.org/world-report/2016/country-chapters/nigeria>. Date accessed: 19 July 2016.

<sup>45</sup> John Campbell's 'Dancing on the Brink', 2011 [https://books.google.co.uk/books?id=kH3-yY162YC&pg=PA141&lpg=PA141&dq=ogas+nigeria&source=bl&ots=yHi9JhoOTk&sig=ayR1mmAXx6mhrAEE5M4waKHicKY&hl=en&ei=LVuITqLKNonG8QOO\\_uDFBQ&sa=X&oi=book\\_result&ct=result&sqj=2#v=onepage&q=ogas%20nigeria&f=false](https://books.google.co.uk/books?id=kH3-yY162YC&pg=PA141&lpg=PA141&dq=ogas+nigeria&source=bl&ots=yHi9JhoOTk&sig=ayR1mmAXx6mhrAEE5M4waKHicKY&hl=en&ei=LVuITqLKNonG8QOO_uDFBQ&sa=X&oi=book_result&ct=result&sqj=2#v=onepage&q=ogas%20nigeria&f=false). Date accessed: 20 July 2016.

come under heavy attack as their life and that of their immediate family will be frequently threatened" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### '3. National Identity Numbers and Cards

'In 2007, the government of Nigeria adopted the National Identity Management Commission (NIMC) Act establishing the NIMC, the National Identity Database, and the National Identification Number...Once the NIN is issued, the number cannot be used again and an "Identity Card will be processed and delivered...within one (1) month" (ibid., 8). The NIMC allows every citizen from the age of 16 years and above and legal residents to enrol for a NIN (ibid.)...In October 2013, the President of Nigeria ordered the NIMC to ensure that all Nigerians are registered in the National Identity Database by the end of December 2014 (Nigeria Communications Week 18 Oct. 2013; Vanguard 18 Oct. 2013). The same month, the President inaugurated the Smart Identity Card program and the corresponding registration system (APP 20 Oct. 2013; The News International 21 Oct. 2013; The Express Tribune 21 Oct. 2013)...According to the Pakistani newspaper Express Tribune, the cards are tamperproof and secure (ibid.).

### '4. Passports

'The BBC reported on 9 August 2007 that the Nigeria Immigration Service (NIS) was introducing a chip-based e-passport to reduce growing cases of forgery and identity theft. The e-passport reportedly prevents duplication of documents (BU 19 Nov. 2012; The Punch 18 Nov. 2012)...According to the Nigerian online newspaper The Punch, Nigeria began issuing e-passports to Nigerians from the diaspora in 2011 (18 Nov. 2012)...Nigerian media reported that the Permanent Secretary of the Ministry of Interior [sic] said in an interview with the News Agency of Nigeria that the loss of e-passports is "one of the major problems [they] are having; it forms 90 per cent rejection of [passport] applicants"...Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### '5. Government Initiatives to Detect of Fraudulent Documents

'The Nigeria Immigration Service (NIS) stated it established a forensic laboratory for the examination of travel documents and monetary instruments (Nigeria n.d.). The lab's personnel were trained "locally and internationally on document fraud detection and techniques" (ibid.)...Information on the effectiveness of these forensic units could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### '6. Reports of Fraudulent Documents in Nigeria

'According to the Nigerian newspaper Vanguard, seven persons were arrested between December 2010 and April 2011 for immigration offences, ranging from forgery of Nigerian passports to illegal possession of passport data pages (14 June 2011). According to Australian Broadcasting Company News (ABC News), a Nigerian man was arrested on 15 August 2013 in

Nigeria when collecting documents using a forged driver's licence in connection with the attempted sale of a home in Western Australia based on a stolen identity (16 Aug. 2013). According to the Nigerian newspaper Daily Trust, customs operatives from the Federal Operations Unit arrested seven persons in Nigeria [in September 2013] for "selling fake vehicle auction documents to members of the public" (9 Sept. 2013)...On 13 September 2013, This Day reported that seven persons, who specialized in forging and falsifying NCS documents, were arrested in Lagos after a raid by the NCS. They were reported to be found with fake seals, blank original copies of auction sale/allocation of goods, fake exit permit stamps for customs, blank bank tellers, and photocopies of original customs documents (This Day 13 Sept. 2013). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### **7. Reports of Nigerian Fraudulent Documents Used Internationally**

'Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (EU), reported that "[n]early half of all detections of false-document users [attempting to enter the EU] were of nationals from just five countries - Ukraine, Albania, Morocco, Iran and Nigeria" (2012, 26). According to Frontex statistics, between 2009 and 2011, 6.2 percent of people who were denied entry in the EU at an air border (via plane) because they were holding a false visa were Nigerians (2012, 54).'<sup>46</sup>

- 14.1.3 The Nigeria Immigration Service website provided information about agreements/documentation between the Economic Community of West African States (ECOWAS) [Nigeria Immigration Service - ECOWAS](#).

[Back to Contents](#)

## **15. Citizenship and nationality**

- 15.1.1 Articles 25-32 in Chapter 3 of the 1999 Nigerian constitution sets out the requirements for Nigerian citizenship, which are as follows:

'25. (1) The following persons are citizens of Nigeria by birth-namely-

'(a) every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria;

'Provided that a person shall not become a citizen of Nigeria by virtue of this section if neither of his parents nor any of his grandparents was born in Nigeria.

'(b) every person born in Nigeria after the date of independence either of whose parents or any of whose grandparents is a citizen of Nigeria; and

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<sup>46</sup> Immigration and Refugee Board of Canada, 'Nigeria: False documents available in Nigeria and from Nigeria', NGA104617.E, 13 November 2013, <http://www.refworld.org/docid/52a82baf4.html>. Date accessed: 20 July 2016.

'(c) every person born outside Nigeria either of whose parents is a citizen of Nigeria.

'(2) In this section, "the date of independence" means the 1st day of October 1960.

'26. (1) Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that -

'(a) he is a person of good character;

'(b) he has shown a clear intention of his desire to be domiciled in Nigeria; and

'(c) he has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.

'(2) the provisions of this section shall apply to-

'(a) any woman who is or has been married to a citizen of Nigeria; or

'(b) every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.

'27. (1) Subject to the provisions of section 28 of this Constitution, any person who is qualified in accordance with the provisions of this section may apply to the President for the same of a certificate of naturalisation.

'(2) No person shall be qualified to apply for the grant of a certificate or naturalisation, unless he satisfies the President that -

'(a) he is a person of full age and capacity;

'(b) he is a person of good character;

'(c) he has shown a clear intention of his desire to be domiciled in Nigeria;

'(d) he is, in the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the local community in which he is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation;

'(e) he is a person who has made or is capable of making useful contribution to the advancement; progress and well-being of Nigeria;

'(f) he has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution; and

'(g) he has, immediately preceding the date of his application, either-

'(i) resided in Nigeria for a continuous period of fifteen years; or

'(ii) resided in Nigeria continuously for a period of twelve months, and during the period of twenty years immediately preceding that period of twelve months has resided in Nigeria for periods amounting in the aggregate to not less than fifteen years.

'28. (1) Subject to the other provisions of this section, a person shall forfeit forthwith his Nigerian citizenship if, not being a citizen of Nigeria by birth, he

acquires or retains the citizenship or nationality of a country, other than Nigeria, of which he is not a citizen by birth.

‘(2) Any registration of a person as a citizen of Nigeria or the grant of a certificate of naturalisation to a person who is a citizen of a country other than Nigeria at the time of such registration or grant shall, if he is not a citizen by birth of that other country, be conditional upon effective renunciation of the citizenship or nationality of that other country within a period of not more than five months from the date of such registration or grant.

‘29. (1) Any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation.

‘(2) The President shall cause the declaration made under subsection (1) of this section to be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

‘(3) The President may withhold the registration of any declaration made under subsection (1) of this section if-

‘(a) the declaration is made during any war in which Nigeria is physically involved; or

‘(b) in his opinion, it is otherwise contrary to public policy.

‘(4) For the purposes of subsection (1) of this section.

‘(a) "full age" means the age of eighteen years and above;

‘(b) any woman who is married shall be deemed to be of full age.

‘30. (1) The President may deprive a person, other than a person who is a citizen of Nigeria by birth or by registration, of his citizenship, if he is satisfied that such a person has, within a period of seven years after becoming naturalised, been sentenced to imprisonment for a term of not less than three years.

‘(2) The President shall deprive a person, other than a person who is citizen of Nigeria by birth, of his citizenship, if he is satisfied from the records of proceedings of a court of law or other tribunal or after due inquiry in accordance with regulations made by him, that -

‘(a) the person has shown himself by act or speech to be disloyal towards the Federal Republic of Nigeria; or

(b) the person has, during any war in which Nigeria was engaged, unlawfully traded with the enemy or been engaged in or associated with any business that was in the opinion of the president carried on in such a manner as to assist the enemy of Nigeria in that war, or unlawfully communicated with such enemy to the detriment of or with intent to cause damage to the interest of Nigeria.

‘31. For the purposes of this Chapter, a parent or grandparent of a person shall be deemed to be a citizen of Nigeria if at the time of the birth of that person such parent or grandparent would have possessed that status by birth if he had been alive on the date of independence; and in this section,

"the date of independence" has the meaning assigned to it in section 25 (2) of this Constitution.'<sup>47</sup>

15.1.2 The Open Society Foundations 'Citizenship Law in Africa, A Comparative Study', dated October 2010, added the following:

'The Nigerian constitution similarly provides for citizenship by birth to be given to those born in Nigeria before the date of independence, "either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria". The constitution also provides citizenship by birth to "every person born in Nigeria after the date of independence either of whose parents or any of whose grandparents is a citizen of Nigeria," which includes the possibility of the parent or grandparent being a citizen by naturalisation (unlike in Uganda, where the parent or grandparent must also be a citizen from birth). However, the first provision implies a need for "indigeneity" which is also reflected in Nigeria's domestic practice.

'Nigeria still do not allow women to pass their citizenship to their noncitizen spouses, or apply discriminatory residence qualifications to foreign men married to citizen women who wish to obtain citizenship...Constitution of the Republic of Nigeria, 1999, Article 26. For the most part, immigration authorities have accepted applications for registration by foreign husbands, but there have been some cases brought to court where this has been denied.'<sup>48</sup>

See also comment by Ayo Obe on the Claiming Equal Citizenship website, available at <http://www.learningpartnership.org/citizenship/2006/09/survey1-national-marries-nonnational>

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<sup>47</sup> Nigeria Law - 'Constitution of the Federal Republic of Nigeria 1999', undated, <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>. Date accessed: 20 July 2016.

<sup>48</sup> Open Study Foundations, 'Citizenship Law in Africa, A Comparative Study', October 2010, [https://www.opensocietyfoundations.org/sites/default/files/citizenship-africa\\_20101118.pdf](https://www.opensocietyfoundations.org/sites/default/files/citizenship-africa_20101118.pdf). Date accessed: 20 July 2016.

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

- version **2.0**
- valid from **17 August 2016**

## Changes from last version of this guidance

Update of country information, and inclusion of accepted recommendations following IAGCI-commissioned review.

[Back to Contents](#)