

Criminal Force

Torture, Abuse, and Extrajudicial Killings
by the Nigeria Police Force



OPEN SOCIETY
JUSTICE INITIATIVE

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Network on Police Reform in Nigeria

Open Society Justice Initiative



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Map of Nigeria



Glossary

AComHPR	African Commission on Human and Peoples' Rights
AFRC	Armed Forces Ruling Council
AHRLR	African Human Rights Law Reports
AIG	Assistant Inspector-General of Police
ASP	Assistant Superintendent of Police
CSP	Chief Superintendent of Police
DCO	Divisional Crime Officer
DIG	Deputy Inspector-General of Police
DPO	Divisional Police Officer
ECOWAS	Economic Community of West African States
EFCC	Economic and Financial Crimes Commission
FCID	Force Criminal Investigation Department
FCT	Federal Capital Territory (Abuja, Nigeria)
FESTAC	A settlement in Lagos State initially established by the then military government of Nigeria to facilitate the hosting of the international Festival of Arts and Culture in 1977
FRSC	Federal Road Safety Commission
GAT	Gender Action Team
ICCPR	International Covenant on Civil and Political Rights
ICTR	International Criminal Tribunal for Rwanda
IGP	Inspector-General of Police

IPO	Investigating Police Officer
ITF	Industrial Training Fund
JCA	Justice of the Court of Appeal
JSC	Justice of the Supreme Court
LEDAP	Legal Defence and Assistance Project
MASSOB	Movement for the Actualization of the Sovereign State of Biafra
MCC	A settlement in Onitsha, Anambra State, named after the Monier Construction Company, a public works contractor
MONUC	UN Observer Mission in the Democratic Republic of the Congo
MOPOL	Mobile Police
₦	Naira (US\$1 = ₦118)
NBA	Nigerian Bar Association
NDLEA	National Drug Law Enforcement Agency
NECO	National Examination Council
NGO	Nongovernmental organization
NLC	Nigerian Labour Congress
NMA	Nigerian Medical Association
NOPRIN	Network on Police Reform in Nigeria
NPF	Nigeria Police Force
NSCDC	Nigerian Security and Civil Defence Corps
NWLR	Nigerian Weekly Law Reports
PCB	Police Public Complaints Bureau
PMF	Police Mobile Force
PSC	Police Service Commission
PSP	Peoples Salvation Party
SAN	Senior Advocate of Nigeria
SARS	Special Anti-Robbery Squad
SCID	State Criminal Investigation Department
SCNLR	Supreme Court of Nigeria Law Reports
SMC	Supreme Military Council
SSS	State Security Service
SUPOL	Superintendent of Police
UNTH	University of Nigeria Enugu Teaching Hospital
UPR	Universal Periodic Review

I. Executive Summary and Recommendations

Police in Nigeria commit extrajudicial killings, torture, rape, and extortion with relative impunity. Nigeria Police Force (NPF) personnel routinely carry out summary executions of persons accused or suspected of crime; rely on torture as a principal means of investigation; commit rape of both sexes, with a particular focus on sex workers; and engage in extortion at nearly every opportunity. Nigeria's government has previously acknowledged these problems and promised to address them. But as this report demonstrates, the government has allowed the abuse to continue, and there is virtually no accountability for it.

Nigeria's police force is over-centralized, under-resourced and ill-equipped, and suffers from political interference. The NPF's recruitment process has been compromised, leaving the police with a poorly trained, badly paid workforce that is prone to corruption and violence. Unable or unwilling to ensure public safety, many officers have turned to crime. Neither the NPF nor the government body designated to oversee it, the Police Service Commission (PSC), has established effective accountability measures to sanction and deter police misconduct. Abuse of the public, rather than service to it, has become a hallmark of policing in Nigeria.

In his inaugural address on May 29, 2007, Nigerian President Umaru Yar'Adua promised: "Our government is determined to strengthen the capacity of law enforcement agencies, especially the police. The state must fulfill its constitutional responsibility of

protecting life and property.” Yet six months later, Acting Inspector-General of Police Mike Okiro, appointed by Yar’Adua, proudly reported that during his first 100 days in office the NPF had killed 785 people. One detainee in Lagos reported that during his seven days in police custody in 2006, NPF personnel killed 15 people in the station where he was being held. The victims of such extrajudicial executions are often disposed of surreptitiously, sometimes in local waterways or mass unmarked graves. In one well-documented case in 2004 in Kaduna State, the police visited a cemetery late at night to bury truckloads of detainees they had executed. The police frequently deny victims’ families access to information about their fate—or their remains. Relatives who continue to pursue such information, or seek redress, often face threats or reprisals from the police.

Lacking the capacity to conduct proper criminal investigations, the NPF relies instead on torture to elicit “confessions.” This practice is so common that many police stations have a person on staff who oversees the torture of detainees and a room set aside for the practice; NPF personnel even have their own slang for various methods of torture. The police use many forms of brutality, including sexual violence against detainees and suspects.¹ Some former detainees report having been bound and suspended midair in painful positions and kicked and beaten with machetes, gun butts, boots, fists, electrical wires, animal hides, and other instruments. Others describe being shot in the leg or assaulted by police officers while in custody and suffering multiple fractures; being forced to perform impossibly painful calisthenics; and being raped. Sex workers report being rounded-up by NPF personnel for the express purpose of rape. Acknowledging the routine nature of rape by police, one police officer referred to it simply as a “fringe benefit” of certain patrols.²

Police personnel supplement their pay by extorting money from members of the public at roadblocks and on public highways. In some instances, what begins as a routine case of roadside extortion by the police extends to unjustified detention, then the infliction of torture, and ends in extrajudicial execution.

Low ranking officers do not typically act alone or on their own accord in perpetrating abuses. More senior police acquiesce to or even order the commission of these crimes. When injured victims or their families seek accountability, police management routinely subverts such efforts by transferring the responsible officers to other parts of the country; overseeing officers’ destruction of evidence, including the bodies of victims of extrajudicial killing; and tolerating the intimidation and violence frequently directed at complainants or witnesses. The result is not only impunity for the officers, but diminished public confidence in and respect for the police and the law.

Reversing this situation and improving policing in Nigeria pose severe challenges. Many significant changes must be made, both within the force and outside it, to rectify the NPF’s performance. Based on the NPF’s dismal failure to police its own ranks, it

is clear that the police require greater oversight and should not have a monopoly on investigating and sanctioning their own misconduct. While the greatest changes will have to come from the police themselves, they cannot be expected to act alone. Many institutions will have to play a more central and determined role in ensuring that the NPF is both respectful of rights and effective at law enforcement.

The recommendations called for below are ambitious and far-reaching, but must be enacted in order to bring accountability and competence to the NPF and reduce the crimes committed by its members.

1. Increase the Autonomy of the Nigeria Police Force

To be more accountable and responsive to the people it serves, the NPF must have greater autonomy from political control, coupled with greater internal control and external oversight. This cannot be achieved if the NPF answers only to the president.

The federal government should:

- Seek a constitutional amendment to create an independent NPF led by an inspector-general of police (IGP) who has operational control of the entire force. The IGP should be nominated by the president and confirmed by the senate.
- Continue the budgetary reforms begun in 2008 by making each area command into a distinct budgetary unit, thereby increasing local accountability and reducing reliance on federal-level funding.

The NPF should:

- Publish annually and submit to the National Assembly information on the sources and amount of all discretionary funds and donations received outside of official budgetary appropriations.

2. Increase External Oversight of the Nigeria Police Force

The NPF's myriad failings—to prevent crime, to solve crime, to punish police personnel who engage in crime—are either enabled or exacerbated by the absence of external oversight. In theory, the PSC and the National Human Rights Commission have the power to oversee the NPF and investigate crime committed by its members. But in

reality, as this report documents, these bodies are almost wholly ineffective. New policies and procedures are needed to ensure the NPF's accountability.

The federal government should:

- Create a dedicated federal prosecutorial unit to pursue felonies committed by active duty police officers. This unit should have investigative capacity separate from the NPF. It should be endowed with the power to investigate and prosecute any acts of misconduct and/or criminal acts by NPF personnel.
- Develop a “duty solicitors” scheme that would place young lawyers completing their national service in police stations, to provide representation to detainees as they enter the criminal justice system. This may be complemented by duly accredited university-based legal assistance clinics or Bar-sponsored pro bono initiatives.
- Direct the National Human Rights Commission to monitor cases involving police abuses and report regularly on these to both the National Assembly and the federal attorney-general.
- Instruct the directors of all federally funded medical centers to file with their state’s Ministry of Justice monthly registers of all bodies deposited by the police, including the name of the depositing police officer, his or her force number, and a copy of the autopsy report.
- Establish a confidential mechanism—independent of the police—for victims, their families, medical personnel, and other witnesses to report evidence of rape or sexual abuse by police, and receive appropriate medical and psychological treatment.

The National Assembly should:

- Mandate a formal right of access to prisons, police holding centers, and any other places of detention used by the NPF. This right of access should be granted to the National Human Rights Commission, which can train and accredit lay representatives to make fact-finding visits to places of detention.
- Require the inspector general of police to file a semi-annual report regarding NPF detention policies and practices, including information organized by district on the number and average duration of all detentions, and the number and type of civilian complaints filed against NPF personnel.

The Police Service Commission should:

- Exercise its statutory authority to audit, oversee, and investigate the activities of the NPF. In particular, the PSC should oversee the NPF's investigation and adjudication of any civilian complaints concerning serious crimes committed by police, including all accusations related to extrajudicial killing, firearms discharge, rape, torture, and civilian deaths in police custody.³
- Exercise its statutory powers to gain access to all internal police investigations, including participating in internal police interviews of all witnesses, and/or suspects; proposing lines of investigation and specific investigative tasks; and identifying broad issues for review.
- Conduct its own investigations into police misconduct, particularly in cases where the police response is inadequate or there is reason to suspect a police cover up.

The National Human Rights Commission should:

- Expedite its investigations of human rights violations alleged against the NPF. Of the 254 complaints of extrajudicial executions lodged with the commission since 1997, only five have advanced beyond the first stage of review.

3. Increase Internal Control of the Nigeria Police Force

To repair its reputation and prevent future crimes by its personnel, the NPF must establish internal accountability mechanisms that deter police misconduct and ensure a thorough investigation into allegations of misconduct.

The NPF should:

- Establish a system for receiving and processing civilian complaints about police misconduct or crime. This system must provide confidential means for reporting police misconduct and guarantee the safety of victims and witnesses.
- Maintain an effective internal affairs unit that can investigate specific complaints, seek out police misconduct, and use data to identify patterns of misconduct and problem officers.
- Establish and maintain a publicly accessible national register of all deaths in NPF custody or as a result of contact with NPF personnel.

- Establish a system to record and track all detainees from the point of arrest until their case is adjudicated.
- Prohibit the transfer to another jurisdiction of any officer who is the subject of a pending civilian complaint.
- Promulgate and rigorously enforce rules governing the maintenance of files and related evidence.

4. Improve Recruitment and Other Personnel Practices

In its drive to increase the size of the force, the NPF has virtually abandoned its recruiting standards, with disastrous results. A presidential committee in 2008 concluded that the NPF “grossly compromised standards and resulted in widespread abuse of established procedure”⁴ and became saddled with “a very large number of unqualified, under-trained and ill-equipped officers—in sum an undesirable workforce.”⁵

The NPF should:

- Revise recruiting and vetting processes to ensure only persons with clean criminal records, adequate experience and/or preparation, and appropriate temperament are recruited as police officers.
- Maintain records of all candidates who have been rejected by the NPF because of prior criminal conduct and those officers who have been disciplined by the NPF or criminally prosecuted. This will prevent unsuitable candidates from being hired and former officers from being rehired.
- Promote connections between police and the people they serve by retaining officers in a particular community for several years.
- Provide all NPF personnel with training in community policing techniques.

The federal government should:

- Improve police-community relations and prevent police abuses by implementing a community policing strategy across the country.
- Provide the NPF and PSC access to relevant court and prison records, for use in vetting applicants to the NPF.

5. Improve Police Training and Tactics, Especially Regarding Use of Firearms and Force

This report focuses on police criminality and the thousands of Nigerians who are killed, tortured, and raped by NPF personnel every year. Yet many other Nigerians are injured or killed each year by police ineptitude: NPF personnel are too quick to draw their guns and too cavalier about firing them. At the same time, policing is dangerous work: the NPF acknowledges that at least 930 officers were killed in the line of duty between 2000 and 2006.⁶ Clearly, better training is needed to improve the safety of both the civilian population and the officers themselves.

The NPF should:

- Improve firearms training, including teaching defensive and preventive tactics. Better training in these areas has been shown to reduce the likelihood of police drawing their guns unnecessarily, while increasing officer safety.
- Conduct a formal review of all NPF firearms discharges, regardless of whether anyone was hit. This review should be designed not only to determine whether wrongdoing occurred but to identify and then correct gaps in training, supervision, equipment, or policy which contributed to the shooting.

The National Assembly should:

- Require the NPF to publish a semi-annual report indicating the number, geographic and unit distribution, and outcomes (such as fatalities, injuries, and property damage) of all officer-involved firearms incidents, as well as the outcomes of the corresponding review and/or disciplinary or criminal proceedings.

6. Improve arrest and detention practices

The NPF's arrest and detention practices—and the absence of institutional control over them—are central to the pattern of abuse and impunity outlined in this report. Particularly damaging is the “holding charge,” under which arrestees can be remanded into custody without even a minimal judicial investigation into the charges and without any opportunity to challenge the charges against them. Because no court is seized of the charges against such persons, the police have a nearly unfettered ability to detain them indefinitely; the average length of pretrial detention in Nigeria is three years and

10 months. The Nigerian Bar Association has identified the holding charge as a gateway to serious abuse.⁷

Courts, prosecutors, and the NPF should:

- Ensure compliance with Nigeria’s existing legal requirement that suspects and detainees should, from the moment they are taken into police custody, be advised of their rights under Nigerian law, including the right to know the reasons for which they are being detained, the right to be interrogated in the presence of a legal representative, and the right to petition for bail. Family members, lawyers, and representatives from human rights organizations should be allowed access to information about detainees’ legal status and location, and have the right to interview them and/or inspect the detainee registry.

The NPF should:

- Ensure that police personnel are adequately trained to use appropriate investigative techniques, including forensics, as an alternative to the current over-reliance on arresting and interrogating suspects.
- Maintain standardized and accurate records concerning arrests, detention, any injuries or deaths in custody, or firearms incidents for all police stations and detention facilities, without exception. These records should be submitted annually to both the National Assembly and the Police Service Commission and should thereafter be publicly accessible.
- Review and substantially revise Force Order 237, which permits the use of deadly force against uncharged, unarmed persons suspected of involvement in relatively minor offenses. The order should be revised to comply with applicable national and international standards, including the United Nations’ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,⁸ the Body of Principles for the Protection of all Persons under any Form of Detention or Imprisonment,⁹ and the Basic Principles on the Role of Lawyers.¹⁰

The National Assembly should:

- Amend criminal procedure laws to eliminate the holding charge. Applicable laws should be changed to ensure that a magistrate reviews evidence before issuing a remand order, and that all individuals remanded are subject to the jurisdiction of a judicial officer. In addition, magistrates should be required to conduct periodic reviews of all remanded prisoners under their jurisdiction.

The National Assembly, in partnership with the government of Lagos State, should:

- Mandate and fund an independent study of the pilot project in Lagos State that requires interrogations to be recorded on audio and/or video tape. Depending on the cost and effectiveness of the pilot project, the practice of recording interrogations should be extended throughout the country.

7. Improve Working Conditions for NPF Personnel

The compensation for NPF officers is so meager that they commonly live in extreme poverty. Housing and health benefits are generally lacking, leaving officers with little legitimate stake in the position or good reason to take the risks inherent in police work. Officers often turn to extortion to supplement their paltry salaries.

Nigeria's president and federal government should:

- Review and improve the overall compensation provided to members of the police so it reflects the importance of the job and the high expectations invested in every member of the NPF.
- Establish pay levels that are tied, in part, to performance in reducing police abuses and addressing crime.
- Secure adequate group life, health, and disability insurance coverage for employees.
- Employ social and taxation policy—such as lower taxes for police officers and free or subsidized access to public health and education for their children—to supplement NPF salaries.

8. Adopt Legislative Measures to Bring Nigeria into Alignment with International Human Rights Norms

Nigeria's failure to ratify various international human rights treaties and incorporate them into domestic law makes it easier for police to commit rights abuses and harder for courts to prosecute them for doing so. In July 2009, Nigeria ratified the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The convention requires Nigeria to designate a national prevention mechanism with fully guaranteed independence and unhindered access to all places of detention.¹¹ At the time of publication, there was no such body in Nigeria.

The federal government should:

- Ratify the First Optional Protocol of the International Covenant on Civil and Political Rights, accepting the right of individual petition to the Human Rights Committee under the Covenant.

State legislatures should:

- Adopt legislation establishing torture as a crime under the criminal code.

The National Assembly should:

- Adopt legislation to incorporate into domestic law the provisions of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment. In particular, it should formally define and sanction torture as a crime under domestic law, prescribe effective punishment for the crime, and establish effective legal remedies for victims of police abuse and torture.

9. Work with International Donors to Improve the NPF's Performance

As the above recommendations make clear, the process of reforming the NPF will not be simple or easy. Resources from outside Nigeria will be required if the reform is to succeed. Nigeria's international partners should focus their assistance on improving the NPF's skills in investigation, community relations, and ensuring measurable reduction of police abuse. By focusing on the problems and suggested remedies enumerated in this report, Nigeria's international partners can play an invaluable role in reducing police crime and improving effectiveness.

II. Introduction

This report documents a shocking pattern of crimes by personnel of the Nigeria Police Force (NPF). The pervasiveness of the abuse calls into question the legitimacy of the entire force. Moreover, the abuse is known to and officially acknowledged by the highest levels of both police and political leadership in Nigeria. As this report makes clear, many members of the NPF are more likely to commit crimes than to prevent them.

In 2008, a presidential commission on the NPF headed by former Inspector-General of the Police Mohammed Dikko Yusuf concluded that policing in Nigeria was characterized by a pattern of “unlawful arrest and detention, extortion, torture, rape, extrajudicial killings and other forms of brutality. The negative image of the police in the eyes and minds of the public arose from the high level of crimes in the force and its failure to carry out genuine police functions successfully.”¹² The commission lamented that “instead of becoming a public asset therefore, the police have become a public burden.”¹³

A former inspector-general of police, Ibrahim Coomasie, accuses the NPF of “barbaric treatment of Nigerians.”¹⁴ Supporting this description, many ex-detainees interviewed for this report spoke of being tied up and suspended mid-air in painful positions while being beaten with machetes, gun butts, boots, fists, electrical wires, animal hides, and other instruments. Others described being shot in the leg or assaulted by police officers while in custody and suffering multiple fractures. Some female ex-detainees reported being sexually abused by police personnel, including being raped and having pepper spray used on their genitals. A police officer in Ikeja, Lagos State, described the

apparently common practice of raping sex workers, claiming that “this is one of the fringe benefits attached to night patrol.”¹⁵ Male ex-detainees interviewed for this report routinely described having sharp objects inserted into their genitals.

In its Universal Period Review (UPR) report submitted to the United Nations Human Rights Council in January 2009, Nigeria’s federal government acknowledged “allegations of extrajudicial killings against members of the Nigerian security agencies, especially the police,” but claimed that it “neither sanctions, nor will it allow extrajudicial killings to be carried out with impunity in Nigeria.”¹⁶ When he presented and defended Nigeria’s UPR report in Geneva on February 9, 2009, Foreign Minister Ojo Maduekwe attributed to foreign nongovernmental organizations the allegation that NPF personnel “commit rape in many different circumstances” and dismissed it as “preposterous.”¹⁷

But official government sources—as well as interviews conducted for this report—believe Maduekwe’s denials. In April 2008, the report of the Presidential Committee on Police Reform (the second such committee to be formed in recent years; the first was in 2006) admitted the existence of institutionalized police abuse.¹⁸ Eight months later, in December 2008, a presidential commission on the reform of Nigeria’s electoral system found the NPF guilty of a pattern of criminal conduct during elections in Nigeria, including “brutality, intimidation, facilitating the snatching and destruction of ballot boxes, under-age voting, mass thumb-printing of ballot papers, forgery of results in exchange for bribes, etc.”¹⁹

NPF personnel enjoy a stunning degree of impunity. The government routinely fails to exercise due diligence in investigating or ensuring accountability for police abuses. The police do not have effective or transparent mechanisms of internal control and discipline. External oversight is almost nonexistent. Senior government officials occasionally boast of how many “robbers” are killed by police. In Enugu State, the head of the Special Anti-Robbery Squad (SARS) of the State Police Command boasted in December 2008 to a researcher from the Network on Police Reform in Nigeria (NOPRIN) that he ordered the extrajudicial executions of only those persons whom he knew to be guilty. He took offense at being asked to explain how—without investigation or trial—he could determine the guilt or innocence of such persons before putting them to death. In November 2007, Acting Inspector-General of Police Mike Okiro reported that the police had killed 785 “armed robbers” and arrested another 1,628 in his first 100 days as acting inspector-general.²⁰ One week later, President Umaru Yar’Adua removed the “acting” tag and confirmed Okiro as tenured IGP.

In Nigeria, the Police Service Commission (PSC) has oversight of the police and is responsible for preventing and investigating police abuses. But the PSC is hobbled by inadequate resources, resistance from the police and political leadership, and an unwillingness to challenge the status quo. Judicial oversight of the NPF is no more effective,

because judges must rely on investigations conducted by the same NPF whose personnel are accused of committing abuse in the first place. Not surprisingly, these investigations rarely result in a conviction. With such weak oversight, few cases of police abuse are reported and fewer still are successfully prosecuted. Victims know that this oversight system is unlikely to provide effective redress and rightfully fear reprisals if they report police abuse. This systematic failure to stop police abuse or exercise appropriate oversight corrodes police-community relations, reinforces impunity, and makes the NPF, as an institution, even more likely to prey on the people it should be protecting.

The murder, torture, and other crimes described in this report are not the actions of a few rogue police officers, but rather examples of a culture of violence and lawlessness that pervades the whole force. The NPF often fails to keep adequate records of people in custody, fully knowing that this failure facilitates abuses against detainees and suspects. These abuses are often perpetrated either on the specific orders of superior police officers or with their knowledge or acquiescence, creating the impression of criminalized policing in Nigeria.

As this report documents, NPF officers commit summary executions, participate in large-scale killings, and undertake the mass burials of victims in shallow graves (Chapter VI). The NPF routinely relies on torture as its principal means of investigation and maintains designated chambers, instruments, and personnel for this purpose in most police stations (Chapter VII). Rape and sexual violence against female detainees and suspects is not unusual (Chapter VIII), with police attempting to cause suffering, inflict punishment, or coerce compliance by subjugating the victims. Policing in Nigeria is also characterized by pervasive corruption, such as diverting police resources for personal protection or enrichment in a variety of police-for-hire arrangements; harassment and intimidation of victims; and the destruction of evidence, including the bodies of victims of extrajudicial executions. Officers routinely practice extortion on members of the public at roadblocks and on public highways (Chapter IX).

III. Objectives, Methodology, and Scope

Public confidence is essential to effective policing. When police commit torture, murder, and other crimes, they undermine the public confidence so central to guaranteeing public safety and security. A culture of criminal policing and pervasive corruption by police personnel promotes lawlessness and fosters an increased sense of insecurity. In its April 2008 report, Nigeria’s second Presidential Committee on Police Reform determined that arising from the pattern of violations associated with policing in Nigeria there was profound “loss of public confidence in the integrity of police personnel. The Police have become generally regarded by the public as corrupt, inept and inefficient.”²¹

This report is based on independent field monitoring and investigation at over 400 police stations and posts in fourteen states and territories in Nigeria from February 2007 to January 2009. This research was augmented by a review of relevant legislation, case law and official reports, as well as secondary materials, including newspaper articles and NGO reports. The states selected for field monitoring and investigation—two from each of Nigeria’s six geopolitical zones—were:

- North-East: Borno and Adamawa States
- North-West: Kaduna and Kano States
- North-Central: Federal Capital Territory of Abuja and Plateau State

- South-West: Lagos and Oyo States
- South-South: Delta and Rivers States
- South-East: Abia and Anambra States

In addition, supplemental field monitoring took place in Enugu State in the South-East zone and Sokoto State in the North-West. Additional interviews and police station visits were undertaken subsequently in some of the states in the six months between September 2008 and February 2009. Monitoring work was undertaken by field researchers deployed by NOPRIN, a nonprofit, nonpartisan coalition of organizations working to promote institutional accountability for the NPF.

NOPRIN monitors observed police behavior and conducted extensive interviews with over 5,000 persons, including frontline police officers, police supervisors, other government officials, and victims of police abuse or their surviving relatives. Interviewees included complainants, detainees, ex-detainees, suspects, and medical, legal, and judicial professionals, as well as providers of complementary services to the police, such as mortuary attendants. Interviews were deliberately unstructured and designed to elicit the experiences and opinions of the respondents.

In the preparation of this report, effort has been made to protect the identities—and hence the safety—of monitors and interviewees. It was necessary in some cases to accord anonymity to the interviewees or to identify them only by first name because of the well-founded fear of police reprisal. When interviewees provided specific accounts of police misconduct, monitors or field researchers conducted follow-up research to ensure the veracity of the accounts. The patterns and details of police abuse that emerged from the interviews and field investigations were consistent among interviewees in the different geopolitical zones of Nigeria who could not have had any contact with one another. This concordance strongly suggests that these police practices are common across the country and that the interviewees were giving credible accounts.

In addition to firsthand monitoring, research for this report extended to a review of secondary literature, including media reports and reports by governmental, intergovernmental, and nongovernmental organizations on police conduct in Nigeria published in the past decade. Researchers supplemented the field investigation and review of secondary sources with three expert reviews of the patterns of police conduct towards women,²² medico-legal aspects of police conduct,²³ and police forensics.²⁴ Additionally, investigators reviewed all complaints of extrajudicial executions against NPF personnel and other internal security agencies lodged with the National Human Rights Commission from 1997 to 2005.²⁵ Finally, the preparation of this report was informed by a survey of accounts of police abuse published in seven leading Nigerian newspapers and three weekly magazines from 2006 to March 2008.²⁶

The investigation that led to this report was initially designed to simply examine and document service delivery by NPF personnel. But by the midpoint of the monitoring period, field researchers had detected a clear and chilling pattern of police abuse. This finding compelled a shift in the investigation. As a result, the report's researchers narrowed their focus to investigating and reporting on the four most frequent complaints received during field monitoring: police killings, torture, rape and sexual violence, and extortion. The distinction between different categories of police abuse conforms partly to existing legal categories of offenses and also the need for clarity in presenting them. For victims, the distinctions between these four categories may be meaningless: what starts as a routine case of roadside extortion may lead to unjustified detention, torture, rape, and even extrajudicial execution.

IV. Background

Nigeria is a federation comprising 36 states and a Federal Capital Territory. The current constitution, adopted in 1999, establishes the NPF and prohibits the existence or establishment of state or local police.²⁷ The NPF is a federal entity under control of the president. To understand today's NPF, it is necessary to examine its history and structure, and the context in which it operates.

In 1860, British colonial authorities created a 30-member Consular Guard in Lagos as the first organized policing unit for the territory which eventually became Nigeria. Over the next 70 years, colonial authorities established constabularies and police formations in different parts of Nigeria.²⁸ In 1914, the British colonial authorities amalgamated the Protectorates of Northern and Southern Nigeria with the Colony of Lagos and created the territory currently known as Nigeria. This was followed by the creation of a unified NPF under the leadership of an inspector-general of police in 1930.

Nigeria inherited the institutions and culture of the colonial police when it gained independence from Great Britain in 1960. Colonial authorities used the police principally to control local communities and tamp down any challenges to colonialism.²⁹ Colonial police earned a reputation for the "brutal subjugation of communities and suppression of resistance to colonial rule."³⁰ The foundations of the NPF's brutality were laid during the colonial era.

Nigeria's history of governmental and constitutional instability helps to explain the professional incapacities, institutional weaknesses, and criminal culture of the NPF. Since Nigeria gained independence in October 1960, the country has had 12 presidents or heads of government, eight of whom presided over a total of 29 years of military

rule. During this same period, the country saw six constitutions (including one that never entered into force),³¹ four constitution drafting processes, four programs of transition from military to civilian government,³² five successful and at least three unsuccessful coup attempts,³³ three civilian regimes, two constituent assemblies, and one civil war.³⁴ Nigeria most recently returned to civilian government after 15 years of military rule under a constitution that entered into force on May 29, 1999.

This history of post-independence instability and authoritarianism created a tradition of unaccountable governments lacking popular legitimacy and cemented the culture of police brutality. Nigeria's leaders alternately used the police to enforce their power and deliberately weakened the NPF to prevent its involvement in coups. Successive military regimes co-opted and enthusiastically used the police to sustain their dictatorships largely because the police alone had a nationwide security presence and license to use violence.³⁵ Nigeria's military rulers routinely appointed inspectors-general of the police to the highest decision-making bodies of military government—the Supreme Military Council or the Armed Forces Ruling Council. The military also appointed several senior police officers as military governors, administrators of different states and territories, or federal-level ministers.

To prevent coups, successive military regimes dismantled the communications infrastructure of the police, “failed to fund the Police adequately,”³⁶ and, with the revision of the Police Act in 1967, centralized operational control of the police in the hands of the head of state. Together, these measures politicized the force, degraded its operational effectiveness, and diminished the NPF's reputation as a professional institution. In 2008, the most recent Presidential Committee on Police Reform explained the full effect of military intervention and constitutional instability on the NPF as follows:

Successive military regimes erroneously regarded the Nigeria Police as a rival power base (to the armed forces) and as such did everything they could to undermine its capabilities and effectiveness, so as to sustain their political hegemony. As a result, standards of training, discipline, kitting, etc. fell drastically as a result of deliberate under-funding and neglect. Worse still, through several interventions and subterfuge, the military deliberately created rival law and order institutions, and usurped police duties by setting up anti-crime taskforces and other outfits and effecting so many changes in the institutional organisation, appointment and deployment of the Nigeria Police, which further eroded public confidence in the Force. This trend went on throughout military rule, from 1966 to 1979, and from 1983 to 1999. The advent of democratic administration from 1999 did not change matters, because the former President came with the same military mindset. As such, the position of the Nigeria Police even deteriorated. The cumulative impact of all these has been a Nigeria Police Force that has been weakened, deficient, incapacitated, lacking in confidence and orientation.³⁷

Civilian regimes have also used the police for partisan purposes, including electoral fraud and political violence. The NPF, under a succession of unaccountable

regimes, crystallized a tradition of “over-centralizing Police control in the hands of the President, who could use the Police for political purposes, including silencing all opposition voices. ... Often times, the Police have colluded with groups and taken sides depending on what benefits their political patrons.”³⁸ In December 2008, the Presidential Committee on Electoral Reform, chaired by former Chief Justice of Nigeria Mohammed Lawal Uwais, complained about the “functional ineffectiveness of the police during elections” and certified a litany of complaints of criminal conduct by the police during elections including “unprofessional conduct like brutality, intimidation, facilitating the snatching and destruction of ballot boxes, under-age voting, mass thumb-printing of ballot papers, forgery of results in exchange for bribes, etc.”³⁹

Through the authoritarianism of successive colonial and post-colonial military and civilian regimes, the NPF evolved into an instrument for regime protection firmly rooted in “a culture of violence.”⁴⁰

The Political and Institutional Context of Policing in Nigeria

Policing in Nigeria takes place in a context of political instability, weak institutions, ethnic and religious diversity (and occasional strife), poverty, and poor infrastructure. With a population estimated at 140 million, Nigeria is Africa’s most populous nation—and with an annual growth rate of 3.2 percent, one of its fastest growing.⁴¹ Estimated life expectancy is 46.8 years for men and 48.1 years for women. According to 2003 estimates, the male adult literacy rate in Nigeria is about 75 percent while female adult literacy is about 60 percent. An estimated 87 percent of Nigerians are vulnerable to poverty, with 41.2 percent living in chronic poverty.⁴² Nigeria comprises about 389 ethnic and language groups⁴³ and has a long history of inter-ethnic, sectarian, and political violence which affects the deployment of policing resources.⁴⁴

Not surprisingly, in this context of widespread poverty, yawning income disparity, and poor service delivery by the government, “there is a social class bias” to police abuses in Nigeria.⁴⁵ Poor and socially disadvantaged people—including commercial transport operators, artisans, domestic workers, sex workers, and the unemployed—are most likely to be abused by police. In 2005, a presidential committee found that nearly three-quarters of suspects in pretrial custody did not have legal representation because they could not afford it.⁴⁶ This supports the suggestion that those who suffer extrajudicial execution or other severe abuse in police custody are mostly persons who are too poor to afford a bribe, bail, or a barrister.⁴⁷

At the inauguration of the first Presidential Committee on Police Reform in January 2006, then Minister for Police Affairs Alaowei Broderick Bozimo pleaded that

the administration of then President Olusegun Obasanjo “inherited [in 1999] a Police Force that was poorly equipped, decimated in numerical strength, deprived of necessary logistics, and lacking, as it were, moral and public support necessary for effective performance and the enhancement of the security of the nation.”⁴⁸ President Obasanjo’s Federal Attorney-General and Justice Minister Kanu Agabi, a Senior Advocate of Nigeria, characterized the NPF as, “numerically weak ... poorly paid and poorly trained.”⁴⁹ Professor Philip Alston, in his capacity as the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (hereinafter “UN Special Rapporteur”), found the NPF to be “seriously under-resourced.”⁵⁰

It is difficult to determine the exact size of the NPF. When Nigeria returned to electoral politics in 1999, after 15 years of military rule, there were an estimated 137,000 personnel in the NPF, representing a police-to-population ratio of approximately 1:876.⁵¹ (By comparison, the police-to-population ratio in the United States is estimated at 1:400.)⁵² To address what he believed was a serious shortfall in police personnel, President Obasanjo issued a presidential directive to recruit 200,000 additional police personnel over five years from 2000 to 2004 at the rate of 40,000 recruits every year “even though all the training institutions (in the NPF) can only accommodate 14,000 intake per annum.”⁵³ By 2003, the police population was estimated to be 260,000.⁵⁴ In 2005, Human Rights Watch estimated on the basis of information provided by the NPF that Nigeria had 325,000 police personnel.⁵⁵ In 2006, then Inspector-General of Police Sunday Ehindero claimed in an interview that the population of the NPF was “about 320,000.”⁵⁶ As a result of the expedited recruitment ordered by Obasanjo, the NPF claimed in 2007 to have achieved a police-to-population ratio of approximately 1:400, based on an estimated force strength of about 360,000 police officers.⁵⁷ At the beginning of 2008, this number was reported to be 370,900.⁵⁸ According to the 2008 report of the Presidential Committee on Police Reform:

The Nigeria Police currently has a total of three hundred and seventy-one thousand, eight hundred (371,800) personnel, comprising twenty-one thousand, nine hundred and five (21,905) senior officers, from the ranks of ASP [Assistant Superintendent of Police] II to the IGP, and three hundred and forty-nine thousand, eight hundred and ninety five (349,895) junior officers from constable to inspectors of police. This indicates a ratio of one officer to seventeen junior ranks (1:17). On the whole, the nation has a ratio of one policeman to three hundred and seventy seven persons (1:377), based on a total population of 140,002,542 (2006 Census estimate).⁵⁹

At the end of an 18-month audit of NPF personnel undertaken by the PSC, the chairperson of the PSC, Parry Osayande, announced that the NPF had a staff of 377,000 police personnel as of January 2009.⁶⁰

Two features of the internal demographics and distribution of the NPF are worth highlighting here. First, a significant portion of the NPF's personnel are unavailable for general policing duties. An estimated 27 percent of police personnel are engaged in personal guard and protective duties,⁶¹ thereby creating a situation in which "the rich and powerful behave with impunity because of police protection."⁶² There is clear evidence of a pattern policing resources being diverted for private purposes.

Secondly, the expedited recruitment conducted under presidential orders between 2000 and 2005 was "carried out in a very unwholesome manner without adherence to the established rules and guidelines governing the screening and recruitment of candidates."⁶³ This led to an influx of "suspected criminals, people with physical deformities, doubtful background, over-aged and educationally unqualified barely literate entrants into the Police Force."⁶⁴ The resulting combination of compromised enlistment procedures, grossly inadequate training and orientation regimes, and poor policing traditions "has grossly compromised standards and resulted in widespread abuse of established procedure" and "the enlistment of unsuitable candidates."⁶⁵ As a result, the NPF became saddled with "a very large number of unqualified, under-trained and ill-equipped officers and men, many of whose suitability to wear the respected uniform of the Force is in doubt."⁶⁶ In April 2008, the more recent Presidential Committee on Police Reform described the NPF as an "undesirable workforce."⁶⁷

The NPF's budget has risen steadily since 2000. But due to waste, corruption, and administrative bloat, this increase in resources has not improved police performance and service delivery. Most of the budget increase has been taken up by increased personnel costs as the NPF added an average of 40,000 new recruits per year between 2000 and 2004.⁶⁸ By 2008, the total budget for the NPF had risen to ₦169.9 billion, an increase of about 128 percent from the 2004 police budget.⁶⁹ This funding did not buy better equipment, facilities, or training for the NPF. Rather, it just bought more poorly trained and unmotivated personnel.

The NPF's budget increases have had little impact on the motivation of police personnel or on the structure of the NPF, in part because the increases are sporadic. For example, the NPF's budget always increases sharply during election years.⁷⁰ Although the reasons for this are not entirely clear, the correlation suggests that the increase is intended to win police support for the party in power, or even induce the police to commit election related violence in favor of the ruling party.

Historically, the remuneration of police personnel, especially in the lower ranks, has been abysmal, leaving most of them in or on the margins of extreme poverty.⁷¹ According to the 2008 report of the Presidential Committee on Police Reform, fewer than 10 percent of all police personnel in Nigeria are housed in police barracks "and even a lesser percentage can claim to have personal dwellings that they can call their own and look forward to retiring into. As a result, the police have some of the most

dysfunctional families among occupational groups in the country. Even where barrack accommodation is provided, the facilities are dilapidated one room buildings, often with no toilet facilities.”⁷²

This impoverishment contributes to the general climate of resentment among police personnel and feeds police abuses. Extortion is a common way in which “lower cadres try to supplement their meager incomes.”⁷³ Some police personnel have reportedly been reduced to begging to meet their subsistence needs.⁷⁴

Despite the prohibition of a labor action by NPF staff, personnel of the NPF undertook a nationwide strike in 2002, leading to the dismissal of then IGP Musiliu Smith. The government forestalled another police strike planned for February 2006.⁷⁵ In response to the 2006 strike threat, the federal government established a Presidential Committee on Police Reform headed by former Deputy Inspector-General of Police Alhaji Muhammadu Danmadami. That committee acknowledged that “out of frustration, junior officers of the Nigeria Police Force have become increasingly militant in their demands for improved conditions of service.”⁷⁶

TABLE 1:
Structure of Rank and Remuneration in the Nigeria Police Force (2006)⁷⁷

	Rank	Current yearly starting salary in Nigerian Naira (₦)
1	Recruit	54,012 ⁷⁸
2	Cadet Inspector	98,929
3	Cadet ASP	129,624
2	Constable	61,896
3	Corporal	70,448
4	Sergeant	83,400
6	Inspector	129,624
8	Assistant Superintendent	167,892
9	Deputy Superintendent	231,036
10	Superintendent	259,260
11	Chief Superintendent	288,012
12	Assistant Commissioner	314,580
13	Deputy Commissioner.	344,316
14	Commissioner	402,276
15	Assistant Inspector-General	470,628
16	Deputy Inspector-General	865,200
17	Inspector-General	1,194,600

In its 2006 report, the Presidential Committee on Police Reform recommended a radical overhaul of living conditions and remuneration for personnel of the NPF, to provide them with a living wage. Its recommendations included adjustments in basic police salaries ranging from a 350 percent increase for Police Constables to a 100 percent increase for the inspector-general of police.⁷⁹ The government's white paper on the committee's report merely noted the recommendations on police remuneration and only acceded to very modest adjustments in medical transport and housing allowances for police personnel.⁸⁰ However, in June 2007, Nigeria's federal government increased police salaries,⁸¹ and by the end of the year the government announced a consolidated salary structure for the police resulting in an increase in the gross monthly salary of a police constable to ₦26,158 or gross annual salary of ₦313,896.⁸² Even with this enhancement, NPF personnel remain poorly paid in comparison to police in most African countries.⁸³ Despite recent improvements in their salaries and benefits, the level of compensation and conditions for police officers in Nigeria continue to be important factors in police abuse. In its 2008 report, the second Presidential Committee on Police Reform noted that underpaid police would likely turn to extortion to make ends meet: "responsibility for catering for the Police was inadvertently turned over to the general population who had to be extorted, coerced and intimidated by police personnel in the order to survive."⁸⁴ This confirms the 2006 findings of the first Presidential Committee on Police Reform, which reported that there was "widespread incidence of corruption and extortion by a significant proportion of the members of the Nigeria Police Force."⁸⁵

The logistics and infrastructure for policing are also seriously inadequate. In 2006, the first Presidential Committee on Police Reform reported that:

Basic operational logistics like statement papers, case file jackets, office lockers for storage of case files are no longer provided. Some of these items are procured by detectives with the assistance of complainants. Detectives take case files home, resulting at times in the loss or even destruction of such files and swapping of important statements in the file with statements that cannot sustain conviction in court.⁸⁶

The committee also found that the NPF was "far behind time in matters of police communication network, mobility and quick response to distress calls."⁸⁷ For a force of nearly 400,000 personnel, the communications infrastructure of the NPF in 2006 included just 6,702 hand-held radios, 317 high frequency radios, 95 fax machines, and 78 repeaters (radio relays).⁸⁸ Two years later, in 2008, the second Presidential Committee on Police Reform concluded that communications within the NPF were in a "state of chaos."⁸⁹ Generally, the second Presidential Committee complained of:

Gross inadequacies of human, material and technological resources made available to the Nigeria Police by successive Governments. The extent of this neglect can be clearly seen from the current state of police logistics such as accommodation, communication, forensic, arms and ammunition, transportation, including marine and air wing, etc., which has made it ineffective in crime detection and riot control, investigations and intelligence gathering.⁹⁰

Despite a policy recommendation that the NPF should have at least 30,010 vehicles, the force at the beginning of 2008 had “only 5,900 serviceable vehicles”—24,051 fewer than recommended.⁹¹ In addition, the NPF “has a total holding of 371 boats out of which 108 are serviceable.”⁹² The force has no functional canine corps and only 742 horses—critical for crowd control—out of a recommended 2,000.⁹³

Nigeria lacks the infrastructure for evidence-based policing. According to a November 2007 report by former Inspector-General of Police Ibrahim Coomasie, the NPF’s entire forensic infrastructure comprises a nonfunctioning forensic laboratory in Oshodi, Lagos (which is actually operated by the Federal Ministry of Health); a forensic facility in Ikoyi, Lagos; and two “government chemists” in Lagos Island and Kaduna.⁹⁴ These facilities either do not work or are badly neglected. In 2008, the second Presidential Committee on Police Reform noted:

The Oshodi facility, which is owned by the Federal Ministry of Health, has been in existence since 1953. Over the years, it has suffered neglect as a result of inadequate funding and poor staffing. Currently it lacks adequate equipment, working materials and qualified staff to operate successfully. In 1982, however, the Nigeria Police Force established its Forensic Laboratory in Lagos to support criminal investigations within the premises of the Force CID (Annex). The Laboratory was designed to have seven units, namely; Chemistry, Biology, Fingerprint, Photograph, Ballistics, Disputed Documents, Toolmarks and GSM Information Extraction. The laboratory currently looks like a ghost house, with little or no activity going on. It has remained in a dismal state, with the existing equipment inadequate and obsolete.⁹⁵

In 2007, the Oshodi laboratory had only five scientific officers to meet the forensic needs of the entire country.⁹⁶ The entire forensic capacity of the NPF in 2007 comprised only one trained forensic pathologist; there was no ballistics expert,⁹⁷ and no DNA expert.⁹⁸ Unsurprisingly, a 2007 review of the forensics and investigation capabilities in the NPF found “a near total absence of forensic science in police investigation in Nigeria. Fingerprints or photographs of the scene are rarely taken.”⁹⁹ The review concluded that this gives “impetus to the use of third degree policing strategies by police investigators.”¹⁰⁰ Thus within the NPF, there is a tradition of “excessive reliance by the police on information from witnesses and ‘confessions’ forcibly extracted from suspects” which encourages the use of violence.¹⁰¹ Additionally, there is no functioning system for the management of criminal justice information and intelligence. The 2006 Presidential

Commission on the Reform of the Administration of Justice in Nigeria concluded that the “existing information systems are out-dated, fragmented and sometimes require arduous manual search and retrieval of data.”¹⁰²

Poor training, working conditions, and remuneration—in addition to nonexistent infrastructure for communications, investigation, and internal accountability—encourage a tradition of police brutality and an intolerably high propensity for police violence. These factors create a culture of predatory policing and police-for-hire in which NPF personnel routinely resort to unlawful methods in the treatment of suspects and detainees or exploit their positions through corrupt means to augment their official salaries. Police investigations essentially involve procuring confessions from suspects and detainees by any means necessary, including torture and other forms of coercion. The 2008 report of the second Presidential Committee on Police Reform acknowledges that “the standard of Police investigation is very low and hardly goes beyond taking statements and coercing suspects to confess.”¹⁰³ Over 90 percent of criminal prosecutions are based exclusively on confessions.¹⁰⁴ The NPF lacks the capacity to successfully prosecute the most serious crimes. For instance, “out of the 5,883 robbery suspects held in four of Nigeria’s most populated prisons between 2000 and 2005, only 48 robbery convictions were secured with 4,014 being acquitted.”¹⁰⁵

These practices destroy public confidence in the police. The Presidential Committee on Police Reform in 2006 confirmed that:

In Nigeria, the relationship between the Police and the public is largely characterized by mutual mistrust and hostility. The general causes of the negative opinion on Police by the public include the repressive nature of enforcement under authoritarian colonial and post-colonial governments; general inefficiency of the Police due to inadequate facilities; corruption; poor remuneration and conditions of service, insensitivity and incivility towards the public by the Police.¹⁰⁶

The Justice Goodluck Commission of Inquiry, which investigated the extrajudicial execution of six innocent civilians by police personnel in Abuja in June 2005 (known as the “Apo Six” murders), concluded that the NPF was “an unfriendly organization whose officers are generally high-handed and abrasive, always using their position to take unfair advantage of people in order to extort money from them.”¹⁰⁷

Violent Crime and Policing Practices

Although official statistics on crime in Nigeria are notoriously unreliable, it is clear that violent crime is pervasive.¹⁰⁸ Official police figures show that reported incidents of murder increased from 1,629 in 1994 to 2,136 in 2003, while armed robbery increased from 2,044 in 1994 to 3,497 in 2003.¹⁰⁹ These figures do not include incidents of extrajudicial execution or other offenses committed by police and law enforcement agents.

Several factors contribute to the growth of violent crime in Nigeria, including a rising youth population, poverty, and unemployment. Political violence has increased since the return to electoral politics in 1999, as some politicians cultivate, arm, and use political gangs to eliminate or intimidate their opponents or rig elections.¹¹⁰ Many communities in Nigeria have seen an increase in the use of vigilantes and ethnic militias. Additionally, militants in the resource rich parts of Nigeria, especially the Niger Delta, have access to illicit arms. The confluence of these factors has increased the prevalence of and access to small arms in Nigeria, and “automatic and semi-automatic rifles, shotguns, machine guns and shoulder-fired rockets are readily available for purchase in parts of the country.”¹¹¹ Together, these factors produce a high incidence of gun-related crimes, including armed robbery.

Under Nigerian law, armed robbery, like murder and treason, carries a sentence of capital punishment. Those sentenced to death may be hanged or shot under an execution warrant signed by the governor of the state in which the offense was committed.¹¹²

The growth of violent crime and the draconian legislative response to it created a law enforcement response that is heavy-handed, lacking rules of engagement, and characterized by indiscriminate brutality. One researcher concluded that using the excuse of trying to fight armed robbery, “[p]olice . . . have become excessively repressive on innocent and law abiding citizens,” leaving Nigerians with two kinds of fear—the fear of violent crime and the fear of unlawful police violence.¹¹³

Policing in Nigeria is highly “militarized.”¹¹⁴ In 2005, Access to Justice, a Nigerian nongovernmental organization, reported that:

The use of violence is an important aspect of the self-image of the Police. Police officers see themselves as agents of violence and consider the application of violence and force on the slightest provocation as fulfillment of their social essence.¹¹⁵

An earlier study published in 2000 by the Centre for Law Enforcement and Education (CLEEN) Foundation in Lagos established the prevalence of violence in encounters between the public and police: A survey of 637 respondents revealed that 73.2 percent had witnessed an assault by the police, 22.5 percent had been threatened by the police with being shot, and another 14.8 percent had been assaulted by police. Of 197

prisoners and detainees also interviewed in the CLEEN Foundation study, 81 percent suffered some form of physical abuse, with 39 percent reporting being burned with extremely hot objects while in police custody.¹¹⁶ As discussed in the next chapter, the NPF appears to have evolved a practice of executing persons accused or suspected of armed robbery, either through torture or by shooting.¹¹⁷

Organizational Structure of the Nigeria Police Force

The management structure of the NPF is monolithic and centralized. With an estimated current staff of about 377,000 personnel, the NPF is the largest institution in Nigeria and also the country's largest employer. The Police Act and the Police Regulations define the command and control structures of the NPF.¹¹⁸ This structure is headed by an IGP. Each of Nigeria's 36 states and the Federal Capital Territory (FCT) constitute a Police Command, headed by a police commissioner. The State Commands are in turn grouped into 12 Zonal Commands, each of which is headed by an assistant inspector-general (AIG) of police. Below the State Commands, each state is subdivided into Area Commands under the operational control of subordinate officers, and Area Commands are in turn further broken down into Divisional Commands. Each Divisional Command comprises a collection of contiguous police posts and stations.¹¹⁹

TABLE 2:

The NPF's 12 Zonal Commands

- Zone 1:** Kano, Katsina, and Jigawa States, with headquarters in Kano.
 - Zone 2:** Lagos and Ogun States, with headquarters in Lagos.
 - Zone 3:** Adamawa, Gombe, and Taraba States with headquarters in Yola (Adamawa State)
 - Zone 4:** Benue, Nassarawa, and Plateau States, with headquarters in Makurdi (Benue State)
 - Zone 5:** Bayelsa, Delta, and Edo States, with headquarters in Benin (Edo State)
 - Zone 6:** Cross River, Ebonyi, Rivers, and Akwa Ibom States, with headquarters in Calabar (Cross-River State)
 - Zone 7:** Federal Capital Territory, Kaduna, and Niger States, with headquarters in Abuja (Federal Capital Territory)
 - Zone 8:** Ekiti, Kogi, and Kwara States, with headquarters in Lokoja (Kogi State)
 - Zone 9:** Abia, Anambra, Enugu, and Imo States, with headquarters in Umuahia (Umuahia)
 - Zone 10:** Kebbi, Sokoto, and Zamfara States, with headquarters in Sokoto (Sokoto State)
 - Zone 11:** Ondo, Osun, and Oyo States, with headquarters in Oshogbo (Osun State)
 - Zone 12:** Bauchi, Borno, and Yobe States, with headquarters in Bauchi (Bauchi State)
-

By the end of 2008, the Nigeria police force comprised 5,515 police stations, 1,115 Police Divisions, 123 Area Commands, and 36 State Commands and one Federal Capital Territory Command. The force also houses some specialized units such as the Border Patrol, Bombs Disposal Squad, Ports Authority Police, and the Special Anti-Robbery Squad (SARS).¹²⁰

TABLE 3:
Size and Distribution of Administrative Structure of NPF¹²¹

Administrative Unit	Quantity and Distribution
Zonal Commands ¹²²	12
State Commands (Including Federal Capital Territory, Abuja) ¹²³	37
Area Commands ¹²⁴	123
Police Divisions ¹²⁵	1,115
Police Stations ¹²⁶	5,515
Police Posts ¹²⁷	5,000

The headquarters of the force is located in Abuja, in the Federal Capital Territory. Known as the Force Headquarters, this is also the operational and administrative base of the IGP. The Force Headquarters is also known as “Louis Edet House,” named after the first Nigerian IGP. The Force Headquarters is organized into six departments, each headed by a deputy inspector-general (DIG) of police. Denominated alphabetically, the departments in the Force Headquarters are:

- A Department: Administration
- B Department: Operations (including signals and communications)
- C Department: Works
- D Department: Criminal Investigations
- E Department: Training
- F Department: Planning, Research, and Statistics

In addition, the Office of the Force Secretary is headed by an assistant inspector-general of police and the Force Public Relations Department may, under the police regulations, be headed by “a staff officer of the rank of Assistant Commissioner or above.”¹²⁸

The B and D Departments are the most significant in the NPF. The B Department manages and coordinates the responses of the police to active threats to law and order or public safety and security, such as riots, demonstrations, and situations of significant violence. Within the B Department, the NPF has a rapid deployment unit known as the Police Mobile Force (PMF) or MOPOL (Mobile Police). The PMF is a paramilitary, rapid deployment formation comprising about 30,000 men. Originally “established to act as a Police striking force in the event of riots or other serious disturbances occurring within the federation,”¹²⁹ PMF personnel “are now being used for duties that are irrelevant to their training, including orderlies to VIPs, ‘specie escort,’ [e.g., armored truck guards] static guard and road block duties.”¹³⁰ Under the police regulations, the PMF may be armed, constituted and equipped as the president, acting on the advice of the Police Council, directs.¹³¹

The MOPOL is sometimes seen as an elite unit within the NPF. It is headed by a commissioner of police at the Force Headquarters. MOPOL units in the states are organized into squadrons. Each squadron comprises a squadron commander, a second in command, and 632 men. At the point of mobilization, men of the PMF are required to be not more than 30 years old; while the commanding officer is required to be not more than 40 years. The duration of a regular tour of duty within the PMF is 36 months. The operational structure of the NPF includes the 47 MOPOL squadrons spread all over the country.¹³² To most Nigerians, MOPOL is better known as “‘kill and go’ for their tendency to gun down innocent people and walk away.”¹³³

The responsibilities of the D Department begin where those of the B Department end. The D Department is responsible for police intelligence and criminal investigations. It maintains and operates the Force Criminal Investigations Department (FCID); the State Criminal Investigation Department (SCID) is its counterpart at the state command level. However, in the absence of an infrastructure for evidence-based policing, the SCIDs, like the MOPOL, have acquired a reputation for the habitual abuse of suspects—from the point of arrest through detention and interrogation during an investigation. According to the research gathered for this report, the only difference is that while the violations alleged against the SCIDs tend to take the form of prolonged torture, sometimes ending in painful death, the MOPOL is mostly associated in victim testimony with summary executions, usually by gunshot. Also within the SCIDs are the Special Anti-Robbery Squads (SARS), which were created in response to a perceived nationwide escalation of gun-related robberies. SARS, going by different names in different states, became a feature of policing in Nigeria in the mid-1990s during the regime of the late General Sani Abacha.¹³⁴ There are SARS units in each State Police Command and these units are coordinated at the Force Headquarters by a commissioner of police.

The centralization of command and control in the NPF extends to budgetary and fiscal management in the office of the IGP. The concentration of resource management in one person within a monolithic organization encourages unaccountable patronage, corruption, and financial mismanagement. As evidence of this, a recent inspector-general of police was convicted of money laundering and corruption,¹³⁵ and scandals of financial misappropriation trailed the exit of his successor in June 2007.¹³⁶ Misappropriation of funds diverts resources meant for police operations before they reach the points of need, operations, and service delivery in the communities. As a result, the operational formations and personnel of the police lack essential investigation, patrol, communications, and protection tools and equipment. In turn, this inhibits the operational effectiveness of the NPF. The first Presidential Committee on Police Reform diagnosed this problem in 2006 and recommended that “allocation of funds should be made directly . . . to the Force Headquarters, the Zonal Commands, State Commands, Area Commands and Divisional Commands respectively, for the day-to-day operations of the police.”¹³⁷

Recent Investigations and Reports on the Nigeria Police Force

In recent years, several authoritative reports on different aspects of policing and police abuses in Nigeria have been issued by national and international nongovernmental organizations, inquiries by presidential commissions and committees, and the UN Special Rapporteur on Summary, Arbitrary or Extrajudicial Executions. All the major investigations confirm a pattern of “sexual assault, oppression, unwarranted arrests, intimidation, extortion” by the police.¹³⁸

In June 2005, the Nigerian NGO Access to Justice issued a report titled *Breaking Point*, in which it presented graphic accounts of how “the use of torture is extremely widespread within the Nigeria Police Force and is an institutionalized and routine practice.”¹³⁹ In its July 2005 report, *Rest in Pieces*, Human Rights Watch “found the use of torture and other cruel, inhuman, and degrading treatment by the Nigerian Police Force to be widespread and routine,” including “brutal acts of torture, dozens of which resulted in death . . . perpetrated by and with the knowledge of senior police officers.”¹⁴⁰ The pattern of police abuses was so pervasive that Human Rights Watch concluded that there were “deeply engrained societal attitudes that accept police torture and other abuses as legitimate tools to combat crime.”¹⁴¹ Far from public acceptance of police violence and abuses, however, the general attitude of resignation reported by Human Rights Watch reflects the absence of effective remedies for those who suffer police

abuse, the pervasiveness of impunity, and the widespread loss of faith in the police as an institution for the protection of public safety and security. As confirmed by the second Presidential Committee on Police Reform in 2008, the “public feels frustrated because it has no control and no means of redress.”¹⁴²

In November 2006, Amnesty International issued a report on its investigation of sexual violence by internal security agencies in Nigeria which showed that “rape of women and girls by both the police and security forces . . . is acknowledged to be endemic in Nigeria.”¹⁴³ Specifically, Amnesty alleged that “Nigerian police force and security forces commit rape in many different circumstances, both on and off duty. Rape is at times used strategically to coerce and intimidate entire communities.”¹⁴⁴ Despite this pattern of misconduct, the perpetrators routinely escape punishment and the victims are denied access to remedies. A 2005 nationwide study by the CLEEN Foundation, a Nigerian NGO that promotes public safety, security, and justice, found that of 10,000 victims of rape and sexual violence, only 18.1 percent reported the offense to the NPF, believing the NPF would not investigate their reports diligently.¹⁴⁵

The pattern of misconduct reported by these nongovernmental organizations is essentially confirmed by official governmental and inter-governmental investigations. In its August 2005 report, the Justice Goodluck Commission of Inquiry into the Apo Six police killings documented extensive evidence of a police force that had through “intimidation and oppression . . . instilled fear into the residents.”¹⁴⁶ In his 2006 report based on a mission to Nigeria, the UN Special Rapporteur on Summary, Arbitrary or Extrajudicial Executions observed that torture was an intrinsic part of law enforcement in Nigeria and found a “largely unaccountable Police force, a system that does little to deter Police killings or deaths in custody, and impunity for those accused of associated misconduct.”¹⁴⁷ The Presidential Committee on Police Reform in 2006 concluded that:

Instances of Police brutality are common during crime control; crowd control during public events and ceremonies; control of processions, protests, demonstrations, investigation, and at checkpoints. Extrajudicial killings, summary executions of suspects and revenge killings are also widely reported. Due to a combination of poor training, inadequate infrastructure, and absence of respect for due process and human rights, the Police often resort to torture to extract confession and information from suspects. Another practice that has brought the Police into disrepute is that of arresting relations of a suspect as substitutes or hostages. In addition, individuals are arrested and detained on flimsy grounds, with a view to extorting money from them.¹⁴⁸

The cumulative result of all this, as confirmed in the 2008 report of the second Presidential Committee on Police Reform, is “the loss of public confidence in the integrity of police personnel.”¹⁴⁹ The pattern of police misconduct and impunity established in these various investigations and reports has yet to be addressed.

V. The Normative Framework Governing Policing in Nigeria

The powers, functions, and procedures of the NPF are founded on Nigeria's 1999 Constitution and regulated by law. As the principal law enforcement agency in Nigeria, the NPF exists to apply and enforce laws. As an institution created by law, the NPF and its personnel can only lawfully function within the ambit of the laws that create them.

In addition to the constitution, the principal legislation in Nigeria governing the operations and functions of the police includes the following:

- the Police Act,¹⁵⁰ and subsidiary legislation made under it
- the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act¹⁵¹
- the Criminal Procedure Act applicable to the 17 states in southern Nigeria¹⁵²
- the Criminal Procedure Code applicable to the 19 states in northern Nigeria and to the Federal Capital Territory of Abuja¹⁵³
- the Police Service Commission (Establishment) Act of 2001
- the coroners' laws of the respective states of Nigeria

Past and current leaders of the NPF have acknowledged the principle that the police are created and regulated by law. Addressing a public gathering in Abuja in

December 2005, then Inspector-General of Police Sunday Ehindero stated the doctrine of the police as follows:

It is obvious that the duties of the Nigeria Police Force are a direct consequence of the powers conferred on it by law. It becomes mandatory that the law must regulate the performance of its duties relating to arrest, detention, search and seizure, and the use of force. In other words, these duties must be exercised strictly within the limits prescribed for the Police by law. And any form of exercise of these powers which does not strictly conform to the prescriptions of the law can have unpleasant consequences for the Police Force (as a corporate entity, as well as for the individual Police personnel).¹⁵⁴

As an institution established by law within the public service, the NPF is also governed institutionally by the civil service rules and financial regulations applicable to all federal institutions.¹⁵⁵ To direct the operations and management of the NPF, the Police Act empowers the inspector-general of police to issue subsidiary legislation through regulations, standing orders, administrative instructions, and circulars. All staff of the NPF ought to be conversant with and have access to these applicable laws and standards. However, in its 2006 report, the first Presidential Committee on Police Reform acknowledged that “these important regulatory books that all officers must acquaint themselves with are either in short supply or no longer in circulation. The result is that many young police officers are not familiar with them, to the detriment of their professional competence.”¹⁵⁶ In practice, therefore, and in spite of the formidable body of legal standards that regulate its operations, the NPF tends to function outside the law.

Nigeria’s 1999 Constitution creates the NPF as a federal institution and prohibits the existence of state or other police bodies.¹⁵⁷ In addition to the police, however, other law enforcement agencies exist in Nigeria. These include the State Security Service, the National Drug Law Enforcement Agency, the Economic and Financial Crimes Commission, the Federal Road Safety Commission, and the Nigerian Security and Civil Defence Corps. Both the Immigration Service and the Customs and Excise department also have powers of investigation, arrest, and detention under the laws governing them. Like the police, these are all federal institutions established by law and are empowered to undertake investigation and prosecution.¹⁵⁸

The first Presidential Committee on Police Reform in 2006 concluded that the existence of these agencies breached the constitutional prohibition against multiple or parallel police agencies and complained about a “proliferation of agencies (leading) to duplication of duties, which subsequently creates rivalry, conflict and inefficiency.”¹⁵⁹ As noted by the committee, each of these agencies also maintains holding cells and detention centers at which human rights violations occur. Ultimately, such violations are likely to be “blamed on the Police, as the primary law enforcement agent in the country.”¹⁶⁰ This report focuses exclusively on the police. It does not extend to the activi-

ties of any other law enforcement institutions and does not attribute to the NPF any responsibility for the failings of other internal security agencies in Nigeria.

Under Nigeria's Constitution, ultimate operational control of the police resides with the president. He appoints the inspector-general of police¹⁶¹ and:

[m]ay give to the Inspector-General of the Nigeria Police such lawful directions with respect to the maintaining and securing of public safety and public order as he may consider necessary, and the Inspector-General shall comply with those directions or cause them to be complied with.¹⁶²

The Police Act contains similar provisions,¹⁶³ and provides specifically that "the President shall be charged with operational control of the Force."¹⁶⁴ In its 2008 report, the Presidential Committee on Electoral Reform argued that these provisions of the Police Act "which vest operational control of the police in the President of the Federal Republic of Nigeria are in contravention of the 1999 Constitution" and recommended their amendment.¹⁶⁵ In the states, the constitution permits elected state governors to give similar operational directions to the state police commissioners but "before carrying out any such directions . . . the Commissioner of Police may request that the matter be referred to the President or such minister of the Government of the Federation as may be authorized in that behalf by the President for his directions."¹⁶⁶ These provisions have the effect of over-centralizing policing and undermining the independence and operational effectiveness of the NPF.

The constitution contains, among other guarantees, rights to life,¹⁶⁷ liberty,¹⁶⁸ fair hearing, and due process;¹⁶⁹ prohibits torture and other cruel, inhuman, and degrading treatment;¹⁷⁰ and gives victims of human rights violations a right of access to courts for redress and remedies.¹⁷¹ The African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act,¹⁷² which makes the African Charter part of Nigeria's domestic law, reinforces these human rights guarantees which are essential for effective policing. In particular, both Nigeria's Constitution and the African Charter guarantee the presumption of innocence and prohibit torture.

The presumption of innocence is the foundation of police investigation. Through investigation, the police gather evidence with which to rebut the presumption in specific cases. However, the NPF lacks the infrastructure and skills for basic investigation. In 2006, the Presidential Committee on Police Reform reported that:

There is only one trained ballistics left in the Force and we were told he would soon go on retirement.¹⁷³ There are no more fingerprint experts and the forensic laboratory has not taken off. The Police dogs have either been retired or starved to death ... The Police pathologists are few and the hospitals are not well equipped. To crown it all, there is widespread corruption amongst police detectives.¹⁷⁴

Without the infrastructure and skills to support criminal investigations, the NPF is institutionally unable to respect the presumption of innocence—or even maintain credible records. Instead, “they now resort to parading suspects in handcuffs and others killed by them extrajudicially, such as armed robbers to impress the general public that they are working, when, at this stage, the innocence of the suspects should be presumed and their human rights protected by the Police.”¹⁷⁵ In 2006, the first Presidential Committee on Police Reform recommended the NPF discontinue its practice of parading suspects. In its official response to the report, the federal government rejected this recommendation but required that the identities of suspects should be covered when paraded.¹⁷⁶ It is impossible to identify a legitimate objective for parading suspects whose identities, including presumably their faces, must be covered. Not only are innocent people treated as if guilty; the generally poor performance of the police makes it more difficult to convict those who are actually guilty. The effect of this is a tradition of compromised investigations and unsuccessful prosecutions which, the Nigerian Supreme Court has noted, results “in acquittal of criminals who should have been convicted.”¹⁷⁷

First enacted in 1943 as the Police Ordinance and last updated by military decree in 1967, the Police Act is the principal instrument that establishes and regulates the structures, functions, and powers of the NPF. Section Four of the act prescribes the functions of the NPF to include the prevention and detection of crime, apprehension of offenders, preservation of law and order, protection of life and property, enforcement of all laws and regulations with which they are charged, and military duties within or outside Nigeria as may be required of them. The Police Act empowers the police to undertake criminal prosecutions.¹⁷⁸ As a constraint on police abuse, the Police Act provides that police officers are legally responsible for any crimes or other misconduct committed by them in the course of their duty and the Police Act does not exempt any police officer from such responsibility.¹⁷⁹

For this purpose, the Criminal Code and the Criminal Procedure Act (both applicable in the states of southern Nigeria) as well as the Penal Code¹⁸⁰ and the Criminal Procedure Code (applicable in the states of northern Nigeria) define most crimes known to Nigerian law, prescribe punishments for them, and establish procedures for prosecuting and holding people accountable for such crimes. While the crime of torture does not exist in Nigerian law, the Criminal and Penal Codes contain extensive provisions regarding offenses against the person, including assault, murder, and sexual assault. Except when committed in the Federal Capital Territory, Abuja, crimes against the person—ranging from murder to different forms of assault—are state offenses liable to be prosecuted by the state Ministries of Justice under the leadership of the state attorneys-general. Although ultimate control of criminal prosecutions resides with the attorneys-general, “most of the criminal cases in the country handled by the lower courts, especially the magistrate courts, are prosecuted by the Police.”¹⁸¹ Thus, the NPF

is also responsible for investigating and prosecuting allegations of crimes committed by its own personnel.

All Nigerian states have coroners' laws that mandate an inquest into all deaths that result from police encounters or which occur in prison or police custody.¹⁸² For this purpose, magistrates act as coroners. A coroner, who invariably sits as a magistrate, undertakes an inquest "whenever there is a reasonable cause to suspect that the cause of death is unknown; the death is sudden, unexpected or unnatural; violent or suspicious; due to a medical intervention, negligence or misconduct, or from a known or unknown cause while a person is in custody of any type."¹⁸³

Force Order 237, which regulates the use of firearms by the police, is an important part of the legal framework regulating the NPF's work. Promulgated by the inspector-general of police, Force Order 237 comprises eight paragraphs and, among other things, permits a police officer to use lethal force where "he cannot by any other means arrest a person who takes flight in order to avoid arrest; provided the offence is such that the accused may be punished with death or imprisonment for seven years or more."¹⁸⁴ This order "covers the case where a fugitive has not been in lawful custody and takes to a flight in order to avoid arrest in the first instance."¹⁸⁵ In effect, Force Order 237 legitimizes disproportionate and even indiscriminate use of lethal force by police personnel against people suspected of relatively minor offenses. Because Force Order 237 appears to contravene the guarantee of the right to life contained in both the Nigerian Constitution and the African Charter on Human and Peoples' Rights, it is of doubtful constitutionality. Until abrogated in its present form, however, it represents the operational doctrine of the NPF on the use of lethal force.

As a general rule of Nigerian criminal law, any person authorized by law to use force is criminally responsible for any excessive use of force.¹⁸⁶ However, Force Order 237 employs vague language with respect to extrajudicial executions by the police, which makes it difficult to enforce. The order affords justification for extrajudicial killings by police, especially in the case of suspects thought to have committed a serious crime, such as armed robbery, which carries the death penalty.¹⁸⁷ It is perhaps no coincidence that victims of extrajudicial executions by the police in Nigeria are usually described as armed robbery suspects who were either fleeing custody or attacking police personnel. As the UN Special Rapporteur put it "these rules practically provide the police *carte blanche* to shoot and kill at will."¹⁸⁸ He further noted that the police readily use this as a pretext to justify extrajudicial execution such that when "a victim is killed in custody, an attempted escape may be cited."¹⁸⁹

The framework of legal standards on policing in Nigeria also includes international laws and treaties and laws accepted by or applicable to Nigeria as a member of the international community. Nigeria has ratified the International Covenant on Civil and Political Rights (ICCPR)¹⁹⁰ and the Convention against Torture and other Cruel, Inhu-

man or Degrading Treatment or Punishment (Torture Convention),¹⁹¹ both of which prohibit torture and other cruel, inhuman, or degrading treatment by law enforcement and state agents. Nigeria's Constitution requires that international treaties must be specifically adopted into domestic law in order to be directly enforceable within the country.¹⁹² While Nigeria's ratification of both the Torture Convention and the ICCPR does not automatically make either legal instrument domestically applicable in the country, it is nevertheless significant in defining the scope of legal norms that Nigeria desires to be associated with internationally. Having ratified both instruments, Nigeria accepts under international law its obligation not to act in ways contrary to the conventions. Nigeria cannot avoid these obligations by resorting to its domestic law.

Neither the ICCPR nor the Torture Convention has been specifically adopted into domestic law in Nigeria. However, the prohibition of torture is very well established in international law as a peremptory norm.¹⁹³ The African Charter on Human and Peoples' Rights, which is part of Nigeria's domestic law, similarly prohibits torture.¹⁹⁴ Nigeria indicates its acceptance of this principle by firmly prohibiting torture and other cruel, inhuman, or degrading treatment or punishment in its 1999 Constitution.¹⁹⁵ Nigerian law prohibits the admission into evidence of any confessional statements obtained by means of torture or similar coercion.¹⁹⁶ The Torture Convention defines torture as:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.¹⁹⁷

The African Commission on Human and Peoples' Rights has in its jurisprudence explained the scope of due process guarantees and the prohibition against torture under the African Charter on Human and Peoples' Rights. In *Zegveld and Ephrem v. Eritrea*,¹⁹⁸ the African Commission held that these due process guarantees in the African Charter imply that "every detained person must have prompt access to a lawyer and to their families and their rights with regards to physical and mental health must be protected."¹⁹⁹

With reference to crimes of sexual violence, it is now firmly established in international law that acts of sexual violence, including rape, carried out by state agents constitute a form of torture.²⁰⁰ In this context, sexual violence includes "any act of [a] sexual nature which is committed on a person under circumstances which are coercive,"²⁰¹ and may include "acts which do not involve penetration or even physical contact."²⁰² Rape, as a specific form of sexual violence, is understood to mean "a physical invasion of a sexual nature, committed on a person under circumstances which are coercive,"²⁰³ and could

include the insertion of objects into bodily orifices not considered to be intrinsically sexual, such as thrusting a piece of wood or metal into the sexual organs of a person.²⁰⁴

The guarantees of the right to life and prohibitions against torture and other cruel, inhuman, or degrading treatment include an obligation on the state to diligently and independently investigate and prosecute allegations of extrajudicial execution or torture. In the *Sudan* cases,²⁰⁵ the complaint before the African Commission on Human and Peoples' Rights included allegations verified by a UN Special Rapporteur that unarmed civilians in Darfur, in western Sudan, were the victims of torture and extrajudicial executions.²⁰⁶ In response, the Sudanese government constituted an inquiry team whose membership included officers from the police district against whom the allegations were made and the district prosecutor working with them. The Commission on Human and Peoples' Rights held that:

Investigations must be carried out by entirely independent individuals, provided with the necessary resources, and their findings should be made public and prosecutions initiated in accordance with the information uncovered. Constituting a commission of the District Prosecutor and police and security officials, as was the case in the 1987 Commission of Enquiry set up by the Governor of South Darfur, overlooks the possibility that police and security forces may be implicated in the very massacres they are charged to investigate. The commission of enquiry, in the Commission's view, by its very composition, does not provide the required guarantees of impartiality and independence.²⁰⁷

In theory, therefore, the operations of the NPF are governed by domestic laws and regulations, as well as international treaties and legal norms. In practice, however—as this report documents—the actual operations of the NPF are characterized by institutionalized disregard for these standards. Far from compliance with the law, the NPF operates as an outlaw institution.

VI. Extrajudicial Killings by Police

Extrajudicial killings are a routine feature of policing in Nigeria. Hundreds of Nigerians are murdered each year by the NPF. Field monitoring uncovered the existence of an unwritten rule in police stations: “confirmed” armed robbery suspects should be “escorted,” sent on an “errand,” or “transferred to Abuja”—all euphemisms for the unlawful summary and extrajudicial execution of suspects. Suspects are “confirmed” through torture and “escorted” or “transferred” through summary execution or disappearance.

Persons suspected of, or arrested for, armed robbery are particularly at risk of extrajudicial execution. “Abdullahi,” a local politician in Kano State, described being tortured in September 2006 at the Karfi police post in Kano. Abdullahi was being beaten by a police officer and thought he would be killed. But he was saved by the timely intervention of a police sergeant who called off his more enthusiastic colleague by noting that what the colleague was about to do to Abdullahi was “only reserved for robbers.”²⁰⁸

Innocent Daa’gba, a lawyer in private practice, described for a NOPRIN researcher the standard NPF practice as follows:

Once an accused is arrested and is suspected to be a robber, instead of taking him to court, they would rather want to take him along the road. They take the suspect to the highway under the pretext that they are going to conduct further investigation, only to come back and report that in the course of moving on the highway the suspect attempted to run, so they had no choice but to take him down.²⁰⁹

The police frequently label as “armed robbers” the innocent victims of their extrajudicial executions. Not only does this label help cover their crimes, but it exacerbates public fear of armed robbers and creates the perception that anyone described as such automatically loses the rights to both life and due process. On December 12, 2008, the police in Makun, Ogun State, shot and killed Waliyu Abudu, a wife, mother, and poultry farm worker. The killing appeared entirely unprovoked. In the face of mounting evidence from Abudu’s family and employers that she was an innocent victim of unjustifiable police homicide, the Ogun State Police Command staged an elaborate press conference in December 2008 at which they branded Abudu as the leader of an armed robbery gang. The police refused to release her body to the family for postmortem or autopsy and provided no evidence to substantiate their public accusation. No one in the NPF was ever punished for Abudu’s death.

Field monitoring revealed that police personnel refer to detainees marked for execution as “rams” or “bush meat.” In all states, two NPF units—the State Anti-Robbery Squads (SARS) and State Criminal Investigation Divisions (SCIDs)—are widely believed responsible for extrajudicial executions. Certain locations are also well known to the public as sites for killing by police. The police checkpoint at the Abuja Junction on the Abuja-Kaduna Road is one such spot, remarkable for the perennial stench of decomposing human remains. Police sources in Anambra State pointed NOPRIN researchers to dump sites and graves for victims of police killings in Awada near the MCC settlement and in Upper Iwaka, both in Onitsha, Anambra State. They also mentioned other isolated dumping sites, such as the one at Agu, Awka, also in Anambra State.

Following an execution, the police often inform the victim’s family that the victim has been sent on an “errand,” “escorted,” or “transferred to Abuja.” Dayo Anjorin, a student of the Osun State College of Technology who lived in Ibadan with his family, left his home around January 31, 2007 to visit his school in connection with his posting for the compulsory National Youth Service Corps program. His family last saw him in the cells of the SARS in Oshogbo, Osun State, about one week later when he was reported to be “in very bad condition with broken hands, legs, and could not stand on his own. There were several wounds all over his body and blood was gushing out of the right side of his abdomen and he could not speak.”²¹⁰ The family never heard from or saw Anjorin again. When they returned to ask for Anjorin around February 15, they were told that “he had been taken to the Force Headquarters.”²¹¹

In another instance of police deception, Ekeh Nwose’s family located him in the cells of the Area F Police Station in Ikeja, Lagos State, two days after he left his home around March 15, 2005, to have a meal with a friend from school. The family was initially advised to pay a bribe of ₦11,000 for the privilege of visiting Nwose in detention. After they paid the bribe, they were told that Nwose had been transferred to the SCID in Panti, Lagos. Over one year later, in March 2006, after persistent inquiries, the police informed

them that Nwose had been “transferred to Abuja.” He has never been seen nor heard from again and the police have declined to provide any information on his whereabouts.

After Precious Chiudo Egbuchilam was arrested in June 2005, his brother, Corporal Amos Egbuchilam of the Nigerian Army, asked to see him. His insistence on seeing his brother only led to threats from the police at the Lagos SCID in Yaba. An NPF officer told Cpl. Egbuchilam that his brother was an armed robber, and that he must be “very stupid” to have asked about an armed robber. The police threatened Cpl. Egbuchilam if he persisted with further inquiries. One police officer reportedly asked him: “Is your brother not a criminal? Don’t you know what we do with robbers here?”²¹² The police never provided any further information concerning Precious’s disappearance.

On April 16, 2007, in the heat of a general election, the Adavi Police Station near Okene in Kogi State was attacked in an incident in which the assailants also reportedly stole 21 rifles and “thousands [of rounds] of assorted ammunition”²¹³ and, according to a police source, killed one police sergeant. At least ten other people were reportedly killed in this attack.²¹⁴ The Kogi State Police Command believed that the attack was directed by a political gang active in Okene led by one Mohammed Awela. Following this incident, the police declared Awela wanted and branded him “an enemy of the State.” On March 16, 2008, the police in Kogi State shot and killed Awela, mutilated his body and put his remains on public display at the State Police Command headquarters in Lokoja, the state capital. This display was accompanied by general revelry and merry-making, including celebratory discharge of gunshots by police. When friends and relations of Awela asked for the release of his remains, the police refused.

A Human Abattoir: Mass Killings by the Police

Mass killings by members of the NPF occur often across Nigeria.²¹⁵ In most cases, these go uninvestigated and unpunished. Such killings are sometimes administered as reprisals for perceived infractions against police personnel or during alleged crime control measures. On February 25, 2008, the Ogaminana community, a settlement near Okene, in Kogi State, was attacked by a contingent of the Police Mobile Force. Media reports described the incident in Ogaminana as a “rampage,”²¹⁶ a “reprisal attack,”²¹⁷ and “a massacre”²¹⁸ and reported that the police were “said to be avenging the killing of two of their colleagues by hoodlums.”²¹⁹ Initial media estimates of the number of people killed in the Ogaminana encounter ranged from 15 to 50.²²⁰ The police responded by blaming the community for the raid, including the killings and destruction.²²¹

On September 17, 2007, Eyeti Ekiebong Enwang—a community in Mbo Local Government Area of Akwa Ibom State—was similarly attacked by a contingent of over 100 police angered by the reported theft of more than ₦8,000 collected by police from

commuters at a roadblock in the community. The attack left at least five people dead and several more missing.²²²

Less than one week earlier, on September 11, 2007, police personnel invited to assist in managing an uprising by prisoners in the overcrowded Agodi Prison in Ibadan,²²³ Oyo State, opened fire on the prisoners. Eleven prisoners were killed and sixteen were severely wounded.²²⁴ As reported by the National Human Rights Commission following its investigation into the incident:

When the Police arrived, apparently without proper profiling and assessment of the situation, on entrance, they pumped a large dose of teargas into the prison and opened lethal fire into the crowded compound of inmates.²²⁵

One of the victims of the Agodi Prison killings was Wasiu Owolabi. Owolabi was first arrested early in 2002 by police in Ibadan. The Oyo State High Court granted him bail in 2003 but the police subsequently re-arrested and detained him on undisclosed charges. Owolabi's sister, Tawakalitu, then petitioned the National Human Rights Commission on his behalf. While this petition was pending, Owolabi, who had been in pretrial custody for nearly four years, was killed by the police during the Agodi Prison incident.

On September 14, 2006, in Delta State, the police allegedly attacked the village of Afesere in Ughelli North Local Government Area, killing at least 22 people.²²⁶ The police attack was apparently in retaliation for an earlier incident in which two NPF officers were killed. No official inquiry into the police attack ever took place, nor were any perpetrators prosecuted for the killings of the two police officers.

On or about August 9, 2006, personnel of the NPF paraded 12 alleged armed robbers—including a 12-year-old—before the media at the Central Police Station in Umuahia, capital of Abia State. They claimed to have arrested the suspects after an exchange of gunfire with the police. Some of those in custody had gunshot wounds, and four others were killed during the incident at Olokobe-Ndume community in Umuahia North Local Government Area of Abia State. Following the parade, the police summarily executed the suspects and deposited their bodies at the premises of the Federal Medical Centre in Umuahia. They claimed that the executed victims signed confessional statements before they were killed. On August 17, 2006, the authorities of the Federal Medical Centre arranged a mass burial for the decomposing bodies of the victims. There were no autopsies or inquests. The police later organized a press conference at which they announced the executions.²²⁷

In the second week of July 2006, a joint patrol of NPF officers and Nigerian Army soldiers summarily executed 14 young men, including a pastor, at Iyiowa Odoekpe, in Onitsha, Anambra State, on the allegation that they were members of the Movement

for the Sovereign State of Biafra (MASSOB). The bodies of the victims were allegedly buried in a mass grave dug beside the police barracks in Onitsha. Eight others who were killed in similar circumstances by the SARS were buried at the MCC settlement's burial ground, New Cemetery, at Oraifite Street, also in Onitsha. Reports of similar mass extrajudicial executions of alleged MASSOB members were common in 2007.²²⁸

On April 18, 2006, police pursuing an alleged group of armed robbers in Benin-City, Edo State, "opened fire on a commercial vehicle with four persons feared dead and several others seriously wounded."²²⁹ In Anambra State, Ifeanyi Onuchukwu, who was detained by the SARS in Awka for 15 days between October and November 2004, alleged that he witnessed the execution of 20 persons accused of armed robbery by operatives of SARS in Awka on November 4, 2004.²³⁰

In Enugu, Enugu State, an ex-detainee at the SCID reported to a NOPRIN researcher that he witnessed "uncountable" executions while he was detained there for over one month in the first quarter of 2006. According to this ex-detainee:

Every time they want to execute people they will come around 6 p.m., call the names of some inmates and tell them to prepare for court. Late in the night they are taken out and executed and the next morning they order about two people from the cell to wash off the blood from their vehicles. It is the blood stain that confirms that inmates have been killed. And they have the same excuse for every family that comes to see any detainee that has been "dispatched"—"he has been transferred to Abuja for further investigations."²³¹

NOPRIN's investigations in Enugu revealed how such extrajudicial executions are conducted: detainees are shackled by the legs and arms and driven in a police vehicle to the outskirts of Enugu metropolis, sometimes close to the University of Nigeria Enugu Teaching Hospital or to Ngwo Town (Milken Hill), where they are shot. The corpses are then collected and deposited at the teaching hospital's mortuary. NPF personnel who spoke to NOPRIN on condition of anonymity alleged that suspects were often used for "target practice." Suspects were told to exit from the police vehicle they were traveling in and run for their lives. They were subsequently shot while running away to make it appear as if the suspects had been shot while trying to escape. These alleged killings usually occur at night or in pre-dawn hours of the morning.

According to the report by the Justice Goodluck Commission of Inquiry, on June 8, 2005, the police in Abuja summarily executed six young persons, planted guns on their bodies, and branded them armed robbers. Following violent protests by the community, the federal government instituted a judicial commission of inquiry into the killings, which became known as the "Apo Six" murders. In its report, the Goodluck Commission asserted that the six murders were not an isolated incident. The report suggested a pattern of behavior in which police execute suspects, then frame them, and then conduct a campaign of disinformation about the victims. The commission noted

that the killing of these victims “would have passed for the usual excuse of ‘shootout with armed robbers’ as indeed the Police had through the media labeled them armed robbers and hurriedly buried them, but for the vigilance of some citizens who knew that they were not armed robbers.”²³² In this case, the commission exonerated the victims, found the police culpable for the murders, and recommended the prosecution of the officers involved. To date, no NPF officers have been found guilty of the murders.²³³

In another example of police abuse, NOPRIN researchers learned that between March 5 and 10, 2005, the police in Borno State, on Nigeria’s northeastern border with Chad and Cameroon, arrested six youths—Ibrahim Isa, John Moses, Peter Joseph, Bukar Audu, Iliya Dauda, and Zanna Musa—on charges of armed robbery. Arrested in different locations around the state, the young men, between the ages of 22 and 30, were held at the Ibrahim Taiwo Police Station in Maiduguri, Borno’s capital. On April 27, 2005, more than a month and a half after the arrests, the police paraded these youths before the press as armed robbers.²³⁴ Two weeks later, when their families sought to visit the suspects, the police reported that the suspects had been transferred to the SCID in Maiduguri. When the families went to the SCID, the police further informed them that their sons had never been brought there. On May 10, 2005, the dead bodies of all six boys were found in the mortuary of the State Specialist Hospital in Maiduguri. The police in Maiduguri claimed that they executed the boys when they attempted to escape from custody. There was no inquest and no one in the NPF has been held responsible for the killings.

Similarly, on October 18, 2004, some commercial motorcycle operators in Tudun-Wada, Kaduna, witnessed the police hurriedly burying a truckload of dead bodies at the Bachama cemetery. When this information became public, an uproar ensued and the bodies of 19 youths were exhumed. The police had told the cemetery attendants that they were there to bury the corpses of armed robbers shot during various police operations in different parts of Kaduna State, and the attendants allowed them to proceed. However, after the bodies were exhumed, residents of Tudun-Wada claimed that some of those killed were participants in an anti-government protest over a hike in the price of petroleum products, organized by the Nigerian Labour Congress a few days earlier.²³⁵

Some of the victims’ parents confirmed that their children had been arrested by the police and that before their extrajudicial executions the parents had visited their children at the police station. The police responded by issuing two conflicting accounts. In its initial reaction to the incident, the State Police Command issued a press statement which claimed that:

There is no iota of truth in the story. The Command in its day-to-day operations encountered armed bandits in gun battles some of which occasionally result in casualties on both the part of the police and the robbers. Furthermore, Police do not engage in the burial of dead robbers. This is the sole responsibility of mortuary/local government personnel ...²³⁶

However, in their submission to the judicial commission of inquiry into the killings, the police later claimed that while the victims were being transported to the Rigasa Police Station in Kaduna, they attacked their armed police escorts and jumped out of the moving truck fleeing in different directions. It was at this point, according to the police, that they opened fire on the fleeing suspects, killing all of them.

Take No Prisoners: “Wasting” the “Robbers”

NOPRIN researchers found that alleged armed robbery suspects frequently die in police custody in Nigeria. Police officers who spoke on condition of anonymity to the report’s researchers justified the practice of “wasting” suspected armed robbers because of the supposed failure of the justice system to “cage” them. The police officers interviewed claimed that on several occasions the courts granted bail to suspected armed robbers who then returned to the streets and killed police personnel. They claimed that once released, the suspects, seeking revenge for torture inflicted on them by the authorities, would often target the police for attacks and execution. As narrated by members of the NPF, there is a war between the police and armed robbers in which collateral damage, usually innocent civilians, is inevitable. Police use these conditions to cover their extra-judicial executions—anyone they kill is then labeled an armed robber. It is almost as if suspected armed robbers in Nigeria are exempt from the constitutional guarantees of life and due process, including the presumption of innocence.

TABLE 4:
Official Figures of Killings in Police Encounters 2000–2006²³⁷

Year	Alleged Robbers Killed	Police Killed	Police Injured
2000	595	182	69
2001	376	133	87
2002	317	120	57
2003	545	144	148
2004	569	111	112
2005	252	129	58
2006	329	111	53
Total	2,983	930	584

The most notable feature of the official statistics on police killings is the absence of any figures for injured “robbers.” The figures suggest that not a single “robber” was injured in armed encounters between NPF personnel and criminal suspects in the seven years between 2000 and 2006. Failure to compile or maintain such statistics could suggest that the police have a take-no-prisoners policy of executing any victims or survivors in all encounters with alleged robbers. If this is the case, it would also mean that alleged robbers injured in police encounters are summarily “wasted” after being picked up by the police. Even if the absence of records indicating injured “robbers” was merely an oversight by the NPF, such an oversight speaks volumes about how the police view those outside of their own ranks—people who matter so little that their injuries are not even worth recording.

The police persist in the practice of extrajudicial execution of alleged armed robbers even when it is clear that “people are likely to be wrongly processed or detained as armed robbers.”²³⁸ For instance, in an expert criminological study of the use of armed robbery in the states of southeastern Nigeria, Smart Egwu Otu found evidence that victims “were roped into the crime (of armed robbery) as a result of family feud.”²³⁹ In his report following his mission to Nigeria in 2005, UN Special Rapporteur Phillip Alston observed:

While armed robbery does plague much of Nigeria, the label of “armed robber” is very often used to justify the jailing and/or extrajudicial execution of innocent individuals who have come to the attention of the police for reasons ranging from a refusal to pay a bribe to insulting or inconveniencing the police. There is reason to doubt that the 2,402 armed robbers killed since 2000 were in reality all armed robbers, much less that they were all killed in shoot-outs.²⁴⁰

Even the federal government of Nigeria admits that the police do indeed improperly identify some—possibly many—of their victims as “armed robbers.” On December 17, 2005, in the wake of the Apo Six murders, then Minister for Police Affairs Alaawei Broderick Bozimo placed paid announcements in major Nigerian newspapers which read, in part:²⁴¹

It will be recalled that between the 7th and the 8th of June, 2005, we recorded a most bizarre encounter between some officers of the Nigeria Police Force and six youths at Gimbiya Street, Abuja. The incident culminated in the brutal killing of six civilians by the Police. On behalf of the Nigeria Police, Ministry of Police Affairs, and Federal Government, I offer my sincere condolences to the families of the deceased for the unfortunate Apo Six incident. . . . Government has resolved, *inter alia*, as follows:

- (i) that contrary to the earlier misinformation that the Apo Six victims were armed robbers, incontrovertible evidence shows that they were NOT ARMED ROBBERS. Government, therefore, exonerates the victims and apologizes to their families and in fact all Nigerians through this medium.

The statement came more than six months after the incident in question and only after the Justice Goodluck Commission recommended the prosecution of all the officers involved. Criminal proceedings for murder were instituted in June 2006 but the officers involved were granted bail—an extraordinary measure in Nigeria, where homicide cases are not bailable—in August 2006 and since then the case has stalled.²⁴²

Alleged robbery suspects may suffer an exceptionally high probability of summary execution in the hands of the NPF; however, they are not the only people killed by the police. In just one example, Babagana Zanna, a 17-year-old boy, was arrested and detained by NPF officers from Bulunkutu Police Station in Maiduguri, Borno State, on February 18, 2006, in connection with religious riots that took place in Maiduguri on the same day. Two days later, a fellow detainee smuggled out a message to the family that Zanna was dead. While preparing his body for burial according to Muslim practice, the family discovered a six-inch nail in his head. They concluded that the nail was driven into his head while in police detention, probably while under interrogation.

Research conducted by NOPRIN for this report found that “wasting operations” are carried out by State Anti-Robbery Squads (SARS) and State Criminal Investigation Divisions (SCIDs) in all states of Nigeria. The Lagos SCID in Yaba (better known as Panti Police Station) and the Adeniji-Adele Police Station in Lagos Island are particularly notorious for such violations. In Anambra State, the Ogidi Police Station, Area Command Police Station in Awka, and Central Police Station in Onitsha are all similarly notorious. So are the Dobeli and Area Command Police Stations in Yola, Adamawa State; Gabasawa and Tudun Wada Stations in Kaduna State; Gwagwarwa, No-Man’s Land, and Zaria Road Police Stations in Kano State; Mapo and Iyangaku Police Stations in Ibadan, Oyo State; and Katako and Nasarawa Police Stations in Jos, Plateau State.

A Hopeless Task: Counting the Dead

Counting the number of people killed by the police in Nigeria is a hopeless task: there are simply too many, scattered over too large a geographic area, for outside monitors to measure accurately. For example, a witness told NOPRIN investigators that during the seven days he was detained at the SCID in Panti, Lagos in May 2005, he counted 15 bodies executed and disposed of from the station. Police sources who spoke to NOPRIN researchers in Lagos corroborated this account, stating that in an average week 12 suspected robbers are killed at the SCID in Panti alone. They also disclosed that regular executions occurred on a smaller scale at the area commands in Ikeja, Ogba, FESTAC territory, and SARS Ikeja. Another detainee held between June and July 2006 in the SARS cells in Awka, Anambra State, reported that an average of four detainees died every day from torture, summary executions, or subhuman conditions.

The evidence suggests that the NPF does not keep adequate records of killings committed by its personnel. Instead, data on police killings are deliberately manipulated to produce artificially low numbers. In April 2004, then Inspector-General of Police Tafa Balogun informed Human Rights Watch researchers that the NPF killed 7,198 “armed robbers” from January 2000 to March 2004.²⁴³ This represents an average official monthly killing rate of 141.1, or an average daily killing rate of about 4.6 persons per day. For the same period, however, Balogun’s successor, Sunday Ehindero, reported much different statistics in a July 2006 letter to the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. In this letter, Ehindero claimed that in the five years from 2000 through 2004, the Nigeria Police Force killed 2,402 and arrested another 20,314 “armed robbers,” representing an inexplicable difference of 4,796 killings between Balogun’s figures and Ehindero’s.²⁴⁴

In November 2007, Human Rights Watch estimated that the NPF killed over 10,000 people in the eight years spanning 2000 through 2007.²⁴⁵ As shocking as that number may be, evidence gathered in the preparation of this report suggests that HRW’s estimate may be low. In 2004 alone, the Legal Defence and Aid Project documented 2,987 cases of extrajudicial executions by law enforcement agencies.²⁴⁶ This is roughly consistent with the most recent official police claims. In November 2007, Acting Inspector-General Mike Okiro reported that the police had killed 785 and arrested 1,628 “armed robbers” in his first one hundred days as IGP.²⁴⁷ This translates into a daily killing rate of 7.85 persons and a yearly rate of 2,865 police killings.²⁴⁸ Okiro’s figures also represent a kill-to-arrest ratio of 1:2.07.

In comparison to the statistics announced by former Inspector-General Ehindero in 2000, Okiro’s data present an increase of over 400 percent in the official statistics for police killings. The inconsistencies in the official figures strongly suggest that deaths in police custody or encounters are not addressed with sufficient gravity and that records of such deaths are either nonexistent or very poorly kept.

The total number of police killings admitted by Okiro for the three months preceding November 2007 exceeds the annual total for any of the seven years from 2000 to 2006 as admitted by former Inspector-General Ehindero. This suggests either that the police under-counted the number of killings in the years 2000–2006 or that there was an alarming escalation in police killings in 2007. It also suggests that the NPF does not track killings by police accurately, and that the records are easily manipulated. Regardless of which estimate one accepts, it is clear that police killings are alarmingly regular and pervasive.

In addition to those summarily executed by police, many other detainees die outside of police custody from injuries sustained during police torture, according to investigations conducted for this report. For instance, ex-detainee Ifezina died in late 2005, several days after being released from the Garki Police Station in Abuja, where he

endured prolonged torture that included the repeated insertion of unsterilized needles into his urinary tract.²⁴⁹ NOPRIN researchers documented a similar story in Kano. Umar Hussaini, a commercial motorbike operator, was arrested and detained on or about March 21, 2007 by men of the Dala Police Division, where he had gone to report his motorbike had been stolen. When Hussaini's family visited the police station with food for Hussaini the following day, the police informed them that he had vomited after drinking and that was taken to Murtala Mohammed Specialist Hospital Kano. When the family located Hussaini in the emergency section of the hospital, major bones in his arms and torso were broken, he was in severe pain, drifting in and out of consciousness, and unable to speak. Hussaini died early on March 23 from his injuries. Other ex-detainees leave police detention with injuries so severe that they suffer physical pain and are handicapped for the rest of their lives. There is no way to estimate the numbers of such victims.

No Resting Place: Disposing of the Dead

Police personnel have developed elaborate protocols to cover up summary executions and other detainee deaths in custody. Staff of the Lagos State University Teaching Hospital informed NOPRIN researchers that “the police no longer bring dead bodies that they kill here. They now throw them in the lagoon.” Police sources in Onitsha, Anambra State, similarly alleged that victims of extrajudicial killing are also thrown into the nearby River Niger, often at the dead of the night.

In other cases, researchers learned that the police would allow a victim's body to begin decomposing before delivering it for post-mortem. This practice is used to create the maximum inconvenience for medical examiners, making it more difficult to determine the cause of death and forcing them to hurry a death certificate without adequate examination. The aim of the police, it seems, is to facilitate the quick removal of the bodies for mass burial, even without identification of the victims.

Sources at the University of Nigeria Teaching Hospital's mortuary alleged that police personnel brought corpses to deposit at the mortuary at least once a week: “Most have gunshot wounds but there are also those who might have been killed by vehicle accident.” According to these sources:

The police do not give us names of the victims since, according to them, they were killed during fire engagements [*sic*]. They register their names as armed robbery suspects. Then they dump them here and leave. Sometimes they bring in three, four or even eight corpses. Since the police don't drop money for embalment the body starts to decompose after two days. Sometimes we send the corpses to Anatomy Department for educational purposes. We normally ask the local government to come and remove the corpses for mass burial.²⁵⁰

Many police stations fail to keep adequate records of their detainees and suspects, making it easier to execute them and dispose of their bodies. Victims' relatives who spoke with NOPRIN researchers in all the states covered by this report told of being denied the opportunity to bury their loved ones. Others reported having to pay significant bribes in order to retrieve the bodies for burial.

The NPF's culture of cover-ups is also facilitated by a dearth of forensic skills in the Nigerian medical profession. An independent review (commissioned for this report) of the role of Nigeria's medical profession in extrajudicial police killings concluded that "the police have found a compliant and uncaring Nigerian medical profession and have, therefore, found it unnecessary to intimidate or coerce doctors into complying."²⁵¹ The police often deposit the remains of their victims in public mortuaries, claiming the deaths resulted from fatal traffic accidents or listing the victims as an "unknown armed robbery suspect." These classifications are routinely reproduced by the attending medical examiners, even when a cover-up is obvious. As staff of the State Specialist Hospital in Yola told one of the report's investigators in May 2007:

When the police bring corpses like that, there is a way we know if the deaths are from their hand. ... When we are preparing bodies for embalming and you see traces of severe beating or bullets lodged in the legs or people who simply die because of starvation and maltreatment, you don't need to go far.

VII. Police Torture: “Cruel, Outrageous, and Malicious Conduct”

Nigeria’s 1999 Constitution prohibits torture but fails to define what torture is. Violence and torture are intrinsic to the way the Nigeria Police Force conducts its work, and are found at every point of contact between the public and police—from routine checks through arrest, interrogation, and detention. This violence has been described as “institutional and routine.”²⁵² It is also often indiscriminate, casual, and unprovoked. According to one source, this “gratuitous violence has the effect of intimidating the suspect and weakening or, in some cases, even breaking whatever spirit he has even before the proper interrogation process,”²⁵³ thus making the detainee more than likely to comply with the biddings of the police—including signing a false confession.

The average police officer on the streets of Nigeria is armed with horse whip and many of them show considerable enthusiasm in using it on innocent passersby without provocation. Those who get away with merely being horsewhipped are considered lucky. Many others fare much worse. In the case of *Ifeanyi Anyanor v. Commissioner of Police Delta State & 3 Others*, Anyanor—a trader in automobiles—his brother, and his aged mother were arrested by the police on a complaint by a customer with whom Anyanor had a civil dispute. The family was taken to the State Police Headquarters in Asaba, Delta State, where the investigating police officer and another NPF officer, identified as

Sergeant Henry Emeziele, “assaulted the Applicant with horse whip and with a clenched fist, inflicted blows on the Applicant’s eye causing him injuries,” which “resulted in redness of the eye, periorbital swelling, headaches/body aches and swelling, with sub-conjunctiva hemorrhage in the right eye.”²⁵⁴ After beating Anyanor, Sergeant Emeziele returned him to the cell where he hand-cuffed and chained him overnight. The High Court of Delta State described the conduct of the police in this case as “flagrant disregard of the law ... cruel, outrageous and malicious conduct.”²⁵⁵ Most police officers and detainees readily testify that such conduct is routine.

The “O/C Torture”

While police in Nigeria may commit torture for several reasons, by far the most common is the desire to break the spirit of the suspect or detainee. As described in Chapter IV, the NPF lacks the capacity or inclination to conduct evidence-based investigations, instead relying on confessions that are often obtained through torture. NOPRIN researchers found an elaborate system of torture exists to serve this goal. Torture facilities and personnel, including dedicated torture chambers, instruments, and an officer known as “O/C (officer in charge of) Torture” exist in every major police station. In most cases, the O/C Torture has a workshop or torture chamber entirely of his own, and a seemingly limitless number of options for dispensing suffering and eliciting the confessions that are the principal means of police investigation in Nigeria. Some of them achieve near-legendary status.

In Enugu, for instance, researchers were told about Superintendent of Police Sunday Maicibi, the head of the SCID anti-robbery section, who is legendary for his dexterity in breaking suspects and extracting confessions. Many ex-detainees at the anti-robbery section narrated harrowing experiences of torture at the hands of Maicibi and his men. The torture chamber at the SCID headquarters in Enugu is so famous (or infamous) that it is known as “the theatre.” Also at the SCID in Enugu, detainees speak with dread about a police officer known called “Okpontu”—meaning “the Nailer” in Igbo language—after he reportedly drove a nail through the palm of a detainee in 2006.

The expert assessment of police torture commissioned for this report found many different methods of torture, including:

- beatings, which are often severe in nature and may be directed at certain parts of the body such as the head or genitals, and which may involve several officers even if the suspect is not resisting;

- beatings and other cruel treatment administered by fellow detainees, often as ordered by the police;
- forced gymnastics including frog jumping, prolonged standing, and forced stress positions aimed at humiliating or physically exhausting the victim;
- tear gas or pepper spray which may be directed at the eyes and nose or, in female detainees, at the genitalia;
- clubbing of the soles of the feet and/or the ankles;
- slapping of one or both ears with a cupped hand, which can rupture the victim's eardrums;
- banging the victim's head against the wall or floor;
- burning the victim with cigarettes, hot irons, or flame;
- squeezing or crushing of fingers, ripping out finger or toe nails or inserting sharp objects under the nail;
- suspending the victim off the floor by the wrists and or ankles, usually supplemented with flogging;
- exposing the victim to climatic stress, including cold, damp cells or brutally hot ones;
- exposing the victim to mosquitoes, flies, roaches, spiders, rats, and snakes, knowing that these can induce a phobia in many people;
- asphyxiating the victim through submersion in water;
- sexual torture through rape, including sexual violation using objects such as bottles and broomsticks;
- mental torture, including threats made to the detainee or his loved ones and mock executions;
- non-therapeutic administration of drugs including pain-inducing drugs or threatening injection with dangerous drugs or HIV;
- psychological manipulation, including promising to end the torture if victims cooperate, or offering drinks and cigarettes, better prison conditions, or the removal of handcuffs where applicable;
- sleep deprivation;
- denial of needed medical treatment;
- starvation and/or deprivation of water;

- constant interrogation
- shooting both legs, known as the “V.I.P. treatment.”

This list is not exhaustive. Several of these methods are commonly used in combination.²⁵⁶

Making Them Crawl

Although NPF personnel use many different methods of torture, they all have in common the suffering and humiliation that victims experience. One way the police achieve this is by disabling the legs or ankles of detainees through shooting or repeated beating. Many interviewees reported that armed robbery suspects are often shot in the legs before interrogation; after the interrogation, they are executed. Thus the corpses of many alleged armed robbers deposited by the police in public mortuaries (and examined by NOPRIN researchers) bore clear evidence of gunshot injuries in the lower limbs.

Suspects who are not executed are routinely made to crawl out of the station or into court. On October 12, 2004, for instance, Lawal Yahuza crawled on his bottom supported by his hands into the Magistrates Court in Maitama, Abuja, to be arraigned on charges of stealing. Both ankles had allegedly been broken by officers of the Maitama Police Station who beat him repeatedly with batons and iron rods. The trial magistrate did not investigate why the suspect crawled into court.

Abdullahi Ibrahim Kura, a political activist, was arrested and detained with tens of other activists on the complaint of the local leader of another faction of his party, the Peoples’ Salvation Party, at the Karfi Police Post in Kano on or about September 28, 2006. About his experience at the police station, Kura stated as follows:

I was taken to Karfi Police outpost and was later thoroughly beaten by a policeman called Aminu, alias “Ribadu.” [He] used a metal bar thicker than an iron rod—more like a police baton—to hit me all over my joints for almost one hour—particularly my knees and legs to the extent I couldn’t stand up on my feet. He then asked me to stand up and I told him I couldn’t. After he became satisfied that I couldn’t stand he then asked me to crawl to the cell. This was around 11:00 p.m. That night I couldn’t sleep. The following day at around 9:15 a.m. he came back with a paper and pen but before he did anything he used that same metal to beat me again all over my body including my head this time around.²⁵⁷

For three nights thereafter, Ribadu ordered Kura and his co-detainees to crawl out onto the public area of the police compound, forced them to squat (knowing that

they could not do this on their incapacitated ankles) and do a sequence of frog jumps. Ribadu then required the detainees to shout repeatedly in the Hausa language: “we are the children of villagers, who are irresponsible, poor, and useless!” Hobbled by pain, the detainees were repeatedly beaten for their inability to jump on incapacitated ankles. During each of these sessions, Ribadu would telephone Alhaji Shehu, the party leader who had engineered the arrests, and put the phone on speaker “to have him hear our agonized cries and raining insults and abusive words to our parents by ourselves.”²⁵⁸ On or about October 3, 2006, Ribadu fetched buckets of mud which he forced the detainees to rub over their bodies. He then required each of them to pay a fine of ₦1,000, and proceeded to drive them in a Toyota Hilux to the Kura Police Station in Kano where the detainees were finally granted bail.

A Dictionary of Suffering: From “Suicide” to the “Third Degree”

Torture by NPF personnel is so commonplace—and the methods so varied—that NOPRIN researchers learned that the police have invented a whole lexicon for different forms of torture, including “J5,” “freeze-up,” “third degree,” and “suicide.” The “J5” involves sleep deprivation in a prolonged standing position occasioning painful swelling in the lower limbs. This sometimes results in detainees collapsing or passing out from exhaustion or other related health complications. During a “suicide,” the detainee is suspended at the end of a rope tied to the ankles with the head down, legs in the air and hands often tied or manacled behind the back. The officer administering the torture determines how long the detainee stays in this position and whether or not this is accompanied by additional beating or other forms of pain. The High Court of Delta State has specifically declared the “suicide” to be a constitutionally prohibited form of torture.²⁵⁹ Notwithstanding this decision, researchers found that the practice continues unabated within the NPF.

In one instance, a detainee named Ifezina died after being administered a “suicide” at the Garki Police Station in Abuja during which the police also inserted needles into his genitals.²⁶⁰ In February 2006, an alleged armed robber named Jude John reportedly received the “suicide” at the SCID headquarters in Jos. In an interview with NOPRIN researchers in March 2007, John reported how he was suspended from the hook of a ceiling fan by his ankles while his hands were handcuffed behind him with what he called a “Chinese handcuff.”²⁶¹ In this position, according to John, he was beaten by the police with an electric cable. Researchers found visible lacerations and scars on his chest and back. His forefingers were very swollen and missing the

fingernails, which appeared to have been ripped out. His hobbling, John explained, was due to the dislocation of his left kneecap during torture at the SCID in Jos.

The “third-degree” combines different elements of physical constriction into what many victims report to be a uniquely excruciating experience. It has been described as follows:

The victim is made to lie face down. His legs are then folded upwards at the knees and tied together at the ankles, and his arms are raised upwards and tied together at the wrists. A pipe or rod, attached at its ends to a rope hanging from [a] hook in the ceiling, is passed between both legs and both arms. The suspect is raised towards the ceiling by pulling at the loose end of the rope until suspended in the air in the form of a human bow. This position soon generates excruciating pain all over the body but particularly in the shoulders, the spine, and the waist. While the suspect is yet suffering this pain, the interrogating officer subjects him to beating with horsewhips, batons, wire cables, or other instruments.²⁶²

Tropicalized German Cells

Contrary to the express prohibitions in Nigeria’s Constitution, the police use both prolonged detention and abysmal cell conditions as deliberate instruments of torture. Nigeria’s 1999 Constitution requires that suspects should be arraigned, where there is a court of competent jurisdiction within a radius of forty kilometers, within 24 hours of arrest or “in any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.”²⁶³ Yet, the police routinely detain suspects well beyond this constitutionally mandated duration. Explaining the habitual resort to prolonged police detention in March 2005, the then Kogi State Commissioner of Police disclosed that “if you put a suspect in detention for two weeks ... that may be enough to bring him down and confess or provide you with useful information.”²⁶⁴ In March 2007, when informed that detainees—constitutionally presumed to be innocent—should not be subject to such treatment, a police officer in Yola, Adamawa State, retorted:

Who told you they are innocent!? You people don’t know anything. You just talk. Do you know what we see here? We have seen pastors, imams, and highly placed and respected citizens who are pure criminals, pure criminals! And you people say they are innocent?

In the case of *Chiziri Nice v. Attorney General of the Federation*, evidence emerged that detainees were made to “lie on top of another detainee inside the police van, beaten thoroughly, and taken to Garki 2 Police Station, Abuja, where they were locked up with more than 30 persons in one cell.”²⁶⁵ In Lagos, researchers discovered that some police

stations maintain special punishment cells known as “German cells,” where congestion is specifically deployed as a mechanism of torture.²⁶⁶

These cells are usually extremely narrow and have a ventilation hole that ... only allows a thin stream of light. The Police stuff these narrow enclosures with so many inmates that they only barely have enough room in which to stand. The press of bodies is so great that many weaker inmates faint from the pressure and heat. In all cases, the heat and stench ... is suffocating. It is into these German cells that the Police often put detainees undergoing interrogation.²⁶⁷

At SARS in Awka, Anambra State, researchers uncovered a similar practice. The SARS in Awka maintain three cells: Cell 1, Cell 2, and a cell for female prisoners. Cell 2, which is bigger than Cell 1, is reportedly the size of an average jail cell and regularly holds over sixty detainees. Cell 1 usually holds over 80 detainees, and has no roof. It is used as a transitional holding space: exceptionally ill prisoners or prisoners who are suspected to be on the verge of death are kept there so that they can get some air from outside. Detainees report daily deaths at the SARS cells, due to the conditions of detention alone. For instance, police from SARS Awka arrested and detained Uche Abiakalam of Okpoko, Anambra State, and seven others in these cells for 93 days starting on July 26, 2006. As Abiakalam recounted to NOPRIN researchers, during this time four of his co-detainees died from the torture and inhumane cell conditions. By Abiakalam’s estimate, an average of four detainees died daily in the SARS cells.

VIII. Rape and Sexual Assault by the Police

Rape and sexual abuse—especially of female suspects and detainees—is a routine but unspoken aspect of policing in Nigeria. The report of the second Presidential Committee on Police Reform in 2008 acknowledged rape to be one of the “forms police brutality” committed by personnel of the NPF.²⁶⁸ Reflecting on this reality in an article in January 2009, respected columnist Dr. Reuben Abati pointed out that “the big scandal is that the police are not interested in prosecuting rapists. The police station itself is a rape centre ... We have a country where it is risky for a woman to be detained overnight in any police station.”²⁶⁹ Sometimes, police rape results in pregnancy. In November 2008, a leading Nigerian newspaper, *Saturday Vanguard*, published the report of an investigation alleging that the police had impregnated ten female police detainees.²⁷⁰ According to the report:

Members of the Nigerian police force secretly abuse, rape and forcefully have sex with inmates of Nigerian detention facilities, some female prisoners serving various prison terms have alleged. To this end, many children born by the inmates are largely unclaimed, and the women, though some know the fathers of their kids, many of them do not.

In November 2006, Amnesty International issued a report alleging that “rape by police and security forces [in Nigeria] is endemic, and that the government appears to lack the political will to tackle this human rights issue.”²⁷¹ In *Rest in Pieces*, Human

Rights Watch reported “several incidents of rape of and other sexual violence against female detainees” by personnel of the Nigeria Police Force.²⁷² The leadership of the police appears to be aware of this pattern of police behavior. In response to allegations of sexual abuse committed by the Nigerian contingent of the United Nations Observer Mission in the Democratic Republic of the Congo Civilian Police Unit, then Force Public Relations Officer and Deputy Commissioner of Police Haz Iwendi said: “these are typical Nigerian police. They went there and instead of doing the job they were sent to do, they started abusing little girls and raping women.”²⁷³

In Nigeria, victims of rape have few incentives to report the crime. They face social and cultural pressures to refrain from bringing shame to their families by going on record with their ordeal. The police lack both the skills and sensitivity to investigate this most intrusive of crimes. Victims lack access to medical, psychological, and emotional support services. Where rape is perpetrated by the police, the victims additionally face real threats of intimidation or reprisal if they report their experience to the authorities.

In 2006, Amnesty International reported the abduction and rape of two female students, aged 17 and 18-years-old at the time of the attack, by two NPF officers in Enugu. The two students narrated how, on September 27, 2004, they were abducted and subsequently raped by two police officers, including a deputy superintendent of police, while returning home from the market: “We begged him to let us go, but the policeman said he would arrest us. When we refused to get into the car, the other man pushed us inside.” Threatened with arrest on trumped-up charges if they protested, the victims were forced to go with the police officers to the premises of the Police Detective College in Enugu. They were subsequently taken to the home of one of the men, having been told that they would be safer there than in custody, and repeatedly raped:

A detective colleague came into the house, he smelled of alcohol ... I don't know what happened; he said he doesn't have money. He asked me for money for drink, [but] I said [I] have no money. He reassured me he won't harm me. Then [the] man's face changed. He said he won't do any harm. I was crying but [he] told [me] to be quiet. He said it's final. He can shoot us. I was crying and before I knew it I was pushed inside [the] room. He shouted “shut up” and said we should take off our clothes. He took out a gun and showed us the bullets, and pulled off his clothes. He raped me three times. Afterwards I was crying and he looked for fuel to take us back. It was around midnight we were brought to other men who raped us too as payment for the petrol.²⁷⁴

In preparing this report, researchers uncovered similar credible allegations of police rape and the absence of any effective means of redress, notably in Abia, Anambra, Enugu, Kaduna, Kano, and Lagos States. (The victims spoke only on condition of anonymity, saying that underlying social and customary attitudes and fear of the NPF precluded them from publicly admitting that they had been raped while in police

custody.) The NPF keeps no records of—and has a practice of denying—incidents of rape by its personnel. In all states in which the report’s researchers posed the question, the leadership of the police reported that they had received no reports of rape against police personnel. In Enugu State, Amnesty International reported at the end of 2006 that the then commissioner of police claimed that “rape by Police has not happened.”²⁷⁵

The case of Queen Okoye illustrates the brutal glibness of police denials and the unavailability of redress for victims. Okoye had gone to the police area G. Ogba, near Ikeja in Lagos State in 2008 to report the alleged theft by her boyfriend of ₦30,000 belonging to her. Rather than address her complaint, the police allegedly kept her in the station until after dark, when several men of the unit gang-raped Okoye. As a result of the rape she became pregnant. When Okoye reported her experience to police authorities, she received no response. When she subsequently took her protest to the police hierarchy in January 2009, they accused her of being mentally unstable.²⁷⁶

Notwithstanding such obstacles and denials, NOPRIN researchers uncovered several credible accounts of rape by the police. In one such case, in March 2007, at about 9 p.m., a team of plainclothes police arrested 14-year-old Miss K. at Asipa Street near her residence in Iyana Orile, Agege, Lagos State.²⁷⁷ She was on her way to buy bread for her family. According to Miss K.:

I was sent on an errand from my house at Elegbede Street to Asipa Street, at Iyana Orile Agege, when I was arrested by some plainclothes policemen. They didn’t tell me my offense. They just pushed me inside one *Danfo* bus. Inside the *Danfo*, I met some people, both young and old. We were driven to Elere Police Station and locked inside one cell. At the station, other people were released, one by one except three of us.

Around midnight, one man called “Spirit” [later revealed to be NPF Corporal Olayinka Williams] called me from the window of the cell and promised to help me secure a place to sleep for the night. He then took me inside a vehicle. I thought he was taking me home but I was surprised to find myself in a strange environment. I asked where we were, and he said it was Ogba and he lived near the place. I followed him inside. He locked the door and drew the curtains. He brought a pillow for me and I slept off. Suddenly I started feeling strange hands caressing my body and I saw him lying beside me. He threatened to take me back to the cell. I would have shouted but he pulled a gun and threatened to shoot me if I did. I started crying. He then raped me. Blood started oozing out of my private part. I have never done such a thing in my life.

Miss K.’s father, Tunde O., took his daughter to Oke-Odo General Hospital where it was confirmed that she had suffered sexual assault. He lodged a formal complaint at the station and Miss K. identified Corporal Olayinka Williams, in an identity parade, as the perpetrator. Corporal Williams has been relieved of his duties and awaits prosecution.

A practice that is reported to be common in several parts of the Lagos Police Command is for male police officers to demand sex from female detainees as the price

for bail. For example, in December 2006 police at the Ikoyi Police Station in Lagos arrested and detained a 23-year-old female domestic worker at the instigation of her employer for alleged theft of money. In the dead of the night, male police personnel pretending to be helping her in reviewing her case took her out to the back of the police station where they raped her before letting her go.²⁷⁸ Victims interviewed by *Saturday Vanguard* for its November 15, 2008, report into the practice of police sexual abuse of female detainees alleged that:

In the night, some policemen on night duties would be telling us to allow them to have some rounds of sex with us. They would be telling us that in the morning, they would help us so that we will be free. We have no choice other than to give, hoping that they would help us to be let off the hook in the morning.²⁷⁹

The public health consequences of sexual abuse of detainees by the police are difficult to measure and have not yet been investigated. Lasting physical injury and psychological trauma are obvious as is the associated incidence of unwanted pregnancies. This form of high risk criminal behavior is clearly a vector for sexually transmitted infections, including HIV/AIDS. Yet the NPF does not provide any HIV/AIDS awareness training to its personnel nor does it have any police measures to prevent or ensure accountability for sexual abuse of detainees.

A male detainee arrested and detained at the FCID in Abuja in August 2006 narrated how an investigating police officer (IPO) allegedly impregnated a female detainee. According to the detainee, several male police officers were in the habit of taking the detainee out of the cell at night and having unprotected sex with her without her consent. She subsequently fell ill and started showing the symptoms of pregnancy, including vomiting and general weakness. The female detainee was taken to the hospital for a test where it was confirmed that she was some weeks pregnant. On interrogation, she named the IPO, who was later arrested and detained. The police allegedly kept the case quiet by releasing the female detainee unconditionally.²⁸⁰

In one instance recounted to NOPRIN researchers, two sisters, Edith and Pauline were arrested in July 2005 by men of Area G Police Station, Ogba, Lagos on suspicion of assault following a fight with a female co-tenant.²⁸¹ At the police station, the IPO advised them that in order to secure their release, they would have to oblige him with sex. According to the sisters, they remained jailed for one week and each night the IPO would take one of them into the back of the police station where he repeatedly raped them.

Rape by Any Means

Field monitoring conducted for this report found that sexual violence is used routinely by officers of the NPF as an interrogation technique. In June 2006, police in Minna, Niger State, arrested Njideka Uzendu as a suspect in the alleged robbery of her friend Esther Nwaokoye. Uzendu, in the company of another friend, Chidinma, had visited Nwaokoye. Two days after their visit, robbers allegedly raided Nwaokoye's residence, carting away most of her belongings. In reporting the incident to the SCID in Minna, Nwaokoye mentioned her friend Uzendu as the prime suspect. Acting on this complaint, and without investigation, the police arrested and detained Uzendu.²⁸²

After spending the first night in a cell, Uzendu was taken into the interrogation room for questioning on the orders of a female chief superintendent of police known as Chinyere. Under Chinyere's supervision, Uzendu's police interrogators repeatedly hit her head against the wall, tore her clothes, including her bra, and threatened her with death if she did not admit to the allegation. The police used Uzendu's torn bra to gag her and her torn clothes to tie her hands behind her back. The police also tore off Uzendu's pants, leaving her naked. At this stage, Chinyere ordered that Uzendu be taken to the toilet, where her head was forced into the toilet bowl while she toiled was flushed. NPF officers then dragged her across the floor back to the interrogation room. A police officer allegedly smashed Uzendu's face with an iron rod, opening a deep cut and knocking her unconscious. Uzendu gradually regained consciousness in the interrogation room and found that Nwaokoye, the complainant, had entered the room and was—on Chinyere's instruction—spreading Uzendu's legs and preparing to insert the iron rod into her vagina. Uzendu used the little strength she had left to resist the insertion, but still sustained bruises to her genital region. The police detained Uzendu for five more days without medical attention before she was released on the orders of Assistant Commissioner of Police Patrick Ajah.²⁸³

Following her ordeal, Uzendu was admitted to the IBB Specialist Hospital in Minna, where the medical director, Dr. Mahmud Mohammed, confirmed that Uzendu had injuries to the left frontal region of her face, chest wall, upper limbs, thighs, knees, and genitals. She also sustained a sub-conjunctiva hemorrhage in her left eye. In July 2006, Uzendu's lawyer, Benjamin Adokwu, petitioned the IGP and the Police Service Commission to conduct an investigation. At the time this report was written the PSC had yet to act on the petition and the police authorities could only confirm that they had received the case and were still investigating the complaint.

In a similar case, Nwanneka²⁸⁴ narrated to NOPRIN researchers her experience at the SCID in Enugu in May 2002. She was initially arrested with two other females by officers of the Ninth Mile Police Station on the outskirts of Enugu on charges of

assisting an armed robbery suspect, before being transferred to the SCID on May 3, 2002. After taking the statements of the female detainees, NPF Inspector Friday Iyamabo ordered them detained in the cells of the SCID. He later reportedly returned to the cell with pepper spray and powdered chili pepper, ordered the female detainees to strip and one after the other applied the mixture of pepper spray and chili to their genitals after severely beating them with batons. The detainees were denied access to medical treatment. Five years after this experience, Nwanneka reported to NOPRIN researchers in April 2007 that, as a result of this experience, she continues to suffer from complications with both her reproductive system and urinary tract.²⁸⁵

In another case, researchers learned that in November 2005, Queen²⁸⁶ was arrested by police from Monitoring Unit, State Command, Ikeja, for suspected armed robbery, along with her boyfriend. The arresting police unit detained her for a fortnight. While in detention, Queen reported that the IPO, a policewoman, inserted metal rods into her vagina during interrogation, causing her serious injuries.

Sometimes, the police arrange for victims to be raped by male detainees as an act of reprisal or intimidation. In June 2005, Access to Justice reported the case of one Mrs. X, who was arrested after she threatened to raise an alarm when men of the Obalende Police Station who had arrested and detained her husband failed to produce him. According to the report, “[t]he officer on duty arrested and threw her into an all-male cell, where she was repeatedly raped by the cell inmates until the next morning.”²⁸⁷

“Fringe Benefits:” When the Police Rape Sex Workers

Perhaps the most pervasive form of rape and sexual violence by the police is committed against sex workers. According to a policeman attached to Ikeja Police Station, “this is one of the fringe benefits attached to night patrol.”²⁸⁸ Researcher Reuben Abati confirms this as follows: “[y]ou need to talk to prostitutes that stand by the roadside in Lagos. When the police arrest them every evening, they take them to the station and impose a punishment of free sex.”²⁸⁹ Field monitors found that in Lagos, police patrol teams target neighborhoods known to be frequented by sex workers such as Obalende, Ojuelegba, Ayilara, Allen Avenue, and the Empire Cinema area in Yaba. In Kaduna, the police usually raid Maiduguri Road, off Ahmadu Bello Way, which has been nicknamed “Obalende” after the well-known red-light district in Lagos. In Kano, the neighborhoods of Sabon-Gari are usually targeted for similar predatory raids.

A typical scenario described to NOPRIN researchers goes like this: At about 10 p.m., scores of sex workers and their patrons gather in a busy street usually close to a nightclub or a pub. Suddenly, a police patrol vehicle appears from nowhere. Commotion

ensues as everyone flees. The unlucky ones are promptly arrested and pushed inside a police van or, in some cases, into a commercial vehicle commandeered by the police for the raid. They are told that they are being taken to the police station but they are not given a reason. Along the way the patrol van parks alongside the road. The police tell them they can “bail” themselves out by paying ₦2,000 each. Those who comply are set free. Those who are considered desirable by the police are given the option of buying their freedom by providing sex. Those who fail to pay—in one way or the other—are taken to the station and detained.

Nnene, a sex worker at Allen Avenue who fell victim to this police practice on two occasions narrated her experience as follows:

I was hustling here in Allen last year, around June. At about 11 p.m. a police vehicle stopped. I was taken unawares. Four of us were caught. We were asked to enter the vehicle. There were two girls already inside the vehicle. They told us that we have committed a serious offense and would be taken to court the following day and jailed. We pleaded with them to release us since we were doing the job simply to survive. They refused. They took us to Area F Ikeja. Some of the girls gave them ₦2,000, some gave them ₦1,000 or ₦1,500. They were released. I was taken inside the building. I did not have any money on me. I was kept for about two hours. Later one of them came and asked me to follow him. He told me that since I did not have money I should give him “f__k” to bail myself. We went to the back where they have an abandoned vehicle and did it. He asked me to go without even saying “thank you.”

Several sex workers in Lagos interviewed by NOPRIN researchers specifically named police from Area F, Ikeja, and Area G, Ogba, as some of the worst culprits in this practice.

IX. Extortion and Police-for-Hire

Corruption and extortion are perhaps the defining characteristics associated with the NPF. For a majority of police officers, the police uniform is a tool for generating income. They make money by extorting law abiding citizens, claiming that it is the price people must pay to keep the police from gratuitously interfering with their livelihoods. The instances cited in this report merely illustrate a pattern of conduct that is pervasive and institutionalised within the NPF. The 2008 report of the second Presidential Committee on Police Reform acknowledges quite candidly that this is the image of the Nigerian police:

Indeed the Police today is publicly perceived as one of the most corrupt government institutions, with its personnel constantly accused of bribery and extortion in the course of performing their functions. These accusations are rampant amongst the populace, especially that relating to the extortion from members of the public. In addition, the Police have also been accused of erecting illegal road blocks in order to extort money from the citizenry. ... This has resulted in the loss of public confidence in the integrity of police personnel.²⁹⁰

Most police officers readily cite their poor pay as the principal reason for extortion. Some even claim that in the absence of basic provisions for policing, the police use the proceeds from extortion to fulfil operational needs, such as stationery for recording statements from suspects, gasoline for patrol vehicles, batteries for mobile phone units, and similar day-to-day needs.

Far from being an instrument for facilitating otherwise legitimate police operations, however, extortion in Nigeria is essentially a revenue stream and an instrument of power for NPF personnel. A typical experience of police extortion is narrated by an interstate truck driver who claims to have been stopped by the police at a checkpoint in Warri, Delta State, on October 19, 2007:

Just before the Effurun roundabout, a Police officer stopped my vehicle. I parked. He asked for me particulars, which I gave him. After a long delay, he came back to me and said one of the papers—the Hackney permit—had expired three days earlier. I admitted and explained that a fresh one was being processed. But he would hear none of that. All attempts to persuade him to let me go failed. He eventually reported me to his boss, a man with the rank of an Inspector. I heard him being called Mr. Benjie S.O. by all the people around. The Boss, Mr. Benjie, himself insisted that I must settle with them before I will be allowed to go. They demanded ₦4,000 from me. I begged that I did not have any such amount on me but he would hardly listen. After a protracted time spent on begging and pleading, he asked how much I had, and I said ₦1,400, which he collected and insisted that I still owe them the ₦4,000 he asked for. I told him I will see him on my way back from Port Harcourt, but he did not believe me, and so he seized my [mobile phone] handset from me, asking that on my way back, they will give me my handset after I had paid the ₦4,000, irrespective of the fact that he had taken ₦1,400 earlier. . . . He collected my handset and made it very difficult for me to communicate with my office in Ibadan and even the owners of the goods I carried. I eventually caused some panic in the company since I could not be reached, neither could I reach anybody.²⁹¹

Make Returns or Be Made Redundant

Research for this report revealed an organized scheme in the NPF under which senior officers expressly approve and profit from extortion committed by NPF personnel. In all the states covered by field research for this report, junior police personnel who spoke with NOPRIN researchers under guarantees of anonymity claimed that there is a standard practice: police personnel on certain beats are required to “deliver” certain amounts daily to their superiors, notably the Divisional Police Officers (DPO) and the Divisional Crime Officers (DCOs), or risk being transferred to non-lucrative duty posts. Police personnel on patrol are expected to deliver the highest amount. Failure to “deliver” or “make returns” could result in severe penalties, ranging from transfer to non-lucrative beats to being dismissed from the force.

Field monitors discovered that some geographic locations, such as Abuja, Anambra, Delta, Lagos, and Rivers States, and some particular assignments such as the Ports Authority Police, are regarded as especially lucrative posts. It is not a secret that police officers routinely pay bribes of anywhere between ₦40,000 to ₦200,000 in order to

secure postings to these places—and then often must pay again to avoid being transferred out of these locations. The amount that must be paid depends on the rank and availability of positions in the desired location. Once they are in a position, those posted expect to reap rich returns on their investment. Within the state commands, smaller amounts of money are also paid by police personnel who desire to be posted to or not moved from the state capitals or other urban areas in the states.

For the Right Price: There is Bail for Everything

It is impossible to fully describe the prevalence or patterns of extortion in the NPF as uncovered by this report's researchers. Police-related corruption can be found in all corners of the country and ranges in size from small, opportunistic bribes demanded by a single officer to massive corruption schemes involving entire units. But regardless of their size, all such incidents are characterized by the use of the police uniform to extort money or goods from the Nigerian public. Posters hanging in police stations in Nigeria may claim that bail is free, but all detainees and their families know that police bail has a price tag which varies with location, the nature of the offense charged, the perceived wealth of the victim, and the degree of greed of the commanding police officers in the location where the case is reported.

One example can be found in the case of Onyema Chukwuka of Federal Housing Estate, Kubwa, in Abuja. About 11 p.m. on March 17, 2007, three police officers walked up to him and demanded to know why he was found outside his house at such a time of the night. Chukwuka informed them that there was power outage which made the conditions indoors inhospitable. In response, the officers retorted that he was not supposed to be outside his house at that time of the night and promptly told Chukwuka that he was under arrest. His request to know what crime he had committed went unanswered. When he tried to raise an alarm to alert his neighbors, two of the police officers pointed their guns at him and threatened to shoot him if he shouted. The officers handcuffed him and took him away. On this voyage to an unknown police station, one of the police officers asked Chukwuka how much money he could immediately provide as ransom for his freedom. Chukwuka offered the officers ₦2,000 and in return they removed the handcuffs and let him go.

In another example, NOPRIN researchers learned of Samuel and Amil, two children aged ten and nine respectively, who were arrested by men of the NPF in Karimo, Abuja, on the morning of January 3, 2007, for allegedly setting off celebratory New Years fireworks. Both children were detained “over-the-counter,” a colloquialism for being held in the reception area rather than in the police cells, at the Karimo Police Station until January 4, when they were released after their parents paid the police ₦5,000 each

for their “bail.” In Nigeria, Section 30 of the Criminal Code Act provides that “a person under the age of twelve years is not criminally responsible for an act or omission, unless it is proved that at the time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.” There was no such proof in this case nor was there any suggestion that the children had committed a crime—they simply provided the NPF with another opportunity for extortion.

Sometimes, the police extort money from detainees as the price for saving them from extrajudicial execution or for reducing the intensity of torture. Kolawole Oladejo, an electrician on the staff of First Foundation Medical Engineering Company Limited, Opebi, Ikeja, Lagos State, was on duty on the night of March 17, 2005, when an armed robbery took place at the premises. During the operation, the robbers accosted and tied up the staff on duty, including Oladejo and all the four security officers on duty. The following morning, all five members of staff present during the robbery were taken away by men of the Area F Police Station, Ikeja, where they were initially granted bail upon payment of ₦10,000 each or a combined payment of ₦50,000. But on March 23, the five were taken to the SCID in Panti, where they were told they faced charges of conspiracy and armed robbery. The IPO, one Sergeant Bitrus, demanded and received another ₦50,000 from the families of the detainees in order not to execute them and to reduce the torture. One of the detainees, Odeh, narrates:

Torture began on March 29, (one day after the initial payment of ₦50,000 to Sgt. Bitrus) at about 4.30 p.m. and continued to about 8:30 p.m. Mr. Gagi, SARS boss, also supervised our torture. We were tied from behind, hands and legs together, then an iron was passed from the arms behind and was lifted by two of the police who assisted Bitrus and we were suspended for about an hour with two heavy stones placed at our back each. Since the very first day of our torture, some of us have not regained our health.²⁹²

It is not only individuals who have to be bailed out of police custody; researchers found that every item seized by the police also has to be “bailed” for a price. In November 2006, Abbas Adams hired a cab to take him and his newly-purchased household appliances—including a refrigerator and a television—home from the Alaba International Market in Ojo, Lagos State. At a police checkpoint not far from the market, three policemen intercepted Adams and asked for the receipts of the items, which he duly provided. The police personnel claimed that the receipts were forged. In response, Adams invited them to accompany him to the stalls from which he bought the goods, but police personnel insisted on taking him to their station. After failing to persuade the police to verify the authenticity of the receipts with the vendor, Adams agreed to go to station with them to see their DPO. At this juncture, one of the police personnel told him that they would take him to the station when they were through with the day’s work and told him that if he was not willing to wait, he should pay them ₦3,000 because, as

one officer told him, “after using close to ₦90,000 to purchase those things you don’t expect us to eat receipts.” The police eventually accepted ₦1,500 from Adams before allowing him to go.

Those who are unable or unwilling to “bail” items unlawfully confiscated by police risk being arrested, detained, or arraigned on trumped up charges as well as losing the items that have been seized. Sunday Okoroafor was arrested in February 13, 2007, at Ijesha, Surulere, Lagos, as he was returning home from his father’s shop, carrying his laptop computer. According to Okoroafor, the police stopped him and asked for proof that he owned the laptop. Despite producing the receipt, Okoroafor was arrested and taken to Ijesha Police Station where he was told to pay ₦50,000 to bail the laptop. When Okoroafor’s father attempted to challenge them, the policemen assaulted Okoroafor and told him that the reason they did so was because his father wanted to show them that “he has sense,” a Nigerian colloquialism for attempting to claim his rights. Okoroafor spent over two weeks in police detention before he was brought to court and charged with stealing and obtaining by false pretences. At the time this report was written, Okoroafor was being held in pretrial custody.

Like the extortion of money from suspects and detainees, the NPF’s practice of detaining private property and levying bail for it is unlawful in Nigeria. The Nigerian Court of Appeal has pointed out that there is:

[N]o law which empowers the Police to detain a motor vehicle in such circumstances, particularly, when it was not alleged that the vehicle had been used for the purpose of committing a crime—on the contrary, the vehicle in this case was the victim of alleged criminal acts by the defendant. In my view, it was always open to the respondent (victim) to have applied to the Police for the release of the motor-cycle, even before the criminal trial, upon an understanding to produce the motor-cycle as well as the replace damaged parts, if required in evidence at the trial. To have failed to do that was to have failed in his duty to mitigate his damages as required by law.²⁹³

Easing the Passage: Police Extortion on Public Highways

Field monitors discovered that police personnel set out daily in every state, often in groups, to extort money from commercial transport operators and even passersby. Most affected are commercial motorists who are made to pay between ₦20 and ₦200—depending on the nature and size of the vehicle—merely to cross police checkpoints. It is immaterial that they have committed no offense and that their vehicle is in good condition. The main victims of such extortion are users of commercial vehicles and their drivers. The mechanics are quite simple:

A majority of motorists will have one thing or the other wrong with their papers. For such lapses, the Policemen intimidate the drivers to part with sums of money as small as ₦50 or as big as ₦300. Every commercial motorcyclist must give them ₦20. It is extortion as they never manage to take the matter further than wasting people's time if they refuse to pay.²⁹⁴

Motorists who refuse to pay are either delayed for hours or taken to the station where they are liable to face trumped up charges ranging from dangerous driving to receiving stolen goods or even armed robbery. This pattern of monetary extortion, for example, was found by researchers in over 40 police stations in Oyo State alone. Passengers and road users in Kaduna testify to the exploits of a police officer known as "Dogo" ("the tall one" in Hausa) who operates along the Kano-Kabala Road and who usually leads teams of police to harass and intimidate commercial drivers. According to Kola, a commercial driver in Kaduna Metropolis, "for any commercial driver passing through this route the fear of 'Dogo' is the beginning of wisdom."²⁹⁵

Your Money or Your ...

Sometimes, what begins as extortion easily transforms into other crimes, including theft, torture, and even extrajudicial execution. In one such instance, Bitrus Nda, a local councilor in Jos, Plateau State, was on his motorcycle in the city in February 2007 when he was stopped by Corporal Musa and Constable Jonathan of the Police Mobile Force. The police officers requested that he produce the registration and other documentation for the motorbike. Councilor Bitrus claimed that he did not have the documents with him but promptly sent someone to fetch them from his home, which was not far away. The police officers clearly told him that they wanted money and were not interested in his documents. Councilor Bitrus pointedly told the officers that they had no right to demand bribes from him. They responded by assaulting Bitrus, fracturing his clavicle. Councilor Bitrus told researchers that while the officers beat him, they shouted at him, telling him that he could not complain to anyone because "even the IGP collects bribes."

In another example relayed to NOPRIN researchers, Mallam Ahmed Abubakar, a security staff member of the Industrial Training Fund in Jos, was stopped by a traffic warden on the morning of July 19, 2005, while riding his Vespa motorscooter along Yan-Taya Junction in Jos town. The traffic warden alleged that the vehicle registration number on the scooter was foreign and insisted on taking the Vespa to the police station. Abubakar asked to be allowed to remove the ₦150,000 that was in the compartment of the Vespa before it was taken away. The traffic warden refused, telling Abubakar that he was attempting to tamper with a "confiscated exhibit." He was only then informed that the Vespa was suspected of being stolen.

The traffic warden rode the motorscooter to the C Division in Jos, while Abubakar hurried to the Terminus Police Station to lodge a complaint. He was advised to head for the C Division. On reaching the station, he accosted the traffic warden and some other police officers standing by his Vespa. He explained to them what happened and added that he had money in the Vespa. The police led him to the Vespa and directed him to pick up his belongings. The money was missing. He was then told he was under arrest. When Abubakar demanded to know the reason for his arrest, the police severely beat him, dragged him by his feet and threw him into the cell where he was detained for about three hours before being removed to the Industrial Training Fund Hospital for treatment. The police only agreed to have Abubakar removed to the hospital after he started vomiting blood. After being discharged from the hospital, Abubakar recovered his Vespa but was unable to recover even a fraction of the money.

In other cases, attempts at extortion lead to accidental deaths or even extrajudicial execution. In February 2006, a police officer in Port Harcourt, Rivers State, killed one of his colleagues and injured two others in an alleged “accidental discharge” following the outbreak of a dispute with a driver “who proved uncooperative with regard to the ₦20 toll gate fee.”²⁹⁶ In November 2007, 15-year-old Daniel Offiali was killed during a confrontation between a bus driver and a police officer seeking a bribe from the driver. According to a media account, Offiali “was reportedly felled by the Policeman’s bullet after the driver of a commercial vehicle he boarded disagreed with the Policeman over ₦20.”²⁹⁷ In July 2006, 22-year-old Nkechi Obidigwe of Isuofia, Aguata, Anambra State, was standing at a bus stop on her way home from computer training school when she was hit in the thigh by a bullet. A member of a team of police officers on an illegal operation at the scene had fired the bullet while in the process of extracting ₦20 from a commercial motorbike operator who had declined to pay. The police attempted to confiscate his bike, at which point a scuffle ensued. One of the police officers then threatened to shoot the bike operator. In the course of the ensuing confusion, one of the officers fired a shot—apparently to scare the bike operator—but the bullet hit Obidigwe. Bystanders rushed Obidigwe to the nearby White Chapel Hospital where she died shortly afterwards. The police fled the scene, and no officer has been found responsible.²⁹⁸

Medical Extortion and “One Chance”

In Onitsha, Anambra State, and Ibadan, Oyo State, many people who spoke to NOPRIN researchers reported what is known as “medical extortion.” One form of this practice involves requiring the families of tortured detainees to pay money to the police in order to allow the victims to receive medical attention. Families of victims of extrajudicial

executions are also often made to pay for the privilege of removing the bodies of their family members for burial. For instance, researchers were told of Eke Nwose's father who paid ₦11,000 for this purpose to men of the SCID in Pantì, Lagos, but never got to retrieve his son's body.

Many interviewees in southern Nigeria reported a form of police extortion—popularly known as “one chance”—associated with the rush-hour commute in urban areas. According to interviews, NPF officers of the Agugu and Mapo Police Stations in Ibadan, Oyo State, and different police formations in Lagos are infamous for this technique. The police drive through urban areas in unmarked buses and pick up passengers just as normal commuter buses do. Passengers enter the buses in the belief that the buses will take them to their destinations, only to have the buses drive to the police station, where the passengers are informed that they have been arrested for “wandering.”²⁹⁹ They are then advised to contact their families to arrange for the payment of “fines,” which can range from ₦500 to ₦2,000, depending on the status of each “wanderer.”

Reports of police extortion often cite a variety of police-for-hire or protection rackets. For instance, interviewees reported that police usually levy what is called the “police station fine” on families of both complainants and detainees. The complainants are required to pay the fines as incentive to the police to direct attention to the suspects or accused. The latter is in turn required to pay a fine in order to arrange bail, secure favorable treatment from the police, or obtain a bit of cell space while in detention. Detainees who do not or cannot pay receive a rougher time in detention than those who can and do. Sani Abdullahi, a commercial motorbike operator arrested and detained overnight at the No-man's Land Police Station in Kano on February 3, 2007, narrated to NOPRIN researchers how he was “thoroughly beaten by the people we met in the cell” because he did not have money on him to pay for space. He was released the following morning after his brother paid ₦1,000 to the police.

“Percentage” Policing: Collecting Debts for Commission

All complainants who go to the police with allegations of theft of money or debt know that they will have to surrender a significant percentage of any funds recovered by the police. Court cases have shown that officers of the NPF seem to deliberately blur the clear distinction between civil debt (which is not a crime) and theft (which is); deploying themselves enthusiastically to recover debts or lost property and unilaterally determining what percentage of the recovered resources they will retain as commission for their effort.

In 2003, the Nigerian Court of Appeal acknowledged that it had become “fashionable for legal counsel instructed to recover debts and rents to resort to use of members

of the armed forces, particularly the Police.”³⁰⁰ Yet, it is clear under Nigerian law that the police are not a debt collection agency and police officers have no power to collect civil debt. Nigerian courts have repeatedly affirmed and clarified this position. As declared by the Court of Appeal in a 2004 judgment that “the duty of the Police is enumerated in the Police Act and it does not include debt collection.”³⁰¹

In *Ken MacLaren v. James Lloyd Jennings*, Jennings, a businessman, sued MacLaren and two police officers in Kano State for unlawful arrest and imprisonment. Jennings was the managing director of a company which owed money to MacLaren. To collect the debt, MacLaren hired two police officers who abducted Jennings and, in a car provided by MacLaren, drove him to Abuja—a road journey of about five hours—where they detained him overnight in a suite at the five-star Nicon Hilton Hotel and repeatedly threatened him with severe consequences, including prolonged detention, if he failed to pay the debt. The police did not at any time allege that Jennings was suspected of a crime. The Court of Appeal held:

I ... am unable to see a provision providing for or empowering Police to enforce contract or collect common debts. The Appellants and the Police men they took to Kano were there to collect debt which is not one of the several duties assigned to the Police under the provisions of the Police Act to which the court was directed and the Court has not been able to find another provision of the Act empowering or constituting the Nigeria Police Force to one of a debt collector.³⁰²

Notwithstanding this clear legal prohibition, researchers found that personnel of the NPF are routinely involved in percentage or commission policing, where the police are used for various kinds of debt recovery or other non-crime-related transactions in return for a percentage of the sums involved. For example, sometime in June 2005, Linus Eluboh complained to the police at Area E, FESTAC Town, Lagos that he caught a male neighbor, one Ugochukwu Onwukwe, making love to his wife. Adultery is not a crime in Lagos. According to Eluboh, he had long suspected the existence of an amorous relationship between his wife and Onwukwe, and one day caught them *in flagrante delicto*. Eluboh reported this to the police who promptly arrested Onwukwe for an unknown crime. At the station, Eluboh requested for ₦100,000 from Onwukwe’s parents to enable him travel to their hometown for “ritual cleansing” according to their custom. The police insisted that Onwukwe would not be granted bail (for this non-existent crime) unless his parents provided the money. When this money was paid, the police retained ₦30,000, claiming that it was for the work they did for Eluboh.

Other examples were relayed to this report’s researchers. In February 2007, Elochukwu Umeobi, a motorcycle dealer in Ebutte Metta, Lagos, reported to the SCID in Panti, Yaba, that Paul Nweke owed him ₦375, 000. Although civil debt is not a crime

in Nigeria, the police arrested and detained Nweke for four days, only releasing him after he agreed to pay the debt in two installments, the first on March 2, 2007, and the final one two months later. Nweke paid the sum of ₦200,000 to the police on March 2, 2007. When Umeobi went to the police to collect the money on March 7, 2007, they reportedly told him that they had taken ₦40,000 out of the money for their assistance to him in the debt's recovery.

Similarly, in January 2007, Theresa Ogbodo complained at the Area C Police Station in Surulere, Lagos, that one of her domestic staff had stolen the sum of US \$1,000, which she was given during a trip to the United States. The police traced the domestic and recovered part of the money on the worker. When the complainant returned to the police station to collect the money, the police informed her that they were retaining 10 percent of the amount recovered.

X. Impunity and Failure of Accountability

Despite the many crimes committed by police, and the attention of two presidential commissions, NPF personnel enjoy impunity for their criminal acts. Factors both within and outside the NPF work against accountability for police crimes. Within the NPF, the same factors that make the police ineffectual in crime detection and control also inhibit the investigation and punishment of police abuses. Where police abuse rises to the level of a crime, the police remain the primary investigating agency—and as this report has demonstrated, the NPF does not excel at conducting criminal investigations. In addition, the NPF’s monolithic management structure is not conducive to effective internal controls.

Under the constitution, the police are controlled by the president and where police abuse occurs in service of the interests of the president, his political party, or his associates, there is no incentive to ensure accountability. The jurisdiction of the Police Service Commission (PSC), which has oversight and disciplinary powers over the police, does not extend to the conduct of the president or the inspector-general of police, who exercise supreme operational control over the NPF. Even where the PSC does have jurisdiction, the police have been notoriously unwilling to cooperate with it.³⁰³

In 2004, Nigeria’s Legal Defense and Assistance Project reported 2,987 cases of extrajudicial executions by police; in not one of these cases was there a conviction. On the rare occasions when police crimes are brought to court, the prosecutions are

usually unsuccessful. The very factors that hinder the NPF's ability to solve ordinary crime—lack of investigative capacity, poor record-keeping, failure to gather evidence—also hinder its ability to respond to crime committed by police.

Even where the authorities are willing and able to bring charges against the police, the judiciary often sides with the NPF. In *Eze Ibe v. the State of Nigeria* a police officer was charged with killing two brothers. The evidence established that the officer first shot one brother through the back and then shot the other after the latter sought to rally the public to hold the officer accountable. Thereafter, the officer started waving his gun from side to side in a threatening manner to scare the crowd out of taking action against him. Nigeria's Supreme Court acquitted him of homicide, saying that "this is a case of accidental discharge of the appellant's gun when he was physically being attacked to seize his gun from him rather than a deliberate act to shoot."³⁰⁴

In December 2006, the Supreme Court acquitted a police officer, Sunday Udosen, of the murder of Eunice Ikezuagu. Udosen was charged with shooting and fatally wounding Ikezuagu along the Enugu-Okigwe Road in southeastern Nigeria when the Volkswagen Jetta in which she was traveling failed to stop or heed his demand for monetary extortion. After shooting Ikezuagu, Udosen reported that he had shot an armed robber. In acquitting Udosen, the Supreme Court held that:

there were two irreconcilable versions of how the deceased met her death ... the evidence on record was that he fired at the Jetta car intending to disable it from escaping. Further, there was no evidence that the appellant had intended to cause grievous harm to anybody and had in the process mistakenly killed the deceased.³⁰⁵

Noteworthy for its rarity is the Supreme Court's December 2006 ruling that affirmed the murder conviction of a police sergeant, Adegboye Ibikunle, for the unlawful killing of Godspower Edeha. As in most cases of police killing, Sergeant Ibikunle branded the victim an armed robber after shooting him.³⁰⁶ Sergeant Ibikunle's conviction only highlights the hundreds of police killings that go unpunished in Nigeria every year.

Although the crime of torture does not exist in Nigerian law, the Criminal Code includes such offenses against the person as assault, rape, and murder.³⁰⁷ The ineffectiveness of judicial oversight of the NPF is reflected in the failure of judges to exclude confessional evidence procured by torture or coercion. In those cases where the courts have found the NPF liable for constitutionally prohibited torture, they have failed to order the investigation and prosecution of the officers involved or implicated.

The case of the officers who summarily executed six youths in Apo Village, Abuja, in 2005 illustrates the difficulties with ensuring accountability for police abuses. The Justice Goodluck Commission recommended the prosecution of all of the officers

involved in the killings. In its Universal Periodic Review report to the United Nations Human Rights Council in 2009, Nigeria's federal government claimed that the officers implicated had been tried and sentenced to death.³⁰⁸ No such thing had happened. On the contrary, of the senior police officers who participated in the killing, one inexplicably escaped while in police custody.³⁰⁹ Two others subsequently secured bail on specious grounds, and despite Nigerian law's prohibition on bail in murder cases.³¹⁰ The main witness in the case, Police Constable Anthony Idam, "lost his life in the attempt [by the culprits] to cover up the true situation."³¹¹ There has been little progress since. It is not surprising, therefore, that the public regards the NPF as lacking the credibility to investigate crimes committed by police. Nor is it surprising that most victims, fearing intimidation or reprisal by the police, are afraid to report or seek accountability for abuses.

Given this situation, few complainants have the will to report violations by the police. Victims of police abuse are mostly poor people who cannot afford legal representation. In particular, those victims who suffer abuse as detainees are often denied access to family, friends, or legal representation in the critical period between arrest and arraignment. The Legal Aid Council established by the federal government to provide official access to legal assistance is grossly under funded. State governments—which have the responsibility and power to prosecute most offenses by the police—are unable to exercise any leverage over them. To achieve some coordination between state and federal criminal justice agencies, the federal government in 1999 established Administration of Justice Committees under the leadership of the chief justice of Nigeria at the federal level, and the state chief judges at the state levels, to coordinate and monitor the several agencies of the criminal justice system including the police, courts, prisons, and legal aid. At the time of this report, these committees were non-functional across the country.

Uncooperative Police, Moribund Institutions, and Unavailable Records

The NPF habitually disregards any attempted oversight of the police, including judicial processes and orders. Few people have the courage to serve processes on the police and those who try are sometimes severely abused themselves. In February 2006, Human Rights Monitor, an NGO in Jos, Plateau State, reported the case of Henry Longs, a lawyer whose client, a 14-year-old girl, had been arrested, detained, and assaulted by police officers who had unsuccessfully attempted to arrest her father. On behalf of the 14-year-old, Longs instituted legal proceedings before the High Court in Pankshin, Plateau State, which issued an order for the release of the victim. Accompanied by the

court bailiff, Longs visited the police station to serve the order on Superintendent of Police Uche Ebere:

Surprisingly, instead of the Police officer to accept and respect the court order, he and some of his men physically assaulted the bailiff and when Barrister Henry tried to query their action, the Police officer personally assaulted him and ordered that he be detained ... He was, however, said to have been released 30 minutes later.³¹²

In another case in Enugu, in December 2008 the officer in charge of the state SARS arrested and detained a lawyer who was representing several victims of alleged police torture and extrajudicial execution.

When served with legal papers, the police often disregard the proceedings or fail to enter any appearance or defense. In 2005, Alloysius and Chinyere Maduka, husband and wife, were arrested and detained for three and eleven days respectively by police in Benin-City, Edo State, without charge. During his detention, Maduka suffered abuse from three police officers who beat him and vandalized his Mercedes Benz car. The couple sued the three police officers who were responsible for these violations. In October 2006, the Federal High Court in Benin City entered judgment for on behalf of the Madukas, awarding them ₦12 million in damages. The police officers were never represented at the trial.³¹³

Although the NPF is a federal institution, responsibility for ensuring accountability for offenses against the person rests with state governments. The states' coroners' laws are a major element in the legal infrastructure of accountability for crimes against the person, especially in cases involving extrajudicial executions.³¹⁴ A coroner, who is usually a magistrate, is to undertake an inquest "whenever there is a reasonable cause to suspect that the cause of death is unknown; the death is sudden, unexpected or unnatural; violent or suspicious; due to a medical intervention, negligence or misconduct, or from a known or unknown cause while a person is in custody of any type."³¹⁵

Coroners' laws, which exist in all states of Nigeria, have, for the most part, become moribund.³¹⁶ In Lagos State, where the state government has made a commitment to revitalize the coroners' jurisdiction, the police do not appear prepared to cooperate. For instance, although the police were duly served and summoned in an inquest in Yaba, Lagos, into the police killing in January 2002 of two transport workers, "they made only one appearance at the inquest."³¹⁷ Thus, in practice few inquests take place, and those that do are not worth the name because witnesses refuse to appear. The police do not even keep records of such inquests. In most cases, the police merely procure a magistrate to fill out and sign the statutory forms as if a coroner's inquiry had taken place. Thus in some parts of Nigeria, coroners are called "police magistrates." Asked in 2005 by the UN Special Rapporteur for statistics on inquests, the inspector-general of police

responded rather laconically: “Coronial [*sic*] inquiries are been [*sic*] conducted in all relevant cases, however, records are not available as at the time of this compilation.”³¹⁸

The police appear to prefer internal control measures to external oversight. In response to a question from UN Special Rapporteur Philip Alston in July 2005, concerning disciplinary and accountability procedures within the NPF, then Inspector-General of Police Sunday Ehindero answered:

Whenever complaints of professional misconduct is [*sic*] established against a Police Officer, he is subjected to internal inquiry with a view to ascertaining the degree of his misconduct, consequence [*sic*] upon which he will be disciplined by the appropriate authority.³¹⁹

This response notably fails to provide any quantitative or qualitative information that could be used to determine the credibility of the internal disciplinary procedures of the police—no details of the procedures the police have for receiving or processing complaints, the average duration of the complaints, any mechanisms for ensuring that complainants and victims receive fair opportunities to put their complaints before the inquiries, liaison with victims, or guarantees against intimidation and harassment of complainants. The ultimate internal control mechanism of the police is an Orderly Room Trial, the police equivalent of a court martial. The public does not participate in these internal police proceedings nor do the police produce any public report of these trials.

TABLE 5:
Disciplinary Measures Instituted by the NPF, 2000–2004³²⁰

No.	Disciplinary Measures	2000	2001	2002	2003	2004	Total
1	Interdiction of Senior Officers	6	1	14	5	—	26
2	Suspension of Senior Officers	9	2	6	—	—	17
3	Interdiction of Inspectors	2	1	31	—	—	34
4	Suspension of Inspectors	6	12	6	—	6	30
5	Interdiction of Rank & File (Constable-Inspectors)	—	11	—	—	—	11
6	Suspension of Rank & File	7	4	63	—	—	74
7	Dismissal	193	151	454	467	844	2,109
8	Reduction in Rank	121	106	189	227	544	1,187
9	Major Entries	422	446	598	870	1,557	3,893
10	Minor Entries	76	162	247	237	494	1,216
11	Reprimand	41	100	109	93	305	648
12	Discharged and Acquitted	55	47	71	39	50	262

It is evident from these figures that the police use the instruments of suspension or interdiction of officers rather sparingly in comparison to the number of officers who are dismissed. This implies that officers with pending complaints—complaints serious enough to merit the officers' eventual dismissal from the force—are not being interdicted or suspended while the complaints against them are investigated. Instead, officers with serious complaints against them are allowed to remain in the force, with the ability to intimidate and harass the victims from pursuing redress. This practice hampers effective internal control and external oversight.

The Nigeria Police Force: A Pattern of Stalling and Indifference

Rather than suspend them or assign them to desk duty, the management of the NPF usually transfers police officers involved in cases of serious or reported violations. Faced with the resulting inability to locate the affected police officers in the system, the investigating agencies often give up on complaints. In a report of an investigation into police abuses published in October 2008, the *Punch* newspaper concluded that “[i]n most cases, police authorities shield errant policemen from the law by posting them to other beats or other states. Aggrieved relations are either cowed or given paltry sums *in lieu* of their dead relations.”³²¹

As a result, organizational as well as individual accountability suffers greatly. For example, following the attack by men of the NPF on the Ogaminana community, Kogi State, in February 2008, which resulted in the deaths of over fifteen people and the displacement of over 5,000 more, the commander who managed the operation, Assistant Commissioner of Police Jonathan Udoh, was immediately transferred out of the state. With the transfer of Udoh, a vital source of knowledge and evidence about what transpired was removed from the location. The new area commander is understandably unable to account for what happened before the commencement of his command while the person with the knowledge is not available because he now works elsewhere.

In all but five of the 254 complaints of extrajudicial execution lodged with the National Human Rights Commission since 1997, the complaints stalled in the face of a pattern of failure or refusal by the police to acknowledge the entreaties of the commission, unverified claims that they were investigating, or repeated transfer of the officers against whom the complaints were made. Almost invariably the complaints ground to a halt in the face of the NPF's obvious lack of cooperation.

For instance, in petition no. C/97/22 one Usman Dawuda Kutigi allegedly died in the custody of Malali Divisional Police Headquarters, Kaduna, while under deten-

tion on suspicion of involvement in the theft of his own a portable electric generator. On the inquiry of the commission, the police claimed that Kutigi became ill while in custody and was taken to the hospital where he died. Hospital records showed that the police deposited his corpse in the hospital. The commission's effort to ensure that the police involved were held accountable failed because the NPF transferred the suspected culprits to other duty posts and declined to provide any forwarding addresses for them.

Petition C/97/031 describes two detainees who died during their third month of detention in the Adeniji-Adele Police Station, Lagos. The police similarly claimed here that the victims became ill and were taken to the hospital where they died. The Lagos General Hospital report, however, showed that when the detainees were brought to the hospital there were already deceased. Four years after the complaint was filed, the commission abandoned the case because the IGP continued to claim without verification that the police were still investigating the case.³²²

The Police Service Commission: “Dismal and Self-restraining”

The Police Service Commission, established in 2001 as the oversight body for the police, has nominally strong statutory powers but remains institutionally enfeebled.³²³ The UN Special Rapporteur sums up the record of the commission in the report of his mission to Nigeria as follows:

The Police Service Commission is charged with police discipline, but has opted to refer all complaints of extrajudicial police killings back to the police for investigation. The Commission's mandate is potentially empowering. But despite efforts by one or two excellent commissioners, its performance has been dismal and self-restraining. Its quarterly reports to the President are not published and present a dismal chronicle of rubber-stamping decisions taken by the police, coupled with inaction in relation to pressing concerns. A radical overhaul of its procedures and composition is warranted.³²⁴

The tenure of the PSC's first council lapsed in November 2006. In the absence of the council, the PSC was unable to consider or take any decisions on complaints of police abuse. In April 2008, the federal government inaugurated a new council for the PSC headed by retired Deputy Inspector-General of Police Parry Osayande. The leadership of the PSC convened surreptitiously in December 2008, after some of the members had already proceeded on end of year holidays, to adopt an internal police report recommending the sacking from the NPF of Nuhu Ribadu, former head of Nigeria's Economic and Financial Crimes Commission, who had fallen out of favor with the

government for appearing too committed to rooting out corruption in public life in Nigeria. The IGP happened to be the complainant in the case.³²⁵

The attitude of the NPF's leadership toward the PSC reflects a mixture of indifference, resistance, reluctant acknowledgement, and co-optation. Better resourced than the PSC, the leadership of the police has reportedly sought to limit the role of the PSC, declined to cooperate with it and, notwithstanding clear statutory provisions to the contrary, vigorously contest the standing of the commission to investigate police misconduct. In February 2006, the Federal High Court in Abuja ruled that the PSC was precluded from undertaking its statutory functions wherever a disciplinary infraction involving the commission of crime is alleged against a police officer because, "wherever crimes are alleged and investigation is required, the duty to carry out such an investigation is that of the Nigeria Police Force, which is trained to carry out such a function."³²⁶ Underlying this decision is the suggestion that the NPF enjoys a monopoly of powers of criminal investigation. This suggestion is unfounded in both the law and the institutional architecture of internal security agencies in Nigeria. The power to investigate crimes is dispersed among several federal agencies of which the NPF is only one. Moreover, this decision erroneously erases the essential distinction between criminal and administrative proceedings and, if it were to reflect the law, would preclude disciplinary action against any police officers in all but the most minor and irrelevant of cases where there is no crime involved.

XI. Conclusion

The preparation of this report took place while Nigeria experienced a constitutional crisis brought on by the deteriorating health of the late President Umaru Yar'Adua. During this crisis, it appears that police conduct has worsened. NPF personnel were accused of opening fire on a group of youths protesting police brutality in April 2010.³²⁷ Asked to help control sectarian violence instigated by members of the Boko-Haram sect in Borno State in July 2009, the NPF extrajudicially executed hundreds of suspected members of the sect, including its leader, even after sect members had surrendered.³²⁸ In April 2008, a High Court on Borno State found the NPF guilty of “brutal” and unlawful conduct in this case and awarded substantial damages against it.³²⁹

In 2008 in Ogun State, police killed Waliyu Abudu, then publicly claimed the mother and poultry farm worker was actually the leader of an armed robbery gang. In Abuja, Lawal Yahuza was forced to crawl into court for his 2004 trial, after his ankles were broken by the police torturing him. In Lagos State in 2007, police picked up a 14-year-old girl out buying bread for her family and raped her. In 2006 in Anambra State, Nkechi Obidigwe was killed by a stray bullet fired by a police officer seeking a bribe from a commercial motorbike operator.

Every day, in all corners of the country, police in Nigeria commit murder, torture, rape, and extortion. These crimes are so common, so numerous, and so widespread that it is impossible to fully document all of them. The goal of this report, then, is not to enumerate every major crime committed by a member of the NPF, but rather to provide examples that convey the scope and complexity of the problem, and to push for solutions.

The conduct and operations of the Nigeria Police Force bear almost no resemblance to the requirements of Nigerian law. Far from protecting human life, safety, and security, the NPF increasingly endangers them. Urgent measures are required to return policing in Nigeria to the path of lawfulness, respectability, and public confidence.

Currently, there is virtually no accountability for police crimes. The NPF is controlled at the federal level and its officers are not answerable to the local populations they police. The NPF is responsible for investigating crimes committed by its personnel, but has neither the ability nor the inclination to do so. The Police Service Commission, the government body designed to oversee the police, is hopelessly weak.

When the acting inspector-general of police can boast that his men killed 785 people in just 100 days—and receive a promotion for his work—clearly, something must change. When even the most notorious case of extrajudicial killings by police—the infamous Apo Six murders—results in not a single conviction, reform is needed. It is more critical now than ever for Nigeria’s federal government, National Assembly, Police Service Commission, and international partners to work with the NPF to reduce crime by its personnel and prosecute it when it occurs. Until that happens, Nigerians will continue to suffer from crimes committed by the very people sworn to keep them safe.

Nigeria’s new president must confront the challenges posed by the police force described in this report. In the inaugural address following his swearing in on May 6, 2010, the new president, Dr. Goodluck Jonathan, insisted that “the security of life and property around the entire country would be of top-most priority in the remaining period of this administration.”³³⁰ To achieve this, he must begin by according priority to a comprehensive reform of the Nigeria Police Force.

Appendix

Funding of the Nigeria Police from 1980–2007

TABLE A1:

The Nigeria Police Annual Budget Expressed as a Percentage of the National Budget from the Period 1980–2007

No.	Year	Recurrent Expenditure		Capital Expenditure	Total Force Approved Annual Budget	Federal Govt. Approved Annual Budget	% of Annual Budget
		Personnel Cost	Overhead Cost				
1	1980	121,971,300	63,415,700	8,508,000	193,895,000	—	
2	1981	273,164,450	111,005,060	105,728,060	489,897,570	13,450,000,000	4
3	1982	268,107,650	119,181,210	90,792,460	478,081,320	—	
4	1983	275,439,430	116,678,520	201,000,000	593,117,950	5,560,937,850	10.7
5	1984	216,157,320	143,723,690	30,400,000	390,280,710	10,008,130,332	3.9
6	1985	231,260,630	150,873,700	19,025,258	401,159,588	11,269,642,320	3.5
7	1986	284,098,880	97,975,450	3,000,000	412,074,330	11,581,732,901	3.6
8	1987	305,768,320	69,768,620	13,461,263	388,979,903	17,517,080,030	2.2
9	1988	406,277,610	114,768,320	60,000,000	581,025,930	24,365,266,325	2.4
10	1989	529,257,610	114,768,320	100,000,000	744,025,930	30,031,718,890	2.5
11	1990	924,865,570	17,000,000	149,000,000	1,243,865,570	39,763,988,955	3.1
12	1991	1,223,912,300	197,107,230	330,339,000	1,751,358,530	38,665,978,779	4.5
13	1992	1,396,830,900	236,564,230	560,000,000	2,193,395,130	52,035,943,482	4.2
14	1993	2,173,419,140	502,512,230	893,000,000	3,568,922,370	110,591,994,300	3.2
15	1994	3,550,000,000	749,677,150	1,370,000,000	5,669,677,150	110,200,000,000	5.1

No.	Year	Recurrent Expenditure		Capital Expenditure	Total Force Approved Annual Budget	Federal Govt. Approved Annual Budget	% of Annual Budget
		Personnel Cost	Overhead Cost				
16	1995	3,993,750,000	999,612,580	1,400,000,000	6,393,362,580	98,201,184,130	6.5
17	1996	7,538,120,650	1,174,612,580	1,079,284,500	9,792,017,730	174,000,000,000	5.6
18	1997	7,538,120,650	2,206,311,500	2,565,639,000	12,310,071,150	247,000,000,000	4.9
19	1998	10,456,626,761	3,828,744,420	3,353,690,450	17,639,061,631	260,000,000,000	6.8
20	1999	16,187,875,711	3,427,040,152	3,000,000,000	22,614,915,863	299,000,000,000	7.6
21	2000	20,594,810,050	4,711,831,940	4,641,000,000	22,795,607,650	710,580,800,000	3.4
22	2001	32,187,169,739.33	4,925,434,778	7,884,999,723	44,997,604,240	894,200,000,000	5.03
23	2002	34,448,000,000.00	15,020,266,983	3,595,387,000	53,063,653,983	1,612,801,253,520	3.3
24	2003	46,491,347,624.00	9,777,753,891	11,366,000,000	67,635,101,515	1,679,318,043,375	4.03
25	2004	59,407,514,242.00	4,368,691,376	10,000,000,000	73,776,205,618	2,035,648,344,588	3.6
26	2005	62,500,276,263.00	8,334,767,941	14,500,000,000	85,335,044,204	1,617,629,111,162	5.3
27	2006	73,426,675,062.00	7,221,326,938	5,335,000,000	85,983,002,000	1,899,987,922,467	4.5
28	2007	156,930,961,726.00	11,698,452,627	9,975,790,725	178,605,205,078	2,309,223,949,983	7.7

TABLE A2:**Complaints to the National Human Rights Commission Regarding Extrajudicial Killings
by Law Enforcement Agencies, 1997–2005****1997**

Complaint No.	No. of Victims	Alleged Violator	Nature of Death	Location
022	1	Police	Died in custody	KADUNA
031	2	Police	Died in custody	BAYELSA
033	1	Police	Shot	BORNO
055	1	Army	Beating	OYO
061	1	Police	Beating	CRS
098	1	Police	Died in custody	FCT
Total	7			

1998

Complaint No.	No. of Victims	Alleged Violator	Nature of Death	Location
011	1	Police	Shot	LAGOS
031	1	Police	Shot	LAGOS
037	1	Police	Shot	CRS
051	1	Police	Beating	RIVERS
075	2	Police	Shot	FCT
106	6	Police	Shot	DELTA
107	1	Police	Shot	OYO
162	4	Police	Shot	KADUNA
212	4	Army	Shot	KADUNA
Total	21			

1999

Complaint No.	No. of Victims	Alleged Violator	Nature of Death	Location
039	1	Police	Shot	LAGOS
083	1	Police	Shot	IMO
103	1	Police/SSS	Shot	PLATEAU
205	1	Police	Shot	PLATEAU
233	2	Police	Tortured/Shot	KANO
268	1	Police	Shot	BORNO
272	1	Police	Shot	OYO
299	3	Police/Army	Shot	RIVERS
310	1	Police	Disappeared	FCT
327	1	NDLEA	Shot	DELTA
332	2	Police	Shot	RIVERS
Total	15			

2000

Complaint No.	No. of Victims	Alleged Violator	Nature of Death	Location
069	1	Police	Died in custody	FCT
149	3	Police/Army	Shot	IMO
150	23	Police	Shot (protesters)	YOBE
163	1	Police	Shot	FCT
190	1	Police	Shot	NASARAWA
202	1	Police	Shot	KATSINA
221	1	Police	Shot	A/IBOM
233	1	Police	Shot	A/IBOM
248	1	Police	Shot	DELTA
255	2	Police	Shot	ENUGU
333	5	Police	Shot	NIGER
351	1	Police	Shot	ABIA
354	1	Police	Died in custody	DELTA
440	1	Army	Shot	FCT
475	1	Police	Shot	KATSINA
495	1	Police	Shot	LAGOS
539	1	Police	Shot	CRS
Total	46			

2001

Complaint No.	No. of Victims	Alleged Violator	Nature of Death	Location
043	9	Police	Shot	NASARAWA
060	7	Police	Shot	BENUE
094	1	Police	Shot	ANAMBRA
133	1	Police	Shot	ANAMBRA
135	1	Police	Shot	KADUNA
165	1	Police	Died in custody	RIVERS
171	2	Police	Died in custody	RIVERS
232	1	Police	Disappeared	ABIA
302	7	Police	Shot	A/IBOM
325	3	Police	Shot	LAGOS
352	3	Police	Shot	IMO
369	1	Navy	Shot	RIVERS
373	1	Police	Shot	EKITI
390	20 (Odi)	Army	Shot	BAYELSA
406	1	Army	Shot	BAYELSA
473	2	Police	Shot	BORNO
514	1	Police	Shot	FCT
531	1	Police	Died in custody	BORNO
Total	63			

2002

Complaint No.	No. of Victims	Alleged Violator	Nature of Death	Location
034	1	Police	Shot	LAGOS
077	1	Police	Shot	LAGOS
123	2	Police	Shot	ANAMBRA
129	2	Police	Shot	ENUGU
130	26	Police	Shot	ENUGU
146	1	Police	Shot	ENUGU
152	2	Police	Shot	ENUGU
154	1	Police	Shot	RIVERS
253	1	Police	Died in custody	CRS
419	1	Police	Shot	FCT
421	2	Police/Bakasi	Macheted	ANAMBRA
Total	40			

2003

Complaint No.	No. of Victims	Alleged Violator	Nature of Death	Location
033	1	Police	Shot	EBONYI
047	1	Police	Shot	KADUNA
166	1	Police	Shot	FCT
260	1	Police	Shot	RIVERS
286	25	Police	Shot	NIGER
310	10	Police	Shot	FCT
338	3	Police	Shot	RIVERS
341	3	Police	Shot	ONDO
370	1	Police	Shot	ANAMBRA
417	1	Army	Shot	FCT
430	1	Police	Shot	FCT
Total	48			

2005

Complaint No.	No. of Victims	Alleged Violator	Nature of Death	Location
061	1	Air-force	Shot	CRS
062	1	Police	Shot	FCT
096	1	Police	Shot	KEBBI
105	1	Police	Shot	ENUGU
124	1	Police	Shot	IMO
138	3	Army	Shot	TARABA
223	1	Police	Shot	EDO
262	1	Police	Shot	FCT
263	1	Police	Shot	KADUNA
275	1	Police	Shot	IMO
365	1	Police	Shot	LAGOS
374	1	Police	Shot	ANAMBRA
Total	14			

Summary

Year	Totals
1996	0
1997	7
1998	21
1999	15
2000	46
2001	63
2002	40
2003	48
2004	00
2005	14
Grand Total	254

Notes

1. For the purpose of this report, a “detainee” is defined as a person who is in police custody but who has not yet been arraigned; a “detainee” can be held by police without being suspected of a crime. A “suspect” is defined as a person in police custody who is the subject of police investigation.
2. Federal Republic of Nigeria, *Presidential Committee on the Reform of the Nigeria Police Force, Main Report*, Vol. 1, p. 196 (April 2008), hereafter referred to as *Yusuf Committee Report*.
3. This power is granted to the PSC under Section 6 of the Police Service Commission (Establishment) Act 2001.
4. *Yusuf Committee Report*, p. 30.
5. *Ibid.*, p. 21.
6. See Table 4: Official Figures of Killings in Police Encounters 2000–2006.
7. Nigerian Bar Association, “Reform of the Holding Charge Practice in Nigeria, (Protecting Constitutional Rights)” at 4, (May 2008). Accessed at <http://74.125.93.104/search?q=cache:PQMO7PMTOagJ:www.nbaprograms.org/program/Reform%2520of%2520the%2520Holding%2520Charge%2520Practice%2520in%2520Nigeria.doc>.
8. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990).
9. Adopted by General Assembly resolution 43/173 (1988).
10. Adopted at Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF.144/28/Rev.1 at 118 (1990).
11. Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 17–19, available at <http://www2.ohchr.org/english/law/cat-one.htm>.

12. Federal Republic of Nigeria, *Presidential Committee on the Reform of the Nigeria Police Force, Main Report*, Vol. 1, p. 196 (April 2008), hereafter referred to as *Yusuf Committee Report*.
13. *Ibid.* p. 33.
14. Donald Andoor, “Ex-IGP Cautions against Police Brutality,” *Thisday*, April 12, 2006, p. 6.
15. Interview with a police officer, Ikeja, Lagos State, May 2007.
16. Nigeria’s Universal Periodic Review (UPR) National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to the Human Rights Council Res. 5/1, A/HRC/WG.6/4/NGA/1, January 5, 2009, paras. 73–74.
17. “Statement of Nigeria During the 4th Session of the Universal Periodic Review delivered by Ojo Maduekwe, CFR, Honorable Minister of Foreign Affairs of the Federal Republic of Nigeria,” Geneva, February 9, 2009, p. 3.
18. *Yusuf Committee Report*, p. 196.
19. Federal Republic of Nigeria, Report of the Electoral Reform Committee, Main Report, Vol. 1, p. 196 (December 2008), para. 5.6.6.4 (hereafter referred to as “*Uwais Committee Report*”).
20. The acting IGP also reported that the NPF lost 62 men during these encounters. See, Tashikalmah Hallah, “Nigeria: Police Kill 785 Armed Robbers in Three Months,” available at: <http://allafrica.com/stories/200711150425.html>.
21. *Yusuf Committee Report*, p. 31.
22. Project Alert and GAT, *Gendered Patterns of Police Abuse in Nigeria*, September 2007.
23. Dr. Anthony Okwuosah and Dr. Matthew Izegebu, *Medico-Legal Aspects of Police Torture and Extra-Judicial Killings in Nigeria*, June 2007 (hereafter referred to as “*Medico-Legal Aspects Report*”).
24. In 2007, the European Union funded a review of forensics in the Nigeria Police Force. See, Transtec, *Final Report: Needs Assessment of Investigation and Forensic Capability of the Nigeria Police*, November 2007 (hereafter called “*Transtec Report*”).
25. A statistical table of these complaints is contained in the appendix to this report.
26. The newspapers covered were: *Punch*, *The Guardian*, *Nigerian Tribune*, *Daily Champion*, *Daily Trust*, *Thisday*, and *Vanguard*. The weekly magazines covered were *Newswatch*, *Tell Magazine*, and *The News*.
27. Constitution of the Federal Republic of Nigeria, 1999, S. 214(1).
28. These included: The “McCorsky police” or Consular Guard (1861); Armed Police Force (Armed Hausa Police Force, 1863); Gold Coast Constabulary (1876); Lagos Constabulary (1886); The Lagos Police (1895, 1897); “Annesley police” (1889); Oil Rivers Irregular (1892); Court Messengers (1892); Niger Coast Protectorate Constabulary (1894); Niger District Police (1900–1905); Southern Nigeria Police Force (1902); Southern Nigeria Police (1906); Southern Police Force (1917); Royal Niger Company Constabulary (1888); Civil Police and Prisons (1900); Northern Nigeria Constabulary (1903); Northern Nigeria Police (1910); and the Northern Police Force (1917). See, Etannibi Alemika, “Colonialism, State and Policing in Nigeria” (1993) 20 *Crime, Law and Social Change*, p. 189; Etannibi Alemika, “Police Accountability in Nigeria: Framework and Limitations,” available at: www.policeaccountability.co.za/File_Uploads/docs/File_Download.asp?ThisFile=pub_oversight_nigeria.doc.

29. See, Tekena Tamuno, *The Police in Modern Nigeria: 1861–1965*, University Press Ibadan, 1970.
30. Okey Ibeanu, “Criminal Justice Reform: Policing Services Delivery,” in Joseph Otteh, *Reforming for Justice: A Review of Justice Sector Reforms in Nigeria, 1999–2007*, pp. 54, 56 (2007).
31. The 1989 constitution drafted under the auspices of the Babangida regime was abrogated before it was formally promulgated following the annulment of the presidential elections of June 1993. See, *Attorney-General of Anambra State & Others v. Attorney-General of the Federation & Others*, [1993] *Nigerian Weekly Law Reports* (Part 302) p. 692.
32. With the notable exception of the regime of Major-General Mohammadu Buhari (December 1983–August 1985), every military regime in Nigeria has evinced an intention to design and implement a program of transition to elected civilian government. See, Awa U. Kalu, “The Democratization of Nigeria: More Bullet(s) or Ballot?” in *Lawyers Biannual*, p. 40 (1994).
33. It is widely believed that the claim—in early 1995—by the regime of the late General Sani Abacha to have foiled a coup attempt against it by a group allegedly comprised of middle-ranking army officers without command positions, retired generals, civilian pro-democracy activists, and journalists was not credible. *Africa Confidential*, for instance, reported that “[t]here is new concern that human rights activists ... and independent journalists ... will be roped into a secret treason trial held under military rules. Such reports confirm that the tribunal is purging dissidents rather than trying plotters.” See, “Nigeria: Widening the Net” in *Africa Confidential*, Vol. 36:14, p. 8 (1995).
34. The Nigerian civil war began in July 1967 and formally ended on January 15, 1970.
35. Emmanuel Onyeozili, “Obstacles to Effective Policing in Nigeria,” 2005:1 *African J. Criminology & Justice Studies*, pp. 40, 44.
36. *Main Report of the Presidential Committee on Police Reform*, Vol. II (2006), p. 18.
37. *Yusuf Committee Report*, pp. 177–178.
38. Okechukwu Ibeanu, “Criminal Justice Reforms: Policing Services Delivery” in Access to Justice, (ed.), *Reforming for Justice: A Review of Justice Sector Reforms in Nigeria, 1999–2007*, pp. 54, 60 (2007).
39. Uwais Commission Report, Para 5.6.6.4. See also, International Crisis Group, “Nigeria: Failed Elections, Failing State?” Africa Report No. 126 of May 30, 2007; Lydia Polgreen, “Election in Nigeria Sullied by Chaos,” *New York Times*, April 22, 2007, available at: www.nytimes.com/2007/04/22/world/africa/22nigeria.html?ex=1334894400&en=c2f32b6b44e6e904&ei=5088&partner=rssnyt&emc=rss.
40. Human Rights Watch, *Rest in Pieces: Police Torture and Deaths in Custody in Nigeria*, Vol. 17, No. 11(A), p. 12 (2005).
41. The UN Statistics Division estimated Nigeria’s population in 2002 to be 120,046,000. A national population census published in October 2006 put Nigeria’s population at 140,003,542 with an annual growth rate of 3.2 percent since 1991. See, *Legal Notice on the Publication of the 2006 Census*, Vol. 94:4 Federal Republic of Nigeria Official Gazette, January 19, 2007, B50, available at: www.population.gov.ng/pop_figure.pdf.
42. Babatunde Alayande and Olayinka Alayande, “A Quantitative and Qualitative Assessment of Vulnerability to Poverty in Nigeria,” paper submitted for presentation of CSAE Conference on Poverty Reduction, Growth and Human Development in Africa, March 2004, p. 1.

43. http://en.wikipedia.org/wiki/Category:Ethnic_groups_in_Nigeria.
44. For accounts of many of these conflicts, see, *Hope Betrayed?: A Report on Impunity and State Sponsored Violence in Nigeria*, Lagos/Geneva, OMCT/CLEEN Foundation, 2004.
45. Access to Justice, *Breaking Point: How Torture and the Police Cell System Violate Justice in the Criminal Investigation Processes in Nigeria*, (2005) p. 26 (hereafter cited as “*Breaking Point*”).
46. See, Federal Republic of Nigeria, *Report of the Presidential Working Group on Prison Reforms and Decongestion*, February 2005, p. 6.
47. See, Nwaka Akinlami, “Legal Aid Reforms” in Joseph Otteh, ed., *Reforming for Justice: A Review of Justice Sector Reforms in Nigeria 1999–2007*, pp. 27, 31 (2007).
48. *Main Report of the Presidential Committee on Police Reform*, Vol. II, vii (2006).
49. “Obasanjo Did Not Consult Me About Third Term—Agabi,” *Punch*, December 25, 2007, p. 5.
50. *Report of the Special Rapporteur*, p. 2.
51. Ademola Adegbamigbe, “Impotent Force: Here are the Reasons the Nigeria Police is Helpless in the Face of Rising Crimes,” *The News*, February 4, 2008, pp. 20, 28. Other sources claimed the size of the NPF in 1999 was as low as 112,000. See Okwudijor Anthony, “Obasanjo and the Police,” *Thisday*, August 4, 2006, p. 17.
52. International Association of Chiefs of Police, *Research Center Directorate Perspectives*, available at: <http://www.theiacp.org/LinkClick.aspx?fileticket=LF7xdWlItPk%3D&tabid=87>.
53. *Main Report of the Presidential Committee on Police Reform*, Vol. II, p. 33 (2006).
54. Ademola Adegbamigbe, “Impotent Force: Here are the Reasons the Nigeria Police is Helpless in the Face of Rising Crimes,” *The News*, February 4, 2008, p. 28.
55. See, Human Rights Watch, *Rest in Pieces: Police Torture and Deaths in Custody in Nigeria*, Vol. 17, No. 11(A), p. 17.
56. *Newswatch*, June 5, 2006, p. 60.
57. “Hundreds of Nigerian Robbers Shot,” *BBC News*, available at: <http://news.bbc.co.uk/2/hi/africa/7096862.stm>.
58. Ademola Adegbamigbe, “Impotent Force: Here are the Reasons the Nigeria Police Is Helpless in the Face of Rising Crimes,” *The News*, February 4, 2008, p. 28.
59. *Yusuf Committee Report*, pp. 20–21.
60. Adekunbi Ero, “Nobody Can Use Me—Osayande,” *Tell Magazine*, January 26, 2009, p. 30.
61. *Yusuf Committee Report*, p. 21.
62. *Ibid.*, p.196.
63. *Ibid.*, p. 22.
64. *Ibid.*, p. 84.
65. *Main Report of the Presidential Committee on Police Reform*, Vol. II, p. 34 (2006).
66. *Yusuf Committee Report*, p. 22.
67. *Ibid.*, p. 84.

68. For further information see “Funding of the Nigeria Police from 1980–2007” and “Statistics of Budget Allocated to the Nigeria Police 1980–2007” in the Appendix.
69. Olusola Fabiyi, “Police to Get ₦169.9b in 2008,” *Punch*, December 8, 2008, p. 7.
70. In the period covered by the figures available, these years were 1983, 1995, 1999, 2003, and 2007.
71. Low ranked NPF personnel are paid \$1.46 per day, or \$43.71 per month. (Based on an exchange rate of US\$1 to ₦118 Naira.)
72. *Yusuf Commission Report*, p. 112.
73. Okey Ibeanu, “Criminal Justice Reforms: Policing Services Delivery,” in Joseph Otteh, ed., *Reforming for Justice: A Review of Justice Sector Reforms in Nigeria 1999–2007*, pp. 54, 61 (2007).
74. “Police Trainees Resort to Begging,” *Daily Trust*, January 10, 2008, p. 7; Emma Nnadozie, “Policemen Join Tout Business in Lagos,” *Vanguard*, June 5, 2007, p. 34.
75. Tunde Sanni, “No Going Back on Strike, Police Officers Vow,” *Thisday*, January 31, 2006, p. 8; Funmi Peter-Omale, “FG to Policemen: Strike Option Futile,” *Thisday*, February 8, 2006, p. 6; Anthony Akaeze, “Hungry, Angry: Members of the Nigeria Police Issue Strike Threat Over Poor Salaries and Other Welfare Matters,” *NewsWatch*, February 13, 2006, p. 38.
76. *Main Report of the Presidential Committee on Police Reform*, Vol. II (2006), p. 60.
77. Source: *Report of the Presidential Committee on Police Reforms*, Vol. I, pp. 23–24 (2006).
78. The federal minimum wage in Nigeria is ₦7,500 per month, or ₦90,000 per year.
79. *Ibid.*, p. 22; Ben Agande, “FG Confirms Okiro; Police Arrest 300 over Kano Polls,” available at: www.vanguardngr.com/index.php?option=com_content&task=view&id=1884&Itemid=43.
80. Federal Republic of Nigeria, *Government White Paper on the Report of the Presidential Committee on Police Reform*, p. 39 (August 2006).
81. Yemi Akinsuyi, “Police to Get 15% Salary Increase,” *Punch*, June 28, 2007, p. 4.
82. Ahmed Mohammed, “Police to Get Salary Increase,” *Daily Trust*, December 19, 2007, p. 7.
83. By comparison, in Nigerian currency terms, the following are the monthly gross salaries of police constables in other African countries: South Africa: ₦60,000.00 per month; Mali: ₦45,000; Ghana: ₦45,000; Benin: ₦50,000; Cameroon: ₦45,000; and Senegal: ₦50,000. Source, *Yusuf Committee Report*, p. 109.
84. *Yusuf Committee Report*, p. 33.
85. *Main Report of the Presidential Committee on Police Reform*, Vol. II, (2006), p. 75.
86. *Ibid.*, p. 30.
87. *Ibid.*, p. 20.
88. *ibid.*, pp. 86–87.
89. *Yusuf Committee Report*, p. 131.
90. *Ibid.*, p. 24.

91. Ademola Adegbamigbe, "Impotent Force: Here Are the Reasons the Nigeria Police is Helpless in the Face of Rising Crimes," *The News*, February 4, 2008, p. 28.

92. *Ibid.*

93. *Ibid.*

94. See, Joe Omokaro, "Ige: Police Investigation not Thorough," *Saturday Independent*, November 17, 2007, pp. 1–2.

95. *Yusuf Committee Report*, pp. 147–148.

96. *Transtec Report*, p. 17.

97. The last surviving ballistics in the NPF died in September 2007.

98. *Transtec Report*, p. 17.

99. *Ibid.*, p. 16.

100. *Ibid.*, p. 5.

101. *Yusuf Committee Report*, p. 146.

102. Federal Government of Nigeria, *Report of the Presidential Commission on the Reform of Administration of Justice in Nigeria*, p. 85 (2007).

103. *Yusuf Committee Report*, p. 145.

104. *Transtec Report*, p. 13.

105. *Yusuf Committee Report*, p. 145.

106. *Ibid.* p. 72.

107. *Report of the Judicial Commission of Inquiry on the Apo Six Killings by the Police between 7th and 8th June 2005 in Abuja*, Main Report, Vol. I, Chapter 3, par. 1.2 (hereafter called "Goodluck Commission Report").

108. Olusola Fabiyi and Tobi Soniyi, "Bank Robberies on the Increase—Okiro," *Punch*, August 22, 2008, p. 12; Abdulrafuu Lawal and Ayodeji Adeyemi, "Robbers on the Rampage," *Tell Magazine*, November 26, 2007, pp. 36–38; Kazeem Akintunde, "Robbers Everywhere," *NewsWatch*, December 24, 2007, pp. 40–47.

109. See, Okey Ibeanu, *supra*, p. 61.

110. Olusola Fabiyi and Tobi Soniyi, "Okiro Accuses Politicians of Aiding Crime," *Punch*, September 13, 2007, p. 10.

111. Okey Ibeanu, *supra*, p. 61.

112. The Robbery and Firearms (Special Provisions) Act, Chapter R11, Laws of the Federation of Nigeria, 2004 provides as follows:

1(1) Any person who commits the offence of robbery shall, upon trial and conviction under this Act, be sentenced to imprisonment for not less than 21 years.

(2) If –

(a) Any offender mentioned in sub-section (1) of this section is armed with any firearms or any offensive weapon or is in company with any person so armed, or

- (b) at or immediately after the time of the said robbery, the said offender wounds or uses any personal violence to any person;
the offender shall be liable upon conviction under this Act to be sentenced to death.
- (3) The sentence of death imposed under this section may be executed by hanging the offender by the neck till he be dead or by causing such offender to suffer death by firing squad as the Governor (of the State) may direct.

113. Smart Egwu Otu, *Armed Robbery in the South-eastern States of Contemporary Nigeria: A Criminological Analysis*, D. Litt Thesis, University of South Africa, (June 2003), p. 13.

114. *Transtec Report*, p. 7.

115. Access to Justice, *Breaking Point*, p. 6.

116. Etannibi Alemika and Innocent Chukwuma, *Police Community Violence in Nigeria*, Centre for Law Enforcement Education, Lagos, February 2000.

117. Orndiir Terzungwe, "Shoot-at-sight—FCT COMPOL Orders Officers," *Abuja Inquirer*, November 26, 2007, p. 1.

118. The Police Regulations are under Section 46 of the Police Act. The present Police Regulations are from April 1, 1968.

119. A breakdown of the organizational structure of the Nigeria Police Force is available at: www.nigeriapolice.org.

120. See, *Main Report of the Presidential Committee on Police Reform*, Vol. II (2006), p. 89.

121. See, Federal Republic of Nigeria, *Presidential Committee on the Reform of the Nigeria Police Force, Main Report*, Vol. 1, April 2008, pp. 19–20.

122. Headed by Assistant Inspectors-General of Police.

123. Headed by Commissioners of Police.

124. Headed by Assistant Commissioners of Police.

125. Headed by Superintendents of Police.

126. Headed by Station Officers (Inspectors or Assistant Superintendents of Police).

127. Headed by Police Post Officers (Inspectors and Non-Commissioned Officers).

128. Police Regulations, Regulation 34(2).

129. *Ibid.*, Regulation 25.

130. *Main Report of the Presidential Committee on Police Reform*, Vol. II (2006), p. 102.

131. Police Regulations, Regulation 26. The Police Council is established under Nigeria's 1999 Constitution. Chaired by the president, its membership includes the governors of all of Nigeria's 36 states and the chairperson of the Police Service Commission.

132. *Main Report of the Presidential Committee on Police Reform*, Vol. II (2006), p. 102.

133. Sam Olukoya, "Nigeria's Trigger-Happy Police," *BBC News*, posted May 11, 2001, available at: <http://news.bbc.co.uk/2/hi/africa/1322017.stm>; Environmental Rights Action, "Ogbogu Raided Again for ELF," ERA Field Report No. 23, April 22, 1999, available at: www.essentialaction.org/shell/era/eraField23.htm.

134. Other names for SARS include “Operation Sweep” (Lagos State), “Operation Gbale” (Oyo State), “Operation Flush” (Rivers State), and “Operation Crush” (Abia State). See, Smart Egwu Otu, *Armed Robbery in the South-eastern States of Contemporary Nigeria: A Criminological Analysis*, D.Litt Thesis, University of South Africa, (June 2003), p. 13.

135. On January 18, 2005, then Inspector-General of Police Tafa Balogun resigned on suspicions that “he diverted large sums of public money for his personal use.” See, IRIN, “Nigeria: Police Chief Suspected of Corruption Resigns,” available at: www.irinnews.org/report.aspx?reportid=52735. The Federal High Court subsequently convicted him on November 23, 2005, after he pleaded guilty to eight counts of money laundering, corruption, theft of public resources, and unlawful enrichment. In all, the charges involved assets totaling US \$150 million, and included money hidden in bank accounts, shares in blue chip companies, and up to fourteen high-end properties. See “EFCC and Unfinished Celebrated Cases” available at: www.efccnigeria.org/index.php?option=com_content&ask=view&id=1704&Itemid=2.

136. Olusola Fabiyi and Sesan Olufowobi, “Police Fraud: Detectives Find Naira Bills Inside Refrigerators, TV Sets,” *Punch*, June 16, 2007, p. 10; Shehu Abubakar, “Another ₦ 354 Million Fraud Uncovered at Police Headquarters,” *Daily Trust*, June 21, 2007, p. 2; Semiu Salami, “Scandal in Louis Edet House,” *Newswatch*, June 25, 2006, p. 45.

137. *Report of the Presidential Committee on Police Reforms*, Vol. I, p. 6, para. 14.

138. *Goodluck Commission Report*, Chapter 3, par. 1.3.

139. Access to Justice, *Breaking Point: How Torture and the Police Cell System Violate Justice in the Criminal Investigation Process in Nigeria*, June 2005, p. 5.

140. Human Rights Watch, *Rest in Pieces: Police Torture and Deaths in Custody in Nigeria*, Vol. 17, No 11(A), 3. (2005).

141. *Ibid.*, p. 5.

142. *Yusuf Committee Report*, p. 196.

143. Amnesty International, “Nigeria: Rape: The Silent Weapon,” AI Index: AFR 44/020/2006, November 2006, p. 1.

144. *Ibid.*

145. CLEEN Foundation, *National Crime Victimization Survey 2005—Overview of 2005 Report*, available at: www.cleen.org.

146. *Goodluck Commission Report*, Vol. 1, Chapter 3, par. 1.6.

147. United Nations, Economic & Social Council, *Report of the Special Rapporteur, Philip Alston, Mission to Nigeria*, E/CN.4/2006/53/Add.4, January 7, 2006, para. 100.

148. *Main Report of the Presidential Committee on Police Reform*, Vol. II (2006), p. 78.

149. *Yusuf Committee Report*, p. 31.

150. Chapter 359, Laws of the Federation of Nigeria, 1990.

151. Chapter 10, Laws of the Federation of Nigeria, 1990.

152. Chapter 80, Laws of the Federation of Nigeria, 1990.

153. Chapter 30, Laws of Northern Nigeria, 1963.
154. Sunday Ehindero, Inspector-General of Police, "A Brief Remark to the Stakeholders Meeting on Strengthening the Police-Duty Solicitors Scheme in Nigeria," Abuja, December 16, 2005, pp. 7–8.
155. *Main Report of the Presidential Committee on Police Reform*, Vol. II, (2006), p. 4.
156. *Ibid.*
157. Constitution of the Federal Republic of Nigeria, 1999, S. 214(1).
158. S. 23 of the Immigration Act, Chapter I1, Laws of the Federation of Nigeria 2004, contains provisions enabling the Immigration Service to detain persons liable to deportation while S. 45 empowers the Minister responsible for immigration to order detention of certain persons *in lieu* of deportation. S. 26 of the Economic and Financial Crimes Commission (Establishment) Act, Chapter E1, Laws of the Federation of Nigeria, 2004, refers to persons arrested for offenses under the Act but does not appear to contain any express provision giving the Commission powers to arrest persons, detain them or maintain places of detention of its own. The State Security Service (SSS), created under the National Security Agencies Act, Chapter N74, Laws of the Federation of Nigeria, 2004, maintains places of detention but the Act is silent on any powers of arrest for the SSS. Similarly, the Customs, Excise Tariff etc., Consolidation Act, Chapter C49 Laws of the Federation of Nigeria 2004, also appears not to contain any express powers of arrest for the Customs and Excise Department although they do maintain detention cells.
159. *Main Report of the Presidential Committee on Police Reform*, Vol. II, 112 (2006).
160. *Ibid.*
161. Constitution of the Federal Republic of Nigeria, 1999, S. 215(1).
162. Constitution of the Federal Republic of Nigeria, 1999, S. 215(3).
163. Police Act, Section 10(1).
164. *Ibid.*, Section 9(4).
165. *Uwais Committee Report*, p. 44.
166. Constitution of the Federal Republic of Nigeria 1999, Section 215(4).
167. *Ibid.*, S. 33(1).
168. *Ibid.*, S. 35(1).
169. *Ibid.*, S. 36(1)–(12).
170. *Ibid.*, S. 34(1)(a).
171. *Ibid.*, S. 46(1).
172. Chapter 10, Laws of the Federation of Nigeria, 1990.
173. This ballisticsian died in 2007.
174. *Main Report of the Presidential Committee on Police Reform*, Vol. II, p. 31 (2006).
175. *Ibid.*, p. 27.
176. See, *Yusuf Committee Report*, p. 75.

177. *Joseph Idowu v. The State* [2000] 12 *Nigerian Weekly Law Report* (part 680) 48 at 82.
178. Police Act, S. 23.
179. *Ibid.*, S. 44.
180. Chapter 352, Laws of the Federation of Nigeria (Abuja), 1990.
181. Etannibi Alemika, "Police Accountability in Nigeria: Framework and Limitations," p. 6.
182. See, Coroners Law, Cap 27, Laws of Northern Nigeria, 1963; Coroners Law, Cap 31, Laws of Lagos State, 1994; Coroners Law of Akwa Ibom State, Cap 36, Laws of Akwa Ibom State, 2000.
183. Kayode Ogunbunmi, "Lagos Puts New Coroners' Law Into Operation," *The Guardian*, November 4, 2007, available at: www.guardiannewsngr.com/news/article04//indexn2.html?pdate=041107&ptitle=Lagos%20Puts%20New%20Coroners'%20Law%20Into%20Operation.
184. Force Order No. 237, Rules for Guidance in Use of Firearms by the Police, par. 3(e).
185. *Ibid.*, par. 8.
186. Criminal Code, Section 298. *Sunday Udosen v. The State*, [2005] 8 *Nigerian Weekly Law Reports* (Part 928) 587 at p. 610.
187. Robbery and Firearms (Special Provisions) Act, Cap. R11 Laws of the Federation of Nigeria 2004.
188. *Report of Special Rapporteur*, pp. 2-3.
189. *Ibid.*, p. 2.
190. Nigeria ratified the International Covenant on Civil and Political Rights on October 29, 1993, available at: www.unhchr.ch/html/menu3/b/a_ccpr.htm.
191. Nigeria ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment on June 28, 2001, available at: www.ohchr.org/english/law/cat-ratify.htm.
192. Constitution of the Federal Republic of Nigeria, 1999, S.12.
193. See, *Prosecutor v. Furundjiza*, Case No IT-95-17/1-T10, Judgment of December 10, 1998, (International Criminal Tribunal for former Yugoslavia), available at: <http://www.un.org/icty/cases-e/index-e.htm>; Erika de Wet, "The Prohibition of Torture as an International Norm of *Jus Cogens* and its Implications for National and Customary Law," (2004) 15:1 *European J. Int'l L.*, p. 97.
194. African Charter on Human and Peoples' Rights, Article 5. Nigeria adopted the Charter into its domestic law through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Chapter 10, laws of the Federation of Nigeria 1990.
195. Constitution of the Federal Republic of Nigeria, 1999, S. 34(1)(a).
196. *R. v. Haske* [1961] SCNLR 90; *Ebhomien v. R* [1963] 2 SCNLR 332; *Amachree v. Nigerian Army*, [2003] 3 NWLR (Part 320) p. 267.
197. Convention against Torture and other Cruel, Inhuman or Degrading Treatment, 1984, Article 1.
198. Communication 250/2002, *Zegveld and Ephrem v. Eritrea*, *Seventeenth Activity Report*, African Commission on Human and Peoples' Rights (2004).
199. *Ibid.*, par. 55.

200. *Prosecutor v. Jean-Paul Akayesu*, (1998) Judgment, September 2, 1998, ICTR-96-4-T (Akayesu 1st Instance Judgment); *Prosecutor v. Jean-Paul Akayesu*, (2001) Appeal Judgment, June 1, 2001, ICTR-96-4-A (Akayesu Appeal Judgment); *Aydin v Turkey* 23178/94 [1997] ECHR 75, September 25, 1997; *Raquel Martí de Mejía v. Peru* March 1, 1996, Report 5/96, Inter-American Court of Human Rights; UN Commission on Human Rights, *Report of Special Rapporteur on Torture and Cruel, Inhuman or Degrading Treatment or Punishment*, UN Doc. E/CN.4/1994/31, (January 6, 1994), at par. 431-432.

201. *Akayesu* 1st Instance Judgment, *Ibid.*, par. 598.

202. *Ibid.*, par. 688.

203. *Ibid.*, par. 598.

204. *Ibid.*, par. 686.

205. Communications 48/90, 50/91, 52/91, 89/93, *Amnesty International, Comite Loosli Bachelard, Lawyers Committee for Human Rights and Association of Members of the Episcopal Conference of East Africa v. Sudan*, Thirteenth Activity Report of the African Commission on Human and Peoples' Rights, (2000) AHRLR 297 (ACHPR 1999) (*Sudan cases*).

206. *Ibid.*, par. 48. See also, Communications 54/91, 61/91, 98/93, 164-169/97, 210/98, *Malawi African Association, Amnesty International, Ms. Sarr Diop/UIDH/RADDHO, Collectif des Veuves et Ayants-droits de l'Homme v. Mauritania*, Thirteenth Annual Activity Report of the African Commission on Human and Peoples' Rights, (2000), AHRLR 149 (ACHPR 2000) (*Mauritania cases*).

207. *Sudan Cases*, *Ibid.*, par. 48; *Mauritania cases*, *Ibid.*, par., 119.

208. Interview with NOPRIN researchers, Kano, Nigeria, April 2007.

209. Interview with Innocent Daa'gba, conducted in Yola, Adamawa State, in March 2007.

210. Interview with family member, Ibadan, Oyo State, April 12, 2007.

211. *Ibid.*

212. Interview with Cpl. Egbuchilam, Lagos, April 2007.

213. "A Memorandum Submitted by the Nigeria Police on the Incident at Ogaminana on 25th February 2008," pages 1-2.

214. On March 20, 2008, the Federal High Court sitting in Abuja, the Federal Capital Territory, granted mandamus in Suit No: FHC/ABJ/M/518/2007, *Senator Mohammed Salau Ohiare & 6 Others v. The Inspector-General of Police*, compelling the IGP to perform his public duty by investigating the complaint of the applicant concerning this incident of April 2007 including the killings that took place during that incident. At the time of writing this report it was not clear whether the IGP had taken any steps to ensure compliance with the court order.

215. For the purpose of this report, a "mass killing" is defined as a single incident in which multiple people are killed.

216. "Police Rampage in Ogaminana," *Punch*, editorial opinion, March 12, 2008, p. 14.

217. Johnson Babajide, "Aftermath of police reprisal attack in Ebiraland: 15 lives lost in Ogaminana," *Sunday Tribune*, March 2, 2008.

218. John Alechenu, "Senate orders probe of Kogi massacre," *Punch*, March 12, 2008, p. 10.
219. "Police Kill 50 in Kogi—In reprisal attack—4 killed, 29 houses burnt in Ibadan," *The Tribune*, February 28, 2008.
220. Johnson Babajide, "Aftermath of police reprisal attack on Ebiraland: 15 lives lost in Ogaminana," *Sunday Tribune*, March 2, 2008; "Police Killed 50 in Kogi—In reprisal attack—4 Killed, 29 Houses burnt in Ibadan," *The Tribune*, February 20, 2008; "Senate and the Riddle of Ajaokuta," *Thisday*, March 15, 2008. There were no final casualty figures at the time of writing.
221. Network on Police Reform in Nigeria, *Na We Dey Scatter Dem: Report of a Joint Investigation into the Police Attack on Ogaminana Community in Kogi State*, May 2008, pages 10-11.
222. *Punch*, September 23, 2007, p. 2.
223. At the time of this incident, the Agodi prison held 665 prisoners; it was built to hold 390 prisoners.
224. National Human Rights Commission of Nigeria, "Report of Fact-Finding Visit to Agodi Prisons, Ibadan, Oyo State, on September 17, 2007, by the National Human Rights Commission," pp. 6-7 (September 2007).
225. *Ibid.*, p. 6. The report of the investigation by the National Human Rights Commission into the killings at the Agodi Prison has not yet been published and contains no recommendations as to culpability or responsibility for the incident.
226. Adekunbi Ero, "Savage Revenge," *Tell Magazine*, October 9, 2006, p. 55; Chido Okafor, "How Policemen Raided Our Homes, By Delta Villagers," *The Guardian*, September 18, 2006, p. 1.
227. National Human Rights Commission of Nigeria, *The State of Human Rights in Nigeria, 2005-2006*, 5 (2007).
228. See, Alphonsus Nweze, "MASSOB Accuses Police of Extra-Judicial Killings," *Daily Champion*, October 16, 2007, p. 6. In July 2008, MASSOB leader Ralph Uwazurike claimed in an interview published by a leading Nigerian newsweekly that internal security agencies had killed 2,028 members of the group in the period of about five years of its existence; see "Until Nigeria Breaks Up, Nothing Will Change," Special Interview, *Tell Magazine* July 28 2008, p.33.
229. Omon-Julius Onaba, "4 Feared Dead as Police Fire into Bus," *Thisday*, April 19, 2006, p. 6.
230. The names of the 20 people killed are contained in a letter to the IGP dated December 10, 2004 and signed by Ifeanyi Onuchukwu; the letter is on file with NOPRIN.
231. Interview in Enugu, February 19, 2007.
232. *Justice Goodluck Commission Report, Main Report*, par. 4.
233. BBC News, "Will Nigeria's 'Apo Six' ever get justice?" May 5, 2009, <http://news.bbc.co.uk/2/hi/africa/8025260.stm>.
234. Nigerian courts have ruled that the police practice of parading suspects before the press and public violates the constitutional entitlements to human dignity and presumption of innocence. See, *Ndukwem Chiziri Nice v. Attorney-General of the Federation and the Inspector-General of Police*, FCT/HC/M/415/06, unreported judgment of Banjoko J, Federal High Court, Abuja, March 6, 2007.

235. Some of the victims identified after the exhumation were Sani Bako, Moses Okeke, Sule Sheu Dano, Sami Haruna, Abubaka Umar, Ibrahim Ishava, Linus Onmava, Garba Mohammed, Michael Odion, Adamu Sule, Abdullahi Coshi, and Sale Ibrahim.

236. Lydia Umar, "Police Abuses in Kaduna State," June 2007, p. 5.

237. Sources: Letter Ref. No. SR.001/IGP.SEC/ABJ/VOL.17/366 of July 2, 2006, by the Inspector-General of Police to Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; Nigeria Police Force, *Annual Report 2006*, pp. 217–218.

238. Smart Egwu Otu, *Armed Robbery in the South-eastern States of Contemporary Nigeria: A Criminological Analysis*, D. Litt Thesis, University of South Africa, (June 2003), p. 553.

239. *Ibid.*

240. *Report of the Special Rapporteur*, p. 2.

241. Ministry of Police Affairs, Press Statement on the Apo Six Killings Issued by Alaowei Broderick Bozimo, Minister of Police Affairs, on Behalf of the Federal Government, *Saturday Thisday*, December 17, 2005, p. 26. Emphasis original.

242. BBC News, "Will Nigeria's 'Apo Six' Ever Get Justice?" May 5, 2009, available at <http://news.bbc.co.uk/2/hi/africa/8025260.stm>; Godwin Ijediogor, "Apo Six: Four Years After.... and the Wait for Justice Lingers," *The Guardian*, 20 June 2009, available at http://www.nrguardiannews.com/life_style/article29//indexn3_html?pdate=200609&ptitle=Apo%20Six:%20Four%20Years%20After...And%20The%20Wait%20For%20Justice%20Lingers&cpdate=250609.

243. Human Rights Watch, *Rest in Pieces*, p. 15. The breakdown of these killings was as follows: 2000: 834 killed; 2001: 821 killed; 2002: 2,021 killed; 2003: 3,100 killed; January–March 2004: 422 killed. Total killed: 7,198. During the same period, the IGP reported that the NPF lost 314 men killed in encounters with "armed robbers."

244. Letter Ref. No. SR.001/IGP.SEC/ABJ/VOL.17/366 of July 2, 2005, by the Inspector-General of Police to Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. The yearly totals of killings submitted by the IGP were as follows: 2000: 595; 2001: 376; 2002: 317; 2003: 545; 2004: 569. Total killed: 2,402. According to the letter, 690 police officers were killed in gun-related encounters during the same period.

245. Human Rights Watch, "Nigeria: Investigate Widespread Killings by Police," press release, November 19, 2007, p. 1.

246. Dr. Anthony Okwuosah & Dr. Matthew Izegebu, *Medico-Legal Aspects of Police Torture and Extra-Judicial Killings in Nigeria*, June 2007, p. 16.

247. The acting IGP also reported that the NPF lost 62 men during these encounters. See, Tashikalmah Hallah, "Nigeria: Police Kill 785 Armed Robbers in Three Months," available at: <http://allafrica.com/stories/200711150425.html>.

248. The daily execution rate of 7.85 admitted by Acting Inspector-General of Police Mike Okiro in November 2007 would produce an acknowledged annual killing rate of 2,865.25 killings from police encounters alone. Extrapolated over time, this calculates to 22,922 killings in the eight years from 2000 through 2007.

249. Access to Justice, *Breaking Point*, p. 11.

250. Interview with staff of the University of Nigeria Teaching Hospital, 2nd quarter, 2007.
251. Okwuosah & Izegbu, *Medico-Legal Aspects Report*, p. 2.
252. Access to Justice, *Breaking Point*, p. 1.
253. *Ibid.*, p. 8.
254. *Ifeanyi Anyanor v. Commissioner of Police Delta State & 3 others*, Suit No., A/M/82/2005, High Court of Delta State, unreported judgment of Z.A. Smith J., of May 30, 2007, p. 6.
255. *Ibid.*, p. 10.
256. Dr. Anthony Okwuosah and Dr. Matthew Izegbu, *Medico-Legal Aspects Report*, pp. 13–14.
257. Interview with NOPRIN researchers, May 2007.
258. Nigerian courts have held that the public humiliation of detainees by itself is constitutionally prohibited inhuman and degrading treatment. See, *Ndukwem Chiziri Nice v. Attorney-General of the Federation and the Inspector-General of Police*, FCT/HC/M/415/06, unreported judgment of Banjoko J, Federal High Court, Abuja, March 6, 2007.
259. *Blessing Onomeku v. Commissioner of Police Delta State & 2 Others*, Suit No A/M/6/2005, High Court of Delta State, Asaba, Unreported judgment of T.O. Diali J. of December 5, 2005. In this case, the detainee was “stripped naked, beaten and hung upside down” during interrogation.
260. Access to Justice, *Breaking Point*, p. 11.
261. The Chinese handcuff, a favorite instrument of torture in many police formations in Nigeria, is made with sharp serrated edges on the inner loops of both cuffs. It can be loosened or tightened from the fulcrum as the operator of the cuffs sees fit.
262. Access to Justice, *Breaking Point*, p. 11.
263. Constitution of the Federal Republic of Nigeria. 1999, Section 35(5)(b). Thus Nigerian courts have held that detention in police cells for up to five days is an unconstitutional violation of personal liberty. See, *Mitee v. AG Federation* (2003) *Cases on Human Rights*, p. 463.
264. *The Guardian*, March 26, 2005.
265. See, *Ndukwem Chiziri Nice v. Attorney-General of the Federation and the Inspector-General of Police*, FCT/HC/M/415/06, unreported judgment of Banjoko J, Federal High Court, Abuja, March 6, 2007, p. 9.
266. The name “German Cells” suggests that these cells are inspired by or designed to re-enact concentration camp conditions.
267. Access to Justice, *Breaking Point*, p. 18.
268. *Yusuf Committee Report*, p. 196.
269. Reuben Abati, “Queen Okoye: Raped by the Police,” *The Guardian*, January 30, 2009, p. 51.
270. “Police Made Us Pregnant in Detention—Female Prisoners,” *Saturday Vanguard*, November 15, 2008, p. 1, available at <http://allafrica.com/stories/200811150003.html> visited November 22, 2008. The Inspector-General of Police reportedly launched an investigation into this report but the outcome was not yet public at the time of writing. See, Emma Nnadozie *et al.*, “Pregnant Female Prisoners: Okiro Orders Interview,” *Saturday Vanguard*, November 22, 2008, p. 1.

271. Amnesty International, "Rape: The Silent Weapon," *supra*, p. 3.
272. Human Rights Watch, *Rest in Pieces*, p. 1.
273. Reuters, "Nigeria Sacks 11 Policemen over Congo Sexual Abuse," November 26, 2005.
274. Amnesty International, "Rape: The Silent Weapon," *supra*, pp. 6–7.
275. Amnesty International, "Rape: The Silent Weapon," *supra*, p. 5.
276. Reuben Abati, "Queen Okoye: Raped by the Police," *The Guardian*, January 30, 2009, p. 51.
277. The surnames of the victim and her family are on file with NOPRIN researchers.
278. Project Alert & GAT, "Gendered Patterns of Police Abuse in Nigeria," p. 12 (August 2007).
279. "Police Made Us Pregnant in Detention—Female Prisoners," *Saturday Vanguard*, November 15, 2008, p. 1. <http://allafrica.com/stories/200811150003.html>.
280. Project Alert & GAT, "Gendered Patterns of Police Abuse in Nigeria," p. 11.
281. The surnames of the sisters are on file with NOPRIN researchers.
282. *Saturday Punch*, June 24, 2006, cover story.
283. *Ibid.*
284. Victim's surname on file with NOPRIN researchers.
285. At the intervention of the State Police Commissioner, Nwanneka and he co-detainees were arraigned in No MUD/69c/2002 before the Chief Magistrate in Udi, Enugu State, on June 10, 2002, where they were remanded in prison custody. They were eventually released on the orders of Nosike J. of the Enugu State High Court in October 2002.
286. Victim's surname on file with NOPRIN researchers.
287. Access to Justice, *Breaking Point*, p. 41.
288. Interview with NOPRIN researchers, April 2007.
289. Reuben Abati, "Queen Okoye: Raped by the Police," *The Guardian*, January 30, 2009, p. 51.
290. *Yusuf Committee Report*, p. 31.
291. Abiodun Majemite, "Okiro Must Hear This," *Thisday*, November 28, 2007, p. 19.
292. Interview with NOPRIN researchers, March 2007.
293. *Salawu Okeji & Six Others v. Dauda Okoloba*, [2000] 4 NWLR (Part 654) 513, per Oduyemi JCA, p. 519.
294. Seye Olumide & Bertram Nwannekanma, "Police Extortion: A Venture in Bloom," *The Guardian*, February 28, 2006, p. 13.
295. Interview with NOPRIN researchers, May 2007.
296. Ikenna Emeka Okpani, "Policeman Shoots Colleague, Two Others, Over ₦20," *Daily Trust*, February 22, 2006, p. 6.
297. John Ameh, "₦20 Bribe: Police Inspector to be Charged with Murder," *Punch*, November 15, 2007, p. 7.

298. “Police Brutality and Gunshot Victims: Matters Arising,” *The Guardian*, editorial opinion, June 1, 2006, p. 16.
299. The Criminal Code includes an offense called “idle and disorderly persons” which may be committed by “every person wandering or placing himself in any public place to beg or gather alms, or causing or procuring or encouraging any child or children so to do.” See, Criminal Code, S. 249(b).
300. *Ken Maclaren and 2Ors v. James Lloyd Jenning*, [2003] 3 NWLR (Part 808) 470, Per Salami J.C.A., at p. 489.
301. *Kabiru Abdullahi v. Alhaji Suleiman Buhari* [2004] 17 NWLR 278 at p. 303, per Jega J.C.A.
302. *Ken Maclaren and 2Ors v. James Lloyd Jenning*, [2003] 3 NWLR (Part 808) 470, Per Salami J.C.A., at p. 486.
303. Ruby Rabiū, “Lack of Co-operation from Police Hampers Our Work–PSC,” *Daily Trust*, March 9, 2006, p. 37.
304. [1997] 1 NWLR (Part 484) 633, per Belgore J.S.C., (as he then was) p. 652.
305. Lemmy Ughegbe, “Supreme Court Upturns Death Sentence on Policeman,” *The Guardian*, January 30, 2007.
306. Funso Muraina, “S/Court Says Policeman to Die by Hanging,” *Thisday*, January 15, 2007, p.11.
307. Provisions relating to offenses against the person are contained in Chapters 25–30 of the Criminal Code, Sections 252–363.
308. Nigeria’s (Universal Periodic Review, UPR) National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to the Human Rights Council Res. 5/1, A/HRC/WG.6/4/NGA/1, January 5, 2009, para. 72.
309. *Report of the Special Rapporteur*, par. 10.
310. *Federal Republic of Nigeria vs. Danjuma Ibrahim & 5 Others*, Federal High Court, Charge No. FCT/HC/CR/79/2005, In Re: Motion No. M/4717/2005, Unreported Ruling of Hon. Justice I. U. Bello, of August 2, 2006.
311. Ministry of Police Affairs Abuja, Press Statement on the Apo Six Killings Issued by Alaowei Broderick Bozimo, Minister of Police Affairs on Behalf of the Federal Government, *Saturday Thisday*, December 17, 2005, p. 26.
312. Rakiya A. Muhammad, “Group Cries Over Police Assault on 14-Yr-Old,” *Daily Trust*, February 17, 2006, p. 6.
313. Mike Osunde, “Court Orders Police to Pay Man, Wife ₦12m Damages,” *The Guardian*, October 5, 2006, back page.
314. See, Coroners’ Law, cap. 27, Laws of Northern Nigeria, 1963; Coroners’ Law, cap. 31, Laws of Lagos State, 1994.
315. Kayode Ogunbumi, “Lagos Puts New Coroners’ Law Into Operation,” *The Guardian*, Lagos, November 4, 2007, available at: www.guardiannewsngr.com/news/article04//indexn2.html?pdate=041107&ptitle=Lagos%20Puts%20New%20Coroners%20Law%20Into%20Operation.

316. Access to Justice, "Access to Justice Excites Interest in Revitalizing Coroner Inquest laws as it Meets with Attorneys-General of 5 States in Eastern Nigeria," available at: http://accesstojustice-ng.org/coroexcites.htm#Scene_1.

317. "Access to Justice uses the Coroner's Inquest to Show that Bus Driver and Conductor were Murdered by Police Officers," available at: http://accesstojustice-ng.org/coroinquest.htm#Scene_1.

318. Letter Ref. No. SR.001/IGP.SEC/ABJ/VOL.17/366 of July 2, 2005, by the Inspector-General of Police to Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

319. *Ibid.*

320. *Ibid.*

321. Ayodele Ale, "Months After Slaughtering Innocent Civilians in Cold Blood, Lagos Killer Policemen Roam Free," *Saturday Punch*, October 4, 2008, p. 7.

322. The Police did not at all acknowledge the correspondence of the Commission in Petition nos., C/98/011; C/98/075; C/98/106; C/99/039; C/99/103; C/99/272. A full statistical overview of complaints to the National Human Rights Commission is appended as an appendix to this report.

323. Police Service Commission (Establishment) Act No. 1, 2001.

324. *Report of the Special Rapporteur*, par. 58.

325. "Ribadu Dismissed," *Vanguard*, December 24, 2008, p. 1, available at <http://allafrica.com/stories/200812240003.html> accessed on December 31, 2008.

326. *Theophilus Uwalaka v. Police Service Commission*, Suit No., FHC/ABJ/M/570/2005, Unreported judgment of Kuewumi J., of December 14, 2006, p. 6.

327. Libcom.org, "Nigerian Police kill protestors against cop brutality," April 5, 2010, <http://libcom.org/news/nigerian-police-kill-protestors-against-cop-brutality-05042010>.

328. Emmanuel Ogala, "Group Says Boko Haram was 'an Avoidable Tragedy,'" available at http://234next.com/csp/cms/sites/Next/News/National/5563259-147/group_says__boko_haram_was.csp.

329. BBC News, "Nigeria Police Found Guilty in Borno Sect Clashes Case," available at <http://news.bbc.co.uk/2/hi/africa/8620859.stm>.

330. Available at <http://sahelblog.wordpress.com/2010/05/07/nigeria-president-goodluck-jonathans-inaugural-speech/>.

Open Society Justice Initiative

The Open Society Justice Initiative uses law to protect and empower people around the world. Through litigation, advocacy, research, and technical assistance, the Justice Initiative promotes human rights and builds legal capacity for open societies. We foster accountability for international crimes, combat racial discrimination and statelessness, support criminal justice reform, address abuses related to national security and counterterrorism, expand freedom of information and expression, and stem corruption linked to the exploitation of natural resources. Our staff are based in Abuja, Almaty, Amsterdam, Brussels, Budapest, Freetown, The Hague, London, Mexico City, New York, Paris, Phnom Penh, and Washington, D.C.

The Justice Initiative is governed by a Board composed of the following members: Aryeh Neier (Chair), Chaloka Beyani, Maja Daruwala, Anthony Lester QC, Jenny S. Martinez, Juan E. Méndez, Wiktor Osiatyński, Herman Schwartz, Christopher E. Stone, Abdul Tejan-Cole, and Hon. Patricia M. Wald.

The staff includes James A. Goldston, executive director; Robert O. Varenik, program director; Zaza Namoradze, Budapest office director; Kelly Askin, senior legal officer, international justice; David Berry, senior officer, communications; Sandra Coliver, senior legal officer, freedom of information and expression; Julia Harrington, senior legal officer, equality and citizenship; Ken Hurwitz, senior legal officer, anticorruption; Stanley Ibe, associate legal officer, Africa; Maxwell Kadiri, associate legal officer, Africa; Katy Mainelli, director of administration; Chidi Odinkalu, senior legal officer, Africa; Martin Schönteich, senior legal officer, national criminal justice; Amrit Singh, senior legal officer, national security and counterterrorism; and Rupert Skilbeck, litigation director.

www.justiceinitiative.org

Network on Police Reform in Nigeria

The Network on Police Reform in Nigeria (NOPRIN) is a network of 39 civil society organizations. It was established in 2000 to provide an opportunity for civil society involvement in police reform and the promotion of safety and security in Nigeria. NOPRIN is focused on the demand side of advocacy-oriented activities, which other groups are not well suited or inclined to do.

NOPRIN's founding objectives are to identify issues of reform in the Nigeria Police Force; provide opportunity for civil society input into the police reform process; review efforts, prospects, and problems encountered by NGOs on safety and security;

create a platform for civil society involvement in safety and security reform; and strategize on police-community relations.

NOPRIN's activities include monitoring and documenting incidents of abuses in the day-to-day context of law enforcement in Nigeria, advocating for legislative reform, and working to influence law enforcement policies in Nigeria.

www.noprin.org

Open Society Institute

The Open Society Institute works to build vibrant and tolerant democracies whose governments are accountable to their citizens. To achieve its mission, OSI seeks to shape public policies that assure greater fairness in political, legal, and economic systems and safeguard fundamental rights. On a local level, OSI implements a range of initiatives to advance justice, education, public health, and independent media. At the same time, OSI builds alliances across borders and continents on issues such as corruption and freedom of information. OSI places a high priority on protecting and improving the lives of people in marginalized communities.

Investor and philanthropist George Soros in 1993 created OSI as a private operating and grantmaking foundation to support his foundations in Central and Eastern Europe and the former Soviet Union. Those foundations were established, starting in 1984, to help countries make the transition from communism. OSI has expanded the activities of the Soros foundations network to encompass the United States and more than 60 countries in Europe, Asia, Africa, and Latin America. Each Soros foundation relies on the expertise of boards composed of eminent citizens who determine individual agendas based on local priorities.

www.soros.org

Personnel of the Nigeria Police Force routinely carry out summary executions of persons accused or suspected of armed robbery and other offenses, rely on torture as a principal means of investigation, and maintain designated torture chambers, instruments, and personnel in most police stations. Nigeria's government has previously acknowledged this problem and promised to address it. The evidence in this report shows that far from doing so, police abuse has become quite entrenched and is now well accepted as perhaps the only tool of policing.

Despite repeated confirmation of these patterns of police abuse by several investigations, including recent high level presidential commissions, the government fails to take effective measures to curb police abuses. In particular, Nigeria's government has failed to institute or exercise due diligence in investigating or ensuring accountability for police abuses. Additionally, the police do not have effective or transparent mechanisms of internal control and discipline. The result is impunity.



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